



March 7, 2013

U.S. Fish and Wildlife Service
620 South Walker Street
Bloomington IN 47403-2121

RE: Range Resources comments concerning draft revised Indiana Bat Summer Survey Guidelines

To whom it may concern:

Range Resources-Appalachia, LLC (Range) is a leading operator in the Marcellus Shale natural gas play with a leasehold position of over one million acres across western and northcentral Pennsylvania. Range appreciates the opportunity to provide comment on the draft revised Indiana Bat Summer Survey Guidelines.

Range supports the Marcellus Shale Coalition's comments (attached) concerning these guidelines, primarily that the acoustic recording technology is not yet accurate enough for use in the field.

Range recommends that the USFWS work with all its stakeholders on this issue to develop accurate technology and protocols for the Indiana bat.

Sincerely,

Bruce R. Snyder
Senior Regulatory Compliance Specialist
Range Resources-Appalachia, LLC



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U.S. Fish and Wildlife Service
620 South Walker Street
Bloomington, IN 47403-2121

**RE: ENDANGERED AND THREATENED WILDLIFE AND PLANTS; DRAFT
REVISED INDIANA BAT SUMMER SURVEY GUIDELINES [FWS-R5-ES-2012-
N195; FXES11130300000-134-FF03E00000]**

These comments are submitted on behalf of the Marcellus Shale Coalition (MSC), a regional trade association with a national membership. The MSC was formed in 2008 and is currently comprised of approximately 300 producing and supply chain members who are fully committed to working with local, county, state and federal government officials and regulators to facilitate the development of the natural gas resources in the Marcellus, Utica and related geological formations. Our members represent many of the largest and most active companies in natural gas production, gathering and transmission in the country, as well as the suppliers and contractors who service the industry.

- The MSC is concerned about the accuracy and development of the acoustic tracking technology and software. The document provided by the USFWS specifies the use of acoustical equipment and software programs that have not been peer-reviewed and field tested. The USFWS has not provided recommendations on equipment or software for acoustical tracking. Many of our bat experts believe that the technology and software is not advanced enough to distinguish between bat species. For example, all bat species can produce greater than 35 KHz and this may result in many false Indiana Bat detections. Implementing equipment and software which may yield false positive or negative results could lead to inaccurate assessments of bat populations. Companies with bat experts will have to invest in many different types of equipment and software in order to provide the USFWS with acceptable data. Without a peer reviewed, proven and acceptable technology recommendation from the USFWS, a significant investment will have to be made by companies who provide these services. The MSC suggests that further field testing of equipment and software be completed prior to the finalization and implementation of acoustical tracking. After such testing has been completed the MSC suggests that the USFWS provide recommendations on both the equipment and software, beyond what is proposed in the guidelines.
- The USFWS is proposing to require the regulated community to conduct a survey every 30 acres, whereas the previous requirement was every 272 acres. Based on the consultation of several bat experts, the MSC recommends that the survey spacing remain the same.

- In Appendix C, the USFWS emphasizes the requirement of walking between mist net locations. In addition, the FAQ document (Pg. 13 #38) states that surveyors are required to walk (not drive) between locations. Considering that each mist net location must be checked every 10 minutes, and in many cases these locations are miles apart, this would require an increased number of surveyors than previously required. The MSC questions the requirement of the USFWS with respect to transportation. The utilization of small vehicles should be allowed to transport surveyors from site to site (ATVs). There does not appear to be legitimate justification to require surveyors to travel on foot.
- The USFWS has reduced the validity of a survey from 5 years to 2 years. The MSC has consulted several Bat experts which believe that the validity of an Indiana Bat survey should remain 5 years.
- The Pennsylvania Game Commission (PGC) currently only allows Bat surveying via mist netting. If the USFWS adopts these draft survey guidelines, then the Pennsylvania regulated community may have to provide a survey for the same project utilizing two different methods, which may yield completely different results. The MSC suggests that the USFWS should coordinate with the PGC to establish a protocol on these surveys prior to finalizing and implementing this measure.
- On Page 1 of the draft guidelines, the introductory paragraph says that once these guidelines are finalized, future changes are likely to occur and will be posted on the USFWS website. The MSC requests more formal notification of changes to the guidance than simply posting on a website. We would request that the USFWS consider a public comment period for future changes to the guidelines.
- On Page 3 of the draft guidelines, the USFWS states that surrounding non-forested habitats are included in the definition of “suitable summer habitat,” and as such implies that those non-forested areas should be investigated as part of the Summer Habitat Assessment. In the past, these areas have been excluded from being considered “habitat.” Agricultural fields, open pasture, and old fields should not be considered suitable summer habitat for Indiana bats. In effect, the USFWS is attempting to include every type of habitat as suitable summer habitat. The inclusion of this requirement will add substantial effort, time and cost for no additional environmental value.
- Currently, the draft protocol requires mist netting after an Indiana bat has been documented by acoustic surveys (Phase 3 Mist Netting). The level of mist netting effort seems to be significantly greater in this protocol than what has been required in the past. Under the old system, a typical mist net survey required two net sets for two nights or a total of 4 net nights. The current protocol calls for a total of 10 net nights, more than doubling the previous level of effort. We feel that this additional level of effort is excessive and will shorten the time available for acoustic monitoring and mist netting in the same season. Thus this requirement should be reduced to be more in line with the previous protocol.
- 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. The MSC believes that adding the step of acoustic monitoring into an already compressed survey timeframe, with many of the same temperature and precipitation limitations, while doubling the number of required mist net nights, will result in projects being unnecessarily delayed for an additional nine months until the survey season opens again.

- The Need for a Change in Protocol – The USFWS contends that the proposed changes in bat survey protocol are related to reduced bat densities across an expanding area due to white nose syndrome as well as recent advances in the equipment and quantitative analysis (USFWS, Frequently Asked Questions (FAQ's), January, 2013). First, the USFWS's own population estimates for Indiana bats show a 2.2% population increase from 2009 to 2011 (2011 Rangewide Population Estimate for the Indiana Bat (*Myotis sodalis*) by USFWS Region). The MSC questions the need to revise the bat survey protocol in light of these trends. Secondly, the justification given by USFWS in their Frequently Asked Questions sheet which touts the recent advancements in acoustic monitoring equipment is inaccurate. The USFWS and leading bat experts throughout the country have not been able to agree upon (or recommend) specific acoustic monitoring equipment, which calls into question the appropriateness of issuing a draft survey protocol. Although advances to the equipment have been made, the USFWS should not require the regulated community to use an unproven protocol.
- The MSC notes that most Indiana Bat surveys have been conducted to fulfill Endangered Species Act related requirements. They have not been strategically or evenly conducted across the species geographic range nor routinely conducted through time. Therefore, in conjunction with these survey guidelines, the USFWS should develop more accurate habitat mapping which would incentivize more avoidance measures.

The MSC requests that proposed revised summer survey guidelines be postponed until further testing has been performed on the equipment and software and the USFWS provides formal recommendations for both. The USFWS should coordinate with both the regulated professional community, including bat experts, and the PGC, prior to adopting this revised survey guideline.

The MSC is committed to working with the USFWS on this important issue and would welcome working together on developing alternative survey and tracking methods for the Indiana Bat in the interest of protection and preservation. We look forward to an opportunity to meet with you in person to discuss this proposed action.

Yours very truly,

Kathryn Z. Klaber
Chief Executive Officer

cc: Senator Richard Alloway, Chair, Senate Game & Fisheries Committee
Representative Martin Causer, Chair, House Game & Fisheries Committee
Chris Abruzzo, Deputy Chief of Staff, Office of Governor Corbett
Pat Henderson, Energy Executive, Office of Governor Corbett

