

IPaC-Assisted Determination Key for the FHWA, FRA, FTA Programmatic Biological Opinion for Transportation Projects in the Range of the Indiana Bat and Northern Long-eared Bat

The following process summarizes how to use the IPaC Assisted Determination Key for submitting site specific transportation project(s) for inclusion in the range-wide programmatic consultation for the Indiana bat and northern long-eared bat (NLEB).

Process for Transportation Agencies

The applying transportation agency (or consultant) uses the Information for Planning and Conservation (IPaC) website at <http://ecos.fws.gov/ipac/>. Login to your IPaC account (first time users need to create an account and activate as directed) and follow these steps:

- Under My Projects, select “Create a Project”,
- Enter project location, define the area, confirm and select “Continue”,
- A resources page will be displayed that provides trust resource information in the project action area,
- Select "Define Project",
- Give project name, detailed description and “Save”,
- The project home page will be displayed; select "Start Review", and then "Continue",
- Request an official species list or skip this step (not required for using the Determination Key, but may be required by local U.S. Fish and Wildlife Service (Service) field office as part of their project review process).

Evaluate Determination Keys

Assess the available Determination Keys and follow these steps:

- Select “Evaluate”,
- A description will be displayed for the Determination Key that is applicable to the Service’s December 2016 rangewide programmatic biological opinion for transportation projects,
- Select “Check if my project qualifies”,
- Answer the questions in the Qualification Interview,
- A preliminary effects determination is displayed, select “Save and Continue”,
- Complete the Project Questionnaire and select “Continue”,
- The Determination Key Result is displayed,
- If the Key Result is “May Affect, Not Likely to Adversely Affect” (NLAA),
 - If you are a federal action agency or a designated non-federal representative:
 - Submit the project for “Concurrence Verification” to the Service,
 - Complete contact information and submit,
 - Select View Concurrence Verification Letter (you may wish to print a copy for your files),
 - The local Service field office will receive notice of your project and will contact you within 14-days if they have any questions (see below).
 - If you are not a federal action agency or designated non-federal representative:
 - Request to generate a “Consistency Letter”,
 - Verify project name and description and select “Generate Consistency Letter”,
 - Select View Consistency Letter and save,
 - Provide Consistency Letter to the federal action agency or designated non-federal representative for submittal to the Service via IPaC (see below).

- If the Key Result is “May Affect, Likely to Adversely Affect” (LAA),
 - Request to generate a “Consistency Letter”,
 - Verify project name and description and select “Generate Consistency Letter”,
 - Select View Consistency Letter and save,
 - The federal action agency or designated non-federal representative should submit the Consistency Letter to the Service via email/traditional correspondence method to verify use of the rangewide programmatic biological opinion(see below).

Final Submittal and Correspondence

If a Concurrence Verification Letter has been submitted to the Service via IPaC, the local Service field office has 14 calendar days to notify the lead Federal action agency or designated non-federal representative if the Service determines that the proposed project does not meet the criteria for a NLAA determination under the programmatic consultation. If the Service does not notify the lead Federal action agency or designated non-federal representative within this timeframe, you may proceed with the proposed project under the terms of the NLAA concurrence provided in the programmatic biological opinion.

Upon receiving a Consistency Letter, follow the instructions within the letter to officially submit to the Service via IPaC (for NLAA) or via email/traditional correspondence method (for LAA).

-- If requesting Concurrence Verification (for NLAA), as stated above, the local Service field office has 14 days calendar days to notify the lead Federal action agency or designated non-federal representative if the Service determines that the proposed project does not meet the criteria for a NLAA determination under the rangewide programmatic consultation. If the Service does not notify the lead Federal action agency or designated non-federal representative within this timeframe, you may proceed with the proposed project under the terms of the NLAA concurrence provided in the programmatic biological opinion.

-- If requesting verification to use the rangewide programmatic biological opinion (for LAA), the local Service field office will respond within 30 calendar days (as detailed in the Consistency Letter). Consultation for the proposed project is not complete until the Federal action agency or its designated non-federal representative receives a verification response letter from the Service.

For questions or comments, please email Catherine Liller at Catherine_Liller@fws.gov.