

USFWS Information for Planning and Consultation and Biological Assessment

Biological Resources / Threatened and Endangered Species

[US Fish and Wildlife IPaC Website - https://ipac.ecosphere.fws.gov/](https://ipac.ecosphere.fws.gov/)

Informal Consultation Request

The U.S. Fish and Wildlife Service (Service) is implementing the following procedure for NBEAD projects carried out through the Nebraska Broadband Office (NBO). When ISPs are ready to pursue informal consultation with the Service, submit the following items to NebraskaES@fws.gov with the subject line “NBEAD *User Project Code, City, County*, IPAC 2025-1234567, CERT-123456 ” replacing the italicized information with those specific to the project. To ensure the Service’s ability to serve you quickly and efficiently, please include the following in the body and attachments of the email:

- Request for informal consultation
- Official Species List Generated in IPaC
- Any associated Determination Keys (DKeys)
- A Biological Assessment – Project Review Request Form
- Map
- Any other Relevant Documents (CERT)

Account and Project Creation

- Open the Information for Planning and Consultation (IPaC) tool online by clicking the hyperlink OR copy/paste the URL in your web browser.
- In order to use IPaC, you will need to create an account. You can use an existing login.gov account to login to IPaC.

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](#).

- If you do not have an existing login.gov account, please create one by clicking on **Log In with Login.gov**. You will be redirected to the official website and prompted to **Create an account**.



- Once you have created an account and are signed in to IPaC, you will be redirected to the homepage. To create a new project, click on **Get Started**.



- You must first define the project boundary. Under **Find Location**, search or zoom to find the location of your project. If you have a **KMZ** file from Google Earth or a zipped **ESRI Shapefile**, you can upload that instead by clicking on **Upload Geometry**.

1 Find location

Search or zoom to find the project location

Or skip this step and:

UPLOAD GEOMETRY



UPLOAD GEOMETRY

- Click on **Browse** and navigate to the location of your desired file. When done, click **OK**.

To upload a shape file, create a zip containing the *.shp, *.shx, *.dbf (and *.prj if it is not in Lat/Lon). You may also upload a Google Earth file (*.kml, *.kmz) or a GeoJSON Feature Collection (*.json, *.geojson).

Note: Shape files have a size limit of 2MB total and 30K vertices
Helpful Tip: Please simplify your shape file prior to uploading, especially for detailed maps such as CAD drawings.

BROWSE...

▶ [Demo: Using shape file upload for IPaC projects](#) 1m 30s
[How do I create a multipart polygon feature to use in the IPaC mapper?](#)

OK

- You can also draw the project boundary in by hand by selecting **Sketch**, **Polygon**, or **Line**.

2 Define area

Draw the area where activities will occur

Select a drawing tool

-  SKETCH
-  POLYGON
-  LINE

- You can change the basemap at any point by hovering over the icon in the bottom left and choosing your desired imagery.



- Once you've defined the project boundary, click **Continue**.

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: 60.46 acres

CONTINUE

START OVER

- Once you click continue, your screen will look something like this. On the left-hand side, it lists potential resources found within your project boundary. Click through the different menus on the left to learn more about resources that have the potential to be impacted.

Resources

- ENDANGERED SPECIES 8
- BALD & GOLDEN EAGLES 1
- MIGRATORY BIRDS 4
- FACILITIES
- WETLANDS

PRINT RESOURCE LIST

What's next?

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

DEFINE PROJECT

Endangered species

Listed species and their critical habitats are managed by the [Ecological Services Program](#) of the U.S. Fish and Wildlife Service (USFWS) and the fisheries division of the National Oceanic and Atmospheric Administration (NOAA Fisheries).

Species and critical habitats under the sole responsibility of NOAA Fisheries are **not** shown on this list. Please contact [NOAA Fisheries](#) for [species under their jurisdiction](#).

Additional information on endangered species data is provided [below](#).

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

THUMBNAILS LIST SPECIES GUIDELINES

Mammals

Endangered

- In order to generate and Official Species List, click **Define Project**.

PRINT RESOURCE LIST

What's next?

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

DEFINE PROJECT

- To define a project and generate an official species list, fill in the information below to the best of your knowledge. Make sure to include all activities taking place, staging areas, major phases of construction, etc. Name the project "NBEAD_*projcode*_BA" and replacing the italicized text with project specific information. Click **Save**.

Project name

NBEAD_*projcode*_BA

Project description

Describe the location, size, scope, and timing of this project.

SAVE CANCEL

- Once saved, your screen will look something like this. To start the review, click **Start Review**.

NBEAD_*projcode*_BA

No description provided.



What's next?

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

START REVIEW

SPECIES LIST
To request an official species list, including updated lists, please select the 'Start Review' button.

Official Species List Generated in IPaC

- As part of the informal consultation request to Service, an official species list is requested. In order to request an official species list, click **Yes, Request a Species List**.

Does this project require an official species list?

Federal agencies are required to "request of the Secretary of Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action" ([Section 7](#) of the Endangered Species Act).

This requirement applies to projects that are **conducted, permitted, funded, or licensed** by any Federal agency.

NOTE: Generating an official species list does not start the consultation clock for a project.

YES, REQUEST A SPECIES LIST SKIP / DOES NOT APPLY

- This project will be funded as part of the Broadband Equity, Access, and Deployment (BEAD) program, which is funded by the Bipartisan Infrastructure Law (BIL). Select **Yes**.

Is this project being conducted, permitted, funded, or licensed by a Federal agency?

Yes

No

- As described above, this project is being funded by BIL. Select **Bipartisan Infrastructure Law (BIL) (Other)**.

Does your project fall under (or receive funding through) any of the following special project authorities? (select all that apply)

FAST-41

BIPARTISAN INFRASTRUCTURE LAW (BIL) (OTHER)

INFLATION REDUCTION ACT (IRA) (OTHER)

- Select the entity that you represent. Depending on what you select, you may be asked to answer more questions regarding your role and who the lead federal agency is.

What kind of organization are you working for directly?

Please select... ▾

Please select...

Tribe

State Agency

Territory Agency

Federal Agency

City

County

Non-Governmental Organization

None - Private Entity

with the Privacy Act (5 U.S.C. 552a).

- Select your role in the project.

What is your role in this project?

Please select... ▼

Please select...

- Lead Project Proponent
- Supporting Project Proponent
- Lead Regulatory Agency
- Supporting Regulatory Agency
- Consultant**
- Applicant
- Co-Applicant

296, 6 U.S.C. 121; and Executive Order 9373) and will be maintained in accordance with the Privacy Act (5 U.S.C. 552a).

- Select the lead federal agency if you haven't already done so. The lead federal agency is the **National Telecommunications and Information Administration (NTIA)**.

What kind of organization is the lead agency for this project?

Federal Agency ▼

Who is the lead agency?

National Telecommunications and Information Administration

- Enter your work contact information. This information should automatically be filled out if you created an account.

Enter your work contact information

Please provide your work contact information only. Personal information **should not** be provided.

- Enter the project name and description if you haven't done so.

Project name

NBO IPaC Guide

Project description

REQUIRED

- Project Type: Type in “Communications / Weather” and select the most relevant project type from the available options.

Select your project type
Select the broad category or "purpose" for doing the work (e.g., housing, transportation, etc.) that is most applicable to your project. Details about on-the-ground activities should be provided in the project description box.

Communications / Weather REQUIRED

- Maintenance/Modification of Communication Tower
Category: Communication Towers
Industry Category: Communications / Weather
- Meteorological Tower New Construction
Category: Meteorological Tower
Industry Category: Communications / Weather
- New Constr - Above Ground
Category: Communication Lines
Industry Category: Communications / Weather
- New Constr - Below Ground
Category: Communication Lines
Industry Category: Communications / Weather

- Confirm your project location is accurate and select **Submit Official Species List Request**. Your official species list will be available for review after it is processed.

Processing species list request

 The request was submitted about a minute ago and should be available shortly. If it doesn't process within 24 hours, please contact us.

Your species list request was submitted and is currently being processed. An official species list will be available momentarily. **Note that official species lists are no longer emailed.**

- Once the official species list request has been completed, your screen will look something like this. From here, you can open up your species list.

Species list request complete

 This species list was generated 12 minutes ago. Species lists are considered valid for 90 days.

An official species list has been generated for the following office.

 [Species List: Nebraska Ecological Services Field Office](#)

This document is also available on the [Documents](#) page.

- To save the report and view it in your PDF viewer of choice, navigate to the top right of your screen and click Save/Download.

- Google Chrome: 

- Microsoft Edge: 
- Mozilla Firefox: 

Associated D-Keys

- As part of the informal consultation request to Service, any associated Determination Keys (DKeys) are being requested. If any DKeys are available, they will pop up under **Step 2**. DKeys simplify the review process for certain species and project types and help arrive at a recommended determination. Not every project will have DKeys available. Click **Evaluate**.

American Burying Beetle Consultation and 4(d) Rule Consistency

Release date: January 8, 2025

This decision key is intended to help project proponents (federal and non-federal) determine if your proposed action is consistent with activities excepted from prohibited take, as defined in the October 15, 2020 American burying beetle 4(d) rule.

EVALUATE SKIP / DOES NOT APPLY

- Read through the key description for further background information. Click **Check if My Project Qualifies**.

CHECK IF MY PROJECT QUALIFIES SKIP / DOES NOT APPLY

- If your project qualifies, your screen will look something like this. Answer the questions truthfully and to the best of your knowledge.

EVALUATING: AMERICAN BURYING BEETLE CONSULTATION AND 4(D) RULE CONSISTENCY

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.

- Once you answer all the questions and complete the DKey, you will be given an effects determination for that specific species: **No Effect (NE)**, **Not Likely to Adversely Affect (NLAA)**, or **May Affect (MA)**. Based on the determination, you may or may not have to provide more information. Reference the table below for steps moving forward. Click

Save and Continue.

Table 2. Possible effects determinations at conclusion of North Dakota Endangered

| Dkey Determination | Description | Dkey Result |
|--------------------------------|---|---|
| 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). |

- There may be additional questions based on the species and project type. Continue to answer the questions to the best of your knowledge.
- Once you have answered all the questions, a determination will be made. In this example, a determination of "No Effect" was made. Select **Generate Technical Assistance Letter**. Select **View/Change Answers** if you feel there is missing information.

Generate a technical assistance letter for your records

GENERATE TECHNICAL ASSISTANCE LETTER

VIEW / CHANGE ANSWERS

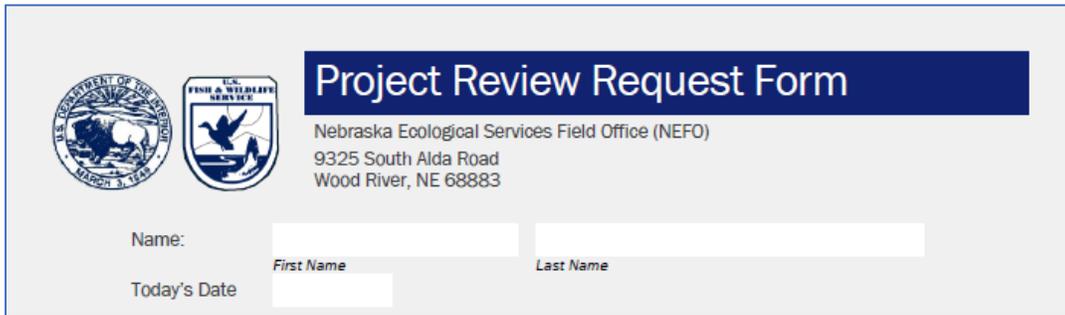
- Once the technical assistance letter has been generated, you can open it up and save it to your computer. The letter **ONLY** covers the specific species and does not satisfy consultation for the other species included in the official list. Complete the remaining DKeys (if any are available). The technical assistance letter(s) will need to be attached when requesting informal consultation with the Service.

  VIEW TECHNICAL ASSISTANCE LETTER

CONTINUE

Biological Assessment – Project Review Request Form

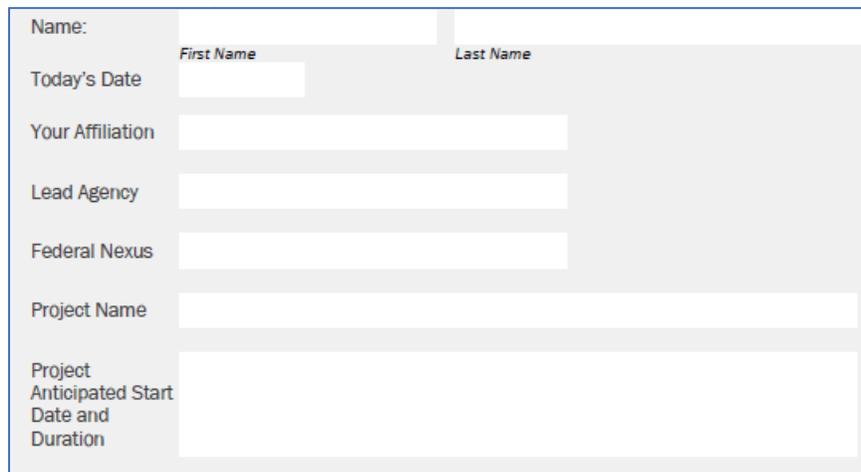
- As part of the informal consultation request to Service, a **Project Review Request Form** will be required to be filled out. You can find the form at this link:
https://broadband.nebraska.gov/media/gbtbva2t/nbead_projcode_ba.pdf



The header section of the form includes two circular logos on the left: the U.S. Department of the Interior seal and the U.S. Fish & Wildlife Service seal. To the right of the logos is a dark blue box with the title "Project Review Request Form" in white. Below the title, the text reads: "Nebraska Ecological Services Field Office (NEFO), 9325 South Alda Road, Wood River, NE 68883".

Below the header, there are input fields for "Name:" (with sub-labels "First Name" and "Last Name") and "Today's Date".

- Fill out all the required fields in the form.



The main body of the form contains several input fields:

- Name: (with sub-labels "First Name" and "Last Name")
- Today's Date
- Your Affiliation
- Lead Agency
- Federal Nexus
- Project Name
- Project Anticipated Start Date and Duration

- Select from the list of applicable potential activities. If you do not see any activity listed that will be required for the project, please note this in the Project Description section.

| | | |
|-------------------------|--------------------------|--|
| Project Type Activities | <input type="checkbox"/> | Aboveground Enclosure Installation |
| | <input type="checkbox"/> | Aerial Fiber Installation (Existing) |
| | <input type="checkbox"/> | Aerial Fiber Installation (New) |
| | <input type="checkbox"/> | Backfilling |
| | <input type="checkbox"/> | Clearing and Grubbing - Tree and Shrub |
| | <input type="checkbox"/> | Clearing and Grubbing - Non-woody Vegetation |
| | <input type="checkbox"/> | Directional Boring |
| | <input type="checkbox"/> | Erosion Control – Barriers |
| | <input type="checkbox"/> | Erosion Control – Erosion Checks |

- Include a sentence referencing that the ISPs are applying for funding on behalf of the Nebraska Broadband Office for the Nebraska Broadband Equity, Access, and Deployment (NBEAD) funding. EXAMPLE:

| | |
|---------------------|--|
| Project Description | Internet Service Provider [Name] is completing an environmental review with the USFWS on behalf of the Nebraska Broadband Office (NBO) for the NBEAD funding program. If applicable, Internet Service Provider [Name] has hired [Consultant Company Name] to complete this environmental review process. |
|---------------------|--|

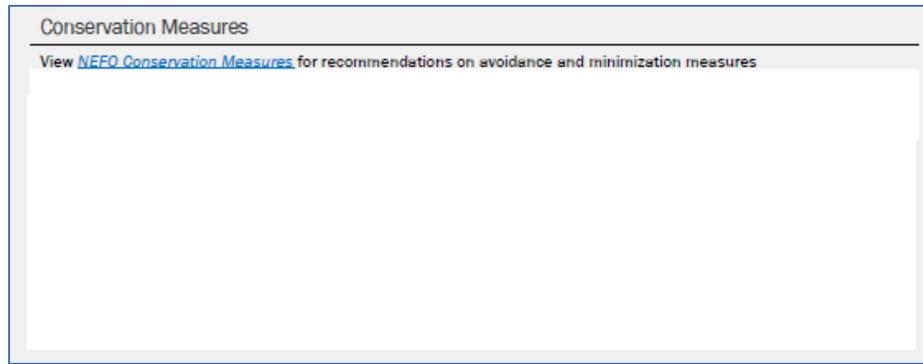
- Fill out the information below. Refer to the **Glossary of Terms** hyperlink if you are unfamiliar with terminology.

| | |
|--|----------------------|
| IPaC Project Code | <input type="text"/> |
| Project Location | <input type="text"/> |
| Action Area* | <input type="text"/> |
| <small>Visit https://ipac.ecosphere.fws.gov/ to create an IPaC project. Please include an official species list and all applicable Dkeys along with this form in project review request.</small> | |
| *Section 7 Consultation Technical Assistance Glossary of Terms | |

- Fill out the information below for **each** species/critical habitat identified on the official species list. Refer to the list for more species-specific information. Relevant Stressors can include alterations of physical, chemical, or biological resources as a result of the Project Type Activities that can induce an adverse organism response.

| Species in Action Area | | | |
|--------------------------|----------------|---|----------------------------|
| Species/Critical Habitat | Species Status | Suitable Habitat Present (Yes/No) <small>View NREO Conservation Measures for Habitat</small> | Define Relevant Stressors* |
| | | | |
| | | | |
| | | | |

- Include any conservation measures you intend to implement as part of the project. Implementing conservation measures may reduce the impact of stressors to discountable levels or reduce adverse responses to insignificant levels.



The Nebraska Ecological Services Field Office has prepared a list of standardized Conservation Measures for all federally listed species in Nebraska. Implementation of these voluntary conservation measures where practicable will contribute to the proponents' responsibilities under Section 7(a)2 of the Endangered Species Act to avoid, minimize, and compensate for potential impacts to federally listed species. This list can be found at the NEFO link provided in this section.

- Make an effect determination (**No Effect; May Affect, Not Likely to Adversely Affect; May Affect, Likely to Adversely Affect**) for each species/critical habitat. Please refer to the section below to make an effect determination.

| Effect Determinations | |
|--|--------------------------|
| <i>Make an effect determination of the action for each species and critical habitat. Consider the above species habitat presence, relevant stressors, and voluntary avoidance / minimization measures. View NEFO project planning and review Step 2e for more information about effect determinations.</i> | |
| Determination | Species/Critical Habitat |
| No Effect | |
| May Affect, Not Likely to Adversely Affect | |
| May Affect, Likely to Adversely Affect | |
| Excluded from Analysis (for proposed or candidate species only) | |

Note - The NTIA in collaboration with the NTIA have determined several activities that would be considered to have "No Effect" on listed species or designated critical habitat. This list with their specific conditions can be found in Appendix A of the [NTIA FWS Non-Federal Designation Memo](#)

- Each species on the official species list will receive an effect determination.
 - **No Effect (NE):** A 'No Effect' conclusion would be appropriate if the proposed action or activity caused by the proposed action would have no consequences to federally listed species or designated critical habitats. If you determine that the action or activity will result in a no effect determination, then Section 7 consultation is not required. The proponent should document the "No Effect" determination and rationale justifying their no effect. The proponent is not required to notify the Service or seek our concurrence with a no effect determination as the Service is not legally required to review it, concur with it, or provide comments on it. In order for an action agency to determine if any

activities will have "No Effect" on listed species or critical habitat(s) in the Action Area, the determination must be able to be made for ALL species and critical habitats in the Action Area.

- May Affect - Not Likely to Adversely Affect (NLAA):** A proposed action warrants a "May Affect, Not Likely to Adversely Affect" finding when its effects - and the effects of other activities that are caused by the proposed action - are wholly beneficial, insignificant, or discountable. Beneficial effects have contemporaneous positive effects without any adverse effects to the species or habitat. Insignificant effects relate to the size of the impact and include those effects that are undetectable, not measurable, or cannot be evaluated. Discountable effects are those extremely unlikely to occur. These determinations require informal consultation and written concurrence from the Service.
- May Affect - Likely to Adversely Affect (LAA):** A proposed action warrants a "May Affect, Likely to Adversely Affect" finding when the proposed action - or other activities caused by the proposed action - will have negative consequences to listed species or resources. These determinations require formal consultation and written concurrence from the Service.

Specific terms, definitions, criteria and wording for use in section 7 consultation documents
Doug Laye - Eastern Idaho Field Office – March 2011

| Effects Category | Effects Sub - category | Criteria necessary for inclusion in category or sub-category | Effects Determination wording/phrase | Action Needed by Action Agency | Response from FWS |
|---|---|--|---|---|---|
| No Effect <i>Definition -</i> "Proposed action will not affect listed species" | None | "Action won't pose <u>any</u> effects to listed species or designated critical habitat." <i>(Remember that effects are measured at the individual scale not population scale. And don't forget to consider whether any effects could occur through an indirect mechanism e.g. changes to its habitat, etc.)</i> | No Effect (NE) | Document rationale for findings in project file | None |
| ----- Or ----- ↓ | | | | | |
| May Affect <i>Definition -</i> "A proposed action that may pose any effect to listed species or designated critical habitat" | May affect - Not Likely to Adversely Affect (NLAA) | <i>Discountable</i> = those effects that are extremely unlikely to occur. Based on best judgment a person would not expect discountable effects to occur. <i>Insignificant</i> = based on best judgment, a person would not be able to meaningfully measure, detect, or evaluate insignificant effects. Insignificant effects should never reach the level where take* occurs. <i>Beneficial</i> = are contemporaneous positive effects without any adverse effects (<i>even short term</i>) to the species. | May affect - Not Likely to Adversely Affect (NLAA) | After informal consultation, discussions and preparation of a biological assessment on impacts to the species - request a concurrence letter from the FWS | If the FWS agrees with action agency's assessment and determinations - they issue a concurrence letter. If FWS does not concur, discussions and consultation between agencies continues |
| | May Affect - Likely to Adversely Affect (LAA) | "...the effect is <u>not</u> insignificant, discountable or beneficial..." <i>[see definitions above]</i> | May Affect - Likely to Adversely Affect (LAA) | Submit biological assessment and request formal consultation from the FWS | Issue a biological opinion, and if adverse effects are likely to result in Take* - issue an Incidental Take Statement with Terms and Conditions |

* **Take** (Section 9 of the Act) is defined as "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect, or to attempt to engage in any such conduct". **Harm** is further defined by the Service (50 CFR, §17.3) as an act which actually kills or injures wildlife. Such act may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering. **Harass** is defined by the Service (50 CFR, §17.3) as an intentional or negligent act or omission which creates the likelihood of injury to wildlife by annoying it to such an extent as to significantly disrupt normal behavior patterns which include, but are not limited to, breeding, feeding, or sheltering.

- After completing all above steps, compile the following documents for submittal to the USFWS.
 - Project Map
 - Official Species List
 - All applicable DKeys
 - Other relevant project data or documents (e.g. Maps, CERT)

Submit the above items to NebraskaES@fws.gov with the subject line “*NBEAD User Project Code, City, County, IPAC 2025-1234567, CERT-123456*” replacing the italicized information with those specific to the project.

Contact Information

Contact the Nebraska Ecological Services Field Office at:

NebraskaES@fws.gov

Phone: **(308) 382-6468**

Fax: **(308) 384-8835**

Please note that links were current as of the date of public posting of this document but may have changed.

Neither the State of Nebraska, the Nebraska Broadband Office, any employee or officer of either entity, nor any consultants working on their behalf, makes any representation or warranty regarding the accuracy or completeness of the information contained herein. It is the sole responsibility of applicant to comply with all requirements of the Nebraska Broadband Equity, Access, and Deployment (NBEAD) Program, including, but not limited to, compliance with applicable laws and regulations. Any applicant or party relying on this guidance should conduct their own research and hire their own professional consultants, advisers, and attorneys.