

Appendix K



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Common tern

Intra-Service Section 7 Biological Evaluation Form

MEFO #07-052
October 20, 2006

INTRA-SERVICE SECTION 7 BIOLOGICAL EVALUATION FORM

Originating Person: Mark McCollough
Telephone Number: (207) 827-5938 x 12
Date: October 20, 2006

- I. **Region:** R5
- II. **Service Activity (Program):** Ecological Services
- III. **Pertinent Species and Habitat:**

A. Listed species and/or their critical habitat within the action area:

Federally designated endangered or threatened species at the refuge include the bald eagle (threatened), piping plover (threatened), and roseate tern (threatened). State-listed endangered species at the refuge, not included above, include the black tern, least tern, American pipit, peregrine falcon, black racer, Blanding's turtle, and ringed boghaunter, arctic tern, harlequin duck, upland sandpiper, and northern bog lemming. The New England cottontail became a candidate for listing in September, 2006. The federally-listed short-nosed sturgeon are found in large rivers and associated with estuaries, but their presence in refuge waters is unlikely.

The Rachel Carson National Wildlife Refuge is in the process of preparing a Comprehensive Conservation Plan (CCP) that is vital for the management of each refuge unit. The final CCP will provide strategic management direction over the next 15 years by:

- Providing clear statements of desired future conditions for habitat, wildlife, visitor services, and facilities;
- Providing refuge neighbors, visitors, and partners with a clear understanding of the reasons for management actions;
- Ensuring refuge management reflects the policies and goals of the System and legal mandates;
- Ensuring the compatibility of current and future public use;
- Providing long-term continuity and direction for refuge management; and providing direction for staffing, operations, maintenance, and developing budget requests.

The need to develop a CCP for the Complex is two-fold. First the Refuge Improvement Act requires that all national wildlife refuges have a CCP in place by 2012 to help fulfill the mission of the System. Second, the refuge lacks a

master plan to accomplish the actions noted above in an environment that has changed dramatically since the refuge was first established. For example, significant development pressure and population growth in coastal Maine are impacting the integrity of refuge habitats, and staffing and visitation has increased. Third, the refuge has developed strong partnerships, vital to its continued successes, with land trusts, watershed associations, and other conservation groups through the 11-town refuge region. The refuge's responsibility is to clearly develop priorities through this plan. Finally, the refuge needs a CCP to guide us in future habitat management and land protection that promotes the conservation of significant coastal ecosystems and Federal trust species.

- B. Proposed species and/or proposed critical habitat within the action area:**
The Service has been petitioned to list the American eel, which occurs in some of the rivers within the refuge system. A 12-month review for the American eel is currently being undertaken pursuant to the Endangered Species Act. The American eels may be found in a variety of aquatic habitats ranging from coastal to freshwater riverine, bays, and stream estuaries.

- C. Candidate species within the action area:**
The New England cottontail was listed as an official candidate for federal listing in September, 2006. It is found on 5 of 29 sites surveyed on the refuge, including some of the largest habitats for this species in the state. As such, the refuge will be important in recovery of this species.

IV. Geographic area or station name and action:
Rachel Carson NWR stretches along 50 miles of coastline in York and Cumberland Counties in southern Maine. The 5,293-acre refuge has 10 divisions between Kittery and Cape Elizabeth.

V. Location (attach map):
Maps are found in chapters 1 through 3 of the CCP.

- A. Ecoregion Number and Name:**
North Atlantic Coastal Ecoregion

- B. County and State:**
York and Cumberland Counties, Maine

- C. Section, township, and range (or latitude and longitude):** Refer to the CCP/EA Introduction and Chapters 2-4.

- D. Distance (miles) and direction to nearest town:** Varies

- E. Species/habitat occurrence:**

- **Piping plovers** nest at Crescent Surf Beach, Goosefare Brook, and Marshall Point at Goose Rocks. About 50% of the state's piping plover population of 50-70 nesting pairs, nests at sites on or near the refuge. Since 2000, the refuge has assumed responsibility for managing plovers at sites on and near the refuge.
- **Bald eagles** primarily use the refuge while migrating or wintering, and are associated with aquatic or wetland habitats and their adjacent terrestrial borders. No eagle nests are known on or near the refuge.
- **Roseate terns** are associated with intertidal or strand habitats. They nest on two islands adjacent to Rachel Carson NWR.

VI. Description of proposed action (attach additional pages as needed):

The proposed actions and alternative selected by the Service are described in Chapter 2 of the CCP.

VII. Determination of effects:

A. Explanation of effects of the action on species and critical habitats in items III.A, B, and C (attach additional pages as needed):

Refer to page 4-10, of the draft CCP for more information and details.

The proposed actions selected by the Service provide more potential habitat for fish and wildlife species native to the waters, wetlands, and forest associated with southern Maine. The Rachel Carson NWR plans to preserve, manage, and restore, some of the most important natural areas for wildlife on the coast of southern Maine. The refuge will incorporate methods such as restoration, habitat management, and/or monitoring of important wildlife habitats, ranging from coastal systems to native grasslands to shrublands to mature forests. The proposed management actions will provide support for threatened and endangered species in addition to hundreds of species of migratory birds, rare invertebrates, reptiles, amphibians, plants, and natural communities. Future actions will be coordinated with other federal and state natural resource agencies.

The CCP (p. 2-9, 2-21, 2-74) states we will perpetuate the biological integrity and diversity of coastal habitats to sustain native wildlife and plant communities, including species of special conservation concern. On p.2-10 and 2-38, the CCP provides specific objectives for protecting beach and berm and associated dune edges, washover, and intertidal areas for nesting, staging, and feeding piping plovers and least terns. The strategies also provide for active management of beaches, landowner outreach programs, vegetation management, predator management, and providing enforcement. The strategies outlined in the CCP will have a beneficial effect on the Federally-listed piping plover, roseate tern, and bald eagle.

Similarly, the CCP (p. 2-12, 2-42, 2-51, 2-75) states the Service will perpetuate

the biological integrity and diversity of upland habitats to sustain native wildlife and plant communities, including species of conservation concern. On pages 2-12, 2-51-53 the CCP provides specific objectives for managing shrubland and early successional habitats that will have a beneficial effect on the Federal-candidate New England cottontail.

- B. Explanation of actions to be implemented to reduce adverse effects:**
As explained above, we believe that implementation of the proposed alternatives in the CCP will result in either completely beneficial effects to the listed and candidate species described above; or that any direct, indirect, or cumulative adverse effects that may result will be no more than insignificant or discountable. In order to ensure that habitat restoration activities and other management actions in listed species habitat will have no adverse effects, these actions will be performed outside the listed species breeding seasonal windows.

VIII. Effect determination and response requested: [* optional]

A. Listed species/critical habitat:

Determination

Response requested

Is not likely to adversely affect

Concurrency

Species:

- Piping plover
- Bald eagle
- Roseate tern

B. Proposed species/proposed critical habitat:

Is not likely to adversely affect

Concurrency

Species:

- American eel

C. Candidate species:

No effect

Concurrency

Species:

- New England cottontail

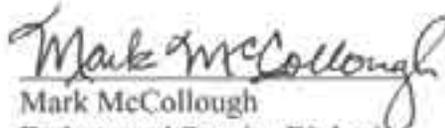


Ward Feury
Refuge Manager
Rachel Carson NWR

11/10/06
Date

IX. Reviewing ESO Evaluation:

- A. Concurrence X Noncurrence _____
- B. Formal consultation required No
- C. Conference required No
- D. Remarks (attach additional pages as needed):



Mark McCollough
Endangered Species Biologist
Maine Field Office

10/20/06
Date