

# Species Conclusions Table

Project Manager: Keith Goodwin	Project Name: Kings Creek Dredging Project
Date: December 12, 2016	Project Number: NAO-2015-00310

Project Description: Hydraulic dredging of approximately 21720 square feet (1680 cubic yards of material) from tidal creek. Creek will be dredged to a depth of four (4) feet. Material will be placed in an upland area. Approximately 0.65 acres of tree clearing will be necessary to prepare disposal site. Disposal site is comprised of early successional pine dominated community.

## Species Under the Jurisdiction of FWS:

Species/Resource Name	Conclusion	ESA Section 7 / Eagle Act Determination	Species Info / Habitat Description	Notes / Determination
Northern long-eared bat (Myotis septentrionalis)	NLEB: Maternity colony or hibernacula may be present	May affect	<p>"Northern long-eared bats spend winter hibernating in caves and mines, called hibernacula. They typically use large caves or mines with large passages and entrances; constant temperatures; and high humidity with no air currents. Specific areas where they hibernate have very high humidity, so much so that droplets of water are often seen on their fur. Within hibernacula, surveyors find them in small crevices or cracks, often with only the nose and ears visible.</p> <p>During summer, northern long-eared bats roost singly or in colonies underneath bark, in cavities, or in crevices of both live and dead trees. Males and non-reproductive females may also roost in cooler places, like caves and mines. This bat seems opportunistic in selecting roosts, using tree species based on suitability to retain bark or provide cavities or crevices. It has also been found, rarely, roosting in structures like barns and sheds."</p>	Relying upon the findings of the 1/5/2016 Programmatic Biological Opinion for Final 4(d) Rule on the Northern Long-Eared Bat and Activities Excepted from Take Prohibitions to fulfill our project-specific section 7 responsibilities.

# Species Conclusions Table

Date: December 12, 2016	Project Number: NAO-2015-00310
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## Eagles (*Haliaeetus leucocephalus*)

Eagle Nests	Unlikely to disturb nesting bald eagles	No Eagle Act permit required		
Eagle Concentration Areas	Does not intersect with bald eagle concentration area	No Eagle Act permit required		

## Critical Habitat

N/A				
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## Other (species not listed above)

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## Species Under the Jurisdiction of NOAA/NMFS

Essential Fish Habitat	No adverse effect			
Anadromous Fish Use Area	None present			
Subaquatic Vegetation	Present			Applicant will mitigate for 650s.f. of impacts
HAPC Sandbar Shark	None present			
Atlantic Sturgeon	No effect			Based on location and work proposed no effect on the species

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## United States Department of the Interior



FISH AND WILDLIFE SERVICE  
Virginia Ecological Services Field Office  
6669 SHORT LANE  
GLOUCESTER, VA 23061  
PHONE: (804)693-6694 FAX: (804)693-9032  
URL: [www.fws.gov/northeast/virginiafield/](http://www.fws.gov/northeast/virginiafield/)

Consultation Code: 05E2VA00-2016-SLI-4355

December 12, 2016

Event Code: 05E2VA00-2017-E-01021

Project Name: NAO-2015-00310 Kings Creek Dredge Disposal Area

Subject: Updated list of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project

### To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*). Any activity proposed on National Wildlife Refuge lands must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and

endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2) (c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*), and projects affecting these species may require development of an eagle conservation plan ([http://www.fws.gov/windenergy/eagle\\_guidance.html](http://www.fws.gov/windenergy/eagle_guidance.html)). Additionally, wind energy projects should follow the wind energy guidelines (<http://www.fws.gov/windenergy/>) for minimizing impacts to migratory birds and bats.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at: <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm>; <http://www.towerkill.com>; and <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment



United States Department of Interior  
Fish and Wildlife Service

Project name: NAO-2015-00310 Kings Creek Dredge Disposal Area

## Official Species List

### Provided by:

Virginia Ecological Services Field Office

6669 SHORT LANE

GLOUCESTER, VA 23061

(804) 693-6694

<http://www.fws.gov/northeast/virginiafield/>

**Consultation Code:** 05E2VA00-2016-SLI-4355

**Event Code:** 05E2VA00-2017-E-01021

**Project Type:** LAND - DISPOSAL / TRANSFER

**Project Name:** NAO-2015-00310 Kings Creek Dredge Disposal Area

**Project Description:** Deposit dredge spoil within confined area

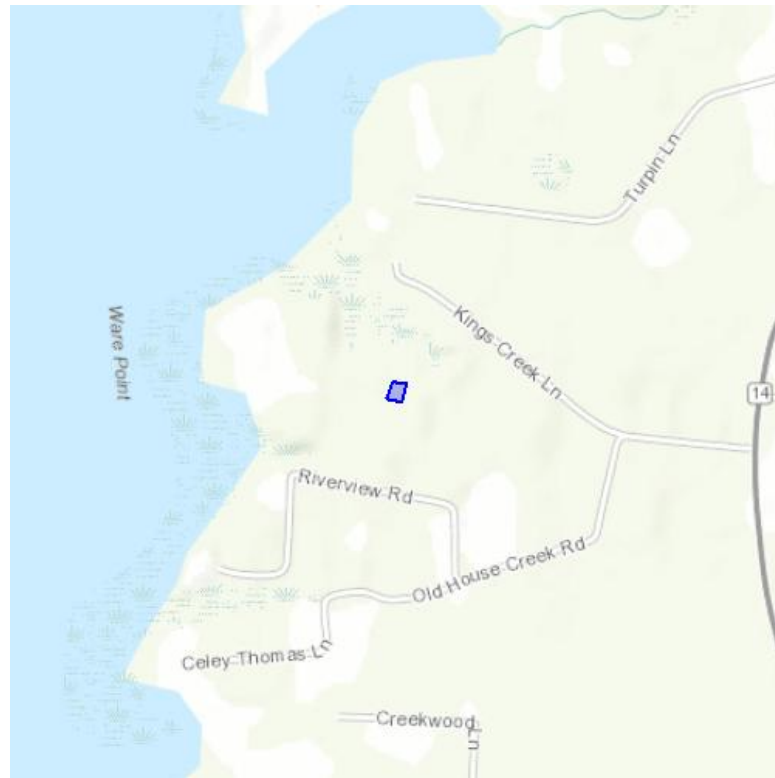
**Please Note:** The FWS office may have modified the Project Name and/or Project Description, so it may be different from what was submitted in your previous request. If the Consultation Code matches, the FWS considers this to be the same project. Contact the office in the 'Provided by' section of your previous Official Species list if you have any questions or concerns.



United States Department of Interior  
Fish and Wildlife Service

Project name: NAO-2015-00310 Kings Creek Dredge Disposal Area

### Project Location Map:



**Project Coordinates:** MULTIPOLYGON (((-76.32960140705109 37.37946758485108, -76.3297301530838 37.37913509043699, -76.32933855056763 37.379049835221544, -76.32923662662506 37.37943774566899, -76.32960140705109 37.37946758485108)))

**Project Counties:** Mathews, VA



United States Department of Interior  
Fish and Wildlife Service

Project name: NAO-2015-00310 Kings Creek Dredge Disposal Area

## Endangered Species Act Species List

There are a total of 1 threatened or endangered species on your species list. Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species. Critical habitats listed under the **Has Critical Habitat** column may or may not lie within your project area. See the **Critical habitats within your project area** section further below for critical habitat that lies within your project. Please contact the designated FWS office if you have questions.

Mammals	Status	Has Critical Habitat	Condition(s)
Northern long-eared Bat ( <i>Myotis septentrionalis</i> ) Population: Wherever found	Threatened		



United States Department of Interior  
Fish and Wildlife Service

Project name: NAO-2015-00310 Kings Creek Dredge Disposal Area

## **Critical habitats that lie within your project area**

There are no critical habitats within your project area.





United States Department of Interior  
Fish and Wildlife Service

Project name: NAO-2015-00310 Kings Creek Dredge Disposal Area

## **Appendix A: FWS National Wildlife Refuges and Fish Hatcheries**

There are no refuges or fish hatcheries within your project area.



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Consultation Code: 05E2VA00-2016-SLI-4354

December 12, 2016

Event Code: 05E2VA00-2017-E-01019

Project Name: NAO-2015-00310 Kings Creek Dredge

Subject: Updated list of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project

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United States Department of Interior  
Fish and Wildlife Service

Project name: NAO-2015-00310 Kings Creek Dredge

## Official Species List

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6669 SHORT LANE

GLOUCESTER, VA 23061

(804) 693-6694

<http://www.fws.gov/northeast/virginiafield/>

**Consultation Code:** 05E2VA00-2016-SLI-4354

**Event Code:** 05E2VA00-2017-E-01019

**Project Type:** DREDGE / EXCAVATION

**Project Name:** NAO-2015-00310 Kings Creek Dredge

**Project Description:** Dredge channel to 4-foot depths. Disposal area all forested uplands.

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United States Department of Interior  
Fish and Wildlife Service

Project name: NAO-2015-00310 Kings Creek Dredge

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United States Department of Interior  
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United States Department of Interior  
Fish and Wildlife Service

Project name: NAO-2015-00310 Kings Creek Dredge

## **Appendix A: FWS National Wildlife Refuges and Fish Hatcheries**

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