

Species Conclusions Table

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| Project Manager: Nancy Hankins | Project Name: Harbor Lane Dredging Project |
| Date: November 29, 2016 | Project Number: NAO-2016-1919 / VMRC#16-V1496 |

Project Description: The applicant proposes to mechanically dredge approximately 428 cubic yards (5,371 square feet) at a maximum depth not to exceed -3 feet below mean low water (MLW) in order to provide three residents access to the Baycliff community channel. The project is located in Mill Dam Creek, a tributary to Broad Bay, at 2097, 2093, and 2096 Harbor Lane In Virginia Beach, Virginia.

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) | No suitable habitat present | No effect | <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 Exempted from Take Prohibitions to fulfill our project-specific section 7 responsibilities, the Corps PM has made a determination of Not Likely to Adversely Affect and is looking for FWS concurrence. |

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| Roseate tern (Sterna dougallii dougallii) | Suitable habitat present, species not present | Not likely to adversely affect | "Roseate terns breed in colonies almost exclusively on small offshore islands, rarely on large islands. The northeastern colonies are on rocky offshore islands, barrier beaches, or salt marsh islands. Most colonies are close to shallow water fishing sites with sandy bottoms, bars, or shoals. The Caribbean birds nest in relatively open areas, often with no cover nearby. They breed on a variety of small cays or islands with rocky, grassy, coral rubble, or sand substrate. There is little information on the habitat of the wintering range. Some birds have been found roosting on sandbars or beaches at river mouths, estuaries, or ocean front. " | A majority of the dredging will occur in subaqueous areas with limited dredging in intertidal mudflats. Due to limited project scope, the Corps PM has made a determination of Not Likely to Adversely Affect and is looking for FWS concurrence. |
| 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 | | | | |
| Other (species not listed above) | | | | |
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| Species Under the Jurisdiction of NOAA/NMFS | | | | |
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| Essential Fish Habitat | Present | | | The habitat which this project would affect consists of shallow water and mudflats. Our assessment of the project leads us to a preliminary determination that it will not have a substantial adverse effect on EFH and therefore expanded EFH consultation is not required. The project will be coordinated with NOAA NMFS. |
| Anadromous Fish Use Area | Not present | No effect | | The proposed project does not fall within the Anadromous Fish Use Area. |
| Subaquatic Vegetation | Not present | No effect | | SAV is not present within the project boundaries. |
| HAPC Sandbar Shark | possibly present | Not likely to adversely affect | | The project will be coordinated with NOAA NMFS. |
| Atlantic Sturgeon | | No effect | | Due to the project's location and minimal scope, no interaction with sturgeon is anticipated. This shallow portion of the creek near the shore is unlikely to be appropriate foraging habitat for sturgeon. The project will be coordinated with NOAA PRD. |

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