



## United States Department of the Interior

### FISH AND WILDLIFE SERVICE

Kentucky Ecological Services Field Office  
330 West Broadway, Suite 265  
Frankfort, Kentucky 40601  
(502) 695-0468

October 31, 2016

Ms. Meagan Knuckles  
U.S. Army Corps of Engineers  
Louisville District  
CELRL-OP-FS, Room 752  
P.O. Box 59  
Louisville, Kentucky 40201-0059

Re: FWS 2016-B-0477; USACE LRL-2016-00416-mck; Duke Energy Kentucky, LLC; Walton – Big Bone Natural Gas Pipeline; Boone County, Kentucky

Dear Ms. Knuckles:

The U.S. Fish and Wildlife Service (Service) has reviewed recent correspondence regarding this proposed project. Duke Energy Kentucky, LLC (Duke Energy) is proposing to construct a new 12-inch natural gas pipeline in or adjacent to existing rights-of-way. The Service offers the following comments in accordance with the Endangered Species Act of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*) and the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 *et seq.*).

#### **Indiana Bat (*Myotis sodalis*)**

#### **Northern Long-eared Bat (*Myotis septentrionalis*)**

The September 19, 2016 correspondence from CH2M Engineers, Inc. (CH2M) states that the project area does not contain caves or cave-like structures that could potentially provide winter habitat for these species. The project area does contain suitable summer roosting habitat. We have received a copy of a October 28, 2016 receipt acknowledging the \$8,710.00 contribution Duke Energy made to Kentucky Natural Lands Trust for the Imperiled Bat Conservation Fund. Your project adheres to the conservation measures associated with the Kentucky Field Office's 2015 *Conservation Strategy for Forest-Dwelling Bats* (Conservation Strategy) and the 2015 Biological Opinion: *Kentucky Field Office's Participation in Conservation Memoranda of Agreement for the Indiana Bat and/or Northern Long-eared Bat* (BO). The contribution made is the appropriate amount, following the process in the Conservation Strategy, to mitigate for the removal of the "potential" Indiana bat habitat and "potential" northern long-eared bat habitat for this project as described in the September 19, 2016 correspondence and attachments from CH2M. Specifically, 4.21 acres of forested habitat removal will occur from October 15 – March 31. Through the adherence to the Conservation Strategy, the Service has already analyzed the effects of your action under the BO and has concluded that the project is not likely to jeopardize the continued existence of the Indiana bat or the northern long-eared bat or result in the destruction or adverse modification of designated critical habitat for this species. Any incidental take of Indiana bats and/or northern long-eared bats that will or could

result from the forest habitat removal associated with your project is authorized under the KFO BO. If tree clearing must occur during the occupied timeframe (April 1 – October 14), then Duke Energy should notify the Service in advance of tree clearing to account for the direct adverse effects to Indiana bats and/or northern long-eared bats that may occur as a result of tree clearing during the occupied timeframe. In addition, if additional forested areas not previously considered are to be removed, then Duke Energy should coordinate with the Service to determine if additional compensation is necessary to be in ESA compliance.

**Gray Bat (*Myotis grisescens*)**

According to an April 15, 2016 correspondence from CH2M, consultant on behalf of Duke, no caves or mines were observed during the field surveys. Therefore the proposed project is not likely to impact gray bat hibernacula or roosting habitat. Streams in the proposed project area may provide foraging habitat for the gray bat. Because of the small scale of the permanent impacts of the tree clearing, the temporary nature of the disturbance that may occur during construction, and the implementation of BMPs to limit indirect effects to foraging resources, we believe that any impacts to gray bat foraging habitat and resources would be insignificant and/or discountable. Based on this information, the Service concurs that the proposed project is not likely to adversely affect the gray bat.

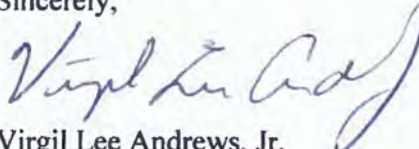
**Running Buffalo Clover (*Trifolium stoloniferum*)**

According to your August 4, 2016 email and attached survey report, CH2M, conducted a pedestrian survey for running buffalo clover on May 27-28. Surveys were conducted at 29 locations along the proposed pipeline route that were considered to potentially provide suitable habitat for the species. No running buffalo clover plants were found in these areas. Based on the information provided to us that supports the probable absence of the species in the proposed project area, the Service concurs with your “may affect – not likely to adversely affect” determination for running buffalo clover.

In view of these findings we believe that the requirements of section 7 of the Endangered Species Act have been fulfilled for this project. Your obligations under section 7 must be reconsidered, however, if: (1) new information reveals that the proposed action may affect listed species in a manner or to an extent not previously considered, (2) the proposed action is subsequently modified to include activities which were not considered during this consultation, or (3) new species are listed or critical habitat designated.

Thank you again for your request. Your concern for the protection of endangered and threatened species is greatly appreciated. If you have any questions regarding the information that we have provided, please contact Jessica Blackwood Miller at (502) 695-0468 extension 104 or [jessica\\_miller@fws.gov](mailto:jessica_miller@fws.gov).

Sincerely,



Virgil Lee Andrews, Jr.  
Field Supervisor