APPLICABLE FEDERAL ACTS AND CONSULTATION
CTV II

Tribes within Area of Review

CTV has engaged third party cultural resources consultant to finalize key elements of our project. Based on the knowledge of our consultant and work experience in the area, we anticipate our Section 106 consultation to include the following Federally recognized tribes

Buena Vista Rancheria of Me-Wuk Indians of California
Rhonda Morningstar Pope, Chairperson
1418 20th Street, Suite 200
Sacramento, CA 95811
Phone No: 916-491-0011
Web site: www.buenavistatribe.com

Dr. Roselynn Lwenya
Environmental Resources Director/THPO
Buena Vista Rancheria of Me-Wuk Indians
1418 20th Street, Suite 200
Sacramento, CA 95811

Jeannette Simons
THPO Advisor
Buena Vista Rancheria
1418 20th Street, Suite 200
Sacramento, CA 95811
Email: jeannettesimons@gmail.com

California Valley Miwok Tribe, California
Silvia Burley, Chairperson
10601 N. Escondido Place
Stockton, CA 95212
Phone No.: 209-931-4567 Fax: 209-931-4333
Express Mail: 10601 N. Escondido Pl., Stockton, CA 95212
E-mail: s.burley@californiavalleymiwoktribe-nsn.gov
Web site: www.californiavalleymiwoktribe-nsn.gov

Chicken Ranch Rancheria of Me-Wuk Indians of California
Lloyd Mathieson, Chairman
P.O. Box 1159
Jamestown, CA 95327
Phone No: 209-984-4806 Fax No.: 209-984-5606
Express Mail: 16955 Nelson Road, Jamestown, CA 95327
E-mail: chixrnch@mlode.com

Ione Band of Miwok Indians of California
Johnny Jamerson, Acting Tribal Chairperson
P.O. Box 699
Plymouth, CA 95669
Phone No.: 209-245-5800 Fax: 209-245-3112
Express Mail: 9252 Bush Street, Plymouth, CA 95669
Web site: www.ionemiwok.org

Jackson Rancheria of Me-Wuk Indians of California
Irvin Marks, Chairperson
P.O. Box 1090
Jackson, CA 95642
Phone No: Fax No: 209-223-1935 Fax No.: 209-223-5366
Express Mail: 12222 New York Ranch Road, Jackson, CA 95642
Web site: www.jacksoncasino.com

Middletown Rancheria of Pomo Indians of California
Carl Rivera, Chairman
P.O. Box 1035
Middletown, CA 95461
Phone No. 707-87-3670
Express Mail: 22223 Hwy 29 @ Rancheria Road, Middletown, CA 95461
Web site: None

Shingle Springs Band of Miwok Indians, Shingle Springs Rancheria (Verona Tract), California
Nick H. Fonseca, Chairman
P.O. Box 1340 (Verona Tract)
Shingle Springs, CA 95682
Phone No: 530-676-8010 Fax No: 530-676-8033
Express Mail: 5281 Honpie Road, Placerville, CA 95667
Web site: www.shinglespringsrancheria.com

Andrew Godsey
Assistant Cultural Resource Director
Shingle Springs Band of Miwok Indians
5281 Honpie Road, Placerville, CA 95667

Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria of California
Kevin Day, Chairman
P.O. Box 699
Tuolumne, CA 95379
Phone No: 209-928-3475 Fax No: 209-928-1677
Express Mail: 19595 Mi-wu Street, Tuolumne, CA 95379
Web site: www.miwok.com

This project will also trigger CEQA, which will require State and local permitting authorities to comply with CA AB52, which is not limited to Federally recognized tribes or native American individuals. We anticipate that consultation list to include (but not limited to):

Andrew Franklin
Chairperson Wilton Rancheria
9300 W. Stockton Suite 200
Elk Grove, CA 95758

Wild and Scenic Rivers Act (WSR Act)

The Wild and Scenic Rivers Act (WSR Act) of 1968 (Public Law 90-542; 16 U.S.C. 1271 *et seq.*) was enacted by Congress to preserve certain rivers with outstanding natural, cultural, and recreational values in a free-flowing condition for the enjoyment of present and future generations. The WSR Act is notable for safeguarding the special character of these rivers, while also recognizing the potential for their appropriate use and development. It encourages river management that crosses political boundaries and promotes public participation in developing goals for river protection.

The National Wild and Scenic Rivers System (NWSRS) was created by the WSR Act and is managed by the National Park Service and the U.S. Forest Service. Rivers may be designated by Congress, or if certain requirements are met, they may be designated by the Secretary of the Interior. Designated segments need not include the entire river and may include tributaries. Each river is administered by either a federal or state agency. Section 2(b) of the WSR Act creates three classifications of protected rivers, which are defined as follows:

- "Wild River Areas" are those rivers or sections of rivers that are free of impoundments and generally inaccessible except by trail, with watersheds or shorelines essentially primitive and waters unpolluted. These represent vestiges of America.

- "Scenic River Areas" are those rivers or sections of rivers that are free of impoundments, with shorelines or watersheds still largely primitive and shorelines largely undeveloped, but accessible in places by roads.

- "Recreational River Areas" are those rivers or sections of rivers that are readily accessible by road or railroad, that may have some development along their shorelines, and that may have undergone some impoundment or diversion in the past.

Regardless of the classification, each river in the National System is administered with the goal of protecting and enhancing the values for which it was designated.

Based on a review of the NWSRS National Park Service (NPS) Wild and Scenic River Management GIS dataset, there are no designated wild, scenic, or recreational river areas in the Project site. [redacted]

National Historic Preservation Act (NHPA) – *National Historic Preservation Act (NHPA) §106*

First passed in 1966, the National Historic Preservation Act (NHPA; Public Law 89-665; 54 U.S.C. 300101 et seq.) is legislation intended to preserve historic and archaeological sites in the United States of

America. The act created the National Register of Historic Places, the list of National Historic Landmarks, and the State Historic Preservation Offices.

Section 106 of the National Historic Preservation Act mandates federal agencies undergo a review process for all federally funded and permitted projects that will impact sites listed on, or eligible for listing on, the National Register of Historic Places. Specifically, it requires the federal agency to "take into account" the effect a project may have on historic properties. It allows interested parties an opportunity to comment on the potential impact projects may have on significant archaeological or historic sites. The main purpose for the establishment of the Section 106 review process is to minimize potential harm and damage to historic properties.
CRC has retained a qualified archaeologist to conduct an archival records search, as well as pedestrian surveys, and to initiate Native American tribal consultation as necessary. Prior to the proposed project undertaking, the archival records search will be conducted to determine: (i) if prehistoric or historical archaeological sites has previously been recorded within the project study area; (ii) if the project area has been systematically surveyed by archaeologists prior to the initiation of this field study; and/or (iii) whether the region of the project is known to contain archaeological sites and to thereby be archaeologically sensitive. Additionally, a record search of the Native American Heritage Commission (NAHC) *Sacred Lands File* will be conducted to ascertain whether traditional cultural places or cultural landscapes had been identified within the proposed project site. Any historic findings will be evaluated to determine significance and a plan to avoid and mitigate any adverse impacts to archaeological resources will be prepared by the qualified archaeologist for the Project as applicable.

Endangered Species Act (ESA) – (16 U.S.C. 1531 *et seq.*)

Enacted in 1973, the ESA is administered by the USFWS and the National Oceanic and Atmospheric Administration Fisheries Service (formerly National Marine Fisheries Service). The purpose of the ESA is to conserve and recover endangered and threatened species, as well as the ecosystems upon which they depend. ESA requires all federal agencies to protect listed species and preserve their habitats. Section 4 of ESA sets forth a process for listing species as endangered or threatened, for designating critical habitat for listed species, and for preparing recovery plans for listed species. Section 7 requires federal agencies to consult with the USFWS or National Oceanic and Atmospheric Administration Fisheries Service to ensure their actions do not jeopardize listed species. Section 9 prohibits the "take" of a listed species. Section 10 provides a means whereby a nonfederal action with the potential to result in the incidental take of a listed species while carrying out an otherwise lawful activity may be authorized under a permit. Section 11 sets forth enforcement and penalty provisions. Under the ESA, "take" of listed wildlife species is prohibited, unless take authorization is first obtained from the USFWS. "Take" is broadly defined under the ESA and means to harass, harm, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to engage in any such conduct.

As part of project planning, CRC has conducted a preliminary search of the USFWS Information for Planning and Consultation (IPaC), website, a tool that streamlines the USFWS environmental review process. Based on initial review of the IPaC, the proposed project footprint [redacted] A species list obtained from the USFWS IPaC for listed species and critical habitats that may be present in or adversely affected by the proposed project is attached as reference (Figure ENV-1).

As the project planning progresses, CRC will obtain an official species list from the USFWS and resume review of the project's effects on listed species pursuant to the ESA as part of the overall regulatory

review. Potential impacts on resources managed by the USFWS will be evaluated and applicable conservation measures will be designed to avoid or minimize effects to listed species, CRC has an existing contract with a qualified third-party environmental consultant to assist with biological pre-activity surveys, biological assessment/report preparation, and biological and mitigation compliance monitoring as necessary.

Coastal Zone Management Act (CZMA)

In 1972 Congress enacted the Coastal Zone Management Act (CZMA) (16 U.S.C. 1451 et seq.) to protect the coastal environment from growing demands associated with residential, recreational, commercial, and industrial uses (e.g., State and Federal offshore oil and gas development). The CZMA provisions help States develop coastal management programs (Programs) to manage and balance competing uses of the coastal zone. Federal Agencies must follow the Federal Consistency provisions as delineated in 15 CFR part 930.

The CZMA requires that Federal actions that are reasonably likely to affect any land or water use or natural resource of the coastal zone be consistent with enforceable policies of a State's federally approved coastal management program. The "effects test" is used to determine whether an activity is subject to Federal consistency provisions:

- Will the activity directly, indirectly, or cumulatively affect any natural resources, land uses, or water uses in the coastal zone?
    - If yes, then the activity is subject to Federal consistency.
    - If no, then the activity is not subject to Federal consistency

As per 16 U.S.C. § 1453. Definitions (1) The term "coastal zone" means the coastal waters (including the lands therein and thereunder) and the adjacent shorelands (including the waters therein and thereunder), strongly influenced by each other and in proximity to the shorelines of the several coastal states, and includes islands, transitional and intertidal areas, salt marshes, wetlands, and beaches. The zone extends inland from the shorelines only to the extent necessary to control shorelands, the uses of which have a direct and significant impact on the coastal waters, and to control those geographical areas which are likely to be affected by or vulnerable to sea level rise.

[redacted]

Fish and Wildlife Conservation Act (FWCA)

The Fish and Wildlife Conservation Act (FWCA) of 1980 (16 U.S.C. §§ 2901 *et seq.*) declares that fish and wildlife are of ecological, educational, esthetic, cultural, recreational, economic, and scientific value to the Nation. The Act acknowledges that historically, fish and wildlife conservation programs have focused on more recreationally and commercially important species within a particular ecosystem, without provisions for the conservation and management of nongame fish and wildlife. The purposes of this Act are to encourage all federal departments and agencies to utilize their statutory and administrative authority, to the maximum extent practicable and consistent with each agency's statutory responsibilities, and to conserve and to promote conservation of non-game fish and wildlife and their habitats. The FWCA defines "non-game fish and wildlife" as wild vertebrate animals in an unconfined state, that are not ordinarily taken for sport, fur, or food, not listed as endangered or threatened species, and not marine mammals within the context of the Marine Mammal Protection Act. Another purpose is to provide

financial and technical assistance to the states for the development, revision, and implementation of conservation plans and programs for nongame fish and wildlife.

[redacted]

CRC will consult with the applicable City or County to determine if proposed project activities require coverage under the NCCP/HCP(s).

Figure ENV-1

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.

CONSULTATION

Location

[redacted]

Local office

San Francisco Bay-Delta Fish And Wildlife

(916) 930-5603
(916) 930-5654

650 Capitol Mall

Suite 8-300
Sacramento, CA 95814

http://kim_squires@fws.gov

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Endangered species

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

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

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

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

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

Listed species[1] 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 Fisheries[2]).

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).

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2. 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 species are potentially affected by activities in this location:

Mammals

NAME	STATUS
Riparian Brush Rabbit Sylvilagus bachmani riparius Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/6189	**Endangered**

Reptiles

NAME	STATUS
Giant Garter Snake Thamnophis gigas Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/4482	**Threatened**

Amphibians

NAME	STATUS
California Red-legged Frog Rana draytonii Wherever found There is **final** critical habitat for this species. The location of the critical habitat is not available. https://ecos.fws.gov/ecp/species/2891	**Threatened**
California Tiger Salamander Ambystoma californiense There is **final** critical habitat for this species. The location of the critical habitat is not available. https://ecos.fws.gov/ecp/species/2076	Threatened

Fishes

NAME	STATUS

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Delta Smelt Hypomesus transpacificus — **Threatened**

Wherever found

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

https://ecos.fws.gov/ecp/species/321

Insects

NAME	STATUS
Monarch Butterfly Danaus plexippus Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/9743	**Candidate**
Valley Elderberry Longhorn Beetle Desmocerus californicus dimorphus Wherever found There is **final** critical habitat for this species. The location of the critical habitat is not available. https://ecos.fws.gov/ecp/species/7850	**Threatened**

Crustaceans

NAME	STATUS
Vernal Pool Fairy Shrimp Branchinecta lynchi Wherever found There is **final** critical habitat for this species. The location of the critical habitat is not available. https://ecos.fws.gov/ecp/species/498	**Threatened**
Vernal Pool Tadpole Shrimp Lepidurus packardi Wherever found There is **final** critical habitat for this species. The location of the critical habitat is not available. https://ecos.fws.gov/ecp/species/2246	**Endangered**

Flowering Plants

NAME	STATUS

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Large-flowered Fiddleneck Amsinckia grandiflora Wherever found There is **final** critical habitat for this species. The location of the critical habitat is not available. https://ecos.fws.gov/ecp/species/5558	**Endangered**

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
Delta Smelt Hypomesus transpacificus https://ecos.fws.gov/ecp/species/321#crithab	**Final**

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Migratory birds

Certain birds are protected under the Migratory Bird Treaty Act[1] and the Bald and Golden Eagle Protection Act[2].

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

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

Additional information can be found using the following links:

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

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

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

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NAME	BREEDING SEASON (IF A BREEDING SEASON IS INDICATED FOR A BIRD ON YOUR LIST, THE BIRD MAY BREED IN YOUR PROJECT AREA SOMETIME WITHIN THE TIMEFRAME SPECIFIED, WHICH IS A VERY LIBERAL ESTIMATE OF THE DATES INSIDE WHICH THE BIRD BREEDS ACROSS ITS ENTIRE RANGE. "BREEDS ELSEWHERE" INDICATES THAT THE BIRD DOES NOT LIKELY BREED IN YOUR PROJECT AREA.)
Common Yellowthroat Geothlypis trichas sinuosa 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/2084	**Breeds May 20 to Jul 31**
Lawrence's Goldfinch Carduelis lawrencei This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9464	**Breeds Mar 20 to Sep 20**

Nuttall's Woodpecker Picoides nuttallii — Breeds Apr 1 to Jul 20

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/9410

Wrentit Chamaea fasciata — Breeds Mar 15 to Aug 10

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

Yellow-billed Magpie Pica nuttalli — Breeds Apr 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/9726

Probability of Presence Summary

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

Probability of Presence ( )

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

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

1. The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.
2. To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is 0.25/0.25 = 1; at week 20 it is 0.05/0.25 = 0.2.

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3. The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

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

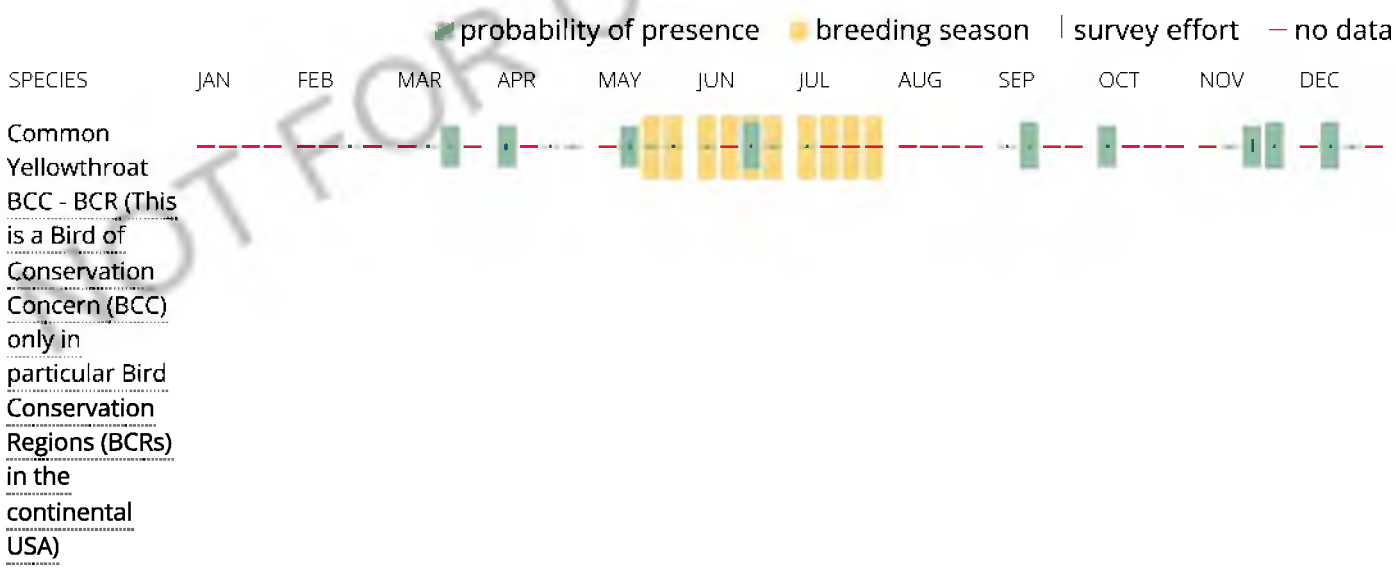
Breeding Season ( )
Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

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

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

No Data (–)
A week is marked as having no data if there were no survey events for that week.

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



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Lawrence's Goldfinch BCC Rangewide (CON) (This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.)

Nuttall's Woodpecker BCC - BCR (This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA)

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

Yellow-billed Magpie BCC Rangewide (CON) (This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.)

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

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

What does IPaC use to generate the migratory birds potentially occurring in my specified location?

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

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

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the AKN Phenology Tool.

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

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

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

How do I know if a bird is breeding, wintering, migrating or present year-round in my project area?

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating or year-round), you may refer to the following resources: The Cornell Lab of Ornithology All About Birds Bird Guide, or (if you are unsuccessful in locating the bird of interest there), the Cornell Lab of Ornithology Neotropical Birds guide. If a bird on your migratory bird species list has a breeding season associated with it, if that bird does occur in your project area, there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

What are the levels of concern for migratory birds?

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

1. "BCC Rangewide" birds are Birds of Conservation Concern (BCC) that are of concern throughout their range anywhere within the USA (including Hawaii, the Pacific Islands, Puerto Rico, and the Virgin

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Islands);
2. "BCC - BCR" birds are BCCs that are of concern only in particular Bird Conservation Regions (BCRs) in the continental USA; and
3. "Non-BCC - Vulnerable" birds are not BCC species in your project area, but appear on your list either because of the Eagle Act requirements (for eagles) or (for non-eagles) potential susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or longline fishing).

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

Details about birds that are potentially affected by offshore projects

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

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

What if I have eagles on my list?

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

Proper Interpretation and Use of Your Migratory Bird Report

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

NOT FOR CONSULTATION

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.

NOT FOR CONSULTATION

Wetlands in the National Wetlands Inventory

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

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

Data exclusions

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

Data precautions

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

NOT FOR CONSULTATION