

**BACKGROUND ON
NORTHERN LONG EARED BAT
U.S. FISH AND WILDLIFE SERVICE
PROPOSED ENDANGERED SPECIES LISTING**

BACKGROUND: On October 2, 2013, the U.S. Fish and Wildlife Service (USF&WS) proposed listing the Northern Long -Eared Bat (NLEB) as “Endangered” under the Endangered Species Act (ESA), reacting to the mortality the spread of a non-native fungal disease, White Nose Syndrome (WNS), is inflicting on the species. Concern from stakeholders throughout the Bat’s 39-state range persuaded the Agency to postpone a Listing decision to April 2, 2015, although the deadline for participating in the Public Comment process is quite soon: **August 29, 2014**

There is consensus that WNS, first identified in 2006 and for which there is no known cure, seriously imperils the species. Once this disease establishes itself in NLEB colonies, morbidity rates may exceed 90%. While there is agreement that WNS is the root cause for the NLEB’s decline, there is disagreement over approaches to address the issue. Resource users question whether the USFWS is using the best science to evaluate the threat to the species and, as a number of comments on the proposed Endangered listing point out, the best available science does not support listing the species as Endangered.

The NLEB’s range is very broad, encompassing the following 38 states, as well as the District of Columbia: AL, AR, CT, DE, FL, GA, IL, IA, IN, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NH,NJ, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, VA, VT, WV, WI and WY.

POTENTIAL IMPACT OF AN ENDANGERED LISTING: Pending its decision on listing the NLEB, USF&WS released “Interim Guidance” to protect the species from “take,” expressed entirely in terms of preventing modification of actual or potential NLEB habitat, although the Agency has identified WNS, not habitat loss or any land use activities, as the threat to the species’ continued existence. If this “Interim Guidance” becomes the model for the Agency’s mandates under an Endangered listing, restrictions on forest users may include:

- Restrictions on warm season timber harvesting from April to October;
- Seasonal limitations on activities within 5-mile radius of bat hibernacula;
- In known or potential summer habitat, restrictions within a 1.5-mile radius of any known roost tree, or 3 miles from any location where NLEB has been captured or acoustically detected.
- Overly broad restrictions on forest management, such as direction to “retain and avoid impacting potential roost trees, which includes live or dead trees and snags equal to or greater than 3 inches diameter at breast height (dbh) that have exfoliating bark, cracks, crevices or cavities.

RELATIONSHIP OF HABITAT MODIFICATION TO NLEB VIABILITY: Although USF&WS states that any activity that involves the removal of summer roosting trees could impact the species and result in an unlawful take, there is little evidence that restrictions on harvest or removal of potential roost trees would have more than a minimal impact on preserving the species nor any relationship to preventing the spread of WNS. The Agency itself acknowledges, "[e]ven if all habitat-related stressors were eliminated or minimized, the significant effects of WNS on the northern long-eared bat would still be present."

In areas without impacts from WNS, ongoing timber harvest has had no identified impact on the abundance of the species, and where WNS is not present, NLEB populations are quite robust and demonstrably compatible with harvesting and other forms of forest management. For instance, the NLEB is one of the most frequently captured bats in mist net surveys on the Black Hills National Forest in South Dakota, one of the most heavily managed National Forests in the country.

Moreover, prior to the introduction of White Nose Syndrome, NLEBs were regarded as "most common" in the Northeastern portion of their range. This vast swath of states, ranging from Northern New England through the lower portion of the Lake States and Indiana, contains a mosaic of habitat types, forest ownerships, and land use practices. The Bat's thriving throughout this broad region strongly suggests that it does not depend on a particular type of habitat, much less a particular age class of forest.

Unfortunately, the ESA is not well structured to address non-human threats such as WNS, and forest users are justly apprehensive that USF&WS will likely follow the model of its Interim Guidance—with its almost exclusive emphasis on restricting habitat modifications—in an attempt to shield all individual bats from all conceivable human-induced impacts, even though USF&WS recognizes that human activities, including timber harvesting, have had no appreciable negative effect on the species to date.

UNINTENDED CONSEQUENCES: Insofar as it obstructs and suppresses forest management, an Endangered listing would also severely limit the ability of forest management professionals, including state and federal agencies and departments, to manage critical habitats for other species of special concern such as the Kirtland's Warbler, the Karner Blue Butterfly, the Golden-Winged Warbler, the Red-Cockaded Woodpecker, and numerous savanna species that depend on intensive management. The restrictions on harvest, thinning, and prescribed burning which an Endangered listing would impose could significantly complicate the U.S. Forest Service's effort to maintain and enhance the habitat for other listed species and could also limit the Agency's ability to implement needed forest management practices such as thinning overstocked conifer stands in Plains states (Region 2) and regenerating aspen and mixed species stands in the mid-west and northeastern states (Region 9).

WHAT TO DO? If the restrictions currently included in the Interim Guidance become final and are enforced, they would have a devastating

effect on forest management, forest landowners, and the entire forest products value chain, as well as on forest-dependent communities. We are working with our allies in Congress and in the States to help communicate to USF&WS the need to take the time necessary to find a solution to this issue that works to preserve the NLEB and the many jobs and communities that depend on the forest for their livelihood. Several Congressional delegations have written letters to USF&WS and the Department of Interior where USFWS resides. The first set of these letters asked for a delay in listing the NLEB. That delay has been granted. Now we must continue to communicate through additional Congressional and State letters to USF&WS the need to evaluate the available science fully and engages stakeholders in a process to identify solutions to the cause of WNS, rather than focusing on land management activities unrelated to the threat.

Background statement provided on behalf of the Forest Resource Association (FRA).