



IN REPLY REFER TO:

# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

Field Office

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July 8, 2011

Curtis Flakes  
Chief, Planning and Environmental Division  
U.S. Army Corps of Engineers  
P.O. Box 2288  
Mobile, Alabama 36628-0001

Dear Curtis Flakes:

On November 19, 2010, the U.S. Army Corps of Engineers (Corps) and Fish and Wildlife Service (Service) reinitiated formal 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.*). This reinitiated consultation only concerns the effects of the RIOP on the endangered fat threeridge mussel (*Amblema neislerii*) and its designated critical habitat. The Corps previously requested that a 60 day extension of this consultation be granted to allow for additional time to develop a ResSim model of Run-of-River (RoR) operations. By letter dated June 1, 2011, we agreed to the extended date of August 1, 2011.

Through recent discussions between our staff, we have learned that the RoR model and other additional RIOP modeling will be available on July 20, 2011. This additional modeling is essential to thoroughly evaluate the effects of the RIOP and consumptive uses in the basin, but receiving this information relatively late in the consultation process presents a challenge to us. Additional time is needed to review this information and prepare the biological opinion.

When an applicant is not involved in a consultation, section 7(b)(1)(A) of the Act and our regulations at 50 CFR 402.14(e) provide that the Service and the action agency may extend the period of consultation by a mutually agreeable period of time. We believe that an additional 45 days would provide us sufficient time to make proper use of the new data and information. Therefore, we request a 45-day extension of the consultation period in accordance with 50 CFR 402.14(e). The BO will be issued before September 15, 2011. We look forward to your response.

If you have any questions or comments, please contact myself or [REDACTED] at extension [REDACTED] or [REDACTED].

Sincerely,

//s//Dr. Donald W. Imm

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