

**Congress of the United States**  
**Washington, DC 20515**

March 13, 2015

The Honorable Sally Jewell  
Secretary  
U.S. Department of the Interior  
1849 C Street, N.W.  
Washington, D.C. 20240

The Honorable Dan Ashe  
Director  
U.S. Fish & Wildlife Service  
1849 C Street, N.W.  
Room 3331  
Washington, D.C. 20240

RE: Northern Long-Eared Bat Special 4(d) Rule; FWS-R5-ES-2011-0024

Dear Secretary Jewell and Director Ashe:

We are writing to express our concerns with the draft special 4(d) rule [FWS-R5-ES-2011-0024] that the U.S. Fish and Wildlife Service (FWS) published on January 16, 2015, in conjunction with its consideration of the proposed listing decision for the Northern Long-Eared Bat (NLEB) under the Endangered Species Act (ESA).

We understand that FWS has not made a final listing decision for the NLEB and that the Service continues to compile and evaluate the best commercial and scientific data available. We note that state governments, independent wildlife and forestry experts, and private stakeholders have submitted extensive new information that was not accounted for in the proposed endangered listing for the NLEB. We believe that new information demonstrates that the proposed endangered listing is unwarranted. As a result, we believe it is imperative the FWS reconsider its listing decision as proposed based on the new information in the administrative record.

Furthermore, we believe the 4(d) rule does not provide the necessary exemptions for activities and industries that have not contributed to the species' declining population levels. The proposed rule exempts only a narrow suite of activities, such as marginal forest management and minimal tree removal from its prohibition against incidental take, provided the activities are conducted in accordance with certain specified conservation measures. The FWS does not explain why other activities - including but not exclusively limited to oil and gas development, mining, commercial timber harvesting, agriculture, and commercial & residential construction - have not been explicitly exempted though they are fully capable of being conducted in accordance with the specified conservation measures. Should the rule be carried out, those

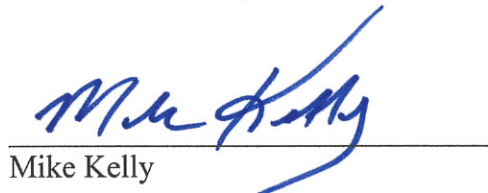
activities we have listed, and others, will have to expend significant time and funds to obtain an incidental take permit.

We believe the narrow scope of the exemption is unwarranted and will only serve to cause economic harm without providing significant conservation value for the species. As FWS has consistently recognized, the lone population-level threat to the NLEB is white nose syndrome (WNS); and as such, human activities do not pose risks. As a result, we see no basis for refusing to exempt activities that can be conducted in accordance with the specified conservation measures. Therefore, if the FWS intends to promulgate a 4(d) rule, we respectfully request the FWS incorporate additional exclusions covering the aforementioned activities and others, which are not harming Northern Long-Eared Bat populations, into the final rule.

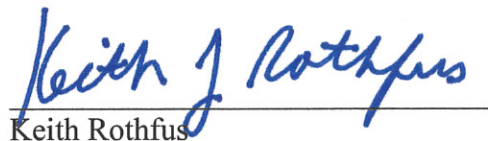
We appreciate your commitment to the preservation of the species and attention to our specific concerns. We look forward to your timely response.

Sincerely,

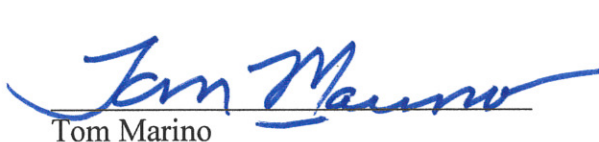
  
Glenn 'GT' Thompson

  
Mike Kelly

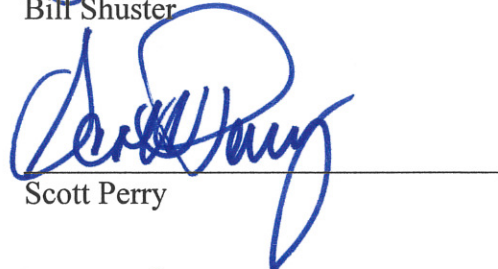
  
Brett Guthrie

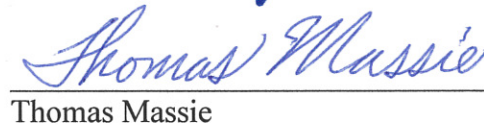
  
Keith Rothfus

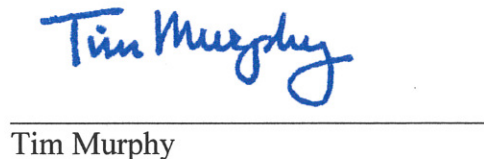
  
Patrick J. Tiberi

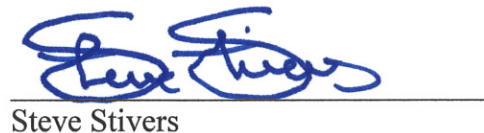
  
Tom Marino

  
Bill Shuster

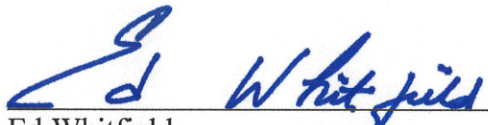
  
Scott Perry

  
Thomas Massie

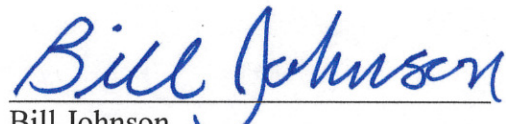
  
Tim Murphy

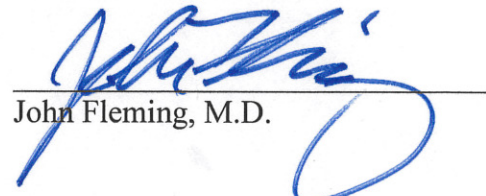
  
Steve Stivers

  
Lou Barletta

  
Ed Whitfield

  
Hal Rogers

  
Bill Johnson

  
John Fleming, M.D.