

According to the MDOT, there are apparently at least two different definitions of the word “complete.” One version starts with a lower-case “c” and one with a capital “C” as is evidenced by the emails on the following pages. On 11 Sept 2014, the Project Manager indicated they were waiting for the USFWS to complete the Biological Opinion. On 14 Sept 2014, the Project Manager emailed again indicating the Biological Opinion was in fact already complete and was now going through the internal review process at USFWS. The Project Manager also revealed that MDOT had a conference call with USFWS on 08 Sept 2014 and MDOT had learned at that time that the Biological Opinion was complete and was being internally reviewed. Why was this not told in the 11 Sept email?



Gretchen Heldmann &lt;gheldmann@gmail.com&gt;

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## I-395/Route 9 Transportation Study Update

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**Charette, Russ** <Russ.Charette@maine.gov>

Thu, Sep 11, 2014 at 9:28 AM

To: "Alan Bromley (albromley@roadrunner.com)" <albromley@roadrunner.com>, "John Bryant (john.bryant@amforem.biz)" <john.bryant@amforem.biz>, "John W. Butts (John@HoldenMaine.com)" <John@holdenmaine.com>, Linda Johns <ljohns@brewermaine.gov>, "Rob Kenerson (robk@bactsmmpo.org)" <robk@bactsmmpo.org>, "Russell J. Smith (townofeddington@roadrunner.com)" <townofeddington@roadrunner.com>, "Stephen M. Bost (SBost@BrewerME.org)" <SBost@brewerme.org>

Cc: "Cassandra Chase (Cassandra.Chase@dot.gov)" <cassandra.chase@dot.gov>, "Mark.Hasselmann@FHWA.dot.gov" <Mark.Hasselmann@fhwa.dot.gov>, "Rodney Lane (RPLane@laneconstruct.com)" <RPLane@laneconstruct.com>, "Nok-Noi Ricker (nricker@bangordailynews.com)" <nricker@bangordailynews.com>, "Plumpton, William M." <wplumpton@gfnet.com>, "Rollins, Scott" <Scott.Rollins@maine.gov>, "Getchell, Chip" <Chip.Getchell@maine.gov>, "Devin, John" <John.Devin@maine.gov>, "Thebarga, Steven" <Steven.Thebarga@maine.gov>, "Ham, Eric" <Eric.Ham@maine.gov>, "Bostwick, Richard" <Richard.Bostwick@maine.gov>, "Gretchen Heldmann (gheldmann@gmail.com)" <gheldmann@gmail.com>, Hal Meyers <hmeyers1@mac.com>

In response to a question pertaining to the status of this project.

The status remains as previously indicated, in that MaineDOT is still waiting for USFWS to complete the Biological Opinion. Once we receive the Biological Opinion, I will immediately send out an update with an estimate of the time required to complete the FEIS.

Russell Charette – Project Manager

**Russell D. Charette, P.E.**

**Highway Management Engineer**

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Gretchen Heldmann &lt;gheldmann@gmail.com&gt;

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## I-395/Route 9 Transportation Study Update

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**Charette, Russ** <Russ.Charette@maine.gov>

Mon, Sep 15, 2014 at 3:00 PM

To: Gretchen Heldmann &lt;gheldmann@gmail.com&gt;

Cc: "Alan Bromley (albromley@roadrunner.com)" <albromley@roadrunner.com>, "John Bryant (john.bryant@amforem.biz)" <john.bryant@amforem.biz>, "John W. Butts (John@HoldenMaine.com)" <John@holdenmaine.com>, Linda Johns <ljohns@brewermaine.gov>, "Rob Kenerson (robk@bactsmo.org)" <robk@bactsmo.org>, "Russell J. Smith (townofeddington@roadrunner.com)" <townofeddington@roadrunner.com>, "Stephen M. Bost (SBost@BrewerME.org)" <SBost@brewerme.org>, "Cassandra Chase (Cassandra.Chase@dot.gov)" <cassandra.chase@dot.gov>, "Mark.Hasselmann@FHWA.dot.gov" <Mark.Hasselmann@fhwa.dot.gov>, "Rodney Lane (RPLane@laneconstruct.com)" <RPLane@laneconstruct.com>, "Nok-Noi Ricker (nricker@bangordailynews.com)" <nricker@bangordailynews.com>, "Plumpton, William M." <wplumpton@gfnet.com>, "Rollins, Scott" <Scott.Rollins@maine.gov>, "Getchell, Chip" <Chip.Getchell@maine.gov>, "Devin, John" <John.Devin@maine.gov>, "Theberge, Steven" <Steven.Theberge@maine.gov>, "Ham, Eric" <Eric.Ham@maine.gov>, "Bostwick, Richard" <Richard.Bostwick@maine.gov>, Hal Meyers <hmeyers1@mac.com>, "Davidowicz, Thomas (thomas\_davidowicz@fws.gov)" <thomas\_davidowicz@fws.gov>, "laury\_zicari@fws.gov" <laury\_zicari@fws.gov>

Ms. Heldmann,

FHWA and MaineDOT are aware of the 6-month extension on the proposal to list the northern long-eared bat. At this time, FHWA has provided all the required and requested information for Section 7 consultation to USFWS. A call between FHWA and USFWS occurred on September 8, 2014 regarding the status of USFWS' Biological Opinion. At that time, USFWS stated they had completed writing the Biological Opinion and it was currently going through their internal review process.

As indicated in my September 12<sup>th</sup> e-mail, I will notify you as soon as we receive the Biological Opinion for this project.

Russell Charette – Project Manager

**Russell D. Charette, P.E.**  
**Highway Management Engineer**  
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**From:** Gretchen Heldmann [mailto:[gheldmann@gmail.com](mailto:gheldmann@gmail.com)]**Sent:** Friday, September 12, 2014 11:29 AM**To:** Charette, Russ**Cc:** Alan Bromley ([albromley@roadrunner.com](mailto:albromley@roadrunner.com)); John Bryant ([john.bryant@amforem.biz](mailto:john.bryant@amforem.biz)); John W. Butts (John@HoldenMaine.com); Linda Johns; Rob Kenerson ([robk@bactsmo.org](mailto:robk@bactsmo.org)); Russell J. Smith

([townofeddington@roadrunner.com](mailto:townofeddington@roadrunner.com)); Stephen M. Bost ([SBost@BrewerME.org](mailto:SBost@BrewerME.org)); Cassandra Chase ([Cassandra.Chase@dot.gov](mailto:Cassandra.Chase@dot.gov)); [Mark.Hasselmann@FHWA.dot.gov](mailto:Mark.Hasselmann@FHWA.dot.gov); Rodney Lane ([RPLane@laneconstruct.com](mailto:RPLane@laneconstruct.com)); Nok-Noi Ricker ([nricker@bangordailynews.com](mailto:nricker@bangordailynews.com)); Plumpton, William M.; Rollins, Scott; Getchell, Chip; Devin, John; Thebarga, Steven; Ham, Eric; Bostwick, Richard; Hal Meyers  
**Subject:** Re: I-395/Route 9 Transportation Study Update

Mr. Charette,

According to the USFWS website, the NLEB comment period was reopened, and the agency now has until April 2, 2015 to make a decision whether or not to list NLEB as Endangered. This previously was part of the reason for the delay on the Biological Opinion, due to the original announcement in October 2013. Is this currently the reason for the continued delay on the Biological Opinion?

Thank you,

Gretchen

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Gretchen Heldmann, GISP, LF

On Thu, Sep 11, 2014 at 9:28 AM, Charette, Russ <[Russ.Charette@maine.gov](mailto:Russ.Charette@maine.gov)> wrote:

In response to a question pertaining to the status of this project.

The status remains as previously indicated, in that MaineDOT is still waiting for USFWS to complete the Biological Opinion. Once we receive the Biological Opinion, I will immediately send out an update with an estimate of the time required to complete the FEIS.

Russell Charette – Project Manager

**Russell D. Charette, P.E.**  
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