

April 10, 2025



5050 Northshore Lane  
North Little Rock, Arkansas 72118

**ATTN:** Mr. Wallie Sprick, AIA  
Principal | Executive Vice President/COO

**RE:** Statement of Findings  
Threatened & Endangered Species Evaluation  
6310 South Highway 215  
Charleston, Arkansas  
MCE Project Number: 25-9610

Dear Mr. Sprick:

We are submitting herewith this Statement of Findings relevant to the Threatened & Endangered (T&E) Species Preliminary Effects Evaluation of the subject property located at 6310 South Highway 215 in Charleston, Arkansas.

This Statement of Findings includes information on the project site, personnel involved, the methodology of the study, as well as the findings. The goal of this study was to identify the potential impacts to the existing habitat and species at the project site,

## **1.0 Summary of Findings**

- There are two (2) primary vegetative community types
  - Upland xeric mixed (deciduous and coniferous) forest community
  - Upland xeric maintained pasture (with scattered individual and copses of trees) community
- There are two (2) potentially endangered federally listed species within the project area.
- There are five (5) potentially threatened federally listed species within the project area.
- There is one (1) potentially proposed endangered federally listed species within the project area.
- There are two (2) potentially proposed threatened federally listed species within the project area.
- There are three (3) species that may be affected and/or not likely to adversely affected due to the project scope.
- There are three (3) species that will not be affected due to the project scope.
- There are three (3) species that have no jeopardy of being affected due to the project scope.
- A nesting pair of bald eagles and nest were observed onsite.

## **2.0 Subject Property Description**

The subject property is understood to encompass just over 800 acres located on the east side of Highway 215 near Charleston, Arkansas. The subject property is comprised of multiple parcels with an approximate property center located at the following latitude and longitude: 36.404862°N and -94.026710°W. The property may be described as being within Section 6 of T8N R28W, and Section 1 of T8N R29W, utilizing the Public Land Survey System (PLSS).

The topographic setting of the property may be described as being on the southern slope of a linear ridge with an overall slope from the north down to the south. The topographic features of the surrounding area are dominated by local drainage features. The property exhibits elevations ranging from 570 to 730 feet above mean sea level.

The vegetation on-site includes mature trees, shrubs, and grasses.

The surface geology of the subject property is the Hartshorne Sandstone Formation of Pennsylvanian Age. In-situ sandstone rock outcrops at the surface in many locations across the subject property.

Portions of the property have been developed and include one (1) single-family residence, as well as approximately six (6) ancillary structures. One (1) primary gravel driveway is understood to exist to connect the residence to Highway 215, while unimproved roadways/paths were observed to connect throughout the remainder of the property.

**3.0 Personnel**

Mr. Jimmy Rogers, Senior Environmental Scientist with ECCI was retained to conduct this evaluation.

**4.0 Methodology & Findings**

The subject property was evaluated for potential impacts to the habitats onsite as well as any T&E species on-site. This evaluation included a desktop review/evaluation of T&E species that have the potential utilize the on-site habitat as well as a field-based evaluation of existing on-site habitat that is available.

**4.1 Potential Threatened & Endangered Species**

The following species in Table 1 below have a potential to occur within the project site. These were determined using the United States Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC) tool.

Table 1: Potential Federally Listed Species

Species	Status
Indiana Bat ( <i>Myotis sodalis</i> )	Endangered
Ozark Big-eared Bat ( <i>Corynorhinus (=Plecotus) townsendii ingens</i> )	Endangered
Tricolored Bat ( <i>Perimyotis subflavus</i> )	Proposed Endangered
Eastern Black Rail ( <i>Laterallus jamaicensis ssp. jamaicensis</i> )	Threatened
Piping Plover ( <i>Charadrius melodus</i> )	Threatened
Rufa Red Knot ( <i>Calidris canutus rufa</i> )	Threatened
Alligator Snapping Turtle ( <i>Macrochelys temminckii</i> )	Proposed Threatened
American Burying Beetle ( <i>Nicrophorus americanus</i> )	Threatened
Monarch Butterfly ( <i>Danaus plexippus</i> )	Proposed Threatened
Missouri Bladderpod ( <i>Physaria filiformis</i> )	Threatened

**4.2 Preliminary T&E Species Effects Determination**

Table 2 on the following page details the preliminary effects for each of the potential species onsite. These are determined based on opinions by the personnel that conducted this evaluation. These opinions are based on observed on-site habitat and previous experiences. Formal determination should be made by a federal agency.

Table 2: Potential Federally Listed Species

Species	Preliminary Determination	Primary Rational for Determination
Indiana Bat	May Affect, Not Likely to Adversely Affect	Possible use of the project area for foraging/lack of known hibernaculum or maternity roost sites near project area. Numerous snag trees onsite.
Ozark Big-eared Bat	May Affect, Not Likely to Adversely Affect	Possible use of the project area for foraging/lack of known hibernaculum or maternity roost sites near project area. Numerous snag trees onsite.
Tricolored Bat	No Jeopardy	The Tricolored bat is currently proposed for listing, rather than a listed Threatened or Endangered Species. Possible use of the project area for foraging/lack of known hibernaculum or maternity roost sites near project area. Numerous snag trees onsite.
Eastern Black Rail	No Effect	Lack of suitable habitat within project area.
Piping Plover	No Effect	Lack of suitable habitat within project area.
Rufa Red Knot	No Effect	Lack of suitable habitat within project area.
Alligator Snapping Turtle	No Jeopardy	The AST is currently proposed for listing, rather than a listed Threatened or Endangered Species. On-site aquatic features do not appear to large enough to support this species.
American Burying Beetle	May Affect, Not Likely to Adversely Affect	Limited suitable habitat is available onsite due to presence of shallow bedrock. Based on this and Threatened listing status, no further evaluation is anticipated to be required.
Monarch Butterfly	No Jeopardy	The Monarch Butterfly is currently proposed for listing, rather than a listed Threatened or Endangered Species. Host plant, i.e., milkweed, was not observed onsite.
Missouri Bladderpod	No Effect	This plant species was not observed onsite. Lack of suitable habitat within project area.

Based on the May Affect Not Likely to Adversely Affect preliminary determination for the three (3) bat species, it is likely that a bat survey will be required prior to any tree clearing conducted on-site during the active season. The bat survey would cover all bats onsite. Tree clearing may be limited to the inactive (winter) season for bats. It should be noted that the USFWS is anticipated to change the specific inactive season dates during 2025. These dates may include some or all of the months between October and March.

A preliminary determination for the American Burying Beetle (ABB) was determined as May Affect Not Likely to Adversely Affect. Due to the limited available onsite habitat and the Threatened status, it is understood that no further evaluation is anticipated to be required.

**4.3 Bald & Golden Eagles**

During the onsite evaluation, a single bald eagle nest and a nesting pair of bald eagles were observed within the eastern portion of the project area. Bald eagles were delisted from the Endangered Species Act in August 2007, because their populations recovered sufficiently. However, bald eagles are still protected under the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act. No golden eagles or their nests were observed onsite.

USFWS guidelines regarding working around bald eagles are their nests should be followed. Table 3 on the following page outlines the activities that do and/or do not require an Eagle Disturbance Take Permit. This is based on the distance from the nest and proposed activity.

Table 3: Bald Eagles Disturbance Recommendation

Distance	Time of Year	Activity	Recommendation
>660 feet	Any time	All (except blasting and other extremely loud activities)	No Eagle Disturbance Take permit
330 to 660 feet (if similar activity within 660 feet)	Breeding season	All	Eagle Disturbance Take permit may not be recommended if eagles are tolerant of past disturbance; Contact your regional Migratory Bird Permit Office for Assistance
330 to 660 feet (no similar activity within 660 feet)	Breeding season	All	Eagle Disturbance Take recommended; Contact your regional Migratory Bird Permit Office for Assistance
330 to 660 feet	Outside of breeding season	Activity that will not be noticeable when the eagles return (tree trimming, pipe installation, etc.)	Eagle Disturbance Take likely not recommended; Contact your regional Migratory Bird Permit Office for Confirmation
<330 feet	Outside of breeding season	Tree clearing, building structures	Eagle Disturbance Take recommended; Contact your regional Migratory Bird Permit Office for Assistance
<330 feet	Breeding season	All	Eagle Disturbance Take recommended; Contact your regional Migratory Bird Permit Office for Assistance

**5.0 Disclaimers, Conclusions, & Closing Comments**

**5.1 Conclusions**

The following conclusions are made based on this preliminary determination. Concurrence with relevant federal agencies should be confirmed.

- There are ten (10) federally listed species that may occur within the project area based on USFWS guidelines
- The Indiana Bat, the Ozark Big-Eared Bat, and the Tricolored Bat potentially utilize habitat on the subject property
  - This condition may require a bat survey to be conducted prior to clearing operations or for clearing operations to occur during the bat inactive season (winter months)
- The American Burying Beetle may potentially utilize habitat on the subject property
  - Shallow bedrock likely renders much of the subject property inadequate
  - Our preliminary anticipation is that no further evaluation will be required for the American Burying Beetle
- The remaining six (6) T&E species were evaluated to have No Jeopardy or No Effect determination
  - This determination for relates to the subject property having inadequate habitat or lack of suitable habitat
- A nesting pair of bald eagles and their nest were observed on-site
  - USFWS guidance regarding working around bald eagles will be required

### 5.3 Closing Comments

We appreciate the opportunity to provide this service to you. If there are any questions regarding this T&E Species Evaluation, please do not hesitate to contact us.

Respectfully Submitted,  
**McClelland Consulting Engineers, Inc.**



**Cody L. Traywick, P.G.**  
Geotechnical Supervisor | Project Manager



**David M. Hubbard**  
Geotechnical Specialist

**Enclosures:** Threatened & Endangered Species – Preliminary Effects Evaluation of an ~826-Acre South Highway 215 Site, Franklin County, Arkansas; ECCI Project # 5189-3023; April 2025

April 9, 2025

Mr. Steven J. Head, P.E.  
Principal – Geotechnical Department Head  
McClelland Consulting Engineers  
1580 E. Stearns Street  
Fayetteville, AR 72703

VIA EMAIL: [shead@mce.com](mailto:shead@mce.com)

Re: Threatened & Endangered Species – Preliminary Effects Evaluation  
~826-Acre South Highway 215 Site, Franklin County, AR  
ECCI Project # 5189-3023

Dear Mr. Head:

At your request, ECCI has conducted an evaluation of the potential presence of Threatened and Endangered (T&E) species regarding a proposed development site in Franklin County, AR. The proposed project area consists of approximately 826 acres across five parcels. The project location is east of AR Hwy 215 (Enclosure 1, Figures). The project area is mapped on United States Geological Survey (USGS) topographic quadrangle Mulberry, AR (7.5-minute series) (Enclosure 1, Figure 2). The approximate legal description of the project area is the majority of Section 1, Township 8 North, Range 29 West and approximately ½ of Section 6, Township 8 North, Range 28 West. Approximate center coordinates for the project area are 35.405°N, -94.023°W (WGS 84).

The proposed project details regarding potential impacts to existing habitat and resources have not been specified as of the writing of this T&E evaluation. Therefore, this evaluation is based on the assumption that all habitat and natural resources within the footprint of the proposed project area will be impacted, e.g., it is assumed that the entire project site will be cleared, leveled, and developed, and surrounding areas may be impacted by noise, light, altered stormwater runoff, etc.

## PROJECT AREA OVERVIEW

Broadly speaking, the ~826-acre project area supports two primary vegetative community types (as observed during site visits conducted in March and April 2025):

- Upland xeric mixed (deciduous and coniferous) forest community and
- Upland xeric maintained pasture (with scattered individual and copses of trees) community.



In addition to the primary vegetative communities, other relatively minor (in terms of overall onsite acreage) vegetative communities, such as herbaceous wetland areas, forested riparian areas, a maintained herbaceous lawn community area, cleared/maintained trails, etc. were also observed. Representative site photos are provided in Enclosure 2.

Immediate surrounding land use generally includes undeveloped forested land, agricultural land, and rural residential property.

Based on the Federal Emergency Agency (FEMA) Flood Insurance Rate Map (FIRM) (map Number 05047C0300D; Enclosure 3), the entirety of the project area is outside a mapped FEMA floodplain/floodway.

### POTENTIAL THREATENED & ENDANGERED SPECIES

ECCI has obtained a record of listed, candidate, and proposed T&E species that have potential to occur within the project area using the United States Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC) tool (IPaC accessed on March 5, 2025). The species list, i.e., “IPaC Resource List” is provided in Enclosure 4. Table 1 below lists the species identified by IPaC as potentially occurring within the project area.

Table 1. Federally Listed Species that may occur within the project area (obtained from IPaC).

Species	Status
Indiana Bat ( <i>Myotis sodalis</i> )	E
Ozark Big-eared Bat ( <i>Corynorhinus (=Plecotus) townsendii ingens</i> )	E
Tricolored Bat ( <i>Perimyotis subflavus</i> )	PE
Eastern Black Rail ( <i>Laterallus jamaicensis ssp. jamaicensis</i> )	T
Piping Plover ( <i>Charadrius melodus</i> )	T
Rufa Red Knot ( <i>Calidris canutus rufa</i> )	T
Alligator Snapping Turtle ( <i>Macrochelys temminckii</i> )	PT
American Burying Beetle ( <i>Nicrophorus americanus</i> )	T
Monarch Butterfly ( <i>Danaus plexippus</i> )	PT
Missouri Bladderpod ( <i>Physaria filiformis</i> )	T

E-Endangered; T-Threatened; PE-Proposed Endangered; PT-Proposed Threatened

The Indiana Bat is a small migratory bat, weighing less than 0.24 ounce, with chestnut brown to gray fur and a lighter belly. During the winter, this bat lives underground in karst features and abandoned mines which remain below 50 degrees Fahrenheit. In summer, females roost in forested areas under loose or peeling bark, often near fence-lines, riparian zones, and floodplains. The Indiana Bat feeds on a variety of insects while flying after dusk. There are no known hibernaculum or roost sites near the project area. Areas of suitable roosting/foraging habitat, i.e., forested areas and snag trees, for the Indiana bat were observed within portions of the project area. The species may forage and/or roost in the project area.





The Ozark Big-eared Bat is a light to dark brown bat, weighing up to 0.50 ounce, and is known to occur only in cave and karst areas surrounded by oak-hickory forests within its range. This species utilizes caves year-round and forages along forest edges, over native grasslands, pastures, and forests. There are no known hibernaculum or roost sites near the project area. Areas of suitable roosting/foraging habitat, i.e., forested areas and snag trees, for the Ozark Big-eared bat were observed within portions of the project area. The species may forage and/or roost in the project area.

The Tricolored Bat is a small bat, weighing less than 0.4 ounce, with distinctive tricolored fur, i.e., dark brown at the base, a band of yellowish- to light- brown, and a narrow band of dark brown at the tip. During the winter, this bat enters caves and other underground sites, either singularly or in small colonies, where they enter a state of torpor. When not in caves or underground, these bats use a variety of habitats for roosting. The Tricolored bat feeds on a variety of insects while flying after dusk. There are no known hibernaculum or roost sites near the project area. Areas of suitable roosting/foraging habitat, i.e., forested areas and snag trees, for the Tricolored bat were observed within portions of the project area. The species may forage and/or roost in the project area.

The Eastern Black Rail is a small, secretive marsh bird that occurs as a vagrant in Arkansas, passing through the state only during seasonal migration. This bird is an opportunistic forager, feeding on aquatic and terrestrial invertebrates, as well as seeds. The primary habitat for the Eastern Black Rail is salt or brackish marshlands (although there have been occurrences in freshwater flooded grasslands). The project area does not provide suitable habitat for the species, i.e., brackish wetlands/marshes with herbaceous vegetation.

The Piping Plover is a small shorebird that migrates seasonally through Arkansas. During migration, it could be found in almost any Arkansas county, but it remains for no more than a few days. The preferred habitat for this species is gravel/sand bars of major waterways. Although the Arkansas River is proximate to the project area and select places along the Arkansas River have suitable habitat for the Piping Plover, the project area does not provide suitable habitat for the species, i.e., gravel/sand bars.

The Rufa Red Knot is a shorebird of uncommon but occasional occurrence in Arkansas during seasonal migration. It has exacting food preferences, and Arkansas does not provide good sources of its preferred food items or habitat. Preferential habitat for this species during its seasonal migrations includes marine type habitats, e.g., sandy beaches, salt marshes, lagoons, etc. The project area does not provide suitable habitat for the species.

The Alligator Snapping Turtle (AST) is a large turtle (weighing up to 200 pounds) covered in a rough/ridged shell. The AST has a sharply hooked beak from which it derives its name. Preferred habitat for this species is slow-moving rivers, lakes, and swamps with muddy bottoms and sufficient vegetative cover where they spend much of their time submerged and hidden while ambushing prey, which includes fish, amphibians, small mammals, birds, and other turtles. Although not extensive, some aquatic features do occur onsite. However, based on the relatively



small size (in terms of preferential AST habitat) of the primary onsite channel, i.e., Onion Creek, it is unlikely that the AST would be found within the project area.

The American Burying Beetle (ABB) is a large nocturnal beetle. The ABB is black with bright orange-to-red markings, including a distinctive orange/red marking on the pronotum, making it distinctive from other *Nicrophorus* species. Known for its ability to detect carrion over long distances, the ABB buries small carrion and lays eggs in the chamber with the carcass to serve as a food source for the young. Both parents care for the young, making the ABB unusual among insects. ABB habitat primarily includes grasslands, open woodlands, and prairies with well-drained non-compacted soil that allows for ease of excavation and burial of carrion. Due to shallow bedrock throughout much of the site there is limited suitable habitat for the ABB.

The Monarch Butterfly is a distinctive butterfly with orange, black, and white coloration, having a wingspan up to 4 inches. This butterfly is known for its annual migration (involving multiple generations) of thousands of miles between North and Central America. Although found in a variety of habitats such as meadows, fields, and gardens, this species is closely associated with milkweed (*Asclepias* sp.) which serves as the Monarch's exclusive host plant for feeding and breeding. Although the Monarch may use select non-forested areas of the project area as a stopover, the host plant of this species, i.e., milkweed, was not observed in the project area during the site reconnaissance (although a comprehensive vegetative survey was not conducted); therefore, the project area likely does not provide the habitat necessary for feeding or breeding for this species.

The Missouri Bladderpod is a small, herbaceous plant in the mustard family. This species reaches 4-8 inches in height, has bright yellow, four-petaled flowers, and has silvery-green hairy leaves. The habitat for this species includes limestone glades and rocky open habitats with thin, well-drained soil. Neither suitable habitat, nor the species, were observed onsite.

## PRELIMINARY T&E SPECIES EFFECTS DETERMINATION

Based on observed onsite habitat and prior project experience, ECCI has developed preliminary effects determinations (Table 2) for each of the potential species. Please note that the determinations provided below are opinions and should not be considered formal until approved by a federal agency.





Table 2. Preliminary Effects Determinations.

Species (Common Name)	Preliminary Determination	Primary Rational for Determination
Indiana Bat	May Affect, Not Likely to Adversely Affect	Possible use of the project area for foraging / lack of known hibernaculum or maternity roost sites near project area. Numerous snag trees onsite.
Ozark Big-eared Bat	May Affect, Not Likely to Adversely Affect	Possible use of the project area for foraging / lack of known hibernaculum or maternity roost sites near project area. Numerous snag trees onsite.
Tricolored Bat	No Jeopardy	The Tricolored Bat is currently proposed for listing, rather than a listed Threatened or Endangered Species. Possible use of the project area for foraging / lack of known hibernaculum or maternity roost sites near project area. Numerous snag trees onsite.
Eastern Black Rail	No Effect	Lack of suitable habitat within project area.
Piping Plover	No Effect	Lack of suitable habitat within project area.
Rufa Red Knot	No Effect	Lack of suitable habitat within project area.
Alligator Snapping Turtle	No Jeopardy	The AST is currently proposed for listing, rather than a listed Threatened or Endangered Species. Onsite aquatic features do not appear large enough to support this species.
American Burying Beetle	May Affect, Not Likely to Adversely Affect	Limited suitable habitat is available onsite due to the presence of shallow bedrock. Based on this and Threatened listing status, no further evaluation is anticipated to be required.
Monarch Butterfly	No Jeopardy	The Monarch Butterfly is currently proposed for listing, rather than a listed Threatened or Endangered Species. Host plant, i.e., milkweed, was not observed onsite.
Missouri Bladderpod	No Effect	This plant species was not observed onsite. Lack of suitable habitat within project area.



Based on the May Affect Not Likely to Adversely Affect preliminary determination for the three (two listed as endangered and one proposed for listing) bat species, it is likely that either a bat survey will be required prior to tree clearing (if clearing is to be conducted during the active season) or tree clearing activities will be required to be limited to the inactive (winter) season for bats. Note: The USFWS is anticipated to change the specific inactive season dates during 2025; those dates may include some or all of the months of October, November, December, January, February, and March.

Although the preliminary determination for the ABB is May Affect Not Likely to Adversely Affect, due to limited available onsite habitat and the Threatened listing status, no further evaluation is anticipated to be required.

Other than the bats and the ABB, each of the other species have a preliminary determination of No Jeopardy or No Effect. Based on these determinations, and assuming federal agency concurrence, no further revelation for these species will be required.

### **BALD & GOLDEN EAGLES**

During the site visit, a single bald eagle nest and a nesting pair of bald eagles were observed within the project area. The nest is located in the eastern portion of the project site (Enclosure 1, Figure 3), at approximate coordinates 35.40546°N, -94.01467°W (WGS 84), atop a dead pine snag (Enclosure 2, Photos 7-10). Based on the time of year observed and eagle activity during observations, i.e., one eagle remaining in or near the nest and the other circling overhead, it is assumed that the pair of eagles are a breeding pair and the observed nest a breeding nest that could contain either eggs or recently hatched eaglets. No golden eagles or their nests were observed during the site visit.

Based on the observed nesting pair of bald eagles, USFWS guidance regarding work around bald eagles and their nests should be followed. The table on the following page (from the USFWS website: <https://www.fws.gov/story/do-i-need-eagle-take-permit>) outlines activities that do/do not require an Eagle Disturbance Take Permit, based on distance from the nest and proposed activity. If the project will involve activity within 660 feet of the nest site (or if the project will involve blasting or other extremely loud activities), the USFWS Migratory Bird Permit Office should be contacted to either confirm that an Eagle Disturbance Take Permit will not be required or to begin the process of obtaining the required permit.





Distance	Time of Year	Activity	Recommendation
>660 feet	Any time	All  (except blasting and other extremely loud activities)	No Eagle Disturbance Take permit
330 to 660 feet (if similar activity within 660 feet)	Breeding season	All	Eagle Disturbance Take permit may not be recommended if eagles are tolerant of past disturbance; Contact your regional <a href="#">Migratory Bird Permit Office</a> for Assistance.
330 to 660 feet (no similar activity within 660 feet)	Breeding season	All	Eagle Disturbance Take recommended; Contact your regional <a href="#">Migratory Bird Permit Office</a> for Assistance.
330 to 660 feet	Outside of breeding season	Activity that will not be noticeable when the eagles return (tree trimming, pipe installation, etc.)	Eagle Disturbance Take likely not recommended; Contact your regional <a href="#">Migratory Bird Permit Office</a> for Confirmation.
<330 feet	Outside of Breeding Season	Tree clearing, building structures	Eagle Disturbance Take likely recommended; Contact your regional <a href="#">Migratory Bird Permit Office</a> for Assistance.
<330 feet	Breeding Season	All	Eagle Disturbance Takerecommended; Contact your regional <a href="#">Migratory Bird Permit Office</a> for Assistance.



## THREATENED & ENDANGERED SPECIES / BALD & GOLDEN EAGLE AUTHORITY

The Endangered Species Act (ESA) prohibits “take” of a listed species. From Section 3(19) of the Federal Endangered Species Act: *The term “take” means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct.* The term “harm” has been defined as *...an act which actually kills or injures wildlife. Such an 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.*

The Bald & Golden Eagle Protection Act (BGEPA) prohibits the exploitation of eagles and protects their continued survival in the U.S. The BGEPA *prohibits anyone, without a permit issued by the secretary of the interior from “taking” bald or golden eagles, including their parts (including feathers), nests, or eggs.*

The USFWS is tasked (along with the National Oceanic and Atmospheric Administration for marine species) with implementation and oversight of the ESA and the BGEPA. The USFWS will only provide T&E species concurrence/non-concurrence effects determinations, i.e., “consultation”, for projects that require a federal permit, have federal funding, and/or are carried out by or at the direction of a federal agency (e.g., federal nexus). When a project has no federal nexus, the USFWS will only provide technical assistance. A USFWS technical assistance letter can only request or recommend, i.e., not require, that actions, studies, surveys, etc. be conducted related to a project that does not have a federal nexus.

## AGENCY COORDINATION

At this time, it is assumed that the project, following development of project plans, will have a federal nexus. Therefore, the USFWS is not being engaged for consultation or technical assistance at this time. Rather, this letter provides the opinions of ECCI regarding the potential for listed species to occur at the site and possibly be impacted by future development. In the event the project proceeds and does have a federal nexus, consultation with the USFWS will be advised by the lead federal agency. In the event the project proceeds and does not have a federal nexus, it is the recommendation of ECCI that the project proponent engage with the USFWS requesting technical assistance regarding potential impacts to T&E species and Bald Eagles.

Sincerely,

ECCI

Jimmy Rogers  
Senior Environmental Scientist

Enclosures

