

## Environmental Planning and Historic Preservation Decision Support System

### **Duluth Airshow - Project Approved**

#### **Status**

• In Preparation (04/09/2024)

• Environmental Review (04/10/2024)

• Senior Environmental Review (04/10/2024)

• Proponent Review (04/10/2024)

Project Approved (04/10/2024)

#### **Project Information**

#### General

Name: Duluth Airshow

DSS ID: DSS-USCG-2024-19240

Security: Unclassified

**Description:** The COTP is proposing to establish a safety zone from noon to 9 p.m. on July 31, 2024. The safety zone would cover all navigable waters of Lake Superior within an area defined by the following positions, beginning at N 460 47' 34.81", W 0920 03' 46.70", then proceeding southwest to N 460 46' 52.73", W 0920 05' 05.47", then proceeding southwest to N 460 46' 48.00", W 0920 05' 28.02", the following the shoreline northward to N 460 48' 1.98", W 0920 04' 16.02", and then returning to the starting point near Canal Park in Duluth, MN.

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: Marine Event Permit

**Estimated Project Cost: \$0** 

Component

Component: USCG - U.S. Coast Guard

Region/Area/Unit: USCG Civil Engineering Unit – Cleveland Oh

#### **Dates**

FY Funding: 2024

Proposed Project Start: 07/31/2024 Proposed Project End: 07/31/2024

Review Start: 04/04/2024

#### **Project Location**

• U.S. Territorial Water: all navigable waters of Lake Superior near canal park.

#### **Team**

- Document Preparer, Corbin Spies, corbin.r.spies@uscg.mil
- Collaborator-Document Preparation, Michael Chupp, michael.f.chupp@uscg.mil
- Collaborator-Document Preparation, Kyle Weitzell, kyle.w.weitzell@uscg.mil
- Collaborator-Document Preparation, William Churchill, William.R.Churchill@uscg.mil
- Environmental Reviewer, Charlie Maricic (Level I), Charles.F.Maricic@uscg.mil
- Senior Environmental Reviewer, Charlie Maricic (Level I), Charles.F.Maricic@uscg.mil
- Proponent, Joseph McGinnis, Joseph.R.McGinnis@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**

Record of Environmental Consideration (REC), 12.42kB

#### **Attachments**

• 1. NPRM-FieldReg-Template\_27OCT2023.docx, 71.28kB

- Flood map.JPG, 217.34kB
- Species List\_ Minnesota-Wisconsin Ecological Services Field Office (1).pdf, 1.36MB
- Wetland Map.pdf, 1.27MB

#### Comments

• There are no comments.

#### **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 COTP is proposing to establish a safety zone from noon to 9 p.m. on July 31, 2024. The safety zone would cover all navigable waters of Lake Superior within an area defined by the following positions, beginning at N 460 47' 34.81", W 0920 03' 46.70", then proceeding southwest to N 460 46' 52.73", W 0920 05' 05.47", then proceeding southwest to N 460 46' 48.00", W 0920 05' 28.02", the following the shoreline northward to N 460 48' 1.98", W 0920 04' 16.02", and then returning to the starting point near Canal Park in Duluth, MN.
- 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 COTP is proposing to establish a safety zone from noon to 9 p.m. on July 31, 2024.

  The safety zone would cover all navigable waters of Lake Superior within an area defined by the following positions, beginning at N 46o 47' 34.81", W 092o 03' 46.70", then proceeding southwest to N 46o 46' 52.73", W 092o 05' 05.47", then proceeding southwest to N 46o 46' 48.00", W 092o 05' 28.02", the following the shoreline northward to N 46o 48' 1.98", W 092o 04' 16.02", and then returning to the starting point near Canal Park in Duluth, MN.
- 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). : The COTP is proposing to establish a safety zone from noon

to 9 p.m. on July 31, 2024. The safety zone would cover all navigable waters of Lake Superior within an area defined by the following positions, beginning at N 460 47' 34.81", W 0920 03' 46.70", then proceeding southwest to N 460 46' 52.73", W 0920 05' 05.47", then proceeding southwest to N 460 46' 48.00", W 0920 05' 28.02", the following the shoreline northward to N 460 48' 1.98", W 0920 04' 16.02", and then returning to the starting point near Canal Park in Duluth, MN.

Attachments: FWS, NMFS, or Wildlife Agency Consultation: (No files uploaded yet.)

- What is your Endangered Species Act (ESA) finding and determination? -- No effect Explain how the determination was made (e.g., are species present in the area but your proposed action will have no effect? why?). Although not required, recommend attaching any consultation or correspondence conducted.: The COTP is proposing to establish a safety zone from noon to 9 p.m. on July 31, 2024. The safety zone would cover all navigable waters of Lake Superior within an area defined by the following positions, beginning at N 460 47' 34.81", W 0920 03' 46.70", then proceeding southwest to N 460 46' 52.73", W 0920 05' 05.47", then proceeding southwest to N 460 46' 48.00", W 0920 05' 28.02", the following the shoreline northward to N 460 48' 1.98", W 0920 04' 16.02", and then returning to the starting point near Canal Park in Duluth, MN. Attachments: ESA consultation: (No files uploaded yet.)
- What is your Marine Mammal Protection Act (MMPA) finding and determination? -- N/A Explain why MMPA is not applicable to your proposed action (i.e is your proposed action entirely within a building with no species present?). Recommend attaching any relevant supporting information.: The COTP is proposing to establish a safety zone from noon to 9 p.m. on July 31, 2024. The safety zone would cover all navigable waters of Lake Superior within an area defined by the following positions, beginning at N 460 47' 34.81", W 0920 03' 46.70", then proceeding southwest to N 460 46' 52.73", W 0920 05' 05.47", then proceeding southwest to N 460 46' 48.00", W 0920 05' 28.02", the following the shoreline northward to N 460 48' 1.98", W 0920 04' 16.02", and then returning to the starting point near Canal Park in Duluth, MN.

Attachments: MMPA information: (No files uploaded yet.)

• 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 COTP is proposing to establish a safety zone from noon to 9 p.m. on July 31, 2024. The safety zone would cover all navigable waters of Lake Superior within an area defined by the following positions, beginning at N 46o 47' 34.81", W 092o 03' 46.70", then proceeding southwest to N 46o 46' 52.73", W 092o 05' 05.47", then proceeding southwest to N 46o 46' 48.00", W 092o 05' 28.02", the following the shoreline northward to N 46o 48' 1.98", W 092o 04' 16.02", and then returning to the starting point near Canal Park in Duluth, MN.

Attachments: BGEPA MBTA consultation: (No files uploaded yet.)

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

Attachments: EFH consultation: (No files uploaded yet.)

- 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) -- Floodplains present Explain why the proposed action would not significantly impact these resources. : The COTP is proposing to establish a safety zone from noon to 9 p.m. on July 31, 2024. The safety zone would cover all navigable waters of Lake Superior within an area defined by the following positions, beginning at N 460 47' 34.81", W 0920 03' 46.70", then proceeding southwest to N 460 46' 52.73", W 0920 05' 05.47", then proceeding southwest to N 460 46' 48.00", W 0920 05' 28.02", the following the shoreline northward to N 460 48' 1.98", W 0920 04' 16.02", and then returning to the starting point near Canal Park in Duluth, MN.

Attachments: Flood Map: (No files uploaded yet.)

- 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?): The COTP is proposing to establish a safety zone from noon to 9 p.m. on July 31, 2024. The safety zone would cover all navigable waters of Lake Superior within an area defined by the following positions, beginning at N 460 47' 34.81", W 092o 03' 46.70", then proceeding southwest to N 46o 46' 52.73", W 092o 05' 05.47", then proceeding southwest to N 46o 46' 48.00", W 092o 05' 28.02", the following the shoreline northward to N 46o 48' 1.98", W 092o 04' 16.02", and then returning to the starting point near Canal Park in Duluth, MN.
- 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?): The COTP is proposing to establish a safety zone from noon to 9 p.m. on July 31, 2024. The safety zone would cover all navigable waters of Lake Superior within an area defined by the following positions, beginning at N 460 47' 34.81", W 0920 03' 46.70", then proceeding southwest to N 460 46' 52.73", W 0920 05' 05.47", then proceeding southwest to N 460 46' 48.00", W 0920 05' 28.02", the following the shoreline northward to N 460 48' 1.98", W 0920 04' 16.02", and then returning to the starting point near Canal Park in Duluth, MN.
- 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?): The COTP is proposing to establish a safety zone from noon to 9 p.m. on July 31, 2024. The safety zone would cover all navigable waters of Lake Superior within an area defined by the following positions, beginning at N 46o 47' 34.81", W 092o 03' 46.70", then proceeding southwest to N 46o 46' 52.73", W 092o 05' 05.47", then proceeding southwest to N 46o 46' 48.00", W 092o 05' 28.02", the following the shoreline northward to N 46o 48' 1.98", W 092o 04' 16.02", and then returning to the starting point near Canal Park in Duluth, MN.

- Section 10 navigable waterway -- Section 10 waterway present Explain why the proposed action would not significantly impact these resources. : The COTP is proposing to establish a safety zone from noon to 9 p.m. on July 31, 2024. The safety zone would cover all navigable waters of Lake Superior within an area defined by the following positions, beginning at N 460 47' 34.81", W 0920 03' 46.70", then proceeding southwest to N 460 46' 52.73", W 0920 05' 05.47", then proceeding southwest to N 460 46' 48.00", W 0920 05' 28.02", the following the shoreline northward to N 460 48' 1.98", W 0920 04' 16.02", and then returning to the starting point near Canal Park in Duluth, MN.
- 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?): The COTP is proposing to establish a safety zone from noon to 9 p.m. on July 31, 2024. The safety zone would cover all navigable waters of Lake Superior within an area defined by the following positions, beginning at N 460 47' 34.81", W 0920 03' 46.70", then proceeding southwest to N 460 46' 52.73", W 0920 05' 05.47", then proceeding southwest to N 460 46' 48.00", W 0920 05' 28.02", the following the shoreline northward to N 460 48' 1.98", W 0920 04' 16.02", and then returning to the starting point near Canal Park in Duluth, MN.
- 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?): The COTP is proposing to establish a safety zone from noon to 9 p.m. on July 31, 2024. The safety zone would cover all navigable waters of Lake Superior within an area defined by the following positions, beginning at N 460 47' 34.81", W 0920 03' 46.70", then proceeding southwest to N 460 46' 52.73", W 0920 05' 05.47", then proceeding southwest to N 460 46' 48.00", W 0920 05' 28.02", the following the shoreline northward to N 460 48' 1.98", W 0920 04' 16.02", and then returning to the starting point near Canal Park in Duluth, MN.
- Designated land (i.e., Wilderness Area, Wild and Scenic River, Marine Sanctuary, National Park, National Monument, National Natural Landmark, Wildlife Refuge, and Wilderness Area --Designated lands present
  - Explain why the proposed action would not significantly impact these resources. : The COTP is proposing to establish a safety zone from noon to 9 p.m. on July 31, 2024. The safety zone would

- cover all navigable waters of Lake Superior within an area defined by the following positions, beginning at N 46o 47' 34.81", W 092o 03' 46.70", then proceeding southwest to N 46o 46' 52.73", W 092o 05' 05.47", then proceeding southwest to N 46o 46' 48.00", W 092o 05' 28.02", the following the shoreline northward to N 46o 48' 1.98", W 092o 04' 16.02", and then returning to the starting point near Canal Park in Duluth, MN.
- 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 COTP is proposing to establish a safety zone from noon to 9 p.m. on July 31, 2024. The safety zone would cover all navigable waters of Lake Superior within an area defined by the following positions, beginning at N 460 47' 34.81", W 0920 03' 46.70", then proceeding southwest to N 460 46' 52.73", W 0920 05' 05.47", then proceeding southwest to N 460 46' 48.00", W 0920 05' 28.02", the following the shoreline northward to N 460 48' 1.98", W 0920 04' 16.02", and then returning to the starting point near Canal Park in Duluth, MN.
- 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 COTP is proposing to establish a safety zone from noon to 9 p.m. on July 31, 2024. The safety zone would cover all navigable waters of Lake Superior within an area defined by the following positions, beginning at N 460 47' 34.81", W 0920 03' 46.70", then proceeding southwest to N 460 46' 52.73", W 0920 05' 05.47", then proceeding southwest to N 460 46' 48.00", W 0920 05' 28.02", the following the shoreline northward to N 460 48' 1.98", W 0920 04' 16.02", and then returning to the starting point near Canal Park in Duluth, MN.
- 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 COTP is proposing to establish a safety zone from noon to 9 p.m. on July 31, 2024. The safety zone would cover all navigable waters of Lake Superior within an area defined by the following positions, beginning at N 460 47' 34.81", W 0920 03' 46.70", then proceeding southwest to N 460 46' 52.73", W 0920 05' 05.47", then proceeding southwest to N 460 46' 48.00", W 0920 05' 28.02", the following the shoreline northward to N 460 48' 1.98", W 0920 04' 16.02", and then returning to the starting point near Canal Park in Duluth, MN.
- Will the Proposed Action establish a precedent for future actions that have significant effects? -- No Please explain how you came to this determination. : The COTP is proposing to establish a safety zone from noon to 9 p.m. on July 31, 2024. The safety zone would cover all navigable waters of Lake Superior within an area defined by the following positions, beginning at N 460 47' 34.81", W 0920 03' 46.70", then proceeding southwest to N 460 46' 52.73", W 0920 05' 05.47", then proceeding southwest to N 460 46' 48.00", W 0920 05' 28.02", the following the shoreline

- northward to N 460 48' 1.98", W 0920 04' 16.02", and then returning to the starting point near Canal Park in Duluth, MN.
- 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 COTP is proposing to establish a safety zone from noon to 9 p.m. on July 31, 2024. The safety zone would cover all navigable waters of Lake Superior within an area defined by the following positions, beginning at N 460 47' 34.81", W 0920 03' 46.70", then proceeding southwest to N 460 46' 52.73", W 0920 05' 05.47", then proceeding southwest to N 460 46' 48.00", W 0920 05' 28.02", the following the shoreline northward to N 460 48' 1.98", W 0920 04' 16.02", and then returning to the starting point near Canal Park in Duluth, MN.
- 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 COTP is proposing to establish a safety zone from noon to 9 p.m. on July 31, 2024. The safety zone would cover all navigable waters of Lake Superior within an area defined by the following positions, beginning at N 460 47' 34.81", W 0920 03' 46.70", then proceeding southwest to N 460 46' 52.73", W 0920 05' 05.47", then proceeding southwest to N 460 46' 48.00", W 0920 05' 28.02", the following the shoreline northward to N 460 48' 1.98", W 0920 04' 16.02", and then returning to the starting point near Canal Park in Duluth, MN.
- 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 COTP is proposing to establish a safety zone from noon to 9 p.m. on July 31, 2024. The safety zone would cover all navigable waters of Lake Superior within an area defined by the following positions, beginning at N 460 47' 34.81", W 0920 03' 46.70", then proceeding southwest to N 460 46' 52.73", W 0920 05' 05.47", then proceeding southwest to N 460 46' 48.00", W 0920 05' 28.02", the following the shoreline northward to N 460 48' 1.98", W 0920 04' 16.02", and then returning to the starting point near Canal Park in Duluth, MN.
- 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 COTP is proposing to establish a safety zone from noon to 9 p.m. on July 31, 2024. The safety zone would cover all navigable waters of Lake Superior within an area defined by the following positions, beginning at N 460 47' 34.81", W

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  Explain how the proposed action would not have a potentially significant effect on public health or safety. : The COTP is proposing to establish a safety zone from noon to 9 p.m. on July 31, 2024.

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- 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). : The COTP is proposing to establish a safety zone from noon to 9 p.m. on July 31, 2024. The safety zone would cover all navigable waters of Lake Superior within an area defined by the following positions, beginning at N 460 47' 34.81", W 0920 03' 46.70", then proceeding southwest to N 460 46' 52.73", W 0920 05' 05.47", then proceeding southwest to N 460 46' 48.00", W 0920 05' 28.02", the following the shoreline northward to N 460 48' 1.98", W 0920 04' 16.02", and then returning to the starting point near Canal Park in Duluth, MN.

Attachments: FWS, NMFS, or Wildlife Agency Consultation: (No files uploaded yet.)

• What is your Endangered Species Act (ESA) finding and determination? -- No effect Explain how the determination was made (e.g., are species present in the area but your proposed action will have no effect? why?). Although not required, recommend attaching any consultation or correspondence conducted.: The COTP is proposing to establish a safety zone from noon to 9 p.m. on July 31, 2024. The safety zone would cover all navigable waters of Lake Superior within an area defined by the following positions, beginning at N 460 47' 34.81", W 0920 03' 46.70", then proceeding southwest to N 460 46' 52.73", W 0920 05' 05.47", then proceeding southwest to N 460

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Attachments: ESA consultation: (No files uploaded yet.)

• What is your Marine Mammal Protection Act (MMPA) finding and determination? -- N/A Explain why MMPA is not applicable to your proposed action (i.e is your proposed action entirely within a building with no species present?). Recommend attaching any relevant supporting information.: The COTP is proposing to establish a safety zone from noon to 9 p.m. on July 31, 2024. The safety zone would cover all navigable waters of Lake Superior within an area defined by the following positions, beginning at N 460 47' 34.81", W 0920 03' 46.70", then proceeding southwest to N 460 46' 52.73", W 0920 05' 05.47", then proceeding southwest to N 460 46' 48.00", W 0920 05' 28.02", the following the shoreline northward to N 460 48' 1.98", W 0920 04' 16.02", and then returning to the starting point near Canal Park in Duluth, MN.

Attachments: MMPA information: (No files uploaded yet.)

• 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 COTP is proposing to establish a safety zone from noon to 9 p.m. on July 31, 2024. The safety zone would cover all navigable waters of Lake Superior within an area defined by the following positions, beginning at N 46o 47' 34.81", W 092o 03' 46.70", then proceeding southwest to N 46o 46' 52.73", W 092o 05' 05.47", then proceeding southwest to N 46o 46' 48.00", W 092o 05' 28.02", the following the shoreline northward to N 46o 48' 1.98", W 092o 04' 16.02", and then returning to the starting point near Canal Park in Duluth, MN.

Attachments: BGEPA MBTA consultation: (No files uploaded yet.)

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

Attachments: EFH consultation: (No files uploaded yet.)

- 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) -- Floodplains present Explain why the proposed action would not significantly impact these resources. : The COTP is proposing to establish a safety zone from noon to 9 p.m. on July 31, 2024. The safety zone would cover all navigable waters of Lake Superior within an area defined by the following positions, beginning at N 460 47' 34.81", W 0920 03' 46.70", then proceeding southwest to N 460 46' 52.73",

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Attachments: Flood Map: (No files uploaded yet.)

- 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?): The COTP is proposing to establish a safety zone from noon to 9 p.m. on July 31, 2024. The safety zone would cover all navigable waters of Lake Superior within an area defined by the following positions, beginning at N 460 47' 34.81", W 092o 03' 46.70", then proceeding southwest to N 46o 46' 52.73", W 092o 05' 05.47", then proceeding southwest to N 46o 46' 48.00", W 092o 05' 28.02", the following the shoreline northward to N 46o 48' 1.98", W 092o 04' 16.02", and then returning to the starting point near Canal Park in Duluth, MN.
- Coastal Barrier Unit -- N/A

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- 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?): The COTP is proposing to establish a safety zone from noon to 9 p.m. on July 31, 2024. The safety zone would cover all navigable waters of Lake Superior within an area defined by the following positions, beginning at N 46o 47' 34.81", W 092o 03' 46.70", then proceeding southwest to N 46o 46' 52.73", W 092o 05' 05.47", then proceeding southwest to N 46o 46' 48.00", W 092o 05' 28.02", the following the shoreline northward to N 46o 48' 1.98", W 092o 04' 16.02", and then returning to the starting point near Canal Park in Duluth, MN.
- Section 10 navigable waterway -- Section 10 waterway present Explain why the proposed action would not significantly impact these resources. : The COTP is proposing to establish a safety zone from noon to 9 p.m. on July 31, 2024. The safety zone would cover all navigable waters of Lake Superior within an area defined by the following positions, beginning at N 460 47' 34.81", W 0920 03' 46.70", then proceeding southwest to N 460 46' 52.73", W 0920 05' 05.47", then proceeding southwest to N 460 46' 48.00", W 0920 05' 28.02", the following the shoreline northward to N 460 48' 1.98", W 0920 04' 16.02", and then returning to the

starting point near Canal Park in Duluth, MN.

• 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?): The COTP is proposing to establish a safety zone from noon to 9 p.m. on July 31, 2024. The safety zone would cover all navigable waters of Lake Superior within an area defined by the following positions, beginning at N 46o 47' 34.81", W 092o 03' 46.70", then proceeding southwest to N 46o 46' 52.73", W 092o 05' 05.47", then proceeding southwest to N 46o 46' 48.00", W 092o 05' 28.02", the following the shoreline northward to N 46o 48' 1.98", W 092o 04' 16.02", and then returning to the starting point near Canal Park in Duluth, MN.

#### • 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?): The COTP is proposing to establish a safety zone from noon to 9 p.m. on July 31, 2024. The safety zone would cover all navigable waters of Lake Superior within an area defined by the following positions, beginning at N 460 47' 34.81", W 0920 03' 46.70", then proceeding southwest to N 460 46' 52.73", W 0920 05' 05.47", then proceeding southwest to N 460 46' 48.00", W 0920 05' 28.02", the following the shoreline northward to N 460 48' 1.98", W 0920 04' 16.02", and then returning to the starting point near Canal Park in Duluth, MN.

- Designated land (i.e., Wilderness Area, Wild and Scenic River, Marine Sanctuary, National Park, National Monument, National Natural Landmark, Wildlife Refuge, and Wilderness Area -- Designated lands present

  Explain why the proposed action would not significantly impact these resources.: The COTP is proposing to establish a safety zone from noon to 9 p.m. on July 31, 2024. The safety zone would cover all navigable waters of Lake Superior within an area defined by the following positions, beginning at N 460 47' 34.81", W 0920 03' 46.70", then proceeding southwest to N 460 46' 52.73", W 0920 05' 05.47", then proceeding southwest to N 460 46' 48.00", W 0920 05' 28.02", the following the shoreline northward to N 460 48' 1.98", W 0920 04' 16.02", and then returning to the starting point near Canal Park in Duluth, MN.
- 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 COTP is proposing to establish a safety zone from noon to 9 p.m. on July 31, 2024. The safety zone would cover all navigable waters of Lake Superior within an area defined by the following positions, beginning at N 460 47' 34.81", W 0920 03' 46.70", then proceeding southwest to N 460 46' 52.73", W 0920 05' 05.47", then proceeding southwest to N 460 46' 48.00", W 0920 05' 28.02", the following the shoreline northward to N 460 48' 1.98", W 0920 04' 16.02", and then returning to the starting point near Canal Park in Duluth, MN.

- 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 COTP is proposing to establish a safety zone from noon to 9 p.m. on July 31, 2024. The safety zone would cover all navigable waters of Lake Superior within an area defined by the following positions, beginning at N 460 47' 34.81", W 0920 03' 46.70", then proceeding southwest to N 460 46' 52.73", W 0920 05' 05.47", then proceeding southwest to N 460 46' 48.00", W 0920 05' 28.02", the following the shoreline northward to N 460 48' 1.98", W 0920 04' 16.02", and then returning to the starting point near Canal Park in Duluth, MN.
- 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 COTP is proposing to establish a safety zone from noon to 9 p.m. on July 31, 2024. The safety zone would cover all navigable waters of Lake Superior within an area defined by the following positions, beginning at N 460 47' 34.81", W 0920 03' 46.70", then proceeding southwest to N 460 46' 52.73", W 0920 05' 05.47", then proceeding southwest to N 460 46' 48.00", W 0920 05' 28.02", the following the shoreline northward to N 460 48' 1.98", W 0920 04' 16.02", and then returning to the starting point near Canal Park in Duluth, MN.

Will the Proposed Action employ new or unproven technology that is likely to involve unique or

- Will the Proposed Action establish a precedent for future actions that have significant effects? -- No Please explain how you came to this determination. : The COTP is proposing to establish a safety zone from noon to 9 p.m. on July 31, 2024. The safety zone would cover all navigable waters of Lake Superior within an area defined by the following positions, beginning at N 460 47' 34.81", W 0920 03' 46.70", then proceeding southwest to N 460 46' 52.73", W 0920 05' 05.47", then proceeding southwest to N 460 46' 48.00", W 0920 05' 28.02", the following the shoreline northward to N 460 48' 1.98", W 0920 04' 16.02", and then returning to the starting point near Canal Park in Duluth, MN.
- 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 COTP is proposing to establish a safety zone from noon to 9 p.m. on July 31, 2024. The safety zone would cover all navigable waters of Lake Superior within an area defined by the following positions, beginning at N 460 47' 34.81", W 0920 03' 46.70", then proceeding southwest to N 460 46' 52.73", W 0920 05' 05.47", then proceeding southwest to N 460 46' 48.00", W 0920 05' 28.02", the following the shoreline northward to N 460 48' 1.98", W 0920 04' 16.02", and then returning to the starting point near Canal Park in Duluth, MN.
- 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 COTP is proposing to establish a safety zone from noon to 9 p.m. on July 31, 2024. The safety zone would cover all navigable waters of Lake Superior within an area defined by the following positions, beginning at N 46o 47' 34.81", W 092o 03' 46.70", then proceeding southwest to N 46o 46' 52.73", W 092o 05' 05.47", then proceeding southwest to N 46o 46' 48.00", W 092o 05' 28.02", the following the shoreline northward to N 46o 48' 1.98", W 092o 04' 16.02", and then returning to the starting point near Canal Park in Duluth, MN.

- 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 COTP is proposing to establish a safety zone from noon to 9 p.m. on July 31, 2024. The safety zone would cover all navigable waters of Lake Superior within an area defined by the following positions, beginning at N 460 47' 34.81", W 0920 03' 46.70", then proceeding southwest to N 460 46' 52.73", W 0920 05' 05.47", then proceeding southwest to N 460 46' 48.00", W 0920 05' 28.02", the following the shoreline northward to N 460 48' 1.98", W 0920 04' 16.02", and then returning to the starting point near Canal Park in Duluth, MN.
- 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: (No files uploaded yet.)
- What is the National Historic Preservation Act Section 106 effect determination? -- No effect Please explain how you came to this determination. : The COTP is proposing to establish a safety zone from noon to 9 p.m. on July 31, 2024. The safety zone would cover all navigable waters of Lake Superior within an area defined by the following positions, beginning at N 460 47' 34.81", W 0920 03' 46.70", then proceeding southwest to N 460 46' 52.73", W 0920 05' 05.47", then proceeding southwest to N 460 46' 48.00", W 0920 05' 28.02", the following the shoreline northward to N 460 48' 1.98", W 0920 04' 16.02", and then returning to the starting point near Canal Park in Duluth, MN.

Attachments: Section 106 consultation: (No files uploaded yet.)

• 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

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.	•
SECTION I - Description of Proposed Action	
Name of Component Authorizing the Proposed Action:	
U.S. Coast Guard USCG Civil Engineering Unit – Cleveland Oh	
2. Title of Proposed Action:	
Duluth Airshow	
3. Identifying Number of Proposed Action:	
DSS-USCG-2024-19240	
4. Estimated Start Date and Useful Life of Proposed Action:	
Start Date: 07/31/2024 - End Date: 7/31/202	
5. Location of Proposed Action:	
U.S. Territorial Water: all navigable waters of Lake Superior near canal park.	
6. Description of Proposed Action:	
The COTP is proposing to establish a safety zone from noon to 9 p.m. on July 31, 2024. The safety zone would cover all navigable waters of Lake Superior within an area defined by the following positions, beginning at N 46o 47' 34.81", W 092o 03' 46.70", then proceeding southwest to N 46o 46' 52.73", W 092o 05' 05.47", then proceeding southwest to N 46o 46' 48.00", W 092o 05' 28.02", the following the shoreline northward to N 46o 48' 1.98", W 092o 04' 16.02", and then returning to the starting point near Canal Park in Duluth, MN.	
SECTION II - Analysis of Extraordinary Circumstances	
7. ☑ Proposed Action is not a piece of a larger action ☐ Proposed Action is a piece of a larger action Remarks:	
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.	
☐ ☑ A. Will the Proposed Action have a potentially significant effect on public health or safety?  Yes No  Remarks:	

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Yes No	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?
Remarks:	
Yes No	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, traditionalor sacred site, or result in the destruction of a significant scientific, cultural, or historic resource?
Remarks:	
☐ 🗷 Yes No	D. Will the Proposed Action have a potentially significant effect on an environmentally sensitive area?
Remarks:	
☐ ເ≛ Yes No	E. Will the Proposed Action result in the potential violation of a Federal, State, or local law or requirement imposed to protect the environment?
Remarks:	
Yes No	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?
Remarks:	
Yes No	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?
Remarks:	
☐ 🗷 Yes No	H. Will the Proposed Action establish a precedent for future actions that have significant effects?
Remarks:	
Yes No	I. Is the Proposed Action significantly greater in scope or size than normally experienced for its particular category of action?
Remarks:	
Yes No	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?
Remarks:	
Yes No	K. Is the Proposed Action related to other actions with individually insignificant but cumulatively significant impacts?
Remarks:	
SECTION I	II - Categorical Exclusion (CATEX) Determination

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- 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:

EAny 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.

EThis 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: Corbin Spies	Digitally signed by Corbin Spies at 04/09/2024 12:06 PM  Corbin Spies	Date: 04/09/2024	
11b. Environmental Approver of this REC			
Name: Charlie Maricic (Level I)	Digitally signed by Charlie Maricic (Level I) at 04/10/2024 8:04 AM  Charlie Maricic (Level I)	Date: 04/10/2024	
11c Action Proponent			

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#### Duluth Airshow (Unclassified)

Name: Joseph McGinnis	04/10/2024 9:32 AM	Date: 04/10/2024

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#### **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:

- Species List\_ Minnesota-Wisconsin Ecological Services Field Office (1).pdf
- Flood map.JPG
- Wetland Map.pdf

#### Note:

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



## United States Department of the Interior



#### FISH AND WILDLIFE SERVICE

Minnesota-Wisconsin Ecological Services Field Office 3815 American Blvd East Bloomington, MN 55425-1659 Phone: (952) 858-0793

In Reply Refer To: 04/04/2024 17:06:04 UTC

Project Code: 2024-0072884 Project Name: Duluth Air Show

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:

This response has been generated by the Information, Planning, and Conservation (IPaC) system to provide information on natural resources that could be affected by your project. The U.S. Fish and Wildlife Service (Service) provides this response under the authority of the Endangered Species Act of 1973 (16 U.S.C. 1531-1543), the Bald and Golden Eagle Protection Act (16 U.S.C. 668-668d), the Migratory Bird Treaty Act (16 U.S.C. 703-712), and the Fish and Wildlife Coordination Act (16 U.S.C. 661 *et seq.*).

#### **Threatened and Endangered Species**

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and may be affected by your proposed project. The species list fulfills the requirement for obtaining a Technical Assistance Letter from the U.S. Fish and Wildlife Service under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. The Service recommends that verification be completed by visiting the IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the IPaC system by completing the same process used to receive the enclosed list.

#### **Consultation Technical Assistance**

Please refer to refer to our <u>Section 7 website</u> for guidance and technical assistance, including <u>step-by-step instructions</u> for making effects determinations for each species that might be present and for specific guidance on the following types of projects: projects in developed areas, HUD, CDBG, EDA, USDA Rural Development projects, pipelines, buried utilities, telecommunications, and requests for a Conditional Letter of Map Revision (CLOMR) from FEMA.

We recommend running the project (if it qualifies) through our Minnesota-Wisconsin Federal Endangered Species Determination Key (Minnesota-Wisconsin ("D-key")). A demonstration video showing how-to access and use the determination key is available. Please note that the Minnesota-Wisconsin D-key is the third option of 3 available d-keys. D-keys are tools to help Federal agencies and other project proponents determine if their proposed action has the potential to adversely affect federally listed species and designated critical habitat. The Minnesota-Wisconsin D-key includes a structured set of questions that assists a project proponent in determining whether a proposed project qualifies for a certain predetermined consultation outcome for all federally listed species found in Minnesota and Wisconsin (except for the northern long-eared bat- see below), which includes determinations of "no effect" or "may affect, not likely to adversely affect." In each case, the Service has compiled and analyzed the best available information on the species' biology and the impacts of certain activities to support these determinations.

If your completed d-key output letter shows a "No Effect" (NE) determination for all listed species, print your IPaC output letter for your files to document your compliance with the Endangered Species Act.

For Federal projects with a "Not Likely to Adversely Affect" (NLAA) determination, our concurrence becomes valid if you do not hear otherwise from us after a 30-day review period, as indicated in your letter.

If your d-key output letter indicates additional coordination with the Minnesota-Wisconsin Ecological Services Field Office is necessary (i.e., you get a "May Affect" determination), you will be provided additional guidance on contacting the Service to continue ESA coordination outside of the key; ESA compliance cannot be concluded using the key for "May Affect" determinations unless otherwise indicated in your output letter.

Note: Once you obtain your official species list, you are not required to continue in IPaC with d-keys, although in most cases these tools should expedite your review. If you choose to make an effects determination on your own, you may do so. If the project is a Federal Action, you may want to review our section 7 step-by-step instructions before making your determinations.

## Using the IPaC Official Species List to Make No Effect and May Affect Determinations for Listed Species

- If IPaC returns a result of "There are no listed species found within the vicinity of the project," then
  project proponents can conclude the proposed activities will have **no effect** on any federally listed
  species under Service jurisdiction. Concurrence from the Service is not required for **no effect** determinations. No further consultation or coordination is required. Attach this letter to the dated
  IPaC species list report for your records.
- 2. If IPaC returns one or more federally listed, proposed, or candidate species as potentially present in the action area of the proposed project other than bats (see below) then project proponents must determine if proposed activities will have **no effect** on or **may affect** those species. For assistance in determining if suitable habitat for listed, candidate, or proposed species occurs within your project area or if species may be affected by project activities, you can obtain <u>Life History Information for Listed and Candidate Species</u> on our office website. If no impacts will occur to a species on the IPaC species list (e.g., there is no habitat present in the project area), the appropriate determination is **no effect**. No further consultation or coordination is required. Attach this letter to the dated IPaC species list report for your records.

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3. Should you determine that project activities **may affect** any federally listed, please contact our office for further coordination. Letters with requests for consultation or correspondence about your project should include the Consultation Tracking Number in the header. <u>Electronic submission is preferred</u>.

#### **Northern Long-Eared Bats**

Northern long-eared bats occur throughout Minnesota and Wisconsin and the information below may help in determining if your project may affect these species.

This species hibernates in caves or mines only during the winter. In Minnesota and Wisconsin, the hibernation season is considered to be November 1 to March 31. During the active season (April 1 to October 31) they roost in forest and woodland habitats. Suitable summer habitat for northern long-eared bats consists of a wide variety of forested/wooded habitats where they roost, forage, and travel and may also include some adjacent and interspersed non-forested habitats such as emergent wetlands and adjacent edges of agricultural fields, old fields and pastures. This includes forests and woodlots containing potential roosts (i.e., live trees and/or snags ≥3 inches dbh for northern long-eared bat that have exfoliating bark, cracks, crevices, and/or hollows), as well as linear features such as fencerows, riparian forests, and other wooded corridors. These wooded areas may be dense or loose aggregates of trees with variable amounts of canopy closure. Individual trees may be considered suitable habitat when they exhibit the characteristics of a potential roost tree and are located within 1,000 feet (305 meters) of forested/wooded habitat. Northern long-eared bats have also been observed roosting in human-made structures, such as buildings, barns, bridges, and bat houses; therefore, these structures should also be considered potential summer habitat and evaluated for use by bats. If your project will impact caves or mines or will involve clearing forest or woodland habitat containing suitable roosting habitat, northern long-eared bats could be affected.

Examples of <u>unsuitable</u> habitat include:

- Individual trees that are greater than 1,000 feet from forested or wooded areas,
- Trees found in highly developed urban areas (e.g., street trees, downtown areas),
- A pure stand of less than 3-inch dbh trees that are not mixed with larger trees, and
- A monoculture stand of shrubby vegetation with no potential roost trees.

If IPaC returns a result that northern long-eared bats are potentially present in the action area of the proposed project, project proponents can conclude the proposed activities **may affect** this species **IF** one or more of the following activities are proposed:

- Clearing or disturbing suitable roosting habitat, as defined above, at any time of year,
- Any activity in or near the entrance to a cave or mine,
- Mining, deep excavation, or underground work within 0.25 miles of a cave or mine,
- Construction of one or more wind turbines, or
- Demolition or reconstruction of human-made structures that are known to be used by bats based on observations of roosting bats, bats emerging at dusk, or guano deposits or stains.

*If none of the above activities are proposed*, project proponents can conclude the proposed activities will have **no effect** on the northern long-eared bat. Concurrence from the Service is not required for **No** 

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**Effect** determinations. No further consultation or coordination is required. Attach this letter to the dated IPaC species list report for your records.

If any of the above activities are proposed, and the northern long-eared bat appears on the user's species list, the federal project user will be directed to either the range-wide northern long-eared bat D-key or the Federal Highways Administration, Federal Railways Administration, and Federal Transit Administration Indiana bat/ Northern long-eared bat D-key, depending on the type of project and federal agency involvement. Similar to the Minnesota-Wisconsin D-key, these d-keys helps to determine if prohibited take might occur and, if not, will generate an automated verification letter.

*Please note:* On November 30, 2022, the Service published a proposal final rule to reclassify the northern long-eared bat as endangered under the Endangered Species Act. On January 26, 2023, the Service published a 60-day extension for the final reclassification rule in the Federal Register, moving the effective listing date from January 30, 2023, to March 31, 2023. This extension will provide stakeholders and the public time to preview interim guidance and consultation tools before the rule becomes effective. When available, the tools will be available on the Service's northern long-eared bat website (https://www.fws.gov/species/northern-longeared-bat-myotis-septentrionalis). Once the final rule goes into effect on March 31, 2023, the 4(d) D-key will no longer be available (4(d) rules are not available for federally endangered species) and will be replaced with a new Range-wide NLEB D-key (range-wide d-key). For projects not completed by March 31, 2023, that were previously reviewed under the 4(d) d-key, there may be a need for reinitiation of consultation. For these ongoing projects previously reviewed under the 4(d) d-key that may result in incidental take of the northern long-eared bat, we recommend you review your project using the new range-wide d-key once available. If your project does not comply with the range-wide d-key, it may be eligible for use of the Interim (formal) Consultation framework (framework). The framework is intended to facilitate the transition from the 4(d) rule to typical Section 7 consultation procedures for federally endangered species and will be available only until spring 2024. Again, when available, these tools (new range-wide d-key and framework) will be available on the Service's northern long-eared bat website.

#### **Whooping Crane**

Whooping crane is designated as a non-essential experimental population in Wisconsin and consultation under Section 7(a)(2) of the Endangered Species Act is only required if project activities will occur within a National Wildlife Refuge or National Park. If project activities are proposed on lands outside of a National Wildlife Refuge or National Park, then you are not required to consult. For additional information on this designation and consultation requirements, please review "Establishment of a Nonessential Experimental Population of Whooping Cranes in the Eastern United States."

#### **Other Trust Resources and Activities**

Bald and Golden Eagles - Although the bald eagle has been removed from the endangered species list, this species and the golden eagle are protected by the Bald and Golden Eagle Act and the Migratory Bird Treaty Act. Should bald or golden eagles occur within or near the project area please contact our office for further coordination. For communication and wind energy projects, please refer to additional guidelines below.

*Migratory Birds* - The Migratory Bird Treaty Act (MBTA) prohibits the taking, killing, possession, transportation, and importation of migratory birds, their eggs, parts, and nests, except when specifically authorized by the Service. The Service has the responsibility under the MBTA to proactively prevent the

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mortality of migratory birds whenever possible and we encourage implementation of <u>recommendations that</u> <u>minimize potential impacts to migratory birds</u>. Such measures include clearing forested habitat outside the nesting season (generally March 1 to August 31) or conducting nest surveys prior to clearing to avoid injury to eggs or nestlings.

Communication Towers - Construction of new communications towers (including radio, television, cellular, and microwave) creates a potentially significant impact on migratory birds, especially some 350 species of night-migrating birds. However, the Service has developed <u>voluntary guidelines for minimizing impacts</u>.

*Transmission Lines* - Migratory birds, especially large species with long wingspans, heavy bodies, and poor maneuverability can also collide with power lines. In addition, mortality can occur when birds, particularly hawks, eagles, kites, falcons, and owls, attempt to perch on uninsulated or unguarded power poles. To minimize these risks, please refer to guidelines developed by the Avian Power Line Interaction Committee and the Service. Implementation of these measures is especially important along sections of lines adjacent to wetlands or other areas that support large numbers of raptors and migratory birds.

*Wind Energy* - To minimize impacts to migratory birds and bats, wind energy projects should follow the Service's <u>Wind Energy Guidelines</u>. In addition, please refer to the Service's <u>Eagle Conservation Plan Guidance</u>, which provides guidance for conserving bald and golden eagles in the course of siting, constructing, and operating wind energy facilities.

#### **State Department of Natural Resources Coordination**

While it is not required for your Federal section 7 consultation, please note that additional state endangered or threatened species may also have the potential to be impacted. Please contact the Minnesota or Wisconsin Department of Natural Resources for information on state listed species that may be present in your proposed project area.

#### Minnesota

<u>Minnesota Department of Natural Resources - Endangered Resources Review Homepage</u> **Email:** Review.NHIS@state.mn.us

#### Wisconsin

Wisconsin Department of Natural Resources - Endangered Resources Review Homepage

Email: <u>DNRERReview@wi.gov</u>

We appreciate your concern for threatened and endangered species. Please feel free to contact our office with questions or for additional information.

#### Attachment(s):

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

## **OFFICIAL SPECIES LIST**

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

This species list is provided by:

Minnesota-Wisconsin Ecological Services Field Office 3815 American Blvd East Bloomington, MN 55425-1659 (952) 858-0793

#### **PROJECT SUMMARY**

Project Code: 2024-0072884 Project Name: Duluth Air Show

Project Type: Regulation Promulgation

Project Description: The COTP is proposing to establish a safety zone from noon to 9 p.m. on

July 31, 2024. The safety zone would cover all navigable waters of Lake Superior within an area defined by the following positions, beginning at N 46o 47' 34.81", W 092o 03' 46.70", then proceeding southwest to N 46o 46' 52.73", W 092o 05' 05.47", then proceeding southwest to N 46o 46' 48.00", W 092o 05' 28.02", the following the shoreline northward to N 46o 48' 1.98", W 092o 04' 16.02", and then returning to the starting point

near Canal Park in Duluth, MN.

#### **Project Location:**

The approximate location of the project can be viewed in Google Maps: <a href="https://www.google.com/maps/@46.79128225,-92.08726011486846,14z">https://www.google.com/maps/@46.79128225,-92.08726011486846,14z</a>



Counties: St. Louis County, Minnesota

#### **ENDANGERED SPECIES ACT SPECIES**

There is a total of 7 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. Note that 2 of these species should be considered only under certain conditions.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries<sup>1</sup>, 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.

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** 

#### Canada Lynx Lynx canadensis

Threatened

Population: Wherever Found in Contiguous U.S.

There is **final** critical habitat for this species. Your location overlaps the critical habitat.

Species profile: https://ecos.fws.gov/ecp/species/3652

#### Gray Wolf Canis lupus

Threatened

Population: MN

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

Species profile: https://ecos.fws.gov/ecp/species/4488

#### Northern Long-eared Bat *Myotis septentrionalis*

Endangered

No critical habitat has been designated for this species.

This species only needs to be considered under the following conditions:

• This species only needs to be considered if the project includes wind turbine operations.

Species profile: https://ecos.fws.gov/ecp/species/9045

#### Tricolored Bat *Perimyotis subflavus*

Proposed

No critical habitat has been designated for this species.

Endangered

This species only needs to be considered under the following conditions:

• This species only needs to be considered if the project includes wind turbine operations.

Species profile: https://ecos.fws.gov/ecp/species/10515

#### **BIRDS**

**STATUS NAME** 

#### Piping Plover Charadrius melodus

**Endangered** 

Population: [Great Lakes watershed DPS] - Great Lakes, watershed in States of IL, IN, MI, MN,

NY, OH, PA, and WI and Canada (Ont.)

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

Species profile: https://ecos.fws.gov/ecp/species/6039

#### Rufa Red Knot Calidris canutus rufa

Threatened

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

Species profile: https://ecos.fws.gov/ecp/species/1864

#### **INSECTS**

**STATUS NAME** 

#### Monarch Butterfly *Danaus plexippus*

Candidate

No critical habitat has been designated for this species.

Species profile: https://ecos.fws.gov/ecp/species/9743

#### CRITICAL HABITATS

There is 1 critical habitat wholly or partially within your project area under this office's jurisdiction.

**NAME STATUS** Canada Lynx *Lynx canadensis* Final

https://ecos.fws.gov/ecp/species/3652#crithab

## **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 Act<sup>1</sup> and the Migratory Bird Treaty Act<sup>2</sup>.

Any person or organization who plans or conducts activities that may result in impacts to bald or golden eagles, or their habitats<sup>3</sup>, 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 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 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.

BREEDING **NAME SEASON** Breeds Dec 1 to

Bald Eagle Haliaeetus leucocephalus

This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.

https://ecos.fws.gov/ecp/species/1626

Aug 31

	BREEDING
NAME	SEASON

#### Golden Eagle *Aquila chrysaetos*

Breeds Jan 1 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/1680

#### 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 (**■**)**

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** (

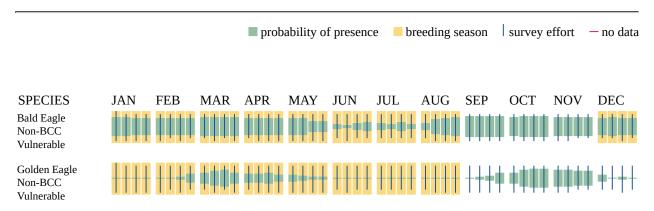
Yellow bars; liberal estimate of the timeframe inside which the bird breeds across its entire range.

#### 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 <a href="https://www.fws.gov/library/collections/avoiding-and-minimizing-incidental-take-migratory-birds">https://www.fws.gov/library/collections/avoiding-and-minimizing-incidental-take-migratory-birds</a>
- Nationwide conservation measures for birds <a href="https://www.fws.gov/sites/default/files/documents/nationwide-standard-conservation-measures.pdf">https://www.fws.gov/sites/default/files/documents/nationwide-standard-conservation-measures.pdf</a>
- Supplemental Information for Migratory Birds and Eagles in IPaC <a href="https://www.fws.gov/media/supplemental-information-migratory-birds-and-bald-and-golden-eagles-may-occur-project-action">https://www.fws.gov/media/supplemental-information-migratory-birds-and-bald-and-golden-eagles-may-occur-project-action</a>

## **MIGRATORY BIRDS**

Certain birds are protected under the Migratory Bird Treaty Act<sup>1</sup> and the Bald and Golden Eagle Protection Act<sup>2</sup>.

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats<sup>3</sup> 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.
- 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, 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	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. <a href="https://ecos.fws.gov/ecp/species/1626">https://ecos.fws.gov/ecp/species/1626</a>	Breeds Dec 1 to Aug 31
Black-billed Cuckoo <i>Coccyzus erythropthalmus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. <a href="https://ecos.fws.gov/ecp/species/9399">https://ecos.fws.gov/ecp/species/9399</a>	Breeds May 15 to Oct 10
Bobolink <i>Dolichonyx oryzivorus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. <a href="https://ecos.fws.gov/ecp/species/9454">https://ecos.fws.gov/ecp/species/9454</a>	Breeds May 20 to Jul 31

BREEDING

NAME	BREEDING SEASON
Canada Warbler <i>Cardellina canadensis</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. <a href="https://ecos.fws.gov/ecp/species/9643">https://ecos.fws.gov/ecp/species/9643</a>	Breeds May 20 to Aug 10
Chimney Swift <i>Chaetura pelagica</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. <a href="https://ecos.fws.gov/ecp/species/9406">https://ecos.fws.gov/ecp/species/9406</a>	Breeds Mar 15 to Aug 25
Common Tern <i>Sterna hirundo hirundo</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA <a href="https://ecos.fws.gov/ecp/species/10651">https://ecos.fws.gov/ecp/species/10651</a>	Breeds May 1 to Aug 31
Connecticut Warbler <i>Oporornis agilis</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. <a href="https://ecos.fws.gov/ecp/species/9442">https://ecos.fws.gov/ecp/species/9442</a>	Breeds Jun 15 to Aug 10
Eastern Whip-poor-will <i>Antrostomus vociferus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. <a href="https://ecos.fws.gov/ecp/species/10678">https://ecos.fws.gov/ecp/species/10678</a>	Breeds May 1 to Aug 20
Evening Grosbeak <i>Coccothraustes vespertinus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. <a href="https://ecos.fws.gov/ecp/species/9465">https://ecos.fws.gov/ecp/species/9465</a>	Breeds May 15 to Aug 10
Golden Eagle <i>Aquila chrysaetos</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. <a href="https://ecos.fws.gov/ecp/species/1680">https://ecos.fws.gov/ecp/species/1680</a>	Breeds Jan 1 to Aug 31
Golden-winged Warbler <i>Vermivora chrysoptera</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. <a href="https://ecos.fws.gov/ecp/species/8745">https://ecos.fws.gov/ecp/species/8745</a>	Breeds May 1 to Jul 20
Lesser Yellowlegs <i>Tringa flavipes</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. <a href="https://ecos.fws.gov/ecp/species/9679">https://ecos.fws.gov/ecp/species/9679</a>	Breeds elsewhere
Long-eared Owl <i>asio otus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. <a href="https://ecos.fws.gov/ecp/species/3631">https://ecos.fws.gov/ecp/species/3631</a>	Breeds Mar 1 to Jul 15

NAME	BREEDING SEASON
Olive-sided Flycatcher <i>Contopus cooperi</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. <a href="https://ecos.fws.gov/ecp/species/3914">https://ecos.fws.gov/ecp/species/3914</a>	Breeds May 20 to Aug 31
Pectoral Sandpiper <i>Calidris melanotos</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. <a href="https://ecos.fws.gov/ecp/species/9561">https://ecos.fws.gov/ecp/species/9561</a>	Breeds elsewhere
Ruddy Turnstone <i>Arenaria interpres morinella</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA <a href="https://ecos.fws.gov/ecp/species/10633">https://ecos.fws.gov/ecp/species/10633</a>	Breeds elsewhere
Veery <i>Catharus fuscescens fuscescens</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA <a href="https://ecos.fws.gov/ecp/species/11987">https://ecos.fws.gov/ecp/species/11987</a>	Breeds May 15 to Jul 15
Wood Thrush <i>Hylocichla mustelina</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. <a href="https://ecos.fws.gov/ecp/species/9431">https://ecos.fws.gov/ecp/species/9431</a>	Breeds May 10 to Aug 31

#### PROBABILITY OF PRESENCE SUMMARY

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read "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 (■)**

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** (**•**)

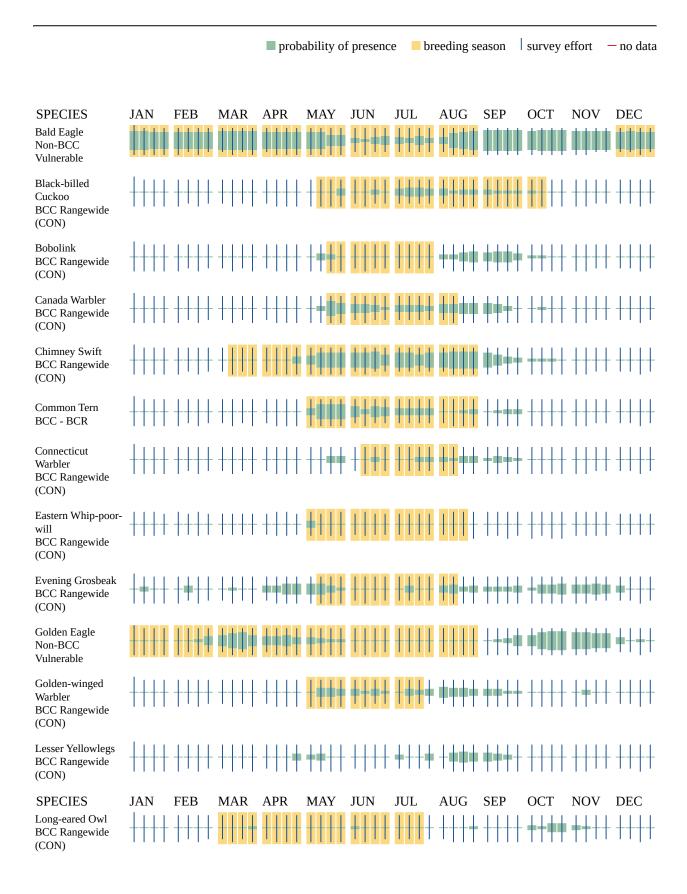
Yellow bars; liberal estimate of the timeframe inside which the bird breeds across its entire range.

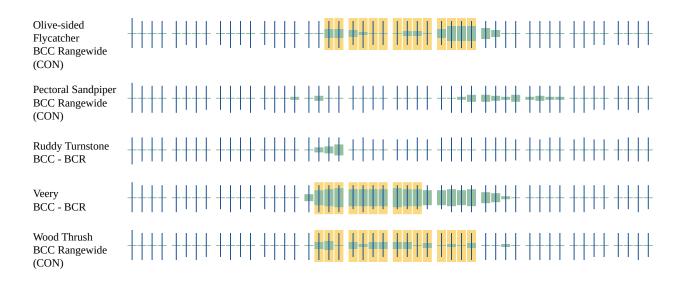
#### Survey Effort (|)

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

#### No Data (-)

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Additional information can be found using the following links:

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

## **WETLANDS**

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

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

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

#### LAKE

• L1UBH

## **IPAC USER CONTACT INFORMATION**

Agency: U.S. Coast Guard Name: Corbin Spies Address: 515 W 1st street

City: Duluth State: MN Zip: 55805

Email corbin.r.spies@uscg.mil

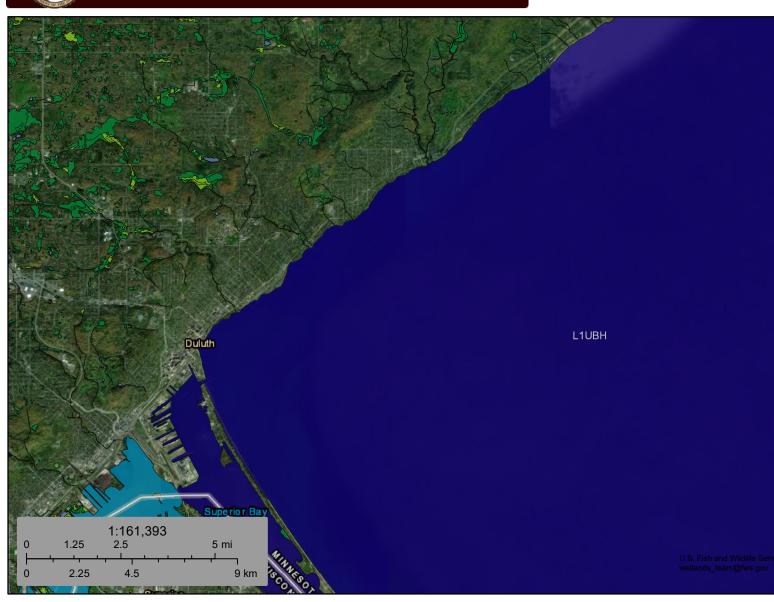
Phone: 3374917855



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## **Duluth Airshow**



April 4, 2024

#### Wetlands

Estuarine and Marine Deepwater

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Freshwater Emergent Wetland

Freshwater Forested/Shrub Wetland

Freshwater Pond

Lake be W. Other

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This map is for ge Service is not resp base data shown be used in accord Wetlands Mapper