

Exhibit 4

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 LORI ANDRESEN

I, Lori Andresen, 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 Duluth, Minnesota where I was born, and I have lived here for over twenty years. I am and have been a member of the Center for Biological Diversity (the "Center") since at least 2009. I joined the Center because I share its goal of preserving, protecting, and restoring native species and the ecosystems upon which they depend. As a member of the Center, I receive its newsletters and electronic news updates, and participate in its electronic action alerts concerning topics of concern to me. I rely upon the Center, in part, to represent my interests in protecting endangered and threatened species and their habitats. I am also a member of the Sierra Club, and the Defenders of Wildlife.

3. I have a liberal arts and design background (B.S., A.A.), and continue to express creativity and conservation ethics through photography, volunteering and nonprofit work.

4. Since I was a child, I have gone to our cabin in northern Minnesota in the Superior National Forest near the Boundary Waters Canoe Area, especially during the summer. I normally travel to my family's cabin, located in the heart of the Superior National Forest, a couple of times a month, often spending extended periods of time there. I plan on going "up north" in the next month. I routinely travel across Minnesota's Arrowhead Region to hike, boat/canoe and plan to do so the rest of my life. One of my pastimes at the cabin is to watch bats at dusk. Among the many bat species present in the area are northern long-eared bats, which were recently protected as "threatened" under the Endangered Species Act ("ESA"). I enjoy watching the variety of bats in the north woods and their various methods for catching bugs.

5. When I was younger, I have caught bats that had gotten inside, in an effort to release them safely outside. I enjoyed seeing their wings and how they looked like small squirrels. These experiences strengthened my interests in bats and desire to observe and protect them.

6. As I grew up, I recognized the great benefits that bats provide in the very buggy Midwest woods by eating large numbers of biting insects. I helped put up bat boxes to serve as shelters to bring more bats to our cabin. All the while, I continued to watch these awe inspiring creatures fly and feed (mostly) at dusk.

7. I am concerned about northern long-eared bats, in particular, losing their forested habitats here in Minnesota. There is a great push to log trees for biomass energy generating projects in our state and I fear that biomass energy production will result in a large loss of the habitat northern long-eared bats need to survive and, thus, reduce my ability to view and enjoy these little bats during the summers.

8. I am also concerned about the disease white nose-syndrome finding its way into our state and affecting our bat populations. I know that northern long-eared bat populations have been particularly affected by this disease in other states and I worry the disease will impact my ability to view bats at my cabin and across the Arrowhead in the summertime. I am familiar with the minimal restrictions placed on humans visiting caves and know they are insufficient to halt the spread of this disease from place to place. Bats with white nose syndrome have been reported at the Soudan Underground Mine. I am very concerned that this deadly disease will spread across the Arrowhead Region and state. I wish the government had listed the northern long-eared bat as “endangered” rather than “threatened” under the ESA so that these restrictions on cavers might be tighter and more effective.

9. I am aware of the rule with exemptions to the otherwise standard ESA protections for the “threatened” (rather than “endangered”) northern long-eared bat called a “4(d) rule” and have worked to improve this rule, by submitting a comment letter, so that it would, hopefully, better protect these bats. I also believe the bat should have been listed as “endangered” so that it

would receive better protection and there could be no 4(d) rule. My ability to observe and enjoy seeing northern long-eared bats has been harmed, and continues to be harmed, by the U.S. Fish and Wildlife Service's failure to extend all the protections of the ESA to this species by listing it as an "endangered," rather than merely "threatened," as I believe the government should have done. I feel that if the U.S. Fish and Wildlife Service undertook a more adequate National Environmental Policy Act review for the northern long-eared bat 4(d) rule I would have had more opportunity to express my concerns about the impacts of this rule on the bats and to discuss alternative ways to protect the species from extinction.

10. Without additional protections for northern long-eared bats under the ESA, including protections from disease and logging, I am concerned that my ability to watch these small mammals dart around the summer sky will be greatly reduced. They have been a part of my summers since I can remember and I hope never to have a summer without northern long-eared bats at my cabin.

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

Executed this 1st day of March, 2017



Lori Andresen

Duluth, MN