Appendix G

T&E Agency Coordination

Cleveland Street Phase IV Improvements (UPC 110803)

Virginia Beach, VA

Threatened and Endangered Species Coordination

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   c. VaFWIS Search report dated 08/12/2025
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   j. USFWS Self Certification Letter, dated 08/12/2025
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   b. Species Summary Table dated 08/16/2023
   c. VaFWIS Search report, dated 08/03/2023
   d. VaFWIS Search map, dated 08/16/2023
   e. VDWR NLEB Habitat and Roost Tree Locations, dated 08/03/2023
   f. VDWR MYLU PESU Habitat and Roost Tree Locations, dated 08/03/2023
   g. USFWS Official Species List, dated 08/03/2023
   h. USFWS Self Certification Letter, dated 08/16/2023
   i. Virginia Critical Habitat mapper, dated 08/16/2023
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3. **August 2025 USFWS Review**
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   b. No Effect Technical Assistance letter for the 'Cleveland Street Phase IV' project under the December 13, 2024, FHWA, FRA, FTA Programmatic Biological Opinion for Transportation Projects within the Range of the Indiana Bat, Northern Long-eared Bat, and Tricolored Bat, dated 08/14/2025

4. **June 2025 USFWS Review**
   a. Official Species List dated 06/19/2025
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5. **August 2023 Submittal to USFWS**
   a. FWS Official Species List, dated 08/03/2023
   b. USFWS Self Certification Letter, dated 08/16/2023
   c. Virginia Critical Habitat mapper, dated 08/03/2023
   d. VaFWIS Search report, dated 08/03/2023
   e. VaFWIS Search map, dated 08/16/2023
   f. VDWR NLEB Habitat and Roost Tree Locations, dated 08/03/2023
   g. VDWR MYLU PESU Habitat and Roost Tree Locations, dated 08/03/2023
   h. CCB Eagle Nest Locator, dated 08/03/2023

6. **August 2025 DCR Comments, dated 08/12/2025**

7. **August 2023 DCR Comments, dated 08/03/2023**

August 2025
Submittal to DWR

Holmes, Victoria

From: ProjectReview (DWR) <ProjectReview@dwr.virginia.gov>
Sent: Thursday, August 14, 2025 2:55 PM
To: Kalmbach, Dahria
Cc: Holmes, Victoria
Subject: RE: UPC 110803 - Cleveland Street Phase IV Improvements: VDWR SCOPING PACKAGE 16AUG23

Categories: External

Good afternoon Dahria,

Thank you for contacting us about your project. Due to staffing limitations, we are unable to review and provide comments on projects that are not currently involved in one of the regulatory review processes for which we are a formal consulting agency (see https://www.DWR.virginia.gov/environmental-programs/). If your project becomes involved in one of these review processes, we will review the project at that time and provide our comments to the requesting agency.

Additionally, please review the DWR information, guidance, and protocols available on our website at the bottom of this page in the "Additional Resources" section and implement, as appropriate.

Thank you,
Nicole

Nicole Strawderman
(she/her)
Environmental Services Project Review Assistant
P 804-367-2211
Virginia Department of Wildlife Resources
A 7870 Villa Park Drive, P.O. Box 90778, Henrico, VA 23228
www.dwr.virginia.gov

From: Kalmbach, Dahria <Dahria.Kalmbach@kimley-horn.com>
Sent: Thursday, August 14, 2025 11:53 AM
To: ProjectReview (DWR) <projectreview@dwr.virginia.gov>
Cc: Holmes, Victoria <Victoria.Holmes@kimley-horn.com>
Subject: RE: UPC 110803 - Cleveland Street Phase IV Improvements: VDWR SCOPING PACKAGE 16AUG23

Good morning,

An updated database review has been conducted for the Cleveland Street project, described below.

The City of Virginia Beach is planning improvements along the Cleveland Street corridor from Witchduck Road to Independence Boulevard in Virginia Beach, Virginia. The project will include the construction of a three-lane undivided roadway within a variable width of 70' to 80-foot right-of-way between Witchduck Road and Independence Boulevard for a distance of approximately 1.2 miles. The intersection of Cleveland Street, Dorset Avenue, and Euclid Road will be realigned and reconfigured to a single-lane roundabout aligning Dorset

Avenue to Southern Boulevard. The proposed improvements will provide 4' to 5' on-road bicycle lanes and 6' to 8' sidewalks on both sides of Cleveland Street west of the roundabout and 8' to 12' wide shared-use paths along both sides of Cleveland Street east of the roundabout, as well as aesthetic improvements including a landscaped verge area to enhance the roadway corridor. The existing aerial utilities will be relocated to a new overhead location and LED streetlights will be provided throughout the corridor. The proposed improvements will also include replacement of the traffic signal at Kellam Road and the emergency traffic signal at Virginia Beach Fire Station #7, as well as traffic signal modifications at Witchduck Road and Independence Boulevard. Right-of-way acquisition will be required for the proposed improvements. The location of the project and the project area are identified on the enclosed map.

The Virginia Department of Wildlife Resource's Virginia Fish and Wildlife Information Review Service (VaFWIS) identified the following species within a 2-mile radius of the project:

- State Threatened Peregrine Falcon (*Falco peregrinus*)

The VaFWIS search report is included with the attached scoping package.

We believe that the improvement locations are not considered suitable habitat for these species due to being located in a developed area in the City of Virginia Beach. Therefore, due to the extent of the work and the location of the listed occurrences reported by DWR in proximity to the improvement locations, it is anticipated that there will be no impact to the listed species.

Please allow this email to serve as a request for scoping comments on the potential effects to threatened and endangered species found within the project area. This project review is needed for compliance with the National Environmental Policy Act (NEPA). The lead federal agency is the Federal Highway Administration under the authority of the Virginia Department of Transportation.

Attached for reference are project figures depicting the improvement locations, a species summary table, the VaFWIS search reports and maps, and the USFWS official species list. VDWR's concurrence with our findings would be greatly appreciated. If any additional information is needed or any comments arise during your review, please let me know.

We appreciate your time and review.

Sincerely,

Dahria

From: Holmes, Victoria
Sent: Wednesday, August 16, 2023 2:05 PM
To: projectreview@dwr.virginia.gov
Subject: UPC 110803 - Cleveland Street Phase IV Improvements: VDWR SCOPING PACKAGE 16AUG23

Good afternoon,

The City of Virginia Beach is planning improvements along the Cleveland Street corridor from Witchduck Road to Independence Boulevard in Virginia Beach, Virginia. The project will include the construction of a three-lane

undivided roadway within a variable width of 70' to 80-foot right-of-way between Witchduck Road and Independence Boulevard for a distance of approximately 1.2 miles. The intersection of Cleveland Street, Dorset Avenue, and Euclid Road will be realigned and reconfigured to a single-lane roundabout aligning Dorset Avenue to Southern Boulevard. The proposed improvements will provide 4' to 5' on-road bicycle lanes and 6' to 8' sidewalks on both sides of Cleveland Street west of the roundabout and 8' to 12' wide shared-use paths along both sides of Cleveland Street east of the roundabout, as well as aesthetic improvements including a landscaped verge area to enhance the roadway corridor. The existing aerial utilities will be relocated to a new overhead location and LED streetlights will be provided throughout the corridor. The proposed improvements will also include replacement of the traffic signal at Kellam Road and the emergency traffic signal at Virginia Beach Fire Station #7, as well as traffic signal modifications at Witchduck Road and Independence Boulevard. Right-of-way acquisition will be required for the proposed improvements. The location of the project and the project area are identified on the enclosed map.

The Virginia Department of Wildlife Resource's (VDWR) Virginia Fish and Wildlife Information Review Service (VaFWIS) did not reveal the presence of any state or federal threatened or endangered species within a 2-mile radius of the project area. Further, the only species identified on the Official Species List (enclosed and dated August 3, 2023) was the candidate Monarch Butterfly (*Danaus plexippus*). Therefore, it is anticipated that the proposed project will have no impact on listed species.

Please allow this email to serve as a request for scoping comments on the potential effects to threatened and endangered species found within the project area. This project review is needed for compliance with the National Environmental Policy Act (NEPA). The lead federal agency is the Federal Highway Administration under the authority of the Virginia Department of Transportation.

Attached for reference are project figures depicting the improvement locations, a species summary table, the VaFWIS search reports and maps, and the USFWS official species list. VDWR's concurrence with our findings would be greatly appreciated. If any additional information is needed or any comments arise during your review, please let me know.

We appreciate your time and review.

Sincerely,

Victoria

Victoria Holmes, WPIT | Environmental Analyst
Kimley-Horn | 4525 Main Street Suite 1000 Virginia Beach, VA
Direct: 757-350-6669 **|** Main: 757-213-8600 **|**
Connect with us: Twitter **|** LinkedIn **|** Facebook **|** Instagram **|** Kimley-Horn.com

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Endangered Species Act (ESA) Section 7 Determination Table

Project Name: Cleveland Street Phase IV Improvements – Virginia Beach, VA

Date: August 16, 2023, revised March 20, 2024, June 17, 2025, and August 13, 2025

Consultation Code: 2025-0110662

Species / Resource Name	Habitat/Species Presence in Action Area	Sources of Info	ESA Section 7 Determination	Project Elements that Support Determination
Northern Long-eared Bat (*Myotis septentrionalis)*	Not present – project located within highly developed area	Official Species List dated 06/17/2025, updated 08/13/2025	No effect	The project is located within a developed area in the City of Virginia Beach. Since the project area does not contain suitable habitat for this species, impacts to this species or suitable habitat is not anticipated
Tri-colored Bat (*Perimyotis subflavus*)	Not present – project located within highly developed area	Official Species List dated 06/17/2025, updated 08/13/2025	No effect	The project is located within a developed area in the City of Virginia Beach. Since the project area does not contain suitable habitat for this species, impacts to this species or suitable habitat is not anticipated
Monarch Butterfly (*Danaus plexippus*) Candidate species	Not present.	Official Species List dated 08/03/2023 updated 03/20/2024, 06/17/2025, and 08/13/2025	No effect	The project is located within a developed area in the City of Virginia Beach. Since the project area does not contain suitable habitat for this species, impacts to this species or suitable habitat is not anticipated

Species / Resource Name	Habitat/Species Presence in Action Area	Sources of Info	ESA Section 7 Determination	Project Elements that Support Determination
Critical Habitat	Not present.	Official Species List dated 08/03/2023, updated 03/20/2024, 06/17/2025, and 08/13/2025	No effect	
Bald Eagle (*Haliaeetus leucocephalus*)	No nest within 660' of project area, and not within a concentration area	CCB VaEagle Mapper generated 08/03/2023, updated 03/20/2024 and 08/12/2025	No Eagle Act permit required.	
Peregrine Falcon (*Falco peregrinus*)	Not present – project located within highly developed area	DWR VaFWIS Search Report dated 08/12/2025	No effect	The project is located within a developed area in the City of Virginia Beach. No impacts to this species or species habitat is anticipated

VaFWIS Search Report Compiled on 8/12/2025, 2:08:40 PM

Known or likely to occur within a **2 mile radius around point 36.8429400 -76.1498428** in **710 Norfolk City, 810 Virginia Beach City, VA**

View Map of Site Location

647 Known or Likely Species ordered by Status Concern for Conservation
(displaying first 48) (48 species with Status* or Tier I** or Tier II**)

BOVA Code	Status*	Tier**	Common Name	Scientific Name	Confirmed	Database(s)
010031	FESE	Ia	Sturgeon, shortnose	Acipenser brevirostrum		BOVA
030074	FESE	Ia	Turtle, Kemp's ridley sea	Lepidochelys kempii		BOVA,HU6
050022	FESE	Ia	Bat, Northern Long-eared	Myotis septentrionalis		BOVA
010032	FESE	Ib	Sturgeon, Atlantic	Acipenser oxyrinchus		BOVA
030075	FESE	Ic	Turtle, leatherback sea	Dermochelys coriacea		BOVA
030073	FESE		Turtle, Hawksbill Sea	Eretmochelys imbricata		BOVA
040183	FESE		Tern, roseate	Sterna dougallii dougallii		BOVA,HU6
030071	FTST	Ia	Turtle, loggerhead sea	Caretta caretta		BOVA,HU6
040144	FTST	Ia	Knot, Rufa Red	Calidris canutus rufa		BOVA,HU6
040110	FTSE	Ia	Rail, eastern black	Laterallus jamaicensis jamaicensis		BOVA
030072	FTST	Ib	Turtle, green sea	Chelonia mydas		BOVA,HU6
040120	FTST	IIa	Plover, piping	Charadrius melodus		BOVA
120030	FTSE	IVb	Manatee, West Indian	Trichechus manatus		BOVA,HU6
030064	SE	Ia	Turtle, eastern chicken	Deirochelys reticularia reticularia		BOVA,HU6
040118	SE	Ia	Plover, Wilson's	Charadrius wilsonia		BOVA
050020	SE	Ia	Bat, little brown	Myotis lucifugus		BOVA
050034	SE	Ia	Bat, Rafinesque's eastern big-eared	Corynorhinus rafinesquii macrotis		BOVA,HU6
050027	FPSE	Ia	Bat, Tricolored	Perimyotis subflavus		BOVA
030013	SE	IIa	Rattlesnake, canebrake	Crotalus horridus	Potential	BOVA,Habitat,HU6
040096	ST	Ia	Falcon, peregrine	Falco peregrinus	Yes	BOVA,SppObs
040293	ST	Ia	Shrike, loggerhead	Lanius ludovicianus		BOVA
040379	ST	Ia	Sparrow, Henslow's	Centronyx henslowii		BOVA
040179	ST	Ia	Tern, gull-billed	Gelochelidon nilotica		BOVA
030010	ST	IIa	Lizard, eastern glass	Ophisaurus ventralis		BOVA
040403	ST		Falcon, Arctic peregrine	Falco peregrinus tundrius		BOVA
040292	ST		Shrike, migrant loggerhead	Lanius ludovicianus migrans		BOVA
100079	FP	IIIa	Butterfly, Monarch	Danaus plexippus		BOVA
030067	CC	IIa	Terrapin, Northern Diamondback	Malaclemys terrapin terrapin	Potential	BOVA,Habitat,HU6
030063	CC	IIIa	Turtle, spotted	Clemmys guttata		BOVA,HU6
030031	CC	IIIc	Kingsnake, scarlet	Lampropeltis elapsoides		BOVA

040092		Ia	Eagle, golden	Aquila chrysaetos		BOVA
040040		Ia	Ibis, glossy	Plegadis falcinellus		BOVA,HU6
040213		Ic	Owl, northern saw-whet	Aegolius acadicus		BOVA,HU6
020063		IIa	Toad, oak	Anaxyrus quercicus		HU6
020002		IIa	Treefrog, barking	Dryophytes gratiosus		BOVA,HU6
040052		IIa	Duck, American black	Anas rubripes		BOVA,HU6
040033		IIa	Egret, snowy	Egretta thula		BOVA
040029		IIa	Heron, little blue	Egretta caerulea caerulea		BOVA
040036		IIa	Night-heron, yellow-crowned	Nyctanassa violacea violacea	Yes	BOVA,BBA,CWB
040114		IIa	Oystercatcher, American	Haematopus palliatus		BOVA
040192		IIa	Skimmer, black	Rynchops niger		BOVA
040181		IIa	Tern, common	Sterna hirundo		BOVA,HU6
040320		IIa	Warbler, cerulean	Setophaga cerulea		BOVA,HU6
040140		IIa	Woodcock, American	Scolopax minor		BOVA,HU6
040203		IIb	Cuckoo, black-billed	Coccyzus erythropthalmus		BOVA
040105		IIb	Rail, king	Rallus elegans	Potential	BOVA,Habitat,HU6
040304		IIc	Warbler, Swainson's	Limnothlypis swainsonii		BOVA,HU6
110353		IIc	SPIDER, FUNNEL-WEB	Barronopsis jeffersi		HU6

To view **All 647 species** View 647

*FE=Federal Endangered; FT=Federal Threatened; SE=State Endangered; ST=State Threatened; FP=Federal Proposed; FC=Federal Candidate; CC=Collection Concern

**I=VA Wildlife Action Plan - Tier I - Critical Conservation Need; II=VA Wildlife Action Plan - Tier II - Very High Conservation Need; III=VA Wildlife Action Plan - Tier III - High Conservation Need; IV=VA Wildlife Action Plan - Tier
Virginia Widlife Action Plan Conservation Opportunity Ranking:
a - On the ground management strategies/actions exist and can be feasibly implemented.; b - On the ground actions or research needs have been identified but cannot feasibly be implemented at this time.; c - No on the grour

View Map of All Query Results from All Observation Tables

Bat Colonies or Hibernacula: **Not Known**

Anadromous Fish Use Streams (1 records)

View Map of All Anadromous Fish Use Streams

Stream ID	Stream Name	Reach Status	Anadromous Fish Species			View Map
			Different Species	Highest TE*	Highest Tier**	
P195	North Landing River	Potential	0			Yes

Impediments to Fish Passage

N/A

Colonial Water Bird Survey (2 records)

View Map of All Query Results Colonial Water Bird Survey

Colony_Name	N Obs	Latest Date	N Species			View Map
			Different Species	Highest TE*	Highest Tier**	
Mainland	1	Jun 26 2018	1		II	Yes
Urban, Princess Anne, Virginia Beach	1	Jun 15 2013	1		II	Yes

Displayed 2 Colonial Water Bird Survey

Threatened and Endangered Waters

N/A

Managed Trout Streams

N/A

Bald Eagle Concentration Areas and Roosts

N/A

Bald Eagle Nests

N/A

Species Observations (19 records , 1 Observation with Threatened or Endangered species)

View Map of All Query Results
Species Observations

obsID	class	Date Observed	Observer	N Species			View Map
				Different Species	Highest TE*	Highest Tier**	
648337	SppObs	May 17 2022	Bryan Watts	1	ST	I	Yes
603933	SppObs	Jun 30 2008	Jason Hill and Mike Hutch	6		III	Yes
616837	SppObs	Jul 31 2012	Jeff; Thompson	1			Yes
616836	SppObs	Jul 31 2012	Jeff; Thompson| Maureen; Fender	1			Yes
426744	SppObs	Sep 21 2007	VCU - INSTAR	5			Yes
303281	SppObs	May 28 2003	Alex Barron	4			Yes
55359	SppObs	May 27 1998	R. Browder, , DEQ	4			Yes
7641	SppObs	Nov 1 1994	LOU SEIVARD	5			Yes
60534	SppObs	Sep 7 1987	PAGUE, C A	1			Yes
28187	SppObs	Jan 1 1900	Mitchell, J. C.	1			Yes
366426	SppObs	Jan 1 1900		1			Yes
366405	SppObs	Jan 1 1900		1			Yes
26926	SppObs	Jan 1 1900	Mitchell, J. C.	1			Yes
366399	SppObs	Jan 1 1900		1			Yes
366398	SppObs	Jan 1 1900		1			Yes
26879	SppObs	Jan 1 1900	Mitchell, J. C.	1			Yes
26994	SppObs	Jan 1 1900	Mitchell, J. C.	1			Yes
366415	SppObs	Jan 1 1900		1			Yes
366411	SppObs	Jan 1 1900		1			Yes

Displayed 19 Species Observations

Habitat Predicted for Aquatic WAP Tier I & II Species

N/A

Habitat Predicted for Terrestrial WAP Tier I & II Species (3 Species)

View Map of Combined Terrestrial Habitat Predicted for 3 WAP Tier I & II Species Listed Below

ordered by Status Concern for Conservation

BOVA Code	Status*	Tier**	Common Name	Scientific Name	View Map
030013	SE	IIa	Rattlesnake, canebrake	Crotalus horridus	Yes
030067	CC	IIa	Terrapin, Northern Diamondback	Malaclemys terrapin terrapin	Yes
040105		IIb	Rail, king	Rallus elegans	Yes

Virginia Breeding Bird Atlas Blocks (1 records)

View Map of All Query Results
Virginia Breeding Bird Atlas Blocks

BBA ID	Atlas Quadrangle Block Name	Breeding Bird Atlas Species			View Map
		Different Species	Highest TE*	Highest Tier**	
61032	Kempsville, NE	3		II	Yes

Public Holdings:

N/A

Summary of BOVA Species Associated with Cities and Counties of the Commonwealth of Virginia:

FIPS Code	City and County Name	Different Species	Highest TE	Highest Tier
710	Norfolk City	445	FESE	I
810	Virginia Beach City	556	FESE	I

USGS 7.5' Quadrangles:
Kempsville
Princess Anne

USGS NRCS Watersheds in Virginia:

N/A

USGS National 6th Order Watersheds Summary of Wildlife Action Plan Tier I, II, III, and IV Species:

HU6 Code	USGS 6th Order Hydrologic Unit	Different Species	Highest TE	Highest Tier
CB25	Lynnhaven River	97	FESE	I
CB26	Lower Chesapeake Bay-Little Creek	94	FESE	I
JL54	Eastern Branch Elizabeth River	91	FTSE	I

Compiled on 8/12/2025, 2:08:41 PM I3970031.0 report=all searchType= R dist= 3218 poi= 36.8429400 -76.1498428

PixelSize=64; Anadromous=0.036157; BBA=0.063989; BECAR=0.029492; Bats=0.029738; Buffer=0.125514; County=0.112496; HU6=0.1678; Impediments=0.0288; Init=0.186745; PublicLands=0.040796; Quad=0.077977; SppObs=0.402113; TEWaters=0.039088; TierReaches=0.07669; TierTerrestrial=0.257814; Total=2.238163; Tracking_BOVA=0.564568; Trou

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If you have difficulty reading or accessing documents, please **Contact Us** for assistance.

Site Location

36,50,34.5 -76,08,59.4
is **the Search Point**

Show Position Rings
(●) Yes ( ) No
1 mile and 1/4 mile at the **Search Point**

Show Search Area
(●) Yes ( ) No
2 Search distance miles radius

Display at center	**Search Point** is not at map center

Base Map Choices
Topography

Map Overlay Choices
Current List: Position, Search, BECAR, BAEANests, TEWaters, TierII, Habitat, Trout, Anadromous

back

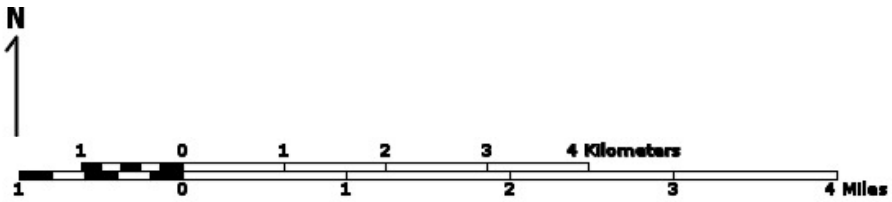
Refresh Browser Page

Map Click: Pan | Id | M

Map Scale: In | Zoom | Out

Screen Size: Small | Size | Big

Help



Point of Search 36,50,34.5 -76,08,59.4
Map Location 36,50,21.2 -76,05,55.0

Select **Coordinate System:**
(●) Degrees,Minutes,Seconds Latitude - Longitude
( ) Decimal Degrees Latitude - Longitude
( ) Meters UTM NAD83 East North Zone
( ) Meters UTM NAD27 East North Zone

Base Map source: USGS 1:100,000 topographic maps (see Microsoft terraserver-usa.com for details)

Map projection is UTM Zone 18 NAD 1983 with left 397244 and top 4082402. Pixel size is 16 meters . Coordinates displayed are Degrees, Minutes, Seconds North and West. Map is currently displayed as 600 columns by 600 rows for a total of 360000 pixles. The map display represents 9600 meters east to west by 9600 meters north to south for a total of 92.1 square kilometers. The map display represents 31501 feet east to west by 31501 feet north to south for a total of 35.5

Map Overlay Legend

T & E Waters

Federal

State

Predicted Habitat WAP Tier I & II

Aquatic

Terrestrial

Trout Waters

Class I - IV

Class V - VI

Anadromous Fish Reach

Confirmed

Potential

23 Impediment

Position Rings 1 mile and 1/4 mile at the Search Point

2 mile radius Search Area

Bald Eagle Concentration Areas and Roosts

square miles.

Topographic maps and Black and white aerial photography for year 1990+-
are from the United States Department of the Interior, United States Geological Survey.
Color aerial photography aquired 2002 is from Virginia Base Mapping Program, Virginia Geographic Information Network.
Shaded topographic maps are from TOPO! ©2006 National Geographic
http://www.national.geographic.com/topo
All other map products are from the Commonwealth of Virginia Department of Wildlife Resources.

map assembled 2025-08-12 14:09:03 (qa/qc March 21, 2016 12:20 - tn=3970031.0 dist=3218 I)
$poi=36.8429400 -76.1498428

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VaFWIS Search Report Compiled on 8/12/2025, 2:09:44 PM

Known or likely to occur within a **2 mile radius around point 36.8429400 -76.1498428** in **710 Norfolk City, 810 Virginia Beach City, VA** where (040096) Falcon, peregrine observed.

View Map of Site Location

Species Observations where Falcon, peregrine (040096) observed (1 records , 1 Observation with Threatened or Endangered species)

View Map of All Query Results

Species Observations where Falcon, peregrine (040096) observed

obsID	class	Date Observed	Observer	N Species			View Map
				Different Species	Highest TE*	Highest Tier**	
648337	SppObs	May 17 2022	Bryan Watts	1	ST	I	Yes

Displayed 1 Species Observations where Falcon, peregrine (040096) observed

*FE=Federal Endangered; FT=Federal Threatened; SE=State Endangered; ST=State Threatened; FP=Federal Proposed; FC=Federal Candidate; CC=Collection Concern

**I=VA Wildlife Action Plan - Tier I - Critical Conservation Need; II=VA Wildlife Action Plan - Tier II - Very High Conservation Need; III=VA Wildlife Action Plan - Tier III - High Conservation Need; IV=VA Wildlife Action Plan - Tier
Virginia Widlife Action Plan Conservation Opportunity Ranking:
a - On the ground management strategies/actions exist and can be feasibly implemented.; b - On the ground actions or research needs have been identified but cannot feasibly be implemented at this time.; c - No on the grour

Compiled on 8/12/2025, 2:09:44 PM I3970031.1 report=BOVA searchType= R dist= 3218 poi= 36.8429400 -76.1498428

© 1998-2025 Commonwealth of Virginia Department of Wildlife Resources

Site Location

36,50,34.5 -76,08,59.4
is **the Search Point**

Show Position Rings
(●) Yes ( ) No
1 mile and 1/4 mile at the **Search Point**

Show Search Area
(●) Yes ( ) No
2 Search distance miles radius

Search Point is at map center

Base Map Choices
Topography

Map Overlay Choices
Current List: Position, Search, BECAR, BAEANests, TEWaters, TierII, Habitat, Trout, Anadromous

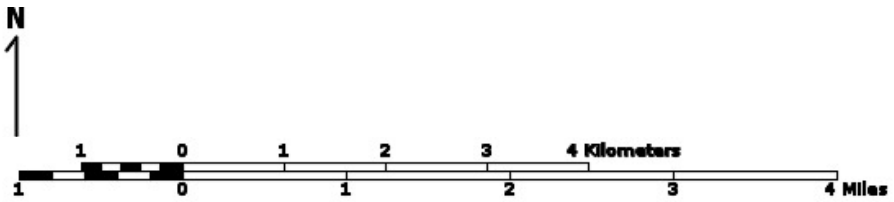
Refresh Browser Page

Map Click: Pan | Id | M

Map Scale: In | Zoom | Out

Screen Size: Small | Size | Big

Help



Point of Search 36,50,34.5 -76,08,59.4
Map Location 36,50,34.5 -76,08,59.4

Select **Coordinate System:**
(●) Degrees,Minutes,Seconds Latitude - Longitude
( ) Decimal Degrees Latitude - Longitude
( ) Meters UTM NAD83 East North Zone
( ) Meters UTM NAD27 East North Zone

Base Map source: USGS 1:100,000 topographic maps (see Microsoft terraserver-usa.com for details)

Map projection is UTM Zone 18 NAD 1983 with left 392682 and top 4082866. Pixel size is 16 meters . Coordinates displayed are Degrees, Minutes, Seconds North and West. Map is currently displayed as 600 columns by 600 rows for a total of 360000 pixles. The map display represents 9600 meters east to west by 9600 meters north to south for a total of 92.1 square kilometers. The map display represents 31501 feet east to west by 31501 feet north to south for a total of 35.5

Map Overlay Legend

T & E Waters

Federal

State

Predicted Habitat WAP Tier I & II

Aquatic

Terrestrial

Trout Waters

Class I - IV

Class V - VI

Anadromous Fish Reach

Confirmed

Potential

23 Impediment

Position Rings 1 mile and 1/4 mile at the Search Point

2 mile radius Search Area

Bald Eagle Concentration Areas and Roosts

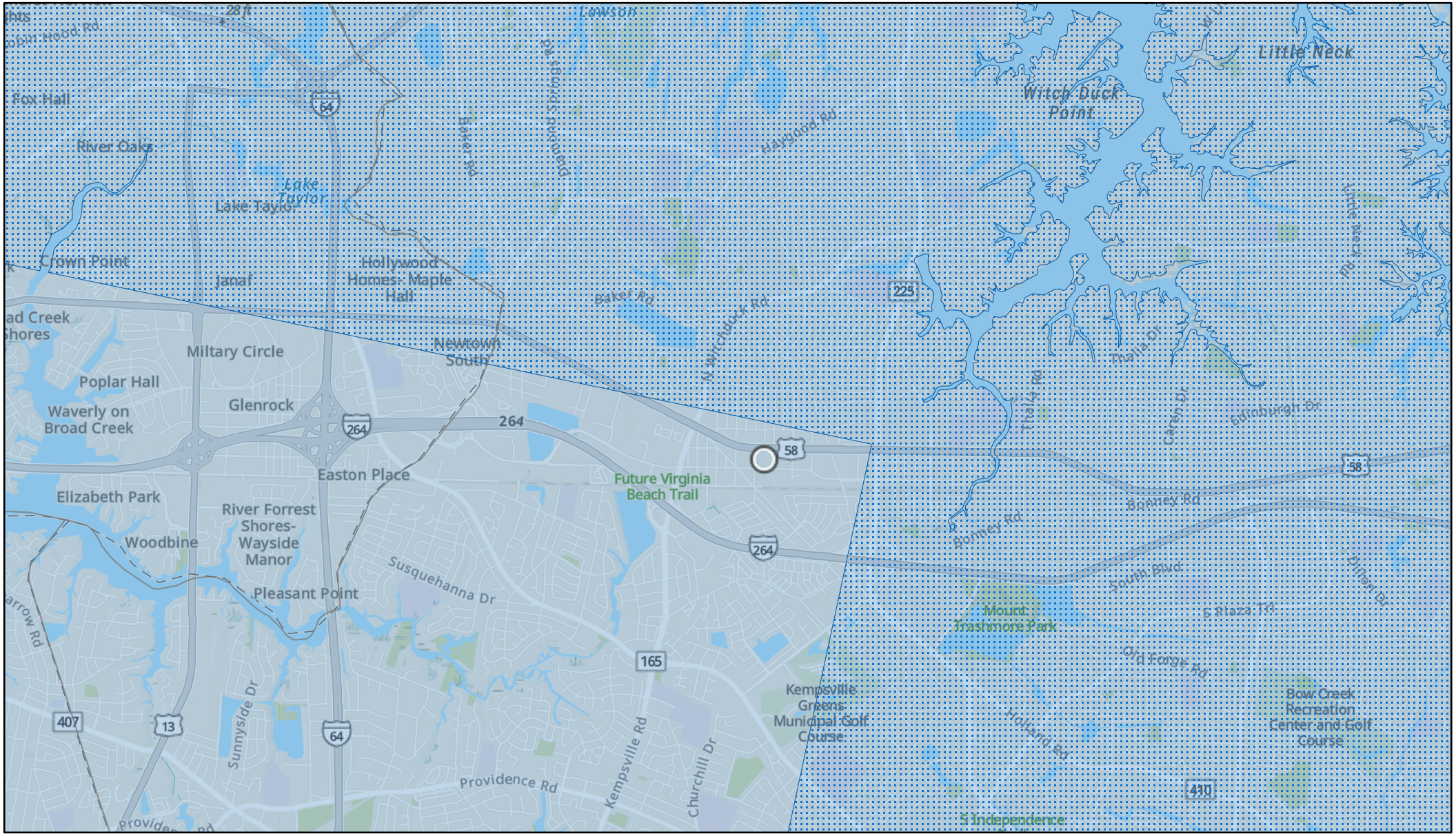
square miles.

Topographic maps and Black and white aerial photography for year 1990+-
are from the United States Department of the Interior, United States Geological Survey.
Color aerial photography aquired 2002 is from Virginia Base Mapping Program, Virginia Geographic Information Network.
Shaded topographic maps are from TOPO! ©2006 National Geographic
http://www.national.geographic.com/topo
All other map products are from the Commonwealth of Virginia Department of Wildlife Resources.

map assembled 2025-08-12 14:10:03 (qa/qc March 21, 2016 12:20 - tn=3970031.1 dist=3218 I)
$poi=36.8429400 -76.1498428

© 1998-2025 Commonwealth of Virginia Department of Wildlife Resources

Threatened and Endangered Bats - DWR



8/12/2025, 2:00:25 PM

NLEB Year-Round Presence Zone 1

NLEB Consultation Range

1:62,432

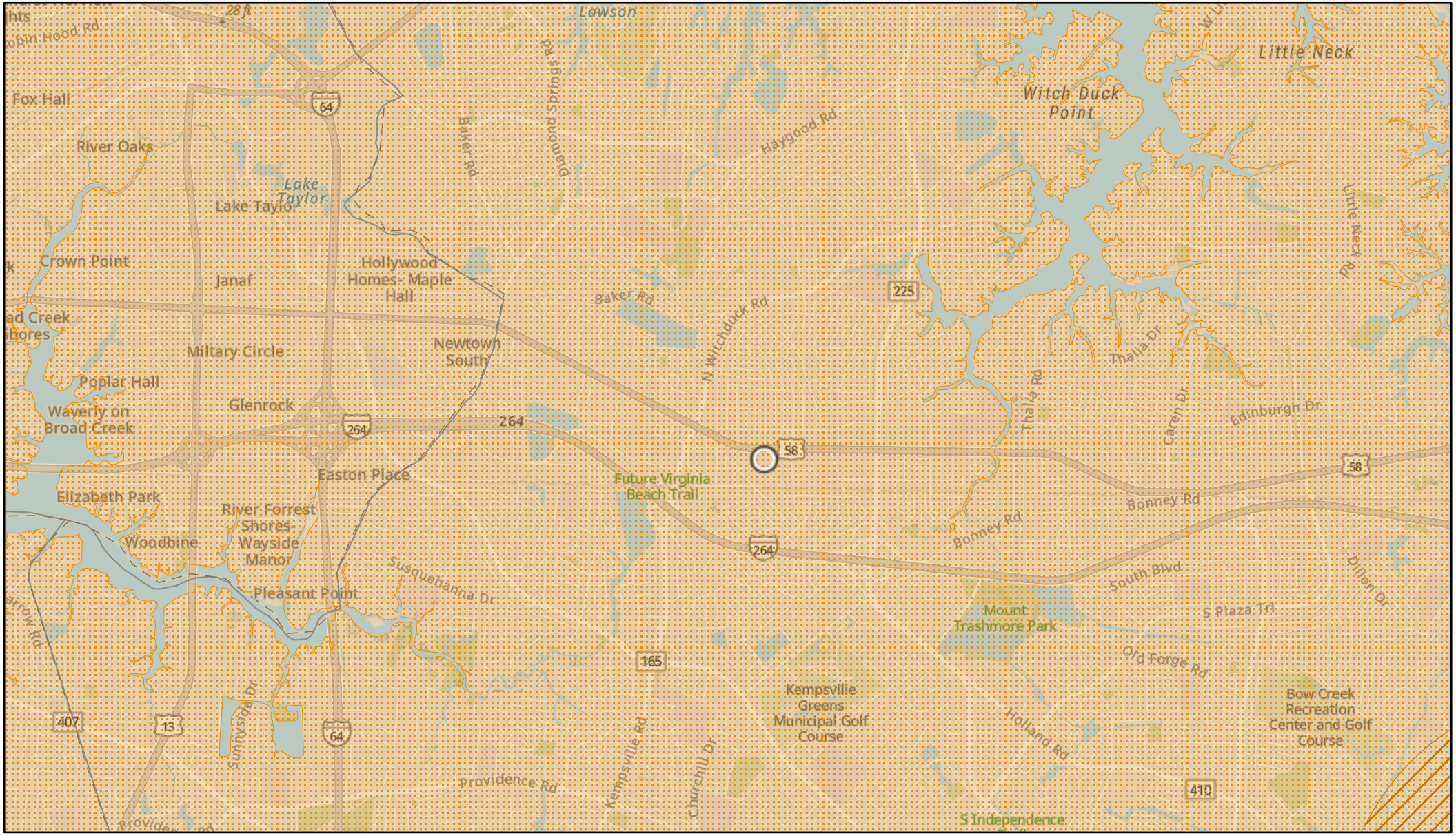
0 0.42 0.85 1.7 mi

0 0.5 1 2 km

Esri, NASA, NGA, USGS, FEMA, Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, (c) OpenStreetMap contributors, and the GIS User Community

VA DWR

Threatened and Endangered Bats - DWR



8/12/2025, 2:01:32 PM

TCB Capture

TCB Year-Round Presence Zone 1

TCB Consultation Range

1:62,432

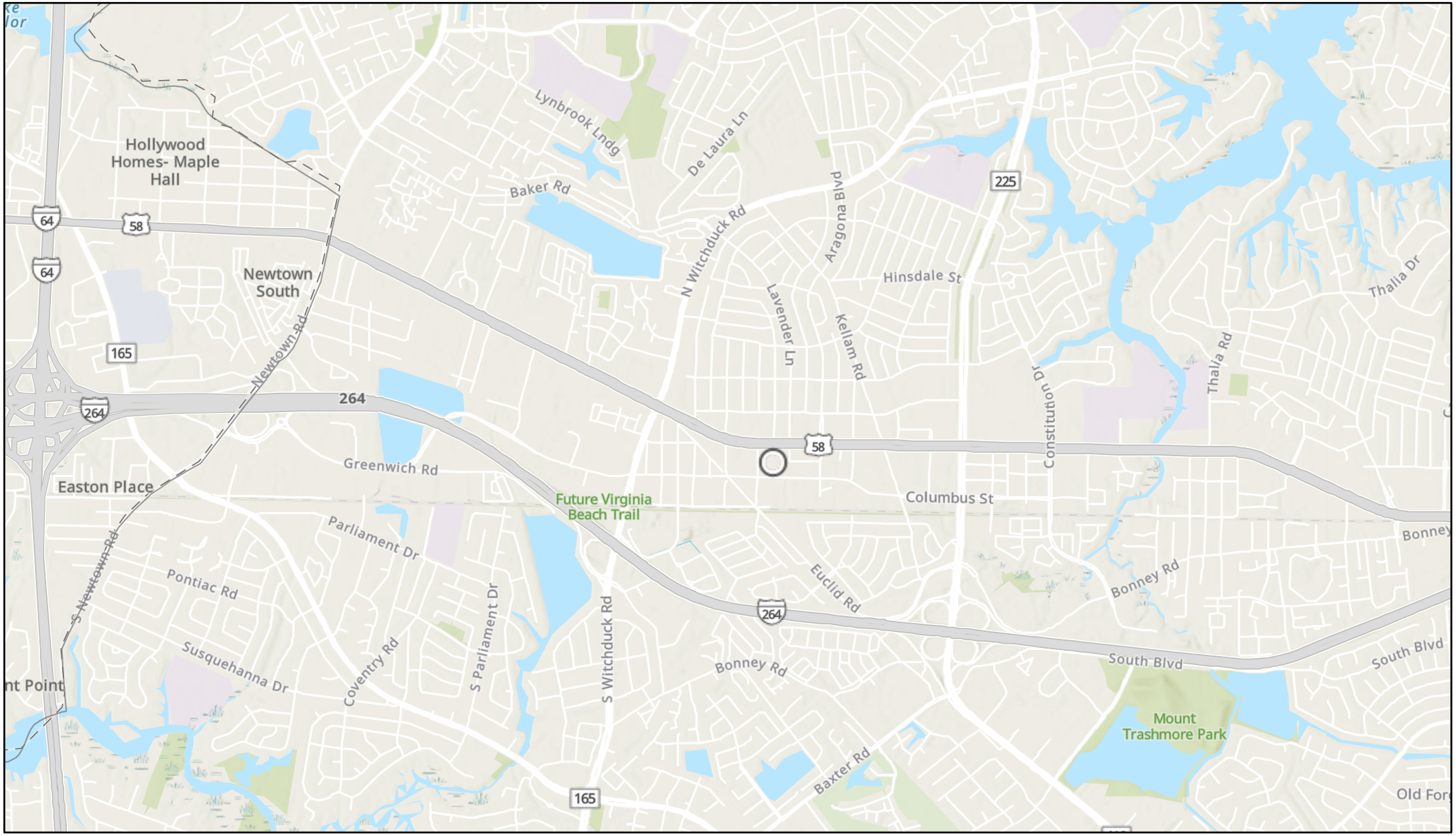
0 0.42 0.85 1.7 mi

0 0.5 1 2 km

Esri, NASA, NGA, USGS, FEMA, Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, (c) OpenStreetMap contributors, and the GIS User Community

VA DWR

Threatened and Endangered Bats - DWR



8/12/2025, 2:02:57 PM

1:37,459

0 0.25 0.5 1 mi

0 0.4 0.8 1.6 km

Esri, NASA, NGA, USGS, FEMA, Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, (c) OpenStreetMap contributors, and the GIS User Community

VA DWR

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

In Reply Refer To: 08/13/2025 19:57:08 UTC
Project Code: 2025-0110662
Project Name: Cleveland Street Phase IV

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:

Attachment(s):

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

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: 2025-0110662

Project Name: Cleveland Street Phase IV

Project Type: Road/Hwy - Maintenance/Modification

Project Description: The City of Virginia Beach is planning improvements along the Cleveland Street corridor from Witchduck Road to Independence Boulevard in Virginia Beach, Virginia. The project will include the construction of a three-lane undivided roadway within a variable width of 70’ to 80-foot right-of-way between Witchduck Road and Independence Boulevard for approximately 1.2 miles. The intersection of Cleveland Street, Dorset Avenue, and Euclid Road will be realigned and reconfigured to a singlelane roundabout aligning Dorset Avenue to Southern Boulevard. The proposed improvements will provide 4’ to 5-foot on-road bicycle lanes and 8-foot wide shared-use paths along both sides of Cleveland Street, as well as aesthetic improvements including a landscaped verge area to enhance the roadway corridor. The existing aerial utilities will be relocated to a new overhead location and LED streetlights will be provided throughout the corridor. The proposed improvements will also include the replacement of the traffic signal at Kellam Road and the emergency traffic signal at Virginia Beach Fire Station #7, as well as traffic signal modifications at Witchduck Road and Independence Boulevard.

Project Location:

The approximate location of the project can be viewed in Google Maps: https://www.google.com/maps/@36.84184285,-76.14801827802523,14z

Counties: Virginia Beach County, Virginia

ENDANGERED SPECIES ACT SPECIES

There is a total of 3 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 Fisheries[1], 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 *Myotis septentrionalis* No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9045	Endangered
Tricolored Bat *Perimyotis subflavus* No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/10515	Proposed Endangered

INSECTS

NAME	STATUS
Monarch Butterfly *Danaus plexippus* There is **proposed** critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/9743	Proposed Threatened

CRITICAL HABITATS

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

YOU ARE STILL REQUIRED TO DETERMINE IF YOUR PROJECT(S) MAY HAVE EFFECTS ON ALL ABOVE LISTED SPECIES.

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.

IPAC USER CONTACT INFORMATION

Agency: Virginia Beach city
Name: dahria kalmbach
Address: 4525 Main Street, Suite 1000
City: Virginia Beach
State: VA
Zip: 23462
Email dahria.kalmbach@kimley-horn.com
Phone: 7573556679

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

In Reply Refer To: 06/19/2025 16:57:15 UTC
Project code: 2025-0110662
Project Name: Cleveland Street Phase IV

Subject: No Effect Technical Assistance letter for the 'Cleveland Street Phase IV' project under the December 13, 2024, FHWA, FRA, FTA Programmatic Biological Opinion for Transportation Projects within the Range of the Indiana Bat, Northern Long-eared Bat, and Tricolored Bat.

To whom it may concern:

This letter records the determination of effects to federally listed (or proposed) bat species anticipated to result from Cleveland Street Phase IV (the Project). This determination is based upon information you entered into the assisted determination key (Dkey) associated with the above referenced Programmatic Biological Opinion/Conference Opinion (PBO/PCO) in the U.S. Fish and Wildlife Service's (Service) Information for Planning and Consultation (IPaC) system on the date listed above.

Ensuring Accurate Determinations When Using IPaC:

The Service developed the IPaC system and this Dkey in accordance with the ESA and based on the PBO/PCO. All information submitted by the project proponent into IPaC must accurately represent the full scope and details of the Project.

Failure to accurately represent or implement the Project as detailed in the Dkey invalidates this letter.

Determinations:

Based on the information you provided (Project Description shown below), you have determined that the Project will have the following effect determinations:

Species	Listing Status	Determination
Northern Long-eared Bat (*Myotis septentrionalis*)	Endangered	No effect
Tricolored Bat (*Perimyotis subflavus*)	Proposed Endangered	No effect

If the Project is not modified, **no consultation is required for these species.** If the Project is modified, or new information reveals that it may affect the Indiana bat, northern long-eared bat, or tricolored bat in a manner or to an extent not considered in the PBO/PCO, further review to conclude the requirements of ESA section 7(a)(2) may be required.

For Proposed Actions that include bridge/culvert or structure removal, replacement, and/or maintenance activities:

If your initial bridge, culvert, or structure assessment failed to detect Indiana bat, northern long-eared bat, or tricolored bat use or occupancy, yet bats are later detected prior to, or during construction, promptly notify the local Service Field Office within 2 working days of the discovery. In addition, please document whether incidental take occurred, and if so, the type (i.e. kill or harm) and amount (i.e. number of individuals) and submit documentation to the local Service Field Office within 5 working days from the completion of the bridge, culvert, or structure construction (use Appendix E - Post Assessment Discovery of Bats at Bridge/Culvert or Structure Form in the User's Guide). In these instances, potential incidental take of Indiana bats, northern long-eared bats, or tricolored bats may be exempted provided that the take is reported to the Service. In these instances, potential incidental take of Indiana bats, northern long-eared bats, or tricolored bats may be exempted provided that the take is reported to the Service.

If the Project may affect any other federally listed or proposed species and/or designated critical habitat, additional consultation between the lead Federal action agency and this Service Field Office is required for those species/designated critical habitat. If the Project has the potential to take bald or golden eagles, additional coordination with the Service under the Bald and Golden Eagle Protection Act may also be required. In either of these circumstances, please advise the lead Federal action agency to contact this Service Field Office

The following species may occur in your project area and **are not** covered by this determination:

- Monarch Butterfly *Danaus plexippus* Proposed Threatened

PROJECT DESCRIPTION

The following project name and description was collected in IPaC as part of the endangered species review process.

NAME

Cleveland Street Phase IV

DESCRIPTION

The City of Virginia Beach is planning improvements along the Cleveland Street corridor from Witchduck Road to Independence Boulevard in Virginia Beach, Virginia. The project will include the construction of a three-lane undivided roadway within a variable width of 70’ to 80-foot right-of-way between Witchduck Road and Independence Boulevard for approximately 1.2 miles. The intersection of Cleveland Street, Dorset Avenue, and Euclid Road will be realigned and reconfigured to a singlelane roundabout aligning Dorset Avenue to Southern Boulevard. The proposed improvements will provide 4’ to 5-foot on-road bicycle lanes and 8-foot wide shared-use paths along both sides of Cleveland Street, as well as aesthetic improvements including a landscaped verge area to enhance the roadway corridor. The existing aerial utilities will be relocated to a new overhead location and LED streetlights will be
provided throughout the corridor. The proposed improvements will also include the replacement of the traffic signal at Kellam Road and the emergency traffic signal at Virginia Beach Fire Station #7, as well as traffic signal modifications at Witchduck Road and Independence Boulevard.

The approximate location of the project can be viewed in Google Maps: https://www.google.com/maps/@36.84184285,-76.14801827802523,14z

DETERMINATION KEY RESULT

Based on the information you provided, you have determined that the Proposed Action will have no effect on the species covered by this determination key. Therefore, no consultation with the U.S. Fish and Wildlife Service pursuant to Section 7(a)(2) of the Endangered Species Act of 1973 (87 Stat. 884, as amended 16 U.S.C. 1531 et seq.) is required for those species.

QUALIFICATION INTERVIEW

1. Which Federal Agency is the lead federal agency the action?

   A) Federal Highway Administration (FHWA)

2. Your project overlaps with Zone 1 of the areas where northern long-eared bats and/or tricolored bats may be present and roosting in trees year-round?

   Automatically answered
   Yes

3. Your project overlaps with an area where northern long-eared bats or tricolored bats may be present and roosting in trees year-round.

   Do you understand that your project may impact bats roosting in trees at any time during the year?

   Yes

4. Does the Action Area intersect the species list area of the Northern long-eared bat?

   Automatically answered
   Yes

5. Does the Action Area intersect the species list area of the tricolored Bat (TCB)?

   Automatically answered
   Yes

6. Does your project's activities include raising the road profile above the tree canopy in documented habitat for the Indiana bat, NLEB, or TCB?

   Note: For the definition of documented habitat, refer to Appendix A: https://www.fws.gov/media/users-guide-range-wide-programmatic-consultation-indiana-bat-and-northern-long-eared-bat

   No

7. Is your project located within a karst area?

   No

8. Will the project include bridge, culvert, or structure removal, replacement, and/or alteration activities?

   Note: For definitions of bridge, culvert, and structure, refer to Appendix A: https://www.fws.gov/media/users-guide-range-wide-programmatic-consultation-indiana-bat-and-northern-long-eared-bat.

   No

9. Do your project's activities involve tree removal/trimming, temporary lighting, new/ additional permanent lighting, ground disturbance, percussives that involves noise/ vibration above existing background levels, vibrations, or slash pile burning?

   Yes

10. Is there suitable summer habitat for the Indiana bat, NLEB, or TCB within the project action area?

    Note: See the Service's summer survey guidance for current definitions of suitable habitat [https://www.fws.gov/midwest/endangered/mammals/inba/inbasummersurveyguidance.html].

    No

11. Does the Action Area intersect the species list area of the tricolored Bat (TCB)?

    Automatically answered
    Yes

12. Does the Action Area intersect the species list area of the northern long-eared bat (NLEB)?

    Automatically answered
    Yes

PROJECT QUESTIONNAIRE

1. Have you made a No Effect determinations for all other species included on the FWS IPaC generated species list?

   Yes

2. Have you made a May Affect determination for any other species on the FWS IPaC generated list?

   No

DETERMINATION KEY DESCRIPTION: FHWA, FRA, FTA PROGRAMMATIC CONSULTATION FOR TRANSPORTATION PROJECTS AFFECTING IBAT, NLEB, OR TCB

This key was last updated in IPaC on May 30, 2025. Keys are subject to periodic revision.

This decision key is intended for projects/activities funded or authorized by the Federal Highway Administration (FHWA), Federal Railroad Administration (FRA), and/or Federal Transit Administration (FTA), which may require consultation with the U.S. Fish and Wildlife Service (Service) under Section 7 of the Endangered Species Act (ESA) and may affect the federally listed endangered Indiana bat (*Myotis sodalis*), northern long-eared bat (*Myotis septentrionalis*), and/or federally proposed endangered tricolored bat (*Perimyotis subflavus*).

This decision key should only be used to verify project applicability with the Service's Programmatic Biological Opinion/Conference Opinion for Transportation Projects in the Range of the Indiana bat, northern long-eared bat, and tricolored bat, dated December 13, 2024. The programmatic consultation limited transportation activities that may affect the covered bat species and addresses situations that are both likely and not likely to adversely affect the covered bat species. This decision key will assist in identifying the effect of a specific project/activity and the applicability of the programmatic consultation. The programmatic consultation is not intended to cover all types of transportation actions. Activities outside the scope of the programmatic consultation, or that may affect ESA-listed species other than the Indiana bat, northern long-eared bat, or tricolored bat, or their designated critical habitat, may require additional ESA Section 7 consultation.

IPAC USER CONTACT INFORMATION

Agency: Virginia Beach city
Name: dahria kalmbach
Address: 4525 Main Street, Suite 1000
City: Virginia Beach
State: VA
Zip: 23462
Email dahria.kalmbach@kimley-horn.com
Phone: 7573556679

United States Department of the Interior

FISH AND WILDLIFE SERVICE

Virginia Field Office
6669 Short Lane
Gloucester, VA 23061

Date: August 12, 2025

Self-Certification Letter

Project Name: Cleveland Steet Phase IV Improvements (UPC 110803) – Virginia Beach, VA

Dear Applicant:

Thank you for using the U.S. Fish and Wildlife Service (Service) Virginia Ecological Services online project review process. By submitting this letter, in conjunction with your project review package to our office for review, you are certifying that you have completed the online project review process for the project named above in accordance with all instructions provided, using the best available information to reach your determinations. From the date of receipt, our office has 60 days (50 CFR § 402.13(c)(2)) to review your project package. If we do not concur with the Section 7 determination(s) provided or if we have any questions/concerns regarding the information provided, you will be contacted. If you are not contacted during the 60-day review period, this letter and your project review package, complete the review of your project in accordance with the Endangered Species Act of 1973 (16 U.S.C. 1531-1544, 87 Stat. 884), as amended (ESA). This letter also provides information for your project review under the National Environmental Policy Act of 1969 (P.L. 91-190, 42 U.S.C.4321-4347, 83 Stat. 852), as amended. A copy of this letter and the project review package must be submitted to this office for this self-certification letter to be valid. This letter and the project review package will be maintained in our records.

The ESA Section 7 Determination Table in the enclosed project review package summarizes your ESA analyses and determinations. These analyses resulted in a “no effect” and/or a “may affect, not likely to adversely affect” determination for proposed/listed species and/or proposed/designated critical habitat.

The use of the online project review process in strict accordance with the instructions provided as documented in the enclosed project review package resulted in reaching the appropriate determinations. Therefore, we concur with the not likely to adversely affect determination(s) for proposed/listed species and proposed/designated critical habitat provided in the ESA Section 7 Determination Table.

Should project plans change, surveys expire, or information on the distribution or status of proposed/listed species and/or proposed/designated critical habitat become available/change, this letter is no longer valid and you must submit an updated project package.

Note that under 50 CFR 402.12(e) of the regulations implementing Section 7 of the ESA, the accuracy of official species lists 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.

Information about the online project review process including instructions and use, species information, and other information regarding project reviews within Virginia is available on our website (https://www.fws.gov/office/virginia-ecological-services/virginia-field-office-online-review-process). If you have any questions, please contact Troy Andersen of this office at (804) 824-2428.

Sincerely,

Cindy Schulz
Field Supervisor
Virginia Ecological Services

Enclosures - project review package

CCB Mapping Portal

Layers: VA Eagle Nest Buffers

Map Center [longitude, latitude]: [-76.14229202270508, 36.84452942817191]

Map Link: https://www.ccbbirds.org/maps/#layer=VA+Eagle+Nest+Buffers&zoom=13&lat=36.84452942817191&lng=-76.14229202270508&base=World+Imagery+%28ESRI%29

Report Generated On: 08/12/2025

The Center for Conservation Biology (CCB) provides certain data online as a free service to the public and the regulatory sector. CCB encourages the use of its data sets in wildlife conservation and management applications. These data are protected by intellectual property laws. All users are reminded to view the Data Use Agreement to ensure compliance with our data use policies. For additional data access questions, view our Data Distribution Policy, or contact our Data Manager, Marie Pitts, at mlpitts@wm.edu or 757-221-7503.

CCB Mapping Portal

Layers: Colonial Waterbirds 2018

Map Center [longitude, latitude]: [-76.14229202270508, 36.84452942817191]

Map Link:
https://www.ccbbirds.org/maps/#layer=Colonial+Waterbirds+2018&zoom=13&lat=36.84452942817191&lng=-76.14229202270508&base=World+Imagery+%28ESRI%29

Report Generated On: 08/12/2025

The Center for Conservation Biology (CCB) provides certain data online as a free service to the public and the regulatory sector. CCB encourages the use of its data sets in wildlife conservation and management applications. These data are protected by intellectual property laws. All users are reminded to view the Data Use Agreement to ensure compliance with our data use policies. For additional data access questions, view our Data Distribution Policy, or contact our Data Manager, Marie Pitts, at mlpitts@wm.edu or 757-221-7503.

August 2023
Submittal to DWR

Holmes, Victoria

From: Holmes, Victoria
Sent: Wednesday, August 16, 2023 2:05 PM
To: projectreview@dwr.virginia.gov
Subject: UPC 110803 - Cleveland Street Phase IV Improvements: VDWR SCOPING PACKAGE 16AUG23
Attachments: 2023.08.16 Cleveland St Ph IV VDWR SCOPING PACKAGEr.pdf

Good afternoon,

The City of Virginia Beach is planning improvements along the Cleveland Street corridor from Witchduck Road to Independence Boulevard in Virginia Beach, Virginia. The project will include the construction of a three-lane undivided roadway within a variable width of 70' to 80-foot right-of-way between Witchduck Road and Independence Boulevard for a distance of approximately 1.2 miles. The intersection of Cleveland Street, Dorset Avenue, and Euclid Road will be realigned and reconfigured to a single-lane roundabout aligning Dorset Avenue to Southern Boulevard. The proposed improvements will provide 4' to 5' on-road bicycle lanes and 6' to 8' sidewalks on both sides of Cleveland Street west of the roundabout and 8' to 12' wide shared-use paths along both sides of Cleveland Street east of the roundabout, as well as aesthetic improvements including a landscaped verge area to enhance the roadway corridor. The existing aerial utilities will be relocated to a new overhead location and LED streetlights will be provided throughout the corridor. The proposed improvements will also include replacement of the traffic signal at Kellam Road and the emergency traffic signal at Virginia Beach Fire Station #7, as well as traffic signal modifications at Witchduck Road and Independence Boulevard. Right-of-way acquisition will be required for the proposed improvements. The location of the project and the project area are identified on the enclosed map.

The Virginia Department of Wildlife Resource's (VDWR) Virginia Fish and Wildlife Information Review Service (VaFWIS) did not reveal the presence of any state or federal threatened or endangered species within a 2-mile radius of the project area. Further, the only species identified on the Official Species List (enclosed and dated August 3, 2023) was the candidate Monarch Butterfly (*Danaus plexippus*). Therefore, it is anticipated that the proposed project will have no impact on listed species.

Please allow this email to serve as a request for scoping comments on the potential effects to threatened and endangered species found within the project area. This project review is needed for compliance with the National Environmental Policy Act (NEPA). The lead federal agency is the Federal Highway Administration under the authority of the Virginia Department of Transportation.

Attached for reference are project figures depicting the improvement locations, a species summary table, the VaFWIS search reports and maps, and the USFWS official species list. VDWR's concurrence with our findings would be greatly appreciated. If any additional information is needed or any comments arise during your review, please let me know.

We appreciate your time and review.

Sincerely,

Victoria

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Victoria Holmes, WPIT | Environmental Analyst
Kimley-Horn | 4525 Main Street Suite 1000 Virginia Beach, VA
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Endangered Species Act (ESA) Section 7 Determination Table

Project Name: Cleveland Street Phase IV Improvements – Virginia Beach, VA (UPC 110803)

Date: August 16, 2023

Consultation Code: 2023-0027517

Species / Resource Name	Habitat/Species Presence in Action Area	Sources of Info	ESA Section 7 Determination	Project Elements that Support Determination
Monarch Butterfly (*Danaus plexippus*) Candidate species	Not present.	Official Species List dated 08/03/2023; Self-Certification Letter	No effect: the Monarch Butterfly is a Candidate Species and not yet listed or proposed for listing. There are generally no Section 7 requirements for candidate species.	
Critical Habitat	Not present.	Official Species List dated 08/03/2023	No effect	
Bald Eagle (*Haliaeetus leucocephalus*)	No nest within 660' of project area, and not within a concentration area	CCB VaEagle Mapper generated 08/03/2023	No Eagle Act permit required.	

VaFWIS Search Report Compiled on 8/3/2023, 12:27:46 PM

Help

Known or likely to occur within a **2 mile radius around point 36,50,26.3 -76,08,57.0** in **710 Norfolk City, 810 Virginia Beach City, VA**

View Map of Site Location

643 Known or Likely Species ordered by Status Concern for Conservation (displaying first 48) (48 species with Status* or Tier I** or Tier II**)

BOVA Code	Status*	Tier**	Common Name	Scientific Name	Confirmed	Database(s)
010031	FESE	Ia	Sturgeon, shortnose	Acipenser brevirostrum		BOVA
030074	FESE	Ia	Turtle, Kemp's ridley sea	Lepidochelys kempii		BOVA,HU6
050022	FEST	Ia	Bat, northern long-eared	Myotis septentrionalis		BOVA
010032	FESE	Ib	Sturgeon, Atlantic	Acipenser oxyrinchus		BOVA
030075	FESE	Ic	Turtle, leatherback sea	Dermochelys coriacea		BOVA
030073	FESE		Turtle, Hawksbill Sea	Eretmochelys imbricata		BOVA
040183	FESE		Tern, roseate	Sterna dougallii dougallii		BOVA,HU6
030071	FTST	Ia	Turtle, loggerhead sea	Caretta caretta		BOVA,HU6
040144	FTST	Ia	Knot, red	Calidris canutus rufa		BOVA,HU6
040110	FTSE	Ia	Rail, eastern black	Laterallus jamaicensis jamaicensis		BOVA
030072	FTST	Ib	Turtle, green sea	Chelonia mydas		BOVA,HU6
040120	FTST	IIa	Plover, piping	Charadrius melodus		BOVA
120030	FTSE	IVb	Manatee, West Indian	Trichechus manatus		BOVA,HU6
030064	SE	Ia	Turtle, eastern chicken	Deirochelys reticularia reticularia		BOVA,HU6
040118	SE	Ia	Plover, Wilson's	Charadrius wilsonia		BOVA
050034	SE	Ia	Bat, Rafinesque's eastern big-eared	Corynorhinus rafinesquii macrotis		BOVA,HU6
050027	FPSE	Ia	Bat, tri-colored	Perimyotis subflavus		BOVA
030013	SE	IIa	Rattlesnake, canebrake	Crotalus horridus	Potential	BOVA,Habitat,HU6
040096	ST	Ia	Falcon, peregrine	Falco peregrinus		BOVA
040293	ST	Ia	Shrike, loggerhead	Lanius ludovicianus		BOVA
040379	ST	Ia	Sparrow, Henslow's	Centronyx henslowii		BOVA
040179	ST	Ia	Tern, gull-billed	Gelochelidon nilotica		BOVA
030010	ST	IIa	Lizard, eastern glass	Ophisaurus ventralis		BOVA

040403	ST		Falcon, Arctic peregrine	Falco peregrinus tundrius		BOVA
040292	ST		Shrike, migrant loggerhead	Lanius ludovicianus migrans		BOVA
100079	FC	IIIa	Butterfly, monarch	Danaus plexippus		BOVA
030067	CC	IIa	Terrapin, northern diamond-backed	Malaclemys terrapin terrapin	Potential	BOVA,Habitat,HU6
030063	CC	IIIa	Turtle, spotted	Clemmys guttata		BOVA,HU6
030031	CC	IIIc	Kingsnake, scarlet	Lampropeltis elapsoides		BOVA
040092		Ia	Eagle, golden	Aquila chrysaetos		BOVA
040040		Ia	Ibis, glossy	Plegadis falcinellus		BOVA,HU6
040213		Ic	Owl, northern saw-whet	Aegolius acadicus		BOVA,HU6
040422		Ic	Warbler, Wayne's	Setophaga virens waynei		HU6
020063		IIa	Toad, oak	Anaxyrus quercicus		HU6
020002		IIa	Treefrog, barking	Hyla gratiosa		BOVA,HU6
040052		IIa	Duck, American black	Anas rubripes		BOVA,HU6
040033		IIa	Egret, snowy	Egretta thula		BOVA
040029		IIa	Heron, little blue	Egretta caerulea caerulea		BOVA
040036		IIa	Night-heron, yellow-crowned	Nyctanassa violacea violacea	Yes	BOVA,BBA,CWB
040114		IIa	Oystercatcher, American	Haematopus palliatus		BOVA
040192		IIa	Skimmer, black	Rynchops niger		BOVA
040181		IIa	Tern, common	Sterna hirundo		BOVA,HU6
040320		IIa	Warbler, cerulean	Setophaga cerulea		BOVA,HU6
040140		IIa	Woodcock, American	Scolopax minor		BOVA,HU6
040203		IIb	Cuckoo, black-billed	Coccyzus erythropthalmus		BOVA
040105		IIb	Rail, king	Rallus elegans	Potential	BOVA,Habitat,HU6
040304		IIc	Warbler, Swainson's	Limnothlypis swainsonii		BOVA,HU6
110353		IIc	SPIDER, FUNNEL-WEB	Barronopsis jeffersi		HU6

To view **All 643 species** View 643

*FE=Federal Endangered; FT=Federal Threatened; SE=State Endangered; ST=State Threatened; FP=Federal Proposed; FC=Federal Candidate; CC=Collection Concern

**I=VA Wildlife Action Plan - Tier I - Critical Conservation Need; II=VA Wildlife Action Plan - Tier II - Very High Conservation Need; III=VA Wildlife Action Plan - Tier III - High Conservation Need;
IV=VA Wildlife Action Plan - Tier IV - Moderate Conservation Need
Virginia Widlife Action Plan Conservation Opportunity Ranking:
a - On the ground management strategies/actions exist and can be feasibly implemented.;

b - On the ground actions or research needs have been identified but cannot feasibly be implemented at this time.;
c - No on the ground actions or research needs have been identified or all identified conservation opportunities have been exhausted.

View Map of All Query Results from All Observation Tables

Bat Colonies or Hibernacula: **Not Known**

Anadromous Fish Use Streams (1 records)

View Map of All Anadromous Fish Use Streams

Stream ID	Stream Name	Reach Status	Anadromous Fish Species			View Map
			Different Species	Highest TE*	Highest Tier**	
P195	North Landing River	Potential	0			Yes

Impediments to Fish Passage

N/A

Colonial Water Bird Survey (2 records)

View Map of All Query Results Colonial Water Bird Survey

Colony_Name	N Obs	Latest Date	N Species			View Map
			Different Species	Highest TE*	Highest Tier**	
Mainland	1	Jun 26 2018	1		II	Yes
Urban, Princess Anne, Virginia Beach	1	Jun 15 2013	1		II	Yes

Displayed 2 Colonial Water Bird Survey

Threatened and Endangered Waters

N/A

Managed Trout Streams

N/A

Bald Eagle Concentration Areas and Roosts

N/A

Bald Eagle Nests

N/A

Species Observations (18 records)

View Map of All Query Results Species Observations

obsID	class	Date Observed	Observer	N Species			View Map
				Different Species	Highest TE*	Highest Tier**	
603933	SppObs	Jun 30 2008	Jason Hill and Mike Hutch	6		III	Yes
616837	SppObs	Jul 31 2012	Jeff; Thompson	1			Yes
616836	SppObs	Jul 31 2012	Jeff; Thompson| Maureen; Fender	1			Yes
426744	SppObs	Sep 21 2007	VCU - INSTAR	5			Yes
303281	SppObs	May 28 2003	Alex Barron	4			Yes
55359	SppObs	May 27 1998	R. Browder, , DEQ	4			Yes
7641	SppObs	Nov 1 1994	LOU SEIVARD	5			Yes
60534	SppObs	Sep 7 1987	PAGUE, C A	1			Yes
366426	SppObs	Jan 1 1900		1			Yes
366405	SppObs	Jan 1 1900		1			Yes
28187	SppObs	Jan 1 1900	Mitchell, J. C.	1			Yes
26926	SppObs	Jan 1 1900	Mitchell, J. C.	1			Yes
366399	SppObs	Jan 1 1900		1			Yes
26879	SppObs	Jan 1 1900	Mitchell, J. C.	1			Yes
366398	SppObs	Jan 1 1900		1			Yes
26994	SppObs	Jan 1 1900	Mitchell, J. C.	1			Yes
366415	SppObs	Jan 1 1900		1			Yes
366411	SppObs	Jan 1 1900		1			Yes

Displayed 18 Species Observations

Habitat Predicted for Aquatic WAP Tier I & II Species

N/A

Habitat Predicted for Terrestrial WAP Tier I & II Species (3 Species)

View Map of Combined Terrestrial Habitat Predicted for 3 WAP Tier I & II Species Listed Below

ordered by Status Concern for Conservation

BOVA Code	Status*	Tier**	Common Name	Scientific Name	View Map
030013	SE	IIa	Rattlesnake, canebrake	Crotalus horridus	Yes
030067	CC	IIa	Terrapin, northern diamond-backed	Malaclemys terrapin terrapin	Yes
040105		IIb	Rail, king	Rallus elegans	Yes

Virginia Breeding Bird Atlas Blocks (1 records)

View Map of All Query Results
Virginia Breeding Bird Atlas Blocks

BBA ID	Atlas Quadrangle Block Name	Breeding Bird Atlas Species			View Map
		Different Species	Highest TE*	Highest Tier**	
61032	Kempsville, NE	3		II	Yes

Public Holdings:

N/A

Summary of BOVA Species Associated with Cities and Counties of the Commonwealth of Virginia:

FIPS Code	City and County Name	Different Species	Highest TE	Highest Tier
710	Norfolk City	445	FESE	I
810	Virginia Beach City	556	FESE	I

USGS 7.5' Quadrangles:
Kempsville
Princess Anne

USGS NRCS Watersheds in Virginia:

N/A

USGS National 6th Order Watersheds Summary of Wildlife Action Plan Tier I, II, III, and IV Species:

HU6 Code	USGS 6th Order Hydrologic Unit	Different Species	Highest TE	Highest Tier
AS12	Chesapeake Canal	84	FTSE	I
CB25	Lynnhaven River	97	FESE	I
CB26	Lower Chesapeake Bay-Little Creek	94	FESE	I
JL54	Eastern Branch Elizabeth River	91	FTSE	I

Compiled on 8/3/2023, 12:27:47 PM I1518507.0 report=all searchType= R dist= 3218 poi= 36,50,26.3 -76,08,57.0

PixelSize=64; Anadromous=0.020537; BBA=0.035806; BECAR=0.016956; Bats=0.016566; Buffer=0.060372; County=0.062211; HU6=0.077323; Impediments=0.017388; Init=0.088937; PublicLands=0.020899; Quad=0.040226; SppObs=0.253582; TEWaters=0.023253; TierReaches=0.037266; TierTerrestrial=0.130447; Total=1.14238; Tracking_BOVA=0.236303; Trout=0.020539; huva=0.040879

Site Location

36,50,26.5 -76,08,57.0
is **the Search Point**

Show Position Rings
(●) Yes ( ) No
1 mile and 1/4 mile at the **Search Point**

Show Search Area
(●) Yes ( ) No
2 Search distance miles radius

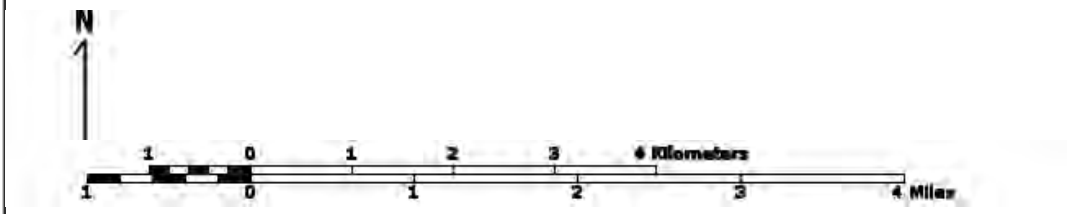
Search Point is at map center

Base Map Choices
Topography

Map Overlay Choices
Current List: Position, Search, BECAR, BAEANests, TEWaters, TierII, Habitat, Trout, Anadromous

Refresh Browser Page

Map Click Pan Id M Map Scale In Zoom Out Screen Size Small Size Big Help



Point of Search 36,50,26.5 -76,08,57.0
Map Location 36,50,26.5 -76,08,57.0

Select **Coordinate System:**
(●) Degrees,Minutes,Seconds Latitude - Longitude
( ) Decimal Degrees Latitude - Longitude
( ) Meters UTM NAD83 East North Zone
( ) Meters UTM NAD27 East North Zone

Base Map source: USGS 1:100,000 topographic maps (see Microsoft terraserver-usa.com for details)

Map projection is UTM Zone 18 NAD 1983 with left 392739 and top 4082616. Pixel size is 16 meters . Coordinates displayed are Degrees, Minutes, Seconds North and West. Map is currently displayed as 600 columns by 600 rows for a total of 360000 pixles. The map display represents 9600 meters east to west by 9600 meters north to south for a total of 92.1 square kilometers. The map display represents 31501 feet east to west by 31501 feet north to south for a total of 35.5

Map Overlay Legend

T & E Waters

Federal

State

Predicted Habitat WAP Tier I & II

Aquatic

Terrestrial

Trout Waters

Class I - IV

Class V - VI

Anadromous Fish Reach

Confirmed

Potential

Impediment

Position Rings 1 mile and 1/4 mile at the Search Point

2 mile radius Search Area

Bald Eagle Concentration Areas and Roosts

square miles.

Topographic maps and Black and white aerial photography for year 1990+-
are from the United States Department of the Interior, United States Geological Survey.
Color aerial photography aquired 2002 is from Virginia Base Mapping Program, Virginia Geographic Information Network.
Shaded topographic maps are from TOPO! ©2006 National Geographic
http://www.national.geographic.com/topo
All other map products are from the Commonwealth of Virginia Department of Wildlife Resources.

map assembled 2023-08-16 09:44:32 (qa/qc March 21, 2016 12:20 - tn=1521573.0 dist=3218 I)
$poi=36.8406944 -76.1491667

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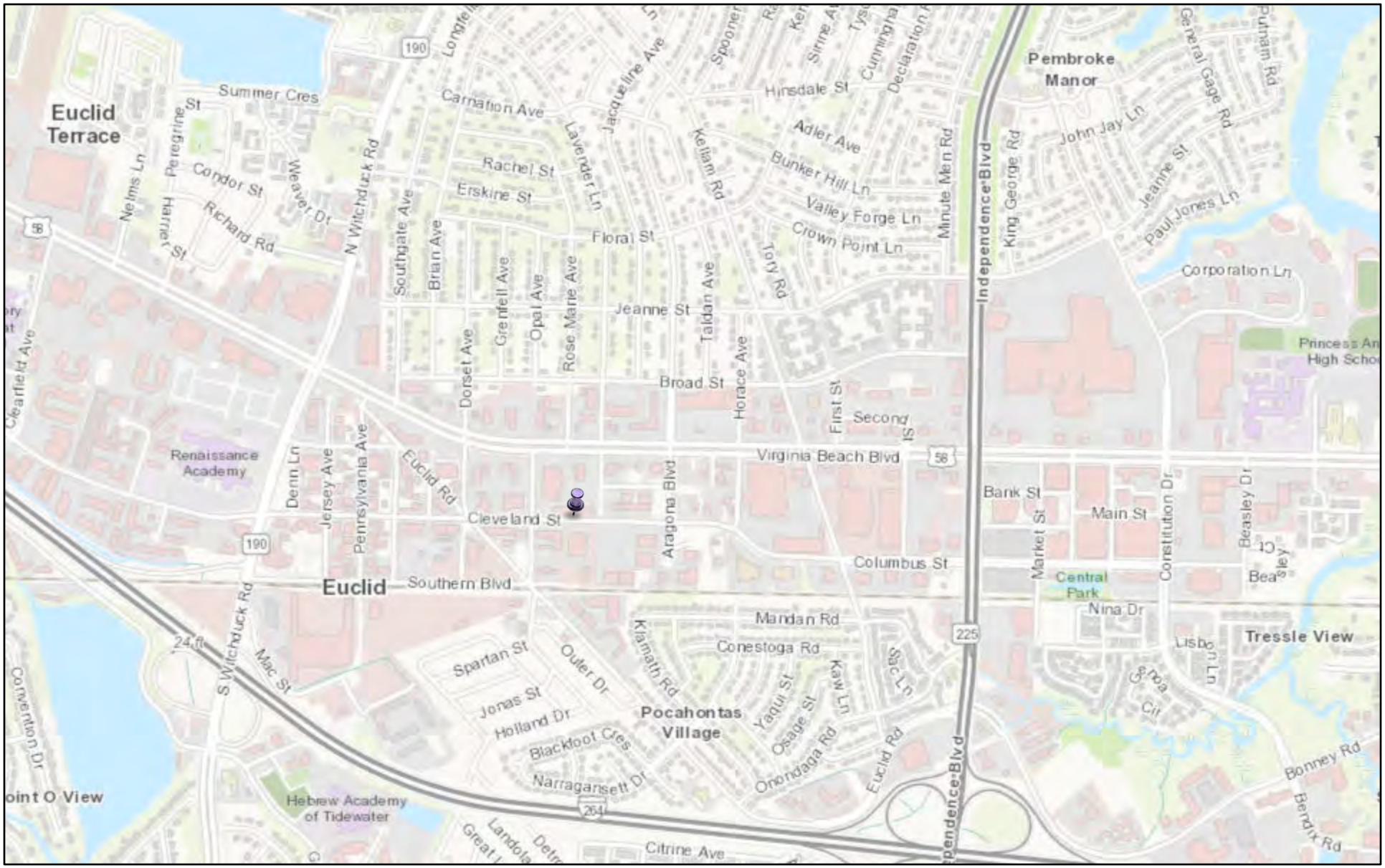
NLEB Locations and Roost Trees



8/3/2023, 11:08:36 AM

1:18,056

0 0.13 0.25 0.5 mi

0 0.17 0.35 0.7 km

City of Chesapeake, City of Virginia Beach, VITA, Esri, HERE, Garmin, INCREMENT P, USGS, METI/NASA, EPA, USDA

VA Dept. Game & Inland Fisheries

City of Chesapeake, City of Virginia Beach, VITA, Esri, HERE, Garmin, INCREMENT P, USGS, METI/NASA, EPA, USDA |

MYLU PESU Habitat

8/3/2023, 11:07:25 AM

1:18,056

0 0.13 0.25 0.5 mi

0 0.17 0.35 0.7 km

City of Chesapeake, City of Virginia Beach, VITA, Esri, HERE, Garmin, INCREMENT P, USGS, METI/NASA, EPA, USDA

Dept. Game and Inland Fisheries

City of Chesapeake, City of Virginia Beach, VITA, Esri, HERE, Garmin, INCREMENT P, USGS, METI/NASA, EPA, USDA |

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

In Reply Refer To: August 03, 2023
Project Code: 2023-0112728
Project Name: Cleveland Street Phase IV

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:

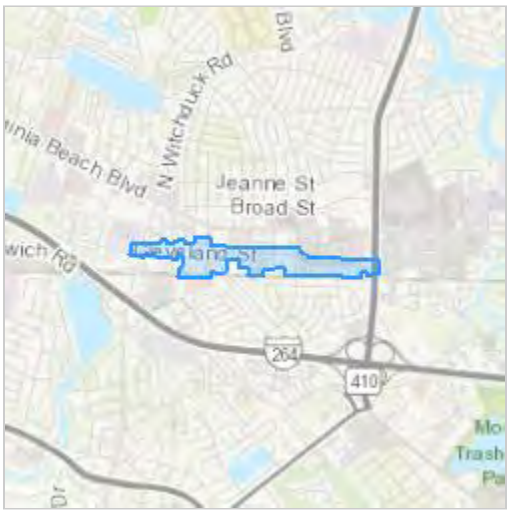
Virginia Ecological Services Field Office
6669 Short Lane
Gloucester, VA 23061-4410
(804) 693-6694

PROJECT SUMMARY

Project Code: 2023-0112728
Project Name: Cleveland Street Phase IV
Project Type: Road/Hwy - Maintenance/Modification
Project Description: The City of Virginia Beach is planning improvements along the Cleveland Street corridor from Witchduck Road to Independence Boulevard in Virginia Beach, Virginia. The project will include the construction of a three-lane undivided roadway within a variable width of 70’ to 80-foot right-of-way between Witchduck Road and Independence Boulevard for approximately 1.2 miles. The intersection of Cleveland Street, Dorset Avenue, and Euclid Road will be realigned and reconfigured to a single-lane roundabout aligning Dorset Avenue to Southern Boulevard. The proposed improvements will provide 4’ to 5-foot on-road bicycle lanes and 8-foot wide shared-use paths along both sides of Cleveland Street, as well as aesthetic improvements including a landscaped verge area to enhance the roadway corridor. The existing aerial utilities will be relocated to a new overhead location and LED streetlights will be provided throughout the corridor. The proposed improvements will also include the replacement of the traffic signal at Kellam Road and the emergency traffic signal at Virginia Beach Fire Station #7, as well as traffic signal modifications at Witchduck Road and Independence Boulevard.

Project Location:

The approximate location of the project can be viewed in Google Maps: https://www.google.com/maps/@36.8416449,-76.14860958012224,14z



Counties: Virginia Beach 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 Fisheries[1], 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.

INSECTS

NAME	STATUS
Monarch Butterfly *Danaus plexippus* No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9743	Candidate

CRITICAL HABITATS

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

YOU ARE STILL REQUIRED TO DETERMINE IF YOUR PROJECT(S) MAY HAVE EFFECTS ON ALL ABOVE LISTED SPECIES.

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 Act[1] and the Bald and Golden Eagle Protection Act[2].

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
Bald Eagle *Haliaeetus leucocephalus* 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 Oct 15 to Aug 31
Black-billed Cuckoo *Coccyzus erythropthalmus* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9399	Breeds May 15 to Oct 10

NAME	BREEDING SEASON
Bobolink *Dolichonyx oryzivorus* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 20 to Jul 31
Canada Warbler *Cardellina canadensis* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 20 to Aug 10
Chimney Swift *Chaetura pelagica* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds Mar 15 to Aug 25
Kentucky Warbler *Oporornis formosus* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds Apr 20 to Aug 20
Lesser Yellowlegs *Tringa flavipes* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9679	Breeds elsewhere
Prairie Warbler *Dendroica discolor* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 1 to Jul 31
Prothonotary Warbler *Protonotaria citrea* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds Apr 1 to Jul 31
Red-headed Woodpecker *Melanerpes erythrocephalus* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 10 to Sep 10
Rusty Blackbird *Euphagus carolinus* This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA	Breeds elsewhere
Wood Thrush *Hylocichla mustelina* 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 was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.
2. To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is 0.25/0.25 = 1; at week 20 it is 0.05/0.25 = 0.2.
3. The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

Breeding Season (■)
Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

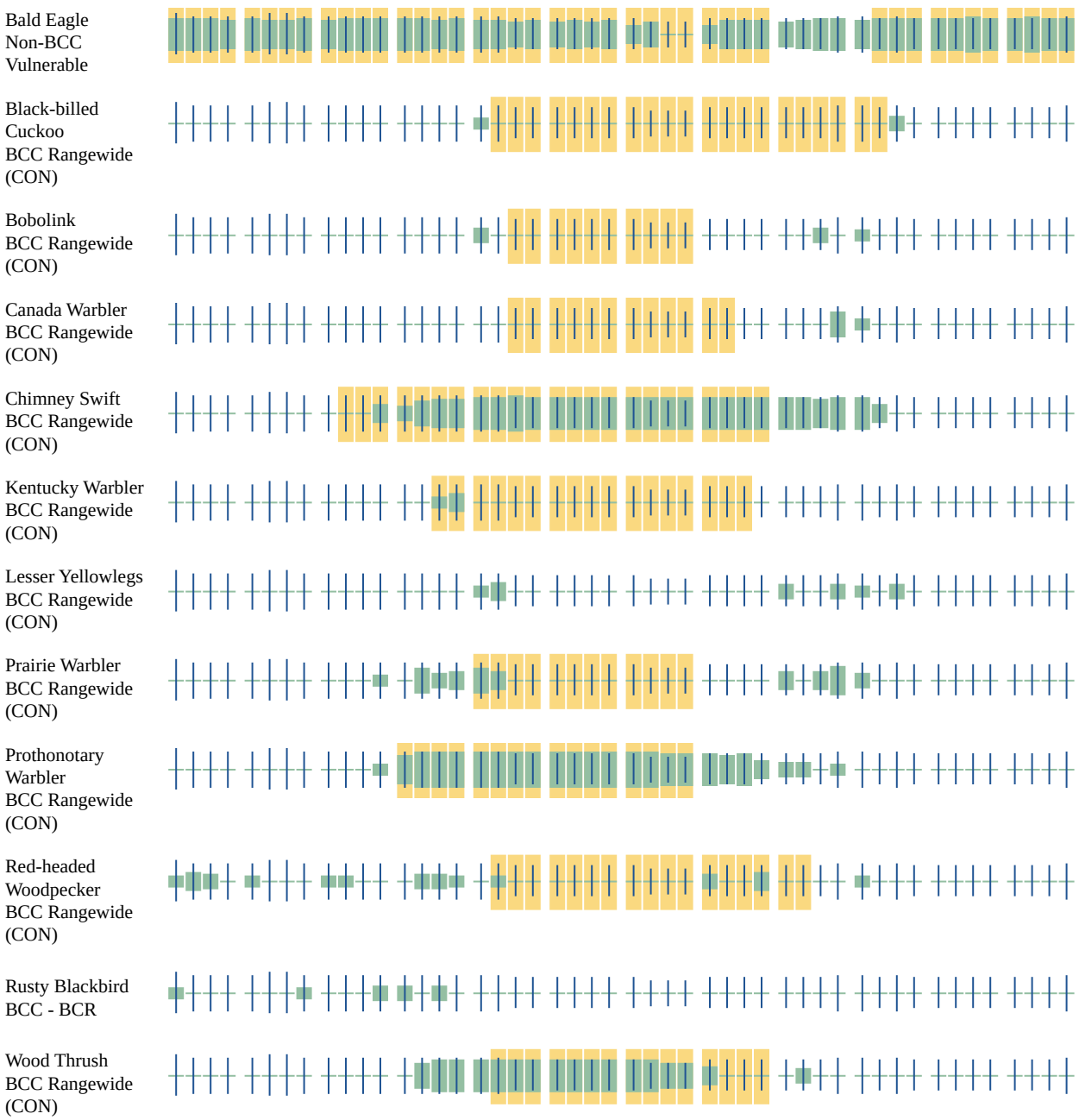
Survey Effort (|)
Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

No Data (–)
A week is marked as having no data if there were no survey events for that week.

Survey Timeframe
Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.

■ probability of presence ■ breeding season | survey effort – no data

SPECIES	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC



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-incidental-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 list of migratory birds that potentially occur 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 Rapid Avian Information Locator (RAIL) 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 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 or migrating in my 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 query your location using the RAIL Tool and look at the range maps provided for birds in your area at the bottom of the profiles provided for each bird in your results. 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:	Department of Transportation
Name:	Tammy Fox
Address:	4525 Main Street
Address Line 2:	Suite 1000
City:	Virginia Beach
State:	VA
Zip:	23462
Email	tammy.fox@kimley-horn.com
Phone:	7573556651

United States Department of the Interior

FISH AND WILDLIFE SERVICE

Virginia Field Office
6669 Short Lane
Gloucester, VA 23061

Date: August 16, 2023

Self-Certification Letter

Project Name: Cleveland Street Phase IV Improvements

Dear Applicant:

Thank you for using the U.S. Fish and Wildlife Service (Service) Virginia Ecological Services online project review process. By submitting this letter, in conjunction with your project review package to our office for review, you are certifying that you have completed the online project review process for the project named above in accordance with all instructions provided, using the best available information to reach your determinations. From the date of receipt, our office has 60 days (50 CFR § 402.13(c)(2)) to review your project package. If we do not concur with the Section 7 determination(s) provided or if we have any questions/concerns regarding the information provided, you will be contacted. If you are not contacted during the 60-day review period, this letter and your project review package, complete the review of your project in accordance with the Endangered Species Act of 1973 (16 U.S.C. 1531-1544, 87 Stat. 884), as amended (ESA). This letter also provides information for your project review under the National Environmental Policy Act of 1969 (P.L. 91-190, 42 U.S.C.4321-4347, 83 Stat. 852), as amended. A copy of this letter and the project review package must be submitted to this office for this self-certification letter to be valid. This letter and the project review package will be maintained in our records.

The ESA Section 7 Determination Table in the enclosed project review package summarizes your ESA analyses and determinations. These analyses resulted in a “no effect” and/or a “may affect, not likely to adversely affect” determination for proposed/listed species and/or proposed/designated critical habitat.

The use of the online project review process in strict accordance with the instructions provided as documented in the enclosed project review package resulted in reaching the appropriate determinations. Therefore, we concur with the not likely to adversely affect determination(s) for proposed/listed species and proposed/designated critical habitat provided in the ESA Section 7 Determination Table.

Should project plans change, surveys expire, or information on the distribution or status of proposed/listed species and/or proposed/designated critical habitat become available/change, this letter is no longer valid and you must submit an updated project package.

Note that under 50 CFR 402.12(e) of the regulations implementing Section 7 of the ESA, the accuracy of official species lists 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.

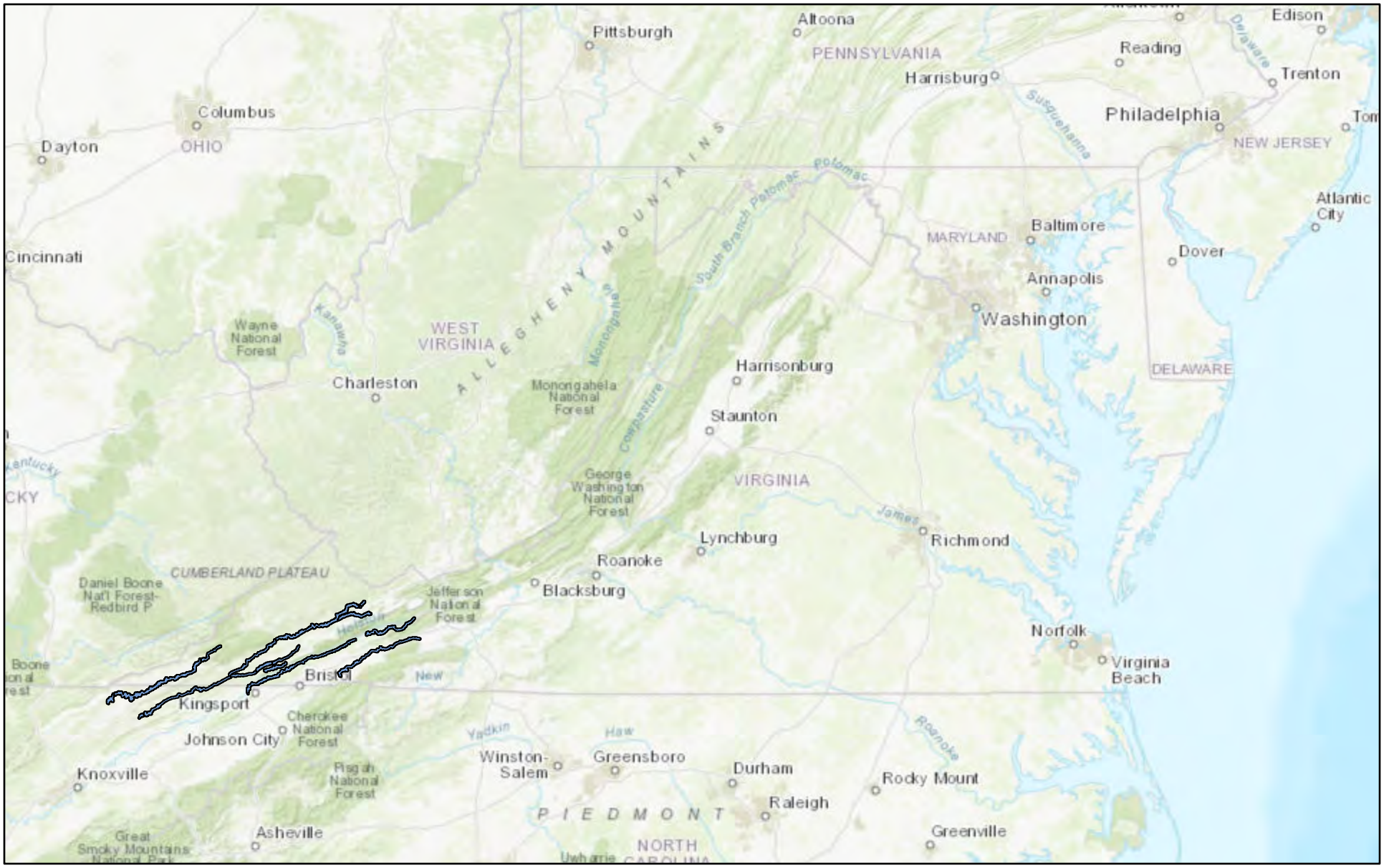
Information about the online project review process including instructions and use, species information, and other information regarding project reviews within Virginia is available on our website (https://www.fws.gov/office/virginia-ecological-services/virginia-field-office-online-review-process). If you have any questions, please contact Troy Andersen of this office at (804) 824-2428.

Sincerely,

Cindy Schulz
Field Supervisor
Virginia Ecological Services

Enclosures - project review package

Critical Habitat in Virginia



August 16, 2023

Virginia Critical Habitat (published)

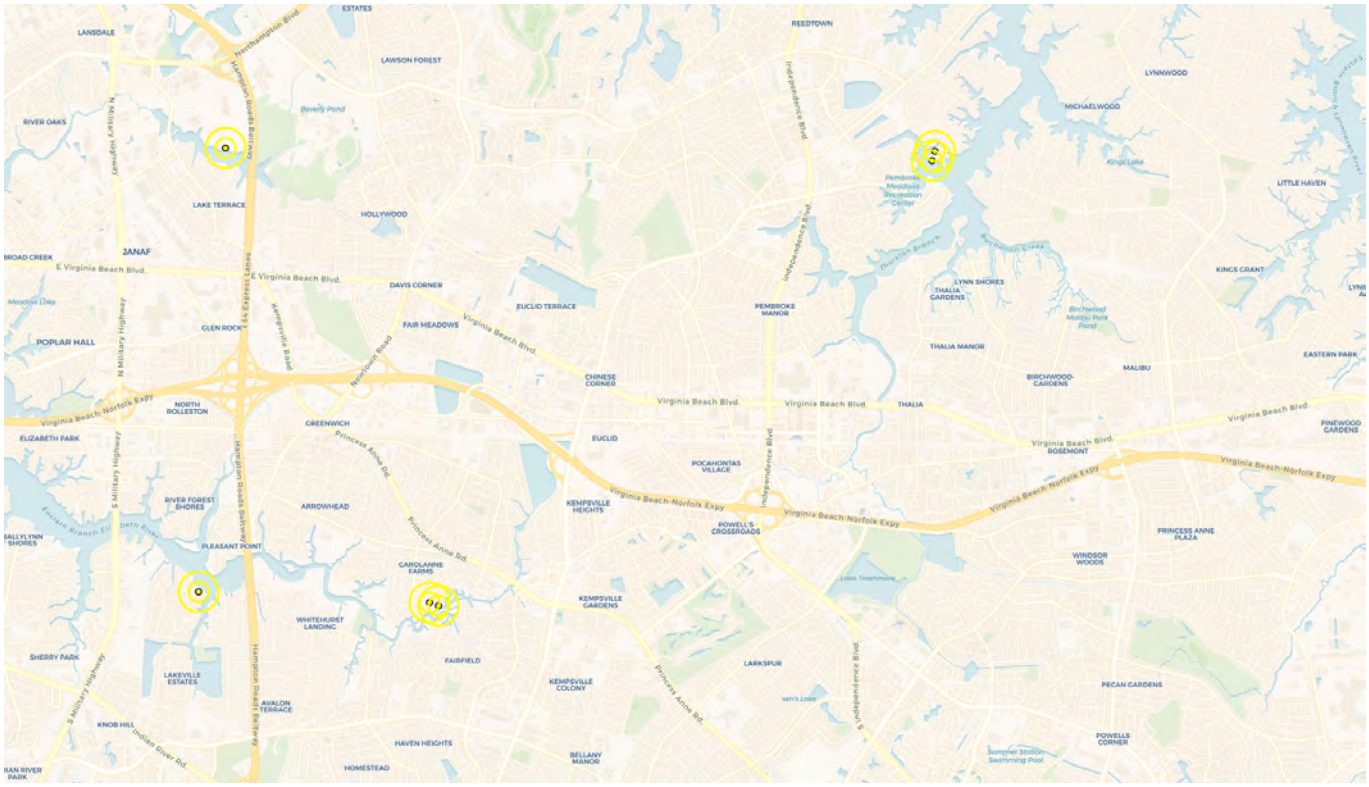
1:4,622,324

0 30 60 120 mi

0 50 100 200 km

Esri, HERE, Garmin, FAO, NOAA, USGS, EPA, NPS

CCB Mapping Portal



Layers: VA Eagle Nest Locator, VA Eagle Nest Buffers

Map Center [longitude, latitude]: [-76.14263534545898, 36.844598115486484]

Map Link:
https://www.ccbbirds.org/maps/#layer=VA+Eagle+Nest+Locator&layer=VA+Eagle+Nest+Buffers&zoom=14&lat=36.844598115486484&lng=-76.14263534545898&legend=legend_tab_7c321b7e-e523-11e4-aaa0-0e0c41326911&base=Street+Map+%28OSM%2FCarto%29

Report Generated On: 08/03/2023

The Center for Conservation Biology (CCB) provides certain data online as a free service to the public and the regulatory sector. CCB encourages the use of its data sets in wildlife conservation and management applications. These data are protected by intellectual property laws. All users are reminded to view the Data Use Agreement to ensure compliance with our data use policies. For additional data access questions, view our Data Distribution Policy, or contact our Data Manager, Marie Pitts, at mlpitts@wm.edu or 757-221-7503.

August 2025
USFWS Review

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

In Reply Refer To: 08/13/2025 19:57:08 UTC
Project Code: 2025-0110662
Project Name: Cleveland Street Phase IV

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:

Attachment(s):

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

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: 2025-0110662

Project Name: Cleveland Street Phase IV

Project Type: Road/Hwy - Maintenance/Modification

Project Description: The City of Virginia Beach is planning improvements along the Cleveland Street corridor from Witchduck Road to Independence Boulevard in Virginia Beach, Virginia. The project will include the construction of a three-lane undivided roadway within a variable width of 70’ to 80-foot right-of-way between Witchduck Road and Independence Boulevard for approximately 1.2 miles. The intersection of Cleveland Street, Dorset Avenue, and Euclid Road will be realigned and reconfigured to a singlelane roundabout aligning Dorset Avenue to Southern Boulevard. The proposed improvements will provide 4’ to 5-foot on-road bicycle lanes and 8-foot wide shared-use paths along both sides of Cleveland Street, as well as aesthetic improvements including a landscaped verge area to enhance the roadway corridor. The existing aerial utilities will be relocated to a new overhead location and LED streetlights will be provided throughout the corridor. The proposed improvements will also include the replacement of the traffic signal at Kellam Road and the emergency traffic signal at Virginia Beach Fire Station #7, as well as traffic signal modifications at Witchduck Road and Independence Boulevard.

Project Location:

The approximate location of the project can be viewed in Google Maps: https://www.google.com/maps/@36.84184285,-76.14801827802523,14z

Counties: Virginia Beach County, Virginia

ENDANGERED SPECIES ACT SPECIES

There is a total of 3 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 Fisheries[1], 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.

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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 *Myotis septentrionalis* No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9045	Endangered
Tricolored Bat *Perimyotis subflavus* No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/10515	Proposed Endangered

INSECTS

NAME	STATUS
Monarch Butterfly *Danaus plexippus* There is **proposed** critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/9743	Proposed Threatened

CRITICAL HABITATS

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

YOU ARE STILL REQUIRED TO DETERMINE IF YOUR PROJECT(S) MAY HAVE EFFECTS ON ALL ABOVE LISTED SPECIES.

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.

IPAC USER CONTACT INFORMATION

Agency: Virginia Beach city
Name: dahria kalmbach
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City: Virginia Beach
State: VA
Zip: 23462
Email dahria.kalmbach@kimley-horn.com
Phone: 7573556679

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

In Reply Refer To: 08/14/2025 19:27:49 UTC
Project code: 2025-0110662
Project Name: Cleveland Street Phase IV

Subject: No Effect Technical Assistance letter for the 'Cleveland Street Phase IV' project under the December 13, 2024, FHWA, FRA, FTA Programmatic Biological Opinion for Transportation Projects within the Range of the Indiana Bat, Northern Long-eared Bat, and Tricolored Bat.

To whom it may concern:

This letter records the determination of effects to federally listed (or proposed) bat species anticipated to result from Cleveland Street Phase IV (the Project). This determination is based upon information you entered into the assisted determination key (Dkey) associated with the above referenced Programmatic Biological Opinion/Conference Opinion (PBO/PCO) in the U.S. Fish and Wildlife Service's (Service) Information for Planning and Consultation (IPaC) system on the date listed above.

Ensuring Accurate Determinations When Using IPaC:

The Service developed the IPaC system and this Dkey in accordance with the ESA and based on the PBO/PCO. All information submitted by the project proponent into IPaC must accurately represent the full scope and details of the Project.

Failure to accurately represent or implement the Project as detailed in the Dkey invalidates this letter.

Determinations:

Based on the information you provided (Project Description shown below), you have determined that the Project will have the following effect determinations:

Species	Listing Status	Determination
Northern Long-eared Bat (*Myotis septentrionalis*)	Endangered	No effect
Tricolored Bat (*Perimyotis subflavus*)	Proposed Endangered	No effect

If the Project is not modified, **no consultation is required for these species.** If the Project is modified, or new information reveals that it may affect the Indiana bat, northern long-eared bat, or tricolored bat in a manner or to an extent not considered in the PBO/PCO, further review to conclude the requirements of ESA section 7(a)(2) may be required.

For Proposed Actions that include bridge/culvert or structure removal, replacement, and/or maintenance activities:

If your initial bridge, culvert, or structure assessment failed to detect Indiana bat, northern long-eared bat, or tricolored bat use or occupancy, yet bats are later detected prior to, or during construction, promptly notify the local Service Field Office within 2 working days of the discovery. In addition, please document whether incidental take occurred, and if so, the type (i.e. kill or harm) and amount (i.e. number of individuals) and submit documentation to the local Service Field Office within 5 working days from the completion of the bridge, culvert, or structure construction (use Appendix E - Post Assessment Discovery of Bats at Bridge/Culvert or Structure Form in the User's Guide). In these instances, potential incidental take of Indiana bats, northern long-eared bats, or tricolored bats may be exempted provided that the take is reported to the Service. In these instances, potential incidental take of Indiana bats, northern long-eared bats, or tricolored bats may be exempted provided that the take is reported to the Service.

If the Project may affect any other federally listed or proposed species and/or designated critical habitat, additional consultation between the lead Federal action agency and this Service Field Office is required for those species/designated critical habitat. If the Project has the potential to take bald or golden eagles, additional coordination with the Service under the Bald and Golden Eagle Protection Act may also be required. In either of these circumstances, please advise the lead Federal action agency to contact this Service Field Office

The following species may occur in your project area and **are not** covered by this determination:

- Monarch Butterfly *Danaus plexippus* Proposed Threatened

PROJECT DESCRIPTION

The following project name and description was collected in IPaC as part of the endangered species review process.

NAME

Cleveland Street Phase IV

DESCRIPTION

The City of Virginia Beach is planning improvements along the Cleveland Street corridor from Witchduck Road to Independence Boulevard in Virginia Beach, Virginia. The project will include the construction of a three-lane undivided roadway within a variable width of 70’ to 80-foot right-of-way between Witchduck Road and Independence Boulevard for approximately 1.2 miles. The intersection of Cleveland Street, Dorset Avenue, and Euclid Road will be realigned and reconfigured to a singlelane roundabout aligning Dorset Avenue to Southern Boulevard. The proposed improvements will provide 4’ to 5-foot on-road bicycle lanes and 8-foot wide shared-use paths along both sides of Cleveland Street, as well as aesthetic improvements including a landscaped verge area to enhance the roadway corridor. The existing aerial utilities will be relocated to a new overhead location and LED streetlights will be
provided throughout the corridor. The proposed improvements will also include the replacement of the traffic signal at Kellam Road and the emergency traffic signal at Virginia Beach Fire Station #7, as well as traffic signal modifications at Witchduck Road and Independence Boulevard.

The approximate location of the project can be viewed in Google Maps: https://www.google.com/maps/@36.84184285,-76.14801827802523,14z

DETERMINATION KEY RESULT

Based on the information you provided, you have determined that the Proposed Action will have no effect on the species covered by this determination key. Therefore, no consultation with the U.S. Fish and Wildlife Service pursuant to Section 7(a)(2) of the Endangered Species Act of 1973 (87 Stat. 884, as amended 16 U.S.C. 1531 et seq.) is required for those species.

QUALIFICATION INTERVIEW

1. Which Federal Agency is the lead federal agency the action?

   A) Federal Highway Administration (FHWA)

2. Your project overlaps with Zone 1 of the areas where northern long-eared bats and/or tricolored bats may be present and roosting in trees year-round?

   Automatically answered
   Yes

3. Your project overlaps with an area where northern long-eared bats or tricolored bats may be present and roosting in trees year-round.

   Do you understand that your project may impact bats roosting in trees at any time during the year?

   Yes

4. Does the Action Area intersect the species list area of the Northern long-eared bat?

   Automatically answered
   Yes

5. Does the Action Area intersect the species list area of the tricolored Bat (TCB)?

   Automatically answered
   Yes

6. [Semantic] Is any portion of the action area within a 0.5 mile radius of an entrance/opening to any known NLEB or TCB hibernacula?

   Note: The map queried for this question contains proprietary information and cannot be displayed. If you need additional information, please contact the Field Office listed in the letterhead of this letter.

   Automatically answered
   No

7. Does your project's activities include raising the road profile above the tree canopy in documented habitat for the Indiana bat, NLEB, or TCB?

   Note: For the definition of documented habitat, refer to Appendix A: https://www.fws.gov/media/users-guide-range-wide-programmatic-consultation-indiana-bat-and-northern-long-eared-bat

   No

8. Is your project located within a karst area?

   No

9. Will the project include bridge, culvert, or structure removal, replacement, and/or alteration activities?

   Note: For definitions of bridge, culvert, and structure, refer to Appendix A: https://www.fws.gov/media/users-guide-range-wide-programmatic-consultation-indiana-bat-and-northern-long-eared-bat.

   No

10. Do your project's activities involve tree removal/trimming, temporary lighting, new/additional permanent lighting, ground disturbance, percussives that involves noise/vibration above existing background levels, vibrations, or slash pile burning?

    Yes

11. Is there suitable summer habitat for the Indiana bat, NLEB, or TCB within the project action area?

    Note: See the Service's summer survey guidance for current definitions of suitable habitat [https://www.fws.gov/midwest/endangered/mammals/inba/inbasummersurveyguidance.html].

    No

12. Does the Action Area intersect the species list area of the tricolored Bat (TCB)?

    Automatically answered
    Yes

13. Does the Action Area intersect the species list area of the northern long-eared bat (NLEB)?

    Automatically answered
    Yes

PROJECT QUESTIONNAIRE

1. Have you made a No Effect determinations for all other species included on the FWS IPaC generated species list?

   Yes

2. Have you made a May Affect determination for any other species on the FWS IPaC generated list?

   No

DETERMINATION KEY DESCRIPTION: FHWA, FRA, FTA PROGRAMMATIC CONSULTATION FOR TRANSPORTATION PROJECTS AFFECTING IBAT, NLEB, OR TCB

This key was last updated in IPaC on July 21, 2025. Keys are subject to periodic revision.

This decision key is intended for projects/activities funded or authorized by the Federal Highway Administration (FHWA), Federal Railroad Administration (FRA), and/or Federal Transit Administration (FTA), which may require consultation with the U.S. Fish and Wildlife Service (Service) under Section 7 of the Endangered Species Act (ESA) and may affect the federally listed endangered Indiana bat (*Myotis sodalis*), northern long-eared bat (*Myotis septentrionalis*), and/or federally proposed endangered tricolored bat (*Perimyotis subflavus*).

This decision key should only be used to verify project applicability with the Service's Programmatic Biological Opinion/Conference Opinion for Transportation Projects in the Range of the Indiana bat, northern long-eared bat, and tricolored bat, dated December 13, 2024. The programmatic consultation limited transportation activities that may affect the covered bat species and addresses situations that are both likely and not likely to adversely affect the covered bat species. This decision key will assist in identifying the effect of a specific project/activity and the applicability of the programmatic consultation. The programmatic consultation is not intended to cover all types of transportation actions. Activities outside the scope of the programmatic consultation, or that may affect ESA-listed species other than the Indiana bat, northern long-eared bat, or tricolored bat, or their designated critical habitat, may require additional ESA Section 7 consultation.

IPAC USER CONTACT INFORMATION

Agency: Virginia Beach city
Name: dahria kalmbach
Address: 4525 Main Street, Suite 1000
City: Virginia Beach
State: VA
Zip: 23462
Email dahria.kalmbach@kimley-horn.com
Phone: 7573556679

June 2025
USFWS Review

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

In Reply Refer To: 06/19/2025 16:49:18 UTC
Project Code: 2025-0110662
Project Name: Cleveland Street Phase IV

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 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 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:

https://www.fws.gov/sites/default/files/documents/endangered-species-consultation-handbook.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 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/program/migratory-bird-permit/what-we-do.

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/library/collections/threats-birds.

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/partner/council-conservation-migratory-birds.

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

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: 2025-0110662
Project Name: Cleveland Street Phase IV
Project Type: Road/Hwy - Maintenance/Modification
Project Description: The City of Virginia Beach is planning improvements along the Cleveland Street corridor from Witchduck Road to Independence Boulevard in Virginia Beach, Virginia. The project will include the construction of a three-lane undivided roadway within a variable width of 70’ to 80-foot right-of-way between Witchduck Road and Independence Boulevard for approximately 1.2 miles. The intersection of Cleveland Street, Dorset Avenue, and Euclid Road will be realigned and reconfigured to a singlelane roundabout aligning Dorset Avenue to Southern Boulevard. The proposed improvements will provide 4’ to 5-foot on-road bicycle lanes and 8-foot wide shared-use paths along both sides of Cleveland Street, as well as aesthetic improvements including a landscaped verge area to enhance the roadway corridor. The existing aerial utilities will be relocated to a new overhead location and LED streetlights will be provided throughout the corridor. The proposed improvements will also include the replacement of the traffic signal at Kellam Road and the emergency traffic signal at Virginia Beach Fire Station #7, as well as traffic signal modifications at Witchduck Road and Independence Boulevard.

Project Location:

The approximate location of the project can be viewed in Google Maps: https://www.google.com/maps/@36.84184285,-76.14801827802523,14z

Counties: Virginia Beach County, Virginia

ENDANGERED SPECIES ACT SPECIES

There is a total of 3 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 Fisheries[1], 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.

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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 *Myotis septentrionalis* No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9045	Endangered
Tricolored Bat *Perimyotis subflavus* No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/10515	Proposed Endangered

INSECTS

NAME	STATUS
Monarch Butterfly *Danaus plexippus* There is **proposed** critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/9743	Proposed Threatened

CRITICAL HABITATS

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

YOU ARE STILL REQUIRED TO DETERMINE IF YOUR PROJECT(S) MAY HAVE EFFECTS ON ALL ABOVE LISTED SPECIES.

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.

IPAC USER CONTACT INFORMATION

Agency: Virginia Beach city
Name: dahria kalmbach
Address: 4525 Main Street, Suite 1000
City: Virginia Beach
State: VA
Zip: 23462
Email dahria.kalmbach@kimley-horn.com
Phone: 7573556679

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

In Reply Refer To: 06/19/2025 16:57:15 UTC
Project code: 2025-0110662
Project Name: Cleveland Street Phase IV

Subject: No Effect Technical Assistance letter for the 'Cleveland Street Phase IV' project under the December 13, 2024, FHWA, FRA, FTA Programmatic Biological Opinion for Transportation Projects within the Range of the Indiana Bat, Northern Long-eared Bat, and Tricolored Bat.

To whom it may concern:

This letter records the determination of effects to federally listed (or proposed) bat species anticipated to result from Cleveland Street Phase IV (the Project). This determination is based upon information you entered into the assisted determination key (Dkey) associated with the above referenced Programmatic Biological Opinion/Conference Opinion (PBO/PCO) in the U.S. Fish and Wildlife Service's (Service) Information for Planning and Consultation (IPaC) system on the date listed above.

Ensuring Accurate Determinations When Using IPaC:

The Service developed the IPaC system and this Dkey in accordance with the ESA and based on the PBO/PCO. All information submitted by the project proponent into IPaC must accurately represent the full scope and details of the Project.

Failure to accurately represent or implement the Project as detailed in the Dkey invalidates this letter.

Determinations:

Based on the information you provided (Project Description shown below), you have determined that the Project will have the following effect determinations:

Species	Listing Status	Determination
Northern Long-eared Bat (*Myotis septentrionalis*)	Endangered	No effect
Tricolored Bat (*Perimyotis subflavus*)	Proposed Endangered	No effect

If the Project is not modified, **no consultation is required for these species.** If the Project is modified, or new information reveals that it may affect the Indiana bat, northern long-eared bat, or tricolored bat in a manner or to an extent not considered in the PBO/PCO, further review to conclude the requirements of ESA section 7(a)(2) may be required.

For Proposed Actions that include bridge/culvert or structure removal, replacement, and/or maintenance activities:

If your initial bridge, culvert, or structure assessment failed to detect Indiana bat, northern long-eared bat, or tricolored bat use or occupancy, yet bats are later detected prior to, or during construction, promptly notify the local Service Field Office within 2 working days of the discovery. In addition, please document whether incidental take occurred, and if so, the type (i.e. kill or harm) and amount (i.e. number of individuals) and submit documentation to the local Service Field Office within 5 working days from the completion of the bridge, culvert, or structure construction (use Appendix E - Post Assessment Discovery of Bats at Bridge/Culvert or Structure Form in the User's Guide). In these instances, potential incidental take of Indiana bats, northern long-eared bats, or tricolored bats may be exempted provided that the take is reported to the Service. In these instances, potential incidental take of Indiana bats, northern long-eared bats, or tricolored bats may be exempted provided that the take is reported to the Service.

If the Project may affect any other federally listed or proposed species and/or designated critical habitat, additional consultation between the lead Federal action agency and this Service Field Office is required for those species/designated critical habitat. If the Project has the potential to take bald or golden eagles, additional coordination with the Service under the Bald and Golden Eagle Protection Act may also be required. In either of these circumstances, please advise the lead Federal action agency to contact this Service Field Office

The following species may occur in your project area and **are not** covered by this determination:

- Monarch Butterfly *Danaus plexippus* Proposed Threatened

PROJECT DESCRIPTION

The following project name and description was collected in IPaC as part of the endangered species review process.

NAME

Cleveland Street Phase IV

DESCRIPTION

The City of Virginia Beach is planning improvements along the Cleveland Street corridor from Witchduck Road to Independence Boulevard in Virginia Beach, Virginia. The project will include the construction of a three-lane undivided roadway within a variable width of 70’ to 80-foot right-of-way between Witchduck Road and Independence Boulevard for approximately 1.2 miles. The intersection of Cleveland Street, Dorset Avenue, and Euclid Road will be realigned and reconfigured to a singlelane roundabout aligning Dorset Avenue to Southern Boulevard. The proposed improvements will provide 4’ to 5-foot on-road bicycle lanes and 8-foot wide shared-use paths along both sides of Cleveland Street, as well as aesthetic improvements including a landscaped verge area to enhance the roadway corridor. The existing aerial utilities will be relocated to a new overhead location and LED streetlights will be
provided throughout the corridor. The proposed improvements will also include the replacement of the traffic signal at Kellam Road and the emergency traffic signal at Virginia Beach Fire Station #7, as well as traffic signal modifications at Witchduck Road and Independence Boulevard.

The approximate location of the project can be viewed in Google Maps: https://www.google.com/maps/@36.84184285,-76.14801827802523,14z

DETERMINATION KEY RESULT

Based on the information you provided, you have determined that the Proposed Action will have no effect on the species covered by this determination key. Therefore, no consultation with the U.S. Fish and Wildlife Service pursuant to Section 7(a)(2) of the Endangered Species Act of 1973 (87 Stat. 884, as amended 16 U.S.C. 1531 et seq.) is required for those species.

QUALIFICATION INTERVIEW

1. Which Federal Agency is the lead federal agency the action?

   A) Federal Highway Administration (FHWA)

2. Your project overlaps with Zone 1 of the areas where northern long-eared bats and/or tricolored bats may be present and roosting in trees year-round?

   Automatically answered
   Yes

3. Your project overlaps with an area where northern long-eared bats or tricolored bats may be present and roosting in trees year-round.

   Do you understand that your project may impact bats roosting in trees at any time during the year?

   Yes

4. Does the Action Area intersect the species list area of the Northern long-eared bat?

   Automatically answered
   Yes

5. Does the Action Area intersect the species list area of the tricolored Bat (TCB)?

   Automatically answered
   Yes

6. Does your project's activities include raising the road profile above the tree canopy in documented habitat for the Indiana bat, NLEB, or TCB?

   Note: For the definition of documented habitat, refer to Appendix A: https://www.fws.gov/media/users-guide-range-wide-programmatic-consultation-indiana-bat-and-northern-long-eared-bat

   No

7. Is your project located within a karst area?

   No

8. Will the project include bridge, culvert, or structure removal, replacement, and/or alteration activities?

   Note: For definitions of bridge, culvert, and structure, refer to Appendix A: https://www.fws.gov/media/users-guide-range-wide-programmatic-consultation-indiana-bat-and-northern-long-eared-bat.

   No

9. Do your project's activities involve tree removal/trimming, temporary lighting, new/ additional permanent lighting, ground disturbance, percussives that involves noise/ vibration above existing background levels, vibrations, or slash pile burning?

   Yes

10. Is there suitable summer habitat for the Indiana bat, NLEB, or TCB within the project action area?

    Note: See the Service's summer survey guidance for current definitions of suitable habitat [https://www.fws.gov/midwest/endangered/mammals/inba/inbasummersurveyguidance.html].

    No

11. Does the Action Area intersect the species list area of the tricolored Bat (TCB)?

    Automatically answered
    Yes

12. Does the Action Area intersect the species list area of the northern long-eared bat (NLEB)?

    Automatically answered
    Yes

PROJECT QUESTIONNAIRE

1. Have you made a No Effect determinations for all other species included on the FWS IPaC generated species list?

   Yes

2. Have you made a May Affect determination for any other species on the FWS IPaC generated list?

   No

DETERMINATION KEY DESCRIPTION: FHWA, FRA, FTA PROGRAMMATIC CONSULTATION FOR TRANSPORTATION PROJECTS AFFECTING IBAT, NLEB, OR TCB

This key was last updated in IPaC on May 30, 2025. Keys are subject to periodic revision.

This decision key is intended for projects/activities funded or authorized by the Federal Highway Administration (FHWA), Federal Railroad Administration (FRA), and/or Federal Transit Administration (FTA), which may require consultation with the U.S. Fish and Wildlife Service (Service) under Section 7 of the Endangered Species Act (ESA) and may affect the federally listed endangered Indiana bat (*Myotis sodalis*), northern long-eared bat (*Myotis septentrionalis*), and/or federally proposed endangered tricolored bat (*Perimyotis subflavus*).

This decision key should only be used to verify project applicability with the Service's Programmatic Biological Opinion/Conference Opinion for Transportation Projects in the Range of the Indiana bat, northern long-eared bat, and tricolored bat, dated December 13, 2024. The programmatic consultation limited transportation activities that may affect the covered bat species and addresses situations that are both likely and not likely to adversely affect the covered bat species. This decision key will assist in identifying the effect of a specific project/activity and the applicability of the programmatic consultation. The programmatic consultation is not intended to cover all types of transportation actions. Activities outside the scope of the programmatic consultation, or that may affect ESA-listed species other than the Indiana bat, northern long-eared bat, or tricolored bat, or their designated critical habitat, may require additional ESA Section 7 consultation.

IPAC USER CONTACT INFORMATION

Agency: Virginia Beach city
Name: dahria kalmbach
Address: 4525 Main Street, Suite 1000
City: Virginia Beach
State: VA
Zip: 23462
Email dahria.kalmbach@kimley-horn.com
Phone: 7573556679

August 2023
Submittal to USFWS

Holmes, Victoria

From: Holmes, Victoria
Sent: Wednesday, August 16, 2023 1:44 PM
To: Virginia Field Office, FW5
Subject: UPC 110803 - Cleveland Street Phase IV Improvements: USFWS SCOPING PACKAGE 16AUG23
Attachments: 2023.08.16 Cleveland St Ph IV USFWS SCOPING PACKAGEr.pdf

Good afternoon,

We have reviewed the referenced project using the Virginia Field Office's online project review process and have followed all guidance and instructions in completing the review. We completed our review on August 3, 2023 and August 16, 2023 and are submitting our project review package in accordance with the instructions for further review. **Please allow this email to serve as a request for scoping comments** on the potential effects of threatened and endangered species found within the project area.

The City of Virginia Beach is planning improvements along the Cleveland Street corridor from Witchduck Road to Independence Boulevard in Virginia Beach, Virginia. The project will include the construction of a three-lane undivided roadway within a variable width of 70' to 80-foot right-of-way between Witchduck Road and Independence Boulevard for a distance of approximately 1.2 miles. The intersection of Cleveland Street, Dorset Avenue, and Euclid Road will be realigned and reconfigured to a single-lane roundabout aligning Dorset Avenue to Southern Boulevard. The proposed improvements will provide 4' to 5' on-road bicycle lanes and 6' to 8' sidewalks on both sides of Cleveland Street west of the roundabout and 8' to 12' wide shared-use paths along both sides of Cleveland Street east of the roundabout, as well as aesthetic improvements including a landscaped verge area to enhance the roadway corridor. The existing aerial utilities will be relocated to a new overhead location and LED streetlights will be provided throughout the corridor. The proposed improvements will also include replacement of the traffic signal at Kellam Road and the emergency traffic signal at Virginia Beach Fire Station #7, as well as traffic signal modifications at Witchduck Road and Independence Boulevard. Right-of-way acquisition will be required for the proposed improvements. The location of the project and the project area are identified on the enclosed map.

The only species identified on the Official Species List (enclosed and dated August 3, 2023) was the candidate Monarch Butterfly (*Danaus plexippus*). There are no critical habitats within the project area under the USFWS'S jurisdiction. Additionally, a review of the Virginia Department of Wildlife Resources Virginia Fish and Wildlife Information System revealed no federal or state listed T&E species were identified within a 2-mi radius of the project area. Therefore, it is anticipated that the proposed project will have no impact on listed species.

This project review is needed for compliance with the National Environmental Policy Act (NEPA). The lead federal agency is the Federal Highway Administration under the authority of the Virginia Department of Transportation.

Attached for reference are the project figures depicting the improvement locations, the USFWS species summary table, USFWS official species list, and USFWS self-certification letter. USFWS's concurrence with our findings would be greatly appreciated. If any additional information is needed or any comments arise during your review, please let me know.

We appreciate your time and review.

Sincerely,

Victoria

Victoria Holmes, WPIT | Environmental Analyst
Kimley-Horn | 4525 Main Street Suite 1000 Virginia Beach, VA
Direct: 757-350-6669 **|** Main: 757-213-8600 **|**
Connect with us: Twitter **|** LinkedIn **|** Facebook **|** Instagram **|** Kimley-Horn.com

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Endangered Species Act (ESA) Section 7 Determination Table

Project Name: Cleveland Street Phase IV Improvements – Virginia Beach, VA (UPC 110803)

Date: August 16, 2023

Consultation Code: 2023-0027517

Species / Resource Name	Habitat/Species Presence in Action Area	Sources of Info	ESA Section 7 Determination	Project Elements that Support Determination
Monarch Butterfly (*Danaus plexippus*) Candidate species	Not present.	Official Species List dated 08/03/2023; Self-Certification Letter	No effect: the Monarch Butterfly is a Candidate Species and not yet listed or proposed for listing. There are generally no Section 7 requirements for candidate species.	
Critical Habitat	Not present.	Official Species List dated 08/03/2023	No effect	
Bald Eagle (*Haliaeetus leucocephalus*)	No nest within 660' of project area, and not within a concentration area	CCB VaEagle Mapper generated 08/03/2023	No Eagle Act permit required.	

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

In Reply Refer To: August 03, 2023
Project Code: 2023-0112728
Project Name: Cleveland Street Phase IV

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:

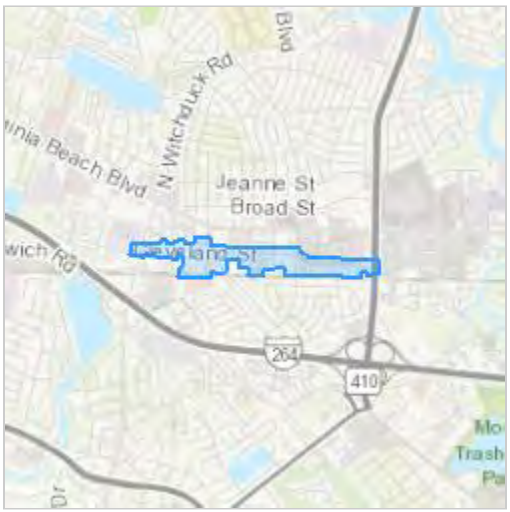
Virginia Ecological Services Field Office
6669 Short Lane
Gloucester, VA 23061-4410
(804) 693-6694

PROJECT SUMMARY

Project Code: 2023-0112728
Project Name: Cleveland Street Phase IV
Project Type: Road/Hwy - Maintenance/Modification
Project Description: The City of Virginia Beach is planning improvements along the Cleveland Street corridor from Witchduck Road to Independence Boulevard in Virginia Beach, Virginia. The project will include the construction of a three-lane undivided roadway within a variable width of 70’ to 80-foot right-of-way between Witchduck Road and Independence Boulevard for approximately 1.2 miles. The intersection of Cleveland Street, Dorset Avenue, and Euclid Road will be realigned and reconfigured to a single-lane roundabout aligning Dorset Avenue to Southern Boulevard. The proposed improvements will provide 4’ to 5-foot on-road bicycle lanes and 8-foot wide shared-use paths along both sides of Cleveland Street, as well as aesthetic improvements including a landscaped verge area to enhance the roadway corridor. The existing aerial utilities will be relocated to a new overhead location and LED streetlights will be provided throughout the corridor. The proposed improvements will also include the replacement of the traffic signal at Kellam Road and the emergency traffic signal at Virginia Beach Fire Station #7, as well as traffic signal modifications at Witchduck Road and Independence Boulevard.

Project Location:

The approximate location of the project can be viewed in Google Maps: https://www.google.com/maps/@36.8416449,-76.14860958012224,14z



Counties: Virginia Beach 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 Fisheries[1], 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.

INSECTS

NAME	STATUS
Monarch Butterfly *Danaus plexippus* No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9743	Candidate

CRITICAL HABITATS

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

YOU ARE STILL REQUIRED TO DETERMINE IF YOUR PROJECT(S) MAY HAVE EFFECTS ON ALL ABOVE LISTED SPECIES.

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 Act[1] and the Bald and Golden Eagle Protection Act[2].

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
Bald Eagle *Haliaeetus leucocephalus* 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 Oct 15 to Aug 31
Black-billed Cuckoo *Coccyzus erythropthalmus* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9399	Breeds May 15 to Oct 10

NAME	BREEDING SEASON
Bobolink *Dolichonyx oryzivorus* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 20 to Jul 31
Canada Warbler *Cardellina canadensis* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 20 to Aug 10
Chimney Swift *Chaetura pelagica* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds Mar 15 to Aug 25
Kentucky Warbler *Oporornis formosus* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds Apr 20 to Aug 20
Lesser Yellowlegs *Tringa flavipes* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9679	Breeds elsewhere
Prairie Warbler *Dendroica discolor* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 1 to Jul 31
Prothonotary Warbler *Protonotaria citrea* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds Apr 1 to Jul 31
Red-headed Woodpecker *Melanerpes erythrocephalus* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 10 to Sep 10
Rusty Blackbird *Euphagus carolinus* This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA	Breeds elsewhere
Wood Thrush *Hylocichla mustelina* 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 was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.
2. To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is 0.25/0.25 = 1; at week 20 it is 0.05/0.25 = 0.2.
3. The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

Breeding Season (■)
Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

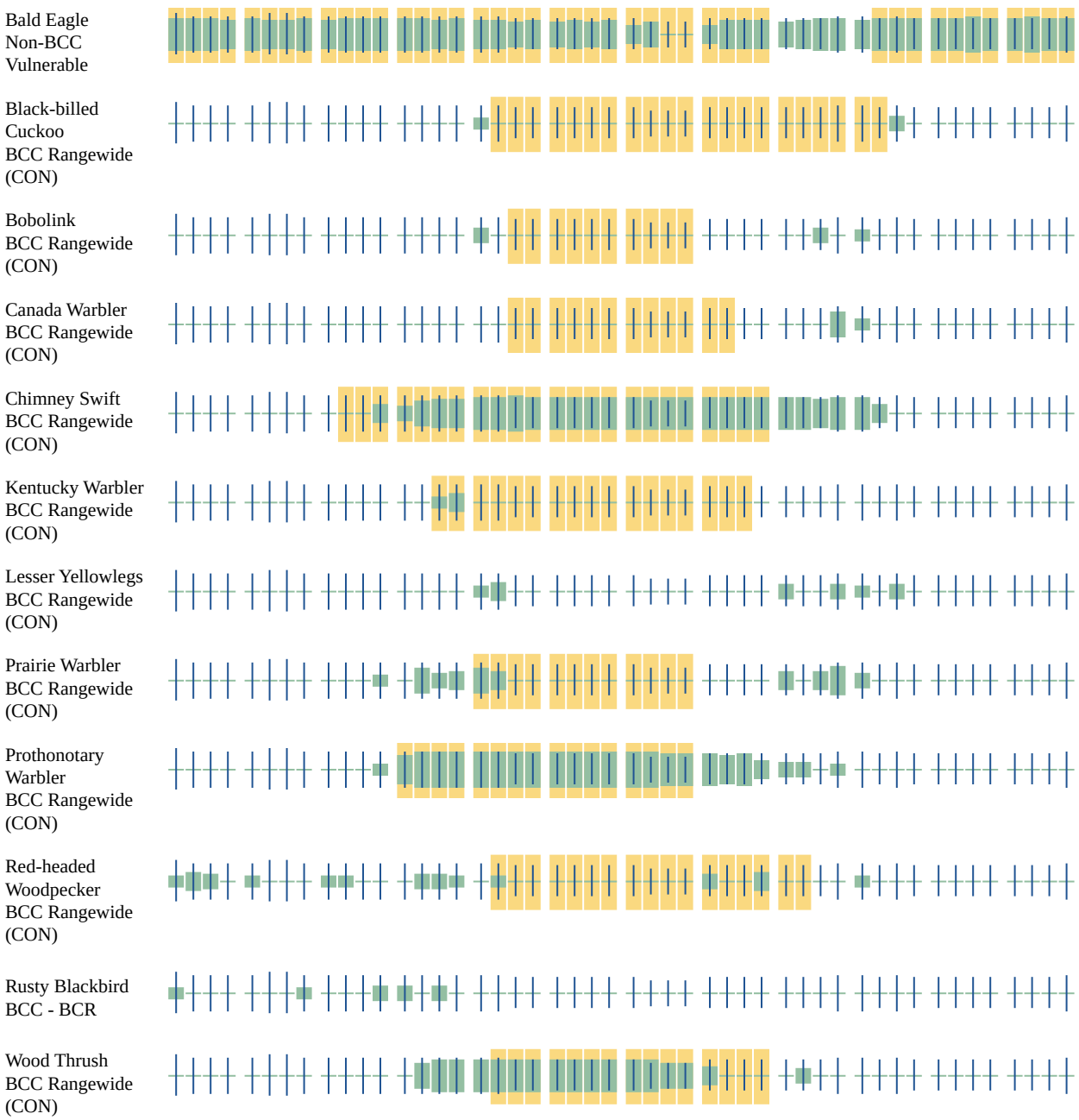
Survey Effort (|)
Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

No Data (–)
A week is marked as having no data if there were no survey events for that week.

Survey Timeframe
Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.

■ probability of presence ■ breeding season | survey effort – no data

SPECIES	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC



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-incidental-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 list of migratory birds that potentially occur 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 Rapid Avian Information Locator (RAIL) 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 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 or migrating in my 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 query your location using the RAIL Tool and look at the range maps provided for birds in your area at the bottom of the profiles provided for each bird in your results. 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:	Department of Transportation
Name:	Tammy Fox
Address:	4525 Main Street
Address Line 2:	Suite 1000
City:	Virginia Beach
State:	VA
Zip:	23462
Email	tammy.fox@kimley-horn.com
Phone:	7573556651

United States Department of the Interior

FISH AND WILDLIFE SERVICE

Virginia Field Office
6669 Short Lane
Gloucester, VA 23061

Date: August 16, 2023

Self-Certification Letter

Project Name: Cleveland Street Phase IV Improvements

Dear Applicant:

Thank you for using the U.S. Fish and Wildlife Service (Service) Virginia Ecological Services online project review process. By submitting this letter, in conjunction with your project review package to our office for review, you are certifying that you have completed the online project review process for the project named above in accordance with all instructions provided, using the best available information to reach your determinations. From the date of receipt, our office has 60 days (50 CFR § 402.13(c)(2)) to review your project package. If we do not concur with the Section 7 determination(s) provided or if we have any questions/concerns regarding the information provided, you will be contacted. If you are not contacted during the 60-day review period, this letter and your project review package, complete the review of your project in accordance with the Endangered Species Act of 1973 (16 U.S.C. 1531-1544, 87 Stat. 884), as amended (ESA). This letter also provides information for your project review under the National Environmental Policy Act of 1969 (P.L. 91-190, 42 U.S.C.4321-4347, 83 Stat. 852), as amended. A copy of this letter and the project review package must be submitted to this office for this self-certification letter to be valid. This letter and the project review package will be maintained in our records.

The ESA Section 7 Determination Table in the enclosed project review package summarizes your ESA analyses and determinations. These analyses resulted in a “no effect” and/or a “may affect, not likely to adversely affect” determination for proposed/listed species and/or proposed/designated critical habitat.

The use of the online project review process in strict accordance with the instructions provided as documented in the enclosed project review package resulted in reaching the appropriate determinations. Therefore, we concur with the not likely to adversely affect determination(s) for proposed/listed species and proposed/designated critical habitat provided in the ESA Section 7 Determination Table.

Should project plans change, surveys expire, or information on the distribution or status of proposed/listed species and/or proposed/designated critical habitat become available/change, this letter is no longer valid and you must submit an updated project package.

Note that under 50 CFR 402.12(e) of the regulations implementing Section 7 of the ESA, the accuracy of official species lists 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.

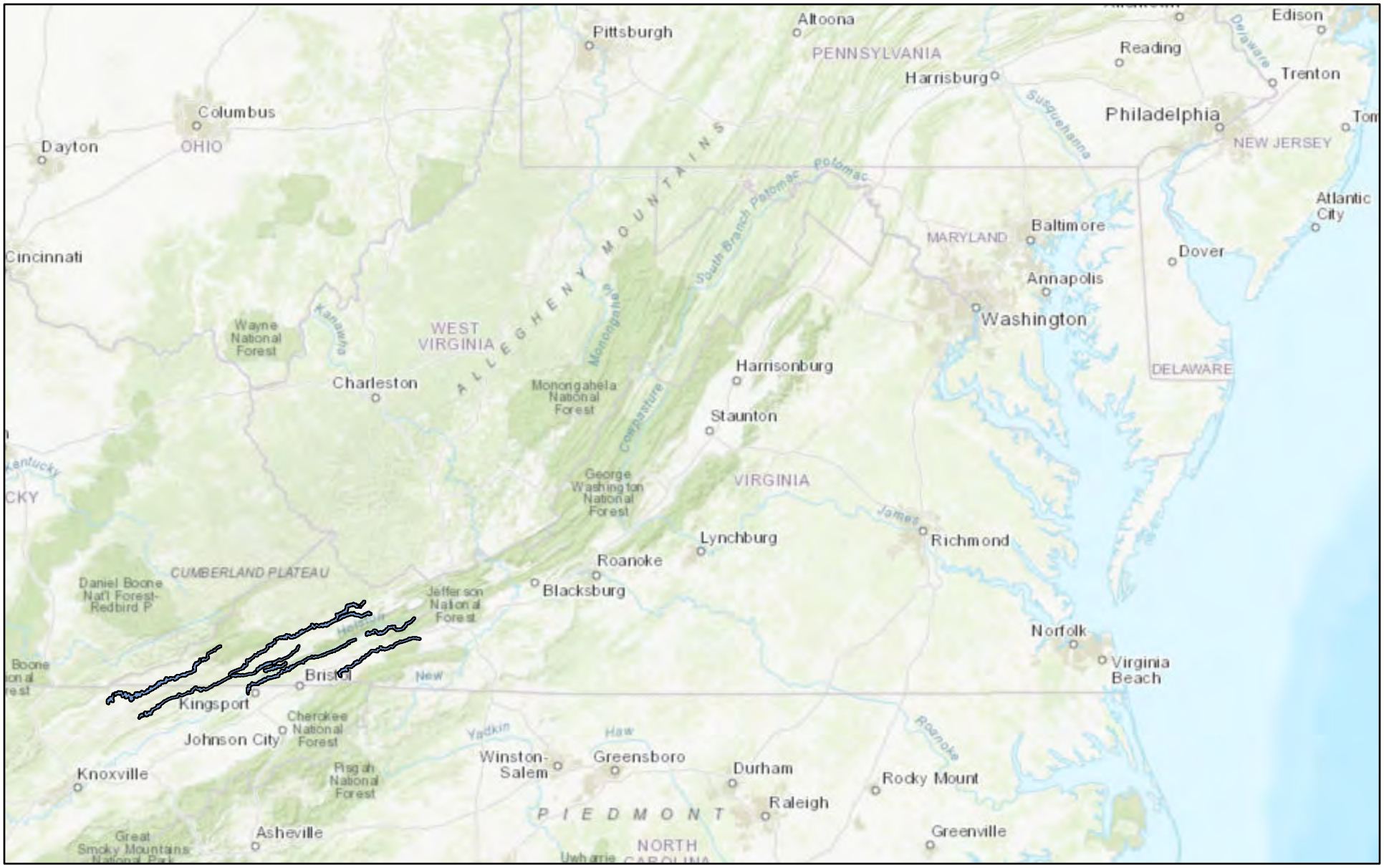
Information about the online project review process including instructions and use, species information, and other information regarding project reviews within Virginia is available on our website (https://www.fws.gov/office/virginia-ecological-services/virginia-field-office-online-review-process). If you have any questions, please contact Troy Andersen of this office at (804) 824-2428.

Sincerely,

Cindy Schulz
Field Supervisor
Virginia Ecological Services

Enclosures - project review package

Critical Habitat in Virginia



August 16, 2023

Virginia Critical Habitat (published)

1:4,622,324

0 30 60 120 mi

0 50 100 200 km

Esri, HERE, Garmin, FAO, NOAA, USGS, EPA, NPS

VaFWIS Search Report Compiled on 8/3/2023, 12:27:46 PM

Help

Known or likely to occur within a **2 mile radius around point 36,50,26.3 -76,08,57.0** in **710 Norfolk City, 810 Virginia Beach City, VA**

View Map of Site Location

643 Known or Likely Species ordered by Status Concern for Conservation (displaying first 48) (48 species with Status* or Tier I** or Tier II**)

BOVA Code	Status*	Tier**	Common Name	Scientific Name	Confirmed	Database(s)
010031	FESE	Ia	Sturgeon, shortnose	Acipenser brevirostrum		BOVA
030074	FESE	Ia	Turtle, Kemp's ridley sea	Lepidochelys kempii		BOVA,HU6
050022	FEST	Ia	Bat, northern long-eared	Myotis septentrionalis		BOVA
010032	FESE	Ib	Sturgeon, Atlantic	Acipenser oxyrinchus		BOVA
030075	FESE	Ic	Turtle, leatherback sea	Dermochelys coriacea		BOVA
030073	FESE		Turtle, Hawksbill Sea	Eretmochelys imbricata		BOVA
040183	FESE		Tern, roseate	Sterna dougallii dougallii		BOVA,HU6
030071	FTST	Ia	Turtle, loggerhead sea	Caretta caretta		BOVA,HU6
040144	FTST	Ia	Knot, red	Calidris canutus rufa		BOVA,HU6
040110	FTSE	Ia	Rail, eastern black	Laterallus jamaicensis jamaicensis		BOVA
030072	FTST	Ib	Turtle, green sea	Chelonia mydas		BOVA,HU6
040120	FTST	IIa	Plover, piping	Charadrius melodus		BOVA
120030	FTSE	IVb	Manatee, West Indian	Trichechus manatus		BOVA,HU6
030064	SE	Ia	Turtle, eastern chicken	Deirochelys reticularia reticularia		BOVA,HU6
040118	SE	Ia	Plover, Wilson's	Charadrius wilsonia		BOVA
050034	SE	Ia	Bat, Rafinesque's eastern big-eared	Corynorhinus rafinesquii macrotis		BOVA,HU6
050027	FPSE	Ia	Bat, tri-colored	Perimyotis subflavus		BOVA
030013	SE	IIa	Rattlesnake, canebrake	Crotalus horridus	Potential	BOVA,Habitat,HU6
040096	ST	Ia	Falcon, peregrine	Falco peregrinus		BOVA
040293	ST	Ia	Shrike, loggerhead	Lanius ludovicianus		BOVA
040379	ST	Ia	Sparrow, Henslow's	Centronyx henslowii		BOVA
040179	ST	Ia	Tern, gull-billed	Gelochelidon nilotica		BOVA
030010	ST	IIa	Lizard, eastern glass	Ophisaurus ventralis		BOVA

040403	ST		Falcon, Arctic peregrine	Falco peregrinus tundrius		BOVA
040292	ST		Shrike, migrant loggerhead	Lanius ludovicianus migrans		BOVA
100079	FC	IIIa	Butterfly, monarch	Danaus plexippus		BOVA
030067	CC	IIa	Terrapin, northern diamond-backed	Malaclemys terrapin terrapin	Potential	BOVA,Habitat,HU6
030063	CC	IIIa	Turtle, spotted	Clemmys guttata		BOVA,HU6
030031	CC	IIIc	Kingsnake, scarlet	Lampropeltis elapsoides		BOVA
040092		Ia	Eagle, golden	Aquila chrysaetos		BOVA
040040		Ia	Ibis, glossy	Plegadis falcinellus		BOVA,HU6
040213		Ic	Owl, northern saw-whet	Aegolius acadicus		BOVA,HU6
040422		Ic	Warbler, Wayne's	Setophaga virens waynei		HU6
020063		IIa	Toad, oak	Anaxyrus quercicus		HU6
020002		IIa	Treefrog, barking	Hyla gratiosa		BOVA,HU6
040052		IIa	Duck, American black	Anas rubripes		BOVA,HU6
040033		IIa	Egret, snowy	Egretta thula		BOVA
040029		IIa	Heron, little blue	Egretta caerulea caerulea		BOVA
040036		IIa	Night-heron, yellow-crowned	Nyctanassa violacea violacea	Yes	BOVA,BBA,CWB
040114		IIa	Oystercatcher, American	Haematopus palliatus		BOVA
040192		IIa	Skimmer, black	Rynchops niger		BOVA
040181		IIa	Tern, common	Sterna hirundo		BOVA,HU6
040320		IIa	Warbler, cerulean	Setophaga cerulea		BOVA,HU6
040140		IIa	Woodcock, American	Scolopax minor		BOVA,HU6
040203		IIb	Cuckoo, black-billed	Coccyzus erythropthalmus		BOVA
040105		IIb	Rail, king	Rallus elegans	Potential	BOVA,Habitat,HU6
040304		IIc	Warbler, Swainson's	Limnothlypis swainsonii		BOVA,HU6
110353		IIc	SPIDER, FUNNEL-WEB	Barronopsis jeffersi		HU6

To view **All 643 species** View 643

*FE=Federal Endangered; FT=Federal Threatened; SE=State Endangered; ST=State Threatened; FP=Federal Proposed; FC=Federal Candidate; CC=Collection Concern

**I=VA Wildlife Action Plan - Tier I - Critical Conservation Need; II=VA Wildlife Action Plan - Tier II - Very High Conservation Need; III=VA Wildlife Action Plan - Tier III - High Conservation Need;
IV=VA Wildlife Action Plan - Tier IV - Moderate Conservation Need
Virginia Widlife Action Plan Conservation Opportunity Ranking:
a - On the ground management strategies/actions exist and can be feasibly implemented.;

b - On the ground actions or research needs have been identified but cannot feasibly be implemented at this time.;
c - No on the ground actions or research needs have been identified or all identified conservation opportunities have been exhausted.

View Map of All Query Results from All Observation Tables

Bat Colonies or Hibernacula: **Not Known**

Anadromous Fish Use Streams (1 records)

View Map of All Anadromous Fish Use Streams

Stream ID	Stream Name	Reach Status	Anadromous Fish Species			View Map
			Different Species	Highest TE*	Highest Tier**	
P195	North Landing River	Potential	0			Yes

Impediments to Fish Passage

N/A

Colonial Water Bird Survey (2 records)

View Map of All Query Results Colonial Water Bird Survey

Colony_Name	N Obs	Latest Date	N Species			View Map
			Different Species	Highest TE*	Highest Tier**	
Mainland	1	Jun 26 2018	1		II	Yes
Urban, Princess Anne, Virginia Beach	1	Jun 15 2013	1		II	Yes

Displayed 2 Colonial Water Bird Survey

Threatened and Endangered Waters

N/A

Managed Trout Streams

N/A

Bald Eagle Concentration Areas and Roosts

N/A

Bald Eagle Nests

N/A

Species Observations (18 records)

View Map of All Query Results Species Observations

obsID	class	Date Observed	Observer	N Species			View Map
				Different Species	Highest TE*	Highest Tier**	
603933	SppObs	Jun 30 2008	Jason Hill and Mike Hutch	6		III	Yes
616837	SppObs	Jul 31 2012	Jeff; Thompson	1			Yes
616836	SppObs	Jul 31 2012	Jeff; Thompson| Maureen; Fender	1			Yes
426744	SppObs	Sep 21 2007	VCU - INSTAR	5			Yes
303281	SppObs	May 28 2003	Alex Barron	4			Yes
55359	SppObs	May 27 1998	R. Browder, , DEQ	4			Yes
7641	SppObs	Nov 1 1994	LOU SEIVARD	5			Yes
60534	SppObs	Sep 7 1987	PAGUE, C A	1			Yes
366426	SppObs	Jan 1 1900		1			Yes
366405	SppObs	Jan 1 1900		1			Yes
28187	SppObs	Jan 1 1900	Mitchell, J. C.	1			Yes
26926	SppObs	Jan 1 1900	Mitchell, J. C.	1			Yes
366399	SppObs	Jan 1 1900		1			Yes
26879	SppObs	Jan 1 1900	Mitchell, J. C.	1			Yes
366398	SppObs	Jan 1 1900		1			Yes
26994	SppObs	Jan 1 1900	Mitchell, J. C.	1			Yes
366415	SppObs	Jan 1 1900		1			Yes
366411	SppObs	Jan 1 1900		1			Yes

Displayed 18 Species Observations

Habitat Predicted for Aquatic WAP Tier I & II Species

N/A

Habitat Predicted for Terrestrial WAP Tier I & II Species (3 Species)

View Map of Combined Terrestrial Habitat Predicted for 3 WAP Tier I & II Species Listed Below

ordered by Status Concern for Conservation

BOVA Code	Status*	Tier**	Common Name	Scientific Name	View Map
030013	SE	IIa	Rattlesnake, canebrake	Crotalus horridus	Yes
030067	CC	IIa	Terrapin, northern diamond-backed	Malaclemys terrapin terrapin	Yes
040105		IIb	Rail, king	Rallus elegans	Yes

Virginia Breeding Bird Atlas Blocks (1 records)

View Map of All Query Results
Virginia Breeding Bird Atlas Blocks

BBA ID	Atlas Quadrangle Block Name	Breeding Bird Atlas Species			View Map
		Different Species	Highest TE*	Highest Tier**	
61032	Kempsville, NE	3		II	Yes

Public Holdings:

N/A

Summary of BOVA Species Associated with Cities and Counties of the Commonwealth of Virginia:

FIPS Code	City and County Name	Different Species	Highest TE	Highest Tier
710	Norfolk City	445	FESE	I
810	Virginia Beach City	556	FESE	I

USGS 7.5' Quadrangles:
Kempsville
Princess Anne

USGS NRCS Watersheds in Virginia:

N/A

USGS National 6th Order Watersheds Summary of Wildlife Action Plan Tier I, II, III, and IV Species:

HU6 Code	USGS 6th Order Hydrologic Unit	Different Species	Highest TE	Highest Tier
AS12	Chesapeake Canal	84	FTSE	I
CB25	Lynnhaven River	97	FESE	I
CB26	Lower Chesapeake Bay-Little Creek	94	FESE	I
JL54	Eastern Branch Elizabeth River	91	FTSE	I

Compiled on 8/3/2023, 12:27:47 PM I1518507.0 report=all searchType= R dist= 3218 poi= 36,50,26.3 -76,08,57.0

PixelSize=64; Anadromous=0.020537; BBA=0.035806; BECAR=0.016956; Bats=0.016566; Buffer=0.060372; County=0.062211; HU6=0.077323; Impediments=0.017388; Init=0.088937; PublicLands=0.020899; Quad=0.040226; SppObs=0.253582; TEWaters=0.023253; TierReaches=0.037266; TierTerrestrial=0.130447; Total=1.14238; Tracking_BOVA=0.236303; Trout=0.020539; huva=0.040879

Site Location

36,50,26.5 -76,08,57.0
is **the Search Point**

Show Position Rings
(●) Yes ( ) No
1 mile and 1/4 mile at the **Search Point**

Show Search Area
(●) Yes ( ) No
2 Search distance miles radius

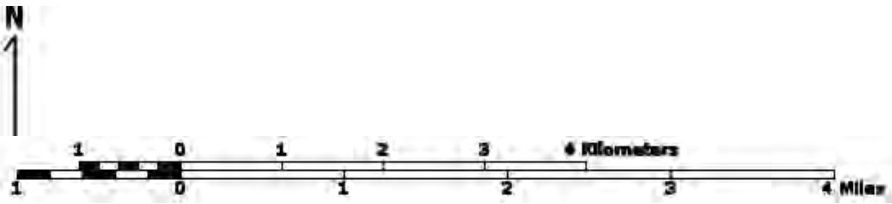
Search Point is at map center

Base Map Choices
Topography

Map Overlay Choices
Current List: Position, Search, BECAR, BAEANests, TEWaters, TierII, Habitat, Trout, Anadromous

Refresh Browser Page

Map Click: Pan Id M | Map Scale: In Zoom Out | Screen Size: Small Size Big | Help



Point of Search 36,50,26.5 -76,08,57.0
Map Location 36,50,26.5 -76,08,57.0

Select **Coordinate System:**
(●) Degrees,Minutes,Seconds Latitude - Longitude
( ) Decimal Degrees Latitude - Longitude
( ) Meters UTM NAD83 East North Zone
( ) Meters UTM NAD27 East North Zone

Base Map source: USGS 1:100,000 topographic maps (see Microsoft terraserver-usa.com for details)

Map projection is UTM Zone 18 NAD 1983 with left 392739 and top 4082616. Pixel size is 16 meters . Coordinates displayed are Degrees, Minutes, Seconds North and West. Map is currently displayed as 600 columns by 600 rows for a total of 360000 pixles. The map display represents 9600 meters east to west by 9600 meters north to south for a total of 92.1 square kilometers. The map display represents 31501 feet east to west by 31501 feet north to south for a total of 35.5

Map Overlay Legend

T & E Waters

Federal

State

Predicted Habitat WAP Tier I & II

Aquatic

Terrestrial

Trout Waters

Class I - IV

Class V - VI

Anadromous Fish Reach

Confirmed

Potential

Impediment

Position Rings 1 mile and 1/4 mile at the Search Point

2 mile radius Search Area

Bald Eagle Concentration Areas and Roosts

square miles.

Topographic maps and Black and white aerial photography for year 1990+-
are from the United States Department of the Interior, United States Geological Survey.
Color aerial photography aquired 2002 is from Virginia Base Mapping Program, Virginia Geographic Information Network.
Shaded topographic maps are from TOPO! ©2006 National Geographic
http://www.national.geographic.com/topo
All other map products are from the Commonwealth of Virginia Department of Wildlife Resources.

map assembled 2023-08-16 09:44:32 (qa/qc March 21, 2016 12:20 - tn=1521573.0 dist=3218 I)
$poi=36.8406944 -76.1491667

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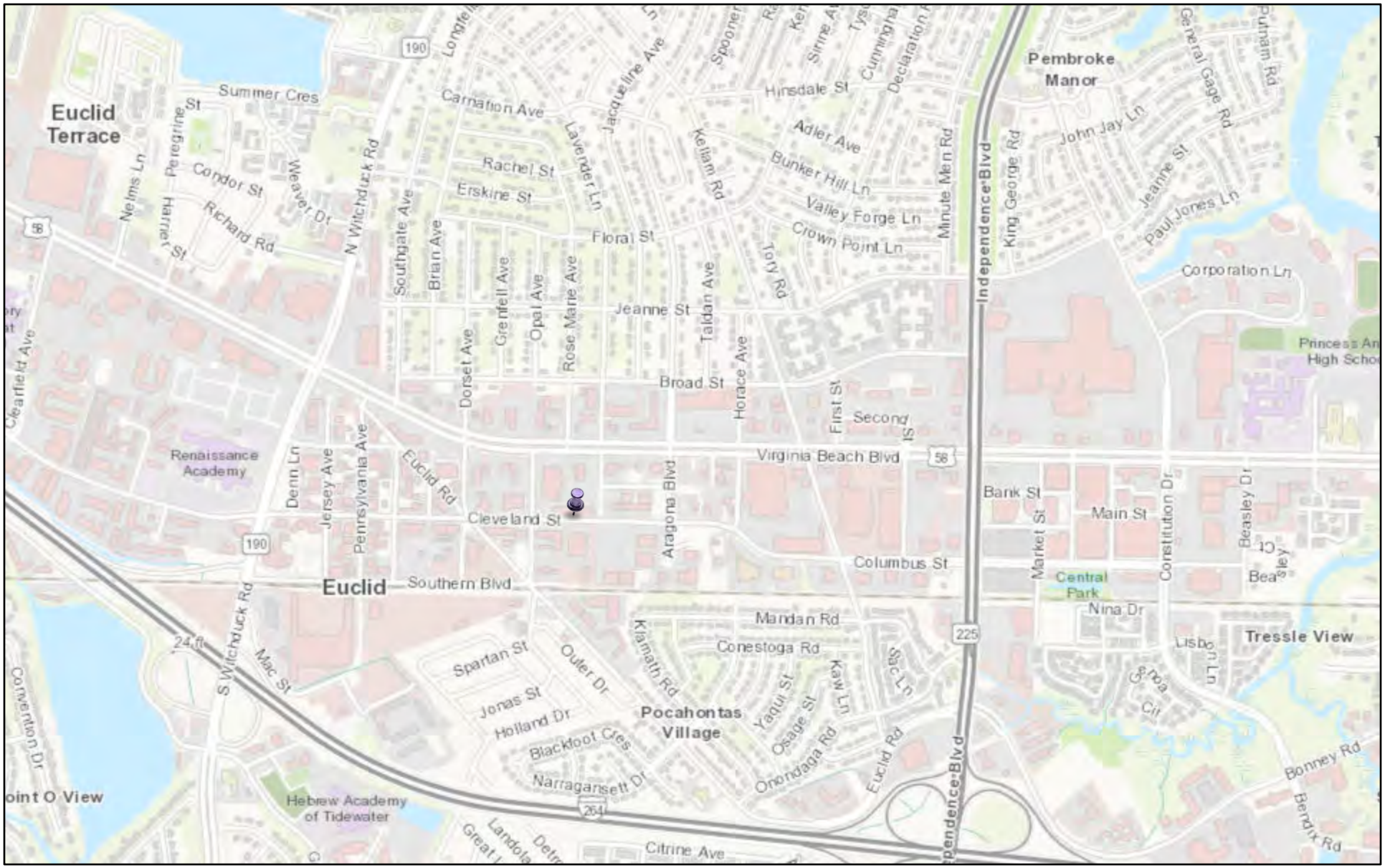
NLEB Locations and Roost Trees



8/3/2023, 11:08:36 AM

1:18,056

0 0.13 0.25 0.5 mi

0 0.17 0.35 0.7 km

City of Chesapeake, City of Virginia Beach, VITA, Esri, HERE, Garmin, INCREMENT P, USGS, METI/NASA, EPA, USDA

VA Dept. Game & Inland Fisheries

City of Chesapeake, City of Virginia Beach, VITA, Esri, HERE, Garmin, INCREMENT P, USGS, METI/NASA, EPA, USDA |

MYLU PESU Habitat

8/3/2023, 11:07:25 AM

1:18,056

0 0.13 0.25 0.5 mi

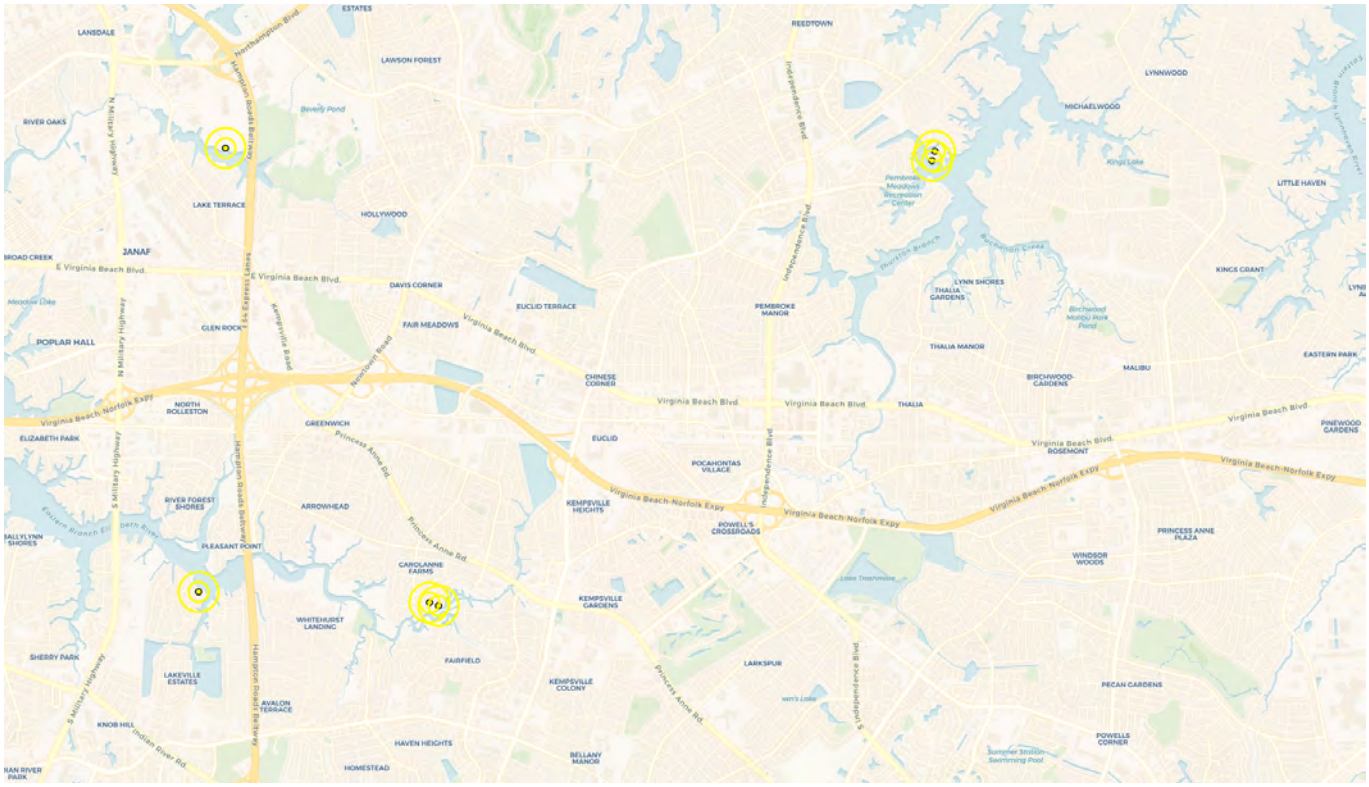
0 0.17 0.35 0.7 km

City of Chesapeake, City of Virginia Beach, VITA, Esri, HERE, Garmin, INCREMENT P, USGS, METI/NASA, EPA, USDA

Dept. Game and Inland Fisheries

City of Chesapeake, City of Virginia Beach, VITA, Esri, HERE, Garmin, INCREMENT P, USGS, METI/NASA, EPA, USDA |

CCB Mapping Portal



Layers: VA Eagle Nest Locator, VA Eagle Nest Buffers

Map Center [longitude, latitude]: [-76.14263534545898, 36.844598115486484]

Map Link:
https://www.ccbbirds.org/maps/#layer=VA+Eagle+Nest+Locator&layer=VA+Eagle+Nest+Buffers&zoom=14&lat=36.844598115486484&lng=-76.14263534545898&legend=legend_tab_7c321b7e-e523-11e4-aaa0-0e0c41326911&base=Street+Map+%28OSM%2FCarto%29

Report Generated On: 08/03/2023

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August 2025
VDCR Review

Department of Conservation & Recreation
CONSERVING VIRGINIA'S NATURAL & RECREATIONAL RESOURCES

Web Project ID: WEB0000025969

Client Project Number: UPC 110803 & Kimley-Horn 116049105

PROJECT INFORMATION

TITLE: Cleveland Street Phase IV Improvements

DESCRIPTION: The City of Virginia Beach is planning improvements along the Cleveland Street corridor from Witchduck Road to Independence Boulevard in Virginia Beach, Virginia. The project will include the construction of a three-lane undivided roadway within a variable width of 70' to 80-foot right-of-way between Witchduck Road and Independence Boulevard for approximately 1.2 miles. The intersection of Cleveland Street, Dorset Avenue, and Euclid Road will be realigned and reconfigured to a singlelane roundabout aligning Dorset Avenue to Southern Boulevard. The proposed improvements will provide 4' to 5-foot on-road bicycle lanes and 8-foot wide shared-use paths along both sides of Cleveland Street, as well as aesthetic improvements including a landscaped verge area to enhance the roadway corridor. The existing aerial utilities will be relocated to a new overhead location and LED streetlights will be provided throughout the corridor. The proposed improvements will also include the replacement of the traffic signal at Kellam Road and the emergency traffic signal at Virginia Beach Fire Station #7, as well as traffic signal modifications at Witchduck Road and Independence Boulevard.

EXISTING SITE CONDITIONS: Roadways, grasses, trees, buildings

QUADRANGLES: Kempsville

COUNTIES: City of Virginia Beach

Latitude/Longitude (DMS): 36° 50' 30.9020" N / 76° 8' 51.5935" W

Acreage: 34 acres

Comments:

Instream Activity: Yes - Instream Impact Required

Major Ground Disturbing Activities: Excavation/Trenching/Topsoil Stripping/Clearing/Grubbing; Road and development construction including stormwater management pond

Minor Ground Disturbing Activities: Aerial Electrical Line Replacement (no pole replacement); Hand Digging; Manual tree removal with chainsaw; Plantings with no excavation

REQUESTOR INFORMATION

Priority: N

Tier Level: Tier I

Tax ID:

Contact Name: Alec Gatewood

Company Name: Kimley-Horn

Address: 4525 Main Street Suite 1000

City: Virginia Beach

State: VA

Zip: 23462

Phone: 3703140212

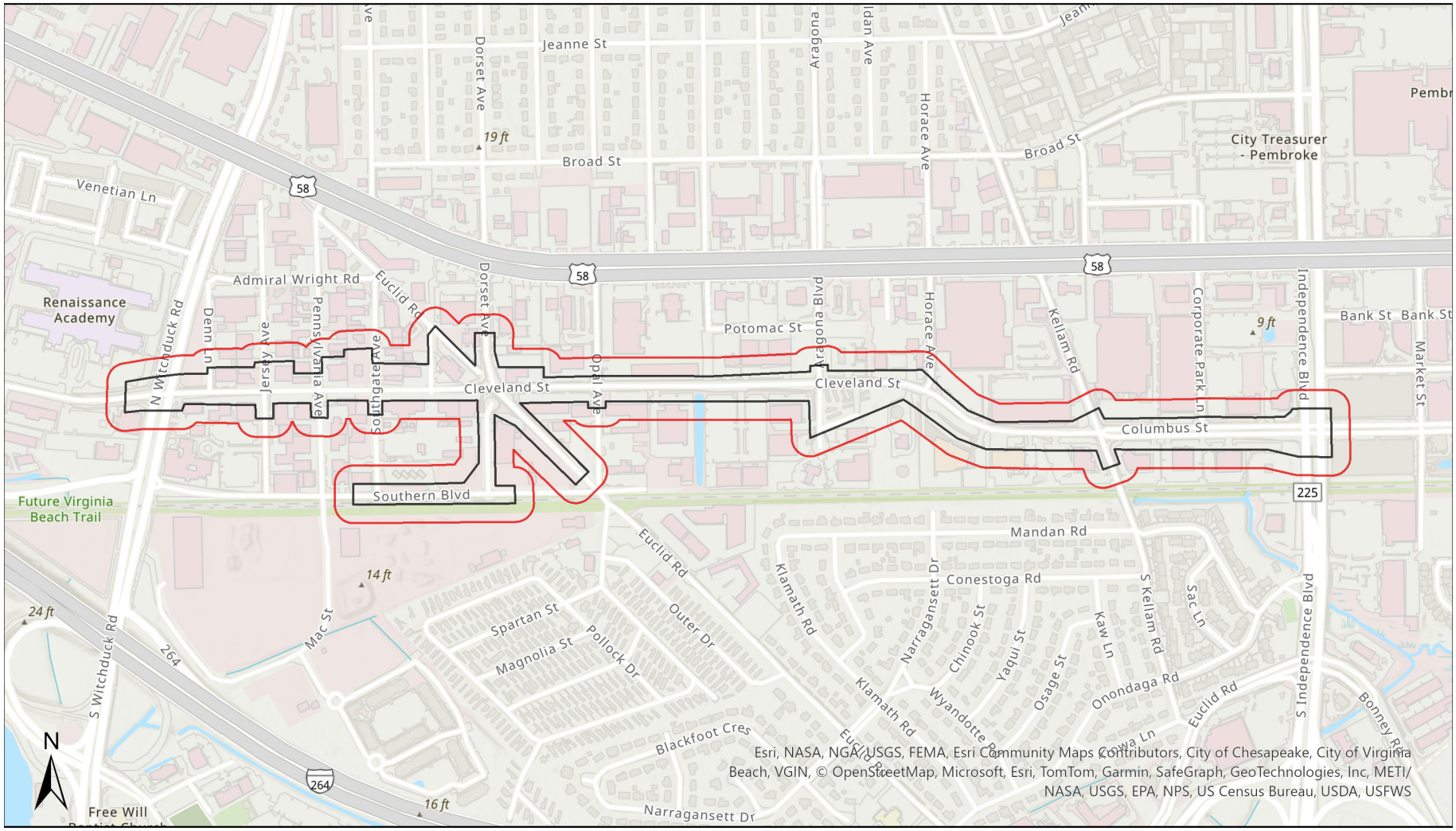
Fax:

Email: alec.gatewood@kimley-horn.com

Conservation Site	Site Type	Brank	Acreage	Listed Species Presence	Essential Conservation Site?	Land Conservation Priorities
Natural Heritage Screening Features Intersecting Project Boundary						

Intersecting Predictive Models
Predictive Model Results

Cleveland Street Phase IV Improvements



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Buffered Project Boundary

Project Boundary

0 0.1 0.2 0.4 Miles

Scale: 1:8,545

Quads: Kempsville

Counties: City of Virginia Beach

Company: Kimley-Horn

Lat/Long: 365030 / -760851

COMMONWEALTH of VIRGINIA

DEPARTMENT OF CONSERVATION AND RECREATION

The project mapped as part of this report has been searched against the Department of Conservation and Recreation's Biotics Data System for occurrences of natural heritage resources in the vicinity of the area indicated for this project. Natural heritage resources are defined as the habitat of rare, threatened, or endangered plant and animal species, unique or exemplary natural communities, and significant geologic formations.

According to the information currently in Biotics, natural heritage resources have not been documented within the submitted project boundary including a 100 foot buffer. In addition, the project area does not intersect any of the predictive models identifying potential habitat for natural heritage resources.

Under a Memorandum of Agreement established between the Virginia Department of Agriculture and Consumer Services (VDACS) and the Virginia Department of Conservation and Recreation (DCR), DCR represents VDACS in comments regarding potential impacts on state-listed threatened and endangered plant and insect species. The current activity will not affect any documented state-listed plants or insects.

Any absence of data may indicate that the project area has not been surveyed, rather than confirm that the area lacks additional natural heritage resources. New and updated information is continually added to Biotics. Please revisit this website or contact DCR for an update on this natural heritage information if a significant amount of time passes (DCR recommends no more than six months) before it is utilized.

The Virginia Department of Wildlife Resources maintains a database of wildlife locations, including threatened and endangered species, trout streams, and anadromous fish waters, that may contain information not documented in the Natural Heritage Data Explorer. Their database may be accessed from https://svcgis.dwr.virginia.gov/fwis/ or contact Lee Brann at Lee.Brann@dwr.virginia.gov.

Thank you for submitting your project to the Virginia Department of Conservation and Recreation's Natural Heritage Data Explorer Web Service. Based on the preliminary screening results for this project, no further correspondence will be sent from this office. Should you have any questions or concerns about this report, the Data Explorer, or other Virginia Natural Heritage Program services, please contact the Natural Heritage Project Review Unit at 804-371-2708.

August 2023
VDCR Comments

Department of Conservation & Recreation
CONSERVING VIRGINIA'S NATURAL & RECREATIONAL RESOURCES

Web Project ID: WEB0000020889

Client Project Number:

PROJECT INFORMATION

TITLE: Cleveland Street Phase IV

DESCRIPTION: The City of Virginia Beach is planning improvements along the Cleveland Street corridor from Witchduck Road to Independence Boulevard in Virginia Beach, Virginia. The project will include the construction of a three-lane undivided roadway within a variable width of 70' to 80-foot right-of-way between Witchduck Road and Independence Boulevard for a distance of approximately 1.2 miles. The intersection of Cleveland Street, Dorset Avenue, and Euclid Road will be realigned and reconfigured to a single-lane roundabout aligning Dorset Avenue to Southern Boulevard. The proposed improvements will provide 4' to 5-foot on-road bicycle lanes and 8-foot wide shared-use paths along both sides of Cleveland Street, as well as aesthetic improvements including a landscaped verge area to enhance the roadway corridor. The existing aerial utilities will be relocated to a new overhead location and LED streetlights will be provided throughout the corridor. The proposed improvements will also include replacement of the traffic signal at Kellam Road and the emergency traffic signal at Virginia Beach Fire Station #7, as well as traffic signal modifications at Witchduck Road and Independence Boulevard.

EXISTING SITE CONDITIONS: Densely Developed

QUADRANGLES: Kempsville

COUNTIES: City of Virginia Beach

Latitude/Longitude (DMS): 36° 50' 29.2589" N / 76° 8' 52.2938" W

Acreage: 86 acres

Comments:

REQUESTOR INFORMATION

Priority: N **Tier Level:** Tier I **Tax ID:**

Contact Name: Tammy Fox

Company Name: Kimley-Horn and Associates, Inc.

Address: 4525 Main Street Suite 1000

City: Virginia Beach

State: VA

Zip: 23462

Phone: 7573556651

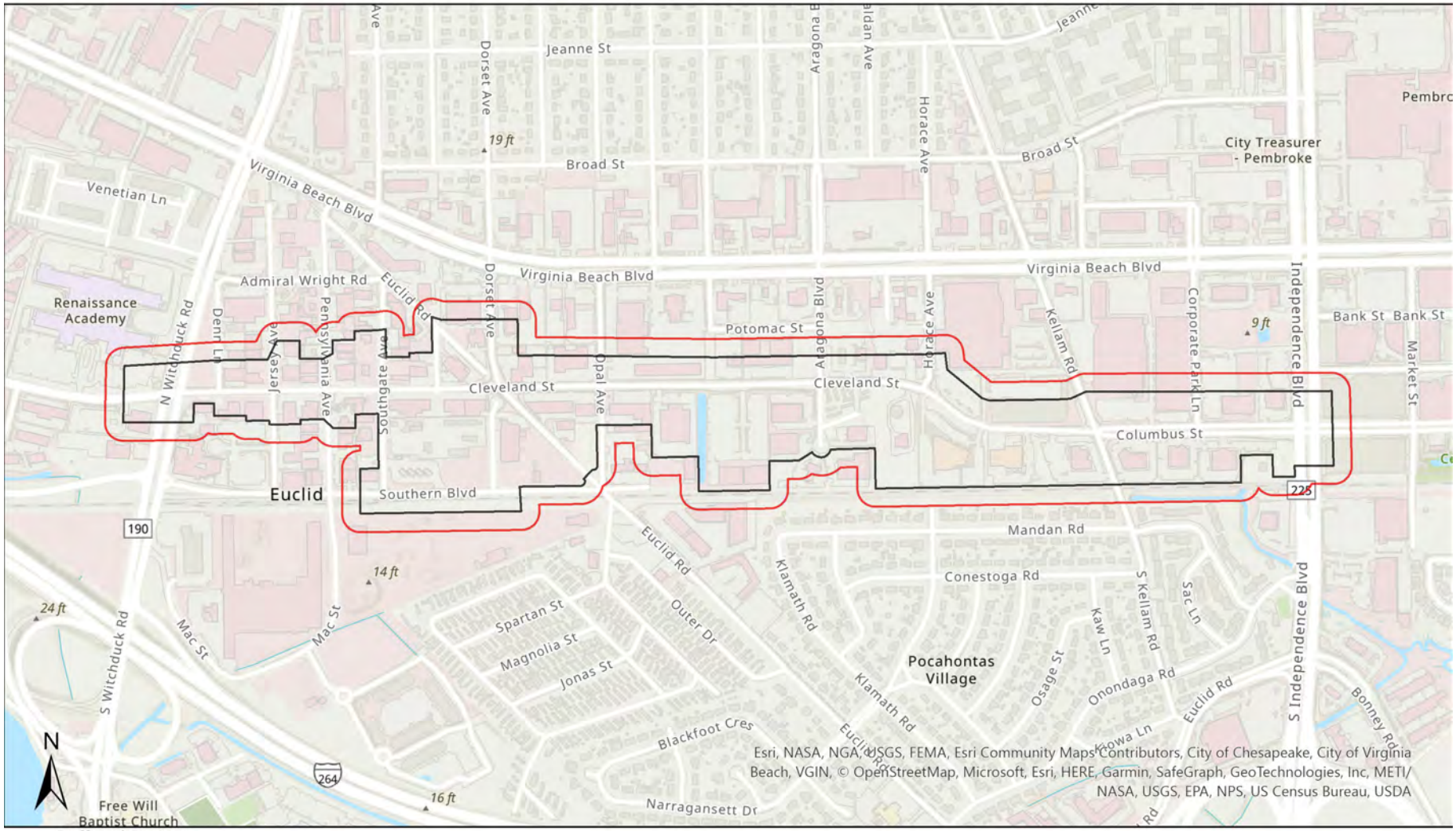
Fax:

Email: tammy.fox@kimley-horn.com

Conservation Site	Site Type	Brank	Acreage	Listed Species Presence	Essential Conservation Site?
Natural Heritage Screening Features Intersecting Project Boundary					

Intersecting Predictive Models
Predictive Model Results

Cleveland Street Phase IV



Buffered Project Boundary

Project Boundary

0 0.07 0.15 0.3 Miles

Scale: 1:8,667

Quads: Kempsville

Counties: City of Virginia Beach

Company: Kimley-Horn and Associates, Inc.

Lat/Long: 365029 / -760852

COMMONWEALTH of VIRGINIA

DEPARTMENT OF CONSERVATION AND RECREATION

The project mapped as part of this report has been searched against the Department of Conservation and Recreation's Biotics Data System for occurrences of natural heritage resources in the vicinity of the area indicated for this project. Natural heritage resources are defined as the habitat of rare, threatened, or endangered plant and animal species, unique or exemplary natural communities, and significant geologic formations.

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