United States Department of the Interior

FISH AND WILDLIFE SERVICE
646 Cajundome Blvd.
Suite 400
Lafayette, Louisiana 70506

September 26, 2012

Mr. Pete J. Serio
Chief, Regulatory Branch
U.S. Army Corps of Engineers
P.O. Box 60267
New Orleans, Louisiana 70160-0267

Dear Mr. Serio:

Please reference a September 19, 2012 letter from Mr. Darrell Barbara of your office regarding permit application MVN-2011-2935-EFF. That letter contains a request for our concurrence with the U.S. Army Corps of Engineers' (Corps) determination of effects to the endangered West Indian manatee (*Trichechus manatus*) and pallid sturgeon (*Scaphirhynchus albus*) as a result of issuing a permit for the Louisiana Coastal Protection and Restoration Authority (CPRA) to conduct dredging and fill activities for the restoration of Shell Island in Plaquemines Parish, Louisiana. The CPRA plans to utilize borrow areas in the Mississippi River and offshore to restore Shell Island. The Fish and Wildlife Service's Louisiana Ecological Services Office (Service) has reviewed the current information provided and offers the following comments in accordance with provisions of the Endangered Species Act (ESA) of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.).

The Service previously provided concurrence for the threatened piping plover (*Charadrius melodus*) via our May 22, 2012, letter. At that time, the Service was not aware that borrow material would also be taken from the Mississippi River, and the West Indian manatee and pallid sturgeon were not addressed at that time.

As you know, the manatee may occur within the proposed project areas during the summer months and could potentially be affected by project-related construction activities (e.g., dredging and dredging disposal, vessel strikes, etc.). Based on information provided by Mr. Barbara, the Corps would incorporate as permit conditions the Service's guidelines to avoid and/or minimize any potential project-related effects to manatees that may occur within the project areas during construction activities. Therefore, the Service concurs with the Corps' determination that issuance of the proposed permit is not likely to adversely affect the West Indian manatee.

The pallid sturgeon inhabits in the Mississippi River and is adapted to large, free-flowing, turbid rivers with a diverse assemblage of physical characteristics that are in a constant state of change. Many life history details and subsequent habitat requirements of this fish are not known. However, the pallid sturgeon is believed to utilize Louisiana riverine habitat during reproductive stages of its life cycle. Habitat loss through river channelization and dams has adversely affected this species throughout its range.

The pallid sturgeon is rarely found in the lower portion of the Mississippi River where the CPRA would obtain a portion of the borrow material for their project. Nonetheless, the Corps would implement a permit condition protective of pallid sturgeon through which the Service would be contacted and work would cease if evidence indicates that sturgeon are present within the Mississippi River borrow area. If the Corps determines that the additional protective measures are necessary, we offer the following measures to further minimize potential impacts to pallid sturgeon associated with dredging:

1. The cutterhead should remain completely buried in the bottom material during dredging operations. If pumping water through the cutterhead is necessary to dislodge material or to clean the pumps or cutterhead, etc., the pumping rate should be reduced to the lowest rate possible until the cutterhead is at mid-depth, where the pumping rate can then be increase.
2. During dredging, the pumping rates should be reduced to the slowest speed feasible while the cutterhead is descending to the channel bottom.

Because the Corps would implement a permit condition protective of pallid sturgeon, and because pallid sturgeon are rarely found in the lower portion of the river where dredging would occur, the Service also concurs with the Corps' determination that issuance of the permit is not likely to adversely affect the pallid sturgeon.

We appreciate the continued cooperation of the Corps and CPRA in the conservation of endangered and threatened species. If you have any questions regarding the subject matter of this letter, please contact Ms. Brigette Firmin (337/291-3108) of this office.

Sincerely,

Jeffrey D. Weller
Supervisor
Louisiana Ecological Services Office

cc: LDWF, Natural Heritage Program, Baton Rouge, LA
LDWF, Baton Rouge, LA (Attn: Kyle Balkum)