

SUBJECT:	Northern Pass Wildlife Meeting
DATE:	May 24, 2016
LOCATION:	U.S. Fish and Wildlife Service, Concord, NH
AUTHOR:	Caroline McHugh, SE Group
ATTENDEES:	Tony Tur (USFWS), David Simmons (USFWS), Leighlan Prout (USFS), Brian Mills (DOE – via phone), Dan Belin (E&E), Sean Meegan (E&E), Caroline McHugh (SE Group), Jake Tinus (Burns & McDonnell/NPT), Lee Carbonneau (Normandeau/NPT), Sarah Barnum (Normandeau/NPT)

MINUTES:

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- Introduction
 - Purpose of the meeting to discuss the Biological Assessment (BA) that will be submitted by DOE to USFWS, other needs of the Forest Service, and progress from the Applicant regarding conservation measures
 - Brian Mills reminds the group that DOE's decision space is very limited, but it is their role to support the USFS in their decision and produce a BA that is satisfactory for USFWS
 - Reminder that it is DOE's role to produce the BA, but NPT's role to coordinate with USFWS on conservation measures
- Contents of BA
 - CHPE Table of Contents as an example
 - Tony Tur and Leighlan Prout agree that this seems like a good example
 - Leighlan – is there a way to make the specific impacts of the USFS SUP clear?
 - Post-meeting response: the BA will present project-wide determinations, but will state that the USFS SUP is part of the project, and will quantify select impacts on NFS lands (the project on NFS lands would have relatively limited direct impacts, but the entire project must be considered as a connected action)
 - Note that a separate Biological Evaluation (BE) will be produced for the USFS, Regional Sensitive Species
 - Neither CHPE nor NECPL went through formal consultation
- Species to be Evaluated in BA
 - Indiana bat (IB)– this species will be discussed in the BA
 - Tony – this poses problems because there is no specimen or other evidence of presence. The accuracy of the acoustic data is questionable.
 - Make sure that the EIS includes the correspondence from USFWS about the Indiana bat and acoustic surveys
 - Discussion about acoustic survey methodology – the methodology used is not consistent with USFWS protocols
 - Tony – if conservation measures are applicable to both northern long-eared bat (NLEB) and IB, then this isn't really an issue
 - Leighlan – NHFG is adamant that IB do not occur in NH

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- David – USFWS is being challenged on the 4D Rule, suggests not using the 4D Rule for coverage. Instead should use time of year limitations for mitigating adverse effects
- If NPT clears outside of the active season there would be no adverse effects. The dates to avoid are listed in a 2015 letter from USFWS.
- The time of year restrictions should be include as part of the project description in the BA, as APMs
- Jake – NPT is working on mapping of various restrictions
- How will the time of year restriction locations be determined? Will NPT’s data be used in the BA?
 - Brian Mills – if the information has been submitted and accepted by USFWS then DOE can use it
 - E&E and NPT identified different bat locations.
 - Timing restrictions apply to 1km section where bats were identified
 - NPT’s data was collected according to USFWS methods
 - Can NPT’s data be used by USFWS and USFS? Tony – yes, USFWS can us outside data
 - The BA could come up with different clearing restrictions due to the use of different data
- Lynx
 - EIS finding “not likely” – others agree
 - Make sure the BA includes the rationale for this finding
- Karner Blue Butterfly
 - EIS finding “likely to adversely affect”
 - Conservation measures – the measures in the SEC application are included, is there anything new?
 - Lee – NPT is looking at acquiring property for KBB management, have not found any parcels yet. If this doesn’t work, what are other possible conservation measures?
 - Sarah – NPT has been using the airport BO as a guide for the appropriate size and location of recovery sites
 - The conservation measures for KBB may not be final before the BA is submitted
- Small Whorled Pogonia
 - NPT did not find this in their surveys
- Dwarf Wedgemussel
 - USFWS requests that this species is mentioned in the BA, as some alignments were near CT river
- Cottontail and Bicknell’s Thrush do not need to be in the BA
- Migratory Birds (Migratory Bird Treaty Act)
 - Discussion of MBTA should be included in the BA
 - Tony – this will be primarily new ROW impacts, there is a new USFWS policy around migratory birds, if the SEC process includes this USFWS asks to be kept in the loop
- Bald and Golden Eagle Protection Act
 - NPT has done a fly-over, will do another prior to construction. This should be included as an APM
- Conservation Measures/APMs

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- NPT has some additional permit conditions from DES, other agencies have a small extension for review
- Jake – working on conservation and construction schedules, additional design elements will be incorporated
- Schedule
 - Draft BA to DOE and USFS in June
 - BA to USFWS this summer
- Conclusion/Action Items
 - DOE to submit data request for conservation measures (including KBB and migratory birds)
 - The BA will:
 - Resemble the CHPE BA, with the addition of a migratory bird discussion
 - Only discuss Alternative 7
 - Include conservation measures/APMs as part of the project description
 - Include the USFS SUP as part of the project description, and quantify impacts on NFS lands
 - Include project-wide determinations
 - Separate BE will be prepared for USFS Regional Sensitive Species, only submitted to USFS