



**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
NATIONAL MARINE FISHERIES SERVICE  
GREATER ATLANTIC REGIONAL FISHERIES OFFICE  
55 Great Republic Drive  
Gloucester, MA 01930-2276

**FEB 22 2018**

Randy L. Steffey  
Project Manager, Southern Virginia Regulatory Section  
Department of the Army  
Corps of Engineers, Norfolk District  
803 Front Street  
Norfolk, VA 23510-1096

Re: NAO-2012-00080 Dominion Surry-Skiffes Creek-Wheaton Aerial Transmission Line  
Project Re-initiation Determination

Dear Mr. Steffey,

We have completed our consultation under section 7 of the Endangered Species Act (ESA) in response to your original November 21, 2017 letter and January 12, 2018, revised letter, regarding the above-referenced proposed project. We reviewed your re-initiation of consultation request and related materials. Based on our knowledge and your materials, we concur with your conclusion that reinitiation is required but that the proposed action is not likely to adversely affect any ESA-listed species or designated critical habitat under our jurisdiction. Therefore, no further consultation pursuant to section 7 of the ESA is required.

Reinitiation is required because the proposed action may affect critical habitat designated for the Chesapeake Bay Distinct Population Segment (DPS) of Atlantic sturgeon. The conclusions reached in our January 28, 2016 letter to you concurring with your determination that the proposed action is not likely to adversely affect any ESA listed species under our jurisdiction, remains valid. This letter amends that consultation document.

Overall, we agree with your analysis and effects determination as it relates to designated critical habitat for Atlantic sturgeon; however, several clarifications are necessary as described below.

For your consideration of effects to physical and biological feature (PBF) 2, which is ubiquitous in the action area, we would like to clarify that you expect only temporary and localized impacts to PBF2 from turbidity, but that there will be a permanent loss of soft substrate, a component of PBF2, resulting from the construction of the towers. We agree that the portion of the action area where PBF2 will be permanently altered by the towers is small (approximately 2,700 square feet; 0.002% of the action area at river mile 30). The area where the towers will be placed is expected to be used for opportunistic foraging by juveniles. Given the extremely small amount of potential forage that will be lost and that the area is not known to be a juvenile aggregation area, the effects of the loss of this small amount of foraging habitat on juvenile foraging and development will be so small that they cannot be meaningfully measured, evaluated, or detected. Therefore, any effects to the value of PBF 2 to the conservation of the species are insignificant.



We agree with your analysis and conclusions related to PBF 3, but would like to note our understanding that bubble curtains, noise produced by pile driving, and the finished towers are temporary or localized effects to PBF 3 and are included under your description of “construction and the finished project” in relation to your discussion of potential barriers in support of a discountable determination for effects to PBF 3. We agree that it is extremely unlikely that these temporary and localized effects to the unimpeded passage component of PBF3 will alter the conservation function of the PBF in the action area and its value to the species.

We understand your letter to state that while there will be a minor, temporary reduction in dissolved oxygen levels in a small portion of the action area, the minor and temporary nature of those effects to water quality are extremely unlikely to alter how various life stages of Atlantic sturgeon use the action area for growth, development, and recruitment. Therefore, we agree with your conclusion that effects of the action on the value of PBF 4 to the conservation of the species (i.e., the current and future development of this feature to provide the temperature, salinity, and oxygen values that, combined, support: spawning; annual and interannual adult, subadult, larval, and juvenile survival; and larval, juvenile, and subadult growth, development, and recruitment) to be extremely unlikely, and are therefore, discountable.

Reinitiation of consultation is required and shall be requested by the Federal agency or by the Service, where discretionary Federal involvement or control over the action has been retained or is authorized by law and: (a) If new information reveals effects of the action that may affect listed species or critical habitat in a manner or to an extent not previously considered in the consultation; (b) If the identified action is subsequently modified in a manner that causes an effect to the listed species or critical habitat that was not considered in this consultation or; (c) If a new species is listed or critical habitat designated that may be affected by the identified action. No take is anticipated or exempted. Should you have any questions about this correspondence please contact Chris Vaccaro at (978) 281-9167 or by email ([christine.vaccaro@noaa.gov](mailto:christine.vaccaro@noaa.gov)). For questions related to Essential Fish Habitat please contact Dave O'Brien with our Habitat Conservation Division at 804-684-7828 or at [David.l.obrien@noaa.gov](mailto:David.l.obrien@noaa.gov).

Sincerely,



*for* Julia E. Crocker  
Acting Assistant Regional Administrator  
for Protected Resources