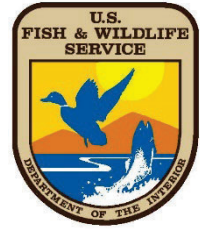




United States Department of the Interior

FISH AND WILDLIFE SERVICE
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June 25, 2025

Ms. Erica Tait
Interim Deputy Division Administrator
Federal Highway Administration
575 N. Pennsylvania Street, Room 254
Indianapolis, Indiana 46204

Ms. Laura Hilden
Environmental Services Director
Indiana Department of Transportation
100 North Senate Ave., N758 – ES
Indianapolis, IN 46204
(sent via email)

Dear Ms. Tait and Ms. Hilden:

This letter provides the Federal Highway Administration (FHWA) and the Indiana Department of Transportation (INDOT) with concurrence on “not likely to adversely affect” (NLAA) determinations for select construction and maintenance activities in Indiana that may affect the federally endangered gray bat (*Myotis grisescens*). We provide this letter under the authority of the Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. 1531-1543).

The programmatic biological opinion¹ (BO) for the federally endangered Indiana bat (*Myotis sodalis*), northern long-eared bat (*Myotis septentrionalis*; NLEB), and tricolored bat (*Perimyotis subflavus*; TCB) evaluates a list of proposed actions and potential resulting stressors for these species. In addition to these species, transportation projects may also directly or indirectly affect gray bat roosting, foraging or swarming habitat in similar ways. Therefore, stressors outlined in Section 5.2, 5.3, 5.5 and 5.6 of the BO (pgs. 82 – 157) also apply to gray bats when making section 7 effect determinations. Because gray bats typically do not roost in trees, stressors specifically related to the removal or alteration of roost tree habitat are not relevant. However, removal or alteration of trees that may provide foraging habitat are potential stressors.

¹ Programmatic Biological Opinion/Conference Opinion for Transportation Projects in the Range of the Indiana Bat, Northern Long-Eared Bat, and Tricolored Bat. Revised December 2024. U.S. Fish and Wildlife Service, Bloomington, Minnesota.

Tables 14 and 16 (pgs. 156 and 158) summarize determination conclusions for various activities. Determinations of NLAA and outside scope for Indiana bats, northern long-eared bats, or tricolored bats also apply to gray bats, again with the exclusion of activities specifically related to the removal of potential or known roost trees or tree roosting habitat, which does not apply to this year-round, cave-obligate species. Activities with a “likely to adversely affect” conclusion for Indiana bats, northern long-eared bats, or tricolored bats should be consulted on separately for the gray bat.

We provide this NLAA concurrence for the gray bat for federally funded or approved transportation projects:

- 1) where the description of the action and the requirements of the BO for the Indiana, northern long-eared, and tricolored bats are met;
- 2) where INDOT utilizes the BO to review potential stressors and makes a “may affect, but not likely to adversely affect” determination for the Indiana, northern long-eared, or tricolored bat;
- 3) where INDOT applies to the gray bat the same reasonable and prudent measures and terms and conditions as outlined in the BO that are being applied to the Indiana, northern long-eared, or tricolored bat;
- 4) that are outside of a 0.5-mile buffer of the Sellersburg gray bat maternity colony.

Implementation of these conditions ensures projects are not likely to adversely affect gray bats. If all the above conditions are met, no further section 7 coordination is needed for the gray bat. This concurrence is valid until any changes are made to the programmatic BO for Indiana bat, northern long-eared bat, and tricolored bat, the status of Indiana bat, northern long-eared bat, tricolored bat, or gray bat changes, or reinitiation of the BO is required (Section 10, page 183).

We appreciate your efforts to protect and conserve fish and wildlife resources. Should you have questions, or if we can be of further assistance, please contact Robin McWilliams Munson at 812-902-1752.

Sincerely,

SUSAN
COOPER

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SUSAN COOPER
Date: 2025.06.27
13:03:26 -04'00'

Susan Cooper
Field Supervisor