

Jeff Brown - Comment on the Draft Rangewide Indiana Bat Summer Guidance

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Subject: Comment on the Draft Rangewide Indiana Bat Summer Guidance

To Whom It May Concern:

I appreciate the opportunity to provide comments on the draft Rangewide Indiana Bat Summer Guidance document prepared by the US Fish and Wildlife Service. I have relied greatly on my understanding of historical and current literature and nearly 20 years of experience surveying for Indiana bats. My comments are organized by page number, section heading/Appendix, and paragraph number.

Page 1, Rational/General Standards, paragraph 2.

That rational appears to be putting acoustic surveying against mist netting and suggesting that alone acoustic survey is better for documenting the presence of Indiana bats. While mist netting does have its limitations, the benefits far outweigh the limitations. Having a bat in-hand provides for more information than having a detector “hit.” In the hand we can determine sex, reproductive condition, and general health of the animal. Additionally we can attach bands that can be used to determine bat movements when conducting winter surveys (i.e. band recovery) as well as attachment of radio-transmitters for tracking bats to roost trees. The benefits of acoustic are the potential for more coverage of survey locations in available habitat but the limitations are the potential for false positive detections. I believe the USFWS would be better served to have a combined protocol using both of these methods simultaneously rather than making netting a reactionary option (if chosen at all). Many of the studies cited do state that together the methods work better than independently. Perhaps 1 mist net site for every 5 acoustic sites would be a reasonable cooperation.

Secondly, to my knowledge there is no literature, or data to suggest that mist netting is spreading WNS. Does the USFWS have evidence that this is occurring? Perhaps acoustics is more effective in the northeast for detecting Indiana bats where they have been decimated by WNS. However, in the Midwest and western parts of their range it would seem advantageous to know the distribution of bats by sex and reproductive condition so that when/if WNS extirpates bats from these areas that a historical context is known of the bat fauna. Mist netting is the only way to gather this important data. Recovery efforts would be better informed with in-hand data rather than presumed with 95% confidence.

Page 2, Rational/General Standards, paragraph 4.

USFWS is assuming that landowners on all projects are willing participants on projects. This is an erroneous assumption. Developers are not always able to secure the best habitats for access to complete surveys. Acoustics alone will still have this limitation. Example, wind developers draw an arbitrary project boundary but not all landowners with woodlots will allow for surveys, either acoustic or mist netting. This paragraph implies that developers have the

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absolute responsibility to secure the very best mist netting sites available. While this is pursued in most cases, in my experience, it is ultimately the private landowner's decision.

Page 6, Phase 3 – Mist netting and Phase 4- radiotracking/emergence surveys, paragraph 1.

Reducing the mist netting opportunity by 15 days will likely not result in many projects looking to conduct mist netting. Allowing acoustic deployment to be considered but not mist netting is counter-intuitive and illogical. Indiana bats tend to use more roosts during the early part of August and not the classical maternity tree, however, my experience has shown that a better understanding of the landscape use is far more important to classifying habitat use for protection and conservation.

This document itself discusses the importance of the radiotracked data. Without mist netting concurrently with acoustics it is not likely to be gathered. There is little incentive to mist net for most clients. Reroutes or various avoidances will only be considered and the USFWS will miss out on invaluable data regarding usage. Sadly, the bottom line is most often the deciding factor. These guidelines, in current form, may lead to further weakening of the Endangered Species Act because of the restrictions and limitations the USFWS is suggesting to implement.

Page 8 and 9, Appendix A – Habitat Assessment.

This phase of any project is likely the most important. This phase determines whether or not thousands of dollars are to be spent for surveys and regulatory compliance, however, no certification or permitting is required to do this phase. It takes years of tracking bats to roosts to even come close to understanding the nuances of how bats select roosts. A certification process would allow for references to be checked, experience to be validated, and allow for control of who is doing this work by the USFWS. This helps consultant's control inappropriate people from conducting this work in our professional setting that can twist credentials to indicate experience. Will USWS be checking credentials for each habitat assessment preparer? It is likely that USFWS will be so overwhelmed by the number of assessments that the "honor system" will be put into place. Many people will have the opportunity and willingness to risk getting "questioned" to move a project forward in a timely manner. Without some sort of formal certification this will quickly be both the bottleneck and the downfall of quality data.

Page 11, Appendix A, data sheet.

Data sheet asks for percent of trees with exfoliating bark. I am unsure what this will tell USFWS. On most project and especially large corridor projects the percentage of these trees are generally going to be very low due to the number of trees in a given project corridor.

The request for number of snags should also have a place to differentiate between primary and alternate roost trees. This will be difficult to understand without experience tracking bats to these types of trees; however, this could be part of a certification process that the USFWS can develop. As long as the training is rigorous and longer than a 1-day course it would be more useful than the honor system.

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Photographic documentation does not make sense for large projects. Representative photographs are perhaps useful, but many times photographs do not show well the features that are observed in the field.

Page 19, Appendix C-Phase 3 Mist Netting Surveys.

Netting Season. Reducing the season by 15 days does not help USFWS manage the recovery of this species. If anything, it will likely make it more difficult. The additional information that can be collected by netting later in the season is worth reconsideration of these dates. I do not believe they are biologically supported.

Personnel. How can I have undergone such a rigorous vetting to get a federal permit and it be so difficult to be placed on a state list. Why does the USFWS not provide a list of all permitted individuals to all the states for which a permit covers so to reduce this unnecessary coordination. It seems inefficient and unnecessary for me to apply for a federal permit and then have to apply to get on a state list for all the states. Permit conditions require coordination for mist netting as well as this new guidance. This creates unnecessary work on USFWS and takes time away from reviewing more important issues and project reviews.

Page 21, suggested minimum mist netting effort – point number 3. This guidance does not indicate if during 1 night 10, 14, 18, or 20 nets can be set up to achieve the total necessary nights for netting. For example, an acoustic “hit” occurs on July 30th; can the surveyor coordinate the “hit” and net all the net nights then next night since 15 days have been eliminated from the season? Additionally, if an Indiana bat is captured on net night 1 of 10 net nights required, does the remaining nights still require netting?

Page 24, Appendix C –Phase 3 Mist Netting Surveys

Documentation of *Myotis sodalis* captures. What is the purpose of contacting the USFWS by writing only? In the field it is often difficult to get internet access for email and the US Postal Service is often less reliable than internet. Why is a phone conversation, initially, not acceptable any longer. This seems unnecessary.

Page 25, Appendix C – Phase 3 Mist Netting Surveys, first paragraph of page.

Taking photographs of the first 10 little browns seems unnecessary. It increases handling time and stress. We should be requiring banding of all bats so that recaptures can help police any misidentifications. I apply for a federal permit that is rigorously vetted and I have to have references of my abilities. If there is question of ability to identify *M. sodalis* then it should be caught during review. More photographs during every netting project is just going to increase USFWS time required per project review. Additionally, what about those bats that escapes or the photographs turn out poorly. I did not get a federal permit to take photos of nonlisted bats; I have a permit to capture endangered bats. Again, this seems unnecessary as the USFWS should not provide a permit to those who cannot identify endangered bats.

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Page 26, Appendix C – Phase 3 Mist Netting Surveys, point number 7.

This language suggests that I can have a federal permit to capture Indiana bats where I have proven beyond a doubt that I can identify this species, but it is not and Indiana bat until USFWS validates photographs and states that it is a *M. sodalis*. Has the USFWS been providing so many people with permits that they now do not know who can really tell a *M. sodalis* from a *M. lucifigus* or otherwise? Why have a permit if only a photograph verified by the USFWS will prove presence.

Page 29, Appendix C – Phase 3 Mist Netting Surveys, mist netting data sheet.

Do all data sheets have to be used in current format only? I believe that as long as a data sheet has this minimum data included on it then it should be acceptable.

Page 34, Appendix C – Phase 3 Mist Netting Surveys, Indiana bat roost tree data sheet.

This is a pretty good data sheet. I have comment on several points on the data sheet though. Property owners are not always going to provide phone numbers; that information should not be mandatory. The roost decay state figure is not necessarily consistent with trees that *M. sodalis* use. This assessment is subjective even if a figure is there for use. Is the definition of dominant, co-dominant, and suppressed provided?

Page 36, Appendix E – Phase 4 emergence surveys.

Personnel. Why must a federally permitted biologist be present to conduct an exit count? Experienced people that are working towards a federal permit can be just as effective conducting emergence counts as those permitted. Will USFWS be considering a permitting standard that is similar to Pennsylvania Game Commission to include identifiers and others?

Thank you again for allowing me the opportunity to provide these comments. Please contact me if you have any questions or require further clarification.

Sincerely,

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