**To be included in NRTRs and NEPA/SEPA Documentation for projects in Divisions 1-8.**

The US Fish and Wildlife Service has issued a programmatic biological opinion (PBO) in conjunction with the Federal Highway Administration (FHWA), the US Army Corps of Engineers (USACE), and NCDOT for the northern long-eared bat (NLEB) (*Myotis septentrionalis*) in eastern North Carolina.  The PBO covers the entire NCDOT program in Divisions 1-8, including all NCDOT projects and activities.  Although this programmatic covers Divisions 1-8, The USFWS only considers NLEBs to be known or potentially found in 30 counties within Divisions 1-8. NCDOT, FHWA, and USACE have agreed to two conservation measures which will avoid/minimize mortality of NLEBs.  These conservation measures only apply to the 30 current known/potential counties shown on Figure 2 of the PBO at this time.  The programmatic determination for NLEB for the NCDOT program is **May Affect, Likely to Adversely Affect**. The PBO will ensure compliance with Section 7 of the Endangered Species Act for ten years (effective through December 31, 2030) for all NCDOT projects with a federal nexus in Divisions 1-8, which includes [*XXXX* C*ounty*] , where [PROJECT #] is located.

**ECAP or Division Environmental Staff will evaluate and include in Project Commitments (Green Sheets) for projects in Divisions 1-8 and in known/potential counties if within 150 feet of a known maternity roost tree.**

**Measures to Avoid/Minimize Mortality**

No tree clearing will occur within 150 feet of a known maternity roost tree May 1 - June

30 in order to protect non-volant young. Winter roost trees are not considered maternity

roost trees.

**Proposals and Specifications Management or Division Contract Staff will evaluate and include in contracts as a *Note to the Contractor* for projects in Divisions 1-8 and in known/potential where a total of 1.0 acre or more of tree clearing will occur.**

At individual project sites where a total of 1.0 acre or more of tree clearing will occur, no

tree clearing will occur during the portion of the day that the air temperature is <40

degrees Fahrenheit in order to protect NLEBs that may be in torpor.

[Eastern NC Protected Bat Maternity Roosts Map](https://ncdot.maps.arcgis.com/apps/mapviewer/index.html?webmap=0a61ee1304f747afa4265835bb6b2743)

Note: Reporting of tree clearing is no longer required.