



United States  
Department of  
Agriculture

Farm  
Production  
and  
Conservation

Farm  
Service  
Agency

New Castle County FSA Office  
2430 Old County Rd  
Newark, DE 19702  
Phone: 302-832-3100

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April 20, 2021

Kimberly B. Cole  
Program Administrator  
Delaware Coastal Management Program  
100 W. Water St., Suite 7B  
Dover, DE 19904

Ref: Federal Consistency Determination

The USDA, Farm Service Agency (FSA) is completing an environmental review of a site to construct a Grain Storage Bin. In doing the review it was determined that ground disturbance below the plow zone will be needed to pour a concrete foundation. The property is currently a farm-yard area with barns & existing grain facility and is located at 1035 Jamison Corner Rd, Middletown, DE 19709.

As part of our environmental review, FSA is requesting a federal consistency determination from your department.

We request a response within sixty (60) days from receipt of this letter. Thank you for your time and attention to this issue of mutual concern. If you have any questions or concerns in regard to this project, please be assured of our cooperation.

Sincerely,

A handwritten signature in blue ink that reads "Maryann Reed". The signature is written in a cursive, flowing style.

Maryann Reed  
County Executive Director

EN: aerial map, location map, consistency form





Initial Review: \_\_\_\_\_  
Updated On: \_\_\_\_\_  
Complete: \_\_\_\_\_  
Official Use Only

## Coastal Zone Management Act Federal Consistency Form

This document provides the Delaware Coastal Management Program (DCMP) with a Federal Consistency Determination or Certification for activities regulated under the Coastal Zone Management Act of 1972, as amended, and NOAA's Federal Consistency Regulations, 15 C.F.R. Part 930. Federal agencies and other applicants for federal consistency are not required to use this form; it is provided to applicants to facilitate the submission of a Consistency Determination or Consistency Certification. In addition, federal agencies and applicants are only required to provide the information required by NOAA's Federal Consistency Regulations.

<b>Project/Activity Name:</b>	1035 JAMISON CORNER RD, MIDDLETOWN, DE 19709
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**I. Federal Agency or Non-Federal Applicant Contact Information:**

Contact Name/Title: Maryann Reed - County Executive Director

Federal Agency Contractor Name (if applicable): \_\_\_\_\_

Federal Agency: USDA Farm Service Agency  
(either the federal agency proposing an action or the federal agency issuing a federal license/permit or financial assistance to a non-federal applicant)

Mailing Address: 519 S Red Haven Ln, Suite 200

City: Dover State: DE Zip Code: 19901

E-mail: maryann.reed@usda.gov Telephone #: 302-741-2600 ext.2

**II. Federal Consistency Category:**

- Federal Activity or Development Project (15 C.F.R. Part 930, Subpart C)
- Outer Continental Shelf Activity (15 C.F.R. Part 930, Subpart E)
- Federal Financial Assistance (15 C.F.R. Part 930, Subpart F)
- Federal License or Permit Activity (15 C.F.R. Part 930, Subpart D)
- Federal License or Permit Activity which occurs wholly in another state (interstate consistency activities identified in DCMP's Policy document)

**III. Detailed Project Description** (attach additional sheets if necessary):

The USDA, Farm Service Agency (FSA) has received an application to provide financing in order to construct an additional Grain Storage Bin in an existing Grain Storage Yard. The property is currently a farm storage yard with barns, milking parlor & a residence. Located at 1035 JAMISON CORNER RD, MIDDLETOWN, DE 19709

**IV. General Analysis of Coastal Effects** (attach additional sheets if necessary):

There are no anticipated effects to the coastal zone.

**V. Detailed Analysis of Consistency with DCMP Enforceable Policies** (attach additional sheets if necessary):

**Policy 5.1: Wetlands Management**

n/a

**Policy 5.2: Beach Management**

n/a

**Policy 5.3: Coastal Waters Management** (includes wells, water supply, and stormwater management. Attach additional sheets if necessary)

The proposed project is not within a coastal barrier in Delaware, and is more than 500 feet away from the nearest coastal barrier area. A Use Permit will be required from New Castle County.

**Policy 5.4: Subaqueous Land and Coastal Strip Management**

n/a

**Policy 5.5: Public Lands Management**

n/a

**Policy 5.6: Natural Lands Management**

The US Department of Interior, Fish and Wildlife Service, IPaC resource list was obtained on 4/20/2021 and showed 2 threatened, endangered, or candidate species on the proposed area. The IPaC list also showed no critical habitat, refuge lands or fish hatcheries. Consultation Code: 05E2CB00-2021-SLI-1142. Event Code: 05E2CB00-2021-E-02779.

**Policy 5.7: Flood Hazard Areas Management**

n/a

**Policy 5.8: Port of Wilmington**

n/a

**Policy 5.9: Woodlands and Agricultural Lands Management**

n/a

**Policy 5.10: Historic and Cultural Areas Management**

There are no historical properties on the proposed site. Consultation letters will be sent to DE SHPO and the DE THPO.

**Policy 5.11: Living Resources**

The US Department of Interior, Fish and Wildlife Service, IPaC resource list was obtained on 4/20/2021 and showed 2 threatened, endangered, or candidate species on the proposed area. The IPaC list also showed no critical habitat, refuge lands or fish hatcheries. Consultation Code: 05E2CB00-2021-SLI-1142. Event Code: 05E2CB00-2021-E-02779.

**Policy 5.12 Mineral Resources Management**

n/a

**Policy 5.13: State Owned Coastal Recreation and Conservation**

n/a

**Policy 5.14: Public Trust Doctrine**

n/a

**Policy 5.15: Energy Facilities**

n/a

**Policy 5.16: Public Investment**

n/a

**Policy 5.17: Recreation and Tourism**

n/a

**Policy 5.18: National Defense and Aerospace Facilities**

n/a

**Policy 5.19: Transportation Facilities**

n/a

**Policy 5.20: Air Quality Management**

n/a

**Policy 5.21: Water Supply Management**

current well on site

**Policy 5.22: Waste Disposal Management**

DAIRY WASTE TANK

**Policy 5.23: Development**

N/A

**Policy 5.24: Pollution Prevention**

N/A

**Policy 5.25: Coastal Management Coordination**

n/a

**VI. JPP and RAS Review (Check all that apply):**

Has the project been reviewed in a monthly Joint Permit Processing and/or Regulatory Advisory Service meeting?

- JPP                       RAS                       None

\*If yes, provide the date of the meeting(s): \_\_\_\_\_

**VII. Statement of Certification/Determination and Signature (Check one and sign below):**

**FEDERAL AGENCY CONSISTENCY DETERMINATION.** Based upon the information, data, and analysis included herein, the federal agency, or its contracted agent, listed in (I) above, finds that this proposed activity is consistent to the maximum extent practicable with the enforceable policies of the Delaware Coastal Management Program.

OR

**FEDERAL AGENCY NEGATIVE DETERMINATION.** Based upon the information, data, and analysis included herein, the federal agency, or its contracted agent, listed in (I) above, finds that this proposed activity will not have any reasonably foreseeable effects on Delaware's coastal uses or resources (Negative Determination) and is therefore consistent with the enforceable policies of the Delaware Coastal Management Program.

OR

**NON-FEDERAL APPLICANT'S CONSISTENCY CERTIFICATION.** Based upon the information, data, and analysis included herein, the non-federal applicant for a federal license or permit, or state or local government agency applying for federal funding, listed in (I) above, finds that this proposed activity complies with the enforceable policies of the Delaware Coastal Management Program and will be conducted in a manner consistent with such program.

Signature:			
Printed Name:	MARYANN REED	Date:	04/20/2021

Pursuant to 15 C.F.R. Part 930, the Delaware Coastal Management Program must provide its concurrence with or objection to this consistency determination or consistency certification in accordance with the deadlines listed below. Concurrence will be presumed if the state's response is not received within the allowable timeframe.

**Federal Consistency Review Deadlines:**

Federal Activity or Development Project (15 C.F.R. Part 930, Subpart C)	60 days with option to extend an additional 15 days or stay review (15 C.F.R. § 930.41)
Federal License or Permit (15 C.F.R. Part 930, Subpart D)	Six months, with a status letter at three months. The six month review period can be stayed by mutual agreement. (15 C.F.R. § 930.63)
Outer Continental Shelf Activity (15 C.F.R. Part 930, Subpart E)	Six months, with a status letter at three months. If three month status letter not issued, then concurrence presumed. The six month review period can be stayed by mutual agreement. (15 C.F.R. § 930.78)
Federal Financial Assistance to State or Local Governments (15 C.F.R. Part 930, Subpart F)	State Clearinghouse schedule

**OFFICIAL USE ONLY:**

Reviewed By:	Fed Con ID:	Date Received:
Public notice dates: _____ to _____	Comments Received: <input type="checkbox"/> NO <input type="checkbox"/> YES <i>[attach comments]</i>	
Decision type: <small>(objections or conditions attach details)</small>	Decision Date: _____	



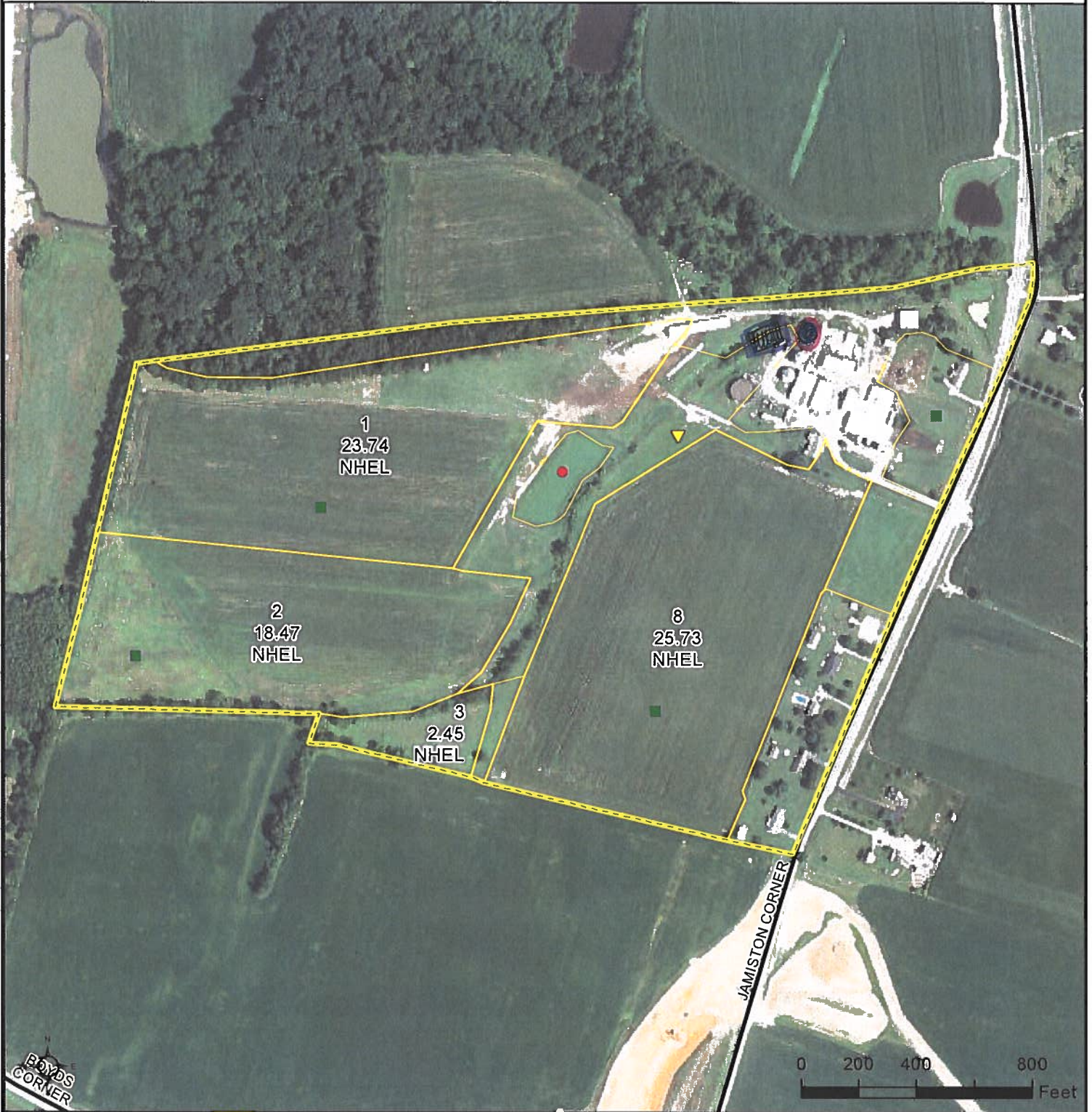


United States  
Department of  
Agriculture

# New Castle County, Delaware

100% share on all fields to \_\_\_\_\_

other, specify here: \_\_\_\_\_



**Common Land Unit** Tract Boundary

- Non-Cropland
- Cropland

**Wetland Determination Identifiers**

- Restricted Use
- Limited Restrictions
- Exempt from Conservation Compliance Provisions

**Tract Cropland Total: 70.39 acres**

**2021 Program Year**  
Map Created September 25, 2020

**Farm 2208**  
**Tract 1936**

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).







NCODE GIS



Date: 4/1/2021



 - Robbie  
 - Robert

# Parcel Map

Author:







**Parcel # 1300800004**

Property Address: 1049 JAMISON CORNER RD  
MIDDLETOWN, DE 19709-  
Subdivision: EMERSON SUBD  
Owner: EMERSON ROBERT L & SARAH C CO-TR  
1035 JAMISON CORNER RD  
Owner Address:  
MIDDLETOWN, DE 19709  
Municipal Info: Unincorporated

Lot #: REMLNDS	Property Class: FARMLAND
Location:	Lot Size: 64.99
Map Grid: 08203000	Lot Depth: 0
Block:	Lot Frontage: 0
Census Tract: 166.02	Street Finish:
Street Type: FEEDER	
Water:	
Microfilm #: 012110	

**Related Project Plans**

	A/P No.	Project Name	Work Type	Status
<b>Details</b>	20020689	WINCHELSEA	MAJOR LAND DEVELOPMENT W/O RZN	Expired
<b>Details</b>	20020690	WINCHELSEA APARTMENTS	MAJOR LAND DEVELOPMENT W RZN	Expired

**District & Zoning Info**

## Districts

- **COUNCIL 12 - JAMES W BELL**
- **FIRE/RESCUE - VOLUNTEER HOSE**
- **APPOQUINIMINK SCHOOL DIST-TRES**
- TRAFFIC ZONE T343 (YR2000)
- PLANNING 7 - MOT
- DE REP 09-KEVIN S HENSLEY
- WETLANDS-LU
- SEWER DISTRICT SOUTHERN-ASMT
- SOUTH OF C & D CANAL
- BLUELINE STREAM 100FT BUFFER
- DE SEN 12-NICOLE POORE
- ROLLBACK PENDING CHANGE OF USE

## Zoning

- S - UDC - SUBURBAN

**Deed History**

Grantee(s)	Deed	Multi?	Sale Date	Sale Amount
EMERSON ROBERT L & SARAH C	I105 255	N	4/1/1979	\$327,000.00
	20110406 0018448	N	3/18/2011	\$2,654.00
EMERSON ROBERT L & SARAH C CO-TR	20180207 0006507	Y	2/1/2018	\$1.00

**Tax/Assessment Info**

## Assessment

Land: 97500  
Structure: 0  
Homesite: 0  
Total: 97500  
County Taxable: 0  
School Taxable: 0



**Parcel # 1300800020**

Property Address: 1035 JAMISON CORNER RD  
 MIDDLETOWN, DE 19709-  
 Subdivision: EMERSON SUBD  
 Owner: EMERSON ROBERT L & SARAH C CO-TR  
 1035 JAMISON CORNER RD  
 Owner Address:  
 MIDDLETOWN, DE 19709  
 Municipal Info: Unincorporated

Lot #:	Property Class: FARMLAND
Location:	Lot Size: 10.95
Map Grid: 07403020	Lot Depth: 0
Block:	Lot Frontage: 0
Census Tract: 166.02	Street Finish:
Street Type:	
Water: WELL	
Microfilm #: 012110	

Related Project Plans				
	A/P No.	Project Name	Work Type	Status
<a href="#">Details</a>	19981231	EMERSON, ON-LOT SEPTIC	ZONING VERIFICATION PROCESS	COMPLETE
<a href="#">Details</a>	20020689	WINCHELSEA	MAJOR LAND DEVELOPMENT W/O RZN	Expired

Permit History (July 1998 - present)				
	A/P No.	Permit Type		Status
<a href="#">Details</a>	201104194	RESIDENTIAL ADDITION		Closed
<a href="#">Details</a>	201008249	HVAC PERMIT		Closed
<a href="#">Details</a>	201007160	PLUMBING PERMIT		Closed
<a href="#">Details</a>	201003733	SINGLE FAMILY DWELLING		Closed
<a href="#">Details</a>	201002100	DEMOLITION PERMIT		Closed
<a href="#">Details</a>	20081262	FARM STRUCTURE OR BUILDING		Closed

District & Zoning Info	
Districts	
<ul style="list-style-type: none"> <li>▪ <b>COUNCIL 12 - JAMES W BELL</b></li> <li>▪ <b>FIRE/RESCUE - VOLUNTEER HOSE</b></li> <li>▪ <b>APPOQUINIMINK SCHOOL DIST-TRES</b></li> <li>▪ DE REP 09-KEVIN S HENSLEY</li> <li>▪ SEWER DISTRICT SOUTHERN-ASMT</li> <li>▪ SOUTH OF C &amp; D CANAL</li> <li>▪ SENIOR SCHOOL PROGRAM-TRES</li> <li>▪ DE SEN 12-NICOLE POORE</li> <li>▪ TRAFFIC ZONE T343 (YR2000)</li> <li>▪ PLANNING 7 - MOT</li> <li>▪ WETLANDS-LU</li> <li>▪ BLUELINE STREAM 100FT BUFFER</li> <li>▪ ROLLBACK PENDING CHANGE OF USE</li> </ul>	
Zoning	
<ul style="list-style-type: none"> <li>▪ S - UDC - SUBURBAN</li> </ul>	

Deed History				
Grantee(s)	Deed	Multi?	Sale Date	Sale Amount
EMERSON ROBERT L & SARAH C	N60 236	N	Not Available	\$0.00
	20110406 0018449	N	5/18/2011	\$10,665.00
EMERSON ROBERT L & SARAH C CO-TR	20180207 0006507	Y	2/1/2018	\$1.00

Tax/Assessment Info	
Assessment	
Land:	40400
Structure:	202100
Homesite:	7500
Total:	242500
County Taxable:	209600
School Taxable:	209600

Tax Bills as of 4/1/2021 3:01:07 AM						
Tax Year	County			School		
	Principal Due	Penalty Due	Amt Paid	Principal Due	Penalty Due	Amt Paid
2010A	\$0.00	\$0.00	\$945.59	\$0.00	\$0.00	\$2,074.57
2011A	\$0.00	\$0.00	\$1,532.05	\$0.00	\$0.00	\$3,340.40
2012A	\$0.00	\$0.00	\$1,523.98	\$0.00	\$0.00	\$3,173.66
2013A	\$0.00	\$0.00	\$1,521.09	\$0.00	\$0.00	\$3,488.06

2014A	\$0.00	\$0.00	\$1,527.32	\$0.00	\$0.00	\$3,520.13
2015A	\$0.00	\$0.00	\$1,522.81	\$0.00	\$0.00	\$3,536.27
2016A	\$0.00	\$0.00	\$1,512.66	\$0.00	\$0.00	\$3,703.74
2017A	\$0.00	\$0.00	\$1,513.86	\$0.00	\$0.00	\$4,342.62
2018A	\$0.00	\$0.00	\$1,621.96	\$0.00	\$0.00	\$4,511.35
2019A	\$0.00	\$0.00	\$1,722.05	\$0.00	\$0.00	\$4,666.25
2020A	\$0.00	\$0.00	\$1,731.84	\$0.00	\$0.00	\$5,198.63

Tax Payments as of 4/1/2021 3:01:07 AM

Date Paid	Amt Paid
10/6/2010	\$945.59
10/6/2010	\$2,074.57
9/30/2011	\$4,872.45
9/27/2012	\$4,697.64
9/24/2013	\$5,009.15
9/24/2014	\$5,047.45
9/22/2015	\$5,059.08
9/19/2016	\$5,216.40
9/22/2017	\$5,856.48
10/2/2018	\$6,133.31
9/30/2019	\$6,388.30
10/1/2020	\$6,930.47

County Balance Due: \$0.00

School Balance Due: \$0.00

These amounts are valid through the last day of the month. For accounts with delinquent balances, statutory penalty will accrue on the first day of next month.

**Residence Characteristics**

Residence 0

Building Design: RANCH

Grade: AVERAGE

Year Built: 2010

Total Area (sq. ft.): 2525

# Rooms: 6

# 1/2 Baths: 1

# Fam. Rooms: 0

Roof Type: GABLE

Exterior Wall: ALUMINIUM OR VINYL

Floor Finish: CARPET

Garage Capacity: 2

Basement % Finished:

Attic % Finished:

Unfinished %:

Heat Type: HEAT-PUMP

Remodel Year: 0

Residence Class: SFD ON > 10 AC.

Condition: AVERAGE

# Stories: 1

Main Floor Area: 2532

# Bedrooms: 3

# Full Baths: 2

# Fixtures: 10

Roof Material: ASPHALT

Interior Wall Finish: DRYWALL

Foundation: CONTINUOUS

Basement %: 75%

Basement Finish Type: NO BASEMENT FINISH

Unfinished Area: 0

Air Conditioning: AIR CONDITIONING





## 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

<http://www.fws.gov/chesapeakebay/>

<http://www.fws.gov/chesapeakebay/endsppweb/ProjectReview/Index.html>

In Reply Refer To:

April 20, 2021

Consultation Code: 05E2CB00-2021-SLI-1142

Event Code: 05E2CB00-2021-E-02779

Project Name: EMERSON ROBBIE FSFL

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. This 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 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](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

[www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html](http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html).

<http://>

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
- 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

Consultation Code: 05E2CB00-2021-SLI-1142

Event Code: 05E2CB00-2021-E-02779

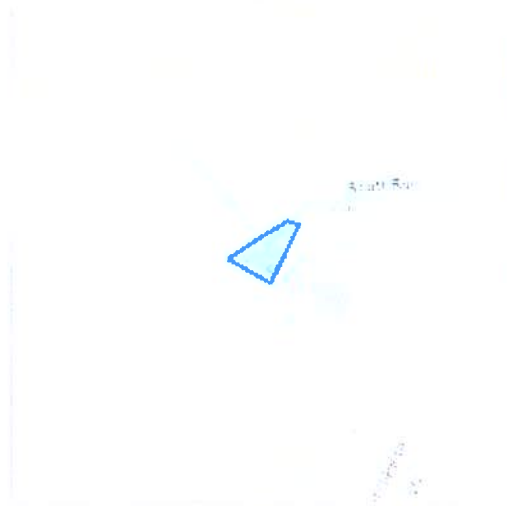
Project Name: EMERSON ROBBIE FSFL

Project Type: AGRICULTURE

Project Description: Farm Yard with multiple building, milking parlor & grain storage tanks.  
Construction one Grain Bin with 20,120 bushel capacity

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@39.51294325,-75.68170458397266,14z>



Counties: New Castle County, Delaware

## Endangered Species Act Species

There is a total of 2 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species. 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 Fisheries<sup>1</sup>, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

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

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

### Mammals

NAME	STATUS
Northern Long-eared Bat <i>Myotis septentrionalis</i> No critical habitat has been designated for this species. This species only needs to be considered under the following conditions: <ul style="list-style-type: none"> <li>▪ Projects with a federal nexus that have tree clearing = to or &gt; 15 acres: 1. REQUEST A SPECIES LIST 2. NEXT STEP: EVALUATE DETERMINATION KEYS 3. SELECT EVALUATE under the Northern Long-Eared Bat (NLEB) Consultation and 4(d) Rule Consistency key</li> </ul> Species profile: <a href="https://ecos.fws.gov/ecp/species/9045">https://ecos.fws.gov/ecp/species/9045</a>	Threatened

### Reptiles

NAME	STATUS
Bog Turtle <i>Clemmys muhlenbergii</i> Population: Wherever found, except GA, NC, SC, TN, VA No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/6962">https://ecos.fws.gov/ecp/species/6962</a>	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.

## 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](#)





# EMERSON ROBBIE FSFL

## Biological Assessment

Prepared using IPaC

Generated by MARYANN REED (maryann.reed@de.usda.gov)

April 20, 2021

The purpose of this Biological Assessment (BA) is to assess the effects of the proposed project and determine whether the project may affect any Federally threatened, endangered, proposed or candidate species. This BA 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 April 20, 2021.

Prepared using IPaC version 5.58.0

# EMERSON ROBBIE FSFL Biological Assessment

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# 1 Description Of The Action

## 1.1 Project Name

EMERSON ROBBIE FSFL

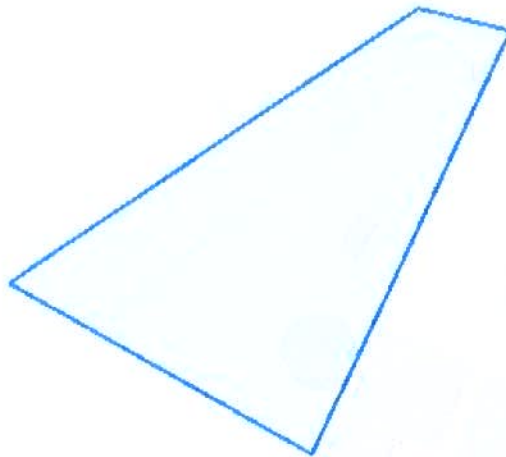
## 1.2 Executive Summary

There will be no direct effects to the critical habitat with this project, building a grain tank in an existing working farm yard and dairy operation.

[Effect determination summary](#)

## 1.3 Project Description

### 1.3.1 Location



LOCATION  
New Castle County, Delaware

### 1.3.2 Description of project habitat

CONSTRUCT A GRAIN BIN IN AN EXISTING FARM YARD.

### 1.3.3 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***

DEPT OF AGRICULTURE

Farm Service Agency (FSA)

#### FULL NAME

MARYANN REED

#### STREET ADDRESS

519 S RED HAVEN LN, SUITE 200

#### CITY

DOVER

#### STATE

DE

#### ZIP

19901

#### PHONE NUMBER

(302) 741-2600 x2

#### E-MAIL ADDRESS

maryann.reed@de.usda.gov

#### ***Lead agency***

Lead agency is the same as requesting agency

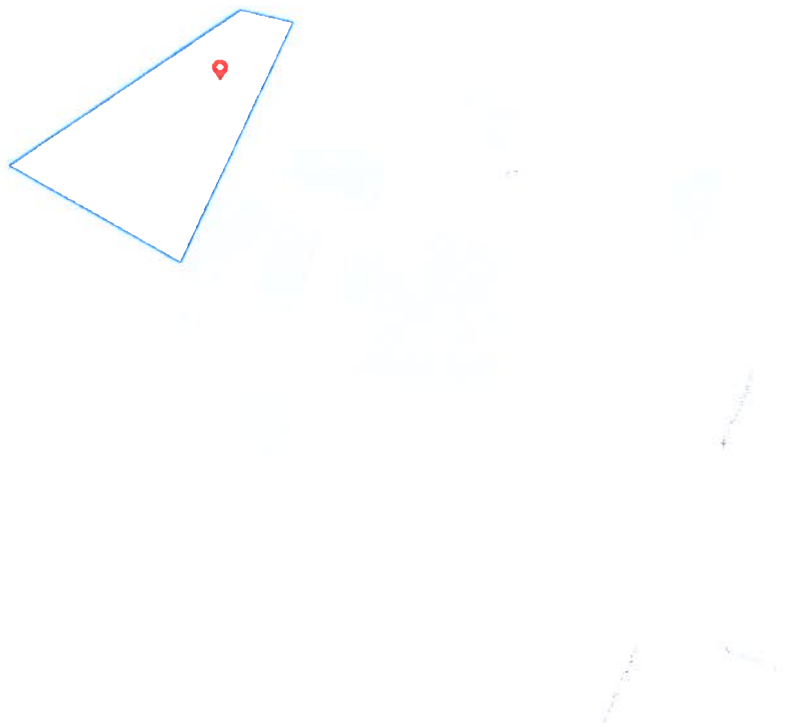
### 1.3.4 Project purpose

CONSTRUCT A GRAIN STORAGE BIN WITH 20,120 BUSHEL CAPACITY IN AN EXISTING FARM YARD.

### 1.3.5 Project type and deconstruction

This project is a GRAIN TANK project.

### 1.3.5.1 Project map



LEGEND



Project footprint



GRAIN STORAGE TANK: GRAIN STORAGE TANK (structure)



### **1.3.5.2 GRAIN STORAGE TANK**

***Structure completion date***

June 30, 2021

***Removal/decommission date (if applicable)***

*Not applicable*

***Stressors***

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

***Description***

Constructing an additional Grain Bin in an existing Farm Yard and area with other Grain Bins.

### **1.3.6 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.*

#### **1.3.6.1 Animal Features**

Individuals from the Animalia kingdom, such as raptors, mollusks, and fish. This feature also includes byproducts and remains of animals (e.g., carrion, feathers, scat, etc.), and animal-related structures (e.g., dens, nests, hibernacula, etc.).

#### **1.3.6.2 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.).

#### **1.3.6.3 Aquatic Features**

Bodies of water on the landscape, such as streams, rivers, ponds, wetlands, etc., and their physical characteristics (e.g., depth, current, etc.). This feature includes the groundwater and its characteristics. Water quality attributes (e.g., turbidity, pH, temperature, DO, nutrients, etc.) should be placed in the Environmental Quality Features.

#### **1.3.6.4 Environmental Quality Features**

Abiotic attributes of the landscape (e.g., temperature, moisture, slope, aspect, etc.).

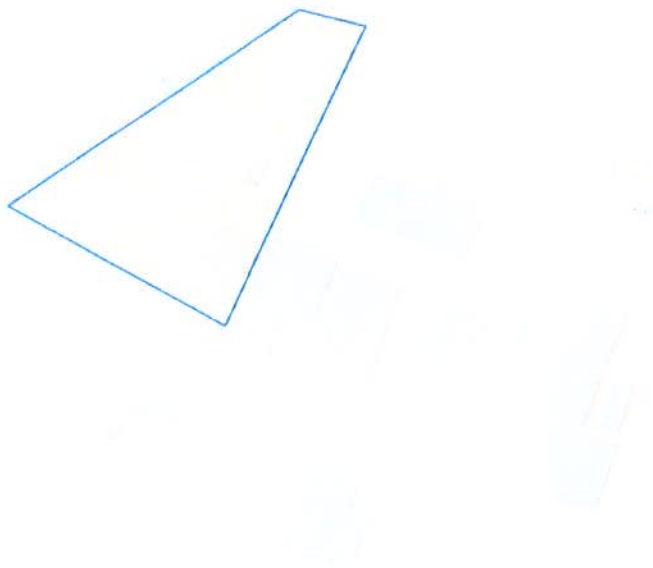
### **1.3.6.5 Landform (topographic) Features**

Topographic (landform) features that typically occur naturally on the landscape (e.g., cliffs, terraces, ridges, etc.). This feature does not include aquatic landscape features or man-made structures.

### **1.3.6.6 Miscellaneous**

Miscellaneous should only be used if the created feature does not fit into one of the other categories or if the creator is not sure in which category it should be placed.

## **1.4 Action Area**



## **1.5 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.*

## **1.6 Prior Consultation History**

NONE

## **1.7 Other Agency Partners And Interested Parties**

SHPO

TRIBAL

COASTAL ZONE

## **1.8 Other Reports And Helpful Information**

NONE

## **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 Bog Turtle**

#### **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 Bog Turtle is federally listed as 'Threatened' 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 Bog Turtle can be found on the [ECOS species profile](#).

### **2.1.1.3 Life history information**

This is the smallest emydid turtle, and one of the smallest turtles in the world. Adult carapace length is 7.9 to 11.4 cm (3.1 to 4.5 inches). The dark brown or black carapace may be marked with radiating light lines or a light blotch on the vertebral and pleural scutes. Scute annuli are usually prominent in juvenile and young adult specimens, but the carapace may be nearly smooth in old adults. The head, neck, and limbs are typically dark brown with variable reddish to yellow spots and streaks. A large reddish-orange to yellow blotch is visible behind and above each tympanum, sometimes merging into a continuous band on the neck. The upper jaw is weakly notched. (Ernst, Lovich, and Barbour, 1994; Harding, 1997) The plastron is also brown or black, but often with lighter yellow blotches towards the medial and anterior scute edges. A mature male bog turtle has a concave plastron and a long, thick tail, with the vent posterior to the rear edge of the carapace with tail extended. The female has a flat plastron and a thinner, smaller tail, with the vent at or beneath the rear carapace edge. (Ernst, Lovich, and Barbour, 1994; Harding, 1997)

#### ***Identified resource needs***

##### **Air temperature**

##### **Air temperature**

Time of year: active season from march through september

##### **Canopy cover**

Type: open

##### **Hibernacula**

Location: soft, saturated soils below frost line within emergent, scrub shrub or forested wetlands and type: root structure and tunnel systems

##### **Invertebrates**

Type: broad diet of invertebrates found in wetlands

##### **Nests**

Species: tussock sedge, moss and herbaceous vegetation, time of year: late spring and summer, type: cover: humus and grass and moss

##### **Streams**

Location: near bog turtle wetlands

##### **Upland areas**

Location: between two bog turtle wetlands

##### **Water quality**

##### **Wetland**

Location: immediately adjacent to emergent wetlands and type: scrub shrub and forest

##### **Wetland**

Substrate: saturated, mucky and calcareous, type: emergent wetlands, fens, marshes and wet meadows, water source: groundwater fed with springs and seeps and/or rivulets

##### **Wetland vegetation**

Location: within emergent wetlands, species: native species, time of year: late spring through fall, type: tussock sedge, hummock, moss and other herbaceous vegetation

#### **2.1.1.4 Conservation needs**

Most likely a bog turtle habitat does not consist in the proposed area, the area is already clear with a working farm yard and dairy.

### **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**

UNKNOWN

#### **2.1.2.2 Species conservation needs within the action area**

none

#### **2.1.2.3 Habitat condition (general)**

none

#### **2.1.2.4 Influences**

none

#### **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.

### **2.1.4 Cumulative effects**

none

### **2.1.5 Discussion and conclusion**

**Determination: NE**

## **2.2 Northern Long-Eared 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 Northern Long-eared Bat is federally listed as 'Threatened' 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 Northern Long-eared Bat can be found on the [ECOS species profile](#).

### 2.2.1.3 Life history information

The northern long-eared bat is a medium-sized bat about 3 to 3.7 inches in length but with a wingspan of 9 to 10 inches. As its name suggests, this bat is distinguished by its long ears, particularly as compared to other bats in its genus, *Myotis*, which are actually bats noted for their small ears (*Myotis* means mouse-eared). The northern long-eared bat is found across much of the eastern and north central United States and all Canadian provinces from the Atlantic coast west to the southern Northwest Territories and eastern British Columbia. The species range includes 37 states. White-nose syndrome, a fungal disease known to affect bats, is currently the predominant threat to this bat, especially throughout the Northeast where the species has declined by up to 99 percent from pre-white-nose syndrome levels at many hibernation sites. Although the disease has not yet spread throughout the northern long-eared bats entire range (white-nose syndrome is currently found in at least 25 of 37 states where the northern long-eared bat occurs), it continues to spread. Experts expect that where it spreads, it will have the same impact as seen in the Northeast.

#### **Identified resource needs**

##### **Hibernacula**

Humidity: high, noise: low, with minimal disturbance, temperature: 0-9 degrees celsius, time of year: august through april, type: caves, mines, sewers and spillways

##### **Insects**

Type: lepidoptera (moths and butterflies), coleoptera (beetles), trichoptera (caddisflies), diptera (flies), spiders and lepidopterous larvae

##### **Open water**

Type: streams, rivers, ponds, wetlands, lakes and road ruts

##### **Travel corridors**

Location: between forest patches, type: riparian corridors, wooded paths, hedgerows and fence rows

##### **Trees**

Size: > or equal to 3 inch dbh, spatial arrangement: within 1000 feet of forest, structure: cracks, crevices, cavities, exfoliating bark, time of year: april through august, type: dead, nearly dead, living tree with dead parts and living with appropriate structure

### 2.2.1.4 Conservation needs

constructing a grain bin in an existing farmyard and active dairy, conservation needs are being addressed on the cropland.

## 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**

UNKNOWN

### **2.2.2.2 Species conservation needs within the action area**

none

### **2.2.2.3 Habitat condition (general)**

Existing Farm Yard with active Dairy

### **2.2.2.4 Influences**

none

### **2.2.2.5 Additional baseline information**

none

## **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.

## **2.2.4 Cumulative effects**

none

## **2.2.5 Discussion and conclusion**

**Determination: NE**

### **3 Critical Habitat Effects Analysis**

*No critical habitats intersect with the project action area.*

# 4 Summary Discussion, Conclusion, And Effect Determinations

## 4.1 Effect Determination Summary

SPECIES (COMMON NAME)	SCIENTIFIC NAME	LISTING STATUS	PRESENT IN ACTION AREA	EFFECT DETERMINATION
<a href="#">Bog Turtle</a>	Clemmys muhlenbergii	Threatened	Yes	NE
<a href="#">Northern Long-eared Bat</a>	Myotis septentrionalis	Threatened	Yes	NE

## 4.2 Summary Discussion

The site is an active Farm Yard with an active Dairy Operation, been active for 100+ years, the project will not have any effects on Bog Turtles or Bats.

## 4.3 Conclusion

no danger to bog turtles or bats in an existing Farm Yard and active Dairy Operation.

