

# Appendix I

## Endangered Species Act Consultation

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**INTRA-SERVICE SECTION 7 BIOLOGICAL EVALUATION FORM**

Originating Person and Station Name: Beth Goldstein, U.S. Fish and Wildlife Service,  
Region 5 Regional Office

Telephone and Facsimile Numbers: Phone: (413) 253-8564; Fax: (413) 253-8468.

Date: October 21, 2003

Project Title: Comprehensive Conservation Plan for Eastern Shore of Virginia and  
Fisherman Island National Wildlife Refuges (NWRs)

I. Service Program: National Wildlife Refuge System, Division of Planning

II. Geographic Area Including Name of County/City and State and Specific Project Location:  
Northampton County; Cape Charles, Virginia

See three enclosed black and white maps: "Vicinity Map: Eastern Shore of Virginia and Fisherman Island Refuges", "Refuge Status: Eastern Shore of Virginia Refuge", and "Refuge Status: Fisherman Island Refuge."

III. Proposed Activity:

The Northeastern beach tiger beetle is found on the southern tip beach of the Eastern Shore of Virginia NWR. It is the only listed species suspected to reside on either of the refuges. For this species, we would monitor beach habitat and survey adult beetles to determine the breeding population status. Depending on results from these adult surveys, we would also conduct larval surveys for at least three years to determine if the beetles breed on the refuge. We would assess trespassing on the beach where the beetles are located and we would coordinate with abutters to help protect the beetles. We would also conduct genetic analysis to determine the exact taxonomic identification of this subspecies. All evidence suggests this is the subspecies *Cicindela dorsalis dorsalis*, but specimens resemble the subspecies *Cicindela dorsalis media*, which is not a threatened subspecies.

Piping plovers were last recorded nesting on Fisherman Island NWR in 1992. In the CCP, we propose frequent surveying and increased monitoring which would allow us to detect the presence of breeding pairs and protect them according to Recovery Plan guidelines.

Seabeach amaranth historically occurred in Northampton County. We propose in the CCP to increase surveying efforts for seabeach amaranth on Fisherman Island NWR so we can protect the plant as soon as it is discovered.

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).

There are two action areas: the southern tip beach and Fisherman Island NWR. The mile-long southern

tip beach is part of the Eastern Shore of Virginia NWR and is located on the southern tip of the Delmarva Peninsula on the coast of the Chesapeake Bay.

Fisherman Island NWR is an island of about 1,850 acres lying one-half mile south of the southern tip of the Delmarva Peninsula. It is the southern-most barrier island in Virginia.

- B. List of listed species/critical habitat, proposed species/critical habitat, and candidate species known to occur or potentially occurring within the action area. Include species/habitat occurrence on a map (preferably a U.S.G.S. quad.), when known, such that their relationship to the project location can be determined.

The Northeastern beach tiger beetle is known to occur on the southern tip beach. Adult beetles can be found along most of this mile-long stretch of beach. Since we have not yet conducted larval surveys, it is not possible to pinpoint where the larvae burrow.

Piping plovers were last recorded nesting on Fisherman Island NWR in 1992. Occurrence during migration is likely. Seabeach amaranth has not been documented on Refuge property, but it was likely historically present.

V. Determination of Effects

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

Surveys of adult and larval Northeastern beach tiger beetles would have beneficial effects as they would provide specific population information, thus allowing us to determine how to better manage their habitat. Genetic analyses would determine whether the specimens belong to the subspecies *Cicindela dorsalis dorsalis*, or whether they are some hybrid of that subspecies and the subspecies *Cicindela dorsalis media*. Genetic testing would result in the mortality of 10-20 specimens.

Increased monitoring and surveying of piping plovers on Fisherman Island NWR would have a beneficial effect as we would be able to protect nesting pairs from potential predators sooner than if we had not increased our efforts.

Increased surveying and monitoring of seabeach amaranth would have a beneficial effect as we would be able to protect the plant from harm sooner than if we had not increased surveying efforts.

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

To mitigate the impacts of taking 10-20 adult Northeastern beach tiger beetle specimens for genetic testing, adult specimens would be collected in the month of August, after the reproduction cycle has ended.

VI. Effect Determination and ES Response Requested**Listed species/designated critical habitat:**

Field Station Determination	Species Name(s)	Recommendation to Ecological Services
Is likely to adversely affect	Northeastern beach tiger beetle	Formal consultation required before genetic testing takes place
Is not likely to adversely affect	Piping plover	Concurrence
Is not likely to adversely affect	Seabeach amaranth	Concurrence

VII. Reviewing Ecological Services Field Office Evaluation

- A. Concurrence X Nonconcurrence \_\_\_\_\_
- B. Formal consultation required \_\_\_\_\_
- C. Conference required \_\_\_\_\_
- D. Informal conference required \_\_\_\_\_
- E. Remarks:

Karen J. Murre  
Supervisor, Virginia Field Office

11/12/2003  
Date



# United States Department of the Interior



## FISH AND WILDLIFE SERVICE

Ecological Services  
6669 Short Lane  
Gloucester, VA 23061

November 12, 2003

### Memorandum

To: Ms. Beth Goldstein, Team Leader, Refuges, Region 5

From: Supervisor, Ecological Services, Virginia Field Office

Subject: Intra-Service Consultation for the Comprehensive Conservation Plan for Eastern Shore of Virginia and Fisherman Island National Wildlife Refuges (Project # sec7-3071)

The Virginia Field Office (VAFO) received the September 19, 2003 Draft Comprehensive Conservation Plan (CCP) for the Eastern Shore of Virginia National Wildlife Refuge (Refuge) on October 15, 2003. VAFO provided comments on October 27, 2003. VAFO received the Refuge's request for intra-Service consultation on October 31, 2003. The following comments are provided under provisions of the Endangered Species Act of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*).

The implementation of the CCP may affect three federally listed threatened species: the northeastern beach tiger beetle (*Cicindela dorsalis dorsalis*), the piping plover (*Charadrius melodus*), and the seabeach amaranth (*Amaranthus pumilus*). The tiger beetle is a permanent resident on the Refuge and the plover was last recorded on the Refuge in 1992. The amaranth has not been documented on Refuge property, but it was likely historically present.

The CCP proposes monitoring for the piping plover and the seabeach amaranth and, if found, protection in accordance with Recovery Plan guidelines. The proposed monitoring and protection actions are not likely to adversely affect either the piping plover or the seabeach amaranth.

The Refuge proposes to survey for adult tiger beetles, and depending on those results, survey for larvae. Additionally, the Refuge proposes to collect 10-20 adult tiger beetles for genetic testing to verify the species identification. There is a possibility that the Refuge's tiger beetles are *Cicindela dorsalis media*, no Federal status. Collection would occur in August, after the summer mating season.

The Refuge did not make a determination as to the impacts of their proposed action. VAFO believes the proposed action, the implementation of the CCP, is not likely to adversely affect the piping plover

Ms. Beth Goldstein

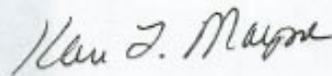
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or the seabeach amaranth. However, collection of tiger beetles for genetic testing will result in take. Therefore, formal consultation between the Refuge and VAFO is required pursuant to section 7 (CFR 402.14 [c]) for the proposed genetic testing, should such an action be undertaken in the future.

Once a request for formal consultation is made by the Refuge, VAFO will deliver its biological opinion within 135 days. VAFO's biological opinion must be submitted to the Refuge before the Federal action can be authorized. We recommend that you contact VAFO prior to initiating formal consultation so that we can discuss the scope and intent of the consultation process. Your written request to initiate formal consultation should follow the Service's Intra-Service Consultation format.

In addition to formal consultation under ESA section 7 (a)(2), the collection of tiger beetles will require a permit under ESA section 10 (a)(1)(A). The point of contact for section 10 (a)(1)(A) permits is Ms. Diane Lynch at the Regional Office at (413) 253-8628. We will be glad to assist in this process.

If you have any questions, please contact Mr. Eric Davis at (804) 693-6694, extension 104.

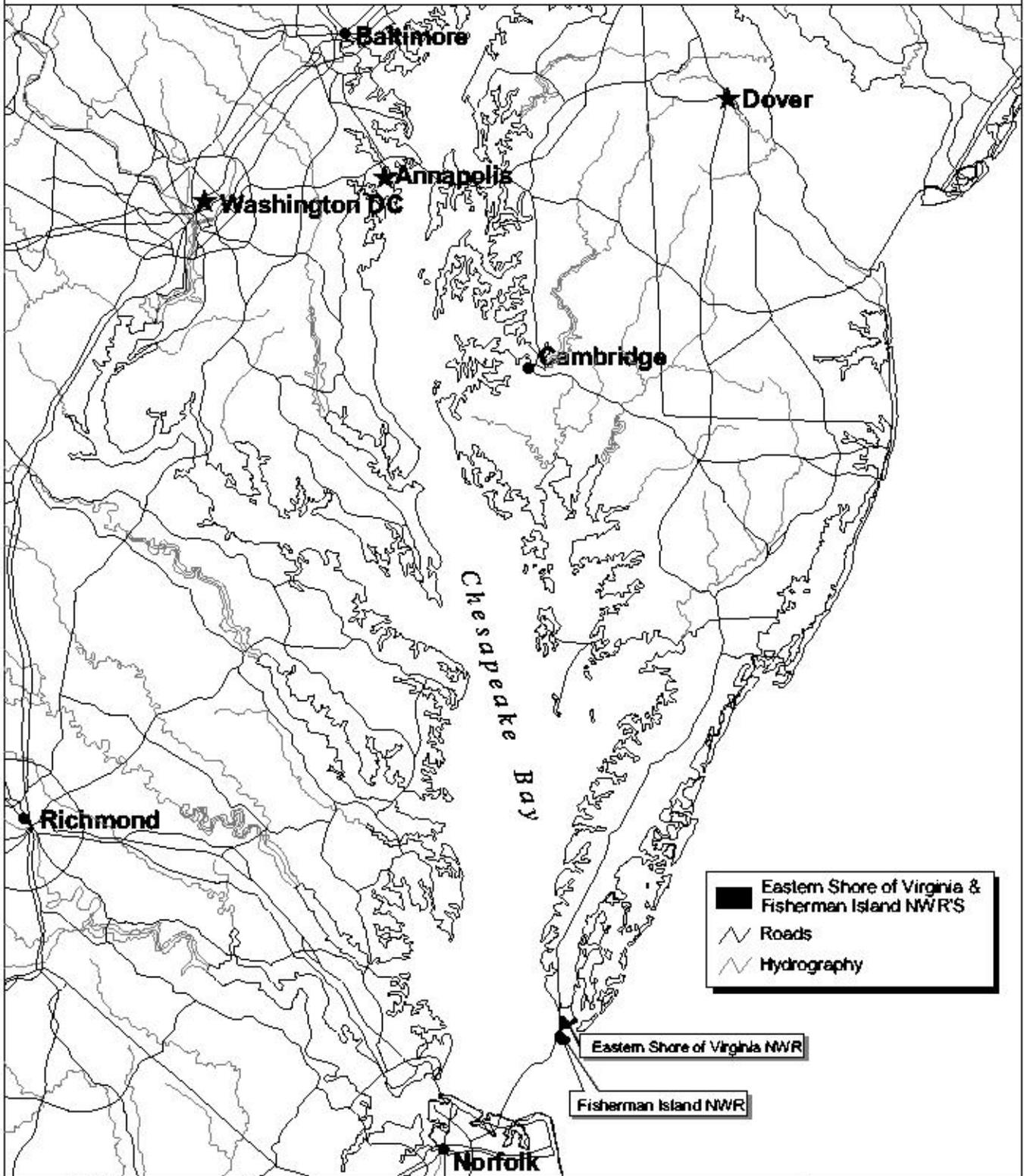


Karen L. Mayne

cc: RO, ES, Hadley, MA (Diane Lynch)  
ESVNWR, Cape Charles, VA (Sue Rice)

## Vicinity Map

### *Eastern Shore of Virginia & Fisherman Island Refuges*



	Eastern Shore of Virginia & Fisherman Island NWR'S
	Roads
	Hydrography

Eastern Shore of Virginia NWR

Fisherman Island NWR

**Data Sources:**

All base data provided by USGS. Ecosystem and Refuge Boundaries provided by USFWS.

Map prepared for the Eastern Shore of Virginia NWR & Fisherman Island NWR Comprehensive Conservation Plan by the RS Cartography & Spatial Data Service Section. March 2003

This map is for planning purposes only.

0 20 40 60 Miles

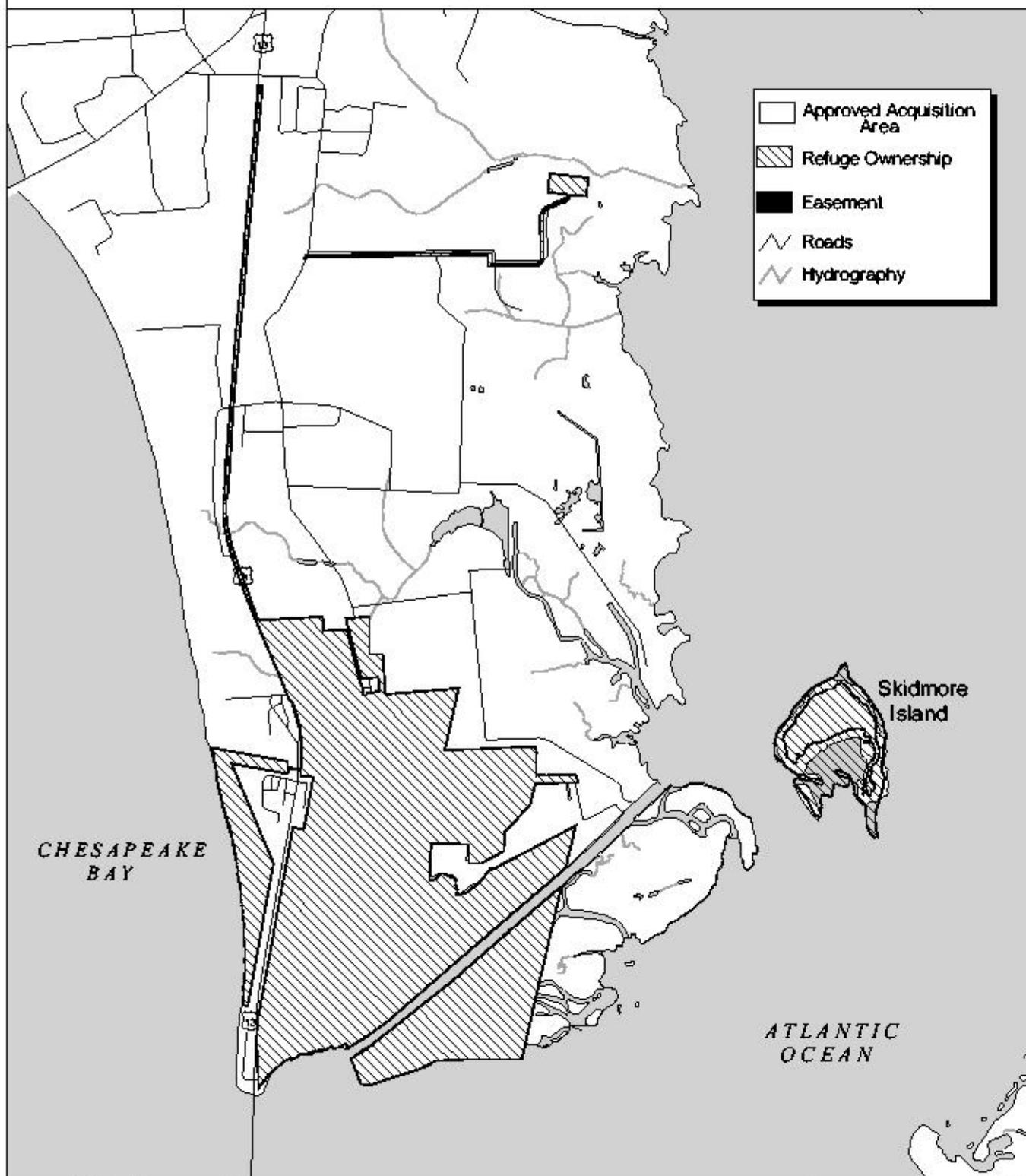


0 30 60 90 Kilometers



# Refuge Status

## *Eastern Shore of Virginia Refuge*



**Data Sources:**  
 1:24,000 Hydrography & 1:100,000 Road data provided by USGS with a source date of 1981 & 1989. All other data provided by USFWS. Projection/Datum: UTM Zone 18, NAD 27, Meter.

Map prepared for the Eastern Shore of Virginia NWR & Patuxent Island NWR Comprehensive Conservation Plan by the RS Cartography & Spatial Data Service Section. March 2003.

This map is for planning purposes only.

0 2000 4000 6000 8000 Feet

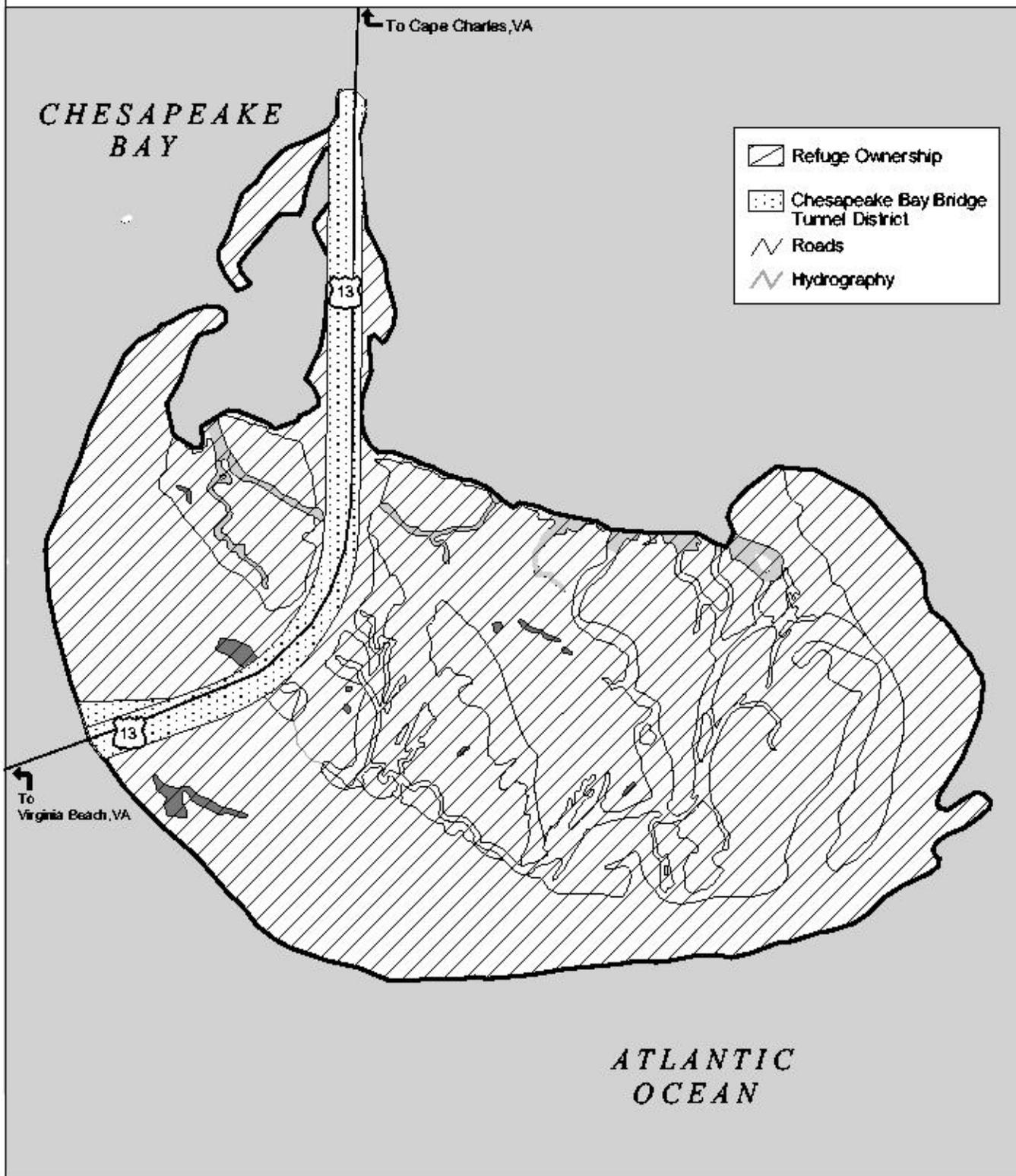


0 600 1200 1800 2400 Meters



# Refuge Status

## *Fisherman Island Refuge*



**Data Sources:**  
 1:24,000 Hydrography & 1:100,000 Road data provided by USGS with aerial data of 1981 & 1989. All other data provided by USFWS. Projection/Datum: UTM Zone 18, NAD 27, Meters.  
 Map prepared for the Eastern Shore of Virginia NWR & Fisherman Island NWR Comprehensive Conservation Plan by the RS Cartography & Spatial Data Services Section. March 2003.  
 This map is for planning purposes only.

