

**Exhibit R**  
**United States Fish and Wildlife**  
**Service and Ohio Department of Natural**  
**Resources Correspondence**

**September 30, 2020**



# Ohio Department of Natural Resources

MIKE DeWINE, GOVERNOR

MARY MERTZ, DIRECTOR

**Office of Real Estate**  
*John Kessler, Chief*  
2045 Morse Road – Bldg. E-2  
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September 30, 2020

Courtney Dohoney  
Stantec Consulting Services, Inc.  
3001 Washington Blvd. suite 500  
Arlington, Virginia 22201

**Re:** 20-820; Birch Solar Project Environmental Review Request

**Project:** The proposed project involves the construction of a 300-megawatt (MW) utility-scale photovoltaic solar energy project on approximately 2,176 acres of private land.

**Location:** The proposed project is located in Allen and Auglaize Counties, Ohio.

The Ohio Department of Natural Resources (ODNR) has completed a review of the above referenced project. These comments were generated by an inter-disciplinary review within the Department. These comments have been prepared under the authority of the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.), the National Environmental Policy Act, the Coastal Zone Management Act, Ohio Revised Code and other applicable laws and regulations. These comments are also based on ODNR's experience as the state natural resource management agency and do not supersede or replace the regulatory authority of any local, state or federal agency nor relieve the applicant of the obligation to comply with any local, state or federal laws or regulations.

**Natural Heritage Database:** The Natural Heritage Database has the following record at or within a one-mile radius of the project area:

Greater redhorse (*Moxostoma valenciennesi*), State threatened

The review was performed on the project area you specified in your request as well as an additional one-mile radius. Records searched date from 1980. This information is provided to inform you of features present within your project area and vicinity.

Please note that Ohio has not been completely surveyed and we rely on receiving information from many sources. Therefore, a lack of records for any particular area is not a statement that rare species or unique features are absent from that area. Although all types of plant communities have been surveyed, we only maintain records on the highest quality areas.

**Fish and Wildlife:** The Division of Wildlife (DOW) has the following comments.

The DOW recommends that impacts to streams, wetlands and other water resources be avoided and minimized to the fullest extent possible, and that best management practices be utilized to minimize erosion and sedimentation.

The Division of Wildlife is working closely with our partners at Ohio Pollinator Habitat Initiative (OPHI) to create and enhance pollinator habitat at solar power installations. Attached for your use is the Ohio Solar Site Pollinator Habitat Planning and Assessment Form. This form was developed by the OPHI Solar Pollinator Program Advisory Team. We recommend that the areas between and around the solar panels be planted with legumes and wildflowers (i.e. forbs) that are beneficial to pollinators and other wildlife and reduce use of non-native grass and gravel. The recommended legumes and forbs listed below are low-growing so as not to cast shadows on the solar panels and would only require one to two mowings a year for maintenance, which should minimize maintenance costs. For other areas of the installation where vegetation does not have to be low-growing, alternative pollinator mixes are available with a more diverse array of flowering plants. This perennial vegetation will provide beneficial foraging habitat to songbirds and pollinators while reducing storm water runoff, standing water, and erosion. Please contact the Ohio Pollinator Habitat Initiative <http://www.ophi.info/>, and specifically Mike Retterer [mretterer@pheasantsforever.org](mailto:mretterer@pheasantsforever.org) for further information on solar power facility pollinator plantings.

Recommended low-growing grasses and forbs may include:

Little Bluestem	<i>Schizachyrium scoparium</i>
Sideoats Grama	<i>Bouteloua curtipendula</i>
Alfalfa	<i>Medicago spp.</i>
Alsike Clover	<i>Trifolium hybridum</i>
Brown-eyed Susan	<i>Rudbeckia triloba</i>
Butterfly Milkweed	<i>Asclepias tuberosa</i>
Lanceleaf Coreopsis	<i>Coreopsis lanceolata</i>
Partridge Pea	<i>Chamaecrista fasciculata</i>
Timothy	<i>Phleum pratense</i>
Orchardgrass	<i>Dactylis glomerata</i>
Crimson Clover	<i>Trifolium incarnatum</i>
Ladino or White Clover	<i>Trifolium repens</i>

The project is within the vicinity of records for the little brown bat (*Myotis lucifugus*), a state endangered species. Because presence of state endangered bat species has been established in the area, summer tree cutting is not recommended, and additional summer surveys would not constitute presence/absence in the area. However, limited summer tree cutting inside this buffer may be acceptable after further consultation with DOW (contact Sarah Stankavich, [sarah.stankavich@dnr.state.oh.us](mailto:sarah.stankavich@dnr.state.oh.us)).

In addition, the entire state of Ohio is within the range of the Indiana bat (*Myotis sodalis*), a state endangered and federally endangered species, the northern long-eared bat (*Myotis septentrionalis*), a state endangered and federally threatened species, the little brown bat (*Myotis lucifugus*), a state endangered species, and the tricolored bat (*Perimyotis subflavus*), a state endangered species. During the spring and summer (April 1 through September 30), these bat species predominately roost in trees behind loose, exfoliating bark, in crevices and cavities, or in the leaves. However, these species are also dependent on the forest structure surrounding roost trees. The DOW recommends tree cutting only occur from October 1 through March 31, conserving trees with loose, shaggy bark and/or crevices, holes, or cavities, as well as trees with DBH  $\geq$  20 if possible.

The DOW also recommends that a desktop habitat assessment, followed by a field assessment if needed, is conducted to determine if there are potential hibernaculum(a) present within the project area. Information about how to conduct habitat assessments can be found in the current USFWS “Range-wide Indiana Bat Survey Guidelines.” If a habitat assessment finds that potential hibernacula are present within 0.25 miles of the project area, please send this information to Sarah Stankavich, [sarah.stankavich@dnr.state.oh.us](mailto:sarah.stankavich@dnr.state.oh.us) for project recommendations. If a potential or known hibernaculum is found, the DOW recommends a 0.25-mile tree cutting and subsurface disturbance buffer around the hibernaculum entrance, however, limited summer or winter tree cutting may be acceptable after consultation with DOW. If no tree cutting or subsurface impacts to a hibernaculum are proposed, this project is not likely to impact these species.

The project is within the range of the clubshell (*Pleurobema clava*), a state endangered and federally endangered mussel, the northern riffleshell (*Epioblasma torulosa rangiana*), a state endangered and federally endangered mussel, and the pondhorn (*Unio merus tetralasmus*), a state threatened mussel. This project must not have an impact on freshwater native mussels at the project site. This applies to both listed and non-listed species. Per the Ohio Mussel Survey Protocol (2020), all Group 2, 3, and 4 streams (Appendix A) require a mussel survey. Per the Ohio Mussel Survey Protocol, Group 1 streams (Appendix A) and unlisted streams with a watershed of 5 square miles or larger above the point of impact should be assessed using the Reconnaissance Survey for Unionid Mussels (Appendix B) to determine if mussels are present. Mussel surveys may be recommended for these streams as well. This is further explained within the Ohio Mussel Survey Protocol. Therefore, if in-water work is planned in any stream that meets any of the above criteria, the DOW recommends the applicant provide information to indicate no mussel impacts will occur. If this is not possible, the DOW recommends a professional malacologist conduct a mussel survey in the project area. If mussels that cannot be avoided are found in the project area, as a last resort, the DOW recommends a professional malacologist collect and relocate the mussels to suitable and similar habitat upstream of the project site. Mussel surveys and any subsequent mussel relocation should be done in accordance with the Ohio Mussel Survey Protocol. The Ohio Mussel Survey Protocol (2020) can be found at:

<http://wildlife.ohiodnr.gov/portals/wildlife/pdfs/licenses%20&%20permits/OH%20Mussel%20Survey%20Protocol.pdf>

The project is within the range of the pirate perch (*Aphredoderus sayanus*), a state endangered fish, and the greater redhorse (*Moxostoma valenciennesi*), a state threatened fish. The DOW recommends no in-water work in perennial streams from April 15 through June 30 to reduce impacts to indigenous aquatic species and their habitat. If no in-water work is proposed in a perennial stream, this project is not likely to impact these or other aquatic species.

The project is within the range of the lark sparrow (*Chondestes grammacus*), a state endangered bird. This sparrow nests in grassland habitats with scattered shrub layers, disturbed open areas, as well as patches of bare soil. These summer residents normally migrate out of Ohio shortly after their young fledge or leave the nest. If this type of habitat will be impacted, construction should be avoided in this habitat during the species’ nesting period of May 1 to June 30. If this habitat will not be impacted, the project is not likely to impact this species.

The project is within the range of the upland sandpiper (*Bartramia longicauda*), a state endangered bird. Nesting upland sandpipers utilize dry grasslands including native grasslands, seeded grasslands, grazed and ungrazed pasture, hayfields, and grasslands established through the Conservation Reserve Program (CRP). If this type of habitat will be impacted, construction should be avoided in this habitat during the species’ nesting period of April 15 to July 31. If this type of habitat will not be impacted, this project is not likely to impact this species.

Due to the potential of impacts to federally listed species, as well as to state listed species, we recommend that this project be coordinated with the U.S. Fish & Wildlife Service.

**Geological Survey:** The Division of Geological Survey has the following comment.

### **Physiographic Region**

The proposed project area is in Amanda and Shawnee townships, Allen County; and Logan and Duchouquet townships, Auglaize County. This area is in the Central Ohio Clayey Till Plain physiographic region. This region is characterized by well-defined end moraines as well as flat-lying ground moraines. Intermorainal lake basins filled with silt, clay and till are present. There are few large streams and limited sand and gravel outwash. A high-lime Wisconsinan-age till covers Lower Paleozoic-age carbonate rocks and shales (Ohio Department of Natural Resources, Division of Geological Survey, 1998).

### **Surficial/Glacial Geology**

The project area lies within the glaciated margin of the state and includes several Wisconsinan-aged glacial features. End moraine, lake-planed moraine and ground moraine features are all present within the project area. End moraine features make up the northern portion of the project area and consist of clayey till that occurs as hummocky ridges that are higher than the adjacent terrain. Lake-planed moraine features make up most of the project area and consist of very flat terrain which was planed by waves in glacial lakes. Small patches of sand, silt, or clay may be found on the surface in many areas. Flat to gently undulating ground moraine features make up the southern boundary of the project area (Pavey et al, 1999). Glacial drift throughout most of the study area is between 25 and 95 feet thick. Drift is thickest near the northern boundary of the project area and thinnest near alluvial areas (Powers and Swinford, 2004).

### **Bedrock Geology**

The uppermost bedrock unit in the project area is the Salina Undifferentiated. This unit is Silurian-aged and consists of a gray to brown dolomite which contains argillaceous partings, brecciated intervals, algal laminations and anhydrite/gypsum zones. The Salina Undifferentiated covers a small portion of the project area near the northern boundary. Underlying the Salina Undifferentiated is the Silurian-aged Tymochtee Dolomite. This unit is characterized by an olive gray to yellowish brown dolomite. It frequently contains brownish-black to gray shale laminae. This unit makes up most of the project area. Underlying the Tymochtee Dolomite is the Silurian-aged Lockport Dolomite. This unit is characterized by bluish gray to gray dolomite with minor interbedding of limestone, chert and shale. Fossils and planar to irregular bedding are common. This unit does not make up the uppermost bedrock unit anywhere in the project area but is relevant due to the unit's use as a groundwater aquifer in the area. It should be noted that bedrock is not exposed at the surface within the boundaries of the project area due to significant glacial drift (Slucher et al, 2006).

### **Oil, Gas and Mining**

ODNR has record of 271 oil and gas wells within one mile of the proposed project area. Most of these wells are listed as plugged and abandoned or as historical production wells. This site is partially located within the mapped boundary of the Lima Consolidated Oil Field (Ohio Department of Natural Resources, Division of Oil and Gas, *Ohio Oil and Gas Wells Locator*).

ODNR does not have record of any mining operations within the project area. The nearest mine to the project area is the Buckland Site mine operated by The National Lime and Stone Company. This mine is a quarry and is located approximately 2.9 miles from the site boundary (Ohio Department of Natural Resources, Division of Mineral Resources, *Mines of Ohio*).

### Seismic Activity

Several small earthquakes have historically been recorded near the site. The three events closest to the site are listed in the chart below (Ohio Department of Natural Resources, Division of Geological Survey, Ohio Earthquake Epicenters):

Date	Magnitude	Distance to Site Boundary	County	Township
August 15, 2006	2.5	3.8 miles	Allen	Shawnee
September 19, 1884	4.8	4.1 miles	Allen	Perry
May 12, 2006	2.8	6.2 miles	Allen	Bath

### Karst

Karst features usually form in areas that are covered by thin or no glacial drift and the bedrock is limestone or dolomite. There are no known surface karst features near the project area, however the Salina Undifferentiated, Tymochtee Dolomite and Lockport Dolomite are all carbonate units that can develop karst features under the right conditions and may include solution features that are not apparent on the surface. The nearest mapped karst features are approximately 26 miles east of the project area (Ohio Department of Natural Resources, Division of Geological Survey, *Ohio Karst*).

### Soils

According to the USDA Web Soil Survey, the project area consists primarily of soils derived from glacial till, outwash and alluvium. Blount, Pewamo, Westland, Glynwood, Thackery, Sarnac and Gallman are the most common soil series found within the boundaries of the project area. Together, these soils make up over 90% of the project area (USDA Web Soil Survey).

There is a low to moderate risk of shrink-swell potential in these soils. Other limiting factors include seasonal saturation and poor drainage in some soils. Slope remains relatively flat, with slope seldom exceeding a 12% grade (USDA Web Soil Survey).

### Groundwater

Groundwater resources are plentiful throughout the project area. Wells developed in bedrock are likely to yield between 5 and 100 gallons per minute, sometimes yielding up to 500 gallons per minute. Wells developed in the Tymochtee Dolomite typically yield between 5 and 25 gallons per minute but yields of up to 100 gallons per minute can be expected from wells located towards the northern boundary of the project area where the bedrock unit is thicker. Wells developed in the underlying Lockport Dolomite are known to yield over 100 gallons per minute. Yields of over 300 gallons per minute are known to exist in areas of the Lockport Dolomite where solution cavities are present (Kostelnick, 1981; Kostelnick, 1983; Ohio Department of Natural Resources, Division of Water, *Bedrock Aquifer Map*, 2000). Wells developed in glacial material are likely to yield 5 to 25 gallons per minute. Unconsolidated aquifers in the project area include the Lima End Moraine Aquifer in the northern portion of the project area and the Lima Ground Moraine Aquifer in the southern portion of the project area. Higher groundwater yields typically reflect

larger diameter, properly developed and screened wells (Ohio Department of Natural Resources, Division of Water, *Statewide Unconsolidated Aquifer Map*, 2000).

ODNR has record of 370 water wells drilled within one mile of the project area. These wells range in depth from 22 to 284 feet deep, with an average depth of 88.5 feet. The most common aquifers listed are limestone and gravel. Other common aquifers include shale, sand and gravel, and sand. Overall, there are 180 wells that are fully developed in unconsolidated glacial material and 190 wells that were drilled to bedrock. A sustainable yield of 3 to 300 gallons per minute is expected from wells drilled in this area based on well log records. The average sustainable yield from these records within one mile was 19.2 gallons per minute. This is based on records from 98 wells within one mile of the project area that contain sustainable yield data (Ohio Department of Natural Resources, Division of Water, *Ohio Water Wells*).

**Water Resources:** The Division of Water Resources has the following comment.

The local floodplain administrator should be contacted concerning the possible need for any floodplain permits or approvals for this project. Your local floodplain administrator contact information can be found at the website below.

[http://water.ohiodnr.gov/portals/soilwater/pdf/floodplain/Floodplain%20Manager%20Community%20Contact%20List\\_8\\_16.pdf](http://water.ohiodnr.gov/portals/soilwater/pdf/floodplain/Floodplain%20Manager%20Community%20Contact%20List_8_16.pdf)

ODNR appreciates the opportunity to provide these comments. Please contact Sarah Tebbe, Environmental Specialist, at (614) 265-6397 or [Sarah.Tebbe@dnr.state.oh.us](mailto:Sarah.Tebbe@dnr.state.oh.us) if you have questions about these comments or need additional information.

Mike Pettegrew  
Environmental Services Administrator (Acting)

## References

- Ohio Department of Natural Resources, Division of Geological Survey, *Ohio Earthquake Epicenters*, online interactive map, <https://gis.ohiodnr.gov/MapView/?config=earthquakes>
- Ohio Department of Natural Resources, Division of Geological Survey, *Ohio Karst*, online interactive map, [https://gis.ohiodnr.gov/website/dgs/karst\\_interactivemap/](https://gis.ohiodnr.gov/website/dgs/karst_interactivemap/)
- Ohio Department of Natural Resources, Division of Geological Survey, (1998). *Physiographic Regions of Ohio*. Ohio Department of Natural Resources, Ohio Department of Natural Resources, Division of Geological Survey, map with text, 2 p., scale 1:2,100,000.
- Ohio Department of Natural Resources, Division of Geological Survey, (In progress). *Statewide Surficial Geology Map*. GIS coverage.
- Ohio Department of Natural Resources, Division of Water, *Ohio Water Wells*, online interactive map, <https://gis.ohiodnr.gov/MapView/?config=waterwells>.
- Ohio Department of Natural Resources, Division of Water, (2000). *Statewide Bedrock Aquifer Map*, GIS coverage.
- Ohio Department of Natural Resources, Division of Water, (2000). *Statewide Unconsolidated Aquifer Map*, GIS coverage.
- Slucher, E., Swinford, E., Larsen, G., Schumacher, G., Shrake, D., Rice, C., Caudill, M., Rea, R. and Powers, D. (2006). *Bedrock Geologic Map of Ohio*, Ohio Department of Natural Resources, Division of Geological Survey, map, scale 1:500,000.
- USDA Web Soil Survey, (Last modified 2019). *Web Soil Survey Interactive Map*, United States Department of Agriculture, National Resources Conservation Service, online interactive map, <https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx>.
- Schmidt, J. (1991). *Groundwater Resources Map of Greene County*, Ohio Department of Natural Resources, Division of Geological Survey, map.



# Ohio Solar Site Pollinator Habitat Planning and Assessment Form

1. Percent of total site planted with native or beneficial introduced flowering plants.

25-50%	10 points
51-75%	20 points
76-100%	30 points

2. Flowering plant diversity in site perimeter & buffer area (species with more than 1% cover).

9-12 species	5 points
13-16 species	10 points
17-20 species	15 points
20+ species	20 points
Site specific Milkweed included @2,000 pls/ac minimum	10 points

\* *If no boxes were selected in questions 1 or 2 then your site does not meet criteria to be considered as an OPHI Solar Pollinator Habitat. However, OPHI can work with you on ways to increase the pollinator score of your site.*

3. Flowering plant seed mixes and plantings to be used.

*Native species local to the site are preferred; otherwise species native to Ohio are encouraged.*

Includes only native plant species	15 points
Includes native and beneficial introduced plant species	10 points
Includes only beneficial introduced plant species	5 points

4. Flowering plant diversity in rows & under solar array.

4-6	5 points
7+	10 points
Site specific Milkweed included @2,000 pls/ac minimum	10 points

5. Seasons with at least 3 blooming species. Check all that apply.

Spring (April – May)	5 points
Summer (June – August)	5 points
Fall (September – October)	5 points

6. Available habitat components within ¼ mile of site.

Check all that apply.

Native grasses	2 points
Trees and shrubs	2 points
Forest edge habitat	2 points
Cavity nesting sites	2 points
Clean perennial water sources	2 points

7. Planned vegetative buffers adjacent to the solar site. Check all that apply.

Site has planned buffer adjacent to solar site	5 points
Buffer is at least 30 feet wide as measured from array fencing or edge of flower plantings	5 points
Buffer is at least 50 feet wide as measured from array fencing or edge of flower plantings	10 points
Buffer includes flowering Shrubs/trees and other shrubs/trees that provide food for wildlife	5 points

8. Habitat site preparation prior to implementation.

Measures taken to control weeds and invasive species prior to seeding/planting.	10 points
Appropriate soil preparation done to reduce erosion	
And enhance germination/growth	5 points
None	-10 points

9. Planned management practices for areas designated as part of the pollinator habitat site. Check all that apply.

Detailed establishment and management plan developed for site	10 points
Mowing Follows OPHI mowing schedule for monarchs each year	5 points
Mowing is staggered over a 2 week period	5 points
Signage indicating site is wildlife & pollinator-friendly	5 points
Creation of habitat features (e.g. boxes, pass-through tunnels, bee hotels)	5 points
Long-term monitoring plan developed that includes re-certification as Solar Site Pollinator Habitat	10 points

10. Insecticide risk. Check if applicable.

*Communication with adjacent landowners about the project and possible impacts of their insecticide use is critical*

Site is adjacent to land (within 120 ft.) where insecticides are used	-20 points
Planned on-site insecticide use (including pre-treated seeds/plants)	-40 points

**Total Points:** \_\_\_\_\_

**Provides High Quality Pollinator Habitat** > 85  
**Meets OPHI Solar Pollinator Habitat Standards** 70-84

**Site Owner/Operator:**

**Project Location:**

**Project Size (acres):**

**Planned Source of Seeds:**

**Planned Seeding Date:**

**Habitat & Vegetation Consultant:**

Refer to [www.ophi.info](http://www.ophi.info) for more information regarding solar pollinator habitat development.

Version 1 - March 2018  
 Developed by the OPHI Solar Pollinator Program Advisory Team



**From:** [Ohio, FW3](#)  
**To:** [Dohoney, Courtney](#)  
**Cc:** [nathan.reardon@dnr.state.oh.us](mailto:nathan.reardon@dnr.state.oh.us); [Parsons, Kate](#)  
**Date:** Tuesday, September 15, 2020 2:41:01 PM  
**Attachments:** [pastedImagebase640.png](#)  
[pastedImagebase641.png](#)  
[2020 USFWS Federally Listed Bat Permitees - Ohio.pdf](#)

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TAILS# 03E15000-2020-TA-2452

Dear Ms. Dohoney,

We have received your recent correspondence requesting information about the subject proposal. There are no federal wilderness areas, wildlife refuges or designated critical habitat within the vicinity of the project area. The following comments and recommendations will assist you in fulfilling the requirements for consultation under section 7 of the Endangered Species Act of 1973, as amended (ESA).

The U.S. Fish and Wildlife Service (Service) recommends that proposed developments avoid and minimize water quality impacts and impacts to high quality fish and wildlife habitat (e.g., forests, streams, wetlands). Additionally, natural buffers around streams and wetlands should be preserved to enhance beneficial functions. If streams or wetlands will be impacted, the Corps of Engineers should be contacted to determine whether a Clean Water Act section 404 permit is required. Best management practices should be used to minimize erosion, especially on slopes. All disturbed areas should be mulched and revegetated with native plant species. Prevention of non-native, invasive plant establishment is critical in maintaining high quality habitats.

**FEDERALLY LISTED SPECIES COMMENTS:** All projects in the State of Ohio lie within the range of the federally endangered **Indiana bat** (*Myotis sodalis*) and the federally threatened **northern long-eared bat** (*Myotis septentrionalis*). In Ohio, presence of the Indiana bat and northern long-eared bat is assumed wherever suitable habitat occurs unless a presence/absence survey has been performed to document absence. Suitable summer habitat for Indiana bats and northern long-eared bats consists of a wide variety of forested/wooded habitats where they roost, forage, and travel and may also include some adjacent and interspersed non-forested habitats such as emergent wetlands and adjacent edges of agricultural fields, old fields and pastures. This includes forests and woodlots containing potential roosts (i.e., live trees and/or snags  $\geq 3$  inches diameter at breast height (dbh) that have any exfoliating bark, cracks, crevices, hollows and/or cavities), as well as linear features such as fencerows, riparian forests, and other wooded corridors. These wooded areas may be dense or loose aggregates of trees with variable amounts of canopy closure. Individual trees may be considered suitable habitat when they exhibit the characteristics of a potential roost tree and are located within 1,000 feet (305 meters) of other forested/wooded habitat. Northern long-eared bats have also been observed roosting in human-made structures, such as buildings, barns, bridges, and bat houses; therefore, these structures should also be considered potential summer habitat. In the winter, Indiana bats and northern long-eared bats hibernate in caves and abandoned mines.

Female Indiana bats exhibit strong site fidelity to summer roosting and foraging areas, meaning that they return to the same area, and often the same trees, to roost, year after year.

Because the project will result in a large amount of forest clearing relative to the available habitat in the immediately surrounding area, habitat removal could result in significant impacts to Indiana bats. Because of this, the proposed project may result in indirect adverse effects to Indiana bats, even if tree clearing is conducted during the winter season when Indiana bats are not present. **Therefore, we recommend that a summer survey be conducted to determine presence or probable absence of Indiana bats at the project site.** The summer survey must be designed and conducted in coordination with the Endangered Species Coordinator for this office.

If any caves or abandoned mines may be disturbed, further coordination with this office is requested to determine if fall or spring portal surveys are also warranted. Portal surveys must be designed and conducted in coordination with the Endangered Species Coordinator for this office.

Survey results should be coordinated with this office prior to initiation of any work. Based on the results of the survey(s), we will evaluate potential impacts to the Indiana bat from the proposed project. If a summer survey documents probable absence of Indiana bats, the 4(d) rule for the northern long-eared bat could be applied (see <http://www.fws.gov/midwest/endangered/mammals/nleb/index.html>).

If there is a federal nexus for the project (e.g., federal funding provided, federal permits required to construct), no tree clearing should occur on any portion of the project area until consultation under section 7 of the ESA, between the Service and the federal action agency, is completed. We recommend that the federal action agency submit a determination of effects to this office, relative to the Indiana bat and northern long-eared bat, for our review and concurrence.

Due to the project type, size, and location, we do not anticipate adverse effects to any other federally endangered, threatened, proposed, or candidate species. Should the project design change, or during the term of this action, additional information on listed or proposed species or their critical habitat become available, or if new information reveals effects of the action that were not previously considered, consultation with the Service should be initiated to assess any potential impacts.

These comments have been prepared under the authority of the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.), the ESA, and are consistent with the intent of the National Environmental Policy Act of 1969 and the Service's Mitigation Policy. This letter provides technical assistance only and does not serve as a completed section 7 consultation document. We recommend that the project be coordinated with the Ohio Department of Natural Resources due to the potential for the project to affect state listed species and/or state lands. Contact Mike Pettegrew, Acting Environmental Services Administrator, at (614) 265-6387 or at [mike.pettegrew@dnr.state.oh.us](mailto:mike.pettegrew@dnr.state.oh.us).

If you have questions, or if we can be of further assistance in this matter, please contact our office at (614) 416-8993 or [ohio@fws.gov](mailto:ohio@fws.gov).

Sincerely,



Patrice M. Ashfield  
Field Office Supervisor

cc: Nathan Reardon, ODNR-DOW  
Kate Parsons, ODNR-DOW

**This foregoing document was electronically filed with the Public Utilities**

**Commission of Ohio Docketing Information System on**

**2/12/2021 12:24:08 PM**

**in**

**Case No(s). 20-1605-EL-BGN**

Summary: Application - 24 of 31 (Exhibit R - United States Fish and Wildlife Service and Ohio Department of Natural Resources Correspondence) electronically filed by Christine M.T. Pirik on behalf of Birch Solar 1, LLC