There is currently no formal process that has been adopted by NYSDOT, however there is existing guidance that is under review. That guidance the NYSDOT is currently using until such time as it is accepted formally by FHWA. The Department will not commit that this process is or will be accepted when used by the Design-Build model or for that matter on any/all NYSDOT projects at this time.
MEMORANDUM

TO: Regional Environmental Unit Supervisors  
Regional Construction Environmental Coordinators  
Regional Maintenance Environmental Coordinators  
Regional Local Project Liaisons  
R. Wilder, Design Services Bureau  
R. Hessinger, Freight and Passenger Rail Bureau

FROM: D. P. Hitt, Director, Office of Environment, POD 4-1

SUBJECT: FHWA Guidance for Northern Long-Eared Bat

DATE: June 22, 2015

The Federal Highway Administration New York Division (FHWA-NY) has developed the attached guidance document to assist the Department in compliance with the Federal Endangered Species Act (ESA) in relation to the recent listing of the northern long-eared bat (NLEB) as a threatened species. This guidance is effective immediately.

Our general compliance approach can be described as follows:

1) Focus efforts on resources that are considered suitable NLEB habitat (suitable trees, forested areas, and bridges);
2) Utilize programmatic approaches to minimize the need for individual project coordination; and,
3) Increase awareness of Department staff, localities, and contractors regarding the potential presence of bats on job sites and appropriate follow-up if observed.

The attached Section 7 ESA Process Summary describes the general ESA process, including the applicability and coordination requirements for the following:

**ESA Programmatic "No Effect" Determination**
The Programmatic "No Effect" Determination (PNE) has been in place since December 2014. The revised PNE clarifies key terms and concepts, includes additional work types that will allow its use for some bridge work, and allows for cutting of trees that are determined to not be suitable habitat.

**Rangewide Programmatic Informal Consultation (Rangewide Consultation)**
The Rangewide Consultation was completed on April 20, 2015. It was written at a national-level to address potential effects to Indiana bat and northern long-eared bat by projects funded or undertaken by the FHWA and the Federal Rail Administration. Although implementation of the Rangewide Consultation is mandatory, the document is voluminous, repetitive, unclear, and is likely to create considerable confusion among readers. For these reasons, the FHWA-NY and the NYSDOT have decided not to distribute this document, but
instead to incorporate the necessary elements into the attached guidance. These elements include various conservation measures such as tree cutting time-of-year restrictions and bridge/bat survey requirements.

**Suitable Bat Habitat Determination Protocol (trees and bridges)**
This protocol was written by the FHWA-NY Division as a means to implement the provision in the U.S. Fish and Wildlife Service 2015 Summer Survey Guidelines that allows applicants, consultants, and/or project proponents to make their own determination of habitat suitability (roosting and foraging). Evaluators must meet minimum qualifications based on degree or work experience. The Office of Environment will compile and maintain a list of qualified NYSDOT staff. To that end, Regional Environmental Unit Supervisors are requested to coordinate within their region and provide a single list of qualified evaluators to Brandon Greco (Brandon.Greco@dot.ny.gov) by July 1, 2015.

**Bridge/Bat Survey Protocol**
“Bridge/bat surveys” will be conducted to evaluate the likelihood that bats are not roosting on bridges where work will be conducted. **Bridge/bat surveys are required for all bridge work that is initiated between March 31 and October 1, and involves access to the underside of the bridge, or drilling down to the underside of the bridge, including painting and washing.** Bridge/bat surveys must be conducted within seven days prior to the start of work. 2015 Bridge work that has already commenced does not require a bridge/bat survey to be conducted. There are no minimum qualifications for staff conducting these surveys. **Regions are responsible for ensuring that bridge/bat surveys are conducted as required and determining the appropriate means for accomplishing such.**

General information regarding the biology, listing history, and NYSDOT compliance approach (appropriate for a broad audience) was presented at the ELATS session on Wednesday June, 17th. More detailed training will be provided to practitioners in July. Additional details will be provided as soon as they are available.

Guidance provided herein will be incorporated into The Environmental Manual Section 4.4.9.3 through an Engineering Bulletin in the near future.

If you have any questions, please contact Brandon Greco at Brandon.Greco@dot.ny.gov or (518) 485-7753, or Christa Ippoliti at Christa.Ippoliti@dot.ny.gov or (518) 485-9967.

DH/bg/bb

cc: Regional Design Engineers  
Regional Construction Engineers  
Regional Maintenance Engineers/Regional Directors of Operations  
R. Lee, Office of Design  
S. Zargham, Design Quality Assurance Bureau  
D. Sweezy, Local Programs Bureau  
B. Wfians, Office of Transportation Maintenance  
B. DeWald, Office of Construction
Section 7 ESA PROCESS: Summarized for Area Engineer Use

How do you determine if there are ESA species within your Project Area? Are there Programmatic Agreements that could apply to the project? Could your project cause impacts to these species? These questions are answered below:

Step 1: Are there ESA species mapped for the Project Area? The NYSDOT Regions are required to use the U.S. Fish and Wildlife Service’s (USFWS) IPaC system (http://ecos.fws.gov/ipac/), and contact the New York Natural Heritage Program (NYNHP) Database in Albany (the NYSDOT has access to their computer mapping system). The computer search will show whether or not listed species are within the vicinity of the Project Area.

   A. If there are no species ranges that are within the Project Area- then the ESA doesn’t apply to the project, and no documentation is required from the Regions or the FHWA.
   B. If the NYSDOT search determines that there are species ranges within the Project Area, go to Step 2.

Step 2: Does the Programmatic No Effect (PNE) apply to this project? Follow the Version 1, 2015 PNE Project Eligibility Checklist (Attachment 1) to determine if the PNE applies. NOTE: Part of the PNE can be a “Suitable Habitat Determination” for bats related to trees and/or bridges. There are documentation requirements if NYSDOT determines that there isn’t suitable habitat, and they are listed below.

   A. If the PNE applies to the project, the Region places the completed form into their file. If Numbers 5 or 8 in the PNE have been checked “YES” (no suitable habitat determinations), the “Suitable Habitat Assessment Form” (Attachment 2) and/or the “Bridge/ Bat Survey Form” (Attachment 3) need to be submitted to FHWA for record-keeping.
   B. If the PNE does not apply to the project, and the species ranges that are within the Project Area are NOT bats, please refer to traditional Section 7 ESA procedures. Use the USFWS’s 7-Step process, located at http://www.fws.gov/northeast/nyfo/es/step1.htm.
   C. If the PNE does not apply to the project, and the species ranges that are within the Project Area INCLUDE bats, go to Step 3.

Step 3: Does the April 2015 Rangewide Bat Consultation (Rangewide Consultation) apply to this project?
If you have gotten to Step 3, one of the following items applies:
   • NYSDOT has either determined that suitable habitat for bats exists within the project (using the Version 1, 2015 Suitable Habitat Assessment Protocol/Form, Attachment 2)
   • NYSDOT has assumed that suitable habitat exists, or
   • The project is within 0.5 miles of known hibernaculum or 1.5 miles from a known roost tree or foraging habitat, or
   • The project involves bridge work to be conducted during the time period of April 1 to Sept. 30.

Please use the following to determine if the Rangewide Consultation can apply to the project.
   A. If the project is any of the following types, the determination is “May Affect, Not Likely to Adversely Affect” (MA, NLAA) bats.
• Bridge and Structure Maintenance between April 1 and September 30 that does not involve work that can bother roosting bats in any way, and that does not permanently alter lighting, and that does not alter roosting potential in any way. Regarding “does not involve work that can bother roosting bats”: as NYSDOT follows this procedure, there is a form (Attachment 3) that is required to be completed within 7 days before construction begins that will document that the project will not bother roosting bats.

• Tree Removal between October 1 and March 31, within 100 feet of road surfaces, as long as no documented roost/foraging trees are within the cutting area, and as long as permanent street lighting is not altered.

The documentation package includes: Completed Rangewide Bat Consultation Form (Attachment 4). The package gets submitted by NYSDOT to the USFWS requesting their concurrence with NYSDOT’s determination, with a cc: to the FHWA Area Engineer. The USFWS has 14 days to comment. If no comments are received, the MA, NLAA concurrence is automatic, and Rangewide Consultation applies to the project. The Area Engineer will then issue an ESA Concurrence Letter to NYSDOT.

B. If the project is not one of the types within “A” above, the project may have adverse affects to bats and needs to be evaluated on an individual basis. Formal Section 7 ESA Consultation may be required. The Region will coordinate with both Main Office and the Area Engineer, and the FHWA Environmental Specialist for procedures on these specific projects.
Attachment 1: Programmatic No Effect Project Eligibility Checklist
ESA Programmatic “No Effect” Determination
Project Eligibility Checklist

PIN: Date Completed: Completed by:

If all of the criteria listed below are met (marked YES), the project is eligible for coverage under the Programmatic “No Effect” Determination. If any criterion is not met (marked NO), the project is not eligible and the standard review procedures for endangered and threatened species apply (see TEM 4.4.9.3). The word “bat” below refers to both Indiana bat and northern long-eared bat.

1. The proposed activity is a NYSDOT or locally administered project using Federal-aid funding and FHWA is the NEPA Lead Agency.
   □ YES □ NO

2. The proposed activity is located within the operational right-of-way and existing facilities.
   □ YES □ NO

3. The proposed activity is included on the list of eligible highway/bridge work types (see next page).
   □ YES □ NO

4. The proposed activity does not include the repair, rehabilitation, replacement, or construction of culverts and open drainage systems, or bridge work within rivers, streams, or wetlands.
   □ YES □ NO

5. The proposed activity does not involve removal of suitable summer bat habitat (see Attachment 2: Suitable Bat Habitat Determination Protocol). NOTE: Checking “YES” requires the submittal of the Suitable Habitat Assessment Form to the FHWA Area Engineer and FHWA’s Environmental Specialist.
   □ YES □ NO

6. The proposed activity does not occur within 0.5 miles of a known bat hibernaculum or 1.5 miles of a known summer roost location or forage habitat (Use IPaC- Information for Planning and Conservation- and NYNHP- New York Natural Heritage Database Program- for locations).
   □ YES □ NO

7. If the proposed project involves bridge work: The bridge work (maintenance, alteration, construction, demolition) will occur from October 1 to March 31, and the project does not involve any other type of work not included in the eligible highway/bridge types (see next page).
   □ YES □ N/A

8. If the proposed project involves bridge work: The bridge work (maintenance, alteration, construction, demolition) will occur from April 1 to September 30 and the project does not involve any other type of work not included in the eligible highway/bridge types (see next page). NOTE: This is a conditional “No Effect”. The project is required to have a Bridge/Bat Survey (See Bridge/Bat Survey Protocol) completed within 7 days of anticipated work that concludes that there are no signs of bats for this “No Effect” to be valid. The Bridge/Bat Survey Form must be submitted to the FHWA Environmental Specialist upon completion. If there is a failure to conduct the Bridge/Bat Survey, this “No Effect” is invalidated. If the Bridge/Bat Survey shows signs of bats, this “No Effect” is invalidated and clearance is required from the USFWS before work can begin.
   □ YES □ N/A
Highway/Bridge Work Types

1. Joint and Crack Sealing
2. Pavement Marking
3. Impact Attenuator Repair or Replacement
4. Repair and Replace Loop Detectors
5. On-call Guide Rail Repair
6. Rigid Pavement Repairs (spall repair, grinding, etc.)
7. Pavement Grooving
8. Microsurfacing and Chip Sealing
9. Shoulder Rumble Strip Installation
10. Delineator and/or Reference Marker Placement or Replacement
11. Graffiti Removal and/or Prevention
12. Shoulder Rehabilitation and/or Repair
13. Traffic Management Systems Maintenance (communications cable, hardware for ITS, RWIS, etc.)
14. Highway Lighting Upgrading (excluding luminaire replacement and installation of high mast lighting)
15. Bicycle Path and Walkway Rehabilitation (e.g. ADA curb ramps)
16. Install, Replace and/or Repair Permanent Traffic Count Detectors
17. Install, Replace and/or Repair Weigh-in-Motion Detectors
18. Recharge Basin Reconditioning
19. Underdrain Installation
20. Guide Rail and/or Median Barrier Upgrading (including placement of new guide railing or median barrier)
21. Upgrading Sign(s) and/or Traffic Signal(s)
22. Install, Replace and/or Repair Right-Of-Way, Pedestrian and Permanent Snow Fencing
23. Park and Ride Lot Rehabilitation
24. 1R Projects that do not involve drainage work or work off of the paved surface/shoulder
25. 2R Projects that do not involve drainage work or work off of the paved surface/shoulder
26. 3R Projects (freeway and non-freeway) that do not involve drainage work, bridge work, or work off of the paved surface/shoulder
27. Highway-Rail Grade Crossing: installation of new and/or replacement of existing automatic warning devices
28. Highway-Rail Grade Crossing: installation of new and/or replacement of existing signage
29. Highway-Rail Grade Crossing: interconnection of grade crossing warning systems with vehicular traffic signal system
30. Highway-Rail Grade Crossing: surface replacement or upgrade
31. Bridge Work: Maintenance, alteration, and demolition of bridges/structures from October 1 to March 31 that does not include alteration of permanent street lighting and does not alter bat roost potential, or involve any work within rivers, streams, or wetlands, OR the same type of work between April 1 and September 30 that has negative Bridge/Bat Survey results.
32. Maintenance and Protection of Traffic (M&PT) activities within the operational right-of-way.
Supplementary Information

**Operational right-of-way:** As defined in 23 CFR Part 771.117 (c)(22), operational right-of-way refers to that which has been disturbed for an existing transportation facility or is maintained for a transportation purpose. This area includes the features associated with the physical footprint of the transportation facility (including the roadway, bridges, interchanges, culverts, drainage, fixed guideways, mitigation areas, etc.) and other areas maintained for transportation purposes such as clear zone, traffic control signage, landscaping, any rest areas with direct access to a controlled access highway, areas maintained for safety and security of a transportation facility, parking facilities with direct access to an existing transportation facility, transit power substations, transit venting structures, and transit maintenance facilities. Portions of the right-of-way that have not been disturbed or that are not maintained for transportation purposes are not in the existing operational right-of-way.

**Drainage work (1R, 2R and 3R projects):** Certain drainage activities have the potential to directly or indirectly affect federally listed species and therefore are *ineligible for coverage* under this Programmatic No Effect Determination. These activities include the repair, rehabilitation, replacement or construction of culverts and open drainage systems.

The following drainage activities do not have the potential to directly or indirectly affect federally listed species; therefore, projects involving such work may be *eligible for coverage* under this Programmatic No Effect Determination:

- Repair, rehabilitation, replacement or construction of closed drainage systems and drainage structures; and
- Cleaning of sediment and debris from culverts, pipes and drainage structures.

**Bridge work (1R, 2R and 3R projects) during any time of year:** The following bridge work activities do not have the potential to directly or indirectly affect federally listed species; therefore, projects involving such work may be *eligible for coverage* under this Programmatic No Effect Determination:

- Deck or raling work that does not involve access to the underside of the bridge, or drilling down to the underside of the bridge (e.g., deck polymer overlay with micro-surfacing prep); and
- Repair, rehabilitation, replacement of bridge joints that does not involve access to the underside of the bridge, or drilling down to the underside of the bridge.

Work within rivers, streams, or wetlands is *ineligible for coverage* under this Programmatic No Effect Determination.

**Work off of the paved surface/shoulder (1R, 2R and 3R projects):** Curb ramps, traffic signals, sidewalks and trails are considered to be part of the paved surface; therefore, projects involving work in such areas may be *eligible for coverage* under this Programmatic No Effect Determination.

**Minor ground disturbance:** Ground disturbance may be considered minor if it is anticipated to have no effect or a negligible effect on soil stability, quality of receiving waters, flora and fauna. This determination is based on the best professional judgment of NYSDOT Environmental/Landscape Architecture staff.

**Date (entered on Project Eligibility Checklist and Tracking Spreadsheet):** Record the date that the Project Eligibility Checklist was completed. This may be done at any time prior to the environmental determination. Each region should maintain a consistent approach in order to avoid counting the same project in two different reporting periods.
Attachment 2: Suitable Habitat Assessment Protocol and Form
ESA Process Guidance: Indiana Bat and Northern Long-eared Bat

Suitable Bat Habitat Determination Protocol (Trees)

Requirements for Use (Trees)

1. Suitable Habitat Determinations will be made through the completion of Suitable Habitat Assessment Form for both Indiana bat and northern long-eared bat.

2. Determining suitable habitat is optional- NYSDOT has the option to assume that the project contains suitable bat habitat, and in that instance, should follow the Section 7 ESA Process: Summarized for Area Engineer Use (Version 1, 2015).

3. Suitable Habitat Assessments must be conducted by individuals with a natural resources degree. Qualifying fields of study include, but are not limited to: wildlife biology, wildlife management, biodiversity, ecology, forestry, and environmental science. NYSDOT staff that possess at least two years of work experience involving regular performance of ecological field assessments are qualified. NYSDOT will maintain a list of qualified staff.


Suitable Habitat Determination Process (Trees)

Phase 1: Mapped Occurrences. Use the IPaC system (http://ecos.fws.gov/ipac/) to determine if within the range of one or more of the bat species, and use the NY Natural Heritage Database (NYNHP) Program search to determine if known hibernacula, roost trees, maternity colonies, or forage habitat have already been identified within or in the proximity of the project area.

A. If the results of the IPaC search conclude that the project is located outside the range, the determination is that ESA doesn’t apply for bats. No documentation is required for FHWA for this specific determination. However, if other species are a concern, the use of the Programmatic No Effect may need to be considered, or a separate ESA determination may be required. In this instance, please refer back to the ESA Process Summary cited above, and please use the USFWS’s 7-Step process located at http://www.fws.gov/northeast/nyfo/es/step1.htm.

B. If the results of the IPaC and the NYNHP database search conclude that bats or their habitat may be (or are) located within the project area, and the conditions listed in i., ii., and iii. below are not met, please proceed to Phase 2: Field-based Suitable Habitat Assessment.

   i. If known hibernacula are onsite or within 0.5 miles from your project, additional site-specific coordination is required, and these projects need to be evaluated on an individual basis. The NYSDOT Region will coordinate with both Main Office and the Area Engineer, and the FHWA Environmental Specialist for procedures on these projects.
ii. If known roost trees and forage habitat are onsite, suitable habitat is present. Please refer to Step 3 in the Section 7 ESA Process: Summarized for Area Engineer Use (Version 1, 2015) to determine in the Rangewide Consultation applies to the project.

iii. If known roost trees or foraging habitat are within 1.5 miles (northern long-eared bat) or 2.5 miles (Indiana bat), from your Project Area, you cannot conclude that suitable summer habitat does not exist without the completion of habitat surveys in accordance with the 2015 Summer Survey Guidelines. You must either assume presence, or follow the 2015 Summer Survey Guidelines for assessing suitable habitat.

Phase 2: Field-based Suitable Habitat Assessment. This is a field-based assessment of the trees that are proposed to be cut as part of the project. Please refer to the Suitable Habitat Assessment Form that is attached to this document.

   A. If the Suitable Habitat Assessment concludes that the project area does not contain bat habitat, then a No Suitable Habitat Determination can be made. A determination of “No Effect” for bats can then be made. The Suitable Habitat Assessment Form needs to be submitted to the FHWA Area Engineer for concurrence with the “No Effect” determination. If other species are a concern on the project, the use of the Programmatic No Effect may need to be considered, or a separate ESA determination may be required.

   B. If the Suitable Habitat Assessment concludes that the project area contains potential bat habitat, then a Suitable Habitat Determination is made. There is an option to either assume the presence of bat habitat, or you can proceed with the 2015 Summer Survey Guidelines, which outline steps for acoustic monitoring to determine actual bat presence. If the project area contains suitable habitat, or you are assuming suitable habitat, please refer to Step 3 in the Section 7 ESA Process: Summarized for Area Engineer Use (Version 1, 2015) to determine in the Rangewide Consultation applies to the project.
Suitable Habitat Definitions: Indiana Bat and Northern Long-eared Bat (Trees)

Habitat definitions are based on the USFWS “2015 Summer Survey Guidelines” for assessing suitable bat habitat.

Suitable summer habitat for both bat species:

Suitable summer habitat consists of a wide variety of forested/wooded habitats where bats roost, forage, and travel and may also include some adjacent and interspersed non-forested habitats such as emergent wetlands and adjacent edges of agricultural fields, old fields and pastures. These wooded areas may be dense or loose aggregates of trees with variable amounts of canopy closure. This includes forests and woodlots containing potential roosts, as well as linear features such as fencerows, riparian forests, and other wooded corridors that may be used for forage. Early successional habitat with small diameter trees may be used as foraging habitat by bats. Please use species composition of the area, size composition, the below guidelines, and scientific judgment to determine if forage habitat exists. Be prepared to characterize the habitat in the Suitable Habitat Assessment Form. Individual trees may be considered suitable habitat when they exhibit the characteristics of a potential roost tree and are located within 1,000 feet of other forested/wooded habitat.

Specific habitat requirements for Indiana bat:

Regarding potential roost habitat, Indiana bats prefer live trees and/or snags ≥5 inches dbh that have exfoliating bark, cracks, crevices, and/or hollows for their roost sites. Areas above 900’ NGVD are not suitable for Indiana bat for roosting or foraging.

Suitable habitat requirements for northern long-eared bat:

Regarding potential roost habitat, northern long-eared bats prefer live trees and/or snags ≥3 inches dbh that have exfoliating bark, cracks, crevices, and/or cavities. Northern long-eared bats have also been observed roosting in human-made structures, such as buildings, barns, bridges, and bat houses; therefore, these structures should also be considered potential summer habitat.

Examples of areas that are “not suitable habitat” for either bat species:

- Individual trees that are greater than 1000 feet from forested/wooded areas;
- Urban street trees (trees found in highly-developed urban areas);
- A pure stand of 3-inch dbh trees (or less) that are not mixed with larger trees;
- Apple orchards;
- Buckthorn patches; and
- Christmas tree stands that are actively managed.
Suitable Habitat Assessment Form (Trees)

Project Name: _______________________________  PIN: _______________________________

Acres Proposed to be Cut: _______________________________  Lat/Long: _______________________________

Project Description:  

Results of Phase 1: Mapped Occurrences:

<table>
<thead>
<tr>
<th>IPaC Species List</th>
<th>NYNHP Species List</th>
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Results of Phase 2: Field-based Suitable Bat Habitat Assessment:

- Does the Cutting Area contain forested/wooded habitat that is made up of trees greater than 3” dbh, that also exhibit signs of exfoliating bark, cracks crevices, and/or cavities, OR that also is mixed with larger trees? ___________________________________________________________________________

- Does the Cutting Area have individual trees that have exfoliating bark, cracks, crevices, and/or cavities, and are closer than 1000’ from other forested/wooded habitat? ___________________________________________________________________________

- Does the Cutting Area contain adjacent and interspersed emergent wetlands and adjacent areas of agricultural fields, old fields, and pastures, and forests and woodlots (range from dense to loose aggregates of trees) that contain live trees and/or snags greater or equal to 3” dbh that have exfoliating bark, cracks, crevices, and/or cavities? ___________________________________________________________________________

If the answer is yes to any of the above questions, the determination is that “Suitable Bat Habitat” exists within the Cutting Area.

**Determination:**  
[ ] Suitable Bat Habitat  
[ ] No Suitable Bat Habitat

Characterization/Description of the Habitat: __________________________________________________________________________

Comments (include specific bat species, if applicable, such as no Indiana bats if project elevation is over 900 ft NGVD, or roost trees for northern long-eared bat specifically were noted by NYNHP): __________________________________________________________________________

Name (individual completing the field assessment): __________________________________________________________________________

Signature: ____________________________________________  Date: _______________________________
Attachment 3: Bridge/ Bat Survey Protocol and Form
Bridge/ Bat Survey Protocol (Bridges)

Requirements for Use (Bridges)

1. Bridge/Bat Surveys will be made through the completion of the Bridge/Bat Survey Form for both Indiana bat and northern long-eared bat.
2. Bridge/ Bat Surveys are required to be conducted for bridge work that:
   a. Is initiated between March 31 and October 1, and
   b. Includes work that involves access to the underside of the bridge or drilling down to the underside of the bridge, including bridge painting and washing.
3. The Bridge/Bat Survey form is required to be completed within 7 days of the start of work on the underside of the bridge.
4. Bridge/Bat Surveys can be conducted by any individual, and can be conducted from the ground below the bridge with the use of binoculars.

Bridge/Bat Survey Protocol (Bridges)

Phase 1: Mapped Occurrences. Use the IPaC system (http://ecos.fws.gov/ipac/) to determine if the bridge is within the range of one or more of the bat species.
   A. If the results of the IPaC search conclude that the project is located outside the range, bat habitat bridge surveys are not required to be conducted. No documentation is required for FHWA for this specific determination.
   B. If the results of the IPaC database search conclude that bats or their habitat may be (or are) located within the project area, please proceed to Phase 2: Field-based Bridge/Bat Survey.

Phase 2: Field-based Bridge/Bat Survey. This is a field-based survey of the bridge. Please refer to the Bridge/Bat Survey Form that is attached to this document.
   A. If the Bridge/Bat Survey Form concludes that the bridge does not contain bats, then the form needs to be submitted to the FHWA Area Engineer for record-keeping, within 30 days of completion of the form.
   B. If the Bridge/Bat Survey Form concludes that the bridge contains bats, the species needs to be determined by the USFWS. Clearance must be obtained from the USFWS before work can begin on the bridge. Please take photos of the bats, if possible, and coordinate with the FHWA Area Engineer and an Environmental Specialist.
Bridge/Bat Survey Form

Project Name: ________________________________  PIN: __________________________

Feature Carried: ________________________________  Lat/Long: ______________________

Feature Crossed: ________________________________  BIN: __________________________

Project Description: ______________________________________________________________

________________________________________________________________________________

Project Start Date: ____________________________________________

Bridge Characteristics
Is the bridge over water or road/land? ________________________________

What is the height over water/road/land? ________________________________

Is the bridge made of concrete, steel, or a combination? ________________________________

Please rate the human disturbance or traffic under the bridge (high >5,000 ADT, low, none): ______

Methods of Bridge/Bat Survey
Is the bridge evaluation complete within 7 days of the start of the work? ________________________________

What was the survey method (Environmental Specialist w/ binoculars, staff w/ binoculars, manlift, etc)?
________________________________________________________________________________

Were all areas checked for bats, including expansion joints, rough surfaces or imperfections in the concrete, spaces between walls and ceiling joists, guiderails, unsealed crevices, and vertical crevices that are sealed at the top? ________________________________

Results of Bridge/Bat Survey
Are there bats present, or are there droppings, or is there staining from bats, or can you hear bats?_______

If the answer is no, work can proceed. Please send this completed form to the FHWA Area Engineer within 30 days of completion.

If the answer is yes, the determination is that the bridge contains bats. The species needs to be determined by the USFWS, and clearance must be obtained from the USFWS before work can begin on the bridge. Please take photos of the bats, if possible, and coordinate with Main Office, who will, in turn, coordinate with the FHWA Area Engineer and an Environmental Specialist.

Please provide any additional details regarding bats, including number of bats, observations, whether or not there is a colony or individual bats, if the bats appear to be using bird nests, etc.: ________________________________

________________________________________________________________________________

Name (individual completing the bridge survey): ________________________________

Signature: ________________________________  Date: ________________________________
Attachment 4: Rangewide Bat Consultation Form
Rangewide Bat Consultation Form

In submitting this form, FHWA ensures that the proposed project(s) adhere to the criteria of the rangewide programmatic informal BA. NYSDOT submits this form to the USFWS requesting their concurrence with NYSDOT’s determination, with a cc: to the FHWA Area Engineer. The USFWS has 14 calendar days to comment or request additional information, and will “reply to all”. If FHWA/NYSDOT is not notified within 14 days, Section 7 consultation for bat species is complete under the rangewide programmatic informal consultation. The Area Engineer will then issue an ESA Concurrence Letter to NYSDOT.

Project Name: ___________________________ PIN: ___________________________

Lat/Long: ___________________________ Region: ___________________________

Project Description: __________________________________________________________

FWS Consultation Code (Taken from IPaC project search): ___________________________

Does the project contain documented forage or roost sites? If it does, NYSDOT must instead use the 7-step traditional process found at: at http://www.fws.gov/northeast/nyfo/es/step1.htm. YES NO

Acres of trees to be cut, or number of trees to be cut: ___________________________

1. If the project is a bridge project, will current permanent lighting and roosting potential remain the same? Also- The Bridge/Bat Survey Form is required to be completed and submit it to FHWA. See Attachment 3. YES NO N/A

2. Are trees to be cut between October 1 and March 31, and will they be marked to distinguish them from trees that are not to be cut? YES NO N/A

3. Are trees to be cut located within 100-feet of the existing road surface? YES NO N/A

4. Are all other appropriate AMMs included in the project? YES NO N/A

If the answers to the above four questions are YES (or N/A for some bridge projects), then the determination is “May Affect, Not Likely to Adversely Affect” either Indiana bat or the northern long-eared bat. Is this the determination that NYSDOT is concluding? YES NO

If there are other species (from IPaC) that have a “May Affect” determination, please attach the determination/ paperwork. Are there other species? YES NO

Name (individual completing the form)/ Agency: ______________________________________

Phone Number: ___________________________ Email Address: ___________________________

Signature: ___________________________ Date: ___________________________

FHWA Area Engineer: ______________________________________