

Exhibit 13

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

DECLARATION OF SHERYL SACHS

I, Sheryl Sachs, declare as follows:

1. I am a current member of Defenders of Wildlife (“Defenders”), and have been a member of the organization since 2007. I also serve on Defenders’ National Council, an advisory committee to the organization. The facts set forth in this declaration are based on my personal knowledge. If called as a witness, I could and would testify competently thereto under oath.
2. I have had a personal interest in bats for many years. Few experiences of observing species in the wild rival the splendor one experiences as a colony of bats emerges in a swirl from the mouth of a cave at sunset as they organize for the evening's hunt, as they do each evening at Carlsbad Caverns in Carlsbad, New Mexico, one of the many places where I have observed bats in the wild. From my home in Greenwich, Connecticut, I have often had the pleasure of watching bats during the summer dusk as they dart swallow-like for their prey.
3. Bats are an important component of many ecosystems. In Connecticut, bats aid in controlling mosquitoes as well as other insects that can damage forests and agricultural crops. Farmers use fewer pesticides when bats eat agricultural pests.
4. I have viewed bats at my home in Greenwich, Connecticut in the summers regularly since the early 1990s. In the past, I have derived stirring and profound pleasure from viewing those bats. Prior to the spread of White-nose Syndrome through the state, northern long-eared bats were one of the most commonly encountered bats in Connecticut, and were present throughout the state. Since the disease first took hold there in 2008, it has

devastated the populations of the species in the state, and appears to have extirpated them entirely.

5. I plan to continue to seek opportunities to enjoy viewing bats around my home in Greenwich, Connecticut. The survival and recovery of northern long-eared bats, and other bat species affected by White-nose Syndrome, to their habitat in Connecticut is important to me because of the pleasure I derive from watching them. It is also important to me because I benefit from the ecological services that insectivorous bats such as the northern long-eared bat provides by eating insects and reducing the need for pesticides.
6. My first trip to see bats (at Carlsbad Caverns National Park in Carlsbad, New Mexico) took place in June 2011. I have been to other National Parks where bat colonies, including northern long-eared bats, are present (Wind Cave National Park in Hot Springs, South Dakota and Mammoth Cave National Park in Mammoth Cave, Kentucky) in an attempt to view and enjoy bats, but the scourge of White-Nose Syndrome has restricted access to those caves. I also visited Shenandoah National Park in the Blue Ridge Mountains of Virginia in June 2016, where multiple species of bats have been identified, including northern long-eared bats. In late October and early November of 2016, I traveled to the Great Smoky Mountains National Park in North Carolina and Tennessee, which has been home to the northern long-eared bat. I was fortunate enough to be able to view bats at dusk on this trip from our accommodation adjacent to the Park.
7. I hope to view bats in the wild again, including northern long-eared bats. I plan to continue to seek such opportunities to view bats in the wild, including in areas within the range of the northern long-eared bat. My home in Connecticut is but a few miles from New York, and I often make trips there to enjoy nature and look for bats during dusk. As

my travels often are for the express purpose of enjoying nature, I expect to regularly seek opportunities to view bats in areas that include the range of northern long-eared bat.

8. Full protection of the northern long-eared bat under the Endangered Species Act (“ESA”), such that northern long-eared bat populations may be recovered to their habitat in Connecticut, where I hope to view them in the areas around my home again, in New York where I visit regularly to look for bats at dusk, and in the National Parks I have visited and hope to visit again, would protect my deep personal interest in viewing and enjoying this bat species. Full protection of the northern longer-eared bat as an endangered species, such that northern long-eared bats may persist in and be recovered through other parts of the species’ range that I plan to visit in the future, would also protect my deep personal interest in viewing bat species.
9. Defenders advocates for scientifically-grounded decisions that give the benefit of the doubt to species conservation in the face of scientific uncertainty. Further, Defenders advocates for interpretations of the ESA that apply the full protections Congress intended for species endangered in all or a significant portion of the species’ range. Because Defenders is concerned that the U.S. Fish and Wildlife Service (“Service”) decision to list the northern long-eared bat as threatened rather than endangered in all or a significant portion of its range fails to reflect a rational assessment of the best available scientific information before it in light of the legal standards established by the ESA, Defenders has brought suit to challenge that decision in the present action.
10. I share Defenders’ concerns that the Service’s decision not to list the northern long-eared bat as endangered in either all or a significant portion of its range fails to reflect a sound assessment of the best available scientific information in compliance with the standards

of the Endangered Species Act. I am also concerned that the Service did not comply with the law when it refused to analyze whether the northern long-eared bat is endangered in a significant portion of its range based on its significant portion of range policy.

11. The Service's failure to protect the northern long-eared bat as an endangered species harms my personal interest in observing the species for the spiritual and emotional benefit that I derive from that observation.
12. Even if the northern long-eared bat could lawfully be listed as threatened rather than endangered, Defenders is concerned that the Service's decision to provide only minimal protections from incidental take fails to reflect a rational assessment of the best available scientific information before it in light of the legal standards established by the ESA. For that reason, Defenders has also challenged the Service's decision to deny the northern long-eared bat the blanket take protection conferred on threatened species through 50 C.F.R § 17.31 by promulgating a special 4(d) rule. Furthermore, Defenders is concerned that the Biological Opinion evaluating the impacts of the 4(d) rule also fails to reflect a rational assessment of the best available science in light of the legal standards of the ESA.
13. I share Defenders' concerns that special 4(d) rule, and the Biological Opinion for it, fail to reflect a rational assessment of the best available scientific information before it as per the standards of the ESA.
14. The Service's failure to provide full incidental take protection to the northern long-eared bat harms my personal interest in observing the species for the spiritual and emotional benefit that I derive from that observation.

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

Executed this 17 day of March, 2017, at Greenwich, Connecticut.



Sheryl Sachs