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Memorandum

DATE: March 19, 2026
TO: Federal Transit Administration
FROM: Bri Hines, Parametrix
SUBJECT: Endangered Species Act Section 7 Compliance – No Effect Determination
CC:
PROJECT NUMBER: 374-5618-003
PROJECT NAME: Spokane Transit Authority Division Street Bus Rapid Transit

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This memorandum documents our findings concerning the potential effects of the subject project on species that are listed or proposed for listing under the Endangered Species Act (ESA), as well as critical habitat that has been designated or proposed for designation. As required under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), information about potential adverse effects on essential fish habitat (EFH) is also presented.

Spokane Transit Authority (STA) proposes to begin the Division Street Bus Rapid Transit (BRT) project, which will enhance mobility, transit efficiency, and multimodal access along the N Division Street corridor. The project will receive federal funding via the Federal Transportation Administration, which is the federal nexus triggering this review. The following sections of this memorandum provide a project description, information about species habitat and occurrence, and an analysis of potential project-related impacts.

## Site and Project Description

STA, in collaboration with the Spokane Regional Transportation Council, the Washington State Department of Transportation, the City of Spokane, and Spokane County, has initiated design and engineering for the Division Street BRT Project. The primary goal of the project is to enhance mobility, transit efficiency, and multimodal access along the N Division Street corridor through the introduction of high-capacity, frequent, and reliable BRT service.

The Division Street BRT system will operate between downtown Spokane and the future Mead Transit Center. The service will include branded BRT stations with raised platforms, real-time information signage, and off-board fare collection to reduce dwell time. Roadway enhancements supporting the BRT will feature Business Access and Transit (BAT) lanes, transit signal priority, and other corridor mobility improvements. The project builds on recommendations from the multi-jurisdictional DivisionConnects Study, which assessed transportation needs along the corridor and developed a long-term vision for mobility, land use, and infrastructure investment.

The project's implementation is structured to deliver core BRT components in alignment with regional transportation priorities and the construction of the North Spokane Corridor (NSC), a 10.5-mile multimodal freeway. Both the NSC and BRT are anticipated to be in service by 2030.

### Project Corridor

The full Division BRT corridor spans approximately 10 miles along N Division Street (US 2 and US 395) through Spokane and parts of unincorporated Spokane County (Attachment A). The northern terminus is near the future Mead Transit Center at US 2 and Farwell Road. The alignment continues

west along Farwell/Hastings Road, and then south along N Division Street. Between E Cleveland Avenue and N River Drive, the corridor operates as a couplet using Division Street and Ruby Street. The southern terminus is located in downtown Spokane at 2nd Avenue between Wall Street and Howard Street. Additional infrastructure improvements may be needed at STA's Boone Northwest Garage to support fleet charging and layover needs.

### Transit and Corridor Improvements

The project preserves much of the existing roadway configuration while integrating transit and multimodal enhancements. Key investments follow:

- Dedicated BRT operations using 60-foot zero-emission vehicles.
- Frequent service, with 10– to 15-minute headways on weekdays and 15-minute service on nights and weekends.
- A new transit center (the Mead Transit Center) near Farwell Road and US 2.
- Operational features such as off-board fare collection, transit signal priority, all-door boarding, and near-level platforms.
- Side-running BAT lanes along more than 50% of the corridor, primarily from N River Drive to the US 2/US 395 "Wye."
- Protected bike and pedestrian facilities along Ruby Street, including a mix of cycle-tracks, two-way bikeways, or shared-use paths where feasible.
- Pedestrian access upgrades, including crosswalk improvements and reconstructed curb ramps.
- Charging and layover infrastructure in downtown Spokane.

## ESA-Listed Species and Critical Habitat in the Action Area

The project action area is defined as the area that may be affected directly or indirectly by the project actions. For this analysis, the action area consists of the project site and nearby terrestrial areas where construction noise will be audible (i.e., areas within 0.5 miles of the project site).

The action area does not include any aquatic habitats because the proposed action has no appreciable potential to affect habitat conditions (e.g., water quality, hydrologic regimes) in aquatic environments. This determination is based on the following:

- The potential for construction-related impacts to water quality will be avoided through the implementation of conservation measures and best management practices specified in the construction stormwater pollution prevention plan and temporary erosion and sediment control plan that will be prepared and implemented before project construction begins.
- The project will create or replace a comparatively small amount of impervious surfaces.
- Runoff from impervious surfaces at the Mead Transit Center will be directed to stormwater management facilities. Stormwater that enters the facilities will infiltrate into the ground through bioretention soil media and will not affect water quality or hydrologic regimes in surface waters.
- Runoff from other impervious surfaces created or replaced by the proposed action will be directed to infiltration facilities or will enter the City's or Spokane County's municipal stormwater system. Water that enters the municipal stormwater systems will be managed in accordance with the Eastern Washington Phase II Municipal Stormwater Permit issued by the Washington State Department of Ecology. By complying with the terms and conditions of the

permit, the municipal stormwater systems reduce the amount of pollution in stormwater runoff, as required under the federal Clean Water Act. As such, stormwater runoff from these surfaces is not expected to affect the aquatic environment.

Information about the potential presence of ESA-listed species and critical habitat in the project action area was obtained from the U.S. Fish and Wildlife Service's Information for Planning and Conservation online application (Attachment B). Information from the Washington Department of Natural Resources Natural Heritage database indicates that no populations of ESA-listed plants have been documented within 30 miles of the project area (DNR 2025). Table 1 lists the ESA-listed species that have been identified as potentially occurring in the project action area. No critical habitat has been designated or proposed for designation in the action area.

Table 1. ESA-Listed Species That May Occur in the Action Area

| Species | Status |
|---|---|
| Yellow-billed cuckoo (*Coccyzus americanus*) | Threatened |
| Monarch butterfly (*Danaus plexippus*) | Proposed Threatened |
| Suckley's cuckoo bumble bee (*Bombus suckleyi*) | Proposed Endangered |

The following paragraphs provide information about the potential for each of the species in Table 1 to use habitats in the project action area.

## Yellow-Billed Cuckoo

Yellow-billed cuckoos nest almost exclusively in low- to mid-elevation riparian woodlands that cover 50 acres or more within arid to semiarid landscapes (Hughes 1999). Most breeding sites have been found in patches larger than 200 acres. Historical records indicate that breeding habitat for yellow-billed cuckoos in Washington consisted primarily of cottonwood and willow bottoms along the lower Columbia River and in the Puget Sound lowlands. The last confirmed breeding records of yellow-billed cuckoos in Washington are from the 1930s. Currently, the species no longer breeds in western Canada or the northwestern continental United States (Washington, Oregon, and Montana) (79 FR 59991, October 3, 2014). No observations of this species have been documented within 10 miles of the action area (WDFW 2025; eBird 2025). No blocks of suitable forested riparian habitat larger than 5 acres are present in the action area. For these reasons, yellow-billed cuckoos are not anticipated to be in the action area.

## Monarch Butterfly

Monarch butterflies may be present in the action area from June through August or September of any given year (USFWS 2023). At other times of year, individuals of this species are at overwintering sites in coastal California or are migrating to or from those sites (USFWS 2024a). The availability of milkweed (*Asclepias* spp.) is essential to the reproduction and survival of monarch butterflies (USFWS 2024a). Monarch butterfly adults and larvae have been observed on milkweed plants in private yards and at a commercial garden center near the project corridor, but no observations of milkweed plants or monarch butterflies have been reported from the project corridor itself (Xerces Society 2025). Nearly all parts of the project corridor are heavily developed and are not expected to provide suitable habitat for monarch butterflies. The exception is the area around the proposed site

of the Mead Transit Center, which includes some comparatively undeveloped habitat. It is not known whether milkweed is present in that area or whether monarch butterflies breed there.

To avoid the potential for vegetation clearing to harm monarch butterflies, vegetation clearing in undeveloped areas near the proposed Mead Transit Center site will be limited to the period when individuals of this species are expected to be absent, between September 30 and June 1. If waiting until October to begin clearing at the Mead Transit Center site is not feasible, STA would deploy a biologist with strong plant identification skills to survey the area for milkweed. If the biologist confirms that no milkweed is present, clearing activities could proceed at any time.

### Suckley's Cuckoo Bumble Bee

This species historically was found in a wide range of habitats throughout much of North America, including Washington state (USFWS 2024b). Despite intensive survey efforts, however, no individuals of this species have been observed in the state in more than 20 years (USFWS 2024b). Based on the lack of extant populations in or near the project area, Suckley's cuckoo bumble bees are not expected to be present in the action area.

## Potential Project Impacts

Based on the lack of suitable habitat or extant populations in the action area, the proposed action has no potential to affect yellow-billed cuckoos or Suckley's cuckoo bumble bees. Based on the lack of suitable habitat along most of the project corridor, combined with the timing restrictions on vegetation clearing in the area where suitable habitat could potentially be present, the proposed action does not have the potential to affect monarch butterflies. For these reasons, the project will have **no effect** on any of the species identified in Table 1. Based on the absence of designated or proposed critical habitat, the project will also have **no effect** on critical habitat for any of these species.

## Essential Fish Habitat

The Magnuson-Stevens Act, as amended by the Sustainable Fisheries Act of 1996 (Public Law 104-267), includes a mandate that the National Marine Fisheries Service must identify EFH for federally managed commercially harvestable fish and that federal agencies must consult with them on all activities, or proposed activities, authorized, funded, or undertaken by the agency that may adversely affect EFH. EFH is designated in aquatic areas only and, as such, is not present in the action area. Therefore, the project will have **no adverse effects** on EFH for any federally managed commercially harvestable fish.

## Literature Cited

DNR (Washington Department of Natural Resources). 2025. WNHP Data Explorer, Rare Plant and Ecosystem Locations online mapper. https://experience.arcgis.com/experience/174566100f2a47bebe56db3f0f78b5d9/page/Rare-Plant-and-Ecosystem-Locations/. Accessed May 2025.

eBird. 2025. eBird: An online database of bird distribution and abundance [web application]. eBird, Ithaca, New York. http://www.ebird.org. Accessed May 2025.

Hughes, J.M. 1999. Yellow-billed cuckoo (*Coccyzus americanus*). In: The Birds of North America, No. 148 (A. Poole and F. Gill, Eds.). The Birds of North America, Inc., Philadelphia, PA.

USFWS (U.S. Fish and Wildlife Service). 2023. Western monarch butterfly conservation recommendations. February 10, 2023. https://xerces.org/sites/default/files/publications/21-015_03.pdf.

USFWS (U.S. Fish and Wildlife Service). 2024a. Monarch butterfly (*Danaus plexippus*) species status assessment report. Version 2.3. Midwest Regional Office. https://www.fws.gov/media/monarch-butterfly-danaus-plexippus-species-status-assessment-report-version-23. Accessed May 2025.

USFWS (U.S. Fish and Wildlife Service). 2024b. Species status assessment report for the Suckley's cuckoo bumble bee (*Bombus suckleyi*), Version 1.0. August 2024. Alaska Region. 131 pp.

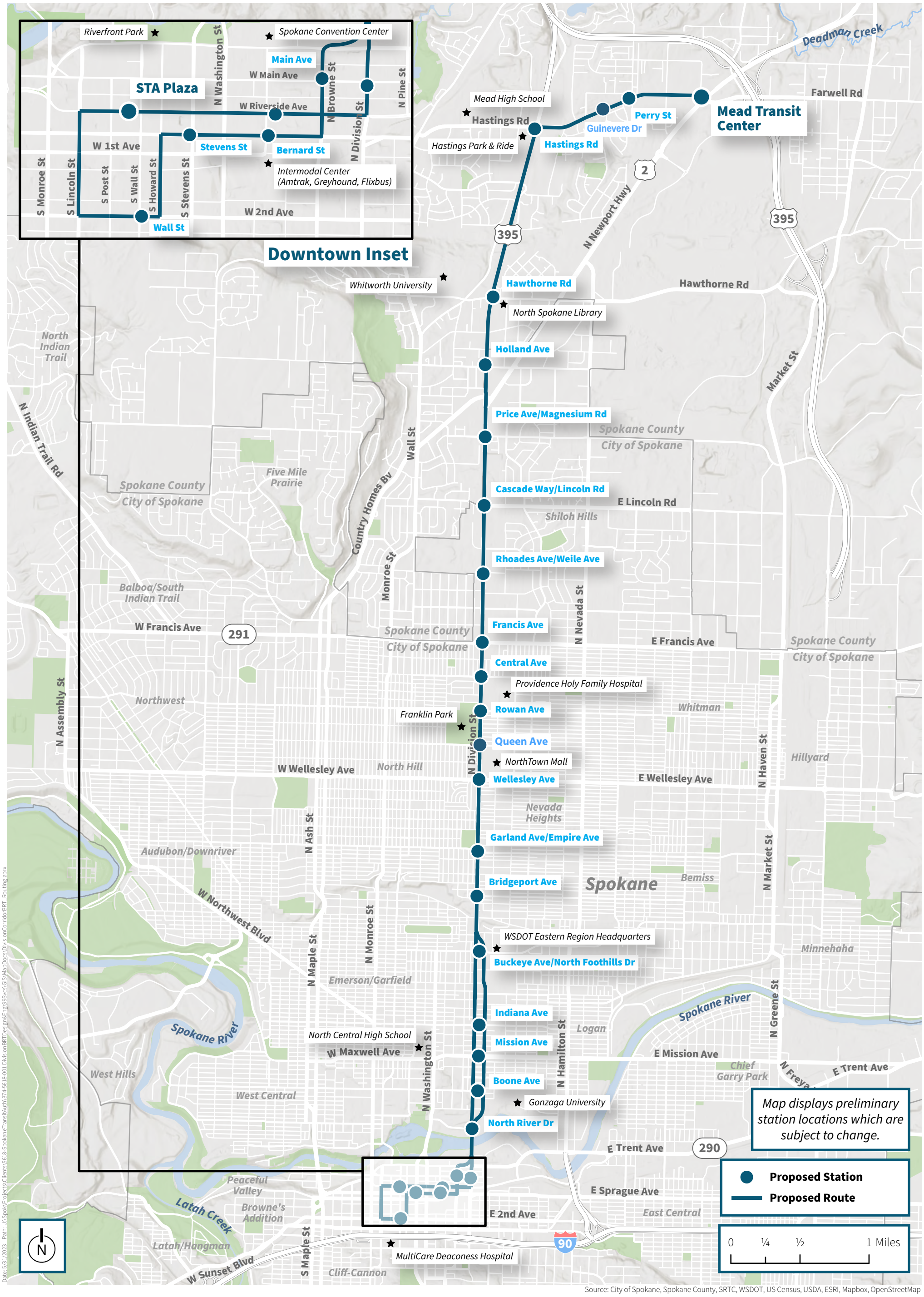
WDFW (Washington Department of Fish and Wildlife). 2025. PHS on the Web: An interactive map of WDFW priority habitats and species information for project review.: https://geodataservices.wdfw.wa.gov/hp/phs/. Accessed May 2025.

Xerces Society. 2025. Western Monarch Milkweed Mapper. In partnership with Idaho Department of Fish and Game, Washington Department of Fish and Wildlife, National Fish and Wildlife Foundation, and U.S. Fish and Wildlife Service. https://www.monarchmilkweedmapper.org/. Accessed March 2025.

# Attachment A

## Site Map

# Figure 1: Project Alignment




Source: City of Spokane, Spokane County, SRTC, WSDOT, US Census, USDA, ESRI, Mapbox, OpenStreetMap

Date: 5/31/2023 Path: \\A:\Spok\Projects\Clients\5618-SpokaneTransitAuth\374-5618-001 DivisionBRTDesign\&Eng\99Svcs\GIS\MapDocs\DivisionCorridorBRT_Routing.aprx

# Attachment B

IPaC List

IPaC U.S. Fish & Wildlife Service

# IPaC resource list

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

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

## Location

Spokane County, Washington




## Local office

Washington Fish And Wildlife Office

(360) 753-9440
(360) 753-9405

1009 College St Se
Ste 215
Lacey, WA 98503-1249

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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.

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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).
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:

## Birds

| NAME | STATUS |
|---|---|
| Yellow-billed Cuckoo  Coccyzus americanus<br>There is **final** critical habitat for this species. Your location does not overlap the critical habitat.<br>https://ecos.fws.gov/ecp/species/3911 | Threatened |

## Fishes

| NAME | STATUS |
|---|---|
| Bull Trout  Salvelinus confluentus<br>There is **final** critical habitat for this species. Your location does not overlap the critical habitat.<br>https://ecos.fws.gov/ecp/species/8212 | Threatened |

## Insects

| NAME | STATUS |
|---|---|
| Monarch Butterfly  Danaus plexippus<br>Wherever found<br>There is **proposed** critical habitat for this species. Your location does not overlap the critical habitat.<br>https://ecos.fws.gov/ecp/species/9743 | Proposed Threatened |
| Suckley's Cuckoo Bumble Bee  Bombus suckleyi<br>No critical habitat has been designated for this species.<br>https://ecos.fws.gov/ecp/species/10885 | Proposed Endangered |

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# Critical habitats

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

There are no critical habitats at this location.

You are still required to determine if your project(s) may have effects on all above listed species.

# Bald & Golden Eagles

Bald and Golden Eagles are protected under the Bald and Golden Eagle Protection Act [2] and the Migratory Bird Treaty Act (MBTA) [1]. Any person or organization who plans or conducts activities that may result in impacts to Bald or Golden Eagles, or their habitats, should follow appropriate regulations and consider implementing appropriate avoidance and minimization measures, as described in the various links on this page.

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Additional information can be found using the following links:

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

There are Bald Eagles and/or Golden Eagles in your project area.

**Measures for Proactively Minimizing Eagle Impacts**
For information on how to best avoid and minimize disturbance to nesting bald eagles, please review the National Bald Eagle Management Guidelines. You may employ the timing and activity-specific distance recommendations in this document when designing your project/activity to avoid and minimize eagle impacts. For bald eagle information specific to Alaska, please refer to Bald Eagle Nesting and Sensitivity to Human Activity.

The FWS does not currently have guidelines for avoiding and minimizing disturbance to nesting Golden Eagles. For site-specific recommendations regarding nesting Golden Eagles, please consult with the appropriate Regional Migratory Bird Office or Ecological Services Field Office.

If disturbance or take of eagles cannot be avoided, an incidental take permit may be available to authorize any take that results from, but is not the purpose of, an otherwise lawful activity. For assistance making this determination for Bald Eagles, visit the Do I Need A Permit Tool. For assistance making this determination for golden eagles, please consult with the appropriate Regional Migratory Bird Office or Ecological Services Field Office.

**Ensure Your Eagle List is Accurate and Complete**
If your project area is in a poorly surveyed area in IPaC, your list may not be complete and you may need to rely on other resources to determine what species may be present (e.g. your local FWS field office, state surveys, your own surveys). Please review the Supplemental Information on Migratory Birds and Eagles, to help you properly interpret the report for your specified location, including determining if there is sufficient data to ensure your list is accurate.

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to bald or golden eagles on your list, see the "Probability of Presence Summary" below to see when these bald or golden eagles are most likely to be present and breeding in your project area.

**Review the FAQs**
The FAQs below provide important additional information and resources.

| NAME | BREEDING SEASON |
|---|---|
| Bald Eagle Haliaeetus leucocephalus<br>This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. | Breeds Jan 1 to Aug 31 |
| Golden Eagle Aquila chrysaetos<br>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.<br>https://ecos.fws.gov/ecp/species/1680 | Breeds Jan 1 to Aug 31 |

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# Probability of Presence Summary

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

**Probability of Presence** (■)

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

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

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

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

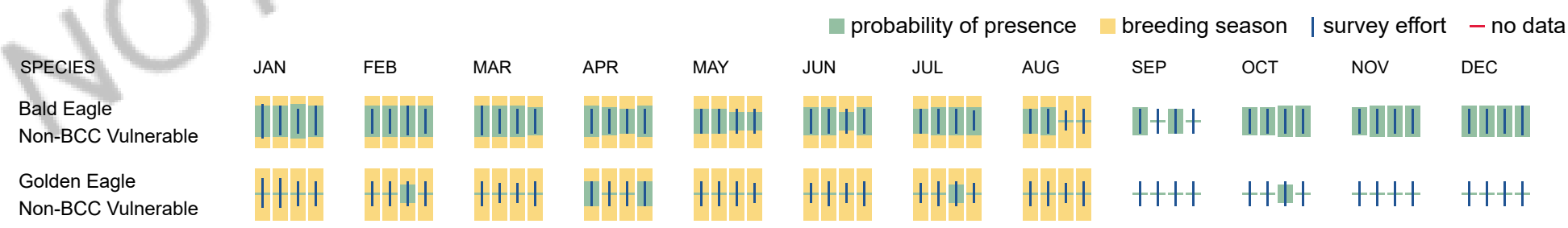
**Breeding Season** (■)
Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

**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.




## Bald & Golden Eagles FAQs

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

The potential for eagle presence is derived from data provided by the Avian Knowledge Network (AKN). The AKN data is based on a growing collection of survey, banding, and citizen science datasets and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are an eagle (Bald and Golden Eagle Protection Act requirements may apply).

**Proper interpretation and use of your eagle report**
On the graphs provided, please look carefully at the survey effort (indicated by the black vertical line) and for the existence of the "no data" indicator (a red horizontal line). 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 line or no data line (red horizontal) 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 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 and associated information help you know what to look for to confirm presence and helps guide you in knowing when to implement avoidance and minimization measures to eliminate or reduce potential impacts from your project activities or get the appropriate permits should presence be confirmed.

**How do I know if eagles are breeding, wintering, or migrating in my area?**

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To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating, or resident), you may query your location using the RAIL Tool and view the range maps provided for birds in your area at the bottom of the profiles provided for each bird in your results. If an eagle on your IPaC migratory bird species list has a breeding season associated with it (indicated by yellow vertical bars on the phenology graph in your "IPaC PROBABILITY OF PRESENCE SUMMARY" at the top of your results list), 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.

**Interpreting the Probability of Presence Graphs**

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 taller bar indicates a higher probability of species presence. The survey effort can be used to establish a level of confidence in the presence score.

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

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.

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

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

**Survey Effort ()**
Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps.

**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.

# Migratory birds

The Migratory Bird Treaty Act (MBTA) [1] prohibits the take (including killing, capturing, selling, trading, and transport) of protected migratory bird species without prior authorization by the Department of Interior U.S. Fish and Wildlife Service (Service).

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

Additional information can be found using the following links:

- Eagle Management https://www.fws.gov/program/eagle-management
- Measures for avoiding and minimizing impacts to birds https://www.fws.gov/library/collections/avoiding-and-minimizing-incidental-take-migratory-birds
- Nationwide avoidance and minimization measures for birds
- Supplemental Information for Migratory Birds and Eagles in IPaC https://www.fws.gov/media/supplemental-information-migratory-birds-and-bald-and-golden-eagles-may-occur-project-action

**Measures for Proactively Minimizing Migratory Bird Impacts**

Your IPaC Migratory Bird list showcases birds of concern, including Birds of Conservation Concern (BCC), in your project location. This is not a comprehensive list of all birds found in your project area. However, you can help proactively minimize significant impacts to all birds at your project location by implementing the measures in the Nationwide avoidance and minimization measures for birds document, and any other project-specific avoidance and minimization measures suggested at the link Measures for avoiding and minimizing impacts to birds for the birds of concern on your list below.

**Ensure Your Migratory Bird List is Accurate and Complete**

If your project area is in a poorly surveyed area, your list may not be complete and you may need to rely on other resources to determine what species may be present (e.g. your local FWS field office, state surveys, your own surveys). Please review the Supplemental Information on Migratory Birds and Eagles document, to help you properly interpret the report for your specified location, including determining if there is sufficient data to ensure your list is accurate.

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.

**Review the FAQs**

NOT FOR CONSULTATION

The FAQs below provide important additional information and resources.

| NAME | BREEDING SEASON |
|---|---|
| Bald Eagle Haliaeetus leucocephalus<br>This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. | Breeds Jan 1 to Aug 31 |
| California Gull Larus californicus<br>This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. | Breeds Mar 1 to Jul 31 |
| Calliope Hummingbird Selasphorus calliope<br>This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.<br>https://ecos.fws.gov/ecp/species/9526 | Breeds May 1 to Aug 15 |
| Cassin's Finch Haemorhous cassinii<br>This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.<br>https://ecos.fws.gov/ecp/species/9462 | Breeds May 15 to Jul 15 |
| Evening Grosbeak Coccothraustes vespertinus<br>This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. | Breeds May 15 to Aug 10 |
| Golden Eagle Aquila chrysaetos<br>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.<br>https://ecos.fws.gov/ecp/species/1680 | Breeds Jan 1 to Aug 31 |
| Lesser Yellowlegs Tringa flavipes<br>This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.<br>https://ecos.fws.gov/ecp/species/9679 | Breeds elsewhere |
| Lewis's Woodpecker Melanerpes lewis<br>This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.<br>https://ecos.fws.gov/ecp/species/9408 | Breeds Apr 20 to Sep 30 |
| Long-eared Owl asio otus<br>This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.<br>https://ecos.fws.gov/ecp/species/3631 | Breeds Mar 1 to Jul 15 |
| Olive-sided Flycatcher Contopus cooperi<br>This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.<br>https://ecos.fws.gov/ecp/species/3914 | Breeds May 20 to Aug 31 |
| Rufous Hummingbird Selasphorus rufus<br>This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.<br>https://ecos.fws.gov/ecp/species/8002 | Breeds Apr 15 to Jul 15 |
| Western Grebe Aechmophorus occidentalis<br>This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.<br>https://ecos.fws.gov/ecp/species/6743 | Breeds Jun 1 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

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Migratory Bird Report" before using or attempting to interpret this report.

**Probability of Presence** (■)

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

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

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

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

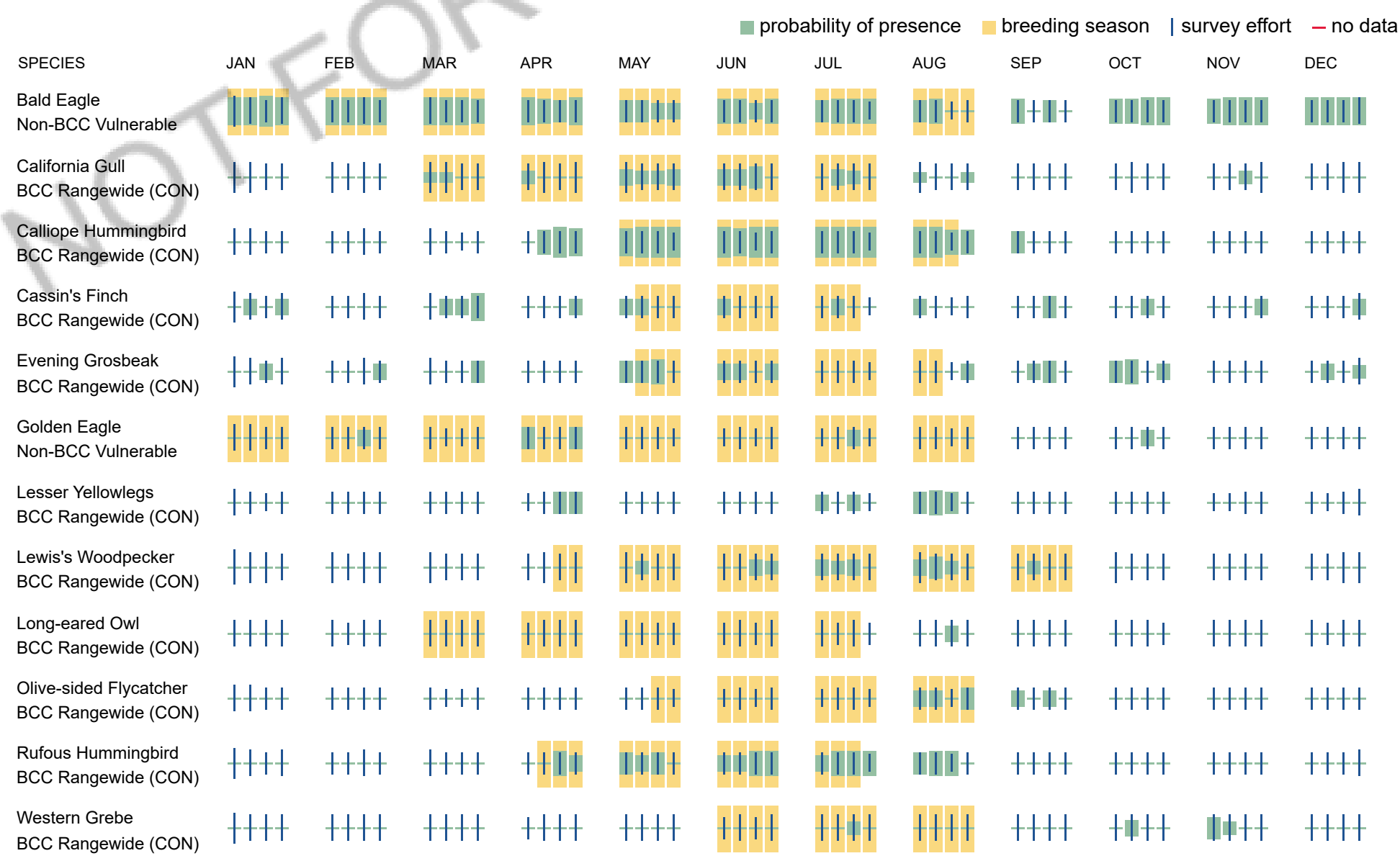
**Breeding Season** (■)
Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

**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.




## Migratory Bird FAQs

**Tell me more about avoidance and minimization measures I can implement to avoid or minimize impacts to migratory birds.**

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Nationwide Avoidance & Minimization Measures for Birds describes measures that can help avoid and minimize impacts to all birds at any location year-round. When birds may be breeding in the area, identifying the locations of any active nests and avoiding their destruction is one of the most effective ways to minimize impacts. To see when birds are most likely to occur and breed in your project area, view the Probability of Presence Summary. Additional measures or permits may be advisable depending on the type of activity you are conducting and the type of infrastructure or bird species present on your project site.

**What does IPaC use to generate the list of migratory birds that potentially occur in my specified location?**

The Migratory Bird Resource List is comprised of Birds of Conservation Concern (BCC) and other species that may warrant special attention in your project location, such as those listed under the Endangered Species Act or the Bald and Golden Eagle Protection Act and those species marked as “Vulnerable”. See the FAQ “What are the levels of concern for migratory birds?” for more information on the levels of concern covered in the IPaC migratory bird species list.

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) with which your project intersects. These species have been identified as warranting special attention because they are BCC species in that area, an eagle (Bald and Golden Eagle Protection 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, and to verify survey effort when no results present, please visit the Rapid Avian Information Locator (RAIL) Tool.

**Why are subspecies showing up on my list?**

Subspecies profiles are included on the list of species present in your project area because observations in the AKN for **the species** are being detected. If the species are present, that means that the subspecies may also be present. If a subspecies shows up on your list, you may need to rely on other resources to determine if that subspecies may be present (e.g. your local FWS field office, state surveys, your own surveys).

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

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

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

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

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating, or resident), you may query your location using the RAIL Tool and view the range maps provided for birds in your area at the bottom of the profiles provided for each bird in your results. If a bird on your IPaC migratory bird species list has a breeding season associated with it (indicated by yellow vertical bars on the phenology graph in your “IPaC PROBABILITY OF PRESENCE SUMMARY” at the top of your results list), there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

**What are the levels of concern for migratory birds?**

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

1. "BCC Rangewide" birds are Birds of Conservation Concern (BCC) that are of concern throughout their range anywhere within the USA (including Hawaii, the Pacific Islands, Puerto Rico, and the Virgin Islands);
2. "BCC - BCR" birds are BCCs that are of concern only in particular Bird Conservation Regions (BCRs) in the continental USA; and
3. "Non-BCC - Vulnerable" birds are not BCC species in your project area, but appear on your list either because of the Bald and Golden Eagle Protection 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 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 BCC species. For more information on avoidance and minimization measures you can implement to help avoid and minimize migratory bird impacts, please see the FAQ “Tell me more about avoidance and minimization measures I can implement to avoid or minimize impacts to migratory birds”.

**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.

**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 look carefully at the survey effort (indicated by the black vertical line) and for the existence of the "no data" indicator (a red horizontal line). 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 does not represent all birds present in your project area. 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 and associated information help you know what to look for to confirm presence and helps guide implementation of avoidance and

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minimization measures to eliminate or reduce potential impacts from your project activities, should presence be confirmed. To learn more about avoidance and minimization measures, visit the FAQ "Tell me about avoidance and minimization measures I can implement to avoid or minimize impacts to migratory birds".

**Interpreting the Probability of Presence Graphs**
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 taller bar indicates a higher probability of species presence. The survey effort can be used to establish a level of confidence in the presence score.

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

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.

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

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

**Survey Effort ()**
Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps.

**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.

# Facilities

## National Wildlife Refuge lands

Any activity proposed on lands managed by the National Wildlife Refuge system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

There are no refuge lands at this location.

## Fish hatcheries

There are no fish hatcheries at this location.

## Wetlands in the National Wetlands Inventory (NWI)

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

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

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.

This location overlaps the following wetlands:

FRESHWATER
FORESTED/SHRUB WETLAND
PFO1C

FRESHWATER POND
PUBHx

RIVERINE

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R3UBH
R4SBC
R5UBH

A full description for each wetland code can be found at the National Wetlands Inventory website

**NOTE:** This initial screening does **not** replace an on-site delineation to determine whether wetlands occur. Additional information on the NWI data is provided below.

**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.

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