



August 10, 2015

To: Kentucky, Virginia and West Virginia Congressional Delegation

Re: Comments on Proposed Endangered Species Status for the Big Sandy Crayfish and the Guyandotte River Crayfish, 80 Fed. Reg. 18710 (April 7, 2015), Docket No. FWS-R5-ES-2015-0015.

- * Kentucky – Lawrence, Johnson, Martin, Floyd, Pike counties
- * Virginia - Buchanan, Dickenson counties
- * West Virginia – Mingo, Logan, Wyoming, and McDowell counties

The Kentucky Forest Industries Association (KFIA), the Virginia Forestry Association (VFA) and the West Virginia Forestry Association (WVFA) write, here, together to express concern that the discussion in the preamble to the proposed rule in “Sandy Crayfish and the Guyandotte River Crayfish, 80 Fed. Reg. 18710 (April 7, 2015)” relies too heavily on papers with conclusions based on atypical practices or unusual storm events that occurred immediately after harvest.

In the April 7, 2015 issue of the *Federal Register*, the U.S. Fish and Wildlife Service (USFWS) published a 12-month finding on the status of two crayfish species, the Big Sandy crayfish (*Cambarus callainus*) and the Guyandotte River crayfish (*Cambarus veteranus*), and a proposed rule to list both species as endangered under the Endangered Species Act (80 Fed. Reg. 18710 – 18739).

The proposed rule indicates that the Big Sandy crayfish is only known to exist in the Big Sandy River basin in eastern Kentucky, southwestern Virginia, and southern West Virginia. The Guyandotte River crayfish is known to occur only in the Guyandotte River basin of southern West Virginia.

Suitable habitat for both the Big Sandy and Guyandotte River crayfish appears to be limited to higher elevation, medium-sized streams and rivers in the upper reaches of the Big Sandy and Upper Guyandotte basins, respectively. Both species are associated with fast moving water of riffles and runs or pools with current and an abundance of large, un-embedded slab boulders on a sand, cobble, or bedrock stream bottom. The USFWS lists excessive sedimentation as the primary stressor for both species and states that both are in danger of extinction primarily due to the, “threats of land-disturbing activities that increase erosion and sedimentation, which degrades the stream habitat required by both species,” in addition to the effects of small population sizes.

We are pleased that USFWS concluded that a “violation of section 9” is “unlikely” as a result of “[n]ormal agricultural and silvicultural practices, including herbicide and pesticide use, which are carried out in accordance with any existing regulations, permit and label requirements, and best management practices”. 80 Fed. Reg. 18737.

We are, however, puzzled by the unwarranted critical assessment of the effectiveness of those very same best management practices (BMPs) earlier in the preamble. 80 Fed. Reg at 18728-30, 18732.

As early as 1992, USFWS recognized that sustainable forestry on private lands is not only compatible but beneficial for conservation of many species.

Determination of Threatened Status and Section 4(d) Rule for the Louisiana Black Bear; Final Rule, 57 Fed. Reg. 588 (January 7, 1992); *Removal of the Louisiana Black Bear From the Federal List of*

Endangered and Threatened Wildlife and Removal of

Similarity-of-Appearance Protections for the American Black Bear; Proposed Rule, 80 Fed. Reg. 29394 (May 21, 2015). In many instances, use of best management practices will be essential to obtain these conservation benefits. E.g., Determination of Endangered Status for the Georgia Pigtoe Mussel, Interrupted Rocksnail, and Rough Hornsnail and Designation of Critical Habitat; Final rule, 75 Fed. Reg. 67512 (November 2, 2010).

The conclusion regarding take of these two crayfish is consistent with these earlier agency findings. However, to maintain consistency, we have written to urge USFWS to conduct a competent assessment of the numerous studies supporting the effectiveness of forestry BMPs. Again, we are concerned that the discussion in the preamble to this proposed rule relies too heavily on papers with conclusions based on atypical practices or unusual storm events that occurred immediately after harvest.

USFWS is obligated to consider the “best available scientific and commercial data available to” the agency. 16 U.S.C. § 1533(b)(1)(A). The subject preamble does not explain any reason why USFWS selected the BMP studies used in the preamble over the numerous other BMP studies, particularly when many other studies conclude that BMPs do substantially reduce sediment delivery from forestry operations. We also note that USFWS does not provide any basis for concluding that any specific level of sediment delivery threatens the continued viability of these two species.

We have urged the USFWS to closely consider the thorough analysis of relevant BMP studies summarized by the National Council for Air and Stream Improvement in comments it has submitted on this proposed listing.

We ask each of you for your help as this process proceeds and thank you each in advance for your efforts, relative to bringing our concerns to substantive results.

The Kentucky Forest Industries Association is a trade association dedicated to serving and promoting the forest products industry of Kentucky. Founded in 1965, it has over 600 members in the areas of primary and secondary wood industry, supplier and service industries, wholesale, loggers and landowners. KFIA promotes sound forest management through support for sustainable forestry practices and represents and serves all segments of the forestry community in Kentucky.

The Virginia Forestry Association is a not-for profit organization dedicated to sustaining, developing, protecting, and promoting the forests and related resources of Virginia. Our membership consists of forest landowners, foresters, loggers, forest product businesses, forestry consultants, and a variety of individuals and groups who are concerned about the future well-being of Virginia's forest resources.

The West Virginia Forestry Association is a non-profit organization funded by its membership. Our members include individuals and businesses involved in forest management, timber production, firewood production and wood product manufacturing. Our members are concerned with protecting the environment, as well as enhancing the future of West Virginia's forests through multiple-use management. Our Association encourages and promotes sustainable forest management, improved fire protection and suppression, true conservation of woodland resources in West Virginia.

Sincerely,

Bob Bauer
Kentucky Forest Industries Association

Paul Howe
Virginia Forestry Association

Frank Stewart
West Virginia Forestry Association