

Steffey, Randy L NAO

From: Kimberly Smith [kimberly_smith@fws.gov]
Sent: Friday, December 13, 2013 9:48 AM
To: Steffey, Randy L NAO
Cc: Troy Andersen
Subject: [EXTERNAL] RE: NAO-2012-00080 / 13-V0408; Dominion Surry-Skiffes Ck- Whealton

Randy,

We have reviewed the project package received on November 14, 2013 for the referenced project. The following comments are provided under provisions of the Endangered Species Act of 1973 (16 U.S.C. 1531-1544, 87 Stat. 884), as amended, and Bald and Golden Eagle Protection Act (16 U.S.C. 668-668c, 54 Stat. 250) as amended.

We concur with the determinations provided in the Species Conclusion Table dated November 13, 2013 and the proposed Special Condition for the bald eagle. Should project plans change or if additional information on the distribution of listed species or critical habitat becomes available, this determination may be reconsidered. If you have any questions, please contact me.

Kim

Kimberly Smith
Fish and Wildlife Biologist
U.S. Fish & Wildlife Service
6669 Short Lane
Gloucester, VA 23061
Kimberly_Smith@fws.gov
804-693-6694 ext. 124
804-654-1924 (cell)
<http://www.fws.gov/northeast/virginiafield/>



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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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: NAO-2012-00080 / 13-V0408; Surry-Skiffes Creek-Wheaton Powerline Project

Date: Nov. 13, 2013

Species/Resource Name	Conclusion	ESA Section 7 / Eagle Act Determination	Species Info / Habitat Description	Notes / Determination
Sensitive joint-vetch (<i>Aeschynomene virginica</i>)	Suitable habitat present, species not present	Not likely to adversely affect	"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."	Surry - Skiffes Segment: Habitat Survey (attached) found only marginal habitat; and no individuals observed. Skiffes - Wheaton segment: habitat survey (attached) concluded no habitat or individuals found.
Small whorled pogonia (<i>Isotria medeoloides</i>)	Suitable habitat present, species not present	Not likely to adversely affect	"Small whorled pogonia is an herbaceous perennial orchid found in ordinary looking third-growth upland forests with an open understory and a closed canopy where the topography is typically moderately sloping or almost level. The plants are usually associated with decaying vegetative matter such as fallen trunks and limbs, leaf litter, bark, and tree roots."	Surry - Skiffes Segment: Habitat Survey (attached) found no suitable habitat; and no individuals observed. Skiffes - Wheaton segment (including Switching Station): habitat survey (attached) concluded habitat present but no individuals found.
Eagles (<i>Haliaeetus leucocephalus</i>)				
Eagle Nests	May disturb nesting bald eagles	Eagle Act permit may be required		Eagle Nest Take Application Filed (attached)
Eagle Concentration Areas	Does intersect with bald eagle concentration area	Eagle Act permit may be required		If a Department of Army Permit is issued a Special Condition will be added to advise the applicant how to address the Species
Critical Habitat				
N/A				

Species Conclusions Table

Other (other species not listed above or required coordination for NOAA, DCR, & VDGIF)				



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/

Consultation Tracking Number: 05E2VA00-2014-SLI-0279

November 12, 2013

Project Name: NAO-2012-00080 / 13-V0408

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). 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-2012-00080 / 13-V0408

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-0279

Project Type: Transmission Line

Project Description: Part 1 of 2; Construct new and upgrade existing electrical transmission powerline and associated infrastructure, known as Surry - Skiffes Creek - Whealton project. The proposed project will begin in Surry Co at the Nuclear Power Plant, cross the James River near Skiffes Creek in James City Co, and continue through existing ROW in Newport News, York, and Hampton.



United States Department of Interior
Fish and Wildlife Service

Project name: NAO-2012-00080 / 13-V0408

Project Location Map:



Project Coordinates: MULTIPOLYGON (((-76.6956183 37.1638948, -76.695617 37.1639018, -76.6956133 37.163908, -76.6956077 37.1639124, -76.6956009 37.1639146, -76.6955937 37.1639143, -76.6705449 37.1580398, -76.6636953 37.1600869, -76.6607793 37.1760725, -76.6607763 37.1760798, -76.6607708 37.1760855, -76.6607635 37.1760885, -76.6168206 37.1848412, -76.6139072 37.1862066, -76.6111683 37.1886613, -76.608766 37.2063001, -76.6087649 37.2063045, -76.6058513 37.2139347, -76.6113266 37.2194005, -76.611331 37.219407, -76.6113325 37.2194147, -76.611331 37.2194223, -76.6113267 37.2194288, -76.6113202 37.2194332, -76.6113125 37.2194347, -76.6113049 37.2194332, -76.6112984 37.2194289, -76.6058139 37.2139539, -76.6058096 37.2139475, -76.605808 37.2139401, -



United States Department of Interior
Fish and Wildlife Service

Project name: NAO-2012-00080 / 13-V0408

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76.6955983 37.1629172, -76.695606 37.1629187, -76.6956124 37.1629231, -76.6956168
37.1629295, -76.6956183 37.1629372, -76.6956183 37.1638948)))

Project Counties: James City, VA | Surry, VA



United States Department of Interior
Fish and Wildlife Service

Project name: NAO-2012-00080 / 13-V0408

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.

sensitive joint-vetch (*Aeschynomene virginica*)

Listing Status: Threatened



United States Department of the Interior



FISH AND WILDLIFE SERVICE
VIRGINIA ECOLOGICAL SERVICES FIELD OFFICE
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PHONE: (804)693-6694 FAX: (804)693-9032
URL: www.fws.gov/northeast/virginiafield/

Consultation Tracking Number: 05E2VA00-2014-SLI-0283

November 12, 2013

Project Name: NAO-2012-00080 / 13-V0408

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:

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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.

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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:

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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-2012-00080 / 13-V0408

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-0283

Project Type: Transmission Line

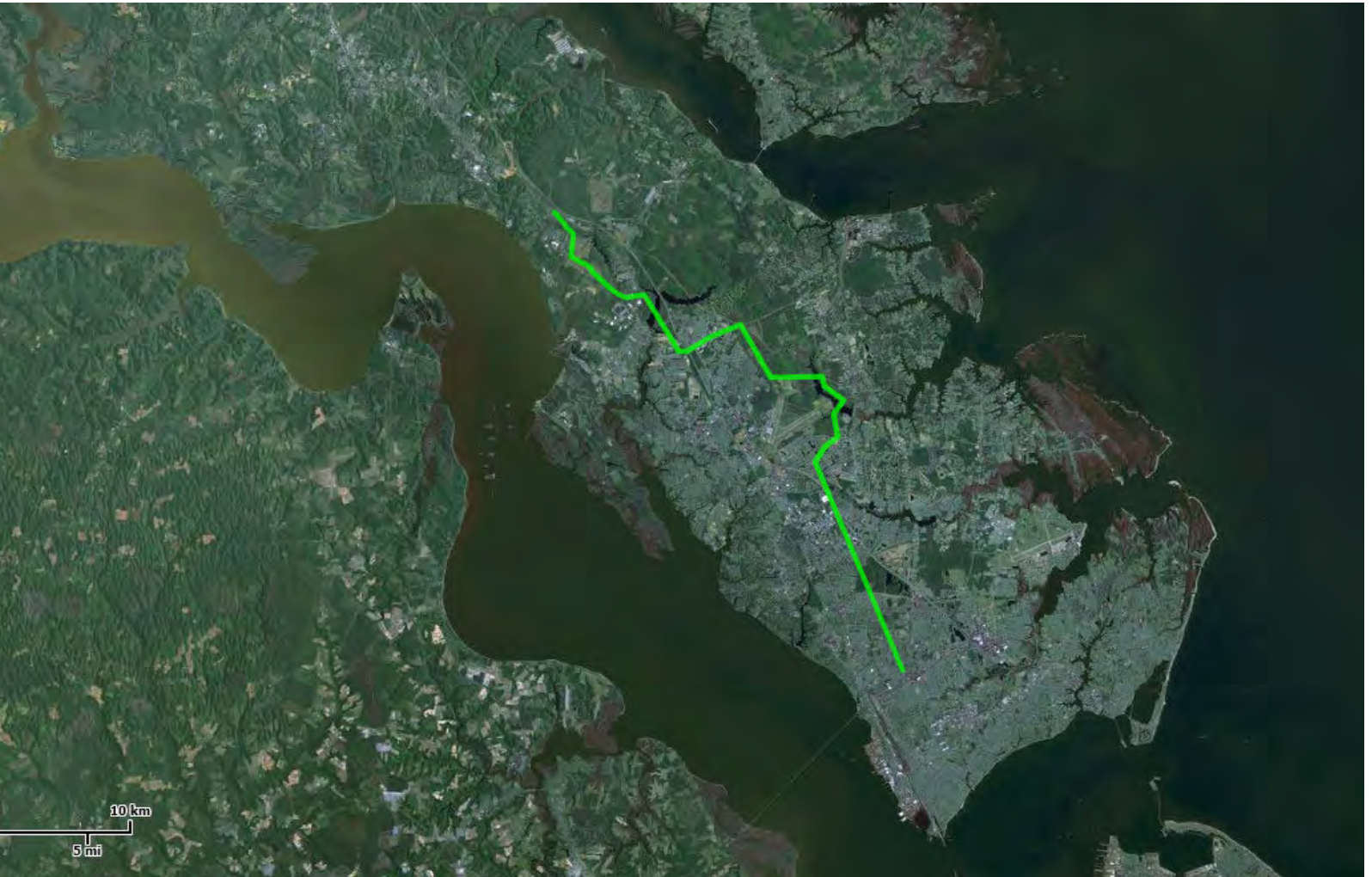
Project Description: Part 2 of 2; Construct new and upgrade existing electrical transmission powerline and associated infrastructure, known as Surry - Skiffes Creek - Whealton project. The proposed project will begin in Surry Co at the Nuclear Power Plant, cross the James River near Skiffes Creek in James City Co, and continue through existing ROW in Newport News, York, and Hampton.



United States Department of Interior
Fish and Wildlife Service

Project name: NAO-2012-00080 / 13-V0408

Project Location Map:



Project Coordinates: MULTIPOLYGON (((-76.6119979 37.2195902, -76.6119968 37.2195979, -76.6119928 37.2196046, -76.6119866 37.2196093, -76.611979 37.2196113, -76.6119713 37.2196102, -76.6119646 37.2196062, -76.6057891 37.2140732, -76.6057847 37.2140675, -76.6057825 37.2140607, -76.6056935 37.2133139, -76.601499 37.2102464, -76.6014941 37.2102413, -76.6014913 37.2102347, -76.601491 37.2102276, -76.6027721 37.200737, -76.5925766 37.1963709, -76.5925698 37.1963661, -76.5925656 37.196359, -76.5920526 37.1948606, -76.5830462 37.188096, -76.5787572 37.1856358, -76.5743005 37.1839971, -76.5713015 37.184475, -76.5713006 37.1844751, -76.5652067 37.1851589, -76.5651977 37.1851578, -76.56519 37.1851528, -76.5630442 37.1828962, -76.5630428 37.1828945, -



United States Department of Interior
Fish and Wildlife Service

Project name: NAO-2012-00080 / 13-V0408

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United States Department of Interior
Fish and Wildlife Service

Project name: NAO-2012-00080 / 13-V0408

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Project Counties: Hampton, VA | James City, VA | Newport News, VA | York, VA



United States Department of Interior
Fish and Wildlife Service

Project name: NAO-2012-00080 / 13-V0408

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.

sensitive joint-vetch (*Aeschynomene virginica*)

Listing Status: Threatened