



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

December 8, 2016

Mr. Stephen Beard
Duke Energy
6293 Beaver Road
Union, Kentucky 41091

RE: FWS 2014-B-0122; Duke Energy; East Bend Ash Station – Modification No. 2; Boone County, Kentucky

Dear Mr. Beard:

The U.S. Fish and Wildlife Service (Service) has reviewed recent correspondence regarding this proposed project. Duke Energy is proposing modifications to an existing ash storage basin at their East Bend Station power generating facility. 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 October 18, 2016 correspondence report from S&ME, Inc. (S&ME), consultant on behalf of Duke Energy, 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 December 6, 2016 receipt acknowledging the \$13,651.25 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 your October 27, 2016 correspondence and attachments. Specifically, 8.15 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 the 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 this 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.

Running Buffalo Clover (*Trifolium stoloniferum*)

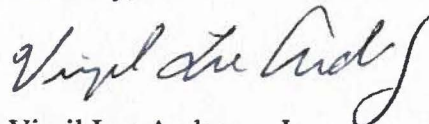
S&ME surveyed areas of suitable habitat within the proposed project area for the species on September 29, 2016. No running buffalo clover was found during that survey. Though not the optimal time for surveys for the species, the species was documented as visible at a nearby reference site and the project area contains limited areas of marginally-suitable habitat. No running buffalo clover was found in this survey. Much of the habitat in the proposed project area had a dense understory dominated by invasive species that would out compete running buffalo clover. Based on the information available to us, we would concur with a “may affect – not likely to adversely affect” determination for running buffalo clover.

In addition to the species discussed above, S&ME determined that the proposed project area does not contain habitat for the following species: gray bat (*Myotis grisescens*), clubshell (*Pleurobema clava*), fanshell (*Cyprogenia stegaria*), orangefoot pimpleback (*Plethobascus cooperianus*), pink mucket (*Lampsilis abrupta*), ring pink (*Obovaria retusa*), rough pigtoe (*Pleurobema plenum*), and sheepnose (*Plethobasus cyphus*).

The comments provided in this letter are based on the current information available to us. Our comments or concerns might change, 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 before the project is completed.

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.

Sincerely,



Virgil Lee Andrews, Jr.
Field Supervisor