



United States Department of the Interior

FISH AND WILDLIFE SERVICE

West Virginia Field Office
694 Beverly Pike
Elkins, West Virginia 26241



Contact Name: _____

Email Address or Fax Number: _____

Project Name & Location: _____

Date of Letter Request: _____

This is in response to your letter requesting threatened and endangered species information in regard to the proposed project listed above. These comments are provided pursuant to the Endangered Species Act (ESA, 87 Stat. 884, as amended; 16 U. S. C. 1531 *et seq.*).

Indiana Bat

The proposed site referenced above may provide summer foraging and roosting habitat, as well as winter habitat, for the Federally-endangered Indiana bat (*Myotis sodalis*). The Indiana bat may use the proposed site for foraging and roosting between April 1 and November 14. Indiana bats use caves or mine portals for winter hibernation habitat between November 15 and March 31. Indiana bat foraging habitat is generally defined as riparian, bottomland, or upland forest, as well as old fields or pastures with scattered trees. Roosting and maternity habitat consists primarily of live or dead hardwood trees which have exfoliating bark that provides space for bats to roost between the bark and the bole of the tree. Tree cavities, crevices, splits, or hollow portions of tree boles and limbs also provide roost sites. In West Virginia, the U.S. Fish and Wildlife Service (Service) considers all forest habitats containing trees ≥ 5 inches (12.7 centimeters [cm]) in diameter at breast height (dbh) to be potentially suitable as summer roosting and foraging habitat for the Indiana bat.

To avoid liability under section 9 of the ESA, no timber removal should occur in the proposed site until the following procedure is followed and consultation with the Service is complete. The project proponent should make a determination of the amount of suitable Indiana bat summer roosting habitat that will be removed from the proposed site. The Service has evaluated the availability of suitable foraging and roosting habitat on the West Virginia landscape relative to the best estimate of the statewide population of Indiana bats. On that basis, we have determined that projects affecting 17 acres (6.9 hectare [ha]) or less of suitable forest habitat and that occur more than 5 miles (8 kilometers [km]) from any known Indiana bat hibernaculum or more than 2.5 miles (4 km) from any known maternity roost or 5.0 miles (8 km) of summer capture sites where no roosts were identified are very unlikely to result in direct or indirect impacts to the

species. The effects of such projects are considered discountable and the projects, therefore, are not likely to adversely affect the species. Tree removal associated with such projects can occur at any time of year.

If, however, the proposed project, or a portion thereof, will occur within 5 miles (8 km) of a known hibernaculum, 2.5 miles (4 km) of a known maternity roost, or 5 miles (8 km) of a capture site where no roosts were located, the 17-acre (6.9-ha) threshold described above does not apply. Under these circumstances, additional coordination with the Service's West Virginia Field Office is required, and project-specific surveys or avoidance measures will need to be developed and reviewed for projects of any size that are proposed within these buffer areas prior to implementation of the proposed action.

Options

If 17 or more acres (6.9 ha) of potential Indiana bat summer roosting habitat will be removed as a result of the proposed action, and the project is not within any of the hibernacula or summer use buffers described above, we recommend one of two options to avoid incidental take of the Indiana bat. Please choose and complete either Option 1 or Option 2 below as your choice will be applicable for the duration of the proposed action. **Options may not be combined.**

Option 1:

This option presumes that Indiana bats are present in the proposed site and, to avoid incidental take, all timber removal operations must be conducted between November 15 and March 31, when Indiana bats are in hibernation. If this option is chosen for non-linear projects, a field evaluation must be conducted to calculate the percentage of suitable Indiana bat summer roosting habitat that would remain after project construction within a **2-mile (3.2 km) radius of the center point** of the proposed disturbance. Please be sure to determine the 2-mile radius from the center of the proposed project area rather than from the project boundary. For linear projects like roads or oil, gas or electric transmission lines, the habitat evaluation should be done for the area within **one-quarter mile (0.4 km) on each side of the proposed right-of-way** for the entire length of the project. Please calculate the number of acres of forested habitat and non-forested habitat within the appropriate analysis area both prior to and after project construction.

This evaluation should be submitted for our review prior to commencement of tree removal with a statement that timber removal operations for the proposed site will only occur between November 15 and March 31. If we determine that the extent of disturbance is not significant enough to affect the Indiana bat, the project may proceed with seasonal restrictions on timber harvest. Seasonal restriction on timber harvest will apply for the life of the project.

If, however, we determine that the extent of disturbance may affect, and is likely to adversely affect the Indiana bat, a mist net survey may be necessary to determine if Indiana bats are present. For further information, please see Option 2.

Option 2:

Mist net surveys are conducted to determine if the summer foraging and roosting habitats within the proposed site are occupied by the Indiana bat. The enclosed Indiana Bat Mist Netting Guidelines from the Revised Draft Indiana Bat Recovery Plan (2007) must be followed. To

avoid insufficient or inadequate surveys, a survey plan for the proposed site should be submitted to us for concurrence prior to conducting the survey. The survey must be conducted between June 1 and August 15 by a qualified mammalogist with experience in identifying Indiana bats and who holds a current, valid collection permit from the West Virginia Division of Natural Resources (WVDNR). The WVDNR may be contacted at the Elkins Operation Center, P.O. Box 67, Ward Road, Elkins, West Virginia, 26241; phone (304) 637-0245. A List of Surveyors Qualified to Conduct Indiana Bat Surveys in West Virginia is also enclosed.

The survey results should be provided the Service's West Virginia Field Office for review and concurrence. If no endangered bats are captured and we agree with the survey findings, timber harvest can proceed at any time of year. If endangered bats are captured, the West Virginia Field Office should be notified the next business day, and we will work with the project proponent to minimize the possibility of impacts on Indiana bats.

Mist net surveys are considered current for 5 years consisting of the summer they are done and the following four summer seasons. Mist net surveys should be repeated for any timber removal occurring after this 5-year period.

Indiana and Virginia Big-Eared Bats

Caves and Mine Portals

Regardless of which option is chosen from above, the presence of caves and mine portals, and their use by bats, must also be addressed. Indiana bats hibernate in caves between November 15 and March 31, use caves for fall-swarmling activity, and males have been known to use caves as summer roosts. The Federally-endangered Virginia big-eared bat (*Corynorhinus townsendii virginianus*) may also use caves or mine portals during any time of the year. Therefore, the following step-wise process should be followed in order to determine if any caves or abandoned mine portals in the proposed project area are used by endangered bats. It should be noted that impacts to caves or mine portals that are used by endangered bat species may result in violation of section 9 of the ESA. Caves may also contain other sensitive species, and activities that may affect cave passages and openings should generally be avoided to the maximum extent practicable. Also note that the criteria and forms listed below are working drafts, and as new information on bats and mines in West Virginia is obtained, we may make revisions to these assessment methods.

The proposed site should be surveyed for caves and mine portals. This survey can be performed by mining engineers, other field personnel, or biologists with experience identifying caves or mines. The survey should include a review of topographic, mining, karst occurrence, and environmental resources information maps; as well as actual field reviews of the entire proposed project area. For linear projects (e.g., transmission lines, natural gas pipelines, highways, and access roads), the field survey should include lands extending to 0.6 mile (1 km) on each side the corridor as a buffer within the proposed linear project.

Any caves and portals found should be evaluated for characteristics that may indicate potential use by bats. A Phase I Cave/Mine Portal Survey Data Sheet should be completed for each opening found. This data sheet is enclosed and results should be compared against the criteria

listed in the Draft Protocol for Assessing Abandoned Mines/Caves for Bat Use. The data obtained from the survey should be provided to us for review prior to implementation of any activities that may impact caves or portals.

Any caves and portals determined not to exhibit potential habitat for bats using these criteria will not require any further assessments for the presence of Federally-listed bat species. If caves and/or portals at the proposed site appear to have suitable bat habitat characteristics, mist net surveys or trapping may be recommended. Guidelines for conducting these surveys are provided in the Draft Protocol for Assessing Abandoned Mines/Caves for Bat Use. However, due to concerns about the potential for mist netting and trapping at caves or portals to exacerbate the spread of white nose syndrome, please contact this office for the most current recommendations and protocols prior to conducting these activities. The results of any surveys should be provided to this office for review and concurrence prior to proceeding with any activities that may impact caves or portals. If Federally-listed bats are found using caves or portals in the project area, further consultation will be necessary.

To facilitate consultation pursuant to the ESA, please provide to us all the following information at one time and prior to implementation of timber removal or other activities that may impact caves or mine portals:

- 1) Data pertaining to either Option 1 or Option 2 (options may not be combined); and
- 2) Information on whether there are caves or old mine portals at the proposed project site, as well as the results of all surveys conducted to determine whether these openings exhibit potential bat habitat.

Any Federal permits required by this project should not be issued until we provide a letter stating that consultation is concluded. We cannot prepare a response unless all the information under 1 and 2 above is provided.

If you have any questions regarding these comments, please contact the biologist listed below at (304) 636-6586 or at the letterhead address.

_____ Date: _____
Biologist

_____ Date: _____
Deborah Carter, Field Supervisor

Enclosures (4)