



REPLY TO
ATTENTION OF

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

February 16, 2007

Inland Environment Team
Planning & Environmental Division

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

Dear Ms. Carmody:

On September 5, 2006, the U.S. Fish and Wildlife Service (Service) issued a Biological Opinion (BO) for the Jim Woodruff Dam Interim Operations Plan (IOP), pursuant to Section 7 of the Endangered Species Act (ESA). In accordance with Reasonable and Prudent Measure 3 (RPM3) of the BO, the U.S. Army Corps of Engineers (Corps), Mobile District, must "Develop modifications to the IOP that provide a higher minimum flow to the Apalachicola River when reservoir storage and hydrologic conditions permit." The specific terms and conditions for RPM3 require that:

a. "The Corps, with Service concurrence, initiate IOP drought provisions that identify the reservoir, climatic, hydrologic, and/or listed species conditions that would allow supporting a higher minimum flow in the Apalachicola River, and that identify recommended water management measures to be implemented when conditions reach the identified drought trigger point(s), by January 30, 2007."

b. "If modifications to the IOP parameters for the months of March through May are adopted as part of the drought provisions, the Corps shall assess potential effects to Gulf sturgeon spawning and floodplain inundation. The Corps shall provide the models and a biological assessment of the effects of the drought provisions on listed species at least 135 days in advance of implementing the drought provisions in order to reinstate this consultation relative to any proposed changes in the IOP."

Based on informal consultation discussions and modeling of various drought provision scenarios, and consideration of stakeholder comments submitted during the consultation period and following a workshop conducted in December 2006, it has been determined that it is feasible to provide a greater minimum flow than 5,000 cubic feet per second (cfs) most of the time by storing more water in the reservoirs during the normal refill period than is currently allowed under the IOP. Allowing for some additional storage during the months of March through May, while still providing protection for sturgeon spawning habitat areas, would allow for additional augmentation flows more of the time in support of higher minimum flows for mussels during the remainder of the year. During consultation discussions, it was agreed that the goal is to provide for a drought provision that could be implemented during the 2007 spring spawning period. This goal would require a finding that the effects of the proposed modifications to the IOP would not result in adverse effects to the listed species and/or critical habitat; or that the effects would not differ significantly from those addressed in the BO for the IOP; and therefore would not trigger a separate formal consultation requirement under Section 7 of the ESA.

In January 2007, Mobile District completed preliminary modeling and an effects analysis of a proposed RPM3 drought provision (Concept 3) that would provide the desired beneficial higher minimum flows for most of the time. However, the effects analysis also identified potential adverse tradeoff effects for host fish for mussels, due to fewer acres of floodplain inundation for these species. At that time, it was agreed to investigate additional adjustments to the conceptual RPM3 drought provision to see if these unanticipated adverse effects could be eliminated or minimized, and the Service approved an extension of the due date for implementation of the drought provision until February 28, 2007.

Mobile District has completed modeling and effects analyses of an adjusted RPM3 drought provision (Concept 5). We believe the Concept 5 drought provision operations provide the benefits of higher desired minimum flow most of the time, in support of mussel species, while still providing sufficient flows for Gulf sturgeon and host fish spawning and other life cycle needs. Concept 5 would provide for a higher desired minimum flow of 6,500 cfs for normal to wet years; and incorporates a drought provision to provide for the lower required minimum flow of 5,000 cfs during sustained dry or drought periods when it would be prudent to preserve reservoir storage to assure the ability to continue augmentation flows at or above 5,000 cfs during these periods. The drought provision is based on the status of composite storage within the basin, and would be "triggered" only when the composite storage falls below the top of Zone 3. The additional storage to provide for the higher desired minimum flow most of the time is gained by lowering the storage/flow thresholds during the March-May spawning period to 35,800 cfs and 18,000 cfs, respectively. A more complete description of the Concept 5 drought provision and analysis of the effects on listed species and critical habitat are included in the enclosed biological assessment.

The enclosed biological assessment is submitted pursuant to the requirements of Section 7 of the ESA and in accordance with the terms and conditions of the BO. We believe that the results of our effects analysis can support a determination that the implementation of the proposed modifications to the IOP contained in the Concept 5 drought provision are not likely to adversely affect the listed species or critical habitat for listed species, or will result in effects that are similar to those addressed in the BO. Therefore, we propose to implement this modified IOP operation, in accordance with the provisions of RPM3 of the BO, beginning March 1, 2007. Your approval of this modified IOP operation and concurrence with the implementation date are hereby requested.

If you have any questions, comments, or recommendations regarding our proposed operations or the enclosed biological assessment, please contact Ms. Joanne Brandt by telephone at (251) 690-3260 or by email at joanne.u.brandt@sam.usace.army.mil, or Mr. Brian Zettle by telephone at (251) 690-2115 or by email at brian.a.zettle@sam.usace.army.mil.

Sincerely,



Curtis M. Flakes
Chief, Planning and Environmental
Division

Enclosure