



ACOE Staff - Coordination with DWR
Coastal Zone Management Act (CZMA) Consistency
Wildlife Information and Environmental Services
May 25, 2023

This document includes guidance for coordination with DWR to ensure the Corps-issued permits are consistent with Coastal Zone Management Act enforceable policies for which DWR has authority: VI. Wildlife and Inland Fisheries and VIII. Commonwealth Lands. The enforceable policies can be found here:

<https://www.deq.virginia.gov/home/showpublisheddocument/8605/638186363140970000>

Assuming ACOE staff are appropriately coordinating with the USFWS and/or NOAA Fisheries regarding potential impacts upon federal-listed species ACOE staff should **only coordinate with DWR, per the below, if potential impacts upon state-listed species and/or DWR-designated resources have been described/documentated by the NWP applicant.**

When coordination with DWR is necessary:

Aquatic Species: ONLY coordinate with DWR when one of the following listed aquatic species and/or waters designated as Threatened and Endangered Species Waters due to their presence have been documented from the project area IF the project includes instream work and/or earth disturbing work (including tree removal / grubbing) within 300 ft of any stream bank.

Listed Aquatic Species	Brook Floater
	Green Floater
	Blackbanded Sunfish

Semi-aquatic species: ONLY coordinate with DWR when the following listed semi-aquatic species have been documented from the project area IF the project includes instream work, work in wetlands, and/or earth disturbing work (including tree removal / grubbing) within 300 ft of a stream bank or wetland edge.

Listed Semi-Aquatic Reptiles	Wood Turtle
	Eastern Chicken Turtle

Birds: ONLY coordinate with DWR when the following listed birds have been documented from the project area IF the project includes 1) woody vegetation removal (trees, shrubs), ground clearing, grubbing or other significant habitat modifications, and/or 2) activities resulting in loud noises (dredging, drilling, construction, demolition) that may result in flushing nearby birds from active nests.

Listed Birds	Henslow's Sparrow
	Loggerhead Shrike
	Bachman's Sparrow
	Gull-Billed Tern*
	Wilson's Plover*
	Peregrine Falcons^

- *Waterbirds, shorebirds - for these species, habitat modifications to beaches, dunes, and shell rakes should be considered in addition to the above.
- ^Peregrine Falcons - In the Coastal Zone, Peregrine Falcons are typically located on bridges and buildings in artificial nesting structures. However on the Eastern Shore, they are not only known to occupy artificial structures but also sometimes on beaches and upper dunes. ONLY coordinate with DWR when Peregrine Falcons have been documented from the project area IF the project is located on or immediately adjacent to the occupied bridge or building (within 600 ft) and/or is located on the Eastern Shore.

Bats: ONLY coordinate with DWR if one of the below listed bats has been documented within the project area as described below:

Listed Bats	Rafinesque's Eastern Big-eared Bats
	Tri-colored Bat
	Little Brown Bat

- Little Brown and Tri-color Bats: use this application to determine if roosts or hibernacula documented for these species are located within the project area: <https://dwr.virginia.gov/wildlife/bats/little-brown-bat-tri-colored-bat-winter-habitat-roosts-application/> . Coordinate with DWR if one of these bat features is located within the project area.
- Rafinesque's Eastern Big-eared Bats: Coordinate with DWR for projects including tree removal or timbering that are located within 2 miles of a documented record of this species.

Reptiles: ONLY coordinate with DWR when one of the following listed reptiles has been documented from the project area IF the project includes work within suitable habitats as described below:

Reptiles	Canebrake Rattlesnake
	Eastern Glass Lizard

- Eastern Glass Lizards: Work on beaches, dunes, associated shrublands and freshwater wetlands, particularly in Virginia Beach.

- Canebrake Rattlesnakes: Work in mature forested habitats in southeastern Virginia, particularly Chesapeake, Suffolk, and Virginia Beach.

Anadromous Fish Use Areas:

- Confirmed Anadromous Fish Use Areas – Coordinate with DWR anytime work in such waters or at sites within 1 mile upstream of such waters is proposed
- Potential Anadromous Fish Use Areas – Coordinate with DWR anytime work in such waters is proposed.

ACOE coordination with DWR to confirm Coastal Zone Consistency:

If it is determined that further review by DWR is necessary, compile and send **ONLY** the following project information to ESSProjects@DWR.virginia.gov to initiate coordination with DWR:

- a. Project Description
- b. Topographic map depicting the project boundaries; Lat/long coordinates for the project centroid.
- c. The VAFWIS IPA results depicting **confirmed** documentation(s) of listed species and/or DWR-designated resources within 2 miles of the project site.

DWR Environmental Services Response:

Upon review of the project, DWR staff will respond to the requestor (ACOE) within 30 days of receipt of the project. Our response will either indicate that the project is consistent with the Wildlife and Inland Fisheries and Commonwealth Lands Enforceable Policies of the Virginia Coastal Zone Management Program as proposed or we will provide measures that need to be taken regarding protection of listed wildlife and their habitats to ensure consistency with the CZMA. *If DWR does not respond within 30 days, you may move forward with permitting.*