



UNITED STATES DEPARTMENT OF THE INTERIOR
U.S. Fish and Wildlife Service
Ecological Services Office
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August 22, 2014

Robert Bisha
Dominion Resources Services, Inc.
5000 Dominion Boulevard
Glen Allen, VA 23060-3308

Re: Lebanon West II Project

Dear Mr. Bisha:

TAILS# 03E15000-2014-TA-1722

This is in response to your request for technical assistance regarding Dominion Transmission Inc.'s (DTI) proposed Lebanon West II Project. DTI is proposing to provide an additional 310,000 Dekatherms/day of natural gas transportation services for customer delivery in Lebanon, Ohio by replacing a total of approximately 10.04 miles of pipe along the existing TL-400 pipeline between Newark Station, Ohio and the Pennsylvania border. Pipe replacement will occur in 11 discontinuous segments as well as additional minor upgrades to existing facilities in Carroll, Columbiana, Coshocton, Fayette, Harrison, Licking, Muskingum, and Tuscarawas counties.

It is our understanding the majority of the work activities will occur in previously disturbed areas within the permanent existing TL-400 right-of-way. An additional 15 feet of workspace will be necessary along all replacement sections during constructions, with the exceptions of Sections 16 and 20 where an additional 50 feet of workspace will be necessary. A total of 11 pipeyards (staging areas) will be used to facilitate replacement of the existing line. When possible, existing access roads will be utilized to replace and service the line but modification of existing access roads and construction of new roads will be necessary.

There are no Federal wilderness areas, wildlife refuges, or designated critical habitat within the vicinity of the proposed site.

We recommend that proposed developments avoid and minimize water quality impacts and impacts to high quality fish and wildlife habitat, such as forests, streams, and wetlands. Best construction techniques should be used to minimize erosion, particularly on slopes. Additionally, natural buffers around streams and wetlands should be preserved to enhance beneficial functions. In addition, we support and recommend mitigation activities that reduce the likelihood of invasive plant spread and encourage native plant colonization. Prevention of non-native, invasive plant establishment is critical in maintaining high quality habitats. All disturbed

areas in the project vicinity should be mulched and revegetated with native plant species. Staging areas should be kept well away from streams and wetlands, and construction areas should be quickly replanted with native vegetation following construction.

LISTED SPECIES COMMENTS: The proposed project lies 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. Most recently white-nose syndrome (WNS), a novel fungal pathogen, has caused serious declines in the Indiana bat population in the northeastern U.S. WNS has also been documented in Ohio and declines of Indiana bats during winter censuses have been noted, but the full extent of the impacts from WNS in Ohio are not yet known.

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 sites 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. We recommend that any unavoidable tree clearing at the sites occur only from October 1 through March 31. If any trees must be cut between April 1 and September 30 and/or 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. Surveyors must have a valid Federal permit. Please note that summer surveys must 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 on any portion of the parcel should occur 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, 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. Therefore, 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 are recommending that the habitat and surrounding trees be saved wherever possible. If any trees must be cut and/or any caves or abandoned mines may be disturbed, further coordination with this office is requested to determine if surveys are warranted.

Some Sections of the proposed project are in the vicinity of one or more confirmed records of northern long-eared bats. Specifically, Sections 15, 16, 17, 19, 20, 21, and 22 are within capture buffers for northern long-eared bats. If no caves or abandoned mines are present and trees cannot be avoided, any unavoidable tree removal should only 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. If any trees must be cut between April 1 and September 30 and/or 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. Surveyors must have a valid Federal permit. Please note that summer surveys must be conducted between June 1 and August 15. Furthermore, due to the confirmed presence of the northern long-eared bat within Sections 15, 16, 17, 19, 20, 21, and 22, a summer bat survey for these Sections would not constitute a presence/absence survey for the northern long-eared bat.

CANDIDATE SPECIES COMMENTS: The Washington Station project site in Fayette County 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.

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 sites. 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, 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.