



IN REPLY REFER TO:

# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

Field Office  
1601 Balboa Avenue  
Panama City, FL 32405-3721

850-769-0552  
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June 12, 2015

Mr. Clif Payne  
Jacksonville District Corps of Engineers  
41 North Jefferson Street, Suite 301  
Pensacola, Florida 32502-5794

Attn: Holly M. Millsap  
Regulatory Division  
North Permits Branch  
Panama City Permits Section  
SAJ-2014-03428 (NW-HMM)

RE: FWS Log No.: 2015-I-0100  
Applicant: Escambia County BOCC  
Project Title: Quintette Road Bridge Scour Hole  
Repairs, Escambia River  
Escambia County, FL

Dear Mr. Payne:

This letter acknowledges the U.S. Fish and Wildlife Service's (Service) receipt of your letter dated April 13<sup>th</sup>, 2015 requesting initiation of formal section 7 consultation under the Endangered Species Act for impacts a proposed bridge repair project may have on the fuzzy pigtoe (*Pleurobema strodeanum*) and narrow pigtoe (*Fusconaia escambia*). In addition, we also considered impacts on the Gulf sturgeon (*Acipenser oxyrinchis desotoi*) in the event work must occur while sturgeon are present in the river. We concur with your determination that the project, as proposed, may affect, but is not likely to adversely affect the Choctaw bean (*Villosa choctawensis*), round ebonyshell (*Fusconaia rotulata*), and Gulf sturgeon, or destroy or adversely modify mussel and sturgeon critical habitat.

The proposed project is located at the Quintette Road Bridge crossing over the Escambia River main channel, and would involve the placement of 0.27 acres of loose rip-rap or rip-rap blankets on the river bottom around four pile bents. The river bottom around the bents has eroded, and the bents are considered "scour critical" as defined by the Federal Highway Works Administration. The placement of the rip-rap material will be accomplished from a barge and lowered around each pile bent using either an extended reach backhoe or crane. The barge will

be held in position by spuds placed on the river bottom, and should stay within 100' up- or downstream of the existing bridge. Construction and associated instream activities are scheduled to occur during the winter of 2015. Weighted turbidity curtains will be deployed around each pile to reduce turbidity impacts.

We have evaluated the information provided with your request for consultation, site plans and drawings, and previous mussel surveys. We also discussed Gulf sturgeon use of the area with experts in our office, and contacted a mussel expert who conducted a mussel survey in the vicinity of the bridge in 1995.

#### *Mussels*

During the 1995 survey, very few mussels and no listed mussels were found in the immediate vicinity of the bridge. Individuals of narrow pigtoe and fuzzy pigtoe were collected upstream of the bridge, near the bank, and we know from other surveys of this reach that both species occur in relatively low densities in this reach. Because the river bottom is actively eroding around the bents, the habitat is unstable and it is unlikely that listed mussels would be present in areas where the rip-rap material would be placed. Based on the condition of the habitat and on survey data, we believe the likelihood that the project would result in injury or death of a listed mussel is discountable. It is possible that the addition of the rip-rap material would alter flow patterns and cause erosion of the streambed and banks in downstream areas. However, it is impossible to determine if, where, or to what extent this may occur, and thus to assess whether this would impact listed mussels. Generally, suitable mussel habitat is in areas along the stream bank; thus, disturbance to the stream bottom near the banks should be avoided and minimized.

#### *Gulf sturgeon*

Gulf sturgeon migrate into the Escambia River in late winter, and remain until around mid-November, when they return to the Gulf of Mexico. This area of the Escambia River is a summer holding area for sturgeon. Construction is planned to occur during the winter months to avoid impacts to Gulf sturgeon. If the work is conducted when sturgeon are not present, we believe the addition of the rip-rap material will not affect Gulf sturgeon. **However, if it is determined that the work should be initiated during the time period of March 1-November 15, we have provided conservation measures 4, 5, and 6 to allow for in-water work while sturgeon are in the river.** The Panama City Field Office will be monitoring sturgeon movement in this area of the river during the summer and fall of this year. We request that you contact our office if in-water work is necessary during this period, so that we may provide any additional guidance based on our monitoring.

The conservation measures provided below are intended to avoid and minimize impacts to federally protected resources. If these measures, and the BMPS proposed by the applicant, are implemented we believe the proposed project can be completed without adversely affecting the fuzzy pigtoe, narrow pigtoe, and Gulf sturgeon. If the conditions below are not implemented, then additional coordination with the Service is required.

## Project Conservation Measures

1. Conduct all work activities in a manner that minimizes disturbance to the stream bottom.
2. To the extent possible, avoid disturbance to aquatic habitats near stream banks and riparian areas.
3. Locate material stockpiles, equipment staging areas, etc. at least 200 feet from stream channels to minimize the potential of sediments and contaminants from entering the waterway.
4. No in-water activity from 6:00 pm to 8:00 am during the period of March 1 – November 15.
5. Use of Construction Special Provisions, Sturgeon Protection Guidelines (enclosed) if in-water activities will occur during the period of March 1 – November 15.
6. Contact the contact the Panama City Field Office if in-water work is necessary during the period of March 1 – November 15, so that we may provide any additional guidance based on sturgeon monitoring.

We appreciate the opportunity to review the project. Please don't hesitate to contact Sandra Pursifull at (850) 769-0552 x240 if you have questions or require additional information.

Sincerely,



Dr. Catherine T. Phillips  
Project Leader

Enclosure: Construction Special Provisions Gulf Sturgeon Protection Guidelines

cc: Holly Millsap, US Army Corps of Engineers, Pensacola, FL – electronic copy  
Kirk Kassenbaum, Escambia County Public Works, Pensacola, FL – electronic copy  
Keith D. Johnson, Wetland Sciences, Pensacola, FL – electronic copy