



DEPARTMENT OF THE ARMY
MOBILE DISTRICT, CORPS OF ENGINEERS
P.O. BOX 2288
MOBILE, ALABAMA 36628-0001

REPLY TO
ATTENTION OF

January 31, 2008

Inland Environment Team
Planning and Environmental Division

Ms. Gail Carmody
Field Supervisor
U.S. Fish and Wildlife Service
1601 Balboa Avenue
Panama City, Florida 32405-3721

Dear Ms. Carmody:

On September 5, 2006, the U.S. Army Corps of Engineers (Corps), Mobile District, received a Biological Opinion (BO) from the U.S. Fish and Wildlife Service (USFWS) regarding the impacts of our Interim Operations Plan (IOP) and associated releases from the Jim Woodruff Dam to the Apalachicola River. This BO was further amended by the USFWS to address a temporary Exceptional Drought Operation (EDO) modification to the IOP on November 15, 2007. The BO includes five Reasonable and Prudent Measures (RPMs) and terms and conditions for implementing the RPMs. In accordance with RPM1, we are hereby submitting the second Annual Report for Fiscal Year 2007, which summarizes the status of compliance with the RPMs and terms and conditions of the BO. Although the BO only requires a status of efforts to comply with the terms and conditions for the previous fiscal year (through September 30, 2007), we are also including a summary of efforts undertaken by the Mobile District since October 1.

Please note that by previous letter dated January 10, 2008 (copy enclosed) we requested an extension until January 31, 2008 of the due date for submittal of a mussel distribution survey study design, which is required by RPM5, condition f. This report was originally due on January 5, 2008. However, additional field data was collected by Mobile District and USFWS staff in mid-December 2007 that would assist in a study design, and additional coordination with the USFWS regarding study design elements was required; thereby necessitating our request for additional time to put together a coordinated study design. The enclosed Mussel Distribution Survey Study Design incorporates comments and recommendations from your staff and is the result of several telephonic coordination meetings over the past few weeks between our staff, mussel specialists at the U.S. Army Corps of Engineers Engineering Research Design Center, and USFWS staff from your office.

The BO recognizes that certain studies and other outreach programs in the RPMs and conservation measures are subject to the availability of funds by Congress. The Corps has agreed to exercise its best efforts to secure funding for those activities. However, in the event the necessary funding is not obtained to accomplish the RPM activities by the dates established, the Corps would reinitiate consultation with USFWS. The Corps has obtained sufficient funding for Fiscal Year 2008 to initiate the above mussel distribution study. We will also be able to complete study design and initiate some of the additional mussel studies required by RPM5. We will continue to coordinate with your staff to complete the additional study plans and refine the schedules for implementation.

If you have any questions regarding the enclosed Annual Report or enclosed mussel distribution study design, please feel free to contact Mr. Brian Zettle, Biologist, (251)690-2115, or Email: brian.a.zettle@usace.army.mil; or Ms. Joanne Brandt, Senior Environmental Specialist, (251)690-3260, or Email: joanne.u.brandt@usace.army.mil.

Sincerely,

A handwritten signature in black ink, appearing to read "Curtis M. Flakes", with a long horizontal flourish extending to the right.

Curtis M. Flakes
Chief, Planning and Environmental
Division

Enclosures