

United States Department of the Interior Fish and Wildlife Service



Bloomington Field Office (ES)
620 South Walker Street
Bloomington, IN 47403-2121
Phone: (812) 334-4261 Fax: (812) 334-4273

27 June 2007

Robert F. Tally, Jr.
Division Administrator, Indiana Division
U.S. Department of Transportation
Federal Highway Administration
575 North Pennsylvania Street, Room 254
Indianapolis, IN 46204

Dear Mr. Tally:

This letter acknowledges the U.S. Fish and Wildlife Service's (Service) 7 June 2007 receipt of your 6 June 2007 letter requesting initiation of formal section 7 consultation under the Endangered Species Act. This formal consultation concerns the possible effects associated with the construction, operation and maintenance of Section 1 of the Interstate 69 project on the Federally endangered Indiana bat (*Myotis sodalis*) as it is currently being proposed by your agency and the Indiana Department of Transportation.

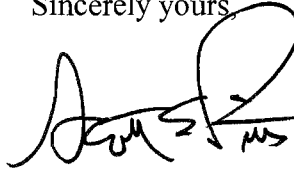
All information required of you to initiate formal consultation for impacts to the Indiana bat was either included with your letter, within the Tier 2 Biological Assessment (BA) for Section 1, or is otherwise accessible for our consideration and reference. Therefore, we will consider this formal consultation period for Section 1 of I-69 as beginning on 7 June 2007. We will also review the additional information you have provided to assess whether we concur with your "not likely to adversely effect" determination regarding impacts to the Federally threatened bald eagle (*Haliaeetus leucocephalus*) in Section 1.

Section 7 allows the Service up to 90 calendar days to conclude formal consultation with your agency and an additional 45 calendar days to prepare our biological opinion (unless we mutually agree to an extension). Therefore, we expect to provide you with our biological opinion no later than 19 October 2007. We acknowledge your request for an expedited consultation for this project and my staff will attempt to minimize the consultation time period to the greatest extent possible.

As a reminder, the Endangered Species Act requires that after initiation of formal consultation, the Federal action agency may not make any irreversible or irretrievable commitment of resources that limits future options. This practice insures agency actions do not preclude the formulation or implementation of reasonable and prudent alternatives that avoid jeopardizing the continued existence of endangered or threatened species or destroying or modifying their critical habitats.

If you have any questions or concerns about this consultation or the consultation process in general, please feel free to contact me or Andy King of this office at 812-334-4261.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Scott E. Pruitt', with a large, stylized flourish at the end.

Scott E. Pruitt
Field Supervisor

cc (via e-mail) : Tony DeSimone, FHWA-Indiana Division
Tom Seeman, INDOT
Michelle Hilary, INDOT
Kent Ahrenholtz, BLA
Tom Cervone, BLA
Albert Ferlo, Akin Gump
Jennifer Szymanski, USFWS
Rebecca Riley, DOJ