



**US Army Corps
of Engineers®**
Vicksburg District

Information and Planning Consultation for Endangered Species in Louisiana

Between

U.S. Army Corps of Engineers, Vicksburg 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 (IPAC 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 applies to the U.S. Army Corps of Engineers (USACE), New Orleans District, Vicksburg District, Galveston District, Fort Worth District and the U.S. Fish and Wildlife Service, Louisiana Ecological Services Office (Service) for proposed projects that are reviewed under the USACE 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 USACE 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

USACE

Upon deciding that an application/pre-construction notification will be considered for a permit, the USACE will make an initial determination on potential impacts to federally-listed



species using the IPaC Tool and/or other information from the Service, the USACE, or scientifically-credible outside sources. The USACE 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. The USACE will document its rationale for reaching any determination of effect, including no effect, to listed species or to designated critical habitat (CH) in official USACE files and records. The USACE will coordinate with the Service during efforts to update any existing Determination Keys utilized by the IPaC Tool, to develop new Determinations Keys when needed, and to provide constructive feedback throughout those processes, including the 60-day beta-testing period.

Service

The Service will respond to any correspondence from the USACE within statutorily-defined or previously agreed-to timeframes. The Service will provide project-specific species and CH information to USACE, if requested. The Service, in coordination with USACE, will update any existing Determination Keys utilized by the IPaC Tool if changes in listing category occur, species range maps are modified, changes to CH boundaries occur, and for targeted Determination Key improvements. The Service will develop additional Determination Keys if new species are added to the Federal List of Endangered and Threatened Species. A beta-testing period of up to 60 days will be provided prior to the adoption of a new/modified Determination Key unless otherwise agreed between the Service and USACE. The Service will meet with USACE personnel, as needed, to assist them in understanding and utilizing the IPaC Tool.

The Service recognizes that Department of the Army regulations provide that USACE 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 USACE 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 District, except as provided below. Further coordination will be conducted with the Service as indicated by use of the IPaC Tool and when there is any temporary shutdown of the IPaC Tool, except as provided below.

The USACE signatories will retain discretionary authority to 1) make alternate effect determinations (i.e. other than the IPaC Tool output) 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 USACE and Service will review this procedure on an annual basis and will consider whether to modify, extend, or revoke the use of this procedure at least every three (3) years. If the use of this procedure is not revoked in writing by either agency, it will be automatically extended.





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Date: 14 January 2020

A blue ink signature of Joseph A. Ranson.

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

Date: 13 January 2020

A black ink signature of Jennifer A. Mallard.

Jennifer A. Mallard
Chief, Regulatory Branch
Vicksburg District
U.S. Army Corps of Engineers

