



Indiana bat critical habitat revision petition finding Questions and Answers

1. Who petitioned the Service, and what did the petitioners ask the Service to do?

The petitioners included the Southern Appalachian Biodiversity Project, Kentucky Heartwood, Brent Bowker, Indiana Forest Alliance, Buckeye Forest Council, Virginia Forest Watch, Shenandoah Ecosystem Defense Group, and Heartwood. The petitioners asked the Service to revise existing critical habitat for the Indiana bat to include habitat in the summer range of the species.

2. What is the process under the Endangered Species Act for evaluating petitions to revise critical habitat? The Act requires that the Service make a finding on whether a petition to revise critical habitat for a listed species presents substantial information indicating that the petitioned action may be warranted. This finding is based on information contained in the petition, supporting information submitted with the petition, and information otherwise available to the Service at the time of the finding. To the maximum extent practicable, the Service makes this finding within 90 days of the receipt of the petition and publishes this 90-day finding promptly in the Federal Register.

If the Service finds that substantial information is presented, it begins a review to determine if new information justifies revision of critical habitat. This review is to be completed, if feasible, within 12 months of receipt of the petition. In the 12-month finding, the Service determines whether revising critical habitat is appropriate and describes the planned approach to proceed with the requested revision.

3. What is the existing critical habitat designation for the Indiana bat? When was it designated?

Critical habitat was designated for the Indiana bat on September 24, 1976, and included some caves and mines where the Indiana bat was known to hibernate at that time. Eleven caves and two mines in six states were listed as critical habitat.

Illinois - Blackball Mine (LaSalle Co.);

Indiana - Big Wyandotte Cave (Crawford Co.), Ray's Cave (Greene Co.);

Kentucky - Bat Cave (Carter Co.), Coach Cave (Edmonson Co.);

Missouri - Cave 021 (Crawford Co.), Caves 009 and 017 (Franklin Co.), Pilot Knob Mine (Iron Co.), Bat Cave (Shannon Co.), Cave 029 (Washington Co.);

Tennessee - White Oak Blowhole Cave (Blount Co.); and

West Virginia - Hellhole Cave (Pendleton Co.).

4. Why didn't the Service meet the 90-day deadline to issue its finding?

The Service was prevented from addressing this petition because of budget limitations, which required us to focus on higher priority actions. Subsequently, the Service received a complaint from eight conservation groups (many of whom were original petitioners) that included our alleged failure to comply with the Endangered Species Act's Section 4 petition deadlines and various claims of Section 7 violations. On May 24, 2006, we reached a settlement agreement with the plaintiffs with regards to the Section 4 portion of the complaint. Per that settlement, we agreed to submit our 90-day finding to the *Federal Register* by February 28, 2007.

5. What is the Service doing to address concerns raised by the petitioners?

Designating critical habitat in the summer range of the Indiana bat as requested in the petition would not be an efficient means of conserving summer habitat. Federal agencies are required to consult with the Service on actions they carry out, fund, or authorize to ensure that their actions will not destroy or adversely modify critical habitat. A critical habitat designation has no effect on situations where a Federal agency is not involved—for example, a landowner undertaking a project on private land that involves no Federal funding or permit. Therefore, critical habitat designation would have little or no positive impact on the conservation value of the majority of Indiana bat summer habitat. Forest management unrelated to any Federal activity (i.e., not regulated through section 7 consultation) affects much more area of Indiana bat summer habitat compared to the area affected by section 7 consultation. Rather than mandating specific management at specific sites, the Service plans to provide Federal, State, and private-land forest managers with recommendations on how to sustain and enhance Indiana bat habitat during forest management practices. Because the Indiana bat is known to occupy a wide variety of wooded habitats, a wide range of management options may contribute to conservation of this species. We will encourage and promote management over broad areas through cooperative conservation. This approach has the potential to promote conservation of habitat over a much broader area than can be affected through regulatory approaches. In conjunction with continuing our work with Federal partners to conserve and enhance specific sites through section 7 consultation, we have concluded that a cooperative conservation approach is the only practical means of managing for Indiana bat habitat, which occurs primarily on private lands.

6. What is the status of the Indiana bat's population?

The 2005 population estimate (Indiana bats are surveyed in hibernation caves every two years) was 457,000, about 50 percent fewer than when listed. However, recent surveys indicate an upward trend. The 2005 estimate was a 15 percent increase from the 2003 estimate.