



United States Department of the Interior
Fish and Wildlife Service
Georgia Ecological Services

**U.S. Fish and Wildlife Service Clearance to Proceed with
Emergency Conservation Program (ECP), Emergency Forest Restoration Program
(EFRP), Farm Storage Facility Loan (FSFL), Tree Assistance Program (TAP), and FSA
Loan Activities to Include New Ground Disturbance and/or Construction**

A. Purpose and Need

This guidance and clearance is formulated to establish an effective and cooperative process upon which Endangered Species Act (ESA) Section 7 consultations may be conducted by the USDA Farm Service Agency (FSA) and Georgia Ecological Services, U.S. Fish and Wildlife Service (USFWS). It addresses consultations and conferencing on all listed, proposed, and candidate species that are threatened, endangered, and designated critical habitat in Georgia.

This guidance will serve to fulfill the ESA's statutory obligations in a timely and consistent manner, and to assist Federal agencies, State and local governments, and consultants in addressing Section 7 and National Environmental Policy Act (NEPA) environmental impact review requirements throughout the consultation process with the USDA FSA. Specifically, this guidance will focus on ECP, EFRP, FSFL, TAP, and farm loan activities to include new ground disturbance and/or construction.

B. Consultation Background

This guidance was developed to avoid costly delays in activity timelines to benefit both USDA FSA and USFWS. By adopting this guidance, Farm Program and Farm Loan activities currently requiring consultations for minimally impactful disturbance herein can be streamlined by a blanket concurrence from USFWS.

To acquire a species list for the area where the project is proposed, please access the Information for Planning and Conservation (IPaC) website (<https://ecos.fws.gov/ipac/>). The "Review Species and Resources" report contains a list of federally listed threatened and endangered species, critical habitats, migratory birds, wildlife refuges, fish hatcheries, and/or wetlands located in the project footprint and can help identify trust resources in the general area of the subject property.

C. Consultation Action

1. This guidance does not cover the following activities that may be funded with USDA FSA loans or programs. These USDA FSA actions will continue to require ESA consultation with USFWS. Consultation requests should be sent via email to gaes_assistance@fws.gov.
 - Actions that require cutting of trees or otherwise result in clearing/disturbance of land not currently in agricultural production including-- forested and shrub-scrub areas as they support a number of ESA-listed plants and provide shelter, foraging sites, and breeding

sites for federally protected bats, reptiles, amphibians, red-cockaded woodpeckers, and other birds.

- Actions that impact wetlands, stream systems, or riparian buffers. This includes direct fill of wetlands or stream channels, wetland or channel excavation, stream channel straightening, installation of culverts or fords, and other actions that would affect wetland hydrology, stream stability, or fish passage. These habitats support multiple endangered and threatened fish, freshwater mussels and snails, herptiles, and birds.
- Actions that would alter or degrade habitat on sandhills where gopher tortoise burrows occur. This habitat also supports a number of rare species, including the threatened Eastern indigo snake.
- Actions that disturb granite outcrops in Heard, Henry, Gwinnett, Jackson, Newton, Rockdale, and Walton Counties.

2. This guidance covers USDA FSA Farm Program and Farm Loan activities that do not meet the criteria above in Section C1. Such covered activities could include programs and loans for the following landowner actions, provided they **do not** require new land clearing, and/or **do not** impact streams, wetlands, riparian buffers, sandhill habitats or granite outcrops:

- Construction of barns, poultry houses, and other structures
- Repair, improvement, or minor modifications (fence installation and repair, farm-related structure improvement or repair)
- Conversion from one agricultural product to another
- Well drilling, with or without heavy use area
- Debris removal, with or without stump removal
- Fence replacement
- Prescribed burning

Additional Considerations for non-federally listed species:

Bald Eagles: If any of the above-referenced activities are proposed to occur within 660 feet of an active or alternate bald eagle (*Haliaeetus leucocephalus*) nest during the nesting season (October 1 through May 15), we recommend the applicant or their designated agent coordinate with the agency responsible for managing wildlife in their state. For additional information, please visit the Service's regional web page at <https://www.fws.gov/library/collections/bald-and-golden-eagle-management>.

Migratory Birds: If any native birds are using the structures for nesting, actions should be taken to avoid disturbing adults, nests, eggs, or chicks as this could lead to a potential violation of the Migratory Bird Treaty Act. If nests are present or any birds are using the structures regularly for roosting purposes, we recommend the applicant or their designated agent coordinate with the Service's Field Office and visit the Service's Migratory Bird Program website at <https://www.fws.gov/program/migratory-birds> for recommendations on how impacts can be avoided and minimized.

Clearance to Proceed – The USDA FSA has determined that the activities covered under this guidance, as described in Section C2, will not disturb or alter habitat used by listed terrestrial or aquatic species in Georgia and will either (1) have no effect, or (2) have a beneficial,

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insignificant, or discountable effect on these species. The Service believes these types of activities will generally have no effect on species protected under the ESA, based on the criteria referenced above. USFWS concurs with the USDA FSA's effect determination. Requirements of Section 7 of the Act have been satisfied. Therefore, for ALL projects that meet the criteria described above, NO further coordination with the Service is necessary. Use this letter to document your consideration of endangered species and bald eagles.

Reinitiation of consultation may be necessary if: (1) the project is modified in a manner not considered in this assessment; (2) a new species is listed or critical habitat is determined that may be affected by the project; or (3) new information indicates that the project may affect listed species or critical habitat in a manner not considered.

For projects that do not meet the criteria specific above, please provide USFWS the following information/documents via email (gaes_assistance@fws.gov):

- Memo outlining the proposed activity
- Species list from Ipac website and habitat requirements of listed species
- Location map
- Drawings of project location or design plans, as appropriate

If you have any questions or require further information, please contact one of our staff at gaes_assistance@fws.gov or 706-613-9493.

Sincerely,

Peter D. Maholland
Acting Field Supervisor
Georgia Ecological Services Field Office

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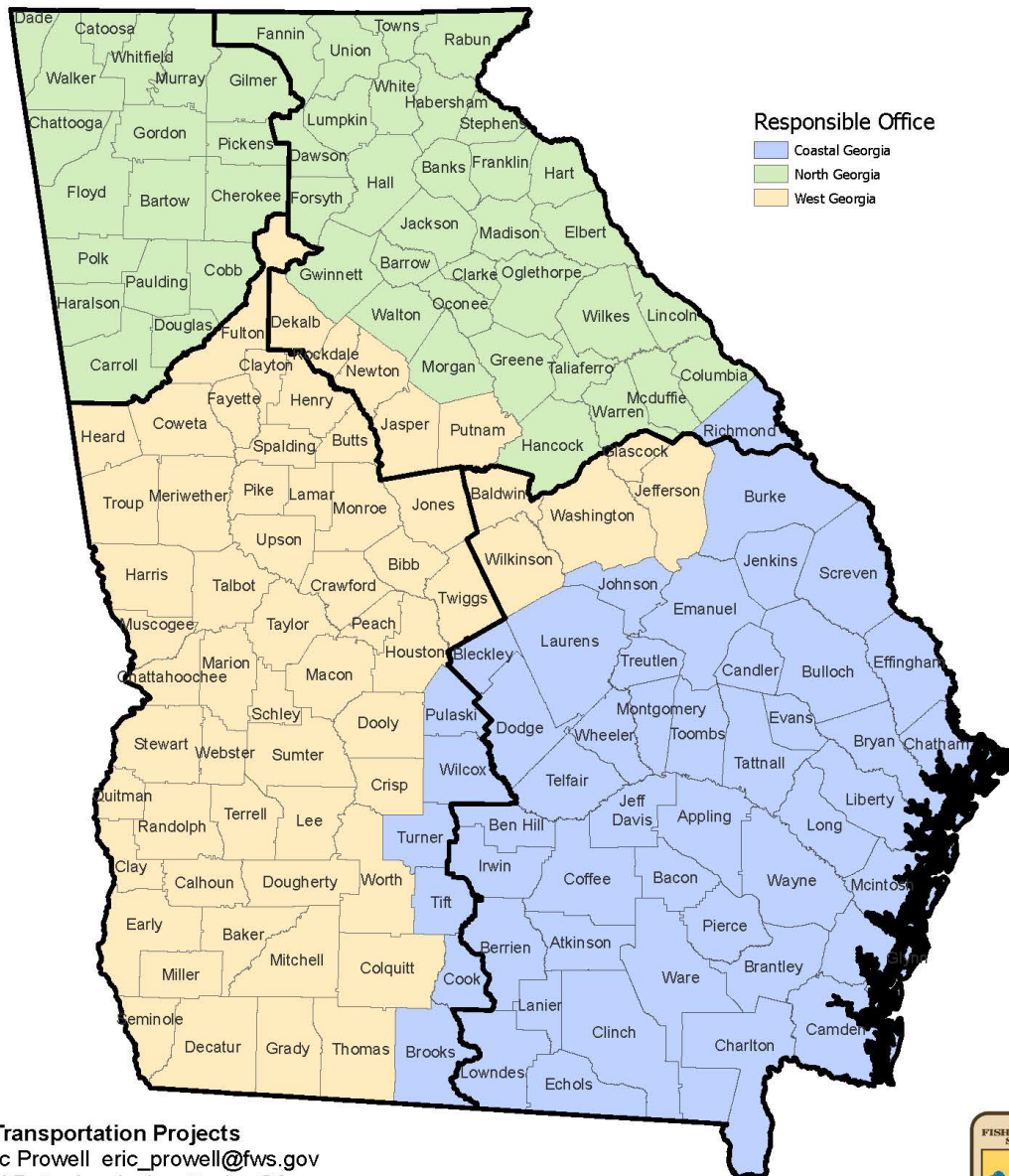
U.S. Fish and Wildlife Service - Georgia Ecological Services

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4890 Wildlife Drive NE
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Send Non-transportation information requests to: gaes_assistance@fws.gov. For transportation projects use the contacts below.



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