



PUBLIC NOTICE

Subject:
New England District Regulatory
ESA Compliance & Bats

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cenae-r-esa@usace.army.mil

Section 7 Endangered Species Act Procedures Regarding Two Bat Species

TO WHOM IT MAY CONCERN: The U.S. Army Corps of Engineers New England District Regulatory Division (NAE) is issuing this public notice (PN) to clarify the process for compliance with Section 7 of the Endangered Species Act (ESA) in regard to the endangered northern long-eared bat (*Myotis septentrionalis*) and the proposed endangered tricolored bat (*Perimyotis subflavus*).

In accordance with 50 CFR 402.08 of the ESA regulations, NAE has designated applicants seeking authorization for work in Connecticut, Rhode Island, Massachusetts, New Hampshire, Vermont, and Maine as non-federal representatives to perform Section 7 ESA consultation under certain circumstances when the northern long-eared bat (NLEB) and/or the tricolored bat (TCB) are on the official species list (OSL) from the Information for Planning and Consultation (IPaC) website for the project's action area. Under this designation, applicants are authorized to conduct informal Section 7 ESA consultation when they receive certain effect determinations utilizing the Northern Long-Eared Bat and Tricolored Bat Range-Wide Determination Key (NLEB & TCB Dkey).

This process is voluntary and only applies to non-federal applicants. If the applicant is a federal agency, that agency should use the procedures it has in place to comply with Section 7 of the ESA. If a non-federal applicant is proposing an activity that will receive funding from or needs authorization from another federal agency, the applicant should contact NAE as soon as possible so that the lead federal agency can be designated early enough in the review process to prevent duplication of effort.

Northern Long-Eared Bat

On November 29, 2022, the United States Fish and Wildlife Service (USFWS) published a final rule classifying the NLEB as endangered under the ESA. The effective date of the final rule was March 31, 2023. In August 2024, USFWS released the combined NLEB & TCB Dkey on its IPaC website. This determination key superseded the previous NLEB Determination Key and analyzes effects to both bat species. In accordance with 50 CFR 402.08 of the ESA regulations, USACE NAE has designated applicants to perform Section 7 ESA consultation for the NLEB under certain circumstances utilizing the NLEB & TCB Dkey.

Applicants who utilize the NLEB & TCB Dkey in IPaC to evaluate effects of the proposed activity on the NLEB will receive one of three outcomes:

1. “No effect”- Applicants who complete the NLEB & TCB Dkey in IPaC and receive a letter indicating a determination of “no effect” for the NLEB have completed consultation for this species. Applicants must follow any requirements stated in the IPaC technical guidance letter and perform the action in accordance with their responses in the NLEB & TCB Dkey. In addition, applicants must follow the procedures set forth below in the NLEB & TCB Dkey Outcomes and Permitting section based on the permitting path for their project.
2. “May affect, not likely to adversely affect (NLAA)”- Applicants who complete the NLEB & TCB Dkey and receive a letter in IPaC indicating a determination of “NLAA” for the NLEB have completed consultation for this species once the 15 day waiting period required in the IPaC NLAA concurrence letter has been observed. Applicants must follow any other requirements stated in the NLAA concurrence letter and perform the action in accordance with their responses in the NLEB & TCB Dkey. In addition, applicants must follow the procedures set forth below in the NLEB & TCB Dkey Outcomes and Permitting section based on the permitting path for their project.
3. “May affect”- Applicants who complete the NLEB & TCB Dkey and receive a technical guidance letter from IPaC indicating an outcome of “may affect” for the NLEB have not completed Section 7 ESA consultation for this species. “May affect” is not an effect determination under Section 7(a)(2) of the ESA. Receiving a “may affect” outcome for the NLEB in the NLEB & TCB Dkey indicates that the project will require NAE to undergo individual consultation with USFWS. The project may qualify for a “may affect, not likely to adversely affect” (NLAA) determination for the NLEB through informal consultation with USFWS or the project may result in a “may affect, likely to adversely affect” determination for the NLEB and require formal consultation with USFWS. Applicants must follow the procedures set forth below in the NLEB & TCB Dkey Outcomes and Permitting section based on the permitting path for their project. NAE will then be responsible for conducting individual ESA consultation with USFWS on the proposed project.

Tricolored Bat

On September 13, 2022, USFWS issued a proposed rule to list the TCB as endangered under the ESA. In August 2024, USFWS released the combined NLEB & TCB Dkey in IPaC, which analyzes effects to both bat species. In accordance with 50 CFR 402.08 of the ESA regulations, NAE has designated applicants as non-federal representatives to perform Section 7 ESA consultation for the TCB under certain circumstances utilizing the NLEB & TCB Dkey.

Applicants who utilize the NLEB & TCB Dkey in IPaC to evaluate the effects of their proposed activity on the TCB will receive one of three outcomes:

1. “No effect”- Applicants who complete the NLEB & TCB Dkey and receive a technical guidance letter in IPaC indicating a determination of “no effect” for the TCB have completed consultation for this species. Applicants must follow any requirements stated in the IPaC letter and perform the action in accordance with their responses in the NLEB & TCB Dkey. In addition, applicants must follow the procedures set forth below in the NLEB & TCB Dkey Outcomes and Permitting section based on the permitting path for their project.

In accordance with ESA regulations and the NLEB & TCB Dkey standing analysis, if the TCB is uplisted from proposed to endangered, NAE will review projects that are not yet complete, or projects with ongoing effects within the TCB range that previously received a “no effect” determination from the NLEB & TCB Dkey to confirm that the determination is still accurate.

2. “May affect, not likely to adversely affect (NLAA)”- Applicants who complete the NLEB & TCB Dkey and receive a letter in IPaC indicating a determination of NLAA for the TCB have completed consultation for this species once the 15 day waiting period required in the IPaC concurrence letter has been observed. Applicants must follow any other requirements stated in the NLAA concurrence letter and perform the action in accordance with their responses in the NLEB & TCB Dkey. In addition, applicants must follow the procedures set forth below in the NLEB & TCB Dkey Outcomes and Permitting section based on the permitting path for their project.

In accordance with ESA regulations and the NLEB & TCB Dkey standing analysis, if the TCB is uplisted from proposed to endangered, NAE will review projects that are not yet complete, or projects with ongoing effects within the TCB range that previously received an NLAA determination from the NLEB & TCB Dkey to confirm that the determination is still accurate.

3. “May affect”- Applicants who complete the NLEB & TCB Dkey and receive a technical guidance letter in IPaC indicating a determination of “may affect” for the TCB have not completed Section 7 ESA consultation for this species. “May affect” is not an effect determination under Section 7(a)(2) of the ESA. As the TCB is currently only a species proposed for listing, NAE will need to individually determine whether to engage in a conference with USFWS on the TCB in accordance with Section 7(a)(4) of the ESA. Applicants must follow the procedures set forth below in the NLEB & TCB Dkey Outcomes and Permitting section based on the permitting path for

their project. NAE will then be responsible for conducting any required Section 7 ESA consultation directly with USFWS.

Please note that at the time of this public notice, NAE has not designated applicants as non-federal representatives to perform Section 7 ESA consultation for any other species proposed for listing or currently listed as threatened or endangered by the USFWS or the National Marine Fisheries Service (NMFS) or for proposed critical habitat or designated critical habitat.

I. NLEB & TCB Dkey Outcomes and Permitting

A. Nationwide Permits

On June 18, 2025, USACE published in the Federal Register its proposal to reissue 56 existing NWP and to issue one new NWP. On the same date, NAE issued a public notice proposing to adopt the majority of these NWPs to authorize activities in Connecticut, Rhode Island, Massachusetts, New Hampshire, Vermont, and Maine. On January 8, 2026, USACE published a final rule issuing 57 NWPs which will take effect on March 15, 2026.

There are 32 NWP general conditions (GCs) that apply to all of the NWPs. GC 18 addresses ESA compliance and states the following: “No activity is authorized under any NWP which “may affect” a listed species or critical habitat, unless ESA section 7 consultation addressing the consequences of the proposed activity on listed species or critical habitat has been completed.” In addition, GC 18 states that “Non-federal permittees must submit a pre-construction notification to the district engineer if any listed species (or species proposed for listing) or designated critical habitat (or critical habitat proposed for such designation)

of the activity, or if the activity is located in designated critical habitat or critical habitat proposed for such designation, and shall not begin work on the activity until notified by the district engineer that the requirements of the ESA have been satisfied and that the activity is authorized.”

Applicants who receive a “no effect” technical guidance letter from the IPaC website utilizing the NLEB & TCB Dkey for the NLEB and/or TCB may use that information when deciding whether the species “might be affected or is in the vicinity” and therefore whether the non-reporting process for the NWPs is appropriate in relation to GC 18 or whether a pre-construction notification (PCN) will be required. Please note that GC 18 applies to all listed species, species proposed for listing, designated critical habitat, and/or critical habitat proposed for designation on the OSL from IPaC for the project’s action area. Compliance with GC 18 does not obviate the need to comply with all other terms and conditions of the NWPs that may necessitate the submittal of a PCN for the proposed activity.

Applicants who receive a “no effect” technical guidance letter from the IPaC website utilizing the NLEB & TCB Dkey and decide that their project meets the requirements for a non-reporting nationwide permit must submit the “no effect” technical guidance letter to NAE via email at cenae-r-esa@usace.army.mil. NAE will collect these “no effect” technical guidance letters to monitor use of the NLEB & TCB Dkey. There is no waiting period required after submitting the “no effect” letter and the applicant will not receive a confirmation email. Applicants who receive a “no effect” technical guidance letter but decide that their project requires a PCN (due to other species in the action area subject to GC 18 or based on other criteria) should submit the OSL and “no effect” technical guidance letter with their PCN.

Applicants who receive an NLAA concurrence letter in the NLEB & TCB Dkey for the NLEB and/or TCB will need to submit a PCN for the proposed work in accordance with GC 18(c) of the NWP. The applicant should include both the OSL and the NLAA concurrence letter from IPaC with the PCN submittal. While there is no requirement for the applicant to complete ESA consultation using the NLEB & TCB Dkey prior to submitting a PCN, NAE anticipates that the overall processing time for an NWP verification would be reduced if the applicant chooses to complete this consultation in advance of submittal to NAE. In addition, this consultation process may assist the applicant in redesigning the project in such a way that impacts to listed or proposed bat species are discountable and/or insignificant, and an NLAA determination is achieved utilizing the NLEB & TCB Dkey.

Applicants who receive a “may affect” determination in the NLEB & TCB Dkey for the NLEB and/or TCB will need to submit a PCN for the proposed work in accordance with GC 18 of the NWP. NAE will then be responsible for conducting individual consultation with USFWS for the NLEB in accordance with Section 7(a)(2) of the ESA and/or for the TCB if required in accordance with Section 7(a)(4) of the ESA. Applicants may wish to engage in early coordination with NAE to explore ways to reduce potential project effects down to a discountable and/or insignificant level such that the modified project qualifies for an NLAA determination in the NLEB & TCB Dkey or will qualify for an NLAA determination as the result of individual informal consultation between NAE and USFWS.

B. Regional General Permits

For projects proposed to be authorized under an NAE Regional General Permit (RGP), applicants should read the appropriate ESA general condition of the relevant RGP. The ESA general condition of the RGP should indicate which projects might qualify for the self-verification (SV) process and which projects would require the submittal of a PCN. Applicants who receive a “no effect” technical guidance letter from the IPaC website utilizing the NLEB & TCB Dkey and decide that their project meets all other SV requirements must submit the “no effect” technical guidance letter to NAE via email at cenae-r-esa@usace.army.mil. NAE will collect these “no effect” technical guidance letters to monitor use of the NLEB & TCB Dkey. There is no waiting period required after submitting the “no effect” technical guidance letter and the applicant will

not receive a confirmation email. Applicants who receive an NLAA or “may affect” outcome utilizing the NLEB & TCB Dkey should submit the OSL and the NLAA concurrence letter or “may affect” technical guidance letter with their PCN. In addition, applicants who receive a “no effect” technical guidance letter but decide that their project requires a PCN (due to other proposed or listed species in the action area or based on other conditions in the RGPs) should submit the OSL and “no effect” technical guidance letter with their PCN.

Applicants should check the NAE Regulatory website for information on which specific RGPs have been retained for use in each New England state. Go to this link and click on each state for further information:

<https://www.nae.usace.army.mil/Missions/Regulatory/State-General-Permits/>. The ESA general conditions found in four of the state RGPs are outdated or require clarification regarding the NLEB & TCB:

- CT RGPs- The current language in GC 12 states the following: “An activity may remain eligible for SV if the only listed species affected is the northern long-eared bat (*Myotis septentrionalis*), and only after Section 7 consultation has been completed by USACE under the 4(d) Rule Streamlined Consultation .”

This language is superseded by the following language: “An activity may remain eligible for SV regarding the NLEB and/or TCB if the applicant receives a “no effect” technical guidance letter from the IPaC website utilizing the NLEB & TCB Dkey. If the applicant receives an NLAA or “may affect” outcome utilizing the NLEB & TCB Dkey, a PCN will be required.”

- NH RGPs- The current language in GC 10 states the following: “An activity may remain eligible for SV if the only listed species affected is the northern long-eared bat (*Myotis septentrionalis*), and the activity: i. Will not remove trees ≥ 3 inches dbh at any time of the year; or ≤ 10 trees ≥ 3 inches dbh between November 1 – March 31; ii. Is not within the “buffer” of a NLEB hibernacula or maternity roost tree; and iii. Does not involve work on bridges or existing riprap associated with dams; or only after Section 7 consultation has been completed by USACE under the 4(d) Rule Streamlined Consultation.”

This language is superseded by the following language: “An activity may remain eligible for SV regarding the NLEB and/or TCB if the applicant receives a “no effect” technical guidance letter from the IPaC website utilizing the NLEB & TCB Dkey. If the applicant receives an NLAA or “may affect” outcome utilizing the NLEB & TCB Dkey, a PCN will be required.”

- VT RGPs- The current language in GC 12 states the following: “An activity may remain eligible for SV if the only listed species affected is the northern long-eared bat (*Myotis septentrionalis*), and (i) the activity: 1) will not remove trees ≥ 3 inches dbh at any time of the year; or ≤ 10 trees ≥ 3 inches dbh between November 1 – March 31; and 2) is not within the “buffer” of a NLEB hibernacula

or maternity roost tree; and 3) does not involve work on bridges or existing riprap associated with dams; or (ii) only after Section 7 consultation has been completed by USACE under the 4(d) Rule Streamlined Consultation.”

This language is superseded by the following language: “An activity may remain eligible for SV regarding the NLEB and/or TCB if the applicant receives a “no effect” technical guidance letter from the IPaC website utilizing the NLEB & TCB Dkey. If the applicant receives an NLAA or “may affect” outcome utilizing the NLEB & TCB Dkey, a PCN will be required.”

- MA RGPs- The current language in GC 10 states the following: “The activity is SV-eligible if...The activity is located within the ESA-listed species range and USACE has designated the applicant as a non-federal representative under 50 CFR 402.08 of the ESA for all species within the project’s action area. As the non-federal representative, the applicant shall complete consultation through IPAC and reach the outcome of “no effect” or “not likely to adversely affect.”

This language is superseded by the following language: “An activity may remain eligible for SV regarding the NLEB and/or TCB if the applicant receives a “no effect” technical guidance letter from the IPaC website utilizing the NLEB & TCB Dkey. If the applicant receives an NLAA or “may affect” outcome utilizing the NLEB & TCB Dkey, a PCN will be required.”

C. Standard Permits

For projects to be reviewed for authorization under a Letter of Permission (LOP) or an Individual Permit (IP), the applicant should include both the OSL and the “no effect” technical guidance letter, the NLAA concurrence letter, or the “may affect” technical guidance letter from IPaC with the application materials.

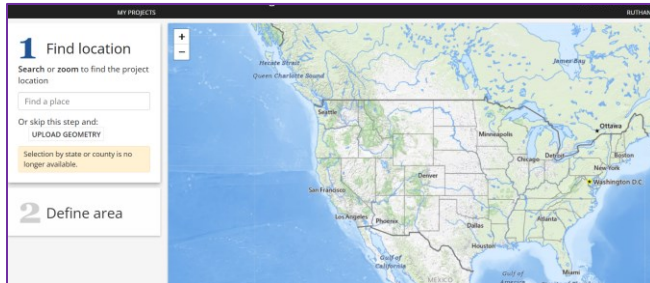
II. Guidance on Utilizing the NLEB & TCB Dkey

There are definitions and helpful links embedded in the NLEB & TCB Dkey in IPaC. In addition, applicants can read through the “Standing Analysis and Implementation Plan – Northern Long-Eared Bat and Tricolored Bat Assisted Determination Key” document found here: <https://www.fws.gov/media/nleb-and-tcb-determination-key-standing-analysis> This document contains information on effects to bat species and how the questions in the key were developed. This guidance provided below is intended to supplement the information provided by the USFWS and is intended to assist applicants with utilizing the NLEB & TCB Dkey to obtain an effect determination letter associated with actions requiring NAE authorization. USFWS developed, maintains, and periodically updates the NLEB & TCB Dkey. Therefore the content and/or order of questions addressed in this guidance may change.

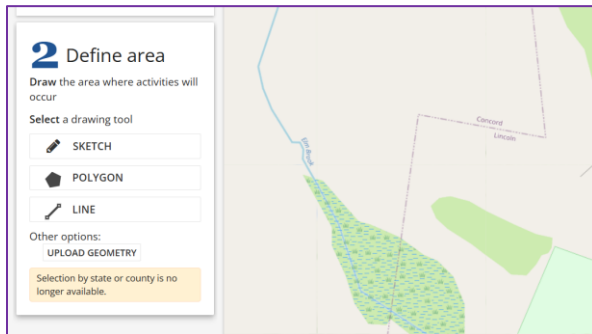
A. Obtain an Official Species List from IPaC

In order to utilize the NLEB & TCB Dkey, you must obtain an official species list (OSL) from the Information Planning and Consultation (IPaC) website located here: <https://ipac.ecosphere.fws.gov/>

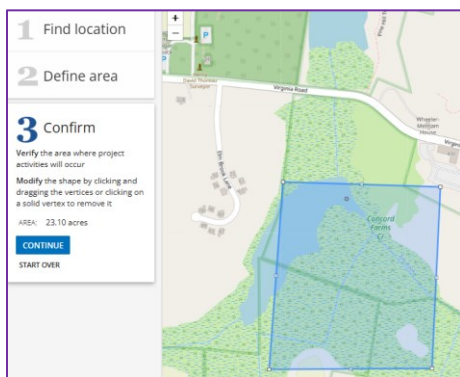
1. Log into your IPaC account. Then click “get started”
2. “Find location”- Type in an address, zoom in on map, or upload a file.



3. “Define area”- Use the sketch, polygon, or line drawing tool.



4. “Confirm”- Click “continue.”



5. Click “define project.”

The screenshot shows a web interface with a sidebar on the left titled 'Resources'. It lists categories: 'ENDANGERED SPECIES' (3), 'BALD & GOLDEN EAGLES' (2), 'MIGRATORY BIRDS' (19), 'FACILITIES', and 'WETLANDS' (1). Below these is a 'PRINT RESOURCE LIST' button. The main content area is titled 'Endangered species' and contains text about the 'Ecological Services Program' and NOAA Fisheries. It includes a 'What's next?' section with a 'DEFINE PROJECT' button. Below the text, there is a 'Mammals' section with two images: 'Northern Long-eared Bat' (Myotis septentrionalis) and 'Tricolored Bat' (Pteronotus subulatus), both labeled as 'Endangered' or 'Proposed Endangered'.

6. Define project: Type in the project name and project description. Click “save.”

The screenshot shows a 'Define project' form. At the top, it says 'LOCAL OFFICE: NEW ENGLAND ESFO' and 'CHANGE LOCATION'. The form has a title 'Define project' and a sub-header 'Define a project at this location to evaluate potential impacts, get an official species list, and make species determinations.' There are two input fields: 'Project name' and 'Project description'. The 'Project description' field has a small 'OPTIONAL' label. At the bottom, there are 'SAVE' and 'CANCEL' buttons.

7. Click “start review.”

The screenshot shows a 'Test Project for ESA Guidance' page. It features a map of a location in Middlesex County, Massachusetts, with a blue box highlighting a specific area. The map includes labels for 'VIRGINIA RD', 'KELING LANE', 'MINUTE MAN NATURAL AREA', and 'gsm stream'. Below the map, it says 'LOCATION: Middlesex County, Massachusetts'. To the right of the map is a 'What's next?' section with two options: 'ESA REVIEW' (with a 'START REVIEW' button) and 'SPECIES LIST'.

8. Click “continue.”

Endangered Species Act Review

Step-by-step consultation process

The Endangered Species Act (ESA) Review in iPaC is a streamlined, step-by-step consultation process. The steps below prepare you for consultation with the U.S. Fish and Wildlife Service or provide official documentation if consultation is not necessary.

- 1 Request an official species list**

An official species list must be requested for projects conducted, permitted, funded, or licensed by a Federal agency. Projects unaffiliated with a Federal agency may skip this step.

NOTE: Generating an official species list does not start the consultation clock for a project.
- 2 Evaluate determination keys**

Determination keys are up-front analyses from the U.S. Fish and Wildlife Service that streamline the consultation process for common project types. Each determination key starts with a qualification interview to see if the key is appropriate for your project.
- 3 Evaluate effects to remaining species through the Consultation Package Builder**

When you have listed species in your project area that have not been addressed by a determination key, iPaC's project analysis tool can be used to further analyze your project. The process assists you in making effect determinations and results in a biological analysis document that is suitable for use as a biological assessment that can be submitted to the U.S. Fish and Wildlife Service for consultation.
- 4 Finalize your consultation package**

Print your project documents to PDF.

For more information about the consultation process, see an [overview of Section 7](#).

CONTINUE

9. Click “yes, request a species list.”

Endangered Species Act Review

← BACK EXIT REVIEW

1 Request an official species list 2 Evaluate Determination Keys 3 Analyze project (optional) 4 Download documentation

Step 1: Request an official species list

An official species list is a letter from the local U.S. Fish and Wildlife Service field office that assists in the evaluation of potential impacts of your project. It includes a list of species that should be considered under [Section 7](#) of the Endangered Species Act, a project tracking number, and other pertinent information from the field office.

Does this project require an official species list?

Federal agencies are required to “request of the Secretary of Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action” ([Section 7](#) of the Endangered Species Act).

This requirement applies to projects that are conducted, permitted, funded, or licensed by any Federal agency.

NOTE: Generating an official species list does not start the consultation clock for a project.

YES, REQUEST A SPECIES LIST SKIP / DOES NOT APPLY

10. “Does this project require an official species list?”- Click “yes, request a species list.” “Is this project being conducted, permitted, funded or licensed by a Federal agency?”- Click “yes.”

Does this project require an official species list?

Yes, request a species list

[CHANGE ANSWER](#)

Upon submitting this form, iPaC will provide a letter from the local U.S. Fish and Wildlife Service office containing a species list that fulfills the requirement listed above, a project tracking number, as well as other pertinent information from the local office.

The following information will be submitted to the U.S. Fish and Wildlife Service and will be part of the public record. All fields are required unless otherwise noted.

Tell us about the project and your organization or agency

Is this project being conducted, permitted, funded, or licensed by a Federal agency?

Yes

No

SUBMIT OFFICIAL SPECIES LIST REQUEST

I understand that I am providing this information so an official species list can be generated, based on data provided by my local U.S. Fish and Wildlife Service office for the project area that I entered.

The following authorizes the collection of the above information (5 U.S.C. 301; the Federal Records Act, 44 U.S.C. 3101; Homeland Security Act of 2002; Public Law 107-296, 6 U.S.C. 121; and Executive Order 9373) and will be maintained in accordance with the Privacy Act (5 U.S.C. 552a).


11. “Does your project fall under (or receive funding through) any of the following special project authorities?”- The response will be “none” for most projects.

Does your project fall under (or receive funding through) any of the following special project authorities? (select all that apply)

- FAST-41
- BIPARTISAN INFRASTRUCTURE LAW (BIL) (OTHER)
- INFLATION REDUCTION ACT (IRA) (OTHER)
- BLM OIL AND GAS PROGRAM (SECTION 365)
- BLM RENEWABLE ENERGY PROGRAM (SECTION 3102)
- U.S. DOI ORPHANED WELL (BIL40601)
- FOREST SERVICE WILDFIRE (BIL 40803/40804)
- DOI WILDFIRE (BIL 40803)
- FEDERAL PERMITTING IMPROVEMENT STEERING COUNCIL (FPISC) TRANSPARENCY PROJECT
- IRA (SECTION 50303)
- EMERGENCY CONSULTATION
- NONE


12. “What kind of organization are you working for directly?”- Use the drop-down menu.

What kind of organization are you working for directly?

Please select... 

13. “What is your role in this project?”- drop-down menu. For most people the answer will be “applicant” or “consultant.”


What is your role in this project?

Please select... 

14. “What kind of organization is the lead agency for this project?”- Choose “Federal Agency.” “Who is the lead agency?”- Choose “Army Corps of Engineers.”

Tell us about the lead agency for the project

What kind of organization is the lead agency for this project?

Federal Agency 

Who is the lead agency?

Army Corps of Engineers

15. "Enter your work contact information"- This is optional.

16. "Enter the contact information for the lead agency"- This is optional.

17. "Enter your project information"- The project name and project description should be filled in. "Select your project type"- You must use the drop-down menu. Choices are alphabetical but not all are shown. If you need to go further down the alphabet, choose "Display additional results..." If the project type is not listed, select the closest match.

Select your project type
Select the broad category or "purpose" for doing the work (e.g., housing, transportation, etc.) that is most applicable to your project. Details about on-the-ground activities should be provided in the project description box.

Type a project name or category to match against REQUIRED

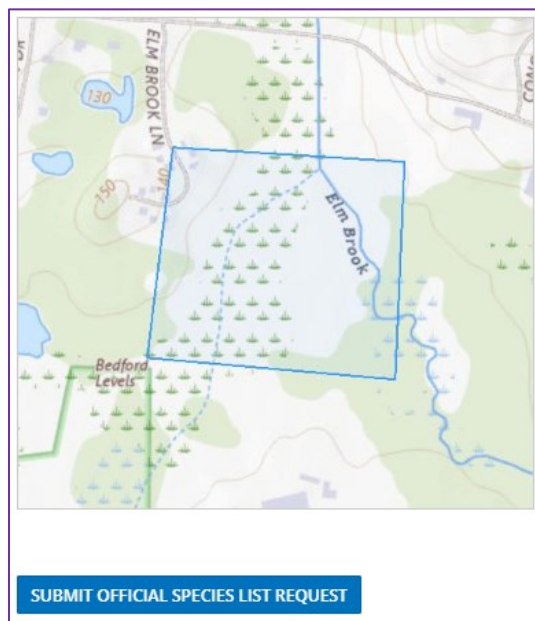
Industry Category: National Security / Military
Military Operations
Category: Military
Industry Category: National Security / Military

Mine Closure
Category: Mining (except Oil and Gas)
Industry Category: Mining, Quarrying, and Oil and Gas Extraction

Mitigation Development/Review - In-Lieu Fee Program
Category: Species Recovery
Industry Category: Species Management / Recovery

Display additional results...


18. Click "submit official species list request."




19. Wait to see “species list request complete.” Click “Species List: New England Ecological Services Field Office” or “Species List: Maine Ecological Services Field Office” to access the OSL.

Step 1: Request an official species list

An official species list is a letter from the local U.S. Fish and Wildlife Service field office that assists in the evaluation of potential impacts of your project. It includes a list of species that should be considered under [Section 7](#) of the Endangered Species Act, a project tracking number, and other pertinent information from the field office.

 **Species list request complete**
This species list was generated [about a minute ago](#). Species lists are considered valid for 90 days.

An official species list has been generated for the following office.

 [Species List: New England Ecological Services Field Office](#)

This document is also available on the [Documents](#) page.


B. Access the NLEB & TCB Dkey

Once you have received an OSL, you will be able to access the NLEB & TCB Dkey if the NLEB and/or the TCB are identified on the OSL for your project’s action area.


1. Click “next step: determination keys.”

Step 1: Request an official species list

An official species list is a letter from the local U.S. Fish and Wildlife Service field office that assists in the evaluation of potential impacts of your project. It includes a list of species that should be considered under [Section 7](#) of the Endangered Species Act, a project tracking number, and other pertinent information from the field office.

 **Species list request complete**
This species list was generated [about a minute ago](#). Species lists are considered valid for 90 days.

An official species list has been generated for the following office.

 [Species List: New England Ecological Services Field Office](#)


This document is also available on the [Documents](#) page.

[REQUEST UPDATED SPECIES LIST](#) [NEXT STEP: DETERMINATION KEYS](#)

2. Find “Northern Long-Eared Bat and Tricolored Bat Range-wide Determination Key” and click “evaluate.”

Step 2: Evaluate determination keys

The U.S. Fish and Wildlife Service has performed up-front analyses for certain project types, agencies, and species. The analyses have been compiled into *determination keys*, a simple interview process to help you arrive at a recommended determination for some species in your project area.

- Department of Defense Determination Key for Indiana Bat, Northern Long-eared Bat and Tricolored Bat
Release date: February 18, 2026
This key is intended to streamline review of Department of Defense projects for potential effects to the Indiana Bat, Northern Long-eared Bat and the proposed Tricolored Bat.
- FHWA, FRA, FTA Programmatic Consultation for Transportation Projects affecting IBAT, NLEB, or TCB
Release date: February 24, 2026
The key is intended for projects funded or authorized by FHWA, FRA, or FTA, that require consultation with the Service under Section 7 of the ESA and may affect the Indiana bat, northern long-eared bat, or tricolored bat.
- Northern Long-eared Bat and Tricolored Bat Range-wide Determination Key
Release date: February 24, 2026
This key is intended to streamline review of projects for potential effects to the Northern Long-eared Bat and the proposed Tricolored Bat.
 

3. Click “check if my project qualifies.”

Species covered by this key

This key covers the following species expected to occur in this project area:

- Northern Long-eared Bat *Myotis septentrionalis*
- Tricolored Bat *Perimyotis subflavus*

Critical habitats covered by this key

This key covers the critical habitats for the following species expected to occur in this project area:

None

For more information about this determination key, including a list of all potential questions, refer to the [detailed overview](#).

C. Respond to Questions in the NLEB & TCB Dkey

Questions in the NLEB & TCB Dkey relate to activities that could affect bats including but not limited to bridge work, culvert work, road installation, structure removal, new lighting, loud sounds, drilling/blasting, and tree clearing. This guidance does not address all of the questions in the NLEB & TCB Dkey but is designed to address questions that must be answered in a particular way in order for the consultation to meet NAE’s requirements and questions that have specific responses related to the work occurring in New England. Note that the applicant’s responses to questions in the NLEB & TCB Dkey will affect the type and number of questions that will follow.

Some questions in the NLEB & TCB Dkey are answered automatically by USFWS using the project location. These questions typically involve sensitive data that USFWS does

not want to publish such as the specific location of bat hibernacula and maternity roost trees.

USFWS is ultimately responsible for maintaining and updating the NLEB & TCB Dkey. Therefore the questions might change from what is currently in this guidance. If you need additional guidance regarding how to answer a question the NLEB & TCB Dkey after reading this document, email the New England USFWS field office (newengland@fws.gov) for projects in CT, MA, NH, RI, and VT and the Maine USFWS field office (mainefieldoffice@fws.gov) for projects in ME.

1. General questions

The following questions must be answered in the affirmative in order for the NLEB & TCB Dkey consultation to work for NAE purposes:

- Question: Is the proposed action authorized, permitted, licensed, funded, or being carried out by a Federal agency in whole or in part?

Answer: Yes

- Question: Are you an employee of the federal action agency or have you been officially designated in writing by the agency as its designated non-federal representative for the purposes of Endangered Species Act Section 7 informal consultation per 50 CFR § 402.08?

Answer: Yes

2. Bridges

- Question: “Will the action cause effects to a bridge?” If you answer “no” the Dkey will move to the next potential type of effect.
- Question: “Has the local Service Field Office confirmed that bridge surveys are not needed because project activities are not expected to impact bats, or because NLEBs and TCBs are not using bridges within the action area?”

On 03/09/26, USFWS issued a letter regarding bat surveys and bridges in New England: <https://www.fws.gov/media/new-england-guidance-culvert-and-bridge-surveys-bats> specifically designed to assist in answering this question in the NLEB & TCB Dkey. The letter indicates that bat surveys are still needed for the following types of bridges in New England: covered bridges, any bridges with wood/timber components, and bridges with stone/masonry construction.

In addition, bat surveys are needed for bridges in the following counties in MA, NH, and VT, regardless of the construction material/bridge type:

MA: Nantucket

NH: Belknap, Merrimack, Rockingham

VT: Addison, Bennington, Chittenden, Franklin, Grand Isle, Rutland

If a bridge survey is not needed based on this information, answer “yes.”

If a bridge survey is still needed, answer “no”.

Note that USFWS has indicated that some counties which currently require a bridge survey may not in the future if accumulated survey results suggest a lack of bat occurrence on bridges in that county. Therefore check the NAE website periodically for updates to this guidance.

You can reach out to your local USFWS field office for more information. Email the New England USFWS field office at newengland@fws.gov for projects in CT, MA, NH, RI, and VT. Email the Maine USFWS field office at mainefieldoffice@fws.gov for projects in ME.

- Question: “Has a site-specific bridge assessment following USFWS guidelines been completed?”

If a bridge survey is needed and you answer “no”, you will not be able to go any further in the NLEB & TCB Dkey and you will not be able to generate a “no effect” technical guidance letter, an NLAA concurrence letter, or a “may affect” technical guidance letter. Therefore you will either need to complete a bridge survey so that the answer can be changed to yes or submit a pre-construction notification to USACE NAE who will conduct individual Section 7 ESA consultation with USFWS on the project. Note that information on USFWS guidelines for performing a bridge survey are found in IPaC in the NLEB & TCB Dkey.

- Question: “Was evidence of bat use found during the bridge assessment?”

You should answer “yes” or “no” based on the bridge survey results. You will then be required to upload the survey results into IPaC.

- Question: “Did you coordinate with your local Ecological Services Field Office (ESFO) and receive approval of the bridge assessment results?”

If you answer “no”, you will not be able to go any further in the NLEB & TCB Dkey and you will not be able to generate a “no effect” technical guidance letter, an NLAA concurrence letter, or a “may affect” technical guidance letter. You will need to contact the local USFWS office and then change the answer to “yes.” To contact the local USFWS office, send an email to newengland@fws.gov for projects in CT, MA, NH, RI, and VT and to mainefieldoffice@fws.gov for projects in ME.

3. Culverts:

- Question: “Will the action cause effects to a culvert or tunnel at any time of year?”

If you answer “no” the NLEB & TCB Dkey will move to the next potential type of effect.

- Question: “Does the culvert or tunnel equal or exceed 23 feet (7.0 meters) in length?”

This question is in the NLEB & TCB Dkey because USFWS has determined that a culvert needs to at least be 23 feet long to provide potential habitat for the NLEB and/or TCB. If you answer “no” the key will move to the next potential type of effect.

- Question: “Do the interior dimensions of the culvert or tunnel equal or exceed 3.0 feet (0.9 meters) in height (minimum height for tricolored bat)?”

This question is in the NLEB & TCB Dkey because USFWS has determined that a culvert needs to be at least 3 feet in diameter to provide potential habitat for the TCB and at least 4.5 feet in diameter to provide potential habitat for the NLEB. If you answer “no” the key will move to the next potential type of effect.

- Question: “Has the local Service Field Office confirmed that culvert surveys are not needed because project activities are not expected to impact bats, or because NLEBs and TCBs are not using culverts within the action area?”

On 03/09/26, USFWS issued a letter regarding bat surveys and culverts in New England: <https://www.fws.gov/media/new-england-guidance-culvert-and-bridge-surveys-bats>. It is designed to assist in answering this question in the NLEB & TCB Dkey, which only arises after the questions on the length and diameter of the culvert have been answered. Therefore culverts that are less than 23 feet long and/or less than 3 feet in diameter would not be included in this guidance letter because they would not support NLEB/TCB habitat.

The letter indicates that surveys are needed for any “cave-like” culverts, which are defined as culverts that are long enough that they remain dark in the middle during daylight hours and maintain relatively stable temperatures. These cave-like culverts would likely exceed 200 feet in length but culverts should be reviewed for these conditions on a case by case basis.

In addition, the letter indicates that surveys are needed in the following counties in CT, MA, NH, and VT for any culverts that meet the minimum conditions for potential NLEB/TCB habitat (i.e. at least 23 feet in length and 3 feet in diameter):

CT: Fairfield

MA: Nantucket

NH: Coos, Hillsborough, Merrimack, Rockingham

VT: Caledonia, Chittenden, Essex, Franklin, Grand Isle, Lamoille, Orleans

If a culvert survey is not needed based on this letter, answer “yes.”

If a culvert survey is still needed based on this letter, answer “no.”

Note that USFWS has indicated that some counties which currently need a culvert survey according to the 03/09/26 guidance letter may not in the future if accumulated survey results suggest a lack of bat occurrence in culverts in that county. Therefore continue to view the NAE website periodically for updates to this guidance.

For additional information, email the New England USFWS field office (newengland@fws.gov) for projects in CT, MA, NH, RI, and VT and the Maine USFWS field office (mainefieldoffice@fws.gov) for projects in ME.

- Question: “Has a site-specific culvert assessment following USFWS guidelines been completed?”

If a culvert survey is needed and you answer “no”, you will not be able to go any further in the NLEB & TCB Dkey and will not be able to generate a “no effect” technical guidance letter, an NLAA concurrence letter, or a “may affect” technical guidance letter. Therefore you will either need to do a culvert survey or submit a pre-construction notification to USACE NAE who will need to conduct individual Section 7 ESA consultation with USFWS on the project.

- Question: “Was evidence of bat use found during the culvert assessment?”

You should answer “yes” or “no” based on the culvert survey results. The NLEB & TCB Dkey will then require you to upload the survey results into IPaC.

- Question: “Did you coordinate with your local Ecological Services Field Office (ESFO) and receive approval of the culvert assessment results?”

If the answer is “no”, the NLEB & TCB Dkey requires you to stop and coordinate with the local USFWS office and then go back and change the answer to “yes.”

As noted above, to contact the local USFWS field office, you should send emails to newengland@fws.gov for projects in CT, MA, NH, RI, and VT and to mainefieldoffice@fws.gov for projects in ME.

4. Trees

- Question: “Are trees present within 1000 feet of the action area?”

Note: This includes trees that are within 1000 feet of the activity but are off the property. Google Earth or other aerial imagery or maps can be used to help with this response.

- Question: "Is suitable summer habitat for the northern long-eared bat present within 1000 feet of project activities? If unsure, answer 'yes'."

Information on suitable summer habitat for the NLEB can be found in the Range-wide Indiana Bat & Northern Long-eared Bat Survey Guidelines found here:

<https://www.fws.gov/library/collections/range-wide-indiana-bat-and-northern-long-eared-bat-survey-guidelines> Suitable summer habitat information is summarized

here:

Suitable summer habitat for the NLEB consists of a wide variety of forested/wooded habitats where they roost, forage, and travel. Although they may also traverse habitat adjacent and interspersed with forest habitat, such as emergent wetlands and field edges, they are predominately found in forest/wooded habitat. This includes forests and woodlots containing potential roosts (i.e., live trees and/or snags ≥ 3 inches in diameter at breast height that have exfoliating bark, cracks, crevices, and/or cavities), as well as linear features such as fencerows, riparian forests, and other wooded corridors. These wooded areas may be dense or loose aggregates of trees with variable amounts of canopy closure. NLEBs are nocturnal foragers and use hawking (catching insects in flight) and gleaning (picking insects from surfaces) behaviors in conjunction with passive acoustic cues). NLEB often prefer intact mixed-type forests with small gaps (i.e., forest trails, small roads, or forest-covered creeks) in forest with sparse or medium vegetation for foraging and commuting rather than fragmented habitat or areas that have been clear cut. Individual trees may be considered suitable habitat when they exhibit characteristics of suitable roost trees and are within 1,000 feet of other forested/wooded habitat. The NLEB has also been observed roosting (although to a lesser degree than forested habitat) in human-made structures, such as buildings, barns, bridges, and bat houses; therefore, these structures should also be considered potential summer habitat. In most areas, roosting habitat is considered suitable summer habitat because NLEBs are only present in forested habitat during the summer active months.

Examples of unsuitable NLEB habitat:

- i. Individual trees that are greater than 1,000 feet from forested/wooded areas
 - ii. Trees found in highly developed urban areas (e.g., street trees, downtown areas)
 - iii. A pure stand of (less than 3-inch in diameter at breast height) trees that are not mixed with larger trees
- Question: "Is suitable summer habitat for the tricolored bat present within 1000 feet of project activities? If unsure, answer 'yes'."

In-depth information on suitable summer habitat for the TCB is found in the Range-wide Indiana Bat & Northern Long-eared Bat Survey Guidelines found here: <https://www.fws.gov/library/collections/range-wide-indiana-bat-and-northern-long-eared-bat-survey-guidelines> Suitable summer habitat is summarized below. Note that Spanish moss (*Tillandsia usneoides*) does not occur in New England:

Suitable TCB summer habitat consists of a wide variety of forested/wooded habitats where they roost, forage, and travel and include some adjacent and interspersed non-forested habitats such as emergent wetlands, shrublands, grasslands, and forested edges of agricultural fields, old fields, and pastures. Roosting habitat includes forests, woodlots, and linear features (e.g., fencerows and riparian corridors) containing trees with potential roost substrate (e.g., live and dead leaf clusters of live and recently dead deciduous trees, Spanish moss, and beard lichen (*Usnea trichodea*). TCBs will roost in a variety of tree species, especially oaks (*Quercus* spp.), and often select roosts in tall, large diameter trees, but will roost in smaller diameter trees when potential roost substrate is present (e.g., 4-inch trees). TCBs commonly roost in the mid to upper canopy of trees although males will occasionally roost in dead leaves at lower heights (e.g., < 16 feet) from the ground; and females will occasionally roost in Spanish moss of understory trees. TCBs seem to prefer foraging along forested edges of larger forest openings, along edges of riparian areas, and over water and avoid foraging in dense, unbroken forests, and narrow road cuts through forests.

- Question: “Will any tree cutting/trimming or other knocking or bringing down of trees occur during the Summer Occupancy season for northern long-eared bats in the action area?”

The summer occupancy is defined as the timeframe when bats are present and roosting in trees on their summer home range and/or roosting in colonies. The NLEB summer occupancy dates for the six New England states are April 15 to September 30 with one exception. For Martha’s Vineyard, Nantucket, and Cape Cod in Massachusetts the NLEB summer occupancy dates are March 15 to September 30.

- Question: “Will any tree cutting/trimming or other knocking or bringing down of trees be conducted during the Pup Season for tricolored bat?”

The pup season is the timeframe during late pregnancy and when most young are born until they can fly and forage independently. The TCB pup season for all six New England states is June 1 to August 15.

D. Finalize the NLEB & TCB Dkey and Obtain an Effect Determination Letter

The NLEB & TCB Dkey process will not be complete until you receive a determination letter in IPaC.

The last question requiring a response before receiving a preliminary determination is “Do you have any documents that you want to include with this submission?”

One of three preliminary determinations will be listed on the screen:

- i. “You have reached a preliminary determination of no effect for species covered by this determination key.”
- ii. “You have reached a preliminary determination of may affect- not likely to adversely affect for species covered by this determination key.”
- iii. “You have reached a preliminary determination of may affect for species covered by this determination key.”

Note that the information on this screen does NOT serve as an official effect determination for NAE Section 7 consultation purposes. When both the NLEB & the TCB are in the project’s action area, the project may receive a different determination for each bat species. The preliminary statement above only gives a single determination which is applicable to at least one bat species but not necessarily both. You must generate the technical assistance letter or NLAA concurrence letter in IPaC and look at the determination for each bat species for this process to serve as your Section 7 consultation for NAE purposes. The process is broken down below for each type of preliminary determination:

1. Preliminary “no effect” determination

a) Click “save and continue”

23. Do you have any documents that you want to include with this submission?

No

[CHANGE ANSWER](#)

You have reached a preliminary determination of no effect for species covered by this determination key.

[SAVE AND CONTINUE](#) Next you can see if you qualify for any other determination keys.

b) If you see the following screen, enter the number of acres

Step 2: Evaluate determination keys - project survey

Please complete this project questionnaire.

NORTHERN LONG-EARED BAT AND TRICOLORED BAT RANGE-WIDE DETERMINATION KEY

Enter the extent of the action area (in acres) from which trees will be removed - round up to the nearest tenth of an acre. For this question, include the entire area where tree removal will take place, even if some live or dead trees will be left standing.

CONTINUE Next, you can generate technical assistance and concurrence or verification letters for the keys you have completed.

SAVE FOR LATER

c) Click “generate technical assistance letter”

Determination

You have determined your project will have no effect to the species covered by this determination key. Review the guidance below and generate a letter documenting your determination for your records.

Based on the information you provided, you have determined that the Proposed Action will have no effect on the species covered by this determination key. Therefore, no consultation with the U.S. Fish and Wildlife Service pursuant to Section 7(a) (2) of the Endangered Species Act of 1973 (87 Stat. 884, as amended 16 U.S.C. 1531 *et seq.*) is required for those species.

If you think the determination results from this key should be different based on your answers, please contact the local U.S. Fish and Wildlife Service field office.

Generate a technical assistance letter for your records

GENERATE TECHNICAL ASSISTANCE LETTER

VIEW / CHANGE ANSWERS


d) After reviewing the project information, click “generate technical assistance letter” again on the next page.

e) Click “view technical assistance letter”

Determination

You have determined your project will have no effect to the species covered by this determination key. Review the guidance below and generate a letter documenting your determination for your records.

Based on the information you provided, you have determined that the Proposed Action will have no effect on the species covered by this determination key. Therefore, no consultation with the U.S. Fish and Wildlife Service pursuant to Section 7(a) (2) of the Endangered Species Act of 1973 (87 Stat. 884, as amended 16 U.S.C. 1531 *et seq.*) is required for those species.

 **VIEW TECHNICAL ASSISTANCE LETTER**

CONTINUE

f) Check technical assistance letter to see the determination for each species. The determinations may be the same for both bat species or they may differ. In this example the determinations are the same:

Species	Listing Status	Determination
Northern Long-eared Bat (<i>Myotis septentrionalis</i>)	Endangered	No effect
Tricolored Bat (<i>Perimyotis subflavus</i>)	Proposed Endangered	No effect

2. Preliminary “may affect not likely to adversely affect” (NLAA) determination

a) Click “save and continue”

55. Do you have any documents that you want to include with this submission?

No

[CHANGE ANSWER](#)

You have reached a preliminary determination of may affect - not likely to adversely affect for species covered by this determination key.

[SAVE AND CONTINUE](#) Next you can see if you qualify for any other determination keys.

b) Enter the number of acres of trees to be cleared. Click “continue”

Step 2: Evaluate determination keys - project survey

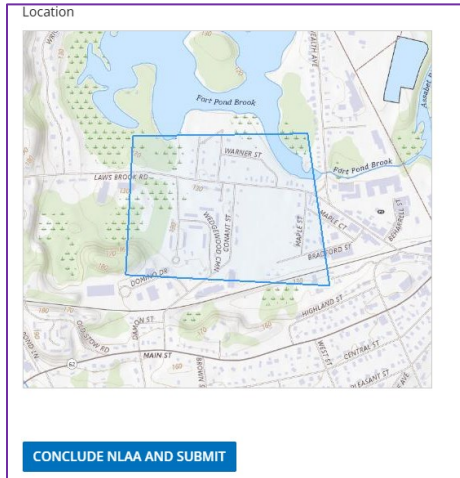
Please complete this project questionnaire.

NORTHERN LONG-EARED BAT AND TRICOLORED BAT RANGE-WIDE DETERMINATION KEY

Enter the extent of the action area (in acres) from which trees will be removed - round up to the nearest tenth of an acre. For this question, include the entire area where tree removal will take place, even if some live or dead trees will be left standing.

[CONTINUE](#) Next, you can request automated concurrence for this project.

c) Check next screen to ensure required fields are filled out. Click “conclude NLAA and submit”



d) Click “view concurrence letter”

Determination

You have reached a determination of may affect - not likely to adversely affect based on this determination key. Review the guidance below and request USFWS concurrence for this project.

Based on the answers provided, the proposed Action is consistent with a determination of “may affect, but not likely to adversely affect” for a least one species covered by this determination key.

[VIEW CONCURRENCE LETTER](#)

[CONTINUE](#)

e) Check concurrence letter to see the effect determination for each bat species. The determinations may be the same for both species or may differ. Two examples are below:

Based on your IPaC submission and a standing analysis completed by the Service, you determined the proposed Project will have the following effect determinations:

Species	Listing Status	Determination
Northern Long-eared Bat (<i>Myotis septentrionalis</i>)	Endangered	NLAA
Tricolored Bat (<i>Perimyotis subflavus</i>)	Proposed Endangered	NLAA

Based on your IPaC submission and a standing analysis completed by the Service, you determined the proposed Project will have the following effect determinations:

Species	Listing Status	Determination
Northern Long-eared Bat (<i>Myotis septentrionalis</i>)	Endangered	NLAA
Tricolored Bat (<i>Perimyotis subflavus</i>)	Proposed	May affect
	Endangered	

3. Preliminary “may affect” determination

a) Click “save and continue”

51. Do you have any documents that you want to include with this submission?

No

[CHANGE ANSWER](#)

EVALUATION PROGRESS

You have reached a preliminary determination of may affect for species covered by this determination key.

[SAVE AND CONTINUE](#) Next you can see if you qualify for any other determination keys.

b) Type in the number of acres and click “continue”

Step 2: Evaluate determination keys - project survey

Please complete this project questionnaire.

NORTHERN LONG-EARED BAT AND TRICOLORED BAT RANGE-WIDE DETERMINATION KEY

Enter the extent of the action area (in acres) from which trees will be removed - round up to the nearest tenth of an acre. For this question, include the entire area where tree removal will take place, even if some live or dead trees will be left standing.

[CONTINUE](#) Next, you can generate technical assistance and concurrence or verification letters for the keys you have completed.

[SAVE FOR LATER](#)

c) Click “generate technical assistance letter”

Determination

You have reached a determination of may affect based on this determination key. Review the guidance below and generate a technical assistance letter for your records.

Based on the answers provided, the proposed Action is consistent with a determination of “may affect” for a least one species covered by this determination key.

If you think the determination results from this key should be different based on your answers, please contact the local U.S. Fish and Wildlife Service field office.

Generate a technical assistance letter for your records

GENERATE TECHNICAL ASSISTANCE LETTER

VIEW / CHANGE ANSWERS

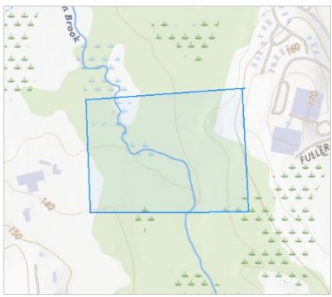
d) Make sure required information is filled out on next screen & click “generate technical assistance letter”

Select your project type

Select the broad category or “purpose” for doing the work (e.g., housing, transportation, etc.) that is most applicable to your project. Details about on-the-ground activities should be provided in the project description box.

Acquisition of Lands

Location



GENERATE TECHNICAL ASSISTANCE LETTER

e) Click “view technical assistance letter”

Determination

You have reached a determination of may affect based on this determination key. Review the guidance below and generate a technical assistance letter for your records.

Based on the answers provided, the proposed Action is consistent with a determination of “may affect” for a least one species covered by this determination key.

VIEW TECHNICAL ASSISTANCE LETTER

CONTINUE

f) Check the letter to see the effect determination for each species. They may be the same for both bat species or they may differ.

Based on your IPaC submission and a standing analysis completed by the Service, you determined the proposed Project will have the following effect determinations:

Species	Listing Status	Determination
Northern Long-eared Bat (<i>Myotis septentrionalis</i>)	Endangered	May affect
Tricolored Bat (<i>Perimyotis subflavus</i>)	Proposed	May affect
	Endangered	