

**Maryland Sustainable Forestry Council**  
**Friday, July 19, 2024, 1:00pm – 3:00 pm**  
**Virtual**  
**Meeting Minutes**

**Attendees:** Bryan Seipp, Gary Allen, Bill Rees, Beth Hill, Kim Finch, Heather Wallace, Steve Resh, Fred Johnson, Tony DiPaolo, Donelle Keech, Paul Peditto, Anne Hairston-Strang, JT Bowers, Rob Feldt, & Ashley Triplett-Peltzman

**1:00 pm**            **Welcome** to members and guests- Bryan Seipp, Interim Chair

**1:05 pm**            **Review and Approve Minutes** – Anne Hairston-Strang, State Forester

Minutes from the previous meeting approved by vote

**1:10 pm**            **Northern Long-eared Bat Conservation** – Heather Wallace (Senior Biologist - EPR)

- NLEB life history, distribution and listing history
  - Cave dwellings species, prefer forest interior
  - Broad range throughout North America (NA) but a rare
    - Recently identified coastal plain population
  - White-nose Syndrome (WNS)
    - Confirmed case of WNS in MD in 2009
  - ENDANGERED listing on November 2022
    - Species is listed as S1 in Maryland
  - No associated critical habitat for the species
- Tricolored Bat (TCB) is also present in MD and classified as an ENDANGERED species
  - Also cave dwelling, roosting in trees and culverts in summer roosts
  - Prefer forest interior with adjacent edges and ponds
  - Broader range than NLEB
    - Occurs in all Counties within MD
- ESA Consultation
  - IPaC (Information for Planning and Consultation) submission
    - Will determine what protected species are potentially present in the area, potential take permitted, approved activities in this area, and a Dkey (stepwise process that determines the potential effect of the proposed activities to the protected species).
    - USFWS understands that actively managing forests (timber harvesting/thinning) does immediately have effects to a species that may not cause long-term harm to the species
- Biological Assessment and Biological Opinion
- Other Consultation Approaches
  - Programmatic
    - Consult with bat biologists within the region that can assess the site and convey findings to FWS
    - Generating an official (third party) biological opinion on proposed activity
  - Conference Option - TCB
    - Applicable when a species has not been listed yet
- Habitat Conservation Plan & Incidental Take Permit
  - For non-federal entities
  - Prepared by the private or state landowner

- HCP must include: an assessment of likely impacts on the species from the proposed action, steps that the permit holder will take to avoid/minimize/mitigate the impacts, funding available to carry out the steps
- FHWA/FRA/FTA Section 7 Range-wide Consultation for Indiana and NLEB
  - Includes the acreage of tree removal (serves as a surrogate for take), single tree, and habitat block calculation methods
  - Compensatory mitigation options include:
    - In-lieu fee funds
    - Conservation banks
    - Project-proponent-sponsored mitigation
    - Research, cave gating, forest replanting, etc.
- Sustainable forest management tools for the NLEB and TCB
  - Guidance for private forest landowners/local governments looking to obtain regulatory certainty while maintaining sustainable forestry operations
  - Draft released for public comment on May 1, 2024 and the final draft is expected at the end of the summer / early fall 2024
    - Draft guidance has been removed from the website
    - Replaces the interim voluntary guidance
  - Tools available via the FWS Sustainable Forest Management Guidelines
    - Technical Assistance from FWS field office
    - HCPs and Permits
    - SHAs and CCAs
    - Federal Agency Actions
    - WCEA
- Four Bats Conservation Collaborative (Bat Conservation Strategy for US Forest Service Managed Lands)
  - Collaboration between USFWS and USFS- Eastern states only
  - Indiana, NLEB, TCB, LBB
    - Similar biologies so they can apply collective conservation measures, internally
    - “Manage forests to protect remaining populations and promote recovery”
    - Document not online yet, but is called the 7a1/7a2 doc prepared by USFWS
- Questions and Discussion
  - Anne - appreciates the perspective as we strive to work with the goals and state regulations of Maryland WHS. State regulations will differ from the federal regulations presented. We expect recovery and would like to support the presented conservation efforts.
    - Heather - lean on the guidance of the local USFWS field office, there is local discretion
  - Beth - Conservation easements, does this also trigger federal regulations requirements?
    - Heather - check with the local office for confirmation on this but it’s possible

1:50pm

**Forest Management Review Processes in other states – Rob Feldt (Forest Resource Planning Supervisor - MFS)**

- 4 proposed timber sales within Green Ridge State Forest (GRSF)
  - Spanning 3 different Annual Work Plans
  - Variable retention harvests, spanning 18 - 47 acres at each site
  - Overstocked stands, average age is >100 years for all sites
  - Primarily oak sp.

- Acoustic sampling at Green Ridge State Forest (2022)
  - 6 of 7 sites indicated NLEB presence
- All four 4 proposed timber sales is within a  $\frac{3}{4}$  mile radius from NLEB detection
  - As a result, DNR WHS halted the progress of these harvests until further federal guidance is issued
- Guidance provided by DNR WHS:
  - No seasonal restriction for harvests in these buffers.
  - The harvest must maintain 50 BA throughout.
    - 35 ft<sup>2</sup> of that should be overstory trees  $\geq 12''$
  - Leave mid and understory species for regeneration
  - Species composition relative abundance, remaining trees should match the existing composition.
    - Select species removal.
  - Retain all non-hazards snags and surrounding trees to reduce windthrow
  - Maintain a 100 ft undisturbed buffer for streams on or adjacent to the stands within the  $\frac{3}{4}$  mile buffer and a 50ft buffer to intermittent streams.
- MFS has concerns with two of these restrictions
  - Retention of 50 sq ft of basal area throughout- would automatically eliminate the possibility of any effective timber harvest and subsequent management benefits
    - Remaining area too small for MDFS consideration
  - Absence of the seasonal restriction- restrictions are beneficial to bats
  - Not the standard practice where NLEB and other listed bats are present
- Forestry and tree removal guidelines for protecting the NLEB in 8 Northeastern states were reviewed:
  - Michigan, Minnesota, Missouri, New York, Ohio, Pennsylvania, Vermont, and Wisconsin
    - These guidelines were often compared to recommendations provided in Johnson and King (2018)
  - Elements of each plan that provide applicable guidance for DNR Forest Service projects
    - Time of Year (seasonal) when management occurs is a critical component to consider to protect the pups (generally no harvesting between June 1 - July 31)
    - Uneven Age Management focused on retaining cavity trees and numbers of matures which varied by state.
  - Most states recommended leaving 3 to 12 large diameter trees per acre.
  - Johnson and King 2018 recommends 16 trees/acre and most of the states had some preference for sloughing bark, cavities, and crevices (favorable to bats).
  - Basal area guide was 3 ft<sup>2</sup> baseline
  - Typical Buffers
    - For the most part our standard so the  $\frac{1}{4}$  mile buffer around hibernacula, no disturbance or no cutting was a common practice.
    - Retaining a 150 foot buffer around no roost trees was also common.
    - Other buffers outside of those areas varied based on acoustic detections
  - Retention Guidelines
    - Patch retention and retaining trees with specific characteristics were the two common requirements for most states reviewed
      - Typical recommendation was that harvests retain patches of at least .25 acres in size, DBH >9"
      - Various sp exhibit the beneficial characteristics for roosting
  - Riparian Guidelines
    - Retain 25-50 feet of buffer or  $\frac{1}{3}$  ro  $\frac{2}{3}$  of the typical trees
    - Most asked to 40 - 60 sq ft retention of basal area in these areas
    - MFS generally exceeds these recommendations for riparian areas
  - Snag Guidelines

- Johnson and King 2018 recommends retention of all snags in a harvest area (unless there are human safety concerns)
    - This is an existing practice for MFS
  - Questions and Discussion
    - Anne - The proposed harvest is to regenerate oak and the recommended guidance of retaining 50% basal area doesn't create the conditions possible to generate oak. It is an ecologically significant place within the state and habitat should continue to be managed for bat populations to expand and thrive.
    - Bryan - How much of these findings have been shared with WHS so far? Where does this leave the current sales?
      - Rob - the projects are currently tabled. Jesse Morgan (GRSP Manager) has met with WHS multiple times (and on site) and they have not been able to move forward with a compromise on this. They are waiting for the federal guidelines to come out and then make a determination. Following guidance in VT and what Heather just presented, it's reasonable to have a % of total forest area that is retained and undisturbed. Right now, we only harvest about 1% of our State Forest land / year on average so the rate of disturbance is not high, but the proposed work is critical to oak regeneration and maintaining historical composition of the land.
    - Tony - have bat surveys been done on the ES on State Forest land?
      - Anne - not that we know of specifically, but WHS has been trying to update old data on this to have a better understanding of the current population distribution of the species
      - Heather - Coastal Plain bats have been less impacted by WNS from VA into the Carolinas, because they are not traveling back to hibernacula (instead going into torpor over winter)
      - Tony - White Oak regeneration is also a problem on the ES and it's something that more landowners are interested in
      - Rob - Heather, did you see anything that was unusual or uncommon in your experience?
        - Heather - buffers are the same or similar, minimum size to be cut differs by NLEB roost size which is determined by the FWS local field office
          - Acoustic data is a new science and can be flawed - causes confusion with what species are actually present and being recorded. It's worth discussing what constitutes a record.

2:25 pm

#### **MFS State Forester Update – Anne Hairston-Strang, State Forester**

- 2024 Maryland Forest Service Awardees
- New and Promoted Staff 2024
  - Personnel in transition
- Budget
  - Closing out FY24
  - Higher budget for higher salaries and costs
    - More passthrough funding from federal grants
    - Reduced WIF funding (\$500K)
  - 7/17/2024 Cuts
    - Cuts to the general funds and several grant categories
    - MD Forestry Education Fund
    - \$2.5M of CBT's \$10M for 5MT
    - 25% of Rural MD Council Grants
    - MDA cuts
- New Funding for Sustainable Forestry - Urban and Rural

- Community Forestry Catalyst Fund (CF2)
- Community Wildlife Defense Grants for WUI communities
- NRCS Funds through Regional Conservation Partnership Programs (CCS)
- Expanded State Funding
  - 5MT
  - MDOT and MUCFC
    - Application alignment with CF2
  - \$1M WIF (\$500K in FY25)
- Land Conservation and Climate
  - 30% of MD land conserved before 2030!
  - Next legislative goal is 40x40
- Governor’s Climate EO “Growing Opportunity”
- Gary Allen - HFHW Funding
  - >350 acres submitted in the current funding cycle
  - \$2.7M for the next three years! Huge opportunity for tree planting on private forest land.

2:40pm

**Kirk Rodgers Memorial Progress (September 27th at 11am) – Anne Hairston-Strang, State Forester**

2:45pm

- Church Creek, MD on Golden Hill Road
- Interpretation
  - Stone and brass plaque

**Forest Conservation Act Update – JT Bowers**

2:50pm

- SB526 revisions were submitted July 1, 2024
  - Ongoing conversations with locals and industry representatives about the delays
- Dan Coy is updating the technical manual
- Hiring a new Eastern Region Urban Community Forester
- Anne Gilbert is back from maternity leave

**2024 Fall Retreat Planning – Bryan Seipp**

2:50pm

- Looking into locations on the ES this year
- A working list of topics are in the agenda document
  - Please reach out to Bryan directly to discuss these topics if Committee Members have things to add
  - Bryan, Anne, JT, and Ashley will work to organize this further, with your input
- Anne - MFS is looking for opportunities for input on the revised Forest Action Plan

**Roundtable**

3:00 pm

- Gary - for next agenda: Urban Forest Careers Camp
  - Budget cuts of MD Forestry Education Fund necessitate continued legislative engagement to receive funding in upcoming years
    - In the meantime, we will seek alternative funding for these programs
  - The MFS needs to consider a research function, as restructuring continues
    - Policy changes necessitate a dedicated time for more detailed research

**Adjourn – Bryan Seipp**