



# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

Ecological Services  
6669 Short Lane  
Gloucester, Virginia 23061



Date:

### Online Project Review Certification Letter

Project Name:

Dear Applicant:

Thank you for using the U.S. Fish and Wildlife Service (Service) Virginia Field Office 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 referenced project in accordance with all instructions provided, using the best available information to reach your conclusions. This letter, and the 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.

The species conclusions table in your project review package summarizes your ESA and Eagle Act conclusions. These conclusions resulted in “no effect” and/or “not likely to adversely affect” determinations for proposed/listed species and proposed/designated critical habitat and/or “no Eagle Act permit required” determinations for eagles regarding potential effects of your proposed project. We certify that the use of the online project review process in strict accordance with the instructions provided as documented in your project review package results in reaching the appropriate determinations. This letter in conjunction with the complete project review package including an official species list is your record of compliance with section 7 procedures. Therefore, we concur with the “no effect” and “not likely to adversely affect” determinations for proposed/listed species and proposed/designated critical habitat and “no Eagle Act permit required” determinations for eagles. Federal agencies are not required to contact the Service or provide documentation for “no effect” and/or “no Eagle Act permit required” determinations. For “not likely to adversely affect” determinations, federal agencies are required to mail a copy of this letter and the project review package to the address on the letterhead to complete consultation requirements. Regardless of the determination, non-federal applicants must submit a copy of this letter and the project review package to the address on the letterhead for this certification to be valid.

Candidate species are not legally protected pursuant to the ESA. However, the Service encourages consideration of these species by avoiding adverse impacts to them. 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 listed species, critical habitat, or bald eagles becomes available, this determination may be reconsidered. This certification letter is valid for one 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 Tylan Dean of this office at (804) 693-6694, extension 166.

Sincerely,

/s/ Cynthia A. Schulz

Cindy Schulz  
Supervisor  
Virginia Field Office

Enclosures - project review package



# 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 Tracking Number: 05E2VA00-2014-SLI-0073

October 22, 2013

Project Name: Skekoski Dredging Project

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](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: Skekoski Dredging Project

## 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:** 05E2VA00-2014-SLI-0073

**Project Type:** Dredge / Excavation

**Project Description:** Dredging 480 cy's (6,575 sf) to a depth not to exceed -3 ft mlw. Dredge material to be placed in adjacent non-tidal pond.



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Fish and Wildlife Service

Project name: Skekoski Dredging Project

### Project Location Map:



**Project Coordinates:** MULTIPOLYGON (((-76.4147168 37.1592958, -76.4147278 37.1598689, -76.4150172 37.159843, -76.4150062 37.1601681, -76.4152962 37.1601765, -76.4153767 37.1605914, -76.4147544 37.1606254, -76.4142448 37.1602791, -76.4145881 37.1599029, -76.4146417 37.1592958, -76.4147168 37.1592958)))

**Project Counties:** York, VA



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Project name: Skekoski Dredging Project

## 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.

There are no listed species identified for the vicinity of your project.

**Species Conclusions Table**

Project Name: NAO-2013-1722 / 13-V1310 Shekoski Dredging Project, York County

Date: October 22, 2013

Species/Resource Name	Conclusion	ESA Section 7 / Eagle Act Determination	Species Info / Habitat Description	Notes / Determination
No species present	No suitable habitat present	No effect	N/A	IPAC indicates that there are no listed species documented within the vicinity of the project.
<b>Eagles (Haliaeetus leucocephalus)</b>				
Eagle Nests	Unlikely to disturb nesting bald eagles	No Eagle Act permit required	There are no documented bald eagles nests within 660-feet of the project limits.	There are no documented bald eagles nests within 660-feet of the project limits.
Eagle Concentration Areas	Does not intersect with bald eagle concentration area	No Eagle Act permit required	There are no documented bald eagles nests within 660-feet of the project limits.	There are no documented bald eagles nests within 660-feet of the project limits.
<b>Critical Habitat</b>				
N/A	No critical habitat present	No effect	N/A	N/A
<b>Other (other species not listed above or required coordination for NOAA, DCR, &amp; VDGIF)</b>				
N/A	N/A	N/A	N/A	N/A