

Endangered Species Updates

**By: Staige Miller, Director of Environmental Services for
Dominion Due Diligence Group (D3G)**

June 2, 2016

Endangered Species

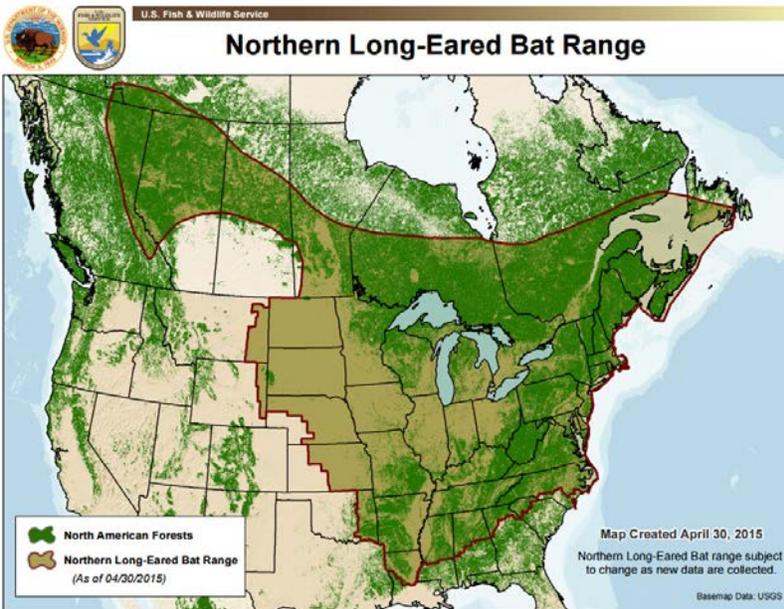
- The Environmental report should have all available information for HUD personnel to make a determination.
- Contact with U.S. Fish and Wildlife Service and National Marine Fisheries Services (the Services) can only be made by HUD.



Northern Long-Eared Bat (NLEB)

- The northern long-eared bat (NLEB) was listed as threatened under the Endangered Species Act on April 2, 2015.
- The NLEB is one of the species of bats most impacted by white nose syndrome (WNS). Named for the white fungus on the muzzles and wings of affected bats, WNS has rapidly spread to many sites throughout the eastern United States and into Canada.
- Species Habitat: the NLEB hibernates in caves and mines - swarming in surrounding wooded areas in autumn. During late spring and summer the species roosts and forages in upland forests.

NLEB Range – Includes much of Region IV



How does this affect my Project?

- First: Determine if your property is located within the range of the NLEB
 - Utilize the U.S. Fish and Wildlife Service (USFWS) Information, Planning, and Conservation (IPaC) System, accessed at <http://ecos.fws.gov/ipac/> to generate the Official Species List for your project site.
 - Second: Determine if the specie's habitat is present and if your proposed action may impact the specie's habitat
- Proposed actions that may impact the specie's habitat
 - New construction
 - Substantial Rehabilitation
 - Primarily activities that involve tree clearing activities and/or ground disturbing activities

No Effect Determinations

- If there is no habitat present or the proposed action will have no effect on the species, a determination of No Effect can be made:

"When the action agency determines its proposed action will not affect a listed species, there is no need to coordinate further with the Service. If the northern long-eared bat will not be exposed directly or indirectly to the proposed action or any resulting environmental changes, an agency should conclude "no effect" and document the finding and this completes the section 7 process."

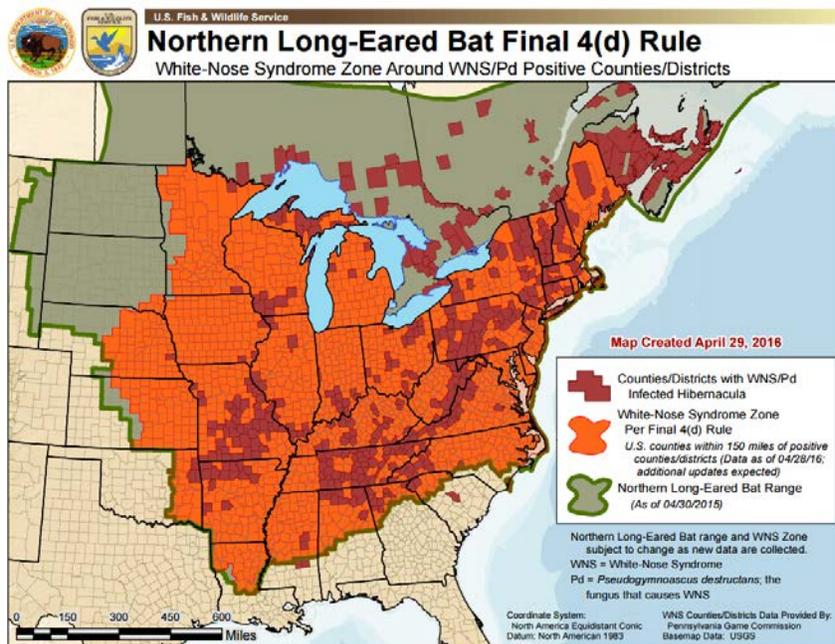
May Affect Determinations

- If a No Effect Determination cannot be made, Federal Agencies can utilize the Optional Framework to Streamline Section 7 Consultation for the Northern Long-Eared Bat process.
- This framework allows federal agencies to rely upon the U.S. Fish and Wildlife Service's (USFWS) January 5, 2016, intra-Service Programmatic Biological Opinion (BO) on the final 4(d) rule for the NLEB for section 7(a)(2).

Final 4(d) Rule – Issued January 14, 2016

- Section 4(d) of the Endangered Species Act (ESA) directs the USFWS to issue regulations deemed “necessary and advisable to provide for the conservation of threatened species.” It allows the USFWS to promulgate special rules for species listed as threatened (not endangered) that provide flexibility in implementing the ESA.
- The USFWS uses 4(d) rules to target the take prohibitions to those that provide conservation benefits for the species. This targeted approach can reduce ESA conflicts by allowing some activities that do not harm the species to continue.

WNS Zone – Is the action area located outside the WNS?



Located in a WNS Zone?

- Will the action taken affect caves or mines where northern long-eared bats are known to hibernate (i.e., hibernaculum) or could it alter the entrance or the environment (physical or other alteration) of a hibernaculum? If yes, consult with FWS Field Office.
- If no, will the action involve tree removal?
- If yes, is the action the removal of hazardous trees for protection of human life or property?

Is it an Incidental Take?

Will the action include one or both of the following:

- 1) removing a northern long-eared bat known occupied maternity roost tree or any trees within 150 feet of a known occupied maternity roost tree from June 1 through July 31;
- 2) removing any trees within 0.25 miles of a northern long-eared bat hibernaculum at any time of year?
 - If no, the Federal agency can rely upon the finding of the Programmatic Biological Opinion for the Final 4(d) rule (Streamlined Consultation Form).
 - If yes, the Federal agency must complete formal consultation with the FWS.