



*Protecting and restoring forests on New England's public lands  
PO Box 132, Montpelier, VT 05601 - 802.552.0160*

June 4, 2025

Christopher Mattrick  
District Ranger  
USDA Forest Service  
99 Ranger Road Rochester, VT 05767

**Re: New information pertaining to locations of Northern Long-eared Bats**

Dear District Ranger Mattrick:

On May 14, 2025, Standing Trees obtained critically-important information from the Vermont Department of Fish and Wildlife (VT F&W) regarding the Telephone Gap Integrated Resource Project (TGIRP). The information provided to Standing Trees concerns the known coordinates of threatened and endangered bat species, including Indiana and Northern Long-eared Bats (NLEB), within and in close proximity to the TGIRP project area. Moreover, although this information has been available to the Forest Service since at least 2021, it does not appear from the TGIRP project record that the Forest Service analyzed or disclosed this information at any point during project development.

A Draft Decision Notice and accompanying Final Environmental Assessment were published for the TGIRP in the December 3, 2024 edition of the Rutland Herald. A Final Record of Decision may be imminent. Given the information that Standing Trees has obtained and is sharing via this letter, the Forest Service will be in violation of the National Environmental Policy Act (NEPA) and the National Forest Management Act (NFMA) if it does not engage in supplemental analysis and public comment. At a minimum, this newly released information requires a supplemental Environmental Assessment and revised Biological Evaluation, and Standing Trees specifically requests the Forest Service undertake these supplemental analyses.

**Introduction**

Standing Trees has been engaged with the TGIRP since the pre-scoping phase. Standing Trees submitted formal comments in March 2023 during scoping, in April 2024 during the Preliminary EA comment period, and in January 2025 during the objection period. Standing Trees participated in an objection meeting on April 15, 2025.

According to the Forest Service, NLEB "are predominately found in forest/wooded habitat. This includes forests and woodlots containing potential roosts (i.e., live trees and/or snags  $\geq 3$  inches dbh that have exfoliating bark, cracks, crevices, and/or cavities), as well as linear features such as fencerows, riparian forests, and other wooded corridors. These wooded

areas may be dense or loose aggregates of trees with variable amounts of canopy closure. NLEBs are nocturnal foragers and use hawking (catching insects in flight) and gleaning (picking insects from surfaces) behaviors in conjunction with passive acoustic cues. NLEB often prefer intact mixed-type forests with small gaps (i.e., forest trails, small roads, or forest-covered creeks) in forest with sparse or medium vegetation for foraging and commuting rather than fragmented habitat or areas that have been clear cut. Individual trees may be considered suitable habitat when they exhibit characteristics of suitable roost trees and are within 1,000 feet of other forested/wooded habitat (USFWS 2024). NLEB typically roost in cavities of hardwood trees of at least three inches diameter at breast height (USFWS 2015) and under the loose bark of dead, standing trees” (Revised Biological Evaluation at 6).

In all of its comments, Standing Trees repeatedly raised concerns that the Forest Service had improperly and inadequately weighed risks from proposed vegetation management activities to threatened and endangered species, especially those, like bat species, that depend on the presence of interior, older forests such as those within the TGIRP project area.

### **Newly Disclosed Information**

Because of its concerns for impacts from the TGIRP on NLEB, Standing Trees submitted a records request on July 12, 2023 to VT F&W to obtain the known locations of NLEB in the Green Mountain National Forest from recent surveys. In a response on July 18, 2023, VT F&W denied Standing Trees’ request for exact NLEB locations. Consequently, Standing Trees could not submit or analyze detailed location information for NLEB or other bat species during the April 2024 Draft EA or the January 2025 objection comment periods.

Following a new request for information on April 15, 2025,<sup>1</sup> VT F&W released survey data indicating that NLEB and Indiana or Little Brown Bats were positively identified in at least 2 survey locations within the TGIRP project area on Forest Service land (VT F&W has labeled these locations as “BLUERG\_02158\_20210921” and “TELGAP\_51269\_20210601;” both surveys were done in 2021). Nevertheless, the Forest Service failed to account for these confirmed bats, despite the availability of survey information from VT F&W. Making matters more confusing, according to VT F&W survey data, the surveyor in both instances was the Green Mountain National Forest. NLEB were positively identified in another 7 survey locations within 5 miles of the project area within the last decade, including on Forest Service land, but these positive identifications were also unmentioned in project documents.

Standing Trees is committed to handling sensitive information about the location of endangered species in a responsible manner. On June 3, 2025, District Ranger Christopher Mattrick informed Standing Trees (cc’ing a State official) that USFS and the State of Vermont already have data-sharing agreements for such information, suggesting that

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<sup>1</sup> This request was for bat survey data in only Washington, Chittenden, and Lamoille counties in Vermont, but VT F&W provided statewide data in response, including for the TGIRP project area.

sharing the survey data with USFS would not create new risks for imperiled species. The information is readily available for analysis by the Forest Service, and must be reviewed in a supplemental analysis before any decision is made.

**The Forest Service's failure to disclose and/or analyze the bat survey information obtained by Standing Trees is a violation of NEPA's "hard look" requirement**

In its Final EA, the Forest Service noted that "Acoustic surveys were conducted in 2020 within the project area with positive detections for myotis species, but no specific northern long-eared bats were identified. Although results suggest low numbers of all bat species across the project area, the lack of detection of northern long-eared bat does not assume absence of the species on the landscape. There are two hibernacula with known bat activity within the project area: 1) Brandon Silver Mine located on the northwestern edge of the project boundary; and 2) Blue Ridge Cave. Two additional hibernacula used by tri-colored bat, and historically by NLEB are found just outside of the project area, Nickwacket Cave in Chittenden and Philadelphia Cave in Pittsford" (Final EA at 77).

It was incumbent upon the Forest Service to assess and disclose to the public more recent survey data—at least the existence of such data, if not the precise bat locations—such as the information provided to Standing Trees by VT F&W. This is especially the case given the survey data the Forest Service relied on in its Final EA was five years old. Nevertheless, apparently none of this information was reviewed or disclosed during the development of the TGIRP. This is a clear violation of NEPA's "hard look" requirement and also raises Endangered Species Act ("ESA") implications that the Forest Service and the U.S. Fish and Wildlife Service ("FWS") must consider in the agencies' ESA consultation process.

**New Information Requires Supplemental NEPA and ESA Analyses**

While it is self-evident that the newly released data requires additional analysis from the Forest Service, Standing Trees here provides some non-exhaustive reasons why this is so. Standing Trees is in the process of consulting with bat experts and will provide additional information of the project's impacts to bat species as it becomes available.

One of the survey locations (VT F&W has labeled this location "BLUERG\_02158\_20210921," and it is presumably the Blue Ridge Cave or nearby) with known NLEB as well as Little Brown or Indiana Bats is within approximately 1.5 miles of an area that will receive prescribed burning, herbicide application, and various logging treatments (see "Map 3b - Alternatives C&D," Compartment 146, Stands 13, 14, 15, 20, 28, 50, 51, 52, 70, 72, 73). The survey location is directly to the east (typically downwind) of the aforementioned stands where burning is proposed. In addition, burning is proposed in Compartment 146, Stands 1, 3, 4, 5, 55, 57, 60, 61, 62, 63, 74, 75, 76, 77, 78, which are also located either NNW or SSW of the aforementioned survey location, generally within 2 miles radius.

Proposed burning may violate the GMNF 2006 Forest Plan (a violation of NFMA), if Indiana Bats are present in the Blue Ridge hibernaculum. If Indiana Bats are indeed present in this location, it would contradict information presented in the Revised Biological Evaluation,

which notes that “The nearest known Indiana bat hibernaculum is located in the northwest quarter of the project area, Brandon Silver Mine” (Revised Biological Evaluation at 5). The 2006 Forest Plan says that “Indiana bat hibernacula shall be designated smoke-sensitive areas in order to avoid adversely affecting Indiana bats by prescribed burns conducted from October to May. If hibernacula are in the vicinity of the area proposed for burning, factors including wind direction, speed, mixing height, and transport winds shall be considered in order to avoid, to the maximum extent possible, smoke drifting into or near occupied hibernacula” (Indiana Bat Standard S-1, GMNF Forest Plan at 31). Standing Trees’ newly-obtained survey data also points to the possibility of Indiana Bats in at least a half-dozen additional survey locations within the TGIRP project area, which further contradicts the Forest Service’s determination “that the likelihood of occurrence for Indiana bats within the project action area is low.”

In addition, proposed burning could violate the TGIRP “Design features for federally listed, threatened, endangered, and sensitive bat species.” Design feature number 5 states that “No activity that will disturb hibernating northern long-eared bats in a known hibernaculum is allowed. Activities will not alter the entrance or interior environment of a known hibernaculum at any time of the year (excluding gating for bat protection)” (Revised Biological Evaluation at 15). Design feature number 8 directs the Forest Service to “Designate hibernacula and maternity roost tree buffers as smoke-sensitive areas. Avoid smoke entering caves, mines, or buffer zones any time of the year when threatened, endangered, or sensitive bats are, or may be, present” (Revised Biological Evaluation at 15).

Smoke from prescribed burns in Compartment 146 is likely to enter into the Blue Ridge Cave, which carries the risk of “adversely affecting Indiana bats” and “disturb[ing] hibernating northern long-eared bats in a known hibernaculum.” Therefore, the Forest Service’s determination of “no effect” for Indiana Bats, and “may affect, not likely to adversely affect” for NLEB, is potentially contradicted by the actions approved in the TGIRP Draft Decision Notice.

Finally, the proposed burning described above is also a violation of “HMC-G-10: Conserve and improve habitat conditions in and adjacent to hibernacula and protect the bats that use these habitats,” and “HMC-O-10: Minimize impacts to hibernating bats from smoke and noise” (USFS Bat Conservation Strategy at 69).

The Forest Service failed to properly analyze impacts (if it analyzed such impacts at all) from burning activities (as well as noise from project activities) on bats. Nowhere in the Revised Biological Evaluation or Final Environmental Assessment does the agency grapple with these potential impacts.

## **Conclusion**

While Standing Trees maintains that an Environmental Impact Statement is required for the TGIRP, at a minimum, this newly released information requires a supplemental Environmental Assessment and revised Biological Evaluation, and Standing Trees specifically requests the Forest Service undertake these supplemental analyses, along with

requisite opportunities for public comment. If USFS already had possession of the newly released data, then failure to assess and disclose it was a critical flaw in its NEPA analysis up to this point.

Out of an abundance of caution, Standing Trees sent an email on May 29, 2025 to the Forest Service and VT F&W requesting guidance on the best way for the Forest Service to obtain sensitive endangered species location information. As noted above, the USFS District Ranger responded that the agency has a data-sharing agreement in place with the State. Therefore, Standing Trees has attached the newly released data to this letter.

The Forest Service must cure the errors detailed in this letter with additional analysis and public comment.

Sincerely,

A handwritten signature in black ink, appearing to read "Zack Porter". The signature is fluid and cursive, with the first name "Zack" being more prominent than the last name "Porter".

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