



IN REPLY REFER TO:

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Bishop Henry Whipple Federal Building
1 Federal Drive
Fort Snelling, MN 55111-4056

December 16, 2003

Brigadier General William T. Grisoli
Department of the Army
Corps of Engineers, Northwest Division
P.O. Box 2870
Portland, Oregon 97208

Dear General Grisoli:

On November 3, 2003, we received Biological Assessment on the operations of the Missouri River, Kansas River and Bank Stabilization and Navigation Project. We replied on November 10, 2003, that the Biological Assessment was adequate to initiate formal consultation under Section 7 of that Act. The attached document represents the Fish and Wildlife Service's formal opinion under Section 7. We commend the Corps staff in the Portland Division and other District Offices for their professionalism and haste to answer our questions, explain data or provide clarification of portions of the Biological Assessment during this expedited consultation.

Consultation was reinitiated for this action as a result of updated information on take of the Interior least tern and Northern Great Plains piping plover, the designation of critical habitat for the piping plover in 2002, and your concerns about specific elements of the reasonable and prudent alternatives (RPA) in the Services's 2000 Biological Opinion. The Corps proposed alternative elements to the RPA that the Corps believes would accomplish the desired results without flow requirements from Gavins Point for spring rise and summer low habitat flows. In addition, the Corps proposed: a modified drought conservation plan; a Gavins Point Dam summer release flow test; accelerated construction of shallow water habitat; pallid sturgeon hatchery improvements; accelerated pallid sturgeon brood stock collection; and an adaptive management framework (including research, monitoring and evaluation, and flow tests).

Because the Corps accepted almost all of the RPA from the 2000 Biological Opinion, the scope of this consultation involved only those proposed element changes and is considered an amendment to the current 2000 Biological Opinion. An Executive Summary and the complete opinion are attached for your review.

This concludes formal consultation for the proposed action. If you have questions or need additional information, please feel free to contact either of us.

Sincerely;

Robyn Thorson
Regional Director
Great Plains Region

H. Dale Hall
Regional Director
Southwest Region

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