

Species Conclusions Table

Project Name: Western Branch Reservoir Dam Improvements, NAO-2007-1076

Date: September 11, 2014

Species/Resource Name	Conclusion	ESA Section 7 / Eagle Act Determination	Species Info / Habitat Description	Notes / Determination
Sensitive joint-vetch (<i>Aeschynomene virginica</i>)	Species not present	No effect	"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."	Field review conducted by Claudette Twichell, Solstice Environmental, LLC on July 31, 2014 and Corps PM and Solstice on August 27, 2014 to confirm the presence of sensitive joint-vetch or lack thereof in the location of the new emergency spillway. Sensitive joint-vetch (<i>Aeschynomene virginica</i>) was not present within the project area.
Northern long-eared Bat (<i>Myotis septentrionalis</i>)	Suitable habitat present, species not present	Not likely to adversely affect	Suitable summer habitat for NLEB consists of a wide variety of forested/wooded habitats where they roost, forage, and travel and may also include some adjacent and interspersed non-forested habitats such as emergent wetlands and adjacent edges of agricultural fields, old fields and pastures. This includes forests and woodlots containing potential roosts (i.e., live trees and/or snags ≥3 inches dbh that have exfoliating bark, cracks, crevices, and/or cavities), as well as linear features such as fencerows, riparian forests, and other wooded corridors. Individual trees may be considered suitable habitat when they exhibit characteristics of suitable roost trees and are within 1000 feet of other forested/wooded habitat ² . NLEBs typically occupy their summer habitat from mid-May through mid-August each year ⁴ and the species may arrive or leave some time before or after this period.	The applicant proposes to begin the project the fall of 2014. A permit condition could be included to require a time-of-year restriction from April 15 to September 15 of any given year during which no tree clearing can occur onsite, if the northern long eared Bat is listed.

Species Conclusions Table

Eagles (Haliaeetus leucocephalus)				
Eagle Nests	Unlikely to disturb nesting bald eagles	No Eagle Act permit required		No nests within 660 feet and not within a concentration area.
Eagle Concentration Areas	Does not intersect with bald eagle concentration area	No Eagle Act permit required		Not within a designated eagle concentration area
Critical Habitat				
Other (other species not listed above or required coordination for NOAA, DCR, & VDGIF)				
Anadromous fish			Anadromous fish are potentially located in the tidal waters downstream of the dam.	NOAA did not provide comments on effects to anadromous fish on previous public notice for this project (February, 2011).