



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Ecological Services
Nebraska Field Office
203 West Second Street
Grand Island, Nebraska 68801

August 31, 2016

FWS-NE: 2016-279

Michael J. Ryan
U.S. Department of the Interior
Bureau of Reclamation
Great Plains Regional Office
P.O. Box 36900
Billings, MT 59107

RE: Request for Informal Consultation Regarding the Northern Long Eared Bat and the Platte River Recovery Implementation Program, Dawson, Gosper, Kearney, Phelps, Buffalo, Hall and Hamilton Counties, Nebraska

Dear Mr. Ryan:

This consultation letter is provided in response to your August 24, 2016 request for comments and concurrence from the U.S. Fish and Wildlife Service (Service) regarding the above described activities. The Service has responsibility for conservation and management of fish and wildlife resources for the benefit of the American public under the following authorities: 1) Endangered Species Act (ESA); 2) Fish and Wildlife Coordination Act (FWCA); 3) Bald and Golden Eagle Protection Act (BGEPA); and 4) Migratory Bird Treaty Act (MBTA). Compliance with all of these statutes and regulations are required for compliance with the National Environmental Policy Act.

The federal action reviewed in the attached request for informal consultation is the continuing implementation and funding of the Platte River Recovery Implementation Program (PRRIP) and certain land management activities undertaken, which may affect the Northern long-eared bat (NLEB). The PRRIP conducts a variety of land management activities throughout the central Platte River associated habitat reach (AHR) including tree clearing, in-channel vegetation removal, disking, channel widening, prescribed burning on grasslands, etc. Some of these activities have the potential to adversely affect the NLEB. Specifically, PRRIP land management actions involving tree removal may affect the species. As described in your August 24, 2016, letter, incidental take from tree removal activities is not prohibited unless it results from removing a known occupied maternity roost tree(s) or from tree removal activities within 150 feet of a known

occupied maternity roost tree from June 1 through July 31 or results from tree removal activities within 0.25 mile of a hibernaculum.

You have indicated that the PRRIP will rely on the programmatic biological opinion for the final 4(d) rule in order to fulfill their project-specific ESA section 7 responsibilities and the Service believes that is appropriate. While this framework is optional, if the PRRIP chooses not to follow the framework, standard section 7 consultation procedures apply.

The Service has reviewed the information provided by the Bureau of Reclamation (Bureau) and agrees with the following: 1) no known hibernacula (caves/mines) are within the AHR; 2) summer maternity roost habitat exists; and 3) impacts to roost habitat while the bats are present could result in incidental take. Due to the absence of previously documented hibernacula, the Bureau has indicated that the PRRIP¹ will adopt the following conservation measure which will eliminate the risk of take of the NLEB:

All tree removal² activities will be avoided from June 1-July 31.

Based on the information provided, the Service concurs with the Bureau's determination that PRRIP activities may affect, but are not likely to adversely affect, the NLEB.

We appreciate the effort made to coordinate with the Service. This concludes informal consultation on the federal action as outlined in your request. Should that action change, new information reveal effects of the action that may affect listed species or critical habitat not considered or considered but in a different manner or extent, or a new species is listed or critical habitat designated that could be affected by the action, consultation is required. Should you have questions, please contact Mr. Matt Rabbe within our office at matt_rabbe@fws.gov or (308)382-6468, extension 205.

Sincerely,



Eliza Hines
Nebraska Field Supervisor

cc: Dr. Jerry Kenny
Executive Director
Platte River Recovery Implementation Program
4111 4th Avenue, Suite 6
Kearney, Nebraska 68845

¹ On June 8, 2016, the PRRIP Governance Committee formally agreed to adopt this conservation measure.

² ““Tree Removal” is defined in the 4(d) rule as cutting down, harvesting, destroying, trimming, or manipulating in any other way the trees, saplings, snags, or any other form of woody vegetation likely to be used by northern long-eared bats.”