



United States Department of the Interior

Fish and Wildlife Service

Georgia Ecological Services

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July 17, 2025

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Cc: Suzanne Kopich, USDA RUS, RD

Subject: FWS Project Code: 2024-0086428, Smarr NGCC Facility

Lindsay Proulx:

Thank you for your March 24, 2025, letter requesting informal consultation under the provisions of section 7 of the Endangered Species Act for the Smarr natural gas combined cycle (NGCC) generation facility. The U.S. Fish and Wildlife Service (Service) also thank Terracon Consultants, Inc. (Terracon) and their client(s), Oglethorpe Power Corporation (OPC), for their due diligence coordinating with the Service conducting surveys for listed plant species that may occur on the project site and for providing these survey reports on July 14, 2025. Terracon also provided email correspondence from U.S. Department of Agriculture's Rural Utility Services, Rural Development (USDA RUS, RD) that the Smarr NGCC facility qualifies as an emergency action under Executive Order 14156 (Declaring a National Energy Emergency). Pursuant to Executive Order 14156 and section 7 of the Endangered Species Act (ESA; 16 U.S.C. 1536: Interagency Cooperation), the Service agrees that USDA RUS, RD's action, funding the Smarr NGCC project, is subject to the ESA's emergency consultation regulations (50 CFR §402.5) and the Department of Interior's Alternative Procedures for Informal Section 7 Consultation (DOI 2025). However, thanks to the due diligence of Terracon and OPC, the Service possesses sufficient information to conclude section 7 ESA consultation and thus informal, expedited, emergency section 7 consultation procedures will not be necessary.

The proposed Smarr NGCC facility would consist of new construction to create a NGCC facility within a 284.7-acre site near Forsyth, Monroe County, Georgia. Project construction will include forest clearing, construction of impervious surfaces, connections to a nearby natural gas pipeline and city water lines, creation of access roads, and installation of a stormwater/wastewater discharge outlet to a small perennial stream to the northeast of the facility. The 284.7-acre site submitted for review consists of managed pine plantation, mixed hardwood/pine forest, mixed hardwood forest, forested wetland, and developed lands, as well as some intermittent, ephemeral, and perennial streams. The area under review includes many steep ravines and slopes.

The Service also understands, based on Terracon's March 24, 2025, Threatened and Endangered Species Habitat Assessment, that the Parent Parcel Boundary is being evaluated for potential future uses that may include pumped-storage hydroelectric, utility-scale solar, or battery storage installations. The Service's comments are restricted to the current proposal to develop the site as a NGCC facility; alternative uses have not been evaluated and would require additional consultation.

The Service makes the following comments under the provisions of the Executive Order 14156 (Declaring a National Energy Emergency), section 7 of the Endangered Species Act, and the Fish and Wildlife Coordination Act (16 U.S.C. § 661 et seq.).

Threatened and Endangered Species

Terracon's official species list for the project site included tricolored bat (*Perimyotis subflavus*), whooping crane (*Grus americana*), monarch butterfly (*Danaus plexippus*), fringed campion (*Silene polypetala*), Ocmulgee skullcap (*Scutellaria ocmulgee*), and relict trillium (*Trillium reliquum*). Terracon also received a determination key (D-key) determination of "may affect" for tricolored bat based on the presence of an occupied culvert within 0.25 mile of the project site.

Tricolored Bat

The tricolored bat has been proposed to be listed as Endangered. However, there is currently no requirement to consult on this species prior its listing being finalized, unless a project is likely to jeopardize the continued existence of this species. The Smarr NGCC facility would not jeopardize the continued existence of this species because the project footprint is small relative to the overall range of the tricolored bat.

Terracon received a "may affect" determination from the northern long-eared bat and tricolored bat range-wide D-key because there is a culvert, that allows Little Deer Creek to flow under I-75, within 0.25 mile of the site that is occupied by tricolored bat. Terracon has stated that the proposed project will not withdraw water from nearby creeks and will instead use the Monroe County water supply for project purposes. Terracon also states that, given the current facility design, the facility would generate an estimated 0.158 cubic feet per second (CFS; 71 gallons per minute [GPM]) to 0.245 CFS (110 GPM) in wastewater. The Service used the StreamStats v4.29.2 (U.S. Geological Survey, 2019) website to estimate drainage area, mean annual flow, and low flow statistics for the Little Deer Creek culvert, which will be the recipient of stormwater and wastewater discharge from the Smarr NGCC facility. The Service then used the regional curve ($Q_{bf} = 36.7 \times \text{Drainage Area}^{0.81}$, $R^2 = 0.905$) developed by Pruitt (2001) for Piedmont streams in Georgia to estimate bankfull discharge from the estimate of drainage area for Little Deer Creek at the culvert from Streamstats v4.29.2. We compared the estimates of wastewater generation for the facility to mean annual flow, 7-day 10-year (7Q10) low flow, and bankfull discharge to determine the risk of increased flooding of the Little Deer Creek culvert and thus the risk of impacts to bats using this culvert. Using these methods, the maximum wastewater discharge was estimated to be 0.15% of bankfull discharge, 4.6% of mean annual flow, and 620.3% of the 7Q10 low flow value. Terracon also states that process water discharges will be subject to a National Pollutant Discharge Elimination System (NPDES) permit, the

process water will flow through an oil-water separator before discharge, and this discharge will also be subject to monitoring requirements under the terms of the NPDES permit. Terracon also states that site stormwater will be directed to stormwater retention ponds for temporary storage before eventually being discharged into an unnamed tributary to Little Deer Creek.

Based on the information above the Service concludes that the Smarr NGCC facility is unlikely to substantially increase the risk of flooding the Little Deer Creek culvert or substantially impact water quality in Little Deer Creek, assuming the project complies with all relevant performance standards in the Georgia Stormwater Management Manual and Georgia's Erosion and Sedimentation Control Act. The facility's wastewater discharge may increase the mean annual and 7Q10 low flow values for Little Deer Creek, but this discharge is a very small percentage of bankfull discharge and thus is not likely to increase the risk of flooding out bats from the culvert.

The Smarr NGCC project is located within Zone 1 of the Year-round Active Range for the tricolored bat. To the extent practicable, avoid clearing of trees during the non-volant pup season (May 1-July 15) and the winter torpor season (December 15-February 15) when bats roosting in trees are particularly vulnerable. Adhering to this recommendation would be necessary to reach a "may affect, not likely to adversely affect" (MANLAA) determination if the tricolored bat's proposed listing becomes finalized. The Service also provides the following conservation recommendations to minimize adverse impacts to bats:

- Minimize impacts to forested habitats within the action area to the extent practicable and clearly demarcate project area boundaries to avoid excessive forest clearing.
- Minimize ground disturbance within stream buffers. Use Best Management Practices for water quality and permanent stormwater management to provide benefits to bats by protecting their aquatic insect prey base.
- Avoid blasting operations throughout the action area whenever possible.
- Minimize nighttime construction noise and lighting whenever possible and point permanent lighting down and away from forested areas.
- If bridges, culverts, or abandoned buildings will be impacted by the project, please survey these structures prior to alteration and notify the Georgia Ecological Services Field Office if any federally listed bats are observed.

Whooping Crane

The Service does not have concerns about whooping crane outside of Seminole County, Georgia. Terracon's Threatened and Endangered Species Habitat Assessment confirms the lack of suitable habitat for the species on site and recommended a "no effect" determination for this project. The Service confirms that this determination is appropriate for the Smarr NGCC facility's potential impact to whooping crane.

Monarch Butterfly

The monarch butterfly has been proposed to be listed as Threatened. However, there is currently no requirement to consult on this species prior its listing being finalized, unless a project is likely to jeopardize the continued existence of this species. The Smarr NGCC facility would not jeopardize the continued existence of this species because the project's footprint is small relative to the overall range of the monarch butterfly.

The Service recommends that land management activities at a minimum use:

- Seed mixes that include a minimum of 9 total species of native flowering plants, including 3 species per blooming periods of April-June, June-July, and August-October;
- Seed mixes that are free of invasive or aggressive non-native species that inhibit diversity when established. When including milkweed species, seed mixes should include regionally appropriate native species and must avoid using tropical milkweed or other non-native species.

Additionally, it is further recommended, where appropriate, for the conservation of monarch butterflies that land management activities:

- Maximize native flowering plant diversity across bloom periods;
- Schedule mowing to enhance floral resources;
- Follow regional planting guides specific to ecoregion (examples included below) and source seeds as locally as possible, with consideration for climate adaptation;
- Remove plants that are invasive or listed as noxious weeds (by using techniques including targeted herbicide, prescribed burns, as appropriate);
- Use buffer areas for forests adjacent to roadways, mow infrequently, and create native plant communities to improve transition zone between forest and roads; and
- Limit insecticide exposure where possible, using established Integrated Pest Management guidance and/or approved Pesticide Use Permits.

Federally Listed Plants

Terracon's Threatened and Endangered Species Habitat Assessment determined that there was suitable habitat for fringed campion, relict trillium, and Ocmulgee skullcap on the project site, and the Service confirmed that Ocmulgee skullcap is present at two locations on the Parent Parcel within the areas designated as Critical Habitat for this species. Terracon and OPC then coordinated with the Service to design additional plant surveys for these listed plant species and conduct a site visit to known locations of Ocmulgee skullcap to assess these populations. The Service thanks both Terracon and OPC for this cooperation and coordination.

Species-specific surveys for fringed campion, relict trillium, and Ocmulgee skullcap were completed in April (11-24) and June (3-12) in 2025. No listed species were observed during these species-specific surveys. Based on site design plans provided by Terracon, the Smarr NGCC facility will be developed outside of Ocmulgee skullcap Critical Habitat and will not impact the two known locations of the species within the Parent Parcel; site visits confirmed that

the species is still present at these locations and 11 plants were located between the two locations.

Terracon, in the species-specific survey reports, recommended a “no effect” determination for listed plants based on the negative survey results. However, as noted in the introduction of Terracon’s species reports “it is important to note that the survey methodology described herein is designed to maximize the likelihood of detection of the target species, if present, and enable a level of reasonable certainty in the probable absence of the target species, as opposed to a guarantee of absence”. Therefore, the Service would recommend a determination of “may affect, not likely to adversely affect” because suitable habitat will be impacted but impacts are unlikely/discountable due to the negative survey results.

The Service provides these additional conservation recommendations to further minimize risk to listed plant species due to the known occurrence of Ocmulgee skullcap on the Parent Parcel:

- Placement of debris and/or staging areas should avoid areas where erosion risk and/or intact native plant assemblages are present.
- Care should be taken, when practicable, to minimize ground disturbance in previously undeveloped natural areas, including wetlands.
- If rare or protected plant species are detected during construction, it may be possible to rescue or translocate individuals or salvage impacted plants for scientific purposes. Please contact the Georgia Ecological Services Field Office (gaes_assistance@fws.gov; (706) 613-9493) or Mincy Moffett (james_moffett@fws.gov; 706-997-7442) to coordinate salvage activities.
- Use orange barrier fence (or similar) to clearly mark suitable habitat to avoid excessive clearing during construction activities. Vegetation removal, mowing, and management of plants using mechanical devices within known populations of federally listed plants should be coordinated with the Georgia Ecological Services Field Office and Georgia Department of Natural Resources.
- Restoration, seeding, and/or replanting protected plants within suitable habitat should be coordinated with the Georgia Ecological Services Field Office and Georgia Department of Natural Resources and be in accordance with an approved management plan for the area or species.
- All materials, vehicles, machinery, and equipment used in project design and construction should be inspected for and/or be cleaned of invasive plant material before placement or use on a project site.
- All vehicles, machinery, and equipment be clean and free from plant or animal materials before being transported to a new project site (unless this movement is related to moving fill or other materials to an appropriate offsite disposal location).
- Steep hardwood slope forests and stream terraces, the suitable habitat for fringed campion, relict trillium, and Ocmulgee skullcap, should be protected from erosion due to increased runoff from impervious surfaces that are developed on site.

Opportunities For Additional Partnership For The Conservation And Recovery of Ocmulgee Skullcap

According to the Service's [Species Status Assessment](#) for the Ocmulgee skullcap, there are currently 19 known populations of Ocmulgee skullcap between the Ocmulgee and Savannah River watersheds and only an estimated 1,200 individuals are thought to exist in the wild. Sixteen of the 19 known populations of the species are estimated to exhibit low or very low resiliency to stochastic events. Only 1 population in the Ocmulgee River watershed exhibits moderate resiliency, and only 8 of the 19 known populations have some form of land protection (Federal or State owned, or privately owned and managed for conservation). Ocmulgee skullcap has been presumably extirpated from two sites within two populations due to severe deer herbivory and land conversion, two of the primary threats to this species; invasive plant species constitute another significant threat to the Ocmulgee skullcap. Future condition models anticipate that if conservation and management activities continue at the current level, then population resiliency will decrease in 31-42% of populations and 5 will become extirpated by 2040.

Approximately half of Unit 6 of the designated Critical Habitat for Ocmulgee skullcap occurs on the Parent Parcel owned by OPC. This unit is not currently protected by Federal or State ownership, or private ownership with management for conservation. This Unit is also fragmented in half by I-75, and in half again east of I-75 by the Right-of-Way (ROW) of natural gas pipeline that will supply the Smarr NGCC facility. This pipeline is currently proceeding with plans to expand its capacity to move natural gas that will widen this ROW, further fragmenting Unit 6 of the Critical Habitat for Ocmulgee skullcap.

Our site visit to the two known occurrences within Critical Habitat Unit 6 confirmed that the species is still extant. One plant was located near the Bolingbroke Rest Area and 10 plants were confirmed at another location to its southeast, closer to the adjacent mining quarry. Deer herbivory was evident on some of the plants observed.

The Service would like to express its interest in partnering with OPC, if they are willing, to conduct conservation and recovery activities for the Ocmulgee skullcap population and its Critical Habitat (see [Recovery Outline](#)). The Service and its partners have a series of mechanisms (e.g., Partners for Fish and Wildlife Agreements, Conservation Benefit Agreements, land acquisition, conservation easement) that allow property owners to engage in conservation and recovery efforts while potentially receiving regulatory assurances or financial incentives. In addition, the Service's existing partners (Georgia Department of Natural Resources and the Georgia Plant Conservation Alliance) could aid both our organizations in on-the-ground conservation efforts. In addition to these mechanisms for private landowners, Federal agencies with programs that contribute to the recovery of listed species can, in some circumstances, streamline the Section 7 consultation process, affording that agency with process efficiencies.

We ask that if OPC has interest in partnering with the Service to work towards the conservation and recovery of Ocmulgee skullcap and its Critical Habitat on the Parent Parcel that they reach out to our office.

Conclusion

The Service appreciates Terracon and OPC's due diligence concerning federally listed species for the Smarr NGCC facility. The Service concludes that appropriate determinations for the Smarr NGCC facility are "no effect" for whooping crane, "not likely to jeopardize" for tricolored bat and monarch butterfly, and "may affect, not likely to adversely affect" for fringed campion, relict trillium, and Ocmulgee skullcap.

True to the Service's mission to work with others to conserve, protect, and enhance fish, wildlife, plants, and their habitats for the continuing benefit of the American people, the Service welcomes any willingness or interest that OPC may have in partnering with the Service to conserve and recover the Ocmulgee skullcap given its occurrence on the Parent Parcel of this project. We request that OPC please contact our Ocmulgee skullcap species lead, Michele Elmore (michele_elmore@fws.gov), or our energy project coordinator, Eric Bauer (eric_bauer@fws.gov), if they have interest in further details on how a partnership between our organizations may contribute to the conservation and recovery of the Ocmulgee skullcap.

The Service recommends project impacts 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 proposed action is subsequently modified to include activities which were not considered under this technical assistance; or (3) new species are listed or Critical Habitat designated that might be affected by the proposed action. Please contact our local biologist, Eric Bauer, at eric_bauer@fws.gov, for further consultation or any comments or questions. We thank you for the opportunity to review this project.

Sincerely,

CATHY
MARION

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Acting for: Peter D. Maholland
Field Supervisor

References

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