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# Endangered Species Act

## + Critical Habitats

FY24 R5 RETS 03  
July 11, 2024

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# TRAINING AGENDA

## **ESA Overview** 01

Background of the  
Endangered  
Species Act

## **Section 7 Consultation** 02

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Updates and  
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What to avoid  
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Consultation



01

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# ESA Overview

Background of the Endangered  
Species Act

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# Background

Endangered Species Act (ESA) of 1973

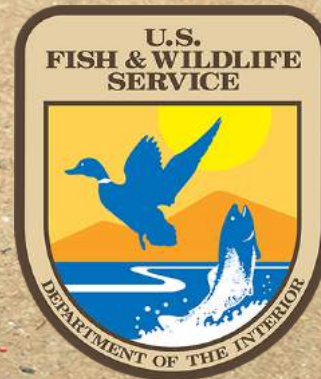
- 16 U.S.C. §1531 et seq.

Section 7 of the ESA (16 U.S.C. §1536)

- Federal agency responsibilities
- Federal agencies must use their authorities to further the conservation of listed species



Piping Plover, endangered



# Regulatory Framework

## Related Federal Laws and Authorities

- 24 CFR 58.5(e)
- 24 CFR 50.4 (e)
- CEST and EA

## Section 7 of the ESA

- 50 CFR Part 402 - Regulations for Interagency Cooperation

## Section 9 – “Take” Prohibition

- “to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct.”



Whooping Crane, endangered

# Protected Species

**Endangered  
Species**

**Threatened  
Species**

"any species which is in danger of extinction throughout all or a significant portion of its range."

"any species which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range."

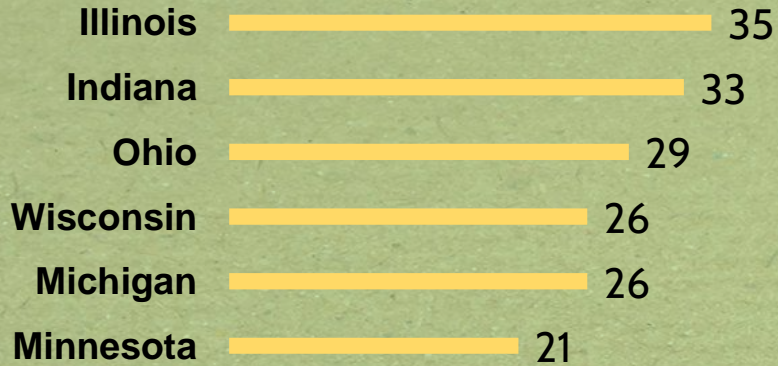
# Protected Habitat

**Critical Habitat**

**Suitable Habitat**



# Region 5 Species



Northern Wild Monkshood, threatened



Hine's Emerald Dragonfly, endangered

Indiana Bat, endangered



Rufa Red Knot, threatened

Higgin's Eye Mussel, endangered





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**How many listed  
threatened and  
endangered  
species are there?**

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# 1,678

Listed Species Summary ([fws.gov](https://www.fws.gov))  
50 CFR 17.11(h) - Animals  
50 CFR 17.12(h) - Plants  
(7/8/24)

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# 02



Shovelnose Sturgeon, endangered

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## Section 7 Consultation

Definitions, Roles, Updates, and  
Project Information

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# ESA Section 7 Consultation

Federal agencies have a statutory mandate to use their powers for the conservation of species. Each agency must ensure that any action it authorizes, funds, or carries out is not likely to jeopardize the continued existence of a listed species in the wild or destroy or adversely modify its critical habitat.

# Section 7 Glossary of Terms

- Action area
- Applicant
- Beneficial effects
- Biological assessment
- Biological opinion
- Candidate species
- Concurrence letter
- **Critical habitat**
- Designated Non-Federal representative
- Discountable effects
- Effects of the action
- **Endangered species**
- Environmental changes
- Exposure
- **Formal consultation**
- Harm
- Harass
- **Informal consultation**
- **IPaC**
- Insignificant effects
- **May affect**
- **May be present**
- **No effect**
- Physical of Biological Features
- Primary Constituent Elements
- Species Response
- Stressors
- **Take**
- **Threatened species**

Resources: [Section 7 Consultation Technical Assistance Glossary of Terms and 50 CFR 402.02 ESA Section 7 Regulatory Definitions](#)

# Section 7 Glossary of Terms

- **Formal consultation:** process between the Services and the Federal agency that commences with the Federal agency's written request for consultation under section 7(a)(2) of ESA and concludes with the Service's issuance of the biological opinion.
- **Informal consultation:** optional process that includes all discussions, correspondence, etc., between the Services and the Federal agency or the designated non-Federal representative prior to formal consultation, if required.
- **IPaC:** Information, Planning and Conservation system. An internet-based and publicly accessible system to the natural resources information maintained by the U.S. Fish and Wildlife Service. It assists users with planning activities within the context of natural resource conservation.

# Section 7 Glossary of Terms

- **May affect:** when a species might be exposed to a consequence of a federal action and could respond to that exposure. For critical habitat, 'may affect' is the appropriate conclusion if an essential physical or biological feature may be exposed to a consequence of a federal action and could change in response to that exposure.
- **May be present:** species or critical habitat are potentially present in the action area.
- **No effect:** no individuals of a species or none of the essential physical or biological features of critical habitat will be exposed to any consequence of a federal action or that, if exposed, they will not respond.

# Roles & Responsibilities

## Responsible Entity

Part 58 ONLY  
conducts initial analysis,  
makes an effects finding,  
and collaborates with  
the Services during  
consultation

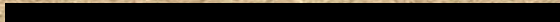
## HUD

Part 58  
Provides TA to RE.

Part 50  
Conducts initial analysis,  
makes an effects finding  
and leads consultation  
with the Services

## 3<sup>rd</sup> Party / Consultant

Subject Matter Expert  
who provides  
technical analysis  
and assists the RE with  
the consultation  
process





# Roles & Responsibilities in IPaC

- Although REs assume the responsibilities of the Federal agency in the environmental review process, to complete Section 7 consultation through IPaC, REs must identify themselves as “**non-Federal Representative.**” (Updated as of April 4, 2024)
- The RE is responsible for obtaining the final consistency letter or biological opinion from US FWS.

**IPaC** Information for Planning and Consultation U.S. Fish & Wildlife Service  
LOG IN

- 1 Find location
- 2 Define area
- 3 Confirm**  
Verify the area where project activities will occur  
Modify the shape by clicking and dragging the vertices or clicking on a solid vertex to remove it  
AREA: 4.70 mi<sup>2</sup>  
[CONTINUE](#)

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**Pre-assessment: What information should you include in your project description for ESA Section 7 Consultation?**

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# Project Information

- What is the project activity?
- Location.
- Drawings, blueprints, and map of the project area and areas affected by the activity.
- Describe the physical conditions of the subject site and surrounding area.
  - Developed area – hardscapes, pavement, frequently mowed lawns.
  - Vegetation and trees (wooded area, ornamentals, etc.).
  - Surface water (river, streams, lakes, ponds, etc. ) and groundwater.
- Describe vegetation removal (identify natives) and ground disturbance activities.
- Anticipated construction (process, staging, time of the year and duration).

## Resources:

- [US Fish & Wildlife Midwest Region Technical Assistance for Section 7 Consultation](#)
- [US Fish & Wildlife Midwest Region Resources for Section 7 Consultation](#)

# Consultation Flowchart

- Step 1** Determine if project could have effect

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- Step 2** Determine if species are present

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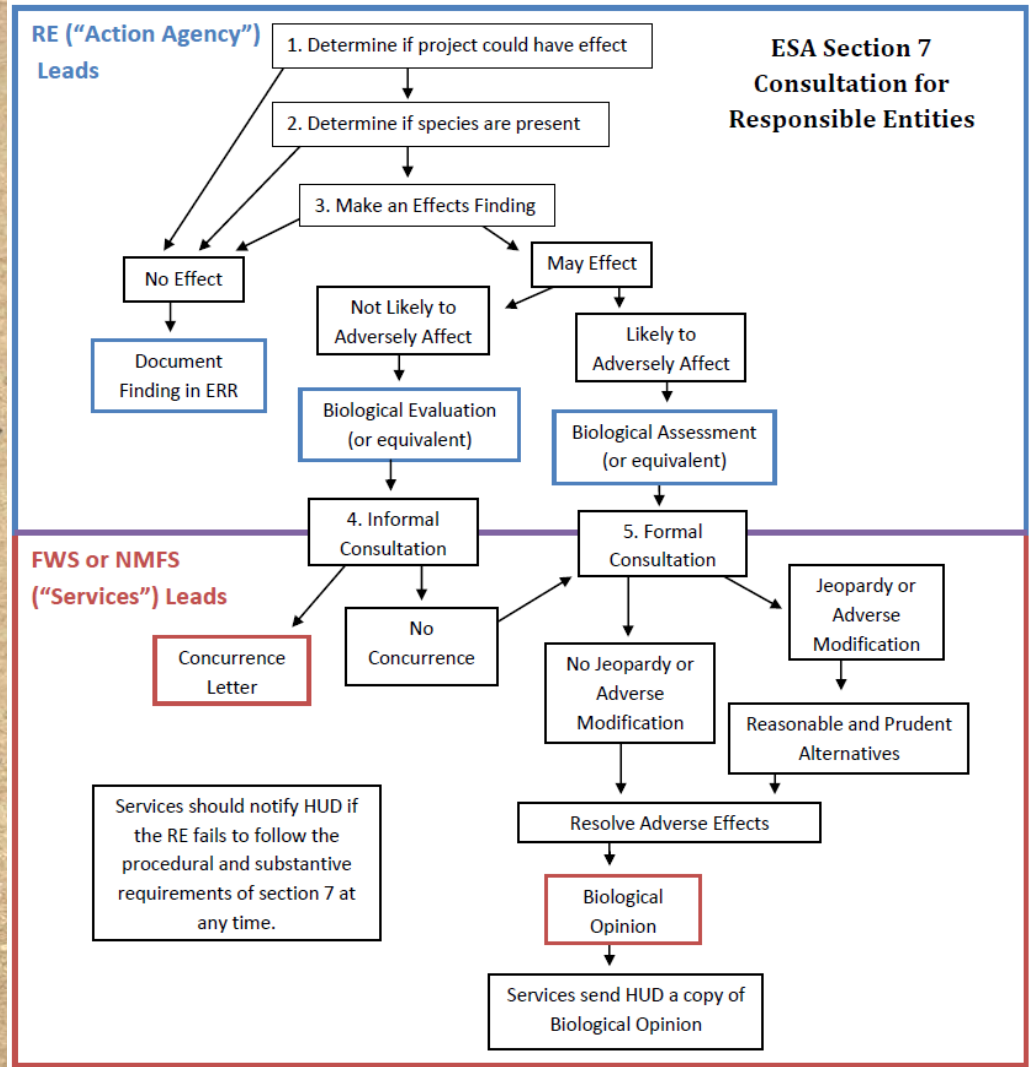
- Step 3** Make an Effects Finding

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- Step 4** Informal Consultation

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- Step 5** Formal Consultation



Resource: [ESA Section 7 Consultation Flowchart for REs](#)



Indiana Bat, endangered

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## Determinations + Results

Potential results of consultation and  
next steps

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**Have you had any  
determinations  
other than no  
effect / consulted  
with USFWS?**

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# “NO EFFECT” DETERMINATION

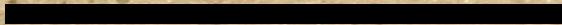
1. Does the project involve any activities that have the potential to affect species or habitats?
2. Are there any federally listed species or designated critical habitats on the project site or in the surrounding area? (Must have analysis and supporting documentation)

Recognize human-made habitat considerations:  
bats in attics, abandoned buildings, barns, interiors, bridges.

# “MAY EFFECT” AND IS:

**Not Likely** to Adversely  
Affect Federally  
Protected Species or  
Critical Habitat

**Likely** to Adversely  
Affect Federally  
Protected Species or  
Critical Habitat







Dwarf Lake Iris, threatened

# **Not Likely** to Adversely Affect Federally Protected Species or Critical Habitat

## **Must Meet the Following:**

1. Effects are expected to be discountable, insignificant, or completely beneficial.
2. Discountable effects are extremely unlikely to occur.
3. Insignificant effects relate to the size of the impact and do not involve a “take.”
4. Beneficial effects are coexistent positive effects; no adverse effects.
5. Submit findings, determination & all documentation to Services with request for informal consultation.
6. Services must concur with “Not Likely to Adversely Affect” determination, and associated mitigation measures and conditions.

# Likely to Adversely Affect Federally Protected Species or Critical Habitat

## Involves the Following:

1. Any adverse effects to listed species.
2. If incidental take is anticipated to occur as a result of the proposed action.
3. A “Likely to Adversely Affect” determination requires initiation of Section 7 formal consultation.
4. The biological assessment / evaluation is submitted to the Services with request for formal consultation.



Eastern Prairie Fringed Orchid, threatened

# Adverse Effect

If a jeopardy or adverse modification determination is made, the biological opinion must identify any reasonable and prudent alternatives (if available) that could, through modifications, allow the project to move forward.



Green Salamander, endangered

# Project Options Resulting From Formal Consultation

- Adopt reasonable and prudent measures or reasonable and prudent alternatives as recommended by Services.
- Not undertake project.
- Modify proposed action or develop a new alternative and continue formal consultation with Services.
- Must notify Services of final decision.



04

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# Habitat Specifics

Critical vs. Suitable Habitats

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# Evaluating Projects and Activities for Habitat

Habitat for threatened or endangered species can surprise us. Plants and animals may choose spaces to grow and live where we do not expect.



# Critical Habitat

## *What is Critical Habitat?*

- Critical habitat is the specific areas within the geographic area, occupied by the species at the time it was listed, that contain the physical or biological features that are essential to the conservation of endangered and threatened species and that may need special management or protection. Critical habitat may also include areas that were not occupied by the species at the time of listing but are essential to its conservation.

- Critical habitat designations affect only federal agency actions or federally funded or permitted activities.
- Critical habitat designations do not affect activities by private landowners if there is no federal “nexus”—that is, no federal funding or authorization.
- Federal agencies are required to avoid “destruction” or “adverse modification” of designated critical habitat.
- The ESA requires the designation of critical habitat for listed species when “prudent and determinable.”

# Critical Habitat For Federal Agencies

Under section 7 of the ESA, all federal agencies are required to use their authorities to help conserve imperiled species. The ESA helps to ensure that the Federal Government does not contribute to the decline of endangered and threatened species or their potential for recovery.

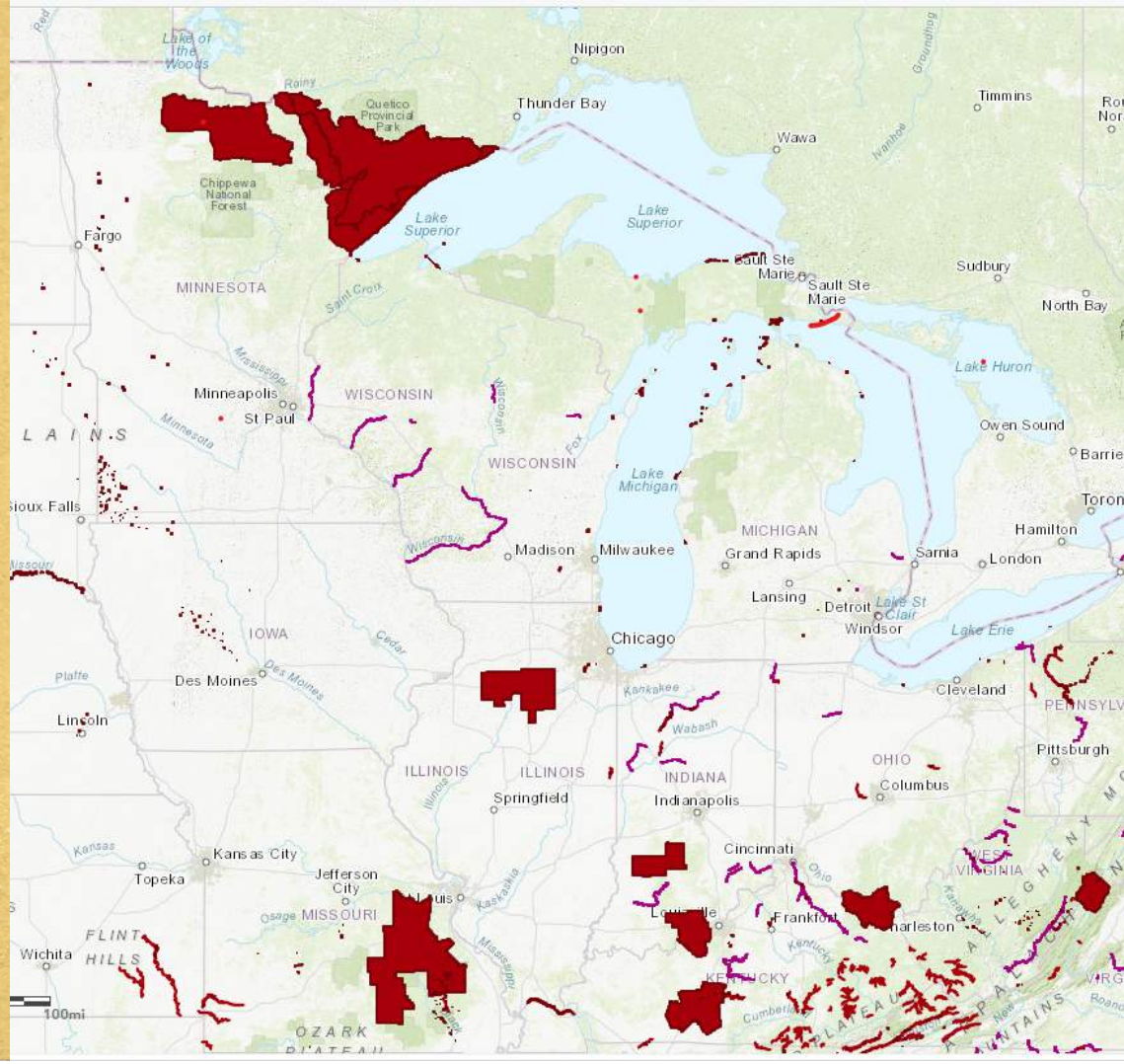
- Federal agencies are prohibited from destroying or adversely modifying designated critical habitat. This means they must consult with USFW about actions that they carry out, fund, or authorize to ensure that they will not destroy or adversely modify critical habitat.
- Even when there is no critical habitat designation, federal agencies are required to fulfill their conservation responsibilities by consulting with the Services if their actions “may affect” listed species.



# USFW MAP OF CRITICAL HABITATS IN REGION 5

URL to map:

<https://fws.maps.arcgis.com/home/webmap/viewer.html?webmap=9d8de5e265ad4fe09893cf75b8dbfb77>



# Suitable Habitat

*Suitable habitat means habitat featuring ecological characteristics that may provide for the breeding, feeding, resting, or sheltering of any endangered and/or threatened wildlife species.*

**Ecological characteristics may include, but are not limited to:**

- seasonal wetland or dry land,
- roost sites,
- nesting grounds,
- spawning sites,
- feeding sites,
- vegetative community size, age, structure, or diversity;
- waterway or pond water quality, size, or substrate; and
- soil types or hydrologic characteristics.

**Suitable Habitat may also include human-made structures:**

- buildings,
- manufactured or constructed features which match ecological characteristics occurring in the natural environment.

*Consideration of how to address suitable habitat for endangered species is a necessary step.*

# The Role of the Reviewer

Using IPaC, determine if the project area is a critical habitat for endangered species. If the location of the project is a critical habitat initiate a consultation with USFW to determine if the project can proceed without adverse affect .

Find out if the project location is a suitable habitat as well for endangered species. Use the US Fish and Wildlife website to check for Facts about Endangered species to determine if the site matches the description of suitable habitat. Site inspection may be warranted to survey for endangered species plants and animals. <https://ecos.fws.gov/ecp/>

# The Role of the Reviewer Continued

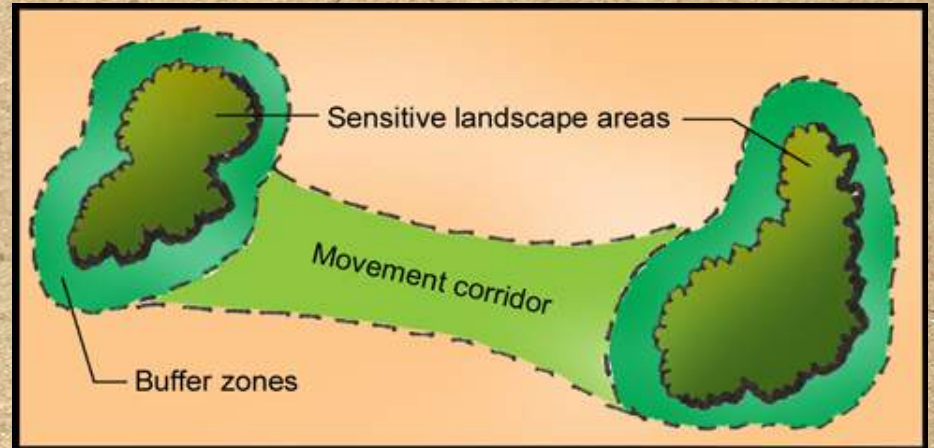
Determine if the project includes any activities with the potential to affect any listed species and suitable habitats. There may be seasonal impacts or year-round impacts.

Determine how and if these can be addressed without adverse effect. Include any mitigation measures in the ER. Make sure all parties associated with the project are aware of any mitigation measures or limitations and disclosure is documented and part of any work or construction agreements and contracts.

# Mitigation Measures for Habitat

Some examples:

- Seasonal limitations on access or construction for nesting or habitation of certain locations.
- Buffer Zones
- Restrictions on placing improvements in the natural environment on parts of a site.
- Limitations on use of pesticides
- Restrictions on changes to drainage.



[https://www.fs.usda.gov/nac/buffers/guidelines/2\\_biodiversity/8.html](https://www.fs.usda.gov/nac/buffers/guidelines/2_biodiversity/8.html)

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**Which of the  
following images  
show a suitable  
habitat?**

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**Site A**



**Site B**



**Site C**





Rufa Red Knot, threatened

# 05

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## **IPaC Demos + Case Study**

IPaC resources and applying this to  
your HUD projects

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# IPaC Intro

## Integrate the environmental review process into your project design

Quickly and easily identify USFWS managed resources and suggested conservation measures for your project.

### Explore species and habitat

See if any listed species <sup>?</sup>, critical habitat, migratory birds or other natural resources may be impacted by your project.

Using the map tool, explore other resources in your location, such as wetlands, wildlife refuges, GAP land cover, and other important biological resources.

### Conduct a regulatory review

Log in and define a project to get an official species list and evaluate potential impacts on resources managed by the U.S. Fish and Wildlife Service.

Follow IPaC's Endangered Species Act (ESA) Review process—a streamlined, step-by-step consultation process available in select areas for certain project types, agencies, and species.

### Build a Consultation Package

Consultation Package Builder (CPB) replaces and improves on the original Impact Analysis by providing an interactive, step-by-step process to help you prepare a full consultation package leveraging U.S. Fish and Wildlife Service data and recommendations, including conservation measures designed to help you avoid or minimize effects to listed species.

CPB will continue to be improved over time.

<https://ipac.ecosphere.fws.gov/>

# IPaC Resources - Videos

## Helpful Videos

IPaC 101 Presentation (Slides only)

IPaC 10-minute tour (Demo only)

IPaC Overview (Demo & Slides)

IPaC Commercial

Requesting an Official Species List (Demo only)

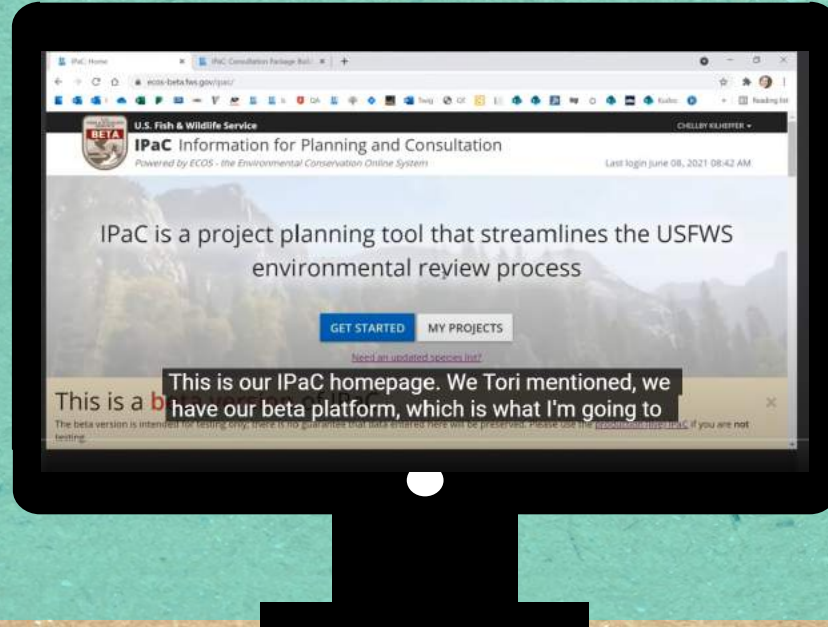
Using a Determination Key (Demo only)

Using the Consultation Package Builder (Demo only)

Consultation Package Builder Commercial

<https://ipac.ecosphere.fws.gov/>

# IPaC – 10 Minute Tour



<https://www.youtube.com/watch?v=MOI9S3le2Tw>

CK

VF

B

RO



Chellby Kilheffer

Victoria Foster

Barry

Ryan Orndorff

+13023\*\*\*\*90

IPaC: Home

IPaC: Consultation Package Build

ecos-beta.fws.gov/ipac/



U.S. Fish &amp; Wildlife Service

CHELLBY KILHEFFER

## IPaC Information for Planning and Consultation

Powered by ECOS - the Environmental Conservation Online System

Last login June 08, 2021 08:42 AM

IPaC is a project planning tool that streamlines the USFWS environmental review process

[GET STARTED](#)[MY PROJECTS](#)

[Need an updated species list?](#)

This is a **beta version** of IPaC



The beta version is intended for testing only; there is no guarantee that data entered here will be preserved. Please use the [production \(live\) IPaC](#) if you are not testing.

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# Pop Quiz!

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Define action area;  
Use IPaC to get  
preliminary species  
and critical habitat  
list.

Could the action affect any  
listed species or critical  
habitat on the IPaC list?

Steps 2 & 3

No – consultation is  
not required.  
“No Effect”

Yes – are adverse  
effects likely?  
Step 4

No – request  
concurrence from  
USFWS.  
Informal Consultation

Yes – request formal  
consultation.  
Formal Consultation

# IPaC TAKEAWAY

- You need project info to begin:

- Project location to define action area
- Timing of the project to determine impact on species lifecycle (particularly if there are multiple phases to consider)
- If stressors to any species or habitat will occur due to the project
- Knowledge of the project area to apply IPaC results

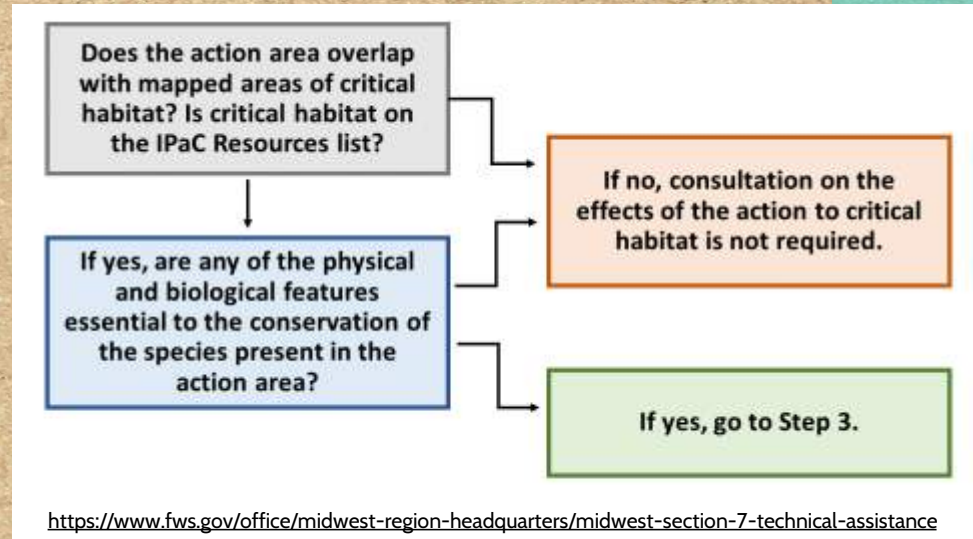


Table 1. General guidelines for evaluating whether species on the IPaC Endangered Species list may be present in an action area. If species-specific survey guidelines are available, follow those guidelines to carry out surveys and to interpret results, as appropriate.

Is the Species' Habitat Present in the Action Area?	Species Survey Result	Conclusion	Next Step	Comments
No	Survey not warranted	Species not present in action area	Consultation not required	Consider the potential for the species' habitat to become established in the action area before effects of the action have ended.
Yes	Survey(s) for species in the action area are negative	Species not present in action area <sup>1</sup>	Consultation not required	<sup>1</sup> Plan and implement surveys and interpret results in coordination with USFWS and/or in accordance with USFWS-recommended survey protocols.
Yes	Survey data unavailable or inconclusive for action area	Assume species is present in the action area.	<a href="#">Proceed to Step 3</a>	<sup>1</sup> Plan and implement surveys and interpret results in coordination with USFWS and/or in accordance with USFWS-recommended survey protocols.
Yes	Survey(s) for species in the action area are positive	Species is present	<a href="#">Proceed to Step 3</a>	<sup>1</sup> Plan and implement surveys and interpret results in coordination with USFWS and/or in accordance with USFWS-recommended survey protocols.



# Dkey: Determination Key

- Generates automated responses for projects that qualify for predetermined consultation outcomes based on an existing programmatic consultation or internal USFWS standing analysis.
  - User is guided through logically structured sets of questions
  - Automated, instant response may be an USFWS concurrence letter
  - Significantly reduces the time to complete consultation for qualifying projects

## Possible Dkey Effect Determinations

<b>Dkey Determination</b>	<b>Description</b>	<b>Dkey Result</b>
No effect	There will be no impacts, positive or negative, to federally-listed species or designated critical habitat from the proposed action.	Consistency letter that shows you've met your consultation requirements under the Endangered Species Act. No further concurrence will be provided for "no effect" determinations.
Not likely to adversely affect	All effects to federally-listed species or designated critical habitat from the proposed action would be insignificant, discountable, and/or completely beneficial	Verification letter (if federal agency) or consistency letter (if non-federal representative); 30 day "verification period" for concurrence for federal projects.
May affect	The Dkey could not rule out the potential for adverse effects. In some cases, additional information is required in order to complete the review. Other times, the activity is covered by an existing 4(d) rule or formal consultation.	May Affect letter – review language carefully to see whether additional coordination is needed or if a "verification period" applies (i.e., for NLEB 4(d) Dkey).

# Heads up...

The screenshot shows the U.S. Fish & Wildlife Service IPaC (Information for Planning and Consultation) website. The header includes the USFWS logo and the text "U.S. Fish & Wildlife Service" and "IPaC Information for Planning and Consultation". A "LOG IN" link is visible in the top right. The main content area features a background image of a lighthouse on a cliff overlooking the ocean. A yellow notification box is overlaid on the page, stating: "The northern long-eared bat determination key has been disabled as we prepare to release the final tools and consultation guidance for the northern long-eared bat this summer. We will announce the availability of the new key as soon as it is in production." Below the notification, the text "IPaC is a pre environmental review process" is partially visible, along with "GET STARTED" and "LOG IN" buttons.

U.S. Fish & Wildlife Service

LOG IN

IPaC Information for Planning and Consultation

The northern long-eared bat determination key has been disabled as we prepare to release the final tools and consultation guidance for the northern long-eared bat this summer. We will announce the availability of the new key as soon as it is in production.

IPaC is a pre environmental review process

GET STARTED LOG IN

# Case Study/Example

Scenarios & potential determination outcomes at a proposed project site in Region V:

- 713 E. 134th St, Chicago, IL

**Note the USFWS definition of developed areas:**

Developed areas are already paved; covered by structures or lawns; or, mowed too frequently to develop semi-natural characteristics.

Be careful when assessing actions that affect 1) rights-of-ways that contains natural or semi-natural vegetation despite periodic mowing or other management; and 2) surface water or groundwater.

# HUD Compliance and Documentation

The HUD environmental review record should contain one of the following determinations, including supporting documentation, to show compliance with the Endangered Species Act:

- **No Effect**, including a determination that the project does not involve any activities that have a potential to affect species or habitats, evidence that there are no federally listed species in the area, or other analysis supporting a No Effect finding
- **May Affect, Unlikely to Adverse Affect**, including all correspondence with the Fish and Wildlife Service or the National Marine Fisheries Service
- **Likely to Adversely Affect**, including all correspondence with the Fish and Wildlife Service or the National Marine Fisheries Service

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# Project Scoping

- Address
- Site visit
- Description of what is onsite & nearby
- Photos
- Maps
- Google Earth
- Site plans
- Parcel plat
- Surveys, prior reports
- Proposed activities
- List of federal T&E species

# 713 E 134th St

E 1331st St

E 1331st St

E 134th St

E 134th St

E 134th St

E 134th St

E 134th St

E 134th St

E 134th St

E 134th St

E 134th St

E 134th St

13389  
13391  
13387  
13395  
13397  
13399

724  
720

702

708

710

714

718

722

645

649

657

661

701

709

705

717

721

725

729

733

741

Google

Layers



# 713 E 134th St Surrounding Area





# 713 E 134th St



## Available Site Data:

- % of parcel developed vs. undeveloped
- Acreage
- Maps incl. aerial
- Photos
- Site inspection/field visit notes
- Number of mature trees & type of trees;
- Proposed plans

# Federally Listed T&E Species & Critical Habitat

Hypotheticals for the proposed site:

- Cook County has 14 federally listed species; of which eight are T&E
- No critical habitat in the vicinity, nearest were identified along Lake Michigan to the east and further west near Palos Hills & Orland Park
- Of the 14 species, able to compare species habitats and range to the site's habitat and were left with one species that may be affected (depending on scope) due to suitable habitat presence, the Northern Long-Eared Bat (NLEB)



Northern Long-Eared Bat, endangered

# **Scenario A: Interior ADA upgrades only**

## **1. Determine whether the project includes any activities with the potential to affect any species or habitats:**

- Utilizing the proposed scope of work, which is interior work only, according to HUD and USFWS guidance, a No Effect Determination can be made.

## **2. Is USFWS consultation required?**

- “No Effect” projects do not require consultation per HUD and USFWS
- HUD ERR should include a thorough analysis and documentation supporting the determination.

## **3. What Part 58/50 Supporting Documentation is needed?**

- Site-specific Section 7 determination answer in HEROS or on Part 58 report with reasoning (or IPaC printout); scope of work description document, Official Species List

## Scenario B: Demolition & New Construction

1. **Determine whether the project includes any activities with the potential to affect species or habitats.**
  - Scope of work includes exterior work, site clearance, and tree removal; therefore, there are activities with potential to affect species or habitats.
  - The site contains suitable habitat for the northern long-eared bat and within the bat's range, per USFWS (spring, summer, & fall suitable habitat of both live trees and snags, or dead trees, with suitability to retain bark or provide cavities or crevices).
  - The proposed activities include removing suitable habitat for a protected species; therefore, a “No Effect” determination cannot be automatically made. A “May Affect” determination is the next option.

## Scenario B: Demolition & New Construction

### 2. Is USFWS consultation required?

- If the project “May Affect” listed species and/or critical habitats, consultation is required.
- Consultation could be informal or formal. A “May Affect but Not Likely to Adversely Affect” is informal and a “Likely to Adversely Affect” is formal.
- In IPaC, additional steps can be taken to continue the informal consultation concurrence process online. Often, activities can be covered by adherence to conditions applied by the DKey (an IPaC function only).
- While IPaC is required to generate the official T&E list, it is not required for further consultation. Consultation with USFWS field office can be conducted via email. You may also be required to contact the field office if a DKey was not applicable in IPaC.
- USFWS Midwest Technical [website](#) has guidance on what to submit and includes a template letter. USFWS will either concur with the “May Affect but Not Likely to Adversely Affect” determination or inform you that the action is “Likely to Adversely Effect” and needs formal consultation.

## Scenario B: Demolition & New Construction

### 3. What Part 58/50 supporting documentation is needed?

- Site specific answer and summary of consultation process in HEROS/ERR; all correspondence with USFWS
- For the case study site, conducted through IPaC, was able to apply a DKey for NLEB, and conclude Section 7 process. Conditions in USFWS generated letter, provided either through IPaC or in consultation with Field Office, are included in mitigation/conditions in HEROS/ERR (ex. tree removal dates).
- Please note, projects that USFWS determines to be “Likely to Adversely Affect” need formal consultation, which involves additional coordination often involving surveys and will require additional time to accommodate.

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## **Example Case Study Take Aways:**

- Importance of site-specific data of field conditions to assess potential suitable habitats
  - Location near natural features
  - Well-defined scope of work
  - Current & official list of federally protected species
  - IPaC can streamline the Section 7 consultation process but still needs preparer to provide site-specific information
  - Additional time may be needed for informal or formal consultation to conclude
  - Additional surveys may be required by USFWS (or NMFS)
-



Northern Lynx, threatened

# 06

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## Common Missteps

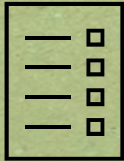
What to avoid during a Section 7  
consultation

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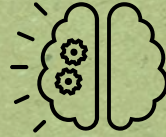


# WHAT WE HAVE SEEN

**Broad species list**



**No project analysis**



**Critical habitat vs.  
suitable habitat  
confusion**



**Outdated or  
unreliable species  
lists**



Whooping Crane, Threatened

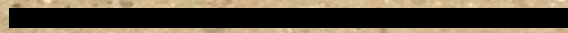
# Species List



## Common Missteps

- Only creating and uploading a species list with no determination or analysis
- Using state- or county-wide species list
- Infrequently updated or static species list

Scientific Name	Common Name	Where Listed
Birds		
<a href="#">Charadrius melodus</a>	Piping Plover	[Great Lakes watershed DPS] - Great Lakes, watershed in States of IL, IN, MI, MN, NY, OH, PA, and WI and Canada (Ont.)
<a href="#">Calidris canutus rufa</a>	rufa red knot	Wherever found
<a href="#">Grus americana</a>	Whooping crane	U.S.A. (AL, AR, CO, FL, GA, ID, IL, IN, IA, KY, LA, MI, MN, MS, MO, NC, NM, OH, SC, TN, UT, VA, WI, WV, western half of WY)
Clams		
	Higgins eve	



# Species List

## Best Practices

- Utilize IPaC
- Narrow your species list and analysis to the project area
- Request a new species list for every project and for every location.



The following species are potentially affected by activities in this location:

### Mammals

NAME	STATUS
------	--------

<b>Northern Long-eared Bat</b> <i>Myotis septentrionalis</i>	<b>Endangered</b>
--	-------------------

Wherever found

This species only needs to be considered if the following condition applies:

- This species only needs to be considered if the project includes wind turbine operations.

No critical habitat has been designated for this species.

<https://ecos.fws.gov/ecp/species/9045>

<b>Tricolored Bat</b> <i>Perimyotis subflavus</i>	<b>Proposed Endangered</b>
---	----------------------------

Wherever found

No critical habitat has been designated for this species.

<https://ecos.fws.gov/ecp/species/10515>

### Birds

NAME	STATUS
------	--------

<b>Whooping Crane</b> <i>Grus americana</i>	<b>EXPN</b>
---	-------------

No critical habitat has been designated for this species.

<https://ecos.fws.gov/ecp/species/758>

CONSULTATION

# Outdated or Unreliable Species List

**AVOID  
THESE  
MISSTEPS!**

Only annually updating a  
species list

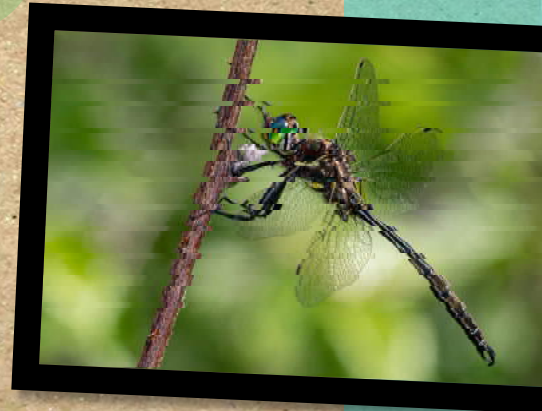


Local GIS sources not  
vetted by USFWS

RE-uploading saved  
species list for various  
projects



Bog Buck Moth, Endangered



Hines Emerald Dragonfly, Threatened

# Project Analysis and Determinations

## Common Blunders

- Inaccurate determinations
- Use of generic autofill language in HEROS
- Lack of supporting documentation
- Conflating suitable habitat with critical habitat

## Better Practices

- Use IPaC to guide determination
  - Include physical description of project area in HEROS narrative
  - Include documentation that supports the project specific determination
  - Review species profile
-

# Example Uploaded Species List

6/3/2019

USFWS - Wisconsin Endangered Species



## Wisconsin Federally-Listed Threatened, Endangered, Proposed, and Candidate Species' County Distribution

[Download PDF of this page](#)

[Download Formatted State List \(no counties\) PDF](#)

For more information about threatened and endangered species in Wisconsin, please contact:  
[U.S. Fish and Wildlife Service, 2661 Scott Tower Drive, New Franken, WI 54229, Phone: \(920\) 866-1717](#)

### **Bald Eagle**

Bald eagles are no longer protected under the federal Endangered Species Act and Section 7 consultation with the U.S. Fish and Wildlife Service is no longer necessary. However, the bald eagle remains protected under the Bald and Golden Eagle Protection Act.

[Information about Bald Eagles](#)

[Information about Eagle Permits and the Bald and Golden Eagle Protection Act](#)

### **Gray Wolf**

Due to a Federal court decision, wolves in the western Great Lakes area (including Michigan, Minnesota, and Wisconsin) were relisted under the Endangered Species Act, effective December 19, 2014.

Revised Jan. 10, 2018

Species	Status	Counties	Habitat
<b>Mammals</b>			
<a href="#">Canada lynx</a> ( <i>Lynx canadensis</i> )	Threatened	Ashland, Bayfield, Burnett, Douglas, Florence, Forest, Iron, Marinette, Oneida, Price, Sawyer, Vilas, Washburn	While no resident populations are known from Wisconsin, the species occasionally occurs in northern forested areas, and counties listed are those with the

---

**What are the  
issues with this  
uploaded species  
list?**

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# Best Practices



**Maintenance and  
Restoration Plans**

Create plans for habitat restoration and maintenance of the habitat.

**Native  
Biodiversity**

Incorporate planting native species, using certain pesticides, and fertilizers

**Policy and  
Procedures**

Include taking ESA training in your Policies and Procedures





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# THANKS

Please enter any last questions into the chat now and we'll do our best to answer them live.

[CLICK HERE](#) to register for RETS 04!

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