U.S. Department of Transportation
Federal Highway Administration

Eastern Federal Lands Highway Division
NEPA Categorical Exclusion Form

Project Number: VA ST FB KNGMNWLKR GT **Date:** 1/5/2021

Project Name: Highway Improvements at Entrance to Fort Belvoir Kingman and Walker Gates

Location: US Army Fort Belvoir
Fairfax County, VA

CE Category 23 CFR 771.117 (c)(26): Modernization of a highway by resurfacing, restoration, rehabilitation, reconstruction, adding shoulders, or adding auxiliary lanes (including parking, weaving, turning, and climbing lanes), if the action meets the constraints in paragraph (e)[..]

See 23 CFR 771.117 for full description of CE categories, including additional requirements when applying (c)26-28.

Project Description

The Federal Highway Administration's Eastern Federal Lands Highway Division (FHWA), in cooperation with U.S. Army Fort Belvoir, proposes road improvements at Walker Gate and Kingman Gate in Fairfax County, Virginia.

Kingman Gate is located at the intersection of Kingman Road and Fairfax County Parkway (Route 286). The project purpose is to increase left turn lane queuing capacity along Route 286 into Fort Belvoir's Kingman Gate along Kingman Road to reduce the occurrence and queuing of left-turning vehicles into the main thru lane southbound along Route 286, in addition to reviewing any need for adjusting the traffic signal at Kingman Road for improving performance during rush hour, peak traffic. Currently, two left turn lanes exist along southbound Route 286 for turning into the Fort at Kingman Road. These two lanes have insufficient length to store queuing vehicles for current and projected traffic.

Walker Gate is located at the intersection of Mount Vernon Memorial Highway (Route 235) and Mount Vernon Road. The project purpose is to increase left turn lane queuing capacity along Mount Vernon Highway into Fort Belvoir's Walker Gate to reduce queuing of left turning vehicles into the main thru lane northbound along Mount Vernon Highway, in addition to reviewing any need for a traffic signal during rush hour peak traffic. Because of the required security checks at Fort Belvoir's Walker Gate, cars sometimes need to wait within the left turn lane on Mount Vernon Highway northbound, until the queue decreases before turning into the Walker Gate entrance. The Mount Vernon Memorial Highway Trail Project, under development

by Fairfax County, is being designed and constructed on the northern side of the road separately from this project. The project team has closely coordinated with the county, who is designing and constructing the Trail project.

This action is consistent with requirements listed in 23 CFR 771.117(e):

1. Exact right of way boundaries will be determined during final design. At most, this action would require sliver easements from Fort Belvoir along the project corridors to accommodate extended and added turn lanes. No residential or business displacements will occur.
2. Action does not need a U.S. Coast Guard Permit. If a 404, 401, or Section 10 permit is needed, this activity will meet terms and conditions of a nationwide or general permit. Permit needs will be finalized during final design. As of 40% design, FHWA is expecting 404/401 permit may be needed due to minor wetland impacts.
3. Action does not adversely affect historic properties, result in a 4(f) use greater than *de minimis*, and is not likely to adversely affect ESA species or critical habitats.
4. Construction impacts for this action are in line with typical intersection reconstruction projects. Any lane or road closures to accommodate construction will be brief and not result in major traffic disruptions.
5. No changes in interstate access control are triggered by this action
6. Floodplain encroachment other than functionally dependent uses not anticipated.

Environmental Commitments and Mitigation Measures
None identified at time of CE date.

Summary of Section 7 of the Endangered Species Act Compliance
FHWA obtained official species lists from the Fish and Wildlife Service's IPaC service on 10/16/2020. The Northern Long Eared Bat is the only species generated from our inquiry. FHWA received verification letters authorizing this action to continue under the January 5, 2016 Programmatic Biological Opinion on Final 4(d) Rule for the Northern Long Eared Bat. In accordance with the 4(d) rule, this activity *may affect, but is not likely to adversely affect* the Northern Long Eared Bat.

Summary of Section 106 of the National Historic Preservation Act Compliance
FHWA completed a Phase I cultural resources survey. FHWA's consultant completed a report on October 1, 2020. FHWA consulted with the Virginia Department of Historic Resources, which concurred with FHWA's determination of *no historic properties affected* in a letter dated 11/13/2020.

Additional Agency Coordination and Compliance
The US Army, in coordination with FHWA and the Virginia Department of Transportation, will complete a Record of Environmental Certification as part of the Army's environmental compliance process.

FHWA coordinated with state-level biological protection agencies as a courtesy. On 10/20/2020, FHWA requested project review from the Virginia Department of Wildlife and Recreation. On 11/4/2020, DWR responded that they are unable to review the project due to staffing limitations. On 10/30/2020, FHWA requested project review from the Virginia Department of Conservation and Recreation (DCR). On November 25, 2020, DCR responded with a letter stating "The current activity will not affect any documented state-listed plants or insects".

Project-level coordination with the NCPC is not required per direction from FHWA's planning team.

FHWA has been coordinating this project design with Fairfax County, who is designing and constructing the Mount Vernon Memorial Highway Trail Project. The Mount Vernon Memorial Highway Trail Project is expected to move to construction before FHWA's Kingman and Walker gates project. Although close in proximity to the Walker Gate entrance work, FHWA anticipates the projects will not be in conflict.

Public Outreach and Involvement
FHWA generally followed the VDOT procedures for Notice of Willingness. FHWA sent letters to adjacent property owners with project information and instructions for submitting comments. FHWA placed legal notices in the Washington Post, El Tiempo Latino, and Belvoir Eagle; notices in each publication ran two times one week apart. Comments were due 12/31/2020. No comments were received as of 1/5/2021.

Categorical Exclusion Recommendation:
On the basis of the environmental impact information in the statutory compliance file, with which I am familiar, I believe the project should be categorically excluded from further NEPA analysis.

CHRISTOPHER P HANSEN Digitally signed by CHRISTOPHER P HANSEN Date: 2021.01.05 14:23:04 -05'00'

Christopher P Hansen
Environmental Protection Specialist
Eastern Federal Lands Highway Division
Federal Highway Administration

Date

Categorical Exclusion Determination:
On the basis of the environmental impact information in the statutory compliance file, with which I am familiar, I am categorically excluding the described project from further NEPA analysis. The project meets the 23 CFR 771.117(a) definition of a categorical exclusion. No unusual circumstances per 23 CFR 771.117(b) apply.

Kevin S .Rose Digitally signed by Kevin S .Rose Date: 2021.01.05 15:36:08 -05'00'

Kevin S. Rose
Environmental Team Leader
Eastern Federal Lands Highway Division
Federal Highway Administration

Date

Appendix A: Environmental Checklist

Section 7 of the Endangered Species Act:
• Are Federally-listed species potentially present in the study area? ☒Yes, see Notes[i] ☐No If Yes, effects determination: ☐No Effect ☒May Affect, Not Likely to Adversely Affect ☐May Affect, Likely to Adversely Affect
Section 106 of the National Historic Preservation Act:
• Are historic properties known to be present in the study area? ☒Yes ☐No If Yes, will they be impacted by the project? ☐Yes ☒No • Will previously undisturbed ground be disturbed? ☒Yes ☐No • Effects determination: ☒No Historic Properties Affected ☐No Adverse Effect ☐Adverse Effect, MOA Executed • Was tribal consultation completed? ☐Yes ☐No
Water and Wetlands:
• Section 404 of the Clean Water Act Are impacts to Waters of the US anticipated? ☒Yes ☐No If Yes, approval anticipated: ☒Nationwide Permit (NWP) ☐Regional General Permit ☐Individual Permit • Section 401 of the Clean Water Act ☒NWP certified by State ☐Individual Certification • Section 402 of the Clean Water Act (National Pollutant Discharge Elimination System) Will the land disturbance threshold likely be exceeded to require a permit and SWPPP? ☒Yes ☐ No • Is post-construction stormwater management review/approval anticipated? ☐Yes ☒No • ☒Project is consistent with Executive Order 11990, Protection of Wetlands
Floodplains:
• Is the project in a FEMA floodplain? ☐Yes ☒No ☐ Floodplain not mapped • ☒ Project is consistent with Executive Order 11988, Floodplain Management
Section 4(f) of the USDOT Act:
• Does the project meet the Section 4(f) exemption for Federal lands transportation facilities under Section 1119(c)(2) of MAP-21, 23 U.S.C. 138(a)? ☐Yes ☒No • Is there a use of a Section 4(f) property in the study area? ☒Yes ☐No If Yes, De Minimis Finding:☒ Programmatic:☐ Individual 4(f): ☐

Section 6(f) of the Land and Water Conservation Fund:
• Was the property purchased with grant funds from the Land and Water Conservation Fund? ☐Yes ☒No • If Yes, was documentation of approval from National Park Service Director received for the conversion or replacement of 6(f) property? ☐Yes ☐No
Coastal Zone Management Act of 1972:
• Is the project in a Coastal Zone? ☐Yes ☒No • If yes, will a Federal Consistency Review be completed? ☐Yes ☐No
Right of Way:
• Is the project completely within the transportation facility's right-of-way? ☐Yes ☒No • If no, will the project require relocations or easements? ☒Yes ☐No *[Easements expected. No relocations expected]*
Hazardous Waste and Materials:
• Are hazardous materials or contamination exceeding regulatory thresholds (as set by U.S. EPA, County Environmental Health, etc.) present? ☐Yes ☒No • If Yes, is the nature and extent of the hazardous materials or contamination fully known? ☐Yes ☐No, plan for securing information provided in Notes
Section 7(a) of the Wild and Scenic Rivers Act:
• Are there Wild and Scenic Rivers? ☐Yes ☒No ☐Eligible If Yes, has review by the river-administering agency been completed? ☐Yes ☐No
Clean Air Act:
• Is the project in a non-attainment area? ☒Yes ☐No If Yes, is the project on the Transportation Improvement Program(TIP)/State Implementation Plan(SIP)? ☒ Yes ☐No
Highway Traffic and Construction Noise Regulations:
• ☐ The proposed project is a Type I project (highway on a new location, substantial horizontal or vertical alteration, new through or auxiliary lanes). Noise analysis is required. • ☐ The proposed project is a Type II project (retrofit for noise abatement). • ☒ The proposed project is a Type III project (noise analysis not required). • ☐ Does not apply.
Environmental Justice and Title IV Act:
• Is an Environmental Justice population, as identified in Executive Order 12898, present? ☐Yes, explanation provided in Notes section ☒No • Will the project induce disproportionately high and adverse impacts to minority, low income, or special groups? ☐Yes, additional analysis is needed ☐No
Farmland Protection Policy Act for Highway Projects:
• Does the project displace, require acquisition of, or require an easement from farmland? ☐Yes ☒No

Does the project affect any other resources not listed above? Explain below and list anticipated permits:

[i] Federally-listed species per U.S. Fish and Wildlife Service's IPaC: Northern Long-Eared Bat

U.S. Department of Transportation
Federal Highway Administration

Memorandum

Subject: Section 4(f) summary memo
VA ST FB KNGMNWLKR GT

Date: 12/7/2020

From: Christopher Hansen
Environmental Protection Specialist
FHWA Eastern Federal Lands

To: File

The subject project will improve vehicular access to Kingman and Walker Gates at Fort Belvoir. This memo summarizes 4(f) resources within the project area and uses of 4(f) resources.

There are no 4(f) resources that will be used by the Walker Gate entrance improvement. There is one 4(f) resource impacted by Kingman Gate entrance improvement; FHWA is making a *de minimis* finding.

Resource impacted and used:

The **Fort Belvoir Forest and Wildlife Corridor (FWC)** surrounds part of the intersection (see attached map taken from the 2018 Fort Belvoir Natural Resources Management Plan). According to the 2018 Fort Belvoir Natural Resources Management Plan, the FWC is a designated Special Natural Area for conservation. The FWC was established in 1993 as the result of several NEPA mitigation commitments to offset the ecological impacts of habitat fragmentation caused by major construction on the post. FWC was established to protect significant wildlife habitat, and to maintain a continuous area of natural forest habitat connecting larger natural areas to the north and south of Fort Belvoir, facilitating wildlife movement through the installation. The FWC serves to connect the Jackson Miles Abbott Wetland Refuge (JMAWR) and the Accotink Bay Wildlife Refuge (ABWR). Although the FWC is not officially designated a wildlife refuge, FHWA has determined its primary function as a wildlife corridor affords it protection under Section 4(f) as a refuge-like property.

The Official with Jurisdiction (OWJ) for this resource is Fort Belvoir. On 12/3/2020, Fort Belvoir concurred with FHWA's *de minimis* finding. FHWA included a draft 4(f) memo on the FLH notices webpage to meet the public notice requirements provided in 23 CFR 774.5(b)(2)(i).

Resources not used:

There will be no impacts to the **East Coast Greenway Trail** as part of this project. FHWA previously thought the trail could be impacted because online mapping from the Virginia Department of Conservation and Recreation shows the trail going through the project area on Fairfax County Parkway. However, the East Coast Greenway Website shows the trail not going through the Fairfax County Parkway but rather going through Route 1. On 10/23/2020, I emailed Ms. Sarah Stanford with the East Coast Greenway. On 10/23/2020, she confirmed that our project location will not impact the Greenway, which indeed goes through Route 1 and not the Fairfax County Parkway.

The **Fort Belvoir Military Railroad Historic District** is in proximity to the Kingman Gate improvement at Kingman Road. The Railroad was constructed in 1918 to bring supplies and troops to Camp A. A. Humphreys as the United States entered World War I. The railroad corridor was previously evaluated in 2016 (as VDHR no. 029-5724) and determined potentially eligible for the National Register under Criterion A. This undertaking, however, will not affect contributing resources to the Historic District. There is no 4(f) use.

(End)

U.S. Department of Transportation
Federal Highway Administration

Memorandum

Subject: VA ST KGMN WLKR JBMHH
Air Quality Memo to File
Improvements at:
Kingman Gate at Ft Belvoir
Walker Gate at Ft Belvoir
Joint Base Myer-Henderson Hall

Date: 11/18/2020

From: Chris Hansen
Environmental Protection Specialist
Eastern Federal Lands Highway Division

To: File

Clean Air Act transportation conformity requirements have been met for the subject projects.

Walker Gate at Fort Belvoir meets the exempt project definition provided in 40 CFR 93.126 under "Projects that correct, improve, or eliminate a hazardous location or feature". Walker Gate currently experiences dangerous traffic back-ups due to insufficient cueing capacity at the intersection. The proposed improvement will extend cueing capacity to address this safety hazard. Walker gate is therefore exempt from the requirement to determine conformity at the project-level.

Kingman Gate and JBMHH are non-exempt for project-level conformity. However, they are listed in Metropolitan Washington Council of Governments' approved FY 2021-2024 Transportation Improvement Program (TIP). They conform to the TIP, which in turn conforms to the State Implementation Plan.

Fairfax County, Virginia is non-attainment/maintenance for Ozone. Fairfax County is in attainment for all other NAAQS, except for PM2.5 annual 1997 standard (which has been revoked). Therefore hotspot analysis is not being considered.

U.S. Department of Transportation
Federal Highway Administration

Memorandum

Subject: ESA Section 7 Summary Memo
VA ST KNGMNWLKR GT

Date: 11/23/2020

From: Christopher Hansen
Environmental Protection Specialist
Federal Highway Administration

To: File

FHWA obtained official species lists from the Fish and Wildlife Service's IPaC service on 10/16/2020. The Northern Long Eared Bat is the only species generated from our inquiry. FHWA received verification letters authorizing this action to continue under the January 5, 2016 Programmatic Biological Opinion on Final 4(d) Rule for the Northern Long Eared Bat. In accordance with the 4(d) rule, this activity *may affect, but is not likely to adversely affect* the Northern Long Eared Bat.

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: January 03, 2020
Consultation Code: 05E2VA00-2019-TA-0159
Event Code: 05E2VA00-2020-E-03531
Project Name: Fort Belvior Kingman Gate

Subject: Verification letter for the 'Fort Belvior Kingman Gate' project under the January 5, 2016, Programmatic Biological Opinion on Final 4(d) Rule for the Northern Long-eared Bat and Activities Excepted from Take Prohibitions.

Dear Christopher Hansen:

The U.S. Fish and Wildlife Service (Service) received on January 03, 2020 your effects determination for the 'Fort Belvior Kingman Gate' (the Action) using the northern long-eared bat (*Myotis septentrionalis*) key within the Information for Planning and Consultation (IPaC) system. This IPaC key assists users in determining whether a Federal action is consistent with the activities analyzed in the Service's January 5, 2016, Programmatic Biological Opinion (PBO). The PBO addresses activities excepted from "take"[1] prohibitions applicable to the northern long-eared bat under the Endangered Species Act of 1973 (ESA) (87 Stat.884, as amended; 16 U.S.C. 1531 et seq.).

Based upon your IPaC submission, the Action is consistent with activities analyzed in the PBO. The Action may affect the northern long-eared bat; however, any take that may occur as a result of the Action is not prohibited under the ESA Section 4(d) rule adopted for this species at 50 CFR §17.40(o). Unless the Service advises you within 30 days of the date of this letter that your IPaC-assisted determination was incorrect, this letter verifies that the PBO satisfies and concludes your responsibilities for this Action under ESA Section 7(a)(2) with respect to the northern long-eared bat.

Please report to our office any changes to the information about the Action that you submitted in IPaC, the results of any bat surveys conducted in the Action area, and any dead, injured, or sick northern long-eared bats that are found during Action implementation. If the Action is not completed within one year of the date of this letter, you must update and resubmit the information required in the IPaC key.

If the Action may affect other federally listed species besides the northern long-eared bat, a proposed species, and/or designated critical habitat, additional consultation between you and this Service office is required. If the Action may disturb bald or golden eagles, additional coordination with the Service under the Bald and Golden Eagle Protection Act is recommended.

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[1]Take means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct [ESA Section 3(19)].

Action Description
You provided to IPaC the following name and description for the subject Action.

1. Name

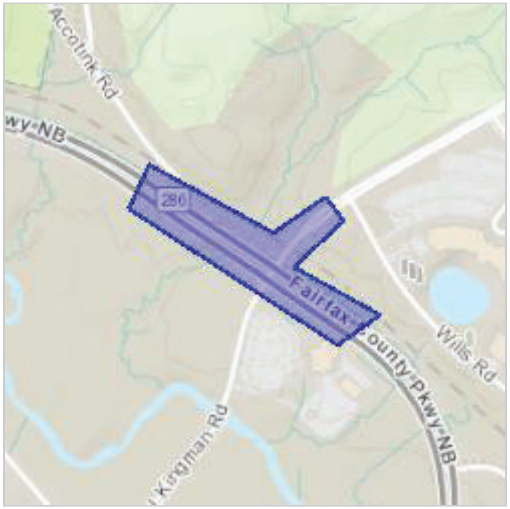
Fort Belvior Kingman Gate

2. Description

The following description was provided for the project 'Fort Belvior Kingman Gate':

> Increase the current queuing capacity of the Fairfax County Parkway southbound left turn lanes into
> Kingman Gate, by adding length and an additional left turn lane. Project will require tree clearing for a new receiving lane along John J Kingman Rd. Tree clearing is approximately .58 acres. Work will include other minor design changes around the intersection, primarily in the existing roadway footprint.

Approximate location of the project can be viewed in Google Maps: https://www.google.com/maps/place/38.71902623466734N77.16866314486346W



Determination Key Result

This Federal Action may affect the northern long-eared bat in a manner consistent with the description of activities addressed by the Service's PBO dated January 5, 2016. Any taking that may occur incidental to this Action is not prohibited under the final 4(d) rule at 50 CFR §17.40(o). Therefore, the PBO satisfies your responsibilities for this Action under ESA Section 7(a)(2) relative to the northern long-eared bat.

Determination Key Description: Northern Long-eared Bat 4(d) Rule

This key was last updated in IPaC on May 15, 2017. Keys are subject to periodic revision.

This key is intended for actions that may affect the threatened northern long-eared bat.

The purpose of the key for Federal actions is to assist determinations as to whether proposed actions are consistent with those analyzed in the Service's PBO dated January 5, 2016.

Federal actions that may cause prohibited take of northern long-eared bats, affect ESA-listed species other than the northern long-eared bat, or affect any designated critical habitat, require ESA Section 7(a)(2) consultation in addition to the use of this key. Federal actions that may affect species proposed for listing or critical habitat proposed for designation may require a conference under ESA Section 7(a)(4).

Determination Key Result

This project may affect the threatened Northern long-eared bat; therefore, consultation with the 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. However, based on the information you provided, this project may rely on the Service's January 5, 2016, *Programmatic Biological Opinion on Final 4(d) Rule for the Northern Long-Eared Bat and Activities Excepted from Take Prohibitions* to fulfill its Section 7(a)(2) consultation obligation.

Qualification Interview

1. Is the action authorized, funded, or being carried out by a Federal agency?

   Yes

2. Have you determined that the proposed action will have "no effect" on the northern long-eared bat? (If you are unsure select "No")

   No

3. Will your activity purposefully **Take** northern long-eared bats?

   No

4. Is the project action area located wholly outside the White-nose Syndrome Zone?

   Automatically answered
   No

5. Have you contacted the appropriate agency to determine if your project is near a known hibernaculum or maternity roost tree?

   Location information for northern long-eared bat hibernacula is generally kept in state Natural Heritage Inventory databases – the availability of this data varies state-by-state. Many states provide online access to their data, either directly by providing maps or by providing the opportunity to make a data request. In some cases, to protect those resources, access to the information may be limited. A web page with links to state Natural Heritage Inventory databases is available at www.fws.gov/midwest/endangered/mammals/nleb/nhisites.html.

   Yes

6. Will the action affect a cave or mine where northern long-eared bats are known to hibernate (i.e., hibernaculum) or could it alter the entrance or the environment (physical or other alteration) of a hibernaculum?

   No

7. Will the action involve Tree Removal?

   Yes

8. Is the action the removal of hazardous trees for protection of human life or property?

   No

9. Will the action remove trees within 0.25 miles of a known northern long-eared bat hibernaculum at any time of year?

   No

10. Will the action remove a known occupied northern long-eared bat maternity roost tree or any trees within 150 feet of a known occupied maternity roost tree from June 1 through July 31?

    No

Project Questionnaire

If the project includes forest conversion, report the appropriate acreages below. Otherwise, type '0' in questions 1-3.

1. Estimated total acres of forest conversion:

0

2. If known, estimated acres of forest conversion from April 1 to October 31

0

3. If known, estimated acres of forest conversion from June 1 to July 31

0

If the project includes timber harvest, report the appropriate acreages below. Otherwise, type '0' in questions 4-6.

4. Estimated total acres of timber harvest

0

5. If known, estimated acres of timber harvest from April 1 to October 31

0

6. If known, estimated acres of timber harvest from June 1 to July 31

0

If the project includes prescribed fire, report the appropriate acreages below. Otherwise, type '0' in questions 7-9.

7. Estimated total acres of prescribed fire

0

8. If known, estimated acres of prescribed fire from April 1 to October 31

0

9. If known, estimated acres of prescribed fire from June 1 to July 31

0

If the project includes new wind turbines, report the megawatts of wind capacity below. Otherwise, type '0' in question 10.

10. What is the estimated wind capacity (in megawatts) of the new turbine(s)?

0

United States Department of the Interior

FISH AND WILDLIFE SERVICE
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http://www.fws.gov/northeast/virginiafield/

In Reply Refer To: October 16, 2020
Consultation Code: 05E2VA00-2019-TA-0158
Event Code: 05E2VA00-2021-E-00622
Project Name: Fort Belvoir Walker Gate

Subject: Verification letter for the 'Fort Belvoir Walker Gate' project under the January 5, 2016, Programmatic Biological Opinion on Final 4(d) Rule for the Northern Long-eared Bat and Activities Excepted from Take Prohibitions.

Dear Christopher Hansen:

The U.S. Fish and Wildlife Service (Service) received on October 16, 2020 your effects determination for the 'Fort Belvoir Walker Gate' (the Action) using the northern long-eared bat (*Myotis septentrionalis*) key within the Information for Planning and Consultation (IPaC) system. This IPaC key assists users in determining whether a Federal action is consistent with the activities analyzed in the Service's January 5, 2016, Programmatic Biological Opinion (PBO). The PBO addresses activities excepted from "take"[1] prohibitions applicable to the northern long-eared bat under the Endangered Species Act of 1973 (ESA) (87 Stat.884, as amended; 16 U.S.C. 1531 et seq.).

Based upon your IPaC submission, the Action is consistent with activities analyzed in the PBO. The Action may affect the northern long-eared bat; however, any take that may occur as a result of the Action is not prohibited under the ESA Section 4(d) rule adopted for this species at 50 CFR §17.40(o). Unless the Service advises you within 30 days of the date of this letter that your IPaC-assisted determination was incorrect, this letter verifies that the PBO satisfies and concludes your responsibilities for this Action under ESA Section 7(a)(2) with respect to the northern long-eared bat.

Please report to our office any changes to the information about the Action that you submitted in IPaC, the results of any bat surveys conducted in the Action area, and any dead, injured, or sick northern long-eared bats that are found during Action implementation. If the Action is not completed within one year of the date of this letter, you must update and resubmit the information required in the IPaC key.

If the Action may affect other federally listed species besides the northern long-eared bat, a proposed species, and/or designated critical habitat, additional consultation between you and this Service office is required. If the Action may disturb bald or golden eagles, additional coordination with the Service under the Bald and Golden Eagle Protection Act is recommended.

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[1]Take means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct [ESA Section 3(19)].

Action Description
You provided to IPaC the following name and description for the subject Action.

1. Name

Fort Belvoir Walker Gate

2. Description

The following description was provided for the project 'Fort Belvoir Walker Gate':

> Lengthen the current Mount Vernon Highway northbound left turn lane into Walker Gate. Potentially relocate utility lines. Potentially install new traffic signal at intersection.

Approximate location of the project can be viewed in Google Maps: https://www.google.com/maps/place/38.710426744051674N77.12851487863733W

Determination Key Result

This Federal Action may affect the northern long-eared bat in a manner consistent with the description of activities addressed by the Service's PBO dated January 5, 2016. Any taking that may occur incidental to this Action is not prohibited under the final 4(d) rule at 50 CFR §17.40(o). Therefore, the PBO satisfies your responsibilities for this Action under ESA Section 7(a)(2) relative to the northern long-eared bat.

Determination Key Description: Northern Long-eared Bat 4(d) Rule

This key was last updated in IPaC on May 15, 2017. Keys are subject to periodic revision.

This key is intended for actions that may affect the threatened northern long-eared bat.

The purpose of the key for Federal actions is to assist determinations as to whether proposed actions are consistent with those analyzed in the Service's PBO dated January 5, 2016.

Federal actions that may cause prohibited take of northern long-eared bats, affect ESA-listed species other than the northern long-eared bat, or affect any designated critical habitat, require ESA Section 7(a)(2) consultation in addition to the use of this key. Federal actions that may affect species proposed for listing or critical habitat proposed for designation may require a conference under ESA Section 7(a)(4).

Determination Key Result

This project may affect the threatened Northern long-eared bat; therefore, consultation with the 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. However, based on the information you provided, this project may rely on the Service's January 5, 2016, *Programmatic Biological Opinion on Final 4(d) Rule for the Northern Long-Eared Bat and Activities Excepted from Take Prohibitions* to fulfill its Section 7(a)(2) consultation obligation.

Qualification Interview

1. Is the action authorized, funded, or being carried out by a Federal agency?

   Yes

2. Have you determined that the proposed action will have "no effect" on the northern long-eared bat? (If you are unsure select "No")

   No

3. Will your activity purposefully **Take** northern long-eared bats?

   No

4. [Semantic] Is the project action area located wholly outside the White-nose Syndrome Zone?

   Automatically answered
   No

5. Have you contacted the appropriate agency to determine if your project is near a known hibernaculum or maternity roost tree?

   Location information for northern long-eared bat hibernacula is generally kept in state Natural Heritage Inventory databases – the availability of this data varies state-by-state. Many states provide online access to their data, either directly by providing maps or by providing the opportunity to make a data request. In some cases, to protect those resources, access to the information may be limited. A web page with links to state Natural Heritage Inventory databases and other sources of information on the locations of northern long-eared bat roost trees and hibernacula is available at www.fws.gov/midwest/endangered/mammals/nleb/nhisites.html.

   Yes

6. Will the action affect a cave or mine where northern long-eared bats are known to hibernate (i.e., hibernaculum) or could it alter the entrance or the environment (physical or other alteration) of a hibernaculum?

   No

7. Will the action involve Tree Removal?

   Yes

8. Will the action only remove hazardous trees for the protection of human life or property?

   No

9. Will the action remove trees within 0.25 miles of a known northern long-eared bat hibernaculum at any time of year?

   No

10. Will the action remove a known occupied northern long-eared bat maternity roost tree or any trees within 150 feet of a known occupied maternity roost tree from June 1 through July 31?

    No

Project Questionnaire

If the project includes forest conversion, report the appropriate acreages below. Otherwise, type '0' in questions 1-3.

1. Estimated total acres of forest conversion:

0

2. If known, estimated acres of forest conversion from April 1 to October 31

0

3. If known, estimated acres of forest conversion from June 1 to July 31

0

If the project includes timber harvest, report the appropriate acreages below. Otherwise, type '0' in questions 4-6.

4. Estimated total acres of timber harvest

0

5. If known, estimated acres of timber harvest from April 1 to October 31

0

6. If known, estimated acres of timber harvest from June 1 to July 31

0

If the project includes prescribed fire, report the appropriate acreages below. Otherwise, type '0' in questions 7-9.

7. Estimated total acres of prescribed fire

0

8. If known, estimated acres of prescribed fire from April 1 to October 31

0

9. If known, estimated acres of prescribed fire from June 1 to July 31

0

If the project includes new wind turbines, report the megawatts of wind capacity below. Otherwise, type '0' in question 10.

10. What is the estimated wind capacity (in megawatts) of the new turbine(s)?

0

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: October 16, 2020
Consultation Code: 05E2VA00-2019-SLI-0159
Event Code: 05E2VA00-2021-E-00628
Project Name: Fort Belvior Kingman Gate

Subject: Updated list of threatened and endangered species that may occur in your proposed project location, and/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

Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*), and projects affecting these species may require development of an eagle conservation plan (http://www.fws.gov/windenergy/eagle_guidance.html). Additionally, wind energy projects should follow the wind energy guidelines (http://www.fws.gov/windenergy/) for minimizing impacts to migratory birds and bats.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at: http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm; http://www.towerkill.com; and http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html.

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 Consultation Tracking Number 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

Consultation Code: 05E2VA00-2019-SLI-0159

Event Code: 05E2VA00-2021-E-00628

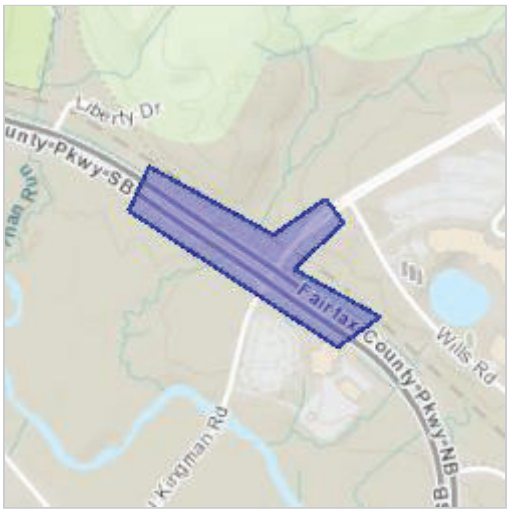
Project Name: Fort Belvior Kingman Gate

Project Type: TRANSPORTATION

Project Description: Increase the current queuing capacity of the Fairfax County Parkway southbound left turn lanes into
Kingman Gate, by adding length and an additional left turn lane. Project will require tree clearing for a new receiving lane along John J Kingman Rd. Tree clearing is approximately .5 acres. Work will include other minor design changes around the intersection, primarily in the existing roadway footprint.

Project Location:

Approximate location of the project can be viewed in Google Maps: https://www.google.com/maps/place/38.71902623466734N77.16866314486346W



Counties: Fairfax, VA

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.

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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	Threatened

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.

United States Department of the Interior

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In Reply Refer To: October 16, 2020
Consultation Code: 05E2VA00-2019-SLI-0158
Event Code: 05E2VA00-2021-E-00619
Project Name: Fort Belvoir Walker Gate

Subject: Updated list of threatened and endangered species that may occur in your proposed project location, and/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:

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Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*), and projects affecting these species may require development of an eagle conservation plan (http://www.fws.gov/windenergy/eagle_guidance.html). Additionally, wind energy projects should follow the wind energy guidelines (http://www.fws.gov/windenergy/) for minimizing impacts to migratory birds and bats.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at: http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm; http://www.towerkill.com; and http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html.

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 Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

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- 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:

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Gloucester, VA 23061-4410
(804) 693-6694

Project Summary

Consultation Code: 05E2VA00-2019-SLI-0158

Event Code: 05E2VA00-2021-E-00619

Project Name: Fort Belvoir Walker Gate

Project Type: TRANSPORTATION

Project Description: Lengthen the current Mount Vernon Highway northbound left turn lane into Walker Gate. Potentially relocate utility lines. Potentially install new traffic signal at intersection.

Project Location:

Approximate location of the project can be viewed in Google Maps: https://www.google.com/maps/place/38.710426744051674N77.12851487863733W

Counties: Fairfax, VA

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.

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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	Threatened

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.

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