

Appendix O



Amanda Boyd/USFWS

Piping Plover

Section 7 Biological Opinion for Alternative B

INTRA-SERVICE SECTION 7 BIOLOGICAL EVALUATION FORM

Originating Person: Louis Hinds, Refuge Manager
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Project Title: Chincoteague National Wildlife Refuge and Wallops Island National Wildlife Refuge Comprehensive Conservation Plan preferred alternative (Alternative B).

I. Service Program: National Wildlife Refuge System

II. Geographic Area Including Name of County/City and State and Specific Project Location:

Chincoteague National Wildlife Refuge, Accomack County, Virginia and Worcester County, Maryland

- Assateague, Assawoman, Metompkin, and Cedar Islands
- Wildcat Marsh and Morris Island

Wallops Island National Wildlife Refuge, Accomack County, Virginia

III. Proposed Activity:

Chincoteague National Wildlife Refuge (NWR) is in the process of preparing a Comprehensive Conservation Plan and Environmental Impact Statement (CCP/EIS) that is vital for the management of both refuges. 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.

In accordance with the Refuge System Planning Policy (Service Manual 602 FW 3), the purpose of this CCP is to provide the refuge manager with a 15-year management plan for the conservation of fish, wildlife, and plant resources and their related habitats, while providing opportunities for compatible wildlife-dependent recreational uses.

The proposed actions and alternatives selected by the Service are described in Chapter 2 of the draft CCP/EIS.

IV. Pertinent Species and Habitat Within Action Area

- A. Action area (includes **all areas to be affected directly or indirectly** by the proposed project and not merely the immediate area involved in the action).

The refuge is located on a system of barrier islands off the eastern shore of the Delmarva Peninsula, a large peninsula on the East Coast comprised of most of Delaware and portions of Virginia and Maryland (see map). The refuge primarily lies in Accomack County, Virginia. However, the planning area for the CCP/EIS includes portions of Wicomico, Worcester, and Somerset Counties, Maryland; and Accomack and Northampton Counties, Virginia.

- B. Listed species potentially present within the action area:
Piping plover (*Charadrius melodus*), loggerhead sea turtle (*Caretta caretta*), green sea turtle (*Chelonia mydas*), leatherback sea turtle (*Dermochelys coriacea*), seabeach amaranth (*Amaranthus pumilus*), and Delmarva fox squirrel (DFS) (*Sciurus niger cinereus*).
- C. Proposed species and/or proposed critical habitat within the action area:
None
- D. Candidate species within the action area:
Red knot (*Calidris canutus rufa*)
- E. Include species/habitat occurrence on a map.
Habitat maps are found in Chapter 3, “Affected Environment” of the draft CCP/EIS.

Chincoteague NWR Management Units

The management units for Chincoteague NWR are organized by island, with habitats as sub units. Table 1-1 summarizes the management units by name, and then breaks down individual acreage for each sub unit by habitat.

Table 1-1. Management Units

Unit	Sub Unit by Habitat (acres)					Total Acreage
	Beach /Dune	Shrub/early successional	Forested Uplands	Impoundments	Salt Marsh	
Assateague Island	970	2,872	1,600	2,012	1,985	9,394
Wildcat Marsh	-	-	71	-	475	546
Morris Island	-	-	21	-	406	427
Assawoman Island	359	-	-	-	1,075	1,434
Metompkin Island	96	-	-	-	78	174
Cedar Island	402				1,610	2,012
Wallops Island NWR	-	57	121	-	195	373
Refuge Total	1,824	2,929	1,813	2,012	5,824	14,405

For more information and details, please refer to Chapter 3, “Affected Environment” of the draft CCP/EIS.

- V. Determination of Effects

- A. Explanation of the adverse and beneficial effects of the action on species and/or critical habitat listed above.

Refer to Chapter 4 of the draft CCP/EIS for more information and details that assesses the impact of management actions on threatened and endangered species; management actions are referenced by number throughout the text.

Impacts on Federally Threatened and Endangered Species in Alternative B

Allowing natural vegetation to grow in at the NWF to improve habitat for spring and fall migratory birds, waterfowl, and neotropical birds would result in negative impact for piping plovers (management action 23b). Current management of the NWF area has vegetation adjacent to open mudflats being annually cut back to create a more suitable habitat for coastal nesting shorebird populations. Allowing natural scrub shrub vegetation to grow in adjacent to the open mudflats, would transform the area into habitat that is not commonly used by coastal nesting shorebirds, altering approximately 300 acres of habitat. This impact would be off-set and even surpassed as a result from relocating the current recreational beach (management actions 2b and 3b).

The existing one-mile beach area and 8.5 acres of beach parking on the southern end of the refuge is prime coastal shorebird and seabeach amaranth habitat. By moving the recreational beach and accompanying facilities north (management action 52b), this area would be allowed to revert back to coastal nesting shorebird and amaranth habitat by natural processes (management actions 2b and 3b). Piping plovers and amaranth favor areas with frequent overwash events, which occur currently where the recreational beach is located. Areas adjacent to the recreational beach exhibit high density of piping plovers nesting. This area has the potential to support a higher number of species than what is currently supported in the NWF. Sea turtles exist in the same types of habitats as piping plovers, and the increase in habitat quality coming from the allowance of natural processes to take over would see a beneficial impact for both (management action 8b), as well as the benefits from the general decrease in human disturbance.

Through the creation of the year-round OSV access area, all day and nighttime OSV use south of this area would be discontinued between March 15 and September 15 (management actions 9b, 10b, 58b, 60b, 61b). This would eliminate the potential for OSV users to run over nests, hatchlings or plants, or otherwise disturb the nesting process.

From September 16 to March 14, negative impacts would result from the expansion of the OSV zone from the new recreational beach location to the current zone (management action 59b). This expanded OSV area would increase the possibility of human disturbance in the coastal habitat. Negative impacts would be minimized since OSV users would only be permitted to travel in the intertidal zone and by management action conducted by refuge staff, usually in the form of exclosures and signs.

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

The refuge would provide protective conservation measures for federally listed species and their habitats on the refuge as indicated in recovery plans and relevant regulations.

As explained above, we believe that implementation of the proposed alternative in the CCP will result in either 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.

The new recreational beach area was chosen through a Structured Decision Making (SDM) analysis (USFWS 2011b). Through this SDM process, a one-mile segment of beach was identified as having the least impacts to refuge habitat and wildlife. This one-mile segment would be the location for the new recreational beach in Alternatives B and C (management action 52b). Human disturbance to coastal nesting birds would be greatly diminished since the recreational beach would be relocated north, and OSV use would be limited to September 16 to March 14 (management action 60b). Natural processes would allow for overwash to occur in the location of the existing recreational beach, resulting in fresh sand and shell which is prime habitat for coastal nesting birds, turtles, and seabeach amaranth (management actions 2b, 3b, 6b, 8b, and 13b).

There are additional actions proposed under the alternatives that are not fully analyzed in the draft CCP/EIS because they would require additional information and a level of analysis that is beyond the scope of the EIS. These larger actions would require further planning by the refuge. Once detailed proposals for these actions have been developed, a separate environmental analysis and associated environmental assessment document would be prepared, which would include public involvement and comment at that time. Where possible, we analyzed the alternative actions based on current information.

VI. Effect Determination and ES Response Requested

A. Listed species/designated critical habitat:

Field Station Determination	Piping plover	Ecological Services Response Requested (check one)
No effect		_____ None Needed
Is not likely to adversely affect		_____ Concurrence
Is likely to adversely affect		_____ Formal Consultation

Field Station Determination	Loggerhead sea turtle, Green sea turtle, Leatherback sea turtle	Ecological Services Response Requested (check one)
No effect		_____ None Needed
Is not likely to adversely affect		_____ Concurrence
Is likely to adversely affect		_____ Formal Consultation

Field Station Determination	Seabeach amaranth	Ecological Services Response Requested (check one)
No effect		_____None Needed
Is not likely to adversely affect		_____Concurrence
Is likely to adversely affect		_____Formal Consultation

Field Station Determination	Delmarva fox squirrel	Ecological Services Response Requested (check one)
No effect		_____None Needed
Is not likely to adversely affect		_____Concurrence
Is likely to adversely affect		_____Formal Consultation

Field Station Determination	Critical Habitat For (list species)	Ecological Services Response Requested (check one)
No effect		_____None Needed
Is not likely to destroy or adversely modify		_____Concurrence
Is likely to destroy or adversely modify		_____Formal Consultation

B. Proposed species/proposed critical habitat/candidate species:

Field Station Determination	Red knot	Ecological Services Response Requested (check one)
No effect		_____None Needed
Is not likely to adversely affect		_____Concurrence
Is likely to jeopardize		_____Conference

Field Station Determination	Critical Habitat For (list species)	Ecological Services Response Requested (initial/check one)
No effect		_____None Needed
Is not likely to adversely affect		_____Concurrence
Is likely to destroy or adversely modify		_____Conference

VII. Reviewing Ecological Services Field Office Evaluation

- A. Concurrence _____ Non-concurrence _____
- B. Formal consultation required _____
- C. Conference required _____
- D. Informal conference required _____
- E. Remarks:

Supervisor, Virginia Field Office

Date