BIOLOGICAL ASSESSMENT

Louisiana International Terminal Project
St. Bernard Parish, Louisiana

April 29, 2025

Prepared for

The Port of New Orleans

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ACRONYMS AND ABBREVIATIONS

BA	Biological Assessment
BMP	Best Management Practices
CDBG	Community Development Block Grant
CPMU	Coastal Plan Management Unit
cfs	cubic feet per second
CFR	Code of Federal Regulations
EBR	Eastern Black Rail
EDGE	Edge Engineering and Science, LLC
ESA	Endangered Species Act
°F	Fahrenheit
Fed. Reg.	Federal Register
FERC	Federal Energy Regulatory Commission
Gulf	Gulf of America
IPaC	Information for Planning and Consultation
LDWF	Louisiana Department of Wildlife and Fisheries
LIT	Louisiana International Terminal
LMR	lower Mississippi River
LWRP	Low Water Reference Plane
MARAD	Maritime Administration
MMPA	Marine Mammal Protection Act
MU	Management Units
NAAQS	National Ambient Air Quality Standards
NAVD	North American Vertical Datum
NEPA	National Environmental Policy Act
NMFS	National Marine Fisheries Service
NOAA	National Oceanic and Atmospheric Administration
ONRW	Outstanding Natural Resource Water
Port	The Port of New Orleans
RM	River Mile
SPCC	Spill, Prevention, Control, and Countermeasures
SPC	Spill Prevention Control
SSA	Species Status Assessment
SWPPP	Stormwater Pollution Prevention Plan
SSURGO	Soil Survey Geographic database
TEU	twenty-foot equivalent unit
U.S.C.	United States Code
USACE	U.S. Army Corps of Engineers
USDA-NRCS	U.S. Department of Agriculture, Natural Resources Conservation Service
USEPA	U.S. Environmental Protection Agency

USFWS	U.S. Fish and Wildlife Service
USGS	U.S. Geological Survey
WDP	Wildlife Diversity Program

EXECUTIVE SUMMARY

Proposed Action Overview

The Port of New Orleans (Port) proposes to develop a new container terminal (the Louisiana International [LIT] Terminal) in Violet, Louisiana (St. Bernard Parish), on the left descending bank of the Mississippi River near River Mile (RM) 83. The Project would consist of a three-berth modern container terminal, with 2 million TEU (twenty-foot equivalent unit) container annual capacity at full buildout. When operational, the terminal would encompass approximately 615 acres, with major features including approximately 3,600 linear feet of wharf, vehicular ramps spanning between the wharf and the container yard and associated administrative buildings, a rail yard and rail spurs, vehicular access from E. Judge Perez Highway (LA 39), and a relocated portion of E. St. Bernard Highway (LA 46). The Project is subject to federal permitting under the U.S. Army Corps of Engineers (USACE) and the Port has been awarded $300 million in federal funding from the Maritime Administration (MARAD). The project is currently under review in accordance with the National Environmental Policy Act (NEPA).

Action Area Location

For purposes of consultation under Endangered Species Act (ESA) Section 7, the Action Area is defined as "all areas to be affected directly or indirectly by the federal action and not merely the immediate area involved in the action" (50 Code of Federal Regulations [CFR] § 402.02). The Action Area currently considered for the Project is the terminal site itself, as well as a 3-mile buffer centered on the terminal site, as well as a portion of the Mississippi River, which extends approximately 7.3 miles downstream of the terminal site (to approximately Belle Chasse). This Action Area includes the anticipated maximum extent of construction and operational sound and lighting at the terminal, as well as downstream turbidity and sedimentation from in-water construction.

Summary of Effects Determination

The determination of effect is a finding of a federal agency based on their assessment of resources protected under the ESA. Determinations for the proposed Project are identified in Table ES-1 and consider: 1) data from the United States Fish and Wildlife Service (USFWS) Information for Planning and Consultation system and the state wildlife agency, 2) habitat requirements and known or suspected distribution of these species within the Action Area, 3) analysis of potential habitat for each species in the Action Area, and/or 4) general habitat surveys. No critical habitat is present within the Project area.

Table ES-1. Summary of Federally Listed and Proposed Species Included in Analysis and Findings

Species	Scientific Name	Status	Findings Summary
West Indian Manatee	*Trichelus manatus latirostris*	FT	May affect, not likely to adversely affect
Eastern Black Rail	*Laterallus jamaicensis ssp. jamaicensis*	FT	May affect, not likely to adversely affect
Pallid Sturgeon	*Scaphirhynchus albus*	FE	May affect, not likely to adversely affect
Tricolored Bat	*Perimyotis subflavus*	PE	Not likely to jeopardize
Alligator Snapping Turtle	*Macrochelys temminckii*	PT	Not likely to jeopardize
Monarch Butterfly	*Danaus plexippus*	PT	Not likely to jeopardize
FE = Federally Endangered; FT = Federally Threatened; PE = Proposed Endangered; PT = Proposed Threatened			

1. INTRODUCTION

The Port of New Orleans (Port) proposes to develop a new container terminal (the Louisiana International [LIT] Terminal) in Violet, Louisiana (St. Bernard Parish), on the left descending bank of the Mississippi River near River Mile (RM) 83. The Project would consist of a three-berth modern container terminal, with 2 million TEU (twenty-foot equivalent unit) container annual capacity at full buildout. When operational, the terminal would encompass approximately 615 acres, with major features including approximately 3,600 linear feet of wharf, vehicular ramps spanning between the wharf and the container yard and associated administrative buildings, a rail yard and rail spurs, vehicular access from LA 39, and a relocated portion of LA 46. The Project is subject to federal permitting under the U.S. Army Corps of Engineers (USACE) and the Port has been awarded $300 million in federal funding from the Maritime Administration (MARAD). The project is currently under review in accordance with the National Environmental Policy Act (NEPA).

Section 7 of the Endangered Species Act (ESA) states that any project authorized, funded, or conducted by any federal agency should not "jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of habitat of such species which is determined…to be critical." The USACE is required to consult with the United States Fish and Wildlife Service (USFWS) and the National Oceanic and Atmospheric Administration (NOAA), National Marine Fisheries Service (NMFS), as applicable, to determine whether any federally listed or proposed endangered or threatened species or their designated critical habitats occur near and may be affected by the proposed Project. If it is determined that these species or habitats might be affected by the proposed Project, the USACE must request to initiate consultation with the USFWS and/or NMFS. The nature and extent of effects and recommended measures that would avoid or reduce potential effects on the species and their designated critical habitats are discussed in this Biological Assessment (BA) to determine whether the effects would likely jeopardize any listed species or result in the destruction or adverse modification of designated critical habitat. After review of the relevant information, the USFWS and/or NMFS would issue a concurrence letter through informal consultation or a Biological Opinion through formal consultation on the potential for jeopardy. The USFWS and/or NMFS may also issue an incidental take statement as an exception to the takings prohibitions in Section 7 of the ESA.

The purpose of this BA is to analyze the effects of the Project on species listed as threatened or endangered under the ESA (16 United States Code [U.S.C.] 1531 et seq.), as well as those currently proposed for such listing. Three federally listed species (the pallid sturgeon [*Scaphirhynchus albus*], West Indian manatee [*Trichechus manatus latirostris*], and eastern black rail [*Laterallus jamaicensis ssp. jamaicensis*]) and three proposed species (tricolored bat [*Perimyotis subflavus*], alligator snapping turtle [*Macrochelys temminckii*], and the monarch butterfly [*Danaus plexippus*]) were identified as potentially occurring in the Project area. Details on the ecology of these species and the potential effects of the Project on populations and

habitats are provided below. There would be no effect to marine species under the jurisdiction of NMFS from construction and operation of the LIT Terminal and they are not discussed further in this BA.

This document contains a description of the proposed Project and the Action Area; environmental baseline conditions; a description of the federally listed species potentially occurring within the Action Area; an analysis and justification of anticipated Project effects to listed species; and results of relevant reports and studies. A consultation history for the Project is identified in Section 1.1 and records of consultation are provided in Appendix A.

1.1. Consultation History

Coordination regarding potential Project impacts on federally protected species began in September 2024. Records of relevant consultations are included in Appendix A and summarized below; consultation with state agencies is included where federally listed, proposed, or candidate species are noted.[1]

- October 1, 2024: Edge Engineering and Science, LLC (EDGE) obtained a species list through the Information for Planning and Consultation system (IPaC) to support a technical assistance request for the Project. Three federally listed species (the pallid sturgeon, West Indian manatee, and eastern black rail), two proposed species (tricolored bat and alligator snapping turtle), and one candidate insect (monarch butterfly) were identified as potentially occurring in the Project area.
- October 1, 2024: EDGE received a consistency letter for the Project indicating that, based on the results of the determination key, the Project is not likely to adversely affect the pallid sturgeon and West Indian manatee. The consistency letter also indicated that further coordination is needed for the eastern black rail.
- October 2, 2024: A records review for the Project was requested from the Louisiana Department of Wildlife and Fisheries (LDWF) Wildlife Diversity Program (WDP) to determine any known occurrences of listed species in the Action Area.
- October 10, 2024: The LDWF WDP provided a letter indicating that "no impacts to rare, threatened, or endangered species or critical habitats are anticipated for the proposed project" based on their database review.

[1] The USACE also separately consulted with the USFWS regarding potential impacts on listed species for geotechnical and surcharge activities at the Project site. These consultations occurred under Project number MVN-2021-00270. The standard permit (issued March 13, 2023) included special conditions for the West Indian manatee and the black rail.

- November 25, 2024: EDGE received a consistency letter for the Project indicating that, based on the results of the determination key, further coordination is needed for the tricolored bat.
- January 7, 2025: A request for technical assistance was submitted to the U.S. Fish and Wildlife Service by the Port to identify any species-specific concerns or suggested mitigation measures.
- January 8, 2025: The USACE confirmed receipt of the Port's technical assistance request letter to the USFWS.
- January 8-13, 2025: The Migratory Bird Office indicated that it defers to the Endangered Species Office to provide technical assistance on the black rail, and indicated that it does not maintain a database of bald eagle nests.
- March 26, 2025: EDGE obtained an updated species list and updated consistency letters through IPaC to account for the age of the original species list and to modify the Action Area to account for the potential use of an additional sand resource downstream in the Mississippi River. The only change was the status change for the monarch butterfly (from candidate to proposed threatened).

2. DESCRIPTION OF THE PROPOSED ACTION

As previously discussed, the Port proposes to develop the LIT Terminal along the Mississippi River, in St. Bernard Parish. Specifically, the LIT Terminal would be located in Violet, Louisiana, on the left descending bank of the Mississippi River near RM 83. The Project would consist of a three-berth modern container terminal, with 2 million TEU container annual capacity at full buildout.

Construction of the terminal would affect approximately 615 acres of upland, wetland, and riverine habitat, bounded by the Mississippi River to the west, the 40 Arpent Canal to the east, the Violet Canal/levee and neighborhoods to the north, and wooded habitat and neighborhoods to the south. Additionally, two sand harvesting areas would be used within the Mississippi River, encompassing 413.9 acres of Waters of the U.S., which includes the 100-acre turning basin along the west bank of the river across from the Project site. When operational, the terminal's major features would include approximately 3,600 linear feet of wharf, vehicular ramps spanning between the wharf and the container yard and associated administrative buildings, a rail yard and rail spurs, vehicular access from LA 39, and a relocated portion of LA 46. The Project site, including vegetation coverage, is shown in Figure 2-1. The sand harvesting areas and turning basin are shown in Figure 2-2.

The proposed LIT Terminal would allow for the Port to meet the growing need for shipping container movement in the U.S. in general, and in the Mississippi River specifically, which would provide goods to support Louisiana's homes and businesses. The new terminal would

enable the Port to serve the larger ships that are coming into service, which would allow the Port to remain competitive in the industry and avoid the loss of significant economic benefits (jobs, state taxes, and industry sales) that are currently enjoyed by the State.

The Port anticipates phased construction of the LIT Terminal beginning as early as 2025, or shortly after necessary permits are obtained. The LIT Terminal is anticipated to open in 2028 with one ship berth (wharf), and a throughput of 180,000 to 280,000 containers during the first year. While the first portion of the terminal is in operation, the remainder of the terminal would be constructed and opened in phases over time. The terminal is expected to reach its annual throughput capacity of 1.2 million containers (2 million TEU) per year about 25 years after opening.

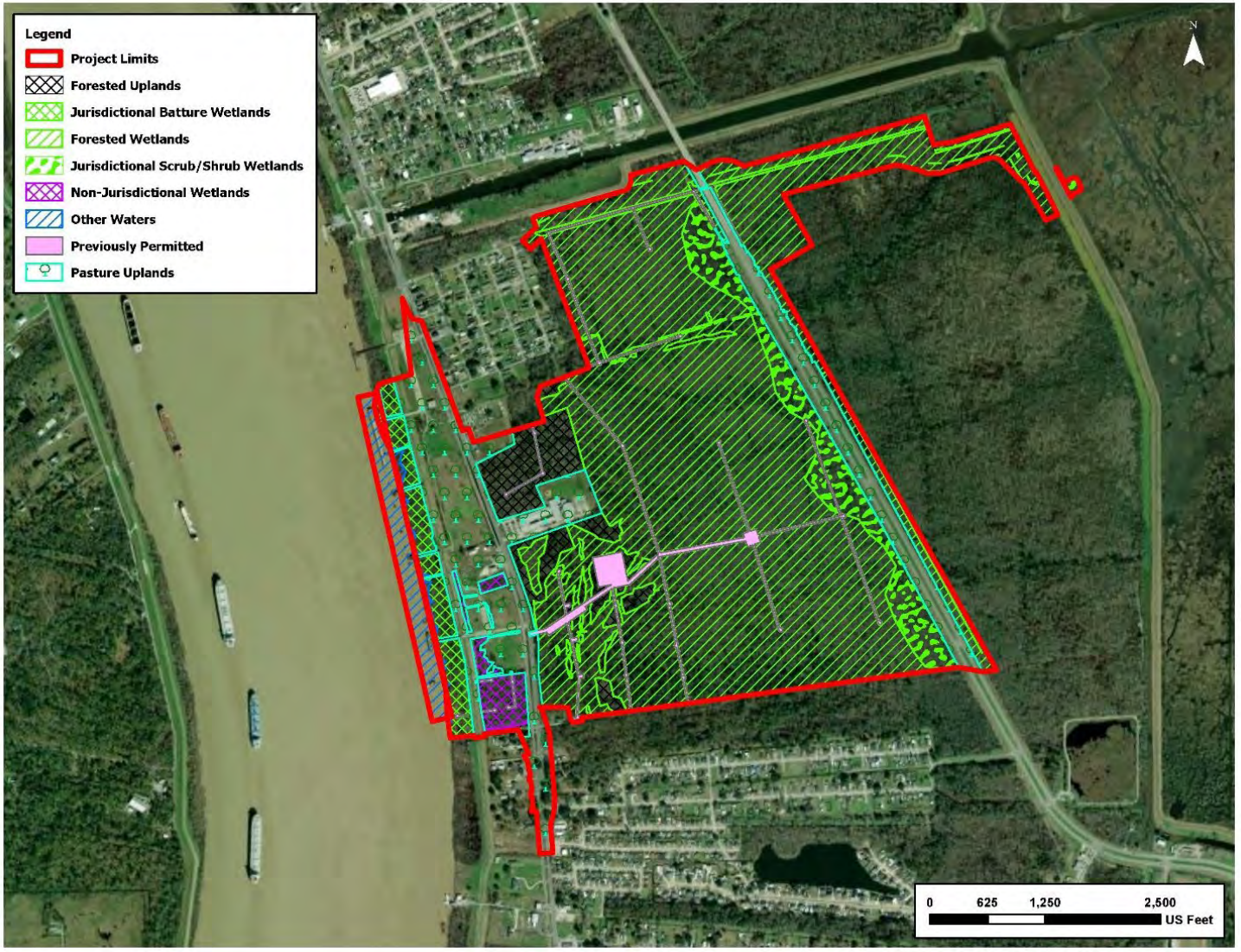

Figure 2-1. Project Site and Vegetation Coverage.

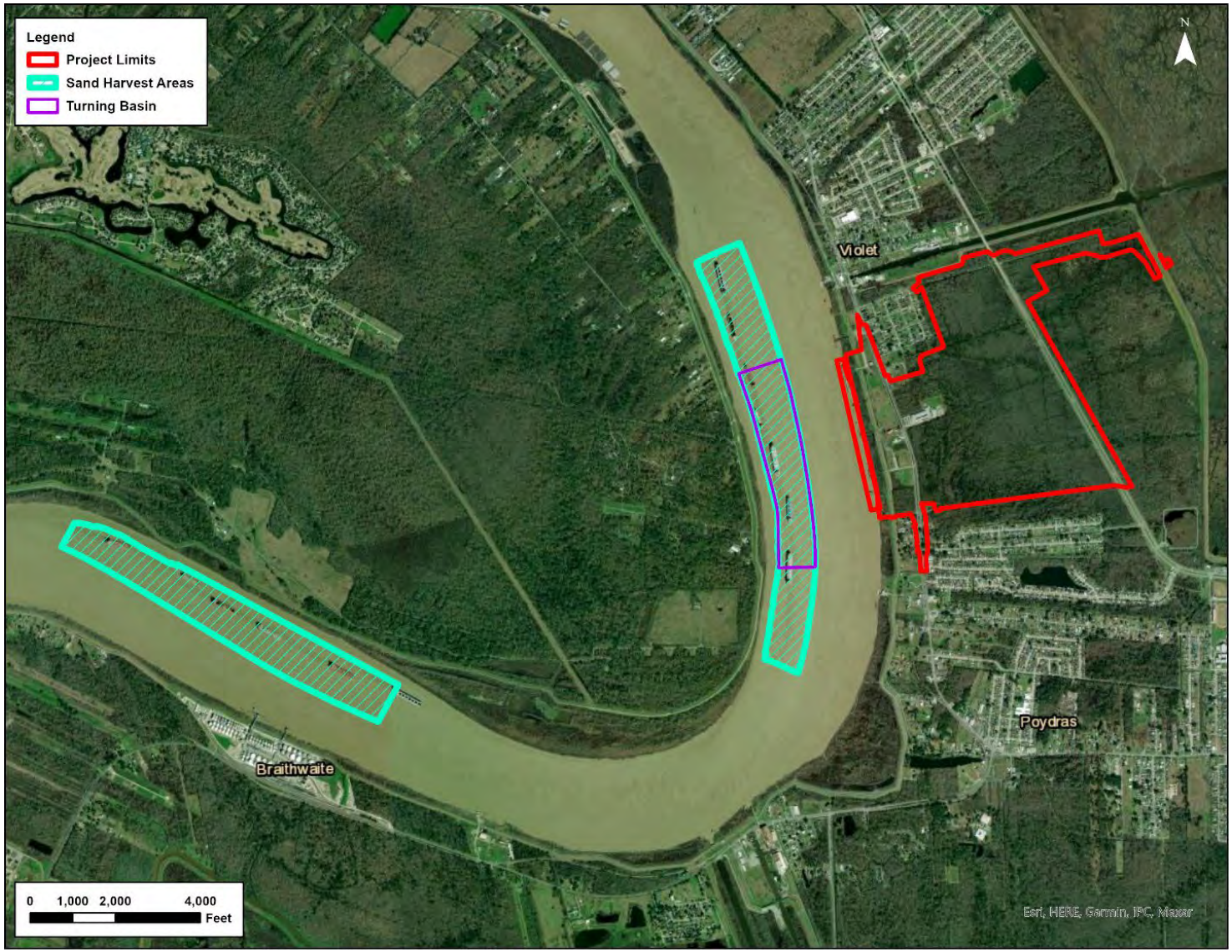

Figure 2-2. Sand Harvest Borrow Sites and Turning Basin Dredging limits in the Mississippi River

3. DESCRIPTION OF THE ACTION AREA

The Action Area currently considered for the Project is the terminal site itself, as well as a 3-mile buffer centered on the terminal site, as well as a portion of the Mississippi River which extends approximately 7.3 miles downstream of the terminal site (to approximately Belle Chasse). This Action Area includes the anticipated maximum extent of construction and operational sound and lighting at the terminal, as well as downstream turbidity and sedimentation from in-water construction (see Figure 3-1). The new container terminal is estimated to increase container ship traffic in the Mississippi River, adding vessels incrementally over time by up to 500 vessels per year if operating at full capacity.[2] That amounts to a 2.5 percent increase in the roughly 20,000 deep-draft vessels estimated to ply the channel annually. The origin of these vessels is not currently known; however, because the slight increase in traffic is unlikely to result in unique stressors or measurably increased risk to aquatic species outside of the currently considered Action Area, impacts from vessels traveling through the Gulf of America (Gulf) and elsewhere in the Mississippi River are not considered further.

[2] The Project will be constructed in 3 phases, such that full operationally capacity will not be achieved for several years after construction begins.

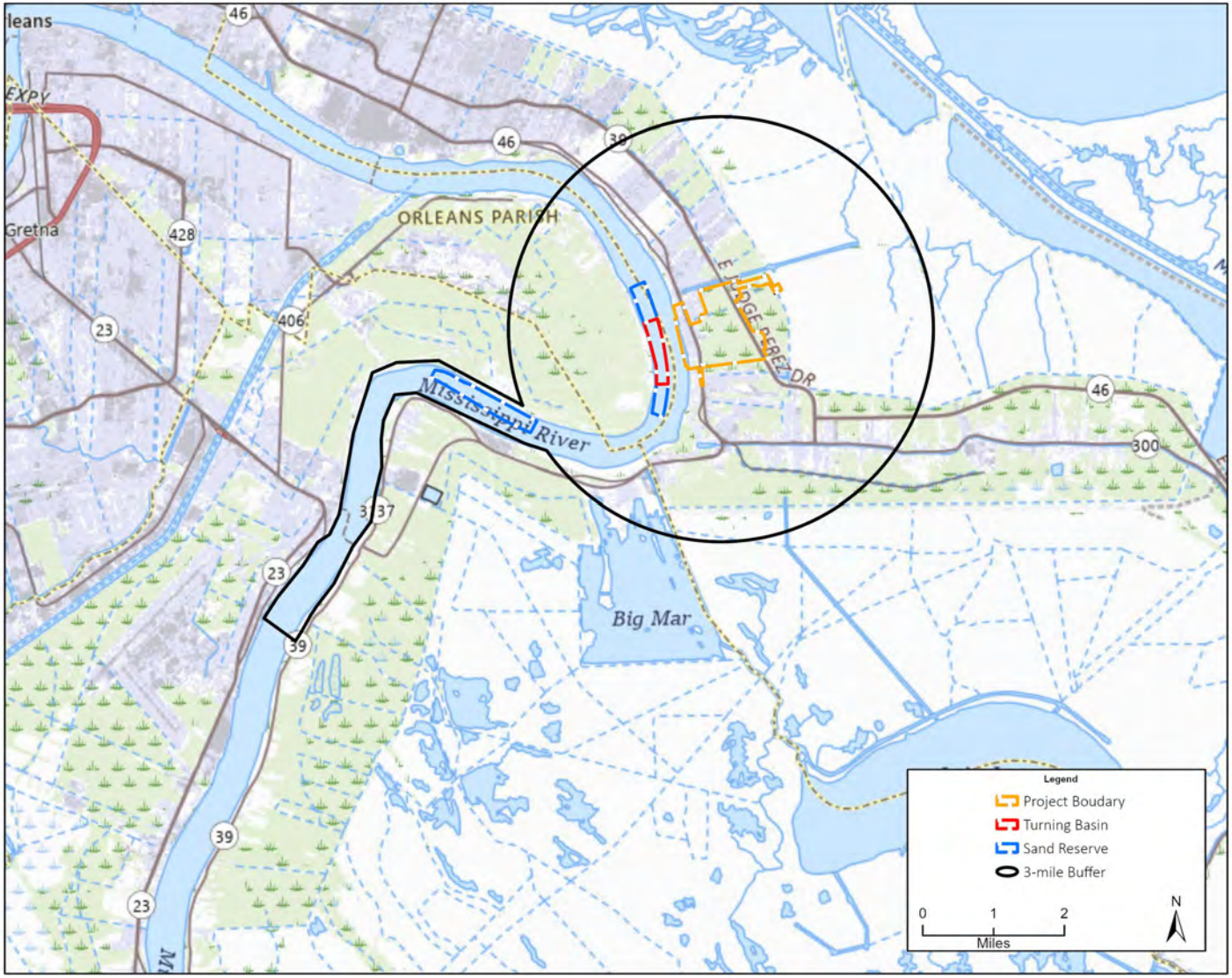

Figure 3-1. Louisiana International Terminal – Action Area

4. SPECIES AND CRITICAL HABITAT CONSIDERED

An official species list was obtained on October 1, 2024, from the USFWS IPaC website for the Action Area, as described above. Table 4-1 lists all species identified as potentially occurring in the Action Area. No designated critical habitat occurs within the general Project area. A brief discussion of species that are not considered further in this BA is presented after the table.

Table 4-1. Federally Listed or Proposed Species Associated with the Project

Common Name	Scientific Name	Federal Status
Birds		
Eastern black rail	*Laterallus jamaicensis ssp. jamaicensis*	Threatened
Bats		
Tricolored bat	*Perimyotis subflavus*	Proposed Endangered
Mammals		
West Indian manatee	*Trichechus manatus latirostris*	Threatened
Reptiles		
Alligator snapping turtle	*Macrochelys temminckii*	Proposed Threatened
Fish		
Pallid sturgeon	*Scaphirhynchus albus*	Endangered
Insects		
Monarch butterfly	*Danaus plexippus*	Proposed Threatened

4.1. West Indian Manatee

4.1.1. Species Status and Description

The West Indian manatee (*Trichechus manatus*) was initially listed as an endangered species in 1967 and reclassified as threatened under the ESA in 2017 (USFWS 2008, 82 Federal Register [Fed. Reg.] 16668 [April 5, 2017]). The manatee is also federally protected under the Marine Mammal Protection Act (MMPA).

Manatees are large marine mammals, with skin that is typically grayish brown in color, wrinkled, and rubber-like. This species is known for its large, barrel-shaped size and docile behavior. Adult manatees average about 9.8 feet in length and 2,200 pounds in weight. Manatees have two paddle-like forelimbs (i.e., flippers) and a large, horizontally flattened, and round spatula-shaped tail. Manatees are often observed with unique markings or scarring on their backs, this is due to vessel strikes (USFWS 2024a, LDWF 2024a).

This species occurs in the southeastern region of the United States, eastern Mexico, and in patchy distribution throughout the Caribbean, but predominantly occurs in Florida. The total range-wide population of manatees is estimated at 13,000. Current anthropogenic threats to manatees include vessel strikes, habitat loss, and entanglement in fishing gear. Natural threats to manatees include cold temperatures, harmful algal such as red tide blooms, and extreme weather such as tropical storms and hurricanes (USFWS 2008).

4.1.2. Life History

Male manatees reach reproductive maturity between 3 and 5 years of age and females can reproduce at 4 to 5 years of age, however, are most successful after 7 to 9 years of age. The gestation period for this species is approximately 13 months. Manatees give birth every 2 to 5 years; usually a single calf is born but twins do occur. Calves may be born at any time of the year and remain with their mother for up to 2 years. Manatees are herbivorous; after nursing and throughout their life, their diet consists solely of aquatic vegetation such as cordgrass, eelgrass, and seagrasses (USFWS 2008).

4.1.3. Habitat and Range

Manatees inhabit estuaries, saltwater bays, slow-moving rivers and river mouths, canals, and coastal areas alike. Manatees are typically found in warmer waters with depths of less than 33 feet (Miksis-Olds et al. 2007). The species will migrate to warmer waters during winter months as they cannot tolerate water temperatures below 68 degrees Fahrenheit (°F) for prolonged periods of time. In the Gulf manatees most commonly occur in Florida, although they occasionally occur in Georgia, Mississippi, Louisiana, and as far west as Texas (USFWS 2024a).

In Louisiana, manatees typically occur during the summer months when coastal waters are at their warmest. The LDWF has taken precautions to protect manatees near the Louisiana coast by installing signs at boat docks near coastal waterways to warn boaters to proceed with caution. Most Louisiana manatee sightings occur east of the Mississippi River (Wilson 2003).

4.1.4. Presence in the Action Area

The Mississippi River along the Project site consists of swift moving waters and softbottom riverine habitat, lacking aquatic vegetation and seagrasses typical of suitable habitat for the manatee. Although the waters east of the terminal site are slow-moving and have some vegetation, there is limited potential for manatees to travel into that area given the presence of higher marsh. Therefore, although there is the potential for manatees to occur in the Mississippi River or adjacent areas, they are unlikely to be found in the Action Area.

4.1.5. Critical Habitat

The Project area is not within designated critical habitat for the West Indian manatee.

4.2. Eastern Black Rail

4.2.1. Species Status and Description

The eastern black rail (*Laterallus jamaicensis ssp. Jamaicensis*; EBR) was listed as a threatened species in 2020 (85 Fed. Reg. 63764 [October 8, 2020]). The EBR is the smallest rail in North America and both female and male adults are similar in size. Adults average approximately 4 to 6 inches in length, weigh approximately 1.2 ounces, and have an average wingspan of approximately 8.7 to 11 inches (Eddleman et al. 1994, USFWS 2024b). Adult EBRs are gray to black in color with white speckles on their wings, a small blackish bill, bright red eyes, and dusty pink or wine-colored legs. EBR chicks are covered with a black down that has an oily green sheen and amber or hazel eyes until 3 months of age (USFWS 2024b). The primary threats to this species include habitat loss and destruction, sea-level rise and tidal flooding, incompatible land management, and increasing storm intensity and frequency (USFWS 2020a).

4.2.2. Life History

This species has four life stages including egg, chick, juvenile (hatch-year), and adult. Egg-laying and incubation for this species primarily occurs from May to August, with some early nesting documented during March and April. Male and female EBRs select the nesting site together, and construct nests in a dome shape from live and dead emergent, herbaceous plants, with a ramp structure of dead vegetation on one side. Nests are typically well hidden and positioned over moist soil or shallow water (USFWS 2024b). The clutch size for the EBR is seven eggs on average but can vary between 4 and 13 eggs per clutch. Eggs are described as buffy white, to pinkish white, and dotted with evenly distributed brown spots. Both male and female EBR incubate the eggs, and the egg stage lasts for approximately 26 days (7 days of egg-laying and 19 days of incubation) (USFWS 2019b).

The chick stage occurs from approximately May through September and the juvenile stage begins when a chick has fledged and is independent from its parents. Juvenile EBRs obtain mature plumage by 3 months of age. This species reaches sexual maturity, or adult stage, in the spring after their hatch-year when they obtain breeding plumage. The EBR is estimated to have a life span of 5 to 9 years (USFWS 2024b, 2019b).

4.2.3. Habitat and Range

The EBR is described as a secretive marsh bird and their occupied habitats are reflective of the species' movement habits. EBRs require dense vegetation cover that allows for movement underneath the canopy. These birds primarily remain on the ground, running quickly through dense vegetation, and typically only fly when being pursued. The EBR is described as secretive for these behaviors. This species is found in a variety of habitats including salt, brackish, and freshwater marsh that can be tidally or non-tidally influenced. Habitat suitability for this species considers plant structure over plant species composition. Within coastal habitats, the preferred vegetation height is typically less than or about 3.3 feet tall. Habitat along the Gulf coast is

commonly within higher elevation wetlands consisting of some shrubby vegetation. Marsh habitat that is closer to higher elevation areas (e.g., impounded and unimpounded intermediate marshes), also provides habitat for the EBR. Other, less documented areas that may provide habitat for the species include inland coastal prairies and associated wetlands (USFWS 2024b).

Historically the EBR ranged across the eastern, northeastern, central, and southern U.S., as well as within Canada, the Caribbean, and within Central America. Within the northeastern U.S., historical records of the EBR document the species presence during breeding months. Throughout the southeast region, the EBR historically occurred within North Carolina, South Carolina, Georgia, Florida, Tennessee, Mississippi, Alabama, Louisiana, and Texas during breeding months. Of this range, 89 percent of historical observations were recorded within the southeastern states including Texas, Florida, South Carolina, and North Carolina. The remaining states (Georgia, Tennessee, Mississippi, Alabama, and Louisiana) are considered to be on the peripheries of known breeding areas or do not have consistent historical records of the species. The current range of this species within the southeastern states primarily consists of Texas and Florida, as the species is recorded to be in a severe decline in North Carolina and has a limited distribution within the remaining states (USFWS 2020a).

Louisiana is considered to be at the periphery of the known breeding range for the black rail (USFWS 2020a), with only a small number of credible observation records known from the State. In 2016, Louisiana was estimated to support up to 10 breeding pairs; however, more recent surveys conducted during the breeding and non-breeding seasons in 2017 and 2018 recorded black rails at 21 of the 152 survey points, confirming the presence of a small year-round population of black rails in Louisiana (Johnson and Lehman 2021). The few documented occurrences are concentrated in and around southwest Louisiana, in Cameron and Vermilion Parishes (USFWS 2020a, 2019a). Within the Project site, most of the habitat is unsuitable bottomland forested habitat; however, some areas on the eastern side of the 40 Arpent Canal include scrub-shrub wetland intermixed with emergent wetlands, such that potential habitat may be present in limited amounts.

4.2.4. Presence in the Action Area

Although neither the LDWF's Rare Species and Natural Communities by Parish Database (LDWF 2024b), nor the LDWF WDP database (see Appendix A) have records of the species within the Project Parish or Action Area, respectively, the USFWS' IPaC system indicates the potential for its occurrence within the Action Area. Within the Project site, most of the habitat is unsuitable bottomland forested habitat; however, some areas on the eastern side of the 40 Arpent Canal include scrub-shrub wetland intermixed with emergent wetlands, such that potential habitat may be present in limited amounts.

4.2.5. Critical Habitat

There is currently no designated critical habitat for the eastern black rail. At the time of listing, the USFWS determined that designating critical habitat for the species was not prudent. This is

primarily due to the rare and elusive nature of the species, which makes them highly sought after by birders, and although infrequent, instances of trespassers seeking out the bird have been documented on private and public lands closed to the public to protect nesting EBRs. The USFWS has determined that the benefits from designating EBR critical habitat do not outweigh the increased threats from making nesting area locations readily available to the public (USFWS 2020b).

4.3. Pallid Sturgeon

4.3.1. Species Status and Description

The pallid sturgeon (*Scaphirhynchus albus*) was listed as an endangered species in 1990 (55 Fed. Reg. 36641 [September 6, 1990]). The original recovery plan for the species was approved in 1993 and later revised in 2014 (79 Fed. Reg. 12213 [March 4, 2014]). Since the species listing in 1990, the status of the pallid sturgeon has improved, and the population is currently in a stable condition (USFWS 2014). The recovery plan for the species outlines four management units (MU): the Great Plaines MU; Central Lowlands MU; Interior Highlands MU; and the Coastal Plain MU (CPMU). The CPMU includes the lower Mississippi River (LMR) from the confluence of the Ohio River in Illinois to the Gulf. The pallid sturgeon population size in the LMR has not been quantified; however, collection efforts taken place from 2000 to 2006 recorded approximately 500 individuals in the LMR (Killgore 2007, USACE 2013). New Orleans is considered the downstream limit of this species range, with diminishing habitat quality south of the city (USFWS 2014).

The pallid sturgeon is described as a large, benthic, riverine fish. This species can grow up to 6 feet in length and has an average weight of 80 pounds. Pallid sturgeons have a long flat head and rows of hard, bony scutes along their body, instead of scales. The tail of this species is described as long and slender. This species does not have teeth, rather their mouth acts like a vacuum to suck up prey. Pallid sturgeon are commonly identified by their “dinosaur-like” appearance and characteristics (USFWS 2021a). The known and potential threats that affect pallid sturgeon habitat or range include large river habitat alterations, such as impoundments, river channelization, and altered flow regimes, water quality, entrainment, and climate change (USFWS 2014).

4.3.2. Life History

Pallid sturgeon males reach sexual maturity at about 5 to 10 years of age and once mature, males will spawn almost every year. Females reach sexual maturity later, at about 15 to 20 years of age, and will usually spawn every 2 years once mature. When this species is ready to spawn, they can migrate 100 or more miles to reproduce. If spawning and egg hatch is successful, pallid sturgeon larvae will drift down the river for about 7 days across many and sometimes hundreds of miles before settling at the river bottom to eat and grow (USFWS 2021a). Pallid sturgeon within the LMR may have higher fertility rates and may also begin spawning at an earlier age range than others located in the upper and middle portions of their range (USACE 2013).

Juvenile pallid sturgeon primarily feed on immature aquatic insects, and as they grow, small fish are included in their diet as adults (USFWS 2021a).

4.3.3. Habitat and Range

The pallid sturgeon occupies large, deep turbid river channels and is typically found at the river bottoms of the main channel. This species prefers deeper waters with strong and swift moving currents, murky waters, and firm sand or gravel substrates (USFWS 2021a). A variety of habitats including backwaters, chutes, sloughs, island sandbars, and main channel waters are utilized by the pallid sturgeon to meet seasonal and life history requirements USFWS 2022a). The historical range of this species includes the Missouri and Yellowstone rivers in Montana downstream to the confluence of the Missouri and Mississippi rivers and the Mississippi River downstream of New Orleans in Louisiana. Historical documentation of this species was also recorded from some larger tributaries to the Mississippi, Missouri, and Yellowstone rivers. The historical range of the pallid sturgeon totaled approximately 3,515 river miles (USFWS 2014).

4.3.4. Presence in the Action Area

As discussed above, suitable habitat for the species diminishes in quality south of New Orleans and is toward the downstream limit of the species range. Within the LMR, only two records of pallid sturgeons have been recorded between RM 33 and RM 85, where the USACE collected two juveniles within the Mississippi River in 2016 (USACE 2017). Because the pallid sturgeon is known to occur in the Mississippi River around New Orleans, albeit not in high numbers, it may be occasionally present in the vicinity of the Project site as it travels through the river.

4.3.5. Critical Habitat

There is no designated critical habitat for the pallid sturgeon (USFWS 2022a).

4.4. Tricolored Bat

4.4.1. Species Status and Description

The tricolored bat (*Perimyotis subflavus*) was proposed as endangered on September 14, 2022 (87 Fed. Reg. 56381 [September 14, 2022]). No critical habitat has been proposed for the species (USFWS 2021b). The primary threat to the tricolored bat is white-nose syndrome. The species is at risk of extinction due to white-nose syndrome, which has led to an estimated decline of more than 90 percent in affected populations, including in Louisiana (USFWS 2024c, LDWF 2024c).

This species is one of the smallest bat species in eastern North America, averaging 3 to 3.5 inches in body length, with a tail length of 1.3 to 1.6 inches, and forearm length spanning 1.2 to 1.3 inches. The tricolored bat is commonly identified by its unique tricolored fur as it appears darker at the base, lighter in the middle and darker at the tip. This species is commonly

described by its yellowish color; however, the coloration of the species can vary from pale yellow to almost orange and may also appear in shades of silvery-gray, chocolate brown, or black (USFWS 2024c).

4.4.2. Life History

Tricolored bats mate between mid-August and mid-October, before hibernation. Female tricolored bats participate in delayed fertilization, which occurs when emerging from hibernation during the spring. Females then migrate to summer habitats to form maternity colonies and give birth from May to July. Female tricolored bats typically deliver two pups, rarely having one or three. Juvenile tricolored bats begin to fly at 3 weeks of age and grow quickly; achieving adult-like flight and foraging skills around 4 weeks old. Most subadults likely do not mate when entering their first hibernation (USFWS 2024c). The tricolored bat is a relatively solitary species and males roost singly. Tricolored bats are insectivorous, and their diet includes small flies, beetles, and flying ants foraged at or above the trees, most commonly along forest edges and over waterways (USFWS 2024c).

4.4.3. Habitat and Range

The tricolored bat occurs across a wide geographic range that spans east of the Rocky Mountains and includes 39 states, as well as four Canadian provinces, Guatemala, Honduras, Belize, Nicaragua, and Mexico (USFWS 2024c). During summer roosting and foraging seasons, tricolored bats roost in live and dead leaf clusters of deciduous hardwood trees. Depending on the location within the range, tricolored bats will also roost in Spanish moss and *Usnea trichodea* lichen.

This species is also found among pine needles, eastern red cedar, and within artificial roost sites (e.g., barns, beneath porches, roofs, bridges, and concrete bunkers) during the summer months. The tricolored bat is rarely found within caves during summer months. Winter hibernacula include caves and mines; however, in Louisiana, winter roost structures are found under bridges and within culverts (USFWS 2021b, 2024c). The tricolored bat is found throughout most of Louisiana.

4.4.4. Presence in the Action Area

Although neither the LDWF's Rare Species and Natural Communities by Parish Database (LDWF 2024d), nor the LDWF WDP database (see Appendix A) have records of the species within the Project Parish or Action Area, respectively, the USFWS' IPaC system indicates the potential for its occurrence within the Action Area (see Appendix A). Most of the habitat in the Project site is bottomland forested habitat, which could be utilized by the tricolored bat. The Project site does not contain caves suitable for wintering bats; however, manmade structures including raised bridges and culverts occur within the Project area.

4.4.5. Critical Habitat

There is no proposed critical habitat for the tricolored bat, primarily due to the challenges in identifying specific areas that meet the criteria for critical habitat designation. The tricolored bat inhabits a large geographic range that includes a variety of forested habitat types. Additionally, the current or potential destruction, modification, or curtailment of the species' habitat or range is not significantly impacting the tricolored bat (USFWS 2021b).

4.5. Alligator Snapping Turtle

4.5.1. Species Status and Description

The alligator snapping turtle (*Macrochelys temminckii*) was proposed as threatened with an incidental take rule under Section 4(d) of the ESA on November 9, 2021 (86 Fed. Reg. 62434 [November 9, 2021]). No critical habitat has been proposed for the species. The alligator snapping turtle is characterized by its large size, with female adults weighing up to 62 pounds and adult males up to 249 pounds. The species features a large head, long tail, an upper jaw with a strongly hooked beak, and shell of three rows of spikes. The shell of an alligator snapping turtle is a deep brown color, often covered in algae, which enhances its camouflage. (USFWS 2021c, 2024d).

The primary threats to alligator snapping turtles include harvest, poaching, and bycatch. The species has experienced a significant decline in population, including in Louisiana. While harvesting has resulted in a decline in alligator snapping turtle populations, recreational harvesting is legal in Louisiana with restrictions (USFWS 2021d, LDWF 2024e). Other threats to the alligator snapping turtle include nest predators and parasites, climate change, and habitat alteration. (USFWS 2024d).

4.5.2. Life History

Alligator snapping turtles reach sexual maturity at a delayed age, between 11 and 21 years of age for males and 13 to 21 for females. Mating occurs underwater and has been observed from February to October in captive alligator snapping turtles. Egg bearing females excavate nests in sandy soils or other dry substrate within 8 to 656 feet from the water's edge of a freshwater source. In Louisiana, the incubation period for alligator snapping turtles is between 98 and 121 days. Hatchlings require shallow water habitats with riparian vegetation that may provide canopy cover. Alligator snapping turtle hatchlings have a high mortality rate; however, most deaths occur during the juvenile stage. Juvenile survival rates are estimated at only about 5 percent, with most mortality occurring within the first 2 years of life. Despite high mortality rates during the first few years of life, alligator snapping turtles have the potential for a long lifespan and are considered a long-lived species. The oldest documented alligator snapping turtle survived at least 80 years in captivity (USFWS 2021c). Alligator snapping turtles are primarily carnivorous and their diet includes fish, crayfish, smaller turtles, insects, nutria, snakes, birds, and vegetation foraged in freshwater habitats (USFWS 2021c).

4.5.3. Habitat and Range

The historical range of this species consisted of 14 states including Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Missouri, Mississippi, Oklahoma, Tennessee, and Texas. Alligator snapping turtles are currently known to occupy 12 of the 14 states within its historical range (including Louisiana). Present day alligator snapping turtle populations are unknown within the states of Indiana and Kansas. This species is highly aquatic, occurring primarily in perennial, deep-water waterbodies and typically nesting in adjacent land approximately 8 to 656 feet from the nearest waterbody (USFWS 2021c). The alligator snapping turtle can be found statewide in Louisiana, although it is less commonly found in marsh habitat, and it may be less prevalent in the southernmost portions of the State, which were previously excluded from its identified range (see Figure 4-1). The most common habitat in Louisiana includes freshwater lakes and bayous but it may also be found in swamps with rivers nearby, large rivers, canals, lakes, oxbows, and coastal marshes. Known occurrences of the species within Louisiana River Basins include the Pearl, Pontchartrain, Barataria, Atchafalaya, Vermilion-Teche, Mermentau, Calcasieu, Sabine, Red, and Ouachita River Basins (LDWF 2024f).

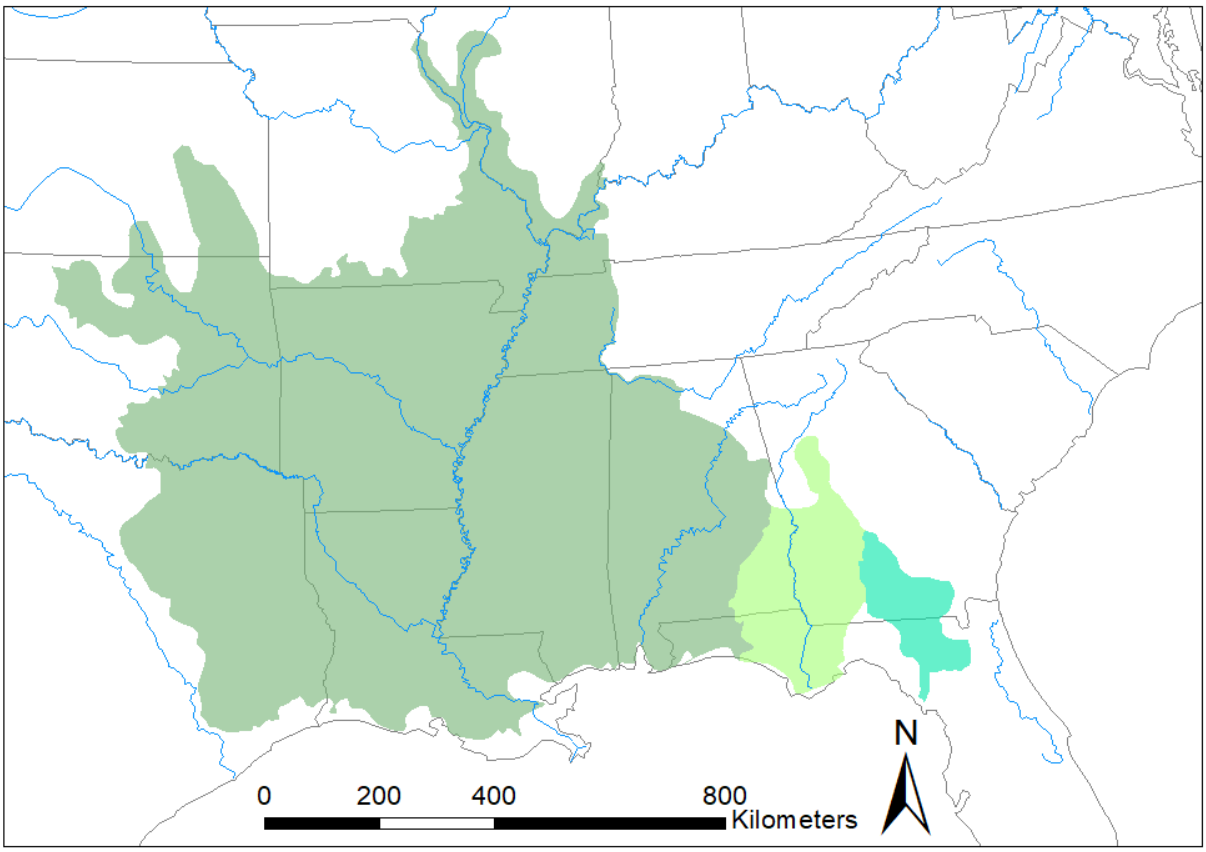

Figure 4-1. Range of the Alligator Snapping Turtle (USFWS 2021e)

4.5.4. Presence in the Action Area

Although neither the LDWF's Rare Species and Natural Communities by Parish Database (LDWF 2024f), nor the LDWF WDP database (see Appendix A) have records of the species within the Project Parish or Action Area, respectively, the USFWS' IPaC system indicates the potential for its occurrence within the Action Area. This species could occur within freshwater habitats adjacent to the Project. Additionally, nesting females and hatchlings could potentially occur within the Project site during overland movements; however, on-land encounters are rare and the turtles are not believed to be likely to travel over the levees surrounding the site.

4.5.5. Critical Habitat

Critical habitat for the alligator snapping turtle has not been proposed, primarily due to the challenges in gathering sufficient information to conduct analysis for proposing critical habitat. Additionally, potential identification of the species location could make the alligator snapping turtle vulnerable to take (USFWS 2021c).

4.6. Monarch Butterfly

4.6.1. Species Status and Description

The monarch butterfly (*Danaus plexippus*) was proposed for federal listing as a threatened species on December 12, 2024 (89 Fed. Reg. 100662). The proposed listing was released concurrent with a 2024 Species Status Assessment (SSA), which indicated long-term trends in population decline in its overwintering grounds; the SSA also indicated that there is a high probability of extinction in the North American migratory populations (eastern and western) by the year 2080, which led (in part) to the listing proposal (USFWS 2024e, f). The proposed rule also proposes to designate critical habitat in California, and to establish a Section 4(d) rule to allow incidental take in certain circumstances (such as vegetation management activities to remove milkweed when monarchs are not likely present).

The species itself is a relatively large, orange and black butterfly. The primary threats to the North American migratory populations include habitat loss, and degradation, and conversion; herbicide and insecticide use; modification of overwintering sites in Mexico and California; senescence (aging); and the effects of climate change (USFWS 2024e).

4.6.2. Life History

Monarch butterflies belong to either the eastern migratory population (if east of the Rockies) or the western migratory populations (if west of the Rockies), although some areas in Florida and California are known to host non-migratory populations. All monarchs include four general life stages, including the egg, larval (caterpillar), chrysalis (cocoon), and adult stage. The egg, larval, and chrysalis stages each take approximately 1 to 2.5 weeks. Because there can be multiple generations produced during one breeding season, adults in the breeding phase of the

season generally live only 2 to 5 weeks, whereas overwintering monarchs enter reproductive diapause (suspended reproduction) and can live 6 to 9 months. In overwintering adults, breeding resumes upon leaving the wintering grounds in the early spring. Monarchs require milkweed (*Asclepias* spp.) to lay eggs and caterpillars rely on milkweed for sustenance; adults feed on a variety of blooming nectar resources. (USFWS 2024e).

4.6.3. Habitat and Range

The eastern North American migratory populations occur throughout North America during the breeding season. In the fall, they begin migration to their overwintering areas; for the eastern migratory population (to which Louisiana monarchs belong), overwintering occurs within oyamel fir trees (*Abies religiosa*) in the mountains west of Mexico City, requiring a migration of up to 1,864 miles and 2 months. As discussed above, milkweed is essential for monarch reproduction and survival, although adults also feed on the nectar of flowering plants. (USFWS 2024e).

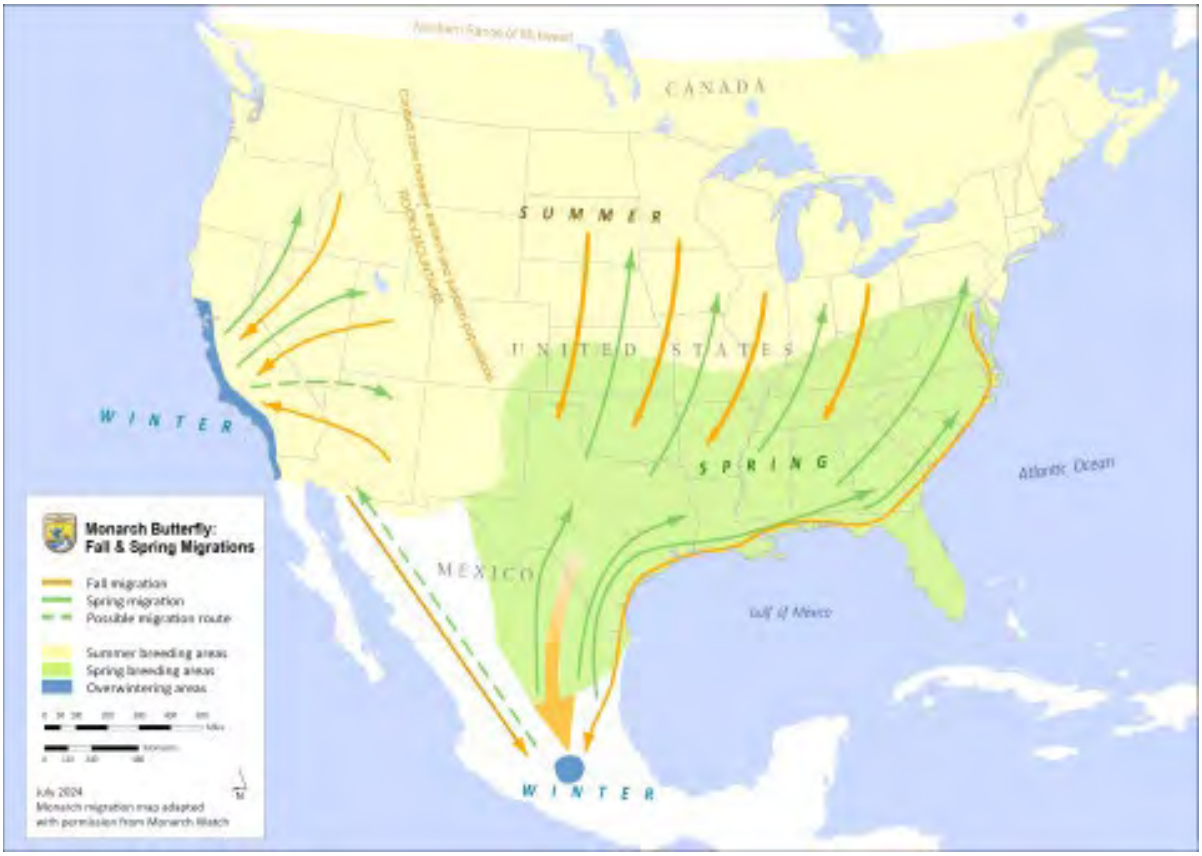

Figure 4-2. North American Monarch Migration Map (USFWS 2024e)

4.6.4. Presence in the Action Area

Monarch butterflies are prevalent in Louisiana and are likely to occur in the Project area, particularly during the fall migration period, when monarchs may be feeding upon wildflowers along the Louisiana coast (LDWF 2024g). Milkweed and flowering nectar plants may also be available throughout the Project site, which includes a variety of habitat types, but is predominantly forested.

4.6.5. Critical Habitat

The proposed rule (89 Fed. Reg. 100662; December 12, 2024) also indicates an intent to designate approximately 4,395 acres of land in California as critical habitat, which includes overwintering habitat used by the western migratory population. Because the USFWS does not designate critical habitat outside of the United States, the overwintering habitat for the eastern migratory population cannot be similarly proposed for designation.

5. ENVIRONMENTAL BASELINE

This section provides an overview of the environmental setting in the Action Area.

5.1. Geology

The proposed LIT Project site is located within the central portion of the Mississippi River Delta, bounded by current and former courses of the Mississippi River. The delta plain within St. Bernard Parish consists of a sequence of deltaic sediments deposited by the Mississippi River between 1,800 to 4,800 years ago as it created the St. Bernard delta lobe. From bottom to top, this sequence of deltaic sediments consists of (1) prodelta deposits, (2) mixed intradelta and interdistributary deposits, and (3) marsh and swamp deposits (Heinrich 2005). Based on U.S. Geological Survey (USGS) topographic maps and field investigations (Eustis 2020), the Project site and vicinity is relatively flat with elevations ranging from sea-level on the east side of the Project site to 19 feet above sea-level along the Mississippi River Levee. The site generally slopes to the east.

5.2. Soils/Sediments

The soils within the Project site and vicinity were identified and assessed using the Soil Survey Geographic (SSURGO) database as provided by the U.S. Department of Agriculture, Natural Resources Conservation Service (USDA-NRCS) (USDA 2023a). The soils within the Project site include Cancienne and Schriever soils on the batture; Cancienne silt loam and Cancienne silty clay loam on the landside of the levee; and Vacherie silt loam; Harahan clay, and Schriever silty clay loam on the remainder of the Project site. Cancienne and Schriever soils in this area are frequently flooded and consist of silt loam and stratified very fine sandy loam to silty clay materials with less than 1 percent slopes that were formed on natural levees and backswamps. Cancienne silt loam and Cancienne silty clay loam consist of somewhat poorly

drained silt loam and silty clay loam, with slopes less than 1 percent. Both soil types were formed on natural levees. Vacherie silt loam consists of somewhat poorly drained gently undulating (0 to 3 percent slopes) silt loam, silty clay and clay formed on natural levees. Harahan clay and Schriever silty clay loam consist of poorly drained clay and silty clay with less than 1 percent slopes that formed in backswamps. In addition, riverine and other aquatic habitats in the Project area are characterized by softbottom, sediment substrate.

5.3. Terrestrial Wildlife and Habitat

The Project site is located within the Mississippi Alluvial Plain Ecoregion, which historically contained one of the largest continuous wetland systems in North America. Within this ecoregion, the Project site is located in a more specific ecoregion called the Southern Holocene Meander Belts Ecoregion, characterized by bottomland forests that have been cleared and modified for flood control, agriculture, and navigation (Daigle 2006). Between the Mississippi River Levee and the Mississippi River is a corridor known as the "batture lands." The batture lands are hydrologically connected to the Mississippi River, are flood-prone, and contain remnant habitat for "big river" species (e.g., pallid sturgeon; see Section 4.3.3) as well as riverfront plant communities.

Bottomland hardwood forest is the dominant community for the majority of the Project site, stretching from LA 46 to the 40 Arpent Canal. Of the approximately 450.7 acres of wetlands at the site, the majority comprises forested wetlands. Within the bottomland hardwood forest, dominant overstory species present at the Project site include but are not limited to black willow (*Salix nigra*), live oak (*Quercus virginiana*), sweetgum (*Liquidambar styraciflua*), and water oak (*Quercus nigra).* Herbaceous species within the bottomland hardwood forest areas at the Project site include but are not limited to lizard's tail (*Saururus cernuus*), raven's foot sedge (*Carex crus-corvi*), and water smartweed (*Persicaria amphibian*).

The batture community at the Project site is located along the Mississippi River, west of the Mississippi River Levee, and consists of emergent and scrub-shrub wetlands. Dominant species within these areas of the Project site include, but are not limited to, American sycamore (*Platanus occidentalis*), cottonwood (*Populus deltoides*), and swamp smartweed (*Polygonum hydropiperoides*). Upland vegetation at the Project site consists of maintained grass fields along the west side of LA 46, on the mainline levee of the Mississippi River, east of the 40 Arpent Canal, and along the east and west side of LA 46 at the southern end of the Project where the Project footprint extends south to accommodate highway improvements for access. Additional upland habitat, located in the southeast portion of the Project site east of LA 46, consists of forested habitat (including deciduous tree species).

Terrestrial wildlife habitat in the Project site and vicinity is generally isolated and fragmented. Despite this fragmentation, the Project site provides habitat for a variety of bird species, mammals, amphibians, and reptiles. The Project site provides stopover habitat for songbirds including warblers, vireos, and flycatchers, among others. Additionally, canals and marshes

bordering the Project site and vicinity likely provide forage for numerous wading birds, both migratory and locally breeding. Locally breeding bird species also inhabit the bottomland hardwood forest within the Project site. Silvicolous songbirds and raptors (*Buteo sp, Accipiter sp.*) inhabit the interior of the forest; osprey (*Pandion haliaetus*), bald eagles (*Haliaeetus leucocephalus*) and Mississippi kites (*Ictinia mississippiensis*) may nest near the top of the canopy; and wading birds may have established rookeries along exterior edges or interior forest locations that provide adequate tree structure overhanging or near water. Common mammals that likely occur in the Project vicinity include but are not limited to the Virginia opossum (*Didelphis virginiana*), the nine-banded armadillo (*Dasypus novemcinctus*), the swamp rabbit (*Sylvilagus aquaticus*), coyotes (*Canis latrans*), and white-tailed deer (*Odocoileus virginianus*). Amphibians and reptiles include numerous frog species, basking and snapping turtles, and American alligators (*Alligator mississippiensis*). Federally listed and proposed species that may occur in the Project vicinity are discussed above in Sections 4.2, 4.4, and 4.5, above.

5.4. Aquatic Species and Habitat

The aquatic portion of the Project encompasses the riverine habitat of the LMR (from approximate RM 87 to RM 74); freshwater ponds, ditches, and wetlands (described further in terrestrial habitat, above); canals; and estuarine wetlands and waters between the Mississippi River and Lake Borgne. The landside portion of the Project site is in the Lake Pontchartrain Basin, which consists of tributaries and distributaries of Lake Pontchartrain. The Lake Pontchartrain Basin is bound by the eastern levee of the Mississippi River. The riverside portion of the Project is included in the Mississippi River Basin. The proposed Project site is bounded by the Mississippi River on the west, the Violet Canal on the north, and the 40 Arpent Canal on the east. Cemetery Canal passes through the Project site, running perpendicular to the 40 Arpent Canal and the Mississippi River (see Figure 5-1). Waterbodies in the Project site and vicinity are briefly described below.

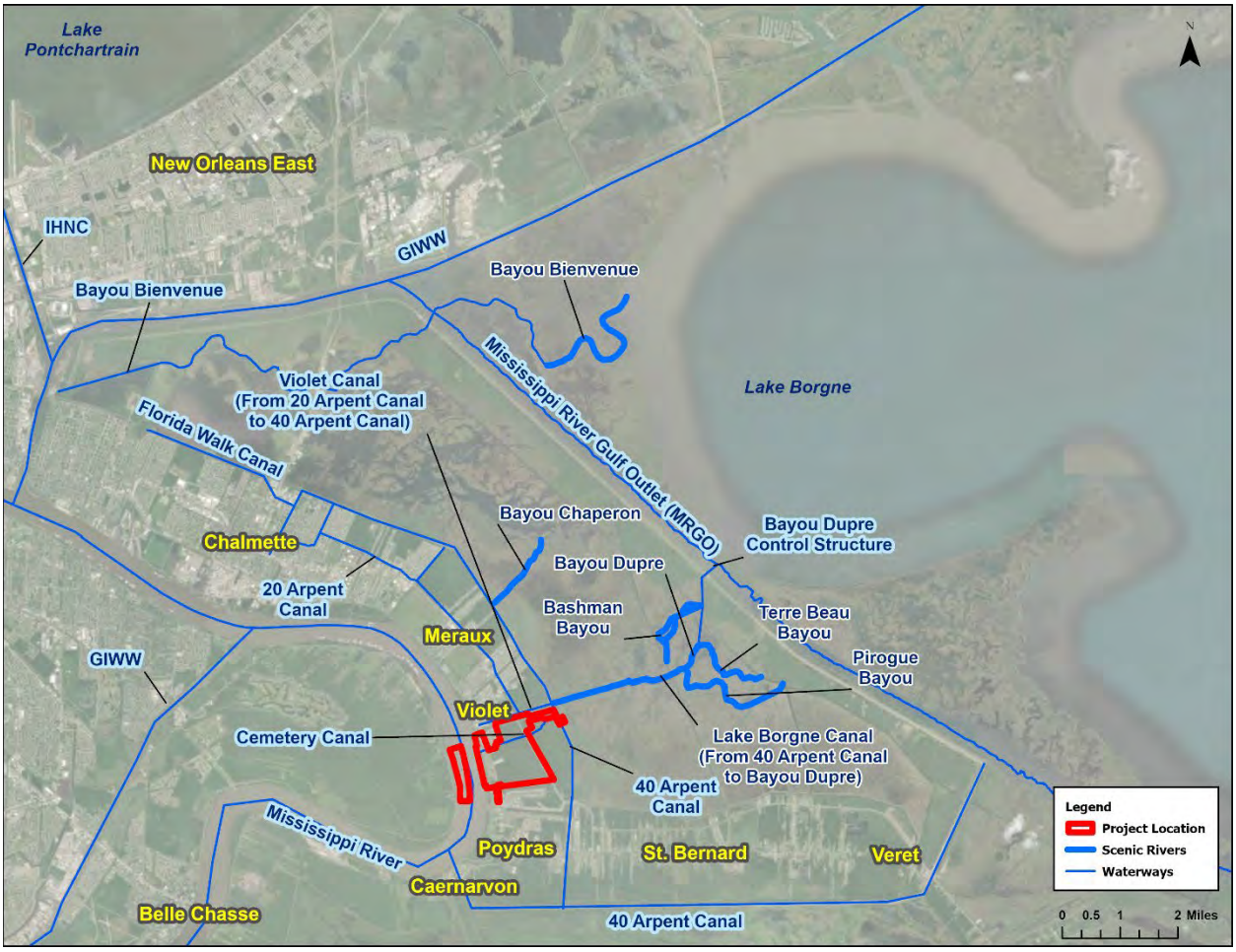

Figure 5-1. Major Waterbodies with Key Towns

The Project site would be constructed at RM 83 of the Mississippi River. The river is bounded by the Mississippi River Levee, which is designed to reduce flood risk in the Mississippi River alluvial valley. At and below New Orleans, the Mississippi River Levee maintains river flows of up to 1.25 million cubic feet per second (cfs). The Mississippi River along the Project site and vicinity varies based on river discharge, tides, and meteorological conditions. Seasonal tidal elevations range from less than a foot to over 16 feet and water depths from RM 83 to RM 85 vary along the Mississippi riverbank to the channel centerline from -60 feet to -99 feet below Low Water Reference Plane (NAVD88, LWRP NAVD07). The Mississippi River provides habitat for multiple fish species, some including striped mullet (*Mugil cephalus*), blue catfish (*Ictalurus furcatus*), largemouth bass (*Micropterus salmoides*), and spotted gar (*Lepisosteus oculatus*); it also provides habitat for invertebrate species such as river shrimp (*Macrobrachium ohione*) and Atlantic rangia (*Rangia cuneata*) (NOAA 2013). Federally listed species that may occur in the Mississippi River, such as the West Indian manatee and pallid sturgeon are discussed above in Sections 4.1. and 4.3 respectively.

Canals and other channels running across the east bank of the Mississippi River contain waters of varying salinities as they move water between the river and Lake Borgne (and other estuarine areas). Violet Canal, connecting to Lake Borgne, and by siphon, to the Mississippi River has a salinity range between 0.2 and 5.5 parts per thousand (ppt; USGS 2024) and therefore the species that use it may include an assemblage more similar to the Mississippi River when salinity is lower, and an assemblage more similar to that of Lake Borgne when salinity is higher. Lake Borgne is estuarine and provides habitat for red drum (*Sciaenops ocellatus*), spotted seatrout (*Cynoscion nebulosus*), brown shrimp (*Penaeus aztecus*), white shrimp (*Panaeus setiferus*), oysters (*Crassostrea virginica*), and blue crab (*Callinectes sapidus*) (Penland et al. 2002). The aquatic study area also includes manmade ponds and roadside ditches that may provide limited habitat for aquatic species.

Two canals within the Project vicinity are designated as a natural or scenic river in Louisiana, including the Lake Borgne Canal and Bayou Dupre. A natural or scenic river is a river, stream, or bayou that is in a free-flowing condition and has not been altered by channelization or realignment, or if it contains native vegetation and has little or no manmade structures along its bank. Both the Lake Borgne Canal and Bayou Dupre, as well as the Violet Canal, are also characterized as an Outstanding Natural Resource Water (ONRW) designated use. Waterbodies deemed ONRW are designated for preservation, protection, reclamation, or enhancement of wilderness, aesthetic qualities, and ecological regimes, such as those designated under the Louisiana Natural and Scenic Rivers System or those designated by the department as waters of ecological significance (LAC 33:IX).

5.5. Land Use and Recreation

General land uses in the Project site and vicinity consist of open water, wetlands, agricultural, open land, forest land, and developed land. The proposed Project footprint outside of the Mississippi River is comprised of 72 percent wetlands, 24 percent developed land, 1 percent forest land, 1 percent open land, and 2 percent open water. Given that a substantial part of the Project footprint consists of undeveloped land, ambient nighttime light levels within the proposed Project site are generally low.

St. Bernard Parish supports a wide range of facilities and activities for recreationalists and tourists, including but not limited to public lands, natural and scenic rivers, parks, bikeways and trails, public fishing access points, marinas, hunting areas, and wildlife watching. Many bayous, lakes, and rivers offer miles of navigable waters for boating and fishing. There are several marinas and boat launches located within the parish, but the closest to the Project site is a private boat launch (De Pope Launch) on the Violet Canal less than 1 mile from the Project.

5.6. Air and Sound

The Project would be located in St. Bernard Parish, Louisiana, which has a subtropical climate with long, hot, humid summers and short, mild winters. The U.S. Environmental Protection Agency (USEPA) has promulgated National Ambient Air Quality Standards (NAAQS) for six

criteria pollutants that are common and considered harmful, to protect ambient air quality. St. Bernard Parish is designated as nonattainment for SO_2 and in attainment for all other criteria pollutants with respect to compliance with the NAAQS (USEPA 2023). Nearby Jefferson, Orleans, and Plaquemines Parishes are designated as unclassifiable/attainment for all criteria pollutants. However, St. Bernard, Jefferson, and Orleans Parishes are classified as a Section 185A maintenance area for the 1979 1-hour ozone standard, which was revoked (USEPA 2023).

As described above, general land uses in the Project site and vicinity consist of open water, wetlands, agricultural, open land, forest land, and developed land. Existing sources of sound in the vicinity of the Project site include local roadway traffic (LA 47, LA 46, and LA 39), vessels (including boats and ships on the Mississippi River) in open water areas, and natural sounds such as wildlife vocalizations.

6. EFFECTS OF THE ACTION

Construction of the LIT Project would occur in several overlapping phases, including the construction of the riverside facilities (wharf and ramps) and landside facilities, which include the container yard and associated administrative buildings, a rail yard and rail spurs, vehicular access from LA 39, and a relocated portion of LA 46. The following subsections describe any potential effects that may occur to federally listed species, with general effects described in Section 6.1 and effects on individual species discussed in Section 6.2.

This analysis is based on current Project design. While changes to the proposed Project may occur subsequent to final issuance of permits by USACE and other relevant agencies, the current design scenario covers the foreseeable Project impacts on listed species such that any Project changes are not anticipated to result in a substantive change to the magnitude of the determination of effect.

6.1. General Effects of the Action

6.1.1. Construction Impacts

6.1.1.1. Terrestrial Habitat Loss and Alteration

Construction activities within the Project footprint would include clearing and grading associated with site preparation, materials and equipment delivery, and installation of the container terminal structures and wharf (for example, pile driving), all of which could potentially affect terrestrial habitat. Overall, construction of the proposed Project would permanently clear 450.5 acres of naturally vegetated habitat, representing approximately 73 percent of the 615 total acres within the proposed Project footprint. Construction and operation of the LIT Project would comply with applicable permit conditions, including requirements for compensatory mitigation for wetland impacts

Within the proposed Project's footprint, approximately 412 acres of mature forest vegetation, 33.4 acres of scrub-shrub vegetation (including 15.6 of batture habitat), and 4.9 acres of herbaceous vegetation would be cleared for construction of the proposed Project. Any areas within the footprint that are not permanently cleared and impacted by structures or paved surfaces would be re-vegetated and maintained upon completion of construction. Approximately 14.5 acres of habitat along the northern end of the proposed Project footprint would remain undisturbed to provide a buffer between the facility and neighboring residential area. This buffer consists of mainly forested habitats with some herbaceous habitats along the maintained levee of the Violet Canal and an access road.

In the northeast portion of the proposed Project site and vicinity, the construction of a drainage canal traversing east from LA 39 to the 40 Arpent Canal and associated maintenance rights-of-way and access roads would permanently remove mature forest vegetation within that portion of the Project footprint, which has been included in the vegetation impacts. The constructed canal and associated retention pond along the southeast side of the footprint would be converted to open water with canal banks, and maintenance rights-of-way maintained as open grasslands.

Along the east bank of the Mississippi River, the Port would construct 3,612 linear feet of wharf to accommodate the loading and unloading of large cargo ships. These activities would require the permanent removal of approximately 15.6 acres of scrub-shrub habitat within the batture; however, batture habitat would remain north and south of the wharf, which would continue to provide habitat for various wildlife species along the river.

6.1.1.2. Aquatic Habitat Loss and Alteration

Aquatic habitat could be affected by riverbank sediment removal, construction of the wharf, and water quality impacts from sedimentation or accidental spills of fuel or other hazardous materials from construction equipment and vessels. These effects, however, would be limited to the relatively small area of bank clearing and sediment removal (about 4,800 linear feet). In addition, the remaining batture wetlands adjacent to the wharf and adjacent to the proposed Project site would continue to provide both habitat for aquatic species and a buffer between onshore disturbance and the Mississippi River.

Construction of the proposed Project would occur on lands adjacent to (and in) the Mississippi River. Potential adverse effects of land-based construction activities on surface water would primarily consist of increased turbidity due to sediment movement into the 40 Arpent Canal and the Central Wetlands Unit in the Pontchartrain Basin. In addition, construction of the wharf and mooring facilities would result in localized, temporary increases in turbidity and suspended sediment concentration in the Mississippi River due to dredging and pile driving. These impacts are expected to be minor, temporary, and confined to the time period of in-water construction activities and shortly thereafter, and would be limited to the areas within and adjacent to the wharf and mooring facilities. Impacts would be minimized with implementation of the Best Management Practices (BMP) in the Project's required construction Stormwater Pollution

Prevention Plan (SWPPP), Spill Prevention, Control, and Countermeasures (SPCC)/Spill Prevention Control (SPC) Plan, and adherence to regulations governing stormwater runoff from construction sites. BMPs for construction activities would be implemented to prevent erosion and migration of soil, oil and grease, and construction debris into local surface waters. BMPs may include installing perimeter silt fencing, hay bales, and other sediment controls; avoiding excessive disturbance of Project site soils; and re-vegetating cleared areas after construction. Impacts are not expected to extend into Lake Borgne or the more saline habitats east of the proposed Project site.

Construction activities west of the Mississippi River Levee would include demolition of the existing docks and construction of a new wharf, which would include removal of sediment above the existing riverbank revetment and placement of riprap. In addition, up to 19.9 million cubic yards of sand would be hydraulically dredged from existing point bars within the Lower Nine Mile Anchorage, and potentially the Twelve Mile Anchorage, using dredge pipes laid on the riverbottom and submersible pumps; if the Twelve Mile Anchorage is used, a floating dredge pipe could also be used. Return water from the hydraulic dredging would be pumped back to the Mississippi River. The two sand harvesting areas within the Mississippi River encompass 420.1 acres of Waters of the U.S., and includes the 100-acre turning basin along the west bank of the river across from the Project site. In-water dredging/excavation would occur intermittently throughout wharf construction, resulting in modification of soft bottom habitats, turbidity, and downstream sedimentation. In addition, localized vessel activity would increase during construction but would be consistent with other ongoing activity along the Mississippi River.

6.1.1.3. Sound

Airborne Sound

Construction of the proposed Project facilities, both riverside and landside elements, would result in temporary airborne sound increase in the immediate vicinity of the construction area. Sound from construction activities varies greatly depending on the type and model of construction equipment, the operations being performed, and the overall condition of the equipment. Construction of the Project facilities would occur in several phases over the analysis period, and the construction equipment necessary for each stage of construction would differ. Construction equipment would be operated intermittently over that period. Most riverside and landside construction activities would be limited to daytime hours when ambient/existing sound levels are already elevated and when people are less likely to detect increases in sound levels. These construction activities are expected to occur on a 12-hour daily schedule between 7:00 AM and 10:00 PM, Monday to Saturday, with some work occurring on Sundays. Some riverside and landside construction equipment, particularly river sand harvesting equipment, would be operated intermittently over the construction period, 24 hours each day, Monday to Saturday.

Pile-driving activities and construction equipment operation would be primary sources of airborne sound over the Project construction period. Construction impacts are expected to be

greatest near the wharf and ramp structures, where the largest pile-driving hammers would be used. Pile driving would be conducted using both impact and vibratory hammers; impact hammers produce impulsive (short, intense) sound, while vibratory hammers produce non-impulsive continuous sound while in use. Construction of the wharf and ramps would include using an impact hammer to drive 24-inch and 36-inch square concrete piles. A vibratory hammer would be used to install steel piles for a temporary construction trestle, and an impact hammer would be used to proof test the trestle piles. There would be limited-to-no nighttime (10 PM to 7 AM) construction at the wharf and ramps. During construction of the landside elements, certain construction equipment would operate 24 hours a day, including marine equipment (tugboat, derrick barge) needed for sand harvesting, smaller pile drivers, asphalt delivery trucks and pavers, concrete delivery and pump trucks, generators, portable light plants, water pumps, sweepers, conveyors, rollers, some trucks, some crawler tractors, and some excavators.

Underwater Sound

The Project would produce underwater sound from construction activities including pile driving, dredging, and the transit of Project-related vessels. Pile driving would include both impact pile driving and vibratory pile driving. Dredging would occur on the western side of the Mississippi River. A sound study was conducted for the Project's construction and operation activities to determine the potential for sound-related impacts on listed species. The sound study estimated the sound levels produced by various activities that would occur during construction and/or operation (see Table 6-1). NOAA Fisheries has identified thresholds for behavioral effects (such as avoidance) and injury impacts on marine mammals and fish; thresholds applicable to the manatee and pallid sturgeon are identified in Table 6-2. The sound study also assessed the maximum distance at which Project activities may exceed applicable thresholds for these species (see Table 6-3).

Table 6-1. Estimated Sound Levels from Underwater Sound Sources

Underwater Sound Sources	Type of Sound	Number of Piles Driven Per Day (Estimated)	Number of Strikes Per Pile (Impact) or Duration to Drive a Single Pile (Vibratory)	Average Sound Levels (dB)		
				Peak SPL	RMS SPL	SEL
42-inch spun cast impact pile[a] (at 33 feet)	Impulsive	4	2000 strikes	210	194	184
42-inch steel batter impact pile[a] (at 33 feet)	Impulsive	4	2400 strikes	210	194	184
36-inch steel trestle vibratory pile[b] (at 33 feet)	Non-impulsive	8	100 minutes	180	170	170
36-inch steel trestle impact pile to proof test the trestle piles[b] (at 33 feet)	Impulsive	8	500 strikes	210	193	183
Dredger[c] (at 3.3 feet)	Non-impulsive	N/A	N/A	N/A	175	N/A
Small vessel transiting [d] (at 3.3 feet)	Non-impulsive	N/A	N/A	N/A	180	N/A

Notes:

dB = decibel

Peak SPL = peak sound pressure level (re: 1 1 µPa), unweighted

RMS SPL = root-mean-square sound pressure level (re: 1 µPa), unweighted

SEL = sound exposure level per strike or pulse (re: 1 μPa^2s), weighted according to functional hearing group

N/A = not available

[a] No data is readily available for the 42-inch diameter impact piles that are proposed for the Project, so values were estimated by interpolating known values for piles of similar sizes. Data for similar sizes obtained from "Compendium of Pile Driving Sound Data" (Caltrans, 2007).

[b] Data obtained from "Compendium of Pile Driving Sound Data" (Caltrans, 2007).

[c] A specific method of dredging has not yet been determined. Assumed reference source level values for a cutter suction dredger at a distance of 3.3 feet (ERDC 2019); dredger assumed to operate continuously for 24-hours.

[d] Assumed reference source levels for small boats and ships at a distance of 3.3 feet (ERDC 2019); small vessels would operate as needed.

[d.] The wharf design is expected to change to 36-inch and 24-inch square concrete piles. However, the 42-inch spun cast impact pile and 42-inch steel batter impact pile assumed for the construction sound analysis are more conservative than the 36-inch or 24-inch square concrete piles. If the smaller-diameter piles are used, underwater sound impacts may be less.

Table 6-2. NOAA Fisheries Injury and Behavioral Response Criteria for Select Species

Hearing Group	PTS onset, Peak SPL (dB re 1µPa) [a]	PTS onset, SELcum,24hr (dB re 1 µPa2s) [a]		Behavioral Response, RMS SPL (dB re 1µPa) [b]
	Impulsive	Impulsive	Non- impulsive	Impulsive
Mid-frequency cetaceans	230	185	198	280
Fish: swim bladder is not involved in hearing (particle motion detection)	207	210	No data	150[c]

[a] Source: NOAA Fisheries 2016, 2018; Finneran 2016

[b] Federal Register: Volume 70, Number 7 (January 11, 2005)

[c] Source: WSDOT 2020

PTS = permanent threshold shift; SPL = sound pressure level; dB re 1 µPa = decibels relative to 1 microPascal; SEL24h (or SELcum) = cumulative sound exposure level; dB re 1 µPa2s = decibels relative to 1 microPascal squared normalized to 1 second, RMS = root mean squared

Table 6-3. Estimated Effect Distances from Underwater Sounds for Mid-Frequency Cetaceans (including Manatees) During Project Construction

Source of Underwater Sound	Effect Distance (Feet) for Project-related Underwater Sounds[a,b, c, d]		
	Injury		Behavioral Disturbance
	SELcum	Peak SPL	RMS SPL
42-inch spun cast impact pile	543	N/A	6,061
42-inch steel batter impact pile	630	N/A	6,061
36-inch steel trestle vibratory pile	45	N/A	15,224[e]
36-inch steel trestle impact pile to proof test the trestle piles	40	N/A	5,198
Dredger (24-hour duration)	9	N/A	3,280
Small vessel transiting at less than 15 knots	0	N/A	7,067
Fish: swim bladder is not involved in hearing (particle motion detection)			
42-inch spun cast impact pile	522	52	28,132[e]
42-inch steel batter impact pile	434	52	28,132[e]
36-inch steel trestle vibratory pile	233	1	707
36-inch steel trestle impact pile to proof test the trestle piles	131	52	24,129[e]
Dredger	N/A	N/A	N/A
Small vessel transiting	N/A	N/A	N/A

Notes:

N/A = not applicable, there are no sound thresholds for fish exposed to non-impulsive sound sources such as dredgers and vessels.

SELcum = cumulative sound exposure level (re: 1 µPa2s), weighted according to functional hearing group

Peak SPL = peak sound pressure level (re: 1 µPa), unweighted

RMS SPL = root-mean-square sound pressure (re: 1 µPa), unweighted

[a] Effect distances for permanent threshold injury (SELcum and Peak SPL) to mid-frequency cetaceans, including manatees, were calculated using the NOAA Fisheries User Spreadsheet Tool (NOAA Fisheries 2020). Effect distances for injury (Peak SPL and SELcum) and behavioral disturbances (RMS SPL) to fish were calculated using the Practical Spreading Loss model.

[b] Effect distances for behavioral disturbance (RMS SPL) to mid-frequency cetaceans, including manatees, were calculated using the Practical Spreading Loss model. This calculation assumes that single strike SELs < 150 dB do not accumulate to cause injury to fish (Effective Quiet) (WSDOT 2020).

[c] Effect distances for injury (Peak SPL and SELcum) and behavioral disturbances (RMS SPL) to fish were calculated using the Practical Spreading Loss model.

[d] This calculation assumes that single strike SELs < 150 dB do not accumulate to cause injury to fish (Effective Quiet) (WSDOT 2020).

[e] A practical distance for behavioral effects is anticipated to be no more than 2 miles given the presence of landforms that block sound transmission (WSDOT 2020).

[d.] The wharf design is expected to change to 36-inch and 24-inch square concrete piles. However, the 42-inch spun cast impact pile and 42-inch steel batter impact pile assumed for the construction sound analysis are more conservative than the 36-inch or 24-inch square concrete piles. If the smaller-diameter piles are used, underwater sound impacts on marine animals may be less.

As shown in Table 6-3, impact pile driving in the Mississippi River could result in behavioral effects up to 15,224 feet (2.9 miles) from the source, with injury potentially occurring to West Indian manatees (the only marine mammal potentially occurring at the Project site) within 630 feet. Dredging activities and small vessel transits could result in behavioral effects up to 3,280 feet and 7,067 feet from the source, respectively, but would not exceed the injury threshold for a significant distance (less than 10 feet).

For fish, impact pile driving in the Mississippi River could result in behavioral effects up to 28,132 feet (5.3 miles) from the source, with injury potentially occurring to fish within 828 feet (fish with swim bladder involved in hearing). While impact pile-driving sound calculations identify adverse behavioral effects on fish and manatees within a large effects distance during construction (up to 28,132 feet or 5.3 miles for impact), underwater sound does not travel around or through land masses, meaning that land features like islands and bends in waterways block sound transmission (WSDOT 2020). The presence of bends in the Mississippi River would generally limit the area exposed to behavioral level sound effects to areas within an underwater "line-of-sight" from the source. Because of the river bends present near the in-water construction areas, impact pile-driving sounds are not expected to propagate beyond approximately 2 miles. There are no sound thresholds for fish exposed to non-impulsive sound sources such as dredgers and vessels.

6.1.1.4. Lighting

During construction, lighting may be used during any evening or nighttime activities to allow for safe working conditions. As described above, there would be no nighttime construction at the wharf and riverside portions of the ramps; however, during construction of the landside elements and river sand harvesting, certain construction equipment would operate 24 hours a day. Construction lighting would temporarily alter evening and nighttime conditions in the Project vicinity.

6.1.2. Operational Impacts

6.1.2.1. Terrestrial Habitat Loss and Alteration

Once constructed and operational, any vegetation remaining within or adjacent to the Project site would likely be maintained as a wooded, vegetated buffer area or maintained fields. The Port would terminate the construction stormwater permit once construction is complete and vegetation is established and stable. Because the Project's stormwater would be contained and managed separately, runoff and sedimentation are not expected to impact wetlands habitats or other non-wetland vegetation. The terminal operators would additionally minimize potential site runoff impacts through the implementation of the site SWPPP during operations and any runoff would be managed through the Operator's MSGP.

Operational activities on the wharf along the bank of the Mississippi would have no impacts on vegetation within the batture habitat between the wharf and the main line levee of the Mississippi River.

6.1.2.2. Aquatic Habitat Loss and Alteration

As described for construction, the terminal operators would be required to implement measures during operations through their site SWPPP and SPCC Plan to minimize the potential for water quality impacts from stormwater runoff and accidental spills or leaks of fuel or hazardous materials. Nevertheless, unmitigated stormwater discharge from operations could result in permanent (intermittent but continuous throughout operations), indirect, and negligible changes in water (habitat) quality within the Central Wetlands. Impacts are not expected to extend into Lake Borgne or the more saline habitats to the east of the proposed Project site. Any potential adverse impacts on water quality from sedimentation or accidental spills would be negligible to minor.

Maintenance dredging also regularly occurs in the Mississippi River, both along the wharves currently maintained by the Port for purposes of docking deep-draft vessels and in the channel maintained by the USACE for maritime navigation. While such activities may result in temporary disturbance to aquatic habitats due to increased turbidity, these habitats typically recover within a short period after dredging has ended. Any maintenance dredging that may be required for terminal operations could be expected to result in similar temporary effects during such dredging events. Any potential wastewater that may be related to maintenance, fueling, petroleum storage, equipment washing, and other activities can be isolated using berms, sloping, and valves, diverting such wastewater to oil/water separators before being discharged into the sanitary sewer system, preventing any impacts on surface water quality.

As discussed above, in addition to riverbank and riverbed modifications, batture wetlands would be removed and converted to developed land to support the new wharf. Although these wetlands would no longer be periodically available to aquatic species during high flow conditions, the wharf area (including the pilings) would provide new structure for fish and invertebrates to use, offsetting some of the loss of natural structure from vegetation.

6.1.2.3. Sound

Operation of the Project would produce sound from multiple sources, including large container vessels and barges maneuvering near the wharf, container trucks, freight trains, and cargo handling equipment (dock side/wharf cranes, rubber-tired gantry cranes, forklifts/side picks/top handlers, yard tractors, and straddle carriers). The most common sound from the container terminal would be train cars banging, train cars screeching, back-up alarms, containers banging as they are set down, and trucks using their jake brakes. As aquatic species at the Project site and vicinity are already accustomed to underwater sound sources (see Section 3), impacts on underwater operational sound are not addressed further.

6.1.2.4. Lighting

In accordance with federal safety regulations, facilities would be illuminated at night. To minimize visual impacts from lighting at the Project site, the Port would work with the terminal operators and designers to reduce light emissions from the terminal, including light reduction techniques such as locating lights to minimize spill over, use of light shielding, and operational adjustments to dim or reduce the number of lights. Further, the Port anticipates that only 20 percent of the nighttime lighting would be needed for security purposes unless ship docking/operations are occurring (during which the terminal would then be fully illuminated); therefore, these impacts would be intermittent.

6.2. Direct and Indirect Impacts on Species and Critical Habitat

The potential for construction and operation of the proposed Project, including mitigation measures to minimize the potential for impacts, on listed and proposed species protected under the ESA are described in the sections below. The determination of effect is a finding of a federal agency based on their assessment of resources protected under the ESA. The listed resources (species or critical habitat) in the Action Area are assigned one of three effect determinations: *no effect, not likely to adversely effect,* and *likely to adversely effect*.

1. **No effect** – The project will have no adverse or beneficial effects on the listed or proposed species or designated critical habitat.

2. **May Affect, Not likely to adversely affect** – The direct and indirect effects of the project (including any interrelated and interdependent activities) will be discountable (extremely unlikely to occur), insignificant (cannot be meaningfully measured and does not result in a take), or beneficial.

3. **May Affect, Likely to adversely affect** – The direct or indirect effects of a project (including any interrelated or interdependent actions), will have adverse effects on listed species or designated critical habitat, and these effects are not discountable, insignificant, or wholly beneficial.

A fourth finding is possible for species or critical habitat that is proposed for listing:

4. **(Is/Is Not) Likely to jeopardize** – A project is/is not likely to jeopardize the continued existence of a proposed species or adversely modify the proposed critical habitat.

The Port continues to assess construction protocols and timing; however, construction restriction windows may not be feasible to implement given the size and scope of the Project and are therefore excluded from proposed mitigation. As a protective measure for all listed and proposed species, the Port commits to requiring that all construction contractors conduct training of their personnel to identify and report listed or proposed species and would direct construction

workers to cease work in the area if a federally listed species is identified in the work area until the individual has left the area of its own accord, or to coordinate with the USFWS as applicable.

6.2.1. West Indian Manatee

West Indian manatees are generally slow-moving and high-floating; and thus they are susceptible to vessel interactions. Increased vessel traffic during construction and operation could create additional risk and disruption to manatees transiting the Project vicinity, particularly if they are unable to maneuver to avoid vessel traffic. The Port would provide ship captains with NOAA's Vessel Strike Avoidance Measures and Reporting for Mariners, which outlines collision avoidance measures in order to minimize impacts on manatees from vessel strikes. The Port would also adhere to USFWS BMPs (Standard Manatee Conditions for In-water Activities) regarding the West Indian manatee. These measures include advising staff that manatees may approach the proposed Project site and vicinity, providing staff with materials to assist in the identification of manatees, instructing staff to avoid feeding manatees, and contacting USFWS and LDWF if a manatee is sighted. East of the terminal site, any potential in-water impacts on manatees would be limited to stormwater discharge, but any such impacts on water quality (and consequently on any species potentially using area canals) would be negligible.

Manatees have been observed to avoid areas of elevated underwater sound, even within preferred habitats (Miksis-Olds et al. 2006). As described in Section 6.1.1.3, construction activities could result in behavioral effects on manatees as far as 2 miles from the Project, with injury limited to within 630 feet. If manatees are present in the Action Area during construction, loud underwater activities (such as large vessel operations, dredging, and pile driving) could result in avoidance behaviors and temporary displacement from foraging areas, resulting in reduced foraging success and undue energy expenditure. The duration of such a response is expected to be short-term and intermittent, correlating with brief encounters with mobile vessels or instances of pile driving. When practicable, the use of vibratory hammers, rather than impact hammers, to install piles would avoid or minimize potential sound impacts on the species.

However, because manatees are not likely to be present within the Action Area, they would not likely be subject to construction sound from pile-driving or other activities. Further, in the unlikely event a manatee is present in the Project vicinity, individuals are highly mobile and would likely avoid areas of active construction and the associated potential for injury due to pile-driving sound. As such, hearing injury or behavioral changes would not be expected.

Due to the sporadic seasonal (summer) presence of manatees and the low likelihood of their occurrence within the Action Area, coupled with adherence to strike avoidance measures and construction BMPs, construction of the proposed Project may affect, but is not likely to adversely affect the West Indian manatee.

6.2.2. Eastern Black Rail

As discussed in Section 4.2, most of the terrestrial habitat at the Project site is bottomland forested habitat; however, some areas include scrub-shrub wetland intermixed with emergent wetlands, such that potential habitat may be present in limited amounts. As shown in Figure 2-1, construction and operation of the proposed Project would predominantly occur within the bottomland hardwoods and uplands occurring between the Mississippi River and LA 39, neither of which provides suitable habitat for the black rail. Limited construction would occur between LA 39 and the 40 Arpent Canal, allowing for a forested buffer of approximately 2,000 to 3,000 feet between most construction activities and the potentially suitable scrub-shrub wetlands present east of the 40 Arpent Canal. Terminal components within this forested buffer area would be predominantly limited to a drainage canal in forested habitat, and the associated pump station, which would encompass areas of bottomland hardwood, the 40 Arpent Canal, and the scrub-shrub and emergent wetlands east of the Canal. The portion of the pump station that would be constructed on the east side of the 40 Arpent Canal would result in the removal of approximately 2.5 acres of scrub-shrub wetlands, which is only a very small percentage of the potential habitat available within the vicinity. Because of the relatively low occurrence of observed black rails in Louisiana and the large expanse of scrub-shrub and herbaceous wetlands in the vicinity of the Project, it is unlikely that black rails would be present within this small area during construction. Once construction is complete, no further vegetation clearing would be required during operations.

Indirect effects of increased sound and light from construction activities could disorient migrating black rails or cause the abandonment of nearby habitat; however, as noted above, most construction and operational activity would occur at least 2,000 feet to the west of potentially suitable habitat on the east side of the Mississippi River, minimizing the potential for indirect impacts on the species. Land west of the Mississippi River is similarly forested and unlikely to provide suitable habitat for the black rail. Given the limited impacts on suitable habitat and the maintenance of a forested buffer between the terminal and suitable habitat to the east of 40 Arpent Canal, the proposed Project may affect, but is not likely to adversely affect, the black rail.

6.2.3. Pallid Sturgeon

Activities in the Mississippi River, including vessel traffic, pile driving, and dredging, have the potential to impact or otherwise alter the behavior of pallid sturgeon in the Action Area; however, as discussed further below, such impacts are not likely to occur.

Sound from pile driving during construction could potentially alter behavior by startling and causing avoidance of the area, and impact-driven pile driving could potentially result in injury to fish within close proximity from shockwave-induced trauma (Turnpenny et al. 1994, Turnpenny and Nedwell 1994, Popper 2003, Hastings and Popper 2005). An assessment of underwater sound created during Project construction is summarized in Section 6.1.1.3; and as shown in Table 6-3, injury to fish with swim bladders (such as pallid sturgeons) would only occur within

approximately 52 feet of a pile during impact-driven installation. Injury could also occur within 828 feet if a pallid sturgeon is exposed to continuous exposure to pile-driving activities over 24 hours; however, individual fish are unlikely to remain in the area long enough to sustain injury. Therefore, any injury to a pallid sturgeon during pile driving would require either close proximity to a pile during active pile driving, or maintenance of position within relatively close proximity to active pile driving for an extended period of time. Therefore, injury to pallid sturgeons during pile driving is highly unlikely to occur. Further, while pile driving could theoretically result in behavioral effects on fish as far as 2 miles from the Project (see Section 6.1.1.3), the presence of pallid sturgeons in the Action Area is considered infrequent, such that the potential for overlap between species occurrence and Project-specific noise is unlikely to occur, and behavioral effects would not result in a take.

Dredging operations may include sand removal from the Lower Nine Mile Anchorage, and potentially the Twelve Mile Anchorage areas, totaling approximately 420.1 acres. In addition, the Lower Nine Mile Anchorage may be dredged one additional time during construction, if necessary, to create a 100-acre turning basin for the terminal. During operations, dredging activities would be limited to maintenance dredging, which would not occur at regular intervals (occurring only as needed). To minimize the potential for impacts from cutterhead or suction dredging on pallid sturgeons, the Port would follow the USFWS' recommended BMPs, including: 1) completely burying the cutter head in the bottom material during dredging and, if pumping water through the cutterhead is necessary to dislodge material or to clean the dredge components, reducing the pumping rate to the lowest rate possible until the cutterhead is at mid-depth, where the pumping rate could then be increased; and 2) reducing pumping rates during dredging to the slowest speed possible while the cutterhead is descending to the channel bottom.

Based on the low likelihood of pallid sturgeons to be within the Project area at any given time, the relatively short duration of pile-driving sound and dredging activities, and the Port's adherence to USFWS' recommended dredging protocols where applicable, construction and operation of the proposed Project may affect, but is not likely to adversely affect the pallid sturgeon.

6.2.4. Tricolored Bat

Most of the terrestrial habitat at the Project site is bottomland forested, which is potentially suitable summer roosting habitat for the species, as well as foraging habitat. In addition, the Project site may contain manmade structures suitable for use as hibernacula. Clearing forested areas would permanently remove potentially suitable habitat for the tricolored bat, and could result in the mortality of individual bats, if present in forest habitat at the time of construction. Although BMPs for tricolored bat protection include seasonal tree-clearing restrictions (i.e., avoid tree-clearing during summer occupancy periods [March 15-July 15] or the pup season [May 1-July 15]), construction restriction windows may not be feasible to implement given the size and scope of the Project. However, the Port commits to requiring that all construction contractors conduct training of their personnel to identify tricolored bats and report any

observations of roosting bats within Project workspaces to the USFWS. If roosting bats with pups are identified, the Port would assess the potential to delay tree-clearing at that location until the pups are volant. The USFWS also recommends minimizing the use of herbicides or pesticides; the Port confirms that it would minimize use and, where necessary, would use spot treatment over aerial spraying.

In addition to direct impacts, lighting and sound may result in indirect effects in adjacent habitat by disturbing roosting or foraging bats. Indirect effects would be temporary during construction and the presence of similar forested habitat adjacent to the terminal site would remain and serve as a buffer between construction activities and nearby occupied habitat, if present. During operation, lighting and sound may alter conditions in the Action Area and disturb roosting or foraging bats. To minimize visual impacts from lighting during operations, the Port would work with the terminal operators and designers to reduce light pollution from the terminal. The Port currently anticipates that only 20 percent of the nighttime lighting would be needed for security purposes unless ship docking/operations are occurring (in which case, the terminal would then be fully illuminated); therefore, impacts from nighttime lighting would be intermittent and minimized to the extent practicable. Further, no additional tree-clearing would be required during operations, such that the remaining forested areas would serve as a buffer between nearby bats (if present) and the terminal, minimizing the potential for disturbance from the indirect effects of lighting and sound.

Any indirect effects from lighting and sound would be minimized to the extent practicable by lighting design and maintenance of forested vegetation around the terminal site and would not likely result in take of the species. Take of tricolored bats could potentially occur during construction, if present within forested habitat being cleared, particularly during the pup season; however, the number of tricolored bats likely to inhabit the forested areas at the Project site (if any) is unknown, the range of the species is large, and a large amount of similar habitat would remain in adjacent areas. In addition, data returned from the LDWF WDP and the Determination Key for the species shows there are no known roost trees, hibernacula, or occupied culverts in the Project area (see Appendix A). Therefore, any incidental take associated with the Project, should it occur, is not likely to jeopardize the tricolored bat population.

6.2.5. Alligator Snapping Turtle

Vessel traffic during construction and operation is considered unlikely to impact the alligator snapping turtle, given the predominantly benthic nature of the species. In addition, the alligator snapping turtle is more likely to inhabit the slower-moving canals and drainages adjacent to the Project site, rather than the swifter currents of the Mississippi River.

Dredging activities, though intermittent and temporary in nature, have the potential to impact the species by rendering the river bottom unsuitable for foraging during dredging operations. As described in Section 6.2.3, the Port would adhere to the USFWS' recommended pallid sturgeon BMPs during dredging, which would also minimize the potential for interactions with the

alligator snapping turtle, thereby minimizing the potential for effects. These BMPs include measures to manage pumping rates and cutterhead sediment depths during dredging. Given these BMPs and the mobile nature of the species, the potential for dredge impacts on the alligator snapping turtle is considered to be low.

Adult snapping turtles are predominantly aquatic, with females moving onto shore only once per year to construct nests and lay eggs, generally within 600 feet of waterbodies. If a nest were present within the batture lands during construction, it is likely that the nest would be lost, resulting in a take of the eggs; however, the species is not likely to be present in high numbers given its typical range occurs north of the Project (see Figure 4-1). Therefore, although the species may occur in the Project area, the likelihood that a nest would be present within the Project footprint is believed to be low. Further, to minimize the potential for effects on the species, the Port would brief personnel on its characteristics and behavior and direct them to watch for alligator snapping turtles year-round in the water, and from April through mid-October on land. In the event that an alligator snapping turtle is observed during construction activities, work would stop, and the turtle would be allowed to leave the immediate vicinity of construction prior to recommencing work.

This species is proposed for listing as threatened with exclusions for incidental take associated with construction activities within and near waterbodies under Section 4(d) of the ESA; such take exclusions would likely apply to the Project, if included in any final listing. However, given the Port's proposed mitigation measures, the amount of available habitat, the low likelihood of occurrence expected in the Action Area, and nearby habitat to support any displaced individuals, impacts would be avoided to the extent possible, and the Project is not likely to jeopardize the continued existence of this species.

6.2.6. Monarch Butterfly

Pollinator plant species may be removed during construction of the Project, and any caterpillars present on milkweed species may be lost, if present within the vegetated portions of the direct disturbance areas during the breeding season. Adult monarchs are highly mobile and are likely to avoid areas of active construction. Once construction is complete, no further habitat modification would occur. In addition, as discussed in Section 6.2.4, the Port confirms that it would minimize the use of herbicides and pesticides to minimize the potential for species impacts. Because similar, adjacent habitat is abundant, incidental take associated with the Project, should it occur, is not likely to jeopardize the monarch butterfly population.

6.3. Analysis of Critical Habitat

The Project is not within designated critical habitat for the West Indian manatee, and there is currently no designated or proposed critical habitat for the eastern black rail, pallid sturgeon, tricolored bat, or alligator snapping turtle. Therefore, the Project would have no effect on critical habitat.

6.4. Cumulative Impacts

For ESA Section 7 consultation, cumulative effects are defined as "those effects of future State or private activities, not involving federal activities, that are reasonably certain to occur within the Action Area of the Federal action subject to consultation" (50 CFR § 402.02). These "cumulative effects involve only future non-federal actions: past and present impacts of non-federal actions are part of the environmental baseline" (USFWS and NMFS 1998). Any future, unrelated federal actions are not included because they are subject to separate consultation pursuant to Section 7 of ESA.

Cumulative effects result from specific future activities that are reasonably certain to occur and to produce effects that will aggregate with Project-related effects to alter the baseline conditions in the Action Area. Any reasonably foreseeable actions attributed to non-federal activities that may affect federally listed species and their designated critical habitats within the Action Area warrant consideration and evaluation to determine if the actions may add to the effects of the Project and cause cumulatively greater effects.

6.4.1. Non-federal Actions

Three non-federal actions are present or reasonably certain to occur within the Action Area. Information about the identified activities was compiled based on a review of publicly available information from the 2024 CPRA Annual Plan, DOTD forecasted projects lists, LDNR permit records, press releases, internet searches, and planned and proposed oil and gas projects listed on the Federal Energy Regulatory Commission (FERC) website. While other projects are proposed within the Action Area and area of potential cumulative effects, projects receiving federal funding, or subject to Clean Water Act permitting are subject to review under Section 7 of the ESA and therefore excluded from the cumulative impacts analysis herein.

6.4.2. Cumulative Effects Summary

The Action Area for the Project includes the waters and marshes within 3 miles of the LIT Project site, including the terminal itself and areas of in-water construction to account for the movement of sediments from in-water work at upstream projects, as well as from bank development/modifications and upland runoff. Projects not affecting or immediately adjacent to waters or marshes are not considered to contribute to impacts on aquatic wildlife. However, projects resulting in upstream bank or riverbed disturbance can also contribute to turbidity and sedimentation within the 3-mile area of impact; therefore, other projects on the banks of the Mississippi River within 6 miles upriver of the LIT Project site are also considered. The

reasonably foreseeable projects encompassed by the impact area that may have a cumulative impact on threatened and endangered species include the following:[3]

The Mississippi River Trail: This is a multi-state system of on-street routes and paved trails for bicycle and pedestrian travel along the levee of the Mississippi River. In St. Bernard Parish, the trail consists of five phases totaling 11.3 miles of 10-ft. wide asphalt shared-use path. Phases I and II, already complete, span 3 miles from the Violet Canal westward (upriver) to the Valero Refinery. Additional Phases III and IV entail continuing the trail upriver to Paris Road in Chalmette and downriver from Violet to the St. Bernard/Plaquemines Parish line in Braithwaite. This project is anticipated to be completed in 2025.

The Riverbend Subdivision Playground: St. Bernard Parish proposes to utilize the Community Development Block Grant (CDBG) Program Income funds for the "Parks Program" project. In an effort to improve the health and well-being of St. Bernard Parish residents, the Parish Parks Program intends to construct, improve, and/or rehabilitate eight parks, including the Riverbend Subdivision Playground, within residential communities throughout the parish. Improvements to this park are underway and are anticipated to be completed in 2024.

Impacts on terrestrial species from construction of the LIT Project would include displacement, stress, and direct mortality of some individuals. The clearing of hardwood forest associated with construction of the LIT Project would reduce the forested habitat available to the tricolored bat; however, given the availability of suitable nearby habitat it is unlikely to be adversely impacted by overlapping construction periods of other projects, which are small recreational development projects. The eastern black rail occurs primarily in wetland habitats and therefore is unlikely to be adversely affected by projects that are not subject to federal review due to impacts on jurisdictional wetlands. Once constructed, utilization of the above-referenced recreation projects and the operation of the proposed LIT Project could cumulatively have minor impacts on the tricolored bats and monarch butterflies in the area in the form of behavioral alterations and/or relocations from increased sound, lighting, human activity, and/or habitat removal.

7. DETERMINATION OF EFFECTS

As defined in Section 6.2, the listed resources (species or critical habitat) in the Action Area are assigned one of three effect determinations: *no effect*, *not likely to adversely effect*, and *likely to adversely effect*. For the proposed Project, determinations consider: 1) data from the USFWS IPaC system and the state wildlife agency, 2) habitat requirements and known or suspected

[3] Two bridge replacement projects, one bridge installation project, and a pedestrian bridge over a canal planned by DOTD in the Action Area were also identified. It is assumed each of these would be subject to USACE permit requirements and thus have not been included in this cumulative impact analysis.

distribution of these species within the Action Area, 3) analysis of potential habitat for each species in the Action Area, and/or 4) general habitat surveys.

The **Project may affect, but is not likely to adversely affect** the following species based on factors listed below:

West Indian Manatee

1. Low likelihood of occurrence in the Action Area
2. Implementation of agency-recommended BMPs to minimize the potential for vessel strikes or in-water construction impacts

Eastern Black Rail

1. Limited occurrence of potentially suitable habitat within the Project footprint
2. Low likelihood of presence within potentially suitably habitat

Pallid Sturgeon

1. Limited frequency of likely occurrence within the Action Area
2. Low likelihood of overlap between transiting species and potentially injurious noise levels from pile driving
3. Implementation of USFWS-recommended measures to minimize potential impacts from dredging

In addition, construction and operation of the Project is not likely to jeopardize the continued existence of the tricolored bat, alligator snapping turtle, or monarch butterfly based on the lack of known observations in the Action Area (see Appendix A), the terminal site's presence on the periphery of the species identified ranges and/or the wide availability of suitable habitat adjacent to the Project site.

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Attachment A
Agency Correspondence

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Louisiana Ecological Services Field Office
200 Dulles Drive
Lafayette, LA 70506
Phone: (337) 291-3100 Fax: (337) 291-3139

In Reply Refer To: 10/01/2024 21:52:33 UTC
Project Code: 2025-0000628
Project Name: Louisiana International Terminal

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, and candidate species, as well as designated and proposed critical habitat that may occur within the boundary of your proposed project and may be affected by your proposed project. The Fish and Wildlife Service (Service) is providing this list under section 7 (c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 et seq.). Changes in this species list may occur due to new information from updated surveys, changes in species habitat, new listed species and other factors. Because of these possible changes, feel free to contact our office (337-291-3109) for more information or assistance regarding impacts to federally listed species. The Service recommends visiting the IPaC site or the Louisiana Ecological Services Field Office website (https://www.fws.gov/southeast/lafayette) at regular intervals during project planning and implementation for updated 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 habitats 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 Federal trust resources and to determine whether projects may affect Federally listed 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)).

Bald eagles have recovered and were removed from the List of Endangered and Threatened Species as of August 8, 2007. Although no longer listed, please be aware that bald eagles are protected under the Bald and Golden Eagle Protection Act (BGEPA) (16 U.S.C. 668 et seq.).

The Service developed the National Bald Eagle Management (NBEM) Guidelines to provide landowners, land managers, and others with information and recommendations to minimize potential project impacts to bald eagles, particularly where such impacts may constitute "disturbance", which is prohibited by the BGEPA. A copy of the NBEM Guidelines is available at: https://www.fws.gov/migratorybirds/pdf/management/nationalbaldeaglenanagementguidelines.pdf

Those guidelines recommend: (1) maintaining a specified distance between the activity and the nest (buffer area); (2) maintaining natural areas (preferably forested) between the activity and nest trees (landscape buffers); and (3) avoiding certain activities during the breeding season. Onsite personnel should be informed of the possible presence of nesting bald eagles within the project boundary, and should identify, avoid, and immediately report any such nests to this office. If a bald eagle nest occurs or is discovered within or adjacent to the proposed project area, then an evaluation must be performed to determine whether the project is likely to disturb nesting bald eagles. That evaluation may be conducted on-line at: https://www.fws.gov/southeast/our-services/eagle-technical-assistance/. Following completion of the evaluation, that website will provide a determination of whether additional consultation is necessary. The Division of Migratory Birds for the Southeast Region of the Service (phone: 404/679-7051, e-mail: SEmigratorybirds@fws.gov) has the lead role in conducting any necessary consultation.

Activities that involve State-designated scenic streams and/or wetlands are regulated by the Louisiana Department of Wildlife and Fisheries and the U.S. Army Corps of Engineers, respectively. We, therefore, recommend that you contact those agencies to determine their interest in proposed projects in these areas.

Activities that would be located within a National Wildlife Refuge are regulated by the refuge staff. We, therefore, recommend that you contact them to determine their interest in proposed projects in these areas.

Additional information on Federal trust species in Louisiana can be obtained from the Louisiana Ecological Services website at: https://www.fws.gov/southeast/lafayette

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 Tracking Number 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
- Marine Mammals

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:

Louisiana Ecological Services Field Office
200 Dulles Drive
Lafayette, LA 70506
(337) 291-3100

PROJECT SUMMARY

Project Code: 2025-0000628
Project Name: Louisiana International Terminal
Project Type: Commercial Development
Project Description: The Port of New Orleans proposes to develop a new container terminal (the Louisiana International Terminal) along the Mississippi River, which would affect approximately 676 acres of upland, wetland, and riverine habitat. The Project is subject to federal permitting under the U.S. Army Corps of Engineers.

Project Location:

The approximate location of the project can be viewed in Google Maps: https://www.google.com/maps/@29.8923695,-89.8923826758724,14z

Counties: Orleans , Plaquemines , and St. Bernard counties, Louisiana

ENDANGERED SPECIES ACT SPECIES

There is a total of 6 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 Fisheries[1], 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.

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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
Tricolored Bat *Perimyotis subflavus* No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/10515	Proposed Endangered
West Indian Manatee *Trichechus manatus* There is **final** critical habitat for this species. Your location does not overlap the critical habitat. ***This species is also protected by the Marine Mammal Protection Act, and may have additional consultation requirements.*** Species profile: https://ecos.fws.gov/ecp/species/4469	Threatened

BIRDS

NAME	STATUS
Eastern Black Rail *Laterallus jamaicensis ssp. jamaicensis* No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/10477	Threatened

REPTILES

NAME	STATUS
Alligator Snapping Turtle *Macrochelys temminckii* No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/4658	Proposed Threatened

FISHES

NAME	STATUS
Pallid Sturgeon *Scaphirhynchus albus* No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/7162	Endangered

INSECTS

NAME	STATUS
Monarch Butterfly *Danaus plexippus* No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9743	Candidate

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[1] and the Migratory Bird Treaty Act[2].

Any person or organization who plans or conducts activities that may result in impacts to bald or golden eagles, or 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".

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

There are likely bald eagles present in your project area. For additional information on bald eagles, refer to Bald Eagle Nesting and Sensitivity to Human Activity

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

NAME	BREEDING SEASON
Bald Eagle *Haliaeetus leucocephalus* This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/1626	Breeds Sep 1 to Jul 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.

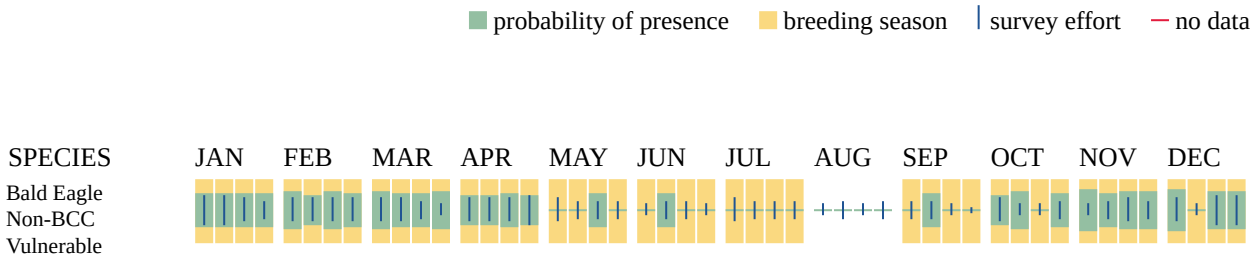
Probability of Presence (■)

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.



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

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".

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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 *Haliaeetus leucocephalus* This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/1626	Breeds Sep 1 to Jul 31
Black Skimmer *Rynchops niger* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/5234	Breeds May 20 to Sep 15
Chimney Swift *Chaetura pelagica* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9406	Breeds Mar 15 to Aug 25
Dickcissel *Spiza americana* 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/9453	Breeds May 5 to Aug 31
Eastern Whip-poor-will *Antrostomus vociferus* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/10678	Breeds May 1 to Aug 20
Forster's Tern *Sterna forsteri* 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/11953	Breeds Mar 1 to Aug 15

NAME	BREEDING SEASON
Gull-billed Tern *Gelochelidon nilotica* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9501	Breeds May 1 to Jul 31
Kentucky Warbler *Geothlypis formosa* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9443	Breeds Apr 20 to Aug 20
King Rail *Rallus elegans* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/8936	Breeds May 1 to Sep 5
Le Conte's Sparrow *Ammospiza leconteii* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9469	Breeds elsewhere
Least Tern *Sternula antillarum antillarum* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/11919	Breeds Apr 25 to Sep 5
Lesser Yellowlegs *Tringa flavipes* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9679	Breeds elsewhere
Little Blue Heron *Egretta caerulea* 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/9477	Breeds Mar 10 to Oct 15
Painted Bunting *Passerina ciris* 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/9511	Breeds Apr 25 to Aug 15
Pectoral Sandpiper *Calidris melanotos* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9561	Breeds elsewhere
Prairie Loggerhead Shrike *Lanius ludovicianus excubitorides* 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/8833	Breeds Feb 1 to Jul 31

NAME	BREEDING SEASON
Prairie Warbler *Setophaga discolor* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9513	Breeds May 1 to Jul 31
Prothonotary Warbler *Protonotaria citrea* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9439	Breeds Apr 1 to Jul 31
Reddish Egret *Egretta rufescens* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/7617	Breeds Mar 1 to Sep 15
Short-billed Dowitcher *Limnodromus griseus* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9480	Breeds elsewhere
Swallow-tailed Kite *Elanoides forficatus* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/8938	Breeds Mar 10 to Jun 30
Willet *Tringa semipalmata* 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 *Hylocichla mustelina* 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 (■)

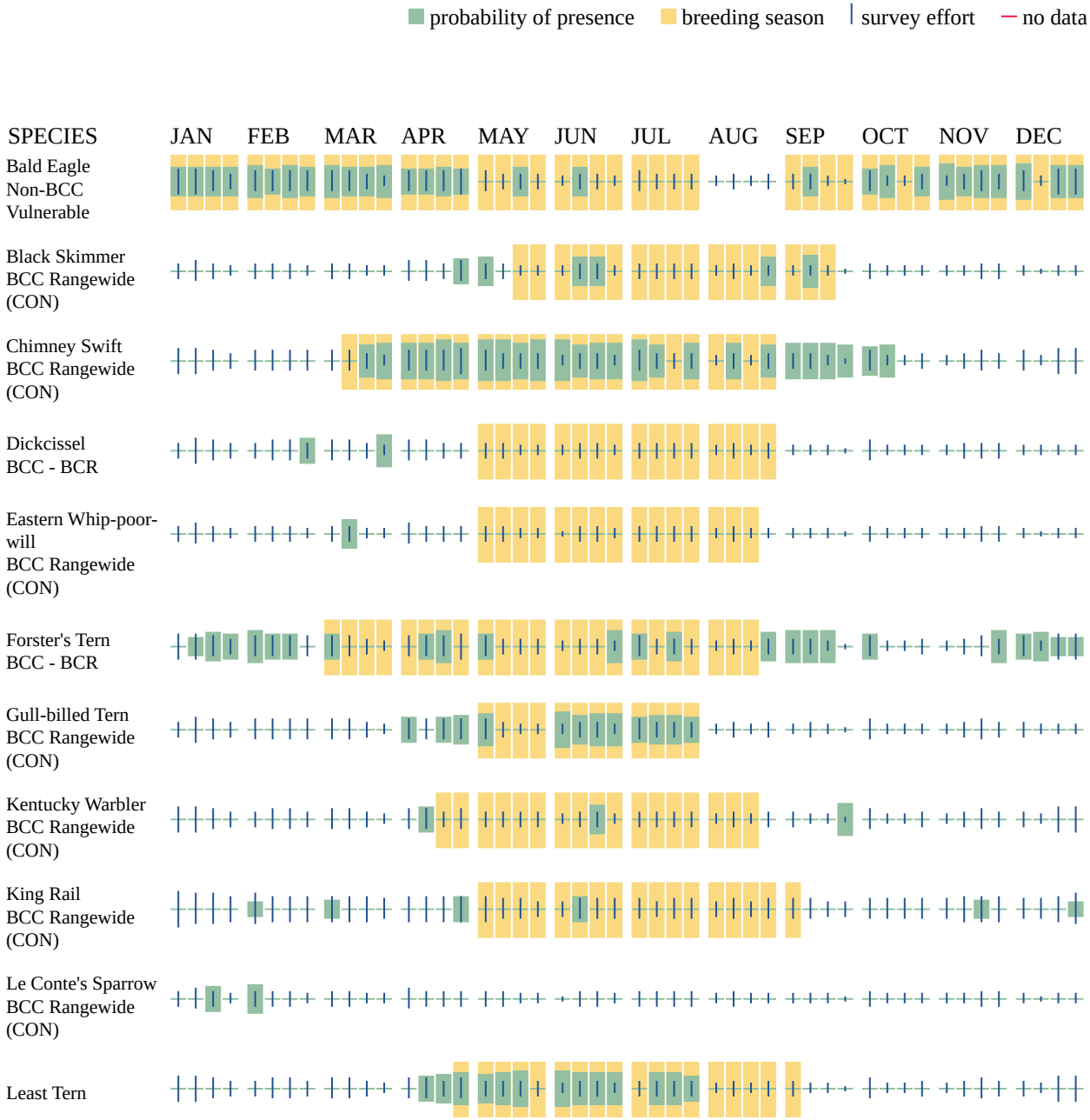
Green bars; the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during that week of the year.

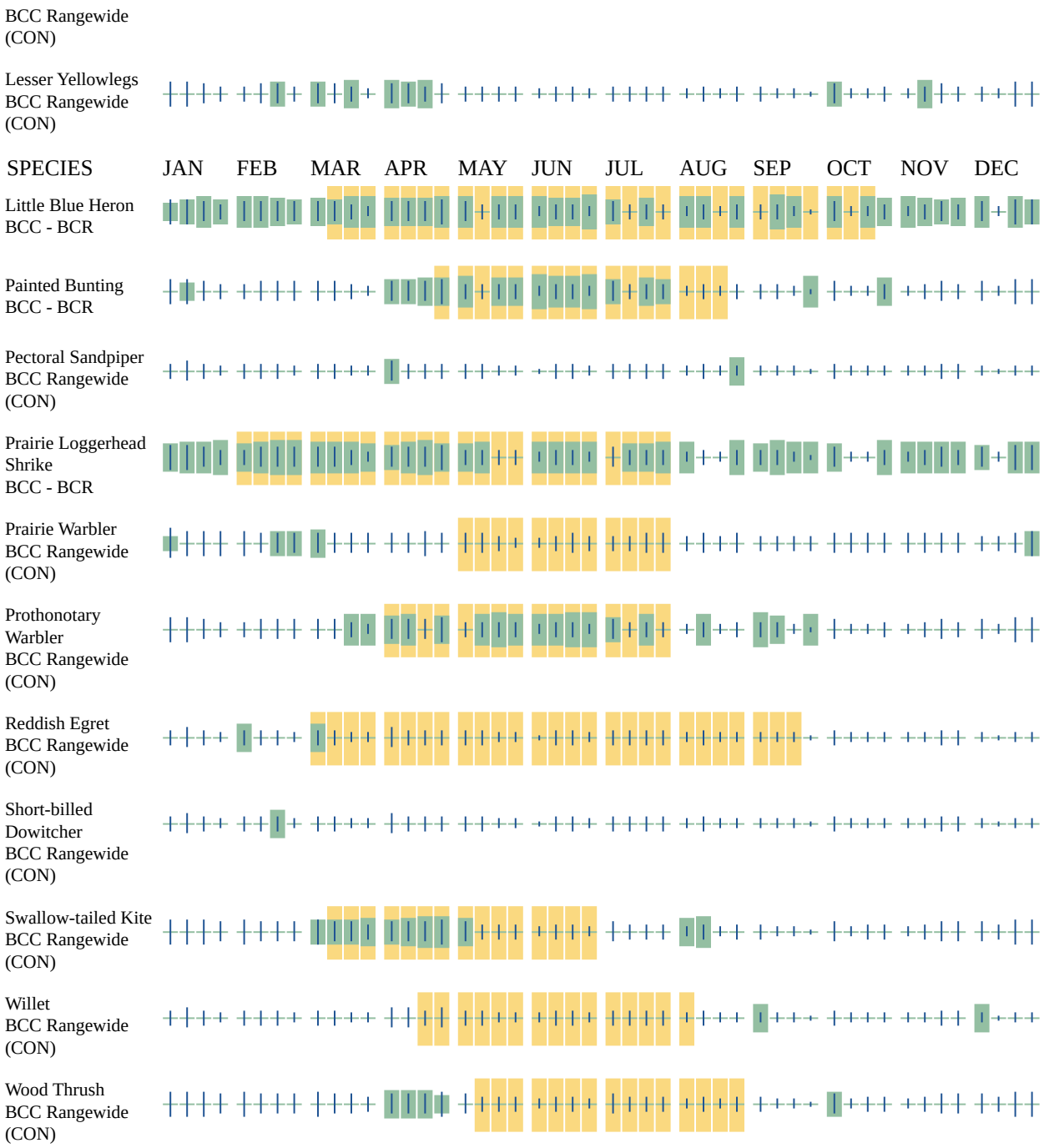
Breeding Season (■)

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.





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

MARINE MAMMALS

Marine mammals are protected under the Marine Mammal Protection Act. Some are also protected under the Endangered Species Act[1] and the Convention on International Trade in Endangered Species of Wild Fauna and Flora[2].

The responsibilities for the protection, conservation, and management of marine mammals are shared by the U.S. Fish and Wildlife Service [responsible for otters, walruses, polar bears, manatees, and dugongs] and NOAA Fisheries[3] [responsible for seals, sea lions, whales, dolphins, and porpoises]. Marine mammals under the responsibility of NOAA Fisheries are **not** shown on this list; for additional information on those species please visit the Marine Mammals page of the NOAA Fisheries website.

The Marine Mammal Protection Act prohibits the take of marine mammals and further coordination may be necessary for project evaluation. Please contact the U.S. Fish and Wildlife Service Field Office shown.

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1. The Endangered Species Act (ESA) of 1973.
2. The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) is a treaty to ensure that international trade in plants and animals does not threaten their survival in the wild.
3. 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.

NAME

West Indian Manatee *Trichechus manatus*
Species profile: https://ecos.fws.gov/ecp/species/4469

IPAC USER CONTACT INFORMATION

Agency: Private Entity
Name: Jennifer McCoy
Address: 16285 Park Ten Pl, Suite 300
City: Houston
State: TX
Zip: 77084
Email jmmccoy@edge-es.com
Phone: 8327723004

LEAD AGENCY CONTACT INFORMATION

Lead Agency: Army Corps of Engineers
Name: Brad LaBorde
Email: Brad.Laborde@usace.army.mil

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Louisiana Ecological Services Field Office
200 Dulles Drive
Lafayette, LA 70506
Phone: (337) 291-3100 Fax: (337) 291-3139

In Reply Refer To: 10/01/2024 22:10:23 UTC
Project code: 2025-0000628
Project Name: Louisiana International Terminal

Subject: Consistency letter for the project named 'Louisiana International Terminal' for specified threatened and endangered species that may occur in your proposed project location pursuant to the Louisiana Endangered Species Act project review and guidance for other federal trust resources determination key (Louisiana DKey).

Dear Jennifer McCoy:

The U.S. Fish and Wildlife Service (Service) received on October 01, 2024 your effects determination(s) for the 'Louisiana International Terminal' (the Action) using the Louisiana DKey within the Information for Planning and Consultation (IPaC) system. The Service developed this system in accordance with the Endangered Species Act of 1973 (ESA) (87 Stat.884, as amended; 16 U.S.C. 1531 et seq.).

Based on your answers, and the assistance in the Service's Louisiana DKey, you made the following effect determination(s) for the proposed Action:

Species	**Listing Status**	**Determination**
Eastern Black Rail (*Laterallus jamaicensis ssp. jamaicensis*)	Threatened	May affect
Pallid Sturgeon (*Scaphirhynchus albus*)	Endangered	NLAA
West Indian Manatee (*Trichechus manatus*)	Threatened	NLAA

Consultation with the Service is not complete. Further consultation or coordination with the Louisiana Ecological Services Office is necessary for those species with a determination of "may affect" listed above. Please contact our office at 337-291-3100 or lafayette@fws.gov to discuss methods to avoid or minimize potential adverse effects to those species.

This IPaC-generated letter only applies to the species in the above table and **does not** apply to the following ESA-protected species that also may occur in the Action Area:

- Alligator Snapping Turtle *Macrochelys temminckii* Proposed Threatened
- Monarch Butterfly *Danaus plexippus* Candidate

- Tricolored Bat *Perimyotis subflavus* Proposed Endangered

Please Note: If the Federal 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) may be required. Please contact Ulgonda Kirkpatrick (phone: 321/972-9089, e-mail: ulgonda_kirkpatrick@fws.gov) with any questions regarding potential impacts to bald or golden eagles.

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

1. Name

Louisiana International Terminal

2. Description

The following description was provided for the project 'Louisiana International Terminal':

> The Port of New Orleans proposes to develop a new container terminal (the Louisiana International Terminal) along the Mississippi River, which would affect approximately 676 acres of upland, wetland, and riverine habitat. The Project is subject to federal permitting under the U.S. Army Corps of Engineers.

The approximate location of the project can be viewed in Google Maps: https://www.google.com/maps/@29.8923695,-89.8923826758724,14z

QUALIFICATION INTERVIEW

1. Is the action authorized, funded, or being carried out by a Federal agency?

   Yes

2. Is the action authorized, funded, or being carried out by the:

   a. U.S Army Corps of Engineers

3. Please identify your agency or organization type:

   c. Other

4. Are you with the U.S. Army Corps of Engineers Regulatory Division?

   No

5. Are you with the U.S. Army Corps of Engineers Planning Division?

   No

6. [Hidden Semantic] Does the project intersect the eastern black rail AOI?

   Automatically answered
   Yes

7. Will the proposed project involve human disturbance or ground disturbance (such as foot traffic, vehicles, tracked equipment, excavating, grading, placing fill material, etc.)?

   Yes

8. Will the project directly impact suitable eastern black rail nesting habitat (shallow inundated wetlands containing mesic to hydric soils with dense herbaceous plant cover) and/or foraging habitat (wetland-upland transition zones with dense cover and 1-3 cm deep pools) and/or roosting habitat (elevated wetlands that allow for refugia from high water events and nest to be elevated above water level)?

   Yes

9. Does the action consist of either fire management, grazing, haying, mowing and/or other mechanical treatment activities?

   Yes

10. [Hidden Semantic] Does the project intersect the west indian manatee AOI?

    Automatically answered
    Yes

11. (Semantic) Is the project located within the manatee consultation zone, excluding the Mississippi River?

    Automatically answered
    Yes

12. Is the project footprint entirely on land?

    No

13. Is the water depth within the project greater than 2 feet (at mean high tide)?

    Yes

14. Will the project occur during the months of June through November?

    Yes

15. Will the following Standard Manatee Conditions for in-Water Activities be included within the project design?

    Yes

16. [Hidden Semantic] Does the project intersect the pink mucket mussel AOI ?

    Automatically answered
    No

17. [Hidden Semantic] Does the project intersect the pallid sturgeon AOI?

    Automatically answered
    Yes

18. Will the project result in riverine pathway obstruction (such as construction of dams, hydropower plants, etc.)?

    No

19. Will the project include the addition of or modification to water intake structures?

    No

20. Will the project involve modifications to existing or construction of new diversion structure or turbines?

    No

21. Will the project involve dredging activities?

    Yes

22. Will the project involve bucket dredging only?

    No

23. Will the following cutterhead/suction dredge operational parameters be included in the **project design**? 1) The cutter head must remain completely buried in the bottom material during dredging operation. If pumping water through the cutterhead is necessary to dislodge material or to clean the pumps or cutterhead, etc., the pumping rate will be reduced to the lowest rate possible until the cutterhead is at mid-depth, where the pumping rate can then be increased. 2) During dredging, the pumping rates will be reduced to the slowest speed possible while the cutterhead is descending to the channel bottom.

    Yes

24. (Semantic) Does the project intersect the Louisiana black bear Range?

    Automatically answered
    No

PROJECT QUESTIONNAIRE

1. How many cubic yards will be dredged as part of the action?

   Approximately 100,000 cubic yards, as needed

IPAC USER CONTACT INFORMATION

Agency: Private Entity
Name: Jennifer McCoy
Address: 16285 Park Ten Pl, Suite 300
City: Houston
State: TX
Zip: 77084
Email jmmccoy@edge-es.com
Phone: 8327723004

LEAD AGENCY CONTACT INFORMATION

Lead Agency: Army Corps of Engineers
Name: Brad LaBorde
Email: Brad.Laborde@usace.army.mil

Jenny McCoy

From: Jenny McCoy
Sent: Wednesday, March 26, 2025 1:45 PM
To: Jenny McCoy
Subject: FW: Project Review Request
Attachments: GEC, Inc._Port of New Orleans Proposed Construction of Louisiana International Terminal_Invoice.pdf; GEC, Inc._Port of New Orleans Proposed Construction of Louisiana International Terminal_signed.pdf

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From: Chelsea Crawford <ccrawford@gecinc.com>
Sent: Friday, October 18, 2024 8:24 AM
To: Jenny McCoy <JMMcCoy@edge-es.com>
Subject: FW: Project Review Request

Chelsea Crawford
G.E.C., Inc.
8282 Goodwood Blvd.
Baton Rouge, LA 70806
Direct: (225) 612-4131 | Cell: (318) 792-0404
Email: ccrawford@gecinc.com

From: Carolyn Michon <cmichon@wlf.la.gov>
Sent: Thursday, October 17, 2024 7:21 PM
To: Chelsea Crawford <ccrawford@gecinc.com>
Subject: RE: Project Review Request

Chelsea,

I have attached the response letter and invoice for the proposed project.

Carolyn Michon, Biologist
Louisiana Department of Wildlife and Fisheries
cmichon@wlf.la.gov
www.wlf.louisiana.gov
200 Dulles Drive
Lafayette, La 70506
337-735-8734

From: Chelsea Crawford <ccrawford@gecinc.com>
Sent: Wednesday, October 2, 2024 11:08 AM
To: Carolyn Michon <cmichon@wlf.la.gov>
Subject: Project Review Request

Hello, Ms. Michon,

The Port of New Orleans is proposing to develop a new container terminal (the Louisiana International Terminal) along the Mississippi River in St. Bernard Parish, which would affect approximately 676 acres of upland, wetland, and riverine habitat. While the Project is still under development, GIS shapefiles of the general Project area are attached. I would like to request a database search for known locations of threatened and endangered species and natural communities for the Project site shown in the attached GIS shapefiles, along with a 3-mile radius of the footprint.

Please contact me if you require any additional information.

Thank you very much,

Chelsea Crawford
G.E.C., Inc.
8282 Goodwood Blvd.
Baton Rouge, LA 70806
Direct: (225) 612-4131 | Cell: (318) 792-0404
Email: ccrawford@gecinc.com

JEFF LANDRY
GOVERNOR

MADISON D. SHEAHAN
SECRETARY

PO BOX 98000 | BATON ROUGE LA | 70898

Date	October 17, 2024
Name	Chelsea Crawford
Company	GEC, Inc.
Street Address	8282 Goodwood Blvd.
City, State Zip	Baton Rouge, LA 70806
Project	Port of New Orleans Proposed Construction of Louisiana International Terminal
Project ID	352024
Invoice Number	24101710

Personnel of the Louisiana Wildlife Diversity Program (WDP) have reviewed the preliminary data for the captioned project. After careful review of our database, no impacts to rare, threatened, or endangered species or critical habitats are anticipated for the proposed project. No state wildlife refuges or wildlife management areas are known to occur at the specified site within Louisiana's boundaries.

The Wildlife Diversity Program (WDP) has compiled data on rare, endangered, or otherwise significant plant and animal species, plant communities, and other natural features throughout the state of Louisiana. WDP reports summarize the existing information known at the time of the request regarding the location in question. The quantity and quality of data collected by the WDP are dependent on the research and observations of many individuals. In most cases, this information is not the result of comprehensive or site-specific field surveys; many natural areas in Louisiana have not been surveyed. This report does not address the occurrence of wetlands at the site in question. WDP reports should not be considered final statements on the biological elements or areas being considered, nor should they be substituted for on-site surveys required for environmental assessments. WDP requires that this office be acknowledged in all reports as the source of all data provided here. If at any time WDP tracked species are encountered within the project area, please contact the WDP Data Manager at 225-763-3554. If you have any questions, or need additional information, please call 337-735-8734.

Sincerely,

for Carolyn Michon

Nicole Lorenz, Program Manager
Wildlife Diversity Program

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Louisiana Ecological Services Field Office
200 Dulles Drive
Lafayette, LA 70506
Phone: (337) 291-3100 Fax: (337) 291-3139

In Reply Refer To: 11/25/2024 20:00:46 UTC
Project code: 2025-0000628
Project Name: Louisiana International Terminal

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

Subject: Technical assistance for 'Louisiana International Terminal'

Dear Jennifer McCoy:

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 November 25, 2024, for 'Louisiana International Terminal' (here forward, Project). This project has been assigned Project Code 2025-0000628 and all future correspondence should clearly reference this number. **Please carefully review this letter. Your Endangered Species Act (Act) requirements are not complete.**

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.**

Determination for the Northern Long-Eared Bat and Tricolored Bat

Based on your IPaC submission and a standing analysis completed by the Service, you determined the proposed Project will have the following effect determinations:

Species	Listing Status	Determination
Tricolored Bat (*Perimyotis subflavus*)	Proposed Endangered	May affect

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:

- Alligator Snapping Turtle *Macrochelys temminckii* Proposed Threatened
- Eastern Black Rail *Laterallus jamaicensis ssp. jamaicensis* Threatened
- Monarch Butterfly *Danaus plexippus* Candidate
- Pallid Sturgeon *Scaphirhynchus albus* Endangered
- West Indian Manatee *Trichechus manatus* Threatened

You may coordinate with our Office to determine whether the Action may cause prohibited take of the species listed above.

Conclusion

Consultation with the Service is not complete. Further consultation or coordination with the Service is necessary for those species or designated critical habitats with a determination of "May Affect." A "May Affect" determination in this key indicates that the project, as entered, is not consistent with the questions in the key. Not all projects that reach a "May Affect" determination are anticipated to result in adverse impacts to listed species. These projects may result in a "No Effect", "May Affect, Not Likely to Adversely Affect", or "May Affect, Likely to Adversely Affect" determination depending on the details of the project. Please contact our Louisiana Ecological Services Field Office to discuss methods to avoid or minimize potential adverse effects to those species or designated critical habitats.

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. Projects that receive a may affect determination for tricolored bat through the key, should contact the appropriate Ecological Services Field Office if they want to conference on this species.

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

1. Name

Louisiana International Terminal

2. Description

The following description was provided for the project 'Louisiana International Terminal':

> The Port of New Orleans proposes to develop a new container terminal (the Louisiana International Terminal) along the Mississippi River, which would affect approximately 676 acres of upland, wetland, and riverine habitat. The Project is subject to federal permitting under the U.S. Army Corps of Engineers.

The approximate location of the project can be viewed in Google Maps: https://www.google.com/maps/@29.8923695,-89.8923826758724,14z

DETERMINATION KEY RESULT

Based on the answers provided, the proposed Action is consistent with a determination of “may affect” for a least one species covered by this determination key.

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
   Yes

3. Your project overlaps with Zone 2 of the area where northern long-eared bats and tricolored bats may be present and roosting in trees year-round.

   Do you understand that your project may impact bats at any time during the year?

   Yes

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.

   No

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. Will the action cause effects to a bridge?

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

    No

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

    Yes

14. Does the culvert or tunnel equal or exceed 23 feet (7.0 meters) in length?

    Yes

15. Do the interior dimensions of the culvert or tunnel **equal or exceed 3.0 feet (0.9 meters) in height (minimum height for tricolored bat)**?

    No

16. 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.

    Yes

17. Does the action include the intentional exclusion of bats from a building or structure?

    Note: Exclusion is conducted to deny bats' entry or reentry into a building. To be effective and to avoid harming bats, it should be done according to established standards. If your action includes bat exclusion and you are unsure whether northern long-eared bats or tricolored bats are present, answer "Yes." Answer "No" if there are no signs of bat use in the building/structure. If unsure, contact your local Ecological Services Field Office to help assess whether northern long-eared bats or tricolored bats may be present. Contact a Nuisance Wildlife Control Operator (NWCO) for help in how to exclude bats from a structure safely without causing harm to the bats (to find a NWCO certified in bat standards, search the Internet using the search term "National Wildlife Control Operators Association bats"). Also see the White-Nose Syndrome Response Team's guide for bat control in structures.

    No

18. Does the action involve removal, modification, or maintenance of a human-made structure (barn, house, or other building) **known or suspected to contain roosting bats?**

    No

19. Will the action cause construction of one or more new roads open to the public?

    For federal actions, answer 'yes' when the construction or operation of these facilities is either (1) part of the federal action or (2) would not occur but for an action taken by a federal agency (federal permit, funding, etc.).

    No

20. Will the action include or cause any construction or other activity that is reasonably certain to increase average daily traffic permanently or temporarily on one or more existing roads?

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

    Yes

21. Will the increased vehicle traffic occur on any road that lies between any two areas of contiguous forest that are each greater than or equal to 10 acres in extent and are separated by less than 1,000 feet? Bats may cross a road by flying between forest patches that are up to 1,000 feet apart.

    Note: "Contiguous forest" of 10 acres or more may includes areas where multiple forest patches are separated by less than 1,000 feet of non-forested area if the forested patches, added together, comprise at least 10 acres.

    Yes

22. For every 1,000 feet of road where increased traffic is expected, will there be at least one place where bats could cross the road corridor by flying less than 33 feet (10 meters) between trees whose tops are at least 66 feet (20 meters) higher than the road surface?

    No

23. Will the proposed Action involve the creation of a new water-borne contaminant source (e.g., leachate pond, pits containing chemicals that are not NSF/ANSI 60 compliant)?

    Note: For information regarding NSF/ANSI 60 please visit https://www.nsf.org/knowledge-library/nsf-ansi-standard-60-drinking-water-treatment-chemicals-health-effects

    No

24. Will the proposed action involve the creation of a new point source discharge from a facility other than a water treatment plant or storm water system?

    No

25. Will the action include drilling or blasting?

    No

26. Will the action involve military training (e.g., smoke operations, obscurant operations, exploding munitions, artillery fire, range use, helicopter or fixed wing aircraft use)?

    No

27. Will the proposed action involve the use of herbicides or other pesticides other than herbicides (e.g., fungicides, insecticides, or rodenticides)?

    No

28. Will the action include or cause activities that are reasonably certain to cause chronic or intense nighttime noise (above current levels of ambient noise in the area) in suitable summer habitat for the northern long-eared bat or tricolored bat during the active season?

    Chronic noise is noise that is continuous or occurs repeatedly again and again for a long time. Sources of chronic or intense noise that could cause adverse effects to bats may include, but are not limited to: road traffic; trains; aircraft; industrial activities; gas compressor stations; loud music; crowds; oil and gas extraction; construction; and mining.

    Note: 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.

    Yes

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

    Automatically answered
    Yes

30. [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

31. Your project overlaps with an area where tricolored bats may be present and roosting in trees year-round.

    Has a presence/probable absence survey for the tricolored bat following the Service's Range-wide Indiana Bat and Northern Long-Eared Bat Survey Guidelines been conducted within the project area? If unsure, answer "No."

    No

32. Your project overlaps with an area where tricolored bats may be present and roosting in trees year-round.

    Is suitable tricolored bat habitat present within 1000 feet of project activities? Note: If there are trees within the action area that may provide potential roosts for tricolored bats (e.g., clusters of leaves in live and dead deciduous trees, Spanish moss (*Tillandsia usneoides*), clusters of dead pine needles of large live pines) answer "Yes." 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.

    Yes

33. Do you have any documents that you want to include with this submission?
No

PROJECT QUESTIONNAIRE

IPAC USER CONTACT INFORMATION

Agency: Private Entity
Name: Jennifer McCoy
Address: 16285 Park Ten Pl, Suite 300
City: Houston
State: TX
Zip: 77084
Email jmmccoy@edge-es.com
Phone: 8327723004

LEAD AGENCY CONTACT INFORMATION

Lead Agency: Army Corps of Engineers
Name: Brad LaBorde
Email: Brad.Laborde@usace.army.mil

You have indicated that your project falls under or receives funding through the following special project authorities:

- BIPARTISAN INFRASTRUCTURE LAW (BIL) (OTHER)

EDGE ENGINEERING & SCIENCE
16285 Park Ten Place, Suite 300 | Houston, Texas 77084 | 832.772.3000 edge-es.com

January 7, 2025

Ms. Brigette Firmin
Field Supervisor
U.S. Fish and Wildlife Service
Louisiana Ecological Services Field Office
200 Dulles Drive
Lafayette, Louisiana 70506
Via e-mail: lafayette@fws.gov

RE: Request for Threatened and Endangered Species Technical Assistance:
Louisiana International Terminal
St. Bernard Parish, Louisiana
Project Code: 2025-0000628

Dear Ms. Firmin,

The Port of New Orleans (Port) proposes to develop a new container terminal (the Louisiana International Terminal) along the Mississippi River, which would affect approximately 615 acres of upland, wetland, and riverine habitat. The Project is subject to federal permitting under the U.S. Army Corps of Engineers (USACE) and the Port will seek federal funding from the Maritime Administration (MARAD), requiring review under the National Environmental Policy Act (NEPA). The Port has contracted Edge Engineering and Science, LLC (EDGE) to provide environmental support for the Project related to threatened and endangered species impacts. On behalf of the Port and to support potential future Section 7 consultation between USACE, MARAD, and the USFWS, **we respectfully request technical assistance** regarding the potential for Project-related impacts on listed and proposed species that may occur in the Project vicinity.

PROJECT DESCRIPTION

The proposed Louisiana International Terminal would be located in Violet, Louisiana, in St. Bernard Parish, on the left descending bank of the Mississippi River near River Mile (RM) 83. Based on current plans, the Project would consist of a three-berth modern container terminal, with 2 million TEU (twenty-foot equivalent unit) container annual capacity at full buildout. When operational, the terminal would encompass approximately 615 acres, with major features including approximately 3,600 linear feet of wharf, vehicular ramps spanning between the wharf and the container yard and associated administrative buildings, a rail yard and rail spurs, vehicular access from E. Judge Perez Highway, and a relocated portion of E. St. Bernard Highway. Open waters of the Mississippi River would also be used as a turning basin and source of fill for the terminal site.

The USACE has previously consulted with the USFWS regarding potential impacts on listed species for geotechnical and surcharge activities at the Project site. These consultations occurred under Project number MVN-2021-00270. The standard permit (issued March 13, 2023) included special conditions for the West Indian manatee and the black rail.

PROJECT AREA CHARACTERIZATION

The Project site is located within the Mississippi Alluvial Plain Ecoregion, which historically contained one of the largest continuous wetland systems in North America. Within this broader ecoregion, the Project site is within the Southern Holocene Meander Belts Ecoregion (Daigle 2006), characterized by bottomland forests that have been cleared and modified for flood control, agriculture, and navigation. Between the Mississippi River Levee and the Mississippi River is a corridor known as the "batture lands." The batture lands are hydrologically connected to the Mississippi River, are flood-prone, and contain remnant habitat for "big river" species (for example, pallid sturgeon) as well as riverfront plant communities.

As depicted in Attachment 1, bottomland hardwood forest is the dominant community for the majority of the Project site, stretching from E. St. Bernard Highway (LA 46) to the 40 Arpent Canal. Of the approximately 428 acres of wetlands at the site, the majority comprises forested wetlands. The batture community at the Project site is located along the Mississippi River, west of the Mississippi River Levee, and consists of emergent and scrub/shrub wetlands. Upland vegetation at the Project site consists of maintained grass fields along the west side of LA 46, on the mainline levee of the Mississippi River, east of the 40 Arpent Canal, and along the east and west side of LA 46 at the southern end of the Project where the Project footprint extends south to accommodate highway improvements for access. Additional upland habitat, located in the southeast portion of the Project site east of LA 46, consists of forested habitat.

The aquatic portion of the Project encompasses the riverine habitat of the Lower Mississippi River (from approximate RM 87 to RM 79); freshwater ponds, ditches, and wetlands; canals; and estuarine wetlands and waters between the Mississippi River and Lake Borgne. The landside portion of the Project site is in the Lake Pontchartrain Basin, which consists of tributaries and distributaries of Lake Pontchartrain. The Lake Pontchartrain Basin is bound by the eastern levee of the Mississippi River. The riverside portion of the Project is included in the Mississippi River Basin (LDEQ 2022).

ACTION AREA

The Action Area currently considered for the Project is the terminal site itself, as well as a 3-mile buffer on the center of the terminal site, which includes the anticipated maximum extent of construction and operational noise and lighting at the terminal, as well as downstream turbidity and sedimentation from in-water construction. The new container terminal is estimated to increase container ship traffic in the Mississippi River, adding vessels incrementally over time by up to 500 vessels per year if operating at full capacity[1]. That amounts to a 2.5% increase in the roughly 20,000 deep draft vessels estimated to ply the channel annually. The origin of these vessels is not currently known; however, because the slight increase in traffic is unlikely to result in unique stressors or measurably increased risk to aquatic species outside of the currently considered Action Area, impacts from vessels traveling through the Gulf of Mexico and elsewhere in the Mississippi River are not considered further.

[1] The Project will be constructed in 3 phases, such that full operational capacity will not be achieved for several years after construction begins.

THREATENED AND ENDANGERED SPECIES ASSESSMENT

On behalf of the Port, EDGE has identified federal threatened, endangered, and proposed species that are listed as potentially occurring within the Project area based on a review of the U.S. Fish and Wildlife (USFWS) Information, Planning and Consultation System (IPaC) (see Attachment 2). An official species list was obtained on October 1, 2024, from the USFWS IPaC website and returned six species, including one federally endangered species, two federally threatened species, two proposed species, and one candidate species, as listed in the table below. No designated critical habitat occurs within the general Project area.

Federally Proposed and Listed Species in the Red River Express Project Area

Common Name	Scientific Name	Current Status
Tri-colored bat	*Perimyotis subflavus*	Proposed Endangered
West Indian manatee	*Trichechus manatus*	Threatened
Eastern black rail	*Laterallus jamaicensis ssp. jamaicensis*	Threatened
Alligator snapping turtle	*Macrochelys temminckii*	Proposed Threatened
Pallid sturgeon	*Scaphirhynchus albus*	Endangered
Monarch butterfly	*Danaus plexippus*	Proposed Threatened[a]

[a] A proposed rule to list the monarch butterfly as a threatened species was issued on December 12, 2024 (89 Fed. Reg. 100662).

Eastern Black Rail

The eastern black rail is a secretive marsh bird that occurs in emergent wetland habitat and contiguous uplands (USFWS 2019). The range of this species extends across the Gulf Coast and it has been documented in western coastal Louisiana; however, Louisiana is not currently known to support a breeding population of eastern black rail (Watts 2016; USFWS 2019). Further, Louisiana is considered to be on the periphery of known breeding areas for the species (Watts 2016, and noted in the final rule listing the species under 85 Fed. Reg. 63764). Most of the terrestrial habitat at the Project site is bottomland forested habitat; however, some areas include scrub-shrub wetland intermixed with emergent wetlands, such that potential habitat may be present in limited amounts. Clearing vegetated areas would permanently alter habitat suitability for the eastern black rail.

As shown in Attachment 1, construction and operation of the proposed Project would predominantly occur within the bottomland hardwoods and uplands occurring between the Mississippi River and LA 39, neither of which provides suitable habitat for the black rail, and the scrub-shrub wetlands west of LA 39 do not include high marsh habitats typically inhabited by black rails (ACJV 2020). Limited construction would occur between LA 39 and the 40 Arpent Canal, allowing for a forested buffer between most construction activities and the potentially suitable scrub-shrub wetlands present east of the 40 Arpent Canal. Terminal components within the forested buffer area would be predominantly limited to a drainage canal and the associated pump station, which would encompass areas of bottomland hardwood,

the 40 Arpent Canal, and the scrub-shrub and emergent wetlands east of the Canal. The portion of the pump station that would be constructed on the east side of the 40 Arpent Canal would result in the removal of approximately 2.5 acres of scrub-shrub wetlands, which is only a very small percentage of the potential habitat available within the vicinity. The maintained forested buffer would minimize the potential for impacts from increased noise and lighting at the Terminal. Once construction is complete, no further vegetation clearing would be required during operations. Because of the relatively low occurrence of observed black rails in Louisiana and the large expanse of scrub-shrub and herbaceous wetlands in the vicinity of the Project, it is considered unlikely that black rails would be present within this small area during construction; therefore, we recommend a determination of may affect, not likely to adversely affect for the eastern black rail.

Tricolored Bat

The tricolored bat was proposed as endangered on September 14, 2022. During summer roosting and foraging seasons, tricolored bats roost in live and dead leaf clusters of deciduous hardwood trees. This species is also found among pine needles, eastern red cedar, and within artificial roost sites (for example, barns, beneath porches, roofs, bridges, and concrete bunkers) during the summer months. In Louisiana, winter roosting occurs under bridges and within culverts (USFWS 2024b). Most of the habitat (about 417 acres) in the Project site is forested habitat, which could be utilized by the tricolored bat. The Project site does not contain caves suitable for wintering bats. In addition, although road-associated culverts occur within the Project site along the existing roads and would be affected by construction, they are not of adequate size for tricolored bat use (see Attachment 2). The Louisiana Department of Wildlife and Fisheries' (LDWF) Wildlife Diversity Program did not identify the presence of any roost trees or known species occurrences, nor does the Determination Key (see Attachment 2) for the species identify the presence of nearby occupied culverts or known bat hibernaculum.

The Port continues to assess construction protocols and timing; however, construction restriction windows may not be feasible to implement given the size and scope of the Project. The Port commits to requiring that all construction contractors conduct training of their personnel to identify and report listed or proposed species, and will direct construction workers to cease work in the area if an applicable species is identified in the work area until the individual has left the area of its own accord. We request any recommended mitigation measures that could be considered in lieu of timing restrictions for the eastern black rail (if needed) and tricolored bat (should it be listed prior to construction).

BALD EAGLES AND MIGRATORY BIRDS

In addition to the listed, proposed, or candidate species noted above, the Port recognizes the requirement to comply with protection measures for bald eagles and migratory birds. The Project would be constructed where large trees occur near a major waterbody, and therefore the Project area is suitable nesting and foraging habitat for bald eagles. Eagles have been documented within the Project footprint, and at least one active nest has been documented outside the Project site but within the local area within the last 5-10 years. Occurrence records from the LDWF for the Project area did not identify the presence of bald eagles at or near the site, and the Port plans to complete a drone survey of the Project area prior to construction to look for bald eagle nests; however, we request any additional occurrence data from the USFWS regarding bald eagle nests that are known to occur within the Project area.

Approximately 417 acres of forested lands (wetland and upland) could be cleared during construction and operation of the Project. The schedule of construction is currently unknown, but because work will be conducted in phases, it is likely that tree-clearing within some or all forested areas will occur during the spring and summer periods when nesting birds are more likely to be present. If clearing occurs during the nesting season of a given species, it could result in the breeding failure of any nesting adults and mortality of any eggs, chicks, and fledglings within the forest being cleared. Construction would also remove a small area of emergent marsh habitat potentially utilized by migratory waterfowl and marsh birds; however, the impact area is minimal in comparison to the overall habitat available. In addition, occurrence records from the LDWF did not identify the presence of known waterbird colonies at or near the Project site.

CONCLUSION

On behalf of the Port, EDGE is respectfully **requesting technical assistance** in consideration of the species identified herein, including any recommended measures to minimize impacts on these species during construction and operation of the Project. The Port and EDGE appreciate your assistance. Any recommendations will be considered and addressed in the Biological Assessment being developed for USACE and MARAD review prior to their initiation of Section 7 consultation with the USFWS. Should you have any questions or comments, please contact me by any means listed below.

Sincerely,

Jennifer McCoy

Jennifer McCoy
Edge Engineering and Science, LLC
Mobile: 409-392-6763
Direct: 832-772-3004
Email: jmmccoy@edge-es.com

Enc.

Cc: Mr. Brad Laborde, CEMVN

Mr. Chris Gilmore, Port of New Orleans

Ms. Lee Walker, Evans Graves

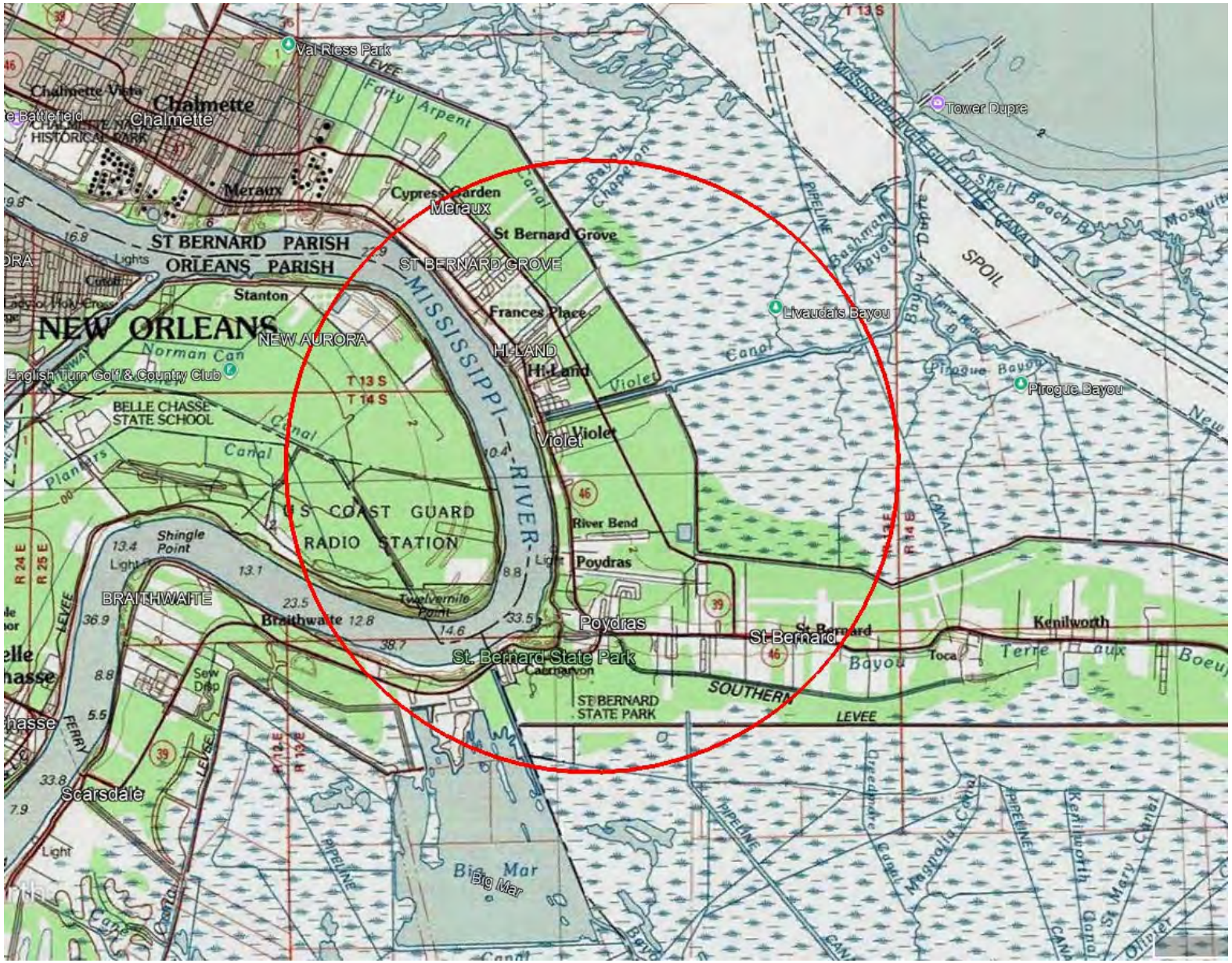
Ms. Ulgonda Kirkpatrick, USFWS

Attachments:

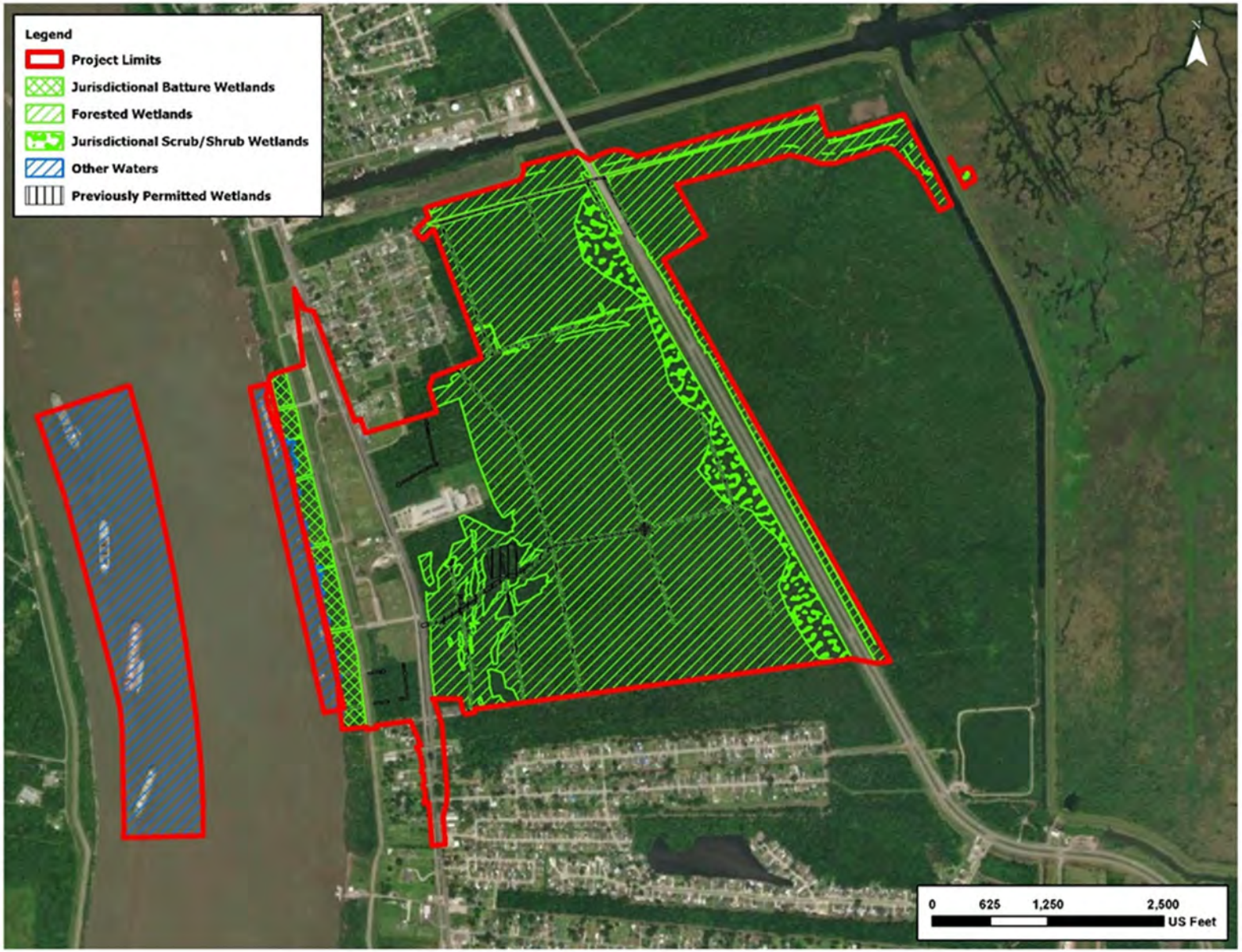
Attachment 1: Topo/Aerial Photo Based Maps of the Project Vicinity
Attachment 2: Consistency Letters and Information, Planning and Consultation System Species List

Attachment 1

Topographic and Aerial Photography Maps of the Project Vicinity



Topographic Map of the LIT Project Area



Wetlands and Vegetation Types within the Project Footprint

Attachment 2

Consistency Letters and Information, Planning and Consultation System Species List

Jenny McCoy

From: Jenny McCoy
Sent: Monday, January 13, 2025 4:13 PM
To: Kirkpatrick, Ulgonda
Cc: Wilson, Randy
Subject: RE: [EXTERNAL] Technical Assistance Request - Louisiana International Terminal

Hi Ulgonda,

Thanks for the feedback! I think that covers my needs at this point.

Best,
Jenny

JENNY MCCOY
D: 832.772.3004
M: 409.392.6763

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ENGINEERING & SCIENCE
further insight.

From: Kirkpatrick, Ulgonda <ulgonda_kirkpatrick@fws.gov>
Sent: Monday, January 13, 2025 8:56 AM
To: Jenny McCoy <JMMcCoy@edge-es.com>
Cc: Wilson, Randy <randy_wilson@fws.gov>
Subject: Re: [EXTERNAL] Technical Assistance Request - Louisiana International Terminal

Hi Jenny,

It's our understanding the state is not actively surveying for eagle nests, so unfortunately that is the only (historical) information available. The Service does not maintain an eagle nest database. Wildlife Services may have some useful nest information, if the airport is contracted with them for bird hazing.

Very best of luck with the project. Let me know if you need anything else.

Ulgonda Kirkpatrick
USFWS Southeast Region
Migratory Bird & Eagle Permit Office
1875 Century Blvd NE, Suite 222
Atlanta Ga 30345
352-406-6780 Office/Cell
ulgonda_kirkpatrick@fws.gov

Do you need a permit, start here: https://www.youtube.com/watch?v=aCTLqjbZxB0

For USFWS eagle management information, see: Eagle Management | U.S. Fish & Wildlife Service
For all General Permit inquiries, please email: migratorybirdpermits@fws.gov

For project planning, quickly and easily identify USFWS managed resources and suggested conservation measures for your project, visit: https://ipac.ecosphere.fws.gov/

From: Jenny McCoy <JMMcCoy@edge-es.com>
Sent: Wednesday, January 8, 2025 3:58 PM
To: Kirkpatrick, Ulgonda <ulgonda_kirkpatrick@fws.gov>
Cc: Wilson, Randy <randy_wilson@fws.gov>
Subject: RE: [EXTERNAL] Technical Assistance Request - Louisiana International Terminal

Thanks Ulgonda. I'll keep an eye out for the ES response and can remove you from my future e-mails. I do have one question regarding bald eagles - LDWF conducted a records review of the Project site through a Wildlife Diversity Program request and no bald eagles (or other species) were identified – would the USFWS have any additional area occurrence data for bald eagle nests that we should be aware of? The Port does plan to do drone surveys for eagle nests prior to construction as well.

Thank you,
Jenny

JENNY MCCOY
D: 832.772.3004
M: 409.392.6763
EDGE
ENGINEERING & SCIENCE
further insight.

From: Kirkpatrick, Ulgonda <ulgonda_kirkpatrick@fws.gov>
Sent: Wednesday, January 8, 2025 11:00 AM
To: Jenny McCoy <JMMcCoy@edge-es.com>
Cc: Wilson, Randy <randy_wilson@fws.gov>
Subject: Re: [EXTERNAL] Technical Assistance Request - Louisiana International Terminal

My apologies, Jenny. The Mig Bird Office generally relies on ES to provide technical assistance for listed spp, so we will defer to their expertise regarding BLRA. If you have additional needs, please let us know.

Thanks,

Ulgonda Kirkpatrick
USFWS Southeast Region

Migratory Bird & Eagle Permit Office
1875 Century Blvd NE, Suite 222
Atlanta Ga 30345
352-406-6780 Office/Cell
ulgonda_kirkpatrick@fws.gov

Do you need a permit, start here: https://www.youtube.com/watch?v=aCTLqjbZxB0

For USFWS eagle management information, see: Eagle Management | U.S. Fish & Wildlife Service
For all General Permit inquiries, please email: migratorybirdpermits@fws.gov

For project planning, quickly and easily identify USFWS managed resources and suggested conservation measures for your project, visit: https://ipac.ecosphere.fws.gov/

From: Kirkpatrick, Ulgonda <ulgonda_kirkpatrick@fws.gov>
Sent: Wednesday, January 8, 2025 10:07 AM
To: Jenny McCoy <JMMcCoy@edge-es.com>
Subject: Re: [EXTERNAL] Technical Assistance Request - Louisiana International Terminal

Hi Jenny,

I sent your request on to Randy Wilson, MB Project Leader for LA. He can advise on migratory bird concerns.

Thanks,

Ulgonda Kirkpatrick
USFWS Southeast Region
Migratory Bird & Eagle Permit Office
1875 Century Blvd NE, Suite 222
Atlanta Ga 30345
352-406-6780 Office/Cell
ulgonda_kirkpatrick@fws.gov

Do you need a permit, start here: https://www.youtube.com/watch?v=aCTLqjbZxB0

For USFWS eagle management information, see: Eagle Management | U.S. Fish & Wildlife Service
For all General Permit inquiries, please email: migratorybirdpermits@fws.gov

For project planning, quickly and easily identify USFWS managed resources and suggested conservation measures for your project, visit: https://ipac.ecosphere.fws.gov/

From: Jenny McCoy <JMMcCoy@edge-es.com>
Sent: Tuesday, January 7, 2025 5:50 PM
To: Lafayette ES, FW4 <lafayette@fws.gov>
Cc: Lee Walker <lee.walker@fieldsec.com>; LaBorde, Brad P CIV USARMY CEMVN (US) <Brad.Laborde@usace.army.mil>; Kirkpatrick, Ulgonda <ulgonda_kirkpatrick@fws.gov>
Subject: [EXTERNAL] Technical Assistance Request - Louisiana International Terminal

Good afternoon,

Please see our attached letter requesting technical assistance on the Port of New Orleans' (Port) Louisiana International Terminal Project. The Project is subject to federal permitting under the U.S. Army Corps of Engineers and the Port will seek federal funding from the Maritime Administration (MARAD), requiring review under the National Environmental Policy Act (NEPA). A project review was submitted through IPaC under Project Code 2025-0000628, and the consistency letters have indicated that additional coordination is warranted for the eastern black rail and tricolored bat. We appreciate any feedback you may have on our request, and any recommendations will be considered and addressed in the Biological Assessment being developed for USACE and MARAD review prior to their initiation of Section 7 consultation with the USFWS.

Thank you,

JENNY MCCOY
D: 832.772.3004
M: 409.392.6763
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further insight.

Jenny McCoy

From: LaBorde, Brad P CIV USARMY CEMVN (USA) <Brad.Laborde@usace.army.mil>
Sent: Wednesday, January 8, 2025 1:16 PM
To: Jenny McCoy; lafayette@fws.gov
Cc: Lee Walker; ulgonda_kirkpatrick@fws.gov; Barrett, Shelby G CIV USARMY CEMVN (USA)
Subject: RE: Technical Assistance Request - Louisiana International Terminal
Attachments: Request for Technical Assistance_Louisiana International Terminal_01 07 2025.pdf

Ms. McCoy,

The Corps has received your Request for Technical Assistance letter to USFWS. I've attached the Corps Regulatory Project Manager, Ms. Shelby Barrett, for awareness and so you have her email address if needed.

Thank you,

Brad LaBorde
CEMVN - Eastern Evaluation Branch Chief
(504) 862-2225

From: Jenny McCoy <JMMcCoy@edge-es.com>
Sent: Tuesday, January 7, 2025 4:51 PM
To: lafayette@fws.gov
Cc: Lee Walker <lee.walker@fieldsec.com>; LaBorde, Brad P CIV USARMY CEMVN (USA) <Brad.Laborde@usace.army.mil>; ulgonda_kirkpatrick@fws.gov
Subject: [Non-DoD Source] Technical Assistance Request - Louisiana International Terminal

Good afternoon,

Please see our attached letter requesting technical assistance on the Port of New Orleans' (Port) Louisiana International Terminal Project. The Project is subject to federal permitting under the U.S. Army Corps of Engineers and the Port will seek federal funding from the Maritime Administration (MARAD), requiring review under the National Environmental Policy Act (NEPA). A project review was submitted through IPaC under Project Code 2025-0000628, and the consistency letters have indicated that additional coordination is warranted for the eastern black rail and tricolored bat. We appreciate any feedback you may have on our request, and any recommendations will be considered and addressed in the Biological Assessment being developed for USACE and MARAD review prior to their initiation of Section 7 consultation with the USFWS.

Thank you,

JENNY MCCOY
D: 832.772.3004
M: 409.392.6763

EDGE
ENGINEERING & SCIENCE
further insight.

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Louisiana Ecological Services Field Office
200 Dulles Drive
Lafayette, LA 70506
Phone: (337) 291-3100 Fax: (337) 291-3139

In Reply Refer To: 03/26/2025 21:26:40 UTC
Project Code: 2025-0000628
Project Name: Louisiana International Terminal

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, and candidate species, as well as designated and proposed critical habitat that may occur within the boundary of your proposed project and may be affected by your proposed project. The Fish and Wildlife Service (Service) is providing this list under section 7 (c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 et seq.). Changes in this species list may occur due to new information from updated surveys, changes in species habitat, new listed species and other factors. Because of these possible changes, feel free to contact our office (337-291-3109) for more information or assistance regarding impacts to federally listed species. The Service recommends visiting the IPaC site or the Louisiana Ecological Services Field Office website (https://www.fws.gov/southeast/lafayette) at regular intervals during project planning and implementation for updated 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 habitats 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 Federal trust resources and to determine whether projects may affect Federally listed 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)).

Bald eagles have recovered and were removed from the List of Endangered and Threatened Species as of August 8, 2007. Although no longer listed, please be aware that bald eagles are protected under the Bald and Golden Eagle Protection Act (BGEPA) (16 U.S.C. 668 et seq.).

The Service developed the National Bald Eagle Management (NBEM) Guidelines to provide landowners, land managers, and others with information and recommendations to minimize potential project impacts to bald eagles, particularly where such impacts may constitute "disturbance", which is prohibited by the BGEPA. A copy of the NBEM Guidelines is available at: https://www.fws.gov/migratorybirds/pdf/management/nationalbaldeaglenanagementguidelines.pdf

Those guidelines recommend: (1) maintaining a specified distance between the activity and the nest (buffer area); (2) maintaining natural areas (preferably forested) between the activity and nest trees (landscape buffers); and (3) avoiding certain activities during the breeding season. Onsite personnel should be informed of the possible presence of nesting bald eagles within the project boundary, and should identify, avoid, and immediately report any such nests to this office. If a bald eagle nest occurs or is discovered within or adjacent to the proposed project area, then an evaluation must be performed to determine whether the project is likely to disturb nesting bald eagles. That evaluation may be conducted on-line at: https://www.fws.gov/southeast/our-services/eagle-technical-assistance/. Following completion of the evaluation, that website will provide a determination of whether additional consultation is necessary. The Division of Migratory Birds for the Southeast Region of the Service (phone: 404/679-7051, e-mail: SEmigratorybirds@fws.gov) has the lead role in conducting any necessary consultation.

Activities that involve State-designated scenic streams and/or wetlands are regulated by the Louisiana Department of Wildlife and Fisheries and the U.S. Army Corps of Engineers, respectively. We, therefore, recommend that you contact those agencies to determine their interest in proposed projects in these areas.

Activities that would be located within a National Wildlife Refuge are regulated by the refuge staff. We, therefore, recommend that you contact them to determine their interest in proposed projects in these areas.

Additional information on Federal trust species in Louisiana can be obtained from the Louisiana Ecological Services website at: https://www.fws.gov/southeast/lafayette

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 Tracking Number 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
- Marine Mammals

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:

Louisiana Ecological Services Field Office
200 Dulles Drive
Lafayette, LA 70506
(337) 291-3100

PROJECT SUMMARY

Project Code: 2025-0000628
Project Name: Louisiana International Terminal
Project Type: Commercial Development
Project Description: The Port of New Orleans proposes to develop a new container terminal (the Louisiana International Terminal) along the Mississippi River, which would affect approximately 615 acres of upland, wetland, and riverine habitat. The Project is subject to federal permitting under the U.S. Army Corps of Engineers.

Project Location:

The approximate location of the project can be viewed in Google Maps: https://www.google.com/maps/@29.88174845,-89.89137856951365,14z

Counties: Orleans , Plaquemines , and St. Bernard counties, Louisiana

ENDANGERED SPECIES ACT SPECIES

There is a total of 6 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 Fisheries[1], 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.

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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
Tricolored Bat *Perimyotis subflavus* No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/10515	Proposed Endangered
West Indian Manatee *Trichechus manatus* There is **final** critical habitat for this species. Your location does not overlap the critical habitat. ***This species is also protected by the Marine Mammal Protection Act, and may have additional consultation requirements.*** Species profile: https://ecos.fws.gov/ecp/species/4469	Threatened

BIRDS

NAME	STATUS
Eastern Black Rail *Laterallus jamaicensis ssp. jamaicensis* No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/10477	Threatened

REPTILES

NAME	STATUS
Alligator Snapping Turtle *Macrochelys temminckii* No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/4658	Proposed Threatened

FISHES

NAME	STATUS
Pallid Sturgeon *Scaphirhynchus albus* No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/7162	Endangered

INSECTS

NAME	STATUS
Monarch Butterfly *Danaus plexippus* 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.

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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.

NAME	BREEDING SEASON
Bald Eagle *Haliaeetus leucocephalus* This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/1626	Breeds Sep 1 to Jul 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.

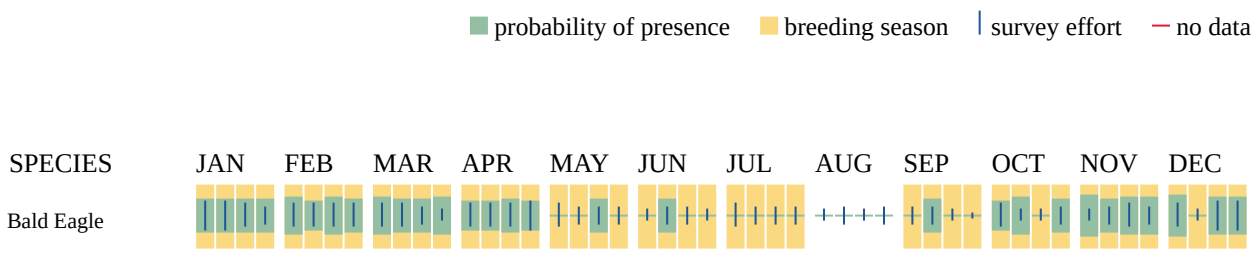
Probability of Presence (▪)

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.



Non-BCC
Vulnerable

Additional information can be found using the following links:

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

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.

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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 *Haliaeetus leucocephalus* This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/1626	Breeds Sep 1 to Jul 31
Black Skimmer *Rynchops niger* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/5234	Breeds May 20 to Sep 15

NAME	BREEDING SEASON
Chimney Swift *Chaetura pelagica* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9406	Breeds Mar 15 to Aug 25
Dickcissel *Spiza americana* 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/9453	Breeds May 5 to Aug 31
Eastern Whip-poor-will *Antrostomus vociferus* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/10678	Breeds May 1 to Aug 20
Forster's Tern *Sterna forsteri* 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/11953	Breeds Mar 1 to Aug 15
Gull-billed Tern *Gelochelidon nilotica* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9501	Breeds May 1 to Jul 31
Kentucky Warbler *Geothlypis formosa* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9443	Breeds Apr 20 to Aug 20
King Rail *Rallus elegans* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/8936	Breeds May 1 to Sep 5
Le Conte's Sparrow *Ammospiza leconteii* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9469	Breeds elsewhere
Least Tern *Sternula antillarum antillarum* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/11919	Breeds Apr 25 to Sep 5
Lesser Yellowlegs *Tringa flavipes* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9679	Breeds elsewhere

NAME	BREEDING SEASON
Little Blue Heron *Egretta caerulea* 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/9477	Breeds Mar 10 to Oct 15
Painted Bunting *Passerina ciris* 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/9511	Breeds Apr 25 to Aug 15
Pectoral Sandpiper *Calidris melanotos* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9561	Breeds elsewhere
Prairie Loggerhead Shrike *Lanius ludovicianus excubitorides* 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/8833	Breeds Feb 1 to Jul 31
Prairie Warbler *Setophaga discolor* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9513	Breeds May 1 to Jul 31
Prothonotary Warbler *Protonotaria citrea* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9439	Breeds Apr 1 to Jul 31
Reddish Egret *Egretta rufescens* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/7617	Breeds Mar 1 to Sep 15
Short-billed Dowitcher *Limnodromus griseus* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9480	Breeds elsewhere
Swallow-tailed Kite *Elanoides forficatus* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/8938	Breeds Mar 10 to Jun 30
Willet *Tringa semipalmata* 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

NAME	BREEDING SEASON
Wood Thrush *Hylocichla mustelina* 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.

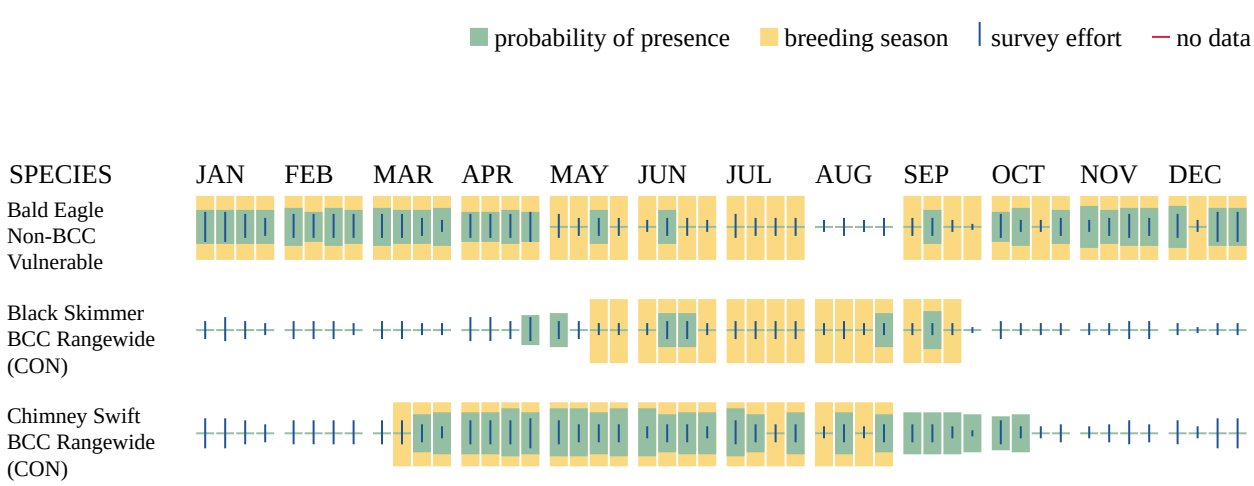
Probability of Presence (■)

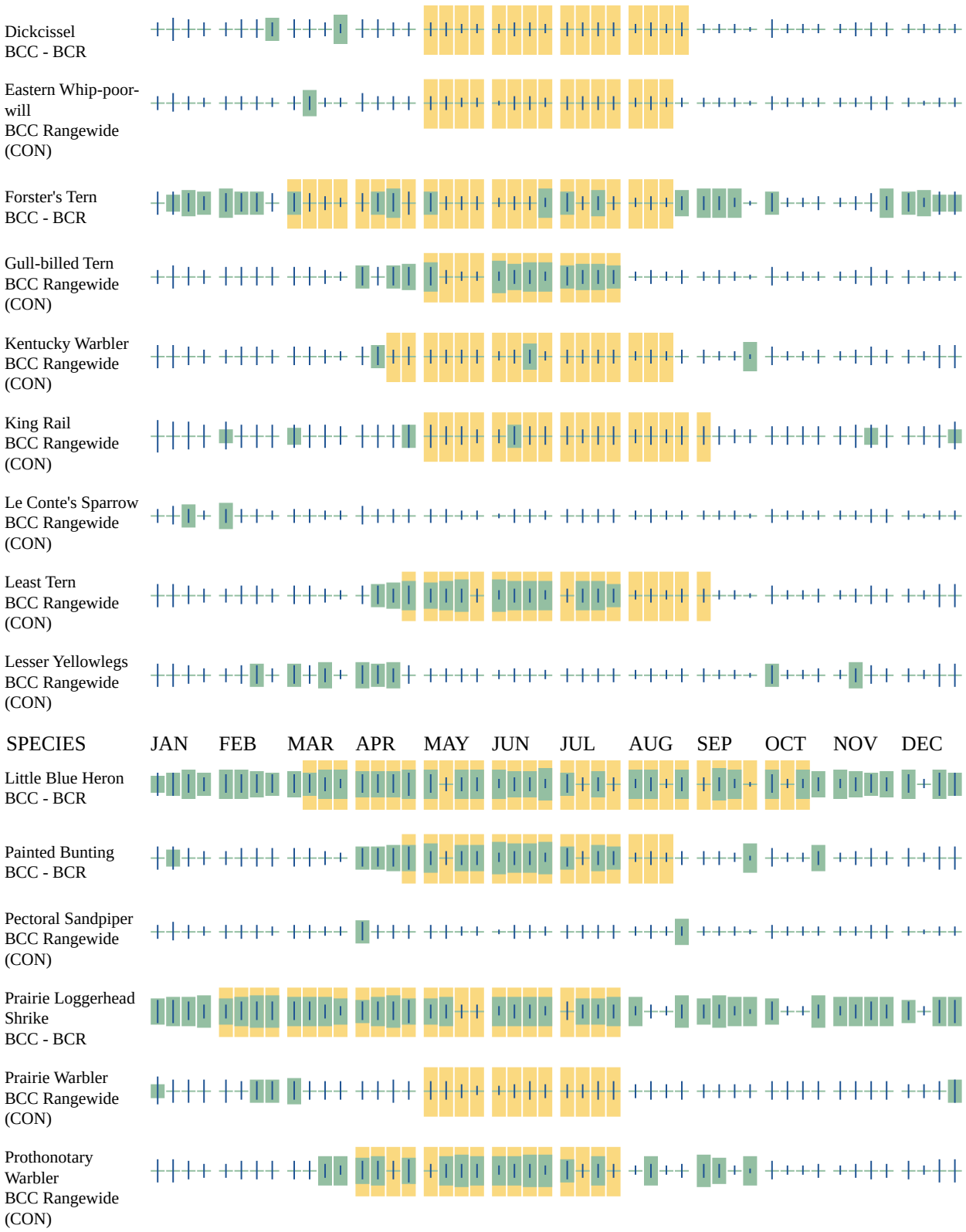
Green bars; the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during that week of the year.

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.




Dickcissel
BCC - BCR
Eastern Whip-poor-will
BCC Rangewide
(CON)
Forster's Tern
BCC - BCR
Gull-billed Tern
BCC Rangewide
(CON)
Kentucky Warbler
BCC Rangewide
(CON)
King Rail
BCC Rangewide
(CON)
Le Conte's Sparrow
BCC Rangewide
(CON)
Least Tern
BCC Rangewide
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Lesser Yellowlegs
BCC Rangewide
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SPECIES
JAN
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Little Blue Heron
BCC - BCR
Painted Bunting
BCC - BCR
Pectoral Sandpiper
BCC Rangewide
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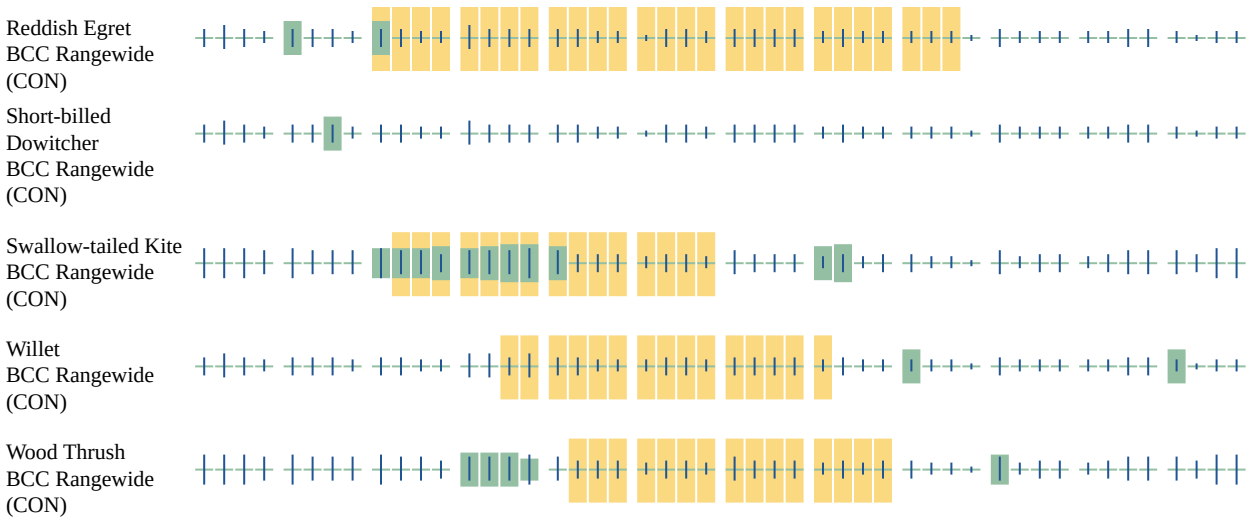
Prairie Loggerhead Shrike
BCC - BCR
Prairie Warbler
BCC Rangewide
(CON)
Prothonotary Warbler
BCC Rangewide
(CON)



Additional information can be found using the following links:

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

MARINE MAMMALS

Marine mammals are protected under the Marine Mammal Protection Act. Some are also protected under the Endangered Species Act[1] and the Convention on International Trade in Endangered Species of Wild Fauna and Flora[2].

The responsibilities for the protection, conservation, and management of marine mammals are shared by the U.S. Fish and Wildlife Service [responsible for otters, walruses, polar bears, manatees, and dugongs] and NOAA Fisheries[3] [responsible for seals, sea lions, whales, dolphins, and porpoises]. Marine mammals under the responsibility of NOAA Fisheries are **not** shown on this list; for additional information on those species please visit the Marine Mammals page of the NOAA Fisheries website.

The Marine Mammal Protection Act prohibits the take of marine mammals and further coordination may be necessary for project evaluation. Please contact the U.S. Fish and Wildlife Service Field Office shown.

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1. The Endangered Species Act (ESA) of 1973.

2. The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) is a treaty to ensure that international trade in plants and animals does not threaten their survival in the wild.
3. 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.

NAME

West Indian Manatee *Trichechus manatus*
Species profile: https://ecos.fws.gov/ecp/species/4469

IPAC USER CONTACT INFORMATION

Agency: Private Entity
Name: Jennifer McCoy
Address: 16285 Park Ten Pl, Suite 300
City: Houston
State: TX
Zip: 77084
Email jmmccoy@edge-es.com
Phone: 8327723004

LEAD AGENCY CONTACT INFORMATION

Lead Agency: Army Corps of Engineers
Name: Shelby Barrett
Email: shelby.barrett@usace.army.mil

You have indicated that your project falls under or receives funding through the following special project authorities:

- BIPARTISAN INFRASTRUCTURE LAW (BIL) (OTHER)

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Louisiana Ecological Services Field Office
200 Dulles Drive
Lafayette, LA 70506
Phone: (337) 291-3100 Fax: (337) 291-3139

In Reply Refer To: 03/26/2025 21:37:36 UTC
Project code: 2025-0000628
Project Name: Louisiana International Terminal

Subject: Technical Assistance letter for the project named 'Louisiana International Terminal' for specified threatened and endangered species that may occur in your proposed project location pursuant to the Louisiana Endangered Species Act project review and guidance for other federal trust resources determination key (Louisiana DKey).

Dear Jennifer McCoy:

The U.S. Fish and Wildlife Service (Service) received on March 26, 2025 your effects determination(s) for the 'Louisiana International Terminal' (the Action) using the Louisiana DKey within the Information for Planning and Consultation (IPaC) system. The Service developed this system in accordance with the Endangered Species Act of 1973 (ESA) (87 Stat.884, as amended; 16 U.S.C. 1531 et seq.).

Based on your answers, and the assistance in the Service's Louisiana DKey, you made the following effect determination(s) for the proposed Action:

Species	**Listing Status**	**Determination**
Eastern Black Rail (*Laterallus jamaicensis ssp. jamaicensis*)	Threatened	May affect
Pallid Sturgeon (*Scaphirhynchus albus*)	Endangered	NLAA
West Indian Manatee (*Trichechus manatus*)	Threatened	NLAA

Consultation with the Service is not complete. Further consultation or coordination with the Louisiana Ecological Services Office is necessary for those species with a determination of "may affect" listed above. Please contact our office at 337-291-3100 or lafayette@fws.gov to discuss methods to avoid or minimize potential adverse effects to those species.

This IPaC-generated letter only applies to the species in the above table and **does not** apply to the following ESA-protected species that also may occur in the Action Area:

- Alligator Snapping Turtle *Macrochelys temminckii* Proposed Threatened
- Monarch Butterfly *Danaus plexippus* Proposed Threatened

- Tricolored Bat *Perimyotis subflavus* Proposed Endangered

Please Note: If the Federal 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) may be required. Please contact Ulgonda Kirkpatrick (phone: 321/972-9089, e-mail: ulgonda_kirkpatrick@fws.gov) with any questions regarding potential impacts to bald or golden eagles.

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

1. Name

Louisiana International Terminal

2. Description

The following description was provided for the project 'Louisiana International Terminal':

> The Port of New Orleans proposes to develop a new container terminal (the Louisiana International Terminal) along the Mississippi River, which would affect approximately 615 acres of upland, wetland, and riverine habitat. The Project is subject to federal permitting under the U.S. Army Corps of Engineers.

The approximate location of the project can be viewed in Google Maps: https://www.google.com/maps/@29.88174845,-89.89137856951365,14z

QUALIFICATION INTERVIEW

1. Is the action authorized, funded, or being carried out by a Federal agency?

   Yes

2. Is the action authorized, funded, or being carried out by the:

   a. U.S Army Corps of Engineers

3. Please identify your agency or organization type:

   c. Other

4. Are you with the U.S. Army Corps of Engineers Regulatory Division?

   No

5. Are you with the U.S. Army Corps of Engineers Planning Division?

   No

6. [Hidden Semantic] Does the project intersect the eastern black rail AOI?

   Automatically answered
   Yes

7. Will the proposed project involve human disturbance or ground disturbance (such as foot traffic, vehicles, tracked equipment, excavating, grading, placing fill material, etc.)?

   Yes

8. Will the project directly impact suitable eastern black rail nesting habitat (shallow inundated wetlands containing mesic to hydric soils with dense herbaceous plant cover) and/or foraging habitat (wetland-upland transition zones with dense cover and 1-3 cm deep pools) and/or roosting habitat (elevated wetlands that allow for refugia from high water events and nest to be elevated above water level)?

   Yes

9. Does the action consist of either fire management, grazing, haying, mowing and/or other mechanical treatment activities?

   Yes

10. [Hidden Semantic] Does the project intersect the west indian manatee AOI?

    Automatically answered
    Yes

11. (Semantic) Is the project located within the manatee consultation zone, excluding the Mississippi River?

    Automatically answered
    Yes

12. Is the project footprint entirely on land?

    No

13. Is the water depth within the project greater than 2 feet (at mean high tide)?

    Yes

14. Will the project occur during the months of June through November?

    Yes

15. Will the following Standard Manatee Conditions for in-Water Activities be included within the project design?

    Yes

16. [Hidden Semantic] Does the project intersect the pink mucket mussel AOI ?

    Automatically answered
    No

17. [Hidden Semantic] Does the project intersect the pallid sturgeon AOI?

    Automatically answered
    Yes

18. Will the project result in riverine pathway obstruction (such as construction of dams, hydropower plants, etc.)?

    No

19. Will the project include the addition of or modification to water intake structures?

    No

20. Will the project involve modifications to existing or construction of new diversion structure or turbines?

    No

21. Will the project involve dredging activities?

    Yes

22. Will the project involve bucket dredging only?

    No

23. Will the following cutterhead/suction dredge operational parameters be included in the **project design**? 1) The cutter head must remain completely buried in the bottom material during dredging operation. If pumping water through the cutterhead is necessary to dislodge material or to clean the pumps or cutterhead, etc., the pumping rate will be reduced to the lowest rate possible until the cutterhead is at mid-depth, where the pumping rate can then be increased. 2) During dredging, the pumping rates will be reduced to the slowest speed possible while the cutterhead is descending to the channel bottom.

    Yes

24. (Semantic) Does the project intersect the Louisiana black bear Range?

    Automatically answered
    No

PROJECT QUESTIONNAIRE

1. How many cubic yards will be dredged as part of the action?

   Approximately 100,000 cubic yards, as needed

IPAC USER CONTACT INFORMATION

Agency: Private Entity
Name: Jennifer McCoy
Address: 16285 Park Ten Pl, Suite 300
City: Houston
State: TX
Zip: 77084
Email jmmccoy@edge-es.com
Phone: 8327723004

LEAD AGENCY CONTACT INFORMATION

Lead Agency: Army Corps of Engineers
Name: Shelby Barrett
Email: shelby.barrett@usace.army.mil

You have indicated that your project falls under or receives funding through the following special project authorities:

- BIPARTISAN INFRASTRUCTURE LAW (BIL) (OTHER)

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Louisiana Ecological Services Field Office
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Lafayette, LA 70506
Phone: (337) 291-3100 Fax: (337) 291-3139

In Reply Refer To: 03/26/2025 21:43:40 UTC
Project code: 2025-0000628
Project Name: Louisiana International Terminal

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

Subject: Technical assistance for 'Louisiana International Terminal'

Dear Jennifer McCoy:

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 March 26, 2025, for 'Louisiana International Terminal' (here forward, Project). This project has been assigned Project Code 2025-0000628 and all future correspondence should clearly reference this number. **Please carefully review this letter. Your Endangered Species Act (Act) requirements are not complete.**

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.**

Determination for the Northern Long-Eared Bat and Tricolored Bat

Based on your IPaC submission and a standing analysis completed by the Service, you determined the proposed Project will have the following effect determinations:

Species	Listing Status	Determination
Tricolored Bat (*Perimyotis subflavus*)	Proposed Endangered	May affect

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:

- Alligator Snapping Turtle *Macrochelys temminckii* Proposed Threatened
- Eastern Black Rail *Laterallus jamaicensis ssp. jamaicensis* Threatened
- Monarch Butterfly *Danaus plexippus* Proposed Threatened
- Pallid Sturgeon *Scaphirhynchus albus* Endangered
- West Indian Manatee *Trichechus manatus* Threatened

You may coordinate with our Office to determine whether the Action may cause prohibited take of the species listed above.

Conclusion

Consultation with the Service is not complete. Further consultation or coordination with the Service is necessary for those species or designated critical habitats with a determination of "May Affect." A "May Affect" determination in this key indicates that the project, as entered, is not consistent with the questions in the key. Not all projects that reach a "May Affect" determination are anticipated to result in adverse impacts to listed species. These projects may result in a "No Effect", "May Affect, Not Likely to Adversely Affect", or "May Affect, Likely to Adversely Affect" determination depending on the details of the project. Please contact our Louisiana Ecological Services Field Office to discuss methods to avoid or minimize potential adverse effects to those species or designated critical habitats.

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. Projects that receive a may affect determination for tricolored bat through the key, should contact the appropriate Ecological Services Field Office if they want to conference on this species.

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

1. Name

Louisiana International Terminal

2. Description

The following description was provided for the project 'Louisiana International Terminal':

> The Port of New Orleans proposes to develop a new container terminal (the Louisiana International Terminal) along the Mississippi River, which would affect approximately 615 acres of upland, wetland, and riverine habitat. The Project is subject to federal permitting under the U.S. Army Corps of Engineers.

The approximate location of the project can be viewed in Google Maps: https://www.google.com/maps/@29.88174845,-89.89137856951365,14z

DETERMINATION KEY RESULT

Based on the answers provided, the proposed Action is consistent with a determination of “may affect” for a least one species covered by this determination key.

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
   Yes

3. Your project overlaps with Zone 2 of the area where northern long-eared bats and tricolored bats may be present and roosting in trees year-round.

   Do you understand that your project may impact bats at any time during the year?

   Yes

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.

   No

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. Will the action cause effects to a bridge?

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

    No

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

    Yes

14. Does the culvert or tunnel equal or exceed 23 feet (7.0 meters) in length?

    Yes

15. Do the interior dimensions of the culvert or tunnel **equal or exceed 3.0 feet (0.9 meters) in height (minimum height for tricolored bat)**?

    No

16. 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.

    Yes

17. Does the action include the intentional exclusion of bats from a building or structure?

    Note: Exclusion is conducted to deny bats' entry or reentry into a building. To be effective and to avoid harming bats, it should be done according to established standards. If your action includes bat exclusion and you are unsure whether northern long-eared bats or tricolored bats are present, answer "Yes." Answer "No" if there are no signs of bat use in the building/structure. If unsure, contact your local Ecological Services Field Office to help assess whether northern long-eared bats or tricolored bats may be present. Contact a Nuisance Wildlife Control Operator (NWCO) for help in how to exclude bats from a structure safely without causing harm to the bats (to find a NWCO certified in bat standards, search the Internet using the search term "National Wildlife Control Operators Association bats"). Also see the White-Nose Syndrome Response Team's guide for bat control in structures.

    No

18. Does the action involve removal, modification, or maintenance of a human-made structure (barn, house, or other building) **known or suspected to contain roosting bats?**

    No

19. Will the action cause construction of one or more new roads open to the public?

    For federal actions, answer 'yes' when the construction or operation of these facilities is either (1) part of the federal action or (2) would not occur but for an action taken by a federal agency (federal permit, funding, etc.).

    No

20. Will the action include or cause any construction or other activity that is reasonably certain to increase average daily traffic permanently or temporarily on one or more existing roads?

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

    Yes

21. Will the increased vehicle traffic occur on any road that lies between any two areas of contiguous forest that are each greater than or equal to 10 acres in extent and are separated by less than 1,000 feet? Bats may cross a road by flying between forest patches that are up to 1,000 feet apart.

    Note: "Contiguous forest" of 10 acres or more may includes areas where multiple forest patches are separated by less than 1,000 feet of non-forested area if the forested patches, added together, comprise at least 10 acres.

    Yes

22. For every 1,000 feet of road where increased traffic is expected, will there be at least one place where bats could cross the road corridor by flying less than 33 feet (10 meters) between trees whose tops are at least 66 feet (20 meters) higher than the road surface?

    No

23. Will the proposed Action involve the creation of a new water-borne contaminant source (e.g., leachate pond, pits containing chemicals that are not NSF/ANSI 60 compliant)?

    Note: For information regarding NSF/ANSI 60 please visit https://www.nsf.org/knowledge-library/nsf-ansi-standard-60-drinking-water-treatment-chemicals-health-effects

    No

24. Will the proposed action involve the creation of a new point source discharge from a facility other than a water treatment plant or storm water system?

    No

25. Will the action include drilling or blasting?

    No

26. Will the action involve military training (e.g., smoke operations, obscurant operations, exploding munitions, artillery fire, range use, helicopter or fixed wing aircraft use)?

    No

27. Will the proposed action involve the use of herbicides or other pesticides other than herbicides (e.g., fungicides, insecticides, or rodenticides)?

    No

28. Will the action include or cause activities that are reasonably certain to cause chronic or intense nighttime noise (above current levels of ambient noise in the area) in suitable summer habitat for the northern long-eared bat or tricolored bat during the active season?

    Chronic noise is noise that is continuous or occurs repeatedly again and again for a long time. Sources of chronic or intense noise that could cause adverse effects to bats may include, but are not limited to: road traffic; trains; aircraft; industrial activities; gas compressor stations; loud music; crowds; oil and gas extraction; construction; and mining.

    Note: 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.

    Yes

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

    Automatically answered
    Yes

30. [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

31. Your project overlaps with an area where tricolored bats may be present and roosting in trees year-round.

    Has a presence/probable absence survey for the tricolored bat following the Service's Range-wide Indiana Bat and Northern Long-Eared Bat Survey Guidelines been conducted within the project area? If unsure, answer "No."

    No

32. Your project overlaps with an area where tricolored bats may be present and roosting in trees year-round.

    Is suitable tricolored bat habitat present within 1000 feet of project activities? Note: If there are trees within the action area that may provide potential roosts for tricolored bats (e.g., clusters of leaves in live and dead deciduous trees, Spanish moss (*Tillandsia usneoides*), clusters of dead pine needles of large live pines) answer "Yes." 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.

    Yes

33. Do you have any documents that you want to include with this submission?
No

PROJECT QUESTIONNAIRE

IPAC USER CONTACT INFORMATION

Agency: Private Entity
Name: Jennifer McCoy
Address: 16285 Park Ten Pl, Suite 300
City: Houston
State: TX
Zip: 77084
Email jmmccoy@edge-es.com
Phone: 8327723004

LEAD AGENCY CONTACT INFORMATION

Lead Agency: Army Corps of Engineers
Name: Shelby Barrett
Email: shelby.barrett@usace.army.mil

You have indicated that your project falls under or receives funding through the following special project authorities:

- BIPARTISAN INFRASTRUCTURE LAW (BIL) (OTHER)

Attachment B
List of Preparers

LIST OF PREPARERS

Jennifer McCoy	• Bachelor of Science in Marine Biology, Texas A&M, Galveston, TX, 2004
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