Programmatic Indiana Bat Conservation Memorandum of Agreement
Purpose of the Agreement

• Streamline or eliminate project specific consultation process
• Reduce costs
• Promote the survival, conservation, and recovery of the Indiana bat by providing tangible benefits to the species
• May replace but does not prohibit use of presence/absence surveys
Purpose of the Agreement

“...this MOA provides recovery based conservation benefits for the Indiana bat in the form of habitat protection and/or voluntary contributions to the IBCF which in turn will fund habitat protection, conservation, restoration and/or priority monitoring and research projects for the Indiana bat.”
Framework for the Consultation

- USFWS intra-service Biological Opinion for loss of summer roosting habitat statewide
  - Authorized up to 2,500 acres/12,500 acres of take per year/5 year
  - Framework for Conservation MOAs
  - Method for calculating minimization contribution to IB Conservation Fund
- Available for anyone seeking ESA coverage
- Monies used for tangible benefits to IB
Known Occurrences

Indiana bat Habitat in Kentucky and within 20 mi. (February 2011)

Legend:
- Sensitive Areas – work in these areas requires coordination with USFWS under the Indiana bat Mitigation Guidance
- Overlapping habitat – areas of known maternity and swarming (P1 & P2) habitat
- Overlapping habitat – areas of known maternity and swarming (P3 & P4) habitat
- Overlapping habitat – areas of known non-maternity summer & swarming (P1 & P2) habitat
- Overlapping habitat – areas of known non-maternity summer & swarming (P3 & P4) habitat
- Known swarming habitat (P1 & P2)
- Known swarming habitat (P3 & P4)
- Known maternity summer habitat
- Known non-maternity summer habitat

Potential habitat

20 Mile Buffer

NOTE: This map is based on species occurrence information and...
## Cost Calculation

### Table 1. MITIGATION MULTIPLIER BY HABITAT TYPE AND SEASON

<table>
<thead>
<tr>
<th></th>
<th>November 15-March 31 (all habitats unoccupied)</th>
<th>April 1-August 15 (swarming unoccupied*; potential, maternity** and non-maternity occupied)</th>
<th>August 16-October 14 (swarming and potential occupied; maternity and non-maternity unoccupied)</th>
<th>October 15-November 14 (swarming occupied; potential, maternity and non-maternity unoccupied)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Known Maternity +P1&amp;2 swarming</td>
<td>2.5</td>
<td>3.0 (4.0)</td>
<td>3.5</td>
<td>3.5</td>
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<tr>
<td>Known Maternity +P3&amp;4 swarming</td>
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<td>2.5 (3.5)</td>
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<td>3.0</td>
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<tr>
<td>Known non-maternity +P1&amp;2 swarming</td>
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<td>2.5 (3.5)</td>
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<tr>
<td>Known non-maternity +P3&amp;4 swarming</td>
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<td>2.0 (3.0)</td>
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<tr>
<td>Known maternity</td>
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<td>2.0</td>
<td>1.5</td>
<td>1.5</td>
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<tr>
<td>Known non-maternity</td>
<td>1.0</td>
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<td>1.0</td>
<td>1.0</td>
</tr>
<tr>
<td>Potential</td>
<td>0.5 (0.0)</td>
<td>1.0 (0.5)</td>
<td>1.0 (0.5)</td>
<td>0.5 (0.0)</td>
</tr>
</tbody>
</table>

*swarming
**maternity

** Determine habitat type
** Determine seasonal sensitivity
** Select the appropriate multiplier
Indiana Bat Mitigation Guidance

- Guidance document that details the applicability and use of the IB Conservation Fund including:
  - explanation of terms
  - identification of certain priority habitats
  - determination of the standard tree canopy size for the single tree method
  - determination of situations which require direct consultation with the Service
  - acceptability of mitigation measures
  - calculation of impacts and mitigation measures
Programmatic Consultation

• KYTC Programmatic BA

• Tier 1:
  – Screens project types and identifies those defined as No Effect
  – Assesses and screens No Habitat/No Effects
  – Identifies impacts with special conditions

• Tier 2: Address impacts through BA or mitigation via IBCF
What’s covered?

• Available for all KYTC project types
• Project consultation not required for:
  – Removal in “potential” area w/seasonal tree cutting (October 15-March 31)
  – Tree trimming within 100 feet of pavement
  – Removal of up to two acres of roadside habitat for maintenance w/i 500 feet)
Limitations

Projects that are not automatically covered
• Loss of more than 250 acres of habitat/project
• >300 ac/year and >1200 ac through Jan. 2016
• Within 1 mile of priority 1 or 2 hibernacula
• Within ½ mile of priority 3 or 4 hibernacula
• Projects resulting in impacts to known maternity habitat between June 1 and July 31.
• Projects impacting caves, portals, or mine adits suitable for use by Indiana bats MAY NOT use the PCMOA.
Features

• Mitigation due prior to impacts
• Acreage calculated through GIS and/or tree counting
• “Potential” area considerations
  – New alignment vs. existing alignment
  – 50 percent of the total disturbance area associated with the project is within 500 feet of the edge of pavement
• Can propose other property acquisition in lieu of payment to IBCF
New or Existing Alignment?
Mechanics

• Ledger of projects within seven days of monthly letting

• Identifies:
  – Habitat type
  – Acreage of impact
  – Appropriate multiplier given timing
  – Cost of IBCF Contribution

• USFWS through KNLT issues invoice with payment due within 30 days
Check and Balance

• USFWS may request to audit project records
• KYTC must reevaluate prior to letting to determine if determination consistent with current mapping
• If habitat designation has changed, must consult and adjust
Bridge Habitat

• Unless bridge is unsuitable as habitat KYTC shall:
  – Prior to construction/demolition, conduct inspection of the underside of the bridge for use or signs of use by bats
  – If present, coordinate with Service regarding minimization measures
Benefits

• A 50% reduction in costs for impacts along existing highways
• Allows for limited trimming and removal of trees along existing corridors for maintenance and other activities
• Provides a more cost effective option to conducting time consuming and expensive biological surveys
• Allows seasonal tree removal in areas where Indiana bats may “potentially” roost
• Eliminates project specific Conservation MOAs for loss of Indiana bat summer roosting habitat
More Benefits

• Eliminates the need for project specific consultation for many projects
• Provides flexibility in timing of payments that is favorable to the KYTC
• Uses credit of KYTC site preservation occurring through the stream and wetland mitigation program
• Addresses Section 7 consultation issues with the US Army Corps that will streamline that process
Questions