



NEBRASKA BEAD PROGRAM

TECHNICAL ASSISTANCE

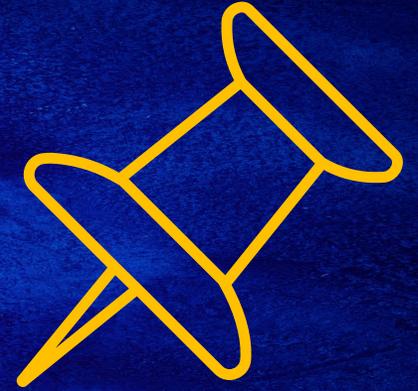
Section 7 Consultation:

U.S. Fish and Wildlife Service

Farmland Protection Policy Act:

U.S. Department of Agriculture –
Natural Resources Conservation Service

Agenda



- US Fish & Wildlife Services Coordination
- USFWS presentation / Q&A
- Farmland Protection and Policy Act (FPPA)
- Q&A

Clarification of the 3 Es

Exemption

CPE only
LEO

Exception

Applies only to
sections

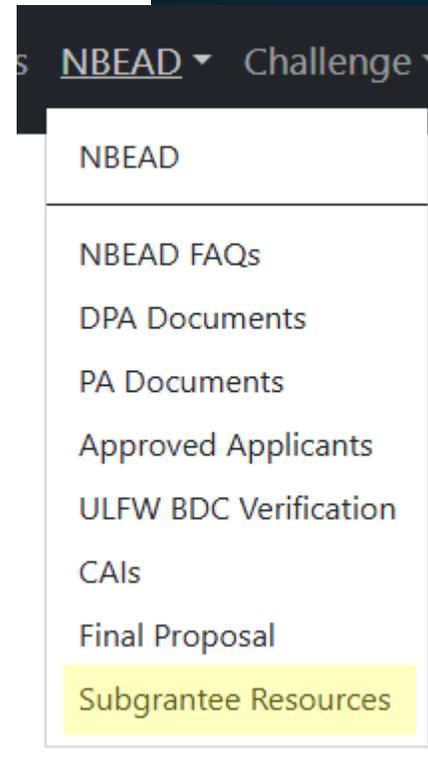
Exclusion

Categorical
exclusion granted
by NTIA

Website Resources

NBEAD/Subgrantee Resources

- NEPA/Permitting questionnaire
- SOPs/step-by-step instruction guides
- DPA environmental summaries
- Last week's slides & recording



Other Resources



NTIA No Effect Determination Memo

https://broadbandusa.ntia.gov/sites/default/files/2025-08/NTIA_FWS_Non-Federal_Designation_Memo_2025.pdf

USFWS & NTIA partnership

Dark fiber

Other examples



Biological assessment form updates

US Fish & Wildlife

Endangered Species Act: Section
7 Consultation

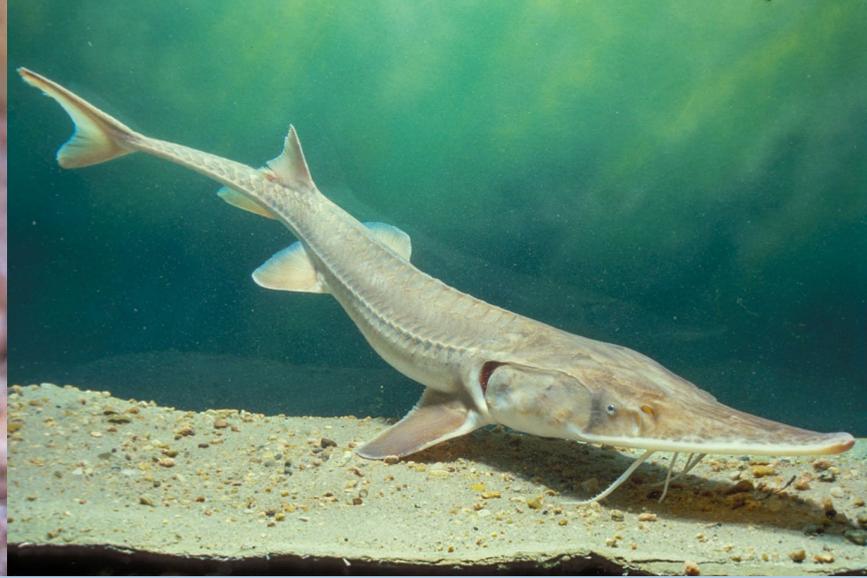
Grace Trankina

Fish & Wildlife Biologist

Nebraska Field Office

U.S. Fish and Wildlife Service





NBEAD Project Consultation

Nebraska Ecological Services Field Office





Consultation Request

To request consultation from the Service, send the following information to NebraskaES@fws.gov

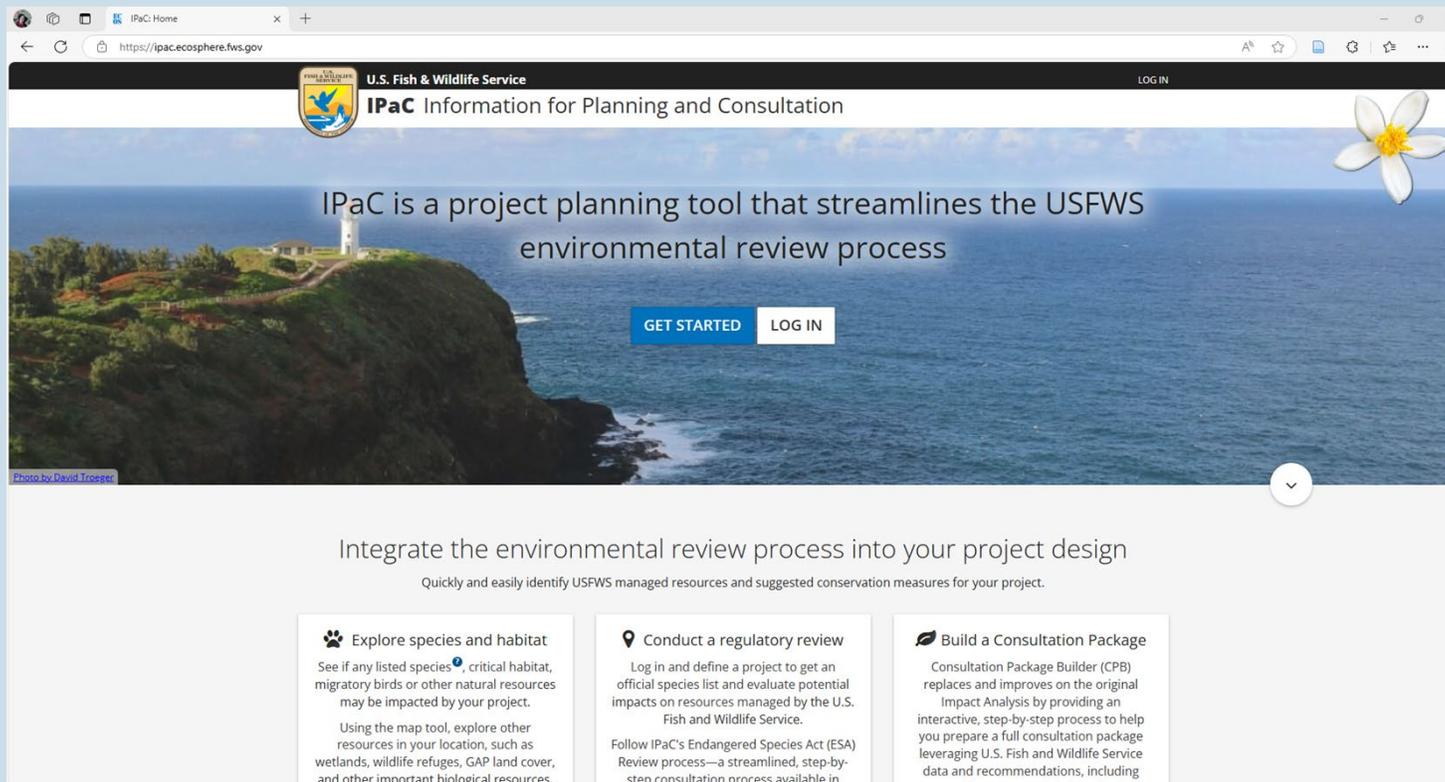
1. **IPaC Official Species List**
2. **IPaC DKey output (if applicable)**
3. **Biological Assessment (BA)**
4. **Any other relevant supporting documents**
 - Engineering plans, landowner agreement, photos or map of the site, etc.



NebraskaES@fws.gov

IPaC

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



For Testing /
Training: IPaC Beta

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

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NebraskaES@fws.gov

IPaC Interface

- Navigate to IPaC
- Login using Login.gov
- Select Get Started
- Find a location
 - Address, lat/long, place name
- Define action area
 - Sketch, Polygon, Line, or Upload options
 - Continue

The screenshot displays the IPaC (Information for Planning and Consultation) web interface. The top navigation bar includes the IPaC logo, the text "Information for Planning and Consultation", "MY PROJECTS", and the U.S. Fish & Wildlife Service logo with the name "GRACE TRANKINA".

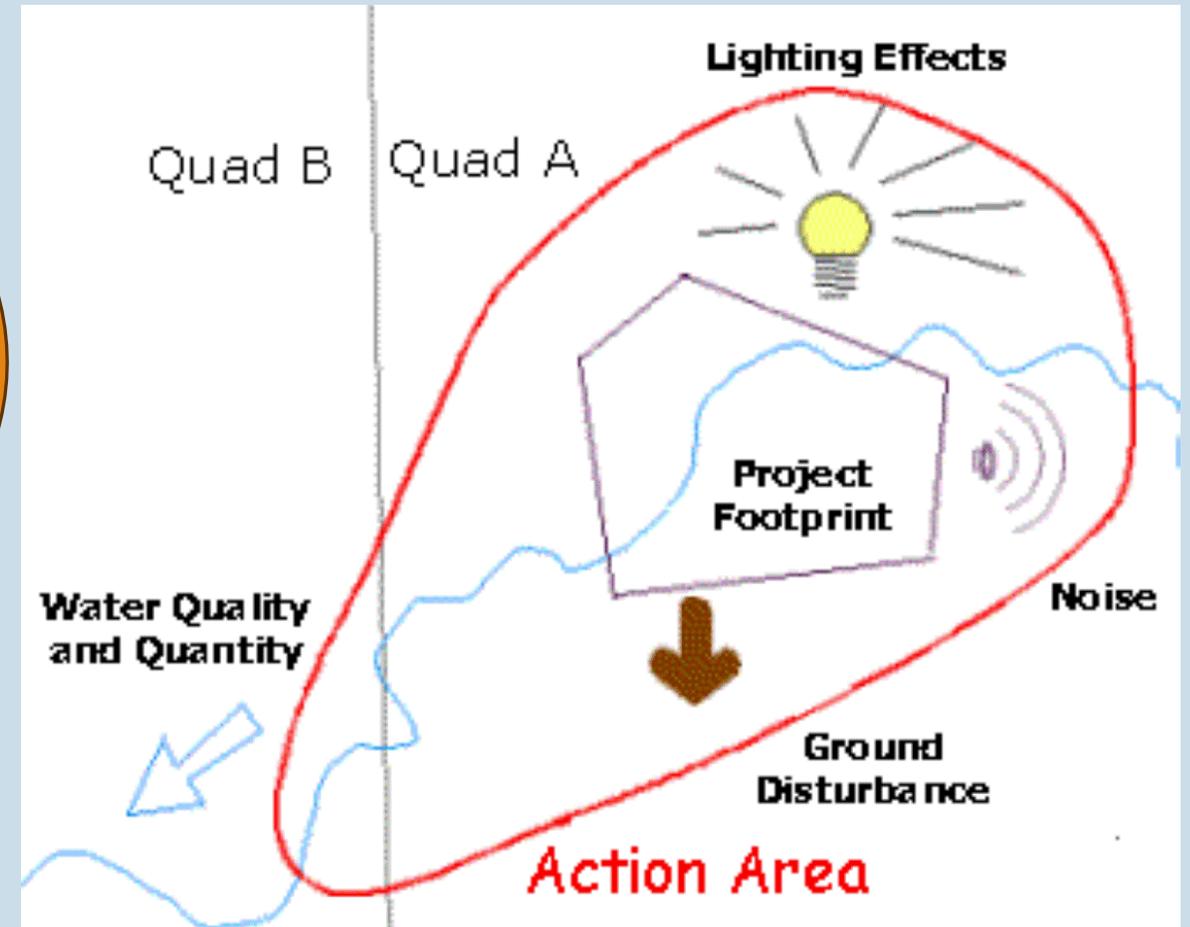
The interface is divided into two main sections:

- 1 Find location:** This section is currently inactive.
- 2 Define area:** This section is active and contains the following elements:
 - Draw the area where activities will occur:** A text prompt for the user.
 - Select a drawing tool:** Three buttons are visible: "SKETCH" (with a pencil icon), "POLYGON" (with a square icon), and "LINE" (with a line icon).
 - Other options:** A button for "UPLOAD GEOMETRY". Below it, a yellow message box states: "Selection by state or county is no longer available."

The main map area shows a satellite view of a landscape with a large body of water (highlighted in green) and a road network. A blue location pin is placed on the map. At the bottom left, there is a "Layers" panel with a "New" tag and an "ADD" button. At the bottom right, there is a "Satellite" button and a small copyright notice: "Leaflet | Powered by Esri | Maxar".

Action Area

The action area is defined by regulation as **all areas to be affected directly or indirectly by the Federal action** and not merely the immediate area involved in the action (50 CFR §402.02).



Project Home Page

IPaC Information for Planning and Consultation
MY PROJECTS

U.S. Fish & Wildlife Service
GRACE TRANKINA ▾

Crane Trust Pasture Example

 Hall County, Nebraska

PROJECT HOME REGULATORY REVIEW LOCAL OFFICE **NE ESFO** ▾

Crane Trust Pasture Example

Utilizing IPaC Demonstration



LOCATION Hall County, Nebraska
CREATED February 11, 2025

1 MEMBER 1 DOCUMENT

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.

Local office

Nebraska Ecological Services Field Office **LEAD**

(308) 382-6468
(308) 384-8835

MAILING ADDRESS
9325 B South Alida Rd., Ste B
Wood River, NE 68883-9565

Resources

This project potentially impacts 26 resources managed or regulated by the U.S. Fish and Wildlife Service.



Project Home Page

Add Members

- Add collaborators to a project so everyone has access.
- All members have ability to make changes

Crane Trust Pasture Example

Utilizing IPaC Demonstration



LOCATION Hall County, Nebraska

CREATED February 11, 2025

1 MEMBER

1 DOCUMENT

Start Review

IPaC Information for Planning and Consultation
MY PROJECTS

U.S. Fish & Wildlife Service
GRACE TRANKINA

Crane Trust Pasture Example

 Hall County, Nebraska

[PROJECT HOME](#) [REGULATORY REVIEW](#) LOCAL OFFICE **NE ESFO**

Crane Trust Pasture Example

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Start Review

- 1 Request an official species list
- 2 Evaluate determination keys
- 3 Effects evaluation using CPB
- 4 Finalize consultation package

Endangered Species Act Review

EXIT REVIEW

Step-by-step consultation process

The Endangered Species Act (ESA) Review in IPaC is a streamlined, step-by-step consultation process. The steps below prepare you for consultation with the U.S. Fish and Wildlife Service or provide official documentation if consultation is not necessary.

- 1 Request an official species list
An official species list must be requested for projects conducted, permitted, funded, or licensed by a Federal agency. Projects unaffiliated with a Federal agency may skip this step.
NOTE: Generating an official species list does not start the consultation clock for a project.
- 2 Evaluate determination keys
Determination Keys are up-front analyses from the U.S. Fish and Wildlife Service that streamline the consultation process for common project types. Each determination key starts with a qualification interview to see if the key is appropriate for your project.
- ~~3 Evaluate effects to remaining species through the Consultation Package Builder~~
When you have listed species in your project area that have not been addressed by a determination key, IPaC's project analysis tool can be used to further analyze your project. The process assists you in making effect determinations and results in a biological analysis document that is suitable for use as a biological assessment that can be submitted to the U.S. Fish and Wildlife Service for consultation.
- ~~4 Finalize your consultation package~~
Print your project documents to PDF.

Nebraska Field Office recommends to skip these optional steps in the review process

For more information about the consultation process, see an [overview of Section 7](#).

CONTINUE

1 Request an official species list

Endangered Species Act Review

← BACK

EXIT REVIEW

1 Request an official species list

2 Evaluate Determination Keys

3 Analyze project (optional)

4 Download documentation

Step 1: Request an official species list

An official species list is a letter from the local U.S. Fish and Wildlife Service field office that assists in the evaluation of potential impacts of your project. It includes a list of species that should be considered under [Section 7](#) of the Endangered Species Act, a project tracking number, and other pertinent information from the field office.

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

1 Request an official species list

Endangered Species Act Review

[← BACK](#) [EXIT REVIEW](#)

1 **Request an official species list** — 2 Evaluate Determination Keys — 3 Analyze project (optional) — 4 Download documentation

Step 1: Request an official species list

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✓ **Species list request complete**
This species list was generated [less than a minute 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.

[REQUEST UPDATED SPECIES LIST](#) [NEXT STEP: DETERMINATION KEYS](#)



United States Department of the Interior
FISH AND WILDLIFE SERVICE
Nebraska Ecological Services Field Office
9325 B South Alda Rd., Ste B
Wood River, NE 68883-9565
Phone: (308) 382-6468 Fax: (308) 384-8835

In Reply Refer To: 02/11/2025 16:28:04 UTC
Project Code: 2025-0001954
Project Name: Crane Trust Pasture Example

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.).

...in the abundance and distribution of ... change this list. Please feel free to ... regarding the potential impacts to ... designated and proposed critical ... implementing section 7 of the ... This verification can be ... ends that verification be ... project planning and ... An updated list may be requested ... used to receive the enclosed list.

... thereby threatened and endangered species and the ... Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 et seq.), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2) (c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended



Please read! Lots of great info

Consultation Request

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4. Any other relevant supporting documents
 - Engineering plans, landowner agreement, photos or map of the site, etc.



NebraskaES@fws.gov

2

Evaluate DKeys

Endangered Species Act Review

[← BACK](#) [EXIT REVIEW](#)

✓ Request an official species list — 2 Evaluate Determination Keys — 3 Analyze project (optional) — 4 Download documentation

EVALUATING: NEBRASKA STATEWIDE DETERMINATION KEY

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. This determination key is intended to assist the user in evaluating the effects of their actions on federally listed species in Nebraska. It does not cover other prohibited activities under the Endangered Species Act (e.g., for wildlife: import/export, Interstate or foreign commerce, possession of illegally taken wildlife, etc.; for plants: import/export, reduce to possession, malicious destruction on federal lands, commercial sale, etc.) or other statutes. Click yes to acknowledge that you must consider other prohibitions of the ESA or other statutes outside of this determination key.

Yes

[CHANGE ANSWER](#)

2. Is the proposed [action](#)(project) authorized, permitted, licensed, funded, or being carried out by a Federal agency in whole or in part?

Yes

[CHANGE ANSWER](#)

3. Are you an employee of the lead Federal Agency?

No

Available DKeys

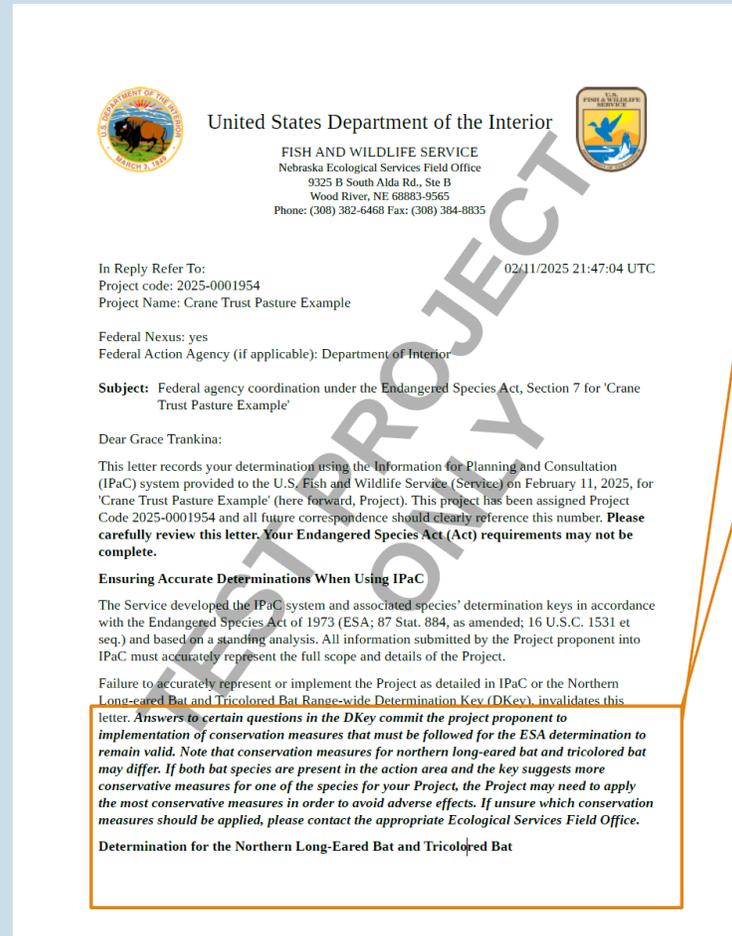
Streamline consultation through IPaC

- Nebraska Statewide DKey - Available soon!
- Bat Rangelwide DKey
- ABB DKey

Don't be afraid of May Affect Determinations,
we are here to help



2 Evaluate Dkeys – NLAA Outcome



letter. **Answers to certain questions in the DKey commit the project proponent to implementation of conservation measures that must be followed for the ESA determination to remain valid. Note that conservation measures for northern long-eared bat and tricolored bat may differ. If both bat species are present in the action area and the key suggests more conservative measures for one of the species for your Project, the Project may need to apply the most conservative measures in order to avoid adverse effects. If unsure which conservation measures should be applied, please contact the appropriate Ecological Services Field Office.**

NLAA determination may be contingent on conservation measures agreed to in DKey (ex. time of year restrictions, keeping tree removal under certain acre threshold, etc.)

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NebraskaES@fws.gov

3

Biological Assessment

IF you determine NLAA or LAA for at least one species on the official species list that is not covered by a DKey, Section 7 consultation is required



3

Biological Assessment

Key information needed:

1. Federal action/funding agency
2. Location
3. Brief project description
4. Project Description
5. Species/CH
6. Effect Determinations
7. Your contact information
8. Request for consultation

Statutory Authorities of Fish and Wildlife

- **Endangered Species Act**
- **Migratory Bird Treaty Act**
- **Bald and Golden Eagle Protection Act**
- **Fish and Wildlife Coordination Act**



NebraskaES@fws.gov

★ Migratory Bird Treaty Act Resources

- Avoid vegetative/tree removal during primary nesting season (~May 1 – July 15)
- Implement risk minimization measures on infrastructure (powerline hazard reduction etc.)
- Nationwide Recommended Best Practices:

<https://www.fws.gov/node/5233941>

Read you IPaC
letters and visit our
website for more!



Bald and Golden Eagle Protection Act

Eagle Incidental Take Permits for Power Lines

<https://www.fws.gov/program/eagle-management/power-line-permits>

Eagle Nest Disturbance Permit:

<https://www.fws.gov/program/eagle-management/eagle-incident-disturbance-and-nest-take-permits>

PermitsR6MB@fws.gov



Ready to request consultation!

To request consultation from the Service, send the following information to NebraskaES@fws.gov

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2. IPaC DKey output (if applicable)
3. Biological Assessment (BA)
4. Any other relevant supporting documents
 - Engineering plans, landowner agreement, photos or map of the site, etc. Send to:
5. Send to:



NebraskaES@fws.gov

Project Planning Guidance Webpage

<https://www.fws.gov/office/nebraska-ecological-services/project-planning-guidance>

The screenshot shows a web browser displaying the U.S. Fish & Wildlife Service website. The page title is "Nebraska Ecological Services Field Office". The main heading is "Welcome to Nebraska Ecological Services Field Office Project Planning and Section 7 Technical Assistance Website". The page provides information about section 7 consultation guidance for federal agencies and their applicants. A "Page Navigation" section includes buttons for "OVERVIEW" and "STEP 1: IDENTIFY PRESENCE".

U.S. Fish & Wildlife Service

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SERVICES | SPECIES | VISIT US | GET INVOLVED | NEWSROOM | INITIATIVES | I WANT TO

Nebraska Ecological Services Field Office

Welcome to Nebraska Ecological Services Field Office Project Planning and Section 7 Technical Assistance Website

This page provides section 7 consultation guidance for federal agencies and their applicants and designated non-federal representatives.

Page Navigation

OVERVIEW

STEP 1: IDENTIFY PRESENCE

Help improve this site

Questions?

Grace Trankina

402-902-0795

grace_trankina@fws.gov

Thank you for your time
and attention!



NebraskaES@fws.gov

Farmland Protection and Policy Act (FPPA)



MINIMIZE THE CONVERSION OF
PRIME AND UNIQUE FARMLAND



CONSIDERS SOIL QUALITY, NOT
CURRENT LAND USE

FPPA

Prime farmland: land with the best combination of physical and chemical characteristics for producing food, feed, fiber, and oilseed crops with minimal fuel, fertilizer, and pesticide inputs.

Unique farmland: land other than prime farmland used for producing high-value food and fiber crops, requiring specific soil, moisture, and location conditions



Natural Resources Conservation Service (NRCS) Consultation

- Email state soil scientists
 - SOP/FPPA guide
 - Acres of conversion
 - Map/information showing the footprint of conversion
 - Acceptable map/information formats:
PDF • Georeferenced ESRI Shapefile •
Georeferenced CADD drawing (.dwg / .dgn) •
Google Earth KMZ / KML
- NRCS has 30 days to begin review
- Some projects may require additional documentation or coordination





FPPA Outcomes

- NRCS determines whether FPPA requirements are met
 - Exception or USDA-FPPA Conversion form
 - Results are documented as part of the NEPA process



Questions

Grace Trankina
Fish & Wildlife Biologist
Nebraska Field Office
U.S. Fish and Wildlife Service



THANK YOU

nbo.admin@nebraska.gov

www.broadband.nebraska.gov