



National Association of Home Builders

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Division of Policy, Performance, and Management Programs
U.S. Fish and Wildlife Service
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Attention: Docket ID No. FWS-R5-ES-2011-0024

On April 2, 2015, the U.S. Fish and Wildlife Service (hereafter, the “Service”) published an interim 4(d) rule under the Endangered Species Act (ESA) for the “threatened” Northern Long-Eared Bat (NLEB).¹ According to the Service, the habitat range for NLEB covers 37 states and the District of Columbia.² The Service’s NLEB interim 4(d) rule governs impacts to NLEB habitat, such as land clearing activities and specifically addresses the removal of trees within forested areas capable of being used by the species as summer habitat between April and September. The Service is accepting public comment as to whether additional land clearing activities should be exempt from the ESA’s incidental take prohibition under the NLEB interim 4(d) rule.³ Because home builders must clear land to conduct their operations, the National Association of Home Builders has serious concerns about the scope and impact of this interim rule.

The National Association of Home Builders (NAHB) is a Washington D.C. based trade association representing over 140,000 residential land developers, builders, and associate member firms organized in approximately 700 affiliated state and local associations located in all fifty states, the District of Columbia, and Puerto Rico. NAHB’s members include those who design, construct, and supply single-family homes; build and manage multifamily, light commercial, and industrial structures; develop land; and remodel existing residential homes. Collectively, NAHB’s membership employs over 1.25 million people and will construct about 80% of the new housing stock projected for 2015.

NAHB appreciates the opportunity to provide these comments on the Service’s NLEB interim 4(d) rule. As described in further detail within this comment letter, NAHB has three recommendations to make the final 4(d) rule more predictable and useful to landowners while providing sufficient protections for the species. First, the Service must include a regulatory definition of “suitable NLEB summer habitat” to clarify what types of forest habitat found within the expansive range of NLEB are likely to be occupied by the species. Areas located within the NLEB range but not meeting the definition of suitable NLEB summer habitat and not located near known, occupied roost trees would be exempted from incidental take under the final 4(d) rule. Second, the Service should exempt all land clearing of forested areas

¹ 80 Fed. Reg. §§17974-18033 (Thursday, April 2, 2015)

² 80 Fed. Reg. §17975 (Thursday, April 2, 2015)

³ 80 Fed. Reg. §1802 (Thursday, April 2, 2015)

related to residential and commercial land development, as these activities have comparable impacts to NLEB populations as those categories of activities already exempted under the interim 4(d) rule (e.g., forest management practices, maintenance and expansion of transportation and utility rights-of-way, prairie habitat management, and minimal tree removal projects.) Third, for private landowners whose tree clearing activities occur within NLEB range but are not covered under the final 4(d) rule and do not require a federal permit, the Service should develop a range wide NLEB “General Conservation Plan”(GCP) under the ESA’s §10(a)(1)(B) Incidental Take Permit Program. Developing a NLEB Programmatic §10(a)(1)(2) Incidental Take Permit would greatly assist small landowner in obtain the required ESA incidental take authorization for private actions occurring within NLEB habitat.

Prior Actions on the Northern Long-Eared Bat

On January 21, 2010, an environmental advocacy group submitted a petition to the Service seeking to have the NLEB – along with two other species of bat – listed as either endangered or threatened under the ESA.⁴ The environmental group subsequently sued the Service for failure to complete its review of the listing petition within the statutory 90-day deadline.⁵ On July 12, 2011, the Service voluntarily entered into a controversial legal settlement with this environmental group and others, agreeing to complete ESA listing petition reviews for more than 250 species including the NLEB.⁶ Under the terms of that mega-listing settlement, the Service agreed to make a listing determination on NLEB by September 30, 2013.⁷ On October 2, 2013, the Service proposed to list the NLEB as an endangered species. On December 2, 2013, the Service extended the comment period on the proposed listing until January 2, 2014. On June 30, 2014, the Service announced a 6 month extension of its final NLEB listing determination. On January 16, 2015, the Service proposed to list the NLEB as a “threatened” species and proposed a 4(d) rule.⁸ NAHB submitted comments on the proposed NLEB 4(d) rule seeking an exemption for routine residential land clearing activities that occur within NLEB summer habitat.⁹ On April 2, 2015, the Service published the final rule listing the NLEB as “threatened” across its entire range and enacting the interim 4(d) rule – both with an effective date of May 4, 2015.¹⁰ The Service is currently accepting public comment on the NLEB interim 4(d) rule until July 1, 2015.

4(d) Rules for “Threatened” Species

Under the ESA, “threatened” species are not automatically extended the same level of federal protections as “endangered” species under the ESA’s §9 “take” prohibitions.¹¹ Instead, Congress gave

⁴ 78 Fed. Reg. §61047 (Wednesday, October 2, 2013)

⁵ 16 U.S.C.A. §1533(b)(3)(A)

⁶ U.S. Fish and Wildlife Service, Strengthening the Listing Program Work Plan Questions and Answers, July 12, 2011, FWS’s website: http://www.fws.gov/endangered/improving_ESA/listing_workplan.html. Last visited June 25, 2015.

⁷ 78 Fed. Reg. §61047 (Wednesday, October 2, 2013)

⁸ 80 Fed. Reg. §2371 (Friday, January 16, 2015)

National Association of Home Builders (NAHB) regulatory comments on the NLEB interim 4(d) rules, March 17, 2015. Last accessed on regulation.gov website on Monday, June 29, 2015.

<http://www.regulations.gov/#!documentDetail;D=FWS-R5-ES-2011-0024-3580>

¹⁰ 80 Fed. Reg. 17974 (Thursday, April 2, 2015)

¹¹ 16 U.S.C. §1538(a)(1)

the Service the discretion to issue species specific regulations (4(d) rules) that can either prohibit or expressly exempt certain activities that could otherwise result in the incidental take of a threatened species. When issuing a species-specific 4(d) rule, the Service must determine that the 4(d) regulation is sufficient for the conservation of the threatened species.¹²

The approach the Service has historically taken regarding threatened species is to issue a blanket federal regulation that affords all threatened species the identical level of protection as “endangered” species unless the Service has subsequently issued a 4(d) regulation for that particular species.¹³ Once the Service has promulgated a species-specific 4(d) rule, the Agency can exempt any activity’s potential impact on that species from the ESA’s §9 “incidental take” prohibition. Unfortunately, 4(d) rules are discretionary. While there are over 200 threatened species within the continental U.S., the Service has only issued about two dozen 4(d) rules.¹⁴ Threatened species that do not have associated 4(d) rules receive the identical level of federal “take” protection as endangered species. Therefore, while certain land use activities may be exempt due to the existence of a species-specific 4(d) rule, similar or even identical land use activities not covered under a 4(d) rule must obtain authorization for actions the Service determines may result in an incidental take of a threatened species. These otherwise lawful land use activities cannot proceed without an incidental take permit authorized by either an ESA §10 incidental take permit for wholly private actions or an ESA §7 consultation for private or public actions that either require a federal permit or receive federal funding.¹⁵

Rationale for Listing the Northern Long-Eared Bat as “Threatened”

The Service decided to list the NLEB as a “threatened” species due to population declines resulting from White-Nose Syndrome (WNS), a disease named for the white fungus that infects skin of the muzzle, ears, and wings of hibernating bats. While the impacts of habitat modification or habitat loss due to land development activities were evaluated as part of the agency’s listing determination, it was determined these actions are not the result of the species’ overall decline.¹⁶ As the Service states in the preamble of the interim 4(d) rule, “We have determined that white-nose syndrome is the predominant threat to the species.”¹⁷ Other important findings include the Service’s recognition that there is ample summer habitat for the species, particularly in areas of the country where NLEB population declines have been most acute due to the prevalence of WNS, and the acknowledgement that while man-made impacts to NLEB habitat may have a cumulative effect on the species, they have not independently caused significant population level effects on NLEB.¹⁸

Because the Service has clearly identified disease as the primary cause of NLEB population declines rather than man-made modification to summer migratory habitat, the Service should seek to identify and promote WNS research, including future WNS vaccination remedies for NLEB rather than needlessly

¹² 16 U.S.C. §1533(d)

¹³ 50 C.F.R. §17.31

¹⁴ 50 C.F.R. §§17.40-17.48

¹⁵ 50 C.F.R. Part 17.22 and 50 C.F.R. Part 402.02

¹⁶ 78 Fed. Reg. 61061 (Wednesday, October 2, 2013)

¹⁷ 80 Fed. Reg. 17974 (Thursday, April 2, 2015)

¹⁸ 80 Fed. Reg. 2373 (January 16, 2015)

delaying otherwise lawful land clearing activities such as those necessary for residential land development.

Northern Long-Eared Bat Interim 4(d) Rule

Under the interim 4(d) rule, the Service has divided the extensive range of NLEB into two categories: 1) a WNS Buffer Zone that encompasses all counties located within 150 miles of the border of a county or the Canadian border where a documented case of WNS has been found; and 2) the counties located within the habitat range of NLEB but greater than 150 miles from the nearest documented case of WNS (Fig. 1).

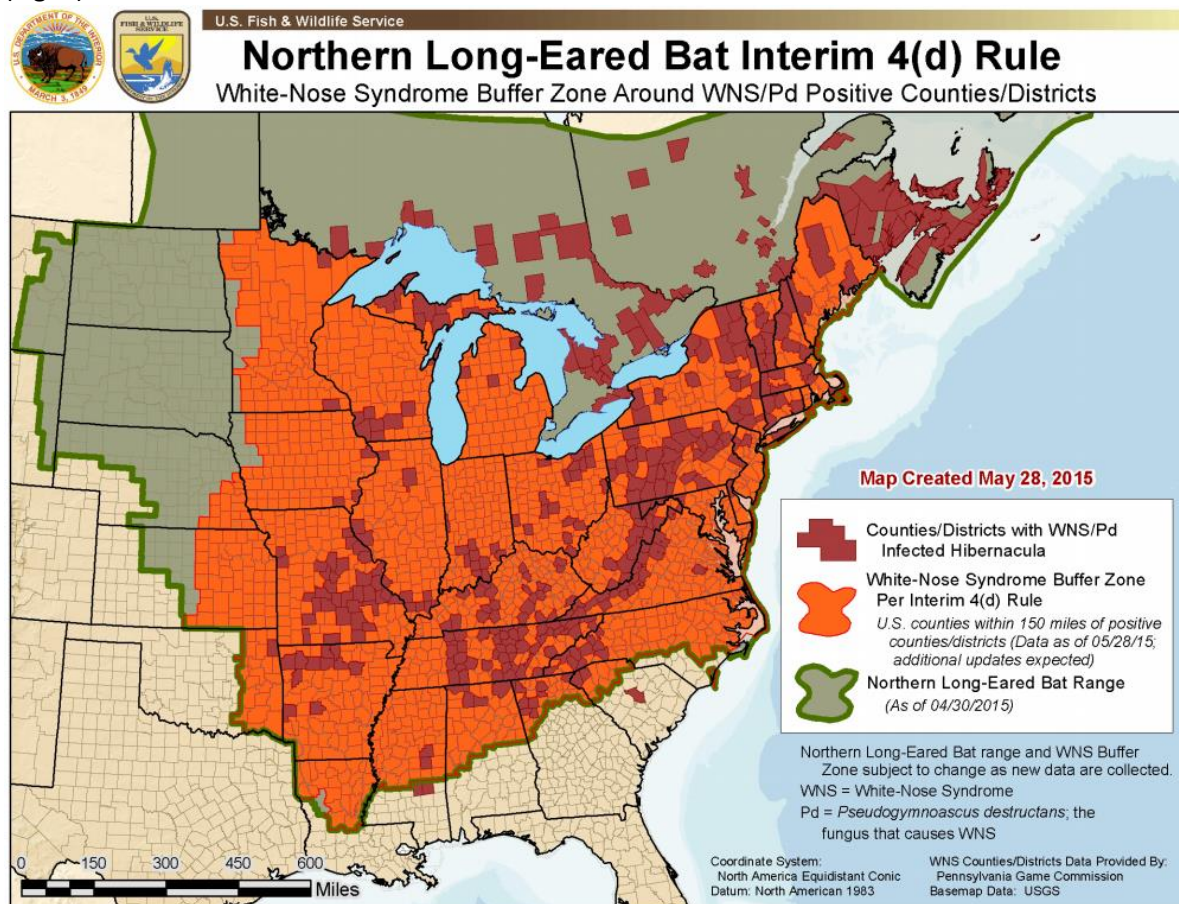


Figure 1: Northern Long-Eared Bat range and White-Nose Syndrome Buffer Zone.

The NLEB interim 4(d) rule exempts all incidental take of NLEB resulting from certain activities occurring within counties located within the NLEB range, but outside of areas identified by the Service as WNS buffer zones.¹⁹ Specifically, the interim 4(d) rule exempts “incidental take” resulting from land clearing activities within forested areas in the WNS buffer zones for four specific categories of activities: 1) forest management, 2) maintenance and expansion of existing transportation and energy rights-of-way, 3) prairie management, and 4) minimal tree removal. These exemptions only apply if the activities

¹⁹ 50 C.F.R. §1740(o)(1)(ii)(B)

comply with the Service's prescribed NLEB conservation measures.²⁰ Of the four exempted categories of land clearing activities, only "minimal tree removal" has the potential to exempt activities of NAHB members and the residential construction industry albeit on the rare occasion a builder or developer is clearing once acre or less of forested land. Land clearing activities occurring within the WNS buffer zone and not specifically authorized for incidental take authorization under the interim 4(d) rule, such as clearing associated with larger land development projects, cannot proceed without first receiving incidental take authorization from the Service via the §7 consultation process or through an incidental take permit issued under §10.²¹

Importantly, while the 4(d) rule may provide some permit expediency, all land clearing activities authorized under the interim rule must comply with the required restrictions on tree clearing activities contained within the rule's conservation measures.²² Specifically, the conservation measures prohibit all tree clearing activities from occurring within a quarter mile (1,320 feet) radius of any known, occupied maternity roost tree between June 1st and July 31st (pup season) or within a quarter mile radius of any known, occupied hibernacula (e.g., cave where NLEB hibernate) at any time. These severe restrictions will place significant limitations and create hardships for home builders and developers across the species' 37 state range.

Impact of the Northern Long-Eared Bat Interim 4(d) Rule on the Home Building Industry

Unlike many commercial and industrial activities, home building typically requires federal, state, and/or local permits for each new unit of production. Therefore, any action by the Service that results in additional permitting delays during the land development process has a disproportional impact on the home building industry. For example, as a result of the Service's listing the NLEB as "threatened," builders whose projects require a federal Clean Water Act (CWA) §404 wetland permit and occur in an area the Service assumes to be occupied by NLEB, the federal permit required for the proposed project becomes subject to the ESA's §7 consultation requirements.²³

The §7 consultation process requires each federal agency to determine whether any proposed action that requires a federal permit "may affect" a listed species or designated critical habitat. In order for the Corps to make a "may effect" determination, the Corps must prepare a biological assessment (BA) of the proposed project's potential impacts. Development of a BA can delay federal wetlands permits by several months and frequently results in the land developer or builder needing to hire consultants to respond to various information requests to help the Corps complete the BA. Once the Corps has completed the BA, the ESA regulations require the Corps to receive concurrence from the Service for any "no effect" or "may affect, but not likely to adversely affect" determination, including consideration of any proposed project modifications to the permit. Although the ESA §7 regulations provide federal agencies with four and a half months (135 days) to complete a formal consultation on federal permit, they rarely finish within this timeframe.²⁴ Equally problematic is the fact that the timeframe itself is

²⁰ 50 C.F.R. §17.40(o)(2)(B)(1)

²¹ 80 Fed. Reg. §18023 (Thursday, April 2, 2015)

²² 50 C.F.R. §17.40(o)(2)(B)(1)(i)(ii)(iii)

²³ U.S. Army Corps of Engineers Baltimore District, Public Notice Federal Listing of the northern long-eared bat (*Myotis septentrionalis*) under the Endangered Species Act. Special Public Notice 15-39. June 25, 2015.

²⁴ 50 C.F.R. Part 402.02

non-binding on federal agencies. This means the formal consultation process for a particular proposed project can drag on for months or even years.

To make matters worse, the Corps Baltimore District recently announced it will require all CWA §404 permits issued within NLEB habitat to prohibit tree clearing from April 15 to September 1 in order to receive a “may affect, but not likely to adversely affect” determination.²⁵ Landowners seeking to avoid the seasonal tree clearing restriction from becoming a binding condition of their CWA §404 permit must agree to survey their property between June 1 and August 15 for the potential presence of the species. According to the Service’s 2015 Summer Survey Guidelines surveys that fail to demonstrate the presence of NLEB can be relied upon by landowners for up to two years.²⁶ While landowners whose NLEB survey confirm the presence of the species or an occupied maternity roost tree must rely upon those results indefinitely or until a subsequent survey proves otherwise. The Service has recommended similar seasonal (April 1 to September 1) tree clearing restrictions for landowners whose property is located within potential summer NLEB habitat.²⁷ NAHB strongly disagrees with the Corps’ decision to impose a blanket five-month tree clearing prohibition on all requested CWA §404 permits located within NLEB habitat. Forbidding the routine clearing of trees for a substantial portion of the annual construction season will have significant negative impacts on the home building industry.

Even for those limited land clearing activities expressly authorized under the NLEB interim 4(d) rule, the Service requires landowners to comply with mandatory buffer distances of a quarter mile from any known hibernacula and roost trees. In many instances, such buffers will be impossible for residential land developers and home builders to incorporate into their proposed projects. A radial buffer of a quarter mile equates to a land area of 125 acres, while the average residential subdivision is only 20 acres within a metropolitan area and 40 acres outside of a metropolitan area.²⁸ Developers or builders whose property is impacted by the Service’s required buffer distances will be unable to redesign their subdivisions in a manner necessary to comply with the required buffers because the buffers will effectively consume the entire land area. Given that the Service has acknowledged that NLEB summer habitat is still abundant across the species’ range and NLEB species has not proven to be very discriminating when selecting potential roosting sites (e.g., roosting in numerous species of trees or even within human structures) buffer distances of less than quarter mile could suffice for the species. NAHB calls upon the Service to either exempt small tree clearing activities (e.g., tree clearing of less than 40 acres) from the required quarter mile roost tree buffer distances, or to identify buffer distances in the final rule that are compatible with residential subdivisions of 40 acres or less in size.

Further, the Service’s tree removal avoidance timeframes under both the ESA §7 informal consultation process and the interim 4(d) rule occur during critical periods within the home building season. To better understand the potential impact of NLEB seasonal tree clearing prohibitions upon the residential

²⁵ U.S. Army Corps of Engineers Baltimore District Special Public Notice 15-39, “Federal Listing of the northern long-eared bat (*Myotis septentrionalis*) under the Endangered Species Act.” June 25, 2015.

²⁶ U.S. Fish and Wildlife Service (FWS), 2015 Range-Wide Indiana Bat Summer Survey Guidelines. Page 2. April 2015.

²⁷ U.S. Fish and Wildlife Service (FWS), NLEB Interim Conference Planning Guidance, Appendix D: Conservation Measures for the NLEB, January 6, 2014.

²⁸ Emrath, Paul Ph.D., Typical American Subdivision, Economic and Housing Policy, NAHB.

construction industry NAHB's economists examined residential building permit data from the U.S. Census Bureau between 2000 and 2014. Specifically, NAHB's economists tracked building permits issued nationally and within the 1,772 counties identified as being located within WNS buffer zones to determine the percentage of annual building activity within the affected counties that typically occurs between June 1 and July 31 and between April 1 and September 1. NAHB found that 20% of all building permits within these counties were issued during the interim 4(d) rule "pup season" tree removal avoidance period of June 1 - July 31. And 58% of all building permits for counties located within WNS buffer zone were issued between April 1 and September 1. Clearly, the proposed tree clearing prohibitions within the WNS buffer zone will have a disproportional, unnecessary, and devastating impact on the home building industry.

Recommended Changes to the Northern Long-Eared Bat Interim 4(d) Rule

Due to the significant and unnecessary disruptive impacts the interim rule will have upon the home building industry, NAHB suggests the following three modifications to provide necessary certainty, flexibility, and streamlining to ensure both economic development and species protection can coincide:

- I. **Define Suitable NLEB Summer Habitat.** The Service must include under the final 4(d) rule a regulatory definition of "Suitable NLEB Summer Habitat." The Service should also provide an exemption under the final 4(d) rule for "incidental take" occurring as a result of any land clearing activity on any property located within the WNS buffer zone that does not meet this definition. The purpose of including such a regulatory definition of "suitable NLEB summer habitat" is to provide landowners and federal agencies undergoing the ESA §7 consultation process some clarity as to what types of properties that otherwise falls within the expansive range of the WNS buffer zone are unlikely to be occupied by NLEB.

There are several possible criterion the Service could use to define suitable NLEB summer habitat based upon NLEB field surveys and even the Service's own statements within the Northern Long Eared Bat Interim Conference and Planning Guidance.²⁹ Examples include minimum forested patch size required to support NLEB populations, lack of connectivity of small isolated forest patches to other suitable habitat (e.g., small forest patches located more than 1,000 feet from other suitable habitat), and NLEB's avoidance of trees within highly-developed urban areas.³⁰ Given these known NLEB habitat limitations, NAHB proposes the following definition for suitable NLEB summer habitat: contiguous forest areas of equal to or greater than 20 acres, not located within urban areas, such as industrial and commercially developed areas and high density residential areas.³¹ Conversely, unsuitable NLEB summer habitat would be fragmented woodlands less than 20 acres and located more than 1000 linear feet from suitable

²⁹ U.S. Fish and Wildlife Service (FWS) Northern Long Eared Bat Interim Conference and Planning Guidance. FWS Regions 2.3.4.5.& 6. January 6, 2014.

³⁰ Ibid.

³¹ U.S. Fish and Wildlife Service's Chesapeake Bay Field Office.(2015) *Northern Long Eared Project Screening*. Retrieved July 1, 2015, from <http://www.fws.gov/chesapeakebay/EndSppWeb/ProjectReview/Step1.html>

NLEB summer habitat.³² Finally, the Service's definition should include ways landowners could easily determine whether or not their property meets this definition.

- II. **Exempt Residential Activities.** The Service should exempt all forested land clearing activities related to residential and commercial land development, as these activities have comparable impacts to NLEB populations as those land clearing activities already exempted under the interim 4(d) rule (e.g., forest management, maintenance expansion of existing rights-of-way and transmission, prairie management, and minimal tree removal projects). To ensure minimal impacts, residential and commercial land clearing operations exempted under the final 4(d) rule would be required to comply with the same NLEB conservation measures identified under the interim 4(d) rule, including providing a 0.25 mile buffer distance between land clearing activity and known, occupied hibernacula; and avoiding cutting or destroying known, occupied roost trees during (June 1-July 31) pup season.

Conversely, for smaller parcels of forested land (e.g., 40 acres or less), the Service is urged to identify alternative NLEB conservation measures capable of being implemented on the smaller parcels of forested land typically used for residential development. Alternative conservation measures may include maintaining trees that meet the Service's definition of suitable NLEB roost trees, protecting wooded riparian areas or other linear wooded features as travel corridors connecting larger tracts of suitable NLEB summer habitat, installation of bat boxes or other suitable artificial roosts (e.g., Brandenbark) to supplement natural roosts, and locating stormwater retention ponds within or adjacent to forested areas to provide foraging sites for bats in close proximity to roosting sites.

Finally, the Service should recognize as an alternative NLEB conservation measure for small landowners permanent offsite preservation of NLEB hibernacula and summer habitat, such as is outlined in the FWS Kentucky Field Office's Participation Conservation Memoranda for Agreement (CMOA) for Indiana Bat/or Northern Long Eared Bat.³³ Under this CMOA the Service is providing incidental take authorization to participating landowners under ESA §7 for impacts to Indiana Bat and/or NLEB summer habitat. While NAHB recognizes land clearing activities expressly exempted under the NLEB 4(d) rule are not required to perform any mitigation, NAHB urges the Service to recognize participation in the Kentucky CMOA for Indiana Bat/NLEB or similar type NLEB conservation programs as meeting the Service's NLEB conservation measures under the final 4(d) rule.

- III. **Develop NLEB Range-Wide Programmatic ESA §10(a)(1)(2) Incidental Take Permits for Private Landowner's Action Not Covered Under Final 4(d) Rule.** For private landowners whose tree clearing activities: 1) do not require a federal permit; 2) occur within WNS buffer zones; and 3)

³² U.S. Fish and Wildlife Service (FWS) Northern Long Eared Bat Interim Conference and Planning Guidance. FWS Regions 2.3.4.5.& 6. January 6, 2014.

³³ U.S. Fish and Wildlife Service Kentucky Field Office. Participation in Conservation Memoranda of Agreement for Indiana Bat and/or Northern Long-eared Bat. Retrieved July 1, 2015 from <http://www.fws.gov/frankfort/pdf/2015%20KY%20CMOA%20Bio%20Op.pdf>

are not covered under the final 4(d) rule, the Service should consider developing a NLEB range-wide “General Conservation Plan,” as allowed under the ESA’s §10(a)(1)(B) Incidental Take Permit Program. Currently, landowners whose otherwise lawful land clearing activities occur within NLEB habitat risk violating the ESA’s §9 “take” prohibition unless they receive a subsequent §10 incidental take authorization from the Service.

A required component of any ESA §10 incidental take permit is the development of a habitat conservation plan (HCP), typically the responsibility of permit applicant. The development of a HCP is a complicated and expansive prospect for any landowner. At a minimum, development of a HCP requires the applicant to hire consultants to conduct biological studies to determine the range and distribution of the species to be covered by the HCP. Also, since issuance of a ESA §10(a)(1)(B) permit is subject to review under the National Environmental Policy Act (NEPA) landowners or their consultants are required prepare and submit for review, all required NEPA documents. Landowners seeking an §10 permit experience further delays because these permits are also subject to public notice and comment. In 2004 NAHB staff reviewed the Service’s Habitat Conservation Plan database found the average §10 permit takes over 1.76 years to complete. Permit applicants spend nearly have that time or 399 days preparing the required documentation for the HCP itself. Given all the permitting requirements and difficulties landowners face when seeking an ESA §10 authorization, the Service has long acknowledged the current §10 permitting process is too difficult and expensive for small landowners to complete themselves.

The Service’s response to these barriers was the development the General Conservation Plan (GCP) policy in 2007.³⁴ Under the GCP policy, the Service, not the permit applicant, is responsible for developing the HCP and undertaking the required NEPA review. Importantly, the permits developed under the GCP policy must comply with all the same requirements as ESA §10 permits developed by private landowners. However, incidental take permits developed under the GCP policy are designed to be administered by the Service as a way to allow small landowners to seek permit coverage under §10. By allowing the Service to administer the ESA §10(1)(a)(B) permit, the Service is responsible for designing and approving the required HCP, including determining the geographical area of coverage under the permit and acceptable conservation measures. Since the habitat of the NLEB covers an extremely large range, the Service could develop a range-wide NLEB GCP and allow individual small landowners like NAHB members to seek coverage under the overarching permit. The advantages of this approach benefits the Service along with NAHB members. For small landowners the advantages include reduced permitting costs and potentially reduced permitting timeframes since the Service has already developed and approved the required Habitat Conservation Plan (HCP). The Service benefits under this GCP approach too since absent a range-wide NLEB programmatic §10(a)(1)(B) incidental take permit the Service’s field offices risks being flooded with thousands of individual ESA §10(a)(1)(B) incidental take permits requests for impacts to NLEB habitat.

³⁴ U.S. Fish and Wildlife Service, *Final General Conservation Policy*, FWS Director Dale Hall, October 5, 2007.

NAHB urges the Service to begin work now on developing a NLEB range wide ESA §10(a)(1)(B) incidental take permit following the Service's GCP policy.

NAHB appreciates the opportunity to provide these comments on the Service's NLEB interim 4(d) rule. If you have any questions or would like to discuss any the issues raised, please contact Michael Mittelholzer, Assistant Vice President, at mmittelholzer@nahb.org or (202) 266-8660. Given NLEB's expansive habitat range and the significant number of residential construction projects slated to be built within identified WNS buffer zones NAHB believes it is imperative the Service addresses NAHB's concerns in the final NLEB 4(d) rule.

Sincerely,

A handwritten signature in black ink, appearing to read "Susan Asmus". The signature is fluid and cursive, with a long horizontal stroke at the end.

Susan Asmus, Senior Vice President, Regulatory Affairs
National Association of Home Builders