



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: 05E2VA00-2017-SLI-0073

October 07, 2016

Event Code: 05E2VA00-2017-E-00083

Project Name: North Anna ISFSI License Renewal

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 ISFSI License Renewal

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: 05E2VA00-2017-SLI-0073

Event Code: 05E2VA00-2017-E-00083

Project Type: ** OTHER **

Project Name: North Anna ISFSI License Renewal

Project Description: Dominion initiated the proposed federal action by submitting an application for renewal of its North Anna Power Station specifically-licensed independent spent fuel storage installation for a 40-year period. The ISFSI occupies approximately 4.4 hectares (ha) (11 acres [ac]) of the approximately 422 ha (1043 ac) of land occupied by the NAPS site. The NAPS site is located in rural Louisa County.

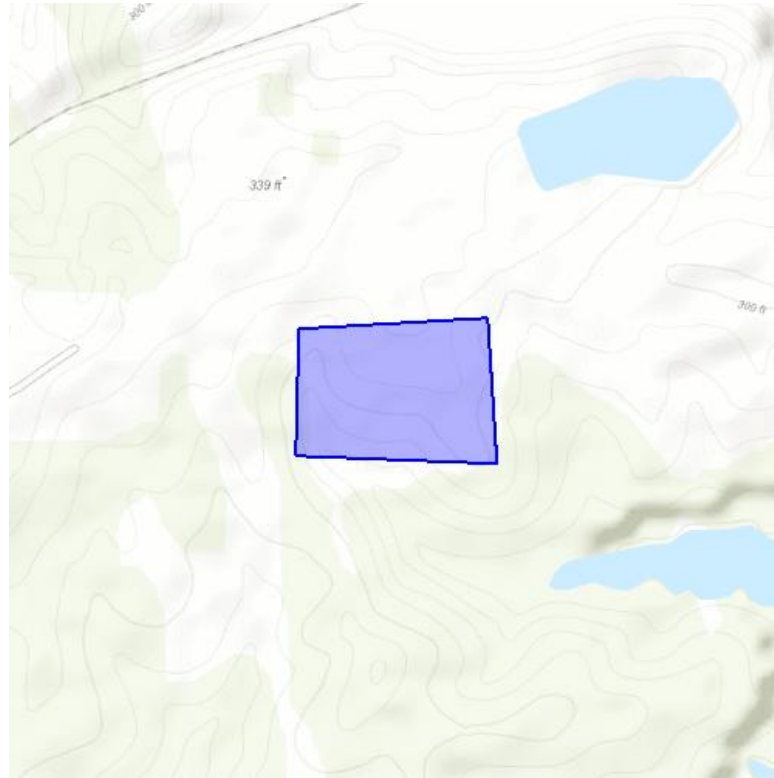
Please Note: The FWS office may have modified the Project Name and/or Project Description, so it may be different from what was submitted in your previous request. If the Consultation Code matches, the FWS considers this to be the same project. Contact the office in the 'Provided by' section of your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



United States Department of Interior
Fish and Wildlife Service

Project name: North Anna ISFSI License Renewal

Project Location Map:



Project Coordinates: MULTIPOLYGON (((-77.79644250869751 38.055035726467096, -77.79650688171387 38.05321091638558, -77.7928376197815 38.05310953671377, -77.79300928115845 38.05520468806223, -77.79644250869751 38.055035726467096)))

Project Counties: Louisa, VA



United States Department of Interior
Fish and Wildlife Service

Project name: North Anna ISFSI License Renewal

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>) Population: Wherever found	Threatened		



United States Department of Interior
Fish and Wildlife Service

Project name: North Anna ISFSI License Renewal

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 ISFSI License Renewal

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 Independent Spent Fuel Storage Installation License Renewal

Date: 10/07/2016

Species / Resource Name	Conclusion	ESA Section 7 / Eagle Act Determination	Notes / Documentation
Northern long-eared Bat (Myotis septentrionalis)	Suitable habitat present	May affect	<p>According to the licensee, Virginia Electric and Power Company (Dominion Virginia Power or Dominion), no protected species has been observed in the vicinity of the ISFSI by NAPS environmental personnel.</p> <p>State-threatened loggerhead shrikes have been seen in the vicinity, but no breeding pairs have been observed.</p> <p>Relying upon the findings of the 1/5/2016 Programmatic Biological Opinion for Final 4(d) Rule on the Northern Long-Eared Bat and Activities Excepted from Take Prohibitions to fulfill our project-specific section 7 responsibilities.</p>
Critical habitat	No critical habitat present	No effect	
Bald eagle	Unlikely to disturb nesting bald eagles	No Eagle Act permit required	<p>According to the licensee, Virginia Electric and Power Company (Dominion Virginia Power or Dominion), bald eagles, protected under the Bald and Golden Eagle Protection Act, forage around Lake Anna, and one bald eagle was observed nesting on a transmission tower adjacent to the NAPS switchyard in 2015. This nest is greater than 660 feet from the ISFSI (a buffer typically required by National bald eagle guidelines).</p>
Bald eagle	Does not intersect with an eagle concentration area	No Eagle Act permit required	

VaFWIS Search Report Compiled on 10/8/2016, 10:17:51 AM

Known or likely to occur within a **10 mile radius around point 38,04,20.7 -77,49,39.7**
in **085 Hanover County, 109 Louisa County, 137 Orange County, 177 Spotsylvania County, VA.** 542 Known or Likely Species ordered by Status Concern for Conservation
(displaying first 25) (25 species with Status* or Tier I** or Tier II**)

<u>BOVA Code</u>	<u>Status*</u>	<u>Tier**</u>	<u>Common Name</u>	<u>Scientific Name</u>
060003	FESE	Ia	Wedgemussel, dwarf	Alasmidonta heterodon
010032	FESE	Ib	Sturgeon, Atlantic	Acipenser oxyrinchus
050022	FTST	Ia	Bat, northern long-eared	Myotis septentrionalis
050020	SE	Ia	Bat, little brown	Myotis lucifugus lucifugus
050034	SE	Ia	Bat, Rafinesque's eastern big-eared	Corynorhinus rafinesquii macrotis
050027	SE	Ia	Bat, tri-colored	Perimyotis subflavus
040293	ST	Ia	Shrike, loggerhead	Lanius ludovicianus
060081	ST	IIa	Floater, green	Lasmigona subviridis
040292	ST		Shrike, migrant loggerhead	Lanius ludovicianus migrans
030063	CC	IIIa	Turtle, spotted	Clemmys guttata
030012	CC	IVa	Rattlesnake, timber	Crotalus horridus
010077		Ia	Shiner, bridge	Notropis bifrenatus
100248		Ia	Fritillary, regal	Speyeria idalia idalia
040213		Ic	Owl, northern saw-whet	Aegolius acadicus
040052		IIa	Duck, American black	Anas rubripes
040029		IIa	Heron, little blue	Egretta caerulea caerulea
040036		IIa	Night-heron, yellow-crowned	Nyctanassa violacea violacea
040181		IIa	Tern, common	Sterna hirundo
040320		IIa	Warbler, cerulean	Setophaga cerulea
040140		IIa	Woodcock, American	Scolopax minor
060071		IIa	Lampmussel, yellow	Lampsilis cariosa
060029		IIa	Lance, yellow	Elliptio lanceolata
040203		IIb	Cuckoo, black-billed	Coccyzus erythrophthalmus
040105		IIb	Rail, king	Rallus elegans
060175		IIb	Slabshell, Roanoke	Elliptio roanokensis

*FE=Federal Endangered; FT=Federal Threatened; SE=State Endangered; ST=State Threatened; FC=Federal Candidate; CC=Collection Concern

****I=VA Wildlife Action Plan - Tier I - Critical Conservation Need; II=VA Wildlife Action Plan - Tier II - Very High Conservation Need; III=VA Wildlife Action Plan - Tier III - High Conservation Need; IV=VA Wildlife Action Plan - Tier IV - Moderate Conservation Need**

Virginia Wildlife Action Plan Conservation Opportunity Ranking:

a - On the ground management strategies/actions exist and can be feasibly implemented.; b - On the ground actions or research needs have been identified but cannot feasibly be implemented at this time.; c - No on the ground actions or research needs have been identified or all identified conservation opportunities have been exhausted.

Anadromous Fish Use Streams N/A

Impediments to Fish Passage (12 records)

[View Map of All
Fish Impediments](#)

ID	Name	River	View Map
618	BEARS DEN DAM	NORTH FORK LITTLE RIVER	Yes
647	FLYTHE DAM	TR-BLUFF RUN	Yes
617	GOODWINS DAM	TR-LITTLE RIVER	Yes
671	LAKE ANNA DAM & RESERVOIR	NORTH ANNA RIVER	Yes
628	LITTLE RIVER DAM #1	LITTLE RIVER	Yes
672	NORTH ANNA CAT I SERVICE WATER DIKE	NORTH ANNA-OS	Yes
619	PETTIT DAM	NORTH FORK LITTLE RIVER	Yes
652	RAMS LAKE DAM	GLADY RUN	Yes
635	SOUTH ANN DAM #23	DESPER CREEK	Yes
634	SOUTH ANNA DAM #22	NORTHEAST CREEK	Yes
616	SWIFTS DAM	LITTLE RIVER	Yes
650	TOWLEYS DAM	BLACK ROCK RUN	Yes

Threatened and Endangered Waters: N/A

Managed Trout Streams: N/A

Bald Eagle Concentration Areas and Roosts: N/A

Bald Eagle Nests (7 records)[View Map of All Query Results](#)**Bald Eagle Nests**

Nest	N Obs	Latest Date	DGIF Nest Status	View Map
LO0104	1	Jan 1 2001	HISTORIC	Yes
LO0201	7	Mar 19 2010	UNKNOWN	Yes
LO0601	3	Jan 1 2007	UNKNOWN	Yes
LO0602	6	Mar 19 2010	UNKNOWN	Yes
LO0901	2	Apr 11 2010	UNKNOWN	Yes
LO9801	3	Mar 19 2010	HISTORIC	Yes
SP0701	3	Apr 9 2007	UNKNOWN	Yes

Displayed 7 Bald Eagle Nests

Habitat Predicted for Aquatic WAP Tier I & II Species (2 Reaches)[View Map Combined Reaches from Below of Habitat Predicted for WAP Tier I & II Aquatic Species](#)

Stream Name	Tier Species						View Map
	Highest TE*	BOVA Code, Status*, Tier**, Common & Scientific Name					
Bluff Run (20801051)	FESE	060003	FESE	Ia	Wedgemussel, dwarf	Alasmidonta heterodon	Yes
North Anna River (20801061)	ST	060081	ST	IIa	Floater, green	Lasmigona subviridis	Yes

Habitat Predicted for Terrestrial WAP Tier I & II Species: N/A

Virginia Breeding Bird Atlas Blocks (11 records)[View Map of All Query Results](#)[Virginia Breeding Bird Atlas Blocks](#)

BBA ID	Atlas Quadrangle Block Name	Breeding Bird Atlas Species			View Map
		Different Species	Highest TE*	Highest Tier**	
48144	Belmont, CE	4		IV	Yes
48146	Belmont, SE	72		III	Yes
48145	Belmont, SW	65		III	Yes
49146	Brokenburg, SE	65		III	Yes
47146	Lahore, SE	60		III	Yes
49131	Lake Anna East, NW	21		III	Yes
49136	Lake Anna East, SE	61		III	Yes
49135	Lake Anna East, SW	1			Yes
48136	Lake Anna West, SE	59		III	Yes
46136	Louisa, SE	63		III	Yes
47136	Mineral, SE	73	ST	I	Yes

Public Holdings: (1 names)

Name	Agency	Level
Lake Anna State Park	VA Dept. of Conservation and Recreation	State

Summary of BOVA Species Associated with Cities and Counties of the Commonwealth of Virginia:

FIPS Code	City and County Name	Different Species	Highest TE	Highest Tier
085	Hanover	384	FTSE	I
109	Louisa	368	FESE	I
137	Orange	349	FTSE	I
177	Spotsylvania	379	FTSE	I

USGS 7.5' Quadrangles:

Louisa, Pendleton, Mineral, Lahore, Buckner, Lake Anna West, Belmont, Beaverdam, Lake Anna East, Brokenburg

USGS NRCS Watersheds in Virginia: N/A**USGS National 6th Order Watersheds Summary of Wildlife Action Plan Tier I, II, III, and IV Species:**

HU6 Code	USGS 6th Order Hydrologic Unit	Different Species	Highest TE	Highest Tier
YO04	South Anna River-Harris Creek	55	ST	II
YO05	South Anna River-Fork Creek	60	FESE	I
YO06	Cub Creek	52	ST	II
YO12	North Anna River-Mountain Run	52	ST	I
YO13	Hickory Creek	49	ST	I
YO14	Gold Mine Creek	46	SS	II
YO15	North Anna River-Lake Anna-Christopher Creek	51	ST	I
YO16	Pamunkey Creek-Lake Anna-Clear Creek	41		I
YO17	Terrys Run-Lake Anna	40		I
YO18	Pamunkey Creek/Lake Anna-Plentiful Creek	39		I
YO19	Contrary Creek-Lake Anna	48	SS	II
YO20	North Anna River/Lake Anna-Pigeon Run	50	SS	I
YO21	North Anna River/Lake Anna-Elk Creek	50	SS	I
YO22	Northeast Creek	39		I
YO23	North Anna River-Hawkins Creek	59	SE	I
YO24	Upper Little River	58	SE	I
YO25	Lower Little River	59	SE	I
YO39	Po River-Robertson Run	47	FESE	I
YO40	Glady Run	41	FESE	I
YO43	Mat River	44	FESE	I
YO44	Ta River	43	FESE	I
YO46	South River	56	SS	I