



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
P.O. BOX 4970
JACKSONVILLE, FLORIDA 32232-0019

JUL 2005

Planning Division
Environmental Branch

Mr. James J. Slack
Field Supervisor
U.S. Fish and Wildlife Service
1339 20th Street
Vero Beach, Florida 32960-3559

Dear Mr. Slack:

Pursuant to the Endangered Species Act (ESA) of 1973, as amended, enclosed is an excerpt from the Final Project Implementation Report (PIR) with integrated Environmental Assessment (EA) to serve as the Biological Assessment (BA) for the Site 1 Impoundment Project. This project is located in Palm Beach County, Florida. The U.S. Army Corps of Engineers (Corps) had submitted the draft PIR to serve as the BA with the determination for effects to threatened and endangered species and critical habitat. However, in a letter dated June 8, 2005, the U.S. Fish and Wildlife Service (Service) requested additional information in order to evaluate and concur with the Corps' determination of effects to federally listed species. The Corps and the Service together crafted the final language for the EA to substantiate the determinations of effects. At this time, the Corps is requesting concurrence with the following determinations of effect:

The U.S. Army Corps of Engineers has determined that the recommended plan identified in the Final PIR may have the following effects on federally listed species:

- May affect, but not likely to adversely affect the Everglade snail kite and its critical habitat;
- May affect, but not likely to affect the Eastern indigo snake;
- May affect, but not likely to adversely affect the wood stork (see below);
- May affect, but not likely to adversely affect the bald eagle;

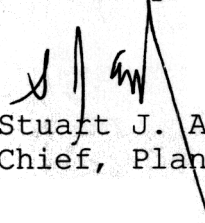
May affect, but not likely to adversely affect the Audubon's crested caracara;

- May affect, but not likely to adversely affect the Florida panther;
 - May affect, but not likely to adversely affect the American alligator;
- May affect, but not likely to adversely affect the West Indian manatee.

The details of these determinations, along with the assessment of the project's effects, are documented in the enclosed Section 5. Section 5.3.9 specifically covers threatened and endangered species. Environmental commitments to avoid or minimize impacts to listed species are in Section 7.2 of the Final report, and have been added as an enclosure.

We request your concurrence with our determination pursuant to ESA **by September 2, 2005**. If you have any questions or need further information, please contact Rebecca Weiss at 904-232-1577, fax at 904-899-5095 or e-mail at Rebecca.J.Weiss@usace.army.mil.

Sincerely,



Stuart J. Appelbaum
Chief, Planning Division

Enclosures

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Ms. Jane Tutton, U.S. Fish and Wildlife Service, 1339 20th
Street, Vero Beach, Florida 32960-3559