



United States Department of the Interior

FISH AND WILDLIFE SERVICE

5600 American Boulevard West, Suite 990
Bloomington, Minnesota 55437-1458



IN REPLY REFER TO:

FWS/R3/ES

Ms. Jennifer Cannon
MSHCP Coordinator, Environmental Planning and Permitting
TC Energy
700 Louisiana Street
Houston, Texas 77002

Subject: Proposed Northern long-eared Bat Minor Amendment and Reinstatement of “No Surprises” Assurances for the Columbia Pipeline Group Multi-Species Habitat Conservation Plan (Incidental Take Permit ES02636A-3)

Dear Ms. Cannon:

The Columbia Pipeline Group (CPG) Multi-Species Habitat Conservation Plan (MSHCP) was amended in May 2015 to include the northern long-eared bat (*Myotis septentrionalis*, NLEB). At that time, there was a high degree of uncertainty regarding the population status of this species, specifically due to the ongoing spread of white-nose syndrome (WNS). To address these uncertainties, CPG offered to remove the “No Surprises” assurances for NLEB beginning five years from the date of the amendment (MSHCP Amendment – Northern Long-eared Bat, Section 10.2.2). The Service and CPG would then be able to review the amendment and the current population status of the NLEB to determine if any changes were needed for the NLEB portion of the MSHCP. As of May 2020, the No Surprises provision has been removed for the NLEB for the Columbia MSHCP for reassessment.

The Service reviewed the original assumptions for NLEB used in the MSHCP’s effects analysis and compared those assumptions to the updated population data for NLEB. Overall, the recent data regarding population trends for the NLEB and the MSHCP’s original assumptions are very similar. As predicted, there was a steep initial population decline due to WNS, followed by a relatively stable population but at a severely decreased population level.

Because the assumed and updated NLEB population trends are consistent, there is no new information that would lead us to change the original MSHCP approach for the take analysis; therefore, we determined that a full reassessment of the analysis is not necessary. However, because of the precipitous decline in the overall NLEB population across the species’ range, we recommend that the MSHCP be amended so that all NLEB avoidance and minimization measures (AMMs) are aligned with the AMMs for the Indiana bat, which are more protective of summering bats (see AMM 29).

Current Language:

29. No clearing or “side-trimming” of known maternity colony or suitable summer habitat within the covered lands of the MSHCP from June 1 to August 1 to protect nonvolant NLEB pups.

Proposed Language:

29. No clearing of known maternity colony or suitable summer habitat within the covered lands of the MSHCP from June 1 to August 1 to protect non-volant NLEB pups. No “side-trimming” of suitable summer habitat from April 15 to September 1 to avoid direct affects to females (pregnant, lactating, and post-lactating) and juveniles (non-volant and volant).

The intention of the expanded language in AMM 29 is to be more protective of NLEB during the months when female and young bats are the most vulnerable. Avoiding side-trimming during this expanded seasonal timeframe will minimize the risk of directly impacting non-volant bats. As such we do not anticipate additional effects beyond those anticipated in the MSHCP and biological opinion, and we propose this change as a Minor Amendment pursuant to the MSHCP process (Section 9.2).

The Service believes the above minor amendment addresses our current concerns related to the NLEB and, if adopted, would allow us to reinstate No Surprises for NLEB. We look forward to your response.

Sincerely,

Lori H. Nordstrom
Assistant Regional Director
Ecological Services

cc: USFWS Regional HCP Coordinator, Region 3
USFWS Regional HCP Coordinator, Region 4
USFWS Regional HCP Coordinator, Region 5