



IN REPLY REFER TO:

United States Department of the Interior

FISH AND WILDLIFE SERVICE

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October 14, 2010

COL Steven J. Roemhildt
Commander, Mobile District
U.S. Army Corps of Engineers
P.O. Box 2288
Mobile, Alabama 36628-0001

Dear Col. Roemhildt:

This letter acknowledges the U.S. Fish and Wildlife Service's (Service) receipt of your September 20, 2010, letter requesting reinitiation of consultation for the Revised Interim Operating Plan (RIOP) for Jim Woodruff Dam, per section 7 of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*). The U.S. Army Corps of Engineers (Corps) originally requested formal consultation on this action by letter dated April 15, 2008. At that time, the Corps determined that the proposed RIOP may adversely affect the threatened Gulf sturgeon (*Acipenser oxyrinchus desotoi*), endangered fat threeridge mussel (*Amblema neislerii*), threatened purple bankclimber mussel (*Elliptoideus sloatianus*), threatened Chipola slabshell (*Elliptio chipolaensis*), and areas designated as critical habitat for the Gulf sturgeon and the mussels. In the June 1, 2008, biological opinion (BO), the Service determined that the RIOP would not jeopardize the continued existence of these species nor destroy or adversely modify their designated critical habitats. An Incidental Take Statement and Reasonable and Prudent Measures (RPM) were issued to minimize the impacts of incidental take on Gulf sturgeon, fat threeridge, purple bankclimber, and Chipola slabshell in the Apalachicola River.

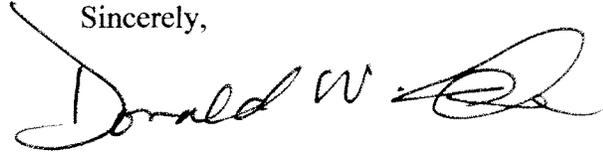
The Corps has noted that there will be no change in the action. Reinitiation was requested due to depth distribution data recently collected by Dr. Michael Gangloff, documenting the re-colonization of fat threeridge mussels at river stages greater than 5,000 cubic feet per second (cfs). This monitoring was required under RPM 5c, and these results constitute new information about the fat threeridge that was not considered in the BO. The Service understands that the Corps and Dr. Gangloff are planning to conduct depth distribution monitoring for purple bankclimbers on the rock shoal at river mile (RM) 105 in the next few weeks. It is possible that similar new information will be found, thereby requiring reinitiation of consultation for the purple bankclimber. A Service biologist visited this site on September 13, 2010, at a discharge of 5,510 cfs and found one purple bankclimber at a depth of 2.5 inches. This finding indicates that limited re-colonization of purple bankclimbers may have occurred at this location.

We recommend that the Corps reinitiate consultation for the fat threeridge after the RM 105 survey for the purple bankclimber is conducted. If similar re-colonization of purple

bankclimbers has not occurred, no additional consultation for this species would be necessary at this time. Given that there is no change in the action and no new impacts are anticipated for the Gulf sturgeon or Chipola slabshell, the Service does not believe it necessary to reinitiate consultation for these two species. The formal consultation process would not begin until we receive the information on the purple bankclimber and your determination on the need for consultation.

We look forward to working with you further on this consultation. If you have any questions or comments, please contact myself or Karen Herrington at extension 247 or 250.

Sincerely,

A handwritten signature in black ink, appearing to read "Donald W. Imm". The signature is fluid and cursive, with a large initial "D" and a stylized "W".

Dr. Donald W. Imm
Project Leader

cc:

DOI Solicitors Office, Atlanta, GA

DOJ, Washington DC

USFWS, Regional Director, Atlanta GA

USFWS, Field Supervisor, Athens, GA and Daphne, AL