

THREATENED SPECIES

In April 2015, the northern long-eared bat was listed as a threatened species under the Endangered Species Act, which means the species is likely to become endangered in the foreseeable future. The comment period on the interim rule ended on July 1, 2015. A species is listed as endangered if it is in danger of becoming extinct.

The northern long eared bat usually hibernates in caves and abandoned mines. During summer roosts, the bats prefer to roost underneath bark or in live or dead trees, but prefer hardwood trees. Prior to the decline, in Virginia, the northern long-eared bat was thought to be fairly common during the summer roosting months, but uncommon during the winter hibernation months.

<http://ecos.fws.gov/speciesProfile/profile/speciesProfile?scode=A0JE>

Bats are necessary because they control the insect population and reduce the amount of chemical pesticides farmers need to use to protect their crops. For example, one bat can eat up to 1000 mosquitos in an hour.

<http://www.npr.org/sections/thetwo-way/2015/04/11/398820065/federal-government-protects-bat-angers-industry>

WHITE NOSE SYNDROME

White nose syndrome is a fungal disease affecting bats and was first recorded in Virginia between 2008-2009. While real estate development harms bats, white nose syndrome is the predominant cause of the bat's decline with more than 5.7 million deaths recorded in Eastern North America. Some areas have seen a population decline up to 99%.

The disease is not thought to be airborne and requires a temperature below 68 degrees to thrive.

https://en.wikipedia.org/wiki/White_nose_syndrome

THE BUFFER ZONE

Virginia is listed in the "buffer zone" of the northern long-eared bat. According to the Federal Register, "WNS buffer zone" identifies the portion of the range of the northern long-eared bat within 150 miles of the boundaries of U.S. counties or Canadian districts where the fungus PD or WNS has been detected." *Federal Register/Vol. 80, No. 63/Thursday, April 2, 2015/Rules and Regulations.*

INCIDENTAL TAKING PERMITS

Private landowners can obtain a permit to “take” a species protected under the endangered species act. Section 10(a)(1)(B) provides information regarding the steps in permitting process regarding the incidental taking of a species that is protected under the Endangered Species Act. The language reads, “A permit only authorizes take that is incidental to otherwise lawful activities. Otherwise lawful activities means economic development or land or water use activities that, while may result in the taking of a federally listed species are consistent with other Federal, State, or Local laws.”

The permit process has three phases, which include the HCP development phase, the formal permit processing phase, and the post issuance phase.

Some permits are considered to be low effect, which means that the harm on the protected species will have a minimal effect on the population. If the project falls under this category, the permitting process usually takes less than three months; otherwise, the process may take up to ten months.

The following is a law review article that discusses the long-eared bat in particular:

<http://www.natlawreview.com/article/northern-long-eared-bat-to-be-designated-threatened-not-endangered-litigation-immedi>

Please see the following websites regarding the permitting process and other information:

<https://www.fws.gov/endangered/esa-library/pdf/HCPBK1.PDF>

<http://www.gpo.gov/fdsys/pkg/FR-2015-04-02/pdf/2015-07069.pdf>

https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=4&ved=0CDMQFjADahUKEwi_nKWb7bXHAhULqh4KHf_PAQ0&url=https%3A%2F%2Fwww.federalregister.gov%2Farticles%2F2015%2F05%2F20%2F2015-12188%2Freceipt-of-applications-for-endangered-species-permits&ei=R9XUVf_cOovUev-fh2g&usg=AFQjCNGzIW-oaPLbVp-nax4gSviGCh_8fg&bvm=bv.99804247,d.dmo