

Appendix D:
Endangered Species Act Section 7 Consultation
Marine Mammal Act Coordination
Migratory Bird Treaty Act Coordination



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1201 ELM STREET, SUITE 500
DALLAS, TEXAS 75270-2102

November 1, 2023

Ms. Brigette Firmin
Field Supervisor
Louisiana Ecological Services Office
U.S. Fish and Wildlife Service
200 Dulles Dr.
Lafayette, LA 70506

SUBJECT: CWPPRA Reggio Marsh Creation project (BS-0043) funded by the Coastal Wetlands Planning, Protection and Restoration Act (CWPPRA), Endangered Species Act, Section 7 Determination

Dear Ms. Firmin:

The Environmental Protection Agency Region 6 requests the U.S. Fish and Wildlife Service's concurrence on our determination that the Reggio Marsh Creation project (BS-0043) "may affect but is not likely to adversely affect" the West Indian manatee (*Trichechus manatus*) and the Eastern Black Rail (*Laterallus jamaicensis ssp. jamaicensis*) or its designated critical habitat.

A description of the project, as well as information generated by the FWS IPaC system, is enclosed. If you require further assistance or have questions regarding our determination, please contact Dr. Sharon L. Osowski (214-665-7506; Osowski.sharon@epa.gov) of my staff.

Sincerely,

A handwritten signature in black ink, appearing to read "K. McCormick", written over a horizontal line.

Karen McCormick, Supervisor
Marine, Coastal, and Non-Point Source Section
Water Division
U.S. EPA Region 6

Enclosures



United States Department of the Interior



FISH AND WILDLIFE SERVICE
Louisiana Ecological Services Field Office
200 Dulles Drive
Lafayette, LA 70506
Phone: (337) 291-3100 Fax: (337) 291-3139

In Reply Refer To:

October 30, 2023

Project code: 2024-0006793

Project Name: BS43 CWPPRA Reggio Marsh Creation and Borrow area

Subject: Consistency letter for the project named 'BS43 CWPPRA Reggio Marsh Creation and Borrow area' for specified threatened and endangered species that may occur in your proposed project location pursuant to the Louisiana Endangered Species Act project review and guidance for other federal trust resources determination key (Louisiana DKey).

Dear Sharon Osowski:

The U.S. Fish and Wildlife Service (Service) received on October 30, 2023 your effects determination(s) for the 'BS43 CWPPRA Reggio Marsh Creation and Borrow area' (the Action) using the Louisiana DKey within the Information for Planning and Consultation (IPaC) system. The Service developed this system in accordance with the Endangered Species Act of 1973 (ESA) (87 Stat.884, as amended; 16 U.S.C. 1531 et seq.).

Based on your answers, and the assistance in the Service's Louisiana DKey, you made the following effect determination(s) for the proposed Action:

Species	Listing Status	Determination
Eastern Black Rail (<i>Laterallus jamaicensis ssp. jamaicensis</i>)	Threatened	NLAA
West Indian Manatee (<i>Trichechus manatus</i>)	Threatened	NLAA

Consultation with the Service is not complete. The "may affect - not likely to adversely affect" determination(s) becomes effective when the lead Federal action agency or designated non-federal representative uses it to ask the Service to rely on the Louisiana Endangered Species Act project review and guidance for other federal trust resources key to satisfy the agency's consultation requirements for this project.

Please sign below verifying your species determination(s) listed above and submit your project to the Louisiana Field Office for concurrence.

Osowski, Sharon Digitally signed by Osowski, Sharon
Date: 2023.11.01 07:05:11 -05'00'

Project Representative

Date

Based on the information provided in this report, as well as any pertinent correspondence and documentation saved to the project file at our office (if applicable), the Service agrees with your determination(s) for the species listed above for the proposed Federal Action:

BRIGETTE FIRMIN

Digitally signed by BRIGETTE FIRMIN
Date: 2023.11.14 07:17:16 -06'00'

Louisiana Ecological Services Office

Date

U.S. Fish and Wildlife Service

Consultation on the proposed action is concluded when you receive signature from this office.

The Service recommends that your agency contact the Louisiana Ecological Services Field Office or re-evaluate the project in IPAC if: 1) the scope or location of the proposed project is changed significantly, 2) new information reveals that the action may affect listed species or designated critical habitat; 3) the action is modified in a manner that causes effects to listed species or designated critical habitat; or 4) a new species is listed or critical habitat designated. If any of the above conditions occurs, additional consultation with the Louisiana Ecological Services Field Office should take place before project changes are final or resources committed.

This IPaC-generated letter only applies to the species in the above table and **does not** apply to the following ESA-protected species that also may occur in the Action Area:

- Alligator Snapping Turtle *Macrochelys temminckii* Proposed Threatened
- Monarch Butterfly *Danaus plexippus* Candidate

Please Note: If the Federal Action may impact bald or golden eagles, additional coordination with the Service under the Bald and Golden Eagle Protection Act (BGEPA) (54 Stat. 250, as amended, 16 U.S.C. 668a-d) may be required. Please contact Ulgonda Kirkpatrick (phone: 321/972-9089, e-mail: ulgonda_kirkpatrick@fws.gov) with any questions regarding potential impacts to bald or golden eagles.

Action Description

You provided to IPaC the following name and description for the subject Action.

1. Name

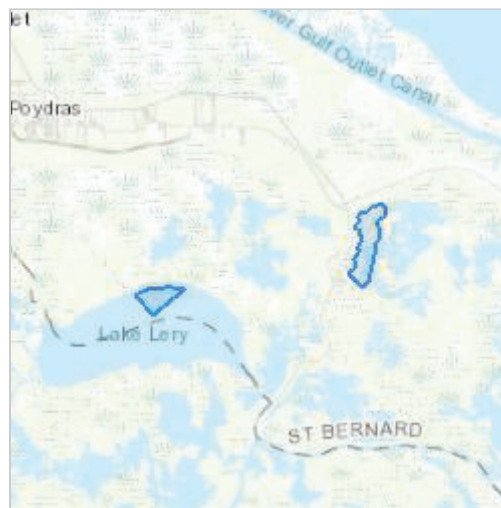
BS43 CWPPRA Reggio Marsh Creation and Borrow area

2. Description

The following description was provided for the project 'BS43 CWPPRA Reggio Marsh Creation and Borrow area':

The Reggio Marsh Creation project area is located in Region Two of the Breton Sound Basin, in St. Bernard Parish, Louisiana, approximately 21 miles southeast of New Orleans and adjacent to the Reggio community. The Reggio Marsh Creation project area is bounded on the north by an existing tidal levee, on the south by the Reggio Canal, and on the west by the Reggio community. The borrow location is in Lake Lery and depicted in the map. The marsh creation fill area is depicted in the map. In this area, coastal wetland loss can be attributed to both anthropogenic and natural factors such as drilling and dredging for oil and gas; flooding marshes from sea-level rise; storm-driven erosion from Hurricanes Katrina (2005), Rita (2005), Isaac (2012), and Ida (2021); and subsidence. The total acreage of the marsh creation and nourishment areas changed from the initial concept of 479 acres to 519 acres. The goal of the project is to address marsh loss in the area east of Reggio by restoring the structural framework of the marsh by filling in open water areas with dredged sediments. This portion of the ESA Section 7 consultation is for the dredge pipe corridor route. The dredge pipe corridor between the borrow and marsh creation polygons is addressed in a separate IPAC query.

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@29.80761825,-89.83126308828906,14z>



QUALIFICATION INTERVIEW

1. Is the action authorized, funded, or being carried out by a Federal agency?
Yes
 2. Is the action authorized, funded, or being carried out by the:
d. Other
 3. Please identify your agency or organization type:
a. Federal agency
 4. Have you determined that the project will have "no effect" on federally listed species? (If unsure select "No")
No
 5. [Hidden Semantic] Does the project intersect the eastern black rail AOI?
Automatically answered
Yes
 6. Will the proposed project involve human disturbance or ground disturbance (such as foot traffic, vehicles, tracked equipment, excavating, grading, placing fill material, etc.)?
Yes
 7. Does the action consist of either fire management, grazing, haying, mowing and/or other mechanical treatment activities?
No
 8. Will the project result in changes to wetland hydrology (i.e. via new construction or change in existing operation of water control structures, waterbody diversion, major water withdrawals, levee construction, etc.)?
No
 9. Will the project directly impact suitable eastern black rail nesting habitat (shallow inundated wetlands containing mesic to hydric soils with dense herbaceous plant cover) or foraging habitat (wetland-upland transition zones with dense cover and 1-3 cm deep pools) and/or roosting habitat (elevated wetlands that allow for refugia from high water events and nest to be elevated above water level)?
No
 10. [Hidden Semantic] Does the project intersect the west indian manatee AOI?
Automatically answered
Yes
 11. (Semantic) Is the project located within the manatee consultation zone, excluding the Mississippi River?
Automatically answered
Yes
 12. Is the project footprint entirely on land?
No
-

13. Is the water depth within the project greater than 2 feet (at mean high tide)?
Yes
14. Will the project occur during the months of June through November?
Yes
15. Will the following Standard Manatee [Conditions](#) for in-Water Activities be included within the project design?
Yes
16. [Hidden Semantic] Does the project intersect the pink mucket mussel AOI ?
Automatically answered
No
17. (Semantic) Does the project intersect the Louisiana black bear Range?
Automatically answered
No
-

IPAC USER CONTACT INFORMATION

Agency: Environmental Protection Agency
Name: Sharon Osowski
Address: 1201 Elm St., Suite 500
Address Line 2: Mailcode 6WD-AM
City: Dallas
State: TX
Zip: 75270
Email: osowski.sharon@epa.gov
Phone: 2146657506



United States Department of the Interior



FISH AND WILDLIFE SERVICE
Louisiana Ecological Services Field Office
200 Dulles Drive
Lafayette, LA 70506
Phone: (337) 291-3100 Fax: (337) 291-3139

In Reply Refer To:
Project code: 2024-0006951
Project Name: BS43 CWPPRA Reggio Dredge Pipe Corridor

October 30, 2023

Subject: Consistency letter for the project named 'BS43 CWPPRA Reggio Dredge Pipe Corridor' for specified threatened and endangered species that may occur in your proposed project location pursuant to the Louisiana Endangered Species Act project review and guidance for other federal trust resources determination key (Louisiana DKey).

Dear Sharon Osowski:

The U.S. Fish and Wildlife Service (Service) received on October 30, 2023 your effects determination(s) for the 'BS43 CWPPRA Reggio Dredge Pipe Corridor' (the Action) using the Louisiana DKey within the Information for Planning and Consultation (IPaC) system. The Service developed this system in accordance with the Endangered Species Act of 1973 (ESA) (87 Stat.884, as amended; 16 U.S.C. 1531 et seq.).

Based on your answers, and the assistance in the Service's Louisiana DKey, you made the following effect determination(s) for the proposed Action:

Species	Listing Status	Determination
Eastern Black Rail (<i>Laterallus jamaicensis ssp. jamaicensis</i>)	Threatened	NLAA
West Indian Manatee (<i>Trichechus manatus</i>)	Threatened	NLAA

Consultation with the Service is not complete. The "may affect - not likely to adversely affect" determination(s) becomes effective when the lead Federal action agency or designated non-federal representative uses it to ask the Service to rely on the Louisiana Endangered Species Act project review and guidance for other federal trust resources key to satisfy the agency's consultation requirements for this project.

Please sign below verifying your species determination(s) listed above and submit your project to the Louisiana Field Office for concurrence.

Osowski, Sharon Digitally signed by Osowski, Sharon
Date: 2023.11.01 07:06:17 -05'00'

Project Representative

Date

Based on the information provided in this report, as well as any pertinent correspondence and documentation saved to the project file at our office (if applicable), the Service agrees with your determination(s) for the species listed above for the proposed Federal Action:

BRIGETTE FIRMIN

Digitally signed by BRIGETTE FIRMIN
Date: 2023.11.14 07:16:18 -06'00'

Louisiana Ecological Services Office
U.S. Fish and Wildlife Service

Date

Consultation on the proposed action is concluded when you receive signature from this office.

The Service recommends that your agency contact the Louisiana Ecological Services Field Office or re-evaluate the project in IPAC if: 1) the scope or location of the proposed project is changed significantly, 2) new information reveals that the action may affect listed species or designated critical habitat; 3) the action is modified in a manner that causes effects to listed species or designated critical habitat; or 4) a new species is listed or critical habitat designated. If any of the above conditions occurs, additional consultation with the Louisiana Ecological Services Field Office should take place before project changes are final or resources committed.

This IPaC-generated letter only applies to the species in the above table and **does not** apply to the following ESA-protected species that also may occur in the Action Area:

- Alligator Snapping Turtle *Macrochelys temminckii* Proposed Threatened
- Monarch Butterfly *Danaus plexippus* Candidate

Please Note: If the Federal Action may impact bald or golden eagles, additional coordination with the Service under the Bald and Golden Eagle Protection Act (BGEPA) (54 Stat. 250, as amended, 16 U.S.C. 668a-d) may be required. Please contact Ulgonda Kirkpatrick (phone: 321/972-9089, e-mail: ulgonda_kirkpatrick@fws.gov) with any questions regarding potential impacts to bald or golden eagles.

Action Description

You provided to IPaC the following name and description for the subject Action.

1. Name

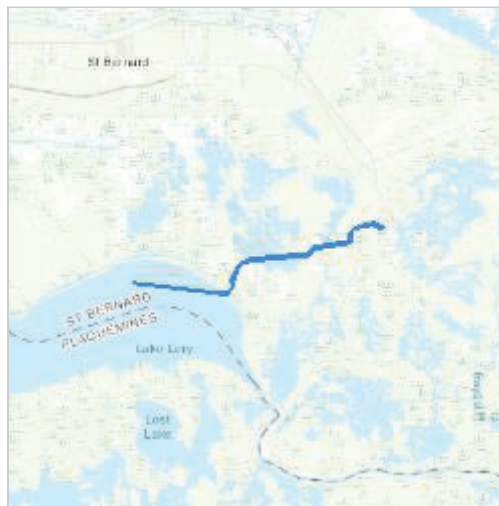
BS43 CWPPRA Reggio Dredge Pipe Corridor

2. Description

The following description was provided for the project 'BS43 CWPPRA Reggio Dredge Pipe Corridor':

The Reggio Marsh Creation project area is located in Region Two of the Breton Sound Basin, in St. Bernard Parish, Louisiana, approximately 21 miles southeast of New Orleans and adjacent to the Reggio community. The Reggio Marsh Creation project area is bounded on the north by an existing tidal levee, on the south by the Reggio Canal, and on the west by the Reggio community. The borrow location is in Lake Lery and the dredge pipe corridor extends from the borrow area to the marsh creation fill area as depicted in the map attached. In this area, coastal wetland loss can be attributed to both anthropogenic and natural factors such as drilling and dredging for oil and gas; flooding marshes from sea-level rise; storm-driven erosion from Hurricanes Katrina (2005), Rita (2005), Isaac (2012), and Ida (2021); and subsidence. The total acreage of the marsh creation and nourishment areas changed from the initial concept of 479 acres to 519 acres. The goal of the project is to address marsh loss in the area east of Reggio by restoring the structural framework of the marsh by filling in open water areas with dredged sediments. This portion of the ESA Section 7 consultation is for the dredge pipe corridor route. The borrow and marsh creation polygons are addressed in a separate IPAC query.

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@29.8148583,-89.78961312502608,14z>



QUALIFICATION INTERVIEW

1. Is the action authorized, funded, or being carried out by a Federal agency?
Yes
 2. Is the action authorized, funded, or being carried out by the:
d. Other
 3. Please identify your agency or organization type:
a. Federal agency
 4. Have you determined that the project will have "no effect" on federally listed species? (If unsure select "No")
No
 5. [Hidden Semantic] Does the project intersect the eastern black rail AOI?
Automatically answered
Yes
 6. Will the proposed project involve human disturbance or ground disturbance (such as foot traffic, vehicles, tracked equipment, excavating, grading, placing fill material, etc.)?
Yes
 7. Does the action consist of either fire management, grazing, haying, mowing and/or other mechanical treatment activities?
No
 8. Will the project result in changes to wetland hydrology (i.e. via new construction or change in existing operation of water control structures, waterbody diversion, major water withdrawals, levee construction, etc.)?
No
 9. Will the project directly impact suitable eastern black rail nesting habitat (shallow inundated wetlands containing mesic to hydric soils with dense herbaceous plant cover) or foraging habitat (wetland-upland transition zones with dense cover and 1-3 cm deep pools) and/or roosting habitat (elevated wetlands that allow for refugia from high water events and nest to be elevated above water level)?
No
 10. [Hidden Semantic] Does the project intersect the west indian manatee AOI?
Automatically answered
Yes
 11. (Semantic) Is the project located within the manatee consultation zone, excluding the Mississippi River?
Automatically answered
Yes
 12. Is the project footprint entirely on land?
No
-

13. Is the water depth within the project greater than 2 feet (at mean high tide)?

Yes

14. Will the project occur during the months of June through November?

Yes

15. Will the following Standard Manatee [Conditions](#) for in-Water Activities be included within the project design?

Yes

16. [Hidden Semantic] Does the project intersect the pink mucket mussel AOI ?

Automatically answered

No

17. (Semantic) Does the project intersect the Louisiana black bear Range?

Automatically answered

No

IPAC USER CONTACT INFORMATION

Agency: Environmental Protection Agency
Name: Sharon Osowski
Address: 1201 Elm St., Suite 500
Address Line 2: Mailcode 6WD-AM
City: Dallas
State: TX
Zip: 75270
Email: osowski.sharon@epa.gov
Phone: 2146657506



United States Department of the Interior



FISH AND WILDLIFE SERVICE
Louisiana Ecological Services Field Office
200 Dulles Drive
Lafayette, LA 70506
Phone: (337) 291-3100 Fax: (337) 291-3139

In Reply Refer To:

October 30, 2023

Project Code: 2024-0006793

Project Name: BS43 CWPPRA Reggio Marsh Creation and Borrow area

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, and candidate species, as well as designated and proposed critical habitat that may occur within the boundary of your proposed project and may be affected by your proposed project. The Fish and Wildlife Service (Service) is providing this list under section 7 (c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 et seq.). Changes in this species list may occur due to new information from updated surveys, changes in species habitat, new listed species and other factors. Because of these possible changes, feel free to contact our office (337-291-3109) for more information or assistance regarding impacts to federally listed species. The Service recommends visiting the IPaC site or the Louisiana Ecological Services Field Office website (<https://www.fws.gov/southeast/lafayette>) at regular intervals during project planning and implementation for updated species lists and information. An updated list may be requested through the 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 habitats 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 Federal trust resources and to determine whether projects may affect Federally listed 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)).

Bald eagles have recovered and were removed from the List of Endangered and Threatened Species as of August 8, 2007. Although no longer listed, please be aware that bald eagles are protected under the Bald and Golden Eagle Protection Act (BGEPA) (16 U.S.C. 668 et seq.).

The Service developed the National Bald Eagle Management (NBEM) Guidelines to provide landowners, land managers, and others with information and recommendations to minimize potential project impacts to bald eagles, particularly where such impacts may constitute “disturbance”, which is prohibited by the BGEPA. A copy of the NBEM Guidelines is available at: <https://www.fws.gov/migratorybirds/pdf/management/nationalbaldeaglenagementguidelines.pdf>

Those guidelines recommend: (1) maintaining a specified distance between the activity and the nest (buffer area); (2) maintaining natural areas (preferably forested) between the activity and nest trees (landscape buffers); and (3) avoiding certain activities during the breeding season. Onsite personnel should be informed of the possible presence of nesting bald eagles within the project boundary, and should identify, avoid, and immediately report any such nests to this office. If a bald eagle nest occurs or is discovered within or adjacent to the proposed project area, then an evaluation must be performed to determine whether the project is likely to disturb nesting bald eagles. That evaluation may be conducted on-line at: <https://www.fws.gov/southeast/our-services/eagle-technical-assistance/>. Following completion of the evaluation, that website will provide a determination of whether additional consultation is necessary. The Division of Migratory Birds for the Southeast Region of the Service (phone: 404/679-7051, e-mail: SEmigratorybirds@fws.gov) has the lead role in conducting any necessary consultation.

Activities that involve State-designated scenic streams and/or wetlands are regulated by the Louisiana Department of Wildlife and Fisheries and the U.S. Army Corps of Engineers, respectively. We, therefore, recommend that you contact those agencies to determine their interest in proposed projects in these areas.

Activities that would be located within a National Wildlife Refuge are regulated by the refuge staff. We, therefore, recommend that you contact them to determine their interest in proposed projects in these areas.

Additional information on Federal trust species in Louisiana can be obtained from the Louisiana Ecological Services website at: <https://www.fws.gov/southeast/lafayette>

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.

Attachment(s):

- Official Species List
 - USFWS National Wildlife Refuges and Fish Hatcheries
 - Bald & Golden Eagles
 - Migratory Birds
 - Marine Mammals
-

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:

Louisiana Ecological Services Field Office

200 Dulles Drive

Lafayette, LA 70506

(337) 291-3100

PROJECT SUMMARY

Project Code: 2024-0006793
Project Name: BS43 CWPPRA Reggio Marsh Creation and Borrow area
Project Type: Restoration / Enhancement - Wetland
Project Description: The Reggio Marsh Creation project area is located in Region Two of the Breton Sound Basin, in St. Bernard Parish, Louisiana, approximately 21 miles southeast of New Orleans and adjacent to the Reggio community. The Reggio Marsh Creation project area is bounded on the north by an existing tidal levee, on the south by the Reggio Canal, and on the west by the Reggio community. The borrow location is in Lake Lery and depicted in the map. The marsh creation fill area is depicted in the map. In this area, coastal wetland loss can be attributed to both anthropogenic and natural factors such as drilling and dredging for oil and gas; flooding marshes from sea-level rise; storm-driven erosion from Hurricanes Katrina (2005), Rita (2005), Isaac (2012), and Ida (2021); and subsidence. The total acreage of the marsh creation and nourishment areas changed from the initial concept of 479 acres to 519 acres. The goal of the project is to address marsh loss in the area east of Reggio by restoring the structural framework of the marsh by filling in open water areas with dredged sediments. This portion of the ESA Section 7 consultation is for the dredge pipe corridor route. The dredge pipe corridor between the borrow and marsh creation polygons is addressed in a separate IPAC query.

Project Location:

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@29.80761825,-89.83126308828906,14z>



Counties: St. Bernard County, Louisiana

ENDANGERED SPECIES ACT SPECIES

There is a total of 4 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.

MAMMALS

NAME	STATUS
West Indian Manatee <i>Trichechus manatus</i> There is final critical habitat for this species. Your location does not overlap the critical habitat. <i>This species is also protected by the Marine Mammal Protection Act, and may have additional consultation requirements.</i> Species profile: https://ecos.fws.gov/ecp/species/4469	Threatened

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

REPTILES

NAME	STATUS
Alligator Snapping Turtle <i>Macrochelys temminckii</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/4658	Proposed Threatened

INSECTS

NAME	STATUS
Monarch Butterfly <i>Danaus plexippus</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9743	Candidate

CRITICAL HABITATS

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

YOU ARE STILL REQUIRED TO DETERMINE IF YOUR PROJECT(S) MAY HAVE EFFECTS ON ALL ABOVE LISTED SPECIES.

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.

BALD & GOLDEN EAGLES

Bald and golden eagles are protected under the Bald and Golden Eagle Protection Act¹ and the Migratory Bird Treaty Act².

Any person or organization who plans or conducts activities that may result in impacts to bald or golden eagles, or their habitats³, should follow appropriate regulations and consider implementing appropriate conservation measures, as described below.

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

There are bald and/or golden eagles in your project area.

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
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

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 the supplemental information and specifically the FAQ "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

Probability of Presence (■)

Green bars; the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during that week of the year.

Breeding Season (■)

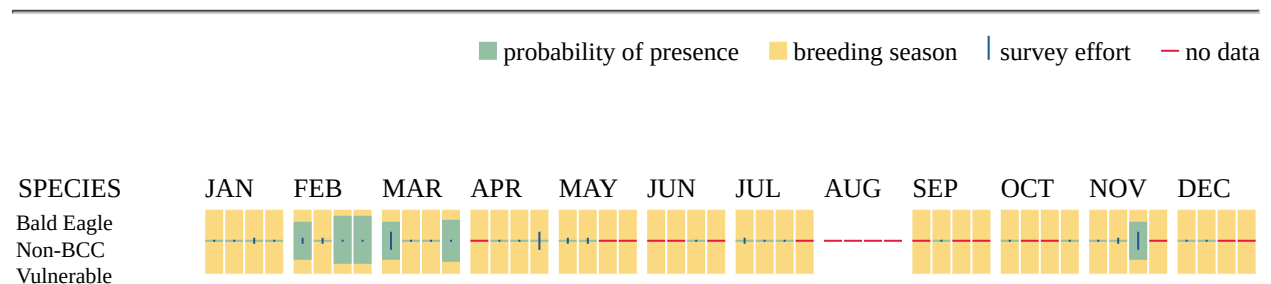
Yellow bars; liberal estimate of the timeframe inside which the bird breeds across its entire range.

Survey Effort (|)

Vertical black lines; the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps.

No Data (—)

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



Additional information can be found using the following links:

- Eagle Management <https://www.fws.gov/program/eagle-management>
- Measures for avoiding and minimizing impacts to birds <https://www.fws.gov/library/collections/avoiding-and-minimizing-incident-take-migratory-birds>
- Nationwide conservation measures for birds <https://www.fws.gov/sites/default/files/documents/nationwide-standard-conservation-measures.pdf>

- Supplemental Information for Migratory Birds and Eagles in IPaC <https://www.fws.gov/media/supplemental-information-migratory-birds-and-bald-and-golden-eagles-may-occur-project-action>

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 habitats³ should follow appropriate regulations and consider implementing appropriate conservation measures, as described below.

-
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)

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
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
Chimney Swift <i>Chaetura pelagica</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9406	Breeds Mar 15 to Aug 25
Gull-billed Tern <i>Gelochelidon nilotica</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9501	Breeds May 1 to Jul 31
King Rail <i>Rallus elegans</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/8936	Breeds May 1 to Sep 5

Non-BCC
Vulnerable



Additional information can be found using the following links:

- Eagle Management <https://www.fws.gov/program/eagle-management>
- Measures for avoiding and minimizing impacts to birds <https://www.fws.gov/library/collections/avoiding-and-minimizing-incident-take-migratory-birds>
- Nationwide conservation measures for birds <https://www.fws.gov/sites/default/files/documents/nationwide-standard-conservation-measures.pdf>
- Supplemental Information for Migratory Birds and Eagles in IPaC <https://www.fws.gov/media/supplemental-information-migratory-birds-and-bald-and-golden-eagles-may-occur-project-action>

MARINE MAMMALS

Marine mammals are protected under the [Marine Mammal Protection Act](#). Some are also protected under the Endangered Species Act¹ and the Convention on International Trade in Endangered Species of Wild Fauna and Flora².

The responsibilities for the protection, conservation, and management of marine mammals are shared by the U.S. Fish and Wildlife Service [responsible for otters, walrus, polar bears, manatees, and dugongs] and NOAA Fisheries³ [responsible for seals, sea lions, whales, dolphins, and porpoises]. Marine mammals under the responsibility of NOAA Fisheries are **not** shown on this list; for additional information on those species please visit the [Marine Mammals](#) page of the NOAA Fisheries website.

The Marine Mammal Protection Act prohibits the take of marine mammals and further coordination may be necessary for project evaluation. Please contact the U.S. Fish and Wildlife Service Field Office shown.

1. The [Endangered Species Act](#) (ESA) of 1973.
2. The [Convention on International Trade in Endangered Species of Wild Fauna and Flora](#) (CITES) is a treaty to ensure that international trade in plants and animals does not threaten their survival in the wild.
3. [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.

NAME

West Indian Manatee *Trichechus manatus*

Species profile: <https://ecos.fws.gov/ecp/species/4469>

IPAC USER CONTACT INFORMATION

Agency: Environmental Protection Agency
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Zip: 75270
Email: osowski.sharon@epa.gov
Phone: 2146657506



United States Department of the Interior



FISH AND WILDLIFE SERVICE
Louisiana Ecological Services Field Office
200 Dulles Drive
Lafayette, LA 70506
Phone: (337) 291-3100 Fax: (337) 291-3139

In Reply Refer To:

October 19, 2023

Project Code: 2024-0006951

Project Name: BS43 CWPPRA Reggio Dredge Pipe Corridor (truncated)

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, and candidate species, as well as designated and proposed critical habitat that may occur within the boundary of your proposed project and may be affected by your proposed project. The Fish and Wildlife Service (Service) is providing this list under section 7 (c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 et seq.). Changes in this species list may occur due to new information from updated surveys, changes in species habitat, new listed species and other factors. Because of these possible changes, feel free to contact our office (337-291-3109) for more information or assistance regarding impacts to federally listed species. The Service recommends visiting the IPaC site or the Louisiana Ecological Services Field Office website (<https://www.fws.gov/southeast/lafayette>) at regular intervals during project planning and implementation for updated species lists and information. An updated list may be requested through the 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 habitats 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 Federal trust resources and to determine whether projects may affect Federally listed 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)).

Bald eagles have recovered and were removed from the List of Endangered and Threatened Species as of August 8, 2007. Although no longer listed, please be aware that bald eagles are protected under the Bald and Golden Eagle Protection Act (BGEPA) (16 U.S.C. 668 et seq.).

The Service developed the National Bald Eagle Management (NBEM) Guidelines to provide landowners, land managers, and others with information and recommendations to minimize potential project impacts to bald eagles, particularly where such impacts may constitute “disturbance”, which is prohibited by the BGEPA. A copy of the NBEM Guidelines is available at: <https://www.fws.gov/migratorybirds/pdf/management/nationalbaldeaglenagementguidelines.pdf>

Those guidelines recommend: (1) maintaining a specified distance between the activity and the nest (buffer area); (2) maintaining natural areas (preferably forested) between the activity and nest trees (landscape buffers); and (3) avoiding certain activities during the breeding season. Onsite personnel should be informed of the possible presence of nesting bald eagles within the project boundary, and should identify, avoid, and immediately report any such nests to this office. If a bald eagle nest occurs or is discovered within or adjacent to the proposed project area, then an evaluation must be performed to determine whether the project is likely to disturb nesting bald eagles. That evaluation may be conducted on-line at: <https://www.fws.gov/southeast/our-services/eagle-technical-assistance/>. Following completion of the evaluation, that website will provide a determination of whether additional consultation is necessary. The Division of Migratory Birds for the Southeast Region of the Service (phone: 404/679-7051, e-mail: SEmigratorybirds@fws.gov) has the lead role in conducting any necessary consultation.

Activities that involve State-designated scenic streams and/or wetlands are regulated by the Louisiana Department of Wildlife and Fisheries and the U.S. Army Corps of Engineers, respectively. We, therefore, recommend that you contact those agencies to determine their interest in proposed projects in these areas.

Activities that would be located within a National Wildlife Refuge are regulated by the refuge staff. We, therefore, recommend that you contact them to determine their interest in proposed projects in these areas.

Additional information on Federal trust species in Louisiana can be obtained from the Louisiana Ecological Services website at: <https://www.fws.gov/southeast/lafayette>

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.

Attachment(s):

- Official Species List
 - USFWS National Wildlife Refuges and Fish Hatcheries
 - Bald & Golden Eagles
 - Migratory Birds
 - Marine Mammals
-

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:

Louisiana Ecological Services Field Office

200 Dulles Drive

Lafayette, LA 70506

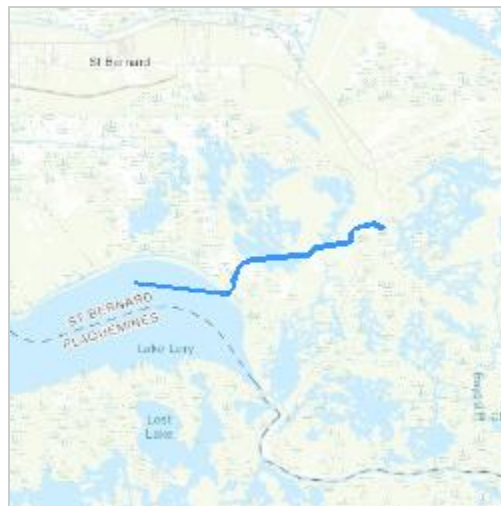
(337) 291-3100

PROJECT SUMMARY

Project Code: 2024-0006951
Project Name: BS43 CWPPRA Reggio Dredge Pipe Corridor (truncated)
Project Type: Restoration / Enhancement - Wetland
Project Description: BS43 CWPPRA Reggio Dredge Pipe Corridor (clipped to remove overlap with Marsh Creation area)

Project Location:

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@29.81494865,-89.78858411409965,14z>



Counties: St. Bernard County, Louisiana

ENDANGERED SPECIES ACT SPECIES

There is a total of 4 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.

MAMMALS

NAME	STATUS
West Indian Manatee <i>Trichechus manatus</i> There is final critical habitat for this species. Your location does not overlap the critical habitat. <i>This species is also protected by the Marine Mammal Protection Act, and may have additional consultation requirements.</i> Species profile: https://ecos.fws.gov/ecp/species/4469	Threatened

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

REPTILES

NAME	STATUS
Alligator Snapping Turtle <i>Macrochelys temminckii</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/4658	Proposed Threatened

INSECTS

NAME	STATUS
Monarch Butterfly <i>Danaus plexippus</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9743	Candidate

CRITICAL HABITATS

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

YOU ARE STILL REQUIRED TO DETERMINE IF YOUR PROJECT(S) MAY HAVE EFFECTS ON ALL ABOVE LISTED SPECIES.

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.

BALD & GOLDEN EAGLES

Bald and golden eagles are protected under the Bald and Golden Eagle Protection Act¹ and the Migratory Bird Treaty Act².

Any person or organization who plans or conducts activities that may result in impacts to bald or golden eagles, or their habitats³, should follow appropriate regulations and consider implementing appropriate conservation measures, as described below.

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

There are bald and/or golden eagles in your project area.

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
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

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 the supplemental information and specifically the FAQ "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

Probability of Presence (■)

Green bars; the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during that week of the year.

Breeding Season (■)

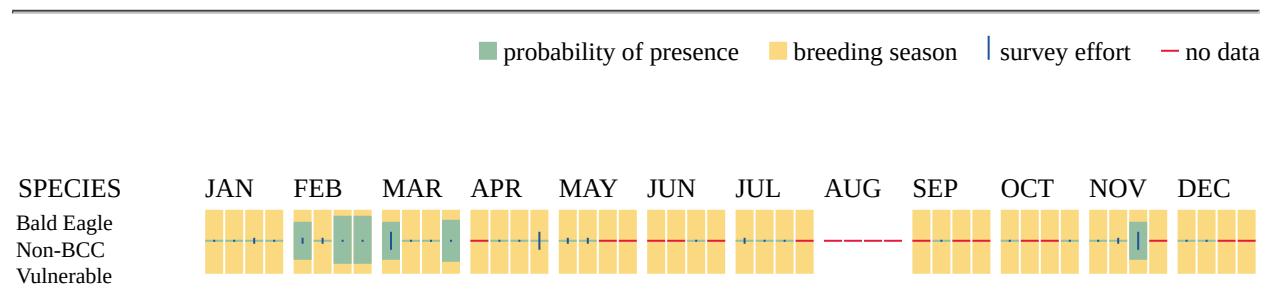
Yellow bars; liberal estimate of the timeframe inside which the bird breeds across its entire range.

Survey Effort (|)

Vertical black lines; the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps.

No Data (—)

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



Additional information can be found using the following links:

- Eagle Management <https://www.fws.gov/program/eagle-management>
- Measures for avoiding and minimizing impacts to birds <https://www.fws.gov/library/collections/avoiding-and-minimizing-incident-take-migratory-birds>
- Nationwide conservation measures for birds <https://www.fws.gov/sites/default/files/documents/nationwide-standard-conservation-measures.pdf>

- Supplemental Information for Migratory Birds and Eagles in IPaC <https://www.fws.gov/media/supplemental-information-migratory-birds-and-bald-and-golden-eagles-may-occur-project-action>

MIGRATORY BIRDS

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

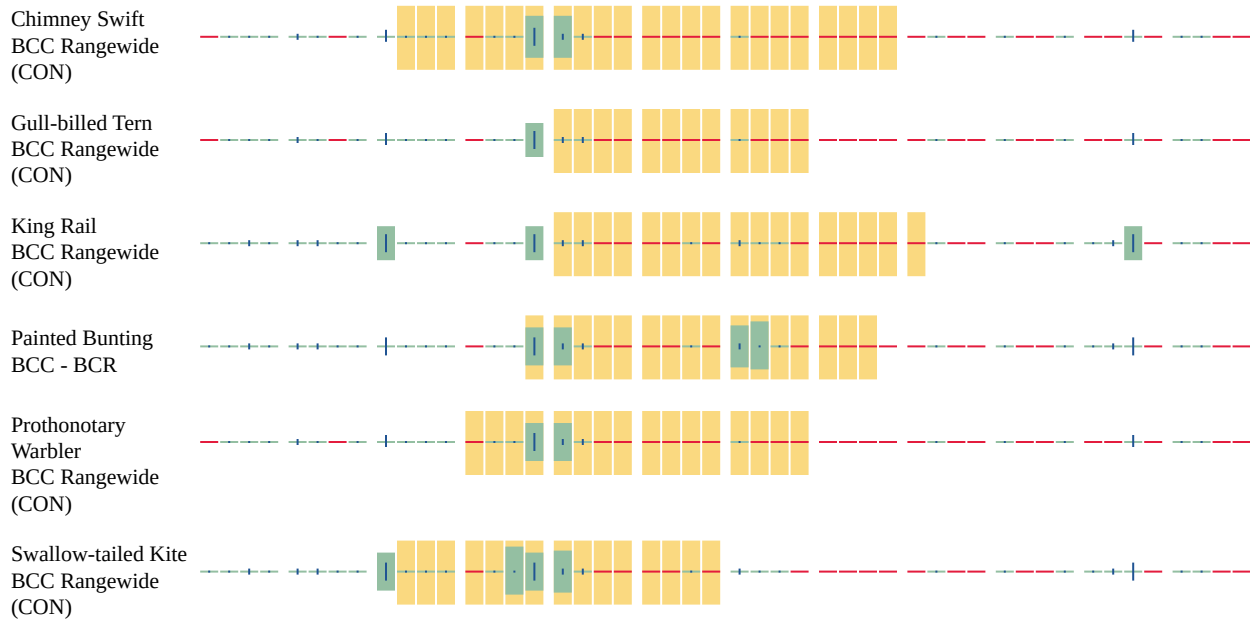
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-
1. The [Migratory Birds Treaty Act](#) of 1918.
 2. The [Bald and Golden Eagle Protection Act](#) of 1940.
 3. 50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)

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NAME	BREEDING SEASON
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
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King Rail <i>Rallus elegans</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/8936	Breeds May 1 to Sep 5

Non-BCC
Vulnerable



Additional information can be found using the following links:

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MARINE MAMMALS

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NAME

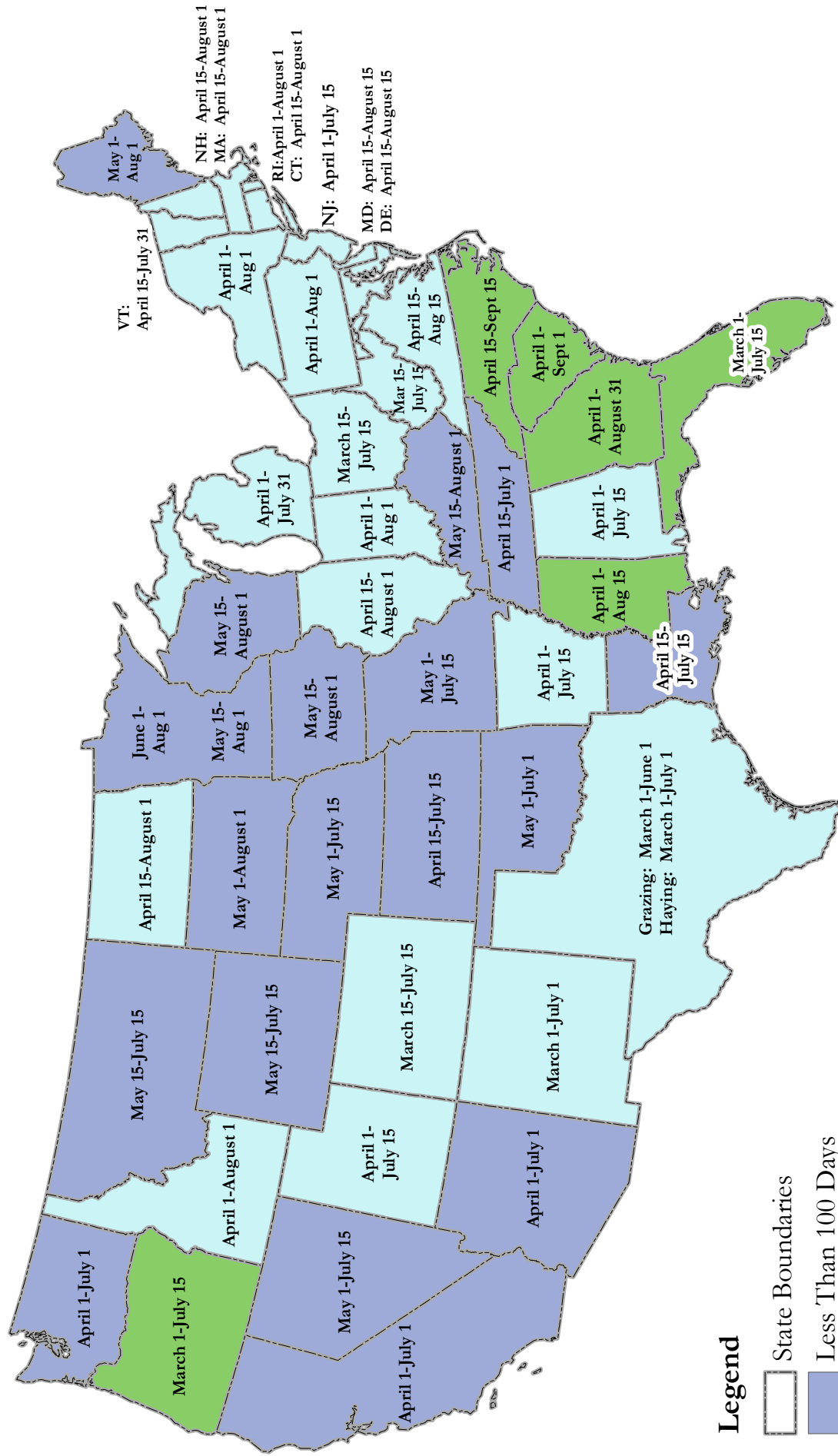
West Indian Manatee *Trichechus manatus*

Species profile: <https://ecos.fws.gov/ecp/species/4469>

IPAC USER CONTACT INFORMATION

Agency: Environmental Protection Agency
Name: Sharon Osowski
Address: 1201 Elm St., Suite 500
Address Line 2: Mailcode 6WD-AM
City: Dallas
State: TX
Zip: 75270
Email: osowski.sharon@epa.gov
Phone: 2146657506

Primary Nesting Season Dates and Duration



Legend

State Boundaries

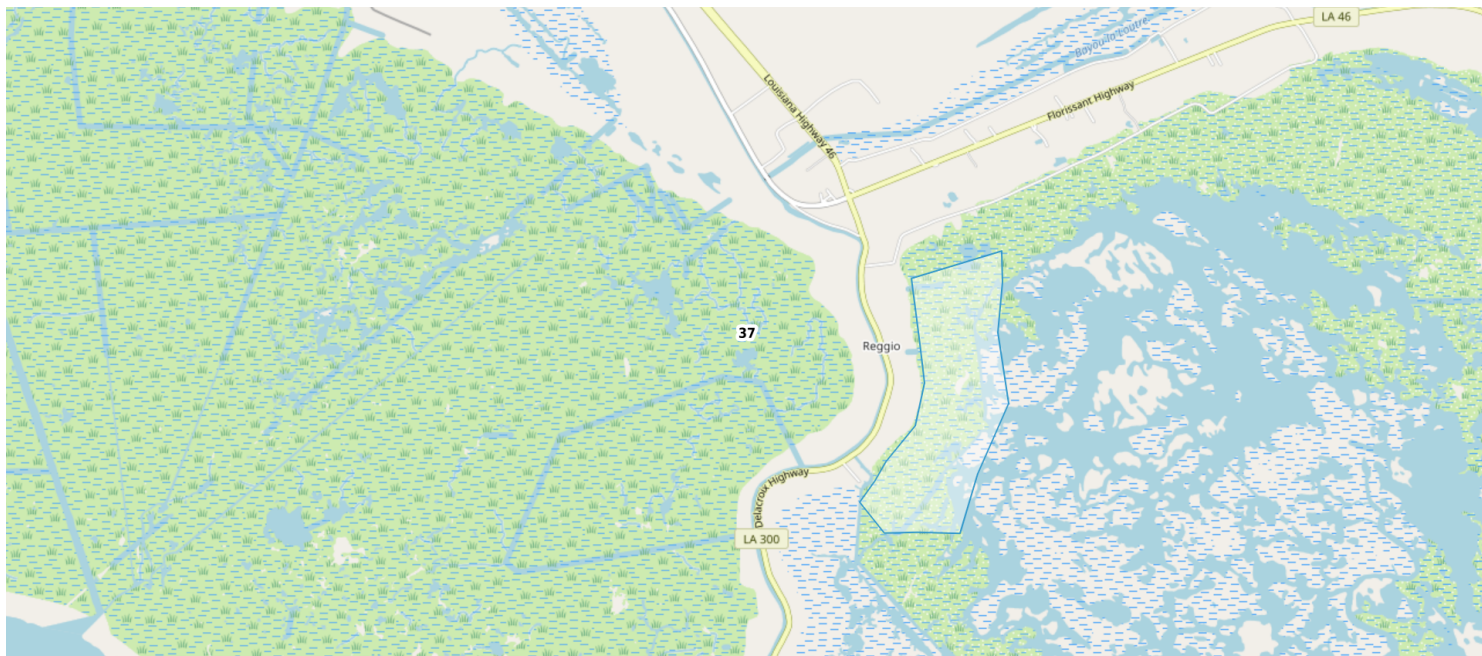
Less Than 100 Days

100 to 125 Days

126 to 153 Days


Alaska: May 15 to June 25


Hawaii: No haying and no grazing





Species Results


BCR(s): 37-GULF_COASTAL_PRAIRIE
State(s): LA

	<p>American Crow <i>Corvus</i></p>	<p>Global: 28,000,000 Continental U.S.: 18,000,000</p>	<p>Common</p>	<p>▼</p>
<p><i>brachyrhynchos</i></p>				

	<p>American Goldfinch <i>Spinus tristis</i></p>	<p>Global: 44,000,000 Continental U.S.: 30,000,000</p>	<p>Common</p>	<p>▼</p>
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	<p>American Kestrel <i>Falco sparverius</i></p>	<p>Global: 9,200,000 Continental U.S.: 2,000,000</p>	<p>State Threatened: NJ</p>	<p>▼</p>
			<p>State Endangered: DE</p>	


	<p>American Robin <i>Turdus migratorius</i></p>	<p>Global: 370,000,000 Continental U.S.: 200,000,000</p>	<p>Common</p>	<p>▼</p>
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American White Pelican
Pelecanus erythrorhynchos

Global: Not yet available
Continental U.S.: Not yet available

BCRBCC Breeding: 9



Anhinga
Anhinga anhinga

Global: Not yet available
Continental U.S.: Not yet available


Common



Bald Eagle
Haliaeetus leucocephalus

Global: 200,000
Continental U.S.: Not yet available


State Threatened: MA, CT, NH, NY, TX
State Endangered: NJ, VT, CA



Barn Swallow
Hirundo rustica

Global: 190,000,000
Continental U.S.: 40,000,000


Common



Barred Owl
Strix varia

Global: 3,500,000
Continental U.S.: 3,100,000

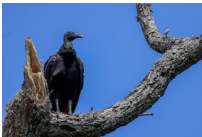
State Threatened: NJ



Belted Kingfisher
Megaceryle alcyon

Global: 1,800,000
Continental U.S.: 830,000

BCRBCC Breeding: 13




Black Vulture

Global: 190,000,000
Continental U.S.: 9,600,000

Common


atratus *Coragyps*



Black-bellied Whistling-Duck
Dendrocygna autumnalis

Global: Not yet available
Continental U.S.: Not yet available

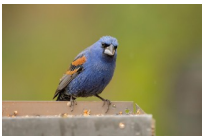
Common



Black-crowned Night-Heron
Nycticorax nycticorax

Global: Not yet available
Continental U.S.: Not yet available


State Threatened: ME, NJ, OH
State Endangered: DE, PA, IN



Blue Grosbeak
Passerina caerulea

Global: 35,000,000
Continental U.S.: 21,000,000


Common



Blue Jay
Cyanocitta cristata

Global: 17,000,000
Continental U.S.: 15,000,000

Common



Blue-gray Gnatcatcher
Polioptila caerulea

Global: 260,000,000
Continental U.S.: 230,000,000

Common

Blue-headed Vireo

Global: 13,000,000
Continental U.S.: 2,000,000

Common



Vireo



Boat-tailed Grackle

Quiscalus major

Global: 2,200,000
Continental U.S.: 2,200,000

Common



Bronzed Cowbird

Molothrus aeneus

Global: 6,600,000
Continental U.S.: 820,000

Common



Brown Pelican

Pelecanus occidentalis

Global: Not yet available
Continental U.S.: Not yet available

Common

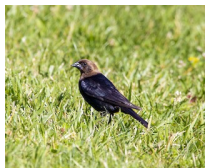


Brown Thrasher

Toxostoma rufum

Global: 6,200,000
Continental U.S.: 5,700,000

Common



Brown-headed Cowbird

Molothrus ater

Global: 130,000,000
Continental U.S.: 100,000,000

Common



Carolina Chickadee

Poecile carolinensis

Global: 13,000,000
Continental U.S.: 13,000,000

Common

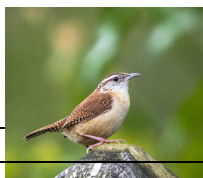


Carolina Wren

Global: 19,000,000
Continental U.S.: 18,000,000

Common





Thryothorus ludovicianus



Caspian Tern
Hydroprogne caspia

Global: Not yet available
Continental U.S.: Not yet available

State Threatened: MI



Cattle Egret
Bubulcus ibis

Global: Not yet available
Continental U.S.: Not yet available

State Threatened: NJ

State Endangered: OH



Cedar Waxwing
Bombycilla cedrorum

Global: 64,000,000
Continental U.S.: 29,000,000

Common

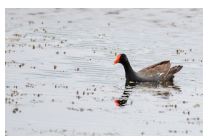


CLRA

Clapper Rail
Rallus longirostris

Global: Not yet available
Continental U.S.: Not yet available

Not Available

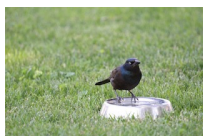


Common Gallinule
Gallinula galeata

Global: Not yet available
Continental U.S.: Not yet available

State Threatened: ME

State Endangered: CT, IN



Common Grackle
Quiscalus quiscula

Global: 67,000,000
Continental U.S.: 60,000,000

Common

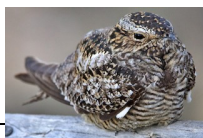


Common Nighthawk

Global: 23,000,000
Continental U.S.: 20,000,000

State Endangered: CT, NH, VT





*Chordeiles
minor*



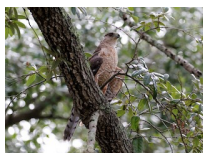
Common

Global: 77,000,000
Continental U.S.: 42,000,000

Common



Yellowthroat
Geothlypis trichas



**Cooper's
Hawk**
*Accipiter
cooperii*

Global: 1,000,000
Continental U.S.: 790,000

Common



Downy

Global: 13,000,000
Continental U.S.: 11,000,000

Common



Woodpecker
Dryobates pubescens



**Eastern
Bluebird**
Sialia sialis

Global: 23,000,000
Continental U.S.: 21,000,000

Common




**Eastern
Kingbird**
*Tyrannus
tyrannus*

Global: 26,000,000
Continental U.S.: 22,000,000

Common






Eastern
Global: 37,000,000
Continental U.S.: 24,000,000

State Threatened: CT

BCRBCC Breeding:
13,20,35,36

Meadowlark
Sturnella magna




Eastern Phoebe
Global: 35,000,000
Continental U.S.: 27,000,000

Common

Sayornis phoebe


EUCD



Eurasian Collared-Dove
Global: 85,000,000
Continental U.S.: 8,600,000

Common


Streptopelia decaocto



European Starling
Global: 250,000,000
Continental U.S.: 74,000,000

Common

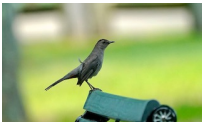
Sturnus vulgaris



Fish Crow
Global: 470,000
Continental U.S.: 470,000

Common

Corvus ossifragus



Gray Catbird
Global: 29,000,000
Continental U.S.: 25,000,000

Common

Dumetella carolinensis

Great Blue Heron
Global: Not yet available
Continental U.S.: Not yet available

Common



Ardea herodias



Great Crested Flycatcher
Myiarchus crinitus

Global: 8,800,000
Continental U.S.: 8,100,000

Common



Great Egret
Ardea alba

Global: Not yet available
Continental U.S.: Not yet available

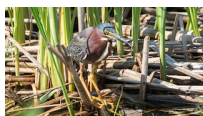
State Threatened: CT
State Endangered: PA



Great Horned Owl
Bubo virginianus

Global: 5,700,000
Continental U.S.: 3,000,000

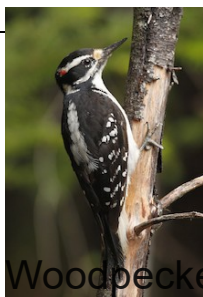
Common



Green Heron
Butorides virescens

Global: Not yet available
Continental U.S.: Not yet available

Common



Hairy

Woodpecker
Dryobates villosus

Global: 8,900,000
Continental U.S.: 4,200,000

Common




Herring Gull
Larus argentatus

Global: Not yet available
Continental U.S.: Not yet available

Common






House Wren
Troglodytes aedon

Global: 190,000,000
Continental U.S.: 30,000,000


Common



Inca Dove
Columbina inca

Global: 4,700,000
Continental U.S.: 620,000

Common



Killdeer
Charadrius vociferus

Global: Not yet available
Continental U.S.: Not yet available


Common



King Rail
Rallus elegans

Global: Not yet available
Continental U.S.: Not yet available


State Threatened: MA, NY
State Endangered: CT, PA, OH, IN, IA, MI
BCRBCC Breeding: 19,22,23,24,25,26,27,29,30,31,36,37



Laughing Gull
Leucophaeus atricilla

Global: Not yet available
Continental U.S.: Not yet available


Common



Little Blue Heron
Egretta caerulea

Global: Not yet available
Continental U.S.: Not yet available

BCRBCC Breeding: 21,26




Global: 7,000,000
Continental U.S.: 4,400,000

State Threatened: VA

State Endangered: MD, NJ, NY, PA, OH, IN, MN

BCRBCC Breeding: 21,22,37

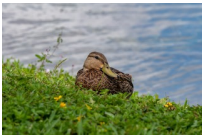
Loggerhead Shrike
Lanius ludovicianus



Global: 3,200,000
Continental U.S.: 240,000

State Threatened: MI


Merlin
Falco columbarius



Global: Not yet available
Continental U.S.: Not yet available

Common


Mottled Duck
Anas fulvigula



Global: 150,000,000
Continental U.S.: 130,000,000

Common

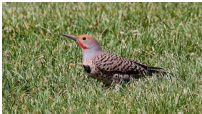
Mourning Dove
Zenaida macroura



Global: 130,000,000
Continental U.S.: 120,000,000

Common

Northern Cardinal
Cardinalis cardinalis



Global: 12,000,000
Continental U.S.: 5,500,000

Common

Northern Flicker
Colaptes auratus


NOHA

Northern Harrier

Global: Not yet available
Continental U.S.: Not yet available


Not Available

Circus
cyaneus




Northern
Global: 43,000,000
Continental U.S.: 34,000,000
Common

Mockingbird
Mimus polyglottos




Northern Parula
Global: 18,000,000
Continental U.S.: 12,000,000
State Threatened: MA

Setophaga americana



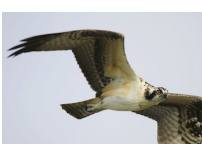
Orange-crowned Warbler
Global: 82,000,000
Continental U.S.: 34,000,000
Common

Leiothlypis celata



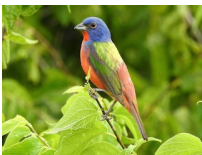
Orchard Oriole
Global: 12,000,000
Continental U.S.: 11,000,000
BCRBCC Breeding: 36

Icterus spurius




Osprey
Global: 1,200,000
Continental U.S.: 230,000
State Threatened: NJ

Pandion haliaetus



Painted Bunting
Global: 15,000,000
Continental U.S.: 13,000,000
BCRBCC Breeding: 20,27,31,36,37

Passerina ciris



Peregrine Falcon
Falco peregrinus

Global: 340,000
Continental U.S.: Not yet available


State Threatened: CT, NH, VA, TX
State Endangered: MA, ME, NJ, NY, PA, RI, MI



Pileated
Woodpecker
Dryocopus pileatus

Global: 2,600,000
Continental U.S.: 1,700,000


Common



Pine Warbler
Setophaga pinus

Global: 13,000,000
Continental U.S.: 12,000,000

Common



Purple Martin
Progne subis

Global: 9,300,000
Continental U.S.: 8,400,000

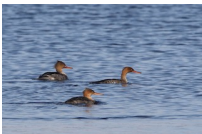
Common



Red-bellied
Woodpecker
Melanerpes carolinus

Global: 16,000,000
Continental U.S.: 15,000,000


Common



Red-breasted Merganser
Mergus serrator

Global: Not yet available
Continental U.S.: Not yet available


Common



Red-shouldered Hawk
Buteo lineatus

Global: 1,900,000
Continental U.S.: 1,800,000


State Threatened: MI
State Endangered: NJ



Red-tailed Hawk
Buteo jamaicensis

Global: 3,100,000
Continental U.S.: 2,100,000

Common



Red-winged Blackbird
Agelaius phoeniceus

Global: 180,000,000
Continental U.S.: 140,000,000

Common



Ring-billed Gull
Larus delawarensis

Global: Not yet available
Continental U.S.: Not yet available


Common



Roseate Spoonbill
Platalea ajaja

Global: Not yet available
Continental U.S.: Not yet available


Common



Royal Tern
Thalasseus maximus

Global: Not yet available
Continental U.S.: Not yet available

State Endangered: MD



Ruby-throated

Global: 36,000,000
Continental U.S.: 30,000,000

Common

Hummingbird

Archilochus colubris



Savannah Sparrow
Passerculus

Global: 170,000,000
Continental U.S.: 69,000,000

State Threatened: NJ



sandwichensis



Sharp-shinned Hawk
Accipiter striatus

Global: 1,000,000
Continental U.S.: 160,000

State Endangered: CT

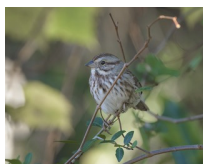


Snowy Egret
Egretta thula

Global: Not yet available
Continental U.S.: Not yet available

State Threatened: CT

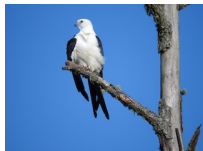
State Endangered: OH



Song Sparrow
Melospiza melodia

Global: 130,000,000
Continental U.S.: 71,000,000

Common



Swallow-tailed Kite
Elanoides forficatus

Global: 260,000
Continental U.S.: 7,500

State Threatened: TX

BCRBCC Breeding:
25,26,27,31,37





Swamp Sparrow
Melospiza georgiana


Global: 23,000,000
Continental U.S.: 2,800,000


Common





	Tree Swallow <i>Tachycineta bicolor</i>	Global: 19,000,000 Continental U.S.: 8,700,000	Common	▼
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	Tricolored Heron <i>Egretta tricolor</i>	Global: Not yet available Continental U.S.: Not yet available	Common	▼
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	Tufted Titmouse <i>Baeolophus bicolor</i>	Global: 12,000,000 Continental U.S.: 12,000,000	Common	▼
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	Turkey Vulture <i>Cathartes aura</i>	Global: 28,000,000 Continental U.S.: 8,200,000	Common	▼
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	Western Kingbird <i>Tyrannus verticalis</i>	Global: 30,000,000 Continental U.S.: 27,000,000	Common	▼
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	Western Tanager <i>Piranga ludoviciana</i>	Global: 15,000,000 Continental U.S.: 10,000,000	Common	▼
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	White Ibis <i>Eudocimus albus</i>	Global: Not yet available Continental U.S.: Not yet available	Common	▼
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White-eyed Vireo
Vireo griseus

Global: 24,000,000
Continental U.S.: 22,000,000


Common



White-throated Sparrow
Zonotrichia albicollis

Global: 160,000,000
Continental U.S.: 5,600,000


Common



Wilson's Snipe
Gallinago delicata

Global: Not yet available
Continental U.S.: Not yet available


Common



Yellow-bellied Sapsucker
Sphyrapicus varius

Global: 14,000,000
Continental U.S.: 3,200,000

Common



Yellow-billed Cuckoo
Coccyzus americanus

Global: 9,600,000
Continental U.S.: 8,300,000

Federally Threatened: Western DPS: U.S.A. (AZ, CA, CO (western), ID, MT (western), NM (western), NV, OR, TX (western), UT, WA, WY (western)); Canada (British Columbia (southwestern)); Mexico (Baja California, Baja California Sur, Chihuahua, Durango (western), Sinaloa, Sonora)

BCRBCC Breeding: 28

Yellow-crowned Night-

Global: Not yet available
Continental U.S.: Not yet available

State Threatened: NJ
State Endangered: DE, PA, IN



Heron

Ardea herodias



Yellow-rumped Warbler

Setophaga coronata

Global: 170,000,000
Continental U.S.: 47,000,000

Common



NATIONWIDE CONSERVATION MEASURES

The Migratory Bird Treaty Act (16 U.S.C. 703 et seq.) prohibits but does not regulate take resulting from activities where an otherwise legal action might reasonably be expected to take migratory birds, but is not the intended purpose of the action. The U.S. Fish and Wildlife Service (Service) Office of Law Enforcement practices enforcement discretion for project developers, owners, and operators that demonstrate due diligence by taking steps to address project-related impacts to migratory birds. Thus, project developers, owners, and operators should collaborate with the Service to develop approaches that address project-related impacts to migratory birds through the implementation of conservation measures (e.g., mitigation measures, best management practices).

The conservation measures listed below are a short list of effective measures that should be employed at all project development sites nationwide with the goal of reducing impacts to birds and their habitats. These measures are grouped into three categories: General, Habitat Protection, and Stressor Management.

For more information on additional approaches to address project-related impacts to migratory birds, please visit: <http://www.fws.gov/migratorybirds/CCMB2.htm>.

General Measures

- Educate all employees, contractors, and/or site visitors of relevant rules and regulations that protect wildlife.
 - For more information on regulations that protect migratory birds please go to <http://www.fws.gov/migratorybirds/RegulationsandPolicies.html>
- Prior to removal of an inactive nest, ensure that the nest is not protected under the Endangered Species Act (ESA) or the Bald and Golden Eagle Protection Act (BGEPA). Nests protected under ESA or BGEPA cannot be removed without a valid permit.
 - Go to <http://www.fws.gov/policy/m0208.pdf> for the Service Nest Destruction Policy
- Do not collect birds (live or dead) or their parts (e.g., feathers) or nests without a valid permit
 - For information regarding permits and permit applications visit. <http://www.fws.gov/permits/overview/overview.html>
- Contain construction trash and remove regularly to prevent the attraction of wildlife to the project site.
- Report any wildlife interactions, including incidental take, to the local Service Office of Law Enforcement.
- Consult and follow applicable Service industry guidance, for example:
 - **Wind Energy** - <http://www.fws.gov/windenergy/>
 - **Communication Towers** - <http://www.fws.gov/habitatconservation/communicationtowers.html>
 - **Avian Powerline Interaction Committee (APLIC)** - <http://www.aplic.org/Electrocutions.php> and <http://www.aplic.org/Collisions.php>
 - **Oil Waste Pits** - <http://www.fws.gov/mountain-prairie/contaminants/oilpits.htm>

Habitat Protection

- Minimize project creep by clearly delineating and maintaining project boundaries (including staging areas).
- Consult all local, State, and Federal regulations for the development of an appropriate buffer distance between development site and any wetland or waterway. For more information on wetland protection regulations see the Clean Water Act sections 401 and 404.
- Avoid vegetation removal, trimming, and maintenance (e.g., general landscaping activities, tree trimming, grubbing, etc.) during migratory bird breeding seasons to the maximum extent practicable. Contact the Service Regional Migratory Bird Office for specific information on local migratory bird breeding seasons, survey recommendations, and appropriate buffer distances.
 - Nesting seasons for migratory birds vary by location of the country. In general, nesting season for migratory birds occurs between March and September; however, it varies by location of the country. Where project work cannot occur outside the migratory bird nesting season, conduct surveys prior to scheduled activity to determine if active nests are present within the area of impact. Generally, the surveys should be conducted no more than five days prior to scheduled activity. Timing and dimensions of the area to be surveyed vary and will depend on the nature of the project, location and expected level of disturbance.
 - If active nests are identified within or around the vicinity of a project site, avoid the site until nestlings have fledged or the nest fails. If activity must occur, establish a buffer zone around the nest and no activities should occur within that zone until nestlings have fledged and left the nest area. The dimension of the buffer zone will depend on the proposed activity, habitat type, and species present. If establishing a buffer zone is not feasible, contact the Service for guidance to minimize impacts to migratory birds associated with the proposed project or removal of an active nest. An active nest can be removed only by a permitted bird rehabilitator.
- Use disturbed land for all project activities (i.e., siting, lay-down areas, construction) to the maximum extent practicable.
- Implement standard soil erosion and fugitive dust control measures. For example:
 - Establish vegetation cover to stabilize soil
 - Use erosion blankets to prevent soil loss
 - Water bare soil to prevent wind erosion and fugitive dust issues

Stressor Management

- Minimize human presence near undisturbed habitat by establishing avoidance buffers.
- Prevent night- lighting of native habitats by down shielding or using directional lighting.
 - Minimize illumination of structural lighting by using motion or heat sensors and eliminating use of steady burning lights on tall structures.
 - For more on impacts of artificial light and recommended solutions see the National Park Service Natural Sounds and Night Skies webpage at: <http://www.nature.nps.gov/night/index.cfm>

- Minimize the temporary increase in noise above ambient levels by using sound barriers (e.g., structural barrier such as sand bags) to reduce persistent noise and avoiding permanent additions to ambient noise levels (e.g., use of baffle boxes):
 - For more on impacts of noise pollution and recommended solutions see the National Park Service Natural Sounds and Night Skies webpage at: <http://www.nature.nps.gov/sound/index.cfm>
- Minimize entrapment and entanglement hazards through project design measures that may include:
 - Capping pipes and covering/sealing small dark spaces birds may enter
 - Installing anti-perching devices on facilities/equipment where birds may commonly nest or perch
- Prevent the introduction of invasive plants by only using native and local (when possible) seed stock. Consider creating vehicle wash stations prior to entering sensitive habitat areas to prevent accidental introduction of non-native plants.
- Avoid chemical contamination of the project area by implementing a Hazardous Materials Plan
 - Avoid soil contamination by using drip pans underneath equipment and containment zones at construction sites and when refueling vehicles or equipment.
 - Avoid contaminating natural aquatic and wetland systems with runoff by limiting all equipment maintenance, staging laydown, and dispensing of fuel, oil, etc., to designated upland areas.
 - Any use of pesticides or rodenticides shall comply with the applicable Federal and State laws.
 - Choose non-chemical alternatives when appropriate
 - Pesticides shall be used only in accordance with their registered uses and in accordance with the manufacturer's instructions to limit access to non-target species.
- Reduce fire hazards from vehicles and human activities (e.g., use spark arrestors on power equipment, avoid driving vehicles off road).