Acadia National Park
Standard Operating Procedure

Title Subject:	Policy Number:
Interim Protection of Bat Species	**ACAD-2015-1**
Effective Date:	Rescinds:
April 30, 2015	**None**
Division:	Distribution:
Natural Resources	**All Park Personnel**

PURPOSE

This intent of this policy is to provide employees with interim guidance and direction for protecting species of bats, most particularly the northern long-eared bat (*Myotis septentrionalis*). The northern long-eared bat, as well as several other species of North American bats, has been profoundly impacted by a rapidly spreading fungal infection, known as white-nose syndrome. The infection has killed millions of bats in recent years, reducing the size of some populations by more than 90 percent.

On April 2, 2015 the United States Fish and Wildlife Service (USFSW) declared the northern long-eared bat as a threatened species. On that date, USFWS published in the *Federal Register* a final listing and interim rule subject to section 4(d) of the Endangered Species Act (ESA). The rule, scheduled to go into effect on May 4, 2015, is intended to provide guidance to private landowners and local and state governments (but not federal agencies). Federal agencies will still be held to higher standards of protection as described under section 7 of the ESA. However, the interim rule provides the practical guidance necessary to implement this interim policy.

The USFWS also is directing the study of threats and impacts to other species of bat affected by white-nose syndrome. This effort may result in other Acadia-area species being listed in the foreseeable future. This policy, therefore, will outline interim measures for employees to follow to ensure park activities do not adversely impact all bat species. This interim policy will be in effect until a permanent policy can be established, based on expected further consultation between the park and the USFWS and/or the state of Maine.

POLICY

National Park Service policy related to the management of threated or endangered plants and animals can be found in section 4.4.2.3 of the 2006 *Management Policies*. That section states,:

"The Service will survey for, protect, and strive to recover all species native to national park system units that are listed under the Endangered Species Act. The Service will fully meet its obligations under the NPS Organic Act and the Endangered Species Act to both proactively conserve listed species and prevent detrimental effects on these species. To meet these obligations, the Service will

- cooperate with both the U. S. Fish and Wildlife Service and the NOAA Fisheries to ensure that NPS actions comply with both the written requirements and the spirit of the Endangered Species Act. This cooperation should include the full range of activities associated with the Endangered Species Act, including consultation, conferencing, informal discussions, and securing all necessary scientific and/or recovery permits;
- undertake active management programs to inventory, monitor, restore, and maintain listed species' habitats; control detrimental nonnative species; manage detrimental visitor access; and reestablish extirpated populations as necessary to maintain the species and the habitats upon which they depend;
- manage designated critical habitat, essential habitat, and recovery areas to maintain and enhance their value for the recovery of threatened and endangered species;
- cooperate with other agencies to ensure that the delineation of critical habitat, essential habitat, and/or recovery areas on park-managed lands provides needed conservation benefits to the total recovery efforts being conducted by all the participating agencies;
- participate in the recovery planning process, including the provision of members on recovery teams and recovery implementation teams where appropriate;
- cooperate with other agencies, states, and private entities to promote candidate conservation agreements aimed at precluding the need to list species; and
- conduct actions and allocate funding to address endangered, threatened, proposed, and candidate species.

The National Park Service will inventory, monitor, and manage state and locally listed species in a manner similar to its treatment of federally listed species to the greatest extent possible. In addition, the Service will inventory other native species that are of special management concern to parks (such as rare, declining, sensitive, or unique species and their habitats) and will manage them to maintain their natural distribution and abundance.

The Service will determine all management actions for the protection and perpetuation of federally, state, or locally listed species through the park management planning process, and will include consultation with lead federal and state agencies as appropriate."

PROCEDURES

According to the USFWS's interim section 4(d) rule:

1. All purposeful take (removal or destruction of protected animals) is prohibited except:
   - removal of northern long-eared bats from human structures, and
   - actions relating to capture, handling, and related activities for northern long-eared bat by individuals permitted to conduct these same activities for species of bats (for a period of one year).
2. Take from hazardous tree removal is exempt from ESA prohibitions.
3. For areas of the country impacted by white-nose syndrome (including Maine), the measures provided in the interim 4(d) rule exempt take from the following activities:
   - forest management practices,
   - maintenance and limited expansion of transportation and utility rights-of-way,
   - limited tree removal projects, provided these activities protect known maternity roosts and hibernacula,

   as long as these activities include these measures:

   i. Activity occurs more than 0.25 mile (0.4 km) from a known, occupied hibernacula.
   ii. Activity avoids cutting or destroying known, occupied roost trees during the pup season (June 1–July 31).
   iii. Activity avoids 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).

Accordingly, it shall be the policy of Acadia National Park that,

1. All activities and projects proposed within the park shall be planned, to the extent possible, to avoid adverse impacts on <u>any species</u> of bat or their habitat (buildings, trees, etc.).
2. Implementation of any activity or project that could have an adverse impact on any species of bat or their habitat should be planned and scheduled to avoid the pup season (June 1 – July 31).
3. Before implementation of an action that has the potential to affect any species of bat or their habitat, staff shall consult with the park's wildlife biologist to determine likely impacts, possible avoidance measures, and opportunities to mitigate adverse impacts. This consultation is a year-round requirement, regardless of the planned dates of implementation.
4. If the wildlife biologist does not object to the action, staff may proceed with implementation <u>including</u> any mitigation or considerations that the wildlife biologist feels necessary to protect bats. Staff should take before and after pictures of the project site, and carefully document their actions as part of an administrative record (for example, UTM or other coordinates, number of trees removed, approximate acreage affected, project leader, etc.) The final administrative record shall be given to the wildlife biologist.
5. If the wildlife biologist objects to the action based on its potential to adversely affect bats, the project may not proceed until such time as it can be modified to eliminate the adverse effects. Objections to the wildlife biologist's determination of possible adverse effect may be appealed to the deputy superintendent, who may rule on the objection or refer the issue to the management team for discussion.

6. The deputy superintendent retains the sole authority to approve actions proposed during the June 1-July 31 pup season. Approvals will only be granted if the project is necessary to prevent a potential impact to human health or safety, or to respond to an emergency situation.

   In planning for future proposed actions, staff should assume that work with potential to adversely affect bats will not be authorized during the pup period. It must be clearly understood that situations created by shortcomings in project planning will not be viewed as an emergency for the purpose of granting approval during the June 1 – July 31 timeframe.

   It also should be noted that ongoing park studies may identify "unknown previous to now" hibernacula or maternity roosting areas, which may, in turn, lead to additional precautions and protective measures.

This policy is effective as of the date signed by the superintendent.

Prepared by R. Michael Madell, Deputy Supt.: 5/1/15 Date

Reviewed by Bruce Connery, Wildlife Biologist: 5/1/15 Date

Approved by Sheridan Steele, Superintendent: 5/3/15 Date
Signed original on file