



UNITED STATES DEPARTMENT OF THE INTERIOR
U.S. Fish and Wildlife Service
Ecological Services Office
4625 Morse Road, Suite 104
Columbus, Ohio 43230
(614) 416-8993 / Fax (614) 416-8994



April 28, 2015

Ms. Laura S. Leffler
Division Administrator
Federal Highway Administration
200 North High Street
Columbus, OH 43215

RE: **Portsmouth Bypass (SCI-823-0.00, PID 19415)**

Dear Ms. Leffler,

This letter is in response to your April 22, 2015 letter regarding the U.S. Fish and Wildlife Service (Service) Conference Opinion for the Ohio Department of Transportation (ODOT) Portsmouth Bypass project (SCI-823-0.00, PID 19415) and effects on the northern long-eared bat (*Myotis septentrionalis*) (NLEB). The Service issued the Conference Opinion for the NLEB on December 31, 2014. Subsequently, the final rule designating the NLEB as a federally threatened species was published on April 2, 2015 and becomes effective on May 4, 2015. You have requested that the Service confirm our Conference Opinion as a Biological Opinion for the NLEB. This response is provided in accordance with section 7 of the Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. 1531-1543).

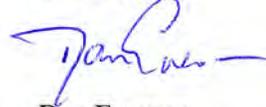
Since issuance of the Conference Opinion, we understand that there have been no significant changes in the action as planned or in the information used during the conference. Therefore, effective May 4, 2015, the Service will officially adopt our Conference Opinion as the Biological Opinion for the NLEB.

In conjunction with the final listing rule for the NLEB, the Service also published an interim rule under section 4(d) of the ESA. Effective May 4, 2015, the rule will exempt take from ESA prohibitions for activities meeting certain provisions. However, the Portsmouth Bypass project (SCI-823-0.00, PID 19415) does not meet the conditions of the 4(d) rule. Therefore, the incidental take statement (ITS) issued in the Conference Opinion will become effective as of May 4, 2015, and the reasonable and prudent measures contained therein, with their implementing terms and conditions, will be non-discretionary.

This satisfies your requirements under section 7(a)(2) of the ESA for the NLEB for the proposed action. Should project plans change or if new information reveals that effects of the action may affect the NLEB in a manner not considered in this review, please contact our office for further coordination.

We appreciate your cooperation in working to protect threatened and endangered species. If you have any questions or concerns regarding this consultation and biological opinion, please contact me or Karen Hallberg of this office at (614) 416-8993 extensions 12 or 23, respectively.

Sincerely,



Dan Everson
Field Supervisor

cc: T. Hill, ODOT, Office of Environmental Services, Columbus, OH (*email only*)
N. Mehlo, FHWA, Planning & Environmental, Columbus, OH (*email only*)
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