

## Part 190 – Ecological Sciences

### Subpart 397 – Threatened and Endangered Species Guidance

#### 397.0 Purpose

To provide direction on using an updated system to evaluate the potential effects to Federally listed threatened and endangered species (T&E species) when planning conservation activities.

#### 397.1 References

[IPaC: Home fws.gov](https://www.fws.gov)

[Ecological Sciences - Documents - All Documents \(sharepoint.com\)](#)

#### 397.2 Abbreviations

BA – biological assessment  
BO – biological opinion  
CRP – Conservation Reserve Program  
CSP – Conservation Stewardship Program  
EQIP – Environmental Quality Incentives Program  
ESA – Endangered Species Act  
FSA – Farm Service Agency  
HPZ – high potential zone  
NRCS – Natural Resources Conservation Service  
RPBB – Rusty Patched Bumble Bee  
T&E – threatened and endangered  
USFWS – U.S. Fish and Wildlife Service

#### 397.3 Background

In 2011, NRCS and U.S. Fish and Wildlife Service (USFWS) completed an informal programmatic section 7 consultation that established a streamlined approach for the evaluation of effects to T&E species. The purpose of the programmatic consultation was to quickly identify, analyze, and determine effects to federally protected species as the result of planning and/or application of NRCS conservation activities and fulfill the requirements under the Endangered Species Act (ESA). Consultation under the ESA with the USFWS is required for any NRCS activity that “may affect” a T&E species. To include species that have been added to the T&E list since the existing programmatic consultation process was developed, NRCS, Farm Service Agency (FSA), and USFWS have updated the programmatic consultation process.

#### 397.4 Guidance

A. As of the date of this guidance, the existing NRCS Programmatic Consultation Access Database and the associated evaluation worksheets will **not** be used to evaluate potential effects of NRCS conservation activities on T&E species.

B. NRCS and partner employees will use the USFWS IPaC website ([IPaC: Home fws.gov](https://www.fws.gov/ipac)) to develop a list of potential T&E species for every project where technical and/or financial assistance is being provided. IPaC allows the planner to create a list of potential T&E species for a “project area” instead of developing a list of T&E species for the entire county. All species with distinct sub-county ranges have been updated in IPaC (eastern massasauga rattlesnake, rusty patched bumble bee, Iowa Pleistocene snail, northern monkshood, and Topeka shiner). Therefore, it is important to be precise when delineating the boundaries of the project area. County-level or larger than necessary project delineations may result in species lists with more species than necessary. The IPaC website can be accessed using your LincPass credentials (instructions for login are provided on the [Eco-Sci SharePoint site](#) under Training, Resources, and Materials in the Threatened and Endangered (T&E) Species folder.)

C. Once a list of potential T&E species has been developed and printed, the planner will evaluate the potential impacts of planned conservation activities using the worksheets found on the [Eco-Sci SharePoint site](#) under Training, Resources, and Materials in the Threatened and Endangered (T&E) Species folder. Begin with the All-Species Baseline Assessment. Additional species-specific assessments may need to be completed depending on project location and/or complexity.

D. When the rusty patched bumble bee (RPBB) occurs on the list of T&E species for a specific project area, the project area falls within a high potential zone (HPZ) for RPBB. If a project is in a HPZ and the landowner is planning to install conservation measures that will create habitat for the RPBB (seeding that includes at least 4 native forbs) using NRCS funds (CSP, EQIP, or other NRCS programs), the planner must submit a report of created habitat to the NRCS State Office. The required form is the final page of the RPBB NRCS Project Assessment. Directions for completing the form are in the “Reporting Form Instructions” document. Refer to the T&E Contacts document to determine who to send the completed form to. Both the Reporting Form Instructions document and the T&E Contacts document can be found on the [Eco-Sci SharePoint site](#) under Training, Resources, and Materials in the Threatened and Endangered (T&E) Species folder. NRCS is required to use these documents to complete the formal consultation process (Tier 2 BA/BO) and submit an annual report to U.S. Fish and Wildlife Service of all projects that use NRCS funds to create habitat for the RPBB. The final Tier 2 documents will provide take coverage for landowners that incorporate management actions on suitable habitat or decide to remove habitat at the end of the contract.

If NRCS is working on the Conservation Reserve Program (CRP) or other FSA programs, the planner will note in the CPA-52 that the project falls within a HPZ for RPBB, and that habitat will be created (if the appropriate habitat is being planned). FSA will be responsible for USFWS consultation requirements when CRP creates habitat for the RPBB and the RPBB is listed on the IPaC species list.

E. When accessing the T&E worksheets on the Eco-Sci Share Point site, download the appropriate worksheets to your desktop. Once you have completed the worksheets, they should be printed and placed in the client’s case file along with the CPA-52. Once the completed worksheets have been printed, they should be deleted from your desktop. Access the Eco-Sci SharePoint site every time you need a worksheet. This ensures you are using the most current version of the appropriate worksheet.