



CONNECTICUT DEPARTMENT OF TRANSPORTATION

Office of Environmental Planning

NORTHERN LONG-EARED BAT FACTSHEET



INTRODUCTION TO THE FEDERAL LISTING

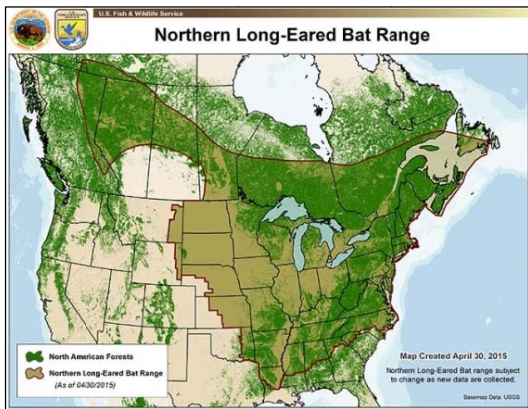
Background: On April 2, 2015, the U.S. Fish & Wildlife Service (USFWS) listed the Northern Long-Eared Bat (*Myotis septentrionalis*) as a federally threatened species under the Endangered Species Act (ESA). The listing has an effective date of May 4, 2015. The federal listing affords protections under the ESA and covers 38 states. All of Connecticut falls within the Bat's range, however some limited, mostly urbanized, areas of the State have been identified as non-habitat areas. Threatened species are animals and plants that are likely to become endangered in the foreseeable future. Threats to the species include White-nose syndrome, a fungal based disease which results in high mortality, impacts to hibernacula, and loss of summer habitat amongst other things.

The Northern Long-eared Bat spends winters hibernating in cave systems and summers roosting singly or in colonies in forested areas. Females give birth sometime in late May or early June, and the pups are able to fly by late July or early August. In the fall, the bats begin to swarm back at their winter cave sites where breeding occurs. Hibernation begins in early November.



The Department, as a recipient of federal funding and subject to federal regulatory programs, is bound by the provisions of Section 7 of the ESA. Section 7(a)(2) directs all Federal agencies to insure that any action they authorize, fund, or carry-out does

not jeopardize the continued existence of an endangered or threatened species or designated or proposed critical habitat (collectively, referred to as protected resources). There are no grandfather provisions under the ESA. The Office of Environmental Planning (OEP) has been working with the USFWS, Federal Transportation Agencies, DEEP and other New England DOT's to determine the effect this listing will have on Department programs and projects and how to meet the goals of project delivery.



A programmatic range-wide informal consultation (the programmatic) covering 38 states was undertaken by FHWA Headquarter and FRA Headquarters regarding certain transportation projects and the likely effect on the bats from such projects. USFWS issued concurrence on this informal consultation which has resulted in a framework for streamlined consultation on minor project types. The programmatic includes certain avoidance and minimization measures (AMMs) to

lessen likely impacts on the bats. Such measures include Time-of-Year (TOY) restrictions on tree cutting, limits on distance of cutting from road edge, inspections of bridges for the presence of bats, etc.

Major Activities of Concern: The following is a list of project activities which are of concern as relates to potential effect on bats.

- New Roadway/Trail on new alignment
- Tree removal of any tree ≥ 3 inches in diameter which exhibits cracks, crevices, or peeling bark.
- Bridge or structure maintenance or replacement at sites with bat activity.
- Impacts to water/wetlands where suitable habitat is present.
- Increased lighting.

Impact on Department Projects: All Department projects will have to be evaluated for potential impacts to the bats. For projects with a federal connection, whether through funding or permitting, coordination with USFWS must take place. Depending upon project specific activities and the location of the project, the coordination can take four different avenues:

1. Memo to file: projects which meet the "no effect" determination definition.
2. Programmatic consultation: projects determined "not likely to adversely affect" submission to USFWS under the programmatic. Typically a 14 day review period with opportunity for USFWS to comment. If no comment is received, concurrence is assumed. Time-of-Year restriction for tree clearing may be included and are predicated upon location, known bat presence, and proximity to sensitive habitat areas.
3. Individual informal consultation: projects with activities which do not qualify under the PA will be submitted to USFWS along with an assessment of effect and justification. Consultation must be submitted and concurrence received from USFWS. Process can take 30-90 days on average.

4. Formal consultation: projects which may have an adverse impact on the bats will require detailed evaluation and documentation. This process is estimated to take approximately 135 days to complete, depending on project specifics.

What Can Designers Expect:

- OEP/FHWA/FRA/FTA will be handling all necessary consultation and submissions, but will require the cooperation from the designer for project specific information.
- For projects already in design, OEP will be requesting information regarding tree clearing and other project activities while conducting design and permit reviews in order to determine what avenue of consultation is appropriate for the project. We are currently working with other offices in the Department, as well as FHWA and other Federal sponsoring agencies to track all projects which are currently advertised or will be going to advertising in the upcoming months so that appropriate consultation can be documented.
- Projects early in the design phase and those which are just being initiated will be reviewed early in the design phase. Field studies to assess the presence/absence of the bats may need to be conducted for projects going into the future. OEP will work with Designers to incorporate appropriate AMMs to reduce the likelihood of adverse effects to the bats.
- OEP will continue to disseminate information further detailing the federal listing and the consultation process and updates as they arise.

OEP Commitment: OEP is committed to working with the Designers to make the transition to this new consultation process as simplified as possible, however consultation on this level is new for both our office and the Department, as it is for many of the other 38 states covered by the listing. We fully expect that there will be bumps in the road and that information and guidance may change as we move forward. As those changes arise, we will make every effort to inform Design in a timely manner. The New England Field Office of the USFWS will be handling consultation for all of the New England States with the exception of Maine, which is a tremendous undertaking for their staff as well. At this time we cannot guarantee the consultation timeframes for individual informal and formal consultation, however we are providing estimates as they are currently available.

Additional Information:

- USFWS Northern Long-eared bat webpage: <http://www.fws.gov/midwest/angered/mammals/nlba/index.html>
- Federal listing: <http://www.fws.gov/midwest/angered/mammals/nleb/pdf/FRnlebFinalListing02April2015.pdf>
- Factsheet about the bat: <http://www.fws.gov/midwest/angered/mammals/nleb/nlebFactSheet.html>
- Biological Assessment (basis for the informal programmatic consultation between FHWA, FRA & USFWS):
<http://www.fws.gov/midwest/angered/mammals/nleb/nlebFactSheet.html>
 - Appendix B of the BA, Bridge Inspection Guide:
http://www.fws.gov/midwest/angered/section7/fhwa/pdf/BridgeGuidanceAppB_BA.pdf
 - Concurrence of the programmatic consultation:
http://www.fws.gov/midwest/angered/section7/fhwa/pdf/USFWS_ConcurLtrBAT20April2015.pdf
 - Users guide for implementing the informal programmatic consultation:
http://www.fws.gov/midwest/angered/section7/fhwa/pdf/USFWS_ConcurLtrBAT20April2015.pdf

Contact Information:

You may be receiving questions about your project from any one of the OEP staff members and you will exchange information with that staff member regarding specific project elements however the actual consultation being conducted with the USFWS will be done by either Amanda Saul or Christopher Samorajczyk as we make the transition. All questions regarding the listing and consultation procedures should be directed to Amanda or Chris.

Amanda Saul: amanda.saul@ct.gov (860) 594-2939

Christopher Samorajczyk: christopher.samorajczyk@ct.gov (860)594-2938

OEP WOULD LIKE TO THANK YOU IN ADVANCE FOR YOUR COOPERATION



Hibernating northern long-eared bat by Ann Froschauer/USFWS