

Sailor, Matthew NWK

From: Ledwin, Jane [jane_ledwin@fws.gov]
Sent: Monday, April 06, 2015 8:27 AM
To: Cerchi, Antonella I NWK; Sailor, Matthew NWK
Cc: Campbell-Allison, Jennifer; Bax, Stacia; Wyatt Doyle; Daniels, Jason; bryan simmons; Amy Salveter
Subject: [EXTERNAL] Re: U.S. Army Corps of Engineers, Kansas City District - Regulatory Branch Public Notice Posting (UNCLASSIFIED)
Categories: Red Category

Dear Mr. Sailor:

Please consider the following information as an addendum to my April 3 email:

The Northern long-eared bat is listed as threatened under the ESA effective May 4, 2014, and should be included in the Corps' assessments. The Northern long-eared bat occurs throughout Missouri, and similar to the Indiana bat, roosts in caves (or habitats similar to caves) during the winter and under loose tree bark or in tree cracks or crevices during the summer. The listing includes an interim special rule under section 4(d) of the ESA that exempts take associated with selected activities, provided those activities include specific conservation measures. As noted for the Indiana bat, seasonal tree clearing would avoid potential take of individuals, should they occur at the site. Please refer to the following link for more information on the listing decision and special rule:

<http://www.fws.gov/midwest/news/778.html>

The Corps should include the Northern long-eared bat in their ESA considerations and provide the Service with a determination of effect. If you have questions or need additional assistance, please contact me.

Best regards -

Jane Ledwin

Jane Ledwin
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On Fri, Apr 3, 2015 at 1:27 PM, Ledwin, Jane <jane_ledwin@fws.gov> wrote:

Dear Mr. Sailor:

Please refer to the U. S. Army Corps of Engineers' (Corps) March 13, 2015, Public Notice regarding the renewal of Missouri River Commercial Dredgers five-year permit for commercial sand and gravel mining in the Missouri River. Dredging permits would cover specific reaches of the river below Rulo, Nebraska. The U.S. Fish and Wildlife Service (Service) has reviewed that information and submits the following comments pursuant to the Fish and Wildlife Coordination Act (15 U.S.C. 661 et seq) .), the National Environmental Policy Act of 1969 (42 U.S.C. 4321-4327), and the Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. 1531-1543).

The Public Notice identifies the following applicants seeking a 5-year renewal of their dredging permits for the Missouri River: Capital Sand Company, Inc. (NWK-2011-00361), Hermann Sand & Gravel, Inc. (NWK-2011-00362), Holliday Sand & Gravel Company (NWK-2011-00363), Con-Agg of Missouri, LLC. (NWK-2011-00364), Limited Leasing Company (MVS-2011-00177), J.T.R., Inc. (MVS-2011-00178). The applicants would conduct their activities in the following locations:

- ☒ Capital Sand Company, Inc.: Waverly, Jefferson City, and St. Charles Segments
- ☒ Hermann Sand & Gravel, Inc.: Jefferson City and Waverly Segments
- ☒ Holliday Sand & Gravel Company: St. Joseph, Kansas City, and Waverly Segments
- ☒ Con-Agg of Missouri, LLC: Jefferson City Segment
- ☒ Limited Leasing Company: St. Charles Segment
- ☒ J.T.R., Inc.: St. Charles Segment

The Public Notice also identifies by applicant and specific river reach, annual requested tons of material to be mined. The proposed permits would retain special conditions of the existing permits that would avoid, or minimize effects to fish, wildlife, and their habitats.

According to the Public Notice, the Corps identifies the following federally listed species as potentially occurring in the project area: endangered Indiana bat (*Myotis sodalis*), threatened piping plover (*Charadriusmelodus*), endangered least tern (*Sterna antillarum*), endangered pallid sturgeon (*Scaphirhynchus albus*) and threatened decurrent false aster (*Boltonia decurrens*). The Corps concludes that, based on the information in the 2011 Biological Assessment, the activities would either have no effect or no adverse effect on those species. The Service concurs with the Corps' determination of no effect for the Indiana bat, piping plover, least tern, and decurrent false aster. However, at this time, we cannot concur with a not likely to adversely affect determination for the pallid sturgeon.

Since the 2011 Biological Assessment, there has been significant new information regarding pallid sturgeon population status, larval ecology (e.g., drift distance and location), and conditions/monitoring of the river itself. In addition, "new" permit conditions and monitoring have been in place for five years, providing a wealth of information on the effects of the proposed activities not available for the 2011 Biological Assessment. Therefore, the Corps should update that document to include new information on the species, ecology, behavior of larvae, occurrence of young-of-year habitats, etc.

Furthermore, the Corps should review the information being developed as part of the effects analyses effort for the Missouri River Management Plan, including review of pallid sturgeon literature and prevailing hypotheses, to help relate the new information to the potential effects of the propose activities. That should also include information regarding behavior of the dredged areas geomorphologically, changes in bed elevations and stability of adjacent habitats, and projections of bed degradation/aggradation relative to those habitats. Those effects should be analyses for all life stages of the pallid sturgeon; adults, juveniles, larvae, eggs (e.g., size/sorting of material handled and suitability for spawning). The Service is available to meet with the Corps to discuss revisions to the Biological Assessment and relevant issues if needed.

We appreciate the opportunity to offer these comments. If you have any questions or need further assistance, please contact me at the number below.

Best regards -

Jane Ledwin

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On Fri, Mar 13, 2015 at 10:29 AM, Cerchi, Antonella I NWK
<Antonella.I.Cerchi@usace.army.mil> wrote:

Classification: UNCLASSIFIED
Caveats: NONE

Public Notice for Renewal of Missouri River Commercial Dredging
<<http://www.nwk.usace.army.mil/Portals/29/docs/regulatory/publicnotices/2015%20Missouri%20River%20Dredging%20PN.pdf>>

APPLICANTS: Capital Sand Company, Inc. (NWK-2011-00361)

Hermann Sand & Gravel, Inc. (NWK-2011-00362)

Holliday Sand & Gravel Company (NWK-2011-00363)

Con-Agg of Missouri, LLC. (NWK-2011-00364)

Limited Leasing Company (MVS-2011-00177*)

J.T.R., Inc. (MVS-2011-00178*)

*Denotes permits administered by the Regulatory Branch, U.S. Army Corps of Engineers (USACE), Saint Louis District. Remaining permits are administered by the Regulatory Branch,

USACE, Kansas City District.

PROJECT LOCATIONS: Applicants have proposed renewing permits for commercial sand and gravel dredging within five predefined segments of the Lower Missouri River:

- Segments
 - Capital Sand Company, Inc.: Waverly, Jefferson City, and St. Charles
- Segments
 - Hermann Sand & Gravel, Inc.: Jefferson City and Waverly Segments
 - Holliday Sand & Gravel Company: St. Joseph, Kansas City, and Waverly
- Segments
 - Con-Agg of Missouri, LLC.: Jefferson City Segment
 - Limited Leasing Company: St. Charles Segment
 - J.T.R., Inc.: St. Charles Segment

PUBLIC NOTICE COMMENT PERIOD EXPIRES: April 3, 2015

The above public notice is also found at:
<http://www.nwk.usace.army.mil/Media/PublicNotices.aspx>

Let us know how we're doing.

http://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey

Information on the Regulatory Program.

<http://geo.usace.army.mil/egis/f?p=340>

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Caveats: NONE