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April 09, 2014

John Brent, Chief  
Department of the Army  
Installation Management Agency  
Garrison Commander  
5751 Constitution Loop, Suite 500  
Fort Benning Army Installation  
Fort Benning, GA 31905

Re: FWS Log # 2014-CPA-0468

Dear Mr. Brent,

This letter responds to your red-cockaded woodpecker (RCW) habitat expansion process proposal (Action) received on January 24, 2014, and your request for US Fish and Wildlife Service (Service) consideration and approval of the proposal. The Service understands that through the Army's Compatible Use Buffer Program (ACUB) Fort Benning (FTB) proposes to conserve, restore and manage upland pine habitat acres across a wider geographic area than the Installation's current property boundaries. We have reviewed the information and provide the following comments in accordance with the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 *et seq.*) and section 7(a)(2) of the Endangered Species Act of 1973 (ESA), as amended (16 U.S.C. 1531 *et seq.*) relative to the federal endangered red-cockaded woodpecker (*Picodes borealis*).

Proposed Action

Below is a generalized overview of the proposed RCW habitat expansion process:

- FTB proposes off-post/ACUB lands are added into the Installation's total baseline acreage tally.
- By managing upland pine ACUB lands, FTB intends to develop climax pine/grass forest conditions that will be suitable for RCW recruitment in the future. FTB anticipates that future ACUB lands will support their RCW population recovery goals and objectives.
- The proposal is intended to supplement the 2010 RCW Off-Post Conservation Plan that is a requirement of the 2009 Maneuver Center of Excellence Biological Opinion, and will be included in the RCW Endangered Species Management Component that supports the Installation's Integrated Natural Resource Management Plan.

- Under all circumstances, ACUB lands will have mandatory management and monitoring plans that support the stated conditions of the habitat expansion process.
- All ACUB lands are protected in perpetuity, and those lands that are directly attached and contiguously adjacent (see plan for definition) to the current Installation boundary are added to the Installation's total baseline acreage.
- Financial assurances are provided for all operations related to RCW recovery, including management, monitoring, property security, document costs, etc., and
- At a minimum, annual reviews with the Service will be held to discuss any and all issues related to this proposal.


Summary of the proposed process:

The Service approves Fort Benning's Process For Baseline Habitat Expansion as described, and supports the assertion that Fort Benning's RCW baseline acreage land expansion process has the potential to enhance the likelihood for future RCW occupation beyond the Installation's current boundary. However, ACUB lands are not approved by the Service for future RCW off-sets or other conditions related to RCWs or RCW population dynamics. In order for the Installation to gain approval from the Service regarding the likelihood of future RCW potential breeding groups occupying ACUB lands, and subsequently gaining consideration for demographic exchange with the Installation's Primary Core Recovery Population, spatially explicit population modeling will need to be completed and approved by the RCW Coordinator. If in the event planned actions, commitments or unforeseen circumstances occur, the Army and the Service will reinstate consultation in an effort to formulate remedies through joint discussions.

Based on the information provided, the requirements of the ESA have been fulfilled relative to this action (developing this Plan), and no further consultation is necessary. Fort Benning's obligations under section 7 of the ESA must be reconsidered if (1) new information reveals that the proposed project may affect listed species in a manner or to an extent not previously considered, (2) the proposed project is subsequently modified to include activities which were not Considered during this consultation; or (3) new species are listed or critical habitat designated that might be affected by the proposed project.

We appreciate the opportunity to comment on the RCW Habitat Expansion Process, and if you have any questions, comments or require additional information regarding this letter, please contact John Doresky at (706) 544-6030.

Respectfully,

  
John Doresky  
Acting Field Supervisor

Enclosure: Fort Benning's Process For Baseline Habitat Expansion  
cc: Will McDearman, USFWS RCW Recovery Coordinator, Jackson, MS

## FORT BENNING'S PROCESS FOR BASELINE HABITAT EXPANSION (Red-cockaded Woodpeckers)

**Phase 1 – Analysis of Army Compatible Use Buffer (ACUB) Properties Proposed for Habitat Expansion** Fort Benning will review and analyze tracts considered for the habitat expansion program using the factors listed below. A tract is defined as land area owned by an individual or other entity.

### Tract Size

ACUB tracts that are adjacent<sup>1</sup> and contiguously adjacent<sup>2</sup> to the Installation's boundary are analyzed using the following assumptions regarding tract size: (1) larger tracts provide for efficient economy of scale<sup>3</sup>; and (2) larger tracts have a higher probability for demographic exchange to occur between future ACUB RCW potential breeding groups (PBGs) and future Installation RCW PBGs.

### Tract Location

ACUB tract(s) that are adjacent or contiguously adjacent to the installation, if restored so that they meet the habitat requirements for RCWs<sup>4</sup>, have a greater likelihood of yielding demographic exchange between the ACUB tract and the Installation.

### Forest Condition

Variables considered for forest condition analysis include but are not limited to: (1) pines, with a preference for longleaf pine; (2) pine age; (3) pine density; (4) understory/groundcover conditions; and (5) potential dispersal corridors. These variables can be addressed in a general way; a stand by stand description is not required. For tracts with forest conditions not currently suitable for RCWs, the key item is a description of the suitability of the upland areas to be converted/restored to longleaf and the time required to complete the process.

Once ACUB properties are analyzed for Installation baseline RCW habitat acreage inclusion, the Installation will request Service approval for the newly derived calculations. Baseline acreage includes currently suitable RCW habitat or land with the potential to be converted/restored to RCW habitat.

### **Phase 2 – Formulation of the Agreements**

Fort Benning, along with their ACUB partners, will identify properties for RCW acreage expansion and prepare legal and financial documents that define and assign responsibilities, provide for protecting habitat in perpetuity and define management and monitoring activities. These documents are normally defined as agreements, memorandums of agreement/understanding, real property transfers or sale, restrictive or conservation real estate easements, contracts, escrow accounts, letters of credit, endowments or other documents (hereafter "agreement"). In all cases, a management and monitoring plan is a mandatory agreement component. All agreements will be implemented in accordance with the Anti-Deficiency Act (ADA); funding in future years is not guaranteed.

<sup>1</sup> *Adjacent* – ACUB tracts that are directly attached to any degree, to the Installation boundary

<sup>2</sup> *Contiguously adjacent* – Touching or connected to ACUB tracts that are adjacent to the Installation boundary. This can include fee simple tracts connected by a conservation easement tract.

<sup>3</sup> *Economy of scale* – Doing things more efficiently with an increasing size of operation.

<sup>4</sup> *Habitat requirements for RCWs* – The habitat requirement in this case is the recruitment cluster requirement (e.g., 40 BA and 75 acres – 3000 square feet of BA with the potential to meet the Installation recovery standard sometime in the future) as no known clusters exist on ACUB properties. John Doresky, personal communication, 13 Nov 2013

- Easements, Title Acquisition and State Properties: Land parcels must protect the habitat in perpetuity. ACUB real estate transaction mechanisms are either conservation easement or fee

simple purchase, initially via an ACUB partner. There are many ownership scenarios including continuing private ownership with a conservation easement, fee-title ownership with ACUB partner management, ACUB partner fee-title ownership with Army management, partner fee-title ownership with contractual management to another entity, and ACUB partner fee-title acquisition with subsequent title transfer and management to another appropriate owner, e.g. State wildlife agency. Via recorded deed language, the Army will have a contingent right to the minimal interest necessary to carry out the ACUB objectives should the landowner and/or ACUB partner fail to uphold the ACUB objectives. The Army's contingent right can be expressed in a deed restriction for lands owned in fee by an ACUB partner, or in a conservation easement held by an ACUB partner on lands owned by other entities, including the State or other public agency.

- Tract Management/Monitoring Plans: ACUB partners will develop a management and monitoring plan for each tract. However, multiple tracts under one ownership can be considered a "management unit" and have one management plan and one monitoring plan. The management plan can be described in conceptual or generic terms (a stand-by-stand list of proposed management actions or prescriptions is not required), but there should be a document available describing appropriate silvicultural practices that should be applied to various forest conditions that may exist. All plans will include, but are not limited to, property description and current habitat conditions, RCW habitat goals, short-term habitat management and restoration activities, long-term habitat management activities, long-term habitat monitoring requirements and reporting requirements.
- Financial Assurance: ACUB partners and/or the Army will assure via specific terms that adequate funding is provided for operations related to RCW recovery projects, including management, monitoring, property security, and documentation costs. These operations are usually funded using interest earned on invested funds administered by a professional financial manager, often called "endowment," such that the invested principal is secure, or drawn down only in unusual circumstances. Under this process each tract or management unit will have such financial assurances. The agreements will have specific terms that require the proper sponsor and/or property owner, as appropriate; to maintain complete and accurate project and financial operations records using consistently applied generally accepted accounting methods, principles, and practices.

### **Phase 3 - Approval and Concurrence**

Fort Benning will review and approve ACUB partner's documents prior to sending to the Service. The regulatory process will include: (1) the Installation contacts the Service to verify appropriate ACUB tract or management unit analysis, (2) the Installation provides all documentation previously described, and (3) the Service concurs in writing that those acres meeting the agreed upon conditions will be added to the Installation's RCW baseline acreage. The Service will consider including areas outside the Sand Hills Recovery Unit (Alabama) Fort Benning's baseline acreage.

### **Phase 4 - Annual Review Process**

The ACUB RCW tract/management unit analysis and benefit determination process will be reviewed at the Installation's annual Biological Opinion Update Meeting each spring. Any process changes including partners, other analysis types, benefit determinations, etc. will be documented by the Installation and signed by the Garrison Commander and the Service.