Section 10.4

Northern Long-Eared Bat Phase I Habitat Assessment Survey

NORTHERN LONG-EARED BAT PHASE I BAT HABITAT ASSESSMENT

GRANITE STATE LANDFILL, LLC DALTON, NEW HAMPSHIRE

PREPARED FOR:

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NORTHERN LONG-EARED BAT HABITAT ASSESSMENT

1.0 INTRODUCTION

This report serves to summarize the completion of a Phase 1 Bat Habitat Assessment of an approximate 200 acre area (Figure 1) located within an approximate 713 acre property (Tax Map 406-2.1 and 406-3) in the Town of Dalton, New Hampshire. In addition to this area, general observations were conducted along Douglas Drive, an existing gravel road which provides access to the site from Route 116. As planned, Douglas Drive is proposed to be upgraded as part of the project.

An approximate 150 acre area of disturbance within the subject property is planned in order to construct an approximate 70 acre regional landfill facility known as Granite State Landfill, LLC. In addition to the landfill and containment berm, the facility will require infrastructure such as offices, maintenance building, scales, leachate collection system, perimeter access road and other associated improvements.

In addition to improving the existing Douglas Drive, much of the infrastructure shall be located largely within existing disturbed and/or cleared areas associated with the active sand and gravel mining operations. The landfill, perimeter road, and other associated structures shall be principally be located east of Douglas Drive within a forested area.

2.0 PURPOSE

The purpose of this assessment centers on evaluating and characterizing the presence of potential northern long-eared bat (*Myotis septenrionalis*) habitat within the site. The work was performed by Certified Wildlife Biologist, Barry Keith, during the fall of 2019 and spring of 2020 with follow up site visits during the 2021-2023 field seasons.

This study shall be used, in part, to satisfy state and federal permitting associated with the proposed project.

The U.S. Fish and Wildlife Service (USFWS) previously listed the northern long-eared bat as a Federally Threatened specie under the Endangered Species Act (ESA). A species status assessment conducted by the USFWS determined continued decline in the specie population warranting a re-classification of the specie from threatened to endangered under the ESA. The Final Rule published in the Federal Register January 30, 2023 went into effect on March 31, 2023. Since the status of the specie changed from Threatened to Endangered, the previous specie specific 4(d) rule was removed.

In lieu of specie specific rule 4(d), the USFWS has provided "Interim Voluntary Guidance for the Northern Long-Eared Bat: Forest Habitat Modifications (Version Date: March 6, 2023).

The guidance describes a three stepped approach. Step One centers on evaluating the presence or absence of the specie in a given area. Four options within this step include: Option 1 - Conduct a site-specific presence/probability absence survey; Option 2 - Assume presence; Option 3 - Determine if the bats are reasonably certain to occur; and Option 4 - After evaluating options 1-3 consult with USFWS Ecological Services Field Office.

Step 2 centers on avoiding and/or minimizing impacts when presence is known or assumed. Step 3 provides guidance to seek recommendations for incidental take coverage when take is reasonably certain to occur.

3.0 BACKGROUND

The northern long-eared bat (NLEB) utilizes large live trees, typically with loose bark, cavities, cracks/crevices and dead snags as summer maternity roost trees. Typically, the trees are greater than 3 inches in diameter at breast height. The bats use various forested land cover types during the spring, summer and fall where they roost, forage and travel. During the winter, this specie seeks out caves or abandoned mines as a hibernaculum, or winter hibernation site.

Factors that influence habitat quality include the size or maturity of the forest, the nature and extent of suitable roost trees and unfragmented forest cover. Preferred habitat has been typically found to consist of large contiguous forested areas with limited open areas such as fields, large cleared areas and clear cuts.

USFWS lists the inactive season dates for swarming and/or staging areas (5 miles surrounding hibernacula) for New Hampshire from November $1 - April 14^{th}$. During these dates, the NLEBs are likely to be in hibernacula and are *not likely to occur in forested habitat*. The inactive season when NLEBs are *not likely to be present outside of fall swarming and spring staging areas* in New Hampshire is from November 1- April 14th.

4.0 METHODOLOGY

The habitat assessment was conducted in accordance with the USFWS "2020 Range-Wide Indiana Bat Survey Guidelines" which is the method currently has been required by USFWS for northern-long eared bat surveys in New Hampshire.

Phase 1 Habitat Assessment data sheets (Appendix A) were used to document existing dominant vegetative site conditions within the principal existing habitat types found within the proposed project area (Figure 2). The approximate location of data plots are depicted on (Figure 3) the Aerial Photo Map. Using a 10X factor prism, data plots determined tree species, tree diameter at breast height (DBH), closure/density, dominant species of mature trees, percentage of exfoliating bark, size composition of live trees, and number of suitable snags within the

representative areas from plot center. The forest types were classified using the report entitled "Natural Communities of New Hampshire" (Sperduto & Nichols, 2011). A photo log of the respective data plot is found in Appendix B.

5.0 OBSERVATIONS

As previously mentioned, the project area encompasses (Figure 2) approximately 150 acres. Approximately 100+ acres of proposed tree cutting is planned, primarily within the proposed footprint for the landfill, perimeter access road, and stormwater management features. The proposed infrastructure area is largely within an existing disturbed site adjacent to an existing rock quarry and former asphalt plant. These infrastructure features are largely planned to be sited within a former sand and gravel mining site, which is currently utilized as a materials stockpile area. The improvements to Douglas Drive will require limited tree cutting. These improvements center largely on road widening and the installation of proper stormwater management features.

Figure 3 depicts existing land use and principal forest cover types. In general, the dominant forest communities include: lowland spruce-fir, northern hardwood-spruce/fir, sugar maple-beech-yellow birch forest types. The wooded wetland areas are largely northern conifer and hardwood swamps.

The dominant tree species within the lowland spruce areas are red spruce (*Picea rubens*) and balsam fir (*Abies balsalmea*). Other tree species include red maple (*Acer rubrum*), white birch (*Betual papyriferia*), and yellow birch (*Betula alleghaniensis*).

The northern hardwood-spruce-fir forest is a transitional forest type often positioned between spruce-fir forests and the northern hardwood forest type. In addition to those species found within the spruce-fir forest, other hardwood species such as American Beech (*Fagus grandifolia*), and sugar maple (*Acer saccharum*) are dominant. Nearly no Eastern hemlock (*Tsuga canadensis*) is found within this forest cover type. An occasional white pine (*Pinus strobus*) was periodically observed. Generally, spruce and fir are more dominant in the lower elevations while northern hardwoods become dominant with increased elevation.

As previously stated, the northern hardwood forest is the primary forest type in the higher elevations within the site. Other hardwoods which are found within this forest type include quaking aspen (*Populus tremuloides*), white ash (*Fraxinus americana*), striped maple (*Acer pensylvanicum*), and black cherry (*Prunus serotina*). Red oak (*Quercus rubra*) is occasionally found within this forest type.

The balance of the forested area consists of forested wetlands. These northern conifer and hardwood swamps are generally thickly vegetated areas with a variable mix of conifers and hardwood species. Pockets of scrub-shrub wetland is often interspersed within the forested

areas. Common species typically include red maple, yellow birch, red spruce, balsam fir, black ash (*Fraxinus nigra*), and Tamarack (*Larix laricina*). The most common shrubs are winterberry (*Ilex verticillata*) and speckled alder (*Alnus rugosa*).

The lower elevations within the site are west of Douglas Drive while the higher elevations are positioned east of Douglas Drive. The lower areas contain more softwoods and mixed transitional forest cover. The base of the higher elevations are largely vegetated with transitional northern hardwood-spruce-fir forest. The northeast portion of the site consists of northern hardwood forest.

The proposed landfill area of disturbance is located east of Douglas Drive. The majority of the forest clearing will center on the removal of early successional hardwood forest.

Historically, this property has been a working forest for many years. The Diamond Match Company managed the property as commercial forest land prior to the ownership by Rancourt Associates, a land speculation company. Rancourt sold the property to J.W. Chipping, the current owner of record.

J.W. Chipping has heavily logged the property over a period of time. In addition, portions of the property have been mined for sand and gravel. An existing rock quarry and former asphalt plant are positioned immediately south of the proposed landfill footprint area.

Patch clearcut logging operations were observed in 2021-2023. These operations are conducted by the owner typically during the winter months. While limited recent harvesting has occurred west of Douglas Drive, various sections of the property east of Douglas Drive in and adjacent to the proposed project area, have been recently harvested. Given the intensive and on-going logging operations, the forestland within the site is best characterized as "early successional." Young pole-sized trees dominate the size-class. Tree diameters (DBH) largely fall between 3 to 5 inches. The mean tree diameter was estimated to be 3.75 inches. Other areas that were recently clearcut are reverting to hardwood sapling growth, dominated by quaking aspen. The majority of the larger diameter trees have been harvested. Occasional remnant trees are found throughout the respective stands. See Figure 3.

6.0 SUMMARY

USFWS guidelines define potentially suitable northern long-eared bat (NLEB) summer habitat as habitat that "consists of a wide variety of forested/wooded habitats where they roost, forage, and travel and may also include some adjacent and interspersed non-forested habitats such as emergent wetlands and adjacent edges of agricultural fields, old fields and pasture. This includes forest and woodlots containing potential roost (eg. live trees and/or snags greater than 3"dbh that have exfoliating bark, cracks, crevices, and/or hollows), as well as linear features such as fencerows, riparian forests, and other wooded corridors. These wooded corridors may be dense or loose aggregates of trees with variable amounts of canopy closure. Individual trees may be

considered suitable habitat when they exhibit the characteristics of a potential roost tree and are located within 1,000 feet (305 meters) of other forested/wooded habitat."

In summary, the overall lack of larger diameter trees, the extent of smaller diameter smoothed bark forest and proximity to large open areas (eg. gravel mining and clearcuts) likely do not provide potentially suitable northern long-eared bat habitat. However, where the probable presence or absence of the specie is not known- Assume Presence (Step 1 Option 2).

Based on this determination, Step 2, avoiding and minimizing impacts during sensitive life stages for the NLEB:

- 1. During hibernation
- 2. During the pup season
- 3. During torpor (lowering of body temperature and metabolic activity)

No hibernacula is known to exist within the project area or immediate vicinity. Assuming presence, the USFWS cite the inactive season in New Hampshire for NLEBs in summer habitat outside of swarming/staging areas and in swarming and staging areas is from November 1 through April 14th. Based on these dates, tree removal/land clearing activities shall be planned during the inactive season, in accordance with USFWS guidelines at that time.

The USFWS (Appendix C) was consulted (Project Code: 2023-0019103) and found that "there are not critical habitats within your project area under this office's jurisdiction."









INDIANA BAT HABITAT ASSESSMENT DATASHEET

Project Name: Granite State Landfill Date: 5/14/2020-Township/Range/Section: Dalton, NH Lat Long/UTM/Zone: N44 21 W71 41 38 Surveyor: B. Keith, CWB, CWS, PWS

Brief Project Description

New Regional landfill.

| Project Area | Total Acres | Fores | t Acres | Open Acres | |
|---------------|--------------------|---|-----------------------------|------------|--|
| Project | 200+- | - 80% | | 20% | |
| Proposed Tree | Completely cleared | Partially cleared (will leave trees) | Preserve acres- no clearing | | |
| Removal (ac) | Х | | | | |

| Pre-Project | Post-Project |
|---------------------------|---------------------|
| Early successional . | Open grassland |
| spruce/fir-N. forest Hdwd | Open facility areas |

| Landscape within 5 mile radius | | | |
|---|---------------------|----------------------------|--|
| Flight corridors to other forested area | as? | | |
| largely foreste | d | | |
| Describe Adjacent Properties (e.g. for | ested, grassland, c | ommercial or residencia | l development, water sources) |
| forestland, S&G log yard,and po | mining, worplant | clearcuts, | asphalt plant, |
| Proximity to Public Land | 1 | | the locate setting log state |
| What is the distance (mi.) from the pr | oject area to fores | ted public lands (e.g., na | tional or state forests, national or state |

parks, conservation areas, wildlife management areas)?

Less than 0.25 miles (Forest Lake State Park).

Use additional sheets to assess discrete habitat types at multiple sites in a project area Include a map depicting locations of sample sites if assessing discrete habitats at multiple sites in a project area A single sheet can be used for multiple sample sites if habitat is the same

| Sample Site No.(s): | A | | agt of De | uglag Drive |
|---|--|---|------------------------|---|
| Juncture | of woods | roads-w | est of DC | Suglas Drive |
| Water Resources at S | Sample Site | | | |
| Stream Type (# and length) | Ephemeral | Intermittent | Perennial | Describe existing condition of water sources: $VP-1 \& VP-2$ |
| Pools/Ponds (# and size) X | | Open and acc | essible to bats? | (see VP Assessmente |
| Wetlands (approx. ac.) X | Permanent X | Seasonal | See Plans | |
| Forest Resources at S | Sample Site | | I LUND | _ |
| Closure/Density | Canopy (> 50 ') 3 | Midstory (20-50') 3 | Understory (<20') 4 | 1=1-10%, 2=11-20%, 3=21-40%, 4=41-60%, 5=61-80%, 6=81=100% |
| Dominant Species of Mature Trees | Balsan | ı Fir & S | pruce | |
| % Trees w/ Exfoliating Bark | 1 | 1 | 1 | |
| Size Composition of | Small (3-8 in) | Med (9-15 in) | Large (>15 in) | |
| Live Trees (%) | 6 | 1 | 0 | |
| No. of Suitable Snag Standing dead trees w without these characte | s of the extention of t | k, cracks, crevices, c sidered suitable. | or hollows. Snags | |

Additional Comments:

Dense hardwood-softwoods with pole-sized trees dominant. Mean DBH=5.14".

Attach aerial photo of project site with all forested areas labeled and a general description of the habitat

<u>Use additional sheets to assess discrete habitat types at multiple sites in a project area</u> Include a map depicting locations of sample sites if assessing discrete habitats at multiple sites in a project area A single sheet can be used for multiple sample sites if habitat is the same

| Water Resources at S Stream Type | Ephemeral | Intermittent | Perennial | Describe existing condition of water |
|---|---|---|------------------------|---|
| (# and length) | | | | ^{sources:} Beaver ponds out |
| Pools/Ponds (# and size) | Х | Open and acc | essible to bats? γ | of project area. |
| Wetlands (approx. ac.) X | Permanent | Seasonal | see plans | |
| Forest Resources at S | Sample Site | | L | |
| Closure/Density | Canopy (> 50 ') 1 | Midstory (20-50') 2 | Understory (<20') 6 | 1=1-10%, 2=11-20%, 3=21-40%, 4=41-60%, 5=61-80%, 6=81=100% |
| Dominant Species of Mature Trees | None | | | |
| % Trees w/ Exfoliating Bark | 1 | 1 | 1 | |
| Size Composition of | Small (3-8 in) | Med (9-15 in) | Large (>15 in) | |
| Live Trees (%) | 6 | 1 | 1 | |
| No. of Suitable Snag Standing dead trees w without these characte | s ith exfoliating bar ristics are not con | k, cracky, crevices, o sidered suitable. | or hollows. Snags | |
| IS THE HABITAT S | SUITABLE FOR | INDIANA BATS? | <u>— No</u> | |
| | ts: | distant | | |
| Additional Commen | 66J + | | | |

Attach aerial photo of project site with all forested areas labeled and a general description of the habitat

Use additional sheets to assess discrete habitat types at multiple sites in a project area Include a map depicting locations of sample sites if assessing discrete habitats at multiple sites in a project area A single sheet can be used for multiple sample sites if habitat is the same

| Sample Site Descripti | ion | | | |
|------------------------|------------------------------|----------------------|---|--|
| Sample Site No.(s): | C | | and the second | |
| | | _ | c c] | 1 f Develop Drive |
| Nort | hern hai | dwoods o | tt woods | road east of Douglas prive |
| | | | | |
| Water Resources at S | Sample Site | | D 11 | D - 1 dition of mater |
| Stream Type | Ephemeral | Intermittent | Perennial | Describe existing condition of water |
| # and length) | | Open and acco | essible to bats? v | |
| # and size) 400 | sf | Open and deed | | See VP-S |
| Wetlands | Permanent | Seasonal | | (Vernal POOL Assessment) |
| approx. ac.) X | | | see | |
| | and the second second second | | plans | |
| Forest Resources at S | Sample Site | | | 1 |
| Closumo/Donsity | Canopy (> 50 ') | Midstory (20-50') | Understory (<20') | 1=1-10%, 2=11-20%, 3=21-40%, 4=41-60%, |
| Closurendensity | 1 | 5 | 1 | 5=61-80%, 6=81=100% |
| Dominant Species | | | | |
| of Mature Trees | No mat | ure trees | • | |
| % Trees w/ | | | | |
| Exfoliating Bark | 1 | 1 | 1 | |
| Size Composition of | Small (3-8 in) | Med (9-15 in) | Large (>15 in) | |
| Live Trees (%) | C | 0 | 0 | |
| No. of Suitable Snag | s o | | , in the second s | |
| Standing dead trees w | ith exfoliating bar | k, cracks, crevices, | or hollows. Snags | |
| without these characte | eristics are not cor | isidered suitable. | | |
| | | | | |
| IS THE HABITAT S | SUITABLE FOR | INDIANA BATS? | <u>—No</u> | |
| | | | | |
| Additional Commen | ts: | | | |
| | | c | | |
| Dens | se stand | of even- | aged pole | e-sized northern |
| hand | No Ade | | | |
| 11df C | woods. | | | |

Mean tree DBH= 3.47".

Attach aerial photo of project site with all forested areas labeled and a general description of the habitat

Use additional sheets to assess discrete habitat types at multiple sites in a project area Include a map depicting locations of sample sites if assessing discrete habitats at multiple sites in a project area A single sheet can be used for multiple sample sites if habitat is the same

| Sample Site Descripti | on | | | |
|--|---|---|--------------------------|--|
| Sample Site No.(s): | -D | | | |
| Forested | wetland | west of | Douglas 1 | Drive. |
| and a second | | | | |
| Water Resources at S | Sample Site | | | |
| Stream Type | Ephemeral | Intermittent | Perennial | Describe existing condition of water |
| (# and length) | | | 11.1.0 | sources: |
| Pools/Ponds | | Open and acc | essible to bats? N | Poorly drained |
| (# and size) | | 1 | | PSS/FO1E |
| Wetlands | Permanent | Seasonal | See | |
| (approx. ac.) | | | nlang | |
| E t Deservate at 6 | Cample Site | | prans | |
| Forest Resources at a | Sample Site | | | 1 |
| Closure/Density | Canopy (> 50 ') | Midstory (20-50') | Understory (<20') | 1=1-10%, 2=11-20%, 3=21-40%, 4=41-60%, |
| Closur endensity | 1 | Λ | 2 | 5=61-80%, 6=81=100% |
| Dominant Species of Mature Trees | No matu | re trees. | | |
| % Trees w/ Exfoliating Bark | 0 | 0 | 0 | |
| Size Composition of | Small (3-8 in) | Med (9-15 in) | Large (>15 in) | |
| Live Trees (%) | F | 1 | 0 | |
| No. of Suitable Snag Standing dead trees w without these characte IS THE HABITAT S | s ith exfoliating bar ristics are not con SUITABLE FOR | k, crackš, crevices, (sidered suitable. | or hollows. Snags -NO | |
| Additional Commen | ts: | | | |

Plot is west of Douglas Drive.

Dominant species are sapling and pole-sized red maple, gray birch, and yellow birch. Mean tree DBH=3.5".

Attach aerial photo of project site with all forested areas labeled and a general description of the habitat

<u>Use additional sheets to assess discrete habitat types at multiple sites in a project area</u> Include a map depicting locations of sample sites if assessing discrete habitats at multiple sites in a project area A single sheet can be used for multiple sample sites if habitat is the same

| Sample Site Descripti | ion | | | |
|--|--|---|--|---|
| Sample Site No.(s): | <u> </u> | | | |
| North of | MW off c | of woods | <u>road – Ea</u> | st of Douglas Drive |
| Water Resources at S | Sample Site | | | |
| Stream Type | Ephemeral | Intermittent | Perennial | Describe existing condition of water |
| (# and length) | | V. | | sources: |
| Pools/Ponds | | Open and acc | essible to bats? \underline{Y} | small intermittent |
| (# and size) | | | | stream |
| Wetlands | Permanent | Seasonal | See | |
| (approx. ac.) | | | nland | L |
| Fanat Dagaumag at 9 | Sample Site | | prans | |
| rorest Resources at a | Sample Site | | The second s | 1 |
| Closure/Density | Canopy (> 50 ') | Midstory (20-50') | Understory (<20') | 1=1-10%, $2=11-20%$, $3=21-40%$, $4=41-60%$, |
| crosurendentatoy | 1 | 5 | 2 | 5=61-80%, 6=81=100% |
| Dominant Species of Mature Trees | No matu | ire trees | except 1 | ¹ red oak. |
| % Trees w/ Exfoliating Bark | 0 | 0 | 0 | |
| Size Composition of | Small (3-8 in) | Med (9-15 in) | Large (>15 in) | |
| Live Trees (%) | 6 | 1 | 0* | |
| No. of Suitable Snag | s o | <u> </u> | | |
| Standing dead trees w without these character | rith exfoliating bar eristics are not cor | k, cracks, crevices, sidered suitable. | or hollows. Snags | |

IS THE HABITAT SUITABLE FOR INDIANA BATS? NO

Additional Comments:

Pole-sized northern hardwood stand dominated by quaking aspen.

* Note: One (1) large diameter (24"+ tree is at the edge of the woods road. Mean tree DBH= 3.65".

Attach aerial photo of project site with all forested areas labeled and a general description of the habitat