



U.S. Army Corps
of Engineers
Baltimore District

Public Notice

In Reply to CENAB-OP-RMD
SPECIAL PUBLIC NOTICE-23-19

THIS PUBLIC NOTICE IS ISSUED BY THE BALTIMORE DISTRICT OF THE U.S. ARMY CORPS OF ENGINEERS (CORPS).

Subject: The purpose of this Special Public Notice is to hereby inform the public of the United States Fish and Wildlife's (USFWS) recent reclassification of the northern long-eared bat (*Myotis septentrionalis*) to endangered under the Endangered Species Act.

The northern long-eared bat, listed as threatened in 2015, now faces extinction due to the range wide impacts of the white-nose syndrome, a deadly disease affecting hibernating bats across North America. This change in the northern long-eared bat's status to endangered under the Endangered Species Act becomes effective on March 31, 2023.

This change in status on March 31, 2023 nullifies the prior species-specific 4(d) Rule under the Endangered Species Act. For a period of one year from March 31, 2023 through April 1, 2024, the Interim Consultation Framework for the northern long-eared bat will apply. Actions that are not be completed by April 1, 2024 will need to reinitiate consultation at that time.

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. through Nationwide Permits, Individual Permits, General Permits, Letters of Permission, Maryland State Programmatic General Permits, or other applicable federal authorizations and/or verifications where work in the project action area has not been completed as of March 31, 2023.

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 the District of Columbia, where the project has not been completed as of March 31, 2023:

1. Using the Information for Planning and Consultation (IPaC) website the permittee must obtain an updated species list for the northern long-eared bat (*Myotis septentrionalis*) to identify whether the species may be present within the project action area.

2. If the species may be present, the permittee must evaluate potential effects of the project using the northern long-eared bat rangewide determination key, found on the IPaC website. The key is designed to streamline project reviews for impacts to the northern long-eared bat. The determination key provides simple question and answers to arrive at a recommend determination for the project area.

3. If the permittee obtains a “may effect” determination using the northern long-eared bat rangewide determination key the permittee must contact the Corps District office and cease all work until they receive written confirmation from the Corps that consultation under Section 7 of the Endangered Species Act has been completed.

This requirement is made by the Corps with concurrence from the USFWS. For additional information regarding the listing of the northern long-eared bat, including the USFWS Interim Consultation Framework for the northern long-eared bat, please visit the USFWS web site at:

<https://www.fws.gov/species/northern-long-eared-bat-myotis-septentrionalis>

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 Mrs. Erica Schmidt, Baltimore District Corps of Engineers, 2 Hopkins Plaza, Baltimore, Maryland 21201 or via e-mail at erica.schmidt@usace.army.mil. This public notice is issued by the Chief, Regulatory Branch.