



Pages 18023-18028
From

FEDERAL REGISTER

Vol. 80

Thursday,

No. 63

April 2, 2015

Part V

Department of the Interior

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Threatened Species
Status for the Northern Long-Eared Bat With 4(d) Rule; Final Rule and
Interim Rule

Provisions of the Interim Species-Specific 4(d) Rule for the Northern Long-Eared Bat

Under section 4(d) of the Act, the Secretary may publish a species-specific rule that modifies the standard protections for threatened species with prohibitions and exceptions tailored to the conservation of the species that are determined to be necessary and advisable. Under this interim 4(d) rule, the Service applies all of the prohibitions set forth at 50 CFR 17.31 and 17.32 to the northern long-eared bat, except as noted below. This interim rule under section 4(d) of the Act will not remove, or alter in any way, the consultation requirements under section 7 of the Act.

As discussed in the October 2, 2013, proposed rule (78 FR 61046), the primary factor supporting the proposed determination of endangered species status for the northern long-eared bat is the disease, white-nose syndrome. We further determined that other threat factors (including forest management activities; wind-energy development; habitat modification, destruction, and disturbance; and other threats) may have cumulative effects to the species in addition to WNS; however, they have

not independently caused significant, population-level effects on the northern long-eared bat. Therefore, we are adopting a final rule to list the species as a threatened species, as explained earlier in this document, and in concert with that final rule, we are adopting an interim rule under section 4(d) of the Act to provide exceptions to the prohibitions for some of these activities that cause cumulative effects, as we deem necessary and advisable for the conservation of the species.

We conclude that certain activities described in this section, when conducted in accordance with the conservation measures identified herein, will provide protection for the northern long-eared bat during its most sensitive life stages. These activities are: Forest management activities (subject to certain time restrictions); maintenance and minimal expansion of existing rights-of-way and transmission corridors, also subject to certain restrictions; prairie management; other projects resulting in minimal tree removal; hazard tree removal; removal of bats from and disturbance within human structures; and capture, handling, attachment of radio transmitters, and tracking northern long-eared bats for a 1-year period following the effective date of this interim 4(d) rule (see **DATES**). The Service concludes that incidental take that is caused by these activities implemented on private, State, tribal, and Federal lands will not be prohibited provided those activities abide by the conservation measures in this interim rule and are otherwise legal and conducted in accordance with applicable State, Federal, tribal, and local laws and regulations.

Buffer Zone Around WNS and Pseudogymnoascus destructans (the Fungus that Causes WNS) Positive Counties (WNS Buffer Zone)

Currently, not all of the range of the northern long-eared bat is affected by WNS. Our status determination of the northern long-eared bat as a threatened species is primarily based on the impacts from WNS, and we also determined that the other threats, when acting on the species alone, are not causing the species to be in danger of extinction. Given this information, the Service concludes that while all purposeful take except removal of bats from human dwellings and survey and research efforts conducted within a 1-year period following the effective date of this interim 4(d) rule will be prohibited, all other take incidental to other lawful activities will be allowed in those areas of the northern long-eared bat's range not in proximity to

documented occurrence of WNS or Pd, as identified by the Service.

Currently, WNS is mainly detected by surveillance at bat hibernacula. Thus, our direct detection of the disease is limited largely to wintering bat populations in the locations where they hibernate. However, bats are known to leave hibernacula and travel great distances, sometimes hundreds of miles, to summer roosts. Therefore, the impacts of the disease are not limited to the immediate vicinity around bat hibernacula, but have an impact on a landscape scale. For northern long-eared bats, as with all species, this means that the area of influence of WNS is much greater than the counties known to harbor affected hibernacula, resulting in impacts to a much larger section of the species' range. To fully represent the extent of WNS, we must also include these summer areas.

Overall, northern long-eared bats are not considered to be long-distance migrants, typically dispersing 40 to 50 miles (64 to 80 kilometers) from their hibernacula. However, other bat species that disperse much farther distances are also vectors for WNS spread and may transmit the disease to northern long-eared bat populations. It has been suggested that the little brown bat, in particular, be considered a likely source of WNS spread across eastern North America. Little brown bats tend to migrate greater distances, particularly in the western portions of their range, with distances up to 350 miles (563 km) or more recorded (see Ellison 2008, p. 21; Norquay *et al.* 2013, p. 510). In a recent study, reporting on bat band recoveries of little brown bats over a 21-year period, Norquay *et al.* (2013, pp. 509–510) describe recaptures between hibernacula and summer roosts with a maximum distance of 344 miles (554 km) and a median distance of 288 miles (463 km).

For the purpose of this interim rule, the counties within the northern long-eared bat's range that are considered to be affected by WNS are those within 150 miles (241 km) of the boundary of U.S. counties or Canadian districts where the fungus Pd or WNS has been detected. We acknowledge that 150 miles (241 km) does not capture the full range of potential WNS infection, but represents a compromise distance between the known migration distances of northern long-eared bats and little brown bats that is suitable for our purpose of estimating the extent of WNS infection on the northern long-eared bat. We have chosen to use county boundaries to delineate the boundary because they are clearly recognizable and will minimize confusion. If any portion of a county

falls within 150 miles of a county with a WNS detection, the entire county will be considered affected. Anywhere outside of the geographic area defined by these parameters, northern long-eared bat populations will not be considered to be experiencing the impacts of WNS.

The Service defines the term "WNS buffer zone" as the set of counties within the range of the northern long-eared bat within 150 miles of the boundaries of U.S. counties or Canadian districts where the fungus Pd or WNS has been detected.

For purposes of this interim 4(d) rule, coordination with the local Service Ecological Services field office is recommended to determine whether specific locations fall within the WNS buffer zone. For more information about the current known extent of WNS and the 150-mile (241-km) buffer, please see <http://www.fws.gov/midwest/endangered/mammals/nlba/>.

Conservation Measures

Under this interim 4(d) rule, take incidental to certain activities conducted in accordance with the following habitat conservation measures, as applicable, will not be prohibited (*i.e.*, will be excepted from the prohibitions). For such take to be excepted, the activity must:

- Occur more than 0.25 mile (0.4 kilometer) from a known, occupied hibernacula;
- Avoid cutting or destroying known, occupied roost trees during the pup season (June 1–July 31); and
- Avoid clearcuts (and similar harvest methods, *e.g.*, seed tree, shelterwood, and coppice) within 0.25 mile (0.4 kilometer) of known, occupied roost trees during the pup season (June 1–July 31).

Note that activities that may cause take of northern long-eared bat that do not use these conservation measures may still be done, but only after consultation with the Service. This means that, while the resulting take from such activities is not excepted by this interim rule, the take may be authorized through other means provided in the Act (section 7 consultation or an incidental take permit).

Known roost trees are defined as trees that northern long-eared bats have been documented as using during the active season (approximately April–October). Once documented, a tree will be considered to be a "known roost" as long as the tree and surrounding habitat remain suitable for northern long-eared bat. However, a tree may be considered to be unoccupied if there is evidence

that the roost is no longer in use by northern long-eared bats. Currently, most states and Natural Heritage Programs do not track roosts and many have not tracked any northern long-eared bat occurrences. We anticipate that this will improve over time, as information on the species increases post-listing.

Known, occupied hibernacula are defined as locations where one or more northern long-eared bats have been detected during hibernation or at the entrance during fall swarming or spring emergence. Given the documented challenges of surveying for northern long-eared bats in the winter (use of cracks, crevices), any hibernacula with northern long-eared bats observed at least once, will continue to be considered "known hibernacula" as long as the hibernacula and its surrounding habitat remain suitable for northern long-eared bat. However, a hibernaculum may be considered to be unoccupied if there is evidence (e.g., survey data) that it is no longer in use by northern long-eared bats.

These conservation measures aim to protect the northern long-eared bat during its most sensitive life stages. Hibernacula are an essential habitat and should not be destroyed or modified (any time of year). In addition, there are periods of the year when northern long-eared bats are concentrated at and around their hibernacula (fall, winter, and spring). Northern long-eared bats are susceptible to disruptions near hibernacula in the fall, when they congregate to breed and increase fat stores, which are depleted from migration, before entering hibernation. During hibernation, northern long-eared bat winter colonies are susceptible to direct disturbance. Briefly in spring, northern long-eared bats yet again use the habitat surrounding hibernacula to increase fat stores for migration to their summering grounds. This feeding behavior is particularly important for the females, who must obtain enough fat stores to carry not only themselves, but also their unborn pups, to their summer home range.

Risk of injury or death from being crushed when a roost tree is felled is most likely, but not limited, to nonvolant pups. The likelihood of roost trees containing larger number of northern long-eared bats is greatest during pregnancy and lactation (April–July) with exit counts falling dramatically after this time (Foster and Kurta 1999, p. 667; Sasse and Pekins 1996, pp. 91,92). Once the pups can fly, this risk is reduced because the pups will have the ability to flee their roost if it is being cut or otherwise damaged,

potentially avoiding harm, injury, or mortality.

The Service concludes that a 0.25-mile (0.4-km) buffer should be sufficient to protect most known, occupied hibernacula and hibernating colonies. This buffer will provide basic protection for the hibernacula and hibernating bats in winter from direct impacts, such as filling, excavation, blasting, noise, and smoke exposure. This buffer will also protect some roosting and foraging habitat around the hibernacula.

The Service concludes that, in addition to preservation of known maternity roosts, a 0.25-mile (0.4-km) buffer for all clearcutting activities will be sufficient to protect the habitat surrounding known maternity roosts during the pup season. Clearcutting and similar methods is summarized here as the cutting of most or essentially all trees from an area; however, specific definitions are provided within the Society of American Foresters' Dictionary of Forestry. This buffer will prevent the cutting of known occupied roost trees, reduce the cutting of secondary roosts used by maternity colonies during the pup season from clearcutting activities, and protect some habitat for some known maternity colonies at least to some degree. Further, because colonies occupy more than one maternity roost in a forest stand and individual bats frequently change roosts, in some cases a portion of a colony or social network is likely to be protected by multiple 0.25 mile (0.4 km) buffers.

For purposes of this proposed rule and the conservation measures listed above, we recommend contacting the local state agency, State's Natural Heritage database, and local Service Ecological Services field office for information on the best current sources of northern long-eared bat records in your state to determine the specific locations of the "known roosts" and "known hibernacula." These locations will be informed by records in each State's Natural Heritage database, Service records, other databases, or other survey efforts.

Forest Management

Continued forest management and silviculture is vital to the conservation and recovery of the northern long-eared bat. Under this interim rule, incidental take that is caused by forest management and silviculture activities that promote the long-term stability and diversity of forests, when carried out in accordance with the conservation measures, will not be prohibited. Forest management is the practical application of biological, physical, quantitative,

managerial, economic, social, and policy principles to the regeneration, management, utilization and conservation of forests to meet specific goals and objectives (Society of American Foresters (SAF)(a), http://dictionaryofforestry.org/dict/term/forest_management). Silviculture is the art and science of controlling the establishment, growth, composition, health, and quality of forests and woodlands to meet the diverse needs and values of landowners and society on a sustainable basis (SAF(b), <http://dictionaryofforestry.org/dict/term/silviculture>). In addition to the conservation measures above, forest management and silviculture activities should also adhere to any applicable State water quality best management practices, where they exist. Further, we encourage the retention of snags and trees with characteristics (e.g., cavities and cracks) favorable for the establishment and maintenance of maternity roosts.

The conversion of mature hardwood, or mixed, forest into intensively managed monoculture pine plantation stands, or non-forested landscape, is not exempted under this interim rule, as typically these types of monoculture pine plantations provide poor-quality bat habitat. Pine plantations are densely planted (e.g., typically 675 to 750, or more, trees per acre) and are comprised of single-age or similar age class timber. They are typically managed for timber production with, depending on the product, a uniform, planned endpoint. Maximum stocking rates and short rotations result in the forfeiture of structural diversity in exchange for elevated rates of wood productivity. Plantation productivity may be further enhanced through the use of genetically improved stock, fertilization, extensive site preparation, and reduction of competition. These management actions prohibit variably stocked stands, layers of understory and midstory vegetation, and longer rotations that enhance and maintain habitat traits required by many forest-dependent wildlife species (Allen *et al.* 1996, p. 13).

Though forestry management and silviculture are vital to the long-term survival and recovery of the species, where northern long-eared bats are present when these forest management activities are performed, bats could be exposed to habitat alteration or loss or direct disturbance (*i.e.*, heavy machinery) or removal of maternity roost trees (*i.e.*, harvest). In general, however, the northern long-eared bat is considered to have more flexible habitat requirements than other bat species (Carter and Feldhamer 2005, pp. 265–

266; Timpone *et al.* 2010, pp. 120–121), and most types of forest management should provide suitable habitat for the species over the long term (with the exception of conversion to monoculture pine forest, as discussed above). Based upon information obtained during previous comment periods on the proposed listing rule, approximately 2 percent of forests in States within the range of the northern long-eared bat are impacted by forest management activities annually (Bogges *et al.*, 2014, p. 9). Of this amount, in any given year a smaller fraction of forested habitat is impacted during the active season when pups and female bats are most vulnerable. These impacts are addressed by the above conservation measures adopted in this interim rule.

Therefore, we anticipate that habitat modifications resulting from forest management and silviculture will not significantly affect the conservation of the northern long-eared bat. Further, although activities performed during the species' active season (roughly April through October) may directly kill or injure individuals, implementation of the conservation measures provided for in this interim rule will limit take by protecting currently known populations during their more vulnerable life stages.

Routine Maintenance and Limited Expansion of Existing Rights-of-way and Transmission Corridors

Under this interim rule, incidental take that is caused by activities for the purpose of maintenance and limited expansion of existing rights-of-way and transmission corridors, when carried out in accordance with the conservation measures, will not be prohibited (*i.e.*, will be excepted from the prohibitions). Rights-of-way (ROW) and transmission corridors are in place for activities such as transportation (highways, railways), utility transmission lines, and energy delivery (pipelines), though they are not limited to just these types of corridors. Under this interim rule, take of the northern long-eared bat will not be prohibited provided the take is incidental to activities within the following categories:

(1) Routine maintenance within an existing corridor or ROW, carried out in accordance with the previously described conservation measures.

(2) Expansion of a corridor or ROW by up to 100 feet (30 m) from the edge of an existing cleared corridor or ROW, carried out in accordance with the previously described conservation measures.

General ROW routine maintenance is designed to limit vegetation growth, within an existing footprint, so that

operations can continue smoothly. These activities may include tree trimming or removal, mowing, and herbicide spraying. However, depending on the purpose of the corridor or ROW, maintenance may only be performed infrequently, and trees and shrubs may encroach into, or be allowed to grow within, the ROW until such time as maintenance is required. Expansion of these areas requires removal of vegetation along the existing ROW to increase capacity (*e.g.*, road widening).

Northern long-eared bats can occupy various species and sizes of trees when roosting. Because of their wide variety of habitat use when roosting and foraging, it is possible that they may be using trees within or near existing ROWs. Therefore, vegetation removal within or adjacent to an existing ROW may remove maternity roost trees and foraging habitat. Individuals may also temporarily abandon the areas, avoiding the physical disturbance until the work is complete. While ROW corridors can be large in overall distance, due to the relatively small scale of the habitat alteration involved in maintenance of the existing footprint, potential take is limited. No new forest fragmentation is expected as this expands existing open corridors. We also expect that excepting take prohibitions from ROW maintenance and limited expansion will encourage co-location of new linear projects within existing corridors. We conclude that the overall impact of ROW maintenance and limited expansion activities is not expected to adversely affect conservation and recovery efforts for the species.

Prairie Management

Under this interim rule, incidental take that is caused by activities for the purpose of prairie management, when carried out in accordance with the conservation measures, will not be prohibited (*i.e.*, will be excepted from the prohibitions). Prairie management involves management to maintain existing prairies and grasslands or efforts to reestablish grasslands that had previously been converted, usually to cropland. In some areas of the northern long-eared bat's range, tree and shrub species are overtaking prairie areas. Landowners and agencies working to establish or conserve prairies may have to manage trees and brush in order to maintain grasslands. Management activities include cutting, mowing, burning, grazing, or using herbicides on woody vegetation to minimize encroachment into prairies (Grassland Heritage Foundation, accessed December 23, 2014 <http://www.grasslandheritage.org/>). In the

absence of fire, some researchers found tree species progressively invade and will eventually dominate tallgrass prairie (Bragg and Hulbert 1976, p. 23; Towne and Owensby 1984, p. 397). In some areas, if prairies are not managed to keep woody vegetation suppressed, they can eventually become shrub or forest lands sometimes in as few as 40 years (Briggs *et al.* 2002, p. 578; Ratajczak *et al.* 2011, p. 3). We conclude that the overall impact of prairie management that removes or manages trees and brush to maintain prairies and grasslands is not expected to adversely affect conservation and recovery efforts for the species.

Projects Resulting in Minimal Tree Removal

Under this interim rule, incidental take that results from projects causing minimal tree removal, when carried out in accordance with the conservation measures, will not be prohibited (*i.e.*, will be excepted from the prohibitions). Throughout the millions of acres of forest habitat in the northern long-eared bat's range, many activities involve cutting or removal of individual or limited numbers of trees, but do not significantly change the overall nature and function of the local forested habitat. As such, activities that remove an acre or less of forested habitat are expected to have little or no impact on the ecological value and function and, therefore, will be considered to be "minimal" as defined by this rule. Examples of activities that might fall within this category are firewood cutting, shelterbelt renovation, removal of diseased trees, culvert replacement, habitat restoration for fish and wildlife conservation, and backyard landscaping. These ongoing activities can occur throughout the northern long-eared bat's range, but we do not believe they materially affect the local forest habitat for this species and in some cases increase habitat availability in the long term.

With respect to the term "minimal," we limit the effect to an impact of one acre or less. Furthermore, the limitation of the impact to an acre or less may be interpreted as follows: One acre of contiguous habitat or one acre in total within a larger tract, whether that larger tract is entirely forested or a mixture of forested and non-forested cover types. Tract may be further defined as the property under the control of the project proponent or ownership. We conclude that the overall impact of projects causing this type of minimal tree removal is not expected to adversely affect conservation and recovery efforts for the species.

Hazardous Tree Removal

Under this interim rule, incidental take that is caused by removal and management of hazardous trees will not be prohibited (*i.e.*, will be excepted from the prohibitions). Removal of hazardous trees completed, as necessary, for human safety or for the protection of human facilities is the intent of this exception. Hazardous trees typically have defects in their roots, trunk, or branches that make them likely to fall, with the likelihood of causing personal injury or property damage. The limited removal of these hazardous trees may be widely dispersed but limited, and should result in very minimal incidental take of northern long-eared bat. We recommend, however, that removal of hazardous trees be done during the winter, wherever possible, when these trees will not be occupied by bats. We conclude that the overall impact of removing hazardous trees is not expected to adversely affect conservation and recovery efforts for the species.

Removal of Bats From and Disturbance Within Human Structures

Under this interim rule, any take that is caused by removal of bats from and disturbance within human structures (*e.g.*, harm from excluding bats from their previous roost site) will not be prohibited (*i.e.*, will be excepted from the prohibitions), provided those actions comply with all applicable State laws. Northern long-eared bats have occasionally been documented roosting in human-made structures, such as houses, barns, pavilions, sheds, cabins, and bat houses (Mumford and Cope 1964, p. 72; Barbour and Davis 1969, p. 77; Cope and Humphrey 1972, p. 9; Amelon and Burhans 2006, p. 72; Whitaker and Mumford 2009, p. 209; Timpone *et al.* 2010, p. 119; Joe Kath 2013, pers. comm.). We conclude that the overall impact of bat removal from human structures is not expected to adversely affect conservation and recovery efforts for the species. In addition, we provide the following recommendations:

- Minimize use of pesticides (*e.g.*, rodenticides) and avoid use of sticky traps as part of bat evictions/exclusions.
- Conduct exclusions during spring or fall unless there is a perceived public health concern from bats present during summer and/or winter.
- Contact a nuisance wildlife specialist for humane exclusion techniques.

Capture, Handling, and Related Activities for Northern Long-Eared Bats for 1 Year

Under this interim rule, for a limited period of 1 year from the effective date of this interim 4(d) rule, purposeful take that is caused by the authorized capture, handling, and related activities (attachment of radio transmitters and tracking) of northern long-eared bats by individuals permitted to conduct these same activities for other bats will be excepted from the prohibitions. After this time period, all such take must be permitted following the Service's standard procedures under 10(a)(1)(A) of the Act. One method of determining presence/probable absence of northern long-eared bats is to conduct mist-netting at summer sites or harp trapping at hibernacula. Gathering of this information is essential to monitor the distribution and status of northern long-eared bats over time. In addition, northern long-eared bats are often captured incidentally to survey and study efforts targeted at other bat species (*e.g.*, Indiana bats). It is necessary and advisable for the conservation of northern long-eared bats to provide an exception for the purposeful take associated with these normal survey activities conducted by qualified individuals to promote and encourage the gathering of information following standard procedures (including decontamination) as these data will help us conserve and recover this species. To receive an exception, proponents must have an existing research permit under section 10(a)(1)(A) of the Act, or similar State collector's permit, for other bat species. The rationale for this limited time period is that it will be difficult to amend all permits in time for this year.

The Service concludes, for the reasons specified above, that all of the conservation measures, prohibitions, and exceptions identified in this interim rule individually and cumulatively are necessary and advisable for the conservation of the northern long-eared bat and will collectively promote the conservation of the species across its range.

We publish this interim species-specific rule under section 4(d) of the Act in full recognition that WNS is the primary threat to species continued existence. All of the other (non-WNS) threats combined did not lead to imperilment of the species, and elimination of all other non-WNS threats will not likely improve the potential for recovery of this species in any meaningful way unless we find a means to address WNS. We also

recognize, however, that in those areas of the country impacted by WNS, some reasonable measures may be taken to protect the species from additive stresses as a result of other factors. By focusing on conservation measures that clearly protect individual bats, we minimize needless and preventable deaths of bats during the species' most sensitive life stages. Although not fully protective of every individual, the conservation measures identified in this interim rule help protect maternity and hibernating colonies, while allowing limited impacts to habitat. We have focused the Act's protections on the landscape scale by protecting known hibernacula, protecting the species from activities that would result in large-scale forest conversion or loss, and encouraging research on WNS and other aspects of the species' biology by simplifying the permitting process. This interim species-specific rule under section 4(d) of the Act provides the flexibility for certain activities to occur while not significantly impacting habitat for this species and while still promoting conservation of the species across its range.

Of the activities excepted by this interim rule, we project that forest management activities will have the greatest potential impact on the northern long-eared bat. Based upon information obtained during previous comment periods on the proposed listing rule, we expect approximately 2 percent of forests in States within the range of the northern long-eared bat to experience forest management activities this year (Boggess *et al.*, 2014, p. 9). Put another way, we would expect 98 percent of potential habitat to be completely unaffected by forest management while this interim rule is in effect. Of the remaining 2 percent, a smaller fraction of this forested habitat will actually be harvested during the northern long-eared bat's active season (April–October), and a smaller portion yet would be harvested during the pup season. For the remaining percentage of bats actually affected by forest management, we expect implementation of the conservation measures to significantly reduce the take of those individual bats where there are known northern long-eared bat roost trees. When occupied roosts are cut outside of the pup season or if undocumented northern long-eared bat roosts are cut while occupied, some portion of these individuals (particularly males) will flee the roost and survive. Thus, we anticipate only a small percentage (less than 1 percent) of northern long-eared

bats will be impacted by forestry management activities.

We anticipate that the additional activities covered by this interim species-specific 4(d) rule will only have a minimal impact on northern long-eared bat habitat and individuals. The activities associated with ROW management and expansion, minimal tree removal, prairie management, and hazard tree removal collectively impact only small percentages of northern long-eared bat habitat; low levels of take of individuals are expected given the limited scope of these activities and the season during which they occur.

We conclude that take of the northern long-eared bat excepted by this interim rule will be small and will not pose a significant impact on the conservation of the species as a whole. However, we recognize that there is some uncertainty regarding the level of take that may result and that there are other approaches and additional conservation measures could improve the overall conservation outcome of this interim species-specific rule under section 4(d) of the Act. We are seeking public comments on this interim rule (see Public Comments Solicited on the Interim 4(d) Rule, below), and we will

publish either an affirmation of the interim rule or a final rule amending the interim rule after we fully consider all comments we receive. If you previously submitted comments or information on the proposed 4(d) rule we published on January 16, 2015 (80 FR 2371), please do not resubmit them. We have incorporated them into the public record, and we will fully consider them in our final determination on the 4(d) rule.

Table 2 (below) summarizes the details of the interim species-specific 4(d) rule for the northern long-eared bat.

Is the area affected by WNS (WNS buffer zone)?	Take prohibitions at 50 CFR 17.31 and 17.32	Take exceptions in interim 4(d) rule	
		Purposeful	Incidental
No	All apply, with the following exceptions listed here.	<p>Actions with the intent to remove northern long-eared bats from within human structures and that comply with all applicable State regulations.</p> <p>Actions relating to capture and handling of northern long-eared bats by individuals permitted to conduct these same activities for other bats, for a period of 1 year following the effective date of the interim 4(d) rule.</p>	Any incidental take of northern long-eared bats resulting from otherwise lawful activities.
Yes	All apply, with the following exceptions listed here.	<p>Actions with the intent to remove northern long-eared bats from within human structures and that comply with all applicable State regulations.</p> <p>Actions relating to capture, and handling of northern long-eared bats by individuals permitted to conduct these same activities for other bats, for a period of 1 year following the effective date of the interim 4(d) rule.</p>	<p>Implementation of forest management, maintenance and expansion of existing rights-of-way (ROW) and transmission corridors, prairie management, and minimal tree removal projects that:</p> <ul style="list-style-type: none"> • Occur more than 0.25 mile (0.4 km) from a known, occupied hibernacula; • Avoid cutting or destroying known, occupied roost trees during the pup season (June 1–July 31); and • Avoid clearcuts (and similar harvest methods, e.g., seed tree, shelterwood, and coppice) within 0.25 mile (0.4 km) of known, occupied roost trees during the pup season (June 1–July 31). <p>• Routine maintenance within an existing corridor or ROW, carried out in accordance with the previously described conservation measures.</p> <p>• Expansion of a corridor or ROW by up to 100 feet (30 m) from the edge of an existing cleared corridor or ROW, carried out in accordance with the previously described conservation measures.</p> <p>Removal of hazard trees for the protection of human life and property.</p>