



# United States Department of the Interior

## Fish and Wildlife Service



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July 24, 2013

Ms. Karen Bobo  
Acting Division Administrator, Indiana Division  
U.S. Department of Transportation  
Federal Highway Administration  
575 North Pennsylvania Street, Room 254  
Indianapolis, Indiana 46204

Dear Ms. Bobo:

Pursuant to your May 20, 2013 request for reinitiation of consultation for the construction, operation, and maintenance of Alternative 3C of Interstate 69 from Indianapolis to Evansville, Indiana and its effects on the Federally endangered Indiana bat (*Myotis sodalis*), the U.S. Fish and Wildlife Service is providing the enclosed amendment to the Tier 1 Revised Programmatic Biological Opinion (RPBO) and Incidental Take Statement (ITS) (dated August 24, 2006 and previously amended May 25, 2011). The decision to amend the current Tier 1 opinion is based on the discovery of two new maternity colonies in the Section 5 Action Area, revised forest and wetland impact information, and the need to evaluate the effects of private landowner tree clearing within and adjacent to the project right of way in Section 4 of the project area. In addition, updated Indiana bat population information is included. Overall, the amount of project impacts has decreased since the Tier 1 analysis was completed. In light of the new information, the FWS felt it was warranted to reevaluate the impacts to the species and update the recently amended 2006 Tier 1 RPBO and ITS.

The attached document is the second amendment to the U.S. Fish and Wildlife Service's Tier 1 Revised Programmatic Biological Opinion (dated August 24, 2006, amended May 25, 2011). The comments and discussion provided in the amendment address each of those sections of the 2006 Tier 1 RPBO, as amended, which required new analysis for effects to the Indiana bat; otherwise, the Tier 1 RPBO (as previously amended) is still a valid document. No new analysis was conducted for the bald eagle (*Haliaeetus leucocephalus*) or fanshell mussel (*Cyprogenia stegaria*) and our previous opinions remain unchanged.

We look forward to continued cooperation with your agency to conserve our Nation's threatened and endangered species. If you have any questions, please contact Robin McWilliams Munson of my staff at 812-334-4261 x. 207.

Sincerely,

Scott E. Pruitt  
Field Supervisor

Cc: Tom Cervone, BLA, 6200 Vogel Road, Evansville, IN 47715  
Michelle Allen, FHWA, 575 N. Pennsylvania St., RM. 254, Indianapolis, IN 46204  
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