



Indiana Bat, FW3 <indiana\_bat@fws.gov>

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## Comments from USDA-RUS

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Comments attached.

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**Comments on Draft Indiana Bat Sumer Survey Guidance\_2-7-13 (5)\_RUS.docx**

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## U.S. Department of Agriculture, Rural Utilities Service Comments on USFWS DRAFT REVISED RANGEWIDE INDIANA BAT SUMMER SURVEY GUIDELINES, January 2013

**Submitted March 7, 2013**

The proposed phased approach, which includes habitat assessments, as well as acoustic, mist-net, radio-tracking, and emergence surveys, once finalized, will supersede the 2007 Indiana Bat Mist-Netting Guidelines.

The guidance was designed in an attempt to determine presence or probable absence of Indiana bats in an area of interest but is not intended to be rigorous enough to provide sufficient data to fully determine population size or structure.

There are four phases of surveys in the guidance, each dependent upon positive results of the prior phase.

### **General Comments:**

1. The phased protocol has several points along the way where results, plans or reports (e.g., Habitat Assessment, Phase 2 Study Plan, acoustic survey results, Phase 3-4 Study Plan, mist-netting results) need to be submitted to FWS, sometimes requiring Service concurrence or approval. How expeditiously will these reviews/concurrences be conducted? Significant time could be added to project planning.
2. The necessity to retain contractors with specific qualifications for handling, etc., as well as conducting radio-tracking and roost emergence studies equates to more time and expense for project applicants and potentially funding agencies; the latter phases are bleeding over into research, which is not a mission of our agency.
3. The Guidelines present four distinct phases; however, in the way in which everything is presented, the FWS indirectly recommends that phases 2-4 be merged together in the likelihood of multiple positive results. This should be clearly stated upfront if it is the FWS' intent to have the process move more seamlessly if there are positive survey results.

### **Specific Comments (italicized text cited from Guidelines, comments in bold):**

P. 3 – *“If there is no suitable Indiana bat summer habitat present in the project area”*; **How is the project area defined, or how does FWS see it as being defined? Also, P. 3 of the guidelines should specify whom the FWS believes is qualified to perform the habitat assessment. It should not only be mentioned in Appendix A.**

P.4 – *“If the acoustic surveys indicate that Indiana bats are present, then the project proponent should mist-net in an attempt to capture recorded bats, although the option exists to assume the presence of a maternity colony without additional surveys. It is advantageous for project proponents to have biologists capture, track, and count Indiana bats initially detected with acoustics. The*

resulting information collected from radio-tagged bats greatly improves the USFWS's understanding about the type and level of bat presence (i.e., maternity or non-maternity) and their use of an area (e.g., focal roost sites), which facilitates the design of appropriate conservation measures and ultimately the analysis of project effects on the species." - **If the resulting information is advantageous to the Service, then there should be cost-sharing; FWS should not benefit at the sole expense of project proponents.**

P.5 – “If mist-netting is not conducted and no additional site-specific data are generated, then the USFWS FO(s) will have to assume a reasonable worst-case scenario (e.g., presence of a maternity colony(ies) roosting within suitable habitat within the middle of the project area boundary), and therefore, will require the most conservative measures for the protection of the species.” – **This approach appears to force proponents to conduct additional surveys, or in essence they will “suffer the consequences”.**

P.5 – “Although mist-netting does not have to be completed during the same field season as the acoustics, it is recommended to do so, and applicants would need to plan ahead accordingly to accomplish it.” - **This is a bit confusing. Last paragraph on P. 3 states: “If suitable Indiana bat summer habitat is present, proceed to Phase 2- Acoustic Surveys and submit the habitat assessment report and draft study plan for conducting acoustic surveys to the USFWS FO(s) for review and concurrence.” If the FWS expects for acoustic surveys and mist nest surveys to be conducted during the same field season, why not create study plans for Phase 2-3 at the same time.**

P. 5 – “Additionally, captured bats may be banded (not required by USFWS; contact the applicable state natural resource permitting agency for banding recommendations/requirements) and have radio transmitters attached (as required). Mist-netting guidelines are contained in Appendix C. If an Indiana bat(s) is captured during mist-netting, protocols for Phase 4- Radio-tracking and Emergence Surveys provided in Appendix D and E, respectively, must be followed.” – **There seems to be some contradiction as to whether radio-tracking and emergence surveys are optional or required. Succeeding text seems to indicate it is required; if so, this needs to be clearly stated.**

P.6 – “Failure to follow the survey guidance, as written, may result in USFWS FO recommendations for additional survey effort.” – **How is this determined? At a minimum FWS needs to provide some guidelines or criteria as to how adherence to the guidance will be evaluated.**

Appendix A – “Habitat assessments should be completed by individuals with a natural resource degree or equivalent work experience.” – **If they are not, will they not be accepted? What does the FWS consider to be “equivalent work experience”?**

Appendix B – “If detectors are placed in unsuitable locations, effective data analysis may be impossible, and the results of the sampling effort may be invalid.” – **Is this specified as requiring inclusion in the study plan? If not, there needs to be some way of FWS reviewing/concurring with this aspect, otherwise there will be a lot of wasted effort.**

“However, if the units are visited when the timer is off, the surveyor cannot verify that the unit is functioning properly. This is particularly important in areas where no bat activity is recorded for the entire night or during the last portion of the night. In these cases, if the surveyor cannot demonstrate that the detector was indeed functioning properly throughout the survey period, then

*the site will need to be re-sampled, unless adequate justification can be provided to the USFWS FO(s)."* – **How feasible/practical is verifying functionality, and what is "adequate justification"?**

*"Suitability of the selected acoustic survey sites will also be assessed in the data-analysis stage. Suitable set-up of the equipment should result in high-quality calls that are adequate for species identification. Thus, at least 10 bat calls (i.e., greater than or equal to 3 high-quality pulses in a call) must be recorded AND a minimum of 40% of all recorded bat calls must be identified to the species level for each detector on each survey night for the site to be deemed suitable. Nights of sampling at individual sites that do not meet these minimum requirements will need to be re-sampled unless adequate justification can be provided to the USFWS FO(s)."* – **How is the distinction made between a site being "suitable" and simply that there is no bat activity?**

P. 13 – *"The number of acoustic survey sites required for a project will be dependent upon the overall acreage of suitable habitat proposed to be impacted by the action."*; **This is odd language; no one proposes to impact habitat, they propose a project that may impact habitat, and the surveys are helping to determine what the degree of that impact might be.**

P. 14 – *"Using detection probabilities as determined in post-white-nose syndrome (WNS) environments as the baseline necessary to document Indiana bats ..."* – **There should be a literature reference or other explanation of what these detection probabilities are.**

P. 15 – *"Copy of habitat assessment and acoustic survey study plan report (if not previously provided)"* - **How would this point (submission of acoustic survey report) have been reached if these had not been previously provided? "A description of how proper functioning of bat detectors was verified"** – **See previous comment on feasibility of verification.**

#### Appendix C

P. 22 – *"A Phase 3 mist-netting report must be submitted to the appropriate USFWS FO(s) for review and approval. If Indiana bats are captured, this report should also include the data submission requirements of the subsequent radio-tracking and emergence count efforts."* – **What are, or who determines, the "data submission requirements"? Is this not getting to Phase 4 efforts?**

P. 23 – *"Copy of Phase 1- Summer Habitat Assessment, Phase 2 acoustic survey report and Phase 3 and 4 mist-netting/radio-tracking/emergence count survey study plan (if not previously provided)."* – **See previous comment on use of this phrase (applies to Appendices D & E also). "Copy of the site-specific written authorization from USFWS and/or state natural resource agency (if required)." - What are the circumstances under which such authorization would be required? Will permitted biologists know when they need to obtain this, and when?**

#### Appendix D

**P. 27-28, paragraphs 3 and 4 – This is clearly an intensive tracking effort, requiring a significant number of person-hours (including aerial surveys!). To what end are these data being collected? This is bordering on or does constitute a research level-of-effort, and seems way beyond what the Service requires to meet its consultation requirements under the ESA. This is more in line w/ what should be done as a conservation measure in instances of take.**

#### Appendix E

**If applicants are available to avoid removing roosting trees outside of the summer roosting season, then emergence surveys should not be required. Instead conservation**

**measures/mitigation (such as the one previously mentioned) should apply. If instances where a potential roost tree needs to be removed, then the need for emergence surveys is applicable.**

### **Comments on Acoustic Bat Identification Software Testing Criteria – Draft January 2013**

Item 6. – We presume that “(see#6)” refers to Question #6 in the FAQ, but if so this should be clarified.

### **Comments on Draft 2013 Field Season Contingency Plan for Conducting Indiana Bat Summer Surveys, January 2013**

1. Should not Step 3b. read “... presume presence of Indiana bats and proceed to Step 5 or proceed to Step 4.”
2. Since one of the primary goals of the revised guidance is to have a standardized, accepted acoustic identification program, it seems that Step 4 re-opens the door if you will to disagreement or uncertainty over whether or not the Service would accept the results based on current technology. Consideration should be given to leaving Step 4 out and using only Step 3; though the threshold there appears coarse and conservative, it does provide an unequivocal ‘decision point’.