



United States Department of the Interior

FISH AND WILDLIFE SERVICE



Virginia Field Office
6669 Short Lane
Gloucester, VA 23061

Date:

Self-Certification Letter

Project Name:

Dear Applicant:

Thank you for using the U.S. Fish and Wildlife Service (Service) Virginia Ecological Services online project review process. By printing this letter in conjunction with your project review package, you are certifying that you have completed the online project review process for the project named above in accordance with all instructions provided, using the best available information to reach your conclusions. This letter, and the enclosed project review package, completes the review of your project in accordance with the Endangered Species Act of 1973 (16 U.S.C. . 1531-1544, 87 Stat. 884), as amended (ESA), and the Bald and Golden Eagle Protection Act (16 U.S.C. 668-668c, 54 Stat. 250), as amended (Eagle Act). This letter also provides information for your project review under the National Environmental Policy Act of 1969 (P.L. 91-190, 42 U.S.C. 4321-4347, 83 Stat. 852), as amended. A copy of this letter and the project review package must be submitted to this office for this certification to be valid. This letter and the project review package will be maintained in our records.

The species conclusions table in the enclosed project review package summarizes your ESA and Eagle Act conclusions. These conclusions resulted in:

- “no effect” determinations for proposed/listed species and/or proposed/designated critical habitat; and/or
- “may affect, not likely to adversely affect” determinations for proposed/listed species and/or proposed/designated critical habitat; and/or
- “may affect, likely to adversely affect” determination for the Northern long-eared bat (*Myotis septentrionalis*) and relying on the findings of the January 5, 2016 Programmatic Biological Opinion for the Final 4(d) Rule on the Northern long-eared bat; and/or
- “no Eagle Act permit required” determinations for eagles.

We certify that use of the online project review process in strict accordance with the instructions provided as documented in the enclosed project review package results in reaching the appropriate determinations. Therefore, we concur with the “no effect” or “not likely to adversely affect” determinations for proposed and listed species and proposed and designated critical habitat; the “may affect” determination for Northern long-eared bat; and/or the “no Eagle Act permit required” determinations for eagles. Additional coordination with this office is not needed.

Candidate species are not legally protected pursuant to the ESA. However, the Service encourages consideration of these species by avoiding adverse impacts to them. Please contact this office for additional coordination if your project action area contains candidate species.

Should project plans change or if additional information on the distribution of proposed or listed species, proposed or designated critical habitat, or bald eagles becomes available, this determination may be reconsidered. This certification letter is valid for 1 year.

Information about the online project review process including instructions and use, species information, and other information regarding project reviews within Virginia is available at our website http://www.fws.gov/northeast/virginiafield/endspecies/project_reviews.html. If you have any questions, please contact Troy Andersen of this office at (804) 824-2428.

Sincerely,

A handwritten signature in blue ink that reads "Cynthia A. Schulz". The signature is written in a cursive style.

Cindy Schulz
Field Supervisor
Virginia Ecological Services

Enclosures - project review package



United States Department of the Interior



FISH AND WILDLIFE SERVICE

Virginia Ecological Services Field Office

6669 SHORT LANE

GLOUCESTER, VA 23061

PHONE: (804)693-6694 FAX: (804)693-9032

URL: www.fws.gov/northeast/virginiafield/

Consultation Code: 05E2VA00-2016-SLI-2185

April 07, 2016

Event Code: 05E2VA00-2016-E-02650

Project Name: North Anna Power Station ISFSI License amendment - Modified TN-32B
Storage Cask

Subject: List of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*). Any activity proposed on National Wildlife Refuge lands must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required

to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*), and projects affecting these species may require development of an eagle conservation plan (http://www.fws.gov/windenergy/eagle_guidance.html). Additionally, wind energy projects should follow the wind energy guidelines (<http://www.fws.gov/windenergy/>) for minimizing impacts to migratory birds and bats.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at: <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm>; <http://www.towerkill.com>; and <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment



United States Department of Interior
Fish and Wildlife Service

Project name: North Anna Power Station ISFSI License amendment - Modified TN-32B Storage Cask

Official Species List

Provided by:

Virginia Ecological Services Field Office

6669 SHORT LANE

GLOUCESTER, VA 23061

(804) 693-6694

<http://www.fws.gov/northeast/virginiafield/>

Consultation Code: 05E2VA00-2016-SLI-2185

Event Code: 05E2VA00-2016-E-02650

Project Type: POWER GENERATION

Project Name: North Anna Power Station ISFSI License amendment - Modified TN-32B Storage Cask

Project Description: Virginia Electric and Power Company (Dominion) submitted an application to the U.S. Nuclear Regulatory Commission (NRC) requesting an amendment to Special Nuclear Materials License Number SNM-2507 for the North Anna (NA) Power Station Independent Spent Fuel Storage Installation (ISFSI) located in Louisa County, Virginia. Dominion is proposing to amend the Technical Specifications (TS) regarding storage of increased maximum enrichment and burn-up fuel in a modified TN-32 Storage cask.

The NA ISFSI is located within the boundary of the NA site approximately 610 meters (2,000 ft) southwest of the NA Units 1 and 2 protected area.

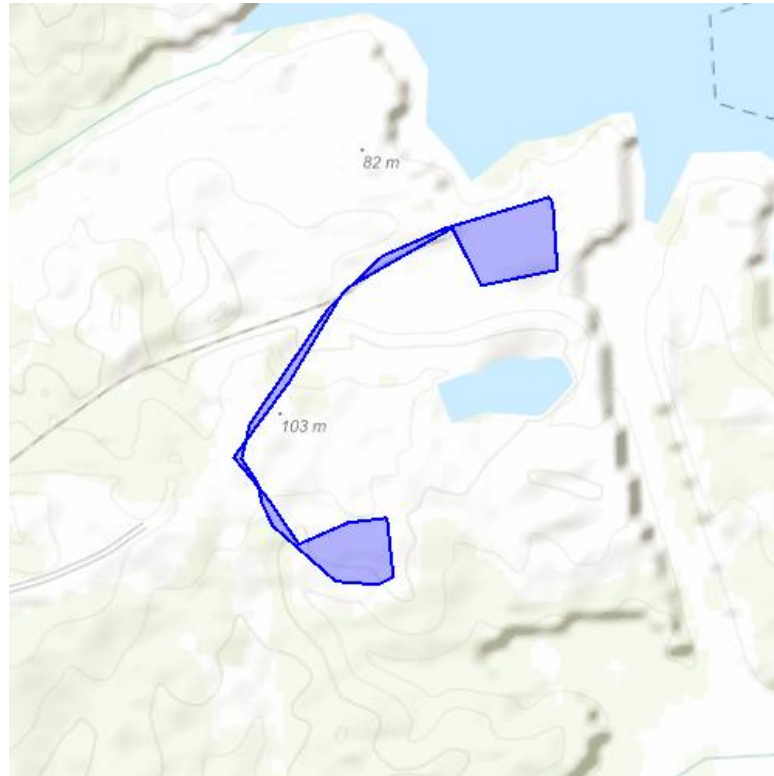
Please Note: The FWS office may have modified the Project Name and/or Project Description, so it may be different from what was submitted in your previous request. If the Consultation Code matches, the FWS considers this to be the same project. Contact the office in the 'Provided by' section of your previous Official Species list if you have any questions or concerns.



United States Department of Interior
Fish and Wildlife Service

Project name: North Anna Power Station ISFSI License amendment - Modified TN-32B
Storage Cask

Project Location Map:



Project Coordinates: MULTIPOLYGON (((-77.797317407 38.0555851680001, -77.797021861 38.05528917, -77.796189302 38.054342981, -77.794781679 38.05480256, -77.793674461 38.0549174540001, -77.793502808 38.053616434, -77.7939748759999 38.0534474680001, -77.795133591 38.053515055, -77.7969145769999 38.0547484910001, -77.797236437 38.0552418610001, -77.797317407 38.0555851680001)), ((-77.797317407 38.0555851680001, -77.79800033 38.0562691380001, -77.797667463 38.056625884, -77.797794342 38.0562353450001, -77.7973480159999 38.055714951, -77.797317407 38.0555851680001)), ((-77.7947015779999 38.0600583180001, -77.79384613 38.060712622, -77.7920436859999 38.0613208350001, -77.7891039849999 38.06203041, -77.789039612 38.061895254, -77.788889408 38.0604085140001, -77.7910351749999 38.060070615, -77.791854852 38.061330974, -77.7947015779999 38.0600583180001)), ((-77.797667463 38.056625884, -77.797558308 38.0569618660001, -77.795348167 38.059563762, -77.795004832 38.0598263680001, -77.7964553799999 38.057924917, -77.797667463 38.056625884)), ((-77.795004832 38.0598263680001, -77.7948932579999 38.0599726250001, -77.7947015779999 38.0600583180001, -77.795004832 38.0598263680001)))



United States Department of Interior
Fish and Wildlife Service

Project name: North Anna Power Station ISFSI License amendment - Modified TN-32B
Storage Cask

Project Counties: Louisa, VA



United States Department of Interior
Fish and Wildlife Service

Project name: North Anna Power Stateion ISFSI License amendment - Modified TN-32B
Storage Cask

Endangered Species Act Species List

There are a total of 1 threatened or endangered species on your species list. Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species. Critical habitats listed under the **Has Critical Habitat** column may or may not lie within your project area. See the **Critical habitats within your project area** section further below for critical habitat that lies within your project. Please contact the designated FWS office if you have questions.

Mammals	Status	Has Critical Habitat	Condition(s)
Northern long-eared Bat (<i>Myotis septentrionalis</i>)	Threatened		



United States Department of Interior
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Project name: North Anna Power Stateion ISFSI License amendment - Modified TN-32B
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Critical habitats that lie within your project area

There are no critical habitats within your project area.



United States Department of Interior
Fish and Wildlife Service

Project name: North Anna Power Station ISFSI License amendment - Modified TN-32B
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Appendix A: FWS National Wildlife Refuges and Fish Hatcheries

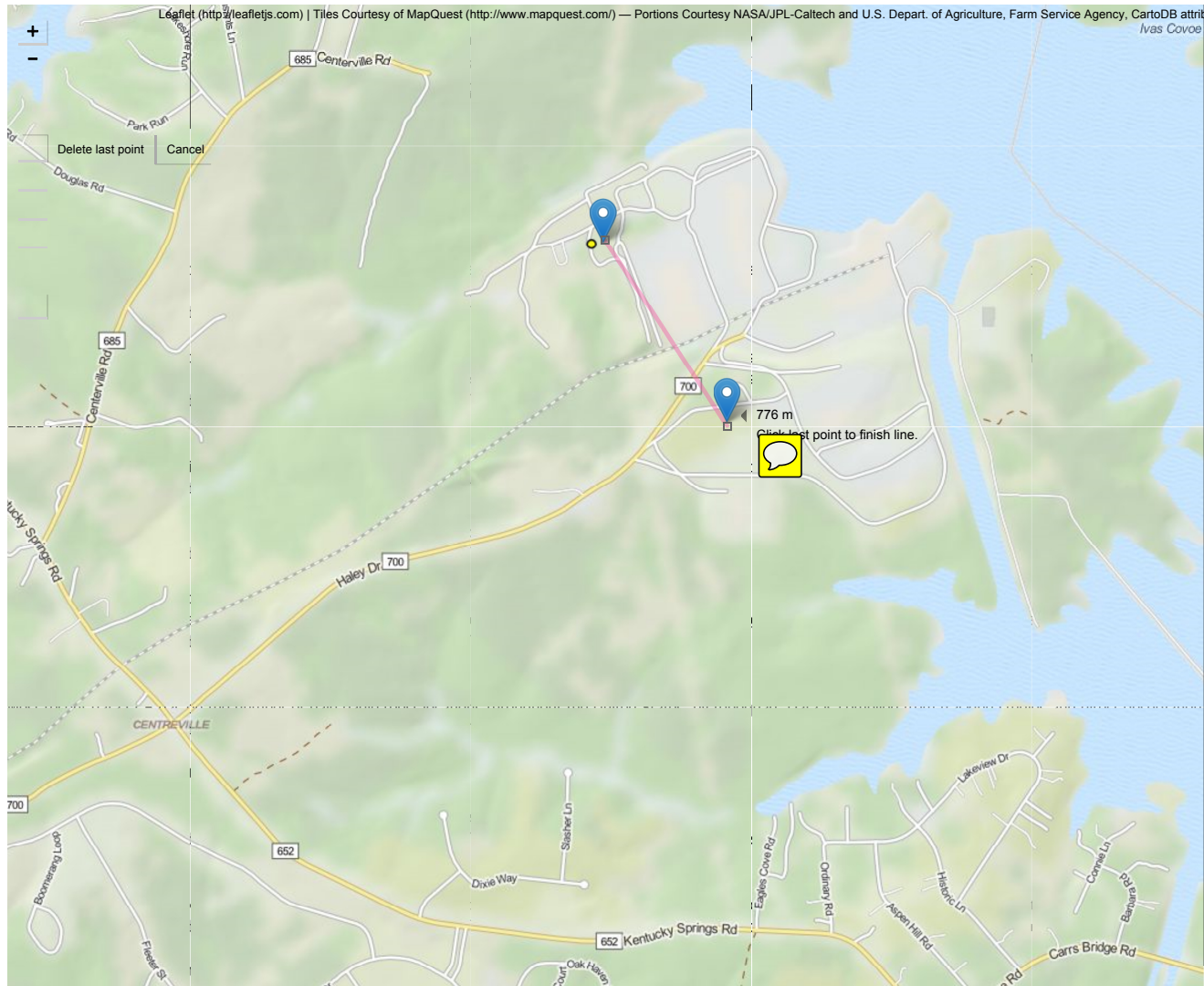
There are no refuges or fish hatcheries within your project area.

Species Conclusions Table

Project Name: North Anna Power Station ISFSI License Amendment – Modified TN-32B

Date: 4/7/2016

Species / Resource Name	Conclusion	ESA Section 7 / Eagle Act Determination	Notes / Documentation
Northern Long-eared Bat ^(NLEB) (Myotis septentrionalis)	Candidate Species – Status: Threatened – No critical habitats lie within the project area.		Searched DCR website no results were found in Louisa County for this species.
Critical Habitat	No critical habitat present	No Effect	Determined using Step 6a The Center for Conservation Biology VaEagles Nest Locator
Bald Eagle	Unlikely to disturb nesting bald eagles. Site is more than 2500 ft from a known eagle nest	No Eagle Act Permit Required	No nest within 660' and not in a concentration area
Bald Eagle	Does not intersect with an Eagle concentration area	No Eagle Act Permit Required	Determined using Step 6b Virginia Field Office Bald Eagle Map Tool.
Is your project within a NLEB location identified on the VDGIF map ?			
No: If you do not have any other species on your official species list, you do not need to contact the Service.			
Yes: Submit your project (via the Review Request Letter) for further review.			



Brown Pelican
 Caspian Tern
 Cattle Egret
 Common Tern
 Double-crested Cormorant
 Forster's Tern
 Glossy Ibis
 Great Black-backed Gull
 Great Blue Heron
 Great Egret
 Gull-billed Tern
 Herring Gull
 Laughing Gull
 Least Tern
 Little Blue Heron
 Royal Tern
 Sandwich Tern
 Snowy Egret
 Tricolored Heron
 White Ibis
 Yellow-crowned Night-Heron
 Colonial Waterbirds 2008
 Zoom to Extents

A systematic aerial and ground survey of colonial waterbirds in coastal Virginia during the 2008 breeding season. More than 800 surveys were conducted of 446 colonies and 24 species. More info (<http://www.cbbirds.org/what-we-do/research/species-of-concern/species-of-concern-projects/va-colonial-waterbird-survey/>)

Black Skimmer
 Black-crowned Night-Heron
 Brown Pelican
 Caspian Tern
 Cattle Egret
 300 m
 (http://www.cartodb.com)

BALD EAGLE

Double-crested Cormorant
Forster's Tern
Glossy Ibis
Great Black-backed Gull
Great Blue Heron
Great Egret
Green Heron
Gull-billed Tern
Herring Gull
Laughing Gull
Least Tern
Little Blue Heron
Mixed Herons
Royal Tern
Snowy Egret
Tricolored Heron
White Ibis
Yellow-crowned Night-Heron
Colonial Waterbirds 2003
Zoom to Extents

A systematic aerial and ground survey of colonial waterbirds in coastal Virginia during the 2003 breeding season. Nearly 550 surveys were conducted of 250 colonies and 24 species.
More info (<http://www.ccbbirds.org/what-we-do/research/species-of-concern/species-of-concern-projects/va-colonial-waterbird-survey/>)

Black Skimmer
Black-crowned Night-Heron
Brown Pelican
Caspian Tern
Cattle Egret
Common Tern
Double-crested Cormorant
Forster's Tern
Glossy Ibis
Great Black-backed Gull
Great Blue Heron
Great Egret
Gull-billed Tern
Herring Gull
Laughing Gull
Least Tern
Little Blue Heron
Mixed Herons
Royal Tern
Sandwich Tern
Snowy Egret
Tricolored Heron
White Ibis
Yellow-crowned Night-Heron

Osprey
OspreyWatch Nests
Zoom to Extents

OspreyWatch is a global community of observers focused on breeding osprey. Volunteers provide nest locations and activity reports during the breeding season.

More info (<http://www.osprey-watch.org/>)

Chesapeake Bay Osprey Nests 1995-1996

Zoom to Extents

Osprey nests were surveyed by boat in the tidal portions of the Chesapeake Bay during the 1995 and 1996 breeding seasons. The Chesapeake Bay supports one of the largest osprey breeding populations in the world.

More info (<http://www.ccbbirds.org/what-we-do/research/species-of-concern/species-of-concern-projects/chesapeake-osprey-survey-1995/>)

Nightjars

Nightjar Survey Network Routes

Zoom to Extents

The U.S. Nightjar Network is a nationwide program where volunteers monitor the abundance and distribution of declining Nightjar species. On scheduled bright moonlit nights, participants conduct 10 roadside counts along a 9-mile route. At each point, the observer counts all Nightjars seen or heard during a 6-minute period.

More info (<http://www.nightjars.org/>)

undefined

Toggle Draw Tools

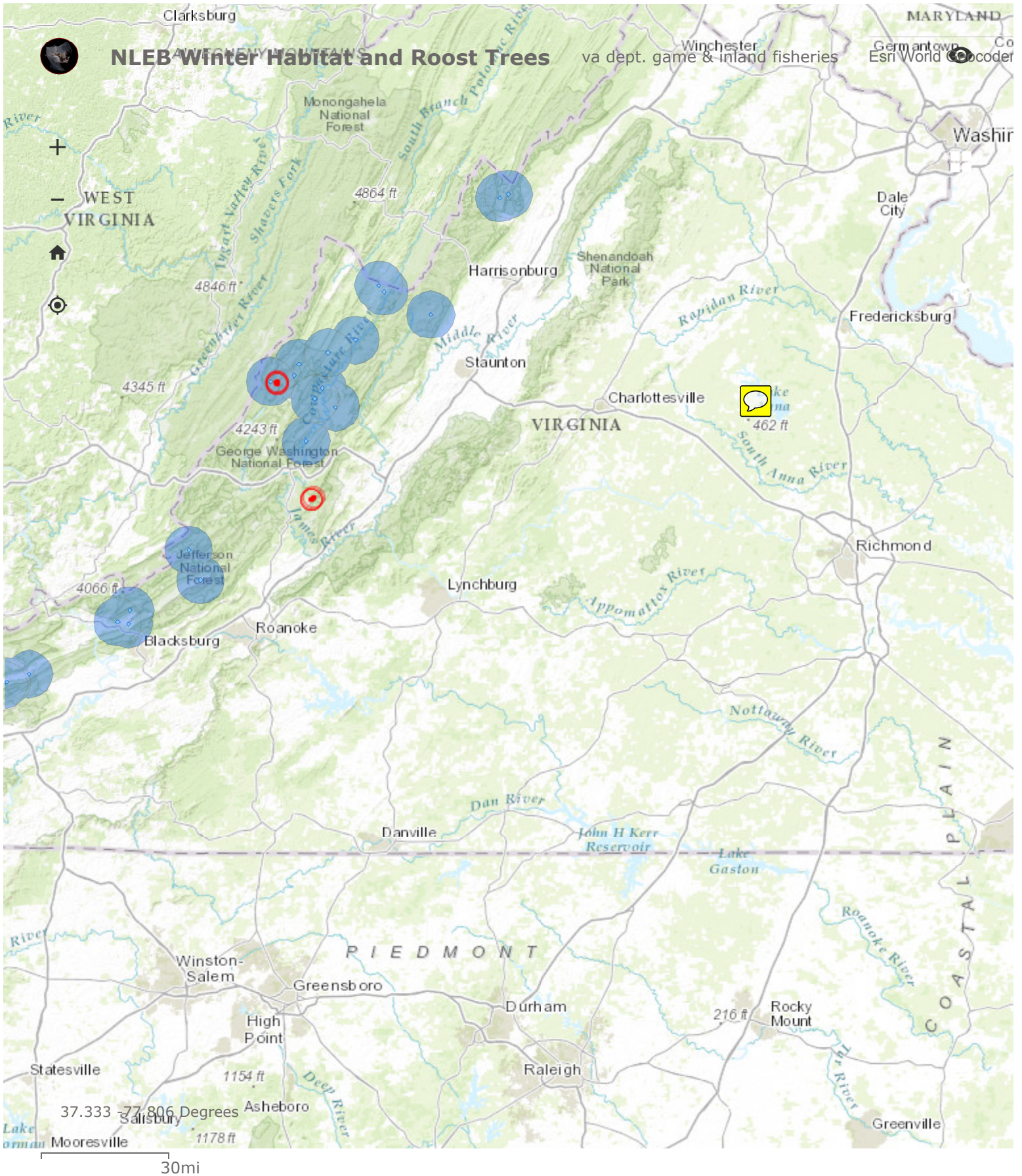
Generate Link

Print Report

Search

Toggle Legends

VA Eagle Nest Locator





Virginia Department of Game and Inland Fisheries

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Fish and Wildlife Information Service

Taxonomy chapter for Bat, northern long-eared (050022)

Phylum	Chordata
Subphylum	N/A
Class	Mammalia
Subclass	N/A
Species Order	Chiroptera
Species Suborder	Microchiroptera
Family	Vespertilionidae
SubFamily	Vespertilioninae
Genus	Myotis
Species	septentrionalis
Subspecies	N/A
Authority	(Trouessart, 1897)
ITIS-TSN	N/A

Taxonomy Comments

This species is also known as the eastern long-eared myotis *147*. This species was formerly assigned as the septentrionalis subspecies of *Myotis keenii*, and only recently split off taxonomically. Type locality is Halifax, Nova Scotia *11304*. The Integrated Taxonomic Information System (<http://www.itis.gov/>) still refers to this species as *M. keenii*, as of 02/26/2014. *11923* Otherwise, this species is now recognized as the northern long-eared bat, *Myotis septentrionalis*. (Was formerly also known as Keen's myotis or northern myotis.) The scientific name is used in NatureServe. *11882* Both the scientific name and common name are used by the U.S. Fish and Wildlife Service, where it is currently listed as Federal Proposed status for Federal Endangered listing. (<http://www.fws.gov/endangered/>) And see the following: <http://www.fws.gov/endangered/>

References for Taxonomy

Ref.Id Citation

- 20 Barbour, R.W., W.H. Davis, 1969, Bats of America, 286 pgs., Univ. Kentucky Press, Lexington, Ky.
- 109 Fitch, J.H., Shump, K.A., Jr., 1979, *Myotis keenii*, Mammalian Species, Num. 121, 3 pgs., Am. Soc. Mammal.
- 134 Hall, E.R., 1981, The Mammals of North America, Vol. 1,2, 1271 pgs., John Wiley and Sons, New York
- 147 Handley, C.O., Jr., Linzey, D.W. (Ed.), 1979, The untroubled fauna, Proc. Symp. on Endangered and Threatened Plants and Animals of Virginia, pg. 593-594, 665 pgs., Ext. Div., VA Tech, Blacksburg, VA
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- 240 Rasberry, D.A., 1982, A checklist of mammals in Virginia, 7 pgs., UNPB. Dep. Fish. and Wildl. Sci. Virginia Polytechnic Institute, Blacksburg, VA
- 5668 Hall, E.R., 1981, The Mammals of North America, 2nd Ed. Vol.1 & 2, 1181 pgs., John WI Sons, Inc., NY
- 11304 Whitaker Jr., J.O., W.J. Hamilton Jr., 1998, Mammals of the eastern United States, third edition, 583 pp. pgs., Comstock Publishing Associates, Ithaca, NY
- 11882 NatureServe, 2001, NatureServe Explorer: An online encyclopedia of life, <http://www.natureserve.org/explorer/>
- 11923 Interagency Taxonomy Steering Committee (ITSC), 2003, Integrated Taxonomic Information System (ITIS), <http://www.itis.usda.gov>

audit no. 720457 4/7/2016 12:50:48 PM Virginia Fish and Wildlife Information Service

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