

U.S Fish and Wildlife Service  
620 South Walker Street  
Bloomington, IN 47403-2121  
indiana\_bat@fws.gov

**RE: Draft Revised Indiana Bat Summer Survey Guidelines**

To Whom it May Concern:

On January 9, 2013, the U.S. Fish and Wildlife Service (USFWS) published in the Federal Register (Vol. 78, No. 6) a notice of availability/request for comment regarding the Draft Revised Indiana Bat Summer Survey Guidelines. The notice identified three separate items in which comments could be offered: draft survey guidelines, acoustic identification software testing criteria, and the 2013 contingency plan. This letter offers Access Midstream's (Access) comments on the draft survey guidelines.

Access operates and develops hundreds of miles of steel natural gas gathering pipelines in states within the Indiana Bat's known range. These states include Ohio, West Virginia, Pennsylvania, and New York. Access is responsible for gathering natural gas and natural gas liquids from well sites and delivering it to interstate transmission pipelines or processing facilities. Due to the rise in drilling activity, hundreds of wells are stranded, waiting for gathering pipelines to connect them to market. ACMP projects are an integral part of the rise in environmental and economic benefits seen by shale development across the country.

Access understands the USFWS desire to improve the survey procedures used to identify Indiana Bats and looks forward to working with the agency and qualified consultants to better identify Indiana Bats and their habitat within Access' proposed areas of pipeline development. During our expert's review of the draft survey guidelines, several aspects were noted for comment. They include the timing and reporting associated with a multi-tiered investigation, the lack of a USFWS approved software program, and the administrative burden that would be placed on the USFWS to process the significant increase in information.

Currently, USFWS utilizes a multi-tiered approach to its Indiana bat consultation which consists of a habitat assessment and mist net surveys if Indiana Bats are likely to occur within the project area. The draft survey guidelines essentially add a step to the existing process requiring acoustic surveys *prior to* a mist net survey. Due to the limited seasonal survey window (May 15 – August 15) mist net surveys can be difficult to conduct within the required timeframe. This issue is compounded in colder climates such as northeast Pennsylvania, West Virginia, and New York



where temperature and precipitation can significantly reduce the number of nights that qualify for survey. Access believes that adding the step of acoustic monitoring into an already compressed survey timeframe, with many of the same temperature and precipitation limitations, could result in projects being unnecessarily delayed for an additional nine months until the survey season opens again.

Further, the USFWS has not yet approved a software program for acoustic monitoring. In fact, it is concurrently requesting comments on the approach and criteria for testing the accuracy and suitability of acoustic identification software programs. This leads to the conclusion that the requiring of acoustic monitoring for Indiana Bats is premature. Access' qualified consultants have reported numerous instances of false positives where various acoustic monitoring software have identified Little Brown Bats as Indiana Bats. Due to the lack of an approved software program and the likelihood of false positives with existing technologies, Access recommends that USFWS not require acoustic monitoring for Indiana Bats until better software can be developed that significantly reduces the number of false positives.

Access recognizes that the USFWS operates on a limited budget and cannot staff its respective field offices in a way that would allow for the number of biologists necessary to facilitate all of the projects requiring consultation in a timely manner. The draft survey guidelines would add a significant administrative burden to the reviewing offices. Access believes the increase in administrative workload resulting from the draft survey guidelines would unnecessarily burden the USFWS as well as the applicant.

| Access appreciates the opportunity to comment on the draft survey guidelines, and looks forward to open dialog with the USFWS regarding Access' proposed modifications. Please do not hesitate to call me should you have any questions. As a national leader in midstream activities, Access is very interested in working with USFWS in development of its draft survey guidelines.

Regards,

Will Ratcliffe  
Manager – Regulatory Affairs