



Public Employees for Environmental Responsibility

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April 28, 2010

Senator Diane Feinstein
Chair, Senate Appropriations Subcommittee
on Interior, Environment and
Related Agencies
SD-131 Dirksen SOB
Washington, D.C. 20510

Rep. James Moran
Chair, House Appropriation Subcommittee
on Interior, Environment and
Related Agencies
B-308 Rayburn HOB
Washington, D.C. 20515-6023

RE: Redirection of White-Nose Syndrome Funding

Dear Sen. Feinstein and Rep. Moran:

As you know, white-nose syndrome poses a grave danger to already threatened and endangered bat populations in the eastern United States. To that end, you have supported augmented funding for the U.S. Fish & Wildlife Service (FWS) to conduct and oversee research to help address white-nose syndrome.

On behalf of Public Employees for Environmental Responsibility (PEER), I am writing you to urge that you review the performance of FWS in how it supervised and managed the current year appropriations. PEER believes that deficiencies in the FWS white-nose program raise serious doubts about the competence of that agency to oversee this research.

PEER urges you to consider transferring oversight of white-nose syndrome research to the Biological Resources Discipline of the U.S. Geological Survey, an entity far better suited and qualified to manage a complex research program of this nature.

Basis of Request

One major strategy FWS sought to pursue using FY 2010 appropriations to combat white-nose was to establish captive breeding populations of disease-free bats as a species lifeline if the disease wiped out populations in the wild.

In late 2009, FWS designed a program and solicited the participation of the Smithsonian's Conservation and Research Center (CRC) to create a captive population of endangered Virginia Big-Eared Bats (VBEB). To that end, FWS approved a permit allowing FWS to capture and maintain a population of the VBEB.

In determining to issue the grant and approve the permit, the FWS relied primarily on the CRC's "Project Plan: Establishing a Security Population of the Virginia Big-Eared Bat at Smithsonian's national Zoological Park." This plan set out a number of goals and criteria for the formation of a captive colony, which CRC agreed to adhere to, and which the FWS grant and permit were based upon.

At the outset of the VBEB project, the CRC brought in several of the country's leading experts on insectivorous bats to assist them in ensuring the health and well-being of the captive VBEB population. Unfortunately, however, the experts' recommendations and teachings were ignored from the start. The experts recorded and documented the ongoing violations and abuses in great detail throughout the first few weeks of the project, in both writing and photographs. The details were compiled into the final report by Singleton Consulting's lead expert in the VBEB project, and were sent to the CRC and the FWS.

Within the first 3 months of the program, nearly 75% of CRC's captive population died. Appendix A to the CRC's Project Plan, drafted November 20, 2009, included a detailed and specific list of immediate recommendations for improving the captivity program, and reducing the unacceptable rate of injury, illness, and death that had been experienced up to that point.¹

Two weeks later, Singleton Consulting's final report complained of the exact same problems which continued to result in unacceptable and avoidable levels of injury, illness, and death. The final report notes that every piece of abuse, neglect and mismanagement had been specifically and repeatedly brought to the attention of CRC managers. Despite the formal objections raised in Appendix A, CRC failed to correct even a single mistake in the subsequent two week period.

The report also showed how the CRC also failed to comply with the conditions contained in the "Plan for Controlled Holding, Propagation, and Reintroduction", which was drafted by the FWS itself and accompanied the permit application. The CRC misrepresented itself by citing the training employees would receive from third-party experts on insectivorous bats, and by citing their intention to use third-party experts as consultants during the life of the project.

Throughout this process, despite the ongoing concerns and disastrous results at the CRC, the FWS failed to engage in any sort of effective oversight of the project. While CRC sent the FWS daily updates on the declining health of the bats, as far as we know, the Service took no action to inquire or figure out what was going wrong. In fact, the FWS took no proactive steps to ensure that the CRC was in compliance with the terms of the grant and that the project was heading in a successful direction. As a result, today, only 8 of the original 40 bats remain, and even those continue to suffer from avoidable health problems and continue to be subject to improper treatment that further compounds both risk and suffering.

On March 8, 2010, PEER wrote a letter to the FWS, asking them to revoke the CRC's permit because CRC had failed to comply with the Plan for Controlled Holding, Propagation, and Reintroduction, consistently ignored the expert advice it received from outside bat experts and consultants, and had misrepresented and failed to adhere to the terms of the project in its own project plan.

Project Failure and Lack of Independent FWS Review

In response to PEER's letter, the Service convened a team to review CRC's VBEB project to determine whether it had complied with the conditions of its permit and whether there was any evidence of negligence or neglect. On April 15, 2010, the Service sent a report of the team's findings to PEER, in which it found that CRC substantially met all of the criteria associated with the permit. However, the Service's review did not constitute an effective or independent analysis of the situation at CRC.

¹ Appendix A: Immediate Recommendations, submitted to Warran Lynch November 20, 2009

The Service evaluated the CRC project and found “significant mortality” but could not find any lessons that had been learned that would help establish ‘best husbandry and health guidelines’ – which was the stated goal of the project. As a result, the Service said it would have to perform a detailed dissection of the management and health problems experienced before funding any more captive breeding projects to help endangered bat populations stave off extinction. The Service concluded that it would not revoke CRC’s permit because they found no evidence that CRC’s staff “acted in an unprofessional or inhumane manner,” even though they did conclude that CRC had not fulfilled the stated purpose of the project and in turn caused the mortality of 32 endangered bats.

Moreover, the review was led by the two officials at FWS most responsible for funding the project. E-mails obtained by PEER through a Freedom of Information Act request show that the two reviewers were in constant contact with CRC and participated in management meetings. In addition, the entire review was completed in a single tour and meeting at CRC. Missy Singleton, the expert consultant who foreshadowed many of the problems that later came true, was not interviewed, nor was her report listed as among the material consulted in reviewing the project.

As such, the Service’s review of the VBEB project cannot claim to have been a legitimate independent review. In fact, the review essentially produced a report which in effect concluded that these types of mortalities just happen.

Conclusion

The utter failure of the CRC project and the FWS to effectively oversee it has compromised the effectiveness of past and future appropriations to combat white-nose syndrome. Based upon the Service’s failure to engage in effective oversight during the project and its inability to conduct a well-founded review of the high mortality rates, we conclude that FWS is not capable of overseeing complex science in this area

Most distressingly, FWS cannot even articulate the lessons learned from the CRC debacle so as to prevent another such setback.

PEER urges you to consider transferring control over funding for future white-nose syndrome projects to the Biological Resources Discipline of the U.S. Geological Survey (BRD). BRD has the expertise, scientists specializing in long-term population studies and a management that is not compromised by inter-agency politics.

Thank you for your consideration of this request.

Sincerely,



Jeff Ruch
Executive Director