FLOWCHART OF THE PROGRAMMATIC AGREEMENT DEVELOPMENT AND CONSULTATION PROCESS

1. De-constructed transportation program into the individual construction activities, that when combined, make up individual projects (ex, paving, milling, guardrail installation, etc.). These construction activities are referred to as sources of impacts.

2. Clearly defined each of the sources of impacts, including typical work activities and work associated with the source of impacts.

3. Created the Species Evaluation Parameters form (SEP), which described the action area and habitat needs for each state and federally listed species in NE.

4. Created a Matrix table, with the sources of impacts running down the Y-axis, and all the listed species in Nebraska running across the X- axis. This Matrix was created to record the effect determinations to the species, based on sources of impacts.

5. The group went line-by-line through each source of impact and species in the Matrix, and asked: "If this activity occurred within suitable habitat for this species, is there a potential it could affect that animal/plant?" This was based on the definitions (box 2) and the life history/habitat needs of the species (box 3). If the answer was no, a No Effect (NE) was recorded in the matrix for that species/source of impact type.

6. When the answer to the question was a "yes", it was determined if standard conservation conditions (CC's) could be implemented to arrive at a may affect, not likely to adversely affect determination (NLAA CC). If yes, NLAA CC was recorded in the matrix, and the corresponding CC's were recorded in the Federal and State Listed Species Conservation Conditions document.

7. If an NE wasn't applicable, and conservation conditions to reduce affects to an NLAA CC couldn't be developed, a "may affect" (MA) determination was made and recorded in the matrix. For individual projects, MA's require individual consultations with the resource agency(s). (See project review flowchart)

8. Upon completion of the effect determination Matrix, the Federal and State Listed Species Conservation Conditions, and the SEP form, the Overview of Effects and Required Conservation Conditions form was created to document the application of these tools to individual projects. A pilot application of these tools began June 2009.

9. Throughout this pilot process, the effect determinations, CC's, and other tools were modified as needed.

10. Effects Analysis Tables were created to document the rationale behind the affect determinations used in the Matrix. Also, a Program Biological Assessment (assessing the effect to the listed species in Nebraska through the use of this Process and associated tools) was prepared.

11. During this Programmatic consultation, a Programmatic Agreement (PA) was developed to document the process and agreements made by all parties.

12. Once all consulting agencies thoroughly reviewed all the agreements and products of this Programmatic consultation, FHWA initiated a request for concurrence from USFWS and the NGPC that the implementation of this process and the PA may affect, but would not likely adversely affect the included listed species and designated critical habitat in Nebraska.

13. After the concurrences were received, the programmatic consultation was complete and the pilot process was replaced with full implementation of the program. Per the PA, an annual process review will occur to ensure effective implementation of the PA and associated tools.