



# 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



U.S. Fish and Wildlife Service

## Natural Resources of Concern

**This resource list is to be used for planning purposes only — it is not an official species list.**

**Endangered Species Act species list information for your project is available online and listed below for the following FWS Field Offices:**

VIRGINIA ECOLOGICAL SERVICES FIELD OFFICE  
6669 SHORT LANE  
GLOUCESTER, VA 23061  
(804) 693-6694  
<http://www.fws.gov/northeast/virginiafield/>

***Project Name:***

NAO-2013-1979/13-V1596 Bayville Creek SSD Dredging Project



U.S. Fish and Wildlife Service

## Natural Resources of Concern

### *Project Location Map:*



### *Project Counties:*

Virginia Beach, VA

### *Geographic coordinates (Open Geospatial Consortium Well-Known Text, NAD83):*

MULTIPOLYGON (((-76.109295 36.8937928, -76.1052202 36.8953364, -76.1044906 36.8950627, -76.105542 36.8939979, -76.1067436 36.8925049, -76.1065934 36.8911491, -76.1076234 36.8884547, -76.1100674 36.8883355, -76.1102831 36.890497, -76.1085869 36.8932085, -76.109295 36.8937928)))

### *Project Type:*

Dredge / Excavation



U.S. Fish and Wildlife Service

## Natural Resources of Concern

### ***Endangered Species Act Species List (USFWS Endangered Species Program).***

There are no listed species found within the vicinity of your project.

### ***FWS National Wildlife Refuges (USFWS National Wildlife Refuges Program).***

There are no refuges found within the vicinity of your project.

### ***FWS Migratory Birds (USFWS Migratory Bird Program).***

Most species of birds, including eagles and other raptors, are protected under the Migratory Bird Treaty Act (16 U.S.C. 703). Bald eagles and golden eagles receive additional protection under the [Bald and Golden Eagle Protection Act](#) (16 U.S.C. 668). The Service's [Birds of Conservation Concern \(2008\)](#) report identifies species, subspecies, and populations of all migratory nongame birds that, without additional conservation actions, are likely to become listed under the Endangered Species Act as amended (16 U.S.C 1531 et seq.).

### ***NWI Wetlands (USFWS National Wetlands Inventory).***

The U.S. Fish and Wildlife Service is the principal Federal agency that provides information on the extent and status of wetlands in the U.S., via the National Wetlands Inventory Program (NWI). In addition to impacts to wetlands within your immediate project area, wetlands outside of your project area may need to be considered in any evaluation of project impacts, due to the hydrologic nature of wetlands (for example, project activities may affect local hydrology within, and outside of, your immediate project area). It may be helpful to refer to the USFWS National Wetland Inventory website. The designated FWS office can also assist you. Impacts to wetlands and other aquatic habitats from your project may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal Statutes. Project Proponents should discuss the relationship of these requirements to their project with the Regulatory Program of the appropriate [U.S. Army Corps of Engineers District](#).

**Species Conclusions Table**

Project Name: NAO-2013-1979 / 13-V1596 Bayville Creek SSD Dredging Project

Date: October 25, 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 indicated that there were no listed species documented within the vicinity of the project.
No species present	Species not present	No effect	N/A	IPaC indicated that there were no listed species documented within the vicinity of the project.
No species present	No critical habitat present	No effect	N/A	IPaC indicated that there were 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 were no documented bald eagle nests within the project limits or within 660-feet of the project limits.	There were no documented bald eagle nests within the project limits or within 660-feet of the project limits.
Eagle Concentration Areas	Does not intersect with bald eagle concentration area	No Eagle Act permit required	There were no documented bald eagle nests within the project limits or within 660-feet of the project limits.	There were no documented bald eagle nests within the project limits or within 660-feet of the project limits.
<b>Critical Habitat</b>				
N/A	present	No effect		
<b>Other (other species not listed above or required coordination for NOAA, DCR, &amp; VDGIF)</b>				
N/A				