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Ohio Valley Environmental Coalition

Supporting Organized Voices and Empowered Communities Since 1987

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Public Comments Processing
Attn: FWS-R5-ES-2016-0135
Division of Policy, Performance, and Management Programs
U.S. Fish and Wildlife Service
5275 Leesburg Pike, ABHC-PPM
Falls Church, VA 22041-3803.

Re: NEPA Scoping Comments for Proposed Incidental Take Permit and Habitat Conservation Plan; Docket No. FWS-R5-ES-2016-0135

To Whom It May Concern:

Please accept these comments as part of the scoping process for the draft environmental impact statement (DEIS) the U.S. Fish and Wildlife Service (FWS) will undertake in response to the habitat conservation plan (HCP), which a coalition of nine oil and gas companies will develop as part of their request for a 50-year incidental take permit (ITP) to cover potential effects to five bat species from their oil and gas exploration, production and maintenance activities in Ohio, Pennsylvania and West Virginia.

These comments are written on behalf of members and supporters of OVEC, the Ohio Valley Environmental Coalition, which is based in Huntington, WV. We have members in West Virginia, Pennsylvania, and Ohio, as well as other states.

These comments are also written on behalf of the five bat species – *the endangered Indiana bat (Myotis sodalis)*, *the threatened northern long-eared bat (Myotis septentrionalis)*, *the little brown bat (Myotis lucifugus)*, *the eastern small-footed bat (Myotis leibii)*, and *the tri-colored bat (Perimyotis subflavus)* – who, obviously, cannot comment for themselves.

These comments are also submitted upon behalf of all creatures that are part of the web of life, of which these species of bats are a vital component. If these species of bats are harmed, then there are ecological ramifications along the full web of life.

Note that OVEC will be signing onto more technical comments that another organization is preparing, but we wanted to also submit this document.

While we submit these comments respectfully, we are compelled to ask: *Really?* These companies want a 50-year pass? If threatened and endangered species aren't protected from incidental take due to oil and gas development, even for *one* year, let alone 50, then what are they protected from? It is obvious these oil and gas companies want to carry out any and all of their activities, such as cutting right-of-ways, at any time of year, regardless of the harm inflicted on the bats.

We urge the FWS to deny the companies' application for this long-term ITP. We question whether any potential extensive harms from a 50-year ITP can be measured with any current data. We question the legality of such a permit under the Endangered Species Act.

If FWS insists on proceeding with this scoping process, then there are questions that first must be answered as thoroughly as possible. We are very concerned about the cumulative impacts of habitat loss and habitat fragmentation that would result from such an extreme ITP. We need a complete listing of habitat threats, as well as all threats the bat populations will face from the land, air, water, light and noise pollution that will arise from each step of oil and gas exploration and development over the proposed 50-year period. The cumulative impacts of the threats identified need to be assessed, across space (all three states) and time (up to 50 years).

Will these bat populations, decades from now, be able to tolerate the activities of these companies? Will those bat species not yet listed as threatened or endangered be added to those lists in the 50-year period? Given that bat populations are rapidly declining due to the highly contagious and deadly white-nose syndrome, what are projections for the viability and health of these bat populations when subject to increased stress by the practices of these companies? What technologies will these companies be using in 5, 10, 15, etc. years? How will these unknown new technologies impact the bat species that would be subject to this ITP? Will this

FWS should compile and publish any and all violations these companies have accumulated in all three states, including violations issued by both state and federal agencies. FWS should assess whether the track records of these companies shed any light on whether or not the companies can be expected to honor any terms of the ITP over a 50 year period.

FWS should assess how the activities of these companies will result in further societal reliance on fossil fuels, as the increased development of fossil fuels correlates positively to increased average temperatures and climate impacts. FWS should assess how increased temperatures and shifting climate patterns will impacts the preferred breeding, feeding, and hibernacula habitat for these species. In our opinion, the further development of and reliance on fossil fuel energy does not justify any amount of incidental take on wildlife.

Thank you for this opportunity to comment.
Respectfully submitted,

Robin Blakeman
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