

## Intra-Service Section 7 Biological Evaluation Form Region 3

Originating Person: Linda Malz Date Submitted: April 29, 2004

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**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):

<u>Development</u>	<u>Legal Description</u>		
	Sec.	Twp.	Range
Extended Outdoor Facilities	W1/2	5	114N 23W
	SE1/4	6	114N 23W
	N1/2 & NW1/4SW1/4	7	114N 23W
	SE1/4SE1/4	25	115N 24W
		30	115N 23W
	N1/2	31	115N 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. This project now entails adopting the proposed action as fully outlined within the draft Environmental Assessment (EA) titled "Proposed Visitor Contact Station, Environmental Education Center, Outdoor Educational/Interpretive Facilities and Intern Housing." This amendment includes the development of the exact same public use facilities as originally identified and described in the initial consultation, with the addition of extended outdoor environmental education and interpretive facility development. Outdoor interpretive facility development as initially presented, would have only occurred within the confines of the development site for both the Visitor Contact Station and Environmental Education Center. This amended proposal identifies the development of outdoor public use facilities extending beyond the site boundary

of the two proposed buildings. Extended outdoor environmental education and interpretive facilities would consist of items such as longer loop trail opportunities, destination trails inclusive of a trail traversing parallel to the Minnesota River along the entire length of the Rapids Lake Unit, kiosks, boardwalks, observation platforms, and habitat restoration and demonstration sites. These proposed developments have been identified on the attached Trail Concept Plan. The amended proposal strives to further enhance the educational and interpretive programs which would be conducted at the proposed visitor station and education center. These expanded features are needed to meet the needs of older school-aged children and those visitors with ample time to explore the Refuge. Following the completion of this supplemental consultation and based on the evaluation of public comments on the 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 or select an entirely new alternative that was not developed for 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 at 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 has been documented in the 2004 nesting season. Production has usually been one eaglet per nest and occasionally a second eaglet has fledged. One of the seven active nests being used on the Refuge during this 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, and roosting in addition to migratory habitat. Migratory use of the Refuge generally occurs between late February and mid-April, with most of the activity concentrated around Refuge flood plain wetlands. During the summer and fall, Refuge staff frequently sees immature and adult bald eagles on Refuge flood plain wetlands.

It is anticipated that the implementation of extended outdoor environmental education and interpretive facility development as described in this amendment may affect but is not likely to adversely affect the relative abundance of forest or wetland habitat, the two most commonly used habitats for roosting or feeding. The construction of trails, boardwalks, observation platforms, and habitat demonstration sites may require the need to clear portions of mature flood plain forest. Fortunately large sections of the proposed trail system are already in existence in the form of abandoned farm roads. Trail layouts in

undeveloped areas would be chosen so as to limit, to the greatest extent possible, the number of mature trees removed. Areas for the construction of boardwalks, observation platforms, and habitat demonstration sites would also be chosen so as to limit the number of mature trees removed. Timing of outdoor facility construction activities would be limited to the late summer or fall seasons to reduce the disturbance to roosting or feeding eagles on the Refuge. Furthermore, other quality habitat throughout the Refuge would be available for the eagles prior to and during fall migration. Proposed restoration of wetland habitats would have long term beneficial effects to eagles on the Refuge.

Implementation of the proposed action as described in this amendment may affect but is not likely to adversely affect bald eagle nest sites on the Refuge. Portions of the proposed trail location are within the tertiary zone of two known nest sites, one active and one inactive. Due to the flat topography of the flood plain, trail layouts near these two nest sites would be chosen so as to maximize utilization of vegetation to screen the view to and from both nests. Limiting the timing of trail construction activities to late summer and/or fall (July 31 - January 10) would minimize the amount of disturbance during the critical nesting period. Every effort would be made to minimize potential impacts on nesting bald 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/ Richard D. Schultz  
Signature  
[Supervisor at originating station]

4/30/04  
Date

**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]

  5/5/2004    
Date

  Twin Cities ES Field Office    
Name of Reviewing ES Office