

# Frederick Gateway - CLOMR

Prepared for: City of Frederick



Prepared by:



8401 Arlington Boulevard  
Fairfax, VA 22031

April 2<sup>nd</sup>, 2025

# **FEMA Forms**

**MT-2 Form 1: Overview & Occurrence**

**MT-2 Form 2: Riverine Hydrology & Hydraulics**

**Payment Information Form**

DEPARTMENT OF HOMELAND SECURITY  
Federal Emergency Management Agency  
**OVERVIEW & CONCURRENCE FORM**

OMB Control Number: 1660-0016  
Expiration: 1/31/2024

**PAPERWORK BURDEN DISCLOSURE NOTICE**

Public reporting burden for this form is estimated to average 1 hours per response. The burden estimate includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the needed data, and completing, reviewing, and submitting the form. You are not required to respond to this collection of information unless it displays a valid OMB control number. Send comments regarding the accuracy of the burden estimate and any suggestions for reducing this burden to: Information Collections Management, Department of Homeland Security, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472 , Paperwork Reduction Project (1660-0016). Submission of the form is required to obtain or retain benefits under the National Flood Insurance Program. **Please do not send your completed survey to the above address.**

**PRIVACY ACT STATEMENT**

**AUTHORITY:** The National Flood Insurance Act of 1968, Public Law 90-448, as amended by the Flood Disaster Protection Act of 1973, Public Law 93-234.

**PRINCIPAL PURPOSE(S):** This information is being collected for the purpose of determining an applicant's eligibility to request changes to National Flood Insurance Program (NFIP) Flood Insurance Rate Maps (FIRM).

**ROUTINE USE(S):** The information on this form may be disclosed as generally permitted under 5 U.S.C § 552a(b) of the Privacy Act of 1974, as amended. This includes using this information as necessary and authorized by the routine uses published in DHS/FEMA/NFIP/LOMA-1 National Flood Insurance Program (NFIP); Letter of Map Amendment (LOMA) February 15, 2006, 71 FR 7990.

**DISCLOSURE:** The disclosure of information on this form is voluntary; however, failure to provide the information requested may delay or prevent FEMA from processing a determination regarding a requested change to a (NFIP) Flood Insurance Rate Maps (FIRM).

**A. REQUESTED RESPONSE FROM DHS-FEMA**

This request is for a (check one):

☒ CLOMR: A letter from DHS-FEMA commenting on whether a proposed project, if built as proposed, would justify a map revision or proposed hydrology changes (See 44 CFR Ch. 1, Parts 60, 65 & 72). All CLOMRs require documentation of compliance with the Endangered Species Act. Refer to the Instructions for details.

☐ LOMR: A letter from DHS-FEMA officially revising the current NFIP map to show the changes to floodplains, regulatory floodway or flood elevations. (See 44 CFR Ch. 1, Parts 60, 65 & 72).

**B. OVERVIEW**

1. The NFIP map panel(s) affected for all impacted communities is (are):

Community No.	Community Name	State	Map No.	Panel No.	Effective Date
240030	City of Frederick	MD	24021C	0313E	08/01/2023

2. a. Flooding Source: Monocacy River

b. Types of Flooding: ☒ Riverine ☐ Coastal ☐ Shallow Flooding (e.g., Zones AO and AH)  
☐ Alluvial Fan ☐ Lakes ☐ Other (Attach Description)

3. Project Name/Identifier: Frederick Gateway CLOMR

4. FEMA zone designations (choices: A, AH, AO, A1-A30, A99, AE, AR, V, V1-V30, VE, B, C, D, X)

a. Effective: AE, X

b. Revised: AE, X

5. Basis for Request and Type of Revision:

a. The basis for this revision request is (check all that apply)

- |   |  |   |   |
|---|--|---|---|
| <input checked="" type="checkbox"/> Physical Change | <input type="checkbox"/> Improved Methodology/Data     | <input type="checkbox"/> Regulatory Floodway Revision | <input type="checkbox"/> Base Map Changes |
| <input type="checkbox"/> Coastal Analysis           | <input checked="" type="checkbox"/> Hydraulic Analysis | <input type="checkbox"/> Hydrologic Analysis          | <input type="checkbox"/> Corrections      |
| <input type="checkbox"/> Weir-Dam Changes           | <input type="checkbox"/> Levee Certification           | <input type="checkbox"/> Alluvial Fan Analysis        | <input type="checkbox"/> Natural Changes  |
| <input type="checkbox"/> New Topographic Data       | <input type="checkbox"/> Other (Attach Description)    |   |   |

Note: A photograph and narrative description of the area of concern is not required, but is very helpful during review.

b. The area of revision encompasses the following structures (check all that apply)

Structures: ☐ Channelization ☐ Levee/Floodwall ☐ Bridge/Culvert  
☐ Dam ☒ Fill ☐ Other (Attach Description)

6. ☒ Documentation of ESA compliance is submitted (required to initiate CLOMR review). Please refer to the instructions for more information.

**C. REVIEW FEE**

Has the review fee for the appropriate request category been included? ☒ Yes Fee amount: \$ 6500  
☐ No, Attach Explanation

• Please see the DHS-FEMA Web site at <http://www.fema.gov/forms-documents-and-software/flood-map-related-fees> for Fee Amounts and Exemptions.

**D. SIGNATURES**

**1. REQUESTOR'S SIGNATURE**

All documents submitted in support of this request are correct to the best of my knowledge. I understand that any false statement may be punishable by fine or imprisonment under Title 18 of the United States Code, Section 1001.

Name: Jennifer Swenson	Company: Dewberry Engineers Inc.	
Mailing Address: 8403 Arlington Blvd. Fairfax, VA 22031	Daytime Telephone: 703.849.0527	Fax No.:
	E-mail Address: jswenson@dewberry.com	
	Date: 4/2/2025	

Signature of Requestor (required):

**2. COMMUNITY CONCURRENCE**

As the community official responsible for floodplain management, I hereby acknowledge that we have received and reviewed this Letter of Map Revision (LOMR) or conditional LOMR request. Based upon the community's review, we find the completed or proposed project meets or is designed to meet all of the community floodplain management requirements, including the requirements for when fill is placed in the regulatory floodway, and that all necessary Federal, State, and local permits have been, or in the case of a conditional LOMR, will be obtained. For Conditional LOMR requests, the applicant has documented Endangered Species Act (ESA) compliance to FEMA prior to FEMA's review of the Conditional LOMR application. For LOMR requests, I acknowledge that compliance with Sections 9 and 10 of the ESA has been achieved independently of FEMA's process. For actions authorized, funded, or being carried out by Federal or State agencies, documentation from the agency showing its compliance with Section 7(a)(2) of the ESA will be submitted. In addition, we have determined that the land and any existing or proposed structures to be removed from the SFHA are or will be reasonably safe from flooding as defined in 44CFR 65.2(c), and that we have available upon request by FEMA, all analyses and documentation used to make this determination.

Community Official's Name and Title: Richard Albee: Supervisor of Hvdrolaav/Hvdraulics

Mailing Address: 140 West Patrick Street Frederick, MD 21701	Community Name: City of Frederick	
	Daytime Telephone: 301-600-3828	Fax No.:
	E-mail Address: ralbee@cityoffrederickmd.gov	

Community Official's Signature (required):

Date:

**3. CERTIFICATION BY REGISTERED PROFESSIONAL ENGINEER AND/OR LAND SURVEYOR**

This certification is to be signed and sealed by a licensed land surveyor, registered professional engineer, or architect authorized by law to certify elevation information data, hydrologic and hydraulic analysis, and any other supporting information as per NFIP regulations paragraph 65.2(b) and as described in the MT-2 Forms Instructions. All documents submitted in support of this request are correct to the best of my knowledge. I understand that any false statement may be punishable by fine or imprisonment under Title 18 of the United States Code, Section 1001.

Certifier's Name: Kelsey Brandt		License No.: 56563	Expiration Date: 10/13/2026
Company Name: Dewberry Engineers Inc.		Mailing Address: 8403 Arlington Blvd. Fairfax, VA 22031	
Telephone No.: 703.849.0238	Fax No.:		
E-mail Address: kbrandt@dewberry.com			
Signature: <i>Kelsey Brandt</i>			Date: 4/2/2025

**Ensure the forms that are appropriate to your revision request are included in your submittal.**

**Form Name and (Number)****Required if ...**

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Riverine Hydrology and Hydraulics Form (Form 2) | New or revised discharges or water-surface elevations   |
| <input type="checkbox"/> Riverine Structures Form (Form 3)                          | Channel is modified, addition/revision of bridge/culverts, addition/revision of levee/floodwall, addition/revision of dam |
| <input type="checkbox"/> Coastal Analysis Form (Form 4)                             | New or revised coastal elevations   |
| <input type="checkbox"/> Coastal Structures Form (Form 5)                           | Addition/revision of coastal structure  |
| <input type="checkbox"/> Alluvial Fan Flooding Form (Form 6)                        | Flood control measures on alluvial fans   |



DEPARTMENT OF HOMELAND SECURITY  
Federal Emergency Management Agency  
**RIVERINE HYDROLOGY & HYDRAULICS FORM (FORM 2)**

OMB Control Number: 1660-0016  
Expiration: 1/31/2024

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Flooding Source: Monocacy River

**Note:** Fill out one form for each flooding source studied

**A. HYDROLOGY**

1. Reason for New Hydrologic Analysis (check all that apply):

- ☒ Not revised (skip to section B)    ☐ No existing analysis    ☐ Improved data  
☐ Alternative methodology    ☐ Proposed Conditions (CLOMR)    ☐ Changed physical condition of watershed

2. Comparison of Representative 1%-Annual-Chance Discharges

Location	Drainage Area (Sq. Mi.)	Effective/FIS (cfs)	Revised (cfs)
----------	-------------------------	---------------------	---------------

3. Methodology for New Hydrologic Analysis (check all that apply)

- ☐ Precipitation/Runoff Model → Specify Model: \_\_\_\_\_ Duration: \_\_\_\_\_ Rainfall Amount: \_\_\_\_\_  
☐ Statistical Analysis of Gage Records  
☐ Regional Regression Equations    ☐ Other (please attach description)

Please enclose all relevant models in digital format, maps, computations (including computation of parameters), and documentation to support the new analysis.

4. Review/Approval of Analysis

If your community requires a regional, state, or federal agency to review the hydrologic analysis, please attach evidence of approval/review.

4. HEC-RAS File Description\*\*:

5. Impacts of Sediment Transport on Hydrology

Is the hydrology for the revised flooding source(s) affected by sediment transport?    ☐ Yes    ☐ No

If yes, then fill out Section F (Sediment Transport) of Form 3. If No, then attach your explanation.

## B. HYDRAULICS

### 1. Reach to be Revised

	Description	Cross Section	Water-Surface Elevation (ft.)	
			Effective	Proposed/Revised
Downstream Limit*	90' US of Old Ntl. Pike	89568	260.70	260.80
Upstream Limit*	90' DS of Hwy 40	91447	261.89	261.88

\*Proposed/Revised elevations must tie-into the Effective elevations within 0.5 foot at the downstream and upstream limits of revision.

### 2. Hydraulic Method/Model Used: HEC-RAS 4.1.0

☒ Steady State    ☐ Unsteady State    ☐ One-Dimensional    ☐ Two-Dimensional

### 3. Pre-Submittal Review of Hydraulic Models\*

DHS-FEMA has developed two review programs, CHECK-2 and CHECK-RAS, to aid in the review of HEC-2 and HEC-RAS hydraulic models, respectively. We recommend that you review your HEC-2 and HEC-RAS models with CHECK-2 and CHECK-RAS.

### 4. HEC-RAS File Description\*\*:

Models Submitted	Natural Run		Floodway Run		Datum
Duplicate Effective Model*	File Name:	Plan Name:	File Name:	Plan Name:	
	MonocacyRiver	acyRiver_DupEffC			
Corrected Effective Model*	File Name:	Plan Name:	File Name:	Plan Name:	
Existing or Pre-Project Conditions Model	File Name:	Plan Name:	File Name:	Plan Name:	
Revised or Post-Project Conditions Model	File Name:	Plan Name:	File Name:	Plan Name:	
	MonocacyRiver	cyRiver_Proposed			
Other - (attach description)	File Name:	Plan Name:	File Name:	Plan Name:	

\* For details, refer to the corresponding section of the instructions.

\*\*See instructions for information about modeling other than HEC-RAS. ☒ Digital Models Submitted? (Required)

## C. MAPPING REQUIREMENTS

A **certified topographic work map** must be submitted showing the following information (where applicable): the boundaries of the effective, existing, and proposed conditions 1%-annual-chance floodplain (for approximate Zone A revisions) or the boundaries of the 1%- and 0.2%-annual-chance floodplains and regulatory floodway (for detailed Zone AE, AO, and AH revisions); location and alignment of all cross sections with stationing control indicated; stream, road, and other alignments (e.g., dams, levees, etc.); current community easements and boundaries; boundaries of the requester's property; certification of a registered professional engineer registered in the subject State; location and description of reference marks; and the referenced vertical datum (NGVD, NAVD, etc.).

Topographic Information: ☒ Digital Mapping (GIS/CADD) Data Submitted (preferred)

Source: Topography used in FEMA Effective HEC-RAS Model

Date:

Vertical Datum: NAVD 1988

Spatial Projection: Lambert\_Conformal\_Conic

Accuracy:

Note that the boundaries of the existing or proposed conditions floodplains and regulatory floodway to be shown on the revised FIRM and/or FBFM must tie-in with the effective floodplain and regulatory floodway boundaries. Please attach a **copy of the effective FIRM and/or FBFM**, at the same scale as the original, annotated to show the boundaries of the revised 1%-and 0.2%-annual-chance floodplains and regulatory floodway that tie-in with the boundaries of the effective 1%-and 0.2%-annual-chance floodplain and regulatory floodway at the upstream and downstream limits of the area on revision.

☒ Annotated FIRM and/or FBFM (Required)

#### D. COMMON REGULATORY REQUIREMENTS\*

1. For LOMR/CLOMR requests, do Base Flood Elevations (BFEs) or Special Flood Hazard Areas (SFHAs) increase compared to the effective BFEs? ☒ Yes ☐ No
- If Yes, please attach **proof of property owner notification**. Examples of property owner notifications can be found in the MT-2 Form 2 Instructions.
2. For CLOMR requests, if either of the following is true, please submit **evidence of compliance with Section 65.12 of the NFIP regulations**:
- The proposed project encroaches upon a regulatory floodway and would result in increases above 0.00 foot compared to pre-project conditions.
  - The proposed project encroaches upon a SFHA with or without BFEs established and would result in increases above 1.00 foot compared to pre-project conditions.
3. Does the request involve the placement or proposed placement of fill? ☒ Yes ☐ No
- If Yes, the community must be able to certify that the area to be removed from the special flood hazard area, to include any structures or proposed structures, meets all of the standards of the local floodplain ordinances, and is reasonably safe from flooding in accordance with the NFIP regulations set forth at 44 CFR 60.3(A)(3), 65.5(a)(4), and 65.6(a)(14). Please see the MT-2 instructions for more information.
4. Does the request involve the placement or proposed placement of fill? ☐ Yes ☒ No
- If Yes, attach **evidence of regulatory floodway revision notification**. As per Paragraph 65.7(b)(1) of the NFIP Regulations, notification is required for requests involving revisions to the regulatory floodway Elements and examples of regulatory floodway revision notification can be found in the MT-2 Form 2 Instructions.
5. For CLOMR requests, please submit documentation to FEMA and the community to show that you have complied with Sections 9 and 10 of the Endangered Species Act (ESA). For actions authorized, funded, or being carried out by Federal or State agencies, please submit documentation from the agency showing its compliance with Section 7(a)(2) of the ESA. Please see the MT-2 instructions for more detail.

# **Frederick Gateway CLOMR**

## **Narrative**

## Overview

The I-70 Golf Range is located in the City of Frederick, MD on the right bank of the Monocacy River between I-70 and Old National Pike. The property is on Tax Map 78, Parcel 0699. It is being developed into an athletic stadium complex, including a grass field, a hotel, parking, and retail space. The project is designed by Harris, Smariga & Associates, Inc. Per the Code of the City of Frederick Chapter 31 Article IV Section 31-30, development within the Special Flood Hazard Area is permitted if a hydrologic and hydraulic engineering analysis and a CLOMR, if required, is submitted and the proposed development does not cause the base flood elevation to increase by more than 1.0 foot at any point. There is no mapped floodway. The Monocacy River floodplain in the area of the project is mapped as both FEMA Zone AE and Zone X (shaded) on FIRM panel 0313E under Map Number 24021C0313E. Appendix B shows the Annotated FIRM. Fill is being added to the property atop which the athletic complex will be constructed, which is remapping the 100-year floodplain out of the development area. Dewberry is submitting this floodplain study on behalf of the developer. All elevations mentioned in this narrative and used within the model are in NAVD88. The hydraulic model was completed using HEC-RAS version 4.1.0 using the model provided by FEMA. Figure 1 shows the general location of the proposed development and the effective floodplain boundaries.

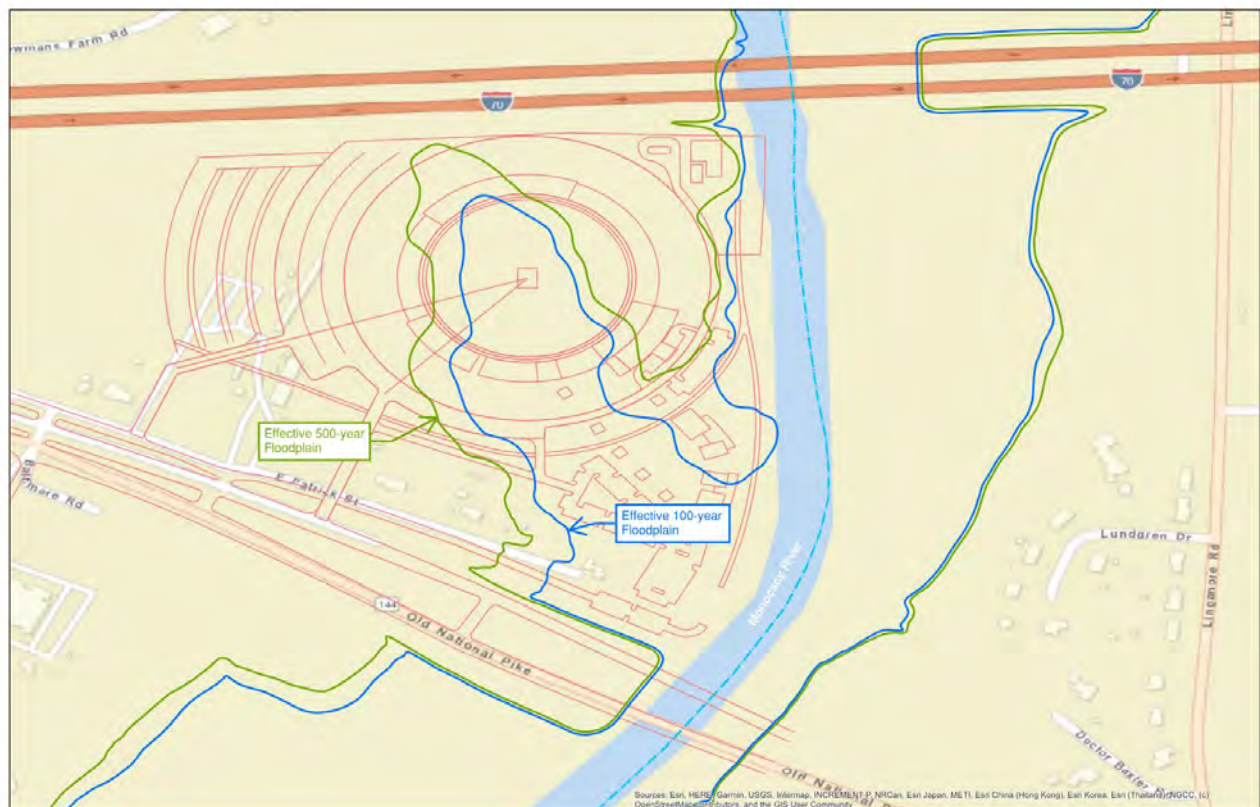


Figure 1. Frederick Gateway Property Location.

### **Duplicate Effective Model**

A FEMA data request was completed in order to obtain the effective model from FEMA. The model received from FEMA is named “MonocacyRiver” and utilizes steady flow conditions. The Plan “MonocacyRiver\_Effective” in the HEC-RAS model provided by FEMA is the effective model. We created the duplicate effective model by copying the effective model. The results from running the duplicate effective model were different than the effective results pre-loaded into the model, but they were consistent with the information provided by the effective BFE lines and FIS report, so duplicate effective is being considered as effective.

### **Corrected Effective Model**

There is no Corrected Effective/Updated Existing model as the Duplicate Effective model accurately represents existing conditions.

### **Proposed Conditions Model**

The proposed conditions HEC-RAS plan was developed by revising the corrected effective model to include the proposed development of the athletic complex on the property. Fill is being added to the property in the vicinity of cross section 90361, which is remapping the 100-year floodplain out of the development area. The right overbank of cross section 90361 where fill is being added is shown in Figure 2. The mapped top widths displayed on the topographic work map match the HEC-RAS generated top widths, except for where there are obstructions. In that case, the obstruction width is added to the HEC-RAS generated top width and that will match the mapped top width. Appendix D shows the design plans for Frederick Gateway property provided by Harris, Smariga & Associates, Inc. Table 1 shows the Mannings n-values used in the model, the developed open space, short grass, and pavement n-values added in proposed conditions and the rest of the n-values maintained from the effective model. Table 2 compares the proposed condition results to the duplicate effective results. There is a rise of 0.1 feet between effective and proposed conditions at one cross section within the revision area, and either a 0.01 foot drop in water surface elevation or no rise at all other cross sections. The floodplain converges back to 0.00 rise immediately downstream of the revision area, at cross section 89423. Appendix A shows a scaled map of cross section locations, the proposed development, and the floodplain.

*Table 1. Mannings n-values used in Frederick Gateway model.*

<b>Mannings N Value</b>	<b>Description</b>
0.065	Overbank brush and trees
0.04	Developed open space/lawn
0.035	Short grass
0.013	Pavement
0.042	Channel
0.1	Floodplain

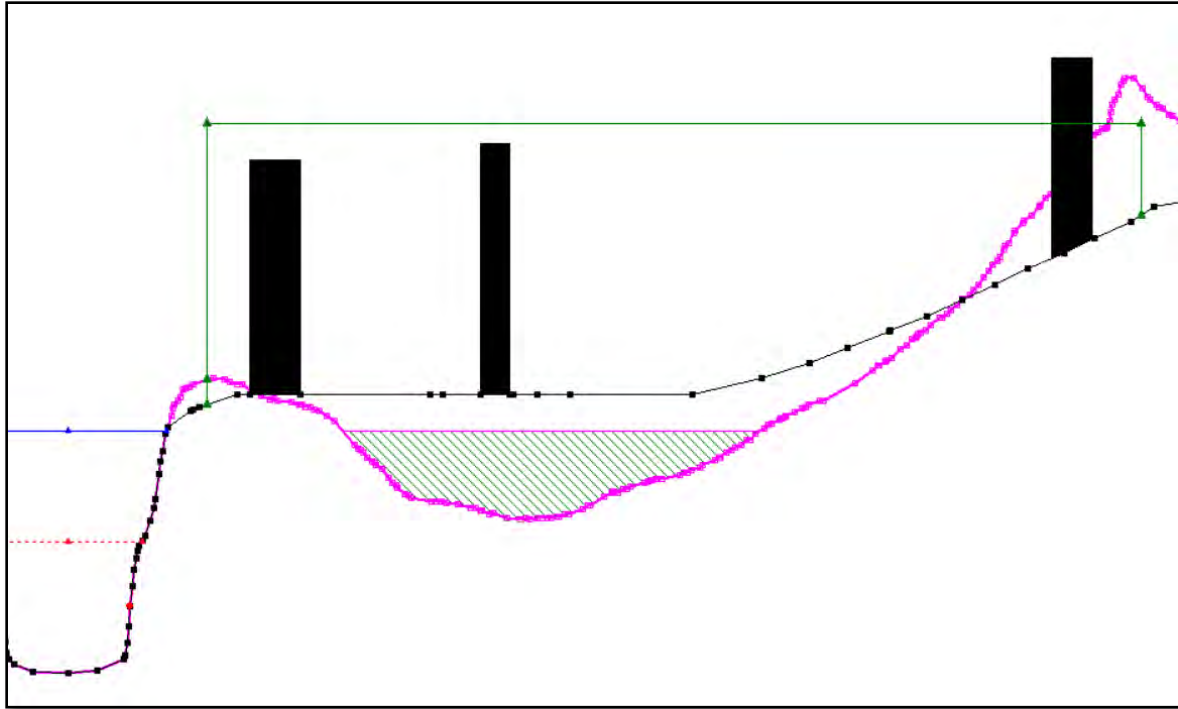
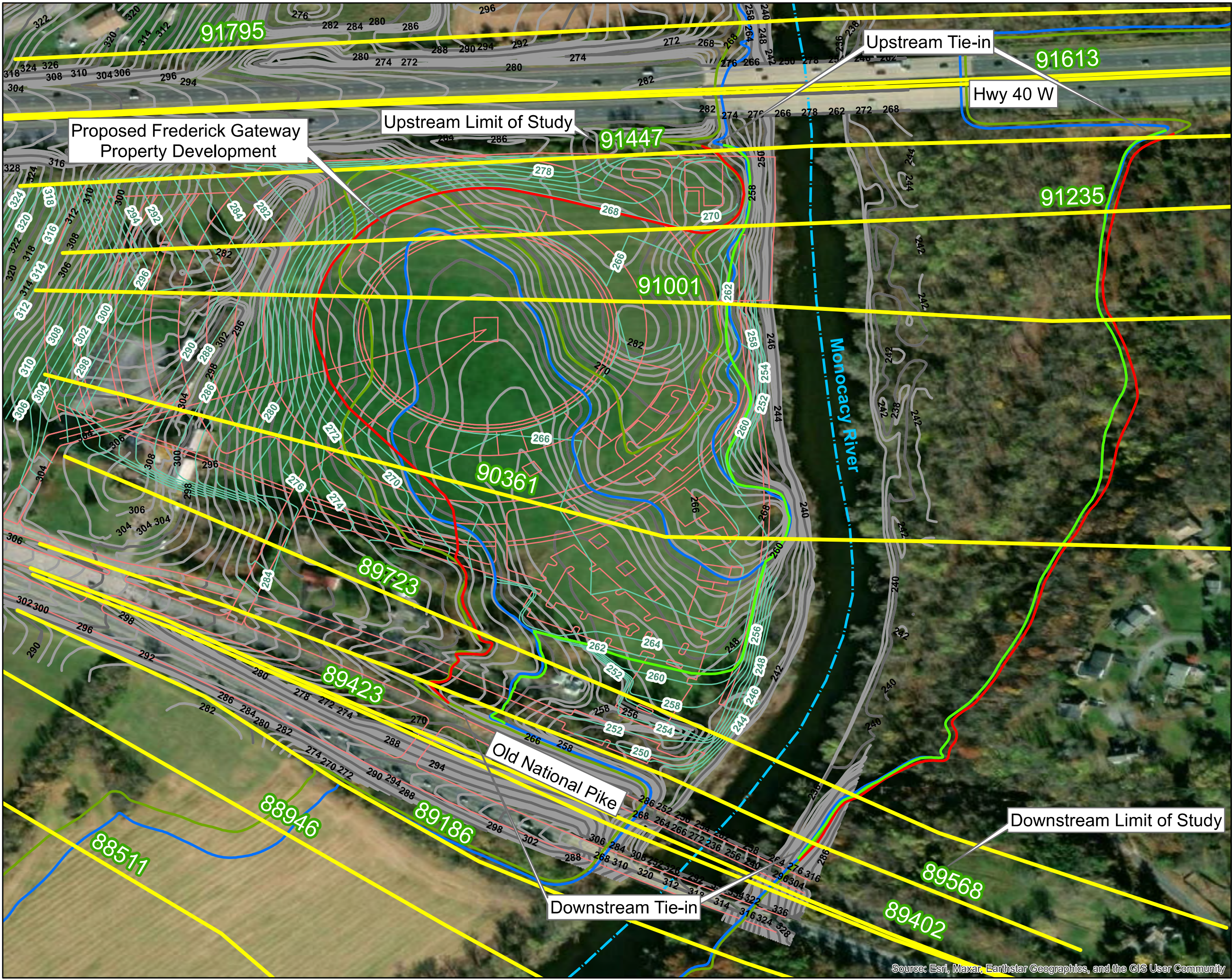


Figure 2. Cross section 90361 right overbank.

Table 2. Comparison of the Proposed and Duplicate Effective 100-year WSEs.

Reach	River Sta	Profile	Plan	W.S. Elev (ft)	Rise (ft)
Monocacy	91447	100YR	Pro	261.88	-0.01
Monocacy	91447	100YR	DupEff	261.89	
Monocacy	91235 USGS01643000	100YR	Pro	261.9	-0.01
Monocacy	91235 USGS01643000	100YR	DupEff	261.91	
Monocacy	91001	100YR	Pro	261.9	-0.01
Monocacy	91001	100YR	DupEff	261.91	
Monocacy	90361	100YR	Pro	261.28	-0.01
Monocacy	90361	100YR	DupEff	261.29	
Monocacy	89723 BA	100YR	Pro	260.92	0
Monocacy	89723 BA	100YR	DupEff	260.92	
Monocacy	89568	100YR	Pro	260.8	0.1
Monocacy	89568	100YR	DupEff	260.7	

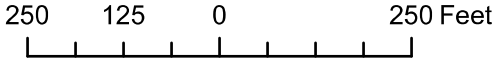
## **Appendix A: Certified Topographic Map**



- Legend**
- Cross Sections
  - Proposed 100-year Floodplain
  - Proposed 500-year Floodplain
  - FEMA Effective 100-year Floodplain
  - FEMA Effective 500-year Floodplain
  - Proposed Contours
  - Site Plans
  - Major Contours
  - Minor Contours
  - Monocacy River Centerline



Kelsey S Brandt  
2025.04.02 10:16:27-04'00'



Map Projection:  
NAD\_1983\_StatePlane\_Maryland\_FIPS\_1900\_Feet  
Western Hemisphere;  
Vertical Datum: NAVD88

## **Appendix B: Annotated FIRM**

**Map number 240121C0291D**



FLOOD HAZARD INFORMATION

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

**THE INFORMATION DEPICTED ON THIS MAP AND SUPPORTING DOCUMENTATION ARE ALSO AVAILABLE IN DIGITAL FORMAT AT [HTTPS://MSC.FEMA.GOV](https://msc.fema.gov)**

SPECIAL FLOOD HAZARD AREAS		Without Base Flood Elevation (BFE) Zone A, V, A99
		With BFE or Depth Zone AE, AO, AH, VE, AR
OTHER AREAS OF FLOOD HAZARD		Regulatory Floodway
		0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
		Future Conditions 1% Annual Chance Flood Hazard Zone X
		Area with Reduced Flood Risk due to Levee See Notes. Zone X
OTHER AREAS		Area with Flood Risk due to Levee Zone D
		Areas of Minimal Flood Hazard Zone X
GENERAL STRUCTURES		Area of Undetermined Flood Hazard Zone D
		Channel, Culvert, or Storm Sewer
OTHER FEATURES		Levee, Dike, or Floodwall
		Cross Sections with 1% Annual Chance Water Surface Elevation
OTHER FEATURES		Coastal Transect
		Coastal Transect Baseline
OTHER FEATURES		Profile Baseline
		Hydrographic Feature
OTHER FEATURES		Base Flood Elevation Line (BFE)
		Limit of Study
OTHER FEATURES		Jurisdiction Boundary

NOTES TO USERS

For information and questions about this Flood Insurance Rate Map (FIRM), available products associated with this FIRM, including historic versions, the current map date for each FIRM panel, how to order products, or the National Flood Insurance Program (NFIP) in general, please call the FEMA Map Information eXchange at 1-877-FEMA-MAP (1-877-336-2627) or visit the FEMA Flood Map Service Center website at <https://msc.fema.gov>. Available products may include previously issued Letters of Map Change, a Flood Insurance Study Report, and/or digital versions of this map. Many of these products can be ordered or obtained directly from the website.

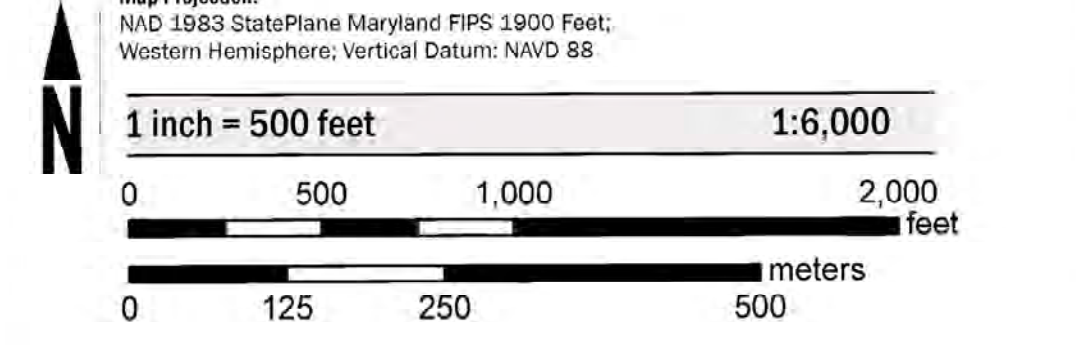
Communities annexing land on adjacent FIRM panels must obtain a current copy of the adjacent panel as well as the current FIRM index. These may be ordered directly from the Flood Map Service Center at the number listed above.

For community and countywide map dates refer to the Flood Insurance Study Report for this jurisdiction.

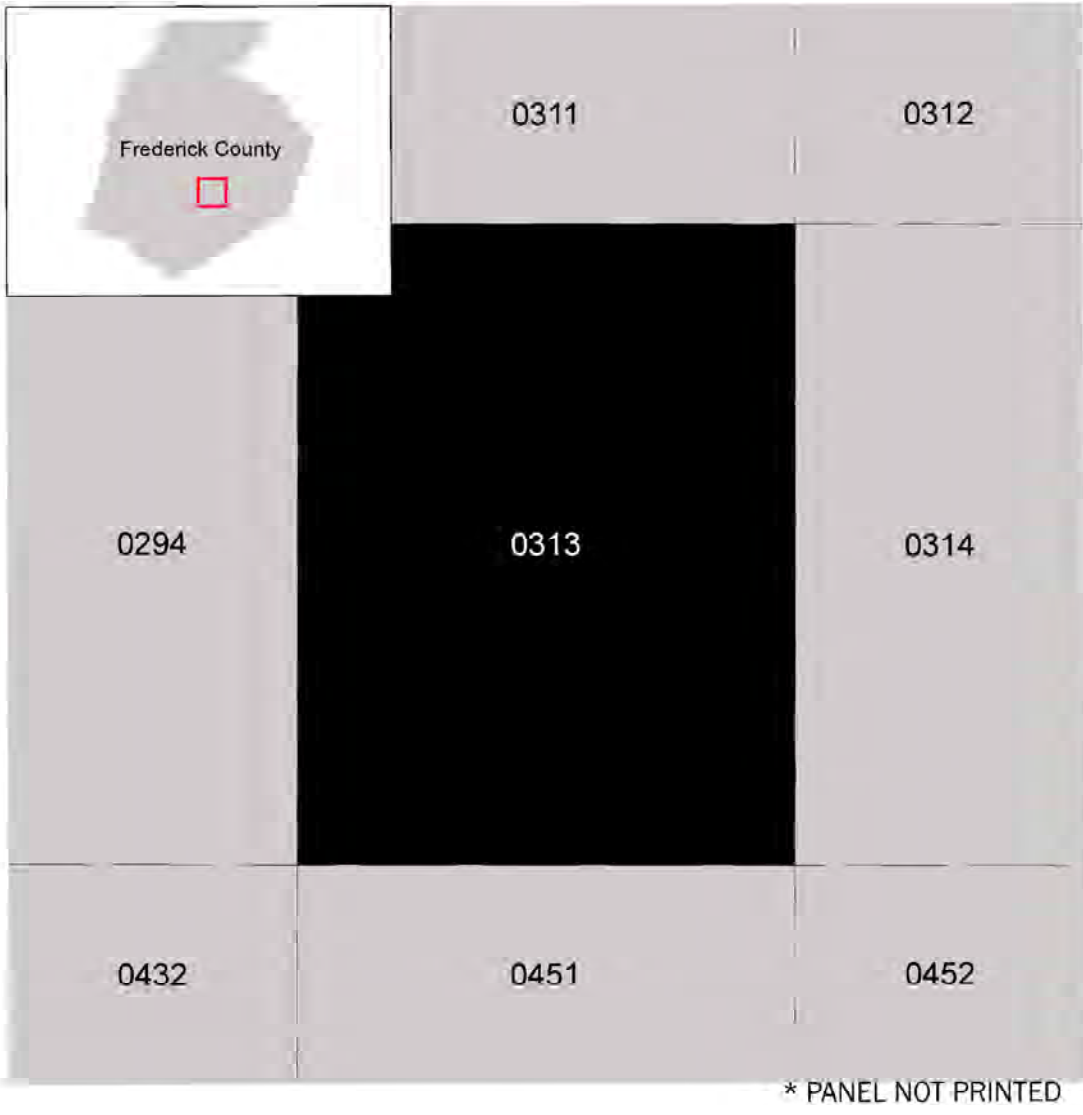
To determine if flood insurance is available in this community, contact your insurance agent or call the National Flood Insurance Program at 1-800-638-6620.

Base map information shown on this FIRM was provided in digital format by the United States Department of Agriculture (USDA). This information was derived from digital orthophotography at a 2-foot resolution from photography dated 2018.

SCALE



PANEL LOCATOR



**FEMA**

**National Flood Insurance Program**

**NATIONAL FLOOD INSURANCE PROGRAM**

**FLOOD INSURANCE RATE MAP**

**FREDERICK COUNTY, MARYLAND**

And Incorporated Areas

PANEL 313 OF 507

Panel Contains:

COMMUNITY	NUMBER	PANEL	SUFFIX
FREDERICK, CITY OF	240030	0313	E
FREDERICK COUNTY	240027	0313	E

VERSION NUMBER 2.6.3.0

MAP NUMBER 24021C0313E

MAP REVISED AUGUST 1, 2023

## **Appendix C: ESA Compliance Documentation**



## United States Department of the Interior

FISH AND WILDLIFE SERVICE  
Chesapeake Bay Ecological Services Field Office  
177 Admiral Cochrane Drive  
Annapolis, MD 21401-7307  
Phone: (410) 573-4599 Fax: (410) 266-9127



In Reply Refer To:

02/26/2025 21:18:35 UTC

Project Code: 2025-0060457

Project Name: Frederick Gateway CLOMR

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

### To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed, and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For projects other than major construction activities, the Service suggests that a biological

evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<https://www.fws.gov/sites/default/files/documents/endangered-species-consultation-handbook.pdf>

**Migratory Birds:** In addition to responsibilities to protect threatened and endangered species under the Endangered Species Act (ESA), there are additional responsibilities under the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) to protect native birds from project-related impacts. Any activity, intentional or unintentional, resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the U.S. Fish and Wildlife Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)). For more information regarding these Acts, see <https://www.fws.gov/program/migratory-bird-permit/what-we-do>.

The MBTA has no provision for allowing take of migratory birds that may be unintentionally killed or injured by otherwise lawful activities. It is the responsibility of the project proponent to comply with these Acts by identifying potential impacts to migratory birds and eagles within applicable NEPA documents (when there is a federal nexus) or a Bird/Eagle Conservation Plan (when there is no federal nexus). Proponents should implement conservation measures to avoid or minimize the production of project-related stressors or minimize the exposure of birds and their resources to the project-related stressors. For more information on avian stressors and recommended conservation measures, see <https://www.fws.gov/library/collections/threats-birds>.

In addition to MBTA and BGEPA, Executive Order 13186: *Responsibilities of Federal Agencies to Protect Migratory Birds*, obligates all Federal agencies that engage in or authorize activities that might affect migratory birds, to minimize those effects and encourage conservation measures that will improve bird populations. Executive Order 13186 provides for the protection of both migratory birds and migratory bird habitat. For information regarding the implementation of Executive Order 13186, please visit <https://www.fws.gov/partner/council-conservation-migratory-birds>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Code in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List
- USFWS National Wildlife Refuges and Fish Hatcheries
- Wetlands

## OFFICIAL SPECIES LIST

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

**Chesapeake Bay Ecological Services Field Office**

177 Admiral Cochrane Drive

Annapolis, MD 21401-7307

(410) 573-4599

## PROJECT SUMMARY

Project Code: 2025-0060457

Project Name: Frederick Gateway CLOMR

Project Type: Commercial Development

Project Description: This review is to support a CLOMR application for the development of the Frederick Golf Range adjacent to the Monocacy River into an athletic complex including an outdoor stadium, parking, and retail space.

Project Location:

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@39.401979049999994,-77.36933384337306,14z>



Counties: Frederick County, Maryland

## ENDANGERED SPECIES ACT SPECIES

There is a total of 3 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries<sup>1</sup>, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

- 
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

## MAMMALS

NAME	STATUS
Northern Long-eared Bat <i>Myotis septentrionalis</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/9045">https://ecos.fws.gov/ecp/species/9045</a>	Endangered
Tricolored Bat <i>Perimyotis subflavus</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/10515">https://ecos.fws.gov/ecp/species/10515</a>	Proposed Endangered

## INSECTS

NAME	STATUS
Monarch Butterfly <i>Danaus plexippus</i> There is <b>proposed</b> critical habitat for this species. Your location does not overlap the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/9743">https://ecos.fws.gov/ecp/species/9743</a>	Proposed Threatened

## CRITICAL HABITATS

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

YOU ARE STILL REQUIRED TO DETERMINE IF YOUR PROJECT(S) MAY HAVE EFFECTS ON ALL ABOVE LISTED SPECIES.

## USFWS NATIONAL WILDLIFE REFUGE LANDS AND FISH HATCHERIES

Any activity proposed on lands managed by the [National Wildlife Refuge](#) system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS OR FISH HATCHERIES WITHIN YOUR PROJECT AREA.

## WETLANDS

Impacts to [NWI wetlands](#) and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local [U.S. Army Corps of Engineers District](#).

Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.

FRESHWATER FORESTED/SHRUB WETLAND

- PFO1A

RIVERINE

- R2UBH

## **IPAC USER CONTACT INFORMATION**

Agency: Dewberry Engineers Inc.

Name: Jennifer Swenson

Address: 8403 Arlington Blvd

City: Fairfax

State: VA

Zip: 22031

Email: jswenson@dewberry.com

Phone: 7038490527



## United States Department of the Interior

FISH AND WILDLIFE SERVICE  
Chesapeake Bay Ecological Services Field Office  
177 Admiral Cochrane Drive  
Annapolis, MD 21401-7307  
Phone: (410) 573-4599 Fax: (410) 266-9127



In Reply Refer To:

03/05/2025 16:26:43 UTC

Project code: 2025-0060457

Project Name: Frederick Gateway CLOMR

Federal Nexus: no

Federal Action Agency (if applicable):

**Subject:** Technical assistance for 'Frederick Gateway CLOMR'

Dear Jennifer Swenson:

This letter records your determination using the Information for Planning and Consultation (IPaC) system provided to the U.S. Fish and Wildlife Service (Service) on March 05, 2025, for 'Frederick Gateway CLOMR' (here forward, Project). This project has been assigned Project Code 2025-0060457 and all future correspondence should clearly reference this number. **Please carefully review this letter. Your Endangered Species Act (Act) requirements may not be complete.**

### **Ensuring Accurate Determinations When Using IPaC**

The Service developed the IPaC system and associated species' determination keys in accordance with the Endangered Species Act of 1973 (ESA; 87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.) and based on a standing analysis. All information submitted by the Project proponent into IPaC must accurately represent the full scope and details of the Project.

Failure to accurately represent or implement the Project as detailed in IPaC or the Northern Long-eared Bat and Tricolored Bat Range-wide Determination Key (Dkey), invalidates this letter. ***Answers to certain questions in the DKey commit the project proponent to implementation of conservation measures that must be followed for the ESA determination to remain valid. Note that conservation measures for northern long-eared bat and tricolored bat may differ. If both bat species are present in the action area and the key suggests more conservative measures for one of the species for your project, the Project may need to apply the most conservative measures in order to avoid adverse effects. If unsure which conservation measures should be applied, please contact the appropriate Ecological Services Field Office***

**Determination for the Northern Long-Eared Bat and Tricolored Bat**

Based upon your IPaC submission and a standing analysis completed by the Service, your project has reached the following effect determination(s):

Species	Listing Status	Determination
Northern Long-eared Bat ( <i>Myotis septentrionalis</i> )	Endangered	NLAA
Tricolored Bat ( <i>Perimyotis subflavus</i> )	Proposed	NLAA
	Endangered	

Federal agencies must consult with U.S. Fish and Wildlife Service under section 7(a)(2) of the Endangered Species Act (ESA) when an action *may affect* a listed species. Tricolored bat is proposed for listing as endangered under the ESA, but not yet listed. For actions that may affect a proposed species, agencies cannot consult, but they can *confer* under the authority of section 7(a)(4) of the ESA. Such conferences can follow the procedures for a consultation and be adopted as such if and when the proposed species is listed. Should the tricolored bat be listed, agencies must review projects that are not yet complete, or projects with ongoing effects within the tricolored bat range that previously received a NE or NLAA determination from the key to confirm that the determination is still accurate.

### Other Species and Critical Habitat that May be Present in the Action Area

The IPaC-assisted determination key for the northern long-eared bat and tricolored bat does not apply to the following ESA-protected species and/or critical habitat that also may occur in your Action area:

- Monarch Butterfly *Danaus plexippus* Proposed Threatened

You may coordinate with our Office to determine whether the Action may cause prohibited take of the animal species and/or critical habitat listed above. Note that if a new species is listed that may be affected by the identified action before it is complete, additional review is recommended to ensure compliance with the Endangered Species Act.

### Next Steps

Coordination with the Service is complete. This letter serves as technical assistance. All conservation measures should be implemented as proposed. Thank you for considering federally listed species during your project planning.

If no changes occur with the Project or there are no updates on listed species, no further consultation/coordination for this project is required for the northern long-eared bat. However, the Service recommends that project proponents re-evaluate the Project in IPaC if: 1) the scope, timing, duration, or location of the Project changes (includes any project changes or amendments); 2) new information reveals the Project may impact (positively or negatively) federally listed species or designated critical habitat; or 3) a new species is listed, or critical habitat designated. If any of the above conditions occurs, additional coordination with the Service should take place before project implements any changes which are final or commits additional resources.

If you have any questions regarding this letter or need further assistance, please contact the Chesapeake Bay Ecological Services Field Office and reference Project Code 2025-0060457 associated with this Project.

**Action Description**

You provided to IPaC the following name and description for the subject Action.

**1. Name**

Frederick Gateway CLOMR

**2. Description**

The following description was provided for the project 'Frederick Gateway CLOMR':

This review is to support a CLOMR application for the development of the Frederick Golf Range adjacent to the Monocacy River into an athletic complex including an outdoor stadium, parking, and retail space.

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@39.40125775,-77.36948527888731,14z>



## DETERMINATION KEY RESULT

Based on the answers provided, the proposed Action is consistent with a determination of “may affect, but not likely to adversely affect” for a least one species covered by this determination key.

## QUALIFICATION INTERVIEW

1. Does the proposed project include, or is it reasonably certain to cause, intentional take of listed bats or any other listed species?

**Note:** Intentional take is defined as take that is the intended result of a project. Intentional take could refer to research, direct species management, surveys, and/or studies that include intentional handling/encountering, harassment, collection, or capturing of any individual of a federally listed threatened, endangered or proposed species?

*No*

2. Is the action area wholly within Zone 2 of the year-round active area for northern long-eared bat and/or tricolored bat?

**Automatically answered**

*No*

3. Does the action area intersect Zone 1 of the year-round active area for northern long-eared bat and/or tricolored bat?

**Automatically answered**

*No*

4. Does any component of the action involve leasing, construction or operation of wind turbines? Answer 'yes' if the activities considered are conducted with the intention of gathering survey information to inform the leasing, construction, or operation of wind turbines.

**Note:** For federal actions, answer ‘yes’ if the construction or operation of wind power facilities is either (1) part of the federal action or (2) would not occur but for a federal agency action (federal permit, funding, etc.).

*No*

5. Is the proposed action authorized, permitted, licensed, funded, or being carried out by a Federal agency in whole or in part?

*No*

6. [Semantic] Is the action area located within 0.5 miles of a known bat hibernaculum?

**Note:** The map queried for this question contains proprietary information and cannot be displayed. If you need additional information, please contact your State wildlife agency.

**Automatically answered**

*No*

7. Does the action area contain any winter roosts or caves (or associated sinkholes, fissures, or other karst features), mines, rocky outcroppings, or tunnels that could provide habitat for hibernating bats?

*No*

8. Will the action cause effects to a bridge?

**Note:** Covered bridges should be considered as bridges in this question.

*No*

9. Will the action result in effects to a culvert or tunnel at any time of year?

*No*

10. Are trees present within 1000 feet of the action area?

**Note:** If there are trees within the action area that are of a sufficient size to be potential roosts for bats answer "Yes". If unsure, additional information defining suitable summer habitat for the northern long-eared bat and tricolored bat can be found in Appendix A of the USFWS' Range-wide Indiana Bat and Northern long-eared bat Survey Guidelines at: <https://www.fws.gov/media/range-wide-indiana-bat-and-northern-long-eared-bat-survey-guidelines>.

*Yes*

11. Does the action include the intentional exclusion of bats from a building or structure?

**Note:** Exclusion is conducted to deny bats' entry or reentry into a building. To be effective and to avoid harming bats, it should be done according to established standards. If your action includes bat exclusion and you are unsure whether northern long-eared bats or tricolored bats are present, answer "Yes." Answer "No" if there are no signs of bat use in the building/structure. If unsure, contact your local Ecological Services Field Office to help assess whether northern long-eared bats or tricolored bats may be present. Contact a Nuisance Wildlife Control Operator (NWCO) for help in how to exclude bats from a structure safely without causing harm to the bats (to find a NWCO certified in bat standards, search the Internet using the search term "National Wildlife Control Operators Association bats"). Also see the White-Nose Syndrome Response Team's guide for bat control in structures.

*No*

12. Does the action involve removal, modification, or maintenance of a human-made structure (barn, house, or other building) **known or suspected to contain roosting bats**?

*No*

13. Will the action cause construction of one or more new roads open to the public?

For federal actions, answer 'yes' when the construction or operation of these facilities is either (1) part of the federal action or (2) would not occur but for an action taken by a federal agency (federal permit, funding, etc.).

*No*

14. Will the action include or cause any construction or other activity that is reasonably certain to increase average daily traffic permanently or temporarily on one or more existing roads?

**Note:** For federal actions, answer 'yes' when the construction or operation of these facilities is either (1) part of the federal action or (2) would not occur but for an action taken by a federal agency (federal permit, funding, etc.). .

*No*

15. Will the action include or cause any construction or other activity that is reasonably certain to increase the number of travel lanes on an existing thoroughfare?

For federal actions, answer 'yes' when the construction or operation of these facilities is either (1) part of the federal action or (2) would not occur but for an action taken by a federal agency (federal permit, funding, etc.).

*No*

16. Will the proposed Action involve the creation of a new water-borne contaminant source (e.g., leachate pond, pits containing chemicals that are not NSF/ANSI 60 compliant)?

**Note:** For information regarding NSF/ANSI 60 please visit <https://www.nsf.org/knowledge-library/nsf-ansi-standard-60-drinking-water-treatment-chemicals-health-effects>

*No*

17. Will the proposed action involve the creation of a new point source discharge from a facility other than a water treatment plant or storm water system?

*No*

18. Will the action include drilling or blasting?

*No*

19. Will the action involve military training (e.g., smoke operations, obscurant operations, exploding munitions, artillery fire, range use, helicopter or fixed wing aircraft use)?

*No*

20. Will the proposed action involve the use of herbicides or other pesticides other than herbicides (e.g., fungicides, insecticides, or rodenticides)?

*No*

21. Will the action include or cause activities that are reasonably certain to cause chronic or intense nighttime noise (above current levels of ambient noise in the area) in suitable summer habitat for the northern long-eared bat or tricolored bat during the active season?

Chronic noise is noise that is continuous or occurs repeatedly again and again for a long time. Sources of chronic or intense noise that could cause adverse effects to bats may include, but are not limited to: road traffic; trains; aircraft; industrial activities; gas compressor stations; loud music; crowds; oil and gas extraction; construction; and mining.

**Note:** Additional information defining suitable summer habitat for the northern long-eared bat and tricolored bat can be found in Appendix A of the USFWS' Range-wide Indiana Bat and Northern long-eared bat Survey Guidelines at: <https://www.fws.gov/media/range-wide-indiana-bat-and-northern-long-eared-bat-survey-guidelines>.

*No*

22. Does the action include, or is it reasonably certain to cause, the use of permanent or temporary artificial lighting within 1000 feet of suitable northern long-eared bat or tricolored bat roosting habitat?

**Note:** Additional information defining suitable summer habitat for the northern long-eared bat and tricolored bat can be found in Appendix A of the USFWS' Range-wide Indiana Bat and Northern long-eared bat Survey Guidelines at: <https://www.fws.gov/media/range-wide-indiana-bat-and-northern-long-eared-bat-survey-guidelines>.

*Yes*

23. Will the action cause an increase in the extent of suitable forested habitat exposed to artificial lighting?

*Yes*

24. Will the action use only downward-facing, full cut-off lens lights (with same intensity or less for replacement lighting) when installing new or replacing existing permanent lights?

Or for those transportation agencies using the Backlight, Uplight, Glare (BUG) system developed by the Illuminating Engineering Society, will all three ratings (backlight, uplight, and glare) be as close to zero as is possible, with a priority of "uplight" of 0?

*Yes*

25. Will the action direct any temporary lighting away from suitable northern long-eared bat or tricolored bat roosting habitat when bats may be present?

**Note:** Additional information defining suitable summer habitat for the northern long-eared bat and tricolored bat can be found in Appendix A of the USFWS' Range-wide Indiana Bat and Northern long-eared bat Survey Guidelines at: <https://www.fws.gov/media/range-wide-indiana-bat-and-northern-long-eared-bat-survey-guidelines>.

*Yes*

26. Will the action include tree cutting or other means of knocking down or bringing down trees, tree topping, or tree trimming?

*Yes*

27. Will the proposed action occur exclusively in an already established and currently maintained utility right-of-way?

*No*

28. Does the action include emergency cutting or trimming of hazard trees in order to remove an imminent threat to human safety or property? See hazard tree note at the bottom of the key for text that will be added to response letters

**Note:** A "hazard tree" is a tree that is an immediate threat to lives, public health and safety, or improved property.

*No*

29. Does the project intersect with the 0- 9.9% forest density category?

**Automatically answered**

*No*

30. Does the project intersect with the 10.0- 19.9% forest density category map?

**Automatically answered**

*No*

31. Does the project intersect with the 20.0- 29.9% forest density category map?

**Automatically answered**

*No*

32. Does the project intersect with the 30.0- 100% forest density category map?

**Automatically answered**

*Yes*

33. Will the action cause trees to be cut, knocked down, or otherwise brought down across an area greater than 100 acres in total extent?

*No*

34. Will the proposed action result in the use of prescribed fire?

**Note:** If the prescribed fire action includes other activities than application of fire (e.g., tree cutting, fire line preparation) please consider impacts from those activities within the previous representative questions in the key. This set of questions only considers impacts from flame and smoke.

*No*

35. Does the action area intersect the northern long-eared bat species list area?

**Automatically answered**

*Yes*

36. [Semantic] Is the action area located within 0.25 miles of a culvert that is known to be occupied by northern long-eared or tricolored bats?

**Automatically answered**

*No*

37. [Semantic] Is the action area located within 150 feet of a documented northern long-eared bat roost site?

**Note:** The map queried for this question contains proprietary information and cannot be displayed. If you need additional information, please contact your State wildlife agency.

**Automatically answered**

*No*

38. Is suitable summer habitat for the northern long-eared bat present within 1000 feet of project activities?

If unsure, answer "Yes."

**Note:** Additional information defining suitable summer habitat for the northern long-eared bat and tricolored bat can be found in Appendix A of the USFWS' Range-wide Indiana Bat and Northern long-eared bat Survey Guidelines at: <https://www.fws.gov/media/range-wide-indiana-bat-and-northern-long-eared-bat-survey-guidelines>.

*Yes*

39. Has a presence/probable absence summer bat survey targeting the northern long-eared bat following the Service's [Range-wide Indiana Bat and Northern Long-Eared Bat Survey Guidelines](#) been conducted within the project area?

*No*

40. Are any of the trees proposed for cutting or other means of knocking down, bringing down, topping, or trimming suitable for northern long-eared bat roosting (i.e., live trees and/or snags  $\geq 3$  inches dbh that have exfoliating bark, cracks, crevices, and/or cavities)?

**Note:** Additional information defining suitable summer habitat for the northern long-eared bat and tricolored bat can be found in Appendix A of the USFWS' Range-wide Indiana Bat and Northern long-eared bat Survey Guidelines at: <https://www.fws.gov/media/range-wide-indiana-bat-and-northern-long-eared-bat-survey-guidelines>.

*Yes*

41. Will any tree cutting/trimming or other knocking or bringing down of trees occur during the **Summer Occupancy season** for northern long-eared bats in the action area?

**Note:** Bat activity periods for your state can be found in Appendix L of the Service's Range-wide Indiana Bat and Northern long-eared Bat Survey [Guidelines](#).

*No*

42. Does the action area intersect the tricolored bat species list area?

**Automatically answered**

*Yes*

43. [Semantic] Is the action area located within 0.25 miles of a culvert that is known to be occupied by northern long-eared or tricolored bats?

**Note:** The map queried for this question contains proprietary information and cannot be displayed. If you need additional information, please contact your State wildlife agency.

**Automatically answered**

*No*

44. Is suitable summer habitat for the tricolored bat present within 1000 feet of project activities?  
(If unsure, answer ""Yes."" )

**Note:** If there are trees within the action area that may provide potential roosts for tricolored bats (e.g., clusters of leaves in live and dead deciduous trees, Spanish moss (*Tillandsia usneoides*), clusters of dead pine needles of large live pines) answer ""Yes."" For a complete definition of suitable summer habitat for the tricolored bat, please see Appendix A in the [Service's Range-wide Indiana Bat and Northern long-eared Bat Survey Guidelines](#).

*Yes*

45. Do any of the trees proposed for cutting or other means of knocking down, bringing down, topping, or trimming provide potential roosts for tricolored bats (e.g., clusters of leaves in live and dead deciduous trees, Spanish moss (*Tillandsia usneoides*), clusters of dead pine needles of large live pine trees)?

**Note:** Additional information defining suitable summer habitat for the northern long-eared bat and tricolored bat can be found in Appendix A of the USFWS' Range-wide Indiana Bat and Northern long-eared bat Survey Guidelines at: <https://www.fws.gov/media/range-wide-indiana-bat-and-northern-long-eared-bat-survey-guidelines>.

*Yes*

46. Will any tree cutting/trimming or other knocking or bringing down of trees be conducted during the Pup Season for tricolored bat?

**Note:** Bat activity periods for your state can be found in Appendix L of the [Service's Range-wide Indiana Bat and Northern long-eared Bat Survey Guidelines](#).

*No*

47. Do you have any documents that you want to include with this submission?

*No*

## PROJECT QUESTIONNAIRE

Enter the extent of the action area (in acres) from which trees will be removed - round up to the nearest tenth of an acre. For this question, include the entire area where tree removal will take place, even if some live or dead trees will be left standing.

2.6

## IPAC USER CONTACT INFORMATION

Agency: Dewberry Engineers Inc.

Name: Jennifer Swenson

Address: 8403 Arlington Blvd

City: Fairfax

State: VA

Zip: 22031

Email: jswenson@dewberry.com

Phone: 7038490527

## Species Conclusions Table

Project Name: Frederick Gateway CLOMR

Date: 3/5/2025

Species / Resource Name	Conclusion	ESA Section 7 / Eagle Act Determination	Notes / Documentation
Monarch Butterfly ( <i>Danaus plexippus</i> )	No suitable habitat present, as the existing use of the land is mowed and maintained golf course that is not likely to have milkweed for use as a breeding habitat.	Proposed Threatened Species; no critical habitat identified.  Not Likely to Adversely Affect	The Monarch Butterfly is a Candidate species and there are no Section 7 requirements associated with the species. This project will mostly take place within a mowed and maintained landscape and is not anticipated to have an adverse effect on Monarch Butterflies.  <i>Sources: U.S. Fish and Wildlife Service Information for Planning and Consultation (IPaC)</i>
Northern Long-eared Bat ( <i>Myotis septentrionalis</i> )	Not Likely to Adversely Affect determination achieved, no further FWS consultation necessary per technical assistance letter.	No critical habitat has been designated for this species.  Not Likely to Adversely Affect	The Northern Long-eared Bat is an Endangered species. The project is proposing to abide by the Summer Roost and Pup season Time of Year Restriction (TOYR) from April 1 <sup>st</sup> to September 30 <sup>th</sup> for all necessary tree clearing activities. The project has reached the determination of “Not Likely to Adversely Affect” <b>on the northern long-eared bat</b> . Per technical assistance letter from FWS IPAC, no further consultation with the Fish and Wildlife Service is required.  <i>Sources: U.S. Fish and Wildlife Service Information for Planning and Consultation (IPaC)</i>
Tricolored Bat ( <i>Perimyotis subflavus</i> )	Not Likely to Adversely Affect determination achieved, no further FWS consultation necessary per technical assistance letter.	No critical habitat has been designated for this species.  Not Likely to Adversely Affect	The Northern Long-eared Bat is a proposed Endangered species. The project is proposing to abide by the Summer Roost and Pup season Time of Year Restriction (TOYR) from April 1 <sup>st</sup> to September 30 <sup>th</sup> for all necessary tree clearing activities. The project has reached the <b>determination of “Not Likely to Adversely Affect” on the northern long-eared bat</b> . Per technical assistance letter from FWS IPAC, no further consultation with the Fish and Wildlife Service is required.  <i>Sources: U.S. Fish and Wildlife Service Information for Planning and Consultation (IPaC)</i>

## **Appendix D: Proposed Project Plans**

