

## Appendix A: USFWS Intra-Service Section 7 Biological Evaluation Form

### Intra-Service Section 7 Biological Evaluation Form Region 3

Originating Person: Karyn Allman Date Submitted: 6-02-2006

Telephone Number: 614-469-6923 ext.13

- I. **Service Program and Geographic Area or Station Name:**  
U.S. Fish and Wildlife Service Reynoldsburg Ohio Field Office  
NRDA: Leading Creek Environmental Assessment and Restoration Plan
- II. **Flexible Funding Program** (e.g. Joint Venture, etc) if applicable:
- III. **Species/Critical Habitat:** List federally-listed, proposed, and candidate species or designated or proposed critical habitat that occur or may occur within the action area:  
  
*Indiana bat (Myotis sodalis)*  
*pink mucket pearlymussel (Lampsilis abrupta)*  
*fanshell mussel (Cyprogenia stegaria)*  
*sheepnose mussel (Plethobasus cyphus)*
- IV. **Location:** Location of the project including County, State and TSR (township, section & range):  
  
Meigs County, Ohio, lower southwest corner of Athens County, upper northeast corner of Gallia County. Specific project locations are unknown at this time, therefore, townships, section and range information is not available. A map which shows the general boundary area of the Proposed Action (Alternative B) is attached.  
  
Species/habitat occurrence:  
  
There are recent records for Indiana bat in Athens County. Potential Indiana bat habitat throughout the Leading Creek Watershed.  
There are recent records for pink mucket pearlymussel, fanshell mussel, and sheepnose mussel in Ohio River Watershed. Leading Creek is a tributary to the Ohio River.
- V. **Project Description:** Describe proposed project or action or, if referencing other documents (e.g. the Grant Proposal), prepare an executive summary (attach additional pages as needed):  
  
The proposed action is to enhance the physical, chemical, and biological characteristics throughout the Leading Creek Stream System and/or restore, rehabilitate, replace, and/or acquire the equivalent of those natural resources injured by the release of hazardous substances in to the environment as described in the attached joint Restoration Plan and Environmental Assessment. The Restoration Plan describes general criteria for projects involving wetlands, associated uplands, riparian, fish/aquatic habitat, sedimentation reduction and acid mine drainage abatement and treatment, and public education and use facilities.

VI. **Determination of Effects:**

**(A) Description of Effects:** Describe the effects of the action(s) on the species and critical habitats listed in item III. For each section 7 determination made below, attach an explanation of such determination for all applicable species or critical habitat. Documentation should justify your determination.

A number of federally-listed threatened or endangered and candidate species would benefit if the Proposed Action is implemented. Wetland, associated upland and aquatic habitat restoration and preservation would most likely benefit the Indiana bat directly and indirectly benefit mussels species through an increase in potential fish host species and overall improvements in water quality in the Ohio River Watershed.

It is believed that projects implemented through the Restoration Plan and Environmental Assessment are not likely to adversely affect federally-listed threatened or endangered species and critical habitat and are not likely to jeopardize candidate species because: 1) there will be coordination with the U.S. Fish and Wildlife Service prior to implementing any on-the-ground work to determine whether threatened, endangered, candidate species or critical habitat occur or potentially occur within the restoration project area; 2) avoidance measures (attached) will be implemented to eliminate any potential adverse effects; and 3) if the restoration plan is changed or the avoidance measures cannot be adhered to for a particular restoration project, the U.S. Fish and Wildlife Service will be coordinated with prior to conducting any further work.

Avoidance of Adverse Effects to Listed Species

To assure that listed species will not be adversely affected, or proposed and candidate species are not jeopardized, the Trustees will require the following guidelines to be observed as restoration projects are implemented in the Leading Creek Stream System restoration area. The restoration area is defined as Leading Creek adjacent flood plain and ecologically associated uplands, sub-watersheds and tributaries to Leading Creek, including adjacent flood plains and ecologically associated uplands, and supporting ecosystems in the Leading Creek watershed.

Indiana bat (*Myotis sodalis*) Substantial tree cutting is not anticipated with restoration activities. However, any unavoidable cutting of potential roost trees will be coordinated with U.S. Fish and Wildlife Service. The Trustees will consider restoration activities subject to U.S. Fish and Wildlife Service guidelines and further Section 7 consultation, including formal consultation on occupied sites.

Pink mucket pearl mussel (*Lampsilis abrupta*), fanshell (*Cyprogenia stegaria*), and sheepnose mussel (*Plethobasus cyphus*). Projects involving in-stream work will be coordinated with the U.S. Fish and Wildlife Service. Additionally, any in-stream restoration activities will occur 500 to 1000 feet upstream, or 50 feet downstream of suitable habitat (waterways with sand or gravel substrate with riffles and runs). While the project is being constructed, silt screens would be utilized to minimize disturbance. The Trustees will consider restoration activities subject to U.S. Fish and Wildlife Service guidelines and further Section 7 consultation, including formal consultation on occupied sites.

The above discussion of avoiding adverse effects applies to restoration project sites where listed, proposed or candidate species are known to occur or where it is necessary to assume they are present. On these, sites, actions that adhere to the above restrictions will be coordinated with U.S. Fish and Wildlife Service to ensure that they will not adversely affect listed species. To comply with Endangered Species Act section 7(a) and to determine whether listed and proposed species may be affected, project specific review must occur. On sites where surveys or other current information provides certainty that federally-listed species are not present, actions that are determined to have no effect on listed species may proceed without additional Section 7 contact with the appropriate U.S. Fish and Wildlife Service Ecological Services field office. Projects on occupied sites that are determined to benefit listed species, that is, not likely to adversely affect species, need field office concurrence. Early coordination with the field office is advisable where any uncertainty exists. Those projects which are proposed will require coordination with the Reynoldsburg Field Office, 6950 Americana Parkway, Suite H, Reynoldsburg Ohio 43068.

The materials reference in this document may be obtained by contacting the U.S. Fish and Wildlife Services Field Office (614-469-6923) in Reynoldsburg, Ohio.

**(B) Determination:** Determine the anticipated effects of the proposed project on species and critical habitats listed in item III. Check all applicable boxes and list the species associated with each determination.

**Response requested**

*"No Effect"* This determination is appropriate when the proposed project will not directly or indirectly affect (neither negatively nor beneficially) individuals of listed/proposed/candidate species or designated/proposed critical habitat of such species. List species applicable to this determination (or attach a list):

\_\_\_\_\_ Concurrence  
(optional)

*"May Affect but Not Likely to Adversely Affect species/critical habitat"* This determination is appropriate when the proposed project is not likely to adversely impact individuals of listed species or designated critical habitat of such species. List species applicable to this determination (or attach a list):

Concurrence

*"May Affect and Likely to Adversely Affect species/critical habitat"* This determination is appropriate when the proposed project is likely to adversely impact individuals of listed species or designated critical habitat of such species. List species applicable to this determination (or attach a list):

\_\_\_\_\_ Formal  
Consultation

*"Not Likely to Jeopardize candidate or proposed species/critical habitat"* This determination is appropriate when the proposed project is not expected to jeopardize the continued existence of a species proposed for listing or a candidate species, or adversely modify an area proposed for designation as critical habitat. List species applicable to this determination (or attach a list):

\_\_\_\_\_ Concurrence  
Informal Conference  
optional

*"Likely to Jeopardize candidate or proposed species/critical habitat"* This determination is appropriate when the proposed project is reasonably expected to jeopardize the continued existence of a species proposed for listing or a candidate species, or adversely modify an area proposed for designation as critical habitat. List species applicable to this determination (or attach a list):

\_\_\_\_\_ Formal Conference

Mary Knapp  
Signature  
[Supervisor at originating station]

6-17-06  
Date

Reviewing Ecological Services Office Evaluation (check all that apply):

A. Concurrence  Nonconcurrency   
Explanation for nonconcurrency:

B. Formal consultation required   
List species or critical habitat unit

C. Conference required   
List species or critical habitat unit

*Angela L. Zimmerman*  
Signature [Reviewing ES Office Supervisor]

Date *July 6, 2006*

Name of Reviewing ES Office

*Reynoldsburg, Ohio Field Office*

Intra-Service Section 7 Leading Creek  
Map of Proposed Action (Alternative B)

