

may result in direct take of individuals. Therefore, we recommend that any unavoidable tree clearing at the site occur only from October 1 through March 31. 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 surveys would not constitute presence/absence surveys.**

The proposed project lies within the range of the **Kirtland's warbler** (*Setophaga kirtlandii*), a federally listed endangered species. The Kirtland's warbler is a small blue-gray songbird with a bright yellow breast. This species migrates through Ohio in the spring and fall, traveling between its breeding grounds in Michigan, Wisconsin, and Ontario and its wintering grounds in the Bahamas. While migration occurs in a broad front across the entire state, approximately half of all observations in Ohio have occurred within 3 miles of the shore of Lake Erie. During migration, individual birds usually forage in shrub/scrub or forested habitat and may stay in one area for a few days.

Migration is energetically demanding for birds of all species. During stop-over, birds are often faced with the need to acquire food in a short period of time, in unfamiliar surroundings, and while avoiding predators and competing with other migrants and resident birds for limited resources. Studies with captive migrants suggest that individuals in migratory disposition compensate for lost nighttime sleep by increasing the frequency of daytime sleep-like behaviors, potentially rendering them less able to quickly respond to disturbance.

In the spring, migrating Kirtland's warblers stopping over in Ohio will have traveled thousands of miles, will be immediately in need of food to satisfy energetic demands, and are thought to be racing to the breeding grounds to establish territories as early as possible. While fall migration is typically not as fast-paced as spring migration, it appears that fall migrating Kirtland's warblers do not build up fat reserves prior to initiating migration, and therefore nearby stopover habitat would be increasingly important for this species. Because so much of the southern Lake Erie shoreline is already developed, and stopover habitat is already so fragmented, a conservative approach such as avoiding impacts to suitable stopover habitat during the migratory period is appropriate to avoid and minimize potential adverse effects to Kirtland's warbler, as well as other migratory song birds.

Based on migration records of Kirtland's warbler in Ohio, as well as documented phenological patterns across the species' range, we recommend that suitable migration stopover habitat (scrub/shrub and forest habitat) within 3 miles of the shoreline of Lake Erie should be preserved whenever possible. If clearing of suitable habitat cannot be avoided, to preclude adverse effects to Kirtland's warblers, clearing within 3 miles of the shoreline of Lake Erie should not occur from April 22nd – June 1st, or from August 15th – October 15th.

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; 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>.

While our database of nest locations may not be complete because new nests are built each year, we currently have no records of bald eagle nests within ½ mile of your proposed project area. 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>.

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 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 Division of Wildlife due to the potential for the project to affect state listed species. Contact Nathan Reardon, Environmental Review Coordinator with the Division of Wildlife, at (614) 265- 6741 or at Nathan.Reardon@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,



Mary Knapp, Ph.D.
Field Supervisor

cc: Nathan Reardon, ODNR, Division of Wildlife
Jennifer Norris, ODNR, Division of Wildlife
Carolyn Caldwell, ODNR, Division of Wildlife

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December 19, 2014

Angela Boyer
Columbus Ohio Field Office
U.S. Fish and Wildlife Service
4625 Morse Road, Suite 104
Columbus, Ohio 43230

Subject: Avon Lake Gas Addition Project
Lorain County, Ohio

Dear Ms. Boyer:

As you know, NRG Ohio Pipeline Company LLC (“NRG Ohio Pipeline”) is planning to install a 24-inch diameter high-grade steel natural gas pipeline that will extend south approximately 20-miles from the existing Avon Lake Power Plant, which is located along the Lake Erie shoreline in the City of Avon Lake, to a proposed supply tap location southwest of the Village of Grafton.

The proposed pipeline will require siting approval from the Ohio Power Siting Board (“OPSB”), as well as permits and approvals from other local, State, and federal agencies. NRG Ohio Pipeline anticipates submitting a Letter of Notification (“LON”) for OPSB review in December 2014. NRG Ohio Pipeline has been consulting with various federal, State and local authorities, such as the U.S. Army Corps of Engineers and the Ohio Department of Natural Resources, and will continue to consult with these authorities. Application for permits required for construction of the pipeline will be submitted to the appropriate agencies contemporaneously with the filing of the LON.

Field studies for NRG Ohio Pipeline’s proposed route were completed in May 2014. Subsequent to completion of the field studies, some affected property owners requested adjustments to the proposed route, many of which NRG has accommodated. Additional field studies have been conducted in September and October 2014 where the route has been adjusted outside of the May 2014 survey corridor.

Maps illustrating the current proposed route are enclosed with this letter. ERM does not anticipate that the incorporated route adjustments would result in any new or significant adverse impacts to the Indiana bat (*Myotis sodalis*), Northern long-eared bat (*Myotis septentrionalis*) or Kirtland’s warbler (*Setophaga kirtlandii*), as the same mitigation measures the Service previously recommended for these species (email correspondence dated April 11, 2014) will be implemented.

Based on the information provided above and as depicted on the enclosed maps, ERM respectfully requests your concurrence with our conclusion that no adverse effects to federal designated listed species are anticipated to occur.

Thank you in advance for your time and consideration. If you have any questions or require additional information about the Project, please do not hesitate to contact me at (616) 738-7370, or via email at jeff.williams@erm.com. You may also contact Nate Rozic at (724) 597-8630, or via email at nathan.rozic@nrg.com.

Sincerely,

Jeff Williams
Senior Biologist

Enclosures: Topographic and Aerial Maps of the Proposed Routes, including a CD

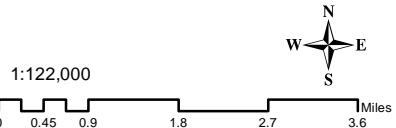
cc: Nate Rozic, NRG
Doni Murphy, ERM
Matt Teichert, ERM

AVON LAKE GAS ADDITION PROJECT

Proposed Route Overview Map

Legend

- Above Ground Proposed Route
- Below Ground Proposed Route
- County Boundary
- Political Township Boundary
- Municipal Boundary
- Railroad
- Roads
 - Interstate
 - US Highway
 - State Highway



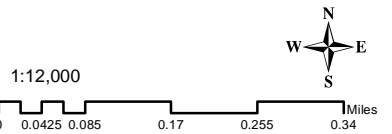
AVON LAKE GAS ADDITION PROJECT

Proposed Route

- Legend**
- Above Ground Proposed Route
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 - Mile Post
 - NWI Wetland
 - Ohio Wetland Inventory Wetland
 - Known Protected Species Occurrence
 - Lake
 - River/Stream
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 - Political Township Boundary
 - Municipal Boundary
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Aerial Photo Source: Sources: Esri, DeLorme, NAVTEQ, TomTom, Intermap, iPC, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), and the GIS User Community



Sheffield Lake

Avon Lake

Sheffield

Lorain County

Avon



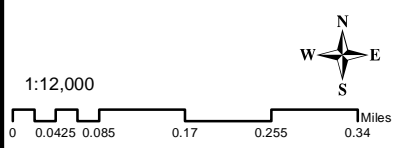
AVON LAKE GAS ADDITION PROJECT

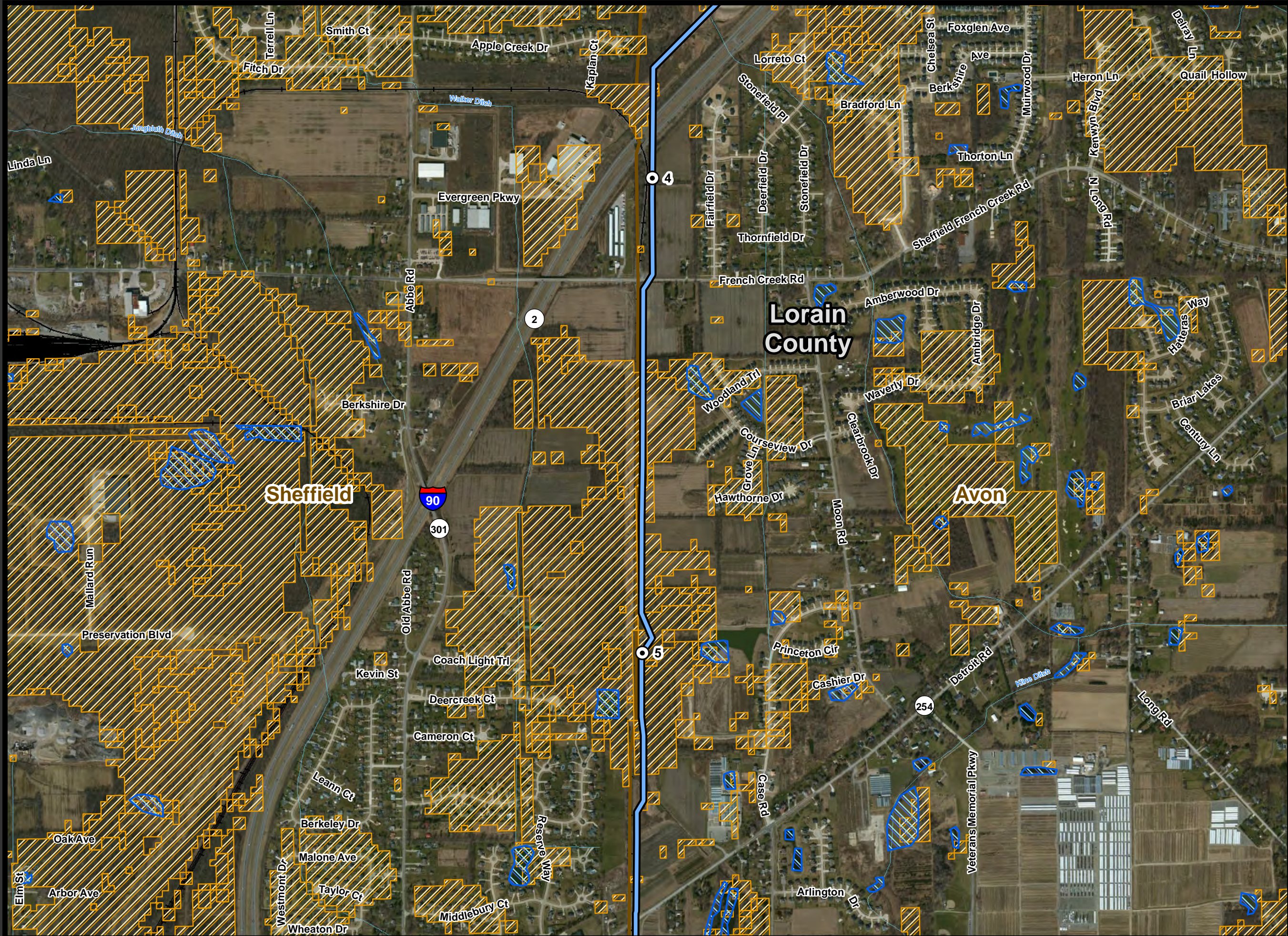
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AVON LAKE GAS ADDITION PROJECT

Proposed Route

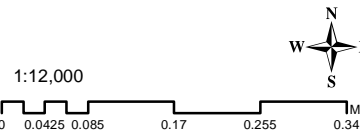
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Date: 12/15/2014

Page: 3

Drawn by: JPS

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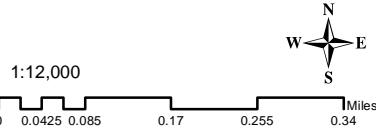
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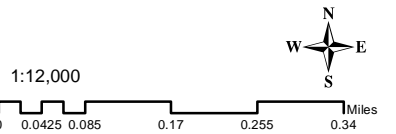
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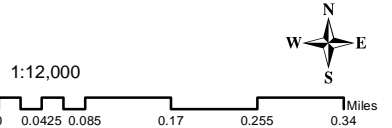


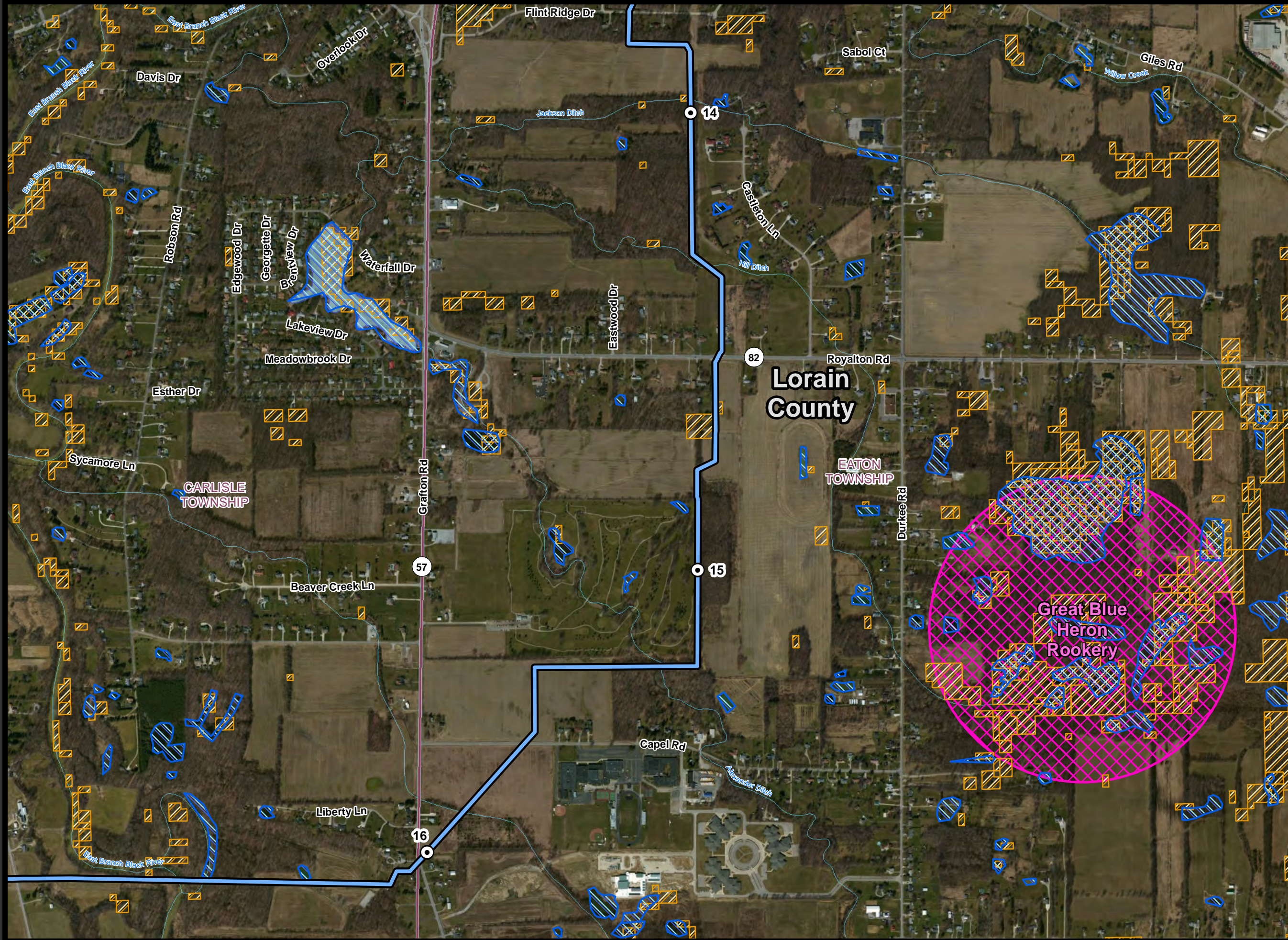
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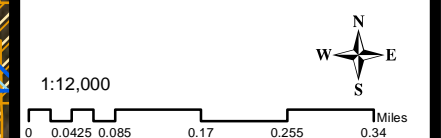


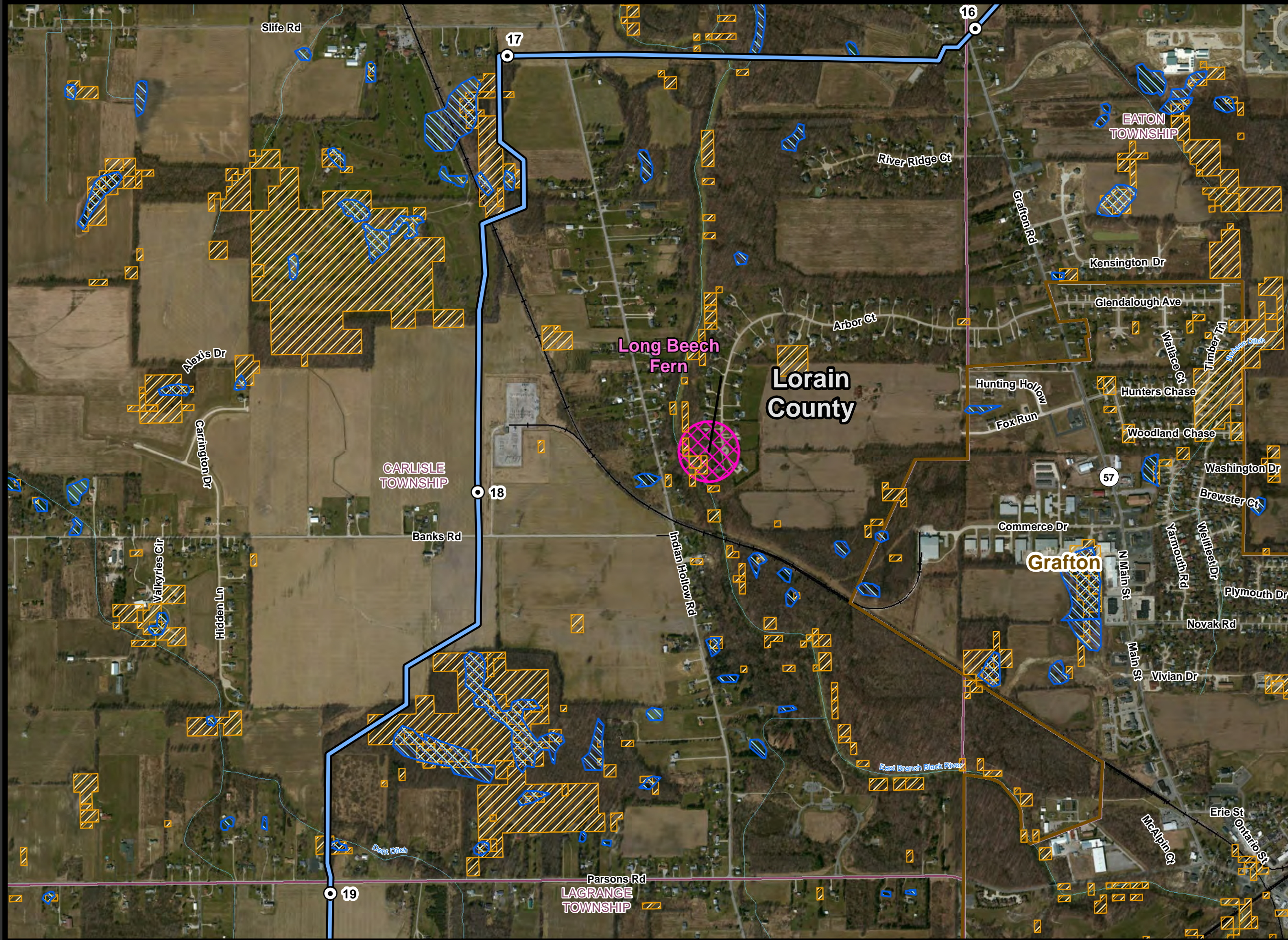
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