



United States Department of the Interior



FISH AND WILDLIFE SERVICE

5600 American Boulevard West, Suite 990
Bloomington, Minnesota 55437-1458

IN REPLY REFER TO:

FWS/AES/TE/DTS057416

JUN - 2 2014

Honorable Glenn 'GT' Thompson
House of Representatives
Washington, D.C. 20515

Dear Mr. Thompson:

This letter is in response to your correspondence of May 14, 2014, regarding the U.S. Fish and Wildlife Service's (Service) October 2, 2013 proposal to list the northern long-eared bat as an Endangered Species pursuant to the Endangered Species Act (ESA). An identical letter is being sent to each member of the Pennsylvania Delegation who signed the original correspondence.

Your letter notes that White-Nose Syndrome (WNS) is the lone basis for our proposed listing of the northern long-eared bat as endangered, but that economic activities that would be most affected by the listing have had little impact on population numbers or the decline of the species. We agree that no other threat to the species is as severe or immediate as WNS, and that absent WNS we would not anticipate that the species would warrant listing. However, under the listing criteria set forth in the ESA, only one threat (depending on level of impact to species) may warrant listing of a species. While there have been other, less severe threats to the species identified (*e.g.*, cave modifications, human disturbance in caves, summer habitat modification, and wind power development), WNS appears to be the predominant threat facing this species.


With regard to potential impacts to economic activities if the northern long-eared bat is listed, the Service is committed to utilizing the regulatory flexibility available under the ESA to minimize or avoid economic impacts while meeting our responsibility to conserve the species. We believe we have a strong record of working with others to utilize the various tools and options available to us, and we would look for every opportunity to do so respecting this species. Our experience is that there are effective, implementable, common-sense solutions to conserve listed species. We view the economic activities and industries you cite in your letter as potential partners in conservation, not as adversaries or obstacles. We are committed to practicable solutions that focus conservation efforts where they are most needed and effective. We will work with all constituencies to accomplish this in the spirit of cooperation and partnership.

In your letter, you request that the Service obtain a six-month extension of time to make the final listing decision. Please note that the ESA provides very specific criteria for such an extension; we may extend our deadline for up to 6 months only when "there is substantial disagreement regarding the sufficiency or accuracy of the available data relevant to the determination," 16 U.S.C. 1533(b)(6)(B)(i). We have examined the comments received on the Proposed Rule, and are initially inclined to agree that an extension is warranted. However, we must carefully consider and document this finding before publishing any Notice of an extension in the Federal Register. We anticipate finalizing this decision in the coming days or weeks. A 6-month extension would create a new deadline of April 2, 2015, for the Service to make its final determination on the listing proposal.

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You or your staff may contact me, or our Midwest Regional Office, (612) 713-5301 if you have any questions or need additional information regarding this matter.

Sincerely,

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Thomas O. Melius
Regional Director



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IN REPLY REFER TO:

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JUN - 2 2014

Honorable Mike Kelly
House of Representatives
Washington, D.C. 20515

Dear Mr. Kelly:

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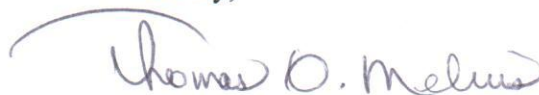
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Thomas O. Melius
Regional Director



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IN REPLY REFER TO:

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JUN - 2 2014

Honorable Bill Shuster
House of Representatives
Washington, D.C. 20515

Dear Mr. Shuster:

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Thomas O. Melius
Regional Director



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JUN - 2 2014

Honorable Tom Marino
House of Representatives
Washington, D.C. 20515

Dear Mr. Marino:

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JUN - 2 2014

Honorable Scott Perry
House of Representatives
Washington, D.C. 20515

Dear Mr. Perry:

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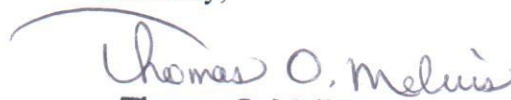
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Regional Director



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IN REPLY REFER TO:

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JUN - 2 2014

Honorable Keith Rothfus
House of Representatives
Washington, D.C. 20515

Dear Mr. Rothfus:

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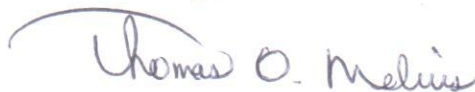
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JUN - 2 2014

Honorable Tim Murphy
House of Representatives
Washington, D.C. 20515

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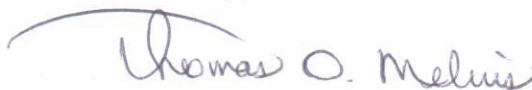
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Honorable Lou Barletta
House of Representatives
Washington, D.C. 20515

Dear Mr. Barletta:

This letter is in response to your correspondence of May 14, 2014, regarding the U.S. Fish and Wildlife Service's (Service) October 2, 2013 proposal to list the northern long-eared bat as an Endangered Species pursuant to the Endangered Species Act (ESA). An identical letter is being sent to each member of the Pennsylvania Delegation who signed the original correspondence.

Your letter notes that White-Nose Syndrome (WNS) is the lone basis for our proposed listing of the northern long-eared bat as endangered, but that economic activities that would be most affected by the listing have had little impact on population numbers or the decline of the species. We agree that no other threat to the species is as severe or immediate as WNS, and that absent WNS we would not anticipate that the species would warrant listing. However, under the listing criteria set forth in the ESA, only one threat (depending on level of impact to species) may warrant listing of a species. While there have been other, less severe threats to the species identified (*e.g.*, cave modifications, human disturbance in caves, summer habitat modification, and wind power development), WNS appears to be the predominant threat facing this species.

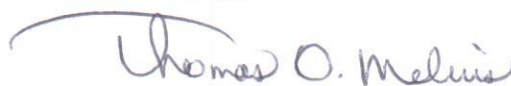
With regard to potential impacts to economic activities if the northern long-eared bat is listed, the Service is committed to utilizing the regulatory flexibility available under the ESA to minimize or avoid economic impacts while meeting our responsibility to conserve the species. We believe we have a strong record of working with others to utilize the various tools and options available to us, and we would look for every opportunity to do so respecting this species. Our experience is that there are effective, implementable, common-sense solutions to conserve listed species. We view the economic activities and industries you cite in your letter as potential partners in conservation, not as adversaries or obstacles. We are committed to practicable solutions that focus conservation efforts where they are most needed and effective. We will work with all constituencies to accomplish this in the spirit of cooperation and partnership.

In your letter, you request that the Service obtain a six-month extension of time to make the final listing decision. Please note that the ESA provides very specific criteria for such an extension; we may extend our deadline for up to 6 months only when "there is substantial disagreement regarding the sufficiency or accuracy of the available data relevant to the determination," 16 U.S.C. 1533(b)(6)(B)(i). We have examined the comments received on the Proposed Rule, and are initially inclined to agree that an extension is warranted. However, we must carefully consider and document this finding before publishing any Notice of an extension in the Federal Register. We anticipate finalizing this decision in the coming days or weeks. A 6-month extension would create a new deadline of April 2, 2015, for the Service to make its final determination on the listing proposal.

You requested that if the Service continues to believe that the northern long-eared bat "warrants listing or necessary tools for protection," that the Service should list the species as "threatened." You note that such a designation would enable the Service to promulgate a special "4(d) rule" to address the threat of WNS "while allowing activities that minimally affect the bat to continue." We thank you for this comment, and assure you that we are weighing all options available to us under the ESA. The rulemaking process we follow to list a species under the ESA demands that we not pre-determine the final decision. We are currently evaluating all of the information received during the comment period. The terms "endangered" and "threatened" are defined in the ESA, and these statutory definitions do not afford us the ability to consider the economic impact of a listing. Rather, we must determine whether the species is "in danger of extinction" (Endangered) or, alternatively, "likely to become an endangered species within the foreseeable future" (Threatened). Ultimately, our final listing decision must be based "solely on the basis of the best scientific and commercial data available" 16 U.S. C. 1533(b)(1)(A). If, after our analysis is complete, we determine that a threatened status is more appropriate than the proposed endangered status, then we will also consider whether a 4(d) rule is necessary and advisable to the conservation of the species.

You or your staff may contact me, or our Midwest Regional Office, (612) 713-5301 if you have any questions or need additional information regarding this matter.

Sincerely,



Thomas O. Melius
Regional Director



United States Department of the Interior



FISH AND WILDLIFE SERVICE

5600 American Boulevard West, Suite 990
Bloomington, Minnesota 55437-1458

IN REPLY REFER TO:

FWS/AES/TE/DTS057416

JUN - 2 2014

Honorable Charles Dent
House of Representatives
Washington, D.C. 20515

Dear Mr. Dent:

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With regard to potential impacts to economic activities if the northern long-eared bat is listed, the Service is committed to utilizing the regulatory flexibility available under the ESA to minimize or avoid economic impacts while meeting our responsibility to conserve the species. We believe we have a strong record of working with others to utilize the various tools and options available to us, and we would look for every opportunity to do so respecting this species. Our experience is that there are effective, implementable, common-sense solutions to conserve listed species. We view the economic activities and industries you cite in your letter as potential partners in conservation, not as adversaries or obstacles. We are committed to practicable solutions that focus conservation efforts where they are most needed and effective. We will work with all constituencies to accomplish this in the spirit of cooperation and partnership.

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Sincerely,



Thomas O. Melius
Regional Director