Bat Conservation Strategy for the State of Arkansas/Endangered Species Act: U.S. Fish and Wildlife Service Biological Opinion



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06/29/2026

An Arkansas environmental professional recently referenced in a meeting I was attending two documents that were issued in early 2026 titled:

- *Biological Opinion - Bat Conservation Strategy for the State of Arkansas 2025.*
- *Bat Conservation Strategy for the State of Arkansas* ("Strategy").

The documents were prepared by the United States Fish and Wildlife Service ("Service") Arkansas Ecological Services Field Office ("AFO").

The Strategy notes by way of introduction that it was developed as:

… a suggested framework for Federal agencies and project proponents (collectively referred to as "proponents") to account for the loss of forested habitat important for certain federally listed, forest-dwelling bat species in the State of Arkansas.

AFO states that the Strategy will be implemented as a means of enhancing the conservation and recovery in Arkansas of the following species:

- Indiana bat
- northern long-eared bat

The Strategy is stated to provide proponents with:

- Flexibility to address adverse effects from their projects.
- Facilitates meaningful conservation and recovery actions for the covered species in Arkansas.
- Establishes an Endangered Species Act ("ESA") Section 7 nexus and the associated programmatic biological opinion, recovery-focused conservation options that a proponent can voluntarily select and use to help:
- Recover the species.
- Enable sustainable development.
- Efficiently comply with section 7(a)(2) of the ESA.

The coverage area for the Strategy is stated to include:

- Entire State of Arkansas.
- 20-mile buffer into the surrounding states of:

- Louisiana.
- Texas.
- Oklahoma.
- Missouri.
- Tennessee.
- Mississippi.

Note that a Biological Opinion is the document prepared by the Service as part of the formal consultation process, to be issued at the culmination of this consultation process. In general, a Biological Opinion is required for any project that is estimated to adversely affect an ESA-listed plant or animal species (i.e., construction activity, etc.).

Depending on the species in question, the Service issues a Biological Opinion on the effects of the proposed action on the ESA-listed species. If the agency concludes that the species will be unaffected, the proposed action receives a n-jeopardy Biological Opinion and continues as planned. If the proposed action is found to jeopardize a species, the federal government may propose alternatives, require additional mitigation measures, or deny the project. If the proponent can modify the project to align with the proposed alternatives and/or satisfy the recommended mitigation requirements, the proposed action can proceed.

One estimate is that nationally at least two-thirds of the federally listed ESA species have some habitat on private land. Consequently, the Service developed tools and incentives that is believes protects the interests of private landowners while encouraging management activities that benefit listed and other at-risk species.

Congress amended the ESA in 1982 to add an exemption for incidental take of listed species that result from non-federal activities. Non-federal entities can utilize a Habitat Conservation Plan that allows public and private sectors to work with the Service to:

- Address listed and at-risk species in an ecosystem context.
- Generate long-term commitments to conserve such species.
- Deliver regulatory assurances to project proponents.

The Habitat Conservation Plan is the planning document designed to accommodate economic development to the extent possible by authorizing limited and unintentional take of listed species when it occurs incidental to otherwise lawful activities. The Habitat Conservation Plan in general does the following:

- Describes the anticipated effects of the proposed taking.
- How the impacts will be minimized and mitigated.
- How the conservation measures included in the Plan will be funded.

A copy of the Strategy and the Biological Opinion can be found here.