

The Florida Coastal and Ocean Coalition

Caribbean Conservation Corporation & Sea Turtle Survival League •
Environmental Defense • Natural Resources Defense Council • Reef Relief •
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November 13, 2007

Ms. Gail Carmody
Supervisor, Ecological Services
US Fish and Wildlife Service
1601 Balboa Avenue
Panama City, FL 32405-3721

RE: Public Comment on Potential Impacts to Endangered Species Related to Reduction in Water Flows in the Apalachicola-Flint-Chattahoochee River

Dear Ms. Carmody:

Please accept these public comments from the undersigned representatives of the Florida Coastal and Ocean Coalition on potential impacts to federally listed species related to potential reduction of water flows in the Apalachicola-Chattahoochee-Flint River System (ACF). For reasons stated herein, our organizations, representing many concerned citizens around our state and nation, are opposed to indefinitely reducing or otherwise capping water flows in the ACF basin as proposed by the US Army Corps of Engineers in its *Biological Assessment, Temporary Modifications to the Interim Operating Plan for Jim Woodruff Dam and the Associated Release to the Apalachicola River* (hereinafter, "Biological Assessment"). We believe that proposed reductions in water flow to the Apalachicola River and Apalachicola Bay would jeopardize the continued existence of the Gulf Sturgeon and federally protected mussel populations, in violation of the Endangered Species Act, 16 USC Section 1536(a)(2), and implementing regulations.

As described in the Biological Assessment, the Corps proposes to implement a protocol for "Exceptional Drought Operations" (hereinafter "EDO") that would limit the flow of the Apalachicola River to 4,150 from 5,000 cubic feet/second through the year 2010, and capture and store all upstream river flows above those levels for the next several years. Based on information from the Florida Fish and Wildlife Conservation Commission (FWC) and other sources, we believe this proposed reduction would jeopardize the continued existence of the Gulf Sturgeon by eliminating approximately 75 percent of its spawning habitat in the Apalachicola River, especially in seasonally inundated floodplain habitats.

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In addition, by limiting water flows to the main river channel, the proposed EDO protocol would preclude periodic flooding of the Apalachicola River floodplain, which in turn would jeopardize reproductive success for federally protected mussel populations. Further, we do not believe this two year reduction in flow is a short-term solution, given the long-term negative consequences to these already threatened and endangered species.

In addition to the adverse impact on these federally listed species, reduced water flows would have significant adverse - and possibly irreparable – impacts on other critically important species of fish and wildlife in the Apalachicola River, Apalachicola Bay, and the Gulf of Mexico. Many species of fish, invertebrates and other wildlife in these ecosystems are dependent on these floodplain habitats for critical life stages, such as breeding, spawning or juvenile development. Restricting flow levels to the main channel would eliminate essential habitat for up to 80 percent of Apalachicola River fish species. The cumulative and secondary impacts of this proposal on downstream marine and riverine species would be disastrous to the ecological integrity of coastal ecosystems as well as the economic health of coastal communities. Simply stated, this proposal will not only jeopardize the continued existence of federally protected species, but will jeopardize literally hundreds of millions of dollars of economic value related to commercial and recreational fishing and associated coastal tourism.

Finally, we would like to point out that state and federal government agencies, as well as numerous non-governmental organizations, have invested many millions of dollars and other resources over the years to better understand, protect and purchase floodplain habitats in the Apalachicola, Chattahoochee and Flint River system, which serve to aid in the health and recovery of these protected species. In the lower basin, the Apalachicola National Estuarine Research Reserve was established in 1979 by the state, local government and federal agencies to ensure that a natural system could be maintained as a laboratory for future research and education for generations to come. Moreover, Apalachicola Bay has received international recognition as a Biosphere Reserve by the United Nations Educational, Scientific and Cultural Organization UNESCO program. If water flows are artificially and arbitrarily limited and indefinitely capped to the detriment of these species, habitats and natural river and estuarine systems, all of this public investment will be significantly and irreparably compromised.

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For the forgoing reasons, our organizations strongly oppose the proposed Exceptional Drought Operations protocol, and urge the US Fish and Wildlife Service to issue a formal jeopardy opinion that would result in development of reasonable and prudent alternatives that would avoid these serious impacts on downstream listed species, habitats and communities. While we are mindful of the serious water supply issues that are being faced by upstream communities, these issues must be addressed from a watershed perspective with a long term water supply plan that respects the concerns of all affected communities, the national interest and investment in ensuring the recovery of listed species, and the ecological integrity of downstream riverine and coastal ecosystems and economies.

Thank you for considering these comments. Because the normal public comment period was reduced from 135 days to 14 days, we respectfully reserve the right to provide additional comments as more information becomes available.

Sincerely,

Gary Appelson – Caribbean Conservation Corp.

Sarah Chasis, J.D. – Natural Resources Defense Council

Ericka D'Avanzo – Surfrider Foundation

Michelle Duval, Ph.D. – Environmental Defense

Paul G. Johnson – Reef Relief

David White, J.D. – The Ocean Conservancy

cc: Florida Governor Charlie Crist
Mike Sole, Secretary, Florida Department of Environmental Protection
Ken Haddad, Exec. Direc., Florida Fish & Wildlife Conservation Comm
Col. Byron Jorns, Mobile District, U.S. Army Corps of Engineers
Distribution