

Appendix G – IPaC Report
USFWS Consultation Letters



United States Department of the Interior



FISH AND WILDLIFE SERVICE
Mississippi Ecological Services Field Office
6578 Dogwood View Parkway, Suite A
Jackson, Mississippi 39213
Phone: (601)965-4900 Fax: (601)965-4340

March 2, 2021

IN REPLY REFER TO:
2020-I-0837

Mr. Michael Johnsen
Federal Railroad Administration
1200 New Jersey Avenue, SE
Washington, DC 20590

Dear Mr. Johnsen:

The Fish and Wildlife Service (Service) has reviewed the information in your letter dated February 23, 2021, regarding the proposed Jackson County Port Authority – North Rail Connector Rail Line Project in Jackson County, Mississippi. Our comments are submitted in accordance with the Endangered Species Act (ESA) (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.).

Based on the information provided in your letter, the Service concurs with your determination that the proposed project “may affect, but is not likely to adversely affect” the Alabama red-bellied turtle. Although there will be minor impacts to foraging habitat associated with bridge pilings and abutments, the effects of the action on this species are expected to be insignificant. No further consultation under the ESA is required with this office unless there are changes in the scope or location of the proposed project.

If you have any questions, please contact David Felder of our office, telephone: (601) 321-1131.

Sincerely,

Stephen M. Ricks
Field Supervisor
Mississippi Field Office



U.S. Department
of Transportation

**Federal Railroad
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

February 23, 2021

Mr. David Felder
U.S. Fish and Wildlife Service
6578 Dogwood View Parkway, Suite A
Jackson, MS 39213

Re: Project Review Request – Section 7, Endangered Species Act
Jackson County Port Authority – North Rail Connector Rail Line, Moss Point, Mississippi

Dear Mr. Felder:

The Federal Rail Administration (FRA) chose Jackson County Port Authority (JCPA) to receive grant funding for the North Rail Connector Project in Jackson County, Mississippi (the Proposed Project). The FRA is preparing an Environmental Assessment for the Proposed Project in accordance with the National Environmental Policy Act (NEPA). Pursuant to 16 U.S.C Section 1536 (Section 7 of the Endangered Species Act) and its implementing regulation (50 Code of Federal Regulation [CFR] part 17) “Endangered and Threatened Wildlife and Plants,” this letter is being transmitted to present project findings. FRA finds the Proposed Project would *not likely adversely affect* the Alabama Red Bellied Turtle (*Pseudemys alabamensis*) and requests concurrence from the US Fish and Wildlife Service (USFWS).

Project Background

JCPA proposes to construct the North Rail Connector, a rail line that would connect an existing rail owned by Mississippi Export Railroad (MSE) that crosses over the Escatawpa River in Moss Point, Mississippi to an existing JCPA-owned rail line that crosses through the Moss Point Industrial and Technology Complex and provides access to the Port of Pascagoula, Bayou Casotte Harbor.

The location of the Proposed Project would be in Section 19, Township 7 South, and Range 5 West of Jackson County, MS. The approximate center point of the proposed rail is at 30.415546 degrees latitude and -88.514452 degrees longitude. The new rail would extend from mile post 2.89 (30.251207/-88.310005) on the north and extend to mile post 2.05 (30.413308/-88.508269) on the east where it would join existing rail. A topographic map, a Habitat Map/Wetland Map and preliminary site plans are provided for your information (Figure 1, Figure 2 and Attachment 1(Figures 2.0-2.3)).

The Proposed Project would be approximately 3,659 linear feet with 2,852 feet of elevated rail and 807 feet of rail constructed on fill or existing uplands. There would be approximately 2,649 cubic

yards of fill at the pile abutments for the elevated rail and in an area of estuarine wetlands. Approximately 0.90 acres of wetlands will be filled associated with the project. An existing grade crossing on Orange Grove Road would be relocated approximately 50 feet to the west to allow for the curve needed to accommodate the train lengths and speed. The existing MSE rail at the west end would need to be adjusted to allow insertion of a turn out to join with the new elevated rail line. For construction, a laydown yard would be established within the MPITC in an area that was recently used for the same purpose. The laydown yard would be approximately 1 acre in size, and not located within a wetland.

The Proposed Project is a modification of a previously permitted rail connector that was proposed to be constructed on fill crossing over the marsh. Based on constructability and costs, and desire to minimize environmental impacts, the layout was changed to cross over a shorter footprint of marsh and uplands. JCPA previously corresponded with USFWS Mississippi Ecological Services Field Office. The previous correspondence indicated that the Alabama Red Bellied Turtle could be in the project area. Based on a visual survey for the Alabama Red Bellied Turtle the USFWS concluded that the project was *not likely to adversely effect* the Alabama Red Bellied Turtle. A copy of the correspondence from USFWS for the previous project footprint is attached (Attachment 2).

Project Purpose and Need

The purpose of the Proposed Project is to provide additional railroad capacity and connectivity between existing infrastructure to support the growing needs of the Port of Pascagoula, Bayou Casotte Harbor. Currently, freight trains that travel from the north on the MSE line must pass through downtown Moss Point and Pascagoula to the Pascagoula Interchange to join CSX rail. This operation regularly blocks vehicular traffic and creates delays at four major roadway intersections. Also, the curve alignment from the existing MSE line entering into the MPITC is too tight for the expected length of train to travel through that area safely. The Proposed Project is needed to remove operational conflicts between railroads, reduce congestion, and accommodate the proposed restoration of passenger rail service.

Project Investigation

The USFWS Information and Planning Consultation (IPaC) Tool was used to determine the potential for any federal threatened and endangered species that may occur in the proposed project location, and/or may be affected by the proposed activities. Attachment 3 contains the IPaC Species List generated for the project area. No critical habitats were identified, however, thirteen endangered, threatened or candidate species were listed as potentially within the project area. Review of this list indicated that only the Alabama Red Bellied Turtle (*Pseudemys alabamensis*) could potentially be present within the project area.

Alabama Red Bellied Turtle – The Alabama Red Bellied Turtle is a large (20 to 25 centimeters carapace length) freshwater and brackish water turtle found in waters with submerged and emergent vegetation, typically in channels with little current bordered by extensive marshes comprised principally of black needle rush (*Juncus roemerianus*) and sawgrass (*Cladium* spp.). The turtle normally has an orange to reddish plastron and a prominent notch at the tip of the upper

jaw, bordered on either side by a toothlike cusp. The elongated carapace is highly arched and elevated along the midline; its highest point is often anterior to the midbody where the carapace is widest. The carapace is brown to olive, with yellow, orange, or reddish streaks and mottling that form distinct, light vertical bars on the pleural scutes. The skin is olive to black with yellow to light orange stripes. The Alabama red-bellied turtle seems to feed almost entirely on aquatic plants. They can be found in varied ecosystems, including brackish marshes, cypress swamps, oxbows, lakes, ponds, bayous, rivers, cattail swamps, and tidally influenced streams and channels. The primary requirement for the species appears to be the existence of suitable foraging habitat, which is typically associated with submergent and emergent vegetation such as watermilfoil (*Myriophyllum spp.*), pondweed (*Potamogeton spp.*), or eelgrass (*Vallisneria spp.*) bordering the waterbodies. When it was designated the state reptile, the Alabama red-bellied turtle was thought to be endemic, meaning found nowhere else in the world. In recent years, however, a population was discovered in the Pascagoula River of southeastern Mississippi.

Females lay eggs between May 14 and August 1 on land bordering coastal rivers and marshes, typically in loamy sand and heavier siltier substrate typically within 600 feet of the shoreline or marsh. Nesting habitat includes open, patchy forest of maritime live oak or longleaf pine, usually within the dripline of large trees, and sometimes at the base of the tree trunk. Most nest sites appear to receive less than 50 percent sunlight.

The Alabama red-bellied turtle was placed on the USFWS Endangered Species List in 1987 and is of the highest conservation concern. It is also protected under the Nongame Species Regulation by the Alabama Department of Conservation and Natural Resources.

Potential measures to protect the ARBT include;

1. Avoid placing "hard" structures (bulkheads, etc.) at the water's edge that may prevent turtle migration to nesting sites. Applicants may also consider natural/nature-based features, when appropriate, that do not prevent turtle migration to nesting sites (e.g. living shorelines).
2. Land disturbing activities within 600 feet of the shoreline (potential nesting habitat) should occur during the non-nesting season (November 1st - April 30th).
3. Impacts to turtle nests may be minimized during nesting season (May 1st – October 31st) by conducting construction activities from the water (e.g. docks, piers, and other similar structures).
4. Removal of in-stream woody debris (basking material) and submerged and emergent vegetation should be avoided to the maximum extent practicable.
5. Avoid dredging projects that contribute to salt water intrusion into turtle habitat (< 5ppt salinity).

The Proposed Project area does include marsh vegetation including black needle rush and saw grass. The proposed rail will be constructed over the marsh on elevated pilings and will only impact marsh at the pilings and abutments. There will be minimal impediments to foraging, swimming and sunning caused by the elevated rail. In addition, the turtles may avoid the area during construction which will be constructed either from land or from existing rail. A portion of the rail will be constructed on uplands and on a small area of marsh that will be filled. This impact will be offset by creation of suitable marsh habitat. A Permittee Responsible Mitigation Plan is

being prepared for the Project. A draft copy of the PRM Plan will be provided under separate cover. Therefore, it does not appear, that the project will have an adverse effect on the Alabama Red Bellied Turtle.

Other Species - Based on review of the IPaC Official Species list, other species on the list do not appear to have the potential to be affected by the project. Information regarding these additional species is provided below.

Wood Stork – (from <https://www.fws.gov/northflorida/Species-Accounts/Wood-stork-2005.htm>) Wood storks are large, long-legged wading birds, about 45 inches tall, with a wingspan of 60 to 65 inches. The plumage is white except for black primaries and secondaries and a short black tail. The head and neck are largely unfeathered and dark gray in color. The bill is black, thick at the base, and slightly decurved. Immature birds have dingy gray feathers on their head and a yellowish bill. The wood stork is a highly colonial species usually nesting in large rookeries and feeding in flocks. Nesting has been restricted to Florida, Georgia, and South Carolina but storks move northward after breeding. Birds from the southeastern United States population moving as far north as North Carolina on the Atlantic coast and into Alabama and eastern Mississippi along the Gulf coast. There have been occasional sightings in all States along and east of the Mississippi River, and sporadic sightings in some States west of the Mississippi and in Ontario.

The current population of adult birds is difficult to estimate, since not all nest each year. Presently, the wood stork breeding population is believed to be greater than 8,000 nesting pairs (16,000 breeding adults).

Storks are birds of freshwater and estuarine wetlands, primarily nesting in cypress or mangrove swamps. They feed in freshwater marshes, narrow tidal creeks, or flooded tidal pools. Particularly attractive feeding sites are depressions in marshes or swamps where fish become concentrated during periods of falling water levels. Since the project area is not nesting habitat for the wood stork, and may only be used for foraging, the wood stork is likely to avoid the area during construction and may return after construction activities are complete. Therefore, it does not appear that the proposed Project will have an adverse effect on the wood stork.

Sea Turtles

Sea turtles including the Green Sea Turtle (*Chelonia mydas*), the Hawksbill Sea Turtle (*Erectmochelys imbricata*), the Kemp's Ridley Sea Turtle (*Lepidochelys kempii*), the Leatherback Sea Turtle (*Dermochelys coriacea*), and the Loggerhead Sea Turtle (*Caretta caretta*) are listed as potentially within the Project area. Review of the preferred habitat for these species, indicate that it is not likely that they are present. The Project area is located approximately 10 miles upstream from the confluence of the Pascagoula River and the Mississippi Sound. They are not known to be present in the Escatawpa River and would not be present in the shallow marsh habitat in the project area.

Black Rail

The Eastern Black Rail is not known to be in the project area and would not nest in the marsh habitat due to the tidal range that would flood nests in the marsh. Adults could avoid the area during construction activities.

Mississippi Sand Hill Crane

The Mississippi Sandhill Crane may forage in the shallow marsh but could avoid the area during construction. The area does not provide suitable nesting habitat for the Mississippi Sandhill Crane.

Dusky Gopher Frog

The Dusky Gopher Frog makes its home in several isolated ponds and would not be present in the project area.

Louisiana Quill Wort

The project area does not provide habitat for the Louisiana Quillwort that prefers shallow, slow moving, meandering streams.

Yellow-blotched Map Turtle

The Yellow -blotched Map Turtle prefers riverine habitat with open canopy allowing for several hours of sunshine per day. They prefer a moderate current, a sand or clay substrate, sand bars and beaches for nesting.

Findings


Since the Proposed Project is located within the same marsh area and similar uplands to the previously reviewed project (Attachment 2), it appears that the conclusions concerning the impacts would be similar. In addition, JCPA has reduced the proposed impacts by revising the rail layout and will mitigate for unavoidable impacts through the measures mentioned in this letter and by preparation and implementation of permittee responsible mitigation.

FRA requests USFWS concurrence on our finding of *not likely to adversely affect the Alabama Red Bellied Turtle* and no potential to affect for the other species for the Proposed Project within 30 days from the date on this letter. If you need any additional information, please contact Amanda Murphy, FRA Environmental Protection Specialist at Amanda.murphy2@dot.gov. Thank you for your cooperation on this important project.

Sincerely,

MICHAEL M
JOHNSEN

Michael Johnsen
Supervisory Environmental Protection Specialist
Federal Railroad Administration

 Digitally signed by MICHAEL M
JOHNSEN
Date: 2021.02.23 15:52:00 -05'00'

cc. Mark McAndrews, Jackson County Port Authority
Amanda Murphy, FRA

Figures

Figure 1 - Topographic Map

Figure 2 - Habitat Map/Wetland Map

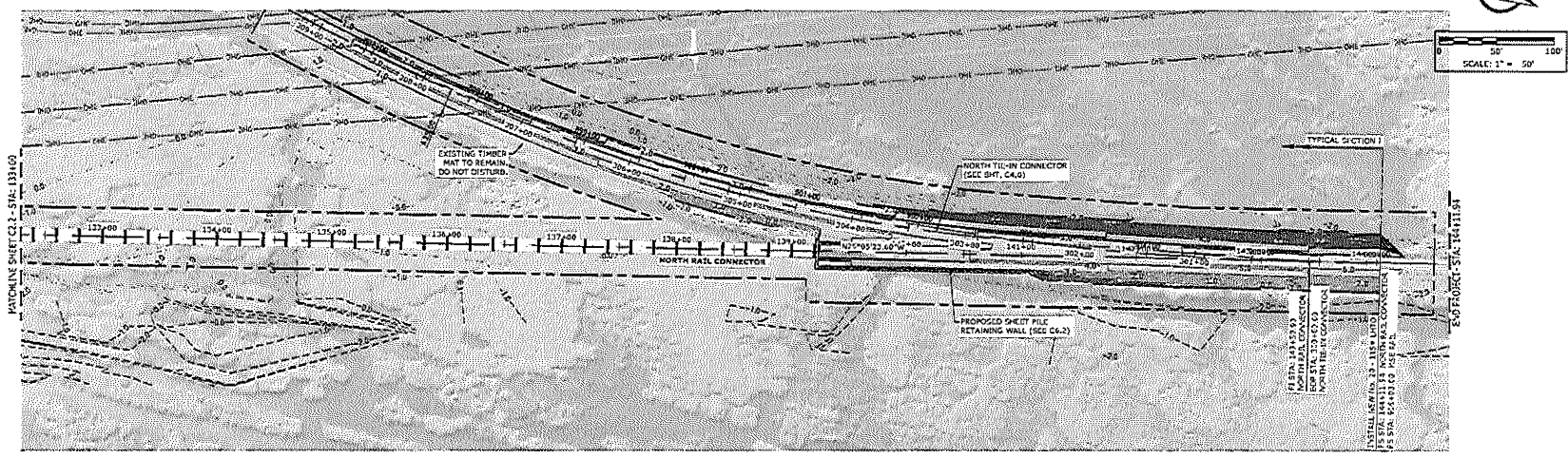
Attachments

Attachment 1 – Preliminary Site Plans (C2.0- C2.3)

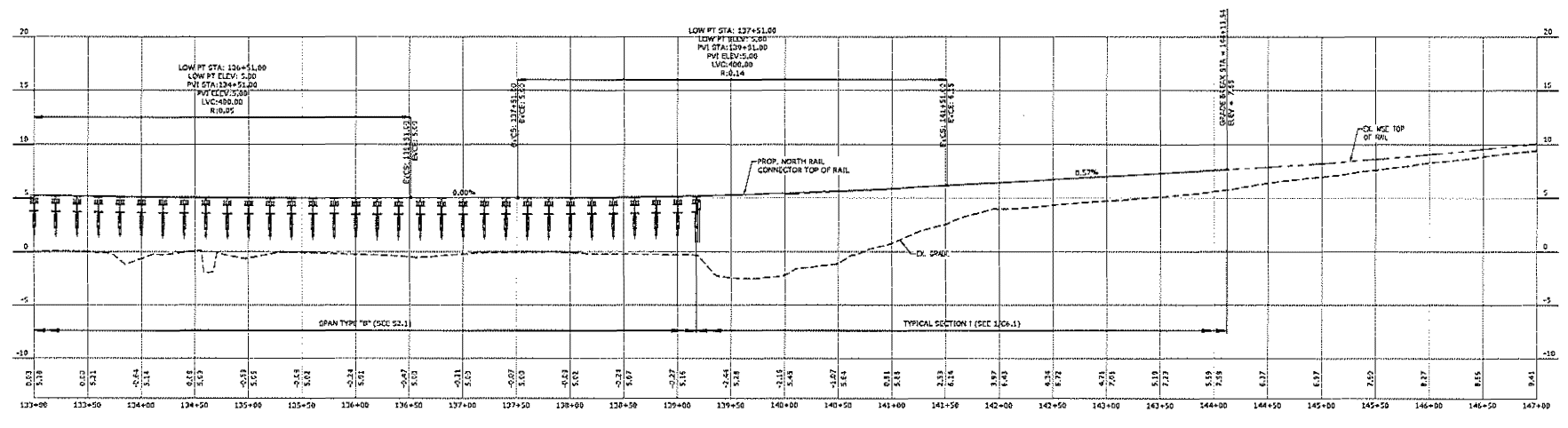
Attachment 2 – Correspondence for Previous Footprint

Attachment 3 – IPaC Species List

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1 PROPOSED PLAN
C2.3 SCALE: 1" = 50'



2 PROFILE
C2.3 SCALE: H: 1" = 50' V: 1" = 5'

05-09-19 ISSUED FOR JCPA REVIEW | 05-26-19 ISSUED FOR JCPA REVIEW | 06-20-20 PRELIM. ENGR. DWG - NOT FOR CONSTRUCTION

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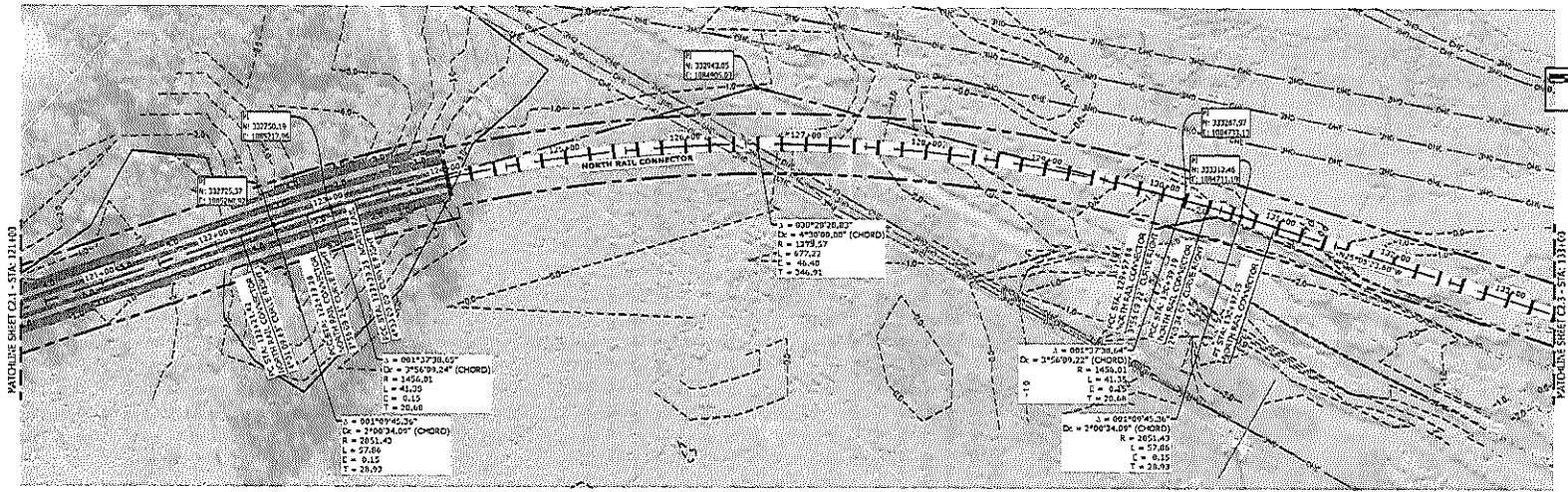


PORT OF PASCAGOULA RESTORE PROJECT
NORTH RAIL CONNECTOR PLANNING ASSISTANCE
NORTH RAIL CONNECTOR - PLAN & PROFILE
STA: 133+00 - STA: 144+11.94

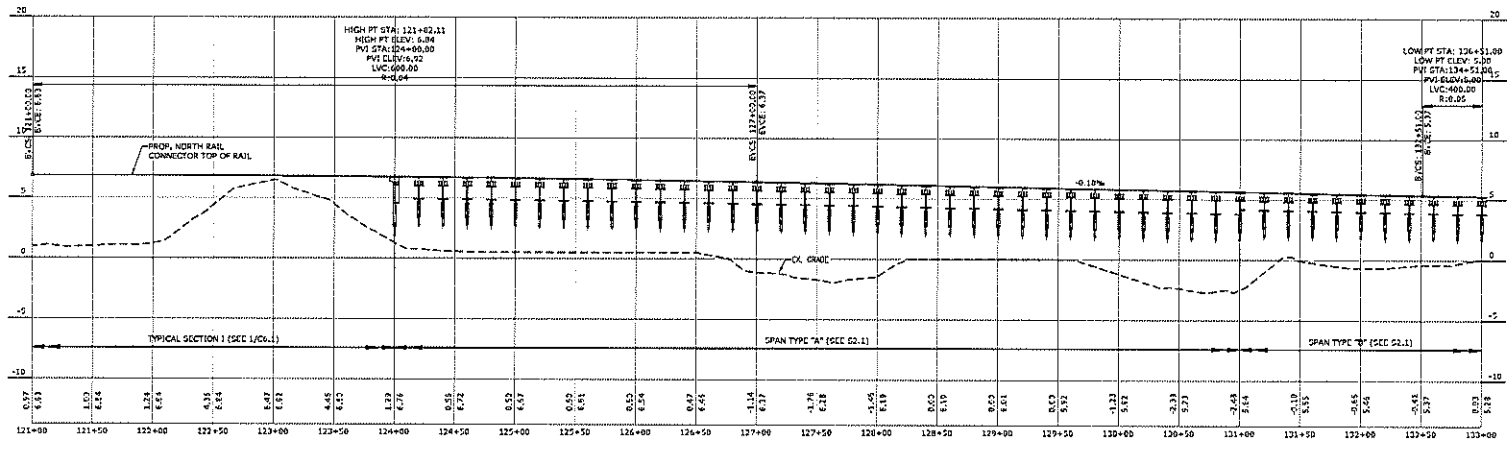
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JOB NO.:	218-051
DATE:	11/15/2018
DWG. BY:	B. LADNER
CHECKED BY:	
APPD.:	

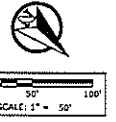
C2.3



1 PROPOSED PLAN
C2.2 SCALE: 1" = 50'



2 PROFILE
C2.2 SCALE: H: 1" = 50' V: 1" = 5'



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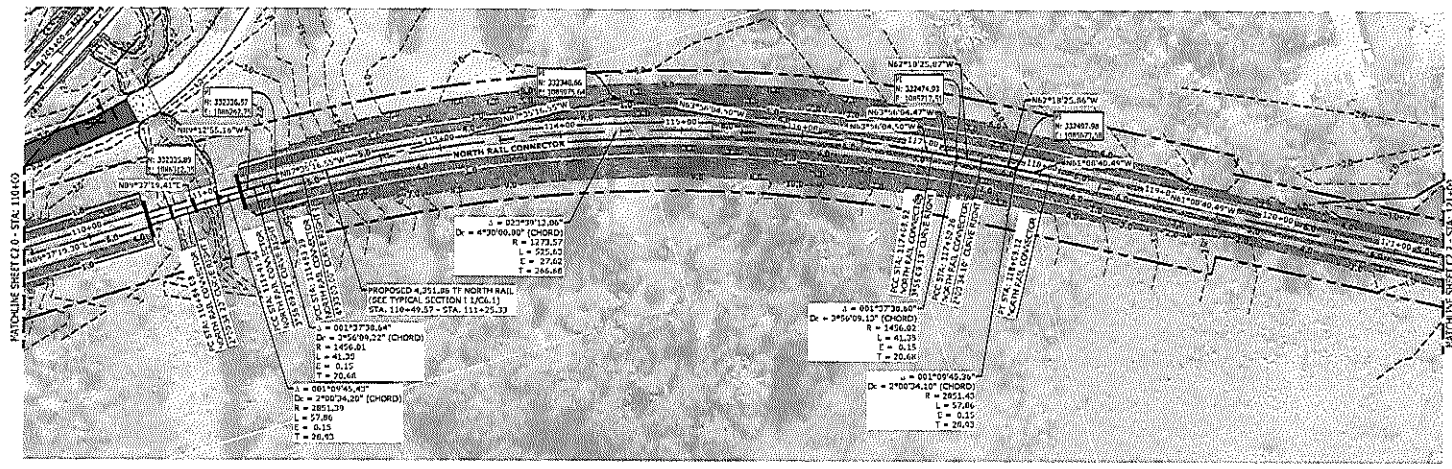


PORT OF PASCAGOULA RESTORE PROJECT
NORTH RAIL CONNECTOR PLANNING ASSISTANCE
NORTH RAIL CONNECTOR - PLAN & PROFILE
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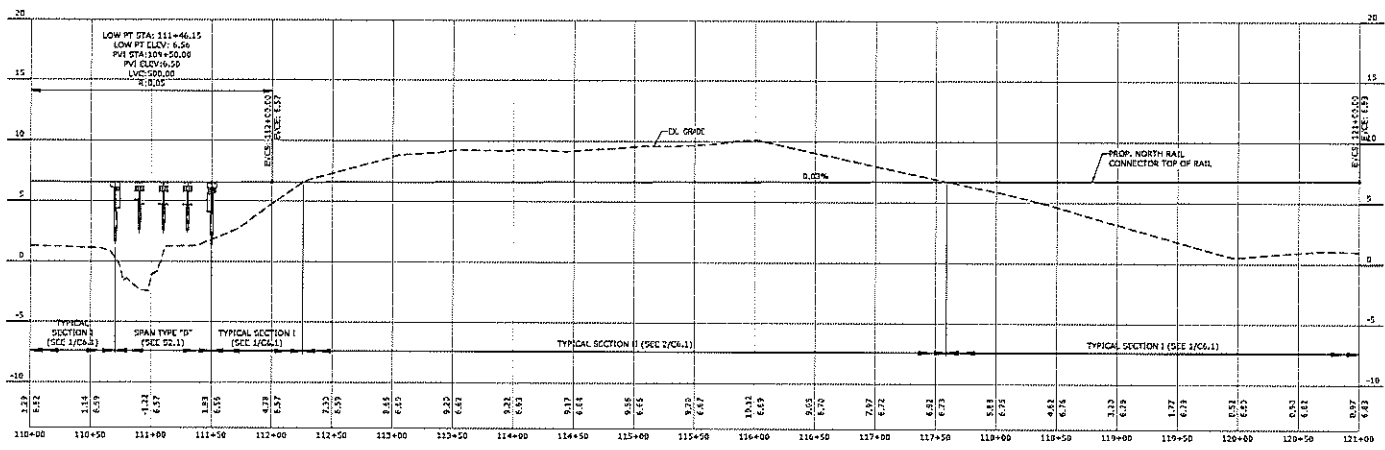
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JOB NO.: 218-051
DATE: 1/26/21
DRAWN BY: J. STUBBS
CHECKED BY: B. LAGNER
APP'D:

C2.2

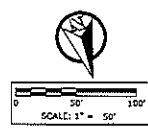
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1 PROPOSED PLAN
SCALE: 1" = 50'



2 PROFILE
SCALE: H: 1" = 50' V: 1" = 5'



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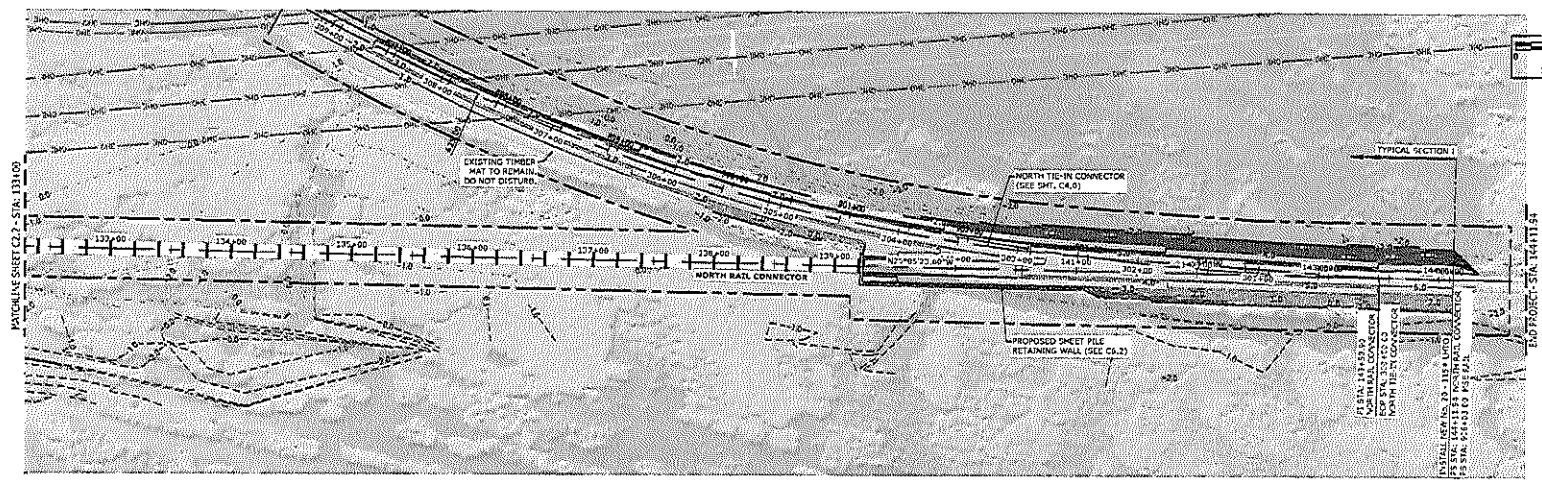


PORT OF PASCAGOULA RESTORE PROJECT
NORTH RAIL CONNECTOR PLANNING ASSISTANCE
NORTH RAIL CONNECTOR - PLAN & PROFILE
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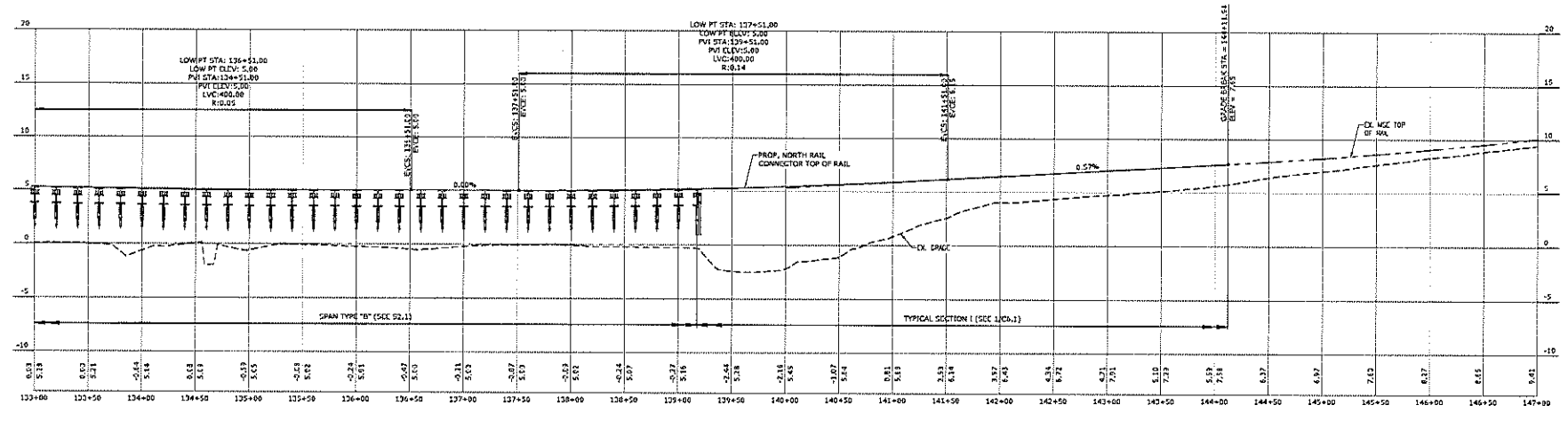
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DATE:	3/15/2021
DRAWN BY:	B. LADNER
CHECKED BY:	
APP'D:	

C2.1

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1 PROPOSED PLAN
C2.3 SCALE: 1" = 50'



2 PROFILE
C2.3 SCALE: H: 1" = 50' V: 1" = 5'

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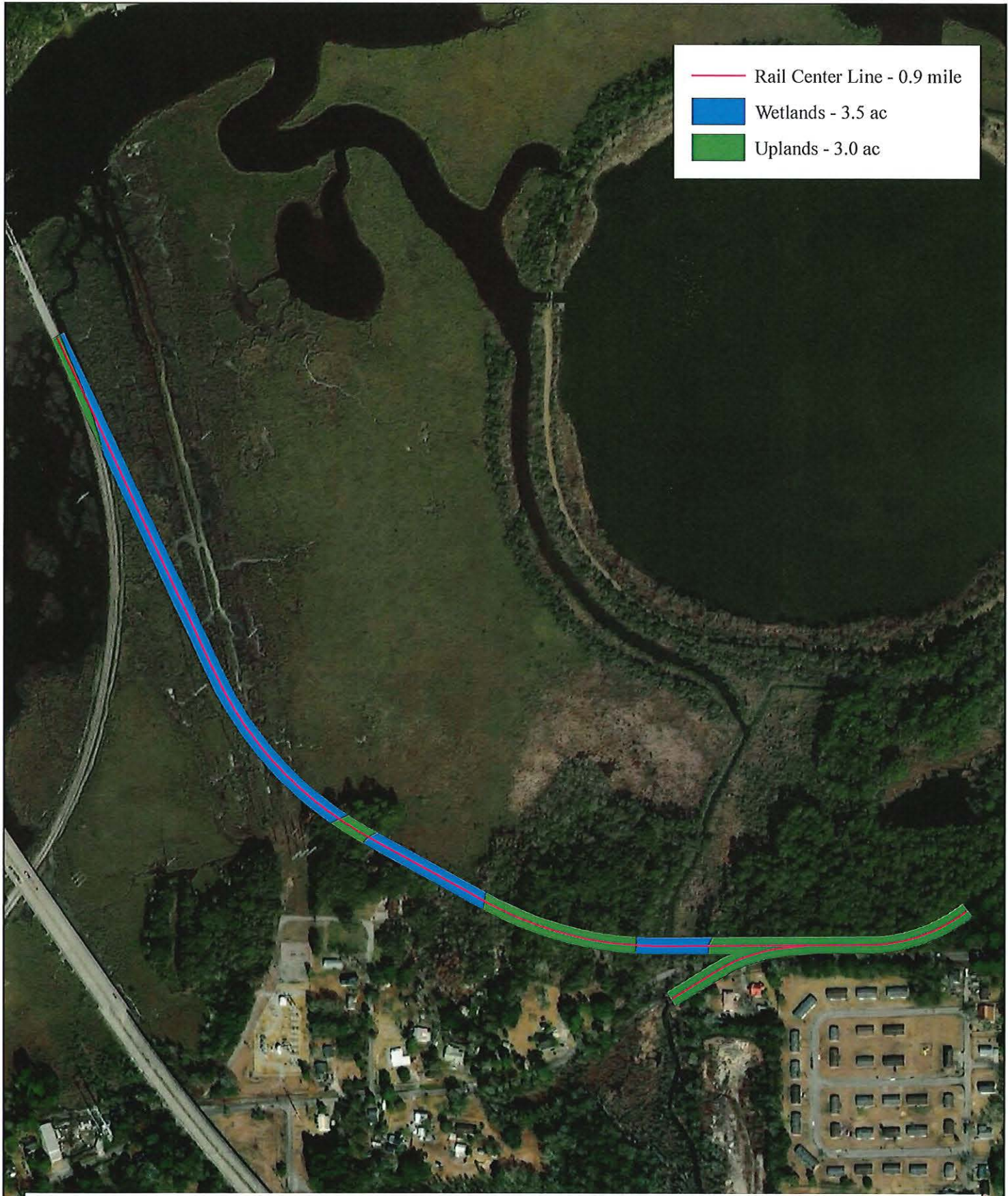


PORT OF PASCAGOULA RESTORE PROJECT
NORTH RAIL CONNECTOR PLANNING ASSISTANCE
NORTH RAIL CONNECTOR - PLAN & PROFILE
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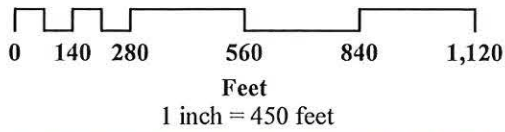
SCALE: AS NOTED

JOB NO.:	218-051
DATE:	3/15/2021
DRAWN BY:	N. LADDER
CHECKED BY:	
APPROVED BY:	

C2.3



- Rail Center Line - 0.9 mile
- Wetlands - 3.5 ac
- Uplands - 3.0 ac

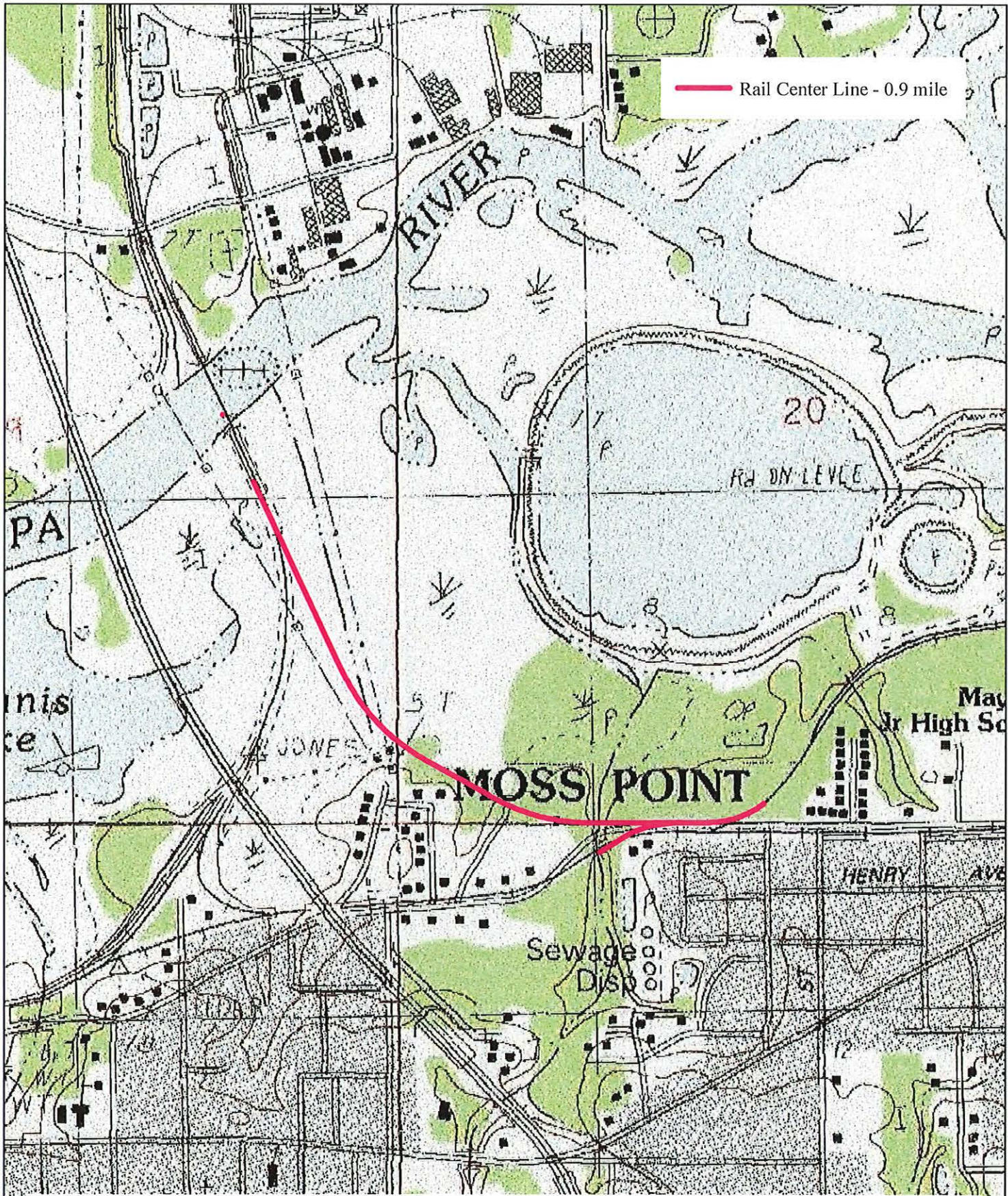


Wildlife Solutions, Inc.

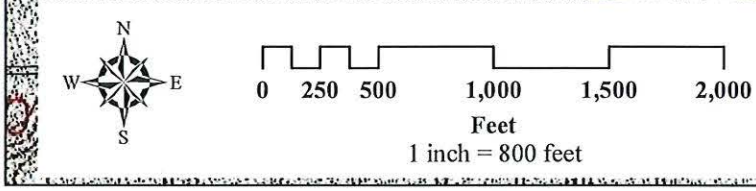
Phone: 251-591-2682

-88.512122 30.414181 Decimal Degrees





Rail Center Line - 0.9 mile



Wildlife Solutions, Inc.

Phone: 251-591-2682

-88.512122 30.414181 Decimal Degrees





United States Department of the Interior



FISH AND WILDLIFE SERVICE
Mississippi Ecological Services Field Office
6578 Dogwood View Parkway, Suite A
Jackson, MS 39213-7856
Phone: (601) 965-4900 Fax: (601) 965-4340
<http://www.fws.gov/mississippiES/endsp.html>

In Reply Refer To:
Consultation Code: 04EM1000-2021-SLI-0498
Event Code: 04EM1000-2021-E-01125
Project Name: North Rail Connector

February 15, 2021

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 (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. 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 contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*), and projects affecting these species may require development of an eagle conservation plan (http://www.fws.gov/windenergy/eagle_guidance.html). Additionally, wind energy projects should follow the wind energy guidelines (<http://www.fws.gov/windenergy/>) for minimizing impacts to migratory birds and bats.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at: <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm>; <http://www.towerkill.com>; and <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office. Submit consultation requests electronically to the following email: msfosection7consultation@fws.gov

Attachment(s):

- Official Species List
- USFWS National Wildlife Refuges and Fish Hatcheries
- Migratory Birds
- Wetlands

Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Mississippi Ecological Services Field Office

6578 Dogwood View Parkway, Suite A

Jackson, MS 39213-7856

(601) 965-4900

Project Summary

Consultation Code: 04EM1000-2021-SLI-0498

Event Code: 04EM1000-2021-E-01125

Project Name: North Rail Connector

Project Type: Federal Grant / Loan Related

Project Description: Construct an elevated rail line over estuarine marsh (brackish) with fill at pile abutments and a short length of rail on fill through wetlands. Total marsh impacts are 0.90 acres. Total length of elevated rail is 2,852 feet and rail on fill is 807 feet for total length of 3,659 linear feet. There will be approximately 2,549 cubic yards of fill.

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@30.41555605,-88.51355341480986,14z>



Counties: Jackson County, Mississippi

Endangered Species Act Species

There is a total of 13 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

-
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

Birds

NAME	STATUS
Eastern Black Rail <i>Laterallus jamaicensis ssp. jamaicensis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/10477	Threatened
Mississippi Sandhill Crane <i>Grus canadensis pulla</i> There is final critical habitat for this species. The location of the critical habitat is not available. Species profile: https://ecos.fws.gov/ecp/species/1222	Endangered
Wood Stork <i>Mycteria americana</i> Population: AL, FL, GA, MS, NC, SC No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/8477	Threatened

Reptiles

NAME	STATUS
Alabama Red-bellied Turtle <i>Pseudemys alabamensis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/1494	Endangered
Gopher Tortoise <i>Gopherus polyphemus</i> Population: West of Mobile and Tombigbee Rivers No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/6994	Threatened
Green Sea Turtle <i>Chelonia mydas</i> Population: North Atlantic DPS There is final critical habitat for this species. The location of the critical habitat is not available. Species profile: https://ecos.fws.gov/ecp/species/6199	Threatened
Hawksbill Sea Turtle <i>Eretmochelys imbricata</i> There is final critical habitat for this species. The location of the critical habitat is not available. Species profile: https://ecos.fws.gov/ecp/species/3656	Endangered
Kemp's Ridley Sea Turtle <i>Lepidochelys kempii</i> There is proposed critical habitat for this species. The location of the critical habitat is not available. Species profile: https://ecos.fws.gov/ecp/species/5523	Endangered
Leatherback Sea Turtle <i>Dermochelys coriacea</i> There is final critical habitat for this species. The location of the critical habitat is not available. Species profile: https://ecos.fws.gov/ecp/species/1493	Endangered
Loggerhead Sea Turtle <i>Caretta caretta</i> Population: Northwest Atlantic Ocean DPS There is final critical habitat for this species. The location of the critical habitat is not available. Species profile: https://ecos.fws.gov/ecp/species/1110	Threatened
Yellow-blotched Map Turtle <i>Graptemys flavimaculata</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/7730	Threatened

Amphibians

NAME	STATUS
Dusky Gopher Frog <i>Rana sevosa</i> There is final critical habitat for this species. The location of the critical habitat is not available. Species profile: https://ecos.fws.gov/ecp/species/5600	Endangered

Ferns and Allies

NAME	STATUS
Louisiana Quillwort <i>Isoetes louisianensis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/7756	Endangered

Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

USFWS National Wildlife Refuge Lands And Fish Hatcheries

Any activity proposed on lands managed by the [National Wildlife Refuge](#) 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 OR FISH HATCHERIES WITHIN YOUR PROJECT AREA.

Migratory Birds

Certain birds are protected under the Migratory Bird Treaty Act¹ and the Bald and Golden Eagle Protection Act².

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 [below](#).

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1. The [Migratory Birds Treaty Act](#) of 1918.
 2. The [Bald and Golden Eagle Protection Act](#) of 1940.
 3. 50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)

The birds listed below are birds of particular concern either because they occur on the [USFWS Birds of Conservation Concern](#) (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 [E-bird data mapping tool](#) (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 [below](#).

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 <i>Falco sparverius paulus</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA	Breeds Apr 1 to Aug 31
Bald Eagle <i>Haliaeetus leucocephalus</i> 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. https://ecos.fws.gov/ecp/species/1626	Breeds Sep 1 to Jul 31

NAME	BREEDING SEASON
<p>Black Skimmer <i>Rynchops niger</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/5234</p>	Breeds May 20 to Sep 15
<p>Clapper Rail <i>Rallus crepitans</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA</p>	Breeds Apr 10 to Oct 31
<p>Least Tern <i>Sterna antillarum</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA</p>	Breeds Apr 20 to Sep 10
<p>Lesser Yellowlegs <i>Tringa flavipes</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9679</p>	Breeds elsewhere
<p>Prairie Warbler <i>Dendroica discolor</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.</p>	Breeds May 1 to Jul 31
<p>Prothonotary Warbler <i>Protonotaria citrea</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.</p>	Breeds Apr 1 to Jul 31
<p>Red-headed Woodpecker <i>Melanerpes erythrocephalus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.</p>	Breeds May 10 to Sep 10
<p>Seaside Sparrow <i>Ammodramus maritimus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.</p>	Breeds May 10 to Aug 20
<p>Swallow-tailed Kite <i>Elanoides forficatus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/8938</p>	Breeds Mar 10 to Jun 30
<p>Willet <i>Tringa semipalmata</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.</p>	Breeds Apr 20 to Aug 5
<p>Wood Thrush <i>Hylocichla mustelina</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.</p>	Breeds May 10 to Aug 31

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.

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.

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.

Additional information can be found using the following links:

- Birds of Conservation Concern <http://www.fws.gov/birds/management/managed-species/birds-of-conservation-concern.php>
- Measures for avoiding and minimizing impacts to birds <http://www.fws.gov/birds/management/project-assessment-tools-and-guidance/conservation-measures.php>
- Nationwide conservation measures for birds <http://www.fws.gov/migratorybirds/pdf/management/nationwidestandardconservationmeasures.pdf>

Migratory Birds FAQ

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

[Nationwide Conservation Measures](#) 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. [Additional measures](#) or [permits](#) 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 migratory birds potentially occurring in my specified location?

The Migratory Bird Resource List is comprised of USFWS [Birds of Conservation Concern \(BCC\)](#) 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 [Avian Knowledge Network \(AKN\)](#). The AKN data is based on a growing collection of [survey, banding, and citizen science datasets](#) 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 ([Eagle Act](#) 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 [AKN Phenology Tool](#).

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 [Avian Knowledge Network \(AKN\)](#). This data is derived from a growing collection of [survey, banding, and citizen science datasets](#).

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 to 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, migrating or present year-round in my project 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 refer to the following resources: [The Cornell Lab of Ornithology All About Birds Bird Guide](#), or (if you are unsuccessful in locating the bird of interest there), the [Cornell Lab of Ornithology Neotropical Birds guide](#). 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 [Birds of Conservation Concern](#) (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 [Eagle Act](#) 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 [Northeast Ocean Data Portal](#). 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 [NOAA NCCOS Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf](#) 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 [Diving Bird Study](#) and the [nanotag studies](#) or contact [Caleb Spiegel](#) or [Pam Loring](#).

What if I have eagles on my list?

If your project has the potential to disturb or kill eagles, you may need to [obtain a permit](#) 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.

Wetlands

Impacts to [NWI wetlands](#) 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.S. Army Corps of Engineers District](#).

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.

ESTUARINE AND MARINE DEEPWATER

- [E1UBLx](#)
- [E1UBL](#)

ESTUARINE AND MARINE WETLAND

- [E2EM1Nd](#)
- [E2EM1P](#)
- [E2EM1Pd](#)

FRESHWATER EMERGENT WETLAND

- [PEM1F](#)

FRESHWATER FORESTED/SHRUB WETLAND

- [PFO1/4Bd](#)
- [PFO1/4R](#)
- [PFO1/SS4B](#)
- [PFO4B](#)
- [PSS3/1Rd](#)

FRESHWATER POND

- [PUBHx](#)

RIVERINE

- [R2UBH](#)
-