

**From:** [Smith, Kimberly](#)  
**To:** [Steffey, Randy L NAO](#)  
**Cc:** [Troy Andersen](#)  
**Subject:** Re: [EXTERNAL] RE: NAO-2012-00080 / 13-V0408; Dominion Surry-Skiffes Ck- Whealton (UNCLASSIFIED)  
**Date:** Tuesday, April 28, 2015 4:41:20 PM

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Randy,

We have reviewed the updated project package received on April 9 and 15, 2015 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 have reviewed the determinations provided in the Species Conclusion Table updated on April 9, 2015 and concur with the determinations for the species in the table except for Northern long-eared bat (*Myotis septentrionalis*). On April 2, 2015, the U.S. Fish and Wildlife Service (Service), determined threatened species status with an interim section 4(d) rule under the Endangered Species Act of 1973 (Act), as amended, for the Northern long-eared bat. This determination will become effective on May 4, 2015. This project involves tree clearing and project modifications can be made that would avoid the likelihood of adverse effects. These modifications include:

1. No tree clearing from April 15 through September 15 of any year.

If the proposed activity is modified as described above, through changes in project design or incorporation into permit conditions, the Service believes that the project would not likely adversely affect listed species and that further consultation pursuant to section 7 of the ESA is not necessary. If the above project modifications are not adopted, further consultation with the Service will be necessary pursuant to 50 CFR 402.13 and 402.14.

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

On Wed, Apr 15, 2015 at 8:58 AM, Steffey, Randy L NAO <Randy.L.Steffey@usace.army.mil> wrote:

Classification: UNCLASSIFIED  
Caveats: NONE

Kim:

Hopefully last week you received the email below along with its attachments. I came across some additional information, as well as updated SJV and SWP surveys since the previous ones expired. The results of these surveys were unchanged. Also one tidbit just for clarification is that the alignment slightly shifted at the BASF property as the proposed power line comes ashore on the James City Co side of the River. Updated habitat surveys capture this area and IPAC searches performed to date also cover this minor shift. {Page 4 & 5 of the attachment show the location of the shift compared to the original alignment}.

This information I am providing does not change any of our determinations, simply just provides updated information that you may find useful as you review for concurrence. To be sure you have ample time to review this new information we are extending the suspense date to close of business April 28, 2015.

If you have any questions please do not hesitate to contact me. Thanks and hope you are doing

well!

Randy Steffey  
Environmental Scientist / Project Manager  
US Army Corps of Engineers - Norfolk District  
803 Front Street  
Norfolk, VA 23510

Email: randy.l.steffey@usace.army.mil  
Office: (757) 201-7579  
Fax: (757)201-7678

CUSTOMER SATISFACTION SURVEY:

The Norfolk District is committed to providing the highest level of support to the public. In order for us to better serve you, we would appreciate you completing our Customer Satisfaction Survey located at [http://corpsmapu.usace.army.mil/cm\\_apex/f?p=regulatory\\_survey](http://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey). We value your comments and appreciate your taking the time to complete the survey.

-----Original Message-----

From: Steffey, Randy L NAO  
Sent: Thursday, April 09, 2015 1:39 PM  
To: 'Kimberly Smith'  
Subject: FW: [EXTERNAL] RE: NAO-2012-00080 / 13-V0408; Dominion Surry-Skiffes Ck- Whealton (UNCLASSIFIED)

Importance: High

Classification: UNCLASSIFIED  
Caveats: NONE

Kim:

On December 13, 2013 FWS concurred (attached; FWS\_Concurrence\_DEC2013.pdf) with the determinations provided in the Species Conclusion Table dated November 13, 2013 and the proposed Special Condition for the bald eagle. {This Attachment does not include the complete package from Nov 2013 coordination due to file size}.

On April 29, 2014 we coordinated with you (see email chain below) regarding the 1 yr expiration and how we should proceed in order update concurrence/verify concurrence still stands when the time comes.

This morning, ran new IPAC Species searches (attached) and compared them to those generated in 2013 as you recommended we do. On Segment 1 of 2, no new species were documented in the report! In fact, Sensitive Joint Vetch no longer populates as a hit. On Segment 2 of 2, Sensitive Joint Vetch hit was also removed from the results, but added was the Northern Long Eared Bat. Please note the NLEB only populated a hit for Segment 2 of 2 {not 1 of 2}.

Based on this newest search the only new species that was not already considered in Dec 2013 is the Northern Long Eared Bat. We have updated our Species Conclusion Table (attached) to capture this new addition. SJV, SWP, and Eagles have all been greyed out as receiving concurrence in Dec 2013. NLEB remains un-greyed since it was not part of the 2013 coordination package.

Based on your email guidance below, we had the applicant's agent provide acreages specific to proposed tree clearing as requested.

40.88 acres of total tree clearing will occur across the entire length of the project. However focusing on segments and activities here is a refined breakdown.

Concentrated to Segment 1 of 2 - {Note IPAC does not populate NLEB hit}

1. New ROW = 8.10 ac
2. Switching Station Site = 17.73 ac

Primarily Concentrated to Segment 2 of 2 - {IPAC hit for NLEB}

1. Expanded ROW = 15.05 ac

If you need additional information or clarification regarding the NLEB please let me know. We are hopeful that based on the fact that potential impacts on the species are minimal and limited to only Segment 2 of 2 {based on IPAC search} and for the fact that only approximately 15 acres of clearing, which is adjacent to an existing overhead utility ROW, will be enough information to conclude a not likely to adversely affect on the new species.

We request FWS concurrence on the NLEB and confirmation that the DEC 2013 concurrence carries over. Please let me know if you have any questions about what has been provided or need it packaged in a different format or direct this coordination to someone else's attention. If we do not receive follow-up within 14-days of receipt we will assume FWS concurs with our determination(s).

Thank you!

Randy Steffey  
Environmental Scientist / Project Manager  
US Army Corps of Engineers - Norfolk District  
803 Front Street  
Norfolk, VA 23510

Email: randy.l.steffey@usace.army.mil  
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#### CUSTOMER SATISFACTION SURVEY:

The Norfolk District is committed to providing the highest level of support to the public. In order for us to better serve you, we would appreciate you completing our Customer Satisfaction Survey located at [http://corpsmapu.usace.army.mil/cm\\_apex/f?p=regulatory\\_survey](http://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey). We value your comments and appreciate your taking the time to complete the survey.

-----Original Message-----

From: Conrad, Christine [<mailto:christine.conrad@stantec.com>]  
Sent: Thursday, May 01, 2014 2:55 PM  
To: Steffey, Randy L NAO; Ramsey, Dave  
Subject: RE: [EXTERNAL] RE: NAO-2012-00080 / 13-V0408; Dominion Surry-Skiffes Ck- Whealton (UNCLASSIFIED)

Let me get a measurement pulled on those areas - they will be clearing along BASF as well as over by the York County Sports Complex (both are expansion of ROW). The switching station site will also be cleared. Clearing is typically one of the first items completed prior to construction on the line, but the actual timing of the activity for this project will be dependent upon issuance of the permits.

Christine Conrad, Ph.D.  
WEG, Now Stantec  
Phone: (757) 220-6869  
Mobile: (757) 310-7606  
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[christine.conrad@stantec.com](mailto:christine.conrad@stantec.com)

Williamsburg Environmental Group is now part of the Stantec family.

The content of this email is the confidential property of Stantec and should not be copied, modified, retransmitted, or used for any purpose except with Stantec's written authorization. If you are

not the intended recipient, please delete all copies and notify us immediately.

Please consider the environment before printing this email.

-----Original Message-----

From: Steffey, Randy L NAO [<mailto:Randy.L.Steffey@usace.army.mil>]  
Sent: Wednesday, April 30, 2014 1:30 PM  
To: Ramsey, Dave; Conrad, Christine  
Subject: FW: [EXTERNAL] RE: NAO-2012-00080 / 13-V0408; Dominion Surry-Skiffes Ck- Whealton (UNCLASSIFIED)

Classification: UNCLASSIFIED  
Caveats: NONE

Dave or Christine:

Please help me address question #2 below from FWS. Please provide me the estimated acreage of tree removal so I can get back with FWS to be sure concurrence is still valid. You may want to separate somehow on what acreage is new ROW versus existing ROW expansion. Thanks!

Randy

-----Original Message-----

From: Smith, Kimberly [[mailto:kimberly\\_smith@fws.gov](mailto:kimberly_smith@fws.gov)]  
Sent: Tuesday, April 29, 2014 5:53 PM  
To: Steffey, Randy L NAO  
Subject: Re: [EXTERNAL] RE: NAO-2012-00080 / 13-V0408; Dominion Surry-Skiffes Ck- Whealton (UNCLASSIFIED)

Randy,

1. I recommend that you run the project through our system and make sure your official species list doesn't change. If no changes to project description or official species list than no need to re-coordinate just keep the most recent official species list for your file.

2. For the NLEB, we are focusing on projects that will have significant tree removal and will not be completed prior to October 2014. If project does not involve significant tree removal than the concurrence letter/email is valid. Do you know how many acres of trees will be cleared and what time of year?

Let me know if I have any more questions.

Kim

On Tue, Apr 29, 2014 at 11:53 AM, Steffey, Randy L NAO <[Randy.L.Steffey@usace.army.mil](mailto:Randy.L.Steffey@usace.army.mil)> wrote:

Classification: UNCLASSIFIED  
Caveats: NONE

Hey Kim,

I wanted to follow-up with you regarding a previous coordination package you reviewed late last year where you issued "Not Likely to Adversely Effect" concurrence for the project below. First off nothing has changed with the specifics of the project all details remain the same. Our permit review is still ongoing and may likely continue for a little longer while Historic Resource coordination is being completed. I do not know of an exact date that we will be able to reach a final decision which is why I have two questions that I would like you to provide a response too:

1. How long is the FWS concurrence that was issued valid for? The certification letter generated from IPAC indicates Valid for one year. So I am assuming it would expire Nov. 13, 2014. Our permit decision would need to be before that date to remain valid correct? Otherwise we would have to re-coordinate?

2. At the time the species reports were run in IPAC, Northern Long Eared Bat was not an issue. I re-ran a very generic search to see if the species would populate but got no hits. Is this something that we need to reconsider for the concurrence letter/email to still be valid. I would not anticipate any adverse effect to the species for the fact that there will be very limited clearing associated with the project. Majority of the work fall within existing aerial transmission power line easement/ROW over land.

Any insight you can give would be great. I do not want to encounter any unforeseen issues at the last minute before a decision is being reached. Thanks,

Randy

-----Original Message-----

From: Kimberly Smith [[mailto:kimberly\\_smith@fws.gov](mailto: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  
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Gloucester, VA 23061  
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804-654-1924 (cell)  
<http://www.fws.gov/northeast/virginiafield/>

Classification: UNCLASSIFIED

Caveats: NONE

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**\*\*NOTE\*\*** My office telephone number has changed

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Classification: UNCLASSIFIED  
Caveats: NONE

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# 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](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 Manager: Randy Steffey	Project Name: Dominion Surry-Skiffes-Wheaton Powerline Project
Date: Nov 13, 2013 (Updated Apr 9, 2015)	Project Number: NAO-2012-00080 / 13-V0408

Project Description: Construct new and upgrade existing electrical transmission powerline and associated infrastructure, known as Surry - Skiffes Creek - Wheaton 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.

## Species Under the Jurisdiction of FWS:

Species/Resource Name	Conclusion	ESA Section 7 / Eagle Act Determination	Species Info / Habitat Description	Notes / Determination
Northern long-eared bat (Myotis septentrionalis)	Potential habitat present and no current survey conducted	Not likely to adversely affect	<p>"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.</p> <p>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."</p>	40.88 acres of total tree clearing will occur across the length of the project. Maintaining consistency with the segmented breakdown on IPAC searches, Segment 1 of 2 - (IPAC does not populate NLEB hit) includes approx. 8.10 ac of New ROW clearing and 17.73 ac clearing for the Switching Station Site; Primarily concentrated to Segment 2 of 2 - (IPAC hit for NLEB) includes 15.05 ac of clearing for expanded ROW. Based on IPAC search it would appear potential impacts to the species habitat are limited to Segment 2 of 2, and for the fact that only approximately 15 acres of tree clearing is required, which is adjacent to an existing overhead utility ROW, we are considering impacts minimal and therefore is not likely to adversely effect the species.
Sensitive joint-vetch (Aeschynomene virginica)	Suitable habitat present, species not present	Not likely to adversely affect	"The sensitive joint vetch is an annual legume native to the eastern United States. Populations currently exist in Maryland, New Jersey, North Carolina, and Virginia. The historical range for the species extended to Delaware and Pennsylvania. In Virginia, populations are found along the Potomac, Mattaponi, Pamunkey, Rappahannock, Chickahominy, and James Rivers and their tributaries." "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."	<b>FWS Concurrence Rec'd December 2013:</b> 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 (Isotria medeoloides)	Suitable habitat present, species not present	Not likely to adversely affect	"The small whorled pogonia is a herbaceous perennial orchid. It has a widely scattered distribution in the eastern United States along the Atlantic coast from Maine to Georgia with outlying occurrences in the midwest and Canada." "In Virginia, the small whorled pogonia is 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. The pogonia is found in soils that are acidic sandy loams with low nutrient content."	<b>FWS Concurrence Rec'd December 2013:</b> 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.

### Eagles (Haliaeetus leucocephalus)

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		<b>FWS Concurrence Rec'd December 2013:</b> 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				
<b>Other (species not listed above)</b>				



## 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/](http://www.fws.gov/northeast/virginiafield/)

Consultation Code: 05E2VA00-2015-SLI-1564

April 09, 2015

Event Code: 05E2VA00-2015-E-01566

Project Name: NAO-20012-00080 / 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, 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-20012-00080 / 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 Code:** 05E2VA00-2015-SLI-1564

**Event Code:** 05E2VA00-2015-E-01566

**Project Type:** Transmission Line

**Project Name:** NAO-20012-00080 / 13-V0408

**Project Description:** Update Species Check to Consultation Tracking Number: 05E2VA00-2014-SLI-0279 from Nov. 12, 2013;

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.

**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: NAO-20012-00080 / 13-V0408

### Project Location Map:



**Project Coordinates:** MULTIPOLYGON (((-76.6975838 37.1673824, -76.6684185 37.161076, -76.6607968 37.1822366, -76.6207653 37.1933138, -76.6131436 37.1933685, -76.6076504 37.2124968, -76.6131436 37.2171585, -76.6124569 37.2220523, -76.6035305 37.2165843, -76.6153065 37.1793645, -76.6573121 37.1645781, -76.6687619 37.1523064, -76.7017208 37.1591471, -76.6975838 37.1673824)))

**Project Counties:** James City, VA | Surry, VA



United States Department of Interior  
Fish and Wildlife Service

Project name: NAO-20012-00080 / 13-V0408

## Endangered Species Act Species List

There are a total of 0 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.

There are no listed species identified for the vicinity of your project.



United States Department of Interior  
Fish and Wildlife Service

Project name: NAO-20012-00080 / 13-V0408

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

There are no critical habitats within your project area.



# United States Department of the Interior



FISH AND WILDLIFE SERVICE  
Virginia Ecological Services Field Office  
6669 SHORT LANE  
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PHONE: (804)693-6694 FAX: (804)693-9032  
URL: [www.fws.gov/northeast/virginiafield/](http://www.fws.gov/northeast/virginiafield/)

Consultation Code: 05E2VA00-2015-SLI-1563

April 09, 2015

Event Code: 05E2VA00-2015-E-01565

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, 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-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 Code:** 05E2VA00-2015-SLI-1563

**Event Code:** 05E2VA00-2015-E-01565

**Project Type:** Transmission Line

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

**Project Description:** Updated Species List for previous Consultation Tracking Number: 05E2VA00-2014-SLI-0283 done Nov 12, 2013.

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.

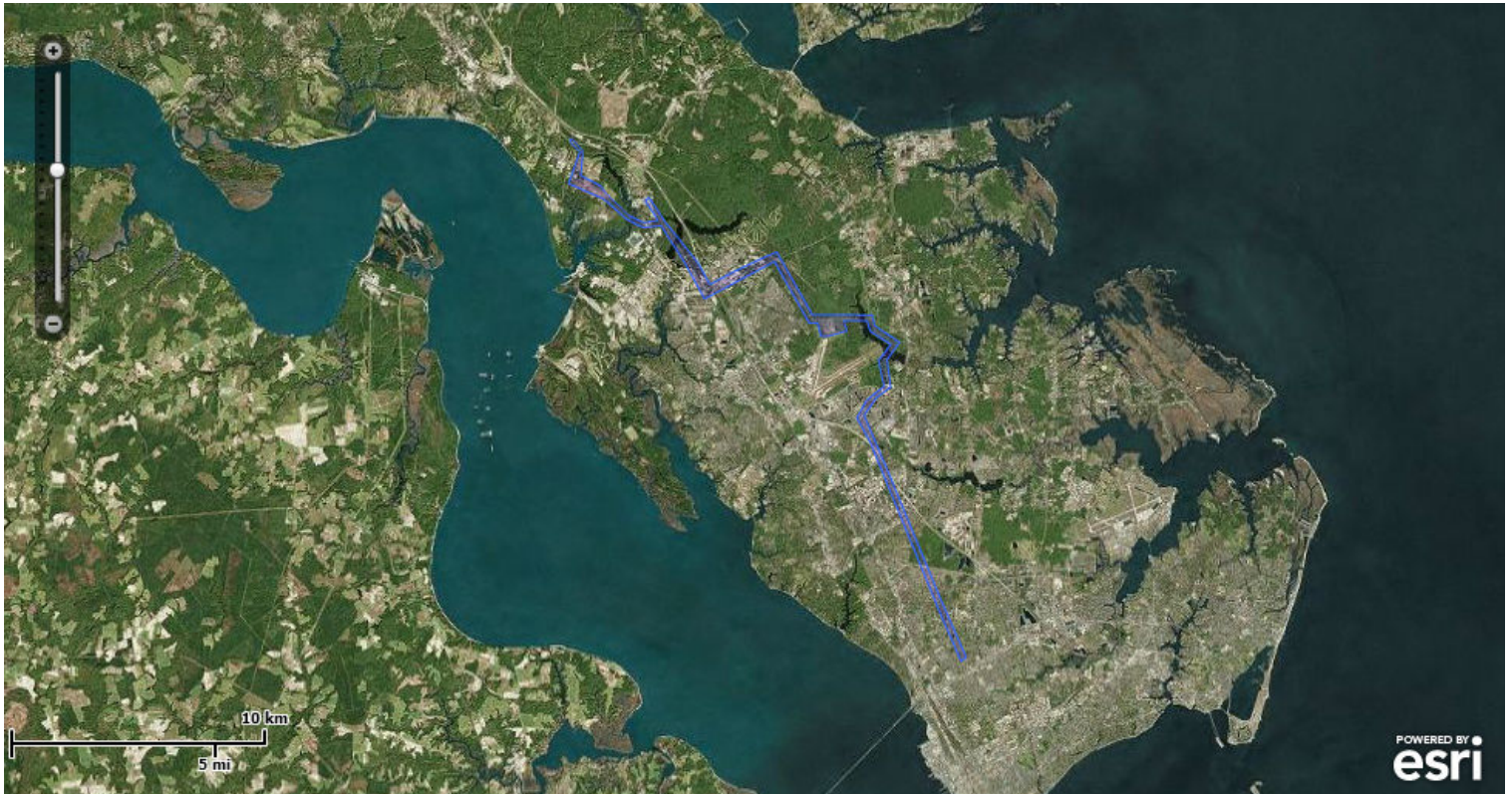
**Please Note:** The FWS office may have modified the Project Name and/or Project Description, so it may be different from what was submitted in your previous request. If the Consultation Code matches, the FWS considers this to be the same project. Contact the office in the 'Provided by' section of your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



United States Department of Interior  
Fish and Wildlife Service

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

### Project Location Map:



**Project Coordinates:** MULTIPOLYGON (((-76.6059245 37.214831, -76.6011017 37.2106193, -76.6009398 37.2090068, -76.6018834 37.2016234, -76.5929141 37.1978803, -76.5914339 37.1959661, -76.5805113 37.1874873, -76.5740577 37.1848957, -76.5675281 37.1856872, -76.5734097 37.1927881, -76.5715085 37.1937333, -76.5647191 37.1857439, -76.5500959 37.1709265, -76.5443109 37.1630677, -76.5339916 37.1674335, -76.5212889 37.1722033, -76.5146861 37.1744555, -76.4987368 37.1522645, -76.4864843 37.152316, -76.4721499 37.1520254, -76.4707981 37.1482456, -76.4598117 37.1425161, -76.4655197 37.1362209, -76.4639134 37.1265985, -76.4701337 37.1227913, -76.4756049 37.1165118, -76.4645759 37.0955656, -76.4582031 37.0832417, -76.4444058 37.0568409, -76.441273 37.0507618, -76.4342127 37.0375911, -76.4311014 37.0320071, -76.4301358 37.0305682, -76.4326035 37.0291806, -76.4423712 37.0471288, -76.473182 37.1071863, -76.4789336 37.115672, -76.474813 37.1216271, -76.4670024 37.1268966, -76.4693199 37.1359292, -76.4638267 37.1416767, -76.4729248 37.1463291, -76.4745555 37.1501602, -76.4846071 37.1499691, -76.4834462 37.1464133, -76.490274 37.1449116, -76.4915207 37.1447098, -76.4949924



United States Department of Interior  
Fish and Wildlife Service

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

37.1445683, -76.4965009 37.1493676, -76.5001531 37.1493825, -76.5156686 37.1710218, -  
76.5468252 37.1578208, -76.5555809 37.170477, -76.5662239 37.1838126, -76.5742062  
37.1830583, -76.5812443 37.1859987, -76.5917156 37.1932465, -76.6073439 37.198639, -  
76.6023366 37.2098571, -76.606862 37.2135638, -76.6059245 37.214831)))

**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

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> )	Proposed Endangered		



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

There are no critical habitats within your project area.