

Northern Long-eared Bat

Implementation of “Threatened” listing will significantly impact economy and family forest ownership

On April 2, 2015, the U.S. Fish & Wildlife Service (FWS) listed the Northern Long-eared Bat (NLEB) as “Threatened” under the Endangered Species Act, effective May 4, 2015. The NLEB ranges across 38 states in much of the eastern and north-central United States, including North Carolina, Virginia, and West Virginia. The FWS listed the NLEB due to the impacts of a fungal disease called white-nose syndrome (WNS) which impacts other hibernating bat populations throughout North America. The FWS has determined that WNS is the predominant threat to the NLEB and if WNS had not emerged or was not affecting the northern long-eared bat populations to the level that it has, the species would not be experiencing dramatic declines.

Given the impacts of WNS, the listing of the NLEB is considered prudent and the forest industry fully supports efforts to eradicate this disease. In listing the NLEB, the FWS issued a supplemental “Interim” 4(d) rule which exempts “incidental take” (basically any harm to the species or its habitat) from several activities including forest management practices as long as these activities occur more than 0.25 mile from known, occupied hibernacula (a “buffer” of approximately 126 acres). The restrictions include limitations on certain other normal forest management practices as well. These restrictions have no scientific basis and unnecessarily place landowners at odds with the FWS. The restrictions do not support good forest management which the FWS agrees is vital to the protection of the species. In fact, with hundreds of acres “off-limits” to timber harvesting there is little incentive to keep those lands as productive forests - leading to conversion to other uses which the FWS agrees are not beneficial to the species. Economic losses from the 4(d) restrictions are significant and will only increase as more NLEB habitat is identified.

Responsible flexibility in the Interim 4(d) rule makes practical sense and allows landowners the opportunity to partner with the FWS in a meaningful manner which will encourage identification of new NLEB habitat such as hibernating caves and roost trees.

The FWS has repeatedly and clearly stated that active forest management is important for the long term of the NLEB and that the potential benefits to the species from forest management practices include keeping the forest on the landscape and the creation and management of roosting and foraging habitat. However, and contrary to these positions, FWS provides no scientific basis to support effectively banning forest management and harvesting within the 0.25 mile buffer zone. With this restriction alone, a single buffer circle could all but effectively eliminate a productive, well managed, and economically viable forest.

The 4(d) rule’s restrictions will potentially impact thousands of family forest owners who hold 62% of U.S. privately owned timberland. These families maintain their timberland and rely upon harvesting for basic needs and to pay for the big expenses in their lives such as college education costs for their children. On a larger scale, the forest products industry provides a vital employment base throughout the habitat of the NLEB. Whether in harvesting, transporting, actively managing, or converting timber into useful products, the forest industry provides hundreds of thousands of solid middle class jobs to Americans.

The solution to this issue is reasonable accommodation based upon good science and the recognition that responsible forest management practices are part of the solution rather than part of the problem.