

## APPENDIX 6 – Endangered Species

United States Department of Interior Documentation from Joint Permit Application  
Revised Nationwide Permit Application cover letter highlighting actions to reduce impact



## United States Department of the Interior

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



In Reply Refer To:  
Project Code: 2022-0026968  
Project Name: Dick and Willie Trail

April 01, 2022

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

### To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*). Any activity proposed on National Wildlife Refuge lands must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

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

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

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

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Project Code in the header of this

---

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

Attachment(s):

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

## Official Species List

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

This species list is provided by:

**Virginia Ecological Services Field Office**

6669 Short Lane

Gloucester, VA 23061-4410

(804) 693-6694

---

## Project Summary

Project Code: 2022-0026968

Event Code: None

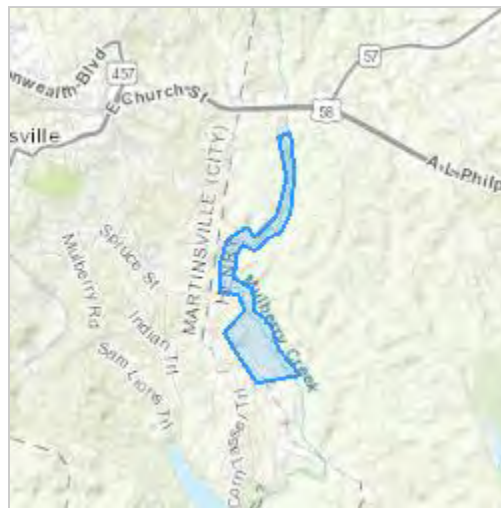
Project Name: Dick and Willie Trail

Project Type: Recreation - Maintenance / Modification

Project Description: Dick & Willie Passage Phase 6A Trail Project in Henry County.

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@36.678633149999996,-79.84109486822469,14z>



Counties: Henry and Martinsville counties, Virginia

---

## Endangered Species Act Species

There is a total of 2 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<sup>1</sup>, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

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

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

## Mammals

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

## Insects

NAME	STATUS
Monarch Butterfly <i>Danaus plexippus</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/9743">https://ecos.fws.gov/ecp/species/9743</a>	Candidate

## Critical habitats

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

---

# USFWS National Wildlife Refuge Lands And Fish Hatcheries

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

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

---



# Migratory Birds

Certain birds are protected under the Migratory Bird Treaty Act<sup>1</sup> and the Bald and Golden Eagle Protection Act<sup>2</sup>.

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
Red-headed Woodpecker <i>Melanerpes erythrocephalus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 10 to Sep 10
Wood Thrush <i>Hylocichla mustelina</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 10 to Aug 31

## Probability Of Presence Summary

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read and understand the

---

FAQ "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

### Probability of Presence (■)

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

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

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

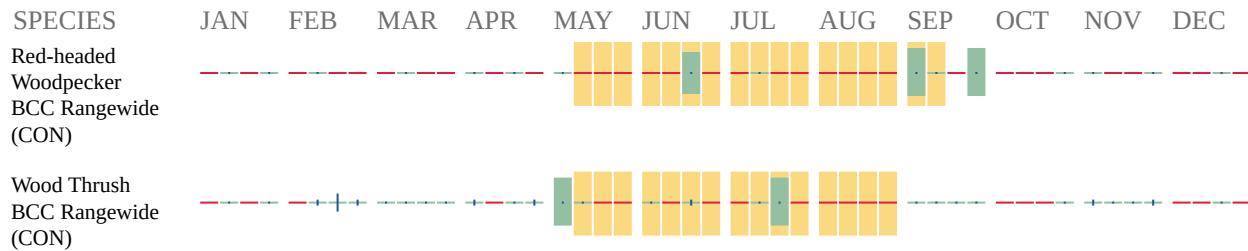
Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

### 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.



Additional information can be found using the following links:

- Birds of Conservation Concern <http://www.fws.gov/birds/management/managed-species/birds-of-conservation-concern.php>
- Measures for avoiding and minimizing impacts to birds <http://www.fws.gov/birds/management/project-assessment-tools-and-guidance/conservation-measures.php>
- Nationwide conservation measures for birds <http://www.fws.gov/migratorybirds/pdf/management/nationwidestandardconservationmeasures.pdf>

## Migratory Birds FAQ

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

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

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

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

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

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

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

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

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

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

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

### **What are the levels of concern for migratory birds?**

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

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

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

### **Details about birds that are potentially affected by offshore projects**

For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the [Northeast Ocean Data Portal](#). The Portal also offers data and information about other taxa besides

---

birds that may be helpful to you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the [NOAA NCCOS Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf](#) project webpage.

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

### **What if I have eagles on my list?**

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

### **Proper Interpretation and Use of Your Migratory Bird Report**

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

---

**Species Conclusion Table**

Project Name: Dick & Willie Trail Phase 6A - EN-15-044-035, P101, R201, M501, UPC: 107519, TAP-044-2(056)

Date: April 1, 2022

Prepared by: Ben Leatherland and Lauren White, Hurt & Proffitt

Species / Resource Name	Conclusion	ESA Section 7 / Eagle Act Determination	Notes / Documentation
Northern long-eared bat ( <i>Myotis septentrionalis</i> ), FT	Potential habitat present	May affect, not likely to adversely affect	No tree clearing is proposed during the April 15-September 15 time-of-year restriction (TOYR) period. Proposed trail corridor is within an existing/maintained (mowed) sanitary sewer line easement.
Critical Habitat	No critical habitat present		Per USFWS IPaC Official Species List, there are no critical habitats within the project area under USFWS Northeast region's jurisdiction.

VaFWIS Search Report

Compiled on 4/1/2022, 11:07:15 AM

Known or likely to occur within a 2 mile radius around point 36,37,26.4 -79,47,09.2 in 089 Henry County, VA

[View Map of Site Location](#)

[Help](#)

376 Known or Likely Species ordered by Status Concern for Conservation  
(displaying first 20) (15 species with Status\* or Tier I\*\* or Tier II\*\* )

BOVA Code	Status*	Tier**	Common Name	Scientific Name	Confirmed	Database(s)
060017	FESE	Ia	<a href="#">Spinymussel, James.</a>	Parvaspina collina		BOVA
010214	FESE	Ila	<a href="#">Logperch, Roanoke.</a>	Percina rex	Yes	BOVA,TEWaters,Habitat,SppObs,HU6
050022	FTST	Ia	<a href="#">Bat, northern long-eared.</a>	Myotis septentrionalis		BOVA
050020	SE	Ia	<a href="#">Bat, little brown.</a>	Myotis lucifugus		BOVA,HU6
050027	SE	Ia	<a href="#">Bat, tri-colored.</a>	Perimyotis subflavus		BOVA
040293	ST	Ia	<a href="#">Shrike, loggerhead.</a>	Lanius ludovicianus		BOVA
010127	ST	IIb	<a href="#">Madtom, orangefin.</a>	Noturus gilberti	Yes	BOVA,TEWaters
040292	ST		<a href="#">Shrike, migrant loggerhead.</a>	Lanius ludovicianus migrans		BOVA
030012	CC	IVa	<a href="#">Rattlesnake, timber.</a>	Crotalus horridus		BOVA,HU6
010174		Ia	<a href="#">Bass, Roanoke.</a>	Ambloplites cavifrons	Yes	BOVA,Habitat,SppObs,HU6
040052		Ila	<a href="#">Duck, American black.</a>	Anas rubripes		BOVA,HU6
040320		Ila	<a href="#">Warbler, cerulean.</a>	Setophaga cerulea		BOVA,HU6
040140		Ila	<a href="#">Woodcock, American.</a>	Scolopax minor		BOVA,HU6
040203		IIb	<a href="#">Cuckoo, black-billed.</a>	Coccyzus erythrophthalmus		BOVA
040105		IIb	<a href="#">Rail, king.</a>	Rallus elegans		BOVA
010131		IIIa	<a href="#">Eel, American.</a>	Anguilla rostrata		BOVA
030068		IIIa	<a href="#">Turtle, woodland box.</a>	Terrapene carolina carolina		BOVA,HU6
040100		IIIa	<a href="#">Bobwhite, northern.</a>	Colinus virginianus	Potential	BOVA,BBA,HU6
040202		IIIa	<a href="#">Cuckoo, yellow-billed.</a>	Coccyzus americanus	Potential	BOVA,BBA,HU6
040099		IIIa	<a href="#">Grouse, ruffed.</a>	Bonasa umbellus		BOVA

To view All 376 species [View 376](#)

\*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 Wildlife 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

N/A

Impediments to Fish Passage

N/A

Colonial Water Bird Survey

N/A

Threatened and Endangered Waters ( 13 Reaches )

[View Map of All Threatened and Endangered Waters](#)

Stream Name	T&E Waters Species						View Map
	Highest TE*	BOVA Code, Status*, Tier**, Common & Scientific Name					
<a href="#">Smith River (0329953)</a>	FESE	010127	ST	IIb	<a href="#">Madtom, orangefin.</a>	Noturus gilberti	<a href="#">Yes</a>
		010214	FESE	Ila	<a href="#">Logperch, Roanoke</a>	Percina rex	
<a href="#">Smith River (0329964)</a>	FESE	010127	ST	IIb	<a href="#">Madtom, orangefin.</a>	Noturus gilberti	<a href="#">Yes</a>
		010214	FESE	Ila	<a href="#">Logperch, Roanoke</a>	Percina rex	
<a href="#">Smith River (0330185)</a>	FESE	010127	ST	IIb	<a href="#">Madtom, orangefin.</a>	Noturus gilberti	<a href="#">Yes</a>
		010214	FESE	Ila	<a href="#">Logperch, Roanoke</a>	Percina rex	
<a href="#">Smith River (0330192)</a>	FESE	010127	ST	IIb	<a href="#">Madtom, orangefin.</a>	Noturus gilberti	<a href="#">Yes</a>
		010214	FESE	Ila	<a href="#">Logperch, Roanoke</a>	Percina rex	
<a href="#">Smith River (0331357)</a>	FESE	010127	ST	IIb	<a href="#">Madtom, orangefin.</a>	Noturus gilberti	<a href="#">Yes</a>
		010214	FESE	Ila	<a href="#">Logperch, Roanoke</a>	Percina rex	
<a href="#">Smith River (0332596)</a>	FESE	010127	ST	IIb	<a href="#">Madtom, orangefin.</a>	Noturus gilberti	<a href="#">Yes</a>
		010214	FESE	Ila	<a href="#">Logperch, Roanoke</a>	Percina rex	
<a href="#">Smith River (0332619)</a>	FESE	010127	ST	IIb	<a href="#">Madtom, orangefin.</a>	Noturus gilberti	<a href="#">Yes</a>
		010214	FESE	Ila	<a href="#">Logperch, Roanoke</a>	Percina rex	
<a href="#">Smith River (0332754)</a>	FESE	010127	ST	IIb	<a href="#">Madtom, orangefin.</a>	Noturus gilberti	<a href="#">Yes</a>
		010214	FESE	Ila	<a href="#">Logperch, Roanoke</a>	Percina rex	
<a href="#">Smith River (0335629)</a>	FESE	010127	ST	IIb	<a href="#">Madtom, orangefin.</a>	Noturus gilberti	<a href="#">Yes</a>
		010214	FESE	Ila	<a href="#">Logperch, Roanoke</a>	Percina rex	
<a href="#">Smith River (0340240)</a>	FESE	010127	ST	IIb	<a href="#">Madtom, orangefin.</a>	Noturus gilberti	<a href="#">Yes</a>
		010214	FESE	Ila	<a href="#">Logperch, Roanoke</a>	Percina rex	
<a href="#">Smith River (0341663)</a>	FESE	010127	ST	IIb	<a href="#">Madtom, orangefin.</a>	Noturus gilberti	<a href="#">Yes</a>

		010214	FESE	Ila	<a href="#">Logperch, Roanoke</a>	Percina rex	
<a href="#">Smith River (0341780)</a>	FESE	010127	ST	IIb	<a href="#">Madtom, orangefin</a>	Noturus gilberti	Yes
		010214	FESE	Ila	<a href="#">Logperch, Roanoke</a>	Percina rex	
<a href="#">Smith River (0347394)</a>	FESE	010127	ST	IIb	<a href="#">Madtom, orangefin</a>	Noturus gilberti	Yes
		010214	FESE	Ila	<a href="#">Logperch, Roanoke</a>	Percina rex	

Managed Trout Streams

N/A

Bald Eagle Concentration Areas and Roosts

N/A

Bald Eagle Nests

N/A

Species Observations ( 21 records - displaying first 20 , 2 Observations 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**	
<a href="#">622501</a>	SppObs	Oct 13 2014	Greg; Anderson  Brandon; Plunkett  AJ; Barnard  Zoey; Car	16	FESE	II	<a href="#">Yes</a>
<a href="#">55295</a>	SppObs	Sep 21 1998	Scott Smith, VDGIF	1	FESE	II	<a href="#">Yes</a>
<a href="#">315310</a>	SppObs	Jul 1 1999	DEQ	22		I	<a href="#">Yes</a>
<a href="#">65923</a>	SppObs	Jun 4 2002	Aaron Liberty, Brett Ostby, and Melissa Petty (collectors)	8		IV	<a href="#">Yes</a>
<a href="#">67341</a>	SppObs	Jun 4 2002	RICHARD NEVES AND MELLISSA PETTY, VA COOPERATIVE FISH AND WILDLIFE RESEARCH UNIT	7		IV	<a href="#">Yes</a>
<a href="#">67342</a>	SppObs	Jun 4 2002	RICHARD NEVES AND MELLISSA PETTY, VA COOPERATIVE FISH AND WILDLIFE RESEARCH UNIT	9		IV	<a href="#">Yes</a>
<a href="#">335855</a>	SppObs	Jan 1 1977	ACE-B-ARMY CORP. ENGIN.	8		IV	<a href="#">Yes</a>
<a href="#">29278</a>	SppObs	Jan 1 1900	Mitchell, J. C.	1		IV	<a href="#">Yes</a>
<a href="#">623745</a>	SppObs	Sep 22 2014	Greg; Anderson  Brandon; Plunkett  AJ; Barnard  Zoey ; Ca	19			<a href="#">Yes</a>
<a href="#">623319</a>	SppObs	Aug 25 2014	Greg; Anderson  Brandon; Plunkett  Zoey; Carol  Beatric	13			<a href="#">Yes</a>
<a href="#">622373</a>	SppObs	Aug 11 2014	Greg; Anderson  Brandon; Plunkett  Lillian ; Shermerhor	17			<a href="#">Yes</a>
<a href="#">623738</a>	SppObs	Jul 7 2014	Greg; Anderson  Brandon; Plunkett  Lillian ; Shermerhor	7			<a href="#">Yes</a>
<a href="#">622369</a>	SppObs	Jul 7 2014	Greg; Anderson  Brandon; Plunkett  Lillian ; Shermerhor	8			<a href="#">Yes</a>
<a href="#">65922</a>	SppObs	May 24 2002	John McLeod, Brett Ostby, and Melissa Petty (collectors)	3			<a href="#">Yes</a>
<a href="#">15406</a>	SppObs	Jun 25 1981	BURKHEAD	16			<a href="#">Yes</a>
<a href="#">337023</a>	SppObs	Jan 1 1981	NMB-B-BURKHEAD	16			<a href="#">Yes</a>
<a href="#">15239</a>	SppObs	Jul 23 1979	PETRIMOULX	10			<a href="#">Yes</a>
<a href="#">336705</a>	SppObs	Jan 1 1979	HJP-B-PETRIMOULX	10			<a href="#">Yes</a>
<a href="#">10513</a>	SppObs	Jul 26 1977	Frankenstein	13			<a href="#">Yes</a>
<a href="#">335856</a>	SppObs	Jan 1 1977	ACE-B-ARMY CORP. ENGIN.	13			<a href="#">Yes</a>

Displayed 20 Species Observations

Selected 21 Observations [View all 21 Species Observations](#)

Habitat Predicted for Aquatic WAP Tier I & II Species ( 9 Reaches ) [View Map Combined Reaches from Below of Habitat Predicted for WAP Tier I & II Aquatic Species](#)

Stream Name	Tier Species							View Map
	Highest TE *	BOVA Code, Status *, Tier **, Common & Scientific Name						
Cobbs Creek (30101031)	FESE	010214	FESE	Ila	<a href="#">Logperch, Roanoke</a>	Percina rex		<a href="#">Yes</a>
Fall Creek (30101031)	FESE	010214	FESE	Ila	<a href="#">Logperch, Roanoke</a>	Percina rex		<a href="#">Yes</a>
Fall Creek (30101032)	FESE	010214	FESE	Ila	<a href="#">Logperch, Roanoke</a>	Percina rex		<a href="#">Yes</a>
Leatherwood Creek (30101031)	FESE	010174		Ia	<a href="#">Bass, Roanoke</a>	Ambloplites cavifrons		<a href="#">Yes</a>
		010214	FESE	Ila	<a href="#">Logperch, Roanoke</a>	Percina rex		
Leatherwood Creek (30101031)	FESE	010214	FESE	Ila	<a href="#">Logperch, Roanoke</a>	Percina rex		<a href="#">Yes</a>
Leatherwood Creek (30101032)	FESE	010174		Ia	<a href="#">Bass, Roanoke</a>	Ambloplites cavifrons		<a href="#">Yes</a>
		010214	FESE	Ila	<a href="#">Logperch, Roanoke</a>	Percina rex		
Smith River (30101031)	FESE	010174		Ia	<a href="#">Bass, Roanoke</a>	Ambloplites cavifrons		<a href="#">Yes</a>
		010214	FESE	Ila	<a href="#">Logperch, Roanoke</a>	Percina rex		
		010432			<a href="#">Madtom, spotted-margin</a>	Noturus insignis ssp 1		
Smith River (30101031)	FESE	010174		Ia	<a href="#">Bass, Roanoke</a>	Ambloplites cavifrons		<a href="#">Yes</a>
		010214	FESE	Ila	<a href="#">Logperch, Roanoke</a>	Percina rex		
Smith River (30101032)	FESE	010174		Ia	<a href="#">Bass, Roanoke</a>	Ambloplites cavifrons		<a href="#">Yes</a>
		010214	FESE	Ila	<a href="#">Logperch, Roanoke</a>	Percina rex		
Smith River (30101032)	FESE	010174		Ia	<a href="#">Bass, Roanoke</a>	Ambloplites cavifrons		<a href="#">Yes</a>
		010214	FESE	Ila	<a href="#">Logperch, Roanoke</a>	Percina rex		

Habitat Predicted for Terrestrial WAP Tier I & II Species

N/A

Virginia Breeding Bird Atlas Blocks ( 2 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**	



32026	<a href="#">Martinsville East, SE</a>	60		III	<a href="#">Yes</a>
32025	<a href="#">Martinsville East, SW</a>	1			<a href="#">Yes</a>

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
089	<a href="#">Henry</a>	329	FESE	I

USGS 7.5' Quadrangles:

Northwest Eden  
Martinsville East  
Northeast Eden  
Axton

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
RD26	<a href="#">Smith River-Mulberry Creek</a>	48	FESE	I
RD29	<a href="#">Lower Leatherwood Creek</a>	46	FESE	I
RD30	<a href="#">Smith River-Fall Creek</a>	47	FESE	I

Compiled on 4/1/2022, 11:07:15 AM 1117414210 report=all searchType=R dist= 3218.688 poi= 36,37,26.4 -79,47,89.2  
PntcSize=64; Anadromous=0.019093; BBA=0.037824; BECAR=0.017962; Bat=0.017997; Buffer=0.077529; County=0.056599; HU6=0.064634; Impedimnts=0.01801; Int=0.109705; PublicLands=0.021755; Quad=0.035504; SppObs=0.240317; TEWaters=0.031531; TierReacher=0.056865; TierTerrestrial=0.101856; Total=1.044326; Tracking\_BOVA=0.150236; Trout=0.027994; Inva=0.032638

# Natural Heritage Resources

## Your Criteria

Watershed (8 digit HUC): 03010103 - Upper Dan River

Subwatershed (12 digit HUC): RD26 - Smith River-Mulberry Creek

Search Run: 4/1/2022 11:22:30 AM

## Result Summary

Total Species returned: 2

Total Communities returned: 1

Click scientific names below to go to NatureServe report.

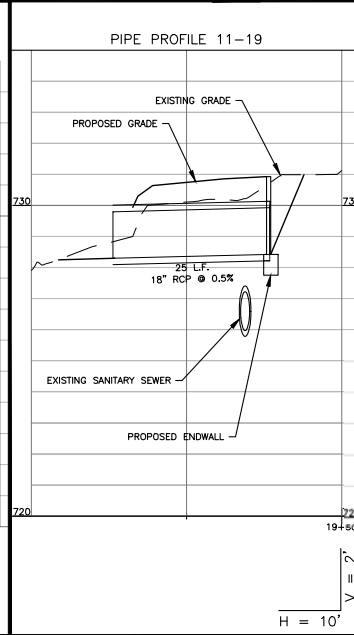
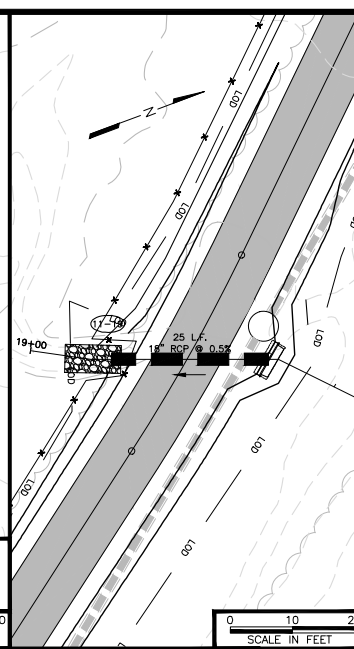
Click column headings for an explanation of species and community ranks.

Common Name/Natural Community	Scientific Name	Scientific Name Linked	<a href="#">Global Conservation Status Rank</a>	<a href="#">State Conservation Status Rank</a>	<a href="#">Federal Legal Status</a>	<a href="#">State Legal Status</a>	Statewide Occurrences	Virginia Coastal Zone
<b>Upper Dan</b>								
Smith River-Mulberry Creek								
TERRESTRIAL NATURAL COMMUNITY								
Northern Coastal Plain / Piedmont Oak - Beech / Heath Forest	Fagus grandifolia - Quercus (alba, montana, rubra) / Kalmia latifolia Forest	<a href="#">Fagus grandifolia - Quercus (alba, montana, rubra) / Kalmia latifolia Forest</a>	G4	S3	None	None	21	N
VASCULAR PLANTS								
Sweet-shrub	Calycanthus floridus	<a href="#">Calycanthus floridus</a>	G5	S1	None	None	11	N
Carolina alumroot	Heuchera caroliniana	<a href="#">Heuchera caroliniana</a>	G3	S1	None	None	1	N

**Note:** On-line queries provide basic information from DCR's databases at the time of the request. They are NOT to be substituted for a project review or for on-site surveys required for environmental assessments of specific project areas.

**For Additional Information** on locations of Natural Heritage Resources please submit an [information request](#).

**To Contribute information** on locations of natural heritage resources, please fill out and submit a [rare species sighting form](#).




# STORM PLAN AND PROFILE

## THE DICK & WILLIE PASSAGE


HENRY COUNTY, VA

# HURT & PROFFITT



1861 PRATT DRIVE, SUITE 1100  
 BLACKSBURG, VIRGINIA 24606  
 800.717.7677 540.552.5592 FAX  
 540.552.5592 MAIN  
 540.552.5592 CELL  
 CONSTRUCTION SERVICES • LAND SURVEYING • ENVIRONMENTAL SERVICES  
 GEOTECHNICAL ENGINEERING • TESTING IN VIRGINIA • CONSTRUCTION SERVICES

PROJECT NO.	20171173
LAT.	
LONG	
DATE:	27 March 2020
DRAWN BY:	AWM, THW
CHECKED BY:	SES



Revisions	
1	25 June 2020
2	10 August 2020

**SHEET NO.**

30

April 1, 2022

Beth Howell, VMRC  
380 Fenwick Road  
Ft. Monroe, VA 23651

**RE: Dick & Willie Passage Trail Project (Phase 6A)**  
**EN-15-044-035, P101, R201, M501, UPC: 107519, TAP-044-2(056)**  
**Non-Tidal Joint Permit Application (revised)**  
**Henry County and Martinsville, Virginia**  
**H&P Project 20171773**

Dear Beth,

Attached, please find a non-tidal Joint Permit Application (JPA) for the proposed Dick & Willie Passage Phase 6A Trail Project in Henry County (east of Martinsville). Please review this JPA, distribute to appropriate regulatory agencies for review and permitting, and call with any questions. No impacts to stream channels with watersheds larger than five square miles are proposed.

*Proposed Project*

The proposed project will involve construction of a new 10,742' Dick & Willie Passage Trail segment and 1,461' sidewalk connection (Phase 6A). This new trail section will extend from Dick & Willie Passage Trail Phase 5 (to the north) to the Spruce Street trailhead (to the south). To help minimize impacts and maintenance issues, the new trail will be located primarily within an existing cleared sanitary sewer line easement along the east side of Mulberry Creek. Due to its location within the Mulberry Creek floodplain, some culvert/piping (and culvert outlet riprap apron) impacts to tributaries and small adjacent wetland areas will be unavoidable. One aerial bridge crossing of Mulberry Creek is also planned near the southern / downstream terminus of this trail segment. The adjacent first-order tributary streams all have drainage areas less than 0.1 square mile each, and third-order Mulberry Creek has an approximate watershed area of 2.6 square miles. **Total proposed stream and wetland impacts will be:**

**Total permanent wetland filling impact: 2,047 sf (0.05 ac)**

**Total permanent stream impact: 268 lf (culvert) + 23 lf (riprap aprons) = 291 lf (13.4 cy fill)**

**Total temporary stream crossing impact: 20 lf (500 sf / 0.01 ac)**

*Existing Conditions*

The existing sanitary sewer line was installed in approximately 2007. The sewer line easement is approximately 50-100' wide, is regularly maintained/mowed, and is offset 20-50' east of Mulberry Creek. The 1,442' portion of the new trail corridor between the new Mulberry Creek trail bridge and Spruce Street is mature hardwood forest. Spruce Street itself is an existing roadway.



## Water Quality

The subject property is located within the Smith River-Mulberry Creek watershed (Hydrologic Unit Code 030101030803, RD26), which is part of the larger Upper Dan River Basin. Water quality in Mulberry Creek and its tributaries has not been evaluated by the Virginia Department of Environmental Quality (VDEQ). These stream channels are classified as Class III surface waters (Category 3A).

## Floodplains

The Federal Emergency Management Agency (FEMA) online Flood Insurance Rate Map (FIRM) FIRMette mapping system indicates the presence of a mapped 80-100' wide Flood Hazard Area Zone A (100-year floodplain) along Mulberry Creek (per FEMA FIRMette Map Panel 51089C0162C, dated 9/26/2008). However, the majority of the regulated flood zone width is west of Mulberry Creek, rather than to the east (where the new trail corridor is located).

## Protected Species

To document the potential presence of protected species nearby, records from three databases were reviewed for this report. These included the U.S. Fish and Wildlife Service (USFWS) ECOS-IPaC online system, the Virginia Department of Wildlife Resources (VDWR) VAFWIS online system, and the Virginia Department of Conservation and Recreation (VDCR) Natural Heritage Database Explorer (NHDE) online system. These databases indicated the potential presence of the following species in the surrounding area:

**Table 1: Protected Species**

<b>VDWR VAFWIS (common name)</b>	<b>Scientific name</b>	<b>Organism</b>	<b>Classification</b>
Roanoke logperch	<i>Percina rex</i>	Fish	FESE
James spiny mussel	<i>Parvaspina collina</i>	Mussel	FESE
Northern long-eared bat	<i>Myotis septentrionalis</i>	Mammal	FTST
Little brown bat	<i>Myotis lucifugus lucifugus</i>	Mammal	SE
Tri-colored bat	<i>Perimyotis subflavus</i>	Mammal	SE
Loggerhead shrike	<i>Lanius ludovicianus</i>	Bird	ST
Orange-fin madtom	<i>Noturus gilberti</i>	Fish	ST
Migrant loggerhead shrike	<i>Lanius ludovicianus migrans</i>	Bird	ST
<b>VDCR NHDE (common name)</b>	<b>Scientific name</b>	<b>Organism</b>	<b>Classification</b>
N/A	N/A	N/A	N/A
<b>USFWS IPaC (common name)</b>	<b>Scientific name</b>	<b>Organism</b>	<b>Classification</b>
Northern long-eared bat	<i>Myotis septentrionalis</i>	Mammal	FTST

FE – Federal Endangered, FT – Federal Threatened, SE – State Endangered, ST – State Threatened

Three aquatic species (two fish, and one mussel) and five terrestrial species (three bats, and two birds) were noted by the VAFWIS database. USFWS records included only northern long-eared bat. VDCR records did not include any listed Threatened or Endangered species. The proposed project should avoid significant impacts to forested terrestrial habitat, and should have only limited impacts to small first-order stream aquatic habitat. The affected stream channels are generally small (less than three feet width, and generally less than four inches deep), and are unlikely to provide suitable habitat for the noted aquatic species. The existing sewer line corridor is actively mowed/maintained. While this is limiting the extent of forest canopy somewhat, the mowed corridor does help maintain an ecotone area between adjacent upland habitats (which can benefit many species). To help minimize the potential for impacting these species, no tree clearing is proposed during the typical April 15-September 15 bat time-of-year restriction (TOYR) period (which also includes typical avian breeding seasons).



According to available VAFWIS records, Roanoke logperch were observed by VDEQ in the Smith River in 1999 (approximately 2.1 miles south of the project corridor). VAFWIS records also note that little brown bat observations were made nearby in 2006 (one mile southwest of project corridor) and in 2010 (two miles west of corridor). There were no confirmed sightings of the other noted species in proximity to the project corridor, though suitable terrestrial habitat may exist for various bat and bird species.

### **Cultural Resources**

Available records from the Virginia Department of Historic Resources (VDHR) V-CRIS system have been evaluated for the proposed project site, to determine if any on-site or nearby resources are Eligible for Listing on the National Register of Historic Places (NRHP). VDHR-mapped cultural resources include the following:

**Table 2: Cultural Resources**

Resource	VDHR ID	Location	VDHR Determination
Open-Air Terrestrial Site	44HR0037	Within 200' of trail	Not Evaluated

The noted open-air terrestrial archaeological site was investigated in 1969 by a volunteer, and various artifacts were recovered. The VDHR V-CRIS system also notes 'Ballast Siding' as a previous/relic geographic location approximately 1,400' east of the trail project corridor. VDHR does not indicate the presence of a mapped cultural resource here, though. Ballast Siding may be a relic location associated with the previous Dick & Willie Railroad network.

### **Conclusion**

Please contact us with any questions regarding this project. We can be reached at 540.520.1533 or via email (at [bleatherland@handp.com](mailto:bleatherland@handp.com)).

Sincerely,  
**HURT & PROFFITT, INC.**

A handwritten signature in black ink, appearing to read 'Ben Leatherland', is written over a light blue horizontal line.

Ben Leatherland, PWD, PWS  
Sr. Environmental Scientist

Attachments:      Attachment A - Joint Permit Application Form  
                         Attachment B - Maps and Figures  
                         Attachment C - Photographs  
                         Attachment D - Protected Species Database Records  
                         Attachment E - Cultural Resource Records  
                         Attachment F - Construction Drawing Excerpts

cc:    Henry County (File)  
       File