

Appendix D



Bill Wallen

Heron nests at Mason Neck Refuge

Endangered Species Act and National Historic Preservation Act Consultation Documents

INTRA-SERVICE SECTION 7 BIOLOGICAL EVALUATION FORM

RECEIVED
APR 30 2011

Virginia Field Office

[Note: This form provides the outline of information needed for consultation. If additional information is needed, attach additional sheets, or set up this form to accommodate your responses.]

Originating Person: Greg Weiler
Telephone Number: 703-490-4979
Date: April 27, 2011

Signature: *G. Weiler*

- I. **Region:** Region 5 – Northeast
- II. **Service Activity (Program) –** National Wildlife Refuge System, Potomac River National Wildlife Refuge Complex, Featherstone National Wildlife Refuge Comprehensive Conservation Plan
- III. **Pertinent Species and Habitat:**
 - A. **Listed species and/or their critical habitat within the action area**
Sensitive Joint-Vetch (*Aeschynomene virginica*) – Not currently known on refuge
 - B. **Proposed species and/or proposed critical habitat within the action area**
None
 - C. **Candidate species within the action area:**
None
- IV. **Geographic area or station name and action:**
Featherstone National Wildlife Refuge, Comprehensive Conservation Plan
- V. **Location (attach map):**
 - A. **Ecoregion Number and Name:** Chesapeake Bay Lowlands #58
 - B. **County and State:** Prince William County, Virginia
 - C. **Section, township, and range (or latitude and longitude):** See location map

D. Distance (miles) and direction to nearest town: See location map

E. Species/habitat occurrence: See habitat map

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

The National Wildlife Refuge System Administration Act of 1966, as amended by the National Wildlife Refuge System Improvement Act of 1997, requires that all national wildlife refuges complete a Comprehensive Conservation Plan (CCP) by fiscal year 2012. In addition, compliance with the National Environmental Policy Act of 1969 requires the completion of an Environmental Assessment (EA). An EA accompanied the draft CCP for Elizabeth Hartwell Mason Neck (Mason Neck) and Featherstone national wildlife refuges (NWRs) which was distributed for a 30-day internal agency review in July 2010, followed by a public review and comment period from January 5 to February 22, 2011. We identified alternative B as the Service-preferred alternative.

The draft CCP/EA document is available online at: http://www.fws.gov/northeast/planning/MasonNeck_Featherstone/draftccp.html. The Mason Neck and Featherstone NWRs CCP/EA explains the refuge's purposes, vision, and goals, describes the affected environment of the refuge at the time of the CCP/EA's writing, offers 2 management alternatives for Featherstone NWR, describes the environmental consequences predicted from implementing these management alternatives, and summarizes the refuge's consultation and coordination with others during the CCP/EA planning process.

References to sensitive joint-vetch occur on the following pages: 1-30, 2-49, 2-51, 3-83, and 3-95.

The final CCP for Featherstone NWR will serve to guide refuge management decisions over the next 15 years. We are preparing the final CCP for the Regional Director with the recommendation to adopt alternative B. In response to public comments, the only modification from the draft CCP/EA alternative B that we recommend is the allowance for landing of canoes and kayaks on the shoreline along Farm Creek at the proposed southern-most observation deck and fishing area (see public use map). No additional infrastructure would be developed for this activity.

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):

Currently, no Federal-listed plants have been documented on Featherstone NWR. According to the Virginia Department of Conservation and Recreation (VDCR) in their

comments on the draft CCP/EA (letter to Nancy McGarigal, dated February 16, 2011), there is the potential for sensitive joint-vetch to occur on the refuge.

Some habitat management actions and public use opportunities proposed in the CCP could impact potentially suitable habitat for this species. Currently, Featherstone NWR is closed to public activity. In the CCP, we are proposing to open the refuge to the public, including establishing designated trails on existing footpaths and old road beds for wildlife observation, photography, interpretation, and for fishing at designated locations. Enhancing existing footpaths for long term use and unauthorized off trail use could result in vegetation trampling. Refuge management activities, such trail maintenance, biological monitoring and surveying, and invasive plant removal, also could result in accidental removal, trampling, or other damage to plants.

B. Explanation of actions to be implemented to reduce adverse effects:

The Service has identified one Federal-listed plant in Prince William County which has not been documented but may be present on Featherstone NWR: sensitive joint-vetch (threatened). Refuge staff will continue to survey for this species wherever we propose any ground disturbing activities on the refuge, such as trail construction. If sensitive joint-vetch is found on the refuge, we will work with the species' Recovery Team and other experts to develop plans to protect the species.

Since, sensitive joint-vetch occurs in wetlands, the refuge's protection of wetland habitat will also reduce adverse impacts to the species. The refuge proposes to:

- Inventory the flora and fauna of these wetlands, including working with VDCR – Division of Natural Heritage to survey for rare plant species.
- Prior to opening the refuge to the public, the refuge will design trails to avoid sensitive wetland areas. Once the refuge is open, public access will be restricted to designated trails to prevent human disturbance to sensitive and unique habitat areas.

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

IX. Notes:

Currently, there are no records of sensitive joint-vetch occurring on Featherstone Refuge. However, according to the Virginia Department of Conservation and Recreation (VDCR), there is the potential for the refuge to support population(s) of sensitive joint-vetch (letter from the Virginia Department of Environmental Quality dated February 16, 2011). The VDCR has recommended that we conduct inventories for the species in all tidal freshwater marsh habitats on the refuge. The VDCR and the Virginia Department of Agriculture and Consumer Services (VDACS) recommend coordinating the results of these inventories with the VDCR – Division of Natural Heritage.

A. Listed species/critical habitat:

<u>Determination</u>	<u>Response requested</u>
no effect/no adverse modification (species: <u>Sensitive joint-vetch</u>)	<input checked="" type="checkbox"/> *Concurrence
may affect, but is not likely to adversely affect (species: _____ X _____)	<input type="checkbox"/> Concurrence <input type="checkbox"/> *Formal Consultation
may affect, and is likely to adversely affect (species: _____)	<input type="checkbox"/> Formal consultation

B. Proposed species/proposed critical habitat:

<u>Determination</u>	<u>Response requested</u>
no effect on proposed species/no adverse modification of proposed critical habitat (species: _____)	<input type="checkbox"/> *Concurrence
is likely to jeopardize proposed species/adversely modify proposed critical habitat (species: _____)	<input type="checkbox"/> Conference

C. Candidate species:

<u>Determination</u>	<u>Response requested</u>
no effect (species: _____)	<input type="checkbox"/> *Concurrence
is likely to jeopardize candidate species (species: _____)	<input type="checkbox"/> Conference


 _____ 4/27/11
 signature date
 [Title/office of supervisor at originating station]
 Refuge mgr, Potomac River NWR

IX. Reviewing ESO Evaluation:

A. Concurrence Noncurrence

B. Formal consultation required

C. Conference required

D. Remarks (attach additional pages as needed):

Cynthia A. Chubb 5/28/11
signature date
[Title/office of reviewing official]

- B. **County and State:** Fairfax County, Virginia
- C. **Section, township, and range (or latitude and longitude):** See location map
- D. **Distance (miles) and direction to nearest town:** See location map
- E. **Species/habitat occurrence:** See habitat map

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

The National Wildlife Refuge System Administration Act of 1966, as amended by the National Wildlife Refuge System Improvement Act of 1997, requires that all national wildlife refuges complete a Comprehensive Conservation Plan (CCP) by fiscal year 2012. In addition, compliance with the National Environmental Policy Act of 1969 requires the completion of an Environmental Assessment (EA). An EA accompanied the draft CCP for Elizabeth Hartwell Mason Neck (Mason Neck) and Featherstone national wildlife refuges (NWRs) which was distributed for a 30-day internal agency review in July 2010, followed by a public review and comment period from January 5 to February 22, 2011. We identified alternative B as the Service-preferred alternative.

The draft CCP/EA document is available online at: http://www.fws.gov/northeast/planning/MasonNeck_Featherstone/draftccp.html. The Mason Neck Refuge and Featherstone NWRs CCP/EA explains the refuge's purposes, vision, and goals, describes the affected environment of the refuge at the time of the CCP/EA's writing, offers 3 management alternatives for Mason Neck NWR, describes the environmental consequences predicted from implementing these management alternatives, and summarizes the refuge's consultation and coordination with others during the CCP/EA planning process.

References to sensitive joint vetch occur on the following pages: 1-30, 2-32, 2-33, 3-6, 3-38, and 3-41. References to small whorled pogonia occur on the following pages: 1-30, 2-32, and 3-6.

The final CCP for Mason Neck NWR will serve to guide refuge management decisions over the next 15 years. We are preparing the final CCP for the Regional Director with the recommendation to adopt alternative B.

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):**

Currently, no Federal-listed plants have been documented on Mason Neck NWR. According to the Virginia Department of Conservation and Recreation (VDCR) in their

comments on the draft CCP/EA (letter to Nancy McGarigal, dated February 16, 2011), there is the potential for sensitive joint-vetch and small whorled pogonia to occur on the Refuge.

Some habitat management actions and public use opportunities proposed in the CCP could impact potentially suitable habitat for these species. Proposed expansions of the hunt program may result in a higher risk of hunters trampling vegetation while hunting off-trail. Additionally, creating new trail access using existing old road beds (e.g. Tree Stand Road and an extension of Sycamore Road) may also result in visitors trampling vegetation adjacent to these newly designated wildlife observation trails. Refuge management activities, such as biological monitoring and surveying, facilities maintenance, and invasive plant removal, also could result in accidental removal, trampling, or other damage to plants.

B. Explanation of actions to be implemented to reduce adverse effects:

The Service has identified two Federal-listed plants in Fairfax County which have not been documented but may be present on Mason Neck NWR: sensitive joint-vetch (threatened) and small whorled pogonia (threatened). The refuge will continue to survey for these plants in suitable habitat wherever we propose any ground disturbing activities on the refuge, such as facilities construction or habitat management. If either of these species is found on the refuge, we will work with the respective species' Recovery Team and other experts to develop plans to protect them.

Since, sensitive joint vetch occurs in wetlands, the refuge's protection of wetland habitat will also reduce potential adverse impacts to the species. Related actions proposed under alternative B are to:

- Continue to prohibit public access (pedestrian and boat) to Little Marsh and Great Marsh.
- Inventory the flora and fauna of these wetlands, including working with VDCR – Division of Natural Heritage to survey for rare plant species.
- Maintain existing and install additional shoreline protections as warranted, and after consultation with partners, to prevent further erosion.

Similarly, since small whorled pogonia occurs in uplands, the refuge's proposed upland habitat management will help reduce potential adverse impacts to the species. Related actions proposed under alternative B are to:

- Continue to minimize the potential for human disturbance to unique habitat features by restricting public access to designated trails only.
- Work with State resource managers, researchers, educators, and/or volunteers to collect baseline information on wildlife and plants.

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

IX. Notes:

Currently, there are no records of either sensitive joint vetch or small whorled pogonia occurring on Mason Neck NWR. However, according to the VDCR, there is the potential for the refuge to support population(s) of both species (letter from the Virginia Department of Environmental Quality to Nancy McGarigal, Planning Team Leader, dated February 16, 2011). The VDCR has recommended that Refuge staff conduct inventories for sensitive joint vetch in all of the refuge's tidal freshwater marsh habitats, and inventory for small whorled pogonia in the refuge's upland habitats. The VDCR and the Virginia Department of Agriculture and Consumer Services (VDACS) recommend coordinating the results of these inventories with the VDCR – Division of Natural Heritage.

A. Listed species/critical habitat:

<u>Determination</u>	<u>Response requested</u>
no effect/no adverse modification (species: <u>Sensitive joint-vetch and</u> <u>Small whorled pogonia</u>)	<u> X </u> *Concurrence
may affect, but is not likely to adversely affect (species: <u> X </u>)	<u> </u> Concurrence <u> </u> *Formal Consultation
may affect, and is likely to adversely affect (species: <u> </u>)	<u> </u> Formal consultation

B. Proposed species/proposed critical habitat:

<u>Determination</u>	<u>Response requested</u>
no effect on proposed species/no adverse modification of proposed critical habitat (species: <u> </u>)	<u> </u> *Concurrence
is likely to jeopardize proposed species/adversely modify proposed critical habitat (species: <u> </u>)	<u> </u> Conference



COMMONWEALTH of VIRGINIA

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February 2, 2011

Nancy McGarigal
Planning Team Leader
United States Department of the Interior
Fish and Wildlife Service
300 Westgate Center Drive
Hadley MA 01035-9589

Re: Elizabeth Hartwell Mason Neck and Featherstone National Wildlife Refuges
Comprehensive Conservation Plan and Environmental Assessment
DHR Project No. 2010-1333

Dear Ms. McGarigal:

Thank you for your letter of January 4, 2011 requesting our comments on the draft Comprehensive Conservation Plan and Environmental Assessment for Elizabeth Hartwell Mason Neck and Featherstone National Wildlife Refuges. As we stated earlier in our letter of July 30, 2010, based upon the documentation provided, we fully support the Service-preferred alternatives for these refuges. We agree that these alternatives will best achieve the refuges purposes, visions and goals and best fulfill the Service's stewardship responsibilities under Section 110 of the National Historic Preservation Act.

We note that the two minor suggestions offering in our July letter have been addressed in the current draft. We have no additional comments.

If you have any questions concerning our comments, or if we may provide any further assistance, please do not hesitate to contact me at (804) 367-2323, ext. 112; fax (804) 367-2391; e-mail ethel.eaton@dhr.virginia.gov.

Sincerely,

A handwritten signature in cursive script that reads "Ethel R. Eaton".

Ethel R. Eaton, Ph.D., Senior Policy Analyst
Division of Resource Services and Review

c. John S. Wilson, Region 5 Historic Preservation Officer

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