

**U.S. Fish and Wildlife Service: Red-cockaded Woodpecker  
Proposed Downlisting Public Meeting Transcript**

**December 1, 2020 6:00-9:00pm ET**

**Closed Captioning provided by Alternative Communication Services, LLC**

**00:00:16.890 --> 00:00:21.690**

EMPSi - Amanda Biedermann: Hello everyone, I'd like to welcome you all to the public meeting for the proposal to downlist

**00:00:22.230 --> 00:00:30.720**

EMPSi - Amanda Biedermann: The Red-cockaded Woodpecker. We're going to give folks a few minutes here to join the meeting, and then we will begin the PowerPoint presentation shortly. So please stay tuned.

**00:00:31.410 --> 00:00:43.260**

EMPSi - Amanda Biedermann: I do want to note that closed captioning is available by selecting the closed caption icon at the bottom of your zoom screen if you are using the zoom web portal or zoom app on your computer.

**00:00:43.860 --> 00:00:52.290**

EMPSi - Amanda Biedermann: If you're having any technical issues today with your audio or other zoom features, please chat to Clayton McGee. Thank you.

**00:02:08.190 --> 00:02:22.830**

EMPSi - Amanda Biedermann: Again, I'd like to welcome everyone to today's meeting. We're going to give folks just a few more minutes here to join the meeting, and then we will start the PowerPoint presentation after that, so please stay tuned and we will start that presentation shortly. Thank you.

**00:04:33.090 --> 00:04:37.110**

EMPSi - Amanda Biedermann: Hello everyone, we're going to go ahead and get started with our public meeting today.

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EMPSi - Amanda Biedermann: Let me just go to the next slide.

**00:04:44.040 --> 00:04:54.210**

EMPSi - Amanda Biedermann: Again, I would like to thank you all for joining us today. We appreciate your time and participation. My name is Amanda Biedermann, and I'm going to be one of your meeting facilitators today.

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EMPSi - Amanda Biedermann: Additionally, I have several members of the US Fish and Wildlife Service staff members who are on the meeting with me today, and I'll go over those staff members on the next slide.

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EMPSi - Amanda Biedermann: I'm now going to go over some ground rules for the meeting today.

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EMPSi - Amanda Biedermann: First, your microphones and videos will be turned off for the duration of the presentation. You will only be unmuted if and when I unmute you during the Q and A or public comment portion of the meeting today.

**00:05:22.170 --> 00:05:32.040**

EMPSi - Amanda Biedermann: Second, this meeting is being recorded as part of the project record, and all materials presented today will be provided online through the website.

**00:05:33.060 --> 00:05:47.370**

EMPSi - Amanda Biedermann: Questions will be addressed during the question and answer session at the end of the PowerPoint presentation. We will do our best to address questions in the order that they come in and to allow everyone an opportunity to voice their questions today.

**00:05:48.870 --> 00:06:05.940**

EMPSi - Amanda Biedermann: Finally, after we have answered questions submitted during the Q and session, we will then move on to the public comment portion of the meeting at 7:30pm eastern time, during which will accept a verbal public comments from those participants who would like to offer a comment today.

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EMPSi - Amanda Biedermann: Written public comments can be submitted via mail or regulations.gov.

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EMPSi - Amanda Biedermann: And we will provide further information on how to submit your written comments after the PowerPoint presentation.

**00:06:18.750 --> 00:06:33.210**

EMPSi - Amanda Biedermann: Verbal comments submitted today will be limited to about five minutes per participant in order to allow everyone who wants to offer a comment today the opportunity to do so. We do ask that you be mindful and respectful of this time limit.

**00:06:39.270 --> 00:06:50.880**

EMPSi - Amanda Biedermann: As I said, I'm now going to go over the list of Fish and Wildlife Service employees who are with us on the call today who will be helping to answer questions during the Q and A portion of the meeting.

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EMPSi - Amanda Biedermann: So we have Catherine Phillips, who is the Assistant Regional Director for Ecological Services for the South-Atlantic Gulf and Mississippi Basin Regions. We also have Aaron Valenta.

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EMPSi - Amanda Biedermann: The chief of the Division of Restoration and Recovery. We have Will McDearman, the Red-cockaded Woodpecker Rangewide Recovery Coordinator.

**00:07:14.820 --> 00:07:26.550**

EMPSi - Amanda Biedermann: We also have Matt Dekar. He is the previous Deputy Chief of the Division of Restoration and Recovery, and he is a member of the RCW SSA core team.

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EMPSi - Amanda Biedermann: And then finally we have Kristi Young, who is the Deputy Manager of the Division of Conservation and Classification.

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EMPSi - Amanda Biedermann: So that's the list of Fish and Wildlife Service members who will be primarily answering questions during the Q and A portion once we get to that part of the meeting today. And then I just wanted to quickly read through

**00:07:48.090 --> 00:07:56.190**

EMPSi - Amanda Biedermann: The main purpose of the meeting today. So as you can see on the slide on your shared screen this public meeting will offer information

**00:07:56.580 --> 00:08:08.520**

EMPSi - Amanda Biedermann: About the Red-cockaded Woodpecker and the Service's proposal to downlist the species as threatened under the Endangered Species Act and explain how the public can comment on this proposal.

**00:08:09.150 --> 00:08:18.180**

EMPSi - Amanda Biedermann: As I said, after the presentation, the public will have an opportunity to ask questions on the proposal, and then we will move into that public comment portion of the meeting.

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EMPSi - Amanda Biedermann: Before I turn it over to Kristi Young, I just wanted to note again, for those of you who maybe didn't hear it, when you first joined the meeting

**00:08:26.430 --> 00:08:35.430**

EMPSi - Amanda Biedermann: That Closed captioning is available for today's meeting if you go to the bottom of your zoom screen and select the closed caption icon,

**00:08:35.970 --> 00:08:45.900**

EMPSi - Amanda Biedermann: You can then see closed captions for today's meeting. And if you can't see that icon, you may need to exit your full screen view of zoom and then you should be able to see that icon.

**00:08:46.740 --> 00:08:53.850**

EMPSi - Amanda Biedermann: As I said, I'm now going to turn it over to Kristi Young, who's going to lead us through the main part of the presentation for today's meeting.

**00:09:06.090 --> 00:09:13.830**

USFWS - Kristi Young: Good evening. We're here tonight to talk about the Service's proposal to downlist the Red-cockaded Woodpecker from endangered to threatened.

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USFWS - Kristi Young: My name is Kristi. I am the Deputy Manager for the Division of Conservation and Classification in the Southeast, and I will be giving the presentation this evening. Next slide please.

**00:09:27.840 --> 00:09:45.030**

USFWS - Kristi Young: So the Red-cockaded Woodpecker was originally listed as endangered under the Endangered Species Conservation Act of 1969, which was a precursor to the Endangered Species Act. This data status was then retained with the passage of the ESA in 1973.

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USFWS - Kristi Young: The most recent revision of the RCW recovery plan was released on January 27, 2003, and the latest five-year review was completed on October 5, 2006.

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USFWS - Kristi Young: In this review the Service did not recommend changing the status of the Red-cockaded Woodpecker.

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USFWS - Kristi Young: However, since the last five-year review, we have received your information, and we completed an analysis of the species, which we documented in the species status assessment report in 2019.

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USFWS - Kristi Young: Next slide please.

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USFWS - Kristi Young: So there's a bit of a challenge to estimate population size for the Red-cockaded Woodpecker because our terminology and how we collect data has changed a bit over time.

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USFWS - Kristi Young: But here's a bit of information about the population trends. So before European settlement, we estimate between 920,000-1.5 million territories, RCW territories.

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USFWS - Kristi Young: However, at the time of listing, there were probably fewer than 10,000 individuals remaining, which translates to between 1,000-3,500 clusters.

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USFWS - Kristi Young: In the early 1990s, we started to do, implement a lot of the management actions to recover the species. And so by 1995, the estimated number of clusters had increased to 4,700 clusters.

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USFWS - Kristi Young: And currently in the SSA report, we estimate that the population is at least 7,800 clusters. Next slide please.

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USFWS - Kristi Young: So the RCW is a small woodpecker. Adults are only about eight to nine inches long and weigh only about 1.5 to 1.75 ounces

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USFWS - Kristi Young: Both male and female adults are black and white with the ladder pattern on the back and large white cheeks, cheek patches.

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USFWS - Kristi Young: The 'cockade' of the species name is actually a small red slash on the cheeks of mature males. This is only flashed when they're excited. And so it's actually very difficult to see in the field.

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USFWS - Kristi Young: RCWs live in groups that share and generally defend territories which is characteristic of their cooperative breeding system. And we'll talk a little bit more about that later.

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USFWS - Kristi Young: They nest and roost in cavities they excavate from living trees, living pine trees, not snag, so that's a bit unusual and the historical range for the species may have covered over 200 million acres.

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USFWS - Kristi Young: Next slide please.

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USFWS - Kristi Young: So the habitat for the species really consists of open fire-maintained pine forests, particularly longleaf pine, but also some of these other shortleaf/loblolly and some other pine. These forests have an open canopy with a diverse herbaceous ground cover and little to no hardwood mid-story.

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USFWS - Kristi Young: The species uses these large old pines in these areas for nesting and roosting.

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USFWS - Kristi Young: Next slide please.

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USFWS - Kristi Young: So a little bit more about the RCW and the cooperative breeding system that I mentioned earlier.

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USFWS - Kristi Young: They live in groups that share and defend territories around - a group consists of a single breeding pair and helpers. So in other words, some adults will forego reproduction and instead assist in the raising of the offspring of the group's breeding male and female.

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USFWS - Kristi Young: These helpers also provide a pool of replacement breeders.

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USFWS - Kristi Young: As noted previously, RCWs nest and roosts in cavities all year round, and an aggregation of cavity trees with both nest cavities and roost cavities is called a cluster.

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USFWS - Kristi Young: Cavity excavation is actually extremely difficult, making a cluster of active cavity trees a very valuable resource for the species.

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USFWS - Kristi Young: Finally, I want to mention a little bit about the diet. Most of the diet consists of arthropods, which they forage from the bark of the of the living pine trees.

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USFWS - Kristi Young: So the abundance of this food source is related to the age and the density of the pines, but also to the ground cover because the arthropods will crawl up the pines from the ground cover.

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USFWS - Kristi Young: Next slide please.

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USFWS - Kristi Young: The SSA identified the following primary risk factors - the lack of suitable habitat, natural disturbances such as wildfires or hurricanes, habitat fragmentation in the small, isolated populations.

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USFWS - Kristi Young: And, well it isn't really a risk factor, per se, but the RCW is a conservation reliance species. So its status is dependent on continuing management of populations and habitat to persist.

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USFWS - Kristi Young: Next slide please.

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USFWS - Kristi Young: So the lack of suitable habitat. This is a legacy from previous land management. So during early European settlement, you had a lot of commercial timber harvesting and the turpentine industry in the 1800s eliminated much of the longleaf and other open pine ecosystems.

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USFWS - Kristi Young: By the early to mid-1900s, you had personal tree farming, agriculture, and urbanization also contributed to further declines in this habitat. So by the 60s and 70s, much of the remaining habitat was very different, and only about 3% of the long pine component remained

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USFWS - Kristi Young: Longleaf pine component. Excuse me.

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USFWS - Kristi Young: And then the remaining habitat. A lot of it is second growth and is now just reaching the age to meet RCW habitat means. And we also have had continuing fire suppression that resulted in these dense pine and hardwood forests.

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USFWS - Kristi Young: Next slide please.

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USFWS - Kristi Young: So I mentioned earlier a little before that the RCW is a conservation reliant species. Some of the actions that are needed include installing and maintaining artificial cavities

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USFWS - Kristi Young: Active forest management, such as thinning and prescribed fire to sustain, restore, and even increase habitat,

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USFWS - Kristi Young: translocating subadults, and monitoring.

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USFWS - Kristi Young: Next slide please.

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USFWS - Kristi Young: So for these next several slides, I'm going to go through the species status assessment that we completed to help inform our decision.

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USFWS - Kristi Young: The SSA looked at both the current and future resiliency, redundancy, and representation of the Red-cockaded Woodpecker.

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USFWS - Kristi Young: The SSA identified 124 demographic populations and for 98 of these, we also were able to identify associated growth rates. This is not to say that there are only 124 RCW populations, but this is the number of populations that we were able to identify demographic information

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USFWS - Kristi Young: To assess the current resiliency of the species. We looked at both the population size grouped into the five resiliency categories that you see here

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USFWS - Kristi Young: And also the growth rates of the populations, you know, the positive, neutral, or negative lambda.

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USFWS - Kristi Young: Next slide please.

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USFWS - Kristi Young: This map shows the 124 demographic populations by resiliency category, a few things to note here. Hopefully, this can be seen. You do have a few populations that have very high resiliency, meaning they have more than 499 clusters. Those are the ones in the dark green.

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USFWS - Kristi Young: We also note though that there are a lot of populations that are very low, and very low resiliency. Those are the ones in the, the, the kind of pink and red.

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USFWS - Kristi Young: However, the growth rates are promising. The table here shows that of the 98 populations for which we can determine growth rates, 66 are increasing, 19 are stable, and only 13 are decreasing.

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USFWS - Kristi Young: Next slide please.

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USFWS - Kristi Young: Now thinking about the current representation. Historically, the Red-cockaded Woodpecker were found further north than the current range. So this is showing

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USFWS - Kristi Young: The historical county records for the species, showing that they were in in ecosystems further north than now. Next slide please.

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USFWS - Kristi Young: However, current representation - they're currently found in 13 ecoregion regions and are no longer present in 64 regions. So we have lost a little bit of representation from the historical range.

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USFWS - Kristi Young: Next slide please.

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USFWS - Kristi Young: Finally, considering the current redundancy. We looked at how the populations spread risk across and within regions with hurricanes being the primary risk.

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USFWS - Kristi Young: Even with these hurricanes though, the impact is often localized, and post-storm management efforts can make a huge difference.

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USFWS - Kristi Young: So this is showing the hurricane storm tracks, both from 1850 onwards, and then also just current ones with the actual intensities of the hurricanes and tropical storms.

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USFWS - Kristi Young: Next slide please.

**00:18:47.070 --> 00:18:54.030**

USFWS - Kristi Young: So for example, this the management I was talking about - this is what happened after Hurricane Hugo in 1989.

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USFWS - Kristi Young: The hurricane hit as a category 4 with winds around 140 miles per hour.

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USFWS - Kristi Young: Over 87% of the cavity trees were destroyed in the Francis Marion National Forest and only 2% of the clusters remain undamaged.

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USFWS - Kristi Young: However, soon after the storm, artificial cavities were used, the first time they were used on this forest along with clearing of debris.

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USFWS - Kristi Young: Next slide please.

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USFWS - Kristi Young: And you can kind of see that you can see the post-storm recovery here of, you know, that precipitous drop there around 1990. But the trend has really improved sense

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USFWS - Kristi Young: So from a low around 320 active clusters in 1992 to 440 clusters just a couple decades later, almost back up to a pre storm levels.

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USFWS - Kristi Young: Next slide please.

**00:19:50.250 --> 00:19:53.310**

USFWS - Kristi Young: So, a summary of the current condition for the Red-cockaded Woodpecker.

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USFWS - Kristi Young: 65% of the clusters are now in moderate to very high resiliency populations, and 87% of these populations are showing a stable or increasing growth rate.

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USFWS - Kristi Young: However, the majority of the populations are still quite small.

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USFWS - Kristi Young: In terms of representation, we've lost some of the historical representation, but the representation hasn't actually changed since the 2003 recovery plan. So we're still in those 13 ecoregions.

**00:20:23.310 --> 00:20:32.670**

USFWS - Kristi Young: And finally, we have a few key regions that have high, or very high resiliency populations, but most of the ecoregions have only low or very low resiliency populations.

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USFWS - Kristi Young: I also want to point out that, yeah, the highest number of populations are in coastal areas. So you do have increased risk of hurricanes for those populations.

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USFWS - Kristi Young: Next slide please.

**00:20:49.920 --> 00:20:56.820**

USFWS - Kristi Young: In the SSA, we also considered the resiliency, redundancy, and representation of the Red-cockaded woodpecker into the future

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USFWS - Kristi Young: By creating reasonable future scenarios. The low scenario considered a future with little or no species-specific management

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USFWS - Kristi Young: Although some just regular forest management. We can see you continue, for example, prescribed fire to medium scenario, we averaged the past management and projected these into the future.

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USFWS - Kristi Young: The highest scenario assumed a more intensive level of management, and then the final scenario was developed by eliciting expert opinion from managers about what they thought was the most likely level of management into the future.

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USFWS - Kristi Young: So these scenarios were then implemented into, into a model and I will, the next few slides just kind of show the results of that analysis. Next slide please.

**00:21:48.540 --> 00:21:54.540**

USFWS - Kristi Young: So this is a pretty busy slide, but what it shows is the future resilience of populations of the different scenarios.

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USFWS - Kristi Young: So I wouldn't focus on the numbers because the numbers are going to be different, because in the modeling, sometimes projecting on the future, sometimes populations merge or other populations were created. So you didn't necessarily

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USFWS - Kristi Young: Start out with or end up with the same numbers of populations as we started out with. So, so instead of, but I wanted to show here was more the

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USFWS - Kristi Young: The size of the different colored wedges as they compared to the current resiliency, which is on the slide - the, the pie chart in the middle.

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USFWS - Kristi Young: So for example, in the medium scenario, which is on the top left or top right, excuse me.

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USFWS - Kristi Young: We see an increase in the portion of populations in the low resiliency category, but a large decrease in the populations that are very low resiliency. So what you're seeing, there is a movement from populations from a very low resiliency into low resiliency.

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USFWS - Kristi Young: Also I'll point out that the high management scenario at the bottom right, you don't see that much change really.

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USFWS - Kristi Young: Then you see a lot of change in the very low scenario.

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USFWS - Kristi Young: But you don't really see very much change in things like the very high end. So this could be due to limitations on the existing quality of the habitat and the amount of habitat.

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USFWS - Kristi Young: Next slide please.

**00:23:21.840 --> 00:23:38.850**

USFWS - Kristi Young: So for the future, in terms of representation and redundancy in all the future scenarios that we modeled, there were five very high resiliency populations in 44 regions. So there's the acronyms for those regions, and you can read more about those in the SSA report.

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USFWS - Kristi Young: In the managers expectation and the media management scenario, we also had seven high resiliency populations within five ecoregions, and these were more widely distributed across the ecoregions.

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USFWS - Kristi Young: But in the low management scenario we still had 42 regions that only have low or very low resiliency populations that didn't change.

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USFWS - Kristi Young: Next slide please.

**00:24:07.830 --> 00:24:10.350**

USFWS - Kristi Young: So to summarize, in terms of the future scenarios,

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USFWS - Kristi Young: The modeling really showed the extent that the Red-cockaded Woodpecker is a conservation reliant species, regardless of the scenario. Most populations remain in the very low to moderate categories, but except for the low management scenario, all the populations are stable or increasing.

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USFWS - Kristi Young: And some other things to think about - the simulation for the low scenario demonstrated that without species-specific management, we aren't going to be making too much progress for the species.

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USFWS - Kristi Young: But with the highest scenario of the simulation showed the limitations of our current habitat. We didn't see much increase in the high or very high resiliency populations.

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USFWS - Kristi Young: But in that media management scenario, the simulation showed more smaller populations were retained and the smaller populations did increase and become moderate to very high resiliency. So you did see in the media management scenario some, some progress.

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USFWS - Kristi Young: Next slide please.

**00:25:09.840 --> 00:25:15.630**

USFWS - Kristi Young: So I wanted to briefly touch on the recovery plan because I know that's been a key document for conservation of the species.

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USFWS - Kristi Young: The recovery criteria were based on 39 designated populations. These are focused on federal and state lands.

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USFWS - Kristi Young: You have to 13 primary core, 10 secondary core, and 16 essential support populations and in the recovery plan each of these had population objectives and they were distributed within 11 recovery units,

which are roughly equivalent to the ecoregions we talked about in the SSA report.

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USFWS - Kristi Young: Of the six down listing criteria, three have been met and three have been partially met now.

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USFWS - Kristi Young: Of the five delisting criteria, two have been partially met and three have not been met.

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USFWS - Kristi Young: However, I wanted to note here though that while recovery plans provide important guidance and can provide measurable objectives against which to measure progress towards recovery,

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USFWS - Kristi Young: They are guidance documents and they're not regulatory documents. The Act requires that the Secretary determine whether the species is threatened or endangered based on the threats to the species.

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USFWS - Kristi Young: So while it's valuable to consider the progress the species has made towards meeting down or delisting criteria, the decision, the decision to down or delist does not really rely on the recovery plan.

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USFWS - Kristi Young: So what we consider are threats and whether the species meets the definition of threatened or endangered.

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USFWS - Kristi Young: Next slide please.

**00:26:41.700 --> 00:26:51.930**

USFWS - Kristi Young: So just to recap here, the definition for endangered is a species which is in danger of extinction throughout all or a significant portion of its range.

**00:26:52.950 --> 00:27:00.840**

USFWS - Kristi Young: And threatened is any species which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of the range.

**00:27:03.240 --> 00:27:03.780**

USFWS - Kristi Young: Next slide.

**00:27:06.720 --> 00:27:08.430**

USFWS - Kristi Young: So for the Red-cockaded Woodpecker.

**00:27:09.960 --> 00:27:12.420**

USFWS - Kristi Young: Conditions have definitely improved for the species.

**00:27:15.570 --> 00:27:23.700**

USFWS - Kristi Young: You see here that the conditions have improved, you have a majority of the clusters in moderate to very high resiliency populations.

**00:27:24.120 --> 00:27:33.960**

USFWS - Kristi Young: And a significant majority of the populations are demonstrating stable or increasing populations. So we determined that the species is no longer in danger of extinction.

**00:27:35.490 --> 00:27:43.560**

USFWS - Kristi Young: However, the Red-cockaded Woodpecker still faces a variety of threats, and the species continues to be reliant on conservation management.

**00:27:44.730 --> 00:27:53.490**

USFWS - Kristi Young: Therefore, we determined that the species is likely to become an endangered species within the foreseeable future. This is the definition of a threatened species.

**00:27:57.900 --> 00:27:58.770**

USFWS - Kristi Young: Next slide please.

**00:28:02.790 --> 00:28:11.040**

USFWS - Kristi Young: So with the proposal to downlist the Red-cockaded Woodpecker from endangered to threatened, we also developed a special rule under Section 4d of the Act.

**00:28:12.420 --> 00:28:13.110**

USFWS - Kristi Young: Next slide.

**00:28:16.890 --> 00:28:18.540**

USFWS - Kristi Young: So what is this section 4d rule?

**00:28:20.010 --> 00:28:31.830**

USFWS - Kristi Young: The 4d rules only apply to threatened species that are - Endangered species get all the protections of Section nine of the Act; however, 4d can apply any or all of those protections to threatened species.

**00:28:32.850 --> 00:28:40.710**

USFWS - Kristi Young: What a 4d Rule really does is it allows us to be more flexible with those protections by allowing activities that are really causing only minor effects

**00:28:41.070 --> 00:28:50.610**

USFWS - Kristi Young: Or encouraging activities that have, that are beneficial to the species, while allowing us to better focus our efforts on the threats that are actually really making a difference to the species.

**00:28:52.020 --> 00:28:52.590**

USFWS - Kristi Young: Next slide.

**00:28:55.920 --> 00:29:03.150**

USFWS - Kristi Young: So for the RCW proposed 4d rule we have both prohibitions and exceptions to those prohibitions.

**00:29:04.770 --> 00:29:10.980**

USFWS - Kristi Young: We have to have this prohibitions in place in order for there to be exceptions in a 4d rule. So for the RCW,

**00:29:12.240 --> 00:29:16.740**

USFWS - Kristi Young: habitat is still the limiting factor because of those legacy conditions.

**00:29:18.060 --> 00:29:27.450**

USFWS - Kristi Young: So the main prohibitions are for incidental take associated with activities that affect habitat, both in broad scale, but also individually in the individual cavities tree scale.

**00:29:29.100 --> 00:29:41.400**

USFWS - Kristi Young: Second, there are provisions that are tied to harming or harassing individual birds, such as the operation of vehicles in an active cavity cluster during the breeding season or the use of insecticides, herbicides in certain areas.

**00:29:42.750 --> 00:29:55.200**

USFWS - Kristi Young: Third, we wanted to maintain training and proper experience for the biologists who handle the birds, install cavities, and inspect cavities. So these are prohibited so that they then maybe covered by a 10(a)(1)(a) permit.

**00:29:56.700 --> 00:30:07.830**

USFWS - Kristi Young: And then we also have some of the standard prohibitions in place. These are things like prohibitions against import or export, possession, sale, or transportation of birds in interstate commerce.

**00:30:09.660 --> 00:30:20.220**

USFWS - Kristi Young: So these are actions and types of incidental take that are currently prohibited under Section 9 of the Endangered Species Act for the Red-cockaded Woodpecker as an endangered species.

**00:30:21.000 --> 00:30:26.670**

USFWS - Kristi Young: So if this 4d rule is finalized, when the species, if the species is downlisted to threatened,

**00:30:27.240 --> 00:30:39.510**

USFWS - Kristi Young: There really would be no change and how these prohibitions are currently addressed by biologists and managers. These would be addressed through Section 7 or Section 10 of the Act, for example, and I mentioned the

**00:30:41.220 --> 00:30:45.840**

USFWS - Kristi Young: Need to obtain a Section 10 permit in order to

**00:30:47.130 --> 00:30:49.830**

USFWS - Kristi Young: Handle birds, install cavities, or inspect cavities.

**00:30:51.510 --> 00:30:52.380**

USFWS - Kristi Young: Next slide please.

**00:30:55.680 --> 00:30:58.320**

USFWS - Kristi Young: So the exceptions to those prohibitions.

**00:30:59.610 --> 00:31:08.190**

USFWS - Kristi Young: Exceptions are really two kinds. The first is incidental take associated with actions that are carried out in accordance with certain management plans

**00:31:09.090 --> 00:31:17.310**

USFWS - Kristi Young: Such as integrated national resource management plans with the Department of Defense, or other Service or State approved management plans.

**00:31:18.990 --> 00:31:32.670**

USFWS - Kristi Young: The second type of exceptions is for impacts to the Red-cockaded Woodpecker that are really what we call de minimis. So, for example, operating vehicles to deal with a safety issues or something that is so routine that the birds are habituated to it.

**00:31:34.380 --> 00:31:43.530**

USFWS - Kristi Young: And then we also have the standard exceptions. For example, exceptions to allow incidental take if somebody has a 10(a)(1)(a) permit.

**00:31:47.550 --> 00:31:55.320**

USFWS - Kristi Young: So this is the end of my presentation on the Red-cockaded Woodpecker proposed downlisting and 4d rule. Next slide please.

**00:31:57.750 --> 00:32:08.160**

USFWS - Kristi Young: Just a bit about the process. So we're now currently seeking, we are currently in a public comment period. Following this meeting, We will hold a virtual public hearing to take comments on the proposed rule.

**00:32:09.270 --> 00:32:19.800**

USFWS - Kristi Young: All documents related to this proposed rule can be found at regulations.gov under this docket number FWS-R4-ES-2019-

**00:32:21.120 --> 00:32:23.010**

USFWS - Kristi Young: -0018.

**00:32:24.600 --> 00:32:29.820**

USFWS - Kristi Young: And you can also find a copy of this presentation on our website. It will be uploaded tomorrow morning.

**00:32:33.960 --> 00:32:38.130**

USFWS - Kristi Young: This is the website that, that you would have visited in order to register for this meeting.

**00:32:39.270 --> 00:32:40.110**

USFWS - Kristi Young: Next slide please.

**00:32:43.530 --> 00:32:54.150**

USFWS - Kristi Young: We will be accepting comments through December 7, 2020 and you can submit your written comments by also going into regulations.gov and typing in the docket number in the search bar.

**00:32:57.750 --> 00:32:58.650**

USFWS - Kristi Young: Next slide please.

**00:33:01.440 --> 00:33:09.180**

USFWS - Kristi Young: We will now take questions - a reminder that this part of the event is just for questions. Comments made now will not be included in the record.

**00:33:09.600 --> 00:33:21.150**

USFWS - Kristi Young: But if you want to make a comment, you can sign up to comment during the public hearing later this evening, or you can also submit your comments to regulations.gov, or you can mail them. And more information on that will be later.

**00:33:23.520 --> 00:33:27.420**

USFWS - Kristi Young: So I'll hand this back over to Amanda. Thank you for your time.

**00:33:33.930 --> 00:33:49.920**

EMPSi - Amanda Biedermann: Thank you, Kristi. Again, hello everyone. My name is Amanda Biedermann, and I'm going to be the moderator for the question and

answer session today, as well as the public comment portion of the meeting, which again as Kristi said we will get to after this Q and A session.

**00:33:51.060 --> 00:34:03.090**

EMPSi - Amanda Biedermann: So we're now going to begin the Q and A portion of this meeting. The intent of this question and answer session is to answer any process related questions you have for Fish and Wildlife service staff on the proposal.

**00:34:03.870 --> 00:34:14.400**

EMPSi - Amanda Biedermann: And I just want to note, if you submitted your questions via email before today's meeting, please note that you will need to resubmit your questions electronically during the meeting today

**00:34:14.790 --> 00:34:28.230**

EMPSi - Amanda Biedermann: Using one of the methods that I will describe shortly. I will first go over instructions for how to submit a question if you are using the chat function if you are using the zoom web platform or a zoom app.

**00:34:29.040 --> 00:34:34.620**

EMPSi - Amanda Biedermann: After we have gone through questions submitted via the zoom web platform or zoom app chat feature,

**00:34:35.190 --> 00:34:42.240**

EMPSi - Amanda Biedermann: We will then move on to participants calling in over the phone today who would like to ask you a question. So please stay tuned for those instructions.

**00:34:43.230 --> 00:34:53.670**

EMPSi - Amanda Biedermann: At this time if you have a question and you are using the zoom web platform or zoom app, please go ahead and click on the chat icon at the bottom of your zoom screen.

**00:34:54.360 --> 00:35:02.880**

EMPSi - Amanda Biedermann: And if you hover your mouse over the bottom of your zoom screen that chat icon should appear. Again you may need to exit your full screen

**00:35:03.390 --> 00:35:13.380**

EMPSi - Amanda Biedermann: View in zoom in order to see the chat icon. You can then type your question into the chat box, and please send it to the host of the meeting, Amy Lewis.

**00:35:14.100 --> 00:35:22.050**

EMPSi - Amanda Biedermann: I will then read your question aloud for all participants to hear, and a Fish and Wildlife Service staff member will respond to your question aloud.

**00:35:22.950 --> 00:35:30.420**

EMPSi - Amanda Biedermann: We will try to answer your questions in the order that they are received. Please note that there may be a bit of a pause between you asking your question

**00:35:30.960 --> 00:35:36.300**

EMPSi - Amanda Biedermann: And a Fish and Wildlife Service staff member responding to your question.

**00:35:37.290 --> 00:35:44.580**

EMPSi - Amanda Biedermann: And I do want to ask people today if you could submit your questions one at a time, not just in one long list,

**00:35:45.090 --> 00:35:51.990**

EMPSi - Amanda Biedermann: That will help us to kind of just evenly allow everyone on the meeting today an opportunity to ask their questions.

**00:35:52.860 --> 00:36:01.890**

EMPSi - Amanda Biedermann: And again, we'll go through every, as many questions as we can that are using the zoom chat feature before will then switch over to phone callers.

**00:36:02.430 --> 00:36:13.770**

EMPSi - Amanda Biedermann: At 7:30pm Eastern time, we will then switch over to the public comment portion of the meeting in order to allow people who want to comment an opportunity to offer their comments.

**00:36:14.400 --> 00:36:25.380**

EMPSi - Amanda Biedermann: And then if we have time at the end of the public comment portion of the meeting, we will then circle back to the Q and A portion of the meeting and try to answer as many questions that we didn't get to

**00:36:25.890 --> 00:36:33.540**

EMPSi - Amanda Biedermann: Before 7:30pm eastern time as we can. So please just understand that there might be a little bit of toggling back and forth

**00:36:34.110 --> 00:36:41.460**

EMPSi - Amanda Biedermann: Between the Q and A and the public comment portion of the meeting. And so it looks like we have our first question already.

**00:36:42.030 --> 00:36:55.380**

EMPSi - Amanda Biedermann: And so, that question is 'Are US Forest Service land management plans that have gone through consultation with the Fish and Wildlife Service considered Service approved plans, and if not, why not?'

**00:36:56.190 --> 00:37:04.260**

EMPSi - Amanda Biedermann: And so I'm now going to unmute will McDearman, who will help answer that question. So please wait while I unmute Will.

**00:37:13.020 --> 00:37:13.950**

EMPSi - Amanda Biedermann: Will you're unmuted.

**00:37:14.340 --> 00:37:26.010**

USFWS - Will McDearman: Okay, thank you. Um, so the US Forest Service plans. These are land and resource management plans that have previously undergone consultation as part of this question.

**00:37:26.760 --> 00:37:37.860**

USFWS - Will McDearman: They may or they may not be adequate plans to qualify for this particular, for the exception. I think that would be under, that would be a subject for Service review.

**00:37:38.580 --> 00:37:50.130**

USFWS - Will McDearman: And here's some potential factors. And of course, remember that the Service has also asked the public to comment on what factors should be important in considering what was an adequate plan or not.

**00:37:51.360 --> 00:37:57.780**

USFWS - Will McDearman: But one of the purposes of this 4d rule is in the case for the US Forest Service would be also to except

**00:37:59.070 --> 00:38:08.580**

USFWS - Will McDearman: conservation activities. For example, forest management activities that could have a short-term adverse impact or that otherwise would have caused incidental take.

**00:38:08.910 --> 00:38:15.180**

USFWS - Will McDearman: But that they were excepted because, here's one potential measure - there was a net long-term benefit.

**00:38:15.900 --> 00:38:25.530**

USFWS - Will McDearman: So just under that potential example, one question could be, does the previous land and resource management plan adequately assess what those impacts could be

**00:38:25.920 --> 00:38:44.610**

USFWS - Will McDearman: Relative to those long-term benefits? So in short, I think that's going to be a subject for review of those past plans to see if they have adequately addressed the conditions criteria and purposes of those exceptions. And those past plans might be, they might need some revisions.

**00:38:46.170 --> 00:38:51.810**

USFWS - Will McDearman: So that would be my response unless others in the Service would like to add more.

**00:38:56.520 --> 00:38:58.380**

EMPSi - Amanda Biedermann: Great, thank you Will for that response.

**00:38:59.400 --> 00:39:03.480**

EMPSi - Amanda Biedermann: I'll go ahead and put you back on mute and we can move on to our next question.

**00:39:06.300 --> 00:39:19.140**

EMPSi - Amanda Biedermann: Alright, so question number two is 'Can the Fish and Wildlife Service go into more detail on the DoD exceptions? Are they different from what is currently allowed?'

**00:39:20.340 --> 00:39:25.740**

EMPSi - Amanda Biedermann: And I'll go ahead and unmute Aaron Valenta, who will help us respond to that question.

**00:39:40.590 --> 00:39:45.540**

EMPSi - Amanda Biedermann: And let's see, Aaron. You may be muted on your end, so if you want to unmute yourself on your end.

**00:39:46.470 --> 00:39:54.810**

USFWS - Aaron Valenta: Evening. This is Aaron Valenta. So currently, the Red-cockaded Woodpecker is listed as an endangered species that as such,

**00:39:55.440 --> 00:40:06.570**

USFWS - Aaron Valenta: There are no 4d exceptions for the species that any take of a Red-cockaded Woodpecker at this time, would be prohibited under Section 9 of the Endangered Species Act.

**00:40:06.930 --> 00:40:21.870**

USFWS - Aaron Valenta: So with this proposal, the species would be listed as a threatened species and as Kristi discussed earlier, it would be subject and would be possible to have those 4d exceptions placed on this proposal.

**00:40:26.520 --> 00:40:33.120**

EMPSi - Amanda Biedermann: Great. Thank you, Aaron for that response. I'll put you back on mute, and we will move on to our next question.

**00:40:34.950 --> 00:40:50.250**

EMPSi - Amanda Biedermann: And so question three is 'Why were state conservation agencies not given an opportunity to review the proposed 4d Rule before it was published?' And we're going to go back to Will McDearman who will help us respond to that question.

**00:40:54.750 --> 00:41:09.450**

USFWS - Will McDearman: Hello. So here again we are in the public comment period, and my short answer to this is state agencies are now clearly invited to comment as are all entities to comment on the proposed rule.

**00:41:17.790 --> 00:41:24.300**

EMPSi - Amanda Biedermann: Great, thank you Will, for that response and we'll go ahead and move on to our next question that we have.

**00:41:31.260 --> 00:41:41.190**

EMPSi - Amanda Biedermann: Alright, so question number four is 'Prescribed fire is used to maintain RCW habitat, but it can also damage cavities if trees catch fire.

**00:41:41.700 --> 00:41:51.660**

EMPSi - Amanda Biedermann: So is incidental take from prescribed burning prohibited? Later in the document it states prescribed fire is excepted from incidental take. Which one is it?'

**00:41:53.520 --> 00:41:58.860**

EMPSi - Amanda Biedermann: And so again, I'll go back and unmute Will McDearman who will respond to this question.

**00:42:11.490 --> 00:42:15.930**

EMPSi - Amanda Biedermann: Will, you might have muted yourself on your end. So if you could unmute yourself. There you go.

**00:42:16.260 --> 00:42:16.920**

USFWS - Will McDearman: I'm sorry.

**00:42:17.550 --> 00:42:23.910**

USFWS - Will McDearman: So I'll give perspective on current conditions and what the 4d exception would do. So currently right now

**00:42:24.300 --> 00:42:43.680**

USFWS - Will McDearman: A prescribed fire, even though it would be intended to provide a beneficial action to restore or sustain habitat, it could incidentally burn and destroy, for example, inactive cavity or inactive cavity trees, and it could kill injured or harmed RCWs, that otherwise under Section 9 prohibitions

**00:42:45.240 --> 00:42:54.780**

USFWS - Will McDearman: Well, it would be, it would be prohibited. So currently, there are federal agencies that have undergone Section 7 consultation and they have take allowed,

**00:42:55.980 --> 00:43:03.480**

USFWS - Will McDearman: incidental to prescribed fire so under the 4d rule is an exception and this could be an exception.

**00:43:04.350 --> 00:43:13.200**

USFWS - Will McDearman: As another example, under an approved Service plan. In this case, I think maybe the question was asked why it wasn't specifically for the US Forest Service.

**00:43:13.590 --> 00:43:28.950**

USFWS - Will McDearman: But for example, if you were the US Forest Service and you had an approved plan that considered the nature of these impacts from prescribed fire to provide these beneficial activities for conservation, it could be excepted from the prohibitions against take.

**00:43:32.790 --> 00:43:36.060**

USFWS - Will McDearman: So that would be my response unless others in the Service would like to add on.

**00:43:41.220 --> 00:43:49.500**

EMPSi - Amanda Biedermann: Great, thank you Will for that response and we'll see if anybody else wants to chime in. But if not, we'll go ahead and move on to our next question.

**00:43:53.280 --> 00:44:05.040**

EMPSi - Amanda Biedermann: And so our next question. Question number five is 'Can you clarify the reasons behind the 4d Rule restriction on using herbicides and insecticides?'

**00:44:06.330 --> 00:44:10.920**

EMPSi - Amanda Biedermann: And Will I think I kept you unmuted if you want to go ahead and respond to that.

**00:44:11.790 --> 00:44:14.520**

USFWS - Will McDearman: Okay. Yeah, I will. So, um,

**00:44:17.100 --> 00:44:26.490**

USFWS - Will McDearman: So here's perhaps some broader background on all this. So when a herbicide, pesticide is registered by EPA

**00:44:27.390 --> 00:44:38.550**

USFWS - Will McDearman: The Service for many years has objected to that process because that registration doesn't adequately consider potential effects to federally listed endangered or threatened species.

**00:44:39.330 --> 00:44:58.920**

USFWS - Will McDearman: As a result of many years of disagreements and even court cases and litigation, currently, the Fish and Wildlife Service, EPA, USDA, Forest Service, NRCS, did I mention EPA, and I think even NMFS, has an agreement to improve the registration process and its ongoing

**00:45:00.480 --> 00:45:16.830**

USFWS - Will McDearman: To consider what those impacts to listed species could be. So there's never been a specific analysis of pesticides or herbicides that are already registered, and they have labeled uses that could be specifically for the RCW.

**00:45:18.540 --> 00:45:28.530**

USFWS - Will McDearman: This would be the subject for example of an ecological risk analysis. So the intent here was to prohibit applications of herbicides and pesticides

**00:45:28.950 --> 00:45:44.010**

USFWS - Will McDearman: That would actually kill injury or harm RCWs. We know that herbicides, for example, are a beneficial tool and they can be applied safely. But it depends on this particular type of analysis.

**00:45:44.700 --> 00:45:54.690**

USFWS - Will McDearman: As a further example, I think the US Forest Service has one of the best websites on ecological risk analysis for the applications of herbicides.

**00:45:55.710 --> 00:46:12.000**

USFWS - Will McDearman: It includes background material for a wide variety of herbicides. It also includes worksheets, but with which users can estimate the exposure to herbicide, the toxicity of the herbicide, and likely risks for those exposures.

**00:46:13.170 --> 00:46:28.500**

USFWS - Will McDearman: So that would be an example of a process both the Service or agencies could go through to assess risk of a herbicide and to determine, is it a beneficial application or is it something that could be likely adverse?

**00:46:30.270 --> 00:46:34.110**

USFWS - Will McDearman: I think that would conclude my response unless others would like to add to that.

**00:46:36.210 --> 00:46:45.180**

EMPSi - Amanda Biedermann: Great, thank you Will. I'll go ahead and keep you unmuted. But I'll also unmute Kristi Young so that she can help respond to that question as well.

**00:46:52.470 --> 00:46:58.320**

EMPSi - Amanda Biedermann: And Kristi again, you might be muted on your end, if you want to go ahead and unmute yourself on your end.

**00:47:08.130 --> 00:47:17.880**

USFWS - Kristi Young: Trying to find the button. Hi. Yeah. So, so one other point about this. I know there have been a lot of people have had concerns about the use of herbicides and pesticides.

**00:47:18.960 --> 00:47:30.810**

USFWS - Kristi Young: Yeah Will pointed out, there's a process that we're doing now, and this is just continuing the practices that we have been doing, you know, by putting in these prohibitions. What this does is it basically says that these,

**00:47:31.200 --> 00:47:37.710**

USFWS - Kristi Young: These prohibitions in Section 9 will remain for the Red-cockaded Woodpecker. And so in order to

**00:47:39.120 --> 00:47:41.310**

USFWS - Kristi Young: Avoid incidental take or get

**00:47:42.690 --> 00:47:49.650**

USFWS - Kristi Young: An incidental take permit for doing that you would go through our normal procedures of, through Section 7 or Section 10.

**00:47:50.520 --> 00:48:05.250**

USFWS - Kristi Young: So it's, you know, people are concerned about the term prohibitions, but this is, this is what we have been doing for the Red-cockaded Woodpecker for the whole time it has been listed. You know, if you do it, the analysis, and if the species

**00:48:06.810 --> 00:48:13.860**

USFWS - Kristi Young: Is going to be adversely affected by the action whether we put in measures that you could avoid that has those adverse effects

**00:48:14.160 --> 00:48:24.000**

USFWS - Kristi Young: Or we complete a formal consultation on it, or you get an incidental take permit. So, so it's really no change from the current process that has been occurring right now.

**00:48:27.300 --> 00:48:46.500**

EMPSi - Amanda Biedermann: Great, thank you Kristi and Will for those responses. I will go ahead and move on to question six and Kristi, I'll go ahead and keep you unmuted for this one. And so question six is 'Has the 'foreseeable future' been defined by the Fish and Wildlife Service as it relates to the RCW's habitat?'

**00:48:49.230 --> 00:49:02.580**

USFWS - Kristi Young: Yes, in the rule we do define the foreseeable future for the Red-cockaded Woodpecker. It is 25 years, and this was what we also used in the modeling of the future scenarios.

**00:49:03.090 --> 00:49:13.560**

USFWS - Kristi Young: We use 25 years because it's a reasonable timeframe in which we can estimate population responses to natural factors and also to a management of the species.

**00:49:18.720 --> 00:49:24.300**

EMPSi - Amanda Biedermann: Great, thank you Kristi for that response. We'll go ahead and move on to questions seven.

**00:49:25.500 --> 00:49:45.570**

EMPSi - Amanda Biedermann: And so Question seven is 'Why was the definition of an RCW cluster altered from the recovery plan to only include active cavity trees and not define a minimum number of acres for management?' And Will I have you unmuted if you want to go ahead and respond to that question.

**00:49:46.710 --> 00:49:47.520**

USFWS - Will McDearman: So,

**00:49:49.110 --> 00:50:02.760**

USFWS - Will McDearman: The person who asked the question is, is correct. So in the recovery plan a cluster, inactive cluster, is the aggregation of active cavity trees, for example, and a minimum area associated with that of 10 acres.

**00:50:03.690 --> 00:50:14.340**

USFWS - Will McDearman: So one reason this minimum area of 10 acres was prescribed or put under these guidelines and the recovery plan was that was a minimal area that was considered before

**00:50:15.030 --> 00:50:29.220**

USFWS - Will McDearman: Forest Management was necessary and important to also sustain or grow old pine that also can be used for future natural cavity excavation, as well as suitable large old pine

**00:50:29.940 --> 00:50:48.690**

USFWS - Will McDearman: To insert artificial cavities. So we certainly would like to hear more comment about why that minimal area would also be applied in one context here in the proposed rule on the cluster I was referring to.

**00:50:49.860 --> 00:51:00.720**

USFWS - Will McDearman: The, the area of these active cavity trees to where most of the classic prohibitions would apply, which involves, for example, to the destruction cutting or

**00:51:01.830 --> 00:51:06.270**

USFWS - Will McDearman: Other activities that would make these cavity trees unusable. So

**00:51:07.380 --> 00:51:15.360**

USFWS - Will McDearman: We, please. Thank you. And we would welcome your comments about the application importance of this 10-acre management area as well.

**00:51:19.350 --> 00:51:21.450**

EMPSi - Amanda Biedermann: Great, thank you Will for that response.

**00:51:22.920 --> 00:51:26.490**

EMPSi - Amanda Biedermann: We'll go ahead and move on to question eight.

**00:51:29.580 --> 00:51:38.580**

EMPSi - Amanda Biedermann: And so I'll just read question verbatim, and then Fish and Wildlife Service staff member can respond with any input or clarification that they need to.

**00:51:39.390 --> 00:51:49.380**

EMPSi - Amanda Biedermann: And so question eight is 'Do landowners get to decide whether they follow the state agency plan or the US Forest Service Plan if they are not

**00:51:49.830 --> 00:52:02.220**

EMPSi - Amanda Biedermann: Developed collaboratively?' And the second question as part of this larger question is, 'Is prior approval required by the Service or State before landowners began their land management?'

**00:52:03.060 --> 00:52:10.350**

EMPSi - Amanda Biedermann: And so Kristi and Will I kept you unmuted if you want to respond to that question or provide any clarification on that question.

**00:52:12.000 --> 00:52:14.880**

USFWS - Kristi Young: Yep, I think, Aaron Valenta was going to answer that question.

**00:52:15.540 --> 00:52:17.850**

EMPSi - Amanda Biedermann: Okay, great. I'll go ahead and unmute him as well.

**00:52:22.560 --> 00:52:33.900**

USFWS - Aaron Valenta: So I'm not really clear on the full question, but I think a point that needs to be made as private landowners management of RCW and development of

**00:52:34.740 --> 00:52:45.660**

USFWS - Aaron Valenta: Conservation plans is a voluntary action. We don't mandate, we cannot, and we do not mandate the landowners develop conservation plans.

**00:52:46.110 --> 00:52:55.890**

USFWS - Aaron Valenta: Landowners have those plans developed or approved by State or federal agencies. Certainly we partner and work collaboratively with private landowners.

**00:52:56.370 --> 00:53:12.930**

USFWS - Aaron Valenta: And we encourage them to manage their RCW for that species and possible ecosystem benefits, but it is a voluntary action on the part of private landowners. So I hope that helps some of your questions.

**00:53:16.470 --> 00:53:23.040**

EMPSi - Amanda Biedermann: Great, thank you Aaron and I think Will is going to provide just a little bit more follow up in response to that question.

**00:53:24.570 --> 00:53:43.500**

USFWS - Will McDearman: Yes. So another context here for a private landowner that's non-governmental might be depending on the nature of this question could be, for example, is the landowner enrolled in a safe harbor plan. We have a number of states, for example, or state agencies that

**00:53:44.880 --> 00:53:53.430**

USFWS - Will McDearman: Have safe harbor agreements with the Fish and Wildlife Service under which the state agencies enroll private landowners that voluntarily want to

**00:53:54.480 --> 00:54:06.150**

USFWS - Will McDearman: Provide voluntary beneficial management for RCWs and in return for that voluntary beneficial management that it is agreed upon between the state agency under that safe harbor agreement

**00:54:06.540 --> 00:54:10.350**

USFWS - Will McDearman: Those landowners received regulatory assurances under federal permit.

**00:54:10.770 --> 00:54:25.410**

USFWS - Will McDearman: That as RCWs increase on their properties as a result of beneficial management, there are no further additional land use restrictions to those. What we call above baseline additional RCWs. So this would be an example. Or if the landowner

**00:54:26.520 --> 00:54:34.260**

USFWS - Will McDearman: Voluntarily chose to agree he would have to comply with that particular safe harbor plan that the state holds.

**00:54:39.900 --> 00:54:43.230**

EMPSi - Amanda Biedermann: Great, thank you Will for that follow up to Aaron's response.

**00:54:44.310 --> 00:54:47.790**

EMPSi - Amanda Biedermann: And we'll go ahead and move on to question nine now.

**00:54:48.840 --> 00:54:56.400**

EMPSi - Amanda Biedermann: And so question nine kind of builds off maybe what Will was just talking about, but I'll go ahead and just read it aloud for everyone.

**00:54:58.800 --> 00:55:14.700**

EMPSi - Amanda Biedermann: So question nine is 'What is the incentive for landowners to continue to participate in the safe harbor program with the new exceptions to the prohibition eliminating much of the original protections the safe harbor program provided?'

**00:55:15.510 --> 00:55:18.900**

EMPSi - Amanda Biedermann: So, Will, I'll turn it back over to you to respond to that question.

**00:55:19.710 --> 00:55:25.620**

USFWS - Will McDearman: Okay, thank you. Um, the safe harbor plan, the safe harbor program is going to continue unchanged

**00:55:26.910 --> 00:55:38.790**

USFWS - Will McDearman: Under this proposed rule and under 4d, so there are no 4d exceptions for landowners enrolled in the safe harbor. They still get their regulatory

**00:55:38.790 --> 00:55:50.550**

USFWS - Will McDearman: Benefits, they still have to conduct their voluntary beneficial management. So these 4d exceptions that have been described for the State and Service approved plans are not

**00:55:51.810 --> 00:55:56.520**

USFWS - Will McDearman: intended to be a duplicate of those safe harbor plans or agreements.

**00:55:57.300 --> 00:56:09.630**

USFWS - Will McDearman: So that everybody enrolled in safe harbor is still enrolled new landowners that are interested can become enrolled, but those are under those safe harbor agreements with those states for whether it's an individual agreement with the Fish and Wildlife Service.

**00:56:15.120 --> 00:56:23.610**

EMPSi - Amanda Biedermann: Great, thank you Will for that response and follow up to that question. And so will now move on to question 10

**00:56:24.300 --> 00:56:36.600**

EMPSi - Amanda Biedermann: And question 10 - the questioner quoted part of the proposed rule and then asks a question. So kind of a long question, but I'll read it slowly for everyone and then I'll clarify

**00:56:37.170 --> 00:56:47.310**

EMPSi - Amanda Biedermann: The part of the question that the participant is asking, so the participant stated the proposed rule states 'Such actions could include

**00:56:47.760 --> 00:56:54.900**

EMPSi - Amanda Biedermann: But are not necessarily limited to timber harvesting or thinning or regeneration in occupied habitat.

**00:56:55.410 --> 00:57:07.620**

EMPSi - Amanda Biedermann: That temporarily or permanently removes active cavity trees or suitable foraging habitat and renders the remaining habitat and timber insufficient for Red Cafe did was packers

**00:57:08.100 --> 00:57:20.670**

EMPSi - Amanda Biedermann: And so the participants question is 'What happens if thinning reduces foraging habitat but improves long-term conditions? and Kristi Young is going to start us off with responding to that question.

**00:57:22.470 --> 00:57:30.510**

USFWS - Kristi Young: Okay, I believe that this is the question is related again to the 4d rule. And there's the prohibition on

**00:57:32.490 --> 00:57:39.000**

USFWS - Kristi Young: activities that are permanently removing, temporary and permanent removing cavity trees are for 4d habitat.

**00:57:40.050 --> 00:57:49.740**

USFWS - Kristi Young: But then I would also point towards the exceptions to that rule and in the preamble to the 4d Rule. We did talk quite a bit about

**00:57:50.340 --> 00:58:05.400**

USFWS - Kristi Young: habitat restoration activities such as thinning overstock stands, converting loblolly, slash other pines to more fire tolerant pines, such as longleaf and regeneration of stands to provide more suitable habitat and that this could be

**00:58:09.180 --> 00:58:14.310**

USFWS - Kristi Young: Included in a Service or State approved management plan in such that we would

**00:58:15.630 --> 00:58:26.400**

USFWS - Kristi Young: Allow the incidental take that in the short term reduces foraging habitat. But then, long-term, improves the long-term conditions so that could be something that is

**00:58:27.780 --> 00:58:37.230**

USFWS - Kristi Young: Approved through is, exempted from the incidental take prohibitions through a Service approved management plan, and Will if you wanted to add any more to that?

**00:58:41.460 --> 00:58:51.750**

USFWS - Will McDearman: Um yeah, I would, excuse me, my computer was beeping me, I agree with that. And so this could be an example to where Kristi has remarked in the preamble.

**00:58:54.690 --> 00:59:03.150**

USFWS - Will McDearman: So in a Service approved plan, for example, there would be a description of limiting conditions and where RCW territories are very small, dense and packed.

**00:59:03.930 --> 00:59:10.290**

USFWS - Will McDearman: There could be a need to convert offsite pine. It could be loblolly or slash or something else to be more fire resistant.

**00:59:10.890 --> 00:59:21.000**

USFWS - Will McDearman: And longleaf. And to do that, to take out the suitable habitat for offsite pine obviously could lead to an adverse effect.

**00:59:21.660 --> 00:59:30.090**

USFWS - Will McDearman: So that could be an exception in a plan to lead to the net long-term benefit and we've asked for public comment on what could be some

**00:59:30.690 --> 00:59:45.900**

USFWS - Will McDearman: criteria that the Service should consider for those plans. They could include, for example, the extent of these are, they are the amount or extent of the short-term adverse impacts over a certain period of time, relative to these long-term benefits.

**00:59:47.100 --> 00:59:50.460**

USFWS - Will McDearman: But also agree with what Kristi said as well. Thank you.

**00:59:54.120 --> 01:00:07.950**

EMPSi - Amanda Biedermann: Great, thank you Will and Kristi for those responses. We'll go ahead and move on to question 17. Again, this question is a lengthy one, but I will clarify the participant's exact question at the end.

**01:00:08.610 --> 01:00:20.010**

EMPSi - Amanda Biedermann: So the participant wrote 'The proposal states once certain population size objectives, such as those identified in the 2003 recovery plan, are met,

**01:00:20.340 --> 01:00:28.650**

EMPSi - Amanda Biedermann: And other parameters are established, such as commitments relating to the amount extent and location of any future incidental take,

**01:00:29.370 --> 01:00:39.720**

EMPSi - Amanda Biedermann: A landowner following a service or state approved management plan could be excepted from incidental take for Red-cockaded Woodpecker conservation activities

**01:00:40.140 --> 01:00:50.430**

EMPSi - Amanda Biedermann: Or habitat restoration activities, including but not limited to silviculture and prescribed fire activities, causing harm or harassment of

**01:00:51.120 --> 01:01:07.530**

EMPSi - Amanda Biedermann: Red-cockaded Woodpeckers, and use of insecticides or herbicide on their lands.' So the participant's question is, 'Does this mean activities aren't excepted until population objectives are met?' and Kristi Young is going to go ahead and respond that question for us.

**01:01:09.270 --> 01:01:22.200**

USFWS - Kristi Young: Okay, again, this is part of the preamble, and I believe the section that the question is related, is referring to is, in the preamble to the 4d rule we do discuss that.

**01:01:23.610 --> 01:01:33.660**

USFWS - Kristi Young: We're talking about the Service or State approved management plans and that we are actually asking the public to comment and provide us information on

**01:01:34.920 --> 01:01:45.750**

USFWS - Kristi Young: What could be some other ways that a Service or State approved management plan could except incidental take and we just gave the example

**01:01:46.590 --> 01:01:58.260**

USFWS - Kristi Young: Here. This is not actually in the proposed rule right now. This is just the preamble, where we give this example that perhaps isn't perfect. The final rule as written could

**01:01:59.190 --> 01:02:06.150**

USFWS - Kristi Young: State that the population objectives, once the population objectives in the recovery plan are met,

**01:02:07.020 --> 01:02:17.790**

USFWS - Kristi Young: That you know take any take about that could be excepted from incidental take. So it is just an example that we provided, and we are requesting the public

**01:02:18.240 --> 01:02:28.410**

USFWS - Kristi Young: Provide comments and further information on that idea or any other ideas that they have about what are the criteria for the Service or State approved management plans.

**01:02:31.380 --> 01:02:42.180**

EMPSi - Amanda Biedermann: Great, thank you Kristi for that response. We'll go ahead and move on to the next question. I do just want to quickly clarify here for anybody who has just recently joined the meeting.

**01:02:42.780 --> 01:03:01.320**

EMPSi - Amanda Biedermann: Right now we are still in the question and answer portion of the presentation. We'll take maybe a couple more questions from people using the zoom web platform or zoom app. We'll then shift over to any of our phone callers who might have a question that they would like to ask today.

**01:03:02.370 --> 01:03:11.280**

EMPSi - Amanda Biedermann: Once we have gone through as many questions as we can before 7:30pm we'll then switch over to the public comment portion of the meeting

**01:03:11.730 --> 01:03:20.940**

EMPSi - Amanda Biedermann: Where we will accept public comments on the proposal. We do have about five people who had pre-registered who selected that they wanted to offer a comment.

**01:03:21.450 --> 01:03:31.500**

EMPSi - Amanda Biedermann: So we will go through those commenters first and then we will open up the public comment portion of the meeting to anyone who would like to offer a comment today

**01:03:32.190 --> 01:03:47.580**

EMPSi - Amanda Biedermann: If we still have time, we will then shift back over to the question and answer portion of the meeting today and continue to respond to your questions on the proposal. So I just wanted to clarify that process for anyone who has just now recently joined.

**01:03:50.010 --> 01:04:00.690**

EMPSi - Amanda Biedermann: So again, we'll continue to take just a few more questions through the zoom web platform or app using the chat feature before we go over to our phone callers.

**01:04:01.650 --> 01:04:19.080**

EMPSi - Amanda Biedermann: So the next question that we've received is 'If the recovery plan criteria for downlisting is being set aside, what criteria will be used for assessing population goals and delisting?' and Will McDearman is going to help us respond to that question.

**01:04:21.090 --> 01:04:21.990**

USFWS - Will McDearman: Yes, so the

**01:04:23.190 --> 01:04:33.960**

USFWS - Will McDearman: Second revision of the recovery plan is still the only current and valid version of the recovery plan and if this proposed rule is finalized and

**01:04:35.460 --> 01:04:55.170**

USFWS - Will McDearman: A downlisting rule is promulgated, the 2003 recovery plans is still the only applicable recovery plan as are those delisting criteria. So those delisting criteria still represent the goals, up until and if the 2003 recovery plan is revised for a third revision.

**01:05:02.340 --> 01:05:21.870**

EMPSi - Amanda Biedermann: Thank you Will for that response to that question. And so we're going to go ahead and answer or ask and answer question 13 before we then move on to our phone callers today. So question 13 is 'Why were forging habitat standards not defined for the RCW in the 4d Rule?'

**01:05:26.970 --> 01:05:31.410**

EMPSi - Amanda Biedermann: And Will, if you want to go ahead and take that question, you are welcome to respond to that.

**01:05:33.090 --> 01:05:46.530**

USFWS - Will McDearman: Well, not quite sure what the questioner may have meant by defined. One context here is that the Fish and Wildlife Service, certainly for this species, has never promulgated an actual rule that defined

**01:05:47.670 --> 01:05:51.540**

USFWS - Will McDearman: A RCW forging habitat standard. So currently,

**01:05:54.240 --> 01:06:09.420**

USFWS - Will McDearman: There are at least two basic fundamental forging habitat conditions and they are described in recovery plan and in some subsequent documents by the Service after the recovery plan. One is called a standard of managed stability.

**01:06:11.130 --> 01:06:22.920**

USFWS - Will McDearman: The standard of managed ability represents like minimum amount quality of habitat that the Service recommends to remain if there is a removal of

**01:06:23.640 --> 01:06:24.360**

USFWS - Will McDearman: The habitat.

**01:06:24.900 --> 01:06:42.030**

USFWS - Will McDearman: And then at the other end of that spectrum and the recovery plan, there is a condition called good quality forging habitat. Good quality forging habitat is a higher quality in terms of amount and its purpose is to increase,

**01:06:43.710 --> 01:06:53.460**

USFWS - Will McDearman: Reduce territory size and increase productivity of woodpeckers and to increase the capacity of any particular property managed under, under that criterion.

**01:06:54.090 --> 01:07:06.090**

USFWS - Will McDearman: To increase population size. There's also service guidelines to have a modified stability standard and even a modified standard. We did not describe those in detail.

**01:07:06.720 --> 01:07:19.620**

USFWS - Will McDearman: Those, those criteria if those are important criteria to describe please comment on those, but it was not our intent to promulgate a rule to describe those forging habitat standards, at least at this time.

**01:07:24.480 --> 01:07:32.850**

EMPSi - Amanda Biedermann: Okay thank you Will for your response to that question. So we're going to move on to phone callers briefly that we will circle back around.

**01:07:33.180 --> 01:07:43.800**

EMPSi - Amanda Biedermann: I do think we have two questions right now in line via the zoom chat feature, but we do want to make sure that our phone callers have the opportunity to ask a question if they would like.

**01:07:44.580 --> 01:07:55.890**

EMPSi - Amanda Biedermann: So at this time if you are calling in for your phone and you have a question, please press star nine on your phone keypad to access the raise hand feature

**01:07:56.370 --> 01:08:06.600**

EMPSi - Amanda Biedermann: To let staff know that you have a question. I will then unmute you so that you can ask your question and a Fish and Wildlife Service staff member will then respond to your question aloud.

**01:08:07.710 --> 01:08:19.590**

EMPSi - Amanda Biedermann: So at this point, we'll give our phone callers a few minutes if they would like to ask a question to go ahead and please press star nine on your keypad to access that raise hand feature.

**01:08:45.270 --> 01:08:55.410**

EMPSi - Amanda Biedermann: Alright, I'm not seeing any raised hands from our phone callers at this moment. But again, I just want to let our phone callers know that that is an option if you want to ask a question.

**01:08:56.010 --> 01:09:06.000**

EMPSi - Amanda Biedermann: To go ahead and use that raise hand feature by pressing star nine on your keypad. We can then unmute you and you can verbally ask your question.

**01:09:06.480 --> 01:09:20.250**

EMPSi - Amanda Biedermann: We'll then put you back on mute and a Fish and Wildlife Service staff member will respond to your question, but at this time we'll go ahead and continue on with our questions received via the zoom chat feature.

**01:09:21.720 --> 01:09:34.470**

EMPSi - Amanda Biedermann: And so we do have another question. And so question number 14 is 'Will plans be required to include a population objective and management designed to increase population size?'

**01:09:37.980 --> 01:09:42.840**

EMPSi - Amanda Biedermann: I'll go ahead and unmute Will McDearman again to help us respond to that question.

**01:09:46.650 --> 01:09:51.960**

EMPSi - Amanda Biedermann: And again, Will you might be muted on your end, so if you will go ahead and unmute yourself.

**01:09:52.800 --> 01:09:58.320**

USFWS - Will McDearman: There we go. Sorry. Yep. Gotcha. So, I will. I'm not quite sure.

**01:10:00.030 --> 01:10:13.230**

USFWS - Will McDearman: About the question, I'll give it a try and give an opportunity for others to respond. So there are a wide variety of plans, there are plans by federal agencies, there are plans to manage RCWs by state agencies.

**01:10:14.310 --> 01:10:17.190**

USFWS - Will McDearman: Safe Harbor agreements and other things. So

**01:10:19.440 --> 01:10:29.670**

USFWS - Will McDearman: A federal agency, for example, US Forest Service, Fish and Wildlife Service, Army Marine Corps, Air Force, with a plan be required to include a population objective.

**01:10:30.150 --> 01:10:44.610**

USFWS - Will McDearman: And management to increase population size. So all of those entities have management plans and the vast majority with rare exception for this particular species, those plans always include a management objective.

**01:10:46.020 --> 01:10:59.130**

USFWS - Will McDearman: The Service is not requiring an agency, per se, to submit a plan to increase population size, but that a population size goal is always an inherent part of these plans and

**01:11:00.660 --> 01:11:13.260**

USFWS - Will McDearman: There's no reason why a plan cannot increase population size. So maybe I should pause there and let others in the Fish and Wildlife Service take an opportunity to comment if they have a comment.

**01:11:22.950 --> 01:11:31.050**

EMPSi - Amanda Biedermann: All right, I'll go ahead and unmute Kristi Young if she wants to add anything to that. And if not, we can move on to our next question.

**01:11:32.640 --> 01:11:42.450**

USFWS - Kristi Young: I think if this is question is related to again to 4d and the Service for state approved management plan exception in the 4d,

**01:11:44.400 --> 01:11:53.580**

USFWS - Kristi Young: You know the management plan. The 4d rule and the concept of the management plans, at least in the proposed rule.

**01:11:54.900 --> 01:12:06.870**

USFWS - Kristi Young: We asked the public to provide a lot of comments on what exactly should be in a management in one of those Service or State approved management plans and so I guess I would indicate that the

**01:12:07.230 --> 01:12:19.050**

USFWS - Kristi Young: The person asking this question if they have information or they have ideas about how a population objective would be included in that too. Please submit comments to us before the close of the comment date.

**01:12:20.640 --> 01:12:21.270**

USFWS - Kristi Young: I think that's it.

**01:12:23.520 --> 01:12:30.870**

EMPSi - Amanda Biedermann: Great. Thank you, Kristi and Will for those responses. We'll move on to question 15 now. So question.

**01:12:31.440 --> 01:12:50.550**

EMPSi - Amanda Biedermann: Is 'Why is the Department of Defense being treated differently than other federal agencies with Service approved plans like the USDA Forest Service or national wildlife refuges and Aaron Valenta is going to help us respond to that question. So I'll go ahead and unmute him now.

**01:12:53.520 --> 01:13:00.960**

USFWS - Aaron Valenta: So the proposed 4d rule provides an exception to take incidental to DoD military training activities.

**01:13:01.440 --> 01:13:09.090**

USFWS - Aaron Valenta: That isn't contingent upon the integrated natural resources management plans. The NRMPs, which are produced under the sites that

**01:13:09.600 --> 01:13:19.800**

USFWS - Aaron Valenta: NRMPs include RCW conservation management programs which the Service expects will continue to be evaluated for conservation benefits by the installations.

**01:13:20.160 --> 01:13:30.330**

USFWS - Aaron Valenta: The Service has a long-standing relationship with duty installation management for these conservation benefits which do incorporate military training.

**01:13:31.170 --> 01:13:37.230**

USFWS - Aaron Valenta: Likewise, the proposed 4d rule provides other Federal, State and other entities a similar exception.

**01:13:37.710 --> 01:13:43.740**

USFWS - Aaron Valenta: For certain RCW management activities contingent on the Service or State approved management plan.

**01:13:44.340 --> 01:13:54.780**

USFWS - Aaron Valenta: These activities could include a very short-term management impacts for long term RCW conservation benefits for which the Forest Service has requested public comments as well.

**01:13:55.380 --> 01:14:00.630**

USFWS - Aaron Valenta: So I'll close with if whoever asked this question, if you think the rule is not clear.

**01:14:01.080 --> 01:14:17.700**

USFWS - Aaron Valenta: In where those management plans could be produced or what they should cover please provide that in your comments and it will help us to hopefully craft a better, more structure for the rules. So thank you and please do submit comments more clarification on that.

**01:14:20.430 --> 01:14:27.720**

EMPSi - Amanda Biedermann: Great. Thank you, Aaron for your response. I'll go ahead and put you back on mute. Now, and we will move on to our next question.

**01:14:31.200 --> 01:14:46.770**

EMPSi - Amanda Biedermann: Alright, so the next question is question 16 and the questioner stated 'The proposed 4d rule states, it would also prohibit incidental take associated with the operation of vehicles or mechanical equipment.

**01:14:47.310 --> 01:14:55.140**

EMPSi - Amanda Biedermann: They use flood lights for night activities with human presence other actions associated with construction or repair.

**01:14:55.680 --> 01:15:13.770**

EMPSi - Amanda Biedermann: Or extraction activities and an active cavity tree cluster during the breeding season.' And the question is, 'Is this saying we would have to formally consult to keep a hiking trail open that goes through an RCW cluster. And I'll go ahead and let Kristi respond to that question.

**01:15:17.190 --> 01:15:20.130**

USFWS - Kristi Young: Yes, this is the 4d rule.

**01:15:21.630 --> 01:15:30.030**

USFWS - Kristi Young: There's two components to the 4d rule, there is the prohibitions which tie to the Section 9 prohibitions for endangered species.

**01:15:30.420 --> 01:15:39.180**

USFWS - Kristi Young: And you know, we basically are identifying those prohibitions that would also apply to threatened species. And this is an example that we have in the proposed rule

**01:15:39.570 --> 01:15:49.110**

USFWS - Kristi Young: Of one of those prohibitions. But then you also in a 4d can then make exceptions to those prohibitions and

**01:15:49.560 --> 01:15:59.400**

USFWS - Kristi Young: What I talked about in the presentation is that, you know, we want to accept activities that had a de minimis or very, very small impact of the species.

**01:15:59.760 --> 01:16:11.340**

USFWS - Kristi Young: Or those activities that are overall beneficial to the species. And that's kind of how we crafted the RCW proposed 4d rule. And so for the example that is given here specifically

**01:16:12.510 --> 01:16:22.200**

USFWS - Kristi Young: You know, the, the exception section of the 4d rule actually talks about these activities that that there are

**01:16:22.890 --> 01:16:29.580**

USFWS - Kristi Young: There's existing human presence, there's existing management operation of vehicles, you know,

**01:16:30.240 --> 01:16:39.300**

USFWS - Kristi Young: There are RCW in you know in golf courses or in parks along hiking trails, or the like, and that these activities would be accepted.

**01:16:39.930 --> 01:16:45.900**

USFWS - Kristi Young: Or any incidental take associated that would be accepted because we think it's very unlikely to occur - it is de minimis.

**01:16:46.770 --> 01:16:57.660**

USFWS - Kristi Young: And so these ongoing activities as long as there's not an increase in the frequency, intensity, duration of the current use of operations. For example, you know,

**01:16:58.170 --> 01:17:08.190**

USFWS - Kristi Young: I think the question asks about a hiking trail that is keeping a hiking trail open. So if it's an existing hiking trail and there's no change about hiking trail, then that

**01:17:09.120 --> 01:17:18.660**

USFWS - Kristi Young: Activity in any potential incidental take about that, associated with that activity would be exempted under this 4d rule, are excepted under this 4d rule. Thank you.

**01:17:21.540 --> 01:17:32.550**

EMPSi - Amanda Biedermann: Okay, thank you Kristi for that clarification and response. And we have about less than 15 minutes left before we move on to our public comment portion of today's meeting.

**01:17:32.910 --> 01:17:40.590**

EMPSi - Amanda Biedermann: And we are continuing to receive questions via the zoom chat feature but again for phone callers, just a quick reminder

**01:17:41.250 --> 01:17:53.520**

EMPSi - Amanda Biedermann: If you do have a question that you would like to ask today, please go ahead and press star nine on your phone keypad to access the raise hand feature to let staff know that you have a question.

**01:17:54.030 --> 01:18:07.350**

EMPSi - Amanda Biedermann: I'll then unmute you so that you can ask your question verbally and a Fish and Wildlife Service staff member will then

respond to your question. I don't see any raised hands at the moment. So we'll continue to move on with our zoom chat questions.

**01:18:08.730 --> 01:18:14.730**

EMPSi - Amanda Biedermann: And we do have another question. That is question 17 and this question is

**01:18:15.180 --> 01:18:30.330**

EMPSi - Amanda Biedermann: 'Has the US Fish and Wildlife Service reviewed all of the US Forest Service plans to see if they are current and if they are not what mechanism does the US Fish and Wildlife Service have to force the US Forest Service to update their plans?'

**01:18:31.260 --> 01:18:34.650**

EMPSi - Amanda Biedermann: And I'll go ahead and let Will McDearman respond to that question.

**01:18:36.510 --> 01:18:37.410**

USFWS - Will McDearman: Okay, thank you.

**01:18:38.460 --> 01:18:46.740**

USFWS - Will McDearman: I'll answer the first part, yes, the Fish and Wildlife Service has reviewed all of our service plans at some point in time.

**01:18:48.330 --> 01:18:52.920**

USFWS - Will McDearman: To be aware that some of these plans predate the Fish and Wildlife Service.

**01:18:54.240 --> 01:18:57.900**

USFWS - Will McDearman: RCW recovery plan. Some are more recent

**01:18:59.370 --> 01:19:09.180**

USFWS - Will McDearman: So there's a wide range in history of these plans. So some examples of US Forest Service plans that predate the 2003 recovery plan are in Texas.

**01:19:10.890 --> 01:19:17.310**

USFWS - Will McDearman: And, and the other part was what mechanism does the Fish and Wildlife Service have to force the Forest Service to update their plans.

**01:19:18.750 --> 01:19:25.110**

USFWS - Will McDearman: If I understand the general nature of this question, I will answer it first by saying the Fish and Wildlife Service can't force

**01:19:25.770 --> 01:19:32.550**

USFWS - Will McDearman: The US Forest Service to update a land and resource management plan. That is a Forest Service decision.

**01:19:33.360 --> 01:19:40.200**

USFWS - Will McDearman: So under Section 7 of the Endangered Species Act. However, when the Forest Service carries out an activity.

**01:19:40.980 --> 01:19:57.480**

USFWS - Will McDearman: That in cost, they have to pay that they also have Section 7 obligations to consult with the Fish and Wildlife Service and when they consult with the Service if the Service finds that a proposed activity may affect or in our opinion it, it is likely to adversely affect

**01:19:58.560 --> 01:20:03.630**

USFWS - Will McDearman: We have, and we will continue to recommend at the Forest Service consult on those particular activities.

**01:20:05.190 --> 01:20:10.680**

USFWS - Will McDearman: The Forest Service in any federal agency can refuse to consult with the Fish and Wildlife Service.

**01:20:12.540 --> 01:20:15.570**

USFWS - Will McDearman: I can't think of an instance when that has actually happened.

**01:20:17.490 --> 01:20:29.790**

USFWS - Will McDearman: And finally, a third aspect about this is under the 4d exceptions we had talked about before. So what if the Forest Service wants a Service approved plan.

**01:20:30.630 --> 01:20:40.770**

USFWS - Will McDearman: To have some of these for the exceptions. Let's say, for example, for an exception for forest and habitat restoration that benefits RCW

**01:20:41.220 --> 01:20:53.310**

USFWS - Will McDearman: For which there could be short term adverse effects or even incidental take that could be a vehicle to update a land and resource management plan or include let's just say an addendum

**01:20:54.780 --> 01:20:57.120**

USFWS - Will McDearman: To parts of it that are required to be updated.

**01:20:59.400 --> 01:21:04.710**

USFWS - Will McDearman: I think that would best my best response, I can think of. Unless others in the Service would like to add.

**01:21:11.220 --> 01:21:12.990**

EMPSi - Amanda Biedermann: Thank you Will for that response.

**01:21:14.070 --> 01:21:18.330**

EMPSi - Amanda Biedermann: Looks like we'll go ahead and move on to question now.

**01:21:19.470 --> 01:21:34.380**

EMPSi - Amanda Biedermann: And so question 18 is 'Will INRMPs/ESMCs or other management plans still be required to project how many groups could be lost/impacted due to various actions

**01:21:34.860 --> 01:21:45.240**

EMPSi - Amanda Biedermann: Such as an action that would have previously required an incidental take in a biological opinion?' So I'll go ahead and let Kristi respond to that question.

**01:21:47.790 --> 01:21:55.860**

USFWS - Kristi Young: So this is I think somewhat similar to some of the questions that we've had previously about what are going to be the details of a

**01:21:56.010 --> 01:21:58.110**

USFWS - Kristi Young: Service approved management plan or

**01:21:58.830 --> 01:22:12.690**

USFWS - Kristi Young: An RMP. And again, we asked questions of the public in the proposed rule of what, what are the criteria that should be used for management plan. So if the

**01:22:13.440 --> 01:22:23.910**

USFWS - Kristi Young: The person asking this question has some particular information about what should be required in one of these management plans, we would appreciate submitting comments on that.

**01:22:28.230 --> 01:22:34.350**

EMPSi - Amanda Biedermann: Great, thank you. Kristi for that response. Again, we're just going to continue taking

**01:22:34.800 --> 01:22:51.510**

EMPSi - Amanda Biedermann: Questions submitted via the zoom chat feature up until 7:30pm eastern time where we will then begin the public comment portion of today's meeting. I don't see any raised hands from phone callers so we're just going to go ahead and move on with our next question.

**01:22:52.560 --> 01:22:54.660**

EMPSi - Amanda Biedermann: And that is question.

**01:22:55.770 --> 01:23:07.050**

EMPSi - Amanda Biedermann: And so the question is, 'Will there be annual reporting requirements to keep track of population growth or declines, including groups lost due to specific actions?'

**01:23:07.470 --> 01:23:18.750**

EMPSi - Amanda Biedermann: And 'Can or will the US Fish and Wildlife Service require consultation if populations drastically decline?' and Will McDearman is going to help us respond to that question.

**01:23:20.010 --> 01:23:31.890**

USFWS - Will McDearman: Thank you. So I'll answer the first part about other annual reporting requirements and answer in the context of current annual report. So currently

**01:23:33.480 --> 01:23:39.960**

USFWS - Will McDearman: All entities operating under a Section, Endangered Species Act federal permit under Section 10(a)(1)(a).

**01:23:41.100 --> 01:23:48.660**

USFWS - Will McDearman: They submit what we call annual property reports and included in those property reports are

**01:23:49.380 --> 01:24:05.520**

USFWS - Will McDearman: data on population size and these annual property reports on population size, number of active clusters, and a large number of other factors, at least on the Fish and Wildlife Service side and RCW recovery coordinator's task.

**01:24:06.660 --> 01:24:14.460**

USFWS - Will McDearman: I track for example trends and population growth in decline, so do our ecological services field office.

**01:24:17.130 --> 01:24:25.530**

USFWS - Will McDearman: I expect that this reporting will continue. I just routinely described another context, however, if this could be

**01:24:27.750 --> 01:24:35.430**

USFWS - Will McDearman: If they're asking, are there reporting requirements associated with a service approved plan for 4d exception.

**01:24:36.510 --> 01:24:42.540**

USFWS - Will McDearman: That's a good question. That could be important, and we certainly are inviting public comment about that.

**01:24:44.580 --> 01:24:50.460**

USFWS - Will McDearman: The other question here is, can the Service require consultations of populations drastically declined.

**01:24:51.120 --> 01:24:59.820**

USFWS - Will McDearman: Um, yes and no. I will tell you in the past where there has been a decline populations on federal agencies, the Service

**01:25:00.810 --> 01:25:13.080**

USFWS - Will McDearman: Through ecological services field offices and our RCW recovery coordinator routinely - if you want to call it this - because technically it is. We initiate a formal and informal phase of consultation

**01:25:13.770 --> 01:25:22.290**

USFWS - Will McDearman: To explore that federal agency. Why is that population declining? What are the factors? Is it a lack of adequate management? Is it a,

**01:25:23.700 --> 01:25:33.990**

USFWS - Will McDearman: Are the cavities insufficient or what are the limiting factors and plus the solution for it? Is it something the agency is doing, or is it something that the agency is failing to do?

**01:25:35.490 --> 01:25:40.830**

USFWS - Will McDearman: Those can lead to formal consultations, depending on what the answer is those questions.

**01:25:42.180 --> 01:25:47.400**

USFWS - Will McDearman: Um, I think I should stop there in case others in the Service have something to add.

**01:25:49.800 --> 01:25:58.230**

USFWS - Kristi Young: I'll add to that. This is Kristi young. So just in relation to the response, to that second question there about regarding consultation.

**01:25:58.680 --> 01:26:09.750**

USFWS - Kristi Young: If the question is specifically referring to Section 7 consultation. A 4d Rule does not change the requirement to consult under Section 7.

**01:26:10.230 --> 01:26:33.030**

USFWS - Kristi Young: A 4d Rule changes the prohibitions and what is excepted under the prohibitions that related to incidental take so you know this is maybe getting a little ESA nerdy, but the consultation, even with a 4d Rule, will have to continue.

**01:26:39.690 --> 01:26:42.570**

EMPSi - Amanda Biedermann: Great. Thank you, Kristi and Will for those responses.

**01:26:43.980 --> 01:26:48.900**

EMPSi - Amanda Biedermann: So it looks like we aren't receiving any more questions via the zoom chat feature.

**01:26:49.410 --> 01:26:56.070**

EMPSi - Amanda Biedermann: So at this time we're going to take just a quick three-minute break before we then launch into the public comment portion of the meeting.

**01:26:56.490 --> 01:27:06.060**

EMPSi - Amanda Biedermann: Which we're going to begin promptly at 7:30pm Eastern time, so I'll allow everyone just about three or so minutes if you need to take a break.

**01:27:07.020 --> 01:27:12.180**

EMPSi - Amanda Biedermann: And then we will launch into our next slide and start the public comment portion of the meeting.

**01:27:12.570 --> 01:27:26.850**

EMPSi - Amanda Biedermann: I do want to remind everyone quickly that, again, this entire presentation, along with the Q and A portion and the public comment portion of the meeting is being recorded and will be available on the website. So we'll see you all back here in a few minutes.

**01:30:09.630 --> 01:30:25.800**

EMPSi - Amanda Biedermann: Hi everyone and welcome back from our quick break. As I said before the break, we are now going to close the Q and A portion of the meeting and officially start the public comment portion of the meeting. And let me just go to my next slide here.

**01:30:27.930 --> 01:30:39.000**

EMPSi - Amanda Biedermann: And as I said, if we do have time after we've gone through all of our commenters, if we do have any additional questions coming in through the zoom chat feature or phone callers have a question

**01:30:39.420 --> 01:30:50.520**

EMPSi - Amanda Biedermann: We will try to loop back to those questions. But at this time we're going to go ahead and move on to the public comment portion of the meeting. It is 7:30pm Eastern Time. So let's get started.

**01:30:51.480 --> 01:30:59.790**

EMPSi - Amanda Biedermann: Again, as I said, this public comment portion of the meeting, along with your comments is being recorded as part of the official record. As a reminder

**01:31:00.150 --> 01:31:10.140**

EMPSi - Amanda Biedermann: Your camera and my control settings are restricted during this time so you will only be able to talk if and when you are unmuted. So please remember to speak when prompted.

**01:31:14.400 --> 01:31:21.480**

EMPSi - Amanda Biedermann: I'm now going to read through the instructions for those participants who indicated they wanted to offer a comment when they pre-registered.

**01:31:22.200 --> 01:31:30.300**

EMPSi - Amanda Biedermann: And we have a list of these participants. I do want to note that I did cut this list off at about 6:00pm Eastern Time.

**01:31:30.840 --> 01:31:39.660**

EMPSi - Amanda Biedermann: I do think that hopefully I got everyone who stated that they wanted to offer a comment when registering. But I do apologize if you were

**01:31:40.080 --> 01:31:47.520**

EMPSi - Amanda Biedermann: left off this list, or I missed you. But again, I do want to emphasize that after we go through the pre-registered List of commenters

**01:31:48.060 --> 01:31:58.320**

EMPSi - Amanda Biedermann: We will, if we have time, open it up to anyone on the meeting who wants to offer a comment. So if you're not on the list, we will have a chance for you to offer your comment later during the meeting.

**01:31:59.700 --> 01:32:10.170**

EMPSi - Amanda Biedermann: So as I said, I do have a list of participants who selected that they wanted to offer a comment when they pre-registered, and this list is organized in the order that people registered for the meeting.

**01:32:10.890 --> 01:32:18.840**

EMPSi - Amanda Biedermann: So if you are on this list, when it is your turn to comment I will read your name aloud from the list and display your name on the next screen.

**01:32:19.590 --> 01:32:31.800**

EMPSi - Amanda Biedermann: We will also display the name of the commenter who is next in line to comment. When you hear your name called out, please use the raise hand feature so that we know that you are available and ready to offer your comments today.

**01:32:33.060 --> 01:32:39.870**

EMPSi - Amanda Biedermann: You can access the raise hand feature by going to your participants list at the bottom of your zoom screen.

**01:32:40.500 --> 01:32:50.250**

EMPSi - Amanda Biedermann: And if you wave your mouse back and forth across the bottom of your zoom screen, the participants list icon should show up here. And again, you may need to exit out of your full screen

**01:32:51.090 --> 01:33:02.610**

EMPSi - Amanda Biedermann: Zoom view in order to see this participants list icon or if you are calling in through the phone today, please press star nine on your keypad to access your raise hand feature

**01:33:03.780 --> 01:33:16.650**

EMPSi - Amanda Biedermann: So that we know that you are ready to offer your comment as well. If you're having any issues accessing or using the raise hand feature, please chat to Clayton McGee and he will try and get that issue sorted out for you today.

**01:33:18.000 --> 01:33:34.530**

EMPSi - Amanda Biedermann: Once you have raised your hand, you will then be unmuted so that you can provide your comment. You may be double muted - if that is the case, we will prompt you to unmute yourself on your end, so that we can hear you. Please spell out your first and last name before providing your comments.

**01:33:35.850 --> 01:33:46.230**

EMPSi - Amanda Biedermann: As I mentioned earlier, each commenter will have about five minutes to offer their comments today. Once you have spelled out your first and last name, we will go ahead and start the timer.

**01:33:47.460 --> 01:33:52.800**

EMPSi - Amanda Biedermann: You will receive a 30-second verbal warning to let you know how much time you have left to comment.

**01:33:53.550 --> 01:34:01.380**

EMPSi - Amanda Biedermann: Again, we ask that you be mindful and respectful of this time limit in order to allow other these others the opportunity to offer their comments as well.

**01:34:02.160 --> 01:34:06.990**

EMPSi - Amanda Biedermann: After you've provided your comment, we will then mute you and move on to our next commenter.

**01:34:07.890 --> 01:34:15.750**

EMPSi - Amanda Biedermann: If we as, again, as I said, if we do have time, we will open up the public comment portion of the meeting to anyone who would like to offer a comment.

**01:34:16.260 --> 01:34:21.510**

EMPSi - Amanda Biedermann: And I'll provide further instructions to all of you on how to provide that comment when we get to you.

**01:34:22.380 --> 01:34:33.180**

EMPSi - Amanda Biedermann: Lastly, if you do not feel that you were able to complete your comment within the allotted time frame, the US Fish and

Wildlife Service strongly encourages you to submit the remainder of your comment in writing.

**01:34:34.140 --> 01:34:45.540**

EMPSi - Amanda Biedermann: At this time, I'm now going to turn it over to Amy Lewis, who's going to go to, she's going to be our moderator for the public comment portion of the meeting, and she is going to go to our first commenter.

**01:34:48.840 --> 01:34:56.340**

EMPSi - Amanda Biedermann: So let me just go ahead and go to the next screen here, and I'm going to put up our first commenter today.

**01:34:57.570 --> 01:34:59.460**

EMPSi - Amanda Biedermann: Just give me a quick second here.

**01:35:04.830 --> 01:35:19.920**

EMPSi -Amy Lewis: Okay. Good evening, everyone. As Amanda said, my name is Amy Lewis and I am going to be taking us through the public comment session. And so our first commenter tonight is Dan Roach.

**01:35:20.970 --> 01:35:27.660**

EMPSi -Amy Lewis: Dan, if you are on the line, please go ahead and access your raise hand feature.

**01:35:28.800 --> 01:35:42.990**

EMPSi -Amy Lewis: If you're using zoom, it's down at the bottom of your participant window, to let us know that you're ready to provide comment. If you're using a phone, please hit star nine on your keypad to raise your hand.

**01:35:46.290 --> 01:35:47.970**

EMPSi -Amy Lewis: Dan Roach.

**01:36:01.980 --> 01:36:10.800**

EMPSi -Amy Lewis: Okay, if you are on the phone, Dan. And if you're having any technical issues, please chat to Clayton McGee.

**01:36:11.940 --> 01:36:18.300**

EMPSi -Amy Lewis: But in the meantime, we will move on to our next commenter, who is Kent Wimmer.

**01:36:19.770 --> 01:36:30.630**

EMPSi -Amy Lewis: Kent, if you are on the line and ready to offer comment, please access that raise hand feature. There you are. All right, I'm going to

**01:36:31.710 --> 01:36:32.610**

EMPSi -Amy Lewis: unmute you.

**01:36:38.700 --> 01:36:45.030**

EMPSi -Amy Lewis: You might be double muted on your end to so check to see if - there you go. Hi, Kent.

**01:36:45.870 --> 01:36:48.300**

Kent Wimmer: Hi this is Kent. From Defenders of Wildlife.

**01:36:48.660 --> 01:36:49.860**

Kent Wimmer: Or again.

**01:36:50.250 --> 01:36:55.020**

EMPSi -Amy Lewis: Before you start. Can I have you spell your first and last name for that record.

**01:36:56.130 --> 01:37:01.860**

Kent Wimmer: K-E-N-T W-I-M-M-E-R.

**01:37:02.220 --> 01:37:02.850**

EMPSi -Amy Lewis: Great.

**01:37:02.970 --> 01:37:04.770**

Kent Wimmer: Okay, so Defenders of Wildlife

**01:37:04.830 --> 01:37:20.070**

Kent Wimmer: Tallahassee, Florida. I am going to pass on my comments because my colleague Ben Prater is going to give our comments. So thank you very much for this opportunity. Appreciate the presentation.

**01:37:20.670 --> 01:37:24.180**

EMPSi -Amy Lewis: Great, thank you Kent. All right, I'm going to lower your hand.

**01:37:26.760 --> 01:37:27.540**

EMPSi -Amy Lewis: And

**01:37:28.680 --> 01:37:34.200**

EMPSi -Amy Lewis: Yep, we saw Ben wanted to be added to our list. So we'll make sure that we circle back to him.

**01:37:35.760 --> 01:37:42.840**

EMPSi -Amy Lewis: Alright, moving on to our next commenter on the list, who had pre-registered is Barbara Driscoll.

**01:37:44.250 --> 01:38:04.830**

EMPSi -Amy Lewis: Barbara, if you are on the line, please access that raise hand feature and let us know if you are available and ready to comment. If

you are dialing in by phone, please hit star nine on your keypad to raise your hand and let us know you're ready.

**01:38:07.020 --> 01:38:09.300**

EMPSi -Amy Lewis: Again that's Barbara Driscoll

**01:38:21.810 --> 01:38:22.530**

EMPSi -Amy Lewis: Okay.

**01:38:23.550 --> 01:38:31.140**

EMPSi -Amy Lewis: Don't see Barbara so we'll move on to the next commenter on our pre-registered list who is Chip Murray.

**01:38:32.400 --> 01:38:37.770**

EMPSi -Amy Lewis: Chip, if you are on the line. I see you've got your hand raised. All right, I'm going to unmute you.

**01:38:44.130 --> 01:38:47.460**

EMPSi -Amy Lewis: Except maybe I didn't unmute you. Where'd you go?

**01:38:50.130 --> 01:38:51.840**

Chip Murray: Well, I have to manually do it. There we go.

**01:38:51.870 --> 01:38:53.790**

EMPSi -Amy Lewis: There you go. Hi, Chip, how are you?

**01:38:53.790 --> 01:38:55.110**

Chip Murray: Hi, how are you?

**01:38:55.530 --> 01:39:12.510**

EMPSi -Amy Lewis: I'm doing well. Okay, so I'm gonna have you spell your first and last name for the record. And then just reminder that you've got about five minutes for your testimony. And I'm going to kind of keep track of you on my end and let you know if you get close to the that time.

**01:39:12.540 --> 01:39:25.890**

Chip Murray: Okay, thank you. And thank you for the opportunity here. My name is Chip Murray. C-H-I-P M-U-R-R-A-Y and I'm with the National Alliance of Forest Owners.

**01:39:27.060 --> 01:39:35.490**

Chip Murray: I think your efforts here to address the Red-cockaded Woodpecker and recognize the fantastic conservation

**01:39:36.870 --> 01:39:39.870**

Chip Murray: advances that have been made with that species is great.

**01:39:41.040 --> 01:39:49.080**

Chip Murray: I think the challenge, a bigger challenge, you're facing now is how to deal with Section 4d of the Endangered Species Act. I saw the presentation earlier

**01:39:49.440 --> 01:40:01.980**

Chip Murray: On the one slide and the bottom bullet said that one of the reasons or one of the uses that you can make of a 4d Rule is to make the Endangered Species Act easier for the public to deal with

**01:40:02.580 --> 01:40:13.710**

Chip Murray: And to ease some of its requirements to make it, to facilitate perhaps its conservation benefits by removing what could be considered red tape or unnecessary

**01:40:14.520 --> 01:40:31.620**

Chip Murray: formalities from what is in place when a specie is listed as endangered and I'm not sure the proposed rule accomplishes that. I think a 4d Rule needs to be specific, it needs to recognize what has worked in the past.

**01:40:32.850 --> 01:40:37.290**

Chip Murray: What sort of threats that current forest use.

**01:40:38.580 --> 01:40:45.390**

Chip Murray: Under, whether it's under an agreement habitat conservation plan or just somebody out there on the landscape that has woodpeckers on their land.

**01:40:45.960 --> 01:41:00.690**

Chip Murray: You should have a good idea of what it, what can continue on, without going through a safe harbor agreement or any other sort of a, excuse me, Fish and Wildlife Service approved arrangement or even State approved.

**01:41:01.890 --> 01:41:07.200**

Chip Murray: It's just, it's, I think that the agency has not taken full advantage of that opportunity.

**01:41:08.250 --> 01:41:18.060**

Chip Murray: Clearly, if someone, if a forest owner wants to have the assurances that a safe harbor agreement provides, that mechanism should stay in place and made available.

**01:41:18.390 --> 01:41:21.690**

Chip Murray: But not every forest owner necessarily wants those assurances.

**01:41:22.350 --> 01:41:28.080**

Chip Murray: They may just have a very small population on their land, and they want to maintain it. They want to keep it safe

**01:41:28.440 --> 01:41:42.120**

Chip Murray: provide it some forging habitat. They just want to know what they have to do without getting involved in an application for some sort of a safe harbor agreement or other permit under the Endangered Species Act.

**01:41:43.530 --> 01:41:45.390**

Chip Murray: So see,

**01:41:47.850 --> 01:41:59.640**

Chip Murray: The other point that I would make is going back to what should be your experience with forest management, particularly private lands, you know, private lands are quite different than public lands.

**01:42:00.120 --> 01:42:06.120**

Chip Murray: And they don't have the same sort of management requirements that are imposed on public lands.

**01:42:06.600 --> 01:42:14.760**

Chip Murray: But yet those private forest owners have the same sense of stewardship and sustainability that that the federal agencies should have so

**01:42:15.720 --> 01:42:30.030**

Chip Murray: I think you, you need to look at what has worked in the past. What, what has worked under the safe harbor agreements. You, you describe a list of herbicides that the Department of Agriculture, the Forest Service has posted and recognized,

**01:42:31.110 --> 01:42:36.990**

Chip Murray: You should be referring to those sorts of mechanisms as a way to provide exceptions

**01:42:38.010 --> 01:42:44.430**

Chip Murray: From the prohibition on an incidental take. Clearly damaging a cavity tree is not something anybody wants to

**01:42:45.210 --> 01:42:50.970**

Chip Murray: Give an exception for but we're talking about use of herbicides that is an essential tool

**01:42:51.390 --> 01:42:57.210**

Chip Murray: In conjunction with prescribed burning which, while an essential tool is sometimes very difficult to engage in given the

**01:42:57.540 --> 01:43:08.340**

Chip Murray: public reaction to the smoke and the permits that you need from your state agencies. So those herbicides provide that backup for the prescribed burning that's very critical to maintaining the forging habitat

**01:43:08.970 --> 01:43:23.460**

Chip Murray: And keeping the mid story down around the clusters. So why that should be out in out a ban on that or not a ban, but you know recognized as a threat without an exception.

**01:43:24.570 --> 01:43:32.790**

Chip Murray: It just doesn't make sense. So those are the sort of that. And I don't think there's any justification in the preamble, other than the fact that these

**01:43:33.270 --> 01:43:45.270**

Chip Murray: Products have not, that you and the EPA have been unable to reach a consultation mechanism after how many years since 1973 when you've been trying to do that. And that's not the private forest owners fault.

**01:43:45.780 --> 01:43:57.030**

Chip Murray: And you know what impacts the use of herbicide has had because you have allowed them under some of the existing agreements, so that should be recognized and brought forward in a final 4d Rule.

**01:43:58.830 --> 01:44:07.350**

Chip Murray: I think that's all I had to say this afternoon or this evening. Again, thank you so much for having me and the explanations that you provided in the

**01:44:07.740 --> 01:44:14.430**

Chip Murray: New information meeting and the opportunity to provide comments and we will certainly be submitting written comments by next Monday. Thank you.

**01:44:16.050 --> 01:44:19.830**

EMPSi -Amy Lewis: Thank you Chip for your comment. And I'll put you back on mute.

**01:44:22.080 --> 01:44:26.430**

EMPSi -Amy Lewis: Alright our next commenter is Elizabeth Rasheed.

**01:44:27.720 --> 01:44:30.000**

EMPSi -Amy Lewis: Elizabeth. If you are on the line.

**01:44:31.200 --> 01:44:36.900**

EMPSi -Amy Lewis: Please access that raise hand feature that is at the bottom of your participant list

**01:44:39.180 --> 01:44:49.350**

EMPSi -Amy Lewis: In the zoom chat window or the, in the zoom window. Or if you're on the phone, please hit star nine. There you are. I see you. Let's see. I'm going to unmute you.

**01:44:53.040 --> 01:44:54.750**

EMPSi -Amy Lewis: If you are, there you are.

**01:44:54.780 --> 01:44:55.890**

Elizabeth Rasheed: Hi, Elizabeth. Can you hear me.

**01:44:56.340 --> 01:44:58.800**

EMPSi -Amy Lewis: I can. Hi. Hi. Can you

**01:44:59.610 --> 01:45:04.890**

EMPSi -Amy Lewis: spell your name for the record. And then you have about five minutes.

**01:45:06.150 --> 01:45:15.120**

Elizabeth Rasheed: Certainly, my name is Elizabeth Rasheed. E-L-I-Z-A-B-E-T-H R-A-S-H-E-E-D.

**01:45:16.140 --> 01:45:16.800**

EMPSi -Amy Lewis: Great, so

**01:45:17.250 --> 01:45:18.870**

Elizabeth Rasheed: I'll go ahead and get started. Thank you.

**01:45:20.010 --> 01:45:24.690**

Elizabeth Rasheed: Good evening. My name is Elizabeth Rasheed, I'm an attorney with the Southern Environmental Law Center.

**01:45:25.170 --> 01:45:35.640**

Elizabeth Rasheed: We're a nonprofit environmental law firm dedicated to protecting people in places across the south and we and our clients have been following the Service's push to downlist the Red-cockaded Woodpecker for several years now.

**01:45:37.200 --> 01:45:47.700**

Elizabeth Rasheed: As others will probably note this evening, the best available science indicates that while the Red-cockaded Woodpecker has made progress towards recovery, the species remains in danger.

**01:45:48.450 --> 01:45:59.910**

Elizabeth Rasheed: 90% of the population is considered, in the Fish and Wildlife Service's most recent species status assessment contains fewer than 100 active clusters and of those more than 70% contained fewer than 30 clusters.

**01:46:00.990 --> 01:46:12.090**

Elizabeth Rasheed: But the purpose of my comments tonight is primarily to discuss why we find the Service's proposed Section 4d Rule to be insufficient to provide for the conservation of the species as required by the ESA.

**01:46:14.220 --> 01:46:24.930**

Elizabeth Rasheed: I want to start by saying that, first, it's important to remember that in light of the Trump administration's changes to the ESA's implementing regulation, which removed the blanket protection against take for threatened species.

**01:46:26.010 --> 01:46:40.020**

Elizabeth Rasheed: The Red-cockaded Woodpecker, if downlisted, would get no protections from take unless those protections are explicitly provided by this rule and the proposed rule as it's written right now simply doesn't provide enough specificity or protections to conserve the species.

**01:46:41.490 --> 01:46:50.460**

Elizabeth Rasheed: The proposed rule seems particularly problematic to us in the way it cedes the Service's involvement and authority and habitat management, the military and state agencies.

**01:46:51.300 --> 01:47:03.300**

Elizabeth Rasheed: For example, the proposed rule would explicitly exempt from the prohibition on incidental take any activities occurring on military installations, so long as the installation has an improved integrated natural resources management plan.

**01:47:04.530 --> 01:47:19.410**

Elizabeth Rasheed: These military plans however, aren't actually species-specific conservation documents. Their primary purpose is to ensure that the landscape of a military installation is managed in a way that it can continue to support training exercises into the future.

**01:47:20.520 --> 01:47:24.750**

Elizabeth Rasheed: And the Fish and Wildlife Service isn't actively involved in the military's planning process.

**01:47:25.710 --> 01:47:33.300**

Elizabeth Rasheed: So the proposed rule could afford US military installations free reign to determine how to manage their own Red-cockaded Woodpecker populations

**01:47:33.720 --> 01:47:43.260**

Elizabeth Rasheed: And to determine when it's permissible to destroy or degrade Red-cockaded Woodpecker habitat and old growth pine habitat on their installations with minimal oversight from Service.

**01:47:44.880 --> 01:47:53.370**

Elizabeth Rasheed: The few Red-cockaded Woodpecker populations that the Service actually found to have high resilience in its assessment, most of those occurred on military land.

**01:47:53.940 --> 01:48:02.340**

Elizabeth Rasheed: So these populations extremely important. They're invaluable to recovery and the Service shouldn't allow the military to backslide on the recovery progress in this manner.

**01:48:04.320 --> 01:48:19.590**

Elizabeth Rasheed: Additionally, the proposal is written, which is similar if not greater leeway to state conservation agencies by creating an exemption for any incidental take that results from habitat actions carried out in accordance with the state improvement plan.

**01:48:21.570 --> 01:48:27.420**

Elizabeth Rasheed: This isn't appropriate as well for several reasons. First, in contrast with federal Fish and Wildlife Service

**01:48:27.930 --> 01:48:44.310**

Elizabeth Rasheed: Singular recovery focus mission, state agencies have dual mission and are required to account for other considerations when promulgating management plans, like potential timber harvest revenues, opportunities for the public to hunt game species on state land, and so forth.

**01:48:45.330 --> 01:48:53.490**

Elizabeth Rasheed: So what's best for the woodpecker might not always be able to be the top concern there. Second, the requirements the Service imposes on itself

**01:48:53.910 --> 01:49:05.880**

Elizabeth Rasheed: From the management plans that it may approve like the requirement of a net conservation benefit to be expected to result in order for the Service to approve of safe harbor agreements are totally absent from the proposed rule here.

**01:49:07.350 --> 01:49:18.690**

Elizabeth Rasheed: Third, the lack of standardization across multiple state agencies create significant disparities and management actions across different states that are ultimately harmful to Red-cockaded Woodpecker conservation.

**01:49:20.610 --> 01:49:25.590**

Elizabeth Rasheed: Finally, I'd like to note that downlisting the species at this point in time, simply sends the wrong message.

**01:49:26.490 --> 01:49:34.800**

Elizabeth Rasheed: It tells the public and management agencies that they can finally ease up on Red-cockaded Woodpecker conservation, but the science indicates that this is not the case.

**01:49:35.640 --> 01:49:42.510**

Elizabeth Rasheed: Red-cockaded woodpeckers are well known to be a conservation reliant species and it's just as important now as it was 20 years ago

**01:49:43.020 --> 01:49:49.020**

Elizabeth Rasheed: That the recommendations, that their recovery plan, be carefully followed. The same conservation actions that have been useful to getting

**01:49:49.440 --> 01:49:55.290**

Elizabeth Rasheed: The Red-cockaded Woodpecker to where it is today are still going to be needed to keep it on the upward trajectory moving forward.

**01:49:55.920 --> 01:50:04.950**

Elizabeth Rasheed: However, the proposed rule has no means to ensuring that these active conservation measures and the protocol set forth and recovery plan will continue to be implemented in the future.

**01:50:06.630 --> 01:50:13.590**

Elizabeth Rasheed: So in conclusion, we believe that the Service's proposals to downlist the Red-cockaded Woodpecker is premature at this point in time.

**01:50:14.010 --> 01:50:23.130**

Elizabeth Rasheed: And the 40-year-old proposal by the Service as it's currently written puts the species at risk of backsliding on its recovery progress. I think I'm just under five. So thank you.

**01:50:24.810 --> 01:50:28.320**

EMPSi -Amy Lewis: Thanks, Elizabeth, you were. Yep, just right at five minutes.

**01:50:28.320 --> 01:50:28.530**

EMPSi -Amy Lewis: That's

**01:50:30.720 --> 01:50:35.910**

EMPSi -Amy Lewis: All right, I'm going to put you back on mute and lower your hand. Thanks for your comment.

**01:50:37.080 --> 01:50:45.180**

EMPSi -Amy Lewis: Alright our next commenter on the list is Ben Prater. Ben's got his hand raised. I'm going to unmute you. Hi, Ben.

**01:50:45.720 --> 01:50:46.140**

Ben Prater: Hi there.

**01:50:46.650 --> 01:50:56.490**

EMPSi -Amy Lewis: Hi. All right. If we can have you spell your first and last name for the record. And then you can go ahead and get started. And I'll start your timer.

**01:50:57.030 --> 01:51:03.810**

Ben Prater: Sure thing. Ben Prater. B-E-N P-R-A-T-E-R.

**01:51:05.490 --> 01:51:06.660**

EMPSi -Amy Lewis: Right. Go ahead.

**01:51:07.350 --> 01:51:17.820**

Ben Prater: Great. Well, good evening. I'm the southeast program director at Defenders of Wildlife and thank you for the opportunity to offer these comments on behalf of Defenders' 1.8 million members and supporters

**01:51:18.420 --> 01:51:24.270**

Ben Prater: We're opposed to the Service's proposal to downlist the RCW because the best available science does not demonstrate

**01:51:24.930 --> 01:51:31.320**

Ben Prater: The species has sufficiently recovered. In order to demonstrate that the RCW no longer faces significant threats to its survival,

**01:51:32.100 --> 01:51:41.880**

Ben Prater: Although the RCW has made positive strides towards recovery, the best available science fails to show that it has made enough gains for the Service to justify revising the species status.

**01:51:42.480 --> 01:51:55.500**

Ben Prater: First, the Service is improperly relying on the recent RCW species status assessment to justify its downlisting proposal when instead it should place greater weight on the 2003 recovery plan and a status review.

**01:51:56.190 --> 01:52:03.570**

Ben Prater: Recovery plans are the roadmaps for the recovery of illicit species. They are designed to be relied upon by the Service and the broader scientific community to

**01:52:03.870 --> 01:52:08.610**

Ben Prater: Understand what factors must be achieved for a species to be considered safely recovered.

**01:52:09.330 --> 01:52:20.910**

Ben Prater: First, the proposal to downlist the RCW, the Service glosses over critical aspects of the recovery plan and focuses on the SSA which analyzes RCWs using a different methodology.

**01:52:21.750 --> 01:52:30.570**

Ben Prater: The species has not met the necessary benchmarks for downlisting that were identified following intensive scientific analyses in the 2003 recovery plan.

**01:52:31.260 --> 01:52:36.510**

Ben Prater: Instead, only half of the six downlisting criteria in the plan have been met.

**01:52:37.230 --> 01:52:43.890**

Ben Prater: Five of the downlisting criteria pertain to population size objectives for a combined 20 RCW populations.

**01:52:44.310 --> 01:52:51.750**

Ben Prater: However, the Service admits, and its RCW species status assessment, that these objectives have only been attained for 13 of these populations.

**01:52:52.260 --> 01:52:55.860**

Ben Prater: With criteria 2 and criterion 4 yet to be achieved.

**01:52:56.790 --> 01:53:06.630**

Ben Prater: According to the agency, it will take an estimated 10 to 15 years for six to seven of the remaining populations to achieve the population sizes identified in the recovery plan.

**01:53:07.290 --> 01:53:17.310**

Ben Prater: Moreover, criterion six of the recovery plan calls for the implementation of habitat management plans for all 20 of the identified populations before their listings should occur.

**01:53:17.700 --> 01:53:28.020**

Ben Prater: But no such plan exists for two of these populations. Furthermore, although the recovery plan asserts that these habitat management plans should identify actions sufficient to increase the woodpecker

**01:53:28.410 --> 01:53:36.120**

Ben Prater: To recovery levels, the existing management plans either do not address or only minimally address post hurricane or post fire management.

**01:53:37.410 --> 01:53:45.570**

Ben Prater: Although the Service is improperly relying on the SSA to justify its proposal downlist the RCW. Even the science and the SSA fails to establish

**01:53:45.870 --> 01:53:52.080**

Ben Prater: Establish that the species has recovered, to an extent that would warrant a change in this designation from endangered to threatened.

**01:53:52.680 --> 01:53:58.440**

Ben Prater: According to the SSA RCWs continue to exist in isolated, mostly small populations.

**01:53:58.830 --> 01:54:07.920**

Ben Prater: Moreover, when 108 of the 124 demographic populations of RCW analyzed in the SSA contained fewer than 100 active clusters.

**01:54:08.490 --> 01:54:15.840**

Ben Prater: Only three of the 124 populations were rated as having very high resiliency and another three were rated as having high resiliency.

**01:54:16.320 --> 01:54:26.370**

Ben Prater: On the other hand, the Service classified 37 of the 124 populations analyzed in the SSA as having low resiliency and 71 of those populations as having very low resiliency.

**01:54:27.120 --> 01:54:34.860**

Ben Prater: The Service also fails to provide an adequate justification as to why the RCW should be downlisted in the face of major ongoing threats of habitat loss.

**01:54:35.430 --> 01:54:41.190**

Ben Prater: The RCW has very specific habitat needs which limit the number of locations where the species may exist.

**01:54:41.670 --> 01:54:50.760**

Ben Prater: The species thrives in open pine forest, especially in the long leaf pine ecosystem and resides in living pine trees that must be between 65 and 80 years old at a minimum.

**01:54:51.480 --> 01:54:56.010**

Ben Prater: Each member of the species lives in its own cavity that is situated in the heart of these pine trees.

**01:54:56.400 --> 01:55:06.780**

Ben Prater: Alarmingly the RCW has suffered devastating habitat losses that, according to the Service, have caused a species population decline by almost 99% since the time of European settlement.

**01:55:07.440 --> 01:55:14.100**

Ben Prater: Pursuant to the SSA, the lack of suitable habitat throughout the South remains a significant threat to the species.

**01:55:14.700 --> 01:55:24.120**

Ben Prater: The Service has not demonstrated why it would be appropriate to downlist the RCW when hurricanes, severe storm events, and climate change continue to destroy the species' habitat.

**01:55:24.780 --> 01:55:31.890**

Ben Prater: By the Service's own admission, most coastal or lower coastal plain populations faces significant risk for major hurricanes.

**01:55:32.250 --> 01:55:39.540**

Ben Prater: The SSA even notes so the intensity and frequency of hurricanes has increased and climate change is expected to increase these factors even more.

**01:55:40.050 --> 01:55:49.200**

Ben Prater: For example, in 2018 Hurricane Michael destroyed several hundred cavity trees across Florida and George's public lands that harbor RCW populations.

**01:55:49.470 --> 01:55:59.010**

Ben Prater: That same year, Hurricane Florence caused significant damage to the RCW population at Camp last June, resulting in the loss of more than 150 RCW cavity trees.

**01:56:00.030 --> 01:56:12.300**

Ben Prater: The SSS discussion of our artificial cavity installation in response to some past hurricane events actually underscores the need for more diligent management of the RCW recovery, rather than a need for less oversight.

**01:56:12.810 --> 01:56:19.560**

Ben Prater: On top of this, it is simply not possible for all RCW to relocate from coastal areas in response to climate change.

**01:56:19.950 --> 01:56:28.440**

Ben Prater: Inland areas that would have otherwise offered suitable habitat for the species have undergone significant development, limiting where coastal RCWs have left to go.

**01:56:29.070 --> 01:56:35.520**

Ben Prater: Thus, we asked the Service abandon its proposal to downlist the RCW because it's not justified by the best available science.

**01:56:35.820 --> 01:56:49.770**

Ben Prater: Instead science shows that the species has not yet recovered, to a degree that would warrant removal from the endangered species list as the species continues to be plagued by a series of serious threats that can drive it closer to extinction. And that concludes my comments. Thank you.

**01:56:50.970 --> 01:56:57.930**

EMPSi -Amy Lewis: Great. Thank you, Ben. I'm gonna go ahead and put you back on mute and lower your hand.

**01:57:00.270 --> 01:57:13.260**

EMPSi -Amy Lewis: All right, we're going to circle back and see if Dan Roach is on the line and available to provide comment, Dan. If you are on the line,

**01:57:14.010 --> 01:57:25.170**

EMPSi -Amy Lewis: Zoom. You can access the raise hand feature through your participant list, which is at the bottom of your zoom screen. Click on that and then you should see a raise hand feature there.

**01:57:26.670 --> 01:57:36.510**

EMPSi -Amy Lewis: If you are on the phone hit star nine on your telephone keypad and that will raise your hand and let me know that you're here and available to comment.

**01:57:38.670 --> 01:57:39.720**

EMPSi -Amy Lewis: Dan Roach.

**01:57:47.100 --> 01:58:04.260**

EMPSi -Amy Lewis: Okay, I don't see any raised hands. So I'm going to check one more time with Barbara Driscoll. Barbara. If you are on the line and would like to provide a comment, you can find the raise hand feature in zoom in your participant

**01:58:05.550 --> 01:58:14.430**

EMPSi -Amy Lewis: Window, the bottom of that participant window and zoom or by hitting star nine on your telephone keypad to raise your hand.

**01:58:16.830 --> 01:58:18.120**

EMPSi -Amy Lewis: Barbara Driscoll.

**01:58:27.750 --> 01:58:38.880**

EMPSi -Amy Lewis: Okay. So I think at this time we'll have Amanda make a few procedural announcements, but we'll keep taking comment. Amanda.

**01:58:40.170 --> 01:58:48.720**

EMPSi - Amanda Biedermann: Yep, thank you Amy. So at this time, we've gone through all six of our commenters who indicated that they wanted to offer a comment when they pre-registered.

**01:58:49.260 --> 01:58:58.200**

EMPSi - Amanda Biedermann: We still do have about an hour left on the meeting. So at this time we are going to open the meeting up to anyone who would like to offer a comment.

**01:58:58.710 --> 01:59:06.540**

EMPSi - Amanda Biedermann: And the instructions are pretty much the exact same as what Amy has been announcing. If you are using the zoom platform

**01:59:06.930 --> 01:59:15.240**

EMPSi - Amanda Biedermann: You can go ahead and access the raise hand feature in the bottom right-hand corner of your participants list if you would like to offer a comment.

**01:59:15.750 --> 01:59:22.530**

EMPSi - Amanda Biedermann: If you are calling in through the phone today, again, you can press star nine on your keypad if you would like to offer a comment.

**01:59:23.070 --> 01:59:30.750**

EMPSi - Amanda Biedermann: And we'll just go in the order that we see hands are raised, and we'll try and do our best to just stay in that order.

**01:59:31.380 --> 01:59:49.920**

EMPSi - Amanda Biedermann: And we'll put your zoom name up on the screen and we'll call out your zoom name when you're up and ready to comment. So at this time we'll give folks a few minutes if they would like to offer a comment to access that raise hand feature. And if we don't have any commenters who

**01:59:51.300 --> 01:59:59.040**

EMPSi - Amanda Biedermann: Would like to offer a comment, then we will go ahead and circle back to any remaining questions that folks have on the call today.

**02:00:11.880 --> 02:00:21.180**

EMPSi -Amy Lewis: Okay, I see us Dennis Krusac has his hand raised. Dennis. I'm going to go ahead and unmute you.

**02:00:23.730 --> 02:00:24.450**

EMPSi -Amy Lewis: Hi Dennis.

**02:00:25.650 --> 02:00:25.950**

Dennis Krusac: Oh,

**02:00:26.370 --> 02:00:26.940**

Hi.

**02:00:27.990 --> 02:00:28.770**

Dennis Krusac: Can you?

**02:00:29.370 --> 02:00:39.000**

EMPSi -Amy Lewis: Yep, go ahead and spell your first and last name for us, for the record, and then you can go ahead and get started. You'll have about five minutes.

**02:00:39.510 --> 02:00:52.560**

Dennis Krusac: Okay, I'm Dennis Krusac D-E-N-N-I-S K-R-U-S-A-C. I work for the US Forest Service in the Southern Regional Office in Atlanta. There are three things I would like to comment on.

**02:00:53.850 --> 02:00:56.310**

Dennis Krusac: The Federal Register, the proposed rule talks about

**02:00:57.450 --> 02:01:13.260**

Dennis Krusac: Taking comment from the public on the spatial area covered by the prohibition on pesticides and whether the prohibition should apply to other vegetation such a surveillance ground layer. In addition to standing pine trees within a half mile of active clusters.

**02:01:16.290 --> 02:01:26.220**

Dennis Krusac: I don't think it should be a prohibition on the use of pesticides unless the Fish and Wildlife Service can cite peer reviewed published science or specific adverse effects on Red-cockaded Woodpeckers

**02:01:26.850 --> 02:01:33.330**

Dennis Krusac: Not generalizations and the EPA National Research Council publications that were cited in the proposed rule.

**02:01:34.980 --> 02:01:41.700**

Dennis Krusac: There's no quicker way to lose habitat than let invasive species take it over. Without herbicides, you can't control them.

**02:01:42.900 --> 02:01:51.630**

Dennis Krusac: If you have problems with Japanese climbing fern or kudzu, you will need to apply herbicides to the standing pine trees or you are going to lose habitat quality.

**02:01:52.770 --> 02:01:55.920**

Dennis Krusac: So I would encourage the Service to

**02:01:57.060 --> 02:02:05.670**

Dennis Krusac: reconsider their prohibitions unless they can cite some published science that show adverse effects specific to Red-cockaded Woodpeckers.

**02:02:07.380 --> 02:02:18.630**

Dennis Krusac: The next thing I wanted to talk about the presenting the rule is talking about breeding season can start as early as March and then as late as July. Therefore, we don't propose a specific date.

**02:02:21.150 --> 02:02:37.620**

Dennis Krusac: But you're asking, it says, furthermore, knowledge, even some take from such activities can occur outside of the breeding season so we seek comments from the public about whether this publication or prohibition to encompass the whole year, not just during breeding season.

**02:02:40.920 --> 02:02:45.930**

Dennis Krusac: Listen, that's more restrictive than the current language for the species with its endangered status.

**02:02:46.590 --> 02:02:53.490**

Dennis Krusac: Any prohibitions on human presence or extraction activities which I'm assuming is referenced in timber harvest

**02:02:54.420 --> 02:03:01.710**

Dennis Krusac: Should not be extended outside the breeding season if they go year-around, will you see a spike in formal consultation?

**02:03:02.700 --> 02:03:16.740**

Dennis Krusac: Or will the cluster habitat degrade from lack of thinning, or control prescribed fire and invasive species control, which are all ongoing actions in clusters outside of the meetings.

**02:03:17.850 --> 02:03:22.110**

Dennis Krusac: Making management more difficult is not the answer to recovering the species.

**02:03:23.250 --> 02:03:25.080**

Dennis Krusac: The last thing I wanted to comment on

**02:03:26.880 --> 02:03:33.150**

Dennis Krusac: The rule is asking for ideas and how to streamline the implementation process of the proposed for 4d rule.

**02:03:34.320 --> 02:03:44.070**

Dennis Krusac: And I would suggest using a process similar to that for the Service developed in the northern long-eared bat and basically where the biological opinion on the 4d rule.

**02:03:44.790 --> 02:03:56.760**

Dennis Krusac: Is the project level concurrence from projects, consistent with rule. And then there's just a simple 2-page form that action agencies submit to the Service, kind of as a tracking mechanism.

**02:03:58.380 --> 02:04:00.930**

Dennis Krusac: And with that, I just say thank you for the opportunity.

**02:04:02.790 --> 02:04:09.030**

EMPSi -Amy Lewis: Great, thank you Dennis. I'm going to put you back on mute, lower your hand.

**02:04:11.250 --> 02:04:14.880**

EMPSi -Amy Lewis: Okay, like Amanda had said if there's anyone else.

**02:04:16.080 --> 02:04:29.400**

EMPSi -Amy Lewis: On the line today that would like to offer a comment, please just go ahead and raise your hand. Now you can access that raise hand feature at the bottom of your zoom screen through your participant list.

**02:04:31.230 --> 02:04:37.290**

EMPSi -Amy Lewis: Or if you're on the phone, please hit star nine on your telephone keypad.

**02:04:38.610 --> 02:04:43.260**

EMPSi -Amy Lewis: We'll wait a few minutes here to see if anyone else is interested in offering comment.

**02:05:13.320 --> 02:05:32.850**

EMPSi -Amy Lewis: Again, if you are interested in providing a comment, click on the participant list icon at the bottom of your zoom screen and you should see that raise hand feature there. Or if you are on the telephone and calling in through that you can hit star nine on your telephone keypad.

**02:06:12.960 --> 02:06:23.370**

EMPSi -Amy Lewis: Yeah, one more, one more time just to make sure, in case there's anyone that would like to provide a comment tonight that didn't sign up, you can do that now

**02:06:24.030 --> 02:06:38.430**

EMPSi -Amy Lewis: By clicking on the participant list at the bottom of your zoom screen and raising your hand to let us know you'd like to provide a comment or if you're calling in through the phone, please hit star nine on your telephone keypad.

**02:07:08.580 --> 02:07:17.130**

EMPSi -Amy Lewis: Okay, I'm not seeing any raised hands at the moment. I'm going to pass it back over to Amanda

**02:07:18.630 --> 02:07:21.240**

EMPSi -Amy Lewis: To give us some additional instructions.

**02:07:22.440 --> 02:07:30.750**

EMPSi - Amanda Biedermann: Great, thank you Amy. So at this time as Amy said it looks like we aren't getting any raised hands for people who would like to offer a comment.

**02:07:31.170 --> 02:07:40.200**

EMPSi - Amanda Biedermann: So at this point, we're going to pause the public comment portion of the meeting and will go briefly back to the Q and A portion of the meeting, to see if anybody has

**02:07:40.530 --> 02:07:51.780**

EMPSi - Amanda Biedermann: Any additional or follow up questions that they would like to ask. If we reach the end of our questions or don't have any more questions, we will then go back to the public comment portion of the meeting.

**02:07:52.410 --> 02:08:01.710**

EMPSi - Amanda Biedermann: And from that time until 9pm Eastern time, we will just keep it as the public comment portion of the meeting until the meeting is closed out.

**02:08:02.250 --> 02:08:12.720**

EMPSi - Amanda Biedermann: So at this point, we're going to switch back to the Q and A, and I just want to clarify that at this point it is questions only. Any comments submitted will not be considered part of the record.

**02:08:13.140 --> 02:08:16.860**

EMPSi - Amanda Biedermann: Um, you know, as I just said if we don't have any more questions.

**02:08:17.490 --> 02:08:28.050**

EMPSi - Amanda Biedermann: We'll just go back to the public comment portion of the meeting. If anyone does decide that they want to make a comment and we'll wait until 9pm eastern time to allow those commenters to comment. But at this time

**02:08:28.320 --> 02:08:32.430**

EMPSi - Amanda Biedermann: We'll see if anybody has any last-minute questions that they would like to ask.

**02:08:33.210 --> 02:08:40.050**

EMPSi - Amanda Biedermann: Again, I put the instructions back up on the screen for everyone. If you're using the zoom web platform or zoom app

**02:08:40.440 --> 02:08:47.010**

EMPSi - Amanda Biedermann: Please click on the chat icon at the bottom of your zoom screen and send your question to Amy Lewis.

**02:08:47.460 --> 02:08:57.630**

EMPSi - Amanda Biedermann: If you are on the phone and you would like to ask a question again, please press star nine to access that raise hand feature to let staff know that you have a question.

**02:08:57.990 --> 02:09:09.930**

EMPSi - Amanda Biedermann: I'll then unmute you so that you can ask your question and the Fish and Wildlife Service staff member will respond to your question. So we'll give folks a few minutes here if they have any remaining questions they would like to ask.

**02:09:55.380 --> 02:10:11.610**

EMPSi - Amanda Biedermann: I don't see any raise hands and I don't see any questions coming in via the chat feature. But again, if you have a question, feel free to send it over to Amy Lewis and we will then read that question, allow or if you are in the phone again, please press star nine to raise your hand.

**02:11:26.400 --> 02:11:39.240**

EMPSi - Amanda Biedermann: I still don't see any questions coming in through the chat feature or raised hands. So I'll just make one last announcement here if you do have a question, please go ahead and chat it over to Amy Lewis, using the zoom chat feature.

**02:11:39.690 --> 02:11:50.700**

EMPSi - Amanda Biedermann: Or for our phone callers if you'd like to ask a question, please go ahead and press star nine on your key pass to access that raise hand feature and will know that you would like to ask a question.

**02:11:54.810 --> 02:12:09.990**

EMPSi - Amanda Biedermann: And again, if we're, we haven't received any more questions in the next few minutes, we'll go ahead and go back to the public comment portion of the meeting, and then we will continue that portion of the meeting until nine o'clock PM Eastern time when we will end the entire meeting.

**02:13:43.500 --> 02:13:55.020**

EMPSi - Amanda Biedermann: Alright, so I don't see any raise hands and we have not received any further questions through the zoom chat feature. So at this point I'm going to go back to the public comment portion of the meeting.

**02:13:58.290 --> 02:14:07.050**

EMPSi - Amanda Biedermann: And so we will continue to stay on this slide until nine o'clock PM Eastern Time. We do have one last additional slide just with

**02:14:07.590 --> 02:14:16.890**

EMPSi - Amanda Biedermann: Last commenting information for anyone who didn't get the commenting information earlier. But again, the commenting information is on the website.

**02:14:17.310 --> 02:14:29.610**

EMPSi - Amanda Biedermann: So at this time we will stick around and stay on this slide until nine o'clock PM Eastern Time. So again, as anyone on the meeting would like to make a comment, we will remain on the line to accept you to comment.

**02:15:40.740 --> 02:15:47.400**

EMPSi - Amanda Biedermann: Again, this is Amanda and I'll just come on every 15 minutes or so and let everyone know that

**02:15:48.060 --> 02:16:07.950**

EMPSi - Amanda Biedermann: Fish and Wildlife Service staff remains on the line to accept your comments. Again, you can see how to access the raise hand feature on the screen. It is about, let's see, 8:15pm Eastern time, so I'll come back on at about 8:30pm eastern time and make another announcement. Thank you all.

**02:19:15.150 --> 02:19:25.770**

EMPSi -Amy Lewis: I see that we have a phone caller with their hand raised and that phone caller is the last four digits 8137.

**02:19:27.360 --> 02:19:38.400**

EMPSi -Amy Lewis: I am going to unmute you. This is, again, this is the public comment portion of the meeting. So we'll be taking public comments right now.

**02:19:41.220 --> 02:19:48.060**

EMPSi -Amy Lewis: You will on the phone have to hit star six if you can't unmute yourself.

**02:20:02.430 --> 02:20:04.290**

EMPSi -Amy Lewis: Hello. Hi.

**02:20:05.070 --> 02:20:05.610**

Caller 14 (8137): Hi.

**02:20:07.110 --> 02:20:08.160**

EMPSi -Amy Lewis: Are you

**02:20:09.570 --> 02:20:11.310**

EMPSi -Amy Lewis: Wanting to provide public comment?

**02:20:12.150 --> 02:20:14.850**

Caller 14 (8137): Yeah. All right. Can we?

**02:20:14.910 --> 02:20:25.020**

EMPSi -Amy Lewis: I'll have you spell your first and last name for the record. And then once you do that, you will have about five minutes to provide your comment so.

**02:20:26.340 --> 02:20:41.640**

Caller 14 (8137): My name is Pat Quinn P-A-T Q-U-I-N-N and I went to a Cape Fear Audubon Society meeting regarding this a couple weeks ago. And then I read all the materials on it.

**02:20:42.570 --> 02:20:51.660**

Caller 14 (8137): And listen to the comments that people made plus presentation tonight. Now it looks like it's way too soon to delist the Red-cockaded Woodpecker.

**02:20:52.920 --> 02:21:09.270**

Caller 14 (8137): It seems to demand a lot of work, a lot of monitoring, a lot of tree climbing, a lot of equipment, especially after a storm, putting up 150 artificial cavities? That's a lot of work and

**02:21:10.590 --> 02:21:19.440**

Caller 14 (8137): They can't really seem to handle it on their own, yet we have delisted other things, such as the American Eagle. The American bald eagle.

**02:21:20.040 --> 02:21:37.110**

Caller 14 (8137): Nobody seems to have a problem with that is doing very well without a lot of tight monitoring. On the other hand, you can have a disaster, where the swallowtail of southern Florida was delisted way too soon. And they ended up with like less than 10

**02:21:38.340 --> 02:21:52.320**

Caller 14 (8137): Eggs to restart the population. I see the likelihood if they jumped the gun on this that you, they're going to be left with a greatly reduced genetic diversity and have to do with some serious scrambling

**02:21:52.800 --> 02:22:00.750**

Caller 14 (8137): To get things up and running again and working, and missing a lot of, going for another population bottleneck.

**02:22:01.530 --> 02:22:17.880**

Caller 14 (8137): Most of the successful colonies are along the seacoast, which really isn't a good thing. We need to have more in the interior, also we need connecting greenways made mostly with longleaf pine. That's what I see.

**02:22:18.870 --> 02:22:24.510**

Caller 14 (8137): So I would hold off on this work really hard for another five years and then look at it again.

**02:22:26.370 --> 02:22:28.950**

Caller 14 (8137): Now that's what, that's how I see it.

**02:22:32.730 --> 02:22:37.170**

EMPSi -Amy Lewis: Thank you, Pat for that comment. We appreciate that, we will put you back on mute.

**02:22:38.580 --> 02:22:40.110**

EMPSi -Amy Lewis: And lower your hand.

**02:22:43.860 --> 02:22:52.620**

EMPSi -Amy Lewis: Excellent. And so just another quick announcement in case anybody that's still on the line would like to provide a comment.

**02:22:53.640 --> 02:23:01.290**

EMPSi -Amy Lewis: You can do like Pat just did. She was dialing in on the phone, she hit star nine on her keypad to raise her hand.

**02:23:02.100 --> 02:23:17.880**

EMPSi -Amy Lewis: Or you can click on the participant list at the bottom of your zoom screen and raise your hand there. So again, as Amanda said will remain on the line and monitor to see if anyone

**02:23:18.960 --> 02:23:21.690**

EMPSi -Amy Lewis: Raises their hand. We will be here until 9pm Eastern.

**02:29:39.810 --> 02:29:49.470**

EMPSi - Amanda Biedermann: Hello everyone. Again, this is Amanda and I just wanted to let everyone on the meeting know and for the record that Fish and Wildlife Service staff remain on the line

**02:29:49.860 --> 02:30:03.180**

EMPSi - Amanda Biedermann: To accept any public comments until nine o'clock PM Eastern Time. So again, if you would like to offer a public comment please go ahead and access your raise hand feature and we will accept your public comment. Thank you.

**02:30:28.530 --> 02:30:45.180**

EMPSi - Amanda Biedermann: Apologies. Just to clarify, if I forgot to announce the time it is currently 8:30pm Eastern time, and I'll make another announcement at 8:45pm eastern time and then one last final announcement at 9pm Eastern Time. Thank you.

**02:44:37.410 --> 02:44:51.480**

EMPSi - Amanda Biedermann: Hello everyone who's still on the line and for the record, it is 8:45pm Eastern time, and the US Fish and Wildlife Service remains on the line to accept any public comments that people might want to offer today.

**02:44:52.080 --> 02:44:58.650**

EMPSi - Amanda Biedermann: Again, for those of you who may have joined since my last announcement. If you would like to offer a public comment today

**02:44:59.040 --> 02:45:05.070**

EMPSi - Amanda Biedermann: You can go ahead and access the raise hand feature at the bottom of your participants list.

**02:45:05.370 --> 02:45:16.350**

EMPSi - Amanda Biedermann: Which, if you select the participants list icon at the bottom of your zoom screen, the participants list will pop up and then you can access the raise hand feature in the bottom right-hand corner.

**02:45:17.160 --> 02:45:26.880**

EMPSi - Amanda Biedermann: Or if you are calling in through the phone today and you would like to offer a comment please access the raise hand feature by pressing star nine on your keypad.

**02:45:27.180 --> 02:45:32.610**

EMPSi - Amanda Biedermann: And we'll see that you raised your hand and would like to offer a public comment and then we can go ahead and unmute you.

**02:45:33.360 --> 02:45:44.670**

EMPSi - Amanda Biedermann: So again, we will remain on the line for 15 more minutes until nine o'clock PM Eastern time. We will then go through one last slide with just some basic commenting information, how to comment

**02:45:45.630 --> 02:45:52.140**

EMPSi - Amanda Biedermann: How to access the website, etc. And then we'll go ahead and close the public meeting today. Thank you all.

**02:59:16.980 --> 02:59:31.860**

EMPSi - Amanda Biedermann: Alright everyone, it is nine o'clock PM Eastern Time. So I'm going to officially close the public comment portion of the meeting, and I'll move into our last slide and unmute Kristi Young so that she can lead us through this last one.

**02:59:36.030 --> 02:59:42.750**

USFWS - Kristi Young: Thank you everybody who has stuck around till the very end of this. The public hearing has now ended.

**02:59:43.530 --> 02:59:52.500**

USFWS - Kristi Young: But we will accept written comments received or postmarked on or before midnight East Coast time on December 7, 2020.

**02:59:53.190 --> 03:00:13.380**

USFWS - Kristi Young: And you can submit your comments, a couple different ways. If you want to still use the snail mail, you can submit your comments

to the address. They're on the screen. And you do need to make sure that you pay attention to the docket number which is FWS-R4-ES-2019-

**03:00:14.970 --> 03:00:16.500**

USFWS - Kristi Young: 0018

**03:00:17.520 --> 03:00:33.240**

USFWS - Kristi Young: Or you can go to [regulations.gov](http://regulations.gov) and search for that docket number and submit your comments that way. But again, thank you very much for participating this evening. Thank you for your comments and also for the earlier public meeting. Thank you for the questions.

**03:00:34.740 --> 03:00:35.280**

USFWS - Kristi Young: Good evening.