

## MDOT LOCAL AGENCY PROGRAM

### CONSIDERATIONS FOR DETERMINING THE EFFECT OF NORTHERN LONG EARED BATS AND INDIANA BATS ON PROPOSED TREE REMOVAL

OCTOBER 2015

Local agencies and their consultants should use this guidance document when contemplating tree removals and how those removals would be affected by several bat species that are federally designated as either a protected species or an endangered species.

The guidance covers three cases for tree removal, as follows:

- Project DOES NOT propose using federal transportation funds
- Project proposes using federal transportation funds to remove trees between October 1 and March 31
- Project proposes using federal transportation funds to remove trees between April 1 and September 30

#### CASE A – PROJECT IS NOT USING FEDERAL TRANSPORTATION FUNDS, LOCAL AGENCY INTENDS TO REMOVE TREES REGARDLESS OF TIME OF YEAR

Criteria for the Northern Long Eared Bat (NLEB)

- Local Agency reviews the decision tree guidance document “Criteria for Determining Northern Long Eared and Indiana Bat Habitat”, on Page 3 of this guidance.
- Local Agency reviews the guidance document available at the USFWS website at: <http://www.fws.gov/midwest/EastLansing/te/nleb/pdf/MichiganNLEBRoostTreeHibernaculaFactSheetUpdated15May2015.pdf>, including the “Map of Known NLEB Occurrence, Roosts, and Hibernacula in MI”.
- If the project IS NOT located in one of the townships outlined on the map, PROCEED with Criteria for Indiana Bat, below.
- If the project IS located in one of the townships outlined on the map, NOTIFY the USFWS in East Lansing, and request an informal consultation. The office is located at: 2651 Coolidge Rd, East Lansing, MI (517) -351-2555.
- DO NOT remove trees without USFWS concurrence.

Criteria for the Indiana Bat

- Local Agency reviews the decision tree guidance document “Criteria for Determining Northern Long Eared and Indian Bat Habitat”, on Page 3 of this guidance.
- Local agency reviews the guidance document “Endangered Species Act: Section 7(a)(2), at the USFWS website, <http://www.fws.gov/Midwest/Endangered/section7/index.html>
- If the results of any of the steps on the Decision Tree are “Yes”, contact the USFWS in East Lansing, located at 2651 Coolidge Rd, East Lansing, MI (517) -351-2555.

Remove trees as determined, only after successfully completing all tasks associated with the above criteria for both bat species.

Retain all documentation in the project file.

CASE B - PROJECT USES FEDERAL TRANSPORTATION FUNDS – PROPOSED TREE REMOVAL BETWEEN OCTOBER 1 and MARCH 31

- Local Agency visits the USFWS website at <http://www.fws.gov/Midwest/Endangered/section7/fhwa/index.html>
- From that website, see Appendix A of the User's Guide document. Download and complete the form "Federal Highway Administration (FHWA) and Federal Railroad Administration (FRA) Range-wide Programmatic Informal Consultation for Indiana Bat and Northern Long-Eared Bat", located in Appendix A at: <http://www.fws.gov/Midwest/Endangered/section7/fhwa/pdf/ProjectSubmittalForm062315.pdf>
- Local Agency forwards the completed form to the USFWS Field Office in East Lansing, located at 2651 Coolidge Rd, East Lansing, MI (517) -351-2555, for an informal consultation.
- If, within fourteen calendar days of submittal USFWS DOES NOT RESPOND to the Local Agency, then the Local Agency can proceed with tree removal.
- Retain all documentation in the project file.

CASE C - PROJECT USES FEDERAL TRANSPORTATION FUNDS – PROPOSED TREE REMOVAL BETWEEN APRIL 1 and SEPTEMBER 30

- Local Agency visits the USFWS website at <http://www.fws.gov/Midwest/Endangered/section7/fhwa/index.html>
- From that website, see Appendix A of the User's Guide document. Download and complete the form "Federal Highway Administration (FHWA) and Federal Railroad Administration (FRA) Range-wide Programmatic Informal Consultation for Indiana Bat and Northern Long-eared Bat", located in Appendix A at:  
  
<http://www.fws.gov/Midwest/Endangered/section7/fhwa/pdf/ProjectSubmittalForm062315.pdf>
- Local Agency completes a full "Presence or Absence" survey, and forwards the results of the survey to the USFWS Field Office in East Lansing, located at 2651 Coolidge Rd, East Lansing, MI (517)-351-2555
- DO NOT REMOVE TREES UNTIL APPROVAL IS RECEIVED FROM USFWS
- Retain all documentation in the project file.

# Criteria for Determining Northern Long-Eared and Indiana Bat Habitat

NLEB<sup>1</sup>/IB<sup>2</sup> Non-Federal Decision Tree (last updated 8-14-2015)

<sup>1</sup> NLEB = Northern Long-Eared Bat

<sup>2</sup> IB = Indiana Bat

<sup>3</sup> See pages 3-5 at <http://www.fws.gov/midwest/EastLansing/te/nleb/pdf/MichiganNLEBRoostTreeHibernaculaFactSheetUpdated15May2015.pdf>

<sup>4</sup> USFWS = U.S. Fish and Wildlife Service, East Lansing Field Office, 2651 Coolidge Rd, East Lansing, MI (517)-351-2555

<sup>5</sup> See Michigan county map: <http://www.fws.gov/Midwest/Endangered/section7/s7process/mammals/inba/inbaMIlifehist.html>

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