

August 29, 2014

**Docket No. FWS–R5–ES–2011–0024**

Public Comments Processing,  
Attn: FWS–R5–ES–2011–0024  
Division of Policy and Directives Management  
U.S. Fish and Wildlife Service  
4401 N. Fairfax Drive, MS 2042–PDM  
Arlington, VA 22203

To whom it may concern:

**RE: Final Determination on the Proposed Endangered Status for the Northern Long-Eared Bat, 78 Fed. Reg. 61046 (October 2, 2013)**

We write to you today to provide comments on the US Fish and Wildlife Service’s (USFWS or Service) proposed listing of the northern long-eared bat (NLEB), *Final Determination on the Proposed Endangered Status for the Northern Long-Eared Bat*, 78 Fed. Reg. 61046 (October 2, 2013), and to express significant concerns with the Interim Conference and Planning Guidelines issued by the Service in January of this year, *Northern Long-Eared Bat Interim Conference and Planning Guidance*, USFWS Regions 2, 3, 4, 5, & 6 (January 6, 2014).

We recognize that the Service will not consider economic impacts in its determination whether to list the northern long-eared bat under the ESA. However, as you consider management and recovery policies, we believe it would be helpful to understand the breadth of the forest products industry throughout the range of the NLEB. While we summarize this in terms of economic impact, we urge you to also consider this as evidence of conservation opportunity. Of the 38 states touched by the NLEB range, the forest products industry has a significant presence in 29.<sup>1</sup> These states contain a total of 80,085,969 acres of public and private timberland. The industry provides a total of 2.2 million direct, indirect, and induced jobs with a combined payroll of \$80 billion. Annual timber sales and manufacturing shipments equaled \$210.7 billion, with a combined contribution to the states GDPs of \$89 billion. Forest-related industries made the largest contributions to their state manufacturing (on a percentage basis) in Arkansas, which was the highest in the South with 19.90 percent; Pennsylvania, the highest in Appalachia with 9.98 percent; Maine in the Northeast with 23.73 percent; and Wisconsin with 14.04 percent in the Midwest.<sup>2</sup>

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<sup>1</sup> These states are AL, AR, FL, GA, IL, IN, KS, KY, LA, ME, MD, MI, MN, MS, MO, MT, NH, NY, NC, OH, OK, PA, SC, SD, TN, VA, VT, WV, WI and WY.

<sup>2</sup> The source for this paragraph, which is based on 2010 economic data, is *The Economic Impact of Privately-Owned Forests in the United States* (June 27, 2013) prepared by Forests2Market for the National Alliance of Forest Owners and is available at [www.nafoalliance.org](http://www.nafoalliance.org).

As you know, this species is experiencing significant declines in parts of its range due to White Nose Syndrome. In the proposed listing, the Service affirms that “*White-nose syndrome is the most significant threat to the northern long-eared bat, and the species would likely not be imperiled were it not for this disease*” and that “*habitat concerns and other anthropogenic factors create no significant effects alone or in combination.*” 78 Fed. Reg. at 61072 (emphasis added). Although the Service asserts that when combined with the significant population reductions due to WNS, “the resulting cumulative effect may further adversely impact the species,” *id.*, the only true threat to this species is clearly a wildlife disease, not habitat modification or loss.

The fact is, where White Nose Syndrome 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. 78 Fed. Reg. at 61053. Moreover, prior to the introduction of White Nose Syndrome, NLEB’s 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 and all the way to parts of the Southeastern U.S., 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, and has not been adversely affected by forest management.

In spite of the limited role that habitat conditions appear to play in the status of the NLEB, the Interim Guidance distributed in January suggests a completely unrealistic and unnecessary set of constraints on forest management during nearly every seasonal period. These restrictions include vaguely worded restrictions on prescribed burning at various times of year, restrictions on tree harvesting of all trees 3 inches DBH and larger, and ambiguous direction to “Avoid reducing the suitability of forest patches with known NLEB use.” In essence, although the species has been shown to be present in forests with a variety of age classes and management regimes and, in fact, may depend upon management to perpetuate various habitat features over time, the Guidance seems to suggest that creating 5-mile radius “no management” zones around known hibernacula, and even greater summer habitat restrictions, is the best way to conserve bats. There is no evidence to suggest that these measures have anything to do with the spread of White Nose Syndrome, nor that they would do anything to prevent very high levels of mortality should WNS spread throughout the bat’s range, as the Service speculates it will.

As you know, several State natural resources agencies wrote to the Service on April 17, 2014, expressing serious concerns about the NLEB Interim Guidance. They noted that “(a)lthough the USFWS solicited comments on the proposed listing, it did not afford our agencies an opportunity to assist in the drafting of the (interim guidance), and has not invited us to participate in the development of the consultation guidance.” They also “request an opportunity to provide input on this guidance and any other species guidance and avoidance measures before they are finalized.”

The Directors note that the Interim Guidance “is overly restrictive and too broad to be used as consultation guidance.... In particular, these measures protect summer habitat at a very high cost... If these measures were applied to all forested lands, they could impact hundreds of thousands of landowners managing their forests and have a crippling effect on our forest product industries. In addition, they would severely limit our ability to manage critical habitats for other species of special concern such as the Kirtland’s Warbler (US Endangered), Karner blue (US Endangered), Golden-winged Warbler, and numerous savanna species that are dependent on intensive management.”

We note that such restrictions on harvest, thinning, and prescribed burning could significantly complicate forest management efforts to maintain and enhance the habitat for other listed species, such as the Red Cockaded Woodpecker in the Southeastern U.S., and could limit your ability to implement needed forest management practices such as thinning overstocked conifer stands in the Rocky Mountains and regenerating aspen and mixed species stands in the Lake States and Northeast.

In actuality, thinning overstocked conifer stands aligns with NLEB habitat requirements, and we are alarmed how the Interim Guidance discounted much of the science in the proposed listing that discussed summer roosting habitat. The proposed listing discusses the benefits from an active vegetation management program, stating: “Studies have found that female bat roosts are more often located in areas with partial harvesting than in random sites, which may be due to trees located in more open habitat receiving greater solar radiation and therefore speeding development of young.” 78 Fed. Reg. at 61060. The proposed listing also recognized that reproducing females generally have shown preference to roost “in areas of relatively less canopy cover and tree density,” 78 Fed. Reg. at 61057, and that “Fewer trees surrounding maternity roosts may also benefit juvenile bats that are starting to learn to fly,” 78 Fed. Reg. at 61055. These statements are supported by cited scientific research but are not reflected in any portion of the Interim Guidance.

We are extremely concerned that the Service will use the Interim Guidance not only as a basis for consultation and Biological Assessments and Biological Opinions for current and future forest management projects on Federal lands (including sales under contract) but also as the general management scheme for all non-federal forested lands within the bat’s range until the critical habitat and recovery plan are completed.

It is absolutely vital that the Service work with other Federal agencies, State partners, and other stakeholders to revise and improve the Interim Guidance. Active forest management can help conserve the NLEB by creating a variety of stand conditions, ages, and types over time, providing secure habitat through management rather than by eliminating management. A reserve approach seems both unnecessary and unlikely to succeed. As members of the forest management and products community, we offer assistance to the Service to provide research for the control and elimination of the actual threat to the NLEB and other bat species, i.e. – White Nose Syndrome. Elimination of the disease is the best strategy to support and protect both the bat population and the wood products industry.

Thank you for the opportunity to comment on this proposed listing. We also support the comments submitted by the National Council for Air and Stream Improvement (NCASI), a copy of which is attached.

Sincerely,

Alabama Forestry Association  
American Forest & Paper Association  
American Loggers Council  
Appalachian Hardwood Manufacturers, Inc.  
Arkansas Forestry Association  
Associated Industries of Vermont  
Black Hills Forest Resource Association  
Empire State Forest Products Association  
Federal Forest Resource Coalition  
Florida Forestry Association  
Forest Landowners Association  
Forest Resources Association  
Georgia Forestry Association  
Great Lakes Timber Professionals  
Hardwood Federation  
Hardwood Manufacturers Association  
Hardwood Plywood & Veneer Association  
Illinois Lumber and Materials Dealer  
Association  
Indiana Hardwood Lumbermen's  
Association  
Intermountain Forest Association  
Kentucky Forest Industries Association  
Lake States Lumber Association  
Louisiana Forestry Association  
Maine Forest Products Council  
Maple Flooring Manufacturers Association  
Massachusetts Forest Alliance  
Michigan Forest Products Council  
Minnesota Forest Industries  
Minnesota Timber Producers Association  
Mississippi Forestry Association  
Missouri Forest Products Association  
National Alliance of Forest Owners  
National Association of State Foresters  
National Hardwood Lumber Association  
National Wood Flooring Association

New Hampshire Timberland Owners  
Association  
North Carolina Forestry Association  
Northeastern Loggers' Association  
Ohio Forestry Association  
Oklahoma Forestry Association  
Pennsylvania Forest Products Association  
Society of American Foresters  
South Carolina Forestry Association  
Southeastern Lumber Manufacturers  
Association  
Tennessee Forestry Association  
Virginia Forest Products Association  
Virginia Forestry Association  
Westside Hardwood Lumberman's Club  
West Virginia Forestry Association  
Western Hardwood Federation  
Wisconsin County Forests Association  
Wisconsin Paper Council  
Wood Component Manufacturers  
Association