



# United States Department of the Interior



## FISH AND WILDLIFE SERVICE

Virginia Field Office  
6669 Short Lane  
Gloucester, VA 23061

Date: November 14, 2017

### Project Review Certification Letter

Project Name: Potomac Shores

Dear Applicant:

Thank you for using the U.S. Fish and Wildlife Service (Service) Virginia Ecological Services online project review process. By printing this letter in conjunction with your project review package, you are certifying that you have completed the online project review process for the project named above in accordance with all instructions provided, using the best available information to reach your conclusions. This letter, and the enclosed project review package, completes the review of your project in accordance with the Endangered Species Act of 1973 (16 U.S.C. . 1531-1544, 87 Stat. 884), as amended (ESA), and the Bald and Golden Eagle Protection Act (16 U.S.C. 668-668c, 54 Stat. 250), as amended (Eagle Act). This letter also provides information for your project review under the National Environmental Policy Act of 1969 (P.L. 91-190, 42 U.S.C. 4321-4347, 83 Stat. 852), as amended. A copy of this letter and the project review package must be submitted to this office for this certification to be valid. This letter and the project review package will be maintained in our records.

The species conclusions table in the enclosed project review package summarizes your ESA and Eagle Act conclusions. These conclusions resulted in:

- “no effect” determinations for proposed/listed species and/or proposed/designated critical habitat; and/or
- “may affect, not likely to adversely affect” determinations for proposed/listed species and/or proposed/designated critical habitat; and/or
- “may affect, likely to adversely affect” determination for the Northern long-eared bat (*Myotis septentrionalis*) and relying on the findings of the January 5, 2016 Programmatic Biological Opinion for the Final 4(d) Rule on the Northern long-eared bat; and/or
- “no Eagle Act permit required” determinations for eagles.

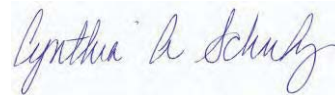
We certify that use of the online project review process in strict accordance with the instructions provided as documented in the enclosed project review package results in reaching the appropriate determinations. Therefore, we concur with the “no effect” or “not likely to adversely affect” determinations for proposed and listed species and proposed and designated critical habitat; the “may affect” determination for Northern long-eared bat; and/or the “no Eagle Act permit required” determinations for eagles. Additional coordination with this office is not needed.

Candidate species are not legally protected pursuant to the ESA. However, the Service encourages consideration of these species by avoiding adverse impacts to them. Please contact this office for additional coordination if your project action area contains candidate species.

Should project plans change or if additional information on the distribution of proposed or listed species, proposed or designated critical habitat, or bald eagles becomes available, this determination may be reconsidered. This certification letter is valid for 1 year.

Information about the online project review process including instructions and use, species information, and other information regarding project reviews within Virginia is available at our website [http://www.fws.gov/northeast/virginiafield/endspecies/project\\_reviews.html](http://www.fws.gov/northeast/virginiafield/endspecies/project_reviews.html). If you have any questions, please contact Troy Andersen of this office at (804) 824-2428.

Sincerely,

A handwritten signature in blue ink that reads "Cynthia A. Schulz". The signature is written in a cursive style and is positioned above the typed name.

Cindy Schulz  
Field Supervisor  
Virginia Ecological Services

Enclosures - project review package

# Species Conclusions Table

Project Manager:Theresita Crockett Augustine	Project Name: Potomac Shores
Date: 11/14/2017	Project Number: NAO-2004-03304/17-V1755

Project Description: This is a request to restore a degraded stream channel located south of Stone Mill Court in Fairfax County, 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)	NLEB: Applying the 4(d) Rule; excepted from take	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 1/15/2016 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.
Harperella (Ptilimnium nodosum)	No suitable habitat present	No effect		Suitable habitat of rocky shoals and exposed bedrock along perennial streams is not present within the study area.

# Species Conclusions Table

Date: 11/14/2017	Project Number: NAO-2004-03304/17-V1755
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Small whorled pogonia (Isotria medeoloides)	Species not present	No effect	<p>"The small whorled pogonia is a herbaceous perennial orchid. It has a widely scattered distribution in the eastern United States along the Atlantic coast from Maine to Georgia with outlying occurrences in the midwest and Canada." "In Virginia, the small whorled pogonia is found in ordinary looking third-growth upland forests with an open understory and a closed canopy where the topography is typically moderately sloping or almost level. The plants are usually associated with decaying vegetative matter such as fallen trunks and limbs, leaf litter, bark, and tree roots. The pogonia is found in soils that are acidic sandy loams with low nutrient content."</p>	<p>Although potentially suitable habitat for this species was determined to be present within the Landbays 4 and 5 study area at the time of WSSI's June 2017 habitat evaluation and search, no small whorled pogonias were documented at the time</p>

**Eagles (Haliaeetus leucocephalus)**

Eagle Nests	Unlikely to disturb nesting bald eagles	No Eagle Act permit required		No nests located within 660' of the proposed work in Landbays 4 and 5 or along proposed trail.
Eagle Concentration Areas	Does not intersect with bald eagle concentration area	No Eagle Act permit required		No nests located within 660' of the proposed work in Landbays 4 and 5 or along proposed trail.

**Critical Habitat**

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

# Species Conclusions Table

Date: 11/14/2017	Project Number: NAO-2004-03304/17-V1755
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Species Under the Jurisdiction of NOAA/NMFS				
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Essential Fish Habitat				
Anadromous Fish Use Area				
Subaquatic Vegetation				
HAPC Sandbar Shark				
Atlantic Sturgeon				

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## United States Department of the Interior



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Virginia Ecological Services Field Office  
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Gloucester, VA 23061-4410  
Phone: (804) 693-6694 Fax: (804) 693-9032  
<http://www.fws.gov/northeast/virginiafield/>

In Reply Refer To:  
Consultation Code: 05E2VA00-2018-SLI-0527  
Event Code: 05E2VA00-2018-E-01189  
Project Name: Potomac Shores

November 03, 2017

Subject: 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(s):

- Official Species List
  - USFWS National Wildlife Refuges and Fish Hatcheries
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## Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

**Virginia Ecological Services Field Office**

6669 Short Lane

Gloucester, VA 23061-4410

(804) 693-6694

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## Project Summary

Consultation Code: 05E2VA00-2018-SLI-0527

Event Code: 05E2VA00-2018-E-01189

Project Name: Potomac Shores

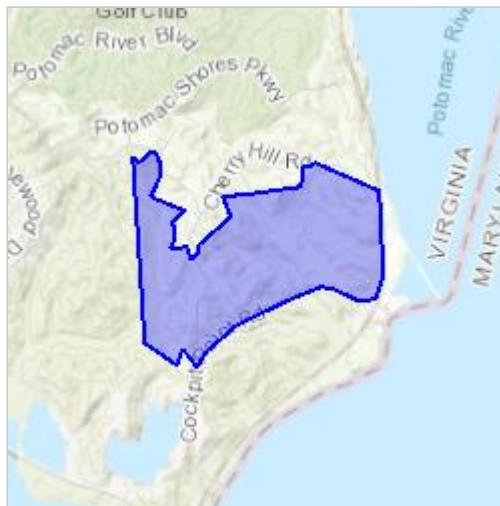
Project Type: DEVELOPMENT

Project Description: Modification of existing authorized permit to include additional and revised impacts associated with the redevelopment plans for Landbays 4 and 5 in Prince William County, Virginia.

Project Location:

Approximate location of the project can be viewed in Google Maps:

<https://www.google.com/maps/place/38.56346833318336N77.27068963361893W>



Counties: Prince William, VA

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## Endangered Species Act Species

There is a total of 3 threatened, endangered, or candidate species on this 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. See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

### Mammals

NAME	STATUS
Northern Long-eared Bat <i>Myotis septentrionalis</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/9045">https://ecos.fws.gov/ecp/species/9045</a>	Threatened

### Flowering Plants

NAME	STATUS
Harperella <i>Ptilimnium nodosum</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/3739">https://ecos.fws.gov/ecp/species/3739</a>	Endangered
Small Whorled Pogonia <i>Isotria medeoloides</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/1890">https://ecos.fws.gov/ecp/species/1890</a>	Threatened

### Critical habitats

There are no critical habitats within your project area under this office's jurisdiction.

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# USFWS National Wildlife Refuges And Fish Hatcheries

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.

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

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