

Lakes States Forest Management Bat HCP: Stakeholder Engagement Process & Invitation to Participate

Background:

Wisconsin, Michigan, and Minnesota are currently engaged in developing the Lake States Forest Management Bat Habitat Conservation Plan (Lake States HCP), designed to provide a framework for the protection of federally listed bat species and the continuation of forest management activities across all three states.

The purpose for developing the Lake States HCP is to obtain a federal incidental take permit pursuant to ESA Section 10. The State DNRs will request authorization for the incidental take of Indiana bats, northern long-eared bats (NLEB), little brown bats, and tricolored bats for forest management activities.

The goal for the Lake States HCP is to find a solution for conserving these species and meeting federal legal requirements while providing the necessary flexibility for the States to manage their forests. Without an HCP, all incidental take that might occur as a result of forestry activities would be prohibited when NLEB is listed as endangered. In addition, this regional Plan will streamline compliance by considering the impacts of forestry on covered species at a landscape scale rather than on a project-by-project basis (e.g., the stand level) and by providing consistency across all three states.

Like all cave-hibernating bats in Wisconsin, northern long-eared bat populations are in precipitous decline due to the fungal disease white-nose syndrome. Populations are expected to continue to decline rapidly over the next several years and the species is expected to become endangered. Development of this HCP is expected to take at least 2 years. By starting the HCP process now, the States can ensure that we will have a solution in place when the listing changes; this will avoid a period of time where avoidance (i.e. winter timber harvest) or project-level consultation with FWS are the only mechanisms for timber harvest to occur. The list below outlines some of the main reasons why Wisconsin is working towards an HCP and Incidental Take Permit now:

- The 4(d) rule provides a great deal of flexibility, but that tool will no longer apply once NLEB is listed as endangered.
- Multiple intents to sue have been filed on the NLEB threatened listing; the 4(d) rule process, and the NEPA process.
- If there is not a signed HCP and Incidental Take Permit in place when NLEB becomes endangered, it is possible that the cutting of trees 3 inches DBH and greater between April and October could require approval from FWS to avoid the possibility of illegal take.
- Developing an HCP is complex and time-consuming, and it will take a *minimum* of 2 years. Taking up the HCP at a later date could result in more restrictive conservation measures once the species becomes endangered.
- Without an HCP, individual landowners and natural resource managers would be responsible for obtaining incidental take permission from the FWS on a case-by-case basis. This would create a major bottleneck since USFWS would be quickly overwhelmed by the number of timber sales that occur across the three states annually.

The states have received federal grants to fund development of the HCP from US Fish and Wildlife Service (FWS), and work will continue over the next 2 to 3 years. The HCP development effort is led by a steering team made up of one representative for endangered species and one for forestry from each of the three state DNRs as well as a representative from the US Fish & Wildlife Service. A consultant with extensive experience in this area, ICF International, has been contracted to develop the HCP. ICF will use data and information provided by the state DNRs and other sources like the Forest Service Forest Inventory & Analysis database to develop the HCP.

Partner Engagement Process:

The HCP Steering Committee has agreed that each state will be responsible for developing independent stakeholder engagement processes. This means that although the timing of engagement and the information shared in each state will be consistent, the process for sharing information and collecting feedback from stakeholders will vary in each of the three states. Stakeholder engagement on the Lake States HCP will begin this year as each state solicits feedback on early drafts of the HCP chapters as they become available.

Wisconsin will use a two-tiered process for soliciting stakeholder feedback and keeping our partners informed:

- 1) WDNR will ask the Silviculture Guidance Team (SGT) to engage their constituents to review and provide constructive feedback on HCP draft chapters. The SGT is a constituency based group composed primarily of external forestry partners representing consulting foresters, forest industry and logging professionals, resource conservation, and university/forest service research interests.
 - **Expectations:** SGT members will provide constructive feedback and comments on HCP chapter drafts and will distribute drafts to their constituencies inviting them to comment.
- 2) Other interested parties are invited to participate in Wisconsin's HCP stakeholder engagement process by signing up to receive updates on the HCP process via a GovDelivery list. Process updates and draft chapters will be shared with this group.
 - **Expectations:** Participants may share their constructive feedback and comments within the designated timeline for each chapter; however, there is no expectation that they provide comments.
 - Directions for signing up for the Forest Management – Bat HCP GovDelivery list can be found at the end of this document.

State DNR's will collect and compile feedback from stakeholders in their states and forward them to the consultant for incorporation into later drafts of the HCP. Ultimately, the US Fish and Wildlife Service will make the final decision as to what is included in the HCP.

Tentative Timeline for Chapter Development & Review:

January/February 2017 – Present process to SGT at their quarterly meeting and update Council on Forestry on the stakeholder engagement process.

Mid-March 2017 – Chapters 2 (Covered Activities) & 3 (Environmental Baseline) are delivered to the State DNR's for review

- Chapters 2 & 3 distributed to SGT Members and others.
- SGT members solicit comments from their constituencies.
- Others wishing to comment send feedback within designated timeline.

Mid-April 2017 – Chapter 4 (Take Estimation) is delivered to the State DNR's for review.

- Chapter 4 distributed to SGT Members and others.
- SGT members solicit comments from their constituencies.
- Others wishing to comment send feedback within designated timeline

August 2017 – Chapter 5 (Conservation Measures) is delivered to the State DNR's for review.

- Stakeholder meeting (SGT & NHC stakeholders) is convened to discuss proposed conservation measures and collect comments.
- SGT members will also solicit comments from constituents.
- Others wishing to comment send feedback within designated timeline

September 2017 – Chapter 6 (Plan Implementation) is delivered for review.

- Chapter 6 distributed to SGT Members and others.
- SGT members solicit comments from their constituencies.
- Others wishing to comment send feedback within designated timeline

October 2017 – Chapter 7 (Funding) is delivered for review

- Chapter 7 distributed to SGT Members and others.
- SGT members solicit comments from their constituencies.
- Others wishing to comment send feedback within designated timeline

November 2017 – Chapter 8 (Alternatives) is delivered for review.

- Chapter 8 distributed to SGT Members and others.
- SGT members solicit comments from their constituencies.
- Others wishing to comment send feedback within designated timeline

A draft of the full HCP is tentatively expected to be completed by the end of 2017. The FWS will put the full HCP out for public comment as part of the NEPA process – this will probably occur sometime in 2018.

After the NEPA process is complete and the final Lakes States HCP has been accepted by the FWS, each state will, individually, apply to the FWS for an incidental take permit and develop an “opt-in” Certificate of Inclusion process for covering forest management on non-state lands.

Subscribing to the Forest Management - Bat HCP GovDelivery List:

Updates on the Lakes States Forest Management Bat HCP are available to email subscribers through a Gov Delivery list. This is a way for us to share information and draft documents related to the Lake States Forest Management Bat HCP process with our partners. If you'd like to subscribe, please:

1. Visit <http://dnr.wi.gov/> and scroll down to the very bottom of the page.
2. Click on the **red envelope** on the right-hand side of the screen:



3. Enter the email address where you'd like to receive messages to this list serve. Then:
 - a. If your email address is already subscribed to any DNR GovDelivery topic you'll get to change your subscriber preferences. This is when you can add topics you would like to receive information about, such as the Forest Management - Bat HCP. If, in the past, you opted to protect your user preferences with a password, you'll need to enter that first.
 - b. If your email address is not already subscribed to any DNR GovDelivery topics, follow the prompts to sign up for topics you are interested in and create settings for the frequency with which these messages will be sent to your inbox, etc...
4. Next, there will be a long list of topics you can subscribe to. Click on the "+" next to "Forestry", then click the box next to "Forest Management – Bat HCP" and then click "submit". You should receive an e-mail confirmation of the subscription.