



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Tennessee ES Office
446 Neal Street
Cookeville, Tennessee 38501



March 8, 2018

Ms. Holly LeGrand
Program Manager, Endangered Species Policy
Tennessee Valley Authority
400 West Summit Hill Drive, WTK11-C
Knoxville, TN 37902-1499

Re: FWS Log # 04ET1000-2018-F-0017; TVA Project # 2017-21; Bat Programmatic Strategy

Dear Ms. LeGrand:

This letter is in response to your request for a letter of concurrence regarding determinations in the Biological Assessment (BA) of TVA's proposed Bat Programmatic Strategy (the Action) for activities that are not likely to adversely affect federally-listed species of bats. As you discussed with U.S. Fish and Wildlife Service (Service) Southeast Regional Office staff on March 6, 2018, our Biological Opinion (BO) for the Bat Programmatic Strategy is still under preparation; however, our analysis of the activities that are not likely to adversely affect listed species or critical habitats is complete.

TVA determined that all 96 activities of the proposed Action are not likely to adversely affect the gray bat (*Myotis grisescens*), Virginia big-eared bat (*Corynorhinus townsendii virginianus*), and designated critical habitats for the Indiana bat (*Myotis sodalis*). The Service has reviewed the data and rationale for these determinations provided in the BA and concurs. We agree that the proposed conservation measures associated with the activities that may affect these species and critical habitats will limit any adverse effects to an insignificant scale or discountable probability.

TVA also determined that 72 of the 96 activities of the proposed Action, specifically Activities 15–18, 21–22, 24–32, 35–40, and 45–48, 50–96, are not likely to adversely affect the Indiana bat or northern long-eared bat (*Myotis septentrionalis*). The Service has reviewed the data and rationale for these determinations provided in the BA and concurs. We agree that the proposed conservation measures associated with the activities that may affect these species will limit any adverse effects to an insignificant scale or discountable probability.

This concurrence letter concludes consultation for the Action relative to: (a) the gray bat; (b) Virginia big-eared bat; (c) designated critical habitats for the Indiana bat and Virginia big-eared

bat; and (d) those activities listed above that we have concurred are not likely to adversely affect the Indiana bat or northern long-eared bat. Therefore, the Service will not address these species, critical habitats, and activities in the pending Biological Opinion (BO). Reinitiating the consultation relative to (a) – (d) above is required if TVA retains discretionary involvement or control over the Action (or is authorized by law) when:

- new information reveals that the Action may affect listed species or designated critical habitat in a manner or to an extent not considered in the BA;
- the Action is modified in a manner that causes effects to listed species or designated critical habitat not considered in the BA; or
- a new species is listed or critical habitat designated that the Action may affect.

The Service shall proceed with completing the BO regarding those activities that TVA has determined are likely to adversely affect the Indiana bat or northern long-eared bat.

If you have any questions or concerns about this concurrence letter, the pending BO, or the consultation process in general, please feel free to contact myself or Todd Shaw of this office at 931/525-4985, or at ross_shaw@fws.gov.

Sincerely,



Mary E. Jennings
Field Supervisor