

Van Skaik, Joey

From: Finfera, Jennifer <jennifer_finfera@fws.gov>
Sent: Wednesday, October 26, 2016 3:56 PM
To: Van Skaik, Joey
Subject: Re: Line D000B Pipeline Replacement Project, Hamilton County, Ohio

October 26, 2016

TAILS# 03E15000-2017-TA-0102

Re: Line D000B Pipeline Replacement Project, Hamilton County, Ohio

Dear Mr. Van Skaik,

We have received your recent correspondence regarding the above-referenced project. The project will involve the replacement of 3.45 miles of natural gas pipeline. Approximately 2.47 miles will be collocated within the existing pipeline right-of-way (ROW). The remaining 0.73 miles of pipeline will be located within existing road ROW. 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 projects minimize water quality impacts and impacts to quality fish and wildlife habitat, such as forests, streams, and 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.

ENDANGERED SPECIES COMMENTS:

All projects in the State of Ohio lie within the range of the federally endangered **Indiana bat** (*Myotis sodalis*) and the federally threatened **northern long-eared bat** (*Myotis septentrionalis*). In Ohio, presence of the Indiana bat and northern long-eared bat is assumed wherever suitable habitat occurs unless a presence/absence survey has been performed to document absence. Suitable summer habitat for Indiana bats and northern long-eared bats consists of a wide variety of forested/wooded habitats where they roost, forage, and travel and may also include some adjacent and interspersed non-forested habitats such as emergent wetlands and adjacent edges of agricultural fields, old fields and pastures. This includes forests and woodlots containing potential roosts (i.e., live trees and/or snags ≥3 inches diameter at breast height (dbh) that have any exfoliating bark, cracks, crevices, hollows and/or cavities), as well as linear features such as fencerows, riparian forests, and other wooded corridors. These wooded areas may be dense or loose aggregates of trees with variable amounts of canopy closure. Individual trees may be considered suitable habitat when they exhibit the characteristics of a potential roost tree and are located within 1,000 feet (305 meters) of other forested/wooded habitat. Northern long-eared bats have also been observed roosting in human-made structures, such as buildings, barns, bridges, and bat houses; therefore, these structures should also

be considered potential summer habitat. In the winter, Indiana bats and northern long-eared bats hibernate in caves and abandoned mines.

Clusters of trees are scattered throughout the project site. The largest patch of contiguous forest is located at the southeastern terminus of the project. Approximately 107 potential roost trees were located during the pedestrian survey. However, only 10 potential roost trees will be removed and most of the project will be located within existing ROW. We recommend that trees be saved wherever possible. No winter habitat was observed. You have indicated that tree removal will occur during the winter to limit impacts to bats. We recommend that removal of any trees ≥ 3 inches dbh only occur between October 1 and March 31. Seasonal clearing is being recommended to avoid adverse effects to Indiana bats and northern long-eared bats. While incidental take of northern long-eared bats from most tree clearing is exempted by a 4(d) rule (see <http://www.fws.gov/midwest/endangered/mammals/nleeb/index.html>), incidental take of Indiana bats is still prohibited without a project-specific exemption. Thus, seasonal clearing is recommended where Indiana bats are assumed present.

If implementation of this seasonal tree cutting recommendation is not possible, summer surveys may be conducted to document the presence or probable absence of Indiana bats within the project area during the summer. If a summer survey documents probable absence of Indiana bats, the 4(d) rule for the northern long-eared bat could be applied. Surveys must be conducted by an approved surveyor and be designed and conducted in coordination with the Endangered Species Coordinator for this office. Surveyors must have a valid federal permit. Please note that summer surveys may only be conducted between June 1 and August 15.

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 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.

The proposed project lies within the range of **running buffalo clover** (*Trifolium stoloniferum*), a federally listed endangered species. This plant can be found in partially shaded woodlots, mowed areas (lawns, parks, cemeteries), and along streams and trails. Running buffalo clover requires periodic disturbance and a somewhat open habitat to successfully flourish, but cannot tolerate full-sun, full-shade, or severe disturbance. A habitat survey was conducted for this species. Once that was completed then a presence/absence survey was conducted within the areas of suitable habitat. No running buffalo clover was found. Therefore, no significant impacts are expected for this species.

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.), ESA, and are consistent with the intent of the National Environmental Policy Act of 1969 and the Service's Mitigation Policy. 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 me at (614) 416-8993 ext. 13.

Sincerely,

Jenny Finfera

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