

Sussex County Service Center

21315 Berlin Road, Unit 1
Georgetown, DE 19947

June 12, 2024

Chesapeake Bay Ecological Services Field Office
177 Admiral Cochrane Drive
Annapolis, MD 21401-7307

Request for Concurrence Erica M. Schlitter 24106 Cedar Lane Georgetown, DE Proposed Project

The USDA, Farm Service Agency (FSA) is completing an environmental review for the proposed construction of a CREP CP9 shallow water wildlife pond using the owner's and USDA's funding. The project will consist of an approximately 0.2 acre shallow excavated pond surrounded by a berm and grass filter strip. The area of disturbance is located on a 33.99 acre tract located on the West side of Cedar Lane approximately 3 miles South of Georgetown. The project is referred to as the Erica M. Schlitter/Matthew J. Schlitter farm, tax map 133-3.00-1.01. The project is located ~1300 feet West of Cedar Lane, ~2700 feet Northwest of the Governor Stockley Road and Cedar Lane intersection (at 24106 Cedar Lane). The area is in a rural part of the county and is surrounded by farms, subdivisions, a wastewater treatment plant, and single family homes. There is a single family home and a shed located on the property – with most of the land being existing cropland and woods.

Pursuant to 7(a)(1) of the Endangered Species Act (ESA) implementing regulations to carry out programs for the conservation of threatened and endangered species, this letter and attachments are being transmitted to initiate consultation, to assist FSA in fulfilling its duty to ensure federal actions do not jeopardize the continued existence of a species or destroy or adversely modify critical habitat. A NRCS site visit has been made and the following attachments reviewed:

- Species list from Ipac website and habitat requirements of listed species
- Location map
- Aerial view of property for its current use
- FEMA flood map
- GIS topo map
- Soils map
- Drawings of project location or footprint and related design plans, as appropriate

Based on the above there is no indication of the presence, or the profitability of adverse impacts. Accordingly, pursuant to 7(a)(1) of the Endangered Species Act (ESA), USDA-FSA has determined the described project **“may affect, but is not likely to adversely affect.”** Your concurrence with this determination is requested within thirty (30) days of the email delivery receipt or delivery of this letter based on standard United State Post Office delivery schedules not to exceed 5 days from the related post

mark. If we do not hear from you within the specified time frame, it will be assumed you are in agreement and have no further interest in this matter.

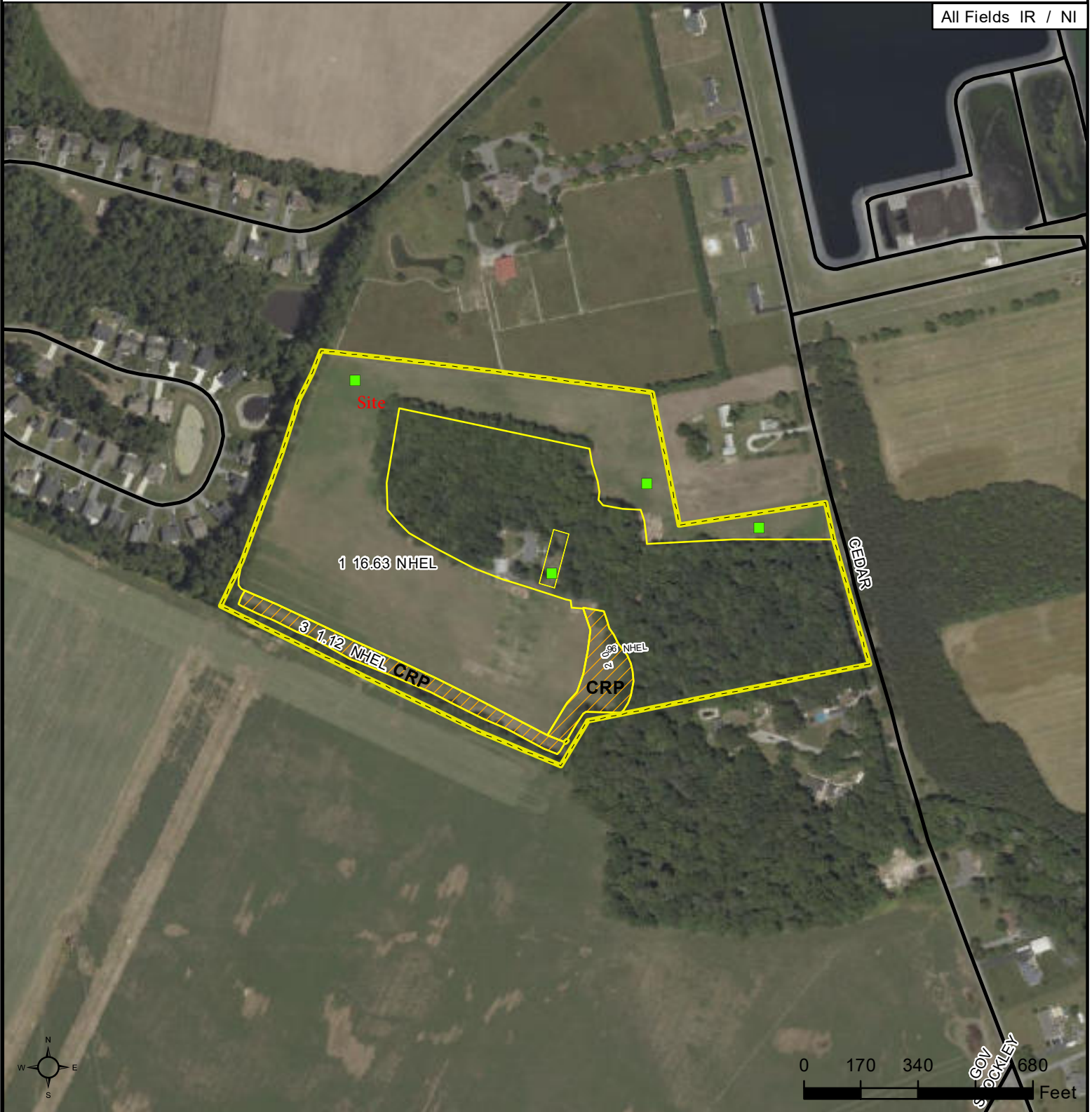
If you are unable to respond in 30 days or have any questions or need further information please contact me at 302-856-3990 ext.2 or caitlin.sheffer@usda.gov

Sincerely,

A handwritten signature in blue ink that reads "Caitlin V. Sheffer". The signature is fluid and cursive, with a long horizontal stroke extending to the right from the end of the name.

Caitlin V. Sheffer
County Executive Director

All Fields IR / NI



Common Land Unit
 Non-Cropland
 Cropland
 Tract Boundary
 CRP

Wetland Determination Identifiers
● Restricted Use
▼ Limited Restrictions
■ Exempt from Conservation Compliance Provisions

Tract Cropland Total: 18.71 acres

2024 Program Year

Map Created April 05, 2024

Farm **4626**
 Tract **37076**

United States Department of Agriculture (USDA) Farm Service Agency (FSA) maps are for FSA Program administration only. This map does not represent a legal survey or reflect actual ownership; rather it depicts the information provided directly from the producer and/or National Agricultural Imagery Program (NAIP) imagery. The producer accepts the data 'as is' and assumes all risks associated with its use. USDA-FSA assumes no responsibility for actual or consequential damage incurred as a result of any user's reliance on this data outside FSA Programs. Wetland identifiers do not represent the size, shape, or specific determination of the area. Refer to your original determination (CPA-026 and attached maps) for exact boundaries and determinations or contact USDA Natural Resources Conservation Service (NRCS).



United States Department of the Interior



FISH AND WILDLIFE SERVICE
Chesapeake Bay Ecological Services Field Office
177 Admiral Cochrane Drive
Annapolis, MD 21401-7307
Phone: (410) 573-4599 Fax: (410) 266-9127

In Reply Refer To:

06/07/2024 14:22:26 UTC

Project code: 2024-0101053

Project Name: ERICA_M_SCHLITTER_FSN4626_T37076_CP9

Subject: Consistency letter for the 'ERICA_M_SCHLITTER_FSN4626_T37076_CP9' project under the amended February 5, 2018, FHWA, FRA, FTA Programmatic Biological Opinion (dated March 23, 2023) for Transportation Projects within the Range of the Indiana Bat and Northern Long-eared Bat (NLEB).

To whom it may concern:

The U.S. Fish and Wildlife Service (Service) has received your request dated June 07, 2024 to verify that the **ERICA_M_SCHLITTER_FSN4626_T37076_CP9** (Proposed Action) may rely on the amended February 5, 2018, FHWA, FRA, FTA Programmatic Biological Opinion (dated March 23, 2023) for Transportation Projects within the Range of the Indiana Bat and Northern Long-eared Bat (PBO) to satisfy requirements under section 7(a)(2) of the Endangered Species Act of 1973 (ESA) (87 Stat.884, as amended; 16 U.S.C. 1531 *et seq.*).

Based on the information you provided (Project Description shown below), you have determined that the Proposed Action will have no effect on the endangered Indiana bat (*Myotis sodalis*) or the endangered northern long-eared bat (*Myotis septentrionalis*). If the Proposed Action is not modified, **no consultation is required for these two species**. If the Proposed Action is modified, or new information reveals that it may affect the Indiana bat and/or northern long-eared bat in a manner or to an extent not considered in the PBO, further review to conclude the requirements of ESA section 7(a)(2) may be required.

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

If your initial bridge/culvert or structure assessment failed to detect Indiana bats and/or NLEBs use or occupancy, yet later detected prior to, or during construction, please submit the Post Assessment Discovery of Bats at Bridge/Culvert or Structure Form (User Guide Appendix E) to this Service Office within 2 working days of the incident. In these instances, potential incidental take of Indiana bats and/or NLEBs may be exempted provided that the take is reported to the Service.

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

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

- Monarch Butterfly *Danaus plexippus* Candidate
- Tricolored Bat *Perimyotis subflavus* Proposed Endangered

PROJECT DESCRIPTION

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

NAME

ERICA_M_SCHLITTER_FSN4626_T37076_CP9

DESCRIPTION

A shallow CP9 pond approximately 0.2 acre in area with a surrounding berm is proposed to be excavated on tax parcel 133-3.00-1.01 ~1300 feet West of Cedar Lane, ~2700 feet Northwest of the Cedar Lane and Governor Stockley Road intersection, ~1220 feet West of the Georgetown Sewage Treatment Plant, 3 miles Southeast of Georgetown.

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@38.65600755,-75.34040722844186,14z>



DETERMINATION KEY RESULT

Based on the information you provided, you have determined that the Proposed Action will have no effect on the endangered Indiana bat and/or the endangered northern long-eared bat.

Therefore, no consultation with the U.S. Fish and Wildlife Service pursuant to Section 7(a)(2) of the Endangered Species Act of 1973 (ESA) (87 Stat. 884, as amended 16 U.S.C. 1531 *et seq.*) is required for these two species.

QUALIFICATION INTERVIEW

1. Is the project within the range of the Indiana bat^[1]?

[1] See [Indiana bat species profile](#)

Automatically answered

No

2. Is the project within the range of the northern long-eared bat^[1]?

[1] See [northern long-eared bat species profile](#)

Automatically answered

Yes

3. [Semantic] Does your proposed action intersect an area where Indiana bats and northern long-eared bats are not likely to occur?

Automatically answered

Yes

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

This key was last updated in IPaC on October 30, 2023. Keys are subject to periodic revision.

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

This decision key should only be used to verify project applicability with the Service's [amended February 5, 2018, FHWA, FRA, FTA Programmatic Biological Opinion \(dated March 23, 2023\) for Transportation Projects](#). The programmatic biological opinion covers limited transportation activities that may affect either bat species, and addresses situations that are both likely and not likely to adversely affect either bat species. This decision key will assist in identifying the effect of a specific project/activity and applicability of the programmatic consultation. The programmatic biological opinion is not intended to cover all types of transportation actions. Activities outside the scope of the programmatic biological opinion, or that may affect ESA-listed species other than the Indiana bat or NLEB, or any designated critical habitat, may require additional ESA Section 7 consultation.

IPAC USER CONTACT INFORMATION

Agency: Farm Service Agency
Name: Harry Hudson
Address: 21315 Berlin Road Unit 1
City: Georgetown
State: DE
Zip: 19947
Email: harry.hudson@usda.gov
Phone: 3022597468



United States Department of the Interior



FISH AND WILDLIFE SERVICE
Chesapeake Bay Ecological Services Field Office
177 Admiral Cochrane Drive
Annapolis, MD 21401-7307
Phone: (410) 573-4599 Fax: (410) 266-9127

In Reply Refer To:

06/07/2024 14:20:34 UTC

Project Code: 2024-0101053

Project Name: ERICA_M_SCHLITTER_FSN4626_T37076_CP9

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.*).

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

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

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2) (c)). For projects other than major construction activities, the Service suggests that a biological

evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

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

<https://www.fws.gov/sites/default/files/documents/endangered-species-consultation-handbook.pdf>

Migratory Birds: In addition to responsibilities to protect threatened and endangered species under the Endangered Species Act (ESA), there are additional responsibilities under the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) to protect native birds from project-related impacts. Any activity, 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/program/migratory-bird-permit/what-we-do>.

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/library/collections/threats-birds>.

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

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation 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
- Wetlands

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:

Chesapeake Bay Ecological Services Field Office

177 Admiral Cochrane Drive

Annapolis, MD 21401-7307

(410) 573-4599

PROJECT SUMMARY

Project Code: 2024-0101053

Project Name: ERICA_M_SCHLITTER_FSN4626_T37076_CP9

Project Type: Conservation Agreement

Project Description: A shallow CP9 pond approximately 0.2 acre in area with a surrounding berm is proposed to be excavated on tax parcel 133-3.00-1.01 ~1300 feet West of Cedar Lane, ~2700 feet Northwest of the Cedar Lane and Governor Stockley Road intersection, ~1220 feet West of the Georgetown Sewage Treatment Plant, 3 miles Southeast of Georgetown.

Project Location:

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@38.65600755,-75.34040722844186,14z>



Counties: Sussex County, Delaware

ENDANGERED SPECIES ACT SPECIES

There is a total of 3 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species. Note that 1 of these species should be considered only under certain conditions.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, 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. This species only needs to be considered under the following conditions: <ul style="list-style-type: none"> This species only needs to be considered if the project includes wind turbine operations. Species profile: https://ecos.fws.gov/ecp/species/9045	Endangered
Tricolored Bat <i>Perimyotis subflavus</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/10515	Proposed Endangered

INSECTS

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

CRITICAL HABITATS

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

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

USFWS NATIONAL WILDLIFE REFUGE LANDS AND FISH HATCHERIES

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

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

WETLANDS

Impacts to [NWI wetlands](#) and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local [U.S. Army Corps of Engineers District](#).

Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.

RIVERINE

- R4SBCx

FRESHWATER FORESTED/SHRUB WETLAND

- PFO1/4Ad

IPAC USER CONTACT INFORMATION

Agency: Farm Service Agency
Name: Harry Hudson
Address: 21315 Berlin Road Unit 1
City: Georgetown
State: DE
Zip: 19947
Email: harry.hudson@usda.gov
Phone: 3022597468

ERICA_M_SCHLITTER_FSN4626_T37076_

BIOLOGICAL ANALYSIS

Prepared using IPaC

Generated by Harry Hudson (harry.hudson@usda.gov)

June 7, 2024

The purpose of this document is to assess the effects of the proposed project and determine whether the project may affect any federally threatened, endangered, proposed, or candidate species. If appropriate for the project, this document may be used as a biological assessment (BA), as it is prepared in accordance with legal requirements set forth under [Section 7 of the Endangered Species Act \(16 U.S.C. 1536 \(c\)\)](#).

In this document, any data provided by U.S. Fish and Wildlife Service is based on data as of June 7, 2024.

Prepared using IPaC version 6.110.0-rc5

ERICA_M_SCHLITTER_FSN4626_T37076_CP9 BIOLOGICAL ASSESSMENT

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1 DESCRIPTION OF THE ACTION

1.1 PROJECT NAME

ERICA_M_SCHLITTER_FSN4626_T37076_CP9

1.2 EXECUTIVE SUMMARY

This is a CREP CP9 project meant to enhance wildlife in general by enhancing wetlands and habitat.

1.3 EFFECT DETERMINATION SUMMARY

SPECIES (COMMON NAME)	SCIENTIFIC NAME	LISTING STATUS	PRESENT IN ACTION AREA	EFFECT DETERMINATION
Monarch Butterfly	Danaus plexippus	Candidate	Yes	NLAA
Northern Long-eared Bat†. This species or critical habitat is covered by a DKey.	Myotis septentrionalis	Endangered		NE
Tricolored Bat	Perimyotis subflavus	Proposed Endangered	Yes	NLAA

† This species or critical habitat has been analyzed through a Determination Key.

1.4 PROJECT DESCRIPTION

1.4.1 LOCATION



LOCATION

Sussex County, Delaware

1.4.2 DESCRIPTION OF PROJECT HABITAT

Pond proposed in existing cropland on the Northwest side of a wooded area

RELEVANT DOCUMENTATION

- [DE005_F4626_T37076](#)

1.4.3 PROJECT PROPONENT INFORMATION

Provide information regarding who is proposing to conduct the project, and their contact information. Please provide details on whether there is a Federal nexus.

REQUESTING AGENCY

Department of Agriculture

Farm Service Agency

FULL NAME

Harry Hudson

STREET ADDRESS

21315 Berlin Road Unit 1

CITY

Georgetown

STATE

DE

ZIP

19947

PHONE NUMBER

3022597468

E-MAIL ADDRESS

harry.hudson@usda.gov

LEAD AGENCY

Lead agency is the same as requesting agency

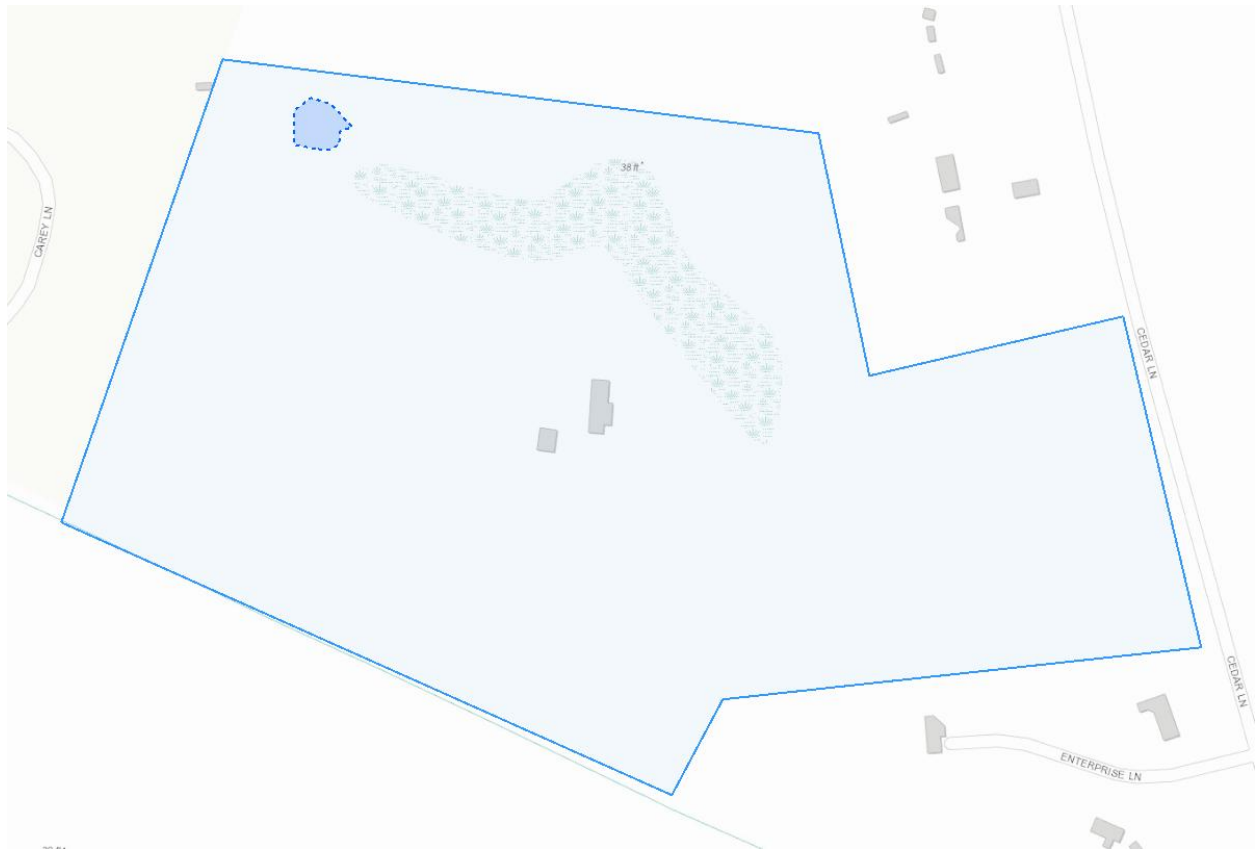
1.4.4 PROJECT PURPOSE

Proposed shallow water wildlife pond to be constructed for wetlands enhancement.

1.4.5 PROJECT TYPE AND DECONSTRUCTION

This project is a CP 9 shallow wildlife pond project.

1.4.5.1 PROJECT MAP



LEGEND



Project footprint



Layer 1: Construct shallow CP 9 wildlife pond (structure)

1.4.5.2 CONSTRUCT SHALLOW CP 9 WILDLIFE POND

STRUCTURE COMPLETION DATE

October 01, 2024

REMOVAL/DECOMMISSION DATE (IF APPLICABLE)

Not applicable

STRESSORS

This activity is not expected to have any impact on the environment.

DESCRIPTION

This CP9 pond project is for Conservation and both wetlands and wildlife enhancement

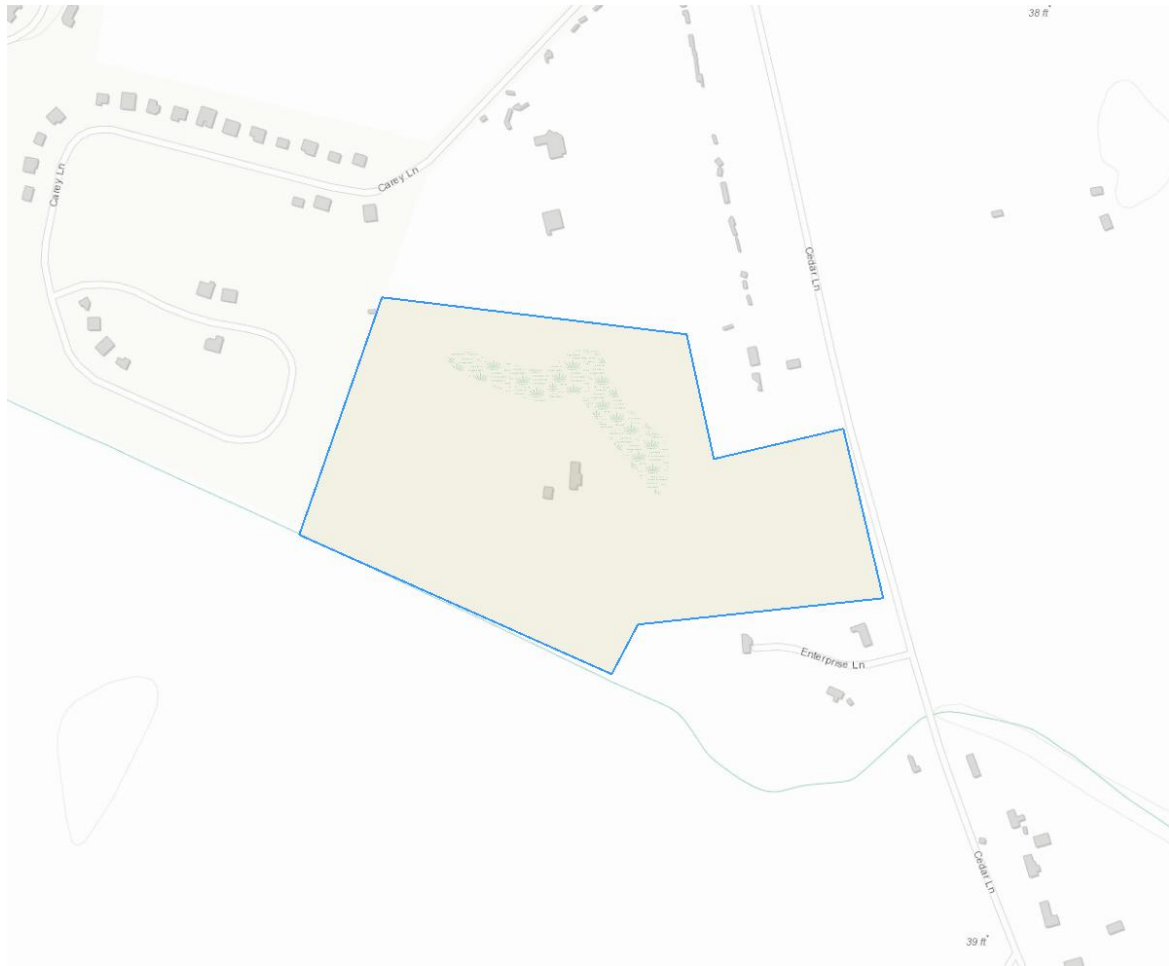
1.4.6 ANTICIPATED ENVIRONMENTAL STRESSORS

Describe the anticipated effects of your proposed project on the aspects of the land, air and water that will occur due to the activities above. These should be based on the activity deconstructions done in the previous section and will be used to inform the action area.



1.4.6.1 PLANT FEATURES

Individuals from the Plantae kingdom, such as trees, shrubs, herbs, grasses, ferns, and mosses. This feature also includes products of plants (e.g., nectar, flowers, seeds, etc.).

1.5 ACTION AREA



LEGEND

-  Project footprint
-  Stressor location

1.6 CONSERVATION MEASURES

Describe any proposed measures being implemented as part of the project that are designed to reduce the impacts to the environment and their resulting effects to listed species. To avoid extra verbiage, don't list measures that have no relevance to the species being analyzed.

No conservation measures have been selected for this project.

1.7 PRIOR CONSULTATION HISTORY

None - we will consult individually

1.8 OTHER AGENCY PARTNERS AND INTERESTED PARTIES

Will send on our own

1.9 OTHER REPORTS AND HELPFUL INFORMATION

This is a CREP CP9 wildlife pond project

2 SPECIES EFFECTS ANALYSIS

This section describes, species by species, the effects of the proposed action on listed, proposed, and candidate species, and the habitat on which they depend. In this document, effects are broken down as direct interactions (something happening directly to the species) or indirect interactions (something happening to the environment on which a species depends that could then result in effects to the species).

These interactions encompass effects that occur both during project construction and those which could be ongoing after the project is finished. All effects, however, should be considered, including effects from direct and indirect interactions and cumulative effects.

2.1 MONARCH BUTTERFLY

2.1.1 STATUS OF THE SPECIES

This section should provide information on the species' background, its biology and life history that is relevant to the proposed project within the action area that will inform the effects analysis.

2.1.1.1 LEGAL STATUS

The Monarch Butterfly is federally listed as 'Candidate' and additional information regarding its legal status can be found on the [ECOS species profile](#).

2.1.1.2 RECOVERY PLANS

Available recovery plans for the Monarch Butterfly can be found on the [ECOS species profile](#).

2.1.1.3 LIFE HISTORY INFORMATION

Note - the monarch is a candidate species and not yet listed or proposed for listing. Consultation with U.S. Fish and Wildlife Service under section 7 of the Endangered Species Act is not required for candidate species, like the monarch. We encourage agencies, however, to take advantage of any opportunity they may have to conserve the species.

For information on monarch conservation, visit <https://www.fws.gov/initiative/pollinators/monarchs>, http://www.mafwa.org/?page_id=2347, and, for the West, <https://wafwa.org/committees-working-groups/monarch-working-group/>.

Adult monarch butterflies are large and conspicuous, with bright orange wings surrounded by a black border and covered with black veins. The black border has a double row of white spots, present on the upper side of the wings. Adult monarchs are sexually dimorphic, with males having narrower wing venation and scent patches. The bright coloring of a monarch serves as a warning to predators that eating them can be toxic.

During the breeding season, monarchs lay their eggs on their obligate milkweed host plant (primarily *Asclepias* spp.), and larvae emerge after two to five days. Larvae develop through five larval instars (intervals between molts) over a period of 9 to 18 days, feeding on milkweed and sequestering toxic chemicals (cardenolides) as a defense against predators. The larva then pupates into a chrysalis before emerging 6 to 14 days later as an adult butterfly. There are multiple generations of monarchs produced during the breeding season, with most adult butterflies living approximately two to five weeks; overwintering adults enter into reproductive diapause (suspended reproduction) and live six to nine months.

In many regions where monarchs are present, monarchs breed year-round. Individual monarchs in temperate climates, such as eastern and western North America, undergo long-distance migration, and live for an extended period of time. In the fall, in both eastern and western North America, monarchs begin migrating to their respective overwintering sites. This migration can take monarchs distances of over 3,000 km and last for over two months. In early spring (February-March), surviving monarchs break diapause and mate at the overwintering sites before dispersing. The same individuals that undertook the initial southward migration begin flying back through the breeding grounds and their offspring start the cycle of generational migration over again.

IDENTIFIED RESOURCE NEEDS

Herbaceous vegetation

Need milkweed

2.1.1.4 CONSERVATION NEEDS

None required - this is a hay field at present. Not aware of milkweed being present.

2.1.2 ENVIRONMENTAL BASELINE

*The environmental baseline describes the species' health **within the action area only** at the time of the consultation, and does not include the effects of the action under review. Unlike the species information provided above, the environmental baseline is at the scale of the Action area.*

2.1.2.1 SPECIES PRESENCE AND USE

Not observed on site

2.1.2.2 SPECIES CONSERVATION NEEDS WITHIN THE ACTION AREA

None

2.1.2.3 HABITAT CONDITION (GENERAL)

Monarch Butterfly's observed in the fall. As hay and pasture with a small shallow pond proposed for construction the butterfly's should not be disturbed.

2.1.2.4 INFLUENCES

Property was in grain production until 3 years ago - now hay and pastures

2.1.2.5 ADDITIONAL BASELINE INFORMATION

None

2.1.3 EFFECTS OF THE ACTION

This section considers and discusses all effects on the listed species that are caused by the proposed action and are reasonably certain to occur, including the effects of other activities that would not occur but for the proposed action.

2.1.3.1 INDIRECT INTERACTIONS

Provide a brief overview of what the applicable science has discovered regarding the species and its response to the stressors that each project activity may cause. This should include an explanation of the pathways and mechanisms that have potential to translate environmental change (impact) into response and effects to individuals.

2.1.3.2 DIRECT INTERACTIONS

No direct interactions leading to effects on species are expected to occur from the proposed project.

Justification:

This project will have no more effect than other farming practices.

2.1.4 CUMULATIVE EFFECTS

Once the pond is constructed nothing will happen in the pond area for its 15 year lifespan.

2.1.5 DISCUSSION AND CONCLUSION

DETERMINATION: [NLAA](#)

COMPENSATION MEASURES

None - pond will be undisturbed for 15 years when complete - surrounding area will have regular farming practices for hay and pasture

2.2 TRICOLORED BAT

2.2.1 STATUS OF THE SPECIES

This section should provide information on the species' background, its biology and life history that is relevant to the proposed project within the action area that will inform the effects analysis.

2.2.1.1 LEGAL STATUS

The Tricolored Bat is federally listed as 'Proposed Endangered' and additional information regarding its legal status can be found on the [ECOS species profile](#).

2.2.1.2 RECOVERY PLANS

Available recovery plans for the Tricolored Bat can be found on the [ECOS species profile](#).

2.2.1.3 LIFE HISTORY INFORMATION

The tricolored bat is a small insectivorous bat that is distinguished by its unique tricolored fur and often appears yellowish to nearly orange. The once common species is wide ranging across the eastern and central United States and portions of southern Canada, Mexico and Central America. During the winter, tricolored bats are often found in caves and abandoned mines, although in the southern United States, where caves are sparse, tricolored bats are often found roosting in road-associated culverts where they exhibit shorter torpor bouts and forage during warm nights. During the spring, summer, and fall, tricolored bats are found in forested habitats where they roost in trees, primarily among leaves of live or recently dead deciduous hardwood trees, but may also be found in Spanish moss, pine trees, and occasionally human structures. Tricolored bats face extinction due primarily to the rangewide impacts of white-nose syndrome, a deadly disease affecting cave-dwelling bats across the continent. White-nose syndrome has caused estimated declines of more than 90 percent in affected tricolored bat colonies across the majority of the species range. To address the growing threat of white-nose syndrome to the tricolored bat and other bats across North America, the U.S. Fish and Wildlife Service is leading the White-nose Syndrome National Response Team, a coordinated effort of more than 150 non-governmental organizations, institutions, Tribes, and state and federal agencies. Together we are conducting critical white-nose syndrome research and developing management strategies to minimize impacts of the disease and recover affected bat populations. For more information on white-nose syndrome, please see: <https://www.whitenosesyndrome.org/> For more information on tricolored bats, please see: <https://www.fws.gov/species/tricolored-bat-perimyotis-subflavus>

IDENTIFIED RESOURCE NEEDS

Overstory vegetation structure

If bats are in wooded area - no change proposed to woods

2.2.1.4 CONSERVATION NEEDS

None - forest will be left as is - pond will remain unchanged for at least 15 years after construction - remaining cropland will be tilled as usual.

2.2.2 ENVIRONMENTAL BASELINE

*The environmental baseline describes the species' health **within the action area only** at the time of the consultation, and does not include the effects of the action under review. Unlike the species information provided above, the environmental baseline is at the scale of the Action area.*

2.2.2.1 SPECIES PRESENCE AND USE

Not observed - small pond proposed - that will be dry most of the year

2.2.2.2 SPECIES CONSERVATION NEEDS WITHIN THE ACTION AREA

None - forest will be left as is - pond will remain unchanged for at least 15 years after construction - remaining cropland will be tilled as usual.

2.2.2.3 HABITAT CONDITION (GENERAL)

None - forest will be left as is - pond will remain unchanged for at least 15 years after construction - remaining cropland will be tilled as usual.

2.2.2.4 INFLUENCES

None known

2.2.2.5 ADDITIONAL BASELINE INFORMATION

Not observed in project area - cropland only

2.2.3 EFFECTS OF THE ACTION

This section considers and discusses all effects on the listed species that are caused by the proposed action and are reasonably certain to occur, including the effects of other activities that would not occur but for the proposed action.

2.2.3.1 INDIRECT INTERACTIONS

Provide a brief overview of what the applicable science has discovered regarding the species and its response to the stressors that each project activity may cause. This should include an explanation of the pathways and mechanisms that have potential to translate environmental change (impact) into response and effects to individuals.

2.2.3.2 DIRECT INTERACTIONS

No direct interactions leading to effects on species are expected to occur from the proposed project.

Justification:

Forest will be left as is - pond will remain unchanged for at least 15 years after construction - remaining cropland will be tilled as usual.

2.2.4 CUMULATIVE EFFECTS

None - forest will be left as is - pond will remain unchanged for at least 15 years after construction - remaining cropland will be tilled as usual.

2.2.5 DISCUSSION AND CONCLUSION

DETERMINATION: **NLAA**

COMPENSATION MEASURES

None - forest will be left as is - pond will remain unchanged for at least 15 years after construction - remaining cropland will be tilled as usual.

3 CRITICAL HABITAT EFFECTS ANALYSIS

No critical habitats intersect with the project action area.

4 SUMMARY DISCUSSION AND CONCLUSION

4.1 SUMMARY DISCUSSION

CP9 pond should enhance wildlife habitat in area by providing seasonal water source.

4.2 CONCLUSION

This project is for the construction of a shallow wildlife pond on existing cropland.

National Flood Hazard Layer FIRMMette



75°20'45"W 38°39'36"N



Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

- | | | |
|-----------------------------|--|---|
| SPECIAL FLOOD HAZARD AREAS | | Without Base Flood Elevation (BFE)
Zone A, V, A99 |
| | | With BFE or Depth Zone AE, AO, AH, VE, AR |
| | | Regulatory Floodway |
| OTHER AREAS OF FLOOD HAZARD | | 0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X |
| | | Future Conditions 1% Annual Chance Flood Hazard Zone X |
| | | Area with Reduced Flood Risk due to Levee. See Notes. Zone X |
| | | Area with Flood Risk due to Levee Zone D |
| OTHER AREAS | | NO SCREEN Area of Minimal Flood Hazard Zone X |
| | | Effective LOMRs |
| GENERAL STRUCTURES | | Area of Undetermined Flood Hazard Zone D |
| | | Channel, Culvert, or Storm Sewer |
| | | Levee, Dike, or Floodwall |
| OTHER FEATURES | | 20.2 Cross Sections with 1% Annual Chance |
| | | 17.5 Water Surface Elevation |
| | | Coastal Transect |
| | | Base Flood Elevation Line (BFE) |
| | | Limit of Study |
| | | Jurisdiction Boundary |
| | | Coastal Transect Baseline |
| | | Profile Baseline |
| | | Hydrographic Feature |
| MAP PANELS | | Digital Data Available |
| | | No Digital Data Available |
| | | Unmapped |



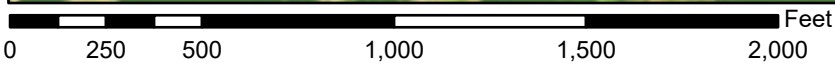
The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

X = site

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 6/7/2024 at 2:16 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.



1:6,000

75°20'7"W 38°39'8"N

Basemap Imagery Source: USGS National Map 2023



Preliminary Site Map

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Designed	RMC	Date	6/4/24
Drawn	RMC		6/4/24
Checked	----		----
Approved	----		----

United States Department of Agriculture
 Wildlife/Black Duck Initiative
 24106 CEDAR LN GEORGETOWN, DE 19947
 JOB CLASS: -----

United States Department of Agriculture	Delaware
USDA Natural Resources Conservation Service	
File No.	schlitter crep.dwg
Drawing No.	----
Date	6/4/2024
Sheet	2 of 7

Soil Map—Sussex County, Delaware
(Erica_Schlitter_Soil_Map)



Map Scale: 1:5,950 if printed on A landscape (11" x 8.5") sheet.

Meters

0 50 100 200 300

0 250 500 1000 1500

Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 18N WGS84



Natural Resources
Conservation Service

Web Soil Survey
National Cooperative Soil Survey

6/7/2024
Page 1 of 3


MAP LEGEND

Area of Interest (AOI)

 Area of Interest (AOI)

Soils

 Soil Map Unit Polygons

 Soil Map Unit Lines

 Soil Map Unit Points

Special Point Features



Blowout



Borrow Pit



Clay Spot



Closed Depression



Gravel Pit



Gravelly Spot



Landfill



Lava Flow



Marsh or swamp



Mine or Quarry



Miscellaneous Water



Perennial Water



Rock Outcrop



Saline Spot



Sandy Spot



Severely Eroded Spot



Sinkhole



Slide or Slip



Sodic Spot



Spoil Area



Stony Spot



Very Stony Spot



Wet Spot



Other



Special Line Features

Water Features



Streams and Canals

Transportation



Rails



Interstate Highways



US Routes



Major Roads



Local Roads

Background



Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service

Web Soil Survey URL:

Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Sussex County, Delaware

Survey Area Data: Version 24, Sep 12, 2023

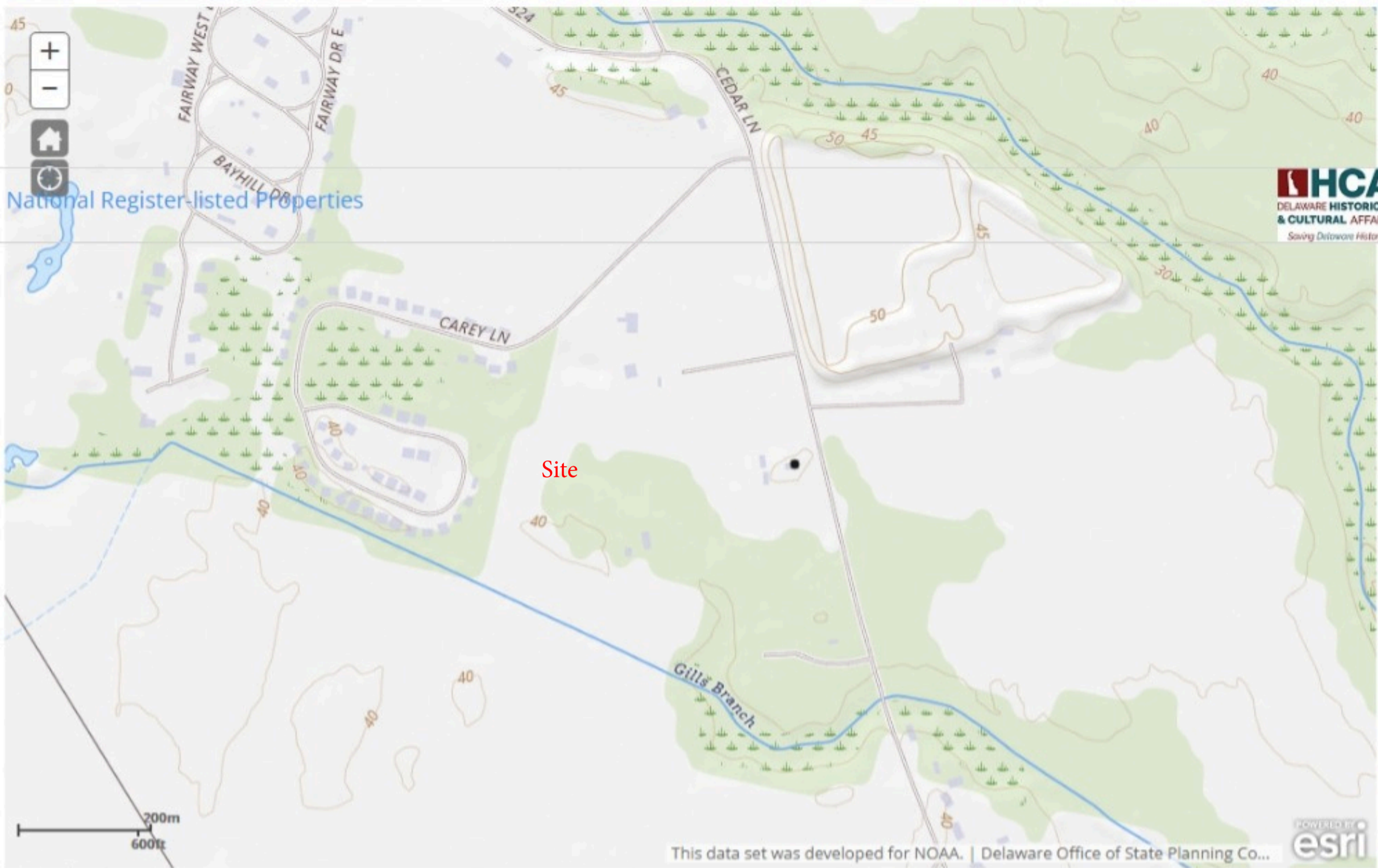
Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: May 30, 2022—Jul 4, 2022

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
DndB	Downer loamy sand, 2 to 5 percent slopes, Northern Tidewater Area	2.0	2.1%
DoA	Downer sandy loam, 0 to 2 percent slopes, Northern Tidewater Area	15.1	15.4%
FhB	Fort Mott-Henlopen complex, 2 to 5 percent slopes	7.5	7.6%
HmA	Hammonton loamy sand, 0 to 2 percent slopes	6.5	6.6%
HuA	Hurlock loamy sand, 0 to 2 percent slopes	8.8	8.9%
IeA	Ingleside loamy sand, 0 to 2 percent slopes	1.4	1.5%
LO	Longmarsh and Indiantown soils, frequently flooded	8.3	8.5%
PsA	Pepperbox-Rosedale complex, 0 to 2 percent slopes	28.7	29.2%
RoA	Rosedale loamy sand, 0 to 2 percent slopes	19.9	20.3%
Totals for Area of Interest		98.3	100.0%



- Parcel Centroids
- Delaware 1926 Orthophotography
- Delaware 1937 Orthophotography
- Delaware 1954 Imagery
- Delaware 1961 Imagery
- Delaware 1968 Imagery
- Delaware 1992 Imagery
- Delaware 1997 Imagery
- Delaware 2002 Imagery
- Delaware 2007 Imagery
- Delaware 2012 Imagery
- Delaware 2017 Imagery
- Delaware Sandy Imagery
- DE_Planning_Development
- DE_Boundaries - Municipalities
- DE_Boundaries - State and County Boundaries