



Wildlife Mitigation Plan

Denova Project
Washington County, Colorado

March 2022

PRESENTED TO

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ACRONYMS/ABBREVIATIONS

Acronyms/Abbreviations	Definition
CO ₂	Carbon Dioxide
COGCC	Colorado Oil and Gas Conservation Commission
CPW	Colorado Parks and Wildlife
EPA	Environmental Protection Agency
FEMA	Federal Emergency Management Agency
IPaC	Information for Planning and Consultation
NHD	National Hydrography Dataset
NWI	National Wetland Inventory
Project	Denova Project
SAM	Species Activity Mapping
SC	Special Concern
Tetra Tech	Tetra Tech, Inc.
USFWS	U.S. Fish and Wildlife Service
USGS	U.S. Geological Survey
WOTUS	Waters of the U.S.

1.0 INTRODUCTION

Tetra Tech, Inc (Tetra Tech) on behalf of Carbon America has drafted this Wildlife Protection Plan in accordance with the Colorado Oil and Gas Conservation Commission (COGCC) Rules 304.c.(17) and 1201.a for the Denova Project (Project). The Project is located in Township 1 North, Range 49 West, Sections 27 and 28 in Washington County, Colorado.

The Applicant wishes to locate and drill a stratigraphic test well to obtain geologic samples to evaluate the suitability of deep formations for injection and sequestration of CO₂. Tetra Tech assessed the preferred Project location, and alternative Project location (required per COGCC Rule 304.b.(2).B), associated access road, and 1-mile buffer (referred to as the Project Area) for wildlife related issues.

Tetra Tech conducted a desktop review and site visit on January 6, 2022, to assess the potential for federally and state-listed threatened and endangered species and their associated habitats, raptor nests within 0.5 mile of the Project Area, and potential wetlands and other waters of the U.S. (WOTUS) features to occur within the Project Area. This document summarizes the results of the desktop analysis, details the biological resource survey methods used and their results and addresses Carbon America's commitment to protecting the wildlife resources in the area and implementing COGCC Rules 1202.a and 1202.b. This Wildlife Protection Plan covers the Project Area location.

1.1 ECOREGION AND HABITAT DESCRIPTION

The Project Area is in the U.S. Environmental Protection Agency's (EPA) Rolling Sand Plains (25b) Level IV ecoregion of the High Plains III Ecoregion. This ecoregion is characterized by flat to rolling grass-stabilized sand plains, sand dunes, and sand sheets comprised of sandy soils that support common vegetation such as sand sagebrush (*Artemisia filifolia*), rubber rabbitbrush (*Ericameria nauseosa*), prairie sandreed (*Calamovilfa longifolia*), and Indian ricegrass (*Oryzopsis hymenoides*). Common land uses in this ecoregion are primarily rangeland, although irrigated croplands are scattered throughout (Chapman et al. 2006).

Tetra Tech conducted a site assessment on January 6, 2022 and confirmed the Project Area is composed of sandy soils dominated by upland rangeland vegetation including alkali sacaton (*Sporobolus airoides*), rubber rabbitbrush, silver sagebrush (*Artemisia cana*), and soapweed yucca (*Yucca glauca*).

The elevation in the Project Area is approximately 4,300 feet above mean sea level. The topography was relatively flat. No existing development was observed within the Project Area with the exception of barbed wire fences and an electric distribution line running north to south along the western boundary of the proposed access road. An existing two-track dirt road is present, and the proposed access road for the Project will utilize the two-track road for the majority of its route. The Project Area is primarily used as rangeland for active grazing of livestock as well as for recreational hunting. The Project Area is located on Snyder Prairie State Trust Land.

1.2 LAND COVER AND LAND USE

According to the National Land Cover Database (USGS 2019), the Project Area consists of grassland/herbaceous land cover. Based on observations made during the field visit on January 6, 2022, the Project Area and adjacent lands were confirmed grassland/herbaceous rangeland. The nearest residence is approximately 1.5 miles east of the Project Area.

2.0 DESKTOP ANALYSIS AND SITE VISIT METHODS AND RESULTS

Tetra Tech conducted a desktop analysis of the Project Area and 1-mile buffer to identify potential constraints associated with biological resources and wetlands and WOTUS that may be present. The desktop analysis was based on the following sources of information:

- Colorado Parks and Wildlife (CPW) Species Activity Mapping (SAM) data (CPW 2021)
- Federal Emergency Management Agency (FEMA) floodplain dataset (FEMA 2021)
- Google Earth Aerial Imagery
- U.S. Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC) online tool (USFWS 2022)
- USFWS Critical Habitat Portal (USFWS 2021a)
- USFWS National Wetland Inventory (NWI) dataset (USFWS 2021b)
- U.S. Geological Survey National Hydrography Dataset (NHD; USGS 2021)

CPW SAM data were reviewed for data pertaining to species that are both federally and state protected. In addition to listed species, CPW tracks and maps data for Special Concern (SC) wildlife species and game species in their publicly available SAM data. The SC designation is a non-regulatory category indicative of management interest that does not carry protection for the species.

The site visit was completed on January 6, 2022, by a qualified biologist who is familiar with Colorado biological resources. The site assessment was conducted on foot and by vehicle using existing two-track roads within the Project Area and 1-mile buffer. The natural topography of the area allowed the biologist to visibly scan within the 1-mile buffer to assess for the potential biological resource constraints.

2.1 SPECIAL STATUS SPECIES AND HIGH PRIORITY HABITAT

The USFWS IPaC online tool (see Appendix A) and CPW online databases were used to identify special status species, defined here as federally and state-listed species, state SC species, and eagles protected under Bald and Golden Eagle Protection Act, that may occur within or near the vicinity of the Project Area (USFWS 2022; CPW 2021). The USFWS IPaC online tool identified four federally listed species and one candidate species each with a likelihood of occurrence. Based on desktop analysis of land cover data, aerial imagery, range maps, and the site visit, no suitable habitat was present for the federally listed and state SC species in the Project Area. Tetra Tech observed no raptor nests located within 1 mile of the Project Area. No critical habitats were identified within the Project Area (Appendix A).

There are no CPW-mapped High Priority Habitats located within 1 mile of the Project Area; the nearest High Priority Habitat is a CPW mapped greater prairie chicken (*Tympanuchus cupido*) lek site approximately 16 miles east of the Project Area.

2.2 WETLANDS AND WATERS OF THE U.S.

The NWI identifies wetlands using high altitude imagery in conjunction with other data sources and field surveys (USFWS 2021b). The NHD identifies surface water and surface water flow locations as mapped at a 1:24,000 scale (USGS 2021). The NWI and NHD data are used only as a guide for the location of probable wetlands and other WOTUS features because the data at this scale inherently contain inaccuracies. Based on the desktop analysis and on-site visit, it was determined that no NWI or NHD mapped features are present within the Project Area. The nearest mapped feature is an NWI mapped freshwater pond located approximately 2.5 miles southeast of the Project Area.

2.3 FEMA FLOODPLAINS

The FEMA Flood Insurance Rate Map numbered 08121C0650D (effective May 18, 2021) indicates no FEMA-mapped floodplains are located within the Project Area (FEMA 2021).

3.0 COLORADO OIL AND GAS CONSERVATION COMMISSION RULES 1202.A AND 1202.B

Tetra Tech has assessed the COGCC rules 1202.a and 1202.b for the Project Area. Table 1 addresses the Project's implementation of the rules.

Table 1. Denova Implementation of COGCC Rules 1202.a and 1202.b

Rule	Implementation Plan and Discussion
1202.a.(1)	The Project is not located within black bear habitat.
1202.a.(2)	No surface water is present within the Project Area. Withdrawal from or discharge to surface waters will not be conducted at or associated with this Project.
1202.a.(3)	No surface is present within the Project Area. The Project Area is not situated within 500 feet of the Ordinary High-Water Mark of any river, perennial or intermittent stream, lake, pond, or wetland.
1202.a.(4)	Carbon America is not proposing to construct or utilize any type of pit with this Project.
1202.a.(5)	Carbon America is not proposing any trenching operations with this Project.
1202.a.(6)	When conducting interim and final reclamation of the Project Area, pursuant to Rules 1003 and 1004, Carbon America will coordinate with the surface owner and CPW to use recommended and approved seed mixes for reclamation. Tetra Tech will conduct a follow-up site assessment during the growing season to assess current vegetation on site and incorporate the current native vegetative species into the approved seed mix.

Rule	Implementation Plan and Discussion
1202.a.(7)	Carbon America is not proposing any fence designs with this Project.
1202.a.(8)	Carbon America will conduct all vegetation removal necessary for oil and gas operations outside of the nesting season for migratory birds (April 1 to August 31). If vegetation removal is scheduled to occur between April 1 to August 31, Tetra Tech will conduct pre-construction nesting migratory bird surveys. If active nests are located, Carbon America will provide work zone buffers to avoid impacts.
1202.a.(9)	Carbon America is not proposing to construct or utilize any type of pit with this Project.
1202.a.(10)	No High Priority Habitat is located within 1 mile of the Project Area.
1202.b	No surface water or High Priority Habitat is located within 1 mile of the Project Area. Carbon America is not proposing boring or trenching operations with this Project.

4.0 BEST MANAGEMENT PRACTICES

Carbon America proposes the following best management practices for their Project:

- Minimize the amount of traffic on access roads and adjacent county roads within 3 hours of sunrise and sunset as much as possible.
- Inform and educate all personal and construction staff on site on wildlife conservation to avoid harassment. No feeding of wildlife will be allowed.
- Actively manage dust control (see Dust Mitigation Plan).
- If lights are to be used on site, all lights will be positioned down toward the ground to limit any light pollution that is produced.
- Install avian deterrents on equipment when the equipment is planned to be left inactive for longer periods of time to prevent migratory bird nesting.
- The approved reclamation seed mix will be wildlife friendly and contain only native species that are known to occur the area.
- A pre-construction migratory bird survey will be performed within the approved disturbance area prior to construction activities (if construction is between April 1 to August 31).

5.0 LITERATURE CITED

- Chapman, S.S., Griffith, G.E., Omernik, J.M., Price, A.B., Freeouf, J., and Schrupp, D.L. 2006. Ecoregions of Colorado. Available online at: https://gaftp.epa.gov/EPADDataCommons/ORD/Ecoregions/co/co_front.pdf. Accessed January 2022.
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APPENDIX A: IPAC RESOURCE LIST

IPaC resource list

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

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

Location

Washington County, Colorado



Local office

Colorado Ecological Services Field Office

☎ (303) 236-4773

📠 (303) 236-4005

MAILING ADDRESS

Denver Federal Center

P.O. Box 25486

Denver, CO 80225-0486

PHYSICAL ADDRESS

134 Union Boulevard, Suite 670

Lakewood, CO 80228-1807

<http://www.fws.gov/coloradoES>

<http://www.fws.gov/platteriver>

NOT FOR CONSULTATION

Endangered species

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

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

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

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

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

Listed species¹ and their critical habitats are managed by the [Ecological Services Program](#) of the U.S. Fish and Wildlife Service (USFWS) and the fisheries division of the National Oceanic and Atmospheric Administration (NOAA Fisheries²).

Species and critical habitats under the sole responsibility of NOAA Fisheries are **not** shown on this list. Please contact [NOAA Fisheries](#) for [species under their jurisdiction](#).

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1. Species listed under the [Endangered Species Act](#) are threatened or endangered; IPaC also shows species that are candidates, or proposed, for listing. See the [listing status page](#) for more information. IPaC only shows species that are regulated by USFWS (see FAQ).
 2. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

The following species are potentially affected by activities in this location:

Birds

NAME	STATUS
Piping Plover <i>Charadrius melodus</i> This species only needs to be considered if the following condition applies: <ul style="list-style-type: none"> Project includes water-related activities and/or use in the N. Platte, S. Platte, and Laramie River Basins which may affect listed species in Nebraska. There is final critical habitat for this species. The location of the critical habitat is not available. https://ecos.fws.gov/ecp/species/6039	Threatened

Whooping Crane <i>Grus americana</i> This species only needs to be considered if the following condition applies: <ul style="list-style-type: none"> Project includes water-related activities and/or use in the N. Platte, S. Platte, and Laramie River Basins which may affect listed species in Nebraska. There is final critical habitat for this species. The location of the critical habitat is not available. https://ecos.fws.gov/ecp/species/758	Endangered
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Fishes

NAME	STATUS
Pallid Sturgeon <i>Scaphirhynchus albus</i> Wherever found This species only needs to be considered if the following condition applies: <ul style="list-style-type: none"> Project includes water-related activities and/or use in the N. Platte, S. Platte, and Laramie River Basins which may affect listed species in Nebraska. No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/7162	Endangered

Insects

NAME	STATUS
Monarch Butterfly <i>Danaus plexippus</i> Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/9743	Candidate

Flowering Plants

NAME	STATUS
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Wherever found

This species only needs to be considered if the following condition applies:

- Project includes water-related activities and/or use in the N. Platte, S. Platte, and Laramie River Basins which may affect listed species in Nebraska.

No critical habitat has been designated for this species.

<https://ecos.fws.gov/ecp/species/1669>

Critical habitats

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

THERE ARE NO CRITICAL HABITATS AT THIS LOCATION.

Migratory birds

Certain birds are protected under the Migratory Bird Treaty Act¹ and the Bald and Golden Eagle Protection Act².

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

1. The [Migratory Birds Treaty Act](#) of 1918.
2. The [Bald and Golden Eagle Protection Act](#) of 1940.

Additional information can be found using the following links:

- Birds of Conservation Concern <http://www.fws.gov/birds/management/managed-species/birds-of-conservation-concern.php>
- Measures for avoiding and minimizing impacts to birds <http://www.fws.gov/birds/management/project-assessment-tools-and-guidance/conservation-measures.php>
- Nationwide conservation measures for birds <http://www.fws.gov/migratorybirds/pdf/management/nationwidestandardconservationmeasures.pdf>

THERE ARE NO MIGRATORY BIRDS OF CONSERVATION CONCERN EXPECTED TO OCCUR AT THIS LOCATION.

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

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

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

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

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

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

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

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

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

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

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

What are the levels of concern for migratory birds?

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

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

certain types of development or activities (e.g. offshore energy development or longline fishing).

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

Details about birds that are potentially affected by offshore projects

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

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

What if I have eagles on my list?

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

Proper Interpretation and Use of Your Migratory Bird Report

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

Facilities

National Wildlife Refuge lands

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

THERE ARE NO REFUGE LANDS AT THIS LOCATION.

Fish hatcheries

THERE ARE NO FISH HATCHERIES AT THIS LOCATION.

Wetlands in the National Wetlands Inventory

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

For more information please contact the Regulatory Program of the local [U.S. Army Corps of Engineers District](#).

WETLAND INFORMATION IS NOT AVAILABLE AT THIS TIME

This can happen when the National Wetlands Inventory (NWI) map service is unavailable, or for very large projects that intersect many wetland areas. Try again, or visit the [NWI map](#) to view wetlands at this location.

Data limitations

The Service's objective of mapping wetlands and deepwater habitats is to produce reconnaissance level information on the location, type and size of these resources. The maps are prepared from the analysis of high altitude imagery. Wetlands are identified based on vegetation, visible hydrology and geography. A margin of error is inherent in the use of imagery; thus, detailed on-the-ground inspection of any particular site may result in revision of the wetland boundaries or classification established through image analysis.

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

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

Data exclusions

Certain wetland habitats are excluded from the National mapping program because of the limitations of aerial imagery as the primary data source used to detect wetlands. These habitats include seagrasses or submerged aquatic vegetation that are found in the intertidal and subtidal zones of estuaries and nearshore coastal waters.

Some deepwater reef communities (coral or tubercid worm reefs) have also been excluded from the inventory. These habitats, because of their depth, go undetected by aerial imagery.

Data precautions

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

NOT FOR CONSULTATION