

# NORTHERN LONG EARED BAT

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April 11, 2023



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# CORPS SCOPE OF ANALYSIS



- Generally, we start with the regulated permit areas – waters and wetlands proposed to be impacted due to the federal action
- Expand scope of analysis if there are other activities that would only occur due to the federally proposed action
- Use of the Small Federal Handle concept may be appropriate for large projects with a small federal handle so all Endangered Species Consultation can be handled through the Section 7 process



# USACE ROLE



Photo Credit: [Northern Long-eared Bat \(Myotis septentrionalis\)](#) | U.S. Fish & Wildlife Service ([fws.gov](#))

## 1. New applications

- a. Consultants can start the Dkey to obtain a consistency letter
- b. Submit consistency letter to the Corps so we can complete Section 7
- c. Timing dependent on having the information we need and the Dkey outcome
  - a. Concurrence letter – 15 day wait period from Corps submittal in IPAC
  - b. Consistency letter – interim consultation framework – formal consultation

## 2. Previously issued permits where tree-clearing not completed

- a. Technically out of compliance with their Corps permit now
- b. It is the Permittee's responsibility to reinitiate consultation with the Corps
- c. Timing dependent on having the information we need and the Dkey outcome
- d. May or may not require a new permit and amended decision document



# USACE ROLE



## Possible Paths

1. NO EFFECT concurrence letter
2. MANLAA concurrence letter
  - i. 15 day wait from Corps submittal in IPAC
  - ii. No FWS feedback after 15 days, we can move forward with permit decision
  - iii. FWS feedback on required conservation measures will be incorporated into a special condition of the permit
3. MAY AFFECT consistency letter
  - i. Does the work qualify for the Interim Consultation Framework? If the Corps PM determines it does, they will send an email to the Midwest Regional Office who will respond with the appropriate determination and next steps.
  - a. If your project does not meet the requirements of the Interim Consultation Framework, the Corps will contact the Virginia Ecological Services Field Office for further coordination.



# THE TRICOLORED BAT



[HTTPS://FWS.GOV/SPECIES/TRICOLORED-BAT-PERIMYOTIS-SUBFLAVUS](https://fws.gov/species/tricolored-bat-perimyotis-subflavus)

- **Proposed endangered** September 13, 2022:
- Each Federal agency shall confer with the Service on any action which is likely to jeopardize the continued existence of any proposed species or result in the destruction or adverse modification of proposed critical habitat (50 CFR § 402.10(a).
- “jeopardize the continued existence” is defined as engaging in an action that reasonably would be expected, directly or indirectly, to reduce appreciably the likelihood of both the survival and recovery of a listed species in the wild by reducing the reproduction, number, or distribution of that species (50 C.F.R. § 402.02)
- Proposed species are not protected by the take prohibitions of Section 9 of the Endangered Species Act until listed

**Guidance to Corps staff:** handle this like any other consultation – make an effect determination and submit it to the Service.

- No effect
- May affect, not likely to adversely affect: submit packet to the Service per the normal informal consultation, 60 days
- May affect, likely to adversely affect: submit formal consultation packet. Output is preliminary BO

The NLEB survey guidelines have been updated to address the tricolored bat:

[https://www.fws.gov/sites/default/files/documents/USFWS\\_Range-wide\\_IBat\\_%26\\_NLEB\\_Survey\\_Guidelines\\_2023.pdf](https://www.fws.gov/sites/default/files/documents/USFWS_Range-wide_IBat_%26_NLEB_Survey_Guidelines_2023.pdf)

Includes **DEFINITION FOR POTENTIALLY SUITABLE TRICOLORED BAT SUMMER HABITAT:**

- *forested/wooded habitats, may include some adjacent and interspersed non-forested habitats*
- *trees with potential roost substrate (i.e., live and dead leaf clusters, Spanish moss, and beard lichen*
- *especially oaks (Quercus spp.)*
- *often select roosts in tall, large diameter trees, but will roost in smaller trees when roost substrate present*
- *prefer foraging along forested edges of larger forest clearings, along edges of riparian areas, and over water*
- *prefer foraging in dense, unbroken forests, small forest openings, and narrow road cuts through forests*
- *roost in human-made structures, such as bridges and culverts, and occasionally in barns or shelters*

**Examples of unsuitable habitat:**

- *Unsuitable roosting habitat includes trees found in highly developed urban areas (e.g., street trees, downtown areas)*
- *industrial pine plantations*

# Questions?



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