

ITEM 4D

UNITED STATES FISH AND WILDLIFE SERVICES – OHIO
FIELD OFFICE

THREATENED AND ENDANGERED SPECIES
COORDINATION



April 1, 2015

Megan Seymour
United States Fish and Wildlife Service
Ohio Field Office
4625 Morse Road, Suite 104
Columbus, OH 43230

Re: Project Overview
Texas Eastern Transmission, LP – Spectra Access South, Adair Southwest and Lebanon Expansion Project.
Greene County, Pennsylvania; **Athens, Meigs, Monroe, Noble, Pickaway, Perry, and Warren Counties, Ohio**; Bath, Lincoln and Monroe Counties, Kentucky; Wilson County, Tennessee; Colbert County, Alabama; Monroe and Attala Counties, Mississippi.

Dear Ms. Seymour:

Texas Eastern Transmission, LP (Texas Eastern) markets retail natural gas and is active in Marcellus mid-stream operations, focusing on natural gas pipeline construction and storage. Texas Eastern proposes to modify existing facilities along its existing pipeline system in Pennsylvania, Ohio, Kentucky, Tennessee, Alabama, and Mississippi. The project purpose is to provide incremental pipeline transportation service from the Appalachian area natural gas supply basin to markets in the Midwest and Southeast. The project will firm up additional pipeline capacity to deliver natural gas on a long-term basis. Texas Eastern will incorporate pipeline looping by adding 36-inch diameter pipeline looping segments totaling 19.4 miles in Ohio. The proposed pipeline looping segments will follow Texas Eastern's current right-of-way. Additionally, aboveground facilities in multiple states will have modifications to allow for bidirectional flow, increased horsepower requirements, and meter replacement. The facility modifications required for the project are expected to be located primarily within Texas Eastern's current footprint. These projects are known as the Spectra Access South, Adair Southwest and Lebanon Expansion Projects (collectively, the "Project").

Texas Eastern intends to file its certificate application for the Project with the Federal Energy Regulatory Commission (FERC) in early 2015, and anticipates receiving authorization and starting construction in mid-2016 to meet the November 2017 in-service date. Permit applications with other federal, state, and local agencies will be submitted within similar timeframes as the certificate application. The permit proceedings conducted by these agencies will provide additional opportunities for public input and involvement. The FERC's determination of public convenience and necessity includes a thorough, comprehensive environmental review of proposed projects, working closely with federal, state, and local



agencies and in accordance with the National Environmental Policy Act (NEPA). Supplemental information outlining the FERC regulatory process is enclosed.

The Project will consist of the construction of 3 segments totaling approximately 19.4 miles of new 36-inch diameter pipeline looping in Monroe, Noble, Athens, and Meigs Counties, OH and modifications to five existing facilities in Warren, Pickaway, Perry, Monroe, and Athens Counties, OH. On behalf of Texas Eastern, URS is providing this project overview to facilitate a review for potential threatened and endangered species within the project area that may fall under the jurisdiction of the U.S. Fish and Wildlife Service.

We will be setting up joint interagency meetings in the near future to review the Projects and would greatly appreciate your participation.

The following are enclosed to facilitate your review:

- Project Overview map with project alignment;
- USGS 7.5-minute quadrangle maps with project areas under your jurisdiction;
- Project Facility and Location Table; and
- FERC Regulatory Process supplemental information.

If you have any questions or require additional information regarding this request, please contact me at 717.635.7943 or Kelly.Thompson@aecom.com.

Sincerely,

Kelly Thompson
Project Manager
Senior Biologist
Enclosures (4)

cc: Mr. Bernie Holcomb (AECOM)
Matt Kindred (Spectra)

From: [Thompson, Kelly](mailto:Thompson_Kelly)
To: [Jones, Nathan W \(Harrisburg\)](mailto:Jones_Nathan_W_(Harrisburg))
Subject: FW: Spectra Access South, Adair SW and Lebanon Expansion Project (Texas Eastern Transmission)
Date: Thursday, April 09, 2015 10:08:01 AM

From: susan_zimmermann@fws.gov [mailto:susan_zimmermann@fws.gov] **On Behalf Of** Ohio, FW3
Sent: Thursday, April 09, 2015 9:27 AM
To: Thompson, Kelly
Cc: nathan.reardon@dnr.state.oh.us; Jenny Norris
Subject: Spectra Access South, Adair SW and Lebanon Expansion Project (Texas Eastern Transmission)



UNITED STATES DEPARTMENT OF THE INTERIOR
U.S. Fish and Wildlife Service
Ecological Services Office
4625 Morse Road, Suite 104
Columbus, Ohio 43230
(614) 416-8993 / Fax (614) 416-8994



TAILS# 03E15000-2015-TA-0949 - Athens, Meigs, Monroe, Noble, Pickaway, Perry and Warren Counties, Ohio

Dear Ms. Thompson,

We have received your recent correspondence requesting information about the subject proposal. There are no federal wilderness areas, wildlife refuges or designated critical habitat within the vicinity of the project area. The following comments and recommendations will assist you in fulfilling the requirements for consultation under section 7 of the Endangered Species Act of 1973, as amended (ESA).

The U.S. Fish and Wildlife Service (Service) recommends that proposed developments avoid and minimize water quality impacts and impacts to high quality fish and wildlife habitat (e.g., forests, streams, wetlands). Additionally, natural buffers around streams and wetlands should be preserved to enhance beneficial functions. If streams or wetlands will be impacted, the Corps of Engineers should be contacted to determine whether a Clean Water Act section 404 permit is required. Best management practices should be used to minimize erosion, especially on slopes. All disturbed areas should be mulched and revegetated with native plant species. Prevention of non-native, invasive plant establishment is critical in maintaining high quality habitats.

FEDERALLY LISTED SPECIES COMMENTS: All projects in the State of Ohio lie within the range of the **Indiana bat** (*Myotis sodalis*), a federally listed endangered species. Since first listed as endangered in 1967, their population has declined by nearly 60%. Several factors have contributed to the decline of the Indiana bat, including the loss and degradation of suitable hibernacula, human disturbance during hibernation, pesticides, and the loss and degradation of forested habitat, particularly stands of large, mature trees. Fragmentation of forest habitat may also contribute to declines. During winter, Indiana bats hibernate in caves and abandoned mines. Summer habitat requirements for the species are not well defined but the following are considered important:

- (1) dead or live trees and snags with peeling or exfoliating bark, split tree trunk and/or branches, or cavities, which may be used as maternity roost areas;
- (2) live trees (such as shagbark hickory and oaks) which have exfoliating bark;
- (3) stream corridors, riparian areas, and upland woodlots which provide forage sites.

The proposed project is in the vicinity of one or more confirmed records of Indiana bats. Therefore, we recommend that trees exhibiting any of the characteristics listed above, as well as any wooded areas or tree lined corridors, be saved wherever possible. Because the project will result in a small amount of forest clearing relative to the available habitat in the immediately surrounding area, habitat removal is unlikely to result in significant impacts to this species. However, Indiana bat presence in the vicinity of the project has been confirmed, clearing of

trees during the summer roosting season may result in direct take of individuals. If any caves or abandoned mines may be disturbed, further coordination with this office is requested to determine if fall or spring surveys are warranted. If no caves or abandoned mines are present and tree removal is unavoidable, we recommend that any tree removal occur between October 1 and March 31 to avoid impacts to Indiana bats. Following these seasonal tree clearing restrictions should ensure that any effects to Indiana bats are insignificant or discountable.

Please note that, because Indiana bat presence has already been confirmed in the project vicinity, any additional summer surveys would not constitute presence/absence surveys for this species.

All projects in the State of Ohio lie within the range of the **northern long-eared bat** (*Myotis septentrionalis*), a federally listed threatened species. Recently white-nose syndrome (WNS), a novel fungal pathogen, has caused serious declines in the northern long-eared bat population in the northeastern U.S. WNS has also been documented in Ohio, but the full extent of the impacts from WNS in Ohio is not yet known.

During winter, northern long-eared bats hibernate in caves and abandoned mines. Summer habitat requirements for the species are not well defined but the following are considered important:

- (1) Roosting habitat in dead or live trees and snags with cavities, peeling or exfoliating bark, split tree trunk and/or branches, which may be used as maternity roost areas;
- (2) Foraging habitat in upland and lowland woodlots and tree lined corridors;
- (3) Occasionally they may roost in structures like barns and sheds.

The proposed project is in the vicinity of one or more confirmed records of northern long-eared bats.

Therefore, we recommend that trees exhibiting any of the characteristics listed above, as well as any wooded areas or tree lined corridors, be saved wherever possible. Because the project will result in a small amount of forest clearing relative to the available habitat in the immediately surrounding area, habitat removal is unlikely to result in significant impacts to this species. However, northern long-eared bat presence in the vicinity of the project has been confirmed, clearing of trees during the summer roosting season may result in direct take of individuals. If any caves or abandoned mines may be disturbed, further coordination with this office is requested to determine if fall or spring surveys are warranted. If no caves or abandoned mines are present and tree removal is unavoidable, we recommend that any tree removal occur between October 1 and March 31 to avoid impacts to northern long-eared bats. Following these seasonal tree clearing restrictions should ensure that any effects to northern long-eared bats are insignificant or discountable. **Please note that, because northern long-eared bat presence has already been confirmed in the project vicinity, any additional summer surveys would not constitute presence/absence surveys for this species.**

If there is a federal nexus for the project (federal funding provided, federal permits required to construct, etc.) then no tree clearing on any portion of the parcel should occur until consultation under section 7 of the ESA, between the Service and the federal action agency, is completed. We recommend that the federal action agency submit to this office a determination of effects to the Indiana bat and northern long-eared bat for our review and concurrence.

Due to the project type, size, and location, we do not anticipate adverse effects to any other federally endangered, threatened, proposed, or candidate species. Should the project design change, or during the term of this action, additional information on listed or proposed species or their critical habitat become available, or if new information reveals effects of the action that were not previously considered, consultation with the Service should be initiated to assess any potential impacts.

These comments have been prepared under the authority of the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.), the ESA, and are consistent with the intent of the National Environmental Policy Act of 1969 and the Service's Mitigation Policy. This letter provides technical assistance only and does not serve as a completed section 7 consultation document. We recommend that the project be coordinated with the Ohio Department of Natural Resources due to the potential for the project to affect state listed species and/or state lands. Contact John Kessler, Environmental Services Administrator, at (614) 265-6621 or at john.kessler@dnr.state.oh.us.

If you have questions, or if we can be of further assistance in this matter, please contact our office at (614) 416-8993 or orohio@fws.gov.

A handwritten signature in blue ink, appearing to read "Jennifer Norris". The signature is fluid and cursive, with a long, sweeping underline that extends to the left.

cc: Nathan Reardon, ODNR-DOW
Jennifer Norris, ODNR-DOW

This e-mail and any attachments contain AECOM confidential information that may be proprietary or privileged. If you receive this message in error or are not the intended recipient, you should not retain, distribute, disclose or use any of this information and you should destroy the e-mail and any attachments or copies.



October 26, 2015

Dr. Mary Knapp
United States Fish and Wildlife Service
Ohio Field Office
4625 Morse Road, Suite 104
Columbus, OH 43230

**Re: Access South, Adair Southwest, and Lebanon Extension Projects
Texas Eastern Transmission, LP
Endangered Species Act Section 7 Consultation
Indiana Bat and Northern Long-eared Bat Habitat Assessment
Meigs, Athens, Noble, and Monroe Counties, Ohio**

Dear Dr. Knapp:

This habitat assessment has been prepared in response to a letter received from your office on April 9, 2015 regarding the effects that Texas Eastern Transmission, LP's (Texas Eastern) Access South, Adair Southwest, and Lebanon Extension Projects (Projects) may have on federally listed rare, threatened, and endangered species in Ohio, specifically the federally endangered Indiana bat (*Myotis sodalis*) and federally threatened northern long-eared bat (*M. septentrionalis*). Suitable summer habitat (potential roost trees) for both Indiana bat and northern long-eared bat exist throughout the Projects' area, and the proposed Projects are near one or more confirmed records of Indiana bats and northern long-eared bats. To minimize impacts to forested habitats, Texas Eastern has co-located the Projects with its existing right-of-way (ROW) and reduced workspace to the minimum width necessary to safely construct the Projects. Texas Eastern will also cut any trees between October 1 and March 31 to avoid impacts to the species. A habitat assessment was conducted to identify potential winter hibernacula existing within the Projects' area. Surveys for abandoned mines, caves, sinkholes, and rock outcrops were conducted and the findings are summarized below.

BACKGROUND

Indiana Bat

The study area lies within the range of the Indiana bat, a federally-listed endangered species. Since first listed as endangered in 1967, their population has declined by nearly 60-percent. Several factors have contributed to this decline, including the loss and degradation of suitable hibernacula, human disturbance during hibernation, pesticides, and the loss and degradation of forest habitat, particularly stands of large mature trees used as summer roost trees. Fragmentation of forest habitat may also contribute to declines. More recently, white-nose

syndrome (WNS), a novel fungal pathogen, has caused substantial declines in Indiana bat populations in the northeastern United States.

During the winter season, Indiana bats hibernate in caves and abandoned mines with relatively stable temperatures. Summer habitat requirements for this species are not as specific, but the following may offer suitable habitat for roosting:

- Dead trees and snags >5-inches diameter at breast height (dbh) with peeling bark, split trunks and/or branches, and cavities, which may be used as maternity roost areas;
- Live trees with exfoliating bark, such as shagbark hickory (*Carya ovata*) and oak species (*Quercus* spp.);
- Rock outcrops, crevices, or sinkholes
- Bridges and other non-tree potential roosts
- Stream/riparian corridors, wetlands, and upland woodlots, which provide forage sites.

Northern Long-eared Bat

The northern long-eared bat (NLEB) is a federally listed threatened species. WNS is currently the predominant threat to this bat, especially throughout the northeast where the species has declined by up to 99 percent at many hibernation sites (USFWS 2015(2)). During the winter season, NLEBs hibernate in caves and mines with constant temperatures, high humidity and no air currents. Summer habitat for the NLEB consists of trees with similar characteristics of that of the Indiana Bat, including live or dead/dying trees with a >3-inch dbh with exfoliating bark, snags with peeling bark, split trunks, and/or cavities. NLEB is also known to occasionally roost in man-made structures such as buildings, barns, sheds, bridges, and bat houses.

PROJECTS DESCRIPTION

The Projects are located in rural, agricultural, and industrial regions within the Indiana bat and/or NLEB ranges. The Projects consist of three pipeline looping segments totaling approximately 15.8 miles, three contractor yards to serve as laydown areas, and four existing compressor stations along the pipeline routes in the southeastern region of Ohio (OH). Approximately 13.1 miles (approximately 83 percent) of the proposed Projects will be adjacent to existing pipeline ROW. Some portions of the pipeline, where co-location was not geographically feasible, deviate from existing ROWs generally to avoid specific construction constraints such as steep side slopes, address feedback from landowners, or avoid or reduce impacts to waterbodies and wetlands. There are two locations where the proposed looping pipeline will deviate from Texas Eastern's existing ROW. These minor deviations are sited within 0.2 miles of the existing ROW. The contractor yards consist of a stone quarry,

an old strip mine area, and an open field previously utilized as a laydown area for construction materials. Proposed modifications at compressor stations will only entail work within the existing boundaries of the facilities, and no tree clearing at these facilities is proposed.

Modifications at existing compressor facilities in Pennsylvania, Kentucky, Tennessee, Alabama, and Mississippi are also proposed as part of the Projects; consultation with the respective agencies for each facility outside of Ohio has been initiated.

HABITAT ASSESSMENT

URS biologists surveyed the study areas for potential bat winter hibernacula such as abandoned mines, caves, sinkholes, and rock outcrops during numerous site visits between December 2014 and August 2015. The study areas were defined by the Projects' proposed limits of disturbance (LOD) and the locations are depicted on the Project Overview Map - Figure 1. The land-cover types within the study areas included open/fallow fields, forest edges, agricultural fields, riparian corridors along streams, wetlands, existing pipeline ROWs, industrial facilities, and a stone quarry. During the investigation no abandoned mines, caves, crevices or sinkholes were identified, nor were any man-made structures that might provide summer roosting habitat. Three rock outcrops were identified and surveyed through the use of a Global Positioning System (GPS) receiver capable of sub-meter accuracy. The locations of observed rock outcrops are shown on Figure 2. A photographic log depicting the identified rock outcrops is included in Appendix A. A description of each rock outcrop is provided below.

- Rock Outcrop 1 (RO-1) – This rock outcrop was situated upon a west-facing slope within an immature, deciduous forest area along the Wheelersburg to Athens Loop. The outcrop was adjacent to an ephemeral tributary to Leading Creek. No cave openings were observed along or within this rock outcrop, nor were any cracks or crevices. RO-1 is located adjacent to the proposed LOD and will not be impacted by the Projects.
- Rock Outcrop 2 (RO-2) – This rock outcrop was situated upon an east-facing slope within an immature, deciduous forest area along the Wheelersburg to Athens Loop. The outcrop was adjacent to an old logging road/trail. No cave openings were observed along or within this rock outcrop, nor were any cracks or crevices. RO-2 is located within the proposed temporary easement for the Projects.
- Rock Outcrop 3 (RO-3) – This rock outcrop was situated upon a west-facing slope within an immature, deciduous forest area along a proposed access road to the Athens to Berne Loop. The outcrop was adjacent to an existing access road. No cave openings were observed along or within this rock outcrop, nor were any cracks or crevices. RO-3 is located along a proposed temporary access road.

CONCLUSION

The field investigation was conducted between December 2014 and August 2015 and three rock outcrops were identified within the study area; no cracks, crevices, or other openings were identified along these outcrops. No abandoned mines, caves, sinkholes that might provide suitable winter hibernacula for Indiana bat or NLEB were observed. There were no potential man-made roosting structures observed within the study area. URS requests your concurrence that based on the results of field surveys, no winter bat hibernacula will likely be impacted by the proposed Projects.

Enclosed with this report is a CD containing the Projects' limit of disturbance shapefiles. Since our initial consultation letter dated April 1, 2015, Texas Eastern has reduced the length of the Berne to Holbrook Loop to approximately 3.2 miles and incorporated the two route deviations discussed in the Projects Description above, both of which lie within 0.2 mile of the previous route and have been surveyed for potential winter hibernacula. URS requests that the USFWS review the updated shapefiles to confirm that by implementing the proposed timber clearing restriction, the Projects are unlikely to adversely affect threatened or endangered species.

Feel free to contact me with any questions at Sarah.Binckley@acem.com or 610-832-2713.

Sincerely,

A handwritten signature in black ink that reads "Sarah K. Binckley". The signature is written in a cursive, flowing style.

Sarah Binckley

Assistant Project Manager (URS)

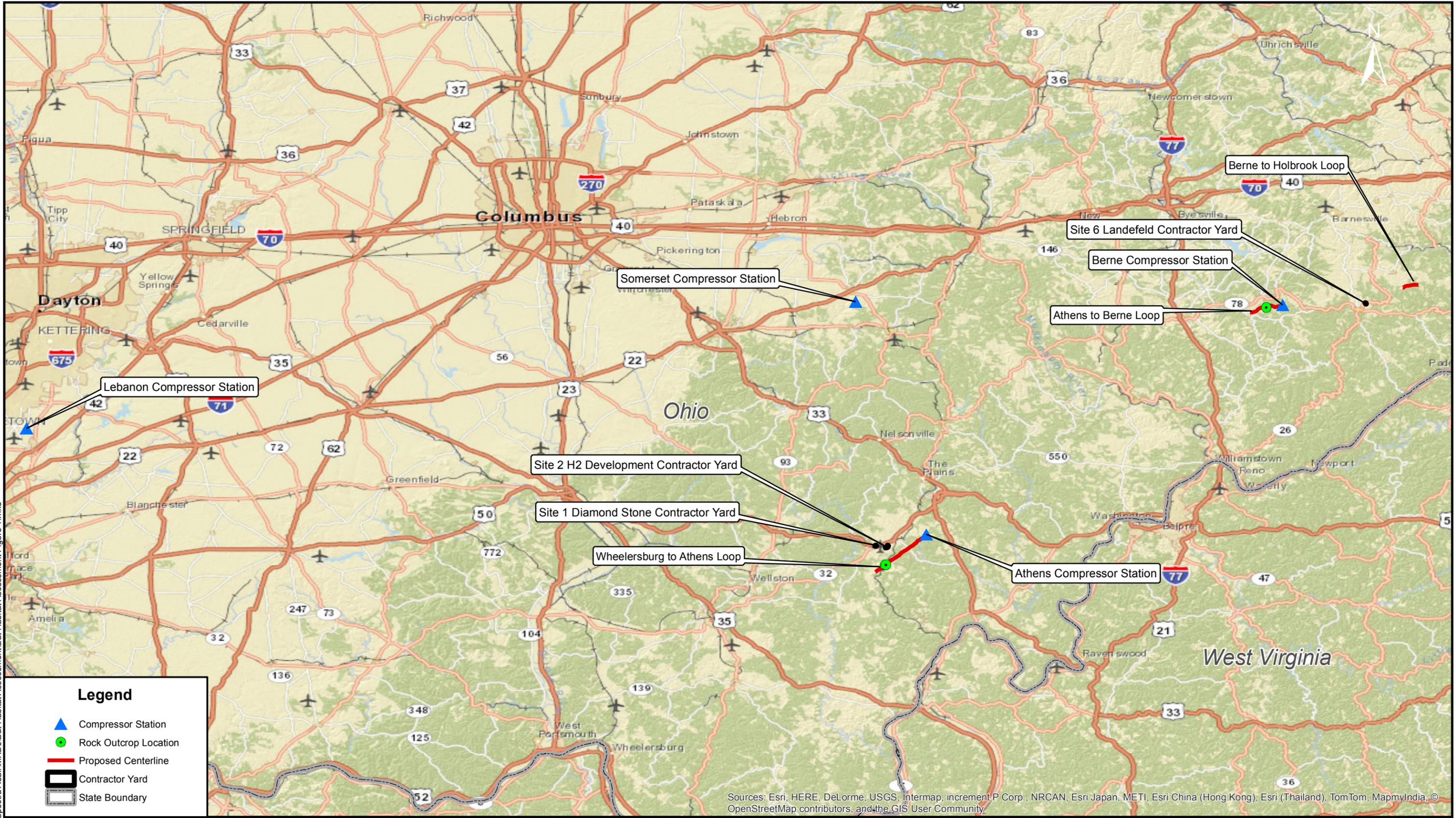
Cc: Matt Kindred (Spectra Energy)

Auggie Ruggiero (URS)

Enclosure (1)

FIGURES

Y:\GIS\Projects\Spectral\Adair\MDs\Bat Habitat Assessment\Bat Habitat Assessment Figure 1.mxd



Sources: Esri, HERE, DeLorme, USGS, Intermap, increment P Corp., NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri (Thailand), TomTom, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community



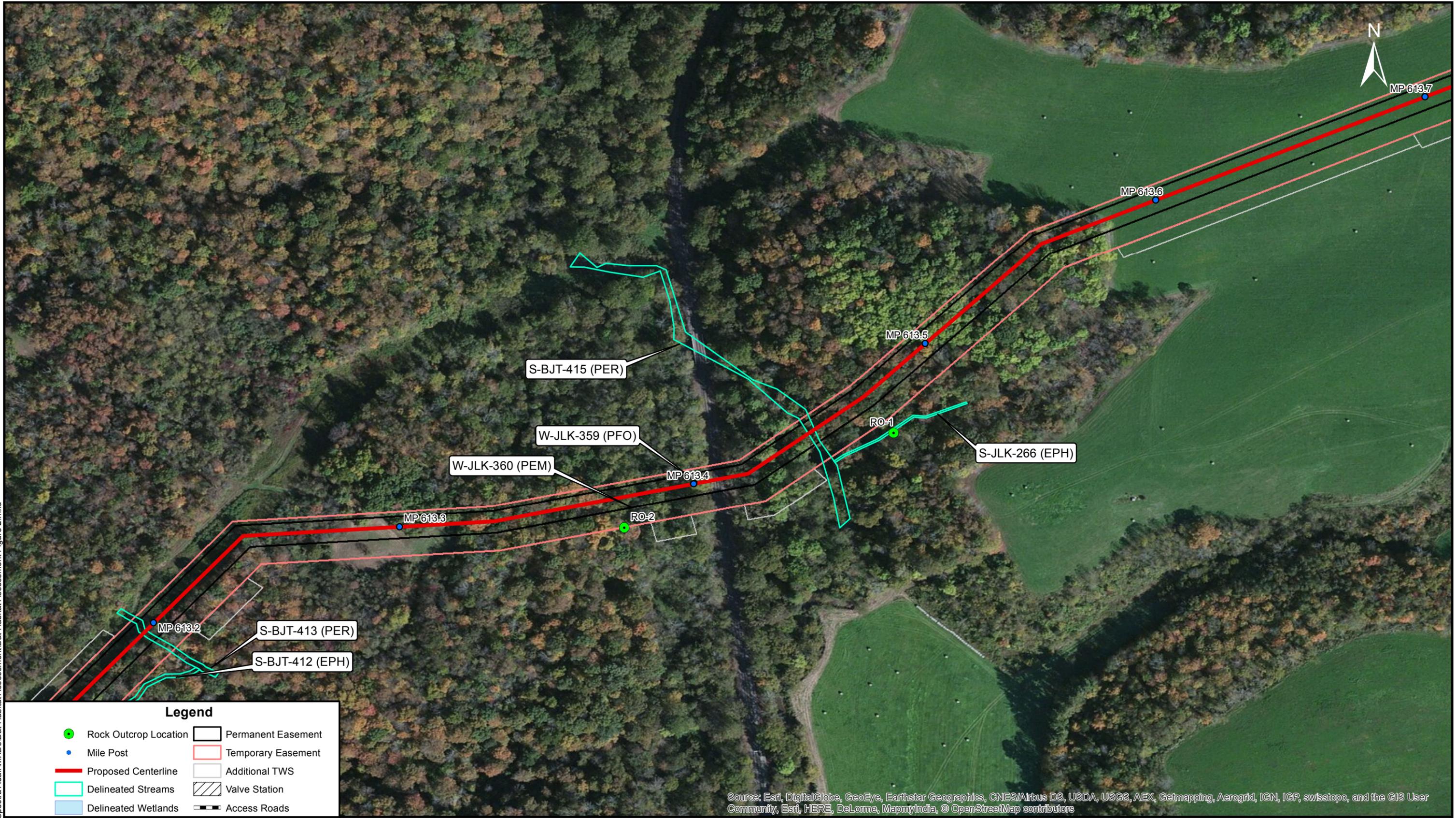
**ACCESS SOUTH / ADAIR SOUTHWEST / LEBANON EXTENSION PROJECTS
BAT HABITAT ASSESSMENT
FIGURE 1 PROJECT OVERVIEW MAP**

LOC: OHIO			
CKD BY: --	ENG:	DATE: 8/4/2015	W.O.:
DRN BY: MF	SCALE: 1" = 15 Miles	Page 1 of 1	



Texas Eastern Transmission, LP
5400 Westheimer Court, Houston, TX 77056-5310

Y:\GIS\Projects\Spectra\Adair\MDs\Bat_Habitat_Assessment\Bat_Habitat_Assessment\Figure 2.mxd



Legend

- Rock Outcrop Location
- Mile Post
- Proposed Centerline
- Delineated Streams
- Delineated Wetlands
- Permanent Easement
- Temporary Easement
- Additional TWS
- Valve Station
- Access Roads

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community, Esri, HERE, DeLorme, MapmyIndia, © OpenStreetMap contributors

	ACCESS SOUTH / ADAIR SOUTHWEST / LEBANON EXTENSION PROJECTS BAT HABITAT ASSESSMENT FIGURE 2 ROCK OUTCROP LOCATIONS - WHEELERSBURG TO ATHENS LOOP				
	LOC: OHIO				
	CKD BY: --	ENG:	DATE: 8/4/2015	W.O.:	
DRN BY: MF	SCALE: 1" = 200 feet	Page 1 of 2			Texas Eastern Transmission, LP 5400 Westheimer Court, Houston, TX 77056-5310



Legend

- Rock Outcrop Location
- Mile Post
- Proposed Centerline
- Delineated Streams
- Delineated Wetlands
- Permanent Easement
- Temporary Easement
- Additional TWS
- Valve Station
- Access Roads

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community, Esri, HERE, DeLorme, MapmyIndia, © OpenStreetMap contributors



**ACCESS SOUTH / ADAIR SOUTHWEST / LEBANON EXTENSION PROJECTS
BAT HABITAT ASSESSMENT
FIGURE 2 ROCK OUTCROP LOCATIONS - ATHENS TO BERNE LOOP**

LOC: OHIO			
CKD BY: --	ENG:	DATE: 8/4/2015	W.O.:
DRN BY: MF	SCALE: 1" = 200 feet	Page 2 of 2	



Texas Eastern Transmission, LP
5400 Westheimer Court, Houston, TX 77056-5310

Y:\GIS\Projects\Spectra\Adair\MDs\Bat_Habitat_Assessment\Bat_Habitat_Assessment_Figure 2.mxd

APPENDIX A- PHOTOGRAPHS

Client Name:

Texas Eastern Transmission, LP

Site Location:

Wheelersburg to Athens Loop

Photo No. 1**Date:**

6/15/2015

Description:

Rock Outcrop-1:

View facing south

**Photo No. 2****Date:**

6/15/2015

Description:

Rock Outcrop-1:

View facing east





PHOTOGRAPHIC LOG
INDIANA AND NORTHERN LONG-EARED
BAT HABITAT ASSESSMENT

Client Name:

Texas Eastern Transmission, LP

Site Location:

Wheelersburg to Athens Loop

Photo No. 3

Date:

6/16/2015

Description:

Rock Outcrop-2:

View facing west



Photo No. 4

Date:

6/16/2015

Description:

Rock Outcrop-2:

View facing south



Client Name:

Texas Eastern Transmission, LP

Site Location:

Athens to Berne Loop

Photo No. 5

Date:

6/19/2015

Description:

Rock Outcrop-3:

View facing west



Photo No. 6

Date:

6/19/2015

Description:

Rock Outcrop-3:

View facing northwest



From: susan_zimmermann@fws.gov on behalf of Ohio, FW3 <ohio@fws.gov>
Sent: Tuesday, November 03, 2015 10:46 AM
To: Binckley, Sarah
Subject: Texas Eastern Transmission, Access South, Adair SW and the Lebanon Extension Projects



UNITED STATES DEPARTMENT OF THE INTERIOR
U.S. Fish and Wildlife Service
Ecological Services Office
4625 Morse Road, Suite 104
Columbus, Ohio 43230
(614) 416-8993 / Fax (614) 416-8994



TAILS# 03E15000-2015-TA-0949

(Meigs, Athens, Noble, Perry and Monroe Counties in Ohio)

Dear Ms. Binckley,

We have received your recent correspondence regarding potential impacts to federally listed species in the vicinity of the above referenced project. There are no federal wilderness areas, wildlife refuges or designated critical habitat within the vicinity of the project area. We recommend that proposed activities minimize water quality impacts, including fill in streams and wetlands. Best management practices should be utilized to minimize erosion and sedimentation.

FEDERALLY LISTED, PROPOSED, AND CANDIDATE SPECIES COMMENTS: Due to the project type, size, location, and the proposed implementation of seasonal tree cutting (clearing of trees ≥ 3 inches diameter at breast height between October 1 and March 31) to avoid impacts to Indiana bats and northern long-eared bats, we do not anticipate adverse effects to any federally endangered, threatened, proposed or candidate species. Should the project design change, or during the term of this action, additional information on listed or proposed species or their critical habitat become available, or if new information reveals effects of the action that were not previously considered, consultation with the U.S. Fish and Wildlife Service (Service) should be initiated to assess any potential impacts.

If there is a federal nexus for the project (e.g., federal funding provided, federal permits required to construct), no tree clearing should occur on any portion of the project area until consultation under section 7 of the Endangered Species Act (ESA), between the Service and the federal action agency, is completed. We recommend that the federal action agency submit a determination of effects to this office, relative to the Indiana bat and northern long-eared bat, for our review and concurrence.

These comments have been prepared under the authority of the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.), ESA, and are consistent with the intent of the National Environmental Policy Act of 1969 and the Service's Mitigation Policy. This letter provides technical assistance only and does not serve as a completed section 7 consultation document. We recommend that the project be coordinated with the Ohio Department of Natural Resources due to the potential for the project to affect state listed species and/or state lands. Contact John Kessler, Environmental Services Administrator, at (614) 265-6621 or at john.kessler@dnr.state.oh.us.

If you have questions, or if we can be of further assistance in this matter, please contact our office at (614) 416-8993 or ohio@fws.gov.

Sincerely,



Dan Everson
Field Office Supervisor