

# Session 6

## Interest Group Recommendations to Enhance Bat Conservation Associated with Mining

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Colorado Division of Wildlife  
Monte Vista, Colorado

**National Association of Abandoned Mine Land Programs**

*Mark Mesch, Utah Division of Oil, Gas, and Mining, Salt Lake City, Utah*

**Interstate Mining Compact Commission/Eastern Regulatory Authority States**

*Dr. Richard Wahrer, Kentucky Department for Surface Mining Reclamation and Enforcement, Frankfort, Kentucky*

**Western Interstate Energy Board/Western Regulatory Authority States**

*Homer E. Milford, Abandoned Mine Land Bureau, Mining and Minerals Division, New Mexico Energy, Minerals, and Natural Resources Department, Santa Fe, New Mexico*

**Kentucky Mining Association**

*Stephen Cawood, McBrayer, McGinnis, Leslie, and Kirkland, PLLC*

**U.S. Fish and Wildlife Service**

*Dave Flemming, U.S. Fish and Wildlife Service, Atlanta, Georgia*

**National Park Service**

*John Burghardt, National Park Service, Denver, Colorado*

**U.S. Forest Service**

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**Bureau of Land Management**

*Fred Stabler, Bureau of Land Management, Washington, D.C.*

**Bat Conservation International**

*Fred Stabler, Bureau of Land Management, Washington, D.C.*

**International Association of Fish and Wildlife Agencies**

*Terry Johnson, Arizona Department of Game and Fish, Phoenix, Arizona*

**Regional Bat Working Groups**

*Mary Kay Clark, North Carolina State Museum of Natural Sciences, Raleigh,  
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**NATIONAL ASSOCIATION OF ABANDONED MINE LAND PROGRAMS  
RECOMMENDATIONS TO ENHANCE BAT CONSERVATION  
ASSOCIATED WITH MINING**

Mark Mesch  
Utah Division of Oil, Gas, and Mining  
Salt Lake City, Utah

In 1994, Merlin Tuttle of Bat Conservation International (BCI) came to the annual meeting of the National Association of Abandoned Mine Lands (AML) with a display featuring the work of BCI. Since then, BCI has been at every one of our annual AML conferences. This has allowed for an steady increase in technology transfer concerning bat conservation at abandoned mine sites. So now we have numerous AML programs around the country actively installing bat gates.

Although we have made great progress in installing bat gates, there are still many unanswered questions in terms of the effectiveness of the gates to actually be beneficial to the bats. One of my main concerns is that we need more research into the effect of gate design on bat behavior. Then we need to find a better way to transfer information on the best available bat gate designs to all of the people and programs working in this area including the information presented at this forum. I would encourage programs installing and working with bat gates to incorporate into their program a monitoring system that would evaluate the effectiveness of the gates and then communicate this information so that it is usable by other programs.

When you talk about AML related work you can not avoid the subject of where AML funds come from. They come from a tax on coal that is specifically earmarked for AML work. Congress has held back \$1.6 billion of these funds and not allowed the States to use these funds for the purpose they were intended. These funds should be used by State AML programs to do reclamation of abandoned mines including the construction of bat gates. Utah's share of these funds is about \$10.5 million. Everyone involved with or concerned about restoring lands affected by mining should be telling Congress to release those funds.

**INTERSTATE MINING COMPACT COMMISSION/  
EASTERN REGULATORY AUTHORITY STATES'  
RECOMMENDATIONS TO ENHANCE BAT CONSERVATION  
ASSOCIATED WITH MINING**

Dr. Richard Wahrer  
Kentucky Department for Surface Mining Reclamation and Enforcement  
Frankfort, Kentucky

I have two underlying themes to my talk. First, everyone wants their way and everyone needs a job. I represent the regulators of the Interstate Mining Compact Commission (IMCC) and we need to get an education on bat protection and come up to speed on current issues. At a minimum, we need to attend forums like this. We need to discuss problems and solutions and talk with the other affected agencies that you find at forums like this. I know there is going to be a symposium on the Indiana Bat in Lexington Kentucky in April of 2001 and I would encourage people to attend.

Since many of the IMCC members are not represented at this meeting, their attitudes on the subject are unknown. The bat protection movement is not going to go away. As regulators we need to deal with this issue. However, regulators live and die by the regulations. Woe be it to the regulator that bends or reinterprets the regulations and then has to answer to a superior.

Each agency has its own charge supported by law. OSM, and primacy States have the authority to issue mining permits. The USFWS has the endangered species act, a powerful piece of legislation that needs to be followed and enforced. Once all of the parties understand this, then rational discussions can start. It is imperative that each State mining program develop a close working relationship with the USFWS. Although consultation with the USFWS could be interpreted as "thank you for your comments now lets move on." Consultation could and probably should be questioning, arguing, challenging, and then resolving specific problems.

At this forum, most of the comments I have received from the regulators and coal industry representatives has centered around the USFWS. A unanimous concern has been the status of the Indiana Bat recovery plan. Most States do not know what to do about bat protection and are looking for clear direction from USFWS. Another major concern is about individual USFWS offices. They need to provide specific information about bat protection in terms of minimizing impacts to bat species supplemented with how to enhance and restore bat habitat. It has been reported to me that significant inconsistencies with these issues exist between different USFWS field offices as well as with a certain specific office. This could be due to changing policies or staffs within an office. I would encourage the USFWS to enter into discussions with the State mining regulatory agencies. Perhaps someone like Bob Currie who is an Indiana Bat expert could educate the staff at different USFWS field offices and State mining regulatory authorities.

Concerning the need for published research, perhaps OSM could facilitate the collection and review of existing research and make it available to all stake holders.

**WESTERN INTERSTATE ENERGY BOARD/  
WESTERN REGULATORY AUTHORITY STATES  
RECOMMENDATIONS TO ENHANCE BAT CONSERVATION  
ASSOCIATED WITH MINING**

Homer Milford  
New Mexico Mining and Minerals Division  
Sante Fe, New Mexico

The Western Interstate Energy Board (WIEB) represents the Western U.S. coal mining States. They are very interested in the economy of those States. They would view the \$1.6 billion in AML funds held by Congress to be a significant amount of funding. The problem is how to get Congress to stop trying to balance the budget with these funds and delegate them back to the State for the reclamation work for which they were intended. This, however, may be a dream. Things that we may be able to affect are education. The education provided by BCI has made a dramatic difference. If, however, you had said 10 years ago that we would have been doing what we are doing now to protect bats, I would have said that was a dream. So perhaps we should be going after the dream after all.

But, putting aside the dreams, let's look at what we can do now. By setting up this forum, OSM has undertaken on a new role and responsibility. Hopefully this will reflect well on OSM in the future. There are many other things that OSM can do. We should encourage OSM in every way to keep this issue going. All of the States have done their own thing with bat gates and bat gate design. OSM has the chance to act as a clearing house for all of the information that has been brought out by this forum including research and bat gate information. All of the information being collected by State AML programs are under OSM jurisdiction. No other agency is set up to perform this database and clearing house function. OSM needs to do it, otherwise it will not get done.

There is a constant turnover in the staffs of both Federal and State agencies resulting in a continuing need for education on these issues. OSM needs to put together, in an electronic format or any other way, all of the information presented at the forum so that new staff could be easily brought up to speed. This would make a dramatic difference.

OSM could also do more to place more emphasis on bat habitat evaluation by its AML programs. They could include this in their annual oversight function. By looking more specifically at the environmental result of State AML activities, OSM could have a great affect on how the State AML programs view themselves. Currently most State AML programs focus on revegetation because it is easy to measure.

In summary, I am asking everyone to take on a harder job because that is the way we improve the world.

# **THE U.S. FISH AND WILDLIFE SERVICE RECOMMENDATIONS TO ENHANCE BAT CONSERVATION ASSOCIATED WITH MINING**

Bob Currie  
U.S. Fish and Wildlife Service  
Asheville, North Carolina

The discussions that we have had for the last three days have been extremely beneficial. I especially appreciated the comments from Kentucky that we all have our separate responsibilities. Sometimes our goals seem to be in contradiction to each other. What I would like to see is that even though we have differences, we need to realize that we are all making a good faith effort to do our jobs. When we have disagreements at meetings we need to not let that effect our mutual respect for the importance of each of us doing our jobs to the best of our abilities.

The U.S. Fish and Wildlife Service (USFWS) got involved with bat protection because of the Endangered Species Act. When we are dealing with a listed species where we have the lead on that protection effort then things are very straight forward. Next we need to address how we deal with species that are in decline that are not protected under the Endangered Species Act. We all need to learn how to prevent a species from declining to the point of being considered a candidate species for the Endangered Species Act. Many agencies have a greater ability to deal with these types of species that USFWS does. We need to work to ensure that common species continue to be common.

We need to use the same standards for species protection in every part of the country. We need to have the same set of responsibilities that are imposed upon any agency who is working with that species. This doesn't mean that you are not going to have geography based differences in distinctly different areas of the country. Although there will be regional differences based on different environments, the approach to species protection should be the same. You should not be in doubt as to what will happen when you need to contact a USFWS office. Because of this, we have been working for several years to develop a set of guidelines with how to deal with the Indiana Bat.

Regardless of what Congress intended, what they said in the Endangered Species Act was that we should protect the ecosystems upon which threatened and endangered species depend. Until they change the law, we need to be concerned with all threatened and endangered species. Hopefully, the appreciation for these listed species and the biological diversity in the world will increase over the years. We need to work for a balance between making sure that more species do not become extinct while not stopping the normal activity of the world.

I would especially like to thank the pioneers in this field that have educated the rest of us as to the importance of protecting bats and helping to bring us all to this point of working together for bat conservation today.

## **NATIONAL PARK SERVICE RECOMMENDATIONS TO ENHANCE BAT CONSERVATION ASSOCIATED WITH MINING**

John Burghardt  
National Park Service  
Denver, Colorado

The National Park Service (NPS) has its own AML database in paper form. The structure for that database includes mine features, need for reclamation, environmental issues (i.e. acid mine drainage, habitat, etc.). My job is to get our database into shape and then plug it into OSM's effort to develop a national database so that we can all get a better understanding of what is going across the nation. We need to do some catching up in this area. We need to start doing better post gate surveys of how the bat gates are working.

In my earlier talk, I mentioned two research papers that are being done for the National Park Service that will be written up soon. I think that the technical information transfer that all of us are doing related to bat conservation is very important. We have already posted several technical papers on areas related to bat conservation on our office Website and I think this is a very important way to get new information to people who need it. I have already had people contact me who have read this information on our Website and have questions. This is a very good way to promote communication about these issues. NPS will have an article soon in its monthly magazine on what the NPS is doing for bats. We definitely need to explore new ways to get exposure for our ideas on bat conservation.

People have asked questions about how we get funding for our projects. We have attended the annual conferences of the National Abandoned Mine Lands Association for years and pursued funding from State AML programs there. We have contacted industry about funds for working on cooperative projects. There are opportunities out there to get funds for bat protection projects.

Concerning education and outreach, I get invitations regularly to speak to Boy Scout groups, school groups, and other public groups. These are very charismatic little animals and people love to learn about them. A lot is happening like this just on an individual level.

The Western Bat Working Groups have started to have their annual conference in Reno Nevada. They have started trying to coordinate the Western State activities. They have been trying to put together State Bat Conservation Summaries (basically a State specific conservation plan) that can be used by the State wildlife agencies.

# **INTERNATIONAL ASSOCIATION OF FISH AND WILDLIFE AGENCIES RECOMMENDATIONS TO ENHANCE BAT CONSERVATION ASSOCIATED WITH MINING**

Terry Johnson  
Arizona Department of Game and Fish  
Phoenix, Arizona

From a State Fish and Wildlife agency perspective, I can not overstate how important it is that all of the appropriate State and Federal agencies take a very close look at how they can become involved in bat conservation. For example, the North American Bat Conservation Partnership Program outlines strategies that are being undertaken by the regional bat working groups. I believe that within the next 20 years, agencies that are really committed to bat conservation will have found a way to be connected with these regional working groups. It is from this very organized structure of partnerships between agencies that funding will be provided and work done that will benefit bat conservation.

What are the three specific things that can be done by individuals leaving this workshop that will change how the Indiana Bat Conservation Program is organized and conducted? I would like to suggest that nothing will happen in the next few months that will bring about a change. Is there anyone here that knows what has been done with the Copperbelly Watersnake Conservation Agreement? I would suggest that those of you who are interested in improving Indiana Bat Conservation should contact Roy Grimes from the Kentucky Department of Fish and Game and ask how the Copperbelly Watersnake Conservation Team has been so successful in protecting a species in decline without being listed as an Endangered Species. If you handle the Indiana Bat like the Copperbelly Watersnake has been handled, you will make more progress in the next 3 years than has been made in the last 10. If we are going to actually accomplish things for bat conservation, we are going to have to think outside the box and be creative about building partnerships and seeking funding.

In an earlier talk, the subject was brought up as to who the lead was on a particular effort. I would submit to you that it really doesn't matter who the official lead is. What matters is that you find people who really want to do something and find someone who will lead and can lead. Whether the real lead is a Federal agency or a State agency does not matter, the question is do they want to do something or are they just interested in protecting their "turf." Find someone who is willing to share the credit, take the blame, and will be aggressive in pursue funds by whatever means it takes.

## **REGIONAL BAT WORKING GROUPS RECOMMENDATIONS TO ENHANCE BAT CONSERVATION ASSOCIATED WITH MINING**

Mary Kay Clark  
North Carolina State Museum of Natural Sciences  
Raleigh, North Carolina

I am going to talk to you today about all of the regional bat working groups. First I would like to discuss with you the concept of working groups. About 5 years ago the people who were working on a specific bat species got together and decided they needed to make a formal group. This became the Western Bat Working Group.

A similar group was developed about the same time in the East in 1995 at the National Bat meeting in Boston. One of the things that is of importance to these groups is the issue of keeping common species common. For this reason we chose the name the Southeastern Bat Diversity Network. The Southeastern Bat Diversity Network has annual meetings, a newsletter, and a Website at [www.batworkinggroups.org](http://www.batworkinggroups.org). The Website has notices about our projects, meetings, and agenda. We have not addressed bats and mines as an issue yet but need to. We have learned a lot from other States at this meeting that we will try to incorporate into our program.

In the Western Bat Working Group, each State within the region has its own working group. Each of these groups is usually chaired by someone in the State Fish and Wildlife agency because we have found that State people can usually accomplish more than Federal people. Concerning the Townsend's Big Eared Bat, it began in 1993. It began when Idaho developed a very comprehensive strategy for managing Townsend's Big Eared Bat in the West. After numerous revisions over the last few years it is now out in a draft format circulating among the State and Federal Wildlife agencies. Now we must give some serious thought to how we are actually going to implement the plan. In 1998, we had our first Western Bat Working Group meeting. The goal was to develop a species priority matrix that would show for each species the greatest threats to their populations. We also evaluated the status of the management for each species. We had experts discuss the biology and life history of the 34 Western Species and develop range maps for each. This matrix has been published and is also available on the Website, so that others can see the status of each of these species. A lot of this information is starting to find its way into State strategic plans for species management.

The Northeast Bat Working Group is the last working group to be formed. We had our first meeting in 1997. One of the things we are trying to do is to develop a species priority matrix similar to that developed by the Western Bat Working Group. We have a committee that deals with research and management. We are trying to standardize research and data collection protocols. We have representative from 22 States and northeastern Canada. We have an education committee that focuses on State agency and public education. Many of our sites are literally in peoples back yards and we need to educate these people on the importance of bat conservation.

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**Mary Kay Clark** joined the staff of the N. C. State Museum of Natural Sciences (Raleigh, NC) in 1979 and is the Curator of Mammals in the Mammal Collection. Clark was one of the founders of the Southeastern Bat Diversity Network (SBDN) (a regional group dedicated to the conservation of bat diversity in the southeastern U. S.) and has served as chairperson since its inception in 1995. Clark's recent field studies of bats have focused on the roosting and foraging requirements of two species, *Myotis austroriparius* and *Corynorhinus rafinesquii*. Both of these species are closely linked to bottomland hardwood forest communities, areas of concern due to habitat decline and alteration.