

Supplemental Information Report

Orangeburg-Berkeley Water Transmission Main

Orangeburg and Berkeley Counties, South Carolina

US Army Corps of Engineers, Charleston District

February 2024

The purpose of this Supplemental Information Report (SIR) is to determine whether supplementation of the prior Environmental Assessment (EA), *Orangeburg-Berkeley Transmission Main, Orangeburg and Berkeley Counties, South Carolina, Final Environmental Assessment* (USACE, 2022a), and associated Finding of No Significant Impact (FONSI) (USACE, 2022b) (“2022 EA”), is merited under the National Environmental Policy Act (NEPA) and agency regulations. Specifically, this SIR documents the U.S. Army Corps of Engineers’ (USACE) conclusion regarding whether the updated environmental compliance efforts for the reclassification of the Northern long-eared bat (*Myotis septentrionalis*) (“NLEB”) from threatened to endangered under the Endangered Species Act (ESA) warrant supplementation of the 2022 EA for this project. This SIR was prepared with reference to: USACE Procedures for Implementing NEPA, 30 CFR Part 230 (see Sections 230.10 and 230.13(b) & (d)) and Engineer Regulation (ER) 200-2-2 (see sections 10 and 13.b. & d.); and the Council on Environmental Quality’s (CEQ) NEPA Regulations, 40 CFR Parts 1500-1508.

Threatened and Endangered Species

Section 7(a)(2) of the Endangered Species Act (ESA) requires Federal agencies to reinstate consultation with the U.S. Fish and Wildlife Service (USFWS) “if a new species is listed or critical habitat designated that may be affected by the identified action” (50 CFR 402.16(a)(4)). Effective March 31, 2023, the NLEB was reclassified under the ESA from a threatened species to an endangered species (87 Fed. Reg. 73,488); (88 Fed. Reg. 4,908).

Previously, USACE initiated informal consultation in a letter to USFWS on August 5, 2022 for actions proposed on this project with a determination of *may affect, not likely to adversely affect*. USFWS responded in an email dated September 6, 2022, noting the project was within the White-Nose Syndrome Zone and was covered under the January 5, 2016 Programmatic Biological Opinion (USFWS, 2016).

In light of the reclassification of the NLEB, USACE reinstated informal consultation with USFWS on February 7, 2024, using the Information for Planning and Consultation (IPaC) tool (<https://ipac.ecosphere.fws.gov/>) species’ determination keys, resulting in a determination of *may affect, not likely to adversely affect* (“NLAA”). On February 9, 2024, USFWS stated in an email to USACE that project consultation as it pertains to the NLEB was complete. Furthermore, in accordance with the NLAA concurrence letter dated February 7, 2024, USFWS’ review of the NLAA concurrence expired on February 22, 2024.

Summary of Decision

The proposed construction work remains unchanged from the scope and analysis in the 2022 EA and associated FONSI. Furthermore, the results of the ESA compliance efforts for the NLEB (i.e., a “NLAA” effects determination) have been reviewed by USACE and determined not to have a material bearing on the need for the proposed action, the range of appropriate alternatives, the environmental impacts of the proposed action, particular substantive areas of concern identified by parties commenting on the EA, or the FONSI. Therefore, the 2022 EA is still considered to be valid for purposes of the proposed construction work and therefore, further supplementation of the 2022 EA is not warranted.

DATE: _____

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References

U.S. Army Corps of Engineers [USACE]. 2022a. *Orangeburg-Berkely Transmission Main, Orangeburg and Berkeley Counties, South Carolina, Final Environmental Assessment*. U.S. Army Corps of Engineers, Charleston, South Carolina, USA.

U.S. Army Corps of Engineers [USACE]. 2022b. *Finding of No Significant Impact, Orangeburg-Berkely Water Transmission Main, Orangeburg and Berkeley Counties, South Carolina*. U.S. Army Corps of Engineers, Charleston, South Carolina, USA.

U.S. Fish and Wildlife Service [USFWS]. 2016. *Programmatic Biological Opinion on Final 4(d) Rule for the Northern Long-Eared Bat and Activities Excepted from Take Prohibitions*. U.S. Fish and Wildlife Service, Midwest Regional Office, Bloomington, MN, USA.