

ARCADIS

Appendix B

Correspondence from State
of Delaware Natural
Heritage Program

MAY 2006 CORRESPONDENCE



STATE OF DELAWARE
DEPARTMENT OF NATURAL RESOURCES & ENVIRONMENTAL CONTROL
DIVISION OF FISH & WILDLIFE
NATURAL HERITAGE & ENDANGERED SPECIES
4876 HAY POINT LANDING ROAD
SMYRNA, DELAWARE 19977

TELEPHONE: (302) 653-2880
FAX: (302) 653-3431

May 15, 2006

Tim Ratchford
Arcadis G&M, Inc.
10352 Plaza Americana Drive
Baton Rouge, Louisiana 70816

*RE: Former DuPont Seaford Nylon Plant Property
For ash landfill permit renewal*

Dear Mr. Ratchford:

Thank you for contacting the Natural Heritage and Endangered Species program about information on rare, threatened and endangered species, unique natural communities, and other significant natural resources as they relate to the above referenced project.

As discussed last week, we have reviewed this project previously and sent a response to URS Corporation dated October 8, 2003 (referenced as URS 2003-10-08). You indicated that the scope and location of the project has not changed since our first evaluation.

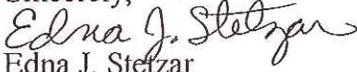
There is a Bald Eagle Nest located within the project area. As indicated in our original letter we do not anticipate impacts to Bald Eagle based on the low intensity of the operation, however, any issues concerning federally listed species are ultimately under the jurisdiction of the U.S. Fish and Wildlife Service (USFWS). To ensure that you are in compliance, you should contact Craig Koppie, a biologist with the USFWS, at (410) 573-4534.

This particular nest has been successful, fledging one chick in 2004 and two in 2005. Our program zoologist, Kitt Heckscher, monitors the nest site by conducting monthly aerial surveys. If you have any questions regarding the status of this nest or observations to report, please contact Kitt at (302) 653-2880

A globally rare plant species, *Alnus maritima* (seaside alder), is located within the forested riparian buffer in the southern portion of the site. As long as this buffer is left intact there should be no impacts to this species.

We are continually updating records on Delaware's rare, threatened and endangered species, unique natural communities and other significant natural resources. If the start of the project is delayed more than a year past the date of this letter, please contact us again for the latest information. If you have any questions, please contact me at (302) 653-2883 ext. 126.

Sincerely,



Edna J. Stetzar

Biologist/Environmental Review Coordinator

MEMO

To:
File

Copies:

From:
Pam McIlwain

Date:
16 May 2006

ARCADIS Project No.:
LA002664.0001.00001

Subject:
Summary of Call with Craig Koppie, USFWS
Former DuPont Seaford Nylon Plant Property
Ash Landfill Permit Renewal

As a follow-up to the Delaware Department of Natural Resources and Environmental Control (DNREC) correspondence pertaining to the INVISTA Seaford Facility's solid waste permit renewal, I spoke with Mr. Craig Koppie with the U.S. Fish and Wildlife Service (USFWS) today, May 16, 2006, at 10:45 a.m. regarding the Ash Landfill permit renewal. I explained to him that there is a bald eagle's nest located on the property and that Ms. Edna Stetzar with Delaware DNREC recommended I contact him to ensure that we are in compliance. The eagle's nest is located in the southeast, wooded portion of the property. The eagle's nest produced two chicks in 2005, one in 2004, one in 2003, and none in 2002. Mr. Koppie stated that from the nest to 750 feet out in a circle is the primary zone, and this area is very important for successful nesting. From 750 to 1,325 feet out in a circle is called the secondary zone, and activity is restricted in this area from December 15 to June 15. I stated that there will be not be any activity within the 1,325-foot radius of the nest. Mr. Koppie stated that, therefore, he did not anticipate any impacts to the eagle's nest.

A letter from USFWS was requested but cannot be issued immediately due to a backlog of requests. The letter is expected to be issued within 180 days. A copy of the letter will be retained within INVISTA files.

OCTOBER 2003 CORRESPONDENCE



STATE OF DELAWARE
 DEPARTMENT OF NATURAL RESOURCES & ENVIRONMENTAL CONTROL
 DIVISION OF FISH & WILDLIFE
 NATURAL HERITAGE PROGRAM
 4876 HAY POINT LANDING ROAD
 SMYRNA, DELAWARE 19977

TELEPHONE: (302) 653-2880
 FAX: (302) 653-3431

8 October 2003

Dana Vitek
 Staff Geologist
 USR Corporation
 Barley Mill Plaza, Bldg 27
 4417 Lancaster Pike
 Wilmington, DE 19805
 fax: (302) 892-7643

RE: DuPont Seaford Nylon Plant property, Sussex County, DE

Dear Ms. Vitek;

Thank you for contacting the Natural Heritage and Endangered Species program about information on rare, threatened and endangered species, unique natural communities, and other significant natural resources as they relate to the above referenced project.

The following species and/or communities are found at or adjacent to the project site:

Scientific Name	Common Name	Taxon	State Rank	State Status	Global Rank	Federal Status
<i>Haliaeetus leucocephalus</i>	Bald Eagle	Bird	S2B,S3N	B	G4	LT
<i>Alnus maritima</i>	Seaside alder	Plant	S3		G3	

Key to abbreviations used in table:
 State Rank: S1- extremely rare within the state (typically 5 or fewer occurrences); S2- very rare within the state (6 to 20 occurrences); B - Breeding; N - Nonbreeding; State Status: E - endangered, i.e. designated by the Delaware Division of Fish and Wildlife as seriously threatened with extinction in the state; Global Rank: G1 - imperiled globally because of extreme rarity (5 or fewer occurrences worldwide); G2 - imperiled globally because of great rarity (6 to 20 occurrences); G3 - either very rare and local throughout its range (21 to 100 occurrences) or found only locally in a restricted range; G4 - apparently secure globally but uncommon in parts of its range; G5 - secure on a global basis but may be uncommon locally; T - variety or subspecies rank; Q - questionable taxonomy; Federal Status: LE - endangered, i.e. designated by the U.S. Fish and Wildlife Service as being in danger of extinction throughout its range; LT - threatened, i.e. designated by USFWS as being likely to become endangered in the foreseeable future throughout all or a significant portion of its range; PS - proposed status.

There is an active Bald Eagle nest located in the southeast, wooded portion of the property. The Bald Eagle is listed as Threatened under the federal Endangered Species Act. This nest has been monitored since first reported to our program in 2002. In 2002, the nest failed to produce young; however, in 2003, the nest fledged one chick. Bald Eagles are susceptible to disturbance by people and equipment used near nest sites. To

reduce potential impacts from disturbance, the U.S. Fish and Wildlife Service has identified zones around the nest within which there are restrictions on activity. There should be no work activity conducted at the nest site and up to a distance of 750 feet from the nest. Within the zone 750 feet from the nest out to 1,320 feet, there is a time-of-year restriction on work activity based on the species' annual nesting period between December 15 and July 1. To avoid possible disturbance, work that must occur within the zone 750 feet and up to 1,320 feet from the nest, should be conducted from July 2 to December 14.

I contacted Mr. Michael Terry (DuPont contact at 302-629-1221) and Mr. Robert Hartman (DNREC, Division of Air and Waste Management contact at 302-739-3689) regarding activity at this site. Mr. Terry indicated that work activity on site (i.e., dumping, covering ash from the nearby DuPont Seaford Plant) occurs at least 750 feet from the nest. Mr. Hartman described the level of work activity as low intensity, occurring every 18 months to two years when ash is transported to the landfill, covered by soil and planted with grass. Given this information, at present, we do not anticipate any impacts to the nesting eagles.

I have also contacted Craig Koppie, U.S. Fish and Wildlife biologist, regarding this nest; Mr. Koppie would like to visit the site at some point in the future and will contact you to make arrangements for a site visit. If you have any questions, you can reach Mr. Koppie at the Chesapeake Bay Field Office of the USFWS at (410) 573-4534. Any issues concerning federally listed species are ultimately their jurisdiction.

As with all Bald Eagle nests in Delaware, our program biologist, Kitt Heckscher, will continue to monitor this nest site for productivity by conducting monthly aerial surveys from January to June. If you have any questions regarding these surveys, or would like to report observations of the eagles or their nest, please contact Mr. Heckscher at (302) 653-2880.

Lastly, seaside alder, a globally rare plant, is located along Lewes Branch, to the south of the project site. As long as forest buffers are maintained and erosion and sediment control practices are in place, we do not anticipate impacts to this species.

We are continually updating records on Delaware's rare, threatened and endangered species, unique natural communities and other significant natural resources. If the start of the project is delayed more than a year past the date of this letter, please contact us again for the latest information.

Sincerely,



Karen A. Bennett
Program Manager