

Testimony to the United States House Committee on Natural Resources
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Oversight Field Hearing on "The Northern Long Eared Bat: The Federal Endangered Species Act
and Impacts of a Listing on Pennsylvania and 37 Other States"

We thank the committee for the opportunity to comment on the decline of the Northern Long-eared Bat (NLEB) and the consideration of the species for listing as endangered under the Federal Endangered Species Act.

We also welcome the committee to Pennsylvania, which leads the nation in the production of hardwood lumber. Pennsylvania hardwoods are valued across the nation and around the world as a renewable and sustainably managed resource of high quality and beauty. With 17 million acres of forest, Pennsylvania leads the nation in the volume of hardwood growing stock.

The decline of NLEB and other cave dwelling bat species due to the spread of white nose syndrome disease (WNS) is an issue that should be of concern for all. PFPA supports public and private research efforts to learn more about the impacts of WNS on NLEB and other bat species, and ultimately how to control, mitigate or eliminate WNS as a threat to bats. PFPA also supports the efforts of federal and state agencies to restrict recreational access to critical bat hibernacula at this time to prevent the unintentional spread of WNS.

We are also taking steps to educate the state's forestry and logging community on bats and WNS through training offered by our sister organization, the Pennsylvania Sustainable Forestry Initiative[®].

We commend the U.S. Fish and Wildlife Service (USFWS) for its decision to provide a six-month extension before its final listing determination and the re-opening of the comment period this summer. But we believe that this extension still does not provide sufficient time to address the existing gaps and conflicting data on NLEB populations and survivability.

It seems that the evidence for the proposed listing of the species as endangered is based primarily upon significant mortality events documented at a limited number of hibernacula. While these events are dramatic, it has been documented that NLEB populations remain robust in portions of the species range, including midwestern and northern states where WNS is not yet documented. The USFWS and others have also recognized that NLEB is difficult to accurately count via cave surveys, given its preference to hibernate singularly and in small groups in recessed areas such as cracks, crevices and broken stalactites. Finally, there seems to be a consensus acknowledgment that the NLEB also hibernates in rock outcroppings in Pennsylvania and other areas, although these populations are not currently being considered.

Additionally, while the USFWS has cited NLEB mortality of as much as 99 percent at these hibernaculum die-offs, other research has suggested that NLEB population declines in Pennsylvania and nearby states may be as low as 31 percent.

Until these data gaps and conflicts are addressed, we believe that it is premature for the USFWS to list NLEB as endangered.

We would like to stress that the most significant threat to the NLEB comes from the WNS disease, not a lack of habitat. This fact is recognized by the USFWS and many environmental interests. The USFWS has gone as far as to state that habitat concerns and other anthropogenic factors create no significant negative effects to NLEB alone or in combination. Timber harvesting and other forestry activities are not causing a decline in NLEB, nor are these activities associated with WNS. As further evidence, the proliferation of WNS and reported decline of NLEB in Pennsylvania has occurred during a period of historically low timber harvesting in the state.

We thank the committee for gathering information on the economic impacts associated with a federal endangered listing of the NLEB. As you know, the USFWS will not consider economic or human impacts in its determination whether to list a species as threatened or endangered.

If NLEB is listed as a federally endangered species, it will be illegal to kill, harm or harass a NLEB, even if unintentional. The definition of 'take' under the Endangered Species Act includes habitat impacts that could be an impediment to the essential behavior of the species, such as roosting or reproduction.

If NLEB is listed as endangered, the most likely USFWS management protocols, based upon the UWSFS Interim Guidance document published in January 2014, will be an extensive set of restrictions on forestry activities and other tree removals. This includes establishing 5 mile protection zones around known hibernacula and establishing seasonal tree harvesting restrictions on bats summer habitat. In Pennsylvania, these seasonal restrictions could possibly run from April 1 to November 15. All trees 3" DBH and larger would be covered by these harvesting restrictions. There would also likely be additional restrictions on other non-harvesting forestry activities, such as prescribed burning.

The NLEB is a forest generalist during the summer, utilizing a wide variety of forest age classes, tree species, tree sizes, living and dead trees, as well as various man-made structures. For this reason and the frequency of its occurrence pre-WNS, the amount of acreage in Pennsylvania impacted by these restrictions will be significant. Data recently developed for the Pennsylvania Game Commission and Pennsylvania Bureau of Forestry indicates that 54 percent of Pennsylvania (15.8 million acres) provides moderate to high potential summer use habitat for the NLEB, which accounts for much of the forested acres in the state. This includes 88 percent of State Forests and 84 percent of State Game Lands.

Pennsylvania has 114 hibernacula known to house NLEB. As a result, as much as 20 percent of the state could be subject to the additional restrictions applied to the anticipated hibernacula protection zones.

If implemented, these various forestry restrictions across such a wide swath of Pennsylvania will decimate the state's forest products industry.

During the fraction of the year that forestry will be unimpeded by these NLEB restrictions, Pennsylvania's forestry community is already subject to a variety of mandated, encouraged and voluntary restrictions on timber harvesting activities. This includes hunting seasons; forest roads closed or with plowing restrictions during winter to support snowmobile activities; best practices that encourage minimizing the transport of logs during the spring freeze/thaw period when paved roads are most susceptible to damage; and periods in the spring when it is too wet to log.

As a result, logging would essentially become a part-time activity across much of Pennsylvania, unencumbered for only a fraction of the year. The owners and employees of these logging companies will not be able to continue their operations in this fashion. The local supply chain that provides logs to sawmills, paper mills and other forest product manufacturers will be disrupted. It is difficult to conceive of a scenario where larger production facilities will be able to sustain operations under such a restricted supply of logs.

Even secondary forest product manufacturers of products such as cabinets, flooring, millwork, and pallets will come to find Pennsylvania as an uncompetitive place to base operations, as the local supply of hardwood lumber dries up when the sawmills close.

Currently, Pennsylvania is home to more than 2,200 forest product establishments, employing approximately 60,000 Pennsylvanians. This is about ten percent of the state's manufacturing workforce. The forest product industry has a presence in every county of the Commonwealth.

The listing of the NLEB as an endangered species and implementation of the suggested forestry restrictions will result in the loss of tens of thousands of these jobs and the closing of hundreds of businesses.

Most of the jobs lost will be in forestry, logging and manufacturing, paying middle class wages and above. Most establishments that will be forced to close will be owned by hardworking individual entrepreneurs and families, some of which have been in the forest product business for generations.

The listing of NLEB as endangered will impact forest landowners as well. Pennsylvania contains nearly 17 million acres of forest. Nearly 30% of this acreage (4.8 million acres) is publically owned. An estimated 533,000 private owners hold over 70 percent of the forested acres (11.7 million acres) in Pennsylvania. Families and individuals are the dominant group in this private category, accounting for 54 percent (9.6 million acres) of forest in Pennsylvania. The listing of NLEB and associated restrictions will impede public and private landowners from their desired and necessary forestry practices. Furthermore, a collapse of the state's forest products industry will lower the demand for logs, decreasing the value of timber on both public and private lands. Any disincentive to maintain lands as working forests provides an incentive for this land to be permanently converted to non-forest uses.

From forestry and forest products alone, the effect of the NLEB listing will have a significant negative impact on Pennsylvania's economy. In 2012, the state's wood industry had \$11.5 billion in sales and an overall total economic impact of \$19 billion contributed to the state's economy. This included total direct, indirect and induced employment of over 98,000

individuals, with \$5.0 billion in wages and salaries earned. The anticipated loss of forest product business and jobs will significantly impact these figures. Local impacts will be even more dramatic in the communities where forestry and forest products are the leading employer.

Pennsylvania is just one of many states where forestry will be negatively impacted by an NLEB listing. According to the National Alliance of Forest Owners, 27 of the 38 states touched by the NLEB range have a sizable forest products industry presence. These states contain a total of 372,535,969 acres of public and private timberland. The industry provides a total of 2.2 million direct, indirect, and induced jobs with a combined payroll of \$80 billion. Annual timber sales and manufacturing shipments equaled \$210.7 billion, with a combined contribution to state GDPs of \$89 billion.

The negative impacts of a NLEB listing are not only economic. The associated forestry restrictions will create a significant impediment to public and private forest owners seeking to improve the forest habitat for other species, including other listed species and other bat species being negatively impacted by WNS.

In Pennsylvania, for example, the state's Game Commission and Department of Conservation and Natural Resources are working on a habitat conservation plan that will improve forest habitat for the benefit of the endangered Indiana Bat. The forest management restrictions suggested for a NLEB listing may make this plan unfeasible.

The restrictions will also create an obstacle for landowners to engage in needed forest management practices to maintain forest health and address the impacts of forest diseases and invasive pests. A endangered listing of NLEB will lead to a general decline in the health of Pennsylvania's forests.

In conclusion, the habitat protection provisions associated with an endangered listing of the NLEB will have dramatic negative consequences for Pennsylvania's forestry industry, its forest landowners, the state's economy and the forest habitat itself – all while providing no benefit to addressing the impact of WNS that threatens the NLEB.

The USFWS needs to forego any mandated restrictions on forest management practices. The USFWS needs to work with other federal agencies, state wildlife and forestry agencies and other stakeholder to fill the gaps in the existing data and understanding of NLEB and WNS. Finally, the USFWS and others need to remain focused on the research and efforts on the control and elimination of the WNS that is the actual threat to NLEB and other bat species.

Thank you again for this opportunity to comment on this important matter.

The Pennsylvania Forest Products Association (PFPA) is the leading trade group in the state representing the various sectors of the forest products industry. PFPA's members own or manage more than one million acres of private forest in Pennsylvania. PFPA is also the administrative host and sponsor of the Pennsylvania Sustainable Forestry Initiative® (PA SFI®), which has provided safety, environmental and ecological training to more than 7,000 loggers, foresters and others. It is the leading logger training program in the state. PA SFI® regularly includes courses related to wildlife, habitat and biodiversity issues as part of its continuing education opportunities.

Attachments:

PFPA Comments: Docket No. FWS-R5-ES-2011-0024 (August 29, 2014)

Consensus Forest Industry Comments: Docket No. FWS-R5-ES-2011-0024 (August 29, 2014)

PFPA Comments: Docket No. FWS-R5-ES-2011-0024 (January 2, 2014)