



United States Department of the Interior



FISH AND WILDLIFE SERVICE
VIRGINIA ECOLOGICAL SERVICES FIELD OFFICE
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Consultation Tracking Number: 05E2VA00-2012-SLI-1866

August 29, 2012

Project Name: Weanack Land (11-V0942)

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, and proposed species, designated critical habitat, and candidate species 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.*).

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



United States Department of Interior
Fish and Wildlife Service

Project name: Weanack Land (11-V0942)

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 Tracking Number: 05E2VA00-2012-SLI-1866

Project Type: Dredge / Excavation

Project Description: To maintenance dredge the Weanack Access Channel as well as an additional 21.6 acres within the cove.



United States Department of Interior
Fish and Wildlife Service

Project name: Weanack Land (11-V0942)

Project Location Map:



Project Coordinates: MULTIPOLYGON (((-77.2657733 37.3383787, -77.2584799 37.3346611, -77.2572353 37.3323749, -77.260969 37.328553, -77.2647884 37.3294403, -77.2680929 37.3320678, -77.2647884 37.3360943, -77.2668054 37.3372203, -77.2657733 37.3383787)))

Project Counties: Charles City, VA



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Endangered Species Act Species List

Species lists are not entirely based upon the current range of a species but may also take into consideration actions that affect a species that exists in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species. Please contact the designated FWS office if you have questions.

Sensitive joint-vetch (*Aeschynomene virginica*)

Listing Status: Threatened

Small Whorled pogonia (*Isotria medeoloides*)

Listing Status: Threatened

Species Conclusions Table

Project Name: Weanack Land LLLP 11-V0942

Date: August 30, 2012

Species/Resource Name	Conclusion	ESA Section 7 / Eagle Act Determination	Species Info / Habitat Description	Notes / Determination
Sensitive joint-vetch (<i>Aeschynomene virginica</i>)	Potential habitat present and no current survey conducted	May adversely affect	"The joint-vetch occurs in fresh to slightly brackish tidal river systems, within the intertidal zone where populations are flooded twice daily. It typically occurs at the outer fringe of marshes or shores; its presence in marsh interiors may be a result of nutrient deficiencies, ice scouring, or muskrat herbivory. The sensitive joint-vetch is found in localities where plant diversity is high and annual species are prevalent. Bare to sparsely vegetated substrates appear to be a habitat feature of critical importance for establishment and growth of this species."	No Sensitive Joint Vetch Survey has been conducted to date. Site could possibly contain SJV because it is a brackish tidal river system, contain marshes, and high plant diversity.
Small whorled pogonia (<i>Isotria medeoloides</i>)	No suitable habitat present	No effect	"Small whorled pogonia is an herbaceous perennial orchid 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 site does not consist of third growth upland forests at the project site, therefore the PM came to a conclusion of "No Effect" on the Small whorled pogonia.
Eagles (<i>Haliaeetus leucocephalus</i>)				
Eagle Nests				
Eagle Concentration Areas	Does intersect with bald eagle concentration area	Eagle Act permit may be required		TOYR may be required.

Species Conclusions Table

Critical Habitat				
Other (other species not listed above or required coordination for NOAA, DCR, & VDGIF)				
Anadromous Fish Use Area	Potential Habitat Present	Not Likely to Adversely Effect	Manchester Dam	