

**Jim Woodruff Dam Interim Operations Plan**  
**Section 7 Consultation Biological Opinion**  
**Reasonable & Prudent Measures, Terms & Conditions, and Conservation Recommendations**

### **7.3 REASONABLE AND PRUDENT MEASURES**

The Service believes the following reasonable and prudent measures are necessary and appropriate to minimize the impacts of incidental take of fat threeridge and purple bankclimber on the Apalachicola River.

**RPM1. Adaptive management.** Identify ways to minimize harm as new information is collected.

Rationale. Additional information will be collected about the listed species and their habitats in the action area, water use upstream, and climatic conditions. This information needs to be evaluated to determine if actions to avoid and minimize take associated with the Corps' water management operations are effective or could be improved.

**RPM2. Adjust June to February Lower Threshold to 10,000 cfs.** Replace the proposed 8,000 cfs threshold in the IOP with a threshold of 10,000 cfs.

Rationale. Mussels may be in vulnerable areas where take may occur when flows are less than 10,000 cfs. Not increasing reservoir storage when basin inflow is 10,000 cfs or less from June to February will avoid and minimize the potential for take in the zone of 8,000 to 10,000 cfs.

**RPM3. Drought provisions.** Develop modifications to the IOP that provide a higher minimum flow to the Apalachicola River when reservoir storage and hydrologic conditions permit.

Rationale. Take of listed species due to the IOP may occur when the Corps is using a portion of basin inflow to increase ACF reservoir storage. The Corps can minimize mussel mortality due to low-flow conditions by supporting a higher minimum flow when total reservoir storage and/or hydrologic conditions permit. As proposed, the IOP uses reservoir storage to support a 5,000 cfs minimum flow. The available data indicates that higher minimum flows are supportable during normal and wet hydrologic periods, and during dry periods when the reservoirs are relatively full. Conversely, during extended drier than normal conditions, it may be prudent to store more water than allowed under the IOP during certain times of the year to insure minimum water availability later. Possible components and triggers of the drought plan could be, but are not limited to: Corps reservoir action zones, cumulative reservoir storage remaining, total basin inflows, indicators of fish spawn, climatic condition indices, and flow levels at gages downstream of the Chattahoochee gage, such as the gage at Wewahitchka.

**RPM4. Sediment dynamics and channel morphology evaluation.** Improve our understanding of the channel morphology and the dynamic nature of the Apalachicola River.

Rationale. The dynamic conditions of the Apalachicola need to be evaluated to monitor the zone at which take may occur and to identify alternatives to minimize effects to listed mussels in vulnerable locations. Both sediment transport and channel morphology need to be considered to provide a basis for predicting changes in morphology that may affect the relative vulnerability of mussels to take due to the IOP. The amount of mussel habitat and thus IOP-related take depends on channel morphology. This evaluation will inform alternatives that may be considered under RPM1 and RPM3.

**RPM5. Monitoring.** Monitor the level of take associated with the IOP and evaluate ways to minimize take by studying the distribution and abundance of the listed mussels in the action area.

Rationale. Take needs to be monitored monthly to insure that the level of take identified in the biological opinion is not exceeded. As natural conditions change, the populations of the species need to be assessed and the amount of take evaluated relative to any new information. Since this is an interim plan and there will be additional consultations on the overall operations of the ACF project for flood control, water supply contracts, hydropower, and navigation, the monitoring information is needed to prepare the biological assessments for these future consultations.

## **7.4 TERMS AND CONDITIONS**

In order to be exempt from the prohibitions of section 9 of the Act, the Corps must comply with the following terms and conditions, which implement the reasonable and prudent measures described above. These terms and conditions are mandatory. Studies and other outreach programs in the RPMs and conservation measures are subject to the availability of funds by Congress. The Corps will exercise its best efforts to secure funding for those activities. In the event the necessary funding is not obtained to accomplish the RPM activities by the dates established, the Corps will reinstate consultation with USFWS.

### **7.4.1 Adaptive management (RPM1)**

- a. The Corps shall organize semi-annual meetings with the Service to review implementation of the IOP and new data, identify information needs, scope methods to address those needs, including, but not limited to, evaluations and monitoring specified in this Incidental Take Statement, review results, formulate actions that minimize take of listed species, and monitor the effectiveness of those actions.
- b. The Corps shall assume responsibility for the studies and actions that both agencies agree are reasonable and necessary to minimize take resulting from the Corps' water management actions.
- c. The Corps shall evaluate refinements to predictive tools.
- d. The Corps shall provide an annual report to the Service on or before January 31 each year documenting compliance with the terms and conditions of this Incidental Take Statement during the previous federal fiscal year, any conservation measures

implemented for listed species in the action area; and recommendations for actions in the coming year to minimize take of listed species.

#### **7.4.2 Adjust June to February Lower Threshold to 10,000 cfs. (RPM2)**

a. The Corps shall immediately release the 7-day moving average basin inflow, but not less than 5,000 cfs, when the 7-day moving average basin inflow is less than 10,000 cfs for the months of June to February, and shall incorporate this revision into the IOP table of minimum discharges.

#### **7.4.3 Drought provisions (RPM3).**

a. The Corps, with Service concurrence, shall initiate by January 30, 2007, IOP drought provisions that identify the reservoir, climatic, hydrologic, and/or listed species conditions that would allow supporting a higher minimum flow in the Apalachicola River, and that identify recommended water management measures to be implemented when conditions reach the identified drought trigger point(s).

b. If modifications to the IOP parameters for the months of March through May are adopted as part of the drought provisions, the Corps shall assess potential affects to Gulf sturgeon spawning and floodplain inundation. The Corps shall provide the models and a biological assessment of the effects of the drought provisions on listed species at least 135 days in advance of implementing the drought provisions in order to reinstate this consultation relative to any proposed changes in the IOP.

#### **7.4.4 Sediment dynamics and channel morphology evaluation (RPM4).**

a. In coordination with the Service, and other experts jointly identified, the Corps shall evaluate before March 30, 2007, the current status of sediment transport and channel stability in the Apalachicola River as it relates to the distribution of listed mussels and their vulnerability to low-flow conditions. The goals of the evaluation are to identify: 1) feasible water and/or habitat management actions that would minimize listed mussel mortality; 2) current patterns and trends in morphological changes; and 3) additional information needed, if any, to predict morphological changes that may affect the listed mussels. This evaluation shall be based on available information and tools and best professional judgement.

#### **7.4.5 Monitoring (RPM5).**

a. The Corps shall monitor the number of days that releases from Woodruff Dam (daily average discharge at the Chattahoochee gage) are less than the daily basin inflow when daily basin inflow is less than 10,000 cfs but greater or equal to 8,000 cfs. If the total number of days of releases in this range in a calendar year is projected to exceed the total number of days of daily basin inflow in this range by more than 39, the Corps shall reinstate consultation immediately.

- b. In coordination with the Service, the Corps shall develop on or before March 30, 2007, a feasible plan to monitor listed mussels in the action area. The goals are to:
- 1) periodically estimate total abundance of listed mussels in the action area; and
  - 2) determine the fraction of the population that is located in habitats that are vulnerable to low-flow impacts.
- c. The Corps shall implement the studies outlined above as soon as is practicable.
- d. The Corps shall include monitoring results in the annual report provided to the Service under Condition 1.c.

The reasonable and prudent measures, with their implementing terms and conditions, are designed to minimize the impact of incidental take that might otherwise result from the proposed action. The Service believes that the action will result in no more than 39 days per year when project operations reduce basin inflow when it is in the range of 8,000-10,000 cfs. If, during the course of the action, this level of incidental take is exceeded, such incidental take represents new information requiring the reinitiation of consultation and review of the reasonable and prudent measures provided. The Corps must immediately provide an explanation of the causes of the taking, and review with the Service the need for possible modification of the reasonable and prudent measures.

## **8 CONSERVATION RECOMMENDATIONS**

Section 7(a)(1) of the Act directs Federal agencies to use their authorities to further the purposes of the Act by conducting conservation programs for the benefit of endangered and threatened species. Towards this end, conservation recommendations are discretionary activities that an action agency may undertake to minimize or avoid the adverse effects of a proposed action, help implement recovery plans, or develop information useful for the conservation of listed species.

The Service recommends that the Mobile District of the U.S. Army Corps of Engineers:

1. Identify watershed-planning opportunities that would assist in identifying alternatives to reduce overall depletions in the ACF basin, particularly the Flint River, thereby increasing baseline flow to the Apalachicola River.
2. Improve the public understanding of water management of the ACF system, the related conservation needs of listed species, and the management of the multiple purposes of the federal reservoirs.
3. Consider alternatives that would increase flexibility in the management of reservoir storage including the feasibility of flood control alternatives (e.g. moving structures from the floodplain, land acquisition) and providing for recreational access at a variety of pool elevations.

4. Provide additional data and hydrodynamic models that would assist in determining areas of bed stability that should be surveyed for listed mussels.
5. Implement freshwater mussel recovery actions including developing habitat suitability indices, conducting a population assessment of the listed mussels of the Apalachicola River, restoring reaches to provide stable habitat, and validating aging techniques for these species.
6. Use the models developed for the Tri-State Comprehensive Study to determine if changes in flow compared to pre-Lanier flows are significant relative to Gulf sturgeon juvenile growth and if changes in the operation of the reservoirs will benefit Gulf sturgeon recovery.
7. Implement Gulf sturgeon recovery actions such as studies of Gulf sturgeon ecology in Apalachicola Bay and possible effects of reduced basin inflow on the ability of the bay to support sturgeon and providing for fish passage at Jim Woodruff Dam.
8. Establish a clearinghouse for biological and water resource information about the ACF system and make such information readily available in several key locations in the basin.
9. Participate in stakeholder discussions to develop a long-term biological monitoring program for the ACF system and support, as feasible, implementation of a long-term program.
10. Update, as soon as practicable, tools for assessing the effects of ongoing and future system operations, including estimates of basin inflow and consumptive demands. The tools should assist in identifying flows that provide sufficient magnitude, duration, frequency, and rate of change to support the survival and recovery of the listed species in the ACF.

In order for the Service to be kept informed of actions minimizing or avoiding adverse effects or benefiting listed species or their habitats, the Service requests notification of the implementation of any conservation recommendations.