

Appendix A.  
Listed Species



# United States Department of the Interior



FISH AND WILDLIFE SERVICE  
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In Reply Refer To:  
Project Code: 2022-0076551  
Project Name: RST tree removal

January 12, 2023

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

## To Whom It May Concern:

This response has been generated by the Information, Planning, and Conservation (IPaC) system to provide information on natural resources that could be affected by your project. The U.S. Fish and Wildlife Service (Service) provides this response under the authority of the Endangered Species Act of 1973 (16 U.S.C. 1531-1543), the Bald and Golden Eagle Protection Act (16 U.S.C. 668-668d), the Migratory Bird Treaty Act (16 U.S.C. 703-712), and the Fish and Wildlife Coordination Act (16 U.S.C. 661 *et seq.*).

### **Threatened and Endangered Species**

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and may be affected by your proposed project. The species list fulfills the requirement for obtaining a Technical Assistance Letter from the U.S. Fish and Wildlife Service under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. The Service recommends that verification be completed by visiting the ECOS IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS IPaC system by completing the same process used to receive the enclosed list.

### **Consultation Technical Assistance**

Please refer to our [Section 7 website](#) for guidance and technical assistance, including [step-by-step instructions](#) for making effects determinations for each species that might be present and for specific guidance on the following types of projects: projects in developed areas, HUD, CDBG, EDA, pipelines, buried utilities, telecommunications, and requests for a Conditional Letter of Map Revision (CLOMR) from FEMA.

## Using the IPaC Official Species List to Make No Effect and May Affect Determinations for Listed Species

1. If IPaC returns a result of “There are no listed species found within the vicinity of the project,” then project proponents can conclude the proposed activities will have **no effect** on any federally listed species under Service jurisdiction. Concurrence from the Service is not required for **no effect** determinations. No further consultation or coordination is required. Attach this letter to the dated IPaC species list report for your records.
2. If IPaC returns one or more federally listed, proposed, or candidate species as potentially present in the action area of the proposed project – other than bats (see below) – then project proponents must determine if proposed activities will have **no effect** on or **may affect** those species. For assistance in determining if suitable habitat for listed, candidate, or proposed species occurs within your project area or if species may be affected by project activities, you can obtain [Life History Information for Listed and Candidate Species](#) on our office website. If no impacts will occur to a species on the IPaC species list (e.g., there is no habitat present in the project area), the appropriate determination is **no effect**. No further consultation or coordination is required. Attach this letter to the dated IPaC species list report for your records.
3. Should you determine that project activities **may affect** any federally listed, please contact our office for further coordination. Letters with requests for consultation or correspondence about your project should include the Consultation Tracking Number in the header. Electronic submission is preferred.

### Northern Long-Eared Bats

Northern long-eared bats occur throughout Minnesota and Wisconsin and the information below may help in determining if your project may affect these species.

This species hibernates in caves or mines only during the winter. In Minnesota and Wisconsin, the hibernation season is considered to be November 1 to March 31. During the active season (April 1 to October 31) they roost in forest and woodland habitats. Suitable summer habitat for northern long-eared bats consists of a wide variety of forested/wooded habitats where they 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. This includes forests and woodlots containing potential roosts (i.e., live trees and/or snags  $\geq 3$  inches dbh for northern long-eared bat that have exfoliating bark, cracks, crevices, and/or hollows), as well as linear features such as fencerows, riparian forests, and other wooded corridors. These wooded areas may be dense or loose aggregates of trees with variable amounts of canopy closure. Individual trees may be considered suitable habitat when they exhibit the characteristics of a potential roost tree and are located within 1,000 feet (305 meters) of forested/wooded habitat. 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 and evaluated for use by bats. If your project will impact caves or mines or will involve clearing forest or woodland habitat containing suitable roosting habitat, northern long-eared bats could be affected.

Examples of unsuitable habitat include:

- Individual trees that are greater than 1,000 feet from forested or wooded areas,
  - Trees found in highly developed urban areas (e.g., street trees, downtown areas),
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- A pure stand of less than 3-inch dbh trees that are not mixed with larger trees, and
- A stand of eastern red cedar shrubby vegetation with no potential roost trees.

If IPaC returns a result that northern long-eared bats are potentially present in the action area of the proposed project, project proponents can conclude the proposed activities **may affect** this species **IF** one or more of the following activities are proposed:

- Clearing or disturbing suitable roosting habitat, as defined above, at any time of year,
- Any activity in or near the entrance to a cave or mine,
- Mining, deep excavation, or underground work within 0.25 miles of a cave or mine,
- Construction of one or more wind turbines, or
- Demolition or reconstruction of human-made structures that are known to be used by bats based on observations of roosting bats, bats emerging at dusk, or guano deposits or stains.

*If none of the above activities are proposed*, project proponents can conclude the proposed activities will have **no effect** on the northern long-eared bat. Concurrence from the Service is not required for **No Effect** determinations. No further consultation or coordination is required. Attach this letter to the dated IPaC species list report for your records.

*If any of the above activities are proposed*, please use the northern long-eared bat determination key in IPaC. This tool streamlines consultation under the 2016 rangewide programmatic biological opinion for the 4(d) rule. The key helps to determine if prohibited take might occur and, if not, will generate an automated verification letter. No further review by us is necessary.

*Please note that on March 23, 2022, the Service published a proposal to reclassify the northern long-eared bat as endangered under the Endangered Species Act. The U.S. District Court for the District of Columbia has ordered the Service to complete a new final listing determination for the bat by November 2022 (Case 1:15-cv-00477, March 1, 2021). The bat, currently listed as threatened, faces extinction due to the range-wide impacts of white-nose syndrome (WNS), a deadly fungal disease affecting cave-dwelling bats across the continent. The proposed reclassification, if finalized, would remove the current 4(d) rule for the NLEB, as these rules may be applied only to threatened species. Depending on the type of effects a project has on NLEB, the change in the species' status may trigger the need to re-initiate consultation for any actions that are not completed and for which the Federal action agency retains discretion once the new listing determination becomes effective (anticipated to occur by December 30, 2022). If your project may result in incidental take of northern long-eared bats after the new listing goes into effect this will first need to be addressed in an updated consultation that includes an Incidental Take Statement. If your project may require re-initiation of consultation, please contact our office for additional guidance.*

### **Whooping Crane**

Whooping crane is designated as a non-essential experimental population in Wisconsin and consultation under Section 7(a)(2) of the Endangered Species Act is only required if project activities will occur within a National Wildlife Refuge or National Park. If project activities are proposed on lands outside of a National Wildlife Refuge or National Park, then you are not required to consult. For additional information on this designation and consultation requirements, please review "[Establishment of a Nonessential Experimental Population of](#)

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[Whooping Cranes in the Eastern United States.”](#)

### **Other Trust Resources and Activities**

*Bald and Golden Eagles* - Although the bald eagle has been removed from the endangered species list, this species and the golden eagle are protected by the Bald and Golden Eagle Act and the Migratory Bird Treaty Act. Should bald or golden eagles occur within or near the project area please contact our office for further coordination. For communication and wind energy projects, please refer to additional guidelines below.

*Migratory Birds* - The Migratory Bird Treaty Act (MBTA) prohibits the taking, killing, possession, transportation, and importation of migratory birds, their eggs, parts, and nests, except when specifically authorized by the Service. The Service has the responsibility under the MBTA to proactively prevent the mortality of migratory birds whenever possible and we encourage implementation of [recommendations that minimize potential impacts to migratory birds](#). Such measures include clearing forested habitat outside the nesting season (generally March 1 to August 31) or conducting nest surveys prior to clearing to avoid injury to eggs or nestlings.

*Communication Towers* - Construction of new communications towers (including radio, television, cellular, and microwave) creates a potentially significant impact on migratory birds, especially some 350 species of night-migrating birds. However, the Service has developed [voluntary guidelines for minimizing impacts](#).

*Transmission Lines* - Migratory birds, especially large species with long wingspans, heavy bodies, and poor maneuverability can also collide with power lines. In addition, mortality can occur when birds, particularly hawks, eagles, kites, falcons, and owls, attempt to perch on uninsulated or unguarded power poles. To minimize these risks, please refer to [guidelines](#) developed by the Avian Power Line Interaction Committee and the Service. Implementation of these measures is especially important along sections of lines adjacent to wetlands or other areas that support large numbers of raptors and migratory birds.

*Wind Energy* - To minimize impacts to migratory birds and bats, wind energy projects should follow the Service's [Wind Energy Guidelines](#). In addition, please refer to the Service's [Eagle Conservation Plan Guidance](#), which provides guidance for conserving bald and golden eagles in the course of siting, constructing, and operating wind energy facilities.

### **State Department of Natural Resources Coordination**

While it is not required for your Federal section 7 consultation, please note that additional state endangered or threatened species may also have the potential to be impacted. Please contact the Minnesota or Wisconsin Department of Natural Resources for information on state listed species that may be present in your proposed project area.

#### *Minnesota*

[Minnesota Department of Natural Resources - Endangered Resources Review Homepage](#)

Email: [Review.NHIS@state.mn.us](mailto:Review.NHIS@state.mn.us)

#### *Wisconsin*

[Wisconsin Department of Natural Resources - Endangered Resources Review Homepage](#)

Email: [DNRRERReview@wi.gov](mailto:DNRRERReview@wi.gov)

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We appreciate your concern for threatened and endangered species. Please feel free to contact our office with questions or for additional information.

Attachment(s):

- Official Species List
  - USFWS National Wildlife Refuges and Fish Hatcheries
  - Migratory Birds
  - Wetlands
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## **Official Species List**

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

**Minnesota-Wisconsin Ecological Services Field Office**

3815 American Blvd East  
Bloomington, MN 55425-1659  
(952) 858-0793

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## Project Summary

Project Code: 2022-0076551  
Project Name: RST tree removal  
Project Type: Airport - Maintenance/Modification  
Project Description: Tree removal associated with runway extension  
Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@43.8906399,-92.50779827433377,14z>



Counties: Olmsted County, Minnesota

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## Endangered Species Act Species

There is a total of 4 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries<sup>1</sup>, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

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1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

### Mammals

NAME	STATUS
Northern Long-eared Bat <i>Myotis septentrionalis</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/9045">https://ecos.fws.gov/ecp/species/9045</a>	Endangered
Tricolored Bat <i>Perimyotis subflavus</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/10515">https://ecos.fws.gov/ecp/species/10515</a>	Proposed Endangered

### Insects

NAME	STATUS
Monarch Butterfly <i>Danaus plexippus</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/9743">https://ecos.fws.gov/ecp/species/9743</a>	Candidate

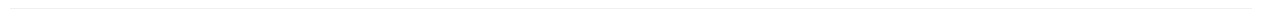
### Flowering Plants

NAME	STATUS
Prairie Bush-clover <i>Lespedeza leptostachya</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/4458">https://ecos.fws.gov/ecp/species/4458</a>	Threatened

### Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

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# **USFWS National Wildlife Refuge Lands And Fish Hatcheries**

Any activity proposed on lands managed by the [National Wildlife Refuge](#) system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS OR FISH HATCHERIES WITHIN YOUR PROJECT AREA.

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## Migratory Birds

Certain birds are protected under the Migratory Bird Treaty Act<sup>1</sup> and the Bald and Golden Eagle Protection Act<sup>2</sup>.

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats should follow appropriate regulations and consider implementing appropriate conservation measures, as described [below](#).

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1. The [Migratory Birds Treaty Act](#) of 1918.
  2. The [Bald and Golden Eagle Protection Act](#) of 1940.
  3. 50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)

**The birds listed below are birds of particular concern either because they occur on the [USFWS Birds of Conservation Concern \(BCC\)](#) list or warrant special attention in your project location.** To learn more about the levels of concern for birds on your list and how this list is generated, see the FAQ [below](#). This is not a list of every bird you may find in this location, nor a guarantee that every bird on this list will be found in your project area. To see exact locations of where birders and the general public have sighted birds in and around your project area, visit the [E-bird data mapping tool](#) (Tip: enter your location, desired date range and a species on your list). For projects that occur off the Atlantic Coast, additional maps and models detailing the relative occurrence and abundance of bird species on your list are available. Links to additional information about Atlantic Coast birds, and other important information about your migratory bird list, including how to properly interpret and use your migratory bird report, can be found [below](#).

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, click on the PROBABILITY OF PRESENCE SUMMARY at the top of your list to see when these birds are most likely to be present and breeding in your project area.

NAME	BREEDING SEASON
Bald Eagle <i>Haliaeetus leucocephalus</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.	Breeds Oct 15 to Aug 31
Black-billed Cuckoo <i>Coccyzus erythrophthalmus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. <a href="https://ecos.fws.gov/ecp/species/9399">https://ecos.fws.gov/ecp/species/9399</a>	Breeds May 15 to Oct 10

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NAME	BREEDING SEASON
<b>Bobolink <i>Dolichonyx oryzivorus</i></b> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 20 to Jul 31
<b>Cerulean Warbler <i>Dendroica cerulea</i></b> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. <a href="https://ecos.fws.gov/ecp/species/2974">https://ecos.fws.gov/ecp/species/2974</a>	Breeds Apr 21 to Jul 20
<b>Chimney Swift <i>Chaetura pelagica</i></b> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds Mar 15 to Aug 25
<b>Golden Eagle <i>Aquila chrysaetos</i></b> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. <a href="https://ecos.fws.gov/ecp/species/1680">https://ecos.fws.gov/ecp/species/1680</a>	Breeds elsewhere
<b>Henslow's Sparrow <i>Ammodramus henslowii</i></b> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. <a href="https://ecos.fws.gov/ecp/species/3941">https://ecos.fws.gov/ecp/species/3941</a>	Breeds May 1 to Aug 31
<b>Hudsonian Godwit <i>Limosa haemastica</i></b> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds elsewhere
<b>Lesser Yellowlegs <i>Tringa flavipes</i></b> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. <a href="https://ecos.fws.gov/ecp/species/9679">https://ecos.fws.gov/ecp/species/9679</a>	Breeds elsewhere
<b>Red-headed Woodpecker <i>Melanerpes erythrocephalus</i></b> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 10 to Sep 10
<b>Rusty Blackbird <i>Euphagus carolinus</i></b> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA	Breeds elsewhere
<b>Short-billed Dowitcher <i>Limnodromus griseus</i></b> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. <a href="https://ecos.fws.gov/ecp/species/9480">https://ecos.fws.gov/ecp/species/9480</a>	Breeds elsewhere
<b>Upland Sandpiper <i>Bartramia longicauda</i></b> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA <a href="https://ecos.fws.gov/ecp/species/9294">https://ecos.fws.gov/ecp/species/9294</a>	Breeds May 1 to Aug 31

NAME	BREEDING SEASON
Wood Thrush <i>Hylocichla mustelina</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 10 to Aug 31

## Probability Of Presence Summary

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read and understand the FAQ "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

### Probability of Presence (■)

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

How is the probability of presence score calculated? The calculation is done in three steps:

1. The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.
2. To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is  $0.25/0.25 = 1$ ; at week 20 it is  $0.05/0.25 = 0.2$ .
3. The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

### Breeding Season (■)

Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

### Survey Effort (|)

Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

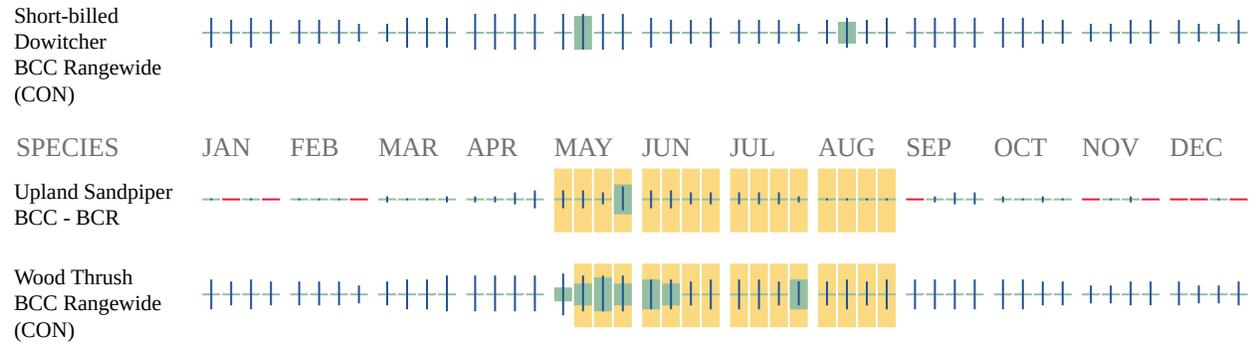
**No Data (-)**

A week is marked as having no data if there were no survey events for that week.

**Survey Timeframe**

Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.





Additional information can be found using the following links:

- Birds of Conservation Concern <https://www.fws.gov/program/migratory-birds/species>
- Measures for avoiding and minimizing impacts to birds <https://www.fws.gov/library/collections/avoiding-and-minimizing-incident-take-migratory-birds>
- Nationwide conservation measures for birds <https://www.fws.gov/sites/default/files/documents/nationwide-standard-conservation-measures.pdf>

## Migratory Birds FAQ

**Tell me more about conservation measures I can implement to avoid or minimize impacts to migratory birds.**

[Nationwide Conservation Measures](#) describes measures that can help avoid and minimize impacts to all birds at any location year round. Implementation of these measures is particularly important when birds are most likely to occur in the project area. When birds may be breeding in the area, identifying the locations of any active nests and avoiding their destruction is a very helpful impact minimization measure. To see when birds are most likely to occur and be breeding in your project area, view the Probability of Presence Summary. [Additional measures](#) or [permits](#) may be advisable depending on the type of activity you are conducting and the type of infrastructure or bird species present on your project site.

**What does IPaC use to generate the list of migratory birds that potentially occur in my specified location?**

The Migratory Bird Resource List is comprised of USFWS [Birds of Conservation Concern \(BCC\)](#) and other species that may warrant special attention in your project location.

The migratory bird list generated for your project is derived from data provided by the [Avian Knowledge Network \(AKN\)](#). The AKN data is based on a growing collection of [survey, banding, and citizen science datasets](#) and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle ([Eagle Act](#) requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the [Rapid Avian Information Locator \(RAIL\) Tool](#).

### **What does IPaC use to generate the probability of presence graphs for the migratory birds potentially occurring in my specified location?**

The probability of presence graphs associated with your migratory bird list are based on data provided by the [Avian Knowledge Network \(AKN\)](#). This data is derived from a growing collection of [survey, banding, and citizen science datasets](#).

Probability of presence data is continuously being updated as new and better information becomes available. To learn more about how the probability of presence graphs are produced and how to interpret them, go to the Probability of Presence Summary and then click on the "Tell me about these graphs" link.

### **How do I know if a bird is breeding, wintering or migrating in my area?**

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating or year-round), you may query your location using the [RAIL Tool](#) and look at the range maps provided for birds in your area at the bottom of the profiles provided for each bird in your results. If a bird on your migratory bird species list has a breeding season associated with it, if that bird does occur in your project area, there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

### **What are the levels of concern for migratory birds?**

Migratory birds delivered through IPaC fall into the following distinct categories of concern:

1. "BCC Rangewide" birds are [Birds of Conservation Concern](#) (BCC) that are of concern throughout their range anywhere within the USA (including Hawaii, the Pacific Islands, Puerto Rico, and the Virgin Islands);
2. "BCC - BCR" birds are BCCs that are of concern only in particular Bird Conservation Regions (BCRs) in the continental USA; and
3. "Non-BCC - Vulnerable" birds are not BCC species in your project area, but appear on your list either because of the [Eagle Act](#) requirements (for eagles) or (for non-eagles) potential susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or longline fishing).

Although it is important to try to avoid and minimize impacts to all birds, efforts should be made, in particular, to avoid and minimize impacts to the birds on this list, especially eagles and BCC species of rangewide concern. For more information on conservation measures you can implement to help avoid and minimize migratory bird impacts and requirements for eagles, please see the FAQs for these topics.

### **Details about birds that are potentially affected by offshore projects**

For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the [Northeast Ocean Data Portal](#). The Portal also offers data and information about other taxa besides

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birds that may be helpful to you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the [NOAA NCCOS Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf](#) project webpage.

Bird tracking data can also provide additional details about occurrence and habitat use throughout the year, including migration. Models relying on survey data may not include this information. For additional information on marine bird tracking data, see the [Diving Bird Study](#) and the [nanotag studies](#) or contact [Caleb Spiegel](#) or [Pam Loring](#).

### **What if I have eagles on my list?**

If your project has the potential to disturb or kill eagles, you may need to [obtain a permit](#) to avoid violating the Eagle Act should such impacts occur.

### **Proper Interpretation and Use of Your Migratory Bird Report**

The migratory bird list generated is not a list of all birds in your project area, only a subset of birds of priority concern. To learn more about how your list is generated, and see options for identifying what other birds may be in your project area, please see the FAQ "What does IPaC use to generate the migratory birds potentially occurring in my specified location". Please be aware this report provides the "probability of presence" of birds within the 10 km grid cell(s) that overlap your project; not your exact project footprint. On the graphs provided, please also look carefully at the survey effort (indicated by the black vertical bar) and for the existence of the "no data" indicator (a red horizontal bar). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort bar or no data bar means a lack of data and, therefore, a lack of certainty about presence of the species. This list is not perfect; it is simply a starting point for identifying what birds of concern have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list helps you know what to look for to confirm presence, and helps guide you in knowing when to implement conservation measures to avoid or minimize potential impacts from your project activities, should presence be confirmed. To learn more about conservation measures, visit the FAQ "Tell me about conservation measures I can implement to avoid or minimize impacts to migratory birds" at the bottom of your migratory bird trust resources page.

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# Wetlands

Impacts to [NWI wetlands](#) and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local [U.S. Army Corps of Engineers District](#).

Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.

## FRESHWATER FORESTED/SHRUB WETLAND

- [PFO1B](#)
- [PSS1B](#)

## FRESHWATER EMERGENT WETLAND

- [PEM1Ah](#)
- [PEM1B](#)
- [PEM1A](#)

## FRESHWATER POND

- [PUBFx](#)

## RIVERINE

- [R4SBC](#)
-

## **IPaC User Contact Information**

Agency: Federal Aviation Administration  
Name: Melissa Jenny  
Address: FAA – Dakota Minnesota Airport District Office  
Address Line 2: 6020 S 28th Ave  
City: Minneapolis  
State: MN  
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**Northern Long-eared Bat**  
**Field Assessment for Summer Habitat Suitability**  
**Rochester International Airport in Olmsted County,**  
**Minnesota**  
**August 25, 2022**

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**Prepared for:**

**Mead & Hunt, Inc.**

7900 International Drive, Suite 980  
Bloomington, Minnesota 55425

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**Prepared by:**

**Brenna Hyzy**

Western EcoSystems Technology, Inc.  
7575 Golden Valley Road, Suite 300  
Golden Valley, Minnesota 55427

**September 2022**



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Appendix A. Representative Photographs from the Rochester International Airport Habitat Assessment  
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## **INTRODUCTION**

Mead & Hunt, Inc. (Mead & Hunt) plans to perform limited tree clearing at the Rochester International Airport in Olmsted County, Minnesota. Mead & Hunt contracted Western EcoSystems Technology, Inc. (WEST) to conduct a field-based habitat assessment to determine whether or not these tree clearing areas qualify as potentially suitable summer habitat for the federally listed as threatened northern long-eared bat (*Myotis septentrionalis*; NLEB).

The objective of this assessment was to identify whether any potentially suitable summer habitat for the NLEB, as defined by the US Fish and Wildlife Service's (USFWS) *2022 Range-Wide Indiana Bat & Northern Long-Eared Bat Summer Survey Guidelines* (2022), was present in the areas of trees selected to be cleared.

The USFWS defines potentially suitable NLEB roost trees as snags or live trees with a diameter at breast height (DBH) greater than or equal to 3.0 inches (in; 7.6 centimeters [cm]) with exfoliating bark and/or cavities. Isolated individual trees with the characteristics of a potential roost may be considered suitable habitat when they are within 1,000 feet (ft; 305 meters) of other forested/wooded habitat (USFWS 2022). Linear forested features, such as wooded fencerows and tree lines, and smaller patches of trees may provide commuting habitat for this species; however, these areas of potential commuting habitat are not considered suitable habitat if they are separated from larger suitable roosting and foraging areas by more than 1,000 ft (USFWS 2022).

## **METHODS**

Mead & Hunt provided spatial files for 14 polygons representing areas selected for tree clearing, which were just south of the runway associated with the Rochester International Airport (Figure 1). These 14 polygons were grouped into six assessment areas, and all polygons within a given assessment area were evaluated at the same time (Figure 1). The field-based habitat assessment was completed by a federally permitted bat biologist, Brenna Hyzy, M.S. (TE26854C-1).

During the assessment, forest characteristics were evaluated and recorded such as:

- vegetation type
- estimated forest age structure (immature, mixed, mature)
- dominant tree species and preferred roost tree species
- size composition of live trees as small, medium, or large (tree DBH less than or equal to 3.0 in, DBH 3.0–5.0 in [7.6–12.7 cm], DBH greater than or equal to 5.0 in, respectively)
- presence of snags or live trees

WEST took multiple representative photographs of all areas of trees selected to be cleared to provide a visual record of the habitat being evaluated (Appendix A). Datasheets providing detailed habitat information for each assessment area are included in Appendix B.

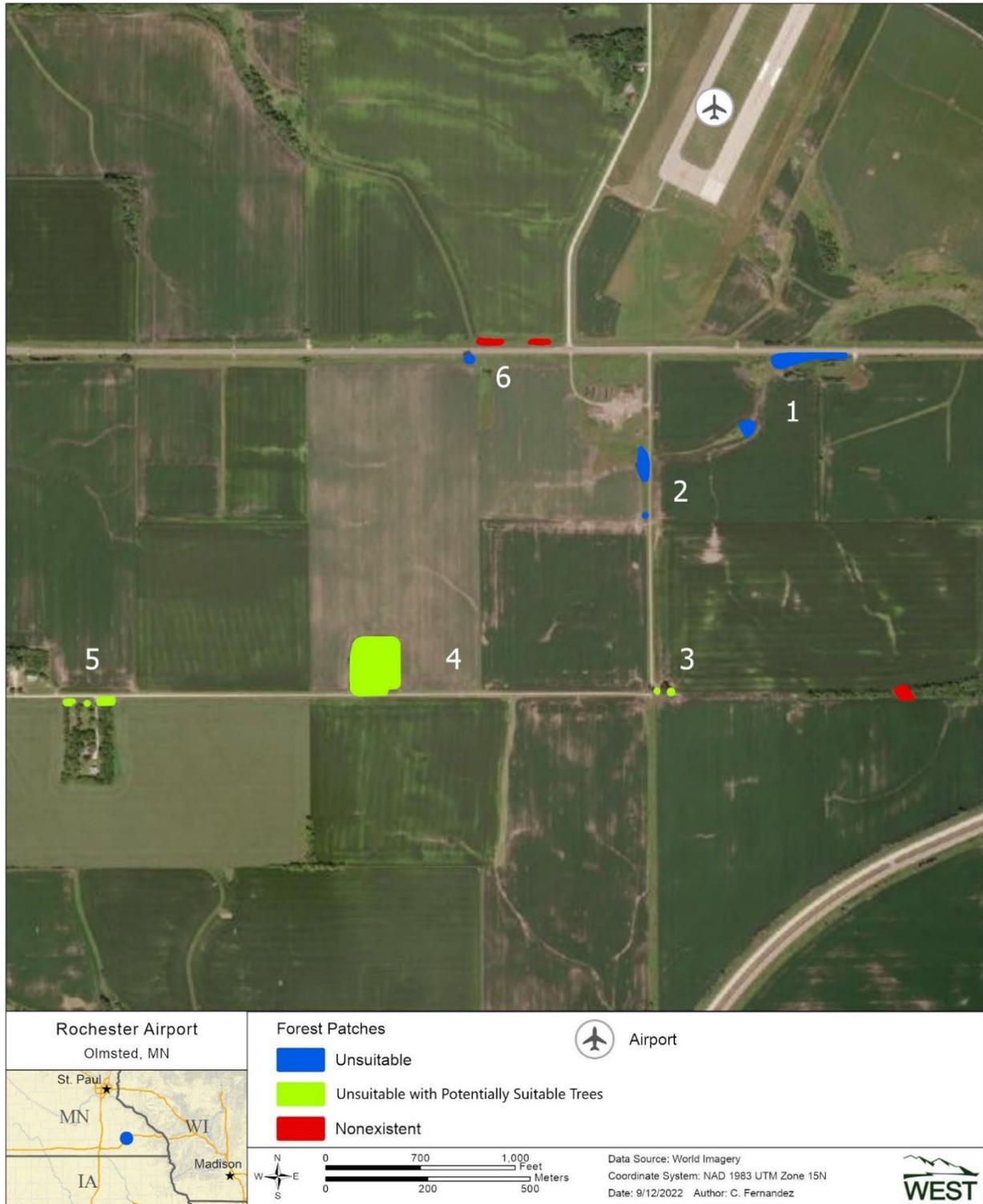
## RESULTS

The field-based habitat assessment was completed on August 25, 2022, by federally permitted bat biologist Brenna Hyzy, escorted by two Mead & Hunt representatives (Matt Wagner and Taylor Peterson). A summary description of each assessment area along with recommendations regarding tree clearing are provided in Table 1.

Three of the six assessment areas were determined to be unsuitable habitat containing potentially suitable trees for NLEB (six polygons within Assessment Areas 3, 4, and 5; Figure 1, Table 1). The dominant tree species in these assessment areas was eastern cottonwood (*Populus deltoides*). Assessment Area 3 consisted of two mature cottonwood trees, each of which displayed characteristics of potentially suitable roost trees for NLEB such as exfoliating bark, crevices, and cavities. Assessment Area 4 is a 3.4-acre (1.4-hectare) patch of mixed forest with a relatively open canopy and slightly cluttered midstory with dominant tree species being eastern cottonwood and red maple (*Acer rubrum*). Fewer than five trees within Assessment Area 4 displayed characteristics of potentially suitable roost trees. Assessment Area 5 consisted of roughly 10 to 15 trees located along the northern edge of a forested homestead. The majority were mature deciduous trees, and two trees displayed characteristics of potentially suitable roost trees. While all three of these assessment areas contained trees that exhibit characteristics associated with potentially suitable roost trees per the USFWS, each assessment area is isolated from any nearby forest by more than 1,000 ft; therefore, Assessment Areas 3, 4, and 5 do not qualify as potentially suitable summer habitat for the NLEB.

The remaining three assessment areas were determined to be unsuitable for NLEB (five polygons within Assessment Areas 1, 2, and 6; Table 1). The dominant tree species in these assessment areas were eastern cottonwood and box elder (*A. negundo*). Assessment Area 1 is a small strip of immature cottonwood trees along a gravel road, and a nearby patch of shrubby habitat in an adjacent field. No trees displayed characteristics of potentially suitable roosting habitat. Assessment Area 2 is a similar strip of young box elder trees along a gravel road, along with two to three young eastern cottonwood trees and one mature eastern cottonwood tree. No trees displayed characteristics of potentially suitable roosting habitat. Assessment Area 6 consisted of two mature eastern cottonwood trees, neither of which exhibited characteristics of potentially suitable roosting habitat. None of these three assessment areas contained trees that exhibit characteristics associated with potentially suitable roost trees per the USFWS, and each assessment area is also isolated from any nearby forest by more than 1,000 ft; therefore, Assessment Areas 1, 2, and 6 do not qualify as potentially suitable summer habitat for the NLEB.

Three polygons originally provided by Mead & Hunt were already cleared at the time of the field assessment according to Mead & Hunt escort Matt Wagner, and no trees existed in the highlighted areas (red polygons in Figure 1). These polygons are not included in any of the Assessment Areas.



**Figure 1. Forest patches selected for clearing at the Rochester International Airport in Olmsted County, Minnesota.**

**Table 1. Results of the field-based assessment for potentially suitable northern long-eared bat habitat selected for clearing at the Rochester International Airport in Olmsted County, Minnesota.**

Assessment Area	Habitat Description	Suitability Determination	Recommendation
1	Small strip of young cottonwood trees and shrubby habitat	Unsuitable	Approved for clearing
2	Small strip of young box elder trees and cottonwood trees	Unsuitable	Approved for clearing
3	Two mature cottonwood trees	Unsuitable habitat, with potentially suitable roost trees	Avoid cutting May 15 – August 15*
4	A 3.4-acre patch of mixed forest	Unsuitable habitat, with potentially suitable roost trees	Avoid cutting May 15 – August 15*
5	A strip of 10-15 mature deciduous trees	Unsuitable habitat, with potentially suitable roost trees	Avoid cutting May 15 – August 15*
6	Two mature cottonwood trees	Unsuitable	Approved for clearing

\* USFWS designated summer maternity season for northern long-eared bats (USFWS 2022)

## CONCLUSIONS

Assessment Areas 1, 2, and 6 were determined to be unsuitable habitat for NLEB, and therefore, tree clearing can occur immediately or at any time during the year. No additional consultation or surveys are required for Assessment Areas 1, 2, and 6. Assessment Areas 3, 4, and 5 were determined to contain potentially suitable roost trees for NLEB but did not meet the definition of potentially suitable habitat due to isolation from other forested habitat (greater than 1,000 ft). Therefore, it is recommended that any tree clearing be performed outside of the maternity season (May 15 – August 15) per USFWS recommendation to reduce potential impacts on NLEB.

## LITERATURE CITED

- Esri. 2022. World Imagery and Aerial Photos (World Topo). ArcGIS Resource Center. Environmental Systems Research Institute (Esri), producers of ArcGIS software, Redlands, California. Accessed September 2022. Available online: <https://www.arcgis.com/home/webmap/viewer.html?useExisting=1&layers=10df2279f9684e4a9f6a7f08febac2a9>
- US Fish and Wildlife Service (USFWS). 2022. Range-Wide Indiana Bat & Northern Long-Eared Bat Survey Guidelines. USFWS, Department of the Interior. March 2022. 67 pp. Available online: <https://www.fws.gov/media/range-wide-indiana-bat-and-northern-long-eared-bat-survey-guidelines>

**Appendix A. Representative Photographs from the Rochester International Airport  
Habitat Assessment**



**Appendix A1. Assessment Area 1.**



**Appendix A2. Assessment Area 2.**



**Appendix A3. Assessment Area 3.**



**Appendix A4. Assessment Area 4.**



**Appendix A5. Assessment Area 5.**



**Appendix A6. Assessment Area 6.**

## **Appendix B. Habitat Assessment Datasheets**

Project Name: Rochester Airport

Date: 8/25/22

Township/Range/Section: Olmsted County, MN

Lat Long/UTM/Zone: —

Surveyor: B. Hyzy

**Brief Project Description**

Small local airport just south of Rochester, MN that plans to conduct limited tree clearing associated with construction activities.

**Project Area**

Project	Total Acres	Forest Acres		Open Acres
	—	~4.8		—
Proposed Tree Removal (ac)	Completely cleared	Partially cleared (will leave trees)	Preserve acres- no clearing	
	—	~4.8	—	

**Vegetation Cover Types**

Pre-Project	Post-Project
—	—

**Landscape within 5 mile radius**

Flight corridors to other forested areas?  
None

Describe Adjacent Properties (e.g. forested, grassland, commercial or residential development, water sources)  
Residential development and fragmented agriculture

**Proximity to Public Land**

What is the distance (mi.) from the project area to forested public lands (e.g., national or state forests, national or state parks, conservation areas, wildlife management areas)?  
NA

A single sheet can be used for multiple sample sites if habitat is the same

Sample Site Description
Sample Site No (s): <u>Assessment Area 1</u>

Water Resources at Sample Site				Describe existing condition of water sources <u>none</u>
Stream Type (# and length)	Epithermal	Intermittent	Perennial	
	0	0	0	
Pools/Ponds (# and size)	Open and accessible to bats?			
	no			
Wetlands (approx. ac.)	Permanent	Seasonal		
	0	0		

Forest Resources at Sample Site				
Closure/Density	Canopy (> 50%)	Midstory (20-50%)	Understory (< 20%)	1-1-10%, 2-11-20%, 3-21-40%, 4-41-60%, 5-61-80%, 6-81-100%
Dominant Species of Mature Trees	<u>Cottonwood (Populus spp)</u>			
% Trees w/ Exfoliating Bark	0	0	0	0
Size Composition of Live Trees (%)	Small (3-8 m)	Med (9-15 m)	Large (> 15 m)	
	20%	80%	0%	
No. of Suitable Snags	0			

Standing dead trees with exfoliating bark, cracks, crevices, or hollows. Snags without these characteristics are not considered suitable.

IS THE HABITAT SUITABLE FOR INDIANA BATS? NA

IS THE HABITAT SUITABLE FOR NORTHERN LONG-EARED BATS? No

Additional Comments:
<u>A small strip of young Cottonwood trees along a gravel road along with a small patch of shrubby habitat in an adjacent field.</u> <u>No evidence of potential roost characteristics</u> <u>&gt; 1,000ft from nearby forests, totally isolated</u>

Attach aerial photo of project site with all forested areas labeled and a general description of the habitat

Photographic Documentation: habitat shots at edge and interior from multiple locations.

**Sample Site Description**

Sample Site No (s) Assessment Area 2

**Water Resources at Sample Site**

Stream Type (# and length)	Ephemeral	Intermittent	Perennial	Describe existing condition of water sources
	0	0	0	
Pools/Ponds (# and size)	Open and accessible to bats?			
	no			none
Wetlands (approx. ac.)	Permanent	Seasonal		
	0	0		

**Forest Resources at Sample Site**

Closure/Density	Canopy (> 50%)	Midstory (20-50%)	Understory (< 20%)	1-1-10%, 2-11-20%, 3-21-40%, 4-41-60%, 5-61-80%, 6-81-100%
Dominant Species of Mature Trees	Box elder, cottonwood ( <i>populus spp</i> )			
% Trees w/ Exfoliating Bark	0	0	0	0
Size Composition of Live Trees (%)	Small (3-8 m)	Med (9-15 m)	Large (> 15 m)	
	70%	20%	10%	
No. of Suitable Snags	0			

Standing dead trees with exfoliating bark, cracks, crevices, or hollows. Snags without these characteristics are not considered suitable.

IS THE HABITAT SUITABLE FOR INDIANA BATS? NA

IS THE HABITAT SUITABLE FOR NORTHERN LONG-EARED BATS? No

**Additional Comments:**

A small strip of young box elder trees along a gravel road, one mature cottonwood and 2-3 emergent cottonwood trees  
 No evidence of potential roost characteristics  
 > 1,000 ft from nearby forest, totally isolated

Attach aerial photo of project site with all forested areas labeled and a general description of the habitat

Photographic Documentation: habitat shots at edge and interior from multiple locations.

A single sheet can be used for multiple sample sites if habitat is the same

<b>Sample Site Description</b>
Sample Site No (s) <u>Assessment Area 3</u>

<b>Water Resources at Sample Site</b>				Describe existing condition of water sources <u>none</u>
Stream Type (# and length)	Epithermal <u>none</u>	Intermittent <u>none</u>	Perennial <u>none</u>	
Pools/Ponds (# and size)	Open and accessible to bats? <u>no</u>			
Wetlands (approx. ac.)	Permanent <u>none</u>	Seasonal <u>none</u>		

<b>Forest Resources at Sample Site</b>				1-1-10%, 2-11-20%, 3-21-40%, 4-41-60%, 5-61-80%, 6-81-100%
Closure/Density	Canopy (> 50%) <u>0</u>	Midstory (20-50%) <u>0</u>	Understory (<20%) <u>0</u>	
Dominant Species of Mature Trees	<u>cottonwood (populus spp.)</u>			
% Trees w/ Exfoliating Bark	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Size Composition of Live Trees (%)	Small (3-8 m) <u>-</u>	Med (9-15 m) <u>-</u>	Large (>15 m) <u>100</u>	
No. of Suitable Snags	<u>0</u>			

Standing dead trees with exfoliating bark, cracks, crevices, or hollows. Snags without these characteristics are not considered suitable.

IS THE HABITAT SUITABLE FOR INDIANA BATS? NA

IS THE HABITAT SUITABLE FOR NORTHERN LONG-EARED BATS? Yes

<b>Additional Comments:</b>
<u>Two mature cottonwood trees along gravel road &gt;1,000 ft from any nearby forest, totally isolated. Evidence of potential roost opportunities (exfoliating bark, cavities)</u>

Attach aerial photo of project site with all forested areas labeled and a general description of the habitat

Photographic Documentation: habitat shots at edge and interior from multiple locations.

A single sheet can be used for multiple sample sites if habitat is the same

<b>Sample Site Description</b>
Sample Site No (s): <u>Assessment Area 4</u>

Water Resources at Sample Site				Describe existing condition of water sources: <u>none</u>
Stream Type (# and length)	Epithermal <u>0</u>	Intermittent <u>0</u>	Perennial <u>0</u>	
Pools/Ponds (# and size)	Open and accessible to bats? <u>no</u>			
Wetlands (approx. ac.)	Permanent <u>0</u>	Seasonal <u>0</u>		

Forest Resources at Sample Site				1-1-10%, 2-11-20%, 3-21-40%, 4-41-60%, 5-61-80%, 6-81-100%
Closure/Density	Canopy (> 50%)	Midstory (20-50%)	Understory (<20%)	
Dominant Species of Mature Trees	<u>Cottonwood (populus spp) and maple (Acer spp)</u>			
% Trees w/ Exfoliating Bark	<u>30%</u>	<u>10%</u>	<u>0%</u>	
Size Composition of Live Trees (%)	Small (3-8 in)	Med (9-15 in)	Large (>15 in)	
	<u>30%</u>	<u>30%</u>	<u>40%</u>	
No. of Suitable Snags	<u>2-4</u>			

Standing dead trees with exfoliating bark, cracks, crevices, or hollows. Snags without these characteristics are not considered suitable.

IS THE HABITAT SUITABLE FOR INDIANA BATS? NA  
 IS THE HABITAT SUITABLE FOR NORTHERN LONG-EARED BATS? Yes

<b>Additional Comments:</b> <u>A 3.4 acre patch of potentially suitable mixed forest habitat + 2-4 trees with exfoliating bark cracks, crevices 71,000ft from any surrounding forest, totally isolated</u>
---

Attach aerial photo of project site with all forested areas labeled and a general description of the habitat

Photographic Documentation: habitat shots at edge and interior from multiple locations.

Sample Site Description
Sample Site No (s): <u>Assessment Area 5</u>

Water Resources at Sample Site				
Stream Type (# and length)	Ephemeral 0	Intermittent 0	Perennial 0	Describe existing condition of water sources <u>none</u>
Pools/Ponds (# and size)	Open and accessible to bats? <u>no</u>			
Wetlands (approx. ac.)	Permanent 0	Seasonal 0		

Forest Resources at Sample Site				
Closure/Density	Canopy (> 50%)	Midstory (20-40%)	Understory (< 20%)	1-1-10%, 2-11-20%, 3-21-40%, 4-41-60%, 5-61-80%, 6-81-100%
Dominant Species of Mature Trees	<u>cottonwood (populus spp) and maple (Acer spp)</u>			
% Trees w/ Exfoliating Bark	5%	5%	0%	—
Size Composition of Live Trees (%)	Small (3-8 m)	Med (9-15 m)	Large (>15 m)	
	0%	60%	40%	
No. of Suitable Snags	2			

Standing dead trees with exfoliating bark, cracks, crevices, or hollows. Snags without these characteristics are not considered suitable.

IS THE HABITAT SUITABLE FOR INDIANA BATS? NA

IS THE HABITAT SUITABLE FOR NORTHERN LONG-EARED BATS? Yes

Additional Comments:
<u>A strip of roughly 10-15 mature deciduous trees</u> <u>Two mature trees (one decayed snag) exhibit</u> <u>characteristics of potentially suitable roost trees</u> <u>71,000 ft from any forest nearby, totally isolated</u>

Attach aerial photo of project site with all forested areas labeled and a general description of the habitat

Photographic Documentation: habitat shots at edge and interior from multiple locations.

A single sheet can be used for multiple sample sites if habitat is the same

<b>Sample Site Description</b>
Sample Site No (s) <u>Assessment Area 6</u>

Water Resources at Sample Site				Describe existing condition of water sources. <u>none</u>
Stream Type (# and length)	Epithermal <u>none</u>	Intermittent <u>none</u>	Perennial <u>none</u>	
Pools/Ponds (# and size)	Open and accessible to bats? <u>no</u>			
Wetlands (approx. ac.)	Permanent <u>none</u>	Seasonal <u>none</u>		

Forest Resources at Sample Site				
Closure/Density	Canopy (> 50%) <u>0</u>	Midstory (20-50%) <u>0</u>	Understory (< 20%) <u>0</u>	1-1-10%, 2-11-20%, 3-21-40%, 4-41-60%, 5-61-80%, 6-81-100%
Dominant Species of Mature Trees	<u>Cotton wood (Populus spp)</u>			
% Trees w/ Exfoliating Bark	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Size Composition of Live Trees (%)	Small (3-8 m) <u>-</u>	Med (9-15 m) <u>-</u>	Large (> 15 m) <u>100</u>	
No. of Suitable Snags	<u>0</u>			

Standing dead trees with exfoliating bark, cracks, crevices, or hollows. Snags without these characteristics are not considered suitable.

IS THE HABITAT SUITABLE FOR INDIANA BATS? NA

IS THE HABITAT SUITABLE FOR NORTHERN LONG-EARED BATS? No

<b>Additional Comments:</b> <u>Two mature cottonwood trees along gravel road &gt; 1,000 ft from any forest nearby, totally isolated. No visible characteristics of potentially suitable roost tree.</u>
--

Attach aerial photo of project site with all forested areas labeled and a general description of the habitat

Photographic Documentation: habitat shots at edge and interior from multiple locations.



# United States Department of the Interior



FISH AND WILDLIFE SERVICE  
Minnesota-Wisconsin Ecological Services Field Office  
3815 American Blvd East  
Bloomington, MN 55425-1659  
Phone: (952) 858-0793 Fax: (952) 646-2873

In Reply Refer To:  
Project code: 2022-0076551  
Project Name: RST tree removal

January 12, 2023

Subject: Verification letter for the 'RST tree removal' project under the January 5, 2016, Programmatic Biological Opinion on Final 4(d) Rule for the Northern Long-eared Bat and Activities Excepted from Take Prohibitions.

Dear Melissa Jenny:

The U.S. Fish and Wildlife Service (Service) received on January 12, 2023 your effects determination for the 'RST tree removal' (the Action) using the northern long-eared bat (*Myotis septentrionalis*) key within the Information for Planning and Consultation (IPaC) system. This IPaC key assists users in determining whether a Federal action is consistent with the activities analyzed in the Service's January 5, 2016, Programmatic Biological Opinion (PBO). The PBO addresses activities excepted from "take"<sup>[1]</sup> prohibitions applicable to the northern long-eared bat under the Endangered Species Act of 1973 (ESA) (87 Stat.884, as amended; 16 U.S.C. 1531 et seq.).

Based upon your IPaC submission, the Action is consistent with activities analyzed in the PBO. The Action may affect the northern long-eared bat; however, any take that may occur as a result of the Action is not prohibited under the ESA Section 4(d) rule adopted for this species at 50 CFR §17.40(o). Unless the Service advises you within 30 days of the date of this letter that your IPaC-assisted determination was incorrect, this letter verifies that the PBO satisfies and concludes your responsibilities for this Action under ESA Section 7(a)(2) with respect to the northern long-eared bat.

Additionally, please note that on March 23, 2022, the Service published a proposal to reclassify the northern long-eared bat (NLEB) as endangered under the Endangered Species Act. The U.S. District Court for the District of Columbia has ordered the Service to complete a new final listing determination for the NLEB by November 2022 (Case 1:15-cv-00477, March 1, 2021). The bat, currently listed as threatened, faces extinction due to the range-wide impacts of white-nose syndrome (WNS), a deadly fungal disease affecting cave-dwelling bats across the continent. The proposed reclassification, if finalized, would remove the current 4(d) rule for the NLEB, as these rules may be applied only to threatened species. Depending on the type of effects a project has on NLEB, the change in the species' status may trigger the need to re-initiate consultation for any

actions that are not completed and for which the Federal action agency retains discretion once the new listing determination becomes effective (anticipated to occur by December 30, 2022). If your project may result in incidental take of NLEB after the new listing goes into effect this will first need to be addressed in an updated consultation that includes an Incidental Take Statement. If your project may require re-initiation of consultation, please contact our office for additional guidance.

Please report to our office any changes to the information about the Action that you submitted in IPaC, the results of any bat surveys conducted in the Action area, and any dead, injured, or sick northern long-eared bats that are found during Action implementation. If the Action is not completed within one year of the date of this letter, you must update and resubmit the information required in the IPaC key.

This IPaC-assisted determination allows you to rely on the PBO for compliance with ESA Section 7(a)(2) only for the northern long-eared bat. It **does not** apply to the following ESA-protected species that also may occur in the Action area:

- Monarch Butterfly *Danaus plexippus* Candidate
- Prairie Bush-clover *Lespedeza leptostachya* Threatened
- Tricolored Bat *Perimyotis subflavus* Proposed Endangered

If the Action may affect other federally listed species besides the northern long-eared bat, a proposed species, and/or designated critical habitat, additional consultation between you and this Service office is required. If the Action may disturb bald or golden eagles, additional coordination with the Service under the Bald and Golden Eagle Protection Act is recommended.

---

[1]Take means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct [ESA Section 3(19)].

---

## Action Description

You provided to IPaC the following name and description for the subject Action.

### 1. Name

RST tree removal

### 2. Description

The following description was provided for the project 'RST tree removal':

Tree removal associated with runway extension

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@43.8906399,-92.50779827433377,14z>



## Determination Key Result

This Federal Action may affect the northern long-eared bat in a manner consistent with the description of activities addressed by the Service's PBO dated January 5, 2016. Any taking that may occur incidental to this Action is not prohibited under the final 4(d) rule at 50 CFR §17.40(o). Therefore, the PBO satisfies your responsibilities for this Action under ESA Section 7(a)(2) relative to the northern long-eared bat.

## Determination Key Description: Northern Long-eared Bat 4(d) Rule

This key was last updated in IPaC on May 15, 2017. Keys are subject to periodic revision.

This key is intended for actions that may affect the threatened northern long-eared bat.

The purpose of the key for Federal actions is to assist determinations as to whether proposed actions are consistent with those analyzed in the Service's PBO dated January 5, 2016.

Federal actions that may cause prohibited take of northern long-eared bats, affect ESA-listed species other than the northern long-eared bat, or affect any designated critical habitat, require ESA Section 7(a)(2) consultation in addition to the use of this key. Federal actions that may

affect species proposed for listing or critical habitat proposed for designation may require a conference under ESA Section 7(a)(4).

## Determination Key Result

This project may affect the threatened Northern long-eared bat; therefore, consultation with the Service pursuant to Section 7(a)(2) of the Endangered Species Act of 1973 (87 Stat.884, as amended; 16 U.S.C. 1531 et seq.) is required. However, based on the information you provided, this project may rely on the Service's January 5, 2016, *Programmatic Biological Opinion on Final 4(d) Rule for the Northern Long-Eared Bat and Activities Excepted from Take Prohibitions* to fulfill its Section 7(a)(2) consultation obligation.

## Qualification Interview

1. Is the action authorized, funded, or being carried out by a Federal agency?  
Yes
2. Have you determined that the proposed action will have "no effect" on the northern long-eared bat? (If you are unsure select "No")  
No
3. Will your activity purposefully **Take** northern long-eared bats?  
No
4. [Semantic] Is the project action area located wholly outside the White-nose Syndrome Zone?  
**Automatically answered**  
No
5. Have you contacted the appropriate agency to determine if your project is near a known hibernaculum or maternity roost tree?

Location information for northern long-eared bat hibernacula is generally kept in state Natural Heritage Inventory databases – the availability of this data varies state-by-state. Many states provide online access to their data, either directly by providing maps or by providing the opportunity to make a data request. In some cases, to protect those resources, access to the information may be limited. A web page with links to state Natural Heritage Inventory databases and other sources of information on the locations of northern long-eared bat roost trees and hibernacula is available at [www.fws.gov/media/nleb-roost-tree-and-hibernacula-state-specific-data-links-0](http://www.fws.gov/media/nleb-roost-tree-and-hibernacula-state-specific-data-links-0).

Yes

6. Will the action affect a cave or mine where northern long-eared bats are known to hibernate (i.e., hibernaculum) or could it alter the entrance or the environment (physical or other alteration) of a hibernaculum?  
No
  7. Will the action involve Tree Removal?  
Yes
-

8. Will the action only remove hazardous trees for the protection of human life or property?

*No*

9. Will the action remove trees within 0.25 miles of a known northern long-eared bat hibernaculum at any time of year?

*No*

10. Will the action remove a known occupied northern long-eared bat maternity roost tree or any trees within 150 feet of a known occupied maternity roost tree from June 1 through July 31?

*No*

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## Project Questionnaire

**If the project includes forest conversion, report the appropriate acreages below. Otherwise, type '0' in questions 1-3.**

1. Estimated total acres of forest conversion:

4.98

2. If known, estimated acres of forest conversion from April 1 to October 31

4.98

3. If known, estimated acres of forest conversion from June 1 to July 31

0

**If the project includes timber harvest, report the appropriate acreages below. Otherwise, type '0' in questions 4-6.**

4. Estimated total acres of timber harvest

0

5. If known, estimated acres of timber harvest from April 1 to October 31

0

6. If known, estimated acres of timber harvest from June 1 to July 31

0

**If the project includes prescribed fire, report the appropriate acreages below. Otherwise, type '0' in questions 7-9.**

7. Estimated total acres of prescribed fire

0

8. If known, estimated acres of prescribed fire from April 1 to October 31

0

9. If known, estimated acres of prescribed fire from June 1 to July 31

0

**If the project includes new wind turbines, report the megawatts of wind capacity below. Otherwise, type '0' in question 10.**

10. What is the estimated wind capacity (in megawatts) of the new turbine(s)?

0

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## **IPaC User Contact Information**

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