Appendix 12

United States Department of the Interior

FISH AND WILDLIFE SERVICE
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November 20, 2015

Matthew Sailor
U. S. Army Corps of Engineers
Regulatory Project Manager
Kansas City Regulatory Office
601 East 12th Street, Room 402
Kansas City, Missouri 64106

Dear Mr. Sailor:

Please refer to the U. S. Army Corps of Engineers' (USACE) October 30, 2015, Biological Assessment 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 sec.) and the Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. 1531-1543).

The Biological Assessment describes the potential effects to federally listed species from a 5-year renewal of 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

According to the Biological Assessment, the USACE identified the following federally listed species as potentially occurring in the project area: endangered Indiana bat (*Myotis sodalis*), threatened Northern long-eared bat, threatened piping plover (*Charadrius melodus*), endangered least tern (*Sterna antillarum*), endangered pallid sturgeon (*Scaphirhynchus albus*) and threatened decurrent false aster (*Boltonia decurrens*). As noted in our April 15, 2015, letter to the USACE regarding the Public Notice for the permits, the Service concurred with the USACE determination of no effect for the Indiana bat, piping plover, least tern, and decurrent false aster. We also concur with a no effect determination for the Northern longed-eared bat.

The USACE Biological Assessment focused much of the analyses on potential effects to the pallid sturgeon. The document included updated information on larval sturgeon and river degradation/aggradation trends to better understand interactions between the proposed dredging activities and the needs of the pallid. Based on those analyses, the Service concurs with the USACE determination that the proposed permits, including the conservation measures incorporated as special conditions, may affect, but are not likely to adversely affect the pallid sturgeon. At the same time, we note that some reaches of the river may see significantly increased dredging (i.e., almost double in the Waverly Reach). It will be critical to carefully assess the effects of increased dredging in those reaches to ensure those activities do not contribute to bed degradation either in that reach or up or downstream. The USACE monitoring program started in 2011 has provided information essential in evaluating the effects of their dredging program. The Service appreciates the efforts of both the USACE and the dredgers to continue this program and fine-tune the permitted activities as needed/appropriate.

If you have any questions or need further assistance, please contact Jane Ledwin (573/234-2132, extension 109) of my staff.

Sincerely,

Amy Salveter
Field Supervisor

cc: MDC, Jefferson City, MO (Campbell Allison)
MDNR, Jefferson City, MO (Bax)
USFWS, Yankton, SD (Kruse)