

From: Dave Butler <dbutler@wlf.la.gov>
Sent: Monday, December 12, 2022 9:53 AM
To: Assenza, Adam <Adam.Assenza@stb.gov>
Cc: Nina Reins <Nina.Reins@freese.com>
Subject: LDWF preliminary comments Docket No. FD 36633, Louisiana 23 Development Company, LLC

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Mr. Assenza,

Thank you for sending the preliminary review material for our department to review. The appropriate Biologists have reviewed the project. Their comments are below. Please feel free to contact me, should you have any questions.

Ecological Studies:

LDWF will provide comments once a complete application has been submitted to DNR/OCM.

Wildlife Diversity Program:

The Wildlife Diversity Program (WDP) database indicates the presence of bird nesting colonies near the project area. Please be aware that entry into or disturbance of active breeding colonies is prohibited by the Louisiana Department of Wildlife and Fisheries (LDWF). In addition, LDWF prohibits work within a certain radius of an active nesting colony.

Nesting colonies can move from year to year, and no current information is available on the status of these colonies. If work for the proposed project will commence during the nesting season, conduct a field visit to the worksite to look for evidence of nesting colonies. This field visit should take place no more than two weeks before the project begins. If no nesting colonies are found within 1000 feet (2000 feet for Brown Pelicans) of the proposed project, no further consultation with LDWF will be necessary. If active nesting colonies are found within the previously stated distances of the proposed project, further consultation with LDWF will be required. In addition, colonies should be surveyed by a qualified biologist to document species present and the extent of colonies. Provide LDWF with a survey report which is to include the following information:

1. qualifications of survey personnel;
2. survey methodology including dates, site characteristics, and size of survey area;
3. species of birds present, activity, estimates of number of nests present, and general vegetation type including digital photographs representing the site; and
4. topographic maps and ArcGIS shapefiles projected in UTM NAD83 Zone 15 to illustrate the location and extent of the colony.

Please mail survey reports on CD to:

Wildlife Diversity Program
La. Dept. of Wildlife & Fisheries
P.O. Box 98000
Baton Rouge, LA 70898-9000

To minimize disturbance to colonial nesting birds, the following restrictions on activity should be observed:

- For colonies containing nesting wading birds (e.g., herons, egrets, night-herons, ibis, Roseate Spoonbills) or Anhingas or cormorants, all project activity occurring within 1000 feet of an active nesting colony should be restricted to the non-nesting period (i.e., September 1 through February 15).
- For colonies containing nesting gulls, terns, or Black Skimmers, all project activity occurring within 650 feet (2000 feet for Brown Pelicans) of an active nesting colony should be restricted to the non-nesting period (i.e., September 16 through April 1).

If you have any questions or need additional information on birds, please contact Rob Dobbs at 337-735-8675.

The database indicates that a Coastal Live Oak-Hackberry Forest is located within the project area. This community is considered critically imperiled in Louisiana with an S1 state rank. In southeast Louisiana, this forest type can form on ridges of stranded deltaic sediments deposited by the (formerly) constantly shifting Mississippi River. These ridges are composed primarily of sand and shell and are approximately 4 to 5 feet above sea level. This community, also known as a chenier, especially in southwest Louisiana, is an important storm barrier, limits salt water intrusion, and acts as a critical staging and stopover site for Neotropical migratory birds. We advise you to take the necessary measures to avoid any impacts to this ecological community. Please contact Brian Early at 225-765-3992 for more details on this habitat.

No other impacts to rare, threatened or endangered species or critical habitats are anticipated from the proposed project. No state or federal parks, wildlife refuges, wildlife management areas or scenic rivers are known at the specified site or within ¼ mile of the proposed project.

The Wildlife Diversity Program (WDP) reports summarize the existing information known at the time of the request regarding the location 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**. If at any time WDP tracked species are encountered within the project area, please contact our biologist at 225-763-3554.

The comments are subject to change once the official application has been sent to LDWF for review. Thank you again for allowing LDWF to review the project.

Sincerely,

Dave Butler
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2000 Quail Drive
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