APPENDIX C US FISH AND WILDLIFE CORRESPONDENCE

APPENDIX C-1 LETTER TO WV USFWS



1200 New Jersey Avenue, SE Washington, DC 20590

Federal Railroad Administration

February 26, 2020

United States Fish and Wildlife Service Ohio Field Office 4625 Morse Road, Suite 104 Columbus, OH 43230-8355

Re: Project Review Request Consultation Code: 03E15000-2020-SLI-0340 Long Ridge Energy Terminal, LLC. Long Ridge Energy Terminal Project Ohio and Salem Townships, Monroe County, Ohio

To Whom It May Concern:

The Federal Railroad Administration (FRA) has selected Monroe County to receive grant funding for the construction of a transloading facility at the Long Ridge Energy Terminal in Monroe County, Ohio (Figure 1). Construction of a pipeline from the Long Ridge Energy Terminal to the Blue Racer processing facility in Natrium, West Virginia is also a related project, but only the transloading facility is federally funded. The FRA, in coordination with Monroe County and Ohio River Partners LLC., is preparing an Environmental Assessment for the Project in accordance with the National Environmental Policy Act (NEPA). Pursuant to 16 U.S.C. Section 1536 (Section 7 of the Endangered Species Act) and its implementing regulations (50 Code of Federal Regulations [CFR] Part 17) "Endangered and Threatened Wildlife and Plants," this letter is being transmitted to present FRA project findings that the proposed project would *not likely adversely affect* the Indiana Bat (Myotis sodalist) and northern long-eared bat (Myotis septentrionalis) in accordance with the Range-wide Programmatic Consultation and to request concurrence from the U.S. Fish and Wildlife Service (USFWS).

Project Background

The Project proposes to construct a 10-inch pipeline that would convey Natural Gas Liquids (NGL) from the Blue Racer processing facility at Natrium, West Virginia to a transportation and loading facility (Transloading Facility) to be constructed entirely within the Long Ridge Energy Terminal in Monroe County, Ohio.

The NGL pipeline would originate at a valve connected pumping station at the existing the Blue Racer facility. The pipeline would then go underground via a bore pit excavated inside the Blue Racer facility, cross under the Ohio River via horizontal directional drill bore, and surface at a valve site in Monroe County, Ohio.

From the valve site, the pipeline would be installed in open cut trench extending 5.9 miles before connecting to the Transloading Facility. After installation, the trench will be backfilled, and the

surface restored to preconstruction contours. Tree cutting will be required in the central wooded section of the corridor, but much of the corridor is in an open agricultural setting or collocated in an existing pipeline right-of-way.

For the construction of the Transloading Facility, the Project applied for funding through the United States Department of Transportation 2018 Better Utilizing Investments to Leverage Development (BUILD) program. The application requested \$20 million in grant funding through the FRA, with this funding to be used only for the Transloading Facility.

Project Investigations

Within Ohio, the Project Study Area is located on privately owned land west of Ohio State Route (S.R.) 7 in Ohio and Salem Townships, Monroe County, OH. The Project Study Area begins approximately one mile southeast of the City of Clarington, OH, and ends approximately four miles north of Hannibal, OH. The Project Study Area is located on the Powhatan Point and New Martinsville USGS 7.5 Minute Topographic Quadrangles (Attachment 1, Figure 1).

The USFWS Information and Planning Consultation (IPaC) tool was used to determine the potential for any federal threatened and endangered species that may occur in the proposed Project location, and/or may be affected by the proposed activities. Attachment 2 contains the IPaC Species List generated for the portion of the Project present within OH. The IPaC identified Indiana bat (*Myotis sodalis*) and northern long-eared bat (*Myotis septentrionalis*) as having the potential to occur within the Project area. No critical habitats were identified in the IPaC search for the Project Area.

A field survey was performed between July 17 and November 12, 2019, to assess the habitat and to identify wetlands and other waters of the United States within the Project Study Area. The Project pipeline will generally follow topographic ridgelines across rural agricultural land, pastures, forests, reclaimed strip-mine land, and existing gas pipeline ROW. The results of the habitat assessment are depicted on the Habitat Assessment Map, included in Attachment 1 as Figure 2. The proposed 5.9-mile NGL pipeline route is co-located within an existing pipeline ROW for approximately 2.6 miles. The existing pipeline ROW was dominated by a mix of planted grass species primarily comprised of Timothy grass (Phleum pratense) and orchard grass (Dactylis glomerata). Approximately 1.9 miles of the proposed pipeline corridor is forested with a mix of early to mid-successional forest dominated by American beech (Fagus americana), red oak (Ouercus rubra), shag-bark hickory (Carva ovata), and sugar maple (Acer saccharum). The proposed transloading facility will be located at the southern terminus of the proposed NGL pipeline in an industrial area that is currently occupied by a paved parking lot, a gravel storage yard, and a mowed grass lawn (Attachment 1, Figure 2). Tree clearing will be avoided where possible, but it is anticipated that approximately 21 acres of tree clearing will be necessary to construct the Project (Attachment 1, Figure 2). Tree clearing will take place outside of speciesspecific time of year restrictions for listed bat species, which would occur from October 1 to March 31.

Previous Correspondence

Tetra Tech, Inc. completed the investigations at the Project and submitted a project review request on December 6, 2019 (Consultation Code: 03E15000-2020-SLI-0340). The initial correspondence from Tetra Tech, Inc. included information about wetlands and additional project area exhibits and maps. An e-mail response was received on January 3, 2020, and indicated the potential presence of the Indiana Bat (Myotis sodalist) and northern long-eared bat (Myotis

septentrionalis), which can be avoided with seasonal tree clearing. As mentioned above, the tree clearing will be avoided were possible, but when necessary, the tree clearing would occur between October 1 and March 31 to avoid adverse effects to the Indiana Bat (Myotis sodalist) and northern long-eared bat (Myotis septentrionalis). USFWS indicated that they "do not anticipate adverse effects to any other federally endangered, threatened, proposed, or candidate species." USFWS also recommended coordination with the Ohio Department of Natural Resources (ODNR). A copy of the request from Tetra Tech, Inc., and response from USFWS is presented in Attachment 3.

A Threatened and Endangered Species Review Information Request was submitted to the ODNR on December 6, 2019. A response was received from the ODNR on January 22, 2020 and identified several aquatic species listed in the Natural Heritage Database within one mile of the project area. The Project will include boring under the Ohio River and Opossum Creek so there will be no impacts to those aquatic species. The response also indicated that the project is within the range of the Indiana bat and recommended seasonal tree cutting between October 1 and March 31.

Determination of Effect

Given the information described above and attached, FRA has determined that the proposed project would be **not likely to adversely affect** the Indiana Bat (Myotis sodalist) and northern long-eared bat (Myotis septentrionalis).

FRA respectfully requests your concurrence with this determination in writing within 30 days of receipt of this letter. To respond to this request, or if you have any questions or concerns, please contact FRA Environmental Protection Specialist for this project, Amanda Ciampolillo at either 617.494.2173 or <u>amanda.ciampolillo@dot.gov</u>.

Sincerely,

Stephaner Skire

Stephanie B. Perez, PG Supervisory Environmental Protection Specialist Office of Railroad Policy and Development Federal Railroad Administration

cc: Tim Price, Monroe County Jason Hamman, Monroe County Robert Wholey, Long Ridge Energy

Enclosures:

Attachment 1: Figures

- Figure 1: USGS Project Location Map
- Figures 2: Habitat Assessment Map Attachment 2: IPaC Species List (Ohio Field Office) Attachment 3: USFWS Review Requests and Responses

ATTACHMENT 1









ATTACHMENT 2



United States Department of the Interior

FISH AND WILDLIFE SERVICE Ohio Ecological Services Field Office 4625 Morse Road, Suite 104 Columbus, OH 43230-8355 Phone: (614) 416-8993 Fax: (614) 416-8994



In Reply Refer To: Consultation Code: 03E15000-2020-SLI-0340 Event Code: 03E15000-2020-E-00493 Project Name: Long Ridge Energy Terminal Project December 04, 2019

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 (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

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

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

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2) (c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

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

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

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 http://www.fws.gov/migratorybirds/ RegulationsandPolicies.html.

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 http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/BirdHazards.html.

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 http://www.fws.gov/migratorybirds/AboutUS.html.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation 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:

Ohio Ecological Services Field Office

4625 Morse Road, Suite 104 Columbus, OH 43230-8355 (614) 416-8993

This project's location is within the jurisdiction of multiple offices. Expect additional species list documents from the following office, and expect that the species and critical habitats in each document reflect only those that fall in the office's jurisdiction:

West Virginia Ecological Services Field Office

90 Vance Drive Elkins, WV 26241-9475 (304) 636-6586

Project Summary

Consultation Code:	03E15000-2020-SLI-0340
Event Code:	03E15000-2020-E-00493
Project Name:	Long Ridge Energy Terminal Project
Project Type:	OIL OR GAS
Project Description:	Long Ridge Energy Terminal, LLC (LRET) is proposing the construction of a two-component project involving the installation of a new natural gas liquids (NGL) pipeline and a new transloading facility as part of the Long Ridge Energy Terminal Project (Project).

Project Location:

Approximate location of the project can be viewed in Google Maps: <u>https://www.google.com/maps/place/39.72970333641136N80.86360499504059W</u>



Counties: Monroe, OH | Marshall, WV

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. Note that 1 of these species should be considered only under certain conditions.

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

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

1. <u>NOAA Fisheries</u>, 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
Indiana Bat <i>Myotis sodalis</i> There is final critical habitat for this species. Your location is outside the critical habitat. Species profile: <u>https://ecos.fws.gov/ecp/species/5949</u>	Endangered
 Northern Long-eared Bat Myotis septentrionalis No critical habitat has been designated for this species. This species only needs to be considered under the following conditions: Incidental take of the northern long-eared bat is not prohibited at this location. Federal action agencies may conclude consultation using the streamlined process described at https://www.fws.gov/midwest/endangered/mammals/nleb/s7.html Species profile: https://ecos.fws.gov/ecp/species/9045	Threatened

Critical habitats

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

ATTACHMENT 3



December 6, 2019

United States Fish and Wildlife Service Ohio Field Office 4625 Morse Road, Suite 104 Columbus, OH 43230-8355

Subject: Project Review Request Consultation Code: 03E15000-2020-SLI-0340 Long Ridge Energy Terminal, LLC. Long Ridge Energy Terminal Project Ohio and Salem Townships, Monroe County, Ohio

To Whom It May Concern:

Tetra Tech, Inc. is requesting information from the United States Fish and Wildlife Service (USFWS) regarding the potential presence of threatened or endangered species on or near the proposed Long Ridge Energy Terminal Project (Project) located in Marshall County, West Virginia (WV) and Monroe County, Ohio (OH), as shown on the United States Geological Survey (USGS) Project Location Map (Attachment 1, Figure 1). Long Ridge Energy Terminal, LLC (LRET) is proposing the construction of a two-component project involving the installation of a new natural gas liquids (NGL) pipeline and a new transloading facility as part of the Project. The pipeline will transport NGL from the existing processing facility owned by Blue Racer Midstream (Blue Racer) in Natrium, WV across the Ohio River into OH and ultimately terminate at the LRET transloading facility at Hannibal, OH. The transloading facility will enable the loading NGL onto railcars for shipment to regional markets.

Within Ohio the Project Study Area is located on privately owned land west of Ohio State Route (S.R.) 7 in Ohio and Salem Townships, Monroe County, OH. The Project Study Area begins approximately one mile southeast of the City of Clarington, OH and ends approximately four miles north of Hannibal, OH. The Project Study Area is located on the Powhatan Point and New Martinsville USGS 7.5 Minute Topographic Quadrangles (Attachment 1, Figure 1).

A field survey was performed between July 17th and November 12th, 2019 to assess the habitat and to identify wetlands and other waters of the United States (U.S) within the Project Study Area. Wetland boundaries were delineated using standard on-site delineation methods outlined in the 1987 *U.S. Army Corps of Engineers Wetlands Delineation Manual* and the 2012 *Regional Supplement to the Corps of Engineers Wetland Delineation Manual*: *Eastern Mountains and Piedmont Region Version 2.0.* The Project Study Area used for the wetlands and waters of the U.S survey and the results of the survey are represented on Figures 4-1 to 4-27 in Attachment 1. Wetland delineation and stream identification surveys identified thirty (30) streams and twenty-six (26) wetlands within the Project Study Area (Attachment 1, Figures 4-1 to 4-27). Temporary impacts to fourteen (14) streams and seven (7) wetlands are anticipated within the proposed Project pipeline limit of disturbance (LOD) during construction, but

these features will be restored to preconstruction conditions during post-construction site restoration. The Project LOD was designed to avoid or minimize impacts to streams and wetlands to the greatest extent practicable by examining alternatives during route selection, including LOD reductions at resource crossings, and implementing Erosion and sediment (E&S) best management practices (BMP) control devices to prevent and minimize impacts to jurisdictional features outside of the Project LOD. It is anticipated that the Project will result in the unavoidable permanent conversion of palustrine forested (PFO) wetland habitat to palustrine emergent (PEM) wetland habitat within the proposed permanent pipeline right-of-way (ROW) for one (1) wetland (W-WJKM05-PFO). The proposed pipeline will cross under the Ohio River, via Horizontal Directional Drilling (HDD); therefore, no impacts to the Ohio River are anticipated.

The USFWS Information and Planning Consultation (IPaC) tool was used to determine the potential for any federal threatened and endangered species that may occur in the proposed Project location, and/or may be affected by the proposed activities. Attachment 2 contains the IPaC Species List generated for the portion of the Project present within OH. The IPaC identified Indiana bat (*Myotis sodalis*) and northern long-eared bat (*Myotis septentrionalis*) as having the potential to occur within the Project area. No critical habitats were identified in the IPaC search for the Project Area.

The Project pipeline will generally follow topographic ridgelines across rural agricultural land, pastures, forests, reclaimed strip-mine land, and existing gas pipeline ROW. The results of the habitat assessment are depicted on the Habitat Assessment Map, included in Attachment 1 as Figure 5. The proposed 5.9-mile NGL pipeline route is co-located within an existing pipeline ROW for approximately 2.6 miles. The existing pipeline ROW was dominated by a mix of planted grass species primarily comprised of Timothy grass (*Phleum pratense*) and orchard grass (*Dactylis glomerata*). Approximately 1.9 miles of the proposed pipeline corridor is forested with a mix of early to mid-successional forest dominated by American beech (*Fagus americana*), red oak (*Quercus rubra*), shag-bark hickory (*Carya ovata*), and sugar maple (*Acer saccharum*). The proposed transloading facility will be located at the southern terminus of the proposed NGL pipeline in an industrial area that is currently occupied by a paved parking lot, a gravel storage yard, and a mowed grass lawn (Attachment 1, Figure 5). Tree clearing will be avoided where possible, but it is anticipated that approximately 21 acres of tree clearing will be necessary to construct the Project (Attachment 1, Figure 5). Tree clearing will take place outside of species-specific time of year restrictions (TOYR) for listed bat species.

We would appreciate it if you could review your files and provide any available information to indicate whether additional studies are required to determine the potential for protected species impact. The attached PDF mapping (Attachment 1) and ArcGIS shapefiles (attached electronically) contain the Project Study Area and Project LOD. If you have any questions regarding this submittal, please feel free to contact me at 412-921-7105 or Henry.Schumacher@tetratech.com. Thank you in advance for your assistance.

Sincerely,

Tetra Tech, Inc.

Hun Sil

Henry B. Schumacher, PWS, Certified Ecologist Senior Ecologist and Wetlands and Ecological Services Manager Attachments:

- Attachment 1: Figures

Figure 1: USGS Project Location Map Figures 2-1 to 2-3: NRCS Soils Map Figures 3A-1 to 3A-3: NWI Wetlands and NHD Streams Map Figures 3B-1 to 3B-3: OWI Wetlands Map Figure 4-INDEX: Aquatic Resource Location Index Map Figures 4-1 to 4-27: Aquatic Resource Location Map Figure 5: Habitat Assessment Map

- Attachment 2: IPaC Species List (Ohio Field Office)
- ArcGIS Shapefiles (attached electronically)

Subject:

FW: Long Ridge Energy Terminal Project, Monroe Co.

A CAUTION: This email originated from an external sender. Verify the source before opening links or attachments.

UNITED STATES DEPARTMENT OF THE INTERIOR



U.S. Fish and Wildlife Service Ecological Services Office 4625 Morse Road, Suite 104 Columbus, Ohio 43230 (614) 416-8993 / Fax (614) 416-8994



TAILS# 03E15000-2020-TA-0506

Dear Mr. McCluskey,

We have received your recent correspondence requesting information about the subject proposal. There are no federal wilderness areas, wildlife refuges or designated critical habitat within the vicinity of the project area. The following comments and recommendations will assist you in fulfilling the requirements for consultation under section 7 of the Endangered Species Act of 1973, as amended (ESA).

The U.S. Fish and Wildlife Service (Service) recommends that proposed developments avoid and minimize water quality impacts and impacts to high quality fish and wildlife habitat (e.g., forests, streams, wetlands). Additionally, natural buffers around streams and wetlands should be preserved to enhance beneficial functions. If streams or wetlands will be impacted, the Corps of Engineers should be contacted to determine whether a Clean Water Act section 404 permit is required. Best management practices should be used to minimize erosion, especially on slopes. All disturbed areas should be mulched and revegetated with native plant species. Prevention of non-native, invasive plant establishment is critical in maintaining high quality habitats.

FEDERALLY LISTED SPECIES COMMENTS: All projects in the State of Ohio lie within the range of the federally endangered **Indiana bat** (*Myotis sodalis*) and the federally threatened **northern long-eared bat** (*Myotis sodalis*). In Ohio, presence of the Indiana bat and northern long-eared bat is assumed wherever suitable habitat occurs unless a presence/absence survey has been performed to document absence. Suitable summer habitat for Indiana bats and northern long-eared bat such as the they roost, forage, and travel and may also include some adjacent and interspersed non-forested habitats such as emergent wetlands and adjacent edges of agricultural fields, old fields and pastures. This includes forests and woodlots containing potential roosts (i.e., live trees and/or snags \geq 3 inches diameter at breast height (dbh) that have any exfoliating bark, cracks, crevices, hollows and/or cavities), as well as linear features such as fencerows, riparian forests, and other wooded corridors. These wooded areas may be dense or loose aggregates of trees with variable amounts of canopy closure. Individual trees may be considered suitable habitat. Northern long-eared bats have also been observed roosting in human-made structures, such as buildings, barns, bridges, and bat houses; therefore, these structures should also be considered potential summer habitat. In the winter, Indiana bats and northern long-eared bats hibernate in caves and abandoned mines.

Should the proposed site contain trees ≥ 3 inches dbh, we recommend that trees be saved wherever possible. If any caves or abandoned mines may be disturbed, further coordination with this office is requested to determine if fall or spring portal surveys are warranted. If no caves or abandoned mines are present and trees ≥ 3 inches dbh cannot be avoided, we recommend that removal of any trees ≥ 3 inches dbh only occur between October 1 and March 31. Seasonal clearing is being recommended to avoid adverse effects to Indiana bats and northern long-eared bats. While incidental take of northern long-eared bats from most tree clearing is exempted by a 4(d) rule (see <u>http://www.fws.gov/midwest/endangered/mammals/nleb/index.html</u>), incidental take of Indiana bats is still prohibited without a project-specific exemption. Thus, seasonal clearing is recommended where Indiana bats are assumed present.

If implementation of this seasonal tree cutting recommendation is not possible, summer surveys may be conducted to document the presence or probable absence of Indiana bats within the project area during the summer. If a summer survey documents probable absence of Indiana bats, the 4(d) rule for the northern long-eared bat could be applied. Surveys must be conducted by an approved surveyor and be designed and conducted in coordination with the Endangered Species Coordinator for this office. Surveyors must have a valid federal permit. Please note that in Ohio summer mist net surveys may only be conducted between June 1 and August 15.

If there is a federal nexus for the project (e.g., federal funding provided, federal permits required to construct), no tree clearing should occur on any portion of the project area until consultation under section 7 of the ESA, between the Service and the federal action agency, is completed. We recommend that the federal action agency submit a determination of effects to this office, relative to the Indiana bat and northern long-eared bat, for our review and concurrence.

Due to the project type, size, and location, we do not anticipate adverse effects to any other federally endangered, threatened, proposed, or candidate species. Should the project design change, or during the term of this action, additional information on listed or proposed species or their critical habitat become available, or if new information reveals effects of the action that were not previously considered, consultation with the Service should be initiated to assess any potential impacts.

These comments have been prepared under the authority of the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.), the ESA, and are consistent with the intent of the National Environmental Policy Act of 1969 and the Service's Mitigation Policy. This letter provides technical assistance only and does not serve as a completed section 7 consultation document. We recommend that the project be coordinated with the Ohio Department of Natural Resources due to the potential for the project to affect state listed species and/or state lands. Contact John Kessler, Environmental Services Administrator, at (614) 265-6621 or at john.kessler@dnr.state.oh.us.

If you have questions, or if we can be of further assistance in this matter, please contact our office at (614) 416-8993 or <u>ohio@fws.gov</u>.

Sincerely,

Patrice M. Ashfield Field Office Supervisor

cc: Nathan Reardon, ODNR-DOW Kate Parsons, ODNR-DOW APPENDIX C-2 RESPONSE LETTER FROM WV USFWS
 From:
 Ohio, FW3

 To:
 Blatnica, Rebecca (Volpe)

 Subject:
 Long Ridge Energy Terminal Project, Monroe Co. (TAILS # Correction Letter)

 Date:
 Friday, March 13, 2020 2:42:26 PM

 Attachments:
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UNITED STATES DEPARTMENT OF THE INTERIOR U.S. Fish and Wildlife Service Ecological Services Office 4625 Morse Road, Suite 104 Columbus, Ohio 43230 (614) 416-8993 / Fax (614) 416-8994



TAILS# 03E15000-2020-I-0506

Dear Ms. Blatnica,

We have received your recent correspondence regarding the above-referenced project. You have requested concurrence with your determination of effects to federally listed species, pursuant to section 7(a)(2) of the Endangered Species Act of 1973, as amended (ESA).

The U.S. Fish and Wildlife Service (Service) has reviewed your project description and concurs with your determination that the project, as proposed, is not likely to adversely affect the federally listed endangered Indiana bat (*Myotis sodalis*) or threatened northern long-eared bat (*Myotis septentrionalis*). This is based on the commitment to cut all trees \geq 3 inches dbh only between October 1 and March 31 to avoid adverse effects to the Indiana bat and northern long-eared bat.

This concludes consultation on this action as required by section 7(a)(2) of the ESA. Should, during the term of this action, additional information on listed or proposed species or their critical habitat become available, or if new information reveals effects of the action that were not previously considered, consultation with the Service should be reinitiated to assess whether the determinations are still valid.

If you have questions, or if we can be of further assistance in this matter, please contact our office at (614) 416-8993 or <u>ohio@fws.gov.</u>

Sincerely,

Patrice M. Ashfield Field Office Supervisor

APPENDIX C-3 LETTER TO OH USFWS



December 6, 2019

United States Fish and Wildlife Service West Virginia Field Office 90 Vance Drive Elkins, WV 26241

Subject: Project Review Request Consultation Code: 05E2WV00-2020-SLI-0250 Long Ridge Energy Terminal, LLC. Long Ridge Energy Terminal Project Franklin Township, Marshall County, West Virginia

To Whom It May Concern:

Tetra Tech, Inc. is requesting information from the United States Fish and Wildlife Service (USFWS) regarding the potential presence of threatened or endangered species on or near the proposed Long Ridge Energy Terminal Project (Project) located in Marshall County, West Virginia (WV) and Monroe County, Ohio (OH), as shown on the United States Geological Survey (USGS) Project Location Map (Attachment 1, Figure 1). Long Ridge Energy Terminal, LLC (LRET) is proposing the construction of a two-component project involving the installation of a new natural gas liquids (NGL) pipeline and a new transloading facility as part of the Project. The pipeline will transport NGL from the existing processing facility owned by Blue Racer Midstream (Blue Racer) in Natrium, WV across the Ohio River into OH and ultimately terminate at the LRET transloading facility at Hannibal, OH. The transloading facility will enable the loading NGL onto railcars for shipment to regional markets.

Within West Virginia the Project Study Area is located on privately owned land between the east bank of the Ohio River and WV State Route (S.R.) 2 in Franklin Township, Marshall County, WV. The Project Study Area begins in WV, approximately one mile southeast of the City of Clarington, OH, and ends approximately four miles north of Hannibal, OH. The Project Study Area is located on the Powhatan Point and New Martinsville USGS 7.5 Minute Topographic Quadrangles (Attachment 1, Figure 1).

Field surveys were performed between July 17th and November 12th, 2019 to assess the habitat and to identify wetlands and other waters of the United States (U.S) within the Project Study Area. Wetland boundaries were delineated using standard on-site delineation methods outlined in the 1987 U.S. Army Corps of Engineers Wetlands Delineation Manual and the 2012 Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Eastern Mountains and Piedmont Region Version 2.0. The Project Study Area used for the wetlands and waters of the U.S survey and the results of the survey are represented on Figures 4-1 to 4-27 in Attachment 1. Wetland delineation and stream identification surveys identified thirty (30) streams and twenty-six (26) wetlands within the Project Study Area (Attachment 1, Figures 4-1 to 4-27). The Project limit of disturbance (LOD) was designed to avoid or minimize impacts to streams and wetlands to the greatest extent practicable by examining alternatives during route selection, including LOD reductions at resource crossings, and implementing erosion and sediment

(E&S) best management practices (BMP) control devices to prevent and minimize impacts to jurisdictional features outside of the Project LOD. No aquatic resource impacts are anticipated within the portion of the Project located in WV.

The USFWS Information and Planning Consultation (IPaC) tool was used to determine the potential for any federal threatened and endangered species that may occur in the proposed Project location, and/or may be affected by the proposed activities. Attachment 2 contains the IPaC Species List generated for the portion of the Project present within WV. The IPaC identified Indiana bat (*Myotis sodalis*), northern long-eared bat (*Myotis septentrionalis*), fanshell (*Cyprogenia stegaria*), pink mucket [pearlymussel] (*Lampsilis abrupta*), sheepnose mussel (*Plethobasus cyphyus*), and snuffbox mussel (*Epioblasma triquetra*) as having the potential to occur within the Project area. No critical habitats were identified in the IPaC search for the Project Area.

The proposed pipeline will cross under the Ohio River, via Horizontal Directional Drilling (HDD); therefore, no impacts to the Ohio River are anticipated. With the exception of the Ohio River, there are no Group 1, 2, 3, or 4 mussel streams crossed by the proposed Project listed in Appendix A of the WVDNR West Virginia Mussel Survey Protocols.

Within WV the Project LOD is only proposed within existing unforested industrial land. The results of the habitat assessment are depicted on the Habitat Assessment Map, included in Attachment 1 as Figure 5. No tree clearing is anticipated to construct the portion of the proposed Project that is located within WV (Attachment 1, Figure 5).

We would appreciate it if you could review your files and provide any available information to indicate whether additional studies are required to determine the potential for protected species impact. The attached PDF mapping (Attachment 1) and ArcGIS shapefiles (attached electronically) contain the Project Study Area and Project LOD. If you have any questions regarding this submittal, please feel free to contact me at 412-921-7105 or Henry.Schumacher@tetratech.com. Thank you in advance for your assistance.

Sincerely,

Tetra Tech, Inc.

Hun Scl

Henry B. Schumacher, PWS, Certified Ecologist Senior Ecologist and Wetlands and Ecological Services Manager

Attachments:

- Attachment 1: Figures

Figure 1: USGS Project Location Map Figures 2-1 to 2-3: NRCS Soils Map Figures 3-1 to 3-3: NWI Wetlands and NHD Streams Map Figure 4-INDEX: Aquatic Resource Location Index Map Figures 4-1 to 4-27: Aquatic Resource Location Map Figure 5: Habitat Assessment Map

- Attachment 2: IPaC Species List (West Virginia Field Office)
- ArcGIS Shapefiles (attached electronically)

ATTACHMENT 1 – FIGURES



















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ATTACHMENT 2 – IPAC SPECIES LIST FOR WEST VIRGINIA



United States Department of the Interior

FISH AND WILDLIFE SERVICE West Virginia Ecological Services Field Office 90 Vance Drive Elkins, WV 26241-9475 Phone: (304) 636-6586 Fax: (304) 636-7824 http://www.fws.gov/westvirginiafieldoffice/



In Reply Refer To: Consultation Code: 05E2WV00-2020-SLI-0250 Event Code: 05E2WV00-2020-E-00522 Project Name: Long Ridge Energy Terminal Project December 04, 2019

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, and proposed species, designated critical habitat, and candidate species 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.

If the official species list you receive identifies any listed, proposed, or candidate species as potentially occurring in the proposed project area, then further section 7 consultation under the ESA is required with the Fish and Wildlife Service. Please submit a project review request to the West Virginia Field Office. To find out what information needs to be submitted with your project review request go to this link: <u>http://www.fws.gov/westvirginiafieldoffice/projectreview.html</u>

Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you should submit to our office.

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.

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 (<u>http://www.fws.gov/windenergy/</u> <u>eagle_guidance.html</u>). For information on bald and golden eagles in your project area please contact the West Virginia Division of Natural Resources, Natural Heritage Program at P.O. Box 67 Elkins, WV 26241, or call 304-637-0245.

Additionally, wind energy projects should follow the Service's wind energy guidelines (<u>http://www.fws.gov/windenergy/</u>) 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: <u>http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm; http://www.towerkill.com; http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers/towers/towers/towerkill.com; http://www.fws.gov/westvirginiafieldoffice/PDF/ Communication%20Tower%20Letter%20(1).pdf</u>

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.

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:

West Virginia Ecological Services Field Office

90 Vance Drive Elkins, WV 26241-9475 (304) 636-6586

This project's location is within the jurisdiction of multiple offices. Expect additional species list documents from the following office, and expect that the species and critical habitats in each document reflect only those that fall in the office's jurisdiction:

Ohio Ecological Services Field Office

4625 Morse Road, Suite 104 Columbus, OH 43230-8355 (614) 416-8993

Project Summary

Consultation Code:	05E2WV00-2020-SLI-0250
Event Code:	05E2WV00-2020-E-00522
Project Name:	Long Ridge Energy Terminal Project
Project Type:	OIL OR GAS
Project Description:	Long Ridge Energy Terminal, LLC (LRET) is proposing the construction of a two-component project involving the installation of a new natural gas liquids (NGL) pipeline and a new transloading facility as part of the Long Ridge Energy Terminal Project (Project).

Project Location:

Approximate location of the project can be viewed in Google Maps: <u>https://www.google.com/maps/place/39.72970333641136N80.86360499504059W</u>



Counties: Monroe, OH | Marshall, WV
Endangered Species Act Species

There is a total of 6 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. Note that 2 of these species should be considered only under certain conditions.

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

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

1. <u>NOAA Fisheries</u>, 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
Indiana Bat Myotis sodalis	Endangered
There is final critical habitat for this species. Your location is outside the critical habitat.	
This species only needs to be considered under the following conditions:	
• All activities in this location should consider potential effects to this species. This project is	
not within a known-use area, but potentially occupied habitat may exist. Please contact the	
WVFO for additional consultation.	
Species profile: <u>https://ecos.fws.gov/ecp/species/5949</u>	
Northern Long-eared Bat Myotis septentrionalis	Threatened
No critical habitat has been designated for this species.	
This species only needs to be considered under the following conditions:	
No known hibernacula or maternity roost trees occur within the action area. Any 'take' that	
may occur incidental to this project is not prohibited under the final 4(d) rule. Please	
submit a Streamlined 4(d) Rule Consultation form to the WVFO.	
Species profile: <u>https://ecos.fws.gov/ecp/species/9045</u>	

Clams

NAME	STATUS
Fanshell <i>Cyprogenia stegaria</i> No critical habitat has been designated for this species.	Endangered
Species profile: https://ecos.fws.gov/ecp/species/4822	
General project design guidelines:	
https://ecos.fws.gov/ipac/guideline/design/population/368/office/51412.pdf	
Species survey guidelines:	
https://ecos.fws.gov/ipac/guideline/survey/population/368/office/51412.pdf	
Pink Mucket (pearlymussel) Lampsilis abrupta	Endangered
No critical habitat has been designated for this species.	
Species profile: <u>https://ecos.fws.gov/ecp/species/7829</u>	
General project design guidelines:	
https://ecos.fws.gov/ipac/guideline/design/population/331/office/51412.pdf	
Species survey guidelines:	
https://ecos.fws.gov/ipac/guideline/survey/population/331/office/51412.pdf	
Sheepnose Mussel <i>Plethobasus cyphyus</i>	Endangered
No critical habitat has been designated for this species.	0
Species profile: https://ecos.fws.gov/ecp/species/6903	
General project design guidelines:	
https://ecos.fws.gov/ipac/guideline/design/population/7816/office/51412.pdf	
Species survey guidelines:	
https://ecos.fws.gov/ipac/guideline/survey/population/7816/office/51412.pdf	
Snuffbox Mussel Epioblasma triquetra	Endangered
No critical habitat has been designated for this species.	0
Species profile: https://ecos.fws.gov/ecp/species/4135	
General project design guidelines:	
https://ecos.fws.gov/ipac/guideline/design/population/5281/office/51412.pdf	
Species survey guidelines:	
https://ecos.fws.gov/ipac/guideline/survey/population/5281/office/51412.pdf	

Critical habitats

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

APPENDIX C-4 RESPONSE LETTER FROM OH USFWS



United States Department of the Interior



FISH AND WILDLIFE SERVICE

West Virginia Field Office 90 Vance Drive Elkins, West Virginia 26241

Contact Name: Korey McCluskey

Email Address or Fax Number: _Korey.McCluskey@tetratech.com

FWS File # 2020-1-0250 All future correspondence should clearly reference this FWS File #.

Project: Long Ridge Energy Terminal Project

Date of Letter Request: January 14, 2020

This is in response to your letter requesting threatened and endangered species information in regard to the proposed project listed above. These comments are provided pursuant to the Endangered Species Act (ESA, 87 Stat. 884, as amended; 16 U. S. C. 1531 *et seq.*).

We have made a "no effect" determination that the project will not affect federally listed endangered or threatened species. Therefore no biological assessment or further section 7 consultation under the ESA is required with the Fish and Wildlife Service. Should project plans change or amendments be proposed that we have not considered in your proposed action, or if additional information on listed and proposed species becomes available, or if new species become listed or critical habitat is designated, this determination may be reconsidered.

Definitive determinations of the presences of waters of the United States, including wetlands, in the project area and the need for permits, if any, are made by the U.S. Army Corps of Engineers. They may be contacted at: Pittsburgh District, Regulatory Branch, William S. Moorhead Federal Building, 1000 Liberty Avenue, Pittsburgh, Pennsylvania 18222-4188, telephone (412) 395-7152.

Tienan Lennor		Date:	1/29/2020
Biologist		_	
Bataza Douglas	Acting	_ Date:	1/31/2020