

Federal Highway Administration (FHWA), Federal Railroad Administration (FRA), and Federal Transit Administration (FTA)

Programmatic Biological Opinion/Conference Opinion for Transportation Projects in the Range of the Indiana Bat, Northern Long-Eared Bat, and Tricolored Bat

Appendix B: Project Submittal Form

Updated December 2024

The use of the Assisted Determination Key in the U.S. Fish and Wildlife Service (Service) Information for Planning and Conservation (IPaC) System is strongly recommended for submitting project-level information to the Service for use of the range-wide programmatic consultation covering actions that may affect the Indiana bat, northern long-eared bat (NLEB), or tricolored bat (TCB). However, if not using the assisted determination key, transportation agencies must provide this submittal form (or a comparable Service approved form) with project-level information to the Service. The completed form should be submitted to the appropriate Service Field Office prior to project commencement. For more information, see the Standard Operating Procedure for Site Specific Project(s) Submission in the User's Guide (Section 3).

By submitting this form, the transportation agency ensures that each component of the proposed project(s) adheres to the criteria and conditions of the 2024 range-wide programmatic biological opinion (PBO). Upon submittal of this form, the appropriate Service Field Office may review the project-specific information provided and request additional information. For projects that may affect but are not likely to adversely affect (NLAA) the Indiana bat, NLEB, or TCB, if the applying transportation agency is not contacted by the Service with any questions or concerns within 14 calendar days of form submittal, it may proceed under the range-wide programmatic consultation and assume concurrence of the NLAA determination made by the Service in the PBO. For projects that may affect and are likely to adversely affect (LAA) the Indiana bat, NLEB, or TCB, the appropriate Service Field Office will respond¹ within 30 calendar days of receiving a complete project-level submission, which includes, but may not be limited to this completed form.

1. Date:

2. Lead agency:

*This refers to the **Federal** governmental lead action agency initiating consultation; select **FHWA, FRA, FTA, or FHWA/FRA Program Assignment State or Categorical Exclusion Assignment State** as appropriate.*

¹ Service Field Offices should use the LAA verification letter template for projects that may affect, and are likely to adversely affect the Indiana bat, NLEB, or TCB.

3. Requesting agency:

This refers to the transportation agency completing the form (it may or may not be the same as the Lead Agency).

- Name:
- Title:
- Phone:
- Email:

4. Project code:²

5. Project name(s):

6. Project description:

Please attach additional documentation or explanatory text if necessary.

7. Project location (county, state):

If not delineated in IPaC, attach shape files.

8. For species **other than** Indiana bat, NLEB, and TCB (from IPaC official species list):

- No effect – project(s) are inside the species range, but no suitable habitat (see additional information attached).
- May affect – see additional information provided for those species (see attached or forthcoming).

² Available through IPaC System Official Species List: <https://ipac.ecosphere.fws.gov/>

Please confirm and identify how each component of the proposed project(s) adheres to the criteria of the PBO by completing the following (see User Guide Section 2.0):

NO EFFECT

9. For Indiana bat/NLEB/TCB, if applicable, select your no effect determination:

- No effect – project(s) are outside the species’ range.
- No effect – project(s) are inside the species range with no suitable habitat³ within the project action area⁴; project(s) must also be greater than 0.5 miles from any hibernaculum.
- No effect – project(s) do not cause any stressors⁵ to the covered bat species, such as those that do not involve ground disturbance, vibrations, noise above background levels (including general traffic), temporary or new/additional permanent lighting, tree removal/trimming, nor bridge, culvert, and structure activities.
- No effect – project(s) includes percussive activities in suitable habitat (not related to tree removal and/or bridge, culvert, or structure work) that involve noise/vibration above existing background levels and are conducted greater than 0.5 miles (0.8 km) of a hibernaculum during the inactive season.
- No effect – project(s) includes the removal, replacement, or alteration of bridge, culvert, or structure that does not meet the minimum culvert dimensions (see the Service’s current survey guidance).

Proceed with this form to identify how other components of the proposed project adhere to the criteria of the PBO.

MAY AFFECT, NOT LIKELY TO ADVERSELY EFFECT – W/O AMMS

10. For Indiana bat/NLEB/TCB, if applicable, select your may affect, NLAA determination (without implementation of AMMs):

- NLAA – project(s) are inside the species range and within suitable bat habitat, but have **negative** bat presence/absence (P/A) surveys; must also

³ Refer to the Service’s Range-wide Bat Survey Guidelines at <https://www.fws.gov/library/collections/range-wide-indiana-bat-and-northern-long-eared-bat-survey-guidelines>.

⁴ 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>.

⁵ Examples of activities that **do not cause stressors** may include striping roadways, unlighted road signage, railroad crossing signals, signal lighting, minor road repair such as asphalt fill of potholes, among others.

be greater than 0.5 miles from any hibernaculum.

- NLAA – project(s) 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.
- NLAA – 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.

Proceed with this form to identify how other components of the proposed project adhere to the criteria of the PBO.

MAY EFFECT, NOT LIKELY TO ADVERSELY AFFECT – WITH AMMs

11. For Indiana bat/NLEB/TCB, if applicable, document your may affect, NLAA determination (**with implementation of AMMs**) by completing the following section; use #13 to document AMMs):

a. Tree Removal/Trimming Activities

- NLAA – project(s) includes the removal/trimming of trees outside documented habitat⁶ within 100 ft (30.5m) from the road/rail surface during the inactive season; and all applicable lighting minimization measures will be implemented.

b. Bridge/Culvert/Structure Activities

Projects Proposed work:

Timing of work:

- NLAA – project(s) includes the removal, replacement, or alteration of bridges, culverts, or structures with a large number of bats (>5) observed or assuming bat use when conducted during the inactive season, so long as no hibernating bats are using the bridge, culvert, or structure.

⁶ See glossary in Appendix A for definition of documented habitat.

- NLAA – project(s) includes the removal, replacement, or alteration of bridges, culverts, or structures with a large number of bats (>5) observed or assuming bat use when conducted during the active season, so long as the covered bats species are **not likely to be disturbed/killed** and suitable roosting habitat is still available within the bridge, culvert, or structure.
- NLAA – project(s) includes the removal, replacement, or alteration of bridges, culverts, or structures with a small number of bats (≤ 5) observed when conducted during the inactive season, so long as no hibernating bats are using the bridge, culvert, or structure.
- NLAA – project(s) includes the removal, replacement, or alteration of bridges, culverts, or structures with a small number of bats (≤ 5) observed when conducted during the active season, so long as the covered bats species are **not likely to be disturbed/killed**.

c. Lighting

- Verify that all applicable lighting minimization measures will be implemented.

Proceed with this form to identify how other components of the proposed project adhere to the criteria of the PBO.

MAY AFFECT, LIKELY TO ADVERSELY AFFECT

12. For Indiana bat/NLEB/TCB, if applicable, document your may affect, LAA determination (**with implementation of AMMs**) by completing the following section (use #13 to document AMMs):

a. Tree Removal/Trimming Activities

Tree Removal/Trimming Activities in the Hibernating Range of the Indiana bat, NLEB, and TCB.

- LAA – project(s) includes the removal/trimming of trees **outside documented habitat** for the Indiana bat or NLEB or TCB within 100 ft (30.5m) from the road/rail surface during the pup season; all cleared/trimmed trees must be <9 in DBH.
- LAA – project(s) includes the removal/trimming of trees **outside documented habitat** for the Indiana bat or NLEB or TCB during the active season; excluding the pup season.
- LAA – project(s) includes the removal/trimming of trees **outside documented habitat** for the Indiana bat or NLEB or TCB beyond 100 ft (30.5m) from the road/rail surface during the inactive season.
- LAA – project(s) includes the removal/trimming of trees **within documented habitat** for the Indiana bat or NLEB or TCB during the inactive season.
- LAA – project(s) includes the removal/trimming of trees **within documented habitat** for the Indiana bat or NLEB or TCB during the active season; excluding the pup season.

Tree Removal/Trimming Activities in the YR Active Ranges of the NLEB and TCB.

- LAA – project(s) includes the removal/trimming of trees **outside documented habitat** for the NLEB or TCB within 100 ft (30.5m) from the road/rail surface during the pup season; all cleared/trimmed trees must be <9 in DBH.
- LAA – project(s) includes the removal/trimming of trees **outside documented habitat** for the NLEB or TCB anytime, excluding the pup season and Dec 15 – Feb 15*.
- LAA – project(s) includes the removal/trimming of trees **within documented habitat** for the NLEB or TCB anytime, excluding the pup season and Dec 15 – Feb 15*.

*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 of the PBO):

- Number of acres of trees 0-100 feet of existing road/rail surface proposed for removal/trimming: [Click or tap here to enter text.](#)
- Number of acres of trees 100-300 feet from edge of existing road/rail surface proposed for removal/trimming. [Click or tap here to enter text.](#)
- Number of acres of trees beyond 300 feet from edge of existing road/rail surface proposed for removal/trimming. [Click or tap here to enter text.](#)
- Verify that all tree removal/trimming occurs greater than 0.5 mile from any hibernaculum
- Verify trees removed/trimmed outside documented habitat for the Indiana bat or NLEB or TCB within 100 feet of the road/rail surface during the pup season are <9 in DBH,
- Verify no tree removal/trimming outside documented habitat for the Indiana bat, NLEB, or TCB beyond 100 feet of the road/rail surface during the pup season,
- Verify no tree removal/trimming of documented habitat for the Indiana bat, NLEB, or TCB during the pup season,
- Verify no tree removal/trimming of suitable habitat for the NLEB and/or TCB in Zone 1 of their YR active ranges between December 15 – February 15.

b. Bridge/Culvert/Structure Activities
Projects Proposed work:

Timing of work:

Date of Bridge/Culvert/Structure Assessment (if completed):

- Verify a small number of bats were observed (≤ 5).
- LAA – project(s) includes the removal, replacement, or alteration of bridges, culverts, or structures with a small number of bats (≤ 5) observed when conducted during the active season and the covered bats species are **likely to be disturbed/killed**.

c. Lighting

- Verify that all applicable lighting minimization measures will be implemented.

13. For Indiana bat/NLEB/TCB, if applicable to the action type, the following AMMs⁷ will be implemented:

- General AMM 1 (required for all projects)
- Tree Removal AMM 1 (required for all projects)
- Tree Removal AMM 2 (required for all projects)
- Tree Removal AMM 3 (required for NLAA)
- Tree Removal AMM 4 (required for LAA)
- Tree Removal AMM 5 (required for LAA)
- Tree Removal AMM 6 (required for LAA)
- Tree Removal AMM 7 (required for LAA)
- Bridge/Culvert/Structure AMM 1a (required for NLAA)
- Bridge/Culvert/Structure AMM 1b (required for NLAA)
- Bridge/Culvert/Structure AMM 2 (required for NLAA)
- Bridge/Culvert/Structure AMM 3a (required for NLAA)
- Bridge/Culvert/Structure AMM 3b (required for NLAA)
- Bridge/Culvert/Structure AMM 4 (required for NLAA)
- Bridge/Culvert/Structure AMM 5 (required for all projects)
- Bridge/Culvert/Structure AMM 6 (required for NLAA)
- Lighting AMM 1 (required for all projects during the active season)
- Lighting AMM 2 (required for all projects)

⁷ See AMMs (Appendix C) for more information on AMMs.

- Hibernacula AMM 1 (required for all projects)

14. If applicable, compensatory mitigation measures will also be required to offset adverse effects to the Indiana bat and/or NLEB. Select what type of program will be used to mitigate for the Indiana bat and/or NLEB:

- In-Lieu Fee Program, The Conservation Fund
- State, Regional, Recovery Unit-Specific In-Lieu Fee Program:

Program Name:

- Conservation Bank:

Bank Name:

Location:

- Local Conservation Site:

Site(s) Name:

Location:

Description: