



March 11, 2013

VIA UPS OVERNIGHT

Attn: FWS-R3-ES-2013-N033
U.S. Fish and Wildlife Service
620 South Walker Street
Bloomington, IN 47403-2121

RE: *Draft Revised Indiana Bat Summer Survey Guidelines*, 78 Fed. Reg. 9409 (February 8, 2013)

Dear Sir or Madam:

Pursuant to the United States Fish and Wildlife Service's ("USFWS" or "the Service") request for comments regarding the proposed revisions to the Indiana Bat (*Myotis sodalis*) Summer Survey Guidelines of February 8, 2013,¹ Anadarko Petroleum Corporation ("Anadarko") respectfully submits this letter containing our concerns with the outlined proposal. This substantial information should be considered in any decision regarding *M. sodalis* under the Endangered Species Act of 1973 ("ESA").

Anadarko is among the world's largest independent oil and natural gas exploration and production companies. With nearly 25,000 wells operated in the U.S., Anadarko holds fee ownership of mineral rights under nearly eight million net leasehold acres, some of which are located within the range of *M. sodalis* in Ohio and Pennsylvania. Anadarko is a stakeholder in the revision of survey guidelines for *M. sodalis* as the promulgation of new methodologies or standards may affect Anadarko's ability to develop current and future mineral and lease interests.

With the objective of providing pertinent information to aid the USFWS in the revision of summer survey guidelines for *M. sodalis*, Anadarko offers the following comments outlined below.

INFORMATION AND ANALYSIS

As it relates to the outlined phased approach for determination of *M. sodalis* presence and/or absence for those sites that are noted to provide suitable summer habitat, Anadarko questions the application of the acoustic monitoring provisions as a required primary survey tool. As the Service notes in its draft guidelines, "no currently-available bat survey techniques provide 100 percent detection." Certainly, scientists have become concerned with the validity of data derived from use of acoustic monitoring devices (Flaquer et al. 2007). Given the

¹ On February 8, 2013, the Service initiated a proposal to revise the Indiana Bat Summer Survey Guidelines under Section 4(b)(2) of the ESA (78 Fed. Reg. 9409; February 8, 2013).

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potential shortcomings of acoustic monitoring devices, it may be suggested that the approach be modified to denote the use of acoustic devices as a voluntary measure, with primacy given to standard mist-netting protocols for determination of presence/absence.

Should the Service move forward with requirements to conduct acoustic surveys as a primary approach to detection of *M. sodalis*, further scrutiny should be placed on the outlined verification procedures for proper functioning noted on page 12 of the draft guidelines. As stated, a minimum of ten calls must be recorded at a given station where a minimum of 40 percent of those calls must be identified to the species level for each detector on each survey night for the site to be deemed suitable. Given the aforementioned concerns with validity of data derived, this metric seems arbitrary and capricious, especially if the sample site simply is not being used by bats despite adequate habitat being present. This metric seemingly allows for the Service to string along project proponents ultimately delaying project approvals and exhausting funds in an unfruitful attempt to provide "adequate justification." The Service should include language within their proposal that provides a clear cut-off at which point a project proponent can consider efforts adequate for USFWS field office concurrence of absence. Anadarko suggests that this timeframe be limited to three negative results.

CONCLUSION

Anadarko appreciates this opportunity to provide you with our concerns regarding the proposed revisions to summer survey guidelines for *M. sodalis*. Please do not hesitate to contact us if you would like to discuss our comments in greater detail.

Regards,

ANADARKO PETROLEUM CORPORATION

A handwritten signature in black ink, appearing to read "Nick Owens", written in a cursive style.

Nick Owens, Senior Regulatory Analyst

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REFERENCES

Flaquer, C., I. Torre, and A. Arrizabalga. 2007. Comparison of Sampling Methods for Inventory of Bat Communities. *Journal of Mammalogy*, 88(2): 526-533.