

“Bee” On Alert: USFWS Adds Hawaiian Bee Species to the Endangered Species Act

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USFWS Adds Hawaiian Bee Species to the Endangered Species Act for the First Time, More Species Likely to Follow

On September 30, 2016, the U.S. Fish and Wildlife Service (USFWS) issued a [final rule](#) listing ten species as endangered under the Endangered Species Act of 1973 (ESA), including seven yellow-faced bee species. The bees, which are native to Hawaii, are the first bees to be protected under the ESA. The final rule becomes effective on October 31, 2016. USFWS will designate critical habitat for the newly protected bee species in a separate rulemaking.

Because the species are now protected under the ESA, “take” of the yellow-faced bee without a permit is prohibited. “Take” is defined broadly under the ESA to include the following activities: harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect. Projects in Hawaii, including real estate and renewable energy projects, should evaluate the potential project impacts on the protected bee species and consider the need to obtain incidental take permits from USFWS.

On September 22, 2016, USFWS issued a [proposed rule](#) to list the rusty patched bumble bee, a species that occurs in the eastern and midwestern United States and Ontario, Canada, as endangered under the ESA. [This rule](#) was finalized on January 11, 2017.

These rules follow a growing international concern for the health of bee populations. An assessment report issued by the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES) in early 2016 concluded that wild pollinators, such as bees, have declined in occurrence and diversity at local and regional scales in North West Europe and North America. According to the National Strategy to Promote the Health of Honey Bees and Other Pollinators issued by the White House in May 2015, bees have been in serious decline in the United States for more than three decades. The National Strategy states that:

- In the 1940s, there were approximately 5.7 million managed honey bee colonies in the United States, and that number has dropped to approximately 2.74 million colonies today.
- In addition to honey bees, there are over 4,000 wild bee species in the United States, and while less is known about the populations of non-managed bees, population declines have been documented for some species of

non-managed pollinators.

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