



**Lockport-Batavia Line #112  
Rebuild Project**

**Appendix H**

**Agency Correspondence**

**Part 8 of 8**

**United States Fish and Wildlife Service**



## United States Department of the Interior

FISH AND WILDLIFE SERVICE  
New York Ecological Services Field Office

3817 Luker Road  
Cortland, NY 13045-9385

Phone: (607) 753-9334 Fax: (607) 753-9699

<http://www.fws.gov/northeast/nyfo/es/section7.htm>



In Reply Refer To:

April 09, 2020

Consultation Code: 05E1NY00-2020-SLI-2413

Event Code: 05E1NY00-2020-E-07246

Project Name: Lockport-Batavia #112 Rebuild Project

Subject: List of threatened and endangered species that may occur in your proposed project location, and/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 (ESA) of 1973, as amended (16 U.S.C. 1531 *et seq.*). This list can also be used to determine whether listed species may be present for projects without federal agency involvement. 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 ESA, 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 site 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. If listed, proposed, or candidate species were identified as potentially occurring in the project area, coordination with our office is encouraged. Information on the steps involved with assessing potential impacts from projects can be found at: <http://www.fws.gov/northeast/nyfo/es/section7.htm>

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 Services 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 <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 ESA. 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

## 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:

**New York Ecological Services Field Office**

3817 Luker Road

Cortland, NY 13045-9385

(607) 753-9334

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## Project Summary

Consultation Code: 05E1NY00-2020-SLI-2413

Event Code: 05E1NY00-2020-E-07246

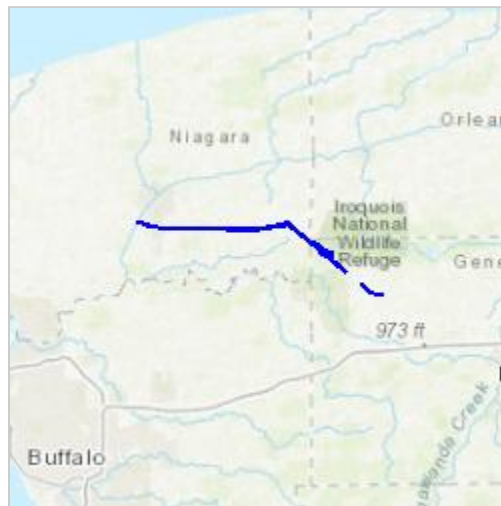
Project Name: Lockport-Batavia #112 Rebuild Project

Project Type: TRANSMISSION LINE

Project Description: National Grid is proposing to replace structures, assets and re-string or pull the line along the Lockport-Batavia #112 Overhead Transmission Line within Niagara and Genesee Counties, New York.

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/43.121349229767816N78.45716788852015W>



Counties: Genesee, NY | Niagara, NY

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## Endangered Species Act Species

There is a total of 0 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 Fisheries<sup>1</sup>, 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.

## Critical habitats

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

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## United States Department of the Interior



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New York Ecological Services Field Office

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Cortland, NY 13045-9385

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<http://www.fws.gov/northeast/nyfo/es/section7.htm>

In Reply Refer To:

February 10, 2021

Consultation Code: 05E1NY00-2020-SLI-2413

Event Code: 05E1NY00-2021-E-04473

Project Name: Lockport-Batavia #112 Rebuild Project

Subject: Updated 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 (ESA) of 1973, as amended (16 U.S.C. 1531 *et seq.*). This list can also be used to determine whether listed species may be present for projects without federal agency involvement. 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 ESA, 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 site 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. If listed, proposed, or candidate species were identified as potentially occurring in the project area, coordination with our office is encouraged. Information on the steps involved with assessing potential impacts from projects can be found at: <http://www.fws.gov/northeast/nyfo/es/section7.htm>

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](http://www.fws.gov/windenergy/eagle_guidance.html)). Additionally, wind energy projects should follow the Services 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 <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 ESA. 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



## 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:

**New York Ecological Services Field Office**

3817 Luker Road

Cortland, NY 13045-9385

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## Project Summary

Consultation Code: 05E1NY00-2020-SLI-2413

Event Code: 05E1NY00-2021-E-04473

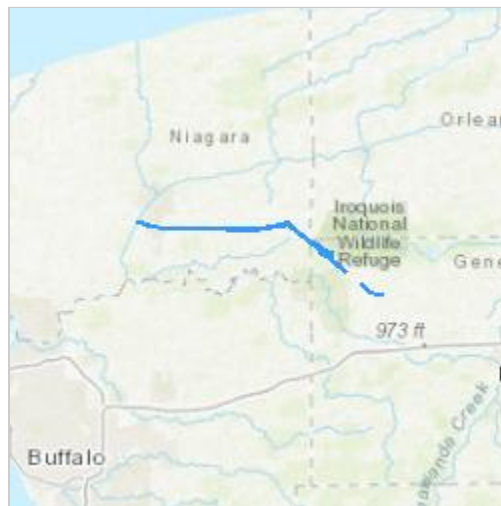
Project Name: Lockport-Batavia #112 Rebuild Project

Project Type: TRANSMISSION LINE

Project Description: National Grid is proposing to replace structures, assets and re-string or pull the line along the Lockport-Batavia #112 Overhead Transmission Line within Niagara and Genesee Counties, New York.

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@43.121349229767816,-78.45716788852015,14z>



Counties: Genesee and Niagara counties, New York

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## Endangered Species Act Species

There is a total of 0 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 Fisheries<sup>1</sup>, 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.

## Critical habitats

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

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## United States Department of the Interior

FISH AND WILDLIFE SERVICE  
New York Ecological Services Field Office  
3817 Luker Road  
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Phone: (607) 753-9334 Fax: (607) 753-9699  
Email Address: [fw5es\\_nyfo@fws.gov](mailto:fw5es_nyfo@fws.gov)



In Reply Refer To:

September 01, 2023

Project Code: 2023-0124546

Project Name: Lockport-Batavia Line 112 Rebuild Project

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 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 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:

<https://www.fws.gov/sites/default/files/documents/endangered-species-consultation-handbook.pdf>

**Migratory Birds:** In addition to responsibilities to protect threatened and endangered species under the Endangered Species Act (ESA), there are additional responsibilities under the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) to protect native birds from project-related impacts. Any activity, intentional or unintentional, resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the U.S. Fish and Wildlife Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)). For more information regarding these Acts see <https://www.fws.gov/program/migratory-bird-permit/what-we-do>.

The MBTA has no provision for allowing take of migratory birds that may be unintentionally killed or injured by otherwise lawful activities. It is the responsibility of the project proponent to comply with these Acts by identifying potential impacts to migratory birds and eagles within applicable NEPA documents (when there is a federal nexus) or a Bird/Eagle Conservation Plan (when there is no federal nexus). Proponents should implement conservation measures to avoid or minimize the production of project-related stressors or minimize the exposure of birds and their resources to the project-related stressors. For more information on avian stressors and recommended conservation measures see <https://www.fws.gov/library/collections/threats-birds>.

In addition to MBTA and BGEPA, Executive Order 13186: *Responsibilities of Federal Agencies to Protect Migratory Birds*, obligates all Federal agencies that engage in or authorize activities that might affect migratory birds, to minimize those effects and encourage conservation measures that will improve bird populations. Executive Order 13186 provides for the protection of both migratory birds and migratory bird habitat. For information regarding the implementation of Executive Order 13186, please visit <https://www.fws.gov/partner/council-conservation-migratory-birds>.

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 Code in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.**

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Attachment(s):

- Official Species List

## 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:

**New York Ecological Services Field Office**

3817 Luker Road

Cortland, NY 13045-9385

(607) 753-9334

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## PROJECT SUMMARY

Project Code: 2023-0124546  
Project Name: Lockport-Batavia Line 112 Rebuild Project  
Project Type: Transmission Line - Maintenance/Modification - Above Ground  
Project Description: National Grid is proposing the reconstruction and selective relocation of one 115kV transmission line, the Lockport – Batavia Line 112, from existing Structure 1-2 to existing Structure 211, for a total of approximately 21.7 miles. Existing Line 112 is a 115kV circuit that originates at the Lockport Substation and terminates at the Batavia Substation, extending a distance of approximately 35.0 miles. The Project is located in the City of Lockport, Towns of Lockport and Royalton in Niagara County and Town of Alabama in Genesee County (Frontier and Genesee Regions of National Grid’s Western New York Service Territory).

The Project consists of a number of activities on seven (7) Segments of Existing Line 112. The Project proposes to replace the existing single-circuit steel tri-leg “aeromotor” towers with new single-circuit galvanized tubular steel pole structures. Single-circuit suspension structures will be directly embedded into native soils and single-circuit dead-end structures will be set upon foundations. In certain locations, Existing Line 112 shares double-circuit towers with Existing Line 111. In these locations, the existing double-circuit lattice tower structures will be replaced with galvanized tubular steel pole double-circuit structures set upon foundations.

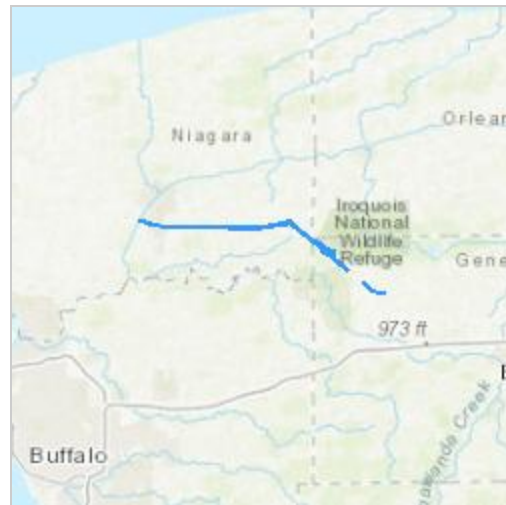
Project work will include tree clearing and brush clearing along the right-of-way.

Segment 1 – Structure 1-2 (Mile 0.1) to Structure 6 (Mile 0.5)  
Segment 2 – Structure 6 (Mile 0.5) to Structure 119 (Mile 11.4)  
Segment 3 – Structure 119 (Mile 11.4) to Structure 141 (Mile 13.6)  
Segment 4 Existing – Structure 141 (Mile 13.6) to Structure 159-1 (Mile 15.8)  
Segment 4 Relocated – Structure 141 (Mile 13.6) to Structure 159-1 (Mile 15.8)  
Segment 5 – Structure 159-1 (Mile 15.8) to new Structure 173 ½ (Mile 17.2)  
Segment 7 – New Structure 184 ½ (Mile 19.1) to Structure 211 (Mile 21.7)

Project Location:

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@43.121349229767816,-78.45716788852015,14z>

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Counties: Genesee and Niagara counties, New York



## ENDANGERED SPECIES ACT SPECIES

There is a total of 2 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 Fisheries<sup>1</sup>, 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
Northern Long-eared Bat <i>Myotis septentrionalis</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/9045">https://ecos.fws.gov/ecp/species/9045</a>	Endangered

## INSECTS

NAME	STATUS
Monarch Butterfly <i>Danaus plexippus</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/9743">https://ecos.fws.gov/ecp/species/9743</a>	Candidate

## CRITICAL HABITATS

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

YOU ARE STILL REQUIRED TO DETERMINE IF YOUR PROJECT(S) MAY HAVE EFFECTS ON ALL ABOVE LISTED SPECIES.

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## **IPAC USER CONTACT INFORMATION**

Agency: Fisher Associates, P.E., L.S., L.A., D.P.C.

Name: Nicole Lake

Address: 180 Charlotte Street

City: Rochester

State: NY

Zip: 14607

Email: ndutcher@fisherassoc.com

Phone: 5853341310

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## United States Department of the Interior

FISH AND WILDLIFE SERVICE  
New York Ecological Services Field Office  
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In Reply Refer To:  
Project code: 2023-0124546  
Project Name: Lockport-Batavia Line 112 Rebuild Project

September 01, 2023

Federal Action Agency (if applicable): New York State Department of Public Service

**Subject:** Record of project representative's no effect determination for 'Lockport-Batavia Line 112 Rebuild Project'

Dear Nicole Lake:

This letter records your determination using the Information for Planning and Consultation (IPaC) system provided to the U.S. Fish and Wildlife Service (Service) on September 01, 2023, for 'Lockport-Batavia Line 112 Rebuild Project' (here forward, Project). This project has been assigned Project Code 2023-0124546 and all future correspondence should clearly reference this number. **Please carefully review this letter.**

### **Ensuring Accurate Determinations When Using IPaC**

The Service developed the IPaC system and associated species' determination keys in accordance with the Endangered Species Act of 1973 (ESA; 87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.) and based on a standing analysis. All information submitted by the Project proponent into IPaC must accurately represent the full scope and details of the Project.

Failure to accurately represent or implement the Project as detailed in IPaC or the Northern Long-eared Bat Rangewide Determination Key (Dkey), invalidates this letter. ***Answers to certain questions in the DKey commit the project proponent to implementation of conservation measures that must be followed for the ESA determination to remain valid.***

### **Determination for the Northern Long-Eared Bat**

Based upon your IPaC submission and a standing analysis, your project has reached the determination of "No Effect" on the northern long-eared bat. To make a no effect determination, the full scope of the proposed project implementation (action) should not have any effects (either positive or negative), to a federally listed species or designated critical habitat. Effects of the action are all consequences to listed species or critical habitat that are caused by the proposed

action, including the consequences of other activities that are caused by the proposed action. A consequence is caused by the proposed action if it would not occur but for the proposed action and it is reasonably certain to occur. Effects of the action may occur later in time and may include consequences occurring outside the immediate area involved in the action. (See § 402.17).

Under Section 7 of the ESA, if a federal action agency makes a no effect determination, no consultation with the Service is required (ESA §7). If a proposed Federal action may affect a listed species or designated critical habitat, formal consultation is required except when the Service concurs, in writing, that a proposed action "is not likely to adversely affect" listed species or designated critical habitat [50 CFR §402.02, 50 CFR§402.13].

### **Other Species and Critical Habitat that May be Present in the Action Area**

The IPaC-assisted determination for the northern long-eared bat does not apply to the following ESA-protected species and/or critical habitat that also may occur in your Action area:

- Monarch Butterfly *Danaus plexippus* Candidate

You may coordinate with our Office to determine whether the Action may affect the animal species listed above and, if so, how they may be affected.

### **Next Steps**

Based upon your IPaC submission, your project has reached the determination of “No Effect” on the northern long-eared bat. If there are no updates on listed species, no further consultation/coordination for this project is required with respect to the northern long-eared bat. However, the Service recommends that project proponents re-evaluate the Project in IPaC if: 1) the scope, timing, duration, or location of the Project changes (includes any project changes or amendments); 2) new information reveals the Project may impact (positively or negatively) federally listed species or designated critical habitat; or 3) a new species is listed, or critical habitat designated. If any of the above conditions occurs, additional coordination with the Service should take place to ensure compliance with the Act.

If you have any questions regarding this letter or need further assistance, please contact the New York Ecological Services Field Office and reference Project Code 2023-0124546 associated with this Project.

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**Action Description**

You provided to IPaC the following name and description for the subject Action.

**1. Name**

Lockport-Batavia Line 112 Rebuild Project

**2. Description**

The following description was provided for the project 'Lockport-Batavia Line 112 Rebuild Project':

National Grid is proposing the reconstruction and selective relocation of one 115kV transmission line, the Lockport – Batavia Line 112, from existing Structure 1-2 to existing Structure 211, for a total of approximately 21.7 miles. Existing Line 112 is a 115kV circuit that originates at the Lockport Substation and terminates at the Batavia Substation, extending a distance of approximately 35.0 miles. The Project is located in the City of Lockport, Towns of Lockport and Royalton in Niagara County and Town of Alabama in Genesee County (Frontier and Genesee Regions of National Grid's Western New York Service Territory).

The Project consists of a number of activities on seven (7) Segments of Existing Line 112. The Project proposes to replace the existing single-circuit steel tri-leg "aeromotor" towers with new single-circuit galvanized tubular steel pole structures. Single-circuit suspension structures will be directly embedded into native soils and single-circuit dead-end structures will be set upon foundations. In certain locations, Existing Line 112 shares double-circuit towers with Existing Line 111. In these locations, the existing double-circuit lattice tower structures will be replaced with galvanized tubular steel pole double-circuit structures set upon foundations.

Project work will include tree clearing and brush clearing along the right-of-way.

Segment 1 – Structure 1-2 (Mile 0.1) to Structure 6 (Mile 0.5)

Segment 2 – Structure 6 (Mile 0.5) to Structure 119 (Mile 11.4)

Segment 3 – Structure 119 (Mile 11.4) to Structure 141 (Mile 13.6)

Segment 4 Existing – Structure 141 (Mile 13.6) to Structure 159-1 (Mile 15.8)

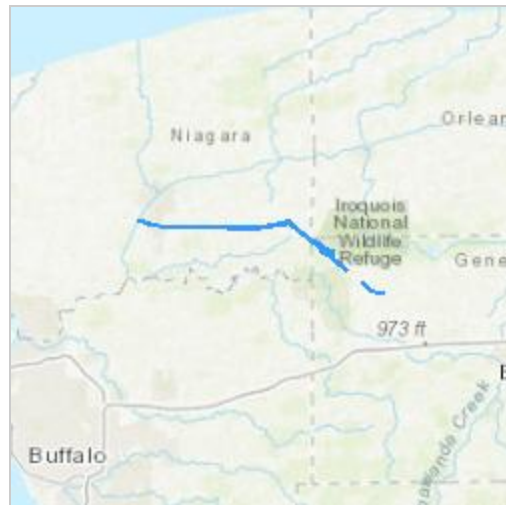
Segment 4 Relocated – Structure 141 (Mile 13.6) to Structure 159-1 (Mile 15.8)

Segment 5 – Structure 159-1 (Mile 15.8) to new Structure 173 ½ (Mile 17.2)

Segment 7 – New Structure 184 ½ (Mile 19.1) to Structure 211 (Mile 21.7)

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@43.121349229767816,-78.45716788852015,14z>

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## DETERMINATION KEY RESULT

Based on the information you provided, you have determined that the Proposed Action will have no effect on the Endangered northern long-eared bat (*Myotis septentrionalis*). Therefore, no consultation with the U.S. Fish and Wildlife Service pursuant to Section 7(a)(2) of the Endangered Species Act of 1973 (87 Stat. 884, as amended 16 U.S.C. 1531 *et seq.*) is required for those species.

## QUALIFICATION INTERVIEW

1. Does the proposed project include, or is it reasonably certain to cause, intentional take of the northern long-eared bat or any other listed species?

**Note:** Intentional take is defined as take that is the intended result of a project. Intentional take could refer to research, direct species management, surveys, and/or studies that include intentional handling/encountering, harassment, collection, or capturing of any individual of a federally listed threatened, endangered or proposed species?

No

2. The proposed action does not intersect an area where the northern long-eared bat is likely to occur, based on the information available to U.S. Fish and Wildlife Service as of the most recent update of this key. If you have data that indicates that northern long-eared bats are likely to be present in the action area, answer "NO" and continue through the key.

Do you want to make a no effect determination?

Yes

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## PROJECT QUESTIONNAIRE



**IPAC USER CONTACT INFORMATION**

Agency: Fisher Associates, P.E., L.S., L.A., D.P.C.

Name: Nicole Lake

Address: 180 Charlotte Street

City: Rochester

State: NY

Zip: 14607

Email: ndutcher@fisherassoc.com

Phone: 5853341310

**LEAD AGENCY CONTACT INFORMATION**

Lead Agency: New York State Department of Public Service

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**ENVIRONMENTAL SOLUTIONS & INNOVATIONS, INC.**

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4525 Este Avenue  
Cincinnati, OH 45232  
Phone: 513-451-1777 Fax: 513-451-3321

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Pesi2271

16 February 2024

Mr. Sean Milne  
Environmental Group Manager  
Fisher Associates  
180 Charlotte Street  
Rochester, NY 14607

Dear Mr. Milne:

**RE: Freshwater Mussel Assessment for Suitable Habitat for the Culvert Replacement Project on Mud Creek, Niagara County, New York**

On 8 February 2024, ESI completed a Mussel Assessment for Suitable Habitat (MASH) in Mud Creek at coordinates 43.136032, -78.480722 (Attachment A, Figure 1). Assessment was completed in preparation for potential disturbance resulting from a culvert replacement on Mud Creek. Methods and results are detailed herein and supporting documentation including figures, the MASH Form Part 1, resume, and representative photographs is attached (Attachments A through D, respectively).

**General Mussel Habitat Assessment Parameters**

Mussel habitat assessment follows the MASH protocol published by the Federal Highway Administration – New York (FHWA-NY) and annotated April 2023 by the New York State Department of Transportation (FHWA 2020, annotated, 2023). The MASH protocol provides a mechanism to determine habitat suitability for sustaining mussels potentially present in small waterbodies not NYSDEC listed as imperiled mussel streams. MASH protocol results inform agency officials' decisions regarding whether further mussel investigation is required.

Streams are visually evaluated by a biologist meeting MASH protocol qualifications and a MASH Form (Attachment B) is completed. Assessment includes identifying flow regime and characteristics, classifying substrate, and searching for evidence of mussel presence (e.g., deadshell material, live mussels). The MASH protocol does *not* authorize handling live freshwater mussels, therefore, all live mussels encountered remain in position as found and are photographed. Mussel identification is completed only for deadshell material. Disturbance activities (i.e., harassment or take) are limited to pedestrian visual searches below the ordinary high-water mark within the project's right-of-way.

**[www.ENVSI.com](http://www.ENVSI.com)**

## Results

Ms. Vanessa Vest (resume provided in Attachment C) completed the study, expending 1.25 hours onsite assessing an area extending 4.4 meters (14.5 ft) up and 7.7 meters (25.3 ft) downstream of the Mud Creek culvert centerline (Attachment A, Figure 2). Habitat throughout the assessed reach comprised 50 percent muck, 25 percent detritus, 20 percent silt, and 5 percent aquatic vegetation. Thalweg habitat primarily comprised anoxic muck. Water depth ranged from 0.0 to 0.9 meter (0.0 to 3.0 ft) and the flow regime was characterized as run/glide throughout the assessed area with a pool in the upstream area. Mud Creek's average, un-culverted width of 5 meters (16.4 ft) constricts to 0.61 meter (2.0 ft) within the culvert creating a slack water area prone to collecting debris immediately upstream. Stream width is inconsistent throughout the survey area with water constricted at the culvert. Representative photographs are provided in Attachment D.

At the time of assessment, water clarity and normal flow conditions afforded visibility to the streambed throughout the assessment area. Clear skies and unseasonably warm air temperatures approximately 11.6° C (53.0° F) provided adequate conditions to visually search (using a view bucket) for mussels in Mud Creek. Assessment yielded no signs of live mussels nor deadshell fragments in or on Mud Creek's banks.

## Conclusion

During project review, the U.S. Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC) process indicated potential presence of salamander mussel (*Simpsonaias ambigua*) within the project area. However, MASH results did not indicate suitable habitat presence within the assessment area and assessment revealed presence of only fine sediments (i.e., silt, sand, clay). Further, a lack of common mussel presence (live or deadshell) in Mud Creek at the Culvert Replacement project indicates the creek is deficient of habitat suitable to support freshwater mussels. **Results provided herein are consistent with a MASH result supporting no further mussel actions are required in Mud Creek.**

If you have any questions or require any additional information, please don't hesitate to contact me via email ([byates@envsi.com](mailto:byates@envsi.com)) or cell phone (606-831-4439).

Sincerely,

Brandon L. Yates  
Project Manager / Malacologist  
[byates@envsi.com](mailto:byates@envsi.com)

## Literature Cited

FHWA. 2020, annotated, 2023. Endangered Species Act, Section 7, Essential Fish Habitat, and Marine Mammal Protection Act: Process for compliance and consultation. U.S. Department of Transportation, Federal Highways Administration, New York Division, Albany, New York. Annotated by New York State Department of Transportation, Albany, New York. 99 pp.

Attachments

Attachment A: Figures

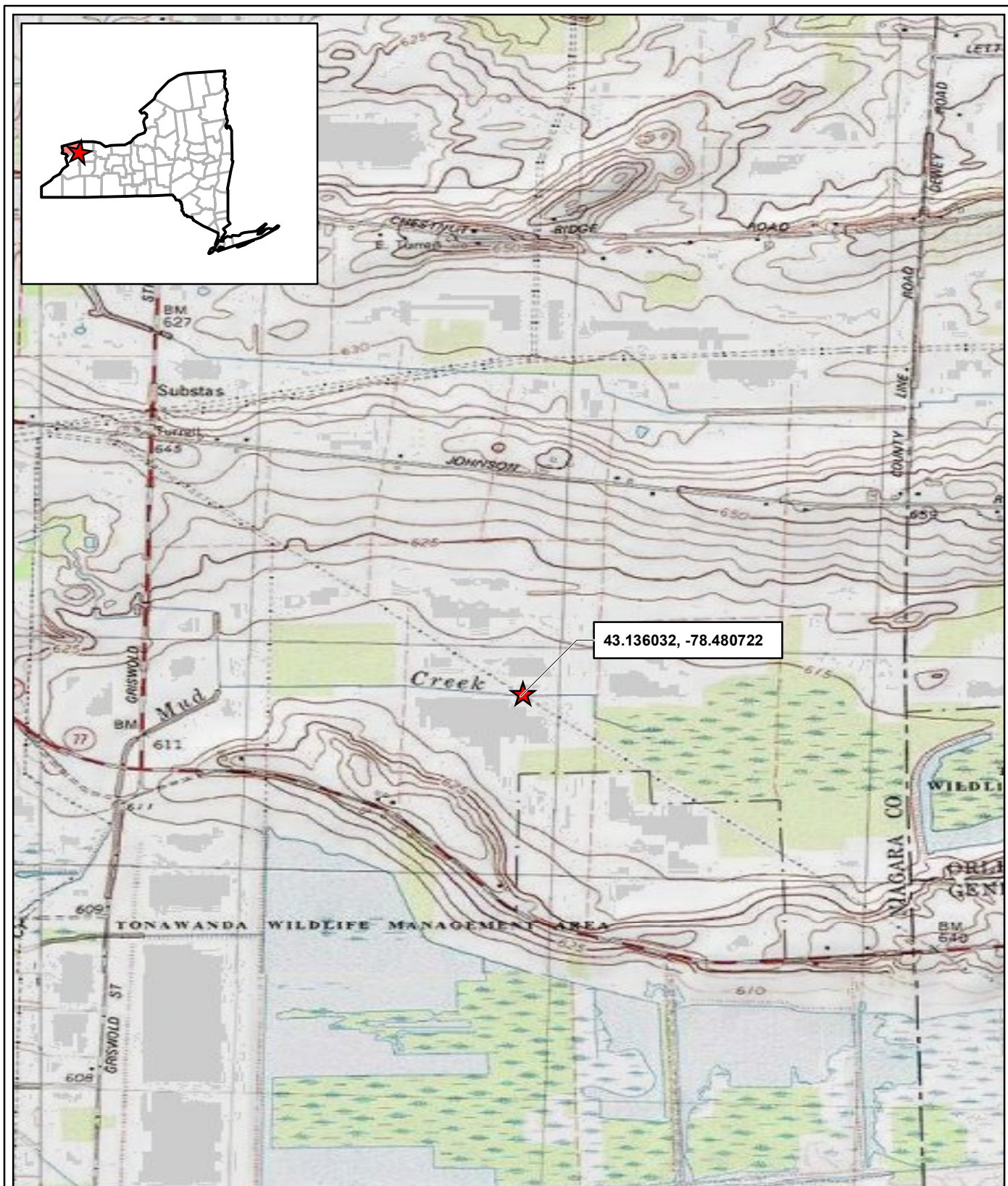
Attachment B: MASH Form Part 1

Attachment C: Ms. Vest's Resume

Attachment D: Representative Photographs

**ATTACHMENT A  
FIGURES**





★ Project Location

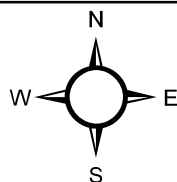


Figure 1. Location of the Culvert Replacement Project on Mud Creek, Niagara County, New York.

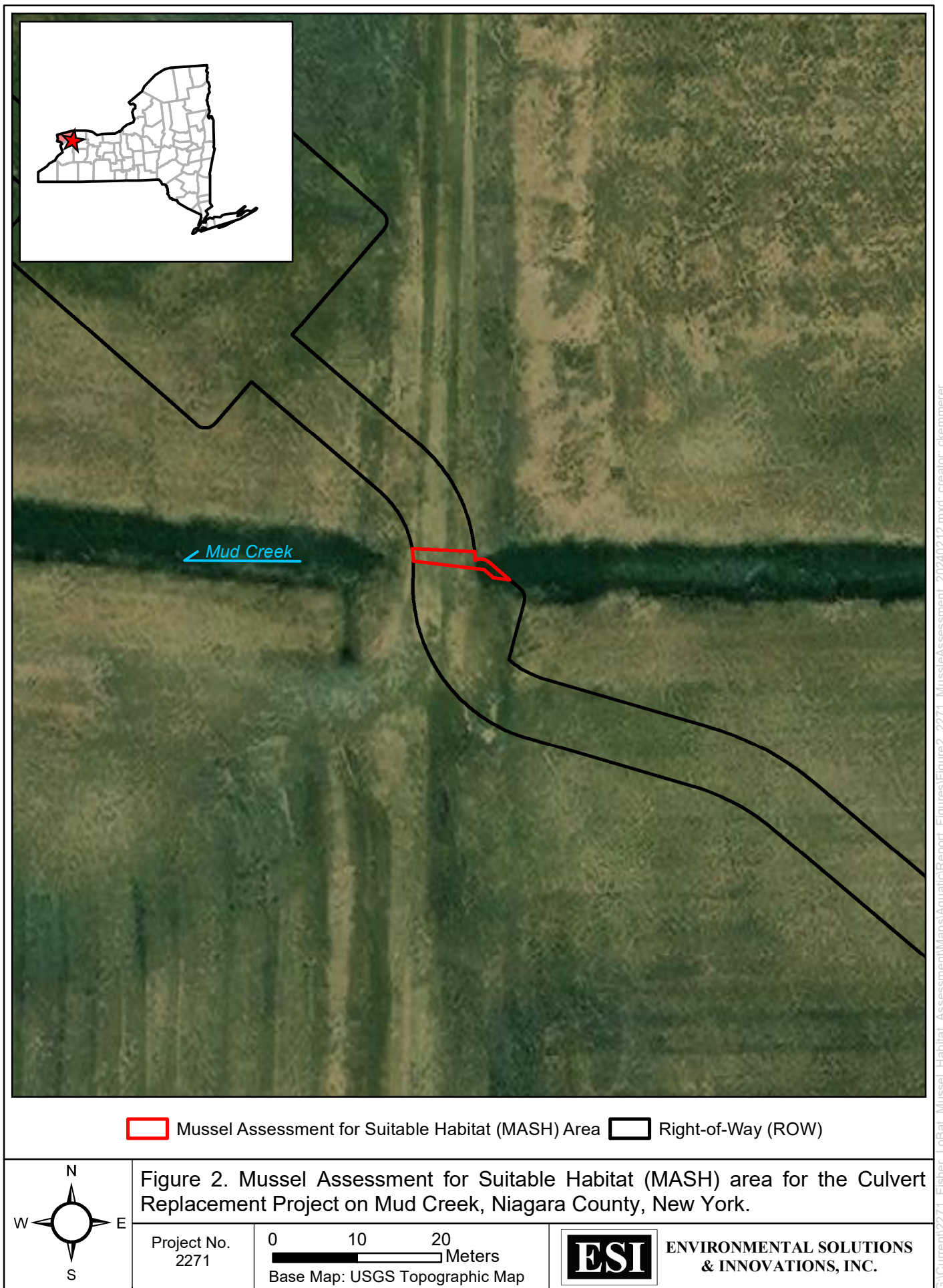
Project No.  
2271

0 0.375 0.75  
Kilometer  
Base Map: USGS Topographic Map



ENVIRONMENTAL SOLUTIONS  
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**ATTACHMENT B**  
**MUSSEL ASSESSMENT FOR SUITABLE HABITAT FORM**  
**PART 1**





**Mussel Assessment for Suitable Habitat (MASH): Part 1****Project Information:**

Project Name: Culvert replacement on Mud Creek PIN: N/A Date: 2-8-24  
 Culvert or Bridge Number: N/A Route/Facility Carried: National Grid ROW  
 Waterbody Name: Mud Creek Lat/Long: 43.136032, -78.480722  
 Municipality: Roughlyton County: Niagara  
 Brief Project Description: Culvert replacement on Mud creek

Is the segment of the Waterbody listed as a NYSDEC S1/S2 or TE Mussel Waterbody? (Yes or No): No

Distance to closest NYNHP Known Mussel Occurrence: \_\_\_\_\_ River Miles (upstream or downstream). If the MASH is being conducted due to IPaC potential but no known occurrences on the waterbody or confluences, note the direct distance to the nearest occurrence here 25 miles

Mussel species identified via IPaC or NYNHP Review: Salamander mussel found in Tonawanda Creek  
Note: Salamander mussel is currently proposed for listing

**Habitat within Assessment Area:**

Distance assessed upstream (ft): 20 Distance assessed downstream (ft): 20

Total assessment time in person hours (time x number of evaluators): 1.25 hr

Flow at time of assessment (Yes or No): Yes Water Temp. (°F): 46.8 Air Temp. (°F): 53

Flow Regime: ☐ Roadside drainage ☐ Ephemeral ☐ Intermittent ☒ Perennial

Approximate water depth min to max (ft): 3 ft Average wet width (ft): 16 ft

Visibility: ☐ 0-6 inches ☐ 6-12 inches ☒ 12 to 20 inches ☐ >20 inches ☐ Visible to bottom

Features present: ☐ Riffle(s) ☒ Run(s) ☒ Pool(s) ☐ Impoundment(s)

☐ Downstream impassible barrier(s): Distance (ft) \_\_\_\_\_

Substrate Types (include approximate %):

☐ Boulder: \_\_\_\_\_ ☐ Cobble: \_\_\_\_\_ ☐ Gravel: \_\_\_\_\_ ☐ Sand: \_\_\_\_\_

☐ Bedrock: \_\_\_\_\_ ☐ Silt: 20 ☐ Muck: 50 ☐ Detritus: 25

☐ Aquatic vegetation: 5 ☐ Artificial/other (describe): \_\_\_\_\_





Summary of Habitat Assessment:

- ☐ Substrate is potentially suitable for one or more of the mussel species expected in range
- ☒ Substrate is not suitable for any of the mussel species expected in range

**Evidence of Mussels (check all that apply):**

- ☐ Mussel shell(s) – fresh dead    ☐ Mussel shell(s) – weathered dead    ☐ Mussel shell(s) – subfossil
- ☐ Live mussels    ☒ None

List species if shells can be identified (live mussels shall not be disturbed during the habitat assessment):

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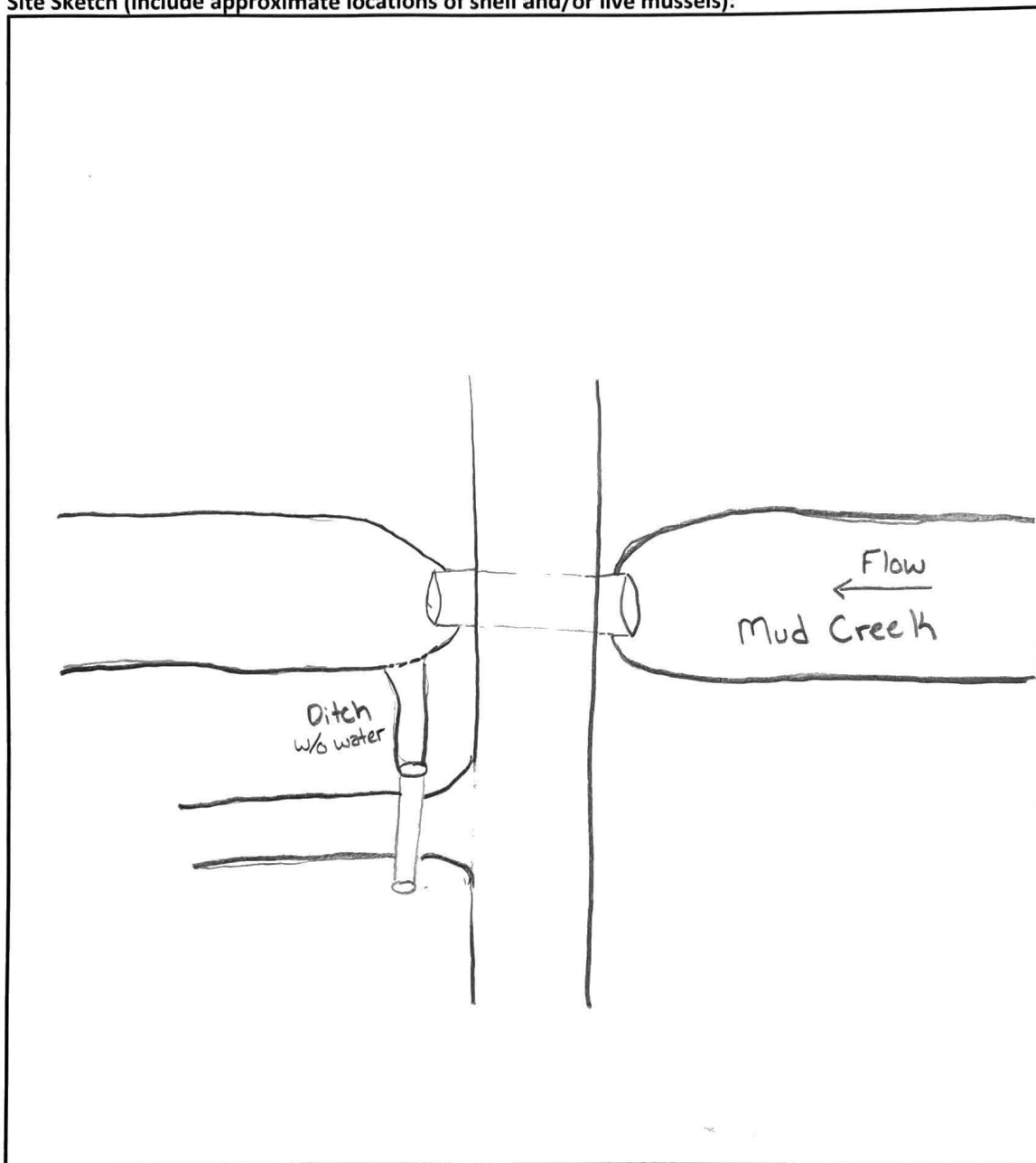
**Photographs:**

- ☒ Facing BIN/Culvert Inlet    ☒ Facing BIN/Culvert Outlet    ☒ Upstream area searched
- ☒ Downstream area searched    ☒ Substrate    ☐ Mussel shells (if found)
- ☐ Underwater photos of live mussels (optional: if found)





Site Sketch (include approximate locations of shell and/or live mussels):



Additional Notes: Include assessment details (visual, use of viewing bucket if available, etc.)

Visibility to bottom for most of survey area. No live mussels nor shell material observed. Thalweg muck. Site full of leaf litter & woody debris. Few living organisms observed (snails). Majority of site is soft, silty, anoxic muck not suitable for RTE mussels (salamander mussel). No large boulders or habitat indicative of mud puppies.



Mussels

**Results/Recommendations**

☒ The location Does Not have Suitable Habitat (check the box based on the results of the assessment):

- ☐ No evidence of mussels, no flow at time of assessment, roadside drainage, or ephemeral or intermittent flow regime.
- ☒ No evidence of mussels, substrate not suitable, and **not** a NYSDEC S1/S2 or TE Waterbody.
- ☐ No evidence of mussels, substrate not suitable, and a NYSDEC S1/S2 or TE Waterbody.

☐ The location is potentially Suitable Habitat (check the box based on the results assessment):

- ☐ No evidence of mussels, substrate potentially suitable, and **not** a NYSDEC S1/S2 or TE Waterbody.
- ☐ No evidence of mussels, substrate potentially suitable, and a NYSDEC S1/S2 or TE Waterbody.

☐ The MASH identified evidence of mussels within the assessment area and an investigational survey is likely required.

☐ Other (describe below):


☐ Description of "other" results: \_\_\_\_\_

The results of the MASH must be submitted to the regional NYSDEC (staff/group as determined by regional DEC staff) or Native American Tribal Agency with Treatment as State (TAS) for review.

Name of Evaluator(s): Vanessa Vest

Qualifications:

- ☐ NYSDOT Environmental Specialist with a degree and/or professional experience in freshwater mussel ecology that meets the NYSDEC minimum qualifications for obtaining a License to Collect or Possess – Freshwater Mussels.
- ☐ NYSDOT Environmental Specialist who has received training by NYSDEC Biologists in mussel habitat identification or tutelage by a NYSDOT Environmental Specialist with the qualifications listed above (list to be maintained by NYSDOT Office of Environment).
- ☒ Consultant that meets the NYSDEC minimum qualifications for obtaining a License to Collect or Possess – Freshwater Mussels.

Signature: 

Date: 2-8-24

Phone Number: 513-594-1889

E-mail Address: vvest@envsi.com

Attachments: Photolog



Mussels

**ATTACHMENT C**  
**MS. VEST'S RESUME**





# ENVIRONMENTAL SOLUTIONS & INNOVATIONS, INC.

## Résumé

Vanessa A. Vest

### EDUCATION

M.S. Biology, Morehead State University, 2020  
B.S. Biological Sciences, Ohio University, 2017

### CERTIFICATIONS AND TRAINING

Passed Ohio Mussel Test for All Streams, 2023  
Passed West Virginia Mussel Test for Non-federal Streams, 2023  
NASBLA/U.S. Coast Guard Ohio Boater Education License, 2021  
Red Cross First Aid/CPR/AED Certification, 2023  
PADI Dive Master, 2023  
PADI Emergency Oxygen Provider, 2021  
PADI Rescue Diver, 2020  
PADI Enriched Air Diver, 2020  
PADI Advanced Open Water Diver, 2016

### QUALIFICATIONS

Ms. Vest is an aquatic biologist, experienced with safely handling, collecting, and identifying mussel and fish species in the Ohio River, Great Lakes, and Susquehanna River basins. Her experience includes 26 mussel surveys encompassing six states. To date, she encountered over 7,500 live mussels representing 56 species with an additional 13 species encountered via deadshell material observed in the field and/or in museum collections. Her credentials included passing Ohio's mussel identification test for all species and West Virginia's mussel identification test for non-federally listed species. She worked under direct supervision of multiple federally permitted malacologists: Sarah Veselka, Brian Carlson, Price Sewell, Taylor Fagin, Beth Hollinden, Brian Watson, Emily Grossman, and Ryan Schwegman. Further, Ms. Vest assisted multiple New York mussel surveys working under Brandon L. Yates and Ryan Schwegman.

Additionally, Ms. Vest holds numerous SCUBA diving certifications and most recently completed Dive Master training. She serves as ESI's dive safety supervisor. As part of her extensive diving experience, Ms. Vest is an experienced boat pilot and is proficient with navigation and bathymetric mapping software.

### NEW YORK MUSSEL PROJECT EXPERIENCE

**Biologist** – Cattaraugus County Department of Public Works: 2023. Freshwater mussel survey for a bridge replacement over Ischua Creek in Cattaraugus County, New York. Survey yielded 115 live mussels representing four species.

**Biologist** – Monroe County Department of Transportation: 2022. Freshwater mussel survey for a bridge replacement over Sandy Creek in Monroe County, New York. Survey yielded 411 live mussels representing eight species.

**Biologist** – Erie County Department of Public Works: 2022. Freshwater mussel survey for a bridge replacement over Beeman Creek in Erie County, New York. Survey yielded 1,136 live mussels representing four species, one additional species, slippershell (*Alasmidonta viridis*), was represented via deadshell material only.

**Biologist** – Orleans County Highway Department: 2021. Freshwater mussel survey for a bridge replacement over Johnson Creek in Orleans County, New York. Survey yielded 697 live individuals representing nine species, including the state imperiled deertoe and pink heelsplitter.

**Biologist** – Niagara County Highways, Bridges & Structures Division: 2021. Freshwater mussel survey for a bridge replacement over Johnson Creek in Niagara County, New York. Survey yielded 280 live individuals representing four species, including three state-imperiled Wabash pigtoe.

**Biologist** – Genesee County Highway and Facilities Management: 2021. Freshwater mussel survey for a bridge replacement over Tonawanda Creek in Genesee County, New York. Survey yielded 11 live individuals representing two species.

**Biologist** – Chautauqua County Department of Public Transportation: 2021. Freshwater mussel survey for a bridge replacement over the Chadakoin River near Jamestown in Chautauqua County, New York. Survey yielded 317 live individuals representing 11 species, including the state-imperiled eastern pondmussel, black sandshell, kidneyshell, and threeridge.

## OTHER MUSSEL PROJECT EXPERIENCE

**Biologist** – West Virginia Department of Highways: 2023. Freshwater mussel survey for replacement of five storm sewer outfalls in the Kanawha River, Kanawah County, West Virginia. Survey yielded 1,805 live mussels representing 23 species. Efforts included encounter of 134 live federally threatened round hickorynut.

**Biologist** – U.S. Army Corps of Engineers, Rock Island District: 2023. Freshwater mussel surveys for the Buffalo Dredged Material Management Program (DMMP) on the Mississippi River in Clayton County, Iowa to assess mussel habitat and abundance using qualitative and quantitative methods. Site collections included 1,165 live individuals representing 24 species. Included assessment of non-indigenous zebra mussels and their impact on native fauna.

**Biologist** – West Virginia Department of Highways: 2023. Freshwater mussel survey for a bridge replacement over Cedar Creek in Gilmer County, West Virginia.

**Biologist** – Virginia Department of Wildlife Resources, James spiny mussel monitoring: 2023. Volunteer freshwater mussel surveys in Johns, Little Oregon, and Mill creeks in Virginia to monitor federally endangered James spiny mussel (*Parvaspina collina*)

populations. In total, I handled 50+ live James spiny mussels under direct supervision of multiple qualified biologists including Mr. Brian Watson and his team at Virginia Department of Wildlife Resources.

**Biologist** – Confidential Client: 2022. Freshwater mussel survey for shoreline development on the Ohio River near Charlestown in Clark County, Indiana.

**Biologist** – CNX Midstream: 2022. Freshwater mussel scoping survey in the Ohio River (designated a Group 3 at this location) for a river-front development in Marshall County, West Virginia. Surveys comprised 24, 100-meter transects and yielded 457 live mussels representing 13 species.

**Biologist** – PPL Electric Utilities: 2021. Mussel survey and salvage for 1,900-foot causeway construction in the Susquehanna River near Harrisburg, Dauphin County, Pennsylvania. Efforts included relocation of over 1,000 live mussels.

**Biologist** – West Virginia Department of Highways: 2021. Mussel salvage for causeway and temporary construction bridge removal at the I-79 bridge replacement over Stonecoal Creek in Lewis County, West Virginia.

**Volunteer** – Virginia Department of Wildlife Resources, Musselrama: 2021. Freshwater mussel surveys at Sycamore Island in Scott County, Virginia. Survey employed quantitative quadrat excavation to assess mussel community health, age class distribution, and abundance. Surveys yielded numerous federally endangered mussels and Virginia threatened spiny river snail (*Io fluviatilis*). I personally encountered:

*Ptychobranhus subtentus* – 15 live    *Epioblasma capsiformis* – 7 live    *Hemistena lata* – 1 live

**Biologist** – CNX Midstream: 2021-Present. 2021: Salvage, passive integrated transponder (PIT) tagging of 55 live snuffbox mussels, and translocation back to salvage zone in Middle Island Creek, Tyler County, West Virginia. 2022: Salvage, PIT tagging and translocating 1 snuffbox back to the salvage zone, and monitoring snuffbox translocated in 2021 (19 PIT tagged snuffbox were found). 2023: Monitoring snuffbox previously translocated back to the salvage zone and initiation of a five-year mark and recapture study. Efforts included encounter of seven live snuffbox, three live federally threatened round hickorynut (*Obovaria subrotunda*), and three deadshell snuffbox.

## OTHER AQUATIC PROJECT EXPERIENCE

**Boat Pilot** – U.S. Army Corps of Engineers: 2021. Archaeological shoreline survey on Stockton Lake in Cedar, Dade, and Polk counties, Missouri.

**Biologist** – U.S. Fish and Wildlife Service: 2021. Fish surveys targeting the Maryland Darter (*Etheostoma sellare*) in the lower Susquehanna River and its tributaries in Cecil and Harford counties, Maryland. Surveys were completed via electrified benthic trawling and yielded 15 state threatened Chesapeake logperch (*Percina bimaculata*) and 12 shield darters (*Percina peltata*), considered rare in Maryland.

**Biologist** – U.S. Environmental Protection Agency, National River and Stream Assessment: 2018-2019. A collaborative survey to determine ecological conditions of



U.S. rivers and streams. Tasks included field collection (via boat and wading), backpack and boat electrofishing, and fish identification. Stream gauges were assessed to determine site conditions prior to entering the water.

**Biologist** – Ohio River Valley Water Sanitation Commission, Biological Program: 2017-2019. Probabilistic surveys in the Emsworth, New Cumberland, Greenup, Meldahl, Markland, Newburgh, and Smithland pools of the Ohio River. Collected macroinvertebrates, fish, aquatic vegetation, substrate, habitat, and water samples to determine overall health of each pool.

**Biologist** – Ohio River Valley Water Sanitation Commission, Water Quality Monitoring and Assessment: 2018. Bi-monthly water and clean metal sample collection. Water quality parameters consisted of pH, specific conductivity, temperature, bromide, chloride, sulfate, total dissolved solids, total kjeldahl Nitrogen, total organic carbon, total phosphorus, and total suspended solids.

**Marine Research / Conservation Intern** – Core Sea: 2016. Monitored the reef ecosystem, coral nursery, and artificial reefs near the island of Koh Phangan, Thailand. Used SCUBA survey techniques to identify coral and fish species, note evidence of coral bleaching, and assess biodiversity. Logistical tasks included preparing and inspecting SCUBA gear, organizing boat schedules, tending to coral aquaculture, data entry, and analyzing growth rates.

## OTHER PROJECT EXPERIENCE

**Team Lead** – Mountain Valley Pipeline, Mainline: 2023. Pre-construction avian point count and occupancy surveys along portions of a proposed 301-mile pipeline in West Virginia and Virginia.

**Field Assistant** – Mountain Valley Pipeline, Mainline: 2022. Pre-construction avian point count and occupancy surveys along portions of a proposed 301-mile pipeline in West Virginia and Virginia.

**Field Assistant** – U.S. Army Corps of Engineers, Varney River: 2021. Mist net surveys for listed bat species along Varney River in Dunklin County, Missouri.

**Field Assistant** – Confidential Client, Brimfield Commons Development: 2021. Mist net surveys for listed bat species on a 7-acre site in Portage County, Ohio.

**Field Assistant** – West Virginia Division of Transportation, Appalachian Corridor H: 2021. Mist-net surveys, and foraging telemetry for the endangered Virginia big-eared bat from Parsons to Davis, West Virginia. Under supervision of federally permitted biologist Patrick Moore, Identified one eastern small-footed bat (*Myotis leibii*) at one site along a 10-mile roadway project in Tucker County, West Virginia.

**Biologist** – American Electric Power, Habitat Conservation Plan: 2021. HCP providing stream-lined ESA compliance for activities related to building and expanding substations and transmission lines system-wide. The project represents the nation's largest multi-species HCP addressing conservation needs of over 300 threatened and endangered

species associated with over 40,000 miles of right-of-way and 188 million acres of land. Assisted with screening potential species for inclusion and with preparation of take estimates. Contributed to technical report writing.

**Biologist** – Energy Transfer, Rover Pipeline Replanting Mitigation: 2021. Planted trees along streams, bottomland, and upland areas along sections of constructed ROW in several counties in West Virginia.

## **TEACHING EXPERIENCE**

**Teaching Assistant** – Morehead State University Department of Biology and Chemistry: 2018-2020. Assistant in undergraduate biology, zoology, botany, and ecology labs. Responsible for safely handling preserved specimens for dissections, setting up practical lab exams, grading, and monitoring students.

## **PRESENTATIONS**

Vest, V.A. and M.M. White. 2017. Range Expansion of Highlands Walleye into the Tennessee River. Presentation at the Ohio University Research Expo.

**ATTACHMENT D**  
**REPRESENTATIVE PHOTOGRAPHS**





Facing BIN/culvert inlet



Facing BIN/culvert outlet





Upstream assessment area looking upstream



Culvert looking at the upstream assessment area



Assessment area of outlet culvert and substrate



Downstream assessment area looking downstream

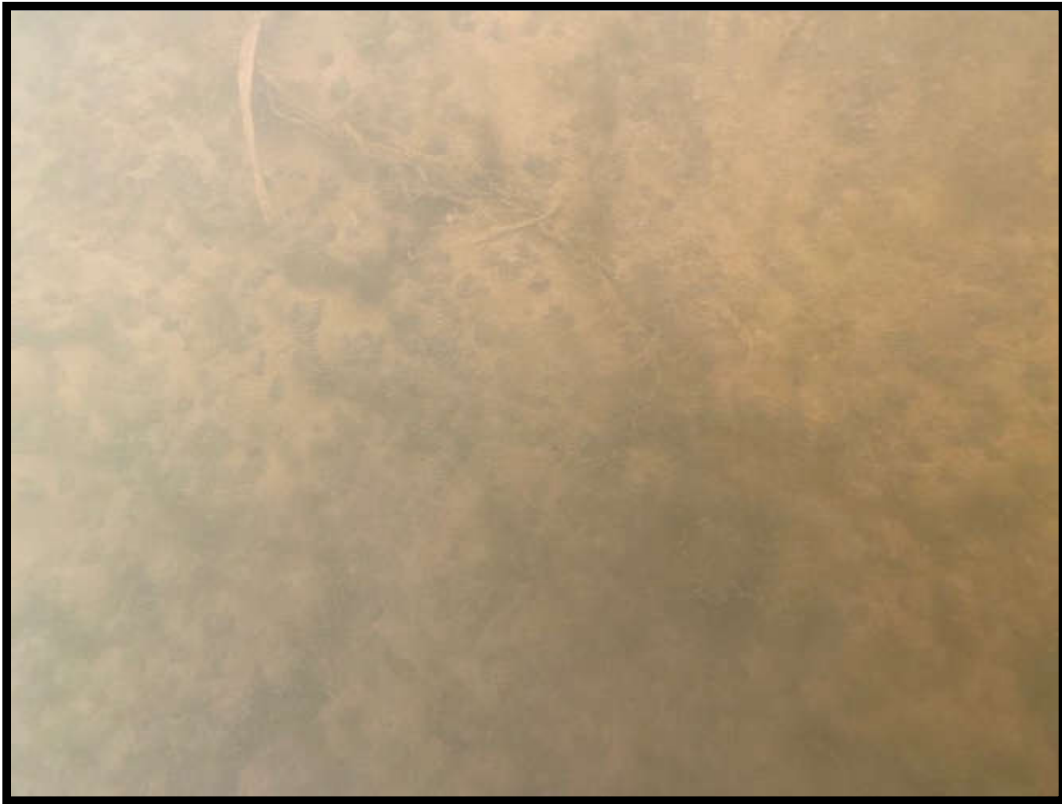




Culvert looking at the downstream assessment area



Typical bank/shoreline – photo taken in downstream assessment area



Typical substrate – photo taken in downstream assessment area





## United States Department of the Interior



FISH AND WILDLIFE SERVICE  
New York Ecological Services Field Office  
3817 Luker Road  
Cortland, NY 13045-9385  
Phone: (607) 753-9334 Fax: (607) 753-9699  
Email Address: [fw5es\\_nyfo@fws.gov](mailto:fw5es_nyfo@fws.gov)

In Reply Refer To:

02/13/2025 14:07:54 UTC

Project Code: 2023-0124546

Project Name: Lockport-Batavia Line 112 Rebuild Project

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 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 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:

<https://www.fws.gov/sites/default/files/documents/endangered-species-consultation-handbook.pdf>

**Migratory Birds:** In addition to responsibilities to protect threatened and endangered species under the Endangered Species Act (ESA), there are additional responsibilities under the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) to protect native birds from project-related impacts. Any activity, intentional or unintentional, resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the U.S. Fish and Wildlife Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)). For more information regarding these Acts see <https://www.fws.gov/program/migratory-bird-permit/what-we-do>.

The MBTA has no provision for allowing take of migratory birds that may be unintentionally killed or injured by otherwise lawful activities. It is the responsibility of the project proponent to comply with these Acts by identifying potential impacts to migratory birds and eagles within applicable NEPA documents (when there is a federal nexus) or a Bird/Eagle Conservation Plan (when there is no federal nexus). Proponents should implement conservation measures to avoid or minimize the production of project-related stressors or minimize the exposure of birds and their resources to the project-related stressors. For more information on avian stressors and recommended conservation measures see <https://www.fws.gov/library/collections/threats-birds>.

In addition to MBTA and BGEPA, Executive Order 13186: *Responsibilities of Federal Agencies to Protect Migratory Birds*, obligates all Federal agencies that engage in or authorize activities that might affect migratory birds, to minimize those effects and encourage conservation measures that will improve bird populations. Executive Order 13186 provides for the protection of both migratory birds and migratory bird habitat. For information regarding the implementation of Executive Order 13186, please visit <https://www.fws.gov/partner/council-conservation-migratory-birds>.

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 Code 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

## 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:

**New York Ecological Services Field Office**  
3817 Luker Road  
Cortland, NY 13045-9385  
(607) 753-9334

## PROJECT SUMMARY

**Project Code:** 2023-0124546  
**Project Name:** Lockport-Batavia Line 112 Rebuild Project  
**Project Type:** Transmission Line - Maintenance/Modification - Above Ground  
**Project Description:** National Grid is proposing the reconstruction and selective relocation of one 115kV transmission line, the Lockport – Batavia Line 112, from existing Structure 1-2 to existing Structure 211, for a total of approximately 21.7 miles. Existing Line 112 is a 115kV circuit that originates at the Lockport Substation and terminates at the Batavia Substation, extending a distance of approximately 35.0 miles. The Project is located in the City of Lockport, Towns of Lockport and Royalton in Niagara County and Town of Alabama in Genesee County (Frontier and Genesee Regions of National Grid’s Western New York Service Territory).

The Project consists of a number of activities on seven (7) Segments of Existing Line 112. The Project proposes to replace the existing single-circuit steel tri-leg “aeromotor” towers with new single-circuit galvanized tubular steel pole structures. Single-circuit suspension structures will be directly embedded into native soils and single-circuit dead-end structures will be set upon foundations. In certain locations, Existing Line 112 shares double-circuit towers with Existing Line 111. In these locations, the existing double-circuit lattice tower structures will be replaced with galvanized tubular steel pole double-circuit structures set upon foundations.

Project work will include tree clearing and brush clearing along the right-of-way.

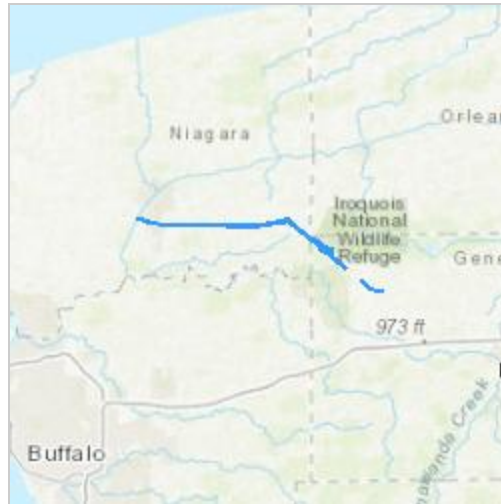
Segment 1 – Structure 1-2 (Mile 0.1) to Structure 6 (Mile 0.5)  
Segment 2 – Structure 6 (Mile 0.5) to Structure 119 (Mile 11.4)  
Segment 3 – Structure 119 (Mile 11.4) to Structure 141 (Mile 13.6)  
Segment 4 Existing – Structure 141 (Mile 13.6) to Structure 159-1 (Mile 15.8)  
Segment 4 Relocated – Structure 141 (Mile 13.6) to Structure 159-1 (Mile 15.8)  
Segment 5 – Structure 159-1 (Mile 15.8) to new Structure 173 ½ (Mile 17.2)  
Segment 7 – New Structure 184 ½ (Mile 19.1) to Structure 211 (Mile 21.7)

Case # (22-T-0654): CONDITION 24. Prior to filing the EM&CP, the Certificate Holder shall contact the NYSDEC, NYS Natural Heritage Program and the United States Fish and Wildlife Service (“USFWS”) to

check for any updates or changes of known threatened or endangered plant or animal species listed in New York, (collectively, “T&E” species) or habitat or Significant Natural Communities in the Project area. After the Certificate Holder learns of any updates regarding T&E species, it will inform DPS Staff of such updates. The Certificate Holder may meet its obligation to inform DPS of such an update by including it in the EM&CP.

**Project Location:**

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@43.121349229767816,-78.45716788852015,14z>



Counties: Genesee and Niagara counties, New York

## ENDANGERED SPECIES ACT SPECIES

There is a total of 4 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 Fisheries<sup>1</sup>, 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
Northern Long-eared Bat <i>Myotis septentrionalis</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/9045">https://ecos.fws.gov/ecp/species/9045</a>	Endangered
Tricolored Bat <i>Perimyotis subflavus</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/10515">https://ecos.fws.gov/ecp/species/10515</a>	Proposed Endangered

## CLAMS

NAME	STATUS
Salamander Mussel <i>Simpsonaias ambigua</i> There is <b>proposed</b> critical habitat for this species. Your location does not overlap the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/6208">https://ecos.fws.gov/ecp/species/6208</a>	Proposed Endangered

## INSECTS

NAME	STATUS
Monarch Butterfly <i>Danaus plexippus</i> There is <b>proposed</b> critical habitat for this species. Your location does not overlap the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/9743">https://ecos.fws.gov/ecp/species/9743</a>	Proposed Threatened

## CRITICAL HABITATS

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

YOU ARE STILL REQUIRED TO DETERMINE IF YOUR PROJECT(S) MAY HAVE EFFECTS ON ALL ABOVE LISTED SPECIES.

## **IPAC USER CONTACT INFORMATION**

Agency: Fisher Associates

Name: Faith Page

Address: 180 Charlotte Street

City: Rochester

State: NY

Zip: 14607

Email: fpage@fisherassoc.com

Phone: 5853341310

## **LEAD AGENCY CONTACT INFORMATION**

Lead Agency: Army Corps of Engineers





## United States Department of the Interior



FISH AND WILDLIFE SERVICE  
New York Ecological Services Field Office  
3817 Luker Road  
Cortland, NY 13045-9385  
Phone: (607) 753-9334 Fax: (607) 753-9699  
Email Address: [fw5es\\_nyfo@fws.gov](mailto:fw5es_nyfo@fws.gov)

In Reply Refer To:  
Project code: 2023-0124546  
Project Name: Lockport-Batavia Line 112 Rebuild Project

02/13/2025 14:16:54 UTC

Federal Nexus: yes  
Federal Action Agency (if applicable): Army Corps of Engineers

**Subject:** Technical assistance for 'Lockport-Batavia Line 112 Rebuild Project'

Dear Faith Page:

This letter records your determination using the Information for Planning and Consultation (IPaC) system provided to the U.S. Fish and Wildlife Service (Service) on February 13, 2025, for 'Lockport-Batavia Line 112 Rebuild Project' (here forward, Project). This project has been assigned Project Code 2023-0124546 and all future correspondence should clearly reference this number. **Please carefully review this letter. Your Endangered Species Act (Act) requirements are not complete.**

### Ensuring Accurate Determinations When Using IPaC

The Service developed the IPaC system and associated species' determination keys in accordance with the Endangered Species Act of 1973 (ESA; 87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.) and based on a standing analysis. All information submitted by the Project proponent into IPaC must accurately represent the full scope and details of the Project. **Failure to accurately represent or implement the Project as detailed in IPaC or the Northern Long-eared Bat and Tricolored Bat Range-wide Determination Key (Dkey), invalidates this letter.**

### Determination for the Northern Long-Eared Bat and Tricolored Bat

Based on your IPaC submission and a standing analysis completed by the Service, you determined the proposed Project will have the following effect determinations:

Species	Listing Status	Determination
Northern Long-eared Bat ( <i>Myotis septentrionalis</i> )	Endangered	May affect
Tricolored Bat ( <i>Perimyotis subflavus</i> )	Proposed	May affect
	Endangered	

## Other Species and Critical Habitat that May be Present in the Action Area

The IPaC-assisted determination key for the northern long-eared bat and tricolored bat does not apply to the following ESA-protected species and/or critical habitat that also may occur in your Action area:

- Monarch Butterfly *Danaus plexippus* Proposed Threatened
- Salamander Mussel *Simpsonaias ambigua* Proposed Endangered

You may coordinate with our Office to determine whether the Action may cause prohibited take of the species listed above.

## Conclusion

Consultation with the Service is not complete. Further consultation or coordination with the Service is necessary for those species or designated critical habitats with a determination of “May Affect.” A “May Affect” determination in this key indicates that the project, as entered, is not consistent with the questions in the key. Not all projects that reach a “May Affect” determination are anticipated to result in adverse impacts to listed species. These projects may result in a “No Effect”, “May Affect, Not Likely to Adversely Affect”, or “May Affect, Likely to Adversely Affect” determination depending on the details of the project. Please contact our New York Ecological Services Field Office to discuss methods to avoid or minimize potential adverse effects to those species or designated critical habitats.

Federal agencies must consult with U.S. Fish and Wildlife Service under section 7(a)(2) of the Endangered Species Act (ESA) when an action *may affect* a listed species. Tricolored bat is proposed for listing as endangered under the ESA, but not yet listed. For actions that may affect a proposed species, agencies cannot consult, but they can *confer* under the authority of section 7(a)(4) of the ESA. Such conferences can follow the procedures for a consultation and be adopted as such if and when the proposed species is listed. Should the tricolored bat be listed, agencies must review projects that are not yet complete, or projects with ongoing effects within the tricolored bat range that previously received a NE or NLAA determination from the key to confirm that the determination is still accurate. Projects that receive a may affect determination for tricolored bat through the key, should contact the appropriate Ecological Services Field Office if they want to conference on this species.

**Action Description**

You provided to IPaC the following name and description for the subject Action.

**1. Name**

Lockport-Batavia Line 112 Rebuild Project

**2. Description**

The following description was provided for the project 'Lockport-Batavia Line 112 Rebuild Project':

National Grid is proposing the reconstruction and selective relocation of one 115kV transmission line, the Lockport – Batavia Line 112, from existing Structure 1-2 to existing Structure 211, for a total of approximately 21.7 miles. Existing Line 112 is a 115kV circuit that originates at the Lockport Substation and terminates at the Batavia Substation, extending a distance of approximately 35.0 miles. The Project is located in the City of Lockport, Towns of Lockport and Royalton in Niagara County and Town of Alabama in Genesee County (Frontier and Genesee Regions of National Grid's Western New York Service Territory).

The Project consists of a number of activities on seven (7) Segments of Existing Line 112. The Project proposes to replace the existing single-circuit steel tri-leg "aeromotor" towers with new single-circuit galvanized tubular steel pole structures. Single-circuit suspension structures will be directly embedded into native soils and single-circuit dead-end structures will be set upon foundations. In certain locations, Existing Line 112 shares double-circuit towers with Existing Line 111. In these locations, the existing double-circuit lattice tower structures will be replaced with galvanized tubular steel pole double-circuit structures set upon foundations.

Project work will include tree clearing and brush clearing along the right-of-way.

Segment 1 – Structure 1-2 (Mile 0.1) to Structure 6 (Mile 0.5)

Segment 2 – Structure 6 (Mile 0.5) to Structure 119 (Mile 11.4)

Segment 3 – Structure 119 (Mile 11.4) to Structure 141 (Mile 13.6)

Segment 4 Existing – Structure 141 (Mile 13.6) to Structure 159-1 (Mile 15.8)

Segment 4 Relocated – Structure 141 (Mile 13.6) to Structure 159-1 (Mile 15.8)

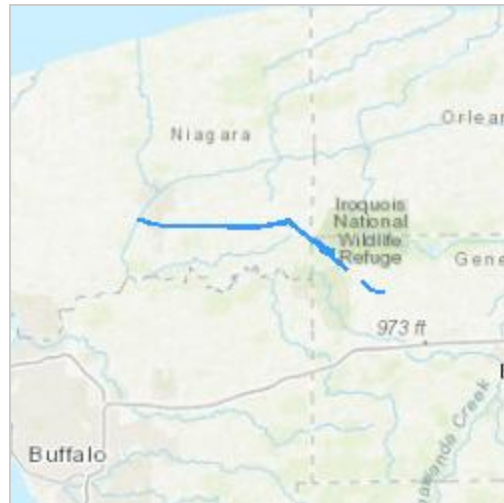
Segment 5 – Structure 159-1 (Mile 15.8) to new Structure 173 ½ (Mile 17.2)

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T&E species, it will inform DPS Staff of such updates. The Certificate Holder may meet its obligation to inform DPS of such an update by including it in the EM&CP.

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@43.121349229767816,-78.45716788852015,14z>



## DETERMINATION KEY RESULT

Based on the answers provided, the proposed Action is consistent with a determination of “may affect” for a least one species covered by this determination key.

## QUALIFICATION INTERVIEW

1. Does the proposed project include, or is it reasonably certain to cause, intentional take of listed bats or any other listed species?

**Note:** Intentional take is defined as take that is the intended result of a project. Intentional take could refer to research, direct species management, surveys, and/or studies that include intentional handling/encountering, harassment, collection, or capturing of any individual of a federally listed threatened, endangered or proposed species?

*No*

2. Is the action area wholly within Zone 2 of the year-round active area for northern long-eared bat and/or tricolored bat?

**Automatically answered**

*No*

3. Does the action area intersect Zone 1 of the year-round active area for northern long-eared bat and/or tricolored bat?

**Automatically answered**

*No*

4. Does any component of the action involve leasing, construction or operation of wind turbines? Answer 'yes' if the activities considered are conducted with the intention of gathering survey information to inform the leasing, construction, or operation of wind turbines.

**Note:** For federal actions, answer ‘yes’ if the construction or operation of wind power facilities is either (1) part of the federal action or (2) would not occur but for a federal agency action (federal permit, funding, etc.).

*No*

5. Is the proposed action authorized, permitted, licensed, funded, or being carried out by a Federal agency in whole or in part?

*Yes*

6. Is the Federal Highway Administration (FHWA), Federal Railroad Administration (FRA), or Federal Transit Administration (FTA) funding or authorizing the proposed action, in whole or in part?

*No*

7. Are you an employee of the federal action agency or have you been officially designated in writing by the agency as its designated non-federal representative for the purposes of Endangered Species Act Section 7 informal consultation per 50 CFR § 402.08?

**Note:** This key may be used for federal actions and for non-federal actions to facilitate section 7 consultation and to help determine whether an incidental take permit may be needed, respectively. This question is for information purposes only.

No

8. Is the lead federal action agency the Environmental Protection Agency (EPA) or Federal Communications Commission (FCC)? Is the Environmental Protection Agency (EPA) or Federal Communications Commission (FCC) funding or authorizing the proposed action, in whole or in part?

No

9. Is the lead federal action agency the Federal Energy Regulatory Commission (FERC)?

No

10. Have you contacted the appropriate agency to determine if your action is near any known northern long-eared bat or tricolored bat **hibernacula**?

**Note:** A document with links to Natural Heritage Inventory databases and other state-specific sources of information on the locations of northern long-eared bat and tricolored bat hibernacula is available [here](#). Location information for northern long-eared bat and tricolored bat hibernacula is generally kept in state natural heritage inventory databases – the availability of this data varies by state. Many states provide online access to their data, either directly by providing maps or by providing the opportunity to make a data request. In some cases, to protect those resources, access to the information may be limited.

Yes

11. Is any portion of the action area within 0.5-mile radius of any known bat **hibernacula**?

If unsure, contact your local Ecological Services Field Office.

No

12. Have you contacted the appropriate agency to determine if your action is near any known occupied culverts?

**Note:** A document with links to Natural Heritage Inventory databases and other state-specific sources of information on the locations of northern long-eared bat and tricolored bat hibernacula is available [here](#). Location information for northern long-eared bat and tricolored bat hibernacula is generally kept in state natural heritage inventory databases – the availability of this data varies by state. Many states provide online access to their data, either directly by providing maps or by providing the opportunity to make a data request. In some cases, to protect those resources, access to the information may be limited.

Yes

13. Is any portion of the action area within a 0.25-mile radius of any known bat occupied culvert? If unsure, contact your local Ecological Services Field Office.

No

14. Does the action area contain any winter roosts or caves (or associated sinkholes, fissures, or other karst features), mines, rocky outcroppings, or tunnels that could provide habitat for hibernating bats?

No

15. Will the action cause effects to a bridge?

**Note:** Covered bridges should be considered as bridges in this question.

No

16. Will the action result in effects to a culvert or tunnel at any time of year?

Yes

17. Does the culvert or tunnel equal or exceed 23 feet (7.0 meters) in length?

No

18. Are trees present within 1000 feet of the action area?

**Note:** If there are trees within the action area that are of a sufficient size to be potential roosts for bats answer "Yes". If unsure, additional information defining suitable summer habitat for the northern long-eared bat and tricolored bat can be found in Appendix A of the USFWS' Range-wide Indiana Bat and Northern long-eared bat Survey Guidelines at: <https://www.fws.gov/media/range-wide-indiana-bat-and-northern-long-eared-bat-survey-guidelines>.

Yes

19. Does the action include the intentional exclusion of bats from a building or structure?

**Note:** Exclusion is conducted to deny bats' entry or reentry into a building. To be effective and to avoid harming bats, it should be done according to established standards. If your action includes bat exclusion and you are unsure whether northern long-eared bats or tricolored bats are present, answer "Yes." Answer "No" if there are no signs of bat use in the building/structure. If unsure, contact your local Ecological Services Field Office to help assess whether northern long-eared bats or tricolored bats may be present. Contact a Nuisance Wildlife Control Operator (NWCO) for help in how to exclude bats from a structure safely without causing harm to the bats (to find a NWCO certified in bat standards, search the Internet using the search term "National Wildlife Control Operators Association bats"). Also see the White-Nose Syndrome Response Team's guide for bat control in structures.

No

20. Does the action involve removal, modification, or maintenance of a human-made structure (barn, house, or other building) **known or suspected to contain roosting bats**?

No

21. Will the action cause construction of one or more new roads open to the public?

For federal actions, answer 'yes' when the construction or operation of these facilities is either (1) part of the federal action or (2) would not occur but for an action taken by a federal agency (federal permit, funding, etc.).

No

22. Will the action include or cause any construction or other activity that is reasonably certain to increase average daily traffic permanently or temporarily on one or more existing roads?

**Note:** For federal actions, answer 'yes' when the construction or operation of these facilities is either (1) part of the federal action or (2) would not occur but for an action taken by a federal agency (federal permit, funding, etc.). .

*No*

23. Will the action include or cause any construction or other activity that is reasonably certain to increase the number of travel lanes on an existing thoroughfare?

For federal actions, answer 'yes' when the construction or operation of these facilities is either (1) part of the federal action or (2) would not occur but for an action taken by a federal agency (federal permit, funding, etc.).

*No*

24. Will the proposed Action involve the creation of a new water-borne contaminant source (e.g., leachate pond, pits containing chemicals that are not NSF/ANSI 60 compliant)?

**Note:** For information regarding NSF/ANSI 60 please visit <https://www.nsf.org/knowledge-library/nsf-ansi-standard-60-drinking-water-treatment-chemicals-health-effects>

*No*

25. Will the proposed action involve the creation of a new point source discharge from a facility other than a water treatment plant or storm water system?

*No*

26. Will the proposed action involve blasting or drilling?

*Yes*

27. Does the action area intersect the northern long-eared bat species list area?

**Automatically answered**

*Yes*

28. [Semantic] Is the action area located within 0.25 miles of a culvert that is known to be occupied by northern long-eared or tricolored bats?

**Automatically answered**

*No*



29. Have you contacted the appropriate agency to determine if your action is within 150 feet of any documented northern long-eared bat roosts?

**Note:** A document with links to Natural Heritage Inventory databases and other state-specific sources of information on the locations of northern long-eared bat roosts is available [here](#). Location information for northern long-eared bat roosts is generally kept in state natural heritage inventory databases – the availability of this data varies by state. Many states provide online access to their data, either directly by providing maps or by providing the opportunity to make a data request. In some cases, to protect those resources, access to the information may be limited.

Yes

30. Is any portion of the action area within 150 feet of any known northern long-eared bat roosts? If unsure, contact your local Ecological Services Field Office.

No

31. Is suitable summer habitat for the northern long-eared bat present within 1000 feet of project activities?

If unsure, answer "Yes."

**Note:** Additional information defining suitable summer habitat for the northern long-eared bat and tricolored bat can be found in Appendix A of the USFWS' Range-wide Indiana Bat and Northern long-eared bat Survey Guidelines at: <https://www.fws.gov/media/range-wide-indiana-bat-and-northern-long-eared-bat-survey-guidelines>.

Yes

32. Have you contacted the appropriate agency to determine if the action area overlaps with a known northern long-eared bat habitat buffer? Summer habitat buffers include the following: (1) 3-mile buffer around northern long-eared bat captures or acoustic detections; (2) 1.5-mile buffer around known roosts). The Spring Staging/Fall Swarming buffer includes 5-mile buffer around the entrance of known hibernacula)?

**Note:** A web page with links to state Natural Heritage Inventory databases and other sources of information on the locations of northern long-eared bat roost trees can be found [here](#). Location information for northern long-eared bat maternity roost trees and swarming areas is generally kept in state natural heritage inventory databases – the availability of this data varies state-by-state. Many states provide online access to their data, either directly by providing maps or by providing the opportunity to make a data request. In some cases, to protect those resources, access to the information may be limited.

Yes

33. Does the action area overlap with a known northern long-eared bat spring staging/fall swarming buffer (within 5 miles of known hibernacula)?

No

34. Does the action area overlap with a known northern long-eared bat summer buffer (3-mile buffer around northern long-eared bat captures or acoustic detections; 1.5-mile buffer around known roost trees)?

No

35. Has a presence/probable absence summer bat survey targeting the northern long-eared bat following the Service's [Range-wide Indiana Bat and Northern Long-Eared Bat Survey Guidelines](#) been conducted within the project area?

No

36. Does the action area intersect the tricolored bat species list area?

**Automatically answered**

Yes

37. [Semantic] Is the action area located within 0.25 miles of a culvert that is known to be occupied by northern long-eared or tricolored bats?

**Note:** The map queried for this question contains proprietary information and cannot be displayed. If you need additional information, please contact your State wildlife agency.

**Automatically answered**

No

38. Have you contacted the appropriate agency to determine if your action is within 150 feet of any documented tricolored bat roosts?

**Note:** A document with links to Natural Heritage Inventory databases and other state-specific sources of information on the locations of tricolored bat roosts is available [here](#). Location information for tricolored bat roosts is generally kept in state natural heritage inventory databases – the availability of this data varies by state. Many states provide online access to their data, either directly by providing maps or by providing the opportunity to make a data request. In some cases, to protect those resources, access to the information may be limited.

Yes

39. Is any portion of the action area within 150 feet of any documented tricolored bat roosts? If unsure, contact your local Ecological Services Field Office.

No

40. Have you contacted the appropriate agency to determine if the action area overlaps with a known tricolored bat habitat buffer? Summer habitat buffers include the following: (1) 3-mile buffer around tricolored bat captures or acoustic detections; (2) 1.5-mile buffer around known roosts). The Spring Staging/Fall Swarming buffer includes a 3-mile buffer around the entrance of known hibernacula)?

**Note:** A web page with links to state Natural Heritage Inventory databases and other sources of information on the locations of tricolored bat roost trees can be found [here](#). Location information for tricolored bat maternity roost trees and swarming areas is generally kept in state natural heritage inventory databases – the availability of this data varies state-by-state. Many states provide online access to their data, either directly by providing maps or by providing the opportunity to make a data request. In some cases, to protect those resources, access to the information may be limited. If you'd like to assume presence of tricolored bats, answer "No".

Yes

41. Does the action area intersect a known Spring Staging/Fall Swarming tricolored bat buffer (within 3 miles of known hibernacula)?

No

42. Does the action area intersect a known tricolored bat summer buffer (3-mile buffer around tricolored bat captures or detections; 1.5-mile buffer around known roost trees)?

No

43. Has a presence/probable absence bat survey targeting the [tricolored bat and following the Service's Range-wide Indiana Bat and Northern Long-Eared Bat Survey Guidelines](#) been conducted within the project area?

No

44. Is suitable summer habitat for the tricolored bat present within 1000 feet of project activities?

(If unsure, answer ""Yes."" )

**Note:** If there are trees within the action area that may provide potential roosts for tricolored bats (e.g., clusters of leaves in live and dead deciduous trees, Spanish moss (*Tillandsia usneoides*), clusters of dead pine needles of large live pines) answer ""Yes."" For a complete definition of suitable summer habitat for the tricolored bat, please see Appendix A in the [Service's Range-wide Indiana Bat and Northern long-eared Bat Survey Guidelines](#).

Yes

45. Do you have any documents that you want to include with this submission?

No

# PROJECT QUESTIONNAIRE

## **IPAC USER CONTACT INFORMATION**

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## **LEAD AGENCY CONTACT INFORMATION**

Lead Agency: Army Corps of Engineers