### PRELIMINARY CORRIDOR STUDY ALABAMA S.R. 167 & 52 COFFEE, DALE, AND GENEVA COUNTIES BIORESOURCES PROJECT NO. WL22-468

### SAIN PROJECT NO. BUILD-0167(517), SA#19-0363

Prepared for:

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### PRELIMINARY CORRIDOR STUDY ALABAMA S.R. 167 & 52 COFFEE, DALE, AND GENEVA COUNTIES, BIORESOURCES PROJECT NO. WL22-470

#### 1. INTRODUCTION

BioResources, LLC was retained by SAIN Associates, Inc. for the purpose of evaluating the Alabama S.R. 167 and 52 corridors for the presence of Waters of the U.S. (wetlands and streams under the jurisdiction of the U.S. Army Corps of Engineers (USACE)) and federally listed species. This evaluation will provide useful information for planning improvements to both highways. Fieldwork was performed in June 2022.

The study area consists of approximately 25 miles of S.R. 167 from its intersection with U.S. 84 in Enterprise to the Florida state line (Coffee, Dale, and Geneva Counties) and approximately 11 miles of S.R. 52 from Geneva to Hartford (Geneva County). The corridor evaluated included approximately 600 feet on both sides of each highway.

#### 2. WATERS OF THE U.S.

#### 2.1 Identification of Waters of the U.S.

Identification of all Waters of the U.S. was conducted according to current federal guidance. (*Clean Water Act Jurisdiction Following the U.S. Supreme Court's Decision in Rapanos v. United States & Carabell v. United States* (December 2, 2008)). In addition, delineation of wetlands was conducted according to the *Corps of Engineers Wetland Delineation Manual* (1987) and the *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Atlantic and Gulf Coastal Plain Region (Version 2.0)* (2010). Mapping of Waters of the U.S. and related features was provided digitally in .kmz and GIS formats.

#### 2.2 Jurisdictional Wetlands

Many jurisdictional wetlands were identified in the study area. Areas identified as wetlands met the three parameter definition of wetlands (vegetation, soils, and hydrology). They were mapped in red in the digital constraints mapping.

#### **2.3 Jurisdictional Streams**

Numerous jurisdictional streams were identified in the study area. Each stream was classified by hydrology. Perennial streams were mapped in blue; intermittent streams were mapped in light blue. No ephemeral streams were observed in the study area.

#### **2.4 Deepwater Habitats**

Impoundments found in the study area would be classified as deepwater habitats. Most commonly, these features were embankment ponds that were constructed from the impoundment of a jurisdictional stream. These features are Waters of the U.S., but are considered to be "low quality" and typically do not require mitigation when impacted. Deepwater habitats are mapped in orange.

#### **2.5 Jurisdictional Ditches**

Four jurisdictional ditches were observed within the study area (three on the north side of S.R. 52 and one on the east side of S.R. 167). These ditches are constructed, but provide a hydrologic connection between other jurisdictional features. These features are Waters of the U.S., but are considered to be "low quality;" however, wetland mitigation credits are typically required when they are impacted. Jurisdictional ditches are mapped in yellow.

#### 2.6 Non-jurisdictional Water Features (Not Waters of the U.S.)

Several non-jurisdictional water features were observed throughout the study area. Most of these are isolated features that have no hydrologic connection to other Waters of the U.S. Some of them are wet areas that lack the vegetation, soils, or hydrology to be considered wetland. They have been included in the constraints mapping in pink. Although they are not jurisdictional at this time, their presence should be noted in case future federal guidance results in them being considered Waters of the U.S.

#### **3. PROTECTED SPECIES**

The project site was evaluated for the presence or absence of appropriate habitat for federally listed species. A survey of habitats was conducted throughout the corridor. The USFWS IPaC lists eight federally endangered and threatened species as possible protected inhabitants of the project site (Table 1). One state listed species (Gopher tortoise) has been included for discussion due to its close association with a federally threatened species (Eastern indigo snake).

Wood storks are not known to breed in the state of Alabama. Following the breeding season individuals disperse from rookeries in eastern Georgia to forage in shallow standing water wetlands throughout the Atlantic and Gulf coastal plains of the southeastern U.S. (Nature Serve; 79 FR pgs 37077-37103, 2014). Wood storks are not known to forage within the study area. No wood storks were observed on or near the study area. However, open water wetlands and shallow ponds within the study area should be considered potential suitable habitat.

Common Name	Scientific Name	Federal Status
Wood stork (bird)	Mycteria americana	Threatened
Eastern indigo snake (reptile)	Drymarchon corais couperi	Threatened
Gopher tortoise (reptile)	Gopherus polyphemus	Candidate
Gulf sturgeon (fish)	Acipenser oxyrinchus desotoi	Threatened
Choctaw bean (mussel)	Villosa choctawensis	Endangered
Fuzzy pigtoe (mussel)	Pleurobema strodeanum	Threatened
Southern kidneyshell (mussel)	Ptychobranchus jonesi	Endangered
Southern sandshell (mussel)	Hamiota australis	Threatened
Tapered pigtoe (mussel)	Fusconaia burkei	Threatened

**Table 1.** Potential Threatened and Endangered Species at the Project Site from IPaC.

Gopher tortoises are federally listed as Threatened west of the Mobile and Tombigbee Rivers; east of the Mobile and Tombigbee Rivers (including the corridor study area), they are not federally listed. However, throughout Alabama, the gopher tortoise is a state protected non-game wildlife species with no authorized taking allowed, and personal possession only allowed by permit. Their burrows are known to provide refugia to federally listed species, including the Threatened eastern indigo snake (*Drymarchon corais couperi*). Burrows typically occur in sandy soils in non-wetland areas. No gopher tortoises, gopher tortoise burrows, or eastern indigo snakes were observed. Detailed surveys are recommended once alternatives have been developed.

All the protected aquatic species require large streams or rivers with sand, gravel, or gravelcobble substrates to survive and reproduce; the Choctawhatchee River is the only waterbody in the study area that could provide adequate habitat to the protected species. The Choctawhatchee River at the S.R. 167 crossing **is recognized** as Critical Habitat for all of the aquatic species (attached IPaC report); the river at the S.R. 52 crossing **is not recognized** as Critical Habitat (attached IPaC report). Impacts to the protected species and their aquatic habitat could be avoided if the river was spanned



# IPaC resource list

This report is an automatically generated list of species and other resources such as critical habitat (collectively referred to as *trust resources*) under the U.S. Fish and Wildlife Service's (USFWS) jurisdiction that are known or expected to be on or near the project area referenced below. The list may also include trust resources that occur outside of the project area, but that could potentially be directly or indirectly affected by activities in the project area. However, determining the likelihood and extent of effects a project may have on trust resources typically requires gathering additional site-specific (e.g., vegetation/species surveys) and project-specific (e.g., magnitude and timing of proposed activities) information.

Below is a summary of the project information you provided and contact information for the USFWS office(s) with jurisdiction in the defined project area. Please read the introduction to each section that follows (Endangered Species, Migratory Birds, USFWS Facilities, and NWI Wetlands) for additional information applicable to the trust resources addressed in that section.



## Local office

Alabama Ecological Services Field Office



1208 B Main Street Daphne, AL 36526-4419

# Endangered species

# This resource list is for informational purposes only and does not constitute an analysis of project level impacts.

The primary information used to generate this list is the known or expected range of each species. Additional areas of influence (AOI) for species are also considered. An AOI includes areas outside of the species range if the species could be indirectly affected by activities in that area (e.g., placing a dam upstream of a fish population even if that fish does not occur at the dam site, may indirectly impact the species by reducing or eliminating water flow downstream). Because species can move, and site conditions can change, the species on this list are not guaranteed to be found on or near the project area. To fully determine any potential effects to species, additional site-specific and project-specific information is often required.

Section 7 of the Endangered Species Act **requires** Federal agencies to "request of the Secretary information whether any species which is listed or proposed to be listed may be present in the area of such proposed action" for any project that is conducted, permitted, funded, or licensed by any Federal agency. A letter from the local office and a species list which fulfills this requirement can **only** be obtained by requesting an official species list from either the Regulatory Review section in IPaC (see directions below) or from the local field office directly.

For project evaluations that require USFWS concurrence/review, please return to the IPaC website and request an official species list by doing the following:

- 1. Draw the project location and click CONTINUE.
- 2. Click DEFINE PROJECT.
- 3. Log in (if directed to do so).
- 4. Provide a name and description for your project.
- 5. Click REQUEST SPECIES LIST.

Listed species<sup>1</sup> and their critical habitats are managed by the <u>Ecological Services Program</u> of the U.S. Fish and Wildlife Service (USFWS) and the fisheries division of the National Oceanic and Atmospheric Administration (NOAA Fisheries<sup>2</sup>).

Species and critical habitats under the sole responsibility of NOAA Fisheries are **not** shown on this list. Please contact <u>NOAA Fisheries</u> for <u>species under their jurisdiction</u>.

- 1. Species listed under the <u>Endangered Species Act</u> are threatened or endangered; IPaC also shows species that are candidates, or proposed, for listing. See the <u>listing status page</u> for more information. IPaC only shows species that are regulated by USFWS (see FAQ).
- 2. <u>NOAA Fisheries</u>, also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

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

## Birds

NAME

Wood Stork Mycteria americana No critical habitat has been designated for this species. <u>https://ecos.fws.gov/ecp/species/8477</u>

## Reptiles

NAME	STATUS
Eastern Indigo Snake Drymarchon couperi Wherever found No critical habitat has been designated for this species. <u>https://ecos.fws.gov/ecp/species/646</u>	Threatened
Gopher Tortoise Gopherus polyphemus No critical habitat has been designated for this species. <u>https://ecos.fws.gov/ecp/species/6994</u>	Candidate
Fishes NAME	STATUS
Gulf Sturgeon Acipenser oxyrinchus (=oxyrhynchus) desotoi Wherever found There is final critical habitat for this species. Your location does not overlap the critical habitat. <u>https://ecos.fws.gov/ecp/species/651</u>	Threatened
Clams	
NAME	STATUS
Choctaw Bean Obovaria choctawensis Wherever found There is final critical habitat for this species. Your location does not overlap the critical habitat. https://ecos.fws.gov/ecp/species/5038	Endangered
Fuzzy Pigtoe Pleurobema strodeanum Wherever found There is final critical habitat for this species. Your location does not overlap the critical habitat. <u>https://ecos.fws.gov/ecp/species/3417</u>	Threatened
Southern Kidneyshell Ptychobranchus jonesi Wherever found There is final critical habitat for this species. Your location does not overlap the critical habitat. <u>https://ecos.fws.gov/ecp/species/7539</u>	Endangered

Threatened

Southern Sandshell Hamiota australis	Threatened
Wherever found There is <b>final</b> critical habitat for this species. Your location does not overlap the critical habitat. <u>https://ecos.fws.gov/ecp/species/2551</u>	
Tapered Pigtoe Fusconaia burkei Wherever found There is final critical habitat for this species. Your location does not overlap the critical habitat. <u>https://ecos.fws.gov/ecp/species/5046</u>	Threatened
Insects NAME	STATUS
Monarch Butterfly Danaus plexippus	Candidate

No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/9743

### Critical habitats

Potential effects to critical habitat(s) in this location must be analyzed along with the endangered species themselves.

There are no critical habitats at this location.

# Migratory birds

Certain birds are protected under the Migratory Bird Treaty Act<sup>1</sup> and the Bald and Golden Eagle Protection Act  $\frac{2}{2}$ 

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats should follow appropriate regulations and consider implementing appropriate conservation measures, as described <u>below</u>.

- 1. The Migratory Birds Treaty Act of 1918.
- 2. The <u>Bald and Golden Eagle Protection Act</u> of 1940.

Additional information can be found using the following links:

- Birds of Conservation Concern https://www.fws.gov/program/migratory-birds/species
- Measures for avoiding and minimizing impacts to birds <u>https://www.fws.gov/library/collections/avoiding-and-minimizing-incidental-take-migratory-birds</u>
- Nationwide conservation measures for birds
   <u>https://www.fws.gov/sites/default/files/documents/nationwide-standard-conservation-measures.pdf</u>

The birds listed below are birds of particular concern either because they occur on the <u>USFWS Birds of</u> <u>Conservation Concern</u> (BCC) list or warrant special attention in your project location. To learn more about the levels of concern for birds on your list and how this list is generated, see the FAQ <u>below</u>. This is not a list of every bird you may find in this location, nor a guarantee that every bird on this list will be found in your project area. To see exact locations of where birders and the general public have sighted birds in and around your project area, visit the <u>E-bird data mapping tool</u> (Tip: enter your location, desired date range and a species on your list). For projects that occur off the Atlantic Coast, additional maps and models detailing the relative occurrence and abundance of bird species on your list are available. Links to additional information about Atlantic Coast birds, and other important information about your migratory bird list, including how to properly interpret and use your migratory bird report, can be found <u>below</u>.

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, click on the PROBABILITY OF PRESENCE SUMMARY at the top of your list to see when these birds are most likely to be present and breeding in your project area.

NAME	BREEDING SEASON
American Kestrel Falco sparverius paulus This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA <u>https://ecos.fws.gov/ecp/species/9587</u>	Breeds Apr 1 to Aug 31
Bald Eagle Haliaeetus leucocephalus This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. <u>https://ecos.fws.gov/ecp/species/1626</u>	Breeds Sep 1 to Jul 31
Brown-headed Nuthatch Sitta pusilla This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA	Breeds Mar 1 to Jul 15
Chimney Swift Chaetura pelagica This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds Mar 15 to Aug 25
Kentucky Warbler Oporornis formosus This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds Apr 20 to Aug 20
King Rail Rallus elegans This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. <u>https://ecos.fws.gov/ecp/species/8936</u>	Breeds May 1 to Sep 5
Lesser Yellowlegs Tringa flavipes This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska	Breeds elsewhere

https://ecos.fws.gov/ecp/species/9679

Prairie Warbler Dendroica discolor This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

**Prothonotary Warbler** Protonotaria citrea This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

Red-headed Woodpecker Melanerpes erythrocephalus This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

Short-billed Dowitcher Limnodromus griseus This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. <u>https://ecos.fws.gov/ecp/species/9480</u>

Swallow-tailed Kite Elanoides forficatus This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. <u>https://ecos.fws.gov/ecp/species/8938</u>

## Probability of Presence Summary

Breeds May 1 to Jul 31

Breeds Apr 1 to Jul 31

Breeds May 10 to Sep 10

Breeds elsewhere

Breeds Mar 10 to Jun 30

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read and understand the FAQ "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

### Probability of Presence (

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

How is the probability of presence score calculated? The calculation is done in three steps:

- 1. The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.
- 2. To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is 0.25/0.25 = 1; at week 20 it is 0.05/0.25 = 0.2.
- 3. The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

To see a bar's probability of presence score, simply hover your mouse cursor over the bar.

#### Breeding Season (=)

Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

#### Survey Effort (|)

Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

To see a bar's survey effort range, simply hover your mouse cursor over the bar.

#### No Data (–)

A week is marked as having no data if there were no survey events for that week.

#### Survey Timeframe

Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.

					probabil	lity of pre	sence	breedin	g season	surve	y effort	– no data
SPECIES	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
American Kestrel BCC - BCR			-	1+++			44,44	t for a	++•-	*-+1	11+1	1 + 1 1
Bald Eagle Non-BCC Vulnerable	1++1	1111	<u>III</u>	<b>1</b> •• •• •			and dia		+ + -		1+11	++)
Brown-headed Nuthatch BCC - BCR	+ • • •	++∎+	++1.	4.4.4.4	-		++++	+++++	+++-	+	++++	++
Chimney Swift BCC Rangewide (CON)	~	7	y	4 <b>-</b> +							+	÷÷
Kentucky Warbler BCC Rangewide (CON)	++++	++++	+++-	+++++	+ • • +		• + + + •	-+	++	+-++	++++	+++
King Rail BCC Rangewide (CON)	++++	<b>*</b> +++	+++-	++-+	* * * *		***	- +	++	<b>+-</b> ++	++++	***
Lesser Yellowlegs BCC Rangewide (CON)	++++	<b>#</b> + <b>#</b> +	11+1	1+++	++++	++	++1+	++++	11-	1 <mark>-+</mark> ++	1+++	+-++
Prairie Warbler BCC Rangewide (CON)	++++	++++	+++	+++	***+	· · + +	++1+		++	+-++	++++	+++
Prothonotary Warbler BCC Rangewide (CON)	++++	++++	+++-	+ • - •	+++	++	++++	-++-	++	+ <b></b> ++	++++	+-++
Red-headed Woodpecker BCC Rangewide (CON)	11+1	1+11	111-	1 + 1	• • • 1		• 1 1 •	·   + ·	1	(-1)	11+1	1-11

Short-billed	++++	++++	+++-	+++	++++	++	++++	-+	1 +	+-++	++++	+-++
Dowitcher			1.1.1									
BCC Rangewide												
(CON)												
Swallow-tailed Kite BCC Rangewide (CON)	++++	++++	∎++-	+ • • •	• • • •	+ +	*++*	-++	++	+-++	++++	+++

#### Tell me more about conservation measures I can implement to avoid or minimize impacts to migratory birds.

<u>Nationwide Conservation Measures</u> describes measures that can help avoid and minimize impacts to all birds at any location year round. Implementation of these measures is particularly important when birds are most likely to occur in the project area. When birds may be breeding in the area, identifying the locations of any active nests and avoiding their destruction is a very helpful impact minimization measure. To see when birds are most likely to occur and be breeding in your project area, view the Probability of Presence Summary. <u>Additional measures</u> or <u>permits</u> may be advisable depending on the type of activity you are conducting and the type of infrastructure or bird species present on your project site.

#### What does IPaC use to generate the list of migratory birds that potentially occur in my specified location?

The Migratory Bird Resource List is comprised of USFWS <u>Birds of Conservation Concern (BCC)</u> and other species that may warrant special attention in your project location.

The migratory bird list generated for your project is derived from data provided by the <u>Avian Knowledge Network (AKN)</u>. The AKN data is based on a growing collection of <u>survey</u>, <u>banding</u>, <u>and citizen science datasets</u> and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle (<u>Eagle Act</u> requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the <u>Rapid Avian Information Locator (RAIL) Tool</u>.

## What does IPaC use to generate the probability of presence graphs for the migratory birds potentially occurring in my specified location?

The probability of presence graphs associated with your migratory bird list are based on data provided by the <u>Avian</u> <u>Knowledge Network (AKN)</u>. This data is derived from a growing collection of <u>survey</u>, <u>banding</u>, <u>and citizen science datasets</u>.

Probability of presence data is continuously being updated as new and better information becomes available. To learn more about how the probability of presence graphs are produced and how to interpret them, go the Probability of Presence Summary and then click on the "Tell me about these graphs" link.

#### How do I know if a bird is breeding, wintering or migrating in my area?

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating or year-round), you may query your location using the <u>RAIL Tool</u> and look at the range maps provided for birds in your area at the bottom of the profiles provided for each bird in your results. If a bird on your migratory bird species list has a breeding season associated with it, if that bird does occur in your project area, there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

#### What are the levels of concern for migratory birds?

Migratory birds delivered through IPaC fall into the following distinct categories of concern:

- 1. "BCC Rangewide" birds are <u>Birds of Conservation Concern</u> (BCC) that are of concern throughout their range anywhere within the USA (including Hawaii, the Pacific Islands, Puerto Rico, and the Virgin Islands);
- 2. "BCC BCR" birds are BCCs that are of concern only in particular Bird Conservation Regions (BCRs) in the continental USA; and

3. "Non-BCC - Vulnerable" birds are not BCC species in your project area, but appear on your list either because of the <u>Eagle</u> <u>Act</u> requirements (for eagles) or (for non-eagles) potential susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or longline fishing).

Although it is important to try to avoid and minimize impacts to all birds, efforts should be made, in particular, to avoid and minimize impacts to the birds on this list, especially eagles and BCC species of rangewide concern. For more information on conservation measures you can implement to help avoid and minimize migratory bird impacts and requirements for eagles, please see the FAQs for these topics.

#### Details about birds that are potentially affected by offshore projects

For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the <u>Northeast Ocean Data Portal</u>. The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the <u>NOAA NCCOS Integrative Statistical Modeling and</u> <u>Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf</u> project webpage.

Bird tracking data can also provide additional details about occurrence and habitat use throughout the year, including migration. Models relying on survey data may not include this information. For additional information on marine bird tracking data, see the <u>Diving Bird Study</u> and the <u>nanotag studies</u> or contact <u>Caleb Spiegel</u> or <u>Pam Loring</u>.

#### What if I have eagles on my list?

If your project has the potential to disturb or kill eagles, you may need to <u>obtain a permit</u> to avoid violating the Eagle Act should such impacts occur.

#### Proper Interpretation and Use of Your Migratory Bird Report

The migratory bird list generated is not a list of all birds in your project area, only a subset of birds of priority concern. To learn more about how your list is generated, and see options for identifying what other birds may be in your project area, please see the FAQ "What does IPaC use to generate the migratory birds potentially occurring in my specified location". Please be aware this report provides the "probability of presence" of birds within the 10 km grid cell(s) that overlap your project; not your exact project footprint. On the graphs provided, please also look carefully at the survey effort (indicated by the black vertical bar) and for the existence of the "no data" indicator (a red horizontal bar). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort bar or no data bar means a lack of data and, therefore, a lack of certainty about presence of the species. This list is not perfect; it is simply a starting point for identifying what birds of concern have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list helps you know what to look for to confirm presence, and helps guide you in knowing when to implement conservation measures to avoid or minimize potential impacts from your project activities, should presence be confirmed. To learn more about conservation measures, visit the FAQ "Tell me about conservation measures I can implement to avoid or minimize impacts to migratory birds" at the bottom of your migratory bird trust resources page.

# Coastal Barrier Resources System

Projects within the John H. Chafee Coastal Barrier Resources System (CBRS) may be subject to the restrictions on federal expenditures and financial assistance and the consultation requirements of the Coastal Barrier Resources Act (CBRA) (16 U.S.C. 3501 et seq.). For more information, please contact the local <u>Ecological Services Field Office</u> or visit the <u>CBRA Consultations website</u>. The CBRA website provides tools such as a flow chart to help determine whether consultation is required and a template to facilitate the consultation process.

There are no known coastal barriers at this location.

#### Data limitations

The CBRS boundaries used in IPaC are representations of the controlling boundaries, which are depicted on the <u>official CBRS</u> <u>maps</u>. The boundaries depicted in this layer are not to be considered authoritative for in/out determinations close to a CBRS boundary (i.e., within the "CBRS Buffer Zone" that appears as a hatched area on either side of the boundary). For projects that are very close to a CBRS boundary but do not clearly intersect a unit, you may contact the Service for an official determination by following the instructions here: <u>https://www.fws.gov/service/coastal-barrier-resources-system-property-documentation</u>

#### Data exclusions

CBRS units extend seaward out to either the 20- or 30-foot bathymetric contour (depending on the location of the unit). The true seaward extent of the units is not shown in the CBRS data, therefore projects in the offshore areas of units (e.g., dredging, breakwaters, offshore wind energy or oil and gas projects) may be subject to CBRA even if they do not intersect the CBRS data. For additional information, please contact <u>CBRA@fws.gov</u>.

Facilities

## National Wildlife Refuge lands

Any activity proposed on lands managed by the <u>National Wildlife Refuge</u> system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

There are no refuge lands at this location.

### **Fish hatcheries**

There are no fish hatcheries at this location.

# Wetlands in the National Wetlands Inventory (NWI)

Impacts to <u>NWI wetlands</u> and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local <u>U.S. Army Corps of Engineers</u> <u>District</u>.

Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.

This location overlaps the following wetlands:

A full description for each wetland code can be found at the National Wetlands Inventory website

**NOTE:** This initial screening does **not** replace an on-site delineation to determine whether wetlands occur. Additional information on the NWI data is provided below.

#### Data limitations

The Service's objective of mapping wetlands and deepwater habitats is to produce reconnaissance level information on the location, type and size of these resources. The maps are prepared from the analysis of high altitude imagery. Wetlands are identified based on vegetation, visible hydrology and geography. A margin of error is inherent in the use of imagery; thus, detailed on-the-ground inspection of any particular site may result in revision of the wetland boundaries or classification established through image analysis.

The accuracy of image interpretation depends on the quality of the imagery, the experience of the image analysts, the amount and quality of the collateral data and the amount of ground truth verification work conducted. Metadata should be consulted to determine the date of the source imagery used and any mapping problems.

Wetlands or other mapped features may have changed since the date of the imagery or field work. There may be occasional differences in polygon boundaries or classifications between the information depicted on the map and the actual conditions on site.

#### Data exclusions

Certain wetland habitats are excluded from the National mapping program because of the limitations of aerial imagery as the primary data source used to detect wetlands. These habitats include seagrasses or submerged aquatic vegetation that are found in the intertidal and subtidal zones of estuaries and nearshore coastal waters. Some deepwater reef communities (coral or tuberficid worm reefs) have also been excluded from the inventory. These habitats, because of their depth, go undetected by aerial imagery.

#### Data precautions

Federal, state, and local regulatory agencies with jurisdiction over wetlands may define and describe wetlands in a different manner than that used in this inventory. There is no attempt, in either the design or products of this inventory, to define the limits of proprietary jurisdiction of any Federal, state, or local government or to establish the geographical scope of the regulatory programs of government agencies. Persons intending to engage in activities involving modifications within or adjacent to wetland areas should seek the advice of appropriate federal, state, or local agencies concerning specified agency regulatory programs and proprietary jurisdictions that may affect such activities.

# IPaC resource list

This report is an automatically generated list of species and other resources such as critical habitat (collectively referred to as *trust resources*) under the U.S. Fish and Wildlife Service's (USFWS) jurisdiction that are known or expected to be on or near the project area referenced below. The list may also include trust resources that occur outside of the project area, but that could potentially be directly or indirectly affected by activities in the project area. However, determining the likelihood and extent of effects a project may have on trust resources typically requires gathering additional site-specific (e.g., vegetation/species surveys) and project-specific (e.g., magnitude and timing of proposed activities) information.

Below is a summary of the project information you provided and contact information for the USFWS office(s) with jurisdiction in the defined project area. Please read the introduction to each section that follows (Endangered Species, Migratory Birds, USFWS Facilities, and NWI Wetlands) for additional information applicable to the trust resources addressed in that section.



## Local offices

Florida Ecological Services Field Office

✓ <u>fw4flesregs@fws.gov</u>

Alabama Ecological Services Field Office

<a></a>
<a></a><

1208 B Main Street Daphne, AL 36526-4419

# Endangered species

# This resource list is for informational purposes only and does not constitute an analysis of project level impacts.

The primary information used to generate this list is the known or expected range of each species. Additional areas of influence (AOI) for species are also considered. An AOI includes areas outside of the species range if the species could be indirectly affected by activities in that area (e.g., placing a dam upstream of a fish population even if that fish does not occur at the dam site, may indirectly impact the species by reducing or eliminating water flow downstream). Because species can move, and site conditions can change, the species on this list are not guaranteed to be found on or near the project area. To fully determine any potential effects to species, additional site-specific and project-specific information is often required.

Section 7 of the Endangered Species Act **requires** Federal agencies to "request of the Secretary information whether any species which is listed or proposed to be listed may be present in the area of such proposed action" for any project that is conducted, permitted, funded, or licensed by any Federal agency. A letter from the local office and a species list which fulfills this requirement can **only** be obtained by requesting an official species list from either the Regulatory Review section in IPaC (see directions below) or from the local field office directly.

For project evaluations that require USFWS concurrence/review, please return to the IPaC website and request an official species list by doing the following:

- 1. Draw the project location and click CONTINUE.
- 2. Click DEFINE PROJECT.
- 3. Log in (if directed to do so).
- 4. Provide a name and description for your project.
- 5. Click REQUEST SPECIES LIST.

Listed species<sup>1</sup> and their critical habitats are managed by the <u>Ecological Services Program</u> of the U.S. Fish and Wildlife Service (USFWS) and the fisheries division of the National Oceanic and Atmospheric Administration (NOAA Fisheries<sup>2</sup>).

Species and critical habitats under the sole responsibility of NOAA Fisheries are **not** shown on this list. Please contact <u>NOAA Fisheries</u> for <u>species under their jurisdiction</u>.

- 1. Species listed under the <u>Endangered Species Act</u> are threatened or endangered; IPaC also shows species that are candidates, or proposed, for listing. See the <u>listing status page</u> for more information. IPaC only shows species that are regulated by USFWS (see FAQ).
- 2. <u>NOAA Fisheries</u>, also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

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

## Birds

NAME

Wood Stork Mycteria americana No critical habitat has been designated for this species. <u>https://ecos.fws.gov/ecp/species/8477</u>

## Reptiles

NAME	STATUS
Eastern Indigo Snake Drymarchon couperi Wherever found No critical habitat has been designated for this species. <u>https://ecos.fws.gov/ecp/species/646</u>	Threatened
Gopher Tortoise Gopherus polyphemus No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/6994	Candidate
Fishes NAME	STATUS
Gulf Sturgeon Acipenser oxyrinchus (=oxyrhynchus) desotoi Wherever found There is final critical habitat for this species. Your location overlaps the critical habitat. <u>https://ecos.fws.gov/ecp/species/651</u>	Threatened
Clams	STATUS
Choctaw Bean Obovaria choctawensis Wherever found There is final critical habitat for this species. Your location overlaps the critical habitat. https://ecos.fws.gov/ecp/species/5038	Endangered
Fuzzy Pigtoe Pleurobema strodeanum Wherever found There is final critical habitat for this species. Your location overlaps the critical habitat. <u>https://ecos.fws.gov/ecp/species/3417</u>	Threatened
Southern Kidneyshell Ptychobranchus jonesi Wherever found There is final critical habitat for this species. Your location overlaps the critical habitat. https://ecos.fws.gov/ecp/species/7539	Endangered

Threatened

Southern Sandshell Hamiota australis	Threatened	
Wherever found		
There is <b>final</b> critical habitat for this species. Your location overlaps the		
critical habitat.		
https://ecos.fws.gov/ecp/species/2551		
Tapered Pigtoe Fusconaia burkei	Threatened	
Wherever found		
There is <b>final</b> critical habitat for this species. Your location overlaps the		
critical habitat.		
https://ecos.fws.gov/ecp/species/5046		
nsocts		
IISECIS		
NAME	STATUS	- N

Monarch Butterfly Danaus plexippus	Candidate
Wherever found	
No critical habitat has been designated for this species.	
https://ecos.fws.gov/ecp/species/9743	

## **Critical habitats**

Potential effects to critical habitat(s) in this location must be analyzed along with the endangered species themselves.

This location overlaps the critical habitat for the following species:

NAME	TYPE
Choctaw Bean Obovaria choctawensis https://ecos.fws.gov/ecp/species/5038#crithab	Final
Fuzzy Pigtoe Pleurobema strodeanum https://ecos.fws.gov/ecp/species/3417#crithab	Final
Gulf Sturgeon Acipenser oxyrinchus (=oxyrhynchus) desotoi https://ecos.fws.gov/ecp/species/651#crithab	Final
Southern Kidneyshell Ptychobranchus jonesi https://ecos.fws.gov/ecp/species/7539#crithab	Final
Southern Sandshell Hamiota australis https://ecos.fws.gov/ecp/species/2551#crithab	Final
Tapered Pigtoe Fusconaia burkei https://ecos.fws.gov/ecp/species/5046#crithab	Final

# Migratory birds

Certain birds are protected under the Migratory Bird Treaty  $Act^{1}$  and the Bald and Golden Eagle Protection Act  $\frac{2}{2}$ .

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats should follow appropriate regulations and consider implementing appropriate conservation measures, as described <u>below</u>.

- 1. The Migratory Birds Treaty Act of 1918.
- 2. The Bald and Golden Eagle Protection Act of 1940.

Additional information can be found using the following links:

- Birds of Conservation Concern <u>https://www.fws.gov/program/migratory-birds/species</u>
- Measures for avoiding and minimizing impacts to birds <u>https://www.fws.gov/library/collections/avoiding-and-minimizing-incidental-take-migratory-birds</u>
- Nationwide conservation measures for birds https://www.fws.gov/sites/default/files/documents/nationwide-standard-conservation-measures.pdf

The birds listed below are birds of particular concern either because they occur on the <u>USFWS Birds of</u> <u>Conservation Concern</u> (BCC) list or warrant special attention in your project location. To learn more about the levels of concern for birds on your list and how this list is generated, see the FAQ below. This is not a list of every bird you may find in this location, nor a guarantee that every bird on this list will be found in your project area. To see exact locations of where birders and the general public have sighted birds in and around your project area, visit the <u>E-bird data mapping tool</u> (Tip: enter your location, desired date range and a species on your list). For projects that occur off the Atlantic Coast, additional maps and models detailing the relative occurrence and abundance of bird species on your list are available. Links to additional information about Atlantic Coast birds, and other important information about your migratory bird list, including how to properly interpret and use your migratory bird report, can be found <u>below</u>.

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, click on the PROBABILITY OF PRESENCE SUMMARY at the top of your list to see when these birds are most likely to be present and breeding in your project area.

BREEDING SEASON

Breeds Apr 1 to Aug 31

American Kestrel Falco sparverius paulus This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA <u>https://ecos.fws.gov/ecp/species/9587</u>

NAME

Bachman's Sparrow Aimophila aestivalis This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. <u>https://ecos.fws.gov/ecp/species/6177</u> Breeds May 1 to Sep 30

Bald Eagle Haliaeetus leucocephalus This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. <u>https://ecos.fws.gov/ecp/species/1626</u>	Breeds Sep 1 to Jul 31
Brown-headed Nuthatch Sitta pusilla This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA	Breeds Mar 1 to Jul 15
Chimney Swift Chaetura pelagica This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds Mar 15 to Aug 25
Kentucky Warbler Oporornis formosus This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds Apr 20 to Aug 20
King Rail Rallus elegans This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. <u>https://ecos.fws.gov/ecp/species/8936</u>	Breeds May 1 to Sep 5
Lesser Yellowlegs Tringa flavipes This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. <u>https://ecos.fws.gov/ecp/species/9679</u>	Breeds elsewhere
Prairie Warbler Dendroica discolor This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 1 to Jul 31
Prothonotary Warbler Protonotaria citrea This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds Apr 1 to Jul 31
<b>Red-headed Woodpecker</b> Melanerpes erythrocephalus This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 10 to Sep 10
Short-billed Dowitcher Limnodromus griseus This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. <u>https://ecos.fws.gov/ecp/species/9480</u>	Breeds elsewhere

Swallow-tailed Kite Elanoides forficatus This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. <u>https://ecos.fws.gov/ecp/species/8938</u>

Breeds May 10 to Aug 31

Wood Thrush Hylocichla mustelina This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

## Probability of Presence Summary

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read and understand the FAQ "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

### Probability of Presence (

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

How is the probability of presence score calculated? The calculation is done in three steps:

- 1. The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.
- 2. To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is 0.25/0.25 = 1; at week 20 it is 0.05/0.25 = 0.2.
- 3. The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

To see a bar's probability of presence score, simply hover your mouse cursor over the bar.

### Breeding Season (=)

Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

### Survey Effort (|)

Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

To see a bar's survey effort range, simply hover your mouse cursor over the bar.

### No Data (–)

A week is marked as having no data if there were no survey events for that week.

### Survey Timeframe

Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.

					probabili	ty of pres	sence	breeding	g season	survey	effort	— no data
SPECIES	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
American Kestrel BCC - BCR			+	<b>I</b> +++	++++	++++	++++	++++	++	++ 1	11+1	1-11
Bachman's Sparrow BCC Rangewide (CON)		+_			++	-+		+-				
Bald Eagle Non-BCC Vulnerable	1++1	[]]]	III	1++++	-i-i-i-i-i-i-i-i-i-i-i-i-i-i-i-i-i-i-i			-++	+ + -	+ - + +	1+1-	+-+
Brown-headed Nuthatch BCC - BCR	+ • + •	++∎+	++∎+	+ + + +	++	-+++	++++	++++	+++-	+	++++	Jeres (
Chimney Swift BCC Rangewide (CON)	<del>***</del> *	+++-	<b>→</b> +++	+ 1 +-+	#1	+	<b>[]</b> *+	I I+	++-	1	1-	+ <b>-</b> +
Kentucky Warbler BCC Rangewide (CON)	++++	++++	++++	++++	+ • • +	++++	++++	***	+  +-	++ <b>+</b> +	++++	++++
King Rail BCC Rangewide (CON)	++++	<b>I</b> +++	+++	++-+	* * * +		ə + + +	-++	++	* <b>-</b> ++	++++	4+-+
Lesser Yellowlegs BCC Rangewide (CON)	++++	<b>Ⅲ</b> + <b>Ⅱ</b> +	11+1	+	+++++	+	++1+	++++	11	(-++	<b>I</b> +++	+-++
Prairie Warbler BCC Rangewide (CON)	++++	++++	++++	<del>***</del> **	+-+-+-	++++	<b>∔+</b> ∎+	+ -	++1-	+++++	++++	+-++
Prothonotary Warbler BCC Rangewide (CON)	++++	<del>++++</del>	++++	++++	+	+ Hirr	+++	++++	+++-	++++	++++	+-++
Red-headed Woodpecker BCC Rangewide (CON)	1+1	IIII	+		I	+		I I + I	11+	1+11	11+1	1-11
Short-billed Dowitcher BCC Rangewide (CON)	++++	++++	+++-	+ + +	***+	++	++++	-++	1+	+-++	+++	+++
SPECIES	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
Swallow-tailed Kite BCC Rangewide (CON)	++++	++++	∎++-	+ + +	··∤∎	<b>║</b> ++	++1+	-++	++	+-++	++++	+++
Wood Thrush BCC Rangewide (CON)	+++	+++-	-++++	+++		++-+	++++	++-+	+++	***		++

Tell me more about conservation measures I can implement to avoid or minimize impacts to migratory birds.

<u>Nationwide Conservation Measures</u> describes measures that can help avoid and minimize impacts to all birds at any location year round. Implementation of these measures is particularly important when birds are most likely to occur in the project area. When birds may be breeding in the area, identifying the locations of any active nests and avoiding their destruction is a very helpful impact minimization measure. To see when birds are most likely to occur and be breeding in your project area, view the Probability of Presence Summary. <u>Additional measures</u> or <u>permits</u> may be advisable depending on the type of activity you are conducting and the type of infrastructure or bird species present on your project site.

#### What does IPaC use to generate the list of migratory birds that potentially occur in my specified location?

The Migratory Bird Resource List is comprised of USFWS <u>Birds of Conservation Concern (BCC)</u> and other species that may warrant special attention in your project location.

The migratory bird list generated for your project is derived from data provided by the <u>Avian Knowledge Network (AKN)</u>. The AKN data is based on a growing collection of <u>survey</u>, <u>banding</u>, <u>and citizen science datasets</u> and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle (<u>Eagle Act</u> requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the <u>Rapid Avian Information Locator (RAIL) Tool</u>.

## What does IPaC use to generate the probability of presence graphs for the migratory birds potentially occurring in my specified location?

The probability of presence graphs associated with your migratory bird list are based on data provided by the <u>Avian</u> <u>Knowledge Network (AKN)</u>. This data is derived from a growing collection of <u>survey</u>, <u>banding</u>, <u>and citizen science datasets</u>.

Probability of presence data is continuously being updated as new and better information becomes available. To learn more about how the probability of presence graphs are produced and how to interpret them, go the Probability of Presence Summary and then click on the "Tell me about these graphs" link.

#### How do I know if a bird is breeding, wintering or migrating in my area?

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating or year-round), you may query your location using the <u>RAIL Tool</u> and look at the range maps provided for birds in your area at the bottom of the profiles provided for each bird in your results. If a bird on your migratory bird species list has a breeding season associated with it, if that bird does occur in your project area, there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

#### What are the levels of concern for migratory birds?

Migratory birds delivered through IPaC fall into the following distinct categories of concern:

- 1. "BCC Rangewide" birds are <u>Birds of Conservation Concern</u> (BCC) that are of concern throughout their range anywhere within the USA (including Hawaii, the Pacific Islands, Puerto Rico, and the Virgin Islands);
- 2. "BCC BCR" birds are BCCs that are of concern only in particular Bird Conservation Regions (BCRs) in the continental USA; and
- 3. "Non-BCC Vulnerable" birds are not BCC species in your project area, but appear on your list either because of the <u>Eagle</u> <u>Act</u> requirements (for eagles) or (for non-eagles) potential susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or longline fishing).

Although it is important to try to avoid and minimize impacts to all birds, efforts should be made, in particular, to avoid and minimize impacts to the birds on this list, especially eagles and BCC species of rangewide concern. For more information on conservation measures you can implement to help avoid and minimize migratory bird impacts and requirements for eagles, please see the FAQs for these topics.

#### Details about birds that are potentially affected by offshore projects

For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the <u>Northeast Ocean Data Portal</u>. The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the <u>NOAA NCCOS Integrative Statistical Modeling and</u> <u>Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf</u> project webpage.

Bird tracking data can also provide additional details about occurrence and habitat use throughout the year, including migration. Models relying on survey data may not include this information. For additional information on marine bird tracking data, see the <u>Diving Bird Study</u> and the <u>nanotag studies</u> or contact <u>Caleb Spiegel</u> or <u>Pam Loring</u>.

#### What if I have eagles on my list?

If your project has the potential to disturb or kill eagles, you may need to <u>obtain a permit</u> to avoid violating the Eagle Act should such impacts occur.

#### Proper Interpretation and Use of Your Migratory Bird Report

The migratory bird list generated is not a list of all birds in your project area, only a subset of birds of priority concern. To learn more about how your list is generated, and see options for identifying what other birds may be in your project area, please see the FAQ "What does IPaC use to generate the migratory birds potentially occurring in my specified location". Please be aware this report provides the "probability of presence" of birds within the 10 km grid cell(s) that overlap your project; not your exact project footprint. On the graphs provided, please also look carefully at the survey effort (indicated by the black vertical bar) and for the existence of the "no data" indicator (a red horizontal bar). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort bar or no data bar means a lack of data and, therefore, a lack of certainty about presence of the species. This list is not perfect; it is simply a starting point for identifying what birds of concern have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list helps you know what to look for to confirm presence, and helps guide you in knowing when to implement conservation measures to avoid or minimize potential impacts from your project activities, should presence be confirmed. To learn more about conservation measures, visit the FAQ "Tell me about conservation measures I can implement to avoid or minimize impacts to migratory birds" at the bottom of your migratory bird trust resources page.

# Coastal Barrier Resources System

Projects within the John H. Chafee Coastal Barrier Resources System (CBRS) may be subject to the restrictions on federal expenditures and financial assistance and the consultation requirements of the Coastal Barrier Resources Act (CBRA) (16 U.S.C. 3501 et seq.). For more information, please contact the local <u>Ecological</u> <u>Services Field Office</u> or visit the <u>CBRA Consultations website</u>. The CBRA website provides tools such as a flow chart to help determine whether consultation is required and a template to facilitate the consultation process.

### There are no known coastal barriers at this location.

#### Data limitations

The CBRS boundaries used in IPaC are representations of the controlling boundaries, which are depicted on the <u>official CBRS</u> <u>maps</u>. The boundaries depicted in this layer are not to be considered authoritative for in/out determinations close to a CBRS boundary (i.e., within the "CBRS Buffer Zone" that appears as a hatched area on either side of the boundary). For projects that are very close to a CBRS boundary but do not clearly intersect a unit, you may contact the Service for an official determination by following the instructions here: <u>https://www.fws.gov/service/coastal-barrier-resources-system-property-documentation</u>

CBRS units extend seaward out to either the 20- or 30-foot bathymetric contour (depending on the location of the unit). The true seaward extent of the units is not shown in the CBRS data, therefore projects in the offshore areas of units (e.g., dredging, breakwaters, offshore wind energy or oil and gas projects) may be subject to CBRA even if they do not intersect the CBRS data. For additional information, please contact <u>CBRA@fws.gov</u>.

# Facilities

## National Wildlife Refuge lands

Any activity proposed on lands managed by the <u>National Wildlife Refuge</u> system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

There are no refuge lands at this location.

### Fish hatcheries

There are no fish hatcheries at this location.

# Wetlands in the National Wetlands Inventory (NWI)

Impacts to <u>NWI wetlands</u> and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local <u>U.S. Army Corps of Engineers</u> <u>District</u>.

### Wetland information is not available at this time

This can happen when the National Wetlands Inventory (NWI) map service is unavailable, or for very large projects that intersect many wetland areas. Try again, or visit the <u>NWI map</u> to view wetlands at this location.

#### Data limitations

The Service's objective of mapping wetlands and deepwater habitats is to produce reconnaissance level information on the location, type and size of these resources. The maps are prepared from the analysis of high altitude imagery. Wetlands are identified based on vegetation, visible hydrology and geography. A margin of error is inherent in the use of imagery; thus, detailed on-the-ground inspection of any particular site may result in revision of the wetland boundaries or classification established through image analysis.

The accuracy of image interpretation depends on the quality of the imagery, the experience of the image analysts, the amount and quality of the collateral data and the amount of ground truth verification work conducted. Metadata should be consulted to determine the date of the source imagery used and any mapping problems.

Wetlands or other mapped features may have changed since the date of the imagery or field work. There may be occasional differences in polygon boundaries or classifications between the information depicted on the map and the actual conditions on site.

#### Data exclusions

Certain wetland habitats are excluded from the National mapping program because of the limitations of aerial imagery as the primary data source used to detect wetlands. These habitats include seagrasses or submerged aquatic vegetation that are found in the intertidal and subtidal zones of estuaries and nearshore coastal waters. Some deepwater reef communities (coral or tuberficid worm reefs) have also been excluded from the inventory. These habitats, because of their depth, go undetected by aerial imagery.

#### Data precautions

Federal, state, and local regulatory agencies with jurisdiction over wetlands may define and describe wetlands in a different manner than that used in this inventory. There is no attempt, in either the design or products of this inventory, to define the limits of proprietary jurisdiction of any Federal, state, or local government or to establish the geographical scope of the regulatory programs of government agencies. Persons intending to engage in activities involving modifications within or adjacent to wetland areas should seek the advice of appropriate federal, state, or local agencies concerning specified agency regulatory programs and proprietary jurisdictions that may affect such activities.