



# NATIONAL ASSOCIATION OF STATE FORESTERS

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May 23, 2022

Public Comments Processing  
Attn: FWS-R3-ES-2021-0140  
U.S. Fish and Wildlife Service  
MS: PRB/3W, 5275 Leesburg Pike  
Falls Church, VA 22041-3803

Docket No. FWS-R3-ES-2021-0140  
RIN 1018-BG14; 50 CFR Part 17

## **Endangered and Threatened Wildlife and Plants; Endangered Species Status for Northern Long-Eared Bat**

Dear Sir/Madam:

The National Association of State Foresters (NASF) is pleased to provide comments on the US Fish and Wildlife Service (USFWS) proposal to change the listing status of the northern long-eared bat (NLEB) from threatened, to endangered under the Endangered Species Act (ESA).

NASF's membership is composed of the directors of forestry agencies in the 50 states, five U.S. territories, three nations in compacts of free association with the U.S., and the District of Columbia. These agencies protect and help manage over 500 million acres of forest across the U.S., hand-in-hand with local governments, individuals, and families. They also regularly contribute to the management and protection of federal forest lands.

How the ESA and subsequent rulemaking is interpreted and enforced can significantly affect how, and if, forests nationwide are appropriately managed. This is because many of the species conserved with ESA protections depend on forested landscapes. NASF has a substantial interest in how ESA provisions are applied and what effects they have. NASF also supports an updated ESA that encourages greater cooperation, more efficient regulatory processes, and a renewed emphasis on sound science in the management of threatened or endangered plants and animals.

Over the decades since ESA was enacted, NASF has observed how ESA provisions affect approaches to forest management, the costs of forest management, the overall health of forests and forest-dependent species. ESA requirements that make it more expensive and/or more difficult to manage forests can have the unintended consequence of accelerating the conversion of forests to other land types and uses, potentially resulting in permanent loss of wildlife habitat.

***For this reason, it is critical the USFWS continues to recognize and cite the importance of forest management and silviculture as being vital to the long-term survival and recovery of the NLEB,***

**Executive Director**  
Jay Farrell

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***by maintaining the findings in the current section 4(d) rule, allowing working forests and collaborative forest management to continue to provide conservation benefits for the recovery of the NLEB in the final rule.***

Principal habitat for NLEB includes forested areas throughout a large region of the country that provide roosting sites underneath the bark of trees. As such, there is the potential that prohibitions from incidental take during tree removal can have a profound negative impact on sustainable forest management throughout the NLEB range.

We understand the need to change the listing based on the severe impact that White-Nose Syndrome (WNS) has had on the species. We fully support the efforts of the WNS National Response Team and stand ready to assist that effort if there is a beneficial role for our members. We also understand that this change will eliminate the current 4(d) rule that allows incidental take outside of hibernacula during tree removal following certain parameters. We are encouraged by the USFWS commitment to build on past efforts for “*working with stakeholders to conserve the bat while allowing economic activities within the range to continue to occur.*”

Healthy, productive and sustainable forest resources will continue to be essential for any future recovery of the NLEB. At the same time, the maintenance of forested ecosystems supports a complex suite of plants and animals that are important to the citizenry for multiple reasons – economic, environmental and social. ***Subsequent protocols, critical habitat designations and other decisions made by the USFWS with regards to NLEB recovery efforts in their final rulemaking, should recognize the health of these ecosystems, landscapes, and species as interconnected and not simply focus on a single endangered species that is in decline primarily because of WNS, and not as a result of loss of habitat. Furthermore, the USFWS should more closely evaluate the need for a critical habitat designation when loss of habitat is not the prevailing reason for the decline of a species.***

To keep these forested areas intact requires that landowners be able to generate the income necessary to retain these lands and to continue improving their resilience to climate change and other threats by implementing active forest management. Active forest management inevitably requires tree removal in a carefully planned, scientifically based manner. Forest management strategies focused on resilience include promoting species and age class diversity, actively managing for optimal forest health and creating or retaining suitable pathways for species migration. ***Decisions on how best to manage the recovery of NLEB must continue to allow for active forest management including tree removal outside of hibernacula under workable protocols.***

***The USFWS final rule should include support for working collaboratively with forest owners, where appropriate, to develop streamlined agreements, including Habitat Conservation Plans, that provide regulatory assurances to landowners and recognize that forest management is vital to the long-term survival and recovery of the NLEB.***

Thank you for this opportunity to share our views. We would be pleased to answer any questions and would welcome any follow-up communications.

Sincerely,

A handwritten signature in blue ink that reads "Christopher B. Martin". The signature is written in a cursive style with a large initial 'C' and a distinct 'B'.

Christopher Martin  
NASF President  
Connecticut State Forester