



The Land Improvement Contractors of America

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LICA Position Paper opposing the proposed listing of the Northern Long-Eared (NLEB) Bat as an endangered species.

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In a Federal Register Notice (78 Fed. Reg. 61046) published by the Department of Interior's Fish and Wildlife Service (FWS), they propose listing the Northern Long-Eared Bat (NLEB) as an endangered species. While LICA supports the protection of truly endangered flora and fauna, we are convinced the Northern Long-Eared Bat (NLEB) does not deserve that classification.

The NLEB's range is 38 States and DC. They are AL, AR, CT, DE, FL, GA, IL, IA, IN, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NH, NJ, NY, NC, ND, OH, PA, RI, SC, SD, TN, VA, VT, WV, WI, WY and DC. The sole threat to these bat's populations is a fungal disease discovered in 2006 called White Nose Syndrome (WNS), which is not caused by humans. Unfortunately there is not yet a cure for WNS.

While LICA is concerned by the spread of WNS and the impacts on the NLEB, we believe that all measures should be appropriately tailored, based on sound scientific data, and inclusive of input from all the appropriate state agencies in the states involved. Based on comments submitted on the proposed listing, there is significant scientific disagreement over the bat's population levels and trends, and the spread and effect of WNS on the species. Although the FWS solicited comments on the proposed listing, it did not afford those state agencies an opportunity to assist in the drafting of the Interim Conference and Planning Guidance (ICPG) as Section 6 of the Endangered Species Act requires. The ICPG is overly restrictive and too broad to be used as consultation guidance, particularly if applied to non-federal lands, where most LICA Contractors work.

The Endangered Species Act (ESA) is not well structured to address non-human threats such as WNS, so the FWS will likely focus on all conceivable human-induced impacts to try and slow the population decline, even though the FWS recognizes that human activities have never had an appreciable effect on the species to date. Despite that the FWS acknowledges the NLEB is not in jeopardy of extinction on account of any human-induced impacts, it is difficult to imagine any sector of the economy in the NLEB's range that would escape restrictions designed to protect the species. An endangered listing would affect virtually every segment of the economy in the states affected, as it would severely restrict activities associated with home building, commercial development, agriculture, energy development, and manufacturing. These are the activities that many LICA Contractors work in. The impacts to the economy are avoidable however, if the FWS complies with its statutory mandate to evaluate the best available scientific information, and consider the information the affected stakeholders have provided in comments.

LICA believes legitimate questions exist as to whether the FWS is using the best science available in evaluating the impacts of WNS on the NLEB. As a number of commenters on the proposed listing have demonstrated, the available information does not support listing the species as endangered. There is significant scientific disagreement over the bat's population levels and trends, and the spread and effect of the WNS on the species. LICA believes that a good-faith review of the stakeholder comments will lead the FWS to agree that its proposed listing is incorrect.

LICA opposes the proposed listing of the Northern Long-Eared Bat as endangered.