

Enclosure 25

FWS-COE Email
Concurrence with Informal Consultation
12 May 2005

Brandt, Joanne U SAM

From: Brandt, Joanne U SAM
Sent: Thursday, May 12, 2005 9:19 AM
To: 'Jerry_Ziewitz@fws.gov'
Cc: Zettle, Brian A SAM; Peck, Brian E SAM; Hrabovsky, Cheryl L SAM; Flakes, Curtis M SAM; Findley, Diane I SAM; Morisani, Eugene A SAM; Day, Kenneth SAM; Bradley, Kenneth P SAM; Lang, Matthew J SAM; Vaughan, Memphis Jr SAM
Subject: RE: FW: Memorandum for Record, Informal Consultation pursuant to Section 7 of ESA, Gulf sturgeon and ACF water management operations

Thanks for the update. It will be interesting to see what happens over the next week or so with the lower stages and warmer temperatures. We will keep you posted of any changes in projected river stages.

Joanne

-----Original Message-----

From: Jerry_Ziewitz@fws.gov [mailto:Jerry_Ziewitz@fws.gov]
Sent: Thursday, May 12, 2005 8:25 AM
To: Brandt, Joanne U SAM
Cc: Zettle, Brian A SAM; Peck, Brian E SAM; Hrabovsky, Cheryl L SAM; Flakes, Curtis M SAM; Findley, Diane I SAM; Morisani, Eugene A SAM; Day, Kenneth SAM; Bradley, Kenneth P SAM; Lang, Matthew J SAM; Vaughan, Memphis Jr SAM
Subject: Re: FW: Memorandum for Record, Informal Consultation pursuant to Section 7 of ESA, Gulf sturgeon and ACF water management operations

Joanne,

The memo accurately describes the conference call yesterday. Thanks for the prompt and thorough documentation.

Our people on the river yesterday located two additional radio-tagged fish in the river upstream of Blountstown (one at rm 92, the other near the Sneads boat ramp). One of the two that had been in the upper river for the past few weeks has apparently moved downstream, while the other is back at the dam. Water temperature was 22.6 C.

Jerry

Brandt, Joanne U SAM

From: Brandt, Joanne U SAM
Sent: Wednesday, May 11, 2005 4:50 PM
To: Jerry_Ziewitz@fws.gov
Cc: Lang, Matthew J SAM; Zettle, Brian A SAM; Peck, Brian E SAM; Findley, Diane I SAM; Bradley, Kenneth P SAM; Flakes, Curtis M SAM; Vaughan, Memphis Jr SAM; Morisani, Eugene A SAM; Hrabovsky, Cheryl L SAM; Day, Kenneth SAM
Subject: FW: Memorandum for Record, Informal Consultation pursuant to Section 7 of ESA, Gulf sturgeon and ACF water management operations
Attachments: MFR_SturgeonInformalConsultation_05-11-04.doc; Email_RiverStages_05-10-05.pdf

Here in addition to the MFR is the referenced email correspondence which included the 3-day moving average of basin inflows from 05-09-05. The current 3-day average basin inflows can be found at the following web link:
http://water.sam.usace.army.mil/acf_flow.htm

From: Brandt, Joanne U SAM
Sent: Wednesday, May 11, 2005 4:27 PM
To: Jerry_Ziewitz@fws.gov
Cc: Lang, Matthew J SAM; Zettle, Brian A SAM; Peck, Brian E SAM; Findley, Diane I SAM; Bradley, Kenneth P SAM; Flakes, Curtis M SAM; Vaughan, Memphis Jr SAM; Morisani, Eugene A SAM; Hrabovsky, Cheryl L SAM; Day, Kenneth SAM
Subject: Memorandum for Record, Informal Consultation pursuant to Section 7 of ESA, Gulf sturgeon and ACF water management operations

Jerry:

Here is a Memorandum For Record (MFR) of our teleconference discussions this morning. This MFR serves as documentation of informal Section 7 consultation pursuant to the Endangered Species Act. We agreed to implement the low flow operations strategy, as developed during extended extreme low flow conditions in the spring of 2004. Under the low flow operations strategy, we will continue to compute the 3-day moving average for basin inflows and will release from Jim Woodruff Dam to the Apalachicola River flows that equal or exceed the 3-day average basin inflow. You agreed that implementation of this operation strategy would approximate natural flow conditions in the basin, and that any impacts to Gulf sturgeon from this operation strategy would be considered impacts due to naturally declining river stages rather than a consequence of a discretionary action by the Corps' water management operations.

Please review the attached MFR and let me know if you agree with this documentation of our informal consultation discussions.

Thanks,

Joanne

MEMORANDUM FOR RECORD

SUBJECT: Informal Section 7 Consultation Regarding ACF Water Management Operations and Gulf Sturgeon Spawning Activities

1. A teleconference was held with the U.S. Fish and Wildlife Service (USFWS) and Florida Fish and Wildlife Conservation Commission (FWCC) to discuss the progress of operations in support of fish spawn activities on the Apalachicola River, and concerns for minimizing impacts to ongoing Gulf sturgeon spawning on the upper river. The following representatives participated in the teleconference discussions:

Jerry Ziewitz, USFWS
Ted Hoehn, FWCC
Charlie Mesing, FWCC
Memphis Vaughan, CESAM-EN-HW
Gene Morisani, CESAM-EN-HW
Cheryl Hrabovsky, CESAM-EN-HW
Ken Day, CESAM-OP-TR
Matt Lang, CESAM-PD-EI
Joanne Brandt, CESAM-PD-EI

2. Initial concern was raised by FWCC that river stages were beginning to drop rapidly during the designated river spawning period (between 1 April and 1 June). Also, Gulf sturgeon spawning habitat could begin to be impacted by river flows less than 18,000 cfs, which equates to Blountstown gage stages between 8 and 9 feet. Because of current dry conditions in the basin, and projected continued dry conditions over the next couple of weeks, there was concern that river stages could drop as low as 7 feet in the next couple of weeks. The projected lower stages could result in impacts to spawning habitat availability immediately below Jim Woodruff Dam. (See attached email coordination that explains the projected conditions in the basin.) Therefore, informal consultation was initiated by means of this teleconference to assure that the Corps' operations would be conducted in a manner that would minimize or avoid impact to Gulf sturgeon spawning habitat or spawning activities.

3. Jerry Ziewitz noted that continued drops in the river stages would begin to impact accessibility or availability of spawning habitat to sturgeon during optimum spawning conditions. Jerry also reminded the Mobile District that since we have not completed formal Section 7 consultation on the existing water control operations, there was no determination at this time of an acceptable number of takings that could occur due to water management operations. Therefore, any takings due to discretionary actions by the Corps would be considered an unauthorized taking under the Endangered Species Act. However, if the Corps operations would result in releases to the river equal to or exceeding the basin inflows, as agreed to last year during extreme low flow conditions, any impacts on spawning habitat or sturgeon spawning activities would be considered the result of naturally declining river flows rather than a

discretionary action on the part of the Corps water management operations. Any augmentation above the basin inflows would be considered a benefit to the Gulf sturgeon critical habitat and to the success of Gulf sturgeon spawning activities. The spawning operations strategy that was established for low flow conditions during the 2004 spawning period provided for releases from Jim Woodruff Dam that equal or exceed the computed basin inflows, as computed from the 3-day average basin inflows.

4. The Mobile District agreed that they had already been implementing this operations strategy (releases equal or exceed inflows, similar to run-of-river operations) as inflows in the basin have begun to decline. However, we have reduced releases gradually so there would be no dramatic decline in river flows (less than ½ foot per day once flows are 20,000 cfs or less). Because of balancing releases with basin inflows, we do not expect Walter F. George Lake or West Point Lake to refill this spring, unless we receive additional rainfall in the basin. We planned to operate conservatively under this strategy as dry conditions continue through the remainder of the spawning period. River stage today is approximately 9.9 feet on Blountstown gage. Stages would likely be around 8 feet by middle of next week.

5. Jerry agreed to share monitoring information on the progress of Gulf sturgeon spawning activities. To date, only 2 of 15 tagged fish have been detected at the known spawning habitat area immediately below Jim Woodruff Dam. Because water temperatures are currently around 21° C, and the sturgeon are known to spawn in temperatures as high as 23.9° C, it is anticipated the sturgeon could continue to spawn for the next couple of weeks. An additional 4 sturgeon were detected in the lower river and apparently have not yet moved up river to spawn. Efforts are continuing to locate the remaining 9 tagged fish. USFWS will continue to share their monitoring data over the next few weeks. Mobile District agreed to get back to USFWS if there was any change from this agreed-to operations plan.

5. It was agreed that the memorandum of this teleconference discussion and the agreement to implement the low flow operations strategy (i.e., releases from JWD will equal or exceed basin inflows), will sufficiently document our informal consultation, with a determination that implementation of the low flow operations strategy would not constitute a discretionary action by the Corps with an impact to Gulf sturgeon spawning activities. Any impact to critical habitat or Gulf sturgeon spawning activities due to implementation of this strategy would be considered an impact of the naturally declining river stages. No takings of sturgeon by the Corps would occur from the implementation of this low flow operations strategy.

JOANNE BRANDT
Compliance Manager
Inland Environment Team

Brandt, Joanne U SAM

From: Lang, Matthew J SAM
Sent: Tuesday, May 10, 2005 8:49 AM
To: Jerry_Ziewitz@fws.gov; Ted.Hoehn@fwc.state.fl.us
Cc: Brandt, Joanne U SAM; Findley, Diane I SAM; Bradley, Kenneth P SAM; Flakes, Curtis M SAM; Vaughan, Memphis Jr SAM; Morisani, Eugene A SAM; Hrabovsky, Cheryl L SAM
Subject: FW: River stage dropping fast
Attachments: LOCALS.pdf

Ted/Jerry:

Below you will find the correspondence we received from our water management team in response to Ted's email concerning water levels on the Apalachicola River.

We will continue to monitor rainfall and system inflows, but if we anticipate the river going below the 8-9 foot stage, we would like to set up a teleconference with you both and any other interested parties. These teleconferences would be similar to the ones we have conducted in the past. I have also attached a 3-day average inflow chart.

Based off of the information below, would you like to try to set up a call for tomorrow, 5/11/05 starting between 10:30-10:45 cst?

Matt

Matthew J Lang
Biologist
US Army Corps of Engineers
Mobile District
(251) 694-3837 office
(251) 694-3815 fax
email: matthew.j.lang@sam.usace.army.mil

From: Morisani, Eugene A SAM
Sent: Monday, May 09, 2005 12:24 PM
To: Brandt, Joanne U SAM
Cc: Vaughan, Memphis Jr SAM; Lang, Matthew J SAM; Hrabovsky, Cheryl L SAM
Subject: RE: River stage dropping fast

The 1.5 foot per day drops in the last few days were the result of a tough decision process we had to make last week. The last 9 days have been a pretty dry period that saw basin inflow drop from over 40,000 cfs on May 1, to about 20,000 cfs currently. We would like to have been more gradual, but local inflow dropped out and we had to decide how to balance the system outflow with all the different demands this time of year. Since we were at about a 15 foot Blst. gage last week, we determined that making bigger cuts early to get to 22,000 cfs, a more manageable outflow, was the best option. The other option was to try and keep the cuts below 1 foot per day over the weekend, but risk those same 1 foot cuts below the the 9-10 foot range. This was all based on the fact that we did still have some storage above the guide curve at West Point and George. When we looked at both options we decided not to use that water to reduce the fall rate initially, but instead use that water once we got to the 20,000 cfs range. Today we are within 2-4 days of being at or below Guide Curve on our upstream reservoirs.

5/11/2005

If the current forecast which calls for about an inch of rain this week comes true the river would hold in the 9 - 10 foot range at Blst. through the weekend. Out 10 days we would have to see a change in the weather pattern, back to wetter than normal, to be able to stick to that 9 foot through the 21st projection. More than likely we will be in the 8 foot range by the 21st.

If we don't get any rain greater than spotty afternoon thunderstorms this week we will most likely be in the 9 foot range by Friday and the 7-8 foot range next week.

Regardless of how the rain pans out we will be shooting for that half a foot per day threshold from here on out when we have to cut, just as we have done in at least the last 3-4 years.

As for our refilling situation, Lanier is at 1071 and is augmenting flow on the system, West Point and George are close but will need rain to get there. Woodruff is holding what water it can to help us with step down on the river now that we are in the critical range.

Let me know if there are any questions.

Gene Morisani
Water Management Section
U.S. Army Corps of Engineers, Mobile District
251-690-3385

From: Brandt, Joanne U SAM
Sent: Monday, May 09, 2005 10:15 AM
To: Morisani, Eugene A SAM; Hrabovsky, Cheryl L SAM
Cc: Vaughan, Memphis Jr SAM; Lang, Matthew J SAM
Subject: FW: River stage dropping fast

fyi. We probably need to discuss the appropriate response to Ted, and whether we need any additional consultation with USFWS. I understood from Gene last week that we plan to maintain a 9-foot stage or greater at least through 21 May???

Joanne

From: Hoehn, Ted [mailto:ted.hoehn@MyFWC.com]
Sent: Monday, May 09, 2005 9:51 AM
To: Vaughan, Memphis Jr SAM; Brandt, Joanne U SAM; Lang, Matthew J SAM
Cc: Mesing, Charles; Graham; jerry_ziewitz@fws.gov; Lee.Edmiston@dep.state.fl.us
Subject: River stage dropping fast

Memphis- noticed that the river has dropped fast over the past three days. I recognize that you are still trying to fill the upstream reservoirs and are ahead of the rule curve by a week or so. I also know that we had previously said that dropping faster than 0.5 ft/day when above 12ft at Blountstown was OK, but we are now moving into the 10ft at Blountstown range and flows have been dropping over a 1.5 feet per day. I know that Franklin County has been complaining about the "high flows" over the past week, but as I explained to them on Friday, the high water was due to rainfall in the basin, is normal part of the cycle, the Chipola was high too, and that high water typically occurred several weeks earlier than we had this year, but that was nature. Since flows are around 22,700 cfs at Chattahoochee and Sturgeon still appear to be spawning, are you anticipating holding the flow at this level for the next week or so? Everything seems to be delayed in spawning by at least two to three weeks or more with the cooler river water and daytime temps that we have had over the past month. If it is anticipated that flows are going to drop at the same rate or further than current water levels, we will need to talk some since we are still in the fish spawn window. Thanks for your consideration.

5/11/2005

3-DAY MOVING AVERAGE INFLOW

