

Summary of ACF/ACT Actions



Coosa River by USFWS

November 16, 2007

ACF Overview

November 1 – After close coordination between the Service and the Corps, Corps provides Service a Biological Assessment (BA) and requests to initiate consultation on Exceptional Drought Operations (EDO) as a component of the Interim Operating Plan (IOP) for the ACF. The Service and the Corps continue to work closely.

November 7 – Corps provides Service an amendment to the BA incorporating 4,750 and 4,500 cfs as increments to reduced minimum flows prior to the minimum of 4,150 cfs.

November 15 – Service signs BO. Although the Corps modeled the effects of the EDO over a two year timeframe, the BO analyzes the EDO at the 4,750 and 4,500 cfs minimum flow levels through June 1 only, because so much uncertainty exists about what might happen after that.

BO concludes that EDO through June 1 will not jeopardize any of the four listed species nor adversely modify any designated or proposed critical habitat. It anticipates and exempts incidental take that will occur at 4,750 and 4,500 cfs minimum flows. It requires the Corps to carefully monitor impacts to listed species.

The EDO will result in less depletion of composite system storage than the IOP. The key element that does the most to increase storage is the ability to capture and store water when the rains come.

New information from the Corps received along with the amended BA indicated that the difference in system storage gained between minimum flows of 4,150 and 4,500 is not great.

The difference between flows of 4,150 and 4,500 cfs is more

significant in terms of the expected detrimental effects that will occur downstream to the Chattahoochee River, the Apalachicola River and Bay, and the federally-listed species.

7 Mussels Critical Habitat Overview

Under a court order, the Service proposed critical habitat for the endangered fat threeridge, shinyrayed pocketbook, Gulf moccasinshell, Ochlockonee moccasinshell, and oval pigtoe, and the threatened Chipola slabshell and purple bankclimber on June 6, 2006.

The Service had two public comment periods and three public hearings. Combined, the comment period was open for 108 days.

As required under the ESA, the Service considered potential economic impacts when making the final designation. The impact of the designation was estimated to be \$501,000 over a 20 year period. These are costs associated with administrative activities resulting from the designation and future ESA consultations with federal agencies.

We published the final designation in the Federal Register on November 15, 2007. The rule designates 1,186 river miles in Alabama, Georgia and Florida. Because these mussels are listed

under the ESA and present in the critical habitat, we already consult with the Corps and other Federal agencies on their actions and do not expect material differences in the outcomes of these consultations.

ACT Overview

The ACT is much more complex because of the more diverse authorities involved, including the Corps and the Federal Energy Regulatory Commission (FERC). Over 80 percent of the system reservoir capacity is controlled by a private entity, Alabama Power Company, and their operations are licensed through FERC.

We have formed a joint State-Federal Task force to explore operational changes that might provide additional flexibility to retain more water in ACT reservoirs while continuing to meet critical needs south of Montgomery.

The critical point on the ACT is the minimum flow requirement of 4,640 cfs south of Montgomery. There are several

individual flow requirements that contribute to the 4640 cfs flow, so the opportunities to find flexibilities are greatest at that point.

So far, the Task Force has identified three opportunities:

1. Establishing navigation windows or suspending navigation if possible
2. Increasing the winter pool at Lake Martin by three feet and beginning the summer fill earlier
3. Reducing the Jordan Dam minimum flow to 1,600 cfs.



Fat threeridge



Purple bankclimber



Chipola slabshell

In regard to Jordan Dam, during late summer 2007, Alabama Power Company

temporarily reduced flows in the Coosa River below Jordan Dam 20 percent (from 2,000 to 1,600 cfs). This flow reduction was to end on December 1, 2007.

The endangered tulanina snail exists below Jordan Dam. Under emergency consultation provisions, the Service consulted on this temporary flow reduction.

After some rain occurred in the basin, APC returned flows to 2,000 cfs, as required by their FERC license amendment. Now, inflows are back down again, and APC would like to return to 1,600 cfs.

In a letter of November 16, 2007 to both FERC and Alabama Power, the Service agreed that returning flows to 1,600 cfs immediately is part of the ongoing ESA emergency consultation through December 1. In addition, if FERC proposes to authorize lower flows on a longer term basis during the drought emergency, we have pledged to continue consulting.



Apalachicola River by USFWS