United States Department of the Interior

FISH AND WILDLIFE SERVICE
Florida Ecological Services Field Office

August 31, 2022

Tom Forsyth, Superintendent
Big Cypress National Preserve
National Park Service
31000 Tamiami Trail East
Ochopee, Florida 34141

Service Consultation Code:	2022-0013874
Date Received:	February 16, 2022
Consultation Initiation Date:	February 16, 2022
Applicant:	Big Cypress National Preserve
Project:	Tomato Field Restoration
County:	Collier

Dear Mr. Forsyth:

The U.S. Fish and Wildlife Service (Service) received the National Park Services (NPS) request for consultation dated February 16, 2022, for the proposed Tomato Field restoration (Project) within the Big Cypress National Preserve (BICY). This document transmits the Service's biological opinion (BO) based on our review of the proposed Project located in Collier County, Florida, and its effects on the endangered Florida bonneted bat (*Eumops floridanus*; FBB). It also includes and summarizes our concurrences for the BICY's determinations regarding the threatened eastern indigo snake (*Drymarchon corais couperi*), threatened Audubon's crested caracara (*Polyborous plancus audubonii*), threatened eastern black rail (*Laterallus jamaicensis jamaicensis*), endangered everglade snail kite (*Rostrhamus sociabillis plumbeus*), threatened wood stork (*Mycteria americana*), endangered Florida panther (*Puma concolor coryi*) and FBB proposed critical habitat. This document is submitted in accordance with section 7 of the Endangered Species Act of 1973, as amended (Act) (87 Stat. 884; 16 U.S.C. 1531 *et seq*.).

The Service has reviewed the biological information for the FBB, information presented by the Applicant, and other available information relevant to this action. The Service determined that incidental take associated with this project is not likely to result in jeopardy to the FBB. The Service estimates that incidental take will occur in the form of harm, injury, and mortality for any FBB that occupy a roost on the property. We estimate that for every 29.41 acres (ac) of FBB habitat that is disturbed or destroyed, 12 FBBs will be taken. More details are provided in the incidental take statement below.

Consultation history

The NPS submitted a consultation request to the Service by letter dated February 16, 2022. The request included a description of project impacts, and information to support "may affect, and is likely to adversely affect" determinations for the FBB and "may affect, but is not likely to

adversely affect" determinations for the eastern indigo snake (*Drymarchon corais couperi*), Audubon's crested caracara (*Polyborous plancus audubonii*), eastern black rail (*Laterallus jamaicensis jamaicensis*), everglade snail kite (*Rostrhamus sociabillis plumbeus*), threatened wood stork (*Mycteria americana*), Florida panther (*Puma concolor coryi*) and FBB proposed critical habitat.

By email dated March 26, 2022, the NPS provided updated project description and summary of vegetation impacts anticipated from the Project.

BIOLOGICAL OPINION

This BO provides the Service's opinion as to whether the proposed Project is likely to jeopardize the continued existence of the FBB.

ANALYTICAL FRAMEWORK FOR THE JEOPARDY DETERMINATIONS

Jeopardy determination

The Act requires that Federal agencies ensure that any action they authorize, fund, or carry out is not likely to jeopardize the continued existence of listed species. "Jeopardize the continued existence of" means to engage in an action that reasonably would be expected, directly or indirectly, to reduce appreciably the likelihood of both the survival and recovery of a listed species in the wild by reducing the reproduction, numbers, or distribution of that species (50 CFR § 402.02).

The jeopardy analysis in this BO relies on four components: (1) the Status of the Species, which describes the range-wide condition of the species, the factors responsible for that condition, and its survival and recovery needs; (2) the Environmental Baseline, which analyzes the condition of the species in the action area, the factors responsible for that condition, and the relationship of the action area to the survival and recovery of the species; (3) the Effects of the Action, which determine the direct and indirect impacts of the proposed Federal action and the effects of any interrelated or interdependent activities on the species; and (4) the Cumulative Effects, which evaluate the effects of future, non-federal activities in the action area on the species.

In accordance with policy and regulation, the jeopardy determination is made by evaluating the effects of the proposed federal action in the context of the current status of the species, considering any cumulative effects, to determine if implementation of the proposed action is likely to cause an appreciable reduction in the likelihood of both the survival and recovery of the species in the wild.

DESCRIPTION OF THE PROPOSED ACTION

The Applicant's proposed Project is to conduct hydrological and ecological restoration and enhancement at four locations in the northwestern portion of the BICY. The proposed work will occur in a 272-ac wetland site complex off Bear Island Grade. These sites were formerly ditched for drainage and cultivated but have not been used for that purpose in over 40 years. Within the sites, remnant drainage ditches and associated berms remain, disrupting local hydro patterns and

creating habitat for non-native and/or native plant species that are inconsistent with historic, pre-cultivation conditions at the site. The proposed work includes restoration of natural soil elevation through removal of berms and backfilling of existing ditches, control of non-native species found at the sites and planting of pond cypress (*Taxodium ascendens)* trees to create vegetation consistent with adjacent, unimpacted plant communities. Construction activities are proposed to occur this dry season (March-May 2022) with planting occurring after construction activities and to correspond with onset of the annual rainy season (June-August 2022). Monitoring to ensure success of the mitigation project will be carried out for period of 5 years following completion of the restoration work. The work is being proposed as mitigation for impacts to natural wetland communities from seismic testing that was carried out by Burnett Oil in 2018-2018. BICY previously consulted with the Service on the seismic testing work (Consultation #2015-I-0080). However, the proposed mitigation work described here was not included in the activities associated with that consultation.

The project will occur across three subareas – Tomato Farm East, Tomato Farm Central and Tomato Farm West – located within 2 miles (mi) of each other along the north side of Bear Island Grade in BICY. Tomato Farm East is surrounded by 2.8 mi of perimeter berm and contains 13.2 mi of interior berm for a total length of 16.0 mi. The perimeter berm contains a ditch (i.e., small canal) on its interior side. Interior berms have ditches on their southern side. Tomato Farm Central is surrounded by 1.1 mi of perimeter berm and contains 1.3 mi of interior berm for a total length of 2.4 mi. The perimeter berm contains a ditch (i.e., small canal) on its interior side. Interior berms have ditches on their southern side. Tomato Farm West consists of three separate fields. The northwestern field is surrounded by a berm and ditch, but this feature will not be removed as part of this work to avoid impacts that would occur from accessing the site. Restoration activities at this site will be restricted to exotic plant control, implementation of prescribed fire and planting of trees. The southeastern and southwestern fields are surrounded by 2.1 mi of perimeter berm and do not contain any interior berms. These perimeter berms are proposed to be returned to wetland grade. The perimeter berm contains a ditch (i.e., small canal) on its interior side. The total area of disturbance from proposed restoration activities including access routes, interior berms removal, and borrow ditch backfilling is 29.41 ac.

Minimization and conservation measures

The following measures are expected to minimize adverse effects to FBB, eastern indigo snake, Audubon's crested caracara, and Everglade snail kite.

1. Surveys for federally listed species, including FBB, would be conducted by a qualified biologist prior to vegetation removal and any other construction activity within the project area. A qualified biological monitor will be on site during removal of vegetation from berms.
2. All potential roost trees with structural features suitable for roosting will be investigated further with a peeper camera if a potential roosting site is found. If an active bat roost is found, an acoustic recorder will be set up in an attempt to verify species. Known FBB roost trees will be left in place and not removed. When using heavy equipment, a

250-foot buffer will be established around known or suspected roosts to limit disturbance to roosting bats. Areas where berms are adjacent to hammock vegetation will not be removed and vegetation will not be disturbed.

3. If listed species are observed within the Project area, all work will stop until individuals leave the area on their own.
4. All project activities will adhere to "Management guidelines for Audubon's crested caracara." (https://www.fws.gov/verobeach/BirdsPDFs/ManagementPracticesCaracara.pdf?spcode=A003).
5. All project activities will adhere to "Draft management guidelines for Everglade snail kite" (https://www.fws.gov/verobeach/BirdsPDFs/20060221SnailKiteManagementGuidelines2.pdf).
6. All project activities will adhere to "Standard protection measures for eastern indigo snake" (https://www.fws.gov/northflorida/indigosnakes/20130812_eastern_indigo_snake_standard_protection_measures.htm).

Action Area

The action area is defined as all areas to be affected directly or indirectly by the Federal action. For this Project, the Service has identified the action area as the entire 272 ac proposed Project site. Based on the implementation of the proposed action, we do not anticipate that any effects of the action will extend beyond the Project footprint.

SPECIES AND CRITICAL HABITAT NOT LIKELY TO BE ADVERSELY AFFECTED BY THE PROPOSED ACTION

The NPS has determined that the Action may affect but is not likely to adversely affect the eastern indigo snake (*Drymarchon corais couperi*), Audubon's crested caracara (*Polyborous plancus audubonii*), eastern black rail (*Laterallus jamaicensis jamaicensis*), everglade snail kite (*Rostrhamus sociabillis plumbeus*), wood stork (*Mycteria americana*), Florida panther (*Puma concolor coryi*), and FBB proposed critical habitat. The Service concurs with these determinations.

STATUS OF THE SPECIES

Florida bonneted bat

Please see enclosure for the Status of the Species for the FBB.

Summary of threats to the species

The loss, degradation, and modification of native forested habitat and roost sites were primary considerations in listing the FBB as endangered. Other threats include loss of foraging habitat, competition for tree cavities, pesticides and contaminants, ecological light pollution, climate

change, sea level rise, and other anthropogenic factors. Threats to the FBB that are relevant to the proposed Project, and will be discussed in the remaining sections of this BO, are the loss of native forested habitat, foraging habitat, and potential roost sites.

ENVIRONMENTAL BASELINE

Status of the species within the action area

Florida bonneted bat

The Project site contains suitable FBB foraging and roosting habitat. Two roost sites have been previously identified within the preserve. The known nearest roost site in BICY is approximately 11 km south of the proposed project area. There are no observations or other direct evidence that FBB occurs within or utilizes the project area. Acoustic surveys of the proposed project area have not been conducted.

Limited information on FBB foraging behavior is currently available. In one study using GPS-satellite tags at Babcock-Webb Wildlife Management Area (WMA), researchers found that most FBB locations were within one mi of the roost (point of capture) (Ober 2015). However, FBBs also tended to take one longer foray, up to 7 mi, shortly after sunset each night (Ober 2015; Ober 2016). Data also indicates that individuals can forage several mi (24 mi maximum) from their roosts and cover long distances in one night (56 mi maximum) (Ober 2016; Webb 2018a Webb 2018b). Based on this information, the Service expects that FBBs forage over the Project site and may roost onsite or nearby.

Factors affecting the species environment within the action area

Climate Change

Our analyses under the Act include consideration of observed or likely environmental effects related to ongoing and projected changes in climate. As defined by the Intergovernmental Panel on Climate Change (IPCC), "climate" refers to average weather, typically measured in terms of the mean and variability of temperature, precipitation, or other relevant properties over time; thus, "climate change" refers to a change in such a measure which persists for an extended period, typically decades or longer, due to natural conditions (*e.g.,* solar cycles) or human-caused changes in the composition of the atmosphere or in land use (IPCC 2013, p. 1450). Because observed and projected changes in climate at regional and local levels vary from global average conditions, rather than using global scale projections, we use "downscaled" projections when they are available. In our analysis, we use our expert judgment to weigh the best scientific and commercial data available in our consideration of relevant aspects of climate change and related effects. Based on the observed trends in the climate record gathered from thousands of temperature and precipitation recording stations around the world and changes observed in physical and biological systems, the scientific community is certain that the earth's climate is changing and a warming trend in the climate is occurring (USGS 2019).

Florida is vulnerable to pulse events and sea level rise as well as to changes in rainfall and temperatures expected due to changes in environmental trends. NOAA (2017) model simulations

using the more recent Coupled Model Intercomparison Project Phase 5 (CMIP5) predicts changes in precipitation seasonally for South Florida with increases in dry season rainfall up to 20 percent and decreases in wet season rainfall up to 30 percent. The change in timing of rainfall will likely stress ecosystems and cause changes in vegetation types. The increased rainfall could reduce our ability to effectively use prescribed burning to manage habitat in optimal conditions for FBBs and their prey. Increased rainfall could also alter the amount of area suitable for FBBs, by increasing the area covered with standing water or the duration of inundation of seasonally wet areas. Conversely, increased rainfall could increase prey abundance and foraging opportunities for the species.

It is difficult to estimate, with any degree of precision, which species will be affected by climate change or exactly how they will be affected. The Service will use Strategic Habitat Conservation planning, an adaptive science-driven process that begins with explicit trust resource population objectives, as the framework for adjusting our management strategies in response to climate change (Service 2006).

EFFECTS OF THE ACTION

Florida bonneted bat

Vegetation removal

Roosts

Vegetation removal have the potential to harm or kill individual FBBs within the Project area as trees are removed if there is an occupied FBB roost. Loss of an active roost during a critical life history stage (*e.g.,* when females are pregnant or rearing young) would result in the loss of individuals and could have more significant effects to the FBB population considering the species' low fecundity and small population size (Service 2013b). We do not have recent acoustic data or roost evaluation data for the Project site. Given the proximity of roost detections to the action area, and the distances FBB foraged from roosts in the Babcock-Webb WMA study (1 mi to 7 mi), we estimate that there would be one roost that would be affected by construction activities.

Service data on 19 FBB roosts occurring range-wide indicate colony size varies, with the smallest occupied by 1 individual and the two largest occupied by 54 and 80 individuals (Braun de Torrez 2019). In the absence of site-specific information, the Service considers 12 individuals per roost to be a reasonable average estimate of how many individual bats may occur in any given roost. Consequently, we estimate the roost within the action area would have 12 individuals. Given the noise and general construction disturbance, some of the predicted 12 FBBs may escape and leave the roost during vegetation removal, avoiding injury and mortality; however, if vegetation removal occurs during a time when pups may be present, any and all young would be injured or killed. Any FBBs that escape and survive the roost removal may experience subsequent injury or mortality if they do not have another roosting opportunity nearby. Multiple opportunities may be available adjacent to the berms, which is expected to decrease the likelihood of injury or mortality to these individuals.

Foraging habitat

The disturbance of approximately 29.41 ac (total removal area on existing vegetated berms, borrow ditches, and site access routes) could adversely affect FBBs by removing significant or important foraging areas. Loss of important foraging habitat could result in reduced fitness or reduced reproductive success (fewer or less fit young) because adults may have to spend more time foraging to make up for lost food sources, or they may have to fly farther to find the same amount of food. As previously described, we expect that FBBs are currently foraging over the entire Project site.

Limited information on FBB foraging behavior is currently available. Using the flight distances observed in the study on Babcock-Webb WMA discussed above we consider how FBB may forage in an area. Assuming a foraging area centered on a roost with a 1-mi radius, FBBs likely search for prey throughout 2,010 ac, and could search for prey up to 98,470 ac (7 mi radius) or more, on any given night. Suitable insect prey is ephemeral and is affected by weather conditions (*e.g.*, rainfall and wind), thus we anticipate that FBBs are constantly surveying a large area to find the best resources. Large conversions of habitat are expected to change the production and availability of prey items for FBBs. However, it is difficult to know the particular value of any given parcel for foraging because of changes seasonally and with weather. Some areas could be relatively small in acreage, but be important food sources based on habitat, rainfall, and general prey production, while other areas could be large in acreage and have lower value as foraging habitat because prey production is low.

All cleared and filled areas (interior berms and borrow ditches) are expected to recover to graminoid or cypress-dominated wetlands in the years following restoration activities. Due to the low stature of vegetation and absence of trees of sufficient size to serve as potential Florida bonneted bat roost sites, removal of vegetation on these berms and filling of associated borrow ditches is not expected to impact potential FBB roosting habitat. Plant communities in all of the fields are considered to represent foraging habitat for FBB and project activities are not expected to result in changes in the quality of the areas for foraging. We expect that any surviving local bats will locate and establish new foraging areas and would only experience a reduction in fitness with associated reduction in productivity for one year following development.

Construction activities

Noise

All of the construction activities associated with the implementation of the proposed action have the potential to produce some level of physical disturbance because they involve the presence of humans and associated equipment, vehicles, and machinery. Although these types of adverse effects are not easily quantified, some form of physical effects from the presence of humans and associated noise may elicit a disturbance response in individual bats. The net effect of physical disturbance, including sustained sources of noise, may be a localized reduction of productivity, and avoidance of otherwise suitable habitat.

Noise associated with construction activities could disturb bats where that noise exceeds ambient levels. FBBs may be temporarily interrupted from resting or caring for young by this activity. Harvey *et al*. (1999) indicated noise disturbance to summer maternity colonies of bats is extremely detrimental. In general, maternity colonies do not tolerate disturbance, especially when flightless young are present. Newborn or immature bats may be dropped or abandoned by adults if disturbed (Harvey *et al.* 1999). This may be particularly damaging to the FBB because of this species' low fecundity and low abundance.

FBB would be most at risk to noise disturbance while at roost during the proposed daytime vegetation removal and construction activities. As any roost within the action area will be removed during vegetation removal activities, FBBs would only be temporarily disturbed by the noise before fleeing or being killed when the roost is removed.

Interrelated and interdependent actions

An interrelated activity is an activity that is part of the proposed action and depends on the proposed action for its justification. An interdependent activity is an activity that has no independent utility apart from the action under consultation. Interrelated or interdependent actions are not expected to result from the proposed Project.

CUMULATIVE EFFECTS

Cumulative effects include the effects of future State, Tribal, local, or private actions that are reasonably certain to occur in the action area considered in this BO. Future Federal actions that are unrelated to the proposed action are not considered in this section because they require separate consultation under the Act. The Service is not aware of any cumulative effects within the action area.

CONCLUSION

After reviewing the current status of the FBB, the environmental baseline for the action area, the effects of the proposed action, and the cumulative effects, it is the Service's BO that the Project, as proposed, is not likely to jeopardize the continued existence of the FBB. We have reached this conclusion because: (1) the injury or death of FBBs would be limited to one roost predicted on site, and less than 12 individuals and any young would be killed; (2) although the population of FBBs is not known, we anticipate the loss of less than 12 individuals and any young would not significantly reduce the overall population range-wide; (3) the conversion of foraging habitat is only expected to reduce the fitness and productivity of any remaining FBBs for one year, and this temporary reduction in productivity is not expected to be significant for the overall population; and (4) the Project disturbance of 29.41 ac of habitat, represents a small portion of habitat available for the FBB and will not result in a reduction of the species range. Hydrologic and habitat restoration is expected to result in maintenance or improvements to potential foraging habitat in the Project area.

INCIDENTAL TAKE STATEMENT

Section 9 of the Act and Federal regulation pursuant to section 4(d) of the Act prohibit the take of endangered and threatened species, respectively, without special exemption. Take is defined as to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect, or to attempt to engage in any such conduct. Harm is further defined by the Service to include significant habitat modification or degradation that results in death or injury to listed species by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering. Harass is defined by the Service as intentional or negligent actions that create the likelihood of injury to listed species to such an extent as to significantly disrupt normal behavior patterns which include, but are not limited to, breeding, feeding, or sheltering. Incidental take is defined as take that is incidental to, and not the purpose of, the carrying out of an otherwise lawful activity. Under the terms of section 7(b)(4) and section 7(o)(2), taking that is incidental to, and not intended as part of the agency action, is not considered to be prohibited taking under the Act provided such taking follows the terms and conditions of this incidental take statement.

The terms and conditions described below are nondiscretionary and must be undertaken by the NPS, so they become binding conditions of any grant or permit issued to the Applicant, as appropriate, for the exemption in section 7(o)(2) to apply. The NPSs has a continuing duty to regulate the activity covered by this incidental take statement. If the NPSs 1) fails to assume and implement the terms and conditions or 2) fails to require the Applicant to adhere to the terms and conditions of the incidental take statement through enforceable terms that are added to the permit or grant document, the protective coverage of section 7(o)(2) may lapse. In order to monitor the impact of incidental take, the Applicant must report the progress of the action and its impact on the species to the Service as specified in the Incidental Take Statement [50 CFR § 402.14(i)(3)].

AMOUNT OR EXTENT OF TAKE ANTICIPATED

The Service has reviewed the biological information for the FBB, information presented by the Applicant, and other available information relevant to this action. The Service anticipates that incidental take will be in the form of harm and as well as injury and mortality for any FBB that occupy a roost on the property. We estimate the roost is occupied by 12 FBBs, and a subset of these will be injured or killed, while some only be harmed and escape. Any flightless young present when the roost is removed will be killed. Disturbance of 29.41 ac of foraging habitat is expected to harm (reduction in feeding and productivity) any individuals that escape and survive once the roost is removed and the estimated 12 FBBs occupying an adjacent roost and using this habitat as their primary foraging grounds. Since the location of a roost on-site is unknown it would be removed without knowledge of its contents, and we will not be able to document how many bats escaped or were killed. Furthermore, we have no means to monitor the loss in fitness and productivity the remaining FBBs, because the location of the roosts may continue to be unknown for the duration of the proposed action. Consequently, the Service will use 29.41 ac of FBB habitat as a surrogate for the FBBs taken. If, during the course of the action, this level of incidental take is exceeded, such incidental take represents new information requiring reinitiation of consultation and review of the reasonable and prudent measures provided.

EFFECT OF THE TAKE

In the accompanying BO, the Service determined this level of anticipated take is not likely to result in jeopardy to the FBB.

REASONABLE AND PRUDENT MEASURES

When providing an incidental take statement, the Service is required to give reasonable and prudent measures it considers necessary or appropriate to minimize the take, along with terms and conditions that must be complied with to implement the reasonable and prudent measures. The Service believes the following reasonable and prudent measure is necessary and appropriate to minimize effects of the proposed Project on the FBB: Minimize injury or mortality to individual FBB.

TERMS AND CONDITIONS

In order to be exempt from the prohibitions of section 9 of the Act, the NPSs must comply with the following terms and conditions, which implement the reasonable and prudent measures, described above and outline required reporting/monitoring requirements. The terms and conditions are non-discretionary.

1. Inspect all trees suitable for FBB roosting for potential cavities prior to removal. Cavities should be peeped to identify contents.
2. If FBBs occupy a tree that will be removed, they should be excluded following Service protocols prior to the tree removal.

MONITORING AND REPORTING REQUIREMENTS

Pursuant to 50 CFR § 402.14(i)(3), the NPSs must provide adequate monitoring and reporting to determine if the amount or extent of take is approached or exceeded. In order to monitor the impacts of incidental take, the NPSs will require the Applicant to report the total acres of habitat converted within 3 months of the completion of construction. In addition, the results of tree cavity peeping should be provided to demonstrate compliance with this condition and to identify if any roosts were documented.

DISPOSITION OF DEAD OR INJURED SPECIMENS

Upon locating a dead, injured, or sick threatened or endangered species, initial notification must be made to the nearest Service Law Enforcement Office: 20501 Independence Blvd., Groveland, Florida 34736; 352-429-1037. Additional notification should be made to the Florida Fish and Wildlife Conservation Commission (FWC); Southwest Region; 3900 Drane Field Rd; Lakeland, Florida; 33811; 863-648-3200 or Wildlife Alert Hotline 1-888-404-3922, and the Service's Florida Ecological Service's Office (1339 20th Street, Vero Beach, Florida 32960-3559; 772-562-3909). Care should be taken in handling sick or injured specimens to ensure effective treatment and in the handling of dead specimens to preserve biological material in the best possible state for later analysis as to the cause of death. In conjunction with the care of sick or

injured endangered or threatened species or preservation of biological materials from a dead animal, the finder has the responsibility to carry out instructions provided by Law Enforcement to ensure that evidence intrinsic to the specimen is not unnecessarily disturbed.

CONSERVATION RECOMMENDATIONS

Section 7 (a)(l) of the Act directs Federal agencies to utilize their authorities to further the purposes of the Act by carrying out conservation programs for the benefit of endangered and threatened species. Conservation recommendations are discretionary agency activities to minimize or avoid adverse effects of a proposed action on listed species or critical habitat, to help implement recovery plans, or to develop information. The Service recommends the following: To reduce the potential that young flightless FBB pups are taken, the Service recommends removing potential roost trees from January 1, through April 15, to avoid breeding season and the possibility of undetected pups inside roost trees during removal.

REINITIATION NOTICE

This concludes formal consultation on the action(s) outlined in the Project consultation request. As provided in 50 CFR § 402.16, reinitiation of formal consultation is required where discretionary NPSs involvement or control over the action has been retained (or is authorized by law) and if: 1) the amount or extent of incidental take is exceeded (29.41 ac of FBB habitat); 2) new information reveals effects of the NPSs action that may affect listed species or critical habitat in a manner or to an extent not considered in this opinion; 3) the NPSs action is subsequently modified in a manner that causes an effect to the listed species or critical habitat not considered in this opinion; or 4) a new species is listed or critical habitat designated that may be affected by the action. In instances where the amount or extent of incidental take is exceeded, any operations causing such take must cease until reinitiation.

Thank you for your cooperation and effort in protecting federally listed species and fish and wildlife resources. If you have any questions regarding this Project, please contact Lucas Davis by email at Lucas_Davis@fws.gov, or by phone at 904-731-3336.

Sincerely yours,

ROBERT CAREY

Digitally signed by ROBERT CAREY
Date: 2022.08.31 16:38:54 -04'00'

Robert Carey
Manager, Environmental Review Division
Florida Ecological Services Office, Gainsville, FL

Enclosures:
A: Florida Bonneted Bat Status of the Species

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