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EXHIBIT E

RED-COCKADED WOODPECKER MANAGEMENT PLAN FOR TALAMORE

Submitted to
Peter Savin Properties
Box 7136
37 Jerome Avenue
Bloomfield, Connecticut 06002
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Prepared by
J.H. Carter III
Consulting Biologist
P.O. Box 891
Southern Pines, North Carolina 28387

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RED-COCKADED WOODPECKER MANAGEMENT PLAN FOR TALAMORE

Introduction

The Red-cockaded Woodpecker (Picoides borealis) (hereafter, RCW) is an endangered species and is listed as such by both the U.S. Fish and Wildlife Service and the State of North Carolina. The RCW receives protection from Sections 7 and 9 of the Endangered Species Act of 1973 (PL 93-205, as amended). The RCW, its cavity trees, and its foraging habitat are protected by Federal law. Specific prohibitions include the take of RCWs, which is defined as "to harass, harm, pursue, hurt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct" (Sec. 3 and 9, PL 93-205, as amended). Harass "means an intentional or negligent act or omission which creates the likelihood of injury to wildlife by annoying it to such an extent as to significantly disrupt normal behavioral patterns which include, but are not limited to, breeding, feeding and sheltering" (50 CFR [10-1-86] Ch.1, Part 17, Subpart A, Sec. 17.3). Harm "means an act which actually kills or injures wildlife. Such act may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering" (50 CFR [10-1-86] Ch.1, Part 17, Subpart A, Sec. 17.3).

The Sandhills of North Carolina support one of the largest remaining populations of this species, and the area in and around Southern Pines and Pinehurst contains the only major population that occurs in suburban habitat. Although there are no RCW colony sites or cavity trees on the TALAMORE property at this time, parts of TALAMORE do provide foraging habitat for RCWs that reside in colony sites on adjacent properties (see map). Therefore, the development of TALAMORE will impact the RCW and its habitat. This management plan was created to ensure that development and post-development activities at TALAMORE will not violate the law or decrease the RCW population. Even though cavity trees do not currently occur on TALAMORE, this plan was written to accommodate the possibility that RCWs might initiate cavities here in the future. It is intended that the provisions in this management plan, when implemented, will enhance the post-project RCW habitat at TALAMORE and aid in maintaining the RCW population in the area.

Terms and Definitions

For the purposes of this document the following terms and defini-

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tions are used.

Cavity: Any excavation in a living pine tree made by a RCW. Cavities may take several years to complete. An incomplete cavity is termed a "start". A cavity may be "active" or "inactive", depending on whether or not it is being currently used by a RCW. An inactive cavity may be reactivated by a RCW at any time.

Cavity tree: RCWs construct cavities in mature living pine trees. Cavity trees are usually at least 100 years old, and may contain more than 1 cavity. A cavity tree may be "active" or "inactive". An active cavity tree is being used by a RCW; an inactive tree is not in use currently. An inactive tree may be reactivated by a RCW at any time.

Colony site: The cavity trees used by a family group of RCWs. There may be from 1 to over 30 cavity trees in a colony site. The cavity trees in a colony site are often clustered within a few acres, but can be one-quarter mile or more apart. Colony sites may be "active", "inactive", or "abandoned". An active colony site is being used by RCWs. An inactive site is not in current use by RCWs, but has not been consistently inactive for 10 years. An abandoned site has not been used by RCWs for at least 10 years.

Group: The family group of RCWs occupying a colony site. A group may be a solitary male, a mated pair, or a pair with helpers (offspring from previous years). A group usually contains the year's fledglings, if any. There is only 1 nest per group, regardless of group size.

Flattop: Old-growth pines characterized by large limbs concentrated in the uppermost part of the tree, a flattened crown or "top", and often by vertical scars (from turpentine) on the lower trunk. Flattops are usually more than 150 years old and are preferred cavity sites for RCWs. Flattops vary from small and stunted, to very large.

Understory: Any woody vegetation, pine or hardwood, growing beneath the pine overstory. An encroaching understory is one that is actively degrading RCW habitat by blocking access to cavities, and/or preventing access to potential cavity sites or foraging substrate. Such an understory is usually dense and reaches the lower limbs of the canopy pines.

Foraging habitat: Any habitat used for feeding by RCWs. Pines over 30 years of age are preferred foraging habitat, the older the pines the better.

Foraging circle: The area within one-half mile of a RCW colony site.

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Restrictor: A metal plate that is placed around a RCW cavity to prevent access by larger birds. A restrictor also prevents a cavity from being enlarged, and if already enlarged, shrinks the cavity entrance diameter to a size that prevents access by some competing species.

Management Plan

1. Pine trees containing cavities of the Red-cockaded Woodpecker (RCW) are protected by Federal law. Active cavity trees cannot be destroyed or damaged. Inactive cavity trees are protected also, but under certain extraordinary circumstances, variances may be granted. Dead cavity trees cannot be removed for at least 6 months after death. Permission to remove an inactive or dead cavity tree must be obtained from the Division of Law Enforcement, U.S. Fish and Wildlife Service, Raleigh, N.C. (919-856-4786). Before removal, it must be determined by a qualified RCW consultant or State or Federal endangered species biologist, that RCWs are not using a cavity tree and are not likely to reuse it. All cavity trees will be marked with numbered aluminum tags and 5" X 5" metal signs stating "Endangered Species Site, Red-cockaded Woodpecker; Do Not Cut Trees", and depicting a RCW.
2. RCWs may initiate cavities in new trees at any time. To ensure that the locations of all cavity trees are known, TALAMORE should be surveyed once a year by a qualified RCW consultant.
3. "Flattop" pines provide preferred cavity sites for RCWs. Every effort will be made to preserve these trees during development of TALAMORE.
4. Cavity trees will be protected during construction by erection of temporary fences. Such fences will extend out at least as far as the radius of the crown of the individual tree. The soil within this area will not be disturbed. Where applicable, flattops will be protected similarly. *Delete. See Attachment*
5. Every effort will be made to locate permanent structures including, but not limited to, houses and utility lines, not closer than 50' to a cavity tree. No permanent structures will be located within 30' or 1 crown radius, whichever is more, of a cavity tree.
6. All pine trees over 30 years of age provide foraging habitat for the RCW. Parts of TALAMORE are contained within the foraging circles for the RCW groups inhabiting the area (see map). Within these circles, every effort

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will be made to preserve pines over 4" diameter at breast height (dbh), with special emphasis on pines larger than 10" dbh. This will require careful siting of individual structures and facilities, particularly within the SQPI 36 circle. Following development, live pines over 4" dbh will not be cut without prior review and approval in writing from the Homeowner's Association.

7. Consideration will be given to planting nonforested areas with longleaf pine (Pinus palustris) to compensate for trees lost to development and natural mortality. This is particularly crucial along golf fairways, where lightning will cause yearly losses of mature trees. Only longleaf pines are acceptable.
8. RCWs require "open" forests in which to forage, and in particular the area around cavity trees and potential cavity trees (flattops) must be kept free of understory vegetation. Failure to do so may violate Federal law. Brush, vines, and small trees, whether natural or ornamental, will not be allowed to block or hinder free and direct access to a RCW cavity. A radius of at least 50' around each cavity tree will be kept free of all woody vegetation over 3' in height, except for pine trees over 30 years old. The area around flattops should be managed similarly. Individual exceptions will be considered on a case by case basis by a qualified RCW consultant.
9. The existing hardwood understory on TALAMORE will be suppressed. This is particularly critical in and around colony sites and within the foraging circles (see map).
10. Other species of birds and mammals compete with RCWs for their cavities, often enlarging them to the point that the cavities are no longer used by RCWs. Cavity restrictors will be placed on all cavities where competition or enlargement is diagnosed as a problem. Restrictors will be installed only by a qualified RCW biologist, and all restrictors will be checked after installation to verify that RCWs can successfully enter and leave the cavity.
11. The use of pesticides can be harmful to the RCW and could result in the death of individual birds and violation of Federal law. The primary threat is through application of lindane or related pesticides for suppression or prevention of pine bark beetles. Most pine trees on TALAMORE are longleaf pines which are highly resistant to pine bark beetle attack

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unless weakened by lightning strike or severe root disturbance. Preventative spraying of healthy trees is unnecessary and should not be allowed. Spraying of individual damaged trees may be permitted, but a RCW consultant, or State or Federal endangered species biologist should be contacted to determine if spraying is warranted. Do not spray cavity trees without prior approval from one of the above sources.

12. Restrictive covenants concerning the RCW will be placed on all deeds. These covenants are presented in Appendix A.
13. The owners will allow access to TALAMORE as needed to determine activity of cavity trees, censusing of RCWs, and/or to search for new cavity trees. Such procedures will be carried out by a RCW consultant, or State or Federal endangered species biologist.
14. This management plan will be a legally binding document as part of the Section 7 consultation with the U.S. Fish and Wildlife Service. Savin Properties, as developer of TALAMORE, will be legally responsible for enforcing the provisions in this management plan. Upon completion of construction of TALAMORE, legal responsibility will be transferred to the Country Club (golf course and common areas) and the Homeowner's Association (individual lots).

APPENDIX A

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RESTRICTIVE COVENANTS

The Red-cockaded Woodpecker (Picoides borealis) is an endangered species protected by Federal law (ref. Sections 7 and 9, PL 93-205, as amended). It lives in mature pine forests and requires old (100+ years) living pines for cavity sites. Cavities are used for nesting and roosting. Red-cockadedes occur on TALAMORE and surrounding properties and they are part of one of the last major populations of this species. To ensure that this species receives adequate protection on TALAMORE, the following covenants have been included in each deed. These covenants are part of a master management plan for the Red-cockaded Woodpecker at TALAMORE that has been approved by the U.S. Fish and Wildlife Service.

1. Pine trees containing excavations of the Red-cockaded Woodpecker (RCW) are protected by Federal law. Excavations include both incomplete ("start") and complete cavities. Active cavity trees (currently being used by RCWs) cannot be destroyed or damaged. Inactive cavity trees are protected also, but under certain, extraordinary circumstances, variances may be granted. Dead cavity trees cannot be removed for at least 6 months after death. Before removal, it must be determined by a qualified RCW consultant, or State or Federal endangered species biologist, that RCWs are no longer using the tree and are not likely to reuse it. Permission to remove an inactive or dead cavity tree must be obtained from the Division of Law Enforcement, U.S. Fish and Wildlife Service, Raleigh, N.C. (919-856-4786). All RCW cavity trees will be marked with numbered aluminum tags and 5" X 5" metal signs stating "Endangered Species Site, Red-cockaded Woodpecker; Do Not Cut Trees", and depicting a RCW.

2. All pine trees over 30 years of age provide foraging habitat for the RCW, and old (150+ years), "flattop" pines provide future cavity sites. Foraging habitat is protected by Federal law. Removal of pine trees for house and driveway construction has been included in TALAMORE's impact analysis. Nevertheless, houses and driveways should be located so as to minimize the loss of pine trees over 10" in diameter at breast height (dbh), and every "flattop" pine possible. Pine trees on the remainder of a lot \geq to 4" dbh (@ 30 years old or older) will not be cut without prior review and approval in writing from the Homeowner's Association.

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3. Cavity trees and potential cavity trees (flattops) will be protected during construction of housing and driveways by the erection of temporary fences. Such fences will extend out at least as far as the radius of the crown of individual trees. The soil within this area will not be disturbed and soil disturbance on the property in general will be minimized to the maximum extent possible. Every effort will be made to locate permanent structures, including, but not limited to, houses and utility lines, not closer than 50' to a cavity tree. No permanent structures will be located within 30' or 1 crown radius, whichever is more, of a cavity tree.

4. RCWs require "open" pine forests in which to forage, and in particular the area around cavity trees and potential cavity trees must be kept free of understory and midstory vegetation. Allowing brush, vines, or small trees, whether naturally occurring or ornamental, to block or hinder free and direct access to a RCW cavity, may be a violation of Federal law. A radius of not less than 50' around each cavity tree will be kept free of all vegetation more than 3' in height, except for pine trees more than 30 years old. The area around flattops should be managed similarly. Individual exceptions will be considered on a case by case basis by a qualified RCW consultant.

5. Other species of birds and mammals compete with RCWs for their cavities. Bird feeders attract competing species to the vicinity of RCW cavities. Thus, bird feeders and baths should not be placed within 50' of a RCW cavity tree. Should cavity competition be diagnosed as a problem, the owner will allow the placement of "cavity restrictors" on RCW cavities. Restrictors help prevent access to, and modification of, cavities by competing species.

6. The use of pesticides can be harmful to the RCW and could result in the death of individual birds and violation of Federal law. The primary threat is through application of lindane or related pesticides to pine trees for suppression or prevention of pine bark beetles. Most pine trees on TALAMORE are longleaf pines (Pinus palustris) which are highly resistant to pine beetle attack unless weakened by lightning strike or severe root disturbance. Preventative spraying of healthy trees is unnecessary. Spraying of damaged individual trees may be permitted, but a RCW consultant, or State or Federal endangered species biologist should be contacted to determine if spraying is

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warranted. Do not spray cavity trees without prior approval from one of the above sources.

7. The owner will allow access to his property as needed to determine activity of cavity trees, censusing of RCWs, and/or to search for new cavity trees. Such procedures will be carried out by a RCW consultant, or State or Federal endangered species biologist. The owner will not remove the tags or signs identifying a RCW cavity tree.