

## FHWA Ibat/NLEB Range-Wide Programmatic Agreement Draft Tier 3 Mitigation Area Guidance

For transportation projects that are likely to adversely affect (LAA) Indiana bats as described in the 20 May 2016 Programmatic Biological Opinion for Transportation Projects in the Range of the Indiana Bat and Northern Long-eared Bat (Limited Formal BO) compensatory mitigation is a requirement. As described in the Limited Formal BO, acceptable mitigation for Transportation Agencies can take any of three forms, which are hierarchical in terms of preference and labeled tiers. These comprise the Conservation Focus Areas (CFAs) defined by each U.S. Fish and Wildlife Service (Service) Field Office.

**Tier 1** mitigation requires the protection or restoration of summer habitat around a known, extant maternity colony. When available, it is always the first mitigation choice under the Limited Formal. **Tier 2** mitigation, when Tier 1 is not readily available, is the protection of an occupied hibernaculum (including gating) or protection or restoration of staging/swarming habitat within 5 miles of an occupied hibernaculum. The Limited Formal BO provides a third option when neither Tier 1 nor Tier 2 options are readily available either because they are unknown in the state or because mitigation associated with them cannot be implemented in a reasonable amount of time.

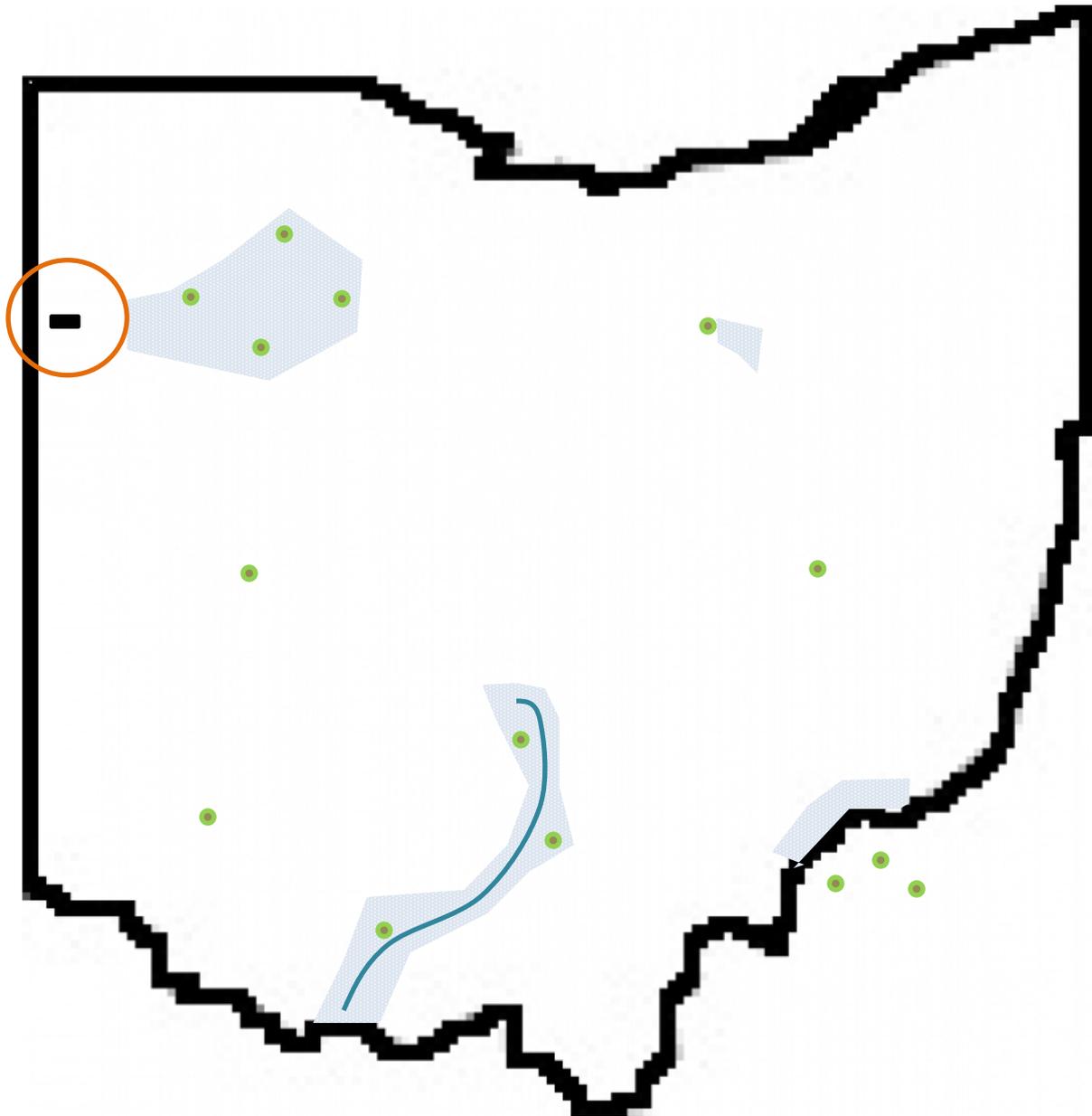
**Tier 3** mitigation is defined as protecting or restoring *other Indiana bat conservation lands*. The fundamental requirement of Tier 3 mitigation is that it contributes to the conservation of Indiana bats. The unique aspect of Tier 3 mitigation is that Indiana bats need not be present at the time a Tier 3 project is implemented. Service Field Offices working in coordination with State DOTs and FHWA have considerable flexibility in defining Tier 3 CFAs, however, they should be backed up by sound science (e.g., reference to the Draft Recovery Plan, scientific papers, or logical presentation of best professional judgement). The science underlying each state's Tier 3 CFA (s) should be referenced as part of the development process.

**The following bullet-points provide general guidelines to help Field Offices develop Tier 3 mitigation areas:**

- **Must** include suitable habitat for Indiana bats. This could be suitable summer (maternity) or staging/swarming habitat
- May consist of areas of currently suitable habitat (and infrequently restorable habitat – if restoration is part of the mitigation proposal) in-between and connecting known Indiana bat locations
- May provide habitat for expansion or “shifting” of known maternity colonies (suitable habitat adjacent to current colony use)

- May include bachelor or migratory habitat as defined by acoustic records or captures of adult males in summer, or telemetry along migratory routes
- May be defined in association with proximate Indiana bat locations (e.g., hibernacula) in a neighboring state where state laws allow and Transportation Agencies agree
- May prioritize areas of suitable Indiana bat habitat adjacent to existing conservation land or suitable habitat that coincides with important landscape features

# CONCEPTUAL MODEL OF CFAs IN OHIO



**TIER 1** - Maternity Colony 2.5-mile circle



**TIER 2** - Hibernaculum + Staging/Swarming



**TIER 3** = Other Indiana Bat Conservation Lands  
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