APPENDIX D

COORDINATION DOCUMENTATION

Agency and Organization

Coordination Correspondence

Zettle, Brian A SAM

From: Brandt, Joanne U SAM
Sent: Wednesday, February 20, 2008 6:17 PM
To: Carol Couch (ccouch@dnr.state.ga.us)
Cc: Jorns, Byron G COL SAM; Payne, Ronald D LTC SAM; Robbins, Ervin P SAM; Coghlan, Lisa A SAM; Mauldin, Gary V SAD; Smith, Christopher T SAD; Barnett, Dennis W SAD; Jellema, Jonathan M HQ@SAD; Feldmeier, Paula M SAM; Brasfield, David C SAM; Shoemake, Deborah J SAM; Eubanks, Michael J SAM; Zettle, Brian A SAM; Bradley, Kenneth P SAM; Ross, Wade A SAM; Flakes, Curtis M SAM; Baxter, Elaine H SAM; Trawick, Eubie D SAM; Gwin, William V SAM; Ross, Wade A SAM; Otto, Douglas C Jr SAM; Hathorn, James E Jr SAM; Hrabovsky, Cheryl L SAM; Ashley, Jonathan A SAM; Houston, Amber M SAM; Davis, Jonathan A SAM; Day, Kenneth SAM; Fulton, Gerald P SAM; Flanagan, Patricia A SAM; Horton, Matthew W SAM
Subject: GA-EPD Request for a Temporary Deviation from the current Buford Water Management Operations - Reduction in Water Quality Releases

Importance: High

Attachments: GA-EPD to Colonel Byron Jorns - 2-11-08.pdf

GA-EPD to Colonel Byron Jorns ...

Carol:

We have received your attached request for a temporary deviation from our current water management operations at Buford Dam/Lake Lanier, for consideration of a reduction in releases to the Chattahoochee River necessary for assimilation of return flows at Atlanta. We are considering this request, but will be coordinating your proposal with the ACF Basin stakeholders and asking for any information that can assist in our review and environmental evaluation of your request. We are asking that all agency and stakeholder comments be provided by Thursday, 28 February. We will also be requesting additional information from GA-EPD that will assist in our review.

We have discussed your proposal with the US Environmental Protection Agency (Region 4) and they have requested that we ask you to provide the following information:

(1) Presentation of modeling input and results for DO as referenced in your 11 Feb 2008 letter. Modeling input and results should also be presented for Ammonia Toxicity and Whole Effluent Toxicity (WET) at the same incremental flows.

(2) Identify what level of flow was used as the basis for determining effluent limits for the City of Atlanta and any other NPDES wastewater permits that might be affected by this proposed reduction in flow. Will the change in flow result in any ambient criterion not being met in the receiving waters?

We also request clarification of the current request in relation to the modeling results presented. It appears that the modeling was conducted to assess impacts of maintaining the reduced minimum flow above Peachtree Creek for all of 2008, but the request in your letter is to temporarily reduce minimum flow for the cooler months through 30 April 2008. It is unclear if the stated benefits to Lake Lanier of the reduced flow only accrue if operated at reduced releases for all of 2008, or what the benefits would be if the reduced releases only occur through 30 April 2008. Impacts and benefits should be presented for the reduced releases occurring only during the temporary period through 30 April. Impacts and benefits should also be displayed for the incremental reductions to 650 cfs and 600 cfs.

We will forward other requests for clarification or additional information as we identify our information needs. If you have any questions, please feel free to contact me.

Joanne Brandt
Senior Environmental Specialist
Inland Environment Team
US Army Corps of Engineers, Mobile District
251-690-3260
joanne.u.brandt@usace.army.mil

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251-690-3260
joanne.u.brandt@usace.army.mil

Zettle, Brian A SAM

From: Mauldin, Gary V SAD
Sent: Thursday, February 21, 2008 8:08 AM
To: 'alan peeples (APC)'; April Hall (ahall@alabamarivers.org); 'becky mixon'; 'bill pearson'; Billy Barber (lake seminole assoc); 'bob kerr'; Bradford Swann (bswann@gov.state.ga.us); 'brian kerlin'; 'brian skeens'; Bruce Ritchie (britchie@tallahassee.com); 'chris browning'; 'chris hebberd'; 'christian doolin'; 'cllambert'; 'clyde morris'; 'daniel brown'; Deb Speights (cong johnson); 'Debbie Vess (Hamilton XA)'; Denesia Cheeks (denesia_cheek@nps.gov); 'diana ferguson'; 'Ed Moon '; Frank Stephens (frank.stephens@gwinnettcounty.com); 'frasier bingham (lake seminole assoc)'; James.A.Maysonett@usdoj.gov [James.A.Maysonett@usdoj.gov]; 'janet rossi (Linder)'; 'jennifer shrader (laGrange news)'; 'jeremy branch'; 'jerry ziewitz'; 'jim scarbrough'; 'john allen'; 'john fortuna'; John Lyon (john.lyon@ferc.gov); Jon steverson (jon.steverson@laspbs.state.fl.us); kathy nguyen; katie kirkpatrick (macoc); 'kcrews'; 'krandall'; 'kspear'; Lake, Chip (cong westmoreland); mike godfrey; Mike Quiello (Isakson) (mike_quiello@isakson.senate.gov); Mumford, Carole (cong johnson); 'nicole carter'; 'randy kerr'; 'rhunter'; Ruth.Ann.Storey@usdoj.gov; shana udvardy; stephen kraly Cong Broun (GA-10); 'steven burns'; 't vickers'; ted Hoehn (ted.hoehn@myfwc.com); 'thomas casey'; Tim Collins (tcollins@gainesville.org); Tom Littlepage (tom.littlepage@adeca.alabama.gov); Tom Waits (lake seminole assoc); '(alice_lawrence@fws.gov)'; '(Brian.Atkins@adeca.alabama.gov)'; '(ccouch@dnr.state.ga.us)'; '(charles.cover@ferc.gov)'; '(cmstover@southernco.com)'; '(dcnr.commissioner@dcnr.alabama.gov)'; '(dow.johnston@adeca.alabama.gov)'; '(dsmart@adem.state.al.us)'; '(fal@adem.state.al.us)'; '(flcox@southernco.com)'; '(gamartin@southernco.com)'; '(gmcmahon@arcadis-us.com)'; '(Jeff_Powell@fws.gov)'; '(jerry.gotzmer@ferc.gov)'; '(jim.hakala@mail.dnr.state.ga.us)'; '(JOELS@sepa.doe.gov)'; '(mancusi-ungaro.philip@epa.gov)'; '(rmcauley@alaforestry.org)'; '(roates@alaforestry.org)'; '(Sandy_Tucker@fws.gov)'; '(stan.cook@dcnr.alabama.gov)'; '(stewart.dee@epa.gov)'; '(todd.holbrook@dnr.state.ga.us)'; Alan McLane (Plant Shultz); Allen E. Owen (aeo@meadwestvaco.com); 'Ashley McVicar'; 'Athena Clark'; bhoustonacf@bellsouth.net; Bill Couch (bill_couch@dnr.state.ga.us); billy turner; 'brady king (Cong Boyd FL)'; 'Brian McCallum'; 'brydon ross (Sen Martinez)'; 'C Krautler'; 'camila knowles (Sen Chambliss)'; 'chad davis (Sen Shelby)'; chart bonham; 'chris riley (Cong Deal GA)'; 'cliff chamblee (GP cedar springs mill)'; Courtenay O'Mara Morgan Falls (cromara@southernco.com); 'D Forster'; Dan Tonsmeire (dan@apalachicolariverkeeper.org); Danny Elrich (danny@highlandmarina.com); Dick Timmerberg (dtimmerberg@bellsouth.net); 'don miller (GP cedar springs mill)'; Donovan, Michael COL HQDA; 'Douglas Spencer'; 'Duncan Powell'; 'Ed Martin'; 'Frank Redmond - Sen Isakson'; 'Gail_Carmody@fws.gov'; George Taylor (george.taylor@opc.com); Glenn Page (gpage@ccmwa.org); 'Herb Nadler'; 'james antista'; 'James McIndoe - ADEM'; janet.llewellyn@dep.state.fl.us; 'jennifer warren (Cong Everett AL)'; 'jerry smithwick (Cong Boyd FL)'; Jess Weaver (jdweaver@usgs.gov); 'Jimmy Palmer'; 'joe lillis (Cong Westmoreland GA)'; Joe Maltese (jmaltese@lagrange-ga.org); 'Jon Worthington'; kelly cornwell; 'ken haddad'; 'Ken Odom'; Kenny Peacock (kpeacoc@southernco.com); Lee Edminston (Lee.Edmiston@dep.state.fl.us); 'Lewis Jones - ARC'; 'Lynn Sisk - ADEM'; 'Marisa Simpson (Sen Chambliss)'; 'Mark Crisp'; 'Mark Robinson'; 'michael quiello (Sen Isakson)'; 'michael reed (Cong Bishop GA)'; Michael Sole (michael.sole@dep.state.fl.us); Mike Markey Gulf Power (rmmarkey@southernco.com); 'pam keene (lakeside on lanier)'; 'Pat Stevens - ARC'; 'Pete Landrum (Sen Sessions)'; 'r sasser'; 'Ralph Clemens'; 'Randy Kerr'; 'Rick Treece'; 'Rob Woodall (Cong Linder)'; Robbie Nichols (robbie@southernharbor.com); 'robyn podany'; 'Sam Hamilton'; sbethea@ucriverkeeper.org; smtp-Heard, Darlene; smtp-Smith, Dee; 'stacy shelton (AJC)'; 'stewart manley'; 'susie quinn (Sen Nelson)'; 'tdblaloc@southernco.com'; 'tim cash'; 'Todd Silliman'; tom bartels; Tom Moorer (TCMOORER@Southernco.com); 'Tom Wellborn'; Tom Wilmoth (twilmoth@blackwellsanders.com); tony owens; 'travis johnson (Cong Price GA)'; 'Trey Glenn'; Val Perry (valperry@bellsouth.net); 'Wei Zeng'; 'whitney verett (Cong Rogers AL)'; Ashley, Jonathan A SAM; Boone, James E SAJ; Brandt, Joanne U SAM; Brown, Stacey E HQ02; Butler, Benjamin H COL SAD; Cromartie, Leon M Jr SAM; Dalton, James C HQ02; David McLain (dmclain850@aol.com); Davis, Jonathan A SAM; Erhardt, Robert D Jr SAM; Eubanks, Michael J SAM; Feldmeier, Paula M SAM; Fournier, Suzanne M HQ02; Gwin, William V SAM; Hardesty, Gary M HQ02; Hathorn, James E Jr SAM; Hinton-Lee, Chris SAD; Holland, Robert G SAD; Houston, Amber M SAM; Hrabovsky, Cheryl L SAM; Jellema, Jonathan M HQ@SAD; Johns, Richard M SAM; Logan, Stephen F SAM; Mauldin,

To: Gary V SAD; Otto, Douglas C Jr SAM; Peck, Brian E SAM; Premo, Stephen S; Prince, George R Jr SAD; Purcell, Cornelius W HQ@SAD; Regalado, Nanciann E SAJ; Robbins, Ervin P SAM; Sapp, Shelton B SAD; Sharpless, Laura S SAM; Smallwood, William L SAM; Smith, Christopher T SAD; Sumner, Lewis C SAM; Trawick, Eubie D SAM; Trulock, Robert T SAJ; Vaughan, Memphis Jr SAM; White, Jonas SAM; Zettle, Brian A SAM

Subject: Proposed Temporary Deviation From Current Water Management Operations at Buford Dam to Reduce Water Quality Releases

Importance: High

Attachments: GA-EPD to Colonel Byron Jorns - 2-11-08.pdf

GA-EPD to Colonel Byron Jorns ...

ACF Stakeholders:

Mobile District has received a request from the Georgia Environmental Protection Division (GA-EPD) that a reduction be made in releases from Buford Dam/Lake Lanier to meet the water quality requirement on the Chattahoochee River at Atlanta, Georgia, as a temporary drought contingency measure. A copy of the GA-EPD request by letter dated 11 February 2008 is attached for your reference and review. The current minimum flow requirement for assimilation of return flow at Atlanta (750 cfs) is incorporated in the current Buford Dam Reservoir Regulation Manual, as measured on the Chattahoochee River above the confluence with Peachtree Creek. GA-EPD requests that a reduction in the water quality required flow to 550 cfs be considered. This request would therefore require a temporary deviation from current water management operations.

GA-EPD's request represents a proposed temporary drought contingency measure in response to drought conditions experienced this past year and forecasts for continued drought conditions in 2008. The proposed reduction in flows is based on water quality criteria at Atlanta and seeks to conserve storage in Lake Lanier (Buford Dam) by reducing the amount of release necessary to meet State water quality standards during cooler months.

The Corps of Engineers is given discretion to manage its reservoirs by the Flood Control Act of 1944. The procedures for water management actions at Corps projects is set out in Engineer Regulation 1110-2-240 (33 C.F.R. Part 222.5), which states as follows in regard to droughts:

"Continuous examination should be made of regulations schedules, possible need for storage reallocation (within existing authority and constraints) and to identify needed changes in normal regulation. Emphasis should be placed on evaluating conditions that could require deviation from normal release schedules as part of drought contingency plans (ER 1110-2-1941)."

Engineering Regulation 1110-2-1941 requires water managers to re-examine procedures and reservoirs to determine whether improvement can be made during low water periods within current authorities.

This notice is requesting written comments from Federal, State and local agencies, Tribes, affected industries, organizations, other stakeholders and the public regarding potential affects of the proposed reduction in flows for the purpose of conducting environmental evaluation and obtaining stakeholder input which will assist in a determination on the request for a temporary deviation from the Reservoir Regulation Manual. Information provided in response to this notice will be considered by the Mobile District and South Atlantic Division in determining whether or not to implement a temporary deviation and to what extent. Please communicate this information to any other interested parties.

The decision on the proposed temporary deviation or variance in water management operations will be based on an evaluation of the probable impact, including cumulative impacts, of the proposed activity on the public interest. Written comments are requested on specific impacts to other users and operations that occur within the basin. That decision will reflect the national concern for both protection and utilization of

important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production, and in general, the needs and welfare of the people. Potential consequences of this proposed temporary deviation include impacts on pool elevations at West Point and Walter F. George, on river stages at various water intakes below Buford Dam, and on in-stream water quality criteria. In addition, the proposed flow reduction may impact individual discharge permit holders downstream of Buford Dam. The reduced flow may also impact the trout hatchery downstream of Buford Dam and/or the fishery associated with that facility. There may be additional consequences or impacts for which we solicit your input.

This topic is scheduled to be discussed during the bi-weekly ACF Basin Drought Teleconference scheduled for Thursday, 28 February 2008, 1100-1200 EST (1000-1100 CST). The call-in number is 866-916-8488. At the prompt, type in the passcode 6076350 followed by the # sign. Oral comments will be heard at that time, but you are requested to submit written comments to assure your concerns are fully considered.

Written comments should be directed the District Engineer, U.S. Army Engineer District, Mobile, Post Office Box 2288, Mobile, Alabama 366280001, Attention: Planning and Environmental Division, Inland Environment Team in time to be received not later than 28 February 2008. In order to expedite receipt of comments, electronic copies of comments may be forwarded to the following email address:

cesam-pd-ea@usace.army.mil

Electronic comments may also be provided on the Mobile District web site at the following location:

http://www.sam.usace.army.mil

Please provide all comments not later than close of business, Thursday, 28 February 2008.

-----Original Message-----
From: Morgan, Julie A SAM@SAS
Sent: Friday, February 22, 2008 7:29 AM
To: russtown@nc-cherokee.com; tcole@choctawnation.com; shawneetribe@neok.com; lstopp@unitedkeetoowahband.org; Joyce Bear
Subject: REQUESTING COMMENT - Proposed Temporary Deviation From Current Water Management Operations at Buford Dam to Reduce Water Quality Releases
Importance: High

Greetings!

Below you will find an email message that is being sent to all ACF Stakeholders regarding potential affects of the proposed reduction in flows for the purpose of conducting environmental evaluation. Information on how and where to submit oral, written and email comments is at the bottom of the email; please do not send your comments to me. ALL comments are requested by close of business, Thursday, 28 February 2008.

Thank you for your consideration.

Julie A. Morgan
US Army Corps of Engineers
Mobile/Savannah Planning Center
Phone: 888-893-0678 ext 378
or 706-856-0378
Fax: 706-856-0330
email: julie.a.morgan@usace.army.mil

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The decision on the proposed temporary deviation or variance in water management operations will be based on an evaluation of the probable impact, including cumulative impacts, of the proposed activity on the public interest. Written comments are requested on specific impacts to other users and operations that occur within the basin. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production, and in general, the needs and welfare of the people. Potential consequences of this proposed temporary deviation include impacts on pool elevations at West Point and Walter F. George, on river stages at various water intakes below Buford Dam, and on in-stream water quality criteria. In addition, the proposed flow reduction may impact individual discharge permit holders downstream of Buford Dam. The reduced flow may also impact the trout hatchery downstream of Buford Dam and/or the fishery associated with that facility. There may be additional consequences or impacts for which we solicit your input.

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From: Morgan, Julie A SAM@SAS
Sent: Friday, February 22, 2008 7:33 AM
To: Elizabeth Shirk; shathorn@preservala.org; lkammerer@mail.dos.state.fl.us
Subject: REQUESTING COMMENT - Proposed Temporary Deviation From Current Water Management Operations at Buford Dam to Reduce Water Quality Releases
Importance: High

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US Army Corps of Engineers
Mobile/Savannah Planning Center
Phone: 888-893-0678 ext 378
or 706-856-0378
Fax: 706-856-0330
email: julie.a.morgan@usace.army.mil

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Zettle, Brian A SAM

From: Brandt, Joanne U SAM
Sent: Monday, February 25, 2008 4:17 PM
To: Otto, Douglas C Jr SAM; Hathorn, James E Jr SAM; Zettle, Brian A SAM
Subject: Fw: GA-EPD Request for a Temporary Deviation from the currentBuford Water Management Operations - Reduction in Water QualityReleases

Attachments: Water Quality Assessment 02-25-08.doc

Water Quality Assessment 02-25...

FYI

----- Original Message -----
From: Linda MacGregor <Linda.MacGregor@dnr.state.ga.us>
To: Brandt, Joanne U SAM
Cc: Carol Couch <ccouch@dnr.state.ga.us>; Elizabeth Booth <Elizabeth.Booth@dnr.state.ga.us>; Paul Lamarre <Paul.Lamarre@dnr.state.ga.us>; Tim Cash <Tim.Cash@dnr.state.ga.us>; Wei Zeng <Wei.Zeng@dnr.state.ga.us>
Sent: Mon Feb 25 14:11:43 2008
Subject: GA-EPD Request for a Temporary Deviation from the currentBuford Water Management Operations - Reduction in Water QualityReleases

This is in response to your e-mail of February 20, 2008 requesting additional information.

Please refer to the attached document for the following:

- Modeling input and results for ammonia toxicity and whole effluent toxicity; and

- Level of flow used as the basis for determining effluent limits for NPDES wastewater permits that might be affected by the proposed reduction in flow.

On Friday, we also uploaded the Chattahoochee River model files used to evaluate reduced minimum streamflows at Peachtree Creek to the ftp.planetwater.com site under username savepdepa and directory 'Files For JMG'. We also notified Jim Greenfield at EPA of the availability of these files on the ftp site.

As you also requested, this is to clarify that the benefits resulting from the proposed reduction in flow would accrue only through April 30, 2008 since we have only asked for the reduction in flow through April 30, 2008. Analysis of the full year 2008 was done for informational purposes only and was not intended to be interpreted that we were requesting a reduction in flow for the entire year 2008.

With respect to an analysis of the proposed impacts and benefits, as demonstrated in the attached and the information attached to our letter of February 11, 2008 to Colonel Jorns, instream water quality, NPDES discharges, and drinking water supplies will not be impacted by the proposed reduction in flow. As stated in our February 11, 2008 letter, benefits accruing from this proposed action will add critically needed storage to Lake Lanier to support future downstream uses during the exceptional drought conditions.

We believe that the information presented adequately demonstrates that all downstream uses will be protected if flows from Buford Dam are reduced as requested. We respectfully request that the Corps and EPA expedite review of this information and proceed without further delay with the proposed reduction in flow. Because the opportunity to retain storage will soon pass, any action to reduce flows needs to be taken immediately.

Thank you for your consideration of this request. If you have any questions or need additional information please do not hesitate to call me at 404-675-1750. If I cannot be reached immediately, please contact Tim Cash at 404-535-6560.

Linda MacGregor, P.E.
Chief, Watershed Protection Branch
Georgia Environmental Protection Branch
Office: 404-675-1750
Fax: 404-675-6247

Joanne.U.Brandt@usace.army.mil
>>>2/20/2008 7:18 pm>>>
Carol:

We have received your attached request for a temporary deviation from our current water management operations at Buford Dam/Lake Lanier, for consideration of a reduction in releases to the Chattahoochee River necessary for assimilation of return flows at Atlanta. We are considering this request, but will be coordinating your proposal with the ACF Basin stakeholders and asking for any information that can assist in our review and environmental evaluation of your request. We are asking that all agency and stakeholder comments be provided by Thursday, 28 February. We will also be requesting additional information from GA-EPD that will assist in our review.

We have discussed your proposal with the US Environmental Protection Agency (Region 4) and they have requested that we ask you to provide the following information:

(1) Presentation of modeling input and results for DO as referenced in your 11 Feb 2008 letter. Modeling input and results should also be presented for Ammonia Toxicity and Whole Effluent Toxicity (WET) at the same incremental flows.

(2) Identify what level of flow was used as the basis for determining effluent limits for the City of Atlanta and any other NPDES wastewater permits that might be affected by this proposed reduction in flow. Will the change in flow result in any ambient criterion not being met in the receiving waters?

We also request clarification of the current request in relation to the modeling results presented. It appears that the modeling was conducted to assess impacts of maintaining the reduced minimum flow above Peachtree Creek for all of 2008, but the request in your letter is to temporarily reduce minimum flow for the cooler months through 30 April 2008. It is unclear if the stated benefits to Lake Lanier of the reduced flow only accrue if operated at reduced releases for all of 2008, or what the benefits would be if the reduced releases only occur through 30 April 2008. Impacts and benefits should be presented for the reduced releases occurring only during the temporary period through 30 April. Impacts and benefits should also be displayed for the incremental reductions to 650 cfs and 600 cfs.

We will forward other requests for clarification or additional information as we identify our information needs. If you have any questions, please feel free to contact me.

Joanne Brandt
Senior Environmental Specialist
Inland Environment Team
US Army Corps of Engineers, Mobile District
251-690-3260
joanne.u.brandt@usace.army.mil

==========

Linda MacGregor, P.E.
Chief, Watershed Protection Branch
Georgia Environmental Protection Branch
Office: 404-675-1750
Fax: 404-675-6247

Water Quality Assessment of Chattahoochee River Flow Reduction at Peachtree Creek

Water quality modeling using the Georgia Environmental Protection Division's EPDRiv1 hydrodynamic and water quality model for the Chattahoochee River between Buford Dam and West Point Lake was used to assess the water quality effects of reducing minimum flows in the River from 750 to 650, 600, and 550 cubic feet per second (cfs) at Peachtree Creek. These reduced minimum streamflows would be achieved by reducing Buford Dam releases in order to preserve storage in the Lake Sydney Lanier reservoir. The water quality parameters assessed included dissolved oxygen, ammonia toxicity, and whole effluent toxicity.

Dissolved Oxygen

The Division's hydrodynamic and water quality model EPDRiv1 for the Chattahoochee River between Buford Dam and West Point Lake, which has been used to develop waste load allocations for the River, was used for the analysis of dissolved oxygen. A simulation was developed that included municipal wastewater discharges and water supply withdrawals at 2007 annual average operating levels. Table 1 shows that discharges to the River were operating at an 88 percent reduction from their permitted oxygen demand loading. In addition, two scenarios were created, one that used tributary watershed inflows at previously estimated 7Q10 streamflow rates, and a second that assumed a fifty percent reduction from the 7Q10 streamflow rates to assess the effect of a worsening drought (see Figures 1, 2, and3). The model predicted that the water quality standard for dissolved oxygen could be protected under conditions for both scenarios (see Figures 4 and 5).

Ammonia Toxicity

Ammonia concentration results from the water quality model were compared to computed toxicity levels according to predicted River water temperatures and pH. Figure 6 shows a longitudinal profile of ammonia concentrations at the time of the maximum concentration. Figure 7 shows the time series of ammonia concentration at the peak location shown on Figure 6. Ammonia toxicity is computed based on water temperature and pH. Predicted model water temperatures were available from the model results, however, River pH was not. Consequently, to include the effect of pH a series of pH values, 7.0 to 8.0, were assumed since toxicity increases at higher pH, and the resulting toxicity concentrations compared to the predicted ammonia concentrations. Figure 8 shows that the predicted ammonia concentrations are less than the toxic concentrations for pH as high as 8.0, which is not expected in the River.

Whole Effluent Toxicity

Table 2 lists the municipal wastewater treatment facilities included in the analyses along with results of their whole effluent toxicity tests. The table shows that none of the effluents tested toxic (No Observable Effect Concentration [NOEC]) at concentrations less than their critical instream wastewater concentration (IWC). The predicted River flows from the water quality model were used to compute the IWC concentration at each facility in order to verify that it was less than the NOEC concentration. Table 3 shows the predicted IWCs for each discharge are less than the NOEC for that discharge.

Table 1

Wastewater Treatment Facilities Loading Comparison

Facility	2007 Average Flow (MGD)	2007 Average BOD5 (mg/L)	2007 Average NH3 (mg/L)	2007 Average UOD Load (lbs/day)	Permit Limits Flow (MGD)	Permit Limits BOD5 (mg/L)	Permit Limits NH3 (mg/L)	Permit Limits UOD Load (lbs/day)	UOD Percent Reduction
Fulton County - Johns Creek WPCP	4.3	1.4	0.38	320	15	2.9	0.50	2,100	85%
Gwinnett County - Crooked Creek WPCP	29.2	2.1	0.06	2,625	36	2.9	0.77	5,410	51%
Fulton County - Big Creek WPCP	20.2	2.9	0.41	2,758	24	9.1	1.40	10,388	73%
Atlanta - R.M. Clayton WPCP	72.7	3.1	0.32	10,254	100	16.0	20	142,948	93%
Cobb County - R.L. Sutton WPCP	27.2	2.5	0.05	2,891	40	10.0	9.40	31,011	91%
Cobb County - South Cobb WPCP	23.9	13.0	4.38	16,911	40	13.0	1.80	24,428	31%
Atlanta - Utoy Creek WPCP	24.1	2.1	0.06	2,124	40	16.0	20	57,179	96%
Atlanta - South River WPCP	30.2	3.1	0.58	4,551	48	16.0	20	68,615	93%
Douglasville - Sweetwater Creek WPCP	2.2	6.2	1.20	673	3	10.0	2.00	1,480	55%
Fulton County - Camp Creek WPCP	14.7	0.3	0.04	204	24	2.9	0.50	3,360	94%
			Total:	43,311				346,918	88%

Table 2

Toxicity Test Results

Facility	IWC (%)	Ceriodaphnia dubia Survival (NOEC%)	Ceriodaphnia dubia Reproduction (NOEC%)	Fathead Minnow (NOEC%)	Fathead Minnow Reproduction (NOEC%)
Atlanta - R.M. Clayton WPCP	17%	100	100	100	100
Atlanta - Utoy Creek WPCP	8%	100	100	100	100
Atlanta - South River WPCP	9%	100	100	100	100
Fulton County - Johns Creek WPCP	5%	100	100	100	100
Fulton County - Big Creek WPCP	6%	100	100	100	100
Fulton County - Camp Creek WPCP	5%	29	29	29	29
Gwinnett County - Crooked Creek WPCP	15%	44.8	44.8	44.8	44.8
Douglas County - Sweetwater Creek WPCP	<1%	25	N/A	100	N/A
Cobb County - R.L. Sutton WPCP	8%	30	30	30	30
Cobb County - South Cobb WPCP	7%	29.6	29.6	29.6	29.6

Chronic tests were performed if the IWC was above 1%. Therefore, all facilities except Douglas County Sweetwater performed chronic tests. None of the WET tests failed because NOEC values were greater than the IWC value.

Table 3

Instream Wastewater Concentrations

	Atlanta - R.M. Clayton WPCP	Atlanta - Utoy Creek WPCP	Atlanta - South River WPCP	Fulton County - Johns Creek WPCP	Fulton County - Big Creek WPCP	Fulton County - Camp Creek WPCP	Gwinnett County - Crooked Creek WPCP	Douglas County - Sweetwater Creek WPCP	Cobb County - R.L. Sutton WPCP	Cobb County - South Cobb WPCP
	17%	8%	9%	5%	6%	5%	15%	<1%	8%	7%
7Q10										
February	9.5%	2.7%	3.2%	0.7%	2.7%	1.2%	4.9%	0.2%	4.1%	2.8%
March	9.5%	2.7%	3.2%	0.8%	2.8%	1.2%	4.9%	0.2%	4.1%	2.8%
April	9.5%	2.7%	3.2%	0.8%	2.7%	1.3%	4.9%	0.2%	4.1%	2.8%
50% 7Q10										
February	10.0%	2.9%	3.4%	0.6%	2.6%	1.4%	4.3%	0.2%	4.3%	3.0%
March	9.9%	2.9%	3.4%	0.6%	2.6%	1.4%	4.4%	0.2%	4.3%	3.0%
April	9.9%	2.9%	3.4%	0.6%	2.6%	1.5%	4.4%	0.2%	4.3%	3.0%

Figure 1

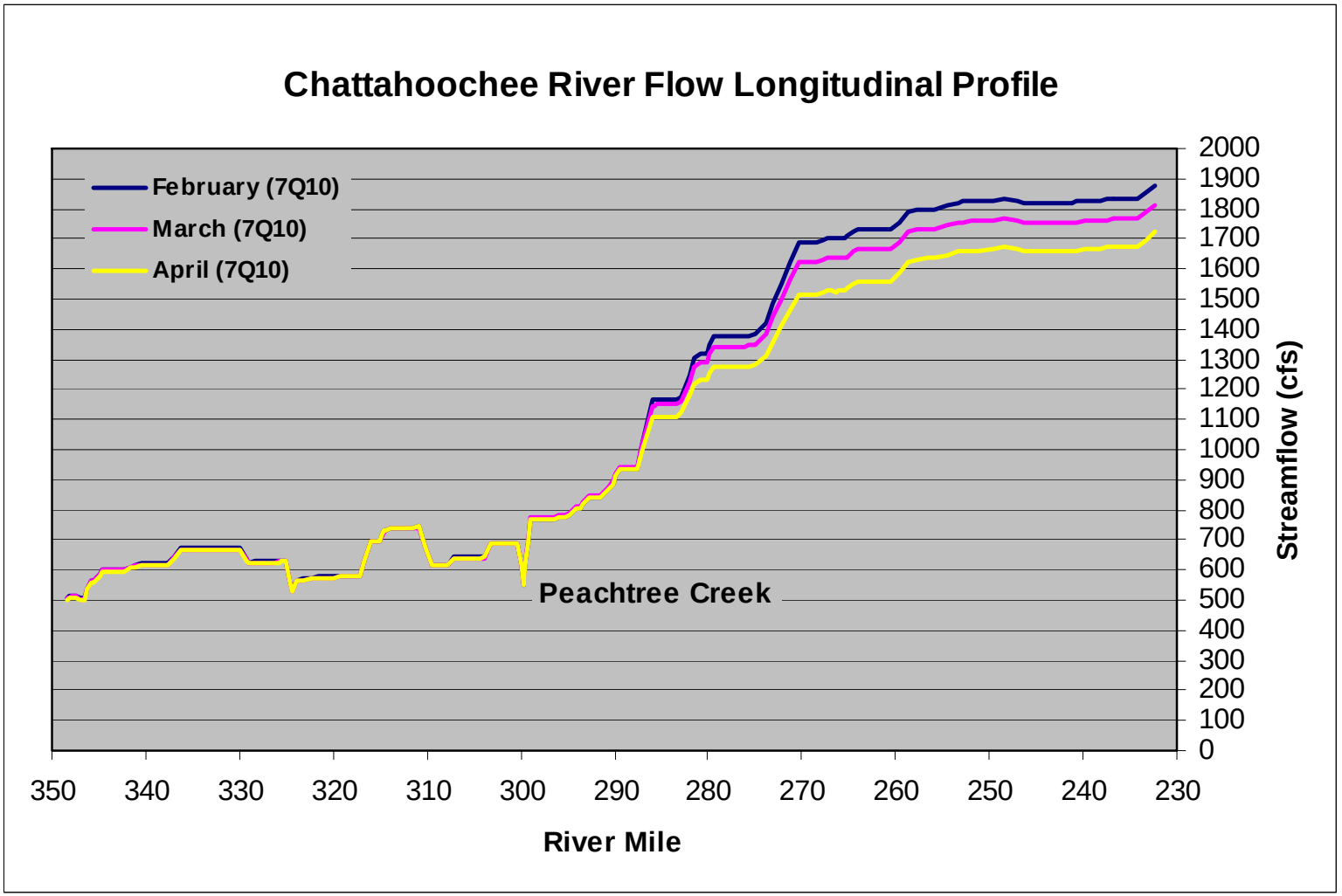

Chattahoochee River Flow Longitudinal Profile
February (7Q10)
March (7Q10)
April (7Q10)
Peachtree Creek
2000
1900
1800
1700
1600
1500
1400
1300
1200
1100
1000
900
800
700
600
500
400
300
200
100
0
Streamflow (cfs)
350
340
330
320
310
300
290
280
270
260
250
240
230
River Mile

Figure 2

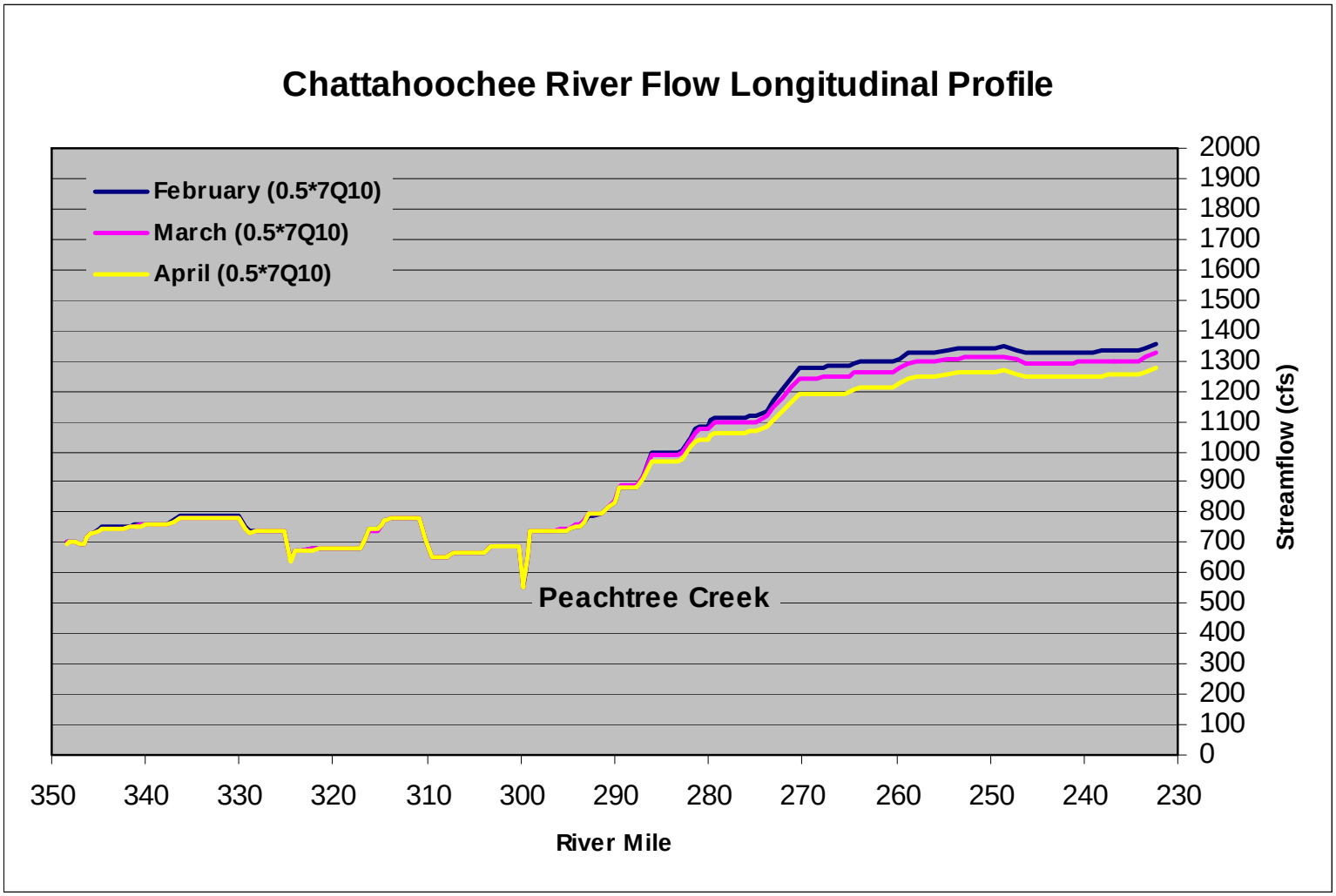

Chattahoochee River Flow Longitudinal Profile
February (0.5*7Q10)
March (0.5*7Q10)
April (0.5*7Q10)
Peachtree Creek
2000
1900
1800
1700
1600
1500
1400
1300
1200
1100
1000
900
800
700
600
500
400
300
200
100
0
Streamflow (cfs)
350
340
330
320
310
300
290
280
270
260
250
240
230
River Mile

Figure 3

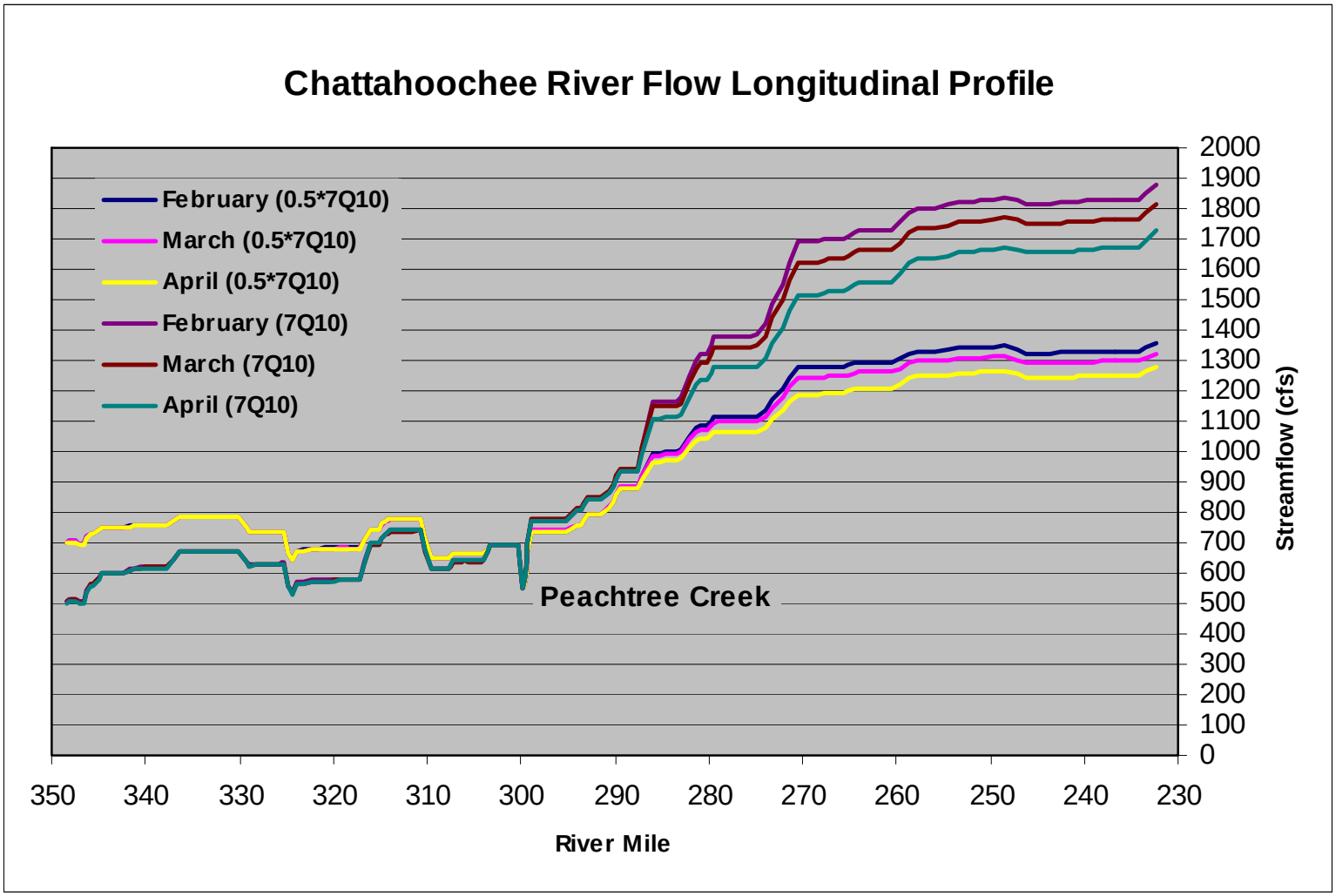

Chattahoochee River Flow Longitudinal Profile
February (0.5*7Q10)
March (0.5*7Q10)
April (0.5*7Q10)
February (7Q10)
March (7Q10)
April (7Q10)
Peachtree Creek
2000
1900
1800
1700
1600
1500
1400
1300
1200
1100
1000
900
800
700
600
500
400
300
200
100
0
Streamflow (cfs)
350
340
330
320
310
300
290
280
270
260
250
240
230
River Mile

Figure 4

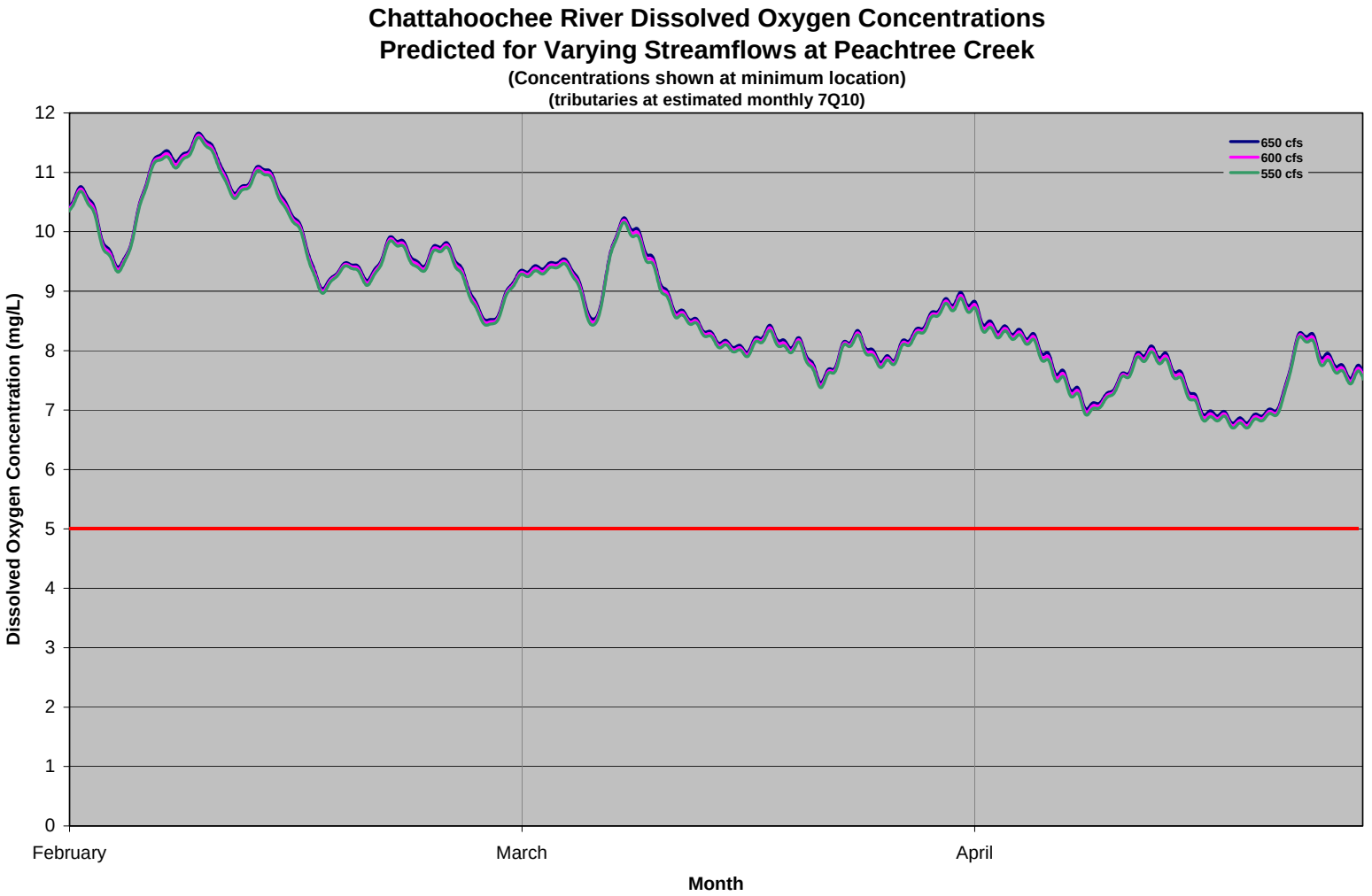

Chattahoochee River Dissolved Oxygen Concentrations
Predicted for Varying Streamflows at Peachtree Creek
(Concentrations shown at minimum location)
(tributaries at estimated monthly 7Q10)
650 cfs
600 cfs
550 cfs
Dissolved Oxygen Concentration (mg/L)
0
1
2
3
4
5
6
7
8
9
10
11
12
February
March
April
Month

Figure 5

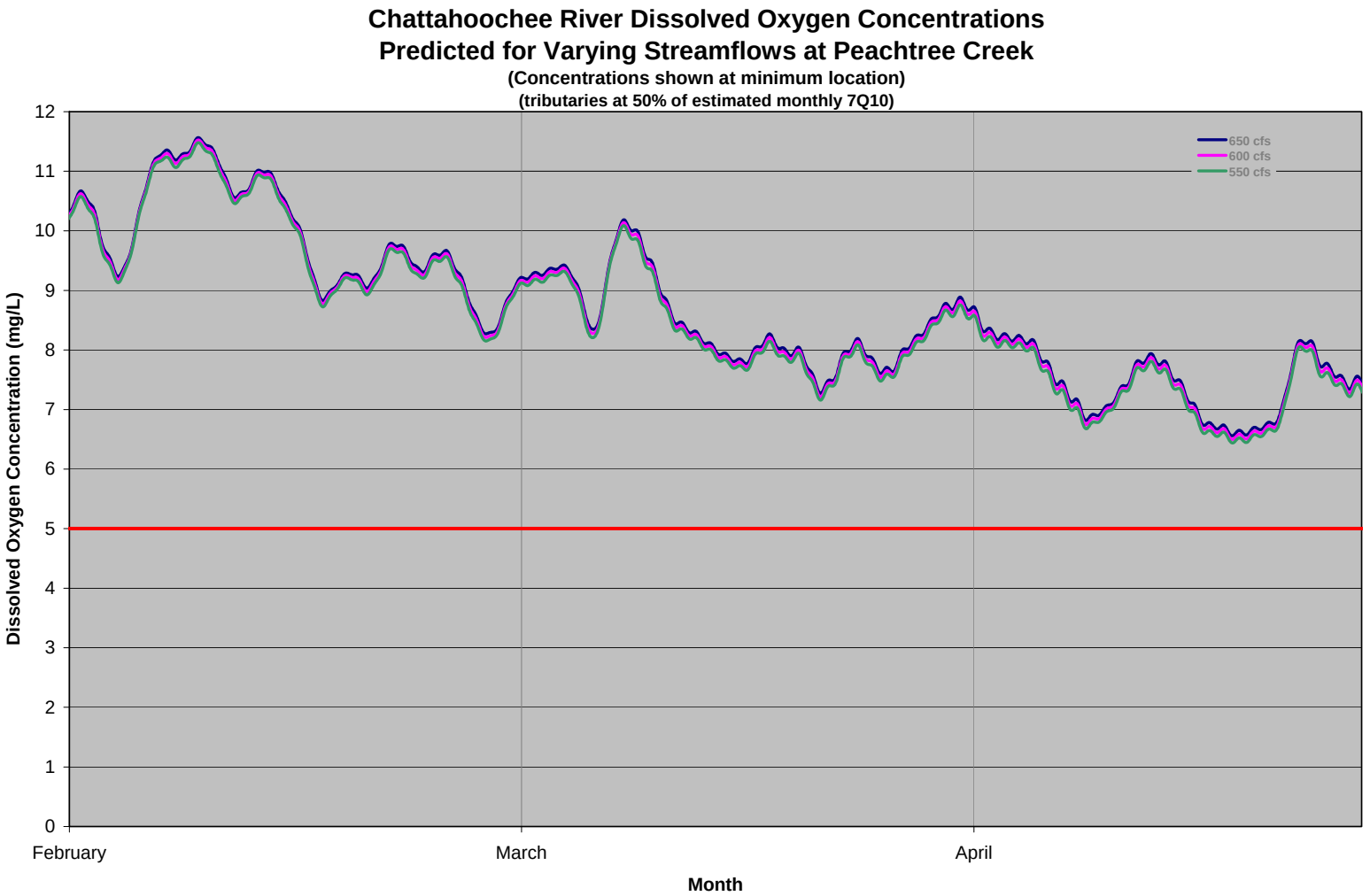

Chattahoochee River Dissolved Oxygen Concentrations
Predicted for Varying Streamflows at Peachtree Creek
(Concentrations shown at minimum location)
(tributaries at 50% of estimated monthly 7Q10)
650 cfs
600 cfs
550 cfs
Dissolved Oxygen Concentration (mg/L)
0
1
2
3
4
5
6
7
8
9
10
11
12
February
March
April
Month

Figure 6

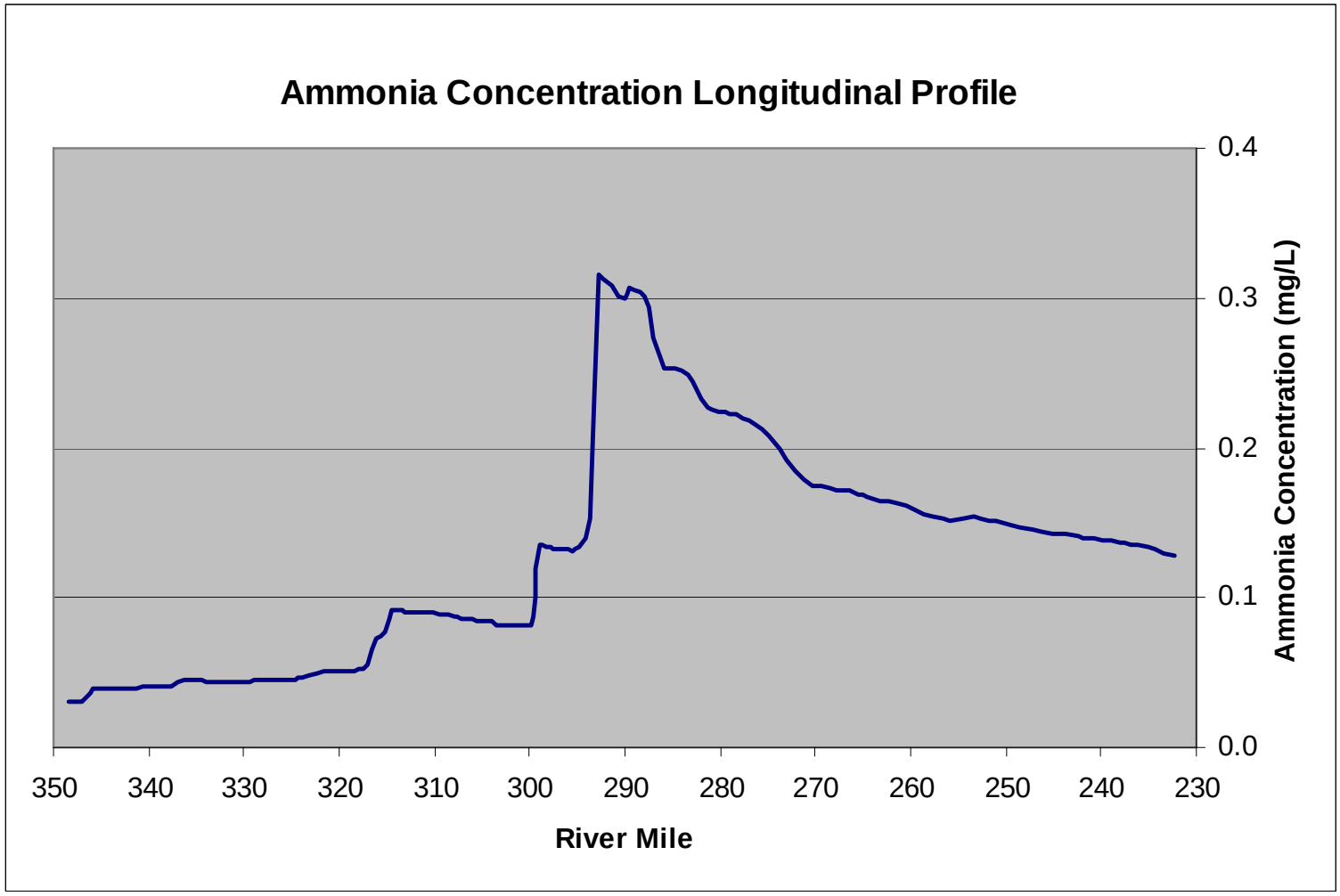

Ammonia Concentration Longitudinal Profile
0.4
0.3
0.2
0.1
0.0
Ammonia Concentration (mg/L)
350
340
330
320
310
300
290
280
270
260
250
240
230
River Mile

Figure 7

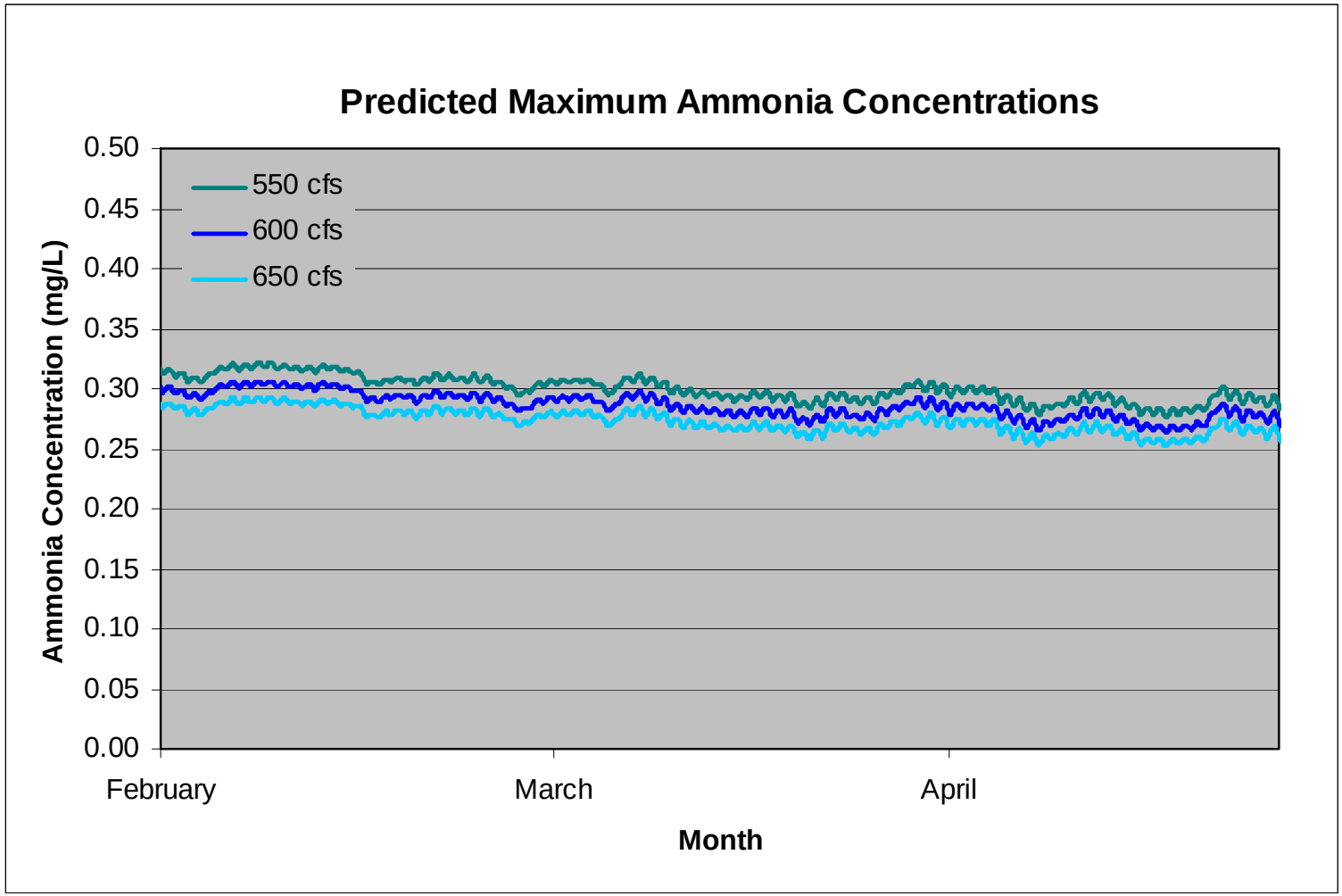
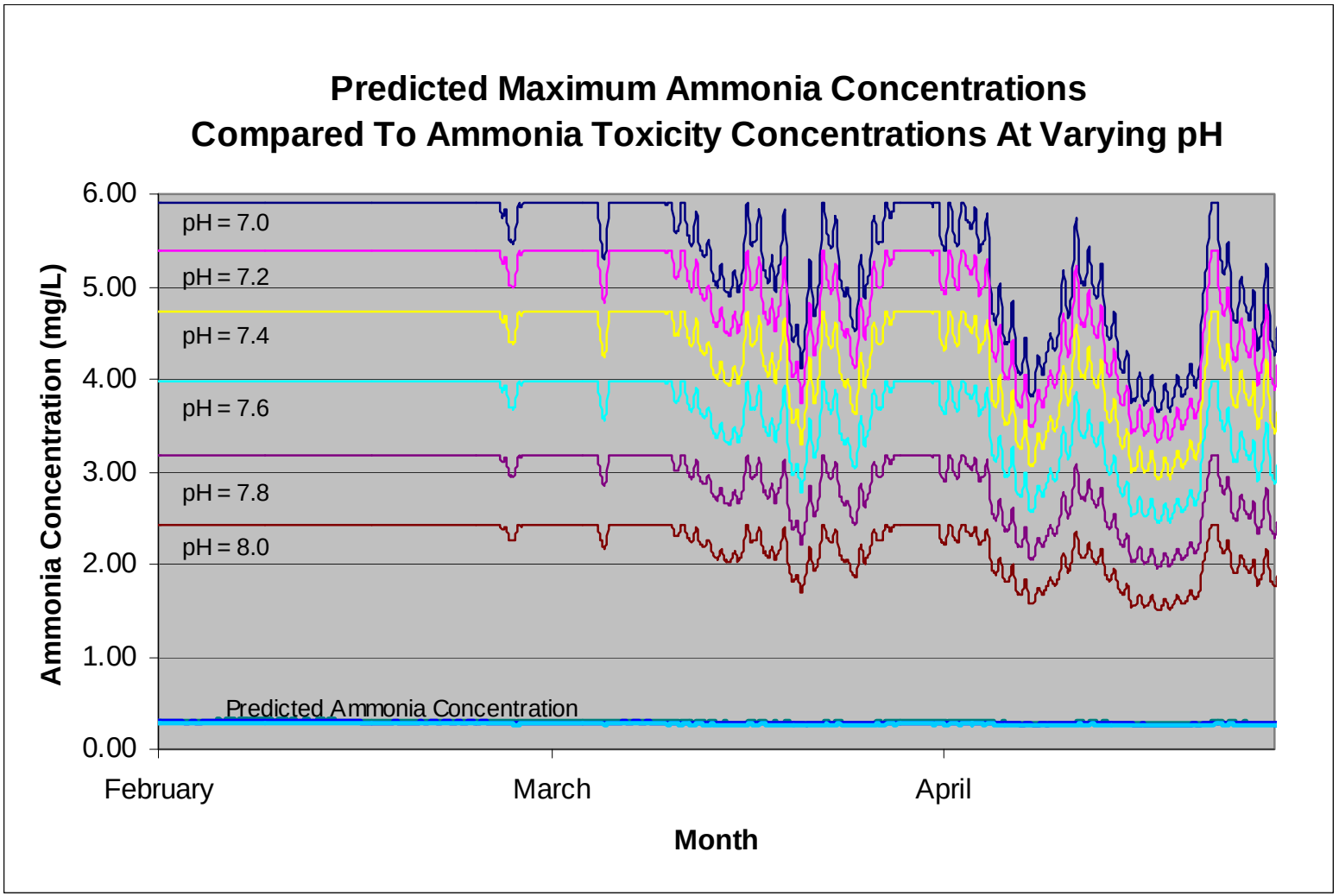

Predicted Maximum Ammonia Concentrations
0.50
0.45
0.40
0.35
0.30
0.25
0.20
0.15
0.10
0.05
0.00
550 cfs
600 cfs
650 cfs
Ammonia Concentration (mg/L)
February
March
April
Month

Figure 8


Predicted Maximum Ammonia Concentrations
Compared To Ammonia Toxicity Concentrations At Varying pH
Ammonia Concentration (mg/L)
6.00
5.00
4.00
3.00
2.00
1.00
0.00
pH = 7.0
pH = 7.2
pH = 7.4
pH = 7.6
pH = 7.8
pH = 8.0
Predicted Ammonia Concentration
February
March
April
Month

Zettle, Brian A SAM

From: Ed Moon [EMoon@CityOfWestPointGA.com]
Sent: Thursday, February 21, 2008 12:52 PM
To: CESAM-PD-EA SAM
Cc: dkelley@cityofwestpointga.com; Logan, Stephen F SAM; adfiv@yahoo.com; 'Sammy Inman'
Subject: Minimum Flow

This email is in response to an email I received today concerning a request from EPD to reduce flow at Atlanta to 550 cfs. The report does not state how this reduction might affect those water providers downstream of Atlanta, but please consider that the City of West Point current intake on the Chattahoochee River just below West Point dam will be out of the water at 550 cfs. To my knowledge no one from EPD has been to West Point or contacted us to "evaluate" our water intake. Our community would be negatively impacted by any reduction in flow. I am sure the reduction will affect West Point Lake by taking the needed water for Alabama and Georgia from the reservoir. West Point Lake is important to our regional economy and our citizens. Please do not cut off our water supply just to fill Lake Lanier.

Thank you,

Ed Moon
City Manager
City of West Point
730 1st Avenue
P.O. Box 487
West Point, Georgia 31833
Telephone: 706-645-3522
Fax: 706-643-8150

Zettle, Brian A SAM

From: joseph.m.brabham@usace.army.mil
Sent: Friday, February 22, 2008 8:38 AM
To: CESAM-PD-EA SAM
Subject: Temporary Deviation/Waiver - Reduce WQ Release from Buford Dam

The Following Comments were submitted by Lake Lanier on 2/22/2008
Affiliation: Native American Tribe
Address:
City, St, Zip:
County:

Comments--->The Choctaw Nation of Oklahoma agrees with the Georgia Environmental Protection Agence(EPD) on changing the minimum flow of the Chattahoochee River at Peachtree Creek. Thank you for allowing the Tribe to comment on this project. Terry Cole, THPO

GWINNETT COUNTY
Board of Commissioners
(770)822-7000

CHARLES E. BANNISTER, CHAIRMAN
LORRAINE GREEN, District One
BERT NASUTI, District Two
MIKE BEAUDREAU, District Three
KEVIN KENERLY, District Four

February 22, 2008

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

RE: E-mail from Mr. Gary Mauldin of the South Atlantic Division requesting comments on Georgia EPD's proposal for reduced flow in the Chattahoochee River at Peachtree Creek

Dear Colonel Jorns:

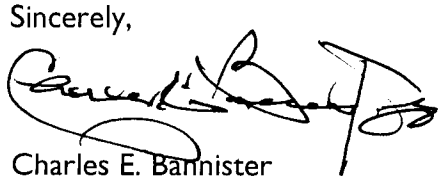
Gwinnett County, as the provider of drinking water from Lake Lanier to over 700,000 people, strongly urges you to grant the request from the Georgia Environmental Protection Division to reduce the minimum flow in the Chattahoochee River at Peachtree Creek to 550 cfs this spring. Reducing this flow will preserve the valuable storage in Lake Lanier for future use and in our opinion will not have significant negative impacts on the basin as a whole. The downstream lakes are full or near full and the reduced flow at Peachtree Creek will not endanger the downstream water intakes. The dissolved oxygen water quality criteria will be met down stream from Atlanta and as a precaution the state will monitor the dissolved oxygen in the river near the Dog River.

We believe that this is a reasonable and wise alternative during the cooler spring weather that preserves the valuable storage in Lake Lanier without any appreciable negative impacts. We ask you to make every effort to preserve the Lake Lanier storage throughout this current drought and to prevent the endangerment of the ability of our intakes to supply raw water to our drinking water filter plants. We understand from the Atlanta Regional Commission staff that this flow reduction has been done in previous droughts with no significant negative impacts to the Chattahoochee River system. While the lake water elevation has recovered some in recent weeks, we continue to be worried about our supply of raw water for the summer and fall of 2008 with diminished storage available.

Our Water Resources Department staff has reviewed the supporting technical justification prepared by EPD and believes that EPD's evaluation is objective and technically sufficient for you to honor this request. We look forward to working with you and your staff as you revise your Water Control Manuals for the ACF system, as announced by the Secretary of the Army on January 30, 2008

If we can assist you in any way, please contact Jim Scarbrough at 678-376-7154 or James.Scarbrough@gwinnettcounty.com.

Sincerely,



Charles E. Bannister
Chairman

C: District Commissioners
Jock Connell
Mike Comer
Lynn Smarr
Charles Krautler/ARC
General Schroedel/SAD
Carol Couch/EPD

Zettle, Brian A SAM

From: Mauldin, Gary V SAD
Sent: Monday, February 25, 2008 6:09 AM
To: CESAM-PD-EA SAM
Subject: FW: Proposed Temporary Deviation From Current Water Management Operations at Buford Dam to Reduce Water Quality Releases

-----Original Message-----
From: Billy Turner [mailto:BTurner@cwwga.org]
Sent: Sunday, February 24, 2008 7:39 AM
To: Mauldin, Gary V SAD
Cc: carol_couch@mail.dnr.state.ga.us; Carol Couch; Bob Tant; Watkins, Robert J.; DeHihns, Lee
Subject: RE: Proposed Temporary Deviation From Current Water Management Operations at Buford Dam to Reduce Water Quality Releases

Gary---We at Columbus Water Works can support the reduced water quality release requested by Carol Couch of Ga. EPD on Feb. 11,2008 provided the flows at the Columbus gage continue to meet the Georgia Power Co FERC license levels as outlined in Figure C-8 of the Feb 11, 2008 transmittal to Col Byron Jorns. We understand that the flows at the Columbus gage are contingent upon a West Point Lake level of not less than 621.6. We request that if the decision to proceed with the reduced flows is to be implemented that the Corps work closely with the Ga Power Co to assure that all elements of the river flow prediction by EPD is managed properly so that the releases at West Point are coordinated to sustain the FERC licensed flows at the Columbus gage. Please contact me or Bob Tant at 706-649-3430 if you have questions---Billy -----Original Message-----
From: Mauldin, Gary V SAD [mailto:Gary.V.Mauldin@sad01.usace.army.mil]
Sent: Thursday, February 21, 2008 9:08 AM
To: alan peeples (APC); ahall@alabamarivers.org; becky mixon; bill pearson; Billy Barber (lake seminole assoc); bob kerr; bswann@gov.state.ga.us; brian kerlin; brian skeens; britchie@tallahassee.com; chris browning; chris hebberd; christian doolin; cllambert; clyde morris; daniel brown; Deb Speights (cong johnson); Debbie Vess (Hamilton XA); denesia_cheek@nps.gov; diana ferguson; Ed Moon ; frank.stephens@gwinnettcounty.com; frasier bingham (lake seminole assoc); James.A.Maysonett@usdoj.gov; janet rossi (Linder); jennifer shrader (laGrange news); jeremy branch; jerry ziewitz; jim scarbrough; john allen; john fortuna; john.lyon@ferc.gov; jon.steverson@laspbs.state.fl.us; kathy nguyen; katie kirkpatrick (macoc); kcrews; krandall; kspear; Lake, Chip (cong westmoreland); mike godfrey; mike_quiello@isakson.senate.gov; Mumford, Carole (cong johnson); nicole carter; randy kerr; rhunter; Ruth.Ann.Storey@usdoj.gov; shana udvardy; stephen kraly Cong Broun (GA-10); steven burns; t vickers; ted.hoehn@myfwc.com; thomas casey; tcollins@gainesville.org; tom.littlepage@adeca.alabama.gov; Tom Waits (lake seminole assoc); alice_lawrence@fws.gov; Brian.Atkins@adeca.alabama.gov; ccouch@dnr.state.ga.us; charles.cover@ferc.gov; cmstover@southernco.com; dcnr.commissioner@dcnr.alabama.gov; dow.johnston@adeca.alabama.gov; dsmart@adem.state.al.us; fal@adem.state.al.us; flcox@southernco.com; gamartin@southernco.com; gmcmahon@arcadis-us.com; Jeff_Powell@fws.gov; jerry.gotzmer@ferc.gov; jim.hakala@mail.dnr.state.ga.us; JOELS@sepa.doe.gov; mancusi-ungaro.philip@epa.gov; rmcauley@alaforestry.org; roates@alaforestry.org; Sandy_Tucker@fws.gov; stan.cook@dcnr.alabama.gov; stewart.dee@epa.gov; todd.holbrook@dnr.state.ga.us; Alan McLane (Plant Shultz); aeo@meadwestvaco.com; Ashley McVicar; Athena Clark; bhoustonacf@bellsouth.net; bill_couch@dnr.state.ga.us; Billy Turner; brady king (Cong Boyd FL); Brian McCallum; brydon ross (Sen Martinez); C Krautler; camila knowles (Sen Chambliss); chad davis (Sen Shelby); chart bonham; chris riley (Cong Deal GA); cliff chamblee (GP cedar springs mill); cromara@southernco.com; D Forster; dan@apalachicolariverkeeper.org; danny@highlandmarina.com; dtimmerberg@bellsouth.net; don miller (GP cedar springs mill); Donovan, Michael COL HQDA; Douglas Spencer; Duncan Powell; Ed Martin; Frank Redmond - Sen Isakson; Gail_Carmody@fws.gov; george.taylor@opc.com; gpage@ccmwa.org; Herb Nadler; james antista; James McIndoe - ADEM; janet.llewellyn@dep.state.fl.us; jennifer warren (Cong Everett AL); jerry smithwick (Cong Boyd FL); jdweaver@usgs.gov; Jimmy Palmer; joe lillis (Cong Westmoreland GA); jmaltese@lagrange-ga.org; Jon Worthington; kelly cornwell; ken

haddad; Ken Odom; kpeacoc@southernco.com; Lee.Edmiston@dep.state.fl.us; Lewis Jones - ARC; Lynn Sisk - ADEM; Marisa Simpson (Sen Chambliss); Mark Crisp; Mark Robinson; michael quiello (Sen Isakson); michael reed (Cong Bishop GA); michael.sole@dep.state.fl.us; rmmarkey@southernco.com; pam keene (lakeside on lanier); Pat Stevens - ARC; Pete Landrum (Sen Sessions); r sasser; Ralph Clemens; Randy Kerr; Rick Treece; Rob Woodall (Cong Linder); robbie@southernharbor.com; robyn podany; Sam Hamilton; sbethea@ucriverkeeper.org; smtp-Heard, Darlene; smtp-Smith, Dee; stacy shelton (AJC); stewart manley; susie quinn (Sen Nelson); tdblaloc@southernco.com; tim cash; Todd Silliman; tom bartels; TCMOORER@Southernco.com; Tom Wellborn; twilmoth@blackwellsanders.com; tony owens; travis johnson (Cong Price GA); Trey Glenn; valperry@bellsouth.net; Wei Zeng; whitney verett (Cong Rogers AL); Ashley, Jonathan A SAM; Boone, James E SAJ; Brandt, Joanne U SAM; Brown, Stacey E HQ02; Butler, Benjamin H COL SAD; Cromartie, Leon M Jr SAM; Dalton, James C HQ02; dmclain850@aol.com; Davis, Jonathan A SAM; Erhardt, Robert D Jr SAM; Eubanks, Michael J SAM; Feldmeier, Paula M SAM; Fournier, Suzanne M HQ02; Gwin, William V SAM; Hardesty, Gary M HQ02; Hathorn, James E Jr SAM; Hinton-Lee, Chris SAD; Holland, Robert G SAD; Houston, Amber M SAM; Hrabovsky, Cheryl L SAM; Jellema, Jonathan M HQ@SAD; Johns, Richard M SAM; Logan, Stephen F SAM; Mauldin, Gary V SAD; Otto, Douglas C Jr SAM; Peck, Brian E SAM; Premo, Stephen S; Prince, George R Jr SAD; Purcell, Cornelius W HQ@SAD; Regalado, Nanciann E SAJ; Robbins, Ervin P SAM; Sapp, Shelton B SAD; Sharpless, Laura S SAM; Smallwood, William L SAM; Smith, Christopher T SAD; Sumner, Lewis C SAM; Trawick, Eubie D SAM; Trulock, Robert T SAJ; Vaughan, Memphis Jr SAM; White, Jonas SAM; Zettle, Brian A SAM
Subject: Proposed Temporary Deviation From Current Water Management Operations at Buford Dam to Reduce Water Quality Releases
Importance: High

ACF Stakeholders:

Mobile District has received a request from the Georgia Environmental Protection Division (GA-EPD) that a reduction be made in releases from Buford Dam/Lake Lanier to meet the water quality requirement on the Chattahoochee River at Atlanta, Georgia, as a temporary drought contingency measure. A copy of the GA-EPD request by letter dated 11 February 2008 is attached for your reference and review. The current minimum flow requirement for assimilation of return flow at Atlanta (750 cfs) is incorporated in the current Buford Dam Reservoir Regulation Manual, as measured on the Chattahoochee River above the confluence with Peachtree Creek. GA-EPD requests that a reduction in the water quality required flow to 550 cfs be considered. This request would therefore require a temporary deviation from current water management operations.

GA-EPD's request represents a proposed temporary drought contingency measure in response to drought conditions experienced this past year and forecasts for continued drought conditions in 2008. The proposed reduction in flows is based on water quality criteria at Atlanta and seeks to conserve storage in Lake Lanier (Buford Dam) by reducing the amount of release necessary to meet State water quality standards during cooler months.

The Corps of Engineers is given discretion to manage its reservoirs by the Flood Control Act of 1944. The procedures for water management actions at Corps projects is set out in Engineer Regulation 1110-2-240 (33 C.F.R. Part 222.5), which states as follows in regard to droughts:

"Continuous examination should be made of regulations schedules, possible need for storage reallocation (within existing authority and constraints) and to identify needed changes in normal regulation. Emphasis should be placed on evaluating conditions that could require deviation from normal release schedules as part of drought contingency plans (ER 1110-2-1941)."

Engineering Regulation 1110-2-1941 requires water managers to re-examine procedures and reservoirs to determine whether improvement can be made during low water periods within current authorities.

This notice is requesting written comments from Federal, State and local agencies, Tribes, affected industries, organizations, other stakeholders and the public regarding potential affects of the proposed reduction in flows for the purpose of conducting environmental evaluation and obtaining stakeholder input which will assist in a determination on the request for a temporary deviation from the Reservoir Regulation Manual. Information provided in response to this notice will be considered by the Mobile District and South Atlantic Division in determining whether or not to implement a temporary deviation and to

what extent. Please communicate this information to any other interested parties.

The decision on the proposed temporary deviation or variance in water management operations will be based on an evaluation of the probable impact, including cumulative impacts, of the proposed activity on the public interest. Written comments are requested on specific impacts to other users and operations that occur within the basin. That decision will reflect the national concern for both protection and utilization of important resources.
The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production, and in general, the needs and welfare of the people. Potential consequences of this proposed temporary deviation include impacts on pool elevations at West Point and Walter F. George, on river stages at various water intakes below Buford Dam, and on in-stream water quality criteria. In addition, the proposed flow reduction may impact individual discharge permit holders downstream of Buford Dam. The reduced flow may also impact the trout hatchery downstream of Buford Dam and/or the fishery associated with that facility. There may be additional consequences or impacts for which we solicit your input.

This topic is scheduled to be discussed during the bi-weekly ACF Basin Drought Teleconference scheduled for Thursday, 28 February 2008, 1100-1200 EST (1000-1100 CST). The call-in number is 866-916-8488. At the prompt, type in the passcode 6076350 followed by the # sign. Oral comments will be heard at that time, but you are requested to submit written comments to assure your concerns are fully considered.

Written comments should be directed the District Engineer, U.S. Army Engineer District, Mobile, Post Office Box 2288, Mobile, Alabama 36628-0001,
Attention: Planning and Environmental Division, Inland Environment Team in time to be received not later than 28 February 2008. In order to expedite receipt of comments, electronic copies of comments may be forwarded to the following email address:

cesam-pd-ea@usace.army.mil

Electronic comments may also be provided on the Mobile District web site at the following location:

http://www.sam.usace.army.mil

Please provide all comments not later than close of business, Thursday, 28 February 2008.

<<GA-EPD to Colonel Byron Jorns - 2-11-08.pdf>>

SOUTHERN ENVIRONMENTAL LAW CENTER

THE CANDLER BUILDING
127 PEACHTREE STREET, SUITE 605
ATLANTA, GA 30303-1800

Telephone 404-521-9900
Facsimile 404-521-9909
selcga@selcga.org

Charlottesville, VA
Chapel Hill, NC
Atlanta, GA

February 25, 2008

Via Overnight Mail

District Engineer
U.S. Army Engineer District, Mobile
Post Office Box 2288
Mobile, AL 36628-0001
Attention: Planning and Environment Division, Inland Environment Team

RE: Proposal to Lower Flows at Peachtree Creek

To Whom It May Concern:

The Southern Environmental Law Center submits these comments on behalf of the Upper Chattahoochee Riverkeeper, Inc. (UCR), in response to the February 11, 2008 request by Carol Couch of the Georgia Environmental Protection Division (EPD) to lower the minimum flow requirement at Peachtree Creek from 750 cubic feet per second (cfs) to 550 cfs. UCR is a non-profit environmental advocacy organization dedicated to the protection and restoration of the Chattahoochee River, its tributaries and watershed. UCR represents more than 4,600 members who use and enjoy the river and its resources and depend on the Chattahoochee River as a source of drinking water.

UCR has several concerns about the potential impacts to water quality in the Chattahoochee River downstream from Buford Dam – and to the river's ability to provide reliable water supply for the City of Atlanta and surrounding communities – during the period of the proposed lowering of flow requirements. The 750 cfs standard has been in place since the 1970s and has formed the basis for pollution discharge permit calculations ever since. In addition, we are concerned about the unilateral process by which EPD has proposed to lower the flow, with little to no public involvement prior to the formal request. Finally, we believe that the United States Army Corps of Engineers (the Corps) must comply fully with the requirements of the National Environmental Policy Act (NEPA), the water control plan for the Apalachicola-Chattahoochee-Flint (ACF) Basin, and the Water Supply Act; the proposed reduction in flow requires a major operational change in the usage of Buford Dam and Lake Sidney Lanier, and is a major federal action significantly affecting the quality of the human environment.

We understand that the ongoing drought has put significant stress on the entire Chattahoochee River Basin, and we recognize the important role that Lake Sidney Lanier plays in storing and releasing water for downstream needs. Preserving water in the lake should be a top priority. However, we are not convinced in this case that such a drastic lowering of flow requirements downstream is either necessary or prudent as a response to

the persistent drought conditions. The primary reason for this is the fact that conservation measures have not been fully exhausted. These measures would save at least as much water in Lake Lanier as any water savings generated by EPD's proposal; however, rather than encouraging all sectors to do their part to conserve water, the Governor has recently eased existing conservation restrictions during a time when the drought shows every indication of continuing, or worsening. Furthermore, some companies such as electric utilities have not been asked to conserve at all, despite their responsibility for significant water usage and loss to evaporation. This is the wrong signal to send to the Georgia public. All sectors of the economy need to conserve water, and to conserve the energy provided by the same water, in order to prolong our existing water supplies. Doing this would be equally if not more effective to "preserve valuable storage in Lake Lanier for future use," as EPD's proposal states.

We note that none of the affected municipalities, or the public, appear to have been notified prior to EPD's submission of its request to the Corps. We also note that negotiations among Alabama, Georgia, Florida are ongoing and confidential, and that both Georgia Power and Alabama Power have a seat at the negotiating table, apparently to provide "technical" advice.[1] Without knowing the nature of such "technical" advice, or of any other information on which EPD relies to justify its request, the Corps will be hard pressed to render an objective evaluation of the proposal.

The Chattahoochee River is already under considerable stress because of existing point source discharges downstream of Buford Dam, especially during low-flow conditions. With regard to reducing the flow at Peachtree Creek below 750 cfs, the United States Environmental Protection Agency (EPA) has stated:

"[The reduced flow] would have to be protective against acute aquatic life impairment. It would also have to be capable of assimilating wastewater discharges whose current permitted allocations are based on the 750 cfs minimum flow. Otherwise, all relevant permits would need to be revised to reflect the new minimum instantaneous flow."

See Letter from Mike McGhee, Director, Water Management Division to Lindsay Thomas, ACF/ACT River Basins Commissioner, December 28, 1999, attached. We do not believe that the EPD has made the requisite showing that the assimilative capacity of the river can tolerate a reduced flow. If this reduction is approved, then the National Pollutant Discharge Elimination System (NPDES) permits in this stretch of the river will need to be revised and tightened to account for the lower flows.

In addition to point source pollution, the river is stressed by ongoing water withdrawals for several municipalities and industries. Finally, stormwater runoff from roads and parking lots negatively impacts the river between Buford Dam and West Point Lake. Because of these stresses and their cumulative impacts, a further lowering of the quantity of water in the river is likely to have negative consequences. We are particularly concerned about the effects of this change on the water quality and lake levels in West

[1] See "3 States Bound by Agreement to Zip Their Lips," *Atlanta Journal-Constitution*, February 21, 2008.

Point Lake, which has been dramatically affected by past management decisions by the Corps.

The authorization of lowering the releases of water from Buford Dam by such a significant amount constitutes a major federal action under the National Environmental Policy Act (NEPA). The Corps must evaluate all direct, indirect, and cumulative environmental impacts that EPD's proposal would have on the Chattahoochee River downstream of Buford Dam. We are particularly concerned with the direct impacts to the water quality and aquatic life in the river, and the cumulative impacts of EPD's proposal combined with other past, present and reasonably foreseeable future actions occurring or projected to occur on the river. In addition, the Corps must examine alternatives to lowering the flows that would achieve the stated purpose of preserving storage in Lake Lanier. Reduced water withdrawals through water conservation is an obvious alternative that will have less harmful impacts to the river while achieving the benefit of increasing the storage pool in the lake. We believe the Corps must prepare an Environmental Impact Statement that details these impacts and project alternatives before taking such dramatic action.

Under the Water Supply Act, the Corps must obtain Congressional approval for any major operational changes to Buford Dam and the water levels of Lake Lanier. On February 5, 2008, the United States Court of Appeals for the District of Columbia Circuit held that the Corps' proposed reallocation of Lake Lanier's waters for water supply constituted such a major operational change. The facts that the reallocation was "temporary," and that the proposed change was only a 9 percent increase over 2002 levels, were unpersuasive to the court. See *Southeastern Federal Power Customers, Inc. v. Geren*, 2008 U.S. App. Lexis 2501 (D.C. Cir. 2008). Similarly, a temporary lowering of the releases from Buford Dam by roughly one third must also be considered a "major operational change" because of its effects on lake levels and on hydropower generation. The Corps cannot execute such a change absent Congressional approval.

In conclusion, we do not believe it is appropriate for the Corps to lower flows at Buford Dam, especially at a time when Georgia is showing signs of loosening water conservation requirements for municipalities that withdraw from Lake Lanier and the Chattahoochee River. Thank you for the consideration of these comments. We will look forward to receiving a response from the Corps once it decides what action, if any, to take regarding EPD's request. Please contact me if you have any further questions.

Sincerely yours,

Gilbert B. Rogers
Staff Attorney

Enclosure

cc: Carol Couch, Georgia EPD
Jim Giattina, U.S. EPA Region IV

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

DEC 28 1:09

Lindsay Thomas
Federal Commissioner
ACF/ACT River Basins Commissioner
235 Peachtree Street NE
Suite 900
Atlanta, GA 30303

Dear Mr. Thomas:

This letter is written in response to a personal communication from Heather Hallows, assistant to the Federal Commissioner, regarding flows at Peachtree Creek. A controversy exists as to whether the proposed flows should be modeled as average daily flows or instantaneous flows. Our position on this issue is presented below.

The existing minimum flow requirement of 750 cfs at Peachtree Creek has always been considered by EPA to be an instantaneous flow. This 750 cfs minimum flow requirement has been used to allocate wastewater loads for NPDES permits for dischargers to the Chattahoochee River in the Atlanta Metro area for more than 20 years. Based on recent conversations with the State of Georgia Environmental Protection Division, Water Protection Branch we have learned that they interpret the existing 750 cfs minimum flow requirement to represent an instantaneous minimum flow per Georgia's Rules and Regulations (391-3-6):

> Specific criteria apply at all times when the river flow measured at a point immediately upstream from Peachtree Creek equals or exceeds 750 cfs (Atlanta gage flow minus Atlanta water supply withdrawal).

If one attempted to optimize power generation or provide extra flexibility to the release schedules by adhering to an average daily minimum flow, then the daily instantaneous minimum flow could, of course, become as low as zero. EPA will not support any effort to change the instantaneous flow requirement to an averaged daily flow requirement unless supporting documentation is included that assures the downstream water quality standards will be met.

Relevant wasteload allocation formulations, currently considered to be protective, are based on the assumption that the minimum flow in the Chattahoochee River at Peachtree Creek be at or above 750 cfs. Georgia EPD has developed critical condition scenarios whereby this minimum flow is represented as an instantaneous minimum. In order to consider lower flows in the river with current permitted wasteload, a new minimum absolute instantaneous flow would still need to be developed. This new minimum instantaneous flow would have to be protective against acute aquatic life impairment. It would also have to be capable of assimilating wastewater discharges whose current permitted allocations are based on the 750 cfs minimum flow. Otherwise, all relevant permits would need to be revised to reflect the new minimum instantaneous flow.

It is hoped that this provides you with the necessary information regarding EPA Region 4's position on this matter. If you have any questions, please contact me at 404/562-9330.

Sincerely,

Mike McGhee, Director
Water Management Division

CC: Alan Hallum, Branch Chief
Georgia EPD Water Protection Branch

Pete Conroy, Alternate Federal Commisioner
ACT/ACF River Basins

Zettle, Brian A SAM

From: Joe Maltese [jmaltese@lagrange-ga.org]
Sent: Tuesday, February 26, 2008 9:36 AM
To: CESAM-PD-EA SAM
Subject: Comments from the City of LaGrange, GA- RE proposed reduction in 750 flow at PTC

Attachments: Corps NEPA Comments.pdf

Corps NEPA Comments.pdf (22 KB

We appreciate the Corps' accepting comments on the requested action. The following is submitted for the City of LaGrange, GA by Joe Maltese, Ass't to the City Manager. Please confirm receipt of the document via email to jmaltese@lagrange-ga.org . These comments were also placed on the web site established by the Corps for this action.

Thank you

Joe Maltese
Assistant to the City Manager for Special Projects P.O. Box 430 City of LaGrange LaGrange, GA 30241
706-883-2057
fax 706-883-2020
jmaltese@lagrange-ga.org

Comments from the City of LaGrange, GA relative to the request by the State of Georgia to reduce flow set at Peachtree Creek from 750 CFS to 550 CFS

February 26, 2008

The following is a list of concerns that this community offers regarding the flow reduction concept at Peachtree Creek requested by the State of Georgia. While we recognize the need for increased storage in Lake Lanier, we do not wish to see any prolonged reduction in lake elevations at West Point Lake that harm this project. We oppose any action that may result in adverse environmental impacts to the West Point project or its waters as a result of this proposed action.

1. The state created a static model set based on a series of assumptions. Without a thorough understanding of what those assumptions are it is difficult at best for stakeholders to understand the implications of the change to the river system.

2. The fish spawn on West Point Lake can begin as early as April 1, depending on temperature, and can last 4- 6 weeks. The reduction in water could have an adverse impact on the fish spawn and other aquatic life and is dependent on elevations and on the amount of water entering the lake. Lake levels must rise or remain stable during this period to protect the spawn.

3. While the term of this arrangement is not mentioned in the Corps' notice, Dr. Carol Couch has assured the City of LaGrange that this modification in minimum flow to 550 CFS would begin soon and end not later than April 30, 2008, and possibly

sooner. Any extension of a flow reduction below 750 at PTC past that date this year could very well result in increasing deterioration in water quality at West Point Lake. Furthermore the application of this proposed flow regimen beyond the next 60 day time period warrants in depth scientific study as to what the impacts would be to the environment, especially at the West Point project.

4. The model used by the state seems to assume that we will not move through a dry cycle between now and April 30, and that West Point Lake would remain in a "surplus" mode. Corps forecasts have not revealed that to be the case and most recently forecasted dry conditions over the next few months.

5. If unusually dry conditions prevailed this change could result in lower lake elevations in West Point Lake, hence exacerbating an already adverse impact on recreation as the lake would be projected to remain below its initial recreational impact level is 632.5

6. We have not seen any analysis of impacts to aquatic life in West Point Lake relative to this change. Implementing a change without such an analysis of such could result in damage to the biota of West Point Lake.

7. The models reveal that lake levels at West Point will be lower than they otherwise might be if the flow had been maintained. The result is more exposed shoreline alone the lake edge. This raises a variety of concerns that require more scientific study to ascertain the impacts to West Point Lake. These include:

* Aesthetic damage to the lake environment with excessive "mud flats" developing and being exposed. This will result in lower desire for use of the lake for general recreation- a use authorized by Congress to which stakeholders in the area are entitled
* The likelihood of bank erosion from exposed shoreline resulting in increased turbidity and associated damage to water quality in the lake
* The likelihood of bank sloughing from changing wave patterns and actions

8. The proposal fails to assess impacts related to environmental justice. The region surrounding West Point Lake has large numbers of minority and lower income persons that rely on West Point Lake for :

* water supply,
* supplemental food for their households,
* Recreation and leisure activities.

This action would transfer the economic wealth tied to the water resources of West Point Lake to Lake Lanier. The area surrounding Lake Lanier has a greater number of higher income households and a predominantly majority Caucasian population. With the loss of water in West Point to favor Lake Lanier, lower income households and non-white families will likely suffer the greatest burden of the retention of this resource in Lanier instead of providing it for West Point.

9. The numbers used for modeling at Columbus appear incorrect. The flows offered by FERC regulated Georgia Power dams for the Middle Chattahoochee Project vary over a 7 day period. Applying a static 1850 CFS continuous flow at Columbus in the summer months to the model, especially on weekend days, sets excessive demands for flows from West Point Lake.

The model does not reflect the operating patterns used in the Corps' Water Control Plans for discharges from West Point Lake.

10. This past year LaGrange experienced problems from blue- green algae blooms in West Point Lake as a result of high temperatures and a draw down to support downstream flows. Until Lanier began to provide downstream flow support, this problem continued to develop, creating water treatment problems for the City of LaGrange. Providing much needed inflows to West Point Lake during the warm season is essential.
As warmer weather approaches, we are concerned over a recurrence and possible amplification of this event as compared to blooms experienced in 2007. We believe a reduction in flow into the lake may have contributed to this activity and an extended reduction in flows from upstream waters may exacerbate this condition in the future.

11. We have questions over the administrative processes used relative to this request. Full evaluation by EPA would seem warranted to assure no environmental damage will occur downstream of Peachtree Creek given the magnitude of the proposed change. Furthermore, based on our research, the controlling feature for flows along the river at the area in question are more correctly associated with operations of the Morgan Falls Dam, and thus it would seem appropriate that any such change would follow procedures established by FERC for modifications of such licenses and would also fall under their review .

12. This proposed change may result in increased concentrations of nutrients that would be contributed to downstream waters, especially West Point Lake. We are not aware of any study that has been completed to analyze what the impacts would be to water quality and aquatic life as a result of either a short term or long term change in operations related to this proposed flow modification. In making such changes we believe that appropriate study should be completed to recognize and understand those potential impacts to downstream waters.

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10. This past year LaGrange experienced problems from blue- green algae blooms in West Point Lake as a result of high temperatures and a draw down to support downstream flows. Until Lanier began to provide downstream flow support, this problem continued to develop, creating water treatment problems for the City of LaGrange. Providing much needed inflows to West Point Lake during the warm season is essential. As warmer weather approaches, we are concerned over a recurrence and possible amplification of this event as compared to blooms experienced in 2007. We believe a reduction in flow into the lake may have contributed to this activity and an extended reduction in flows from upstream waters may exacerbate this condition in the future.

11. We have questions over the administrative processes used relative to this request. Full evaluation by EPA would seem warranted to assure no environmental damage will occur downstream of Peachtree Creek given the magnitude of the proposed change.

Furthermore, based on our research, the controlling feature for flows along the river at the area in question are more correctly associated with operations of the Morgan Falls Dam, and thus it would seem appropriate that any such change would follow procedures established by FERC for modifications of such licenses and would also fall under their review .

12. This proposed change may result in increased concentrations of nutrients that would be contributed to downstream waters, especially West Point Lake. We are not aware of any study that has been completed to analyze what the impacts would be to water quality and aquatic life as a result of either a short term or long term change in operations related to this proposed flow modification. In making such changes we believe that appropriate study should be completed to recognize and understand those potential impacts to downstream waters.

Zettle, Brian A SAM

From: joseph.m.brabham@usace.army.mil
Sent: Tuesday, February 26, 2008 9:14 AM
To: CESAM-PD-EA SAM
Subject: Temporary Deviation/Waiver - Reduce WQ Release from Buford Dam

The Following Comments were submitted by City of LaGrange, GA on 2/26/2008
Affiliation: Local Agency
Address: P.O. Box 430
City, St, Zip: LaGrange, GA 30241
County: TROUP, GA

Comments--->Comments from the City of LaGrange, GA relative to the
Comments--->request
by the State of Georgia to reduce flow set at Peachtree Creek from 750 CFS to 550 CFS
February 26, 2008

The following is a list of concerns that this community offers regarding the flow reduction concept at Peachtree Creek requested by the State of Georgia. While we recognize the need for increased storage in Lake Lanier, we do not wish to see any prolonged reduction in lake elevations at West Point Lake that harm this project. We oppose any action that may result in adverse environmental impacts to the West Point project or its waters as a result of this proposed action.

1. The state created a static model set based on a series of assumptions.
Without a thorough understanding of what those assumptions are it is difficult at best for stakeholders to understand the implications of the change to the river system.

2. The fish spawn on West Point Lake can begin as early as April 1, depending on temperature, and can last 4- 6 weeks. The reduction in water could have an adverse impact on the fish spawn and other aquatic life and is dependent on elevations and on the amount of water entering the lake.
Lake levels must rise or remain stable during this period to protect the spawn.

3. While the term of this arrangement is not mentioned in the Corps' notice, Dr. Carol Couch has assured the City of LaGrange that this modification in minimum flow to 550 CFS would begin soon and end not later than April 30, 2008, and possibly sooner. Any extension of a flow reduction below 750 at PTC past that date this year could very well result in increasing deterioration in water quality at West Point Lake. Furthermore the application of this proposed flow regimen beyond the next 60 day time period warrants in depth scientific study as to what the impacts would be to the environment, especially at the West Point project.

4. The model used by the state seems to assume that we will not move through a dry cycle between now and April 30, and that West Point Lake would remain in a "surplus" mode. Corps forecasts have not revealed that to be the case and most recently forecasted dry conditions over the next few months.

5. If unusually dry conditions prevailed this change could result in lower lake elevations in West Point Lake, hence exacerbating an already adverse impact on recreation as the lake would be projected to remain below its initial recreational impact level is 632.5

6. We have not seen any analysis of impacts to aquatic life in West Point Lake relative to this change. Implementing a change without such an analysis of such could result in damage to the biota of West Point Lake.

7. The models reveal that lake levels at West Point will be lower than they otherwise might be if the flow had been maintained. The result is more exposed shoreline alone the

lake edge. This raises a variety of concerns that require more scientific study to ascertain the impacts to West Point Lake. These include:

- Aesthetic damage to the lake environment with excessive “mud flats” developing and being exposed. This will result in lower desire for use of the lake for general recreation- a use authorized by Congress to which stakeholders in the area are entitled
- The likelihood of bank erosion from exposed shoreline resulting in increased turbidity and associated damage to water quality in the lake
- The likelihood of bank sloughing from changing wave patterns and actions

8. The proposal fails to assess impacts related to environmental justice. The region surrounding West Point Lake has large numbers of minority and lower income persons that rely on West Point Lake for :

- water supply,
- supplemental food for their households,
- Recreation and leisure activities.

This action would transfer the economic wealth tied to the water resources of West Point Lake to Lake Lanier. The area surrounding Lake Lanier has a greater number of higher income households and a predominantly majority Caucasian population. With the loss of water in West Point to favor Lake Lanier, lower income households and non-white families will likely suffer the greatest burden of the retention of this resource in Lanier instead of providing it for West Point.

9. The numbers used for modeling at Columbus appear incorrect. The flows offered by FERC regulated Georgia Power dams for the Middle Chattahoochee Project vary over a 7 day period. Applying a static 1850 CFS continuous flow at Columbus in the summer months to the model, especially on weekend days, sets excessive demands for flows from West Point Lake. The model does not reflect the operating patterns used in the Corps’ Water Control Plans for discharges from West Point Lake.

10. This past year LaGrange experienced problems from blue- green algae blooms in West Point Lake as a result of high temperatures and a draw down to support downstream flows. Until Lanier began to provide downstream flow support, this problem continued to develop, creating water treatment problems for the City of LaGrange. Providing much needed inflows to West Point Lake during the warm season is essential. As warmer weather approaches, we are concerned over a recurrence and possible amplification of this event as compared to blooms experienced in 2007. We believe a reduction in flow into the lake may have contributed to this activity and an extended reduction in flows from upstream waters may exacerbate this condition in the future.

11. We have questions over the administrative processes used relative to this request. Full evaluation by EPA would seem warranted to assure no environmental damage will occur downstream of Peachtree Creek given the magnitude of the proposed change. Furthermore, based on our research, the controlling feature for flows along the river at the area in question are more correctly associated with operations of the Morgan Falls Dam, and thus it would seem appropriate that any such change would follow procedures established by FERC for modifications of such licenses and would also fall under their review .

12. This proposed change may result in increased concentrations of nutrients that would be contributed to downstream waters, especially West Point Lake. We are not aware of any study that has been completed to analyze what the impacts would be to water quality and aquatic life as a result of either a short term or long term change in operations related to this proposed flow modification. In making such changes we believe that appropriate study should be completed to recognize and understand those potential impacts to downstream waters.

Submitted by Joe Maltese, Assistant to the City Manager, City of LaGrange, GA

jmaltese@lagrange-ga.org
706-883-2057

Zettle, Brian A SAM

From: Michelle Volkema [Michelle.Volkema@dnr.state.ga.us]
Sent: Tuesday, February 26, 2008 1:50 PM
To: CESAM-PD-EA SAM
Subject: Reduce Buford Dam/Lake Lanier Flow

Attachments: NHPA Memo_Buford Dam & Lake Lanier Water Flow.doc

NHPA Memo_Buford Dam & Lake La...

To Whom It May Concern:

Please find attached the Georgia Department of Natural Resource's Historic Preservation Division's (HPD) comments concerning the above referenced project.

This memo is not yet signed. Please note that our official signed memo is in the mail.

PLEASE NOTE OUR EMAIL ADDRESSES HAVE CHANGED

Michelle Volkema
Environmental Review Specialist
Georgia Department of Natural Resources
Historic Preservation Division
34 Peachtree Street, NW, Suite 1600
Atlanta, GA 30303-2316
404.651.6546
Fax 404.657.1040
michelle.volkema@dnr.state.ga.us
www.gashpo.org
****
Help save Georgia's special places! Order your historic preservation license plate today at www.gashpo.org

Noel Holcomb, Commissioner

Georgia Department of Natural Resources
Historic Preservation Division
W. Ray Luce, Division Director and Deputy State Historic Preservation Officer
34 Peachtree Street, NW, Suite 1600, Atlanta, Georgia 30303-2316
Telephone (404) 656-2840 Fax (404) 657-1040 http://www.gashpo.org

MEMORANDUM

TO: District Engineer
US Army Corps of Engineers
Mobile District
Attention: Planning and Environmental Division, Inland Environment Team
PO Box 2288
Mobile, Alabama 36628-0001

FROM: Elizabeth Shirk
Environmental Review Coordinator

RE: Finding of "No Historic Properties Affected"

PROJECT: **Reduce Water Flow through Buford Dam from Lake Lanier**
TA-080222-001

COUNTY: Forsyth, Georgia

DATE: February 26, 2008

The Historic Preservation Division (HPD) has reviewed the information received concerning the above-referenced project. Our comments are offered to assist federal and state agencies and their project applicants in complying with the provisions of the Georgia Environmental Policy Act (GEPA) and Section 106 of the National Historic Preservation Act of 1966, as amended.

Based on the information submitted, HPD has determined that no historic properties or archaeological resources that are listed in or eligible for listing in the National Register of Historic Places will be affected by this undertaking. Please note that historic and/or archaeological resources may be located within the project's area of potential effect (APE), however, at this time it has been determined that they will not be impacted by the above-referenced project. Furthermore, any changes to this project as proposed will require further review by our office for compliance with GEPA or Section 106.

If we may be of further assistance, please do not hesitate to contact Elizabeth Shirk, Environmental Review Coordinator, at (404) 651-6624, or Michelle Volkema, Environmental Review Specialist, at (404) 651-6546. Please refer to the project number assigned above in any future correspondence regarding this project.

ES:mav

cc: Dave Crampton, USACE
Chip Wright, Georgia Mountains RDC

Noel Holcomb, Commissioner

Georgia Department of Natural Resources

Historic Preservation Division

W. Ray Luce, Division Director and Deputy State Historic Preservation Officer
34 Peachtree Street, NW, Suite 1600, Atlanta, Georgia 30303-2316
Telephone (404) 656-2840 Fax (404) 657-1040 http://www.gashpo.org

MEMORANDUM

TO: District Engineer
US Army Corps of Engineers
Mobile District
Attention: Planning and Environmental Division, Inland Environment Team
PO Box 2288
Mobile, Alabama 36628-0001

FROM: Elizabeth Shirk
Environmental Review Coordinator

RE: Finding of "No Historic Properties Affected"

PROJECT: **Reduce Water Flow through Buford Dam from Lake Lanier**
TA-080222-001

COUNTY: Forsyth, Georgia

DATE: February 26, 2008

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Based on the information submitted, HPD has determined that no historic properties or archaeological resources that are listed in or eligible for listing in the National Register of Historic Places will be affected by this undertaking. Please note that historic and/or archaeological resources may be located within the project's area of potential effect (APE), however, at this time it has been determined that they will not be impacted by the above-referenced project. Furthermore, any changes to this project as proposed will require further review by our office for compliance with GEPA or Section 106.

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ES:mav

cc: Dave Crampton, USACE
Chip Wright, Georgia Mountains RDC

Zettle, Brian A SAM

From: Dan Tonsmeire [dan@apalachicolariverkeeper.org]
Sent: Wednesday, February 27, 2008 7:06 PM
To: CESAM-PD-EA SAM
Cc: Boone, James E SAJ; Wildfed@aol.com; sherrington@tnc.org; 'TJ Marshall'; 'Palmer, Mollie'; 'Melissa Samet'; 'Mussetto, Teresa'; 'Eric Draper'; 'Dan Pennington'
Subject: Apalachicola Riverkeeper Comments/Questions on the GA Proposed Flow Reduction below Buford Dam

Attachments: GA Water Proposal and Court Settlement Decision ltr Final 2-27-08.doc

GA Water Proposal and Court Se...

Please accept the comments provided on the referenced subject.

Dan Tonsmeire, Riverkeeper

Dan@ApalachicolaRiverkeeper.org

Office: (850) 653-8936

Fax: (850) 653-1718

Apalachicola Riverkeeper

23 Avenue D

Apalachicola FL 32320

www.ApalachicolaRiverkeeper.org

APALACHICOLA RIVERKEEPER®
SAVING AN AMERICAN TREASURE

February 27, 2008

Colonel Byron Jorns
District Engineer
Army Engineer District, Mobile
P.O. Box 2288
Mobile, AL 36628-0001

ATTN: Planning and Environmental Division, Inland Environment Team

RE: Apalachicola-Chattahoochee-Flint River Flow Reductions and Court Decision Issues

Dear Colonel Jorns:

Apalachicola Riverkeeper submits these comments and questions in an effort to work cooperatively with the Corps to protect the natural resources and human needs of the Apalachicola Basin. We appreciate that Major General Riley and Brigadier General Schroudel consider using a watershed approach to address stakeholder needs. We believe this works in the best interest of all users over the long-term.

The request by Georgia to reduce flows in the Chattahoochee River at Peachtree Creek from 750 to 550 cubic feet per second adds significant complexities to the water allocation process for the ACF River System and to the EDO that has been proffered by the Corps as the operations plan under drought conditions. From our downstream perspective, Georgia's proposal could essentially be seen as a further reduction of flows available to support needed flows to the Apalachicola and should be considered within the context of the EDO and water allocation discussion.

As you know, in early February, the U.S. Court of Appeals for the District of Columbia struck down the settlement agreement in the Southeastern Federal Power Customers vs. the U.S. Department of the Army case. The Court held that the re-allocation of 22% of Lake Lanier's storage capacity from the authorized purpose of hydropower to local consumptive uses constituted a major operational change and required Congressional approval, which the Corps did not have.

We have several questions/positions we would like to have clarified relating to Georgia's proposal to reduce flows in the Chattahoochee at Peachtree Creek and the Court of Appeal's decision. These questions are relevant to the discussion regarding the reduction of flows below Lake Lanier from 750 cfs to 550 cfs.

1. Please provide the Corps' interpretation of the proposed reduction by GA (i.e., re-allocation of storage for water supply, meet instream flows, etc.).

2. Please provide the Corps' interpretation of the Court of Appeals decision in relation to the discussion above.

3. Please provide the Corps' changes in ACF reservoir management that will occur as a result of the Court decision.

4. What is the current level of withdrawals from Lake Lanier for water supply in terms of percent of the conservation pool? And, how did the Corps calculate this current level?

5. When computing the amount of water used for water supply, are releases made to meet the Peachtree Creek water quality flow considered as water supply uses? It is our understanding that some of the releases made by the Corps of Engineers supplement instream flow because of depletions for water supply withdrawals between Lake Lanier and Peachtree Creek.

6. What consultation has the Corps made with EPA on reductions at Peachtree Creek and EPA's Clean Water Act requirements at that point?

7. How will this Court decision effect the Corps of Engineers management of Lake Lanier in drought and/or non-drought times?

8. Will the amount of water released for hydropower be increased now that the Court has found that storage for water supply is not an authorized purpose? As practiced at Lake Lanier the change from hydropower to storage for water supply constitutes a major operational change requiring Congressional approval. If no change in operations is envisioned, please explain why? What is the timeframe for reaching a decision regarding this management threshold?

9. How is the Corps planning on operating the system at or below the usage as required by the Corps Regulation USACE ER 1105-2-100, 3-8(b)(5)(Apr. 22, 2000)? What is the timeframe for reaching a decision regarding this management threshold?

10. How will the Corps monitor water supply uses to protect downstream interests and assure that they do not exceed the 15% value? What actions will the Corps of Engineers take to reduce current withdrawals if they currently exceed 15% of the conservation storage?

11. Could the regular reports made by the Corps staff to stakeholders include the percentages of storage and releases used for withdrawals and inflow? The fact that withdrawal numbers are not available is unacceptable as an operational component of the ACF system.

23 AVENUE D APALACHICOLA FLORIDA 32320 850.653.8936 RIVERKEEPER@APALACHICOLARIVERKEEPER.ORG

Thank you for consideration of these questions and comments. We look forward to working with the Corps over the long term to achieve an equitable allocation of water to sustain all users in the ACF Basin.

Best regards,

Dan Tonsmeire
Riverkeeper

WATERKEEPER® ALLIANCE
MEMBER

Zettle, Brian A SAM

From: Dan Tonsmeire [dan@apalachicolariverkeeper.org]
Sent: Wednesday, February 27, 2008 6:12 PM
To: Mauldin, Gary V SAD
Cc: CESAM-PD-EA SAM; 'C. Chadwick Taylor'; dmclain850@aol.com; 'Andrew Jubal Smith'
Subject: RE: ACF Basin Drought Teleconference, 28 Feb

Attachments: St.Joe Canal Withdrawal; GA Water Proposal and Court Settlement Decision ltr Final 2-27-08.doc


St.Joe Canal Withdrawal (457 K...


GA Water Proposal and Court Se...

Gary: Please find two attachments:

1. Photo of the withdrawal on the lower Chipola River for Port St. Joe water supply. This is the last of the withdrawal points on the Apalachicola.

2. Our questions/comments on the GA proposal. These questions are pertinent to the GA proposal and overall management on the ACF, so we would appreciate an answer in terms of both the consideration of the GA proposal as well as the overall management.

I will mail a hard copy of the comments as well as this electronic version. Please let me know if it is necessary to send them some other way.

Best regards,

Dan

Dan Tonsmeire, Riverkeeper

Dan@ApalachicolaRiverkeeper.org

Office: (850) 653-8936

Fax: (850) 653-1718

Apalachicola Riverkeeper

23 Avenue D

Apalachicola FL 32320

www.ApalachicolaRiverkeeper.org

From: Mauldin, Gary V SAD [mailto:Gary.V.Mauldin@sad01.usace.army.mil]

Sent: Wednesday, February 27, 2008 1:03 PM
To: alan peeples (APC); ahall@alabamarivers.org; becky mixon; bill pearson; Billy Barber (lake seminole assoc); bob kerr; bswann@gov.state.ga.us; brian kerlin; brian skeens; britchie@tallahassee.com; chris browning; chris hebberd; christian doolin; cllambert; clyde morris; daniel brown; Deb Speights (cong johnson); Debbie Vess (Hamilton XA); denesia_cheek@nps.gov; diana ferguson; Ed Moon ; frank.stephens@gwinnettcounty.com; frasier bingham (lake seminole assoc); James.A.Maysonett@usdoj.gov; janet rossi (Linder); jennifer shrader (laGrange news); jeremy branch; jerry ziewitz; jim scarbrough; john allen; john fortuna; john.lyon@ferc.gov; jon.steverson@laspbs.state.fl.us; kathy nguyen; katie kirkpatrick (macoc); kcrews; krandall; kspear; Lake, Chip (cong westmoreland); mike godfrey; mike_quiello@isakson.senate.gov; Mumford, Carole (cong johnson); nicole carter; randy kerr; rhunter; Ruth.Ann.Storey@usdoj.gov; shana udvardy; stephen kraly Cong Broun (GA-10); steven burns; t vickers; ted.hoehn@myfwc.com; thomas casey; tcollins@gainesville.org; tom.littlepage@adeca.alabama.gov; Tom Waits (lake seminole assoc); alice_lawrence@fws.gov; Brian.Atkins@adeca.alabama.gov; ccouch@dnr.state.ga.us; charles.cover@ferc.gov; cmstover@southernco.com; dcnr.commissioner@dcnr.alabama.gov; dow.johnston@adeca.alabama.gov; dsmart@adem.state.al.us; fal@adem.state.al.us; flcox@southernco.com; gamartin@southernco.com; gmcmahon@arcadis-us.com; Jeff_Powell@fws.gov; jerry.gotzmer@ferc.gov; jim.hakala@mail.dnr.state.ga.us; JOELS@sepa.doe.gov; mancusi-ungaro.philip@epa.gov; rmcauley@alaforestry.org; roates@alaforestry.org; Sandy_Tucker@fws.gov; stan.cook@dcnr.alabama.gov; stewart.dee@epa.gov; todd.holbrook@dnr.state.ga.us; Alan McLane (Plant Shultz); aeo@meadwestvaco.com; Ashley McVicar; Athena Clark; bhoustonacf@bellsouth.net; bill_couch@dnr.state.ga.us; billy turner; brady king (Cong Boyd FL); Brian McCallum; brydon ross (Sen Martinez); C Krautler; camila knowles (Sen Chambliss); chad davis (Sen Shelby); chart bonham; chris riley (Cong Deal GA); cliff chamblee (GP cedar springs mill); cromara@southernco.com; D Forster; dan@apalachicolariverkeeper.org; danny@highlandmarina.com; dtimmerberg@bellsouth.net; don miller (GP cedar springs mill); Donovan, Michael COL HQDA; Douglas Spencer; Duncan Powell; Ed Martin; Frank Redmond - Sen Isakson; Gail_Carmody@fws.gov; george.taylor@opc.com; gpage@ccmwa.org; Herb Nadler; james antista; James McIndoe - ADEM; janet.llewellyn@dep.state.fl.us; jennifer warren (Cong Everett AL); jerry smithwick (Cong Boyd FL); jdweaver@usgs.gov; Jimmy Palmer; joe lillis (Cong Westmoreland GA); jmaltese@lagrange-ga.org; Jon Worthington; kelly cornwell; ken haddad; Ken Odom; kpeacoc@southernco.com; Lee.Edmiston@dep.state.fl.us; Lewis Jones - ARC; Lynn Sisk - ADEM; Marisa Simpson (Sen Chambliss); Mark Crisp; Mark Robinson; michael quiello (Sen Isakson); michael reed (Cong Bishop GA); michael.sole@dep.state.fl.us; rmmarkey@southernco.com; pam keene (lakeside on lanier); Pat Stevens - ARC; Pete Landrum (Sen Sessions); r sasser; Ralph Clemens; Randy Kerr; Rick Treece; Rob Woodall (Cong Linder); robbie@southernharbor.com; robyn podany; Sam Hamilton; sbethea@ucriverkeeper.org; smtp-Heard, Darlene; smtp-Smith, Dee; stacy shelton (AJC); stewart manley; susie quinn (Sen Nelson); tdblaloc@southernco.com; tim cash; Todd Silliman; tom bartels; TCMOORER@Southernco.com; Tom Wellborn; twilmoth@blackwellsanders.com; tony owens; travis johnson (Cong Price GA); Trey Glenn; valperry@bellsouth.net; Wei Zeng; whitney verett (Cong Rogers AL); Ashley, Jonathan A SAM; Boone, James E SAJ; Brandt, Joanne U SAM; Brown, Stacey E HQ02; Butler, Benjamin H COL SAD; Cromartie, Leon M Jr SAM; Dalton, James C HQ02; dmclain850@aol.com; Davis, Jonathan A SAM; Erhardt, Robert D Jr SAM; Eubanks, Michael J SAM; Feldmeier, Paula M SAM; Fournier, Suzanne M HQ02; Gwin, William V SAM; Hardesty, Gary M HQ02; Hathorn, James E Jr SAM; Hinton-Lee, Chris SAD; Holland, Robert G SAD; Houston, Amber M SAM; Hrabovsky, Cheryl L SAM; Jellema, Jonathan M HQ@SAD; Johns, Richard M SAM; Logan, Stephen F SAM; Mauldin, Gary V SAD; Otto, Douglas C Jr SAM; Peck, Brian E SAM; Premo, Stephen S; Prince, George R Jr SAD; Purcell, Cornelius W HQ@SAD; Regalado, Nanciann E SAJ; Robbins, Ervin P SAM; Sapp, Shelton B SAD; Sharpless, Laura S SAM; Smallwood, William L SAM; Smith, Christopher T SAD; Sumner, Lewis C SAM; Trawick, Eubie D SAM; Trulock, Robert T SAJ; Vaughan, Memphis Jr SAM; White, Jonas SAM; Zettle, Brian A SAM
Subject: ACF Basin Drought Teleconference, 28 Feb

The US Army Corps of Engineers will host another biweekly ACF Basin Drought conference call on Thursday, February 28, from 1100-1200 EST (1000-1100 CST). The call-in number is 866-916-8488. At the prompt, type in the passcode 6076350 followed by the # sign.

The purpose of this call is to inform stakeholders of current and expected conditions in the ACF Basin and to obtain technical information regarding the effects of current conditions on operations.

The agenda for the call is below:

1. Introductions & Purpose – Chris Smith (South Atlantic Division) 2. ACF Basin Operations present & planned – COL Jorns/Amber Houston (Mobile District) 3. Stakeholder technical input & comments – moderated by Chris Smith (South Atlantic Division) 4. Summary & Adjourn

Please feel free to forward this information and invitation to those who may be interested in this call.

Attached for your information is the current status of the conservation storage at Corps projects in the ACF.

<<ACF storage 27feb08.pdf>>

Gary V. Mauldin
Water Management

Zettle, Brian A SAM

From: Blalock, Tanya D. [TDBLALOC@southernco.com]
Sent: Wednesday, February 27, 2008 5:43 AM
To: CESAM-PD-EA SAM
Cc: carol_couch@dnr.state.ga.us; Huling, Charles H.; Wei.Zeng@dnr.state.ga.us
Subject: Comments on Flow Reduction

Attachments: GPC Comments on 550cfs.pdf

GPC Comments on 550cfs.pdf (50...

Please find the attached comments from Georgia Power on the Georgia EPD Request for flow reduction in the Chattahoochee River at Peachtree Creek.

Thank you for the opportunity to comment. If you have any questions, please call Tanya Blalock at 404-506-7026.

Thank you,
Tanya Blalock

Environmental Affairs
Bin 10221
241 Ralph McGill Boulevard NE
Atlanta, Georgia 30308-3374

Tel 404.506.7063

February 26, 2008

GEORGIA POWER
A SOUTHERN COMPANY

District Engineer, U.S. Army Engineer
District, Mobile,
Post Office Box 2288,
Mobile, Alabama 36628-0001

Planning and Environmental Division, Inland Environment Team:

Georgia Power Company received a copy of the letter dated February 11, 2008 from Dr. Carol Couch, Director Georgia Environmental Protection Division (EPD), to Colonel Byron Jorns, U.S. Army Corps of Engineers. In that letter, Dr. Couch requested the use of 550 cfs, instead of the current 750 cfs, as the minimum flow requirement, as measured in the Chattahoochee River at Peachtree Creek, beginning immediately and continuing through April 30, 2008. Dr. Couch also provided information of an EPD assessment indicating the reduced flow was sufficient to meet water quality criteria.

We have evaluated potential impacts of this reduced flow through April 30, 2008, on our power generating facilities on the Chattahoochee River. We do not anticipate any operational issues for Plant McDonough, Plant Yates and Plant Wansley generating facilities at this time. Plant Wansley was not included in EPD's evaluation and is several miles downstream of the Whitesburg gauge. While we do not anticipate any issues because of current rainfall and inflow conditions, we will closely monitor any impacts to Plant Wansley's ability to operate its river pumps which supply a service water make-up pond. We will notify you if issues arise for any of our generating facilities. Our hydro facilities on the Chattahoochee River will continue to operate according to their Federal Regulatory Commission licenses.

We appreciate this opportunity to provide input on this request. If there are any questions, please contact me at 404-506-7026.

Sincerely,

Tanya Blalock

Tanya Blalock
Environmental Manager
Water and Waste Programs

Cc:
C.H. Huling
Dr. Carol Couch
Dr. Wei Zeng

Zettle, Brian A SAM

From: Vaughn, Sommer [Sommer.Vaughn@governor.alabama.gov]
Sent: Thursday, February 28, 2008 9:03 AM
To: CESAM-PD-EA SAM
Cc: Stewart, Dave
Subject: Request for Deviation from Chattahoochee River Minimum Flow

Attachments: Letter to Col. Jorns00133.pdf; SCAN0510_000.pdf; 750atlantaflow.pdf

Letter to Col. Jorns00133.pdf ...
SCAN0510_000.pdf (79 KB)
750atlantaflow.pdf (857 KB)

Please find letter and documents from Dave Stewart, Chief of Staff to Governor Bob Riley.

Sincerely,

Sommer H. Vaughn

Executive Assistant to the Chief of Staff

Office of Governor Bob Riley

Phone: 334.242.4738

Fax: 334.242.2766

Sommer.Vaughn@governor.alabama.gov <mailto:Sommer.Vaughn@governor.alabama.gov>

OFFICE OF THE GOVERNOR

BOB RILEY
GOVERNOR

STATE CAPITOL
MONTGOMERY, ALABAMA 36130

(334) 242-7100
FAX: (334) 242-0937

STATE OF ALABAMA

February 28, 2008

Col. Byron Jorns
District Engineer
U.S. Army Engineer District, Mobile
Post Office Box 2288
Mobile, Alabama 36628-0001
Attention: Planning and Environmental Division, Inland Environment Team

Re: Request for Deviation from Chattahoochee River Minimum Flow

Dear Colonel Jorns:

The State of Alabama has reviewed the above referenced request by the Georgia Department of Natural Resources, Environmental Protection Division in the letter from Dr. Carol Couch to Colonel Byron Jorns, dated February 11, 2008. The State of Alabama is committed to the prudent management of the water resources of the Chattahoochee River especially during this period of extended drought. Based upon the information submitted and our understanding of the basis for the minimum flow established for the Chattahoochee River at Peachtree Creek, the State of Alabama respectfully requests that the request to reduce this minimum flow from 750 cfs to 550 cfs be denied. The State of Alabama's position is explained below.

Attached is a document entitled "Evolution of the 750 CFS," dated September 1983. This document was provided to the State of Alabama by the Mobile District. We understand that this document was created by the Corps of Engineers in connection with the evaluation of a potential re-regulation dam below Buford Dam. According to this document, a minimum flow of 650 cfs was established at Atlanta as part of the Congressional authorization of the Lake Sidney Lanier project. This document also provides that "this 650 cfs did not account for any withdrawals by Atlanta or any intake upstream between Lake Lanier and the City of Atlanta." While Alabama has not conducted an independent evaluation of the accuracy of this document, it seems to reflect a view by the Corps that any deviation below 650 cfs would be contrary to Congressional intent and could only be authorized by Congress. If the Corps' analysis is accurate, then Georgia's request to reduce the minimum flow at Peachtree Creek to 550 cfs should be denied.

In addition to the 650 cfs established by Congress as a minimum flow, the State of Georgia has incorporated a minimum flow of 750 cfs at Peachtree Creek into its Water Use Classification and Water Quality Standards Regulations. See Ga. Comp. R. & Regs. r. 391-3-6-.03. The Chattahoochee River from Atlanta (Peachtree Creek) to Cedar Creek is classified as "fishing," but a footnote indicates that the fishing criteria "apply at all times when the river flow measured

at a point immediately upstream from Peachtree Creek equals or exceeds 750 cfs." Ga. Comp. R. & Regs. r. 391-3-6-.03(14), n.2. If the "fishing" criteria would no longer apply if the flow at Peachtree Creek was less than 750 cfs, then Georgia's request would violate the anti-degradation policy as established in Ga. Comp. R. & Regs. r. 391-3-6-.03(2).

The State of Alabama agrees with Georgia that in most instances, the controlling parameter for streams classified as "fishing" under Georgia's water use classification and water quality standards is dissolved oxygen. However, with the exception of dissolved oxygen, the State of Georgia has provided no analysis to indicate that the General Criteria for All Waters (Ga. Comp. R. & Regs. r. 391-3-6-.03(5)) or the Specific Criteria for Classified Water Use (Ga. Comp. R. & Regs. r. 391-3-6-.03(6)) will be met if flows in the Chattahoochee River are reduced by 200 cfs. Before the Corps considers this request, some analysis of these other water quality parameters should be required.

Also attached is a letter from the United States Environmental Protection Agency, dated December 28, 1999, regarding the 750 cfs minimum flow. According to EPA, the 750 cfs minimum flow requirement "has been used to allocate wastewater loads for NPDES permits for discharges to the Chattahoochee River . . . for more than 20 years." EPA also states that a lower minimum flow "would have to be protective against acute aquatic life impairment" and "would also have to be capable of assimilating wastewater discharges whose current permitted allocations are based on the 750 cfs minimum flow." The request to lower the minimum flow at Peachtree Creek provides no assurances that downstream water quality will be maintained as the result of a change in the assimilative capacity of this stream.

There is no indication in the request for comments that the Corps intends to evaluate this request under the National Environmental Policy Act. The State of Alabama requests that the Corps set forth its position regarding whether the State of Georgia's request is subject to NEPA since if granted, the request would require the Corps to change the operations of Buford Dam in a manner that may impact the quality of the human environment.

Finally, in the event the Corps grants the requested relief, in whole or in part, the State of Alabama respectfully requests that the relief terminate immediately if (a) the flow at Columbus, Georgia falls below 1850 cfs on a weekly average basis; (b) the flow at Columbia, Alabama falls below 2000 cfs at any time; or (c) the dissolved oxygen content of the Chattahoochee River at Peachtree Creek is measured at less than 5.0 mg/l at any time. The State of Alabama also believes that any relief should terminate automatically on April 30 and that the 750 cfs flow should be restored on May 1 regardless of the storage remaining in Lake Lanier.

Sincerely,

Dave Stewart
Chief of Staff

BY

DB3

EVOLUTION OF THE 750 CFS

September 1983

I. INTRODUCTION

On 17 July 1974, at a public meeting on "Lake Sidney Lanier Project Review", the Georgia Environmental Protection Division outlined its policies for the protection of water quality in the Chattahoochee River between Buford Dam and West Point Dam. Included in this broad statement was the announcement that "the flow in the Chattahoochee River at the point between the existing City of Atlanta water intake and Peachtree Creek must not be less than 750 cfs at any time." The technical analyses supporting this number had been performed, and necessary regulations had been officially adopted, during the preceding year. However, 17 July 1974 is often cited as the date on which "the 750 cfs" became official.

Since then, the 750 cfs has become identified as the minimum flow in the Chattahoochee River, below the Atlanta water intake, required for adequate dilution of wastewater discharges from the metropolitan area. Furthermore, because the 750 cfs was adopted by the Environmental Protection Division, that number has been narrowly viewed as reflecting only the concern for wastewater dilution. However, the tecnhical staff of EPD incorporated other important factors to arrive eventually at a figure (750 cfs) which reasonably balanced the major issues being expressed at that time.

For example, a river flow of 750 cfs corresponds to a specific level of required waste treatment which corresponds to specific costs. Assumed river flow less than 750 cfs will cause treatment costs to rise; flows greater will cause costs to drop. If the 750 cfs figure related only to treatment cost minimization for wastewater dilution then higher flows would have been adopted. However, higher

flows (required at Atlanta) mean less water available upstream for multipurpose use at Lake Sidney Lanier and from Buford Dam downstream to Atlanta by way of Morgan Falls Dam. Higher flows requried at Atlanta thus increase conflicts with upstream multiple uses already established by contract, and increase the hydrologic uncertainty associated with assuming higher minimum flows. Thus, the 750 cfs reflects a balance between increasing waste treatment costs, increasing water use conflicts, and increasing hydrologic uncertainties, given that water quality standards were also (at that time) being upgraded from the "industrial" to "fishing" classification.

II. BACKGROUND

The analyses and decisions leading up to the announced policy of 750 cfs minimum occurred 10 years ago. After the passage of a decade, the circumstances surrounding and preceding these actions tend to fade from view and lose their impact. Thus, a brief review of the relevant events affecting the 1974 decision will help keep in perspective the major issues of that time.

A. Buford Dam and Lake Sidney Lanier

Buford Dam was constructed by the Corps of Engineers in 1958. Early studies leading to the construction of Buford Dam even then emphasized the need for flow augmentation in the Chattahoochee River to protect water quality against increases in waste discharges. Thus, the Congressional Document (House Document No. 300, 80th Congress, First Session, 1947) requried that minimum releases from Buford should be such that a minimum flow at Atlanta of 650 cfs be maintained at all

times. This 650 cfs did not account for any withdrawals by Atlanta or any intake upstream between Lake Lanier and the City of Atlanta. One small turbine at Buford was to be operated at 600 cfs, at all times, assuming that local tributary inflows below the dam would seldom drop lower than 50 cfs. In the early 1950's, this was more than sufficient to meet water demands and provide some additional amount for water quality, which was not of major concern at that time. The average water supply withdrawal by Atlanta in 1950 was 85 cfs. The minimum recorded daily flow in the Chattahoochee River before construction of Buford Dam was 296 cfs at Atlanta in September 1957, so 650 cfs was a considerable increase in minimum flow.

B. Morgan Falls Dam

Morgan Falls Dam, located 36 miles downstream from Buford Dam and 12 miles upstream from Atlanta, began producing electric power in October 1904. Shortly after Buford Dam was constructed in 1958, the City of Atlanta had already recognized that 650 cfs total minimum flow in the river was not adequate after upstream withdrawals. Thus, in 1960, Atlanta funded the expansion of storage capacity at Morgan Falls Dam, jointly with Georgia Power Company, in order to guarantee a minimum release from Morgan Falls of 750 cfs. (This did not include tributary inflows downstream.) The City of Atlanta and Cobb County could withdraw their water supply needs and the remainder would be available for wastewater dilution. (The City of Atlanta, like most major cities in Georgia, did not progress from primary to secondary treatment of wastewater until the early 1970's. The City made a request to Georgia Power to assist in devising some method of reregulating flows released by Buford Dam to assure a sufficient flow for "proper disposition

of sewage.") The agreement between the City of Atlanta and the Georgia Power Company as to the raising of the dam and the subsequent operation of the project is stated in a contract dated September 6, 1957. Georgia Power Company's commitments to the City of Atlanta as defined in that contract call for the release of water according to a specified schedule. According to the schedule, releases from the Morgan Falls Dam shall be such as to provide a minimum flow of at least 750 cfs at all times at Atlanta (above the Atlanta intake) and to provide flows in excess of 750 cfs in the Atlanta area in the daytime.

C. December 1965, Consultant's Report

In December 1965 a local consultant submitted to the City of Atlanta their findings and recommendations for the treatment of the City's wastewater discharged to the Chattahoochee River. The statements below were taken from the Letter of Transmittal accompanying their final report:

"The quality of the water pollution control plant effluents discharged to the Chattahoochee will conform to requirements stipulated by the State of Georgia Water Quality Control Board that an 85 per cent degree of treatment will be necessary to produce relatively stable plant effluents, virtually eliminating harmful bacteria by chlorination and maintaining an ample dissolved oxygen content in the river water as it passes the treatment plants.

"This required degree of treatment can readily be met by the R. M. Clayton Plant dependent solely upon minimum average weekly releases of 1600 cubic feet per second from Buford Dam in accordance with the method of operation provided by the 80th Congress in 1947 when construction of the dam was authorized. As time goes on, however, it will be necessary to obtain increased minimum flow releases from Buford Dam or to provide complete reregulation of the river to obtain this minimum flow coincident with peak effluent discharges from Clayton Plant.

"The same degree of treatment can also be met by the Utoy Creek and Sandy Creek Plants during minimum average weekly flows and present conditions of river temperature until about the year 1985. River temperatures are raised by steam-electric generating plants Atkinson and McDonough below Clayton Plant and again

at the Yates steam-electric generating plant downstream to such an extent that the estimated oxygen content of the river water will be seriously depleted at minimum flow by the year 1985. Remedies may be found either by curtailing steam plant operations during minimum river flow, by increased river flow through changes in regulation, or by discovery and employment of new methods of waste treatment to obtain higher removals of organics....

"Maintenance of the desired river water quality also depends upon the right of the Atlanta metropolitan area to use of the free flowing river for assimilation of its wastes after giving them the highest practical degree of treatment. Downstream impoundments proposed for the Chattahoochee near Atlanta will destroy the self-purification power of the river to such an extent that water quality in the nearest downstream reservoir will not be safe for unlimited recreational or water supply use. Here again the responsibility does not rest with the Atlanta Metropolitan Sewer System, but any remedies adopted should be chargeable to the cost of constructing the impoundments."

D. Deterioration of Chattahoochee River water quality

Georgia's Trend Monitoring Network has been in operation since 1968. Conclusions drawn from early trend monitoring reports best describe water quality conditions in the Chattahoochee River 10 to 15 years ago:

> "Beginning at the R. M. Clayton wastewater treatment plant just below Atlanta's water intake, the Chattahoochee River is characterized by poor water quality for a reach of some seventy miles, of which the first forty miles are considered grossly polluted...inadequately treated wastewaters from the metropolitan area in general, but primarily from the City of Atlanta, are responsible for these problems."

The river was found to be in near septic condition during the hot, dry months of July through October rendering it entirely unsatisfactory for all legitimate uses for at least 40 miles.

Table 1 contains data describing early dissolved oxygen problems at Highway 92. Each dissolved oxygen value reflects a single "grab" sample, that is, the prevailing value when the sample was dipped. These are, therefore, instantaneous values and are not daily averages. At this point, three observations can be made.

First, hot weather induces dissolved oxygen problems. From 1968-1974 dissolved oxygen in January varied around 8 mg/l. During the same period, July, August, September and October averaged around 2.9 mg/l, a 64% reduction. Second, the minimum D.O. standard of 4 mg/l is violated in 64% of the samples grabbed in July through October for the period 1968-1974. And, third, near septic conditions occur frequently with D.O. dropping to 0.0 mg/l in September 1973.

Table 2 contains data describing the effects on dissolved oxygen created by municipal sewage. Each value in the table is an annual average of monthly grab smaples for that year. Two features of Table 2 are relevant. First, upstream and downstream D.O. values can be compared side-by-side. And, second, annual minimums can be compared to annual averages. In all cases, D.O. values at Highway 92 are substantially lower than those at the Atlanta Water Intake. This depression in D.O. is a result of municipal sewage discharges. In all cases, the water approaching Atlanta from the North is clean and healthy with respect to D.O. levels averaging above 9.0 mg/l and ranging no lower than 8.0 mg/l. In all cases, from 1968 to 1974, annual minimum D.O. at Highway 92 dropped to septic levels typically below 1 mg/l.

E. October 1972, The Federal Water Pollution Control Act (PL 92-500)

After October 1972, PL 92-500 required that each state conform to a uniform approach to water quality management. This approach included NPDES permits, Federal cost-sharing of municipal treatment plant construction, scientifically determined effluent limits, increased emphasis on the control of nonpoint source pollution (including combined sewer overflows), triennial review of water quality

standards, and comprehensive long-range water quality planning on an areawide basis. As an outgrowth of PL 92-500, Georgia had developed its 1st Edition Basin Plans specifying water pollution control needs to the year 2000, by the time decisions had to be made on the 750 cfs flow value. Thus, the fresh impetus to water quality control, provided by a far-reaching new Federal law, was being felt very strongly in 1973-74.

F. Corps of Engineers, Water Resources Management Study

The Metropolitan Atlanta Water Resources Study was authorized by resolution adopted 2 March 1972 by the Committee on Public Works, US Senate, 92nd Congress, 2nd Session. According to this resolution, the study was supposed to provide "a plan for the development, utilization, and conservation of water and related land resources for Atlanta, Georgia, and contiguous areas." Central to the completion of this study was the determination of minimum flow requirements for waste dilution in the Atlanta metropolitan area. Thus, in 1973 and 1974 great pressure was being exerted by several water-related agencies, involved in this study, for "a number" so the study could proceed unimpeded to its formal conclusion.

G. Water quality standards

In a letter dated 18 August 1975, the Administrator of EPA Region IV approved the revision of the use classification for the Chattahoochee River, from Peachtree Creek to Cedar Creek, from "industrial" to "fishing". This revised the minimum water quality standard for dissolved oxygen from 3 mg/l to 5 mg/l, expressed as a daily average. However, even though the standards revision was not approved until

August 1975, the anticipation of "upgrading" for the Chattahoochee River was felt two years earlier. Thus, the expected requirement to meet more stringent water quality standards was an essential ingredient in deliberations leading up to adoption of the 750 cfs.

H. Water use projections

Public works for water supply and wastewater disposal are always based on future projections of demand and need. Prior to 1974, these projections could be found in documents like the 1965 Consultant's Report. However, the COE Metropolitan Atlanta Area Water Resources Management Study and the studies incorporated into the Division's 1st Edition Basin Plans revealed that existing projections of water supply demands and wastewater generation were substantially underestimated. More water was expected to be withdrawn for water supply, and more wastewater was expected to be generated by the year 2000 than earlier studies had shown. For instance, in 1974 data showed that, at low-flow conditions, 6.4 cfs of river flow was available to dilute each cfs of waste flow. By the year 2000, at low flow conditions, there would be only 1 cfs of river flow available for each cfs of waste flow.

III. DEVELOPMENT OF THE 750 CFS

Thus in 1974, when an official "number" was needed, there were a variety of prior conditions and pressing issues incorporated into the analysis.

- The 1947 Congressional Documents had already required a minimum of 650 cfs at the Atlanta water intake.
- The City of Atlanta had contracted with Georgia Power, in September 1957, to share the cost of raising the pool elevations behind Morgan

Falls Dam to guarantee a minimum of 750 cfs from Morgan Falls, at all times.

- As early as 1965, consulting engineers (1) identified the need to increase minimum flow releases from Buford Dam to dilute anticipated waste discharges, (2) projected that the oxygen content of the Chattahoochee would be seriously depleted at low flow by 1985, and (3) concluded that downstream reservoirs would destroy the self-purification power of the river.

- By 1968, water quality in the Chattahoochee River around Atlanta had deteriorated, because of municipal sewage discharges, to the extent that dissolved oxygen each summer fell below 1.0 mg/l and sometimes fell to zero.

- In 1972, PL 92-500 required that (1) comprehensive plans be developed to the year 2000, (2) nonpoint source pollution be controlled, and (3) water quality be improved to protect fish and provide recreation where attainable.

- From 1972 to 1974, the COE Water Resources Management Study exerted pressure for a single regulatory "number" around which their alternative plans for water resource management could be developed.

- In 1973 and 1974, the water quality standard for the Chattahoochee River around Atlanta was being upgraded from 3 mg/l to 5 mg/l.

- In 1973 and 1974, newer projections of water withdrawal and wastewater generation showed that by the year 2000 the water situation would be much more critical than had been earlier anticipated.

Given these contextual circumstances, the Division's technical staff performed extensive analyses to develop a final policy number. These analyses included (1) an evaluation of data at low flow conditions to estimate the amount of river flow that might be reasonably expected by the year 2000, and (2) the application of mathematical water quality modeling, along with an examination of existing water quality data, to determine the amount of river flow necessary to assimilate the ever-increasing volumes of wastewater while simultaneously preserving the more stringent D.O. standard of 5 mg/l.

The hydrologic analyses were hampered by the lack of firm projections of

water demand by the year 2000. Nevertheless, these analyses were based on reservoir evaporation losses, available reservoir discharge agreements, peak projected water supply withdrawals, dry weather tributary flows, and critical period waste discharge conditions--all rolled into a mass balance, from Lake Sidney Lanier downstream to a point below the last waste discharge point in the Atlanta metro area.

As described in the July 1974 EPD public statement, a reasonable minimum flow to be equalled or exceeded 99% of the time at the Atlanta water intake was 915 cfs. The year 2000 projection of water withdrawal by Atlanta was 164 cfs. The net remaining minimum Chattahoochee River flow was, thus, 915 cfs - 164 cfs = 751 cfs, say 750 cfs.

Looking back over the conditions that existed when "The 750 cfs" decision was made two facts stand out: (1) the 750 cfs is not that much higher than people had already accepted as reasonable on the basis of their own anlayses; and (2) the 750 cfs was determined on the basis of point source discharges and may be too low when one considers, in the future, increasing non-point source pollution, point source overflows and bypasses, and ever-increasing water demands that always seem to outstrip earlier predictions.

TABLE I. DISSOLVED OXYGEN: SELECTED SUMMARY OF MONTHLY GRAB SAMPLE DATA IN THE CHATTAHOOCHEE RIVER 18.8 MILES BELOW THE ATLANTA WATER INTAKE

YEAR	DISSOLVED OXYGEN CONCENTRATIONS, mg/l				
	January	July	August	September	October
(a) before secondary treatment					
1968	8.8	3.5	1.0	4.5	0.9
1969	8.7	5.3	2.2	4.4	0.5
1970	7.0	4.2	1.8	0.7	6.1
1971	7.8	0.2	6.0	3.6	1.7
1972	8.7	1.0	3.7	3.5	0.5
1973	8.5	0.9	2.4	0.0	4.4
1974	8.8	2.7	4.1	5.4	5.5
Mean	8.3	2.5	3.0	3.2	2.7
(b) after secondary treatment					
1975	8.5	4.2	5.1	5.1	7.6
1976	10.1	6.2	5.1	---	5.4
1977	11.8	5.3	5.6	7.4	---
1978	11.1	5.5	7.2	8.6	8.4
1979	10.7	6.4	5.6	6.1	7.9
1980	9.9	5.1	5.3	5.5	7.9
Mean	10.4	5.5	5.7	6.5	7.4

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

DEC 28 2009

Lindsay Thomas
Federal Commissioner
ACF/ACT River Basins Commissioner
235 Peachtree Street NE
Suite 900
Atlanta, GA 30303

Dear Mr. Thomas:

This letter is written in response to a personal communication from Heather Hallows, assistant to the Federal Commissioner, regarding flows at Peachtree Creek. A controversy exists as to whether the proposed flows should be modeled as average daily flows or instantaneous flows. Our position on this issue is presented below.

The existing minimum flow requirement of 750 cfs at Peachtree Creek has always been considered by EPA to be an instantaneous flow. This 750 cfs minimum flow requirement has been used to allocate wastewater loads for NPDES permits for dischargers to the Chattahoochee River in the Atlanta Metro area for more than 20 years. Based on recent conversations with the State of Georgia Environmental Protection Division, Water Protection Branch we have learned that they interpret the existing 750 cfs minimum flow requirement to represent an instantaneous minimum flow per Georgia's Rules and Regulations (391-3-6):

> Specific criteria apply at all times when the river flow measured at a point immediately upstream from Peachtree Creek equals or exceeds 750 cfs (Atlanta gage flow minus Atlanta water supply withdrawal).

If one attempted to optimize power generation or provide extra flexibility to the release schedules by adhering to an average daily minimum flow, then the daily instantaneous minimum flow could, of course, become as low as zero. EPA will not support any effort to change the instantaneous flow requirement to an averaged daily flow requirement unless supporting documentation is included that assures the downstream water quality standards will be met.

Relevant wasteload allocation formulations, currently considered to be protective, are based on the assumption that the minimum flow in the Chattahoochee River at Peachtree Creek be at or above 750 cfs. Georgia EPD has developed critical condition scenarios whereby this minimum flow is represented as an instantaneous minimum. In order to consider lower flows in the river with current permitted wasteload, a new minimum absolute instantaneous flow would still need to be developed. This new minimum instantaneous flow would have to be protective against acute aquatic life impairment. It would also have to be capable of assimilating wastewater discharges whose current permitted allocations are based on the 750 cfs minimum flow. Otherwise, all relevant permits would need to be revised to reflect the new minimum instantaneous flow.

FROM : FAX NO. : Feb. 14 2008 04:39PM P1
Rx Date/Time FEB-14-2008(THU) 15:56 P.001

It is hoped that this provides you with the necessary information regarding EPA Region 4's position on this matter. If you have any questions, please contact me at 404/562-9330.

Sincerely,

Mike McGhee, Director
Water Management Division

CC: Alan Hallum, Branch Chief
Georgia EPD Water Protection Branch

Pete Conroy, Alternate Federal Commisioner
ACT/ACF River Basins

FROM : FAX NO. : Feb. 14 2008 04:40PM P2

Rx Date/Time FEB-14-2008(THU) 15:56 P.002

-----Original Message-----
From: Morgan, Julie A SAM@SAS
Sent: Thursday, February 28, 2008 12:08 PM
To: Brandt, Joanne U SAM
Subject: FW: REQUESTING COMMENT - Proposed Temporary Deviation From Current Water Management Operations at Buford Dam to Reduce Water Quality Releases

Joanne:

I spoke with her and she'll try to post something today. Just wanted to let you know that AL SHPO does have concerns.

Julie A. Morgan
US Army Corps of Engineers
Mobile/Savannah Planning Center
Phone: 888-893-0678 ext 378
or 706-856-0378
Fax: 706-856-0330
email: julie.a.morgan@usace.army.mil

-----Original Message-----
From: Hathorn, Stacye [mailto:Stacye.Hathorn@preserveala.org]
Sent: Thursday, February 28, 2008 1:00 PM
To: Morgan, Julie A SAM@SAS
Cc: Hill, Amanda
Subject: RE: REQUESTING COMMENT - Proposed Temporary Deviation From Current Water Management Operations at Buford Dam to Reduce Water Quality Releases

Its' past the closing date so will I still be able to respond? We are certainly concerned with the exposure of archaeological sites due reduced water levels. The drought itself has caused exposure and subsequent looting of a number of sites on other Alabama reservoirs already.

Stacye Hathorn
State Archaeologist
Alabama Historical Commission
468 South Perry Street
Montgomery, AL 36130-0900
334.230.2649

-----Original Message-----
From: Morgan, Julie A SAM@SAS [mailto:Julie.A.Morgan@usace.army.mil]
Sent: Friday, February 22, 2008 7:36 AM
To: Hathorn, Stacye
Subject: FW: REQUESTING COMMENT - Proposed Temporary Deviation From Current Water Management Operations at Buford Dam to Reduce Water Quality Releases
Importance: High

Ms. Hathorn: I had your email incorrectly entered the first time...

Julie A. Morgan
US Army Corps of Engineers
Mobile/Savannah Planning Center
Phone: 888-893-0678 ext 378
or 706-856-0378
Fax: 706-856-0330
email: julie.a.morgan@usace.army.mil

-----Original Message-----
From: Morgan, Julie A SAM@SAS
Sent: Friday, February 22, 2008 8:33 AM
To: 'Elizabeth Shirk'; 'shathorn@preservala.org';
'lkammerer@mail.dos.state.fl.us'
Subject: REQUESTING COMMENT - Proposed Temporary Deviation From Current Water Management Operations at Buford Dam to Reduce Water Quality Releases
Importance: High

Greetings!

Below you will find an email message that is being sent to all ACF Stakeholders regarding potential affects of the proposed reduction in flows for the purpose of conducting environmental evaluation. Information on how and where to submit oral, written and email comments is at the bottom of the
email; please do not send your comments to me. ALL comments are requested
by close of business, Thursday, 28 February 2008.

Thank you for your consideration.

Julie A. Morgan
US Army Corps of Engineers
Mobile/Savannah Planning Center
Phone: 888-893-0678 ext 378
or 706-856-0378
Fax: 706-856-0330
email: julie.a.morgan@usace.army.mil

-----Original Message-----
ACF Stakeholders:

Mobile District has received a request from the Georgia Environmental Protection Division (GA-EPD) that a reduction be made in releases from Buford Dam/Lake Lanier to meet the water quality requirement on the Chattahoochee River at Atlanta, Georgia, as a temporary drought contingency measure. A copy of the GA-EPD request by letter dated 11 February 2008 is attached for your reference and review. The current minimum flow requirement for assimilation of return flow at Atlanta (750
cfs) is incorporated in the current Buford Dam Reservoir Regulation Manual, as measured on the Chattahoochee River above the confluence with Peachtree Creek. GA-EPD requests that a reduction in the water quality required flow to 550 cfs be considered. This request would

therefore require a temporary deviation from current water management operations.

GA-EPD's request represents a proposed temporary drought contingency measure in response to drought conditions experienced this past year and forecasts for continued drought conditions in 2008. The proposed reduction in flows is based on water quality criteria at Atlanta and seeks to conserve storage in Lake Lanier (Buford Dam) by reducing the amount of release necessary to meet State water quality standards during cooler months.

The Corps of Engineers is given discretion to manage its reservoirs by the Flood Control Act of 1944. The procedures for water management actions at Corps projects is set out in Engineer Regulation 1110-2-240 (33 C.F.R. Part 222.5), which states as follows in regard to droughts:

"Continuous examination should be made of regulations schedules, possible need for storage reallocation (within existing authority and constraints) and to identify needed changes in normal regulation. Emphasis should be placed on evaluating conditions that could require deviation from normal release schedules as part of drought contingency plans (ER 1110-2-1941)."

Engineering Regulation 1110-2-1941 requires water managers to re-examine procedures and reservoirs to determine whether improvement can be made during low water periods within current authorities.

This notice is requesting written comments from Federal, State and local agencies, Tribes, affected industries, organizations, other stakeholders and the public regarding potential affects of the proposed reduction in flows for the purpose of conducting environmental evaluation and obtaining stakeholder input which will assist in a determination on the request for a temporary deviation from the Reservoir Regulation Manual.
Information provided in response to this notice will be considered by the Mobile District and South Atlantic Division in determining whether or not to implement a temporary deviation and to what extent. Please communicate this information to any other interested parties.

The decision on the proposed temporary deviation or variance in water management operations will be based on an evaluation of the probable impact, including cumulative impacts, of the proposed activity on the public interest. Written comments are requested on specific impacts to other users and operations that occur within the basin. That decision will reflect the national concern for both protection and utilization of important resources.
The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production, and in general, the needs and welfare of the people. Potential consequences of this proposed temporary deviation include impacts on pool elevations at West Point

and Walter F. George, on river stages at various water intakes below Buford Dam, and on in-stream water quality criteria. In addition, the proposed flow reduction may impact individual discharge permit holders downstream of Buford Dam. The reduced flow may also impact the trout hatchery downstream of Buford Dam and/or the fishery associated with that facility. There may be additional consequences or impacts for which we solicit your input.

This topic is scheduled to be discussed during the bi-weekly ACF Basin Drought Teleconference scheduled for Thursday, 28 February 2008, 1100-1200 EST (1000-1100 CST). The call-in number is 866-916-8488. At the prompt, type in the passcode 6076350 followed by the # sign. Oral comments will be heard at that time, but you are requested to submit written comments to assure your concerns are fully considered.

Written comments should be directed the District Engineer, U.S. Army Engineer District, Mobile, Post Office Box 2288, Mobile, Alabama 36628-0001,
Attention: Planning and Environmental Division, Inland Environment Team in time to be received not later than 28 February 2008. In order to expedite receipt of comments, electronic copies of comments may be forwarded to the <<GA-EPD to Colonel Byron Jorns - 2-11-08.pdf>> following email address:

cesam-pd-ea@usace.army.mil

Electronic comments may also be provided on the Mobile District web site at the following location:

http://www.sam.usace.army.mil

Please provide all comments not later than close of business, Thursday, 28 February 2008.

Zettle, Brian A SAM

From: Jones, Gail [Gail.Jones@preserveala.org]
Sent: Thursday, February 28, 2008 3:42 PM
To: CESAM-PD-EA SAM
Subject: Flow Reduction of Lake Lanier

AHC #08-0462

We are concerned because the study did not take into account how the reduced flow will effect archaeological resources on the downstream banks. Our office has stated from the beginning of these discussions that there may be an adverse effect to NRHP listed and potentially eligible archaeological sites due to erosional effects caused by decreased flow. We are further concerned that lower water levels will expose previously submerged or obscured archaeological sites to looting. We have already seen an increase in looting on other Alabama rivers due to lower water levels caused by drought .

If you have any questions, please contact Stacye Hathorn at 334-230-2649 and reference the project number provided above. You may email any comments or concerns to Stacye.Hathorn@preserveala.org.

Zettle, Brian A SAM

From: Brabham, Joseph M SAM Contractor
Sent: Thursday, February 28, 2008 3:33 PM
To: CESAM-PD-EA SAM
Subject: Temporary Deviation/Waiver - Reduce WQ Release from Buford Dam

The Following Comments were submitted by Pat Stevens on 2/28/2008
Affiliation: select one
Address: 40 Courtland St NE
City, St, Zip: Atlanta GA 30303
County: Fulton

Comments--->February 28, 2008

Colonel Byron G. Jorns
Commander Mobile District
US Army Corps of Engineers
ATTN: CESAM-DE
Post Office Box 2288
Mobile, Alabama 36628-0001

Dear Colonel Jorns:

This letter is to support the February 11, 2008 request made by the State of Georgia to reduce the releases from Buford Dam/Lake Lanier on a temporary basis. The State of Georgia has determined that the water quality flow requirement in the Chattahoochee River below Atlanta can be reduced during this winter and spring without harm.

Although all the lower lakes on the ACF have recovered, Lake Lanier continues to be dangerously low. We are concerned about the severe environmental and economic harm that will occur not only to the Lake Lanier environment but to all users of the Chattahoochee River system if Lake Lanier does not recover this spring. We urge you to use your leadership and emergency powers to reduce releases from Lake Lanier.

Further, we request that the Corps operate Buford Dam with the same drought contingency measures as was done in the winter and spring of 2002.
The Corps monitored rainfall and river conditions and was able to reduce releases daily from Buford Dam to approximately 500cfs for the entire winter and spring period. We believe that today such minimized releases are warranted even more now than in 2002. Lake Lanier is lower than it has ever been in its history since the beginning of normal operations in 1960. Lanier is twice as low as it was in 2002 while all the downstream projects are now significantly higher than in 2002. Demands from the river here in the metro area are actually lower now than in 2002 thanks to successful conservation efforts and water quality is better due to treatment plant upgrades. If the Corps reduced releases to 500cfs each day as compared to the 1063cfs release made yesterday, 563cfs could be conserved per day.

This request should be granted because releases are not needed for any other purposes and because the highest priority at this point should be to conserve storage in Lake Lanier. The water saved by reducing releases to the 500cfs range now for the next several months would be equivalent to several months of water supply for the millions of people that depend on Lake Lanier for their water supply. Given the current level of Lake Lanier and the potential for emptying the lake by the end of the year, we believe that this would be a prudent and reasonable approach.

Thank you for your consideration.

Sincerely,
Pat Stevens, Chief
Environmental Planning Division

Zettle, Brian A SAM

From: Pat Stevens [PStevens@atlantaregional.com]
Sent: Thursday, February 28, 2008 3:31 PM
To: CESAM-PD-EA SAM
Subject: Comments on GA Lanier Request

Attachments: colonel jorns ARC 2_28_08.pdf

colonel jorns ARC 2_28_08.pdf

Please see attached comments.

<<colonel jorns ARC 2_28_08.pdf>>

Pat Stevens

Atlanta Regional Commission

40 Courtland St. NE

Atlanta, GA 30303

Ph: (404)463-3255

Fax: (404)463-3254

email: pstevens@atlantaregional.com

ATLANTA REGIONAL COMMISSION

February 28, 2008

Colonel Byron G. Jorns
Commander Mobile District
US Army Corps of Engineers
ATTN: CESAM-DE
Post Office Box 2288
Mobile, Alabama 36628-0001

Dear Colonel Jorns:

This letter is to support the February 11, 2008 request made by the State of Georgia to reduce the releases from Buford Dam/Lake Lanier on a temporary basis. The State of Georgia has determined that the water quality flow requirement in the Chattahoochee River below Atlanta can be reduced during this winter and spring without harm.

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Further, we request that the Corps operate Buford Dam with the same drought contingency measures as was done in the winter and spring of 2002. The Corps monitored rainfall and river conditions and was able to reduce releases daily from Buford Dam to approximately 500cfs for the entire winter and spring period. We believe that today such minimized releases are warranted even more now than in 2002. Lake Lanier is lower than it has ever been in its history since the beginning of normal operations in 1960. Lanier is twice as low as it was in 2002 while all the downstream projects are now significantly higher than in 2002. Demands from the river here in the metro area are actually lower now than in 2002 thanks to successful conservation efforts and water quality is better due to treatment plant upgrades. If the Corps reduced releases to 500cfs each day as compared to the 1063cfs release made yesterday, 563cfs could be conserved per day.

40 COURTLAND STREET, NE, ATLANTA, GEORGIA 30303 404 463.3100 FAX 404 463.3105 WWW.ATLANTAREGIONAL.COM

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Thank you for your consideration.

Sincerely,

Pat Stevens

Pat Stevens, Chief
Environmental Planning Division

Zettle, Brian A SAM

From: Kathy Crews [kcrews@afcwrc.com]
Sent: Thursday, February 28, 2008 9:53 AM
To: CESAM-PD-EA SAM
Subject: Lake Lanier Store Lower Flow of 550

I have attach a response for the Atlanta Fulton County Water Treatment Plant -PWS 1210038 to express my support and concerns for the proposed flow reduction of 550 cfs.

Kathy
Kathy Crews
General Manager/CAO
Atlanta Fulton County Water Resource Commission 9750 Spruill Road Alpharetta, Georgia 30022 678.942.2790 office
770.664.1079 fax

Zettle, Brian A SAM

From: Russell, Jerri [JRussell@AtlantaGa.Gov]
Sent: Thursday, February 28, 2008 4:08 PM
To: CESAM-PD-EA SAM
Cc: Hunter, Robert; Chris.Hebberd@atlwater.com; Goncher, Marc; Parker, Richard; Thomas.kopanski@atlwater.com; charles.culver@atlwater.com; Jacob, Benjamin
Subject: Comments on 2/11/08 EPD Request to Reduce Minimum Flow to 550 cfs

U.S. Army Corps District Engineer,

This email is to let you know that the City of Atlanta (City) supports the Georgia Department of Environmental Protection's (EPD's) request that the releases from Lake Lanier use 550 cfs rather than 750 cfs as the minimum flow at Peachtree Creek for a test period continuing through April 30, 2008.

Prior to implementing the low flow condition, the City requests that clearly understood lines of communication be in place to ensure that problems requiring flow release adjustments can be communicated should unforeseen problems occur.

During this test program it would be very helpful if planned periods of sustained flow at incrementally lower levels were released to allow the timing of the downstream effects to be determined such that the effects of the low flow conditions can be monitored.

Last, but not least, the City would like clarification from the EPD regarding the anticipated river stage elevations shown in Attachment C. The City's historical operating data at the Peachtree Creek Intake does not align with the river stage data shown in Figure C-13 of Attachment C. Although we do not anticipate that a problem will occur at the Peachtree Intake should flow be reduced to 550 cfs, we do want to have a clear understanding of the information presented in Figure C-13.

Thank you for the opportunity to comment on EPD's request. We support the EPD in their efforts to minimize the release of flow from Lake Lanier during this extreme drought period.

Jerri Russell, P.E.

Watershed Manager, Sr.

City of Atlanta

Department of Watershed Management

55 Trinity Avenue S.W., Suite 5900, Room 5904

Atlanta, GA 30303-0330

404-330-6413 office

404-840-4039 mobile

jrussell@atlantaga.gov <mailto:jrussell@atlantaga.gov>

Zettle, Brian A SAM

From: Sole, Michael [Michael.Sole@dep.state.fl.us]
Sent: Thursday, February 28, 2008 2:15 PM
To: CESAM-PD-EA SAM

Attachments: 2.28 Col Jorns flow reduction.pdf

2.28 Col Jorns flow reduction....

The Department of Environmental Protection values your feedback as a customer. DEP Secretary Michael W. Sole is committed to continuously assessing and improving the level and quality of services provided to you. Please take a few minutes to comment on the quality of service you received. Simply click on this link to the DEP Customer Survey <http://survey.dep.state.fl.us/?refemail=Michael.Sole@dep.state.fl.us> . Thank you in advance for completing the survey.

Florida Department of Environmental Protection
Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

February 28, 2008

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

Attention: Planning and Environmental Division, Inland Environment Team

RE: State of Florida's Comments as requested on Proposed Reduction of Flow from Buford Dam

On Thursday, February 21, 2008, the Corps of Engineers ("Corps") solicited comments concerning Georgia's request to reduce outflows from Buford Dam as a temporary drought contingency measure. Florida generally opposes the proposed reduction, but will not object to its temporary implementation, *provided the measure does not continue beyond April 1, 2008.*

The Corps has explained the "minimum flow requirement for assimilation of return flow at Atlanta (750 cfs) is incorporated in the current Buford Dam Reservoir Regulation Manual, as measured on the Chattahoochee River above the confluence with Peachtree Creek." See electronic mail from Gary Mauldin to the states and other parties (Feb. 21, 2008). Georgia has requested that flow be reduced to 550 cfs. The Corps has explained the request would necessitate "a temporary deviation from current water management operations" and has indicated stakeholder feedback will be used to "assist in a determination on the request for a temporary deviation from the Reservoir Regulation Manual." *Id.*[1]

The Apalachicola River currently is enjoying higher flows (almost 50,000 cfs) due to increased rainfall in the lower ACF Basin. We expect these flows will remain strong for

[1] Florida recalls the Corps resisting similar requests designed to protect threatened and endangered species in the Apalachicola River. Letter from Mr. Burke to Ms. Carmody dated February 23, 2007 (explaining operational modifications could not be made because they were inconsistent with current water control plans).

the next week or two. Thus, although spring spawning could be impacted by the proposed reduction under less favorable inflow conditions, such impact is unlikely under current conditions through the month of March.

The potential adverse impact of the proposed reduction could become severe, however, if the reduction were continued into the spring spawning season or summer dry season, thus our April 1 notation above. The proposed reduction amounts to 11,900 acre-feet per month or 143,000 acre-feet per year. During the dry period, the reduction would make it more difficult to meet the Columbus flow requirement and would reduce the elevations of Walter F. George and West Point Reservoirs (at least from a mass balance perspective). The cumulative loss from the reduction could be nearly 5% of the minimum flows Florida receives during low flow conditions.

While we appreciate Georgia's need to conserve storage in light of the current drought conditions, Florida believes more emphasis should be placed on actions that do not harm downstream users, such as conservation measures being implemented and consistently in place.

Sincerely,

Michael Sole
Secretary

Zettle, Brian A SAM

From: Val Perry [valperry@bellsouth.net]
Sent: Thursday, February 28, 2008 2:13 PM
To: CESAM-PD-EA SAM
Cc: Stacy Shelton; Carol Couch; Bev Nichols; Charlie Rittenhouse; 'Chris Seely'; 'Erwin Topper'; 'Gerald Mccarley'; Gordon Brand; Jackie Joseph; Jaime Baray; JIM HAZELWOOD; 'King, Casey'; Patsy Kilmartin; Paul Flood; Roger Bauer; Tammy Levi; Val Perry; Vicki Barnhorst; Wilton Rooks; Andrew Thompson; ClydeMorris; Paul Andrew; Ronald Seder
Subject: Georgia EPD Request to Reduce the minimum water flows at the Peachtree Creek Gauge

To: U S Army CORPS of Engineers. I am Val Perry, Executive Vice President of the Lake Lanier Association. We respectfully submit this email as representing our strong support for the Georgia EPD proposal to reduce the minimum flow at Peachtree Creek from 750 CFS to 550 CFS. This change should be implemented as soon as possible in order to assist in bringing the Lake Lanier water level back to normal pool. Lake Lanier has been hit extremely hard during this drought. The Lake remains the only water body, on the system at a category 4, while all other major lakes on the Chattahoochee system meet or exceed their full winter pool levels. Lanier must dramatically improve its water level (currently 17 feet below winter pool level) in order to be prepared for a continuation of the drought this spring and summer. The low levels in Lanier have drastically affected the economy of North Georgia in a negative manner. Unless we bring the Lake back to reasonable levels, recreation, safety and the business climate will continue to decline. The current unsatisfactory situation will not recover unless the EPD proposal is implemented as soon as possible.

Thank you for the allowing the Lake Lanier Association to submit our strong support for the EPD request to reduce the minimum flow at Peachtree Creek.

V.M. Perry, Jr.

EVP- Lake Lanier Association.

No virus found in this outgoing message.
Checked by AVG Free Edition.
Version: 7.5.516 / Virus Database: 269.21.1/1301 - Release Date: 2/27/2008 8:35 AM

Zettle, Brian A SAM

From: Karmelle White [kwhite@macoc.com] on behalf of Katie Kirkpatrick [kkirkpatrick@macoc.com]
Sent: Thursday, February 28, 2008 2:01 PM
To: CESAM-PD-EA SAM
Subject: Georgia EPD request for minimum flow variance

Attachments: image001.gif; Letter to the Corps 022808.pdf; image001.gif


image001.gif (2 KB)

Letter to the Corps 022808.pdf...

image001.gif (2 KB)

Please see attached comments regarding the Georgia Environmental Protection Division's request for minimum flow variance.

Thanks!

Katie Kirkpatrick, P.E.

Vice President Environmental Affairs

235 Andrew Young International Blvd., NW • Atlanta, Georgia 30303

404.586.8544 • Fax: 404.586.8427

kkirkpatrick@macoc.com <mailto:kkirkpatrick@macoc.com> • www.MetroAtlantaChamber.com <http://www.metroatlantachamber.com>

Metro Atlanta Chamber of Commerce

February 28, 2008

District Engineer
U.S. Army Engineer District – Mobile
P.O. Box 2288
Mobile, Alabama 36628-0001

RE: Georgia Environmental Protection Division
Request for Minimum Flow Variance

To Whom It May Concern:

The Metro Atlanta Chamber of Commerce represents over 4,000 member companies who employ 700,000 people located in the 28 counties of the metropolitan area. Our business leaders take water management issues seriously and remain committed to developing and implementing practical solutions for ensuring a safe, reliable drinking water source for our region. In fact, the Metropolitan North Georgia Water Planning District was a direct outcome of the Clean Water Initiative led by the Metro Atlanta Chamber. Through this initiative, the Chamber convened leaders from government, business, academia and environmental organizations to develop a water management strategy for the region. The Metro Water District has invested over $10 million dollars in the development of long-term management plans for metro Atlanta and is currently implementing these plans, which support both protection of our downstream neighbors as well as future economic growth. More importantly, members of the Metro Water District have invested greater than $5 billion dollars to date in implementation activities.

Given the current exceptional drought experienced in North Georgia and in light of the needs of the five million residents located within the region, the Metro Atlanta Chamber of Commerce urges the Army Corps of Engineers to approve quickly the request by the Georgia Environmental Protection Division to reduce the minimum water quality flow from 750 cfs to 550 cfs for the Chattahoochee River. This temporary contingency measure has been implemented before during periods of drought with no detrimental effects to the environment or the economy.

The Georgia EPD's letter adequately supports their request with scientific data and is an appropriate action item in tandem with the other conservation measures that have been implemented in North Georgia. Again, we request the Corps to act swiftly in the approval of this request and will continue to work within our region to identify and promote other sound water policies which support economic sustainability and environmental preservation.

Sincerely,

Sam A. Williams
President, Metro Atlanta Chamber of Commerce

cc: Dr. Carol Couch
Ms. Kit Dunlap
Mr. Sam Olens
Ms. Pat Stevens

Zettle, Brian A SAM

From: joseph.m.brabham@usace.army.mil
Sent: Thursday, February 28, 2008 9:27 AM
To: CESAM-PD-EA SAM
Subject: Temporary Deviation/Waiver - Reduce WQ Release from Buford Dam

The Following Comments were submitted by Denesia Cheek on 2/28/2008
Affiliation: Federal Agency
Address: 100 Alabama Street, SW-1924 Building
City, St, Zip: Atlanta, GA 30303
County: Fulton County

Comments--->
Memorandum
District Engineer, U.S. Army Engineer District, Mobile Post Office Box 2288 Mobile, Alabama 36628-0001

ATTN: Planning and Environmental Division, Inland Environment Team

In response to the February 21, 2008, request from Gary Mauldin, US Army Corps of Engineers, Water Manager, the National Park Service (NPS), has reviewed the request submitted to the Corps of Engineers by Georgia Environmental Protection Division (GA-EPD) to preserve storage in Lake Lanier by temporarily reducing the minimum flow of the Chattahoochee River.

The National Park Service manages, via the Chattahoochee River National Recreational Area, 48 miles of the Chattahoochee River from Buford Dam to Peachtree Creek. As the federal land management agency responsible for managing a significant percentage of the Chattahoochee Rive, the NPS has a vested interest in the deliberations of water release and management of the Chattahoochee River, particularly as it relates to the flora and fauna of the river and recreational opportunities afforded the American public.

Based on past studies and analyses, an instantaneous flow of 750 cfs would be most advantageous for the resources supported by the River as it flows through the Chattahoochee River National Recreational Area. This minimum instantaneous flow is needed to protect resources within the park such as mussels and other aquatic life, water quality, and fisheries.
Unfortunately, the effects to these resources and the effect on recreation are not known for levels below 750 cfs. Based primarily on this lack of information, we offer the following comments:

1. GA-EPD proposes a reduction in the minimum required flow of 750cfs to 550cfs at Peachtree Creek as a temporary measure to preserve storage in Lake Lanier. Has there been any analysis of the impacts on aquatic habitat, mussels, trout, and recreation at Peachtree Creek in drought conditions with a low flow at 550 cfs at Peachtree Creek? Is the proposal for instantaneous flow or daily average flow? These are critical parameters that would need to be analyzed by the Corps prior to implementation of the proposed changes.

2. NPS understands that dissolved oxygen is an indicator for water quality. Prior to making a determination for a change in the minimum flow of the Chattahoochee River, the Corps should also determine what measures will be taken if the dissolved oxygen parameter falls below the water quality criteria. Also, what are the anticipated effects of the lower minimum flow on other water quality parameters such as temperature, bacteria, ammonia, etc.? GA-EPD is also proposing to monitor dissolved oxygen near the Dog River during the period of reduced flows. Will “real-time” data, be made accessible to the public and/or ACF Stakeholders?

3. GA-EPD also proposes to use an adaptive management approach regarding the minimum flow

as actual water quality data is collected and as other data information becomes clear. It will be important to identify the critical factors or indicators that will need to be monitored that would trigger a change in the minimum flow or other management approaches. It will also be important to indicate what data will be collected and how it will be managed.

4. What possible impacts will this change of flow have on the operation of Morgan Falls Dam and would the operation of Morgan Falls have to change in response to reduced flows? The proposal for reduced flows is based on minimum levels at Peachtree Creek, but what would be the correlated reduction of flow at the outfall of Buford Dam?

5. The past sporadic release of water from Buford Dam has resulted in the erosion of river bed and bank that is exposed during low flows and inundated during high flows. With a lower flow regime, we would expect to see greater portions of the banks of the river exposed, which may result in even greater erosion and sediment during high flow events. Some analysis of this issue should also be factored into the potential effects from any change in flow regime.

Clearly, there would need to be additional analyses and discussions prior to any change in minimum flows on the Chattahoochee River. We will continue to be engaged in the process and appreciate opportunities to further collaborate. Should you have additional questions or comments, you can contact Denesia Cheek, NPS Regional Hydrologist at (404) 562-3113 ext. 510 or at denesia_cheek@nps.gov.

Zettle, Brian A SAM

From: Denesia_Cheek@nps.gov
Sent: Thursday, February 28, 2008 9:34 AM
To: CESAM-PD-EA SAM
Subject: National Park Service, Southeast Region

Attachments: Revised NPS Responses to GAEPD (Final Feb. 2008).doc

Revised NPS esponses to GAEPD.

(See attached file: Revised NPS Responses to GAEPD (Final Feb. 2008).doc)

Zettle, Brian A SAM

From: Mauldin, Gary V SAD
Sent: Thursday, February 28, 2008 9:35 AM
To: CESAM-PD-EA SAM; 'Denesia_Cheek@nps.gov'
Subject: FW: ACF Basin Drought Teleconference, 28 Feb

Attachments: Revised NPS Responses to GAEPD (Final Feb. 2008).doc

Revised NPS esponses to GAEPD.

Thanks for the input.....I'm passing this on to Mobile District for their information/use.

Gary

-----Original Message-----
From: Denesia_Cheek@nps.gov [mailto:Denesia_Cheek@nps.gov]
Sent: Thursday, February 28, 2008 10:31 AM
To: Mauldin, Gary V SAD
Subject: RE: ACF Basin Drought Teleconference, 28 Feb

Gary-- National Park Service response to GA-EPD memo attached below for your review.
(See attached file: Revised NPS Responses to GAEPD (Final Feb. 2008).doc)

Thanks
Denesia

"Mauldin, Gary V SAD"
<Gary.V.Mauldin@sad01.usace.army.mil>
02/27/2008 04:22 PM EST

To: <Denesia_Cheek@nps.gov>
cc:
Subject: RE: ACF Basin Drought Teleconference, 28 Feb

thanks for the update

-----Original Message-----
From: Denesia_Cheek@nps.gov [mailto:Denesia_Cheek@nps.gov]
Sent: Wednesday, February 27, 2008 4:06 PM
To: Mauldin, Gary V SAD
Cc: Denesia_Cheek@nps.gov
Subject: Re: ACF Basin Drought Teleconference, 28 Feb

FYI NPS will post comments late tonight or in the morning, trying to get the comments approved.

Thanks
Denesia, Cheek
NPS Regional Hydrologist

United States Department of the Interior

NATIONAL PARK SERVICE
Southeast Regional Office
Atlanta Federal Center
1924 Building
100 Alabama St., SW.
Atlanta, Georgia 30303

IN REPLY REFER TO:
SER-D

February 28, 2008

Memorandum
District Engineer, U.S. Army Engineer District, Mobile
Post Office Box 2288
Mobile, Alabama 36628-0001

ATTN: Planning and Environmental Division, Inland Environment Team

In response to the February 21, 2008, request from Gary Mauldin, US Army Corps of Engineers, Water Manager, the National Park Service (NPS), has reviewed the request submitted to the Corps of Engineers by Georgia Environmental Protection Division (GA-EPD) to preserve storage in Lake Lanier by temporarily reducing the minimum flow of the Chattahoochee River.

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Based on past studies and analyses, an instantaneous flow of 750 cfs would be most advantageous for the resources supported by the River as it flows through the Chattahoochee River National Recreational Area. This minimum instantaneous flow is needed to protect resources within the park such as mussels and other aquatic life, water quality, and fisheries. Unfortunately, the effects to these resources and the effect on recreation are not known for levels below 750 cfs. Based primarily on this lack of information, we offer the following comments:

TAKE PRIDE® IN AMERICA

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2. NPS understands that dissolved oxygen is an indicator for water quality. Prior to making a determination for a change in the minimum flow of the Chattahoochee River, the Corps should also determine what measures will be taken if the dissolved oxygen parameter falls below the water quality criteria. Also, what are the anticipated effects of the lower minimum flow on other water quality parameters such as temperature, bacteria, ammonia, etc.? GA-EPD is also proposing to monitor dissolved oxygen near the Dog River during the period of reduced flows. Will "real-time" data, be made accessible to the public and/or ACF Stakeholders?

3. GA-EPD also proposes to use an adaptive management approach regarding the minimum flow as actual water quality data is collected and as other data information becomes clear. It will be important to identify the critical factors or indicators that will need to be monitored that would trigger a change in the minimum flow or other management approaches. It will also be important to indicate what data will be collected and how it will be managed.

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Clearly, there would need to be additional analyses and discussions prior to any change in minimum flows on the Chattahoochee River. We will continue to be engaged in the process and appreciate opportunities to further collaborate. Should you have additional questions or comments, you can contact Denesia Cheek, NPS Regional Hydrologist at (404) 562-3113 ext. 510 or at denesia_cheek@nps.gov.

Sincerely,

Sherri L. Fields
Chief, Science & Natural Resources Division
Southeast Region

Cc: Dan Brown, NPS

Zettle, Brian A SAM

From: Brandt, Joanne U SAM
Sent: Wednesday, March 05, 2008 10:27 AM
To: CESAM-PD-EA SAM; Zettle, Brian A SAM
Subject: Buford Dam Proposed Temp Reduction in WQ flow requirement

Importance: High

Attachments: NPS (2nd) Response to GAEPD Proposal (March 5, 2008).doc; Revised NPS Responses to GAEPD (Final Feb. 2008).doc


NPS (2nd) sponse to GAEPD


Revised NPS Responses to GAEPD.

Brian:

Here is replacement comment from National Park Service. I also copied this to the Email box.

Joanne

-----Original Message-----
From: Mauldin, Gary V SAD
Sent: Wednesday, March 05, 2008 10:21 AM
To: Brandt, Joanne U SAM
Subject: FW: FW: ACF Basin Drought Teleconference, 28 Feb

Joanne....fyi....could you provide to the SAM email list? I'm sitting in a GIS meeting and don't have the address.
Thanks.......gary

Sent by GoodLink (www.good.com)

-----Original Message-----
From: Denesia_Cheek@nps.gov [mailto:Denesia_Cheek@nps.gov]
Sent: Wednesday, March 05, 2008 10:37 AM Eastern Standard Time
To: Mauldin, Gary V SAD
Cc: Denesia_Cheek@nps.gov
Subject: Re: FW: ACF Basin Drought Teleconference, 28 Feb

Hi Gary- NPS would like to replace the below comments on the record in regards to GA EPD Feb. proposal. The only change to the document is the language in the third paragraph but the substance remains the same. If possible, replace this document with the previous document sent on Feb.
28th for the record.

(See attached file: NPS (2nd) Response to GAEPD Proposal (March 5, 2008).doc)

Thanks so much,
Denesia W. Cheek, Regional Hydrologist
NPS

"Mauldin, Gary V SAD" <Gary.V.Mauldin@sad01.usace.army.mil>

To: "CESAM-PD-EA SAM" <CESAM-PD-EA@sam.usace.army.mil>, <Denesia_Cheek@nps.gov>

cc:

Subject: FW: ACF Basin Drought Teleconference, 28 Feb
02/28/2008 10:34 AM EST

Thanks for the input.....I'm passing this on to Mobile District for their information/use.

Gary

-----Original Message-----
From: Denesia_Cheek@nps.gov [mailto:Denesia_Cheek@nps.gov]
Sent: Thursday, February 28, 2008 10:31 AM
To: Mauldin, Gary V SAD
Subject: RE: ACF Basin Drought Teleconference, 28 Feb

Gary-- National Park Service response to GA-EPD memo attached below for your review. (See attached file: Revised NPS Responses to GAEPD (Final Feb. 2008).doc)

Thanks
Denesia

"Mauldin, Gary V SAD"
<Gary.V.Mauldin@sad01.usac e.army.mil>
To: <Denesia_Cheek@nps.gov>
cc:
Subject: RE: ACF Basin Drought Teleconference, 28 Feb
02/27/2008 04:22 PM EST

thanks for the update

-----Original Message-----
From: Denesia_Cheek@nps.gov [mailto:Denesia_Cheek@nps.gov]
Sent: Wednesday, February 27, 2008 4:06 PM
To: Mauldin, Gary V SAD
Cc: Denesia_Cheek@nps.gov
Subject: Re: ACF Basin Drought Teleconference, 28 Feb

FYI NPS will post comments late tonight or in the morning, trying to get the comments approved.

Thanks
Denesia, Cheek
NPS Regional Hydrologist

(See attached file: Revised NPS Responses to GAEPD (Final Feb. 2008).doc)

United States Department of the Interior

NATIONAL PARK SERVICE
Southeast Regional Office
Atlanta Federal Center
1924 Building
100 Alabama St., SW.
Atlanta, Georgia 30303

IN REPLY REFER TO:
SER-D

February 28, 2008

Memorandum
District Engineer, U.S. Army Engineer District, Mobile
Post Office Box 2288
Mobile, Alabama 36628-0001

ATTN: Planning and Environmental Division, Inland Environment Team

In response to the February 21, 2008 request from Gary Mauldin, US Army Corps of Engineers Water Manager, the National Park Service (NPS) has reviewed the request submitted to the Corps of Engineers by Georgia Environmental Protection Division (GA-EPD) to preserve storage in Lake Lanier by temporarily reducing the minimum flow of the Chattahoochee River.

The National Park Service manages, via the Chattahoochee River National Recreational Area (CRNRA), 48 miles of the Chattahoochee River from Buford Dam to Peachtree Creek. As the federal land management agency responsible for managing a significant percentage of the Chattahoochee River, the NPS has a vested interest in the deliberations of water release and management of the Chattahoochee River, particularly as it relates to the flora and fauna of the river and recreational opportunities afforded the American public.

Based on past studies and analyses, instantaneous flows of 1000 to 1500 cfs from Buford Dam to Peachtree Creek are advantageous for recreational opportunities and resources supported by the river as it flows through the CRNRA. According to a 1985 Corps of Engineers study (Nestler, et al.), this range of instantaneous flow maximizes aquatic habitat and optimizes important recreational opportunities. Instantaneous flows of 750cfs at Peachtree Creek, although not optimal from the NPS perspective, provide better support for recreation and resources than would lower flows. Unfortunately, the specific effects on park

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resources and recreational opportunities are not known for levels below the established base flow. Based primarily on this lack of information, we offer the following comments:

1. GA-EPD proposes a reduction in the minimum required flow of 750cfs to 550cfs at Peachtree Creek as a temporary measure to preserve storage in Lake Lanier. Has there been any analysis of the impacts on aquatic habitat and recreation within CRNRA with a low flow at 550 cfs at Peachtree Creek? Is the proposal for instantaneous flow or daily average flow? These are critical factors that would need to be analyzed by the Corps prior to implementation of the proposed changes.

2. The NPS understands that dissolved oxygen is an indicator for water quality. Prior to making a determination for a change in the minimum flow of the Chattahoochee River, the Corps should also determine what measures will be taken if the dissolved oxygen parameter falls below the water quality criteria. Also, what are the anticipated effects of the lower minimum flow on other water quality parameters such as temperature, bacteria, ammonia, etc.? GA-EPD is also proposing to monitor dissolved oxygen near the Dog River during the period of reduced flows. Will real-time data be made accessible to the public and/or ACF Stakeholders?

3. GA-EPD also proposes to use an adaptive management approach regarding the minimum flow as actual water quality data is collected and as other data information becomes clear. It will be important to identify the critical factors or indicators that will need to be monitored that would trigger a change in the minimum flow or other management approaches. It will also be important to indicate what data will be collected and how it will be managed.

4. What possible impacts will this change of flow have on the operation of Morgan Falls Dam and would the operation of Morgan Falls have to change in response to reduced flows? The proposal for reduced flows is based on minimum levels at Peachtree Creek, but what would be the correlated reduction of flow at the outfall of Buford Dam?

5. The past sporadic release of water from Buford Dam has resulted in the erosion of river bed and bank that is exposed during low flows and inundated during high flows. With a lower flow regime, we would expect to see greater portions of the banks of the river exposed, which may result in even greater erosion and sediment during high flow events. Some analysis of this issue should also be factored into the potential effects from any change in flow regime.

Clearly, there would need to be additional analyses and discussions prior to any change in minimum flows on the Chattahoochee River. We will continue to be engaged in the process and appreciate opportunities to further collaborate. Should you have additional questions or comments, you can contact Denesia Cheek, NPS Regional Hydrologist at (404) 562-3113 ext. 510 or at denesia_cheek@nps.gov.

Sincerely,

Sherri L. Fields
Chief, Science & Natural Resources Division
Southeast Region

Cc: Dan Brown, NPS

Zettle, Brian A SAM

From: Hathorn, James E Jr SAM
Sent: Thursday, February 28, 2008 9:35 AM
To: 'Cox, Fred L.'
Cc: Otto, Douglas C Jr SAM; Hrabovsky, Cheryl L SAM; Houston, Amber M SAM; Ross, Wade A SAM; Zettle, Brian A SAM
Subject: FW: Morgan Falls FERC License Minimum Flow Provisions

Attachments: ARC-GPC Statement of Policy.pdf; Morgan Falls Article 27 - Minimum Flow.pdf


ARC-GPC ɪtement of Policy.pc


Morgan Falls Article 27 - Mini...

Hey Fred,

Hope you are doing well. My best guess is Brian Zettle, he is working on the Biological Assessment for the GA EPD's request to reduce the minimum flow to 550 cfs. I will forward your response to him. Your response is very timely. We were searching for clarification on GPC obligation to meet ARC's request.

Thanks for all your continued support.

James Hathorn
US Army Corps of Engineers, Mobile District
(251) 690-2735

-----Original Message-----
From: Cox, Fred L. [mailto:flcox@southernco.com]
Sent: Thursday, February 28, 2008 9:29 AM
To: Hathorn, James E Jr SAM
Cc: Hrabovsky, Cheryl L SAM; Otto, Douglas C Jr SAM
Subject: Morgan Falls FERC License Minimum Flow Provisions

James,

I had a phone message from Brian ????? (didn't catch his last name) in the Water Management section asking for our FERC license minimum flow provisions at Morgan Falls. I called the number he left and left a message that if he sent me an email (so I could capture his email
address) that I would email the info to him. I never heard back, so I thought I would send the info to you.

<<Morgan Falls Article 27 - Minimum Flow.pdf>> <<ARC-GPC Statement of Policy.pdf>>

I am attaching Article 27 of our license, which is the minimum flow article. Basically this article says we will operate in accordance with out "Statement of Policy" between GPC and the ARC.

The statement of Policy says we will make minimum flow releases requested by the ARC (subject to all the provisions of the Statement).
In the Statement of Policy you will see that the minimum releases requested by the ARC are designed to meet a flow target (at P'tree Creek), not to exceed 750 cfs.

Fred L Cox, Jr.
Hydro Services
Southern Company Generation
TEL: 404.506.7275
CELL: 404.277.7668

Exhibit No. 1

STATEMENT OF POLICY ISSUED BY GEORGIA POWER COMPANY AND THE ATLANTA REGIONAL COMMISSION FOR THE METROPOLITAN ATLANTA AREA SHORT TERM WATER SUPPLY PLAN

This Statement of Policy is issued this 5 day of May, 20 01 by Georgia Power Company (the "Company") and the Atlanta Regional Commission (the "Commission"), a governmental agency and instrumentality of the State of Georgia, acting as agent in behalf of the City of Atlanta, Georgia, DeKalb County, Georgia, the Cobb County-Marietta Water Authority and the Atlanta-Fulton County Water Resources Commission (sometimes hereinafter referred to as the Participants).

The parties recognize that increased water withdrawals from the Chattahoochee River between Buford Dam and Peachtree Creek (the "River") by several water users are projected to result at times in river flows insufficient to provide the minimum river flow rate established by the Environmental Protection Division of the Georgia Department of Natural Resources (not to exceed 750 cfs) in the Chattahoochee River immediately above the confluence thereof with Peachtree Creek, and below City of Atlanta's water works, which flow rate is periodically established by the Environmental Protection Division of the Georgia Department of Natural Resources as the basis for determining waste water discharge limits for meeting the water quality standards of the River.

The Company intends to use its best efforts, subject to the conditions set forth below, to operate its Morgan Falls Dam (the "Project") on the River in such a fashion as to provide the minimum releases determined by the Commission as sufficient to meet minimum required river flow, not to exceed 750 cfs, immediately upstream from the confluence of the River with Peachtree Creek, and below City of Atlanta's water intake.

ARTICLE I – WATER SUPPLY AND WITHDRAWALS

1.1 Georgia Power will attempt to have water discharged from the Project for governmental and industrial uses during the term of this policy. It will be the responsibility of the Commission to coordinate the allocation of such water to the Participants withdrawing water along the River.

1.2 The Company will endeavor to provide a minimum release, during off peak power periods, of up to 1164 cfs from the Project, as required on a weekly basis by the Commission, within the limitations imposed herein.

1.3 The Company reserves the right to take measures as may be necessary in the operation of the Project to preserve life or property, to preserve the safety of the Project, or to satisfy Project purposes.

1.4 The Commission recognizes that this policy provides only for discharges of water from the Project and that any water discharged will be raw water. The Company makes no representation with respect to the quality or availability or water and assumes no responsibilities therefor, or for treatment of the water withdrawn. The water levels along the River will be in part determined by river geometry which will not be preserved or controlled by the Company. Thus, this policy shall not be construed as giving the Commission any rights to have the water level maintained at any elevation at points along the River. The Commission further recognizes that it is acquiring no rights to the use of water storage space in the Project.

1.5 In order for the Company to provide the Project releases adequate to meet the terms of this policy, the Commission agrees to develop and coordinate the implementation of a water management system, acceptable to the Company, in cooperation with the various Participants, the Corps of Engineers, the Georgia State Environmental Protection Division and the Company. This water management system shall be developed without cost to the Company. The requirements of the water management system are described in Exhibit A. The records of this system described may be modified by mutual agreement of the parties involved without affecting the Statement of Policy.

1.6 The Company's ability to provide minimum releases is expressly conditioned upon the following factors:

(a) The continued availability of sufficient water storage in the Morgan Falls pond;

(b) Adequate inflows into the Project;

(c) Approvals of this agreement by all governmental bodies having jurisdiction thereof;

(d) The nonoccurrence of any uncontrollable force, defined herein as including any cause beyond the control of the Company, such as acts of God, acts of the public enemy, insurrections, riots, strikes, labor disputes, labor or material shortages, epidemics, fires, floods, storms, lightning, explosions, silting of the pond, earthquakes, droughts, insufficient inflow, breakdown of or damage to plants or machinery, interruptions to or contingencies of navigation, river freezeups, embargoes, orders or acts of civil or military authority (including without limitation local ordinances, state or federal statutes, or regulations or orders of any local, state or federal agency) or other events which wholly or partially prevent the Company from complying with Article 1.2 thereof.

(e) The nonoccurrence of any regulatory or judicial decision adversely affecting the Company which results from the Company's participation herein.

1.7 Upon learning of the occurrence of any of the conditions listed in Article 1.6 above, the Company shall notify the Commission and any other person or entity which the Company determines should be notified, and shall use its best efforts to cooperate with other entities to see that the adverse effects of such conditions are minimized.

ARTICLE II – NO CHARGE

2.1 As long as this policy remains in force, no charge shall be made by the Company to the Commission for the minimum releases from the Project.

ARTICLE III – TERM OF POLICY

3.1 This is an interim policy for the parties' participation in providing water for withdrawals along the River until such time as: (1) a revised contract is negotiated, or (2) February 28, 2009, whichever first occurs.

ARTICLE IV – TERMINATION OF POLICY

4.1 Although the parties intend for this policy to remain in effect for the period set forth above, each shall have the right to terminate this policy upon ninety (90) days written notice.

ARTICLE V – RELEASE OF CLAIMS

5.1 The Commission, acting as agent, shall hold and save the Company, including its officers, agents, and employees, harmless from liability of any nature or kind for or on account of any claim for damages which may be filed or asserted as a result of the release of water from the project hereunder and at the request of the Commission, so long as such releases are performed in a non-negligent manner.

GEORGIA POWER COMPANY

By: _____
Robert L. Boyer

Its: Vice President Power Generation

ATLANTA REGIONAL COMMISSION

Acting as agent for the City of Atlanta, Georgia, DeKalb County, Georgia, the Cobb County-Marietta Water Authority, and the Atlanta-Fulton County Water Resources Commission

By: _____
Charles Krautler

Its: Director

By: _____
Wayne Hill

Its: Chair

Attest:

_____
Assistant Secretary

EXHIBIT A

WATER MANAGEMENT SYSTEM

1. PURPOSE

The purpose of this water management system is to provide the most efficient water management system practicable for providing water supply and water quality releases from Morgan Falls Dam. It is the goal of the system to minimize off peak demand release from Morgan Falls Dam whenever possible.

2. RESPONSIBILITES

A. **Atlanta Regional Commission**

1. It will be the responsibility of the Commission to provide the Company with estimates of Chattahoochee River water withdrawals above the Project for upcoming weekends and weeks.

2. It will be the responsibility of the Commission to provide the Company with estimates of the inflow into the River from that portion of the drainage area between Buford Dam and Morgan Falls Dam for upcoming weekends and weeks. The methodology and accuracy of the prediction is the responsibility of the Commission.

3. It will be the responsibility of the Commission for determining the minimum required continuous release required at the Project for meeting water supply and water quality needs on that stretch of the River between the Project and the confluence with Peachtree Creek for upcoming weekends and weeks. The methodology used in determining the required minimum release shall be the responsibility of the Commission and shall take into account projections of water withdrawals and inflows on that portion of the River below the Project but above the confluence with Peachtree Creek, and the minimum flow requirement established by the Environmental Protection Division of the Georgia

4. It will be the responsibility of the Commission, through contract with Corps of Engineers, for calculating the amount of and ensuring the availability of releases from Buford Dam, for upcoming weekends and weeks, adequate to supply enough inflow into the Project so that the Company can meet its commitments under this policy. The scheduling of the releases from Buford Dam will be in accordance with Southeastern Power Administration contacts.

B. **Georgia Power Company**

1. The Company will attempt to operate the Project to maintain the minimum continuous release, within the limitations of this policy, determined by the Commission.

3. PROCEDURES

A. The Commission will provide the Company with the information specified in 2.A.1, 2.A.2, 2.A.3, to a contact to be designated by the Company in writing to the Commission Executive Director, by 4:00 p.m. Friday of each week for the immediately following Saturday through Friday. The information shall be specified for each day of the period.

B. The Commission shall update the Company as required during the week.

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Georgia Power Company — Project No. 2237-011

ORDER AMENDING ARTICLE 27

(Issued August 2, 2001)

On July 16, 2001, Georgia Power Company (licensee) filed a request to amend article 27, as amended by the Order Approving Plan to Increase Minimum Flow, for the Morgan Falls Project, issued May 20, 1996[1]. The Morgan Falls Project is located on the Chattahoochee River in Fulton and Cobb Counties, Georgia.

Article 27 currently states that the "licensee shall operate the Morgan Falls Project in accordance with the Statement of Policy issued on April 1, 1996 by the licensee and the Atlanta Regional Commission, subject to further order by the Federal Energy Regulatory Commission." The 1996 policy provided for a minimum flow release during off-peak power periods, of up to 1128 cfs. This policy expired on December 31, 2000.

After the 1996 policy expired, the licensee entered into a second agreement with the Atlanta Regional Commission, dated March 5, 2001. The March 5 agreement provides for a minimum flow release during off-peak power periods of up to 1164 cfs. The licensee requested that article 27 be amended to incorporate the new agreement. The requested amendment will serve as a short term water supply plan until either a long term arrangement is developed or it expires by its own terms on February 28, 2009.

The licensee's request to amend article 27, to incorporate the new agreement with the Atlanta Regional Commission, is reasonable and justified and should be approved.

The Director orders:

(A) Article 27, as amended by the Order Approving Plan to Increase Minimum Flow, issued May 20, 1996, is amended to read:

Article 27. The licensee shall operate the Morgan Falls Project in accordance with the Statement of Policy issued on March 5, 2001, by the

[1]75 FERC ¶ 62,133.

MF FERC book 2001

licensee and the Atlanta Regional Commission, subject to further order by the Federal Energy Regulatory Commission.

(B) This order constitutes final agency action. Requests for rehearing by the Commission may be filed within 30 days of the date of issuance of this order, pursuant to 18 CFR § 385.713.

George H. Taylor
Group Leader
Division of Hydropower Administration
and Compliance

MF-01909

Zettle, Brian A SAM

From: Woodard, Antoinette M. [AMWOODAR@southernco.com] on behalf of Caston, Moanica [MCASTON@southernco.com]
Sent: Thursday, February 28, 2008 12:46 PM
To: CESAM-PD-EA SAM
Cc: Caston, Moanica; Bowers, Willard L.; Godfrey, Mike (Environmental); Byram, Jim (Balch); Moore, C. Grady (Balch)
Subject: GEPD's Request to Reduce Releases from Buford Dam

Attachments: Scan001.PDF

Scan001.PDF (74 KB)

Please read the attached letter and let me know if you have any questions.

Moanica M. Caston
Vice President,
General Counsel and
Corporate Secretary

Southern Nuclear
Operating Company, Inc.
40 Inverness Center Parkway
Post Office Box 1295
Birmingham, Alabama 35201-1295

Tel 205.992.5316

SOUTHERN COMPANY
Energy to Serve Your World℠

February 28, 2008

Colonel Byron Jorns
District Engineer
U.S. Army Engineer District, Mobile
Post Office Box 2288
Mobile, Alabama 36628-0001

Attention: Planning and Environmental Division, Inland Environment Team

Subject: GEPD's Request to Reduce Releases from Buford Dam

Dear Colonel Jorns:

This letter provides the comments of Southern Nuclear Operating Company ("Southern Nuclear") regarding the letter of the Georgia Environmental Protection Division ("GEPD"), dated February 11, 2008, proposing to reduce the minimum flows at Peachtree Creek from 750 cfs to 550 cfs. These flows are largely controlled by the Corps' releases from Buford Dam.

Southern Nuclear operates the Joseph M. Farley Nuclear Plant, located near Dothan in southeast Alabama. Like many businesses and communities downstream from Buford Dam, Plant Farley must draw water from the Chattahoochee River to support its operations. For that reason, Southern Nuclear has a strong interest in releases from Buford Dam to the extent they affect flows in the middle and lower reaches of the Chattahoochee. Southern Nuclear appreciates this opportunity to comment.

In general, changes in releases from Lake Lanier in order to respond to persistent and extreme drought conditions may be appropriate. In determining the appropriateness of GEPD's request in this case, however, the Corps must address several issues.

GEPD seeks the requested flow reductions effective "immediately" and maintained through April 30, 2008. In its letter, GEPD indicates that its proposal "protects the storage and associated lake levels" at Columbus, Georgia. GEPD presumes that downstream inflow will allow the West Point and Walter F. George reservoirs to maintain elevations at or above their respective rule curves, even if flows from Buford Dam fall by 200 cfs. Because adequate storage in these reservoirs is essential to ensuring minimum flows at Farley through prolonged periods of drought, Southern Nuclear believes the Corps must specifically consider and analyze whether West Point and Walter F. George reservoirs will maintain elevations at or above their respective rule curves if GEPD's proposal is granted.

In evaluating GEPD's proposal, the Corps should also consider and fully account for the dry months which will occur after the period of GEPD's request expires. For example, inflows in response to specific precipitation events may provide more short term inflow than the two downstream storage reservoirs are able to capture. To the extent reduced releases from Buford Dam are equivalent to flows that exceed the capacity of the lower storage reservoirs to manage, Southern Nuclear agrees that the downstream effects of those reductions should be negligible. However, Southern Nuclear would oppose any departure from the required flows to the extent they prevent the lower reservoirs from storing all necessary water prior to the onset of the dry months.

Finally, Southern Nuclear also asks the Corps to consider as part of its evaluation the Corps' September 1983 "Evolution of the 750 CFS" memo, which describes the original Congressional documents authorizing construction of Buford Dam as "requir[ing] that minimum releases from Buford should be such that a minimum flow at Atlanta of 650 cfs be maintained at all times."

Thank you for your consideration of these comments. Should you have any questions or wish to receive additional information, please contact me at (205) 992-5316, or mcaston@southernco.com

Sincerely,

Moanica M. Caston
VP External Affairs and General Counsel

MMC/amw

Zettle, Brian A SAM

From: Jeff Durniak [Jeff.Durniak@dnr.state.ga.us]
Sent: Friday, February 29, 2008 11:12 AM
To: CESAM-PD-EA SAM
Cc: Bill Couch; Matt Thomas; Ramon Martin; Tim Cash; Houston, Amber M SAM
Subject: Buford Dam Releases - Trout Hatchery/Fishery Impacts

Planning and Environmental Division, Inland Environment Team District Engineer, U.S. Army Engineer District Mobile Post Office Box 2288, Mobile, Alabama 36628-0001

Team Members,

I apologize for this late reply due my sickness yesterday. During the February 28 ACF teleconference, stakeholders were asked to provide written comments concerning impacts of proposed reduced flows at Peachtree Creek.

Over the previous two weeks, Georgia WRD staff has worked with GA EPD and evaluated the possible impacts on our state trout hatchery and trout tailwater fishery due to the proposal. With the current proposal, we do not expect noticeable impacts on Buford Trout Hatchery or the downstream trout fishery. Buford Trout Hatchery's intake has proven to be operable when minimum instantaneous flows from Buford Dam are 538 cfs or greater. Buford Dam discharges below this figure would need to be tested before we can be assured of no impacts to our intake and trout hatchery production.

If you have questions regarding this response, please feel free contact me (770.535.5498) to discuss Buford Trout Hatchery issues or East-central Georgia regional fisheries supervisor Ramon Martin (770.918.6418) to discuss downstream trout fishery issues. We thank you for this opportunity to provide comments regarding Buford Dam tailwater fisheries resources.

Jeff Durniak
Regional Fisheries Supervisor
Georgia Wildlife Resources Division
2150 Dawsonville Highway
Gainesville, GA 30501

Phone: 770.535.5498
Fax: 770.535.5953
email: Jeff_Durniak@dnr.state.ga.us

Zettle, Brian A SAM

From: Tom Bartels [bart@amea.com]
Sent: Friday, February 29, 2008 10:58 AM
To: CESAM-PD-EA SAM
Cc: Mauldin, Gary V SAD
Subject: Comments on GA EPD request

Attachments: SeFPC GA EPD Letter - 02-29-08.doc

SeFPC GA EPD Letter - 02-29-08...

Please find the comments of the SeFPC. Please contact me if there are any questions.

Tom
Tom Bartels
Dir. of Marketing & Special Projects
Alabama Municipal Electric Authority
1-800/239-2632, ext. 111 (AL only)
(334) 387-3502

Southeastern Federal Power Customers, Inc.

Alabama Municipal Electric Authority
Montgomery, AL 36103-5220

Big Rivers Electric Corporation
Henderson, KY 42419-0024

Blue Ridge Power Agency
Danville, VA 24541-3300

Central Electric
Power Cooperative, Inc.
Columbia, SC 29202-1455

Central Virginia
Electric Cooperative
Lovingston, VA 22949

East Kentucky Power Cooperative
Winchester, KY 40392-0707

East Mississippi Electric
Power Association
Meridian, MS 39302-5517

Electricities of North Carolina, Inc.
Raleigh, NC 27626-0513

Jim Woodruff Customers
Madison, FL 32340-0208

Municipal Electric Authority
of Georgia
Atlanta, GA 30328-4640

Municipal Energy Agency
of Mississippi
Jackson, MS 39201-2898

North Carolina Electric
Membership Corporation
Raleigh, NC 27611-7306

Oglethorpe Power Corporation
Tucker, GA 30085-1349

Orangeburg Department of
Public Utilities
Orangeburg, SC 29116-1057

Piedmont Municipal Power Agency
Greer, SC 29651-1236

PowerSouth Energy Cooperative
Andalusia, AL 36420-0550

Saluda River Electric
Cooperative, Inc.
Laurens, SC 29360-0929

Santee Cooper
Moncks Corner, SC 29461-2901

South Mississippi Electric
Power Association
Hattiesburg, MS 39404-5849

Virginia Cooperative Preference
Power Customers
Harrisonburg, VA 22801-1043

Virginia Municipal Electric
Association #1
Harrisonburg, VA 22801-3699

February 29, 2008

VIA E-MAIL

District Engineer
U.S. Army Corps of Engineers
Mobile District
P.O. Box 2288
Mobile, AL 36628-0001

Dear Sir:

I am writing to provide comments on behalf of the Southeastern Federal Power Customers ("SeFPC") regarding the request to you by the Georgia Environmental Protection Division ("EPD") to lower temporarily releases from Buford Dam to achieve a minimum flow target at Peachtree Creek of 550 cfs rather than 750 cfs as has been practiced in recent years.

The SeFPC is a not for profit corporation representing 238 rural electric cooperatives and municipally owned electric systems in Alabama, Georgia, Mississippi, Kentucky, North Carolina, South Carolina, Florida and Virginia who are customers of the Southeastern Power Administration ("SEPA"). Certain members of the SeFPC purchase capacity and energy from the GA-AL-SC System of Projects, of which the Buford Dam is a part.

As you know, flood control, navigation and hydropower are the three congressionally authorized purposes of Buford Dam, a fact recognized as recently as this month by the United States Court of Appeals for the District of Columbia Circuit. The value of the hydropower purpose of Buford Dam is maximized by releasing water from storage during peak periods. A reduction of releases during peak hours will require SEPA to purchase replacement power to meet the contractual minimum obligation to their customers. Of course, during this exceptional drought, the Corps has already restricted releases to ensure that storage is not depleted before the end of the drought. Although further reduction in releases will require the purchase of additional replacement power this spring, the cost of replacement power during the summer would be much greater.

We are not aware of any binding or legal requirement on the Corps to operate Buford Dam so as to achieve a minimum flow at Peachtree Creek of 750 cfs.

At present, it appears highly unlikely that Lake Lanier will refill prior to the beginning of summer operations. Therefore, we support the temporary reduction through April 30, 2008, requested by Georgia EPD, in order to conserve storage for hydropower production during the summer months.

We appreciate your efforts to manage the federal reservoirs for the authorized purposes during this exceptional drought and the opportunity to comment on proposed deviations from normal operation.

Sincerely,

Tom Bartels

Tom Bartels
President

cc: Administrator, SEPA

Zettle, Brian A SAM

From: Gail_Carmody@fws.gov
Sent: Friday, March 07, 2008 2:03 PM
To: Brandt, Joanne U SAM; Jerry_Ziewitz@fws.gov
Cc: Zettle, Brian A SAM; Eubanks, Michael J SAM; Sandy Tucker
Subject: Re: Flow Reduction at Peachtree Creek

With these clarifications, we concur.

----- Original Message -----
From: "Brandt, Joanne U SAM" [Joanne.U.Brandt@usace.army.mil]
Sent: 03/07/2008 11:36 AM CST
To: Jerry Ziewitz; Gail Carmody
Cc: "Zettle, Brian A SAM" <Brian.A.Zettle@usace.army.mil>; "Eubanks, Michael J SAM" <Michael.J.Eubanks@usace.army.mil>
Subject: FW: Flow Reduction at Peachtree Creek

Jerry/Gail:

This is a follow-up to our teleconference yesterday and provides the following clarifications. Our analysis of the modeling results showed only minimal impact, if any, on flows at Chattahoochee gage on the Apalachicola River. Therefore, our determination is that the proposed temporary deviation from our water control plan to meet a reduced water quality flow requirement at Peachtree Creek through 30 April 2008 ia not likely to adversely affect the Federally listed species or adversely modify or destroy designated critical habitat in the Apalachicola River system. Our modeling showed a return to the 750 cfs minimum water quality fow requirement at Peachtree Creek on 1 May, and the effects of continuing to operate under the EDO provisions for the remainder of the year. This was done for the purpose of demonstrating the impacts of the requested temporary waiver on hydrological condi <<Hathorn_Modeling_PTree_reduction_results (2).ppt>> tions in the basin during the ensuing months. We do recognize that the biological opinion for the current EDO provisions expires on 1 June 2008, and we are continuing to consult with your agency on possible revisions to the EDO and additional assessments of the impacts of the current EDO in order provide for an extension of the biological opinion beyond 1 June. This additional consultation will include additional modeling of the EDO as agreed to by our agencies.

Therefore, your concurrence with our determination of "not likely to adversely affect" the listed species and critical habitat is requested pursuant to Section 7 of the Endangered Species Act.

Please contact Brian Zettle or me if you have any questions or require any additional information.

Thanks,

Joanne

-----Original Message-----
From: Zettle, Brian A SAM
Sent: Wednesday, March 05, 2008 6:03 PM
To: Jerry_Ziewitz@fws.gov; Gail_Carmody@fws.gov
Cc: Brandt, Joanne U SAM; Eubanks, Michael J SAM
Subject: Flow Reduction at Peachtree Creek

Jerry/Gail,

As you know, Georgia EPA has requested that we reduce the water quality standard we

operate for on the Chattahoochee River (at Peachtree Creek) from 750 cfs to 550 cfs between now and 30 April 2008. James Hathorn has modeled this request (see attached). Based on review of these modeling results and the model data provided by Georgia EPA, we have determined that reducing the river flows at Peachtree Creek from 750 cfs to a value as low as 550 cfs will have no effect on threatened and endangered species in the Apalachicola River System nor impact our ability to operate according to the provisions of the Exceptional Drought Operations (EDO). We ask that you review the attached presentation and provide concurrence with this determination pursuant to Section 7 of the Endangered Species Act. If you have any questions please contact me at your earliest convenience. Thanks.

Brian

Brian Zettle
Biologist
US Army Corps of Engineers
(251) 690-2115

Georgia Department of Natural Resources
2 Martin Luther King Jr., Drive, Suite 1152 East Tower, Atlanta, Georgia 30334
Noel Holcomb, Commissioner
Carol A. Couch, Ph.D., Director
Environmental Protection Division
(404) 656-4713

March 3, 2008

Colonel Byron G. Jorns, District Commander
Department of the Army
Mobile District, U.S. Army Corps of Engineers
ATTN: CESAM-DE
Post Office Box 2288
Mobile, Alabama 36628-0001

Dear Colonel Jorns:

By letter dated February 11, 2008, I requested that releases conducted by the Corps from Buford Dam be reduced to achieve 550 cfs, rather than a 750 cfs, minimum flow for water quality purposes for the Chattahoochee River at Peachtree Creek. By email dated February 25, 2008 to Ms. Joanne Brandt, Mobile District, Georgia EPD responded with additional requested information. Also, evaluation of my request by the US EPA, as well as Georgia Power, and downstream withdrawers all support that the reduction to 550 cfs can be made while protecting water quality and water supply.

However, I understand that the Corps may not have authorization to reduce Buford Dam releases below 650 cfs for the Chattahoochee River at Peachtree Creek. Our analysis, and the additional information provided by effected stakeholders, demonstrates that water quality and supply are protected at reduced flows including 650 cfs, 600 cfs, and 550 cfs.

The objective of the flow reduction, requested to occur through April 30, 2008, is to retain storage in Lake Lanier that will be needed to help support downstream uses during the continuing drought. Because the opportunity to retain storage will soon pass, any action to reduce flows needs to be taken immediately.

If as you determine, the Corps does not have authority to reduce flows below 650 cfs, then I request that flows be reduced to 650 cfs immediately. The opportunity to retain any flows below 750 cfs will be lost to that extent that prolonged study is necessary for authorizations to reduce below 650 cfs.

Sincerely,

Carol A. Couch
Director