



SOUTHERN GROUP OF STATE FORESTERS
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Public Comments Processing
Attn: FWS–R4–ES–2021–0115
U.S. Fish and Wildlife Service; MS: PRB/3W
5275 Leesburg Pike, Falls Church, VA 22041–3803

RE: Threatened Species Status with Section 4(d) Rule for Alligator Snapping Turtle

To Whom it May Concern,

The Southern Group of State Foresters (SGSF) appreciates the opportunity to provide comment on the proposed threatened species listing and associated Section 4(d) rule for the Alligator Snapping Turtle posted in the Federal Register on November 9, 2021 (Docket No. FWS-R4-ES-2021-0115).

SGSF is a non-profit organization that represents the State Foresters (ie – the heads of the respective state forestry agencies) from 13 southern states, Puerto Rico and the US Virgin Islands, and whose mission is to provide leadership in sustaining the economic, environmental, and social benefits of the south’s forests. To achieve this mission SGSF works with many federal agencies and other partners across the south and nation to identify and address existing and emerging issues and challenges that are important to southern forests and citizens, which includes conservation of endangered, threatened and candidate species and their forested habitats. The majority of the current range of the Alligator Snapping Turtle falls within our region, including the 10 states of Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, Oklahoma, Tennessee, and Texas.

Of the items on which the USFWS proposal requested comment, we would like to specifically offer our expertise on:

(10)(c) Whether the measures outlined in the proposed 4(d) rule are necessary and advisable for the conservation and management of the alligator snapping turtle, and whether the provisions excepting incidental take resulting from construction, operation, and maintenance activities; pesticide and herbicide application; and silviculture practices and forestry activities that follow best management practices should be revised or clarified to remove or add information, including spatial or temporal restrictions or deferments, or additional best management practices;

We commend the USFWS for the formal recognition of state silvicultural Best Management Practices (BMPs) in the proposed rule, and support the retention of the 4(d) language as currently written exempting incidental take associated with “*silviculture practices and forest management*



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activities that use State-approved BMPs to protect water and sediment quality and stream and riparian habitat.” We commend USFWS for taking the approach of incorporating by reference the existence of these BMP programs. They are well known measures both in print and in practice on the landscape, and are thus a reasonable resource for USFWS to incorporate into rulemaking, as opposed to “reinventing the wheel” by crafting language that tries to exempt certain forestry practices or conservation measures from incidental take under the 4(d) rule.

BMPs exist in every southern state to minimize impacts to water quality and other resources from silvicultural activities. Categories of activities for which BMPs exist in most states include harvesting, site preparation, forest roads, stream crossings, and streamside management zones. State forestry agencies developed BMPs starting in the 1970s, and they have been actively evaluated, tested, revised, and adapted over time. The Clean Water Act recognizes BMPs as the most viable pathway to address nonpoint source pollution that originates from various land management activities. Each state implements BMP programs according to its unique landowner characteristics, ecological conditions, forest industries, and socio-political norms, and conducts BMP effectiveness monitoring to track environmental outcomes. The approaches range from regulatory (forest practices law or silvicultural BMP legislation) to non-regulatory (voluntary adoption and promotion of the use of BMPs through training and education); however, research has shown that all program structures are equally successful at achieving environmental outcomes.¹

SGSF and its members track BMP implementation rates on a state-by-state basis, as well as rolled up at the regional level. The most recent synthesis report in 2019 indicates that BMP implementation across the South is very high at 93.6%, and that implementation has been steadily increasing over the past two decades.² We appreciate the use in the proposed rule of the best available science on BMP implementation, which shows high effectiveness at protecting water quality, and thus species habitats (ie – Pg. 62444 “*For example, forestry BMPs are effective with a high compliance rate (often 90 percent or better) across many of the States within the species’ range that provide protections for buffer zones and riparian areas (Cristan et al. 2016, p. 4).*” We offer that our synthesis report is additional scientific proof of this effectiveness and should be cited as well.

The ongoing process of BMP monitoring is something that SGSF and its partners are committed to in showing implementation of sustainable harvest practices, and will continue to use to track environmental outcomes into the future. More information on each state’s BMP program and monitoring can be found at <https://www.stateforesters.org/bmps/>.



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I would like to close by thanking the USFWS for their ongoing conversations and partnerships with the forestry community, especially in the south, that have led to a better understanding the nexus between sustainable forestry and species habitat conservation. The language proposed by USFWS in this listing around silvicultural BMPs is evidence of the fruit of those conversations, and we encourage the USFWS to use the same language in all future aquatic species listings with 4(d) rules for silviculture. It is only through supporting ongoing sustainable forest management that our southern wildlife will thrive.

Sincerely,

Rob Farrell
State Forester, Virginia Department of Forestry
Chair, Southern Group of State Forester

¹ National Association of State Foresters. 2015. Protecting Water Quality through State Forestry Best Management Practices. http://www.stateforesters.org/sites/default/files/issues-and-policies-document-attachments/Protecting_Water_Quality_through_State_Forestry_BMPs_FINAL.pdf

² Southern Group of State Foresters (SGSF) – Water Resources Committee. 2018. Implementation of Forestry Best Management Practices: 2018 Southern Region Report. <http://www.southernforests.org/resources/publications/SGSF%20BMP%20Report%202012.pdf>