

REGULATORY UPDATE

1st Quarter 2023

IPaC and Dkey

The primary tool being developed to rule out potential habitat for the bat is the Northern Long-eared Bat determination key (Dkey), which will be available on the USFWS's Information for Planning and Consultation (IPaC) website.

IPaC is an integral part of the Endangered and Threatened Species Habitat Assessments (ECO) we do at Blueline, and we will be incorporating the Dkey into every ECO report once it is available.

If your project requires a 404/401 permit and you have engaged us to do an ECO report, we will submit the ECO report to the USACE with the permit application. The goal of this would be to expedite the coordination time required between the USACE and USFWS.



NORTHERN LONG-EARED BAT

Effective March 31, 2023, the Northern Long Ear Bat (*Myotis septentrionalis*) has been reclassified from Threatened to Endangered by the U.S. Fish and Wildlife services (USFWS). This is due to the nationwide pandemic plaguing the bats, known as white-nose syndrome, which mainly affects hibernating bats across the nation. These bats are described to "mostly spend the winter hibernating in caves and abandoned mines. During summer, northern long-eared bats roost alone or in small colonies underneath bark or in cavities or crevices of both live and dead trees. They emerge at dusk to fly primarily through the understory of forested areas, feeding on insects." (USFWS, 2022).

The USFWS is in the process of developing interim guidance measures and tools to assist in project planning. Because of the steep declines in the species and vast amount of available and suitable forest habitat, the presence of suitable forest habitat alone is not a reliable predictor of their presence. Based on the best available information, most suitable habitat is now expected to be unoccupied. During the interim period the USFWS has indicated that they assume the bat is unlikely to occur in areas of suitable habitat where presence has not been documented.

"HOW DOES THIS IMPACT MY PROJECT?"

The USACE is required to consult with the USFWS for all projects requiring a federal permit (i.e 404/401 permit). The USACE will not be able to authorize permits until guidance is established and may need to add species-specific permit conditions to the permit.

The biggest issue at the moment is timing. We do not know when guidance from USFWS will be available to the USACE. Permitting projects are currently on hold awaiting guidance, but the USFWS has indicated that interim tools and guidance documents should be forthcoming soon.