



IN REPLY REFER TO:

United States Department of the Interior

FISH AND WILDLIFE SERVICE

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November 23, 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:

Thank you for your letter to the Fish and Wildlife Service (Service) dated November 17, 2010, and received November 19, 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 (*Elliptioideus 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.

As described in your letter, there will be no change in the action, and reinitiation is necessary due to new information on fat threeridge documenting re-colonization at river stages greater than 5,000 cubic feet per second (cfs). It is possible similar re-colonization has occurred for purple bankclimber, but until surveys are conducted, we do not have enough information to reinitiate consultation for purple bankclimber. There is no new information suggesting reinitiation is warranted for Gulf sturgeon or Chipola slabshell. Therefore, the reinitiated consultation only concerns the potential adverse affects on the fat threeridge at this time.

All information required to reinitiate the consultation was either provided in your letter or is otherwise available to the Service. Section 7 allows the Service up to 90 days after receipt of a complete initiation request to conclude formal consultation, and an additional 45 days to prepare our biological opinion (unless we agree to an extension). We expect to deliver a biological opinion no later than April 1, 2010.

During consultation, the Service shall: 1) review all information relevant to the fat threeridge; 2) evaluate the current status of the fat threeridge; 3) evaluate the effects of the RIOP and cumulative effects on the fat threeridge; 4) formulate a biological opinion as to whether the RIOP, taken together with cumulative effects, is likely to jeopardize the continued existence of the fat threeridge; 5) if necessary, work with your agency to identify reasonable and prudent alternatives that would avoid jeopardy; and 6) develop terms and conditions and formulate discretionary conservation measures that will assist your agency in reducing or eliminating impacts to the fat threeridge (50 CFR 402.12(g)).

The Act requires that after initiation of formal consultation, the Federal action agency may not make any irreversible or irretrievable commitment of resources that limits future options. This practice ensures that agency actions do not preclude the formulation or implementation of reasonable and prudent alternatives that would avoid jeopardizing the continued existence of listed species.

We understand that high flows have recently prevented surveys for the purple bankclimber, and we will continue to coordinate with you on any new information warranting reinitiation on the purple bankclimber. 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,

//s//Donald W. Imm

Dr. Donald W. Imm
Project Leader

cc:

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