

APPENDIX A

Protocol for defining ‘Vicinity’ for the Indiana bats (*Myotis sodalis*), Northern Long-eared bats (*Myotis septentrionalis*) (NLEB) and Tricolored bats (*Perimyotis subflavus*), per General Condition No. 18 of the Nationwide Permit (NWP) Program. Note that this ONLY pertains to the Federally listed and proposed bats under the Endangered Species Act in the State of New York.

U.S. Army Corps of Engineers, Buffalo and New York Districts
U.S. Fish and Wildlife Service, New York Field Office
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- 1) a) Does Indiana bat (IBAT) come up in the IPaC official species list (OSL) (<https://ipac.ecosphere.fws.gov/>)?

Yes. Continue to step 1b and/or c for NLEB and/or TCB and then step 2 accordingly.
No, but I have additional data that indicates that IBATs are likely to be present in the Action Area. Continue to step 1b and/or c for NLEB and/or TCB and then step 2 accordingly.

No. Not “in the vicinity” for Indiana bat. Continue to step 1b for NLEB and 1c for TCB determination.

- b) Does NLEB come up in the IPaC OSL?

Yes. Continue to step 1c for TCB and then step 2 accordingly.
No, but I have additional data that indicates that NLEBs are likely to be present in the Action Area. Continue to step 1c for TCB and then step 2 accordingly.

No, and I do not have additional information that NLEBs are likely to be present in the action area. Not “in the vicinity” for NLEB. Continue to step 1c for TCB determination.

- c) Does TCB come up in IPaC OSL?

Yes. Continue to step 2.
No, but I have additional data that indicates that TCBs are likely to be present in the Action Area. Continue to step 2.

No, and I do not have additional information that TCBs are likely to be present in the action area. Not “in the vicinity” for TCB.

If “Not in the vicinity” for all bat species, STOP here.

- 2) Is the project within 0.5 miles of a hibernaculum?

Yes. Stop and coordinate with the Corps – you are “in the vicinity”.
No. Continue to step 3.

- 3) Is suitable** IBAT, NLEB or TCB summer habitat present within any portion of the project area?

Yes. Continue to step 4.
No. Done – not “in the vicinity”.

- 4) Is the project within 1.5-miles distance around all summer records (documented roosts and/or netting captures) for NLEB and TCB and 2.5 miles for IBAT (i.e., either species identified by NYSDEC mapper or NYNHP)?

Yes. Stop and coordinate with the Corps – you are “in the vicinity”.

No. Continue to step 5.

- 5) Is there prior negative IBAT, NLEB and TCB Presence/Absence surveys (within last 5 years) at the project site?

Yes. Done - not “in the vicinity”.

No or unsure. Continue to step 6.

- 6) Does the project entail blasting anywhere in the project area?

Yes. Stop and coordinate with the Corps - you are “in the vicinity”.

No. Continue to step 7.

- 7) Does the project entail drilling anywhere in the project area?

Yes. Stop and coordinate with the Corps - you are “in the vicinity”.

No. Continue to step 8.

- 8) Does the project entail artificial lighting anywhere in the project area?

Yes. Stop and coordinate with the Corps - you are “in the vicinity”.

No. Continue to step 9.

- 9) Does the project affect a bridge or culvert*?

Yes. Stop and coordinate with the Corps – you are “in the vicinity”.

No. Continue to step 10.

- 10) For projects with IBAT or NLEB only, does the project entail removing trees exceeding 3 inches dbh anywhere in the project area (or greater than 5” dbh if IBAT is the only species)?

Yes. Stop and coordinate with the Corps - you are “in the vicinity”.

No. Continue to step 11.

- 11) For projects including the TCB in the project area, does the project entail removing trees of any size from within forested habitat anywhere in the project area?

Yes. Stop and coordinate - you are “in the vicinity”.

No. Done - not “in the vicinity”.

REFERENCES

*Definitions of suitable summer habitat and bridges and culverts as suitable roosts, and can be found in the Service’s [Range-wide Indiana Bat and Northern long-eared Bat Survey Guidelines | U.S. Fish & Wildlife Service](#)