

PRELIMINARY ASSESSMENT FOR MAINTENANCE
DREDGING SEARSPORT HARBOR FEDERAL
NAVIGATION PROJECT - SEARSPORT, MAINE

APPENDIX A
PERTINENT CORRESPONDENCE

DRAFT

This page left intentionally blank



Paul R. LePage
GOVERNOR

STATE OF MAINE
DEPARTMENT OF TRANSPORTATION
16 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0016

David Bernhardt
COMMISSIONER

20 March 2017

Mr. Edward G. O'Donnell
Chief, Navigation Section
U.S. Army Corps of Engineers, New England District
696 Virginia Road
Concord, MA 01742

Subject: Maintenance Dredging of the Federal Navigation Channel at Searsport, Maine

Dear Mr. O'Donnell:

The Maine Port Authority (MPA) and Maine Department of Transportation (MaineDOT) respectfully submit the attached document supporting the State of Maine's intent to secure federal funding for maintenance dredging of the Searsport Terminal Federal Navigation Project (Searsport FNP) in Searsport, Maine, to address significant safety and navigational access concerns at the Terminal.

Small ports and harbors along the Maine coast are the economic lifeblood for many coastal communities in the state. Though the allocation of funds that congress makes available to the U.S. Army Corps of Engineers each year are for the operation and maintenance of our nation's water infrastructure, the law requires the Corps to consider factors other than tonnage transiting through a harbor, and to include consideration of the potential for regional and local economic development. In this respect, commercial activity at Searsport contributes more than \$50 million in direct economic benefit to the mid-coast region annually, and has the potential – with maintenance and improvement of the existing Searsport FNP – to contribute to economic prosperity in the broader northern New England region.

As a consequence, and to preserve current commercial activity and achieve the region's goals for future economic growth, MPA and MaineDOT strongly believe there is a crucial need to maintain the state's essential water infrastructure at Searsport. We urge the Corps to prioritize funding in 2019 or 2020 fiscal year for maintenance dredging of the Searsport FNP, consistent with all applicable laws and regulations.

Please contact my office at (207) 624-3564 should you have any questions.

Sincerely,

Mr. John H. Henshaw
MaineDOT Director of Ports and Marine Transportation



PRINTED ON RECYCLED PAPER

Attachments:

“Proposed Strategy for Maintenance Dredging of the Federal Navigation Channel at Searsport Terminal, Maine”, prepared by Ramboll Environ

Letter from Capt. David Gelinis with the Penobscot Bay Pilots to USACOE regarding the need for dredging at Searsport Federal Navigation Channel.



MAINE HISTORIC PRESERVATION COMMISSION
55 CAPITOL STREET
65 STATE HOUSE STATION
AUGUSTA, MAINE
04333

JOHN ELIAS BALDACCI
GOVERNOR

EARLE G. SHETTLEWORTH, JR.
DIRECTOR

February 28, 2008

Mr. John R. Kennelly
New England District, Corps of Engineers
696 Virginia Rd.
Concord, MA 01742-2751

Re: Searsport Harbor proposed dredging (Contract # DACW33-03-D-0002 IDIQ), MHPC #0248-08

Dear Mr. Kennelly:

Dr. Arthur Spiess and Leon Cranmer of our staff have reviewed the report entitled "Marine Archaeological Survey Searsport Harbor" by PAL (Pawtucket, R.I.) dated July 2007, and the scope-of-work dated October 29, 2007. We received both documents on February 21, 2008. We accept the report as written.

Specifically we accept both recommendations made on p83 of the report: 1) vibratory coring to explore a possible paleo-land surface in the vicinity of a paleo-channel for archaeologically sensitive paleosols, and 2) visual inspection of the shipwreck target (probably *Cullen No. 18*).

The *Cullen No. 18* shipwreck site has a Maine Historic Archaeological Sites Inventory number which is ME 385-004. It would be helpful if this site number were used in subsequent reports.

In the Statement of Work for the completion of an optional task (#9), the evaluation of the *Cullen No. 18* shipwreck, six objectives for a site examination investigation are listed. Of these six objectives, the first four would not be totally achieved if the visual inspection is replaced with an archival investigation only. We agree with the recommendations in the original report that a visual inspection either by a diver or an ROV be conducted. In addition, as with any other site, an archival investigation should also be undertaken to provide background information of a National Register eligibility determination.

Thus, we can not concur that the proposed scope of work is adequate.

Sincerely,

Kirk Mohney
Deputy State Historic Preservation Officer



PRINTED ON RECYCLED PAPER



STATE OF MAINE
DEPARTMENT OF TRANSPORTATION
16 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0016

Janet T. Mills
GOVERNOR

Bruce A. Van Note
COMMISSIONER

31 January 2025

Ms. Jenifer Thalhauser
Chief, Navigation Section
U.S. Army Corps of Engineers, New England District
696 Virginia Road
Concord, MA 01742

Subject: Maintenance Dredging of the Federal Navigation Channel at Searsport, Maine – Proposed CAD Cell Location

Dear Ms. Thalhauser:

During a remote meeting with you and your staff on January 22, 2025, the Maine Department of Transportation (MaineDOT) expressed concurrence regarding the proposed “Initial Confined Aquatic Disposal (CAD) Cell Location” (Exhibit A) to deposit sediments from the long standing planned maintenance dredging of the Searsport Federal Navigation Project (FNP).

MaineDOT, the Maine Port Authority (MPA) and USACE have been working together to get this important dredging done for over 10 years. During that time, MaineDOT has expended state resources to devise a plan for upland disposal at the Mack Pt. terminal, in concurrence with the USACE. After designing the upland disposal site with state funding and obtaining a license for beneficial reuse of dredge material (issued July 17, 2020) by the Maine Department of Environmental Protection (MDEP), the USACE stated in an email dated September 22, 2022, that, “After higher level reviews the Corps has concerns regarding potential liability under Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and other environmental laws related to the placement of the dredged material.” Upon further discussion, it was clear that the upland disposal was not the USACE’s preferred disposal method for the dredge sediments from the Searsport FNP, and it was stated to MaineDOT that the USACE would be pursuing a CAD cell alternative. Over the last several years, MaineDOT and the MPA have been evaluating whether a CAD cell in the proposed initial location would potentially interfere with proposed development of the Mack Pt. terminal and Port of Searsport.

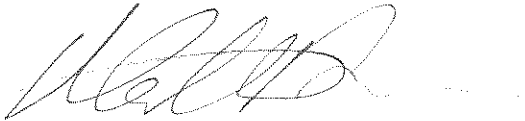
Currently, MaineDOT encourages the USACE to pursue the proposed initial location of the CAD cell for the Searsport FNP. This project has been a long-standing priority for the State of Maine and sees the maintenance dredge as critically important to the proper function of the Port of Searsport and Maine economy. Any potential development of port infrastructure at Mack Pt. is secondary to the state’s primary objective of completing the maintenance dredging, and MaineDOT is supportive of any plans developed by the USACE to dredge and dispose of the sediments from the Searsport FNP in a timely manner. Between the two options presented to MaineDOT by the USACE for proposed CAD cell locations, MaineDOT prefers the initial

location outside of the FNP, so as not to conflict with any potential dredging projects in the future.

Finally, MaineDOT would like to make clear that it is basing the support of the proposed "Initial CAD Cell Location" from recent conversations with the USACE. To date, there has been no official correspondence from the USACE to MaineDOT in the form of a Preliminary Assessment or Decision Document, which shows proof of concept for the proposed CAD Cell compared to MaineDOT's upland disposal alternative, or any other alternative disposal method. MaineDOT looks forward to receiving and reviewing any documents from the USACE that provide additional details. MaineDOT is also requesting any agreement templates that can be sent and reviewed in advance by our legal department, so ensure that all milestones are met in a timely manner to ensure that the dredging of the Searsport FNP can start as soon as possible and without any further delay.

Please contact my office should you have any questions or need further clarification.

Sincerely,



Matthew B. Burns
Deputy Director, MaineDOT - OFBL
MaineDOT
Cell: (207) 592-3221
Office: (207) 624-3374



United States Department of the Interior



FISH AND WILDLIFE SERVICE
Maine Ecological Services Field Office
P. O. Box A
East Orland, ME 04431
Phone: (207) 469-7300 Fax: (207) 902-1588

In Reply Refer To:

04/09/2025 20:17:52 UTC

Project code: 2025-0081168

Project Name: Searsport Harbor Federal Navigation Project Maintenance Dredging

Federal Nexus: yes

Federal Action Agency (if applicable): Army Corps of Engineers

Subject: Record of project representative's no effect determination for 'Searsport Harbor Federal Navigation Project Maintenance Dredging'

Dear matthew mroczka:

This letter records your determination using the Information for Planning and Consultation (IPaC) system provided to the U.S. Fish and Wildlife Service (Service) on April 09, 2025, for 'Searsport Harbor Federal Navigation Project Maintenance Dredging' (here forward, Project). This project has been assigned Project Code 2025-0081168 and all future correspondence should clearly reference this number. **Please carefully review this letter.**

Ensuring Accurate Determinations When Using IPaC

The Service developed the IPaC system and associated species' determination keys in accordance with the Endangered Species Act of 1973 (ESA; 87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.) and based on a standing analysis. All information submitted by the Project proponent into IPaC must accurately represent the full scope and details of the Project.

Failure to accurately represent or implement the Project as detailed in IPaC or the **Northern Long-eared Bat and Tricolored Bat Range-wide Determination Key (Dkey)**, invalidates this letter. ***Answers to certain questions in the DKey commit the project proponent to implementation of conservation measures that must be followed for the ESA determination to remain valid.***

Determination for the Northern Long-Eared Bat and/or Tricolored Bat

Based upon your IPaC submission and a standing analysis, your project has reached the following effect determinations:

Species	Listing Status	Determination
Northern Long-eared Bat (<i>Myotis septentrionalis</i>)	Endangered	No effect

Tricolored Bat (*Perimyotis subflavus*)

Proposed
Endangered

No effect

Federal agencies must consult with U.S. Fish and Wildlife Service under section 7(a)(2) of the Endangered Species Act (ESA) when an action *may affect* a listed species. Tricolored bat is proposed for listing as endangered under the ESA, but not yet listed. For actions that may affect a proposed species, agencies cannot consult, but they can *confer* under the authority of section 7(a)(4) of the ESA. Such conferences can follow the procedures for a consultation and be adopted as such if and when the proposed species is listed. Should the tricolored bat be listed, agencies must review projects that are not yet complete, or projects with ongoing effects within the tricolored bat range that previously received a NE or NLAA determination from the key to confirm that the determination is still accurate.

To make a no effect determination, the full scope of the proposed project implementation (action) should not have any effects (either positive or negative), to a federally listed species or designated critical habitat. Effects of the action are all consequences to listed species or critical habitat that are caused by the proposed action, including the consequences of other activities that are caused by the proposed action. A consequence is caused by the proposed action if it would not occur but for the proposed action and it is reasonably certain to occur. Effects of the action may occur later in time and may include consequences occurring outside the immediate area involved in the action. (See § 402.17).

Under Section 7 of the ESA, if a federal action agency makes a no effect determination, no consultation with the Service is required (ESA §7). If a proposed Federal action may affect a listed species or designated critical habitat, formal consultation is required except when the Service concurs, in writing, that a proposed action "is not likely to adversely affect" listed species or designated critical habitat [50 CFR §402.02, 50 CFR§402.13].

Other Species and Critical Habitat that May be Present in the Action Area

The IPaC-assisted determination key for the northern long-eared bat and tricolored bat does not apply to the following ESA-protected species and/or critical habitat that also may occur in your Action area:

- Monarch Butterfly *Danaus plexippus* Proposed Threatened
- Roseate Tern *Sterna dougallii dougallii* Endangered

You may coordinate with our Office to determine whether the Action may affect the animal species listed above and, if so, how they may be affected.

Next Steps

If there are no updates on listed species, no further consultation/coordination for this project is required with respect to the species covered by this key. However, the Service recommends that project proponents re-evaluate the Project in IPaC if: 1) the scope, timing, duration, or location of the Project changes (includes any project changes or amendments); 2) new information reveals

the Project may impact (positively or negatively) federally listed species or designated critical habitat; or 3) a new species is listed, or critical habitat designated. If any of the above conditions occurs, additional coordination with the Service should take place to ensure compliance with the Act.

If you have any questions regarding this letter or need further assistance, please contact the Maine Ecological Services Field Office and reference Project Code 2025-0081168 associated with this Project.

Action Description

You provided to IPaC the following name and description for the subject Action.

1. Name

Searsport Harbor Federal Navigation Project Maintenance Dredging

2. Description

The following description was provided for the project 'Searsport Harbor Federal Navigation Project Maintenance Dredging':

USACE is proposing to dredge approximately 22,000 cubic yards of mixed sand and fine-grained sediments from shoaled areas totaling six acres within the Searsport Harbor FNP located in Searsport, Maine. These areas will be dredged to the authorized project depth of 35 feet at mean lower low water (MLLW) plus allowable over depth. It is expected that the unsuitable shoaled material will be mechanically dredged and placed in the nearby CAD cell and the suitable material from the creation of the CAD cell will be placed at the Rockland Disposal Site (RDS). The Federal Navigation project in Searsport Harbor consists of an entrance channel and turning basin that is 500-foot wide, 3,500 feet long, and 35 feet deep (MLLW). The entrance channel flares out to form a turning basin that is 1,500 feet wide and 35 feet deep (MLLW) in the inner harbor adjacent to Mack Point. Searsport Harbor is the largest deep draft commercial port north of Portland, Maine.

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@44.4404588,-68.90033345031418,14z>



DETERMINATION KEY RESULT

Based on the information you provided, you have determined that the Proposed Action will have no effect on the species covered by this determination key. Therefore, no consultation with the U.S. Fish and Wildlife Service pursuant to Section 7(a)(2) of the Endangered Species Act of 1973 (87 Stat. 884, as amended 16 U.S.C. 1531 *et seq.*) is required for those species.

QUALIFICATION INTERVIEW

1. Does the proposed project include, or is it reasonably certain to cause, intentional take of listed bats or any other listed species?

Note: Intentional take is defined as take that is the intended result of a project. Intentional take could refer to research, direct species management, surveys, and/or studies that include intentional handling/encountering, harassment, collection, or capturing of any individual of a federally listed threatened, endangered or proposed species?

No

2. Is the action area wholly within Zone 2 of the year-round active area for northern long-eared bat and/or tricolored bat?

Automatically answered

No

3. Does the action area intersect Zone 1 of the year-round active area for northern long-eared bat and/or tricolored bat?

Automatically answered

No

4. Does any component of the action involve leasing, construction or operation of wind turbines? Answer 'yes' if the activities considered are conducted with the intention of gathering survey information to inform the leasing, construction, or operation of wind turbines.

Note: For federal actions, answer 'yes' if the construction or operation of wind power facilities is either (1) part of the federal action or (2) would not occur but for a federal agency action (federal permit, funding, etc.).

No

5. Is the proposed action authorized, permitted, licensed, funded, or being carried out by a Federal agency in whole or in part?

Yes

6. Is the Federal Highway Administration (FHWA), Federal Railroad Administration (FRA), or Federal Transit Administration (FTA) funding or authorizing the proposed action, in whole or in part?

No

7. Are you an employee of the federal action agency or have you been officially designated in writing by the agency as its designated non-federal representative for the purposes of Endangered Species Act Section 7 informal consultation per 50 CFR § 402.08?

Note: This key may be used for federal actions and for non-federal actions to facilitate section 7 consultation and to help determine whether an incidental take permit may be needed, respectively. This question is for information purposes only.

Yes

8. Is the lead federal action agency the Environmental Protection Agency (EPA) or Federal Communications Commission (FCC)? Is the Environmental Protection Agency (EPA) or Federal Communications Commission (FCC) funding or authorizing the proposed action, in whole or in part?

No

9. Is the lead federal action agency the Federal Energy Regulatory Commission (FERC)?

No

10. [Semantic] Is the action area located within 0.5 miles of a known bat hibernaculum?

Note: The map queried for this question contains proprietary information and cannot be displayed. If you need additional information, please contact your State wildlife agency.

Automatically answered

No

11. Does the action area contain any winter roosts or caves (or associated sinkholes, fissures, or other karst features), mines, rocky outcroppings, or tunnels that could provide habitat for hibernating bats?

No

12. Does the action area contain (1) talus or (2) anthropogenic or naturally formed rock shelters or crevices in rocky outcrops, rock faces or cliffs?

No

13. Will the action cause effects to a bridge?

Note: Covered bridges should be considered as bridges in this question.

No

14. Will the action result in effects to a culvert or tunnel at any time of year?

No

15. Are trees present within 1000 feet of the action area?

Note: If there are trees within the action area that are of a sufficient size to be potential roosts for bats answer "Yes". If unsure, additional information defining suitable summer habitat for the northern long-eared bat and tricolored bat can be found in Appendix A of the USFWS' Range-wide Indiana Bat and Northern long-eared bat Survey Guidelines at: <https://www.fws.gov/media/range-wide-indiana-bat-and-northern-long-eared-bat-survey-guidelines>.

No

16. Does the action area intersect the northern long-eared bat species list area?

Automatically answered

Yes

17. [Semantic] Is the action area located within 0.25 miles of a culvert that is known to be occupied by northern long-eared or tricolored bats?

Automatically answered

No

18. [Semantic] Is the action area located within 150 feet of a documented northern long-eared bat roost site?

Note: The map queried for this question contains proprietary information and cannot be displayed. If you need additional information, please contact your State wildlife agency.

Automatically answered

No

19. Does the action area intersect the tricolored bat species list area?

Automatically answered

Yes

20. [Semantic] Is the action area located within 0.25 miles of a culvert that is known to be occupied by northern long-eared or tricolored bats?

Note: The map queried for this question contains proprietary information and cannot be displayed. If you need additional information, please contact your State wildlife agency.

Automatically answered

No

21. Do you have any documents that you want to include with this submission?

No

PROJECT QUESTIONNAIRE

IPAC USER CONTACT INFORMATION

Agency: Army Corps of Engineers

Name: matthew mroczka

Address: 696 Virginia rd

City: Concord

State: MA

Zip: 01742

Email: matthew.e.mroczka@usace.army.mil

Phone: 9783188537



United States Department of the Interior



FISH AND WILDLIFE SERVICE
Maine Ecological Services Field Office
P. O. Box A
East Orland, ME 04431
Phone: (207) 469-7300 Fax: (207) 902-1588

In Reply Refer To:

04/09/2025 20:08:59 UTC

Project code: 2025-0081168

Project Name: Searsport Harbor Federal Navigation Project Maintenance Dredging

Federal Nexus: yes

Federal Action Agency (if applicable): Army Corps of Engineers

Subject: Federal agency coordination under the Endangered Species Act, Section 7 for
'Searsport Harbor Federal Navigation Project Maintenance Dredging'

Dear matthew mroczka:

This letter records your determination using the Information for Planning and Consultation (IPaC) system provided to the U.S. Fish and Wildlife Service (Service) on April 09, 2025, for "Searsport Harbor Federal Navigation Project Maintenance Dredging" (here forward, Project). This project has been assigned Project Code 2025-0081168 and all future correspondence should clearly reference this number.

The Service developed the IPaC system and associated species' determination keys in accordance with the Endangered Species Act of 1973 (ESA; 87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.) and based on a standing analysis. All information submitted by the Project proponent into the IPaC must accurately represent the full scope and details of the Project. Failure to accurately represent or implement the Project as detailed in IPaC or the Northeast Determination Key (DKey), invalidates this letter. **Answers to certain questions in the DKey commit the project proponent to implementation of conservation measures that must be followed for the ESA determination to remain valid.**

To make a no effect determination, the full scope of the proposed project implementation (action) should not have any effects (either positive or negative effect(s)), to a federally listed species or designated critical habitat. Effects of the action are all consequences to listed species or critical habitat that are caused by the proposed action, including the consequences of other activities that are caused by the proposed action. A consequence is caused by the proposed action if it would not occur but for the proposed action and it is reasonably certain to occur. Effects of the action may occur later in time and may include consequences occurring outside the immediate area involved in the action. (See § 402.17). Under Section 7 of the ESA, if a federal action agency makes a no effect determination, no further consultation with, or concurrence from, the Service is

required (ESA §7). If a proposed Federal action may affect a listed species or designated critical habitat, formal consultation is required (except when the Service concurs, in writing, that a proposed action "is not likely to adversely affect (NLAA)" listed species or designated critical habitat [50 CFR §402.02, 50 CFR§402.13]).

The IPaC results indicated the following species is (are) potentially present in your project area and, based on your responses to the Service's Northeast DKey, you determined the proposed Project will have the following effect determinations:

Species	Listing Status	Determination
Roseate Tern (<i>Sterna dougallii dougallii</i>)	Endangered	NLAA

Conclusion

The Service concurs to the above-mentioned determination(s) of may affect, not likely to adversely affect. This concurrence confirms receipt of your agencies coordination required under Section 7(a)(2) of the ESA.

The Service will notify you within 30 calendar days if we determine that this proposed Action does not meet the criteria for a "may affect, not likely to adversely affect" (NLAA) determination for Federally listed species in the Northeast. If we do not notify you within that timeframe, you may proceed with the Action under the terms of the NLAA concurrence provided here. This verification period allows the identified Ecological Services Field Office to apply local knowledge to evaluation of the Action, as we may identify a small subset of actions having impacts that were unanticipated. In such instances, the identified Ecological Services Field Office may request additional information to verify the effects determination reached through the Northeast Region DKey.

In addition to the species listed above, the following species and/or critical habitats may also occur in your project area and are not covered by this conclusion:

- Monarch Butterfly *Danaus plexippus* Proposed Threatened
- Northern Long-eared Bat *Myotis septentrionalis* Endangered
- Tricolored Bat *Perimyotis subflavus* Proposed Endangered

If no changes occur with the Project or there are no updates on listed species, no further consultation/coordination for this project is required for the species identified above. However, the Service recommends that project proponents re-evaluate the Project in IPaC if: 1) the scope, timing, duration, or location of the Project changes (includes any project changes or amendments); 2) new information reveals the Project may impact (positively or negatively) federally listed species or designated critical habitat; or 3) a new species is listed, or critical habitat designated. If any of the above conditions occurs, additional consultation with the Service should take place before project implements any changes which are final or commits additional resources.

Please Note: If the Action may impact bald or golden eagles, additional coordination with the Service under the Bald and Golden Eagle Protection Act (BGEPA) (54 Stat. 250, as amended, 16 U.S.C. 668a-d) by the prospective permittee may be required. Please contact the Migratory Birds Permit Office, (413) 253-8643, or PermitsR5MB@fws.gov, with any questions regarding potential impacts to Eagles.

If you have any questions regarding this letter or need further assistance, please contact the Maine Ecological Services Field Office and reference the Project Code associated with this Project.

Action Description

You provided to IPaC the following name and description for the subject Action.

1. Name

Searsport Harbor Federal Navigation Project Maintenance Dredging

2. Description

The following description was provided for the project 'Searsport Harbor Federal Navigation Project Maintenance Dredging':

USACE is proposing to dredge approximately 22,000 cubic yards of mixed sand and fine-grained sediments from shoaled areas totaling six acres within the Searsport Harbor FNP located in Searsport, Maine. These areas will be dredged to the authorized project depth of 35 feet at mean lower low water (MLLW) plus allowable over depth. It is expected that the unsuitable shoaled material will be mechanically dredged and placed in the nearby CAD cell and the suitable material from the creation of the CAD cell will be placed at the Rockland Disposal Site (RDS). The Federal Navigation project in Searsport Harbor consists of an entrance channel and turning basin that is 500-foot wide, 3,500 feet long, and 35 feet deep (MLLW). The entrance channel flares out to form a turning basin that is 1,500 feet wide and 35 feet deep (MLLW) in the inner harbor adjacent to Mack Point. Searsport Harbor is the largest deep draft commercial port north of Portland, Maine.

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@44.4404588,-68.90033345031418,14z>



QUALIFICATION INTERVIEW

1. As a representative of this project, do you agree that all items submitted represent the complete scope of the project details and you will answer questions truthfully?

Yes

2. Does the proposed project include, or is it reasonably certain to cause, intentional take of listed species?

Note: This question could refer to research, direct species management, surveys, and/or studies that include intentional handling/encountering, harassment, collection, or capturing of any individual of a federally listed threatened, endangered, or proposed species.

No

3. Is the action authorized, permitted, licensed, funded, or being carried out by a Federal agency in whole or in part?

Yes

4. Is the Federal Highway Administration (FHWA), Federal Railroad Administration (FRA), or Federal Transit Administration (FTA) the lead agency for this project?

No

5. Are you including in this analysis all impacts to federally listed species that may result from the entirety of the project (not just the activities under federal jurisdiction)?

Note: If there are project activities that will impact listed species that are considered to be outside of the jurisdiction of the federal action agency submitting this key, contact your local Ecological Services Field Office to determine whether it is appropriate to use this key. If your Ecological Services Field Office agrees that impacts to listed species that are outside the federal action agency's jurisdiction will be addressed through a separate process, you can answer yes to this question and continue through the key.

Yes

6. Are you the lead federal action agency or designated non-federal representative requesting concurrence on behalf of the lead Federal Action Agency?

Yes

7. Is the lead federal action agency the Environmental Protection Agency (EPA) or Federal Communications Commission (FCC)?

No

8. Is the lead federal action agency the Federal Energy Regulatory Commission (FERC)?

No

9. Is the lead federal action agency the Natural Resources Conservation Service?

No

10. Will the proposed project involve the use of herbicide where listed species are present?

No

11. Are there any caves or anthropogenic features suitable for hibernating or roosting bats within the area expected to be impacted by the project?

No

12. Does any component of the project associated with this action include activities or structures that may pose a collision risk to **birds** (e.g., plane-based surveys, land-based or offshore wind turbines, communication towers, high voltage transmission lines, any type of towers with or without guy wires)?

Note: For federal actions, answer 'yes' if the construction or operation of wind power facilities is either (1) part of the federal action or (2) would not occur but for a federal agency action (federal permit, funding, etc.).

No

13. Does any component of the project associated with this action include activities or structures that may pose a collision risk to **bats** (e.g., plane-based surveys, land-based or offshore wind turbines)?

Note: For federal actions, answer 'yes' if the construction or operation of wind power facilities is either (1) part of the federal action or (2) would not occur but for a federal agency action (federal permit, funding, etc.).

No

14. Will the proposed project result in permanent changes to water quantity in a stream or temporary changes that would be sufficient to result in impacts to listed species?

For example, will the proposed project include any activities that would alter stream flow, such as water withdrawal, hydropower energy production, impoundments, intake structures, diversion structures, and/or turbines? Projects that include temporary and limited water reductions that will not displace listed species or appreciably change water availability for listed species (e.g. listed species will experience no changes to feeding, breeding or sheltering) can answer "No". Note: This question refers only to the amount of water present in a stream, other water quality factors, including sedimentation and turbidity, will be addressed in following questions.

No

15. Will the proposed project affect wetlands where listed species are present?

This includes, for example, project activities within wetlands, project activities within 300 feet of wetlands that may have impacts on wetlands, water withdrawals and/or discharge of contaminants (even with a NPDES).

No

16. Will the proposed project activities (including upland project activities) occur within 0.125 miles of the water's edge of a stream or tributary of a stream where listed species may be present?

No

17. Will the proposed project directly affect a streambed (below ordinary high water mark (OHWM)) of the stream or tributary where listed species may be present?

No

18. Will the proposed project bore underneath (directional bore or horizontal directional drill) a stream where listed species may be present?

No

19. Will the proposed project involve a new point source discharge into a stream or change an existing point source discharge (e.g., outfalls; leachate ponds) where listed species may be present?

No

20. Will the proposed project involve the removal of excess sediment or debris, dredging or in-stream gravel mining where listed species may be present?

No

21. Will the proposed project involve the creation of a new water-borne contaminant source where listed species may be present?

Note New water-borne contaminant sources occur through improper storage, usage, or creation of chemicals. For example: leachate ponds and pits containing chemicals that are not NSF/ANSI 60 compliant have contaminated waterways. Sedimentation will be addressed in a separate question.

No

22. Will the proposed project involve perennial stream loss, in a stream or tributary of a stream where listed species may be present, that would require an individual permit under 404 of the Clean Water Act?

No

23. Will the proposed project involve blasting where listed species may be present?

No

24. Will the proposed project include activities that could negatively affect fish movement temporarily or permanently (including fish stocking, harvesting, or creation of barriers to fish passage).

No

25. Will the proposed project involve earth moving that could cause erosion and sedimentation, and/or contamination along a stream or tributary of a stream where listed species may be present?

Note: Answer "Yes" to this question if erosion and sediment control measures will be used to protect the stream.

No

26. Will the proposed project impact streams or tributaries of streams where listed species may be present through activities such as, but not limited to, valley fills, large-scale vegetation removal, and/or change in site topography?

No

27. Will the proposed project involve vegetation removal within 200 feet of a perennial stream bank where aquatic listed species may be present?

No

28. Will erosion and sedimentation control Best Management Practices (BMPs) associated with applicable state and/or Federal permits, be applied to the project? If BMPs have been provided by and/or coordinated with and approved by the appropriate Ecological Services Field Office, answer "Yes" to this question.

Yes

29. Is the project being funded, lead, or managed in whole or in part by U.S Fish and Wildlife Restoration and Recovery Program (e.g., Partners, Coastal, Fisheries, Wildlife and Sport Fish Restoration, Refuges)?

No

30. Will the proposed project result in changes to beach dynamics that may modify formation of habitat over time?

Note: Examples of projects that result in changes to beach dynamics include 1) construction of offshore breakwaters and groins; 2) mining of sand from an updrift ebb tidal delta; 3) removing or adding beach sands; and 4) projects that stabilize dunes (including placement of sand fences or planting vegetation).

No

31. [Hidden Semantic] Is the project area located within the roseate tern AOI?

Automatically answered

Yes

32. If you have determined that the roseate tern is unlikely to occur within your project's action area or that your project is unlikely to have any potential effects on the roseate tern, you may wish to make a "no effect" determination for the roseate tern. Additional guidance on how to make this decision can be found in the project review section of your local Ecological Services Field Office's website. CBFO: <https://www.fws.gov/office/chesapeake-bay-ecological-services/project-review> ; MEFO: <https://www.fws.gov/office/maine-ecological-services> ; NJFO: <https://www.fws.gov/office/new-jersey-ecological-services/new-jersey-field-office-project-review-guide> ; NEFO: <https://www.fws.gov/office/new-england-ecological-services/endangered-species-project-review#Step5> ; WVFO: <https://www.fws.gov/office/west-virginia-ecological-services/project-planning>. If you are unsure, answer "No" and continue through the key.

Would you like to make a no effect determination for the roseate tern?

No

33. Is this an aquaculture project?

No

34. Is this a coastal project that has an action area that is less than one-half acre?

Note: These projects may include marker buoys, moorings, navigational structures, docks, piers, floats, boat ramps, private dredging, boat houses, lobster pound, or shoreline work.

No

35. Will project activities be conducted during the time of year when roseate terns are likely to be present?

Note: roseate terns are likely to be present in Maine May 1 through Sept. 1; and in Connecticut, Massachusetts, New Hampshire, and Rhode Island April 15 through Oct. 15.

No

36. Will project activities include impacts to roseate tern nesting, roosting, or staging habitat that will negatively affect roseate tern's ability to use the habitat when they return to the site?

No

37. [Semantic] Does the project intersect the Virginia big-eared bat critical habitat?

Automatically answered

No

38. [Semantic] Does the project intersect the Indiana bat critical habitat?

Automatically answered

No

39. [Semantic] Does the project intersect the candy darter critical habitat?

Automatically answered

No

40. [Semantic] Does the project intersect the diamond darter critical habitat?

Automatically answered

No

41. [Semantic] Does the project intersect the Big Sandy crayfish critical habitat?

Automatically answered

No

42. [Hidden Semantic] Does the project intersect the Guyandotte River crayfish critical habitat?

Automatically answered

No

43. Do you have any other documents that you want to include with this submission?

No

PROJECT QUESTIONNAIRE

1. Approximately how many acres of trees would the proposed project remove?
0
2. Approximately how many total acres of disturbance are within the disturbance/
construction limits of the proposed project?
40
3. Briefly describe the habitat within the construction/disturbance limits of the project site.
Subtidal marine mud and sand bottom

IPAC USER CONTACT INFORMATION

Agency: Army Corps of Engineers
Name: matthew mroczka
Address: 696 Virginia rd
City: Concord
State: MA
Zip: 01742
Email: matthew.e.mroczka@usace.army.mil
Phone: 9783188537



United States Department of the Interior



FISH AND WILDLIFE SERVICE
Maine Ecological Services Field Office
P. O. Box A
East Orland, ME 04431
Phone: (207) 469-7300 Fax: (207) 902-1588

In Reply Refer To:

04/09/2025 19:49:01 UTC

Project Code: 2025-0081168

Project Name: Searsport Harbor Federal Navigation Project Maintenance Dredging

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

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

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2) (c)). For projects other than major construction activities, the Service suggests that a biological

evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<https://www.fws.gov/sites/default/files/documents/endangered-species-consultation-handbook.pdf>

Migratory Birds: In addition to responsibilities to protect threatened and endangered species under the Endangered Species Act (ESA), there are additional responsibilities under the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) to protect native birds from project-related impacts. Any activity, intentional or unintentional, resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the U.S. Fish and Wildlife Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)). For more information regarding these Acts, see <https://www.fws.gov/program/migratory-bird-permit/what-we-do>.

The MBTA has no provision for allowing take of migratory birds that may be unintentionally killed or injured by otherwise lawful activities. It is the responsibility of the project proponent to comply with these Acts by identifying potential impacts to migratory birds and eagles within applicable NEPA documents (when there is a federal nexus) or a Bird/Eagle Conservation Plan (when there is no federal nexus). Proponents should implement conservation measures to avoid or minimize the production of project-related stressors or minimize the exposure of birds and their resources to the project-related stressors. For more information on avian stressors and recommended conservation measures, see <https://www.fws.gov/library/collections/threats-birds>.

In addition to MBTA and BGEPA, Executive Order 13186: *Responsibilities of Federal Agencies to Protect Migratory Birds*, obligates all Federal agencies that engage in or authorize activities that might affect migratory birds, to minimize those effects and encourage conservation measures that will improve bird populations. Executive Order 13186 provides for the protection of both migratory birds and migratory bird habitat. For information regarding the implementation of Executive Order 13186, please visit <https://www.fws.gov/partner/council-conservation-migratory-birds>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Code in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

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

OFFICIAL SPECIES LIST

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

This species list is provided by:

Maine Ecological Services Field Office

P. O. Box A

East Orland, ME 04431

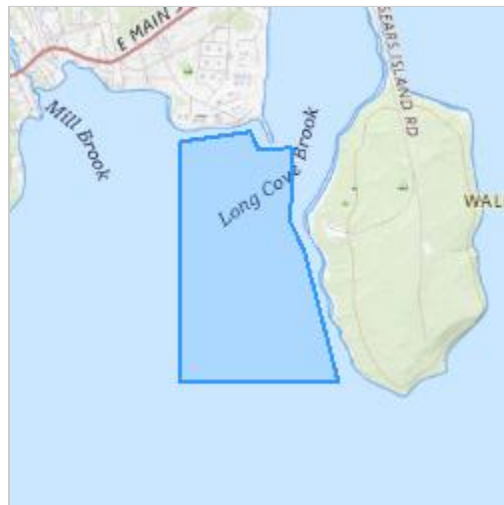
(207) 469-7300

PROJECT SUMMARY

Project Code: 2025-0081168
Project Name: Searsport Harbor Federal Navigation Project Maintenance Dredging
Project Type: Disposal Dredge Material
Project Description: USACE is proposing to dredge approximately 22,000 cubic yards of mixed sand and fine-grained sediments from shoaled areas totaling six acres within the Searsport Harbor FNP located in Searsport, Maine. These areas will be dredged to the authorized project depth of 35 feet at mean lower low water (MLLW) plus allowable over depth. It is expected that the unsuitable shoaled material will be mechanically dredged and placed in the nearby CAD cell and the suitable material from the creation of the CAD cell will be placed at the Rockland Disposal Site (RDS). The Federal Navigation project in Searsport Harbor consists of an entrance channel and turning basin that is 500-feet wide, 3,500 feet long, and 35 feet deep (MLLW). The entrance channel flares out to form a turning basin that is 1,500 feet wide and 35 feet deep (MLLW) in the inner harbor adjacent to Mack Point. Searsport Harbor is the largest deep draft commercial port north of Portland, Maine.

Project Location:

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@44.4404588,-68.90033345031418,14z>



Counties: Waldo County, Maine

ENDANGERED SPECIES ACT SPECIES

There is a total of 4 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

-
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

MAMMALS

NAME	STATUS
Northern Long-eared Bat <i>Myotis septentrionalis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9045	Endangered
Tricolored Bat <i>Perimyotis subflavus</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/10515	Proposed Endangered

BIRDS

NAME	STATUS
Roseate Tern <i>Sterna dougallii dougallii</i> Population: Northeast U.S. nesting population No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/2083	Endangered

INSECTS

NAME	STATUS
Monarch Butterfly <i>Danaus plexippus</i> There is proposed critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/9743	Proposed Threatened

CRITICAL HABITATS

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

YOU ARE STILL REQUIRED TO DETERMINE IF YOUR PROJECT(S) MAY HAVE EFFECTS ON ALL ABOVE LISTED SPECIES.

USFWS NATIONAL WILDLIFE REFUGE LANDS AND FISH HATCHERIES

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

THERE ARE NO REFUGE LANDS OR FISH HATCHERIES WITHIN YOUR PROJECT AREA.

BALD & GOLDEN EAGLES

Bald and Golden Eagles are protected under the Bald and Golden Eagle Protection Act 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.

1. The [Bald and Golden Eagle Protection Act](#) of 1940.
2. The [Migratory Birds Treaty Act](#) of 1918.
3. 50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)

There are 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.

- 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>

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). The incidental take of migratory birds is the injury or death of birds that results from, but is not the purpose, of an activity. The Service interprets the MBTA to prohibit incidental take.

-
1. The [Migratory Birds Treaty Act](#) of 1918.
 2. The [Bald and Golden Eagle Protection Act](#) of 1940.
 3. 50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)

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

NAME	BREEDING SEASON
Bald Eagle <i>Haliaeetus leucocephalus</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/1626	Breeds Dec 1 to Aug 31
Bay-breasted Warbler <i>Setophaga castanea</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA https://ecos.fws.gov/ecp/species/9583	Breeds May 25 to Aug 1
Black Guillemot <i>Cephus grylle</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/10412	Breeds May 15 to Sep 10
Black Scoter <i>Melanitta nigra</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/10413	Breeds elsewhere

NAME	BREEDING SEASON
<p>Black-billed Cuckoo <i>Coccyzus erythrophthalmus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9399</p>	Breeds May 15 to Oct 10
<p>Black-legged Kittiwake <i>Rissa tridactyla</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/10459</p>	Breeds elsewhere
<p>Bobolink <i>Dolichonyx oryzivorus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9454</p>	Breeds May 20 to Jul 31
<p>Canada Warbler <i>Cardellina canadensis</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9643</p>	Breeds May 20 to Aug 10
<p>Cape May Warbler <i>Setophaga tigrina</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA https://ecos.fws.gov/ecp/species/10571</p>	Breeds Jun 1 to Jul 31
<p>Chimney Swift <i>Chaetura pelagica</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9406</p>	Breeds Mar 15 to Aug 25
<p>Common Eider <i>Somateria mollissima</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/10457</p>	Breeds Jun 1 to Sep 30
<p>Common Loon <i>gavia immer</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/4464</p>	Breeds Apr 15 to Oct 31
<p>Double-crested Cormorant <i>phalacrocorax auritus</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/3478</p>	Breeds Apr 20 to Aug 31

NAME	BREEDING SEASON
<p>Evening Grosbeak <i>Coccothraustes vespertinus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9465</p>	Breeds May 15 to Aug 10
<p>Lesser Yellowlegs <i>Tringa flavipes</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9679</p>	Breeds elsewhere
<p>Long-tailed Duck <i>Clangula hyemalis</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/7238</p>	Breeds elsewhere
<p>Olive-sided Flycatcher <i>Contopus cooperi</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/3914</p>	Breeds May 20 to Aug 31
<p>Prairie Warbler <i>Setophaga discolor</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9513</p>	Breeds May 1 to Jul 31
<p>Purple Sandpiper <i>Calidris maritima</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9574</p>	Breeds elsewhere
<p>Razorbill <i>Alca torda</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/10461</p>	Breeds Jun 15 to Sep 10
<p>Red Phalarope <i>Phalaropus fulicarius</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/10469</p>	Breeds elsewhere
<p>Red-breasted Merganser <i>Mergus serrator</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/10693</p>	Breeds elsewhere

NAME	BREEDING SEASON
<p>Red-throated Loon <i>Gavia stellata</i></p> <p>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.</p> <p>https://ecos.fws.gov/ecp/species/9589</p>	Breeds elsewhere
<p>Ring-billed Gull <i>Larus delawarensis</i></p> <p>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.</p> <p>https://ecos.fws.gov/ecp/species/10468</p>	Breeds elsewhere
<p>Rose-breasted Grosbeak <i>Pheucticus ludovicianus</i></p> <p>This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA</p> <p>https://ecos.fws.gov/ecp/species/11965</p>	Breeds May 15 to Jul 31
<p>Roseate Tern <i>Sterna dougallii</i></p> <p>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.</p> <p>https://ecos.fws.gov/ecp/species/10661</p>	Breeds May 10 to Aug 31
<p>Semipalmated Sandpiper <i>Calidris pusilla</i></p> <p>This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA</p> <p>https://ecos.fws.gov/ecp/species/9603</p>	Breeds elsewhere
<p>Surf Scoter <i>Melanitta perspicillata</i></p> <p>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.</p> <p>https://ecos.fws.gov/ecp/species/10463</p>	Breeds elsewhere
<p>Thick-billed Murre <i>Uria lomvia</i></p> <p>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.</p> <p>https://ecos.fws.gov/ecp/species/10700</p>	Breeds Apr 15 to Aug 15
<p>Veery <i>Catharus fuscescens fuscescens</i></p> <p>This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA</p> <p>https://ecos.fws.gov/ecp/species/11987</p>	Breeds May 15 to Jul 15
<p>Whimbrel <i>Numenius phaeopus hudsonicus</i></p> <p>This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA</p> <p>https://ecos.fws.gov/ecp/species/11991</p>	Breeds elsewhere

NAME	BREEDING SEASON
White-winged Scoter <i>Melanitta fusca</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/10462	Breeds elsewhere
Willet <i>Tringa semipalmata</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/10669	Breeds Apr 20 to Aug 5
Wood Thrush <i>Hylocichla mustelina</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9431	Breeds May 10 to Aug 31

PROBABILITY OF PRESENCE SUMMARY

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

Probability of Presence (■)

Green bars; the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during that week of the year.

Breeding Season (■)

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

Survey Effort (|)

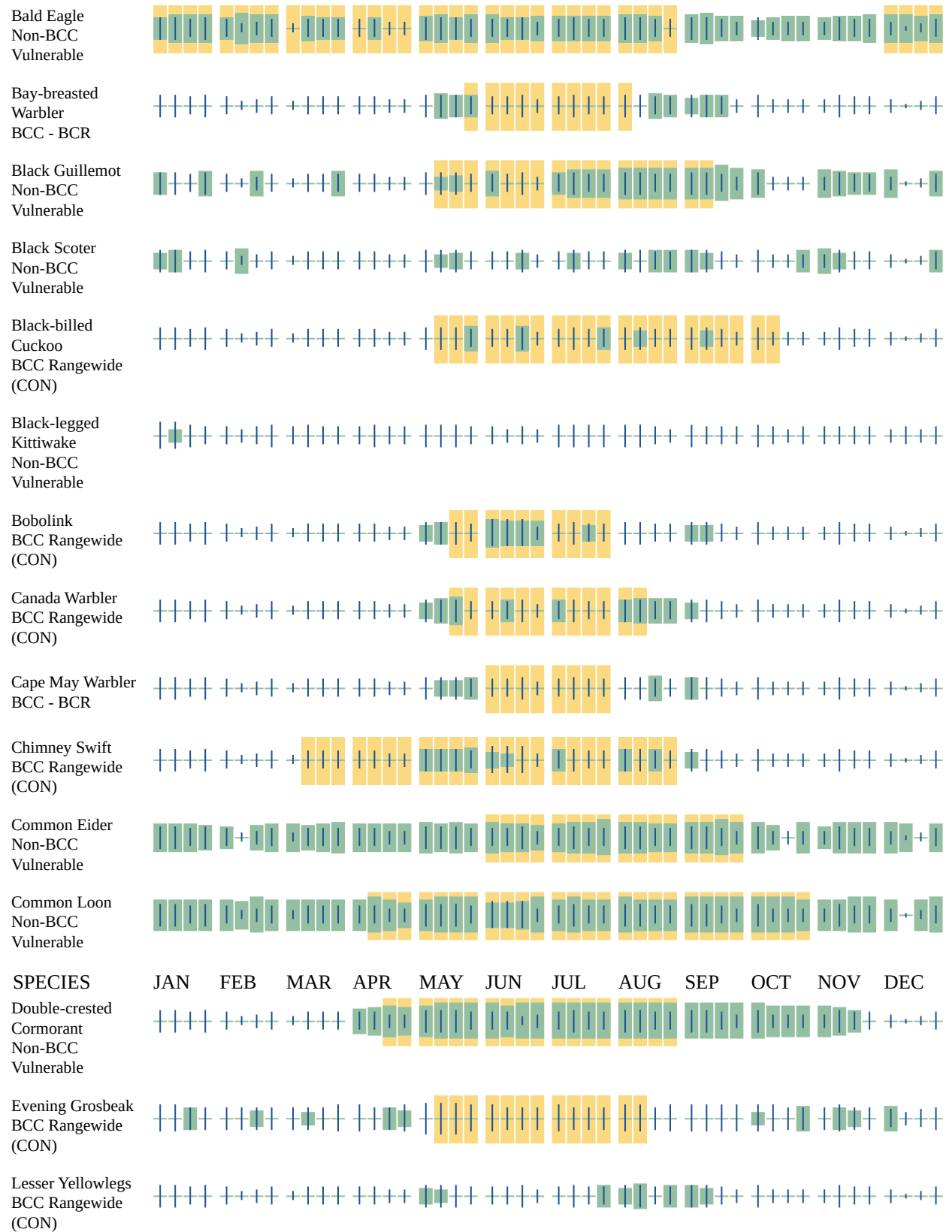
Vertical black lines; the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps.

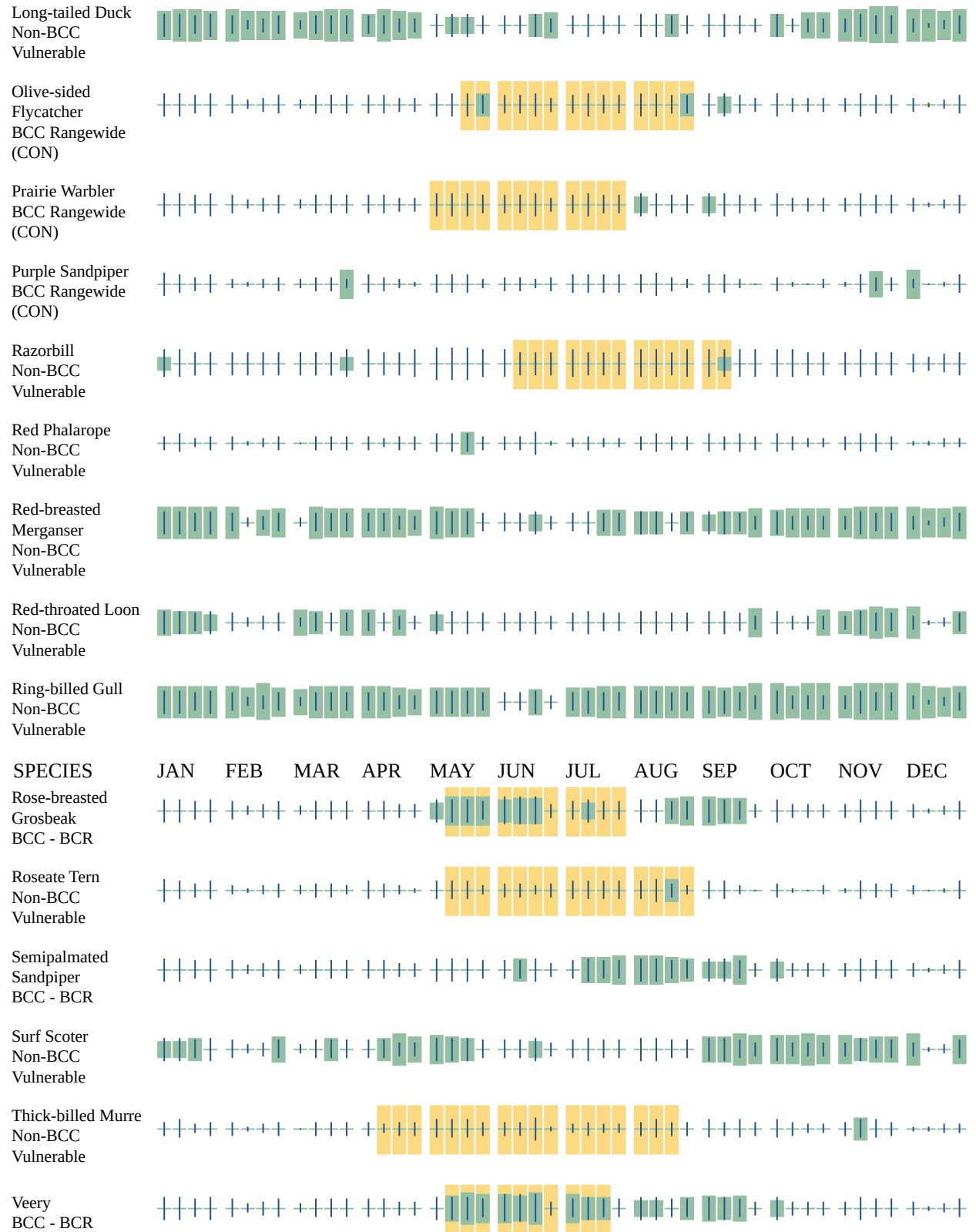
No Data (—)

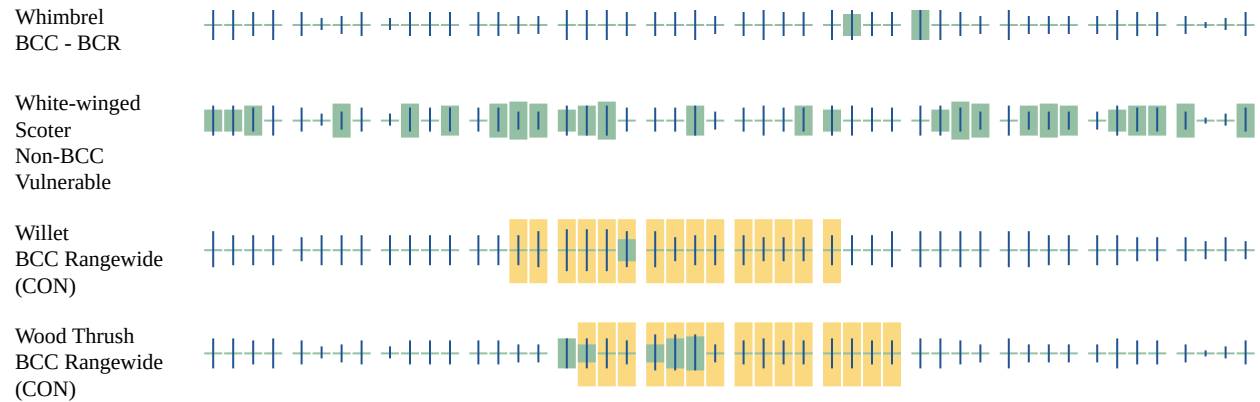
A week is marked as having no data if there were no survey events for that week.

■ probability of presence ■ breeding season | survey effort — no data

SPECIES JAN FEB MAR APR MAY JUN JUL AUG SEP OCT NOV DEC







Additional information can be found using the following links:

- Eagle Management <https://www.fws.gov/program/eagle-management>
- Measures for avoiding and minimizing impacts to birds <https://www.fws.gov/library/collections/avoiding-and-minimizing-incident-take-migratory-birds>
- Nationwide 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>

WETLANDS

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.

ESTUARINE AND MARINE DEEPWATER

- M1UBL

ESTUARINE AND MARINE WETLAND

- M2AB1N

IPAC USER CONTACT INFORMATION

Agency: Army Corps of Engineers
Name: matthew mroczka
Address: 696 Virginia rd
City: Concord
State: MA
Zip: 01742
Email: matthew.e.mroczka@usace.army.mil
Phone: 9783188537