



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Green Bay ES Field Office
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July 19, 2010

Ms. Tamara E. Cameron
Chief, Regulatory Branch
St. Paul District, Corps of Engineers
Sibley Square at Mears Park
180 Fifth Street, East, Suite 700
St. Paul, Minnesota 55101-1678

re: JDH Cranberries, Inc.
2009-04930-SEK
Juneau County, Wisconsin

Dear Ms. Cameron:

The U.S. Fish and Wildlife Service (Service) received the U.S. Army Corps of Engineers' (Corps) Public Notice dated June 17, 2010, pertaining to the development of a new cranberry marsh in Juneau County, Wisconsin. The project may result in the discharge of dredged and fill material in about 2.9 acres of a perennial stream that flows into Cranberry Creek. The purpose of the project is to reroute the waterway around the proposed new cranberry marsh. We have reviewed the information provided in the Public Notice and in a follow-up letter from you dated July 8, 2010. Due to time constraints our comments are limited to a review of information on federally-listed and candidate species and critical habitat in the project area.

Federally-Listed Species, Candidate Species, and Critical Habitat

The Corps letter of July 8, 2010, correctly identified the two federally-listed species that may be present in the proposed project area, the gray wolf and Karner blue butterfly. Based on the information in that letter, we concur that the project "may affect but is not likely to adversely affect the gray wolf." This determination is based on the Corps restricting construction activities between April 1 and May 20 to reduce the potential of the project to affect wolf denning activities.

We also concur with the Corps' "may affect, likely to adversely affect" determination for the Karner blue butterfly. This is based on the Corp's intent to include language in a cover letter associated with any permit authorization encouraging the landowner to take measures to conserve the Karner blue butterfly should it be present on the property. Further, we agree that the Corps has met its section 7 of the Endangered Species Act (as amended in 1973) obligations relative to this consultation. The bases for the Service's concurrence is due to the Corps compliance with the section 7 consultation provisions of the Service's June 21, 2010, Biological

Opinion (BO) completed for implementation of the Wisconsin Statewide Kbb Habitat Conservation Plan's (HCP), and the fact that cranberry growers are members of the "Voluntary Landowner" group that is allowed take of Karner blue butterflies via the Service's incidental take permit issued for implementation of the HCP.

Should you have any questions on the above comments, please do not hesitate to contact Ms. Catherine Carnes of my staff at 920-866-1732 or via email: cathy_carnes@fws.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Jill Utrup", written in a cursive style.

Jill Utrup
Acting Field Supervisor

cc: US Army Corps of Engineers, Waukesha, WI Attn: Simone Kolb