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DEPARTMENT OF THE ARMY
SAVANNAH DISTRICT, CORPS OF ENGINEERS
100 W. OGLETHORPE AVENUE
SAVANNAH, GEORGIA 31401-3640

MEMORANDUM OF AGREEMENT
BETWEEN
THE U.S. ARMY CORPS OF ENGINEERS, SAVANNAH DISTRICT
AND
THE U.S. FISH AND WILDLIFE SERVICE

SUBJECT: Protected Species Surveys at J. Strom Thurmond, Richard B. Russell, and Hartwell Lakes

1. References. Memorandum of Agreement Between the U.S. Army Corps of Engineers, Savannah District (USACE) and the U.S. Fish and Wildlife Service Concerning Protected Species Surveys at J. Strom Thurmond, Richard B. Russell, and Hartwell Lakes, 1995; Section 7, Endangered Species Act of 1973 (ESA); Bald and Golden Eagle Protection Act of 1940.

2. Purpose. A revision of the 1995 Agreement referenced above is needed for clarification and to accommodate project needs regarding resurveys. The revision includes making protected species surveys valid for two years.

3. Problem. The USACE has constructed and operates Hartwell, J. Strom Thurmond, and Richard B. Russell Lakes as multipurpose water reservoirs for the production of hydroelectric power, flood control, navigation, fish and wildlife management, and recreational uses. The routine operations and maintenance of these lakes involves activities that may potentially affect federally-protected plant and animal species that might be present. Based on the 1995 Agreement, protected species surveys are valid for only one year; however, many activities require longer than one year to complete.

4. Scope. The USACE and the U.S. Fish and Wildlife Service (USFWS) agree that the operations and maintenance programs at these lakes will be administered in accordance with the following guidelines regarding the necessity for protected species surveys under Section 7 of the ESA and the Bald and Golden Eagle Protection Act of 1940. Execution and implementation of this Agreement evidences that the USACE has satisfied its Section 7 ESA and Bald and Golden Eagle Protection Act responsibilities for all individual undertakings of this program.

5. Responsibilities.

a. Protected Species. Using the federal listings for Georgia and South Carolina as provided by the USFWS, the USACE agrees to protection of all species listed as federal "Endangered or Threatened"; and that further, all candidate species, though not required to be protected by law, will be given consideration and reported when found.

SUBJECT: Protected Species Surveys at J. Strom Thurmond, Richard B. Russell, and Hartwell Lakes

b. Personnel Qualified for Surveying. Qualified personnel will include Savannah District Biologists or Park Rangers and contract biologists who are trained in protected species identification and qualified to conduct protected species surveys.

c. Major and Minor Surveys. Minor surveys are those involving five acres or less and can be conducted by trained Park Rangers as described below. Major surveys are those involving more than five acres or any areas thought to contain the preferred habitat of a protected species and will be conducted by biologists with experience in protected species surveys. Sites with southern pine beetle activity in excess of five acres may be surveyed by trained Park Rangers.

d. Park Ranger Training. By the terms of this agreement, Park Rangers conducting minor surveys will be trained to identify protected species occurring in the upper Savannah River basin. This training will minimally involve, but not be limited to, classroom instruction on the use of the USACE Protected Species Manual, field exercises, and guidance in completing survey work sheets. Training procedures will be periodically reviewed and altered as needed. Training will be conducted by the District Wildlife Biologist or a biologist with protected species survey experience. Refresher training will be provided as needed.

e. USACE Manual. The USACE Protected Species Manual for the Upper Savannah River Basin will be used as a reference for species identification at the three lake projects. The manual will be updated by the USACE District Wildlife Biologist as species lists are changed by the USFWS. Copies of the manual are available online and hard copies have been distributed to each lake office.

f. Protected Species Sites. All sites, as of the date of this agreement, known to support protected species will continue to be administered so as to protect these species in accordance with the ESA and the Bald and Golden Eagle Protection Act, including all additions and amendments thereto. Such sites are understood to include those which formerly supported documented species which currently may or may not be present, e.g. inactive bald eagle nests suitable for occupation. Any proposed modifications to a documented protected species site will require coordination with USFWS.

g. Resurveys - Seasonal. When suitable habitat is identified for a species and seasonal considerations prevent identification, resurveys will be conducted. Such resurveys will be done in accordance with instructions given in the USACE protected species manual and in consultation with the District Wildlife Biologist before a given activity commences.

h. Resurveys - New Activities. If activities are scheduled for a site more than two years after the initial survey, that site will be resurveyed for protected species.

SUBJECT: Protected Species Surveys at J. Strom Thurmond, Richard B. Russell, and Hartwell Lakes

i. Identified Species. If a species federally-listed as endangered, threatened or a candidate is identified on a site, USFWS will be notified and the locations provided through the District Wildlife Biologist. If the identified species may be affected by the proposed action, the USACE will enter consultation with USFWS.

j. Termination. Any party to this Agreement may terminate it by providing thirty (30) days notice to the other parties, provided that the parties will consult during the period prior to termination to seek agreement on amendments or other actions that would avoid termination. In the event of termination, the USACE will continue to comply with Section 7 of the ESA and the Bald and Golden Eagle Protection Act with regard to individual undertakings covered by this agreement.

k. Specific Project Activities. The USACE will ensure that protected species surveys are conducted in advance of any undertaking by the USACE or outgrantee that may impact protected species. The following table identifies commonly occurring activities which require or do not require protected species surveys.

ACTIVITY	SURVEY REQUIRED	SURVEY NOT REQUIRED
Forest Management:		
Thinning or regeneration timber harvest	X	
Reforestation/Site preparation		X
New access roads, skidder trails, or herbicide use outside the harvest area	X	
Firebreaks - Prescribed burns	X	
Firebreaks - Wildfires		X
Timber harvest for construction or for insect damage suppression	X	
Cut and leave for insect damage suppression		X
Hazardous tree/stump removal		X
Salvage of storm damaged timber		X
Facility Construction/Expansion including infrastructure or other land disturbing activities:		
In unmaintained or undisturbed areas	X	
In areas routinely mowed or maintained		X
Boundary Line Marking:		X
Shoreline Management:		
Rip-rap placement		X

SUBJECT: Protected Species Surveys at J. Strom Thurmond, Richard B. Russell, and Hartwell Lakes

ACTIVITY	SURVEY REQUIRED	SURVEY NOT REQUIRED
French drains, underbrushing/walkway		X
Boat dock placement including anchor system		X
Snag/hazardous tree removal		X
Underground utility/light poles		X
Changing Shoreline Management allocation to Limited Development	X	
Real Estate:		
Issuance of a revv lease, license or easement	X	
Renewal of a lease, license or easement without changes to activities or footprint		X
Renewal of a lease, license, or easement with changes to activities or footprint	X	
Disposal of Government Real Property	X	

6. Effective date. This agreement will become effective as of the last date indicated below and will remain in effect until terminated.



S. NDRA TUCKER
Field Supervisor
U.S. Fish and Wildlife Service
Athens, Georgia



JEFFREY M. HALL
Colonel, EN
Commanding

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Date

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Field Supervisor
U.S. Fish and Wildlife Service
Charleston, South Carolina

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