

Greene, Patty

From: Carter, Kim <Kim.Carter@stantec.com>
Sent: Friday, March 01, 2013 2:39 PM
To: Angela_Boyer@fws.gov
Cc: Greene, Patty; Denick, Roger; Kiser, James; Rodgers, Brad
Subject: Rolling Hills Generating, LLC- Section 7 Consultation
Attachments: USFWS Cover Letter.PDF

Angela,

As described in the cover letter attached, please use the link below to access the threatened and endangered species habitat assessment which also includes supporting documentation of surveys completed for the Indiana bat and mussel species known to occur in or near the project area. We look forward to working with you to complete Section 7 consultation and if you have any problems accessing these reports please let me know.

Automatic Login

FTP site link: <ftp://s0315084601:1383527@ftptmp.stantec.com>

By clicking on the link above (or pasting the link into Windows Explorer) you will be automatically logged into your FTP site.

Thanks,

Kim Carter

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March 1, 2013
File: 173520065

Angela Boyer
Endangered Species Coordinator
U.S. Fish and Wildlife Service
4625 Morse Road, Suite 104
Columbus, OH 43230

Reference: Section 7 Consultation for the Proposed Rolling Hills Generating, LLC Conversion and Pipeline Project, Gallia, Meigs, and Vinton Counties, Ohio

Dear Ms. Boyer,

Rolling Hills Generating, LLC (RHG) is proposing to construct two water pipelines within a 17-mile long alignment, a water intake structure, and a return water outfall at the Ohio River in Gallia, Meigs, and Vinton Counties, Ohio. RHG plans to expand the current facility, which includes the conversion from a simple cycle to a combined cycle electric generating facility. A threatened and endangered species habitat assessment was necessary to determine the potential presence of suitable habitat for any Federally listed species within or directly adjacent to the project area, which includes the RHG facility site, the proposed alignment to the Ohio River at a location just downstream of the Village of Middleport lagoons, and areas along the Ohio River riverfront from the Village of Middleport lagoons upstream to just south of the Village of Middleport (See included *Threatened and Endangered Species Habitat Assessment for the Proposed Rolling Hills Generating, LLC Conversion and Pipeline Project in Gallia, Meigs, and Vinton Counties, Ohio* report). The proposed project will require both federal and state permits; therefore, this information was prepared to assist in an informal consultation with the U.S. Fish and Wildlife Service (USFWS) in compliance with Section 7 of the Endangered Species Act (ESA) and The Fish and Wildlife Coordination Act.

Based on communications with your office and your Section 7 Consultation website (February 25, 2013), the following listed species may be present in the project area: Indiana bat (*Myotis sodalis*), American burying beetle (*Nicrophorus americanus*), bald eagle (*Haliaeetus leucocephalus*), clubshell (*Pleurobema clava*), fanshell (*Cyprogenia stegaria*), pink mucket (*Lampsilis orbiculata*), sheepsnose (*Plethobasus cyphus*), and snuffbox (*Epioblasma triquetra*).

Indiana Bat

The entire project area provides potential suitable summer habitat for the Indiana bat. A summer Indiana bat mistnetting survey was performed between July and August of 2012. This survey was completed by Federally permitted biologists and followed the USFWS's (2007) recommended guidelines (See included *Indiana Bat (Myotis sodalis) Mist Net Survey for the Proposed Rolling Hills Generating, LLC Conversion and Pipeline Project, Gallia, Meigs, and Vinton Counties, Ohio* report). Despite the sampling effort, no Indiana bats were captured. In addition, there were eleven underground abandoned mine portals observed within the project area or adjacent to the project area (within 1,000 feet of the centerline). Each mine portal was

Reference: Section 7 Consultation for the Proposed Rolling Hills Generating, LLC Conversion and Pipeline Project, Gallia, Meigs, and Vinton Counties, Ohio

evaluated from the entrance and then monitored with acoustical bat detectors for two nights to determine if bats were occupying them. It was determined that three of the mine portals showed evidence of bats using them with the recording of at least 50 calls per night. The data that was collected from the detectors will be coordinated with USFWS in a separate report (See included *Endangered Bat Winter Habitat Assessment for the Proposed Rolling Hills Generating, LLC Conversion and Pipeline Project, Gallia, Meigs, and Vinton Counties, Ohio* report). Although it is not possible to determine with absolute certainty the absence of Indiana bats within the project area, the lack of Indiana bat captures at mist net site locations suggests their probable absence during the summer reproductive season within the project area. Therefore, based on the habitat assessment and the summer Indiana bat mist net survey the proposed project may affect, but is not likely to adversely affect the Indiana bat.

American Burying Beetle

Due to the variability in habitats used by the American burying beetle, potential habitat for the American burying beetle could occur in small areas throughout the project area. However, in an email correspondence dated 12 December 2012, it was determined that only projects occurring within a 10-mile radius of the Waterloo Wildlife Management Area release site in Athens County and the Wildcat Hollow release site on the Wayne National Forest in Perry County require consultation under Section 7 of the Endangered Species Act. The closest release site to the project area is at Waterloo Wildlife Management Area in Athens County which is approximately 19 miles north of the project area. Since this species is not known to travel over great distances and tends to remain in areas that provide them the best habitat (Personal communication with Angela Boyer with USFWS on 10 December 2012) and because the project area is outside the 10-mile radius, no additional consultation with USFWS should be required for the American burying beetle unless additional new information becomes available for the species. Therefore, based on the habitat assessment, the proposed project may affect, but is not likely to adversely affect the American burying beetle.

Bald Eagle

Potential habitat observed within the project area occurred along the Ohio River within the riparian floodplain forested strips running along the bank, however no nests were observed during the field visit. There are no known eagle nests in or near the project area (ODNR and personal communication with Keith Lott with USFWS on 18 December 2012). Therefore, based on the habitat assessment and the known locations of bald eagle nests the proposed project may affect, but is not likely to adversely affect the bald eagle.

Mussel Species

Five federally listed mussel species were evaluated in this habitat assessment, including the clubshell, fanshell, pink mucket, sheepsnose, and snuffbox. One hundred and twenty-two intermittent and ephemeral streams were found within the project area. These streams ranged from 1 – 5 ft in width and were high gradient, headwater streams dominated by sand, gravel, and detritus substrates with little to no flow observed at the time of the field visit. Due to the lack of flow these streams do not provide habitat for aquatic mussel species. Eleven perennial streams located within the project area were evaluated for potential mussel habitat. Nine of these streams ranged from 5 – 20 ft in width and dominated by sand, gravel, cobble, and bedrock substrates and exhibited low flow and/or no flow with isolated shallow pools at the time of the field visit. Due to the lack of flow and or water quality issues associated with mining and agricultural practices

Reference: Section 7 Consultation for the Proposed Rolling Hills Generating, LLC Conversion and Pipeline Project, Gallia, Meigs, and Vinton Counties, Ohio

these streams do not provide habitat for aquatic mussel species. One perennial stream, Leading Creek, provided potential habitat for aquatic mussel species. Leading Creek is a large river that drains into the Ohio River. The river channel is approximately 90 ft wide with relatively deep water.

A freshwater mussel survey was completed between 17 September and 26 September 2012 in the Ohio River adjacent to Leading Creek and 1,397 live mussels comprising 22 species were found (See included *Ohio River Freshwater Mussel Survey for the Proposed Rolling Hills Generating, LLC Conversion and Pipeline Project in Gallia, Meigs, and Vinton Counties, Ohio* report). No federally endangered species were found but surveyors did find several species designated as endangered, threatened, or of concern in Ohio. Based on this habitat assessment and freshwater mussel survey, the proposed project may affect, but is not likely to adversely affect federally listed mussel species.

For these reasons, we conclude that the proposed project may affect, but is not likely to adversely affect the American burying beetle, Indiana bat, bald eagle, clubshell, fanshell, pink mucket, sheepnose, and snuffbox. We request your concurrence with our determinations.

Stantec is transmitting four (4) final reports referenced in this letter in accordance with Section 7 of the ESA to assist in your review of the project. Please use the FTP site link provided to access these reports. Please contact us if you need hard copies of these reports. We look forward to your review of these materials.

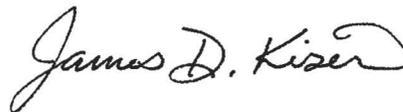
If you have any questions, comments or concerns, please contact James Kiser or myself via our contact information below or Patricia Greene, Rolling Hills Generating, LLC, at (402) 691-9553 or PGreene@tenaska.com at your convenience.

Respectfully,

STANTEC CONSULTING SERVICES INC.



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James Kiser
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Attachment: Please use the FTP site link to access the following reports:

Reference: Section 7 Consultation for the Proposed Rolling Hills Generating, LLC Conversion and Pipeline Project, Gallia, Meigs, and Vinton Counties, Ohio

Report: Indiana Bat (*Myotis sodalis*) Mist Net Survey for the Proposed Rolling Hills Generating, LLC Conversion and Pipeline Project, Gallia, Meigs, and Vinton Counties, Ohio

Report: Endangered Bat Winter Habitat Assessment for the Proposed Rolling Hills Generating, LLC Conversion and Pipeline Project, Gallia, Meigs, and Vinton Counties, Ohio

Report: Threatened and Endangered Species Habitat Assessment for the Proposed Rolling Hills Generating, LLC Conversion and Pipeline Project in Gallia, Meigs, and Vinton Counties, Ohio

Report: Ohio River Freshwater Mussel Survey for the Proposed Rolling Hills Generating, LLC Conversion and Pipeline Project in Gallia, Meigs, and Vinton Counties, Ohio

- c. Patricia Greene, Rolling Hills Generating, LLC
Roger Denick, Stantec Consulting
Brad Rodgers, Stantec Consulting



United States Department of the Interior

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March 18, 2013

Kim Carter
Stantec Consulting Services, Inc.
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Columbus, Ohio 43204

Dear Ms. Carter:

TAILS# 03E15000-2013-I-0731

This letter provides U.S. Fish and Wildlife Service (Service) review of the proposed Rolling Hills Generating, LLC Conversion and Pipeline Project. The project involves the proposed construction of two water pipelines within a 17-mile long alignment, a water intake structure, and a return water outfall at the Ohio River in Gallia, Meigs, and Vinton counties, Ohio.

The U.S. Fish and Wildlife Service recommends that proposed activities minimize water quality impacts and impacts to quality fish and wildlife habitat, such as forests, streams, and wetlands. Riparian zone habitat should be preserved wherever possible. Vegetated areas along streams and rivers stabilize the banks, provide fish and wildlife habitat, filter pollutants and excess nutrients, store excess water during storm events, and minimize sedimentation. Best Management Practices (BMP's) should be utilized to minimize sedimentation and erosion. All disturbed areas should be mulched and revegetated with native woody and herbaceous species.

ENDANGERED SPECIES COMMENTS: The proposed project lies within the range of the **Indiana bat** (*Myotis sodalis*), a federally listed endangered species. A summer mist-net survey for Indiana bats was conducted in 2012 following Service guidance for minimal level of effort. No Indiana bats were detected. A fall portal study utilizing acoustic bat detectors was also conducted to determine the level of usage of nearby coal mine portals by bats. No significant usage by bats was documented. We concur with the results of the mist-net survey and believe that the survey results and habitat information provided in the report, document the likely absence of Indiana bats in the project area. Negative Indiana bat mist-net survey results are valid for a period of 2 years. Therefore, no tree clearing should occur on the site after September 30, 2014 without further coordination with this office. However, 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 Endangered Species Act of 1973, as amended, 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 for our review and concurrence.

The proposed project lies within the range of the federally listed endangered **fanshell** (*Cyprogenia stegaria*), **pink mucket pearly mussel** (*Lampsilis abrupta*), **sheepnose** (*Plethobasus cyphus*), and **snuffbox** (*Epioblasma triquetra*). A freshwater mussel survey was completed for the proposed project in 2012. No federally listed mussels were found during the survey. Based on the results of this survey, we concur that the proposed project is not likely to adversely affect any federally listed mussels.

The proposed project also lies within the range of the federally listed endangered **American burying beetle** (*Nicrophorus americanus*) and the **bald eagle** (*Haliaeetus leucocephalus*), a federal species of concern. Due to the project type, size, and location, the project, as proposed, should not impact these species.

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 Endangered Species Act of 1973 (ESA), as amended, and are consistent with the intent of the National Environmental Policy Act of 1969 and the U. S. Fish and Wildlife Service's Mitigation Policy.

If you have questions, or if we may be of further assistance in this matter, please contact Angela Boyer at extension 22 in this office.

Sincerely,



for Mary Knapp, Ph.D.
Field Supervisor

cc: ODNR, DOW, SCEA Unit, Columbus, Ohio