



U.S. Department
of Transportation
**Federal Highway
Administration**

1200 New Jersey Ave., SE
Washington, D.C. 20590

May 20, 2016

In Reply Refer To:
FHWA-HEPE-30
FRA-RPD-13
FTA-TPE-30

Ms. Lynn Lewis
Assistant Regional Director
U.S. Fish and Wildlife Service
Ecological Services
5600 American Blvd. West, Suite 990
Bloomington, MN 55437-1458

Dear Ms. Lewis:

The Federal Highway Administration (FHWA), Federal Railroad Administration (FRA) and Federal Transit Administration (FTA), hereby request to initiate formal consultation on the potential effects of certain transportation projects on the endangered Indiana bat (*Myotis sodalis*) and threatened Northern long-eared bat (*Myotis septentrionalis*) pursuant to Section 7 of the Endangered species Act of 1973, as amended (ESA). The activities covered by this formal consultation are described in the attached May 18, 2016, *Programmatic Biological Assessment for Transportation Projects in the Range of the Indiana Bat and Northern Long-Eared Bat (BA)*. The proposed transportation actions include measures to avoid, minimize, and where appropriate, compensate for effects on the bats. The BA includes proposed consultation procedures to insure proper coordination, monitoring, and reporting of the implementation of this consultation. This information should help direct adaptive management of the program through time.

The FHWA, FRA, and FTA have determined that many individual actions covered by the proposed program will have no effect, and many are not likely to adversely affect the Indiana and northern long-eared bats. See Tables 3-7 in the BA for a summary of our determinations. We request your concurrence with these determinations.

Thank you for your assistance in bringing this joint effort to fruition. Much has changed since the Inter-Agency Agreement was signed and a team was formed in 2013 to develop a programmatic agreement for the Indiana bat. We appreciate the flexibility and adaptability demonstrated by your team in expanding the scope of the Interagency agreement after the listing of the Northern long-eared bat, adding a *User's Guide* for our practitioners, and collaborating with our respective field contacts to solicit input to develop the best possible products. Because of the team's dedicated efforts, this programmatic consultation will meet many of our mutual goals.

The programmatic consultation will achieve efficiencies and consistency in Section 7 consultation across the range of the bats, and will further the purposes of the ESA by applying

FHWA's conservation strategy for the bats through this programmatic consultation. The consistency, streamlining, and conservation built into the programmatic consultation will achieve strategic goals of several presidential memoranda and executive orders, including Executive Order 13604, *Improving Performance of Federal Permitting and Review of Infrastructure Projects* and its implementation plan. This consultation is a cornerstone of FHWA's Every Day Counts 2 *Programmatic Agreements Implementation Plan*, which focused on the advancement of a select number of high-impact regional and national programmatic efforts.

We look forward to working with the US Fish and Wildlife Service to finalize the Conservation Strategy for the bats and to monitor and manage implementation of the programmatic consultation. We also look forward to working together in the future on other high-value programmatic efforts.

If you have any questions regarding this request, please contact Brian Yanchik (FHWA; 410-218-4454), Andrea Martin (FRA; 202-493-6201), or Sharyn LaCombe (FTA; 202-366-5213).

Sincerely yours,



April L. Marchese
Acting Director,
Office of Project Development
& Environmental Review
Federal Highway Administration



Michael Johnsen
Acting Chief, Environmental & Corridor Planning
Federal Railroad Administration



Christopher Van Wyk
Director, Office of Environmental Programs
Federal Transit Administration