



NEPA Compliance for the Lake States Forest Management Bat HCP

Frequently Asked Questions & Answers

The following questions and answers summarize the National Environmental Policy Act (NEPA) compliance process for the Lake States Forest Management Bat Habitat Conservation Plan (Lake States HCP).

1. What action is the U.S. Fish and Wildlife Service taking?

The U.S. Fish and Wildlife Service (Service) is responding to a request for Incidental Take Permits under the Endangered Species Act (ESA) from three state Departments of Natural Resources (Michigan, Minnesota, and Wisconsin). The Incidental Take Permits would cover potential effects to four bat species. NEPA requires the Service to consider the potential effects related to issuance of the permits to each of the three state Departments of Natural Resources. As the Service prepares to draft the NEPA document, an Environmental Assessment (EA), we have opened a 30-day public comment period to receive input, suggestions, and information on the scope of the EA.

2. What is a Habitat Conservation Plan?

Section 9 of the ESA prohibits the "take" of protected wildlife, including any action that kills or injures wildlife. However, the ESA also allows the Service to issue permits for the "incidental" take of ESA-listed endangered and threatened wildlife. Permit holders can proceed with an activity that is legal in all other respects, but that may incidentally take ESA-listed wildlife.

To receive a permit, applicants must design, implement, and secure funding for a conservation plan that avoids, minimizes and offsets (mitigates) harm to wildlife impacted by their activity. That plan is commonly called a Habitat Conservation Plan, or HCP. HCPs are legally binding agreements between the Secretary of the Interior and the permit holder.

3. What is the Lake States HCP?

The Lake States HCP is being prepared by the Michigan Department of Natural Resources, Minnesota Department of Natural Resources, and Wisconsin Department of Natural Resources, collectively referred to as the State DNRs. The HCP provides a framework to protect four bat species while allowing the State DNRs to conduct forest management activities within Michigan, Minnesota, and Wisconsin.

The Lake States HCP provides the basis through which the State DNRs could extend their incidental take coverage to other nonfederal landowners through Certificates of Inclusion (COIs). Nonfederal land could include county/municipal, Tribal, and private forestlands. Those landowners requesting incidental take coverage for activities covered under the Lake States HCP are referred to as program participants.

4. Why is a NEPA document needed?

NEPA requires federal agencies to consider and disclose the environmental impacts of their proposed actions. The EA will analyze the potential effects of the proposed federal action, the potential for the Service to issue Incidental Take Permits and approve the HCP.

5. What species are covered by the Lake States HCP?

The Lake States HCP will cover four bat species, including:

- Indiana bat (*Myotis sodalis*), a federally listed endangered species.
- Northern long-eared bat (*Myotis septentrionalis*), a federally listed threatened species. However, the Service is reevaluating the species and is required to publish a new final listing determination in the Federal Register by November 2022.
- Little brown bat (*Myotis lucifugus*), which is currently unlisted. The Service is conducting a discretionary status review of the species to determine whether its listing under ESA as endangered or threatened is warranted. The Service expects to complete that analysis and publish the findings in the Federal Register by October 2022.
- Tricolored bat (*Perimyotis subflavus*), which has been petitioned for potential listing as a threatened or endangered species. The Service is conducting an analysis for a formal review of the species to determine whether its listing under ESA as endangered or threatened is warranted. The Service expects to complete that analysis and publish the findings in the Federal Register by October 2022.

6. What geographic area is covered by the Lake States HCP proposal?

The geographic area covered by the Lake States HCP is referred to as the plan area and comprises the states of Michigan, Minnesota, and Wisconsin. The plan area is where all conservation actions, mitigation, and monitoring will take place. The covered lands, where all impacts occur, could include as much as 47.3 million acres of forestlands owned and managed by nonfederal entities, including DNR lands (those owned or managed by the State DNRs), county and municipal forestlands, and private forestlands. The full extent of the covered lands will depend on the number of landowners who participate and receive a COI.

7. What activities would the Incidental Take Permit and HCP address?

The State DNRs requested incidental take authorization for covered activities associated with forest management activities, including:

- Timber harvest and related forest management practices. These activities include cutting trees for regeneration, forest products, salvage, firewood, and the creation of habitat for wildlife.
- Roads and trails construction, maintenance, and use. These activities include constructing, maintaining, and using roads and trails.
- Prescribed fire. These activities include burning for fuel reduction, vegetation management, containment, invasive species control, wildlife habitat enhancement, and associated firebreaks.
- HCP conservation strategy implementation. These activities include monitoring and restoration associated with implementation of the Lake States HCP conservation strategy.

8. What permit term is the Service considering under the Lake States HCP?

The proposed permit term is 50 years. The permit term of 50 years was selected because it provides a foreseeable planning horizon for species listing, covered activities, and for the full implementation and evaluation of the HCP's conservation strategy, including monitoring and adaptive management. Upon expiration of the initial permit or to incorporate major revisions during the permit term, the State DNRs may apply to renew or amend the permit and the associated Lake States HCP.

9. What are the anticipated impacts of the Proposed Action?

The Proposed Action is the Service's issuance of the ITP, and the implementation of the HCP including the Conservation Strategy. Forestry operations, which are covered activities in the HCP, could result in harm of or direct mortality of bats as well as direct loss of habitat. Over the long term, sustainable forestry management practices can create and maintain foraging and roosting habitat for bats. The EA will analyze the impacts of the implementation of the HCP on resource areas such as air quality, water resources, geology and soils, biological resources, cultural resources, land use, recreation, visual resources, traffic and transportation, socioeconomics, environmental justice, public health and safety, and noise.

10. How would the HCP minimize and mitigate the anticipated impacts from covered activities?

The HCP would implement a conservation strategy to reduce negative effects on bats and bat habitat from forest management, increase positive effects, and mitigate for unavoidable impacts. The avoidance, minimization, and mitigation measures outlined in the HCP's conservation strategy would fully offset any adverse impacts on covered species and their habitat associated with covered activities. Avoidance measures intended to minimize

impacts would include implementation of retention guidelines, prescribed fire avoidance measures, and seasonal restrictions. Mitigation would include a variety of measures such as active protection of caves, enhancement of future roosting habitat, enrollment of nonfederal landowners in the Landowner Enrollment Program, and public outreach and education on bats. Conservation measures would focus on protections for habitat features and areas of known or suspected bat concentrations.

11. What alternatives to the HCP are the Service planning to consider in the NEPA analysis?

In the analysis, the Service will consider a reasonable range of alternatives that meet both the requirements of NEPA and the purpose and need of the proposed action, including analyzing the No Action Alternative, in which the Service would not issue the ITP. Other alternatives could include a shorter permit term, modified list of covered activities, modified list of covered species, or a modified permit area. The alternatives will be developed with input from interested parties and the public during the scoping period.

12. Where are we in the NEPA process?

The Service is in the scoping phase, which is the first step in preparing a NEPA document. The purpose of scoping is to ask for early input from the public, other government agencies, the scientific community, Tribes, industry, and other interested parties. Although scoping is not required for an EA, we want to hear from others about what resource areas, topics, and alternatives they would like evaluated in the EA, as well as suggestions on data or information that should be considered. During scoping, you can learn about the proposed Lake States HCP and the NEPA process and provide written comments on the scope and approach for completing the NEPA process.

13. When is scoping and what type of input does the Service need?

Although scoping is not required for an EA, the Service is inviting the public to provide meaningful input on those subject areas that we must consider in preparing the EA, including:

- Scope of the analysis – Specific topics or resources that should be considered in the NEPA process (e.g., water quality, socioeconomics, air quality).
- Alternatives – Alternatives to the proposed action that should be evaluated.
- Data or information – Suggestions on data or information that should be considered in the NEPA process.

The Service is seeking relevant information by February 17, 2022.

Information may be submitted using one of the following methods:

- Hard Copy – Submit by U.S. Mail:
Field Supervisor, Michigan Ecological Services Field Office
U.S. Fish and Wildlife Service
2651 Coolidge Road, Suite 101
East Lansing, MI 48823
- Via email: EastLansing@fws.gov

Please note, information is due by February 17, 2022.

14. What are the next steps?

After considering the information provided, the Service will prepare a draft EA that evaluates the potential impacts of the issuance of Incidental Take Permits and implementation of the Lake States HCP. A second opportunity for public comment will be provided when the draft EA is completed. The Service anticipates the draft EA will be ready for public review in Summer 2022.

For more information about the Lake States HCP and the NEPA process, contact Scott Hicks at the U.S. Fish and Wildlife Service, Michigan Ecological Services Field Office by telephone at (517) 351-2555. You can also visit the Service's Lake States NEPA project website at www.LakeStatesNEPA.com.