



United States Department of the Interior



FISH AND WILDLIFE SERVICE
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In Reply Refer To:
Consultation Code: 05E2VA00-2018-SLI-2496
Event Code: 05E2VA00-2018-E-05862
Project Name: I-95 SB CD Rappahannock River Crossing

March 28, 2018

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). 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

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Project Summary

Consultation Code: 05E2VA00-2018-SLI-2496

Event Code: 05E2VA00-2018-E-05862

Project Name: I-95 SB CD Rappahannock River Crossing

Project Type: TRANSPORTATION

Project Description: Improvements to approximately 6 miles of I-95 SB corridor through Fredericksburg, Spotsylvania, and Stafford. Addition of two new lanes and construction of four new bridges, including a new bridge over the Rappahannock River.

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/38.31380169979751N77.50376921717853W>



Counties: Fredericksburg, VA | Spotsylvania, VA | Stafford, VA

Endangered Species Act Species

There is a total of 4 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.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

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.

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1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

Mammals

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

Clams

NAME	STATUS
Dwarf Wedgemussel <i>Alasmidonta heterodon</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/784	Endangered
Yellow Lance <i>Elliptio lanceolata</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/4511	Proposed Threatened

Flowering Plants

NAME	STATUS
Harperella <i>Ptilimnium nodosum</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/3739	Endangered

Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

USFWS National Wildlife Refuge Lands And Fish Hatcheries

Any activity proposed on lands managed by the [National Wildlife Refuge](#) system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS OR FISH HATCHERIES WITHIN YOUR PROJECT AREA.



Project Location

Legend

- NLEB Known Occupied Maternity Roost (Summer Habitat)
- NLEB Hibernaculum 5.5 Mile Buffer
- NLEB Hibernaculum Half Mile Buffer

-77.684 38.444 Degrees

2mi



Species Conclusions Table

Project Manager: Carter Teague Date: March 28, 2018		Project Number: 16-1770-001 Project Name: I-95 SB CD Lanes – Rappahannock River Crossing	
Species Under the Jurisdiction of FWS:			
Species/Resource Name	Conclusion	ESA Section 7 / Eagle Act Determination	Notes / Documentation
Northern Long-Eared Bat (<i>Myotis septentrionalis</i>)	Potential habitat present	Not likely to adversely affect	<ul style="list-style-type: none"> NLEB was indicated by both IPaC and VaFWIS. NLEB generally inhabits old-growth forests with intact interior forest habitat. Small, highly fragmented, or young forests with minimal subcanopy are generally not considered suitable, however recent data indicates that NLEB may use these types of forest as well. Additionally, NLEB have been documented using bridges for summer roosts. VDGIF NLEB Winter Habitat & Roost Trees Map indicates that there are no maternity colonies or hibernacula within 80 miles. The project area contains undisturbed or highly naturalized forests which would provide suitable habitat. VDOF was particularly concerned with preserving continuous forests along the Rappahannock River. The Rappahannock River bridges may be used as summer roosting habitat by NLEB. Approximately 85 total acres of clearing are expected to occur as part of the project, approximately 54 acres of which may be cleared as part of the Early Work Package in August. 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.
Dwarf Wedgemussel (<i>Alasmidonta heterodon</i>)	Potential habitat present and no current survey conducted	May affect	<ul style="list-style-type: none"> Dwarf wedgemussel was indicated by IPaC, VaFWIS, and NHDE (Spotsylvania and Stafford Counties). Typically, this species is found in shallow to deep quick running water on cobble, fine gravel, or on firm silt or sandy bottoms. Other habitats included are amongst submerged aquatic plants, and near stream banks underneath overhanging tree limbs. USFWS states the species commonly lives on muddy sand, sand, and gravel bottoms in creeks and rivers of various sizes. It requires areas of slow to moderate current, good water quality, and little silt deposits. A survey by Stantec (October 2016) indicated that the Rappahannock River was the only perennial stream in the study area which contained suitable habitat for freshwater mussels, however no endangered mussels were found. Mussel survey and relocation will be completed prior to causeway construction.
Yellow Lance (<i>Elliptio lanceolata</i>)	Potential habitat present and no current survey conducted	May affect	<ul style="list-style-type: none"> Yellow lance was indicated by IPaC, VaFWIS, and NHDE (Fredericksburg, Spotsylvania, and Stafford). This species is found in sandy substrates, rocks and in mud, in slack water areas, but apparently is absent from lakes. It is also found buried deep in sand and may migrate with shifting sands. Although it prefers clean, coarse to medium sized sands as substrate, on occasion, specimens are also found in gravel substrates. This species is found in the main channels of drainages down to streams as small as a meter across. A survey by Stantec (October 2016) indicated that the Rappahannock River was the only perennial stream in the study area which contained suitable habitat for freshwater mussels, however no endangered mussels were found. Mussel survey and relocation will be completed prior to causeway construction.
Green Floater (<i>Lasmigona subviridis</i>)	Potential habitat present and no current survey conducted	May affect	<ul style="list-style-type: none"> Green Floater was indicated by VaFWIS and NHDE (Spotsylvania). These mussels tend to avoid larger rivers and instead prefer quiet, smaller streams, pools, and eddies with gravelly and sandy bottoms. More likely to be found in hydrologically stable streams, rather than those prone to flooding and drying. Good water quality is important. A survey by Stantec (October 2016) indicated that the Rappahannock River was the only perennial stream in the study area which contained suitable habitat for freshwater mussels, however no endangered mussels were found. Mussel survey and relocation will be completed prior to causeway construction.
Small Whorled Pogonia (<i>Isotria medeoloides</i>)	Suitable habitat present, species not present	Not likely to adversely affect	<ul style="list-style-type: none"> The Small Whorled Pogonia was indicated by NHDE (Spotsylvania, Stafford). Small whorled pogonia occupies a very specific habitat type within its range. In particular, the species seems to require the following conditions: mature, mixed hardwood, upland forests; generally open understory conditions with minimal aggressive ground level species; generally level to moderately sloping land within shallow upland draws often, but not always, of northerly or easterly exposure; scattered ground-level sunlight; and, acidic, sandy loam soils. In addition, many professionals have noted a prevalence of decaying logs and a well-developed detritus layer on the forest floor. A July 26, 2017 survey by Stantec identified one area of potential habitat but found no individuals.
Harperella (<i>Ptilimnium nodosum</i>)	No suitable habitat present	No effect	<ul style="list-style-type: none"> Harperella was indicated by IPaC and NHDE (Stafford). Occurs in three habitat types: rocky/gravelly shoals or cracks in bedrock outcrops beneath the water surface in clear, swift-flowing streams (usually in microsites that are sheltered from rapidly moving water); edges of intermittent pineland ponds or low, wet savannah meadows on the Coastal Plain; and granite outcrop seeps. In all habitat-types, the species occurs in a narrow range of water depths; it is intolerant of deep water and of conditions that are too dry. However, the plants readily tolerate periodic, moderate flooding - something to which few potential competitors are adapted. Harperella has been historically found by Aquia Creek on the Quantico Marine Corps Base. DCR botanist John Townsend has indicated that this project has no potential to impact Harperella.

Sensitive Joint-vetch (<i>Aeschynomene virginica</i>)	No suitable habitat present	No effect	<ul style="list-style-type: none"> ▪ Sensitive Joint-Vetch was indicated by NHDE (Stafford). ▪ This species inhabits fresh to slightly brackish tidal river shores and estuarine-river marsh borders. Usually grows within 2 meters of low water mark on raised banks. Prefers peaty, sandy, or gravelly substrates. ▪ The project is located entirely in a non-tidal area and as such no suitable habitat is present.
Critical Habitat			
Critical habitat	No critical habitat present	No effect	
Eagles (<i>Haliaeetus leucocephalus</i>)			
Eagle Nests	Unlikely to disturb nesting bald eagles	No Eagle Act permit required	<ul style="list-style-type: none"> ▪ Bald eagle nest ST1301 is located approximately 5,000 feet from the southbound I-95 bridge, well outside of 2,640-foot buffer for projects with blasting or other loud noise components.
Eagle Concentration Areas	Activity does not require a permit	No Eagle Act permit required	<ul style="list-style-type: none"> ▪ Project does not intersect with an eagle concentration area.
Species Under the Jurisdiction of NOAA/NMFS			
Anadromous Fish Use Area	Potential habitat present	No effect	<ul style="list-style-type: none"> ▪ A Time of Year Restriction (TOYR) will be in place from February 15 through June 30.
Atlantic Sturgeon (<i>Acipenser oxyrinchus</i>)	Potential habitat present	No effect	<ul style="list-style-type: none"> ▪ Atlantic sturgeon was indicated by VaFWIS. ▪ Atlantic sturgeon spend the majority of their lives in marine waters close to the shore. They migrate upstream to spawn and occasionally to overwinter. Spawning habitat generally occurs in fresh water over hard clay, rubble, gravel, or shell. ▪ TOYR will be in place from February 15 through June 30; additionally, Atlantic sturgeon would be located downstream of the project area.

NatureServe. 2017. NatureServe Explorer: An online encyclopedia of life [web application]. Version 7.1. NatureServe, Arlington, Virginia. Available <http://explorer.natureserve.org>. (Accessed: March 22, 2018).