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Northern Long-Eared Bat/Endangered Species Act: John Metrailer, Pollution Management, Inc. Reminder/Update

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In the Spring of 2015, the United States Fish and Wildlife Service ("Service") determined threatened species status under the Endangered Species Act ("ESA") for the Northern Long-Eared bat ("bat").

The Service's decision is relevant to Arkansas since the bat's range includes parts of the state.

The Service noted in the April 2nd Federal Register Notice in regards to the bat's distribution that:

... in the United States, the species' range reaches from Maine west to Montana, south to Eastern Kansas, Eastern Oklahoma, Arkansas, and east to South Carolina ...

An interim 4(d) rule was promulgated that arguably represented an attempt by the Service to address industrial/commercial interests and environmental/conservation concerns.

John Metrailer, a Project Engineer with Pollution Management, Inc. of Little Rock, Arkansas forwarded a reminder/update regarding this regulatory development. Mr. Metrailer notes:

On April 2, 2015, The U.S. Fish and Wildlife Service determined threatened species status under the Endangered Species Act of 1973 for the northern long-eared bat. White nose syndrome is an emergent disease of hibernating bats and is the predominant threat to the species. The USFWS determination established an interim rule under the authority of section 4(d) of the Endangered Species Act to provide measures necessary for the conservation of northern long-eared bats. The interim 4(d) rule prohibits the purposeful take of the species. In areas not affected by white nose syndrome, all incidental take from lawful activity is excepted from the prohibition. In areas currently affected by white nose syndrome, all incidental take prohibitions apply. The interim 4(d) rule is expected to be replaced by a final rule in early 2016.

The northern long eared bat is a medium-sized bat about 3 to 3.7 inches with a wingspan of 9 to 10 inches. Its fur color can be medium to dark brown on the back and pale-brown on the underside. As its name suggests, this bat is distinguished by its long ears. There are approximately 41 hibernacula for the species documented in Arkansas. White nose syndrome has been confirmed within six counties within the state: Franklin, Independence, Marion, Newton, Stone, and Searcy. White nose syndrome is suspected within five counties within the state: Baxter, Garland, Madison, Polk, and Washington. The USFWS Arkansas Field Office has a northern long-eared bat consultation area map and survey guidance document located on their website at <http://www.fws.gov/arkansas-es/>. These documents will be updated when the final rule is issued.