



United States Department of the Interior



FISH AND WILDLIFE SERVICE

Ecological Services
6669 Short Lane
Gloucester, VA 23061

March 19, 2009

Mr. R. D. Curfman
Environmental Business Line Manager
Naval Facilities Engineering Command
6506 Hampton Boulevard
Norfolk, Virginia 23508-1278

Re: Navy conservation measures for
Three East Coast Ranges,
Northampton, County, Virginia

Dear Mr. Curfman:

On February 10, 2009, the U.S. Fish and Wildlife Service (Service) received your request for concurrence with a determination pursuant to the Endangered Species Act of 1973, as amended (87 Stat. 884; 16 U.S.C. 1531 et seq.) made on a modification to protective measures proposed in the Final Environmental Impact Statement on the Navy's Three East Coast Ranges. In our October 7, 2008 letter, the Service provided concurrence that the proposed action would either not affect or would be not likely to adversely affect the Federally listed species identified. In an e-mail dated February 10, 2009 from Ms. Deanna Rees, the Navy stated that the previously proposed conservation measure of avoiding potential habitat of the Federally listed threatened piping plover (*Charadrius melodus*) by one nautical mile during helicopter operation was impracticable under some circumstances. In that e-mail and a subsequent e-mail dated February 26, 2009, the Navy clarified the revised conservation measure, which specified that Navy helicopters transiting from Norfolk Naval Station to off-shore training areas shall avoid overflying the barrier island at the southern tip of the Eastern Shore by at least 3,000 feet vertically and horizontally, and helicopters involved in mine training would avoid plover habitat by one nautical mile.

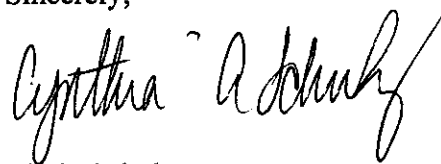
We have coordinated this response between and on behalf of the Northeast and Southeast Regions of the Service. After reviewing the proposed modification, the Service concurs that the project, incorporating the modified conservation measure, is not likely to adversely affect the piping plover or other listed species. All other aspects of the proposed project and determinations about project effects remain unchanged from those identified in our October 7, 2008 letter.

Please be reminded that it may be necessary for you to contact the Service for reconsideration of the effects of this proposed action if:

- (1) New information reveals effects of the action that may affect listed species or critical habitat in a manner or to an extent not considered in your current determination;
- (2) The action is later modified in a manner that causes an effect to the listed species or critical habitat not considered in this informal consultation; or
- (3) A new species is listed or critical habitat designated that may be affected by this action.

If you have any questions or need any additional information about this letter or the Service's previous letter, please contact Tylan Dean at 804-693-6694, extension 104 (tylan_dean@fws.gov) or Ken Graham at 404-679-7358 (kenneth_graham@fws.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Cynthia A. Schulz". The signature is written in a cursive style with a large, sweeping flourish at the end.

Cindy Schulz
Supervisor
Virginia Field Office

Mr. Curfman

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cc:

Deanna Reese, Navy

John Milio, Jacksonville, FL FO

Melissa Bimbi, Charleston, SC FO

John Hammond, Raleigh, NC FO

Sandy Tucker, Athens, GA FO

Tylan Dean, Gloucester, VA FO