



U.S. Fish & Wildlife Service

DKey: Determination Key

What is a Determination Key?

DKeys are logically-structured sets of questions which assist a user in determining whether a project qualifies for a predetermined consultation outcome based on an existing programmatic consultation or internal USFWS standing analysis.

DKeys are delivered through the Information for Planning and Consultation (IPaC) web application.

Visit:

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

Geospatial Data

DKeys can leverage maps and a user-drawn project location to automatically answer geospatially-based questions.

DETERMINATION KEY

FHWA, FRA, FTA Programmatic Consultation for Transportation Projects affecting NLEB or Indiana Bat

Release date: March 16, 2018

This decision key is intended for projects/activities funded or authorized by the Federal Highway Administration (FHWA), Federal Railroad Administration (FRA), and/or Federal Transit Administration (FTA), which require consultation with the U.S. Fish and Wildlife Service (Service) under Section 7 of the Endangered Species Act (ESA) for the endangered Indiana bat (*Myotis sodalis*) and the threatened Northern long-eared bat (NLEB) (*Myotis septentrionalis*).

This decision key should only be used to verify project applicability with the Service's [February 5, 2018, FHWA, FRA, FTA Programmatic Biological Opinion for Transportation Projects](#). The programmatic biological opinion covers limited transportation activities that may affect either bat species, and addresses situations that are both likely and not likely to adversely affect either bat species. This decision key will assist in identifying the effect of a specific project/activity and applicability of the programmatic consultation. The programmatic biological opinion is not intended to cover all types of transportation actions. Activities outside the scope of the programmatic biological opinion, or that may affect ESA-listed species other than the Indiana bat or NLEB, or any designated critical habitat, may require additional ESA Section 7 consultation.

Species covered by this key

This key covers the following species expected to occur in this project area:

Indiana Bat *Myotis sodalis*
Northern Long-eared Bat *Myotis septentrionalis*

For more information about this determination key, including a list of all potential questions, refer to the [detailed overview](#).

[CHECK IF MY PROJECT QUALIFIES](#) [SKIP / DOES NOT APPLY](#)

Sample Dkey

EVALUATING: FHWA, FRA, FTA PROGRAMMATIC CONSULTATION FOR TRANSPORTATION PROJECTS AFFECTING NLEB OR INDIANA BAT

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. Is the project within the range of the Indiana bat^[1]?

[1] See [Indiana bat species profile](#)

☒ Automatically answered
Yes

2. Is the project within the range of the Northern long-eared bat^[1]?

[1] See [Northern long-eared bat species profile](#)

☒ Automatically answered
Yes

3. Which Federal Agency is the lead for the action?

- ☐ A) Federal Highway Administration (FHWA)
☐ B) Federal Railroad Administration (FRA)
☐ C) Federal Transit Administration (FTA)
☐ D) Other

CANCEL

EVALUATION PROGRESS

[SAVE FOR LATER](#)

Sample geospatial questions

Data Management

DKeys collect and store project information that can be queried and analyzed at anytime.

Data gathering and input is no longer a separate work step as it is built into the DKey process.

Automated Responses

DKeys generate automated USFWS responses for projects that are consistent with the underlying programmatic consultation or internal standing analysis.

Automatic final consultation letters are logged directly into TAILS and the appropriate USFWS Field Office is notified of issuance.

EVALUATING: FHWA, FRA, FTA PROGRAMMATIC CONSULTATION FOR TRANSPORTATION PROJECTS AFFECTING NLEB OR INDIANA BAT

Project questionnaire

Complete this project questionnaire to see your determination and generate official documentation.

Have you made a No Effect determination for *all* other species indicated on the FWS IPaC generated species list?

☐ Yes
☒ No

Have you made a May Affect determination for *any* other species on the FWS IPaC generated species list?

☐ Yes
☒ No

How many acres^[1] of trees are proposed for removal between 0-100 feet of the existing road/rail surface?

[1] If described as number of trees, multiply by 0.09 to convert to acreage and enter that number.

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CONTINUE Next, you can see your determination and request automated concurrence verification for this project.

SAVE FOR LATER

Sample project information

EVALUATING: FHWA, FRA, FTA PROGRAMMATIC CONSULTATION FOR TRANSPORTATION PROJECTS AFFECTING NLEB OR INDIANA BAT

Determination key result

You have reached a determination of may affect - not likely to adversely affect based on this determination key. Review the guidance below and request USFWS concurrence verification for this project.

Based on your answers provided, this project(s) may affect the endangered Indiana bat and/or the threatened Northern Long-eared Bat. The U.S. Fish and Wildlife Service pursuant to Section 7(a)(2) of the Endangered Species Act (16 U.S.C. 1531 *et seq.*) is requiring this project may rely on the concurrence provided in the Programmatic Biological Opinion for Transportation Projects within the Range of the Indiana Bat and Northern Long-eared Bat.

Concurrence verification was requested less than a minute ago and is pending review. Concurrence verification was requested automatically.

VIEW CONCURRENCE VERIFICATION LETTER

CONTINUE REVIEW

United States Department of the Interior
FISH AND WILDLIFE SERVICE
Pennsylvania Regional Office
100 East Main Street
P.O. Box 100
State College, PA 16801-0100
Phone (814) 244-4000 Fax (814) 244-4148
<http://www.fws.gov/pennsylvania>

February 12, 2019

To Whom It May Concern:

The U.S. Fish and Wildlife Service (Service) has received your request dated to verify that the proposed action is within the scope and adheres to the criteria of the FWS, including the adoption of applicable avoidance and minimization measures, any effect, but is not likely to adversely affect (NLA) the endangered Indiana bat (*Myotis grisescens*) and/or the threatened Northern Long-eared Bat (*Myotis septentrionalis*).

Based on the information you provided (Project Description shown below), you have determined that the proposed action is within the scope and adheres to the criteria of the FWS, including the adoption of applicable avoidance and minimization measures, any effect, but is not likely to adversely affect (NLA) the endangered Indiana bat (*Myotis grisescens*) and/or the threatened Northern Long-eared Bat (*Myotis septentrionalis*).

The Service has 14 calendar days to verify the lead Federal action agency or designated non-Federal representative if we determine that the proposed action does not meet the criteria for a NLA determination under the FWS. If we do not verify the lead Federal action agency or designated non-Federal representative within that timeframe, you may proceed with the proposed action under the terms of the NLA concurrence provided in the FWS. This verification period allows Service Field Offices to apply local knowledge to implementation of the FWS, as we may identify a small subset of actions having impacts that were unanticipated. In such instances, Service Field Offices may request additional information that is necessary to verify instances of the proposed action under the FWS.

Sample results

Time investment vs. payoff for USFWS biologists

Investment: Time to develop DKeys depends on the complexity of existing programmatic consultation (or internal standing analysis). On average, a biologist familiar with an existing programmatic consultation can provide all the necessary information for coding the DKey to the IPaC team in a few weeks. New programmatic consultations can take months to develop, but time can be saved if they are intentionally developed for delivery via IPaC.

Payoff: DKeys are a valuable tool in providing consistent, transparent, and expeditious responses to requests for consultation, and for automating responses on projects which are similar in nature. Ideally, they can be established to handle “routine” consultations, thereby allowing biologists to focus on more complex projects. Time savings is realized both through automated processing of the consultation and also in automated data collection.