



September 8, 2025

Mr. Jeff Hiers
J.H. Hiers Construction
Jeff@jhhiers.com
843-909-1638
509 Carteret Street
Beaufort, SC 29902

**Re: Federal Threatened and Endangered Species Report
Heritage Mine Site
Jasper County, South Carolina**

Dear Mr. Hiers,

Thank you for the opportunity to provide environmental services for the above referenced project site. As requested, Newkirk Environmental, Inc., has completed a current Federal Threatened and Endangered Species Evaluation (T&E) for the project site. The current T&E survey was directed by and complies with current state and federal regulations [Federal Endangered Species Act of 1973 (16 USC 1531-1543), the South Carolina Non-Game and Endangered Species Conservation Act of 1974 (58-2384), the Bald and Golden Eagle Protection Act (16 U.S.C. 668-668c) and the Migratory Bird Treaty Act (16 U.S.C. 703-712)].

If you have any questions or require additional information, please do not hesitate to call.

Respectfully,

Connor Breedlove

Connor Breedlove
Senior Biologist, Newkirk Environmental, Inc.

Enclosure
Federal Threatened and Endangered Species Report

Federal Threatened and Endangered Species Report

Heritage Mine Site

Jasper County, South Carolina

September 8, 2025

1.0 INTRODUCTION:

The following report details the methodology and the assessment of survey results for a federally threatened and endangered species evaluation completed September 8, 2025, for a site, approximately 91 acres, in Jasper County, South Carolina (Figure 1).

The federally threatened and endangered species evaluation was conducted to determine the occurrence of, or potential for, animal and plant species federally listed as endangered or threatened existing within the boundaries of the referenced site. Completion of this survey was directed by and complies with current state and federal regulations [Federal Endangered Species Act of 1973 (16 USC 1531-1543), the South Carolina Non-Game and Endangered Species Conservation Act of 1974 (58-2384), the Bald and Golden Eagle Protection Act (16 U.S.C. 668-668c) and the Migratory Bird Treaty Act (16 U.S.C. 703-712)].



Figure 1: Location Map

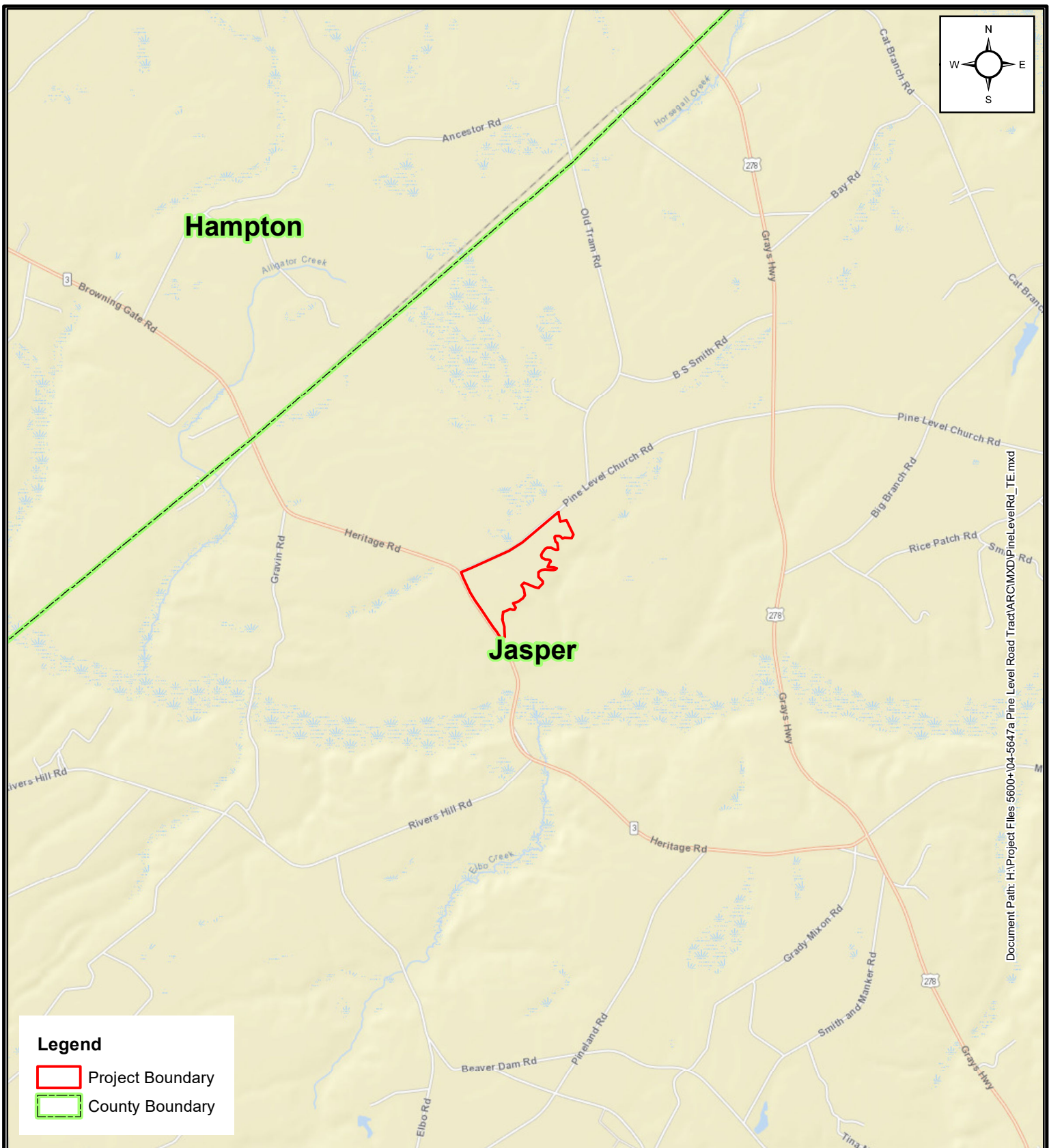


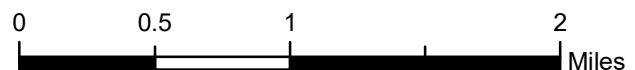
Figure 01: Location Map

Project #: 04-5647c Date: September 5 2025

Created by: CAB



Heritage Mine Site Jasper County, South Carolina



2.0 METHODOLOGY:

On August 27, 2025, Newkirk Environmental, Inc. solicited an Official Species List for the project site from USFWS. The request was assigned project code 2025-0141398 and a response from USFWS was received the same day. A copy of the Official Species List is attached to this report as **Appendix B**. For ease of reference in context of the following discussion, the list is as follows:

Common Name	Scientific Name	Federal Status
Northern Long-eared Bat	<i>Myotis septentrionalis</i>	Federally Threatened
Tricolored Bat**	<i>Perimyotis subflavus</i>	Proposed Endangered
Red-Cockaded woodpecker	<i>Picoides borealis</i>	Federally Endangered
American chaffseed	<i>Schwalbea americana</i>	Federally Endangered
Canby's dropwort	<i>Oxypolis canbyi</i>	Federally Endangered
Pondberry	<i>Lindera melissifolia</i>	Federally Endangered
Eastern Black Rail*	<i>Laterallus jamaicensis ssp.</i>	Federally Threatened
Piping Plover*	<i>Charadrius melodus</i>	Federally Threatened
Monarch Butterfly**	<i>Danaus Plexippus</i>	Proposed Threatened
Green Sea Turtle*	<i>Chelonia mydas</i>	Federally Threatened
Kemp's Ridley Sea Turtle*	<i>Lepidochelys kempii</i>	Federally Endangered

* Eliminated from survey based upon broad habitat requirement.

** Proposed Threatened and Endangered species.

Existing data from the South Carolina Department of Natural Resources (DNR) Heritage Trust Database and the USFWS Critical Habitat Portal were reviewed to locate recorded occurrences of threatened and endangered species and/or critical habitat within or near the subject site. No critical habitat nor observed records of the species were listed within the project area. However, per the Heritage Trust Database, the gopher tortoise (*Gopherus polyphemus*), state listed endangered, has been identified within a two-mile radius of the site as of 2023.

As noted by DNR and USFWS, their records are not assumed complete and should not be assumed entirely accurate or comprehensive. Therefore, a field survey, to identify the potential for suitable on-site habitat, was conducted on August 29, 2025, for a more thorough evaluation. During this survey, plant communities and habitats were observed and noted to determine if they matched habitat types where the listed species have the potential to occur. The species listed in the Heritage Trust Database report is very habitat selective. Photographs of described habitats within this report can be found in **Appendix A**.

The Eastern Black Rail, Piping Plover, Green Sea Turtle, and Kemp's Ridley Sea Turtle are included in the Official Species List; however, they have been eliminated from the

survey based upon broad habitat requirements. The remaining listed species were included in the evaluation.

3.0 HABITAT CLASSIFICATIONS:

Most of the site consists of **Forested Upland Habitat**. The upland habitat is dominated by loblolly pine (*Pinus taeda*), sweetgum (*Liquidambar styraciflua*), red oak (*Quercus rubra*), southern magnolia, American holly. Ground cover is sparse due to the dense canopy and lack of sunlight penetrating the ground story. There is no evidence that the site has recently been prescribed burned. Based on historical aerials it appears that the site was heavily timbered in the early 2020s and then re-planted. A few open fields/food plots have been cut into the forested upland as foraging grounds for wildlife.

One **Freshwater Wetland Habitat**, 0.8 acres as verified by USACE letter SAC-2024-01011, makes up the other habitat type on site. The wetland forest was dominated by loblolly pine, sweetgums, red bay, and red maples (*Acer rubrum*). The herbaceous layer consisted of slender wood oats (***Chasmanthium* sp.**), sphagnum moss, and cinnamon fern (*Osmundastrum cinnamomeum*). 50-foot upland buffers are proposed to avoid direct impacts to wetland areas.

As stated in the accompanying information USFWS IPaC report, the generated list could include species that exist in geographic areas different than those found on-site. Furthermore, it is the opinion of Newkirk Environmental, Inc. that any proposed development of the site is unlikely to pose an indirect or downstream adverse effect on any of these listed species because of state regulatory oversight and permitting processes with regards to water quality and potential stormwater impacts required of all development projects in South Carolina.

4.0 LISTED SPECIES AND ACKNOWLEDGED HABITATS:

The following is a brief description of the listed species included in the evaluation, their recognized habitat, and comments regarding survey results for that species.

The **northern long-eared bat** is a medium-sized bat with a body length of 3 to 3.7 inches but a wingspan of 9 to 10 inches. Their fur color can be medium to dark brown on the back and tawny to pale brown on the underside. Northern long-eared bats spend winter hibernating in caves or mines. They use areas in various sized caves or mines with constant temperatures, high humidity, and no air currents. During the summer, they roost singly or in colonies underneath bark, in cavities or in crevices of both live trees and snags (dead trees). Northern long-eared bats seem to be flexible in selecting roosts, choosing roost trees based on suitability to retain bark or provide cavities or crevices.

The site is being acoustically surveyed by Newkirk Forestry and Land Management. Newkirk Forestry and Land Management will provide a supplemental report and conclusions based on the results of the acoustic survey. Additional voluntary conservation measures to avoid affecting the species and minimize or avoid unforeseen impacts would be to prohibit tree clearing from December 15th to February 15th (winter torpor) and May 1st to July 15th (pupping season).

The **red-cockaded woodpecker** is a small black-and-white woodpecker. The back is black barred with white while the underside is white with black spots on the flanks. The bird's crown, nape and moustachial stripe are black, and border white cheeks and the side of the neck. The male has a small red mark on the side of its nape. Juveniles are browner with a variable extent of red on the crown.

Red-cockaded woodpeckers require old growth pine forest for cavity excavation, foraging and nesting. The habitat associated with this species requires many years to develop and is fire dependent to maintain open mid-story conditions. The on-site habitat conditions do not provide habitat for Red-cockaded woodpeckers. No specimens were observed.

American chaffseed is an upland herbaceous species with large purple or yellow tubular flowers. In the southeast flowers usually occur from April until June. This species is indigenous to open, fire-maintained pine forest. Typical indicator species include blackjack oak (*Quercus marilandica*) and goat's rue (*Tephrosia virginiana*) as dominant species. This species thrives in sandy acidic soils that are seasonally moist.

It is the opinion of Newkirk Environmental, Inc. that because of the lack of prescribed burning, stand ages, and the thick midstory and understory vegetation the site does not offer suitable habitat for American chaffseed. No specimens were observed.

Canby's dropwort is a medium sized shrub found in the coastal plain of South Carolina where it occupies pond savannahs, the shallow edges of cypress/pond pine sloughs and wet pine savannahs. These sites are characterized by open conditions with savannah-like herbaceous layers and are almost always associated with a sandy loam or loam soil underlain with a clay layer. Additionally, these sites require that the groundwater regime remain stable and that the sites must be protected from adverse alterations such as ditching, dams, etc. The white flower of this species is noted as occurring from May through August, although past surveys indicate blooming in this region occurs during late July-October.

The freshwater wetland is not indicative of a pond savannah, it is the opinion of Newkirk Environmental, Inc. that this site does not provide suitable habitat for canby's dropwort.

No specimens were observed. Additionally, 50-foot upland buffers are proposed to avoid direct impacts to wetland areas.

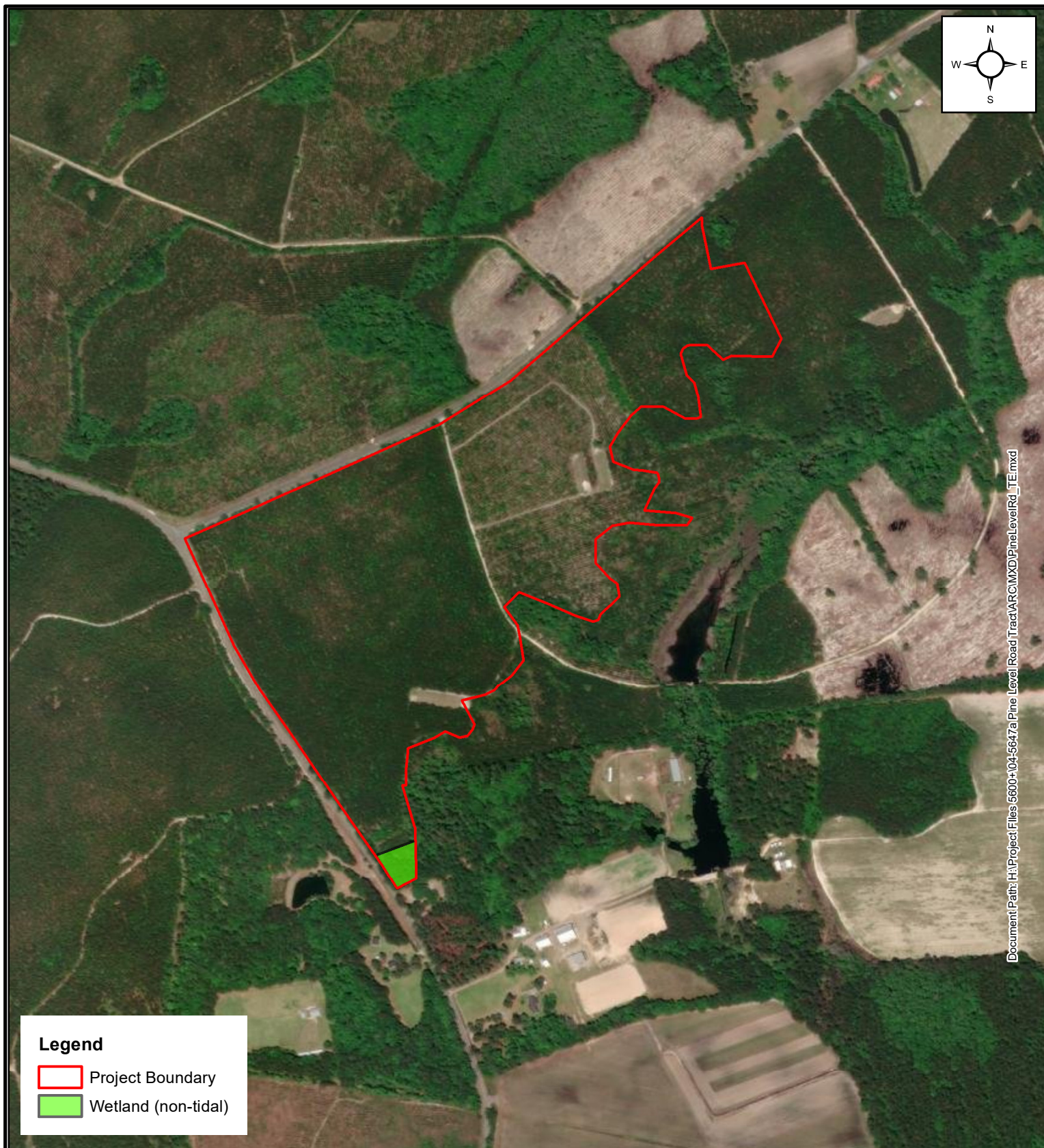
Pondberry is a small fragrant shrub found in a variety of wetland habitats throughout its range. In the Southeast Coastal Plain of South Carolina, North Carolina, and Georgia, pondberry is most found on the borders of isolated depressional wetlands within a longleaf (*Pinus palustris*) or planted loblolly pine (*Pinus taeda*) matrix. These depressional wetlands are typically dominated by pond cypress (*Taxodium ascendens*), swamp tupelo (*Nyssa aquatica*) or black gum (*Nyssa biflora*) communities with dense shrub layers of species such as titi (*Cyrilla racemiflora*), pondspice (*Litsea aestivalis*), Myrtle leaf holly (*Ilex myrtifolia*), American Holly (*Ilex opaca*) and fetter-bush (*Lyonia lucida*). The second habitat condition associated with pondberry in the Coastal Plain of South Carolina are limestone sinks (karst topography).

It is the opinion of Newkirk Environmental, Inc. that this site does not provide suitable habitat for pondberry. No specimens were observed. Additionally, 50-foot upland buffers are proposed to avoid direct impacts to wetland areas.

Gopher tortoises, while not federally listed, are a candidate species and classified as endangered within the state of South Carolina. Its oblong carapace is unkeeled and domed, somewhat flattened, and brown or gray in color. Perhaps the most characteristic features of gopher tortoises are the elephantine hind limbs and the flattened, shovel-like forelimbs. Hatchlings have yellowish skin as well as yellow-centered scutes, both of which gradually darken with age.

Along with sandy soil for burrowing, sunlight availability and abundant herbaceous vegetation are the key habitat requirements for this reptile. Gopher tortoises are a characteristic species of the rapidly disappearing longleaf pine and wiregrass community, which includes sandhills, dry flatwoods, and turkey oak scrub. Historically, this community was represented by an open-canopied forest that allowed abundant sunlight penetration and conditions favorable for a rich growth of herbaceous vegetation. Because of historic property use of silviculture along with a high density of planted pine creating dense shade with little herbaceous ground cover, the upland habitat on site does not provide preferred habitat for the gopher tortoise. Areas that were open, such as food plots and trails were transversed, no burrows were detected, and no gopher tortoises were observed on the subject property.

Figure 2: Site Aerial



Legend

- Project Boundary
- Wetland (non-tidal)

Figure 02: Aerial Map

Project #: 04-5647c Date: September 5 2025

Created by: CAB



Newkirk
ENVIRONMENTAL INC.

Heritage Mine Site Jasper County, South Carolina

0 500 1,000 2,000
Feet

5.0 CONCLUSION

An acoustic survey is being conducted by Newkirk Forestry and Land Management. A supplemental report will be provided upon the completion of the survey.

Based upon a field evaluation and available data from the USFWS and DNR, it is the opinion of Newkirk Environmental, Inc. that it is unlikely that development of the site will have an adverse effect on the remainder of the listed species.

It should be noted that because of the transitory nature of some of the listed threatened and endangered plants and animals, it is possible that threatened and endangered species populations and locations may change over time. Therefore, any potential findings at a later date should be fully investigated. Should significant time lapse between the issuance of this report and development of the property or any other type of legal reliance, it is strongly recommended that an update of this report be completed. The definition of significant time is not absolute but would include the passing of annual breeding or migratory seasons. Additionally, if proposed Threatened and Endangered species do become listed to the Endangered Species Act, further review may be required.

Respectfully submitted:

Connor Breedlove

Newkirk Environmental Inc.
Connor Breedlove, Senior Biologist

Appendix A



Sampling Point:
Wetland



Lat Lon from photo
32.68905833,
-81.05405833

92 Elevation
in feet

Photo date: Fri, Aug 29, 2025 10:00 AM EDT



Sampling Point:
Wetland



Lat Lon from photo
32.68906666,
-81.05404722

95 Elevation
in feet

Photo date: Fri, Aug 29, 2025 10:00 AM EDT



Sampling Point:
Wetland



Direction

Lat Lon from photo
**32.68883611,
-81.05403888**

92 Elevation
in feet

Photo date: Fri, Aug 29, 2025 10:01 AM EDT



Sampling Point:
Food Plot



Direction

Lat Lon from photo
32.6951, -81.05065

98 Elevation
in feet

Photo date: Fri, Aug 29, 2025 10:18 AM EDT



Sampling Point:
Trail



Lat Lon from photo
32.69435555, -81.05131944

121 Elevation
in feet

Photo date: Fri, Aug 29, 2025 10:20 AM EDT



Sampling Point:
Pine Monotype



Lat Lon from photo
32.69347222, -81.05308333

98 Elevation
in feet

Photo date: Fri, Aug 29, 2025 10:32 AM EDT



Sampling Point:
Pine Monotype



Lat Lon from photo
32.69349166, -81.05306666

98 Elevation
in feet

Photo date: Fri, Aug 29, 2025 10:32 AM EDT



Sampling Point:
Pine Monotype



Lat Lon from photo
32.69348611, -81.05305

105 Elevation
in feet

Photo date: Fri, Aug 29, 2025 10:34 AM EDT



Sampling Point:
Pine



Lat Lon from photo
32.69756111, -81.05011388

112 Elevation
in feet

Photo date: Fri, Aug 29, 2025 10:42 AM EDT



Sampling Point:
Pine



Lat Lon from photo
32.69756944, -81.05012777

121 Elevation
in feet

Photo date: Fri, Aug 29, 2025 10:42 AM EDT

Appendix B



United States Department of the Interior

FISH AND WILDLIFE SERVICE

South Carolina Ecological Services
176 Croghan Spur Road, Suite 200
Charleston, SC 29407-7558
Phone: (843) 727-4707 Fax: (843) 727-4218



In Reply Refer To:
Project Code: 2025-0141398
Project Name: Heritage Mine

08/27/2025 15:18:37 UTC

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2) (c)). For projects other than major construction activities, the Service suggests that a biological

evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<https://www.fws.gov/sites/default/files/documents/endangered-species-consultation-handbook.pdf>

Migratory Birds: In addition to responsibilities to protect threatened and endangered species under the Endangered Species Act (ESA), there are additional responsibilities under the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) to protect native birds from project-related impacts. Any activity resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the U.S. Fish and Wildlife Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)). For more information regarding these Acts, see <https://www.fws.gov/program/migratory-bird-permit/what-we-do>.

It is the responsibility of the project proponent to comply with these Acts by identifying potential impacts to migratory birds and eagles within applicable NEPA documents (when there is a federal nexus) or a Bird/Eagle Conservation Plan (when there is no federal nexus). Proponents should implement conservation measures to avoid or minimize the production of project-related stressors or minimize the exposure of birds and their resources to the project-related stressors. For more information on avian stressors and recommended conservation measures, see <https://www.fws.gov/library/collections/threats-birds>.

In addition to MBTA and BGEPA, Executive Order 13186: *Responsibilities of Federal Agencies to Protect Migratory Birds*, obligates all Federal agencies that engage in or authorize activities that might affect migratory birds, to minimize those effects and encourage conservation measures that will improve bird populations. Executive Order 13186 provides for the protection of both migratory birds and migratory bird habitat. For information regarding the implementation of Executive Order 13186, please visit <https://www.fws.gov/partner/council-conservation-migratory-birds>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Code in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List

- USFWS National Wildlife Refuges and Fish Hatcheries
- Bald & Golden Eagles
- Migratory Birds

OFFICIAL SPECIES LIST

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

South Carolina Ecological Services

176 Croghan Spur Road, Suite 200

Charleston, SC 29407-7558

(843) 727-4707

PROJECT SUMMARY

Project Code: 2025-0141398

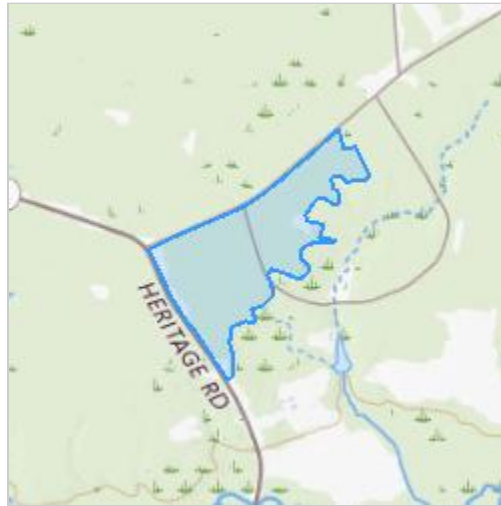
Project Name: Heritage Mine

Project Type: Subsurface Extraction - Non Energy Materials

Project Description: Mine Site

Project Location:

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@32.69368505,-81.05421602224645,14z>



Counties: Jasper County, South Carolina

ENDANGERED SPECIES ACT SPECIES

There is a total of 11 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

-
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

MAMMALS

NAME	STATUS
Northern Long-eared Bat <i>Myotis septentrionalis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9045 General project design guidelines: https://ipac.ecosphere.fws.gov/project/27UNXASK2BFFPECG7UWLLJ4XGQ/documents/generated/9721.pdf	Endangered
Tricolored Bat <i>Perimyotis subflavus</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/10515 General project design guidelines: https://ipac.ecosphere.fws.gov/project/27UNXASK2BFFPECG7UWLLJ4XGQ/documents/generated/9721.pdf	Proposed Endangered

BIRDS

NAME	STATUS
Eastern Black Rail <i>Laterallus jamaicensis ssp. jamaicensis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/10477 General project design guidelines: https://ipac.ecosphere.fws.gov/project/27UNXASK2BFFPECG7UWLLJ4XGQ/documents/generated/9786.pdf	Threatened
Piping Plover <i>Charadrius melodus</i> Population: [Atlantic Coast and Northern Great Plains populations] - Wherever found, except those areas where listed as endangered. There is final critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/6039	Threatened
Red-cockaded Woodpecker <i>Dryobates borealis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/7614	Threatened

REPTILES

NAME	STATUS
Green Sea Turtle <i>Chelonia mydas</i> Population: North Atlantic DPS There is proposed critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/6199	Threatened
Kemp's Ridley Sea Turtle <i>Lepidochelys kempii</i> There is proposed critical habitat for this species. Species profile: https://ecos.fws.gov/ecp/species/5523	Endangered

INSECTS

NAME	STATUS
Monarch Butterfly <i>Danaus plexippus</i> There is proposed critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/9743	Proposed Threatened

FLOWERING PLANTS

NAME	STATUS
American Chaffseed <i>Schwalbea americana</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/1286 General project design guidelines: https://ipac.ecosphere.fws.gov/project/27UNXASK2BFFPECG7UWLLJ4XGQ/documents/generated/9753.pdf	Endangered
Canby's Dropwort <i>Oxypolis canbyi</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/7738 General project design guidelines: https://ipac.ecosphere.fws.gov/project/27UNXASK2BFFPECG7UWLLJ4XGQ/documents/generated/9753.pdf	Endangered
Pondberry <i>Lindera melissifolia</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/1279 General project design guidelines: https://ipac.ecosphere.fws.gov/project/27UNXASK2BFFPECG7UWLLJ4XGQ/documents/generated/9753.pdf	Endangered

CRITICAL HABITATS

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

YOU ARE STILL REQUIRED TO DETERMINE IF YOUR PROJECT(S) MAY HAVE EFFECTS ON ALL ABOVE LISTED SPECIES.

USFWS NATIONAL WILDLIFE REFUGE LANDS AND FISH HATCHERIES

Any activity proposed on lands managed by the [National Wildlife Refuge](#) system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS OR FISH HATCHERIES WITHIN YOUR PROJECT AREA.

BALD & GOLDEN EAGLES

Bald and Golden Eagles are protected under the Bald and Golden Eagle Protection Act ² and the Migratory Bird Treaty Act (MBTA) ¹. Any person or organization who plans or conducts activities that may result in impacts to Bald or Golden Eagles, or their habitats, should follow appropriate regulations and consider implementing appropriate avoidance and minimization measures, as described in the various links on this page.

1. The [Bald and Golden Eagle Protection Act](#) of 1940.
2. The [Migratory Birds Treaty Act](#) of 1918.
3. 50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)

Bald and Golden Eagles are protected under the Bald and Golden Eagle Protection Act and the Migratory Bird Treaty Act (MBTA). Any person or organization who plans or conducts activities that may result in impacts to Bald or Golden Eagles, or their nests, should follow appropriate regulations and implement required avoidance and minimization measures, as described in the various links on this page.

The data in this location indicates that no eagles have been observed in this area. This does not mean eagles are not present in your project area, especially if the area is difficult to survey. Please review the 'Steps to Take When No Results Are Returned' section of the Supplemental Information on Migratory Birds and Eagles document to determine if your project is in a poorly surveyed area. If it is, you may need to rely on other resources to determine if eagles may be present (e.g. your local FWS field office, state surveys, your own surveys).

Any person or organization who plans or conducts activities that may result in impacts to bald or golden eagles, or their habitats, should follow appropriate regulations and consider implementing appropriate conservation measures, as described in the links below. Specifically, please review the "Supplemental Information on Migratory Birds and Eagles".

MIGRATORY BIRDS

The Migratory Bird Treaty Act (MBTA) ¹ prohibits the take (including killing, capturing, selling, trading, and transport) of protected migratory bird species without prior authorization by the Department of Interior U.S. Fish and Wildlife Service (Service).

1. The [Migratory Birds Treaty Act](#) of 1918.
2. The [Bald and Golden Eagle Protection Act](#) of 1940.
3. 50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, see the "Probability of Presence Summary" below to see when these birds are most likely to be present and breeding in your project area.

NAME	BREEDING SEASON
Prairie Warbler <i>Setophaga discolor</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9513	Breeds May 1 to Jul 31
Red-headed Woodpecker <i>Melanerpes erythrocephalus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9398	Breeds May 10 to Sep 10
Swallow-tailed Kite <i>Elanoides forficatus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/8938	Breeds Mar 10 to Jun 30

PROBABILITY OF PRESENCE SUMMARY

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read "[Supplemental Information on Migratory Birds and Eagles](#)", specifically the FAQ section titled "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

Probability of Presence (■)

Green bars; the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during that week of the year.

Breeding Season (■)

Yellow bars; liberal estimate of the timeframe inside which the bird breeds across its entire range.

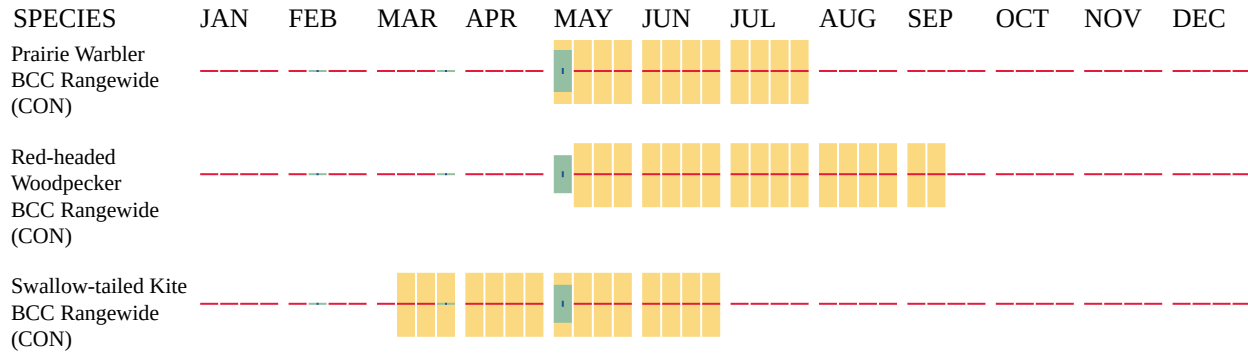
Survey Effort (|)

Vertical black lines; the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps.

No Data (—)

A week is marked as having no data if there were no survey events for that week.

■ probability of presence ■ breeding season | survey effort — no data



Additional information can be found using the following links:

- Eagle Management <https://www.fws.gov/program/eagle-management>
- Measures for avoiding and minimizing impacts to birds <https://www.fws.gov/library/collections/avoiding-and-minimizing-incidental-take-migratory-birds>
- Nationwide avoidance and minimization measures for birds
- Supplemental Information for Migratory Birds and Eagles in IPaC <https://www.fws.gov/media/supplemental-information-migratory-birds-and-bald-and-golden-eagles-may-occur-project-action>

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