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DEDICATED TO THE EXPLORATION, STUDY, AND CONSERVATION OF  
CAVES

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Dear Sirs,

On behalf of the more than 10,000 members of the National Speleological Society (NSS), I am writing to express our continued concern with the approach taken by the Center for Biological Diversity (CBD) regarding White Nose Syndrome (WNS) in bats, as exemplified by their **May 25, 2011 30-Day Notice of Intent to Sue Under the Administrative Procedure Act, 5 U.S.C. 706(a)(1): Unreasonable Delay in Responding to a Petition to Protect Bat Populations from the Threat of White-Nose Syndrome.**

As we stated in our February 25, 2010 letter in response to CBD's initial petitions, their proposed management solutions continue to be hyperbolic and ill-advised. Our February 25 response can be found in full at <http://www.caves.org/WNS/CBD%20Petition.pdf>.

No one knows more about America's caves than the NSS. Our 70-year record of cave exploration, documentation, scientific study, and cave conservation, including bat conservation, is unparalleled. The NSS has been involved with the WNS investigation since its inception, due to the fact that two of the original WNS sites in New York are our own cave nature preserves. We have worked closely with state officials, academic researchers, and your agencies in the WNS effort for the past four years. We have provided more than a dozen research grants, and successfully testified in Congress for a \$1.9 million appropriation for WNS research and management activities. We have participated in almost all of the national WNS meetings, and have commented extensively on the draft national WNS plan, and are participating in its work groups.



We understand the resource limitations of the U.S. Fish and Wildlife Service in terms of responding to Endangered Species Act (ESA) listing petitions. In large part, we believe the efforts of CBD and similar organizations are one of the major reasons why USFWS has not been able to focus on the hard science necessary to make appropriate and evidence-based determinations. Calls for federal listing of bats for which little data is available are not helpful, but rather lead to a public policy environment where states are considering, and have considered, listing all hibernating bat species in their states, despite little or contrary data. This is not conducive to focused and evidence-based actions that can be targeted regionally and specifically to certain species for which there may actually be sufficient data to justify at least a regional designation. We certainly urge U.S. Fish and Wildlife not to succumb to such blanket approaches.

Listing determinations aside, the NSS strongly opposes the other actions called for by CBD in their May 25 letter. Calling for blanket cave closures across the U.S. is unnecessary, unenforceable, and counterproductive. While cave closures on some federal lands have been implemented, particularly in the eastern U.S., there is no evidence that this action has done anything to contain WNS. Most people working on WNS understand that bat to bat transmission of the disease is overwhelmingly the primary method of transmission, and administrative closing of caves and mines does nothing to prevent that.

The NSS has consistently urged a targeted approach to closures. Identifying key bat hibernacula for surveillance and monitoring and additional protections, if and when necessary, is a far better use of public and private resources, and much more likely to gain public and private support. Whether even that targeted approach will be successful is still unknown, but it has a better chance of succeeding.

The sheer number of caves in the U.S. precludes successful blanket closure management. The NSS cave archivist, the "keeper of the lists," Richard Blenz, of Indiana, states that as of May, 2011, there are 55,792 identified caves in the U.S. Distribution is naturally concentrated in geologically significant areas. For example, the 11 western states of AZ, CA, CO, MT, NM, NV, OK, OR, UT, WA, and WY, currently have 8,250 caves on file in 266 counties. The state of Tennessee alone has more than 1000 more known caves than all those states combined (9637). According to Erik Britzke, U.S. Dept. of Defense, Army Corps of Engineers, there is only data on bats for less than 100 of Tennessee's Caves.

Blenz further points out that only 15% of known caves are in the West. The vast majority of eastern caves are privately owned, while the majority of western caves are government agency owned. "Known" is the operative word here, as the vast expanses of federally-owned land in the western U.S. are, in large part, still largely unexplored in terms of potential caves in general, and in bat caves, in particular.

Western bat biologists and land managers readily admit they don't know in large part where there bats are or how many caves are under their management. In an attempt to gain baseline information about caves and bats, several state and federal land unit managers have been working with NSS members locally to create baseline inventories. Understanding these inventories is key to effective management of WNS, and the targeting of scarce state and federal resources.

For example, at the recent WNS Symposium in Little Rock, Arkansas, May 17-19, 2011, U.S. Forest Service biologist, Patricia Ormsbee, presented some newly developed information on caves and bats in





Oregon and Washington. Her data showed 2900 caves in the two states, but only 39 of these were used by *Myotis* species of bats, the genus most affected by WNS. Most of these colonies had less than 10 bats; the highest count was only 38. A blanket closure order here would unnecessarily target the overwhelming majority of caves, and may do little, if anything, for the others, given the small colonies.

The points on land ownership, cave concentration, and bat concentration are key to understanding and developing appropriate WNS approaches. Also key to understand is that WNS has not spread beyond western Tennessee at this point. One lone Oklahoma bat tested positive for the suspect *Geomyces destructans* fungus (but not WNS, according the U.S. Geological Survey's National Wildlife Health Center laboratory in Madison, Wisconsin) in the spring of 2010. However, Oklahoma is clean as a result of this year's surveys. Similarly, a handful of Missouri bats also tested positive for the fungus also in 2010, but there was no sign this year, despite extensive surveys. Indeed, Missouri, which owns approximately 20 % of the state's 6,500 caves, has re-opened a number of them to public visitation.

Further, a number of the bat species listed in the CBD Letter of Intent to Sue have not been affected by WNS at all. The Ozark big-eared, Virginia big-eared, Lesser long-nosed, and Mexican long-nosed bats are among many bat species that have shown no signs of WNS, or in most cases, aren't in or near any WNS-affected regions. The exception is the Virginia big-eared bat, which has large and increasing colonies in Hellhole Cave, West Virginia, and is free of WNS or the fungus, despite sharing a 28 mile-long cave system with Little Brown bats that are heavily infected. The cave also contains Tri-color bats that showed signs of the disease and declining population (although the numbers are very small). Less than two percent of that cave's Indiana bats showed WNS, and the population had more than doubled (by about 5000 animals) since the last survey.

All of this evidence – vast expanses of land, small number and concentration of caves, different cave geology (gypsum and lava in large parts of the West vs. limestone and marbles in the East), cave microclimate variations (temperature and humidity that may be optimal in one cave for fungal growth and/or bat preference, but totally absent in another), small bat colonies and species variation, and actual geographic disease progression seemingly inching slowly at the margins of the known affected areas, all speak against the call for blanket cave closures. It's simply bad science, and not an effective use of public resources.

On another subject, CBD's extremely expansive proposal for re-defining "take" under the ESA, would set a dangerous precedent for all other species, and, broadly interpreted, could essentially ban most human activity. To do what they suggest would make criminals of any tourists who visited Mammoth Cave and then visited Carlsbad Caverns in our National Park system. To threaten criminal status to any private landowner who permitted anyone to visit their cave and then to go elsewhere shows a complete disregard for both private property rights and for cave and bat conservation. Indeed, when WNS was announced to be in an Indiana cave earlier this year, one landowner of a significantly beautiful and popular cave – one, ironically not used by bats – planned to blast shut the cave because she "didn't want the government involved." Thanks to quick intervention by an NSS member, common sense prevailed, and the cave was saved. We discussed these points in our comments last year, and won't reiterate them here, but we are strongly opposed to such an action.



Regarding the CBD call for identifying and designating as “significant” **“all caves located on federal public lands,”** (emphasis added), under the Federal Cave Resources Protection Act, it’s hard to know where to begin. The statement shows a complete ignorance of the law and the intent of “significant” designation. It also demonstrates yet another area where CBD is either blissfully ignorant or intentionally misleading in terms of its knowledge of cave resources.

As the organization that worked most diligently on the development of and advocating for passage of the FCRPA, the NSS has a long history of working under the Act. Indeed, our Memoranda of Understanding with several federal agencies specifically underscore the consultative role the NSS has in developing recommendations for designation of specific caves.

Calling for each and every cave on federal land to be designated as “significant” undercuts the very meaning of the word. In addition, such designation would do little, if anything, to curtail the spread of WNS. What following such a course of action would do is to tie up federal resources in a designation process define under the Act.

As an example, 43CFR37, the Forest Service Regulations for implementation of the FCRPA, specify the process whereby a cave (which can include a mine, by definition) is nominated and reviewed for designation. It is clear that this is a cave-specific process. Data is collected for the purpose of making a determination evaluation, and criteria are set in the regulations which must be met for a positive determination.

Interestingly, the Office of Management and Budget estimates that it would take approximately three to three and a half hours per nomination for the public effort involved in data collection. This is before the agency does its review. With thousands of caves, and hundreds of thousands of mines (Nevada alone estimates 300,000 mines, of which 50,000 are estimated to be unsafe, but only 15,000 inventoried – Source: Western Bat Working Group), well the math alone clearly demonstrates the absurdity of this proposal.

The NSS continues to believe that a collaborative approach to working on WNS is the best approach. We have consistently advocated for a targeted approach to cave closure strategies, which has been done by both state and federal agencies. We would urge the U.S. Forest Service to re-examine its current blanket closure orders on certain eastern Forest Service units where prevention of WNS has become irrelevant, and many caves in those areas were not used by bats anyway. We would urge a more targeted and regional approach to the imposition of decontamination protocols. We would further urge the use of our membership in helping to establish base line data on bats and cave use in the western U.S.

Unstated in the CBD letter and petition are any acknowledgment of the effect on commerce as a result of cave closures. The three-year cancellation of Carter Caves, Kentucky’s Crawlathon, has had a significant impact on the tourism and hospitality industry in that part of the state. Over 600 attendees rent hotels, motels, and campsites, shop, and dine out, a tremendous boon to area businesses at a time of year (winter) when they are in a lull. That has stopped. At Maquoketa Cave State Park, in Iowa, annual paid visitation has dropped from 250,000 to 60,000, causing significant loss of revenue to Iowa’s state park system. It’s significant to point out that in neither of these cases is there WNS





present in the area. Were the National Park System to close Mammoth Cave, Carlsbad Caverns, Wind Cave, Jewel Cave, Timpanogos Cave, and Lava Beds National Monument in response to CBD, we shudder to think of the effect on the economy of those regions, the impact on employees, the loss of the ability of the American public to enjoy its natural resources –paid for and supported by the American taxpayer. Indeed, for a supposed conservation organization like CBD, cutting people off from the ability to see and gain an appreciation of cave resources seems a pretty poor way of developing a conservation ethic in the next generation.

We believe the CBD approach is far more draconian than warranted, especially considering the major vector of the disease is bat to bat. Cavers are already following the U.S. Fish and Wildlife cleaning and disinfecting and access behavior protocols, although we strongly believe these are overdue for revision – particularly in terms of where they apply.

For example, it makes little sense in the WNS-ravaged area of the northeast, for decontamination to be utilized. Whatever damage was going to be done has been done. Similarly, it makes little sense for a California caver, for example, to be required to decon after visiting a California cave, when there is no WNS anywhere near the region. All that does is expose the person and his or her gear and clothing, as well as the cave environment, to harmful chemicals. That said, what does make sense is to prevent clothing and equipment used by cave visitors and researchers at WNS sites (or in WNS regions) from being used in unaffected areas.

The disease is showing up mostly not in show caves or heavily visited wild caves, but in bat hibernacula along the normal migratory and seasonal paths of bat movement. The lack of widespread WNS in locations away from these areas seems to indicate that while spores of the fungus hitchhiking on gear is not impossible, it is, at best, only an incidental route of transmission. Bats have shown they pay no attention to “cave closed” signs, and the spread continues.

We believe your agencies should not be spending precious and scarce resources on expensive, ineffective, and ill-advised managerial and administrative designations, when these resources could be better targeted at biological research that might lead to real and practical efforts to contain the disease or assist in bat population recovery. It is unfortunate that the CBD has apparently successfully used the legal system to divert resources away from real conservation work and into defending against legal actions. CBD has a vested interest, including donations and fundraising for itself through its self-proclaimed goal of creative media work, but also through revenues generated by these lawsuits.

The NSS is just as concerned as CBD purports to be about bats, but we are also concerned about the other aspects of caves and cave conservation and management, and about a reasoned and rational response and use of federal funds.

A decade ago, a law enforcement official for the White River National Forest lamented to one of our members that he could not keep vandals from spray painting the walls of popular Spring Cave. He simply didn't have the time or the energy to patrol the cave more than a handful of times each summer. With the current blanket closure of all caves and mines in the region (U.S. Forest Service, Region 2), an estimated 30,000 or more, USFS law enforcement can never keep up. This is neither a practical,



nor an effective approach, and frankly, alienated the organized **caving** community, which should be and has been a natural and effective partner in identifying and helping to manage cave resources.

In contrast, a Bureau of Land Management official in New Mexico, where BLM has taken a collaborative and targeted approach, was recently quoted in the Los Angeles Times, " In a rural state like ours, we need cavers to help us patrol and monitor caves on more than 13 million acres of terrain in our jurisdiction." Elegant in its simplicity, it's a powerful statement about the realities of the Western landscape and the human and natural resources we all cherish.

We strongly urge you all to reject the demands and methods of the CBD. While we understand that you are probably obligated to respond to the legal process, we hope that the actual management approaches your agencies take to deal with White Nose Syndrome and cave management and conservation, in general, are more rational, evidence-based than those suggested by the CBD. We look forward to your responses.

Sincerely,

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President

Cc: NSS Board of Governors

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