



**US Army Corps  
of Engineers** ®  
New Orleans District

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

### **Between**

**U.S. Army Corps of Engineers, New Orleans District and**

**U.S. Fish and Wildlife Service, 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 the U.S. Army Corps of Engineers, New Orleans District (CEMVN) and the U.S. Fish and Wildlife Service, Louisiana Ecological Services Office (Service) for proposed projects that are reviewed under the CEMVN Regulatory Program within the geographic boundary of the State of Louisiana. Nothing in this procedure shall supersede the terms and conditions of previously-issued Department of the Army (DA) Clean Water Act Section 404/Rivers and Harbors Act Section 10 permits.

### **3. PURPOSE**

The CEMVN 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**

#### **CEMVN**

Upon deciding that an application will be considered for a permit, the CEMVN will make an initial determination on potential impacts to federally-listed species using the IPaC Tool and/or other information from the Service, the CEMVN, or scientifically-credible outside sources. The CEMVN 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). The CEMVN is encouraged to document its rationale for reaching any determination of effect or no effect to listed species or to critical habitat in official CEMVN files and records.

#### Service

The Service will respond to any correspondence from the CEMVN within statutorily-defined or previously agreed-to timeframes. The Service will provide project-specific species and critical habitat information to CEMVN, if requested. The Service, in coordination with CEMVN, 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 CEMVN personnel as needed to assist them in understanding and utilizing the IPaC Tool.

The Service recognizes that Department of the Army regulations provide that CEMVN will accept and process applications for after-the-fact permits in accordance with standard permitting procedures. The IPaC Tool, however, is not intended to be used in those 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 permits will not be handled through use of the IPaC tool.

### 5. DETERMINATION OF EFFECTS

The CEMVN'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 each CEMVN. 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 CEMVN 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 permit 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 CEMVN 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.



Date: 17 Jan 2020

Joseph A. Ranson  
Field Supervisor  
Louisiana Ecological Services Office  
U.S. Fish and Wildlife Service



**US Army Corps  
of Engineers**  
New Orleans District

Date: 27 JAN 20

Stephen F. Murphy  
Colonel, U.S. Army  
District Commander  
New Orleans District  
U.S. Army Corps of Engineers