



FEDERAL FISH AND WILDLIFE PERMIT

1. PERMITTEE

INDIANAPOLIS AIRPORT AUTHORITY
2500 SOUTH HIGH SCHOOL ROAD
INDIANAPOLIS, IN 46241
U.S.A.

2. AUTHORITY-STATUTES
16 USC 1539(A)

REGULATIONS (Attached)
50 CFR 17.22
50 CFR 13

3. NUMBER
TE048991-0

4. RENEWABLE
 YES
 NO

5. MAY COPY
 YES
 NO

6. EFFECTIVE
04/03/2002

7. EXPIRES
12/31/2017

8. NAME AND TITLE OF PRINCIPAL OFFICER (If #1 is a business)
MARVIN BRETHAUER
MAINTENANCE MANAGER

9. TYPE OF PERMIT
ENDANGERED SPECIES

10. LOCATION WHERE AUTHORIZED ACTIVITY MAY BE CONDUCTED

INDIANA

11. CONDITIONS AND AUTHORIZATIONS:

A. GENERAL CONDITIONS SET OUT IN SUBPART D OF 50 CFR 13, AND SPECIFIC CONDITIONS CONTAINED IN FEDERAL REGULATIONS CITED IN BLOCK #2 ABOVE, ARE HEREBY MADE A PART OF THIS PERMIT. ALL ACTIVITIES AUTHORIZED HEREIN MUST BE CARRIED OUT IN ACCORD WITH AND FOR THE PURPOSES DESCRIBED IN THE APPLICATION SUBMITTED. CONTINUED VALIDITY, OR RENEWAL, OF THIS PERMIT IS SUBJECT TO COMPLETE AND TIMELY COMPLIANCE WITH ALL APPLICABLE CONDITIONS, INCLUDING THE FILING OF ALL REQUIRED INFORMATION AND REPORTS.

B. THE VALIDITY OF THIS PERMIT IS ALSO CONDITIONED UPON STRICT OBSERVANCE OF ALL APPLICABLE FOREIGN, STATE, LOCAL OR OTHER FEDERAL LAW.

C. VALID FOR USE BY PERMITTEE NAMED ABOVE.

C.1. Valid for use by the Indianapolis Airport Authority and parties to the Six Points Road Interchange and Associated Development Habitat Conservation Plan (HCP) for the Indiana bat dated 2002. Task Force partners to the HCP are:

- Indianapolis Airport Authority (LEAD)
- Indiana Department of Transportation
- Indianapolis Department of Public Works
- Indianapolis Department of Metropolitan Development
- Hendricks County Board of Commissioner
- Federal Highway Administration, U.S. Department of Transportation

D. Permittees are authorized to take the endangered Indiana bat (*Myotis sodalis*) on lands subject to the terms and conditions herein.

E. Acceptance of this permit serves as evidence the Permittees, through the Implementing Agreement agree to abide by the terms of this permit and all sections of Title 50 CFR, Parts 13 and 17, pertinent to issued permits. Section 11 of the Endangered Species Act of 1973, as amended, provides for civil and criminal penalties for failure to comply with permit conditions.

ADDITIONAL CONDITIONS AND AUTHORIZATIONS ALSO APPLY

12. REPORTING REQUIREMENTS

ANNUAL REPORT DUE: 3/1

ISSUED BY

TITLE
REGIONAL DIRECTOR

DATE

04/03/2002

- F. The Indianapolis Airport Authority is authorized to oversee activities conducted under the authority of this permit and to conduct activities described in the Implementing Agreement (Section 16.0 of the HCP) between the Interagency Task Force (Condition C.1.) and the U.S. Fish and Wildlife Service (Service).
- G. This Permit authorizes take of the Indiana bat incidental to otherwise lawful land use planning and management in Marion and Hendricks Counties, Indiana as described in the HCP. Conditions in this Permit, and measures in the HCP and associated agreements, will be employed by the Permittees and authorized agents, to ensure incidental take of the Indiana bat is minimized and mitigated to the maximum extent practicable.
- H. This Permit does not authorize intentional take (i.e., capture, mark, collect) unless specifically authorized by the Service to enhance the survival of the species in the wild (see Condition J.).
- I. The Permittees shall permit the Service, or other properly permitted and qualified persons designated by the Service to enter the Project boundaries at reasonable hours and times for the general purposes specified in Title 50 CFR § 13.21(d) (2).
- J. The following measures will be employed by the Permittees to ensure the incidental take of Indiana bat is minimized and mitigated by implementation of the Permittee's HCP, as described below:
- J.1. The following locations and associated acreage may be cleared of trees between September 16 and April 14:
- J.1.a. Those areas associated with the Six Points Interchange and associated highway related projects, a maximum of 94 acres shall be cleared.
- J.1.b. Those areas associated with future aviation-related development of the Indianapolis International Airport, a maximum of 89 acres shall be cleared.
- J.1.c. Those areas associated with development within the AmeriPlex Industrial Park, a maximum of 162 acres shall be cleared.
- J.2. A minimum of 345 acres within the HCP boundary shall be planted to hardwood tree species following specifications in the HCP:
- Seedlings shall be planted on a 10 foot by 10 foot grid yielding at least 435 trees per acre.
 - Newly planted trees shall be 1-0 or 2-0 nursery stock of local genotype.
 - Plantings shall receive two herbicide treatments the first year.
 - A minimum of 9 species identified in the HCP (Table 12.3) shall be in a planting with no species comprising more than 20%. Plants shall be randomly planted in regard to species to avoid large monocultures. At least 10% of all plantings shall be shagbark hickory (*Carya ovata*); and at least 25% of seedlings planted shall be hickory (*Carya spp.*) and oak (*Quercus spp.*).
 - Species composition on upland sites shall be at least 10% shagbark hickory; and at least 10% eastern cottonwood (*Populus deltoides*) on stream bank planting areas.
- J.3. A minimum of 175 acres of existing Indiana bat habitat and 21.7 acres of buffer currently owned by the Indianapolis Airport Authority within the HCP boundary shall be permanently protected via deed restrictions that are acceptable to the United States Solicitor's Office. Maintenance and management of this area shall be the responsibility of the Permittees. No manipulation of the habitat shall occur without concurrence from the Service.
- J.4. A minimum of 197 acres of existing Indiana bat habitat owned by the Indianapolis Airport Authority outside of the HCP boundary, but within the foraging range of the HCP colony shall be permanently protected via deed restrictions that are acceptable to the United States Solicitor's Office. Maintenance and management of this area shall be the responsibility of the Permittees. No manipulation of the habitat shall occur without concurrence from the Service.
- J.5. A minimum of \$475,000 shall be used for acquisition of unprotected Indiana bat habitat within the foraging range of the Indiana bat colony in the action area. The location and suitability of lands purchased with these funds shall be approved by the Service prior to purchase and shall be permanently protected via deed restrictions that are acceptable to the United States Solicitor's Office. Maintenance and management of this area shall be the responsibility of the Permittees. No manipulation of the habitat shall occur without concurrence from the Service.

- J.6. Herbaceous vegetation shall be planted in approximately 50-foot wide buffer strips around mitigation planting areas (Condition J.2.) and existing Indiana bat habitat (Conditions J.3-J.5). Location and need for herbaceous buffers shall be determined concurrently with the Service, but will only include lands owned by the Indianapolis International Airport.
- J.7. Annual mist net surveys to determine the presence of Indiana bats will occur the first year of construction and continue for the duration of the permit, following Section 13.1 of the HCP. Relocation of sampling locations shall be approved by the Service and would not result in additional monitoring effort.
- J.8. A minimum of two Indiana bats shall be captured and radio tracked each year the permit is valid during each of the following periods: May 15 - June 15, June 16 - July 15, and July 16 - August 15. Telemetry methodology shall follow Section 13.2 of the HCP unless otherwise directed by the Service. The annual reporting requirements identified in Condition K. specify additional elements within this condition.
- J.9. Indiana bat emergence counts shall be conducted twice per week between March 15 and October 15 each year the permit is in effect to define biological perimeters of the resident population. When two or more primary or maternity roost trees have been identified, emergence counts shall be conducted simultaneously at all identified sites at least once per week to determine the number of Indiana bats using each roost tree at a specific time.
- J.10. Each hardwood seedling planting site identified in J.2. shall be monitored annually for a period of five years following establishment to determine the effectiveness of mitigation. The Service shall evaluate the success and if additional action or monitoring is warranted. At a minimum, there must be 350 stems per acre of planted seedlings of nine species present in each planting, representing an 80% survival rate. An individual species may not account for more than 20 percent of the 350 stems. A minimum of 20 percent of the surviving seedlings should be hickory, cherry, oak, elm, cottonwood, or other species known to be utilized by the Indiana bat as roost trees.
- J.11. The Permittee shall initiate a comprehensive training program for all project personnel. Training will concern definitions of construction limits, restrictions relative to tree clearing, disturbance to habitat areas outside of the construction limits, and all other aspects of the HCP regarding forest, habitat, and buffer management.
- J.12. Public outreach and education on Indiana bat biology and habitat needs shall continue to be consistent with the HCP. Development of other opportunities for outreach such as displays in the Indianapolis International Airport and throughout the project area as feasible and appropriate shall be coordinated with the Service.
- K. By March 1 the Permittee shall submit an annual report to the Service and State offices listed in Conditions N. and O. The annual report, which will report the previous years monitoring efforts, shall outline and describe the implementation and success of mitigation and minimization measures for each year the permit is valid. Reporting requirements are detailed in the HCP, and summarized below:
 - K.1. Permittees shall identify non-compliance and measures employed to remediate non-compliance.
 - K.2. Maps with the location of all Indiana bat mist netting sites, all roost sites identified, and all telemetry data in the format specified in the HCP that was collected the previous year shall be included with each annual report.
 - K.3. Data collected on captured bats including species, age, sex, right forearm length, weight, reproductive condition, and banding and/or radio tagging information. Capture specifics such as vertical location in the net, flight direction, and time of capture.
 - K.4. Information gathered regarding roost location and site-specific data relative to the roost area including species, height, diameter at breast height (dbh), condition (alive or dead), percentage of exfoliating bark of the roost tree, distances from the roost tree to the edge of the woodlot and to other roosts used, percent canopy closure above roost trees and habitat cover type near each roost.
 - K.5. Emergence count data collected including the arrival and departure dates, the number of primary trees used by the colony, the number of individuals present per colony, the approximate reproductive success of the colony, and amount of movement between the roost trees.
 - K.6. All vegetation monitoring data, as specified in Section 13.4 of the HCP, shall be included in each annual report.
 - K.7. Report on all staff training sessions, topics of training session(s), staff and/or other instructors, and the staff or contractors attending training sessions.

K.8. Public outreach and education completed on Indiana bat biology and identification of additional needs in the area of outreach and education.

- L. Any dead bats, regardless of species, located within the action area during construction, mitigation, or monitoring activities shall be reported immediately to the Service Field Office in Condition N. and subsequently transported on ice to that office. No one, with the exception of researchers contracted to conduct bat monitoring activities, shall handle any live bat, regardless of its condition. The Permittee shall contact the Service when finding bats that appear to be sick or injured. This information on the disposition of dead bats shall be incorporated into instructions provided to project personnel and included in the Construction Specifications as discussed in Section 12.0 of the HCP.
- M. The Permittee and the Service acknowledge even with the above detailed provisions for minimizing and/or mitigating impacts to the Indiana bat, circumstances could arise which were not fully anticipated by this Permit and are considered unforeseen. Such circumstances may become apparent either to the Permittee, agents, or Service. For purposes of implementing this condition, unforeseen circumstances are defined as any significant, unanticipated adverse change in the status of the species; any significant, unanticipated adverse change in impacts of the project or in other factors upon which the HCP and Permit are based; or any other significant new information relevant to the Permit and Property unforeseen by the Permittee and the Service that could give rise to the need to review the Permittee's conservation program. If there are unforeseen or changed circumstances related to Indiana bat breeding or other critical activities, the Service may suggest and the Permittees may consider changes in the operating conservation program in the future, provided such changes are consistent with the HCP, agreed to by the Permittees, and consistent with the February 23, 1998 "No Surprises" rule (63 FR 8859). The Service and the Permittees have mutually agreed to meet and confer within 20 working days after appropriate discovery is provided.
- N. For purposes of this monitoring compliance of the terms and conditions of this permit, including unforeseen circumstances, the Service contact is:
- U.S. Fish and Wildlife Service
Bloomington Field Office
620 Walker Street
Bloomington, Indiana 47403-2121
(812/334-4261; fax 812/334-4273)
- O. Copies of the annual reports and any other documentation submitted in response to the operation and management of this permit shall be provided to the Service office identified in Condition N. and to the following:
- O.1. Regional Permits Coordinator
U.S. Fish and Wildlife Service
Bishop Henry Whipple Federal Building
1 Federal Drive
Fort Snelling, MN 55111-4056
(612/713-5343; fax 612/713-5292)
- O.2. Endangered Species Coordinator
Indiana Department of Natural Resources
402 West Washington Street
Room W273
Indianapolis, Indiana 46204-2267
(317/232-4080; fax 317/232-8150)

END