



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Tennessee Ecological Services Field Office
446 Neal Street
Cookeville, Tennessee 38501
(931) 528-6481



December 13, 2023

Mr. Tim Messer
Howard Engineering and Geology, Inc.
P.O. Box 271
Harlan, Kentucky 40831

Subject: FWS# 2023-0068739. Protection and Enhancement Plan (PEP) update for the Hurricane Creek Mining project, Claiborne County, Tennessee.

Dear Mr. Messer,

Thank you for your email on November 14, 2023, providing updates to the draft PEP for the subject Hurricane Creek Mining project (mining application Attachment 60.B). This mine would involve approximately 658 surface acres, 70 percent of which is forested. The majority of tree removal activity would be conducted between November 15 and March 31; and if additional tree removal outside of that season becomes necessary, the mining operator would coordinate with the Office of Surface Mining and U.S. Fish and Wildlife Service to develop appropriate methods for addressing potential bat impacts. We understand that this coordination would address the potential for impacts to listed species and those that may be listed in the near future.

Overall, the PEP appears adequate for the purpose of addressing potential impacts to federally listed species and any species of potential management concern. We would like to provide a reminder of the anticipated federal listing of the tricolored bat (*Perimyotis subflavus*) as endangered, which is expected to be complete by early- to mid-2024. Unlike the Indiana bat (*Myotis sodalis*) and northern long-eared bat (*Myotis septentrionalis*), this species uses leaves as shelter during roosting rather than loose bark or crevices in trees. Therefore, due diligence in identifying potential roost structures will vary from the traditional approach used to assess potential bat impacts.

Finally, we have one observation about ponds that would remain on the site upon completion of reclamation. We encourage the practice of retaining on-site ponds when slope stability and downstream water quality will not be compromised, and we realize that ponds may eventually be stocked with game fish for future recreation. However, species such as largemouth bass (*Micropterus salmoides*) and various sunfish (*Lepomis spp.*) could act as predators of the federally threatened blackside dace (*Phoxinus cumberlandensis*) if they escape to downstream areas. Therefore, we recommend that measures be used to minimize inadvertent introduction of

these fish to local streams (e.g., keeping pond capacities at relatively low levels and precluding the initial stocking of fish during the reclamation phase).

We appreciate this opportunity to provide comments. If you have any questions or need for further discussion, please contact David Pelren of my staff at 931-525-4974 or by email at *david_pelren@fws.gov*.

Sincerely,

Field Supervisor