

April 13, 2016

Ms. Kimberly D. Bose, Secretary  
Federal Energy Regulatory Commission  
888 First Street, N.E.  
Washington, D.C. 20426

Re: Tennessee Gas Pipeline Company, L.L.C.  
Connecticut Expansion Project, Docket No. CP14-529-000  
Supplemental Response to March 30, 2016 Request for Additional Information

Dear Ms. Bose:

The Federal Energy Regulatory Commission (the “Commission”) issued an “Order Issuing Certificate” (“Order”) in the above-referenced docket for Tennessee Gas Pipeline Company, L.L.C.’s (“Tennessee”) Connecticut Expansion Project (the “Project”)<sup>1</sup> and Tennessee has accepted the order. Tennessee also has requested from the Commission a notice to proceed with tree felling.

In response to requests for additional information from the Commission, Tennessee sent letters to the New York and New England Offices of the U.S. Fish and Wildlife Service (“USFWS”) requesting permission to fell trees after March 31, 2016. Tennessee received a response letter on behalf of the New York and New England Offices USFWS. The response letter is enclosed, and states that “no time-of-year restriction is necessary to avoid impacts to the species in the project area.” A completed “Northern Long-Eared Bat 4(d) Rule Streamlined Consultation Form” also was submitted to USFWS and is enclosed. Tennessee received an email acknowledging the submittal and has enclosed that email as well.

Tennessee will have a qualified wildlife biologist on the New York, Massachusetts, and Connecticut sections of the Project who will be familiar with birds protected by the Migratory Bird Treaty Act (“MBTA”) that could inhabit the Project area. Tennessee will rely on environmental monitors and biologists during all tree felling activities along the project to ensure these animals and their nest sites are adequately protected and breeding activity is not disturbed. Should an active nest site for any birds protected by the MBTA be observed, tree felling in the vicinity of the nest site will be halted around the nest until such time as the eggs can hatch and/or hatchlings develop to a point where they can fledge and leave the vicinity of the nest site. Tennessee will comply with the “Nationwide Standard Conservation Measures”<sup>2</sup> developed by the USFWS for protecting these animals if identified during monitoring.

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<sup>1</sup> *Tennessee Gas Pipeline Company, L.L.C.*, 154 FERC ¶ 61,191 (2016).

<sup>2</sup> Available at: <http://www.fws.gov/migratorybirds/pdf/management/nationwidestandardconservationmeasures.pdf> (last accessed April 13, 2016).

In accordance with the Commission's filing requirements, Tennessee is submitting this filing with the Commission's Secretary through the eFiling system. Copies of this letter are being served on all parties on the official service list for the above-referenced docket. Any questions concerning this filing should be addressed to the undersigned at (713) 420-6547 or to Ms. Shannon Miller at (713) 420-4038.

Respectfully submitted,

TENNESSEE GAS PIPELINE COMPANY, L.L.C.

By: *Mosby Perrow* \_\_\_\_\_

Mosby Perrow  
Assistant General Counsel

Attachments

cc: Elaine Baum (Commission Staff)  
Anne Allen (HDR)  
Maria Tur (USFWS)  
All parties on service list



# United States Department of the Interior



## FISH AND WILDLIFE SERVICE

New England Field Office  
70 Commercial Street, Suite 300  
Concord, NH 03301-5087  
<http://www.fws.gov/newengland>

REF: Connecticut Expansion Project

April 12, 2016

Brian Benito  
Tennessee Gas Pipeline Company, L.L.C.  
8 Anngina Drive  
Enfield, CT 06082

Dear Mr. Benito:

This responds to your correspondence to the U.S. Fish and Wildlife Service's (Service) New York Field Office (NYFO), dated March 2, 2016, and to the New England Field Office (NEFO), dated March 7, 2016, regarding the subject Connecticut Expansion Project (Project). The Tennessee Gas Pipeline Company (Tennessee Gas) proposes to construct and operate the subject Project, the purpose of which is to upgrade an existing natural gas pipeline system in New York, Massachusetts, and Connecticut. The Project would install approximately 13.3 miles of pipeline looping (installation of new pipeline along existing pipeline within active rights-of-way).

In your letters, you requested information on the presence of hibernacula and known roost trees for the federally threatened northern long-eared bat (*Myotis septentrionalis*) in the vicinity of the Project. You also requested approval from each office to conduct vegetation clearing activities through May 1, 2016—beyond the March 31, 2016, date that Tennessee Gas had proposed to avoid impacts to the federally endangered Indiana bat (*Myotis sodalists*) and to minimize impacts to breeding migratory birds. Subsequently, on April 12, 2016, you sent an email to Maria Tur of the NEFO staff stating that Tennessee Gas had reevaluated the potential effects of the Project and determined that the Project would have no effect on the Indiana bat.

Your letters to both NYFO and NEFO stated that the Service and the Federal Energy Regulatory Commission (FERC) had specified that, pursuant to the Migratory Bird Treaty Act (MBTA) (16 U.S.C. 703-712; Ch. 128; July 13, 1918; 40 Stat. 755), tree clearing should occur between October 1 and March 31. However, after a subsequent clarifying discussion with Ms. Tur, you sent her an email on April 1, 2016, clarifying that the October 1 to March 31 timeframe had erroneously been applied to migratory birds in documents prepared by AECOM and Tennessee Gas and that Tennessee Gas was aware that there is no time-of-year restriction related to the MBTA.

To summarize, for this Project, as proposed, the October 1 to March 31 timeframe is not relevant to the Indiana bat, nor is it relevant to the northern long-eared bat under the final 4(d) Rule for the Northern Long-Eared Bat. Further, the MBTA does not contain specific time-of-year restrictions for activities that may affect migratory birds. Therefore, we will not discuss an October 1 to March 31 time-of-year restriction with regard to these species in the balance of this letter.

Pursuant to section 7(a)(2) of the Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. 1531-1533), Federal agencies, including FERC, have a responsibility to consult with the Service when projects they fund, authorize, or carry out may result in effects to federally listed or proposed species. It is our understanding that FERC has designated you and AECOM as non-Federal representatives for this Project. Your request and our response are provided in accordance with section 7 of the ESA and the MBTA.

### Indiana Bat

While there is an historical occurrence record for this species within the project area, and suitable roosting and/or foraging habitat may be present, extremely low numbers, if any, of Indiana bats remain in the project area due to the decline of this species subsequent to the onset of white nose syndrome.

On April 12, 2016, you sent an email to Ms. Tur stating that, based on past discussions with the NYFO (including the information above), and a report from the Service's Information for Planning and Conservation system indicating that the Indiana bat is not present in the proposed project area, Tennessee Gas (and by extension, FERC) determined that the proposed Project would have no effect on the species. Accordingly, no time-of-year restriction is necessary to avoid impacts to the species in the project area.

### Northern Long-Eared Bat

On behalf of FERC, AECOM previously consulted with the NYFO regarding the northern long-eared bat. The NYFO concurred with a "may affect, but not likely to adversely affect" determination in a letter dated October 16, 2015 (enclosed) for approximately 4.5 acres of tree removal, which would take place between October 1 and March 31. The letter also outlined other conservation measures that FERC agreed to implement for the New York portion of the Project.

Subsequent to the October 16, 2015 correspondence, the Service published a final 4(d) Rule for the Northern Long-Eared Bat.<sup>1</sup> The 4(d) rule went into effect on February 16, 2016, and provides measures that are necessary and advisable to provide for the conservation of the species. The Service later developed an optional framework to streamline section 7 consultations for the northern long-eared bat and a streamlined consultation form for Federal projects that fit under the 4(d) rule.<sup>2</sup>

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<sup>1</sup> <http://www.fws.gov/midwest/endangered/mammals/nleb/pdf/FRnlebFinal4dRule14Jan2016.pdf> (accessed April 2016).

<sup>2</sup> <http://www.fws.gov/midwest/endangered/mammals/nleb/s7.html> (accessed April 2016).

We understand that you and FERC are now assessing whether this Project conforms to the Service's programmatic biological opinion for the final 4(d) rule for northern long-eared bat. To assess if this project is within 0.25 mile of a known hibernaculum or within 150 feet of a known maternity roost, please visit <http://www.fws.gov/midwest/endangered/mammals/nleb/nhisites.html> (accessed April 2016), and follow the links for each state in which the Project would occur. If you determine that the Project meets the criteria for eligibility under the final 4(d) rule, please prepare and submit the streamlined consultation form (enclosed) indicating that FERC will be relying on the Service's biological opinion for compliance with section 7(a)(2) of the ESA for potential impacts to the northern long-eared bat. A signed copy of the form should be mailed or faxed to both NYFO and NEFO.

### Migratory Birds

Migratory birds, such as waterfowl, passerines, and raptors are Federal trust resources and are protected by the MBTA, which prohibits taking, possession, transport, import, export, selling, purchase, barter, or selling migratory birds, their eggs, parts, and nests, except when specifically authorized by the Department of the Interior. The Service is the primary Federal agency responsible for administering and enforcing the MBTA. Neither the MBTA, nor its implementing regulations at 50 CFR Part 21, provides for permitting of "incidental take" of migratory birds that may be killed or injured by projects. As a reminder, Executive Order 13186 (EO), *Responsibilities of Federal Agencies to Protect Migratory Birds*, directs Federal agencies to ensure that migratory bird protection and conservation are considered in projects that are undergoing review under the National Environmental Policy Act. The Service and FERC entered into a Memorandum of Understanding in March 2011 to comply with the EO.<sup>3</sup>

Migratory birds are likely to be present within a variety of habitats found within the more than 13 miles that make up the project area. As mentioned previously, the MBTA does not contain specific time-of-year restrictions for activities that may affect migratory birds. However, to avoid and minimize effects on migratory birds, the Service recommends that vegetation clearing and other activities that may affect migratory birds occur outside of the breeding seasons for migratory bird species that may occur in the project area. Breeding seasons vary by species and geographic location, but generally start in early spring and end by early fall. The Service is available to provide technical assistance and recommendations for ways to minimize impacts to migratory birds during the breeding season; however, at this time there is no mechanism for the Service to provide an exemption to the prohibitions in the MBTA.

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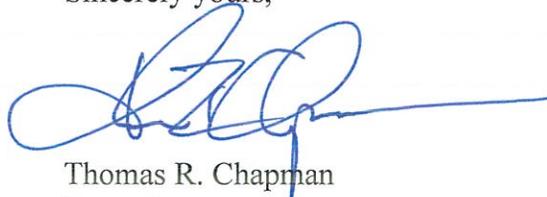
<sup>3</sup> <https://www.ferc.gov/legal/mou/mou-fws.pdf> (accessed April 2016).

Brian Benito  
April 12, 2016

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Thank you for your coordination on this Project. Please contact Ms. Tur at 603-223-2541 with any additional information or for further assistance.

Sincerely yours,

A handwritten signature in blue ink, appearing to read 'TRC', with a long horizontal flourish extending to the right.

Thomas R. Chapman  
Supervisor  
New England Field Office

Enclosures

Brian Benito  
April 12, 2016

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cc: Reading file  
Elaine P. Baum (Elaine.Baum@ferc.gov)  
NYFO, Patricia Cole, Noelle Rayman, David Stilwell  
ES: MTur:4-12-16:603-223-2541



# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

3817 Luker Road  
Cortland, NY 13045



October 16, 2015

Mr. Timothy O'Sullivan  
Project Manager  
AECOM  
10 Orms Street, Suite 405  
Providence, RI 02904

Dear Mr. O'Sullivan:

This responds to your September 14, 2015, letter regarding Tennessee Gas Pipeline Company's proposal to construct and operate the Connecticut Expansion Project that will be located in New York, Massachusetts, and Connecticut. The project involves 13.3 miles of pipeline looping, which is the installation of new pipeline along an existing pipeline within an active right-of-way. This letter specifically addresses portions of the project that are proposed in New York. Separate correspondence will be needed for the Massachusetts and Connecticut portions of the project. The New York portion, known as the "New York Loop", involves the construction of new 36-inch pipeline looping totaling 1.35 miles in the Town of Bethlehem, Albany County. The pipeline will be built along the south side of the existing line.

As you are aware, federal agencies, such as the Federal Energy Regulatory Commission (FERC), have responsibilities under Section 7 of the Endangered Species Act of 1973 (ESA) (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*) to consult with the U.S. Fish and Wildlife Service (Service) regarding projects that may affect federally-listed species or designated critical habitat, and confer with the Service regarding projects that are likely to jeopardize federally-proposed species or adversely modify proposed critical habitat. We understand that all FERC licensees, applicants, pipeline companies, and their representatives have been designated the FERC's non-federal representative for the purposes of completing informal consultation pursuant to Section 7(a)(2) of the ESA.

On behalf of the FERC, AECOM has determined that the proposed project "may affect, but is not likely to adversely affect," the federally-listed threatened northern long-eared bat (*Myotis septentrionalis*; NLEB). While there is a NLEB hibernaculum within 2.0 miles of the project area, the Service concurs with your determination given that no known roosts are located within or adjacent to the project area, a relatively small number of trees are proposed for removal (approximately 4.5 acres), and trees will be removed between October 1 and March 31, when bats are in hibernation.

We also encourage the incorporation of the following conservation measures into the project to further avoid and minimize impacts to this species:

- Bright orange construction fencing and flagging will be used to demarcate trees to be protected compared with those to be cut prior to the initiation of any construction;
- Artificial dyes, coloring, insecticide, algaecide, and/or herbicides will not be used around waterbodies for long-term maintenance of the pipeline; and
- The number of lights will be limited and will include motion sensors, be shielded, and will be directed downward toward the ground and buildings.

Should project plans change, or if additional information on listed or proposed species or critical habitat becomes available, this determination may be reconsidered. The most recent compilation of federally-listed and proposed endangered and threatened species in New York is available for your information. Until the proposed project is complete, we recommend that you check our website every 90 days from the date of this letter to ensure that listed species presence/absence information for the proposed project is current.\*

Any additional information regarding the proposed project and its potential to impact listed species should be coordinated with both this office and with the New York State Department of Environmental Conservation.

Thank you for your time. If you require additional information or assistance please contact Noelle Rayman at 607-753-9334. Future correspondence with us on this project should reference project file 130813.

Sincerely,

  
for David A. Stilwell  
Field Supervisor

\*Additional information referred to above may be found on our website at:  
<http://www.fws.gov/northeast/nyfo/es/section7.htm>

cc: NYSDEC, Albany, NY (Env. Permits, C. Herzog)  
NYSDEC, Schenectady, NY (Env. Permits)

## Northern Long-Eared Bat 4(d) Rule Streamlined Consultation Form

Federal agencies should use this form for the optional streamlined consultation framework for the northern long-eared bat (NLEB). This framework allows federal agencies to rely upon the U.S. Fish and Wildlife Service's (USFWS) January 5, 2016, intra-Service Programmatic Biological Opinion (BO) on the final 4(d) rule for the NLEB for section 7(a)(2) compliance by: (1) notifying the USFWS that an action agency will use the streamlined framework; (2) describing the project with sufficient detail to support the required determination; and (3) enabling the USFWS to track effects and determine if reinitiation of consultation is required per 50 CFR 402.16.

This form is not necessary if an agency determines that a proposed action will have no effect to the NLEB or if the USFWS has concurred in writing with an agency's determination that a proposed action may affect, but is not likely to adversely affect the NLEB (i.e., the standard informal consultation process). Actions that may cause prohibited incidental take require separate formal consultation. Providing this information does not address section 7(a)(2) compliance for any other listed species.

### Information to Determine 4(d) Rule Compliance:

	YES	NO
1. Does the project occur wholly outside of the WNS Zone <sup>1</sup> ?	<input type="checkbox"/>	<input type="checkbox"/>
2. Have you contacted the appropriate agency <sup>2</sup> to determine if your project is near known hibernacula or maternity roost trees?	<input type="checkbox"/>	<input type="checkbox"/>
3. Could the project disturb hibernating NLEBs in a known hibernaculum?	<input type="checkbox"/>	<input type="checkbox"/>
4. Could the project alter the entrance or interior environment of a known hibernaculum?	<input type="checkbox"/>	<input type="checkbox"/>
5. Does the project remove any trees within 0.25 miles of a known hibernaculum at any time of year?	<input type="checkbox"/>	<input type="checkbox"/>
6. Would the project cut or destroy known occupied maternity roost trees, or any other trees within a 150-foot radius from the maternity roost tree from June 1 through July 31.	<input type="checkbox"/>	<input type="checkbox"/>

You are eligible to use this form if you have answered yes to question #1 **or** yes to question #2 **and** no to questions 3, 4, 5 and 6. The remainder of the form will be used by the USFWS to track our assumptions in the BO.

**Agency and Applicant<sup>3</sup>** (Name, Email, Phone No.):

**Project Name:**

**Project Location** (include coordinates if known):

**Basic Project Description** (provide narrative below or attach additional information):

<sup>1</sup> <http://www.fws.gov/midwest/endangered/mammals/nleb/pdf/WNSZone.pdf>

<sup>2</sup> See <http://www.fws.gov/midwest/endangered/mammals/nleb/nhisites.html>

<sup>3</sup> If applicable - only needed for federal actions with applicants (e.g., for a permit, etc.) who are party to the consultation.

General Project Information	YES	NO
Does the project occur within 0.25 miles of a known hibernaculum?	<input type="checkbox"/>	<input type="checkbox"/>
Does the project occur within 150 feet of a known maternity roost tree?	<input type="checkbox"/>	<input type="checkbox"/>
Does the project include forest conversion <sup>4</sup> ? (if yes, report acreage below)	<input type="checkbox"/>	<input type="checkbox"/>
Estimated total acres of forest conversion		
If known, estimated acres <sup>5</sup> of forest conversion from April 1 to October 31		
If known, estimated acres of forest conversion from June 1 to July 31 <sup>6</sup>		
Does the project include timber harvest? (if yes, report acreage below)	<input type="checkbox"/>	<input type="checkbox"/>
Estimated total acres of timber harvest		
If known, estimated acres of timber harvest from April 1 to October 31		
If known, estimated acres of timber harvest from June 1 to July 31		
Does the project include prescribed fire? (if yes, report acreage below)	<input type="checkbox"/>	<input type="checkbox"/>
Estimated total acres of prescribed fire		
If known, estimated acres of prescribed fire from April 1 to October 31		
If known, estimated acres of prescribed fire from June 1 to July 31		
Does the project install new wind turbines? (if yes, report capacity in MW below)	<input type="checkbox"/>	<input type="checkbox"/>
Estimated wind capacity (MW)		

Agency Determination:

By signing this form, the action agency determines that this project may affect the NLEB, but that any resulting incidental take of the NLEB is not prohibited by the final 4(d) rule.

If the USFWS does not respond within 30 days from submittal of this form, the action agency may presume that its determination is informed by the best available information and that its project responsibilities under 7(a)(2) with respect to the NLEB are fulfilled through the USFWS January 5, 2016, Programmatic BO. The action agency will update this determination annually for multi-year activities.

The action agency understands that the USFWS presumes that all activities are implemented as described herein. The action agency will promptly report any departures from the described activities to the appropriate USFWS Field Office. The action agency will provide the appropriate USFWS Field Office with the results of any surveys conducted for the NLEB. Involved parties will promptly notify the appropriate USFWS Field Office upon finding a dead, injured, or sick NLEB.

Signature: \_\_\_\_\_

Date Submitted: \_\_\_\_\_

<sup>4</sup> Any activity that temporarily or permanently removes suitable forested habitat, including, but not limited to, tree removal from development, energy production and transmission, mining, agriculture, etc. (see page 48 of the BO).

<sup>5</sup> If the project removes less than 10 trees and the acreage is unknown, report the acreage as less than 0.1 acre.

<sup>6</sup> If the activity includes tree clearing in June and July, also include those acreage in April to October.

## Northern Long-Eared Bat 4(d) Rule Streamlined Consultation Form

Federal agencies should use this form for the optional streamlined consultation framework for the northern long-eared bat (NLEB). This framework allows federal agencies to rely upon the U.S. Fish and Wildlife Service's (USFWS) January 5, 2016, intra-Service Programmatic Biological Opinion (BO) on the final 4(d) rule for the NLEB for section 7(a)(2) compliance by: (1) notifying the USFWS that an action agency will use the streamlined framework; (2) describing the project with sufficient detail to support the required determination; and (3) enabling the USFWS to track effects and determine if reinitiation of consultation is required per 50 CFR 402.16.

This form is not necessary if an agency determines that a proposed action will have no effect to the NLEB or if the USFWS has concurred in writing with an agency's determination that a proposed action may affect, but is not likely to adversely affect the NLEB (i.e., the standard informal consultation process). Actions that may cause prohibited incidental take require separate formal consultation. Providing this information does not address section 7(a)(2) compliance for any other listed species.

### Information to Determine 4(d) Rule Compliance:

**YES      NO**

Information to Determine 4(d) Rule Compliance:	YES	NO
1. Does the project occur wholly outside of the WNS Zone <sup>1</sup> ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Have you contacted the appropriate agency <sup>2</sup> to determine if your project is near known hibernacula or maternity roost trees?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Could the project disturb hibernating NLEBs in a known hibernaculum?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. Could the project alter the entrance or interior environment of a known hibernaculum?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5. Does the project remove any trees within 0.25 miles of a known hibernaculum at any time of year?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. Would the project cut or destroy known occupied maternity roost trees, or any other trees within a 150-foot radius from the maternity roost tree from June 1 through July 31.	<input type="checkbox"/>	<input checked="" type="checkbox"/>

You are eligible to use this form if you have answered yes to question #1 **or** yes to question #2 **and** no to questions 3, 4, 5 and 6. The remainder of the form will be used by the USFWS to track our assumptions in the BO.

**Agency and Applicant<sup>3</sup>** (Name, Email, Phone No.): Brian Benito Jr., [Brian\\_Benito@kindermorgan.com](mailto:Brian_Benito@kindermorgan.com), 860-763-6052

**Project Name:** Connecticut Expansion Project

**Project Location** (include coordinates if known): Along an existing pipeline corridor in Bethlehem, NY between 42.591222, -73.872989 & 42.589802, -73.836526; Sandisfield, MA between 42.178203, -73.145388 42.139793, -73.092106; Agawam, MA between 42.034026, -72.634128 & 41.929292, -72.715990 in East Granby, CT.

**Basic Project Description** (provide narrative below or attach additional information):

Tennessee Gas Pipeline Company, L.L.C. ("Tennessee") is proposing the construction and operation of the Connecticut Expansion Project (the "Project") in Hartford County, Connecticut, Albany County, New York, and Berkshire and Hampden Counties, Massachusetts. The proposed Project involves the construction of two sections

<sup>1</sup> <http://www.fws.gov/midwest/endangered/mammals/nleb/pdf/WNSZone.pdf>

<sup>2</sup> See <http://www.fws.gov/midwest/endangered/mammals/nleb/nhisites.html>

<sup>3</sup> If applicable - only needed for federal actions with applicants (e.g., for a permit, etc.) who are party to the consultation.

of new 36-inch outside diameter (“OD”) pipeline looping, totaling 1.35 miles in New York (“New York Loop”), 3.81 miles in Massachusetts (“Massachusetts Loop”), and one section of new 24-inch OD pipeline looping totaling 8.26 miles in Massachusetts and Connecticut (“Connecticut Loop”), as well as appurtenant facilities, including one new main line valve (“MLV”), cathodic protection, and pig launchers and receivers. To the extent that it is practicable, feasible, and in compliance with existing law, Tennessee proposes to locate the pipeline loops within or adjacent to its rights-of-way (“ROW”) associated with its existing pipelines designated as the 200 and 300 Lines.

<b>General Project Information</b>	<b>YES</b>	<b>NO</b>
Does the project occur within 0.25 miles of a known hibernaculum?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Does the project occur within 150 feet of a known maternity roost tree?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Does the project include forest conversion <sup>4</sup> ? (if yes, report acreage below)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Estimated total acres of forest conversion	NY Loop: 3.81 MA Loop: 38.96 CT Loop: 33.97	
If known, estimated acres <sup>5</sup> of forest conversion from April 1 to October 31	Same as above	
If known, estimated acres of forest conversion from June 1 to July 31 <sup>6</sup>	None	
Does the project include timber harvest? (if yes, report acreage below)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Estimated total acres of timber harvest	See above	
If known, estimated acres of timber harvest from April 1 to October 31	See above	
If known, estimated acres of timber harvest from June 1 to July 31	See above	
Does the project include prescribed fire? (if yes, report acreage below)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Estimated total acres of prescribed fire		
If known, estimated acres of prescribed fire from April 1 to October 31		
If known, estimated acres of prescribed fire from June 1 to July 31		
Does the project install new wind turbines? (if yes, report capacity in MW below)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Estimated wind capacity (MW)		

#### Agency Determination:

By signing this form, the action agency determines that this project may affect the NLEB, but that any resulting incidental take of the NLEB is not prohibited by the final 4(d) rule.

If the USFWS does not respond within 30 days from submittal of this form, the action agency may presume that its determination is informed by the best available information and that its project responsibilities under 7(a)(2) with respect to the NLEB are fulfilled through the USFWS January 5, 2016, Programmatic BO. The action agency will update this determination annually for multi-year activities.

The action agency understands that the USFWS presumes that all activities are implemented as described herein. The action agency will promptly report any departures from the described activities to the appropriate USFWS Field Office. The action agency will provide the appropriate USFWS Field Office with the results of any surveys conducted for the NLEB. Involved parties will promptly notify the appropriate USFWS Field Office upon finding a dead, injured, or sick NLEB.

Signature:

Date Submitted: 04/12/16

<sup>4</sup> Any activity that temporarily or permanently removes suitable forested habitat, including, but not limited to, tree removal from development, energy production and transmission, mining, agriculture, etc. (see page 48 of the BO).

<sup>5</sup> If the project removes less than 10 trees and the acreage is unknown, report the acreage as less than 0.1 acre.

<sup>6</sup> If the activity includes tree clearing in June and July, also include those acreage in April to October.

**Miller, Shannon**

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**From:** Miller, Shannon  
**Sent:** Wednesday, April 13, 2016 2:04 PM  
**To:** Miller, Shannon  
**Subject:** FW: CT Expansion Project

----- Original message -----

From: "Tur, Maria" <[maria\\_tur@fws.gov](mailto:maria_tur@fws.gov)>  
Date: 4/12/16 16:42 (GMT-05:00)  
To: "Benito, Brian" <[Brian\\_Benito@kindermorgan.com](mailto:Brian_Benito@kindermorgan.com)>  
Subject: CT Expansion Project

Dear Mr. Benito,

We have received and reviewed the *Northern Long-Eared Bat 4(d) Rule Streamlined Consultation Form* for the Connecticut Expansion Project.

By signing the form, you (as the designated non-federal representative for FERC for this project), have indicated that any resulting incidental take of the northern long-eared bat is not prohibited by the final 4(d) rule.

Maria E. Tur  
U.S. Fish and Wildlife Service  
New England Field Office  
70 Commercial Street, Suite 300  
Concord, NH 03301  
Phone (603) 223-2541 x6419  
FAX (603) 223-0104

<http://www.fws.gov/newengland/>

Document Content(s)

CT\_Project\_TGP response USFWS\_(April 13).DOCX.....1-1

CT Expansion\_Ltr from USFWS.PDF.....2-10

StreamlinedConsultationForm29Feb2016.PDF.....11-12

USFWS\_4(d) email.PDF.....13-13