



## United States Department of the Interior

FISH AND WILDLIFE SERVICE  
New England Ecological Services Field Office  
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In Reply Refer To:  
Project code: 2024-0144307  
Project Name: X178-1

09/16/2024 14:38:59 UTC

Federal Nexus: yes  
Federal Action Agency (if applicable):

Subject: Technical assistance for 'X178-1'

Dear Trent Delehanty:

This letter records your determination using the Information for Planning and Consultation (IPaC) system provided to the U.S. Fish and Wildlife Service (Service) on September 16, 2024, for "X178-1" (here forward, Project). This project has been assigned Project Code 2024-0144307 and all future correspondence should clearly reference this number.

The Service developed the IPaC system and associated species' determination keys in accordance with the Endangered Species Act of 1973 (ESA; 87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.) and based on a standing analysis. All information submitted by the Project proponent into the IPaC must accurately represent the full scope and details of the Project. Failure to accurately represent or implement the Project as detailed in IPaC or the Northeast Determination Key (Dkey), invalidates this letter. **Answers to certain questions in the DKey commit the project proponent to implementation of conservation measures that must be followed for the ESA determination to remain valid.**

To make a no effect determination, the full scope of the proposed project implementation (action) should not have any effects (either positive or negative effect(s)), to a federally listed species or designated critical habitat. Effects of the action are all consequences to listed species or critical habitat that are caused by the proposed action, including the consequences of other activities that are caused by the proposed action. A consequence is caused by the proposed action if it would not occur but for the proposed action and it is reasonably certain to occur. Effects of the action may occur later in time and may include consequences occurring outside the immediate area involved in the action. (See § 402.17). Under Section 7 of the ESA, if a federal action agency makes a no effect determination, no further consultation with, or concurrence from, the Service is required (ESA §7). If a proposed Federal action may affect a listed species or designated critical habitat, formal consultation is required (except when the Service concurs, in writing, that a

proposed action "is not likely to adversely affect (NLAA)" listed species or designated critical habitat [50 CFR §402.02, 50 CFR§402.13]).

The IPaC results indicated the following species is (are) potentially present in your project area and, based on your responses to the Service's Northeast DKey, you determined the proposed Project will have the following effect determinations:

Species	Listing Status	Determination
Canada Lynx ( <i>Lynx canadensis</i> )	Threatened	NLAA

### Conclusion

Coordination with the Service is not complete. The project has a federal nexus (e.g., funds, permits); however, you are not the federal action agency. Therefore, the ESA consultation status is incomplete and no project activities on any portion of the parcel should occur until consultation between the Service and the Federal action agency (or designated non-federal representative), is completed. Section 7 consultation is not complete until the federal action agency submits a determination of effects, and the Service concurs with the federal action agency's determination. Please provide this technical assistance letter to the lead federal action agency or its designated non-federal representative with a request for its review.

As the federal agency deems appropriate, they should submit their determination of effects to the appropriate Ecological Services Field Office. The lead federal action agency or designated non-federal representative can log into IPaC system using their agency email account and click "Search by record locator" to find this Project using 825-149547492.

In addition to the species listed above, the following species and/or critical habitats may also occur in your project area and are not covered by this conclusion:

- Monarch Butterfly *Danaus plexippus* Candidate
- Northern Long-eared Bat *Myotis septentrionalis* Endangered
- Tricolored Bat *Perimyotis subflavus* Proposed Endangered

To complete consultation for species that have reached a "May Affect" determination and/or species may occur in your project area and are not covered by this conclusion, please visit the "New England Field Office Endangered Species Project Review and Consultation" website for step-by-step instructions on how to consider effects on these listed species and/or critical habitats, avoid and minimize potential adverse effects, and prepare and submit a project review package if necessary: <https://www.fws.gov/office/new-england-ecological-services/endangered-species-project-review>

If no changes occur with the Project or there are no updates on listed species, no further consultation/coordination for this project is required for the species identified above. However, the Service recommends that project proponents re-evaluate the Project in IPaC if: 1) the scope, timing, duration, or location of the Project changes (includes any project changes or

amendments); 2) new information reveals the Project may impact (positively or negatively) federally listed species or designated critical habitat; or 3) a new species is listed, or critical habitat designated. If any of the above conditions occurs, additional consultation with the Service should take place before project implements any changes which are final or commits additional resources.

Please Note: If the Action may impact bald or golden eagles, additional coordination with the Service under the Bald and Golden Eagle Protection Act (BGEPA) (54 Stat. 250, as amended, 16 U.S.C. 668a-d) by the prospective permittee may be required. Please contact the Migratory Birds Permit Office, (413) 253-8643, or [PermitsR5MB@fws.gov](mailto:PermitsR5MB@fws.gov), with any questions regarding potential impacts to Eagles.

If you have any questions regarding this letter or need further assistance, please contact the New England Ecological Services Field Office and reference the Project Code associated with this Project.

**Action Description**

You provided to IPaC the following name and description for the subject Action.

**1. Name**

X178-1

**2. Description**

The following description was provided for the project 'X178-1':

PSNH d/b/a Eversource Energy intend to rebuild a 14-mile stretch of the X178 transmission line from Beebe River Substation to North Woodstock Substation. The section of the transmission line is referred to as the X178-1, and travels through Campton, Thornton, and Woodstock, NH.

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@44.011603750000006,-71.67716850118107,14z>



## QUALIFICATION INTERVIEW

1. As a representative of this project, do you agree that all items submitted represent the complete scope of the project details and you will answer questions truthfully?

*Yes*

2. Does the proposed project include, or is it reasonably certain to cause, intentional take of listed species?

**Note:** This question could refer to research, direct species management, surveys, and/or studies that include intentional handling/encountering, harassment, collection, or capturing of any individual of a federally listed threatened, endangered, or proposed species.

*No*

3. Is the action authorized, permitted, licensed, funded, or being carried out by a Federal agency in whole or in part?

*Yes*

4. Is the Federal Highway Administration (FHWA), Federal Railroad Administration (FRA), or Federal Transit Administration (FTA) the lead agency for this project?

*No*

5. Are you including in this analysis all impacts to federally listed species that may result from the entirety of the project (not just the activities under federal jurisdiction)?

**Note:** If there are project activities that will impact listed species that are considered to be outside of the jurisdiction of the federal action agency submitting this key, contact your local Ecological Services Field Office to determine whether it is appropriate to use this key. If your Ecological Services Field Office agrees that impacts to listed species that are outside the federal action agency's jurisdiction will be addressed through a separate process, you can answer yes to this question and continue through the key.

*Yes*

6. Are you the lead federal action agency or designated non-federal representative requesting concurrence on behalf of the lead Federal Action Agency?

*No*

7. Is the lead federal action agency the Environmental Protection Agency (EPA) or Federal Communications Commission (FCC)?

*No*

8. Is the lead federal action agency the Federal Energy Regulatory Commission (FERC)?

*No*

9. Is the lead federal action agency the Natural Resources Conservation Service?

*No*

10. Will the proposed project involve the use of herbicide where listed species are present?

*No*

11. Are there any caves or anthropogenic features suitable for hibernating or roosting bats within the area expected to be impacted by the project?

No

12. Does any component of the project associated with this action include activities or structures that may pose a collision risk to **birds** (e.g., plane-based surveys, land-based or offshore wind turbines, communication towers, high voltage transmission lines, any type of towers with or without guy wires)?

**Note:** For federal actions, answer 'yes' if the construction or operation of wind power facilities is either (1) part of the federal action or (2) would not occur but for a federal agency action (federal permit, funding, etc.).

Yes

13. Does any component of the project associated with this action include activities or structures that may pose a collision risk to **bats** (e.g., plane-based surveys, land-based or offshore wind turbines)?

**Note:** For federal actions, answer 'yes' if the construction or operation of wind power facilities is either (1) part of the federal action or (2) would not occur but for a federal agency action (federal permit, funding, etc.).

No

14. Will the proposed project result in permanent changes to water quantity in a stream or temporary changes that would be sufficient to result in impacts to listed species?

For example, will the proposed project include any activities that would alter stream flow, such as water withdrawal, hydropower energy production, impoundments, intake structures, diversion structures, and/or turbines? Projects that include temporary and limited water reductions that will not displace listed species or appreciably change water availability for listed species (e.g. listed species will experience no changes to feeding, breeding or sheltering) can answer "No". Note: This question refers only to the amount of water present in a stream, other water quality factors, including sedimentation and turbidity, will be addressed in following questions.

No

15. Will the proposed project affect wetlands where listed species are present?

This includes, for example, project activities within wetlands, project activities within 300 feet of wetlands that may have impacts on wetlands, water withdrawals and/or discharge of contaminants (even with a NPDES).

Yes

16. Will the proposed project activities (including upland project activities) occur within 0.125 miles of the water's edge of a stream or tributary of a stream where listed species may be present?

Yes

17. Will the proposed project directly affect a streambed (below ordinary high water mark (OHWM)) of the stream or tributary where listed species may be present?

No

18. Will the proposed project bore underneath (directional bore or horizontal directional drill) a stream where listed species may be present?

No

19. Will the proposed project involve a new point source discharge into a stream or change an existing point source discharge (e.g., outfalls; leachate ponds) where listed species may be present?

No

20. Will the proposed project involve the removal of excess sediment or debris, dredging or in-stream gravel mining where listed species may be present?

No

21. Will the proposed project involve the creation of a new water-borne contaminant source where listed species may be present?

**Note** New water-borne contaminant sources occur through improper storage, usage, or creation of chemicals. For example: leachate ponds and pits containing chemicals that are not NSF/ANSI 60 compliant have contaminated waterways. Sedimentation will be addressed in a separate question.

No

22. Will the proposed project involve perennial stream loss, in a stream or tributary of a stream where listed species may be present, that would require an individual permit under 404 of the Clean Water Act?

No

23. Will the proposed project involve blasting where listed species may be present?

No

24. Will the proposed project include activities that could negatively affect fish movement temporarily or permanently (including fish stocking, harvesting, or creation of barriers to fish passage).

No

25. Will the proposed project involve earth moving that could cause erosion and sedimentation, and/or contamination along a stream or tributary of a stream where listed species may be present?

**Note:** Answer "Yes" to this question if erosion and sediment control measures will be used to protect the stream.

Yes

26. Will earth moving activities result in sediment being introduced to streams or tributaries of streams where listed species may be present through activities such as, but not limited to, valley fills, large-scale vegetation removal, and/or change in site topography?

No

27. Will the proposed project involve vegetation removal within 200 feet of a perennial stream bank where aquatic listed species may be present?

No

28. Will erosion and sedimentation control Best Management Practices (BMPs) associated with applicable state and/or Federal permits, be applied to the project? If BMPs have been provided by and/or coordinated with and approved by the appropriate Ecological Services Field Office, answer "Yes" to this question.

Yes

29. Is the project being funded, lead, or managed in whole or in part by U.S Fish and Wildlife Restoration and Recovery Program (e.g., Partners, Coastal, Fisheries, Wildlife and Sport Fish Restoration, Refuges)?

No

30. [Semantic] Does the project intersect the Virginia big-eared bat critical habitat?

**Automatically answered**

No

31. [Semantic] Does the project intersect the Indiana bat critical habitat?

**Automatically answered**

No

32. [Hidden Semantic] Does the project intersect the Canada lynx AOI?

**Automatically answered**

Yes

33. Will the project involve trapping, poisoning, or broadcasting disease control agents for wild animals (e.g. animal damage control, controlling or managing furbearer wildlife, capturing animals for research projects, rabies baits)?

No

34. Will the project be enclosed by fencing that could unintentionally trap lynx (e.g. wind and solar development, waste treatment settling ponds, impervious fencing along roads)?

No

35. Is this a road or highway project?

No

36. Is the project in a non-forested habitat (fields, towns and urban areas, agricultural fields) and of a nature that will not result in take of lynx?

No

37. Will the proposed project create noise, light, or regular human activity that may disturb or exclude lynx from forested habitat, especially during the denning season (May -June)(e.g., involve or result in frequent human activity, blasting or explosives, wind power development, forest management, cutting trees)?

No



38. Will the proposed project involve controlled burning, clearing, cutting or management of forested habitat?

*Yes*

39. Will the proposed project impact less than 10 acres of forested habitat?

*Yes*

40. [Semantic] Does the project intersect the candy darter critical habitat?

**Automatically answered**

*No*

41. [Semantic] Does the project intersect the diamond darter critical habitat?

**Automatically answered**

*No*

42. [Semantic] Does the project intersect the Big Sandy crayfish critical habitat?

**Automatically answered**

*No*

43. [Hidden Semantic] Does the project intersect the Guyandotte River crayfish critical habitat?

**Automatically answered**

*No*

44. Do you have any other documents that you want to include with this submission?

*No*

## PROJECT QUESTIONNAIRE

1. Briefly describe the habitat within the construction/disturbance limits of the project site.

*The work is contained within the regularly cleared utility right-of-way (ROW) for the X178-1 line between Campton and Woodstock. Some access roads outside of the ROW will be improved to provide stable access for work crews. Some tree clearing is proposed within the easement boundary of the ROW in areas where vegetative maintenance has not been completed in the past. Much of the ROW is early successional due to the nature of the disturbance regime of these mowing events. All tree clearing is proposed between November 1 to May 31 to avoid impacts to bat hibernacula.*

2. Approximately how many acres of trees would the proposed project remove?

2.2

3. Approximately how many total acres of disturbance are within the disturbance/construction limits of the proposed project?

77.43

## **IPAC USER CONTACT INFORMATION**

Agency: Private Entity

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