



IN REPLY REFER TO:

United States Department of the Interior

FISH AND WILDLIFE SERVICE

Field Office

1601 Balboa Avenue

Panama City, FL 32405-3721

Tel: (850) 769-0552

Fax: (850) 763-2177

September 14, 2010

Colonel Steven J. Roemhildt
Commander, Mobile District
U.S. Army Corps of Engineers
P.O. Box 2288
Mobile, Alabama 36628-0001

Dear Col. Roemhildt:

The purpose of this letter is to recommend that the Corps' reinitiate consultation with the Fish and Wildlife Service (Service) under the biological opinion (BO) of the Revised Interim Operating Plan (RIOP) for Jim Woodruff Dam, per section 7 of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*). As provided in 50 CFR §402.16, reinitiation of formal consultation is required where discretionary Federal agency involvement or control over the action has been retained (or is authorized by law) and if; (1) the amount or extent of incidental take is exceeded; (2) new information shows that the action may affect listed species in a manner or to an extent not considered in this BO; (3) the action is subsequently modified in a manner that causes an effect to the listed species not considered in this BO; or (4) a new species is listed or critical habitat designated that may be affected by the action.

Under Reasonable and Prudent Measures (RPM) 5c in the BO, the Corps has contracted with Dr. Michael Gangloff to collect additional data on mussel depth distributions. Through conference calls with our staff and Mr. Brian Zettle (Inland Environment), it has come to our attention that endangered fat threeridge mussels have recolonized habitat at stages greater than 5,000 cfs. This constitutes new information to an extent not considered in the BO, as we did not anticipate losses of this nature at the time of the BO. Increased mortality of fat threeridge mussels could affect the conclusions of our 2008 BO and the level of incidental take that is authorized. Further, as flows declined below 6,000 cfs (Chattahoochee gage) last week, our staff visited several sites in the RM40-50 reach of the main channel of the Apalachicola River on September 10, 2010, and found many exposed dead fat threeridge mussels. Preliminary analysis of the data collected indicates that as many as 1,200 fat threeridge may already have been exposed in RM40-50 at Wewahitchka gage stages above 12.75.

Recognizing that you are authorized to reduce flows to 5,000 cfs, we appreciate your continued discretion in preventing additional mussel mortality by augmenting flows at 5,500 cfs while we collect data on mussel exposure and mortality. We look forward to working

Col Steven J. Roemhildt

2

with you further on system operations and fish and wildlife conservation in the basin. If you have any questions or comments, please contact myself or Karen Herrington at extension 247 or 250.

Sincerely,

//s//Donald W. Imm

Dr. Donald W. Imm
Project Leader

cc:

DOI Solicitors Office, Atlanta, GA

DOJ, Washington DC

USFWS, Regional Director, Atlanta GA

USFWS, Field Supervisor, Athens, GA and Daphne, AL