



United States Department of the Interior

FISH AND WILDLIFE SERVICE

1875 Century Boulevard
Atlanta, Georgia 30345

December 14, 1999

In Reply Refer To:
FWS/R4/RD

Colonel Joe R. Miller
District Commander, Jacksonville District
U.S. Army Corps of Engineers
400 West Bay Street
Jacksonville, Florida 32232

Dear Colonel Miller:

I am writing in response to your letter of December 14, 1999, presenting proposed central and southern Florida project operations, entitled "Interim Structural and Operational Plan" (ISOP). Your letter states that this proposal is consistent with the requirements of the reasonable and prudent alternative (RPA) for the year 2000 for the Cape Sable Seaside Sparrow (CSSS) presented in the Fish and Wildlife Service's (Service) February 19, 1999, final biological opinion.

As requested by the Corps during development of the final opinion, the RPA provides general water management targets necessary to avoid jeopardy to the sparrow. While the Corps has considerable flexibility in deciding how to meet those targets, the biological opinion provides two "sideboards" governing the extent of operational flexibility that assure compliance with the Endangered Species Act: 1) the reasonable and prudent alternative; and 2) the authorized incidental take.

The Service recognizes and defers to the Corps' hydrological expertise in the formulation of alternative means to accomplish the biological opinion's general water management targets. On that basis, the Service concurs with the Corps' conclusion that the ISOP is designed to meet the year 2000 requirements of the biological opinion, including the RPA.

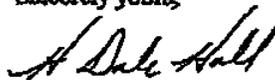
In regard to years 2001 - 2003, the Service appreciates the Corps' commitment to expedite completion of the Supplemental Environmental Impact Statement (SEIS) on the 8.5 Square Mile Area. By accelerating the SEIS, the Corps will be able to make a decision and to implement a sustainable solution that realizes project benefits sooner than anticipated, increases flexibility in meeting requirements of the biological opinion, and reduces long standing conflicts among interested parties.

Colonel Joe R. Miller

2

We appreciate the cooperation you have demonstrated in protecting this important natural resource and look forward to working with you as you implement the ISOP during the upcoming year. If you need additional assistance, please contact Mr. Steve Forsythe, Florida State Supervisor, at (561) 778-0896.

Sincerely yours,



for Sam D. Hamilton
Regional Director

DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
P.O. BOX 4970
JACKSONVILLE, FLORIDA 32232-0019

December 14, 1999

Programs and Project Management Division
Project Management Branch

Mr. Sam D. Hamilton
Regional Director
Fish and Wildlife Service
1875 Century Boulevard
Atlanta, Georgia 30345

Dear Mr. Hamilton:

I am writing in regard to our ongoing discussions and correspondence relative to the February 19, 1999 Final Biological Opinion (BO) concerning the Cape Sable Seaside Sparrow (CSSS). Please refer to my letter dated October 5, 1999 in which I agreed to provide you with additional information on identifying actions the Corps is taking to respond to the BO and implement the Reasonable and Prudent Alternative (RPA).

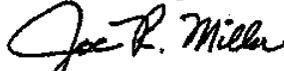
First, let me state unequivocally that the U.S. Army Corps of Engineers is committed to the protection of the CSSS and ensuring its continued existence. We have worked hard with you and your staff to identify and evaluate all options for meeting this objective.

As a result of these efforts, we have developed an "Interim Structural and Operations Plan" (ISOP) that is consistent with the requirements of the RPA of the BO for the year 2000, including the 2000 CSSS breeding season. The ISOP, copy enclosed, will allow us to maximize the capacity of the Central and Southern Florida (C&SF) project to protect the CSSS, while minimizing adverse impacts to other resources, including the Water Conservation Areas, associated tree islands, other threatened and endangered species, and public and private property.

We will continue to work with you as we implement the ISOP during the next year to address any issues that may arise. In addition, with respect to years 2001, 2002, and 2003, we are committed to expediting the on-going Supplemental Environmental Impact Statement to identify a permanent solution to the 8.5 Square Mile Area issue and to working with you to meet the requirements of the BO for these years.

This letter represents the position of the Department of the Army and has been coordinated with the Corps' South Atlantic Division, the Office of the Chief of Engineers and the Office of the Assistant Secretary of the Army for Civil Works. I would appreciate your expeditious review of the ISOP and a response as soon as possible.

Sincerely,

A handwritten signature in cursive script that reads "Joe R. Miller". The signature is written in dark ink and is positioned above the typed name.

Joe R. Miller
Colonel, U.S. Army
District Engineer

Enclosure