



United States Department of the Interior



FISH AND WILDLIFE SERVICE

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

February 15, 2019

Mr. Richard Broughton
Environmental Services Manager
Carolina South District
Martin Marietta Materials, Inc.
8451 Monticello Road
Columbia, SC 29203

Re: Orangeburg Quarry, Permit No. I-000802
Mine Permit Modification Application Addendum #1
Red-cockaded Woodpecker Survey
Orangeburg County, South Carolina
FWS Log No. 2019-I-0119

Dear Mr. Broughton:

The U.S. Fish and Wildlife Service (Service) has reviewed your letter received on November 9, 2018, regarding a mine permit modification in Orangeburg County, South Carolina, and its effects on the federally endangered red-cockaded woodpecker (RCW). The following comments are provided in accordance with the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*) (ESA).

Martin Marietta Materials, Inc. (MMM) has applied to the South Carolina Department of Health and Environmental Control (SCDHEC) to modify the Orangeburg Quarry, Permit I-000802. The mine is located at 950 County Line Road, Cross, South Carolina, in Orangeburg County, approximately 6.0 miles southeast of Eutawville, South Carolina. Martin Marietta Materials, Inc. requests to increase the permitted acreage by 1,017.0 acres (to 2,120.9), increase depth 40-foot (to 125-foot), and extend the reclamation schedule (from 2,045 to 2,112). Reclamation is proposed to occur in lakes, woodlands, and grasslands.

South Carolina Department of Health and Environmental Control provided a copy of the mine permit modification to the natural resource agencies via email. Based on the South Carolina Department of Natural Resources Heritage Trust Database (database), the Service identified a relic RCW cavity tree from 1990 on the southern portion of the project site and recommended a RCW survey be conducted within suitable habitat of the proposed expansion area.

A desktop analysis and a field investigation were conducted by qualified biologists within the proposed expansion area. Field surveys could not locate the relic cavity tree although another

RCW cavity tree was located approximately 135 yards from the known location of the relic tree, based on location information from the database. The current cavity tree has two separate cavities, both showing signs of damage and enlargement.

South Carolina Department of Natural Resources (SCDNR) biologist and one of my staff biologist conducted a site visit of the property in December 2018. At that time, the current RCW cavity tree displayed a small amount of resin which implies RCW activity within the area. Based on this information, MMM has decided to place a buffer around the known RCW cavity tree and a suitable foraging habitat buffer after they amend the mine permit application. In addition, MMM has proposed to conduct another RCW survey on the remainder of the property and will enroll all suitable habitat into a SCDNR Safe Harbor Agreement.

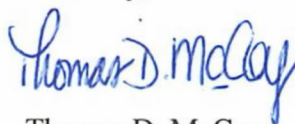
The Service offers no objections to the proposed project. Please note that obligations under section 7 of the ESA must be reconsidered if: (1) new information reveals that the proposed action may affect listed species in a manner or to an extent not previously considered; (2) the action is subsequently modified in a manner, which was not considered in this assessment; or (3) a new species is listed or critical habitat is designated that may be affected by the identified action.

For informational purposes only, the Service has included a list of species that have been petitioned for listing under the ESA as well as Candidate Species. These species are collectively referred to as "At-Risk Species" (ARS). The Service has included a list of the ARS that may occur in Berkeley County, South Carolina. Although there are no Federal protections afforded to ARS, please consider including them in your survey 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>

If the proposed project will impact streams or wetlands, you should contact the U.S. Army Corps of Engineers, Charleston District. If you need further assistance, please contact Ms. Paula Sisson at 843-727-4707, ext. 226 or paula_sisson@fws.gov and reference FWS Log No. FWS Log No. 2019-I-0119.

Sincerely,



Thomas D. McCoy
Field Supervisor

TDM/PTS

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

CATEGORY	COMMON NAME/STATUS	SCIENTIFIC NAME	SURVEY WINDOW/ TIME PERIOD	COMMENTS
Amphibian	Gopher frog (ARS)	<i>Lithobates capito</i>	Breeding: October-March	Call survey: February-April
Bird	American wood stork (T)	<i>Mycteria americana</i>	February 15-September 1	Nesting season
	Bald eagle (BGEPA)	<i>Haliaeetus leucocephalus</i>	October 1-May 15	Nesting season
	Red-cockaded woodpecker (E)	<i>Picoides borealis</i>	March 1-July 31	Nesting season
Crustacean	None Found			
	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
	Shortnose sturgeon* (E)	<i>Acipenser brevirostrum*</i>	February 1-April 30	Spawning migration
Insect	Monarch butterfly (ARS)	<i>Danaus plexippus</i>	August-December	Overwinter population departs: March-April
Mammal	Tri-colored bat (ARS)	<i>Perimyotis subflavus</i>	Year round	Found in mines and caves in the winter
Mollusk	None Found			
Plant	Boykin's lobelia (ARS)	<i>Lobelia boykinii</i>	May-July/August	
	Canby's dropwort (E)	<i>Oxypolis canbyi</i>	Mid-July-September	
	Carolina-birds-in-a-nest (ARS)	<i>Macbridea caroliniana</i>	July-November	
Reptile	Eastern diamondback rattlesnake (ARS)	<i>Crotalus adamanteus</i>	Most of the year	Peak: April-November

* 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>.

12/10/2018

FW: USFWS Comment Letter - Orangeburg Quarry, Permit No. I-000802

Richard Broughton <richard.broughton@martinmarietta.com>

Fri 2/15/2019 12:22 PM

To: Haigler, W. Ed <haiglewe@dhec.sc.gov>;

Cc: Lin Kramer <Lin.Kramer@martinmarietta.com>; brian.north@martinmarietta.com <brian.north@martinmarietta.com>;

 1 attachments (1 MB)

20190215_itr_SCFO_MMM._Mine Permit Mod. App. Add. #1-RCW Survey.pdf;

***** Caution. This is an EXTERNAL email. DO NOT open attachments or click links from unknown senders or unexpected email. *****
Mr. Haigler,

Attached is a letter from USF&WS regarding our Mine Permit application for Orangeburg Quarry. I don't see that they have copied you with the letter, so I am forwarding it to you for your files. The Red-cockaded Woodpecker survey that we conducted last October discovered a cavity tree on the southern portion of the property. It is uncertain if the tree is active or not, but we have decided to assume that it is active and buffer the tree and a suitable foraging habitat. This will entail removing a portion of the property from the Mine Permit application and will require modifying the maps in our current application package. The RCW survey that we conducted last year only covered the property being added to the permit with this application. We are in the process of conducting a second RCW survey on the remainder of the property with the intent of adding all of our undeveloped property into a Safe Harbor Agreement with SCDNR. This agreement will require that we develop a maintenance program to enhance portions of the property for RCW habitat.

Our original Mine Plans show a 100' undisturbed buffer along the property line followed by an additional 150' buffer where no blasting would take place. This no blasting buffer increases to greater than 150' in some areas to the south where off-site structures are nearby. Our original plan was to construct a 20' high berm in the 150'+ no blasting buffer, to the inside of undisturbed buffer. In discussions we've had with USF&WS and SCDNR, the construction of a berm like this will result in the removal of multiple acres of trees that could be saved for potential RCW habitat. As no mining activity would ever take place in this 250'+ strip around the property boundary, it doesn't make sense to us to cut down mature long leaf and loblolly pines that could provide potential future habitat. If the Department has no objection, we will remove the berm from the Mine Plans and show that area as buffer. It will be a minimum of 250', with wider areas where off site structures are nearby.

RCW habitat management activities require regular prescribed burns to control the understory and create foraging and nesting habitat for the birds. Typically, when we set aside buffer areas on our Mine Maps it is understood that these areas are to be undisturbed. Would it be possible to condition the buffers around Orangeburg to allow for RCW habitat management activities, such as prescribed burns? I'd like to have the Department's thoughts on these changes before we revise the maps. If you like I can come into your office one day next week to discuss the changes, or we can talk by phone at your convenience. Let me know what works best for you.

Thanks,

Richard Broughton
Environmental Services Manager
Carolina South Region/Mid-Atlantic Division

Phone (803) 978-6275 | **Mobile** (803) 608-1566 | **Fax** (803) 771-4200

Address [8451 Monticello Road, Columbia, SC 29203](https://www.dhec.sc.gov/locations/8451-Monticello-Road-Columbia-SC-29203)

Email richard.broughton@martinmarietta.com

From: McGee, Karen [mailto:karen_mcgee@fws.gov]
Sent: Friday, February 15, 2019 11:25 AM
To: Richard Broughton <richard.broughton@martinmarietta.com>
Subject: USFWS Comment Letter - Orangeburg Quarry, Permit No. I-000802

EXTERNAL MAIL

Mr. Broughton:
Attached are comments from our office on the subject project. I will also mail you the original signed letter.

Thank you,

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Karen McGee
U.S. Fish and Wildlife Service
OAA
S.C. Ecological Services Field Office
Charleston, SC
(843)727-4707 ext. 203

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