

Fisher Insight

RECLASSIFYING THE NORTHERN LONG-EARED BAT

UPDATE AS OF 1/26/2023 –

THE U.S. FISH AND WILDLIFE SERVICES (USFWS) IS DELAYING THE EFFECTIVE DATE TO RECLASSIFY THE NORTHERN LONG-EARED BAT AS ENDANGERED FROM JANUARY 30, 2023 TO MARCH 31, 2023. THIS MEANS THAT THE 4(D) RULE WILL STILL BE IN EFFECT UNTIL MARCH 31, 2023.

Once the reclassification to endangered occurs, the 4(d) rule will no longer be in effect, and the existing framework and biological opinion will no longer apply. The reclassification extension will allow the USFWS to finalize conservation tools and guidance.

Fisher's Environmental Team is closely monitoring the updated framework for the project review process. Given the historic range of this species, which includes 37 states in the eastern and north-central United States, the District of Columbia, and most of Canada, this re-listing has the potential to impact projects across the Transportation, Energy, and Land Development Sectors. As experts in threatened and endangered species surveys and environmental impact analysis, we look forward to continuing to successfully guide clients through the USFWS process.

Reach out to Brook Bertig-Coll at Fisher if you have any questions about how this change may impact your current and future projects.

The full Action on the final rule; delay of effective date is available on the Federal Register: www.federalregister.gov/documents/2023/01/26/2023-01656/endangered-and-threatened-wildlife-and-plants-endangered-species-status-for-northern-long-eared-bat



April 24, 2022 - In March, the U.S. Fish and Wildlife Service (USFWS) issued a proposal to reclassify the northern long-eared bat (NLEB) as endangered under the Endangered Species Act. The bat, which is currently listed as threatened, faces extinction due to the impacts of white-nose syndrome, habitat loss, and climate change effects. The USFWS believes that the species is in danger of extinction throughout the entirety of its range.

Current status:

The Endangered Species Act (ESA) Section 4(d) Rule currently allows incidental take associated with lawful tree clearing activities. However, this rule will no longer be in effect once the NLEB species is officially listed as endangered, which is anticipated later this year.

What next?

As experts in threatened and endangered species surveys and environmental impact analysis, Fisher's environmental team is closely monitoring this proposal. Given the historic range of this species, which includes about the eastern two-thirds of the United States and most of Canada, this re-listing has the potential to impact projects across the transportation, energy, and land development sectors.

🗨️ Contact Fisher Associate's Director of Environmental, Brook Bertig-Coll (bbertigcoll@fisherassoc.com) if you have questions about how this change may impact your projects.