



United States Department of the Interior Fish and Wildlife Service



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May 31, 2011

Robert F. Tally, Jr.
Division Administrator, Indiana Division
U.S. Department of Transportation
Federal Highway Administration
575 North Pennsylvania Street, Room 254
Indianapolis, Indiana 46204

Dear Mr. Tally:

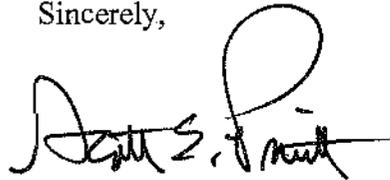
Pursuant to your April 11, 2011 request for reinitiation of consultation for the construction, operation, and maintenance of Alternative 3C of Interstate 69 from Indianapolis to Evansville, Indiana and its effects on the Federally endangered Indiana bat (*Myotis sodalis*), the U.S. Fish and Wildlife Service is providing the enclosed amendment to the Tier 1 Revised Programmatic Biological Opinion (RPBO) and Incidental Take Statement (ITS) (dated August 24, 2006). The decision to amend the current Tier 1 opinion is primarily based on the discovery of the disease White Nose Syndrome within the state of Indiana, including part of the action area, which falls within the Indiana bat Midwest Recovery Unit. In addition, a new Indiana bat maternity colony was recently discovered within the right of way of Section 4 of the project which stretches from just east of the existing US 231 intersection with SR 45/SR 58 in Greene County to SR 37 near Victor Pike in Monroe County. Other new information evaluated in the following amendment includes minor forest impacts within the Ray's Cave Winter Use Area (*i.e.* swarming habitat); Ray's Cave is designated Critical Habitat for the Indiana bat. Overall, the amount of project impacts has decreased since the Tier 1 analysis was completed and no additional habitat impacts are anticipated. For the situation involving Ray's Cave, only the location of the habitat impacts has changed (now within the 5-mile Winter Use Area for the cave), not the amount. In light of the new information, the FWS felt it was warranted to reevaluate the impacts to the species and update the 2006 Tier 1 RPBO and ITS.

The attached document amends the U.S. Fish and Wildlife Service's Tier 1 Revised Programmatic Biological Opinion (August 24, 2006). The comments and discussion provided in the amendment address each of those sections of the 2006 Tier 1 RPBO biological opinion which required new analysis for effects to the Indiana bat; otherwise, the Tier 1 RPBO 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; however, since the process for the tiered approach has changed slightly since the 2006 Tier 1 RPBO was issued (*i.e.* individual, stand-alone Tier 2 BOs are now being issued instead of “appended” to the Tier 1 RPBO), the ITS language relevant to the tiered consultation approach for the bald eagle has been updated and is included in this amendment.

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,

A handwritten signature in black ink, appearing to read "Scott E. Pruitt". The signature is fluid and cursive, with a large loop at the end of the last name.

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
Laura Hilden, INDOT, Indianapolis, IN