



IN REPLY REFER TO:

United States Department of the Interior

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June 13, 2006

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

Re: Jim Woodruff Dam Interim Operations
Calhoun, Franklin, Gadsden, Gulf, Jackson,
and Liberty Counties, Florida
FWS Log No. 4-P-06-138

Dear Mr. Flakes:

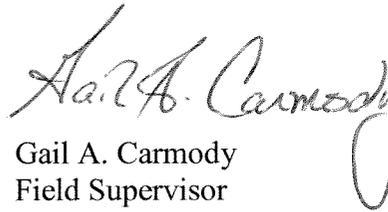
We have received your letter dated June 12, 2006, which describes various adjustments to, and clarifications of, the Interim Operations Plan (IOP) for water releases from the Jim Woodruff Dam. We shall incorporate these changes into the description of the action in our Biological Opinion (BO). Your letter indicates that we can expect the results of the Corps' hydrologic modeling of the adjusted IOP sometime later this week. We believe we will also receive a preliminary report of data collected by University of Florida researchers on sturgeon spawning activity in the Apalachicola River during 2006 sometime in the next two weeks. In addition, we received a major new study of mussels in the action area from the Florida Department of Environmental Protection on May 21, 2006 (*Freshwater mussel and habitat surveys of the Apalachicola River, Chipola River and selected sloughs/tributaries*. Final Report to FDEP dated May 5, 2006, prepared by EnviroScience, Inc.), which we have shared with the Corps. The Corps' model and these new reports will substantially improve the information base from which we formulate our opinion, but receiving each item relatively late in the consultation process presents an enormous challenge to us. To use this information, we will need to repeat and adjust analyses already completed to reflect the adjustments in the IOP, and we will likely have questions about the information we have yet to receive.

Our formal consultation under section 7 of the Endangered Species Act (ESA) on the IOP began on March 8, 2006. The 90-day statutory period for completing the consultation concluded last week on June 6, 2006, and our biological opinion is due to you by July 21, 2006. When an applicant is not involved in a consultation, as is the case for this consultation, section 7(b)(1)(A) of the ESA and our regulations at 50 CFR §402.14(e) provide that the Service and the action

agency may extend the consultation period by a mutually agreeable period of time. Your letter raises the possibility of either re-initiating or extending the consultation to accommodate the adjustments to the IOP and new information about the listed species and their habitats. It will take time to analyse new data and synthesize an opinion. At your request, we shall also incorporate an analysis of IOP effects on the recently proposed critical habitat for the fat threeridge and purple bankclimber (proposed rule, FR 71:32746-32796, June 6, 2006) in this BO. We believe an additional 45 days would provide us sufficient time to make proper use of the new data and accomplish the additional critical habitat analysis.

Therefore, we request a 45-day extension of the consultation period to July 21, 2006, which would make our BO due to you by September 4, 2006. Please let us know as soon as possible whether the Corps agrees to this extension of the consultation period. If not, the Service will prepare the BO based on the best scientific and commercial data that was available to us by June 6.

Sincerely yours,



Gail A. Carmody
Field Supervisor