

COOPERATIVE SAFE HARBOR MANAGEMENT AGREEMENT
(2005 UPDATED VERSION)
NO. x
for
RED-COCKADED WOODPECKERS (*Picoides borealis*) AND THEIR HABITAT
ON PRIVATE LAND IN GEORGIA

The Georgia Department of Natural Resources Wildlife Resources Division (WRD) (Administrator) and _____ (Cooperator) have entered into this Cooperative Agreement (Agreement) in order to maintain and enhance habitat for the red-cockaded woodpecker (RCW) on lands owned by the Cooperator.

The Cooperator agrees to undertake, for the duration of this Agreement, activities and procedures for the benefit of the RCW on the Cooperator's property delineated on the map labeled Exhibit A.

In consideration of the foregoing, the United States Fish and Wildlife Service (Service) has issued to the Administrator an Incidental Take Permit pursuant to the provisions of Section 10(a)(1)(A) of the Endangered Species Act of 1973, as amended; and the Administrator has issued to the Cooperator a Certificate of Inclusion under the Permit. Upon issuance, this Certificate authorizes the Cooperator and the Cooperator's successors or assigns to carry out any activity subject to the constraints of federal, state, and local laws on the Cooperator's property delineated in Exhibit A that will or may result in the incidental taking¹ of RCWs or their habitat above the established baseline responsibilities at the time this Agreement is executed, subject to the following: (1) The Cooperator agrees to maintain the baseline responsibilities/constraints specified in the Agreement; (2) The Cooperator agrees to provide for habitat enhancement activities also specified in the Agreement; (3) The Cooperator will give the Administrator 60-days notice prior to commencing any activities that may result in the taking of RCWs; and (4) The Cooperator will provide the Administrator the opportunity to translocate affected non-baseline RCWs.

A. Responsibilities/Constraints for Baseline RCW Groups

The baseline responsibilities/constraints of the Cooperator are to provide all the overstory necessary to maintain the cavity trees and the foraging area for all groups of RCWs as discovered by a baseline RCW survey of the Cooperator's property. Baseline responsibilities may include providing foraging areas for known RCW groups on neighboring lands as described in Section E and set forth in Attachment B. If no RCW groups are discovered during the baseline RCW survey and there are no known RCW groups on neighboring lands, there are no baseline responsibilities/constraints.

¹ An incidental take is the "take" of any federally listed wildlife species that is incidental to, but not the purpose of, otherwise lawful activities (see definition of "take") [ESA section 10(a)(1)(B)]. For example, deliberately shooting or wounding a listed species would not be considered an incidental take, conversely, the destruction of endangered species habitat for development generally would be construed as incidental and would be authorized by an Incidental Take Permit.

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Specifically the baseline responsibilities/constraints, as derived from the Service's proposed RCW guidelines for private lands², are to:

1. Protect all active and inactive cavities and start trees, within active baseline clusters³, from harvesting. The Administrator can provide assistance in locating and marking all cavity and start trees.
2. Provide at least 50 ft² of basal area per acre in pine trees greater than 10 inches in diameter at breast height (DBH) in active baseline clusters if the trees are currently present on the Cooperator's land.
3. Provide at least 3000 ft² of basal area in pine trees (including the trees in the cluster) greater than 10 inches DBH for foraging habitat over at least 60 acres and no more than 300 acres⁴ if the trees are currently present on the Cooperator's land. Provide at least 3000 ft² of basal area in pine trees (including the trees in the cluster) greater than 10 inches DBH for foraging habitat over at least 75 acres⁵ if the trees are currently present on the Cooperator's land.
4. Conduct timber harvesting within the active baseline clusters only between August 1 and February 28, or as otherwise approved by WRD. If there is a need to harvest timber within an active cluster outside the previously described window of time, the Cooperator should notify the WRD 30 days in advance of the desired starting harvest date. WRD will determine the stage of nesting activity within the cluster and advise Cooperator of appropriate precautions. Timber harvesting will not be permitted during nest initiation, while the female is in the process of laying eggs, while the nesting cavity contains viable eggs or young, or until fledglings are capable of sustained flight.
5. Construct no new roads within active baseline clusters.
6. Provide reasonable protection for RCWs in active baseline groups from human activities that may incidentally cause injury or death.
7. Take reasonable⁶ precautions when conducting silvicultural or other activities within active baseline clusters to avoid injury to cavity trees and start trees.

² The Administrator will not require the Cooperator to abide by more strict habitat requirements for baseline groups of RCWs should the Service revise the guidelines for managing RCWs on private lands. Should the habitat requirements be reduced, this agreement will be modified to reflect the new guidelines.

³ Clusters are aggregates of cavity trees and start trees associated with a group of RCWs.

⁴ Foraging habitat for each RCW group must be contiguous to the cluster stand with no gaps between stands exceeding 330 feet. Foraging habitat for each RCW group should be within 0.25 mile of the cluster, but can be up to 0.5 mile from the cluster, with no gaps between foraging stands exceeding 200 feet.

⁵ Reasonable precautions would include, but not be limited to, directional felling away from cavity trees, logging during dry conditions to minimize soil compaction, careful log removal to avoid scraping or otherwise damaging residual trees, careful prescribed burning to minimize the risk of igniting cavity trees and avoidance of fire line plowing around cavity trees.