



Florida Department of Environmental Protection

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3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

May 18, 2009

Colonel Byron Jorns
District Commander
U.S. Army Corps of Engineers
Post Office Box 2288
Mobile, Alabama 36628-0001

RE: Continued Disregard of ACF Revised Interim Operations Plan (RIOP)

Dear Colonel Jorns:

I am again writing to you, as District Engineer, to ask that you review and rectify a failure to correctly implement the terms of the Revised Interim Operations Plan ("RIOP") for the Apalachicola-Chattahoochee-Flint Reservoirs. On May 13, in response to inquiries from Alabama, Corps managers acknowledged that "ACF Composite Conservation Storage" had "entered Zone 2." While, under the RIOP, this benchmark, once "reach[ed]," is the unconditional trigger for suspending drought operations "[a]t that time," Corps managers advised that they would not even consider suspension of drought operations until a date eighteen days later (June 1), and held out the possibility that--even then--they may continue drought operations based on an assessment--not prescribed by the RIOP--of vague climatic, hydrological and meteorological factors.

Alabama has requested the Corps to convene immediately with the U.S. Fish and Wildlife Service to address the required discontinuation of current drought operations. Florida joins in this request, and asks that you undertake a prompt review of current operations. As expressed in my last letter, Florida is of the firm view that, when composite storage reached Zone 2 on March 1, drought operations should have ceased at that time. The RIOP plainly states: "The drought plan provisions remain in place until conditions improve such that the composite storage *reaches* a level above the top of Zone 3 (i.e., within Zone 2). *At that time, the temporary drought plan provisions are suspended, and all the other provisions are re-instated.*" See Description of Proposed Action Modification to the Interim Operations Plan at Jim Woodruff Dam (April 2008) at 9 (emphasis supplied). This language allows no room for creative interpretation.

Colonel Jorns
May 18, 2009
Page 2 of 2

Florida urges you to direct the reservoir managers to promptly suspend drought operations. It is spawning season for the Apalachicola River--not the time to insist on an unauthorized and detrimental delay in suspension of drought operations required by the RIOP, on the stated basis that a unilateral and arbitrarily designated "decision day" is two weeks hence. I would appreciate your prompt response to this, and to my earlier, letter.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael W. Sole". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Michael W. Sole
Secretary