



# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

446 Neal Street  
Cookeville, TN 38501

June 24, 2011

Mr. Matt Richards  
Tennessee Department of Transportation  
Environmental Planning and Permits  
James K. Polk Building, Suite 900  
505 Deaderick Street  
Nashville, Tennessee 37243-0334

Subject: Proposed Kirby Whitten Parkway from Walnut Grove Road to Macon Road; P.E. 79960-0583-54, PIN# 109182.00, Shelby County, Tennessee. (Re: FWS# 11-CPA-0612).

Dear Mr. Richards:

Thank you for your letter dated June 1, 2011, regarding potential Indiana bat (*Myotis sodalis*) impacts as a result of the proposed construction of Kirby Whitten Parkway from Walnut Grove Road to Macon Road in Shelby County, Tennessee. The Tennessee Department of Transportation (TDOT) has determined that this project is "not likely to adversely affect" the Indiana bat because there are no State records of Indiana bat hibernacula west of the Tennessee River and the project would require removal of relatively few trees. Personnel of the U.S. Fish and Wildlife Service have reviewed the subject proposal and offer the following comments.

Upon review of the information provided and our database, we concur with TDOT's determination of "not likely to adversely affect" for the Indiana bat due to a lack of suitable habitat within the project area. Therefore, based on the best information available at this time, we believe that the requirements of section 7 of the Endangered Species Act of 1973, as amended, are fulfilled. 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.

If you have any questions regarding our comments, please contact John Griffith of my staff at 931/525-4995 or by email at [john\\_griffith@fws.gov](mailto:john_griffith@fws.gov).

Sincerely,

A handwritten signature in cursive script that reads "Brad Bingham".

*Acting for* Mary E. Jennings  
Field Supervisor