



United States Department of the Interior

Fish and Wildlife Service
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West Georgia Sub Office
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October 28th, 2019

Coastal Sub Office
4980 Wildlife Drive
Townsend, Georgia 31331

Betty M. Jewett, Forest Supervisor
Chattahoochee-Oconee National Forest
1855 Cleveland Highway
Gainesville, GA 30501

RE: Union County Target Range Project, Blue Ridge Ranger District

Dear Ms. Jewett,

This document is in response to your letter received October, 24th, 2019 entitled “Summary and Clarification of: Biological Resources Evaluation Report, Union County, Target Range Project, Blue Ridge Ranger District” on the Chattahoochee-Oconee National Forest (Appendix 1.), and therefore, evaluate the informal consultation between our agencies under section 7(a)2 of the Endangered Species Act of 1973 (ESA), as amended (16 U.S.C. 1531 *et seq*). As described in the Biological Evaluation (BE). As titled, this project will be located in Union County, GA.

As noted in Appendix 1, a Biological Resource Evaluation Report (BE) to assess impacts to resources from the Union County Target Range Project was prepared and revised August 2019 by Nutter and Associates, Inc. (Nutter 2019). The original BE conducted an effects analysis for six (6) federally-listed (threatened, endangered or candidate) species (including the Indiana bat, *Myotis sodalists*). These species were determined after submitting the project area into IPaC and receiving an updated list of species from the USFWS on July 17, 2019 (see Appendix C). Since the original BE was completed, information has changed about the range of specific federally-listed species. After re-submitting the project area back into IPaC (October 24, 2019), the Indiana bat was considered extirpated from the project area, the list of species determined to need an effect analysis completed for the Union County Target Range Project, is listed below:

- Bog Turtle, *Clemmys muhlenbergii* (Similarity of Appearance (Threatened))
- Green Pitcher-plant, *Sarracenia oreophila* (Endangered)
- Northern long-eared Bat, *Myotis septentrionalis* (Threatened)
- Small Whorled Pogonia, *Isotria medeoloides* (Threatened)
- Swamp Pink, *Helonias bullata* (Threatened)

These proposed actions include: The Proposed Action includes establishing and operating a rifle and pistol target range at a selected site in Union County, and located on an approximately 15-acre tract within the National Forest footprint (Appendix 1). As described in the Biological Evaluation (appendix 1), the proposed site includes approximately 5 acres of maintained wildlife openings surrounded by approximately 10 acres of mature mixed hardwood forest dominated by large oaks and hickories, and scattered conifers (white pine, eastern hemlock). These 10 acres will be harvested prior to construction. The majority of construction would occur in the highly disturbed wildlife opening where soils have experience regular disturbance and there are no canopy trees. However, construction would result in some new soil disturbance and the permanent loss of some canopy trees for the access road to the wildlife

opening, proposed buildings and range construction. The loss of canopy trees would be minimal compared to the 867,000 acres of the CONF. To minimize and avoid impacts to the northern long-eared bat, harvesting will occur within the project area between August 1st-May 31st.

The Service acknowledges USFS “no effect” determinations for Bog Turtle, Green Pitcher-plant, swamp pink, as well as the recent determination that the Indiana Bat is extirpated from the project area. Further, concurs with the determination for the Modified Proposed Action for the Union County Target Range Project “**May Affect, but is Not Likely to Adversely Affect**” Northern Long-Eared Bat and Small Whorled Pogonia.

As noted in the Biological Evaluation, and based on our records, there are no known populations of small-whorled pogonia in the vicinity of the project area. Small-whorled pogonia is a habitat generalist that occurs in a wide variety of habitats which could include habitat within the project area; however, no known populations have been identified within the project area.

There are no known occupied northern long-eared bat maternity roost trees or hibernacula in the vicinity of project area. The project will not remove any known occupied maternity trees, trees within 150 feet of a known occupied maternity roost tree, or trees within 0.25 miles of a hibernaculum and therefore is consistent with the tree-removal conservation measures described in the final 4(d) rule. This project **may affect, is likely to adversely affect** the northern long-eared bat; however, there are no effects beyond those previously disclosed in the programmatic biological opinion on implementing the final 4(d) rule dated January 5, 2016, signed by Lynn Lewis. Any taking that may occur incidental to this project is not prohibited under the final 4(d) rule (SO CFR §17.40(0)). This project is consistent with the forest plan and activities that do not require special exemption from taking prohibitions applicable to the northern long-eared bat; therefore, the programmatic biological opinion satisfies the Forest Service's responsibilities under ESA section 7(a)(2) relative to the northern long-eared bat for this project.

As written in 50 CFR § 402.16, re-initiation of consultation is required where discretionary applicant involvement or control over the action is authorized by law and if: (1) the amount or extent of incidental take is exceeded; (2) new information reveals effects of the applicant's action that may affect listed species or critical habitat in a manner or to an extent not considered in this opinion; (3) the applicant's action is later 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 re-initiation. The above findings and recommendations constitute the report of the Department of the Interior. Please myself at 706-208-7501 if you have any questions.

Sincerely,

A handwritten signature in blue ink that reads "Donald W. Imm" followed by a stylized initial "D".

Donald W. Imm, Ph.D.
Field Supervisor

cc. Jon Ambrose, GA DNR, Wildlife Resources Division