

Attachment 4 - USFWS January 18, 2005 Final Concurrence letter



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

MICHAEL F. EASLEY
GOVERNOR

LYNDO TIPPETT
SECRETARY

January 10, 2005

US Fish and Wildlife Service
Mr. Brian Cole, State Supervisor
160 Zillicoa Street
Asheville, NC 28801

ATTN: Ms. Marella Buncick
NCDOT Coordinator

SUBJECT: Section 7 Biological Conclusions for the Indiana bat (*Myotis sodalis*) and gray bat (*Myotis grisescens*) on five TIP projects in western North Carolina

This memorandum serves as a biological conclusion report for the federally protected Indiana bat (*Myotis sodalis*) and the gray bat (*Myotis grisescens*), which are listed for the counties in western North Carolina where five TIP projects are scheduled to occur. In addition, NCDOT is requesting concurrence with the biological conclusions for these projects. The projects are B-3701, B-4286, B-4287 B-3344 and B-4184.

Screenings were conducted for the projects to see if habitat appeared to be present. Projects that appeared to have good bat habitat were then given to consultants for surveying over the summer using the Indiana bat protocol. The consultants were Eco-Tech in Kentucky, ATS in Virginia and BHE Environmental in Ohio.

Four projects were surveyed using mist nets: B-3701, B-4286, B-4287 and B-3344. No federally endangered bats were captured or observed during the surveys. The following species were captured:

B-3701 - little brown bat (*Myotis lucifugus*)

B-4286 - little brown bat, eastern red bat (*Lasiurus borealis*)

B-4287 - little brown bat, eastern red bat, eastern pipistrelle (*Pipistrellus subflavus*)

B-3344 - little brown bat, eastern red bat, eastern pipistrelle, big brown bat (*Eptesicus fuscus*), northern long-eared bat (*Myotis septentrionalis*), eastern small-footed bat (*Myotis leibii*), and hoary bat (*Lasiurus cinereus*).

There was no evidence of bat use at any of the bridges.

The fifth project, B-4184 over the Ivy River, was not surveyed, as ATS determined that there was a lack of suitable corridors in the project area that would allow for mist-netting. ATS found no evidence of bats using the existing bridge structure, and stated that due to lack of suitable roosting habitat for gray bats and lack of good corridors and forest, it was unlikely that B-4184 would have any significant impact on endangered bat species.

Three of the projects had been surveyed previously by BHE: B-3701, B-4286, B-4287. The previous surveys, conducted in 2002, did not turn up any evidence or observation of federally endangered bats.

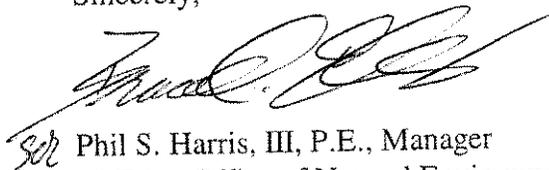
Based on the above results, it does not appear that Indiana bats or gray bats use any of the five TIP project areas to any significant degree. No roosting habitat for gray bats was observed. Project construction may have negative effects on foraging habitat for both species as well as roosting habitat for Indiana bats. However, the potential loss of habitat is not likely to adversely affect either species. Therefore, NCDOT has determined that a biological conclusion of **May Affect, Not Likely to Adversely Affect** applies to each of the five TIP projects B-3701, B-4286, B-4287 B-3344 and B-4184.

The eastern small-footed bat was captured at B-3344, Pisgah Creek Road in Haywood County; several calls were obtained from this species as well using ANABAT. The eastern small-footed bat is listed as a Federal Species of Concern. The northern long-eared bat, captured at the same project, is state-listed as Special Concern. It is recommended that if replacement bridges at this site have concrete guardrails, the expansion joints should be about 9mm wide to provide habitat for the eastern small-footed bat. Depending on the type of materials and construction used for the bridge, other modifications may be possible to provide bat roosting habitat. Please contact Mary Frazer (number provided below) for more information.

To minimize impacts to bat foraging habitat, stringent erosion control measures should be implemented along streams and rivers. Old trees or snags with shaggy bark should be left standing whenever possible to provide roosting habitat. Recommendations for reducing potential impacts to bat habitat are detailed in the bat survey reports.

We believe that the requirements of Section 7(a)(2) of the ESA have been satisfied and hereby request your concurrence. If you need copies of the survey reports or any additional information, please contact Mary Frazer at 919-715-1419.

Sincerely,



Phil S. Harris, III, P.E., Manager
PDEA – Office of Natural Environment

cc: Chris Underwood, PDEA
John Williams, PDEA
Chris Rivenbark, PDEA
Khaled Al-Akhdar, PDEA
Chris Manley, PDEA
Bill Goodwin, PDEA
Derrick Weaver, PDEA
Harold Draper, TVA

2004 Bat Surveys NCDOT

Project	Consultant	Let Date	Surveyed	Complete	Conclusio	County	ROAD	Planning f Species	Permit Sp. Comments
B-3344	ECO	08/18/06	7/28/2004	12/14/04	NLTAA	Haywood	SR 1888	Williams Gray Bat	Underwoor scrind 4/7/04. 5 bridges, little disturbance. FSC present.
B-3701	ATS	01/17/06	7/1/04	8/00/04	NLTAA	Swain	SR 1309 on Alarka Cr	Williams Indiana	Rivenbark screened 4/8/04, habitat moderate
B-4184	ATS	12/19/06	NO	8/0/04	NLTAA	Madison	SR 1565 over Ivy R	Al-Akhdar Gray	Underwoor scrind 4/29/04. ATS was unable to mist net, no good corridors.
B-4286	BHE	08/15/06	8/2/04	9/23/04	NLTAA	Swain	bridge 3 on US 19-74 on R Hancock	Hancock Indiana	Manley Known bat record in area. Suitable habitat.
B-4287	BHE	12/20/05	8/2/04	9/23/04	NLTAA	Swain	US 19-74 on Nantahala	Weaver Indiana	Underwoor Suitable habitat.