

#E1-26223



United States Department of the Interior

FISH AND WILDLIFE SERVICE

176 Croghan Spur Road, Suite 200
Charleston, South Carolina 29407



October 2, 2017

Ms. Diana Wood
Surface Transportation Board
Docket No. FD 36095
c/o ICF
9300 Lee Highway
Fairfax, VA 22031

Re: STB Finance Docket 36095, Palmetto Railways -- Construction and Operation
Exemption, Berkeley County, South Carolina
FWS Log No. 2017-CPA-0086

Dear Ms. Wood:

The U.S. Fish and Wildlife Service (Service) has received your letter dated September 8, 2017, regarding Palmetto Railway's filed petition to construct and operate a 22.7-mile new rail line in Berkeley County, South Carolina. The Surface Transportation Board's Office of Environmental Analysis (OEA) and the Army Corps of Engineers (Corps), Charleston District, are beginning the environmental review in compliance with the National Environmental Policy Act and related laws and regulations. As such, you have requested information regarding resources under our jurisdiction that could be affected by the proposed project.

Upon review of the proposed project, site map, and additional information filed by the Applicant found on the OEA and Corps' Project Web site, we offer the following preliminary comments and concerns for consideration.

- The project's current list of federally threatened and endangered (T&E) species in Berkeley County needs be updated to include the northern long-eared bat (NLEB). The NLEB was listed as threatened under the Endangered Species Act of 1973 (ESA) on May 4, 2015. At that time the NLEB were only thought to occur only ten counties within South Carolina. However, recent surveys have discovered the NLEB in the coastal counties of Beaufort, Berkeley, and Charleston. With this new information, the Service assumes that the NLEB is likely to occur statewide at all times of the year. This change became effected on July 17, 2017;
- The presence of At-Risk Species (ARS), should be included in the environmental documentation;

- Consultation under section 7 of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*) (ESA) should occur with our office. It was noted that a Protected Species Assessment was presented as Appendix D in the Environmental Report and formatted as a letter address to our office; to date we have no record of this consultation.
- The Service recommends surveys for T&E species and habitat present within the project area, including but not limited to, surveys for red-cockaded woodpeckers (RCW), which were historically present in the area. We suggest surveys for RCWs should include at least 200 feet from either side of the right-of-way. Once the surveys are complete, it should be submitted to our office for review.

For OEA's convenience, the Service has included with this letter, a list of species that are currently protected under the Endangered Species Act of 1973 (ESA). This list also includes species that are considered as a candidate for listing under the ESA, and those that have been petitioned for listing under the ESA. Appropriate survey time frames or windows for each species are included in the list. The species which have been petitioned for listing are considered ARS and may occur in Berkeley County, South Carolina. Although there are no Federal protections afforded to ARS, please consider including ARS in your planning efforts. Incorporating proactive measures to avoid or minimize harm to ARS may improve their status and assist with precluding the need to list these species. Additional information on ARS can be found at:

<http://www.fws.gov/southeast/candidateconservation>

The Service appreciates the opportunity to provide input at this early stage of the project's development. If you have any questions, please contact Ms. Melanie Olds at (843) 727-4707 ext. 205, and reference FWS Log No. 2017-CPA-0086.

Sincerely,


for Thomas D. McCoy
Field Supervisor

TDM/MJO

South Carolina List of At-Risk, Candidate, Endangered, and Threatened Species - Berkeley County

CATEGORY	COMMON NAME/STATUS	SCIENTIFIC NAME	SURVEY WINDOW/ TIME PERIOD	COMMENTS
Amphibian	Frosted flatwoods salamander (T, CH)	<i>Ambystoma cingulatum</i>	January 1-April 30	Larvae present in breeding ponds
	Gopher frog (ARS)	<i>Lithobates capito</i>	Breeding: October-March February 15-September 1	Call survey: February-April Nesting season
	American wood stork (T)	<i>Mycteria americana</i>	October 1-May 15	Nesting season
Bird	Bald eagle (BGEPA)	<i>Haliaeetus leucocephalus</i>	May-June	
	MacGillivray's seaside sparrow (ARS)	<i>Ammodramus maritimus macgillivrayi</i>		
	Red-cockaded woodpecker (E)	<i>Picoides borealis</i>	April 1-July 31	Nesting season
Crustacean		None Found		
Fish	American eel (ARS)	<i>Anguilla rostrata</i>	March 1-May 30; October 1-December 15	Temperature dependent: normally (17-20°C); can be found between 13-25°C
	Atlantic sturgeon * (E)	<i>Acipenser oxyrinchus*</i>	February 1-April 30	Spawning migration
	Blueback herring (ARS)	<i>Alosa aestivalis</i>	Mid-January-mid May	Peak: March-April
Insect	Shortnose sturgeon* (E)	<i>Acipenser brevirostrum*</i>	February 1-April 30	Spawning migration
	Frosted elfin (ARS)	<i>Callophrys irus</i>	March - June	
	Northern long-eared bat (T)	<i>Myotis septentrionalis</i>	Year round	Winter surveys not as successful
Mammal	Rafinesque's big-eared bat (ARS)	<i>Corynorhinus rafinesquii</i>	Year round	Found in mines, caves, large hollow trees, buildings, and bat towers
	Tri-colored bat (ARS)	<i>Perimyotis subflavus</i>	Year round	Found in mines and caves in the winter
	West Indian manatee (T)	<i>Trichechus manatus</i>	May 15-October 15	In coastal waters
Mollusk		None Found		
Plant	American chaffseed (E)	<i>Schwalbea americana</i>	May-August	1-2 months after a fire
	Boykin's lobelia (ARS)	<i>Lobelia boykinii</i>	May-July/August	
	Bog asphodel (ARS*)	<i>Narthecium americanum</i>	June-July	
	Canby's dropwort (E)	<i>Oxypolis canbyi</i>	Mid-July-September	
	Carolina-birds-in-a-nest (ARS)	<i>Macbridea caroliniana</i>	July-November	
	Carolina bishopweed (ARS)	<i>Ptilimnium ahlesii</i>	May-July	
	Ciliate-leaf tickseed (ARS)	<i>Coreopsis integrifolia</i>	August-November	
	Long Beach seedbox (ARS)	<i>Ludwigia brevipes</i>	July-October	
	Pondberry (E)	<i>Lindera melissifolia</i>	February-March	
	Raven's seedbox (ARS)	<i>Ludwigia ravenii</i>	June-October	
	Sun-facing coneflower (ARS)	<i>Rudbeckia heliopsisidis</i>	July-September	
	Eastern diamondback rattlesnake (ARS)	<i>Crotalus adamanteus</i>	Most of the year	Peak: April-November
Reptile	Southern hognose snake (ARS)	<i>Heterodon simus</i>	Most of the year	
	Spotted turtle (ARS)	<i>Clemmys guttata</i>	February-mid April	

South Carolina List of At-Risk, Candidate, Endangered, and Threatened Species - Berkeley County

*	Contact National Marine Fisheries Service (NMFS) for more information on this species
**	The U.S. Fish and Wildlife Service (FWS) and NMFS share jurisdiction of this species
ARS	Species that the FWS has been petitioned to list and for which a positive 90-day finding has been issued (listing may be warranted); information is provided only for conservation actions as no Federal protections currently exist.
ARS*	Species that are either former Candidate Species or are emerging conservation priority species
BGEPA	Federally protected under the Bald and Golden Eagle Protection Act
C	FWS or NMFS has on file sufficient information on biological vulnerability and threat(s) to support proposals to list these species
CH	Critical Habitat
E	Federally Endangered
P or P - CH	Proposed for listing or critical habitat in the Federal Register
S/A	Federally protected due to similarity of appearance to a listed species
T	Federally Threatened

These lists should be used only as a guideline, not as the final authority. The lists include known occurrences and areas where the species has a high possibility of occurring. Records are updated as deemed necessary and may differ from earlier lists.

For a list of State endangered, threatened, and species of concern, please visit <https://www.dnr.sc.gov/species/index.html>.