

# Draft Biological Opinion

## Commonwealth LNG Project

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Prepared by:

U.S. Fish and Wildlife Service  
Louisiana Ecological Services Field Office  
200 Dulles Drive  
Lafayette, LA 70506

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Fish and Wildlife Biologist

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Date

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## CONSULTATION HISTORY

This section lists key events and correspondence during the course of this consultation. A complete administrative record of this consultation is on file in the Service's Louisiana Ecological Services Field Office.

**2019-05-13** - Commonwealth initiated informal Section 7 consultation with the FWS and the NMFS.

**2019-05-24** - The NMFS requests additional project information from Commonwealth.

**2019-06-21** - The Service provided partial Section 7 concurrence letter to Commonwealth with recommendations for mitigation related to migratory birds; including the golden-winged warbler and eastern black rail.

**2019-07-16** - Commonwealth provided information related to underwater noise analyses and proposed project mitigation.

**2019-12-18** - The Service conducted a project site visit with Commonwealth.

**2020-07-16** - Commonwealth provides the NMFS with updated dredging and dredge material placement information.

**2020-10-19** - The NMFS provided Section 7 concurrence for species under their jurisdiction that may be affected by the project.

**2020-11-03** - Commonwealth provides the Service with a draft BA.

**2020-12-15** - The Service provides comments on the draft BA.

**2020-12-18** - Commonwealth files an applicant-prepared BA of project impacts on the eastern black rail to the FERC docket.

**2021-05-04** - FERC provides the Service with a request to initiate formal consultation.

**2021-05-12** - The Service acknowledges receipt of the FERC's formal consultation request.

**2021-06-03** - The Service provides correspondence acknowledging that the initiation package is complete, and that formal consultation has begun.



# BIOLOGICAL OPINION

## 1. INTRODUCTION

A biological opinion (BO) is the document that states the findings of the U.S. Fish and Wildlife Service (Service) required under Section 7 of the Endangered Species Act of 1973, as amended (ESA), as to whether a Federal action is likely to:

- jeopardize the continued existence of species listed as endangered or threatened; or
- result in the destruction or adverse modification of designated critical habitat.

The Federal Action addressed in this BO is the proposed Commonwealth LNG Project (the Action) being developed by the FERC. This BO considers the effects of the Action on the eastern black rail (*Laterallus jamaicensis jamaicensis*). The Action does not affect designated critical habitat; therefore, this BO does not address critical habitat.

The FERC determined that the Action is likely to adversely affect the eastern black rail.

The Service previously concurred with the FERC's determination that the Action is not likely to adversely affect the piping plover (*Charadrius melodus*) and would not affect its designated critical habitat, red knot (*Calidris canutus rufa*), West Indian manatee (*Trichechus manatus*), and that the Action would not affect the loggerhead sea turtle (*Caretta caretta*) and Kemp's ridley (*Lepidochelys kempii*) sea turtle and that the Action would not contribute to a trend toward federal listing for the golden-winged warbler (*Vermivora chrysoptera*) by letter dated June 21, 2019. The NMFS previously concurred with the FERC's determination that the Action is not likely to adversely affect the sperm whale (*Physeter macrocephalus*), Gulf of Mexico's Bryde's whale (*Balaenoptera edeni*), giant manta ray (*Manta birostris*), oceanic white tip shark (*Carcharhinus longimanus*), green sea turtle (*Chelonia mydas*), hawksbill sea turtle (*Eretmochelys imbricata*), leatherback sea turtle (*Dermochelys coriacea*), loggerhead sea turtle, and Kemp's ridley sea turtle by letter dated October 19, 2020. This concurrence fulfilled the FERC's responsibilities for the Action under §7(a)(2) of the ESA for these species and critical habitats. We do not address further these species and critical habitats in this BO.

A BO evaluates the consequences to listed species and designated critical habitat caused by a Federal action, activities that would not occur but for the Federal action, and non-Federal actions unrelated to the proposed Action that are reasonably certain to occur (cumulative effects), relative to the status of listed species and the status of designated critical habitat. A Service opinion that concludes a proposed Federal action is *not* likely to jeopardize species and is *not* likely to destroy or adversely modify critical habitat fulfills the Federal agency's responsibilities under §7(a)(2) of the ESA.

"Jeopardize the continued existence" means to engage in an Action that reasonably would be expected, directly or indirectly, to reduce appreciably the likelihood of both the survival and recovery of a listed species in the wild by reducing the reproduction, numbers, or distribution of that species (50 CFR §402.02). "Destruction or adverse modification" means a direct or indirect alteration that appreciably diminishes the value of designated critical habitat for the conservation of a listed species. Such alterations may include, but are not limited to, those that alter the



The marine facility would include construction and operation of a single-vessel LNG carrier berth capable of supporting LNG carriers with capacities ranging from 10,000 m<sup>3</sup> to 216,000 m<sup>3</sup> and a barge dock and off-loading platform. A ship turning basin would also be included within the Calcasieu Ship Channel. The LNG carrier berth would be located along the western shoreline of the Calcasieu Ship Channel and consist of a single-ship slip. The berth platform would measure 100 feet in length by 90 feet in width. An overwater barge dock, measuring 400 feet by 100 feet, and an over-land off-loading platform, measuring 140 feet by 100 feet, would be constructed at the north end of the berth. Vibratory and impact pile drivers would be utilized to install approximately 114 48-inch-diameter steel piles in the upland area to create a foundation for the barge dock off-loading platform. The ship turning basin would be used to turn LNG carrier vessels toward a downstream-facing direction prior to docking at the LNG carrier berth. The ship turning basin would be 1,500-foot by 3,000-foot and excavated immediately upriver of the proposed marine facility. To stabilize the marine facility, shoreline construction of a combination-wall bulkhead, consisting of 1,005 sheet piles supported by king piles, would be implemented. The marine facility would be dredged to a depth of 40 feet to accommodate drafts from LNG carriers and general cargo vessels. Dredging of the 36-acre marine facility would require removal of approximately 1.73 million cubic yards of sediment. Once dredging is complete, a total of 62 piles, varying in diameter, would be installed using impact and vibratory hammers and would serve as the foundation for the LNG carrier berth and barge dock. For venting excess natural gas from the terminal, two flare stacks, one associated with the liquefaction facilities and one associated with marine facilities, would be constructed. The liquefaction flare stack would rise to a height of 300 feet and the marine flare stack would rise to a height of 200 feet.

Associated infrastructure would be constructed for the terminal to carry out general operations. This would include establishment of a power supply and construction of access roads, storm protection and stormwater drainage systems, a spill containment system, and fire suppression facilities. A natural gas-fired simple cycle electric power generation plant would be constructed on site. Two stand-by generators with battery backup systems would be installed in case the electrical power system was to fail. Diesel for these generators would be stored on-site in a 16,900-gallon capacity storage tank with secondary containment. Two 25-foot-wide access roads would be constructed within and outside of the storm protection wall. One access road would extend along the west side of the terminal from Highway 27/82 to each of the two flare stacks. The other would extend along the east side of the terminal from Highway 27/82 to the barge dock and off-loading platform of the marine facility. A storm protection system will encompass most of the terminal and consist of a new concrete wall that is 26 feet high on the south and east sides and 21 feet high on the north and west sides. Maintenance and administrative buildings, the marine facility, and flare stacks would not be contained within this system. Maintenance and warehouse buildings, administrative facilities, equipment enclosures, marine facility operator buildings, and electrical rooms would also be constructed to support the LNG facility operations. A temporary construction and laydown area for development of the terminal will be used and occupy 13.1 acres adjacent to the administrative and maintenance buildings and extended between Highway 27/82 and the northern extent of the marine facility.

## 2.2. Natural Gas Pipeline

Construction of the pipeline and associated appurtenances would require approximately 51.2 acres of land on the north-northwest of the terminal facility. The natural gas pipeline would be 3.0 miles long and 42 inches in diameter and would transport 1.44 billion cubic feet per day of natural gas from three existing pipelines (16-inch-diameter Kinetica and dual 20-inch and 12-inch diameter EnLink pipelines) in Cameron Parish to the LNG terminal. Components of the natural gas pipeline include two interconnection facilities with existing pipelines and one metering station. Interconnections for the EnLink and Kinetica pipelines are north-northwest of the proposed terminal location. The Kinetica interconnection would include construction of a meter station that consists of a gas separator, liquid storage and loadout facility, custody transfer meters, pressure regulators, emergency shutdown valves, gas analyzers, and a pig receiver. The EnLink interconnection would contain a pig launcher. The pipeline would be constructed with a 110-foot-wide temporary right-of-way (ROW) and maintain a 3.5-foot-wide permanent ROW during operation. Permanent access roads would not be constructed, but low-ground-pressure equipment will be utilized over the proposed permanent ROW. Two temporary access roads would be constructed with a combined distance of 0.1 acres (175 feet long by 25 feet wide). The Action also includes 17 additional temporary workspaces (ATWS), for pipe storage and staging, along the construction right-of-way. The ATWS would vary in size from 0.06 acres (50 by 50 feet) and 3.35 acres (410 feet by 407 feet).

Commonwealth intends to implement FWS conservation measures for components related to the LNG facility construction and operation. Measures to avoid or reduce potential flare impacts on migratory birds during facility operations, such as avoiding flaring at night and installing anti-perching devices, will be implemented during normal operations to the extent feasible and as long as they conform to other federal regulatory requirements (e.g., Federal Aviation Administration lighting requirements). Commonwealth would also coordinate with the FWS on the use and type of migratory bird deterrent devices and methods of measuring bird mortality, should mortality occur following flare events.

Commonwealth also intends to implement conservation measures to create and restore wetland habitat. Commonwealth is proposing a compensatory wetland mitigation plan that focuses on BUDM. The proposed plan would create approximately 334.0 acres of EEM wetland habitat and nourish approximately 135.0 acres of existing EEM wetland habitat. A 6.3-acre site on the northeast side of the terminal site would be re-planted, after temporary disturbance from construction, with Gulf cordgrass (*Spartina spartinae*). This site is currently not identified as suitable habitat for the eastern black rail and re-planting efforts would aim to provide potential habitat for the species. If re-planting is unsuccessful, Commonwealth would work with a professional wetland ecologist to implement a remedial revegetation plan. Otherwise, the eastern black rail habitat that would be directly affected by construction of the Terminal would be permanently converted to industrial land use and not available for restoration.

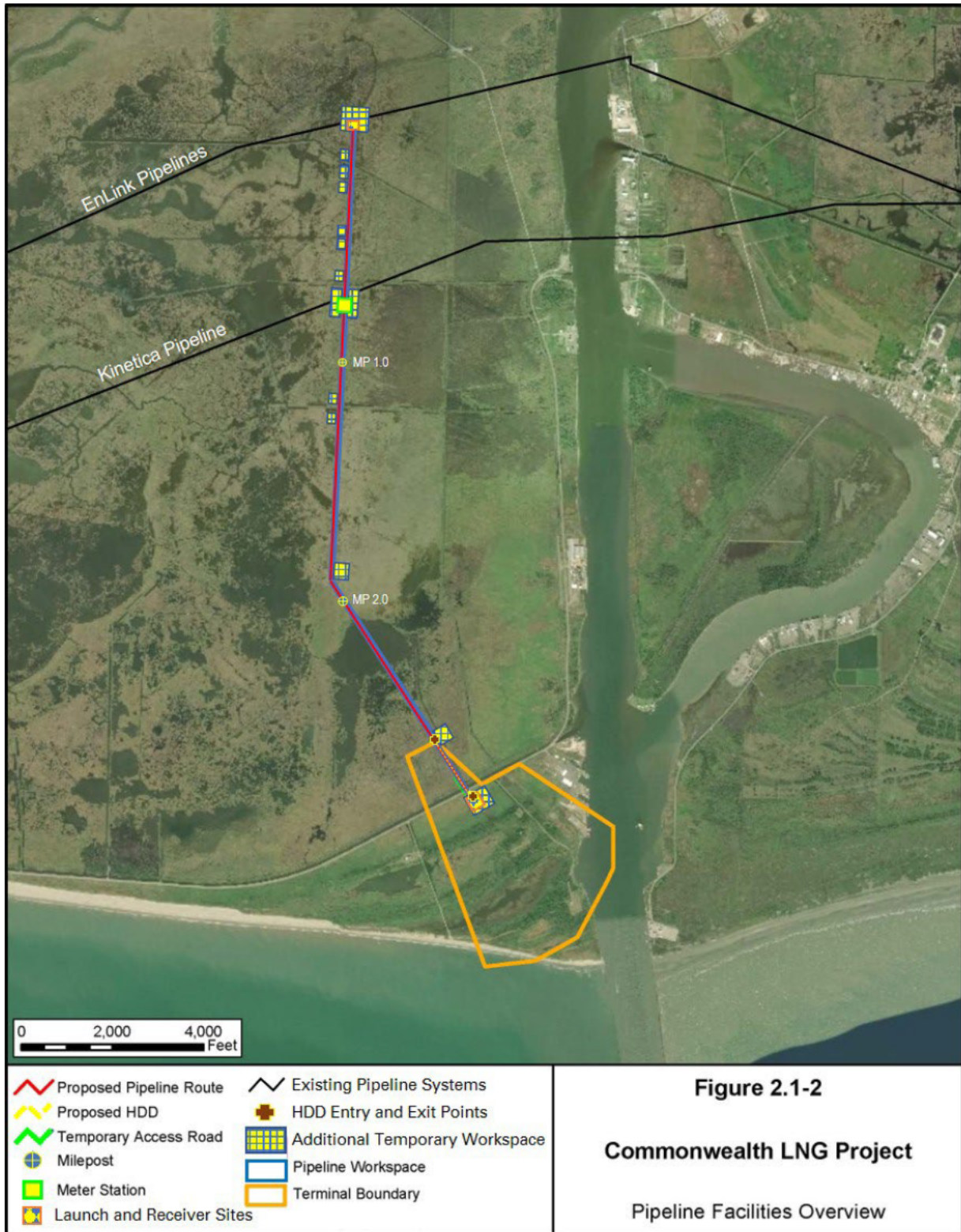
Commonwealth proposes mitigation for impacts to the eastern black rail and its habitat by eradicating feral hogs from the terminal exclusion buffer area, which includes 47.8 acres of eastern black rail habitat. Fencing would be placed around the area to prevent future occupation by feral hogs and to prevent potential human caused impacts within the area. The fence design





## 2.5. Tables and Figures for Proposed Action

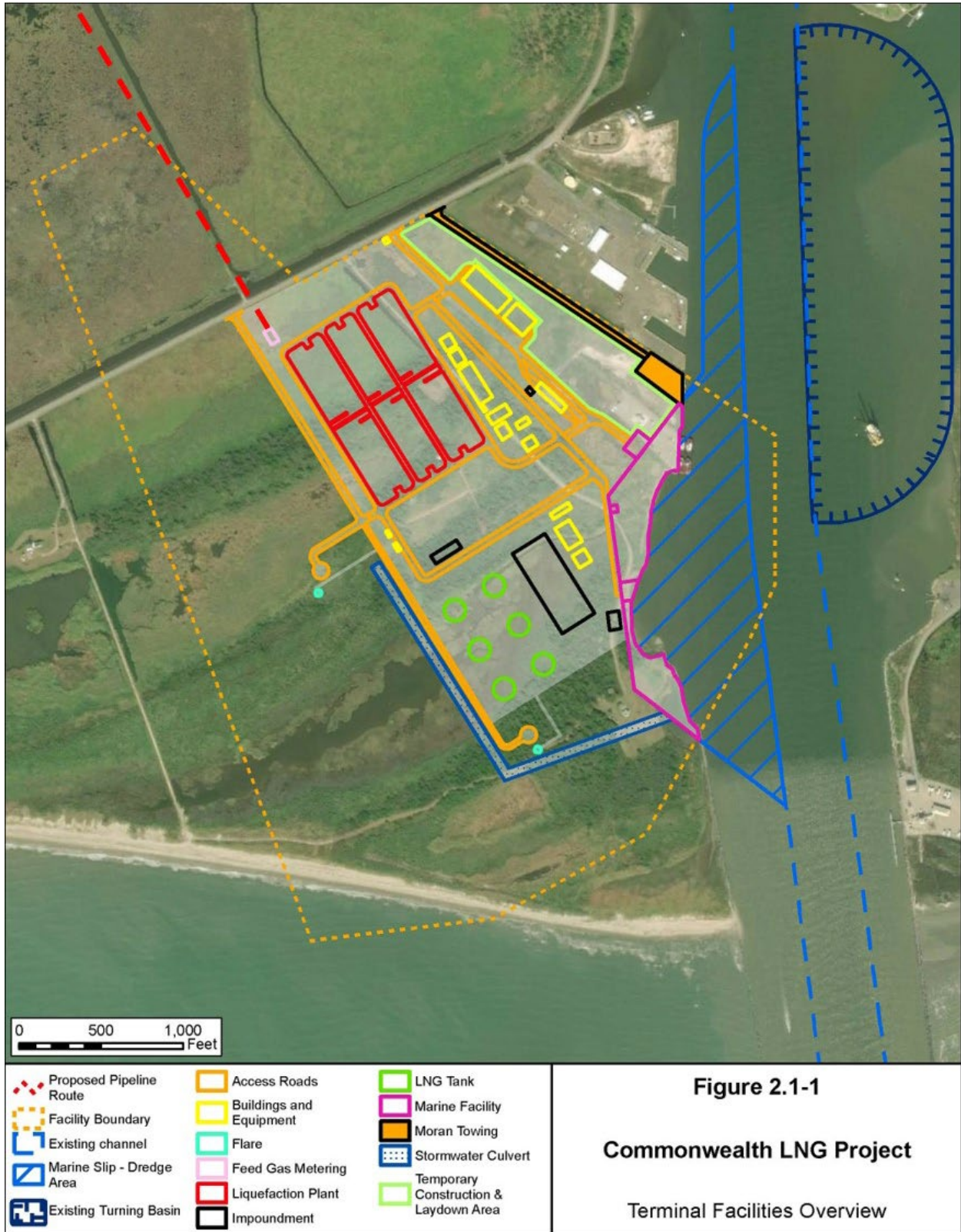
**Figure 2-1.** Proposed Terminal Boundary and Pipeline Route



**Figure 2.1-2**  
**Commonwealth LNG Project**  
 Pipeline Facilities Overview



**Figure 2-2.** Proposed Terminal Facilities



### **3. SOURCES OF CUMULATIVE EFFECTS**

In its request for consultation, the FERC did not describe, and the Service is not aware of, any future non-Federal activities that are reasonably certain to occur within the action area.

Therefore, we anticipate no cumulative effects that we must consider in formulating our opinion for the Action.

### **4. STATUS OF EASTERN BLACK RAIL**

This section summarizes best available data about the biology and condition of the eastern black rail (*Laterallus jamaicensis jamaicensis*) throughout its range that are relevant to formulating an opinion about the Action. The Service published its decision to list the eastern black rail as threatened on November 09, 2020 (85 FR 63764).

#### **4.1.1. Description of Eastern Black Rail**

A subspecies of black rail, the eastern black rail is the smallest rail in North America. Adults range from 10-15 centimeters (cm) in total length and have a wingspan of 22-28 cm (Eddleman et al., 1994). Males and females are similar in size and adults are generally pale to blackish gray, with a small blackish bill and bright red eyes. The nape and upper back are chestnut and the remaining back, upper tail feathers, and remiges (wing flight feathers) are dark gray to blackish with small white spots and sometimes washed with chestnut brown. Multiple vocalizations are associated with the species, but the most commonly heard call is the “kic-kic-kerr” call (Kellogg, 1962), primarily made by adult territorial males and is the main advertisement call (Davidson, 1992). Other calls are “grr” and “churt”, which serve as alarm and contact calls; “grr”, or growling, also is used for territorial defense (Conway, 2011).

#### **4.1.2. Life History of Eastern Black Rail**

Life cycle of the species, described in detail in the SSA, is considered to have four stages: egg, chick, juvenile, adult. Clutches average seven eggs and are co-incubated by the parents for approximately 19 days. Adults may aggressively defend the nest site by raising their wings and charging potential predators (Flores and Eddleman, 1993). There also is evidence of pairs having two successful nests in a season (Hand, 2017a); however, whether or not double brooding is common is unknown. Upon hatching the chicks are able to leave the nest within 24 hours and stay with the parents 1.5 months until the fledged juvenile stage. The chick stage occurs from May through September. Juvenile stage lasts up to 10.5 months when the breeding plumage appears (Eddleman et al., 1994). Adults undergo a complete post breeding molt (also known as a definitive pre-basic molt) each year between July and September on the breeding grounds (Pyle, 2008; Hand, 2017b). Individuals simultaneously lose all of their remiges (wing flight feathers) and rectrices (tail flight feathers) and are temporarily unable to fly for approximately three weeks (Flores and Eddleman, 1991; Eddleman et al., 1994). The species' lifespan is not known. eastern black rails occupy high marsh habitats, with soils moist or flooded to a shallow depth. The subspecies requires dense vegetative cover (i.e., greater than 6 stems at 10-20 cm) that allows movement underneath the canopy, and because birds are found in a variety of salt, brackish, and freshwater wetland habitats that can be tidally or non-tidally influenced, plant



structure is considered more important than plant species composition in predicting habitat suitability. Impounded intermediate marshes of the Gulf Coast Chenier Plain of Louisiana and Texas are typified by dominance of salt meadow cordgrass (Gabrey et al. 2001, p. 220), while unimpounded intermediate marshes include both salt meadow cordgrass and gulf cordgrass. In addition, shallow pools that are 1-3 cm deep may be the most optimal for foraging and for chick-rearing. Some elevational variability in the substrate is needed; eastern black rails require elevated refugia with dense cover to survive high water events due to the propensity of juvenile and adult black rails to walk and run rather than fly and chicks' inability to fly. The SSA established a dynamic occupancy model which calculated a detection probability of ~0.25 for the Southwest Coastal Plain analysis unit, meaning that when eastern black rails are present at a site, there is a 25% probability of detecting them.

#### **4.1.3. Numbers, Reproduction, and Distribution of Eastern Black Rail**

The eastern black rail is a cryptic marsh bird that occurs in salt, brackish, and freshwater wetlands in the eastern United States (east of the Rocky Mountains), Mexico, Central America, and the Caribbean. The remaining strongholds support a relatively small total population size across the contiguous United States, i.e., an estimated 1,299 individuals on the upper Texas coast within protected areas prior to Hurricane Harvey, and an estimated 355 – 815 breeding pairs on the Atlantic Coast from New Jersey to Florida (including the Gulf Coast of Florida). For Louisiana, there is an estimated 0-10 breeding pairs as of 2016. There are no current population estimates from the interior States (Colorado, Kansas, or Oklahoma). Some eastern black rail populations maintain residence year-round, while other populations migrate; for example, birds that breed in Colorado and Kansas migrate to Texas to overwinter. The SSA Dynamic Occupancy analysis results indicated that eastern black rails currently have low to no resiliency in the contiguous United States. The Southwest Coastal Plain analysis unit, consisting largely of the Louisiana and Texas coast, has low resiliency based on the occupancy model results, which indicate very low occupancy probabilities.

The Southwest Coastal Plain AU had the longest predicted time to complete extinction, between 45 to 50 years from the present. The Southeast Coastal Plain and the Mid-Atlantic Coastal Plain AUs predicted the time to complete AU extinction is between 35 and 50 years from present depending on the scenario. The Great Plains had the shortest time to complete AU extinction, between 15 to 25 years from the present depending on the scenario. Three of the AUs (New England, Appalachians, and Central Lowlands) are effectively already extirpated. Results from the fully stochastic site occupancy projection model indicate the four remaining AUs (Mid-Atlantic Coastal Plain, Great Plains, Southwest Coastal Plain, and Southeast Coastal Plain) have a high probability of extirpation (extinction) under all scenarios by 2100. We expect all eastern black rail AUs to have no resiliency or representation by 2068, as all are likely to be extirpated by that time without implementation of positive land management practices.

#### **4.1.4. Conservation Needs of and Threats to Eastern Black Rail**

Currently, the eastern black rail is impacted by the loss, degradation, and fragmentation of wetland habitats resulting from sea level rise along the coast and ground-and surface-water withdrawals across the subspecies' range. In locations where the groundwater withdrawal rates

are greater than the aquifer recharge rates, which will reduce soil moisture and surface water, and thus negatively impact wetland habitat. Incompatible land management techniques, such as application of poorly timed and planned prescribed fires, intense grazing, or haying, also have negative impacts on the eastern black rail and its habitat, especially when conducted at sensitive times, such as the breeding season or the flightless molt period.

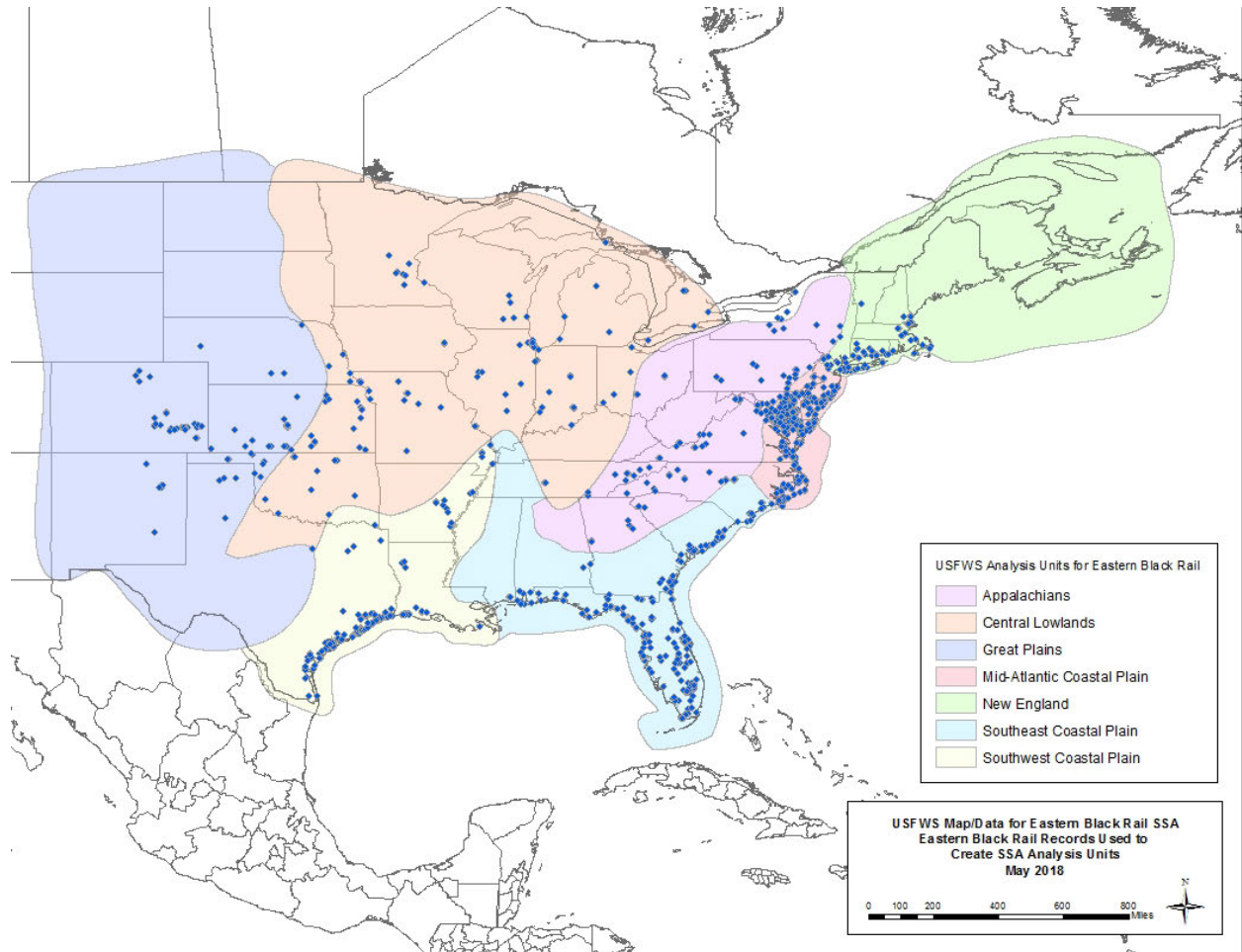
Stochastic events, such as flood events and hurricanes, can also have significant impacts on populations of BLRA. Modeling efforts suggest that the frequency of Category 4 and 5 tropical storms will increase despite an overall decrease in the number of tropical disturbances (Bender et al., 2010). Storms of increased intensity, which will have stronger winds, higher storm surge, and increased flooding, cause significant damage to coastal habitats by destroying vegetation and food sources, as well as resulting in direct mortality. For example, Hurricane Harvey flooded San Bernard NWR with storm surge which was followed by runoff flooding from extreme rainfall. This saltmarsh, occupied by eastern black rails, was inundated for several weeks (Woodrow 2017, pers. comm.). Increases in storm frequency, coupled with sea level rise, may result in increased predation exposure of adults and juveniles if individuals are forced to emerge from dense vegetative cover (Evens and Page, 1986; Takekawa et al., 2006).

Across the contiguous United States, the average annual temperature has increased 1.2°–1.8° Fahrenheit (F) since the beginning of the 20th century (Vose et al., 2017). Future projections indicate that the annual average temperature will increase throughout the 21st century. Average temperatures are projected to increase by 2.5°F to 2.9°F from the period 2021–2050 compared to the period 1976–2005, depending on future emission scenarios (Vose et al., 2017). As a result of increasing temperatures leading to greater evapotranspiration, surface soil moisture is projected to decrease across regions and seasons in the contiguous United States (Wehner et al., 2017). When co-occurring with heat waves, droughts can affect bird abundance with changes of up to 15%; further, droughts and heat waves result in higher declines in ground nesting birds than other types of nesters, such as canopy nesters (Albright et al., 2010).

Weather alterations associated with climate change can have direct effects on the eastern black rail leading to reduced survival of eggs, chicks, or adults, and indirect effects are likely to occur through a variety of means including long-term degradation of both inland and coastal wetland habitats. Other indirect effects may include more secondary causes such as loss of forage base of wetland dependent organisms. Warmer and drier conditions will most likely reduce overall habitat quality for the eastern black rail. Because eastern black rails require a narrow range of water levels and appear to tolerate minor variation within those water levels, drying of habitat as a result of extended droughts may result in habitat becoming unsuitable, either on a permanent or temporary basis (Watts, 2016). Certain life stages, including eggs, chicks, nesting/brooding adults, and adults experiencing the flightless molt period, are particularly vulnerable.

#### 4.1.5. Tables and Figures for Status of Eastern Black Rail

**Figure 4-1.** Eastern Black Rail Analysis units from the Species Status Assessment (SSA)



**Figure 4-2.** Simulation for Eastern Black Rail Analysis Units. Model predicts proportion of sites likely to remain occupied in the future.

<b>Mid-Atlantic Coastal Plain</b>						
<b>Scenario</b>	<b>Habitat loss*</b>	<b>Habitat quality<sup>†</sup></b>	<b>25 Years<sup>‡</sup></b>	<b>50 Years<sup>‡</sup></b>	<b>84 Years<sup>‡</sup></b>	
Scenario 1	0.1203	0.0012	0.078	0.003	0.000	
Scenario 2	0.1203	0.0092	0.077	0.003	0.000	
Scenario 3	0.1303	0.029	0.054	0.000	0.000	
Scenario 4	0.1103	0.029	0.070	0.003	0.000	
Scenario 5	0.1203	0.0002	0.079	0.003	0.000	
Scenario 6	0.005	0.0002	1.201	1.042	0.887	
<b>Great Plains</b>						
<b>Scenario</b>	<b>Habitat loss*</b>	<b>Habitat quality<sup>†</sup></b>	<b>25 Years<sup>‡</sup></b>	<b>50 Years<sup>‡</sup></b>	<b>84 Years<sup>‡</sup></b>	
Scenario 1	0.144	0.001	0.000	0.000	0.000	
Scenario 2	0.153	0.009	0.000	0.000	0.000	
Scenario 3	0.161	0.029	0.000	0.000	0.000	
Scenario 4	0.144	0.029	0.000	0.000	0.000	
Scenario 5	0.153	0.000	0.000	0.000	0.000	
Scenario 6	0.005	0.000	0.042	0.038	0.030	
<b>Southwest Coastal Plain</b>						
<b>Scenario</b>	<b>Habitat loss*</b>	<b>Habitat quality<sup>†</sup></b>	<b>25 Years<sup>‡</sup></b>	<b>50 Years<sup>‡</sup></b>	<b>84 Years<sup>‡</sup></b>	
Scenario 1	0.1153	0.0012	0.103	0.005	0.001	
Scenario 2	0.1153	0.0092	0.102	0.004	0.001	
Scenario 3	0.1203	0.029	0.083	0.003	0.001	
Scenario 4	0.1153	0.029	0.094	0.004	0.001	
Scenario 5	0.1153	0.0002	0.104	0.005	0.001	
Scenario 6	0.005	0.0002	1.397	1.232	1.034	
<b>Southeast Coastal Plain</b>						
<b>Scenario</b>	<b>Habitat loss*</b>	<b>Habitat quality<sup>†</sup></b>	<b>25 Years<sup>‡</sup></b>	<b>50 Years<sup>‡</sup></b>	<b>84 Years<sup>‡</sup></b>	
Scenario 1	0.1203	0.0012	0.077	0.003	0.000	
Scenario 2	0.1203	0.0092	0.076	0.003	0.000	
Scenario 3	0.1303	0.029	0.055	0.002	0.000	
Scenario 4	0.1203	0.029	0.070	0.003	0.000	
Scenario 5	0.1203	0.0002	0.080	0.003	0.000	
Scenario 6	0.005	0.0002	1.205	1.056	0.904	

**Figure 4-3.** Number of years until extinction for four eastern black rail analysis units

Analysis Unit	Scenarios				
	1	2	3	4	5
Mid-Atlantic Coastal Plain	48	44	39	49	43
Great Plains	20	15	12	19	17
Southwest Coastal Plain	51	45	47	48	47
Southeast Coastal Plain	50	47	46	56	50

## 5. ENVIRONMENTAL BASELINE FOR EASTERN BLACK RAIL

This section describes the best available data about the condition of the eastern black rail in the action area without the consequences caused by the proposed Action. The environmental baseline refers to the condition of the listed species or its designated critical habitat in the action area, without the consequences to the listed species or designated critical habitat caused by the proposed action. The environmental baseline includes the past and present impacts of all Federal, State, or private actions and other human activities in the action area, the anticipated impacts of all proposed Federal projects in the action area that have already undergone formal or early Section 7 consultation, and the impact of State or private actions which are contemporaneous with the consultation in process. The consequences to listed species or designated critical habitat from ongoing agency activities or existing agency facilities that are not within the agency’s discretion to modify are part of the environmental baseline (50 CFR §402.02).

### 5.1.1. Action Area Numbers, Reproduction, and Distribution of Eastern Black Rail

With the eastern black rail being known as a cryptic marsh bird, calculating a precise baseline of individual inhabitation would be impractical. It has been decided within the species 4(d) rule to utilize habitat as a surrogate for estimating populations. The eastern black rail requires dense overhead cover as cover that exists in excess of the height of an eastern black rail and is assessed from above in terms of herbaceous persistent emergent wetland plant cover. The species also requires very shallow water (1-3 cm) and certain vegetation communities, such as those populated by Gulf cordgrass, in order to utilize wetland habitat. Commonwealth relied upon surveys performed by The National Audubon Society that indicated species presence adjacent to the Commonwealth site during the breeding and non-breeding seasons. In coordination with FWS and National Audubon Society, Commonwealth conducted site visits on March 5, 2020. Combined with desktop surveys, these efforts went into the determination that the proposed action area has approximately 81.4 acres of eastern black rail habitat. Habitat has not been located along the proposed natural gas pipeline route.

Impacts to the eastern black rail within Cameron Parish, and specifically the proposed action area, could affect individuals during breeding season (March – September) and potentially the overwintering season (October – March). Life stages that could be impacted include vulnerable

stages, such as molting birds or chicks. Estimating the number of eastern black rails within the action area during these seasons is challenging due to a general lack of species data. Louisiana is not currently thought to maintain a breeding population, but it is estimated that there could be 0-10 breeding pairs within the State. This is based on west coastal Louisiana (Cameron and Vermillion Parish) being a continuation of upper Texas coast habitat that is known to support eastern black rails (Watts 2016). Overwintering data for the species is scarce across its range and Louisiana does not have a history of consistently supporting eastern black rails year-round. Surveys conducted west of the proposed Commonwealth LNG Facility from May 2017 – April 2019 using playback calls detected one or more black rails 17 times. Additionally, drag-line surveys during the non-breeding season (November-March) located 30 black rails in the same area west of the Commonwealth LNG Facility. It is presumed that habitat supporting eastern black rails west of the proposed terminal extends eastward toward the terminal site (Johnson 2020). The Service will utilize these surveys to estimate the number of eastern black rails within the action area.

From May 2017 – April 2019, callback and drag-line surveys detected at least 47 eastern black rails (17 within breeding season, 30 within overwintering season) west of the proposed Commonwealth LNG Facility. Considering the cryptic nature of the species, the number of eastern black rails within the surveyed areas is potentially much higher. The SSA established a dynamic occupancy model which calculated a detection probability of ~0.25 for the Southwest Coastal Plain analysis unit, meaning that when eastern black rails are present at a site, there is a 25% probability of detecting them. For the action area population, we estimate that the number of eastern black rails is similar to the surveyed land west of the action area; approximately 50 individuals. Considering the low detection rates, it is possible that this number is much higher for the action area. However, there is currently insufficient data for the species that would be necessary to scale-up survey results to reflect individual eastern black rails that were unaccounted for during surveys; due to their cryptic nature. Therefore, the Service will utilize the aforementioned 50 individuals estimate for the action area.

### **5.1.2. Action Area Conservation Needs of and Threats to Eastern Black Rail**

The action area consists of 393-acres of land of which approximately 81.4 acres is emergent wetlands. This impacted area of wetland consists of habitat that the eastern black rail could use for breeding or overwintering. The status of the eastern black rail in the action area has been influenced by multiple anthropomorphic and environmental factors. Activities such as land development, grazing or haying, and groundwater withdraw can negatively impact wetland habitats; especially when they are conducted during vulnerable times, such as the breeding or flightless molt period. Stochastic events, such as floods and hurricanes, can also significantly impact eastern black rail populations. As it pertains to the action area, increased flooding caused by sea level rise or as a result of strong tropical storms could negatively impact the eastern black rail. In 2020, the Louisiana coastline was hit by multiple strong hurricanes that included significant landfalls within Cameron Parish. Hurricane Laura, a Category 4 hurricane, made landfall near peak intensity in Cameron Parish, Louisiana and is tied with the 1856 Last Island hurricane as the strongest hurricane on record to make landfall in Louisiana. The effects included a nearly 10-foot-high storm surge in Cameron Parish and resulted in severe flooding. Another Category 4 hurricane, Delta, made landfall within Cameron Parish a few weeks later as

a Category 2 hurricane. Modeling efforts suggest that the frequency of Category 4 and 5 tropical storms will increase despite an overall decrease in the number of tropical disturbances (Bender et al., 2010). Storms of increased intensity, which will have stronger winds, higher storm surge, and increased flooding, cause significant damage to coastal habitats by destroying vegetation and food sources, as well as resulting in direct mortality. Increases in storm frequency, coupled with sea level rise, may result in increased predation exposure of adults and juveniles if individuals are forced to emerge from dense vegetative cover (Evens and Page, 1986; Takekawa et al., 2006).

Weather alterations associated with climate change can have direct effects on the eastern black rail leading to reduced survival of eggs, chicks, or adults, and indirect effects are likely to occur through a variety of means including long-term degradation of both inland and coastal wetland habitats. Other indirect effects may include more secondary causes such as loss of forage base of wetland dependent organisms. Warmer and drier conditions will most likely reduce overall habitat quality for the eastern black rail. Because eastern black rails require a narrow range of water levels and appear to tolerate minor variation within those water levels, drying of habitat as a result of extended droughts may result in habitat becoming unsuitable, either on a permanent or temporary basis (Watts, 2016). Certain life stages, including eggs, chicks, nesting/brooding adults, and adults experiencing the flightless molt period, are particularly vulnerable.

Across the contiguous United States, the average annual temperature has increased 1.2°–1.8° Fahrenheit (F) since the beginning of the 20th century (Vose et al., 2017). Future projections indicate that the annual average temperature will increase throughout the 21st century. Average temperatures are projected to increase by 2.5°F to 2.9°F from the period 2021–2050 compared to the period 1976–2005, depending on future emission scenarios (Vose et al., 2017). As a result of increasing temperatures leading to greater evapotranspiration, surface soil moisture is projected to decrease across regions and seasons in the contiguous United States (Wehner et al., 2017). When co-occurring with heat waves, droughts can affect bird abundance with changes of up to 15%; further, droughts and heat waves result in higher declines in ground nesting birds than other types of nesters, such as canopy nesters (Albright et al., 2010).



### 5.1.3. Tables and Figures for Environmental Baseline for Eastern Black Rail

**Figure 5-1.** Population Estimates for Eastern Black Rail Breeding Pairs

Geographic Area	Population Estimate (# of breeding pairs)*		Uncertainty <sup>†</sup>
	2013	2016	
Maine	0	0	Low
New Hampshire	0	0	Low
Vermont	0	0	Low
Massachusetts	0	0	Moderate
Rhode Island	0	0	Low
Connecticut	0	0	Low
New York	0	0	Moderate
Pennsylvania	0	0-5	Low
New Jersey	25-50	40-60	Moderate
Delaware	25-50	0-10	Moderate
Maryland	200-250	15-30	Moderate
District of Columbia	0	0	Low
West Virginia	0	0	Low
Virginia	20-50	0-10	Moderate
<b>Northeast Region</b>	<b>270-400</b>	<b>55-115</b>	
North Carolina	50-100	40-60	Moderate
South Carolina	100-200	50-100	Low
Tennessee	0	0	Low
Georgia	25-50	10-40	High
Florida	200-500	200-500	High
Alabama	0	0	Low
Mississippi	0	0	Low
Louisiana	0	0-10	High
Texas	300-1,000	100-500	High
<b>Southeast Region</b>	<b>675-1,850</b>	<b>400-1,200</b>	
<b>Total Study Area</b>	<b>945-2,250</b>	<b>455-1,315</b>	

### 5.2. Effects of the Action on Eastern Black Rail

This section analyzes the effects of the Action on the eastern black rail. Effects of the Action are all consequences to listed species or critical habitat that are caused by the proposed action, including the consequences of other activities that are caused by the proposed action. A consequence is caused by the proposed Action if it would not occur but for the proposed Action and it is reasonably certain to occur. Effects of the Action may occur later in time and may include consequences occurring outside the immediate area involved in the Action (50 CFR §402.02).







**Figure 5-3.** Presumed Eastern Black Rail Habitat Within the Proposed Action Area



### 5.3. Cumulative Effects on Eastern Black Rail

In section 3, we did not identify any activities that satisfy the regulatory criteria for sources of cumulative effects. Therefore, cumulative effects to eastern black rail are not relevant to formulating our opinion for the Action.

### 5.4. Conclusion for Eastern Black Rail

In this section, we summarize and interpret the findings of the previous sections for the eastern black rail (status, baseline, effects, and cumulative effects) relative to the purpose of a BO under §7(a)(2) of the ESA, which is to determine whether a Federal action is likely to:

- a) jeopardize the continued existence of species listed as endangered or threatened; or
- b) result in the destruction or adverse modification of designated critical habitat.

“Jeopardize the continued existence” means to engage in an action that reasonably would be expected, directly or indirectly, to reduce appreciably the likelihood of both the survival and recovery of a listed species in the wild by reducing the reproduction, numbers, or distribution of that species (50 CFR §402.02).

(b)(5) DPP(b)(5) DPP(b)(5) DPP(b)(5) DPP(b)(5) DPP(b)(5) DPP(b)(5) DPP(b)(5) DPP(b)(5) DPP(b)(5) DPP(b)(5) DPP(b)(5) DPP  
(b)(5) DPP(b)(5) DPP(b)(5) DPP(b)(5) DPP(b)(5) DPP(b)(5) DPP(b)(5) DPP(b)(5) DPP(b)(5) DPP(b)(5) DPP(b)(5) DPP  
Habitat that may be suitable for the eastern black rail, those providing adequate overhead cover,

vegetation communities, nesting and foraging sites, and preferred inundation levels would be temporarily impacted or permanently altered resulting from clearing and siting of the proposed Commonwealth LNG Facility. Construction activities over the course of an estimated 3-year timeline for completion are likely to cause direct and indirect effects to the eastern black rail.

The anticipated changes from construction of the terminal include permanent alteration of suitable eastern black rail habitat. Effects to the eastern black rail could be caused by replacement of vegetated and open water habitats with surfacing materials such as concrete or gravel. Construction of the primary components of the terminal facility could cause impacts from noise, lighting, and impacts from day-to-day operations. Clearing of the proposed terminal site would displace eastern black rails and could cause direct mortality for individuals unable to escape prior to construction. Displacement for the species can cause mortality from increased predation due to temporarily losing overhead cover the species relies on for refuge. Noise impacts are expected from project activities, such as clearing and grading, operation of heavy machinery, impact pile driving, and fill placement. Exposure to acute and chronic noise disturbance can cause nest abandonment and failure. Artificial lighting would be necessary for nighttime construction and terminal operations. Artificial lighting can cause altered flight paths, disorientation, and fatalities for migratory bird species.

Construction of the pipeline includes temporary changes to habitat along the proposed ROW and permanent alteration of habitat. Effects to the eastern black rail could be caused by conversion of wetland vegetation and open water to industrial land through placement of fill materials (e.g., concrete), from the pipeline and associated appurtenances. With the proposed pipeline route lacking in suitable eastern black rail habitat, effects to the species from construction of the pipeline and associated appurtenances are likely to be minimal.

Individual activities from the proposed Action that cause direct or indirect effects could result in harm to a maximum of 15 eastern black rails utilizing the action area. The status of the eastern black rail population within Cameron Parish is uncertain. Based on estimates of potential breeding pairs and recent survey efforts in Louisiana, Cameron Parish may currently support sporadic populations during the breeding and overwintering seasons. Our analysis indicates that while the Action would have a negative effect on 15 eastern black rails, such effects to a small portion of the Louisiana population would not be appreciable for the survival and recovery of the eastern black rail.

After reviewing the status of the species, the environmental baseline for the action area, the effects of the Action and the cumulative effects, it is the Service's biological opinion that the Action is not likely to jeopardize the continued existence of the **EASTERN BLACK RAIL**.

## **6. INCIDENTAL TAKE STATEMENT**

ESA §9(a)(1) and regulations issued under §4(d) prohibit the take of endangered and threatened fish and wildlife species without special exemption. The term "take" in the ESA means "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct" (ESA §3(19)). In regulations, the Service further defines:



- “harass” as “an intentional or negligent act or omission which creates the likelihood of injury to wildlife by annoying it to such an extent as to significantly disrupt normal behavioral patterns which include, but are not limited to, breeding, feeding, or sheltering; “by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering;”
- “harm” as “an act which actually kills or injures wildlife. Such act may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering;” and
- “incidental take” as “any taking otherwise prohibited, if such taking is incidental to, and not the purpose of, the carrying out of an otherwise lawful activity.”

Under the terms of ESA §7(b)(4) and §7(o)(2), taking that is incidental to a Federal agency action that would not violate ESA §7(a)(2) is not considered prohibited, provided that such taking is in compliance with the terms and conditions of an incidental take statement (ITS). For the exemption in ESA §7(o)(2) to apply to the Action considered in this BO, the FERC must undertake the non-discretionary measures described in this ITS, and these measures must become binding conditions of any permit, contract, or grant issued for implementing the Action.

The FERC has a continuing duty to regulate the activity covered by this ITS. The protective coverage of §7(o)(2) may lapse if the FERC fails to:

- assume and implement the terms and conditions; or
- require a permittee, contractor, or grantee to adhere to the terms and conditions of the ITS through enforceable terms that are added to the permit, contract, or grant document.

In order to monitor the impact of incidental take, the FERC must report the progress of the Action and its impact on the species to the Service as specified in this ITS.

### 6.1. Amount or Extent of Take for Eastern Black Rail

This section specifies the amount or extent of take of listed wildlife species that the Action is reasonably certain to cause, which we estimated in the “Effects of the Action” section of this BO. We reference, but do not repeat, these analyses here.

The Service anticipates that the Action is reasonably certain to cause incidental take of eastern black rails consistent with the definition of harm resulting from vegetation clearing, wetland alteration, and facility construction that would result in loss of suitable habitat.

The maximum number of birds, over the three-year construction period, that is anticipated to be affected to the level of harm is approximately (b) (5) eastern black rails due to permanent alteration of suitable habitat, those providing adequate overhead cover, vegetation communities, nesting and foraging sites, and preferred inundation levels, resulting from clearing and siting of the proposed Commonwealth LNG Facility (see Sections 5.2 and 5.4).

#### Anticipated Take of Eastern Black Rail

Amount or Extent	Life Stage	Form of Take
(b) (5) DPP (b) (5) DPP	Juveniles/Adults	Harm

## **6.2. Reasonable and Prudent Measures**

The Service believes the following reasonable and prudent measures (RPMs) are necessary and appropriate to monitor and minimize take on eastern black rails during implementation of the proposed project within the action area.

**RPM 1** - The FERC should carefully mark and stake the outer work limits of each project feature (on land) for the terminal footprint. The FERC should ensure that boundary markers are maintained for the duration of project construction activities. Should the project actions (e.g., personnel, equipment, etc.) affect suitable habitat outside of those boundary markers and beyond the action area as described in the biological opinion, then the level of incidental take (i.e., 15 eastern black rails over the three-year construction phase) for this project would be exceeded and the FERC should reinitiate Section 7 consultation with the Service as soon as possible.

**RPM 2** - The FERC will coordinate with the Service on the restoration of temporarily disturbed habitat that will be re-planted with Gulf cordgrass to provide potential prospective habitat for the eastern black rail.

**RPM 3** - The FERC will coordinate with the Service on the terminal exclusion buffer area that will be managed for feral hogs and invasive or woody vegetation surrounding the fence line.

**RPM 4** - The FERC will coordinate with the Service regarding any efforts to “flush” eastern black rail individuals out of construction areas and efforts to flag nests or relocate nests/eggs for site clearing purposes.

**RPM 5** - The FERC shall ensure that all appropriate Project personnel (e.g., inspectors, contractors, equipment operators) are fully aware of the reasonable and prudent measures and the terms and conditions in this ITS, the conservation recommendations which follow this ITS, and of the protection afforded to the eastern black rail under the Endangered Species Act.

**RPM 6** - A comprehensive report describing the actions taken to implement the RPMs and terms and conditions associated with this incidental take statement shall be submitted to the Service within 60 days following completion of all proposed work as described in the associated biological opinion.

## **6.3. Terms and Conditions**

In order for the exemption from the take prohibitions of §9(a)(1) and of regulations issued under §4(d) of the ESA to apply to the Action, the FERC must comply with the terms and conditions (T&Cs) of this statement, provided below, which carry out the RPMs described in the previous section. These T&Cs are mandatory. As necessary and appropriate to fulfill this responsibility, the FERC must require any permittee, contractor, or grantee to implement these T&Cs through enforceable terms that the FERC includes in the permit, contract, or grant document.

**T&C 1. RPM 1.** The FERC should carefully survey and mark the boundaries of the outer work limits for each project feature (on land) for the terminal footprint.

**T&C 2. RPM 1.** Boundary markers should be semi-permanent, be maintained throughout construction activities, and persist until all construction-related activities are completed. Those markers may be the same ones used by contractors to determine appropriate elevations/locations for material placement.

**T&C 3. RPM 1.** The Service's Louisiana Ecological Services Office (337-291-3109) should be notified immediately if any work or project-related actions exceed the boundary markers in existing suitable habitat on Cameron parish, beyond the action area described in the biological opinion, so that reinitiation of Section 7 consultation can proceed as quickly and efficiently as possible to avoid delay in the project schedule.

**T&C 4. RPM 2.** The FERC should work with the Service in order to create a restoration plan that would include consideration of vegetation communities utilized by the eastern black rail for the habitat area. If revegetation efforts are unsuccessful, FERC should work with the Service to re-evaluate the approach toward restoring the habitat.

**T&C 5. RPM 3.** Annual post-construction monitoring should be conducted for the terminal exclusion buffer area. This assessment would be to evaluate success of the managed area as eastern black rail habitat in the years following feral hog removal and management for invasive/woody vegetation. This assessment would be submitted to the Service on an annual basis for five years after the construction phase ends.

**T&C 6. RPM 4.** In the instance that vegetation clearing would occur outside of the December – February window, the FERC would immediately notify the Service's Louisiana Ecological Services Field Office (337-291-3109). Plans to "flush" eastern black rails from construction areas and any efforts to flag nests or relocate eggs/nest would need to be coordinated with Service.

**T&C 7. RPM 6.** A report describing the actions taken to implement the RPMs and terms and conditions of this ITS shall be submitted to the Field Supervisor, U.S. Fish and Wildlife Service, 200 Dulles Drive Lafayette, LA 70506-3006, within 60 days of the completion of the project. This report shall include dates of work, assessment, and actions taken to address impacts to the eastern black rail, if they occurred.

#### **6.4. Monitoring and Reporting Requirements**

In order to monitor the impacts of incidental take, the FERC must report the progress of the Action and its impact on the species to the Service as specified in the ITS (50 CFR §402.14(i)(3)). This section provides the specific instructions for such monitoring and reporting (M&R), including procedures for handling and disposing of any individuals of a species actually killed or injured. These M&R requirements are mandatory. We identify whether the FERC, the Applicant, or both are responsible. As necessary and appropriate to fulfill this responsibility, the FERC must require any permittee, contractor, or grantee to accomplish the M&R through

enforceable terms that the FERC includes in the permit, contract, or grant document. Such enforceable terms must include a requirement to immediately notify the FERC and the Service if the amount or extent of incidental take specified in this ITS is exceeded during Action implementation.

**M&R 1-** The FERC would incorporate all data collected into an appropriate database for eastern black rail observations.

**M&R 2-** A final monitoring report should be provided to the Service within 60 days of the completion of project construction. That report should include any data sheets, maps, a copy of the database, the findings of eastern black rail monitoring efforts.

**M&R 3-** If the FERC foresees any problematic issues that would require a change in the implementation of the avoidance and minimization measures due to work conditions or project delays, the FERC should immediately notify the Service (337-291-3109) so that we can resolve/correct any such issues as quickly and efficiently as possible.

**M&R 4-** At least four weeks prior to mobilization of construction equipment, the FERC should notify the Service in writing that construction will commence. That notification should include whether there are any changes in the anticipated project footprint or design details.

### **Disposition of Dead or Injured Eastern Black Rails**

Upon locating a dead or injured eastern black rail that may have been harmed or destroyed as a direct or indirect result of the proposed Action, the FERC and/or contractor shall be responsible for notifying the Service's Louisiana Ecological Services Field Office (337-291-3100) and the Louisiana Department of Wildlife and Fisheries' Natural Heritage Program (225-765-2821). Care shall be taken in handling an injured eastern black rail to ensure effective treatment or disposition and in handling dead specimens to preserve biological materials in the best possible state for later analysis.

## **7. CONSERVATION RECOMMENDATIONS**

§7(a)(1) of the ESA directs Federal agencies to use their authorities to further the purposes of the ESA by conducting conservation programs for the benefit of endangered and threatened species. Conservation recommendations are discretionary activities that an action agency may undertake to avoid or minimize the adverse effects of a proposed action, implement recovery plans, or develop information that is useful for the conservation of listed species. The Service offers the following recommendations that are relevant to the listed species addressed in this BO and that we believe are consistent with the authorities of the Service.

In a letter dated June 21, 2019, the Service recommended the following conservation measures to minimize impacts to the eastern black rail and potentially benefit the species.

- 1.) If any wetland habitats remain at the facility site following construction, such areas are likely to revegetate and could continue to provide suitable habitat for the eastern black



rail. We recommend that such areas be planted with *Spartina spartinae* (Gulf cordgrass) and managed in coordination with the Service to promote and maintain rail habitat. Management actions that would promote and maintain emergent habitat and control woody vegetation include prescribed burning, occasional mowing, or targeted treatment of woody vegetation.

- 2.) The proposed mitigation plan for the project includes beneficial use of dredged material to restore degraded coastal wetland habitats. We recommend that the material be used to restore emergent marsh in such a manner that a diversity of marsh elevations is restored, including supratidal elevations similar to that of the impact area to support rail habitat. Additionally, incorporating vegetative plantings of *Spartina spartinae* (Gulf cordgrass) in association with the supratidal habitat will improve the habitat suitability for black rail.
- 3.) To the greatest extent possible, we recommend avoiding the black rail breeding season (May through August) and molt periods (July through September for adults, February through April for juveniles) during the construction phase.

According to the BA, Commonwealth's Workspace Restoration Plan would include adherence for the first conservation recommendation. Commonwealth proposes a compensatory wetland mitigation plan focusing on BUDM (described within Section 2.2). However, this would not adhere to the Service's second conservation recommendation due to lack of high elevation areas needed for eastern black rail habitat. Commonwealth would attempt to clear vegetation between December and February to adhere with the Service's third conservation recommendation. If not feasible with the construction timeline, Commonwealth proposes to employ teams of biologists to "herd" adult and juvenile birds out of the construction area or employ permitted biologists to identify active nests and either move nests/eggs or flag nests with "no disturbance" buffers for clearing after nesting season ends.

The Service recommends the following conservation recommendations to minimize impacts to the eastern black rail and potentially benefit the species:

- 1.) Maintenance actions are limited to the original footprint of the infrastructure.
- 2.) Borrow materials for repairs will not be taken from eastern black rail habitat and efforts will be made to ensure borrow materials are free of potential invasive species.
- 3.) Utilize one ingress/egress route to minimize effects on the ground during maintenance activities.
- 4.) Mow at a speed that allows species to escape the mow path.
- 5.) For habitat improvement, limit mowing to outside the eastern black rail nesting period.
- 6.) Efforts will be made to mitigate noise and vibration in habitats adjacent to eastern black rail habitat, especially during the breeding season. These efforts include planning and performing work outside of peak breeding call times (i.e., dawn and dusk) for eastern black rail.

## **8. REINITIATION NOTICE**

Formal consultation for the Action considered in this BO is concluded. Reinitiating consultation is required if the FERC retains discretionary involvement or control over the Action (or is authorized by law) when:

- a. the amount or extent of incidental take is exceeded;
- b. new information reveals that the Action may affect listed species or designated critical habitat in a manner or to an extent not considered in this BO;
- c. the Action is modified in a manner that causes effects to listed species or designated critical habitat not considered in this BO; or
- d. a new species is listed or critical habitat designated that the Action may affect.

In instances where the amount or extent of incidental take is exceeded, the FERC is required to immediately request a reinitiation of formal consultation.

## **9. LITERATURE CITED**

**Re: [EXTERNAL] Commonwealth LNG - site visit logistics**

Firmin, Brigitte &lt;brigitte\_firmin@fws.gov&gt;

Mon 12/16/2019 8:39 AM

**To:** Suderman, Keith <KSuderman@trccompanies.com>**Cc:** Hans Verswijver (HVerswijver@teamcpl.com) <HVerswijver@teamcpl.com>; Danna, Staci <SDanna@trccompanies.com>; Marceaux, Joshua <Joshua\_Marceaux@fws.gov> 2 attachments (30 KB)

image004.jpg; image005.png;

Thank you, Keith!

Looks like it will be a chilly day but a beautiful and sunny one. So, you may want to not take that extra step over the top of your knee boots! Thank you for the additional information. I'll look this over and try to get myself up-to-speed by then. Look forward to meeting with you and learning more.

With kindest regards,

Brigitte

+++

Brigitte Firmin

ESA Consultation Team Lead

U.S. Dept. of the Interior, Mississippi Basin Region

Fish and Wildlife Service, Louisiana Ecological Services Office

200 Dulles Drive, Lafayette, LA 70506

office: 337-291-3108; fax: 337-291-3139; email: [brigitte\\_firmin@fws.gov](mailto:brigitte_firmin@fws.gov)[Office Website](#) / [Follow us on Facebook](#)

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On Fri, Dec 13, 2019 at 2:54 PM Suderman, Keith <[KSuderman@trccompanies.com](mailto:KSuderman@trccompanies.com)> wrote:

Brigitte,

For next week, we've had a minor change in meeting location – we'll meet at:

John W. Stone Oil Distributors

501 Gulf Beach Highway

Cameron, LA 70631



We'll meet at 10 a.m. on Wednesday the 18<sup>th</sup> for a quick look at a map, then spend a couple of hours driving/walking around the site (knee boots, not hip waders). Then we'll head back to J.W. Stone for a work session.

I will bring:

- Large-scale (at least 11x17, but I'll try for 24x36) aerial photo figure with an outline of the site and the limits-of-disturbance
- Same map plus cheniers
- Electronic copy of the Final RRs and Correspondence
- Knee boots (I don't know why I bother – I always go one step too deep...)

I've attached the latest figures:

- 1.1-1 Project Location (LNG Facility site, Pipeline Route, BUDM site and Slurry Pipeline)
- 1.2-3 LNG Facility on Aerial
- 2.2-4 LNG Facility Wetlands
- 10.7-1B Comparison of LNG Facility configurations and chenier habitat

Thanks much,

Keith

**Keith Suderman, PhD**  
Senior Project Manager



4155 Shackleford Road, Suite 225, Norcross, GA 30093

**T** 770.270.1192 x125 | **C** 404.992.6222

[LinkedIn](#) | [Twitter](#) | [Blog](#) | [TRCcompanies.com](http://TRCcompanies.com)

**Re: [EXTERNAL] Commonwealth LNG - EBR BA**

Firmin, Brigitte &lt;brigitte\_firmin@fws.gov&gt;

Tue 11/10/2020 5:17 PM

To: Suderman, Keith &lt;KSuderman@trccompanies.com&gt;

Cc: Danna, Staci &lt;SDanna@trccompanies.com&gt;; Hans Verswijver (HVerswijver@teamcpl.com) &lt;HVerswijver@teamcpl.com&gt;

Dear Keith,

Due to workload adjustments, another biologist in our office, Joe Hodges (joe\_hodges@fws.gov, 337-291-3109) will be taking over on this consultation for the black rail. I will be helping him get up to speed on the project, so don't worry about that. We will be sure to make this transition a smooth one. And of course, I am always around for questions or help.

Either Joe or myself will be in touch soon if we have any further questions regarding the draft BA.

As always, thank you so much for the excellent coordination and cooperation in the ESA consultation process.

With kindest regards,  
Brigitte

+++

Brigitte Firmin

ESA Consultation &amp; Classification Team Lead

U.S. Dept. of the Interior, Mississippi Basin Region

Fish and Wildlife Service, Louisiana Ecological Services Office

200 Dulles Drive, Lafayette, LA 70506

office: 337-291-3108; fax: 337-291-3139; email: [brigitte\\_firmin@fws.gov](mailto:brigitte_firmin@fws.gov)[Office Website](#) / [Follow us on Facebook](#)

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**From:** Suderman, Keith <KSuderman@trccompanies.com>**Sent:** Tuesday, November 3, 2020 4:13 PM**To:** Firmin, Brigitte <brigitte\_firmin@fws.gov>**Cc:** Danna, Staci <SDanna@trccompanies.com>; Hans Verswijver (HVerswijver@teamcpl.com) <HVerswijver@teamcpl.com>**Subject:** [EXTERNAL] Commonwealth LNG - EBR BA

<p><b>This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.</b></p>
--

Brigitte,

Please find attached the Commonwealth LNG Biological Assessment (BA), including the Impact Assessment Workbook in native format. We thank you for your guidance and look forward to continuing our discussion. Please don't hesitate to contact us with questions or comments.

Thank you,  
Keith

**Keith Suderman, PhD**  
Senior Project Manager



4155 Shackleford Road, Suite 225, Norcross, GA 30093

**C** 404.992.6222

[LinkedIn](#) | [Twitter](#) | [Blog](#) | [TRCcompanies.com](#)

**Fw: [EXTERNAL] Commonwealth LNG - EBR BA**

Firmin, Brigitte &lt;brigitte\_firmin@fws.gov&gt;

Tue 11/10/2020 5:23 PM

To: Hodges, Joe A &lt;joe\_hodges@fws.gov&gt;

My apologies that I didn't copy you on the email below. I meant to but I hit "send" before I added you! Sorry!

With kindest regards,  
Brigitte

+++

Brigitte Firmin

ESA Consultation &amp; Classification Team Lead

U.S. Dept. of the Interior, Mississippi Basin Region

Fish and Wildlife Service, Louisiana Ecological Services Office

200 Dulles Drive, Lafayette, LA 70506

office: 337-291-3108; fax: 337-291-3139; email: [brigitte\\_firmin@fws.gov](mailto:brigitte_firmin@fws.gov)[Office Website](#) / [Follow us on Facebook](#)

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**From:** Firmin, Brigitte <brigitte\_firmin@fws.gov>**Sent:** Tuesday, November 10, 2020 5:17 PM**To:** Suderman, Keith <KSuderman@trccompanies.com>**Cc:** Danna, Staci <SDanna@trccompanies.com>; Hans Verswijver (HVerswijver@teamcpl.com) <HVerswijver@teamcpl.com>**Subject:** Re: [EXTERNAL] Commonwealth LNG - EBR BA

Dear Keith,

Due to workload adjustments, another biologist in our office, Joe Hodges ([joe\\_hodges@fws.gov](mailto:joe_hodges@fws.gov), 337-291-3109) will be taking over on this consultation for the black rail. I will be helping him get up to speed on the project, so don't worry about that. We will be sure to make this transition a smooth one. And of course, I am always around for questions or help.

Either Joe or myself will be in touch soon if we have any further questions regarding the draft BA.

As always, thank you so much for the excellent coordination and cooperation in the ESA consultation process.

With kindest regards,  
Brigitte

+++

Brigitte Firmin

ESA Consultation &amp; Classification Team Lead



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Fish and Wildlife Service, Louisiana Ecological Services Office  
200 Dulles Drive, Lafayette, LA 70506  
office: 337-291-3108; fax: 337-291-3139; email: [brigitte\\_firmin@fws.gov](mailto:brigitte_firmin@fws.gov)  
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**From:** Suderman, Keith <KSuderman@trccompanies.com>  
**Sent:** Tuesday, November 3, 2020 4:13 PM  
**To:** Firmin, Brigitte <brigitte\_firmin@fws.gov>  
**Cc:** Danna, Staci <SDanna@trccompanies.com>; Hans Verswijver (HVerswijver@teamcpl.com) <HVerswijver@teamcpl.com>  
**Subject:** [EXTERNAL] Commonwealth LNG - EBR BA

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Thank you,  
Keith

**Keith Suderman, PhD**  
Senior Project Manager



4155 Shackelford Road, Suite 225, Norcross, GA 30093  
C 404.992.6222  
[LinkedIn](#) | [Twitter](#) | [Blog](#) | [TRCcompanies.com](http://TRCcompanies.com)

**RE: [EXTERNAL] Commonwealth LNG - EBR BA**

Suderman, Keith &lt;KSuderman@trccompanies.com&gt;

Thu 11/12/2020 11:55 AM

**To:** Hodges, Joe A <joe\_hodges@fws.gov>**Cc:** Danna, Staci <SDanna@trccompanies.com>; Hans Verswijver (HVerswijver@teamcpl.com) <HVerswijver@teamcpl.com>; Firmin, Brigitte <brigitte\_firmin@fws.gov>

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Thu 12/3/2020 12:59 PM

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## Re: [EXTERNAL] Commonwealth LNG - EBR BA

Firmin, Brigitte &lt;brigitte\_firmin@fws.gov&gt;

Thu 12/10/2020 12:48 PM

To: Hodges, Joe A &lt;joe\_hodges@fws.gov&gt;

Cc: Marceaux, Joshua &lt;Joshua\_Marceaux@fws.gov&gt;

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Thanks,

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Joe A. Hodges

Fish and Wildlife Biologist

U.S. Fish &amp; Wildlife Service

Louisiana Ecological Services

Mississippi-Basin Region  
200 Dulles Drive  
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337.291.3109 (office)

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**Fw: [EXTERNAL] FW: Latest from Commonwealth LNG**

Firmin, Brigitte &lt;brigitte\_firmin@fws.gov&gt;

Mon 3/8/2021 7:24 AM

To: Hodges, Joe A &lt;joe\_hodges@fws.gov&gt;

FYI ...

With kindest regards,  
Brigitte

+++

Brigitte Firmin

Acting Supervisor

(Senior Fish &amp; Wildlife Biologist)

U.S. Dept. of the Interior, Mississippi Basin Region

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---

**From:** Wilson, Jennifer K <jennifer\_wilson@fws.gov>**Sent:** Saturday, March 6, 2021 6:20 PM**To:** Johnson, Erik <Erik.Johnson@audubon.org>; Firmin, Brigitte <brigitte\_firmin@fws.gov>; Marceaux, Joshua <Joshua\_Marceaux@fws.gov>; Woodrow, Woody <Woody\_Woodrow@fws.gov>**Cc:** Newman, Brent <brent.newman@audubon.org>**Subject:** Re: [EXTERNAL] FW: Latest from Commonwealth LNG

Hi, Erik,

thanks for writing.

I share your peaked interest regarding these field techniques. There is no approved USFWS protocol for "herding" black rails, nor are there approved nest finding techniques. As you have said, the nests are virtually impossible to find, and attempting to do so would seem to generate a large amount of disturbance. It is difficult to imagine nests being protected by disturbance buffers after the process of locating them is completed.

You might also contact the USFWS eastern black rail species lead, Lindsey Troutman (lindsey\_troutman@fws.gov), and Tom McCoy (thomas\_mccoy@fws.gov) of the Charleston, SC Ecological Services Office. The Charleston, SC ES office is the Ecological Services lead office for the eastern black rail. They can help you further.

I hope this is of help and that you are well. Best wishes,

Jennifer

---

**From:** Johnson, Erik <Erik.Johnson@audubon.org>

**Sent:** Saturday, March 6, 2021 9:10 AM

**To:** Firmin, Brigitte <brigitte\_firmin@fws.gov>; Marceaux, Joshua <Joshua\_Marceaux@fws.gov>; Wilson, Jennifer K <jennifer\_wilson@fws.gov>; Woodrow, Woody <Woody\_Woodrow@fws.gov>

**Cc:** Newman, Brent <brent.newman@audubon.org>

**Subject:** [EXTERNAL] FW: Latest from Commonwealth LNG

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Hi Brigitte, Josh, Jennifer, and Woody,

Hope you all are well!

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As I've said before, this area of Cameron Parish is the most important Black Rail habitat known in the state, and I am forever hopeful that this proposed LNG project can be moved to a different location.

Best,  
Erik

---

**Erik I. Johnson, Ph.D.**

Director of Bird Conservation

w: 225.768.0820

c: 225.252.8864

**Audubon Louisiana**

5615 Corporate Blvd., suite 600B

Baton Rouge, LA 70808



[la.audubon.org](http://la.audubon.org)

---

**Fw: [EXTERNAL] FW: Latest from Commonwealth LNG**

Firmin, Brigitte &lt;brigitte\_firmin@fws.gov&gt;

Mon 3/8/2021 7:26 AM

To: Hodges, Joe A &lt;joe\_hodges@fws.gov&gt;

FYI ...

With kindest regards,  
Brigitte

+++

Brigitte Firmin

Acting Supervisor

(Senior Fish &amp; Wildlife Biologist)

U.S. Dept. of the Interior, Mississippi Basin Region

Fish and Wildlife Service, Louisiana Ecological Services Office

200 Dulles Drive, Lafayette, LA 70506

office: 337-291-3108; fax: 337-291-3139; email: [brigitte\\_firmin@fws.gov](mailto:brigitte_firmin@fws.gov)[Office Website](#) / [Follow us on Facebook](#)

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---

**From:** Woodrow, Woody <Woody\_Woodrow@fws.gov>**Sent:** Sunday, March 7, 2021 8:43 AM**To:** Wilson, Jennifer K <jennifer\_wilson@fws.gov>; Johnson, Erik <Erik.Johnson@audubon.org>; Firmin, Brigitte <brigitte\_firmin@fws.gov>; Marceaux, Joshua <Joshua\_Marceaux@fws.gov>**Cc:** Newman, Brent <brent.newman@audubon.org>**Subject:** Re: [EXTERNAL] FW: Latest from Commonwealth LNG

Erik - I too am very skeptical. Given my experience and others in the field (you and other folks) trying to catch them at night, the birds easily run between your feet and you never even know it. They are like mice in the thick grass. In the daytime, using a playback, I have had them approach me within 12 inches and I cannot see them through the grass.

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Regards  
Woody

Jarrett (Woody) Woodrow  
Fish and Wildlife Biologist  
Coastal Program - Texas  
(979) 964-4011 X58  
(281)309-4886 (Cell)

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**From:** Wilson, Jennifer K <jennifer\_wilson@fws.gov>  
**Sent:** Saturday, March 6, 2021 6:20 PM  
**To:** Johnson, Erik <Erik.Johnson@audubon.org>; Firmin, Brigitte <brigitte\_firmin@fws.gov>; Marceaux, Joshua <Joshua\_Marceaux@fws.gov>; Woodrow, Woody <Woody\_Woodrow@fws.gov>  
**Cc:** Newman, Brent <brent.newman@audubon.org>  
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You might also contact the USFWS eastern black rail species lead, Lindsey Troutman (lindsey\_troutman@fws.gov), and Tom McCoy (thomas\_mccoy@fws.gov) of the Charleston, SC Ecological Services Office. The Charleston, SC ES office is the Ecological Services lead office for the eastern black rail. They can help you further.

I hope this is of help and that you are well. Best wishes,

Jennifer

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**Re: [EXTERNAL] FW: Latest from Commonwealth LNG**

Marceaux, Joshua &lt;Joshua\_Marceaux@fws.gov&gt;

Mon 3/8/2021 9:03 AM

To: Firmin, Brigitte &lt;brigitte\_firmin@fws.gov&gt;; Hodges, Joe A &lt;joe\_hodges@fws.gov&gt;

Ok, I've reviewed everything. Let me know when you would like to discuss. Thurs., Fri of this week works best for me. I can probably do Wed also.

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**From:** Firmin, Brigitte <brigitte\_firmin@fws.gov>**Sent:** Saturday, March 6, 2021 5:13 PM**To:** Hodges, Joe A <joe\_hodges@fws.gov>**Cc:** Marceaux, Joshua <Joshua\_Marceaux@fws.gov>**Subject:** Fw: [EXTERNAL] FW: Latest from Commonwealth LNG

FYI ... please read email below.

Let's discuss via a phone call this week if at all possible.

With kindest regards,  
Brigitte

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Brigitte Firmin

Acting Supervisor

(Senior Fish &amp; Wildlife Biologist)

U.S. Dept. of the Interior, Mississippi Basin Region

Fish and Wildlife Service, Louisiana Ecological Services Office

200 Dulles Drive, Lafayette, LA 70506

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**Re: [EXTERNAL] FW: Latest from Commonwealth LNG**

Hodges, Joe A <joe\_hodges@fws.gov>

Wed 03/10/2021 2:13 PM

To: Marceaux, Joshua <Joshua\_Marceaux@fws.gov>; Firmin, Brigitte <brigitte\_firmin@fws.gov>

I've reviewed everything here. I'm free all-day Thursday and any time before 2:00 pm on Friday.

Joe A. Hodges  
Fish and Wildlife Biologist  
U.S. Fish & Wildlife Service  
Louisiana Ecological Services  
Mississippi-Basin Region  
200 Dulles Drive  
Lafayette, LA 70506  
337.291.3109 (office)

---

**From:** Marceaux, Joshua <Joshua\_Marceaux@fws.gov>

**Sent:** Monday, March 8, 2021 9:03 AM

**To:** Firmin, Brigitte <brigitte\_firmin@fws.gov>; Hodges, Joe A <joe\_hodges@fws.gov>

**Subject:** Re: [EXTERNAL] FW: Latest from Commonwealth LNG

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**To:** Hodges, Joe A <joe\_hodges@fws.gov>

**Cc:** Marceaux, Joshua <Joshua\_Marceaux@fws.gov>

**Subject:** Fw: [EXTERNAL] FW: Latest from Commonwealth LNG

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---

**Re: [EXTERNAL] FW: Latest from Commonwealth LNG**

Firmin, Brigitte &lt;brigitte\_firmin@fws.gov&gt;

Wed 3/10/2021 2:50 PM

To: McCoy, Thomas &lt;thomas\_mccoy@fws.gov&gt;

Cc: Weller, Jeff &lt;jeff\_weller@fws.gov&gt;; Troutman, Lindsey C &lt;lindsey\_troutman@fws.gov&gt;

Dear Tom,

Thank you for the input. It is very much appreciated.

Just so you and Lindsey know where things stand with the proposed Commonwealth LNG project:

1. It is a FAST 41 project.
2. Our FERC biologist has the lead for the overall project; however, a Section 7 biologist will be conducting the formal consultation.
3. While we have reviewed a draft BA from the consultant, I can't recall if that draft BA contained information about "herding" birds or trying to locate nests, so I will have to revisit that.
4. FERC has not yet submitted a draft BA or a request to initiate formal consultation.
5. This project has been controversial from the start because of the proposed location.

I can talk more on Friday if you're available or want to discuss further. Again, I fully appreciate the input and will take you up on your offer if needed!

With kindest regards,  
Brigitte

+++

Brigitte Firmin

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**From:** McCoy, Thomas <thomas\_mccoy@fws.gov>**Sent:** Wednesday, March 10, 2021 2:30 PM**To:** Firmin, Brigitte <brigitte\_firmin@fws.gov>

**Cc:** Weller, Jeff <jeff\_weller@fws.gov>; Troutman, Lindsey C <lindsey\_troutman@fws.gov>

**Subject:** FW: [EXTERNAL] FW: Latest from Commonwealth LNG

Hi Brigitte,

I would assume your FERC person would be the lead on this project that includes black rail (BLRA). We are the national lead for BLRA. However, I want the lead office to take control of the project and if you need assistance on the BLRA, we can help.

You can find survey protocol (February 2021) at: <https://www.fws.gov/southeast/pdf/methodology/eastern-black-rail-survey-protocol-summary.pdf>.

Let me know if you have any questions.

Thank you.

**Tom**

Thomas (**Tom**) D. McCoy, Field Supervisor for Ecological Services

Department of the Interior – U.S. Fish and Wildlife Service

South Atlantic-Gulf Region (Region 2)

South Carolina Ecological Services Field Office

176 Croghan Spur Road, Suite 200

Charleston, South Carolina 29407

Main Phone Line: 843.727.4707

Direct Phone Line: 843.300.0431

Work Cell: 843.576.9862

Fax: 843.300.0204

Email: [thomas\\_mccoy@fws.gov](mailto:thomas_mccoy@fws.gov)

Visit our Web Page for more information about our office at <https://www.fws.gov/southeast/charleston>

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**From:** Johnson, Erik <Erik.Johnson@audubon.org>

**Sent:** Wednesday, March 10, 2021 3:02 PM

**To:** Troutman, Lindsey C <lindsey\_troutman@fws.gov>; McCoy, Thomas <thomas\_mccoy@fws.gov>

**Subject:** FW: [EXTERNAL] FW: Latest from Commonwealth LNG

Hi Lindsey and Tom,

I received your contact info from Jennifer Wilson, as I was inquiring about a draft BA submitted to FERC regarding a proposed LNG facility in SW Louisiana. See the email chain below, particularly my email at the bottom inquiring about proposed methods to reduce impacts to Black Rails.

As a means of an introduction – I worked under a contract with LDWF with USFWS funding support to conduct a Black Rail study in coastal Louisiana, and we were able to document for the first time the year-round presence of Black Rails in certain locations. We have a manuscript in review at Waterbirds, and I've been working closely with Whitney Beisler and Bryan Watts to include this paper as part of a Special Section in an upcoming issue. I'm also currently involved in coordinating Black and Yellow Rail monitoring as part of the Gulf-wide RESTORE Act High Marsh grant with MSU.

Anyway, I'd be interested in your thoughts on the proposed methods apparently listed in the draft BA, and if you are aware of any coordination between Commonwealth LNG and USFWS regarding the proposed methods.

Many thanks!

Erik

---

**Erik I. Johnson, Ph.D.**

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Firmin, Brigitte &lt;brigitte\_firmin@fws.gov&gt;

Tue 3/30/2021 1:26 PM

To: McCoy, Thomas &lt;thomas\_mccoy@fws.gov&gt;

Dear Tom,

I know that you are busy with interviews this week, but when you have a moment, I would like to update you on this project. Thanks!

With kindest regards,  
Brigitte

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Brigitte Firmin

Acting Supervisor

(Senior Fish &amp; Wildlife Biologist)

U.S. Dept. of the Interior, Mississippi Basin Region

Fish and Wildlife Service, Louisiana Ecological Services Office

200 Dulles Drive, Lafayette, LA 70506

office: 337-291-3108; fax: 337-291-3139; email: [brigitte\\_firmin@fws.gov](mailto:brigitte_firmin@fws.gov)[Office Website](#) / [Follow us on Facebook](#)

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Let me know if you have any questions.

Thank you.

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Department of the Interior – U.S. Fish and Wildlife Service

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Many thanks!  
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I hope this is of help and that you are well. Best wishes,

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As I've said before, this area of Cameron Parish is the most important Black Rail habitat known in the state, and I am forever hopeful that this proposed LNG project can be moved to a different location.

Best,  
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South Atlantic-Gulf Region (Region 2)  
South Carolina Ecological Services Field Office  
176 Croghan Spur Road, Suite 200  
Charleston, South Carolina 29407  
Main Phone Line: 843.727.4707  
Direct Phone Line: 843.300.0431  
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**Sent:** Wednesday, March 10, 2021 3:02 PM  
**To:** Troutman, Lindsey C <[lindsey\\_troutman@fws.gov](mailto:lindsey_troutman@fws.gov)>; McCoy, Thomas <[thomas\\_mccoy@fws.gov](mailto:thomas_mccoy@fws.gov)>  
**Subject:** FW: [EXTERNAL] FW: Latest from Commonwealth LNG

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Many thanks!  
Erik

—  
**Erik I. Johnson, Ph.D.**  
Director of Bird Conservation  
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c: 225.252.8864

**Audubon Louisiana**  
5615 Corporate Blvd., suite 600B  
Baton Rouge, LA 70808  
[la.audubon.org](http://la.audubon.org)



**From:** Woodrow, Woody <[Woody\\_Woodrow@fws.gov](mailto:Woody_Woodrow@fws.gov)>  
**Sent:** Sunday, March 7, 2021 8:44 AM  
**To:** Wilson, Jennifer K <[jennifer\\_wilson@fws.gov](mailto:jennifer_wilson@fws.gov)>; Johnson, Erik <[Erik.Johnson@audubon.org](mailto:Erik.Johnson@audubon.org)>; Firmin, Brigitte <[brigitte\\_firmin@fws.gov](mailto:brigitte_firmin@fws.gov)>; Marceaux, Joshua <[Joshua\\_Marceaux@fws.gov](mailto:Joshua_Marceaux@fws.gov)>  
**Cc:** Newman, Brent <[brent.newman@audubon.org](mailto:brent.newman@audubon.org)>  
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Regards  
Woody

Jarrett (Woody) Woodrow  
Fish and Wildlife Biologist  
Coastal Program - Texas  
(979) 964-4011 X58  
(281)309-4886 (Cell)

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**Sent:** Saturday, March 6, 2021 6:20 PM  
**To:** Johnson, Erik <[Erik.Johnson@audubon.org](mailto:Erik.Johnson@audubon.org)>; Firmin, Brigitte <[brigitte\\_firmin@fws.gov](mailto:brigitte_firmin@fws.gov)>; Marceaux, Joshua <[Joshua\\_Marceaux@fws.gov](mailto:Joshua_Marceaux@fws.gov)>; Woodrow, Woody <[Woody\\_Woodrow@fws.gov](mailto:Woody_Woodrow@fws.gov)>  
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You might also contact the USFWS eastern black rail species lead, Lindsey Troutman ([lindsey\\_troutman@fws.gov](mailto:lindsey_troutman@fws.gov)), and Tom McCoy ([thomas\\_mccoy@fws.gov](mailto:thomas_mccoy@fws.gov)) of the Charleston, SC Ecological Services Office. The Charleston, SC ES office is the Ecological Services lead office for the eastern black rail. They can help you further.

I hope this is of help and that you are well. Best wishes,

Jennifer

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**Sent:** Saturday, March 6, 2021 9:10 AM  
**To:** Firmin, Brigitte <[brigitte\\_firmin@fws.gov](mailto:brigitte_firmin@fws.gov)>; Marceaux, Joshua <[Joshua\\_Marceaux@fws.gov](mailto:Joshua_Marceaux@fws.gov)>; Wilson, Jennifer K <[jennifer\\_wilson@fws.gov](mailto:jennifer_wilson@fws.gov)>; Woodrow, Woody <[Woody\\_Woodrow@fws.gov](mailto:Woody_Woodrow@fws.gov)>  
**Cc:** Newman, Brent <[brent.newman@audubon.org](mailto:brent.newman@audubon.org)>  
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Hi Brigitte, Josh, Jennifer, and Woody,

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Specifically the letter asks whether USFWS has approved these methods. I'm interested to know if these methods have been reviewed and approved by USFWS, and if not, what the next steps might be in terms of revising the BA. I have urged FERC to make at least parts of the BA public, and this letter from FERC to Commonwealth only reinforces my concerns that Commonwealth does not alone have the capability of developing a sound plan to reduce impacts to birds.

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Best,  
Erik

**Erik I. Johnson, Ph.D.**

Director of Bird Conservation

w: 225.768.0820

c: 225.252.8864

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**RE: [EXTERNAL] FW: Latest from Commonwealth LNG**

McCoy, Thomas &lt;thomas\_mccoy@fws.gov&gt;

Wed 3/31/2021 6:11 AM

**To:** Firmin, Brigitte <brigitte\_firmin@fws.gov>

Available: Tuesday – 1-3 PM ET; Wednesday – 10-12 PM ET; Thursday – open at the moment

**Tom**Thomas (**Tom**) D. McCoy, Field Supervisor for Ecological Services

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**From:** Firmin, Brigitte <brigitte\_firmin@fws.gov>**Sent:** Tuesday, March 30, 2021 2:46 PM**To:** McCoy, Thomas <thomas\_mccoy@fws.gov>**Subject:** Re: [EXTERNAL] FW: Latest from Commonwealth LNG

I'm on annual leave on Monday, but I can talk on Tues, Wed, or Thurs of next week. If Lindsay is interested in joining us, that's fine with me. I just want to let y'all know what's going on with this project.

With kindest regards,  
Brigitte

+++

Brigitte Firmin

Acting Supervisor

(Senior Fish &amp; Wildlife Biologist)

U.S. Dept. of the Interior, Mississippi Basin Region

Fish and Wildlife Service, Louisiana Ecological Services Office

200 Dulles Drive, Lafayette, LA 70506

office: 337-291-3108; fax: 337-291-3139; email: [brigitte\\_firmin@fws.gov](mailto:brigitte_firmin@fws.gov)[Office Website](#) / [Follow us on Facebook](#)

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**From:** McCoy, Thomas <[thomas\\_mccoy@fws.gov](mailto:thomas_mccoy@fws.gov)>  
**Sent:** Tuesday, March 30, 2021 1:34 PM  
**To:** Firmin, Brigitte <[brigitte\\_firmin@fws.gov](mailto:brigitte_firmin@fws.gov)>  
**Subject:** RE: [EXTERNAL] FW: Latest from Commonwealth LNG

Hi Brigitte,

Would Monday morning work unless the Geoff calls me for final recommendations? Do we need Lindsey? Thank you.

Tom

Thomas (Tom) D. McCoy, Field Supervisor for Ecological Services  
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**From:** Firmin, Brigitte <[brigitte\\_firmin@fws.gov](mailto:brigitte_firmin@fws.gov)>  
**Sent:** Tuesday, March 30, 2021 2:27 PM  
**To:** McCoy, Thomas <[thomas\\_mccoy@fws.gov](mailto:thomas_mccoy@fws.gov)>  
**Subject:** Re: [EXTERNAL] FW: Latest from Commonwealth LNG

Dear Tom,

I know that you are busy with interviews this week, but when you have a moment, I would like to update you on this project. Thanks!

With kindest regards,  
Brigitte

+++

Brigitte Firmin  
Acting Supervisor  
(Senior Fish & Wildlife Biologist)  
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**Sent:** Wednesday, March 10, 2021 2:30 PM  
**To:** Firmin, Brigitte <[brigitte\\_firmin@fws.gov](mailto:brigitte_firmin@fws.gov)>  
**Cc:** Weller, Jeff <[jeff\\_weller@fws.gov](mailto:jeff_weller@fws.gov)>; Troutman, Lindsey C <[lindsey\\_troutman@fws.gov](mailto:lindsey_troutman@fws.gov)>  
**Subject:** FW: [EXTERNAL] FW: Latest from Commonwealth LNG

Hi Brigitte,

I would assume your FERC person would be the lead on this project that includes black rail (BLRA). We are the national lead for BLRA. However, I want the lead office to take control of the project and if you need assistance on the BLRA, we can help.

You can find survey protocol (February 2021) at: <https://www.fws.gov/southeast/pdf/methodology/eastern-black-rail-survey-protocol-summary.pdf>.

Let me know if you have any questions.

Thank you.

**Tom**

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**Re: [EXTERNAL] FW: Latest from Commonwealth LNG**

Firmin, Brigitte &lt;brigitte\_firmin@fws.gov&gt;

Wed 3/31/2021 8:05 AM

To: McCoy, Thomas &lt;thomas\_mccoy@fws.gov&gt;

Thank you, Tom.

How about Wednesday, April 7 at 10:00a ET / 9:00a CT? It shouldn't take more than 30 minutes. If this works, I can send a calendar invite to you and Lindsay, if you would like her to participate as well.

With kindest regards,  
Brigitte

+++

Brigitte Firmin

Acting Supervisor

(Senior Fish &amp; Wildlife Biologist)

U.S. Dept. of the Interior, Mississippi Basin Region

Fish and Wildlife Service, Louisiana Ecological Services Office

200 Dulles Drive, Lafayette, LA 70506

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**From:** McCoy, Thomas <thomas\_mccoy@fws.gov>**Sent:** Wednesday, March 31, 2021 6:11 AM**To:** Firmin, Brigitte <brigitte\_firmin@fws.gov>**Subject:** RE: [EXTERNAL] FW: Latest from Commonwealth LNG

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**Tom**Thomas (**Tom**) D. McCoy, Field Supervisor for Ecological Services

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**Sent:** Tuesday, March 30, 2021 2:46 PM  
**To:** McCoy, Thomas <thomas\_mccoy@fws.gov>  
**Subject:** Re: [EXTERNAL] FW: Latest from Commonwealth LNG

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**From:** McCoy, Thomas <[thomas\\_mccoy@fws.gov](mailto:thomas_mccoy@fws.gov)>  
**Sent:** Tuesday, March 30, 2021 1:34 PM  
**To:** Firmin, Brigitte <[brigitte\\_firmin@fws.gov](mailto:brigitte_firmin@fws.gov)>  
**Subject:** RE: [EXTERNAL] FW: Latest from Commonwealth LNG

Hi Brigitte,  
Would Monday morning work unless the Geoff calls me for final recommendations? Do we need Lindsey? Thank you.

Tom

Thomas (Tom) D. McCoy, Field Supervisor for Ecological Services  
Department of the Interior – U.S. Fish and Wildlife Service  
South Atlantic-Gulf Region (Region 2)  
South Carolina Ecological Services Field Office  
176 Croghan Spur Road, Suite 200  
Charleston, South Carolina 29407  
Main Phone Line: 843.727.4707  
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Fax: 843.300.0204

Email: [thomas\\_mccoy@fws.gov](mailto:thomas_mccoy@fws.gov)

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Dear Tom,

I know that you are busy with interviews this week, but when you have a moment, I would like to update you on this project. Thanks!

With kindest regards,  
Brigitte

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Acting Supervisor  
(Senior Fish & Wildlife Biologist)  
U.S. Dept. of the Interior, Mississippi Basin Region  
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200 Dulles Drive, Lafayette, LA 70506  
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**Sent:** Wednesday, March 10, 2021 2:30 PM  
**To:** Firmin, Brigitte <[brigitte\\_firmin@fws.gov](mailto:brigitte_firmin@fws.gov)>  
**Cc:** Weller, Jeff <[jeff\\_weller@fws.gov](mailto:jeff_weller@fws.gov)>; Troutman, Lindsey C <[lindsey\\_troutman@fws.gov](mailto:lindsey_troutman@fws.gov)>  
**Subject:** FW: [EXTERNAL] FW: Latest from Commonwealth LNG

Hi Brigitte,

I would assume your FERC person would be the lead on this project that includes black rail (BLRA). We are the national lead for BLRA. However, I want the lead office to take control of the project and if you need assistance on the BLRA, we can help.

You can find survey protocol (February 2021) at: <https://www.fws.gov/southeast/pdf/methodology/eastern-black-rail-survey-protocol-summary.pdf>.

Let me know if you have any questions.

Thank you.

Tom

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**From:** Johnson, Erik <[Erik.Johnson@audubon.org](mailto:Erik.Johnson@audubon.org)>  
**Sent:** Wednesday, March 10, 2021 3:02 PM  
**To:** Troutman, Lindsey C <[lindsey\\_troutman@fws.gov](mailto:lindsey_troutman@fws.gov)>; McCoy, Thomas <[thomas\\_mccoy@fws.gov](mailto:thomas_mccoy@fws.gov)>  
**Subject:** FW: [EXTERNAL] FW: Latest from Commonwealth LNG

Hi Lindsey and Tom,

I received your contact info from Jennifer Wilson, as I was inquiring about a draft BA submitted to FERC regarding a proposed LNG facility in SW Louisiana. See the email chain below, particularly my email at the bottom inquiring about proposed methods to reduce impacts to Black Rails.

As a means of an introduction – I worked under a contract with LDWF with USFWS funding support to conduct a Black Rail study in coastal Louisiana, and we were able to document for the first time the year-round presence of Black Rails in certain locations. We have a manuscript in review at Waterbirds, and I've been working closely with Whitney Beisler and Bryan Watts to include this paper as part of a Special Section in an upcoming issue. I'm also currently involved in coordinating Black and Yellow Rail monitoring as part of the Gulf-wide RESTORE Act High Marsh grant with MSU.

Anyway, I'd be interested in your thoughts on the proposed methods apparently listed in the draft BA, and if you are aware of any coordination between Commonwealth LNG and USFWS regarding the proposed methods.

Many thanks!  
Erik

---

**Erik I. Johnson, Ph.D.**  
Director of Bird Conservation  
w: 225.768.0820  
c: 225.252.8864

**Audubon Louisiana**  
5615 Corporate Blvd., suite 600B  
Baton Rouge, LA 70808  
[la.audubon.org](http://la.audubon.org)

---

**From:** Woodrow, Woody <[Woody\\_Woodrow@fws.gov](mailto:Woody_Woodrow@fws.gov)>  
**Sent:** Sunday, March 7, 2021 8:44 AM  
**To:** Wilson, Jennifer K <[jennifer\\_wilson@fws.gov](mailto:jennifer_wilson@fws.gov)>; Johnson, Erik <[Erik.Johnson@audubon.org](mailto:Erik.Johnson@audubon.org)>; Firmin, Brigitte <[brigitte\\_firmin@fws.gov](mailto:brigitte_firmin@fws.gov)>; Marceaux, Joshua <[Joshua\\_Marceaux@fws.gov](mailto:Joshua_Marceaux@fws.gov)>  
**Cc:** Newman, Brent <[brent.newman@audubon.org](mailto:brent.newman@audubon.org)>  
**Subject:** Re: [EXTERNAL] FW: Latest from Commonwealth LNG

Erik - I too am very skeptical. Given my experience and others in the field (you and other folks) trying to catch them at night, the birds easily run between your feet and you never even know it. They are like mice in the thick grass. In the daytime, using a playback, I have had them approach me within 12 inches and I cannot see them through the grass.

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Regards  
Woody

Jarrett (Woody) Woodrow  
Fish and Wildlife Biologist  
Coastal Program - Texas  
(979) 964-4011 X58  
(281)309-4886 (Cell)

---

**From:** Wilson, Jennifer K <[jennifer\\_wilson@fws.gov](mailto:jennifer_wilson@fws.gov)>  
**Sent:** Saturday, March 6, 2021 6:20 PM  
**To:** Johnson, Erik <[Erik.Johnson@audubon.org](mailto:Erik.Johnson@audubon.org)>; Firmin, Brigitte <[brigitte\\_firmin@fws.gov](mailto:brigitte_firmin@fws.gov)>; Marceaux, Joshua <[Joshua\\_Marceaux@fws.gov](mailto:Joshua_Marceaux@fws.gov)>; Woodrow, Woody <[Woody\\_Woodrow@fws.gov](mailto:Woody_Woodrow@fws.gov)>  
**Cc:** Newman, Brent <[brent.newman@audubon.org](mailto:brent.newman@audubon.org)>  
**Subject:** Re: [EXTERNAL] FW: Latest from Commonwealth LNG

Hi, Erik,

thanks for writing.

I share your peaked interest regarding these field techniques. There is no approved USFWS protocol for "herding" black rails, nor are there approved nest finding techniques. As you have said, the nests are virtually impossible to find, and attempting to do so would seem to generate a large amount of disturbance. It is difficult to imagine nests being protected by disturbance buffers after the process of locating them is completed.

You might also contact the USFWS eastern black rail species lead, Lindsey Troutman ([lindsey\\_troutman@fws.gov](mailto:lindsey_troutman@fws.gov)), and Tom McCoy ([thomas\\_mccoy@fws.gov](mailto:thomas_mccoy@fws.gov)) of the Charleston, SC Ecological Services Office. The Charleston, SC ES office is the Ecological Services lead office for the eastern black rail. They can help you further.

I hope this is of help and that you are well. Best wishes,

Jennifer

---

**From:** Johnson, Erik <[Erik.Johnson@audubon.org](mailto:Erik.Johnson@audubon.org)>  
**Sent:** Saturday, March 6, 2021 9:10 AM  
**To:** Firmin, Brigitte <[brigitte\\_firmin@fws.gov](mailto:brigitte_firmin@fws.gov)>; Marceaux, Joshua <[Joshua\\_Marceaux@fws.gov](mailto:Joshua_Marceaux@fws.gov)>; Wilson, Jennifer K <[jennifer\\_wilson@fws.gov](mailto:jennifer_wilson@fws.gov)>; Woodrow, Woody <[Woody\\_Woodrow@fws.gov](mailto:Woody_Woodrow@fws.gov)>  
**Cc:** Newman, Brent <[brent.newman@audubon.org](mailto:brent.newman@audubon.org)>  
**Subject:** [EXTERNAL] FW: Latest from Commonwealth LNG

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Hi Brigitte, Josh, Jennifer, and Woody,

Hope you all are well!

I saw this latest EIR from FERC to CommonWealth LNG (see attached) regarding CommonWealth's recent BA. Because the BA was submitted confidentially, I haven't seen the details, but there were several things in this letter from FERC that really peaked my interest. Namely on Page 3, FERC is requesting more information about the precedent for "herding nesting eastern black rails and/or eastern black rail chicks", methods for locating black rail nests, and creating no disturbance buffers around black rail nests. All of this seems completely undoable, given that Black Rail nests are virtually impossible to find, with the birds and chicks themselves being only slight less impossible to find, much less herd.

Specifically the letter asks whether USFWS has approved these methods. I'm interested to know if these methods have been reviewed and approved by USFWS, and if not, what the next steps might be in terms of revising the BA. I have urged FERC to make at least parts of the BA public, and this letter from FERC to CommonWealth only reinforces my concerns that CommonWealth does not alone have the capability of developing a sound plan to reduce impacts to birds.

As I've said before, this area of Cameron Parish is the most important Black Rail habitat known in the state, and I am forever hopeful that this proposed LNG project can be moved to a different location.

Best,  
Erik



—

**Erik I. Johnson, Ph.D.**

Director of Bird Conservation

w: 225.768.0820

c: 225.252.8864

**Audubon Louisiana**

5615 Corporate Blvd., suite 600B

Baton Rouge, LA 70808

[la.audubon.org](http://la.audubon.org)

.....

**RE: [EXTERNAL] FW: Latest from Commonwealth LNG**

McCoy, Thomas &lt;thomas\_mccoy@fws.gov&gt;

Wed 3/31/2021 8:06 AM

**To:** Firmin, Brigitte <brigitte\_firmin@fws.gov>

That works.....Lindsey said that I can update her.

**Tom**Thomas (**Tom**) D. McCoy, Field Supervisor for Ecological Services

Department of the Interior – U.S. Fish and Wildlife Service

South Atlantic-Gulf Region (Region 2)

South Carolina Ecological Services Field Office

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**From:** Firmin, Brigitte <brigitte\_firmin@fws.gov>**Sent:** Wednesday, March 31, 2021 9:06 AM**To:** McCoy, Thomas <thomas\_mccoy@fws.gov>**Subject:** Re: [EXTERNAL] FW: Latest from Commonwealth LNG

Thank you, Tom.

How about Wednesday, April 7 at 10:00a ET / 9:00a CT? It shouldn't take more than 30 minutes. If this works, I can send a calendar invite to you and Lindsay, if you would like her to participate as well.

With kindest regards,  
Brigitte

+++

Brigitte Firmin

Acting Supervisor

(Senior Fish &amp; Wildlife Biologist)

U.S. Dept. of the Interior, Mississippi Basin Region

Fish and Wildlife Service, Louisiana Ecological Services Office

200 Dulles Drive, Lafayette, LA 70506

office: 337-291-3108; fax: 337-291-3139; email: [brigitte\\_firmin@fws.gov](mailto:brigitte_firmin@fws.gov)[Office Website](#) / [Follow us on Facebook](#)

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**From:** McCoy, Thomas <[thomas\\_mccoy@fws.gov](mailto:thomas_mccoy@fws.gov)>  
**Sent:** Wednesday, March 31, 2021 6:11 AM  
**To:** Firmin, Brigitte <[brigitte\\_firmin@fws.gov](mailto:brigitte_firmin@fws.gov)>  
**Subject:** RE: [EXTERNAL] FW: Latest from Commonwealth LNG

Available: Tuesday – 1-3 PM ET; Wednesday – 10-12 PM ET; Thursday – open at the moment

Tom

Thomas (**Tom**) D. McCoy, Field Supervisor for Ecological Services  
Department of the Interior – U.S. Fish and Wildlife Service  
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**Sent:** Tuesday, March 30, 2021 2:46 PM  
**To:** McCoy, Thomas <[thomas\\_mccoy@fws.gov](mailto:thomas_mccoy@fws.gov)>  
**Subject:** Re: [EXTERNAL] FW: Latest from Commonwealth LNG

I'm on annual leave on Monday, but I can talk on Tues, Wed, or Thurs of next week. If Lindsay is interested in joining us, that's fine with me. I just want to let y'all know what's going on with this project.

With kindest regards,  
Brigitte

+++

Brigitte Firmin  
Acting Supervisor  
(Senior Fish & Wildlife Biologist)  
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**Cc:** Weller, Jeff <[jeff\\_weller@fws.gov](mailto:jeff_weller@fws.gov)>; Troutman, Lindsey C <[lindsey\\_troutman@fws.gov](mailto:lindsey_troutman@fws.gov)>  
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Director of Bird Conservation

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thanks for writing.

I share your peaked interest regarding these field techniques. There is no approved USFWS protocol for "herding" black rails, nor are there approved nest finding techniques. As you have said, the nests are virtually impossible to find, and attempting to do so would seem to generate a large amount of disturbance. It is difficult to imagine nests being protected by disturbance buffers after the process of locating them is completed.

You might also contact the USFWS eastern black rail species lead, Lindsey Troutman ([lindsey\\_troutman@fws.gov](mailto:lindsey_troutman@fws.gov)), and Tom McCoy ([thomas\\_mccoy@fws.gov](mailto:thomas_mccoy@fws.gov)) of the Charleston, SC Ecological Services Office. The Charleston, SC ES office is the Ecological Services lead office for the eastern black rail. They can help you further.

I hope this is of help and that you are well. Best wishes,

Jennifer

---

**From:** Johnson, Erik <[Erik.Johnson@audubon.org](mailto:Erik.Johnson@audubon.org)>  
**Sent:** Saturday, March 6, 2021 9:10 AM  
**To:** Firmin, Brigitte <[brigitte\\_firmin@fws.gov](mailto:brigitte_firmin@fws.gov)>; Marceaux, Joshua <[Joshua\\_Marceaux@fws.gov](mailto:Joshua_Marceaux@fws.gov)>; Wilson, Jennifer K <[jennifer\\_wilson@fws.gov](mailto:jennifer_wilson@fws.gov)>; Woodrow, Woody <[Woody\\_Woodrow@fws.gov](mailto:Woody_Woodrow@fws.gov)>  
**Cc:** Newman, Brent <[brent.newman@audubon.org](mailto:brent.newman@audubon.org)>  
**Subject:** [EXTERNAL] FW: Latest from Commonwealth LNG

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Hi Brigitte, Josh, Jennifer, and Woody,

Hope you all are well!

I saw this latest EIR from FERC to Commonwealth LNG (see attached) regarding Commonwealth's recent BA. Because the BA was submitted confidentially, I haven't seen the details, but there were several things in this letter from FERC that really peaked my interest. Namely on Page 3, FERC is requesting more information about the precedent for "herding nesting eastern black rails and/or eastern black rail chicks", methods for locating black rail nests, and creating no disturbance buffers around black rail nests. All of this seems completely undoable, given that Black Rail nests are virtually impossible to find, with the birds and chicks themselves being only slight less impossible to find, much less herd.

Specifically the letter asks whether USFWS has approved these methods. I'm interested to know if these methods have been reviewed and approved by USFWS, and if not, what the next steps might be in terms of revising the BA. I have urged FERC to make at least parts of the BA public, and this letter from FERC to Commonwealth only reinforces my concerns that Commonwealth does not alone have the capability of developing a sound plan to reduce impacts to birds.

As I've said before, this area of Cameron Parish is the most important Black Rail habitat known in the state, and I am forever hopeful that this proposed LNG project can be moved to a different location.

Best,  
Erik

---

**Erik I. Johnson, Ph.D.**

Director of Bird Conservation

w: 225.768.0820

c: 225.252.8864

**Audubon Louisiana**

5615 Corporate Blvd., suite 600B

Baton Rouge, LA 70808

[la.audubon.org](http://la.audubon.org)



**Re: [EXTERNAL] Commonwealth - Consistency/NLAA Letter (IPaC: 239-101703302)**

Firmin, Brigitte &lt;brigitte\_firmin@fws.gov&gt;

Mon 5/3/2021 10:10 AM

To: Hodges, Joe A &lt;joe\_hodges@fws.gov&gt;

Cc: Rieck, Brad &lt;brad\_rieck@fws.gov&gt;; Paille, Ronald &lt;ronald\_paille@fws.gov&gt;; Marceaux, Joshua &lt;Joshua\_Marceaux@fws.gov&gt;

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Thank y'all!

With kindest regards,  
Brigitte

+++

Brigitte Firmin

Acting Supervisor

(Supervisory Biologist)

U.S. Dept. of the Interior, Mississippi Basin Region

Fish and Wildlife Service, Louisiana Ecological Services Office

200 Dulles Drive, Lafayette, LA 70506

office: 337-291-3108; fax: 337-291-3139; email: [brigitte\\_firmin@fws.gov](mailto:brigitte_firmin@fws.gov)[Office Website](#) / [Follow us on Facebook](#)

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**From:** Marceaux, Joshua <Joshua\_Marceaux@fws.gov>**Sent:** Monday, May 3, 2021 10:01 AM**To:** Firmin, Brigitte <brigitte\_firmin@fws.gov>**Cc:** Rieck, Brad <brad\_rieck@fws.gov>; Paille, Ronald <ronald\_paille@fws.gov>; Hodges, Joe A <joe\_hodges@fws.gov>**Subject:** Fw: [EXTERNAL] Commonwealth - Consistency/NLAA Letter (IPaC: 239-101703302)

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Thanks,  
Josh

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**Sent:** Friday, April 30, 2021 1:24 PM  
**To:** Marceaux, Joshua <Joshua\_Marceaux@fws.gov>  
**Cc:** Hans Verswijver <HVerswijver@teamcpl.com>  
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- Piping plover (*Charadrius melodus*) and its designated critical habitat.

We have attached the Consistency/NLAA Letter generated by IPaC for the revised Project areas.

Please review this information for §7 clearance. Let us know if you have comments or questions.

Thank you,  
Keith

**Keith Suderman, PhD**  
Senior Project Manager

 cid:image001.png@01D73DC1.1C0151 F0 4155 Shackleford Road, Suite 225,  
Norcross, GA 30093  
C 404.992.6222  
[LinkedIn](#) | [Twitter](#) | [Blog](#) |  
[TRCcompanies.com](#)

**Re: [EXTERNAL] Commonwealth - Consistency/NLAA Letter (IPaC: 239-101703302)**

Hodges, Joe A <joe\_hodges@fws.gov>

Tue 5/4/2021 11:18 AM

To: Firmin, Brigitte <brigitte\_firmin@fws.gov>

Cc: Rieck, Brad <brad\_rieck@fws.gov>; Paille, Ronald <ronald\_paille@fws.gov>; Marceaux, Joshua <Joshua\_Marceaux@fws.gov>

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Thanks,

Joe

Joe A. Hodges  
Fish and Wildlife Biologist  
U.S. Fish & Wildlife Service  
Louisiana Ecological Services  
Mississippi-Basin Region  
200 Dulles Drive  
Lafayette, LA 70506  
337.291.3109 (office)

---

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Thank you,  
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**Keith Suderman, PhD**  
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**Re: [EXTERNAL] Commonwealth - Consistency/NLAA Letter (IPaC: 239-101703302)**

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Tue 5/4/2021 11:21 AM

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Brigitte

+++

Brigitte Firmin

Acting Supervisor

(Supervisory Biologist)

U.S. Dept. of the Interior, Mississippi Basin Region

Fish and Wildlife Service, Louisiana Ecological Services Office

200 Dulles Drive, Lafayette, LA 70506

office: 337-291-3108; fax: 337-291-3139; email: [brigitte\\_firmin@fws.gov](mailto:brigitte_firmin@fws.gov)[Office Website](#) / [Follow us on Facebook](#)

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**Re: [EXTERNAL] Commonwealth - Consistency/NLAA Letter (IPaC: 239-101703302)**

Marceaux, Joshua &lt;Joshua\_Marceaux@fws.gov&gt;

Wed 5/5/2021 11:47 AM

**To:** Hodges, Joe A <joe\_hodges@fws.gov>; Firmin, Brigitte <brigitte\_firmin@fws.gov>**Cc:** Rieck, Brad <brad\_rieck@fws.gov>; Paille, Ronald <ronald\_paille@fws.gov>

Yes, that is correct.

-Josh

---

**From:** Hodges, Joe A <joe\_hodges@fws.gov>**Sent:** Wednesday, May 5, 2021 11:37 AM**To:** Firmin, Brigitte <brigitte\_firmin@fws.gov>**Cc:** Rieck, Brad <brad\_rieck@fws.gov>; Paille, Ronald <ronald\_paille@fws.gov>; Marceaux, Joshua <Joshua\_Marceaux@fws.gov>**Subject:** Re: [EXTERNAL] Commonwealth - Consistency/NLAA Letter (IPaC: 239-101703302)

See the attached newly generated consistency letter from Keith Suderman. They received a "may affect" for the EBR. Josh, this is the same LNG facility that is looking toward a formal consult regarding the EBR, correct?

Thanks,

Joe

Joe A. Hodges  
Fish and Wildlife Biologist  
U.S. Fish & Wildlife Service  
Louisiana Ecological Services  
Mississippi-Basin Region  
200 Dulles Drive  
Lafayette, LA 70506  
337.291.3109 (office)

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**From:** Firmin, Brigitte <brigitte\_firmin@fws.gov>**Sent:** Tuesday, May 4, 2021 11:21 AM**To:** Hodges, Joe A <joe\_hodges@fws.gov>**Cc:** Rieck, Brad <brad\_rieck@fws.gov>; Paille, Ronald <ronald\_paille@fws.gov>; Marceaux, Joshua <Joshua\_Marceaux@fws.gov>**Subject:** Re: [EXTERNAL] Commonwealth - Consistency/NLAA Letter (IPaC: 239-101703302)

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**Sent:** Monday, May 3, 2021 10:10 AM  
**To:** Hodges, Joe A <joe\_hodges@fws.gov>  
**Cc:** Rieck, Brad <brad\_rieck@fws.gov>; Paille, Ronald <ronald\_paille@fws.gov>; Marceaux, Joshua <Joshua\_Marceaux@fws.gov>  
**Subject:** Re: [EXTERNAL] Commonwealth - Consistency/NLAA Letter (IPaC: 239-101703302)

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cid:image001.png@01D73DC1.1C0151 F0 4155 Shackleford Road, Suite 225,  
Norcross, GA 30093  
C 404.992.6222  
[LinkedIn](#) | [Twitter](#) | [Blog](#) |  
[TRCcompanies.com](http://TRCcompanies.com)

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 cid:image001.png@01D73DC1.1C0151 F0 4155 Shackleford Road, Suite 225,  
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[LinkedIn](#) | [Twitter](#) | [Blog](#) |  
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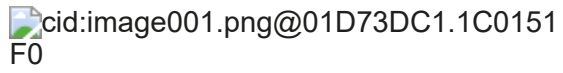
We have attached the Consistency/NLAA Letter generated by IPaC for the revised Project areas.

Please review this information for §7 clearance. Let us know if you have comments or questions.

Thank you,  
Keith

**Keith Suderman, PhD**

Senior Project Manager



4155 Shackleford Road, Suite 225,  
Norcross, GA 30093  
☎ 404.992.6222  
[LinkedIn](#) | [Twitter](#) | [Blog](#) |  
[TRCcompanies.com](#)

**Re: [EXTERNAL] Commonwealth - Consistency/NLAA Letter (IPaC: 239-101703302)**

Hodges, Joe A <joe\_hodges@fws.gov>

Wed 5/5/2021 1:07 PM

To: Marceaux, Joshua <Joshua\_Marceaux@fws.gov>; Firmin, Brigitte <brigitte\_firmin@fws.gov>

Cc: Rieck, Brad <brad\_rieck@fws.gov>; Paille, Ronald <ronald\_paille@fws.gov>

I'd second that as it's the first formal consultation I'll be involved with.

Joe A. Hodges  
Fish and Wildlife Biologist  
U.S. Fish & Wildlife Service  
Louisiana Ecological Services  
Mississippi-Basin Region  
200 Dulles Drive  
Lafayette, LA 70506  
337.291.3109 (office)

---

**From:** Marceaux, Joshua <Joshua\_Marceaux@fws.gov>

**Sent:** Wednesday, May 5, 2021 1:01 PM

**To:** Firmin, Brigitte <brigitte\_firmin@fws.gov>; Hodges, Joe A <joe\_hodges@fws.gov>

**Cc:** Rieck, Brad <brad\_rieck@fws.gov>; Paille, Ronald <ronald\_paille@fws.gov>

**Subject:** Re: [EXTERNAL] Commonwealth - Consistency/NLAA Letter (IPaC: 239-101703302)

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-Josh

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**Sent:** Wednesday, May 5, 2021 12:15 PM

**To:** Marceaux, Joshua <Joshua\_Marceaux@fws.gov>; Hodges, Joe A <joe\_hodges@fws.gov>

**Cc:** Rieck, Brad <brad\_rieck@fws.gov>; Paille, Ronald <ronald\_paille@fws.gov>

**Subject:** Re: [EXTERNAL] Commonwealth - Consistency/NLAA Letter (IPaC: 239-101703302)

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With kindest regards,  
Brigitte

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**Sent:** Tuesday, May 4, 2021 11:21 AM

**To:** Hodges, Joe A <joe\_hodges@fws.gov>  
**Cc:** Rieck, Brad <brad\_rieck@fws.gov>; Paille, Ronald <ronald\_paille@fws.gov>; Marceaux, Joshua <Joshua\_Marceaux@fws.gov>  
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Lafayette, LA 70506  
337.291.3109 (office)

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**From:** Firmin, Brigitte <brigitte\_firmin@fws.gov>  
**Sent:** Monday, May 3, 2021 10:10 AM  
**To:** Hodges, Joe A <joe\_hodges@fws.gov>  
**Cc:** Rieck, Brad <brad\_rieck@fws.gov>; Paille, Ronald <ronald\_paille@fws.gov>; Marceaux, Joshua <Joshua\_Marceaux@fws.gov>  
**Subject:** Re: [EXTERNAL] Commonwealth - Consistency/NLAA Letter (IPaC: 239-101703302)

Dear Joe,

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Thank y'all!

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Brigitte

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Hi Brigitte,

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Thanks,  
Josh

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**To:** Marceaux, Joshua <Joshua\_Marceaux@fws.gov>  
**Cc:** Hans Verswijver <HVerswijver@teamcpl.com>  
**Subject:** [EXTERNAL] Commonwealth - Consistency/NLAA Letter (IPaC: 239-101703302)

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cid:image001.png@01D73DC1.1C0151 F0 4155 Shackleford Road, Suite 225,  
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**Fw: [EXTERNAL] Commonwealth - Consistency/NLAA Letter (IPaC: 239-101703302)**

Rieck, Brad &lt;brad\_rieck@fws.gov&gt;

Wed 5/5/2021 1:28 PM

To: Firmin, Brigitte &lt;brigitte\_firmin@fws.gov&gt;

Yes!

Brad Rieck  
Deputy Field Supervisor  
U.S. Fish and Wildlife Service  
Louisiana Ecological Services  
Mississippi-Basin Region  
200 Dulles Drive  
Lafayette, LA 70506  
337-291-3116 (phone)  
337-291-3139 (Fax)  
brad\_rieck@fws.gov  
<https://www.fws.gov/southeast/lafayette>

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 cid:image001.png@01D73DC1.1C0151 F0 4155 Shackleford Road, Suite 225,  
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C 404.992.6222  
[LinkedIn](#) | [Twitter](#) | [Blog](#) |  
[TRCcompanies.com](#)

**Fw: [EXTERNAL] Commonwealth - Consistency/NLAA Letter (IPaC: 239-101703302)**

Rieck, Brad &lt;brad\_rieck@fws.gov&gt;

Wed 5/5/2021 1:30 PM

To: Firmin, Brigitte &lt;brigitte\_firmin@fws.gov&gt;

Two birds with one stone.

Brad Rieck  
Deputy Field Supervisor  
U.S. Fish and Wildlife Service  
Louisiana Ecological Services  
Mississippi-Basin Region  
200 Dulles Drive  
Lafayette, LA 70506  
337-291-3116 (phone)  
337-291-3139 (Fax)  
brad\_rieck@fws.gov  
<https://www.fws.gov/southeast/lafayette>

---

**From:** Hodges, Joe A <joe\_hodges@fws.gov>**Sent:** Wednesday, May 5, 2021 1:07 PM**To:** Marceaux, Joshua <Joshua\_Marceaux@fws.gov>; Firmin, Brigitte <brigitte\_firmin@fws.gov>**Cc:** Rieck, Brad <brad\_rieck@fws.gov>; Paille, Ronald <ronald\_paille@fws.gov>**Subject:** Re: [EXTERNAL] Commonwealth - Consistency/NLAA Letter (IPaC: 239-101703302)

I'd second that as it's the first formal consultation I'll be involved with.

Joe A. Hodges  
Fish and Wildlife Biologist  
U.S. Fish & Wildlife Service  
Louisiana Ecological Services  
Mississippi-Basin Region  
200 Dulles Drive  
Lafayette, LA 70506  
337.291.3109 (office)

---

**From:** Marceaux, Joshua <Joshua\_Marceaux@fws.gov>**Sent:** Wednesday, May 5, 2021 1:01 PM**To:** Firmin, Brigitte <brigitte\_firmin@fws.gov>; Hodges, Joe A <joe\_hodges@fws.gov>**Cc:** Rieck, Brad <brad\_rieck@fws.gov>; Paille, Ronald <ronald\_paille@fws.gov>**Subject:** Re: [EXTERNAL] Commonwealth - Consistency/NLAA Letter (IPaC: 239-101703302)

This is a 1st for me. I guess I need the outline

-Josh

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**From:** Firmin, Brigitte <brigitte\_firmin@fws.gov>**Sent:** Wednesday, May 5, 2021 12:15 PM



**To:** Marceaux, Joshua <Joshua\_Marceaux@fws.gov>; Hodges, Joe A <joe\_hodges@fws.gov>  
**Cc:** Rieck, Brad <brad\_rieck@fws.gov>; Paille, Ronald <ronald\_paille@fws.gov>  
**Subject:** Re: [EXTERNAL] Commonwealth - Consistency/NLAA Letter (IPaC: 239-101703302)

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With kindest regards,  
Brigitte

+++

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Acting Supervisor  
(Supervisory Biologist)  
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Fish and Wildlife Service, Louisiana Ecological Services Office  
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**Sent:** Tuesday, May 4, 2021 11:21 AM  
**To:** Hodges, Joe A <joe\_hodges@fws.gov>  
**Cc:** Rieck, Brad <brad\_rieck@fws.gov>; Paille, Ronald <ronald\_paille@fws.gov>; Marceaux, Joshua <Joshua\_Marceaux@fws.gov>  
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Brigitte

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Joe

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200 Dulles Drive  
Lafayette, LA 70506  
337.291.3109 (office)

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**From:** Firmin, Brigitte <brigitte\_firmin@fws.gov>  
**Sent:** Monday, May 3, 2021 10:10 AM  
**To:** Hodges, Joe A <joe\_hodges@fws.gov>  
**Cc:** Rieck, Brad <brad\_rieck@fws.gov>; Paille, Ronald <ronald\_paille@fws.gov>; Marceaux, Joshua <Joshua\_Marceaux@fws.gov>  
**Subject:** Re: [EXTERNAL] Commonwealth - Consistency/NLAA Letter (IPaC: 239-101703302)

Dear Joe,

Before I sign for the manatee, can you look into the eastern black rail issue with this? It may be as simple as giving Keith Suderman a call. Also, I find it odd that the EBR didn't pop up on their IPaC screening now that we have the AOI loaded. Might need to check into that also. Please let me know what you find ASAP so we can respond accordingly.

Thank y'all!

With kindest regards,  
Brigitte

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**Sent:** Monday, May 3, 2021 10:01 AM  
**To:** Firmin, Brigitte <brigitte\_firmin@fws.gov>  
**Cc:** Rieck, Brad <brad\_rieck@fws.gov>; Paille, Ronald <ronald\_paille@fws.gov>; Hodges, Joe A <joe\_hodges@fws.gov>  
**Subject:** Fw: [EXTERNAL] Commonwealth - Consistency/NLAA Letter (IPaC: 239-101703302)

Hi Brigitte,

Please see the attached IPaC NLAA letter for signature. As Mr. Suderman explains below they are proposing to modify their approximate three-mile feed-gas pipeline alignment, shifting it approximately 1,000 feet west within the same habitat type. Commonwealth LNG previously received concurrences from us for this and other project components on 6/21/19, however, as you know the black rail consultation is ongoing. I'm not sure if the southern portion of the pipeline route is outside the area of concern for the black rail? Maybe pass it by Joe Hodges to make sure? If it does need to be consulted on further for the black rail, I think we can still sign off on this for the manatee and explain that it still needs to be included in the ongoing black rail consultation? If you have questions, please let me know.

Thanks,  
Josh

---

**From:** Suderman, Keith <KSuderman@trccompanies.com>  
**Sent:** Friday, April 30, 2021 1:24 PM  
**To:** Marceaux, Joshua <Joshua\_Marceaux@fws.gov>  
**Cc:** Hans Verswijver <HVerswijver@teamcpl.com>  
**Subject:** [EXTERNAL] Commonwealth - Consistency/NLAA Letter (IPaC: 239-101703302)

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**opening attachments, or responding.**

Josh,

I appreciate the call yesterday. Per your recommendation, we have adjusted our consultation request to include only the revised Project areas and reassessed through the Information for Planning and Consultation (IPaC) system.

The Commonwealth LNG Project proposes a natural gas liquefaction and export terminal and approximately three-mile feed-gas pipeline on the west bank of the Calcasieu Ship Channel, near its entrance to the Gulf of Mexico in Cameron Parish, Louisiana. It also includes marsh restoration at a nearby Beneficial Use of Dredged Material (BUDM) site to the northwest and disposal of excess dredged material at a nearshore disposal area. The complete Project facilities are shown in Figure 1, attached.

The Project recently modified the feed-gas pipeline alignment, shifting it approximately 1,000 feet west within the same habitat type. The diameter of the pipeline has been amended from the originally proposed 30-inches to 42-inches, with a 110-foot construction right-of-way. The revised route has been designed to use horizontal directional drilling (HDD) to avoid impacts on Highway 27/82 and the associated drainage canal (C02) and to use push-pull construction methodology to minimize impacts on wetlands (W101). In addition, the majority of temporary and permanent access roads have been eliminated through use of low-ground-pressure equipment, such as swamp buggies, for access during construction and operation. The revised Project areas are shown on page 4 of the Consistency Letter.

The Project received *No Effect/Not Likely to Adversely Affect* determinations on June 21, 2019, for the following species:


- West Indian manatee (*Trichechus manatus*);
- Loggerhead sea turtle (*Caretta caretta*);
- Kemp's ridley sea turtle (*Lepidochelys kempii*);
- Red knot (*Calidris canutus rufa*); and
- Piping plover (*Charadrius melodus*) and its designated critical habitat.

We have attached the Consistency/NLAA Letter generated by IPaC for the revised Project areas.

Please review this information for §7 clearance. Let us know if you have comments or questions.

Thank you,  
Keith

**Keith Suderman, PhD**  
Senior Project Manager

 cid:image001.png@01D73DC1.1C0151 F0 4155 Shackleford Road, Suite 225,  
Norcross, GA 30093  
C 404.992.6222  
[LinkedIn](#) | [Twitter](#) | [Blog](#) |  
[TRCcompanies.com](#)

Re: [EXTERNAL] Commonwealth - Consistency/NLAA Letter (IPaC: 239-101703302)

Rieck, Brad <brad\_rieck@fws.gov>

Thu 5/6/2021 8:56 AM

To: Firmin, Brigitte <brigitte\_firmin@fws.gov>

Perfect. Great synopsis and attachments.

Brad Rieck  
Deputy Field Supervisor  
U.S. Fish and Wildlife Service  
Louisiana Ecological Services  
Mississippi-Basin Region  
200 Dulles Drive  
Lafayette, LA 70506  
337-291-3116 (phone)  
337-291-3139 (Fax)  
brad\_rieck@fws.gov  
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**From:** Firmin, Brigitte <brigitte\_firmin@fws.gov>

**Sent:** Wednesday, May 5, 2021 1:56 PM

**To:** Marceaux, Joshua <Joshua\_Marceaux@fws.gov>; Hodges, Joe A <joe\_hodges@fws.gov>

**Cc:** Rieck, Brad <brad\_rieck@fws.gov>; Paille, Ronald <ronald\_paille@fws.gov>

**Subject:** Re: [EXTERNAL] Commonwealth - Consistency/NLAA Letter (IPaC: 239-101703302)

No problem, Josh.

So, as you know, this formal consultation has already been assigned to Joe, and we've just been waiting for it to come in. Here's the next steps:

1. We have 30 days to reply to FERC and confirm that their initiation package is complete, and that formal consultation has begun. (This 30-day period is part of/included in the 90-day formal consultation period). -- Template letter example attached. **\*\*DUE DATE IS JUNE 4, 2021 (calculated using TAILS)**
2. We have 90 days to conduct the formal consultation and draft a biological opinion. (This should include providing a draft opinion to FERC to ensure that they can implement the Reasonable & Prudent Measures [RPMs] and the Terms & Conditions [T&Cs].) -- BO template attached.
3. We have 45 days to finish writing, finalize, review, sign, and provide the biological opinion. **\*\*DUE DATE IS SEPTEMBER 17, 2021 (calculated using TAILS)**
4. Total consultation period is 135 days. There is no wiggle room on this timeline unless all parties mutually agree to an extension. (We try our best to avoid extensions/delays because it looks bad for all parties.)

The toughest parts of this are usually the Species Status, the Environmental Baseline, the Incidental Take Statement (estimating take), and the RPMs and T&Cs. Given that this is Joe's first experience writing a BO, I will be available for questions and guidance as needed (of

course!). Josh, I would recommend that you stay in the loop as well and learn what it's all about in case you need it in the future. Plus, you come to appreciate the level of effort it takes for anyone to write one of these. Also attached are other tools/tips that are extremely helpful in BO writing.

The most important thing is to start working on it immediately. Given that this is a newly listed species and first time writing a BO, it will take every ounce of that 135 days to complete this. Remember to give each supervisor at least 4-5 days for review, so subtract 2 weeks off your timeline for the time you have to work on it.

I hope this helps. I'm here if needed or if questions arise.

With kindest regards,  
Brigitte

+++

Brigitte Firmin  
Acting Supervisor  
(Supervisory Biologist)  
U.S. Dept. of the Interior, Mississippi Basin Region  
Fish and Wildlife Service, Louisiana Ecological Services Office  
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Thank you,  
Keith

**Keith Suderman, PhD**  
Senior Project Manager

cid:image001.png@01D73DC1.1C0151 F0 4155 Shackleford Road, Suite 225,  
Norcross, GA 30093  
C 404.992.6222  
[LinkedIn](#) | [Twitter](#) | [Blog](#) |  
[TRCcompanies.com](#)

**Re: [EXTERNAL] Commonwealth - Consistency/NLAA Letter (IPaC: 239-101703302)**

Firmin, Brigitte &lt;brigitte\_firmin@fws.gov&gt;

Thu 5/20/2021 3:10 PM

To: Hodges, Joe A &lt;joe\_hodges@fws.gov&gt;

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With kindest regards,  
Brigitte

+++

Brigitte Firmin

Acting Supervisor

(Supervisory Biologist)

U.S. Dept. of the Interior, Mississippi Basin Region

Fish and Wildlife Service, Louisiana Ecological Services Office

200 Dulles Drive, Lafayette, LA 70506

office: 337-291-3108; fax: 337-291-3139; email: [brigitte\\_firmin@fws.gov](mailto:brigitte_firmin@fws.gov)[Office Website](#) / [Follow us on Facebook](#)

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**From:** Hodges, Joe A <joe\_hodges@fws.gov>**Sent:** Wednesday, May 5, 2021 11:37 AM**To:** Firmin, Brigitte <brigitte\_firmin@fws.gov>**Cc:** Rieck, Brad <brad\_rieck@fws.gov>; Paille, Ronald <ronald\_paille@fws.gov>; Marceaux, Joshua <Joshua\_Marceaux@fws.gov>**Subject:** Re: [EXTERNAL] Commonwealth - Consistency/NLAA Letter (IPaC: 239-101703302)

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Louisiana Ecological Services  
Mississippi-Basin Region  
200 Dulles Drive  
Lafayette, LA 70506  
337.291.3109 (office)

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**Sent:** Tuesday, May 4, 2021 11:21 AM  
**To:** Hodges, Joe A <joe\_hodges@fws.gov>  
**Cc:** Rieck, Brad <brad\_rieck@fws.gov>; Paille, Ronald <ronald\_paille@fws.gov>; Marceaux, Joshua <Joshua\_Marceaux@fws.gov>  
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**From:** Firmin, Brigitte <brigitte\_firmin@fws.gov>

**Sent:** Monday, May 3, 2021 10:10 AM

**To:** Hodges, Joe A <joe\_hodges@fws.gov>

**Cc:** Rieck, Brad <brad\_rieck@fws.gov>; Paille, Ronald <ronald\_paille@fws.gov>; Marceaux, Joshua <Joshua\_Marceaux@fws.gov>

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Thank y'all!

With kindest regards,  
Brigitte

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Brigitte Firmin

Acting Supervisor

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**From:** Marceaux, Joshua <Joshua\_Marceaux@fws.gov>  
**Sent:** Monday, May 3, 2021 10:01 AM  
**To:** Firmin, Brigitte <brigitte\_firmin@fws.gov>  
**Cc:** Rieck, Brad <brad\_rieck@fws.gov>; Paille, Ronald <ronald\_paille@fws.gov>; Hodges, Joe A <joe\_hodges@fws.gov>  
**Subject:** Fw: [EXTERNAL] Commonwealth - Consistency/NLAA Letter (IPaC: 239-101703302)

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**Cc:** Hans Verswijver <HVerswijver@teamcpl.com>  
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[LinkedIn](#) | [Twitter](#) | [Blog](#) |  
[TRCcompanies.com](#)

## Re: Commonwealth LNG Project - Complete Initiation Package

Firmin, Brigitte <brigitte\_firmin@fws.gov>

Wed 5/26/2021 2:00 PM

To: Hodges, Joe A <joe\_hodges@fws.gov>

Cc: Rieck, Brad <brad\_rieck@fws.gov>

Dear Joe,

The log number is created in TAILS when you create the TAILS log for this action. You can use it to calculate your 30, 90, and 135-day due dates as well. Let me know if you need anything on that or have further questions.

I'll take a look at the letter as soon as I have a minute (likely not until tomorrow morning).

What's the due date on this?

With kindest regards,  
Brigitte

+++

Brigitte Firmin

Acting Supervisor

(Supervisory Biologist)

U.S. Dept. of the Interior, Mississippi Basin Region

Fish and Wildlife Service, Louisiana Ecological Services Office

200 Dulles Drive, Lafayette, LA 70506

office: 337-291-3108; mobile: 337-258-4184

fax: 337-291-3139; email: [brigitte\\_firmin@fws.gov](mailto:brigitte_firmin@fws.gov)

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---

**From:** Hodges, Joe A <joe\_hodges@fws.gov>

**Sent:** Wednesday, May 26, 2021 11:39 AM

**To:** Firmin, Brigitte <brigitte\_firmin@fws.gov>

**Cc:** Rieck, Brad <brad\_rieck@fws.gov>

**Subject:** Commonwealth LNG Project - Complete Initiation Package

Good morning,

Here is the draft letter to confirm FERC's initiation package is complete. I do have a question regarding the log number for this formal consultation. Is the log number already established or would I be creating the log number through something like TAILS?

Thanks,

Joe

Joe A. Hodges  
Fish and Wildlife Biologist  
U.S. Fish & Wildlife Service  
Louisiana Ecological Services  
Mississippi-Basin Region  
200 Dulles Drive  
Lafayette, LA 70506  
337.291.3109 (office)



**Re: Commonwealth LNG Project - Complete Initiation Package**

Rieck, Brad <brad\_rieck@fws.gov>

Fri 6/4/2021 2:52 PM

To: Firmin, Brigitte <brigitte\_firmin@fws.gov>

Now thats what I call guidance.

Brad Rieck  
Deputy Field Supervisor  
U.S. Fish and Wildlife Service  
Louisiana Ecological Services  
Mississippi-Basin Region  
200 Dulles Drive  
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337-291-3116 (phone)  
337-291-3139 (Fax)  
brad\_rieck@fws.gov  
<https://www.fws.gov/southeast/lafayette>

---

**From:** Firmin, Brigitte <brigitte\_firmin@fws.gov>

**Sent:** Thursday, June 3, 2021 11:11 AM

**To:** Hodges, Joe A <joe\_hodges@fws.gov>

**Cc:** Rieck, Brad <brad\_rieck@fws.gov>

**Subject:** Re: Commonwealth LNG Project - Complete Initiation Package

Dear Joe,

Reviewed and signed (attached). Fixed a few typos and put it on the digital version of the letterhead I have (blank attached) because the DOI emblem on the version you used is wonky and I couldn't fix it. That Word version I used is also attached.

Also, I added our usual "cc" list for formal consultations -- the USACE because they will also be issuing a permit (and this one formal should cover both FERC [as the lead] and USACE), LDNR because they will issue a Consistency Determination as part of the permitting process, and the LDWF Wildlife Diversity Program (copy Nicole Lorenz [nlorenz@wlf.la.gov] on your email to FERC). You will have to ask Josh Marceaux, or the applicant, who the permit analyst is for the USACE (copy them on the email to FERC) and the LDNR person (also copy them on the email to FERC).

Please let me know if you have questions during this process or when writing the BO. I'm here if you need!

With kindest regards,  
Brigitte

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**"Vision is when you see it and others don't. Faith is when you do it, and others don't. With vision and faith things can be done." -Luci Swindoll**

---

**From:** Hodges, Joe A <[joe\\_hodges@fws.gov](mailto:joe_hodges@fws.gov)>  
**Sent:** Wednesday, May 26, 2021 3:42 PM  
**To:** Firmin, Brigitte <[brigitte\\_firmin@fws.gov](mailto:brigitte_firmin@fws.gov)>  
**Cc:** Rieck, Brad <[brad\\_rieck@fws.gov](mailto:brad_rieck@fws.gov)>  
**Subject:** Re: Commonwealth LNG Project - Complete Initiation Package

Thanks, that makes sense. Due date to get this sent out is next Thursday (June 03, 2021). Attached is the revised letter with log number included.

Joe A. Hodges  
Fish and Wildlife Biologist  
U.S. Fish & Wildlife Service  
Louisiana Ecological Services  
Mississippi-Basin Region  
200 Dulles Drive  
Lafayette, LA 70506  
337.291.3109 (office)

---

**From:** Firmin, Brigitte <[brigitte\\_firmin@fws.gov](mailto:brigitte_firmin@fws.gov)>  
**Sent:** Wednesday, May 26, 2021 2:00 PM  
**To:** Hodges, Joe A <[joe\\_hodges@fws.gov](mailto:joe_hodges@fws.gov)>  
**Cc:** Rieck, Brad <[brad\\_rieck@fws.gov](mailto:brad_rieck@fws.gov)>  
**Subject:** Re: Commonwealth LNG Project - Complete Initiation Package

Dear Joe,

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I'll take a look at the letter as soon as I have a minute (likely not until tomorrow morning).

What's the due date on this?

With kindest regards,  
Brigitte

+++

Brigitte Firmin  
Acting Supervisor  
(Supervisory Biologist)  
U.S. Dept. of the Interior, Mississippi Basin Region  
Fish and Wildlife Service, Louisiana Ecological Services Office  
200 Dulles Drive, Lafayette, LA 70506  
office: 337-291-3108; mobile: 337-258-4184  
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---

**From:** Hodges, Joe A <[joe\\_hodges@fws.gov](mailto:joe_hodges@fws.gov)>  
**Sent:** Wednesday, May 26, 2021 11:39 AM  
**To:** Firmin, Brigitte <[brigitte\\_firmin@fws.gov](mailto:brigitte_firmin@fws.gov)>  
**Cc:** Rieck, Brad <[brad\\_rieck@fws.gov](mailto:brad_rieck@fws.gov)>  
**Subject:** Commonwealth LNG Project - Complete Initiation Package

Good morning,

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Thanks,

Joe

Joe A. Hodges  
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U.S. Fish & Wildlife Service  
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Mississippi-Basin Region  
200 Dulles Drive  
Lafayette, LA 70506  
337.291.3109 (office)

**Re: Commonwealth LNG Project - Complete Initiation Package**

Firmin, Brigitte &lt;brigitte\_firmin@fws.gov&gt;

Fri 6/4/2021 2:54 PM

To: Rieck, Brad &lt;brad\_rieck@fws.gov&gt;

I can't leave the new guy hanging, now can I? 😊

With kindest regards,  
Brigitte

+++

Brigitte Firmin

Acting Supervisor

(Supervisory Biologist)

U.S. Dept. of the Interior, Mississippi Basin Region

Fish and Wildlife Service, Louisiana Ecological Services Office

200 Dulles Drive, Lafayette, LA 70506

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---

**From:** Rieck, Brad <brad\_rieck@fws.gov>**Sent:** Friday, June 4, 2021 2:52 PM**To:** Firmin, Brigitte <brigitte\_firmin@fws.gov>**Subject:** Re: Commonwealth LNG Project - Complete Initiation Package

Now thats what I call guidance.

Brad Rieck

Deputy Field Supervisor

U.S. Fish and Wildlife Service

Louisiana Ecological Services

Mississippi-Basin Region

200 Dulles Drive

Lafayette, LA 70506

337-291-3116 (phone)

337-291-3139 (Fax)

[brad\\_rieck@fws.gov](mailto:brad_rieck@fws.gov)<https://www.fws.gov/southeast/lafayette>

**From:** Firmin, Brigitte <brigitte\_firmin@fws.gov>  
**Sent:** Thursday, June 3, 2021 11:11 AM  
**To:** Hodges, Joe A <joe\_hodges@fws.gov>  
**Cc:** Rieck, Brad <brad\_rieck@fws.gov>  
**Subject:** Re: Commonwealth LNG Project - Complete Initiation Package

Dear Joe,

Reviewed and signed (attached). Fixed a few typos and put it on the digital version of the letterhead I have (blank attached) because the DOI emblem on the version you used is wonky and I couldn't fix it. That Word version I used is also attached.

Also, I added our usual "cc" list for formal consultations -- the USACE because they will also be issuing a permit (and this one formal should cover both FERC [as the lead] and USACE), LDNR because they will issue a Consistency Determination as part of the permitting process, and the LDWF Wildlife Diversity Program (copy Nicole Lorenz [nlorenz@wlf.la.gov] on your email to FERC). You will have to ask Josh Marceaux, or the applicant, who the permit analyst is for the USACE (copy them on the email to FERC) and the LDNR person (also copy them on the email to FERC).

Please let me know if you have questions during this process or when writing the BO. I'm here if you need!

With kindest regards,  
Brigitte

+++

Brigitte Firmin  
Acting Supervisor  
(Supervisory Biologist)  
U.S. Dept. of the Interior, Mississippi Basin Region  
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Joe A. Hodges  
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**To:** Hodges, Joe A <joe\_hodges@fws.gov>  
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With kindest regards,  
Brigitte

+++

Brigitte Firmin  
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337.291.3109 (office)

# Status of the Black Rail (*Laterallus jamaicensis*) West of Calcasieu Pass, Cameron Parish, Louisiana

A Report to the U.S. Fish and Wildlife Service, Lafayette, LA Ecological Services Office

30 January 2020

Erik I. Johnson, Ph.D.  
Director of Bird Conservation, Audubon Louisiana  
National Audubon Society  
Baton Rouge, LA

## Background

The Black Rail (*Laterallus jamaicensis*) is an enigmatic and patchily distributed species, whose distribution and ecology remains poorly understood. Prior to May 2017, there had been 13 “accepted” (well-documented) Black Rail records ever in Louisiana, although many additional unconfirmed reports suggested a more regular occurrence (Louisiana Ornithological Society 2018). Before this project began, the Black Rail was understood to occur in Louisiana primarily as a migrant, but has been suspected to breed and/or over-winter in low numbers in the coastal zone (Lowery 1974). Our knowledge of the status of this species in Louisiana is limited not only because this species is particularly secretive and difficult to find, but also because of the lack of systematic, targeted surveys in coastal marshes, which this project was designed to address.

As an addendum to Audubon Louisiana’s 2019 report, “Spatial and Temporal Distribution of Black Rail (*Laterallus jamaicensis*) in Coastal Louisiana,” we focus in this report on the portion of the 2017-2019 study located on the western side of Calcasieu Pass, Cameron Parish, Louisiana. This particular area is the site of a proposed liquefied natural gas (LNG) facility by Commonwealth LNG, LLC, which is currently under planning and review by the Federal Energy Regulatory Commission (docket numbers CP19-502-000 and PF17-8-000). The LNG proposal is also in consultation with the U.S. Fish and Wildlife Service regarding potential impacts to the Black Rail, a species proposed for listing as Threatened under the Endangered Species Act.

Between May 2017 and April 2019, Audubon Louisiana biologists conducted a series of surveys in coastal Cameron, Vermilion, and Jefferson Parishes, in search of the Black Rail. These surveys were designed to understand variation in occupancy (presence/absence) and what types of habitat variables were associated with variation in occupancy. In short, this survey effort resulted in the most comprehensive Black Rail initiative in Louisiana to date, resulting in several dozen detections during the breeding and non-breeding seasons. Here, we focus on our findings on a private property owned by (b)(6) PII(b)(6) PII(b)(6) PII(b)(6) PII(b)(6) PII(b)(6) PII(b)(6) PII(b)(6) PII(b)(6) PII(b)(6) PII

(b)(6) PII(b)(6) PII(b)(6) PII

## Findings

We conducted audio-visual point counts, using playback, at six locations on (b)(6) PII’s property. Each point location was surveyed 9 or 10 times between May 2017 and April 2019, for a total of 56 surveys. A Black Rail was detected at least once at five of the six points (83.3%),



and among the 56 survey attempts, one or more Black Rails were detected 17 times (30.4%). Across the entirety of our other 147 point count locations elsewhere in coastal Louisiana, a Black Rail was detected at 16 points (10.9%), with 1176 surveys resulting in 21 Black Rail detections (1.8%).

During the non-breeding season (November – March), we also conducted nocturnal drag-line surveys to flush rails. Across the two winters, we surveyed 16 sites 61 times, four of which were on Mr. Allaire’s property. We found Black Rails at all four sites (100%) on (b)(6) PII’s property, but only at 3 of 12 (25%) sites elsewhere in our study. Among the 36 Black Rails found during these drag-line surveys, 30 (83.3%) were on (b)(6) PII’s property.

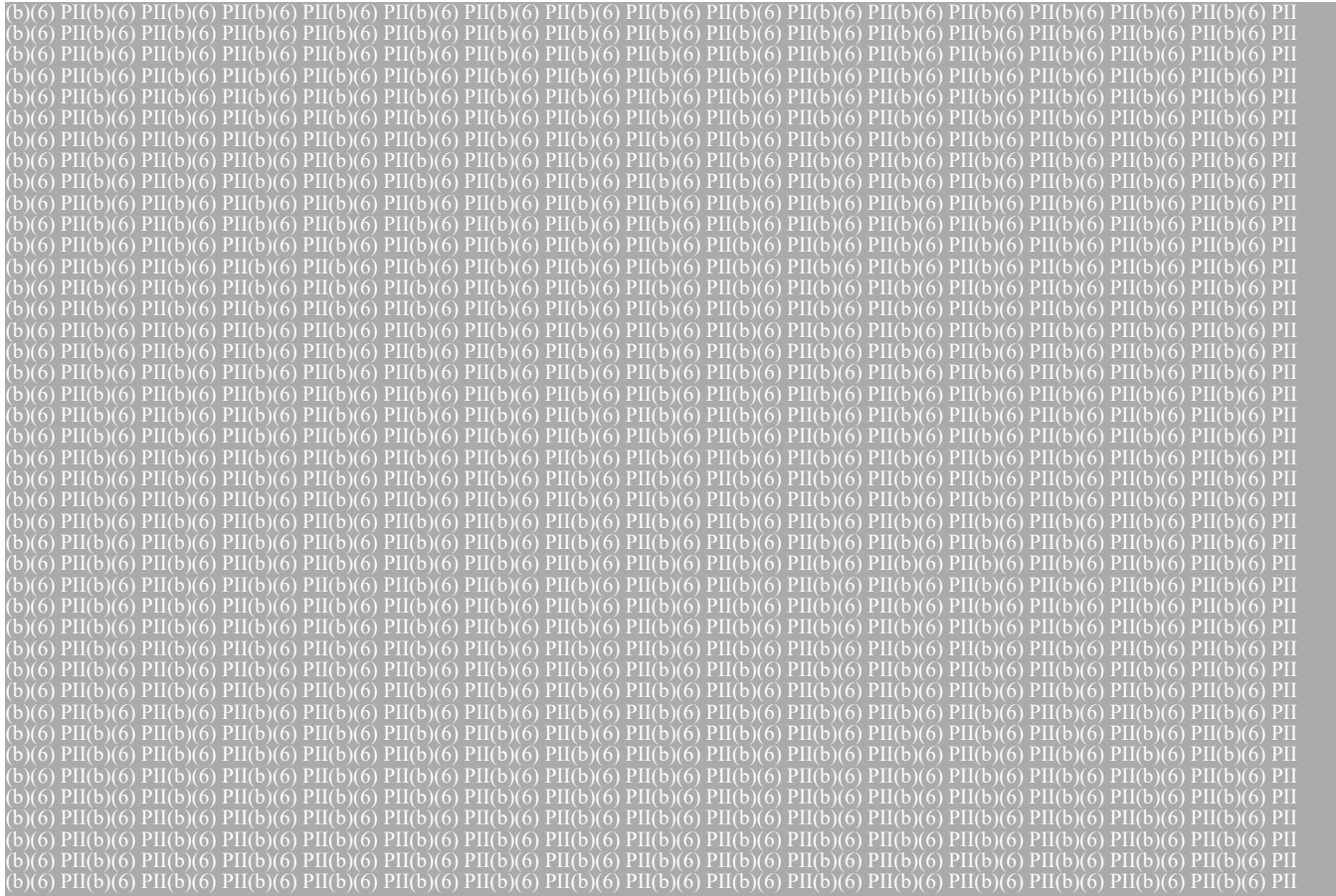


Figure 1. The location of Black Rail detections on (b)(6) PII(b)(6) PII’s property, (b)(6) PII(b)(6) PII (b)(6) PII(b)(6) PII(b)(6) PII(b)(6) PII between May 2017 and April 2019.

In short, (b)(6) PII’s property supports the most important Black Rail habitat among the areas that we have searched in Louisiana. What is apparent from multiple site visits, as well as aerial imagery, is that the habitat on (b)(6) PII’s property (dominated by *Spartina spartinae*/Gulf cordgrass) appears contiguous to the east, i.e., toward the proposed LNG facility. In our experience, there is little question that this critically important and unique habitat extends beyond (b)(6) PII’s property in both directions, and supports additional Black Rails. Given our current state of knowledge of Black Rails in Louisiana, it seems plausible that this relatively small area

south of LA-82 and east to Calcasieu Pass likely supports a significant proportion of Louisiana's Black Rail population.

As such, we offer suggestions as to where we anticipate Black Rail habitat to exist on or adjacent to the proposed Commonwealth LNG facility, based on our experience nearby and by examining aerial imagery (Figure 2). As a caveat, these areas may not all be equivalent in suitability, and may depend on various factors, such as fire regimes, hydrological regimes, and edaphic features, and should be systematically surveyed by skilled professionals should plans for the LNG facility proceed. We do note anecdotally that frequent fire does appear to support Black Rails, as soon as wetland vegetation recovers, even within the first few months of the growing season. Studies are underway to better understand the relationship between fire, habitat conditions, and Black Rail occupancy.



Figure 2. Presumed Black Rail habitat in the area of a proposed LNG facility based on surveys conducted on an adjacent property between 2017 and 2019.

To our knowledge, the creation of new Black Rail habitat has not been tested or implemented in the region. Suitable conditions for *Spartina spartinae*, the apparent preferred wetland plant we have found best predicting Black Rail habitat, includes a combination of elevation (above the daily tidal zone), periodic flooding that creates salty soil conditions, being well drained (containing larger grained sediments), and periodic fire (to prevent encroachment by woody

vegetation). In addition, appropriate grazing rotations may help mimic some of the habitat conditions created by fire. Creating this type of habitat through dredging has not been attempted purposely, to our knowledge, but we recommend bringing experts together who might be able to find and utilize opportunities to test this restoration approach.

#### Acknowledgements

I am grateful to the Louisiana Department of Wildlife and Fisheries and U.S. Fish and Wildlife Service, which funded this two-year project. Dozens of volunteers helped us conduct drag-line surveys in search for the elusive Black Rail. Justin Lehman, Jonathon Lueck, and Collin Brown were full-time (Justin) and seasonal (Jonathon and Collin) employees of Audubon Louisiana who conducted a substantial portion of field work for this project.



Josh Marceaux  
Fish and Wildlife Biologist  
U.S. Fish and Wildlife Service  
Southwest Louisiana National Wildlife Refuge Complex  
Lacassine National Wildlife Refuge  
ph: 337/774-5923  
cell: 337/452-9179

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I plan to drive in that morning. So, just let me know if you're available and want to join us. If this date/time doesn't work for you, I will be happy to convey any other information on your behalf, or I can just stick to the ESA stuff. Just let me know your needs or preference.

Supervisors are all copied for situational awareness and because the local chapter of the Audubon Society is putting pressure on FERC and the company to locate the facility elsewhere. I want to keep Supervisors in the loop in case they get any phone calls or questions on it.

My apologies for the long email. Please call me if you have any questions or concerns.

With kindest regards,  
Brigitte

+++

Brigitte Firmin

ESA Consultation Team Lead

U.S. Dept. of the Interior, Mississippi Basin Region

Fish and Wildlife Service, Louisiana Ecological Services Office

200 Dulles Drive, Lafayette, LA 70506

office: 337-291-3108; fax: 337-291-3139; email: [brigitte\\_firmin@fws.gov](mailto:brigitte_firmin@fws.gov)

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On Wed, Dec 11, 2019 at 11:10 AM Firmin, Brigitte <[brigitte\\_firmin@fws.gov](mailto:brigitte_firmin@fws.gov)> wrote:

Dear Josh,

To follow up from my email yesterday, I just received a phone call from Keith Suderman (TRC Company), the consultant for Commonwealth LNG. He would like to set up a site visit and meeting for us on Wednesday, Dec 18, at 10:00A. We will meet at a facility located on the project site, adjacent to the Ship Channel; Keith will be sending details. Please join us if you can. I will be working through the ESA consultation for black rail with them, but we can also discuss chenier impact /mitigation or any other issue that are outstanding from our previous communications with them. Keith is willing to give us all the time we need to work through any remaining issues.

I plan to drive in that morning. So, just let me know if you're available and want to join us. If this date/time doesn't work for you, I will be happy to convey any other information on your behalf, or I can just stick to the ESA stuff. Just let me know your needs or preference.

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My apologies for the long email. Please call me if you have any question or concern.

With kindest regards,

Brigitte

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Brigitte Firmin

ESA Consultation Team Lead

U.S. Dept. of the Interior, Mississippi Basin Region

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Josh Marceau  
Fish and Wildlife Biologist  
U.S. Fish and Wildlife Service  
Southwest Louisiana National Wildlife Refuge Complex  
Lacassine National Wildlife Refuge  
ph: 337/774 5923  
cell: 337/452 9179

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Josh Marceau

7/22/2021

Mail - Firmin, Brigitte - Outlook

Fish and Wildlife Biologist  
U.S. Fish and Wildlife Service  
Southwest Louisiana National Wildlife Refuge Complex  
Lacassine National Wildlife Refuge  
ph: 337/774-5923  
cell: 337/452-9179

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**Re: Site visit and F2F meeting RE: Commonwealth LNG**

Firmin, Brigitte &lt;brigitte\_firmin@fws.gov&gt;

Thu 12/12/2019 11:32 AM

**To:** Marceaux, Joshua <Joshua\_Marceaux@fws.gov>**Cc:** Rieck, Brad <brad\_rieck@fws.gov>; Walther, David <david\_walther@fws.gov>; Ranson, Joseph A <joseph\_ranson@fws.gov>

Roger that! Thank you, Josh. And I'll be sure to keep you updated.

With kinde t regard ,

Brigitte

+++

Brigitte Firmin

ESA Consultation Team Lead

U.S. Dept. of the Interior, Mississippi Basin Region

Fish and Wildlife Service, Louisiana Ecological Services Office

200 Dulles Drive, Lafayette, LA 70506

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On Thu, Dec 12, 2019 at 8:41 AM Marceaux, Joshua <[joshua\\_marceaux@fws.gov](mailto:joshua_marceaux@fws.gov)> wrote:

As of now I'll be at Lacassine that day. I think your notes will be fine. I can also call you to discuss, just let me know when would work best for that call to you post site visit. If you and the consultant would rather stop by Lacassine that will be fine as well but I understand that is quite a bit to fit in one day due to all the driving. Thank you for understanding.

-Josh

On Thu, Dec 12, 2019 at 8:34 AM Firmin, Brigitte <[brigitte\\_firmin@fws.gov](mailto:brigitte_firmin@fws.gov)> wrote:

Thank you, Josh, for the feedback. I didn't realize you were (b)(6) PII(b)(6) PII(b)(6) PII(b)(6) PII(b)(6) PII but I'm glad that you're moving towards a full recovery!

There were no other dates available until January, and we were trying to make use of the fact that the consultant was already traveling down here (from GA) for another meeting with NOAA on the following day. We will only be addressing black rail because it is the only species that they have not yet addressed completely. If you'd like, I can take good note and provide you with all the information that re ult from thi meeting. Or, once we're done in the field, I can see if the consultant is willing to stop by Lacassine on the way out. Will you be at the Refuge headquarters that day by any chance? We can try to make something work if you want to meet with the consultant.

With kindest regards,

Brigitte

+++

Brigitte Firmin

ESA Consultation Team Lead

U.S. Dept. of the Interior, Mississippi Basin Region



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Firmin, Brigitte &lt;brigitte\_firmin@fws.gov&gt;

## [EXTERNAL] Commonwealth LNG and Black Rails

1 message

Johnson, Erik &lt;Erik.Johnson@audubon.org&gt;

Tue, Jan 7, 2020 at 2:18 PM

To: "brigitte\_firmin@fws.gov" &lt;brigitte\_firmin@fws.gov&gt;, "joshua\_marceaux@fws.gov" &lt;joshua\_marceaux@fws.gov&gt;

Cc: "Newman, Brent" &lt;brent.newman@audubon.org&gt;

Hi Brigitte and Josh,

Hope you've both been having a good start to the new decade!

I'm copying Brent Newman, our office's till relatively new Deputy Director. We've been following the FERC communications regarding this project, and it's good to see that Commonwealth is in consultation with your office regarding Black Rails. In their response to Environmental Information Request, dated 12 Dec 2019, we are concerned about this statement, on page 41:

Commonwealth has presented the results of the desktop and field surveys conducted and received clearance under §7 of the Endangered Species Act from USFWS (COR103) for all species except the eastern black rail (*Laterallus jamaicensis*), which does not have habitat in the uniform wetland pasture habitat along the Pipeline Route. Commonwealth's consultation with USFWS regarding the eastern black rail is ongoing. Concurrence from LDWF is pending. The outcome of these discussions will be provided to the FERC upon completion.

Although I believe I have not seen the most recent proposed project footprint and design, I would argue that there is very likely Black Rail habitat within the project area. I'm attaching a map that detail the location of visual and auditory detections on the (b)(6) PII(b)(6) PII property. It is pretty easy to see that the occupied habitat is continuous to the east, suggesting to me a very high likelihood of Black Rails present. So I roughly sketched out what looks like Black Rail habitat on the Commonwealth lease, which is also attached.

It is also worth emphasizing that based on our two years of research on Black Rails in south Louisiana, the (b)(6) PII property is where we have had the most and most reliable occurrence, by far.

Another thing that I wanted to bring to your attention was a marsh fire that occurred on the Commonwealth lease and (b)(6) PII(b)(6) PII property on December 22. We're not entirely sure how it started, but the timing is certainly interesting, especially given Audubon's recent objection letter to FERC as well as other requests for wetland delineations, etc. No one knows how the fire started, but it burned in both directions from the ignition site, which was just (b)(6) PII(b)(6) PII(b)(6) PII property line, and all the way to (b)(6) PII(b)(6) PII(b)(6) PII. Interestingly, a second fire was ignited just (b)(6) PII(b)(6) PII property right around the same time. The fire department was able to stop that fire about 250 m of marsh (b)(6) PII (b)(6) PII(b)(6) PII.

<https://photos.app.goo.gl/EpLEtVzCqDpez6R47>





Firmin, Brigette &lt;brigette\_firmin@fws.gov&gt;

## Re: [EXTERNAL] Commonwealth LNG and Black Rails

1 me age

**Firmin, Brigette** <brigette\_firmin@fws.gov>

Tue, Jan 7, 2020 at 3:43 PM

To: "Johnson, Erik" <Erik.Johnson@audubon.org>

Cc "jo hua marceau @fw gov" jo hua marceau @fw gov , "Newman, Brent" brent newman@audubon.org

Dear Erik,

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Fish and Wildlife Service, Louisiana Ecological Services Office

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office 337 291 3108; fax 337 291-3139; email [brigette\\_firmin@fws.gov](mailto:brigette_firmin@fws.gov)[Office Website](#) / [Follow us on Facebook](#)

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Director of Bird Conservation

w: 225.768.0820

c: 225.252.8864

**Audubon Louisiana**

5615 Corporate Blvd., suite 600B

Baton Rouge, LA 70808

1/7/2020

DEPARTMENT OF THE INTERIOR Mail - Re: [EXTERNAL] Commonwealth LNG and Black Rails

la.audubon.org

**Re: [EXTERNAL] Commonwealth LNG and Black Rails**

Firmin, Brigitte &lt;brigitte\_firmin@fws.gov&gt;

Tue 1/21/2020 8:52 AM

**To:** Johnson, Erik <Erik.Johnson@audubon.org>**Cc:** Marceaux, Joshua <Joshua\_Marceaux@fws.gov>; Newman, Brent <brent.newman@audubon.org>

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Firmin, Brigitte &lt;brigitte\_firmin@fws.gov&gt;

Tue 1/21/2020 9:28 AM

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Thu 1/30/2020 2:57 PM

**To:** Firmin, Brigitte <brigitte\_firmin@fws.gov>**Cc:** Marceaux, Joshua <Joshua\_Marceaux@fws.gov>; Newman, Brent <brent.newman@audubon.org> 2 attachment (631 KB)

Commonwealth LNG Black Rail habitat.kmz; Black Rail west of Calcasieu Pass Report FINAL.pdf;

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With kinde t regard ,  
Brigitte

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Brigitte Firmin

ESA Consultation Team Lead

U S Dept of the Interior, Mississippi Basin Region

Fish and Wildlife Service, Louisiana Ecological Services Office

200 Dulles Drive, Lafayette, LA 70506

office: 337-291-3108; fax: 337-291-3139; email: [brigitte\\_firmin@fws.gov](mailto:brigitte_firmin@fws.gov)

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Hope you've both been having a good start to the new decade!

I'm copying Brent Newman, our office's still relatively new Deputy Director. We've been following the FERC communications regarding this project, and it's good to see that Commonwealth is in consultation with your office regarding Black Rails. In their response to Environmental Information Request, dated 12 Dec 2019, we are concerned about this statement, on page 41:

Commonwealth has presented the results of the desktop and field surveys conducted and received clearance under §7 of the Endangered Species Act from USFWS (COR103) for all species except the eastern black rail (*Laterallus jamaicensis*), which does not have habitat in the uniform wetland pasture habitat along the Pipeline Route. Commonwealth's consultation with USFWS regarding the eastern black rail is ongoing. Concurrence from LDWF is pending. The outcome of these discussions will be provided to the FERC upon completion.

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**Re: [EXTERNAL] Commonwealth LNG and Black Rails**

Firmin, Brigitte &lt;brigitte\_firmin@fws.gov&gt;

Thu 1/30/2020 3:15 PM

To: Johnson, Erik &lt;Erik.Johnson@audubon.org&gt;

Cc: Marceaux, Joshua &lt;Joshua\_Marceaux@fws.gov&gt;; Newman, Brent &lt;brent.newman@audubon.org&gt;

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**Erik I. Johnson, Ph.D.**

Director of Bird Conservation

w: 225.768.0820

c: 225.252.8864

**Audubon Louisiana**

5615 Corporate Blvd., suite 600B

Baton Rouge, LA 70808

[la.audubon.org](http://la.audubon.org)

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Johnson, Erik &lt;Erik.Johnson@audubon.org&gt;

Thu 1/30/2020 3:22 PM

**To:** Firmin, Brigitte <brigitte\_firmin@fws.gov>**Cc:** Marceaux, Joshua <Joshua\_Marceaux@fws.gov>; Newman, Brent <brent.newman@audubon.org>

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It is also worth emphasizing that based on our two years of research on Black Rails in south Louisiana, the (b)(6) PII (b)(6) PII property is where we have had the most and most reliable occurrence, by far.

Another thing that I wanted to bring to your attention was a marsh fire that occurred on the Commonwealth lease and (b)(6) PII (b)(6) PII (b)(6) PII (b)(6) PII property on December 22. We're not

entirely sure how it started, but the timing is certainly interesting, especially given Audubon's recent objection letter to FERC as well as other requests for wetland delineations, etc. No one knows how the fire started, but it burned in both directions from the ignition site, which was just (b)(6) PII(b)(6) PII(b)(6) PII(b)(6) PII property line, and all the way to (b)(6) PII(b)(6) PII(b)(6) PII (b)(6) PII(b)(6) PII(b)(6) PII. Interestingly, a second fire was ignited just (b)(6) PII(b)(6) PII(b)(6) PII property right around the same time. The fire department was able to stop that fire about 250 m of marsh (b)(6) PII(b)(6) PII(b)(6) PII(b)(6) PII(b)(6) PII (b)(6) PII(b)(6) PII(b)(6) PII(b)(6) PII. <https://photos.app.goo.gl/EpLEtVzCqDpez6R47>

You all should be aware that this fire will likely maintain and ultimately enhance Black Rail habitat (unless intentional mechanical damage to the soils occur), and we saw on the (b)(6) PII (b)(6) PII property a couple of years ago rapid colonization of Black Rails in the summer following a winter fire.

Please don't hesitate to reach out if I can provide additional information. Thanks so much,  
Erik

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**Erik I. Johnson, Ph.D.**

Director of Bird Conservation

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Thu 1/30/2020 4:36 PM

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**Sent:** Tuesday, January 21, 2020 8:53 AM  
**To:** Johnson, Erik <[Erik.Johnson@audubon.org](mailto:Erik.Johnson@audubon.org)>  
**Cc:** [joshua\\_marceaux@fws.gov](mailto:joshua_marceaux@fws.gov); Newman, Brent [brent\\_newman@audubon.org](mailto:brent_newman@audubon.org)  
**Subject:** Re: [EXTERNAL] Commonwealth LNG and Black Rails

Dear Erik,

Just resending this to get it back to the top of your inbox (see original email below). Do you have any problems with me sharing the habitat map for the Commonwealth property with Keith Suderman?

With kindest regards,  
Brigitte

+++

Brigitte Firmin  
ESA Consultation Team Lead  
U.S. Dept. of the Interior, Mississippi Basin Region  
Fish and Wildlife Service, Louisiana Ecological Services Office

200 Dulles Drive, Lafayette, LA 70506

office: 337-291-3108; fax: 337-291-3139; email: [brigitte\\_firmin@fws.gov](mailto:brigitte_firmin@fws.gov)

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On Tue, Jan 7, 2020 at 3:43 PM Firmin, Brigitte <[brigitte\\_firmin@fws.gov](mailto:brigitte_firmin@fws.gov)> wrote:

Dear Erik,

Thank you so very much for reaching out to us about this. I actually met with Commonwealth and their consultant at the site the week before Christmas (Dec 18, I think). They are working with me on a conference (proposed species form of consultation) for the black rail. With your permission, may I use your maps to help them map out all rail habitat on their site? In fact, if you're willing to share the shapefiles in the second map you provided, that would be the most helpful. I will gladly make sure that Audubon receives proper credit for any shared information.

Also, they have shown me the adjustments that they have done on their project to avoid as much habitat as possible. I can't remember acreages at the moment, but it has been scaled back quite a bit. We don't have a final on that yet. The result of our site visit was that they would provide more details based on what we saw in the field, but the information that you just shared would help them out tremendously. I haven't touched base with them yet since my return from holiday leave, so that's all I know for now.

With kindest regards,  
Brigitte

+++

Brigitte Firmin

ESA Consultation Team Lead

U.S. Dept. of the Interior, Mississippi Basin Region

Fish and Wildlife Service, Louisiana Ecological Services Office

200 Dulles Drive, Lafayette, LA 70506

office: 337-291-3108; fax: 337-291-3139; email: [brigitte\\_firmin@fws.gov](mailto:brigitte_firmin@fws.gov)

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On Tue, Jan 7, 2020 at 2:21 PM Johnson, Erik <[Erik.Johnson@audubon.org](mailto:Erik.Johnson@audubon.org)> wrote:

Hi Brigitte and Josh,

Hope you've both been having a good start to the new decade!

I'm copying Brent Newman, our office's still relatively new Deputy Director. We've been following the FERC communications regarding this project, and it's good to see that Commonwealth is in consultation with your office regarding Black Rails. In their response





7/22/2021

Mail - Firmin, Brigitte - Outlook

Baton Rouge, LA 70808  
[la.audubon.org](http://la.audubon.org)

## Summary of Audubon Report

Firmin, Brigitte <brigitte\_firmin@fws.gov>

Thu 2/27/2020 3:41 PM

To: Suderman, Keith <ksuderman@trccompanies.com>

Cc: Johnson, Erik <Erik.Johnson@audubon.org>

📎 1 attachment (3 MB)

SUMMARY OF\_Black Rail west of Calcasieu Pass Report FINAL.pdf;

Dear Keith,

Attached is a summary of the Audubon report from Erik Johnson regarding potential black rail habitat on the proposed Commonwealth LNG property near the Calcasieu Ship Channel. Please note that specific details regarding the (b)(6) PII private property were redacted from the original out of respect for that private landowner. However, the information in the report should be helpful in the development of the biological assessment of potential impacts to the proposed black rail. The potentially suitable habitat estimated by Audubon may not be consistent with what we saw and discussed during our site visit, but as we all know, aerial imagery is not always indicative of what is actually on the ground. TRC may need to use a combination of the habitat description, Audubon's imagery, and our site visit information to provide a more complete assessment of potential impacts.

As always, please let me know if you have any questions. I hope this helps!

With kindest regards,  
Brigitte

+++

Brigitte Firmin

ESA Consultation & Classification Team Lead

U.S. Dept. of the Interior, Mississippi Basin Region

Fish and Wildlife Service, Louisiana Ecological Services Office

200 Dulles Drive, Lafayette, LA 70506

office: 337 91 3108; fax: 337 91 3139; email: [brigitte\\_firmin@fw.gov](mailto:brigitte_firmin@fw.gov)

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*This is a summary of the following report:*

**Status of the Black Rail (*Laterallus jamaicensis*) West of Calcasieu Pass,  
Cameron Parish, Louisiana**

A Report to the U.S. Fish and Wildlife Service, Lafayette, LA Ecological Services Office  
30 January 2020

By: Erik I. Johnson, Ph.D.  
Director of Bird Conservation, Audubon Louisiana  
National Audubon Society  
Baton Rouge, LA

## **Background**

The black rail (*Laterallus jamaicensis*) is an enigmatic and patchily distributed species, whose distribution and ecology remains poorly understood. Prior to May 2017, there had been 13 “accepted” (well-documented) black rail records ever in Louisiana, although many additional unconfirmed reports suggested a more regular occurrence (Louisiana Ornithological Society 2018). Before this project began, the black rail was understood to occur in Louisiana primarily as a migrant, but has been suspected to breed and/or over-winter in low numbers in the coastal zone (Lowery 1974). Our knowledge of the status of this species in Louisiana is limited not only because this species is particularly secretive and difficult to find, but also because of the lack of systematic, targeted surveys in coastal marshes, which this project was designed to address.

As an addendum to Audubon Louisiana’s 2019 report, “Spatial and Temporal Distribution of Black Rail (*Laterallus jamaicensis*) in Coastal Louisiana,” we focus in this report on the portion of the 2017-2019 study located on the western side of Calcasieu Pass, Cameron Parish, Louisiana. This particular area is the site of a proposed liquefied natural gas (LNG) facility by Commonwealth LNG, LLC, which is currently under planning and review by the Federal Energy Regulatory Commission (docket numbers CP19-502-000 and PF17-8-000). The LNG proposal is also in consultation with the U.S. Fish and Wildlife Service regarding potential impacts to the black rail, a species proposed for listing as threatened under the Endangered Species Act.

Between May 2017 and April 2019, Audubon Louisiana biologists conducted a series of surveys in coastal Cameron, Vermilion, and Jefferson Parishes, in search of the black rail. These surveys were designed to understand variation in occupancy (presence/absence) and what types of habitat variables were associated with variation in occupancy. In short, this survey effort resulted in the most comprehensive black rail initiative in Louisiana to date, resulting in several dozen detections during the breeding and non-breeding seasons. Here, we focus on our findings on a private property, the landowner (b)(6) PII(b)(6) PII(b)(6) PII (b)(6) PII(b)(6) PII(b)(6) PII the proposed LNG facility.

## **Findings**

We conducted audio-visual point counts, using playback, at six locations on the subject private property. Each point location was surveyed 9 or 10 times between May 2017 and April 2019, for a total of 56 surveys. A black rail was detected at least once at five of the six points (83.3%), and among the 56 survey attempts, one or more black rails were detected 17 times (30.4%). Across the

entirety of our other 147 point count locations elsewhere in coastal Louisiana, a black rail was detected at 16 points (10.9%), with 1176 surveys resulting in 21 black rail detections (1.8%).

During the non-breeding season (November – March), we also conducted nocturnal drag-line surveys to flush rails. Across the two winters, we surveyed 16 sites 61 times, four of which were on the subject private property. We found black rails at all four sites (100%) on the subject private property, but only at 3 of 12 (25%) sites elsewhere in our study. Among the 36 black rails found during these drag-line surveys, 30 (83.3%) were on the subject private property.

In short, the subject private property supports the most important black rail habitat among the areas that we have searched in Louisiana. What is apparent from multiple site visits, as well as aerial imagery, is that the habitat on the subject private property (dominated by *Spartina spartinae*/Gulf cordgrass) appears contiguous to the east (i.e., toward the proposed LNG facility). In our experience, there is little question that this critically important and unique habitat extends beyond the subject private property in both directions and supports additional black rails. Given our current state of knowledge of black rails in Louisiana, it seems plausible that this relatively small area south of LA-82 and east to Calcasieu Pass likely supports a significant proportion of Louisiana's black rail population.

As such, we offer suggestions as to where we anticipate black rail habitat to exist on or adjacent to the proposed Commonwealth LNG facility, based on our experience nearby and by examining aerial imagery (Figure 1). As a caveat, these areas may not all be equivalent in suitability, and may depend on various factors, such as fire regimes, hydrological regimes, and edaphic features, and should be systematically surveyed by skilled professionals should plans for the LNG facility proceed. We do note anecdotally that frequent fire does appear to support black rails, as soon as wetland vegetation recovers, even within the first few months of the growing season. Studies are underway to better understand the relationship between fire, habitat conditions, and black rail occupancy.

To our knowledge, the creation of new black rail habitat has not been tested or implemented in the region. Suitable conditions for *Spartina spartinae*, the apparent preferred wetland plant we have found best predicting black rail habitat, includes a combination of elevation (above the daily tidal zone), periodic flooding that creates salty soil conditions, being well drained (containing larger grained sediments), and periodic fire (to prevent encroachment by woody vegetation). In addition, appropriate grazing rotations may help mimic some of the habitat conditions created by fire. Creating this type of habitat through dredging has not been attempted purposely, to our knowledge, but we recommend bringing experts together who might be able to find and utilize opportunities to test this restoration approach.

Figure 1. Presumed black rail habitat in the area of a proposed LNG facility based on surveys conducted on an adjacent property between 2017 and 2019.



## Acknowledgements

I am grateful to the Louisiana Department of Wildlife and Fisheries and U.S. Fish and Wildlife Service, which funded this two-year project. Dozens of volunteers helped us conduct drag-line surveys in search for the elusive black rail. Justin Lehman, Jonathon Lueck, and Collin Brown were full-time (Justin) and seasonal (Jonathon and Collin) employees of Audubon Louisiana who conducted a substantial portion of field work for this project.

**RE: [EXTERNAL] Summary of Audubon Report**

Suderman, Keith &lt;KSuderman@trccompanies.com&gt;

Thu 2/27/2020 4:37 PM

**To:** Firmin, Brigitte <brigitte\_firmin@fws.gov>**Cc:** Johnson, Erik <Erik.Johnson@audubon.org>; Hans Verswijver (HVerswijver@teamcpl.com) <HVerswijver@teamcpl.com>

Brigitte,

Thanks for providing this summary. We're working hard on drafting our report, and we'll incorporate this information

Erik Thank you o much for doing thi work It ound like a meeting, hopefully on ite, might be coming together in the near future. I'm looking forward to meeting you and getting your perspective on our path forward [Quick que tion it look like ome of the wet pa ture north of the highway might be similar to the habitat immediately south of the highway, especially toward the east. We have some activitie (and noi e) occurring acro the highway Ba ed on what you've ob erved, i that al o potential habitat?]

Thank you,  
Keith

**Keith Suderman, PhD**  
Senior Project Manager



4155 Shackelford Road, Suite 225, Norcross, GA 30093

T 770 270 1192 125 | C 404 992 6222

[LinkedIn](#) | [Twitter](#) | [Blog](#) | [TRCcompanies.com](#)

---

**From:** Firmin, Brigitte brigitte\_firmin@fws.gov  
**Sent:** Thursday, February 27, 2020 4:42 PM  
**To:** Suderman, Keith KSuderman@trccompanies.com  
**Cc:** Johnson, Erik <Erik.Johnson@audubon.org>  
**Subject:** [EXTERNAL] Summary of Audubon Report

This is an **EXTERNAL** email. Do not click links or open attachments unless you validate the sender and know the content is safe.

Dear Keith,

Attached is a summary of the Audubon report from Erik Johnson regarding potential black rail habitat on the proposed Commonwealth LNG property near the Calcasieu Ship Channel. Please note that specific details regarding the <sup>(b)(6) PII</sup> private property were redacted from the original out of respect for that private landowner. However, the information in the report should be helpful in the development of the biological assessment of potential impacts to the proposed black rail. The potentially suitable habitat estimated by Audubon may not be consistent with what we saw and discussed during our site visit, but as we all know, aerial imagery is not always indicative of what is actually on the ground. TRC may need to use a combination of the habitat description, Audubon's imagery, and our site visit information to provide a more complete assessment of potential impacts.

As always, please let me know if you have any questions. I hope this helps!

With kindest regards,

Brigitte

+++

Brigitte Firmin

ESA Consultation & Classification Team Lead

U.S. Dept. of the Interior, Mississippi Basin Region

Fish and Wildlife Service, Louisiana Ecological Services Office

200 Dulles Drive, Lafayette, LA 70506

office: 337-291-3108; fax: 337-291-3139; email: [brigitte\\_firmin@fws.gov](mailto:brigitte_firmin@fws.gov)

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**Re: Commonwealth LNG ADEIS/EB Rail due COB**

Firmin, Brigitte &lt;brigitte\_firmin@fws.gov&gt;

Thu 3/19/2020 9:48 AM

To: Marceaux, Joshua &lt;Joshua\_Marceaux@fws.gov&gt;

No worries. I'm in the middle of a conference with these folks on black rail, so I'll take a look at it.

With kindest regards,  
Brigitte

+++

Brigitte Firmin

ESA Consultation &amp; Classification Team Lead

U.S. Dept. of the Interior, Mississippi Basin Region

Fish and Wildlife Service, Louisiana Ecological Services Office

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**From:** Marceaux, Joshua Joshua\_Marceaux@fws.gov**Sent:** Thursday, March 19, 2020 8:39 AM**To:** Firmin, Brigitte brigitte\_firmin@fws.gov**Subject:** Commonwealth LNG ADEIS/EB Rail due COB

Brigitte, I apologize for sending this at the last minute. With being out due to (b)(6) PII(b)(6) PII(b)(6) PII (b)(6) PII(b)(6) PII(b)(6) PII and playing catch up with work, I did not realize comments were due COB today. If you can't get to it just let me know and I'll handle it. I did review the pertinent areas including the eastern black rail portion and it looks good to me, but figured I'd better let you know about it. As you know this is something we have been working on and most of it has been taken care of. Again my apologies for being last minute. thanks

Josh Marceaux

Fish and Wildlife Biologist

U.S. Fish and Wildlife Service

Southwest Louisiana National Wildlife Refuge Complex

Lacassine National Wildlife Refuge

ph: 337/774-5923

cell: 337/452-9179

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**Re: Commonwealth LNG ADEIS/EB Rail due COB**

Firmin, Brigitte &lt;brigitte\_firmin@fws.gov&gt;

Fri 3/20/2020 11:25 AM

To: Marceaux, Joshua &lt;Joshua\_Marceaux@fws.gov&gt;

Dear Josh,

My apologies for not replying yesterday, but I had no further comments. They handled our ongoing consultation appropriately in the text.

With kindest regards,  
Brigitte

+++

Brigitte Firmin

ESA Consultation &amp; Classification Team Lead

U.S. Dept. of the Interior, Mississippi Basin Region

Fish and Wildlife Service, Louisiana Ecological Services Office

200 Dulles Drive, Lafayette, LA 70506

office: 337 91 3108; fax: 337 91 3139; email: [brigitte\\_firmin@fw.gov](mailto:brigitte_firmin@fw.gov)[Office Website](#) / [Follow us on Facebook](#)

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**From:** Marceaux, Joshua <Joshua\_Marceaux@fws.gov>**Sent:** Thursday, March 19, 2020 8:39 AM**To:** Firmin, Brigitte <brigitte\_firmin@fws.gov>**Subject:** Commonwealth LNG ADEIS/EB Rail due COB

Brigitte, I apologize for sending this at the last minute. With being out due to (b)(6) PII(b)(6) PII(b)(6) PII (b)(6) PII(b)(6) PII(b)(6) PII and playing catch up with work, I did not realize comments were due COB today. If you can't get to it just let me know and I'll handle it. I did review the pertinent areas including the eastern black rail portion and it looks good to me, but figured I'd better let you know about it. As you know this is something we have been working on and most of it has been taken care of. Again my apologies for being last minute. thanks

Josh Marceaux

Fish and Wildlife Biologist

U.S. Fish and Wildlife Service

Southwest Louisiana National Wildlife Refuge Complex

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ph: 337/774-5923

cell: 337/452-9179

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**Re: Commonwealth LNG ADEIS/EB Rail due COB**

Firmin, Brigitte &lt;brigitte\_firmin@fws.gov&gt;

Fri 3/20/2020 12:52 PM

To: Marceaux, Joshua &lt;Joshua\_Marceaux@fws.gov&gt;

Excellent! Thanks, Josh. 😊

With kindest regards,  
Brigitte

+++

Brigitte Firmin

ESA Consultation &amp; Classification Team Lead

U.S. Dept. of the Interior, Mississippi Basin Region

Fish and Wildlife Service, Louisiana Ecological Service Office

200 Dulles Drive, Lafayette, LA 70506

office: 337-291-3108; fax: 337-291-3139; email: [brigitte\\_firmin@fws.gov](mailto:brigitte_firmin@fws.gov)[Office Web site](#) / [Follow us on Facebook](#)

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---

**From:** Marceaux, Joshua <Joshua\_Marceaux@fws.gov>**Sent:** Friday, March 20, 2020 12:38 PM**To:** Firmin, Brigitte <brigitte\_firmin@fws.gov>**Subject:** Re: Commonwealth LNG ADEIS/EB Rail due COB

ok cool, I went ahead and sent an email this morning saying pretty much what you said.

---

**From:** Firmin, Brigitte <brigitte\_firmin@fws.gov>**Sent:** Friday, March 20, 2020 11:25 AM**To:** Marceaux, Joshua <Joshua\_Marceaux@fws.gov>**Subject:** Re: Commonwealth LNG ADEIS/EB Rail due COB

Dear Josh,

My apologies for not replying yesterday, but I had no further comments. They handled our ongoing consultation appropriately in the text.

With kindest regards,  
Brigitte

+++

Brigitte Firmin

ESA Consultation &amp; Classification Team Lead

U.S. Dept. of the Interior, Mississippi Basin Region

Fish and Wildlife Service, Louisiana Ecological Service Office

200 Dulles Drive, Lafayette, LA 70506

office: 337-291-3108; fax: 337-291-3139; email: [brigitte\\_firmin@fws.gov](mailto:brigitte_firmin@fws.gov)  
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---

**From:** Marceaux, Joshua <Joshua\_Marceaux@fws.gov>

**Sent:** Thursday, March 19, 2020 8:39 AM

**To:** Firmin, Brigitte <brigitte\_firmin@fws.gov>

**Subject:** Commonwealth LNG ADEIS/EB Rail due COB

Brigitte, I apologize for sending this at the last minute. With being out due to (b)(6) PII(b)(6) PII(b)(6) PII (b)(6) PII(b)(6) PII(b)(6) PII and playing catch up with work, I did not realize comments were due COB today. If you can't get to it just let me know and I'll handle it I did review the pertinent areas including the eastern black rail portion and it looks good to me, but figured I'd better let you know about it. As you know this is something we have been working on and most of it has been taken care of. Again my apologies for being last minute. thanks

Josh Marceaux  
Fish and Wildlife Biologist  
U.S. Fish and Wildlife Service  
Southwest Louisiana National Wildlife Refuge Complex  
Lacassine National Wildlife Refuge  
ph 337/774 5923  
cell: 337/452-9179

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**Re: [EXTERNAL] One Federal Decision Quarterly Update: Commonwealth LNG Project****Marceaux, Joshua** <Joshua\_Marceaux@fws.gov>

Mon 12/14/2020 9:38 AM

**To:** Ledwin, Jane <jane\_ledwin@fws.gov>**Cc:** Green, Frankie A <frankie\_green@fws.gov>; Willis, Christine <christine\_willis@fws.gov>; Ranson, Joseph A <joseph\_ranson@fws.gov>; Rieck, Brad <brad\_rieck@fws.gov>; Hodges, Joe A <joe\_hodges@fws.gov>; Firmin, Brigitte <brigitte\_firmin@fws.gov>

Yes, I would think they want it added to the dashboard.

-Josh

---

**From:** Ledwin, Jane <jane\_ledwin@fws.gov>**Sent:** Monday, December 14, 2020 8:40 AM**To:** Marceaux, Joshua <Joshua\_Marceaux@fws.gov>**Cc:** Green, Frankie A <frankie\_green@fws.gov>; Willis, Christine <christine\_willis@fws.gov>; Ranson, Joseph A <joseph\_ranson@fws.gov>; Rieck, Brad <brad\_rieck@fws.gov>; Hodges, Joe A <joe\_hodges@fws.gov>; Firmin, Brigitte <brigitte\_firmin@fws.gov>**Subject:** Re: [EXTERNAL] One Federal Decision Quarterly Update: Commonwealth LNG Project

Hi Josh-

Yes, I'm the Dashboard administrator. Do you know if the action agency wants to add this to the Dashboard?

Jane

Jane Ledwin (she/her/hers)  
Infrastructure Streamlining Coordinator  
Branch of Environmental Review  
U.S. Fish and Wildlife Service Headquarters  
5275 Leesburg Pike  
Falls Church, VA 22041-3803  
703/358-2585  
email [jane\\_ledwin@fws.gov](mailto:jane_ledwin@fws.gov)

---

**From:** Marceaux, Joshua <Joshua\_Marceaux@fws.gov>**Sent:** Friday, December 11, 2020 11:38 AM**To:** Ledwin, Jane <jane\_ledwin@fws.gov>**Cc:** Green, Frankie A <frankie\_green@fws.gov>; Willis, Christine <christine\_willis@fws.gov>; Ranson, Joseph A <joseph\_ranson@fws.gov>; Rieck, Brad <brad\_rieck@fws.gov>; Hodges, Joe A <joe\_hodges@fws.gov>; Firmin, Brigitte <brigitte\_firmin@fws.gov>**Subject:** Re: [EXTERNAL] One Federal Decision Quarterly Update: Commonwealth LNG Project

Hi Jane,





## Re: [EXTERNAL] One Federal Decision Quarterly Update: Commonwealth LNG Project

Firmin, Brigitte <brigitte\_firmin@fws.gov>

Thu 12/10/2020 3:58 PM

To: Hodges, Joe A <joe\_hodges@fws.gov>; Marceaux, Joshua <Joshua\_Marceaux@fws.gov>

Joe, you are correct, except the formal consultation "clock", if you will, doesn't begin until we get the official request from FERC (or their designated federal rep) to initiate formal consultation. And then, yes, we have a total of 135 days to provide a biological opinion.

I think we should let Jane Ledwin know about this, regardless of what the timeline may hold from this point forward. It's not like FERC or the applicant didn't know this was coming. We've been telling them for over a year that it was likely to happen.

Just copy me on whatever y'all send to Jane, please.

And thanks so much for all the back and forth today.

With kindest regards,

Brigitte

+++

Brigitte Firmin

ESA Consultation & Classification Team Lead

U.S. Dept. of the Interior, Mississippi Basin Region

Fish and Wildlife Service, Louisiana Ecological Services Office

200 Dulles Drive, Lafayette, LA 70506

office: 337-291-3108; fax: 337-291-3139; email: [brigitte\\_firmin@fws.gov](mailto:brigitte_firmin@fws.gov)

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---

**From:** Hodges, Joe A <joe\_hodges@fws.gov>

**Sent:** Thursday, December 10, 2020 2:50 PM

**To:** Marceaux, Joshua <Joshua\_Marceaux@fws.gov>; Firmin, Brigitte <brigitte\_firmin@fws.gov>

**Subject:** Re: [EXTERNAL] One Federal Decision Quarterly Update: Commonwealth LNG Project

Josh,

Appreciate all the information. I have the black rail listing as officially effective on Monday, November 9th. As for what we are working on for this fast 41 project, would it just be reviewing the BA (final version not the draft version) that Keith sends our way and writing a BO in response? I'm not sure about a due date for our response currently. Brigitte correct me if I'm wrong, the default timeline for a formal consultation would be 90 days from the action agency initiating consultation and up to 45 days beyond that to deliver a BO if needed. I'd be aiming to deliver a BO within the initial 90-day period if that's the case.

Thanks,

Joe

Joe A. Hodges  
Fish and Wildlife Biologist  
U.S. Fish & Wildlife Service  
Louisiana Ecological Services  
Mississippi-Basin Region  
200 Dulles Drive  
Lafayette, LA 70506  
337.291.3109 (office)

---

**From:** Marceaux, Joshua <Joshua\_Marceaux@fws.gov>  
**Sent:** Thursday, December 10, 2020 1:17 PM  
**To:** Firmin, Brigitte <brigitte\_firmin@fws.gov>; Hodges, Joe A <joe\_hodges@fws.gov>  
**Subject:** Re: [EXTERNAL] One Federal Decision Quarterly Update: Commonwealth LNG Project

Brigitte, you are correct, our only outstanding issue on this project is the formal consultation for the eastern black rail. When this project started the EBR wasn't listed so it's not reflected on the fast 41 dashboard.

Joe-we need to update Jane Ledwin (previous email in this chain) so the fast 41 dashboard can be updated with what is going on with the black rail. I think Jane will need to know the date it was listed and what we are working on regarding the black rail, and if you are working on something for it, she will need to know the due date for our response. This is all new being it a newly listed species and this fast 41 is also new so I'm not sure if I'm 100% correct with this.

---

**From:** Firmin, Brigitte <brigitte\_firmin@fws.gov>  
**Sent:** Thursday, December 10, 2020 8:58 AM  
**To:** Marceaux, Joshua <Joshua\_Marceaux@fws.gov>; Hodges, Joe A <joe\_hodges@fws.gov>  
**Subject:** Fw: [EXTERNAL] One Federal Decision Quarterly Update: Commonwealth LNG Project

Dear Josh and Joe,

Please see the email below. Do we have anything that needs to be reported for this project? I'm guessing that our only outstanding issue on this project is the formal consultation for the eastern black rail, right? Please coordinate your response(s), if necessary, even if it is a "we have nothing to report at this time" response, and "cc" me and Brad Reick on the reply.

Thanks so much!

With kindest regards,  
Brigitte

+++

Brigitte Firmin  
ESA Consultation & Classification Team Lead  
U.S. Dept. of the Interior, Mississippi Basin Region  
Fish and Wildlife Service, Louisiana Ecological Services Office  
200 Dulles Drive, Lafayette, LA 70506





- 2) Ensure appropriate consultation occurs by **replying all** to this email to describe the modifications, including any changes to target dates. This will ensure that:
  - a. Other agencies and the Project Sponsor are consulted on permitting timetable changes;
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Thank you in advance for your participation.

FERC Team

**Fw: [EXTERNAL] One Federal Decision Quarterly Update: Commonwealth LNG Project**

Firmin, Brigitte &lt;brigitte\_firmin@fws.gov&gt;

Thu 12/10/2020 8:58 AM

To: Marceaux, Joshua &lt;Joshua\_Marceaux@fws.gov&gt;; Hodges, Joe A &lt;joe\_hodges@fws.gov&gt;

Dear Josh and Joe,

Please see the email below. Do we have anything that needs to be reported for this project? I'm guessing that our only outstanding issue on this project is the formal consultation for the eastern black rail, right? Please coordinate your response(s), if necessary, even if it is a "we have nothing to report at this time" response, and "cc" me and Brad Reick on the reply.

Thanks so much!

With kindest regards,  
Brigitte

+++

Brigitte Firmin

ESA Consultation &amp; Classification Team Lead

U.S. Dept. of the Interior, Mississippi Basin Region

Fish and Wildlife Service, Louisiana Ecological Services Office

200 Dulles Drive, Lafayette, LA 70506

office: 337 91 3108; fax: 337 91 3139; email: [brigitte\\_firmin@fw.gov](mailto:brigitte_firmin@fw.gov)[Office Website](#) / [Follow us on Facebook](#)

***NOTE: This email correspondence and any attachments to and from this sender is subject to the Freedom of Information Act (FOIA) and may be disclosed to third parties.***

**From:** FERC-FAST41 <ferc-fast41@ferc.gov>**Sent:** Monday, December 7, 2020 11:15 AM**To:** brian.lavoie@hq.doe.gov <brian.lavoie@hq.doe.gov>; amy.sweeney@hq.doe.gov

&lt;amy.sweeney@hq.doe.gov&gt;; kyle.moorman@hq.doe.gov &lt;kyle.moorman@hq.doe.gov&gt;;

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Marceaux, Joshua

&lt;Joshua\_Marceaux@fws.gov&gt;; Michael.Tucker@NOAA.gov &lt;Michael.Tucker@NOAA.gov&gt;;

january.murray@noaa.gov &lt;january.murray@noaa.gov&gt;; rickenson.daniel@dot.gov &lt;rickenson.daniel@dot.gov&gt;;

James.urisko@dot.gov &lt;James.urisko@dot.gov&gt;; Melissa.Pauley@hq.doe.gov &lt;Melissa.Pauley@hq.doe.gov&gt;;

colleen.vaughn@dot.gov &lt;colleen.vaughn@dot.gov&gt;; Gerald.Solomon@dot.gov &lt;Gerald.Solomon@dot.gov&gt;;

April.Marchese@dot.gov &lt;April.Marchese@dot.gov&gt;; Helen.Chabot@noaa.gov &lt;Helen.Chabot@noaa.gov&gt;;

Green, Frankie A &lt;frankie\_green@fws.gov&gt;; Wingert, Sarah E CIV USARMY CEHQ (US)

(b)(6) PII(b)(6) PII(b)(6) PII(b)(6) PII(b)(6) PII(b)(6) PII(b)(6) PII(b)(6) PII(b)(6) PII(b)(6) PII(b)(6) PII(b)(6) PII(b)(6) PII(b)(6) PII(b)(6) PII  
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Ledwin, Jane &lt;jane\_ledwin@fws.gov&gt;; Firmin, Brigitte &lt;brigitte\_firmin@fws.gov&gt;; Rpowers@teamcpl.com

&lt;Rpowers@teamcpl.com&gt;; HVerswijver@teamcpl.com &lt;HVerswijver@teamcpl.com&gt;;

KSuderman@trcsolutions.com &lt;KSuderman@trcsolutions.com&gt;

**Cc:** Hathaway, Ryan S <ryan\_hathaway@ios.doi.gov>; Freeman, Michael T <michael\_freeman@ios.doi.gov>;(b)(6) PII(b)(6) PII(b)(6) PII(b)(6) PII(b)(6) PII(b)(6) PII(b)(6) PII(b)(6) PII(b)(6) PII(b)(6) PII(b)(6) PII(b)(6) PII(b)(6) PII(b)(6) PII(b)(6) PII  
bruce.walker@hq.doe.gov<bruce.walker@hq.doe.gov>; (b)(6) PII(b)(6) PII(b)(6) PII(b)(6) PII(b)(6) PII(b)(6) PII(b)(6) PII(b)(6) PII(b)(6) PII(b)(6) PII(b)(6) PII(b)(6) PII(b)(6) PII(b)(6) PII(b)(6) PII  
Teresa.Pohlman@hq.dhs.gov

<Teresa.Pohlman@hq.dhs.gov>; george.riccardo@dot.gov <george.riccardo@dot.gov>;  
katherine.renshaw@noaa.gov <katherine.renshaw@noaa.gov>; Robin Griffin <Robin.Griffin@ferc.gov>; FERC-  
FAST41 <ferc-fast41@ferc.gov>

**Subject:** [EXTERNAL] One Federal Decision Quarterly Update: Commonwealth LNG Project

**This email has been received from outside of DOI - Use caution before clicking on links,  
opening attachments, or responding.**

To whom it may concern:

Consistent with the One Federal Decision MOU, we are sending this email to coordinate any necessary updates to the permitting timetable for the Commonwealth LNG Project. The permitting timetable can be found on the Permitting Dashboard (Dashboard) at: <https://www.permits.performance.gov/permitting-projects/commonwealth-lng-project>. If your agency has any updates to the permitting timetable, please complete the steps below **by COB Friday, December 18, 2020**.

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Thank you in advance for your participation.

FERC Team

**Re: [EXTERNAL] One Federal Decision Quarterly Update: Commonwealth LNG Project**

Firmin, Brigitte &lt;brigitte\_firmin@fws.gov&gt;

Thu 12/10/2020 1:25 PM

To: Marceaux, Joshua &lt;Joshua\_Marceaux@fws.gov&gt;; Hodges, Joe A &lt;joe\_hodges@fws.gov&gt;

Thank you, Josh!

With kindest regards,  
Brigitte

+++

Brigitte Firmin

ESA Consultation &amp; Classification Team Lead

U.S. Dept. of the Interior, Mississippi Basin Region

Fish and Wildlife Service, Louisiana Ecological Services Office

100 Dulle Drive, Lafayette, LA 70506

office: 337-291-3108; fax: 337-291-3139; email: [brigitte\\_firmin@fws.gov](mailto:brigitte_firmin@fws.gov)[Office Website](#) / [Follow us on Facebook](#)

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**From:** Marceaux, Joshua <Joshua\_Marceaux@fws.gov>**Sent:** Thursday, December 10, 2020 1:17 PM**To:** Firmin, Brigitte <brigitte\_firmin@fws.gov>; Hodges, Joe A <joe\_hodges@fws.gov>**Subject:** Re: [EXTERNAL] One Federal Decision Quarterly Update: Commonwealth LNG Project

Brigitte, you are correct, our only outstanding issue on this project is the formal consultation for the eastern black rail. When this project started the EBR wasn't listed so it's not reflected on the fast 41 dashboard.

Joe we need to update Jane Ledwin (previous email in this chain) so the fast 41 dashboard can be updated with what is going on with the black rail. I think Jane will need to know the date it was listed and what we are working on regarding the black rail, and if you are working on something for it, she will need to know the due date for our response. This is all new being it's a newly listed species and this fast 41 is also new so I'm not sure if I'm 100% correct with this.

---

**From:** Firmin, Brigitte <brigitte\_firmin@fws.gov>**Sent:** Thursday, December 10, 2020 8:58 AM**To:** Marceaux, Joshua <Joshua\_Marceaux@fws.gov>; Hodges, Joe A <joe\_hodges@fws.gov>**Subject:** Fw: [EXTERNAL] One Federal Decision Quarterly Update: Commonwealth LNG Project

Dear Josh and Joe,

Please see the email below. Do we have anything that needs to be reported for this project? I'm guessing that our only outstanding issue on this project is the formal consultation for the eastern black rail, right? Please coordinate your response(s), if necessary, even if it is a "we have nothing to report at this time" response, and "cc" me and Brad Reick on the reply.



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FERC Team

**Re: [EXTERNAL] One Federal Decision Quarterly Update: Commonwealth LNG Project**

Firmin, Brigitte &lt;brigitte\_firmin@fws.gov&gt;

Thu 12/10/2020 3:58 PM

To: Hodges, Joe A &lt;joe\_hodges@fws.gov&gt;; Marceaux, Joshua &lt;Joshua\_Marceaux@fws.gov&gt;

Joe, you are correct, except the formal consultation "clock", if you will, doesn't begin until we get the official request from FERC (or their designated federal rep) to initiate formal consultation. And then, yes, we have a total of 135 days to provide a biological opinion.

I think we should let Jane Ledwin know about this, regardless of what the timeline may hold from this point forward. It's not like FERC or the applicant didn't know this was coming. We've been telling them for over a year that it was likely to happen.

Just copy me on whatever y'all send to Jane, please.

And thanks so much for all the back and forth today.

With kindest regards,  
Brigitte

+++

Brigitte Firmin

ESA Consultation &amp; Classification Team Lead

U.S. Dept. of the Interior, Mississippi Basin Region

Fish and Wildlife Service, Louisiana Ecological Service Office

200 Dulles Drive, Lafayette, LA 70506

office: 337-291-3108; fax: 337-291-3139; email: [brigitte\\_firmin@fws.gov](mailto:brigitte_firmin@fws.gov)[Office Web site](#) / [Follow us on Facebook](#)

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**From:** Hodges, Joe A <joe\_hodges@fws.gov>**Sent:** Thursday, December 10, 2020 2:50 PM**To:** Marceaux, Joshua <Joshua\_Marceaux@fws.gov>; Firmin, Brigitte <brigitte\_firmin@fws.gov>**Subject:** Re: [EXTERNAL] One Federal Decision Quarterly Update: Commonwealth LNG Project

Josh,

Appreciate all the information I have the black rail listing as officially effective on Monday, November 9th. As for what we are working on for this fast 41 project, would it just be reviewing the BA (final version not the draft version) that Keith sends our way and writing a BO in response? I'm not sure about a due date for our response currently. Brigitte correct me if I'm wrong, the default timeline for a formal consultation would be 90 days from the action agency initiating consultation and up to 45 days beyond that to deliver a BO if needed. I'd be aiming to deliver a BO within the initial 90-day period if that's the case.

Thanks,



Joe

Joe A. Hodges  
Fish and Wildlife Biologist  
U.S. Fish & Wildlife Service  
Louisiana Ecological Services  
Mississippi-Basin Region  
200 Dulles Drive  
Lafayette, LA 70506  
337.291.3109 (office)

---

**From:** Marceaux, Joshua <Joshua\_Marceaux@fws.gov>  
**Sent:** Thursday, December 10, 2020 1:17 PM  
**To:** Firmin, Brigitte <brigitte\_firmin@fws.gov>; Hodges, Joe A <joe\_hodges@fws.gov>  
**Subject:** Re: [EXTERNAL] One Federal Decision Quarterly Update: Commonwealth LNG Project

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**Sent:** Thursday, December 10, 2020 8:58 AM  
**To:** Marceaux, Joshua <Joshua\_Marceaux@fws.gov>; Hodges, Joe A <joe\_hodges@fws.gov>  
**Subject:** Fw: [EXTERNAL] One Federal Decision Quarterly Update: Commonwealth LNG Project

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Thanks so much!

With kindest regards,  
Brigitte

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Brigitte Firmin  
ESA Consultation & Classification Team Lead  
U.S. Dept. of the Interior, Mississippi Basin Region  
Fish and Wildlife Service, Louisiana Ecological Services Office  
200 Dulles Drive, Lafayette, LA 70506

office: 337-291-3108; fax: 337-291-3139; email: [brigitte\\_firmin@fws.gov](mailto:brigitte_firmin@fws.gov)  
[Office Web site](#) / [Follow u on Facebook](#)

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**From:** FERC FAST41 ferc fast41@ferc.gov

**Sent:** Monday, December 7, 2020 11 15 AM

**To:** brian.lavoie@hq.doe.gov brian.lavoie@hq.doe.gov ; amy.sweeney@hq.doe.gov  
 <amy.sweeney@hq.doe.gov>; kyle.moorman@hq.doe.gov kyle.moorman@hq.doe.gov ;

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Joshua.Marceaux@fws.gov ; Michael.Tucker@NOAA.gov Michael.Tucker@NOAA.gov ;  
 january.murray@noaa.gov january.murray@noaa.gov ; rickenson.daniel@dot.gov rickenson.daniel@dot.gov ;  
 James.urisko@dot.gov James.urisko@dot.gov ; Melissa.Pauley@hq.doe.gov Melissa.Pauley@hq.doe.gov ;  
 colleen.vaughn@dot.gov colleen.vaughn@dot.gov ; Gerald.Solomon@dot.gov Gerald.Solomon@dot.gov ;  
 April.Marchese@dot.gov April.Marchese@dot.gov ; Helen.Chabot@noaa.gov Helen.Chabot@noaa.gov ;  
 Green, Frankie A frankie.green@fws.gov ; Wingert, Sarah E CIV.USARMY.CEHQ.(US)  
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Ledwin, Jane jane.ledwin@fws.gov ; Firmin, Brigitte brigitte.firmin@fws.gov ; Rpowers@teamcpl.com  
 Rpowers@teamcpl.com ; HVerswijver@teamcpl.com HVerswijver@teamcpl.com ;  
 KSuderman@trcsolutions.com KSuderman@trcsolutions.com

**Cc:** Hathaway, Ryan S ryan.hathaway@ios.doi.gov ; Freeman, Michael T michael.freeman@ios.doi.gov ;  
 (b)(6) PII(b)(6) PII(b)(6) PII(b)(6) PII(b)(6) PII(b)(6) PII(b)(6) PII(b)(6) PII(b)(6) PII(b)(6) PII ; bruce.walker@hq.doe.gov

bruce.walker@hq.doe.gov ; (b)(6) PII(b)(6) PII(b)(6) PII(b)(6) PII(b)(6) PII(b)(6) PII ; Teresa.Pohlman@hq.dhs.gov  
 Teresa.Pohlman@hq.dhs.gov ; george.riccardo@dot.gov george.riccardo@dot.gov ;  
 katherine.renshaw@noaa.gov katherine.renshaw@noaa.gov ; Robin.Griffin Robin.Griffin@ferc.gov ; FERC  
 FAST41 ferc.fast41@ferc.gov

**Subject:** [EXTERNAL] One Federal Decision Quarterly Update Commonwealth LNG Project

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Thank you in advance for your participation.

FERC Team



- 3) Ensure that your agency's updates are entered into the permitting timetable on the Dashboard and that you have replied all to this email **no later than COB Friday, June 25, 2021**, so that FERC's Dashboard Administrators can publish updates prior to the close of the quarter (June 30, 2021) Updates made after June 25, 2021, may be reviewed and published next quarter.

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Thank you in advance for your participation.

FERC Team

Fwd: [EXTERNAL] Quarterly Update: Commonwealth LNG Project

Firmin, Brigitte <brigitte\_firmin@fws.gov>

Mon 6/21/2021 8:31 AM

To: Hodges, Joe A <joe\_hodges@fws.gov>

Good morning, Joe!

While Josh is out, we will need to update this. I'm out in the field today so let's touch base tomorrow. Thanks!

Sent from my iPhone

Begin forwarded message:

**From:** FERC-FAST41 <ferc-fast41@ferc.gov>

**Date:** June 21, 2021 at 8:28:20 AM CDT

**To:** brian.lavoie@hq.doe.gov, amy.sweeney@hq.doe.gov, kyle.moorman@hq.doe.gov,

(b)(6) PII(b)(6) PII(b)(6) PII(b)(6) PII(b)(6) PII(b)(6) PII(b)(6) PII(b)(6) PII(b)(6) PII(b)(6) PII  
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<Joshua\_Marceaux@fws.gov>, Michael.Tucker@noaa.gov, january.murray@noaa.gov, rickenson.daniel@dot.gov, James.urisko@dot.gov, Melissa.Pauley@hq.doe.gov, colleen.vaughn@dot.gov, April.Marchese@dot.gov, Helen.Chabot@noaa.gov, "Green, Frankie A" <frankie\_green@fws.gov>, "Wingert, Sarah E CIV USARMY CEHQ (US)"

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(b)(6) PII(b)(6) PII(b)(6) PII  
(b)(6) PII(b)(6) PII(b)(6) PII "Ledwin, Jane" <jane\_ledwin@fws.gov>, "Firmin, Brigitte"

<brigitte\_firmin@fws.gov>, HVerswijver@teamcpl.com, KSuderman@trcsolutions.com

**Cc:** "Freeman, Michael T" <michael\_freeman@ios.doi.gov>,

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Teresa.Pohlman@hq.dhs.gov, katherine.renshaw@noaa.gov, Robin Griffin <Robin.Griffin@ferc.gov>, HVerswijver@teamcpl.com, FERC-FAST41 <ferc-fast41@ferc.gov>, andrew.wishnia@dot.gov, "Marchese, April (OST)" <April.Marchese@dot.gov>, "Tryon, Stephen G" <stephen\_tryon@ios.doi.gov>

**Subject:** [EXTERNAL] Quarterly Update: Commonwealth LNG Project

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To whom it may concern:

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Thank you in advance for your participation.

FERC Team



Re: [EXTERNAL] Quarterly Update: Commonwealth LNG Project

Hodges, Joe A <joe\_hodges@fws.gov>

Wed 6/23/2021 12:45 PM

To: Firmin, Brigette <brigette\_firmin@fws.gov>

Hey Brigette,

Do you still want to meet up to discuss this?

Thanks,

Joe

Joe A. Hodges  
Fish and Wildlife Biologist  
U.S. Fish & Wildlife Service  
Louisiana Ecological Services  
Mississippi-Basin Region  
200 Dulles Drive  
Lafayette, LA 70506  
337.291.3109 (office)

---

**From:** Firmin, Brigette <brigette\_firmin@fws.gov>  
**Sent:** Monday, June 21, 2021 8:31 AM  
**To:** Hodges, Joe A <joe\_hodges@fws.gov>  
**Subject:** Fwd: [EXTERNAL] Quarterly Update: Commonwealth LNG Project

Good morning, Joe!

While Josh is out, we will need to update this. I'm out in the field today so let's touch base tomorrow. Thanks!

Sent from my iPhone

Begin forwarded message:

**From:** FERC-FAST41 <ferc-fast41@ferc.gov>  
**Date:** June 21, 2021 at 8:28:20 AM CDT  
**To:** brian.lavoie@hq.doe.gov, amy.sweeney@hq.doe.gov, kyle.moorman@hq.doe.gov,  
(b)(6) PII(b)(6) PII(b)(6) PII(b)(6) PII(b)(6) PII(b)(6) PII(b)(6) PII(b)(6) PII(b)(6) PII(b)(6) PII  
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"Marceaux, Joshua"  
<Joshua\_Marceaux@fws.gov>, Michael.Tucker@noaa.gov, january.murray@noaa.gov,  
rickenson.daniel@dot.gov, James.urisko@dot.gov, Melissa.Pauley@hq.doe.gov,  
colleen.vaughn@dot.gov, April.Marchese@dot.gov, Helen.Chabot@noaa.gov, "Green,  
Frankie A" <frankie\_green@fws.gov>, "Wingert, Sarah E CIV USARMY CEHQ (US)"  
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>, "Gaffneysmith, Margaret E CIV (US)" <(b)(6) PII(b)(6) PII  
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>, "Ledwin, Jane" <jane\_ledwin@fws.gov>, "Firmin, Brigette"





FERC Team

**Re: [EXTERNAL] Quarterly Update: Commonwealth LNG Project**

Firmin, Brigitte &lt;brigitte\_firmin@fws.gov&gt;

Wed 6/23/2021 1:25 PM

To: Hodges, Joe A &lt;joe\_hodges@fws.gov&gt;

Yes, please.

With kindest regards,  
Brigitte

+++

Brigitte Firmin  
Acting Field Supervisor  
(Deputy Supervisor)  
U.S. Dept. of the Interior, Mississippi Basin Region  
Fish and Wildlife Service, Louisiana Ecological Service Office  
200 Dulles Drive, Lafayette, LA 70506  
office: 337 91 3108; mobile: 337 58 4184  
fax: 337-291-3139; email: [brigitte\\_firmin@fws.gov](mailto:brigitte_firmin@fws.gov)  
[Office Website](#) / [Follow us on Facebook](#)

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**From:** Hodges, Joe A <joe\_hodges@fws.gov>  
**Sent:** Wednesday, June 23, 2021 12:45 PM  
**To:** Firmin, Brigitte <brigitte\_firmin@fws.gov>  
**Subject:** Re: [EXTERNAL] Quarterly Update: Commonwealth LNG Project

Hey Brigitte,

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Thanks,

Joe

Joe A Hodges  
Fish and Wildlife Biologist  
U.S. Fish & Wildlife Service  
Louisiana Ecological Services  
Mississippi Basin Region  
200 Dulles Drive  
Lafayette, LA 70506  
337.291.3109 (office)



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FERC Team

**Fw: [EXTERNAL] Quarterly Update: Commonwealth LNG Project**

Firmin, Brigitte &lt;brigitte\_firmin@fws.gov&gt;

Wed 6/23/2021 1:41 PM

To: Ledwin, Jane &lt;jane\_ledwin@fws.gov&gt;

Cc: Hodges, Joe A &lt;joe\_hodges@fws.gov&gt;; Marceaux, Joshua &lt;Joshua\_Marceaux@fws.gov&gt;

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200 Dulles Drive, Lafayette, LA 70506

office: 337-291-3108; mobile: 337-258-4184

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&lt;amy.sweeney@hq.doe.gov&gt;; kyle.moorman@hq.doe.gov &lt;kyle.moorman@hq.doe.gov&gt;;

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Marceaux, Joshua

&lt;Joshua\_Marceaux@fws.gov&gt;; Michael.Tucker@NOAA.gov &lt;Michael.Tucker@NOAA.gov&gt;;

january.murray@noaa.gov &lt;january.murray@noaa.gov&gt;; rickenson.daniel@dot.gov &lt;rickenson.daniel@dot.gov&gt;;

James.urisko@dot.gov &lt;James.urisko@dot.gov&gt;; Melissa.Pauley@hq.doe.gov &lt;Melissa.Pauley@hq.doe.gov&gt;;

colleen.vaughn@dot.gov &lt;colleen.vaughn@dot.gov&gt;; April.Marchese@dot.gov &lt;April.Marchese@dot.gov&gt;;

Helen.Chabot@noaa.gov &lt;Helen.Chabot@noaa.gov&gt;; Green, Frankie A &lt;frankie\_green@fws.gov&gt;; Wingert, Sarah

E CIV USARMY CEHQ (US) (b)(6) PII(b)(6) PII(b)(6) PII(b)(6) PII(b)(6) PII ; Gaffneysmith, Margaret E CIV (US) (b)(6) PII(b)(6) PII

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; Ledwin, Jane &lt;jane\_ledwin@fws.gov&gt;; Firmin, Brigitte &lt;brigitte\_firmin@fws.gov&gt;;

HVerswijver@teamcpl.com &lt;HVerswijver@teamcpl.com&gt;; KSuderman@trcsolutions.com

&lt;KSuderman@trcsolutions.com&gt;

**Cc:** Freeman, Michael T <michael\_freeman@ios.doi.gov>; Thomas.P.Smith@usace.army.mil <Thomas.P.Smith@usace.army.mil>; bruce.walker@hq.doe.gov <bruce.walker@hq.doe.gov>; Brian.Dunn@uscg.mil <Brian.Dunn@uscg.mil>; Teresa.Pohlman@hq.dhs.gov <Teresa.Pohlman@hq.dhs.gov>; katherine.renshaw@noaa.gov <katherine.renshaw@noaa.gov>; Robin Griffin <Robin.Griffin@ferc.gov>; HVerswijver@teamcpl.com <HVerswijver@teamcpl.com>; FERC-FAST41 <ferc-fast41@ferc.gov>; andrew.wishnia@dot.gov <andrew.wishnia@dot.gov>; Marchese, April (OST) <April.Marchese@dot.gov>; Tryon, Stephen G <stephen\_tryon@ios.doi.gov>

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**Re: [EXTERNAL] Quarterly Update: Commonwealth LNG Project**

Ledwin, Jane &lt;jane\_ledwin@fws.gov&gt;

Wed 6/23/2021 1:49 PM

**To:** Firmin, Brigitte <brigitte\_firmin@fws.gov>**Cc:** Green, Frankie A <frankie\_green@fws.gov>; Hodges, Joe A <joe\_hodges@fws.gov>; Marceaux, Joshua <Joshua\_Marceaux@fws.gov>

Thanks Brigitte -

I never heard back from FERC whether they wanted to list this. I'll remind them. If so I'll need all the Milestones to add it to the Dashboard.

Thanks again

Jane

Jane Ledwin (she/her/hers)  
Infrastructure Streamlining Coordinator  
Branch of Environmental Review  
U.S. Fish and Wildlife Service Headquarters  
5275 Leesburg Pike  
Falls Church, VA 22041-3803  
703/358-2585  
email [jane\\_ledwin@fws.gov](mailto:jane_ledwin@fws.gov)

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**From:** Firmin, Brigitte <brigitte\_firmin@fws.gov>**Sent:** Wednesday, June 23, 2021 2:41 PM**To:** Ledwin, Jane <jane\_ledwin@fws.gov>**Cc:** Hodges, Joe A <joe\_hodges@fws.gov>; Marceaux, Joshua <Joshua\_Marceaux@fws.gov>**Subject:** Fw: [EXTERNAL] Quarterly Update: Commonwealth LNG Project

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(Deputy Supervi or)

U.S. Dept. of the Interior, Mississippi Basin Region

Fi h and Wildlife Service, Loui iana Ecological Service Office



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**Sent:** Monday, June 21, 2021 8 28 AM

**To:** brian lavoie@hq doe gov brian lavoie@hq doe gov ; amy sweeney@hq doe gov  
 <amy sweeney@hq doe gov ; kyle moorman@hq doe gov kyle moorman@hq doe gov ;

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Joshua Marceaux@fws gov ; Michael Tucker@NOAA gov Michael Tucker@NOAA gov ;  
 january murray@noaa gov january murray@noaa gov ; rickenson daniel@dot gov rickenson daniel@dot gov ;  
 James urisko@dot gov James urisko@dot gov ; Melissa Pauley@hq doe gov Melissa Pauley@hq doe gov ;  
 colleen vaughn@dot gov colleen vaughn@dot gov ; April Marchese@dot gov April Marchese@dot gov ;  
 Helen Chabot@noaa gov Helen Chabot@noaa gov ; Green, Frankie A frankie green@fws gov ; Wingert, Sarah  
 E CIV USARMY CEHQ (US) (b)(6) PII(b)(6) PII(b)(6) PII(b)(6) PII(b)(6) PII ; Gaffneysmith, Margaret E CIV (US) (b)(6) PII(b)(6) PII  
 (b)(6) PII(b)(6) PII(b)(6) PII ; Ledwin, Jane jane ledwin@fws gov ; Firmin, Brigitte brigitte firmin@fws gov ;  
 HVerswijver@teamcpl com HVerswijver@teamcpl com ; KSuderman@trcsolutions com  
 KSuderman@trcsolutions com

**Cc:** Freeman, Michael T michael freeman@ios doi gov ; (b)(6) PII(b)(6) PII(b)(6) PII(b)(6) PII

(b)(6) PII(b)(6) PII(b)(6) PII(b)(6) PII(b)(6) PII ; bruce walker@hq doe gov bruce walker@hq doe gov ;

(b)(6) PII(b)(6) PII(b)(6) PII(b)(6) PII(b)(6) PII ; Teresa Pohlman@hq dhs gov Teresa Pohlman@hq dhs gov ;

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andrew wishnia@dot gov andrew wishnia@dot gov ; Marchese, April (OST) April Marchese@dot gov ; Tryon,  
 Stephen G stephen tryon@ios doi gov

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The milestones are the ones I provided in my email -- draft BO due Aug 2; final BO due Sep 16.

With kindest regards,  
Brigitte

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Brigitte Firmin

Acting Field Supervisor

(Deputy Supervisor)

U.S. Dept. of the Interior, Mississippi Basin Region

Fish and Wildlife Service, Louisiana Ecological Services Office

100 Dulle Drive, Lafayette, LA 70506

office: 337-291-3108; mobile: 337-258-4184

fax: 337-291-3139; email: [brigitte\\_firmin@fws.gov](mailto:brigitte_firmin@fws.gov)[Office Web site](#) / [Follow us on Facebook](#)***NOTE: This email correspondence and any attachments to and from this sender is subject to the Freedom of Information Act (FOIA) and may be disclosed to third parties.*****"Vision is when you see it and others don't. Faith is when you do it, and others don't. With vision and faith things can be done." -Luci Swindoll**

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Infrastructure Streamlining Coordinator  
 Branch of Environmental Review  
 U.S. Fish and Wildlife Service Headquarters  
 5275 Leesburg Pike  
 Falls Church, VA 22041-3803  
 703/358 2585  
 email [jane\\_ledwin@fws.gov](mailto:jane_ledwin@fws.gov)

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**Subject:** Fw: [EXTERNAL] Quarterly Update Commonwealth LNG Project

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With kindest regards,  
 Brigitte

+++

Brigitte Firmin  
 Acting Field Supervisor  
 (Deputy Supervisor)  
 U.S. Dept. of the Interior, Mississippi Basin Region  
 Fish and Wildlife Service, Louisiana Ecological Services Office  
 200 Dulles Drive, Lafayette, LA 70506  
 office: 337-291-3108; mobile: 337-258-4184  
 fax: 337 91 3139; email: [brigitte\\_firmin@fw.gov](mailto:brigitte_firmin@fw.gov)  
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**From:** FERC-FAST41 <[ferc-fast41@ferc.gov](mailto:ferc-fast41@ferc.gov)>  
**Sent:** Monday, June 21, 2021 8:28 AM  
**To:** [brian.lavoie@hq.doe.gov](mailto:brian.lavoie@hq.doe.gov) <[brian.lavoie@hq.doe.gov](mailto:brian.lavoie@hq.doe.gov)>; [amy.sweeney@hq.doe.gov](mailto:amy.sweeney@hq.doe.gov) <[amy.sweeney@hq.doe.gov](mailto:amy.sweeney@hq.doe.gov)>; [kyle.moorman@hq.doe.gov](mailto:kyle.moorman@hq.doe.gov) <[kyle.moorman@hq.doe.gov](mailto:kyle.moorman@hq.doe.gov)>;

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**Cc:** Freeman, Michael T <michael\_freeman@ios.doi.gov>; (b)(6) PII(b)(6) PII(b)(6) PII(b)(6) PII (b)(6) PII(b)(6) PII(b)(6) PII(b)(6) PII(b)(6) PII ; bruce.walker@hq.doe.gov <bruce.walker@hq.doe.gov>; (b)(6) PII(b)(6) PII(b)(6) PII(b)(6) PII(b)(6) PII(b)(6) PII ; Teresa.Pohlman@hq.dhs.gov <Teresa.Pohlman@hq.dhs.gov>; katherine.renshaw@noaa.gov <katherine.renshaw@noaa.gov>; Robin Griffin <Robin.Griffin@ferc.gov>; HVerswijver@teamcpl.com <HVerswijver@teamcpl.com>; FERC-FAST41 <ferc-fast41@ferc.gov>; andrew.wishnia@dot.gov <andrew.wishnia@dot.gov>; Marchese, April (OST) <April.Marchese@dot.gov>; Tryon, Stephen G <stephen\_tryon@ios.doi.gov>

**Subject:** [EXTERNAL] Quarterly Update: Commonwealth LNG Project

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

To whom it may concern:

We are sending this email to coordinate any necessary updates to the permitting timetable for the Commonwealth LNG Project. The permitting timetable can be found on the Permitting Dashboard (Dashboard) at: <https://www.permits.performance.gov/permitting-projects/commonwealth-lng-project>. If your agency has any updates to the permitting timetable, please complete the steps below **by COB Friday, June 25, 2021**. While the One Federal Decision Executive Order 13807 was revoked by Executive Order 13990, we plan to continue to update the Dashboard until further guidance is provided. We appreciate your cooperation.

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7/27/2021

Mail - Firmin, Brigitte - Outlook

Please remember that FERC's rules prohibit off-the-record communications regarding the merits of contested proceedings (18 C.F.R. § 385.2201). Correspondence on this quarterly update should be limited to your agency's process plan for the project.

Thank you in advance for your participation.

FERC Team

**Re: [EXTERNAL] Quarterly Update: Commonwealth LNG Project**

Ledwin, Jane &lt;jane\_ledwin@fws.gov&gt;

Wed 6/23/2021 2:02 PM

**To:** Firmin, Brigitte <brigitte\_firmin@fws.gov>**Cc:** Green, Frankie A <frankie\_green@fws.gov>; Hodges, Joe A <joe\_hodges@fws.gov>; Marceaux, Joshua <Joshua\_Marceaux@fws.gov>

Yes - the Dashboard needs the date when the lead agency requests consultation, and when we determined the consultation package is complete

Jane Ledwin (she/her/hers)  
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Falls Church, VA 22041 3803  
703/358-2585  
email [jane\\_ledwin@fws.gov](mailto:jane_ledwin@fws.gov)

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Thank you, Jane!

The milestones are the ones I provided in my email -- draft BO due Aug 2; final BO due Sep 16.

With kindest regards,  
Brigitte

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**Cc:** Green, Frankie A <frankie\_green@fws.gov>; Hodges, Joe A <joe\_hodges@fws.gov>; Marceaux, Joshua <Joshua\_Marceaux@fws.gov>

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**To:** Ledwin, Jane <jane\_ledwin@fws.gov>

**Cc:** Hodges, Joe A <joe\_hodges@fws.gov>; Marceaux, Joshua <Joshua\_Marceaux@fws.gov>

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FERC Team

**Re: [EXTERNAL] Quarterly Update: Commonwealth LNG Project**

Firmin, Brigitte &lt;brigitte\_firmin@fws.gov&gt;

Wed 6/23/2021 2:21 PM

**To:** Ledwin, Jane <jane\_ledwin@fws.gov>**Cc:** Green, Frankie A <frankie\_green@fws.gov>; Hodges, Joe A <joe\_hodges@fws.gov>; Marceaux, Joshua <Joshua\_Marceaux@fws.gov> 1 attachment (307 KB)

20210603\_CPA0013\_F1554\_Commonwealth LNG\_initiate formal\_signed.pdf;

Dear Jane,

Everything you need should be in the attached letter acknowledging the initiation of formal consultation. If anything is missing, please let me know.

With kindest regards,  
Brigitte

+++

Brigitte Firmin

Acting Field Supervisor

(Deputy Supervisor)

U.S. Dept. of the Interior, Mississippi Basin Region

Fish and Wildlife Service, Louisiana Ecological Services Office

200 Dulles Drive, Lafayette, LA 70506

office: 337-291-3108; mobile: 337-258-4184

fax: 337-291-3139; email: [brigitte\\_firmin@fws.gov](mailto:brigitte_firmin@fws.gov)[Office Website](#) / [Follow us on Facebook](#)

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Jane Ledwin (she/her/hers)

Infrastructure Streamlining Coordinator

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U.S. Fish and Wildlife Service Headquarters  
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Thanks again -

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Thank you in advance for your participation.

FERC Team



## United States Department of the Interior

FISH AND WILDLIFE SERVICE  
200 Dulles Drive  
Lafayette, Louisiana 70506



June 3, 2021

Robin W. Griffin  
Federal Energy Regulatory Commission  
Office of Energy Projects, Gas Branch 1  
888 First Street, N.E., PJ-11.1  
Washington, DC 20426

Dear Ms. Griffin:

This letter acknowledges the U.S. Fish and Wildlife Service's (Service) May 12, 2021, receipt of your May 4, 2021, letter requesting initiation of formal section 7 consultation under the Endangered Species Act. The consultation concerns the possible effects of your proposed Commonwealth LNG Project in Cameron Parish, Louisiana, on the threatened eastern black rail (*Laterallus jamaicensis jamaicensis*).

All information required of you to initiate consultation was either included with your letter or is otherwise accessible for our consideration and reference. We have assigned log number 04EL1000-2021-F-1554 to this consultation. Please refer to that number in future correspondence on this consultation. Section 7 allows the Service up to 90 calendar days to conclude formal consultation with your agency and an additional 45 calendar days to prepare our biological opinion (unless we mutually agree to an extension). Therefore, we expect to provide you with our biological opinion no later than September 16, 2021.

As a reminder, the Endangered Species Act requires that after initiation of formal consultation, the Federal action agency may not make any irreversible or irretrievable commitment of resources that limits future options. This practice ensures agency actions do not preclude the formulation or implementation of reasonable and prudent alternatives that avoid jeopardizing the continued existence of endangered or threatened species or destroying or modifying their critical habitats. If you have any questions or concerns about this consultation or the consultation process in general, please contact Joe Hodges of this office at 337-291-3109.

Sincerely,

Brigitte D. Firmin  
Acting Field Supervisor  
Louisiana Ecological Services

cc: USACE, Regulatory Division, New Orleans, LA  
LDNR, Coastal Management Division, Baton Rouge, LA  
LDWF, Wildlife Diversity Program, Baton Rouge, LA



**Re: [EXTERNAL] Quarterly Update: Commonwealth LNG Project**

Ledwin, Jane &lt;jane\_ledwin@fws.gov&gt;

Thu 6/24/2021 12:33 PM

**To:** Firmin, Brigitte <brigitte\_firmin@fws.gov>**Cc:** Green, Frankie A <frankie\_green@fws.gov>; Hodges, Joe A <joe\_hodges@fws.gov>; Marceaux, Joshua <Joshua\_Marceaux@fws.gov>

Hi Brigitte -

FERC confirmed that we will add this as another consultation on the Dashboard. I understand FERC sent the 5/4 consultation request and a BA with a LAA determination, so 5/4 would be the first Milestone. Just need our response date (second Milestone) - have we sent it yet? September 16 will be the last Milestone and I'll add a noted about providing a draft BO in August

Thank so much for the heads up! Best regards -

Jane

Jane Ledwin (she/her/hers)  
Infrastructure Streamlining Coordinator  
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U.S. Fish and Wildlife Service Headquarters  
5275 Leesburg Pike  
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**From:** FERC-FAST41 <[ferc-fast41@ferc.gov](mailto:ferc-fast41@ferc.gov)>  
**Sent:** Monday, June 21, 2021 8:28 AM  
**To:** [brian.lavoie@hq.doe.gov](mailto:brian.lavoie@hq.doe.gov) <[brian.lavoie@hq.doe.gov](mailto:brian.lavoie@hq.doe.gov)>; [amy.sweeney@hq.doe.gov](mailto:amy.sweeney@hq.doe.gov) <[amy.sweeney@hq.doe.gov](mailto:amy.sweeney@hq.doe.gov)>; [kyle.moorman@hq.doe.gov](mailto:kyle.moorman@hq.doe.gov) <[kyle.moorman@hq.doe.gov](mailto:kyle.moorman@hq.doe.gov)>;

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 <Joshua\_Marceaux@fws.gov>; Michael.Tucker@NOAA.gov <Michael.Tucker@NOAA.gov>;  
 january.murray@noaa.gov <january.murray@noaa.gov>; rickenson.daniel@dot.gov <rickenson.daniel@dot.gov>;  
 James.urisko@dot.gov <James.urisko@dot.gov>; Melissa.Pauley@hq.doe.gov <Melissa.Pauley@hq.doe.gov>;  
 colleen.vaughn@dot.gov <colleen.vaughn@dot.gov>; April.Marchese@dot.gov <April.Marchese@dot.gov>;  
 Helen.Chabot@noaa.gov <Helen.Chabot@noaa.gov>; Green, Frankie A <frankie\_green@fws.gov>; Wingert, Sarah  
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 HVerswijver@teamcpl.com <HVerswijver@teamcpl.com>; KSuderman@trcsolutions.com  
 <KSuderman@trcsolutions.com>  
**Cc:** Freeman, Michael T <michael\_freeman@ios.doi.gov>; (b)(6) PII(b)(6) PII(b)(6) PII(b)(6) PII  
 (b)(6) PII(b)(6) PII(b)(6) PII(b)(6) PII ; bruce.walker@hq.doe.gov <bruce.walker@hq.doe.gov>;  
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 katherine.renshaw@noaa.gov <katherine.renshaw@noaa.gov>; Robin Griffin <Robin.Griffin@ferc.gov>;  
 HVerswijver@teamcpl.com <HVerswijver@teamcpl.com>; FERC-FAST41 <ferc-fast41@ferc.gov>;  
 andrew.wishnia@dot.gov <andrew.wishnia@dot.gov>; Marchese, April (OST) <April.Marchese@dot.gov>; Tryon,  
 Stephen G <stephen\_tryon@ios.doi.gov>  
**Subject:** [EXTERNAL] Quarterly Update: Commonwealth LNG Project

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Thank you in advance for your participation.

FERC Team

**Re: [EXTERNAL] Quarterly Update: Commonwealth LNG Project**

Firmin, Brigitte &lt;brigitte\_firmin@fws.gov&gt;

Thu 6/24/2021 12:49 PM

To: Ledwin, Jane &lt;jane\_ledwin@fws.gov&gt;

Yes, I forwarded you the letter accepting their request to initiate formal consultation via my email yesterday. That letter was dated June 3. Here's the sequence for formal consultation:

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BA/request received by FWS on 5/12

FWS acceptance of complete package to initiate formal dated 6/3

draft BO due by 8/2

final BO due by 9/16

Hope this helps.

With kindest regards,  
Brigitte

+++

Brigitte Firmin

Acting Field Supervisor

(Deputy Supervisor)

U.S. Dept. of the Interior, Mississippi Basin Region

Fish and Wildlife Service, Louisiana Ecological Services Office

200 Dulles Drive, Lafayette, LA 70506

office: 337-291-3108; mobile: 337-258-4184

fax: 337-291-3139; email: [brigitte\\_firmin@fws.gov](mailto:brigitte_firmin@fws.gov)[Office Website](#) / [Follow us on Facebook](#)

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**From:** Ledwin, Jane jane\_ledwin@fws.gov**Sent:** Thursday, June 24, 2021 12:33 PM**To:** Firmin, Brigitte brigitte\_firmin@fws.gov**Cc:** Green, Frankie A frankie\_green@fws.gov ; Hodges, Joe A joe\_hodges@fws.gov ; Marceaux, Joshua Joshua\_Marceaux@fws.gov**Subject:** Re: [EXTERNAL] Quarterly Update Commonwealth LNG Project

Hi Brigitte -

FERC confirmed that we will add this as another consultation on the Dashboard. I understand FERC sent the 5/4 consultation request and a BA with a LAA determination, so 5/4 would be the first Milestone

Just need our response date (second Milestone) - have we sent it yet? September 16 will be the last Milestone and I'll add a noted about providing a draft BO in August.

Thank so much for the heads up! Best regards -

Jane

Jane Ledwin (she/her/hers)  
Infrastructure Streamlining Coordinator  
Branch of Environmental Review  
U.S. Fish and Wildlife Service Headquarters  
5275 Leesburg Pike  
Falls Church, VA 22041-3803  
703/358-2585  
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Infrastructure Streamlining Coordinator  
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U.S. Fish and Wildlife Service Headquarters  
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703/358 2585  
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Thank you, Jane!

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With kindest regards,  
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katherine.renshaw@noaa.gov <katherine.renshaw@noaa.gov>; Robin Griffin <Robin.Griffin@ferc.gov>;  
HVerswijver@teamcpl.com <HVerswijver@teamcpl.com>; FERC-FAST41 <ferc-fast41@ferc.gov>;  
andrew.wishnia@dot.gov <andrew.wishnia@dot.gov>; Marchese, April (OST) <April.Marchese@dot.gov>; Tryon,  
Stephen G <stephen\_tryon@ios.doi.gov>  
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Ledwin, Jane &lt;jane\_ledwin@fws.gov&gt;

Thu 6/24/2021 12:51 PM

To: Firmin, Brigitte &lt;brigitte\_firmin@fws.gov&gt;

Perfect! Thanks!

Jane Ledwin (she/her/hers)  
Infrastructure Streamlining Coordinator  
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Falls Church, VA 22041-3803  
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**Subject:** Fw: [EXTERNAL] Quarterly Update: Commonwealth LNG Project

Dear Jane,

Joe Hodges of our office is working on a biological opinion for the threatened eastern black rail (listed on Nov 9, 2020) for the Commonwealth LNG project. The draft BO is due Aug. 2, 2021, and the final BO would be due Sept. 16, 2021. Please let me know if you want us to update this in the permitting timetable.

With kindest regards,  
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# Status of the Black Rail (*Laterallus jamaicensis*) West of Calcasieu Pass, Cameron Parish, Louisiana

A Report to the U.S. Fish and Wildlife Service, Lafayette, LA Ecological Services Office

30 January 2020

Erik I. Johnson, Ph.D.  
Director of Bird Conservation, Audubon Louisiana  
National Audubon Society  
Baton Rouge, LA

## Background

The Black Rail (*Laterallus jamaicensis*) is an enigmatic and patchily distributed species, whose distribution and ecology remains poorly understood. Prior to May 2017, there had been 13 “accepted” (well-documented) Black Rail records ever in Louisiana, although many additional unconfirmed reports suggested a more regular occurrence (Louisiana Ornithological Society 2018). Before this project began, the Black Rail was understood to occur in Louisiana primarily as a migrant, but has been suspected to breed and/or over-winter in low numbers in the coastal zone (Lowery 1974). Our knowledge of the status of this species in Louisiana is limited not only because this species is particularly secretive and difficult to find, but also because of the lack of systematic, targeted surveys in coastal marshes, which this project was designed to address.

As an addendum to Audubon Louisiana’s 2019 report, “Spatial and Temporal Distribution of Black Rail (*Laterallus jamaicensis*) in Coastal Louisiana,” we focus in this report on the portion of the 2017-2019 study located on the western side of Calcasieu Pass, Cameron Parish, Louisiana. This particular area is the site of a proposed liquefied natural gas (LNG) facility by Commonwealth LNG, LLC, which is currently under planning and review by the Federal Energy Regulatory Commission (docket numbers CP19-502-000 and PF17-8-000). The LNG proposal is also in consultation with the U.S. Fish and Wildlife Service regarding potential impacts to the Black Rail, a species proposed for listing as Threatened under the Endangered Species Act.

Between May 2017 and April 2019, Audubon Louisiana biologists conducted a series of surveys in coastal Cameron, Vermilion, and Jefferson Parishes, in search of the Black Rail. These surveys were designed to understand variation in occupancy (presence/absence) and what types of habitat variables were associated with variation in occupancy. In short, this survey effort resulted in the most comprehensive Black Rail initiative in Louisiana to date, resulting in several dozen detections during the breeding and non-breeding seasons. Here, we focus on our findings on a private property owned by (b)(6) PII(b)(6) PII, the landowner (b)(6) PII(b)(6) PII(b)(6) PII (b)(6) PII LNG facility.

## Findings

We conducted audio-visual point counts, using playback, at six locations on (b)(6) PII(b)(6) PII property. Each point location was surveyed 9 or 10 times between May 2017 and April 2019, for a total of 56 surveys. A Black Rail was detected at least once at five of the six points (83.3%),

and among the 56 survey attempts, one or more Black Rails were detected 17 times (30.4%). Across the entirety of our other 147 point count locations elsewhere in coastal Louisiana, a Black Rail was detected at 16 points (10.9%), with 1176 surveys resulting in 21 Black Rail detections (1.8%).

During the non-breeding season (November – March), we also conducted nocturnal drag-line surveys to flush rails. Across the two winters, we surveyed 16 sites 61 times, four of which were on (b)(6) PII(b)(6) PII property. We found Black Rails at all four sites (100%) on (b)(6) PII(b)(6) PII property, but only at 3 of 12 (25%) sites elsewhere in our study. Among the 36 Black Rails found during these drag-line surveys, 30 (83.3%) were on (b)(6) PII(b)(6) PII property.

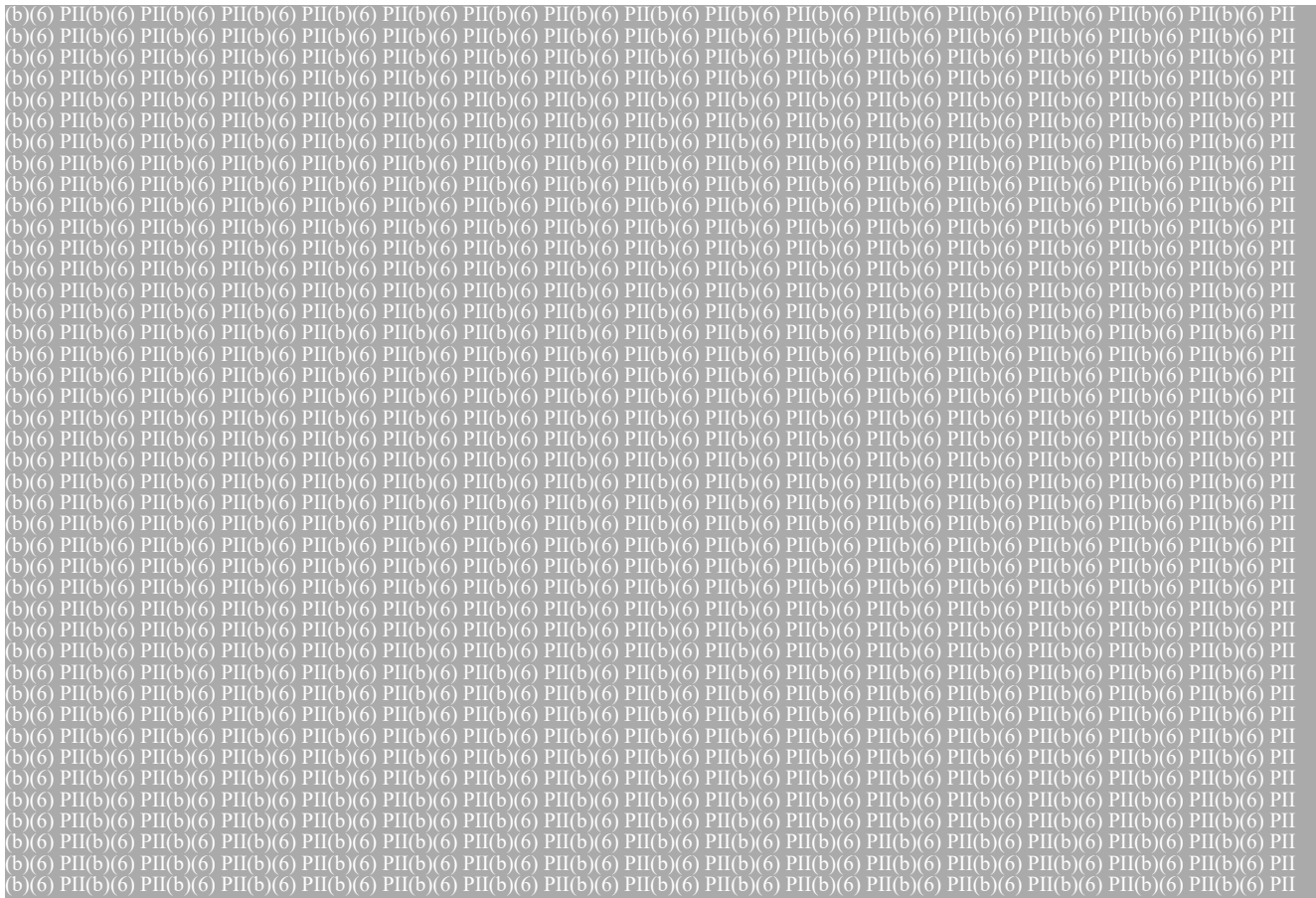


Figure 1. The location of Black Rail detections on (b)(6) PII(b)(6) PII property, (b)(6) PII(b)(6) PII (b)(6) PII(b)(6) PII(b)(6) PII(b)(6) PII(b)(6) PII between May 2017 and April 2019.

In short, (b)(6) PII(b)(6) PII property supports the most important Black Rail habitat among the areas that we have searched in Louisiana. What is apparent from multiple site visits, as well as aerial imagery, is that the habitat on (b)(6) PII(b)(6) PII property (dominated by *Spartina spartinae*/Gulf cordgrass) (b)(6) PII(b)(6) PII(b)(6) PII(b)(6) PII, i.e., toward the proposed LNG facility. In our experience, there is little question that this critically important and unique habitat extends beyond (b)(6) PII(b)(6) PII property in both directions, and supports additional Black Rails. Given our current state of knowledge of Black Rails in Louisiana, it seems plausible that this relatively small area

south of LA-82 and east to Calcasieu Pass likely supports a significant proportion of Louisiana's Black Rail population.

As such, we offer suggestions as to where we anticipate Black Rail habitat to exist on or adjacent to the proposed Commonwealth LNG facility, based on our experience nearby and by examining aerial imagery (Figure 2). As a caveat, these areas may not all be equivalent in suitability, and may depend on various factors, such as fire regimes, hydrological regimes, and edaphic features, and should be systematically surveyed by skilled professionals should plans for the LNG facility proceed. We do note anecdotally that frequent fire does appear to support Black Rails, as soon as wetland vegetation recovers, even within the first few months of the growing season. Studies are underway to better understand the relationship between fire, habitat conditions, and Black Rail occupancy.



Figure 2. Presumed Black Rail habitat in the area of a proposed LNG facility based on surveys conducted on an adjacent property between 2017 and 2019.

To our knowledge, the creation of new Black Rail habitat has not been tested or implemented in the region. Suitable conditions for *Spartina spartinae*, the apparent preferred wetland plant we have found best predicting Black Rail habitat, includes a combination of elevation (above the daily tidal zone), periodic flooding that creates salty soil conditions, being well drained (containing larger grained sediments), and periodic fire (to prevent encroachment by woody

vegetation). In addition, appropriate grazing rotations may help mimic some of the habitat conditions created by fire. Creating this type of habitat through dredging has not been attempted purposely, to our knowledge, but we recommend bringing experts together who might be able to find and utilize opportunities to test this restoration approach.

#### Acknowledgements

I am grateful to the Louisiana Department of Wildlife and Fisheries and U.S. Fish and Wildlife Service, which funded this two-year project. Dozens of volunteers helped us conduct drag-line surveys in search for the elusive Black Rail. Justin Lehman, Jonathon Lueck, and Collin Brown were full-time (Justin) and seasonal (Jonathon and Collin) employees of Audubon Louisiana who conducted a substantial portion of field work for this project.



**United States Department of the Interior**  
 OFFICE OF THE SECRETARY  
 Office of Environmental Policy and Compliance  
 1849 C Street, NW - MS 5538 - MIB  
 Washington, D.C. 20240

Number	ER21/0280	OEPC File Number: PEP/NRM 9043.1	
State:	LA		
Region:	Interior Region 4		
Addresses:	FWS,NPS,OSMRE,USGS		
From:	Team Leader, Natural Resources Management, Office of Environmental Policy and Compliance /s/		
Project Title:	Notice of Application for Amendment and Establishing Intervention Deadlines for Commonwealth LNG, LLC, Authorization to Site, Construct, and Operate a natural gas liquefaction and export facility (LNG Facility), FERC No. CP19-502-001, Cameron Parish, Louisiana.		
Project Action Type:	<a href="#">PA (Permit/Licence Applications)</a>		
OEPC HQ Staff Contact:	Shawn_Alam@ios.doi.gov (202-208-5465)		
REOs Contact:			
Agency:	FERC		
Sequence:	Direct		
Comments Due to Agency by:	08/03/21		
Send Comments to:			
Federal Register URL(s):			
Project URL(s):	<a href="https://elibrary.ferc.gov/eLibrary/filedownload?fileid=15828307">https://elibrary.ferc.gov/eLibrary/filedownload?fileid=15828307</a>		
Other URL(s):			
Related ER Number(s):	Docket ID Number: CP19-502-001		
Other Information / Special Instructions / Comments:			
Attachment Type	Description	File Name	Date
Transmittal	Summary - 07/13/21	<a href="#">ER21-0280Summary210713144217j.pdf</a>	07/13/2021

## **Distribution List**

- Interior Region: Valincia\_Darby@ios.doi.gov, John\_nelson@ios.doi.gov
- Staff 1: Virginia\_Reddick@ios.doi.gov
- Staff 2: Lisa\_Treichel@ios.doi.gov
- Staff 3: Shawn\_Alam@ios.doi.gov
- Staff 4: carol\_braegelmann@ios.doi.gov
- Staff 5: cheryl\_kelly@ios.doi.gov
  - Bureaus 1: FWS\_HQ\_ERs@fws.gov
  - Bureaus 2: Roxanne\_Runkel@nps.gov
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**Fw: ENVIRONMENTAL REVIEW (ER) NEW POSTING NOTIFICATION: ER21/0280 - Notice of Application for Amendment and Establishing Intervention Deadlines for Commonwealth LNG, LLC, Authorization to Site, Construct, and Operate a natural gas liquefaction and...**

Marceaux, Joshua <Joshua\_Marceaux@fws.gov>

Mon 7/19/2021 2:48 PM

**To:** ERs, FWS HQ <FWS\_HQ\_ERs@fws.gov>

**Cc:** Rieck, Brad <brad\_rieck@fws.gov>; Paille, Ronald <ronald\_paille@fws.gov>; Willis, Christine <christine\_willis@fws.gov>

 1 attachments (80 KB)

ER 21\_0280.pdf;

Hi,

We have reviewed ER21/0280 - Notice of Application for Amendment and Establishing Intervention Deadlines for Commonwealth LNG. We are currently in Section 7 ESA consultation with Commonwealth LNG. This amendment does not change/effect that consultation. Therefore, we have no comment.

-Josh

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**From:** Rieck, Brad <brad\_rieck@fws.gov>

**Sent:** Thursday, July 15, 2021 8:16 AM

**To:** Marceaux, Joshua <Joshua\_Marceaux@fws.gov>

**Cc:** Paille, Ronald <ronald\_paille@fws.gov>

**Subject:** Fw: ENVIRONMENTAL REVIEW (ER) NEW POSTING NOTIFICATION: ER21/0280 - Notice of Application for Amendment and Establishing Intervention Deadlines for Commonwealth LNG, LLC, Authorization to Site, Construct, and Operate a natural gas liquefaction and...

Brad Rieck  
Deputy Field Supervisor  
U.S. Fish and Wildlife Service  
Louisiana Ecological Services  
Mississippi-Basin Region  
200 Dulles Drive  
Lafayette, LA 70506  
337-291-3116 (phone)  
337-291-3139 (Fax)  
brad\_rieck@fws.gov  
<https://www.fws.gov/southeast/lafayette>

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**From:** ERs, FWS HQ <FWS\_HQ\_ERs@fws.gov>  
**Sent:** Wednesday, July 14, 2021 3:07 PM  
**To:** Willis, Christine <christine\_willis@fws.gov>; Rieck, Brad <brad\_rieck@fws.gov>  
**Cc:** Thatcher, Ben <ben\_thatcher@fws.gov>; Green, Frankie A <frankie\_green@fws.gov>  
**Subject:** Fw: ENVIRONMENTAL REVIEW (ER) NEW POSTING NOTIFICATION: ER21/0280 - Notice of Application for Amendment and Establishing Intervention Deadlines for Commonwealth LNG, LLC, Authorization to Site, Construct, and Operate a natural gas liquefaction and...

**FWS Directions:**

**FO-** Comments due to FERC by 08/03/2021.  
Please provide a copy of any comments you make to HQ Branch of Environmental Review ([FWS\\_HQ\\_ERs@fws.gov](mailto:FWS_HQ_ERs@fws.gov)).

Thank you,

HQ Branch of Environmental Review\*



\*We use a generic email to manage Environmental Reviews.  
For immediate assistance, please contact:

Kourtney Stonehouse  
Fish and Wildlife Biologist  
U.S. Fish and Wildlife Service  
[Branch of Environmental Review](#)  
5275 Leesburg Pike  
Falls Church, VA 22041-3803  
(703) 358-2603

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**From:** oepchq@ios.doi.gov <oepchq@ios.doi.gov>  
**Subject:** ENVIRONMENTAL REVIEW (ER) NEW POSTING NOTIFICATION:  
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