
User's Guide for the

Programmatic Biological

Opinion/Conference Opinion for

Transportation Projects in the Range of

the Indiana Bat, Northern Long-Eared

Bat, and Tricolored Bat



Photo Source: USFWS Digital Library

Version 6.1, January 2025

Federal Highway Administration
Federal Railroad Administration
Federal Transit Administration
U.S. Fish and Wildlife Service

Table of Contents

1. Introduction.....	3
2. Programmatic Scope and Effects Analysis Summary.....	4
2.1 Actions outside the Scope of the Range-wide Programmatic Consultation.....	7
2.2 Actions That Will Have No Effect on Bats and/or Indiana Bat Critical Habitat.....	8
2.3 Actions That May Affect Bats	9
<i>Actions NLAA.....</i>	<i>9</i>
<i>Actions NLAA and LAA with AMMs.....</i>	<i>10</i>
3. Standard Operating Procedure for Site-Specific Project(s) Submission	15
Process for Transportation Agencies	15
<i>Step 1 – Begin Notification/Submittal Process</i>	<i>15</i>
<i>Step 2 – Determine Adherence to Scope and Submit Form (if using the Assisted Determination Key, skip this step and continue to Step 3)</i>	<i>19</i>
<i>Step 3 – Mitigation Implementation Process.....</i>	<i>19</i>
4. Appendices.....	19
Appendix A – Glossary	20
Appendix B – Project Submittal Form.....	20
Appendix C – Avoidance and Minimization Measures	20
Appendix D – Bridge, Culvert, and Structure Bat Assessment Guidance and Form	20
Appendix E – Post Assessment Discovery of Bats at Bridge/Culvert or Structure Form	20

This version of the User’s Guide reflects changes in response to the 2024 Programmatic Biological Opinion. The most current versions of supporting documents to the range-wide programmatic biological opinion, including the appendices listed above, are posted on the U.S. Fish and Wildlife Service’s website: <https://www.fws.gov/node/266042>.

1. Introduction

This document provides guidance for the implementation of the range-wide programmatic biological opinion for the Indiana bat, northern long-eared bat (NLEB), and tricolored bat (TCB). This document is based on the U.S. Fish and Wildlife Service (Service) Programmatic Biological Opinion (PBO), dated December 13, 2024. The Service, Federal Highway Administration (FHWA), Federal Railroad Administration (FRA), and Federal Transit Administration (FTA) jointly developed this User's Guide to be instructional for both transportation agencies and Service Field Offices. It is highly recommended that the Service's Assisted Determination Key in the Information for Planning and Consultation (IPaC) System be used to implement the PBO and to submit site-specific projects to the Service. We also encourage feedback¹ on the IPaC tool as well as this User's Guide to facilitate updates and improvements, as necessary.

Any questions regarding the Range-wide Programmatic Biological Opinion and/or User's Guide should be addressed at the local FHWA/FRA/FTA/State Department of Transportation/Service field office level. If resolution cannot be achieved, contact:

U.S Fish & Wildlife Service

Sumalee Hoskin
804-905-9122

Sumalee.Hoskin@fws.gov

Federal Highway Administration

Catherine Liller
303-501-4420

catherine.liller@dot.gov

Federal Railroad Administration

Corrie Veenstra
564-219-1887

corrie.veenstra@dot.gov

Federal Transit Administration

Mark Assam
206-220-4465

mark.assam@dot.gov

This User's Guide provides:

- **Programmatic Scope and Effects Analysis Summary:** Actions appropriate for use of the range-wide programmatic consultation and Assisted Determination Key effects analysis decision points;
- **Standard Operating Procedure (SOP) for Project(s) Submission:** Guidance for project submission under the range-wide programmatic biological opinion for FHWA, FRA, FTA, their respective designated non-federal representatives, FHWA/FRA Program Assignment States under 23 USC §327 - Surface Transportation Project Delivery Program, and Categorical Exclusion Assignment States under 23 USC §326 - Categorical Exclusions (henceforth "transportation agencies") and SOPs for the Service's review and tracking of the range-wide programmatic consultation;
- **Glossary:** A list of terms and their definition for the purpose of this programmatic consultation (Appendix A);
- **Project Submittal Form:** A fillable form for transportation agencies to use for submitting project-level information to the appropriate Service Field Office (Appendix B) – in lieu of the IPaC Assisted Determination Key;

¹ Provide feedback on the User Guide and Appendices to the appropriate agency contact listed in the box above.

- **Avoidance and Minimization Measures:** Summary of Avoidance and Minimization Measures (AMMs) to be implemented, as applicable, to reduce the potential effects of projects so as to be within the scope of the range-wide programmatic consultation (Appendix C);
- **Bridge/Culvert and Structure Bat Assessment Guidance and Form:** Guidelines to determine if any bat species are likely using bridges/culverts or structures, and a form for documenting and submitting a site-specific bridge/culvert and structure bat assessment (Appendix D); and
- **Post Assessment Discovery of Bats at Bridge/Culvert or Structure Form:** A form used to document the type and amount of incidental take of bats that may occur from bridge/culvert and structure activities (Appendix E).

The Service encourages all parties who plan to use the range-wide programmatic consultation to review the biological assessment (BA)/PBO if there are questions regarding interpretation. The BA/PBO contains detailed information on the proposed action, an analysis of the potential effects to the species and their resources, and support of effect determinations. The BA/PBO and implementation documents relevant for compliance with the range-wide programmatic consultation are available at the Service’s website at <https://www.fws.gov/node/266042>.

The BA/PBO covers the full range of all three covered bat species within the United States, which includes all or part of the following States (plus the District of Columbia): Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and Wyoming.

2. Programmatic Scope and Effects Analysis Summary

The range-wide programmatic consultation may be used for projects that may affect Indiana bats, NLEBs, or TCBs. Projects impacting designated Indiana bat ***critical habitat***² are not included in this programmatic consultation. The Service determined that it is not prudent to designate critical habitat for the NLEB and no critical habitat has been designated for the TCB.

The Service has determined that the ***action area***³ for the range-wide programmatic consultation, hereby referred to as the “***action area***” is all lands within the range of the Indiana bat, NLEB, and TCB affected

² Specific areas within the geographical area occupied by the species at the time of listing that contain physical or biological features essential to conservation of the species and that may require special management considerations or protection; and Specific areas outside the geographical area occupied by the species if the agency determines that the area itself is essential for conservation. Indiana bat Critical Habitat: <https://www.fws.gov/media/critical-habitat-fact-sheet>.

³ The “action area” is defined as “all areas to be affected directly or indirectly by the Federal action and not merely the immediate area involved in the action.” Further clarification is provided by the national consultation FAQs at: <https://www.fws.gov/glossary/action-area>.

directly or indirectly by the project's components described in the Description of the Proposed Action of the PBO.⁴ For the sake of this consultation, the **action area** for individual projects analyzed by the range-wide programmatic consultation will be referred to as "project action area".

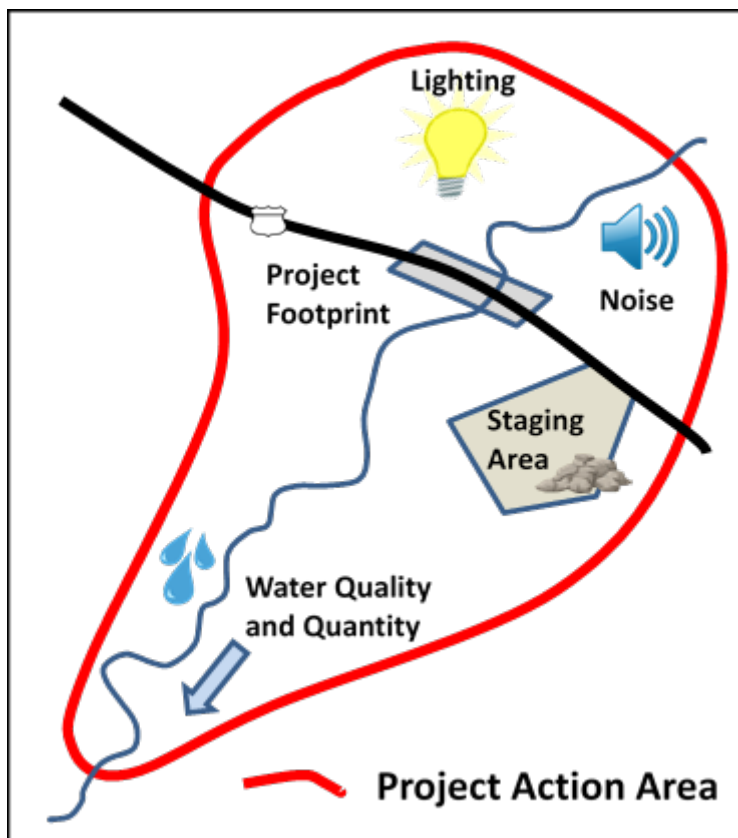


Figure 1. Project Action Area

Section 2 provides examples of: 1) **actions**⁵ that are outside the scope of the programmatic consultation and may require additional or separate coordination with the appropriate Service Field Office; 2) **actions** that have no effect on the covered bat species, in which consultation with the Service is not required; and 3) actions that may affect the covered bat species. The IPaC Assisted Determination Key is a web-based tool that assists in determining potential project effects on the covered bat species, and the applicable AMMs to be implemented to reduce potential impacts.

Note: In certain cases, the transportation agency or the Service Field Office may request additional up-front coordination to determine whether a project adheres to the scope of the range-wide

⁴ As defined in the ESA Section 7 regulations (50 CFR 402.02), "action" means "all activities or programs of any kind authorized, funded, or carried out, in whole or in part, by federal agencies in the United States or upon the high seas."

⁵ As defined in the Endangered Species Act Section 7 regulations (50 CFR 402.02), "action" means "all activities or programs of any kind authorized, funded, or carried out, in whole or in part, by Federal agencies in the United States or upon the high seas."

programmatic consultation. This coordination could be initiated in one of two ways: 1) the transportation agency is uncertain whether a project is covered and contacts the appropriate Service Field Office, or 2) the transportation agency submits the project under the programmatic consultation, but the Service Field Office requests more information following the receipt of the Project Submittal Form or effects determination letter from the IPaC System. The Service’s request for additional information must be made within the 14-calendar day evaluation period for informal consultation or the 30-calendar day review period for formal consultation under the range-wide PBO. The official evaluation period starts following the receipt of a complete Project Submittal Form or effects determination letter from the IPaC System. Transportation agencies are encouraged to coordinate with Field Offices in advance of their project submittal to minimize potential process delays.

There are also two outcomes for projects requiring additional coordination: 1) upon the acquisition of additional information (e.g., summer roosting, hibernacula, bridge/culvert and structure roosting activity, etc.) or the implementation of site-specific AMMs⁶, the project is determined to be within the scope of the range-wide programmatic consultation and the transportation agency and Service proceed using the range-wide PBO, or 2) the project is determined to be outside the scope of the range-wide programmatic consultation, in which case separate consultation with the appropriate Service Field Office is necessary.

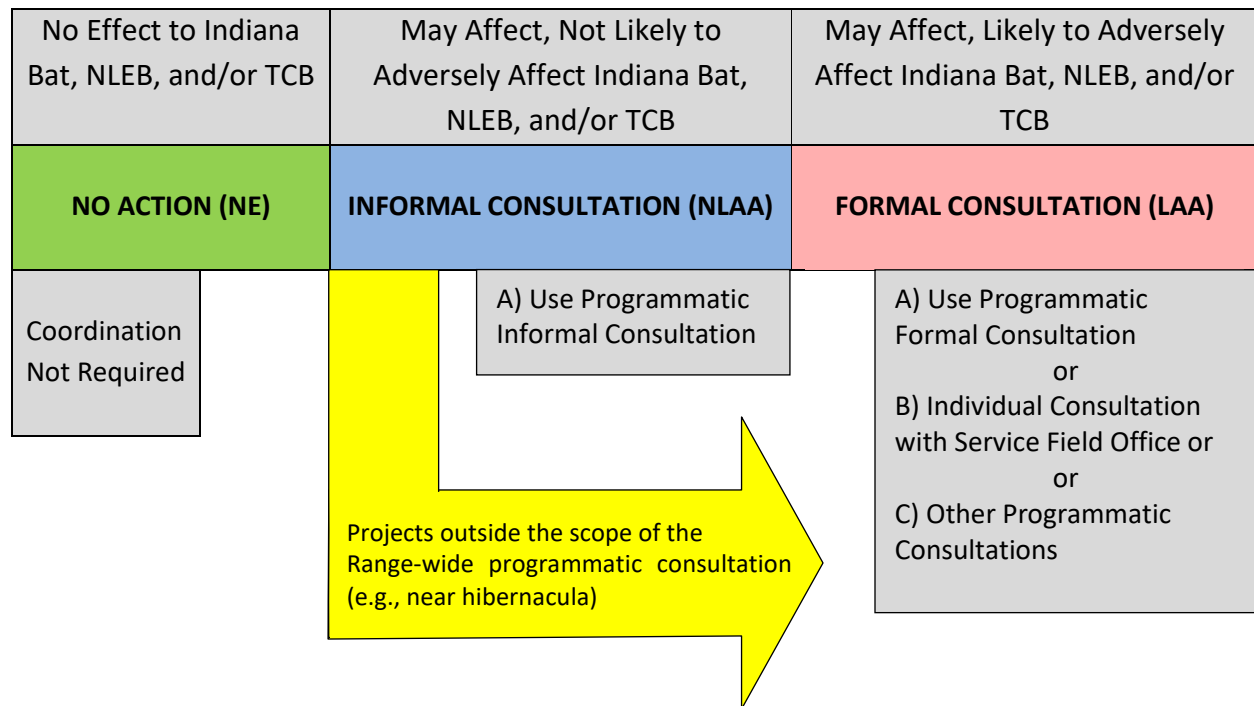


Figure 2. Consultation processes for Indiana bat, NLEB, and/or TCB

⁶ If additional information is required or if site-specific AMMs are implemented to employ the programmatic consultation, the relevant transportation agency and Service Field Office are responsible for documenting those actions on the Project Submittal Form or through the IPaC Assisted Determination Key.

2.1 Actions outside the Scope of the Range-wide Programmatic Consultation

The Description of the Proposed Action includes a general description of all types of transportation agency-involved activities. However, the transportation agencies and the Service have made a preliminary determination that some proposed activities do not meet the criteria for inclusion in the range-wide programmatic consultation. These projects may or may not result in adverse effects to Indiana bats, NLEBs, or TCBs. Additional coordination with the appropriate Service Field Office is necessary to make a final effect determination on these projects. ***Separate individual consultation with the appropriate Service Field Office may be required.***

The following categories of activities are **NOT** covered by the range-wide programmatic consultation:

- Activities <0.5 miles (0.8 km) from an Indiana bat, NLEB, or TCB hibernaculum that cause stressors to the covered bat species, as described in the BA/PBO (i.e., involve slash pile burning, ground disturbance, vibrations, noise above existing background levels, temporary or new/additional permanent lighting, tree removal/trimming, or bridge, culvert, or structure activities).
- Activities that alter the entrance or environment of a known Indiana bat, NLEB, or TCB hibernaculum.
- Projects that include raising the road profile above the tree canopy in documented⁷ habitat for the Indiana bat, NLEB, or TCB.
- Percussive activities within suitable habitat (not related to tree removal or bridge, culvert, or structure work) that involve noise/vibration above existing background levels when conducted beyond 100 ft (30.5 m) of the road/rail surface during the pup season.
- Percussive activities within suitable habitat (not related to tree removal or bridge, culvert, or structure work) that involve noise/vibration above existing background levels when conducted beyond 100 ft (30.5 m) of the road/rail surface in Zone 1 of the NLEB or TCB Year-round (YR) active ranges between December 15 and February 15.
- Activities that involve tree removal/trimming of more than 20 acres of Indiana bat, NLEB, or TCB suitable habitat per 5-mile section of road/rail.⁸
- Activities that involve tree removal/trimming within documented habitat for the Indiana bat, NLEB, or TCB during the pup season.
- Activities that involve tree removal/trimming of suitable habitat for the NLEB or TCB in Zone 1 of their YR active ranges between December 15 and February 15.
- Activities that involve tree removal/trimming outside documented habitat for the Indiana bat, NLEB, or TCB beyond 100 ft of the road/rail surface during the pup season.
- Activities that involve the removal/trimming of trees >9 in. diameter at breast height (DBH) (22.9 cm) outside documented habitat for the Indiana bat, NLEB, or TCB within 100 ft of the road/rail surface during the pup season.

⁷ See glossary in Appendix A for definition of documented habitat.

⁸ Unless a local Service Field Office confirms, on a case-by-case basis, that the effects of the action do not exceed the impacts as anticipated in this PBO.

- Activities involving the exclusion (temporary or permanent) of Indiana bats, NLEBs, or TCBs from a bridge, culvert, or structure.⁹
- The removal, replacement, and/or alteration¹⁰ of a bridge, culvert, or structure during the winter hibernation period (inactive season) when a colony of hibernating Indiana bats, NLEBs, or TCBs are observed using the bridge, culvert, or structure.
- The removal, replacement, and/or alteration of a bridge or culvert between December 15 – February 15 (in Zone 1 of the NLEB or TCB YR active ranges) when use of the bridge or culvert by the NLEB or TCB is assumed, or signs of use by these species has been observed.
- The removal, replacement, and/or alteration of a bridge, culvert, or structure in the active season that will disturb a large number of covered bat species (>5) using the bridge, culvert, or structure.
- The removal, replacement, and/or alteration of a bridge, culvert, or structure that has documented use by a large number of covered bat species (>5), in which suitable roosting habitat is no longer available within the bridge, culvert, or structure once construction/replacement is complete.¹¹

Note: The maximum acreage anticipated for any given project addressed in this programmatic range-wide consultation is approximately 20 acres of suitable habitat (generally per 5-mile section of road/rail), unless a local Service Field Office confirms, on a case-by-case basis, that the effects do not exceed the impacts as anticipated in this PBO.

2.2 Actions That Will Have No Effect on Bats and/or Indiana Bat Critical Habitat

Some projects for reasons of location or activity type will have “no effect” on the covered bat species.

The following categories of activities result in “no effect” to the Indiana bat, NLEB, or TCB:

- Activities outside the species’ range;
- Activities inside the species range (outside 0.5 miles [0.8 km] of hibernacula), but no suitable habitat within the project action area;
- Activities (anywhere, including within 0.5 miles [0.8 km] of hibernacula) that do not cause any stressors to the covered bat species, such as those that do not involve ground disturbance,

⁹ Coordinate with your local Service Field Office and follow Acceptable Management Practices for Bat Control Activities in Structures guidance document at White-nose Syndrome Conservation and Recovery Working Group (2015) available at: https://s3.us-west-2.amazonaws.com/prod-is-cms-assets/wns/prod/9b1e25d0-7893-11e8-a1ee-971f7a38735d-wns_nwco_amp_1_april_2015_0.pdf

¹⁰ The alteration of a bridge, culvert, or structure also includes rehabilitation, which is defined in 23 CFR 650.405 as the project requirements necessary to perform the major work required to restore the structural integrity of a bridge as well as the work necessary to correct major safety defects (except as noted in 23 CFR 650.405(c) under ineligible work.)

¹¹ For instances where a bridge, culvert, or structure has documented use by a large number of covered bat species (>5), coordination with the local Service Field Office is recommended to determine if suitable roosting habitat is still available.

vibrations, noise above existing background levels [including general traffic], temporary or new/additional permanent lighting, tree removal/trimming, and bridge, culvert, and structure);

- Percussive activities in suitable habitat (not related to tree removal and/or bridge, culvert, structure work) that involve noise/vibration above existing background levels when conducted greater than 0.5 miles (0.8 km) of a hibernaculum during the inactive season; and
 - Removal, replacement, or alteration of bridges, culverts, or structures that do not meet the minimum culvert dimensions in the Service’s current survey guidance.
The culvert dimensions are:
 - Shorter than 23 ft (39.6 m) in length, or
 - Longer than or equal to 23 ft (39.6 m) in length **and** the interior dimensions of the culvert are less than 4 ft (1.2 m) in diameter/height in areas within the Indiana bat range; or
 - Longer than or equal to 23 ft (39.6 m) in length **and** the interior dimensions of the culvert are less than 4.5 ft (1.4 m) in diameter/height in areas within the NLEB range; or
 - Longer than or equal to 23 ft (39.6 m) in length **and** the interior dimensions of the culvert are less than 3 ft (0.9 m) in diameter/height in areas within the TCB range.

For activities identified above that result in “no effect” to the Indiana bat, NLEB, and/or TCB the transportation agency retains the “no effect” technical assistance letter from the IPaC Assisted Determination Key for their files, or documents “no effect” on the Project Submittal Form (Appendix B) for their files. No coordination with the Service is required.

2.3 Actions That May Affect Bats

For projects within the range of either the Indiana bat, NLEB, or TCB in which suitable habitat is present, and no bat surveys have been conducted, the transportation agency will assume presence of the appropriate species. This assumption of presence should be based upon the presence of suitable habitat and the capability of bats to occupy it because of their mobility.

Actions NLAA

Projects occurring near suitable habitat (e.g., non-forested area between patches of suitable habitat that Indiana bats, NLEBs, or TCBs would typically cross) or within suitable habitat may affect the Indiana bat, NLEB, or TCB. Some of these projects may have a discountable or insignificant effect on the covered bat species and thus are considered NLAA actions.

Such activities that are **NLAA** include:

- Project(s) are inside the species range and within suitable bat habitat but have **negative** bat presence/absence (P/A) surveys; must also be greater than 0.5 miles from any hibernaculum.
- Project(s) that include percussive activities within suitable habitat (not related to tree removal and/or bridge, culvert, structure work) that cause noise/vibration

above existing background levels; and are conducted greater than 0.5 miles (0.8 km) of a hibernaculum, no further than 100 ft (30.5 m) of the road/rail surface during the pup season, and not carried out between December 15 and February 15 in Zone 1 of the NLEB and TCB YR active ranges.

- Project(s) includes the removal, replacement, or alteration of bridges, culverts, or structures with no signs of bat use [e.g., bats, guano], and does not impact suitable habitat within the project action area.

For activities identified above that result in “may effect, NLAA” to the Indiana bat, NLEB, or TCB the transportation agency will submit the NLAA Concurrence Verification Letter via the IPaC Assisted Determination Key, or complete and email the Project Submittal Form (Appendix B) to the lead Service Field Office, which will observe a 14-calendar day evaluation period from receipt of submittal form.

Actions NLAA and LAA with AMMs

As identified above, transportation projects occurring near or within suitable habitat “may affect” the Indiana bat, NLEB, or TCB. In many such circumstances, the implementations of AMMs (Appendix C) are required for the project to reach NLAA for the covered bat species. For example, the temporary or new/additional permanent lighting activities that implement the lighting AMMs are NLAA the Indiana bat, NLEB, and TCB.

Yet, even with the implementation of AMMs, some transportation projects may still result in adverse effects to the Indiana bat, NLEB and TCB. If adverse effects to the covered bat species cannot be avoided, formal consultation with the Service is required.

The tables below summarize the effects of tree clearing/trimming, bridge/culvert activities, and structure activities on the Indiana bat, NLEB, and TCB, including those that are NLAA the covered bat species and those that are LAA the covered bat species.

Table 1. Tree Removal/Trimming Activities >0.5 miles (0.8 km) of hibernacula in the Hibernating Range of the Indiana bat, NLEB, and TCB.

Distance to existing road/rail surface	Bat Information	Timing of Action/Project	Conclusion	Compensatory Mitigation Required by species
≤0.5 miles (0.8 km) of hibernacula	Suitable Habitat	Anytime	Outside Scope	N/A
Any Distance	Negative P/A surveys	Anytime ¹²	NLAA	N/A
≤100 ft (30.5 m)	Outside documented habitat for the Indiana bat or NLEB or TCB	Inactive Season	NLAA	N/A
≤100 ft (30.5 m)	Outside documented habitat for the Indiana bat or NLEB or TCB and all cleared/trimmed trees must be <9 in DBH	Pup Season	LAA	Indiana bat & NLEB
≤100 ft (30.5 m)	Outside documented habitat for the Indiana bat or NLEB or TCB and cleared/trimmed trees are >9 in DBH	Pup Season	Outside scope	N/A
Any Distance	Outside documented habitat for the Indiana bat or NLEB or TCB	Active Season (excluding Pup Season)	LAA	Indiana bat & NLEB
>100 ft (30.5 m)	Outside documented habitat for the Indiana bat or NLEB or TCB	Inactive Season	LAA	Indiana bat
>100 ft (30.5 m)	Outside documented habitat for the Indiana bat or NLEB or TCB	Pup Season	Outside Scope	N/A
Any Distance	Documented habitat for the Indiana bat or NLEB or TCB	Inactive Season	LAA	Indiana bat & NLEB
Any Distance	Documented habitat for the Indiana bat or NLEB or TCB	Pup Season	Outside Scope	N/A
Any Distance	Documented habitat for the Indiana bat or NLEB or TCB	Active Season (excluding Pup Season)	LAA	Indiana bat & NLEB

¹² P/A surveys conducted within the fall swarming/spring emergence home range of a documented Indiana bat, NLEB, or TCB hibernacula (contact the local Service Field Office for appropriate distance from hibernacula) that result in a negative finding requires additional consultation with the local Service Field Office to determine if clearing of forested habitat is appropriate and/or if seasonal clearing restrictions are needed to avoid and minimize potential adverse effects on fall swarming and spring emerging Indiana bats, NLEB, or TCBs.

Table 2. Tree Removal/Trimming Activities >0.5 miles (0.8 km) of Hibernacula in the YR Active Ranges of the NLEB and TCB.

Distance to existing road/rail surface	Bat Information	Timing of Action/Project	Conclusion	Compensatory Mitigation Required by species
≤0.5 miles (0.8 km) of hibernacula*	Suitable Habitat	Anytime	Outside Scope	N/A
Any Distance	Negative P/A surveys	Anytime	NLAA	N/A
≤100 ft (30.5 m)	Outside documented habitat for the NLEB or TCB and all cleared/trimmed trees must be <9 in DBH	Pup Season	LAA	Indiana bat & NLEB
≤100 ft (30.5 m)	Outside documented habitat for the NLEB or TCB and cleared/trimmed trees are >9 in DBH	Pup Season	Outside scope	N/A
Any Distance	Outside documented habitat for the NLEB or TCB	Dec 15 – Feb 15**	Outside Scope	N/A
Any Distance	Outside documented habitat for the Indiana bat, NLEB, or TCB	Anytime <i>excluding Pup Season and Dec 15 – Feb 15**</i>	LAA	Indiana bat & NLEB
>100 ft (30.5 m)	Outside documented habitat for the NLEB or TCB	Pup Season	Outside scope	N/A
Any Distance	Documented habitat for the NLEB or TCB	Pup Season	Outside Scope	N/A
Any Distance	Documented habitat for the NLEB or TCB	Dec 15 – Feb 15**	Outside Scope	N/A
Any Distance	Documented habitat for the NLEB or TCB	Anytime <i>excluding Pup Season and Dec 15 – Feb 15**</i>	LAA	Indiana bat & NLEB

* In the NLEB and TCB YR active ranges, this distance applies to hibernating in “traditional hibernacula” such as caves and mines, and not bats exhibiting short bouts of torpor in trees, culverts, etc.

** For the YR active ranges of the NLEB and TCB, winter tree clearing restrictions from Dec. 15 – Feb. 15 do not apply in areas where the mean minimum temperature is above 40° F throughout the winter months (depicted as Zone 2 in Figure 9).

Table 3. Bridge, Culvert, Structure Projects >0.5 miles (0.8 km) of Indiana bat, NLEB, or TCB Hibernacula.

Bat Use Information	Timing of Action/Project	Suitable for roosting after the project is complete?	Conclusion
Bats present during inactive season (bridge, culvert, or structure is serving as hibernacula)	<i>Inactive Season</i> – bats likely to be disturbed/killed	NA	Outside Scope
Bats in winter torpor in Zone 1 of the NLEB and TCB YR active ranges	<i>Dec 15-Feb 15</i> – bats likely to be disturbed/killed	NA	Outside Scope
Known bat use in the active season or assumed bat use (large number of bats - >5 bats)	<i>Inactive Season</i> – (so long as no hibernating bats)	Yes	NLAA
Known bat use in the active season or assumed bat use (large number of bats - >5 bats)	<i>Inactive Season</i> – (so long as no hibernating bats)	No	Outside Scope
Known bat use in the active season or assumed bat use (large number of bats - >5 bats)	<i>Active Season</i> – bats unlikely to be disturbed/killed	Yes	NLAA
Known bat use in the active season or assumed bat use (large number of bats - >5 bats)	<i>Active Season</i> – bats unlikely to be disturbed/killed	No	Outside Scope
Known bat use in the active season or assumed bat use (large number of bats - >5 bats)	<i>Active Season</i> – bats likely to be disturbed/killed	NA	Outside Scope
Known bat use in the active season (small number of bats - ≤ 5 bats)	<i>Inactive Season</i> – (so long as no hibernating bats)	NA	NLAA
Known bat use in the active season (small number of bats - ≤ 5 bats)	<i>Active Season</i> – bats unlikely to be disturbed/killed	NA	NLAA
Known bat use in the active season (small number of bats - ≤ 5 bats)	<i>Active Season</i> – bats likely to be disturbed/killed	NA	LAA

For activities identified above that result in “may effect, NLAA” to the Indiana bat, NLEB, or TCB with the implementation of all applicable AMMs, the transportation agency will submit the NLAA Concurrence Verification Letter via the IPaC Assisted Determination Key, or complete and email the Project Submittal Form (Appendix B) to the lead Service Field Office, which will observe a 14- calendar day evaluation period from receipt of submittal form.

For activities identified above that result in “may effect, LAA” to the Indiana bat, NLEB, or TCB with the implementation of all applicable AMMs, the transportation agency will email the LAA Technical Assistance Letter from the IPaC Assisted Determination Key, or complete and email the Project Submittal Form (Appendix B) to the lead Service Field Office. The lead Service Field Office will respond with a LAA Verification Letter within 30-calendar days from receipt of LAA Technical Assistance Letter or submittal form.

3. Standard Operating Procedure for Site-Specific Project(s) Submission

Please use the following procedure to submit site specific transportation project(s) for inclusion in the range-wide programmatic consultation and to record project-specific information.

Process for Transportation Agencies

Step 1 – Begin Notification/Submittal Process

To begin this step, the applying transportation agency will go to the Information for Planning and Conservation (IPaC) website at <https://ipac.ecosphere.fws.gov/>. Login to your IPaC account (first time users need to create an account and activate as directed) and follow these steps:

- Under My Projects, select “Create New Project”.
- Enter project location, define the area, confirm and select “Continue”.
- A resources page will be displayed that provides trust resource information in the project action area.
- Select “Define Project”.
- Give project name, description and “Save”.
 - Include agency name, project #, project name, and a brief description of the project (location, size, scope, and timing).
- The project home page will be displayed; select “Start Review”, and then “Continue”.
- Request an official species list or skip this step (not required for using the Assisted Determination Key, but may be required by local Service field office as part of their project review process).
- If not using the Assisted Determination Key, request an official species list, enter contact information, submit, and **skip to Step 2 below**.
- If using the Assisted Determination Key (recommended), select “Next Step: Determination Keys”.
- Select “Evaluate” under the FHWA, FRA, FTA Programmatic Consultation for Transportation Projects affecting the Indiana bat, NLEB, and TCB and **continue through Step 1**.
- A description will be displayed for the Assisted Determination Key that is applicable to the Service’s 2024 programmatic biological opinion for transportation projects.
- Select “Check if my project qualifies”.
- Answer the questions in the Qualification Interview.
- A preliminary effects determination is displayed, select “Save and Continue”.
- Complete the Project Survey Questionnaire and select “Continue”.
- The Assisted Determination Key Result is displayed.
 - If the effects determination is “**no effect**”:
 - Select “Save and Continue”,
 - Request to generate a “Technical Assistance Letter”,
 - Complete questions about the project, your agency or organization, and contacts as

shown below,

- Select “Generate Technical Assistance Letter”,
- Select “View Technical Assistance Letter” and save for your files.

Note: The **lead agency** is either FHWA, FRA, or FTA¹³; The State DOTs are “**designated non-federal representatives**”; and the roles of the agencies are as follows: FHWA, FRA, or FTA is the “lead project proponent” and State DOTs are “supporting project proponents”. **Consultants** should enter the information below as if they are acting on behalf of a State or County.

Example: If a Federal Agency is using the Assisted Determination Key

Tell us about the project and your organization or agency

Is this project being conducted, permitted, funded, or licensed by a Federal agency?

Yes

[CHANGE ANSWER](#)

Does your project fall under (or receive funding through) any of the following special project authorities? (select all that apply)

- FAST-41
- BIPARTISAN INFRASTRUCTURE LAW (BIL) (OTHER)
- INFLATION REDUCTION ACT (IRA) (OTHER)
- BLM OIL AND GAS PROGRAM (SECTION 365)
- BLM RENEWABLE ENERGY PROGRAM (SECTION 3102)
- FOREST SERVICE WILDFIRE (BIL 40803/40804)
- DOI WILDFIRE (BIL 40803)
- FEDERAL PERMITTING IMPROVEMENT STEERING COUNCIL (FPISC) TRANSPARENCY PROJECT
- IRA (SECTION 50303)
- NONE

¹³ For NEPA Assignment states, the lead agency is the State DOT, and the role of the State DOT is “lead project proponent”.

What kind of organization are you working for directly?

Federal Agency

Who is the Lead Federal Agency for this project?
This would be the agency responsible for conducting, permitting, licensing, or funding this action

We are the lead agency

What is your role in this project?

Lead Project Proponent

What agency do you work for?

Federal Highway Administration

Federal Highway Administration

Example: If a State DOT/County or Consultant is using the Assisted Determination Key

Tell us about the project and your organization or agency

Is this project being conducted, permitted, funded, or licensed by a Federal agency?

Yes

CHANGE ANSWER

Does your project fall under (or receive funding through) any of the following special project authorities? (select all that apply)

- FAST-41
- BIPARTISAN INFRASTRUCTURE LAW (BIL) (OTHER)
- INFLATION REDUCTION ACT (IRA) (OTHER)
- BLM OIL AND GAS PROGRAM (SECTION 365)
- BLM RENEWABLE ENERGY PROGRAM (SECTION 3102)
- FOREST SERVICE WILDFIRE (BIL 40803/40804)
- DOI WILDFIRE (BIL 40803)
- FEDERAL PERMITTING IMPROVEMENT STEERING COUNCIL (FPISC) TRANSPARENCY PROJECT
- IRA (SECTION 50303)
- NONE

What kind of organization are you working for directly?

State Agency

Who is the Lead Federal Agency for this project?
This would be the agency responsible for conducting, permitting, licensing, or funding this action

There is another agency that is the lead agency

Are you a designated non-federal representative?

Yes

CHANGE ANSWER

What is your role in this project?

Supporting Project Proponent

What agency do you work for?

Kentucky Transportation Cabinet

Tell us about the lead agency for the project

What kind of organization is the lead agency for this project?

Federal Agency

Who is the lead agency?

Federal Railroad Administration

Federal Railroad Administration

- If the effects determination is **“NLAA” or “LAA”**, continue as described below.
 - If you are a federal action agency or designated non-federal representative:
 - Select submit to the Service for “Concurrence Verification” (if NLAA), or “Generate Technical Assistance Letter” (if LAA),
 - Complete questions about the project, your agency or organization, and contacts as described above,
 - Select “Conclude NLAA and Submit” or “Generate Technical Assistance Letter” (if LAA),
 - Select “View Concurrence Verification Letter” and save for your files (if NLAA); or select “View Technical Assistance Letter” and save for your files (if LAA) and follow instructions in letter for submitting to the Service **via email** (if LAA),
 - The local Service field office will receive notice of your project and will contact you within 14 days for NLAA determinations, if necessary; or for LAA determinations, the local Service field office will respond with a LAA Verification Letter within 30 days of receipt of LAA Technical Assistance Letter.

- If you are a consultant/contractor:
 - Select “Generate Technical Assistance Letter”,
 - Complete questions about the project, your agency or organization, and contacts as described above,
 - Select “View Technical Assistance Letter” and save for your files,
 - Provide Technical Assistance Letter to the federal action agency or designated non-federal representative for submittal to the Service.

Note: *The lead agency is either FHWA, FRA, or FTA; The State DOTs are “designated non-federal representatives”; and the roles of the agencies are as follows: FHWA, FRA, or FTA is the “lead project proponent” and State DOTs are “supporting project proponents”. Consultants should enter the information below as if they are acting on behalf of a State or County.*

Step 2 – Determine Adherence to Scope and Submit Form (if using the Assisted Determination Key, skip this step and continue to Step 3)

The transportation agency will determine whether the proposed project adheres to the scope and criteria of the range-wide BA (use of the IPaC Assisted Determination Key may be used to help make this determination). If it is determined that the project is within the scope of the range-wide BA, the transportation agency shall submit a Project Submittal Form-Appendix B (or a comparable Service approved form), which includes the identification of AMMs and if applicable, compensatory mitigation measures required to offset adverse effects on the Indiana bat and/or NLEB, to the email addresses of the appropriate Service Field Offices. If the determination is NE, then do not submit the Project Submittal Form to the Service Field Office, but rather retain a copy for your files.

Step 3 – Mitigation Implementation Process

If the effects determination is may affect, likely to adversely affect, and compensatory mitigation is required to offset adverse effects on the Indiana bat and/or NLEB, the transportation agency must notify the local Service Field Office of the mechanism it has selected to implement compensatory mitigation. Mechanisms included the range-wide in lieu fee program, a Service-approved state or regional specific in lieu fee program, a conservation bank, or local conservation site (see Section 2.11 of the BA). If using the range-wide in lieu fee program sponsored by The Conservation Fund, the transportation agency shall send notification to the Mitigation Solutions Program Coordinator, Greg Good via lbatILFCoordinator@conservationfund.org, as well as to the local Service Field Office in order to begin the mitigation process.

4. Appendices

To access the PBO appendices, please visit the Service’s website: <https://www.fws.gov/media/users-guide-range-wide-programmatic-consultation-indiana-bat-and-northern-long-eared-bat>

Appendix A – Glossary

A list of terms and their definition for the purpose of this programmatic consultation.

Appendix B – Project Submittal Form

In order to use the range-wide programmatic consultation, project-level information shall be provided to the appropriate Service Field Office for all “may affect” determinations. Use of the Service’s IPaC Assisted Determination Key is strongly recommended to submit project-level information to the Service. However, the Project Submittal Form in Appendix B can be used to submit project-level information to the Service.

Appendix C – Avoidance and Minimization Measures

The most current summary of AMMs necessary to reduce the potential effects of projects so as to be within the scope of the range-wide programmatic consultation.

Appendix D – Bridge, Culvert, and Structure Bat Assessment Guidance and Form

The guidelines in this document describe favorable characteristics of bridges, culverts, and structures that may provide habitat for many bat species, and preliminary indicators intended to determine if any bat species are likely using bridges/culverts and/or structures. An assessment form is also included for use in documenting a site-specific bridge/culvert and/or structure assessment. The most current bridge/culvert bat assessment guidance and form are available in the Service’s Range-wide Indiana Bat and Northern Long-eared Bat Survey Guidelines. In addition, a video guide to assessing bat use of transportation structures is available at: <https://www.youtube.com/watch?v=iuFwkT7q8Ws>

Appendix E – Post Assessment Discovery of Bats at Bridge/Culvert or Structure Form

This form is used to report incidental take of bats that may occur from bridge/culvert and/or structure activities. The PBO anticipates that incidental take at up to 30 bridges, 47 culverts, and 13 structures range-wide in a 12-month period may result from activities on existing bridges, culverts, and structures. This amount of incidental take was exempted in the incidental take statement of the PBO for all projects utilizing the PBO, provided that the take is reported to the Service.