



United States Department of the Interior



FISH AND WILDLIFE SERVICE
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In Reply Refer To:

July 13, 2023

Project code: 2023-0104063

Project Name: 605311 - MARION- WAREHAM- BRIDGE REPLACEMENT,
M-05-001=W-06-013 & W-06-016

Subject: Consistency letter for the '605311 - MARION- WAREHAM- BRIDGE REPLACEMENT, M-05-001=W-06-013 & W-06-016' project under the amended February 5, 2018, FHWA, FRA, FTA Programmatic Biological Opinion (dated March 23, 2023) for Transportation Projects within the Range of the Indiana Bat and Northern Long-eared Bat (NLEB).

To whom it may concern:

The U.S. Fish and Wildlife Service (Service) has received your request dated July 13, 2023 to verify that the **605311 - MARION- WAREHAM- BRIDGE REPLACEMENT, M-05-001=W-06-013 & W-06-016** (Proposed Action) may rely on the amended February 5, 2018, FHWA, FRA, FTA Programmatic Biological Opinion (dated March 23, 2023) for Transportation Projects within the Range of the Indiana Bat and Northern Long-eared Bat (PBO) to satisfy requirements under section 7(a)(2) of the Endangered Species Act of 1973 (ESA) (87 Stat.884, as amended; 16 U.S.C. 1531 *et seq.*).

Based on the information you provided (Project Description shown below), you have determined that the Proposed Action will have no effect on the endangered Indiana bat (*Myotis sodalis*) or the endangered northern long-eared bat (*Myotis septentrionalis*). If the Proposed Action is not modified, **no consultation is required for these two species**. If the Proposed Action is modified, or new information reveals that it may affect the Indiana bat and/or northern long-eared bat in a manner or to an extent not considered in the PBO, further review to conclude the requirements of ESA section 7(a)(2) may be required.

For Proposed Actions that include bridge/culvert or structure removal, replacement, and/or maintenance activities: If your initial bridge/culvert or structure assessments failed to detect Indiana bats and/or NLEB use or occupancy, yet later detected prior to, or during construction, please submit the Post Assessment Discovery of Bats at Bridge/Culvert or Structure Form (User Guide Appendix E) to this Service Office within 2 working days of the incident. In these

instances, potential incidental take of Indiana bats and/or NLEBs may be exempted provided that the take is reported to the Service.

If the Proposed Action may affect any other federally-listed or proposed species and/or designated critical habitat, additional consultation between the lead Federal action agency and this Service Office is required. If the proposed action has the potential to take bald or golden eagles, additional coordination with the Service under the Bald and Golden Eagle Protection Act may also be required. In either of these circumstances, please advise the lead Federal action agency accordingly.

The following species may occur in your project area and **are not** covered by this determination:

- Monarch Butterfly *Danaus plexippus* Candidate
 - Plymouth Redbelly Turtle *Pseudemys rubriventris bangsi* Endangered
 - Roseate Tern *Sterna dougallii dougallii* Endangered
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PROJECT DESCRIPTION

The following project name and description was collected in IPaC as part of the endangered species review process.

NAME

605311 - MARION- WAREHAM- BRIDGE REPLACEMENT, M-05-001=W-06-013 & W-06-016

DESCRIPTION

605311 - MARION- WAREHAM- BRIDGE REPLACEMENT, M-05-001=W-06-013 & W-06-016, WAREHAM STREET (US 6) OVER WEWEANTIC RIVER

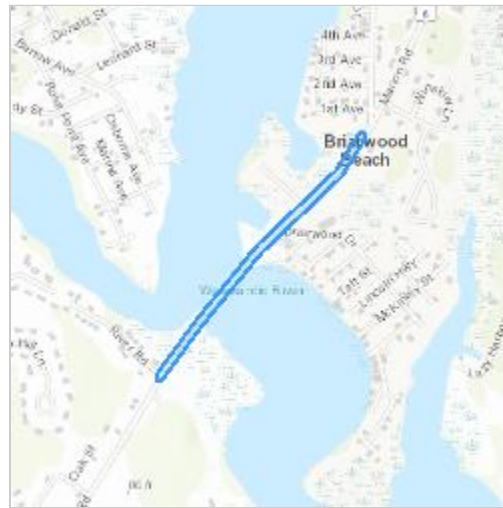
This project will consist of Structure Replacement for the bridge that is carrying US 6, Wareham Street, over the Weweantic River between the towns of Marion and Wareham. The existing structure was built in 1929 and then widened in 1957. The structure is structurally deficient, functionally obsolete, and critical. During the two stages of construction, one travel lane in each direction shall be maintained. If possible, one sidewalk shall also be maintained. The design consultant is responsible for preparation of the Project Traffic Management Plans (TMP) and if required, Work Safety Zone Protection Plans.

Roseate Tern: After consulting with the Massachusetts Natural Heritage and Endangered Species Program (NHESP), it was determined that there is no data to suggest the presence of habitat and/or individuals at this project location. However, the project limits are adjacent to roseate tern foraging habitat. A review of the project limits and scope indicate that no activities are anticipated to occur within the mapped foraging habitat.

Plymouth Red Bellied Turtle: After consulting with the Massachusetts Natural Heritage and Endangered Species Program (NHESP), it was determined that there is no data to suggest the presence of habitat and/or individuals at this project location.

Monarch Butterfly: Candidate Species only, no conservation measures at this time.

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@41.7389685,-70.74571618775501,14z>



DETERMINATION KEY RESULT

Based on the information you provided, you have determined that the Proposed Action will have no effect on the endangered Indiana bat and/or the endangered northern long-eared bat.

Therefore, no consultation with the U.S. Fish and Wildlife Service pursuant to Section 7(a)(2) of the Endangered Species Act of 1973 (ESA) (87 Stat. 884, as amended 16 U.S.C. 1531 *et seq.*) is required for these two species.

QUALIFICATION INTERVIEW

1. Is the project within the range of the Indiana bat^[1]?

[1] See [Indiana bat species profile](#)

Automatically answered

No

2. Is the project within the range of the northern long-eared bat^[1]?

[1] See [northern long-eared bat species profile](#)

Automatically answered

Yes

3. [Semantic] Does your proposed action intersect an area where Indiana bats and northern long-eared bats are not likely to occur?

Automatically answered

Yes

DETERMINATION KEY DESCRIPTION: FHWA, FRA, FTA PROGRAMMATIC CONSULTATION FOR TRANSPORTATION PROJECTS AFFECTING NLEB OR INDIANA BAT

This key was last updated in IPaC on June 14, 2023. Keys are subject to periodic revision.

This decision key is intended for projects/activities funded or authorized by the Federal Highway Administration (FHWA), Federal Railroad Administration (FRA), and/or Federal Transit Administration (FTA), which may require consultation with the U.S. Fish and Wildlife Service (Service) under Section 7 of the Endangered Species Act (ESA) for the endangered **Indiana bat** (*Myotis sodalis*) and the endangered **northern long-eared bat** (NLEB) (*Myotis septentrionalis*).

This decision key should only be used to verify project applicability with the Service's [amended February 5, 2018, FHWA, FRA, FTA Programmatic Biological Opinion \(dated March 23, 2023\) for Transportation Projects](#). The programmatic biological opinion covers limited transportation activities that may affect either bat species, and addresses situations that are both likely and not likely to adversely affect either bat species. This decision key will assist in identifying the effect of a specific project/activity and applicability of the programmatic consultation. The programmatic biological opinion is not intended to cover all types of transportation actions. Activities outside the scope of the programmatic biological opinion, or that may affect ESA-listed species other than the Indiana bat or NLEB, or any designated critical habitat, may require additional ESA Section 7 consultation.

IPAC USER CONTACT INFORMATION

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LEAD AGENCY CONTACT INFORMATION

Lead Agency: Federal Highway Administration
