Northern Long-eared Bat Consultation Area and Survey Guidance Flowchart for Arkansas

Is the project within the NLEB Consultation Area (CA)?

- No → The FWS has no data to support NLEB presence in this area. Therefore, a No Effect determination can be made.
- Yes ↓

Does the project require tree removal?

- No → May Affect, but Not Likely to Adversely Affect. No further action required for NLEB.
- Yes ↓

Does the project have a federal nexus (federally funded action, federal permit, or action carried out by federal agency)?

- No → Can you answer YES to ANY ONE of the following questions?
- Yes ↓

Section 7 Consultation between the Federal Action Agency and FWS is required.

When will tree removal occur?

- Winter Season Oct. 15 - April 1
- Summer Season April 1 - Oct. 15

Winter Season Oct. 15 - April 1 → Yes → Is the project within an individual buffer?

- Yes → Is suitable habitat present? If so, a bat survey may be recommended dependent upon the size and scope of the project.
- No → Project Proponent should work with Federal Action Agency to make an effect determination and submit to FWS for concurrence.
- Yes/No → Project Proponent should work with Federal Action Agency to make an effect determination and submit to FWS for concurrence.

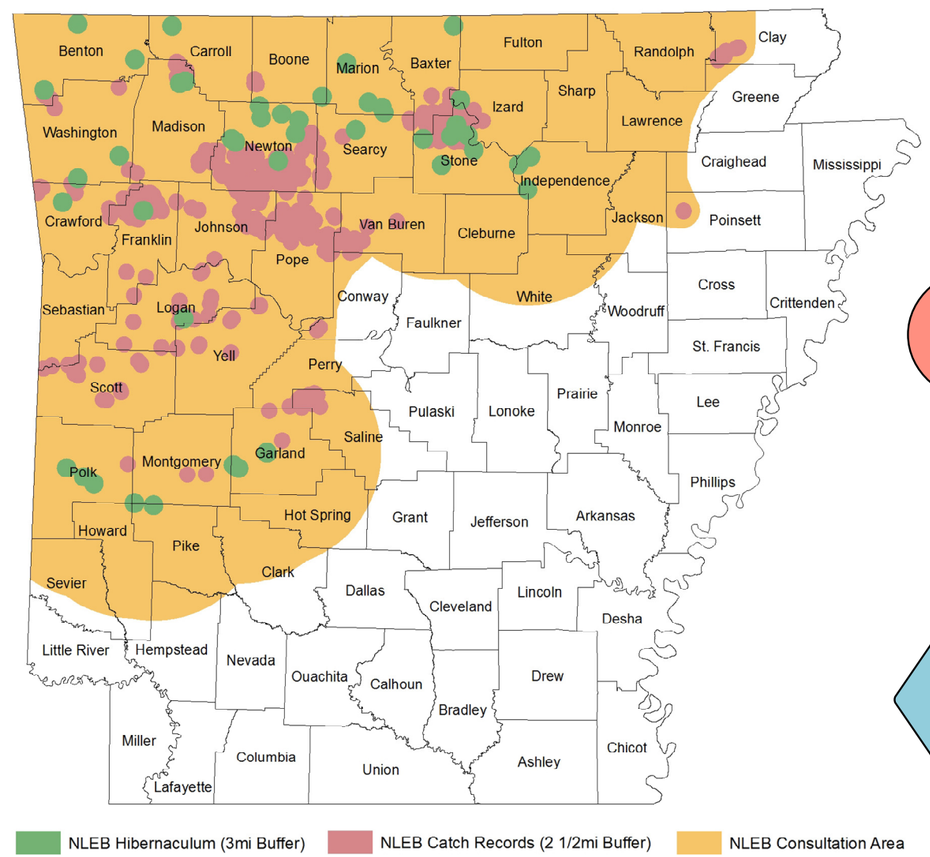
Summer Season April 1 - Oct. 15 → Yes → Is the project within an individual buffer?

- No → Does the project require more than one acre of tree removal?
  - Yes → Is "suitable" habitat present?
    - No → Project Proponent should work with Federal Action Agency to make an effect determination and submit to FWS for concurrence.
    - Yes → Bat survey required -OR- you may assume presence and initiate formal consultation.
  - No → Project Proponent should work with Federal Action Agency to make an effect determination and submit to FWS for concurrence.
- Yes → Bat survey required -OR- you may assume presence and initiate formal consultation.

EXCEPTION: A May Affect, but Not Likely to Adversely Affect determination may not be appropriate if actions other than tree removal may affect the NLEB. Such actions may include but are not limited to blasting, wind turbines, water quality degradation in recharge areas, etc.

Can you answer YES to ANY ONE of the following questions?

- Are you conducting routine maintenance within an existing cleared ROW?
  -OR-
  Are you expanding a corridor/ROW by up to 100ft from the edge of that ROW?
  -OR-
  Are you removing less than one acre of "suitable" habitat?
  -OR-
  Are you implementing forest or prairie management (i.e., prescribed fire, thinning, etc.)
- Yes → Can you answer YES to ALL of the following questions?
  - Does your project occur more than 0.25 miles away from a known, occupied hibernacula?
    -AND-
    Can you avoid cutting/removing known roost trees from June 1 - July 31?
    -AND-
    Can you avoid tree removal within 0.25 miles of known, occupied roost trees from June 1 - July 31?
  - No → If no, then please contact FWS for technical assistance on how to proceed with your project.
  - Yes → If yes, then your project is excepted from take under the interim 4(d) rule for the NLEB, so you may proceed with your project.
- No → If no, then please contact FWS for technical assistance on how to proceed with your project.



Hibernacula → If removal of suitable habitat occurs from March 15 - Nov. 30, then consultation between Federal Action Agency and FWS is required and a May Affect, Likely to Adversely Affect determination may be appropriate.

Catch Record/ Maternity Roost → If removal of suitable habitat occurs from April 1 - Oct. 15, then consultation between Federal Action Agency and FWS is required and a May Affect, Likely to Adversely Affect determination may be appropriate.

Refer to Arkansas NLEB Guidance document for more information.

This flow chart was created in conjunction with the "Northern Long-eared Bat Consultation Area and Survey Guidance for Arkansas" document created by the Arkansas ES Field Office of the U.S. Fish and Wildlife Service. Both the guidance document and this flow chart were created to provide consistency and streamline the decision making process for any actions under Sections 7 or 10 of the Endangered Species Act. In addition, the guidance in both documents pertain specifically to actions occurring in Arkansas and should not be used to assess projects in other states. Any updates to these documents will be posted on the Arkansas ES Field Office website at http://www.fws.gov/arkansas-es/. If you need any further assistance please call Tommy Inebnit at 501-513-4483.

LAST UPDATED: July 6, 2015