



Safety Zone, St Louis Bay, Swim Event - Proponent Review

Status

- In Preparation (11/07/2024)
- Environmental Review (11/08/2024)
- Senior Environmental Review (11/08/2024)
- Proponent Review (11/08/2024)
- Project Approved

Project Information

General

Name: Safety Zone, St Louis Bay, Swim Event

DSS ID: DSS-USCG-2024-20265

Security: Unclassified

Description: The Coast Guard is proposing a permanent reoccurring safety zone on certain navigable waters of St. Louis Bay, from Bay St. Louis, MS, extending the entire width of the channel, approximately 1 mile south of the Hwy 90 Bridge. This safety zone is needed to protect safety of life for the maritime public and event participants from potential hazards created by a swim event crossing the navigable channel. Entry of vessels or persons into this zone is prohibited unless specifically authorized the Captain of the Port Sector Mobile (COTP) or a designated representative. We invite your comments on this proposed rulemaking.

Funded through IRA?: No

Funded through the IIJA?: No

Critical Infrastructure?: No

Adopting Another Agency Catex, or CATEX Determination?: No

Project Type: Administrative & Regulatory Activities - Regulations for Regulated Navigation Areas and security or safety zones: Regulations establishing or increasing the size of Regulated Navigation Areas and security or safety zones.(CATEX *L60a)

Existing EA/EIS?: No

Requires EA/EIS?: No

Project Priority: Normal

Federal Assistance: No

Type of Permit: N/A

Estimated Project Cost: (not entered)

Component

Component: USCG - U.S. Coast Guard

Region/Area/Unit: USCG Civil Engineering Unit – Miami Fl

Tracking Number: USCG-2024-0675

Dates

FY Funding: 2024

Proposed Project Start: 09/10/2024

Proposed Project End: On-going

Review Start: 08/06/2024

Project Location

- U.S. Territorial Water: St Louis Bay, South of Highway 90 Bridge, Bay St Louis, MS.

Team

- Document Preparer, Matthew Griffin, Matthew.B.Griffin@uscg.mil
- Collaborator-Documents Preparation, Stacy Stevenson, stacy.d.stevenson@uscg.mil
- Environmental Reviewer, Mark Merritt (Level I), mark.d.merritt@uscg.mil
- Senior Environmental Reviewer, Mark Merritt (Level I), mark.d.merritt@uscg.mil
- Proponent, Michael Vega, Michael.O.Vega@uscg.mil

Categorical Exclusions

- L60(a)* - Regulations for Regulated Navigation Areas and security or safety zones: Regulations establishing or increasing the size of Regulated Navigation Areas and security or safety zones.

Required Conditions

1. Any change to the Proposed Action that may cause a physical interaction with the human environment will require re-evaluation for compliance with NEPA and other EP&HP requirements before the action can proceed.
2. This review addresses NEPA and other EP&HP requirements as described in DHS Directive 023-01. This review may identify the need for additional federal, state, and/or local permits, approvals, etc. required for the Proposed Action. However, this review may not satisfy those requirements and the Proponent is responsible for ensuring that all other appropriate federal, state, and/or local permits, approvals, etc. have been obtained.

Decision Documents

- There are no decision documents.

Attachments

- IPaC_ USCG-2024-0675.pdf, 984.23kB

- USCG-2024-0675 St Louis Bay.docx, 47.40kB

Comments

- Mark Merritt (Level I), Please reference attached iPac for review. (08/09/2024 09:29:15)
- Mark Merritt (Level I), Please reference attached iPac for review. (08/09/2024 09:28:57)
- Mark Merritt (Level I), Please reference attached iPac for review. (08/09/2024 09:28:42)
- Mark Merritt (Level I), Please reference attached iPac for review. (08/09/2024 09:28:30)
- Mark Merritt (Level I), Please reference attached iPac for review. (08/09/2024 09:10:51)

EPHP Review

Environmental Resources

- Is the Proposed Action a piece of a larger action or connected to another action? -- No
Please explain how you came to this determination. : The Proposed Action is not a piece of a larger action or connected to another action.
- Will the Proposed Action have a potentially significant effect on public health or safety? Areas to consider include, but are not limited to: environmental justice considerations; air quality; noise impacts; hazardous wastes and/or contamination; wastewater; potable water; and changes in modes or safety of transportation. -- No
Explain how the proposed action would not have a potentially significant effect on public health or safety. : The Proposed Action is not expected or anticipated to have a potentially significant effect on public health or safety.
- Would the proposed action place a disproportionately high and adverse human health or environmental effect on minority populations and low-income populations? -- No
- Will the Proposed Action have a potentially significant effect on species or habitats protected by the Endangered Species Act, Marine Mammal Protection Act, Migratory Bird Treaty Act, Bald and Golden Eagle Protection Act, or Magnuson-Stevens Fishery Conservation and Management Act? -- No
Provide a conclusion under which statute the determination was made (e.g., no effect, NLAA, LAA, for ESA, etc.), how the determination was made, why it is considered significant, and copies of any consultation (informal and/or formal). : iPac environmental review did identify critical habitat for the Piping Plover and Gulf Sturgeon, however no significant impacts to these or any other species or habitat for this project is anticipated, as this project/security/safety will occur only in the water.
Attachments: FWS, NMFS, or Wildlife Agency Consultation: IPaC_ USCG-2024-0675.pdf (IPaC_ USCG-2024-0675.pdf, 984.23kB)

Comments:

- Mark Merritt (Level I), Please reference attached iPac for review. (08/09/2024 09:10:51)

- What is your Endangered Species Act (ESA) finding and determination? -- May affect, not likely to adversely affect

Explain how the determination was made, why it is considered NOT significant, and copies of any consultation (informal and/or formal). : iPac environmental review did identify critical habitat for the Piping Plover (ESA) and Gulf Sturgeon (Threatened), however no significant impacts to these or any other species or habitat for this project is anticipated, as this project/security/safety will occur only in the water.

Please reference attached iPac for review.

Attachments: ESA consultation : ipac (IPaC_ USCG-2024-0675.pdf, 984.23kB)

Comments:

Mark Merritt (Level I), Please reference attached iPac for review. (08/09/2024 09:28:30)

** This question should be carefully checked by the Environmental Reviewer.

- What is your Marine Mammal Protection Act (MMPA) finding and determination? -- No effect or negligible effect

Explain how the determination was made (e.g., are species present in the area but your proposed action will have no effect or negligible effects? why?). Although not required, recommend attaching any consultation or correspondence conducted.: iPac environmental review did not identify any significant impacts to any Marine Mammal Protection Act (MMPA) species or habitat for this project.

Attachments: MMPA consultation: ipac (IPaC_ USCG-2024-0675.pdf, 984.23kB)

Comments:

Mark Merritt (Level I), Please reference attached iPac for review. (08/09/2024 09:28:42)

- Would the proposed action adversely affect a species protected under the Bald and Golden Eagle Protection Act or Migratory Bird Treaty Act or habitat for such species? -- No

Explain how the determination was made (e.g., are species present in the area but your proposed action will have no adverse effect or no significant effect? why?). Although not required, recommend attaching any consultation or correspondence conducted.: The proposed action is not anticipated adversely affect a species protected under the Bald and Golden Eagle Protection Act or Migratory Bird Treaty Act or habitat for such species.

Attachments: BGEPA MBTA consultation: ipac (IPaC_ USCG-2024-0675.pdf, 984.23kB)

Comments:

Mark Merritt (Level I), Please reference attached iPac for review. (08/09/2024 09:28:57)

- What is your Magnuson-Stevens Fishery Conservation and Management Act (essential fish habitat) finding and determination? -- No effect

Attachments: EFH consultation: ipac (IPaC_ USCG-2024-0675.pdf, 984.23kB)

Comments:

Mark Merritt (Level I), Please reference attached iPac for review. (08/09/2024 09:29:15)

- Will the Proposed Action have a potentially significant effect on an environmentally sensitive area? Examples include, but are not limited to: areas having special designation or recognition such as prime or unique agricultural lands, coastal zones, designated wilderness study areas, wild and scenic rivers, 100-year floodplains, wetlands, sole source aquifers, Marine Sanctuaries, National Wildlife Refuges, National Parks, National Monuments, etc. -- No
- Special Flood Hazard Area (i.e. floodplains) -- N/A
Explain why this resource is not applicable to your proposed action (e.g. is your proposed action located entirely within a building and no resources are present?): N/A
- Jurisdictional wetlands and Other Waters of the U.S. -- N/A
Explain why this resource is not applicable to your proposed action (e.g. is your proposed action located entirely within a building and no resources are present?): N/A
- Coastal Barrier Unit -- N/A
Explain why this resource is not applicable to your proposed action (e.g. is your proposed action located entirely within a building and no resources are present?): N/A
- Coastal Zone Management Area -- N/A
Explain why this resource is not applicable to your proposed action (e.g. is your proposed action located entirely within a building and no resources are present?): N/A
- Section 10 navigable waterway -- N/A
Explain why this resource is not applicable to your proposed action (e.g. is your proposed action located entirely within a building and no resources are present?): N/A
- Sole Source Aquifers and Wellheads -- N/A
Explain why this resource is not applicable to your proposed action (e.g. is your proposed action located entirely within a building and no resources are present?): N/A
- Prime Farmland -- N/A
Explain why this resource is not applicable to your proposed action (e.g. is your proposed action located entirely within a building and no resources are present?): N/A
- Designated land (i.e., Wilderness Area, Wild and Scenic River, Marine Sanctuary, National Park, National Monument, National Natural Landmark, Wildlife Refuge, and Wilderness Area -- N/A
Explain why this resource is not applicable to your proposed action (e.g. is your proposed action located entirely within a building and no resources are present?): N/A
- Will the Proposed Action result in the potential violation of a Federal, State, or local law or requirement imposed to protect the environment? -- No
Please summarize determination. : The Proposed Action is not expected or anticipated to result in the potential violation of a Federal, State, or local law or requirement imposed to protect the environment.
- Will the Proposed Action have an effect on the quality of the human environment that is likely to be highly controversial in terms of scientific validity, likely to be highly uncertain, or likely to involve

unique or unknown environmental risks? -- No

Required: Please explain. : The Proposed Action is not expected or anticipated to have an effect on the quality of the human environment that is likely to be highly controversial in terms of scientific validity, likely to be highly uncertain, or likely to involve unique or unknown environmental risks.

- Will the Proposed Action employ new or unproven technology that is likely to involve unique or unknown environmental risks, where the effect on the human environment is likely to be highly uncertain, or where the effect on the human environment is likely to be highly controversial in terms of scientific validity? -- No

Required: Please explain.: The Proposed Action is not expected or anticipated to employ new or unproven technology that is likely to involve unique or unknown environmental risks, where the effect on the human environment is likely to be highly uncertain, or where the effect on the human environment is likely to be highly controversial in terms of scientific validity.

- Will the Proposed Action establish a precedent for future actions that have significant effects? -- No
Please explain how you came to this determination. : The Proposed Action is not expected or anticipated to establish a precedent for future actions that have significant effects.
- Is the Proposed Action significantly greater in scope or size than normally experienced for its particular category of action? -- No

Required: Please summarize determination.: The Proposed Action is not significantly greater in scope or size than normally experienced for its particular category of action.

- Will the Proposed Action have the potential to result in the significant degradation of existing poor environmental conditions? Will the Proposed Action initiate a potentially significant environmentally degrading influence, activity, or effect in areas not already significantly modified from their natural condition? -- No

Please explain how you came to this determination. : The Proposed Action is not expected or anticipated to have the potential to result in the significant degradation of existing poor environmental conditions. The Proposed Action is not expected or anticipated to initiate a potentially significant environmentally degrading influence, activity, or effect in areas not already significantly modified from their natural condition.

- Is the Proposed Action related to other actions with individually insignificant but cumulatively significant impacts? -- No

Please explain how you came to this determination. : The Proposed Action is not related to other actions with individually insignificant but cumulatively significant impacts.

- Are there any other requirements for the protection of the environment that need to be considered for this proposed action? -- No

Historic Preservation & Cultural Resources

- Is the Proposed Action a piece of a larger action or connected to another action? -- No

Please explain how you came to this determination. : The Proposed Action is not a piece of a larger action or connected to another action.

- Will the Proposed Action have a potentially significant effect on public health or safety? Areas to consider include, but are not limited to: environmental justice considerations; air quality; noise impacts; hazardous wastes and/or contamination; wastewater; potable water; and changes in modes or safety of transportation. -- No

Explain how the proposed action would not have a potentially significant effect on public health or safety. : The Proposed Action is not expected or anticipated to have a potentially significant effect on public health or safety.

- Would the proposed action place a disproportionately high and adverse human health or environmental effect on minority populations and low-income populations? -- No
- Will the Proposed Action have a potentially significant effect on species or habitats protected by the Endangered Species Act, Marine Mammal Protection Act, Migratory Bird Treaty Act, Bald and Golden Eagle Protection Act, or Magnuson-Stevens Fishery Conservation and Management Act? -- No

Provide a conclusion under which statute the determination was made (e.g., no effect, NLAA, LAA, for ESA, etc.), how the determination was made, why it is considered significant, and copies of any consultation (informal and/or formal). : iPac environmental review did identify critical habitat for the Piping Plover and Gulf Sturgeon, however no significant impacts to these or any other species or habitat for this project is anticipated, as this project/security/safety will occur only in the water.

Attachments: FWS, NMFS, or Wildlife Agency Consultation: IPaC_ USCG-2024-0675.pdf (IPaC_ USCG-2024-0675.pdf, 984.23kB)

Comments:

Mark Merritt (Level I), Please reference attached iPac for review. (08/09/2024 09:10:51)

- What is your Endangered Species Act (ESA) finding and determination? -- May affect, not likely to adversely affect

Explain how the determination was made, why it is considered NOT significant, and copies of any consultation (informal and/or formal). : iPac environmental review did identify critical habitat for the Piping Plover (ESA) and Gulf Sturgeon (Threatened), however no significant impacts to these or any other species or habitat for this project is anticipated, as this project/security/safety will occur only in the water.

Please reference attached iPac for review.

Attachments: ESA consultation : ipac (IPaC_ USCG-2024-0675.pdf, 984.23kB)

Comments:

Mark Merritt (Level I), Please reference attached iPac for review. (08/09/2024 09:28:30)

** This question should be carefully checked by the Environmental Reviewer.

- What is your Marine Mammal Protection Act (MMPA) finding and determination? -- No effect or negligible effect

Explain how the determination was made (e.g., are species present in the area but your proposed action will have no effect or negligible effects? why?). Although not required, recommend attaching any consultation or correspondence conducted.: iPac environmental review did not identify any significant impacts to any Marine Mammal Protection Act (MMPA) species or habitat for this project.

Attachments: MMPA consultation: ipac (IPaC_ USCG-2024-0675.pdf, 984.23kB)

Comments:

Mark Merritt (Level I), Please reference attached iPac for review. (08/09/2024 09:28:42)

- Would the proposed action adversely affect a species protected under the Bald and Golden Eagle Protection Act or Migratory Bird Treaty Act or habitat for such species? -- No

Explain how the determination was made (e.g., are species present in the area but your proposed action will have no adverse effect or no significant effect? why?). Although not required, recommend attaching any consultation or correspondence conducted.: The proposed action is not anticipated adversely affect a species protected under the Bald and Golden Eagle Protection Act or Migratory Bird Treaty Act or habitat for such species.

Attachments: BGEPA MBTA consultation: ipac (IPaC_ USCG-2024-0675.pdf, 984.23kB)

Comments:

Mark Merritt (Level I), Please reference attached iPac for review. (08/09/2024 09:28:57)

- What is your Magnuson-Stevens Fishery Conservation and Management Act (essential fish habitat) finding and determination? -- No effect

Attachments: EFH consultation: ipac (IPaC_ USCG-2024-0675.pdf, 984.23kB)

Comments:

Mark Merritt (Level I), Please reference attached iPac for review. (08/09/2024 09:29:15)

- Will the Proposed Action have a potentially significant effect on an environmentally sensitive area? Examples include, but are not limited to: areas having special designation or recognition such as prime or unique agricultural lands, coastal zones, designated wilderness study areas, wild and scenic rivers, 100-year floodplains, wetlands, sole source aquifers, Marine Sanctuaries, National Wildlife Refuges, National Parks, National Monuments, etc. -- No
- Special Flood Hazard Area (i.e. floodplains) -- N/A
Explain why this resource is not applicable to your proposed action (e.g. is your proposed action located entirely within a building and no resources are present?): N/A
- Jurisdictional wetlands and Other Waters of the U.S. -- N/A
Explain why this resource is not applicable to your proposed action (e.g. is your proposed action located entirely within a building and no resources are present?): N/A
- Coastal Barrier Unit -- N/A
Explain why this resource is not applicable to your proposed action (e.g. is your proposed action located entirely within a building and no resources are present?): N/A

- Coastal Zone Management Area -- N/A
Explain why this resource is not applicable to your proposed action (e.g. is your proposed action located entirely within a building and no resources are present?): N/A
- Section 10 navigable waterway -- N/A
Explain why this resource is not applicable to your proposed action (e.g. is your proposed action located entirely within a building and no resources are present?): N/A
- Sole Source Aquifers and Wellheads -- N/A
Explain why this resource is not applicable to your proposed action (e.g. is your proposed action located entirely within a building and no resources are present?): N/A
- Prime Farmland -- N/A
Explain why this resource is not applicable to your proposed action (e.g. is your proposed action located entirely within a building and no resources are present?): N/A
- Designated land (i.e., Wilderness Area, Wild and Scenic River, Marine Sanctuary, National Park, National Monument, National Natural Landmark, Wildlife Refuge, and Wilderness Area -- N/A
Explain why this resource is not applicable to your proposed action (e.g. is your proposed action located entirely within a building and no resources are present?): N/A
- Will the Proposed Action result in the potential violation of a Federal, State, or local law or requirement imposed to protect the environment? -- No
Please summarize determination. : The Proposed Action is not expected or anticipated to result in the potential violation of a Federal, State, or local law or requirement imposed to protect the environment.
- Will the Proposed Action have an effect on the quality of the human environment that is likely to be highly controversial in terms of scientific validity, likely to be highly uncertain, or likely to involve unique or unknown environmental risks? -- No
Required: Please explain. : The Proposed Action is not expected or anticipated to have an effect on the quality of the human environment that is likely to be highly controversial in terms of scientific validity, likely to be highly uncertain, or likely to involve unique or unknown environmental risks.
- Will the Proposed Action employ new or unproven technology that is likely to involve unique or unknown environmental risks, where the effect on the human environment is likely to be highly uncertain, or where the effect on the human environment is likely to be highly controversial in terms of scientific validity? -- No
Required: Please explain.: The Proposed Action is not expected or anticipated to employ new or unproven technology that is likely to involve unique or unknown environmental risks, where the effect on the human environment is likely to be highly uncertain, or where the effect on the human environment is likely to be highly controversial in terms of scientific validity.
- Will the Proposed Action establish a precedent for future actions that have significant effects? -- No
Please explain how you came to this determination. : The Proposed Action is not expected or anticipated to establish a precedent for future actions that have significant effects.

- Is the Proposed Action significantly greater in scope or size than normally experienced for its particular category of action? -- No

Required: Please summarize determination.: The Proposed Action is not significantly greater in scope or size than normally experienced for its particular category of action.

- Will the Proposed Action have the potential to result in the significant degradation of existing poor environmental conditions? Will the Proposed Action initiate a potentially significant environmentally degrading influence, activity, or effect in areas not already significantly modified from their natural condition? -- No

Please explain how you came to this determination. : The Proposed Action is not expected or anticipated to have the potential to result in the significant degradation of existing poor environmental conditions. The Proposed Action is not expected or anticipated to initiate a potentially significant environmentally degrading influence, activity, or effect in areas not already significantly modified from their natural condition.

- Is the Proposed Action related to other actions with individually insignificant but cumulatively significant impacts? -- No

Please explain how you came to this determination. : The Proposed Action is not related to other actions with individually insignificant but cumulatively significant impacts.

- Are there any other requirements for the protection of the environment that need to be considered for this proposed action? -- No
- Will the proposed action have a potentially significant effect on a district, highway, structure, or object that is listed, or eligible for listing, on the National Register of Historic Places, a historic or cultural resource, traditional or sacred site, or result in the destruction of a significant scientific, cultural, or historic resource? -- No

Attachments: HR - Consultation: ipac (IPaC_ USCG-2024-0675.pdf, 984.23kB)

- What is the National Historic Preservation Act Section 106 effect determination? -- No effect

Please explain how you came to this determination. : The Coast Guard is proposing a reoccurring safety zone on certain navigable waters of St. Louis Bay, from Bay St. Louis, MS, extending the entire width of the channel, approximately 1 mile south of the Hwy 90 Bridge to protect safety of life for the maritime public and event participants. Entry of vessels or persons into this zone is prohibited unless specifically authorized the Captain of the Port Sector Mobile (COTP) or a designated representative.

Attachments: Section 106 consultation: ipac (IPaC_ USCG-2024-0675.pdf, 984.23kB)

- Does the proposed action limit access to, and ceremonial use of, Indian sacred sites on federal lands, by Indian religious practitioners, and/or adversely affect the physical integrity of such sites. -- No

DHS Record of Environmental Consideration (REC) for Categorically Excluded Actions under NEPA

| INTRODUCTION |
|--|
| <p>The purpose of this Record of Environmental Consideration (REC) is to provide a record that the potential for impacts to the quality of the human environment has been considered in the decision to implement the Proposed Action described below, in accordance with the National Environmental Policy Act of 1969 (NEPA) and DHS Directive 023-01 and Instruction Manual 023-01-001-01 on implementation of NEPA. DHS integrates the NEPA process with review and compliance requirements under other Federal laws, regulations, Executive Orders, and other requirements for the stewardship and protection of the human environment, as reflected in Section II (8) of this REC. Signature of the DHS Proponent on this REC demonstrates that they have considered the potential for impacts to the human environment in their decision to implement the Proposed Action as required by NEPA, and are committing to any conditions listed in Section IV of this REC that may be required for implementation of the project. When completed, the form is to be signed by the Preparer, the Environmental Approver, and the Action Proponent. The completed REC becomes a part of the administrative record for the Proposed Action.</p> |
| SECTION I - Description of Proposed Action |
| <p>1. Name of Component Authorizing the Proposed Action: U.S. Coast Guard USCG Civil Engineering Unit – Miami FL</p> |
| <p>2. Title of Proposed Action: Safety Zone, St Louis Bay, Swim Event</p> |
| <p>3. Identifying Number of Proposed Action: DSS-USCG-2024-20265</p> |
| <p>4. Estimated Start Date and Useful Life of Proposed Action: Start Date: 09/10/2024 - End Date: On-Going</p> |
| <p>5. Location of Proposed Action: U.S. Territorial Water: St Louis Bay, South of Highway 90 Bridge, Bay St Louis, MS.</p> |
| <p>6. Description of Proposed Action: The Coast Guard is proposing a permanent reoccurring safety zone on certain navigable waters of St. Louis Bay, from Bay St. Louis, MS, extending the entire width of the channel, approximately 1 mile south of the Hwy 90 Bridge. This safety zone is needed to protect safety of life for the maritime public and event participants from potential hazards created by a swim event crossing the navigable channel. Entry of vessels or persons into this zone is prohibited unless specifically authorized the Captain of the Port Sector Mobile (COTP) or a designated representative. We invite your comments on this proposed rulemaking.</p> |
| SECTION II - Analysis of Extraordinary Circumstances |
| <p>7. <input checked="" type="checkbox"/> Proposed Action is not a piece of a larger action <input type="checkbox"/> Proposed Action is a piece of a larger action Remarks:</p> |
| <p>8. For A through K, check the appropriate box and provide an explanation when appropriate. Include a summary of any coordination or consultation that occurred with a resource or regulatory agency, if relevant.</p> |
| <p><input type="checkbox"/> <input checked="" type="checkbox"/> A. Will the Proposed Action have a potentially significant effect on public health or safety? Yes No Remarks:</p> |

| | |
|---|---|
| <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <p>B. Will the Proposed Action have a potentially significant effect on species or habitats protected by the Endangered Species Act, Marine Mammal Protection Act, Migratory Bird Treaty Act, Bald and Golden Eagle Protection Act, or Magnuson-Stevens Fishery Conservation and Management Act?</p> |
| <p>Remarks:</p> | |
| <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <p>C. Will the Proposed Action have a potentially significant effect on a district, highway, structure, or object that is listed or eligible for listing on the National Register of Historic Places (NRHP)? Will the Proposed Action have a potentially significant effect on a historic or cultural resource, traditional or sacred site, or result in the destruction of a significant scientific, cultural, or historic resource?</p> |
| <p>Remarks:</p> | |
| <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <p>D. Will the Proposed Action have a potentially significant effect on an environmentally sensitive area?</p> |
| <p>Remarks:</p> | |
| <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <p>E. Will the Proposed Action result in the potential violation of a Federal, State, or local law or requirement imposed to protect the environment?</p> |
| <p>Remarks:</p> | |
| <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <p>F. Will the Proposed Action have an effect on the quality of the human environment that is likely to be highly controversial in terms of scientific validity, likely to be highly uncertain, or likely to involve unique or unknown environmental risks?</p> |
| <p>Remarks:</p> | |
| <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <p>G. Will the Proposed Action employ new or unproven technology that is likely to involve unique or unknown environmental risks, where the effect on the human environment is likely to be highly uncertain, or where the effect on the human environment is likely to be highly controversial in terms of scientific validity?</p> |
| <p>Remarks:</p> | |
| <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <p>H. Will the Proposed Action establish a precedent for future actions that have significant effects?</p> |
| <p>Remarks:</p> | |
| <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <p>I. Is the Proposed Action significantly greater in scope or size than normally experienced for its particular category of action?</p> |
| <p>Remarks:</p> | |
| <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <p>J. Does the Proposed Action have the potential to result in significant degradation of existing poor environmental conditions? Will the Proposed Action initiate a potentially significant environmentally degrading influence, activity, or effect in areas not significantly modified from their natural condition?</p> |
| <p>Remarks:</p> | |
| <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <p>K. Is the Proposed Action related to other actions with individually insignificant but cumulatively significant impacts?</p> |
| <p>Remarks:</p> | |
| <p>SECTION III - Categorical Exclusion (CATEX) Determination</p> | |

9. This action is not expected to result in any significant adverse environmental impacts as described in the National Environmental Policy Act of 1969 (NEPA). The proposed action has been thoroughly reviewed by the U.S. Coast Guard and it has been determined, by the undersigned, that this action is categorically excluded under current DHS CATEX L60(a)* from further environmental documentation, in accordance with Section 3 of DHS Directive 023-01, Environmental Planning Program since implementation of this action:

I. Clearly fits within one or more of the categories of excludable actions listed in Appendix A of DHS Instruction 023-01-001-01;

II. Is not a piece of a larger action which has been segmented into smaller parts in order to avoid a more extensive evaluation of the potential for significant environmental impacts;

III. Does not involve any extraordinary circumstances, as defined in DHS Instruction 023-01-001-01, Section V(B)(2), that would create the potential for a normally excluded action to have a significant environmental effect.

SECTION IV - Conditions

10. The following conditions are required to implement the Proposed Action:

Any change to the Proposed Action that may cause a physical interaction with the human environment will require re-evaluation for compliance with NEPA and other EP&HP requirements before the action can proceed.

This review addresses NEPA and other EP&HP requirements as described in DHS Directive 023-01. This review may identify the need for additional federal, state, and/or local permits, approvals, etc. required for the Proposed Action. However, this review may not satisfy those requirements and the Proponent is responsible for ensuring that all other appropriate federal, state, and/or local permits, approvals, etc. have been obtained.

SECTION V - Signatures

11a. Preparer of this REC

| | | |
|--------------------------|--|---------------------|
| Name: Matthew Griffin | Digitally signed by Matthew Griffin at 11/07/2024 1:24 PM Matthew Griffin | Date: 11/07/2024 |
|--------------------------|--|---------------------|

11b. Environmental Approver of this REC

| | | |
|---------------------------------|---|---------------------|
| Name: Mark Merritt (Level I) | Digitally signed by Mark Merritt (Level I) at 11/08/2024 12:52 PM Mark Merritt (Level I) | Date: 11/08/2024 |
|---------------------------------|---|---------------------|

11c. Action Proponent

| | | |
|-------|--|-------|
| Name: | | Date: |
|-------|--|-------|

Draft Version Only

Preview of Attachments

The following pages will display this project's attachments that are of these file types:

- .jpg /.jpeg
- .png
- .gif
- .txt
- .pdf

The attachments of compatible file types from this project are:

- IPaC_ USCG-2024-0675.pdf

Note:

All project attachments can be downloaded at the 'File Upload/Manage Attachments' page.

Draft Version Only

IPaC resource list

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

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

Location

Hancock and Harrison counties, Mississippi



Local office

Mississippi Ecological Services Field Office

☎ (601) 965-4900

6578 Dogwood View Parkway, Suite A
Jackson, MS 39213-7856

Endangered species

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

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

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

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

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

Listed species¹ and their critical habitats are managed by the [Ecological Services Program](#) of the U.S. Fish and Wildlife Service (USFWS) and the fisheries division of the National Oceanic and Atmospheric Administration (NOAA Fisheries²).

Species and critical habitats under the sole responsibility of NOAA Fisheries are **not** shown on this list. Please contact [NOAA Fisheries](#) for [species under their jurisdiction](#).

-
1. Species listed under the [Endangered Species Act](#) are threatened or endangered; IPaC also shows species that are candidates, or proposed, for listing. See the [listing status page](#) for more information. IPaC only shows species that are regulated by USFWS (see FAQ).

~~Size of the Fishery is also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.~~

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

Mammals

| NAME | STATUS |
|---|-----------------------------|
| <p>Northern Long-eared Bat <i>Myotis septentrionalis</i></p> <p>Wherever found</p> <p>This species only needs to be considered if the following condition applies:</p> <ul style="list-style-type: none"> This species only needs to be considered if the project includes wind turbine operations. <p>No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/9045</p> | Endangered |
| <p>Tricolored Bat <i>Perimyotis subflavus</i></p> <p>Wherever found</p> <p>No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/10515</p> | Proposed Endangered |
| <p>West Indian Manatee <i>Trichechus manatus</i></p> <p>Wherever found</p> <p>There is final critical habitat for this species. Your location does not overlap the critical habitat. https://ecos.fws.gov/ecp/species/4469</p> | Threatened Marine mammal |

Birds

| NAME | STATUS |
|---|------------|
| <p>Eastern Black Rail <i>Laterallus jamaicensis ssp. jamaicensis</i></p> <p>Wherever found</p> <p>No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/10477</p> | Threatened |
| <p>Piping Plover <i>Charadrius melodus</i></p> <p>There is final critical habitat for this species. Your location overlaps the critical habitat. https://ecos.fws.gov/ecp/species/6039</p> | Threatened |

Safety Zone, St Louis Bay, Swim Event

Rufa Red Knot *Calidris canutus rufa*

Threatened

Wherever found

There is **proposed** critical habitat for this species. Your location does not overlap the critical habitat.

<https://ecos.fws.gov/ecp/species/1864>

Reptiles

NAME

STATUS

Alligator Snapping Turtle *Macrochelys temminckii*

Proposed Threatened

Wherever found

No critical habitat has been designated for this species.

<https://ecos.fws.gov/ecp/species/4658>

Gopher Tortoise *Gopherus polyphemus*

Threatened

No critical habitat has been designated for this species.

<https://ecos.fws.gov/ecp/species/6994>

Hawksbill Sea Turtle *Eretmochelys imbricata*

Endangered

Wherever found

There is **final** critical habitat for this species. Your location does not overlap the critical habitat.

<https://ecos.fws.gov/ecp/species/3656>

Kemp's Ridley Sea Turtle *Lepidochelys kempii*

Endangered

Wherever found

There is **proposed** critical habitat for this species.

<https://ecos.fws.gov/ecp/species/5523>

Leatherback Sea Turtle *Dermochelys coriacea*

Endangered

Wherever found

There is **final** critical habitat for this species. Your location does not overlap the critical habitat.

<https://ecos.fws.gov/ecp/species/1493>

Loggerhead Sea Turtle *Caretta caretta*

Threatened

There is **final** critical habitat for this species. Your location does not overlap the critical habitat.

<https://ecos.fws.gov/ecp/species/1110>

Amphibians

NAME

STATUS

Safety Zone, St Louis Bay, Swim Event
Dusky Gopher Frog *Rana sevosa*

Endangered

Wherever found

There is **final** critical habitat for this species. Your location does not overlap the critical habitat.

<https://ecos.fws.gov/ecp/species/5600>

Fishes

| NAME | STATUS |
|---|------------|
| Gulf Sturgeon <i>Acipenser oxyrinchus (=oxyrhynchus) desotoi</i> Wherever found There is final critical habitat for this species. Your location overlaps the critical habitat. https://ecos.fws.gov/ecp/species/651 | Threatened |

Insects

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

Critical habitats

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

This location overlaps the critical habitat for the following species:

| NAME | TYPE |
|--|-------|
| Gulf Sturgeon <i>Acipenser oxyrinchus (=oxyrhynchus) desotoi</i> https://ecos.fws.gov/ecp/species/651#crithab | Final |
| Piping Plover <i>Charadrius melodus</i> https://ecos.fws.gov/ecp/species/6039#crithab | Final |

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 in the links below.

Specifically, please review the "[Supplemental Information on Migratory Birds and Eagles](#)".

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>

There are likely bald eagles present in your project area. For additional information on bald eagles, refer to [Bald Eagle Nesting and Sensitivity to Human Activity](#)

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, see the PROBABILITY OF PRESENCE SUMMARY below 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. | 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 "[Supplemental Information on Migratory Birds and Eagles](#)", specifically the FAQ section titled "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

Probability of Presence (P) Event

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

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

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

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

Breeding Season (B)

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 (E)

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

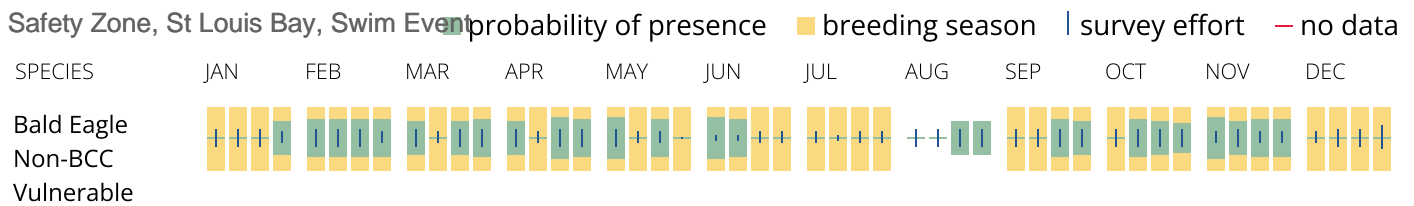
To see a bar's survey effort range, simply hover your mouse cursor over the bar.

No Data (-)

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

Survey Timeframe

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



What does IPaC use to generate the potential presence of bald and golden eagles in my specified location?

The potential for eagle presence 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). To see a list of all birds potentially present in your project area, please visit the [Rapid Avian Information Locator \(RAIL\) Tool](#).

What does IPaC use to generate the probability of presence graphs of bald and golden eagles 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 [Rapid Avian Information Locator \(RAIL\) Tool](#).

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. Please contact your local Fish and Wildlife Service Field Office if you have questions.

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 in the links below.

Specifically, please review the ["Supplemental Information on Migratory Birds and Eagles"](#).

1. The [Migratory Birds Treaty Act](#) of 1918.
2. The [Bald and Golden Eagle Protection Act](#) of 1940.

Additional information can be found using the following links:

- 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>

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, see the PROBABILITY OF PRESENCE SUMMARY below 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 https://ecos.fws.gov/ecp/species/9587 | Breeds Apr 1 to Aug 31 |
| American Oystercatcher <i>Haematopus palliatus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/8935 | Breeds Apr 15 to Aug 31 |

Safety Zone, St Louis Bay, Swim Event

Bald Eagle *Haliaeetus leucocephalus*

Breeds Sep 1 to Jul 31

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.

Black Scoter *Melanitta nigra*

Breeds elsewhere

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.

Black Skimmer *Rynchops niger*

Breeds May 20 to Sep 15

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

<https://ecos.fws.gov/ecp/species/5234>

Brown Pelican *Pelecanus occidentalis*

Breeds Jan 15 to Sep 30

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/6034>

Brown-headed Nuthatch *Sitta pusilla*

Breeds Mar 1 to Jul 15

This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA

Chimney Swift *Chaetura pelagica*

Breeds Mar 15 to Aug 25

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

Chuck-will's-widow *Antrostomus carolinensis*

Breeds May 10 to Jul 10

This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA

Coastal (wayne s) Black-throated Green Warbler

Breeds May 1 to Aug 15

Setophaga virens waynei

This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA

Safety Zone, St Louis Bay, Swim Event
Common Loon *gavia immer*

Breeds Apr 15 to Oct 31

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/4464>

Double-crested Cormorant *phalacrocorax auritus*

Breeds Apr 20 to Aug 31

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/3478>

Gull-billed Tern *Gelochelidon nilotica*

Breeds May 1 to Jul 31

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

<https://ecos.fws.gov/ecp/species/9501>

King Rail *Rallus elegans*

Breeds May 1 to Sep 5

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

<https://ecos.fws.gov/ecp/species/8936>

Least Tern *Sternula antillarum antillarum*

Breeds Apr 25 to Sep 5

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

Lesser Yellowlegs *Tringa flavipes*

Breeds elsewhere

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

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

Long-tailed Duck *Clangula hyemalis*

Breeds elsewhere

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/7238>

Magnificent Frigatebird *Fregata magnificens*

Breeds elsewhere

This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA

Safety Zone, St Louis Bay, Swim Event
 Marbled Godwit *Limosa fedoa*

Breeds elsewhere

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

<https://ecos.fws.gov/ecp/species/9481>

Pectoral Sandpiper *Calidris melanotos*

Breeds elsewhere

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

Prairie Warbler *Setophaga discolor*

Breeds May 1 to Jul 31

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

Prothonotary Warbler *Protonotaria citrea*

Breeds Apr 1 to Jul 31

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

Red-breasted Merganser *Mergus serrator*

Breeds elsewhere

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.

Red-headed Woodpecker *Melanerpes erythrocephalus*

Breeds May 10 to Sep 10

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

Ring-billed Gull *Larus delawarensis*

Breeds elsewhere

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.

Royal Tern *Thalasseus maximus*

Breeds Apr 15 to Aug 31

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.

Ruddy Turnstone *Arenaria interpres morinella*

Breeds elsewhere

This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA

Safety Zone, St Louis Bay, Swim Event

Semipalmated Sandpiper *Calidris pusilla* Breeds elsewhere

This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA

Short-billed Dowitcher *Limnodromus griseus* Breeds elsewhere

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

<https://ecos.fws.gov/ecp/species/9480>

Sooty Tern *Onychoprion fuscatus* Breeds Mar 10 to Jul 31

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.

Surf Scoter *Melanitta perspicillata* Breeds elsewhere

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.

Swallow-tailed Kite *Elanoides forficatus* Breeds Mar 10 to Jun 30

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

<https://ecos.fws.gov/ecp/species/8938>

Whimbrel *Numenius phaeopus hudsonicus* Breeds elsewhere

This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA

White-winged Scoter *Melanitta fusca* Breeds elsewhere

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.

Willet *Tringa semipalmata* Breeds Apr 20 to Aug 5

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

Safety Zone, St Louis Bay, Swim Event

Wilson's Plover *Charadrius wilsonia*

Breeds Apr 1 to Aug 20

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

Wood Thrush *Hyllocichla mustelina*

Breeds May 10 to Aug 31

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

Probability of Presence Summary

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read ["Supplemental Information on Migratory Birds and Eagles"](#), specifically the FAQ section titled "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

Probability of Presence (■)

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

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

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

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

Breeding Season (■)

Page 29 of 38

Printed On 11/12/2024 8:17:04 AM

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

Survey Effort (|)

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

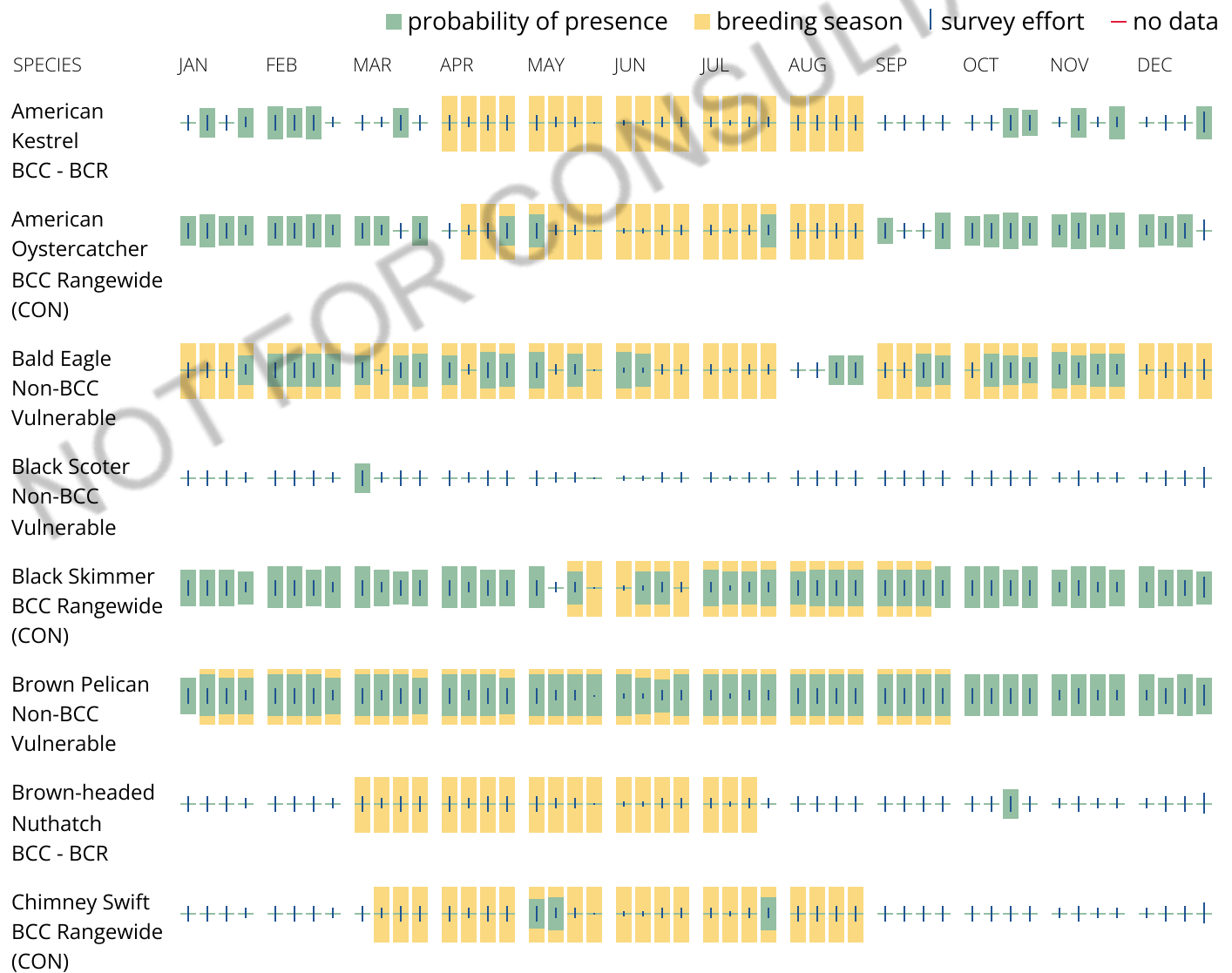
To see a bar's survey effort range, simply hover your mouse cursor over the bar.

No Data (-)

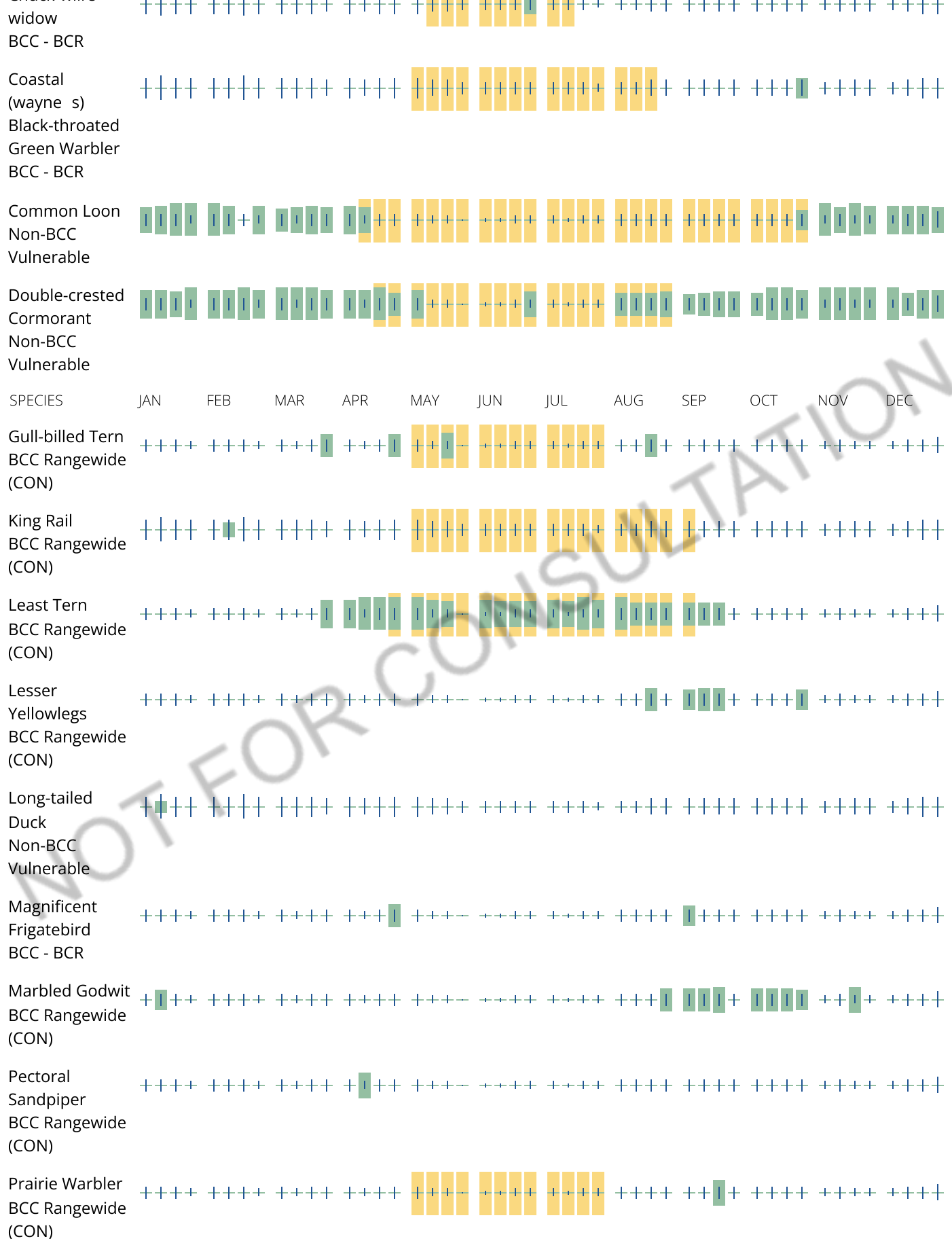
A week is marked as having no data if there were no survey events for that week.

Survey Timeframe

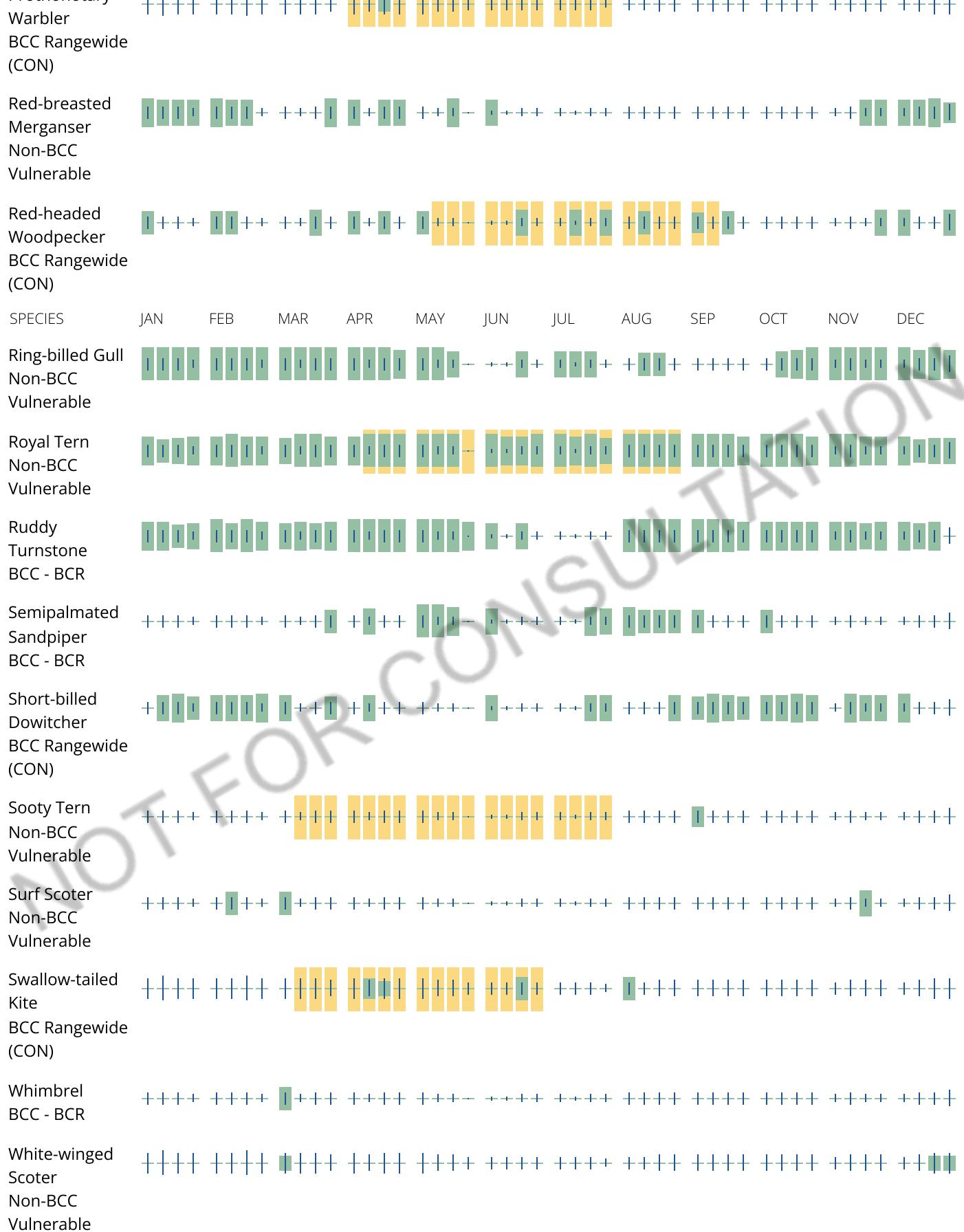
Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.

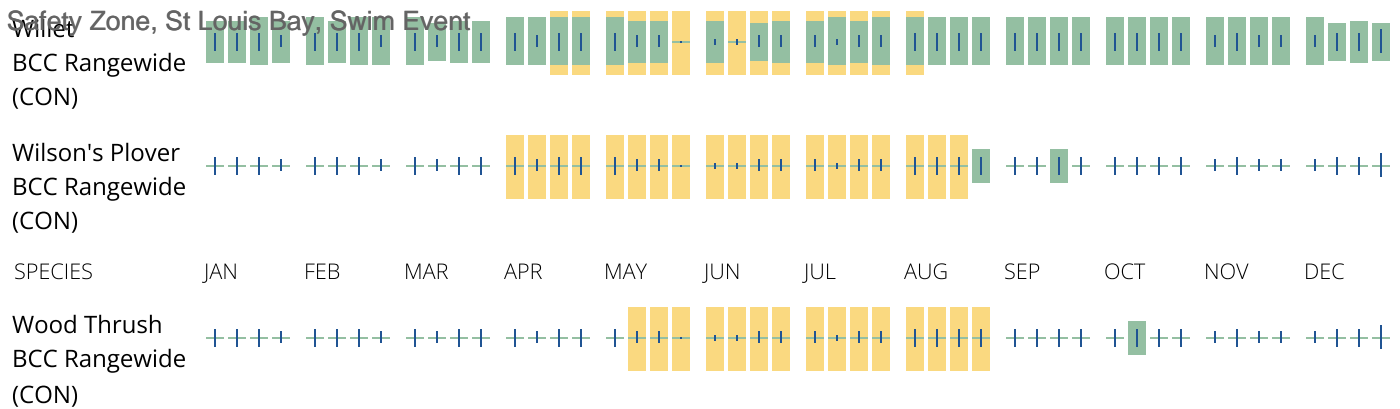


Safety Zone, St Louis Bay, Swim Event



Safety Zone, St Louis Bay, Swim Event





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 list of migratory birds that potentially occur 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 [Rapid Avian Information Locator \(RAIL\) 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 the Probability of Presence Summary and then click on the "Tell me about these graphs" link.

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

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

What are the levels of concern for migratory birds?

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

1. "BCC Rangewide" birds are [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 birds 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.

NOT FOR CONSULTATION

Safety Zone, St Louis Bay, Swim Event

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, walruses, 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.

The following marine mammals under the responsibility of the U.S. Fish and Wildlife Service are potentially affected by activities in this location:

NAME

West Indian Manatee *Trichechus manatus*
<https://ecos.fws.gov/ecp/species/4469>

Facilities

National Wildlife Refuge lands

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 at this location.

Fish hatcheries

There are no fish hatcheries at this location.

Wetlands in the National Wetlands Inventory (NWI)

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](#).

Wetland information is not available at this time

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

Data limitations

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

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

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

Data exclusions

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

Data precautions

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