



## Northern Long-Eared Bat

### Issue

The U.S. Fish and Wildlife Service (FWS) proposed listing the Northern Long Eared Bat (NLEB) as “endangered” under the Endangered Species Act (ESA) on October 2, 2013. After an extensive public comment period, the bat was listed as “threatened” on April 2, 2015. In addition to announcing the threatened designation, FWS also issued an interim 4(d) rule outlining conservation guidelines. These guidelines do provide some regulatory exclusions for the forest products industry, although there are concerns among industry members that they will still negatively impact our ability to efficiently harvest timber from public and private lands for economic and environmental benefits. In addition, the industry is concerned that the FWS will issue a final rule, expected in December 2015, that will roll back some of the positive aspects of the current rule and implement more stringent and detrimental guidance.

### Background

The NLEB’s range is enormous, encompassing the following 39 states (including D.C.): 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.

The general consensus (including FWS) is that the sole threat to the NLEB population is a non-native fungal disease discovered in 2006 called White Nose Syndrome (WNS) for which there is no known cure. What is known is that this disease is devastating to NLEB colonies once established, with morbidity rates exceeding 90 percent in many instances. While there is agreement that WNS is the root cause for the NLEB’s decline, there is disagreement over approaches to address the issue. Legitimate questions exist as to whether the FWS is using the best science to evaluate the species.

The fact is, where WNS is not yet present, populations of NLEB appear to be quite robust. For instance, the NLEB is one of the most frequently captured bat 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 WNS, 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. This strongly suggests that the bat is not dependent on a particular type of habitat, much less a particular age class of forest. More importantly, it indicates that forest harvest practices have no significant impact on the declining bat populations.

### Interim Guidance – The (4)d Rule

Within the FWS designated zones impacted by WNS, the following activities are exempted from the 4(d) guidance: forest management practices; limited tree removal projects, provided these activities protect

known maternity roosts and hibernacula; removal of hazardous trees, maintenance and limited expansion of transportation and utility rights-of-way; and prairie habitat management.

However, the above activities must be conducted under the following restraints: harvesting activity must occur more than .25 miles from known, occupied hibernacula (caves or bat hibernation sites) throughout the calendar year; no cutting of known, occupied roost trees between June 1 and July 31 (pup season); . no clear-cuts within 0.25mile of known, occupied roost trees between June 1 and July 31 (pup season). During months other than June and July, forest management activities, including timber harvests, may proceed as normal unless they are within the .25 radius of known hibernacula under the interim rule.

The above presents several challenges for the forest products industry, including hardwood businesses:

- Defining known hibernacula and occupied roost trees is a difficult and time consuming process. While studies do exist that identify these sites, they can be out-of-date and inaccurate leading to disputes between regulators and landowners where permits for harvesting are required, particularly on federal lands.
- Pup season occurs in the middle of prime harvest season for many locations, leaving operators to struggle during months of more questionable weather. This will be particularly onerous on federal lands as this additional restriction will most likely become another point of contention for environmental groups that protest harvests on public lands.
- The guidance provided above does **nothing** to solve the primary issue of the NLEB population decline: White Nose Syndrome. The FWS has not addressed how to slow or cure WNS, the only action that will have any appreciable impact on the bat's sustainability.

### **Hardwood Federation Position**

The final 4(d) rule and guidance for conservation of the bat must support the forest products industry's ability to responsibly harvest timber on public and private lands without unnecessary and unwarranted impediments. Increasing limits on forest activities negatively impacts local economies and does nothing to prevent further decline of bat populations. We support efforts by FWS to find a cure for WNS which is the best way to preserve the NLEB and the many jobs and communities that depend on the forest for their livelihood.