



February 25, 2010

Kenneth Salazar, Secretary of the Interior  
U.S. Department of the Interior  
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Washington, D.C. 20240

Thomas Vilsack, Secretary of Agriculture  
U.S. Department of Agriculture  
1400 Independence Ave. S.W.  
Washington, D.C. 20250

Robert Gates, Secretary of Defense  
U.S. Department of Defense  
1000 Defense Pentagon  
Washington, D.C. 20301-1000

Dear Sirs,

On behalf of the more than 11,000 members of the National Speleological Society (NSS), I am writing to express our deep concerns about the recent petitions filed with you by the Center for Biological Diversity (CBD) concerning White Nose Syndrome (WNS) in bats.

CBD's second petition, calling for the listing of the Northern Long-eared bat (*Myotis septentrionalis*) and the Eastern Small-footed bat (*Myotis Leibii*), may or may not be warranted, but is not the source of our strong objection. However, this may not be the time to spend the human, field, and financial resources on such a lengthy process.

In terms of the CBD petitions themselves, we strongly believe the first petition filed by the CBD is hyperbolic, over-reaching, and ill-advised in a number of ways. Further, the strategies proposed have the potential to be more destructive to a wide variety of endangered cave species - and conservation of species habitat in general - than any benefit gained by efforts to contain WNS by these approaches.

The NSS perceives this as a serious and immediate concern that threatens to undo years of progress in cave and karst conservation, as well as divert much needed resources from combating a new and deadly threat to North American bats. Frankly, we see much of what is proposed as simply unworkable, unenforceable, and beyond the financial and human resources of your agencies.

We have serious objections to the approach taken by CBD, and will lay out the rationale for those objections. We respectfully urge you to dismiss it.

**Who we are:**

The National Speleological Society (NSS), founded in 1941, is a non-profit membership organization dedicated to the scientific study of caves and karst; protecting caves and their natural contents through conservation, ownership, stewardship, and public education; and promoting responsible cave exploration and fellowship among those interested in caves. We are the nation's oldest and largest organization devoted to cave science, cave conservation and cave exploration.

Let us state at the outset that the NSS is deeply concerned about WNS. The disease is present at some of the cave nature preserves that we own and manage, and we have been intimately involved on many levels in the WNS investigation since its inception. We share the belief that this is one of the most significant crises to affect North American wildlife in nearly a century. It not only presents challenges for bat populations, but also for the conservation of caves and other cave life in general.

**Actions we have taken:**

The NSS has a long track record of collaboration with federal agencies, including current Memoranda of Understanding with the Fish and Wildlife Service, Forest Service, Bureau of Land Management, and National Park Service. Our members were the leaders in garnering support for passing the Federal Cave Protection Act in 1988, and they have long assisted both federal and state agencies with cave protection and management, including bat conservation.

The NSS and its internal organizations, including many cave conservancies, own and manage numerous caves, including many with endangered bats and other endangered species, and manage them accordingly. Some of our own cave nature preserves, in New York and West Virginia, are affected by WNS. Clearly, we are as invested as anyone in finding a solution.

To that end, the NSS has been actively involved on the ground in the investigation of WNS. We established a WNS Rapid Response Fund early on, and have awarded grants for eleven priority research projects that have provided a significant amount of information about WNS. Our members participate with state and federal wildlife officials in the field, providing our manpower and skills for work underground and aboveground, and our scientists have provided research in the laboratory and the field.

Two years ago, we appointed a special WNS Liaison, who has actively participated in most all of the science and management meetings and planning activities over the past two years. The Liaison runs an active website, [www.caves.org/WNS](http://www.caves.org/WNS), which is a primary source for information used by all parties involved in WNS and a wealth of information for the public.

## **Problems associated with the petition:**

In calling for the closure of all caves and mines on federal land in the lower 48 states, an unprecedented broadening of the definition of “take” under the Endangered Species Act, the extensive expansion of the designation of critical habitat, and other provisions of the petition, the CBD proposals threaten to produce a myriad of unintended consequences.

Besides diverting Federal resources from WNS to instead addressing the species-listing petition and redefining "take" under ESA, their proposals threaten to alienate the very stakeholders who are most critical to protecting bats, caves, and other karst resources - cavers, cave landowners public and private, and organized cave-related entities, such as the NSS and affiliated cave conservancies.

By picking and choosing from the body of available data, the CBD misrepresents both the observed role of humans and downplays the proven role of bats in transporting WNS. With bats themselves as the clear, acknowledged primary vector, the CBD proposals will not address or curtail the fundamental mechanisms of WNS spread and infection.

As the CBD acknowledges, there is no conclusive evidence of human transmission, nor has there ever been targeted research on the question. Early management responses by federal agencies and organizations, including the NSS and cave conservancies, erred on the side of caution, since little was known about the disease. However, the ensuing years have provided information that can lead us to more nuanced, targeted, and effective management strategies.

We also believe the overly broad call for the closure of all caves and mines on federal land within the continental United States, and the call for a rule that would impose the threat of penalties for anyone traveling between caves on public and private land, and the same to private landowners, will have far-reaching unintended consequences.

These proposals may actually encourage the physical destruction of caves by landowners fearful of legal liability, and the restricted access by the very researchers working to solve WNS. Additionally, in this economy we can only imagine the tremendous financial disruption of closing major National Parks sites, such as Mammoth Cave, KY, and Carlsbad Caverns, NM, and commercial cave and mining operations on federal lands, not to mention the lost opportunities for public education about these precious resources.

It is the provision in the CBD petition calling for the broad expansion of the definition of “take” that is the most troublesome from a conservation point of view. We can only speculate what this unprecedented expansion of “take” would mean for habitat conservation in areas that don’t involve caves or bats. This proposal goes far beyond any consideration of WNS, and we will leave that for others to address, but the effect on cave conservation alone is significant and deeply concerning.

For private cave landowners, the liability threat is likely to result in some of them sealing their caves by bulldozing, blasting, or filling sinkholes with rubbish. Sealing caves in

this manner would prevent bats from entering, thus ensuring that any thriving ecosystem - including other endangered (or not) cave species that depend primarily upon the energy brought into the caves by bats - would die. Further, the pollution caused by filling sinkholes with rubbish and leaching into groundwater in karst terrains is something the NSS has worked for decades to prevent. This work could quickly be undone. Large scale gating is not a practical option either, when you consider the magnitude of the issue: Tennessee has some 14,000 caves; Missouri 9,500, etc. It simply is out of the question.

Perhaps the most profound long-term impact of implementing anything like what is called for in the CBD petitions may be on the development of a conservation ethic in the public and for future generations. Our youth, and the public in general, need to see and appreciate these resources in order to support their conservation. Indeed, the mission of the National Park System is predicated on this notion.

The memorandum of understanding between the U.S. Fish and Wildlife Service and the NSS states, *“Increased public awareness of the values interest in non-renewable cave resources, and the concern that those resources be managed and protected for the enjoyment and use of future generations.”* Similar language appears in our agreements with the U.S. Forest Service, Bureau of Land Management, and the National Park Service.

The de-legitimization of the activities of major caving organizations, such as the NSS and related conservancies, who provide public education, youth orientation programs, restoration projects, and resource management activities, would deal a long-term blow to cave conservation. It would also alienate the thousands of cavers across the country, who have worked so hard for decades to discover and preserve these geological and ecological treasures.

### **Our recommendations:**

We believe there are necessary roles for introductory and recreational cave exploration that provide the basis for the development of a deep appreciation for the resource, and ultimately its conservation. Long-term conservation goals need not be sacrificed while appropriately and effectively addressing the challenges of WNS.

Instead, why not turn that resource – our membership – into an advantage? We urge you to forge a new and stronger relationship with the NSS and our members. With federal and state budgets under tremendous pressure, we can help.

Enhance the collaborative agreements already in existence to take advantage of the human resource of thousands of individuals who have already demonstrated a willingness to aid the investigation of WNS. This can be done at the national, regional, and local level. This is the essence of public/private partnership.

Use the Society, its internal organizations, and its individual members, to do essential fieldwork, to interface knowledgeably with the public, to assist in managing and

monitoring resources

A cave conservancy board member recently said, “Effective management is all about successfully implementing the possible, rather than unsuccessfully implementing the ideal.”

We believe a closure strategy targeted at priority bat sites is scientifically defensible, would be better understood, financially manageable, and ultimately most effective.

Similarly, applying the WNS decontamination protocols in a targeted manner will engender higher levels of compliance. Continuing to educate cavers and to advise against the use or transport of caving or research gear that has been used in a WNS area outside of that area is common sense, and has proven to be both workable and supportable.

Finally, we strongly believe that the most important thing we can do is to sufficiently fund much needed research into the disease itself. This is where it is critical for resources to be focused. If we have a chance at stopping this disease, it will be through understanding the life cycle of the *Geomyces destructans* fungus, the progression of the disease in an individual bat, and within a bat colony, the effect of cave microclimates, the immune response system of bats, and the possible interface of environmental toxins, as well as through observing and analyzing any resistance to the disease.

In conclusion, we understand that your three agencies have different missions and authorities. While the Department of Agriculture and Department of Defense don't have primary responsibility for the Endangered Species Act, you do manage resources that are used by bats. We urge you to take a targeted approach to doing so. As we continue to learn more, we can be more effective at focusing scarce resources where they will do the most good. We urge you not to enact the extremely broad-brush approaches proposed by the CBD.

Our comments on the aspects of the CBD petitions pertaining to the ESA apply primarily to the Department of the Interior and the U.S. Fish and Wildlife Service. We have already asked that you dismiss the first petition, and suggested that you may find the second unnecessary, or at least untimely. If, however, the decision is made to continue with either petition, we ask that the NSS be notified of such action and be advised of any and all opportunities for comment, including under the provisions of Section 4 (b)(5).

We thank you for considering our comments, and look forward to working collaboratively with you in addressing the challenges presented by White Nose Syndrome.

Sincerely,



Gordon L. Birkhimer  
President, NSS