

Using the Michigan Determination Key for Federal Endangered Species Review

Under section 7 of the Endangered Species Act of 1973 (ESA), a Federal agency or its designated representative must determine whether their proposed projects may affect threatened and endangered species or designated critical habitat. In addition to the ESA, section 404 of the Clean Water Act of 1977 (CWA) regulates the discharge of dredged or fill material into waters (including wetlands) of the United States. Regulations require that activities permitted under the CWA (including wetland permits issued by the Michigan Department of Environment, Great Lakes, and Energy) not jeopardize the continued existence of species listed as endangered or threatened.

This Quick Sheet gives an overview of how to use the U.S. Fish & Wildlife Service's Information for Planning and Conservation (IPaC) tool to obtain a species list and use a determination key to make determinations on effects to listed species.

Process Overview

- 1. Define the Action and Action Area for your Project.** The Action Area under ESA regulations includes all areas to be affected directly or indirectly by the action and not merely the immediate area involved in the Action. For example, for a culvert replacement that will change water-level elevations, the Action Area not only includes the areas where the culvert replacement will occur, but also the areas where water-levels will change. Other effects included in an Action Area are those that occur downstream of the immediate project area (e.g., areas affected by sedimentation, water quality changes, etc.).
 - 2. Obtain an Official Species List.** Go to the IPaC website <https://ipac.ecosphere.fws.gov/>. Select Get Started. You may need to register for an account. Define the action area as described above. Be sure to add a detailed Project Description (click Define Project), including details on the various components of your project, timing, and duration.
 - 3. Next Step: Determination Keys.** Select the **All Species Michigan Determination Key**. Answer questions about your project and how it might impact listed species. Do not continue with Consultation Package Builder in IPaC if prompted. Include a copy of your Dkey output letter with your EGLE application.
 - 4. Need more help? For more information:**
Detailed instructions: <https://www.fws.gov/media/mifo-ipac-instructions>
Youtube demonstration video: <https://youtu.be/FfcerNCiL0I>
Or email MIFO_Dkey@fws.gov for assistance.
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About the Michigan Dkey

The Michigan Dkey covers routine, small scale projects. For projects with limited potential impact to threatened or endangered species, you may be able to get a Fish & Wildlife Service (FWS) concurrence letter from IPaC. Often you will need to agree to certain conservation measures.

<https://ipac.ecosphere.fws.gov/>

For some projects, additional coordination may be needed

The Dkey is not intended to cover every project. For example, the Dkey will not cover wind energy development, some communications towers, aerial or other broad application of chemicals, or projects that have already occurred. For some projects, the FWS will need additional details to determine the extent to which listed species may be impacted. If you get a "May Affect" letter, please contact **MIFO_Dkey@fws.gov** for assistance. Entering detailed project information into IPaC and using the Dkey will expedite your ESA review.