Appendix G

©Kevin Fleming

American black ducks take flight

Intra-Service Section 7 Biological Evaluation Form

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INTRA-SERVICE SECTION 7 BIOLOGICAL EVALUATION FORM

Originating Person: Arthur Coppola
Telephone Number: 302-684-8419

I. Region: Region 5 (Northeast)

II. Service Activity (Program): National Wildlife Refuge System

III. Pertinent Species and Habitat:

A. Listed species potentially present within the action area:

- Delmarva Fox Squirrel (DFS) (*Sciurus niger cinereus*)
- Piping Plover (*Charadrius melodus*)

There is no Federally-designated critical habitat within the action area.

B. Proposed species and/or proposed critical habitat within the action area
None

C. Candidate species within the action area:
- Red Knot (*Calidris canutus*)

D. Include species/habitat occurrence on a map.
Habitat maps are found in Chapter 3 of the final CCP/EIS.

IV. Geographic area or station name and action:
Prime Hook National Wildlife Refuge – Development of a Comprehensive Conservation Plan.

A. Ecoregion Number and Name: Ecosystem No. 36 Delaware River/Delmarva Coastal Ecosystem

B. Distance (miles) and direction to nearest town: The Refuge is located 5 miles east of Milton, DE.

Prime Hook National Wildlife Refuge has prepared a Comprehensive Conservation Plan (CCP) that is vital for the management of the Refuge. The final CCP will provide strategic management direction over the next 15 years, by

- providing a clear statement 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 uses;
- providing long-term continuity and direction for Refuge management; and
- providing direction for staffing, operations, maintenance, and developing budget requests.

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.

With the Refuge located in the mid-Atlantic region of the U.S., it provides significant, even critical amounts of habitat for the majority of wildlife species known to occur along the east coast. The Refuge consists of over 10,000 acres with 34 different habitat classifications. The coastal location of the Refuge also makes them part of a major migration corridor for a variety of birds, including waterfowl, waterbirds, raptors, and songbirds.

V. Location:
Maps are found in Chapters 1 through 3 of the final CCP/EIS.

A. Ecoregion Number and Name: Ecosystem No. 36 Delaware River/Delmarva Coastal Ecosystem

B. County and State: Sussex County, Delaware

C. Section, township, and range (or latitude and longitude):

D. The Refuge headquarters is located at latitude 38 degrees, 49'48" and longitude -75 degrees, 14'54"

E. Distance (miles) and direction to nearest town: The Refuge is located 5 miles east of Milton, DE

F. Species/habitat occurrence:

- **Delmarva Fox Squirrels** are associated with forested habitats on the refuge, primarily inhabiting a core area near the refuge headquarters area of the refuge, in Unit III.

- **Piping plovers** are associated with intertidal or strand habitats. Piping plovers have been noted on overwash areas of the beach along the refuge's eastern boundary. However, there has been no confirmed breeding on the refuge documented thus far.

- **Red Knots** are a candidate species which may use the refuge during migration. It is generally restrided to the overwash and beach areas but occasionally may move inland and use mudflats.

Although delisted in 2007, the bald eagle is also present on the refuge and its protection through management is still a consideration for the refuge.

For more information and details, please refer to chapter 3, "Affected Environment" of the final CCP/EIS.

VI. Description of proposed action (attach additional pages as needed):
The proposed actions and alternatives selected by the Service are described in Chapter 2 of the final CCP/EIS.

VII. Determination of effects:

A. Explanation of effects of the action on species in Item III:
Refer to Chapter 4 of the final CCP/EIS for more information and details.

The proposed actions provide more potential habitat for fish and wildlife species native to the waters, wetlands, and forest associated with the Delaware River/Delmarva Ecosystem. Prime Hook NWR plans to preserve, manage, and restore some of the last significant natural areas for wildlife in Delaware. The Refuge's proposed actions will incorporate methods such as restoration, habitat management, and/or monitoring of important wildlife habitats, ranging from coastal systems to mature forests. The proposed management actions presented in the CCP will provide support for threatened and endangered species in addition to hundreds of species of migratory birds and other wildlife within the Atlantic Flyway.

From the final CCP/EIS, (Chapter 4, Alternative B, the Service-Preferred Alternative), Goals One through Four outline the proposed preservation, restoration, and management of barrier beach and saltmarsh habitats, forests, the wetland impoundment complex, and early successional habitats. Proposed actions include reforestation of substantial potential Delmarva Fox Squirrel habitat, restoration of salt marsh within the impounded wetland complex, and protection of beach overwash habitats created in certain parts of the refuge, which would be suitable for piping plovers and red knots.

The Service announced in July 2007 the final decision to remove the bald eagle from the list of threatened and endangered species. After 40 years of conservation efforts, eagle populations have rebounded and no longer need Endangered Species Act protection.

The refuge has two active Bald eagle nests. The Service will effectively monitor the species in cooperation with the states for a minimum of five years after delisting. The post-delisting monitoring plan provides a solid framework for surveying eagles and documenting eagle success after delisting. The monitoring plan is designed to track the population status of bald eagles in the lower 48 states by sampling the number of breeding pairs, similar to the current monitoring methods. The monitoring plan is not intended to monitor causal factors such as circumstances that "disturb" bald eagles or their habitat, a term defined under Bald and Golden Eagle Protection Act. We will continue to monitor that nest and any new ones located on the Refuge. Bald eagles are protected by two other major federal laws: the Bald and Golden Eagle Protection Act and the Migratory Bird Treaty Act.

Information on the occurrence of listed species and their habitats is frequently updated; thus, Refuge staff will continue to consult with the Service's Ecological Services (ES) Branch.

B. Explanation of actions to be implemented to reduce adverse effects:
As explained above, we believe that implementation of the preferred alternative in the CCP will result in either completely beneficial effects to the listed 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 listed species growing/breeding seasonal windows.

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

A. List species/designated critical habitat:

Determination	Response requested
No effect/No adverse modification	
Species:	
	____Concurrence

May affect, but is not likely to adversely affect species/adversely modify critical habitat
Species:

1) Delmarva Fox Squirrel (any effects completely beneficial)
2) Piping Plover (any effects completely beneficial)
3) Red Knot (any effects completely beneficial)

_X_ Concurrence

May affect, and is likely to adversely affect species/adversely modify critical habitat
Species: None

____ Formal Consultation

Signature 1/4/13 Date

Refuge Manager, Prime Hook NWR

IX. Reviewing ESO Evaluation:

A. Concurrence _X_ Non-concurrence____

B. Formal consultation required_____

C. Conference required _____

D. Informal conference required _____

E. Remarks (attach additional pages as needed):

, Field Supervisor 2/4/2013

Signature Date

[Title/office of reviewing official]