



## **Information and Planning Consultation for Endangered Species in Louisiana**

### **Between**

### **The Federal Emergency Management Agency (FEMA) and**

### **U.S. Fish and Wildlife Service (FWS), Louisiana Ecological Services Office**

#### **1. BACKGROUND**

IPaC is an acronym for Information Planning and Consultation for Endangered Species. The development of the IPaC consultation tool is supported in the U.S. Fish and Wildlife Service Consultation Handbook (1998) which states *“Although no counterpart regulations have been issued to date, field stations may consider entering into optional procedures that provide better working relationships with other agencies at a local level consistent with 50 CFR §402.”*

#### **2. APPLICABILITY**

This IPaC Tool shall apply to FEMA and the U.S. Fish and Wildlife Service, Louisiana Ecological Services Office (Service) for proposed activities that are associated with FEMA Program actions and/or activities within the geographic boundary of the State of Louisiana.

#### **3. PURPOSE**

FEMA and the Service will use the procedures described in this document to effectively carry out their respective responsibilities under the Endangered Species Act (ESA) and to maintain and promote an efficient permit application review process.

#### **4. GENERAL RESPONSIBILITIES**

##### **FEMA**

Upon deciding that an action will be considered for review, FEMA will make an initial determination on potential impacts to federally listed species using the IPaC Tool and/or other information from the Service, FEMA, or scientifically credible outside sources. FEMA may request project-specific species information from the Service by letter, facsimile, or electronic mail to assess potential project impacts to federally listed species/critical habitat (CH). FEMA is encouraged to document its rationale for reaching any determination of effect or no effect to listed species or their CH in official FEMA files and records.

##### **Service**

The Service will respond to any correspondence from FEMA within statutorily defined or previously agreed-to timeframes. The Service will provide project-specific species and CH information to FEMA, if requested. The Service, in coordination with FEMA, will update any existing Determination Keys utilized by the IPaC Tool if changes in listing category occur, species range maps are modified, or changes to CH boundaries occur. The Service will develop additional Determination Keys if new species are added to the Federal List of Endangered and Threatened Species. The Service will meet with FEMA personnel as needed to assist them in understanding and utilizing the IPaC Tool.

The IPaC Tool, however, is not intended to be used in after-the-fact cases. The IPaC Tool is specifically designed for routine actions, so that limited staff time may be spent on more significant actions. As such, after-the-fact reviews will not be handled through use of the IPaC tool.

## 5. DETERMINATION OF EFFECTS

FEMA's determination of the effects of the action to a federally listed species/CH will be based on the use of the IPaC Tool and the Determination Keys that were created after review and acceptance by FEMA and the Service. Further coordination will be conducted with the Service as indicated by use of the IPaC Tool and in cases where a "May Affect" determination is made and/or when there is any temporary shutdown of the IPaC Tool.

The FEMA signatory will retain discretionary authority to 1) make "No Effect" determinations when appropriate, documenting the basis for the finding(s) according to internal administrative procedures and/or 2) submit a request to the Service to initiate consultation, according to Standard Section 7 procedures, when it is believed the project area features and/or routes of effect and consequences to listed species/CH have not been adequately evaluated through the IPaC tool.

## 6. EFFECTIVE DATE

This procedure is effective by each party upon signature of this agreement. This procedure shall remain in effect until terminated. All parties may amend the procedure by mutual agreement, and either agency may terminate it with a 30-day written notice.

The FEMA and Service will review the IPaC Tool on an annual basis and will consider whether to modify, extend, or revoke the use of the Tool at least every three (3) years. If the use of the Tool is not revoked in writing by either agency, it will be automatically extended.



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