

Enclosure 3

COE-FWS letter dated June 13, 2000

13 JUN 2000

Inland Environment Team  
Planning and Environmental Division

Ms. Gail Carmody  
U.S. Fish and Wildlife Service  
1612 June Street  
Panama City, Florida 32405

Dear Ms. Carmody:

I have received your letter dated April 28, 2000 requesting a meeting to discuss your concerns regarding fishery impacts resulting from our current reservoir operations in support of navigation windows on the Apalachicola-Chattahoochee-Flint (ACF) Rivers. You expressed particular concerns related to the impacts of the recent navigation window in late April and early May on fish spawning activities in upstream storage reservoirs and on the Apalachicola River.

The decision to schedule this latest navigation window was a difficult one, reached only after considering a number of competing needs for the limited water resources on the ACF system during this extended period of dry weather and low water conditions. Navigation had been suspended on the ACF system since August 1999, except for a brief navigation window in February 2000 to assist in floating critical replacement generator equipment to the Farley nuclear plant. The recent April navigation window was considered in order to take advantage of rainfall experienced in early April of this year, and to accommodate the waterway users' needs for movement of seasonal fertilizer shipments. The scheduled dates for the window also considered the impacts of low lake levels and high recreation demand periods during major lake events and upcoming holiday weekends; the need for steady or rising flows in Lake Seminole during application of the herbicide drip system; and the potential for conflict with fish spawning. The extended low water outlook made it unlikely that navigation could return to the river prior to July, unless a window could be scheduled for late April. A news release was distributed announcing the scheduled window beginning April 26 through May 5, and detailing anticipated impacts on reservoir levels due to releases to support the navigation window.

Our Standard Operating Procedure (SAM SOP 1130-2-9), implementing South Atlantic Division Regulation No. 1130-2-16, requires us to closely coordinate with State fisheries staff to monitor fish spawning activities in our reservoirs. We also attempt to modify our reservoir operations during a 3-week period timed to coincide with the peak of bass spawning activities, provided there would not be a conflict with authorized project purposes. Although this policy targets largemouth and spotted bass, it is intended to also benefit other spawning species. During most years we are able to implement fish spawning operations at our reservoirs while providing for our authorized project purposes, including navigation (such was the case in 1999). Fluctuating temperatures experienced this spring have resulted in a prolonged spawning period this year. The extended low water conditions have also impacted our ability to meet all authorized project purposes. At the time the navigation window was scheduled, peak bass spawning had concluded on Lake Seminole, was well underway at Walter F. George Lake and was anticipated to begin at West Point Lake. Once it became clear that bass spawning in Walter F. George Lake and West Point Lake would likely be affected by our scheduled window, we notified Alabama and Georgia State fisheries staff of the potential for impact. In order to provide for a seasonal navigation window, we were unable to operate specifically for fish spawning this year at Walter F. George, but were able to complete fish spawning operations at Lake Seminole and Lake Lanier, and partially support operations for fish spawning at West Point Lake.

Sustained low flows, restrictions in our water quality certification from the State of Florida, and other obstacles to effective channel maintenance have made the continuation of navigation windows critical to our ability to provide for the authorized project purpose of navigation. As you are aware, the Draft Environmental Impact Statement (EIS) for Water Allocation in the ACF basin has addressed impacts of our current operations, including navigation windows, in a programmatic fashion. It is our intent to address specific impacts of proposed allocation formulas, including development and implementation of drought management plans and amendments or revisions of water control plans, at a future date. These assessments will be fully coordinated with your agency and tiered off the Final EIS, once new operations plans consistent with an allocation formula can be defined.

It would be premature at this time to identify specific operation plans prior to the States' agreement to an allocation formula. However, I agree that it would be appropriate to meet to discuss our current project operations and ways to minimize the potential for impacts on fisheries in our reservoirs and on the Apalachicola River. We could use this opportunity to initiate related discussions regarding possible impacts on the threatened Gulf sturgeon and listed mussel species, and whether informal or formal consultation would be required. Our discussions could also assist in planning for future changes, and may identify

certain adjustments to our operations that could be implemented in the interim. Therefore, I have asked Ms. Joanne Brandt of my Inland Environment Team, to contact you to coordinate an appropriate meeting time with our technical staff.

Sincerely,

J. David Norwood  
Colonel, Corps of Engineers  
District Engineer

Copies Furnished:

- OP-GE/Jangula
- OP-TN/Bradley
- OP-G/Langan
- OP-AC/Earnest
- PM-C/Smith
- PD-EI/Peck
- CESAD-ET-PR/Mauldin

- PD-EI/Brandt/690-3260 *out*
- PD-EI/Peck/Eubanks *ME*
- PD-EI/Findley *ME*
- EN-HW/Burkett *EBB*
- OP-TR/Day *SO*
- OP-TN/Bradley *ME*
- OP-G/Langan *ME*
- OP/Walker *ME*
- PM-C/Smith
- PD-E/Newburn/McClelland *ME for*
- OC/Shoemaker *47*
- PD/Flakes *ME*
- DX/Robbins *ME*
- DC/Bailey *ME*
- DE/Norwood

*Mailed  
6/13/00*



# United States Department of the Interior



## FISH AND WILDLIFE SERVICE

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April 28, 2000

IN REPLY REFER TO:

Colonel David Norwood  
District Engineer  
Army Corps of Engineers  
Mobile District  
P.O. Box 2288  
Mobile, Alabama 36628-0001

Dear Colonel Norwood:

We are writing to express our concern over the navigation window that the Mobile District is currently implementing in the Apalachicola-Chattahoochee-Flint (ACF) system. The drawdown of reservoir levels at this time is detrimental to fish spawning in the affected reservoirs, and the drawdown of river levels following the window will be detrimental to fish spawning in the river reaches downstream of the reservoirs.

By letter dated April 26, 2000, Russ Ober of the Georgia Department of Natural Resources communicated to Joanne Brandt of your staff the nature of impacts to some reservoir fisheries due to this untimely drawdown of the reservoirs. We agree with his appraisal of these impacts, but wish to note that the impacts of a navigation window at this time are not limited to reservoir fisheries only. Several sloughs in the floodplain of the Apalachicola River are now flowing that were not flowing before this window was initiated. Many fish species use these sloughs for spawning, and it is likely that eggs spawned in these sloughs in response to the increased river stage during the window will be lost when the window is over. As you know, healthy and productive sport fisheries are vital to the economies of several communities along the ACF system. It is difficult for us to imagine that this window was of such importance as to justify compromising the fisheries of several major reservoirs and over 100 miles of riverine habitat.

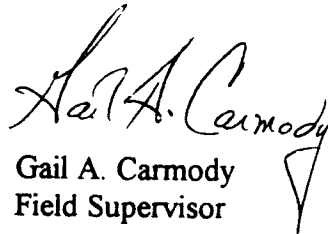
We would hope to avoid such environmentally damaging decisions in the future, and we are willing to assist the District in doing so. We note that the Corps' South Atlantic Division Regulation No. 1130-2-16 requires District operations personnel to "expeditiously advise State, Federal, and local fish and wildlife and environmental groups, as applicable, of any lake operation immediately prior to or during the fish spawn which could be detrimental to the spawn." Unfortunately, the Service was not consulted or even notified of the current navigation window. As we've described to your staff in our annual Fish and Wildlife Coordination Act transfer funding

meetings, this office has lead for the Service among the Alabama, Florida, and Georgia field offices for programmatic ACF system issues, such as reservoir operations for the navigation project purpose.

Like you and many others, we have been awaiting an outcome from the ACF Compact negotiations that would possibly establish new procedures for the future operations of the ACF reservoirs. Lacking an ACF allocation agreement, however, does not give the Mobile District in the meantime carte blanche authority over reservoir operations. As the Department of Interior noted in its comments on the Corps' 1998 ACF Water Allocation Draft Environmental Impact Statement, the adoption of navigation windows was not preceded by analysis or public review as required by the National Environmental Policy Act and Corps regulations (ER 200-2-2, part 6c). Also, the District has not determined whether navigation windows may affect listed species, as required under Section 7(a)2 of the Endangered Species Act. The current navigation window is the first ever to occur during the month of April, which is the core of the spawning period for the threatened Gulf sturgeon. Host fish populations for listed mussels also could be affected at this time of year.

Please contact me soon to schedule a meeting for discussing the various environmental impacts of current ACF reservoir operations practices. I look forward to hearing from you. You may reach me at extension 225.

Sincerely yours,



Gail A. Carmody  
Field Supervisor

cc: V. Fred Aiken, District Director; Rep. Barr, Marietta, GA  
Pat Grise, Constituent Advocate, Senator Bob Graham's staff, Tallahassee, FL  
Gary Mauldin, SAD Corps, Atlanta, GA  
Russ Ober, GDNR, Albany, GA  
Mike Gennings, GDNR, Social Circle, GA  
Ted Hoehn, FWCC, Tallahassee, FL  
Charlie Mesing, FWCC, Tallahassee, FL  
Jon Hornsby, ADCNR, Montgomery, AL  
Art Holbrook, LaGrange, GA  
Jim Phelps, RiverKeeper, Columbus, GA