



United States Department of the Interior

FISH AND WILDLIFE SERVICE

1875 Century Boulevard
Atlanta, Georgia 30345

AUG 27 2014

Liz Agpaoa
Regional Forester
USDA Forest Service
1720 Peachtree Road NW
Atlanta, GA 30309

Dear Ms. Agpaoa:

The U.S. Fish and Wildlife Service (Service) is responding to your letter dated August 4, 2014, which requests Service concurrence with your determination that continued implementation of Forest Service Southern Region Land and Resource Management Plans (Forest Plans) is not likely to jeopardize the continued existence of the northern long-eared bat (NLEB). The Service has proposed to classify the NLEB as endangered under the Endangered Species Act (ESA) (78 FR 61046-61080). Under 50 CFR § 402.10(a), Federal agencies shall confer with the Service on any action that is likely to jeopardize the continued existence of any proposed species. Service concurrence with “no jeopardy” determinations for proposed species, such as you have provided, is not required; however, under 50 CFR § 402.10(b), the Service may request a conference with a Federal agency if, after a review of available information, it determines that a conference is required.

We have reviewed the report and spreadsheet enclosed with your letter. The report describes the broad categories of Forest Service activities that may affect NLEB on the Southern Region National Forests that are within the range of the species. It lists examples of existing Forest Plan standards that are designed to avoid and minimize impacts to forest-dwelling bats. The spreadsheet lists for each Forest Plan the maximum annual acreage for management practices that may affect the NLEB (e.g., even-aged timber management, uneven-aged management, thinning, prescribed burning, etc.). None of the practices described result in a permanent loss of NLEB habitat, and we agree that the probability of NLEB mortality associated with these practices is generally low, but not always discountable. Prior to the onset of the white-nose syndrome epizootic, the NLEB was common or abundant in many parts of its range, and it is unlikely that forest habitat availability is limiting current populations. However, because the best available science indicates that white-nose syndrome has affected and will continue to affect the survival of the NLEB, the ESA requires us to consider and address all threats to the species, including forest management activities. Based on our review of your determination and our current understanding of the biology and conservation needs of the NLEB, we have determined  that a conference is not required for actions taken on Southern Region National Forests consistent with current Forest Plans while the NLEB is proposed for listing. The Service intends to make a listing decision by April 2, 2015.

Although a conference is not required, your letter acknowledges the potential for adverse effects, including a low probability of direct mortality, resulting from actions taken to achieve the objectives of Southern Region Forest Plans consistent with their current standards and guidelines. If the NLEB is listed, such actions would then require formal consultation. Anticipating this possibility, our staffs have been discussing a voluntary conference addressing all Southern Region Forest Plans that would follow the procedures for formal consultation (50 CFR § 402.14). The voluntary conference would begin upon Service receipt of a written request that includes all of the information necessary to initiate formal consultation (50 CFR § 402.14(c)). The description of the proposed action under this request may include proposed modifications of or additions to Forest Plan standards and guidelines that would conserve the NLEB in furtherance of the purposes of the ESA. The voluntary conference would conclude with a conference opinion. Should the NLEB be listed, the Forest Service may request confirmation of the conference opinion in writing. Upon this request, the Service may adopt the conference opinion as the biological opinion issued through formal consultation if no significant changes have occurred in either the proposed action or the information used in the conference.

We look forward to working with the Forest Service on the conservation of the NLEB. Please contact Jerry Ziewitz, Southeast Region Section 7 Coordinator (850-877-6513) if you have any questions about this letter or for further coordination.

Sincerely,



Roxanna Hinzman
Chief, Division of Environmental Review

cc:

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