



UNITED STATES DEPARTMENT OF THE INTERIOR
U.S. Fish and Wildlife Service
Ecological Services Office
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May 30, 2017

Timothy M. Hill, Administrator
Ohio Department of Transportation
Office of Environmental Services
1980 West Broad Street, Mail Stop 4170
Columbus, OH 43223

TAILS: 03E15000-2017-F-1295

Attn: Matt Raymond, Chris Staron

RE: **COL-CR 430-00.30 (PID 22329)**

Dear Mr. Hill,

The U.S. Fish and Wildlife Service (Service) is responding to your request dated May 5, 2017 to verify that the proposed **COL-CR 430-00.30 project (PID 22329)**, may rely on the February 29, 2016, Framework Programmatic Biological Opinion (PBO) for the Ohio Department of Transportation (ODOT) Federal-Aid Highway Program projects that may affect the Indiana bat (*Myotis sodalis*) and/or northern long-eared bat (NLEB) (*Myotis septentrionalis*)¹. ODOT has determined that the Project is *likely to adversely affect* the Indiana and northern long-eared bats. This letter provides the Service's response as to whether the proposed project may rely on the PBO to comply with Section 7(a)(2) of the Endangered Species Act of 1973 (ESA) (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*) for its effects to the aforementioned species.

The project, as proposed, involves correcting the deficient vertical and horizontal alignment of a section of County Road (CR) 430 (Calcutta Smith Ferry Road) from 0.3 mile east of CR 425 eastward for approximately one mile in St. Clair Township, Columbiana County, Ohio. The Columbiana County Engineer's Office completed a safety study in 1996 that ranked CR 430 as one of the top ten hazardous county roads. The purpose of the project is to improve safety and mobility by reducing crashes and improving roadway geometrics. We understand that the project will result in impacts to approximately 0.05 acres of Category I/II wetland habitat and 254 linear feet of a provisional Class II stream. In addition, up to 5.87 acres of suitable wooded habitat (SWH) for the Indiana and northern long-eared bats, 3.69 of which are located beyond 100 feet from the existing edge of pavement. These impacts include the removal of two potential maternity roost trees.

Conclusion

The Service has reviewed the May 5, 2017 letter and supporting materials submitted by your office, which describe the effects of the proposed Project and include ODOT's commitment to implement the

¹ Note: The Programmatic Biological Opinion on Final 4(d) Rule for the Northern Long-Eared Bat and Activities Exempted from Take Prohibitions is included in the ODOT PBO by reference.

impact avoidance, minimization, and compensation measures as described for CC3 projects in the 2016 PBO. These measures include the implementation of:

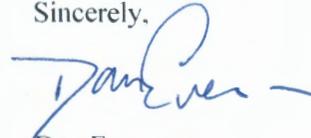
- Avoidance Measure A-1, which will avoid and/or minimize impacts to summer roosting bats by clearing SWH only between 1 October and 31 March.
- All phases/aspects of the project have been designed to avoid tree removal in excess of what is required to implement the project safely.
- The project footprint has been minimized to the extent practicable.
- Impacts to aquatic resources have been minimized.
- Impacts to forested areas and upland habitats have been minimized.

We understand that the project is a local let project and that a plan for CM-1a is pending. This plan will need to be provided to the Service and approved prior to tree clearing. The Service recommends following the ODOT PBO Conservation Measures Section (attached) in order to develop a viable plan to offset the 3.69 acres of SWH to be removed beyond 100 feet from the edge of pavement (which includes the potential maternity roost trees) at a replacement ratio of 3.5:1. Therefore, 12.9 acres of SWH are required to offset these impacts.

At this time, we confirm that the proposed Project's effects are consistent with those analyzed in the PBO. However, in order to conclude consultation on the subject project, the aforementioned mitigation plan for CM-1a must be submitted and approved.

We appreciate your continued efforts to ensure that this Project is fully consistent with all applicable provisions of the PBO. If you have any questions regarding our response or if you need additional information, please contact Marci Lininger at extension 27 or Karen Hallberg at extension 23 in this office.

Sincerely,



Dan Everson
Field Supervisor

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