

<b>SUBJECT:</b>	Spring and Summer Biological Species Surveys
<b>DATE:</b>	March 28, 2013
<b>LOCATION:</b>	USFWS – Concord, NH
<b>AUTHOR:</b>	Courtney Dohoney
<b>ATTENDEES:</b>	Maria Tur (US Fish and Wildlife Service), Mike Marchand (NH Fish and Game), Melissa Coppola (NH Natural Heritage Bureau), Peter Bowman (NHNHB), Caitlin Callaghan (US Department of Energy), Kent Sharp (SE Group), Travis Beck (SE Group), Dan Belin (Ecology and Environment, Inc.), Courtney Dohoney (E & E), Sean Meegan (E & E),

## MINUTES:

(PLEASE CONTACT THE AUTHOR IMMEDIATELY IF THERE ARE ANY DISCREPANCIES IN THE CONTENTS OF THIS DOCUMENT)

Kent Sharp provided an update on the Project, indicating that the DOE is still waiting for an application amendment from Northern Pass. DOE knows that the southern 140 will follow the existing Public Service New Hampshire ROW, but the north 40 is still largely unknown and, therefore, work for the EIS cannot commence on the north 40 until the application amendment is received.

Dan Belin provided a summary of the winter survey results, reporting that E & E surveyed for Canada lynx, American marten, deer yards, and moose concentration areas over a distance of approximately 50 miles from around Campton to Groveton. No Canada lynx or American marten were identified during the surveys. During the course of the winter surveys, field crews also recorded deer yards, moose concentration areas, and evidence of snowshoe hare. While in the field, the SE Group Team members were confronted and followed by a number of landowners. In all cases the field teams left the property when requested and did not collect the remaining survey data for those parcels. These areas totaled between 1-2 miles of the total surveyed areas. The sensitivity to staying within the ROW precluded us from collecting connectivity data off the ROW.

Mike Marchand questioned how these excluded areas would be treated when reporting the data in the EIS. Belin responded that we felt that we still had a data set that represented the “best available data” and the EIS would not be lacking. Sean Meegan also noted that we plan to err on the side of caution and assume presence if the desktop analysis indicates presence was likely. Marchand followed up with a question as to how we’ll handle the lack of surveys in the north 40 during this winter season. Belin explained that we are currently evaluating other options to collect lynx and marten data during the summer season (e.g. documenting potential denning habitat and utilizing game cameras). As with the winter surveys for those species, the SE Group Team will coordinate with Tony Tur (USFWS) and Will Staats (NHFG) to confirm those methodologies. Marchand warned that there might be some questioning of the validity of the data if the data collection procedures are not consistent.

Marchand asked for clarification regarding the earlier conversation that the route for the southern 140 would follow the existing ROW especially near the Concord Airport. The ROW in the vicinity of the Concord Airport has numerous T&E occurrences, including a restored area for

Karner Blue Butterflies (KBBs). DOE/SE Group Team will follow-up to confirm that the existing PSNH ROW will be used in this area.

Belin explained that much like the winter survey work plan development, in developing the spring and summer biological work plans, the SE Group Team would like to get initial agency feedback on the surveys that should be conducted and general methodology for those surveys. Taking this information, the SE Group Team will then develop the Draft Work Plan over the next week or two and submit to the agencies for review and comment and assume at least a two week review period by agencies. Incorporating final agency feedback on the Draft Work Plan, the SE Group Team will then finalize the Work Plan and deploy field crews to implement the Work Plan.

### **Plants**

Prior to the meeting, Peter Bowman provided the SE Group Team the NHNHB's Landscape Analysis and Field Methods for rare plant and natural community surveys, as well as an excerpt from Normandeau Associates methods for rare plant surveys which were approved by NHNHB. The SE Group Team did not have any concerns with the survey methodologies and will plan to utilize those protocols for the upcoming spring and summer field season. Belin confirmed with Bowman that there were not additional resource areas to target for field surveys beyond what was listed in the Normandeau Rare Plant excerpt (there were not).

Meegan asked if there was a preference for variation of non-T&E search areas when conducting the vegetation surveys. Bowman responded that the NHNHB would like to focus on the small-patch features within forest matrices, wetlands, calcareous bedrock areas, and old growth hardwood stands that appear to be largely undisturbed.

Meegan also asked about the need to collect voucher species. Bowman noted that *graminoid* species, particularly can be challenging to field identify so the NHNHB would prefer to have physical specimens submitted, unless, of course, there is a very limited number of plants to collect from.

Bowman referred the SE Group Team to a small-whorled pogonia habitat model developed by USFWS/Sperduto in order to identify areas of potential habitat for this federally and state-listed threatened (FT, ST) species. Dohoney noted that the SE Group Team was aware of this model and will utilize it to identify survey areas for the Project.

### **Wetlands, Streams, and Vernal Pools**

Belin gave a recap of the meeting the day before with EPA and USACE and stated that moving forward we would try to have one meeting with all resource agencies. He explained the objective of the SE Group Team's wetland, stream, and vernal pool surveys is to document the presence of wetlands, streams, and vernal pools and assess the impacts to these resources for the purposes of the NEPA EIS, but the SE Group team is not responsible for the permitting effort associated with the project impacts. Ultimately this means the SE Group Team, as a contractor to DOE, will not be submitting Section 404/401 permits or Jurisdictional Determinations. Belin also explained how the USACE plans to use the Northern Pass EIS by reference, to support their NEPA analysis for the 404 permit requirements. The SE Group Team will be conducting

delineations independently from Northern Pass. In discussions with the USACE they indicated that while the SE Group Team will not be submitting permit applications, they would still like to spend some time in the field reviewing our delineations.

The SE Group Team will be delineating wetlands in accordance with the USACE *Wetlands Delineation Manual* and *Northcentral and Northeast Regional Supplement*, while the condition of streams and rivers will be assessed using the NRCS Stream Visual Assessment Protocol (SVAP) and vernal pools will be surveyed according to NHFG's state manual: *Identification and Documentation of Vernal Pools in New Hampshire* (2004). Because the SE Group Team will not be pursuing a Jurisdictional Determination with the USACE, the team does not plan on hanging wetland/vernal pool flags in the field. The SE Group Team proposes to conduct the wetlands, streams, and vernal pool surveys concurrently, with the hope of beginning at the end of April/beginning of May. Marchand noted that the vernal pools manual previously released by NHFG was undergoing updates and will include more discussion of the secondary indicators for identifying vernal pools. He felt that in assessing the Project's impacts on vernal pools, an assessment of the quality of the vernal pool (e.g. egg mass counts) was necessary to determine the extent of the effects. Maria Tur noted that because of the nature of vernal pools, there is the possibility of large annual variation in the quality of vernal pools. In response, Marchand noted that it would be ideal if two years of baseline data could be collected in order to document the variation. Because of the potential to survey vernal pools outside of the time period where egg masses may be present, the SE Group Team intends to be conservative, documenting all potential vernal pools and including them within the analysis as vernal pools.

Marchand requested that the SE Group Team conduct wetland/stream/vernal pool surveys within the full ROW and not just those areas within the currently maintained ROW as these resources could be indirectly affected by construction activities even if additional clearing is unnecessary. The SE Group Team confirmed with Marchand that our surveys include the full legal ROW and are not just limited to the maintained ROW.

Marchand described that the regulatory authority for vernal pools within the state is given to the New Hampshire Department of Environmental Services, while at the federal level, Mark Kern and Erica Sachs at USEPA would review the impacts as part of the EIS and the Applicant's permitting process.

### **Bats**

Marchand explained that it is NHFG's preference not to handle bats due to the potential of spreading white-nose syndrome (WNS) and further stressing WNS-infected populations. Tur reminded the group that the federal listing status of the eastern small-footed bat (ESFB) and the northern long-eared bat is under review (the ESFB is currently state-listed endangered [SE]). Since neither species is currently federally-listed, consultation is not required for these species at this time.

Marchand noted that the NHNHB has cave hibernacula data, which should be reviewed to aid in identifying sensitive bat habitats near the Project.

Regarding surveys for bat species, the SE Group Team intends to conduct acoustic monitoring surveys to identify presence of northern long-eared bats and a habitat assessment for ESFBs. Marchand will follow up with Emily Brunkhurst for ESFB habitat assessment recommendations, while the SE Group Team will coordinate with Susi von Oettingen for recommendations on the use of acoustic monitoring along the ROW.

### **New England Cottontail Rabbit**

While still unlikely to be a concern, the New England Cottontail rabbit (SE) could be present depending on the alternative route around the Concord Airport – Marchand to check once the ROW has been confirmed with Northern Pass. Tur noted that this species is currently a federal candidate species so formal consultation is not necessary at the current juncture.

### **Karner Blue Butterfly**

As discussed earlier, if the existing ROW near the Concord Airport is utilized for the Project route, Tony Tur with USFWS believes Section 7 consultation for the Karner blue butterfly (FE, SE) would likely be required. NHFG in coordination with USFWS and several other agencies and non-profits collaborated on the KBB Concord Pine Barrens project to restore habitat in the Concord area (near the airport) and release captive bred and reared KBBs to establish a population in that area. Marchand suggested coordinating with Heidi Holman (NHFG) to identify new areas for KBB surveys and reduce redundant effort on areas that have already been well studied (i.e. Concord Airport area). In areas where surveys are recommended, the SE Group Team will conduct surveys for wild lupine plants in accordance with the floristic survey protocol provided by NHNHBB.

### **Herpetofauna**

**Wood Turtles:** This special concern species has the potential to occur along the entire southern 140 route. Occurrences of this species are tightly tied to stream habitats (a Maine study found 90% of observations were within 0.25 miles of a stream). Marchand did not feel that species-specific surveys were necessary for wood turtles, but all field biologists, especially those conducting stream surveys, should be able to identify this species.

### **Blanding's and Spotted Turtles**

Marchand reported that Blanding's (SE) and Spotted Turtles (ST) use vernal pools extensively so determining the qualitative impacts from vernal pool disturbance will be important for those species. Marchand noted that Normandeau is assuming presence for these species where the habitat is suitable as they can be challenging to find during surveys due to their movement among many vernal pools/wetland complexes.

Identification of nesting areas could be conducted through a GIS analysis and then field verified. Nesting habitat includes open, exposed soils, open canopies. Most likely, field biologists will only find evidence of depredated eggs, and not the successful nests/eggs which remain buried. Knowing the difference in turtle eggs will be important for these surveys, as Marchand said that likely up to half of the turtle eggs field crews will identify will be snapping turtle eggs. Snapping turtle eggs resemble ping-pong balls and will be in groups of 30-50 eggs.

### **Black Racer**

The Black Racer (ST) will use the ROW during the spring and summer season and may even have hibernacula within maintained ROWs. The spring season is the best period to identify this species. Marchand noted that NHFG would be interested in surveys where previous work has not been done for this species. NHFG has a separate data set for locational data for this species, which Marchand will provide.

#### Eastern Hognose Snake

The eastern hognose snake (SE) is a challenging snake to find in the field, according to Marchand, and it might be beneficial for the SE Group Team to assume presence. Species-specific surveys were not recommended by NHFG due to the challenge in spotting this species, but field biologists should be familiar with what the species looks like in case they were to see one.

Should this species be identified in the field, the SE Group Team will call Mike Marchand.

#### Amphibians

Leopard Frogs, Fowler's Toad, and Mink Frogs are three amphibian species identified by NHFG that do not need targeted surveys, but it was recommended by Marchand that all field biologists be familiar with their calls and document any locations where they were heard or directly observed. Leopard frogs and Fowler's Toad are state Special Concern species (SC) while the Mink frog is a Species of Greatest Need of Conservation.

Marchand noted that Marbled Salamanders (SE), are often present in vernal pools but he does not believe that they are located within the Project ROW.

#### Avian Species

The SE Group Team intends to conduct breeding bird surveys (BBS) in order to identify T&E bird species as well as general breeding bird populations. Marchand noted that Birds of Conservation Concern within Bird Conservation Region 14 (as well as T&E species) should be the focus of the surveys, targeting species such as Bicknell's Thrush (SC). Surveys should focus on high priority species and target their habitat for BBS. Marchand indicated that USFWS and their Migratory Bird Treaty Act (MBTA) program would be a better lead for non-T&E bird species. Tur will put the SE Group Team in contact with the USFWS Regional MBTA resources for feedback on the BBS. It was also suggested that existing U.S. Geological Survey BBS routes, depending on their spatial relationship to the ROW, could be useful in providing information for MBTA species. Marchand and Tur agreed that a focus should be on documenting forest interior dwelling bird species that would be most impacted as a result of forest fragmentation from construction of the Project in the north 40.

Northern Harrier (SE) nest surveys were requested by NHFG, especially in the area around Colebrook. NHFG has drafted protocols for Northern Harrier nest surveys, which Marchand will provide to the SE Group Team. Additionally, Bald Eagle (ST) and Osprey (SC) nest searches were proposed by the SE Group Team via helicopter and both NHFG and USFWS concurred with that survey approach. Tur will check with the Regional Eagle Coordinator for feedback on the timing of helicopter surveys to ensure that the helicopters don't disturb the nesting eagles.

Marchand also requested that the SE Group Team document potential habitat for Bald Eagles and Osprey as these populations are growing and new nests could be constructed in these areas.

NHFG asked about whether Northern Pass will be using APLIC guidelines in construction of the project. The SE Group Team will follow up with DOE and Northern Pass to try to obtain this information. It was Belin's understanding that APLIC guidelines are the responsibility of the developer and DOE would not have a role in this area.

### **Fisheries**

Marchand noted that John Magee would be providing comments on Fisheries concerns on behalf of NHFG. Meegan agreed to follow up with Magee and Belin noted that the SE Group team would be evaluating his comments but are currently uncertain if they will be doing species surveys for fish (electroshocking or snorkel surveys).

### **Invertebrates (Mussels)**

Dwarf wedgemussel (FE, SE), brook floater (SE), and eastern pearlshell (no status) are mussel species identified by NHFG as having the potential to be located in the ROW and will require surveys – Marchand will provide Normandeau survey protocol, which would be applicable for the SE Group Team as well. Marchand explained that NHFG has a list of approved mussel surveyors, which could be utilized for these.

### **Action Items:**

- DOE/SE Group Team to follow-up with Northern Pass to determine the route to be used near the Concord Airport.
- USFWS, NHFG, and NHNHB to review T&E species concerns once Northern Pass confirms the route near the Concord Airport.
- Marchand to follow up with Emily Brunkhurst regarding ESFB habitat assessment recommendations and the SE Group Team will follow up with von Oettingen for acoustic monitoring survey recommendations.
- Marchand to provide the SE Group Team with maps for areas identified with Black Racers.
- Marchand to provide Northern Harrier nest survey protocols to the SE Group Team.
- Tur to check with Regional Eagle Coordinator on protocols and timing for helicopter surveys of Bald Eagles and put SE Group Team in contact with USFWS MBTA resources.
- Marchand to provide Normandeau survey protocol for mussel surveys.