



Land and Water Conservation Fund Virginia 2022 Application and Revision (A&R) Form*

*Please read the **Virginia LWCF 2022 Application Manual** before completing this form and other application documents.*

*This is a revised version of an NPS form that has been modified to remove any questions not pertinent to new project applications. This must be answered in totality as part of the Virginia 2022 LWCF Grant Round application.

INSTRUCTIONS:

All applicants fill out Brief Description of Proposal (on this page), Section 1.0, 2.0, and 3.0.

Plus:

- Acquisition projects fill out section 2.1.
- Development/Renovation projects fill out section 2.2.
- Combination Acquisition & Development/Renovation fill out **both** sections 2.1 and 2.2.

Brief Description of Proposal (maximum 300 words):

The DWR proposes to purchase ±2.6 acres from private landowner for future development of public access (a boat ramp, two hand-launch sites) to Branson Cove (and the Potomac River), public ADA-accessible fishing pier, and gravel parking area. Purchase of properties to provide water access is consistent with the DWR's mission to connect people to the outdoors, and the intended future uses for boating access, pier-based fishing and wildlife viewing are integral components of that mission. Access to the Potomac River has been identified as a user priority in the DWR's 2019 Boating Access Site and Facility Management Plan. The acquisition will provide new access to the Potomac River Water Trail, Potomac River Long-Distance Water Trail, and Westmoreland County Water Trail, addressing both County and regional priorities for additional public water access. It would also be included on the Northern Neck Loop of the Virginia Birding and Wildlife Trail (managed by the DWR), providing access to public and private sites for wildlife viewing. More than 750,000 people live within 60 miles of the project site and would have easy access to this site.

The site is located in an area of Westmoreland County with a "low" community health profile and of moderate social vulnerability. This site will provide the adjacent communities with easy access to outdoor recreation at little to no cost. There is urgency in completing this acquisition, as the owner has listed the properties for sale. There was initial intent to develop this area with additional residential housing or light commercial infrastructure, which would have removed these properties from providing outdoor-related recreation. The dramatic decline of the housing market in 2008 stalled those efforts, and the existing marina facilities have since fallen into disrepair.

SECTION 1.0 NEW PROJECT GRANT APPLICATION (ALL APPLICANTS)

A. Risk assessment

1. Describe how you can ensure the project will be completed as scoped and within the proposed time frame? *For example, dedicated staff and experience with similar project types.*

The DWR has a strong record of completing acquisition projects on time, within scope and within budget. The agency will assign a project manager to coordinate the appropriate due diligence work, and its Real Property Manager will handle coordination with the Office of the Attorney General and Department of General Services. The DWR's Grant Manager and Grant Accountant will ensure that related documentation is collected and share with the DCR's LWCF program staff.

2. What is the applicant's recent experience completing similar projects with federal grant funding (LWCF or other), if any?

The DWR is completing the purchase of 8,800 acres on the Eastern Shore. This \$13 million project is leveraging 4 federal grants, 2 Virginia Land Conservation Foundation grants, and partner funding from 8 other agencies and organizations. The DWR has also initiated the acquisition of 750 acres in Accomack County leveraging funds from the Virginia Coastal Zone Management Program and the Virginia Land Conservation Foundation.

SECTION 2.0 SITE BASED PROJECT GRANTS (ALL APPLICANTS)

A. Public benefit

1. Describe both short- and long-term outdoor recreation benefits that will be achieved as a result of this project.

Purchase of properties to provide water access is consistent with the DWR's mission to connect people to the outdoors, and the intended future uses for boating access, pier-based fishing and wildlife viewing are integral components of that mission. Access to the Potomac River has been identified as a user priority in the DWR's 2019 Boating Access Site and Facility Management Plan. The acquisition will provide new access to the Potomac River Water Trail, Potomac River Long-Distance Water Trail, and Westmoreland County Water Trail, addressing both County and regional priorities for additional public water access. More than 750,000 people live within 60 miles of the project site and would have easy access to this site.

The site is located in an area of Westmoreland County with a "low" community health profile and of moderate social vulnerability. This site will provide the adjacent communities with easy access to outdoor recreation at little to no cost. There is urgency in completing this acquisition, as the owner has listed the properties for sale. There was initial intent to develop this area with additional residential housing or light commercial infrastructure, which would have removed these properties from providing outdoor-related recreation.

This site will provide health related outdoor recreation benefits both physical and mental through paddle sports, boating, fishing and wildlife watching. Once developed it will provide immediate access to recreation on the Potomac and long-term it will provide a focal point in the community for outdoor recreation.

2. Explain how this project fits as part of any other projects planned for this same site in the next three years. Are there any additional developments or proposals for this recreation area outside of the application scope?

While there are no immediate land improvements planned, subsequent to purchase of the property, the DWR would initiate a site planning process, including community engagement and execution of a cooperative agreement with Westmoreland County. Long-term, the agency intends to provide motorboat and hand-launch access to Branson Cove, courtesy piers, and fishing piers. Natural vegetation will provide opportunities on-shore and over the water for wildlife viewing. The site will be supported by graveled parking areas. There are several existing structures on the properties that range in condition from poor to fair/good. While several outbuildings would need to be removed to provide expanded parking for the use of the property, the possibility exists to convert the existing building at the entrance to the property into a concession and/or educational facility. The outcome of that would be informed by public input and partnership with Westmoreland County.

SECTION 2.1 (ACQUISITION AND COMBINATION PROJECTS ONLY – DEVELOPMENT PROJECTS SKIP TO SECTION 2.2)

A. Need

1. Why is this acquisition (whether attained via purchase or donation) needed?
Access to the Potomac River has been identified as a user priority in the DWR's 2019 Boating Access Site and Facility Management Plan. The acquisition will provide new access to the Potomac River Water Trail, Potomac River Long-Distance Water Trail, and Westmoreland County Water Trail, addressing both County and regional priorities for additional public water access. The owner has listed the properties for sale, with the intent to sell them for residential housing or light commercial development, which would remove these properties from provide outdoor-related recreation.
2. Describe the existing resources and features of the site that make it desirable for public outdoor recreation.
 - Branson Cove is fairly well protected, and it does not appear that regular dredging would be required, making it a relatively low-maintenance access site.
 - A boat ramp and loading area already exist, although may need to be renovated post-acquisition.
 - Ample boating for cars and vehicles with trailers exists.
 - A building exists that is in fair/good condition and could be repurposed into a site concession facility.
3. Explain how you envision this acquisition contributing to outdoor recreation in the long term.
The site is located in an area of Westmoreland County with a "low" community health profile and of moderate social vulnerability. This site will provide the adjacent communities with easy access to outdoor recreation at little to no cost. As noted in County, regional and DWR plans (referenced), the demand for public access to the Potomac River is greater than is met by current facilities.

This site will provide health related outdoor recreation benefits both physical and mental through paddle sports, boating, fishing and wildlife watching. Once developed it will provide immediate access to recreation on the Potomac and long-term it will provide a focal point in the community for outdoor recreation.

B. Acquisition schedule & appraisal/waiver valuation certification

Parcel Name: Coles Point Rd 5693
Parcel Size: 1.596 acres
Parcel Value: \$560,000
Anticipated Acquisition Date: January-February 2023
Date of appraisal, if already completed: 11/03/2020 Please include appraisal summary sheet with the application to DCR.
<input type="checkbox"/> A State-certified Review Appraiser has reviewed the appraisal and has determined that it was prepared in conformity with the Uniform Appraisal Standards for Federal Land Acquisitions.
OR
<input checked="" type="checkbox"/> The applicant will obtain a Review Appraisal as per UASFLA requirements.

Parcel Name: Coles Point Rd 5665
Parcel Size: 1.013
Parcel Value: \$402,000
Anticipated Acquisition Date: January-February 2023
Date of appraisal, if already completed: 11/03/2020

Please include appraisal summary sheet with the application to DCR.

A State-certified Review Appraiser has reviewed the appraisal and has determined that it was prepared in conformity with the Uniform Appraisal Standards for Federal Land Acquisitions.

OR

The applicant will obtain a Review Appraisal as per UASFLA requirements.

C. Property information

1. From whom is this property being purchased?

Charles Love

2. Are any buildings or structures being purchased along with the property?

a. No

b. Yes – Describe what is planned for those structures and whether the grant funded project includes the value of those structures.

To the degree practical, the structures will be repurposed for concession and educational facilities. Currently, the grant funded project includes the value of those structures.

3. How will the site be made open and accessible for public outdoor recreation use (signage, entries, parking, site improvements, allowable activities, etc.)?

The DWR will place signage at the entrances to the properties and at strategic locations on the property (e.g., appropriate warning signs related to end-of-ramp; grant participation signs at entrance kiosks). Parking will be specifically delineated, along with boat trailer turn-around areas. Allowable activities will include boating, paddling, fishing, hunting (launching for waterfowl hunting in the adjacent Potomac River; no hunting will be permitted on the acquired properties), wildlife viewing, and general outdoor activities (e.g., picnicking) in designated areas. Initial anticipated site improvements include repairs to or renovation of the existing boat ramp, with possible expansion, and the courtesy pier.

4. When will access to the site for public outdoor recreation become available?

June 2023

5. Describe development planned for the site(s) for the three (3) years following acquisition. As this will impact NHPA and NEPA compliance, focus on what you reasonably expect to accomplish.

Beyond the possible renovation and modest expansion of the existing ramp in the current footprint, and repairs to the courtesy pier, the DWR is considering the development of a fishing pier.

6. If development will be delayed by more than three years from grant close, explain why this acquisition is still a priority for grant funding at this time and what ability the public will have to use the site in the interim.

N/A

7. Is this acquisition an addition to an existing park or other recreation area?

a. No

b. Yes – How will it support and enhance that existing park?

Click to enter text.

D. Acquisition approach

1. Is this property being acquired under threat of condemnation?

- a. No
- b. Yes – Explain:
Click to enter text.

2. Was the property listed for public sale?

- a. No
- b. Yes – Explain how the property owner was made aware of the grant sponsor interest in the property.
The property owner was contacted by Westmoreland County staff regarding public interest in acquiring the properties.

3. Does this project involve donated property?

- a. No
- b. Yes – Include evidence that the seller was offered the fair market value of the property as just compensation and willingly chose to donate the property instead. (If the donation is subject to a waiver of retroactivity the evidence must pre-date the donation.)
Click to enter text.

SECTION 2.2 (DEVELOPMENT AND COMBINATION GRANTS ONLY – ACQUISITION PROJECTS SKIP TO SECTION 3.0)

A. Grant elements

1. What new facilities will be constructed as part of this project?
Click to enter text.

2. What existing facilities will be renovated or replaced (specify which) as part of this project?
Click to enter text.

3. What general site improvements (e.g. demolition, site preparation, landscaping, habitat improvements, etc.) will be completed as part of this project?
Click to enter text.

4. What is the anticipated life span of the facilities that will be funded as part of this project?
Click to enter text.

5. Does the project scope include facilities that also eligible for Dingell-Johnson or Wallop-Breaux Act funding (i.e., boat/fish access)?
 - a. No
 - b. Yes – Please contact DWR and DCR for verification.

B. Design elements

1. What design elements are included that contribute to preserving environmental resources as part of ensuring a quality outdoor recreation experience for present and future generations?
Click to enter text.

SECTION 3.0 SITE INFORMATION (ALL APPLICANTS)

A. Basic information

1. Will this proposal create a new public park/recreation area where none previously existed?
 - a. No
 - b. Yes – Explain:
The marina that previously existed at this location required payment for docking, and the facility overall, including the boat ramp, has fallen into disrepair.

2. If this is an existing LWCF site, has the park name changed since the last grant?
 - a. No
 - b. Yes – Explain:
Click to enter text.

3. Is this project located in a floodplain?
 - a. No
 - b. Yes – Explain and confirm that you will meet applicable federal insurance requirements.
This boating access site does, by its nature, exist in a floodplain. The DWR, as a state agency, is self-insured against damages that occur to its properties and infrastructure.

4. Is your site contiguous with or connected to any federally owned recreation area?
 - a. No
 - b. Yes – Explain:
Click to enter text.

5. Is your site part of a larger management area, such as a greenway or regional recreation area?
 - a. No
 - b. Yes – Explain:
This site would become a site on the Potomac River Water Trail.

6. Describe the existing site conditions.
The site is generally in disrepair, as the owner abandoned plans to sell and redevelop the property in 2008.

7. Explain why the site is suitable for the type of outdoor recreation proposal being submitted.
The site is open and ideally located in a cove near the Potomac River. It is generally protected from the elements, which means that impacts of weather events are less than at a site located directly on the Potomac River.

8. Does the site include any elements that visually detract from the outdoor recreation experience or that represent a potential public safety hazard?
 - a. No
 - b. Yes – Explain and describe whether this project will help to address those concerns.
As noted above, the site is in general disrepair. Subsequent to DWR ownership, the agency will address immediate safety needs, such as repair of access ramps.

9. What is/will be the applicant's type of ownership and control of the property?
 - a. Fee simple ownership.

- b. Less than fee simple. Explain what rights the applicant has and what agency holds the underlying fee simple ownership.

Click to enter text.

- c. Lease. Include a copy of the lease with the application.

B. Stewardship considerations

1. Is this a multi-use site (i.e. school, reservoir, state forest, etc.)?

a. No

b. Yes – Explain:

i. How often will the public have recreation access to the site?

ii. What kinds of restrictions to public outdoor recreation will occur?

Click to enter text.

2. Describe the nature of any rights-of-way, easements, reversionary interests, etc. within the proposed LWCF boundary area:

None known

3. Are there any pre-existing or planned indoor facilities on site that would not themselves be eligible for LWCF grant funding?

a. No

b. Yes – Describe and explain how/if the structure(s) support public outdoor recreation.

One existing facility (house) would be able to be used to support a concessionaire or serve as an educational facility to provide instruction about fishing, wildlife viewing, boating safety, and similar compatible activities.

4. Is the proposed LWCF boundary the same as the boundary of the park/recreation area as it exists in its totality?

a. Yes

b. No – Explain any area proposed for exclusion and why, and ensure it is clearly depicted on the proposed LWCF boundary map

Click to enter text.

5. Are there any pre-existing or planned resource management practices (i.e. timber management, grazing, etc.)?

a. No

b. Yes – Describe the nature of the practice, the anticipated duration, and how the practice supports outdoor recreation.

Click to enter text.

6. Are there any pre-existing or planned uses on site that are incompatible with LWCF requirements that should be excluded from the LWCF boundary?

a. No

b. Yes – Describe the nature of the use and ensure it is clearly depicted on the proposed LWCF boundary map. Clarify whether the future intent is for the area to become subject to LWCF once the use is terminated, or if the intent is for the use to continue within the park in perpetuity.

Click to enter text.

C. Environmental Resources Survey

NPS requires all NEPA environmental review and NHPA Section 106 review and documentation to be complete at the time of project submission to NPS. DCR's target date for NPS submission for projects selected in this grant round is the June-July 2022 submission window. The tables on the following pages will be submitted with the complete project package to NPS at that time.

For the purposes of the application, please describe any and all NEPA and Section 106 agency review correspondence that has been completed to date in question 39 of the **2022 DCR Application Form**. The agency correspondence does not need to be complete to submit an application to DCR.

Then, please fill out the tables below based on agency correspondence to date. Check the question mark (?) box for information not yet verified.

Selected project applicants will be required to complete the NEPA review and Section 106 review and finalize these tables in Spring 2022.

The tables below serves as a record of the environmental resources present at the site, whether the proposed action is likely to have a significantly negative impact those resources, and whether further information is needed to determine the potential impact. Review the listed resources and identify any resources that may be significantly impacted by the action.

The Environmental Resources Survey should be completed with professional input from resource experts and in consultation with relevant local, state, tribal, and federal governments, as appropriate.

Table 1 – For each resource indicate if positive impacts or negative impacts are anticipated to result from the action or if further information is needed to determine the potential impact.

- + indicates positive impacts are anticipated to result from the action
- indicates negative impacts are anticipated to result from the action
- ? indicates further information is needed to determine the potential impact

Site Name: Coles Point Boating Access Acquisition

	How will the project affect the following resources?	+	-	?
1	Air quality	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2	Circulation and transportation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3	Climate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4	Contamination or hazardous materials even if remediated	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5	Endangered species: (listed or proposed threatened or endangered) including associated habitat	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6	Environmental justice: minority and low-income populations	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7	Geological resources: soils, bedrock, slopes, streambeds, landforms, etc.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8	Historic or cultural resources	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
9	Invasive species	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10	Land use plans or policies from other agencies including tribes	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11	Lightscares, especially night sky	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12	Migratory birds	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13	Recreation resources	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14	Socioeconomics: changes to tax base or competition with private sector	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15	Sound (noise impacts)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	How will the project affect the following resources?	+	-	?
16	Unique ecosystems, such as biosphere reserves, World Heritage sites, old growth forests, etc.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
17	Water quality and/or quantity	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
18	Water: coastal barrier resources or coastal zones	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
19	Water: marine and/or estuarine	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20	Water: stream flow characteristics	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
21	Water: wetlands and floodplains	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
22	Other important resources Explain:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Table 2 – This is a list of mandatory impact criteria that preclude the use of a categorical exclusion. If you answer “yes” or “?” for any of the mandatory criteria, you must develop an EA or EIS regardless of your answers in table 1.

Site Name: Coles Point Boating Access Acquisition

	Will your proposal:	Y	N	?
1	Have significant negative impacts on public health or safety?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2	Have significant negative impacts on unique natural resource or geographic characteristics such as historic or cultural resources; park, recreation, or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands; floodplains; national monuments; migratory birds; and other ecologically significant or critical areas?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3	Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4	Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5	Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6	Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7	Have significant adverse effects on properties listed or eligible for listing in the National Register of Historic Places as determined by NPS?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8	Have significant negative impacts to species listed, or proposed to be listed, on the List of Endangered or Threatened Species or have significant impacts on designated critical habitat for these species?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
9	Violate a federal law, or a state, local, or tribal law or requirement imposed for the protection of the environment?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10	Have a disproportionately high and adverse effect on low income or minority populations (EO 12898)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11	Limit access to and ceremonial use of Indian sacred sites on federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
12	Contribute to the introduction, continued existence, or spread of noxious weeds or nonnative invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

1. Have there been any previous NEPA/SEPA documents that are relevant to this project or this specific site?
 - a. No
 - b. Yes – Attach and summarize findings and include page number references below
Click to enter text.

2. Explain any negative or unknown impacts identified in Table 1 of the Environmental Resources Survey, or any boxes marked “yes” in Table 2 (mandatory criteria).
Coordination with appropriate regulatory agencies and tribes is necessary to determine whether or not impacts will result from the proposed acquisition and potential f. However, with the exception of tribal access to the property, the acquisition action itself will have no negative impacts to any environmental resources. We hope to update boxes checked as “unknown” to “no” with final feedback from consulting agencies.

3. How was the information identified in the tables derived and what sources of data were used to justify the impact selection?
Prior experience of the DWR in acquiring land across the Commonwealth.

4. Who contributed to filling out the Environmental Resources Survey (include name, title, agency) and what qualifications do they have that provide the necessary resource expertise to determine impact significance?
Rebecca Gwynn, Deputy Director, Department of Wildlife Resources. 34 years experience coordinating land acquisitions, protecting endangered species, restoring and conserving wetlands, and addressing water quality issues.

5. List all required federal, state, and local permits/approvals needed for the proposal and explain their purpose and status.
No permits or approvals are required for the land acquisition.

D. Cultural and historic resources review

Have there been any previous cultural and/or historic resource surveys completed that included this site within the area of potential effect that was assessed?

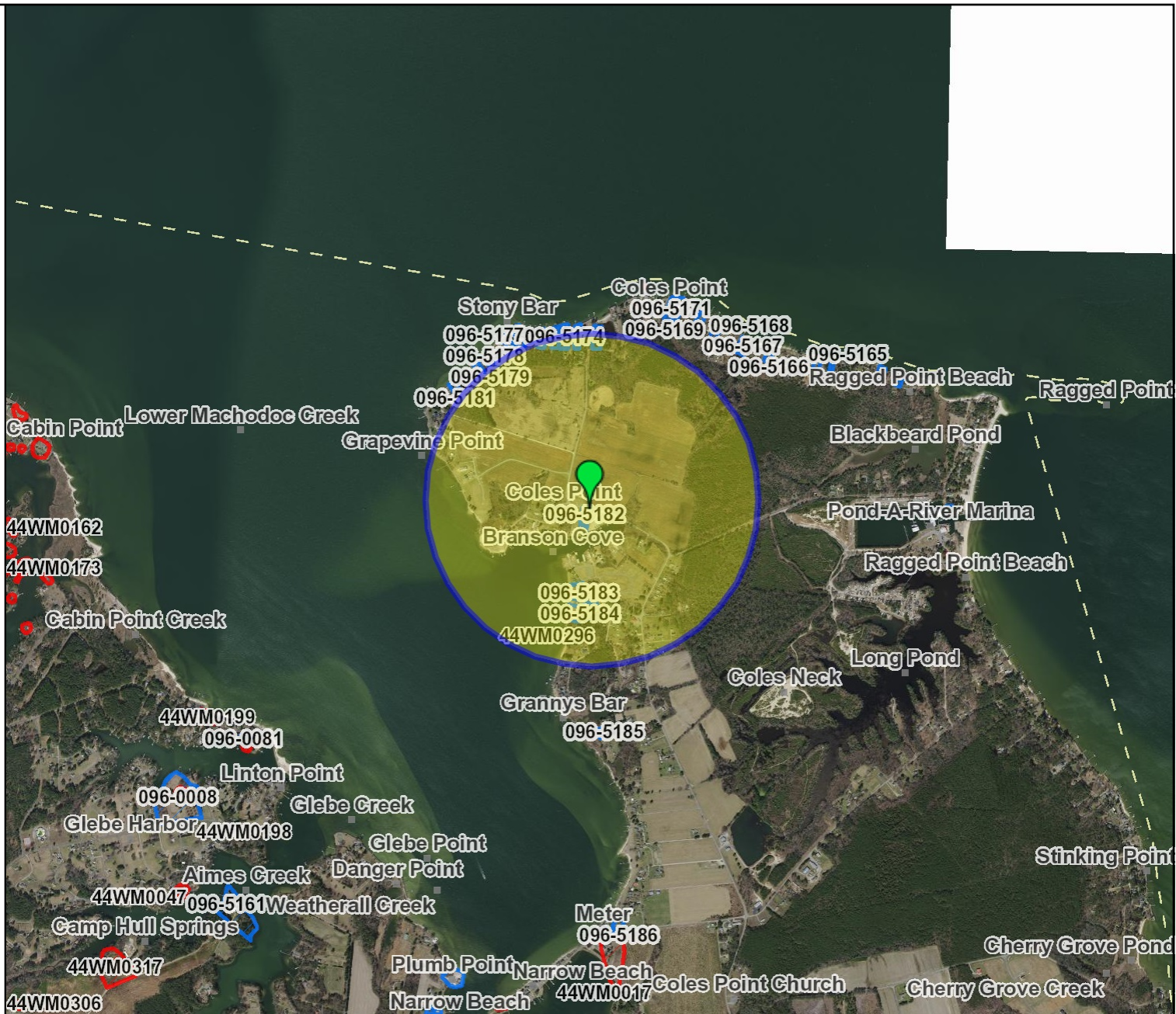
- No – Describe any construction planned as a result of this project that will extend beyond the pre-existing disturbance area (including surface area and depth).
- Yes – Attach survey and summarize findings and include page number references below.

Click to enter text.



Legend

- Architecture Resources
- Architecture Labels
- Individual Historic District Properties
- Archaeological Resources
- Archaeology Labels
- DHR Easements
- USGS GIS Place names
- County Boundaries



Title:

Date: 4/7/2022

DISCLAIMER: Records of the Virginia Department of Historic Resources (DHR) have been gathered over many years from a variety of sources and the representation depicted is a cumulative view of field observations over time and may not reflect current ground conditions. The map is for general information purposes and is not intended for engineering, legal or other site-specific uses. Map may contain errors and is provided "as-is". More information is available in the DHR Archives located at DHR's Richmond office.

Notice if AE sites: Locations of archaeological sites may be sensitive the National Historic Preservation Act (NHPA), and the Archaeological Resources Protection Act (ARPA) and Code of Virginia §2.2-3705.7 (10). Release of precise locations may threaten archaeological sites and historic resources.



Feet

0 600 1200 1800 2400

1:36,112 / 1"=3,009 Feet



United States Department of the Interior



FISH AND WILDLIFE SERVICE
Virginia Ecological Services Field Office
6669 Short Lane
Gloucester, VA 23061-4410
Phone: (804) 693-6694 Fax: (804) 693-9032
<http://www.fws.gov/northeast/virginiafield/>

In Reply Refer To:
Project Code: 2022-0031654
Project Name: Coles Point Boating Access Site Acquisition

April 13, 2022

Subject: List of threatened and endangered species that may occur in your proposed project location 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>

Migratory Birds: In addition to responsibilities to protect threatened and endangered species under the Endangered Species Act (ESA), there are additional responsibilities under the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) to protect native birds from project-related impacts. Any activity, intentional or unintentional, resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the U.S. Fish and Wildlife Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)). For more information regarding these Acts see <https://www.fws.gov/birds/policies-and-regulations.php>.

The MBTA has no provision for allowing take of migratory birds that may be unintentionally killed or injured by otherwise lawful activities. It is the responsibility of the project proponent to comply with these Acts by identifying potential impacts to migratory birds and eagles within applicable NEPA documents (when there is a federal nexus) or a Bird/Eagle Conservation Plan (when there is no federal nexus). Proponents should implement conservation measures to avoid or minimize the production of project-related stressors or minimize the exposure of birds and their resources to the project-related stressors. For more information on avian stressors and recommended conservation measures see <https://www.fws.gov/birds/bird-enthusiasts/threats-to-birds.php>.

In addition to MBTA and BGEPA, Executive Order 13186: *Responsibilities of Federal Agencies to Protect Migratory Birds*, obligates all Federal agencies that engage in or authorize activities that might affect migratory birds, to minimize those effects and encourage conservation measures that will improve bird populations. Executive Order 13186 provides for the protection of both migratory birds and migratory bird habitat. For information regarding the implementation of Executive Order 13186, please visit <https://www.fws.gov/birds/policies-and-regulations/executive-orders/e0-13186.php>.

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 Project Code in the header of this

letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List
 - USFWS National Wildlife Refuges and Fish Hatcheries
 - Migratory Birds
-

Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Virginia Ecological Services Field Office

6669 Short Lane

Gloucester, VA 23061-4410

(804) 693-6694

Project Summary

Project Code: 2022-0031654

Event Code: None

Project Name: Coles Point Boating Access Site Acquisition

Project Type: Acquisition of Lands

Project Description: The DWR proposes to purchase 2.6 acres on Branson Cove in Westmoreland County for public access to lands and waters. The acquisition could occur by June 30, 2023.

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@38.1429781,-76.63530122975985,14z>



Counties: Westmoreland County, Virginia

Endangered Species Act Species

There is a total of 1 threatened, endangered, or candidate species on this 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.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

-
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

Mammals

NAME	STATUS
Northern Long-eared Bat <i>Myotis septentrionalis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9045	Threatened

Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

USFWS National Wildlife Refuge Lands And Fish Hatcheries

Any activity proposed on lands managed by the [National Wildlife Refuge](#) system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS OR FISH HATCHERIES WITHIN YOUR PROJECT AREA.

Migratory Birds

Certain birds are protected under the Migratory Bird Treaty Act¹ and the Bald and Golden Eagle Protection Act².

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats should follow appropriate regulations and consider implementing appropriate conservation measures, as described [below](#).

-
1. The [Migratory Birds Treaty Act](#) of 1918.
 2. The [Bald and Golden Eagle Protection Act](#) of 1940.
 3. 50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)

The birds listed below are birds of particular concern either because they occur on the [USFWS Birds of Conservation Concern](#) (BCC) list or warrant special attention in your project location. To learn more about the levels of concern for birds on your list and how this list is generated, see the FAQ [below](#). This is not a list of every bird you may find in this location, nor a guarantee that every bird on this list will be found in your project area. To see exact locations of where birders and the general public have sighted birds in and around your project area, visit the [E-bird data mapping tool](#) (Tip: enter your location, desired date range and a species on your list). For projects that occur off the Atlantic Coast, additional maps and models detailing the relative occurrence and abundance of bird species on your list are available. Links to additional information about Atlantic Coast birds, and other important information about your migratory bird list, including how to properly interpret and use your migratory bird report, can be found [below](#).

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, click on the PROBABILITY OF PRESENCE SUMMARY at the top of your list to see when these birds are most likely to be present and breeding in your project area.

NAME	BREEDING SEASON
<p>Bald Eagle <i>Haliaeetus leucocephalus</i></p> <p>This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.</p> <p>https://ecos.fws.gov/ecp/species/1626</p>	Breeds Oct 15 to Aug 31
<p>Black Scoter <i>Melanitta nigra</i></p> <p>This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.</p>	Breeds elsewhere

NAME	BREEDING SEASON
<p>Brown Pelican <i>Pelecanus occidentalis</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/6034</p>	Breeds Jan 15 to Sep 30
<p>Cerulean Warbler <i>Dendroica cerulea</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/2974</p>	Breeds Apr 29 to Jul 20
<p>Common Loon <i>gavia immer</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/4464</p>	Breeds Apr 15 to Oct 31
<p>Double-crested Cormorant <i>phalacrocorax auritus</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/3478</p>	Breeds Apr 20 to Aug 31
<p>Eastern Whip-poor-will <i>Antrastomus vociferus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.</p>	Breeds May 1 to Aug 20
<p>Long-tailed Duck <i>Clangula hyemalis</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/7238</p>	Breeds elsewhere
<p>Prairie Warbler <i>Dendroica discolor</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.</p>	Breeds May 1 to Jul 31
<p>Red-breasted Merganser <i>Mergus serrator</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.</p>	Breeds elsewhere
<p>Red-headed Woodpecker <i>Melanerpes erythrocephalus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.</p>	Breeds May 10 to Sep 10
<p>Red-throated Loon <i>Gavia stellata</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.</p>	Breeds elsewhere

NAME	BREEDING SEASON
Ring-billed Gull <i>Larus delawarensis</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.	Breeds elsewhere
Royal Tern <i>Thalasseus maximus</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.	Breeds Apr 15 to Aug 31
Rusty Blackbird <i>Euphagus carolinus</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA	Breeds elsewhere
Surf Scoter <i>Melanitta perspicillata</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.	Breeds elsewhere
White-winged Scoter <i>Melanitta fusca</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.	Breeds elsewhere
Wood Thrush <i>Hylocichla mustelina</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 10 to Aug 31

Probability Of Presence Summary

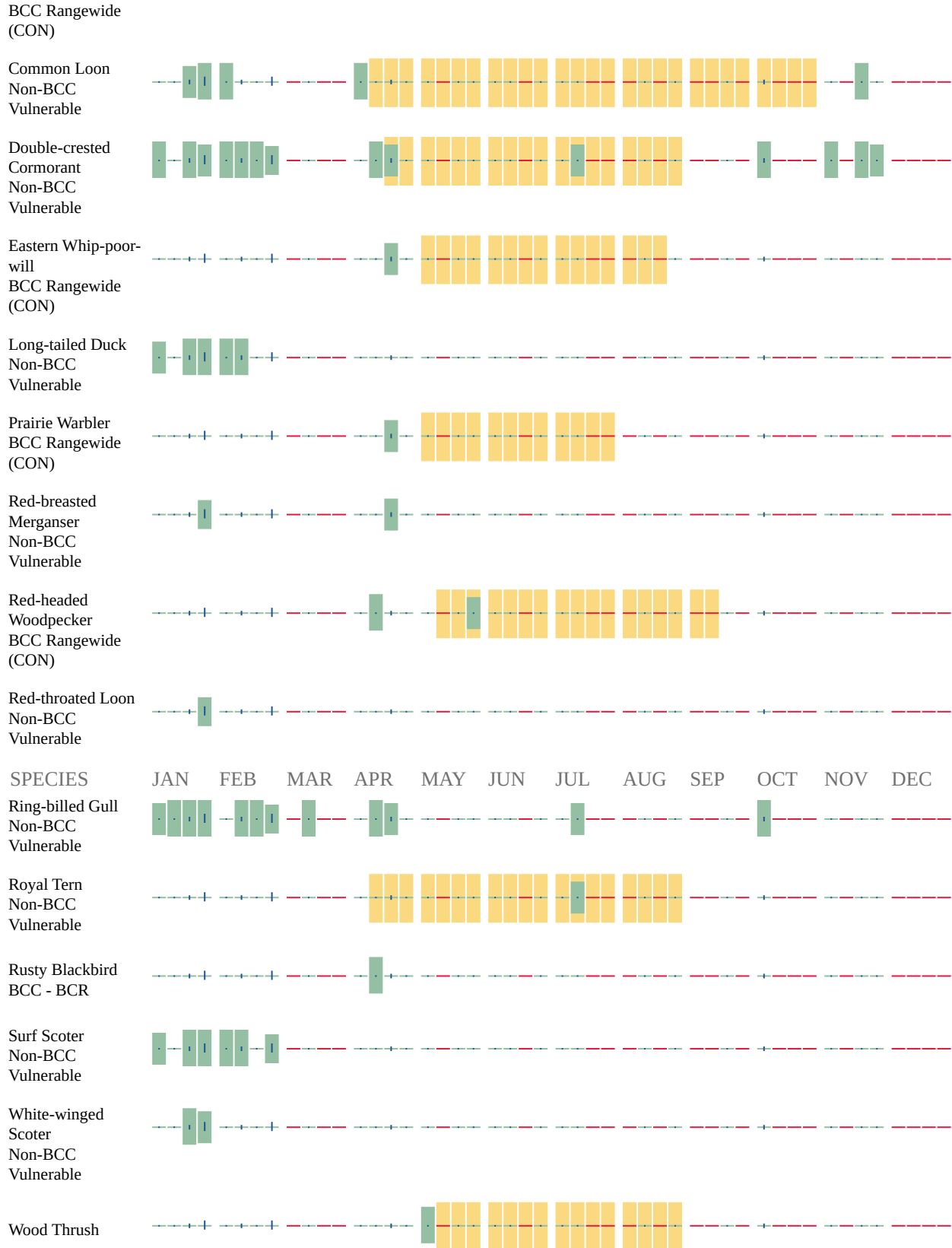
The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read and understand the FAQ "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

Probability of Presence (■)

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

How is the probability of presence score calculated? The calculation is done in three steps:

1. The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee



BCC Rangewide
(CON)

Additional information can be found using the following links:

- Birds of Conservation Concern <https://www.fws.gov/program/migratory-birds/species>
- Measures for avoiding and minimizing impacts to birds <https://www.fws.gov/library/collections/avoiding-and-minimizing-incident-take-migratory-birds>
- Nationwide conservation measures for birds <https://www.fws.gov/sites/default/files/documents/nationwide-standard-conservation-measures.pdf>

Migratory Birds FAQ

Tell me more about conservation measures I can implement to avoid or minimize impacts to migratory birds.

[Nationwide Conservation Measures](#) describes measures that can help avoid and minimize impacts to all birds at any location year round. Implementation of these measures is particularly important when birds are most likely to occur in the project area. When birds may be breeding in the area, identifying the locations of any active nests and avoiding their destruction is a very helpful impact minimization measure. To see when birds are most likely to occur and be breeding in your project area, view the Probability of Presence Summary. [Additional measures](#) or [permits](#) may be advisable depending on the type of activity you are conducting and the type of infrastructure or bird species present on your project site.

What does IPaC use to generate the migratory birds potentially occurring in my specified location?

The Migratory Bird Resource List is comprised of USFWS [Birds of Conservation Concern \(BCC\)](#) and other species that may warrant special attention in your project location.

The migratory bird list generated for your project is derived from data provided by the [Avian Knowledge Network \(AKN\)](#). The AKN data is based on a growing collection of [survey, banding, and citizen science datasets](#) and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle ([Eagle Act](#) requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the [AKN Phenology Tool](#).

What does IPaC use to generate the probability of presence graphs for the migratory birds potentially occurring in my specified location?

The probability of presence graphs associated with your migratory bird list are based on data provided by the [Avian Knowledge Network \(AKN\)](#). This data is derived from a growing collection of [survey, banding, and citizen science datasets](#).

Probability of presence data is continuously being updated as new and better information becomes available. To learn more about how the probability of presence graphs are produced and how to interpret them, go to the Probability of Presence Summary and then click on the "Tell me about these graphs" link.

How do I know if a bird is breeding, wintering, migrating or present year-round in my project area?

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating or year-round), you may refer to the following resources: [The Cornell Lab of Ornithology All About Birds Bird Guide](#), or (if you are unsuccessful in locating the bird of interest there), the [Cornell Lab of Ornithology Neotropical Birds guide](#). If a bird on your migratory bird species list has a breeding season associated with it, if that bird does occur in your project area, there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

What are the levels of concern for migratory birds?

Migratory birds delivered through IPaC fall into the following distinct categories of concern:

1. "BCC Rangewide" birds are [Birds of Conservation Concern](#) (BCC) that are of concern throughout their range anywhere within the USA (including Hawaii, the Pacific Islands, Puerto Rico, and the Virgin Islands);
2. "BCC - BCR" birds are BCCs that are of concern only in particular Bird Conservation Regions (BCRs) in the continental USA; and
3. "Non-BCC - Vulnerable" birds are not BCC species in your project area, but appear on your list either because of the [Eagle Act](#) requirements (for eagles) or (for non-eagles) potential susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or longline fishing).

Although it is important to try to avoid and minimize impacts to all birds, efforts should be made, in particular, to avoid and minimize impacts to the birds on this list, especially eagles and BCC species of rangewide concern. For more information on conservation measures you can implement to help avoid and minimize migratory bird impacts and requirements for eagles, please see the FAQs for these topics.

Details about birds that are potentially affected by offshore projects

For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the [Northeast Ocean Data Portal](#). The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the [NOAA NCCOS Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf](#) project webpage.

Bird tracking data can also provide additional details about occurrence and habitat use throughout the year, including migration. Models relying on survey data may not include this information. For additional information on marine bird tracking data, see the [Diving Bird Study](#) and the [nanotag studies](#) or contact [Caleb Spiegel](#) or [Pam Loring](#).

What if I have eagles on my list?

If your project has the potential to disturb or kill eagles, you may need to [obtain a permit](#) to avoid violating the Eagle Act should such impacts occur.

Proper Interpretation and Use of Your Migratory Bird Report

The migratory bird list generated is not a list of all birds in your project area, only a subset of birds of priority concern. To learn more about how your list is generated, and see options for identifying what other birds may be in your project area, please see the FAQ "What does IPaC use to generate the migratory birds potentially occurring in my specified location". Please be aware this report provides the "probability of presence" of birds within the 10 km grid cell(s) that overlap your project; not your exact project footprint. On the graphs provided, please also look carefully at the survey effort (indicated by the black vertical bar) and for the existence of the "no data" indicator (a red horizontal bar). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort bar or no data bar means a lack of data and, therefore, a lack of certainty about presence of the species. This list is not perfect; it is simply a starting point for identifying what birds of concern have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list helps you know what to look for to confirm presence, and helps guide you in knowing when to implement conservation measures to avoid or minimize potential impacts from your project activities, should presence be confirmed. To learn more about conservation measures, visit the FAQ "Tell me about conservation measures I can implement to avoid or minimize impacts to migratory birds" at the bottom of your migratory bird trust resources page.

IPaC User Contact Information

Agency: State of Virginia
Name: Rebecca Gwynn
Address: 7870 Villa Park Dr., Suite 400
City: Henrico
State: VA
Zip: 23228
Email: becky.gwynn@dwr.virginia.gov
Phone: 8043893953

Lead Agency Contact Information

Lead Agency: National Park Service

Coles Point Boating Access Site Acquisition

Biological Assessment

Prepared using IPaC

Generated by Rebecca Gwynn (becky.gwynn@dwr.virginia.gov)

April 13, 2022

The purpose of this Biological Assessment (BA) is to assess the effects of the proposed project and determine whether the project may affect any Federally threatened, endangered, proposed or candidate species. This BA is prepared in accordance with legal requirements set forth under [Section 7 of the Endangered Species Act \(16 U.S.C. 1536 \(c\)\)](#).

In this document, any data provided by U.S. Fish and Wildlife Service is based on data as of April 13, 2022.

Prepared using IPaC version 6.73.0-rc17

Coles Point Boating Access Site Acquisition Biological Assessment

Table Of Contents

1 Description of the action	5
1.1 Project name	5
1.2 Executive summary	5
1.3 Project description	5
1.3.1 Location	5
1.3.2 Description of project habitat	6
1.3.3 Project proponent information	6
1.3.4 Project purpose	6
1.3.5 Project type and deconstruction	6
1.3.6 Anticipated environmental stressors	9
1.4 Action area	10
1.5 Conservation measures	11
1.6 Prior consultation history	11
1.7 Other agency partners and interested parties	11
1.8 Other reports and helpful information	11
2 Species effects analysis	12
2.1 Northern Long-eared Bat	12
Justification for exclusion	12
3 Critical habitat effects analysis	13
4 Summary Discussion, Conclusion, and Effect Determinations	14
4.1 Effect determination summary	14
4.2 Summary discussion	14
4.3 Conclusion	14

1 Description Of The Action

1.1 Project Name

Coles Point Boating Access Site Acquisition

1.2 Executive Summary

Purchase ±2.6 acres from private landowner for public access to Branson Cove (and Potomac River). No impacts on listed species are expected or anticipated.

[Effect determination summary](#)

1.3 Project Description

1.3.1 Location



LOCATION

Westmoreland County, Virginia

1.3.2 Description of project habitat

Open land, already developed. No trees present.

Relevant documentation

- [LWCF-05-Location Map ColesPointBoatingAccess DWR](#)

1.3.3 Project proponent information

Provide information regarding who is proposing to conduct the project, and their contact information. Please provide details on whether there is a Federal nexus.

Requesting Agency

State of Virginia

FULL NAME

Rebecca Gwynn

STREET ADDRESS

7870 Villa Park Dr., Suite 400

CITY

Henrico

STATE

VA

ZIP

23228

PHONE NUMBER

8043893953

E-MAIL ADDRESS

becky.gwynn@dwr.virginia.gov

Lead agency

Department of Interior

National Park Service

1.3.4 Project purpose

acquisition of land for public access to lands and waters

1.3.5 Project type and deconstruction

This project is a acquisition project.

1.3.5.1 Project map



LEGEND



Project footprint



Acquisition boundary: Land acquisition

1.3.5.2 land acquisition

Activity start date

July 01, 2022

Activity end date

June 30, 2023

Stressors

This activity is not expected to have any impact on the environment.

Description

2.6 acres being acquired to provide public access to lands and water

1.3.6 Anticipated environmental stressors

Describe the anticipated effects of your proposed project on the aspects of the land, air and water that will occur due to the activities above. These should be based on the activity deconstructions done in the previous section and will be used to inform the action area.

1.4 Action Area



1.5 Conservation Measures

Describe any proposed measures being implemented as part of the project that are designed to reduce the impacts to the environment and their resulting effects to listed species. To avoid extra verbiage, don't list measures that have no relevance to the species being analyzed.

No conservation measures have been selected for this project.

1.6 Prior Consultation History

No prior consultation has occurred with the USFWS on this project.

1.7 Other Agency Partners And Interested Parties

- National Park Service (the DWR is applying for project funding through the Land and Water Conservation Fund program)
- DCR (administers the LWCF program for Virginia; Kristal McKelvey)
- DEQ-CZM (coastal consistency determination; John Fuller)
- DHR (historic resources review and determination of impact; Adrienne Birge-Wilson)
- DWR (listed species determination; Amy Martin)

1.8 Other Reports And Helpful Information

n/a

2 Species Effects Analysis

This section describes, species by species, the effects of the proposed action on listed, proposed, and candidate species, and the habitat on which they depend. In this document, effects are broken down as direct interactions (something happening directly to the species) or indirect interactions (something happening to the environment on which a species depends that could then result in effects to the species).

These interactions encompass effects that occur both during project construction and those which could be ongoing after the project is finished. All effects, however, should be considered, including effects from direct and indirect interactions and cumulative effects.

2.1 Northern Long-Eared Bat

This species has been excluded from analysis in this environmental review document.

Justification for exclusion

The property is developed (commercial and residential) - no trees present.

3 Critical Habitat Effects Analysis

No critical habitats intersect with the project action area.

4 Summary Discussion, Conclusion, And Effect Determinations

4.1 Effect Determination Summary

SPECIES (COMMON NAME)	SCIENTIFIC NAME	LISTING STATUS	PRESENT IN ACTION AREA	EFFECT DETERMINATION
Northern Long-eared Bat	Myotis septentrionalis	Threatened	No	NE

4.2 Summary Discussion

The proposed action (land acquisition) will have no impact on species or critical habitat within the action area.

4.3 Conclusion

No effect, based on the proposed action.



COMMONWEALTH of VIRGINIA
Department of Wildlife Resources

Travis J. Voyles
*Acting Secretary of
Natural and Historic Resources*

Ryan J. Brown
Executive Director

April 13, 2022

Mr. John E. Fisher
Virginia Department of Environmental Quality
Division of Environmental Enhancement
Office of Environmental Impact Review
1111 East Main Street, Suite 1400
Richmond, VA 23219

Dear Mr. Fisher:

The Virginia Department of Wildlife Resources (DWR) has requested federal assistance through receipt of funds from the Land and Water Conservation Fund to purchase ± 2.6 acres of uplands on Branson Cove in Westmoreland County. I have enclosed a copy of the grant application, "Coles Point Boating Access Site," for your review, along with our determination that the acquisition of this property is consistent with the enforceable policies of Virginia's Coastal Zone Management Program. Once the site is acquired and added to our public land portfolio, the DWR will open the area for public access wildlife viewing, fishing, and related recreational activities. Please provide a letter confirming our determination to me at the address listed below.

If you have any questions, please contact me at becky.gwynn@dwr.virginia.gov or (804) 389-3953. Thank you for your assistance in this matter.

Sincerely,

A handwritten signature in blue ink that reads "Rebecca K. Gwynn".

Rebecca K. Gwynn
Deputy Director

**Virginia Department of Wildlife Resources
Cole's Point Boating Access Site Acquisition**

Preliminary Coastal Consistency Determination

Tidal and Non-tidal Wetlands: Tidal wetlands will be protected and preserved by the acquisition. No impacts on wetlands are proposed as a result of this acquisition.

Subaqueous Lands: This acquisition will not impact subaqueous bottomlands. No instream work is proposed in the acquisition project.

Dunes and Beaches: No dunes or beaches occur on this property; therefore, none will be impacted by purchase of this land.

Chesapeake Bay Preservation Areas: The area under consideration for purchase is previously disturbed and has functioned as residential and commercial properties. Any proposed future improvements would not extend beyond the existing footprint.

Marine Fisheries: This acquisition will positively benefit finfish and shellfish resources by protecting and maintaining important habitats through reductions in sediment and nutrient loading. There will be no adverse impacts upon fisheries management and TBT will not be introduced into the environment or used in any way on this property.

Wildlife and Inland Fisheries: No wildlife or inland fisheries will be negatively impacted by the acquisition of this property. The absence of tree canopies on the property preclude the presence of federally-listed northern long-eared bats.

Plant Pest and Noxious Weeds: The acquisition will not introduce any plant pests or noxious weeds.

Commonwealth Lands: The acquisition project will not impact any lands currently owned by the Commonwealth. The removal of development threat on the property and management of the land for wildlife will protect coastal resources.

Point Source Air Pollution: No point source air pollution will be introduced through this acquisition.

Point Source Water Pollution: No point source water pollution will be introduced through this acquisition.

Non-point Source Water Pollution: Maintenance of the property as open space will negate non-point source pollution.

Shoreline Sanitation: No septic tanks are known to occur on this property and none are proposed.