

Proposed Federal Listing of Northern Long-eared Bat: Implications for Minnesota & DNR Actions

Minnesota DNR briefing for Governor's Office
9/1/2014

Background

- On October 2, 2013, U.S. Fish and Wildlife Service (FWS) published a proposal to list the northern long-eared bat (NLEB) as endangered under the federal Endangered Species Act.
- The principal threat to the species is White-Nose Syndrome, a fungal disease that kills up to 99% of the bats it infects. The disease, which infects bats while in their winter caves, is spreading rapidly west across North America from the northeast U.S., and is likely to infect Minnesota bats within the next few years.
- Federal listing of the NLEB is anticipated to be effective as of May 2015. Listing would prohibit any take (includes "kill, harm, harass") of the bat without a permit.
- The NLEB winters in caves and mines, but spends spring, summer, and fall in upland forests, where it raises young in "maternity colonies" in cracks, crevices, and loose bark of trees.
- Young of this species are unable to fly for a month or more after birth, and so are vulnerable to being injured or killed by otherwise legal activities, including timber harvest, road and utility construction, and land development.
- Other threats to the NLEB include utility-scale wind turbines, pesticides, and prescribed burning.
- However, absent the threat posed by White-Nose Syndrome, timber harvest and these other human impacts do not threaten NLEB as a species.
- The timber products industry, transportation interests, and other states are all quite concerned with the proposed listing and its potential impacts.
- The FWS's regional and state office staffs have been cooperative and accessible throughout this process.

Implications for Minnesota

- FWS has released guidance to avoid take of NLEB. This guidance recommends a survey for bat maternity colonies before removing any trees over three inches in diameter between April 1st and September 30th.
- Given the number of trees removed annually throughout Minnesota, DNR has informed FWS that its recommended surveys are impractical and unrealistic. Many other states have expressed similar concerns.
- DNR has also questioned whether the data on which the FWS is basing its recommendations are adequate to support such broad restrictions.
- Sustainable forest management activities impact less than one-third of one percent of all forestland in Minnesota during April-September. Annual harvest levels across all forest ownership types have been low, at approximately 50% of maximum sustained yield, for the past nine years. Still, summer harvest is crucial to the economic health of the state's wood using industries, which require year-round supply.
- Commercial timber harvest is absolutely essential to DNR's ability to manage its forest lands, which in turn is critical to long-term ecosystem health and the provision of habitat for many species, including the NLEB—i.e., while summer timber harvest may kill individual bats, it is also the key tool in sustainably managing the NLEB's summer habitat.

Actions taken or planned by Minnesota DNR

- With funding from FWS, Minnesota DNR is monitoring the state's bats for the presence of white-nosed syndrome, and has implemented a program to prevent/slow the spread of the disease in the state.

- Minnesota DNR has submitted three comment letters to FWS, including one jointly with Wisconsin, Michigan, and Indiana. These letters expressed the concerns outlined above, requested a delay in the listing decision (which was granted), and requested increased participation by states in FWS's regulatory decisions.
- Minnesota DNR staff are meeting regularly with FWS staff to identify strategies for avoiding unnecessary regulatory impacts on timber harvest and other economic activity after the bat is listed. DNR's goal is to implement strategies that avoid unnecessary impacts on all stakeholders, public and private.
- Along with Wisconsin, Michigan, Ohio, and the Midwest Association of Fish and Wildlife Agencies, Minnesota DNR is planning an October 1-3 workshop for the 38 states affected by the NLEB listing proposal. This technical workshop's goal is to develop bat conservation strategies for use by the states and FWS.
- Minnesota DNR staff is participating in three Northern Long-eared Bat Discussion Teams (biology/ecology; threats; conservation measures) convened by FWS.
- Minnesota DNR is conducting research to better understand habitat use by the NLEB in Minnesota. In 2014, \$160,000 from multiple sources supported a pilot project conducted at Camp Ripley and on the Superior National Forest. LCCMR has recommended funding for an expanded \$1.25 million project to be conducted during 2015-2017.
- Minnesota DNR staff are also conducting extensive outreach to stakeholders, and have met with Minnesota Forest Industries, the Minnesota Association of County Land Commissioners, Enbridge Energy, and other groups to discuss the listing proposal and explain what DNR is doing in response.
- The states of Minnesota, Wisconsin, and Michigan have submitted \$1 million grant proposal to FWS to support development of a Habitat Conservation Plan for Forest Bats in the Upper Midwest.
- Minnesota DNR staff are preparing a comment letter to FWS that will support a Threatened, rather than Endangered, listing. With a Threatened listing, FWS could develop a regulatory rule that would allow tree removal to continue during summer months.