



United States Department of the Interior

FISH AND WILDLIFE SERVICE

1875 Century Boulevard

Atlanta, Georgia 30345



July 28, 2021

Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street NE
Washington, DC 20426

Re: Notice of Application and Establishing Intervention Deadlines for the Texas Gas Transmission, LLC Authorization; Henderson and Webster Counties, Kentucky and Johnson and Posey County, Indiana

Dear Ms. Bose:

The U.S. Fish and Wildlife Service (Service) has completed our review of the subject notice. At this time, our comments are general in nature and are intended to primarily assist FERC and/or the applicant in properly assessing the potential environmental impacts resulting from the construction and operation of the proposed project.

Texas Gas Transmission, LLC (Texas has filed an application under sections 7(b), 7(c), and 7(e) of the Natural Gas Act (NGA), and Part 157 of the Commission's regulations, requesting authorization to construct, operate, and maintain (i) approximately 24 miles of new 20-inch diameter natural gas lateral, and auxiliary appurtenant facilities located in Henderson County, Kentucky and Posey County, Indiana; (ii) a new delivery meter and regulator (M&R) station with 0.08 miles of new 16-inch diameter interconnecting pipe located in Posey County, Indiana; (iii) upgrades to an existing receipt M&R station located in Johnson County, Indiana; and (iv) a new C50 turbine compressor unit with approximately 4,863 horsepower, piping modifications, and other associated auxiliary appurtenant facilities to be installed at Texas Gas' existing Slaughters Compressor Station in Webster County, Kentucky. At the Slaughters Compressor Station, Texas Gas also seeks authority to (i) abandon reciprocating Unit 5 and (ii) place reciprocating Unit 6 and Unit 7 on standby to be operated only under limited circumstances.

These comments are provided pursuant to the Endangered Species Act (ESA) (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.), the Fish and Wildlife Coordination Act (FWCA) (48 Stat. 401; 16 U.S.C. 661 et seq.), the Bald and Golden Eagle Protection Act (BGEPA) (16 U.S.C. 668-668c), the Migratory Bird Treaty Act (MBTA) (16 U.S.C. 703-712), and Executive Order 13186 (E.O. 13186): Responsibilities of Federal Agencies to Protect Migratory Birds (January, 2001).

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 (Corps) 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.

Pollinators, including monarch butterflies, are experiencing population declines in North America. A multitude of efforts are underway to restore pollinator habitat with the intent to increase pollinator populations. The Service recommends that revegetation of disturbed areas with native plant species include species of nectar-producing plants and milkweed endemic to the area where the mix is applied. Technical assistance in restoring pollinator habitat can be obtained from the Service's Partners for Fish and Wildlife Program (<https://www.fws.gov/midwest/partners>).

Federally Listed Species

We reviewed the proposed project with regard to federally listed species. According to our records, the following federally listed species have the potential to occur within the project area:

Indiana (Posey and Johnson Counties)

| | | |
|-------------------------|---------------------------------------|------------|
| Gray Bat | <i>(Myotis grisescens)</i> | Endangered |
| Indiana Bat | <i>(Myotis sodalis)</i> | Endangered |
| Northern Long-eared Bat | <i>(Myotis septentrionalis)</i> | Threatened |
| Clubshell | <i>(Pleurobema clava)</i> | Endangered |
| Fanshell | <i>(Cyprogenia stegaria)</i> | Endangered |
| Fat Pocketbook | <i>(Potamilus capax)</i> | Endangered |
| Northern Riffleshell | <i>(Epioblasma torulosa rangiana)</i> | Endangered |
| Orangefoot Pimpleback | <i>(Plethobasus cooperianus)</i> | Endangered |
| Pink Mucket | <i>(Lampsilis abrupta)</i> | Endangered |
| Purple Cat's Paw | <i>(Epioblasma o. obliquata)</i> | Endangered |
| Rabbitsfoot | <i>(Quadrula c. cylindrica)</i> | Threatened |
| Ring Pink | <i>(Obovaria retusa)</i> | Endangered |
| Rough Pigtoe | <i>(Pleurobema plenum)</i> | Endangered |
| Sheepnose | <i>(Plethobasus cyphus)</i> | Endangered |
| Spectaclecase | <i>(Cumberlandia monodonta)</i> | Endangered |

Kentucky (Henderson and Webster Counties)

| | | |
|-------------------------|---------------------------------------|------------|
| Gray Bat | <i>(Myotis grisescens)</i> | Endangered |
| Indiana Bat | <i>(Myotis sodalis)</i> | Endangered |
| Northern Long-eared Bat | <i>(Myotis septentrionalis)</i> | Threatened |
| Clubshell | <i>(Pleurobema clava)</i> | Endangered |
| Fanshell | <i>(Cyprogenia stegaria)</i> | Endangered |
| Fat Pocketbook | <i>(Potamilus capax)</i> | Endangered |
| Northern Riffleshell | <i>(Epioblasma torulosa rangiana)</i> | Endangered |
| Orangefoot Pimpleback | <i>(Plethobasus cooperianus)</i> | Endangered |
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| Rough Pigtoe | (<i>Pleurobema plenum</i>) | Endangered |
| Sheepnose | (<i>Plethobasus cyphus</i>) | Endangered |
| Spectaclecase | (<i>Cumberlandia monodonta</i>) | Endangered |

The applicant/FERC should assess potential impacts to these species and determine if the proposed project is likely to affect individuals or their habitat. Information available on the Service's Information for Planning and Consultation (<https://ecos.fws.gov/ipac/>) and Species Profile (<https://ecos.fws.gov/ecp>) webpages may assist the applicant/FERC in evaluating potential effects and provide recommended avoidance and minimization measures.

Bald Eagle Comments

The project lies within the range of the bald eagle (*Haliaeetus leucocephalus*). Bald eagles are protected under the Migratory Bird Treaty Act (16 U.S.C. 703-712; MBTA), and are afforded additional legal protection under the Bald and Golden Eagle Protection Act (16 U.S.C. 668-668d, BGEPA). The BGEPA prohibits, among other things, the killing and disturbance of eagles. To evaluate the project's potential to affect bald eagles, please visit: <http://www.fws.gov/midwest/MidwestBird/EaglePermits/baeatake/index.html>.

We recommend that the project site and surrounding area be evaluated to determine if any eagle nests are present. In order to avoid take of bald eagles, we recommend that no tree clearing occur within 660 feet of a bald eagle nest or within any woodlot supporting a nest tree. Further we request that work within 660 feet of a nest or within the direct line-of-site of a nest be restricted from January 15 through July 31. This will prevent disturbance of the eagles from the egg-laying period until the young fledge, which encompasses their most vulnerable times.

If these recommendations cannot be implemented and take of bald eagles is likely, a bald eagle take permit for this project may be necessary. Further information on eagle take permits can be found at: <http://www.fws.gov/midwest/MidwestBird/EaglePermits/index.html>.

Migratory Birds Comments

The FERC and the Service signed a Memorandum of Understanding (MOU) in 2011 to strengthen migratory bird conservation through enhanced collaboration between the FERC and the Service. Under the MOU, the FERC and the Service acknowledge their mutual interests and responsibilities to ensure that the Nation's development of energy infrastructure is conducted in a manner protective of the natural environment. As such, the Service will provide the FERC and FERC applicants with consultation and technical information to assist in identifying bird conservation measures and practices to avoid and minimize adverse impacts to migratory birds, for consideration in the FERC's decision-making processes.

We recommend minimization of land and vegetation disturbance during project design and construction and that all new activities be constrained to previously disturbed areas wherever possible (e.g., road and utility line rights-of-way, agricultural fields, previously mined areas,

etc.). We offer the following recommendations to avoid and minimize impacts to migratory birds within and around the project area:

1. Due to the difficulty in assessing the entire project site for all bird nests, we recommend that the clearing of natural or semi-natural habitats (e.g., forests, woodlots, reverting fields, fencerows, shrubby areas) be carried out between September 1 and March 31, which is outside the nesting season for most native bird species. Without undertaking specific analysis of breeding species and their respective nesting seasons on the project site, implementation of this seasonal recommendation will avoid negative impacts to most breeding birds, their nests, and their young (i.e., eggs, hatchlings).
2. To conserve area-sensitive species, avoid fragmenting large, contiguous tracts of wildlife habitat, especially if habitat cannot be fully restored after construction. Maintain contiguous habitat corridors to facilitate dispersal. Where practicable, concentrate construction activities, infrastructure, and man-made structures (e.g., roads, parking lots, staging areas) on lands already altered or cultivated, and away from areas of intact and healthy native habitats. When possible, site construction activities and structures in fragmented or degraded habitats over relatively intact areas.
3. To reduce habitat fragmentation, co-locate roads, lay down areas, staging areas, and other infrastructure in or immediately adjacent to already-disturbed areas (e.g., existing roads, pipelines, agricultural fields). Where this is not possible, minimize roads and other infrastructure. To minimize habitat loss and fragmentation, cluster development features (e.g., lay down areas, staging areas, roads) where possible rather than distributing infrastructure broadly across the landscape.

Summary

We recommend that the applicant/FERC regularly coordinate with the Service's Kentucky and Indiana Field Offices, referenced below, as well as State and Federal resource agencies as the project progresses. For further coordination and additional information, please contact Carrie Allison at the Kentucky Field Office (carrie_allison@fws.gov)/502-382-5965 and Sarah Harrison at the Indiana Field Office (sarah_harrison@fws.gov)/812-334-4261 ext. 206.

Sincerely,

**ROBERT
TAWES**

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Rob Tawes
Division Supervisor, Environmental Review
U.S. Fish and Wildlife Service

Document Content(s)

USFW comments on ER 21-0277_TX Gas_Signed.PDF.....1