



SPN15-30 Issued Jointly by the Philadelphia, Pittsburgh, and Baltimore Districts of the U.S. Army Corps of Engineers (CORPS)

Posted 5/5/2015

ATTACHMENTS

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Public

Notice

U.S. Army Corps
of Engineers
CENAB-OPR-P

May 4, 2015

SPECIAL PUBLIC NOTICE # 15-30

Baltimore District

Philadelphia District

Pittsburgh District

THIS PUBLIC NOTICE IS ISSUED JOINTLY BY THE PHILADELPHIA, PITTSBURGH, AND BALTIMORE DISTRICTS OF THE U.S. ARMY CORPS OF ENGINEERS (CORPS).

Subject: The purpose of this Special Public Notice is to hereby inform the public of the recent Federal listing of the Northern Long-Eared Bat (*Myotis septentrionalis*) as a Threatened Species with Interim 4(d) Rule under the Endangered Species Act and the associated requirements for coordination with the U.S. Fish and Wildlife Service (USFWS). This listing became effective on May 4, 2015. For additional information regarding the listing of the Northern Long Eared Bat please visit the United States Fish and Wildlife Service (USFWS) web site at:

<http://www.fws.gov/midwest/endangered/mammals/nleb/index.html>

The Corps is hereby providing notification to the public regarding the establishment of a Special Condition for previously issued Section 10 of the Rivers and Harbors Act of 1899 and/or Section 404 of the Clean Water Act authorizations/verifications in Pennsylvania. This notice affects projects that were previously authorized or verified by the Corps, or the Pennsylvania Department of Environmental Protection (PADEP), through Nationwide Permits (NWP's), Individual Permits (IP's), General Permits (GP's), Letters of Permission (LOP's), Pennsylvania State Programmatic General Permit-4 (PASPGP-4), or other applicable Federal authorizations and/or verifications where the authorized work has not been completed as of May 4, 2015.

To ensure compliance with Section 7 of the Endangered Species Act, the following Special Conditions are hereby added to all previous authorizations and verifications issued by the Corps for work in Pennsylvania, where the authorized work has not been completed as of May 4, 2015:

1. Habitat screening for the Northern Long-Eared Bat (*Myotis septentrionalis*) is now required in all counties of the Commonwealth of Pennsylvania and must be completed by the permittee using the Pennsylvania Natural Diversity Index (PNDI) tool <http://www.naturalheritage.state.pa.us/> or directly coordinating with USFWS. All previous PNDI receipts dated prior to May 4, 2015 are no longer valid, and a new PNDI search is required to be run prior to the performance of any additional regulated work.
2. Any and all avoidance measures listed on the PNDI receipt for the Long-Eared Bat, or in correspondence from USFWS related to the Long-Eared Bat, are a Special Condition(s) of all previously issued authorizations/verifications.
3. If the permittee cannot comply with avoidance measures referenced in Special Condition 2 above, or if the permittee believes that the avoidance measure(s) is outside of the Corps Section 7 ESA scope of analysis, they must contact the appropriate Corps office. The Corps will consult with USFWS, as appropriate, and the permittee should not perform any additional regulated work until notified by Corps.
4. If the PNDI receipt requires further consultation with the USFWS, the permittee shall contact the appropriate Corps office and cease all regulated work until they receive written confirmation from the Corps that consultation under Section 7 of the Endangered Species Act has been completed, or they have directly resolved the concerns with USFWS.

This requirement is made by the Corps with concurrence from the U.S. Fish and Wildlife Service (USFWS). The USFWS, the agency responsible for implementing the Federal Endangered Species Act, has determined that Northern Long-Eared Bats, now listed as a Threatened Species with Interim 4(d) Rule, occur throughout the Commonwealth of Pennsylvania.

It is requested that you communicate the foregoing information to any persons known by you to be interested and not being known to this office who did not receive a copy of this notice. If you have any questions regarding this matter, please contact Ms. Holly A. Ross, Baltimore District Corps of Engineers, Tioga Regulatory Field Office, 710 Ives Run Lane, Tioga, PA, 16946 or via e-mail at holly.a.ross@usace.army.mil.

William P. Seib
Chief, Regulatory Branch
Baltimore District