

Congress of the United States
Washington, DC 20515

December XX, 2022

The Honorable Rosa DeLauro
Chair
House Committee on Appropriations
H-307 The Capitol
Washington, D.C. 20515

The Honorable Kay Granger
Ranking Member
House Committee on Appropriations
1036 Longworth H.O.B
Washington, D.C. 20515

The Honorable Patrick Leahy
Chairman
Senate Committee on Appropriations
S-128 The Capitol
Washington, D.C. 20510

The Honorable Richard Shelby
Vice Chairman
Senate Committee on Appropriations
S-128 The Capitol
Washington, D.C. 20510

Dear Chair DeLauro, Ranking Member Granger, Chairman Leahy and Vice Chairman Shelby:

We write to ask you include a provision in any end-of-year spending packages that prohibits federal funding for listing the northern long-eared bat (NLEB) as endangered under the Endangered Species Act (ESA).

The NLEB is found across much of the eastern and north central United States. The species' range includes 37 states and approximately 300 million acres of private forest land. White-nose syndrome (WNS), a fungal disease known to affect bats, is currently the predominant threat to the species, especially throughout the Northeast where the species population has declined by up to 99 percent from pre-white-nose syndrome levels at many hibernation sites. The fungus that causes the disease, *Pseudogymnoascus destructans* (Pd), invades the skin of bats. The infection leads to increases in the frequency and duration of awakenings during hibernation causing the eventual depletion of fat reserves needed to survive winter and resulting in mortality.¹

Due to species declines, the bat was listed as a threatened species in May 2015 and is managed under a species specific 4(d) rule. The rule strikes a balance between species conservation and economic activity, allowing for actions that result in low levels of take that do not threaten the species' continued existence. In March 2022, the U.S. Fish and Wildlife Service (Service) proposed to up-list the bat to endangered. If finalized, this up-listing would invalidate the 4(d) rule, imposing heavy-handed restrictions and new bureaucratic red tape and restricting actions in the bat's range from taking place.

The restrictions that will accompany this up-listing of the NLEB as endangered could have significant negative economic and ecological impacts. Restrictions could include prohibiting timber harvesting in the summer months and creating buffer zones in certain areas. These restrictions would significantly harm timber producers and local economies and will result in worsened forest conditions. In fact, forest management can be beneficial to bat species by maintaining or increasing suitable roosting and foraging

¹ 87 Federal Register 16442, March 23, 2022, <https://www.federalregister.gov/documents/2022/03/23/2022-06168/endangered-and-threatened-wildlife-and-plants-endangered-species-status-for-northern-long-eared-bat>

habitat. Researchers have noted that bat communities respond positively to active forest management as it provides diverse structure across a landscape (Vindigni et al. 2009).²

Unfortunately, forest management activities are not the only actions that could be impacted by this up-listing. Restrictions could impact wind energy construction, mining activities, oil and gas development, agricultural practices including grazing, and more within the bats range. Despite the possibility of significant restrictions on these activities being imposed as the result of an endangered listing, these activities are not significantly impacting the NLEB. In the Service’s March 2022 proposal to list the NLEB as endangered, it clearly explains how “WNS has been the foremost stressor on the northern long-eared bat for more than a decade.”³

Even though human activity does not have a significant impact on the bat, landowners are about to be punished and could suffer economic harm as a result of this up-listing. For that reason, we urge you to include a funding prohibition in any end-of-year spending package to prevent an endangered listing for the NLEB under the ESA.

We greatly appreciate your consideration of this request.

Sincerely,

Bruce Westerman
Member of Congress

Pete Stauber
Member of Congress

Tom Tiffany
Member of Congress

Cc: The Honorable Nancy Pelosi
The Honorable Kevin McCarthy
The Honorable Charles Schumer
The Honorable Mitch McConnell
The Honorable Chellie Pingree
The Honorable David Joyce
The Honorable Dianne Feinstein
The Honorable Lisa Murkowski

² Vindigni, M.A., Morris, A.D., Miller, D.A., Kalcounis-Rueppell, M., 2009. Use of modified water sources by bats in a managed pine landscape. *Forest Ecology and Management* 258, 2056–2061.

³ 87 Federal Register 16442, March 23, 2022, <https://www.federalregister.gov/documents/2022/03/23/2022-06168/endangered-and-threatened-wildlife-and-plants-endangered-species-status-for-northern-long-eared-bat>