



# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

300 Westgate Center Drive  
Hadley, MA 01035-9589



In Reply Refer To:  
FWS/R5/ES-TE/ESO-00029580

JUL 14 2011

Gordon L. Birkhimer  
President, National Speleological Society, Inc.  
2813 Cave Avenue  
Huntsville, Alabama 35810-4431

Dear Mr. Birkhimer:

This responds to your June 9, 2011, letter regarding the petition for rulemaking submitted by the Center for Biological Diversity (CBD) requesting governmental action to address the threat posed by white-nose syndrome (WNS) to bats. You expressed concern that the actions requested by CBD are not supported by the available science, would be ineffective in protecting bats from WNS, and would adversely impact cave users, businesses, and cave and bat conservation. These are similar to the concerns you raised in your February 25, 2010, letter to us regarding the petition.

The petition by CBD requests the Federal government to close all caves and mines known or suspected to harbor bats on Federal lands throughout the continental United States; promulgate a rule governing take of endangered bats to specify that transferring materials between caves and mines constitutes a violation of prohibitions in the Endangered Species Act against "take" of listed species; designate as "significant" all caves inhabited by bats on all Federal lands; issue an advisory to all State, other public, and private owners of caves and bat-inhabited mines throughout the United States, recommending year-round closure; notify all owners of caves and bat-inhabited mines of threats to federally listed bats from cave visitation and associated potential spread of WNS, and of decontamination protocol recommended for caves that remain open; and establish as part of the national WNS action plan a fund to purchase privately owned bat caves and mines.

The U.S. Fish and Wildlife Service (Service) is the lead Federal agency coordinating the response to WNS. Many of the requests in the CBD petition are directed to the Service serving in that role, and also as a Federal land manager. In a July 8, 2011, letter to the CBD (copy enclosed), the Service responded to the requests in the CBD petition directed to us. With respect to your concerns about cave closures, we intend to revisit our March 2009 cave advisory and to solicit the input of various stakeholders including the National Speleological Society (NSS) in determining whether any changes are needed.

Gordon L. Birkhimer

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The Service appreciates the NSS's long history of cave and bat conservation and your members' contributions to the WNS response effort and recognizes the importance of collaboration with all stakeholders as we work together to address the unprecedented threat to bats posed by WNS.

If you have any questions, please contact Dr. Paul Phifer, Assistant Regional Director, Ecological Services, at 413-253-8304, or Martin Miller, Chief, Division of Endangered Species, at 413-253-8615.

Sincerely,



**Acting** Marvin E. Moriarty  
Regional Director

Enclosure

cc: Secretary of the Interior  
Secretary of Agriculture  
Secretary of Defense  
Director, BLM  
Chief, U.S. Forest Service