



**EAST TEXAS RED-COCKADED WOODPECKER
“SAFE HARBOR”
HABITAT CONSERVATION PROGRAM**

FACT SHEET

Q. What is the “Safe Harbor” Program of the Regional Habitat Conservation Plan for Red-cockaded Woodpecker on Private Lands in East Texas?

A. It is a plan developed under authority of the Endangered Species Act to encourage the conservation of the endangered red-cockaded woodpecker (RCW) and its habitat in the East Texas Pineywoods through voluntary habitat improvements by private landowners.

Q. Why is this plan important?

A. It encourages private landowners to undertake actions that will benefit an endangered species, the RCW. The plan removes a regulatory impediment that has caused some landowners to fear that if they do anything that might attract an endangered species to their property, their use of that property would be restricted in the future.

Q. Is the plan voluntary?

A. Yes, it is entirely voluntary. Only those landowners who wish to participate in the plan will do so.

Q. How is this plan different from other habitat conservation plans?

A. Habitat conservation plans typically are designed to offset or “mitigate” some adverse impact to endangered species that occurs as a result of a planned development, timber harvest, or other activity. This program, however, is designed to facilitate positive habitat improvements in advance of any specific development or other project that could adversely affect RCW.

Q. If participating landowners are free to “undo” the good they have done, how will the RCW benefit?

- A. The RCW has been in a long-term decline throughout its range in the southeastern states. This decline has been most pronounced on privately-owned land, where few landowners have undertaken the sort of actions that would help the bird. Encouraging voluntary beneficial action by private landowners, even if that action is not permanent, will help the bird by: slowing, stopping, or reversing its decline; maintaining the contiguity of its habitat; and buffering against the possibility of major storms or other catastrophes destroying the designated recovery population on the Sam Houston National Forest. Even if a landowner decides not to continue participating in the program, the favorable habitat conditions created will not necessarily cease. They may persist for many years unless a landowner decides to eliminate them. In the unlikely event that all participating landowners eventually drop out of the plan, the result will only be to return to conditions that would have existed in the absence of the plan.

Q. Who is eligible to participate in the plan?

- A. Any landowner within the plan boundaries (portions of counties in East Texas as per attached map, Figure 1) is potentially eligible to participate in the plan if his or her land could provide suitable nesting or foraging habitat for the RCW. Priority will be assigned to landowners whose lands are juxtaposed to National Forest lands. Landowners outside of the plan boundaries may be considered for inclusion into the plan if they have RCW activity or significant habitat.

Q. What kinds of actions will participating landowners be encouraged to undertake?

- A. Red-cockaded woodpeckers need older open pine forests for establishing their nest cavities and for foraging. Many sites (called woodpecker clusters) that formerly contained nesting RCW have been abandoned because oaks and other hardwoods have become established, transforming an open pine forest (which the birds like) into a dense, mixed pine-hardwood forest (which the birds do not like). Landowners can “rehabilitate” these now-abandoned sites by controlling the hardwood midstory, installing artificial cavities, and placing restrictor plates over cavity entrances that have been enlarged by other species.

Q. Is a participating landowner free to sell his land?

- A. Yes. A participating landowner is free to sell his land, and the buyer has exactly the same protection, or “safe harbor,” as the original landowner, if he chooses to continue the enrollment of the land in the program.

Q. Will actions by a participating landowner that cause RCW to nest on his property impose land use restrictions on his or her neighbors?

A. No. The plan specifically addresses this issue and provides that habitat improvements carried out under the plan will not result in added restrictions on either the participating landowner or that landowner's neighbors.

Q. What are the specific steps in becoming a participant in the program?

A. See the "Steps in the Process" section which follows this fact sheet.

Q. How are participating landowners assured that their interests will be protected by the plan?

A. The primary objective of this conservation plan is to encourage voluntary RCW habitat restoration or enhancement activities by relieving a landowner who enters into a cooperative agreement with the Texas Parks and Wildlife Department (Department) and the Texas A&M Forest Service (TFS) from any additional responsibility under the Endangered Species Act beyond that which exists at the time a landowner enters into the agreement, i.e., to provide a "safe harbor." While participating landowners will be required to protect any RCWs using the land at the time the agreement is signed (their baseline responsibilities), they are under no obligation to protect additional woodpeckers that may be attracted to the land by the habitat improvements. Participating landowners will enter into a cooperative agreement with the said agencies and receive a "Certificate of Inclusion" under a permit that authorizes the future removal, alteration, or elimination of any habitat improvements that they carry out under the plan. Thus, as long as a landowner carries out the agreed upon habitat improvements and maintains their baseline habitat responsibilities, they may develop, harvest trees upon, or make any other lawful use of the property, even if such use incidentally results in the loss of RCWs or their habitat. The participating landowner will only be required to notify the Department/TFS and give them an opportunity to relocate any woodpeckers expected to be adversely affected by such actions.

Q. Will the sorts of action that this plan seeks to encourage have other benefits besides helping the RCW?

A. Yes. The land management practices that this plan promotes will help maintain a whole array of significant plant and animal life that are associated with longleaf, loblolly, and shortleaf pine forests. Game species such as quail and eastern wild turkey will be among the expected beneficiaries.

Q. Who should an interested landowner contact to find out more about this program?

A. See the "Steps in the Process" section which follows this fact sheet.

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STEPS IN THE PROCESS

STEP 1: Contact the Texas Parks and Wildlife Department (Department), or the Texas Forest Service (TFS).

Anyone interested in participating in the Safe Harbor Program or who would like further information should contact:

Dave Holdermann, Texas Parks and Wildlife Department, 11942 FM 848, Tyler, TX, 75707 Mr. Holdermann can be contacted by phone at 903/566-1626, ext. 209, or by e-mail at dave.holdermann@tpwd.texas.gov, or

Mrs. Donna Work, Texas A&M Forest Service, P.O. Box 310, Lufkin, TX, 75902-0310. Mrs. Work’s office is located in the Forest Products Lab, Cudlipp Forestry Center, on U. S. Highway 59 South in Lufkin, Texas. Mrs. Work can be contacted by phone at 936/639-8180, or by e-mail at dwork@tfs.tamu.edu, or

contact your local Texas A&M Forest Service or Texas Parks and Wildlife Department office.

STEP 2: Gather pertinent information.

A landowner interested in participating in the program will need to provide the following information, if available: a map of the property, forest management plans or stand maps, any information on RCW occurrence (past or present), and any information or documentation on participation in any federal cost-share program (i.e., Forest Incentives Program, Forest Stewardship Program, etc.). A Department or TFS representative will gather information relative to known woodpecker occurrence on or adjacent to the subject property.

STEP 3: Set up an on-site meeting.

An on-site meeting with the Department/TFS representative and the landowner will be necessary to: (1) discuss land use objectives; (2) determine RCW occurrence and habitat enhancement possibilities; (3) determine the baseline responsibilities regarding RCW and their habitat (if woodpeckers are present); and (4) identify any other information needs necessary to complete a cooperative agreement. Under no circumstances will the Department/TFS enter onto a landowner’s property without notifying the landowner in advance and obtaining written permission from the landowner.

STEP 4: Collect any additional information

If RCWs are present, cavity tree surveys and/or foraging habitat analyses will be collected by the Department/TFS representative.

STEP 5: Submit the Cooperative Agreement to the Texas Parks and Wildlife Department or the Texas A&M Forest Service.

The above agencies will work with a potential participant to finalize the details of the Cooperative Agreement between the landowner and the agencies required for issuance of a Certificate of Inclusion under the State's Permit. The Cooperative Agreement will then be sent to the potential participant for review and signature. After signing the agreement, the participant will return the agreement to the Department/TFS for signature. A final version of the agreement, signed by all parties, will be returned to the landowner.

STEP 6: Obtain a Certificate of Inclusion.

A Cooperative Agreement and Certificate of Inclusion will be signed by the Department/TFS and the participating landowner. The Certificate of Inclusion will officially acknowledge participation in the "Safe Harbor" Program. Copies of the signed Certificate of Inclusion and Cooperative Agreement will then be sent to the participating landowner, the Department/TFS, and the U.S. Fish and Wildlife Service's Regional Permit Coordinator.

STEP 7: Monitoring

Participants will be responsible for documenting the implementation of any habitat enhancement activities and any "take" of RCW above the baseline as agreed upon in the Cooperative Agreement. The Department/TFS will be responsible for monitoring RCW status resulting from habitat enhancement activities. Under no circumstances will any of the above enter onto a landowner's property without prior notification and approval.