



Public Notice

U.S. Army Corps
of Engineers
Baltimore District

Date: June 25, 2015
Special Public Notice: #15-39

Subject: Federal Listing of the northern long-eared bat (*Myotis septentrionalis*) under the Endangered Species Act

The purpose of this Special Public Notice is to hereby inform the public of the recent Federal listing of the northern long-eared bat (*Myotis septentrionalis*) as a threatened species with Interim 4(d) Rule under the Endangered Species Act and the associated requirements for coordination with the U.S. Fish and Wildlife Service (USFWS). This listing became effective on May 4, 2015. For additional information regarding the listing of the northern long-eared Bat please visit the United States Fish and Wildlife Service (USFWS) web site at:

<http://www.fws.gov/midwest/endangered/mammals/nleb/index.html>

The Corps is hereby providing notification to the public regarding the establishment of the following Special Conditions for previously issued Section 10 of the Rivers and Harbors Act of 1899 and/or Section 404 of the Clean Water Act authorizations/verifications in Maryland and the District of Columbia. This notice affects projects that previously received federal authorization or verification from the Corps through Nationwide Permits (NWP's), Individual Permits (IP's), General Permits (GP's), Letters of Permission (LOP's), Maryland State Programmatic General Permit-4 (MDSPGP-4), or other applicable Federal authorizations and/or verifications where the authorized work has not been completed as of this date of this notice.

To ensure compliance with Section 7 of the Endangered Species Act, the following Special Conditions are hereby added to all previous authorizations and verifications issued by the Corps for work in Maryland and District of Columbia, where the authorized work has not been completed as of the date of this notice:

1. New on-line project screening for the northern long-eared bat (*Myotis septentrionalis*) is now required in all counties of Maryland and the District of Columbia and must be completed by the permittee using the USFWS Chesapeake Bay Field Office endangered species project review process for all previously authorized projects where the authorized work has not been completed as of the date of this notice. This on-line project review process can be obtained at the following website:

<http://www.fws.gov/chesapeakebay/EndSppWeb/ProjectReview/Index.html>

Please note: It is incumbent upon permittees to remain informed of any changes to the threatened and endangered species listings and review processes. Until a project is completed, permittees must monitor this website or call the Chesapeake Bay Field Office at 410-573-4595 to ensure that species information for the project area is current.

2. **Projects that may have northern long-eared bat present in the project area as determined by the on-line project review process:**

Suitable summer habitat for the northern long-eared bat consists of a wide variety of forested/wooded habitats where they roost, forage, and travel. This includes forests and woodlots containing potential roosts (i.e., live trees and/or snags ≥ 3 inches diameter at breast height (dbh) that have exfoliating bark, cracks, crevices, and/or cavities), as well as

linear features such as fencerows, riparian forests, and other wooded corridors.

If the previously-authorized project involves a contiguous area of permanent tree clearing that is greater than or equal to 1 acre and the work has not been completed as of the date of this notice, then the permittee must provide a written letter of commitment to the Corps office prior to performing any additional work. This letter of commitment must state that the permittee agrees to one of the following conservation measures:

- a. Seasonal clearing will only occur between September 1 and April 15, or
- b. The permittee will conduct summer habitat surveys for bats (between June 1 and August 15) to determine whether bats are present. If no bats are detected, no seasonal restrictions on clearing is required. More information on summer habitat surveys for bats can be found at:
<http://www.fws.gov/midwest/Endangered/mammals/inba/inbasummersurveyguidance.html>

Projects involving only **temporary** tree clearing activities (i.e., forest management, right of way clearing) do not require further consultation with the Corps or USFWS prior to conducting the previously authorized temporary tree clearing activities.

3. Forested areas in the following settings are not considered habitat for northern long-eared bat. Previously-authorized projects having work in the following settings do not require a new endangered species project review and may initiate or continue the work without further consultation with the Corps and USFWS:
 - Urban areas (industrial and commercially developed areas or high density residential areas without contiguous forested habitat greater than one acre in size)
 - Apple orchards
 - Pine plantations
 - Christmas tree farms
4. The permittee must contact the Corps for all previously authorized projects that require further consultation with the USFWS and where the permittee cannot comply with the avoidance measures referenced in Special Condition #2 above. All previously authorized work, except in those settings not considered habitat for northern long-eared bat in Special Condition #3 above, must cease until written confirmation is received from the Corps that consultation under Section 7 of the Endangered Species Act has been completed.

These special conditions are made part of all previous Corps permit authorizations and verifications with concurrence from the U.S. Fish and Wildlife Service (USFWS). The USFWS, the agency responsible for implementing the Federal Endangered Species Act, has determined that northern long-eared bats now listed as a threatened species with Interim 4(d) Rule, occur throughout the Maryland and in some areas of the District of Columbia.

It is requested that you communicate the foregoing information to any persons known by you to be interested and not being known to this office who did not receive a copy of this notice. If you have any questions regarding this matter, please contact Ms. Beth Bachur, Baltimore District Corps of Engineers, P.O. Box 1715, Baltimore, MD 21203 or via e-mail at beth.bachur@usace.army.mil.

William P. Seib
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