

Enclosure 6

COE-FWS letter dated November 17, 2000

17 NOV 2000

Inland Environment Team
Planning and Environmental Division

Ms. Gail Carmody
Project Leader
U.S. Fish and Wildlife Service
1612 June Avenue
Panama City, Florida 32405-3721

Dear Ms. Carmody:

Thank you for your letter dated August 10, 2000 (copy enclosed) requesting the U.S. Army Corps of Engineers, Mobile District to initiate formal Section 7 consultation prior to the implementation of a possible drought contingency action for the Apalachicola-Chattahoochee-Flint (ACF) River Basin. This possible action was discussed at a drought meeting held in Columbus, Georgia on August 16, 2000. Due to the extended drought conditions within the ACF River Basin, the contribution of natural flows from the Flint River has been drastically reduced. In order to meet the requirement for a minimum 5000 cfs release from the Jim Woodruff Dam to the Apalachicola River, we had been providing substantial releases from our upstream storage reservoirs (Lake Lanier, West Point Lake and Walter F. George Lake). The requirement for this minimum release is contained in our current ACF water control plan. This minimum release has provided an augmentation of approximately 2000 cfs to 3000 cfs flow on the Apalachicola River above the natural inflows to the system. The continued drain of storage from the upstream reservoirs to meet the minimum releases to the Apalachicola River raised concern that storage could be depleted and/or reservoirs would not be able to refill. These conditions could aggravate or prolong drought impacts or possibly impose future limitations on water supply or other project purposes. The possible drought contingency ^{action} ~~plan~~ presented at our drought meeting would incrementally reduce the amount of releases from the Jim Woodruff Dam based on natural inflows and the status of storage in our headwater reservoirs, in order to preserve reservoir storage and prolong our ability to continue to augment flows on the Apalachicola River. Such a reduction in minimum releases would have required approval of a variance from our ACF water control plan.

Your letter advised that any reduction of releases to the Apalachicola River below 5000 cfs could potentially adversely affect two Federally listed freshwater mussel species protected under the Endangered Species Act of 1973 (ESA): the fat

three-ridge (*Amblema neislerii*, Endangered) and the purple bankclimber (*Elliptoideus sloatianus*, Threatened). You also identified several habitat areas supporting these two protected species that could be dewatered or isolated by flows on the river less than 5000 cfs. Section 7 of the ESA requires a Federal agency to initiate formal consultation with the USFWS whenever a Federal action would adversely affect a Federally listed species. Formal consultation would normally require a minimum of four months to complete, although expedited procedures could be followed in emergency cases.

Since August, the Mobile District has initiated discussions and preliminary field data collection in partnership with Jerry Ziewitz of your office and Jim Williams of the U.S. Geological Survey, Biological Resources Division (USGS-BRD). A field reconnaissance survey was conducted on September 20-21, to identify those areas requiring additional assessment and/or additional data needs. We are currently preparing a draft scope of work (SOW) for additional field assessments to be conducted by Dr. Drew Miller of the Corps' Waterways Experiment Station, Engineer Research and Development Center (WES-ERDC). This draft SOW will be further coordinated with your office. We are also continuing informal consultation with USFWS and USGS-BRD to gather information necessary to prepare a biological assessment addressing potential impacts to the mussel species. In the event drought conditions continue and it is determined necessary to proceed with a request for a variance from the 5000 cfs minimum release, we would submit a biological assessment of impact to the listed species and initiate Section 7 consultation pursuant to the requirements of the ESA. The impacts of the proposed variance from the ACF water control plan would also be discussed in an environmental assessment document pursuant to the requirements of the National Environmental Policy Act.

Due to minimal rainfall in the basin there has been some improvement in reservoir storage and the low flow on the Flint River has stabilized at near 2000 cfs. We are hopeful that there will be sufficient rainfall over the upcoming winter and spring months to allow us to meet the minimum flow requirement indefinitely until drought conditions abate. Therefore, we are not pursuing a variance from our ACF water control plan at this time. (Incidentally, if the flow reduction proposal described at our August meeting were to have been in place, it would not yet have dictated a reduction in releases from Jim Woodruff Dam below 5000 cfs.) However, we will continue to monitor drought conditions in the basin. If refilling of headwater reservoirs does not progress this winter as anticipated, we will initiate formal Section 7 consultation next spring in order to address endangered species considerations in preparation for necessary water management actions in the summer and fall of 2001.

We intend to continue to work with your agency and others to assure that we can continue to manage the scarce water resources during this drought period. Our challenge is to meet the multiple and often conflicting project purposes of the ACF

river basin, while still protecting the significant aquatic resources within the basin.
Thank you again for your assistance during this difficult time.

Sincerely,

J. David Norwood
Colonel, Corps of Engineers
District Engineer

Enclosure

Copies Furnished:

- ✓ Florida Fish and Wildlife Conservation Commission, Tallahassee, FL/Hoehn
- ✓ USGS-BRD, Gainesville, FL/Williams
- ✓ WES-ERDC, Vicksburg, MS/Miller
- ✓ PD-EI/Peck/Stout
- ✓ EN-HW/Burkett
- ✓ OP-T/Bradley
- ✓ OP-TR/Day
- ✓ OP-GE/Jangula
- ✓ OP-AC/Earnest
- OP-AC-LS/Brusse
- OP-WP/Sosebee
- OP-SL/Topper
- CDSAD-ET-P/Mauldin

- PD-EI/Brandt/344-690-3260
- PD-EI/Peck *BP*
- PD-EI/Findley *for*
- PD-E/Newburn
- PD-E/McElliott *mm*
- EN-HW/Vaughan *note*
- EN-HW/Burkett *note*
- OP-TR/Day *&*
- OP-T/Bradley
- OP-G/Langan
- OP/Walker/Fuller
- OC/Shoemaker *ops*
- PD/Flakes *PD-F BURKE*
- DX/Robbins *PK*
- DC/Bailey *PK*
- DE/Norwood

*mailed
11/20/00*

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