



United States Department of the Interior

FISH AND WILDLIFE SERVICE

West Virginia Field Office
694 Beverly Pike
Elkins, West Virginia 26241



February 29, 2012

READER

Mr. Ryan A. Slack
Civil and Environmental Consultants, Inc.
530 E. Ohio Street, Suite G
Indianapolis, Indiana 46204

Re: AEP Mitchell Landfill Phase II Haul Road Project, Marshall County, West Virginia

Dear Mr. Slack:

This responds to your request of February 20, 2012, for the U.S. Fish and Wildlife Service's (Service) concurrence that the referenced project is not likely to adversely affect any species listed as endangered or threatened under the Endangered Species Act (ESA). American Electric Power Company, Inc. (AEP) proposes to construct a haul road from its existing facilities to the new Mitchell Landfill in Marshall County, West Virginia. These comments are provided pursuant to the ESA (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*).

The project area is within the range of the Indiana bat (*Myotis sodalis*) and may provide summer foraging and roosting habitat, as well as winter habitat, for this endangered mammal. Indiana bats may use the proposed site for foraging and roosting between April 1 and November 14. In West Virginia, the Service considers all forest habitats containing trees ≥ 5 inches (12.7 centimeters) in diameter at breast height (DBH) to be potentially suitable as summer roosting and foraging habitat for the Indiana bat. Indiana bats use caves or mine portals for winter hibernation habitat between November 15 and March 31.

Project construction will require the removal of approximately 39 acres (15.8 hectares) of forested area, representing a loss of about ten percent of the potential Indiana bat summer habitat within one-quarter mile (0.40 km) of the haul road corridor. In your correspondence, you indicated that AEP has committed that all tree removal for this project would occur between November 15 and March 31 when Indiana bats are typically in hibernation. Civil and Environmental Consultants, Inc. (CEC) previously conducted bat mist net surveys to facilitate year-round clearing of timber associated with the landfill proper and no listed bats were captured. CEC also conducted cave and mine portal surveys of both the landfill and haul road areas and found no indication of caves or portals in either area. Therefore, the Service concurs that the proposed construction "may affect", but is "not likely to adversely affect" Indiana bats.

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The project will have no effect on any other Federally-listed or candidate species or their designated critical habitats. No further section 7 consultation under the ESA is required for this project. Should project plans change, or if additional information on listed and proposed species or species of concern becomes available, this determination may be reconsidered.

If you have any questions regarding this letter, please contact Jim Zelenak of my staff, at (304) 636-6586, or at the letterhead address.

Sincerely,

A handwritten signature in cursive script that reads "Deborah Carter". The signature is written in black ink and is positioned above the typed name and title.

Deborah Carter
Field Supervisor