



DEPARTMENT OF THE ARMY
BUFFALO DISTRICT, CORPS OF ENGINEERS
 1776 NIAGARA STREET
 BUFFALO, NEW YORK 14207-3199

To: U.S. Fish and Wildlife Service, New York Field Office
 Email: MaryEllen_VanDonsel@fws.gov and megan_patch@fws.gov

FAX: 607-753-9699

Date of Coordination: _____ DA. No.: _____

Project Name: _____

County: _____ Project Lat./Long. Latitude: _____ Longitude: _____

Corps Contact Name, E-mail Address: _____

Basic Project Description (provide narrative below or attach additional information):

	YES	NO
Will the project destroy a known Northern long-eared bat maternity roost tree?	<input type="checkbox"/>	<input type="checkbox"/>
Does the project include forest conversion ¹ ? (if yes, report acreage below)	<input type="checkbox"/>	<input type="checkbox"/>
Estimated total acres of forest conversion		
If known, estimated acres ² of forest conversion from April 1 to October 31		
If known, estimated acres of forest conversion from June 1 to July 31 ³		

The distance from the project to a known maternity roost tree and known hibernaculum was determined by review of New York Natural Heritage Program information. The review was determined on (date): _____
 If within known Town: Distance to hibernaculum _____ : Distance to known roost tree _____

U.S. Army Corps of Engineers Rationale for Northern long-eared bat effects determination:

1)	<input type="checkbox"/> Project will not disturb a known northern long-eared bat hibernaculum.
2)	<input type="checkbox"/> Proposed tree clearing will occur during the roosting period (April 1 to October 31) and is greater than 0.25 mile from a known northern long-eared bat hibernaculum.
3)	<input type="checkbox"/> Project will not destroy known northern long-eared bat maternity roost tree(s) during the northern long-eared bat pup season (June 1 to July 31) of any year.
4)	<input type="checkbox"/> No tree clearing will occur within 150 feet of a known northern long-eared bat maternity roost tree during the northern long-eared bat pup season (June 1 to July 31) of any year

If all four boxes are checked above, then the project qualifies for the NLEB 4(d) Rule. Thus, the U.S. Army Corps of Engineers has determined the proposed project "May Affect" the NLEB but will result in Excepted Incidental Take as per the Final 4(d) Rule.

¹ Any activity that removes forested habitat that is suitable for the NLEB, including, but not limited to, tree removal from development, energy production and transmission, mining, agriculture, transportation, military training, and other ecosystem management (see page 48 of the BO).

² If the project removes less than 10 trees and the acreage is unknown, report the acreage as less than 0.1 acre..

³ If the activity includes tree clearing in June and July, also include those acreage in April to October.

Corps Determination:

By signing this form, the Corps determines that this project may affect the NLEB, but that any resulting incidental take of the NLEB is not prohibited by the final 4(d) rule. All activities associated with the proposed project will not:

- disturb hibernating NLEBs in a known hibernaculum;
- alter the entrance or interior environment of a known hibernaculum;
- remove any trees within 0.25 miles of a known hibernaculum at any time of year; or
- cut or destroy known occupied maternity roost trees, or any other trees within a 150-foot radius from the maternity roost tree, during the pup season (June 1 through July 31).

If the USFWS does not respond within 30 days from submittal of this form, the action agency may presume that its determination is informed by the best available information and that its project responsibilities under 7(a)(2) with respect to the NLEB are fulfilled through the USFWS January 5, 2016, "Programmatic Biological Opinion (BO) on the Final 4(d) Rule for the Northern Long-Eared Bat and Activities Excepted from Take Prohibitions." The action agency will update this determination annually for multi-year activities.

The action agency understands that the USFWS presumes that all activities are implemented as described herein. The action agency will promptly report any departures from the described activities to the appropriate USFWS Field Office. The action agency will provide the appropriate USFWS Field Office with the results of any surveys conducted for the NLEB. Involved parties will promptly notify the appropriate USFWS Field Office upon finding a dead, injured, or sick NLEB.

Signature: _____ Date Submitted: _____

The U.S. Fish and Wildlife Service response:

- No additional information needed, 4(d) Rule Programmatic Consultation complete.
- Additional information needed.