



Endangered Species Act Alert 2000-12

RE: ESA Impacts on Road Construction and Maintenance
DATE: August 25, 2000

“We’ve had a series of fish passage culvert projects that have not been built because of all the permits it now takes.”

“It’s going to be difficult. The impact of the ESA is coming, and we might as well prepare for the changes now.”

“For every dollar that it used to take us to control vegetation using pesticides, we are now spending \$5 to mow. And it’s not enough.”

“Things have changed . . . we have to do a lot more planning ahead for our projects now.”

These quotes from staff of Thurston County’s Roads and Transportation Department illustrate some of the early effects of ESA and the 4(d) rule on road maintenance activities at the local government level (read full article at <http://news.theolympian.com/stories/20000823/SouthSound/109431.shtml>). Routine road maintenance activities, such as ditch and culvert maintenance, vegetation control, street and bridge cleaning, debris removal and dust abatement must now be reevaluated and modified to avoid violating take prohibitions for listed salmon and steelhead. Road construction and repair poses even bigger challenges.

ODOT’s Guide: The Oregon Department of Transportation’s (ODOT) Routine Road Maintenance Water Quality and Habitat Guide was included in the final 4(d) rule as a “limit” on take prohibitions for listed species. This means that activities carried out by ODOT consistent with the Guide are exempt from liability for incidental take of listed species that may occur as a result. In the final rule, the National Marine Fisheries Service (NMFS) left the door open for local governments to adopt the Guide, or similar programs, and receive the same “limit” for their activities. Cities and counties in Oregon are exploring this option. ODOT’s Guide can be found at <http://www.odot.state.or.us/eshtm/images/4dman.pdf>.

WSDOT’s status: In June, Washington’s Department of Transportation (WSDOT) submitted its Maintenance Manual for Water Quality and Habitat Protection to NMFS for

review, in the hope that it will be granted a “limit” under the 4(d) rule like the ODOT guide. NMFS is currently reviewing the document, and working with WSDOT to identify next steps. An update on WSDOT’s ESA-related activities can be found at http://www.wsdot.wa.gov/eesc/environmental/ESA_weekly/esa_weekly.html.

Help Spread the Word

Parametrix project managers are encouraged to share this information with clients who may be interested in, or affected by, ESA listings and issues. Additional questions should be addressed to Megan Callahan Grant (mcallahan@parametrix.com), ESA Program Policy Analyst, who can direct them to the appropriate specialist.