



United States Department of the Interior



FISH AND WILDLIFE SERVICE
Ecological Services
6669 Short Lane
Gloucester, VA 23061

September 27, 2006

Colonel Dionysios Anninos
U.S. Army Corps of Engineers
Norfolk District
803 Front Street
Norfolk, Virginia 23510-1096

Attn: Adrian Jennings
Regulatory Branch

Re: Biological Opinion for John E. Burton,
Permit Application #05-V2882,
Northumberland County, Virginia

Dear Colonel Anninos:

This letter constitutes an amendment to the U.S. Fish and Wildlife Service's (Service) August 31, 2006 biological opinion regarding John E. Burton shoreline stabilization project. The Service received your request to reinstate formal consultation on September 13, 2006.

From the site visit of September 21, 2006 the Service has determined that Tropical Storm Ernesto (September 1, 2006) caused severe erosion at the site. The storm surge removed approximately 30 feet of the shoreline bank, and removed 85% of the dune located at the eastern end of the site. The Service has determined that there will be no increase or change in the level of take permitted for this project. The Service does feel that the storm made so severe of changes to the site that the applicant need only to implement beetle surveys for the first and third year after completion of the project.

Other than the above change to Term and Condition #6, all other terms and conditions remain unchanged and must be implemented as stated in the original biological opinion. This concludes reinstatement of formal consultation on this permit application. This letter should be affixed to the August 31, 2006 biological opinion. If you have any questions about this consultation, please contact Mike Drummond of this office at (804) 693-6694, extension 114.

Sincerely,

Karen L. Mayne
Supervisor
Virginia Field Office

cc: Mr. John E. Burton

Colonel Anninos

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bcc: FWS, R5, ES, Hadley, MA (Glenn Smith, Mike Thabault)
FWS, NJFO, Pleasantville, NJ (Annette Scherer)
FWS, NEFO, Concord, NH (Susi von Oettingen)
FWS, CBFO, Annapolis, MD (Mary Ratnaswamy)
VDACS, Richmond, VA (Keith Tignor)
VDCR, DNH, Richmond, VA (René Hypes)
Randolph-Macon College, Department of Biology, Ashland, VA 23005 (Barry Knisley)

(Michael Drummond: 9-27-06)

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