



Questions and Answers

Six-Month Extension and Re-opening Comment Period on the Proposal to List Northern Long-eared Bat as Endangered

1. What action is the U.S. Fish and Wildlife Service taking?

The U.S. Fish and Wildlife Service (Service) announced a six-month extension on the final listing determination for the northern long-eared bat (*Myotis septentrionalis*) and a reopening of the public comment period on the proposed rule to list the bat as endangered. We are taking this action based on substantial disagreement regarding the sufficiency and accuracy of the available data relevant to our determination regarding the proposed listing. Notice of the extension published in the *Federal Register* on June 30, 2014, and opened a 60-day public comment period to allow opportunity for agencies, groups and interested people to comment on the proposal and provide us with new information. The 60-day comment period ends on August 29, 2014.

2. Why is the Service extending the deadline on the decision to list the northern long-eared bat as endangered, and is that a normal part of the rulemaking process?

We have received many comments that offer different interpretations of our data and question our interpretation of the data. Commenters have questioned our analysis of the northern long-eared bat's population levels and trends, our projection of the rate that white-nose syndrome may spread and the threat posed by white-nose syndrome to this bat.

The Service can extend our deadline by six months if there is "substantial disagreement regarding the sufficiency or accuracy of the available data relevant to the determination" to solicit additional information. While such an extension is not used often, it is a legal part of the rulemaking process under section 4(6)(B)(i) of the Endangered Species Act (ESA).

3. What scientific data and analysis did the Service use to evaluate the status of the northern long-eared bat?

As our biologists reviewed the status of the northern long-eared bat and developed our listing proposal, we made a significant effort to obtain the best available scientific information, including contacting all state fish and wildlife agencies within the species' range to request survey data and any other available information. In addition, we recently sent out an additional request for updated survey information to these same contacts within state fish and wildlife agencies. Our analysis involved using published models, in consultation with white-nose syndrome experts, to assess risk to this bat from white-nose syndrome and to project the disease's rate of spread.

4. Is it likely that if the northern-long eared bat is listed as endangered, timber harvest during the bats' summer breeding season would not be allowed?

No, it is not likely that all timber harvests would be prevented during the bat's breeding season. Sustainable forest management can provide habitat for northern long-eared bats.

Concerns about the effect of listing the northern long-eared bat on timber harvests seems to stem from voluntary guidance that we prepared for federal agencies - Northern Long-eared Bat Interim Conference and Planning Guidance, issued January 6, 2014. The Service developed this voluntary

guidance in direct response to questions we received from a variety of partners, particularly federal agencies, which have specific responsibilities under section 7 of the ESA. The guidance provides advice and voluntary conservation options that project planners may consider. It was intended to be used primarily by federal agencies during the time that this bat is proposed for listing, although the guidance also provides voluntary suggestions for non-federal entities. The conservation measures identified in the guidance will not become blanket requirements if the northern long-eared bat is listed as endangered. Instead, the conservation measures we presented provide a list of possible conservation options that may be used, depending on site specific conditions, to minimize impacts to the bat and its habitat.

The Service is committed to using the regulatory flexibility available under the ESA to minimize or avoid economic impacts while meeting our obligations to conserve imperiled species. We have a strong record of working with others using the various tools and options available to us, and we will use every opportunity to do so with respect to the northern long-eared bat. We are committed to practical solutions that focus conservation efforts where they are most needed and effective.

5. When will the final decision on listing be made?

A final decision will be made no later than April 2, 2015.

6. How do I comment on the proposed rule?

The 60-day comment period ends on August 29, 2014. You may submit comments by one of the following methods:

(1) Electronically: Federal Rule-making portal - <http://www.regulations.gov> - In the Keyword box, enter Docket No. FWS-R5-ES-2011-0024, which is the docket number for the rulemaking. Then, in the Search panel on the left side of the screen, under the Document Type heading, click on the Proposed Rules link to locate this document. You may submit a comment by clicking on "Send a Comment or Submission." If your comments will fit in the provided comment box, please use this feature of <http://www.regulations.gov>, as it is most compatible with our comment review procedures. If you attach your comments as a separate document, our preferred file format is Microsoft Word. If you attach multiple comments (such as form letters), our preferred format is a spreadsheet in Microsoft Excel; or

(2) By hard copy: Submit by U.S. mail or hand-delivery to: 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.

We will accept and consider comments and information we receive or postmarked on or before the closing date. We must receive comments submitted electronically using the Federal eRulemaking Portal by 11:59 p.m. Eastern Time on August 29, 2014.

Please send your comments **only** by the methods described above. We will not accept verbal comments left on phone voicemail or comments sent to other postal or email addresses. The Service will post all information received on <http://www.regulations.gov>. This generally means that the Service will post any personal information you provide.

7. Is there specific information that the Service would like to receive?

We intend that any final action resulting from the proposal be as accurate as possible and based on the best available scientific and commercial data. In consideration of the scientific disagreements about the data used to support the proposed rulemaking, we are particularly interested in new information and comment regarding:

- (1) Whether we have appropriately interpreted the scientific studies cited in the proposed rule, and whether there is additional scientific information not considered in the proposal.
- (2) Northern long-eared bat population trends in each state or rangewide.
- (3) Information pertaining to white-nose syndrome, specifically:
 - (a) the predicted probability that white-nose syndrome will spread to currently unaffected areas;
 - (b) the predicted rate of white-nose syndrome spreading to currently unaffected areas;
 - (c) the magnitude of impacts specifically to the northern long-eared bat from white-nose syndrome, both in affected and currently unaffected areas; and
 - (d) the timeframe of response to white-nose syndrome in recently affected or currently unaffected areas.
- (4) Conservation efforts for the northern long-eared bat that are planned or currently being implemented that were not already stated in comments submitted during the previous comment period.

If you previously submitted comments or information on the proposed rule, please do not resubmit them. We have incorporated previously submitted comments into the public record, and we will fully consider them in the preparation of our final determination. Our final determination concerning the proposed listing will take into consideration all written comments and any additional information we receive.

8. Where can I learn more about the northern long-eared bat and the proposal to list it as endangered?

Information is online at <http://www.fws.gov/midwest/endangered/mammals/nlba> or you may contact the U.S. Fish and Wildlife Service's Twin Cities Field Office at:

Lisa Mandell, Deputy Field Supervisor
U.S. Fish and Wildlife Service
Twin Cities Ecological Services Office
4101 American Blvd. East, Bloomington, MN 55425
Telephone: (612)725-3548, ext. 2201
FAX: 612-725-3609

If you use a telecommunications device for the deaf (TDD), call the Federal Information Relay Service (FIRS) at 800-877-8339.