

Enclosure 8

FWS-COE letter dated June 11, 2002



IN REPLY REFER TO:

United States Department of the Interior

FISH AND WILDLIFE SERVICE

Field Office

1601 Balboa Avenue

Panama City, FL 32405-3721

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June 11, 2002

Colonel Robert B. Keyser
District Engineer
Army Corps of Engineers
Mobile District
P.O. Box 2288
Mobile, Alabama 36628-0001

Dear Colonel Keyser:

Thank you for your phone call on May 7 about the operations of the Apalachicola-Chattahoochee-Flint (ACF) Basin federal reservoir projects and potential effects on the Gulf sturgeon, which is listed as a threatened species under the Endangered Species Act (ESA), during the spring spawning period this year. As we discussed on the phone, our agencies should meet soon to discuss our ESA-consultation responsibilities relative to reservoir operations, the sturgeon, and other listed species in the ACF. While both of our agencies have been preparing to do just that during the federal review process associated with a possible water allocation formula agreement under the ACF Compact, we should not delay further. The current drought is necessitating action, with or without an allocation agreement.

We have shared with your staff already our initial analyses of reservoir levels and releases this spring relative to sturgeon spawning habitat and how the federal projects might have been operated to avoid potential impacts to sturgeon spawning success (e-mail from Jerry Ziewitz of my staff to Joanne Brandt of your staff dated May 17, 2002). We hope this work may serve as a useful starting point for talking about managing instream flow during the spring spawning period for the conservation of Gulf sturgeon and other species.

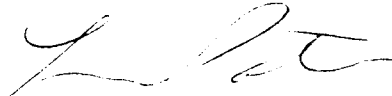
The unusually low releases from Jim Woodruff Dam that occurred in April and May this year represent the most recent, but not the first, flow-related endangered species issue the Service has discussed with the Mobile District during the current drought. In the summer of 2000, we responded to a District announcement that it was considering reducing the minimum release from Jim Woodruff Dam to less than 5,000 cfs. Our letter dated August 10, 2000, (copy enclosed) noted the potential impacts of such an action to two ESA-protected species of freshwater mussels in the Apalachicola River. We advised your predecessor, Colonel Norwood, that the District would need to initiate formal consultation with the Service if the District later proposed this action.

I received my copy of the letter addressed to you dated May 16, 2002, from Florida Fish and Wildlife Conservation Commission (FWC) Assistant Executive Director Victor Heller about ACF project operations this spring. The FWC suggests a meeting between District, Service, and FWC staff to discuss reservoir operations and conservation issues. While compliance with Section 7 of the ESA is our shared federal responsibility, the issues that the FWC raise overlap so much with those we've raised that I agree a joint meeting would be useful. Similar discussions with the conservation agencies in Alabama and Georgia should also be scheduled, as management of flow in the Apalachicola River necessarily involves the Corps' Chattahoochee River projects.

I propose that our staffs meet at a time and place of mutual convenience during the week of July 8, or during the weeks of August 5 or 12. We would be glad to host this meeting at our office in Panama City. If you are agreeable, please designate a point of contact, and our staffs will coordinate a specific meeting time, location, and agenda. Jerry Ziewitz of my staff (phone extension 223, email Jerry.Ziewitz@fws.gov) is assigned to handle Apalachicola River issues, and I believe Brian Barnett is coordinating the same for the FWC.

If you have any questions about this letter, please call me at 850-769-0552 ext 225.

Sincerely yours,


for Gail A. Carmody
Project Leader

enclosure: Aug. 10, 2000 letter

cc:

Joanne Brandt, Mobile District
Kenneth D. Haddad, FWC, Tallahassee, FL
Brian Barnett, FWC, Tallahassee, FL.

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