



6 Ashley Drive
1st Floor
Scarborough, ME 04074

207.879.1930 PHONE
207.879.9293 FAX

www.trcsolutions.com

January 15, 2015

Angela Boyer
U.S. Fish and Wildlife Service
Ohio Ecological Services Field Office
4625 Morse Rd, Suite 104
Columbus, OH 43230

**Subject: Texas Eastern Transmission, LP
Texas Eastern Appalachian Lease Project**

Texas Eastern Transmission, LP (“Texas Eastern”), an indirect wholly owned subsidiary of Spectra Energy Partners, LP, intends to seek authorization from the Federal Energy Regulatory Commission (“FERC”) pursuant to Section 7(c) of the Natural Gas Act to construct, own, and operate the proposed Texas Eastern Appalachian Lease Project (“Project”). Texas Eastern is proposing to construct and operate a mainline loop pipeline segment with a total length of approximately 4.5 miles that will be located along existing mainline in Monroe County, Ohio. The Project is also anticipated to include one newly constructed compressor station to be sited in Columbiana County, Ohio; additional compression at Texas Eastern’s Colerain Compressor Station located in Belmont County, Ohio; and several minor piping modifications (see enclosed Project Overview Map). The Project includes the following components:

- (i) the construction of approximately 4.5 miles of pipeline looping on Texas Eastern’s 36-inch diameter Line 30, west of Clarington in Monroe County, Ohio;
- (ii) the installation of the following compression facilities:
 - a) a third Taurus gas turbine compressor unit (9,400 HP), incremental gas cooling, and piping modifications at the Colerain Compressor Station in Belmont County, Ohio, which compressor station is expected to be placed into service later this year; and
 - b) a new greenfield compressor station, including two Taurus gas turbine compressor units (18,800 HP total) near Kensington in Columbiana County, Ohio, currently proposed along Texas Eastern’s 30-inch diameter Line 73¹, which is expected to be placed into service later this year; and
- (iii) the following piping modifications:

¹ Construction of Line 73 has been approved by the FERC, and construction is expected to be completed by November of this year.

- a) piping modifications to make the Colerain Compressor Station bi-directional;
- b) piping modifications to add filter separators and make the overpressure protection facilities, launchers/receivers, and tie-ins along Line 73 at Texas Eastern's Lines 10, 15, 25 and 30 near Clarington in Monroe County, Ohio, bi-directional; and
- c) installation of a new 30-inch tee tap and connecting piping near Kensington to connect Line 73 to the NEXUS Gas Transmission, LLC ("NEXUS") meter station in Columbiana County, Ohio.

Initial review of the potential project areas indicated that rare, threatened and/or endangered species may be present based on published county lists and recent consultations with the U.S. Fish and Wildlife Service ("USFWS") regarding other projects in the vicinity. Table 1 is attached and lists the rare, threatened and endangered species that have been previously identified in the counties traversed by the pipeline corridor. On behalf of Texas Eastern, TRC is requesting the assistance of the USFWS to determine if any of these species are known to occur within the one-mile wide area under investigation. This information will assist us in determining a route to potentially avoid and minimize disruption to sensitive habitat and determine potential seasonal or species specific surveys that maybe required during permitting of the Project. Any further comments or survey guidance regarding rare, threatened, endangered or other important species is also welcomed. Additional information such as a GIS SHP files of the Project study corridor to aid in the review of the Project can be provided upon request.

If you have any questions regarding the Project or the request herein, please contact me at TRC by calling (207) 232-1979 or via email at mlychwala@trcsolutions.com

Sincerely,

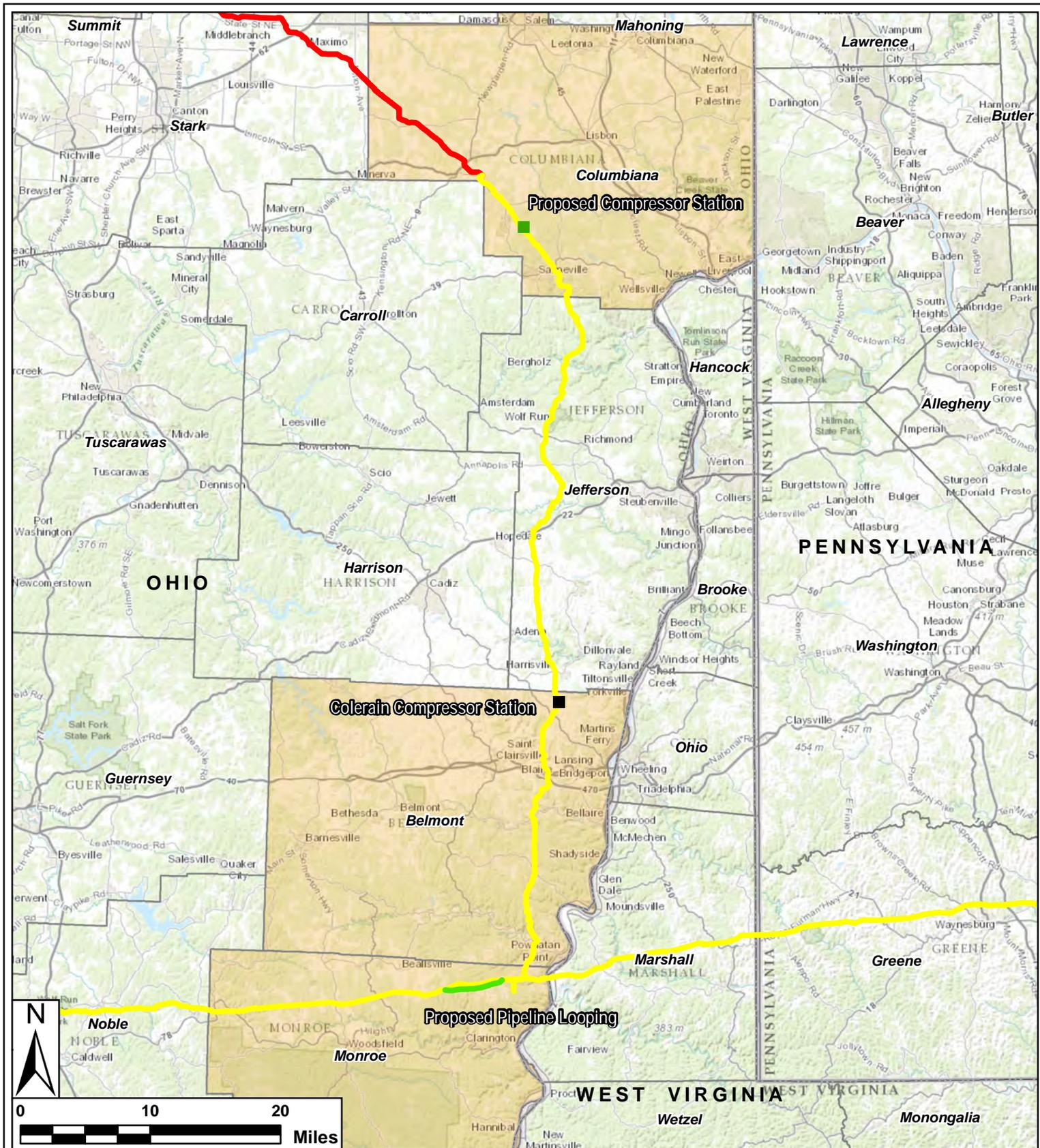


Michael Lychwala, TRC

cc: Matt Barczyk, Spectra Energy Partners, LP
Dana Valleau, TRC



Table 1- Federally Listed Species Potentially Occurring Within/Near Texas Eastern Appalachian Lease Project in Ohio			
Common Name	Scientific Name	Status	County Traversed By Project With Species Occurrence
Indiana bat	<i>Myotis sodalis</i>	Endangered	All Counties
Northern Long-eared Bat	<i>Myotis septentrionalis</i>	Proposed Endangered	All Counties
Eastern massasauga	<i>Sistrurus catenatus</i>	Candidate	Columbiana



- Proposed Compressor Station
- Compressor Station
- Proposed NEXUS Greenfield Pipeline Project
- Texas Eastern Pipeline System
- Proposed Pipeline Looping
- State Boundary
- County Boundary

Texas Eastern
Appalachian Lease Project

Overview Map

Spectra Energy
Partners

1/14/2015



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



January 21, 2015

Michael Lychwala
TRC
6 Ashley Drive, 1st Floor
Scarborough, ME 04074

Re: Texas Eastern Appalachian Lease Project, Columbiana, Monroe, and Belmont Counties, Ohio

Dear Mr. Lychwala,

TAILS# 03E15000-2015-TA-0544

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). These comments pertain only to the Ohio portion of the project.

The 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.

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.

Should the proposed site contain trees or associated habitats exhibiting any of the characteristics listed above and/or the site contains any caves or abandoned mines, we recommend that the habitat and surrounding trees be saved wherever possible. If any caves or abandoned mines may be disturbed, further coordination with this office is requested to determine if surveys are warranted. Any survey should be designed and conducted in coordination with the Endangered Species Coordinator for this office. If no caves or abandoned mines are present and tree removal is unavoidable, any tree removal should only occur between October 1 and March 31.

Since there is a federal nexus for the project with FERC, no tree clearing on any portion of the parcel should occur until consultation under section 7 of the ESA, between the Service and FERC, is completed. We recommend that FERC submit a determination of effects to this office, relative to the Indiana bat, for our review and concurrence.

PROPOSED SPECIES COMMENTS: The proposed project lies within the range of the **northern long-eared bat** (*Myotis septentrionalis*), a species that is currently proposed for listing as federally endangered under the Endangered Species Act (ESA) (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*). The final listing decision for the northern long-eared bat will occur no later than April 2, 2015. No critical habitat has been proposed at this time. 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.

Pursuant to section 7(a)(4) of the ESA, federal action agencies are required to confer with the Service if their proposed action is likely to jeopardize the continued existence of the northern long-eared bat (50 CFR 402.10(a)). Federal action agencies may also voluntarily confer with the Service if the proposed action may affect a proposed species. Nevertheless, species proposed for listing are not afforded protection under the ESA; however as soon as a listing becomes effective, the prohibition against jeopardizing its continued existence and "take" applies regardless of an action's stage of completion. If the federal agency retains any discretionary involvement or control over on-the-ground actions that may affect the species after listing, section 7 applies.

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. 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 trees must be cut, we recommend that any tree removal occur between October 1 and March 31 to avoid impacts to northern long-eared bats. Incorporating these conservation measures into your project at this time may avoid significant future project delays should the listing become official.

CANDIDATE SPECIES COMMENTS: The project lies within the range of the **eastern massasauga** (*Sistrurus catenatus*), a small, docile rattlesnake that is currently a federal candidate species. Since designated as a candidate species in 1999, it has declined significantly throughout its range and populations in Ohio that were once throughout glaciated portions of the state, are now small and isolated. The species has been listed by the State of Ohio as endangered since 1996. Several factors have contributed to the decline of the species including habitat loss and fragmentation, indiscriminate killing, collection, gene pool contamination and incompatible land use practices.

Eastern massasaugas use both upland and wetland habitat and these habitats differ by season. During the winter, massasaugas hibernate in low wet areas, primarily in crayfish burrows, but may use other structures. Presence of a water table near the surface is important for a suitable hibernaculum. In the summer, massasaugas use drier, open areas that contain a mix of grasses and forbs such as goldenrods and other prairie plants that may be intermixed with trees or shrubs. Adjoining lowland and upland habitat with variable elevations between are critical for the species to travel back and forth seasonally. Should the proposed project area contain any of the habitat types or features described above, we recommend that a habitat assessment be conducted to determine if suitable habitat for the species exists within the vicinity of the proposed site. Please note that habitat assessments should only be conducted by approved eastern massasauga surveyors due to variable habitat types and cryptic nature of the species. Any habitat assessments or surveys should be coordinated with this office.

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.

MIGRATORY BIRD COMMENTS: The project lies within the range of the **bald eagle** (*Haliaeetus leucocephalus*). Bald eagles are protected under the Migratory Bird Treaty Act (16 U.S.C. 703-712; MBTA), and are afforded additional legal protection under the Bald and Golden Eagle Protection Act (16 U.S.C. 668-668d, BGEPA). BGEPA prohibits, among other things, the killing and disturbance of eagles. To evaluate your project's potential to affect bald eagles, please visit: <http://www.fws.gov/midwest/MidwestBird/EaglePermits/baeatake/index.html>.

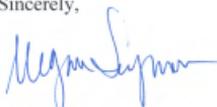
Our database of nest locations may not be complete because new nests are built each year. Therefore, we recommend that the site and surrounding area be evaluated to determine if any eagle nests are present. In order to avoid take of bald eagles, we recommend that no tree clearing occur within 660 feet of a bald eagle nest or within any woodlot supporting a nest tree. Further we request that work within 660 feet of a nest or within the direct line-of-site of a nest be restricted from January 15 through July 31. This will prevent disturbance of the eagles from the egg-laying period until the young fledge, which encompasses their most vulnerable times.

If these recommendations cannot be implemented and take of bald eagles is likely, a bald eagle take permit for this project may be necessary. Further information on eagle take permits can be found at: <http://www.fws.gov/midwest/MidwestBird/EaglePermits/index.html>.

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. 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. 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 may be of further assistance in this matter, please contact Angela Boyer at extension 22 in this office.

Sincerely,



Megan Seymour
Acting Field Supervisor

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

Redmond-Miller, Kathleen

From: Valleau, Dana
Sent: Wednesday, April 08, 2015 4:03 PM
To: Boyer, Angela
Cc: Lychwala, Michael; Gardner, Angela
Subject: Texas Eastern Appalachian Lease Project follow-up (#03E15000-2015-TA-0544)
Attachments: TE_Appalachian_Lease_Project.zip

Hi Angela,

Thank you for your persistence in returning my calls, it was good to finally catch up. I am writing to confirm a few things from our phone conversation we had on March 20, and provide you with project shapefiles so you can take a closer look at a few areas.

The first thing I'd like to confirm with you is Texas Eastern's commitment to clear trees for the project only during the winter months, per USFWS Indiana and northern long-eared bat guidance. Given this understanding, I'd like you to confirm that no summer bat surveys will be necessary. We have done portal searches this spring for the loop pipeline portion of the project in Monroe County and have not found any portals as of this date. There will be additional surveys for portals this month with the goal of completing the searches in the next couple weeks.

The shapefiles I am providing are in part to help you determine if we need to do any surveys for Eastern massasauga in Columbiana County. The project components that are in Columbiana County are co-located or in the immediate vicinity of the OPEN Project, a project for which surveys were not required. Please confirm that surveys for Eastern massasauga are not necessary for this project.

Another reason I am providing shapefiles to you is for you to determine the proximity of the project to an existing bald eagle nest located in Columbiana County. Please confirm whether or not this existing nest is a concern for the project.

Finally, we discussed the scope of eagle nesting surveys for the loop pipeline component of the project which is in Monroe County. I have performed a desktop review of the project area for areas that have a likelihood of supporting nesting bald eagles. Bald eagles typically nest in close proximity (< 1 mile) to larger waterbodies, such as lakes, ponds, rivers, wide streams, or large wetlands. This is primarily because their preferred prey is fish, however they also feed opportunistically on many other prey items such as waterfowl, small mammals, turtles, and carrion. Being in close proximity to waterbodies provides the eagles with a relatively high abundance and diversity of food items. The nests are usually placed in large and tall trees that are significantly taller than surrounding landscape and provide not only good visibility of the area around the nest but also provide large limbs to support the nest and adequate space for the large birds to fly in and out from the nest unhindered by limbs and foliage. Where suitable trees are not available, the eagles will nest on cliffs, rock outcrops, and artificial structures such as cell towers or electric transmission structures. They are considered visual hunters and prefer to forage from an elevated perch or on the wing and forage in areas with good visibility that are not heavily wooded.

As bald eagles are expanding their nesting range in Ohio, sites with the best qualities are the most likely areas to support nesting eagles, and will be occupied by bald eagles first. Less suitable habitat is likely to be colonized by the expanding eagle population only when the best areas are saturated with territorial eagles.

In the case of the Texas Eastern Appalachian Lease Project loop pipeline, there are no large waterbodies in close proximity to the pipeline route. The terrain at the location of the loop pipeline is hilly and the waterbodies that are found in the area are small headwater streams that are mostly intermittent. The wetlands are small forested wetlands except where they are in cleared utility ROW or pasture or are along streams. The Ohio River is approximately 3.5 miles

distant and is a much more attractive area for nesting eagles. The area of the proposed loop pipeline is also heavily wooded where it is not being actively used for pasture. For these reasons I believe there is a low probability that bald eagles are currently nesting in the vicinity of the Texas Eastern Appalachian Lease Project, and we are not proposing to perform surveys in that area. Please confirm your concurrence with my assessment.

Could you please provide your response in letter form for documentation purposes?

Thank you, I appreciate your guidance.

Dana

Dana Valleau
Environmental Specialist
Planning, Permitting and Licensing



14 Gabriel Drive, Augusta, ME 04330
T: 207.620.3834 | F: 207.621.8226 | C: 207.215.4582

Follow us on [LinkedIn](#) or [Twitter](#) | www.trcsolutions.com



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



April 10, 2015

Dana Valleau
TRC
14 Gabriel Drive
Augusta, ME 04330

TAILS# 03E15000-2015-TA-0544

Re: Texas Eastern Appalachian Lease Project, Columbiana, Monroe, and Belmont Counties, Ohio

Dear Dana Valleau,

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 SPECIES COMMENTS: Due to the project type, size, location, and the proposed implementation of seasonal tree cutting (only clearing between October 1 and March 31) to avoid impacts to Indiana bats and northern long-eared bats, we do not anticipate direct or indirect adverse effects to these listed bats. Therefore, a survey for these species is not necessary.

If there is a federal nexus for the project (e.g., federal funding provided, federal permits required to construct), no tree clearing on any portion of the parcel should occur until consultation under section 7 of the Endangered Species Act (ESA), between the U.S. Fish and Wildlife Service (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.

CANDIDATE SPECIES COMMENTS: The portion of the project within Columbiana County lies within the range of the **eastern massasauga** (*Sistrurus catenatus*). Due to the project location, we do not anticipate adverse effects to the eastern massasauga. Therefore, a survey for this species is not necessary.

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.

BALD EAGLE COMMENTS: The project lies within the range of the **bald eagle** (*Haliaeetus leucocephalus*). Bald eagles are protected under the Migratory Bird Treaty Act (16 U.S.C. 703-712), and are afforded additional legal protection under the Bald and Golden Eagle Protection Act (16 U.S.C. 668-668d). Our records indicate that the closest known bald eagle nest to the project area occurs over 3.5 miles from the proposed TE Lateral area in Columbiana County. Your recent correspondence provided an analysis of potential bald eagle nesting habitat within and around the proposed project area. Based upon your assessment, we have determined that it is unlikely that any bald eagle nests are present within or in close proximity to your proposed project. Therefore, an eagle nesting survey is not necessary for this project.

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 Angela Boyer at (614) 416-8993, ext.22.

Sincerely,



Dan Everson
Field Supervisor

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