

Enclosure 5

FWS-COE letter dated August 10, 2000



IN REPLY REFER TO:

United States Department of the Interior

FISH AND WILDLIFE SERVICE

Field Office
1612 June Avenue
Panama City, FL 32405-3721

Tel: (850) 769-0552
Fax: (850) 763-2177

August 10, 2000



DK
CWF PDEI
SWR

Colonel David Norwood
District Engineer
Army Corps of Engineers
Mobile District
P.O. Box 2288
Mobile, Alabama 36628-0001

Dear Colonel Norwood:

The Service is responding to two e-mail messages from Ed Burkett of your staff, dated July 27, 2000, and August 4, 2000, regarding the Corps' operation of the Apalachicola-Chattahoochee-Flint (ACF) system of federal reservoirs during the present drought. These messages announce a meeting to discuss ACF project operations on August 15 in Columbus, Georgia. The Service will send representatives to that meeting. The Corps is considering reducing releases from the ACF reservoirs to discharges less than 5,000 cubic feet per second (cfs) from Jim Woodruff Lock and Dam (JWLD), which is the minimum discharge from the system under the Corps' current ACF Water Control Plan. The purpose of this letter is to inform you in advance of the August 15 meeting that, depending on the magnitude and duration of any reduction in releases from JWLD below 5,000 cfs, such an action may adversely affect two species of freshwater mussels protected under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) (the Act): the fat threeridge (*Amblema neislerii*) and the purple bankclimber (*Elliptoideus sloatianus*). We are aware of at least two floodplain streams of the Apalachicola River where these two species occur and that will likely go dry if JWLD releases drop substantially below 5,000 cfs, but the impacts to listed species would not necessarily be limited to these two streams.

A Service biologist (Jerry Ziewitz) visited several floodplain streams of the Apalachicola River between river mile (rm) 42 and rm 26 on August 2. Many floodplain streams in this reach are disconnected from the main channel at the current releases of about 5,000 cfs, and the beds of these streams are either entirely dewatered or contain isolated pools with dissolved oxygen contents less than 2 parts per thousand. Swift Slough, a distributary that flows from the main channel at rm 40.3, was still connected and flowing on August 2. Swift Slough flows into River Styx, a floodplain tributary that flows into the main channel at rm 35.3. The depth of the thalweg was 0.85 ft at the head of Swift Slough, but most of the wetted channel cross section was about 0.5 ft deep. At present, Swift Slough appears to be the principal source of flow to

River Styx. Both of these streams appeared to have a relatively abundant and diverse mussel fauna.

To identify the mussels observed at Swift Slough and River Styx, Mr. Ziewitz returned the following day, August 3, accompanied by malacologist Dr. James Williams of the U.S. Geological Survey, three of his staff, and two biologists of the Corps' Mobile District staff (Joanne Brandt and Beverley Stout). They found 17 fat threeridge in the upstream-most 100 meters of Swift Slough. Some individuals were 2 to 3 years old, indicating that successful reproduction had occurred in this system in the months preceding the onset of the present drought. They found the shells only of fat threeridge and purple bankclimbers in River Styx, but it is highly likely that live individuals of these two listed species occur in this stream as well. In addition to the two listed species, these two streams support at least ten other species of native mussels, with several species present in large numbers. River Styx appeared also to support good habitat conditions for a variety of fish species. The species observed in the relatively clear water included redbreast sunfish over spawning beds, largemouth bass, spotted sucker, longnose gar, and several minnow and shiner species.

Lowering the river stage by more than about 0.5 ft in the vicinity of Swift Slough, relative to the Blountstown gage height of 0.51 ft on August 2, would cut off almost all of the flow into this distributary. Lowering the stage by more than 0.85 ft would entirely disconnect Swift Slough from the main channel, creating isolated pool conditions for about 3 miles downstream, and possibly also in about 1.5 miles of the River Styx. We would expect some mortality of the listed mussels species in this system, and other species, with a 0.5 ft drop, and very likely complete mortality with a drop of more than 0.85 ft, again relative to a Blountstown gage height of 0.51 ft. Such mortality has occurred already in other distributary streams that have been disconnected for extended periods during the past 2 years. For example, on August 2, we found shell material of both fat threeridge and purple bankclimber in the dry stream beds of two unnamed streams that flow from the Apalachicola River to Douglas Slough between rm 30.0 and 30.3. These streams are disconnected from the river at JWLD releases less than about 6,000 cfs.

The Corps has not as yet announced a proposed action to reduce the 5,000 cfs minimum release from JWLD, only that it is "probably prudent to consider reducing this flow." It is apparent to us that releases of less than 5,000 cfs from JWLD may adversely affect listed species; therefore, if such action is actually proposed for implementation, the Service requests that the Corps initiate formal consultation as required under 50 CFR §402.14. By this letter, the Service is providing written explanation of the basis for our request. To initiate formal consultation, the Corps would submit a written request to the Service including:

- (1) A description of the action to be considered;
- (2) A description of the specific area that may be affected by the action;
- (3) A description of any listed species or critical habitat that may be affected by the action;
- (4) A description of the manner in which the action may affect any listed species or critical habitat and an analysis of any cumulative effects;
- (5) Relevant reports, including any environmental impact statement, environmental assessment, alternative analysis, or biological assessment prepared; and

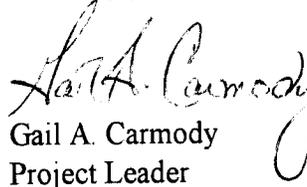
(6) Any other relevant available information on the action, the affected listed species, or critical habitat (50 CFR §402.14(c)).

The formal consultation process does not begin until the Service receives the information listed above, or a statement explaining why that information cannot be made available. We would notify you when we received all of the necessary information; our notification letter would also outline the dates within which formal consultation should be completed and the biological opinion delivered on the proposed action.

We remind the Corps that after the initiation of consultation, a Federal agency shall make no irreversible or irretrievable commitment of resources with respect to the agency action which has the effect of foreclosing the formulation or implementation of any reasonable and prudent alternatives which would avoid violating Section 7(a)(2) of the Act (50 CFR §402.09).

If you have any questions about this letter, please call me at 850-769-0552 ext 225.

Sincerely yours,


Gail A. Carmody
Project Leader

cc:

Joanne Brandt, Mobile District
Alan Egbert, FWCC, Tallahassee, FL
Charlie Mesing, FWCC, Midway, FL
Doug Barr, NFWFMD, Havana, FL
David Struhs, FDEP, Tallahassee, FL
David Waller, GA DNR, Social Circle, GA