



SOUTHERN GROUP OF STATE FORESTERS

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Public Comments Processing
Attn: FWS-R5-ES-2011-0024
Division of Policy and Directives Management
U.S. Fish and Wildlife Service
MS: BPHC MS 2042-PDM
5275 Leesburg Pike
Falls Church, VA 22041-3803

Re: Reopened Comment Period on the Proposed Listing of the Northern Long-Eared Bat

To Whom it May Concern,

The Southern Group of State Foresters (SGSF) is submitting these comments in response to the US Fish and Wildlife Service's (USFWS) reopening of the comment period for the proposed listing of the northern long-eared bat (NLEB) (79 Fed. Reg. 68567). SGSF previously submitted comments on August 26, 2014, and was a signatory to the joint letter submitted on November 5, 2014 along with other State Forester and State Wildlife Associations.

SGSF represents the interests of the State Foresters from across a 13-State area of the Southern United States, 12 of which are within the range of the NLEB (AL, AR, FL, GA, KY, LA, MS, NC, OK, SC, TN and VA). SGSF believes that strong healthy forests are important to both stable economies as well as wildlife populations across the South, and have accordingly been engaged with USFWS on this issue since the proposed listing in 2013.

To restate our basic position from previous comments, we agree with the USFWS conclusions from the proposed listing that "*White-nose syndrome (WNS) is the most significant threat to the northern long-eared bat, and the species would likely not be imperiled were it not for this disease*" (78 Fed. Reg. 61072). Additionally, unnecessary regulation of forestry activities would have serious impacts on local economies across the range of the bat, as well as ongoing efforts to manage forests for other endangered species such as the Red-Cockaded Woodpecker and Golden-Winged Warbler. Normal forest management practices have been shown to benefit the NLEB,



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and regulating these forest management activities with a hope of preventing harm to the bat would in most likelihood be detrimental as opposed to beneficial to the species.

Given this reality, SGSF supports the conclusions of the joint letter we submitted with other State Forester and State Wildlife Associations on November 5, 2014. If the USFWS feels it is compelled, given the existing body of scientific evidence regarding the effects of WNS on the NLEB across its entire range¹, to list the NLEB as threatened, we support the use of a 4(d) rule for normal forest management. A 4(d) rule would recognize not only the fact that forest management is not the cause of NLEB decline, but also that active forest management is beneficial to creating the diversity of habitat conditions that the NLEB as a generalist species has been shown to utilize.

While State Forester and State Wildlife agencies from across the range of the NLEB were signatories to the November 5th letter, SGSF encourages USFWS to also recognize that there is significant landscape variability across the range of the NLEB, and to take this into consideration in the possible development of a 4(d) rule. Our comments here related to the 4(d) process are submitted with the recognition that our regional organization has distinct views to share as a result of the differences in observed NLEB roosting and hibernation patterns, WNS impacts, and sustainable forest management practices across the NLEB range.

With this in mind, we would point the USFWS to a historical example to model a potential NLEB 4(d) rule on in the approach taken with the threatened listing of the Louisiana Black Bear in 1992. That listing recognized the primary threats to the bear as extensive habitat loss and modification and human-related mortality, but also recognized the beneficial role of forest management in maintaining quality habitat for the species. The final rule exempted effects incidental to “normal forest management”, which was defined by the USFWS as “...*those activities that support a sustained yield of timber products and wildlife habitats, thereby maintaining forestland conditions in occupied habitat.*” (57 Fed. Reg. 594)

This simple definition of “normal forest management” recognizes the inherent reality that forestry creates and maintains wildlife habitat, especially compared to habitat loss and modification. This definition is no less valid for the NLEB than it was for the Louisiana Black Bear. To quote from our joint November 5, 2014 letter (pg. 12):

¹ Our joint letter points out that the impacts of WNS have not been uniform across the range of the NLEB, particularly in comparing the Northeast to the South, and thus it is only speculative that WNS will spread and be as impactful throughout the entire NLEB range as it has been in the Northeast (pg. 5)



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“Normal forest management activities have been practiced at a large scale and for many years by states across NLEB’s range. The well-documented ubiquity of NLEBs across this range attests to the effectiveness of normal forest management activities in providing suitable foraging, roosting, and swarming habitat for the NLEB (Cryan et al. 2001, Jung et al. 2004, Menzel et al. 2002, Owen et al. 2003, Perry and Thill 2007). Many states participate in programs that assure the implementation of normal forest management activities on lands managed by those states. These assurances include environmental regulations at the individual state and federal level, site-level best management practices, forest certification systems, and forest planning requirements at the individual state level. Through these, states commit to not only water and site protection, but also to wildlife habitat conservation actions that are effective in maintaining healthy and resilient forest ecosystems, which in turn provide foraging, roosting, and swarming habitat for NLEBs.”

Another salient point from our joint letter of November 5, 2014 is that the amount of forest management occurring on the landscape does not rise to the level of being “significant” relative to NLEB habitat modification as the term is used in the Endangered Species Act. The ESA defines “harm” in the definition of “take” in the Act to mean “an act which actually kills or injures wildlife. Such act may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering (50 USC 17.3).

We continue to argue that potential take associated with normal forest management activities across the NLEB range is discountable (and not “significant”) because States in the NLEB range are known to harvest only a small portion of their timberland each year. For example, 23 states (totaling 265 million acres of forested land) collectively harvest less than 2% of the forest annually based on a survey conducted by the NLEB Workshop planning team in October of 2014. Moreover, roughly half of that 2% was reported to be managed when bats are in hibernacula. Coupled with the fact that the amount of forestland within the NLEB range is increasing², the potential for forest management to modify bat habitat at a landscape scale does not rise to the necessary level of significance to be considered a taking under ESA.

SGSF appreciates the additional proactive steps the USFWS has gone through to further investigate the nexus between forest management and the NLEB, and hope these comments have been useful in those efforts. We appreciate this opportunity to provide additional comment on

² According to the U.S.D.A. Forest Service’s Forest Inventory and Analysis, the amount of forested land within the 38 states of NLEB’s range has increased from 414,297,531 acres in 2004 and 2005 to 423,585,498 acres in 2013 (Miles 2014).



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the proposed listing and look forward to continuing to work with the USFWS on ways to protect the NLEB while sustaining ongoing forest management and restoration.

Sincerely,

A handwritten signature in blue ink, appearing to read 'George Geissler', is written over a horizontal line.

George Geissler
State Forester, Oklahoma
Chair, Southern Group of State Foresters