



IN REPLY REFER TO:

United States Department of the Interior

FISH AND WILDLIFE SERVICE

Field Office

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April 18, 2008

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

Dear Mr. Flakes:

This is in reference to the U.S. Fish and Wildlife Service's (Service) expedited amended biological opinion (BO) and conference report dated November 15, 2007 regarding the Exceptional Drought Operations (EDO). The EDO is a modification to the Interim Operating Plan (IOP). The IOP addresses water management operations at Jim Woodruff Dam and the associated releases to the Apalachicola River. We are concerned about the recent decline in stage on the Apalachicola as measured at the Chattahoochee gage between April 11 and 14, 2008.

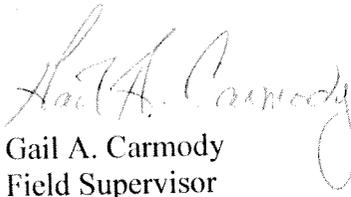
It is our understanding, based on conversations with Mobile staff, that the drop in river stage coincided with a drop in basin inflow. Under the EDO, "fall rates would be managed to match the fall rate of the basin inflow" (1-Nov-2007 BA for the EDO, pg 7). However, it appears from data posted on the District's web site that the unusually rapid rate did not match the described fall rate. Although we have no direct evidence of mortality of sturgeon eggs and larvae associated with the declining flows last weekend, our collection of eggs in the resulting shallow water suggests an increased risk of possible adverse effects.

The Corps' current Endangered Species Act (ESA) authorization to take listed species incidental to otherwise lawful operations of the Woodruff Dam does not include take of Gulf sturgeon, since we assumed that fall rates would match the fall rates of basin inflow. In order to ensure the Corps' continued compliance with the ESA, we will need clarification regarding the circumstances that resulted in the stage change. We also request assurances that continued operations will match the fall rate of the basin inflow and how this will be calculated and implemented.

The Corps has already re-initiated consultation with us by your request submitted on April 15, 2008. The revised operations proposal is the same as the current EDO with respect to fall rates under the present hydrologic circumstances. If you determine that matching fall rates to the fall rates of basin inflow is not how you propose to operate under the new proposal, please advise us accordingly in writing.

Please call me at extension 225 if you have any questions.

Sincerely yours,



Gail A. Carmody
Field Supervisor