

## Zettle, Brian A SAM

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**From:** Hill, Amanda [Amanda.Hill@preserveala.org]  
**Sent:** Thursday, May 01, 2008 3:56 PM  
**To:** Birchett, Thomas C SAM  
**Cc:** CESAM-PD-EA SAM  
**Subject:** RE: GAEPD Request 4-25-08

Thomas,

We think the frequent drawing down/up of the lake is a bad idea because:

1. it exposes sites to looters
2. it causes sloughing of existing sites on the bank and exposure of profiles that attract looters
3. drawing the lake up and down causes active erosion of sites on the banks

We like to see lake levels stay as stable as possible.

Amanda Hill

From: Birchett, Thomas C SAM [mailto:Thomas.C.Birchett@usace.army.mil]  
Sent: Thursday, May 01, 2008 11:28 AM  
To: russtown@nc-chokeee.com; tcole@choctawnation.com; preservation@muscogeenation-nsn.gov; shawneetribe@neok.com; elizabeth\_shirk@dnr.state.ga.us; Hathorn, Stacye; lkammerer@mail.dos.state.fl.us; lstoppp@unitedkeetoowahband.org; rallen@chokeee.org  
Cc: Zettle, Brian A SAM; Birchett, Thomas C SAM  
Subject: GAEPD Request 4-25-08

I am forwarding a request for comments from Brian Zettle, Biologist, Mobile District. He has taken over the responsibilities for the ACF from Joanne Brandt, who has retired. Sorry for the short notice and quick turn around. Thanks.

<<042508 Couch to Jorns - request to extend 650 flow thru 5-08.pdf>>

>ACF Stakeholders:

>

>Mobile District has received a request from the Georgia Environmental Protection Division (GA-EPD) that the reduction in releases from Buford Dam/Lake Lanier to meet the water quality requirement of 650 cfs on the Chattahoochee River at Atlanta, Georgia, be continued until May 31, 2008 as a temporary drought contingency measure. A copy of the GA-EPD request by letter dated April 25, 2008 is attached for your reference and review. As requested by GA-EPD in the February 11 and March 3, 2008 letters, the Corps is currently managing for a 650 cfs minimum flow at the Peachtree Creek confluence until midnight April 30 2008. On May 1, 2008 the minimum flow requirement for assimilation of return flow at Atlanta (750 cfs-as measured on the Chattahoochee River above the confluence with Peachtree Creek) that is incorporated in the current Buford Dam Reservoir Regulation Manual will be re-instated. GA-EPD requests that the reduction in water quality required flow to 650 cfs be extended until May 31, 2008. This request would require an additional 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 this year. 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 continuation of the 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 as temperatures increase. 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, May 8, 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 May 7, 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> <<http://www.sam.usace.army.mil>>  
>  
>Please provide all written comments not later than close of business, Wednesday, May 7, 2008.  
>  
>  
>Brian Zettle  
>Biologist  
>US Army Corps of Engineers  
>(251) 690-2115



ATLANTA REGIONAL COMMISSION

PLANNING • LEADERSHIP • RESULTS

May 7, 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 April 25, 2008 request made by the State of Georgia to continue the reduced releases from Buford Dam/Lake Lanier. The State of Georgia has determined that the water quality flow requirement in the Chattahoochee River below Atlanta can continue to be reduced this spring without harm.

Lake Lanier is the primary water supply source that supports one of the largest economies in the southeastern United States. Lake Lanier has a disproportionately small drainage area compared to the other lakes in the ACF system and therefore the risks associated with depleting this lake are much greater than for all the other lakes in the system. The fact that Lanier has not recovered this spring, while all the lower lakes have recovered illustrates the danger in making large releases such as was done in 2007. Lake Lanier will be lower than it has ever been as we enter the summer season. We are very concerned about the continued adverse impact of the low lake levels on the region. We urge you to use your leadership and emergency powers to reduce releases from Lake Lanier.

This request should be granted because larger releases are not needed for other purposes at this time. Given the current level of Lake Lanier, this would be a prudent and reasonable approach.

Thank you for this opportunity to comment.

Sincerely,

A handwritten signature in cursive script that reads "Pat Stevens".

Pat Stevens, Chief  
Environmental Planning Division

cc: Dr. Carol Couch

## Zettle, Brian A SAM

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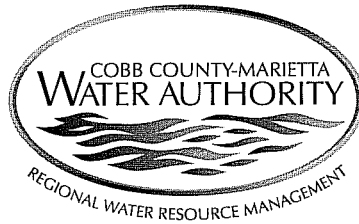
**From:** joseph.m.brabham@usace.army.mil  
**Sent:** Wednesday, May 07, 2008 10:32 AM  
**To:** CESAM-PD-EA SAM  
**Subject:** Temporary Deviation/Waiver - Reduce WQ Release from Buford Dam

The Following Comments were submitted by Atlanta Fulton Co. Water Res.  
Commission on 5/7/2008

Affiliation: Public Owned Utility  
Address: 9750 Spruill Road  
City, St, Zip: Alpharetta, Ga 30022  
County: Fulton

Comments--->I fully support Ga EPD request to reduce flows at Buford Dam  
from 750cfs to 650cfs to preserve storage in Lake Lanier. I agree that no adverse water  
quality impacts would be expected if these reductions continued through May 31, 2008.  
Thanks for the opportunity to submit.  
Kathy Crews, General Manager for Atlanta Fulton County Water Treatment Plant.

Scott C. Craddock, Chair  
Donald C. Mabry, Vice-Chair  
R. L. Jacobs, Secretary  
A. Max Bacon, Member



Sam Olens, Member  
Jerry N. Shearin, Member  
Earl E. Smith, Member  
Glenn M. Page, General Manager

May 7, 2008

Col. Byron G. Jorns, District Commander  
Department of the Army  
Mobile District, U.S. Army Corps of Engineers  
P.O. Box 2288  
Mobile, AL 36628-0001

RE: Georgia request to extend Chattahoochee River 650 cfs flow through May, 2008

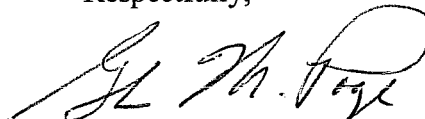
Dear Col. Jorns:

The Cobb County-Marietta Water Authority is in agreement with the State of Georgia's request to extend the already-approved reduction in the target flow in the Chattahoochee River at Peachtree Creek (from 750 cfs to 650 cfs) through May 31, 2008.

The State has demonstrated that the continued reduction in this flow will not result in a diminution in water quality below the established standards during this time period. Furthermore, it is imperative that Lake Lanier's existing storage, which is far below historical minimum levels, be preserved as long as possible, before anticipated competing demands begin stressing the lake's capacity during the summer months. The continuation of the requested reduced flow is a vital element in the Corps' adaptive management of the basin to meet all water needs during this historic drought.

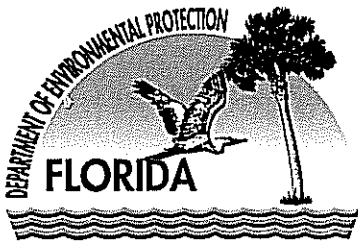
Thank you for your consideration of this request.

Respectfully,



Glenn M. Page, P.E.

cc: Dr. Carol Couch  
Ms. Patricia Stevens



# 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

May 6, 2008

RECEIVED  
9 MAY 08  
Sng  
CR PD-E

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

RE: Comments on Extended Reduction of Flow from Buford Dam Requested  
By State of Georgia

Dear Colonel Jorns:

On February 21, 2008, the Corps of Engineers ("Corps") solicited comments concerning a Georgia proposal that outflows from Buford Dam be reduced as a "temporary" drought contingency measure. Florida opposed the reduction, if extended beyond April 1, 2008. Despite Florida's concerns, the Corps implemented the reduction through April 30, 2008.

On April 25, 2008, Georgia asked the Corps to continue the flow reduction through May 31, 2008. The Corps has again solicited comments on Georgia's request, and Florida again opposes, for all the reasons set out in its prior opposition and the additional reasons set out below.

Florida objects to Georgia's proposal for four distinct reasons.

1. The proposal seeks to accomplish *de facto* storage reallocation in Lake Lanier for support of municipal and industrial withdrawals, which the Corps now knows it may not accommodate without Congressional approval.
2. The proposal is unjustified in light of Georgia's unfathomable refusal to implement and sustain meaningful water conservation measures, either in the metro Atlanta area or the Flint River basin, and its failure to evaluate how such measures could avoid the need for reduced flows from Buford Dam.

3. While Georgia has presented an analysis of environmental impacts in the Chattahoochee River immediately downstream of Atlanta, no effort has been made to analyze the adverse impacts farther downstream.
4. Georgia has presented no analyses of the impacts or benefits of its proposal, which appear to be marginal at best.

Stakeholders in the ACF Basin have been informed repeatedly by Corps' climatologists that the Basin is destined for an extended period of extraordinary drought in 2008. In light of these projections, the Corps continues to operate upstream reservoirs to guard against reservoir depletion under a potential worst-case hydrologic scenario. Upstream reservoir levels have been stabilized pursuant to the so-called "Standard Operating Procedure" to accommodate recreational fishing, and the Corps continues to manage reservoir storage as to ensure municipal and industrial uses, which are not an authorized purpose without Congressional approval. See *Southeastern Federal Power Customers, Inc. v. Peter Geren, Secretary of the U.S. Department of the Army et al.*, No. 06-5080, slip op. at 16-17 (D.C. Cir. Feb. 5, 2008) (motion for rehearing pending). Whether a result of the so-called Standard Operating Procedure, the Extraordinary Drought Operation or something else, Florida cannot accept the Corps's continuing prioritization of reservoir levels over the welfare of the Apalachicola River's and Bay's aquatic ecosystem and their federally listed threatened and endangered species.

Georgia requests that the Corps take unprecedented action during spawning season "to preserve storage in Lake Lanier" yet it has declined to take action to minimize impacts to reservoir storage resulting from its own consumptive demands. Less than a month before Georgia initially sought a flow reduction from Lake Lanier, Georgia eased conservation restrictions in the Atlanta metropolitan area (Exhibit A). In addition, and more importantly, for the sixth consecutive year, Georgia has declined to exercise its authority under the Flint River Drought Protection Act to reduce the adverse impacts of consumptive uses on the ACF Basin's water supplies<sup>1</sup> (Exhibit B). The Corps should not consider Georgia's latest request until Georgia has implemented all available and effective water conservation measures in its portion of the ACF Basin.

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<sup>1</sup> Georgia's authority to curtail consumptive uses is not limited to the provisions of the Flint River Drought Protection Act. See Ga. Code § 12-5-31(k) (providing for suspension of surface water permits).



Col. Byron Jorns  
May 6, 2008  
Page 3 of 3

To be clear, all consumption in the Georgia portion of the ACF Basin, whether from the Chattahoochee or Flint River, adversely impacts Florida and compromises the Corps' ability to meet downstream flow requirements. Georgia should address its concern about reservoir levels near Atlanta by aggressively implementing all authorized measures available to reduce demands on the Chattahoochee and Flint Rivers.

Georgia's proposal also focuses exclusively on modeled impacts to water quality in the Chattahoochee River downstream of Buford Dam. While Georgia asserts that temperature increases and declines in dissolved oxygen content resulting from reduced flows will not endanger its trout survival, it provides no scientific analysis of adverse impacts to downstream reservoirs or aquatic life in the Apalachicola River, including federally listed threatened and endangered species. Georgia's proposal should be rejected unless and until such analysis is both produced and considered.

Finally, we note that by reducing Lanier's outflow in May 2008, the Corps would save less than 12,000 additional acre-feet in storage. The corresponding increase in elevation at Lake Lanier would be less than 0.25 foot. We see no discernable benefit represented by such a marginal increase in storage versus clear harm to the Apalachicola River and Bay, and ask that the Corps reject Georgia's proposal.

Sincerely,



Michael W. Sole  
Secretary

MWS/tb

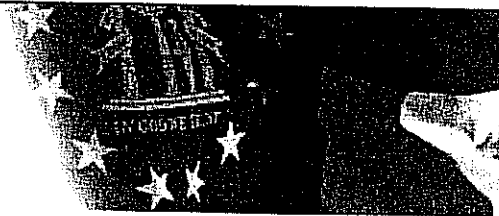
Enclosures (2)

cc: Mr. Sam Hamilton, Regional Director, U.S. Fish and Wildlife Service

georgia.gov

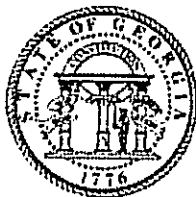


*Governor Sonny Perdue*  
Office of the Governor



PRINT

CLOSE



### **Governor Perdue Announces More Flexibility in Outdoor Watering Restrictions**

Wednesday, February 6, 2008

Contact: Office of Communications 404-651-7774  
Kevin Chambers, EPD, (404) 651-7970

*State will Provide Exemptions to Level Four Drought Response; Exemptions Balanced with Renewed Conservation Efforts*

ATLANTA—Today at the Georgia Agribusiness Council's legislative breakfast Governor Sonny Perdue announced the state will ease outdoor watering limitations through exemptions to the Level Four Drought Response implemented in September 2007. Taking this action strikes a balance between sound management of our water resources and support of Georgia's industries that depend on water use. Governor Perdue also announced that his call for 10 percent water use reductions on water permit holders will continue using the average monthly water use of April through September 2007 as the baseline.

"Georgians have demonstrated their dedication to a culture of conservation," said Governor Sonny Perdue. "It is important to continue to encourage conservation with the 10 percent reduction, which I believe we can achieve while also supporting industries that are so essential to our state."

- Pending an EPD order issued by Director Carol Couch that provides an exemption to the Level Four Drought Response, hand watering will be allowed for 25 minutes per day on an odd-even schedule between midnight and 10:00 a.m. Odd numbered addresses can water on Tuesday, Thursday and Sunday. Even numbered addresses can water Monday, Wednesday and Saturday. Hand watering is defined as one person with one garden hose with a spray nozzle that shuts off when it is released.
- If the water user participates in the Outdoor Water Use Registration Program, the individual can water newly installed landscapes, up to three days a week from midnight to 10:00 a.m. for a period of 10 weeks based on the odd-even schedule. The Outdoor Water Use Registration Program is currently being developed and is expected to be implemented by April 1. Georgians may also contact their county extension agents for assistance in getting registered.

Exhibit A

Local governments and water utilities in the 61-county Level Four Drought Response area will still be required to achieve the Governor's water use reduction goal of at least 10 percent. Beginning April 1, the water savings will be calculated using average monthly water use from April through September 2007.

"These steps will give consumers confidence to buy and plant new trees, turf and shrubbery," said Governor Perdue. "It will give retailers confidence to stock these items, and it will give producers confidence to grow them. This action will lend renewed strength to the landscaping industry in Georgia."

More information about the drought and water conservation can be found at [www.georgiaepd.com](http://www.georgiaepd.com) and [www.conservewatergeorgia.net](http://www.conservewatergeorgia.net).

Governor Perdue also praised the work of the Georgia Agribusiness Council in helping craft the Statewide Water Management Plan, which received final passage in the State Senate yesterday. Governor Perdue will sign the water plan this afternoon, and also announce the state's decision on outdoor pools.

###

## **Georgia Department of Natural Resources**

2 Martin Luther King Jr., Dr., Suite 1152 East Tower, Atlanta, Georgia 30334

Noel Holcomb, Commissioner

Carol A. Couch, Ph.D., Director

Environmental Protection Division

(404) 656-4713

**For Immediate Release**

**March 1, 2008**

### **Conditions For Lower Flint River Basin Drought Declaration Not Present, Says Georgia EPD**

A severe drought declaration in southwest Georgia's lower Flint River Basin will not be made this year in accordance with the Flint River Drought Protection Act, according to Carol A. Couch, Director of the Georgia Environmental Protection Division (EPD).

By March 1 of each year, the EPD Director, in consultation with the state climatologist and the state geologist, determines if a severe drought declaration should be issued for the lower Flint River Basin as required by the Flint River Drought Protection Act. The Act established a fund to compensate farmers in the Flint River Basin who voluntarily stop irrigating their crops when a severe drought is declared. The purpose of the Act is to protect stream flow in the lower Flint River and its tributaries during a severe drought.

Stream flow, groundwater levels, winter precipitation and the 90-day precipitation outlooks within the lower Flint River Basin are the factors that determine whether a severe drought is declared.

The 90-day precipitation forecast, current stream flows and groundwater levels do not support the declaration in the lower Flint River Basin of a severe drought, said Director Couch. The area has received good winter season rains, which brought up groundwater levels and caused record daily high flows in some streams. Conditions in the lower Flint River Basin are more favorable at the start of this year's growing season compared with last year.

According to the federal government U.S. Drought Monitor, drought conditions in lower Flint River Basin areas most likely affected by the potential declaration have improved and are now labeled as abnormally dry. Exceptional and extreme drought conditions continue in the upper Chattahoochee, Coosa and Tallapoosa River basins of north Georgia.

This is the sixth year in a row that a severe drought declaration has not been necessary in the lower Flint River Basin.

Contact: Kevin Chambers  
(404) 651-7970



FLORIDA DEPARTMENT OF STATE  
**Kurt S. Browning**  
Secretary of State  
DIVISION OF HISTORICAL RESOURCES

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

May 5, 2008

Re: DHR/SHPO Project File No.: 2008-2654  
Proposed Temporary Deviation from Current Water Management Operation at  
Buford Dam to Reduce Water Quality Releases  
Chattahoochee River  
Atlanta, Georgia

To Whom It May Concern:

We received notice of the request for comments via electronic mail May 1, 2008. This office reviewed the referenced temporary project in accordance with Section 106 of the National Historic Preservation Act as amended, and the National Environmental Policy Act as amended. It is the responsibility of this office to advise and assist, as appropriate, the U.S. Army Corps of Engineers in carrying out historic preservation responsibilities. We are cooperating with your agency to ensure that historic properties are taken into consideration at all levels of planning and development. This office consults with the your office on undertakings that may affect historic properties, and provides guidance to ensure the content and sufficiency of environmental documentation and project plans identify and protect, minimize or mitigate harm to such properties.

Based on the information provided in the May 1 e-mail, it is the opinion of this office that properties of historic or cultural of significance are unlikely to be affected by the proposed undertaking.

If you have any questions concerning our comments, please contact Laura Kammerer, Deputy State Historic Preservation Officer for Review and Compliance, at 850-245-6333 or lkammerer@dos.state.fl.us. Thank you for your interest in protecting Florida's historic properties.

Sincerely,

Frederick P. Gaske, Director, and  
State Historic Preservation Officer

500 S. Bronough Street • Tallahassee, FL 32399-0250 • <http://www.flheritage.com>

Director's Office  
(850) 245-6300 • FAX: 245-6436

Archaeological Research  
(850) 245-6444 • FAX: 245-6452

Historic Preservation  
(850) 245-6333 • FAX: 245-6437

Historical Museums  
(850) 245-6400 • FAX: 245-6433

South Regional Office  
(561) 416-2115 • FAX: 416-2149

North Regional Office  
(850) 245-6445 • FAX: 245-6435

Central Regional Office  
(813) 272-3843 • FAX: 272-2340



## Zettle, Brian A SAM

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**From:** joseph.m.brabham@usace.army.mil  
**Sent:** Wednesday, May 07, 2008 5:13 PM  
**To:** CESAM-PD-EA SAM  
**Subject:** Temporary Deviation/Waiver - Reduce WQ Release from Buford Dam

The Following Comments were submitted by Florida Coastal and Ocean Coalition on 5/7/2008  
Affiliation: Nongovernmental Organization  
Address: 9 Island Avenue, Suite 501  
City, St, Zip: Miami Beach, FL 33139  
County:

Comments--->RE: GA-DNR request for temporary waiver from the existing ACF Water Control Plan to in order to release only 650cfs of water from Buford Dam.

Col. Byron G. Jorns, District Commander  
Department of the Army  
Mobile District, US Army Corp of Engineers  
Attn: CESAM-DE  
P.O. Box 2288  
Mobile, Alabama 36628

Dear Col. Jorns,

We are writing to you today regarding the ongoing coordination between Florida, Alabama, Georgia and the Federal Government concerning the Apalachicola-Chattahoochee-Flint (ACF) basin ecosystem. We are strongly opposed to the state of Georgia's request for a temporary waiver to the existing ACF Water Control Plan, to release only 650cfs of water from Buford Dam when it was scheduled to return to 750cfs upon May 1st, 2008.

The Coalition is a first-time effort of environmental organizations, representing millions of citizens across the country and over 100,000 activists in Florida, who have joined forces for the conservation, protection and restoration of Florida's unique coastal and marine environments. We collectively represent thousands of hikers, birders, hunters, fisherman, divers, scientists, researchers, and citizens who are passionate about protecting the environmental and economic health of the Florida's oceans and their tributaries

We understand that the state of Georgia faces several challenges in their water management protocols, most notably implementation of meaningful water conservation and growth management policies. Upon balancing the need to promote sound water conservation policy against the minimal benefit derived from the request Georgia is seeking, we believe that refusal of the request is the more prudent path for driving the long term solutions needed.

The ACOE Environmental Assessment notes that the minimum instream flow of 750 cfs on the Chattahoochee River at Peachtree Creek is necessary "to meet State water quality commitments". Granting a waiver to this mandate creates an additional layer of water monitoring and flow deviation that is clearly related to a local entities inability to appropriately manage its potable and wastewater systems - it is not drought attributable.

We therefore recommend that the ACOE deny Georgia's request for waiver from the existing ACF water control plan.

Sincerely,

Gary Appelson - Caribbean Conservation Corp.  
Sarah Chasis, J.D. - Natural Resources Defense Council  
Ericka D'Avanzo - Surfrider Foundation  
Jerry Karnas - Environmental Defense Fund  
Paul G. Johnson - Reef Relief  
Joe Murphy - Gulf Restoration Network  
David White, J.D. - The Ocean Conservancy

cc:Florida  
Governor Charlie Crist  
Mike Sole, Secretary, Florida Department of Environmental Protection  
Ken Haddad, Exec. Direc., Florida Fish & Wildlife Conservation Comm.  
Distribution





**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

May 2, 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: Response to email 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 until May 31, 2008

Dear Colonel Jorns:

We strongly support Dr. Carol Couch's request to you of April 25, 2008 to continue the reduced flow in the Chattahoochee River at Peachtree Creek at 650 cfs until May 31, 2008. In light of the present water level of Lake Lanier (elevation 1057.6 MSL) we believe that Dr. Couch's recommendation is wise and prudent at this time. We note that your staff's predictions of the level of Lake Lanier published on your website on April 30, 2008 strongly hint that the lake levels will start dropping in the next month. Therefore, we need to conserve all the water in the lake that we possibly can for use this summer and fall which are predicted to again be drier than normal. As the provider of drinking water to over 700,000 people and many businesses, we are very concerned about where the Lanier water level may be this fall and are having to make very expensive contingency plans for providing raw water to our water intakes for the health and safety of our citizens.

Our Department of Water Resources staff has reviewed EPD's request and the modeling results that were sent to you and we concur that EPD's requests are reasonable and technically justified. If we can assist you or your staff, please contact Jim Scarbrough at 678-376-7154 or [james.scarbrough@gwinnettcountry.com](mailto:james.scarbrough@gwinnettcountry.com).

Sincerely,

Charles E. Bannister  
Chairman

c: Charles Krautler, Atlanta Region Commission  
General Schroedel, Corp of Engineers, SAD  
Carol Couch, Georgia Environmental Protection Division  
Gwinnett County District Commissioners  
Jock Connell  
Mike Comer  
Lynn Smarr  
Jim Scarbrough



April 30, 2008

Colonel Byron Jorns  
Mobile District  
Corps of Engineers  
Department of the Army  
P.O. Box 2288  
Mobile, AL 36628-0001

**VIA- ELECTRONIC TRANSMITTAL AND FEDEX**

**RE: April 25, 2008 request from GA EPD to maintain reduced flow from Buford Dam as measured at Peachtree Creek at the confluence of the Chattahoochee River in Atlanta**

Dear Col. Jorns:

We are aware that Dr. Carol Couch of the GA EPD has submitted to you a request for an extension of the reduced flow in the Chattahoochee River as offered by Buford Dam and measured at Peachtree Creek. This is to request that you ignore that request and restore the operations of the Corps at Buford Dam as of midnight tonight to the prescribed operating requirements of the 1989 Water Control Plan. These requirements set forth a minimum output at Buford Dam of 600 CFS and adequate flows over and above that to maintain a minimum flow of 750 CFS at the confluence of Peachtree Creek (PTC) to address water quality needs.

The approach of EPD thus far in seeking the Corps assistance to reduce flows into West Point Lake has been at best a trial and error experiment while risking water quality in the river and the downstream lakes. It is time for this to stop and for proper operations to be restored to the river basin.

We offer these points as our rationale for the restoration of operations on the Chattahoochee River above Peachtree Creek:

- The efforts of the Corps to assure compliance with NEPA end at midnight April 30, 2008. The current EA utilized by the Corps for the temporary modification implemented at Dr. Couch's request on February 11, 2008 only covered the period until April 30. The results of any further deviation in operations past this date are far too risky and we must insist that a complete effort to vet this matter under NEPA must be developed before any further consideration of the April 25 request is given by the Corps. It is clear to us that the State's request ignores the cumulative impacts to the remainder of the basin- a significant concern under NEPA.

- EPD's approach to understanding the water quality implications to the river and lakes downstream of PTC is inadequate. EPD's existing benchmarks and thresholds set for water quality on West Point Lake are weak. They do not cover the complete range of constituents and influences that must be thoroughly understood and frequently tested to assure that damage to the water quality at West Point Lake is not compromised. Measuring DO and temperature upstream of the lake does not come close to addressing these important matters. The 100 CFS Georgia is asking for we believe is critical to assure the dilution of nutrients and other constituents emanating from the metro Atlanta area. Concentrating these influences in West Point Lake is very likely detrimental to the water quality of this impoundment.
- This community and others downstream of PTC have a riparian interest in the 65 million gallons of water that the state is asking to be held back for storage at upstream reservoirs. This matter seems to be ignored by EPD in their request.

We are already on record with you regarding numerous other concerns under NEPA that we offered for the EA prepared for the February 11, 2008 request. We see that these concerns are not diminished, but if this new request is considered by the Corps our concerns will be amplified even further.

On behalf of the region surrounding West Point Lake and the hundreds of thousands of U.S. citizens that rely on this major federal reservoir for its multiple purposes, we ask that the Corps reject the request from Dr. Couch of the GA EPD and proceed with restoration of operations as originally planned as of April 30, 2008 for flows at PTC.

Sincerely,



W. Jeff Lukken  
Mayor

City of LaGrange

JOHN LINDER  
SEVENTH DISTRICT, GEORGIA

RECEIVED  
5-8-08

WASHINGTON, DC, OFFICE:  
TEL: (202) 225-4272  
FAX: (202) 225-4696

COMMITTEE ON  
WAYS AND MEANS

Congress of the United States  
House of Representatives  
Washington, DC 20515-1007

DISTRICT OFFICE:  
TEL: (770) 232-3005  
FAX: (770) 232-2909

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May 2, 2008

DX  
PD

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

Dear Colonel Jorns:

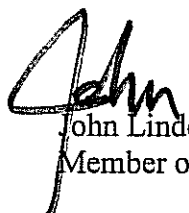
On behalf of the Citizens of the 7th Congressional District of Georgia, I am writing to ask that the U.S. Army Corps of Engineers grant the temporary flow reduction extension request that was made by the Georgia Department of Natural Resources.

Maintaining flows at Peachtree Creek of less than 750 cubic feet per second (cfs) has shown positive results for the overall elevation of Lake Lanier, and the Georgia Department of Natural Resources believes that no adverse reactions will occur should the flow be maintained at 650 cfs.

Millions of Georgia residents are relying on the water from Lake Lanier to carry them through the hot, dry summer months. Seeing as water quality was not diminished by the temporary flow reductions that were already in place, and the Georgia Department of Natural Resources' assertions that reduced flows would not harm trout survival, I believe that it is in the best interest of Georgia's residents to conserve as much water as possible in Lake Lanier.

I respectfully request that you grant the Georgia Department of Natural Resources' request for an extension to the temporary flow reductions from Lake Lanier.

Sincerely,

  
John Linder  
Member of Congress

JL:jmr

## Zettle, Brian A SAM

---

**From:** joseph.m.brabham@usace.army.mil  
**Sent:** Friday, May 02, 2008 10:50 AM  
**To:** CESAM-PD-EA SAM  
**Subject:** Temporary Deviation/Waiver - Reduce WQ Release from Buford Dam

The Following Comments were submitted by Joe Maltese on 5/2/2008

Affiliation: Local Agency  
Address: P.O. Box 430, 200 Ridley Ave, City Hall  
City, St, Zip: LaGrange, GA 30241  
County: Troup (City of LaGrange)

Comments--->Comments as of May 2, 2008

Comments from the City of LaGrange, GA relative to the request by the state of Georgia to extend the reduced flow set at Peachtree Creek from 750 CFS to 650 CFS. The following is a list of concerns that this community has about the concept:

1. The state in its initial plan may have incorrectly created based on 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. To our knowledge these assumptions have not been revealed.
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. Given the current dry conditions the Corps may experience difficulties in maintaining elevations for the spawn.
3. Any extension of a flow reduction below 750 at PTC past April 30, 2008 could very well result in increasing deterioration in water quality at West Point Lake. Furthermore the application of this proposed flow regimen beyond the initial reduced flow period warrants in depth scientific study as to what the impacts would be to the environment, especially at the West Point project.
- 4 If unusually dry conditions prevail, this change could result in lower lake elevations in West Point Lake, thus exacerbating an already adverse impact on recreation as the lake would be projected to remain below its initial recreational impact level is 632.5
5. 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.
6. The models used for the initial request reveal that lake levels at West Point may be lower than they otherwise might be if the flow had been maintained. The result is more exposed shoreline along 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

7. The proposal fails to thoroughly 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 will 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.

8. The numbers used for modeling by the state in the initial request at Columbus appear incorrect. The flows offered by FERC regulated Georgia power dams 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.

9. In 2007 LaGrange's Water Treatment operations experienced problems from blue- green algae blooms in West Point Lake as a result of the draw down to support downstream flows , high temperatures and reduced inflows into the lake.. Until Lanier provided flow support this problem continued to develop creating water treatment problems for the City. This provides ample proof that the state's existing standards for Water Quality on West Point are set to loose, and that the frequency and level of testing appears inadequate. Providing essential in flows into West Point Lake during the warm season is essential. Warmer weather is now here and the reduction represents a deepening concern over possible impacts to the water quality at West Point Lake. This indicates there is a direct correlation between reduced inflows into West Point lake and diminished water quality in the reservoir.

10. The 750 cfs minimum flow requirement has been used to allocate wastewater loads for NPDES permits for discharges into the Chattahoochee River for 30 years. The GA EPD request to continue the minimum flow requirement reduction ignores the basis on which these NPDES permits were allowed and would significantly reduce the waste assimilation capabilities of the river. Under minimum flow conditions, a reduction in the minimum flow requirement from 750 cfs to 650 cfs results in an approximate 15% increase in pollutant concentrations originating from NPDES permitted discharges. While GA EPD has indicated that dissolved oxygen levels will be sampled at one location (Dog River) and that computer modeling of dissolved oxygen and temperature will occur, this effort is highly insufficient considering that a reduction in the minimum flow requirement will result in significant increases of many nutrient, biological, and chemical pollutant concentrations. The GA EPD has irresponsibly requested that these changes occur without sufficient review or analysis of water quality impacts.

11. The request by EPD in no way adequately addresses the cumulative impacts throughout the ACF basin, of the resulting increased concentrations of nutrients emanating from non point source discharges throughout the downstream reaches and lakes . EPD has offered nothing to indicate what these effects will be to the remaining resources in the basin.

12. Only through accurate, thorough and comprehensive testing and modeling of the river and federal resources throughout the basin for water quality impacts could this matter receive the proper attention this proposal requires request. EPD only applies a superficial analysis and projection of impacts based on its existing substandard water quality compliance thresholds for West Point Lake. For example EPD sets a Chlor a compliance level of 27 for West Point Lake while EPA recommends a Chlor a maximum level of 4.5 for a relatively unimpaired lake such as West Point in this region. By setting standards at artificially high levels EPD is able to depict that compliance can be achieved and that flows from upstream sources can be easily manipulated.

13. The City of LaGrange, stakeholders around West Point Lake and other stakeholders downstream have a direct riparian interest in the water that EPD is requesting be stored in upstream reservoirs. As such we ask that the Corps deny this request for an extension

in a reduced flow from Buford Dam for this and the other above listed reasons.

14. With the low flows and minimal monitoring of the river below Atlanta, EPD has reduced the margin of error to a situation that seriously threatens the health of the river and all water users downstream. The type of activity that is being considered by the Corps to sustain a reduced flow requires an aggressive monitoring program that more broadly captures the impact of modified operations on down stream flow.

District Engineer  
US Army Engineer District, Mobile  
PO Box 2288  
Mobile AL 36628-0001

May 6, 2008

Attention: Planning and Environmental Division  
Inland Environmental Team

The Middle Chattahoochee Water Coalition, Inc. (MCWC) is a public/private multi-state partnership. Our primary concerns are equitable and optimal use of the Chattahoochee River and good stewardship of the water resources of the region.

We have major concerns regarding the flow levels in the river. The history of water quality problems in the river is a well documented and lengthy list, especially as they create real and potentially harmful conditions for communities and populations downstream of metropolitan Atlanta. Residents downstream living in Georgia, Alabama, and Florida share these concerns.

In February, the state of Georgia through its Environmental Protection Division, requested a one month reduction in flow, as measured at the gauge at Peachtree Creek. The request was due to drought conditions and water consumption that have reduced storage levels at Lake Lanier. However, we have significant questions and concerns about reducing flows in the river as an on-going management practice. On April 25, Georgia EPD requested an extension of flow reductions for an additional month.

Our concerns can be summarized as follows:

1. Flow reductions are potentially harmful to water quality downstream.
2. West Point Lake, the first downstream reservoir, is of specific concern.



3. Other downstream FERC and discharge permits could be impacted should the requested flow reductions be extended. NPDES permits are based on the 750 cfs minimum flow at Peachtree Creek.
4. Data regarding nutrient loads, chemical compounds, and miscellaneous potentially detrimental toxins has yet to be developed and each may represent unforeseen consequences. EPD has developed dissolved oxygen and temperature as its data criteria for supporting the request.
5. Since the 750 cfs minimum standard was established, well over thirty years ago, the metro area and region has experienced tremendous population growth. This alone should call into question whether the 750 cfs standard provides adequate water quality protection.
6. The May notification process that was initiated via the EPD request has provided inadequate time for any concerned entities, local governments or residents dependent on the river, to register input. Today, we are well into the month of May and the question of the additional one month extension is for this very month.
7. EPD may choose to make additional monthly extension requests. During the hot weather months ahead (June through September), the higher temperatures will only further increase the probabilities of harm.

MCWC must therefore object to further extensions of flow reductions below the current 750 cfs standard.

We are well aware of the drought implications and share the concerns of EPD and Georgia as answers are sought to mitigate resulting problems. We would welcome the opportunity to work with the USACE, the Georgia EPD, and the leadership of the state in determining options that will serve the entire ACF basin.

Sincerely,  
James H. Phillips  
President  
Middle Chattahoochee Water Coalition



May 7, 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 writes again **in support** of the Georgia Environmental Protection Division's request for a variance in minimum flows at Peachtree Creek through May 31, 2008. As previously indicated, our members remain dedicated to developing and implementing water management strategies for ensuring a safe, reliable drinking water source for our region. The ongoing drought elevates the need for sound, practical management plans for our federal reservoirs with input and participation by all affected users. The request to reduce the minimum flow from 750 cfs to 650 cfs is a reasonable short term solution as it ensures more water is stored in Lake Lanier for use by all during the hot, dry summer months.

The adaptive management strategy employed to monitor the reduced releases from Lake Lanier that occurred until April 30, 2008 was successful and confirmed the models used to scientifically support the initial request. Per Georgia EPD's request dated April 25, 2008, modeling analysis and monitoring data again indicate that no adverse water quality impacts would be expected with the reduced flows. The proposal to continue with an adaptive management strategy is prudent as ambient and water temperatures begin to rise.

We urge the Army Corps of Engineers to approve this request and note the benefit the entire basin will gain from enhanced storage in Lake Lanier.

Sincerely,

A handwritten signature in black ink that reads "Sam A. Williams".

Sam A. Williams  
President, Metro Atlanta Chamber of Commerce

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



## 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**

May 5, 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



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](mailto:denesia_cheek@nps.gov).

Sincerely,

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

Cc: Dan Brown, NPS

## Zettle, Brian A SAM

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**From:** Denesia\_Cheek@nps.gov  
**Sent:** Wednesday, May 07, 2008 8:51 AM  
**To:** CESAM-PD-EA SAM; Brian.azettle@USACE.army.mil  
**Subject:** recreational impacts at CHAT

Brian- See Superintendent comments attached below.

Boat ramps at Whitewater and Paces Mill are at least 20+ feet from the rivers edge with the lower flows, requiring boaters to pull their boats over the gravel to launch. Other boat ramps are still functional at the 650 cfs flow. Boaters are having to be extremely cautious traversing shoals, as water is very shallow exposing more rocks. In places boaters must navigate the few remaining slots, exiting their boats and entering the river to pull their boats through.

Extremely shallow waters in Bull Sluice Lake behind Morgan Falls Dam has been causing some damage to boats and oars, and there have been more sculler groundings with the low water flow and oars getting tangled in aquatic vegetation. There was an article in the May 5 Atlanta Journal Constitution regarding these problems.

We will continue to have staff monitor the impacts of low water flows on recreational uses.

Dan

Daniel R. Brown  
Superintendent  
National Park Service  
Chattahoochee River National Recreation Area  
1978 Island Ford Parkway  
Atlanta, GA 30350

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(678) 538-1211  
(770) 392-7045 fax  
email: [daniel\\_r\\_brown@nps.gov](mailto:daniel_r_brown@nps.gov)



May 6, 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 April 25, 2008 request made by the State of Georgia to extend the reduced releases from Buford Dam/Lake Lanier on a temporary basis. The State of Georgia has monitored the Chattahoochee River since the reduced flows began and they have not seen any indication of adverse water quality impacts associated with the reduced flows. The State of Georgia has determined that continuing this reduction through the month of May can be done without harm.

Although all the lower lakes on the ACF have recovered, Lake Lanier continues to be the lowest it has ever been this time of year since Lake Lanier began normal operations. 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 year. We urge you to use your leadership and emergency powers to reduce releases from Lake Lanier.

Thank you for your consideration.

Sincerely,

Kit Dunlap  
District Chair

# 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

May 7, 2008

*Via Facsimile (251-690-2054) and Electronic Mail*

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

**RE: Proposal to Continue Lower Flows at Peachtree Creek**

To Whom It May Concern:

The Southern Environmental Law Center submits these comments on behalf of Upper Chattahoochee Riverkeeper, Inc. (UCR), in response to the April 25, 2008 request by Dr. Carol Couch of the Georgia Environmental Protection Division (EPD) to continue a lower minimum flow in the Chattahoochee River at Peachtree Creek (PTC) of 650 cubic feet per second (cfs), rather than the historic minimum of 750 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 continues to have 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 – resulting from this continued flow reduction. Rather than reiterate all of the concerns raised in our February 25, 2008 letter, we have attached a copy for your review. We particularly wish to emphasize the state's continued unwillingness to reexamine its recent loosening of some of its water conservation mandates in light of the continuing drought; rather than use an equitable system of conservation measures to reduce water demand, which would allow more water to remain in Lake Lanier, EPD is proposing an alternative that will result in more harm to downstream communities and to water quality.

In addition to the concerns raised in the February 25, 2008 letter, we believe that the impacts of the reduced flow will be exacerbated by warmer natural temperatures through the month of May. The scant information offered by EPD fails to provide any assurance that lowering flows to 650 cfs through the month of May will maintain water quality standards. Of major concern is the fact that EPD is relying on only *two* water quality parameters -- dissolved oxygen (DO) and temperature -- monitored at a single new station at Capps Ferry, to determine whether or not reduced flows are harming the



Chattahoochee below Atlanta and West Point Lake. EPD is also relying on some model assumptions that have not been fully disclosed and explained to the public.

In addition, EPD's data from the Capps Ferry station, about 25 miles downstream of Peachtree Creek (PTC), does not include the accompanying flow data. In order to monitor the health of the river during low flow conditions, it is imperative to match the daily/hourly flow at PTC with the dissolved oxygen (DO) level at the location where EPD's model anticipates problems would occur. Further, it is our understanding that no actual river monitoring has taken place to verify that the Capps Ferry location is the most likely place for DO problems to occur. EPD's minimal monitoring program provides no assurance that water quality in the river and lake will be protected. We recommend actual river surveys, more monitoring stations and the addition of nutrient and biological monitoring in order to fully assess the river's condition and respond quickly to any problems that may arise.

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.<sup>1</sup>

UCR does not believe that the EPD has made the requisite showing that the assimilative capacity of the river can tolerate a reduced flow at PTC. If this reduction is approved, then all of 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. This problem is clearly demonstrated by the water quality violation that occurred on April 12, when the dissolved oxygen level at EPD's sole downstream monitoring station dropped to 4.59 mg/l, below the minimum standard of 5.0 mg/l. UCR is not convinced by EPD's assertion that the violation at the Capps Ferry station was solely a result of a sewage overflow in Proctor Creek, more than 25 miles upstream. Furthermore, the City of Atlanta has asserted that the fish kill in Proctor Creek was a result of excessive chlorine, which should not have caused a drop in the dissolved oxygen level at the Capps Ferry monitoring station. We are particularly troubled by EPD's following assertion: "It is likely that this drop in dissolved oxygen would have occurred even if the river flow had been higher." Without the necessary monitoring of water quality and quantity throughout this stretch of the Chattahoochee River, such statements are difficult to verify. Even if the statement is accurate, the margin of safety for protection of water quality in the Chattahoochee River will be all but eliminated by the proposed lowering of flow.

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<sup>1</sup> Letter from Mike McGhee, Director, Water Management Division to Lindsay Thomas, ACF/ACT River Basins Commissioner, December 28, 1999.

EPD and the United States Army Corps of Engineers (the Corps) must more closely evaluate the impacts of this proposal on West Point Lake, which relies on enough inflow to support recreational uses and even subsistence fishing. The lowering of flow could negatively impact water quality and aquatic life in the lake, as well as recreational opportunities. Given the low income levels of many living in the lake's vicinity, the proposal could also have environmental justice ramifications. Furthermore, riparian landowners at West Point Lake have a long-recognized right to reasonable use of the lake for its authorized purposes. If landowners are deprived of their right to reasonable use of the water because of the lowered flow, this proposal will run afoul of statutory and common-law provisions governing riparian rights to surface water in Georgia.

UCR is also very concerned about EPD's failure to involve the public and interested stakeholders in the decision-making process and appreciates the Corps' efforts to seek public input prior to making a determination. EPD has failed to provide public notice or seek any public input on both the original request to reduce the flow and the subsequent request to extend the reduction. The Corps should take a hard look at all direct, indirect, and cumulative impacts of the reduced flow regime on the Chattahoochee River. It should examine these impacts using a generous time horizon, since EPD will likely ask for more extensions of this reduced flow period. The Corps should also look at alternatives to EPD's request that would allow for Lake Lanier to retain more water, such as increased water conservation by those water users who withdraw from the lake and the river.

In conclusion, UCR is strongly opposed to the continuation of the 650 cfs low flow absent more thorough monitoring and data evaluation by EPD, EPA, and the Corps, and we urge the Corps to continue its dam management operations to meet the long-standing 750 cfs flow requirement at Peachtree Creek.

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

# SOUTHERN ENVIRONMENTAL LAW CENTER

THE CANDLER BUILDING  
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selcga@selcga.org

February 25, 2008

Charlottesville, VA  
Chapel Hill, NC  
Atlanta, GA

## *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.<sup>1</sup> 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

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<sup>1</sup> 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  
81 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8980

DEC 28 11:39

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 04:43PM P2

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 Commissioner  
ACT/ACF River Basins

VIA E-MAIL TO [CESAM-PD-EA@USACE.ARMY.MIL](mailto:CESAM-PD-EA@USACE.ARMY.MIL)

**ATTENTION:** Planning and Environmental Division, Inland Environment Team

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

**RE:** GEPD's Request to Continue Reduced Releases from Buford Dam

Dear Colonel Jorns:

This letter provides the comments of Southern Nuclear Operating Company ("Southern Nuclear") regarding the Georgia Environmental Protection Division's ("GEPD") April 25, 2008 letter proposing to continue reduced minimum flows at Peachtree Creek from 750 cfs to 650 cfs through May 31, 2008.

As recounted in our previous letter of February 28, 2008, in response to Georgia's initial February 11, 2008 request for a temporary reduction in minimum water quality flows at Peachtree Creek, Southern Nuclear, like other municipal and industrial users has a strong interest in releases from Buford Dam to the extent they affect flows and elevations on the middle and lower Chattahoochee River.

As acknowledged by the Corps in its March 4, 2008, Environmental Assessment of GEPD's proposal, Southern Nuclear did not oppose GEPD's original request provided that 1) adequate storage remains in West Point and Walter F. George to ensure minimum flows at Farley through prolonged periods of drought; 2) the proposed reduction does not prevent the lower reservoirs from storing all necessary water prior to the onset of the dry months; and 3) the Corps does not reduce minimum releases from Buford below 650 cfs, to be maintained at all times, in accordance with House Document 300. Provided these parameters continue to be met by the Corps, Southern Nuclear does not oppose the limited extension of reduced minimum flows at Peachtree Creek through May 31, 2008.



Colonel Byron Jorns

Page 2

Thank you for your consideration of these comments. Should you have any questions or wish to receive additional information, please contact Mike Godfrey at (205) 992 - 6387 or [jgodfrey@southernco.com](mailto:jgodfrey@southernco.com).

Sincerely,

Moanica M. Caston  
VP External Affairs and General Counsel

MMC/amw

cc: Mike Godfrey/SNC



May 7, 2008

VIA E-MAIL TO [CESAM-PD-EA@USACE.ARMY.MIL](mailto:CESAM-PD-EA@USACE.ARMY.MIL)

Col. Byron Jorns, District Engineer  
Mobile District, U.S. Army Corps of Engineers  
ATTN: Planning and Environmental Division,  
Inland Environmental Team  
P.O. Box 2288  
Mobile, AL 36628-0001

Re: EPD Request to Extend Reduced Flows from Buford Dam / Lake Lanier Through  
May 31, 2008

Dear Colonel Jorns:

This letter provides the comments of Tri Rivers Waterway Development Association ("TRWDA") regarding the April 25, 2008, request of the Georgia Environmental Protection Division ("EPD") to continue releasing a reduced flow of 650 cubic feet per second ("cfs") out of Buford Dam/Lake Lanier as measured at Peachtree Creek until May 31, 2008.

Most importantly, TRWDA urges the Corp to carefully consider the impacts of this proposal on downstream reservoir levels at the West Point and Walter F. George reservoirs. The elevations of those two reservoirs should be closely monitored to ensure sufficient water remains in storage to meet the flow requirements at Columbus, Georgia, and the Andrews Lock and Dam, should extreme drought conditions continue or worsen. The Corps needs to address this concern and explain how it will respond in the event of adverse impacts to the downstream reservoirs.

TRWDA has identified additional questions for the Corps' consideration. First, does the Corps intend to consider continuing a reduction of flow beyond May 31, should

Col. Byron Jorns, District Commander

May 7, 2008

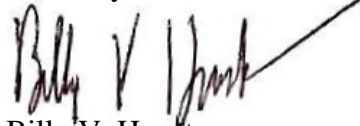
Page 2

EPD request such a reduction or otherwise? Second, has the Corps complied with all of the mandatory procedures (such as the National Environmental Policy Act) necessary to grant this extension? On that point, TRWDA requests that the Corps make available all documents providing the basis and rationale for its decision.

Since we have not seen any documents evaluating the potential impacts of this extension on downstream industries and organizations, we hope and assume that the model for this flow continues to provide the flows of 1,850 cfs at Columbus, Georgia, and the 2,000 cfs required by downstream river users including Southern Nuclear, MeadWestvaco, and Georgia Pacific, as has been repeatedly discussed during the bi-weekly ACF telephone conference calls. If that assumption is correct and the Corps provides satisfactory answers to our questions above, TRWDA would have no major objection to the 30 day extension.

Thank you for this opportunity to comment. Please feel free to contact me at telephone number (334) 668-1000 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Billy V. Houston", with a long, sweeping horizontal stroke extending to the right.

Billy V. Houston  
Executive Director

## Zettle, Brian A SAM

---

**From:** dtimmerberg [dtimmerberg@bellsouth.net]  
**Sent:** Friday, May 02, 2008 10:50 PM  
**To:** CESAM-PD-EA SAM  
**Subject:** Comments from West Point Lake Coalition re: requested PTC flows from 750 to 650 cfs

The West Point Lake Coalition has numerous concerns over the requested flow reduction from 750 to 650 cfs at Peachtree Creek, especially re: what is NOT known:

1. Georgia only tests for DO and temperature; this level of testing is inadequate and substandard since a reduction in flows at this time of year will result in a significant increase in many nutrient, biological, and chemical pollutant concentrations.
2. NPDES permits were issued based on a PTC flow of 750 cfs. A reduction of 100 cfs ( 65,000,000 gallons/day ) will lower the waste assimilation capabilities of the Chattahoochee River.
3. The 750 cfs environmental flow has been in effect for approximately 30 years; given the growth in Atlanta and upsteam plus the increases in point and non point source pollution and runoff, it is highly questionable whether the 750 cfs is even sufficient! There is NO science to say one way or the other.
4. Logic would dictate that a reduction in flow of 65,000,000 gallons per day ( 100 cfs ) would have a negative impact on water quality in the Chattahoochee; and again EPD has not tested fully nor have they provided the proper science.
5. Downstream stakeholders have a riparian right to quality water, as do all the citizens of Georgia.
6. A decrease in water quality in the Chattahoochee will cause a deterioration in water quality at West Point Lake.
7. We have seen no evidence of any testing to determine whether or not there will be a negative impact on aquatic life in West Point Lake.
8. Specifically, there has been no testing to indicate whether or not there will be harmful effects on the fishery and/or this year's spawn at West Point Lake.
9. The Chattahoochee River is already greatly stressed due to extreme drought conditions, growing metro Atlanta demands, and increasing wastewater discharges; adding to that stress with reduced flows as temperatures increase is irresponsible.
10. The reduced flow will negatively impact lake levels at West Point Lake basis the forecast of unusally dry conditions; when the reduction in flow causes lake levels to fall below 632.5, the initail recreation impact level, there is a real economic opportunity loss of approximately \$300 million dollars.
11. Environmental Justice: Has anyone studied the impact of low lake levels at West Woint Lake due to reduced flows? Significant numbers of minority and lower income people will increasingly lose their access to the lake and their right to fish for sustenance and their right to recreational/liesure activities i.e. bank fishing and safe swimming areas to name two.

If you have any questions or need any clarification, please call me.

Regards,

Dick Timmerberg  
Executive Director  
West Point Lake Coalition  
Email: dtimmerberg@bellsouth.net  
Cell: 706-957-2029



## Zettle, Brian A SAM

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**From:** lloyd [lloydit7@earthlink.net]  
**Sent:** Tuesday, May 06, 2008 8:11 PM  
**To:** CESAM-PD-EA SAM  
**Subject:** epd

Dear Sirs

Living on Lake Lanier and having a dock we support the EPD reduction of water flow to 550 as mentioned in the communication from the Lake Lanier Association, which we are a member as well

Sincerely

Lloyd Thompson