



Appendix H

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Piping plovers are a Federal-listed threatened and state-listed endangered species.

Intra-Service Section 7 Biological Evaluation Form

INTRA-SERVICE SECTION 7 BIOLOGICAL EVALUATION FORM

Originating Person: Deborah Long
Telephone Number: 631/286-0485
Date: August 21, 2006

- I. Region:**
Region 5 (Northeast)
- II. Service Activity (Program):**
National Wildlife Refuge System
- III. Pertinent Species and Habitat:**

A. Listed species potentially present within the action area:

Federal-Designated Endangered and Threatened Species:

- | | | |
|-----|--------------------|--|
| 1) | Bald eagle | <i>(Haliaeetus leucocephalus)</i> [Threatened (T)] |
| 2) | Roseate tern | <i>(Sterna dougallii dougallii)</i> [Endangered (E)] |
| 3) | Piping Plover | <i>(Charadrius melodus)</i> [Threatened (T)] |
| 4) | Atlantic Hawksbill | <i>(Eretmochelys inbriicata)</i> [Endangered (E)] |
| 5) | Atlantic Ridley | <i>(Lepidochelys kempii)</i> [Endangered (E)] |
| 6) | Leatherback | <i>(Dermochelys coriacea)</i> [Endangered (E)] |
| 7) | Loggerhead | <i>(Caretta caretta)</i> [Threatened (T)] |
| 8) | Green Sea Turtle | <i>(Chelonia mydas)</i> [Threatened (T)] |
| 9) | Sandplain gerardia | <i>(Agalinis acuta)</i> [Endangered (E)] |
| 10) | American Eel | <i>(Anquilla rostrata)</i> [Status Review] |
| 11) | Shortnose Sturgeon | <i>(Acipenser brevirostrum)</i> [Endangered (E)] |

The Long Island National Wildlife Refuge Complex is in the process of preparing a Comprehensive Conservation Plan (CCP) that is vital for the management of each refuge unit (a total of nine). The final CCP will provide strategic management direction over the next 15 years, by

- providing a clear statement of desired future conditions for habitat, wildlife, visitor services, and facilities;
- providing refuge neighbors, visitors, and partners with a clear understanding of the reasons for management actions;
- ensuring refuge management reflects the policies and goals of the System and legal mandates;
- ensuring the compatibility of current and future public use;
- providing long-term continuity and direction for refuge management; and

- providing direction for staffing, operations, maintenance, and developing budget requests.

The need to develop a CCP for the Complex is two-fold. First, the Refuge Improvement Act requires that all national wildlife refuges have a CCP in place by 2012 to help fulfill the mission of the System. Second, the Complex lacks a master plan that clearly establishes priorities and ensures consistent, integrated management among its nine units.

The refuges of the Complex provide significant, even critical amounts of habitat for the majority of wildlife species known to occur on Long Island. Nearly 500 vertebrate species and approximately 500 species of vascular plants have been documented at the Complex. Many invertebrate species also live on the Complex, including several species of commercial shellfish. The nine refuges are widely spread, and encompass most of the vegetation types on Long Island, which in-turn provide habitat for a variety of wildlife ranging from forest interior nesting Neotropical migrant birds to marine mammals. The coastal location of the refuges also makes them part of a major migration corridor for a variety of birds, including waterfowl, waterbirds, raptors, and songbirds. Appendix A lists birds, mammals, reptiles, amphibians, fish, butterflies, and plants that can be found at the Complex.

State-listed endangered or threatened animal species at the Complex—not already federally-listed—include the golden eagle, black rail and king rail, black, common, and least tern; and short-eared owl, loggerhead shrike, pied-billed grebe, least bittern, northern harrier, upland sandpiper, sedge wren, eastern mud turtle, tiger salamander, northern cricket frog, Hessel’s hairstreak, and frosted elfin (USFWS 1995, NYSDEC 2003). See chapter 3, “Affected Environment” of the draft CCP/Environmental Assessment (EA) for more information.

There is no Federally-designated critical habitat within the action area.

B. Proposed species and/or proposed critical habitat within the action area
None

C. Candidate species within the action area:
None

American Eel Status Review

A Status review for the American eel (*Anquilla rostrata*) is currently being undertaken pursuant to the Endangered Species Act. The American eel may be found in a variety of aquatic habitats ranging from coastal to freshwater riverine, bays, and stream estuaries. Eight of the nine refuge units qualify as habitat for the American eel. They are: Amagansett, Conscience Point, Morton, Oyster Bay, Seatuck, Target Rock, and Wertheim refuges and Lido Beach Wildlife Management Area.

D. Include species/habitat occurrence on a map.

IV. Geographic area or station name and action:

Long Island National Wildlife Refuge Complex – Comprehensive Conservation Plan. Units of the Complex in Nassau County include Lido Beach Wildlife Management Area and Oyster Bay National Wildlife Refuge. Units of the Complex in Suffolk County include Amagansett, Conscience Point, Morton, Seatuck, Target Rock, and Wertheim National Wildlife Refuges, and the Sayville unit of Wertheim refuge. See chapter 3, “Affected Environment” of the draft CCP/EA for maps.

V. Location (attach map):

Maps are found in chapters 1 through 3 of the draft CCP/EA.

A. Ecoregion Number and Name:

The North Atlantic Coastal Ecoregion

B. County and State:

Suffolk and Nassau Counties, New York

C. Section, township, and range (or latitude and longitude):

Refer to the draft CCP/EA Introduction and Chapters 2-4.

D. Distance (miles) and direction to nearest town:

Project area covers a juxtaposition of different habitats and ecosystems across an estimated 80 miles of Long Island.

E. Species/habitat occurrence:

- 1) **Bald eagles** principally use the refuges while migrating or wintering, and are associated with aquatic or wetland habitats and their adjacent terrestrial borders.
- 2) **Roseate tern** are associated with intertidal or strand habitats. They rest and feed along the beach strand areas of Morton, Amagansett, Oyster Bay, and Wertheim refuges. Morton refuge is a former breeding area for roseate terns.
- 3) **Piping plover** are associated with intertidal or strand habitats. Breeding habitats are located at Morton and Amagansett refuges from March through September. At Target Rock, piping plover forage along the refuge shoreline.
- 4) **Atlantic hawksbill** sea turtles depend on subtidal habitats which can be found at Wertheim, Oyster Bay, Amagansett, and Seatuck refuges.
- 5) **Atlantic ridley** sea turtles depend on subtidal habitats which can be found at Wertheim, Oyster Bay, Amagansett, and Seatuck refuges.
- 6) **Leatherback** sea turtles depend on subtidal habitats which can be found at Wertheim, Oyster Bay, Amagansett, and Seatuck refuges.
- 7) **Loggerhead** sea turtles depend on subtidal habitats which can be found at Wertheim, Oyster Bay, Amagansett, and Seatuck refuges.
- 8) **Green** sea turtles depend on subtidal habitats which can be found at Wertheim, Oyster Bay, Amagansett, and Seatuck refuges.
- 9) **Sandplain gerardia** is part of a fire-dependent grassland community located at the Sayville unit of Wertheim refuge and at Seatuck and Conscience Point refuges.
- 10) **American eel** habitat can be found at Amagansett, Conscience Point, Morton,

Oyster Bay, Seatuck, Target Rock, and Wertheim refuges and at Lido Beach Wildlife Management Area.

- 11) **Shortnose sturgeon** can be found in the Hudson River. None have been found within any refuges in the Complex to date, but potential habitat occurs at Wertheim, Seatuck, Morton, and Oyster Bay refuges.

For more information and details, please refer to chapter 3, “Affected Environment” of the draft CCP/EA.

VI. Description of proposed action (attach additional pages as needed):

The proposed actions and alternatives selected by the Service are described in Chapter 2 of the draft CCP/EA.

VII. Determination of effects:

A. Explanation of effects of the action on species in item III:

Refer to Chapter 4 of the draft CCP/EA for more information and details.

The proposed actions selected by the Service provide more potential habitat for fish and wildlife species native to the waters, wetlands, and forest associated with the North Atlantic Coastal Ecoregion. The Long Island National Wildlife Refuge Complex plans to preserve, manage, and restore some of the last significant natural areas for wildlife on Long Island, New York. The Complex’s proposed actions will incorporate methods such as restoration, habitat management, and/or monitoring of important wildlife habitats, ranging from coastal systems to native grasslands to mature forests. The proposed management actions presented in the CCP for each of the nine distinct units will provide support for threatened and endangered species in addition to hundreds of species of migratory birds and other wildlife within the Atlantic Flyway. Future actions will be coordinated with NYSDEC (New York State Department of Environmental Conservation) and NOAA (National Oceanic and Atmospheric Administration)/Fisheries.

From the draft CCP/EA, (Chapter 2, Actions Common to All Alternatives), Goal One states we will improve the biological diversity and integrity of upland cover types to sustain high-quality habitat for migratory passerine birds, proposed actions include managing land with prescribed burns. Prescribed fire is a management tool that has and may be used to maintain and enhance grasslands including endangered fire-dependent plant communities. This will have a beneficial effect on the Federally-listed sandplain gerardia.

Goal 3 (“to restore and increase the biological diversity and integrity of native grasslands to foster endangered plant recovery”) specifically addresses current and future access to areas supporting sandplain gerardia, and provides a commitment to continue to assist the The Nature Conservancy in managing a 101 acre site adjacent to the Sayville Unit of Wertheim Refuge, currently under the ownership of the Federal Aviation Administration. Additional recovery strategies for sandplain gerardia include incorporation of tree/shrub clearing, protecting established sites from unwanted disturbances (such as unauthorized ATV use), identification of potential reintroduction sites, coordination with the species recovery team, and monitoring the progress of newly established plots. This will also have beneficial effects on sandplain gerardia.

Goal 4 (“to enhance the functionality of coastal strand habitat as they relate to beach-nesting colonial water birds and shorebirds to meet optimal population levels”) describes management activities that are taking place, and will be continued. These include strategies to: closing sections of beach for the plover and tern nesting season; prohibiting public access; providing seasonal plover stewards and periodic patrols by refuge staff who erect predator exclosures; monitoring nesting success and assessing the relative abundance of predators. In other areas, as appropriate, the refuge installs symbolic fencing and will install artificial nest structures for roseate terns. Finally, volunteers and seasonal staff meet and provide listed species conservation education for the public. These actions will result in beneficial effects on piping plovers, roseate terns, and other associated State-listed species.

Goal 4, Objective 2 strategies include reducing the density of beach grass adjacent to breeding areas, creation of new intertidal foraging areas, assessing predator management needs and developing a plan; patrolling nesting areas during breeding and growing season, restricting access to breeding and growing areas, managing former dredged material disposal sites, and exploring active management/creation of suitable habitat. These management actions will provide beneficial effects to the piping plover and roseate tern.

Sea turtles occasionally forage and migrate in the offshore and nearshore subtidal areas within the Refuge Complex, and usually during the summer months. There is no information available that would suggest that any breeding by any listed sea turtle species takes place on refuge lands, or that there is suitable habitat for breeding present on refuge lands. No habitat management proposed for intertidal areas within the Complex would affect the subtidal areas where turtles may occur. In the event that additional information on listed sea turtles or their habitat becomes available, the determination of no effects may be reconsidered.

Wertheim National Wildlife Refuge typically supports 1 to 3 immature bald eagles between late November and Mid-April. Most observations have occurred along the main stem of the Carmans River and the Big Fish Creek Impoundment. As stated in the draft CCP/EA on page 4-21, bald eagles are commonly observed perching in trees adjacent to the location chosen for the proposed Headquarters/Visitor Center. If they continue to roost there, when the new facilities are constructed, they may in the future occasionally be disturbed by human activities. However we believe that such disturbances would result in no more than insignificant or discountable direct, indirect or cumulative adverse effects. Insignificant effects relate to the size of the impact and should never reach the scale where take occurs, and discountable effects are those extremely unlikely to occur. In the event that bald eagles establish a nest in the vicinity of the proposed Visitor Center, or if they significantly change their use of the available habitat, or if construction activities must take place in a manner and at a time of year such that they may significantly disturb the eagles, this determination may be reconsidered.

Information on the occurrence of listed species and their habitats is frequently updated; thus, Refuge Complex staff will continue to consult with the Service’s Ecological Services (ES) Branch and the New York State Natural Heritage Program prior to the initiation of any action that may affect State- or Federally-listed species or their habitat. The ES offices in New York recommend that the list of species potentially present in each County should be checked every 90 days should management/construction activities be planned that might impact species.

B. Explanation of actions to be implemented to reduce adverse effects:

As explained above, we believe that implementation of the proposed alternative CCP will result in either completely beneficial effects to the listed species described above; or that any direct, indirect, or cumulative adverse effects that may result will be no more than insignificant or discountable. In order to ensure that habitat restoration activities and other management actions in listed species habitat will have no adverse effects, these actions will be performed outside listed species growing/breeding seasonal windows.

VIII. Effect determination and response requested: [* = optional]

A. List species/designated critical habitat:

Determination

Response requested

No effect/No adverse modification

(Species: Atlantic Hawksbill Sea Turtle, American Eel, Loggerhead Sea Turtle, Atlantic Ridley Sea Turtle, Green Sea Turtle, Leatherback Sea Turtle, Shortnose Sturgeon)

 * **Concurrence**

May affect, but is not likely to adversely affect species/adversely modify critical habitat

Species:

- 1) Bald eagle (any adverse effects no more than discountable or insignificant)
- 2) Roseate tern (any effects completely beneficial)
- 3) Piping Plover (any effects completely beneficial)
- 4) Sandplain gerardia (any effects completely beneficial)

 X **Concurrence**

May affect, and is likely to adversely affect species/adversely modify critical habitat

(Species: _____)

 Formal Consultation



Signature

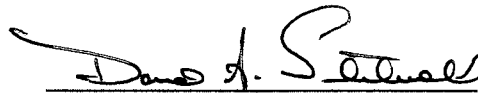
August 28, 2006

Date

**Refuge Manager
Long Island National Wildlife Refuge Complex**

IX. Reviewing ESO Evaluation:

- A. Concurrence X Nonconcurrence _____
- B. Formal consultation required _____
- C. Conference required _____
- D. Informal conference required _____
- E. Remarks (attach additional pages as needed):


Signature

8/29/06
Date

