

EI-1793



United States Department of the Interior



FISH AND WILDLIFE SERVICE
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IN REPLY REFER
TO
FWS/RIFO

November 29, 2005

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

Dear Ms. Dean:

This responds to your letter of November 3, 2005, requesting our comments on proposed plans for a rail line construction project being proposed by Roquette America, Inc., in Keokuk, Lee County, Iowa. Thank you for the opportunity to review the proposed project and provide information concerning threatened and endangered species.

To facilitate compliance with Section 7(c) of the Endangered Species Act of 1973, as amended, Federal agencies are required to obtain from the Fish and Wildlife Service information concerning any species, listed or proposed to be listed, which may be present in the area of a proposed action. Therefore, we are furnishing you the following list of species which may be present in the concerned area:

<u>Classification</u>	<u>Common Name/(Scientific Name)</u>	<u>Habitat</u>
Endangered	Indiana bat (<i>Myotis sodalis</i>)	Caves, mines (hibernacula); Small stream corridors with well developed riparian woods; upland forests (foraging)
Threatened	Bald eagle (<i>Haliaeetus leucocephalus</i>)	Wintering
Threatened	Prairie bush clover (<i>Lespedeza leptostachya</i>)	Dry to mesic prairies with gravelly soil
Threatened	Western prairie fringed orchid (<i>Platanthera praeclara</i>)	Mesic to wet prairies

The endangered Indiana bat (*Myotis sodalis*) has been noted as occurring in several Iowa counties including Lee. It could potentially occur in all counties south of Interstate 80, including those portions of Dallas, Polk, Jasper, Johnson, Muscatine, and Scott Counties south of Interstate 80.

Indiana bats migrate seasonally between winter hibernacula and summer roosting habitats. Winter hibernacula include caves and abandoned mines. Females form nursery colonies under the loose bark of trees (dead or alive) and/or cavities, where each female gives birth to a single young in June or early July. A single colony may utilize a number of roost trees during the summer, typically a primary roost tree and several alternates. The species or size of tree does not appear to influence whether Indiana bats utilize a tree for roosting provided the appropriate bark structure is present.

During the summer, the Indiana bat frequents the corridors of small streams with riparian woods as well as mature upland forests. It forages for insects along stream corridors, within the canopy of floodplain and upland forests, over clearings with early successional vegetation (old fields), along the borders of croplands, along wooded fencerows, over farm ponds, and in pastures.

Suitable summer habitat in Iowa is considered to have the following characteristics within a ½ mile radius of a project site:

- 1) forest cover of 15% or greater;
- 2) permanent water;
- 3) one or more of the following tree species: shagbark and shellbark hickory that may be dead or alive, 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;
- 4) potential roost trees with 10% or more peeling or loose bark

If the project site contains **any habitat that fits the above description**, it may be necessary to conduct a survey to determine whether the bat is present. In addition, a search for this species should be made prior to any cave-impacting activities. If habitat is present or Indiana bats are known to be present, they must not be harmed, harassed or disturbed, and this field office should be contacted for further assistance.

The threatened bald eagle (*Haliaeetus leucocephalus*) is listed as wintering along large rivers, lakes and reservoirs in Lee County, Iowa. During the winter, this species feeds on fish in the open water areas created by dam tailwaters, the warm water effluents of power plants and municipal and industrial discharges, or in power plant cooling ponds. The more severe the winter, the greater the ice coverage and the more concentrated the eagles become. They roost at night in groups in large trees adjacent to the river in areas that are protected from the harsh winter elements. They perch in large shoreline trees to rest or feed on fish. There is no critical habitat designated for this species. The eagle may not be harassed, harmed, or disturbed when present nor may nest trees be cleared.

The prairie bush clover (*Lespedeza leptostachya*) is listed as threatened and is considered to potentially occur statewide in Iowa based on historical habitat. It occupies dry to mesic prairies with gravelly soil. There is no critical habitat designated for this species. Federal regulations prohibit any commercial activity involving this species or the destruction, malicious damage, or removal of this species from Federal land or any other lands in knowing violation of State law or regulation, including State criminal trespass law. This species should be searched for whenever prairie remnants are encountered.

The western prairie fringed orchid (*Platanthera praeclara*) is listed as threatened and is considered to potentially occur statewide based on historical records and habitat distribution. It occupies wet grassland habitats. There is no critical habitat designated for this species. Federal regulations prohibit any commercial activity involving this species or the destruction, malicious damage or removal of this species from Federal land or any other lands in knowing violation of State law or regulation, including State criminal trespass law. This species should be searched for whenever wet prairie remnants are encountered.

The Corps of Engineers is the Federal agency responsible for wetland regulation, and we recommend that you contact them for assistance in delineating any wetland types and acreages within the project boundary. Priority consideration should be given to avoid impacts to wetlands. Any future activities in the study area that would alter these wetlands may require a Section 404 permit. Unavoidable impacts will require a mitigation plan to compensate for any losses of wetland functions and values. The U.S. Army Corps of Engineers, Clock Tower Building, P.O. Box 2004, Rock Island, Illinois 61201, should be contacted for information about the permit process.

These comments provide technical assistance only and do not constitute the report of the Secretary of the Interior on the project within the meaning of Section 2(b) of the Fish and Wildlife Coordination Act, do not fulfill the requirements under Section 7 of the Endangered Species Act, nor do they represent the review comments of the U.S. Department of the Interior on any forthcoming environmental statement.

If you have questions, please contact Heidi Woeber of my staff at 309/793-5800, extension 209.

Sincerely,

A handwritten signature in black ink, appearing to read 'Richard C. Nelson', written over a white background.

Richard C. Nelson
Field Supervisor