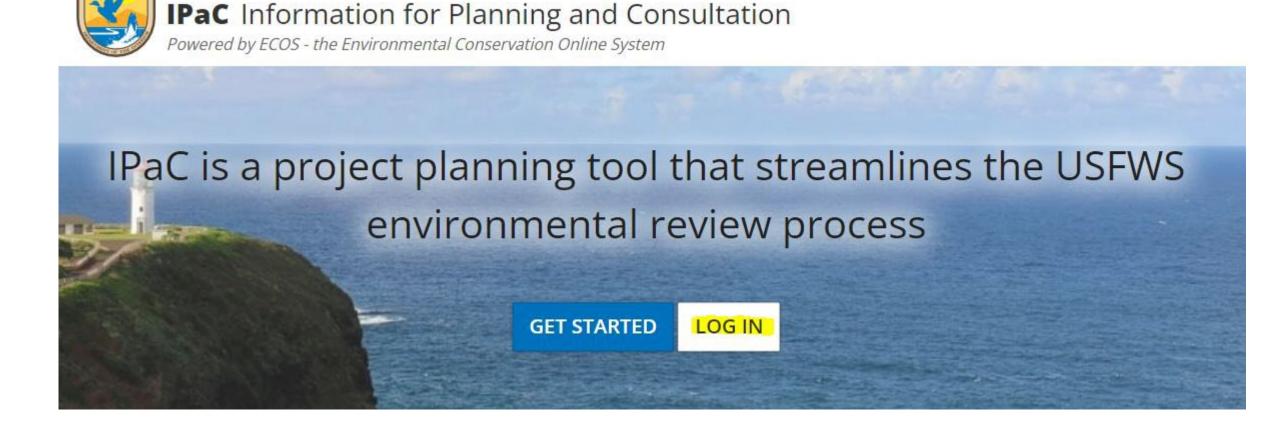
# Section (7)(a)(2) informal consultation online review

The Service now uses an online system to provide technical assistance and allow project proponents to evaluate projects to satisfy section 7(a)(2) of the Endangered Species Act for informal consultations. Our online system is called IPaC (Information for Planning and Consultation). You may access it at <a href="https://ipac.ecosphere.fws.gov/">https://ipac.ecosphere.fws.gov/</a>

Then, Select "Log In".

U.S. Fish & Wildlife Service



LOG IN

## Create a free account then Log in to your account and select "My Projects"

Log in ×

#### LOGIN.GOV LOGIN

You can use your Login.gov profile as your IPaC account. You will need to allow IPaC to read your basic profile information.

#### LOG IN WITH U LOGIN.GOV

IPAC LOGIN

#### Why do I need an IPaC account?

An account is required to define a project or request an official species list. This is necessary to keep your projects secure. Other benefits include easier access to a list of your projects, improved project sharing, and a profile to pre-fill forms.

To create an IPaC account, you must agree to the system use policy

#### Notice

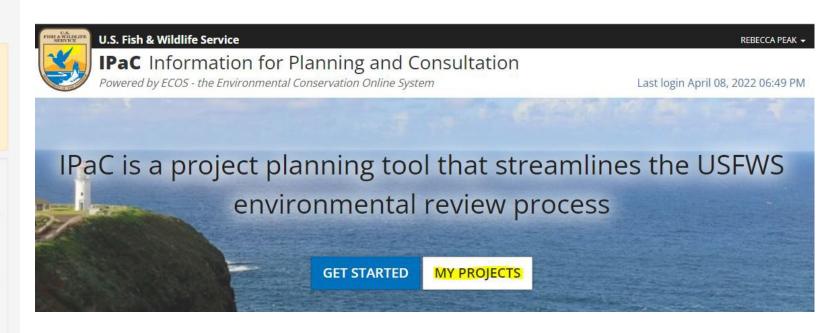
By logging into this agency computer system, you acknowledge and consent to the monitoring of this system. Evidence of your use, authorized or unauthorized, collected during monitoring may be used for civil, criminal, administrative, or other adverse action. Unauthorized or illegal use may subject you to prosecution.

This computer system, including all related equipment, networks, and network devices (including Internet access), is provided by the Department of the Interior (DOI) in accordance with the agency policy for official use and limited personal use.

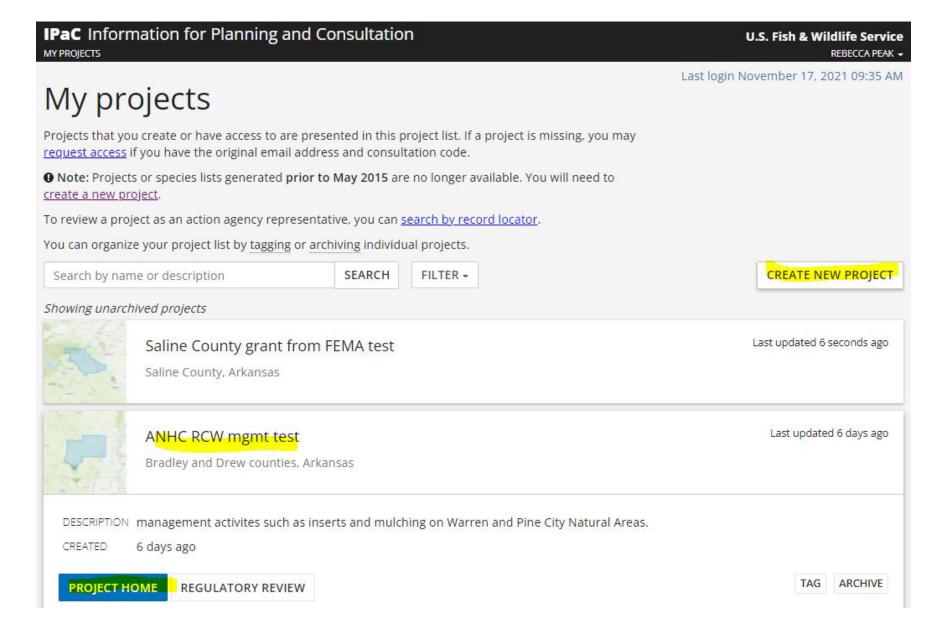
All agency computer systems may be monitored for all lawful purposes, including but not limited to, ensuring that use is authorized, for management of the system, to facilitate protection against unauthorized access, and to verify security procedures, survivability and operational security. Any information on this computer system may be examined, recorded, copied and used for authorized purposes at any time.

All information, including personal information, placed or sent over this system may be monitored, and users of this system are reminded that such monitoring does occur. Therefore, there should be no expectation of privacy with respect to use of this system.

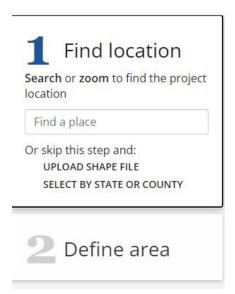
This is a Privacy Act System of Records. Please Review the <u>ECOS Privacy Act</u> Statement.

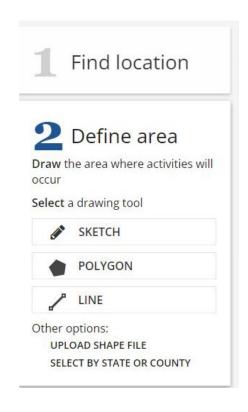


Create a new project or view an existing one by selecting the title e.g., "ANHC RCW mgmt test" and "Project Home"



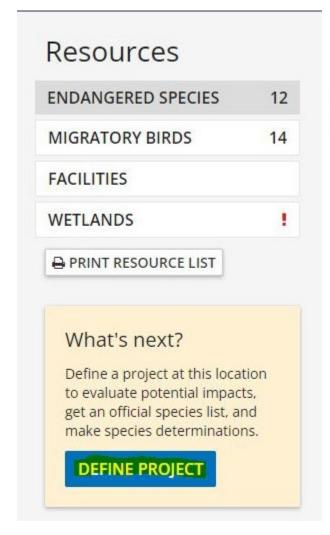
Identify the area where the project activities will occur using 1 "Find Location" 2 "Define area", or uploading shape file then select 3 "Continue"







Select "Define Project", Name the project and describe the location, size, scope, and timing of it. The project description has a 4000 character limit. Select "Save".



# Define project

Define a project at this location to evaluate potential impacts, get an official species list, and make species determinations.



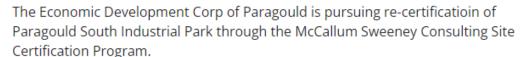
# Paragould South Industrial Park Greene County, Arkansas

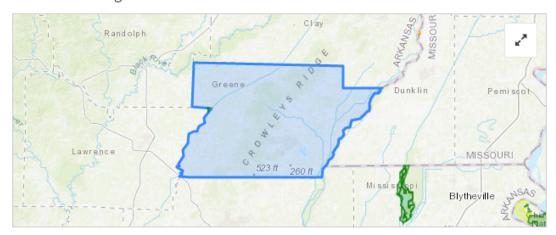
**PROJECT HOME** 

**REGULATORY REVIEW** 

LOCAL OFFICE ARKANSAS ESFO -

# Paragould South Industrial Park





LOCATION Greene County, Arkansas

CREATED February 23, 2022

▲ 1 MEMBER ☐ 1 DOCUMENT

## What's next?

**ESA REVIEW** 

Review this project's effects on listed species 1 pursuant to the Endangered Species Act (ESA), as part of the overall regulatory review.

## START REVIEW

SPECIES LIST

Requesting an official species list is now part of IPaC's ESA Review.

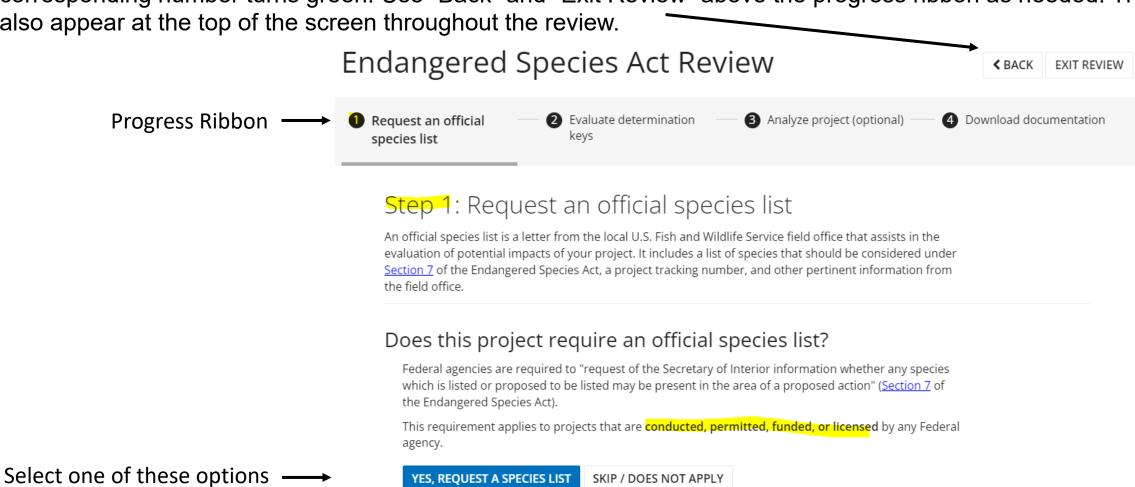
REQUEST SPECIES LIST

## Local office

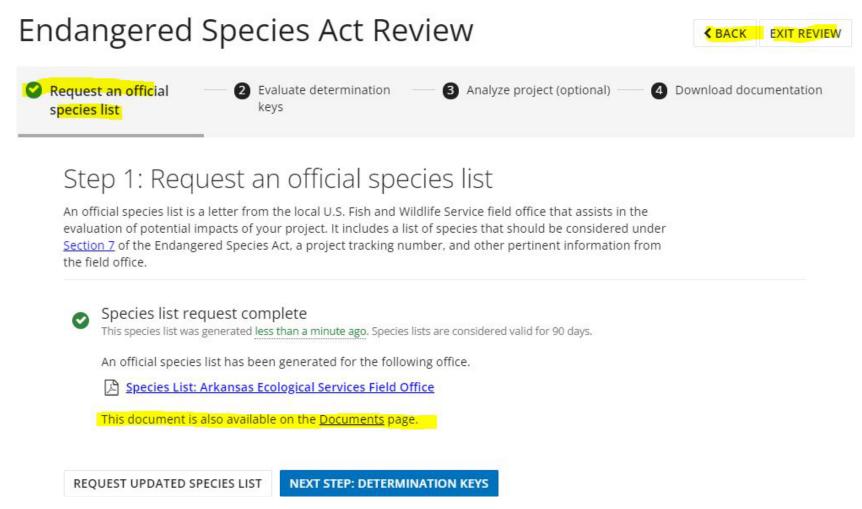
Arkansas Ecological Services Field Office

**Step 1** of the Endangered Species Review is "Request an official species list". You must request an official species list when projects are conducted, permitted, funded, or licensed by any Federal agency. If this applies to your project select "Yes, Request A Species List". If it does not select "Skip/Does Not Apply" at the bottom of the screen.

**Pro tips:** a progress ribbon appears at the top of the screen throughout the review. As you complete a step the corresponding number turns green. Use "Back" and "Exit Review" above the progress ribbon as needed. They also appear at the top of the screen throughout the review.



**Step 1** is complete as indicated by green on the progress ribbon. If you requested an official species list, you can either wait for your list to be processed and access it as a .pdf here or from the documents page located at the bottom of the project's home page (see page 16). Official species lists are no longer emailed. Move to **Step 2** by selecting "Next Step: Determination Keys" in blue at the bottom of the screen.



**Step 2** is "Evaluate determination keys". You will see at least one but as many as three keys. Only select one of them.

- Use the Northern Long-Eared Bat (NLEB) consultation and 4(d) rule consistency key if NLEB is the only species for which you are making an effects determination.
- Use Federal Highway Administration (FHWA), Federal Railroad Administration (FRA), Federal Transit Administration (FTA) key if the project is funded or authorized by one of these agencies.
- Use AFO Arkansas Multi-Species Determination Key if the previous two keys do not apply to your project.

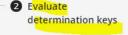
**Pro tip:** Make sure to select "Evaluate" located under the key you decide to use, which may not be the one highlighted in blue.

## **Endangered Species Act Review**

EXIT REVIEW

Download documentation







The U.S. Fish and Wildlife Service has performed up-front analyses for certain project types, agencies, and species. The analyses have been compiled into determination keys, a simple interview process to help you arrive at a recommended determination for some species in your project area.

There are 3 determination keys that may apply to your project. Each determination key starts with a qualification interview to see if the key is appropriate for your project.

Analyze project (optional)

AFO Arkansas Multi-Species Determination Key

Release date: March 2, 2022

This decision key is intended for projects or actions funded, authorized or carried out by federal agencies to help you make effect determinations for listed species and designated critical habitat that may occur in your project area.

**EVALUATE** 

SKIP / DOES NOT APPLY

 FHWA, FRA, FTA Programmatic Consultation for Transportation Projects affecting NLEB or Indiana Bat

Release date: February 23, 2022

The key is intended for projects funded or authorized by FHWA, FRA, or FTA, that may affect the endangered Indiana bat and/or the threatened northern long-eared bat, which requires consultation with the USFWS under Section 7 of the ESA.

SKIP / DOES NOT APPLY EVALUATE

 Northern Long-Eared Bat (NLEB) Consultation and 4(d) Rule Consistency Release date: February 11, 2022

This key expedites the optional streamlined consultation framework for the NLEB for Federal agencies & provides users who are not with or representing Federal agencies a mechanism to ensure their actions are consistent with the NLEB 4(d) rule.

EVALUATE SKIP / DOES NOT APPLY

This screen provides information about the consultations with other federal agencies the Service used to develop each respective determination key listed on the previous screen. The information you see here is specific to the "AFO Arkansas Multi-Species Determination Key".

**Note:** "Back" and "Exit Review" still appear at the top of the screen.

Scroll to the bottom of the screen and select "Check If My Project Qualifies".

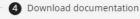
## **Endangered Species Act Review**

**∢** BACK EXIT REVIEW









DETERMINATION KEY

# Consultation on effects of proposed projects to threatened and endangered species in Arkansas

Release date: September 28, 2021

This decision key is intended for projects or actions funded, authorized or carried out by federal agencies to help you make effect determinations for listed species and designated critical habitat that may occur in your project area. This decision key is not applicable to after-the-fact project coordination.

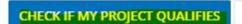
The U.S. Fish and Wildlife Service Arkansas Ecological Services Field Office (ARFO) has completed consultations with the Corps of Engineers Little Rock, Memphis and Vicksburg districts and the Farm Service Agency regarding proposed, recurring actions and effects to listed species. The resultant Standard Local Operative Procedures for Endangered Species (SLOPES) and Programmatic Informal Consultation evaluations form the basis of this key. See the links below for detailed information on these consultations.

#### SLOPES with Little Rock District 2018

Farm Service Agency Statewide Programmatic Consultation 2019
USFS Ouachita National Forest Programmatic Biological Opinion 2010
USFS Ozark St. Francis National Forest Programmatic Biological Opinion 2010
Cooperative Agreement Between USFWS and Arkansas Game and Fish Commission
Arkansas Game and Fish Commission Indiana Bat Programmatic Biological Opinion 2019
Arkansas Species Determination Key Standing Analysis

For projects that meet incorporated criteria, your responses to questions in this key will allow you to make effect determinations for species included in these consultations. More information about section 7(a)(2) and effect determinations is available <a href="here">here</a> and on the Service's <a href="website">website</a>. Reaching an effect determination in the key indicates a project proponent can rely on the above consultations and the Service's concurrence with the resulting determinations. For those species with a resulting determination of "no effect" or "may affect, not likely to adversely affect", the project proponent has satisfied consultation requirements under section 7(a)(2) of the Endangered Species Act for the project. For projects that reach a "may affect" or "may affect, likely to adversely affect" determination for a species, further consultation with ARFO will be required to meet consultation requirement.

For more information about this determination key, including a list of all potential questions, refer to the detailed overview



SKIP / DOES NOT APPLY

Each determination key starts with a qualification interview to see if the key is appropriate for your project.

If you make a "no effect" determination for all species in the project area, answer "Yes" to the first question and your consultation is complete. As documentation of this "no effect" determination print the screen, add it to your project files along with the official species list and select the "Exit Review" button above the progress ribbon to return to the project home page. At this point you are finished.

**Pro tip:** Make sure you read the last sentence of the paragraph. "A project with... entirely beneficial effects should **not** have a "no effect" determination."

## **Endangered Species Act Review**



Request an official species list keys

Skipped

2 Evaluate determination keys

Analyze project (optional) — 4 Download documentation keys

EVALUATING: CONSULTATION ON EFFECTS OF PROPOSED PROJECTS TO THREATENED AND ENDANGERED SPECIES IN ARKANSAS

## Qualification interview

The following questions will determine whether this key applies to your project and provide guidance to help you make appropriate determinations for the species covered by this key.

1. Have you made an effects determination of "no effect" for all species in the area of the project? A "no effect" determination means the project will have no beneficial effect, no short-term adverse effects, and no long-term adverse effects on any of the species on the IPaC-generated species list for the proposed project or those species habitat. A project with effects that cannot be meaningfully measured, detected or evaluated, effects that are extremely unlikely to occur, or entirely beneficial effects should not have a "no effect" determination. (If unsure, select "No").



#### EVALUATION PROGRESS

When the action agency determines its proposed action will not affect a listed species, there is no need to coordinate further with the Service. If listed species will not be directly or indirectly exposed to the proposed action or any resulting environmental changes, an action agency may conclude "no effect" and document the finding, thus completing the section 7 process. For example, if the species or its suitable habitat is not present in the action area and the project does not otherwise present any effects to the species, action agencies typically conclude and document "No Effect - species not present" as their finding."

As documentation of this "no effect" determination print this screen, add it to your project files, and select "exit review" on the progress ribbon to return to the project home page.

CONTINUE REVIEW

If you are unsure select "No" to question 1. Select the appropriate responses to questions 2 and 3.

A federal agency may designate or allow project proponents to act on their behalf when completing Section 7(a)(2) consultation with the U. S. Fish and Wildlife Service. If you are uncertain whether or not you are a designated non-federal representative ask the federal agency authorizing or funding the project.

Read question 4 carefully. You only represent the U. S. Fish and Wildlife Service in this consultation if you work for the agency e.g., in an ecological services office, Partners for Fish and Wildlife program, National Wildlife Refuge, Wildlife and Sportfish Restoration.

If the federal agency where you work is not listed or you are a designee select "f".

## Endangered Species Act Review



Request an official 2 Evaluate determination Analyze project (optional) 4 Download documentation species list Skipped IATING: CONSULTATION ON EFFECTS OF PROPOSED PROJECTS TO THREATENED AND ENDANGERED SPECIES IN ARKANSAS **Oualification interview** The following questions will determine whether this key applies to your project and provide guidance to help you make appropriate determinations for the species covered by this key. 1. Have you made an effects determination of "no effect" for all species in the area of the project? A "no effect" determination means the project will have no beneficial effect, no short-term adverse effects, and no long-term adverse effects on any of the species on the IPaC-generated species list for the proposed project or those species habitat. A project with effects that cannot be meaningfully measured, detected or evaluated, effects that are extremely unlikely to occur, or entirely beneficial effects should not have a "no effect" determination. (If unsure, select "No"). **▼** No CHANGE ANSWER 2. Is the action authorized, funded, or being carried out by a Federal agency? ✓ Yes CHANGE ANSWER 3. Are you the the action agency or the designated non-federal representative? O Yes O No 4. Choose the agency you represent in this consultation with the U.S. Fish and Wildlife Service: a. U.S. Forest Service b. U.S. Army Corps of Engineers c. U.S. Fish and Wildlife Service d. Federal Highway Administration

e. Arkansas Game and Fish Commission (Intra-service consultation)

All other federal agencies or agency designees

Continue through the qualification interview until **Step 2** is complete as indicated by green on the progress ribbon below. If you reach a determination of "May affect" for a species with a 4(d) rule and/or "No effect", "NLAA" you will be prompted to generate a verification letter. If you reach a determination of "May affect" for a species not covered by a 4(d) rule you will be prompted to generate a consistency letter. Follow the instructions provided.



Note: Step 3 "Analyze project (optional)" is optional. Do not complete it without contacting the office first.



If you reach a determination of "May affect" for a species with a 4(d) rule and/or "No effect", "NLAA" you will receive a Verification letter. The status of your consultation is complete.



## United States Department of the Interior



#### FISH AND WILDLIFE SERVICE

Arkansas Ecological Services Field Office 110 South Amity Suite 300 Conway, AR 72032-8975 Phone: (501) 513-4470 Fax: (501) 513-4480

http://www.fws.gov/arkansas-es

### Status

The Service concurs with the NLAA determination(s) for the species listed above. Your agency has met consultation requirements by informing the Service of the "No Effect" determinations.

02/10/2022

No further consultation for this project is required for these species. This letter confirms you may rely on effect determinations provided in the Arkansas Determination Key for project review and guidance for federally listed species to satisfy agency consultation requirements under Section 7(a)(2) of the Endangered Species Act of 1973 (87 Stat. 884, as amended 16 U.S.C. 1531 et seq.; ESA).

The proposed project may affect the Northern Long-eared Bat. However, this project complies with the final 4(d) rule with incidental take covered by the U.S. Fish and Wildlife Service's January 5, 2016, Intra-Service Programmatic Biological Opinion on the final 4(d) rule for the NLEB addressing "Activities Excepted from Take Prohibitions. No further consultation is required for the proposed project for this species.

In Reply Refer To: February 10, 2022

Project code: 2022-0005691

Project Name: SCOTT COUNTY, WEST AR

Subject: Verification letter for 'SCOTT COUNTY, WEST AR' for specified federally threatened and endangered species and designated critical habitat that may occur in your proposed project area consistent with the Arkansas Determination Key for project review and guidance for federally listed species (Arkansas Dkey).

Dear Project proponent:

2

The U.S. Fish and Wildlife Service (Service) received on **February 10, 2022** your effect determination(s) for the 'SCOTT COUNTY, WEST AR' (the Action) using the Arkansas DKey within the Information for Planning and Consultation (IPaC) system. The Service developed this system in accordance with the Endangered Species Act of 1973 (ESA) (87 Stat.884, as amended; 16 U.S.C. 1531 et seq.).

Based on your answers and the assistance in the Service's Arkansas DKey, you made the following effect determination(s) for the proposed action.

Species	Listing Status	Determination
American Burying Beetle (Nicrophorus americanus)	Threatened	No effect
Eastern Black Rail (Laterallus jamaicensis ssp.	Threatened	No effect
jamaicensis)		
Harperella (Ptilimnium nodosum)	Endangered	NLAA
Northern Long-eared Bat (Myotis septentrionalis)	Threatened	May affect
Piping Plover (Charadrius melodus)	Threatened	No effect
Red Knot (Calidris canutus rufa)	Threatened	No effect
Red-cockaded Woodpecker (Picoides borealis)	Endangered	No effect

If you reach a determination of "May affect" for a species not covered by a 4(d) rule you will receive a consistency letter. The status of your consultation is **NOT** complete. Follow the instructions provide on page 2 of the consistency letter.

01/04/2022

IPaC Record Locator: 445-108322545

Consultation with the Service is not complete. Further consultation or coordination with the Arkansas Ecological Services Office is necessary for those species with a determination of "may affect" (MA) listed above. Please contact our office at 501-513-4470, arkansas\_es\_clearance@fws.gov, or your agency point of contact in the Arkansas Ecological Services Office to discuss methods to avoid or minimize potential adverse effects to those species.



## United States Department of the Interior



#### FISH AND WILDLIFE SERVICE

Arkansas Ecological Services Field Office 110 South Amity Suite 300 Conway, AR 72032-8975 Phone: (501) 513-4470 Fax: (501) 513-4480

http://www.fws.gov/arkansas-es

IPaC Record Locator: 445-108322545

January 04, 2022

Subject: Consistency letter for 'Felsenthal NWR nuisance aquatic and terrestrial plant management (2022-2026 multi-year)' for specified federally threatened and endangered species and designated critical habitat that may occur in your proposed project area consistent with the Arkansas Determination Key for project review and

guidance for federally listed species (Arkansas Dkey).

Dear | Project proponent:

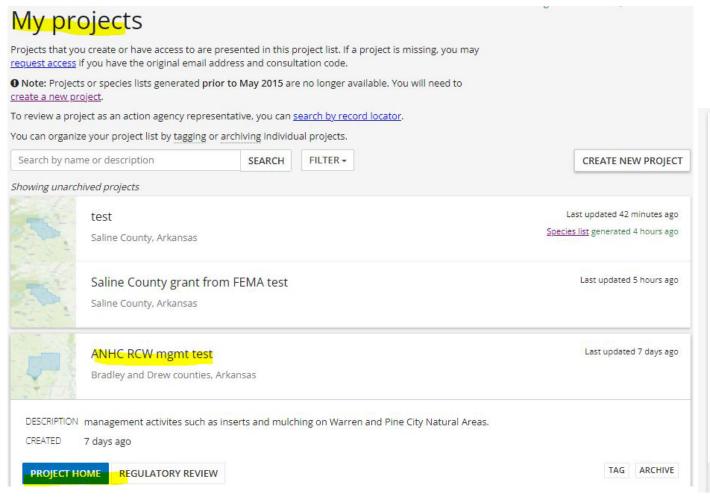
2

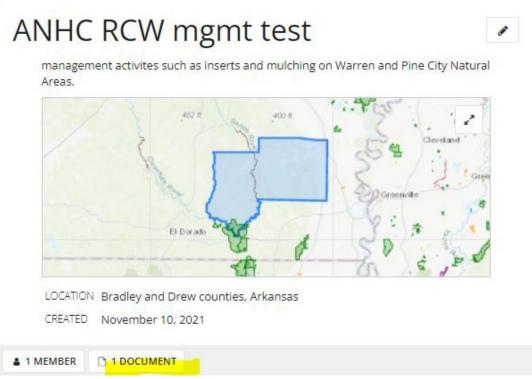
The U.S. Fish and Wildlife Service (Service) received on January 04, 2022 your effect determination(s) for the 'Felsenthal NWR nuisance aquatic and terrestrial plant management (2022-2026 multi-year)' (the Action) using the Arkansas DKey within the Information for Planning and Consultation (IPaC) system. The Service developed this system in accordance with the Endangered Species Act of 1973 (ESA) (87 Stat.884, as amended; 16 U.S.C. 1531 et seq.).

Based on your answers and the assistance in the Service's Arkansas DKey, you made the following effect determination(s) for the proposed Action:

Species	Listing Status	Determination
Eastern Black Rail (Laterallus jamaicensis ssp.	Threatened	NLAA
jamaicensis)		
Geocarpon minimum	Threatened	No effect
Pink Mucket (pearlymussel) (Lampsilis abrupta)	Endangered	May affect
Piping Plover (Charadrius melodus)	Threatened	NLAA
Pondberry (Lindera melissifolia)	Endangered	No effect
Rabbitsfoot (Quadrula cylindrica cylindrica)	Threatened	May affect
Red Knot (Calidris canutus rufa)	Threatened	NLAA
Red-cockaded Woodpecker (Picoides borealis)	Endangered	No effect
Whooping Crane (Grus americana)	Experimental	No effect
	Population, Non-	
	Essential	
Winged Mapleleaf (Quadrula fragosa)	Endangered	May affect

To access the documents page for a project e.g., species list, navigate to the "My projects" page. Select the project title and "Project Home". The documents page is located at the bottom of the project's home page. For the project entitled "ANHC RCW mgmt test" the documents page contains one document.



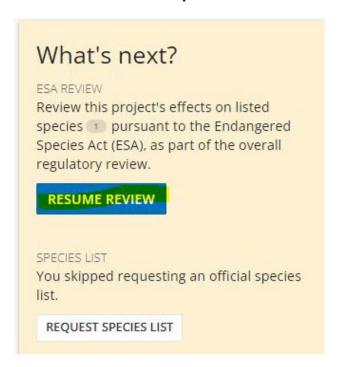


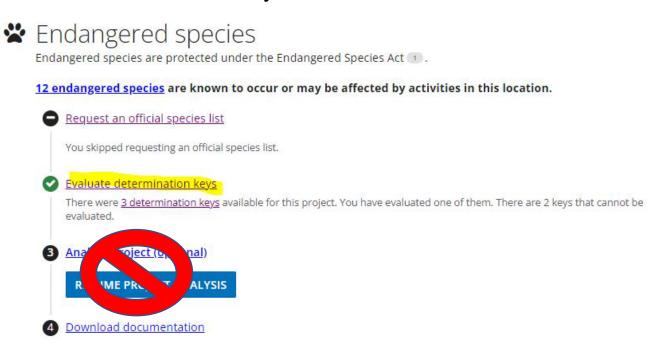
An answer you provide to a question may require that you contact the office prior to completing the review. An example is provided below. Reach out to us and let us know what additional information is needed so that you can complete the review.

Contact the Arkansas Ecological Services Office to determine if a species or suitable habitat survey is requested to assist in the effects determination for this project. Please return to the IPaC D-key to complete consultation after the Arkansas Ecological Services Office recommendation or after the mussel survey is conducted.

## CONTINUE REVIEW

Once you have the additional information, you can navigate back to the project home page and select "Resume Review" to complete it. Next, select "Evaluate determination keys".





Next, select "View/Modify". Scroll to the **bottom** of the qualification interview and select "Change Answers".

## Step 2: Evaluate determination keys

The U.S. Fish and Wildlife Service has performed up-front analyses for certain project types, agencies, and species. The analyses have been compiled into *determination keys*, a simple interview process to help you arrive at a recommended determination for some species in your project area.

There are 3 determination keys that may apply to your project. Each determination key starts with a qualification interview to see if the key is appropriate for your project.

 Consultation on effects of proposed projects to threatened and endangered species in Arkansas

You completed the latest version of this key, published February 5, 2020, and reached a determination of may affect - not likely to adversely affect for species or critical habitats covered by the key.



You also may delete the evaluation here if you no longer want to use this key for your project.

If you no longer wish to use this key for your project, you can delete your evaluation. This will make the consistency letter created as part of this evaluation no longer valid, but it will still be accessible on the <u>documents</u> page.

**DELETE EVALUATION** 

## Federal agencies and state agency partners receiving Federal funding:

The Endangered Species Act requires you to consult on actions that may affect species proposed for listing. These species are afforded less protection than officially listed species. Section 7(a)(4) of the Act requires Federal agencies to confer with the Secretary on any action that is likely to jeopardize the continued existence of proposed species or result in the destruction or adverse modification of proposed critical habitat.

As of 05/05/2022 the Service has "proposed" Alligator Snapping Turtle (*Macrochelys temminckii*), Pyramid Pigtoe (*Pleurobema rubrum*), Western Fanshell (*Cyprogenia aberti*), and Ouachita Fanshell (*Cyprogenia cf.aberti*) for listing. They are not currently included in IPaC. While these species are proposed for listing, you can meet your section 7 obligations by analyzing the effects of your actions to determine if they will jeopardize the existence of the species. Document your determination in writing and add it to the project file along with the other paperwork e.g., IPaC letter or other correspondences with our office for your section 7(a)(2) consultation. Please reach out for updates on species proposed for listing prior to completing your section 7 consultation.

Additionally, Monarch Butterfly (*Danaus plexippus*) is a "candidate" species on which **only the Service** is required to consult. This species will show up on your species list, but it is not included in the Dkey. Therefore, IPaC does not generate a determination for it. We recommend that you add a memo to your project file as described above for the "proposed" species. If you believe that you will reach a "may affect, likely to adversely affect" determination for this species, then please let us know so we can begin a discussion of how best to proceed.