United States Department of the Interior

FISH AND WILDLIFE SERVICE
North Dakota Ecological Services Field Office
3425 Miriam Avenue
Bismarck, North Dakota 58501

2025 USFWS NDFO Conservation and Consultation Guidance[1]

The U.S. Fish and Wildlife Service (the Service), North Dakota Field Office (NDFO) have developed these conservation recommendations to provide options to avoid impacts to species protected under the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.) (ESA), as well as other trust wildlife resources. We encourage project proponents contact us on specific project level effects as there is flexibility on how these measures may be applied, and these general recommendations are not a substitute for consultation requirements under section 7 of the ESA. For more information, contact us at ndfieldoffice@fws.gov or (701) 250-4481.

Species/ Type	Recommended Avoidance Area	Conservation Recommendations	Period of Concern
Bald Eagle	660 ft if the activity visible from nest OR 330 ft if visual screen	Aerial survey recommended in the spring, before leaf-out	Feb. 1 – July 15
Dakota skipper	250m – 500m from suitable habitat	Field surveys are recommended to identify habitat if projects are in native grasslands.	June 10 – July 25
Golden Eagle	No visual buffer – ½ mile buffer Visual buffer – 660 feet	Aerial survey recommended in the spring, before leaf-out	Jan 15 – August 31
Grassland Ground-nesting birds			May 1 – July 15
Northern Long Eared Bat		Optimal Tree Removal Period August 16-May 31	April 15 – Oct. 31
Piping plover	0.5 mile buffer around occupied habitat during the nesting season	Avoid impacts to suitable habitat during the nesting season	April 15 – Aug. 15
Pallid sturgeon		Avoid impacts during the migration and Spawning period	April 1 – July 31
Whooping Crane	1.2 mile no-activity zone when present	See species specific section for project specific recommendations	March 15 – May 15 Sept. 10 – Nov. 15

[1] **Suggested Citation:** USFWS. 2025. USFWS NDFO Conservation Recommendations. U.S. Fish and Wildlife Service - North Dakota Ecological Services Field Office. Bismarck, ND. Version 4/17/2025

Information for Planning and Consultation (IPaC)

To streamline ESA compliance, please consider using the Information for Planning and Consultation (IPaC) tool (http://ecos.fws.gov/ipac). This tool provides guidance to determine:

1) If listed species or critical habitat may be present within an action area
2) If the project and associated actions are likely to affect listed species
3) Provide minimization measures to ensure the recovery of species affected.

To learn how to use IPaC, the Service has a beta version that is intended for new users to test out the tool, along with links to helpful video demonstrations (https://ipacb.ecosphere.fws.gov/). Additionally, the NDFO website (https://www.fws.gov/office/north-dakota-ecological-services/library) contains step-by-step guidance for navigating IPaC and determination keys for projects located within North Dakota.

Consultation Guidance

Under section 7(a)(2) of the ESA, if a Federal agency authorizes, funds, or carries out a proposed action, the responsible Federal agency, or its delegated agent, is required to evaluate whether the action "may affect" listed species or critical habitat. The following bullets lay out next steps for Federal action agencies based on their effect determinations made to listed species or critical habitat from proposed actions.

- If a *"no effect"* determination is made for listed species or critical habitat, the responsibility for the "no effect" determination remains with the Federal action agency and no further consultation with the Service is necessary. The Service recommends retaining documentation of the determination in the decisional records for the action.
- If a *"may affect, not likely to adversely affect"* determination is made for listed species or critical habitat the responsible Federal action agency should reach out to the NDFO for written concurrence. For projects using determination keys, see the guidance below.
- If a *"may affect, is likely to adversely affect"* determination is made for listed species or critical habitat, the responsible Federal action agency shall request formal section 7 consultation with the NDFO.

Determination Keys

Determination keys are logic-based questions to help provide consistent effects analyses for standard project reviews. They are intended to provide a streamlined consultation process. When using determination keys in IPaC, there may be several to select during the screening process:

- **North Dakota Determination Key**: This key covers all project types except wind energy development and purposeful take. Wind energy projects need to work directly with the field office. The key covers all species in the state, except the northern long-eared bat. Proponents with northern long-eared bat on their official species list would need to complete both the North Dakota determination key and the northern long-eared bat specific keys to be in full compliance.
- **Northern Long-eared Bat and Tricolored Bat Range-wide Determination Key**: Specific to these two bat species, this range wide key covers project types that may occur within the range of these species, but does not include transportation projects. If these species are present in the project area, this key will need to be completed in addition to the statewide key.

- **FHWA, FRA, FTA Programmatic Consultation for Transportation Projects affecting IBAT, NLEB, or TCB:** Similar to the range wide nothern long-eared bat dkey, this key covers all transportation related projects analyzed within the programmatic consultation for projects authorized by the Federal Highway Administration, Federal Railroad Administration, and Federal Transit Administration. If the northern long-eared bat is present within a project area and meets this project type, this key will need to be completed in addition to the statewide key.

After completing a determination key, the resulting letter may be labeled as either a 1) Concurrence, 2) "May Affect" or MA Consistency, or 3) Consistency/Technical Assistance.

1) When a project using an IPaC determination key generates a **Concurrence letter**, this indicates your project activities were consistent with the analysis and no additional consultation for that project is needed unless one or more of the following occurs:
   a) The scope, timing, duration, or location of the proposed project changes.
   b) New information reveals the action may affect listed species or designated critical habitat.
   c) A new species is listed or critical habitat designated
2) When a project receives a **"May Affect" or MA Consistency letter** that does not further distinguish to "is likely to adversely affect" (LAA) or "not likely to adversely affect" (NLAA), this indicates the project includes additional complexities that are not covered by the analysis and additional consultation is needed. To complete consultation, contact the NDFO at ndfieldoffice@fws.gov and include with your email the IPaC Project number, a shapefile of the Action Area, the generated "May Affect" letter, and we can assist with processing the consultation request.
3) When a project receives a **Consistency/Technical Assistance[2] letter** it could indicate either:
   a) All effect determinations made for indicated project activities were "no effect" or
   b) The user has indicated they are not the federal action agency nor are they a designated non-federal representative for the lead federal action agency on the project.
      i) If the Consistency/Technical Assistance letter is due to:
         (1) All effect determinations for the indicated project activities being "no effect", this letter is only being produced for federal action agency record keeping purposes. The responsibility for the "no effect" determination(s) remains with the Federal action agency and no further consultation with the Service is necessary.
         (2) The user indicates they are not a federal action agency nor are they a designated non-federal representative for the lead federal action agency, consultation with the Service is not complete. The federal action agency or its designated non-federal representative will need to log into IPaC using their agency email account and *Search by record locator* – the produced Consistency/Technical Assistance letter will have the record locator number to search for the specific project. Once the federal action agency or its designated non-federal representative certify the letter, it will produce a Concurrence letter (so long as the project activities meet the scope of the

[2] The title of this letter varies between determination keys. Some producing this letter type refer to it as a consistency letter, while other determination keys may refer to it as a technical assistance letter.

determination key analysis), meeting the ESA consultation requirement for the project.

Bald and Golden Eagle Protection Act (BGEPA)

The Bald and Golden Eagle Protection Act protects bald or golden eagles, including their parts, nests, or eggs, from "take" unless a permit is obtained from the Service. If a bald or golden eagle is present near a proposed project, the 2024 eagle permit revisions (89 FR 9920; Feb. 12, 2024), as allowed under BGEPA, are intended to increase the efficiency and effectiveness of permitting, facilitate and improve compliance, and increase the conservation benefit for eagles for activities that are otherwise lawful. They include a new system of general permits in addition to the specific-permit situations the Service has authorized in the past. These general permits are designed for situations with low risks to eagles and are an alternative approach to authorize certain energy generation projects, power-line infrastructure, activities that may disturb breeding bald eagles, and bald eagle nest take. The Service will continue to review specific permits for situations that have high or uncertain risks to eagles, thus meeting the preservation standard for eagles.

> BGEPA defines "**take**" as "pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb.
>
> "**Disturb**" is defined as "to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, 1) injury to an eagle, 2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or 3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior."

Unlike bald eagles, whose numbers have increased in recent years, golden eagle populations appear to be slightly decreasing. These declines may be due to several factors, including susceptibility to some human disturbances, especially during breeding. We recommend that your analysis consider possible effects to golden eagles if there is a nest within ½ mile of your project.

Conservation Recommendations

- For bald eagles, reduce disturbance by maintaining a 660-foot buffer between the activity and any active nest if no landscape buffer exists OR maintain a minimum 330-foot buffer between the activity and the active nest if a visual buffer is present (i.e. tree screen, or other landscape feature).
- For golden eagles, maintain a ½-mile buffer between the activity and any active nest if no landscape buffer exists, OR maintain a minimum 660-foot buffer between the activity and the active nest if a visual buffer is present (i.e. tree screen, or other landscape feature)

Additional Information

- U.S. Fish and Wildlife Service (USFWS). 2025a. Bald and Golden Eagle Protection Act. Accessible at https://www.fws.gov/law/bald-and-golden-eagle-protection-act. Accessed March 2025.
- USFWS 2025b. Eagle Management. Accessible at: https://www.fws.gov/program/eagle-management. Accessed March 2025.
- USFWS 2007. National Bald Eagle Management Guidelines. Available at: https://www.fws.gov/sites/default/files/documents/national-bald-eagle-management-guidelines_0.pdf. Accessed March 2025.

Dakota Skipper

The Dakota skipper (*Hesperia dacotae*) butterfly occupies remnant native prairie throughout North Dakota and can be identified when adults are in flight from approximately June 10 – July 25. A range wide survey protocol was developed in 2024 to define suitable habitat and protocols for conducting surveys (USFWS 2024a). A model has also been developed by the USFWS Habitat and Population Evaluation Team (HAPET) that helps project proponents identify, at the desktop scale, if suitable habitat may be present in a particular area (Barnes KW and Others 2023).

Conservation Recommendations

- If suitable habitat, defined generally as intact native grassland identified during a field evaluation, is present within a particular project area, our general recommendation for reducing effects would be to maintain a 250-meter buffer between a project and suitable Dakota skipper habitat and a 500-meter buffer from occupied suitable habitat and/or designated critical habitat. A more detailed definition of suitable habitat is present in the 2024 survey protocol (USFWS 2024a).

Additional Information

- USFWS 2025c. Dakota Skipper. https://www.fws.gov/species/dakota-skipper-hesperia-dacotae. Accessed March 2025.
    - The official page for this species, this website provides species information, interactive range maps, and other resources to aid in consultations.
- USFWS 2024a. 2024 Dakota Skipper (*Hesperia dacotae)* Survey Protocol, Midwest and Mountain Prairie Regions. Available online at: https://www.fws.gov/sites/default/files/documents/2024-05/2024-usfws-dakota-skipper-survey-protocol.pdf. Accessed March 2025.
    - This survey protocol can be used to guide mapping suitable habitat, conducting occupancy surveys, and determining when a site may be absent.
- Barnes KW and Others. 2023. Dakota Skipper Habitat Suitability Model. Accessible online at: https://iris.fws.gov/APPS/ServCat/Reference/Profile/159874 HAPET. Bismarck, ND.
    - Used in concert with the official species range present in IPAC, this tool can be used to help refine where probability of suitable habitat may be present on the landscape.

Northern Long-Eared Bat

Northern long-eared bats (*Myotis septentrionalis;* NLEB) spend winters in hibernation and spring, summer, and fall in forested areas. During hibernation, NLEB use caves, karst, and mines, called hibernacula, that can vary in size, but maintain constant temperatures, high humidity, and no air currents throughout the winter months. Currently, there are no known northern long-eared bat hibernacula in North Dakota. There is potential for NLEB to use hibernacula as many have not been surveyed to determine presence or absence.

During the summer and portions of the fall and spring, NLEBs may be found roosting singly or in colonies underneath bark, in cavities or in crevices of both live trees or dead trees/snags. Recently, a maternity colony of NLEBs was detected in northwestern North Dakota when females were captured during the 2024 summer field season. Deciduous trees >3-inch diameter at breast height (DBH) and coniferous trees >16 inch DBH are considered potential habitat for this species, as well as caves, karst, or mine features that may be used as hibernacula.

Conservation Recommendations

- If the project area is located outside of a known location, but within an area where NLEBs may be present (i.e., "Species List Area", defined in the Additional Information section below), we recommend conducting a voluntary presence/probable absence survey following the Service's *Survey Guidelines* (USFWS 2024b), or assume presence and avoid removing suitable roost trees (deciduous trees >3" and coniferous trees >16" DBH) during the pup season (June 1 – August 15).
- If tree removal activities cannot be avoided during the pup season, we recommend retaining suitable roost trees within 600 feet of a known maternity roosts.
- If a NLEB hibernacula is identified in North Dakota in the future, we would recommend avoiding activities resulting in the disruption or disturbance of NLEB in their hibernacula during hibernation; avoiding activities resulting in adverse effects to NLEB hibernaculum entrance(s) or intern environments (e.g., adverse alterations to airflow, microclimate, and hydrology) at any time of year; and avoiding removal of suitable roost trees within 0.25 mile of a known NLEB hibernaculum entrance(s).

Active Season [April 15 – October 31] is an overall term that is used to encompasses the *Spring Staging*, *Pup Season*, and *Fall Swarming* time periods.

Spring Staging [April 15 – May 14] is the timeframe when most bats are emerging from hibernation, roosting in trees near hibernacula, and preparing/migrating to summer home ranges.

Pup Season [June 1 – August 15] is a timeframe that includes late pregnancy, when most young are born, and up until those young are able to fly and forage independently. This is an especially venerable timeframe as escape from hazards, such as tree removal, is made harder due to the non-flying pups' reliance on the mother to move the individual.

Fall Swarming [August 16 – October 31] is the timeframe when most bats are migrating back to hibernacula and a period of increased activity (e.g., foraging and mating) prior to entering hibernation.

Inactive Season [November 1 – April 14] is a time frame when most bats are hibernating.

- When bridge/culvert repair, retrofit, and rehabilitation work is anticipated to occur during the NLEB active season (April 15 – October 31) where NLEB have the potential to occur (i.e. "Species List Area"), we recommend conducting bat use surveys to determine bat use following the Service's standard protocols (USFWS 2024b). If the project structure has evidence of use, notify the NDFO of findings and we will assist with coordinating next steps.

Additional Information

- USFWS 2025d. Northern Long-eared Bat. https://www.fws.gov/species/northern-long-eared-bat-myotis-septentrionalis. Accessed March 2025.
    - The Service released final tools and guidance to replace the species specific 4 (d) rule regulations on October 23, 2024, found at the above link. These resources are updated as new information become available. Please check this link periodically to ensure the most recent guidance is used.
    - "Species List Area" is defined as the known NLEB occurrences and modeled likelihood of occurrence where the species may be present. This is the range used in IPaC when generating Official Species List. The "Species List Area" (also sometimes referred to as "AOI", "Current Range", "Consultation Range", or "Legal Range") can be found at the link above.
- USFWS. 2024b. Range-wide Indiana Bat and Northern Long-eared Bat Survey Guidelines. U.S. Fish and Wildlife Service, Region 3, Bloomington, MN. 95 pp. https://www.fws.gov/media/range-wide-indiana-bat-and-northern-long-eared-bat-survey-guidelines. Accessed March 2025.
    - The *Survey Guidelines* are annually reviewed and updated by the Service in March; ensure you are using the most up to date version when planning voluntary presence/probable absence surveys.
- USFWS 2025e. Land-based Wind Energy Voluntary Avoidance Guidance for the Northern Long-eared Bat. https://www.fws.gov/library/collections/land-based-wind-energy-voluntary-avoidance-guidance-northern-long-eared-bat.
    - The NLEB Range for wind energy projects is different from the "Species List Area".
- If you have evaluated your project through the *Northern Long-eared Bat and Tricolored Bat Range-wide Determination Key* (NLEB/TCB) using IPaC and received a "May Affect" determination letter, this indicates your project includes some additional complexities that the NLEB/TCB determination key does not cover and additional consultation is needed. To complete the consultation process, please contact the NDFO at ndfieldoffice@fws.gov and include with your email the IPaC Project number, a shapefile of the Action Area, the generated "May Affect" letter, and any other pertinent information that will assist the consultation.
    - See the IPaC section for more information regarding the use of IPaC and determination keys.

Pallid Sturgeon

In North Dakota, the pallid sturgeon (*Scaphirhynchus albus*) is known to use habitat in the Yellowstone River, Missouri River, and Lake Sakakawea, specifically upstream of the Garrison Diversion. Projects that directly affect these water resources may result in effects to this species.

Conservation Recommendations

- To the extent practicable, avoid in-stream work in in the Yellowstone River, Missouri River, and Lake Sakakawea from **April 1-July 31** during the migration and spawning season. If in-stream work is needed during these times, please coordinate with the NDFO to reduce effects to the species.
    - Spawning dates vary from year to year and state to state depending on water temperatures, dam releases, and other environmental and climatic influences; dates recommended for North Dakota may differ from adjacent states.
- For cooling water intakes, we recommend following the Environmental Protection Agency Best Technology Available (BTA) Standards for impingement mortality, explained in detail in 40 CFR 125.94(c) and summarized below:
    - Use closed-cycle recirculating systems and conduct daily monitoring of actual intake flows; or
    - Demonstrate ≤ 0.5 ft/sec through-screen design velocity: or
    - Demonstrate ≤ 0.5 ft/sec through-screen actual velocity and daily monitoring of velocity; or
    - Use existing offshore velocity cap and daily monitoring of intake flow; or
    - Use modified traveling screens, optimized to minimize impingement mortality; or
    - Install BTA systems of technology, management practices, and operational measures; or
    - Conduct 12-month impingement mortality performance standard and monthly monitoring, which should include the number of fish killed or number of fish impinged lower than 24 percent
- For general water intakes, we recommend:
    - Designing facilities to have intake velocities less than 0.5 feet per second (fps)
    - Using intake screens sized to have a maximum mesh opening of ¼ inch
    - Using a Johnson (or Johnson Type) screen/intake if feasible.
- For intakes proposed in potential reproduction areas, specifically in the Yellowstone River or in the Missouri River below river mile 1519 (approximately 3 miles south of Lewis and Clark State Park), we recommend:
    - Using floating intakes with navigation hazard warning lights
    - Locate floating intakes over water with a minimum depth of 20 feet or over the deepest water available. If water depth falls below 6 feet, we recommend moving the intake to deeper water or limit the maximum intake velocity to ¼ foot per second over the maximum practicable attainable depth.

Additional Information

- USFWS 2025. Pallid Sturgeon. https://www.fws.gov/species/pallid-sturgeon-scaphirhynchus-albus. Accessed March 2025.
    - The official page for this species, this website provides species information, interactive range maps, and other resources to aid in consultations.

Piping Plover

The piping plover (*Charadrius melodus*) is a small shorebird that uses gravelly and sandy beaches along the Missouri River/Lake Sakakawea and alkali wetlands in the prairie pothole region of North Dakota. The Northern Great Plains population segment of this species typically breeds in the great plains, including North Dakota, during the summer months and migrates south to the gulf coast to overwinter.

Conservation Recommendations

- During the piping plover nesting season from **April 15-August 15**, avoid direct effects to nesting habitat, which includes sand and gravel beaches, alkali flats, gravel shorelines, and river sandbars.
- If effects to suitable piping plover habitat are proposed during the nesting season, surveys are recommended to determine species presence. We recommend the following when conducting surveys:
    - If suitable habitat is present, conduct presence surveys for piping plovers within a 0.5-mile radius of the proposed project in suitable habitat.
    - Surveys should be conducted by a qualified biologist daily, starting seven (7) days prior to construction activities.
    - Conduct surveys primarily in the morning when there is adequate light to detect and identify birds. From a good vantage point, survey areas using a binoculars or spotting scope for a minimum of 20 minutes in each 0.5-mile direction. Monitoring from several different viewing areas may need to occur, moving areas until the entire 0.5-mile radius is surveyed. Focus specifically for bird movements along sandbars in the middle of the channel, along the shoreline, and on recently formed floodplain sand deposits.
    - If no birds are observed, project activities can commence with no additional surveys.
    - If birds are present foraging or nesting, contact us for recommendations to avoid effects to the species.
- If at any time, an active nest, chick or adult bird is observed within 0.5 miles of the project:
    - Do not attempt to disturb or remove the birds or nests.
    - Do not start or continue construction activity within 0.5 miles of the adult, chick, or nest until piping plovers or their nests are no longer present within 0.5 miles of the project, or it is determined by the USFWS that there is no risk for disturbance.

Additional Information

- USFWS 2025f. Piping Plover. https://www.fws.gov/species/piping-plover-charadrius-melodus Accessed March 2025.

Rufa Red Knot

The rufa red knot (*Calidris canutus rufa*) is a rare migrant that occasionally uses stopover habitat in North Dakota during its long-distance migration. This species has been documented in various aquatic habitats in North Dakota, from the Missouri River to prairie pothole wetlands.

Conservation Recommendations

- If a rufa red knot is sighted within one mile of the action area during project activities, the USFWS should be contacted at 701-250-4481 or ndfieldoffice@fws.gov. In coordination with the USFWS, work may resume after the bird(s) leave the area.

Additional Information

- USFWS 2025g. Rufa Red Knot. https://www.fws.gov/species/rufa-red-knot-calidris-canutus-rufa. Accessed March 205.

Western Prairie Fringed Orchid

The western prairie fringed orchid (*Platanthera praeclara*; WPFO) is known to occur on in southeast North Dakota in Ransom and Richland counties or near the Sheyenne National Grasslands in North Dakota. Activities involving herbicide application, water drainage, water/wetland alteration, breaking native prairie, or burning, may have adverse effects to this species.

Conservation Recommendations

- Noxious weeds at WPFO sites should be controlled, but herbicide use at WPFO sites should be limited to spot spraying, especially during summer. Avoid insecticide use that could harm pollinators of the orchid.
- Mowing, haying, brush cutting, etc. should be avoided to the extent possible if it overlaps with the orchid's growing season (late spring through the end of July) and in the spring it should not be cut too close to the ground.
- Fire and grazing with goats and sheep should also be avoided to the extent possible if it overlaps with the growing season, although fire may be more restrictive. Studies by the Minnesota Department of Natural Resources indicate fire can damage the plant as soon as it emerges and is more than a few inches tall (as early as April), but damage is less in the fall (mid-September or after) since the chances of damaging seed capsules that have not properly dispersed is low.
- Maintain grassland habitats to promote recovery of this species.

Additional Information

- USFWS 2025h. Western Prairie Fringed Orchid. https://www.fws.gov/species/western-prairie-fringed-orchid-platanthera-praeclara. Accessed March 2025.
    - The official page for this species, this website provides species information, interactive range maps, and other resources to aid in consultations.

Whooping Crane

The endangered whooping crane (*Grus americana*) migrates through North Dakota during the spring and fall, which occurs from approximately **March 15-May 15**, and **September 10-November 15**. If project activities were to occur during this timeframe and whooping cranes were to occupy the area within 1 mile of construction or other activity, then the activity could cause whooping cranes to be disturbed and leave the area. If this were to occur, it would most likely occur first thing in the morning, as whooping cranes overnight in one area before continuing the next morning. Disturbance, such as flushing the cranes, stresses them at critical times of the year, including migration.

Whooping crane strikes of electrical utility lines have been cited as a cause for mortality, and indirect effects from energetic losses due to avoidance around renewable energy projects may also occur. For these reasons, we recommend project proponents consider implementing specific conservation measures to avoid impacts to this species.

Conservation Recommendations

- If a whooping crane is sighted within 1.2 miles of the action area for projects with a Federal nexus, the USFWS should be contacted at 701-250-4481 or ndfieldoffice@fws.gov
- Within a 1.2 miles (2 km) buffer from proposed new construction of overhead utility lines and a 5 km buffer from a wind turbine center point, quantify potential impacts to habitat using the whooping crane habitat suitability model developed by Niemuth et al. 2018 (link for geospatial dataset available below in "Additional Resources").
- For all new, replaced, or upgraded utility lines within 1.2 miles (2 km) of potentially suitable habitat, we recommend marking the lines and maintain markers for the life of the project to ensure effectiveness to reduce the potential for strikes and possible mortality.

Additional Resources:

- Neimuth et al 2018. Whooping Crane Migration through North Dakota and South Dakota. Geospatial Dataset. North Dakota, South Dakota. https://ecos.fws.gov/ServCat/Reference/Profile/148840. Accessed March 2025.
- Ellis KS, Pearse AT, Brandt DA, Bidwell MT, Harrell W, Butler MJ and Post van der Burg M. 2022. Balancing future renewable energy infrastructure siting and associated habitat loss for migrating whooping cranes. Front. Ecol. Evol. 10:931260. doi: 10.3389/fevo.2022.931260 https://www.frontiersin.org/journals/ecology-and-evolution/articles/10.3389/fevo.2022.931260/full. Accessed March 2025.
- Niemuth, ND, Ryba AJ, Pearse AT, Kvas SM, Brandt DA, Wangler B, Austin JE, and Carlisle MJ. 2018. Opportunistically collected data reveal habitat selection by migrating Whooping Cranes in the U.S. Northern Plains, The Condor, 120(2), 343–356, https://doi.org/10.1650/CONDOR-17-80.1. Accessed March 2025.

Migratory Bird Treaty Act (MBTA)

The Migratory Bird Treaty Act protects migratory birds from killing, capturing, selling, trading, and transport without prior authorization. In North Dakota, migratory birds are typically most vulnerable to development activities during the nesting season (May 1 – July 15). For projects

that may impact migratory birds or if further information is needed, please contact our office for further guidance.

Additional Resources:

- USFWS 2025i. Migratory Bird Treaty Act of 1918. https://www.fws.gov/birds/policies-and-regulations/laws-legislations/migratory-bird-treaty-act.php. .Accessed April 2025.
    - This resource includes a complete list of species that are covered as well as not covered under MBTA.
- USFWS 2025j. U.S. Fish and Wildlife Service ePermits. https://fwsepermits.servicenowservices.com/fws. Accessed April 2025.

US Fish and Wildlife Service Easement Interests

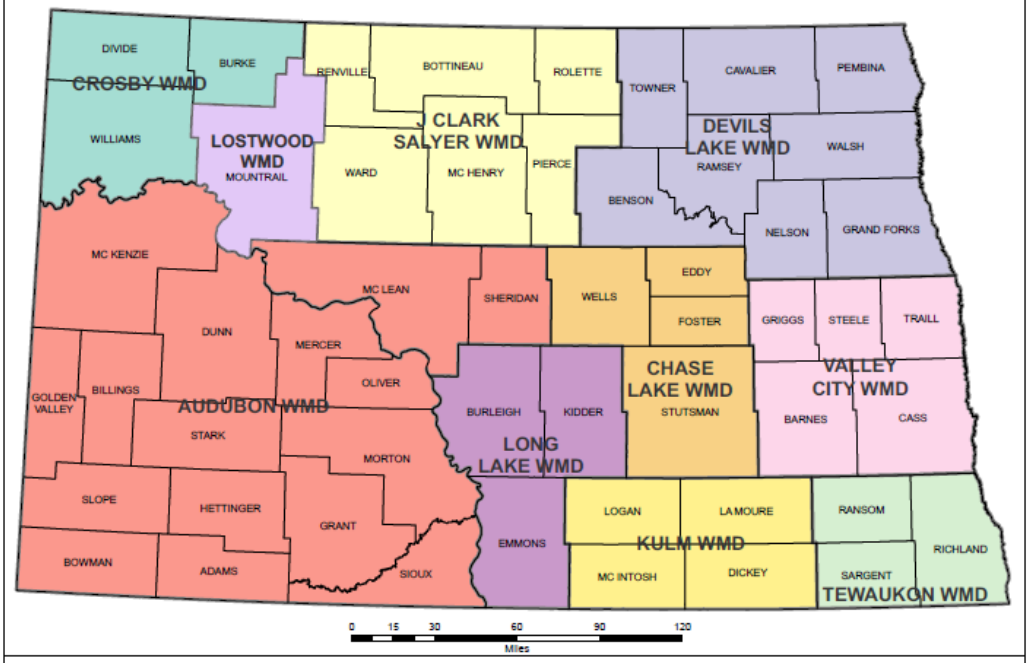
The Service may hold wetland or grassland easements within project areas that overlap within defined acquisition areas for each wetland management district; in North Dakota, these areas are concentrated in the prairie pothole region through the central portion of North Dakota. If there are specific questions related to management or easement terms, please contact the local Wetland Management Districts (WMDs) that administers the easement, with general numbers provided in the map below. If you are unsure of the local contact, please contact us and we can direct you to the responsible individual.

Additional Resources:

- USFWS 2025j. National Wildlife Refuge System and Fish Hatcheries, FWS National Realty Tracts and Acquisition Boundaries. https://experience.arcgis.com/experience/17640b43745d4b44b53fc8f57dc28ed7?org=fws Accessed March 2025.

U.S. Fish & Wildlife Service

USFWS North Dakota Wetland Management Districts



Crosby WMD
10100 Hwy 42 NW
Crosby, ND 58730
701-965-6488

Lostwood WMD
8315 Highway 8
Kenmare, ND 58746
701-385-4046

J Clark Salyer WMD
681 Salyer Road
Upham, ND 58789
701-768-2548

Devils Lake WMD
221 2nd St. NW, Suite 2
Devils Lake, ND 58301
701-662-8611

Audubon WMD
3275 11th Street NW
Coleharbor, ND 58531
701-442-5474

Long Lake WMD
12000 353rd St SE
Moffit, ND 58560
701-387-4397

Chase Lake WMD
5924 19th St SE
Woodworth, ND 58496
701-752-4218

Valley City WMD
11515 River Rd
Valley City, ND 58072
701-845-3466

Kulm WMD
1st St. SW
P.O.Box E
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Data Sources: BLM: County Boundaries, USFWS: WMD Boundaries, Complex Boundaries. Map Date: 4/23/2024, HAPET