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STATE OF contact

THOMAS J. VILSACK, GOVERNOR
SALLY J. PEDERSON, LT. GOVERNOR

DEPARTMENT OF NATURAL
JEFFREY R. VOI

November 14, 2005

Ms. Christa Dean
Section of Environmental Analysis
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423

RE: Environmental Review for Natural Resources
Proposal for a 250 foot rail line that will connect existing rail infrastructure at Roquette's corn processing facility with an existing rail line of the BNSF Railway Company

Dear Ms. Dean:

Thank you for inviting our comments on the impact of the above referenced project. We have searched our records of the project area and found no site-specific records of rare species or significant natural communities. However, the Indiana bat (*Myotis sodalis*, state and federal endangered) may occur in the area of this project. The enclosed guidelines provide information about summer habitat requirements and survey methods for the Indiana bat. If it appears that you will disturb potential Indiana bat summer habitat, we suggest that you contact the U.S. Fish and Wildlife Service Rock Island Field Office at (309) 793-5800. If other listed species or rare communities are found during the planning or construction phases, additional studies and/or mitigation may be required.

There is no fee title land that is owned by the state within the project area as described in the November 3rd correspondence that was sent by your office.

The city of Keokuk, Iowa is a Charter City that has special riparian rights and controls over construction in this area. It is recommended that you contact them to determine any permit requirements that they may have.

This letter is a record of review for protected species, rare natural communities, state lands and waters in the project area, including review by personnel representing state parks, preserves, recreation areas, fisheries and wildlife but does not include any potential comment from the Environmental Services Division of this Department. This letter does not constitute a permit and before proceeding with this project, permits may be needed from this Department or from other state or federal agencies.

Any construction activity that bares the soil of an area greater than or equal to 1 acre including clearing, grading or excavation may require a storm water discharge permit from the Department. Construction activities may include the temporary or permanent storage of dredge material. For more information regarding this matter, please contact Ruth Rosdail at 515/281-6782.

The Department administers regulations that pertain to fugitive dust IAW Iowa Administrative Code 567-23.3(2)"c". All persons shall take reasonable precautions to prevent the discharge of visible emissions of fugitive dusts beyond the lot line of property during construction, alteration, repairing or demolishing of buildings, bridges or other vertical structures or haul roads. All questions regarding fugitive dust regulations should be addressed to Jim McGraw at 515/242-5167.

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If you have any questions about this letter or if you require further information, please contact Keith Dohrmann at (515) 281-8967.

Sincerely,

A handwritten signature in black ink, appearing to read "Diane Ford Shivers". The signature is fluid and cursive, with the first name "Diane" being the most prominent.

**DIANE FORD-SHIVERS, SUPERVISOR
POLICY AND COORDINATION
CONSERVATION AND RECREATION DIVISION**

DFS:kd

Attachment: Indiana Bat Guidelines (addressee only)

CC: Christine Schwake, Water Quality Bureau, Iowa DNR (by email)

FILE COPY: Keith L. Dohrmann

IOWA DEPARTMENT OF NATURAL RESOURCES

GUIDELINES FOR PROTECTION OF INDIANA BAT SUMMER HABITAT

These guidelines were prepared to provide information about the Indiana bat and its summer habitat requirements in Iowa and to prevent inadvertent harm to the species through various human activities. This update of the guidelines is in response to changes in the U.S. Fish and Wildlife Service requirements for protecting this endangered species. The changes include:

- No cut dates changed to April 15 through September 15
- Drop the requirement for the number of roost trees/acre
- Use the U.S. Fish and Wildlife Service guidelines for mist net surveys

The Indiana bat is a federal (50 CFR Part 17) and state (Code of Iowa, Chapter 481B) listed endangered species that occurs in southern Iowa from May through August.

Female Indiana bats have their young beneath the loose or peeling bark of trees. Most nursery colonies have been found beneath the bark of standing dead trees on the trunk or large branches. Dead trees that retain sheets or plates of bark and which provide space beneath the bark such as red oak, post oak, and cottonwood are potential roost trees. Live trees such as shagbark and shellbark hickory are also used at times for roosting. The nursery colonies are located along streams and rivers or in upland forest areas. Riparian areas are also important feeding areas for this species. Indiana bats have been captured on the edge of urban areas. It is likely that the bats would be using only areas on the edge of the town or city and only if there is suitable habitat such as a greenbelt or a large park with a natural forest component that would have the below listed requirements. This would exclude city parks that are maintained as mowed areas.

Counties affected

Summer Range in Iowa:

Appanoose, Clarke, Davis, Decatur, Des Moines, Henry, Iowa, Jasper, Jefferson, Keokuk, Lee, Louisa, Lucas, Madison, Mahaska, Marion, Monroe, Muscatine, Poweshiek, Ringgold, Union, Van Buren, Wapello, Warren, Washington, and Wayne.

The U.S. Fish and Wildlife Service considers all counties south of Interstate 80, including those portions of Dallas, Polk, Jasper, Poweshiek, Iowa, Johnson, Muscatine, and Scott counties south of Interstate 80, as being within the potential range of the species in Iowa.

Summer Habitat Requirements for the Indiana bat

Essential summer habitat in Illinois was considered to be 30% or greater deciduous forest cover within a 6/10 mile radius, permanent water within a 6/10 mile radius, and suitable roost trees within a 3/10 mile radius. Areas of as low as 5% deciduous forest cover provided suitable habitat as long as water and roost trees were within the listed distances in Illinois. In Iowa, records for the Indiana bat have occurred in areas of 15% or greater forest cover and near permanent water. Tree species that have been identified as roost trees from studies in other states are shagbark and shellbark hickory that may be alive or dead and dead, bitternut hickory, American elm, slippery elm, eastern cottonwood, silver maple, white oak, red oak, post oak, and shingle oak with slabs or plates of loose bark.

Suitable summer habitat in Iowa is considered to have the following within a 1/2 mile radius of a location:

- 1) Forest cover of 15% or greater
- 2) Permanent water
- 3) One or more of the listed tree species 9 inches dbh or greater
- 4) The potential roost trees ranked as moderate or high for peeling or loose bark

Survey Methods for Indiana Bat Summer Habitat

Step 1

Determine if there is 15% or greater forest cover and permanent water in a 1/2 mile radius of the project site.

If not then there is no need to continue survey efforts.

If these requirements are met go to Step 2.

Step 2

Conduct a survey of the project area that will be cleared or cut to determine if suitable roost trees are present. This will include both upland and floodplain forests. Areas that are too large for complete counts may be sampled using techniques such as point-quarter, tenth-hectare quadrats or other acceptable forest sampling techniques. The information to be collected during sampling includes the following:

Standing trees 9 inches or greater (dbh) diameter at breast height per acre -- (alive or dead) shagbark and shellbark hickory (dead) all other species listed above that have 10% or greater loose or peeling bark on the trunks and main limbs. The amount of loose or peeling bark is based on visual estimation.

If clearing and grubbing activities will not begin until after April 15 the survey should extend 50 yards beyond the area to be cleared. This buffer will reduce the potential for harm to roosting bats near the edge of the area to be disturbed.

If a survey of the habitat within the project area finds that suitable summer habitat for the Indiana Bat, as defined above, is present then there are two options available.

Option 1:

Conduct a mist net survey of the project area for Indiana Bats

The U.S. Fish and Wildlife Service developed guidelines for conducting mist net surveys. A copy titled "Mist Netting Guidelines" may be obtained from the following office:

U. S. Fish and Wildlife Service
4469 48th Avenue Court
Rock Island, Illinois 61201

Survey results should be submitted to:

Iowa Department of Natural Resources,
Wallace State Office Building
502 East Ninth
Des Moines, IA 50319
(Attention: Daryl Howell)

U.S. Fish & Wildlife Service
4469 48th Ave. Court
Rock Island, IL 61201

If Indiana bats are found during the survey then no removal of the trees will be allowed between April 15 and September 15.

Option 2:

Conduct tree clearing and cutting between September 16 and April 14 or remove all potential roost trees identified during the habitat survey between these dates.

The IDNR can offer assistance in identifying qualified professionals to conduct habitat surveys and bat surveys. Contact Daryl Howell if you have questions about these guidelines at the above listed address or (515) 281-8524.

Please contact the U.S. Fish and Wildlife Service at the above listed address or (309) 793-5800, for information about the most current federal guidelines for the Indiana bat.

These guidelines may be revised based on the availability of new research or management information or to clarify particular points in the guidelines. You may wish to check with the DNR to determine if you have the most current set of guidelines.

