

FW: [EXTERNAL] Tennessee Gas Pipeline Company, L.L.C.: Cumberland Project

Pelren, David <david_pelren@fws.gov>

Mon 6/7/2021 6:10 PM

To: Tennessee ES, FWS <tennesseeES@fws.gov>

 1 attachments (11 MB)

USFWS TGP Cumberland Project Introduction June 17 2021.pdf;

Chellyn, here's another for logging.

-Dave

From: Letson, Michael A (Mike) <Michael_Letson@kindermorgan.com>

Sent: Monday, June 7, 2021 10:42 AM

To: Pelren, David <david_pelren@fws.gov>

Cc: Rachel Bell (rachel.bell@cardno.com) <rachel.bell@cardno.com>; Hagen, Jeff <Jeff_Hagen@kindermorgan.com>; Amos, Blake <Blake_Amos@kindermorgan.com>

Subject: [EXTERNAL] Tennessee Gas Pipeline Company, L.L.C.: Cumberland Project

<p>This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.</p>

Mr. Pelren, good morning.

First, I would like to thank you for meeting with us last week to discuss the Tennessee Gas Pipeline Company Cumberland project. I have attached the introductory letter that we referenced during the meeting. Should you have any questions, please do not hesitate to contact. Please note, at this time, I am not in the office due to the pandemic, so contact can be made via email or cell phone.

We look forward to working with you.

Sincerely. Mike

Mike Letson

Specialist – Permitting Compliance Lead

Office 713.420.5360

Cell 832.799.4759

1001 Louisiana Street | Houston, TX 77002



Delivering Energy to Improve Lives



Tennessee Gas Pipeline
Company, L.L.C.
a Kinder Morgan company

June 7, 2021

David Pelren, Fish and Wildlife Biologist
United States Fish and Wildlife Service
Tennessee Ecological Services Office
446 Neal Street
Cookeville, TN 38501-4027
931-525-4974 / David_Pelren@fws.gov

RE: Tennessee Gas Pipeline Company, L.L.C., Cumberland Project
Dickson, Houston and Stewart Counties, Tennessee.

Dear Mr. Pelren,

Tennessee Gas Pipeline Company, L.L.C., ("TGP") is submitting this letter as a request for comments from the United States Fish and Wildlife Service ("USFWS") for the proposed Cumberland Project ("Project"). TGP is evaluating the potential for a new approximately 32-mile interstate natural gas pipeline. The proposed pipeline would provide natural gas as one of several options being evaluated by the Tennessee Valley Authority ("TVA") as they consider retirement of the existing coal-fired units at the Cumberland Fossil Plant and the construction and operation of facilities to replace part of the retired generation. Please find enclosed an overview figure showing the location of the Project. TGP will be seeking authorization from the Federal Energy Regulatory Commission ("FERC") for a Certificate of Public Convenience and Necessity under Section 7(c) of the Natural Gas Act.

TGP has retained Cardno, Inc. ("Cardno") to conduct protected species surveys for this Project, as well as to assist TGP in coordination with the USFWS. The protected species surveys are anticipated to commence as early as June 2021. Pedestrian surveys will be conducted along the proposed Project route for the presence of protected species and their habitats. Additionally, a summer mist-net survey for protected bat species will be conducted in areas of suitable habitat along the route. Please find enclosed a list of species for which Cardno proposes to conduct protected species surveys and a proposed protected bat species summer mist-net survey plan for the Project. The species list was created using information available from the USFWS Information for Planning and Consultation ("IPaC") system and the Tennessee Department of Environment and Conservation ("TDEC") Division of Natural Areas ("DNA") Natural Heritage Portal. The protected bat species summer mist-net survey plan follows methods outlined in the

USFWS *Range-wide Indiana Bat Survey Guidelines, March 2020*. A copy of the USFWS IPaC Official Species List is also enclosed. We would appreciate your comments or input on the species list and the protected bat species summer mist-net survey plan; if possible before the field surveys begin if you feel the methods need to be adjusted.

TGP is respectfully inviting assistance of the USFWS in identifying any concerns regarding the possible impacts to protected species. It is our hope that, by requesting your participation in the process, we can be more effective in protecting sensitive species.

We appreciate your assistance with this Project. If you have any questions or require additional information, please contact me at 832-799-4759 or via email at michael_letson@kindermorgan.com.

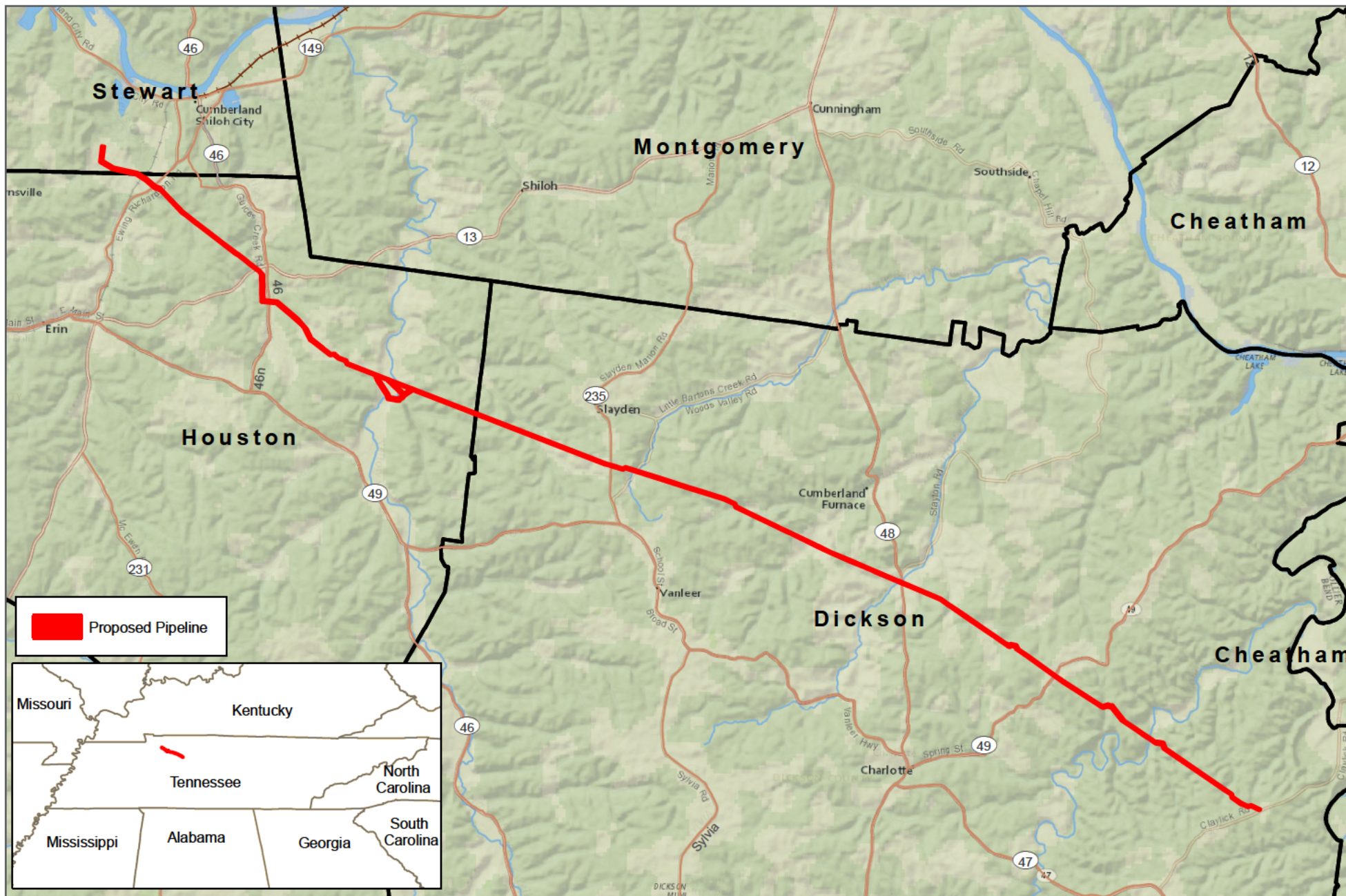
Respectfully submitted,



Mike Letson
Specialist – Permitting Compliance Lead

Enclosures: Project Overview Figure
 Protected Species List
 Protected Bat Species Summer Mist-Net Survey Plan
 USFWS IPaC Official Species List

Cc: Rachel Bell, Cardno



This map and all data contained within are supplied as is with no warranty. Candro, Inc. expressly disclaims responsibility for damages or liability from any claims that may arise out of the use or misuse of this map. It is the sole responsibility of the user to determine if the data on this map meets the user's needs. This map was not created as survey data, nor should it be used as such. It is the user's responsibility to obtain proper survey data, prepared by a licensed surveyor, where required by law.

Project Location

Cumberland Project Dickson, Houston & Stewart Counties, Tennessee



**Tennessee Gas Pipeline
Company, L.L.C.**
a Kinder Morgan company

Federal and State Protected Species Potential in the Cumberland Pipeline Project Study Area

Common Name	Scientific Name	Federal Status	State Status	Habitat
Birds				
Golden eagle	<i>Aquila chrysaetos</i>	BGEPA	D	Open country, open wooded country, and barren areas, especially in hilly or mountainous regions.
Bald eagle	<i>Haliaeetus leucocephalus</i>	BGEPA	D	Breeds in forested areas near large bodies of water. Bald Eagles winter on reservoirs and large rivers in Tennessee.
Mammals				
Gray myotis	<i>Myotis grisescens</i>	E	E	Cave obligate year-round; frequents forested areas; migratory.
Indiana bat	<i>Myotis sodalis</i>	E	E	Hibernates in caves; spring/summer maternity roosts are normally under the bark of standing trees.
Northern long-eared bat	<i>Myotis septentrionalis</i>	T	E	Hibernates in caves; spring/summer maternity roosts are normally under the bark of standing trees
Mollusks				
Rabbitsfoot	<i>Quadrula cylindrica</i>	T	--	Small to medium sized rivers of moderate current with clear, relatively shallow water and a mixture of sand and gravel substrates.
Tan riffleshell	<i>Epioblasma florentina walkeri</i> (=E. walkeri)	E	--	Sedentary within the substrate (relatively silt-free substrates of sand, gravel, and cobble in good flows of smaller streams) of river systems
Plants				
Ridge-stem false-foxglove	<i>Agalinis oligophylla</i>	--	E	Moist to dry longleaf pine savannahs, edges of pine plantations, dry roadsides, chalky outcrops, and seepage slopes of clay roadsides
Price's potato-bean	<i>Apios priceana</i>	T	E	Lightly disturbed areas such as forest openings, wood edges and where bluffs descend to streams. It also grows along highway rights-of-way and power line corridors
Sweet-scented Indian-plantain	<i>Hasteola suaveolens</i>	--	S(S2)	Alluvial woods, moist slopes
Butternut	<i>Juglans cinerea</i>	--	T	Rich woods and hollows
American ginseng	<i>Panax quinquefolius</i>	--	S(S3S4)	Rich woods
Duck river bladderpod	<i>Paysonia densipila</i>	--	S(S3)	Cultivated fields
Short's bladderpod	<i>Physaria globosa</i>	E	E	Limestone talus slopes and cliffs
Grassleaf arrowhead	<i>Sagittaria graminea</i>	--	T	Ponds and stream margins
Sand grape	<i>Vitis rupestris</i>	--	E	Sandy, rocky riverbanks

Federal and State Protected Species Potential in the Cumberland Pipeline Project Study Area

Common Name	Scientific Name	Federal Status	State Status	Habitat
Reptiles				
Northern pinesnake	<i>Pituophis melanoleucus</i>	--	T	Well-drained sandy soils in pine/pine-oak woods; dry mountain ridges
<p>Source:</p> <p>USFWS. 2021. Information for Planning and Consultation, Official Species List. Available at: https://ecos.fws.gov/ipac/. Site accessed March 18, 2021</p> <p>TDEC. 2021. Natural Heritage Program, Rare Species Data Viewer. Available at: https://www.tn.gov/environment/program-areas/na-natural-areas/na-natural-heritage-inventory-program.html. Site accessed March 18, 2021.</p> <p>Federal and State Status Codes:</p> <p>D: Deemed in Need of Management</p> <p>S1: Extremely rare and critically imperilled in the state with five or fewer occurrences, or very few remaining individuals, or because of some special condition where the species is particularly vulnerable to extinction</p> <p>S2: Very rare and imperilled within the state, six to twenty occurrences, or few remaining individuals, or because of some factor(s) making it vulnerable to extinction</p> <p>S3: Rare and uncommon in the state, from 21-100 occurrences</p> <p>S4: Widespread, abundant, and apparently secure within the state, but with cause for long-term concern</p> <p>T: Threatened</p> <p>E: Endangered</p>				



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Tennessee Ecological Services Field Office
446 Neal Street
Cookeville, TN 38501-4027
Phone: (931) 528-6481 Fax: (931) 528-7075



In Reply Refer To:
Consultation Code: 04ET1000-2021-SLI-0814
Event Code: 04ET1000-2021-E-01804
Project Name: TVA Cumberland Project

May 25, 2021

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2))

(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*), and projects affecting these species may require development of an eagle conservation plan (http://www.fws.gov/windenergy/eagle_guidance.html). Additionally, wind energy projects should follow the wind energy guidelines (<http://www.fws.gov/windenergy/>) for minimizing impacts to migratory birds and bats.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at:

<http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm>;

<http://www.towerkill.com>; and

www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html.

[http://](http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html)

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List
 - USFWS National Wildlife Refuges and Fish Hatcheries
 - Migratory Birds
 - Wetlands
-

Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Tennessee Ecological Services Field Office

446 Neal Street

Cookeville, TN 38501-4027

(931) 528-6481

Project Summary

Consultation Code: 04ET1000-2021-SLI-0814

Event Code: 04ET1000-2021-E-01804

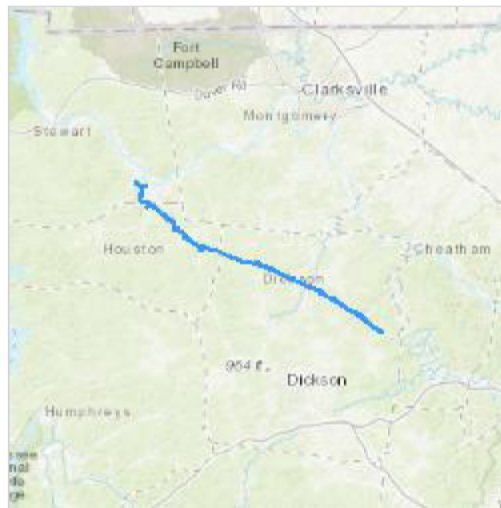
Project Name: TVA Cumberland Project

Project Type: ** OTHER **

Project Description: TVA Cumberland Project

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@36.28210545,-87.48915517443957,14z>



Counties: Dickson, Houston, and Stewart counties, Tennessee

Endangered Species Act Species

There is a total of 7 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

Mammals

NAME	STATUS
Gray Bat <i>Myotis grisescens</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/6329	Endangered
Indiana Bat <i>Myotis sodalis</i> There is final critical habitat for this species. The location of the critical habitat is not available. Species profile: https://ecos.fws.gov/ecp/species/5949	Endangered
Northern Long-eared Bat <i>Myotis septentrionalis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9045	Threatened

Clams

NAME	STATUS
Rabbitsfoot <i>Quadrula cylindrica cylindrica</i> There is final critical habitat for this species. The location of the critical habitat is not available. Species profile: https://ecos.fws.gov/ecp/species/5165	Threatened
Tan Riffleshell <i>Epioblasma florentina walkeri</i> (= <i>E. walkeri</i>) No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/1247	Endangered

Flowering Plants

NAME	STATUS
Prices Potato-bean <i>Apios priceana</i> Population: No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/7422	Threatened
Short's Bladderpod <i>Physaria globosa</i> There is final critical habitat for this species. The location of the critical habitat is not available. Species profile: https://ecos.fws.gov/ecp/species/7206	Endangered

Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

USFWS National Wildlife Refuge Lands And Fish Hatcheries

Any activity proposed on lands managed by the [National Wildlife Refuge](#) system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS OR FISH HATCHERIES WITHIN YOUR PROJECT AREA.

Migratory Birds

Certain birds are protected under the Migratory Bird Treaty Act¹ and the Bald and Golden Eagle Protection Act².

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats should follow appropriate regulations and consider implementing appropriate conservation measures, as described [below](#).

-
1. The [Migratory Birds Treaty Act](#) of 1918.
 2. The [Bald and Golden Eagle Protection Act](#) of 1940.
 3. 50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)

The birds listed below are birds of particular concern either because they occur on the [USFWS Birds of Conservation Concern](#) (BCC) list or warrant special attention in your project location. To learn more about the levels of concern for birds on your list and how this list is generated, see the FAQ [below](#). This is not a list of every bird you may find in this location, nor a guarantee that every bird on this list will be found in your project area. To see exact locations of where birders and the general public have sighted birds in and around your project area, visit the [E-bird data mapping tool](#) (Tip: enter your location, desired date range and a species on your list). For projects that occur off the Atlantic Coast, additional maps and models detailing the relative occurrence and abundance of bird species on your list are available. Links to additional information about Atlantic Coast birds, and other important information about your migratory bird list, including how to properly interpret and use your migratory bird report, can be found [below](#).

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, click on the PROBABILITY OF PRESENCE SUMMARY at the top of your list to see when these birds are most likely to be present and breeding in your project area.

NAME	BREEDING SEASON
Bald Eagle <i>Haliaeetus leucocephalus</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/1626	Breeds Sep 1 to Jul 31
Blue-winged Warbler <i>Vermivora pinus</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA	Breeds May 1 to Jun 30

NAME	BREEDING SEASON
Kentucky Warbler <i>Oporornis formosus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds Apr 20 to Aug 20
Prairie Warbler <i>Dendroica discolor</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 1 to Jul 31
Red-headed Woodpecker <i>Melanerpes erythrocephalus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 10 to Sep 10
Wood Thrush <i>Hylocichla mustelina</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 10 to Aug 31

Probability Of Presence Summary

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read and understand the FAQ "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

Probability of Presence (■)

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

How is the probability of presence score calculated? The calculation is done in three steps:

1. The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.
2. To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is $0.25/0.25 = 1$; at week 20 it is $0.05/0.25 = 0.2$.

3. The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

Breeding Season (■)

Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

Survey Effort (I)

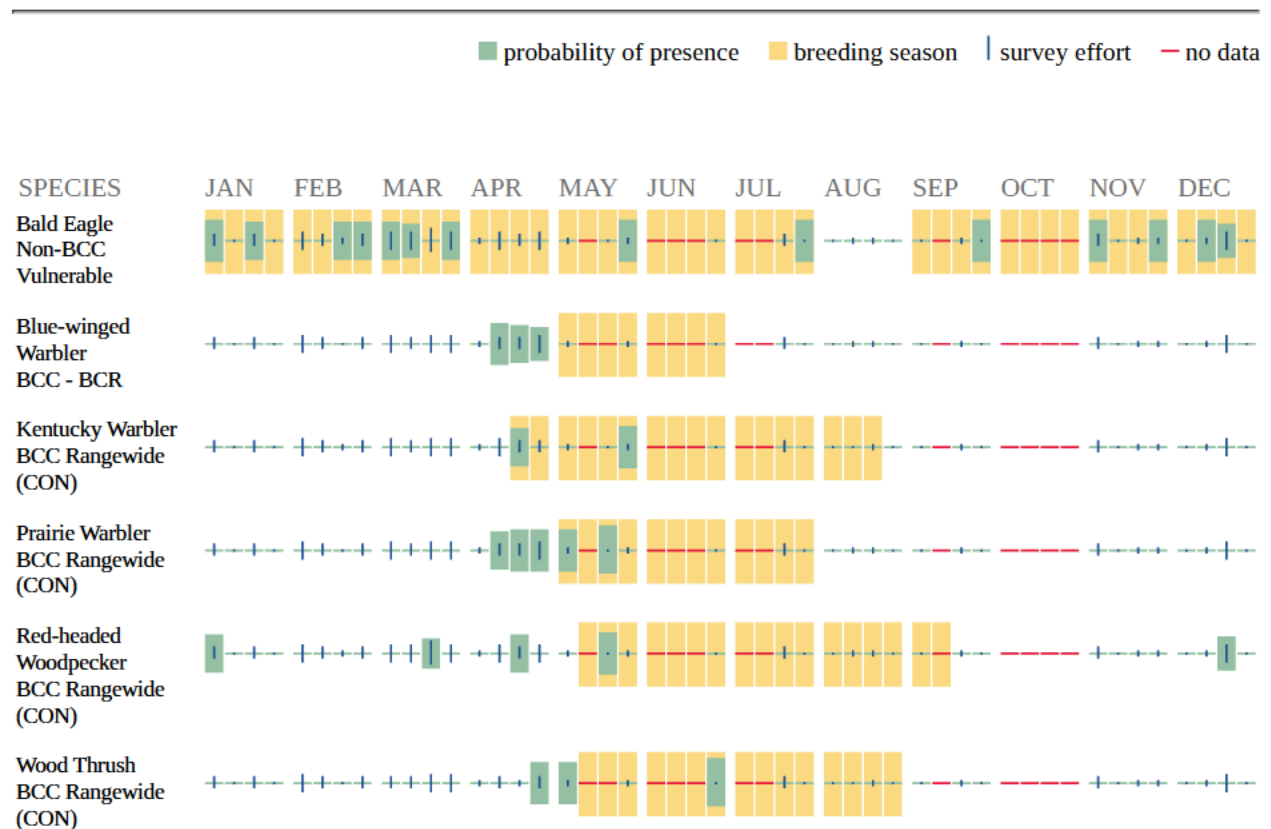
Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

No Data (—)

A week is marked as having no data if there were no survey events for that week.

Survey Timeframe

Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.



Additional information can be found using the following links:

- Birds of Conservation Concern <http://www.fws.gov/birds/management/managed-species/birds-of-conservation-concern.php>
- Measures for avoiding and minimizing impacts to birds <http://www.fws.gov/birds/management/project-assessment-tools-and-guidance/conservation-measures.php>
- Nationwide conservation measures for birds <http://www.fws.gov/migratorybirds/pdf/management/nationwidestandardconservationmeasures.pdf>

Migratory Birds FAQ

Tell me more about conservation measures I can implement to avoid or minimize impacts to migratory birds.

[Nationwide Conservation Measures](#) describes measures that can help avoid and minimize impacts to all birds at any location year round. Implementation of these measures is particularly important when birds are most likely to occur in the project area. When birds may be breeding in the area, identifying the locations of any active nests and avoiding their destruction is a very helpful impact minimization measure. To see when birds are most likely to occur and be breeding in your project area, view the Probability of Presence Summary. [Additional measures](#) or [permits](#) may be advisable depending on the type of activity you are conducting and the type of infrastructure or bird species present on your project site.

What does IPaC use to generate the migratory birds potentially occurring in my specified location?

The Migratory Bird Resource List is comprised of USFWS [Birds of Conservation Concern \(BCC\)](#) and other species that may warrant special attention in your project location.

The migratory bird list generated for your project is derived from data provided by the [Avian Knowledge Network \(AKN\)](#). The AKN data is based on a growing collection of [survey, banding, and citizen science datasets](#) and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle ([Eagle Act](#) requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the [AKN Phenology Tool](#).

What does IPaC use to generate the probability of presence graphs for the migratory birds potentially occurring in my specified location?

The probability of presence graphs associated with your migratory bird list are based on data provided by the [Avian Knowledge Network \(AKN\)](#). This data is derived from a growing collection of [survey, banding, and citizen science datasets](#).

Probability of presence data is continuously being updated as new and better information becomes available. To learn more about how the probability of presence graphs are produced and how to interpret them, go to the Probability of Presence Summary and then click on the "Tell me about these graphs" link.

How do I know if a bird is breeding, wintering, migrating or present year-round in my project area?

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating or year-round), you may refer to the following resources: [The Cornell Lab of Ornithology All About Birds Bird Guide](#), or (if you are unsuccessful in locating the bird of interest there), the [Cornell Lab of Ornithology Neotropical Birds guide](#). If a bird on your migratory bird species list has a breeding season associated with it, if that bird does occur in your project area, there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

What are the levels of concern for migratory birds?

Migratory birds delivered through IPaC fall into the following distinct categories of concern:

1. "BCC Rangewide" birds are [Birds of Conservation Concern](#) (BCC) that are of concern throughout their range anywhere within the USA (including Hawaii, the Pacific Islands, Puerto Rico, and the Virgin Islands);
2. "BCC - BCR" birds are BCCs that are of concern only in particular Bird Conservation Regions (BCRs) in the continental USA; and
3. "Non-BCC - Vulnerable" birds are not BCC species in your project area, but appear on your list either because of the [Eagle Act](#) requirements (for eagles) or (for non-eagles) potential susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or longline fishing).

Although it is important to try to avoid and minimize impacts to all birds, efforts should be made, in particular, to avoid and minimize impacts to the birds on this list, especially eagles and BCC species of rangewide concern. For more information on conservation measures you can implement to help avoid and minimize migratory bird impacts and requirements for eagles, please see the FAQs for these topics.

Details about birds that are potentially affected by offshore projects

For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the [Northeast Ocean Data Portal](#). The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the [NOAA NCCOS Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf](#) project webpage.

Bird tracking data can also provide additional details about occurrence and habitat use throughout the year, including migration. Models relying on survey data may not include this information. For additional information on marine bird tracking data, see the [Diving Bird Study](#) and the [nanotag studies](#) or contact [Caleb Spiegel](#) or [Pam Loring](#).

What if I have eagles on my list?

If your project has the potential to disturb or kill eagles, you may need to [obtain a permit](#) to avoid violating the Eagle Act should such impacts occur.

Proper Interpretation and Use of Your Migratory Bird Report

The migratory bird list generated is not a list of all birds in your project area, only a subset of birds of priority concern. To learn more about how your list is generated, and see options for identifying what other birds may be in your project area, please see the FAQ "What does IPaC use to generate the migratory birds potentially occurring in my specified location". Please be aware this report provides the "probability of presence" of birds within the 10 km grid cell(s) that overlap your project; not your exact project footprint. On the graphs provided, please also look carefully at the survey effort (indicated by the black vertical bar) and for the existence of the "no data" indicator (a red horizontal bar). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort bar or no data bar means a lack of data and, therefore, a lack of certainty about presence of the species. This list is not perfect; it is simply a starting point for identifying what birds of concern have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list helps you know what to look for to confirm presence, and helps guide you in knowing when to implement conservation measures to avoid or minimize potential impacts from your project activities, should presence be confirmed. To learn more about conservation measures, visit the FAQ "Tell me about conservation measures I can implement to avoid or minimize impacts to migratory birds" at the bottom of your migratory bird trust resources page.

Wetlands

Impacts to [NWI wetlands](#) and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local [U.S. Army Corps of Engineers District](#).

Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.

WETLAND INFORMATION WAS NOT AVAILABLE WHEN THIS SPECIES LIST WAS GENERATED.
PLEASE VISIT [HTTPS://WWW.FWS.GOV/WETLANDS/DATA/MAPPER.HTML](https://www.fws.gov/wetlands/data/mapper.html) OR CONTACT THE FIELD OFFICE FOR FURTHER INFORMATION.

David Pelren
Fish and Wildlife Biologist
U.S. Fish & Wildlife Service
Tennessee Ecological Services Office
446 Neal Street
Cookeville, TN 38506

06/03/2021

Subject: Cumberland Project
Dickson, Houston, and Stewart Counties, Tennessee

Dear Mr. Pelren:

Tennessee Gas Pipeline Company, L.L.C., ("TGP") is evaluating the potential for a new approximately 32-mile interstate natural gas pipeline. The proposed pipeline would provide natural gas as one of several options being evaluated by the Tennessee Valley Authority ("TVA") as they consider retirement of the existing coal-fired units at the Cumberland Fossil Plant and the construction and operation of facilities to replace part of the retired generation. Jackson Group is requesting concurrence relating to a threatened and endangered bat species presence/probable absence survey for the Cumberland Project in Dickson, Houston, and Stewart Counties, Tennessee.

Cardno has contracted Jackson Group to conduct a presence/probable absence survey for the Cumberland Project. The proposed project includes forested habitat that provides potential suitable summer habitat for threatened and endangered bat species (see attached Map).

The following proposed survey methods are based on the technical criteria outlined in USFWS's *2020 Range-Wide Indiana Bat Summer Survey Guidelines*, dated March 2020. Based on forested habitat delineated into 1 km segments, surveys will be conducted at forty-eight sampling sites.

Mist-Net Survey

Jackson Group will survey 48 sites for 2 nights for a total of 96 net nights (48 sites/1 Net/2 Nights = 96 net nights). The locations of the net sites will be determined by selecting the best possible net placement (e.g., streams, trails) that are typically the most effective places to survey. Specific sites for net placement will be determined by permitted bat biologists in the field and will follow USFWS (2020) guidelines for mist net surveys. Netting will begin at sunset and last for a minimum of five hours. If severe weather occurs for more than 30 minutes during the first 5 hours of the survey night that night will not count towards the required 2 nights at the site (see Severe Weather section below). Standard two-ply, 50 or 75 denier, nylon mist-nets with a mesh size of 38 millimeters (1.50 inches) will be used at all mist-net sites. Mist-nets will typically be placed in suitable bat habitat and positioned perpendicularly across flight corridors, filling the corridor from side to side and extending from ground-level up to overhanging canopy. Nets will be checked approximately every 10 minutes. Net set locations at the site will be distributed as evenly as possible throughout suitable habitat. Disturbance in the form of noise, light, and/or movement will be minimized at net locations. Additionally, surveyors will decontaminate and/or dispose of field gear according to the most current USFWS white-nose syndrome decontamination protocol. We will also follow the recent COVID-19 guidelines released in a memo by the USFWS in June 2020 suggesting we follow the guidance (<https://www.cdc.gov/coronavirus/2019-ncov/index.html>) of the Centers for Disease Control (CDC) and be in accordance with state, local, and other Federal requirements when handling wild bats. The mist-net location will

be recorded using a handheld GPS unit in decimal degrees.

Radio Telemetry

Radio transmitters will be affixed to a maximum of two captured bats per site of the following species: Indiana bats (*Myotis sodalis*) and northern long-eared bats (*Myotis septentrionalis*). Preference will be given to reproductive females and juveniles, however, the first individual of the target species captured will be affixed with a radio transmitter (172 MHz range) regardless of sex if it meets the minimum weight requirements. Bats fitted with a transmitter will be tracked to their diurnal roost. No foraging tracking is proposed. Bats will be tracked during the day within a search radius of 2.5 miles from the point of capture to locate roost trees, up to a maximum of seven days. Daily telemetry searches will be conducted until the bat is located, or for a maximum of 8 hours per day. Telemetry crews, using a vehicle equipped with a five-element Yagi antenna (Wildlife Materials, Carbondale, Illinois), will attempt to track bats from parks, roads, and other public lands within this radius; however, crews will not enter any property without the express consent of the landowner. If access to roost trees is not possible (e.g., located on private property), roost locations will be estimated using triangulation. Where landowner permission is granted to access the roost tree, crews will gather the following information regarding roost trees: tree species, tree condition (living or dead), percent exfoliating bark, diameter at breast-height, estimated percent overstory within stand, and estimated percent understory/midstory within stand. If accessible, a photograph will be taken and the tree's location recorded using a handheld GPS.

A minimum of two emergence surveys will be conducted at each accessible roost tree identified during the tracking period to enumerate bats using the roost. Surveys will begin 30 minutes before dusk and continue until at least one hour after sunset or until the roost tree is not visible without additional illumination.

Severe Weather Definitions (related to mist-net surveys)

Severe weather is defined as including: temperatures below 10°C (50°F), precipitation (rain or heavy fog), and sustained winds exceeding 4-mph (9-mph). Light rain not lasting more than 30-minutes is not considered severe weather and surveyors may choose to continue netting during these conditions.

Closing

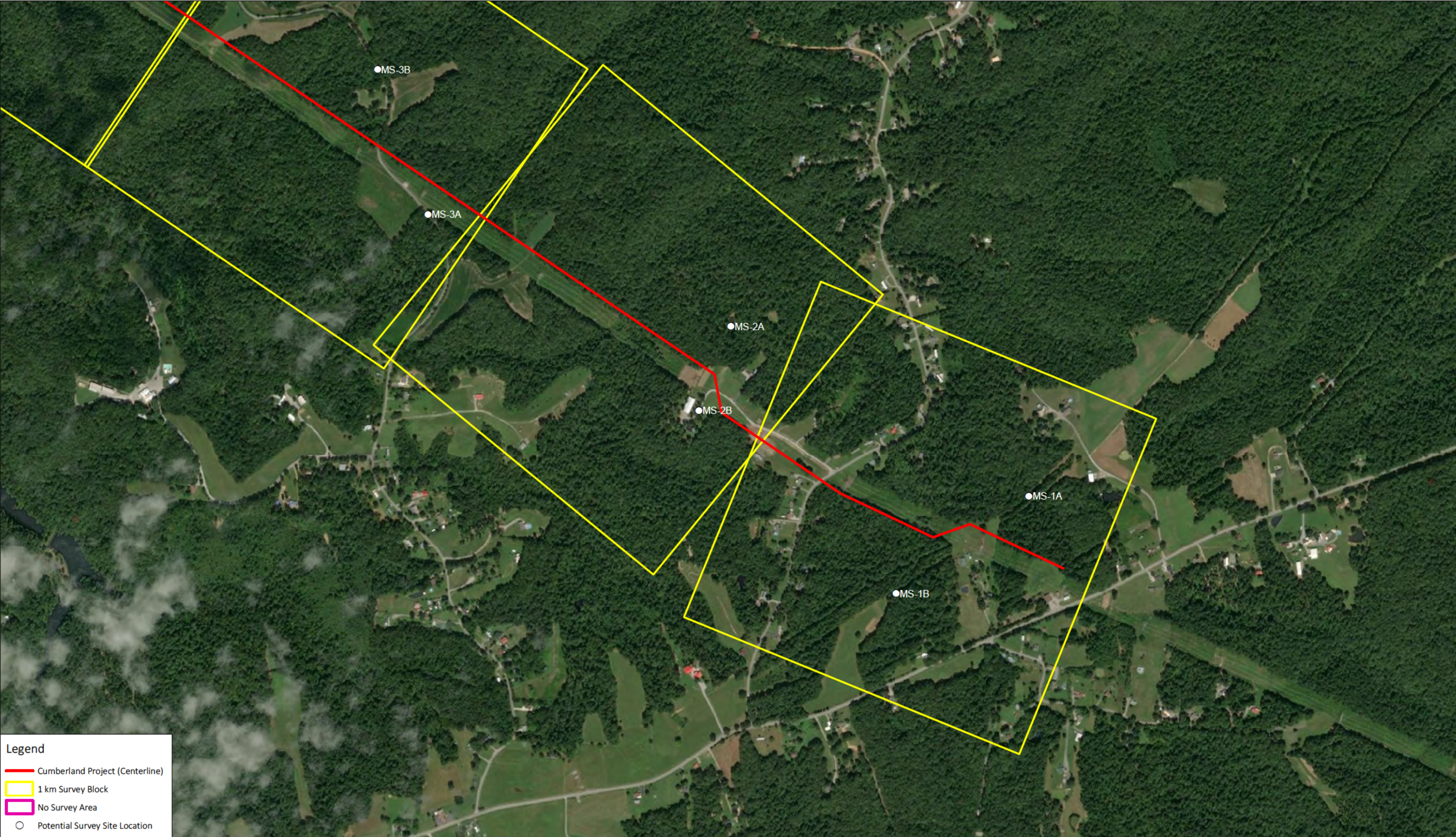
This presence/probable absence survey will strictly follow the technical criteria outlined in the 2020 Range-Wide Indiana Bat Summer Survey Guidelines, as well as any additional recommendations provided by your office. At this time, we respectfully request concurrence with our methodology and level of effort.

Please reply via email to sroberts@jacksongroupco.com with your concurrence, or with any additional requests or guidelines needed for concurrence. If you have any questions or require additional information, please contact me at (859) 200-6242.



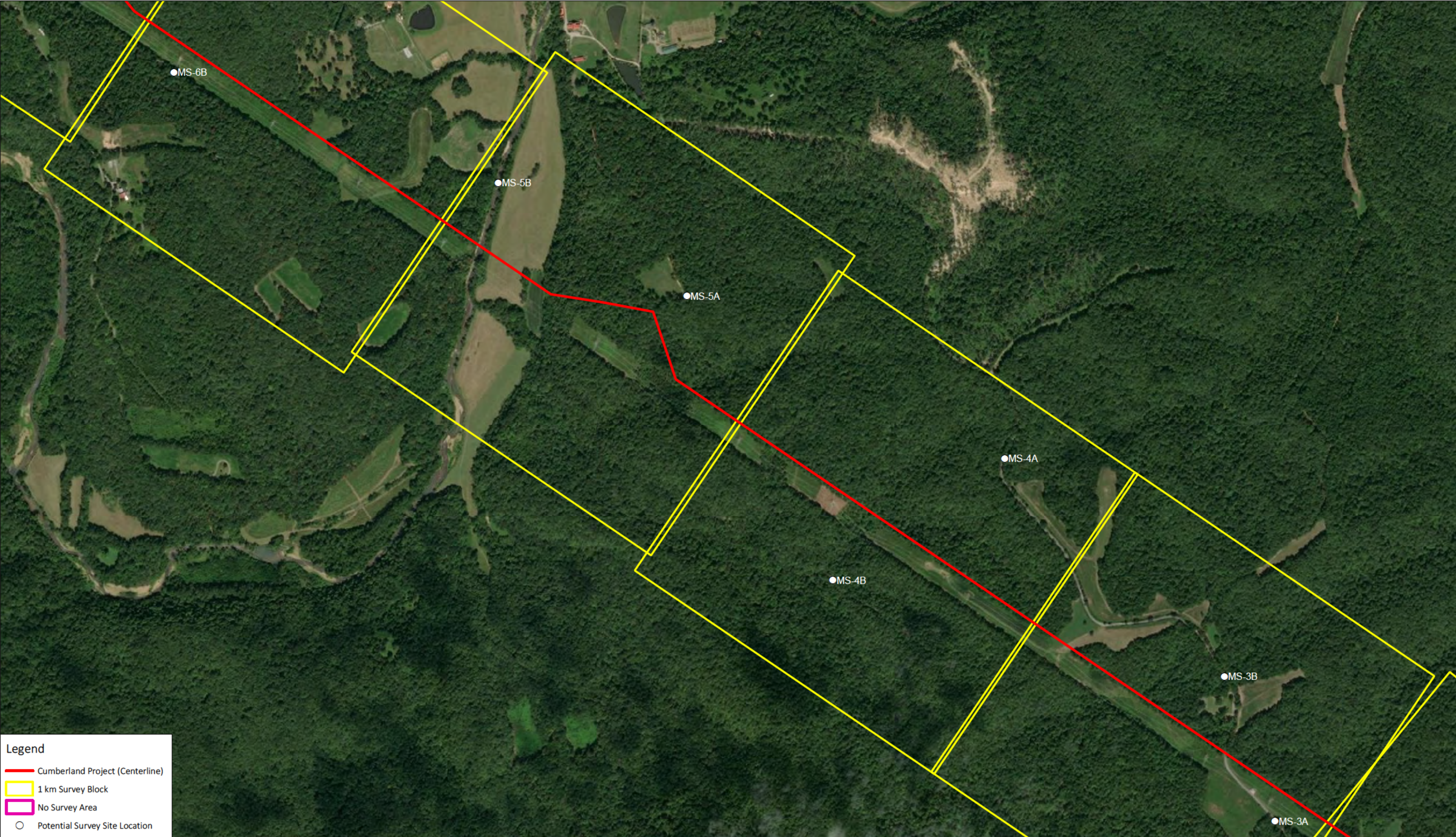
Shane Roberts
Vice President

Enclosures: Survey Overview Map



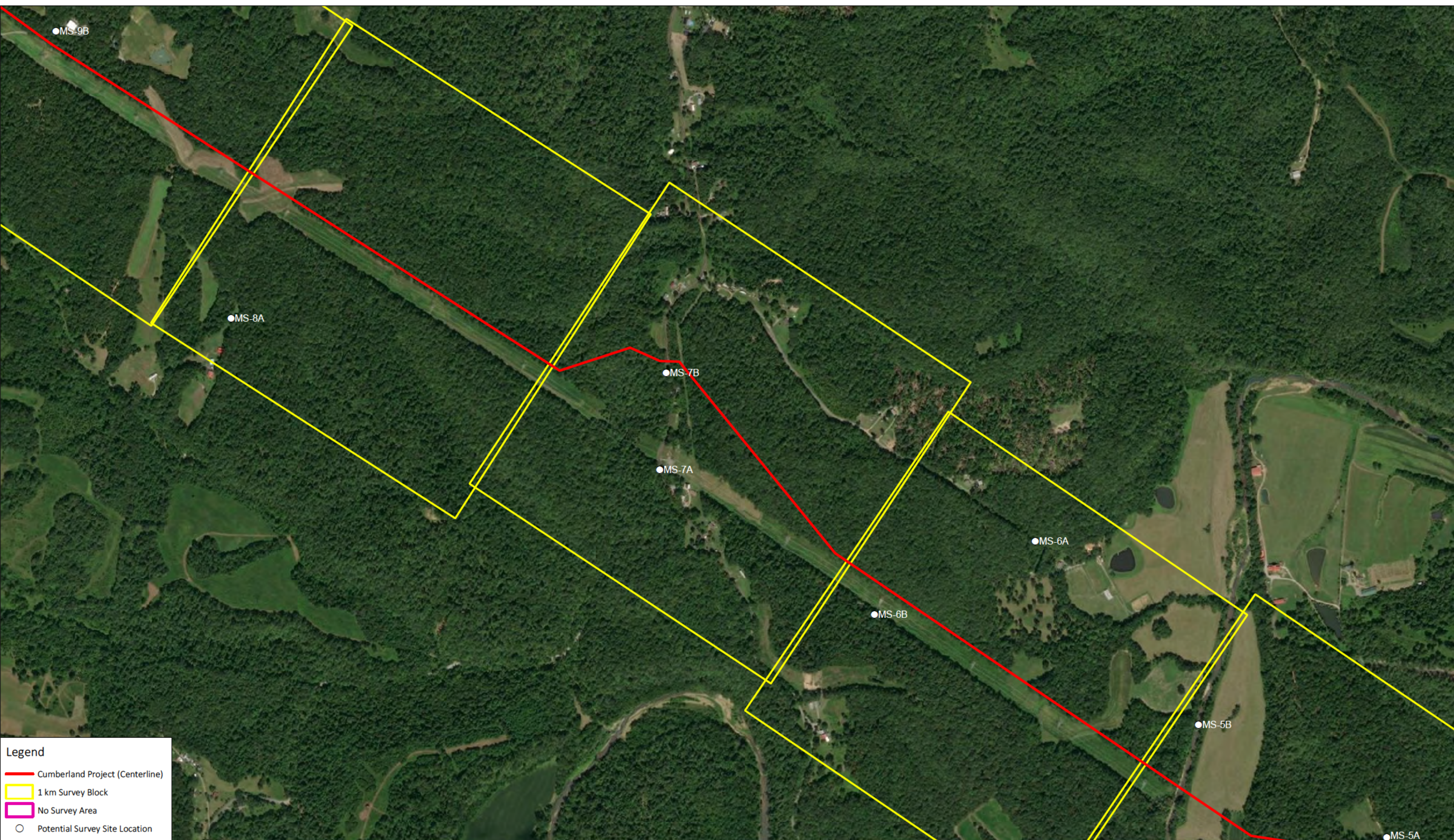
Legend

- Cumberland Project (Centerline)
- 1 km Survey Block
- No Survey Area
- Potential Survey Site Location



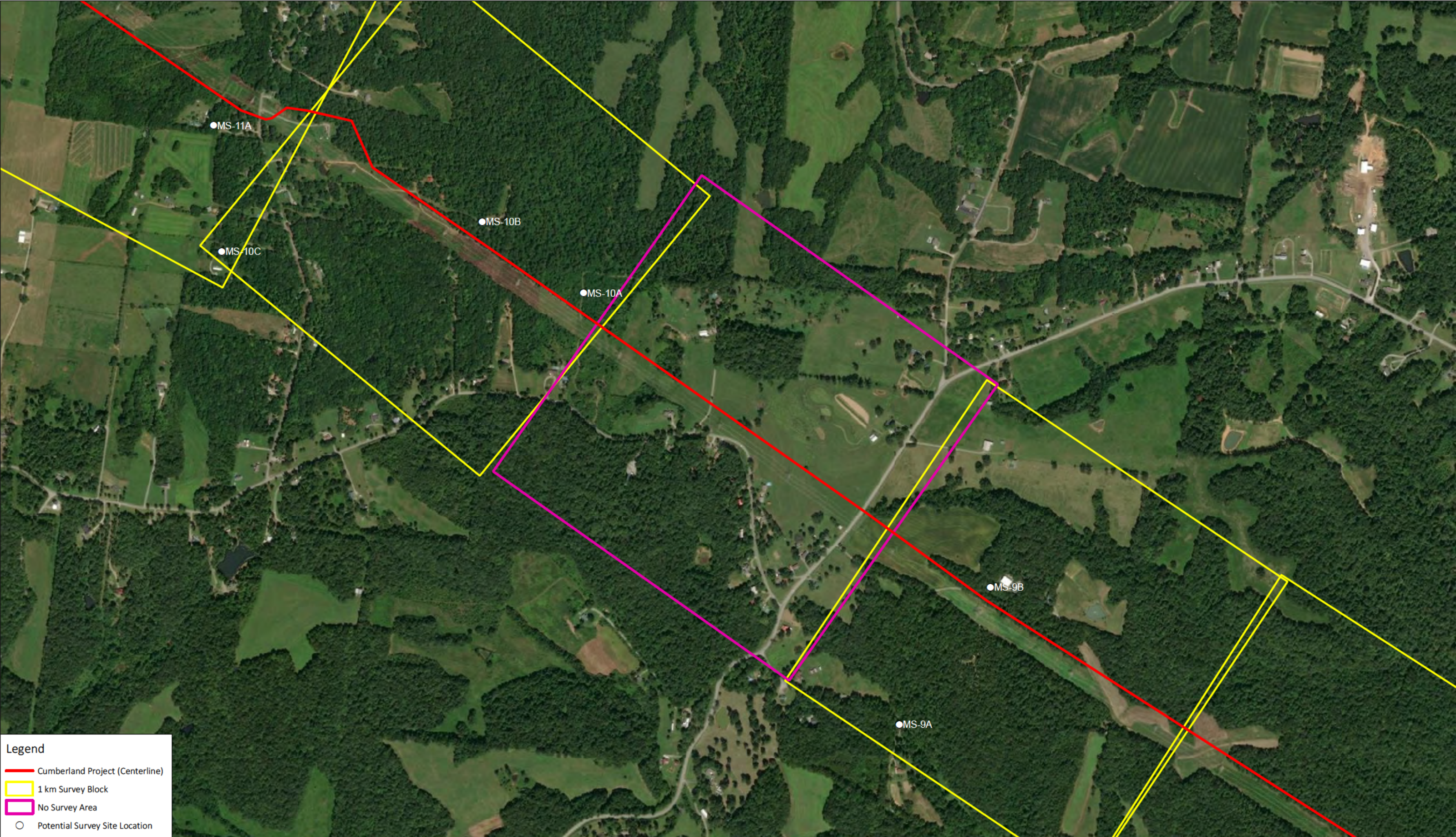
Legend

- Cumberland Project (Centerline)
- 1 km Survey Block
- No Survey Area
- Potential Survey Site Location



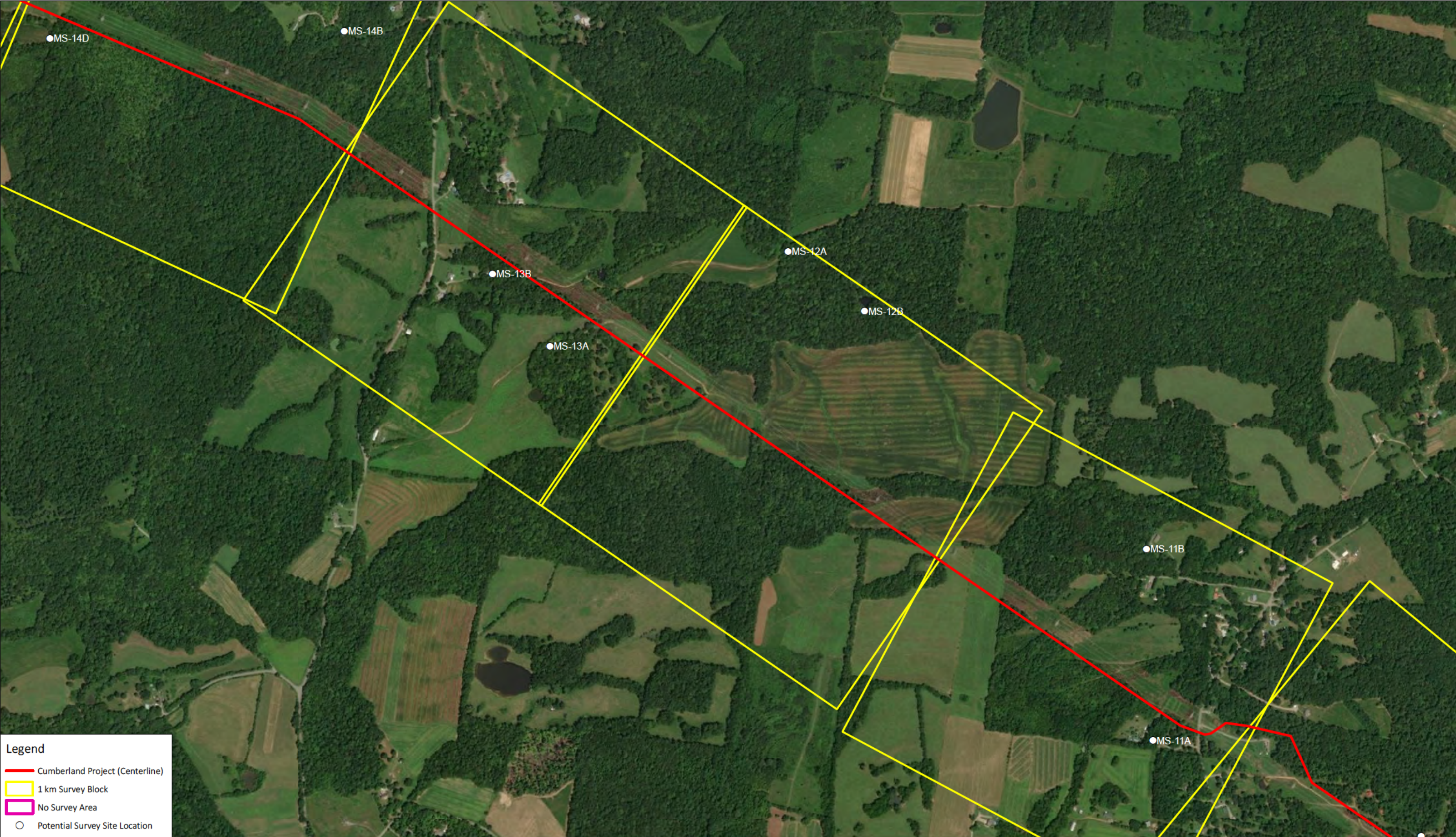
Legend

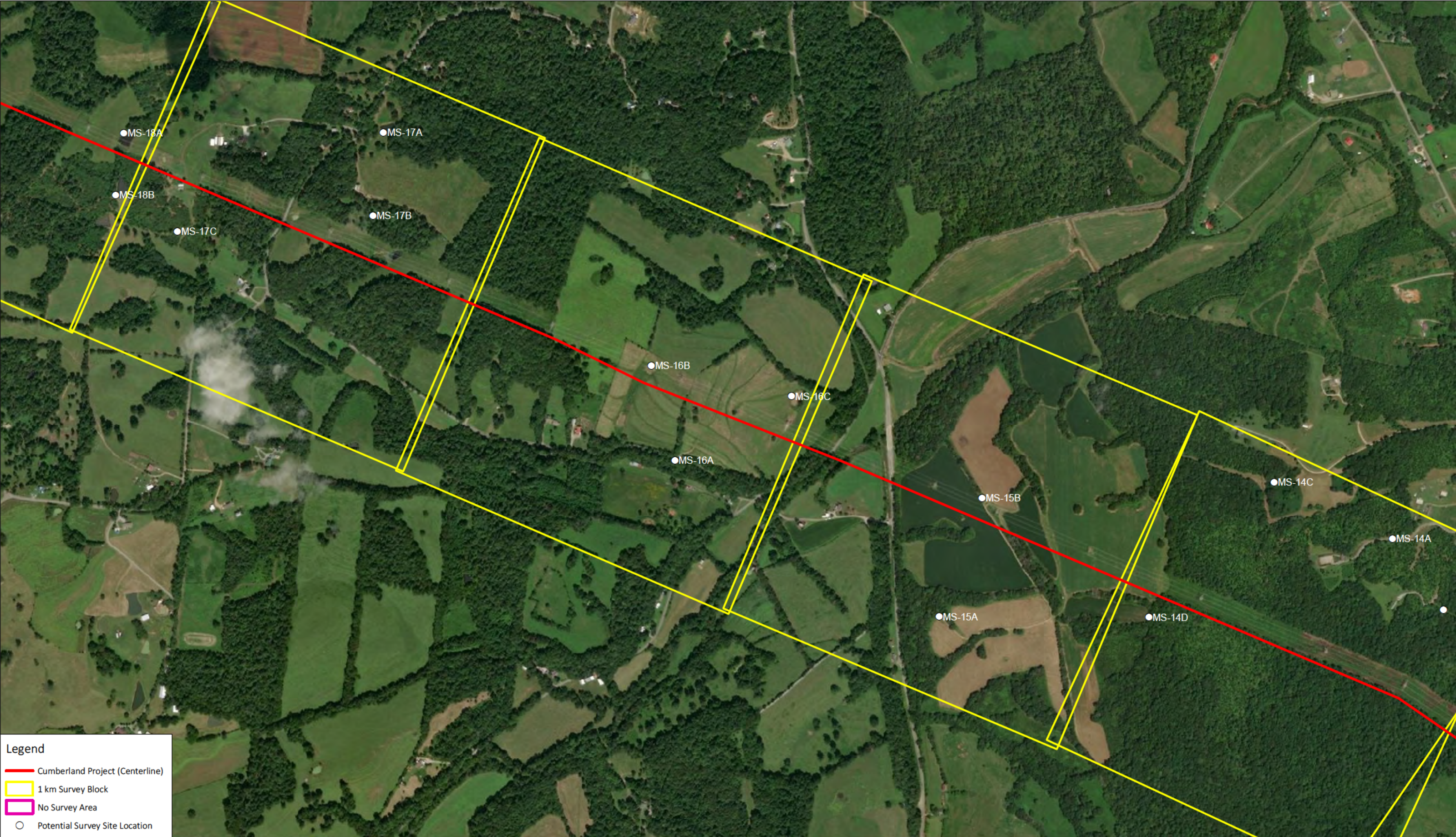
- Cumberland Project (Centerline)
- 1 km Survey Block
- No Survey Area
- Potential Survey Site Location



Legend

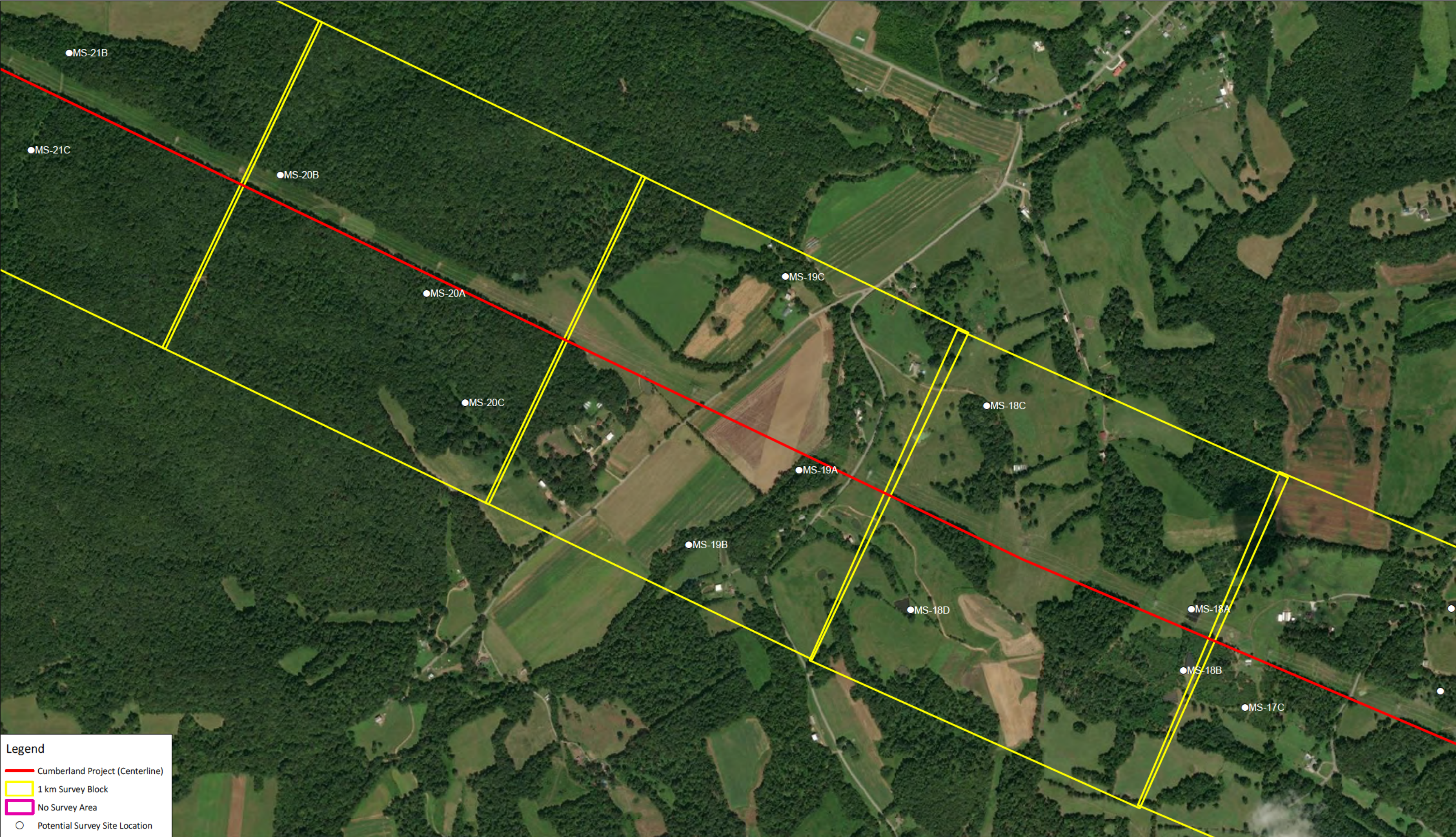
- Cumberland Project (Centerline)
- 1 km Survey Block
- No Survey Area
- Potential Survey Site Location

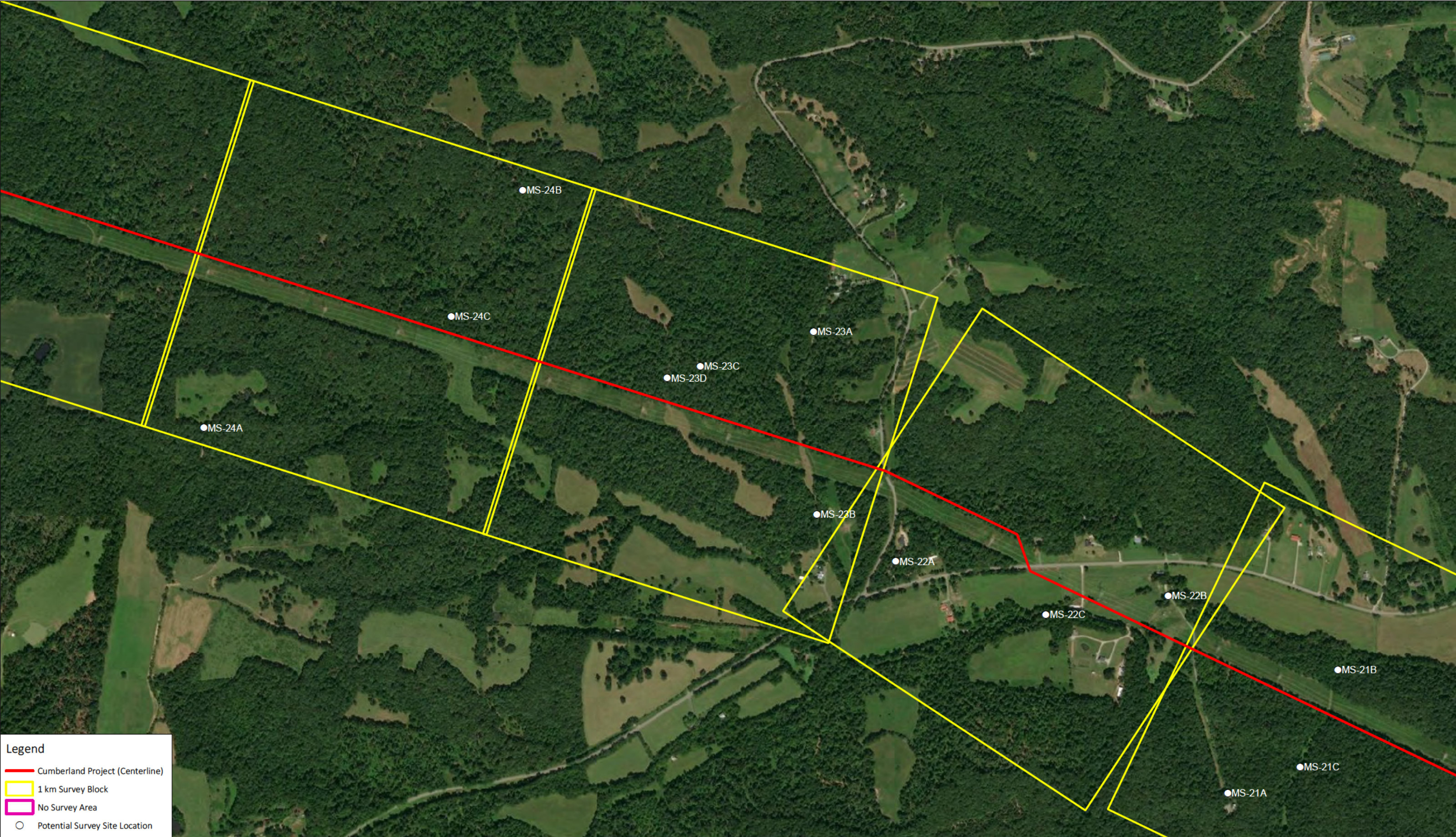




Legend

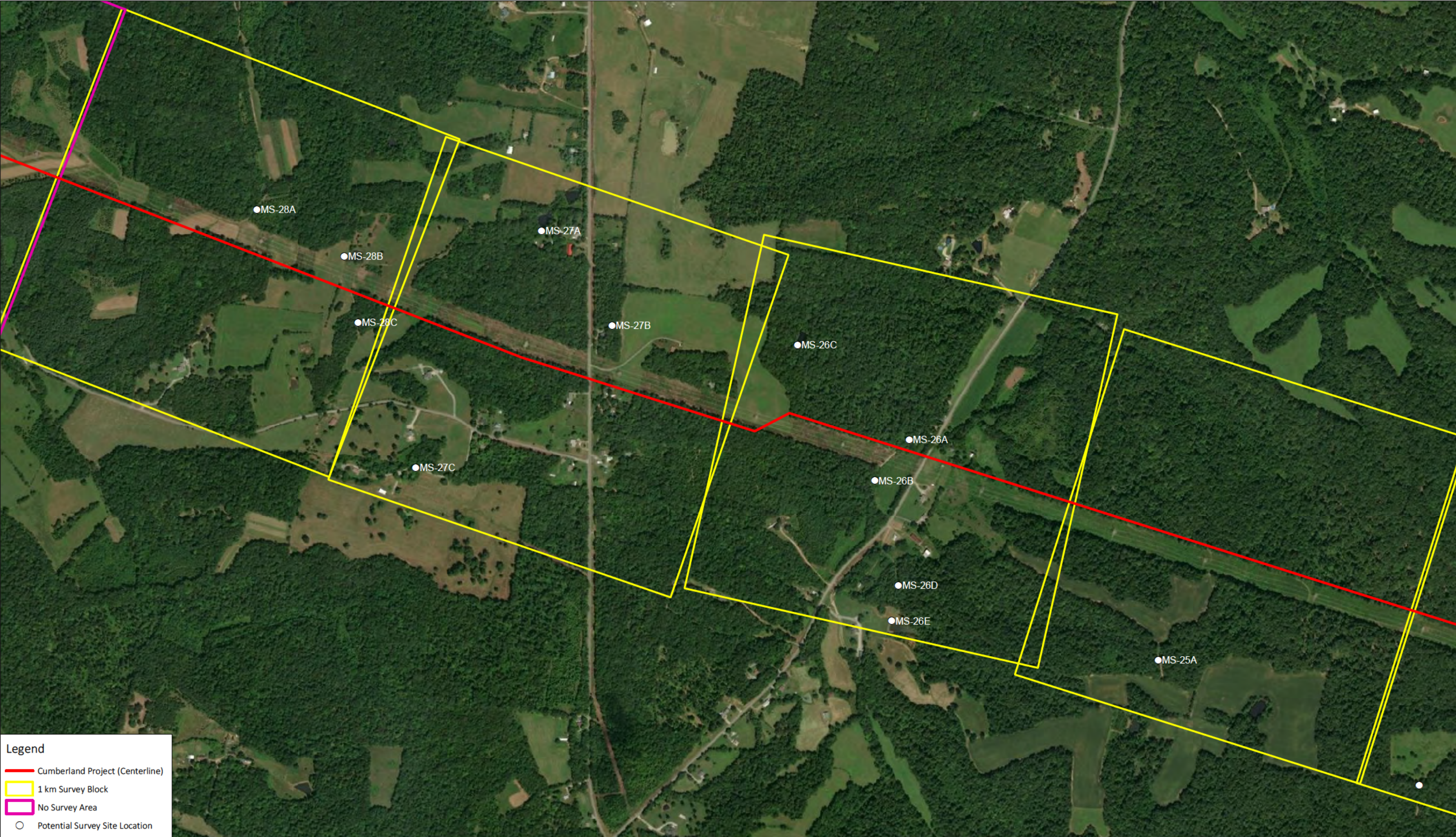
- Cumberland Project (Centerline)
- 1 km Survey Block
- No Survey Area
- Potential Survey Site Location





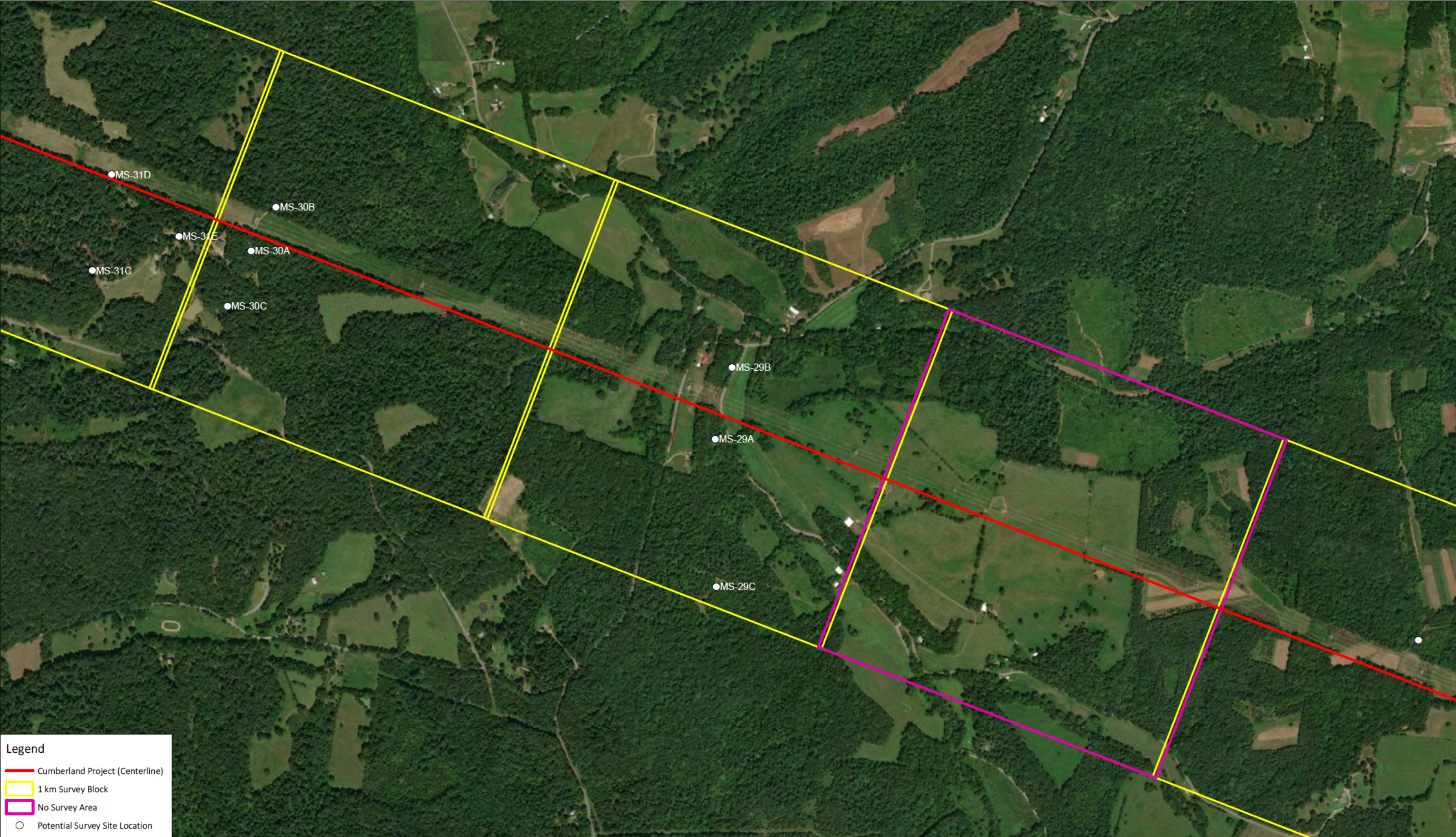
Legend

- Cumberland Project (Centerline)
- 1 km Survey Block
- No Survey Area
- Potential Survey Site Location



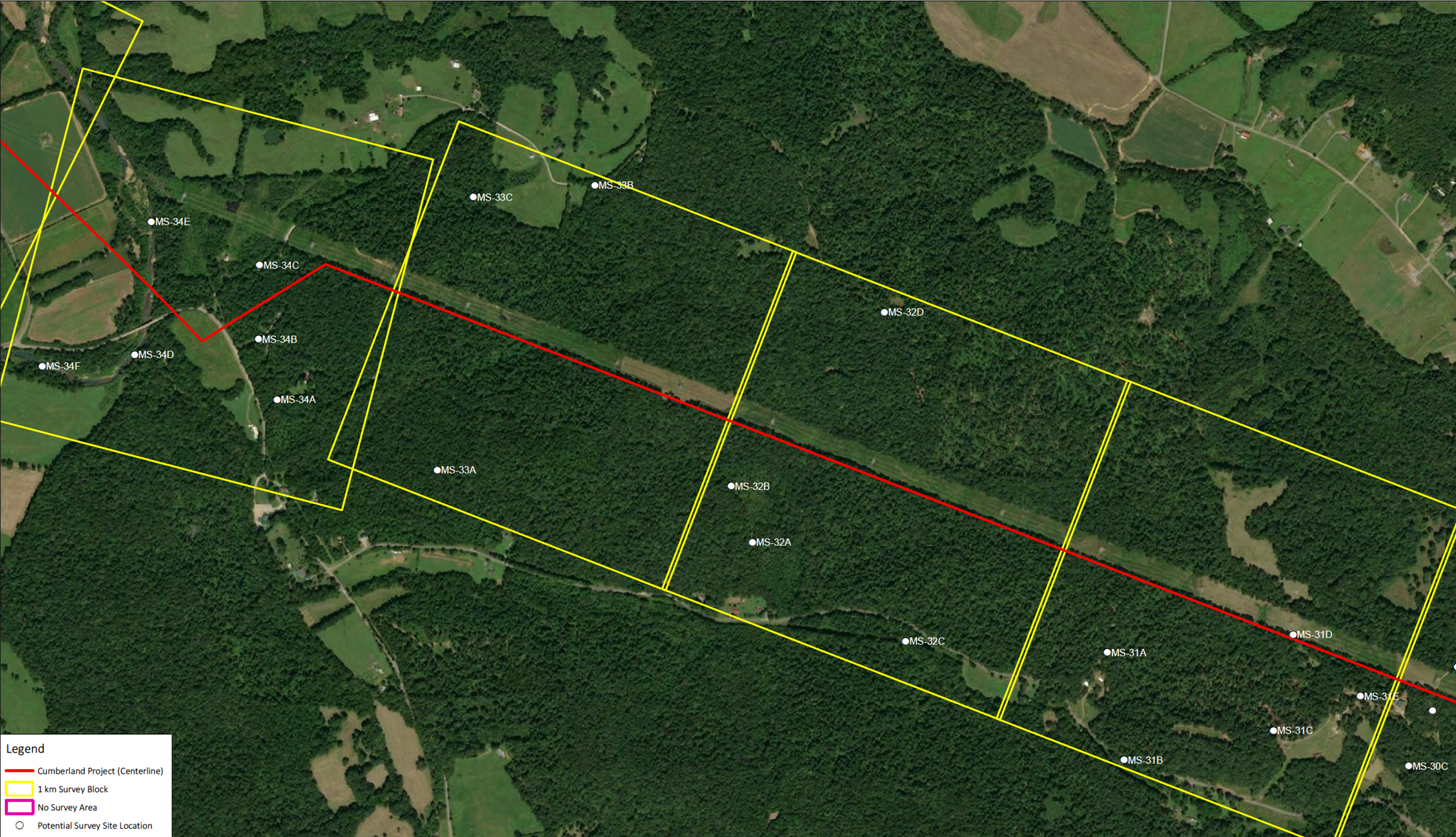
Legend

- Cumberland Project (Centerline)
- 1 km Survey Block
- No Survey Area
- Potential Survey Site Location



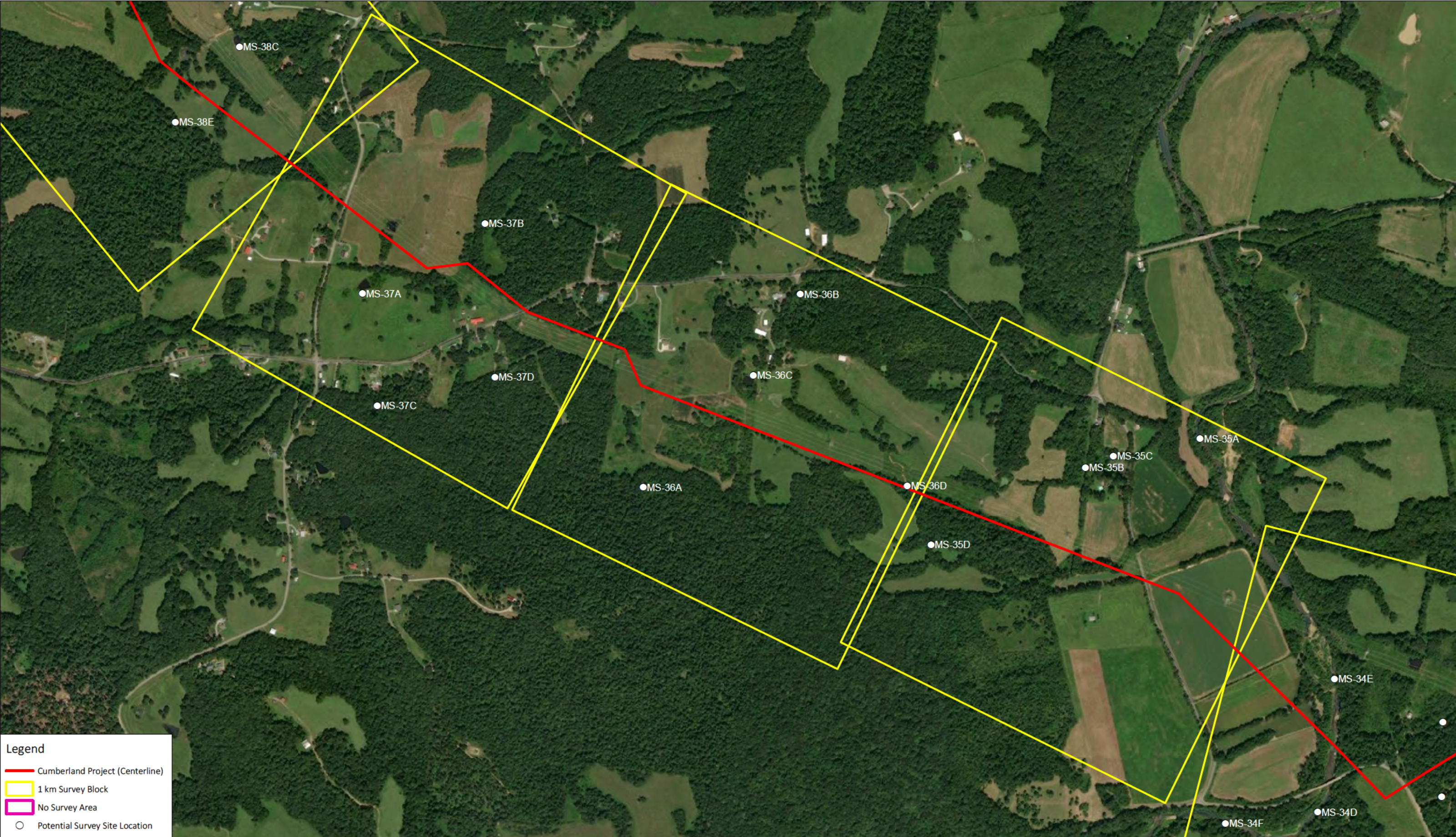
Legend

- Cumberland Project (Centerline)
- 1 km Survey Block
- No Survey Area
- Potential Survey Site Location



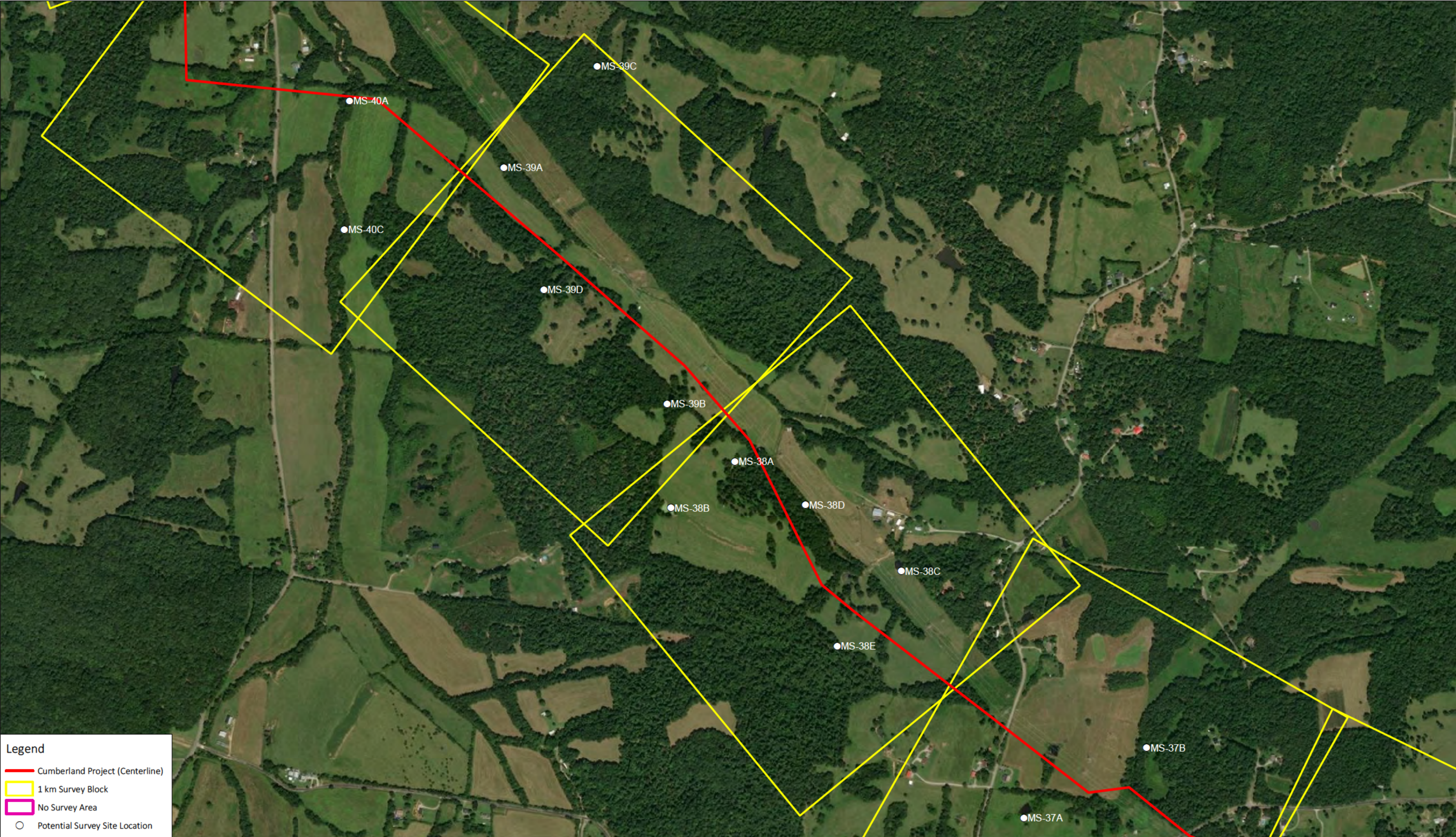
Legend

- Cumberland Project (Centerline)
- 1 km Survey Block
- No Survey Area
- Potential Survey Site Location



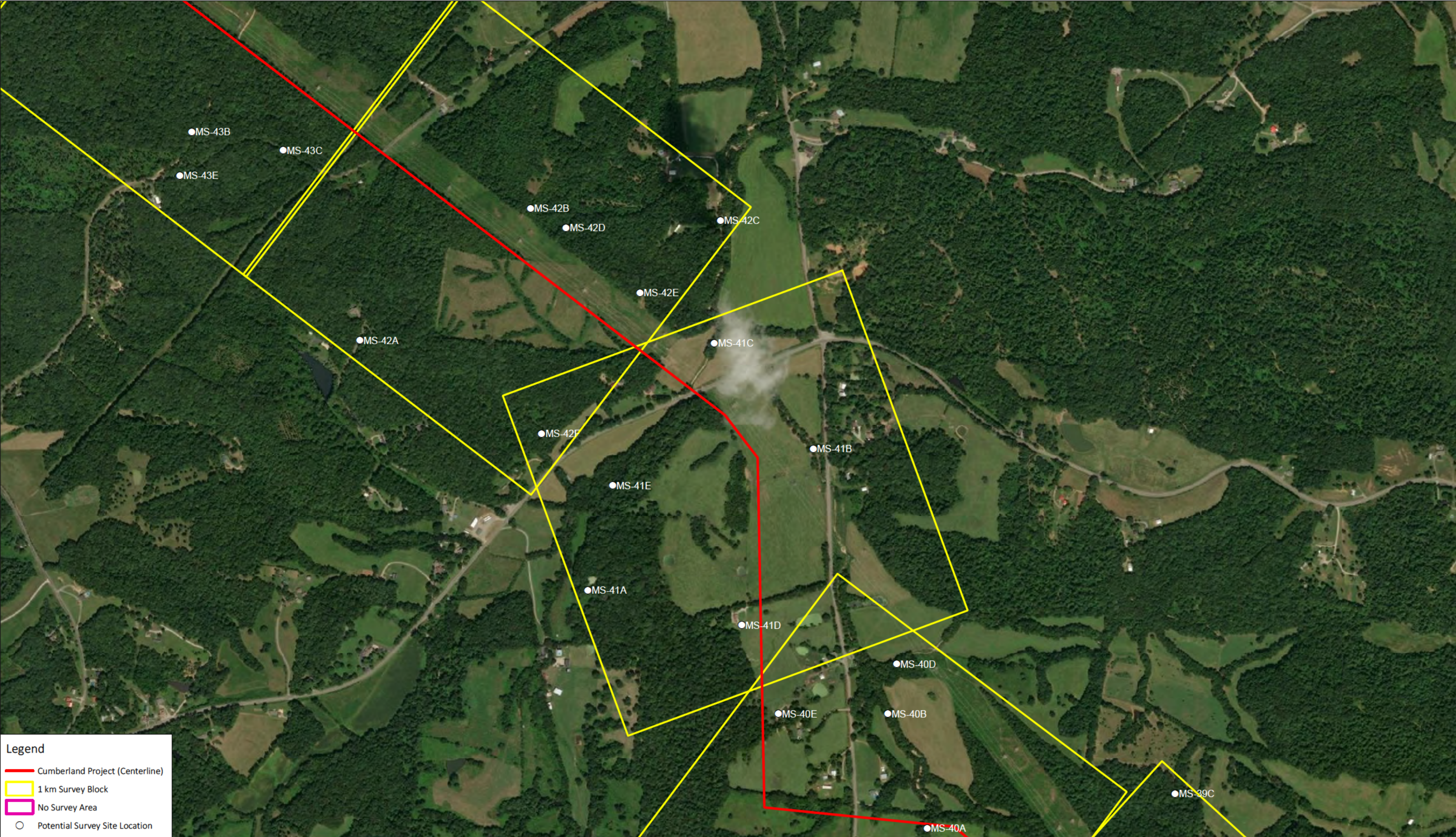
Legend

- Cumberland Project (Centerline)
- 1 km Survey Block
- No Survey Area
- Potential Survey Site Location



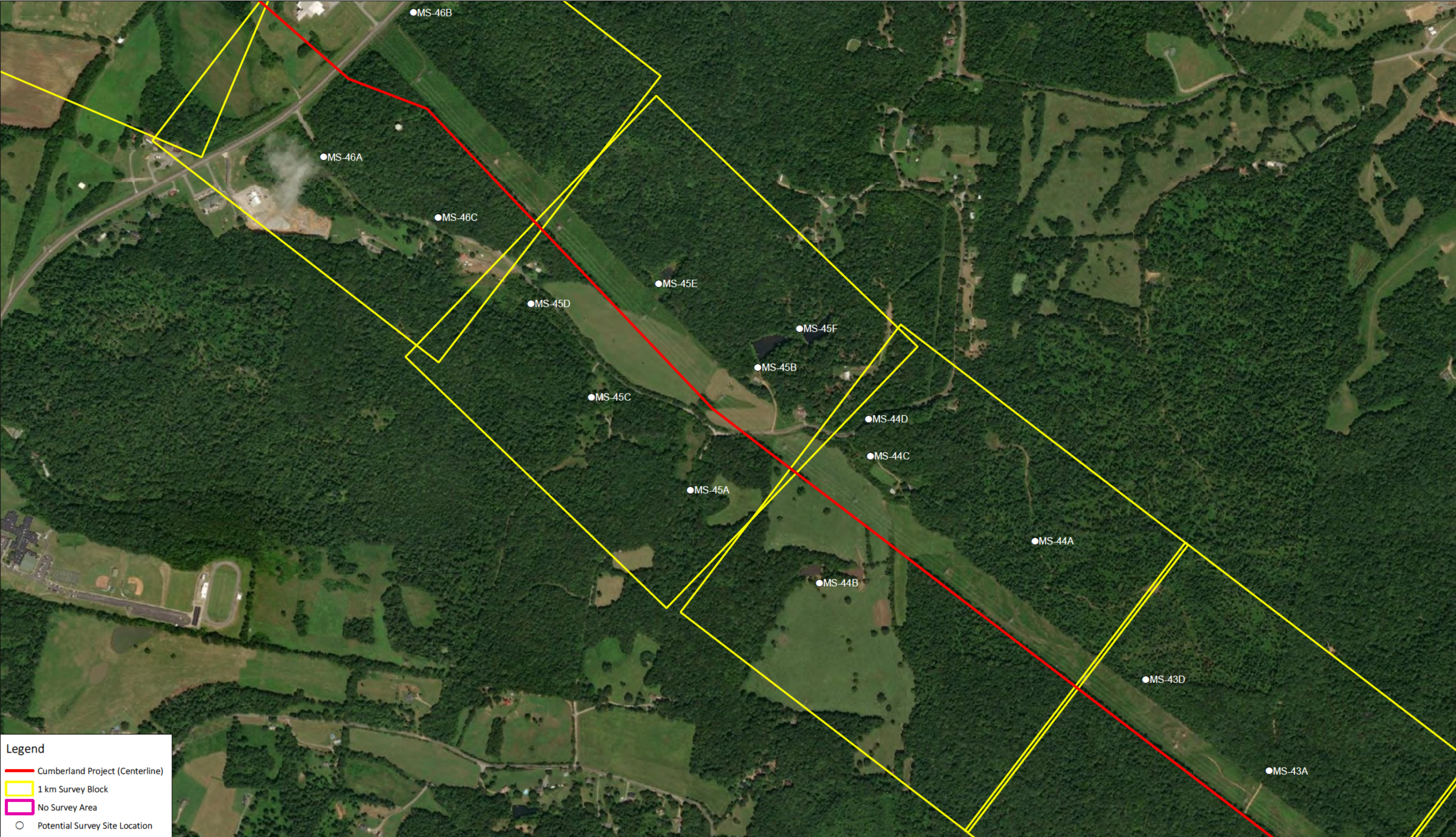
Legend

- Cumberland Project (Centerline)
- 1 km Survey Block
- No Survey Area
- Potential Survey Site Location



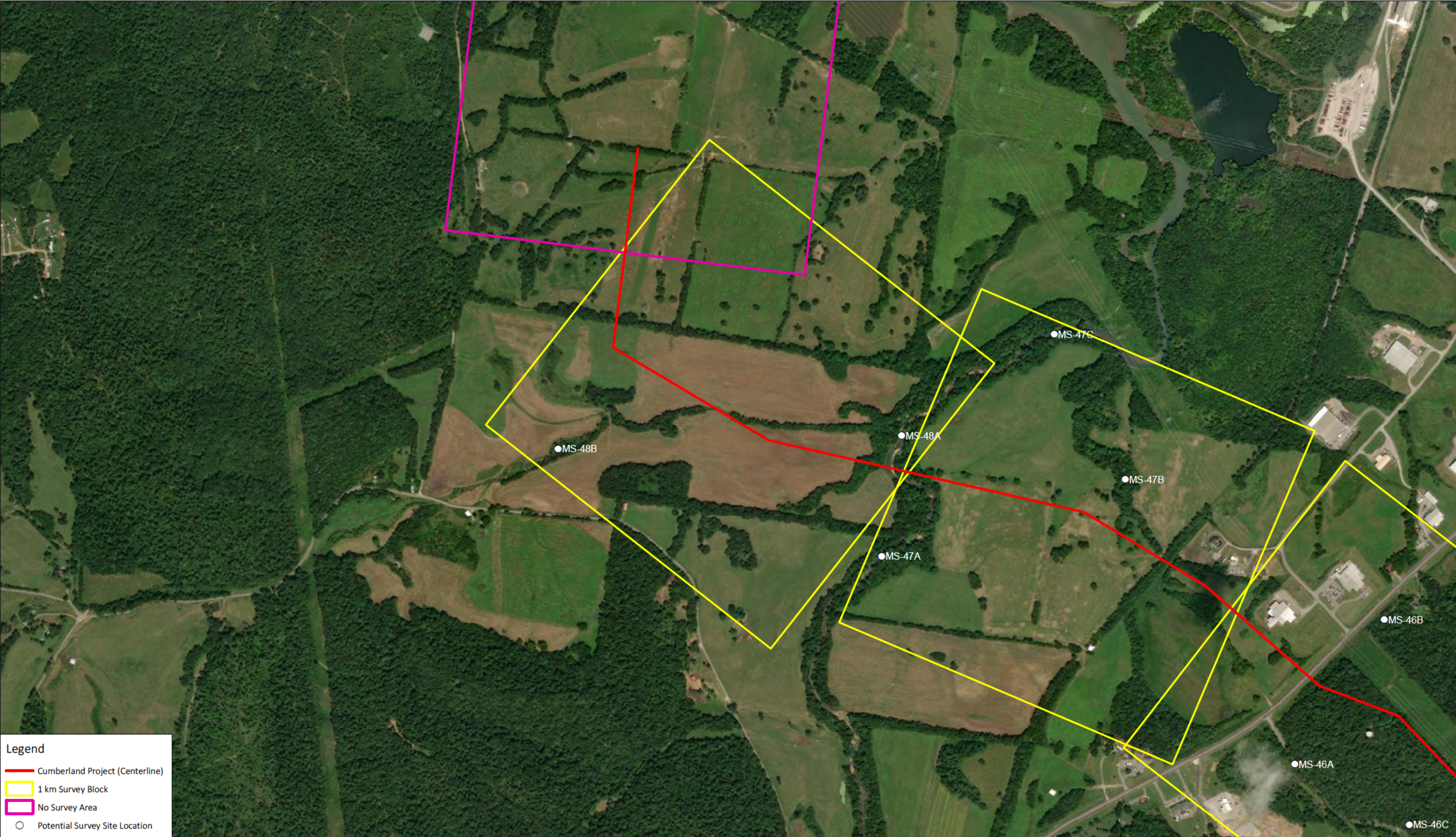
Legend

- Cumberland Project (Centerline)
- 1 km Survey Block
- No Survey Area
- Potential Survey Site Location



Legend

- Cumberland Project (Centerline)
- 1 km Survey Block
- No Survey Area
- Potential Survey Site Location



Legend

- Cumberland Project (Centerline)
- 1 km Survey Block
- No Survey Area
- Potential Survey Site Location



Legend

- Cumberland Project (Centerline)
- 1 km Survey Block
- No Survey Area
- Potential Survey Site Location

FWS #2021-CPA-0484 / TA-1019 TN Gas Pipeline Company Cumberland project

Pelren, David <david_pelren@fws.gov>

Wed 7/21/2021 4:15 PM

To: Michael_Letson@kindermorgan.com <Michael_Letson@kindermorgan.com>

Cc: Rachel.bell@cardno.com <Rachel.bell@cardno.com>; ecburton@tva.gov <ecburton@tva.gov>; Tennessee ES, FWS <tennesseeES@fws.gov>; Sikula, Nicole R <nicole_sikula@fws.gov>

Mr. Mike Letson

Permitting Compliance Lead Specialist

Kinder Morgan

1001 Louisiana Street

Houston, Texas 77002

Mr. Letson -

Thank you for coordinating with us to address the potential for environmental impacts relative to a potential natural gas pipeline project. We have reviewed the email that you sent on June 7, 2021, with a letter of the same date and supporting materials. This project would involve installation of a gas pipeline in Dickson, Houston, and Stewart Counties, Tennessee, (FWS #2021-CPA-0484 / TA-1019). We understand that the 32-mile pipeline would facilitate retirement of Tennessee Valley Authority's existing coal-fired power production units at the Cumberland Fossil Plant in Stewart County. You included the following list of species (generated during a search of the Fish and Wildlife Service's Information for Planning and Consultation system) that could potentially be affected by the proposed project: gray bat (*Myotis grisescens*), Indiana bat (*Myotis sodalis*), northern long-eared bat (*Myotis septentrionalis*), rabbitsfoot (*Quadrula cylindrica*), tan riffleshell (*Epioblasma walkeri*), Price's potato-bean (*Apios priceana*), and Short's bladderpod (*Physaria globosa*). You are partnering with Cardno, Inc. to evaluate effects upon threatened and endangered species, and you requested preliminary input from us about potential impacts to federally listed species.

We provided recent input regarding a bat survey plan from Mr. Shane Roberts, with the Jackson Group, in order to facilitate netting during the summer of 2021. We look forward to review of the results of that survey effort. Based on distance of the project area from records of sites known to be occupied by federally listed species, we are not aware of other species of concern (including the mussels and plants specified above) that would reasonably be expected to occupy the anticipated area of impact. We recognize that standard conservation measures such as erosion control practices will be incorporated into the project plan. Because of the magnitude of this project and its potential to aquatic resources along multiple waterways, we emphasize the need for proper implementation of those measures.

We look forward to further coordination with you regarding this project proposal. Feel free to contact me for discussion as the project plan develops.

David Pelren

Fish and Wildlife Biologist

Ecological Services

U.S. Fish and Wildlife Service

446 Neal St.

Cookeville, TN 38501

office phone: 931-525-4974

mobile phone: 931-261-5844

NOTE: This email correspondence and any attachments to and from this sender are subject to the Freedom of Information Act (FOIA) and may be disclosed to third parties.

From: [Pelren, David](#)
To: bdink@frontiernet.net
Cc: [Jason Wisniewski](#)
Subject: RE: [EXTERNAL] Study plan for TN Gas pipeline mussel survey
Date: Friday, September 3, 2021 9:03:00 AM

Barb –

I have reviewed the proposed mussel survey plan that you provided this morning (September 3, 2021) for the TN Gas Pipeline project in Dickson and Houston Counties, Tennessee (FWS #2021-CPA-0484 / TA-1019). The description of proposed methodology for mussel searches is rather brief - "At each stream location, a survey team of three will start the survey at the downstream end of the reach and work upstream bank to bank." Considering the needs for the survey (including the streams to be surveyed), however, we have confidence in the ability of Mr. Hubbs' and his team to exhibit due diligence in the effort to document presence/likely absence and abundance of the tan riffleshell and rabbitsfoot at each of the nine survey sites. The Fish and Wildlife Service supports the survey plan as proposed.

Thank you for this opportunity to review the survey plan, and feel free to contact me with any questions. Good luck on the survey!

David Pelren
Fish and Wildlife Biologist
Ecological Services
U.S. Fish and Wildlife Service
446 Neal St.
Cookeville, TN 38501
office phone: 931-525-4974
mobile phone: 931-261-5844

NOTE: This email correspondence and any attachments to and from this sender are subject to the Freedom of Information Act (FOIA) and may be disclosed to third parties.

From: bdink@frontiernet.net <bdink@frontiernet.net>
Sent: Friday, September 3, 2021 4:34 AM
To: Pelren, David <david_pelren@fws.gov>; Jason Wisniewski <jason.wisniewski@tn.gov>
Subject: [EXTERNAL] Study plan for TN Gas pipeline mussel survey

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Hi David and Jason,

Dinkins Biological Consulting has contracted with TN Gas Pipeline to conduct a series of mussel surveys in Dickson and Houston counties in association with a proposed gas pipeline. We will be using Dan Hubbs as the permitted biologist. I have attached a cover letter and the study plan for your comments and guidance.

Thanks

Barb Dinkins

Dinkins Biological Consulting, LLC

(865) 755-7110 cell

bdink@frontiernet.net

From: bdink@frontiernet.net
To: [Pelren, David](#); [Jason Wisniewski](#)
Subject: [EXTERNAL] Study plan for TN Gas pipeline mussel survey
Date: Friday, September 3, 2021 4:36:36 AM
Attachments: [Cumberland Project Mussel Study Plan_RLB.docx](#)
[USFWS TGP Cover letter for study planwith signature.docx](#)

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Hi David and Jason,
Dinkins Biological Consulting has contracted with TN Gas Pipeline to conduct a series of mussel surveys in Dickson and Houston counties in association with a proposed gas pipeline. We will be using Dan Hubbs as the permitted biologist. I have attached a cover letter and the study plan for your comments and guidance.
Thanks
Barb Dinkins

Dinkins Biological Consulting, LLC

(865) 755-7110 cell
bdink@frontiernet.net



Tennessee Gas Pipeline
Company, L.L.C.
a Kinder Morgan company

September 2, 2021

Jason Wisniewski, Tennessee Wildlife Resources Agency
David Pelren, Fish and Wildlife Biologist
United States Fish and Wildlife Service
Tennessee Ecological Services Office
446 Neal Street
Cookeville, TN 38501-4027
931-525-4974 / David_Pelren@fws.gov

RE: Tennessee Gas Pipeline Company, L.L.C., Cumberland Project
Dickson, Houston and Stewart Counties, Tennessee.

Dear Mr. Pelren,

Tennessee Gas Pipeline Company, L.L.C., ("TGP") is submitting this letter as a request for comments from the United States Fish and Wildlife Service ("USFWS") and Tennessee Wildlife Resources Agency (TWRA) on a study plan for freshwater mussel surveys in the nine water feature crossings along the proposed Cumberland Project ("Project"). The surveys will be conducted by Dinkins Biological Consulting, LLC. Don Hubbs will be the permitted biologist present at the surveys.

We appreciate your assistance with this Project. If you have any questions or require additional information, please contact me at 832-799-4759 or via email at michael_letson@kindermorgan.com.

Respectfully submitted,

Mike Letson
Specialist – Permitting Compliance Lead

Enclosures: Cumberland Project Mussel Survey Study Plan

Cc: Dinkins Biological Consulting, LLC



9/1/2021

STUDY PLAN FOR MUSSEL SURVEYS IN FOR THE
Tennessee Gas Pipeline Company, L.L.C., CUMBERLAND PROJECT

Barbara Dinkins
Robert Eldridge

Dinkins Biological Consulting, LLC
PO Box 1851
Powell, TN 37849

BACKGROUND

Tennessee Gas Pipeline Company, L.L.C. (TGP) is evaluating the potential for the construction of an approximately 32-mile interstate natural gas pipeline that would provide natural gas to one of several options being evaluated by the Tennessee Valley Authority (TVA) as it considers retirement of the existing coal-fired units at the Cumberland Fossil Plant and the construction and operation of facilities to replace part of the retired generation. The proposed Cumberland Project (Project) originates west of Nashville in Dickson County, Tennessee. The pipeline route extends approximately 32 miles northwest along an existing TVA power line right-of-way through Dickson, Houston, and Stewart Counties and terminates near the TVA Cumberland Fossil Plant in Cumberland City, Tennessee.

Nine stream crossings will be surveyed for freshwater mussels. A list of these crossings is provided in Table 1 and maps of each are provided in Figures 1-7.

PERMITS

Don Hubbs holds the permits for handling freshwater mussels and will be present for the surveys.

MUSSEL SURVEY PERIOD

The surveys will take place in September 2021 when water levels have reached an acceptable level and visibility at all depths within survey reaches is 0.5 meter (m) or greater. United States Geological Survey (USGS) stream gauges will be monitored to determine flow levels.

MUSSEL SURVEY APPROACH

Surveys will be conducted on all stream crossings listed in Table 1. Landowner permission for access within the survey corridor has been granted. Each survey reach will extend the entirety of the survey corridor (a length ranging from 200-300 feet).

At each stream location, a survey team of three will start the survey at the downstream end of the reach and work upstream bank to bank. All live mussels will be identified to species, measured to the nearest millimeter, and returned to the substrate where they were found. Substrate characteristics along the reach will be documented.

At least one voucher specimen of each species found fresh dead will be retained and deposited at the University of Tennessee. Live mussels will be measured and photographed and returned to the river bottom where they were found. The USFWS and TWRA will be notified within 24 hours if a federally protected species is found in the survey area. Other information to be recorded and included on the report is listed below.

DATA COLLECTION/REPORT

Field data sheets will be used that allow the following information to be recorded on site and included in a subsequent report.

- Surveyors
- Data recorder and mussel identifier
- Date
- Start/stop time for the survey
- Weather conditions
- Water visibility at surface and at depth
- Water temperature
- GPS coordinates of ends of each survey reach
- Depth and substrate information each 10 m
- Relative compaction of the sand and gravel substrate
- River channel and riparian zone description.
- Species of mussels found (live and dead)
- Presence/absence of live snails
- Observations of other wildlife present
- Photos of each reach

Table 1. List of stream crossings to be surveyed for freshwater mussels.

Stream ID	Waterbody Name	Approx. MP	County	Flow Regime	Potential Listed Species
SDKA048	Jones Creek	MP3	Dickson	Perennial	Tan Riffleshel Rabbitsfoot
SDKA013	Gafford Branch	MP4	Dickson	Perennial	Tan Riffleshel Rabbitsfoot
SDKB001	Miller Branch	MP10	Dickson	Perennial	Tan Riffleshel Rabbitsfoot
SDKB002	Bartons Creek	MP10	Dickson	Perennial	Tan Riffleshel Rabbitsfoot
SDKB009	Furnace Creek	MP12	Dickson	Perennial	Tan Riffleshel Rabbitsfoot
SDKB023	Little Bartons Creek	MP16.5	Dickson	Perennial	Tan Riffleshel Rabbitsfoot
SDKB026	Leatherwood Creek	MP19	Dickson	Perennial	Tan Riffleshel Rabbitsfoot
SHNC007	Yellow Creek	MP22	Houston	Perennial	Tan Riffleshel Rabbitsfoot
SHNC014	Williamson Branch	MP22	Houston	Perennial	Tan Riffleshel Rabbitsfoot

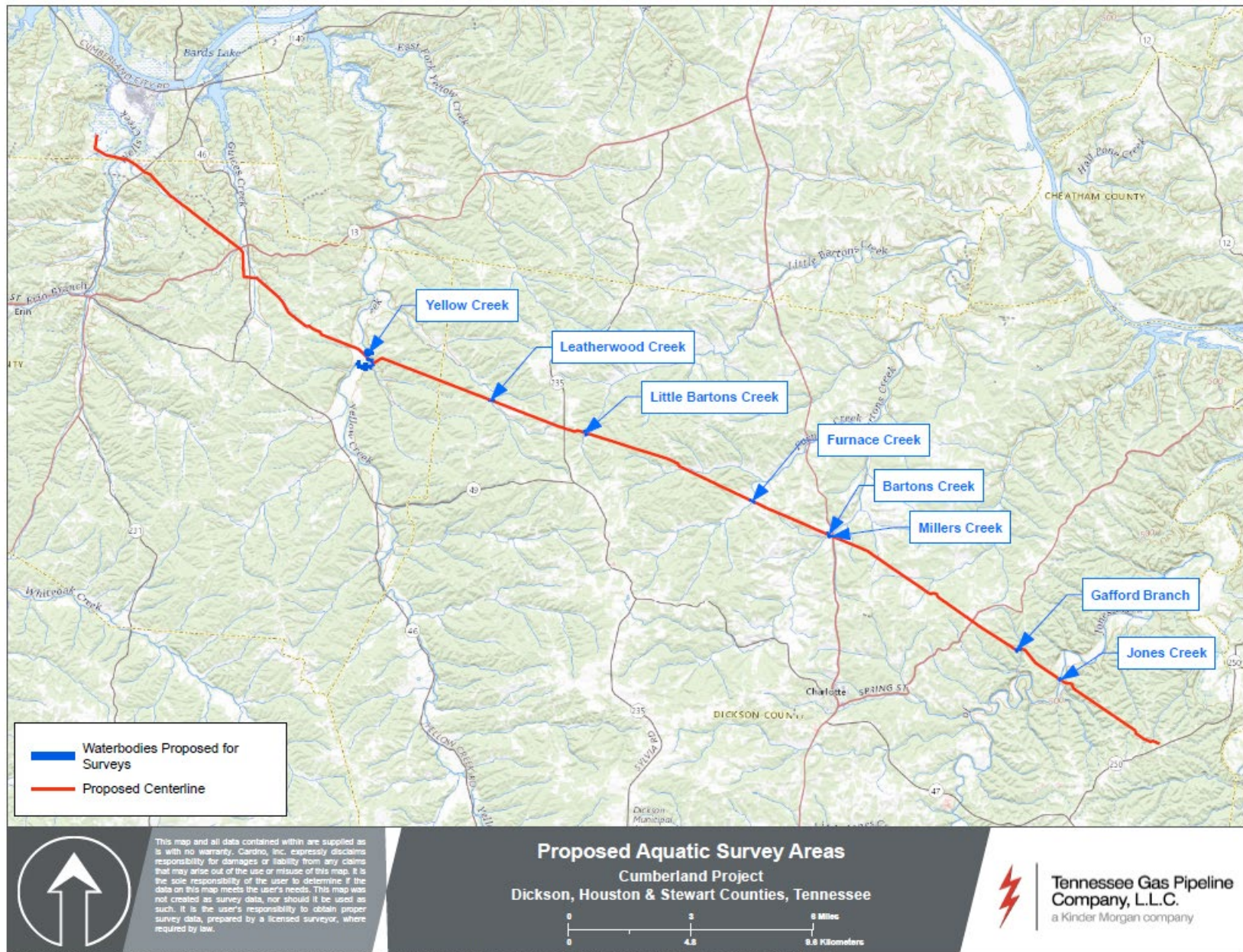


Figure 1. Overview of all stream crossings to be surveyed.

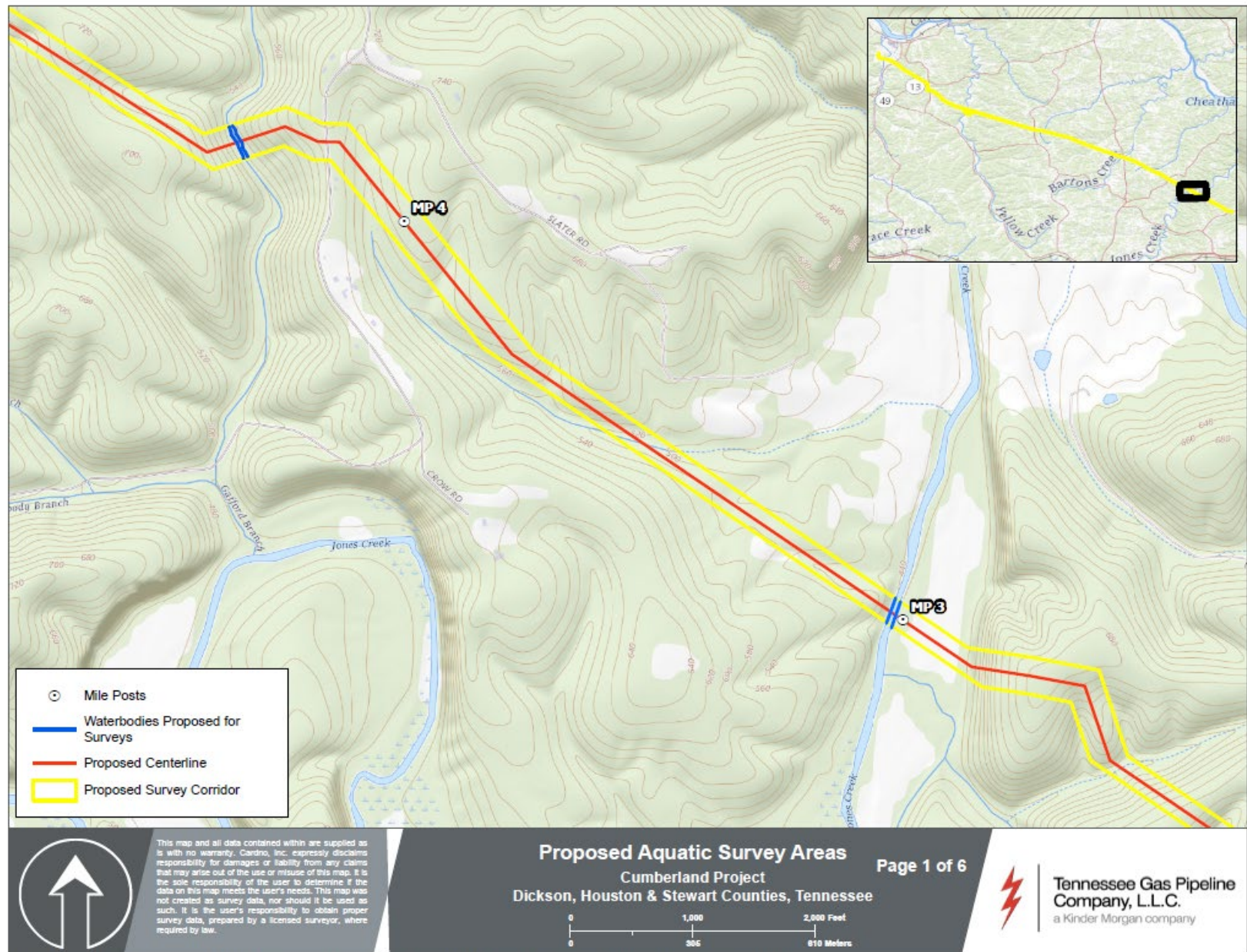


Figure 2. Gafford Branch and Jones Creek Crossings.

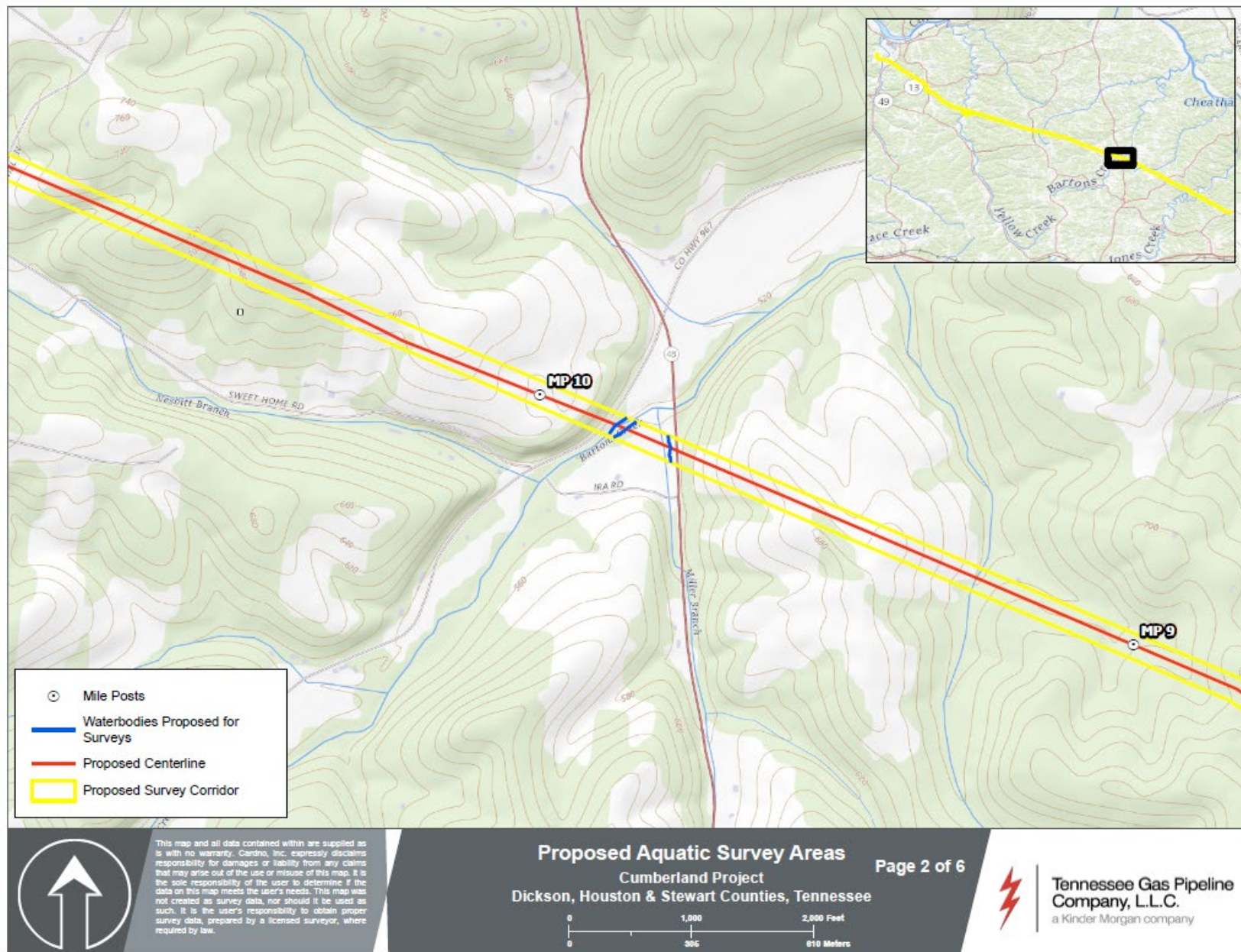


Figure 3. Miller Branch and Bartons Creek Crossings.

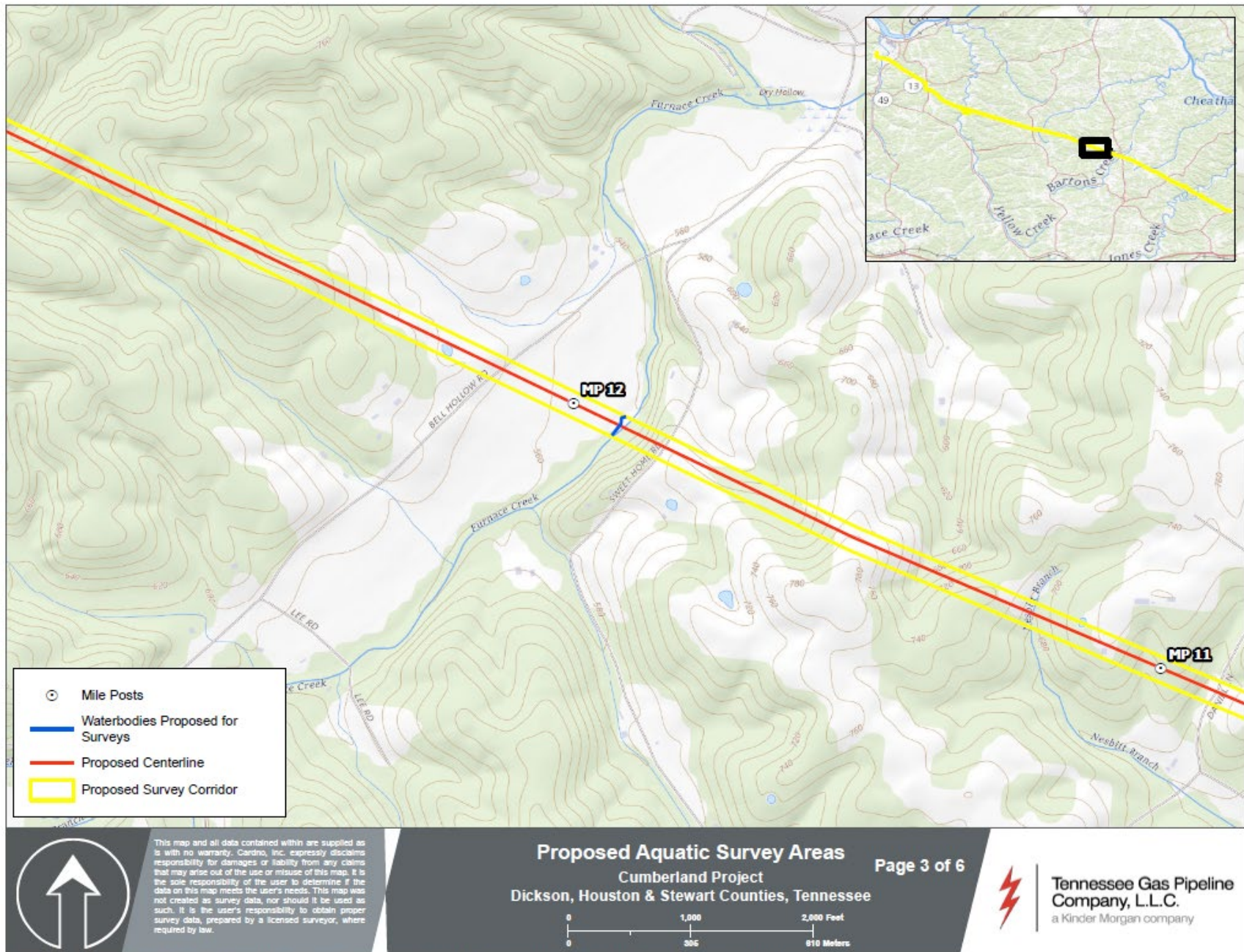


Figure 4. Furnace Creek Crossing.

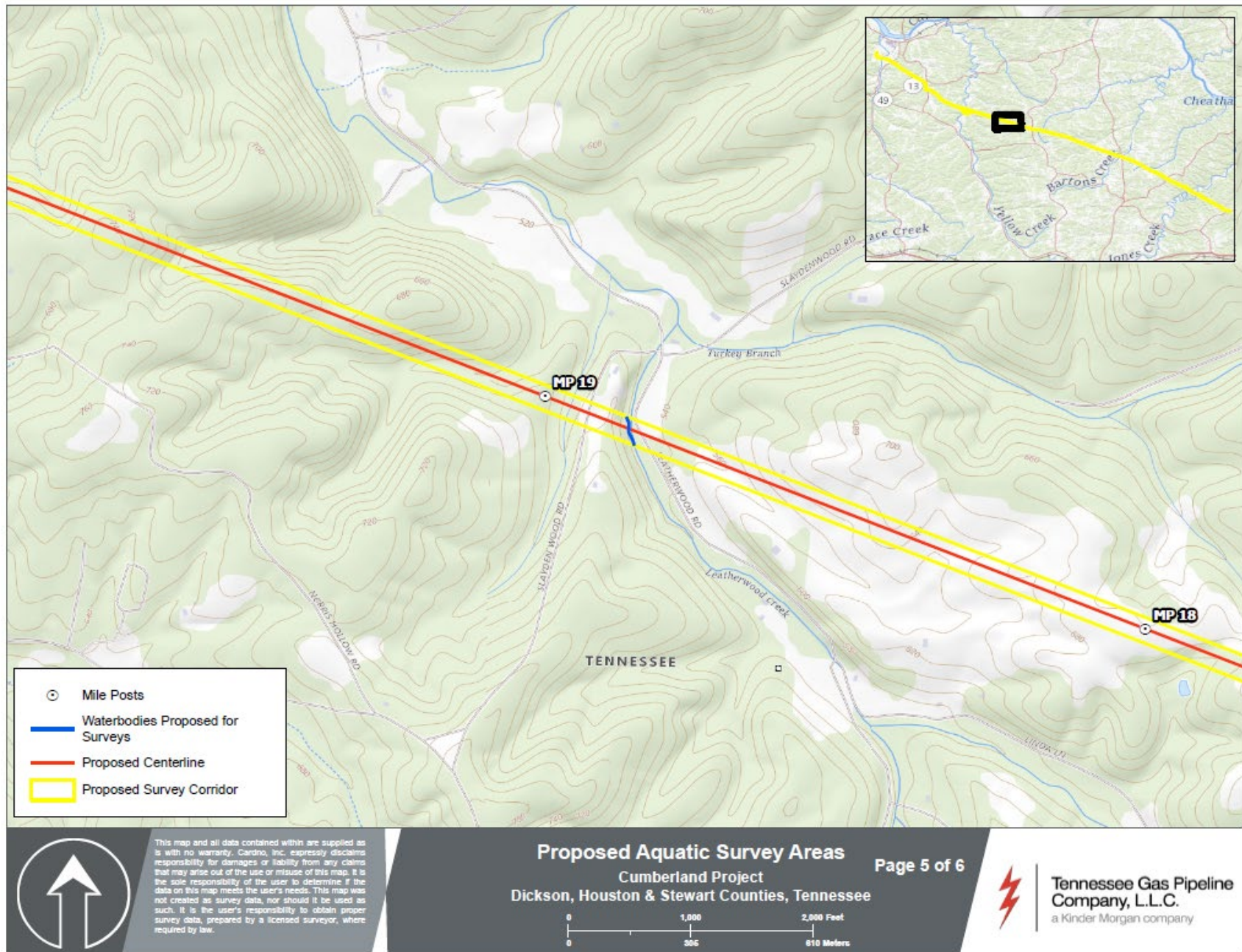


Figure 6. Leatherwood Creek Crossing.

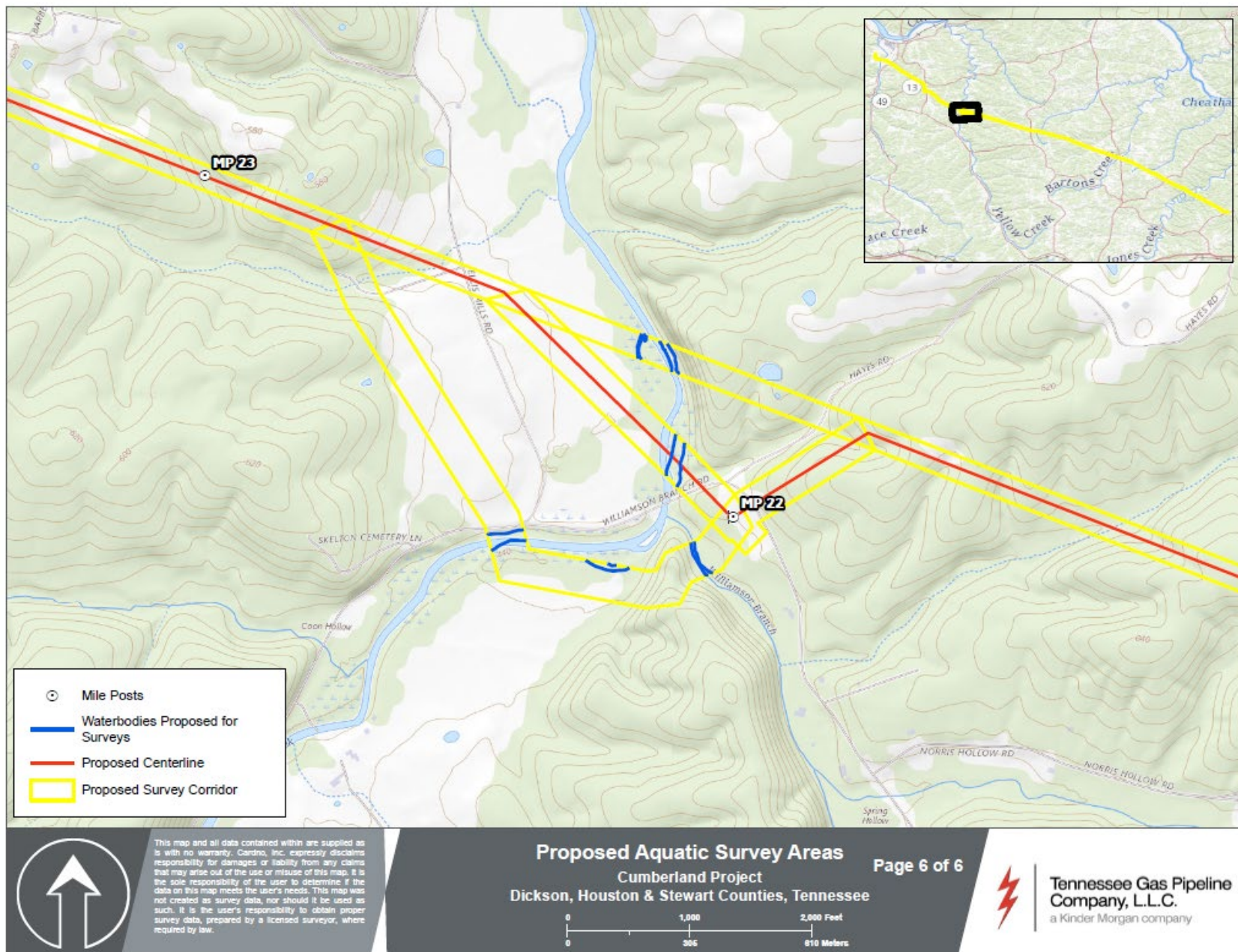


Figure 7. Yellow Creek and Williamson Branch Crossings.

January 26, 2022

Via web: <https://foiaonline.gov>

U.S. Fish and Wildlife Service
Tennessee Ecological Services Field Office
446 Neal Street
Cookeville, Tennessee 38501

Re: Freedom of Information Act Request for Records Related to Tennessee Gas Pipeline Company's Proposed Cumberland Project

Dear Public Records Request Coordinator:

Under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, as amended, the Southern Environmental Law Center ("SELC") requests access to certain records created, received, or reviewed by the United States Fish and Wildlife Service ("FWS") related to the Cumberland Project, a pipeline Tennessee Gas Pipeline Company, LLC, has proposed to serve a potential Tennessee Valley Authority gas plant.¹ Specifically, we request copies (electronic, if possible) of the following public records that were created, received, or reviewed by FWS:

Beginning May 1, 2021, until the date of the search for responsive records, any records related to the Cumberland Project pipeline and related infrastructure. Such records include, but are not limited to, all communications between FWS and the following entities: Tennessee Gas Pipeline Company, LLC, Kinder Morgan, Inc., and the Tennessee Valley Authority.

Potential recordholders include, but are not limited to, staff members of the Tennessee Ecological Services Field Office.

For the purposes of this request, the term "records" includes all written, printed, recorded or electronic: documents, materials, communications, correspondence, emails, memoranda, notations, copies, diagrams, charts, maps, photographs, tables, spreadsheets, formulas, directives, observations, impressions, contracts, letters, messages and mail in the possession or control of FWS or its agents.

FOIA requires a responding agency to make a "determination" on any request within twenty (20) working days of receipt. *See* 5 U.S.C. § 552(a)(6)(A)(i). The statute favors disclosure of records and instructs the agency to withhold information only in narrowly defined circumstances in which the agency can articulate a reasonably foreseeable harm protected by an exemption. *See id.* § 552(a)(8)(A)(i). FOIA also requires the release of all reasonably segregable portions of a document that are themselves not exempt. *Id.* § 552(b). Should FWS deny this

¹ For a project description, see <https://www.kindermorgan.com/Operations/Projects/cumberland-project>.

request, FWS must inform SELC of the grounds for denial and the specific administrative appeal rights which are available. *See id.* § 552(a)(6)(A)(i).

Fee Waiver Request

SELC is requesting photocopies without charge, or at a reduced charge, because reduction or waiver of fees would be in the public interest. A disclosure is in the public interest if: (1) it is likely to contribute significantly to public understanding of the operations or activities of the government, and (2) it is not primarily in the commercial interest of the requester. 5 U.S.C. § 552(a)(4)(A)(iii). The public interest standard of the fee waiver provision of the FOIA should be "liberally construed" in favor of waivers. *McClellan Ecological Seepage Situation v. Carlucci*, 835 F.2d 1282, 1284 (9th Cir. 1987); *Pederson v. Resolution Trust Corp.*, 847 F. Supp. 851, 855 (D. Colo. 1994); *Etlinger v. FBI*, 596 F. Supp 867, 872 (D. Mass. 1984). The goal of the statute is to avoid the "roadblocks and technicalities which have been used by various Federal agencies to deny waivers." *Pederson*, 847 F. Supp. at 855.

In determining whether the first prong of the public interest test is met, four factors are considered. First, the records must "concern the operations or activities of the Federal government." 43 C.F.R. § 2.48(a)(1). TVA is a federal corporation and the nation's largest public utility, and FWS is the federal agency that administers the federal Endangered Species Act. The requested records contain vital information relevant to TVA's proposal to build a new gas plant and related infrastructure, which may impact multiple species on the Federal List of Endangered and Threatened Wildlife, published in the Federal Register by FWS. Therefore, the subject of the requested records directly concerns the operations and activities of the federal government.

Second, the information contained in the records must be "likely to contribute significantly to public understanding of those operations or activities," which is judged by whether the records will be "meaningfully informative," "will contribute to the understanding of a reasonably broad audience of persons interested in the subject," and "would confirm or clarify data that has been released previously." *Id.* § 2.48(a)(2)(i), (iii), (vi). Other factors are "the logical connection between the content of the records and the operations or activities," and "[h]ow the public's understanding of the subject in question will be enhanced to a significant extent by the disclosure." *Id.* § 2.48(a)(2)(ii), (vii). These records are meaningfully informative of government operations. The requested records are not already in the public domain, and may contain information about the federal government's analysis of threats to federally listed Endangered Species. Without these records, members of the public will be deprived of crucial information regarding the impacts of the Cumberland Project gas plant and pipeline on threatened and endangered species in Tennessee. Further, the public will be deprived of information regarding the federal government's protections for these species and their habitat, as well as its analysis of threats to both.

Additionally, requestors must explain how their expertise, identity, vocation, and qualifications will allow them "to disclose the information in a manner that will be informative to the understanding of a reasonably broad audience of persons interested in the subject," as well as their "ability and intent to disseminate" that information to that audience. *Id.* § 2.48(a)(2)(iv)-(v). The public would benefit from this information, which SELC is well prepared to disseminate. TVA, the nation's largest public utility, faces significant decisions about the future of its generation

assets.² It is currently considering whether to retire and replace two coal plants, including Cumberland,³ and that decision has garnered considerable public attention due to the significant environmental and economic implications.⁴ Additionally, threatened and endangered species are of great public interest in Tennessee.⁵ SELC is a 501(c)(3) non-profit organization with over thirty years of experience disseminating public information regarding the environment, including matters related to pipelines,⁶ TVA's energy operations,⁷ and endangered species.⁸ A broad audience is interested in these subjects, and SELC is well-positioned to effectively convey this information to the public.

The second consideration in whether a fee waiver is in the public interest is whether the request is primarily in the commercial interest of the requester. 43 C.F.R. § 2.48(b). As noted above, SELC is a 501(c)(3) non-profit organization dedicated to protecting the environment of the Southeast. It does not have commercial, trade, or profit interests in seeking these disclosures. As SELC does not have any commercial interest in these disclosures, the public interest is clearly greater in magnitude than the commercial interest.

Given SELC's role in disseminating information regarding the effect of federal actions on endangered species, disclosure of the requested materials will benefit the general public through increased knowledge of threats to endangered species due to the Cumberland Project and related infrastructure. The requested disclosures are likely to significantly contribute to public understanding of government operations, and are not primarily in the requester's commercial interest. This request therefore meets the two requirements for a fee waiver, and so a fee waiver should be granted.

Should FWS deny SELC's request for reduced or waived fees, SELC is prepared to bear the reasonable and necessary costs. However, I request you contact me before processing this

² <https://www.southernenvironment.org/news/as-tva-closes-coal-plants-it-must-begin-transition-to-clean-energy/>.

³ <https://www.federalregister.gov/documents/2021/05/11/2021-09945/environmental-impact-statement-for-cumberland-fossil-plant-retirement>.

⁴ <https://abcnews.go.com/US/wireStory/tennessee-valley-authority-considers-replacing-coal-gas-78640645>; <https://www.reuters.com/business/energy/tennessee-valley-authority-plans-shut-coal-plants-by-2035-2021-05-03/>; <https://wpln.org/post/tva-faces-federal-scrutiny-over-climate-goals-electricity-rates/>.

⁵ See, e.g., <https://www.newschannel5.com/news/public-can-speak-on-nashville-crayfish-endangered-status>; <https://www.newschannel5.com/news/officials-propose-taking-nashville-crayfish-off-endangered-species-list>; <https://fox17.com/news/local/officials-say-nashville-crayfish-no-longer-endangered>.

⁶ See, e.g., <https://www.southernenvironment.org/news/victory-for-southwest-memphis-byhalia-pipeline-is-done/>; <https://www.southernenvironment.org/news/selcs-pipeline-team-reflects-on-the-path-to-victory/>.

⁷ See, e.g., <https://www.southernenvironment.org/news/as-tva-closes-coal-plants-it-must-begin-transition-to-clean-energy/>; <https://www.southernenvironment.org/news/groups-urge-tva-to-halt-plans-for-new-natural-gas-plants-in-order-to-meet-carbon-goals/>.

⁸ See, e.g., <https://www.southernenvironment.org/news-and-press/news-feed/endangered-nashville-crayfish-at-risk-of-losing-protections>; <https://www.southernenvironment.org/news-and-press/news-feed/selc-condemns-administration-plan-to-dismantle-endangered-species-act>; <https://www.southernenvironment.org/news-and-press/news-feed/seismic-permits-threaten-future-of-north-atlantic-right-whales>.

request if the fee is expected to exceed \$100.00. SELC reserves its right to appeal a fee waiver or reduction denial.

If you have any questions regarding this request, please feel free to contact me at (615) 921-9470 or tbussey@selctn.org. I appreciate your prompt attention to this matter and look forward to receiving the public records requested.

Sincerely,



Trey Bussey
Associate Attorney
Southern Environmental Law Center

Alexander, Steven

From: Pelren, David
Sent: Wednesday, February 16, 2022 8:36 AM
To: Alexander, Steven
Subject: FW: [EXTERNAL] FW: Tennessee Gas Pipeline Company, L.L.C.: Cumberland Project
Attachments: USFWS TGP Cumberland Project Introduction June 17 2021.pdf

Steve –

Other than your 7-22-21 email to Dan, Nicole, and me (along with the two emails sent on 7-21-21 to Letson and on 9-3-21 to Dinkins – which I forwarded to you recently), this email (with an attachment) is the only document I find that is responsive to the TN Gas Pipeline Cumberland project.

I believe that you're doing all of the uploading to the Sharepoint site, but let me know if I need to be doing some of that. Thanks for your work on these FOIAs.

By the way, I'll be providing responsive documents for the other gasline FOIA request that you forwarded this morning.

-Pelren

From: Rachel Bell <rachel.bell@cardno.com>
Sent: Thursday, June 17, 2021 3:26 PM
To: Pelren, David <david_pelren@fws.gov>
Subject: [EXTERNAL] FW: Tennessee Gas Pipeline Company, L.L.C.: Cumberland Project

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Hi David,

I have attached the project introduction letter that includes the species list and bat study plan as attachments. The bat study plan starts on page 20 of the PDF, so it is a little buried in there 😊

Thank you,

Rachel Bell

PROJECT MANAGER IV/SENIOR PM | PMP
PRINCIPAL - ASSESSMENT, PERMITTING & COMPLIANCE
CARDNO

Mobile +1 205 937 8982

Address 269 Forest Parkway, Alabaster, Alabama 35007

Email rachel.bell@cardno.com Web www.cardno.com

This email and its attachments may contain confidential and/or privileged information for the sole use of the intended recipient(s). All electronically supplied data must be checked against an applicable hardcopy version which shall be the only document which Cardno warrants accuracy. If you are not the intended recipient, any use, distribution or copying of the information contained in this email and its attachments is strictly prohibited. If you have received this email in error, please email the sender by replying to this message and immediately delete and destroy any copies of this email and any attachments. The views or opinions expressed are the author's own and may not reflect the views or opinions of Cardno.

From: Letson, Michael A (Mike) <Michael_Letson@kindermorgan.com>

Sent: Monday, June 7, 2021 10:42 AM

To: Pelren, David <david_pelren@fws.gov>

Cc: Rachel Bell <rachel.bell@cardno.com>; Hagen, Jeff <Jeff_Hagen@kindermorgan.com>; Amos, Blake <Blake_Amos@kindermorgan.com>

Subject: Tennessee Gas Pipeline Company, L.L.C.: Cumberland Project

Mr. Pelren, good morning.

First, I would like to thank you for meeting with us last week to discuss the Tennessee Gas Pipeline Company Cumberland project. I have attached the introductory letter that we referenced during the meeting. Should you have any questions, please do not hesitate to contact. Please note, at this time, I am not in the office due to the pandemic, so contact can be made via email or cell phone.

We look forward to working with you.

Sincerely. Mike

Mike Letson

Specialist – Permitting Compliance Lead

Office 713.420.5360

Cell 832.799.4759

1001 Louisiana Street | Houston, TX 77002



Alexander, Steven

From: Elbert, Daniel C
Sent: Wednesday, February 9, 2022 3:55 PM
To: Kelso, LeeAnn; Sikula, Nicole R
Cc: Tirpak, John; Alexander, Steven
Subject: Re: FOIA Request Added for 22-001757

Thanks LeeAnn,

Steve Alexander will be serving as our local point of contact and working with staff to collect any responsive records that we may have at the TNFO relative to the FOIA request.

Best,
Dan

*Daniel Elbert, Field Supervisor
Tennessee Ecological Services Field Office
South Atlantic-Gulf Interior Region, USFWS
571-461-8964*

From: Kelso, LeeAnn <leeann_kelso@fws.gov>
Sent: Wednesday, February 9, 2022 2:07 PM
To: Elbert, Daniel C <daniel_elbert@fws.gov>; Sikula, Nicole R <nicole_sikula@fws.gov>
Cc: Tirpak, John <John_Tirpak@fws.gov>
Subject: Re: FOIA Request Added for 22-001757

And here is the attachment....

From: Kelso, LeeAnn <leeann_kelso@fws.gov>
Sent: Wednesday, February 9, 2022 2:40 PM
To: Elbert, Daniel C <daniel_elbert@fws.gov>; Sikula, Nicole R <nicole_sikula@fws.gov>
Cc: Tirpak, John <John_Tirpak@fws.gov>
Subject: Fw: FOIA Request Added for 22-001757

Hi Dan and Nicole,
Attached is a FOIA request for records relating to Cumberland Project pipeline. **Does your office have responsive records to this request and if yes, who will be the person responsible for collecting those records (this will be the Subject Matter Expert [SME])?**

I will take care of enter the SME info in the links below. The SME should start collecting those documents and a FOIA Intake and Review Coordinator will be reaching out to them shortly. Please let me know if you have questions on any of this.

Thank you,
LeeAnn

From: FOIA, FWHQ <FWHQ_FOIA@fws.gov>
Sent: Wednesday, February 9, 2022 2:36 PM
To: Kelso, LeeAnn <leeann_kelso@fws.gov>
Cc: Willis, Cathy M <cathy_willis@fws.gov>; Sutta, Lee <Lee_Sutta@fws.gov>; FOIA, FWHQ <FWHQ_FOIA@fws.gov>
Subject: FOIA Request Added for 22-001757

Hello Kelso, LeeAnn,

The FWS FOIA Office utilizes an Intake and Review process to respond to FOIA requests. Under this process, the Intake is responsible for perfecting the request and gathering all responsive records. Once the records are received the request will be assigned to a Review Coordinator within the FOIA Office who will work with the assigned subject matter expert (SME) on the release of the records.

You are receiving this message as you have been identified as the **FOIA Point of Contact (POC)** for your program. As a POC, it is your responsibility to assign the FOIA request to the office that will most likely have responsive records and/or serve as the lead office gathering records responsive to the FOIA request. To assign a request to a responsible office, the POC will need to identify a SME for that office. The SME will work with Intake and the Review Coordinator gathering and reviewing responsive records.

If your program does NOT have responsive records, please let us know by sending an email to fwhq_foia@fws.gov by the POC task due date below.

If your program DOES have has responsive records, please use the instructions and link below to identify the SME(s).

Click on the link below>locate Region/Program SME(s) field>enter the name of the SME in this field(Note: their email address should populate)>then locate and enter the SME response due date (Note: this date should be no more than 3-4 days).

You may assign more than one SME, if necessary, by entering multiple names in the Region/Program SME(s) field.

https://doimsp.sharepoint.com/sites/FWSFOIA Coordinators/_layouts/15/listform.aspx?PageType=4&ListId=ef303803%2D434c%2D4024%2D88eb%2Dc42d35907175&ID=20&ContentTypeID=0x01002E93C8F1D6212A418DA2A9CA2BB77A5C00D10A4491B6EE104B92677575050E8CC8

Please complete this task by 2022-02-16.

Please click the OneDrive link below to view the request.

https://doimsp.sharepoint.com/:f:/s/fws-FF10T02000-foia-intake/EunnrHUmdWVAI08PPBaZ7ekB_z5iXNuxTQhEI4de0wG56g?e=QLbNOz

Any questions or concerns please notify us at fwhq_foia@fws.gov.



Tennessee Gas Pipeline
Company, L.L.C.
a Kinder Morgan company

June 7, 2021

David Pelren, Fish and Wildlife Biologist
United States Fish and Wildlife Service
Tennessee Ecological Services Office
446 Neal Street
Cookeville, TN 38501-4027
931-525-4974 / David_Pelren@fws.gov

RE: Tennessee Gas Pipeline Company, L.L.C., Cumberland Project
Dickson, Houston and Stewart Counties, Tennessee.

Dear Mr. Pelren,

Tennessee Gas Pipeline Company, L.L.C., ("TGP") is submitting this letter as a request for comments from the United States Fish and Wildlife Service ("USFWS") for the proposed Cumberland Project ("Project"). TGP is evaluating the potential for a new approximately 32-mile interstate natural gas pipeline. The proposed pipeline would provide natural gas as one of several options being evaluated by the Tennessee Valley Authority ("TVA") as they consider retirement of the existing coal-fired units at the Cumberland Fossil Plant and the construction and operation of facilities to replace part of the retired generation. Please find enclosed an overview figure showing the location of the Project. TGP will be seeking authorization from the Federal Energy Regulatory Commission ("FERC") for a Certificate of Public Convenience and Necessity under Section 7(c) of the Natural Gas Act.

TGP has retained Cardno, Inc. ("Cardno") to conduct protected species surveys for this Project, as well as to assist TGP in coordination with the USFWS. The protected species surveys are anticipated to commence as early as June 2021. Pedestrian surveys will be conducted along the proposed Project route for the presence of protected species and their habitats. Additionally, a summer mist-net survey for protected bat species will be conducted in areas of suitable habitat along the route. Please find enclosed a list of species for which Cardno proposes to conduct protected species surveys and a proposed protected bat species summer mist-net survey plan for the Project. The species list was created using information available from the USFWS Information for Planning and Consultation ("IPaC") system and the Tennessee Department of Environment and Conservation ("TDEC") Division of Natural Areas ("DNA") Natural Heritage Portal. The protected bat species summer mist-net survey plan follows methods outlined in the

USFWS *Range-wide Indiana Bat Survey Guidelines, March 2020*. A copy of the USFWS IPaC Official Species List is also enclosed. We would appreciate your comments or input on the species list and the protected bat species summer mist-net survey plan; if possible before the field surveys begin if you feel the methods need to be adjusted.

TGP is respectfully inviting assistance of the USFWS in identifying any concerns regarding the possible impacts to protected species. It is our hope that, by requesting your participation in the process, we can be more effective in protecting sensitive species.

We appreciate your assistance with this Project. If you have any questions or require additional information, please contact me at 832-799-4759 or via email at michael_letson@kindermorgan.com.

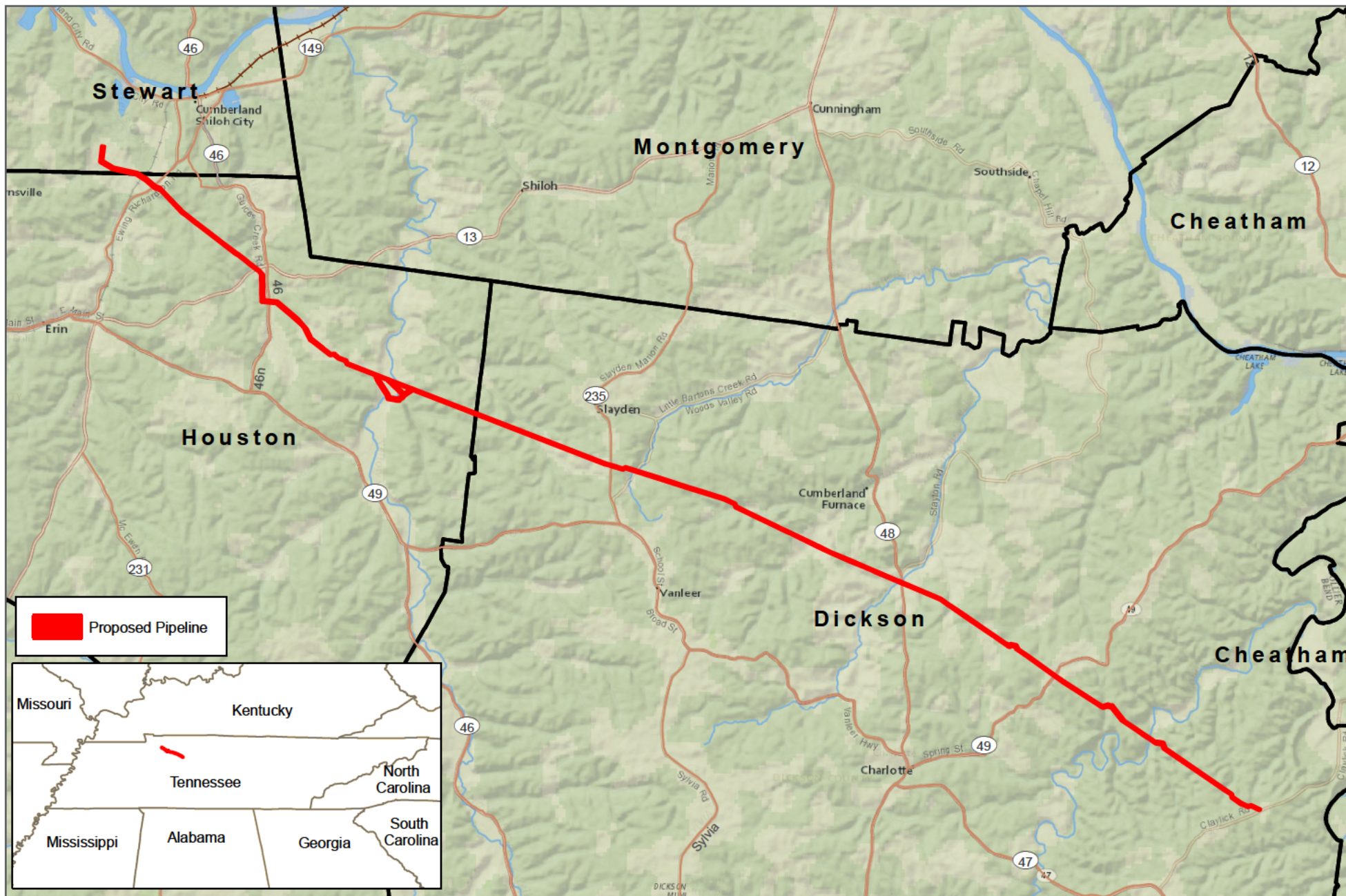
Respectfully submitted,



Mike Letson
Specialist – Permitting Compliance Lead

Enclosures: Project Overview Figure
 Protected Species List
 Protected Bat Species Summer Mist-Net Survey Plan
 USFWS IPaC Official Species List

Cc: Rachel Bell, Cardno



This map and all data contained within are supplied as is with no warranty. Candro, Inc. expressly disclaims responsibility for damages or liability from any claims that may arise out of the use or misuse of this map. It is the sole responsibility of the user to determine if the data on this map meets the user's needs. This map was not created as survey data, nor should it be used as such. It is the user's responsibility to obtain proper survey data, prepared by a licensed surveyor, where required by law.

Project Location

Cumberland Project Dickson, Houston & Stewart Counties, Tennessee



Tennessee Gas Pipeline Company, L.L.C.
a Kinder Morgan company

Federal and State Protected Species Potential in the Cumberland Pipeline Project Study Area

Common Name	Scientific Name	Federal Status	State Status	Habitat
Birds				
Golden eagle	<i>Aquila chrysaetos</i>	BGEPA	D	Open country, open wooded country, and barren areas, especially in hilly or mountainous regions.
Bald eagle	<i>Haliaeetus leucocephalus</i>	BGEPA	D	Breeds in forested areas near large bodies of water. Bald Eagles winter on reservoirs and large rivers in Tennessee.
Mammals				
Gray myotis	<i>Myotis grisescens</i>	E	E	Cave obligate year-round; frequents forested areas; migratory.
Indiana bat	<i>Myotis sodalis</i>	E	E	Hibernates in caves; spring/summer maternity roosts are normally under the bark of standing trees.
Northern long-eared bat	<i>Myotis septentrionalis</i>	T	E	Hibernates in caves; spring/summer maternity roosts are normally under the bark of standing trees
Mollusks				
Rabbitsfoot	<i>Quadrula cylindrica</i>	T	--	Small to medium sized rivers of moderate current with clear, relatively shallow water and a mixture of sand and gravel substrates.
Tan riffleshell	<i>Epioblasma florentina walkeri</i> (=E. walkeri)	E	--	Sedentary within the substrate (relatively silt-free substrates of sand, gravel, and cobble in good flows of smaller streams) of river systems
Plants				
Ridge-stem false-foxglove	<i>Agalinis oligophylla</i>	--	E	Moist to dry longleaf pine savannahs, edges of pine plantations, dry roadsides, chalky outcrops, and seepage slopes of clay roadsides
Price's potato-bean	<i>Apios priceana</i>	T	E	Lightly disturbed areas such as forest openings, wood edges and where bluffs descend to streams. It also grows along highway rights-of-way and power line corridors
Sweet-scented Indian-plantain	<i>Hasteola suaveolens</i>	--	S(S2)	Alluvial woods, moist slopes
Butternut	<i>Juglans cinerea</i>	--	T	Rich woods and hollows
American ginseng	<i>Panax quinquefolius</i>	--	S(S3S4)	Rich woods
Duck river bladderpod	<i>Paysonia densipila</i>	--	S(S3)	Cultivated fields
Short's bladderpod	<i>Physaria globosa</i>	E	E	Limestone talus slopes and cliffs
Grassleaf arrowhead	<i>Sagittaria graminea</i>	--	T	Ponds and stream margins
Sand grape	<i>Vitis rupestris</i>	--	E	Sandy, rocky riverbanks

Federal and State Protected Species Potential in the Cumberland Pipeline Project Study Area

Common Name	Scientific Name	Federal Status	State Status	Habitat
Reptiles				
Northern pinesnake	<i>Pituophis melanoleucus</i>	--	T	Well-drained sandy soils in pine/pine-oak woods; dry mountain ridges
<p>Source:</p> <p>USFWS. 2021. Information for Planning and Consultation, Official Species List. Available at: https://ecos.fws.gov/ipac/. Site accessed March 18, 2021</p> <p>TDEC. 2021. Natural Heritage Program, Rare Species Data Viewer. Available at: https://www.tn.gov/environment/program-areas/na-natural-areas/na-natural-heritage-inventory-program.html. Site accessed March 18, 2021.</p> <p>Federal and State Status Codes:</p> <p>D: Deemed in Need of Management</p> <p>S1: Extremely rare and critically imperilled in the state with five or fewer occurrences, or very few remaining individuals, or because of some special condition where the species is particularly vulnerable to extinction</p> <p>S2: Very rare and imperilled within the state, six to twenty occurrences, or few remaining individuals, or because of some factor(s) making it vulnerable to extinction</p> <p>S3: Rare and uncommon in the state, from 21-100 occurrences</p> <p>S4: Widespread, abundant, and apparently secure within the state, but with cause for long-term concern</p> <p>T: Threatened</p> <p>E: Endangered</p>				



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Tennessee Ecological Services Field Office
446 Neal Street
Cookeville, TN 38501-4027
Phone: (931) 528-6481 Fax: (931) 528-7075



In Reply Refer To:
Consultation Code: 04ET1000-2021-SLI-0814
Event Code: 04ET1000-2021-E-01804
Project Name: TVA Cumberland Project

May 25, 2021

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2))

(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*), and projects affecting these species may require development of an eagle conservation plan (http://www.fws.gov/windenergy/eagle_guidance.html). Additionally, wind energy projects should follow the wind energy guidelines (<http://www.fws.gov/windenergy/>) for minimizing impacts to migratory birds and bats.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at:

<http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm>;

<http://www.towerkill.com>; and

www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html.

[http://](http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html)

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List
 - USFWS National Wildlife Refuges and Fish Hatcheries
 - Migratory Birds
 - Wetlands
-

Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Tennessee Ecological Services Field Office

446 Neal Street

Cookeville, TN 38501-4027

(931) 528-6481

Project Summary

Consultation Code: 04ET1000-2021-SLI-0814

Event Code: 04ET1000-2021-E-01804

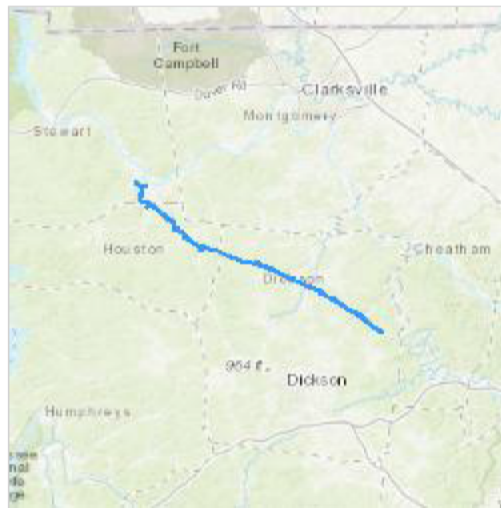
Project Name: TVA Cumberland Project

Project Type: ** OTHER **

Project Description: TVA Cumberland Project

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@36.28210545,-87.48915517443957,14z>



Counties: Dickson, Houston, and Stewart counties, Tennessee

Endangered Species Act Species

There is a total of 7 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

Mammals

NAME	STATUS
Gray Bat <i>Myotis grisescens</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/6329	Endangered
Indiana Bat <i>Myotis sodalis</i> There is final critical habitat for this species. The location of the critical habitat is not available. Species profile: https://ecos.fws.gov/ecp/species/5949	Endangered
Northern Long-eared Bat <i>Myotis septentrionalis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9045	Threatened

Clams

NAME	STATUS
Rabbitsfoot <i>Quadrula cylindrica cylindrica</i> There is final critical habitat for this species. The location of the critical habitat is not available. Species profile: https://ecos.fws.gov/ecp/species/5165	Threatened
Tan Riffleshell <i>Epioblasma florentina walkeri</i> (= <i>E. walkeri</i>) No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/1247	Endangered

Flowering Plants

NAME	STATUS
Prices Potato-bean <i>Apios priceana</i> Population: No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/7422	Threatened
Short's Bladderpod <i>Physaria globosa</i> There is final critical habitat for this species. The location of the critical habitat is not available. Species profile: https://ecos.fws.gov/ecp/species/7206	Endangered

Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

USFWS National Wildlife Refuge Lands And Fish Hatcheries

Any activity proposed on lands managed by the [National Wildlife Refuge](#) system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS OR FISH HATCHERIES WITHIN YOUR PROJECT AREA.

Migratory Birds

Certain birds are protected under the Migratory Bird Treaty Act¹ and the Bald and Golden Eagle Protection Act².

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats should follow appropriate regulations and consider implementing appropriate conservation measures, as described [below](#).

-
1. The [Migratory Birds Treaty Act](#) of 1918.
 2. The [Bald and Golden Eagle Protection Act](#) of 1940.
 3. 50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)

The birds listed below are birds of particular concern either because they occur on the [USFWS Birds of Conservation Concern](#) (BCC) list or warrant special attention in your project location. To learn more about the levels of concern for birds on your list and how this list is generated, see the FAQ [below](#). This is not a list of every bird you may find in this location, nor a guarantee that every bird on this list will be found in your project area. To see exact locations of where birders and the general public have sighted birds in and around your project area, visit the [E-bird data mapping tool](#) (Tip: enter your location, desired date range and a species on your list). For projects that occur off the Atlantic Coast, additional maps and models detailing the relative occurrence and abundance of bird species on your list are available. Links to additional information about Atlantic Coast birds, and other important information about your migratory bird list, including how to properly interpret and use your migratory bird report, can be found [below](#).

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, click on the PROBABILITY OF PRESENCE SUMMARY at the top of your list to see when these birds are most likely to be present and breeding in your project area.

NAME	BREEDING SEASON
Bald Eagle <i>Haliaeetus leucocephalus</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/1626	Breeds Sep 1 to Jul 31
Blue-winged Warbler <i>Vermivora pinus</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA	Breeds May 1 to Jun 30

NAME	BREEDING SEASON
Kentucky Warbler <i>Oporornis formosus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds Apr 20 to Aug 20
Prairie Warbler <i>Dendroica discolor</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 1 to Jul 31
Red-headed Woodpecker <i>Melanerpes erythrocephalus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 10 to Sep 10
Wood Thrush <i>Hylocichla mustelina</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 10 to Aug 31

Probability Of Presence Summary

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read and understand the FAQ "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

Probability of Presence (■)

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

How is the probability of presence score calculated? The calculation is done in three steps:

1. The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.
2. To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is $0.25/0.25 = 1$; at week 20 it is $0.05/0.25 = 0.2$.

3. The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

Breeding Season (■)

Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

Survey Effort (I)

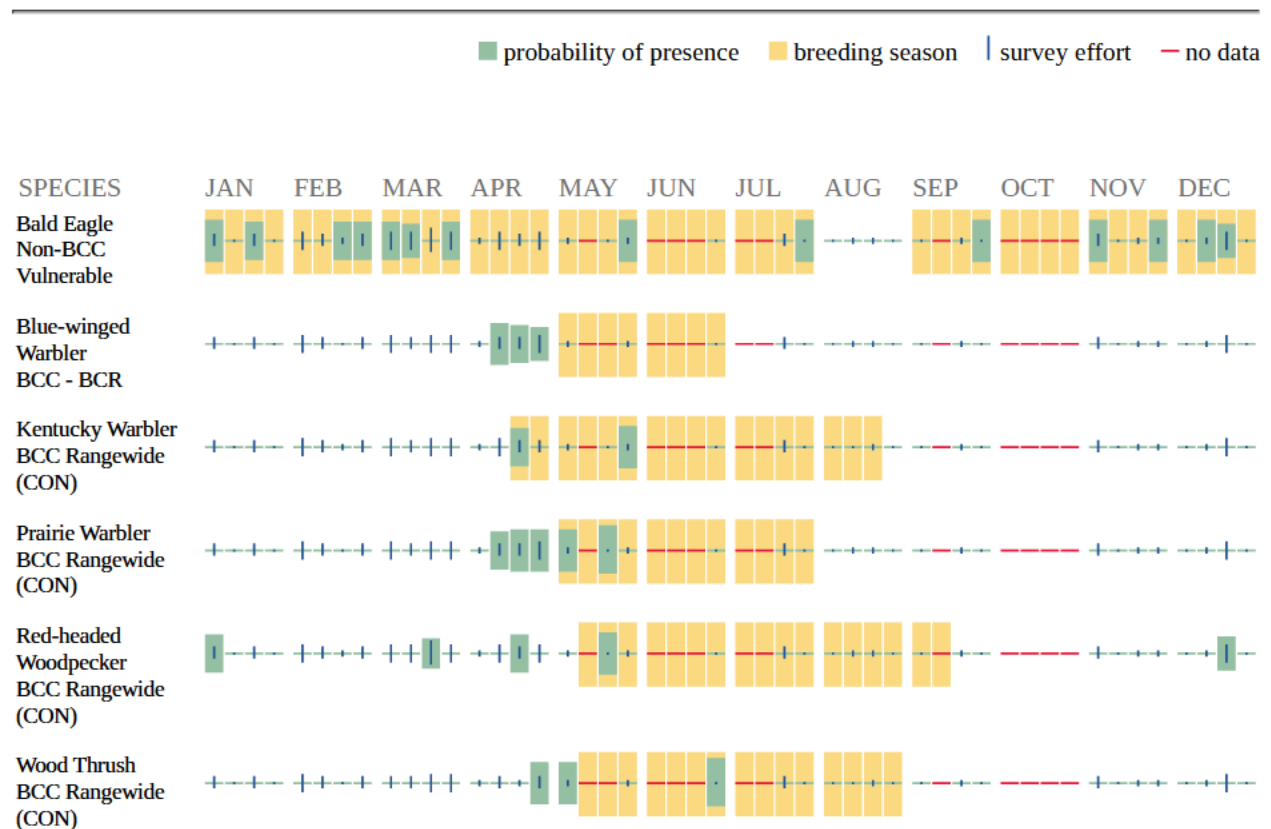
Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

No Data (—)

A week is marked as having no data if there were no survey events for that week.

Survey Timeframe

Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.



Additional information can be found using the following links:

- Birds of Conservation Concern <http://www.fws.gov/birds/management/managed-species/birds-of-conservation-concern.php>
- Measures for avoiding and minimizing impacts to birds <http://www.fws.gov/birds/management/project-assessment-tools-and-guidance/conservation-measures.php>
- Nationwide conservation measures for birds <http://www.fws.gov/migratorybirds/pdf/management/nationwidestandardconservationmeasures.pdf>

Migratory Birds FAQ

Tell me more about conservation measures I can implement to avoid or minimize impacts to migratory birds.

[Nationwide Conservation Measures](#) describes measures that can help avoid and minimize impacts to all birds at any location year round. Implementation of these measures is particularly important when birds are most likely to occur in the project area. When birds may be breeding in the area, identifying the locations of any active nests and avoiding their destruction is a very helpful impact minimization measure. To see when birds are most likely to occur and be breeding in your project area, view the Probability of Presence Summary. [Additional measures](#) or [permits](#) may be advisable depending on the type of activity you are conducting and the type of infrastructure or bird species present on your project site.

What does IPaC use to generate the migratory birds potentially occurring in my specified location?

The Migratory Bird Resource List is comprised of USFWS [Birds of Conservation Concern \(BCC\)](#) and other species that may warrant special attention in your project location.

The migratory bird list generated for your project is derived from data provided by the [Avian Knowledge Network \(AKN\)](#). The AKN data is based on a growing collection of [survey, banding, and citizen science datasets](#) and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle ([Eagle Act](#) requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the [AKN Phenology Tool](#).

What does IPaC use to generate the probability of presence graphs for the migratory birds potentially occurring in my specified location?

The probability of presence graphs associated with your migratory bird list are based on data provided by the [Avian Knowledge Network \(AKN\)](#). This data is derived from a growing collection of [survey, banding, and citizen science datasets](#).

Probability of presence data is continuously being updated as new and better information becomes available. To learn more about how the probability of presence graphs are produced and how to interpret them, go to the Probability of Presence Summary and then click on the "Tell me about these graphs" link.

How do I know if a bird is breeding, wintering, migrating or present year-round in my project area?

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating or year-round), you may refer to the following resources: [The Cornell Lab of Ornithology All About Birds Bird Guide](#), or (if you are unsuccessful in locating the bird of interest there), the [Cornell Lab of Ornithology Neotropical Birds guide](#). If a bird on your migratory bird species list has a breeding season associated with it, if that bird does occur in your project area, there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

What are the levels of concern for migratory birds?

Migratory birds delivered through IPaC fall into the following distinct categories of concern:

1. "BCC Rangewide" birds are [Birds of Conservation Concern](#) (BCC) that are of concern throughout their range anywhere within the USA (including Hawaii, the Pacific Islands, Puerto Rico, and the Virgin Islands);
2. "BCC - BCR" birds are BCCs that are of concern only in particular Bird Conservation Regions (BCRs) in the continental USA; and
3. "Non-BCC - Vulnerable" birds are not BCC species in your project area, but appear on your list either because of the [Eagle Act](#) requirements (for eagles) or (for non-eagles) potential susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or longline fishing).

Although it is important to try to avoid and minimize impacts to all birds, efforts should be made, in particular, to avoid and minimize impacts to the birds on this list, especially eagles and BCC species of rangewide concern. For more information on conservation measures you can implement to help avoid and minimize migratory bird impacts and requirements for eagles, please see the FAQs for these topics.

Details about birds that are potentially affected by offshore projects

For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the [Northeast Ocean Data Portal](#). The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the [NOAA NCCOS Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf](#) project webpage.

Bird tracking data can also provide additional details about occurrence and habitat use throughout the year, including migration. Models relying on survey data may not include this information. For additional information on marine bird tracking data, see the [Diving Bird Study](#) and the [nanotag studies](#) or contact [Caleb Spiegel](#) or [Pam Loring](#).

What if I have eagles on my list?

If your project has the potential to disturb or kill eagles, you may need to [obtain a permit](#) to avoid violating the Eagle Act should such impacts occur.

Proper Interpretation and Use of Your Migratory Bird Report

The migratory bird list generated is not a list of all birds in your project area, only a subset of birds of priority concern. To learn more about how your list is generated, and see options for identifying what other birds may be in your project area, please see the FAQ "What does IPaC use to generate the migratory birds potentially occurring in my specified location". Please be aware this report provides the "probability of presence" of birds within the 10 km grid cell(s) that overlap your project; not your exact project footprint. On the graphs provided, please also look carefully at the survey effort (indicated by the black vertical bar) and for the existence of the "no data" indicator (a red horizontal bar). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort bar or no data bar means a lack of data and, therefore, a lack of certainty about presence of the species. This list is not perfect; it is simply a starting point for identifying what birds of concern have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list helps you know what to look for to confirm presence, and helps guide you in knowing when to implement conservation measures to avoid or minimize potential impacts from your project activities, should presence be confirmed. To learn more about conservation measures, visit the FAQ "Tell me about conservation measures I can implement to avoid or minimize impacts to migratory birds" at the bottom of your migratory bird trust resources page.

Wetlands

Impacts to [NWI wetlands](#) and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local [U.S. Army Corps of Engineers District](#).

Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.

WETLAND INFORMATION WAS NOT AVAILABLE WHEN THIS SPECIES LIST WAS GENERATED.
PLEASE VISIT [HTTPS://WWW.FWS.GOV/WETLANDS/DATA/MAPPER.HTML](https://www.fws.gov/wetlands/data/mapper.html) OR CONTACT THE FIELD OFFICE FOR FURTHER INFORMATION.

David Pelren
Fish and Wildlife Biologist
U.S. Fish & Wildlife Service
Tennessee Ecological Services Office
446 Neal Street
Cookeville, TN 38506

06/03/2021

Subject: Cumberland Project
Dickson, Houston, and Stewart Counties, Tennessee

Dear Mr. Pelren:

Tennessee Gas Pipeline Company, L.L.C., ("TGP") is evaluating the potential for a new approximately 32-mile interstate natural gas pipeline. The proposed pipeline would provide natural gas as one of several options being evaluated by the Tennessee Valley Authority ("TVA") as they consider retirement of the existing coal-fired units at the Cumberland Fossil Plant and the construction and operation of facilities to replace part of the retired generation. Jackson Group is requesting concurrence relating to a threatened and endangered bat species presence/probable absence survey for the Cumberland Project in Dickson, Houston, and Stewart Counties, Tennessee.

Cardno has contracted Jackson Group to conduct a presence/probable absence survey for the Cumberland Project. The proposed project includes forested habitat that provides potential suitable summer habitat for threatened and endangered bat species (see attached Map).

The following proposed survey methods are based on the technical criteria outlined in USFWS's *2020 Range-Wide Indiana Bat Summer Survey Guidelines*, dated March 2020. Based on forested habitat delineated into 1 km segments, surveys will be conducted at forty-eight sampling sites.

Mist-Net Survey

Jackson Group will survey 48 sites for 2 nights for a total of 96 net nights (48 sites/1 Net/2 Nights = 96 net nights). The locations of the net sites will be determined by selecting the best possible net placement (e.g., streams, trails) that are typically the most effective places to survey. Specific sites for net placement will be determined by permitted bat biologists in the field and will follow USFWS (2020) guidelines for mist net surveys. Netting will begin at sunset and last for a minimum of five hours. If severe weather occurs for more than 30 minutes during the first 5 hours of the survey night that night will not count towards the required 2 nights at the site (see Severe Weather section below). Standard two-ply, 50 or 75 denier, nylon mist-nets with a mesh size of 38 millimeters (1.50 inches) will be used at all mist-net sites. Mist-nets will typically be placed in suitable bat habitat and positioned perpendicularly across flight corridors, filling the corridor from side to side and extending from ground-level up to overhanging canopy. Nets will be checked approximately every 10 minutes. Net set locations at the site will be distributed as evenly as possible throughout suitable habitat. Disturbance in the form of noise, light, and/or movement will be minimized at net locations. Additionally, surveyors will decontaminate and/or dispose of field gear according to the most current USFWS white-nose syndrome decontamination protocol. We will also follow the recent COVID-19 guidelines released in a memo by the USFWS in June 2020 suggesting we follow the guidance (<https://www.cdc.gov/coronavirus/2019-ncov/index.html>) of the Centers for Disease Control (CDC) and be in accordance with state, local, and other Federal requirements when handling wild bats. The mist-net location will

be recorded using a handheld GPS unit in decimal degrees.

Radio Telemetry

Radio transmitters will be affixed to a maximum of two captured bats per site of the following species: Indiana bats (*Myotis sodalis*) and northern long-eared bats (*Myotis septentrionalis*). Preference will be given to reproductive females and juveniles, however, the first individual of the target species captured will be affixed with a radio transmitter (172 MHz range) regardless of sex if it meets the minimum weight requirements. Bats fitted with a transmitter will be tracked to their diurnal roost. No foraging tracking is proposed. Bats will be tracked during the day within a search radius of 2.5 miles from the point of capture to locate roost trees, up to a maximum of seven days. Daily telemetry searches will be conducted until the bat is located, or for a maximum of 8 hours per day. Telemetry crews, using a vehicle equipped with a five-element Yagi antenna (Wildlife Materials, Carbondale, Illinois), will attempt to track bats from parks, roads, and other public lands within this radius; however, crews will not enter any property without the express consent of the landowner. If access to roost trees is not possible (e.g., located on private property), roost locations will be estimated using triangulation. Where landowner permission is granted to access the roost tree, crews will gather the following information regarding roost trees: tree species, tree condition (living or dead), percent exfoliating bark, diameter at breast-height, estimated percent overstory within stand, and estimated percent understory/midstory within stand. If accessible, a photograph will be taken and the tree's location recorded using a handheld GPS.

A minimum of two emergence surveys will be conducted at each accessible roost tree identified during the tracking period to enumerate bats using the roost. Surveys will begin 30 minutes before dusk and continue until at least one hour after sunset or until the roost tree is not visible without additional illumination.

Severe Weather Definitions (related to mist-net surveys)

Severe weather is defined as including: temperatures below 10°C (50°F), precipitation (rain or heavy fog), and sustained winds exceeding 4-mph (9-mph). Light rain not lasting more than 30-minutes is not considered severe weather and surveyors may choose to continue netting during these conditions.

Closing

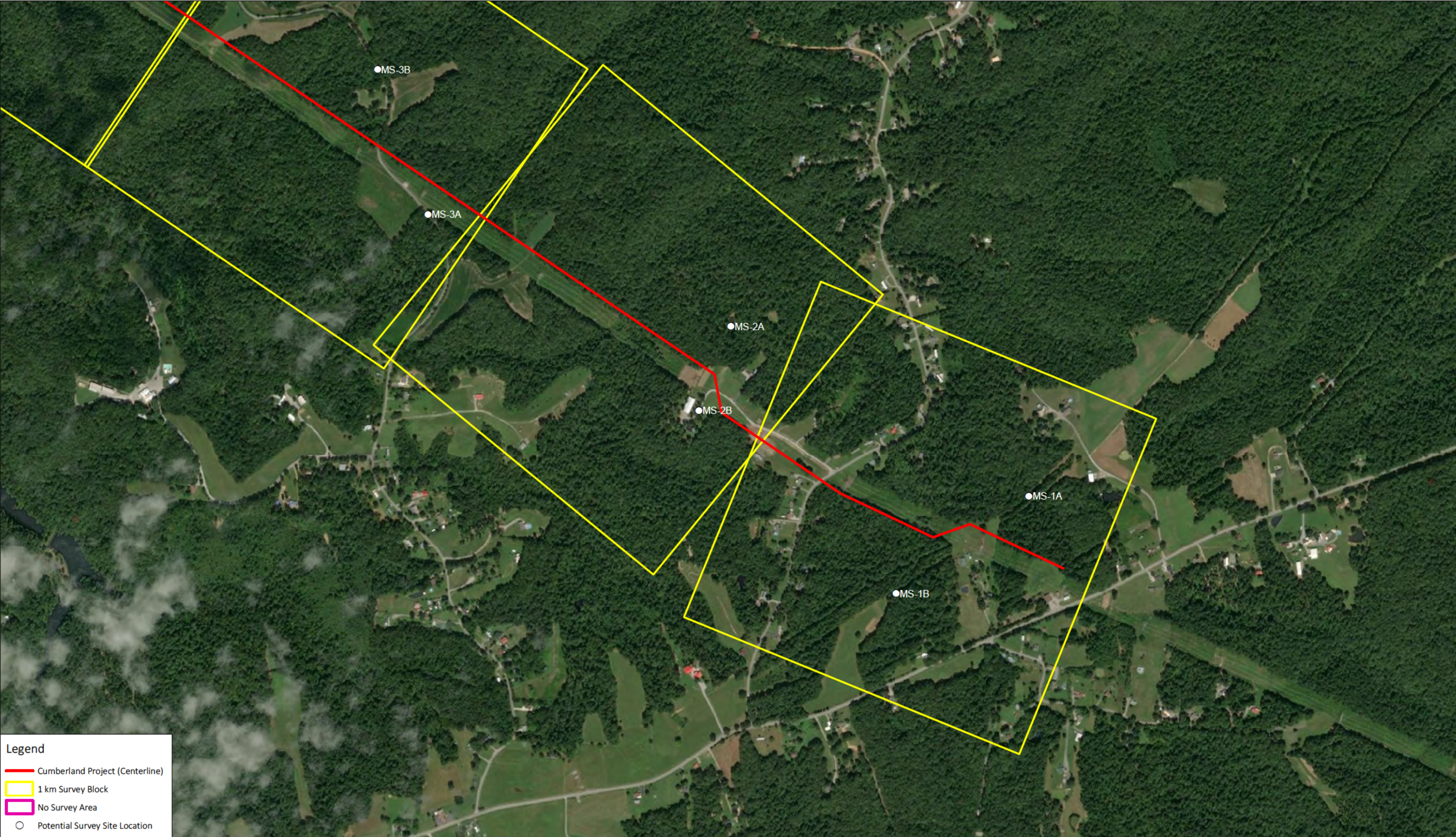
This presence/probable absence survey will strictly follow the technical criteria outlined in the 2020 Range-Wide Indiana Bat Summer Survey Guidelines, as well as any additional recommendations provided by your office. At this time, we respectfully request concurrence with our methodology and level of effort.

Please reply via email to sroberts@jacksongroupco.com with your concurrence, or with any additional requests or guidelines needed for concurrence. If you have any questions or require additional information, please contact me at (859) 200-6242.



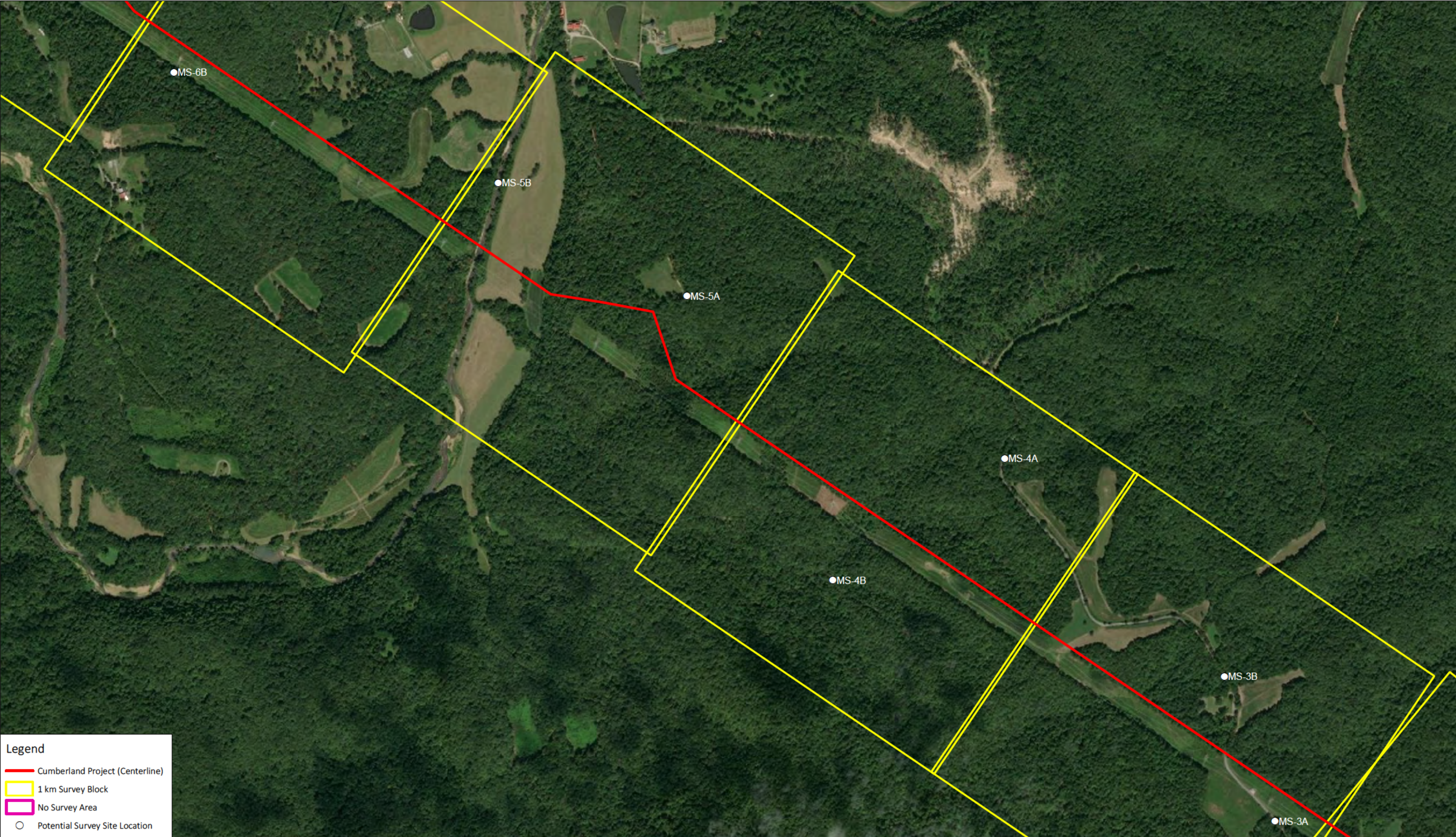
Shane Roberts
Vice President

Enclosures: Survey Overview Map



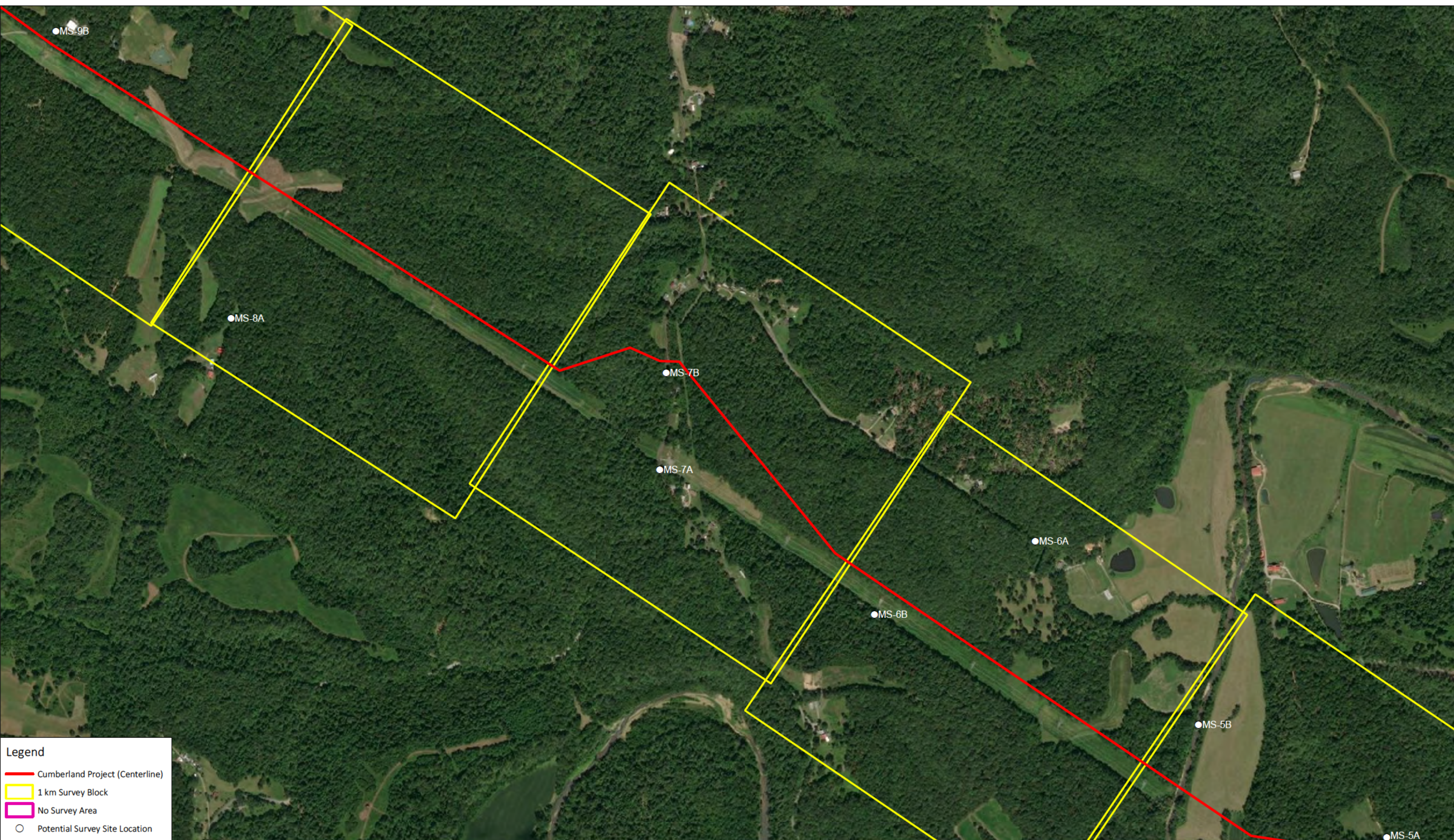
Legend

- Cumberland Project (Centerline)
- 1 km Survey Block
- No Survey Area
- Potential Survey Site Location



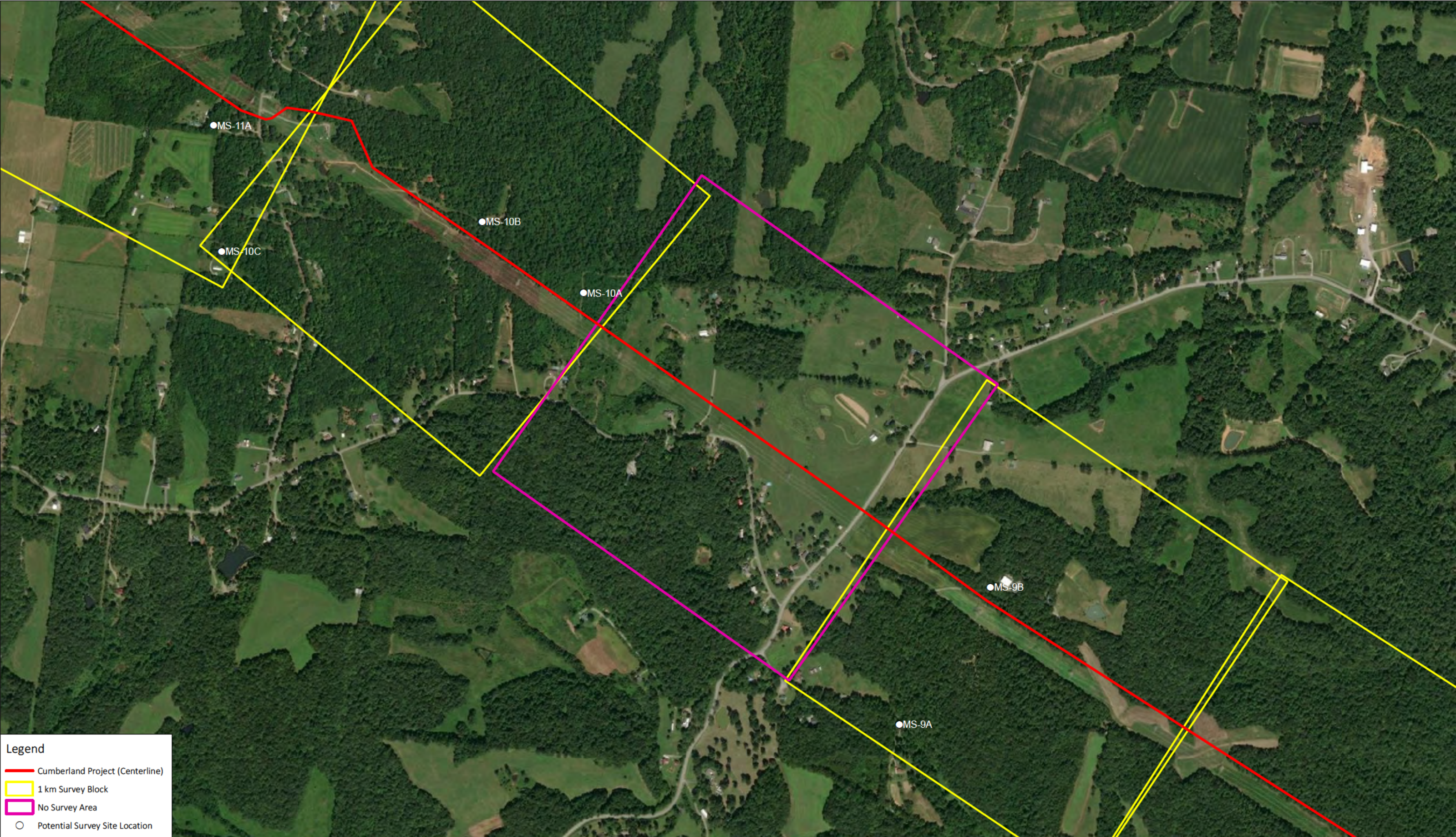
Legend

- Cumberland Project (Centerline)
- 1 km Survey Block
- No Survey Area
- Potential Survey Site Location



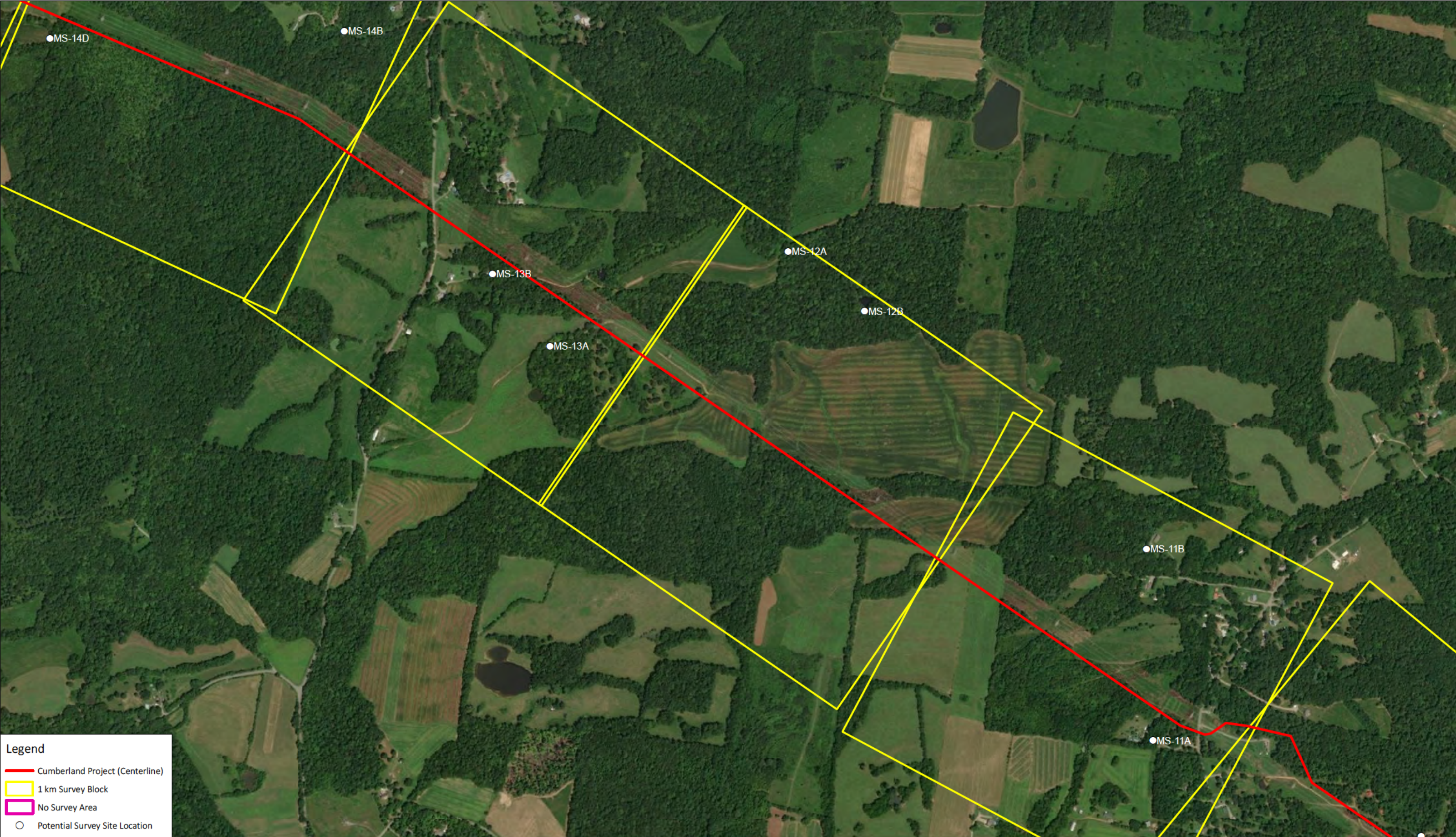
Legend

- Cumberland Project (Centerline)
- 1 km Survey Block
- No Survey Area
- Potential Survey Site Location



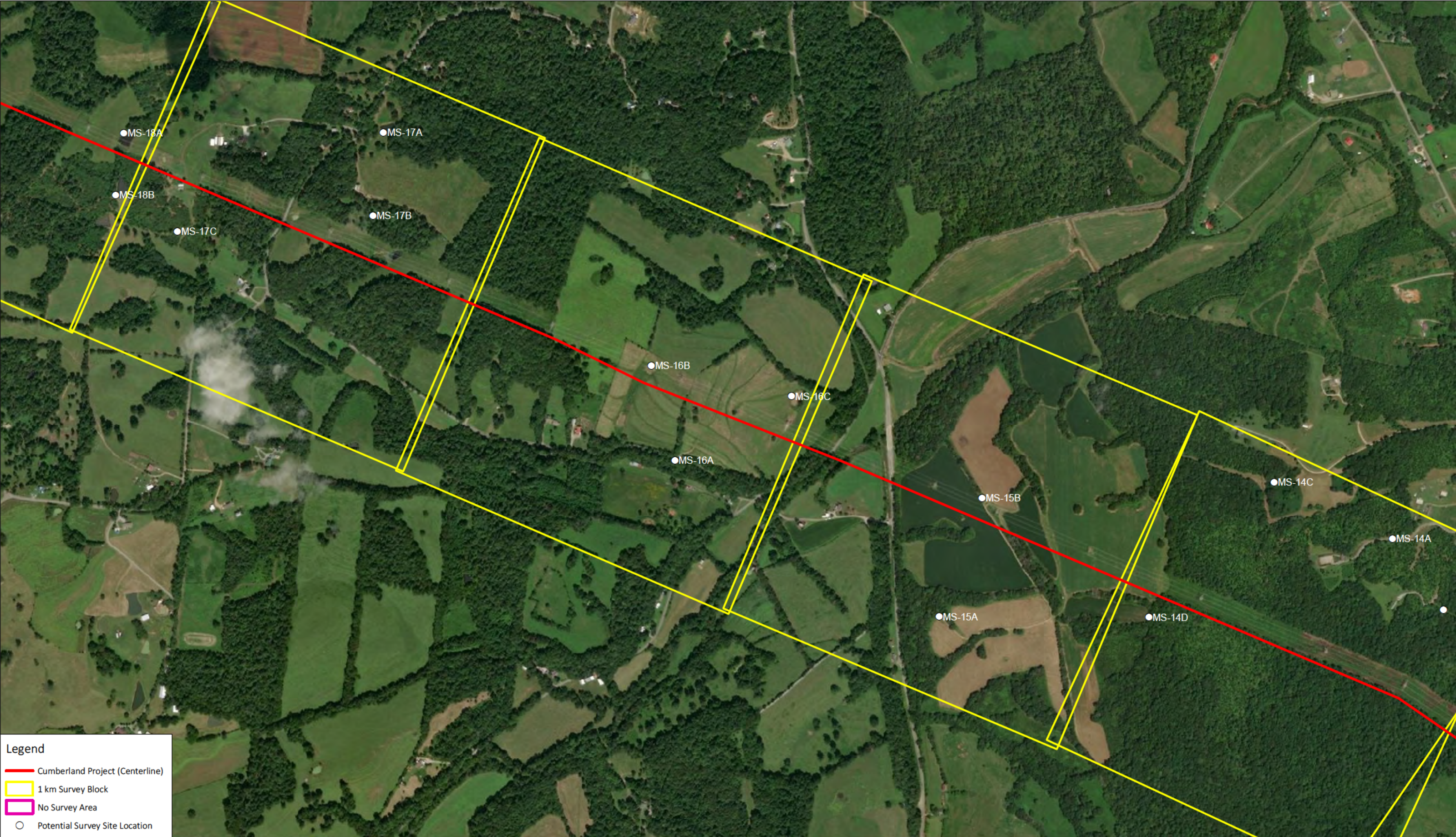
Legend

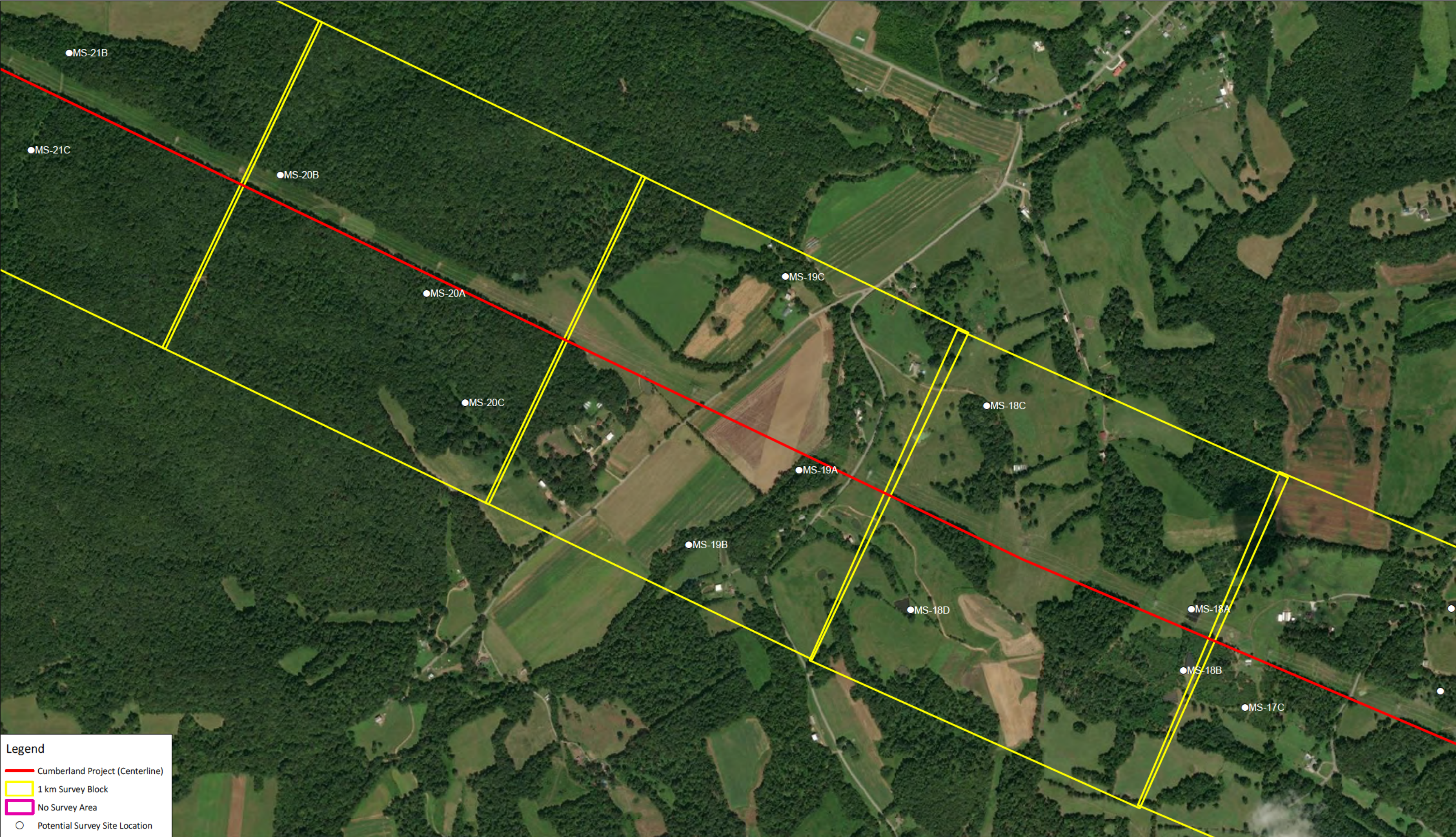
- Cumberland Project (Centerline)
- 1 km Survey Block
- No Survey Area
- Potential Survey Site Location

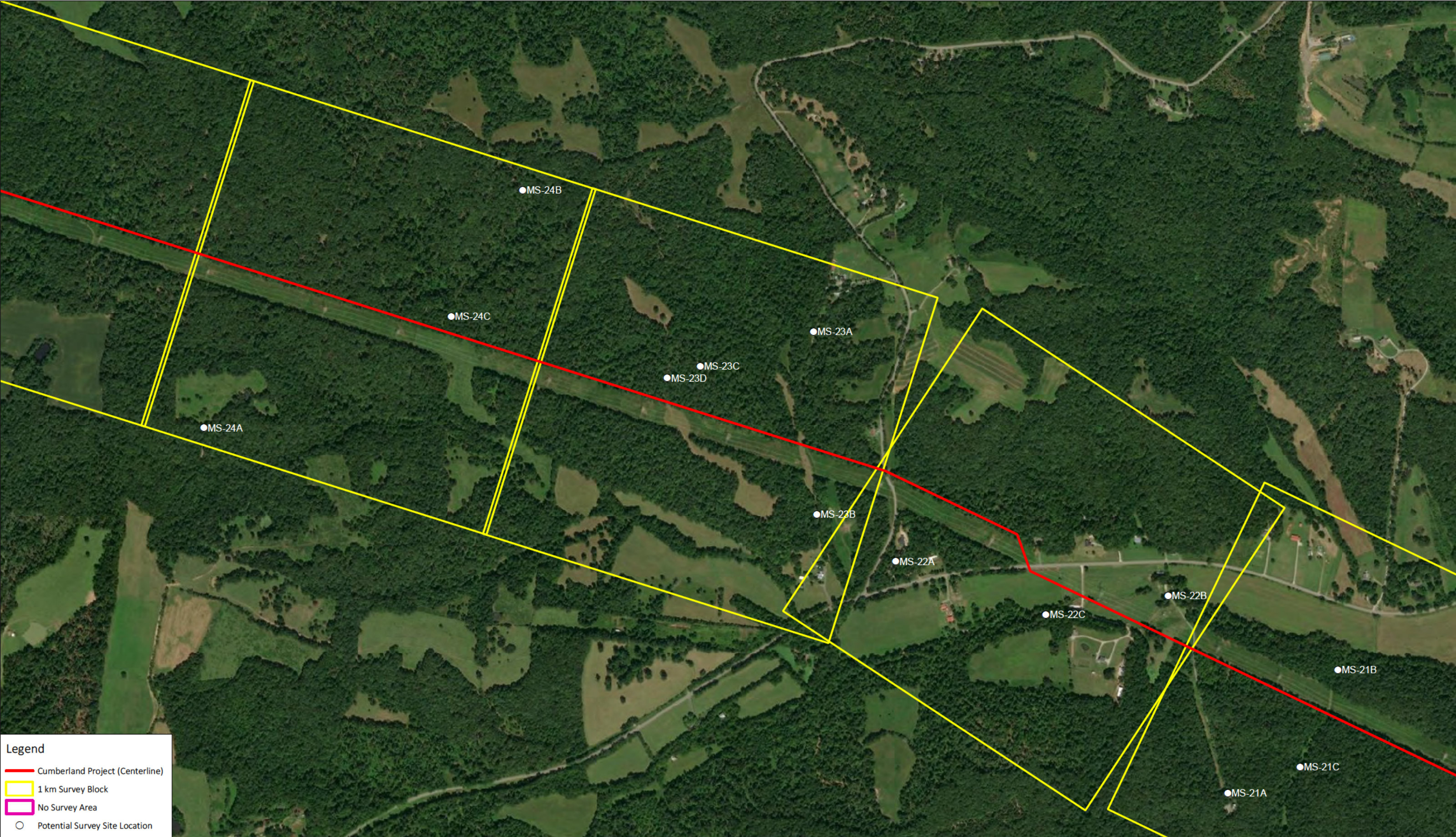


Legend

- Cumberland Project (Centerline)
- 1 km Survey Block
- No Survey Area
- Potential Survey Site Location

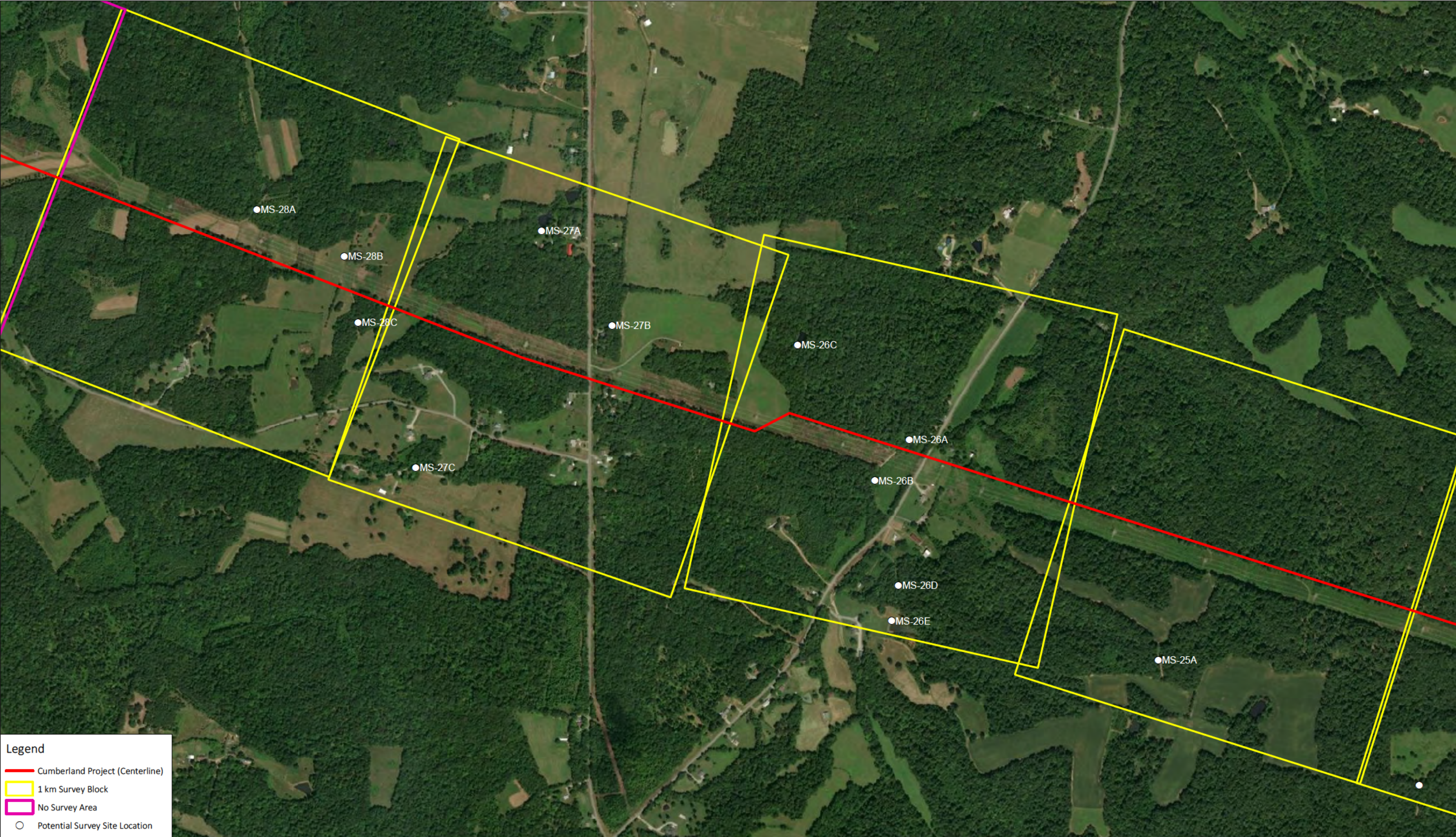






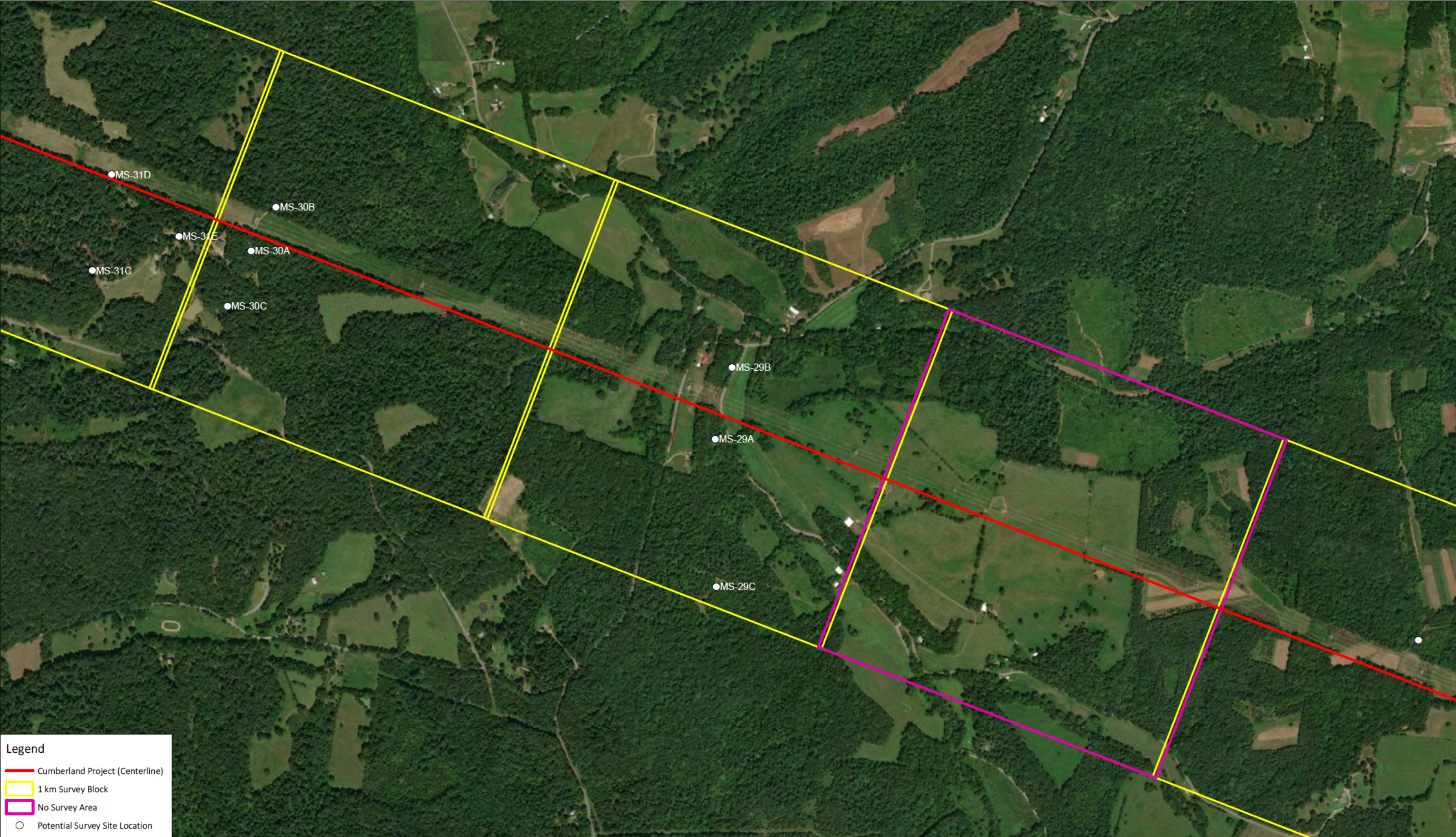
Legend

- Cumberland Project (Centerline)
- 1 km Survey Block
- No Survey Area
- Potential Survey Site Location



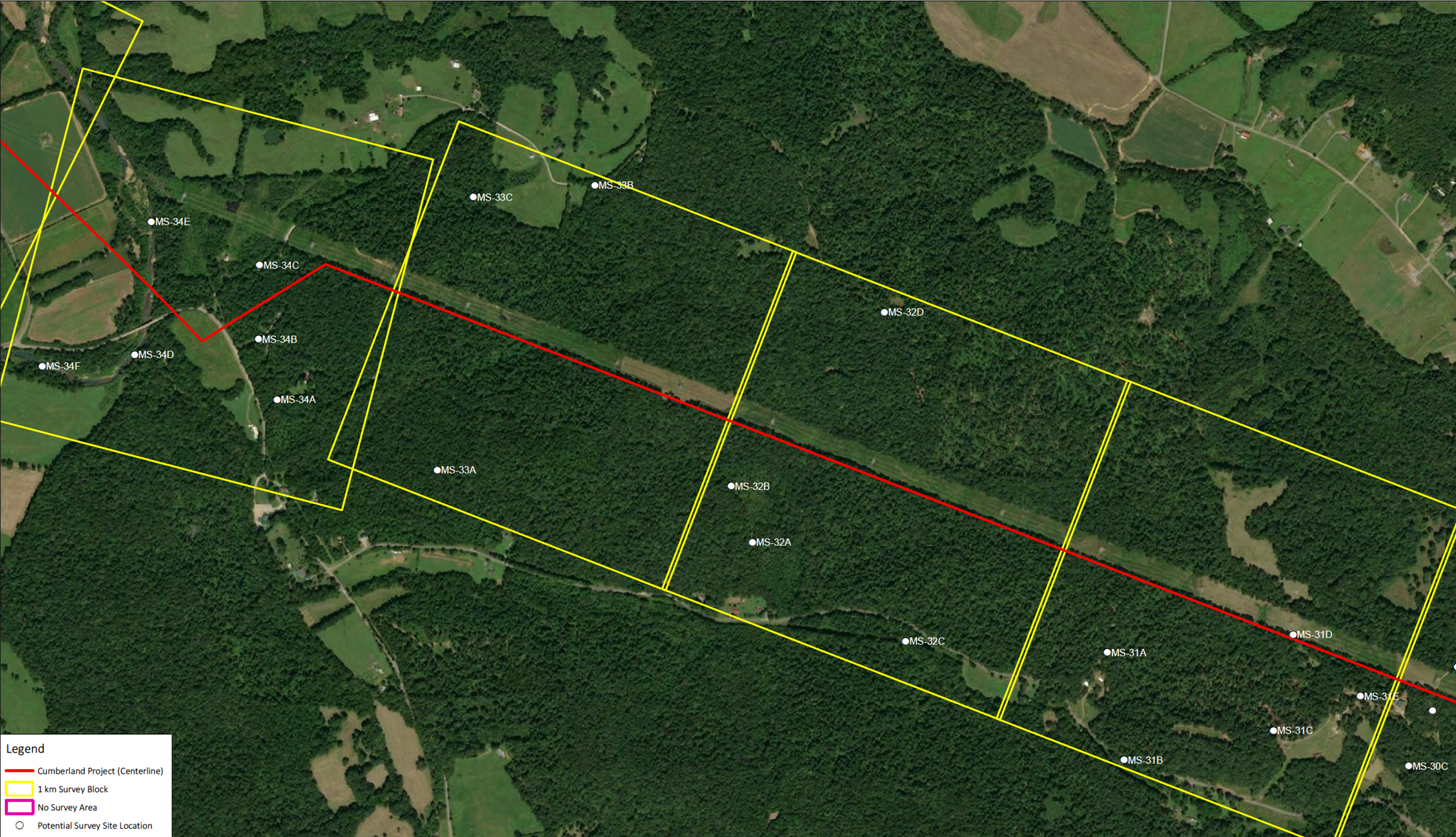
Legend

- Cumberland Project (Centerline)
- 1 km Survey Block
- No Survey Area
- Potential Survey Site Location



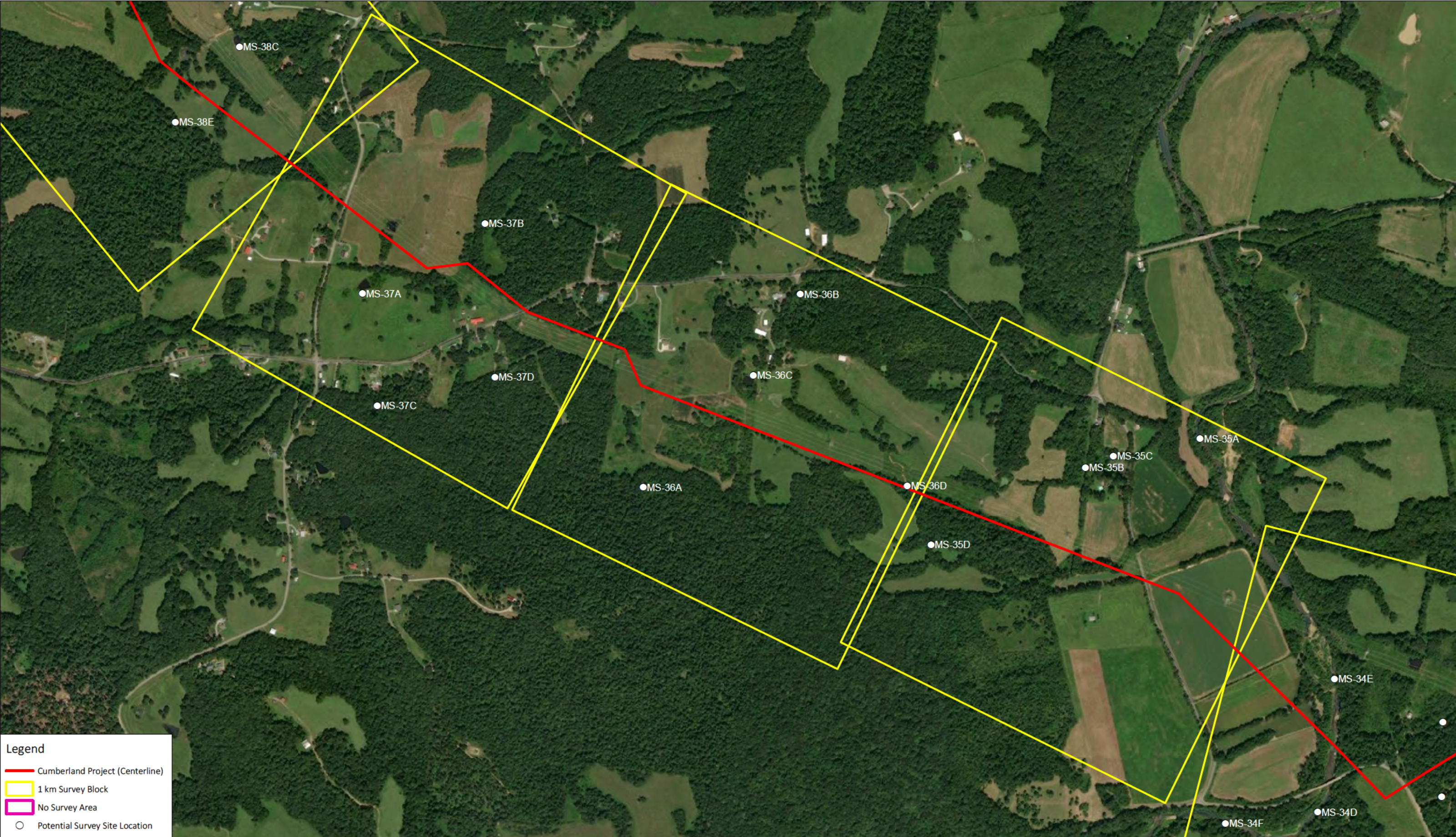
Legend

- Cumberland Project (Centerline)
- 1 km Survey Block
- No Survey Area
- Potential Survey Site Location



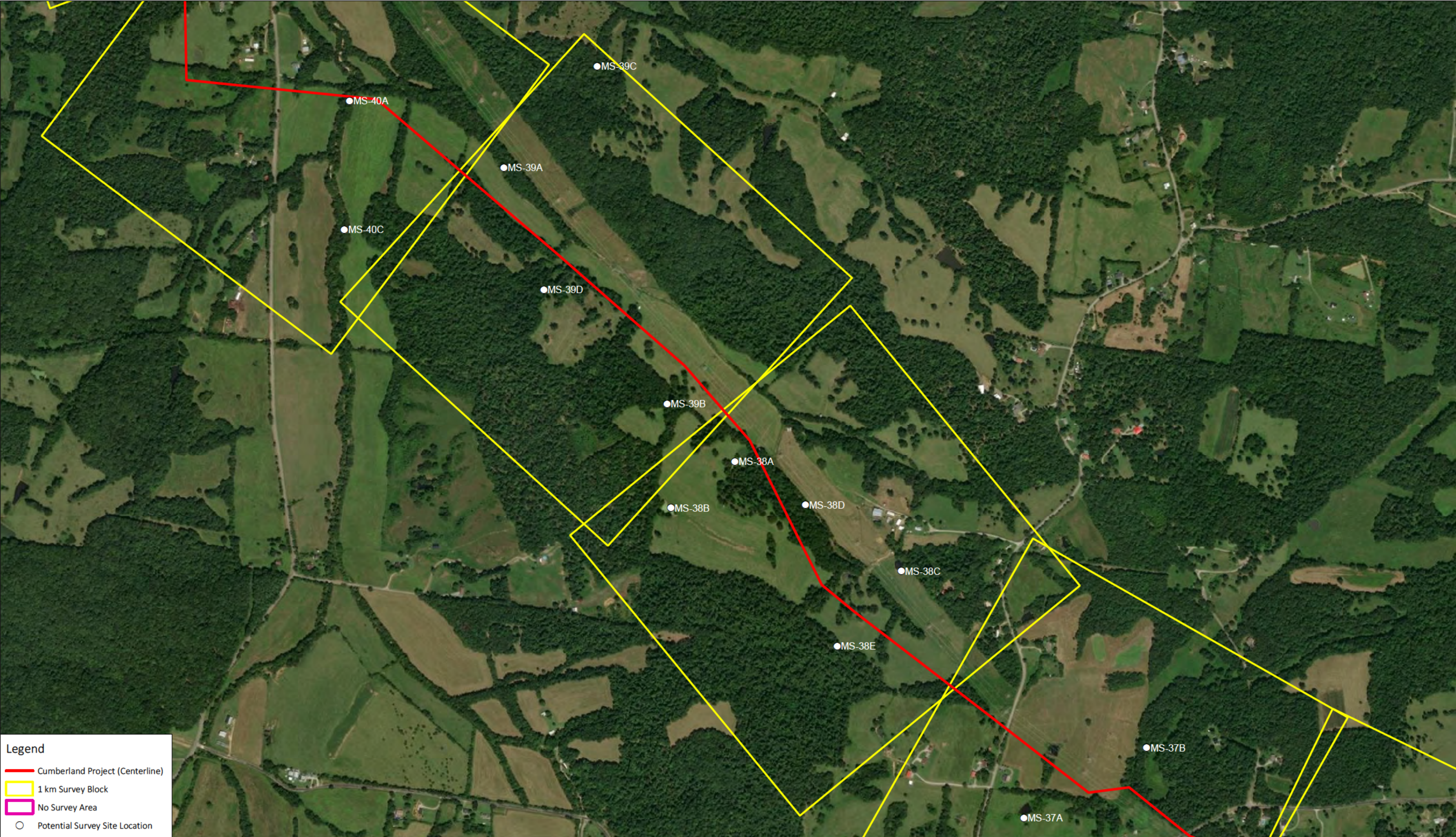
Legend

- Cumberland Project (Centerline)
- 1 km Survey Block
- No Survey Area
- Potential Survey Site Location



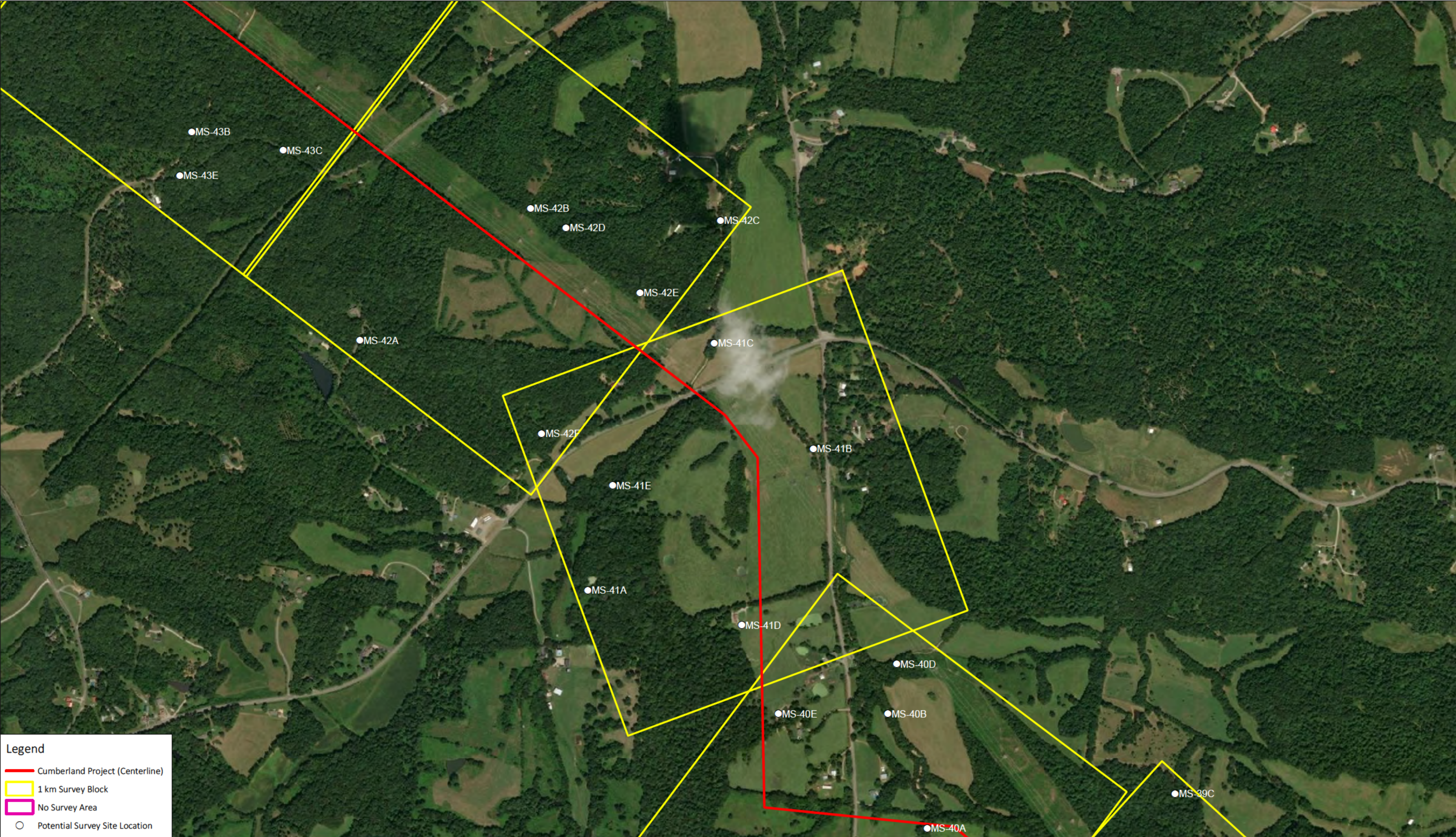
Legend

- Cumberland Project (Centerline)
- 1 km Survey Block
- No Survey Area
- Potential Survey Site Location



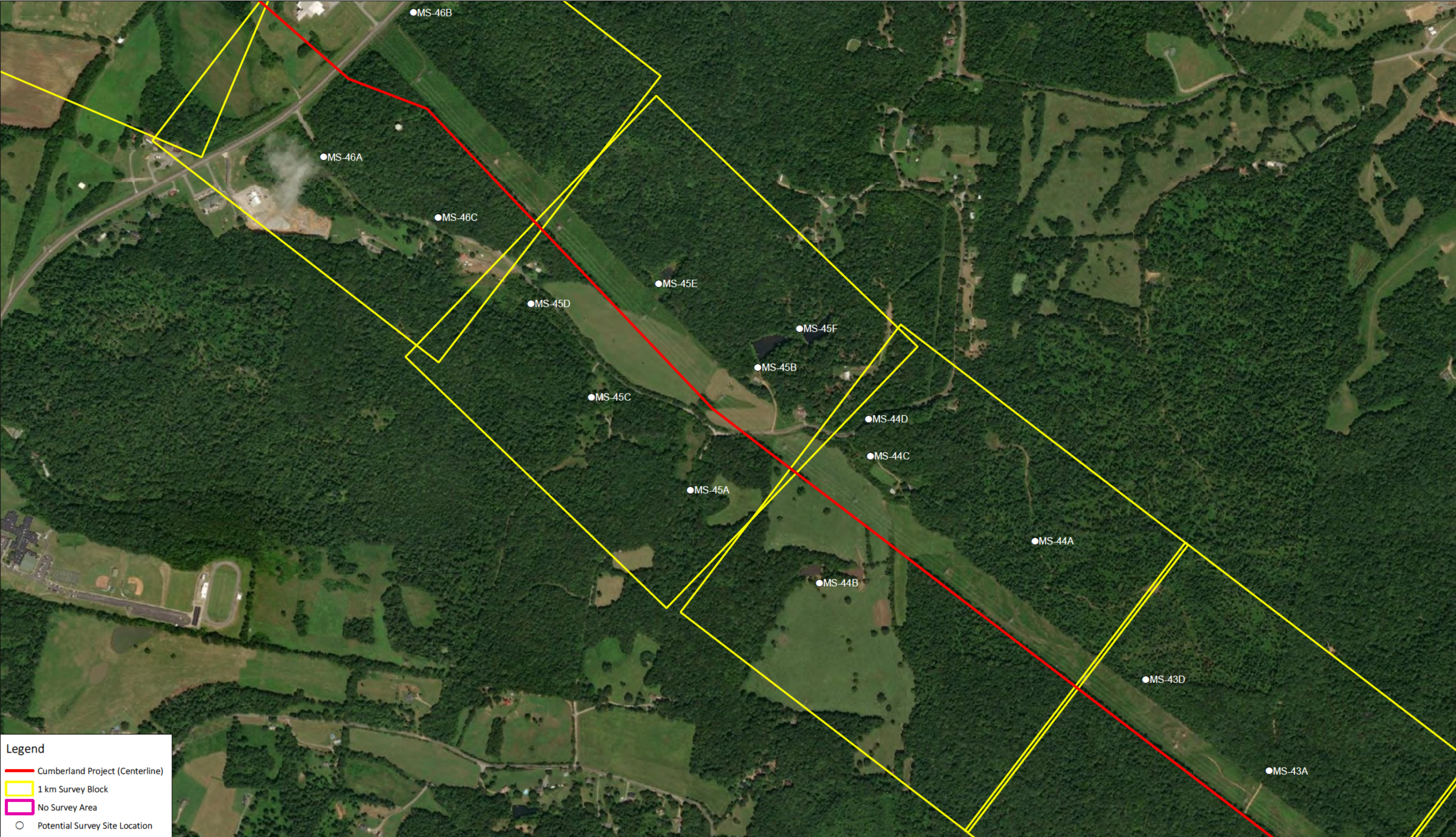
Legend

- Cumberland Project (Centerline)
- 1 km Survey Block
- No Survey Area
- Potential Survey Site Location



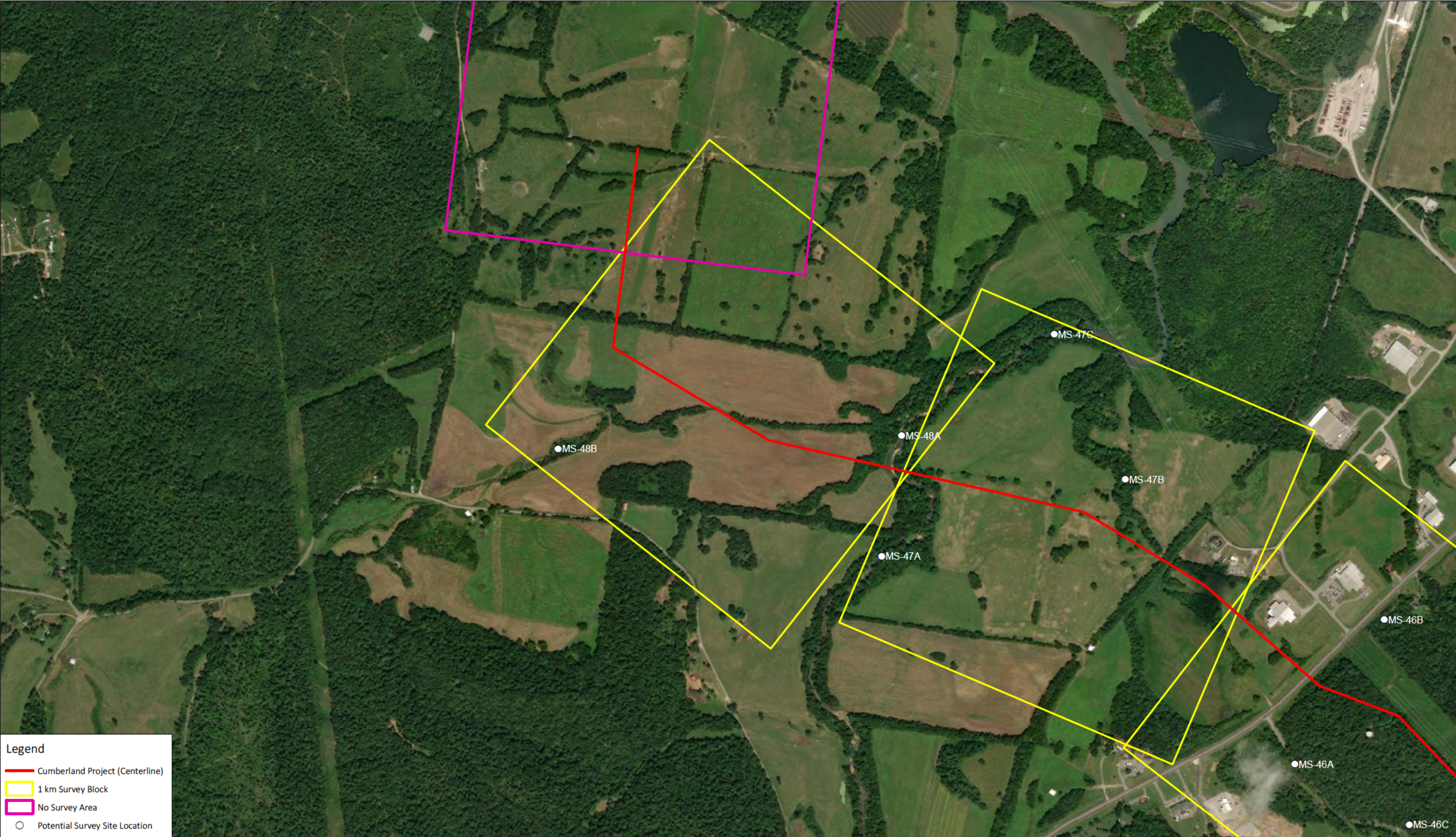
Legend

- Cumberland Project (Centerline)
- 1 km Survey Block
- No Survey Area
- Potential Survey Site Location



Legend

- Cumberland Project (Centerline)
- 1 km Survey Block
- No Survey Area
- Potential Survey Site Location



Legend

- Cumberland Project (Centerline)
- 1 km Survey Block
- No Survey Area
- Potential Survey Site Location



Legend

- Cumberland Project (Centerline)
- 1 km Survey Block
- No Survey Area
- Potential Survey Site Location