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Public Comments Processing
Division of Policy and Directives Management
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Re: Docket No. FWS-R5-ES-2011-0024

The following comments are provided on behalf of the American Petroleum Institute and the Independent Petroleum Association of America in response to the re-opened comment period for the proposed rule by the U.S. Fish and Wildlife Service (FWS) to List the Eastern Small Footed Bat and the Northern Long-Eared Bat as Endangered or Threatened Species; Listing the Northern Long-Eared Bat as an Endangered Species (78 Fed. Reg. 60146).

American Petroleum Institute (API)

The American Petroleum Institute (API) is the only national trade association that represents all aspects of America's oil and natural gas industry. Our more than 600 corporate members, from the largest major oil company to the smallest of independents, come from all segments of the industry. They are producers, refiners, suppliers, pipeline operators and marine transporters, as well as service and supply companies that support all segments of the industry. API's mission is to influence public policy in support of a strong, viable U.S. oil and natural gas industry.

Independent Petroleum Association of America (IPAA)

The Independent Petroleum Association of America (IPAA) is the national association representing the thousands of independent crude oil and natural gas explorer/producers in the

United States. It also operates in close cooperation with 44 unaffiliated independent national, state and regional associations, which together represent thousands of royalty owners and the companies which provide services and supplies to the domestic industry. IPAA is dedicated to ensuring a strong, viable domestic oil and natural gas industry, recognizing that an adequate and secure supply of energy is essential to the national economy.

First, with this letter, API and IPAA incorporate by reference any and all comments that our two organizations have previously submitted to this docket with reference to the proposed listing.

Second, with this letter we wish to endorse the comments submitted on behalf of the Marcellus Shale Coalition (MSC) on the additional information that the FWS has described in the Federal Register, including information submitted by states in the ranges of the species, and scientific studies published since FWS first proposed the species for listing. In particular, API and IPAA urge FWS:

- To give thorough consideration to the new data and conclusions derived from that data that have been provided to FWS by the Midwest Association of Fish and Wildlife Agencies and the Northeast Association of Fish and Wildlife Agencies, in particular to these organizations' conclusion that the proposed endangered listing for the Northern Long Eared Bat is not supported by the best scientific and commercial data available as the Endangered Species Act requires;
- To obtain all data from each state within the range of the Northern Long Eared Bat and to defer a final listing decision until the agency has thoroughly considered that data;
- To thoroughly examine the conservation measures for the benefit of the Indiana Bat being implemented by states in the range of the Northern Long Eared Bat and make a determination as to the benefit these conservation measures will provide to Northern Long Eared Bat populations.

We reiterate our request that FWS determine that sufficient information does not exist to list the Northern Long Eared Bat under the Endangered Species Act. Regardless of the decision FWS may make with respect to the proposed listing, any final rule that may incorporate a decision to list the species should not place restrictions on activities—such as oil and gas operations-- that neither have a causal connection to WNS nor otherwise adversely affect the species at a population level. Such activities should receive the protection of a Section 4(d) rule.

Respectfully submitted,



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