

Enclosure 2

FWS-COE letter dated April 28, 2000



United States Department of the Interior



FISH AND WILDLIFE SERVICE

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April 28, 2000

IN REPLY REFER TO:

Colonel David Norwood
District Engineer
Army Corps of Engineers
Mobile District
P.O. Box 2288
Mobile, Alabama 36628-0001

Dear Colonel Norwood:

We are writing to express our concern over the navigation window that the Mobile District is currently implementing in the Apalachicola-Chattahoochee-Flint (ACF) system. The drawdown of reservoir levels at this time is detrimental to fish spawning in the affected reservoirs, and the drawdown of river levels following the window will be detrimental to fish spawning in the river reaches downstream of the reservoirs.

By letter dated April 26, 2000, Russ Ober of the Georgia Department of Natural Resources communicated to Joanne Brandt of your staff the nature of impacts to some reservoir fisheries due to this untimely drawdown of the reservoirs. We agree with his appraisal of these impacts, but wish to note that the impacts of a navigation window at this time are not limited to reservoir fisheries only. Several sloughs in the floodplain of the Apalachicola River are now flowing that were not flowing before this window was initiated. Many fish species use these sloughs for spawning, and it is likely that eggs spawned in these sloughs in response to the increased river stage during the window will be lost when the window is over. As you know, healthy and productive sport fisheries are vital to the economies of several communities along the ACF system. It is difficult for us to imagine that this window was of such importance as to justify compromising the fisheries of several major reservoirs and over 100 miles of riverine habitat.

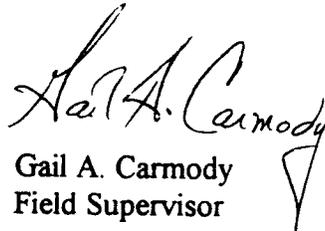
We would hope to avoid such environmentally damaging decisions in the future, and we are willing to assist the District in doing so. We note that the Corps' South Atlantic Division Regulation No. 1130-2-16 requires District operations personnel to "expeditiously advise State, Federal, and local fish and wildlife and environmental groups, as applicable, of any lake operation immediately prior to or during the fish spawn which could be detrimental to the spawn." Unfortunately, the Service was not consulted or even notified of the current navigation window. As we've described to your staff in our annual Fish and Wildlife Coordination Act transfer funding

meetings, this office has lead for the Service among the Alabama, Florida, and Georgia field offices for programmatic ACF system issues, such as reservoir operations for the navigation project purpose.

Like you and many others, we have been awaiting an outcome from the ACF Compact negotiations that would possibly establish new procedures for the future operations of the ACF reservoirs. Lacking an ACF allocation agreement, however, does not give the Mobile District in the meantime carte blanche authority over reservoir operations. As the Department of Interior noted in its comments on the Corps' 1998 ACF Water Allocation Draft Environmental Impact Statement, the adoption of navigation windows was not preceded by analysis or public review as required by the National Environmental Policy Act and Corps regulations (ER 200-2-2, part 6c). Also, the District has not determined whether navigation windows may affect listed species, as required under Section 7(a)2 of the Endangered Species Act. The current navigation window is the first ever to occur during the month of April, which is the core of the spawning period for the threatened Gulf sturgeon. Host fish populations for listed mussels also could be affected at this time of year.

Please contact me soon to schedule a meeting for discussing the various environmental impacts of current ACF reservoir operations practices. I look forward to hearing from you. You may reach me at extension 225.

Sincerely yours,



Gail A. Carmody
Field Supervisor

cc: V. Fred Aiken, District Director; Rep. Barr, Marietta, GA
Pat Grise, Constituent Advocate, Senator Bob Graham's staff, Tallahassee, FL
Gary Mauldin, SAD Corps, Atlanta, GA
Russ Ober, GDNR, Albany, GA
Mike Gennings, GDNR, Social Circle, GA
Ted Hoehn, FWCC, Tallahassee, FL
Charlie Mesing, FWCC, Tallahassee, FL
Jon Hornsby, ADCNR, Montgomery, AL
Art Holbrook, LaGrange, GA
Jim Phelps, RiverKeeper, Columbus, GA