



# United States Department of the Interior



## FISH AND WILDLIFE SERVICE

New England Field Office  
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<http://www.fws.gov/newengland>

July 7, 2015

To Whom It May Concern:

Under Section 7 of the Endangered Species Act, Federal agencies that authorize, fund or carry out an action that may affect a federally listed species are required to ensure their actions do not jeopardize the continued existence of a listed species or adversely modify federally designated critical habitat through consultation with the U.S. Fish and Wildlife Service. As you are aware, the northern long-eared bat (*Myotis septentrionalis*) (NLEB) was recently listed as threatened with an associated interim 4(d) rule (April 2, 2015). The NLEB was once widespread throughout New England, but due to white-nose syndrome, the primary threat to its existence, the population in New England has declined by at least 90 percent. Currently, we do not have presence/absence data for this species for the vast majority of New England. Therefore, in order to assess effects of a project, we must assume presence in the absence of project-specific surveys. This has led to an increase in project review requests made to staff in this office.

In order to streamline the review process and provide regional guidance to Federal agencies and their applicants, the New England Field Office (NEFO) consulted with our state wildlife agency partners to develop regional time-of-year restrictions for tree clearing activities that if implemented, will avoid take of the NLEB. The time-of-year restrictions we are adopting vary, depending on the location of the proposed project.

The time-of-year restrictions described below are predicated on our conclusion that if surveys are not conducted to determine whether NLEBs are present, we must assume presence as long as suitable habitat is present. Based on regional data on NLEB presence and seasonal behavior, we recommend the following time-of-year restrictions to avoid adverse effects to bats that may be roosting in trees that could be cleared (assuming presence).

**April 15 - October 31** - project is located within 1 mile or less from known hibernaculum

**April 15 - September 30** - Known site - acoustic and/or mist-net confirmation - ("known site" as determined in consultation between NEFO and the State Natural Resource agency) **OR** projects located in "Coastal New England" where we appear to have greater numbers of NLEB based on recent acoustic surveys. "Coastal New England" includes all towns bordering the coast of Connecticut and Rhode Island, Massachusetts including Buzzards Bay, Cape Cod, Martha's

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Vineyard, Nantucket, and the North and South Shore of Massachusetts, and the coast of New Hampshire.

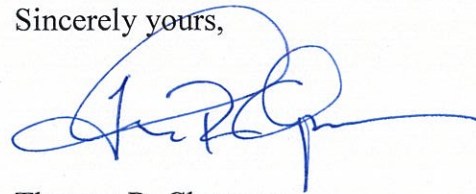
**April 15 - August 31** - Unknown site/no data (with the exception of coastal towns)

These time-of-year restrictions do not address a minimum acreage below which we do not anticipate habitat impacts to NLEBs. We still need to review the proposed acreage of tree cutting to ensure that there are no impacts as a result of significant roosting or foraging habitat loss if we assume bats are present in the project area.

We suggest that it may be to your advantage to assess the effect of the loss of suitable habitat resulting from the proposed activity in the context of the surrounding forested habitat and provide that analysis or discussion in your project review requests. Such information should expedite our review and response.

Thank you for your cooperation, and please contact Ms. Susi von Oettingen of this office at (603) 223-2541, extension 6418, if you have questions.

Sincerely yours,



Thomas R. Chapman  
Supervisor  
New England Field Office