



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 enclosed 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. A copy of this letter and the project review package must be submitted to this office for this certification to be valid. This letter and the project review package will be maintained in our records.

The species conclusions table in the enclosed 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 listed species and 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 the enclosed project review package results in reaching the appropriate determinations. Therefore, we concur with the “no effect” and “not likely to adversely affect” determinations for listed species and critical habitat and “no Eagle Act permit required” determinations for eagles. Additional coordination with this office is not needed.

Candidate species are not legally protected pursuant to the ESA. However, the Service encourages consideration of these species by avoiding adverse impacts to them. Please 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.

Applicant

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**US Army Corps of Engineers
Norfolk District Regulatory Branch
Received by DAK
Date: 03 Feb 2016**

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. If you have any questions, please contact Kimberly Smith of this office at (804) 693-6694, extension 124.

Sincerely,

/s/ Cynthia A. Schulz

Cindy Schulz
Supervisor
Virginia Field Office

Enclosures - project review package

Species Conclusions Table

Project Name: Chudoba Industrial Park

Date: November 23, 2015

Species / Resource Name	Conclusion	ESA Section 7 / Eagle Act Determination	Species Habitat Description	Notes / Documentation
Northern long-eared Bat (<i>Myotis septentrionalis</i>)	No suitable habitat present	No effect	<p>It is our understanding that the Northern long-eared bats hibernacula consists of caves and mines. Typically they use large caves or mines with large entrances and passages; constant temperatures; and high humidity with no air movement.</p> <p>Summer hibernacula typically is characterized by bats roosting singly or in colonies underneath bark, in cavities, or in crevices of both live and dead trees.</p> <p>According to personal conversations with bat surveyors, this bat is non-selective in choosing roost trees.</p>	The proposed project is an approximately 40 acre open field, where the eastern property boundary has a wooded edge. Only 0.10 acres of forested area are anticipated to be impacted. Proposed impacts from the site are to palustrine emergent wetlands which do not provide habitat for this species. Therefore it is our opinion that this species will not be adversely affected by the proposed project due to the lack of available habitat in the open field areas and only 0.10 acres (i.e. less than 1 acre of forested land area) is to be disturbed.
Bald eagle	Unlikely to disturb bald eagle nests	No Eagle Act Permit Required		No Nests within 660' and not within a concentration area.
Critical Habitat	No Critical habitat present	No effect		

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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/

**US Army Corps of Engineers
Norfolk District Regulatory Branch
Received by DAK
Date: 03 Feb 2016**

Consultation Code: 05E2VA00-2016-SLI-0594

November 23, 2015

Event Code: 05E2VA00-2016-E-00726

Project Name: Chudoba Parkway

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). 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: Chudoba Parkway

US Army Corps of Engineers
Norfolk District Regulatory Branch
Received by DAK
Date: 03 Feb 2016

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: 05E2VA00-2016-SLI-0594

Event Code: 05E2VA00-2016-E-00726

Project Type: DEVELOPMENT

Project Name: Chudoba Parkway

Project Description: Proposed Commercial/Industrial Development.

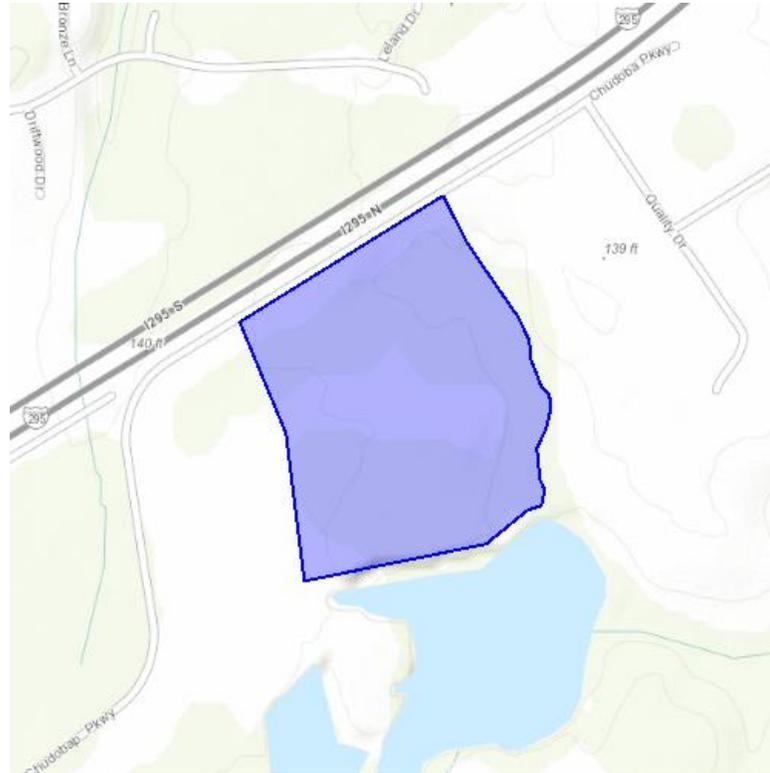
Please Note: The FWS office may have modified the Project Name and/or Project Description, so it may be different from what was submitted in your previous request. If the Consultation Code matches, the FWS considers this to be the same project. Contact the office in the 'Provided by' section of your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



United States Department of Interior
Fish and Wildlife Service

Project name: Chudoba Parkway

Project Location Map:



Project Coordinates: MULTIPOLYGON (((-77.3069715499878 37.202475007962015, -77.30655312538147 37.20181699707425, -77.30634927749634 37.20155208198035, -77.30567336082458 37.20080860562147, -77.30549097061157 37.20047532073858, -77.30546951293945 37.200236038376694, -77.30527639389037 37.19985147584882, -77.30514764785767 37.19974037964268, -77.30512619018555 37.19955237030594, -77.30520129203796 37.199278901343874, -77.30536222457886 37.19901397734213, -77.30531930923462 37.198578132606535, -77.30523347854614 37.198432850468805, -77.30528712272644 37.198227745798334, -77.30552315711975 37.19816792349782, -77.30623126029968 37.19768934338698, -77.30935335159302 37.197193667930854, -77.30969667434692 37.19921053394857, -77.31049060821533 37.200731693856035, -77.3069715499878 37.202475007962015)))

Project Counties: Prince George, VA



United States Department of Interior
Fish and Wildlife Service

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Endangered Species Act Species List

There are a total of 1 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.

Mammals	Status	Has Critical Habitat	Condition(s)
Northern long-eared Bat (<i>Myotis septentrionalis</i>)	Threatened		



United States Department of Interior
Fish and Wildlife Service

Project name: Chudoba Parkway

Critical habitats that lie within your project area

There are no critical habitats within your project area.