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**Sent:** Wednesday, August 17, 2022 9:57 AM

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**Subject:** Notice of Violations of Endangered Species Act Sections 7 and 9 Relating to Miami Wilds

Dear Secretary Haaland, Director Sams, Director Williams, Supervisor Williams, Mayor Levine Cava, Mr. Lambert, Mr. Zyscovich, and Mr. Diaz,

On behalf of the Center for Biological Diversity, Bat Conservation International, the Miami Blue Chapter of the North American Butterfly Association, Tropical Audubon Society (collectively, Conservation Organizations), we provide notice pursuant to Section 11(g) of the Endangered Species Act (ESA) that the National Park Service (NPS) and U.S. Fish and Wildlife Service (FWS) are in violation of Section 7 of the ESA and the ESA's implementing regulations, for failing to consult over NPS's release of restrictions on land proposed for the Miami Wilds development, and the action's effects on ESA-listed species including the endangered Florida bonneted bat, endangered Miami tiger beetle, endangered Bartram's scrub-hairstreak, endangered Florida leafwing, threatened eastern indigo snake, and federally listed plants. By entering a contractual agreement with Miami-Dade County to release restrictions on the property and taking other actions on the Miami Wilds project before completing consultation, NPS, Miami-Dade County, Miami Wilds, and associated entities have also made unlawful irreversible or irretrievable commitments of resources that foreclose the formulation or implementation of any reasonable and prudent alternative measures, in violation of ESA Section 7(d). Finally, because NPS and FWS have failed to complete consultation, there is no valid take coverage for the Miami Wilds project, meaning, to the extent the actions of NPS, Miami-Dade County, Miami Wilds LLC, or other associated entities take listed species, they may be held liable for unauthorized take under ESA Section 9. We also note that, based on publicly available records, it appears NPS has also violated the National Environmental Policy Act by entering the release agreement without first preparing an environmental assessment or environmental impact statement. NPS and FWS have sixty days to remedy the violations identified in this letter. If these violations are not cured within the sixty-day notice period, the Conservation Organizations intend to file suit in federal court.

A letter detailing the legal violations is attached to this email, and a copy of the letter with attachments will be submitted by certified mail and is available at the following link:

<https://diversity.box.com/s/1e1281i5hzzvjnynvgd14ebp4or6ygha>.

Sincerely,

**Elise Pautler Bennett** (*she/her*)

Florida Director & Senior Attorney

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