

Appendix B. GCP Eligibility Key

IPaC Project No.:

The following decision tool (hereafter eligibility key) is provided to assist Project Proponents²⁶¹ in determining if their project is eligible to participate through the streamlined Multi-Bat Species General Conservation Plan (GCP) for Routine Development Projects process for the states of New York (NY), Pennsylvania (PA), and West Virginia (WV). This GCP and the associated eligibility key only includes the Covered Species in the Plan Area. The Covered Species are the federally listed Indiana bat (*Myotis sodalis*; Endangered; IBAT) and the northern long-eared bat (*Myotis septentrionalis*; Endangered; NLEB), as well as the tricolored bat (*Perimyotis subflavus*; Proposed Endangered; TCB).

This eligibility key does not supersede the need to coordinate with Federal, state, and local resource agencies that have authority or jurisdiction over a project. This eligibility key is provided to identify eligible proposed projects and identify those that may need further coordination with U.S. Fish and Wildlife Service (Service) local field offices²⁶² in the aforementioned states to determine how best to address a Project Proponent's conservation and environmental compliance needs.

Please contact your local field office if there are questions about the application process or if you are unsure how to address the questions in this eligibility key.

Project Proponents whose selections under this eligibility key result in the conclusion that their project is not eligible to participate through the GCP should contact their local field office for technical assistance and direction on next steps. Some projects may be able to incorporate minor modifications that will allow participation, and others may require additional information or alternative approaches.

Common terminology used in this eligibility key is defined in the glossary at the beginning of the GCP.

Minor administrative changes may occur to this section and will be reflected on our GCP website.²⁶³

²⁶¹ The GCP defines a Project Proponent as a potential Applicant. For the purposes of this plan, a Project Proponent is any person planning to engage in activities within the GCP Plan Area that may result in take of a Covered Species. A Project Proponent is referred to as an Applicant at the time they submit a complete application.

“Person” is further defined in section 3(13) of the Endangered Species Act.

²⁶² See: Appendix A for contact information.

²⁶³ See: <https://www.fws.gov/project/routine-development-gcp>.

GCP Eligibility Key

- 1.0 Does the proposed project occur entirely within NY, PA, and/or WV (i.e., within the Plan Area)?

Y= Go to 1.1.

N= This GCP provides incidental take coverage for projects entirely within the Plan Area consisting of NY, PA, and WV (except for Federal lands). Project is not eligible to participate through the GCP. Please contact the local field office to request additional technical assistance for projects that extend beyond the Plan Area.

- 1.1 Is the proposed project one of the following: a residential/commercial/recreational development project, a transportation project, or a utility project described as an eligible project type in GCP section 3.4? (GCP section 3.4 provides a list of eligible project types and section 3.3 provides a list of ineligible project types)

Y= Go to 1.2.

N= This GCP provides incidental take coverage for specific project types. Other project types are **not** eligible to participate through this GCP. Please contact the local field office to request additional technical assistance.

- 1.2 Are the Covered Species the only federally listed species for which take is reasonably certain to occur as a result of the proposed project?

Y = Go to 1.3a.

N = This GCP only provides incidental take coverage for the Covered Species. Proposed projects that will result in take of other species federally listed as threatened or endangered will require additional authorization under the ESA.²⁶⁴ Please contact the local field office to request additional technical assistance.

- 1.3a Has the proposed project used the NLEB and TCB rangewide determination key (dkey) in IPaC?

Y = Go to 1.3b

N = Input your project into the NLEB and TCB rangewide dkey before returning to this eligibility key.

²⁶⁴ Refer to your Information, Planning and Consultation (IPaC) Official Species List from the Service or Pennsylvania Conservation Explorer (PACE) Tool/Pennsylvania Natural Diversity Inventory (PNDI) receipt to determine what other species may be present within your project area and coordinate with your local field office to ensure that take of those non-covered listed species is not reasonably certain to occur.

1.3b Did you receive a NLAA determination for the NLEB and/or TCB using the NLEB and/or TCB rangewide dkey?

Y = Take is not reasonably certain to occur for the NLEB and/or TCB. Go to 1.4a (resume eligibility key for applicable covered species).

N = Contact your local field office for additional technical assistance. If take of the NLEB and/or TCB is reasonably certain to occur, go to 1.4a and resume eligibility key for applicable covered species.

1.4a Is the proposed project located within 0.5-mile of a hibernaculum known to be used by IBATs, NLEBs and/or TCBs?²⁶⁵

Y = Go to 1.4b.

N = Go to 1.5a.

1.4b Are impacts to known occupied hibernacula or take of Covered Species within 0.5-mile of known occupied hibernacula reasonably certain to occur? (GCP section 4.4.1.2 provides a list of potential stressors)

Y = This GCP does **not** cover impacts to hibernacula, hibernating bats, or to suitable spring staging/fall swarming habitat within 0.5-mile of hibernacula used by the Covered Species. Project is **not** eligible to participate through the GCP. Please contact the local field office to request additional technical assistance.

N = Go to 1.5a.

1.5a Does your project area contain any caves and/or mine portals that are not currently documented as hibernacula for the Covered Species?

Y = Go to 2.

N = Go to 1.5b.

1.5b Is your project within known occupied Covered Species habitat? (spring staging/fall swarming **and/or** summer maternity)

Y = Go to 1.6b.

N = Go to 1.5c.

²⁶⁵ Please contact your local field office to determine if your proposed project is located within 0.5-mile of a known occupied hibernaculum.

1.5c Were summer presence/probable absence (P/A) surveys (using the most recent version of the Range-wide Indiana Bat and Northern Long-eared Bat Survey Guidelines²⁶⁶) conducted within the project area?

Y = Go to 3.0.

N = Go to 1.5d.

1.5d Is your project linear?²⁶⁷

Y = Go to 1.7.

N = Go to 1.6a.

1.6a Does your project require the removal of more than 25 total acres of nonlinear²⁶⁸ (e.g., residential development project, wastewater treatment plant, commercial development project) suitable summer bat habitat that has not been surveyed for bat presence?

Y = This GCP does **not** cover projects that will remove more than 25 total acres of suitable summer habitat if the habitat has not been surveyed using current Service protocols.²⁶⁹ Project is **not** eligible to participate through the GCP. Please contact the local field office to request additional technical assistance.

N = Go to 1.7.

1.6b Does your project require the removal of more than 200 acres of nonlinear occupied Covered Species habitat? (spring staging/fall swarming **and/or** summer maternity)

Y = This GCP does **not** cover projects that will remove more than 200 acres of occupied habitat for the Covered Species for nonlinear projects. Project is **not** eligible to participate through the GCP. Please contact the local field office to request additional technical assistance.

N = Go to 1.7.

²⁶⁶ See: <https://www.fws.gov/media/range-wide-indiana-bat-and-northern-long-eared-bat-survey-guidelines>.

²⁶⁷ The Service defines projects as linear if they are greater than 1 km in length (e.g., pipelines, roadways).

²⁶⁸ Non-linear projects can also include projects that are less than 1 km in length.

²⁶⁹ See: <https://www.fws.gov/media/range-wide-indiana-bat-and-northern-long-eared-bat-survey-guidelines>.

1.7 Will your project **avoid** raising any road/rail profile above the tree canopy within 1,000 feet of suitable habitat within known or assumed occupied habitat?²⁷⁰

Y = Go to 1.8.

N = This GCP does **not** cover projects that raise road or rail profiles above tree canopy height within 1,000 feet of suitable habitat. Project is **not** eligible to participate through the GCP. Please use the Federal Highway Administration (FHWA), Federal Railroad Administration (FRA), and Federal Transit Authority (FTA) Programmatic Consultation for Transportation Projects determination key in IPaC²⁷¹ or contact the local field office to request additional technical assistance.

1.8 Will any known/documented foraging habitats (e.g., based on radio telemetry or acoustic surveys beyond presence/absence) or known/documented commuting/travel corridors (e.g., hedgerows, riparian buffers within summer foraging and roosting habitat) be removed or altered?

Y = Project is **not** eligible to participate through the GCP. Please contact the local field office to request additional technical assistance.

N = Go to 1.9.

1.9 Will your project **avoid** all burning of debris piles (brush piles) for vegetation removal during the active season within known or assumed occupied habitat? [Active season: Apr. 1 to Nov. 14 (PA/WV), Mar. 1 to Nov. 31 (Long Island, NY) and Apr. 1 to Sept. 30 or Apr. 1 to Oct. 31 (rest of NY)]

Y = Go to 4.0.

N = This GCP does **not** cover projects that include burning of debris or brush for vegetation removal within habitat known or assumed to be occupied during the bats' active seasons. Project is **not** eligible to participate through the GCP. Please contact the local field office to request additional technical assistance.

²⁷⁰ See: <http://www.fws.gov/sites/default/files/documents/programmatic-biological-opinion-for-transportation-projects-2018-02-05.pdf>.

²⁷¹ See: <https://ipac.ecosphere.fws.gov/>.

Hibernacula Survey Questions

2.0 Does the hibernaculum meet the criteria designating a hibernaculum as suitable for use by the Covered Species in the Service's Potential Hibernaculum Survey Guidance?²⁷²

Y = Go to 2.1a.

N = Go to 1.5b.

2.1a Were hibernacula or fall trapping²⁷³ surveys completed?

Y = Go to 2.2a.

N = Go to 2.1b.

2.1b Are project activities located within 0.5-mile of any hibernacula that were not surveyed resulting in an assumed occupied hibernaculum?

Y = Go to 2.1c.

N = Go to 1.5b.

2.1c Are impacts to assumed occupied hibernaculum or take of the Covered Species reasonably certain to occur within 0.5-mile of an assumed occupied hibernaculum?

Y = This GCP does **not** cover impacts to hibernacula, hibernating bats, or to suitable spring staging/fall swarming habitat within 0.5-mile of an assumed occupied hibernaculum. Project is **not** eligible to participate through the GCP. Please contact the local field office to request additional technical assistance.

N = Go to 1.5b.

2.2a Were the Covered Species captured/detected?

Y = Go to 2.2b.

N = Go to 1.5b.

²⁷² See: <https://www.fws.gov/media/range-wide-indiana-bat-and-northern-long-eared-bat-survey-guidelines> (appendix H).

²⁷³ See: <https://www.fws.gov/media/range-wide-indiana-bat-and-northern-long-eared-bat-survey-guidelines> (appendix H).

2.2b Are project activities located within 0.5-mile of the caves or portals where Covered Species were captured/detected indicating the presence of an occupied hibernaculum?

Y = Go to 2.2c.

N = Go to 1.5b.

2.2c Are impacts to the occupied hibernaculum or take of the Covered Species reasonably certain to occur?

Y = This GCP does **not** cover impacts to hibernacula or to the Covered Species within 0.5-mile of a hibernaculum. Project is **not** eligible to participate through the GCP. Please contact the local field office to request additional technical assistance.

N = Go to 1.5b.

Presence/Probable Absence Survey Questions

3.0 Were any of the Covered Species detected/captured during surveys?

Y = Go to 1.6b.

N = Take is not reasonably certain to occur; GCP is not applicable.

Occupied/Assumed Occupied Habitat Removal Questions (Active Season)

4.0 Does the project involve any active season tree clearing, trimming, topping, pruning, and/or limbing of occupied or assumed occupied **spring staging/fall swarming habitat**? [Active season: Apr. 1 to Nov. 14 (PA/WV), Mar. 1 to Nov. 31 (Long Island, NY), and Apr. 1 to Sept. 30 or Apr. 1 to Oct 31 (rest of NY)]

Y = Project is **not** eligible to participate through the GCP. Please contact the local field office to request additional technical assistance.

N = Go to 4.1.

4.1 Does the project involve any active season tree removal, trimming, topping, pruning, and/or limbing of occupied or assumed occupied **summer habitat**? [Active season: Apr. 1 to Nov. 14 (PA/WV), Mar. 1 to Nov. 31 (Long Island, NY) and Apr. 1 to Sept. 30 or Apr. 1 to Oct. 31 (rest of NY)]

Y = Go to 4.2.

N = Go to 5.0.

4.2 Does the project propose to remove suitable documented roosts or trees within 150-feet of documented roosts?

Y = Project is **not** eligible to participate through the GCP. Please contact the local field office to request additional technical assistance.

N = Go to 4.3.

4.3 Will active season tree removal of occupied or assumed occupied summer habitat occur before August 16?

Y = Project is **not** eligible to participate through the GCP. Please contact the local field office to request additional technical assistance.

N = Go to 4.4.

4.4 Will the project remove 10 or fewer trees?

Y = Go to 4.5.

N = Coordinate with local field office, determine if take is reasonably certain to occur. If yes, project is eligible for use of the GCP.

4.5 Were emergence surveys²⁷⁴ conducted?

Y = Go to 4.6.

N = Coordinate with local field office, determine if take is reasonably certain to occur. If yes, project is eligible for use of the GCP.

4.6 Were any bats observed using the tree(s) proposed for removal?

Y = Project is **not** eligible to participate through the GCP.²⁷⁵ Please contact the local field office to request additional technical assistance.

N = Take is not reasonably certain to occur; GCP is not applicable.

²⁷⁴ See: <https://www.fws.gov/media/range-wide-indiana-bat-and-northern-long-eared-bat-survey-guidelines> (appendix E).

²⁷⁵ Project sponsor may become eligible for the GCP if additional surveys confirm that the observed bats were not the Covered Species. Coordinate with your local field office to determine the appropriate type of survey (e.g., acoustic, mist-netting, telemetry studies) and level of effort for your particular project.

Occupied or Assumed Occupied Habitat Removal Questions (Inactive Season)

- 5.0 Is inactive season tree removal proposed within 1.0-mile of a known roost(s)? [Inactive season: Nov. 15 to Mar. 31 (PA/WV), Dec. 1 to Feb. 28 (Long Island, NY) and Oct. 1 to Mar. 31 or Nov. 1 to Mar. 31 (rest of NY)²⁷⁶]

Y = Go to 5.1.

N = Coordinate with local field office, determine if take is reasonably certain to occur. If yes, project is eligible for use of the GCP.

- 5.1 Does the project propose to clear suitable documented roosts or trees within 150-feet of documented roosts?

Y = Project is **not** eligible to participate through the GCP. Please contact the local field office to request additional technical assistance.

N = Coordinate with local field office, determine if take is reasonably certain to occur. If yes, project is eligible for use of the GCP.

²⁷⁶ Time frames as stated in the Service's New York Field Office's Indiana Bat Project Review Fact Sheet (March 2018): 1) when > 10 miles from a Priority 3 (P3) or Priority 4 (P4) hibernaculum or > 20 miles from a Priority 1 (P1) or Priority 2 (P2) hibernaculum, but within the summer range of the IBAT, the removal of potential roost trees, generally ≥ 4 inches DBH should occur from October 1 through March 31; and 2) when < 10 miles from a P3 or P4 hibernaculum or < 20 miles from a P1 or P2 hibernaculum, removal should be conducted from November 1 to March 31. Tree removal on Long Island should be conducted from December 1 to February 28.