

May 4, 2016



## Special Alert from ESFPA

### EAB, NLEB and Invasive Species UPDATES

#### **Northern Long Eared Bat - UPDATE**

##### *New York State Status*

The federal listing of the NLEB as threatened automatically resulted in the NLEB listing as threatened under New York's Endangered Species Act, subject to DEC's regulations (6NYCRR Part 182) for Rare, Threatened and Endangered Species. New York's endangered species act is stricter than the federal act and the removal of trees (timber harvesting) within a certain distance from a known hibernacula will require an Incidental Take Permit from (ITP) DEC. (See enclosed [NLEB Current Occupied Sites map](#).)

In the April issue of NY's Society of American Foresters newsletter, DEC's Bureau of Wildlife provided a summary of the status of NLEB in NY and indicated that DEC was considering requiring a permit for any activity within 5 miles of known hibernacula.

Based on information provided by DEC we calculate that this would have impacted over two million acres of land in NY. ESFPA immediately contacted DEC to develop a more reasonable solution more in line with the USFWS. Over the past several weeks we have worked with DEC staff and Executive office on how best New York should proceed. - For FULL NY UPDATE - CLICK [HERE](#)

### Federal Status

The U.S. Fish & Wildlife Service (USFWS) listed the Northern Long-Eared Bat as a "threatened species" under the federal Endangered Species Act in April 2015.

Simultaneously, USFWS issued an interim 4d rule for tree removal (i.e. harvesting). The final 4d rule came into effect on February 16, 2016 (see enclosed [NAFO paper on the latest status of NLEB](#)). For FULL FEDERAL UPDATE CLICK [HERE](#).

## **Emerald Ash Borer Update**

Emerald Ash Borer (EAB) was first discovered in Cattaraugus County NY in 2009.

Continued efforts to slow the spread culminated in 2015 with NYS Department of Agriculture and Markets (DAM) and NYS Department of Environmental Conservation (DEC) revising their quarantine regulations by creating 14 Restricted Areas (based on town boundaries) more tightly encompassing the current known EAB infestations.

These "Restricted Areas" (RAs) were used to overlap the larger contiguous county based quarantine that spanned the state's southern tier below the NYS Thruway. In 2015, 187 towns were included in Restricted Areas. For the FULL EAB UPDATE CLICK [HERE](#).

Please see maps below:

[EAB MAP 1](#)

[EAB MAP 2](#)

**Rapid Response for Invasive Species: Framework for Response  
DEC Policy Open for Public Comment**

This program policy is intended to serve as an aid to resource managers who are responsible for responding to newly discovered invasive species infestations. Early detection of new invasions is critical to any rapid response. The process that we have selected ensures that managers give attention to all of the necessary components of an effective response: coordination, communication, public outreach, planning, science, information management, laws and regulations, resources and logistics. Our experiences with snakehead fish, chronic wasting disease, hydrilla, oak wilt, Asian long horned beetle, and emerald ash borer in New York State have been used to help develop and refine this framework.

<http://www.dec.ny.gov/animals/265.html>

Rapid Response for Invasive Species: Framework for Response (PDF, 551 KB)  
Comments will be accepted through May 27, 2016. Comments may be sent to:

NYS DEC

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