



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

November 7, 2007

REPLY TO
ATTENTION OF

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:

In our November 1, 2007 letter requesting initiation of formal Section 7 consultation for the proposed temporary modification of the Interim Operations Plan at Jim Woodruff Dam, referred to as the Exceptional Drought Operations (EDO); we acknowledged that the consultation process could result in the identification of additional reasonable and prudent measures that provide for additional minimization of harm to listed species, including incremental reductions of the minimum flow from Jim Woodruff Dam. The letter included a Biological Assessment (BA) of the EDO that was based on the best available information at that time. On November 1, 2007, your office provided the U.S. Army Corps of Engineers (Corps) with new fat threeridge mussel (*Amblema neislerii*) distribution data that indicates a higher percentage of this species could be adversely impacted by Apalachicola River flows as low as 4,150 cubic feet per second (cfs) than was previously believed. Due to the urgent need to begin the expedited formal consultation process, we were unable to incorporate the findings of this new data into the BA. Following review of this new data and subsequent consultation with your office, we completed modeling scenarios that involve a reduction in flows to a minimum flow of 4,750 cfs and 4,500 cfs and provided those model outputs to you.

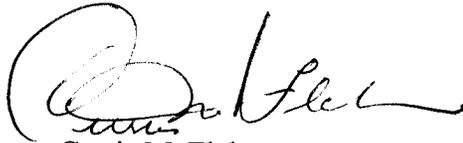
Based on preliminary feedback regarding the new mussel data and modeling data, it is apparent that incremental reductions of the minimum flow from Jim Woodruff Dam could further minimize adverse impacts to listed mussel species in the Apalachicola River while still providing opportunities to conserve and replenish storage in the Federal reservoir system to continue to provide support for the multiple project purposes in the basin. Therefore, we propose an amendment to the November 1, 2007 BA that incorporates 4,750 and 4,500 cfs as increments of minimum flow reduction in the EDO. Consistent with the proposed action described in the BA, the trigger to implement the EDO and a reduced minimum flow from Jim Woodruff Dam of 4,750 cfs is when Composite Storage falls below the bottom of Zone 3 into Zone 4. We will continue to work with the USFWS to determine the appropriate triggers or criteria to indicate when the EDO will provide for reductions in the minimum flow from 4,750 to 4,500 cfs and from 4,500 to 4,150 cfs. Monitoring data, impacts on composite storage, climatic and

hydrological conditions experienced, and meteorological forecasts will be used to assist in the identification of appropriate triggers or criteria.

We have determined, based on review of the new mussel and modeling data and consultation with your office, that this amendment will result in less adverse impacts to the threatened Gulf sturgeon (*Acipenser oxyrinchus desotoi*), endangered fat threeridge mussel, threatened purple bankclimber mussel (*Elliptoideus sloatianus*) and threatened Chipola slabshell (*Eliptio chipolaensis*) and designated and proposed critical habitat for these listed species than described in the BA for the 4,150 cfs minimum flow. We request your review of this amendment with respect to ESA compliance and provide your biological opinion, and any necessary conference report. We will continue our close coordination to assist in concluding the consultation process and reaching consensus on any reasonable or prudent measures that may be appropriate including the identification of appropriate triggers for reductions in the minimum flow.

Should you have any questions, comments, or recommendations, please contact Ms. Joanne Brandt at (251) 690-3260, Email at joanne.u.brandt@sam.usace.army.mil; or Mr. Brian Zettle, (251) 690-2115, email at brian.a.zettle@sam.usace.army.mil.

Sincerely,

A handwritten signature in black ink, appearing to read "Curtis M. Flakes". The signature is fluid and cursive, with a large initial "C" and "F".

Curtis M. Flakes
Chief, Planning and Environmental
Division