

**Guidance for Section 7 Compliance on Federally-Funded Building Demolition & Renovation Projects (HUD – CDBG) to Avoid Adverse Effects to Federally-Listed Bats**

**Application ID:** RRE0029262MF

**Owner:** Claudette O'Malley

**Address:** 438 Highway 35 North, Unit 1102, Mantoloking (Brick Township), Ocean County, New Jersey

**Activities:** Minor rehabilitation of a single residential unit (Unit 1102) within a multi-unit structure where elevation is not proposed.

The NJDEP HUD Environmental Review Tool 2.1 (map screening tool) no longer includes occurrence areas for threatened or endangered bats. For all projects statewide, the following guidance and action steps should be followed to determine whether a project may adversely impact federally listed Indiana bats (1), northern long-eared bats (2), or their habitats.

A list of municipalities with Indiana bat and/or northern long-eared bat maternity and hibernation occurrences can be found at <http://www.fws.gov/northeast/njfieldoffice/pdf.battowns.pdf>. The potential ranges of both species are mapped in iPaC.

Please note that the guidelines and timing restrictions for northern long-eared bats are subject to change, pending a final 4(d) rule by the US Fish and Wildlife Service. The publication of this final 4(d) rule is anticipated by January 1, 2016.

**Question 1:** Does the project involve removal of trees (3)?

(Note that the project application/ERR must include information regarding whether tree removal is required and the amount of tree removal required.)

- Yes (tree removal required) = Proceed to Question 2
- No (no tree removal) = No effect on Indiana Bats. Proceed to Question 3 for northern long-eared bats.

***No, the project does not involve removal of trees. No effect on Indiana bats. Proceed to Question 3.***

**Question 2:** How much tree removal is required, and when would tree removal occur?

- Fewer than ten trees will be removed, and tree removal will occur during the INACTIVE season for bats (4) = No effect on listed bats from tree clearing; proceed to Question 3.
- Fewer than ten trees will be removed, and tree removal will occur during the ACTIVE season for bats (4) within an area mapped *only* as a potential occurrence area for northern long-eared bats (no maternity/hibernation occurrences of northern long-eared bats and no maternity/hibernation/potential occurrences of Indiana bats) = Tree clearing may affect, but is not likely to adversely affect listed bats; proceed to Question 3.
- Fewer than ten trees will be removed, but tree removal will occur during the ACTIVE season for bats (4) within a municipality or area mapped as an Indiana bat occurrence area (maternity/hibernation/potential) and/or northern long-eared bat occurrence area (maternity/hibernation) = May affect listed bats. Consultation with USFWS may be required (5); **forward project to ENSP for review.**
- Removal of more than ten trees will occur, at any time of year, within a municipality or area mapped as an occurrence area for Indiana bats (maternity/hibernation/potential) and/or northern long-eared bats (maternity/hibernation/potential) = May affect listed bats. Consultation with USFWS may be required (5); **forward project to ENSP for review.**

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*Not applicable based on answer to Question 1. Proceed to Question 3.*

**Question 3:** Does the project involve demolition, renovation, or elevation of a building within a municipality or area mapped as a northern long-eared bat occurrence area (maternity/hibernation)? (Note that northern long-eared bats are known to roost and form colonies in buildings. This question does not apply to Indiana bats.)

- No (or the project *only* entails reimbursement of completed work) = No effect on listed bats.
- Yes (but the project involves minor interior renovation only) = No effect on listed bats.
- Yes (and the project involves demolition, elevation, or renovation to the building's exterior or attic) = May affect northern long-eared bats; proceed to Question 4.

*No, the project involves minor interior renovation of a single residential unit within a multi-unit building in a municipality that is not mapped as a northern long-eared bat occurrence area (maternity/hibernation). No effect on listed bats.*

**Question 4:** Draw a 500-foot radial buffer around the project. Does this buffer (approx. 18 acres in size) contain  $\geq 5$  acres of wooded habitat and/or overlap with patches of wooded habitat  $\geq 5$  acres in cumulative size?

- No = Not likely to adversely affect northern long-eared bats. No inspection/survey is needed.
- Yes = May affect northern long-eared bats; proceed to Question 5.

*Not applicable*

**Question 5:** When will demolition, renovation, or elevation of the building occur?

- The activity will occur during the INACTIVE season for northern long-eared bats (4) = Not likely to adversely affect northern long-eared bats. No inspection/survey is needed.
- The activity will occur during the ACTIVE season for northern long-eared bats (4) = May affect northern long-eared bats; proceed to Question 6.

*Not applicable*

**Question 6:** The type of planned activity will determine inspection/survey requirements and/or timing restrictions. What type of activity will be occurring?

- Elevation of the building = Avoid activity from June 1 to July 31 (pup season) *OR* proceed to the below Structure Survey Guidelines.
- Renovation of the building = Avoid activity from June 1 to July 31 (pup season) *OR* proceed to the below Structure Survey Guidelines.
- Demolition of the building = Avoid activity during the entire ACTIVE season for northern long-eared bats (4) *OR* proceed to the below Structure Survey Guidelines.

*Not applicable*

**Structure Survey Guidelines:** If the demolition, renovation, or elevation activity will occur during the ACTIVE season (4) for northern long-eared bats and the timing restrictions outlined in Question 6 cannot be followed, then a structure survey is required in order to determine that the activity is not likely to adversely affect this species.

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The survey must be conducted by a New Jersey professional bat excluder (6), a recognized Qualified Indiana Bat/Northern Long-eared Bat Surveyor (7), or by a qualified biologist or contractor familiar with the northern long-eared bat. The inspection should include an internal and external survey of potential roosting locations and entry/exit points. During the inspection, the surveyor should look for indicators of bat presence, such as staining on walls, bat guano, high pitched squeaking or chirping, or bats flying or roosting in the structure. An emergence survey (watching for bats exiting the structure at dusk, during suitable weather conditions) should also be performed if potential bat access points are found *OR* if an internal survey is not possible. A sample emergence survey data sheet with instructions is provided at the end of this document.

Individuals inspecting structures should employ appropriate safety measures and avoid touching any bats. Recommended equipment includes a high output flashlight/headlamp (for seeing deep into crevices and high into fascia/shutters/siding/etc., especially in daylight), a hard hat, a high-efficiency particulate air filter mask, binoculars, and a digital camera for photo-documentation. The New Jersey Field Office also encourages the use of an acoustic bat detector to aid in detection and species identification, particularly during emergence surveys.

If bat presence is confirmed, additional survey efforts should be made to determine the species of bats using the structure, and additional coordination with the New Jersey Field Office is necessary. If an adequate survey can be completed and no indicators of bat presence area observed, then the demolition, renovation, or elevation activity should commence within 7 days of the inspection or a follow-up inspection will be necessary. A follow-up survey will also be necessary if work ceases for more than 7 days and will resume during the active season.

If questions arise regarding the interpretation of these guidelines, individuals should contact the New Jersey Field Office (5) or the Endangered and Nongame Species Program (8).

### **References:**

- (1) For additional USFWS guidance on Indiana bats, go to:  
<http://www.fws.gov/northeast/njfieldoffice/endangered/lbat.html>
- (2) For additional USFWS guidance on northern long-eared bats, go to  
<http://www.fws.gov/midwest/endangered/mammals/nlba/>
- (3) Trees = woody vegetation with a diameter at breast height (dbh) of greater than three inches.
- (4) The ACTIVE season is:
  - a. April 1 to September 30 in municipalities that contain maternity occurrences *or* potential occurrences of Indiana bats and/or northern long-eared bats; hence the INACTIVE season is October 1 to March 31;
  - b. April 1 to October 31 in municipalities that contain hibernation occurrences of northern long-eared bats; hence the INACTIVE season is November 1 to March 31; *or*
  - c. April 1 to November 15 in municipalities that contain hibernation occurrences of Indiana bats; hence the INACTIVE season is November 16 to March 31.
- (5) Contact Jeremy Markuson at the ESFWS NJ Field Office at [Jeremy.Markuson@fws.gov](mailto:Jeremy.Markuson@fws.gov) or (609) 383-3938 ext. 45.
- (6) A list of several companies that offer bat exclusion services in New Jersey can be found on the Conserve Wildlife Foundation of NJ's "Bats in Buildings" webpage. Direct link to the list:  
[http://www.conservewildlifenj.org/downloads/cwnj\\_646.pdf](http://www.conservewildlifenj.org/downloads/cwnj_646.pdf)
- (7) A list of Qualified Indiana Bat/Northern Long-eared Bat Surveyors is maintained by the USFWS NJ Field Office (5) and can be supplied upon request.

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- (8) Contact the NJ Division of Fish and Wildlife's Endangered and Nongame Species Program (ENSP) at 609-292-9400.