United States Department of the Interior

FISH AND WILDLIFE SERVICE
Pennsylvania Field Office
315 South Allen Street, Suite 322
State College, Pennsylvania 16801-4850

April 23, 2013

Greg Hufnagel
AECOM
4 Neshaminy Interplex
Suite 300
Trevose, PA 19053

RE: USFWS Project #2012-0681

Dear Mr. Hufnagel:

This responds to your letter of March 28, 2013, requesting our review of mist-net survey results for the proposed Constitution Pipeline project, which consisted of one primary route (22.8 miles) and one alternative route (8.6 miles). The portion of the pipeline that was surveyed is located in Susquehanna County, Pennsylvania; however, the majority of the pipeline lies in the State of New York. The following comments are provided pursuant to the Endangered Species Act of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq*.) to ensure the protection of endangered and threatened species and the Migratory Bird Treaty Act (MBTA, 16 U.S.C. 703-712; Ch. 128; July 13, 1918; 40 Stat. 755, as amended) to ensure the protection of migratory bird species.

Federally Listed Species

The proposed project is located within the range of the Indiana bat (*Myotis sodalis*), a species that is federally listed as endangered. Due to proposed forest clearing associated with construction of the pipeline, mist-netting was recommended to determine whether Indiana bats are present. According to the June-July 2012 survey report, surveys were conducted at 51 sites within the project area (primary route and alternative route) between June 9 and July 31, 2012, in accordance with the Fish and Wildlife Service's Indiana bat mist-net survey guidelines. During these surveys, 192 bats of five species were captured, but this did not include any Indiana bats. Based on these survey results, we have concluded that Indiana bats are either not present in the project area, or are present in such low densities that they were not detected. In addition, the project is not within an area that is known to be occupied by a maternity colony, or within the fall swarming habitat associated with any known Indiana bat hibernacula. Consequently, we have determined that tree-clearing related to installation of the proposed natural gas pipeline construction project is not likely to adversely affect the Indiana bat.

Assessment of Risks to Migratory Birds

Further comments on the Migratory Bird Treaty Act will be forthcoming.

To avoid potential delays in reviewing your project, please use the above-referenced USFWS project tracking number in any future correspondence regarding this project.

If you have any questions regarding this matter, please contact Pamela Shellenberger of my staff at 814-234-4090.

Sincerely,

Sarah Gannon-Nagle
Acting Field Office Supervisor

cc:
Tim Sullivan - NYFO

cc:
Tim Sullivan
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Readers file
ES file - active
Response type: Ibat NLAA-Neg Survey
ES:PAFO:ckc:
Filename: drafts2013/Constitution Pipeline