

Species Conclusion Table

Project Name: Spotsylvania Livingston Landfill Phase II Expansion

Date: March 17, 2020

Species / Resource Name	Conclusion	ESA Section 7 / Eagle Act Determination	Notes / Documentation
Northern long-eared bat	Applying the 4(d) Rule; excepted from take	May affect	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. Although this project requires clearing approximately one (1) acre of forested land, the project area is not located within 150 feet of a maternity roost or within a quarter mile of a hibernacula.
Yellow lance	No suitable habitat present ;	Not likely to adversely affect	The yellow lance is a bright yellow mussel found in medium-sized rivers to smaller streams with sand and/or gravel substrates. The species is dependent on clean, moderate flowing water with high dissolved oxygen content in riverine or larger creek environments. Historically, the yellow lance's range in Virginia included the Potomac, York, Rappahannock, James, and Chowan River basins; however, no records exist of the species in the Potomac River in recent years and experts presume it has been extirpated from the river. On February 6, 2020 the FWS proposed to designate critical habitat for the species within 44 river miles of the Rappahannock Subbasin, including portions of Hungry Run, Thumb Run, South Run, Great Run, and the Rappahannock River. Bluff Run and its tributaries are not included in the proposed critical habitat. The streams identified within the project limits were relatively narrow and exhibited poor baseflow and signs of sediment deposition within the channel (see Appendix G for photographs). Based on the nature of the streams' flow conditions, size,

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			and lack of direct connectivity to larger stream and riverine systems, suitable habitat for the yellow lance is not expected to be present within the project limits. Therefore, impacts to populations of yellow lance are not anticipated.
Critical Habitat	No critical habitat present	No effect	There are no critical habitats within the project area.
Bald Eagles	Unlikely to disturb nesting bald eagles; Does not intersect with an eagle concentration area or 660-foot buffer of an eagle nest.	No Eagle Act permit required	No bald eagle nests are located within 660' of the project area and it is not located within an eagle concentration area.