

Exhibit 10

In Support of Plaintiffs' Partial Motion for Summary Judgment
on Their Endangered Species Act Listing Claims

in

Center for Biological Diversity et al., v. Jim Kurth et al., No. 1:15-cv-00477-EGS

and

Defenders of Wildlife v. Jim Kurth et al., No. 1:16-cv-00910-EGS

Consolidated Cases

UNITED STATES DISTRICT COURT
DISTRICT OF COLUMBIA

CENTER FOR BIOLOGICAL
DIVERSITY, *et al.*,

Plaintiffs,

v.

DANIEL M. ASHE, *et al.*,

Federal Defendants,

AMERICAN FOREST & PAPER
ASSOCIATION, *et al.*,

Defendant-Intervenors.

Case No. 1:15-cv-00477-EGS

DEFENDERS OF WILDLIFE,

Plaintiff,

v.

DANIEL M. ASHE, *et al.*,

Federal Defendants.

AMERICAN FOREST & PAPER
ASSOCIATION, *et al.*,

Defendant-Intervenors.

Case No. 1:16-cv-00910-EGS
(Consolidated Case)
Honorable E.G. Sullivan

DECLARATION OF STANLEY KOTALA

I, Stanley Kotala, hereby declare as follows:

1. The facts set forth in this declaration are based on my personal knowledge. If called as a witness, I could and would testify competently to these facts. As to those matters which reflect an opinion, they reflect my personal opinion and judgment on the matter.

2. I am over 21 years of age. I reside in Altoona, Pennsylvania, where I have lived for several decades and where my wife and I raised our daughter. I am, and have been, a member of the Center for Biological Diversity since 2010. I joined the Center because I share its goal of preserving, protecting, and restoring native species and the ecosystems upon which they depend. I enjoy belonging to the Center and count on the information that it provides its members about biological diversity conservation.

3. I recently retired from serving as a physician and one of my pastimes that I hope to devote more time to in my retirement is to observe and help survey for the various bat species found in Pennsylvania, including the northern long-eared bat.

4. For over twenty years, since my daughter was young, my wife and I have conducted bi-annual bat surveys at a local barn for the Pennsylvania Game Commission. Our surveys in this location primarily picked up little brown bats and big brown bats. However, over the last several years we have witnessed the rapid and almost complete decline of little brown bats due to the spread of the disease called white nose syndrome. Our recent surveys detect big brown bats, but not the smaller bats, which are being decimated by disease.

5. Surveying is just a part of how I observe and enjoy bats in Pennsylvania. I often take the lower bike trail near my house to Heller cave on summer evenings to observe bats as they depart to search for food at night. I have reviewed bat survey results from surveys conducted by the State which indicate that small footed bats use this cave to hibernate, but that northern long-eared bats also use the area around Heller cave. I enjoy watching all the bats in this area and return frequently during the summer to watch the bats.

6. I have also noted the impact that white nose syndrome is having on bat populations, including on northern long-eared bats, and that the disease has diminished the number of bats that I see around Heller cave and my enjoyment of this area.

7. I am fortunate that I can also observe bats in my back yard, which is not far from Heller cave. I have observed bats at home that I believe to be big brown bats, small footed bats, and northern long-eared bats. I often enjoy watching their flight during summer evenings at dusk. With the arrival of white nose syndrome in Pennsylvania, I have seen fewer and fewer smaller bats, such as northern long-eared bats, in my backyard.

8. I am deeply concerned that white nose syndrome is reducing populations of the smaller bat species. Northern long-eared bats are such a species of smaller bats. As a result, northern long-eared bats need all the assistance possible to ensure that we do not lose these bats forever.

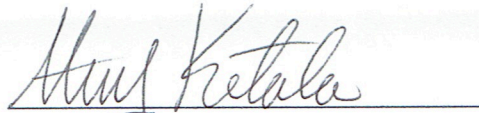
9. My interests in observing and enjoying northern long-eared bats have been harmed by the U.S. Fish and Wildlife Service's failure to list the bat as "endangered," rather than "threatened," and to extend all the protections of the Endangered Species Act to this species. The Agency's "4(d) Rule," further weakening the legal protection of the species, is particularly harmful.

10. I also believe that if the U.S. Fish and Wildlife Service had performed an adequate National Environmental Policy Act review for the northern long-eared bat 4(d) Rule, more discussion would have resulted about impacts to this bat and alternative ways to protect the species from extinction. Without this review, we have a rule that does not go far enough at protecting northern long-eared bats or my interests in observing them.

11. In my retirement I hope to continue to enjoy northern long-eared bats and to continue to contribute to our understanding of bat populations in our state through surveys and other volunteer efforts. It would be a great tragedy to lose our small bats in Pennsylvania.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed this 7 day of MARCH 2017

A handwritten signature in cursive script, appearing to read "Stanley Kotala", is written over a horizontal line.

Stanley Kotala

Altoona, Pennsylvania