



United States Department of the Interior

FISH AND WILDLIFE SERVICE
South Florida Ecological Services Office
1339 20th Street
Vero Beach, Florida 32960



May 14, 2007

Colonel Richard J. Gallant
Florida Army National Guard
Saint Francis Barracks
Post Office Box 1008
Saint Augustine, Florida 32085-1008

Service Activity Code: 41420-2007-FA-0741
Service Consultation Code: 41420-2007-F-0675
Date Received: April 4, 2007
Formal Consultation Initiation Date: April 4, 2007
Project: Multiple Launch Rocket System
Expanded Training Use Areas at
Avon Park Air Force Range
Counties: Highlands and Polk

Dear Colonel Gallant:

This document transmits the modification of the Fish and Wildlife Service's (Service) biological opinion based on our review of the Florida Army National Guard (FLARNG) proposed artillery training at Avon Park Air Force Range (APAFR), Highlands and Polk Counties, and its adverse effects on the threatened eastern indigo snake (*Drymarchon corais couperi*) 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.*). Acronyms and abbreviations used throughout this letter are outlined in Table 1.

The FLARNG proposed, in March, 2005, to expand the 3rd Battalion, 116th Field Artillery (3-116th) training and maneuver area at APAFR to enable the 3-116th to conduct battalion-level Multiple Launch Rocket System (MLRS) training, fulfilling their training requirements to become certified as combat capable and ready. Battalion level MLRS training includes section, platoon, and battery certification for a minimum of 6 weekends-per-year and one 15-day annual training exercise. The FLARNG proposes no change in the proposed action. However they are requesting a modification in the terms and conditions of the Biological Opinion (BO) issued September 22, 2005 (Service, 2005), namely, that the annual survey of tortoise burrows, within the maneuver areas (MAs), be dropped as a term/condition. Because the survey was intended to provide a measure of protection for the eastern indigo snake the Service is providing a modification of the BO relative to that species only.

The Service's view of the effects of the proposed action on other federally protected species at APAFR remains the same as the BO dated September 22, 2005.



CONSERVATION RECOMMENDATIONS

Section 7(a)(1) 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 further 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 FLARNG should consider repeating the baseline survey for gopher tortoise burrows periodically to gain insight into the effects of the maneuvers on gopher tortoise and eastern indigo snake habitat.

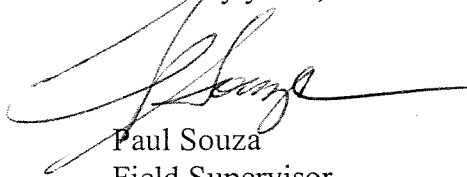
The Service requests notification of the implementation of any conservation recommendations in order to be kept informed of actions minimizing or avoiding adverse effects or benefiting listed species or their habitats.

REINITIATION NOTICE

This concludes formal consultation on the action(s) outlined in the reinitiation request. As provided in 50 CFR § 402.16, reinitiation of formal consultation is required where discretionary federal agency 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; (2) new information reveals effects of the agency action that may affect listed species or critical habitat in a manner or to an extent not considered in this opinion; (3) the 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 pending reinitiation.

If you have any questions, please contact Mark Fredlake at 863-452-4164.

Sincerely yours,



Paul Souza
Field Supervisor
South Florida Ecological Services Office

Enclosures

cc:

APAFR, Avon Park, Florida (Paul Ebersbach, Vicki Davis)
FLARNG, St. Augustine, Florida (Major Bobby Roach, Russell Robinson) electronic copy
FLARNG, Starke, Florida (Major Cecil Cauley, cecil.cauley@us.army.mil) electronic copy
FWC, Tallahassee, Florida (Hugh Boyter)

