**BIOLOGICAL OPINION**

**OBJECTION ISSUE SUMMARY**

We are concerned that ESA consultation (both 7(a)(1) and 7(a)(2) has not been completed on the revised plan. As a result, the public is denied the opportunity to review during the objection period how the Forest has incorporated the U.S. Fish and Wildlife Service’s (USFWS) information, determination and recommended and/or mandatory plan components related to at-risk species. This is especially important because the draft ROD asserts that, “These forest plan components comply with the requirements of the Act and the associated recovery plan for each.” Page 3 of the objection.

**WHAT’S REQUIRED BY LAW, REGULATION AND/OR POLICY**

Forest Service direction for ESA consultation is provided by 2671.45c - Formal Consultation: "Unless there is a clear rationale of no effect documented in the biological evaluation (FSM 2671.44), or a letter from FWS or NOAA Fisheries indicating they do not wish to consult on the Plan, or prefer to consult at the project implementation level, the Forest Service shall formally consult on Forest Plans."

The Biological Opinion made determinations of may affect, likely to adversely affect, for multiple species, necessitating formal consultation. The consultation was initiated by Regional Forester letter on August 11, 2016. Receipt of the consultation request was acknowledged by Thomas D. McCoy, Field Officer Supervisor, Charleston, SC, on September 14, 2016 (with supplemental information received on September 19, 2016). The Forest has completed its legal obligations to initiate consultation.

Consultation is completed when the US Fish and Wildlife Service issues a Biological Opinion. The Service has not issued a Biological Opinion on the Francis Marion forest plan, so consultation has not been completed. The Defenders of Wildlife have not been able to review the Biological Opinion.

**REMEDY(S) PROPOSED BY OBJECTORS**

N/A
The project record does not contain a Biological Opinion issued by the US Fish and Wildlife Service. Consultation, as required under Section 7 of the Endangered Species Act, has not been completed. We anticipate having the Biological Opinion in early December. The Record of Decision will not be approved until this is received and addressed.