



## United States Department of the Interior



FISH AND WILDLIFE SERVICE  
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Consultation Code: 05E2VA00-2015-SLI-2226

June 04, 2015

Event Code: 05E2VA00-2015-E-02252

Project Name: NAO-2015-00411 Cushing Road Realignment

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.*).

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: NAO-2015-00411 Cushing Road Realignment

## 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 Code:** 05E2VA00-2015-SLI-2226

**Event Code:** 05E2VA00-2015-E-02252

**Project Type:** TRANSPORTATION

**Project Name:** NAO-2015-00411 Cushing Road Realignment

**Project Description:** Realignment, widening and improvements to existing Cushing Road where it intersects with Balls Ford Road. As a result of the work the project will permanently impact 0.2 acres of Palustrine wetlands, 0.15 acres of scrub-shrub wetlands, and 0.02 acres of emergent wetlands.

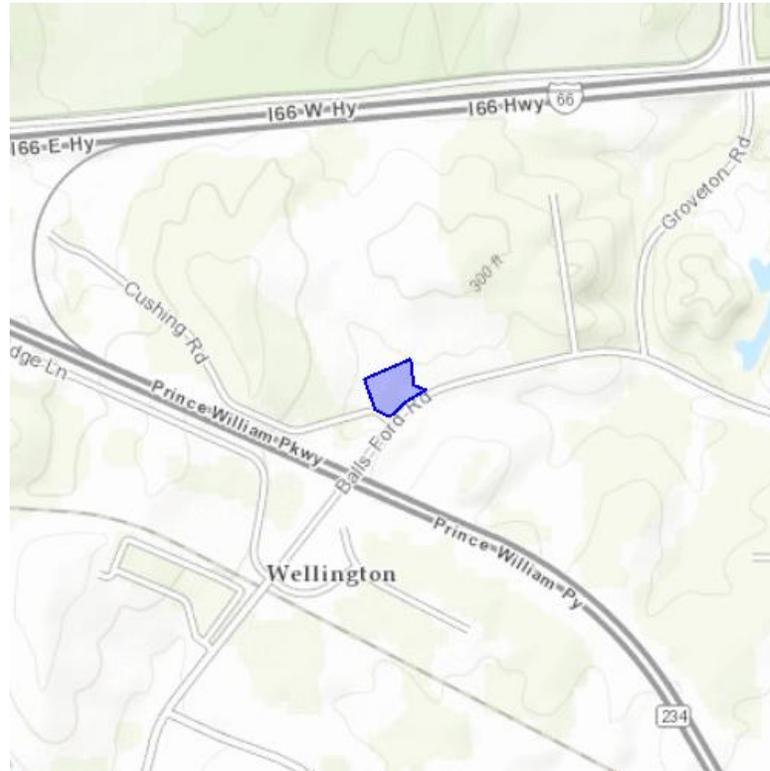
**Please Note:** The FWS office may have modified the Project Name and/or Project Description, so it may be different from what was submitted in your previous request. If the Consultation Code matches, the FWS considers this to be the same project. Contact the office in the 'Provided by' section of your previous Official Species list if you have any questions or concerns.



United States Department of Interior  
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Project name: NAO-2015-00411 Cushing Road Realignment

### Project Location Map:



**Project Coordinates:** MULTIPOLYGON (((-77.55671739578247 38.793663869859834, -77.55715727806091 38.793471540549355, -77.55756497383118 38.793170502325886, -77.55771517753601 38.79319558889308, -77.5579297542572 38.793295935073516, -77.55819797515869 38.793864560760916, -77.55709290504456 38.79424085467743, -77.55700707435606 38.79375585325963, -77.55671739578247 38.793663869859834)))

**Project Counties:** Prince William, VA



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## Endangered Species Act Species List

There are a total of 2 threatened or endangered species on your 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. Critical habitats listed under the **Has Critical Habitat** column may or may not lie within your project area. See the **Critical habitats within your project area** section further below for critical habitat that lies within your project. Please contact the designated FWS office if you have questions.

Flowering Plants	Status	Has Critical Habitat	Condition(s)
harperella ( <i>Ptilimnium nodosum</i> )	Endangered		
<b>Mammals</b>			
Northern long-eared Bat ( <i>Myotis septentrionalis</i> )	Threatened		



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## **Critical habitats that lie within your project area**

There are no critical habitats within your project area.

# Species Conclusions Table

Project Manager: Keith Goodwin	Project Name: Cushing Road Realignment
Date: June 4, 2015	Project Number: NAO-2015-00411

Project Description: Realignment, widening and improvements to existing Cushing Road where it intersects with Balls Ford Road. As a result of the work the project will permanently impact 0.2 acres of palustrine wetlands, 0.15 acres of scrub-shrub wetlands, and 0.02 acres of emergent wetlands.

## Species Under the Jurisdiction of FWS:

Species/Resource Name	Conclusion	ESA Section 7 / Eagle Act Determination	Species Info / Habitat Description	Notes / Determination
Harperella (Ptilimnium nodosum)	No suitable habitat present	No effect	Harperella "[o]ccurs 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.	No streams present within the action area. Wetland habitats present are fairly disturbed and a portion has previously been channelized. No suitable habitat present onsite.
Northern long-eared bat (Myotis septentrionalis)	Suitable habitat present, species not present	Not likely to adversely affect	"Northern long-eared bats spend winter hibernating in caves and mines, called hibernacula. They typically use large caves or mines with large passages and entrances; constant temperatures; and high humidity with no air currents. Specific areas where they hibernate have very high humidity, so much so that droplets of water are often seen on their fur. Within hibernacula, surveyors find them in small crevices or cracks, often with only the nose and ears visible.  During summer, northern long-eared bats roost singly or in colonies underneath bark, in cavities, or in crevices of both live and dead trees. Males and non-reproductive females may also roost in cooler places, like caves and mines. This bat seems opportunistic in selecting roosts, using tree species based on suitability to retain bark or provide cavities or crevices. It has also been found, rarely, roosting in structures like barns and sheds."	While some larger mature trees are present , the majority of the action area consists of immature mixed pine woods, and scrub shrub/emergent wetlands. Furthermore, given the adjacent Road way and current land use surrounding the site, the likelihood of occurrence is low. Total tree clearing with the action area is less than 0.25 acres. Therefore the proposed project is not likely to adversely effect the species.

# Species Conclusions Table

Date: June 4, 2015	Project Number: NAO-2015-00411
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## Eagles (*Haliaeetus leucocephalus*)

Eagle Nests	Unlikely to disturb nesting bald eagles	No Eagle Act permit required		
Eagle Concentration Areas	Does not intersect with bald eagle concentration area	No Eagle Act permit required		

## Critical Habitat

N/A				
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## Other (species not listed above)

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## Species Under the Jurisdiction of NOAA/NMFS

Essential Fish Habitat	None			
Anadromous Fish Use Area	None			
Subaquatic Vegetation	None			
HAPC Sandbar Shark	None			
Atlantic Sturgeon	None			

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