Dear Nebraska Conservation Partners,

As I'm sure you are now aware, this March 31, 2023 the status for the Northern Long-eared Bat (NLEB) is changing to endangered. This uplisting from threatened to endangered will ultimately provide additional protection for the species that is being heavily impacted by White-nose Syndrome (WNS) across it's range including here in Nebraska. This change in listing status has the potential to impact both ongoing and developing projects, as well as many of your management actions. The Service is keenly aware that this impending change may have impacts to the important work that you do, and we are taking steps to help facilitate this transition across a broad range of activities.

On March 31, 2023 the uplisting of NLEB to endangered status may trigger reinitiating consultation for projects and work previously reviewed under Section 7 while NLEB was still listed as threatened, and only narrowly protected by a 4(d) rule during the maternity season. The uplisting to endangered carries broader protection responsibilities and therefore requires a reexamination of previous consultation results. This is potentially a very heavy lift for both our partners and the Service as we navigate to this new classification status. In order to minimally impact our partners, we have implemented a 1-year transition process by which interim consultation frameworks are in place to streamline reviews, while allowing the Service to finalize guidance and tools that will go into effect April 1, 2024.

To help determine how this transition period and interim process may impact your ongoing work, it's important to remember that these pertain only to NLEB. The reinitiating trigger is only for work or projects where NLEB was included in the original consultation. If NLEB was reviewed previously and regardless of the previous consultation outcome (i.e., No effect, May affect, etc.) then reinitiating may be triggered. Included is an attachment that goes into more specific details on how the reinitiating process can be accomplished during this transition year. And here are the three categories that your project or work involving NLEB will likely land.

- If you have a project or activity currently underway including work that may have impacted NLEB (i.e., tree clearing, bridge work, large culvert replacements, etc.), in which the impactful work has already been done by March 31, 2023 then there is no need to reinitiate consultation. Keep the original consultation paperwork for your records, and you will not need to contact our office or undergo additional steps.

- If you have a project or work activity currently underway or planning to begin this year but will be completed before April 1, 2024 than you may be able to utilize the interim consultation tools described in the attachment to either reinitiate a previously completed consultation or to begin a new consultation. These tools are designed to streamline both the reinitiating and new consultation processes, with the potential to auto-generate responses without additional involvement from our office. For those where additional review from our office may be needed, we intend to work within a shortened timeline.

- If you have a project or work activity currently underway, in development, or planning to begin but will not be completed before April 1, 2024, then please contact our office via NebraskaES@fws.gov to determine the most appropriate next steps. It's important to note that if the impactful work to NLEB will be completed prior to April 1, 2024 then you may still be able to utilize the interim consultation tools.

As I'm sure you can imagine, this has been a challenge to formulate both an interim process to minimize project delays while also developing the final tools needed to facilitate this transition to endangered status. It is likely that some of our interim tools will need updating and refinement, so some outages are expected as we continue towards the most efficient processes. We greatly appreciate your patience as we work with you to keep your conservation projects and program efforts working on Nebraska's landscape.

Yours in conservation,
Mark

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