



UNITED STATES DEPARTMENT OF THE INTERIOR
U.S. Fish and Wildlife Service
Ecological Services Office
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August 21, 2017

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

TAILS: 03E15000-2016-F-1752 (PID 90200)

Attn: Matthew Perlik, Matt Raymond

RE: **DEL-71-7.91 (PID 90200)**
Re-initiation of Tier 2 MALAA Programmatic Project-level Consultation

Dear Mr. Hill:

The U.S. Fish and Wildlife Service (Service) is responding to your request, dated August 11, 2017, to reinitiate tiered formal consultation on the proposed **DEL-71-7.91** project, PID 90200, under the 2016 Ohio Programmatic Biological Opinion (2016 OH PBO) for the Indiana bat (*Myotis sodalis*) and northern long-eared bat (*Myotis septentrionalis*). As stated in your August 11 letter, the Service concluded consultation with ODOT on this project with the issuance of a tiered biological opinion submitted to your office on April 25, 2017. That biological opinion evaluated the project's potential effects on the Indiana and northern long-eared bats and verified that those impacts fell within the covered scope of the PBO. In addition, the Service reviewed the June 20, 2017 Environmental Assessment (EA) for the project, and in a letter dated August 1, 2017, we confirmed our previous findings that the project was within the scope of the 2016 OH PBO.

We understand from your current letter that construction and right-of-way limits have changed since our review of the previous ecological reports. Your August 11 letter states that these changes will result in additional impacts to ecological resources, including additional impacts to aquatic resources, an additional 1.82 ac of suitable wooded habitat (SWH) in the areas of direct project impacts, and an additional 0.90 ac of SWH in the areas of indirect impacts. With these additional impacts to SWH, the project will now impact a total of 29.64 acres of SWH beyond 100 feet from the edge of pavement in the areas of direct impacts and 33.90 ac of SWH in the areas of indirect impacts.

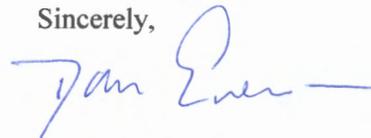
The Service appreciates ODOT's commitment to avoid and/or minimize impacts to summer roosting bats by 1) clearing SWH in the project's direct impact area only between 1 October and 31 March, and 2) notifying the private developers who own parcels in the project's indirect impact areas that trees should be cut only during that same timeframe. In addition, we appreciate ODOT's measures to mitigate for impacts to the bats in **both** the direct (29.64 ac) and indirect (33.90 ac) impact areas at a 3.5: 1 replacement ratio: subtracting 222.39 acres from the acreage credit available at the ODOT SCCC2 Bat Conservation Area (BCA) in Hocking County, Ohio.

These comments have been prepared under the authority of the Endangered Species Act of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.), the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.), 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.

Should, 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 reinitiated to assess whether the determinations are still valid.

We appreciate ODOT's continued efforts to ensure that this project is fully consistent with all applicable provisions of the 2016 OH PBO. If you have any questions regarding our response or if you need additional information, please contact me at extension 12 or Karen Hallberg at extension 23 in this office.

Sincerely,

A handwritten signature in blue ink that reads "Dan Everson". The signature is fluid and cursive, with a horizontal line extending to the right from the end of the name.

Dan Everson
Field Supervisor

cc: J. Kessler, ODNR, Office of Real Estate, Columbus, OH (*email only*)
P. Clingan, USACE, Ohio Regulatory Transportation Office, Columbus, OH (*email only*)
B. Beck, OEPA, Columbus, OH (*email only*)
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