



**Northern Long Eared Bat (NLEB)
Update – September 2016**

In January 2016, The U.S. Fish and Wildlife Service issued a final 4(d) rule designating the NLEB as threatened. The rule was, in general, good for the hardwood industry, making significant concessions to allow for continued harvesting in the spring, summer and fall months.

In April 2016 the Center for Biological Diversity (CBD) amended its existing 2015 lawsuit to challenge the “threatened” listing and the final 4(d) rule related to the NLEB. The Defenders of the Wildlife has filed a similar complaint.

Our primary concern is that CBD and the Defenders will prevail in their litigation, thereby throwing out the threatened listing and what we view to be a workable 4d rule. This outcome would put us back to where we started on this issue—fighting an endangered listing and potential harvesting restrictions that would take most of the country’s forestlands out of production.

The Hardwood Federation has been working closely with a number of forest products and other industry associations to move forward with a legal strategy to defend U.S. Fish and Wildlife’s threatened designation and 4(d) rule.

Outside counsel has been with extensive experience in Endangered Species Act issues has been retained and intervention status for the Federation and our allied associations has been granted.

The government served the administrative record in July; industry counsel is in the process of reviewing it. We anticipate that the District Court will schedule proceedings in the case sometime this fall.

In addition to the Hardwood Federation, AF&PA and NAFO, the Southeast Lumber Manufacturing Association, the Forest Landowners Association, the Great Lakes Timber Professionals, the Black Hills Forest Resource Association, the New Hampshire Timberland Owners Association and the Forest Resources Association are financially supporting the effort.

In addition, a number of Oil and Gas associations, both national and state, as well as the American Farm Bureau, the National Association of Home Builders, and the U.S. Chamber of Commerce have joined the effort

The Hardwood Federation continues to play a lead role in coalition organization and this issue remains one of their top priorities.