

Intra-Service Section 7 Biological Evaluation Form

Region 3

Originating Person: Linda Malz Date Submitted: May 5, 2005

Telephone Number: 952-858-0716

I. **Service Program and Geographic Area or Station Name:**

Refuges and Wildlife; Minnesota Valley National Wildlife Refuge, Bloomington, Minnesota

II. **Flexible Funding Program** (e.g. Joint Venture, etc) if applicable:

III. **Species/Critical Habitat:** List federally-listed, proposed, and candidate species or designated or proposed critical habitat that occur or may occur within the action area:

Bald eagle (*Haliaeetus leucocephalus*)

IV **Location:** Location of the project including County, State and TSR (township, section & range):

Development

Legal Description

Sec. Twp. Range

Intern Housing

NE1/4, NW1/4

6

114N

23W

Carver, Minnesota

V. **Project Description:** Describe proposed project or action or, if referencing other documents (e.g. the Grant Proposal), prepare an executive summary (attach additional pages as needed):

Minnesota Valley National Wildlife Refuge has amended the proposed action as outlined within the initial Intra-Service Section 7 Consultation for public use facility development, submitted on July 15, 2003 and approved on July 24, 2003. (Please note: The initial Intra-Service Section 7 Consultation was previously amended to include the development of extended outdoor environmental education and interpretive facilities, and submitted for review on April 30, 2004. Concurrence to this amendment was given on May 5, 2004.)

Currently, this project now entails adopting the proposed action as fully outlined within the draft Environmental Assessment (EA) titled "Proposed Visitor and Environmental Education Center, Outdoor Educational/Interpretive Facilities, and Intern Housing". This amended proposal identifies a new location for the development of intern housing. This new location would place the construction of an intern bunkhouse adjacent to the new Rapids Lake Maintenance Shop which was constructed in 2004 (An Intra-Service Section 7 Consultation

for the construction of the new maintenance shop was submitted on April 3, 2003 with concurrence noted on April 14, 2003.). All other aspects of development previously proposed remain the same as originally identified and described. This amended proposal strives to meet the needs of the Refuge in providing security for other nearby Service facilities. Following the completion of this supplemental consultation and based on the evaluation of public comments on the draft EA, the Regional Director (Region 3) of the Fish and Wildlife Service may make a Finding of No Significant Impact (FONSI) determination and adopt the proposed action. The Regional Director may also select one of the other alternatives as presented in the EA. Should an alternative other than the proposed action be selected, a new consultation would be implemented.

VI. **Determination of Effects:**

(A) Description of Effects: Describe the effects of the action(s) on the species and critical habitats listed in item III. For each section 7 determination made below, attach an explanation of such determination for all applicable species or critical habitat. Documentation should include a brief discussion of each of the following: 1) species status - population trends, distribution in action area, 2) habitat status - critical or noncritical; species use such as breeding, feeding in action area, and 3) impacts of the action - how the proposed action will affect species/critical habitat (consider direct, indirect, and cumulative effects). Beneficial and adverse effects, as well as actions to avoid or minimize adverse effects, should be identified (attach additional pages as needed).

The U.S. Fish and Wildlife Service, Minnesota Valley National Wildlife Refuge, has monitored nesting bald eagles on the Refuge since 1995. The annual number of active eagle nests on the Refuge has varied between one and three, although a total of seven active nests were documented in the 2004 nesting season. One of the seven active nests being used on the Refuge during the 2004 nesting season is identified on the attached maps. This nest was also active during the 2003 nesting season. Two inactive nests, which are also in close proximity to the amended proposed action, have been identified on these maps as well. These nest sites are located in the flood plain in either live or dead cottonwood trees located less than one half mile from the Minnesota River. In addition to nesting habitat, bald eagles also use a variety of flood plain forest, wetland, and riparian areas on the Refuge for foraging, perching, roosting, and migratory habitat.

Implementation of the amended proposal is not likely to adversely affect bald eagle nest sites on the Refuge. The new location proposed for the development of an intern bunkhouse has previously been occupied by human activity (Mittelsted farm agricultural fields). Also, as previously mentioned, the site is currently occupied by the Refuge's maintenance complex. The area immediately surrounding this site consists of restored prairie habitat and lacks mature forest habitat. The known nest locations are not located near this proposed development site.

Implementation of this amended action would not negatively impact the relative abundance of forest or wetland habitat. There may be some temporary disturbance to roosting or feeding eagles on the Refuge as a result of construction activities. Given the proximity and the limited amount of acreage proposed for development, other quality habitat would still be available for the eagles.

VI. **Determination of Effects** (continued):

(B) Determination: Determine the anticipated effects of the proposed project on species and critical habitats listed in item III. Check all applicable boxes and list the species associated with each determination.

Response requested

"No Effect" This determination is appropriate when the proposed project will not directly or indirectly affect (neither negatively nor beneficially) individuals of listed/proposed/candidate species or designated/proposed critical habitat of such species. List species applicable to this determination (or attach a list):

_____ Concurrence
(optional)

"May Affect but Not Likely to Adversely Affect species/critical habitat"

This determination is appropriate when the proposed project is not likely to adversely impact individuals of listed species or designated critical habitat of such species. List species applicable to this determination (or attach a list):

___x___ Concurrence

"May Affect and Likely to Adversely Affect species/critical habitat" This determination is appropriate when the proposed project is likely to adversely impact individuals of listed species or designated critical habitat of such species. List species applicable to this determination (or attach a list):

_____ Formal Consultation

"Not Likely to Jeopardize candidate or proposed species/critical habitat"

This determination is appropriate when the proposed project is not expected to jeopardize the continued existence of a species proposed for listing or a candidate species, or adversely modify an area proposed for designation as critical habitat. List species applicable to this determination (or attach a list):

_____ Concurrence
Informal Conference optional

"Likely to Jeopardize candidate or proposed species/critical habitat" This determination is appropriate when the proposed project is reasonably expected to jeopardize the continued existence of a species proposed for listing or a candidate species, or adversely modify an area proposed for designation as critical habitat. List species applicable to this determination (or attach a list):

_____ Formal Conference

_____/s/ Thomas M. Kerr

___5/12/05_____

Signature

Date

Acting Refuge Manager

Minnesota Valley National Wildlife Refuge

Reviewing Ecological Services Office Evaluation (check all that apply):

A. **Concurrence** x **Nonconcurrence**
Explanation for nonconcurrence:

B. Formal consultation required
List species or critical habitat unit

C. Conference required
List species or critical habitat unit

 /s/ Dan P. Stinnett
Signature [Reviewing ES Office Supervisor]

 5/26/2005
Date

 Twin Cities ES Field Office
Name of Reviewing ES Office