



Northern Long-Eared Bat USFWS Proposed Rule

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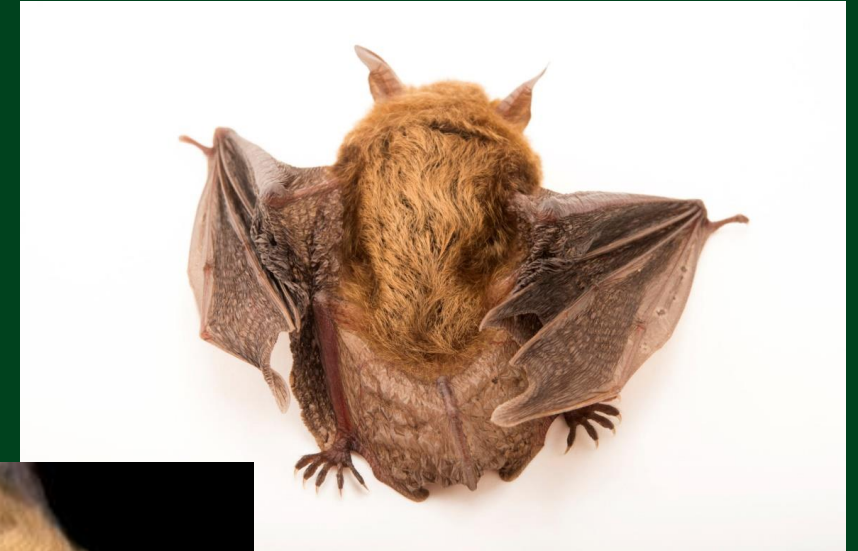
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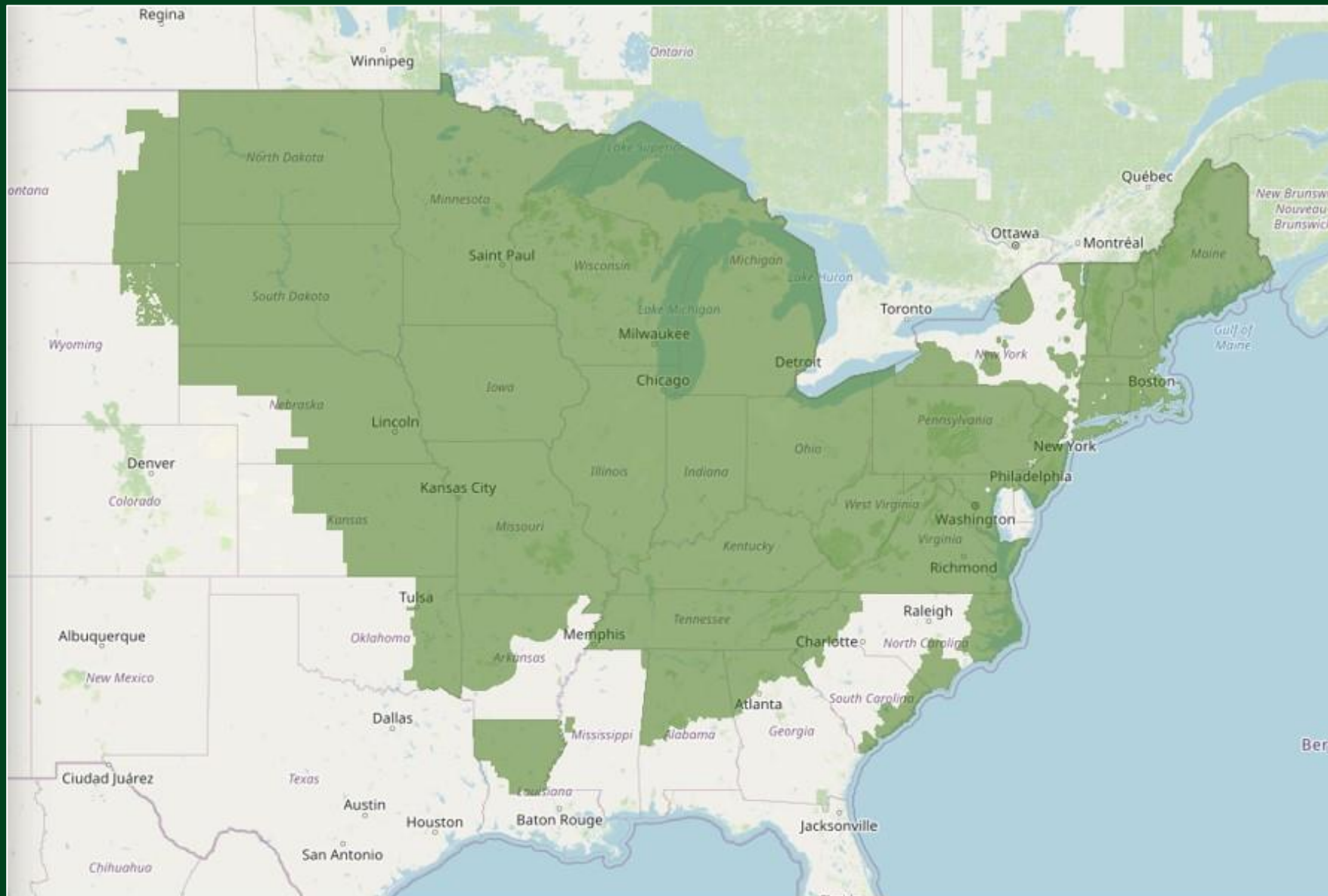


Northern Long-Eared Bat

- **Current Listing:**
 - **Federally Threatened (USFWS)**
 - **State Threatened (DWR)**
- Range includes DMV (species found in 37 states)
- Primary threat: white nose syndrome
- Hibernates in caves in winter
- Roost under bark in trees during the summer



<https://www.joelsartore.com/ani014-00185>



USFWS Range Map

USFWS range map for northern long-eared bat, *Myotis septentrionalis*
accessed March 23, 2022 at <https://www.fws.gov/species/northern-long-eared-bat-myotis-septentrionalis/map>

White Nose Syndrome

A Devastating Fungus

- *Pseudogymnoascus destructans*
- Causes bats to become active during hibernation
- Spread by bat-to-bat contact
- First Documented in 2006 in NY
- Per Proposed Rule, WNS caused estimate of 97-100% population declines across 79% of species' range



<https://www.whitenosesyndrome.org/>

USFWS Proposed Rule

- Published March 23, 2022
 - Public Comment Period Ended May 23, 2022
- Prompted by 2020 Court Order
- Proposes to relist the northern long-eared bat from threatened to endangered.
- Final Rule anticipated November 2022 and will become effective 30 days later (December 2022)
- No more 4(d) rule

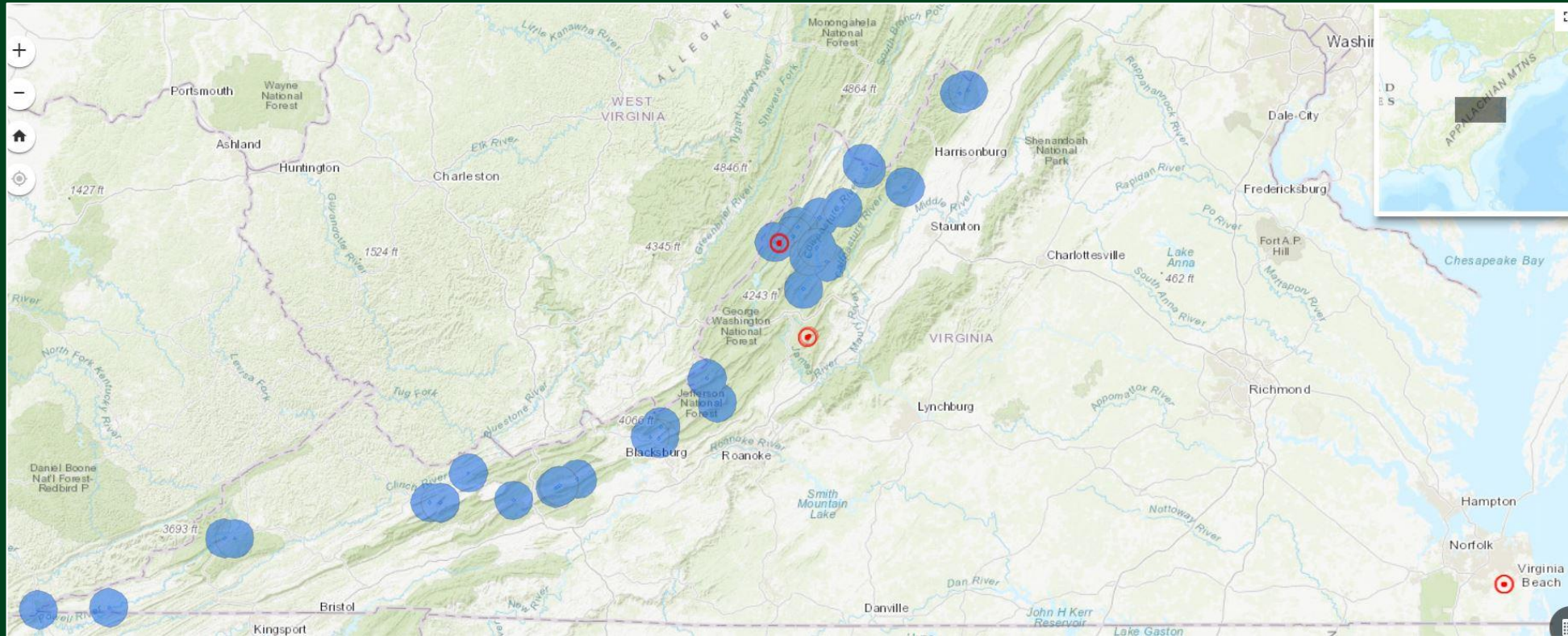
Endangered Species Act – NLEB Final 4(d) Rule



<https://fw.ky.gov/Wildlife/Pages/Northern-Long-eared-Bat.aspx>

- Prohibits tree removal:
 - Within 0.25 mile of known hibernaculum, at any time of year
 - Within 150-foot radius of a known occupied maternity roost tree during pup season (June 1 – July 31)
- Projects could rely on the 4(d) rule and the related biological opinion to avoid any Time of Year Restriction (TOYR) on tree clearing.
- Only available with a listing of Threatened

Virginia DWR – Roost Data



- In Maryland, limited to western counties (Garrett, Allegany, Washington)

Project Implications

- TOYR on tree clearing likely
Anticipated April 1 – November 14
- Clearing must be complete prior to December 2022 to avoid additional consultation
- Surveys can be conducted (Acoustic or Mist Net) to document the presence/absence of bat activity within the project area.
- Negative surveys may lift TOYR

USFWS Survey Protocols

Indiana Bat and Northern Long-Eared Bat
Survey Guidelines; Last Updated March 2022

USFWS Virginia Field Office: Gloucester, VA

Accepts either Acoustic Presence/Absence
Survey or Mist Net Survey results – No
Preference – BUT one method cannot be
used to refute the results of the other

Acoustic Survey can be used as a coarse
screening tool for a mist net survey

Summer Acoustic Survey

Survey Window: May 15 – August 15

Presence/Absence Only

If Protected Species is Documented:
Project Must Coordinate with USFWS and
adhere to TOYR

Negative Surveys valid:

- 5 years for USFWS
- 3 years for VDWR



What Next?

- Permitted Projects: Clear trees prior to December 2022 to avoid additional consultation
- Consider a bat survey for your project
 - USFWS anticipated to publish Final Rule in November 2022 – Guidance on conservation measures to follow
 - WSSI to publish Field Notes Article once more information becomes available