

Memorandum

To: NiSource Inc.

From: Jacqueline M. McCort

Date: June 28, 2024

Subject: Threatened and Endangered Species Review
North Columbus High Pressure (NCHP) Pipeline Project - University

Project No.: 21004202A

On behalf of NiSource Inc., Colliers Engineering & Design (CED) conducted a Threatened and Endangered Species Desktop Review for the North Columbus High Pressure (NCHP) Pipeline Project – University located north of Columbus, Ohio within Franklin County (hereinafter referred to as “Project Study Area”). The University Project includes the installation of 20-inch-high pressure steel pipelines and additional workspaces. A total of 2.15 miles of 20-inch pipeline is proposed. A total of 2.36 acres of additional workspace is proposed.

The Project Study Area is comprised of a 100-foot wide survey corridor centered on the proposed pipeline alignment for 2.15 miles. The Project Study Area is located at latitudinal coordinates 40.010514 N and longitudinal coordinates -83.014027 W. The additional workspaces are located adjacent to the project alignment, near the central and eastern end of the alignment. Access to these additional workspaces can be achieved from Defiance Drive and Kenny Road. Access to the Subject Property can be achieved from Ackerman Road, N Star Road, Kenny Road, Ridgeview Road, and Brandon Road. The Project Study Area is located in Upper Arlington, Ohio (Figure 1, **Appendix A**). Based on a review of the *Northwest Columbus Ohio* Quadrangle USGS Map and historical aerial photographs, the Project Study Area appears to be mainly residential/commercial properties with small, forested areas. The Project Study Area is relatively flat with elevations that range from 750 to 950 feet above mean sea level (MSL). The Project Study Area is located in the Eastern Corn Belt Plains ecoregion.

Some populations of plants and animals are declining because of natural forces or their inability to coexist with human activity. Plants and animals with Endangered or Threatened status are protected under the Endangered Species Act (ESA) of 1973 (16 US 1531 et seq.). Federal Species of Concern (FSC) are species not legally protected under the ESA and are not subject to any of its provisions, including Section 7, until they are formally proposed or listed as Endangered or Threatened.

CED conducted a threatened and endangered species review to become aware of the potential presence of Endangered or Threatened listed species that are located within the Project Study Area

or within the vicinity. The United States Fish and Wildlife Service (USFWS) web page was reviewed to determine species that have Federal protection in Franklin County within the state of Ohio. A refined search, using the USFWS Information for Planning and Consultation (IPaC) database, was performed to provide a more detailed list of species and critical habitat under USFWS jurisdiction that are known or expected to occur within the Project Study Area. Table 1 provides the USFWS IPaC Species List for the Project Study Area (full document is provided in **Appendix B**). Upon our request of a project review, USFWS provided initial recommendations dated August 15, 2023, and indicated they do not anticipate adverse effects to federally endangered, threatened, or proposed species, or proposed or designated critical habitat (letter is provided in **Appendix C**). This determination was reiterated by USFWS in their updated recommendations dated February 6, 2024 (letter provided in **Appendix C**).

In addition to the review of federal databases, CED conducted a review of the Ohio Department of Natural Resources (ODNR) web page regarding natural heritage resources surrounding the Project Study Area. The ODNR provides results of potential occurrences of rare species, natural communities, and federally listed species that have been documented within the immediate vicinity of the Project Study Area. Table 2 lists species that, as of May 22, 2023, potentially occur in Franklin County. CED submitted an initial consultation letter on May 24, 2024, to the ODNR requesting comment. ODNR database results were received on June 26th, 2024 (**Appendix D**). Table 3 provides the ODNR Natural Heritage Database that has listed six (6) species that occur within one (1) mile of the project area; however, none have been noted by ODNR as having been recorded within the project limits.

Table 1. USFWS IPaC Species List for Project Study Area

Common Name	Scientific Name	Status
Insects		
Monarch Butterfly	<i>Danaus plexippus</i>	C
Mammals		
Indiana Bat	<i>Myotis sodalis</i>	E
Northern Long-eared Bat	<i>Myotis septentrionalis</i>	E
Tricolored Bat	<i>Perimyotis subflavus</i>	PE
Clams		
Rayed Bean	<i>Villosa fabalis</i>	E
Salamander Mussel	<i>Simpsonaias ambigua</i>	PE

Notes:

E – Federally Endangered.
T – Federally Threatened.
PE – Proposed Endangered.

PT – Proposed Threatened.
C – Candidate Species.

Table 2. ODNR Franklin County Species List as of May 22, 2023

Common Name	Scientific Name	State Status	Federal Status
Mammals			
Indiana Myotis	<i>Myotis sodalis</i>	E	E
Black Bear	<i>Ursus americanus</i>	E	-
Northern Long-eared Bat	<i>Myotis septentrionalis</i>	T	T
Star-nosed Mole	<i>Condylura cristata</i>	SC	-
Big Brown Bat	<i>Eptesicus fuscus</i>	SC	-
Red Bat	<i>Lasiurus borealis</i>	SC	-
Hoary Bat	<i>Lasiurus cinereus</i>	SC	-
Snowshoe Hare	<i>Lepus americanus</i>	SC	-
Woodland Vole	<i>Microtus pinetorum</i>	SC	-
Ermine	<i>Mustela erminea</i>	SC	-
Little Brown Bat	<i>Myotis lucifugus</i>	SC	-
Tri-colored Bat	<i>Perimyotis subflavus</i>	SC	-
Deer Mouse	<i>Peromyscus maniculatus</i>	SC	-
Smoky Shrew	<i>Sorex fumeus</i>	SC	-
Southern Bog Lemming	<i>Synaptomys cooperi</i>	SC	-
Badger	<i>Taxidea taxus</i>	SC	-
Common Gray Fox	<i>Urocyon cinereoargenteus</i>	SC	-
Evening Bat	<i>Nycticeius humeralis</i>	SI	-
American Bison	<i>Bison bison</i>	X	-

Birds			
Upland Sandpiper	<i>Bartramia longicauda</i>	E	-
American Bittern	<i>Botaurus lentiginosus</i>	E	-
Cattle Egret	<i>Bubulucus ibis</i>	E	-
Lark Sparrow	<i>Chondestes grammacus</i>	E	-
Northern Harrier	<i>Circus hudsonius</i>	E	-
Sandhill Crane	<i>Grus canadensis</i>	T	-
Least Bittern	<i>Ixobrychus exilis</i>	T	-
Black-crowned Night-Heron	<i>Nycticorax nycticorax</i>	T	-
Barn Owl	<i>Tyto alba</i>	T	-
Sharp-shinned Hawk	<i>Accipiter striatus</i>	SC	-
Henslow's Sparrow	<i>Ammodramus henslowii</i>	SC	-
Grasshopper Sparrow	<i>Ammodramus savannarum</i>	SC	-
Great Egret	<i>Ardea alba</i>	SC	-
Common Nighthawk	<i>Chordeiles minor</i>	SC	-
Sedge Wren	<i>Cistothorus platensis</i>	SC	-
Black-billed Cuckoo	<i>Coccyzus erythrophthalmus</i>	SC	-
Northern Bobwhite	<i>Colinus virginianus</i>	SC	-
Bobolink	<i>Dolichonyx oryzivorus</i>	SC	-
American Coot	<i>Fulica americana</i>	SC	-
Common Gallinule	<i>Gallinula galeata</i>	SC	-
Red-headed Woodpecker	<i>Melanerpes erythrocephalus</i>	SC	-
Vesper Sparrow	<i>Pooecetes gramineus</i>	SC	-

Sora Rail	<i>Porzana carolina</i>	SC	-
Prothonotary Warbler	<i>Protonotaria citrea</i>	SC	-
Virginia Rail	<i>Rallus limicola</i>	SC	-
Cerulean Warbler	<i>Setophaga cerulea</i>	SC	-
Northern Shoveler	<i>Anas clypeata</i>	SI	-
Green-Winged Teal	<i>Anas crecca</i>	SI	-
American Black Duck	<i>Anas rubripes</i>	SI	-
Veery	<i>Catharus fuscescens</i>	SI	-
Hermit Thrush	<i>Catharus guttatus</i>	SI	-
Brown Creeper	<i>Certhia americana</i>	SI	-
Least Flycatcher	<i>Empidonax minimus</i>	SI	-
Wilsons Snipe	<i>Gallinago delicata</i>	SI	-
Dark-eyed Junco	<i>Junco hyemalis</i>	SI	-
Yellow-crowned Night-Heron	<i>Nyctanassa violacea</i>	SI	-
Nashville Warbler	<i>Oreothlypis ruficapilla</i>	SI	-
Northern Waterthrush	<i>Parkesia noveboracensis</i>	SI	-
Golden-crowned Kinglet	<i>Regulus satrapa</i>	SI	-
Blackburnian Warbler	<i>Setophaga fusca</i>	SI	-
Magnolia Warbler	<i>Setophaga magnolia</i>	SI	-
Red-breasted Nuthatch	<i>Sitta canadensis</i>	SI	-

Yellow-bellied Sapsucker	<i>Sphyrapicus varius</i>	SI	-
Winter Wren	<i>Troglodytes hiemalis</i>	SI	-
Golden-winged Warbler	<i>Vermivora chrysoptera</i>	SI	-
Bell's Vireo	<i>Vireo bellii</i>	SI	-
Insects			
-	<i>Chimarra socia</i>	E	-
Two-spotted Skipper	<i>Euphyes bimacla</i>	SC	-
-	<i>Agroperina lutosa</i>	SC	-
Precious Underwing	<i>Catocala pretiosa</i>	SC	-
Slender Clearwing	<i>Hemaris gracilis</i>	SI	-
Fish			
Iowa Darter	<i>Etheostoma exile</i>	E	-
Spotted Darter	<i>Etheostoma maculatum</i>	E	-
Tonguetied Minnow	<i>Exoglossum laurae</i>	E	-
Goldeye	<i>Hiodon alosoides</i>	E	-
Northern Brook Lamprey	<i>Ichthyomyzon fossor</i>	E	-
Shortnose Gar	<i>Lepisosteus platostomus</i>	E	-
Popeye Shiner	<i>Notropis ariommus</i>	E	-
Lake Chubsucker	<i>Erimyzon sucetta</i>	T	-
Tippecanoe Darter	<i>Etheostoma tippecanoe</i>	T	-
Paddlefish	<i>Polyodon spathula</i>	T	-
Muskellunge	<i>Esox masquinongy</i>	SC	-
Blue catfish	<i>Ictalurus furcatus</i>	SC	-

Blacknose Shiner	<i>Notropis heterolepis</i>	X	-
Longhead Darter	<i>Percina macrocephala</i>	X	-
Clams/Mollusk			
Butterfly	<i>Ellipsaria lineolata</i>	E	-
Elephant-ear	<i>Elliptio crassidens</i>	E	-
Purple Cats paw	<i>Epioblasma obliquata</i>	E	E
Snuffbox	<i>Epioblasma triquetra</i>	E	E
Longsolid	<i>Fusconaia subrotunda</i>	E	-
Pink Mucket	<i>Lampsilis abrupta</i>	E	E
Pocketbook	<i>Lampsilis ovata</i>	E	-
Washboard	<i>Megaloniaias nervosa</i>	E	-
Clubshell	<i>Pleurobema clava</i>	E	E
Ohio Pigtoe	<i>Pleurobema cordatum</i>	E	-
Rabbitsfoot	<i>Theliderma cylindrica</i>	E	T
Rayed Bean	<i>Villosa fabalis</i>	E	E
Black Sandshell	<i>Ligumia recta</i>	T	-
Threehorn Wartyback	<i>Obliquaria reflexa</i>	T	-
Fawnsfoot	<i>Truncilla donaciformis</i>	T	-
Pondhorn	<i>Unio merus tetralasmus</i>	T	-
Elktoe	<i>Alasmidonta marginata</i>	SC	-
Purple Wartyback	<i>Cyclonaias tuberculata</i>	SC	-
Wavy-rayed Lampmussel	<i>Lampsilis fasciola</i>	SC	-
Creek Heelsplitter	<i>Lasmigona compressa</i>	SC	-
Round Pigtoe	<i>Pleurobema sintoxia</i>	SC	-

Kidneyshell	<i>Ptychobranhus fasciolaris</i>	SC	-
Deertoe	<i>Truncilla truncata</i>	SC	-
Mucket	<i>Actinonaias ligamentina ligamentina</i>	X	-
Rough Pigtoe	<i>Pleurobema plenum</i>	X	-
Reptiles/Amphibians			
Smooth Greensnake	<i>Opheodrys vernalis</i>	E	-
Eastern Cricket Frog	<i>Acris crepitans crepitans</i>	SC	-
Four-toed Salamander	<i>Hemidactylum scutatum</i>	SC	-
Flowering Plants			
American Sweet-flag	<i>Acorus americanus</i>	P	-
Gattinger's-foxglove	<i>Agalinis gattingeri</i>	T	-
Spreading Rock Cress	<i>Arabis patens</i>	E	-
Prairie False Indigo	<i>Baptisia lacteal</i>	P	-
Prairie Brome	<i>Bromus kalmii</i>	P	-
Pale Umbrella-sedge	<i>Carex acuminatus</i>	E	-
Cypress-knee Sedge	<i>Carex decomposita</i>	P	-
Tall Larkspur	<i>Delphinium exaltatum</i>	P	-
One-sided Rush	<i>Juncus secundus</i>	P	-
Scaly Blazing-star	<i>Liatris squarrosa</i>	P	-
Weak Spear Grass	<i>Poa saltuensis ssp. Languida</i>	P	-
Abor Vitae	<i>Thuja occidentalis</i>	P	-
Three-birds Orchid	<i>Triphora trianthophora</i>	P	-
Rock Elm	<i>Ulmus thomasii</i>	P	-

Notes:

E – Endangered.
T – Threatened.
X – Extirpated.
P – Proposed Threatened.
C – Candidate Species.
SC – Species of Concern.
SI – Special Interest

Table 3. ODNR’s Natural Heritage Database data within one (1)-mile of the project area

Common Name	Scientific Name	Status
Lark Sparrow	<i>Chondestes grammacus</i>	E
Purple Wartyback	<i>Cyclonaias tuberculata</i>	SC
Elktoe	<i>Alasmodonta marginata</i>	SC
Wavy-rayed Lampmussel	<i>Lampsilis fasciola</i>	SC
Black Sandshell	<i>Ligumia recta</i>	SC
Round Pigtoe	<i>Pleurobema sintoxia</i>	SC
Kidneyshell	<i>Ptychobranhus fasciolaris</i>	SC

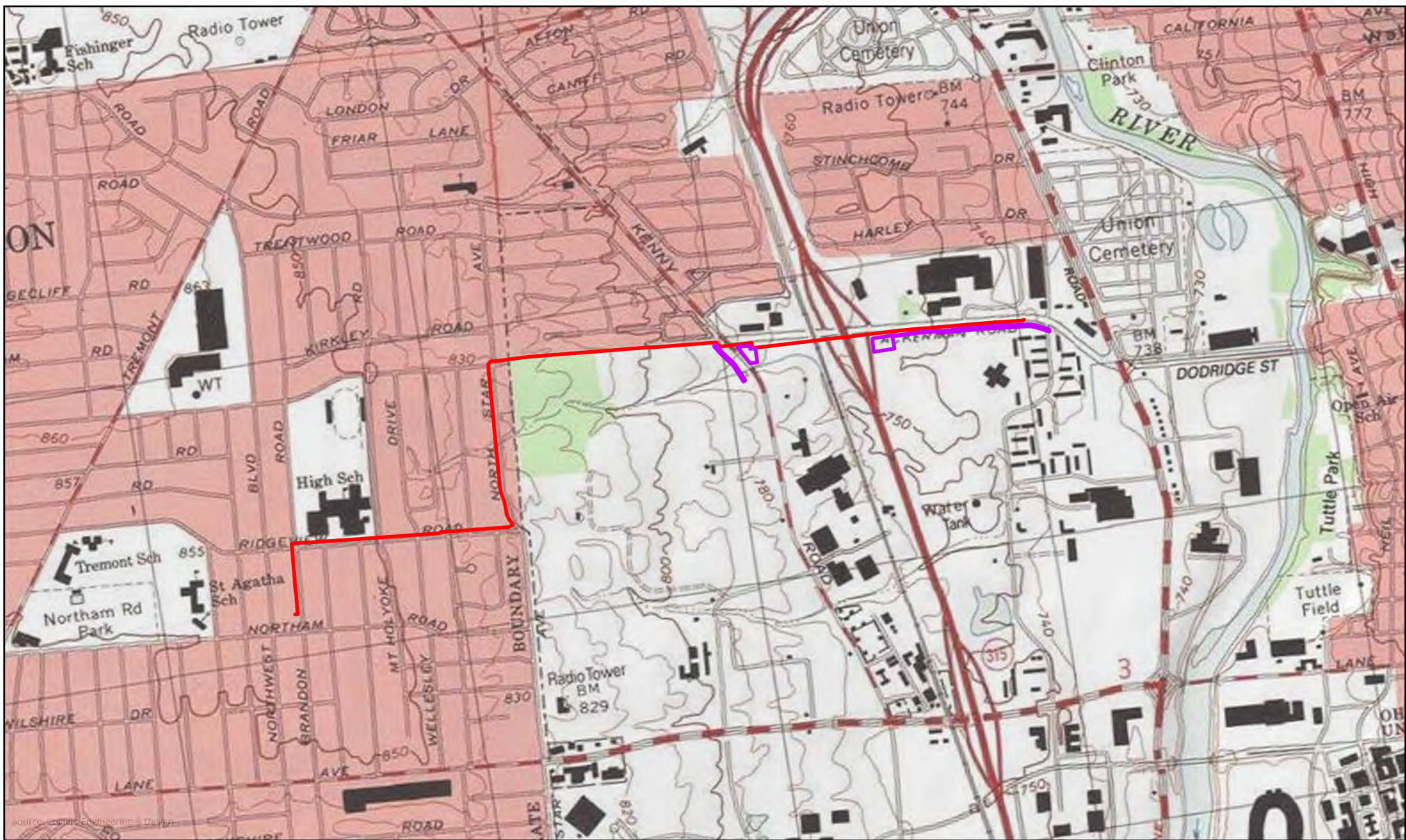
Notes:

E – Endangered.
T – Threatened.
X – Extirpated.
P – Proposed Threatened.
C – Candidate Species.
SC – Species of Concern.
SI – Special Interest

A Threatened and Endangered Species Desktop Review was conducted for the North Columbus High Pressure Pipeline Project – University Project. The Project Study Area appears to be within developed land uses. In summary, the comprehensive database search determined there is the potential for six (6) species with federal protection to occur within the Project Study Area; however, the USFWS does not anticipate any adverse impacts to these species based on the proposed project design. The ODNR does not have record of any protected species occurring within the project limits. All species identified by ODNR as occurring within one mile of the project limits are freshwater mussels with the exception of Lark sparrow. All native mussel species are protected in Ohio and consultation with ODNR regarding the trenching of a perennial stream near Kenny Road is ongoing to ensure that the project will have no adverse impacts on mussel populations. Lark sparrows require open grassy habitats with

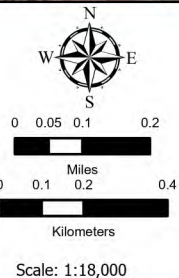
scattered trees and shrubs for breeding, including orchards, fallow fields, open woodlands, mesquite grasslands, savanna, sagebrush steppe, and grasslands. Such habitat is not present within the proposed alignment. When not within existing paved roadway, the alignment traverses through mowed/maintained lawn and wooded edge on the periphery of agricultural fields on the OSU campus and surrounding area.

APPENDIX A



Prepared For:
 NiSource Inc.
 801 E. 86th Avenue
 Merrillville, IN 46410

Prepared By:
Colliers
 Pittsburgh Office
 1501 Reedsdale Street, Ste
 302
 Pittsburgh, PA 15233
 T: 610.254.9140



— Alignment
 — Workspaces

Vicinity Map

University

Franklin County, Ohio

Date Saved: 5/31/2024

CED PN:21004202A

Revised by: MF

Figure 1



APPENDIX B



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:

05/23/2024 15:36:20 UTC

Project Code: 2024-0094888

Project Name: NCHP Phase 2 - University

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:

Ohio Ecological Services Field Office

4625 Morse Road, Suite 104

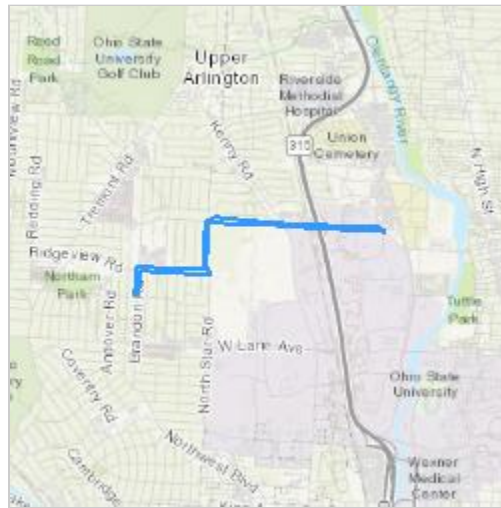
Columbus, OH 43230-8355

(614) 416-8993

PROJECT SUMMARY

Project Code: 2024-0094888
Project Name: NCHP Phase 2 - University
Project Type: Natural Gas Distribution
Project Description: Installation of natural gas utility line
Project Location:

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@40.0156047,-83.04808601571494,14z>



Counties: Franklin County, Ohio

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 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. [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
Indiana Bat <i>Myotis sodalis</i> There is final critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/5949	Endangered
Northern Long-eared Bat <i>Myotis septentrionalis</i> No critical habitat has been designated for this species. This species only needs to be considered under the following conditions: ▪ This species only needs to be considered if the project includes wind turbine operations. Species profile: https://ecos.fws.gov/ecp/species/9045	Endangered
Tricolored Bat <i>Perimyotis subflavus</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/10515	Proposed Endangered

CLAMS

NAME	STATUS
Rayed Bean <i>Villosa fabalis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/5862	Endangered
Salamander Mussel <i>Simpsonaias ambigua</i> There is proposed critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/6208	Proposed Endangered

INSECTS

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

CRITICAL HABITATS

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

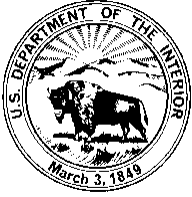
YOU ARE STILL REQUIRED TO DETERMINE IF YOUR PROJECT(S) MAY HAVE EFFECTS ON ALL ABOVE LISTED SPECIES.

IPAC USER CONTACT INFORMATION

Agency: Colliers Engineering & Design
Name: Tanner Dickson
Address: 5275 Parkway Plaza Blvd
Address Line 2: Suite 100
City: Charlotte
State: NC
Zip: 28217
Email: tanner.dickson@collierseng.com
Phone: 8909803033

APPENDIX C

United States Department of the Interior



FISH AND WILDLIFE SERVICE

Ecological Services
4625 Morse Road, Suite 104
Columbus, Ohio 43230
(614) 416-8993 / FAX (614) 416-8994



August 15, 2023

Project Code: 2023-0084418

Dear Tanner Dickson:

The U.S. Fish and Wildlife Service (Service) has received your recent correspondence requesting information about the subject proposal. We offer the following comments and recommendations to assist you in minimizing and avoiding adverse impacts to threatened and endangered species pursuant to the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq), as amended (ESA).

Federally Threatened and Endangered Species: Due to the project type, size, location, and the proposed implementation of seasonal tree cutting (clearing of trees ≥ 3 inches diameter at breast height between October 1 and March 31) to avoid impacts to the endangered Indiana bat (*Myotis sodalis*) and northern long-eared bat (*Myotis septentrionalis*), and the proposed endangered tri-colored bat (*Perimyotis subflavus*) we do not anticipate adverse effects to any other federally endangered, threatened, or proposed species, or proposed or designated critical habitat. Should the project design change, or 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, coordination with the Service should be initiated to assess any potential impacts.

Section 7 Coordination: If there is a federal nexus for the project (e.g., federal funding provided, federal permits required to construct), then 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 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. This letter provides technical assistance only and does not serve as a completed section 7 consultation document.

Stream and Wetland Avoidance: Over 90% of the wetlands in Ohio have been drained, filled, or modified by human activities, thus is it important to conserve the functions and values of the remaining wetlands in Ohio (https://epa.ohio.gov/portals/47/facts/ohio_wetlands.pdf). We recommend avoiding and minimizing project impacts to all wetland habitats (e.g., forests, streams, vernal pools) to the maximum extent possible in order to benefit water quality and fish and wildlife habitat. Additionally, natural buffers around streams and wetlands should be preserved to enhance beneficial functions. If streams or wetlands will be impacted, the U.S. Army 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. Disturbed areas should be mulched and revegetated with native plant

species. In addition, prevention of non-native, invasive plant establishment is critical in maintaining high quality habitats.

Thank you for your efforts to conserve listed species and sensitive habitats in Ohio. We recommend coordinating with the Ohio Department of Natural Resources due to the potential for the proposed project to affect state listed species and/or state lands. Contact Mike Pettegrew, Environmental Services Administrator, at (614) 265-6387 or at mike.pettegrew@dnr.ohio.gov.

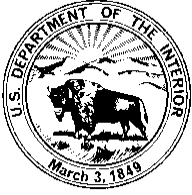
If you have questions, or if we can be of further assistance in this matter, please contact our office at (614) 416-8993 or ohio@fws.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Keith Lott", with a long horizontal flourish extending to the right.

Keith Lott
Acting Field Office Supervisor

United States Department of the Interior



FISH AND WILDLIFE SERVICE

Ecological Services
4625 Morse Road, Suite 104
Columbus, Ohio 43230
(614) 416-8993 / FAX (614) 416-8994



June 25, 2024

Project Code: 2024-0078967

Dear Tanner Dickson:

The U.S. Fish and Wildlife Service (Service) has received your recent correspondence requesting information about the subject proposal. We offer the following comments and recommendations to assist you in minimizing and avoiding adverse impacts to threatened and endangered species pursuant to the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq), as amended (ESA).

Federally Threatened and Endangered Species: Due to the project type, size, location, and the proposed implementation of seasonal tree cutting (clearing of trees ≥ 3 inches diameter at breast height between October 1 and March 31) to avoid impacts to the endangered Indiana bat (*Myotis sodalis*) and northern long-eared bat (*Myotis septentrionalis*), and the proposed endangered tricolored bat (*Perimyotis subflavus*) we do not anticipate adverse effects to any other federally endangered, threatened, or proposed species, or proposed or designated critical habitat. Should the project design change, or 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, coordination with the Service should be initiated to assess any potential impacts.

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species. In addition, prevention of non-native, invasive plant establishment is critical in maintaining high quality habitats.

Thank you for your efforts to conserve listed species and sensitive habitats in Ohio. We recommend coordinating with the Ohio Department of Natural Resources due to the potential for the proposed project to affect state listed species and/or state lands. Contact Mike Pettegrew, Environmental Services Administrator, at (614) 265-6387 or at mike.pettegrew@dnr.ohio.gov.

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

Sincerely,

A handwritten signature in blue ink, appearing to read "Erin Knoll".

Erin Knoll
Field Office Supervisor

APPENDIX D



Ohio Department of Natural Resources

MIKE DEWINE, GOVERNOR

MARY MERTZ, DIRECTOR

Office of Real Estate

Tara Paciorek, Chief

2045 Morse Road – Bldg. E-2

Columbus, Ohio 43229

Phone: (614) 265-6661

Fax: (614) 267-4764

June 26, 2024

Tanner Dickson
Colliers Engineering & Design
5275 Parkway Plaza Boulevard, Suite 100
Charlotte, North Carolina 28217

Re: 24-0809_#21004202A NCHP University Phase 2

Project: The proposed project involves the installation of 2.15 miles of 20-inch-high pressure steel pipelines and some additional workspaces.

Location: The proposed project is located in Perry and Clinton townships, Franklin County, Ohio.

The Ohio Department of Natural Resources (ODNR) has completed a review of the above referenced project. These comments were generated by an inter-disciplinary review within the Department. 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 National Environmental Policy Act, the Coastal Zone Management Act, Ohio Revised Code and other applicable laws and regulations. These comments are also based on ODNR's experience as the state natural resource management agency and do not supersede or replace the regulatory authority of any local, state, or federal agency nor relieve the applicant of the obligation to comply with any local, state, or federal laws or regulations.

Natural Heritage Database: The Natural Heritage Database has the following data within one mile of the project area:

Lark Sparrow (*Chondestes grammacus*), E
Elktoe (*Alasmidonta marginata*), SC
Purple Wartyback (*Cyclonaias tuberculata*), SC
Wavy-rayed Lampmussel (*Lampsilis fasciola*), SC
Round Pigtoe (*Pleurobema sintoxia*), SC
Kidneyshell (*Ptychobranhus fasciolaris*), SC

Conservation status abbreviations are as follows: E = state endangered; T = state threatened; P = state potentially threatened; SC = state species of concern; SI = state special interest; U = state status under review; X = presumed extirpated in Ohio; FE = federally endangered, and FT = federally threatened. The review was performed on the specified project area as well as an additional one-mile radius. Records searched date from 1980. Features searched include locations of rare and endangered plants and animals determined to be of value to the conservation of their species, high quality plant communities, animal breeding assemblages, and outstanding geological features.

The species listed above are not recorded within the boundaries of the specified project area. However, please note that Ohio has not been completely surveyed and we rely on receiving information from many

sources. Therefore, a lack of records for an area is not a statement that rare species or unique features are absent from that area.

Fish and Wildlife: The Division of Wildlife (DOW) has the following comments.

The DOW recommends that impacts to streams, wetlands and other water resources be avoided and minimized to the fullest extent possible, and that Best Management Practices be utilized to minimize erosion and sedimentation.

The project is within the vicinity of records for the little brown bat (*Myotis lucifugus*), a state endangered species. Because presence of state endangered bat species has been established in the area, summer tree cutting is not recommended, and additional summer surveys would not constitute presence/absence in the area. However, limited summer tree cutting inside this buffer may be acceptable after further consultation with DOW (contact Eileen Wyza at Eileen.Wyza@dnr.ohio.gov).

In addition, the entire state of Ohio is within the range of the Indiana bat (*Myotis sodalis*), a state endangered and federally endangered species, the northern long-eared bat (*Myotis septentrionalis*), a state endangered and federally endangered species, the little brown bat (*Myotis lucifugus*), a state endangered species, and the tricolored bat (*Perimyotis subflavus*), a state endangered species. During the spring and summer (April 1 through September 30), these bat species predominately roost in trees behind loose, exfoliating bark, in crevices and cavities, or in the leaves. However, these species are also dependent on the forest structure surrounding roost trees. The DOW recommends tree cutting only occur from October 1 through March 31, conserving trees with loose, shaggy bark and/or crevices, holes, or cavities, as well as trees with DBH ≥ 20 if possible.

The DOW also recommends that a desktop habitat assessment is conducted, followed by a field assessment if needed, to determine if a potential hibernaculum is present within the project area. Direction on how to conduct habitat assessments can be found in the current USFWS "[RANGE-WIDE INDIANA BAT & NORTHERN LONG-EARED BAT SURVEY GUIDELINES](#)." If a habitat assessment finds that a potential hibernaculum is present within 0.25 miles of the project area, please send this information to Eileen Wyza for project recommendations. If a potential or known hibernaculum is found, the DOW recommends a 0.25-mile tree cutting and subsurface disturbance buffer around the hibernaculum entrance, however, limited summer or winter tree cutting may be acceptable after consultation with the DOW. If no tree cutting or subsurface impacts to a hibernaculum are proposed, this project is not likely to impact these species.

The project is within the range of the following listed mussel species.

Federally Endangered

clubshell (*Pleurobema clava*)

rayed bean (*Villosa fabalis*)

northern riffleshell (*Epioblasma torulosa rangiana*)

snuffbox (*Epioblasma triquetra*)

purple cat's paw (*Epioblasma o. obliquata*)

Federally Threatened

rabbitsfoot (*Quadrula cylindrica cylindrica*)

State Endangered

elephant-ear (*Elliptio crassidens crassidens*)

pocketbook (*Lampsilis ovata*)

long solid (*Fusconaia maculata maculate*)
washboard (*Megalonaias nervosa*)
Ohio pigtoe (*Pleurobema cordatum*)

State Threatened

pondhorn (*Unio merus tetralasmus*)
Salamander Mussel (*Simpsonaias ambigua*)

Due to the location, and that there is no in-water work proposed in a perennial stream of sufficient size, this project is not likely to impact these species.

This project must not have an impact on native mussels. This applies to both listed and non-listed species, as all species of mussel are protected in Ohio. Per the Ohio Mussel Survey Protocol (2022), all Group 2, 3, and 4 streams (Appendix A) require a mussel survey. Per the Ohio Mussel Survey Protocol, Group 1 streams (Appendix A) and unlisted streams with a watershed of 5 square miles or larger above the point of impact should be assessed using the Reconnaissance Survey for Unionid Mussels (Appendix B) to determine if mussels are present. Mussel surveys may be recommended for these streams as well.

Therefore, if in-water work is planned in any stream that meets any of the above criteria, the DOW recommends the applicant provide information to indicate no mussel impacts will occur. If this is not possible, the DOW recommends a professional malacologist conduct a mussel survey in the project area. If mussels that cannot be avoided are found in the project area, the DOW recommends a professional malacologist collect and relocate the mussels to suitable and similar habitat upstream of the project site.

Mussel surveys and any subsequent mussel relocation should be done in accordance with the [Ohio Mussel Survey Protocol](#). If there is no in-water work proposed, impacts to mussels are not likely.

The project is within the range of the following listed fish species.

State Endangered

goldeye (*Hiodon alosoides*)
shortnose gar (*Lepisosteus platostomus*)
Iowa darter (*Etheostoma exile*)
spotted darter (*Etheostoma maculatum*)
northern brook lamprey (*Ichthyomyzon fossor*)
tonguetied minnow (*Exoglossum laurae*)
popeye shiner (*Notropis ariommus*)

State Threatened

lake chubsucker (*Erimyzon sucetta*)
paddlefish (*Polyodon spathula*)

The DOW recommends no in-water work in perennial streams from March 15 through June 30 to reduce impacts to indigenous aquatic species and their habitat. If no in-water work is proposed in a perennial stream, this project is not likely to impact these or other aquatic species.

Due to the potential of impacts to federally listed species, as well as to state listed species, we recommend that this project be coordinated with the US Fish & Wildlife Service.

Thank you for affording us the opportunity to comment.

Water Resources: The Division of Water Resources has the following comment.

The [local floodplain administrator](#) should be contacted concerning the possible need for any floodplain permits or approvals for this project.

ODNR appreciates the opportunity to provide these comments. Please contact Mike Pettegrew at mike.pettegrew@dnr.ohio.gov if you have questions about these comments or need additional information.

Mike Pettegrew
Environmental Services Administrator



Ohio Department of Natural Resources

MIKE DeWINE, GOVERNOR

MARY MERTZ, DIRECTOR

Office of Real Estate

Tara Paciorek, Chief
2045 Morse Road – Bldg. E-2
Columbus, OH 43229
Phone: (614) 265-6661
Fax: (614) 267-4764

June 28, 2023

Jacqueline McCort
Colliers Engineering & Design
5275 Parkway Plaza Boulevard, Suite 100
Charlotte, North Carolina 28217

Re: 23-0629; University Project

Project: The proposed project involves the installation of 20-inch-high pressure steel pipelines.

Location: The proposed project is located in Clinton Township, Franklin County, Ohio.

The Ohio Department of Natural Resources (ODNR) has completed a review of the above referenced project. These comments were generated by an inter-disciplinary review within the Department. 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 National Environmental Policy Act, the Coastal Zone Management Act, Ohio Revised Code and other applicable laws and regulations. These comments are also based on ODNR's experience as the state natural resource management agency and do not supersede or replace the regulatory authority of any local, state, or federal agency nor relieve the applicant of the obligation to comply with any local, state or federal laws or regulations.

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Lark Sparrow (*Chondestes grammacus*), E
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Elktoe (*Alasmidonta marginata*), SC
Purple Wartyback (*Cyclonaias tuberculata*), SC
Wavy-rayed Lampmussel (*Lampsilis fasciola*), SC
Black Sandshell (*Ligumia recta*), SC
Round Pigtoe (*Pleurobema sintoxia*), SC
Kidneyshell (*Ptychobranhus fasciolaris*), SC
Rayed Bean (*Villosa fabalis*), E, FE
Waterfall

The review was performed on the specified project area as well as an additional one-mile radius. Records searched date from 1980. Conservation status abbreviations are as follows: E = state endangered; T = state threatened; P = state potentially threatened; SC = state species of concern; SI = state special interest; U = state status under review; X = presumed extirpated in Ohio; FE = federally endangered, and FT = federally threatened. The species and features listed above are not recorded within the specified project area boundaries.

Please note that Ohio has not been completely surveyed and we rely on receiving information from many sources. Therefore, a lack of records for an area is not a statement that rare species or unique features are absent from that area.

Fish and Wildlife: The Division of Wildlife (DOW) has the following comments.

The DOW recommends that impacts to streams, wetlands and other water resources be avoided and minimized to the fullest extent possible, and that Best Management Practices be utilized to minimize erosion and sedimentation.

The project is within the vicinity of records for the little brown bat (*Myotis lucifugus*), a state endangered species. Because presence of state endangered bat species has been established in the area, summer tree cutting is not recommended, and additional summer surveys would not constitute presence/absence in the area. However, limited summer tree cutting inside this buffer may be acceptable after further consultation with DOW (contact Eileen Wyza at Eileen.Wyza@dnr.ohio.gov).

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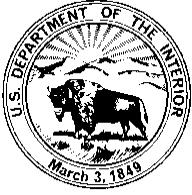
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Mike Pettegrew
Environmental Services Administrator

United States Department of the Interior



FISH AND WILDLIFE SERVICE

Ecological Services
4625 Morse Road, Suite 104
Columbus, Ohio 43230
(614) 416-8993 / FAX (614) 416-8994



June 25, 2024

Project Code: 2024-0078967

Dear Tanner Dickson:

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Sincerely,

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Erin Knoll
Field Office Supervisor