



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Kentucky Ecological Services Field Office
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August 16, 2012

Mr. Kim Tarter
U.S. Forest Service
Redbird Ranger District
91 Peabody Road
Big Creek, KY 40914

Subject: FWS 2012-B-0182; Bledsoe Coal Lease Biological Assessment and Evaluation; Leslie County, Kentucky

Dear Mr. Tarter:

The U.S. Fish and Wildlife Service Kentucky Field Office (KFO) has reviewed the above-referenced Biological Assessment and Evaluation (BAE) for a potential coal lease on the Daniel Boone National Forest (DBNF). The DBNF proposes to consent to lease approximately 174.36 acres to Bledsoe Coal Company for an underground coal mining operation. The operation would involve driving mail haulage drift and tributary or submain haulage drift entries beneath the DBNF tract, and extracting the coal through room-and-pillar techniques. Further, according to Kentucky Division of Miner Permits (permit 866-5130, AM-4), no new surface impact is proposed on private land in association with this project.

Threatened and Endangered Species

Twenty-three federally listed species were identified as potentially occurring on or adjacent to the DBNF by the KFO in 2012 (Table 1). Two species were identified as having the potential to occur within the vicinity of the project area (marked with an "X"), and include the Indiana bat (*Myotis sodalis*) and the snuffbox (*Epioblasma triquetra*).

The 21 unmarked species in Table 1 were not considered in greater detail in the BAE for one or more of the following reasons: 1) based on the general habitat and distribution records, the species is not likely to occur within the Redbird Ranger District and 2) habitat for the species is not found within the project area. Consequently, the KFO agrees that the proposed action will have "no effect" on these 21 species.

Table 1. Federally Listed Species

Group	Species	Common Name	Status	Potential Species
Mammal	<i>Myotis grisescens</i>	Gray Bat	E	
	<i>Myotis sodalis</i>	Indiana Bat	E	X
	<i>Plecotus townsendii virginianus</i>	Virginia Big-eared Bat	E	
Fish	<i>Etheostoma percnurum</i>	Duskytail Darter	E	
	<i>Notropis albizonatus</i>	Palezone Shiner	E	
	<i>Phoxinus cumberlandensis</i>	Blackside Dace	T	
	<i>Etheostoma susanae</i>	Cumberland Darter	E	
Mussel	<i>Alasmidonta atropurpurea</i>	Cumberland Elktoe	E	
	<i>Cyprogenia stegaria</i>	Fanshell	E	
	<i>Epioblasma brevidens</i>	Cumberlandian Combshell	E	
	<i>Epioblasma capsaeformis</i>	Oyster Mussel	E	
	<i>Epioblasma florentina walkeri</i>	Tan Riffleshell	E	
	<i>Epioblasma torulosa rangiana</i>	Northern Riffleshell	E	
	<i>Epioblasma triquetra</i>	Snuffbox	E	X
	<i>Lampsilis abrupta</i>	Pink Mucket	E	
	<i>Pegias fabula</i>	Little-wing Pearlymussel	E	
	<i>Villosa trabilis</i>	Cumberland Bean Pearlymussel	E	
Plant	<i>Arenaria cumberlandensis</i>	Cumberland Sandwort	E	
	<i>Conradina verticillata</i>	Cumberland Rosemary	T	
	<i>Schwalbea americana</i>	American Chaffseed	E	
	<i>Solidago albopilosa</i>	White-haired Goldenrod	T	
	<i>Spiraea virginiana</i>	Virginia Spiraea	T	
	<i>Trifolium stoloniferum</i>	Running Buffalo Clover	E	

Status 'E' means the species is listed as 'Endangered' by USFWS.

Status 'T' means the species is listed as 'Threatened' by USFWS.

Indiana Bat: Significant populations of Indiana bats are found on the DBNF during the winter hibernation season. Most of the populations occur on the Cumberland and London Ranger Districts. The nearest known Indiana bat hibernacula are approximately 20 miles east of the proposed lease area, in a series of caves along Pine Mountain in Harlan County, Kentucky. Based on reviews of aerial photography, USGS quad maps, and field surveys conducted in 2012, there is no potential Indiana bat winter habitat within the project area. The project area is located within known Indiana bat maternity habitat (documented June 2012); however, there are no surface impacts associated with this project on the DBNF or private lands. Therefore, no direct impacts to Indiana bats and/or their habitat are anticipated.

Underground mining could potentially alter the hydrology within the area, which could subsequently affect vegetation, resulting in the loss of summer roosting habitat and/or

foraging areas. However, based on past underground mining in the area and the subsidence analysis conducted for the project, hydrologic impacts are not expected to occur. The subsidence analysis determined that any subsidence would be below the acceptable threshold for pasture, woodland, range, or wildlife food and cover. Additionally, the proposed mining plan includes Protection Zones and No Mining Zones designed to protect streams and groundwater resources. Further, a Subsidence Control Plan, meeting the requirements of Kentucky Regulation 405 KAR 8:040E, Section 26, will be implemented to minimize the potential loss of forest habitat due to localized slumping or changes in hydrology. Based on the subsidence analysis and additional protective measures, indirect impacts to Indiana bats and/or their habitat are not expected.

There are no known actions related or unrelated to this project that are planned by the Commonwealth of Kentucky or by private individuals that would result in cumulative effects (as defined by the Endangered Species Act of 1973) on the species. Therefore, the KFO agrees that the proposed project is “not likely to adversely affect” the Indiana bat.

Snuffbox: The snuffbox is known to occur in several streams on the DBNF including, Buck Creek, the Redbird River, and the Red River. The nearest known population is over 12 miles away in the Middle Fork of the Kentucky River. There is no suitable snuffbox habitat within the project area. However, suitable snuffbox habitat is present downstream in Beech Fork. The snuffbox has not been documented in Beech Fork, but because suitable habitat is present, and because the snuffbox typically buries deep within the substrate and are often over-looked during surveys, it possible that snuffbox could be present downstream of the project area.

There are no surface impacts associated with this project on the DBNF or associated private lands; therefore, direct impacts to snuffbox and/or their habitat are not anticipated. Underground mining could potentially alter hydrology within the area. However, based on past underground mining in the area and the subsidence analysis conducted for the project, hydrologic impacts are not expected to occur. The subsidence analysis determined that any subsidence would be below the acceptable threshold for pasture, woodland, range, or wildlife food and cover. Additionally, the proposed mining plan includes Protection Zones and No Mining Zones designed to protect streams and groundwater resources. Further, a Subsidence Control Plan, meeting the requirements of Kentucky Regulation 405 KAR 8:040E, Section 26, will be implemented to minimize potential impacts due to localized slumping or changes in hydrology. Based on the subsidence analysis and additional protective measures, indirect impacts to snuffbox mussels and/or their habitat are not expected.

There are no known actions related or unrelated to this project that are planned by the Commonwealth of Kentucky or by private individuals that would result in cumulative effects (as defined by the Endangered Species Act of 1973) on the species. Therefore, the KFO agrees that the proposed project is “not likely to adversely affect” the snuffbox.

Critical Habitat

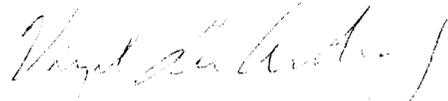
No proposed or designated critical habitat occurs on the Redbird Ranger District. Therefore, the KFO agrees that the proposed project will have “no effect” on proposed or designated critical habitat as the project location is outside of designated critical habitat.

Summary

The proposed project will have “no effect” on (a) 21 federally listed species, (b) proposed critical habitat, or (c) designated critical habitat. The proposed project is also “not likely to adversely affect” the Indiana bat or snuffbox. The KFO believes that the requirements of Section 7 of the Endangered Species Act of 1973, as amended, are fulfilled as they pertain to this project. However, the Forest Service’s obligations under Section 7 of the Act must be reconsidered if (1) new information reveals impacts of the proposed action that may affect listed species or critical habitat in a manner not previously considered, (2) the proposed action is subsequently modified to include activities which were not considered during this consultation, or (3) new species are listed or critical habitat designated that might be affected by the proposed action.

We appreciate the opportunity to comment on this proposed action. If you have any questions regarding the information which we have provided, please contact Carrie Allison at (502) 695-0468.

Sincerely,



Virgil Lee Andrews, Jr.
Field Supervisor