

APPENDIX C

Threatened & Endangered Species Coordination



Engineers, Surveyors, Planners, Scientists

April 22, 2020

Ms. Patrice Ashfield
Field Office Supervisor
U.S. Fish and Wildlife Service
4625 Morse Road, Suite 104
Columbus, OH 43230

**Subject: Threatened & Endangered Species Consultation
 State Route 13 (Line 3-C) Replacement Project**

Dear Ms. Ashfield,

On behalf of The Energy Cooperative (NGO Transmission, Inc.), EMH&T requests coordination regarding federally-listed species for the State Route 13 (Line 3-C) Replacement Project. The project proposes to replace approximately 1,600 feet of buried pipeline near the intersection of SR 13 and High Point Road in Thorn Township, Perry County, Ohio. The approximate latitude and longitude for the center of the pipeline project 39.855755, -82.396673 (see Exhibits 1 and 2). According to the United States Fish and Wildlife Service's (USFWS) Federally-Listed Species by Ohio Counties (October 2019), there are four (4) federally-listed species for Perry County, Ohio.

The Perry County list includes the following species:

- Indiana bat (*Myotis sodalis*) – Endangered
- Northern long-eared bat (*Myotis septentrionalis*) – Threatened
- American Burying Beetle (*Nicrophorus americanus*) - Endangered
- Eastern massasauga (*Sistrurus catenatus*) – Threatened

Project Description

This Project is identified as the State Route 13 (Line 3-C) Replacement Project. The Project involves the replacement of a section of 8-inch, bare steel pipeline with approximately 1,600 feet of 10-inch coated steel main. Due to the age and condition of the pipe as well as the fact the cased crossing of SR 13 is shorted (Compliance issue with federal pipeline code 192.467), NGOT has identified this section of pipeline for replacement. NGOT will begin the project east side of U.S. Route 13 approximately 160 feet south of the intersection with High Point Rd NW. NGOT will replace the portion of the line west of SR 13 by trenching and will bore the pipeline underneath SR 13 and High Point Rd including the associated right of way. NGOT will replace the section of pipeline on the property located north of High Point Rd by trenching. The pipeline will then be connected to existing 10" pipe on the north side of High Point Rd.

Potential Effects on Federally-Listed Species

Bat Species

According to Clark, et. al. (1987), Indiana bat is found in Ohio during summer months between April 1 and September 31. The USFWS focuses on important summer habitat requirements including: "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; and 3) stream corridors, riparian areas, and upland woodlots that provide foraging sites" (USFWS, 2012). The bats will use many tree species provided the tree has the necessary habitat characteristics. According to the USFWS, the northern long-eared bat will roost underneath exfoliating bark, in cavities, or in crevices of both dead and live trees during summer months (USFWS, 2013). They will form maternity colonies in similar habitat and occasionally roost in man-made structures like barns and sheds (ODNR, 2013). Both species migrate to caves located in karst regions during the winter. Foraging sites for both species are similar (USFWS, 2013).

A limited amount of tree clearing may be required to complete the project. If clearing is required, seasonal clearing between October 1st and March 31st is proposed for this project in order to minimize any potential impacts to the Indiana bat and northern long-eared bat. Based on the amount, timing, and quality of trees to be cleared within the alignment, it is our opinion that the proposed project **will not likely adversely affect** either bat species.

Eastern Massasauga

According to the U.S. Fish and Wildlife Service, "massasaugas live in wet areas including wet prairies, marshes and low areas along rivers and lakes. In many areas massasaugas also use adjacent uplands during part of the year. They often hibernate in crayfish burrows but may also be found under logs and tree roots or in small mammal burrows." The proposed corridor and surrounding area is almost entirely comprised of active agricultural fields, maintained residential properties, and developed highway right-of-way. No large wet prairies and marshes connected to non-agricultural uplands are located within the proposed corridor and surrounding areas. Due to the high intensity of the surrounding land use, feeding and hibernating sites are extremely unlikely within or adjacent to the project corridor. Therefore, it is EMH&T's opinion that the proposed project **is not likely to adversely affect** the eastern massasauga.

American Burying Beetle

According to the U.S. Fish and Wildlife Service, The American Burying Beetle prefers many types of habitat, with a slight preference for grasslands and open understory oak hickory forests. However, the beetles need carrion the size of a dove or a chipmunk to reproduce. Carrion availability may be the greatest factor determining where the species can survive. As the majority of the project area is comprised of actively managed/maintained open space, it is our opinion that the proposed project **is not likely to adversely affect** the American Burying Beetle.

Summary

Due to the above-mentioned rationale, and the scope and scale of the proposed project, it is our opinion the project **is not likely to adversely affect** any federally-listed species. We request your concurrence with our determinations for the indicated species. Thank you for your assistance with this matter.

Sincerely,



Taylor Gleaves
Environmental Technician
Attachments: 2

Krokonko, Michael

Subject: FW: State Route 13 (Line 3-C) Replacement Project, Perry County

From: Ohio, FW3
Sent: Wednesday, April 29, 2020 10:51 AM
To: Gleaves, Taylor
Subject: State Route 13 (Line 3-C) Replacement Project, Perry County



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# 03E15000-2020-TA-1274

Dear Mr. Gleaves,

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 the federally listed endangered Indiana bat (*Myotis sodalis*) and threatened northern long-eared bat (*Myotis septentrionalis*), 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 Mike Pettegrew, Acting Environmental Services Administrator, at (614) 265-6387 or at mike.pettegrew@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,

A handwritten signature in blue ink, appearing to read "Patrice Ashfield". The signature is stylized with a large initial "P" and a long, sweeping underline.

Patrice Ashfield
Ohio Field Office Supervisor



NATURAL HERITAGE DATA REQUEST FORM

ODNR Division of Wildlife
Ohio Natural Heritage Program
2045 Morse Rd., Bldg. G-3
Columbus, OH 43229-6693
Email: NHDRequest@dnr.state.oh.us
Phone: 614-265-6818

WHAT KIND OF REVIEW DO I NEED?

ODNR provides two kinds of project reviews, an Ohio Natural Heritage Database (ONHD) data request and an Environmental Review (ER). ONHD data requests will be processed for projects that meet one of the following four criteria:

- consultant prepared reports for ODOT projects
- completion of OEPA's Ohio Rapid Assessment Method for wetlands
- academic research projects
- other non-development or non-construction projects

As applicable to your project, the ONHD will provide records for state and federally listed plants and animals, high quality plant communities, geologic features, breeding animal concentrations, scenic rivers, protected natural areas (managed areas), and significant unprotected natural areas (conservation sites). A one mile radius around the project site will automatically be searched. Because the ONHD contains sensitive information, it is our policy to provide only the data needed to complete your specific project.

If your project does not meet one of these criteria, you will need to submit it for an ER. An ER includes comments on potential impacts to the species and their habitats, and therefore constitutes coordination with ODNR under NEPA, the Fish & Wildlife Coordination Act, the Federal Water Pollution Control Act, and other laws. If your project requires ODNR coordination, please go to <http://realestate.ohiodnr.gov/environmental-review> for additional information including appropriate contacts. An ONHD search is included as part of the environmental review process.

INSTRUCTIONS:

Please complete all the information on both sides of this form, sign (required) and email it to NHDRequest@dnr.state.oh.us. Please provide a description of the work to be performed at the project site, and a map detailing your project site boundaries. If you request a GIS response, please also submit a shapefile of your project site (unbuffered). Data requests will be completed within approximately 30 days. There is currently no charge to process requests.

Date: 4/15/2020 Company name: EMH&T

Name of person response letter should be addressed to:

Mr. ☒ Ms. ☐ Taylor Gleaves

Address: 5500 New Albany Road

City/State/Zip: Columbus, Ohio, 43054

Phone: 614-775-4519

E-mail address: tgleaves@emht.com

Project Name: State Route 13 (Line 3-C) Replacement Project

Project Site Address: East side of U.S. Route 13 approximately 160 feet south of High Point Rd NW.

Project County: Perry County

Project City or Township: Thorn Township

Project site is located on the following USGS 7.5 minute topographic quad(s):

Rushville, OH

Project latitude and longitude: 39.855755, -82.396673

Description of work to be performed at the project site:

Replace approximately 1,600 linear feet of an existing 8" gas pipeline.

How do you want your data reported? Both formats provide the same data. The manual search is most appropriate for small scale projects or for those without GIS capabilities. With this option we will send you a letter with a list of records and a map showing their location. If you request a GIS shapefile, we will send you a letter and shapefile of data layers. You will then need to make your own map and list of data for your report. You must have GIS capabilities. If you do not make a selection or if you choose both options, a manual search will be performed (Please choose only one option).

☒ **Printed list and map (manual search)** **OR** ☐ **GIS shapefile (computer search)**

The standard data we search includes state and federally listed plants and animals, high quality plant communities, geologic features, breeding animal concentrations, scenic rivers, managed areas, and conservation sites, including a one mile radius around your project area. List any information in addition to this that you require:

How will the information be used?

Completion of 10-page ORAM form to Ohio EPA

The chief of the Division of Wildlife has determined that the release of the ONHD data you have requested could be detrimental to the conservation of a species or unique natural feature. Pursuant to section 1531.04 of the Ohio Revised Code, this information is not subject to section 149.43 of the Revised Code. By signing below, you certify that the data provided will not be disclosed, published, or distributed beyond the scope of your project.

Signature Taylor Gleaves

Digitally signed by Taylor Gleaves
Date: 2020.04.14 13:41:25 -04'00'

Date: 4/15/2020



Ohio Department of Natural Resources

MIKE DeWINE, GOVERNOR

MARY MERTZ, DIRECTOR

Jeff Johnson, Chief
Division of Natural Areas & Preserves
2045 Morse Rd, Building A
Columbus, Ohio 43229

20 April 2020

Taylor Gleaves
EMH&T
5500 New Albany Rd.
Columbus, OH 43054

Dear Mr. Gleaves,

After reviewing the Natural Heritage Database, I find we have no records of rare or endangered species in the State Route 13 Line 3-C Replacement project area, including a one mile radius, in Thorn Township, Perry County, Ohio. We are unaware of any unique ecological sites, geologic features, animal assemblages, scenic rivers, state nature preserves, parks, wildlife areas or forests, national wildlife refuges, parks or forests or other protected natural areas within a one-mile radius of the project area.

Our inventory program has not completely surveyed Ohio and relies on information supplied by many individuals and organizations. Therefore, a lack of records for any particular area is not a statement that rare species or unique features are absent from that area. This letter only represents a review of rare species and natural features data within the Ohio Natural Heritage Database. It does not fulfill coordination under the National Environmental Policy Act (NEPA) or the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S. C. 661 et seq.) and does not supersede or replace the regulatory authority of any local, state or federal agency nor relieve the applicant of the obligation to comply with any local, state or federal laws or regulations.

Please contact me at 614-265-6818 if I can be of further assistance.

Sincerely,

A handwritten signature in blue ink that reads "Debbie Woischke".

Debbie Woischke
Ohio Natural Heritage Program

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

7/7/2020 10:40:15 AM

in

Case No(s). 20-1204-GA-BNR

Summary: Application Application Part 3 - Construction Notice for the State Route 13 (Line 3-C) Replacement Project located in Thorn Township, Perry County, Ohio electronically filed by Mr. Michael A Krokonko on behalf of The Energy Cooperative (NGO Transmission)