

Committee on Natural Resources – Oversight Field Hearing

“Protecting the Rights of Property Owners: Proposed Federal Critical Habitat Designations Gone Wild”

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Arkansas Forestry Commission

Mr. Chairman, members of the committee, it is my pleasure to be here today to provide testimony on behalf of the Arkansas Forestry Commission regarding the process of designating critical habitat. The Forestry Commission is dedicated to the conservation of the natural resources of our nation and our state. We are firmly committed to the ideal that through a strong partnership of public agencies and private citizens those conservation efforts can be furthered to achieve a beneficial outcome for all.

However, to effectively develop those partnerships an open and candid dialogue must occur between all parties that could be potentially impacted. I am going to use two examples to show where that process was not fully used and identify potential impacts to private landowners.

The first example is the recent critical habitat designations for the Neosho Mucket and Rabbitsfoot Mussel.

- These critical habitat designations impact watersheds that include greater than 40% of the surface area of the state.
- 90% of this land area is privately owned.
- Approximately 75% of the land area is productive timber land that contributes in excess of \$325 million annually to the economy of the state.

The US Fish and Wildlife Service in conducting their economic impact analysis concluded there would be limited cost impact to the private landowner as a result of the critical habitat designation. Fortunately, the Arkansas forest landowners that are contributing the \$325 million mentioned previously will not experience any significant impacts to their ability to conduct timber operations. Through use of Arkansas Forestry Best Management Practices over 89% of private forest landowners voluntarily promote and improve water quality when conducting forestry operations on their property.

The second example I will use is the current guidance for conservation measures being developed for the proposed listing of the northern long-eared bat (NLEB) as an endangered species.

- Maintain spring staging/fall swarming forested habitat within a 5-mile radius of known or assumed NLEB hibernacula.
- Avoid clearing of suitable spring staging and fall swarming habitat within a 5-mile radius of known or assumed NLEB hibernacula during the staging and swarming seasons.
- Avoid prescribed burning or other sources of smoke in known or assumed NLEB habitat during the swarming/staging or hibernation season, or coordinate with the local FWS office.
- Whenever possible, conduct prescribed burns outside of the summer maternity season. Burns conducted during the summer maternity season should be low/moderate intensity to minimize direct impacts to NLEB.

- Avoid burning or other sources of smoke within 0.25 mile of known or assumed NLEB hibernacula during hibernation season, or coordinate with the local FWS office.

The Fish and Wildlife Service describes forest habitat suitable for the NLEB as forest with trees greater than 3 inches diameter at breast height and typically greater than 66% canopy cover. Although they also indicate that a single tree, if less than 1,000 feet from a known hibernaculum, is also considered a potential roost. NLEB hibernacula are potentially found everywhere in Arkansas, especially in the Karst geology of northern Arkansas.

- A single hibernaculum has an associated buffer of approximately 50,000 acres.
- A single hibernaculum has an associated timber value of \$1.07 million in the buffer area.
- A single hibernaculum has an associated 625 potential private landowners being impacted.
- Staging, maternity, and swarming season of the NLEB would eliminate forest harvesting operations from April 1st through November 30th.
- Presence of a hibernaculum would effectively eliminate prescribed burning within the recommended 5 mile buffer year round.
- The short seasonal migration distances of the NLEB and the potential abundance of hibernacula could create a continuous landscape that would be severely impacted by the conservation measures proposed.
- Exclusion of prescribed burning activity in this area would have a negative impact on maintaining habitat for species such as the wild turkey.
- Exclusion of prescribed burning in this area would significantly reduce efforts to restore native shortleaf pine forests and associated species such as the northern Bobwhite quail.
- Restriction of harvesting activity during the recommended time frame would severely disrupt the forest economy valued at approximately \$400 million dollars annually.

The Fish and Wildlife Service is seeking to have the NLEB listed as a direct result of population decline due to White Nose Syndrome (WNS). The conservation measures proposed within the NLEB Interim Conference and Planning Guide are not directly related to WNS, but rather, to promote habitat conservation with a tenuous connection to increased WNS resistance. These measures are unrealistic in light of the negative impact they would have on forest landowners. The Arkansas Forestry Commission would encourage the Fish & Wildlife Service to engage in a dialogue that would provide for development of conservation measures that can be implemented in a manner mutually beneficial to the NLEB and the forest landowners of the state of Arkansas.

Again, I would like to thank the committee for this opportunity to provide comment regarding the process for designation of critical habitat by the Fish and Wildlife Service.