APPENDIX C
BIOLOGICAL RESOURCES ASSESSMENT

APPENDIX

This page intentionally left blank.

Biological Resources Assessment

Marici Site

Los Angeles County, CA

September 2024

Revised May 12, 2025

Prepared For:

Aypa Power Development, LLC
11801 Domain Boulevard, Suite 450
Austin, TX 78758

Prepared By:

TRC
6 Executive Circle, Suite 200
Irvine, CA 92614



Prepared by: Jack LaLonde, Environmental Planner and Sydnee Dunn, Biologist

Reviewed and approved by: Lucy Lin, Environmental Project Manager

TABLE OF CONTENTS

1.0 INTRODUCTION 1
1.1 Purpose and Scope 1
1.2 Setting 3

2.0 REGULATORY SETTING 5
2.1 Federal Regulations 5
2.1.1 National Environmental Policy Act (NEPA) 5
2.1.2 Federal Endangered Species Act (ESA) 5
2.1.3 Migratory Bird Treaty Act (MBTA) 5
2.1.4 The Bald and Golden Eagle Protection Act (BGEPA) 6
2.2 State Regulations 6
2.2.1 California Environmental Quality Act (CEQA) 6
2.2.2 California Fish and Game Code 6
2.2.2.1 California Endangered Species Act (CESA) 6
2.2.2.2 Fully Protected Species 6
2.2.2.3 Native Plant Protection Act 7
2.2.2.4 Streambed Alteration Agreement 7
2.2.2.5 Migratory Birds 7
2.3 Local Regulations 7

3.0 METHODS 8
3.1 Desktop Review 8

4.0 RESULTS 10
4.1 Biological Study Area Characteristics 10
4.1.1 Physiographic Setting 10
4.1.2 Vegetation Communities and Plants 10
4.1.3 Aquatic Resources 10
4.1.4 Migration Pathway, Wildlife Movement Corridor, Linkages 12
4.2 Sensitive Biological Resources 12
4.2.1 Special Status Habitats 12
4.2.2 Special Status Plants 12
4.2.3 Special Status Wildlife 12

5.0 DISCUSSION AND RECOMMENDATIONS 15

6.0 REFERENCES 16

TABLES

Table 1. Potential Special Status Wildlife 13

FIGURES

Figure 1: Project Location 2
Figure 2. Study Area 4
Figure 3. Water features near Study Area. 11

APPENDICES

Appendix A: Database Queries
Appendix B: IPaC Query

1.0 Introduction

Aypa Power Development, LLC (Aypa) is proposing to develop a battery energy storage system (BESS) project on an approximately 9.2-acre site in eastern the City of Industry in Los Angeles County, California (Figure 1). The Site is located in Township 2 South, Range 10 West, San Bernardino Principal Meridian (Figure 2). The Assessor's Parcel Numbers are:

- 8242-016-033
- 8242-016-034
- 8242-016-036
- 8242-016-044
- 8242-016-061

The Site is located in an urbanized area and consists mostly of buildings and paved areas.

Batteries and electrical equipment will be housed in purpose-built enclosures. The BESS will include an onsite substation to convert between medium voltage systems onsite and the high voltage interconnection to the Walnut Substation located adjacent to the site to the east. The project will include an overhead 220 kilovolt electric tie-line that will cross the east site boundary directly into the existing Southern California Edison Walnut Substation where it will interconnect with the grid.

This Biological Resources Assessment documents the methodologies and results of a desktop review of the proposed Site and adjacent lands within approximately 500 feet of the Site, referred to herein as the Study Area.

1.1 Purpose and Scope

The purpose of this Biological Resources Assessment is to evaluate the potential for the project to impact special status species or protected habitats. Goals of the work included:

- Determine plant and animal species that are known to occur in the vicinity.
- Ascertain the presence or likely presence of state or federal special status species on or adjacent to the site.
- Determine the presence of other significant biological elements, habitats, corridors, or communities.

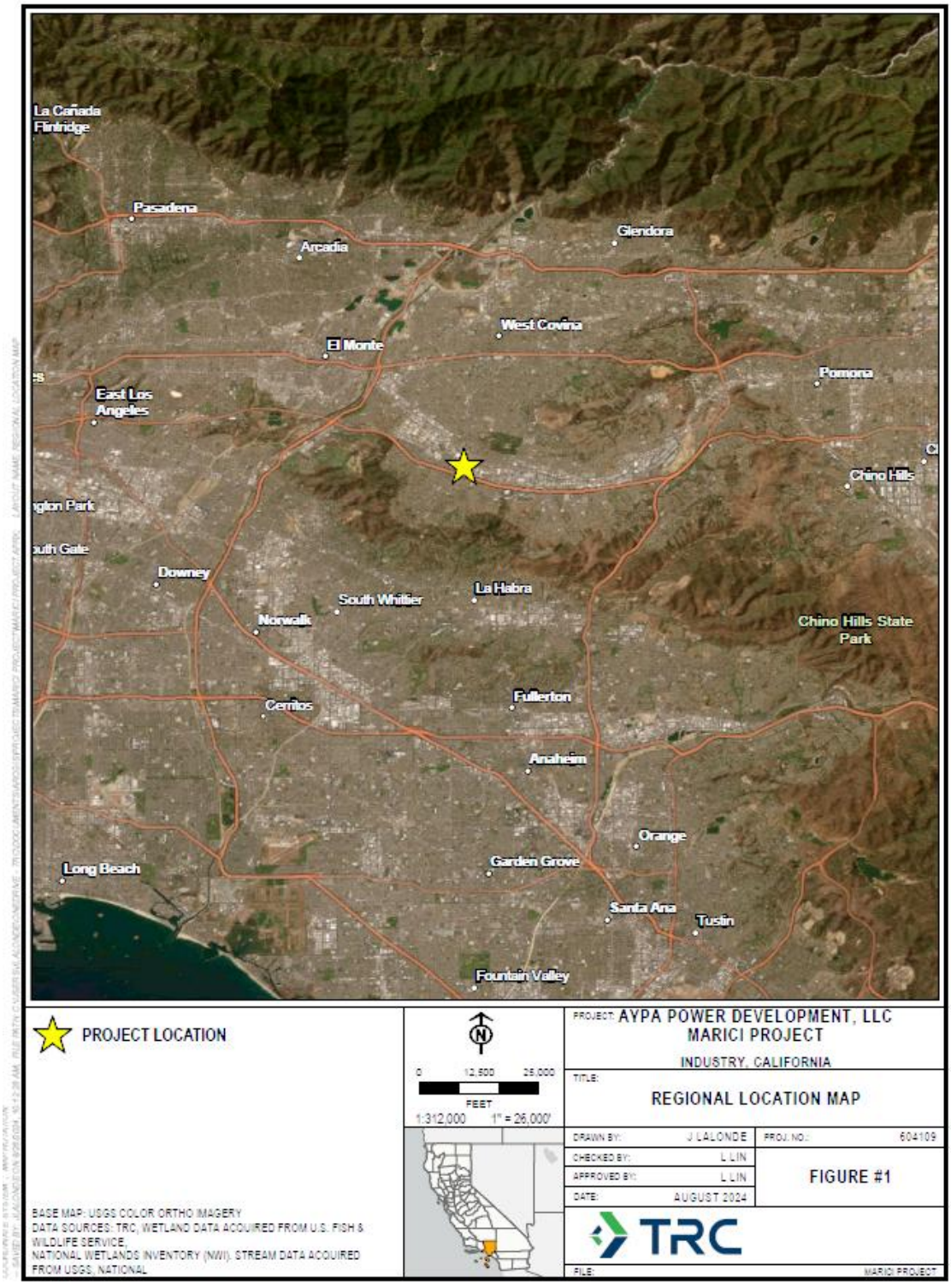


Figure 1: Project Location

1.2 Setting

The proposed Site is an approximately 9.2-acre parcel in Industry, CA (Figure 1). The Site consists of multiple industrial buildings surrounded by paved parking areas. Gale Avenue runs along the southern boundary of the parcel, with residential areas south of the road. Commercial and industrial buildings surround the project site to the west. A Union Pacific Railroad right of way and a warehouse are located directly north of the Site, and the San Jose Creek Diversion Channel is located about 400ft north of the Site. The Walnut electrical substation and a small portion of disturbed vacant land falls immediately east of the site. Figure 3 provides an aerial view of the Site and the 500ft Study Area buffer. The Walnut substation is fully developed and maintained with paved and gravel and work for installation of the project tie-line and supporting substation infrastructure will be entirely within the project site and the developed substation area.

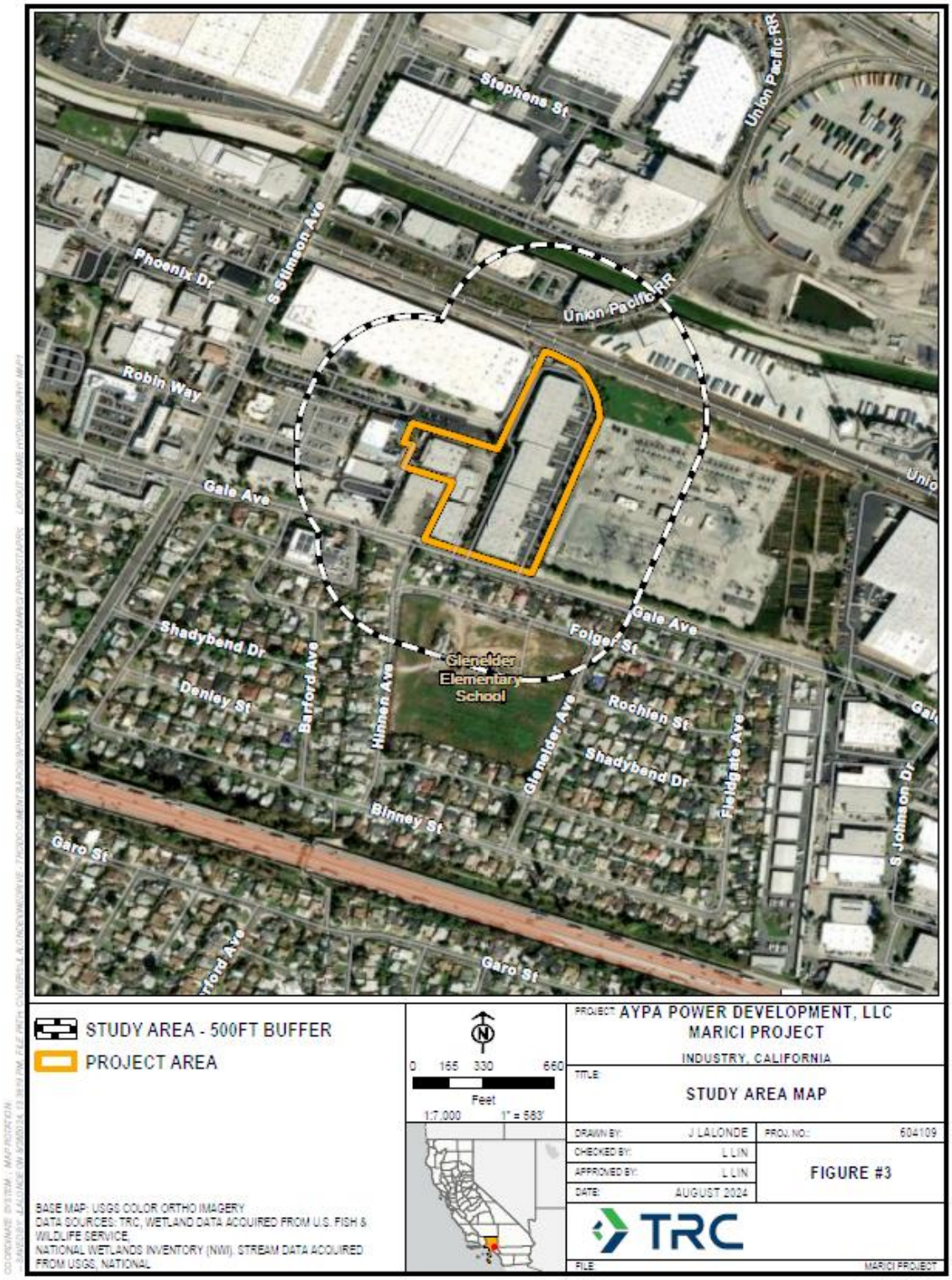


Figure 2. Study Area

2.0 Regulatory Setting

2.1 Federal Regulations

2.1.1 National Environmental Policy Act (NEPA)

The National Environmental Policy Act (NEPA) requires federal agencies to review the effects that their actions would have on the environment prior to taking action. It requires all federal agencies to consider the direct, indirect, and cumulative effects of proposed actions and reasonable alternatives prior to making a decision. NEPA requires that all federal actions that could result in a significant effect on the environment to be subject to review by federal agencies with discretion over the action in compliance with regulations developed by the Council on Environmental Quality. If the Project requires any federal permits, NEPA may apply.

2.1.2 Federal Endangered Species Act (ESA)

The Endangered Species Act of 1973 (ESA) protects plants and animals that are listed as endangered or threatened by the U.S. Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS). Section 9 of ESA prohibits the taking of endangered wildlife, where taking is defined as "harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, collect, or attempt to engage in such conduct" (50 Code of Federal Regulations [CFR] 17.3). For plants, this statute governs removing, possessing, maliciously damaging, or destroying any endangered plant on federal land and removing, cutting, digging up, damaging, or destroying any endangered plant on nonfederal land in knowing violation of state law (16 USC 1538). Under Section 7 of ESA, federal agencies are required to consult with the USFWS if their actions, including permit approvals or funding, could adversely affect a listed (or proposed) species (including plants) or its critical habitat. Through consultation and the issuance of a biological opinion, the USFWS may issue an incidental take statement allowing take of the species that is incidental to an otherwise authorized activity provided the activity will not jeopardize the continued existence of the species. Section 10 of ESA provides for issuance of incidental take permits provided a habitat conservation plan is developed.

2.1.3 Migratory Bird Treaty Act (MBTA)

The Migratory Bird Treaty Act (MBTA) implements international treaties between the United States and other nations devised to protect migratory birds, any of their parts, eggs, and nests from activities such as hunting, pursuing, capturing, killing, selling, and shipping, unless expressly authorized in the regulations or by permit. As authorized by the MBTA, the USFWS issues permits to qualified applicants for the following types of activities: falconry, raptor propagation, scientific collecting, special purposes (rehabilitation, education, migratory game bird propagation, and salvage), take of depredating birds, taxidermy, and waterfowl sale and disposal. The regulations governing migratory bird permits can be found in 50 CFR part 13 General Permit Procedures and 50 CFR part 21 Migratory Bird Permits.

On December 22, 2017, the U.S. Department of the Interior (DOI) issued Memorandum M-37050, which states that "the statute's prohibitions on pursuing, hunting, taking, capturing, killing, or attempting to do the same apply only to affirmative actions that have as their purpose the taking or killing of migratory birds, their nests, or their eggs." In other words, the MBTA incidental take allowance has been legally modified and excludes avian impacts during lawful construction activities, when the intended purpose of such activities does not include impacting

birds. The USFWS codified this memorandum into a final rule in 2020 (USFWS 2020). In 2021, the USFWS revoked its 2020 rule and returned to implementing the MBTA consistent with judicial precedent and agency practice prior to 2017 (USFWS 2021).

2.1.4 The Bald and Golden Eagle Protection Act (BGEPA)

The Bald and Golden Eagle Protection Act (BGEPA) prohibits the taking or possession of and commerce in bald and golden eagles with very limited exceptions. Under the BGEPA, it is a violation to "take, possess, sell, purchase, barter, offer to sell, transport, export or import, at any time or any manner, any bald eagle commonly known as the American eagle, or golden eagle, alive or dead, or any part, nest, or egg, thereof." Take is defined to include pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, destroy, molest, and disturb.

2.2 State Regulations

2.2.1 California Environmental Quality Act (CEQA)

The California Environmental Quality Act (CEQA) requires State and local agencies to review the effects of their actions on the environment prior to acting on a project unless exempted. It requires that significant environmental impacts, including significant impacts to biological resources, be mitigated to a level that is less than significant, or to the maximum extent practical if the significant impact cannot be mitigated to a level that is less than significant. CEQA is codified in California Public Resources Code Section 21000 *et seq.* and supporting environmental review guidelines are codified in California Code of Regulations Title 14 Section 15000 *et seq*.

2.2.2 California Fish and Game Code

2.2.2.1 California Endangered Species Act (CESA)

The California Endangered Species Act (CESA) generally parallels the main provisions of the ESA, but unlike its federal counterpart, CESA applies the take prohibitions to species proposed for listing (called "candidates" by the state). Section 2080 of the California Fish and Game Code prohibits the taking, possession, purchase, sale, and import or export of endangered, threatened, or candidate species, unless otherwise authorized by permit or in the regulations. Take is defined in Section 86 of the Fish and Game Code as "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill." CESA allows for take incidental to otherwise lawful development projects. State lead agencies are required to consult with California Department of Fish and Wildlife (CDFW) to ensure that any action they undertake is not likely to jeopardize the continued existence of any endangered or threatened species or result in destruction or adverse modification of essential habitat.

2.2.2.2 Fully Protected Species

The state of California first began to designate species as "fully protected" prior to the creation of the CESA and ESA. Lists of fully protected species were initially developed to provide protection to those animals that were rare or faced possible extinction, and included fish, amphibians and reptiles, birds, and mammals. Most fully protected species have since been listed as threatened or endangered under CESA and/or ESA. The regulations that implement the Fully Protected Species Statute (Fish and Game Code Section 4700) provide that fully protected species may not be taken or possessed at any time. Furthermore, no licenses or permits may be issued for incidental take except for collection of these species for necessary

scientific research, relocation of the bird species for the protection of livestock, or if the species is a covered species under a Natural Community Conservation Plan (NCCP).

2.2.2.3 Native Plant Protection Act

The Native Plant Protection Act (NPPA) of 1977 (Fish and Game Code Sections 1900-1913) was created with the intent to "preserve, protect and enhance rare and endangered plants in this state." The NPPA is administered by CDFW. The Fish and Wildlife Commission has the authority to designate native plants as "endangered" or "rare" and to protect endangered and rare plants from take. The CESA of 1984 (Fish and Game Code Section 2050-2116) provided further protection for rare and endangered plant species, but the NPPA remains part of the Fish and Game Code.

2.2.2.4 Streambed Alteration Agreement

Section 1602 of the Fish and Game Code requires that a Streambed Alteration Application be submitted to CDFW for "any activity that may substantially divert or obstruct the natural flow or substantially change the bed, channel, or bank of any river, stream, or lake." The CDFW reviews the proposed actions and, if necessary, submits to the Applicant a proposal for measures to protect affected fish and wildlife resources. The final proposal that is mutually agreed upon by CDFW and the Applicant is the Streambed Alteration Agreement.

2.2.2.5 Migratory Birds

CDFW enforces the protection of non-game native songbirds and raptors. These protections are outlined in Sections 3503, 3503.5, and 3800 of the Fish and Game Code. Furthermore, Section 3513 of the Fish and Game Code prohibits the possession or take of birds listed under the federal MBTA. These sections mandate the protection of California non-game native birds' nests and also make it unlawful to take these birds.

2.3 Local Regulations

There are no local regulations applicable to the protection of plant or wildlife species, as The City of Industry's General Plan (2014) states that the City does not contain any significant biological resources (COI 2014).

3.0 Methods

3.1 Desktop Review

TRC biologists performed a desktop review to determine the special status species and habitats that have been documented on the proposed Site and adjacent lands. Desktop review for special status species includes information gathered from the following sources:

- USFWS Information for Planning and Consultation (IPaC) online tool
- California Natural Diversity Data Base (CNDDB)
- California Native Plant Society (CNPS) Inventory of Rare Plants
- Google Earth aerial and street view imagery
- Natural Resources Conservation Service (NRCS) Web Soil Survey
- Federal Emergency Management Agency (FEMA) Flood Map Service Center
- USFWS National Wetlands Inventory (NWI)

Based on the desktop review, a list of special status plant and wildlife species with potential to occur in the Study Area was generated. For the purposes of this evaluation, special status species are defined as plants or wildlife that:

- Have been designated as either species of special concern, threatened, endangered, or fully protected by USFWS or the State of California;
- Are candidate species being considered or proposed for listing under the ESA or CESA;
- Are designated as sensitive by the California Native Plant Society (CNPS).

The habitat preferences and distributional range of each species from the database queries were evaluated for potential occurrence on the proposed Site or its vicinity. “Vicinity” is defined by species, based on each species’ movement ecology; hence, species with more wide-ranging movement patterns will have larger vicinities. Based on aerial imagery and other published information, sensitive species were assessed for potential to occur within the Study Area for likelihood to occur based on the following guidelines:

Present: Species is known to occur in the Study Area.

High: All or many of the habitat elements meeting the species’ requirements are present and the species has been recorded in the vicinity of the Study Area. The species has a high probability of residing in the Study Area or occurring in the Study Area on a regular basis.

Moderate: Some of the habitat elements meeting the species’ requirements are present and the species has been recorded in the vicinity of the Study Area. The species has a moderate probability of occurring in the Study Area on a regular basis or residing in the Study Area.

Low: Few of the habitat elements meeting the species’ requirements are present, and/or habitat elements present are sub-marginal, and the species has been recorded in the vicinity of the Study Area. The species has a low probability of occurring in the Study Area on a regular basis or residing in the Study Area but may occur as a transient.

Presumed Absent: Species not known to occur in the Study Area or its vicinity in the recent past and habitat in the Study Area does not meet species' requirements.

A Desktop review was also conducted to study water features, topography, and other important geographic features in the Study Area. Desktop review for these topics included information gathered from the following sources:

- FEMA Flood Map Service Center
- USFWS National Wetlands Inventory (NWI)
- USGS National Hydrological Dataset (NHD)

4.0 Results

Results of the desktop review are described in the following sections, including area characteristics, vegetation communities, plants, wildlife, special status species, and sensitive natural communities.

4.1 Biological Study Area Characteristics

4.1.1 Physiographic Setting

The Study Area is in a relatively flat urban area with slopes less than 5%, and an elevation of approximately 345 feet above mean sea level. The ground surface slopes gently to moderately in a south-north direction. The natural soil type, as mapped by National Resources Conservation Services (NCRS) (USDA 2024), is non-hydric Ballona-Typic Xerorthents. This fine soil is mostly covered by buildings and pavement or no longer existent beneath the developed areas. The Study Area falls in an area of minimal flood risk (Zone X) according to the National Flood Hazard's FEMA Flood Map (FEMA 2023).

4.1.2 Vegetation Communities and Plants

There are no natural or native plant communities expected to be on the project site or Walnut Substation. Vegetation consists entirely of planted and ruderal species. Mature ornamental trees, shrubs, and grass lawns are found around the north, east, and south edges of the project site. Similar planted species also line a fence bisecting the project site from north to south. The planted trees and shrubs show evidence of being regularly maintained and trimmed (Google Earth 2024). Ornamental street trees line Gale Avenue at the south edge of the Walnut Substation and a nursery borders the substation to the east.

4.1.3 Aquatic Resources

There are no natural streams or water features mapped within the site or the Walnut Substation, but the San Jose Creek Diversion Channel falls within the 500ft Study Area north of the Site (Figure 4). This channel is a man-made feature that has seasonal flows. Analysis of Google Earth imagery shows little to no aquatic vegetation along the channel (Google Earth 2024).

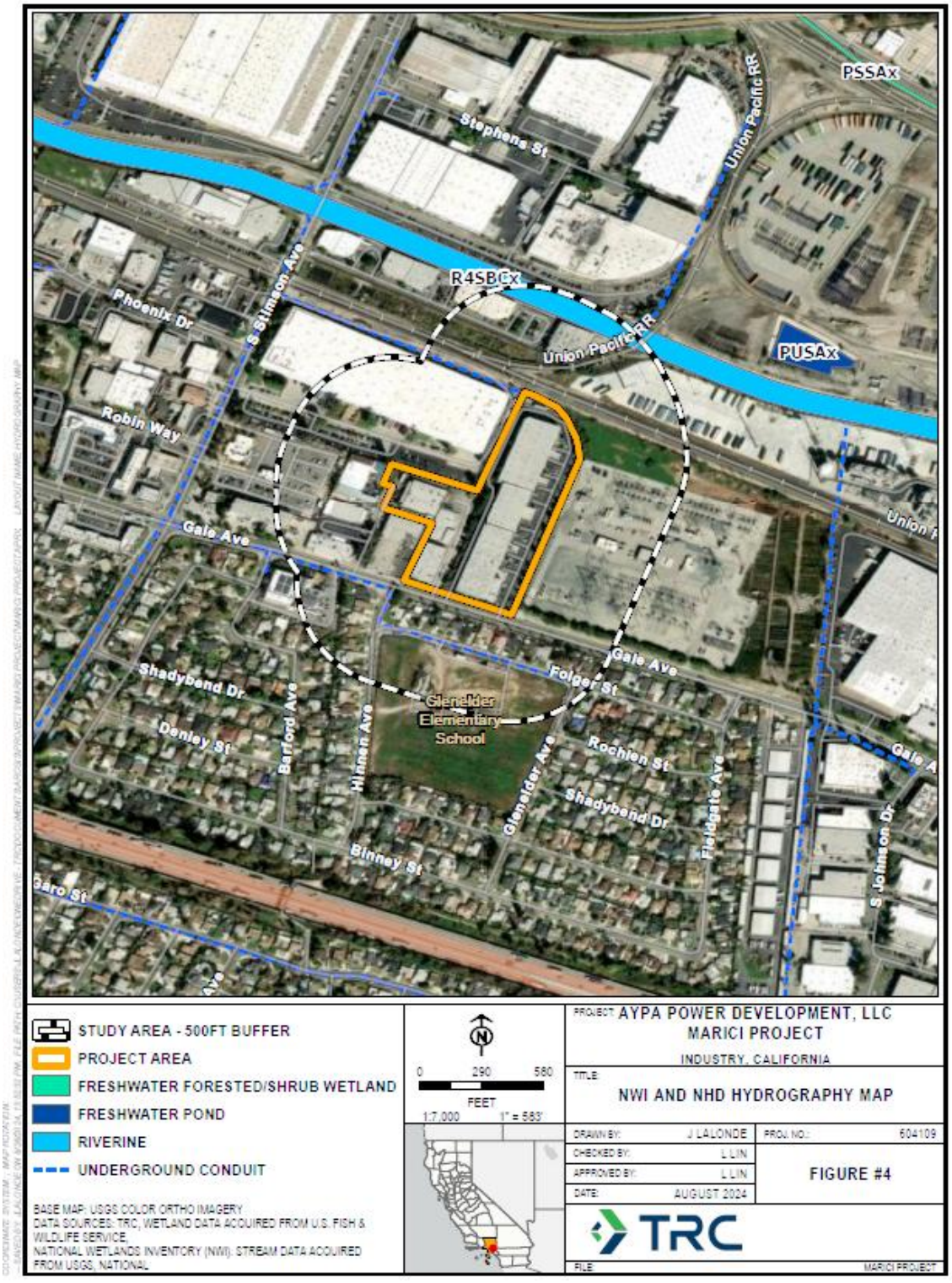


Figure 3. Water features near Study Area.

4.1.4 Migration Pathway, Wildlife Movement Corridor, Linkages

Linkages and corridors facilitate regional animal movement and can consist of features such as waterways, riparian corridors, mountain passes, contiguous habitat, and other physical features. Urban development surrounds this project site on all sides, with one small open area to the northeast. Wildlife is very unlikely to use the Study Area or surrounding areas as a movement corridor due to the highly developed and fragmented landscape.

4.2 Sensitive Biological Resources

4.2.1 Special Status Habitats

No sensitive natural communities are expected to be present in the Study Area, as the area is predominantly developed.

4.2.2 Special Status Plants

A list of special status plant species to be reviewed in this section were compiled from a CNDDB 3-mile radius search and a 4-quad search of the CNPS Rare Plant Inventory (Appendix A).

These desktop resources listed 27 special status plant species observed in the defined search areas. After review of google earth imagery, google street view imagery, and USDA's NRCS soil report (Google Earth 2024; USDA 2024), undeveloped area for plants to take hold within the Site is limited to very small corridors and planters around parking` lots. There is evidence that these areas are regularly maintained. Due to the lack of native habitat and natural soils, none of the special status plants listed in the desktop searches are expected to occur on Site.

4.2.3 Special Status Wildlife

The potential for special status wildlife species to occur on or adjacent to the proposed Study Area based on the desktop review is provided in Table 1. The species identified in Table 1 were compiled from a CNDDB 3-mile radius search (Appendix A) and the online IPaC tool (Appendix B; USFWS 2024a). Table 1 addresses wildlife species that appeared in these desktop searches, which include species that are either federally-listed, state-listed, or listed by CDFW as a species of special concern. The species were then determined to have no, low, moderate, or high potential to occur, as described in the methods (Section 3.1).

Due to the lack of native vegetation, pavement covering most natural soils, and the urban development throughout most of the Study Area, all species listed in Table 1 were determined to have low potential to occur or are presumed absent. Many of the species of concern listed require grassland, native scrub, or native riparian habitat which cannot be found on the project site (CDFW 2024). The San Jose Creek Diversion Channel, which flows 400ft north of the project site and is within the Study Area, has some potential to host aquatic species such as the southwestern pond turtle *(Actinemys pallida).* Although the southwestern pond turtle may occur in the Study Area, it is unlikely to be found on the project Site due to development between the diversion channel and the Site.

Table 1. Potential Special Status Wildlife

Species	Status* Federal/State/ CDFW	Habitat Requirements	Potential to Occur
Amphibians			
western spadefoot *(Phrynosoma blainvillii)*	-- / -- / SSC	Cismontane woodland; Coastal scrub; Valley & foothill grassland; Vernal pool; Wetland. Vernal pools are essential for breeding and egg-laying. Occurs primarily in grassland habitats, but can be found in valley-foothill hardwood woodlands.	**None:** Grassland, vernal pool, and other native habitat is not present on site
Reptiles			
coast horned lizard *(Phrynosoma blainvillii)*	-- / -- / SSC	Coastal bluff scrub; Chaparral; Cismontane woodland; Coastal scrub; Desert wash; Riparian scrub; Riparian woodland; Valley & foothill grassland. Open areas for sunning, bushes for cover, patches of loose soil for burial, and abundant supply of ants and other insects.	**None:** Suitable loose soil and native habitat is not found on the project site
coastal whiptail *(Aspidoscelis tigris stejnegeri)*	-- / -- / SSC	Ground may be firm soil, sandy, or rocky. Found in deserts and semi-arid areas with sparse vegetation and open areas. Also found in woodland & riparian areas.	**Low:** Suitable habitat is not found on the project site
southwestern pond turtle *(Actinemys pallida)*	-- / -- / SSC	Needs basking sites and suitable (sandy banks or grassy open fields) upland habitat up to 0.5 km from water for egg-laying. A thoroughly aquatic turtle of ponds, marshes, rivers, streams and irrigation ditches, usually with aquatic vegetation.	**Low:** Individuals may be found along the San Jose Creek Diversion Channel 400ft north of the project area, but are very unlikely to be found closer to the site due to habitat fragmentation
Birds			
bank swallow *(Riparia riparia)*	-- / ST / --	Riparian scrub; Riparian woodland. Requires vertical banks/cliffs with fine-textured/sandy soils near streams, rivers, lakes, ocean to dig nesting hole.	**Low:** No riparian habitat on or near the project site
coastal California gnatcatcher *(Polioptila californica californica)*	FT / -- / SSC	Low, coastal sage scrub in arid washes, on mesas and slopes. Not all areas classified as coastal sage scrub are occupied. Obligate, permanent resident of coastal sage scrub below 2500 ft in southern california.	**None:** No coastal sage scrub habitat found on or near project site. Species is strictly limited to this habitat

Species	Status* Federal/State/ CDFW	Habitat Requirements	Potential to Occur
least Bell's vireo *(Vireo bellii pusillus)*	FE / SE / ----	Nests placed along margins of bushes or on twigs projecting into pathways, usually willow, baccharis, mesquite. Summer resident of southern california in low riparian in vicinity of water or in dry river bottoms; below 2000 ft.	**Low:** No riparian habitat on or near the project site
southwestern willow flycatcher *(Empidonax trailii extimus)*	-- / SE / --	Requires dense willow thickets for nesting/roosting. Low, exposed branches are used for singing posts/hunting perches. Inhabits extensive thickets of low, dense willows on edge of wet meadows, ponds, or backwaters.	**Low:** No riparian willow habitat on or near the project site
Insects			
American bumble bee *(Bombus pensylvanicus)*	-- / -- / --	Grassland, farmland, and other open areas. Nests in fields of long grass or underground. Nests can be established in rodent burrows, natural crevices, and man-made objects.	**Low:** Individuals are usually found in the Midwest or Eastern portion of the US, but three individuals have been observed 3 miles to the northeast and southeast foraging in grassland habitat. This habitat is not found on Site and is very limited within the Study Area.
monarch - California overwintering population (*Danaus plexippus pop. 1*)	-- / -- / --	Closed-cone coniferous forest. Roosts located in wind-protected tree groves (eucalyptus, Monterey pine, cypress), with nectar and water sources nearby. Winter roost sites extend along the coast from northern Mendocino to Baja California, Mexico.	**Low:** The Site does not contain habitat that supports overwintering for this species, however it may nectar in the Site area during migration

Status Designations

Federal

FE Listed as Endangered under the federal Endangered Species Act

FT Listed as Threatened under the federal Endangered Species Act

State of California

SE California Fish and Game Code Endangered Species

ST California Fish and Game Code Threatened Species

FP California Fish and Game Code Fully Protected Species

SR California Fish and Game Code Rare Species

SSC California Department of Fish and Wildlife Species of Special Concern

-- Tracked by CNDDB, but not federally or state listed

5.0 Discussion and Recommendations

To support environmental permitting and conservation, the following measures are recommended:

1. **Pre-construction nesting birds and raptor surveys**. The transmission poles, trees, and shrubs within the Study Area provide suitable nesting habitat for a wide variety of migratory birds, including special status raptors. Raptors and migratory birds are protected by the MBTA and California Fish and Game Code (Section 2). If project construction will start during the breeding season (February 1 through September 1), or restart during the breeding season following an extended non-activity period, TRC recommends that the start/restart be preceded by a nesting bird survey, and that standard minimization and avoidance measures be followed if active nests are identified to ensure that construction does not result in any violation of the MBTA. Standard minimization and avoidance measures include, but are not limited to, avoidance of disturbance to active bird nests through the use of a work exclusion buffer zone. Pre-construction surveys for nesting birds are typically scheduled no more than three days before the start of project activities. With MBTA compliance during construction the project is not expected to have a significant impact on any protected species or habitat.

6.0 References

California Department of Fish and Wildlife (CDFW). 2024. California Natural Diversity Database (CNDDB): RareFind5 application. Department of Fish & Wildlife Biogeographic Data Branch, Sacramento, CA https://www.wildlife.ca.gov/data/cnddb. Accessed August 2024.

City of Industry (COI). 2014. General Plan. https://www.cityofindustry.org/home/showpublisheddocument/1693/636422096213600000. Accessed September 2024.

Federal Emergency Management Agency (FEMA). 2023. FEMA Flood Map Service Center. Online: https://msc.fema.gov/portal/home. Accessed August 2024.

Google Earth Pro V 7.3.4.8642 (Google Earth). 2024. California, United States. Multiple images (1985-2024). Accessed August 2024.

United States Department of Agriculture (USDA). 2024. National Resources Conservation Services (NRCS) Web Soil Survey. Available online at https://websoilsurvey.sc.egov.usda.gov/App/HomePage.htm. Accessed August 2024.

United States Fish and Wildlife Service (USFWS). 2020. Regulations Governing Take of Migratory Birds. 85 Fed. Reg. 5915-5926. Feb 3, 2020.

United States Fish and Wildlife Service (USFWS). 2021. Regulations Governing Take of Migratory Birds; Revocation of Provisions. 86 Fed. Reg. 54642-54656. Oct 4, 2021.

United States Fish and Wildlife Service (USFWS). 2024a. Information for Planning and Consultation (IPaC). https://ecos.fws.gov/ipac/. Accessed August 2024.

United States Fish & Wildlife Services (USFWS). 2024b. Wetland Mapper. National Wetlands Inventory (NWI). Washington, D.C.: USFWS. Online: https://fwsprimary.wim.usgs.gov/wetlands/apps/wetlands-mapper/. Site visited August 2024.

United States Geological Survey (USGS). 2024. National Hydrography Dataset (NHD). Online: https://www.usgs.gov/national-hydrography/national-hydrography-dataset. Site visited: August 2024.

Appendix A

Database Queries

CNDDB Query Results, 3-mile Radius, Marici Site, Los Angeles County, CA, August 21, 2024

Scientific Name	Common Name	Presence	Site Date	FED List	CAL List	Rare Plant Rank	CDFW Status
Riparia riparia	bank swallow	Extirpated	18940704	None	Threatened		
Dudleya multicaulis	many-stemmed dudleya	Presumed Extant	XXXXXXXX	None	None	1B.2	
Symphyotrichum defoliatum	San Bernardino aster	Extirpated	19301111	None	None	1B.2	
Phrynosoma blainvillii	coast horned lizard	Possibly Extirpated	XXXXXXXX	None	None		SSC
Polioptila californica californica	coastal California gnatcatcher	Presumed Extant	1993XXXX	Threatened	None		SSC
Centromadia parryi ssp. *australis*	southern tarplant	Presumed Extant	19200622	None	None	1B.1	
Polioptila californica californica	coastal California gnatcatcher	Presumed Extant	20170713	Threatened	None		SSC
Glyptostoma gabrielense	San Gabriel chestnut	Presumed Extant	20170129	None	None		
Polioptila californica californica	coastal California gnatcatcher	Presumed Extant	20190317	Threatened	None		SSC
Bombus pensylvanicus	American bumble bee	Presumed Extant	20230625	None	None		
Bombus pensylvanicus	American bumble bee	Presumed Extant	20230923	None	None		
Bombus pensylvanicus	American bumble bee	Presumed Extant	20210821	None	None		
Polioptila californica californica	coastal California gnatcatcher	Presumed Extant	20070814	Threatened	None		SSC
Calochortus plummerae	Plummer's mariposa-lily	Presumed Extant	20050602	None	None	4.2	
Calochortus weedii var. *intermedius*	intermediate mariposa-lily	Presumed Extant	20170602	None	None	1B.2	
Polioptila californica californica	coastal California gnatcatcher	Presumed Extant	20110530	Threatened	None		SSC
Polioptila californica californica	coastal California gnatcatcher	Presumed Extant	20110601	Threatened	None		SSC
Calochortus weedii var. *intermedius*	intermediate mariposa-lily	Presumed Extant	20080604	None	None	1B.2	
Aspidoscelis tigris stejnegeri	coastal whiptail	Presumed Extant	20170504	None	None		SSC
Polioptila californica californica	coastal California gnatcatcher	Presumed Extant	20090618	Threatened	None		SSC
Polioptila californica californica	coastal California gnatcatcher	Presumed Extant	20050728	Threatened	None		SSC
Calochortus plummerae	Plummer's mariposa-lily	Presumed Extant	20050531	None	None	4.2	

RPI Query Results, 4-quad search, Marici site, Los Angeles County, August 21, 2024

Scientific Name	Common Name	CRPR	CESA	FESA	Blooming Period
Atriplex parishii	Parish's brittlescale	1B.1	None	None	Jun-Oct
Berberis nevinii	Nevin's barberry	1B.1	CE	FE	(Feb)Mar-Jun
Calochortus catalinae	Catalina mariposa lily	4.2	None	None	(Feb)Mar-Jun
Calochortus plummerae	Plummer's mariposa-lily	4.2	None	None	May-Jul
Calochortus weedii var. *intermedius*	intermediate mariposa-lily	1B.2	None	None	May-Jul
Calystegia felix	lucky morning-glory	1B.1	None	None	Mar-Sep
Centromadia parryi ssp. *australis*	southern tarplant	1B.1	None	None	May-Nov
Convolvulus simulans	small-flowered morning-glory	4.2	None	None	Mar-Jul
Cuscuta obtusiflora var. *glandulosa*	Peruvian dodder	2B.2	None	None	Jul-Oct
Dodecahema leptoceras	slender-horned spineflower	1B.1	CE	FE	Apr-Jun
Dudleya multicaulis	many-stemmed dudleya	1B.2	None	None	Apr-Jul
Hordeum intercedens	vernal barley	3.2	None	None	Mar-Jun
Horkelia cuneata var. *puberula*	mesa horkelia	1B.1	None	None	Feb-Jul(Sep)
Juglans californica	Southern California black walnut	4.2	None	None	Mar-Aug
Lasthenia glabrata ssp. *coulteri*	Coulter's goldfields	1B.1	None	None	Feb-Jun
Navarretia prostrata	prostrate vernal pool navarretia	1B.2	None	None	Apr-Jul
Orcuttia californica	California Orcutt grass	1B.1	CE	FE	Apr-Aug
Phacelia ramosissima var. *austrolitoralis*	south coast branching phacelia	3.2	None	None	Mar-Aug
Phacelia stellaris	Brand's star phacelia	1B.1	None	None	Mar-Jun
Pseudognaphalium leucocephalum	white rabbit-tobacco	2B.2	None	None	(Jul)Aug-Nov(Dec)
Quercus engelmannii	Engelmann oak	4.2	None	None	Mar-Jun
Ribes divaricatum var. *parishii*	Parish's gooseberry	1A	None	None	Feb-Apr
Romneya coulteri	Coulter's matilija poppy	4.2	None	None	Mar-Jul(Aug)
Scutellaria bolanderi ssp. *austromontana*	southern mountains skullcap	1B.2	None	None	Jun-Aug
Symphyotrichum defoliatum	San Bernardino aster	1B.2	None	None	Jul-Nov

Appendix B

IPaC Query

IPaC resource list

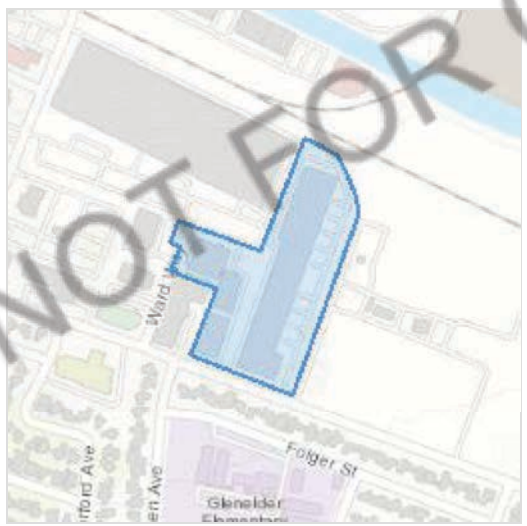
This report is an automatically generated list of species and other resources such as critical habitat (collectively referred to as *trust resources*) under the U.S. Fish and Wildlife Service's (USFWS) jurisdiction that are known or expected to be on or near the project area referenced below. The list 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.

NOT FOR CONSULTATION

Location

Los Angeles County, California



Local office

Carlsbad Fish And Wildlife Office

(760) 431-9440
(760) 431-5901

2177 Salk Avenue - Suite 250

Carlsbad, CA 92008-7385

NOT FOR CONSULTATION

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).

NOT FOR CONSULTATION

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
Coastal California Gnatcatcher *Polioptila californica californica* Wherever found There is **final** critical habitat for this species. Your location does not overlap the critical habitat. https://ecos.fws.gov/ecp/species/8178	Threatened
Least Bell's Vireo *Vireo bellii pusillus* Wherever found There is **final** critical habitat for this species. Your location does not overlap the critical habitat. https://ecos.fws.gov/ecp/species/5945	Endangered
Southwestern Willow Flycatcher *Empidonax traillii extimus* Wherever found There is **final** critical habitat for this species. Your location does not overlap the critical habitat. https://ecos.fws.gov/ecp/species/6749	Endangered

Reptiles

NAME	STATUS
Southwestern Pond Turtle *Actinemys pallida* Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/4768	Proposed Threatened

Amphibians

NAME	STATUS
Western Spadefoot *Spea hammondii* Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/5425	Proposed Threatened

NOT FOR CONSULTATION

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

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

There are no documented cases of eagles being present at this location. However, if you believe eagles may be using your site, please reach out to the local Fish and Wildlife Service office.

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 conservation measures for birds https://www.fws.gov/sites/default/files/documents/nationwide-standard-conservation-measures.pdf
- Supplemental Information for Migratory Birds and Eagles in IPaC https://www.fws.gov/media/supplemental-information-migratory-birds-and-bald-and-golden-eagles-may-occur-project-action

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

NOT FOR CONSULTATION

The potential for eagle presence is derived from data provided by the Avian Knowledge Network (AKN). The AKN data is based on a growing collection of survey, banding, and citizen science datasets and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle (Eagle Act requirements may apply). To see a list of all birds potentially present in your project area, please visit the Rapid Avian Information Locator (RAIL) Tool.

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

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

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

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the Rapid Avian Information Locator (RAIL) Tool.

What if I have eagles on my list?

If your project has the potential to disturb or kill eagles, you may need to obtain a permit to avoid violating the Eagle Act should such impacts occur. Please contact your local Fish and Wildlife Service Field Office if you have questions.

NOT FOR CONSULTATION

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[3] should follow appropriate regulations and consider implementing appropriate conservation measures, as described in the links below. Specifically, please review the "Supplemental Information on Migratory Birds and Eagles".

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

Additional information can be found using the following links:

- Eagle Management https://www.fws.gov/program/eagle-management

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

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

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

NOT FOR CONSULTATION

NAME	BREEDING SEASON
Allen's Hummingbird Selasphorus sasin This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9637	Breeds Feb 1 to Jul 15
Belding's Savannah Sparrow Passerculus sandwichensis beldingi 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/8	Breeds Apr 1 to Aug 15
Bullock's Oriole Icterus bullockii This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA	Breeds Mar 21 to Jul 25

California Gull Larus californicus — Breeds Mar 1 to Jul 31

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

California Thrasher Toxostoma redivivum — Breeds Jan 1 to Jul 31

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

Common Yellowthroat Geothlypis trichas sinuosa — Breeds May 20 to Jul 31

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

Lawrence's Goldfinch Spinus lawrencei — Breeds Mar 20 to Sep 20

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.
https://ecos.fws.gov/ecp/species/9464

Northern Harrier Circus hudsonius — Breeds Apr 1 to Sep 15

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/8350

Nuttall's Woodpecker Dryobates 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

Oak Titmouse Baeolophus inornatus — Breeds Mar 15 to Jul 15

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.
https://ecos.fws.gov/ecp/species/9656

Olive-sided Flycatcher Contopus cooperi — Breeds May 20 to Aug 31

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.
https://ecos.fws.gov/ecp/species/3914

Santa Barbara Song Sparrow Melospiza melodia graminea — Breeds Mar 1 to Sep 5

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/5513

NOT FOR CONSULTATION

Western Screech-owl Megascops kennicottii cardonensis This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA	Breeds Mar 1 to Jun 30
Wrentit Chamaea fasciata This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds Mar 15 to Aug 10

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 (■)

NOT FOR CONSULTATION

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.

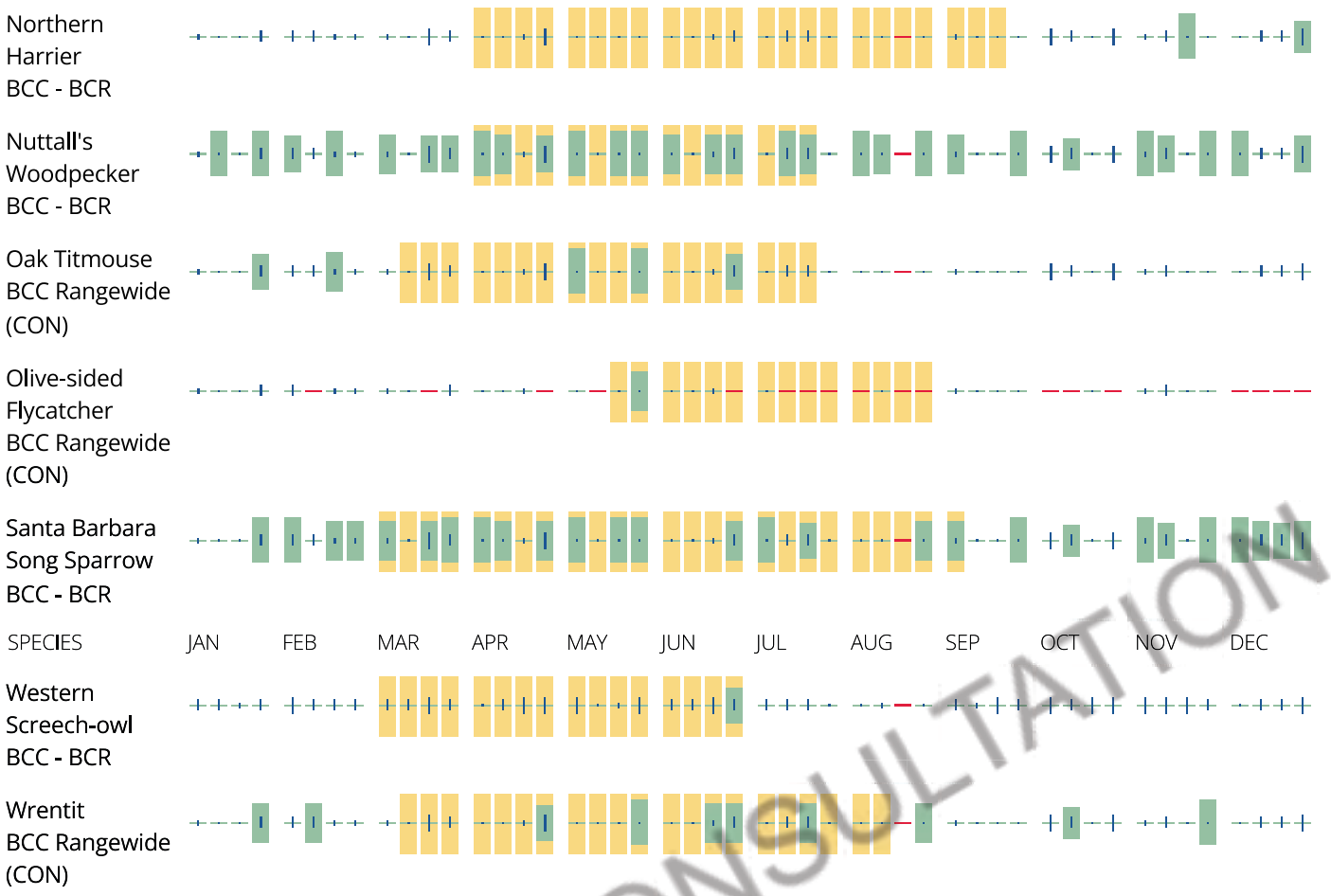
To see a bar's survey effort range, simply hover your mouse cursor over the bar.

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.



NOT FOR CONSULTATION



NOT FOR CONSULTATION

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

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

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

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

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

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the Rapid Avian Information Locator (RAIL) Tool.

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

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

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

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

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

What are the levels of concern for migratory birds?

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

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

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

Details about birds that are potentially affected by offshore projects

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

NOT FOR CONSULTATION

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.

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.

This location did not intersect any wetlands mapped by NWI.

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.

NOT FOR CONSULTATION

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