APPENDIX E

COORDINATION

US Army Corps of Engineers
Mobile District

News Release

Release No. 08-53

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For Immediate Release:
October 10, 2008

News Release: www.sam.usace.army.mil/pa/

CORPS REVIEWS A REQUEST FOR REDUCTIONS FROM LAKE LANIER

Mobile, Ala. – The U.S. Army Corps of Engineers, Mobile District, is reviewing a request from Georgia Department of Natural Resources, Environmental Protection Division (EPD) to provide 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.

The current releases made for water quality are 750 cubic feet per second (cfs) per day. The Georgia EPD request would lower that flow to 650 cfs until April 30, 2009.

The Corps is currently coordinating this proposal with the ACF Basin stakeholders. The Corps is asking that all agency and stakeholder written comments be provided by Monday, Oct. 27, at the following email address cesam-pd-ea@usace.army.mil.

A copy of the request from Georgia EPD and a link to an electronic comment form are also posted on the Mobile District Planning Division home webpage located at http://www.sam.usace.army.mil/pd/Pd1.htm

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Zettle, Brian A SAM

From: Mauldin, Gary V SAD
Sent: Monday, October 13, 2008 12:04 PM
To: '(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)'; '(fal@adem.state.al.us)'; '(flcox@southernco.com)'; '(gamartin@southernco.com)'; '(gmcmahon@arcadis-us.com)'; '(Jeff_Powell@fws.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 (amclane@southernco.com)'; 'Allen E. Owen (aeo@meadwestvaco.com)'; 'Ashley McVicar'; 'Athena Clark'; 'becky mixon'; 'bhoustonacf@bellsouth.net'; 'Bill Couch (bill_couch@dnr.state.ga.us)'; 'Bill Pearson (bill_pearson@fws.gov)'; '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)'; 'Courtenay O'Mara Morgan Falls (cromara@southernco.com)'; 'D Forster'; 'Dan Tonsmeire (dan@apalachicolariverkeeper.org)'; 'Danny Elrich (danny@highlandmarina.com)'; smtp-Heard, Darlene; smtp-Smith, Dee; 'Dick Timmerberg (dtimmerberg@bellsouth.net)'; 'don miller (GP cedar springs mill)'; '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 (kpeacock@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 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'; 'Randy Kerr'; 'Rick Treece'; 'Rob Woodall (Cong Linder)'; 'Robbie Nichols (robbie@southernharbor.com)'; 'robyn podany'; 'Sam Hamilton'; 'sbethea@ucriverkeeper.org'; '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'; 'Trey Glenn'; 'Val Perry (valperry@bellsouth.net)'; 'Wei Zeng'; 'whitney verett (Cong Rogers AL)'; 'alan peeples (APC)'; 'April Hall (ahall@alabamarivers.org)'; Barnett, Dennis W SAD; 'Beason, Tom'; 'Billy Barber (lake seminole assoc)'; 'bob kerr'; 'Bradford Swann (bswann@gov.state.ga.us)'; 'brian kerlin'; 'brian manwaring'; 'brian skeens'; 'Bruce Ritchie (britchie@tallahassee.com)'; 'chris browning'; 'chris hebberd'; 'Chris Martin (chris.martin@dnr.state.ga.us)'; 'christian doolin'; 'cllambert'; 'clyde morris'; 'daniel brown'; 'david elliott'; 'david moore'; 'Deb Speights (cong johnson)'; 'debbie cannon (chambliss)'; 'Debbie Vess (Hamilton XA)'; 'Denesia Cheeks'; 'diana ferguson'; 'Ed Moon '; 'Frank Stephens (frank.stephens@gwinnettcounty.com)'; 'frasier bingham (lake seminole assoc)'; 'grace trimble'; 'grayal farr (apalac Rvr kpr)'; 'helen light'; '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@aspbs.state.fl.us)'; 'kathy nguyen'; 'katie kirkpatrick (macoc)'; 'kcrews'; 'kim isaza MDJ'; 'kirsten mork (cong price)'; 'kit dunlap'; 'Kraly, Stephen'; 'krandall'; 'kspear'; 'Lake, Chip'; 'larry fisher'; 'larry ramsey'; 'laura hartt'; 'mary kay woodruff (MALTA)'; 'melanie morris (cong boyd)'; 'mike godfrey'; 'Mitch Williams (Mitch.Williams@GAPAC.com)'; 'Mumford, Carole (cong johnson)'; 'natalie sacha'; 'nicole carter'; 'randy kerr'; 'rhunter'; 'richard verdi'; 'Ruth.Ann.Storey@usdoj.gov'; 'scarlett fuller'; 'shana udvardy'; 'Stanley Mize (smize@gainesville.org)'; 'stephanie blankenship henry co AL'; 'steven burns'; 'stewart tomlinson'; 't vickers'; 'ted Hoehn (ted.hoehn@myfwc.com)'; 'thomas casey'; 'thomas shuler'; 'Tim Collins (tcollins@gainesville.org)'; 'tim perkins'; 'TJ marshall'; 'Tom Littlepage (tom.littlepage@adeca.alabama.gov)'; 'Tom Waits (lake seminole assoc)'; 'wilton rooks (LLA)'
Cc: Ashley, Jonathan A SAM; Boone, James E SAJ; Brown, Stacey E HQ02; Cromartie, Leon M Jr SAM; Dalton, James C HQ02; 'David McLain (dmclain850@aol.com)'; Davis, Jonathan A

Cc: SAM; Erhardt, Robert D Jr SAM; Eubanks, Michael J SAM; Fournier, Suzanne M HQ02; Fuqua, Nadine J SAM; 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; Pfenning, Michael COL HQDA; 'Premo, Stephen S SAD'; Prince, George R Jr SAD; Purcell, Cornelius W HQ@SAD; Regalado, Nanciann E SAJ; Robbins, Ervin P SAM; Ross, Wade A SAM; Sapp, Shelton B SAD; Smallwood, William L SAM; Smith, Christopher T SAD; Sumner, Lewis C SAM; Trawick, Eubie D SAM; Vaughan, Memphis Jr SAM; White, Jonas SAM; Zettle, Brian A SAM; Taylor, Peter F SAM

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

Importance: High

Attachments: Letter from Carol Couch to Colonel Jorns 10-10-08.pdf

Letter from Carol Couch to Col...

ACF Stakeholders:
FYI and comment.....Gary

Sent by GoodLink (www.good.com)

-----Original Message-----
From: Zettle, Brian A SAM
Sent: Monday, October 13, 2008 10:19 AM Eastern Standard Time
To: Smith, Christopher T SAD; Mauldin, Gary V SAD
Cc: Eubanks, Michael J SAM; Horton, Matthew W SAM; Harvey, Randall B SAM; Flakes, Curtis M SAM; Bradley, Kenneth P SAM
Subject: Proposed Temporary Deviation From Current Water Management Operations at Buford Dam to Reduce Water Quality Releases

Gary/Chris,

Could you please send this message out to the ACF stakeholder list ASAP? It provides a copy of the recent GA-EPD request and info on how to provide comments. This is the same approach we used in the previous requests. Thanks.

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 10 October 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 650 cfs be implemented between 1 November 2008 and 30 April 2009. 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 on going drought conditions and forecasts for continued dry conditions this fall/winter. 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 was previously announced during the bi-weekly ACF Basin Drought Teleconference on Thursday, 9 October 2008. 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 27 October 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/pd/Pd1.htm

Please provide all comments not later than close of business, Monday, 27 October 2008.
<<Letter from Carol Couch to Colonel Jorns 10-10-08.pdf>> 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 Floyd Tower, Atlanta, Georgia 30334
Noel Holcomb, Commissioner
Carol A. Couch, Ph.D., Director
Environmental Protection Division
(404) 656-4713

October 10, 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:

As you may recall, during the months of March through May 2008, the Corps took steps to reduce releases from Buford Dam to achieve minimum flows at Peachtree Creek of less than 750 cfs. This action was taken at our request to conserve critically needed storage in Lake Lanier and was recommended after careful analysis showed reduced flows would not adversely affect water quality or threaten water intakes below the dam. Water quality data collected during the period when reduced flows were in effect indicated no adverse water quality impacts associated with the reduced flows, and no other adverse impacts have either been observed or reported.

We would like to request that releases from Buford Dam be reduced to achieve a minimum flow of 650 cfs at Peachtree Creek beginning November 1, 2008 and continuing through April 30, 2009. This request is supported by the results of our water quality modeling analysis that demonstrates no adverse water quality impacts would be expected if these reductions were in effect November 1, 2008 through at least April 30, 2009. This request is also supported by water quality monitoring data we have collected at Capps Ferry Bridge since March 2008 that show no adverse impacts occurred as a result of reductions in flow between March through May 2008. In addition, these monitoring data also verify the accuracy of our modeling results.

In your letter of May 14, 2008 (attached), EPD was asked to take the following actions to provide additional information if reductions in flows would be requested into the summer months beyond May 31, 2008:

1) The EPDRIV 1 hydrodynamic and water quality model must be continually updated and compared to the continuous water quality data collected at Capps Ferry to verify that the model assumptions are appropriate and that outputs are appropriate for estimating impacts and predicting potential problem areas;

2) EPD must take additional efforts to estimate the instantaneous flow immediately above Peachtree Creek including installation of a stream gage or collection of real-time instantaneous water withdrawal data from the City of Atlanta water intake;

3) EPD must provide a more detailed monitoring and adaptive management plan with clear triggers for returning flow requirements to 750 cfs during the summer months. This plan should include sharing monitoring data with the Corps and EPA weekly and verifying that the effluent discharges assumed in the model are accurate representations of actual discharges.

Since your May 14, 2008 letter stated that that these actions were needed only if flows were to be reduced through the summer months we believe that taking these actions is not as critically important during the winter months as they would be during the summer months. Nevertheless, in recognition of

the importance of ensuring that stakeholder concerns are addressed in an appropriate and meaningful fashion, we have analyzed these issues carefully for the period November through April and are providing you with the results of our analysis in Attachment A. The information presented in Attachment A captures most of the issues we have discussed with many of these stakeholders during the last few weeks regarding our intent to submit this request. While there may be other stakeholder concerns or questions raised while this request is under consideration that will need our response, we believe Attachment A adequately addresses most of the issues raised so far.

In closing, I would just like to remind you of the important benefits associated with requesting reduced flows at Peachtree Creek. If granted, this action alone would add approximately 11.70 billion gallons of water to storage in Lake Lanier, an amount equivalent to the entire water supply demands of Dekalb County from November through April. Combined with the storage that is being added to Lake Lanier each day as a result of the implementation of stringent drought conservation measures currently in effect for all of the water systems that withdraw water from Lake Lanier or the Chattahoochee River from Buford Dam to Peachtree Creek, this would result in the addition of approximately 20.64 billion gallons of water to Lake Lanier; enough to meet the water supply needs of Cobb and Gwinnett Counties for the same time period.

We therefore request that releases from Buford Dam use 650 cfs rather than 750 cfs as the minimum flow at Peachtree Creek beginning November 1, 2008 and continuing through March 31, 2009.

Sincerely,

Carol A. Couch
Director

Attachments

ATTACHMENT A
Supplemental Information
Letter from Carol Couch to Colonel Byron Jorns
October 10, 2008

1) The EPDRIV 1 hydrodynamic and water quality model must be continually updated and compared to the continuous water quality data collected at Capps Ferry to verify that the model assumptions are appropriate and that outputs are appropriate for estimating impacts and predicting potential problem areas.

Dissolved Oxygen - As requested, we have updated the EPDRIV 1 model using 2007 meteorological, withdrawal and discharge information and compared the model results to dissolved oxygen (DO) data collected at Capps Ferry Bridge and the USGS Fairburn gage at Highway 92.

Figure 1 depicts the profile of predicted DO concentrations from Buford Dam to West Point Lake. The model predicts that the minimum DO concentration occurs near the Dog River confluence. Capps Ferry, which is approximately 4 miles downstream of the Dog River confluence represents the first available location to monitor the point at which minimum DO concentrations are expected.

Figure 2 shows all continuous DO monitoring data collected by EPD at Capps Ferry and minimum DO concentrations observed by the USGS at the USGS Fairburn gage at Highway 92 ten miles upstream from Capps Ferry. The data presented in Figure 2 includes all data collected from Capps Ferry, including data that we have determined were not usable due to problems associated with siltation of the sampling equipment. Each color in Figure 2 represents data collected from a different DO monitoring sonde. Data are collected continuously by a single sonde that is retrieved manually and replaced with another sonde on a weekly basis. Field observation and analysis of data from the sondes at the time of retrieval each week indicated that siltation of the sonde membranes was resulting in false low DO readings. This is indicated on Figure 2 by the light blue lines from Sonde 40415 that became progressively lower during the course of each weekly deployment. During the first week in August 2008, EPD began deploying luminescent dissolved oxygen (LDO) sondes instead of membrane sondes because LDO sondes are less prone to siltation effects. As shown in Figure 2, the accuracy and quality of the data improved as confirmed by the high degree of correlation with the USGS Fairburn gage data. Additionally, in order to minimize the effects of siltation on the sondes, and obtain more representative samples of water flowing past Capps Ferry, EPD has also moved the location of the sonde closer to the main channel.

As shown in Figure 2, during the time that reduced flows were in effect between March and May 2008, there were no violations of the State's instream standards for dissolved oxygen as a result of the reduced flows. As explained in EPD's letter of April 25, 2008, the only time low dissolved oxygen concentrations were observed during the reduced flow period was on April 12, 2008 as a result of a combined sewer overflow event in the City of Atlanta on April 11, 2008.

The DO data collected at Capps Ferry and the Fairburn gage generally validate the model results. Figures 3 compares the results of the 2008 DO monitoring at Capps Ferry to the 2007 EPDRIV1 model predictions, excluding unusable data as discussed above. Figure 4 presents the 2007 daily average DO monitoring data from the USGS Fairburn gage and instantaneous readings collected by EPD at the Fairburn gage plotted against the results of the 2007 EPDRIV 1 model predictions at the same location. As shown there is generally good correlation between the actual data and the model at both locations thus validating the model.

Therefore, we believe this demonstrates that at flows of 650 cfs at Peachtree Creek, the updated model is validated by data collected at Capps Ferry and the USGS Fairburn gage and that water quality standards are protected.

Ammonia Toxicity - In addition to DO, the updated model results also show that the predicted in-stream ammonia concentrations will be far below maximum allowable concentrations. As shown in Figure 5, the model predicts that ammonia concentrations will peak approximately ten miles downstream of Peachtree Creek at the Interstate 20 crossing of the Chattahoochee River. Predicted

ammonia concentrations at this location are shown in Figure 6 and, in Figure 7, the predicted concentrations are compared to the maximum allowable ammonia concentrations. There is no single number in-stream standard for ammonia; instead the maximum in-stream concentration of ammonia allowed depends upon the temperature and pH of the receiving stream. Figure 7 shows what the model predicts the maximum allowable ammonia concentration would be for selected pH. Variations in the maximum allowable concentration for each selected pH is attributable to in-stream temperature variations. As shown in Figure 7, ammonia concentrations will be substantially below allowable limits.

Temperature - Besides DO and ammonia, we have also evaluated the impact that reduced flows of 650 cfs at Peachtree Creek would have upon water temperature and the potential effects on the trout fishery between Buford Dam and Peachtree Creek. Our assessment included temperature modeling using EPDRiv1 from Buford Dam to Peachtree Creek and consultation with the Wildlife Resources Division of the Georgia Department Natural Resources (WRD). Temperature modeling results provided in Figure 8 show that at State Road 400, which is just upstream from Bull Sluice Lake, temperatures remain well within a range that would protect long-term trout survival if flows were reduced to 650 cfs at Peachtree Creek from November through April. As shown in Figure 9, the model predicts that temperature excursions beginning in late March at Peachtree Creek become more frequent and of longer duration indicating a lower likelihood of trout survival. This would indicate the need to coordinate closely with WRD to ensure an adaptive management strategy is in place by mid-March that protects critical priorities for the fishery.

2) EPD must take additional efforts to estimate the instantaneous flow data immediately above Peachtree Creek including installation of a stream gage or collection of real-time instantaneous water withdrawal data from the City of Atlanta water intake.

Although it is our understanding that it was needed only as a condition of reduced flows during the summer months, EPD has looked into the possibility of gathering additional data to enable real-time instantaneous flow determinations at Peachtree Creek. Apparently, concern about this issue stems from the historical importance of 750 cfs instantaneous flow at Peachtree Creek as a basis for establishing wasteload allocations for NPDES permitted discharges to the Chattahoochee below Buford Dam as stated in the attached December 28, 1999 letter from EPA. Current NPDES permitted discharges are based on wasteload allocations that used 750 cfs instantaneous flow at Peachtree Creek as the design flow. These wasteload allocations also assumed that the permitted discharges would be discharging at maximum loading. However, based on discharge monitoring data from 2007, these permitted discharges are only discharging at about twelve percent of their maximum loading. Since these permitted discharges are only discharging at approximately twelve percent of their allowable loading, assessment of a minimum instantaneous flow at Peachtree Creek takes on less significance from the standpoint of assuring protection of in-stream standards.

We evaluated the possibility of installing a gage on the Chattahoochee River just upstream from Peachtree Creek as requested. Because of the morphology of the stream channel at this location, this is not an ideal location for a gage because of the difficulty associated with developing a unique rating curve that would be used to calculate flows at the gage. Additionally, if a gage were installed on the Chattahoochee River upstream from Peachtree Creek, there would still have to be adjustments made to the reading from that gage to account for the City of Atlanta withdrawals that would occur between the gage and Peachtree Creek which is what has to be done now with data from the Vinings gage. Even if this were a good location to install a gage, we would still have the same challenges associated with estimating flows at Peachtree Creek that we now have. Therefore we question the value of installing a gage at this location.

With respect to the issue of obtaining real-time withdrawal data from the City of Atlanta intake to estimate flow at Peachtree Creek, we are not sure that obtaining such data will add significant understanding to our assessment of the effect of reduced flows on water quality conditions. As predicted by the model for March 2008 – May 2008 and confirmed by monitoring data at Capps Ferry and the USGS Fairburn gage, during reduced flows of 650 cfs at Peachtree Creek, there were no adverse impacts on water quality or any observed violations of the in-stream standards. Therefore, if reduced releases from Buford Dam to achieve flows of 650 cfs at Peachtree Creek did not result in water quality impairments during March 2008 – May 2008, we are unsure as to what

value collecting real-time data for the purpose of calculating real-time instantaneous flows will have upon assessing whether or not in-stream water quality standards are being protected.

3) EPD must provide a more detailed monitoring and adaptive management plan with clear triggers for returning flow requirements to 750 cfs during the summer months. This plan should include sharing monitoring data with the Corps and EPA weekly and verifying that the effluent discharges assumed in the model are accurate representations of actual discharges.

Finally, in response to Item 3 above, although it is our understanding that additional monitoring and a more formal adaptive management plan was identified as a condition of continuing reduced releases through the summer, EPD nevertheless plans to employ an adaptive management approach November 1, 2008 through March 31, 2009 that includes the following:

- **DO monitoring** - DO monitoring will be continued at Capps Ferry with weekly data retrieval and review. The data will be posted to EPD's website the week following retrieval with DO results plotted against model predictions. Data from the USGS Fairburn gage will also be plotted against model predictions and posted. Prior to posting, each data set will be reviewed by EPD staff for anomalies and examined with respect to events in the watershed such as precipitation, spills or combined sewer overflow events that may have contributed to or be indicators of significant drops in DO concentrations;

- **NPDES permitted discharges** – Within 1 business day of Corps approval of this request for reduced flows, all permittees will be advised that reduced flows are in effect and they will be reminded of the importance of complying with permit conditions that require timely notification to EPD and other parties of conditions at their facilities and in their service areas that could result in water quality impairments;

- **Nutrient monitoring in West Point Lake** – EPD will coordinate with the City of LaGrange in their continuing efforts to monitor nutrients in West Point Lake including coordination of sampling events, data sharing and sampling and laboratory assistance. All data will be evaluated by EPD to determine if there is any indication of increases in nutrient loading that could adversely impact water quality in West Point Lake.

- **Temperature** – EPD will continue to coordinate with WRD to monitor temperature as needed and provide for timely opportunity to intervene in the event that temperatures rise to levels of concern for the fishery. EPD will also continue to communicate with WRD regarding maintenance of adequate river elevations at the intake of the Buford Hatchery. Because significant temperature increases do not begin to occur below Morgan Falls Dam until mid-March, EPD will consult with WRD regarding an appropriate strategy for temperature monitoring and reporting.

- **Water Supply Intakes** - Within 1 business day of Corps approval of this request for reduced flows, all permittees will be advised that reduced flows are in effect, that they should monitor their intakes as needed, and that any indication of problems associated with reduced flows should be reported to EPD immediately;

- **EPD Notice to Corps** - EPD would inform the Corps as soon as possible upon the discovery of any conditions related to the above actions that indicates the need for resumption of flows at Peachtree Creek to 750 cfs.

DEPARTMENT OF THE ARMY
MOBILE DISTRICT, CORPS OF ENGINEERS
P.O. BOX 2288
MOBILE, AL 36628-0001

MAY 14 2008

Inland Environment Team
Planning and Environmental Division

Dr. Carol Couch, Director
Environmental Protection Division
Georgia Department of Natural Resources
2 Martin Luther King Jr. Drive
Suite 1152, East Tower
Atlanta, Georgia 30334

Dear Dr. Couch:

I am writing in regards to your letter dated April 25, 2008, requesting that the U.S. Army Corps of Engineers (Corps), Mobile District, continue to temporarily modify water management operations at Buford Dam to meet a reduced water quality flow requirement in the Chattahoochee River at Peachtree Creek from an instantaneous daily value of 750 cubic feet per second (cfs) to 650 cfs until May 31, 2008. We recently completed our analysis of this request, including agency and basin stakeholder coordination, and determined that continuing this operation through May 31, 2008, would not result in long term significant environmental or human impacts. This determination is also based on incorporation of the monitoring and adaptive management plan during the implementation period.

During our recent coordination efforts, Georgia Environmental Protection Division (EPD) staff indicated that EPD may submit additional requests to continue the temporary reduced water quality flow requirement during the summer based on future conditions. Based on our recent discussions with U.S. Environmental Protection Agency (EPA), and EPD, there are several outstanding issues on which we will need additional information prior to completing our evaluation of any future requests to operate for the reduced water quality flow requirement during the summer months. These issues are:

1) The EPDRiv1 hydrodynamic and water quality model must be continually updated and compared to the continuous water quality data collected near Capps Ferry in order to verify that the model assumptions are appropriate and that outputs are appropriate for estimating impacts and predicting potential problem areas.

2) EPD must take additional efforts to estimate the instantaneous flow data in the Chattahoochee River immediately upstream of the confluence with Peachtree Creek. Potential methods include installation and maintenance of a real-time stream gage or providing real-time instantaneous water withdrawal data from the City of Atlanta water intake structure located immediately upstream of this point. The withdrawal data could be used in conjunction with the "Vinings" U.S. Geological Survey (USGS) gage No. 02336000 data to better estimate the instantaneous flows at Peachtree Creek.

3) EPD must provide a more detailed monitoring and adaptive management plan with clear triggers for returning the water quality flow requirement to 750 cfs during the summer months. This plan should include sharing monitoring data with the Corps and EPA weekly and verifying that the effluent discharges assumed in the model are accurate representations of actual discharges.

Due to the complexity of some of these issues, the considerable amount of time they may require, and the need for careful scrutiny of reduced minimum water quality flows during the summer months, I recommend that this effort be commenced as soon as possible so as not to delay the consideration of any future reduced water quality flow request. I also recommend that any additional request for reduced water quality flows be submitted well in advance of the desired implementation date to account for the time necessary to assess the request. As always, the Mobile District stands ready to assist in this effort wherever possible.

Sincerely,

R. Daren Payne
Lieutenant Colonel
Corps of Engineers
Deputy Commander

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

DEC 28 1999

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 Commissioner
ACT/ACF River Basins

Figure 1
Predicted Chattahoochee River Dissolved Oxygen Profile
for Minimum Streamflow of 650 cfs at Peachtree Creek

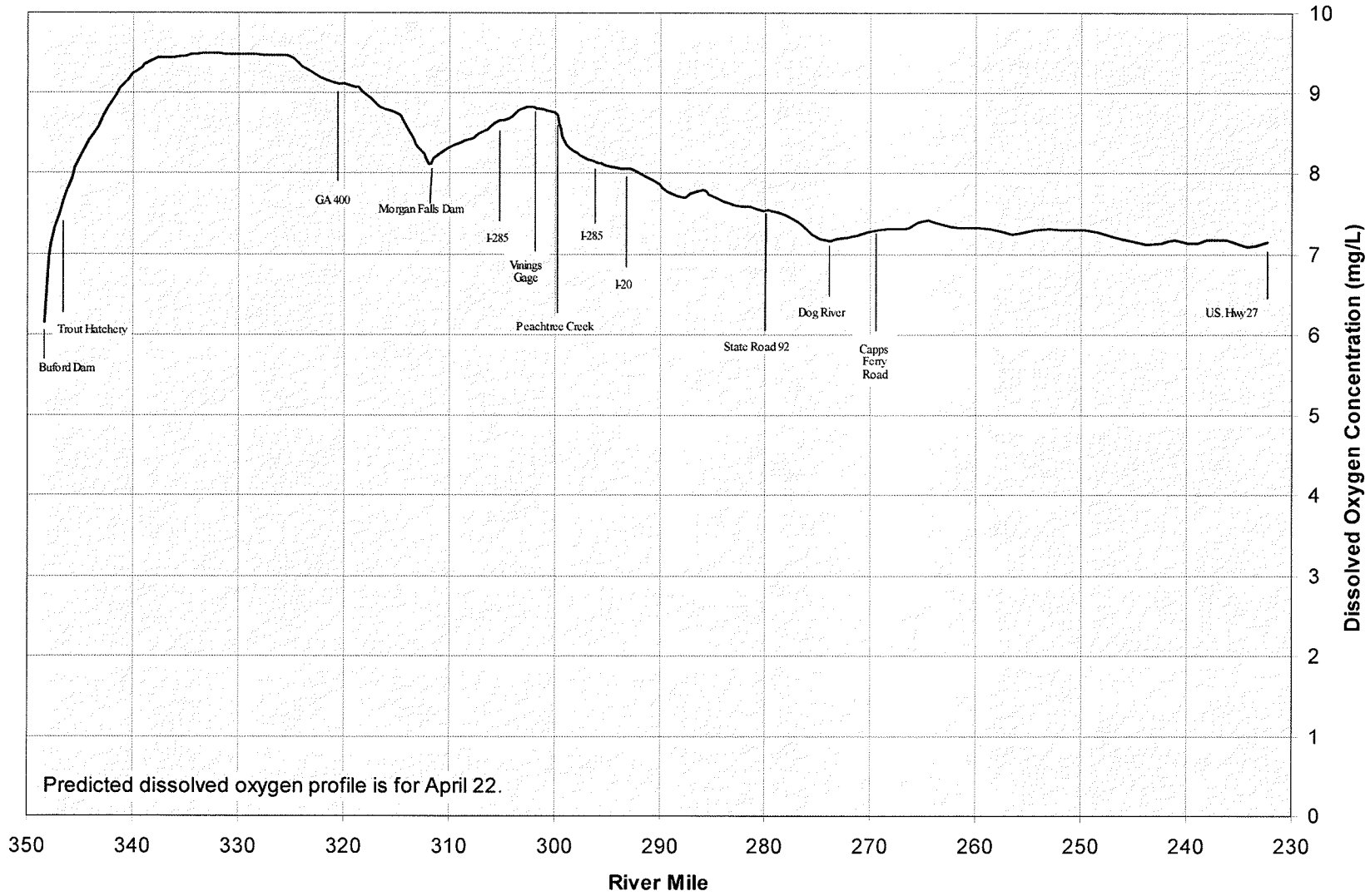


Figure 2
2008 Uncorrected Continuous Dissolved Oxygen Monitoring Data at Capps Ferry and 2008 USGS Daily Minimum Dissolved Oxygen and Preciptiation Data at Highway 92

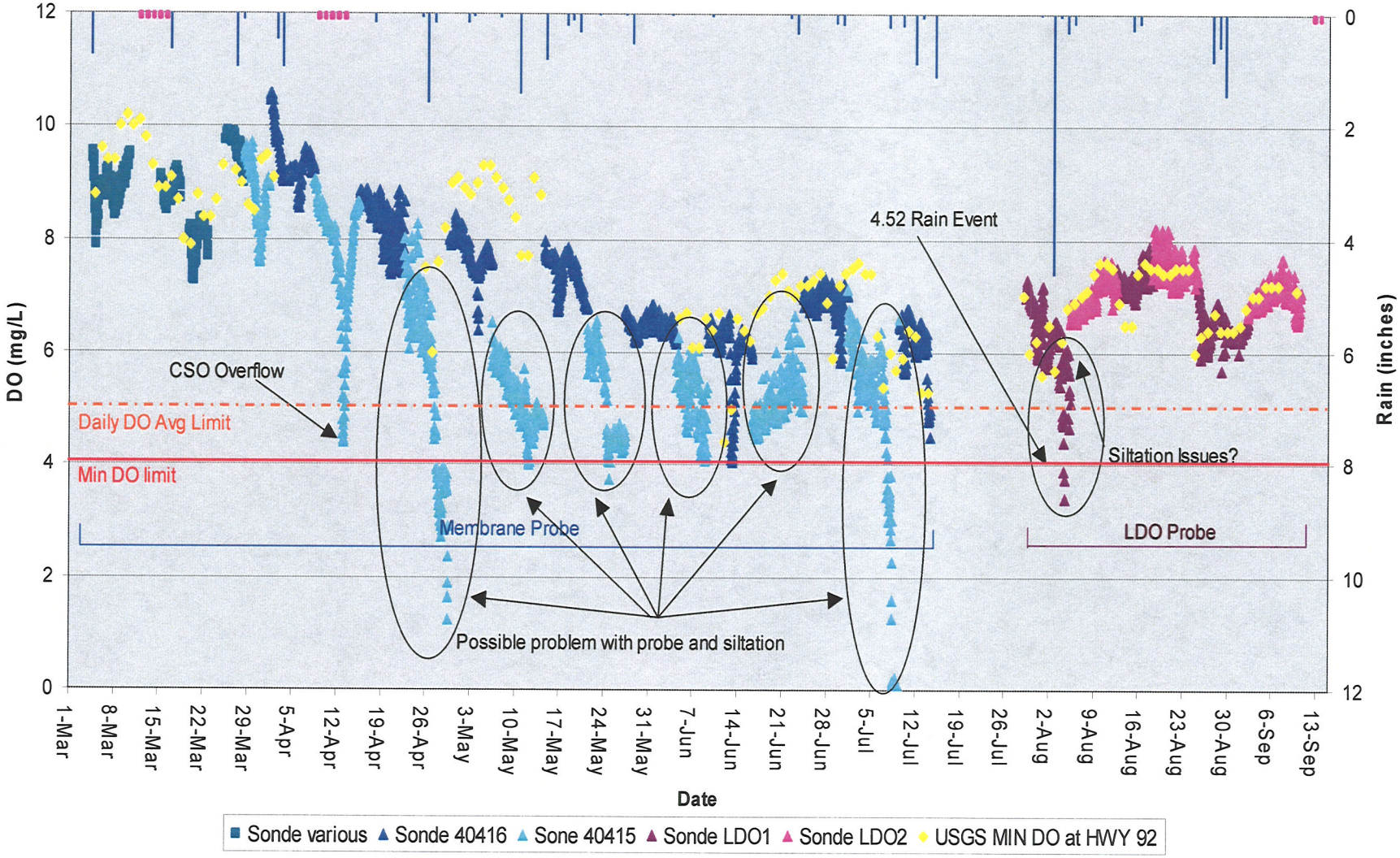


Figure 3
Dissolved Oxygen at Capps Ferry Bridge
2007 Chattahoochee River Model Predicted versus 2008 Actual

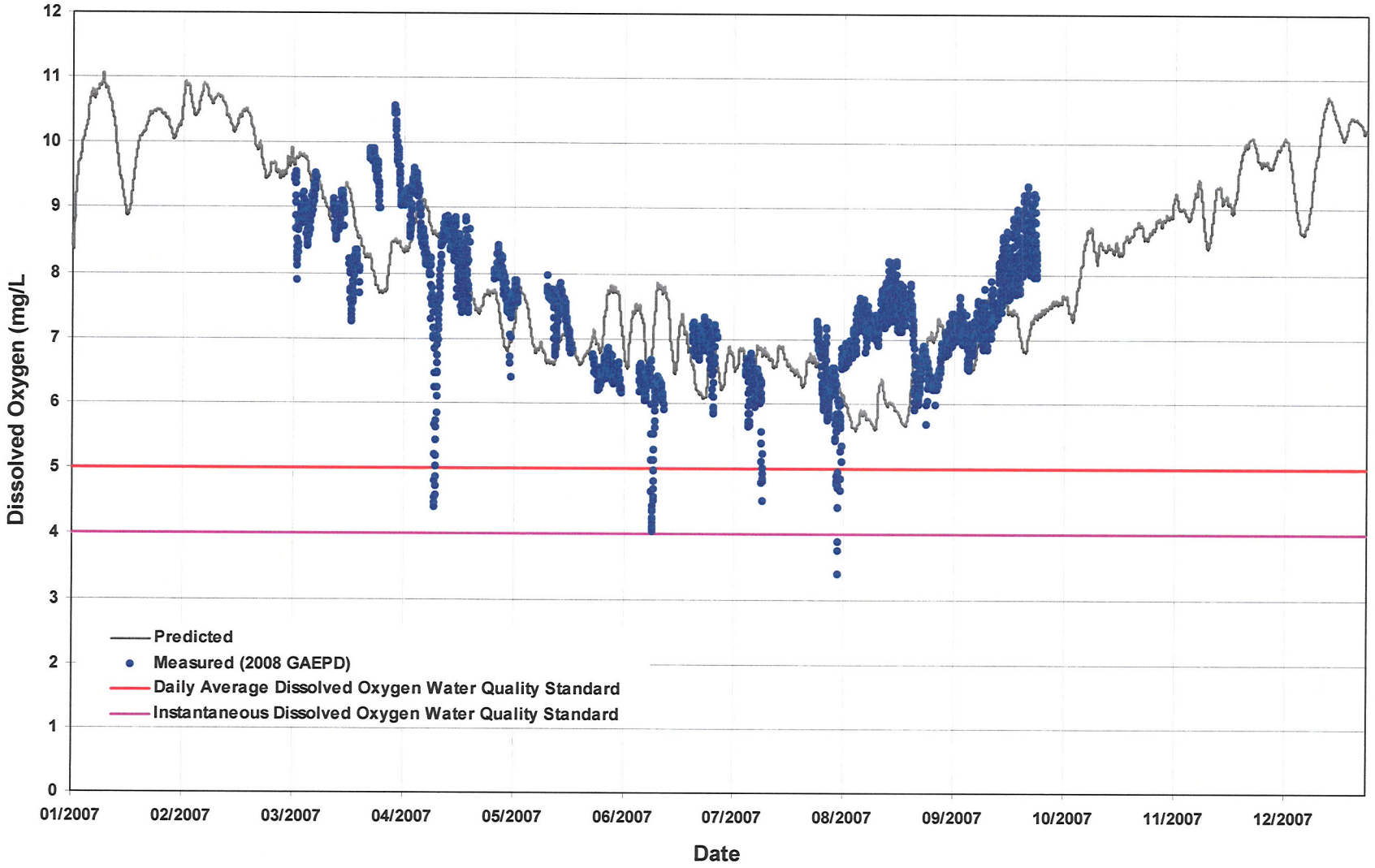


Figure 4
Dissolved Oxygen at USGS Fairburn Gage at Highway 92
2007 Chattahoochee River Model Predicted versus 2007 Actual

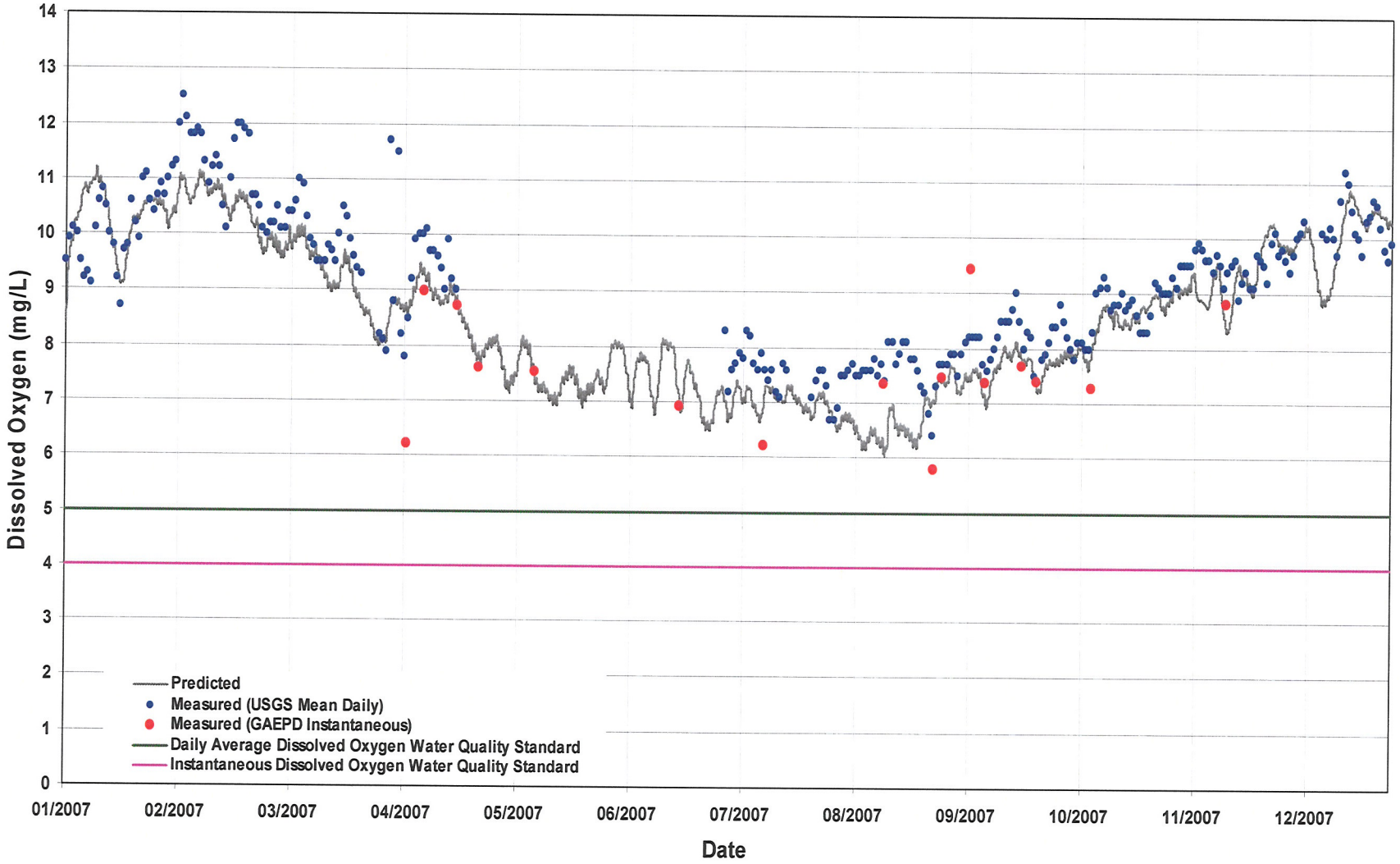


Figure 5
Predicted Chattahoochee River Ammonia Concentration Profile
for Minimum Streamflow of 650 cfs at Peachtree Creek

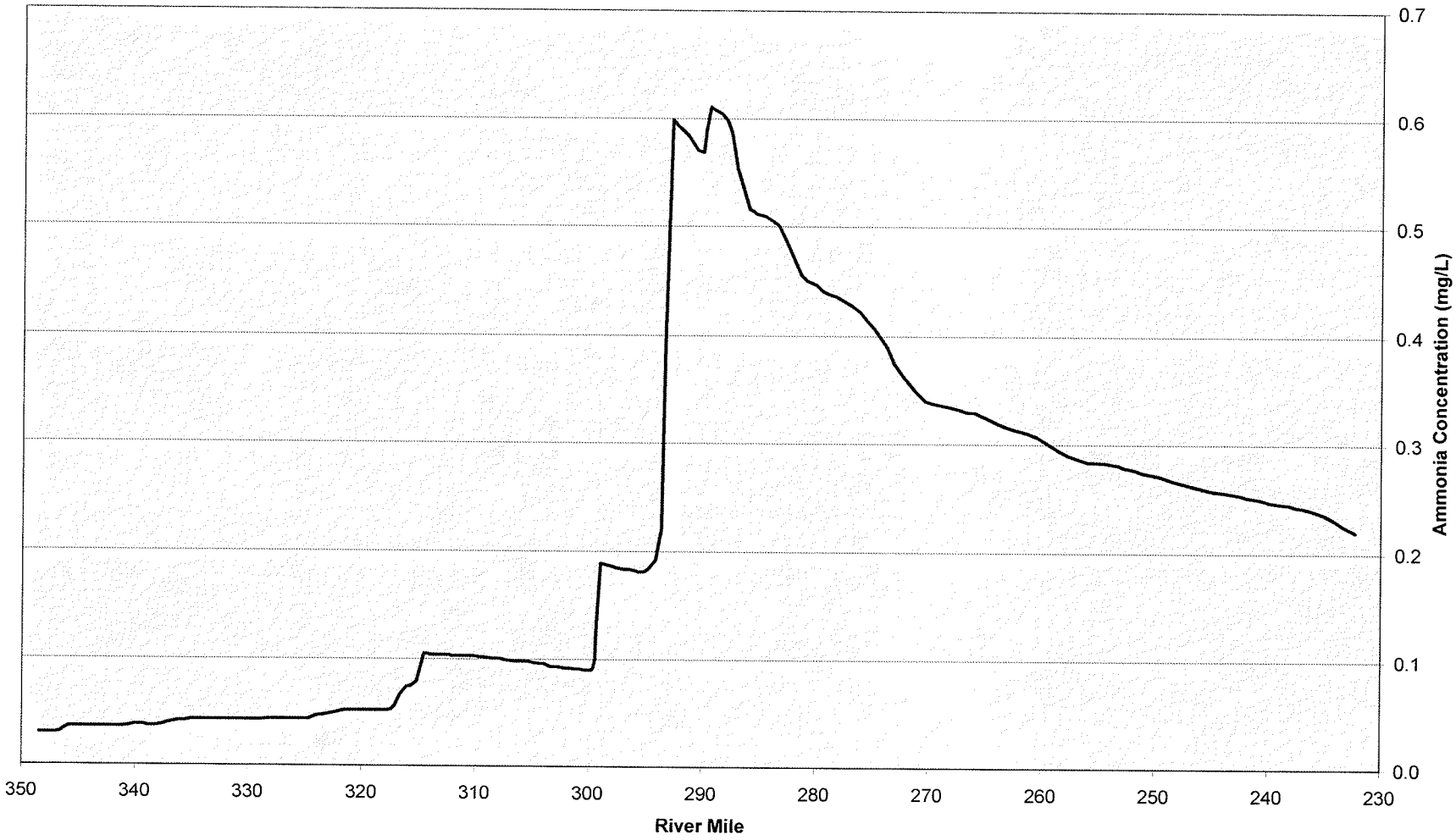


Figure 6
Predicted Chattahoochee River Maximum Ammonia Concentrations for Minimum Streamflow of 650 cfs at Peachtree Creek
(Concentrations are at maximum location.)

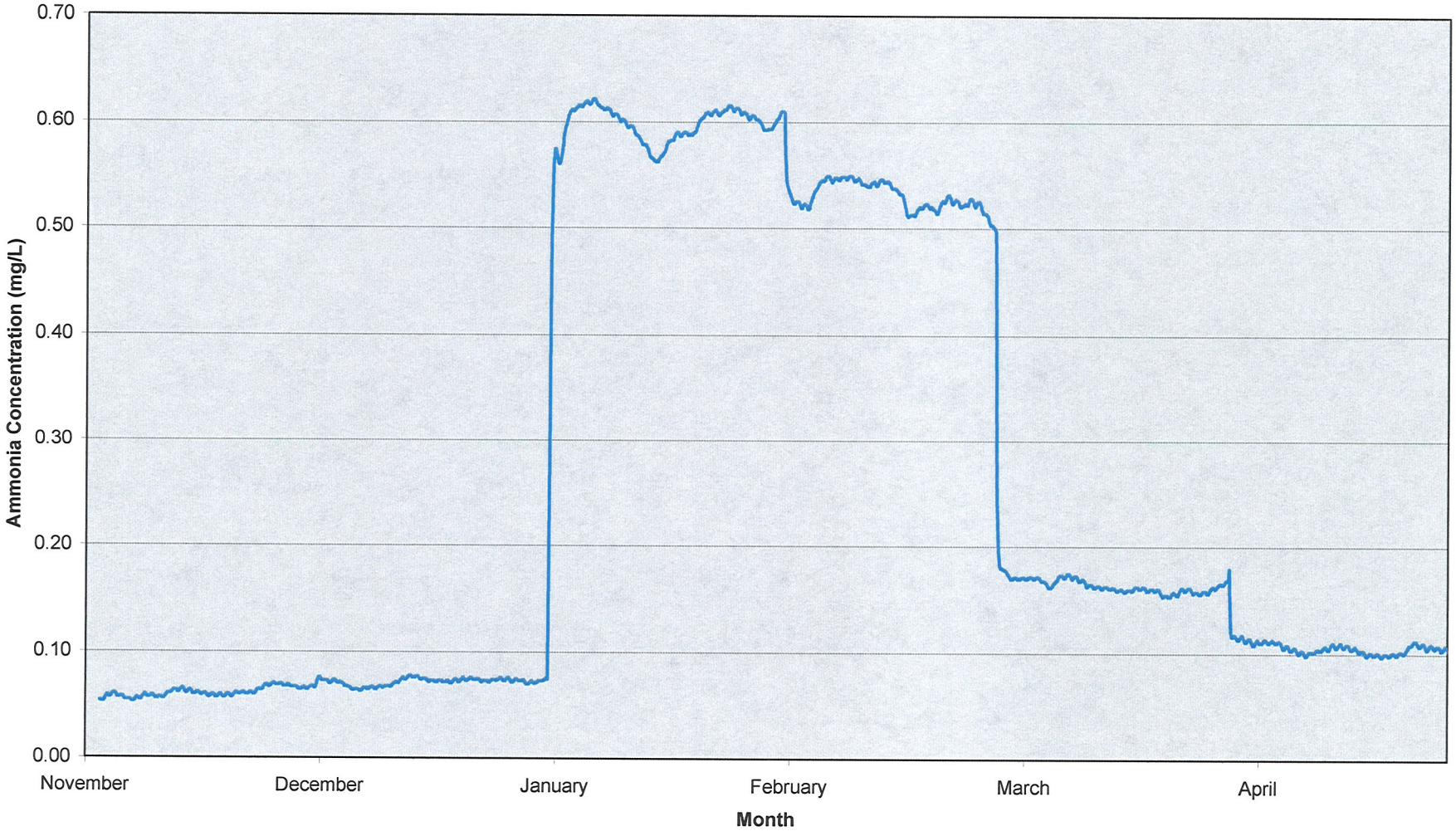


Figure 7
Predicted Ammonia Concentrations at I-20 Compared to Maximum Allowable Ammonia Concentrations for Selected pH Values with Flows of 650 cfs at Peachtree Creek

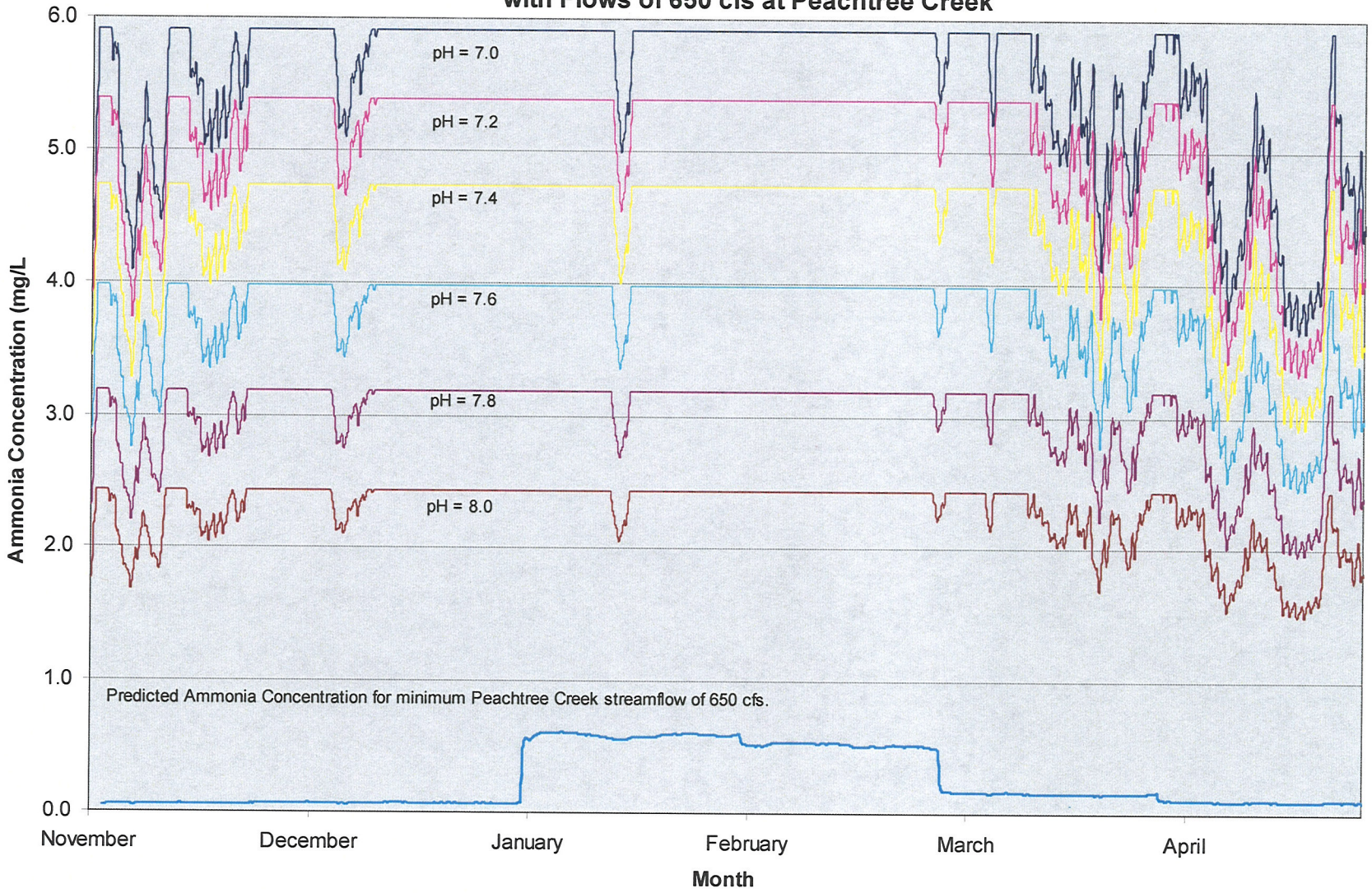


Figure 8
Predicted Chattahoochee River Temperatures at State Road 400
November thru April Low Flow Critical Conditions
Flow at Peachtree Creek = 650 cfs

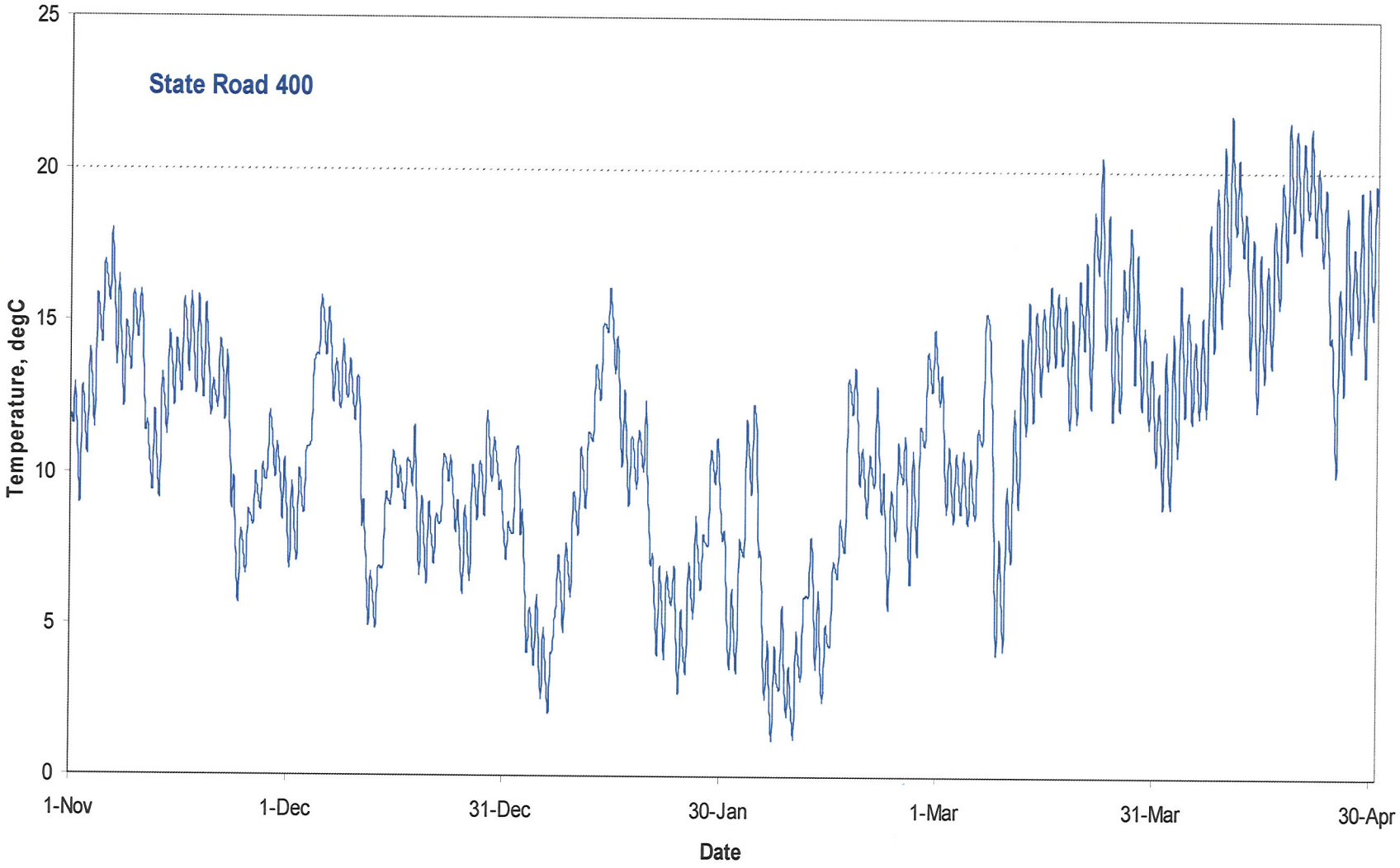
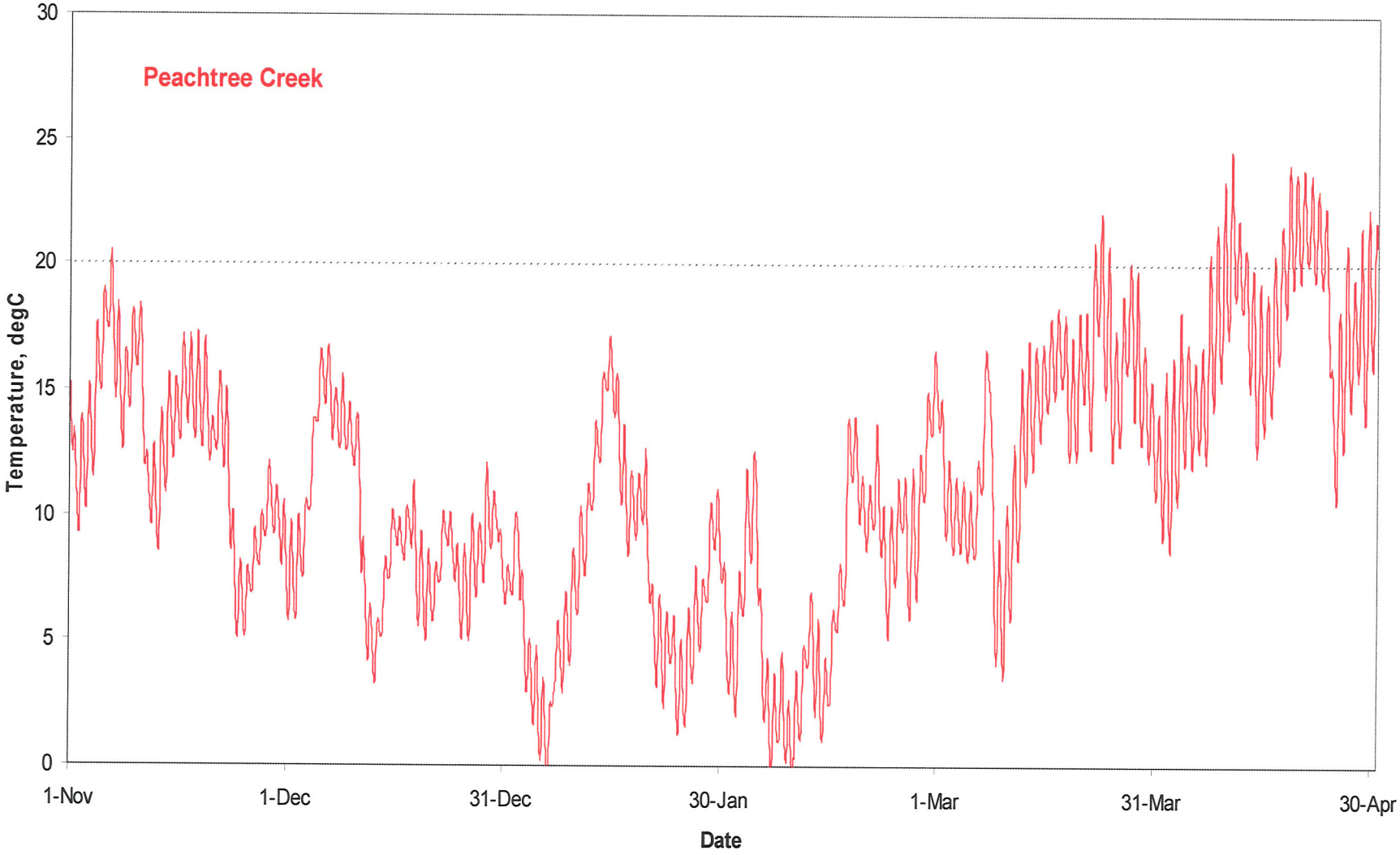


Figure 9
Predicted Chattahoochee River Temperatures at Peachtree Creek
November thru April Low Flow Critical Conditions
Flow at Peachtree Creek = 650 cfs



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October 17, 2008

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

Dear Col. Jorns,

I am writing to provide you a copy of a recent letter by Upper Chattahoochee Riverkeeper to the United States Environmental Protection Agency, Region 4, regarding Georgia Environmental Protection Division's request to reduce releases from Buford Dam at Lake Lanier to achieve a minimum flow of 650 cfs at Peachtree Creek beginning November 1, 2008, and continuing through April 30, 2009. (See October 17, 2008, letter enclosed).

Please contact me with any questions regarding this letter. I may be reached at (404) 352-9829 x13, or via e-mail at jcohen@ucriverkeeper.org.

Sincerely,

Juliet Cohen
General Counsel

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Keeping Water Clean and Water Flowing
uritan Mill 916 Joseph Lowery Blvd. Atlanta, GA 30318 404-352-9828 Fax 404-352-8676 www.chattahoochee.org

October 17, 2008

James Giattina
US EPA, Region 4
Sam Nunn Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, GA 30303

Dear Jim,

I am writing to thank you and your staff for speaking with us on October 15, 2008, regarding Georgia Environmental Protection Division's ("EPD's") request to the U.S. Army Corps of Engineers ("Corps") to reduce releases from Buford Dam to achieve a minimum flow of 650 cfs at Peachtree Creek beginning November 1, 2008, and continuing through April 30, 2009.

Upper Chattahoochee Riverkeeper ("UCR") is opposed to a reduction in releases from Buford Dam because of the potential adverse impacts to the Chattahoochee River's water quality and instream flows between Buford Dam and West Point Dam. EPD's proposed six-month long reduction, which follows a sustained dry period and will lead into next year's dry summer months, will result in potentially significant cumulative impacts to the Chattahoochee River upon which many Georgians depend for drinking water, recreation, fishing, and power supply.

As we mentioned during our call, EPD has not provided a rationale for the urgency of this expedited request. Without an opportunity for meaningful public or agency review and input, and the careful consideration of reasonable and less environmentally-damaging alternatives, a decision to approve the reduction will be arbitrary. In fact, we note that a similar expedited request has been made for reduced flows in the Savannah River below Thurmond Dam. We are concerned that EPD is setting an ill-advised precedent, favoring water hoarding in reservoirs over less expensive, less environmentally-damaging, and more sustainable long-term water conservation measures.

Furthermore, the data is lacking to support EPD's request. As stated in EPD's October 2008 request to the Corps, "[c]urrent NPDES permitted discharges are based on wasteload allocations that used 750 cfs instantaneous flow at Peachtree Creek as the design flow." The Corps cannot confirm in real-time that EPD is meeting the current 750 cfs requirement, and UCR is aware that the current requirement is not always met. Indeed, as recently as October 14, daily average flow at Peachtree Creek dropped to 721 cfs.[1] Consequently, UCR cannot concur as EPD

[1] This number derived from the 861 cfs (daily average) reading taken at the U.S.G.S. Vinings station and subtracting the City of Atlanta intake of 140 cfs (daily average).

asserts that a reduction in releases from Buford Dam will ensure adequate assimilation of permitted treated wastewater and industrial process water discharges into the river daily by metro municipalities. Just recently, monitoring has shown significant violations of nitrogen levels in West Point Lake.[2] A reduction in releases from Buford Dam will lead to lower water levels and further compromise the water quality downstream.

Moreover, without real-time baseline data EPD's attempt to employ an adaptive management approach to the release reduction will be of no consequence. EPD admits that upon the discovery of any condition warranting the need for a resumption of flows at Peachtree Creek to 750 cfs, a minimum of seven days will have passed. At that point, any adverse effects to water quality will have already occurred.

Given the 750 cfs flow requirement is not always met, given this is EPD's second consecutive request to reduce flows at Peachtree Creek, and given that EPD continues to issue NPDES permits based on the 750 cfs measurement, UCR concurs with EPA that NPDES permits in the affected part of the river may have to be revised and tightened to account for lower flows.

UCR is interested in your findings with respect to whether, as EPD claims, "permitted discharges in the Chattahoochee River Basin are only discharging at approximately twelve percent of their allowable loading." If EPD's claims are accurate, then the discharge permits ought to be reexamined in conjunction with water quality data to determine whether the river is indeed capable of assimilating the full discharges without detriment.

Meanwhile, UCR remains committed to securing a gauge to measure instantaneous flow in the Chattahoochee River at Peachtree Creek. As discussed during our call, UCR is available to assist all interested local, state, and federal agencies in securing the instantaneous telemetry gauge, and we are grateful for your offer to research what tools, if any, EPA may have to assist in this effort.

For all the reasons above, it is not appropriate for the Corps to lower flows at Buford Dam. In addition, we will submit similar comments to the Corps by October 27. Again, thank you for speaking with us, and we look forward to continuing to work with you to address the water quality and water supply problems facing our region.

Sincerely,

Sally

Sally Bethea
Executive Director and Riverkeeper

cc: Colonel Byron G. Jorns, District Commander, U.S. Army Corps of Engineers

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[2] See Letter from W. Jeff Lukken, Mayor, City of LaGrange, to Colonel Byron G. Jorns, District Commander, U.S. Army Corps of Engineers, dated October 15, 2008.

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October 27, 2008

E. Patrick Robbins
Lisa Coghlan
Attn: Comments to Request for Reductions From Lake Lanier
District Engineer
U.S. Army District, Mobile
PO Box 2288
Mobile, AL 36628-0001

RE: Release No. 08-53 – Corps reviews request for reductions from Lake Lanier

Dear Mr. Robbins and Ms. Coghlan:

I am on writing on behalf of the Upper Chattahoochee Riverkeeper in response to the U.S. Army Corps of Engineers' ("Corps'") October 10, 2008, notice regarding the Georgia Department of Natural Resources, Environmental Protection Division's ("EPD's") request to provide a temporary deviation from the current water management operation at Buford Dam/Lake Lanier to achieve a minimum flow of 650 cfs in the Chattahoochee River at Peachtree Creek beginning November 1, 2008, and continuing through April 30, 2009.

Upper Chattahoochee Riverkeeper ("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 5,000 members who use and enjoy the river and its resources and depend on the Chattahoochee River and its lakes as a source of drinking water and for recreation.

While we understand the importance of restoring the elevation of Lake Lanier, it is critical that other resources in the river basin not be compromised to support this major change in flow in the most heavily-used river in the state of Georgia. It is troubling that this is the *third time* this year that the state has asked for an expedited review and approval by the Corps to hold more water in Lake Lanier at the expense of downstream communities and water users. The requested reduction in river flow will further stress a waterway that is already close to being tapped out in its ability to supply drinking water and dilute millions of gallons of treated waste, while continuing to offer quality recreational opportunities at the lakes and state, federal and local parks in the river basin. Any reduction in water quality is simply unacceptable.

Most frustrating of all is the fact that the state and federal agencies have failed to provide adequate instream monitoring devices to measure river flow and quality on a *real-time* basis. Instead, the state is relying on computer modeling, a water quality monitoring station that can only be read manually once a week, and after-the-fact calculations of daily average flow and quality data from multiple sources to ensure that river flow and water quality standards are met at all times. An adaptive management approach, such as the state says it is using, will not work without sufficient monitoring. Nor are statements by EPD that it cannot afford to improve its monitoring capabilities in the Chattahoochee River below Buford Dam convincing. What is being described, yet again, as a "temporary" reduction in river flow looks more like a permanent desire to keep the river as low as possible for as much of the year as possible, significantly narrowing the margin of safety for the river's health.

Earlier this year, UCR submitted two comment letters to the Corps in response to EPD's two similar requests to reduce releases from Buford Dam.[1] We have reviewed EPD's current request and supporting documents, and remain opposed to a reduction in releases from Buford Dam for reasons more fully described below.

A. Overview of Corps' previous Lake Lanier operations with respect to EPD flow reduction requests at Peachtree Creek.

EPD has requested, and the Corps has granted, similar requests during prior drought conditions. In February 2001, EPD requested a reduction to the minimum flow requirement at Peachtree Creek to 650 cfs. The Corps granted the request without any further National Environmental Policy Act (NEPA) documentation, relying instead on a 1974 Environmental Impact Statement (EIS) prepared for Buford Dam control operations.

In September 2001, EPD again requested a flow reduction going into the 2001-2002 winter months which the Corps again granted. In the spring of 2002, after monitoring showed that reduced flows resulted in low dissolved oxygen levels, the 750 cfs minimum requirement was reinstated.

More recently, in February 2008, EPD made a request to lower the minimum flow requirement at Peachtree Creek to 550 cfs beginning immediately and continuing through April 2008. After the Corps notified EPD that implementing their request would require addition authorizations, EPD changed its request to a reduced flow of 650 cfs. In March 2008, the Corps again determined that no EIS was required, this time issuing an Environmental Assessment/Finding of No Significant Impact (EA/FONSI) document. Once again, in April 2008, EPD requested and the Corps approved an extension of the flow reduction through May. The Corps relied on its March 2008 EA/FONSI to determine no significant adverse impacts and authorized EPD's request.

Fall 2008 has is now here, and once again, EPD has requested a reduction in flows at Peachtree Creek to carry through the upcoming winter months. Given long-term drought projections, undoubtedly this will not be EPD's last request for such

[1] See UCR letters dated February 25, and May 7, 2008.

reductions—at this rate we will see similar request for flow reductions in the spring of 2009.

B. <u>Before approving EPD's latest request, the Corps must take the requisite hard look at the potential impacts of the proposed flow reduction on the human environment, including the Chattahoochee River.</u>

The National Environmental Policy Act ("NEPA")[2] is triggered and imposes procedural obligations on federal agencies that undertake "major Federal actions significantly affecting the quality of the human environment." If a proposed action meets this standard, an Environmental Impact Statement ("EIS") must be prepared, describing the purpose and need for the action, "rigorously explore and objectively evaluate all reasonable alternatives," and discuss the direct, indirect, and cumulative effects of the environmental consequences of the proposed action.[3]

Only in cases where it is not clear whether effects "may" be significant, an Environmental Assessment ("EA") is prepared as a means of evaluating this question. If the EA determines that effects will be significant, an EIS is then prepared. The EA is "concise public document" that provides sufficient evidence and analysis for determining whether to prepare an EIS.[4] Specifically, the EA will include brief discussions of the need for the proposal, of alternative courses of action for any proposal which involves unresolved conflicts concerning alternative uses of available resources, of the environmental impacts of the proposed action and alternatives, and a listing of agencies and persons consulted. Otherwise, the agency issues a Finding of No Significant Impact ("FONSI").

NEPA requires federal agencies to take a hard look at the effects of proposed actions on the human environment before acting. Given the repeated nature of these requests, EPD's ongoing reluctance to address outstanding issues, and the potentially cumulative adverse impacts of these flow reductions on the Chattahoochee River, we strongly urge the Corps to prepare an EIS to take a more comprehensive, hard look at the potentially significant impacts this flow reduction will have on the human environment.

The Corps must address outstanding issues remaining after issuing its March 4, 2008 EA/FONSI—In the March 4, 2008, EA/FONSI approving EPD's original February 25, 2008, request, the Corps defined the proposed action not only in terms of a flow reduction, but also in terms of an EPD commitment to use "water quality monitoring and an adaptive management approach regarding the minimum flow as actual water quality data is collected and as other actual data and information becomes clear."[5] In that EA/FONSI, the Corps also emphasized the importance of monitoring and adaptive

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[2] <u>See</u> National Environmental Policy Act ("NEPA"), 42 U.S.C. § 4332(C); <u>see also</u> 40 C.F.R. § 1508.18 (defining major federal action as that which has effects that may be major and which are potentially subject to Federal control and responsibility).
[3] <u>See</u> 40 C.F.R. §§ 1502 &1508.3.
[4] <u>See</u> 40 C.F.R. § 1508.9.
[5] <u>See</u> Corps, EA/FONSI (May 13, 2008), EA-3.

management as a "necessary component" of ensuring that water quality standards were met during inevitable future flow reductions.[6]

In its May 14, 2008 response to EPD's April 25, 2008 request for an extension of the flow reduction through May 2008, the Corps identified "several outstanding issues" requiring resolution before future reduction requests would be considered:

(1) The EPDRiv1 hydrodynamic and water quality model must be continually updated and compared to the continuous water quality data collected near Capps Ferry in order to verify that the model assumptions are appropriate and that outputs are appropriate for estimating impacts and predicting potential problem areas.
(2) EPD must take additional efforts to estimate the instantaneous flow data in the Chattahoochee River immediately upstream of the confluence with Peachtree Creek. Potential methods include installation and maintenance of a real-time stream gage or providing real-time instantaneous water withdrawal data from the City of Atlanta water intake structure located immediately upstream of this point. The withdrawal data could be used in conjunction with the "Vinings" U.S. Geological Survey (USGS) gage No. 02336000 data to better estimate the instantaneous flows at Peachtree Creek.
(3) EPD must provide a more detailed monitoring and adaptive management plan with clear triggers for returning the water quality flow requirement to 750 cfs during the summer months. This plan should include sharing monitoring data with the Corps and EPA weekly and verifying.

EPD's October 10, 2008 request asserts that these conditions were only applicable if the spring 2008 flow reduction was extended into the summer. However, the Corps' May 14, 2008 letter states not only that efforts to resolve the issues enumerated in (1)-(3) above should "be commenced as soon as possible so as not to delay the consideration of any future reduced water quality flow request" but also that "any additional request for reduced water quality flows be submitted well in advance of the desired implementation date." Moreover, as stated above, the March 4, 2008 EA/FONSI is clear on this point—any request for flow reductions below the 750 cfs standard must be accompanied by adequate monitoring and adaptive management to ensure state water quality standards are met.

After stating that it need not take such actions because their October 2008 request is post-summer, EPD provides its "analysis" of these outstanding issues. Unfortunately, EPD's self-assessment leaves most outstanding issues unresolved. Although EPD has made some progress with respect to updating its models (i.e., (1) above), we again note the lack of any real progress in addressing two major issues remaining—estimating instantaneous flow immediately above Peachtree Creek and completion of a detailed monitoring and adaptive management plan.

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[6] See Corps, EA/FONSI (May 13, 2008), EA-26.

With respect to the former, merely discarding options for estimating instantaneous flows at Peachtree Creek does not demonstrate meaningful progress on the issue. Moreover, asserting that because "permitted discharges are only discharging at approximately twelve percent of their allowable loading, assessment of a minimum instantaneous flow at Peachtree Creek takes on less significance from the standpoint of assuring protection of in-stream standards" does not make it so. Where is the data to support this assumption? And where is the data to support the conclusion that must follow—namely, in the near future permittees will not increase discharges given they are permitted to do so? Clearly, EPD needs to provide the data underlying their 12% assumption, which may necessitate revisiting the discharge permits to consider whether even the current 750 cfs flow requirements is adequate if and when permittees decide to discharge anywhere between 12 and 100% of their allowable loading.

We discuss our concerns with EPD's inadequate monitoring and subsequent inability to adaptively manage based on insufficient data collected in more detail below (see Section C).

Because several major outstanding issues identified in earlier NEPA documentation remain, we strongly encourage the Corps to prepare an EIS to fully examine these and other issues to determine the effects of the proposed action on the human environment.

The Corps must justify the need for the proposed action—The Corps must provide a clear statement of the purpose of the proposed action. Merely stating that flows will be reduced or that lake levels will be increased is not in and of itself a justification for a deviation from Corps operations. In other words, why is the flow reduction necessary?

We also note that EPD has not provided a rationale for the sudden urgency of their request which will result in the bypass of meaningful agency deliberation and public participation. In fact, EPD's October 10 request, made available to the public October 13, provides a mere ten working days for public and agency input. The Corps then has five days to review the comments before issuing either an EA/FONSI or deciding to prepare the more comprehensive EIS we believe is warranted. If the Corps issues the EA/FONSI, then the reduced releases are to commence as soon as November 1.

Because time does not appear to be of the essence, we strongly encourage the Corps to prepare an EIS in order to allow a meaningful opportunity for public participation and careful agency deliberation.

The Corps must consider alternatives to the proposed action—Even in the course of preparing a less-comprehensive EA/FONSI, federal agencies are required to consider reasonable alternatives to the proposed action. We are concerned that this expedited process will lack a thoughtful consideration of alternatives to flow reduction in order to achieve increased storage in Lanier which appears to have been the case earlier this year.

In its March 4, 2008 EA/FONSI, after eliminating EPD's original flow reduction request of 550 cfs as lacking in Congressional authority, the Corps considered just two alternatives: no action and the revised proposed flow reduction of 650 cfs. NEPA clearly requires an analysis of the "no action" alternative as well as other reasonable alternatives. Unfortunately, in its 2008 EA/FONSI, the Corps failed to do just that. At a minimum, the Corps must consider at least one other legal alternative to the proposed action.

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 note other alternatives may involve a combination of lesser flow reductions (e.g., 700 cfs), reduced duration for the reduction (e.g., 2 or 4 months instead of the 6 months proposed), and increased water conservation effort.

We also note that a similar expedited request has been made for reduced flows in the Savannah River below Thurmond Dam. We are concerned that EPD is setting an ill-advised precedent, favoring water hoarding in reservoirs over less expensive, less environmentally-damaging, and more sustainable long-term water conservation measures.

The Corps must consider all potentially significant environment impacts, including cumulative ones—Whether preparing an EA/FONSI or EIS, the Corps must evaluate the direct, indirect, and cumulative impacts of the proposed flow reduction on the human environment, including the Chattahoochee River downstream of Buford Dam. Potentially significant adverse impacts include those not only to water quality, but also to fish, recreation, hydroelectric power, and downstream water supply.

We are particularly concerned over the cumulative impacts of this flow reduction combined with previous requests, inevitable future requests, and the ongoing drought, both in terms of water quality and instream flows needed to maintain a healthy watershed. We also are aware that the Corps is preparing long-term projections for operating the ACF reservoir system under different hydrological conditions—these projections should be considered in the Corps' analysis of the current EPD request.

In order to fully assess these and other potentially significant impacts of the flow reduction on the human environment, including the Chattahoochee River, we strongly urge the Corps to prepare a comprehensive EIS.

C. EPD has not made the requisite showing that the assimilative capacity of downstream waters can tolerate a reduced flow at Peachtree Creek.

As you know, EPD requires a river flow at Peachtree Creek of 750 cubic feet per second (cfs) to protect water quality and the Corps releases water from Buford Dam to

accommodate this flow target.[7] This requirement has been in place since the 1970s, and forms the basis for the pollution limits in the National Pollutant Discharge Elimination System (NPDES) permits for metro Atlanta wastewater discharges, which are currently not even at the full capacity allowed by these permits.

A review of Georgia's 2008 list of impaired surface waters shows that numerous segments of the Chattahoochee River below Buford Dam are already impaired for various pollutants and do not support their designated uses. Specifically, the river below Peachtree Creek is impaired for temperature and fecal coliform bacteria; fish consumption guidelines have also been issued due to toxic levels of contaminants in aquatic species.

In addition, nutrient problems have been documented recently in West Point Lake by the City of LaGrange including nitrogen levels that exceed the 4 mg/l standard for the lake.[8] Since July 2008, LaGrange has collected and analyzed water samples at seven locations throughout the lake, which indicate that the lake's nitrogen standard of 4.0 mg/l was violated numerous times at several stations. No violations were observed at the two stations maintained by EPD located further down in the lake at the LaGrange Intake or in the Dam Forebay.

EPD claims that because none of the samples that showed nitrogen levels exceeding 4.0 mg/l were collected at its two monitoring stations (LaGrange Intake and Dam Forebay), there has not been a violation of the nitrogen lake standard.[9] This assertion is not supported by EPD water quality regulations. EPD regulations define West Point Lake as "those waters impounded by West Point Dam and downstream of U.S. 27 at Franklin." Furthermore, the specific criteria regulations state that the Total Nitrogen limitation for the West Point Lake waters is "[n]ot to exceed 4.0 mg/l as nitrogen in the photic zone."[10] Unlike other water quality limitations for West Point Lake, such as chlorophyll *a*, which limits sampling to the LaGrange Water Intake, the Total Nitrogen standard is not so limited. Thus, despite EPD's assertion that the nitrogen standard is strictly limited to the LaGrange Water Intake, the water quality regulations do not support this limited reading with respect to Total Nitrogen.

It is further troubling that the state is currently requesting a weakening in the water quality standards for West Point Lake, a change in its methodology that would require standard exceedances for two years out of five before a violation would occur.[11]

Compounding the problems above is the fact that, at this time, the Corps cannot confirm in *real-time* that EPD is meeting the existing 750 cfs requirement and will not be able

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[7] See Letter from Mike McGhee, EPA, Director, Water Management Division to Lindsay Thomas, ACF/ACT River Basins Commissioner, December 28, 1999 (stating that the ". . . current permitted allocations are based on the 750 cfs minimum flow.")

[8] See Letter from W. Jeff Lukken, Mayor, City of LaGrange, to Colonel Byron G. Jorns, District Commander, U.S. Army Corps of Engineers, dated October 15, 2008.

[9] See EPD Talking Points on Nitrogen Issues at West Point Lake, dated October 23, 2008.

[10] See GA EPD Regs. 391-3-6-.03(17)(a).

[11] See GA EPD Notice of Public Hearing and Proposed Amendments to GA Rules and Regulations for Water Quality Control Chapter 391-3-6, dated October 1, 2008.

to confirm on an instantaneous basis that a new river flow target of 650 cfs will be met. As recently as October 14, the daily average flow at Peachtree Creek dropped to 721 cfs.[12] Without real-time baseline data, EPD's attempt to employ an adaptive management approach to the release reduction will be of no consequence. EPD admits that upon the discovery of any condition warranting the need for a resumption of flows at Peachtree Creek to 750 cfs, a minimum of seven days will have passed. At that point, any adverse effects to water quality will have already occurred and will be irreversible.

In sum, EPD has not made the requisite showing that the assimilative capacity of the river can tolerate a reduced flow at Peachtree Creek and it has not provided necessary measures to closely monitor the ability of the river and West Point Lake to handle lower flows on a sustained basis. If this reduction is approved, all of the NPDES permits in this stretch of the river will need to be revised and tightened to account for the lower flows and provisions must be made for sufficient monitoring for river flow and quality. UCR is willing to fund a monitoring station at the city of Atlanta's water intake to help measure flow on a real-time basis at Peachtree Creek, one of the options suggested by the Corps in May 2008.

D. Conclusion

We understand that the ongoing drought has put significant stress on the entire Chattahoochee River Basin, and we recognize the important role that Lake Lanier plays in storing and releasing water for downstream needs. Preserving water in the lake should be a priority. We are not convinced, however, that such a drastic lowering of flow requirements downstream is either necessary or prudent as a response to the persistent drought conditions, especially because conservation measures have not been fully exhausted. Thank you for the consideration of these comments. We 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,

Sally

Sally Bethea
Executive Director and Riverkeeper

[12] This number is derived from the 861 cfs (daily average) reading taken at the U.S.G.S. Vinings station and subtracting the City of Atlanta intake of 140 cfs (daily average).

Northcutt, Heather P SAM

From: Sandy_Tucker@fws.gov
Sent: Monday, October 27, 2008 10:26 AM
To: CESAM-PD-EA SAM
Cc: Alice_Lawrence@fws.gov; Jerry_Ziewitz@fws.gov; Gail_Carmody@fws.gov; Dave Flemming; Jeff_Powell@fws.gov; Jeff_Weller@fws.gov
Subject: proposed temporary deviation at Buford Dam to reduce water quality release

The U.S. Fish and Wildlife Service is providing herein comments regarding Georgia EPD's proposal to reduce flows from November 1, 2008, thru April 30, 2009. We have no Federal threatened and endangered species in this stretch of river. However, we have a few questions/suggestions about the proposal and the associated data that were supplied. Last year, the COE asked EPD to take three actions to provide additional info if reductions in flows were to be requested again. Our questions/suggestions relate to each of those actions:

Action 1: EPD provided data for DO, ammonia, and temperature. We do not have concerns about temperature and potential impacts on the native fishery. If any temperature changes occur they likely will be a little closer to what they should be in this stretch of river. For ammonia levels, we have a question regarding Figure 7. Does pH never get above 8.0 for this section of river? If so, such info should be included on this figure because allowable ammonia concentrations will decrease with an increase in pH. You can see how a pH above 8.0 would get the predicted concentrations at the bottom of the figure closer to the maximum allowable concentrations; especially for DO. The predicted lowest DO levels are stated as occurring near the Dog River confluence/Capps Ferry Bridge area as depicted in Figure 1. However, Figure 1 has the lowest DO levels for the date shown as coming out of Buford Dam. Perhaps the difference in DO levels at Buford Dam should also be compared for 650 cfs and 750 cfs, predicted as well as monitored, in addition to the Capps Ferry Bridge area. Also, because of measured DO concentrations that have exceeded State standards during the summer months, low DO levels that resulted from a CSO overflow in April 2008, and questionable DO levels that EPD has determined came from siltation problems during the summer months, we recommend EPD develop explicit DO triggers to increase flows in circumstances where low levels occur during the reduced flows timeframe. This particular point is also applicable to Action 3.

Action 2: We recognize there are logistical issues, but recommend that EPD establish a gage at Peachtree Creek to record real-time withdrawal data at this location.

Action 3: We recommend the proposed "adaptive management" actions go through April 30, 2009, rather than March 31, 2009. The "clear triggers" requested by the Corps are not included that would provide clarification regarding when flows would be increased back to 750 cfs or greater in the event of water quality exceedances (e.g., low DO levels, ammonia levels) or increased basin inflow (i.e., a hydrologic/precipitation trigger).

Apart from the potential effects on water quality in the Chattahoochee River, the Service is concerned about the role that Lake Lanier plays in the larger ACF basin, including the downstream habitats in the Apalachicola River of several species listed under the Endangered Species Act. During periods of exceptional drought, storage in Lake Lanier is critical in sustaining releases from Woodruff Dam to the Apalachicola River, as we witnessed for extended periods during 2007. For most of 2008, however, Lake Lanier has been releasing only the amounts needed to maintain riverine water quality and municipal/industrial water supplies in the Chattahoochee River upstream of West Point Lake, and yet lake levels continue to decline. The proposed action would slow this decline, thereby conserving storage for multiple purposes, including minimum releases to the Apalachicola River, if needed in 2009.

TRI RIVERS
Waterway Development Association
630 East Broad Street, Eufaula, AL 36027
334 / 688-1000 334 / 695-1878

October 24, 2008

Colonel Byron G. Jorns, District Commander
Mobile District, USACE
P.O. Box 2288
Mobile, AL 36628-0001

Dear Col. Jorns:

It was good visiting with you in Dothan during the WCP Manual Update Scoping meeting. Dothan is probably not the right place to have a public meeting concerning ACF issues, as indicated by the low turnout at the meeting. I will be more than happy to assist with future hearings as to locations, public notices, and times for future meeting.

Thank you for allowing Tri Rivers Waterway Development Association (TRWDA) to comment regarding a request from the Georgia Environmental Protection Division (GEPD) to reduce required minimum flow at Peachtree Creek from 750 cfs to 650 cfs for the period from November 1, 2008, through April 30, 2009. Our membership shares GEPD's concern about the low elevation in Lake Lanier, which places a strain on all stakeholders in the ACF Basin.

As you know, the primary interest of TRWDA members is to ensure adequate flow and water quality for the municipalities and industries located from Columbus, Georgia, to the Apalachicola Bay. There have been periods this past year when flow levels have not been met and this has caused serious consequences to Columbus Water Works, MeadWestvaco, and other stakeholders. TRWDA looks forward to the day when Lake Lanier can once again rise to normal levels. However, TRWDA does not support reduced flows from Lake Lanier unless the Corps can clearly demonstrate such reductions will not adversely affect the middle and lower reaches of the Chattahoochee River.

Sincerely:

Billy Houston
Executive Secretary

OFFICE OF THE GOVERNOR

BOB RILEY
GOVERNOR

ALABAMA DEPARTMENT OF ECONOMIC
AND COMMUNITY AFFAIRS

Bill JOHNSON
DIRECTOR

STATE OF ALABAMA
October 24, 2008

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

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 October 10, 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 cubic feet per second (cfs) to 650 cfs be denied. The State of Alabama's position is explained below.

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 to 650 cfs. Before the Corps considers this request, some analysis of these other water quality parameters should be required.

The Corps' evaluation of this request under the National Environmental Policy Act should consider the potential water quality impacts of downstream areas including West Point Lake. Specifically, the Corps' NEPA evaluation should assess whether the reduction in flow will impact the operations of industries along the Middle Chattahoochee reach that withdraw water from and discharge into the Chattahoochee River. For example, Southern Company's Farley Nuclear Facility requires a minimum flow of 2,000 cfs at Columbia, Alabama for normal operations. The Corps' environmental review should evaluate the potential impact upon these operations in the event the minimum flow at Peachtree Creek is reduced and the intervening inflows below Peachtree Creek are insufficient to allow the continued operations along the Middle Chattahoochee reach. The Corps' review should include contingency plans for addressing potential low flow problems in this area.

Specifically, 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 1,850 cfs on a weekly average basis; (b) the flow at Columbia, Alabama falls below 2,000 cfs at any time; (c) the dissolved oxygen content of the Chattahoochee River at Peachtree Creek is measured at less than 5.0 mg/l at any time; or (d) nutrient measurements at West Point Lake indicate that the flow reductions have caused nutrient levels to increase in a manner that will impact the development of algae blooms in West Point. In addition, the Corps should also specify the monitoring required by the State of Georgia downstream of Peachtree Creek to ensure that any environmental impacts are identified quickly and remedial measures are implemented without delay.

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,

J. Brian Atkins

J. Brian Atkins, P.E.
Division Director
Office of Water Resources

Southern Nuclear
Operating Company, Inc.
42 Inverness Center Parkway
Birmingham, Alabama 35242

DS
DXR
PD

SOUTHERN COMPANY
Energy to Serve Your World℠

October 27, 2008

VIA E-MAIL TO 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

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 October 10, 2008, proposing to reduce the minimum flows at Peachtree Creek from 750 cubic feet per second ("cfs") to 650 cfs beginning November 1, 2008, and continuing through April 30, 2009. These flows are largely controlled by the Corps' releases from Buford Dam. Southern Nuclear appreciates this opportunity to comment.

As you know, 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 and, subject to the terms and conditions of water quality permits, discharge back into the river. 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.

Flows from Buford have a significant effect on lake elevations at the Corps' downstream reservoirs, including West Point and Walter F. George. The downstream reservoirs, in turn, directly regulate flow in the middle and lower reaches of the Chattahoochee River, which determines the assimilative capacity of the river as well as the river stage elevations available for municipal and industrial water withdrawals.

Southern Nuclear defines a flow of 2,000 cfs and river elevation of 74.5 feet mean sea level ("ft. MSL") as the minimum conditions necessary for long term operation at Plant Farley. Further, these parameters were developed to ensure the ability of other industrial plants in the vicinty, including those operated by MeadWestvaco and Georgia Pacific, to maintain their operations and to do so in an environmentally responsible manner. While Plant Farley can operate for short periods (a few days) below 2,000 cfs flow, extended

operation below this flow level would require close evaluation to determine the environmental and operational impact. Generally, Plant Farley operates with a river elevation between 76 and 78 ft MSL. Operation below 74.5 ft MSL would also require close evaluation to determine the environmental and operational impacts.

Plant Farley's needs were considered over a number of months, along with other industry flow needs, as part of the compact negotiations concerning an Allocation Formula for the ACF River Basin. These flows were validated through significant investigation and evaluation and ultimately were agreed to in a Memorandum of Understanding entered into by the States of Alabama, Florida, and Georgia in 2003 as part of the ACF Compact negotiations. The Memorandum of Understanding specifically recognizes the need for the Corps to provide a minimum daily flow of 2,000 cfs below George W. Andrews Lock and Dam just above Plant Farley.

Unfortunately, GEPD's letter has provided insufficient data and analysis to demonstrate the effects of its proposal on the West Point and Walter F. George reservoirs and downstream businesses and communities, including Plant Farley. Southern Nuclear believes the Corps must specifically consider and analyze the effect of GEPD's proposal on the ability of the West Point and Walter F. George reservoirs to maintain elevations at or above their respective rule curves, as well as any potential impacts to the reservoirs and the fisheries they support. Maintaining adequate storage in these reservoirs is crucial to ensuring flow support on the middle and lower Chattahoochee River until inflows increase later this fall or winter.

Southern Nuclear appreciates the challenges facing the Corps in the coming winter months. We understand the potentially conflicting objectives of aiding in recovery from the multi-year drought and managing the reservoirs for flood control. However, as it strives to maintain the optimal balance of those considerations, the Corps must not neglect or overlook the current and continuing needs of those with ongoing operations along the middle and lower reaches of the Chattahoochee River, including Plant Farley.

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

Sincerely,

J. M. Godfrey
Environmental Affairs Manager

NORCROSS
a place to imagine

October 21. 2008

Colonel Byron G. Jorns
Commander Mobile District
U.S. Army Corps of Engineers
P.O. Box 2288
Mobile, Al. 36628-0001

RE: Request by Georgia Environmental Protection Division (EPD) to reduce flow from Lake Lanier for water quality from 750 cfs to 650 cfs this winter

Dear Colonel Jorns:

We wholeheartedly support EPD's request to reduce the releases from Lake Lanier this winter to meet the reduced flow target at Peachtree Creek of 650 cfs. We believe that during this prolonged drought we must all do whatever we can to preserve storage in Lake Lanier. Our citizens along with all the others in unincorporated Gwinnett County are doing our part by supporting the state's watering restrictions and other water conservation efforts.

Please grant EPD's request for the reduced releases from Lake Lanier. Drinking water for our citizens is supplied by the Gwinnett County Water System. This water system has its intakes directly in Lake Lanier. It is very important that the lake water elevation does not recede such that the county has to lower its raw water intake at a substantial cost to all the customers of the Gwinnett Water System.

Sincerely,

Mayor

CITY OF NORCROSS • 65 LAWRENCEVILLE ST. • NORCROSS, GA 30071
p 678.421.2027 f 770.242.0824 • www.norcrossga.net

United States Department of the Interior

NATIONAL PARK SERVICE
CHATTAHOOCHEE RIVER NATIONAL RECREATION AREA
1978 Island Ford Parkway
Atlanta, Georgia 30350-3400

IN REPLY REFER TO:

November 4, 2008

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

Dear Sir:

In response to the October 10, 2008 news release from the US Army Corps of Engineers Mobile District, the National Park Service (NPS) has reviewed the request submitted by the Georgia Environmental Protection Division (GA-EPD) to preserve storage in Lake Lanier by temporarily reducing the instantaneous minimum flow of the Chattahoochee River at Peachtree Creek from 750 cfs to 650 cfs beginning November 1, 2008 and continuing through April 30, 2009.

The current request expands on a previous GA-EPD request made in February of 2008 to reduce flows in March and April, which was later amended to include May. The NPS expressed some concerns with this initial request in a memorandum dated February 28, 2008 and has since voiced other concerns in monthly ACF conference calls. Although we are pleased to note that many of these concerns have been addressed in the current GA-EPD request, we would like to clarify our position on a few remaining issues.

First, we feel that any decision to reduce the minimum flow should be accompanied by an effort to accurately gauge the instantaneous flow at Peachtree Creek. Although the current EPD request downplays the significance of 750 cfs as a meaningful threshold for preserving water quality and biological health in the river, past research and experience indicates that it provides better support for recreation and resources than would lower flows. We understand that there are geographic and logistical barriers to establishing a more accurate measure of instantaneous flows at Peachtree Creek; however, we would like to see all options explored and will offer our assistance in resolving the issue.

Second, although a reduction in flows through the colder winter months is less likely to diminish water quality or pose a threat to aquatic life, we are concerned that the current request covers a period extending through April of 2009. By that time of year, potential temperature increases and reductions in dissolved oxygen could threaten components of the fishery. In their request letter, GA-EPD states their willingness to coordinate closely with the Wildlife Resources Division of the Georgia Department of Resources on an adaptive management strategy to protect the fishery in warmer months, and we would like to ensure that this occurs.

Finally, during the period of lower flows this past spring, a number of recreational paddlers contacted us regarding the emergence of aquatic weeds in the backwater of Bull Sluice Lake. In particular, rowing clubs were having difficulty with their oars dragging through the weeds. We suspect that the accelerated growth of weeds in Bull Sluice is related to increased exposure to sunlight due to lower water levels related to reduced flows. Although this should not be a problem through the winter months, it could recur as an issue in the spring and provides another reason to ensure that flows are accurately measured and adaptive management is pursued.

We appreciate the opportunity to submit comments at this time and hope that you will take them into consideration. 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 Rick Slade, Chief of Science and Resource Management at 678-538-1321 or at rick_slade@nps.gov.

Sincerely,

Daniel R. Brown

Daniel R. Brown
Superintendent

Northcutt, Heather P SAM

From: jhphillips65@gmail.com on behalf of Jim Phillips [jhphillips65@bellsouth.net]
Sent: Friday, October 24, 2008 11:25 AM
To: CESAM-PD-EA SAM
Subject: Peachtree Creek - Flow Reduction Requesst

We once again find the state, through EPD, requesting flow reductions at Peachtree Creek. Corps acceptance of this request remains a concern to downstream Georgians and residents in the middle and lower reach of the river basin.

Earlier this year similar flow reductions were implemented, lasting over two months. At that time our organization had issued an objection, outlining numerous concerns. These concerns centered on negative water quality impacts. We strongly believe these concerns persist. We would request the Corps seek a data base from the EPD verifying that downstream water quality is not negatively impacted by the requested flow reductions. We seek full disclosure on a data set that would include nutrient loads and chemical components being measured.

Water users and consumers are negatively impacted when established minimum standards are reduced. Water quality is not only lessened, but costly operating modes must be implemented by major water consumers.
In West Point Lake, Columbus and Lake Walter George recent problems have been experienced. We have on-going concerns about flow reductions at the Peachtree Creek gage and elsewhere.

We fully recognize the difficulty created by the current drought and resulting concerns with regard to both water supply and water quality.

Thank you for considering all stakeholders who depend on a healthy river basin.

James H. Phillips
President, Middle Chattahoochee Water Coalition

October 27, 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 October 10, 2008 request made by the State of Georgia to reduce releases from Buford Dam/Lake Lanier during the winter months. This action will conserve storage in Lake Lanier which is extremely important given the low level of the lake. Lake Lanier is at the lowest level it has ever been for this time of year.

While all other lakes on the ACF River system were able to refill and enjoy full or near full pools all summer this year, Lake Lanier has not reached the top of the conservation pool since 2005. We believe that this is due in large part to the massive releases the Corps made from the project in 2006 and 2007 to mitigate drought conditions in the lower basin and in particular for Florida. Releases from Lanier for that purpose did not adequately take into account the small drainage area above Lanier and the lake's ability to refill.

The economic harm that north Georgia has experienced due to the low level of Lake Lanier is on the order of billions of dollars. We are extremely concerned that if the drought continues into next year, the Atlanta metro area will continue to be harmed and that the main source of our water supply will be threatened.

Now, the only prudent course of action is to minimize releases from Lanier until rainfall refills the lake. We hope that the Corps will honor Georgia's request to reduce the releases as soon as possible. Thank you.

Sincerely,

Kit Dunlap, Chair
Metropolitan North Georgia Water Planning District

40 Courtland Street, NE ♦ Atlanta, Georgia 30303-2538
Telephone: (404) 463-3100 ♦ Facsimile (404) 463-3254

BRASELTON
GEORGIA

October 24. 2008

Colonel Byron G. Jorns
Commander Mobile District
U.S. Army Corps of Engineers
P.O. Box 2288
Mobile, Al. 36628-0001

RE: Request by Georgia Environmental Protection Division (EPD) to reduce flow from Lake Lanier for water quality from 750 cfs to 650 cfs this winter

Dear Colonel Jorns:

We wholeheartedly support EPD's request to reduce the releases from Lake Lanier this winter to meet the reduced flow target at Peachtree Creek of 650 cfs. We believe that during this prolonged drought we must all do whatever we can to preserve storage in Lake Lanier. Our citizens along with all the others in unincorporated Gwinnett County are doing our part by supporting the state's watering restrictions and other water conservation efforts.

Please grant EPD's request for the reduced releases from Lake Lanier. Drinking water for our citizens is supplied by the Gwinnett County Water System. This water system has its intakes directly in Lake Lanier. It is very important that the lake water elevation does not recede such that the county has to lower its raw water intake at a substantial cost to all the customers of the Gwinnett Water System.

Sincerely,

Pat Graham
Mayor

LaGrange
Troup County
Chamber of Commerce

October 16, 2008

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

Dear Col. Jorns:

Recently Dr. Carol Couch of GA EPD made a request to your command that minimum flows on the Chattahoochee River as measured at Peachtree Creek should be reduced from 750 CFS to 650 CFS during the winter months to provide additional storage at Lake Lanier. Dr. Couch's goal is worthy and important and the restoration of elevations at Lake Lanier is critical to the entire ACF basin. It is also critical that other resources in the basin not be compromised to support such an adjustment.

As you know, the West Point Lake project has been stressed many years with low lake elevations and water quality issues. Most recently I was shocked when the City of LaGrange shared with me that they had observed possible Water Quality (WQ) standard violations for Total Nitrogen in the north end of West Point Lake. They have shared that data with your staff and GA EPD.

While we support the state's efforts to work to restore Lake Lanier, any compromise of WQ standards at the West Point project is unacceptable. We have been exploring the problem and believe there is a solution that would allow for flow reductions while achieving better water quality and provide for more storage in the northern two lakes of the ACF system with water that is so desperately needed during the drought.

Our consulting environmental engineers and scientists studying West Point Lake recently offered these comments and observations:

"1) We have observed numerous recent violations of the Nitrogen Water Quality Standard at West Point Lake. The City of LaGrange's testing efforts indicate the nitrogen standard of 4.0 mg/l was violated on four separate occasions at the Franklin sampling location and two occasions at the north intake location during the months of July, August, and September. Testing indicated total nitrogen levels of up to 4.6 mg/l at the Franklin location and up to 4.8 mg/l at the north intake sampling location. Given that these nitrogen levels far exceed both recent EPD sampling results and every historical sampling effort we could locate on record at the EPD office of Watershed Protection, we believe these concentrations are reason for significant concern. Many

of the sampling efforts and studies we have reviewed were completed at times when the health of West Point Lake was in a highly eutrophic state and water quality standards were in the process of being developed, during these studies total nitrogen levels rarely exceeded 2.5 mg/l."

"2) Due to the fact that we are observing elevated nutrient concentrations in West Point Lake, we feel it is even more important to maintain high water levels over the coming months. A significant volume of water is required to help dilute high nutrient inflows and sustain primary productivity in the lake. Primary productivity is also critical to maintain so that nutrients in the reservoir continue to be consumed. Primary productivity and algal growth will increase with lake volume and surface area that is exposed to sunlight. It is paramount to control nitrogen and other nutrient levels in the reservoir to a manageable concentration during the cooler seasons, so that eutrophication does not become even more of a problem with elevated temperatures, longer hours of sunlight, and lower lake levels that are typical of the region's warmer seasons. We have been monitoring algal species composition and diatoms have been the dominant algal group in the lake. If nutrient levels increase, with low water levels and higher temperature there is a potential for a significant change in algal species composition from diatoms to toxin-producing blue-green algae. "

As you can see, we think there is a solution here that has many multifaceted benefits for the basin and for all stakeholders. Maintaining an elevation of not less than 633 msl in West Point Lake during the winter, instead of drawing the lake down, makes sense and represents a solution. Sustaining this elevation assures good water quality in West Point Lake, complies with mandatory standards, and provides more storage of water in the northern projects of the basin, as is desperately needed to meet the environmental, municipal, industrial, economical, and recreational demands for the coming year.

Our community extends its gratitude to Dr. Couch and her staff for working so closely with us in the exploration of the concerns related to the proposed change and the issues of water quality at West Point. We appreciate her suggestion and her recognition of the impacts at West Point Lake. All local stakeholders and I stand ready to work with you as you review this request. We hope you will give favorable consideration to Dr. Couch's request and our proposed additional suggestion.

Please contact me at (706) 884-3232 should you wish to follow up with any additional discussion on this matter.

Sincerely,

Jeff Brown

Jeff Brown, Chairman
West Point Lake Advisory Council

Cc: Dr Carol Couch, GA EPD

Tim Cash, GA EPD
Mayor Jeff Lukken, City of LaGrange
Dick Timmerberg, West Point Lake Coalition
Sen. Johnny Isakson
Sen. Saxby Chambliss
Rep. Lynn Westmoreland
Ga Rep. Randy Nix
Troup Co. Commission
LaGrange City Council

LaGRANGE georgia

SMART MOVE℠

October 15, 2008

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

Dear Col. Jorns:

Recently Dr. Carol Couch of GA EPD made a request to your command that minimum flows on the Chattahoochee River as measured at Peachtree Creek should be reduced from 750 CFS to 650 CFS during the winter months to provide additional storage at Lake Lanier. Dr. Couch's goal is worthy and important and the restoration of elevations at Lake Lanier is critical to the entire ACF basin. It is also critical that other resources in the basin not be compromised to support such an adjustment.

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While we support the state's efforts to work to restore Lake Lanier, any compromise of WQ standards at the West Point project is unacceptable. We have been exploring the problem and believe there is a solution that would allow for flow reductions while achieving better water quality and provide for more storage in the northern 2 lakes of the ACF system with water that is so desperately needed during the drought.

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"1) We have observed numerous recent violations of the Nitrogen Water Quality Standard at West Point Lake. The City of LaGrange's testing efforts indicate the nitrogen standard of 4.0 mg/l was violated on four separate occasions at the Franklin Sampling Location and two occasions at the North Intake Location during the months of July, August, and September. Testing indicated Total Nitrogen levels of up to 4.6 mg/l at the Franklin location and up to 4.8 mg/l at the North Intake Sampling Location. Given that these nitrogen levels far exceed both recent EPD sampling results and every historical sampling effort we could locate on record at the EPD office of Watershed Protection, we believe these concentrations are reason for significant concern. Many of the sampling efforts and studies we have reviewed were completed at times when the health of West

CITY OF LAGRANGE
OFFICE OF THE MAYOR
P. O. Box 430 • LaGrange, Georgia 30241 • (706) 883-2010 • Fax (706) 883-2020
www.lagrange-ga.org

Point Lake was in a highly eutrophic state and Water Quality Standards were in the Process of being developed, during these studies Total Nitrogen Levels rarely exceeded 2.5 mg/l."

"2) Due to the fact that we are observing elevated nutrient concentrations in West Point Lake, we feel it is even more important to maintain high water levels over the coming months. A significant volume of water is required to help dilute high nutrient inflows and sustain primary productivity in the lake. Primary productivity is also critical to maintain so that nutrients in the reservoir continue to be consumed. Primary productivity and algal growth will increase with lake volume and surface area that is exposed to sunlight. It is paramount to control nitrogen and other nutrient levels in the reservoir to a manageable concentration during the cooler seasons, so that eutrophication does not become even more of a problem with elevated temperatures, longer hours of sunlight and lower lake levels that are typical of the regions warmer seasons. We have been monitoring algal species composition and diatoms have been the dominant algal group in the lake. If nutrient levels increase, with low water levels and higher temperature there is a potential for a significant change in algal species composition from diatoms to toxin producing blue-green algae. "

As you can see we think there is a solution here for all stakeholders that has many multifaceted benefits for the basin. Maintaining an elevation of not less than 633 msl in West Point Lake during the winter, instead of drawing the lake down makes sense and represents a solution. Sustaining this elevation assures good Water Quality in West Point Lake that complies with mandatory standards, and provides more storage of water in the northern projects of the basin is desperately needed to meet the environmental, municipal, industrial, economical and recreational demands for the coming year.

The City extends its gratitude to Dr. Couch and her staff for working so closely with us in the exploration of the concerns related to the proposed change and the issues of water quality at West Point. We appreciate her suggestion and her recognition of the impacts at West Point Lake. My staff, local stakeholders and I stand ready to work with you as you review this request. We hope you will give favorable consideration to Dr. Couch's request and our proposed additional suggestion.

Please contact Joe Maltese of my staff should you wish to follow up with any additional discussion on this matter.

Sincerely

W. Jeff Lukken

W. Jeff Lukken

Mayor

CITY OF LAGRANGE

c:
Dr Carol Couch, GA EPD
Tim Cash, GA EPD
Jeff Brown, West Point Lake Advisory Council
Dick Timmerberg, West Point Lake Coalition
Sen. Johnny Isakson
Sen. Saxby Chambliss
Rep. Lynn Westmoreland
Ga Rep. Randy Nix
Troup Co. Commission
LaGrange City Council

Board of Commissioners

75 Langley Drive • Lawrenceville, GA 30045-6900
770.822.7000 • www.gwinnettcounty.com

Charles E. **Bannister**, Chairman
Lorraine **Green**, District 1
Bert **Nasuti**, District 2
Mike **Beaudreau**, District 3
Kevin **Kenerly**, District 4

DE copy
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gwinnettcounty

October 13, 2008

Col. Byron Jorns
Commander
Mobile District Corps of Engineers
P.O. Box 2288
Mobile, Al. 36628-0001

RE: Georgia Environmental Protection Division request for reduced flow at Peachtree Creek from 750 cfs to 650 cfs during the winter months of 2008-2009

Dear Sir:

We strongly support the Georgia Environmental Protection Division's October 10, 2008 request to your office to reduce the releases from Lake Lanier to achieve the minimum flow at Peachtree Creek of 650 cfs instead of 750 cfs during the winter months of 2008-2009. As the severe drought in which we find ourselves continues, we believe that conserving as much storage as possible in Lake Lanier to be wise, prudent and in the best interest of all stakeholders in the ACF basin.

Our Water Resources Department staff has reviewed the EPD submission to you attached to Dr. Couch's October 10, 2008 letter and agrees with EPD that there is little risk in reducing the flow from 750 cfs to 650 cfs during the winter months. As the provider of drinking water for the health and safety of nearly 800,000 Gwinnett citizens and businesses, we are quite mindful of the current level of Lake Lanier and are very concerned as to where the lake levels may be during the summer and fall of 2009. As you know, if we have to take emergency measures to lower our raw water intakes, there will be extraordinary costs to our water customers to ensure continuous water service which we must provide.

If we can assist you or your staff, please contact Jim Scarbrough at 678-376-7154 or james.scarbrough@gwinnettcoutny.com.

Sincerely,

Charles E. Bannister, Chairman
Gwinnett County Board of Commissioners

c: District Commissioners
Jock A. Connell
Michael D. Comer
Lynn Smarr
Jim Scarbrough
Charles Krautler/ARC
Dr. Couch/EPD
General Schroedel/COE-SAD

Noel Holcomb, Commissioner
Dan Forster, Director

Georgia Department of Natural Resources
Wildlife Resources Division
2070 U.S. Highway 278, S.E., Social Circle, Georgia 30025
(770) 918-6400

October 23, 2008

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:

Thank you for the opportunity to comment on the request submitted by the Georgia Environmental Protection Division (EPD) for reduced releases from Buford Dam. This request is in response to the ongoing drought and is a temporary measure that would reduce target flows at Peachtree Creek to 650 cfs between 1 November 2008 and 30 April 2009.

The Georgia Wildlife Resources Division (WRD) previously identified two issues of concern regarding this request to reduce target flows at Peachtree Creek: 1) maintenance of adequate river flows at the intake of the Buford Trout Hatchery and 2) protection of the trout fishery downstream of Buford Dam. EPD has carefully considered our concerns and has agreed to communicate with WRD regarding the maintenance of adequate river elevations at the intake of Buford Hatchery. In addition, EPD has pledged to coordinate closely with us to ensure that an adaptive management strategy is in place by mid-March to monitor river temperatures for the protection of the significant trout fishery downstream of Buford Dam.

Again, we appreciate the opportunity to provide input regarding the request to reduce target flows at Peachtree Creek between 1 November 2008 and 30 April 2009. We are committed to working closely with EPD during the proposed flow reduction period to ensure the protection of one of Georgia's premier trout fisheries and the hatchery operations that help support this fishery.

Sincerely,

Dan Forster

DF/mt

Florida Department of Environmental Protection

Bob Martinez Center
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

October 28, 2008

Via Electronic Mail to: cesam-pd-ea@usace.army.mil.

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: State of Florida's Comments on Proposed Reduction of Flow from Buford Dam/Lake Lanier

This letter responds to the Corps of Engineers' ("Corps") solicitation for comment on Georgia's request to reduce the outflow of Buford Dam by 100 cubic feet per second ("cfs") to 650 cfs. The proposed duration of the deviation is unclear. Georgia's October 10, 2008 request begins by asking for a reduction "through April 30, 2009[,]" but concludes by asking the Corps to reduce flows "beginning November 1, 2008 and continuing through March 31, 2009."

In keeping with its prior position,[1] Florida does not object to implementation of the instant proposal, *provided* the measure does not encroach upon the Gulf sturgeon spawning season and the Corps' analysis concludes the proposal will have no impact on flows in the Apalachicola River downstream of Woodruff Dam during the interim.[2] However, we again note that Georgia and the water supply providers in metropolitan Atlanta are best situated to conserve water in Lake Lanier. The Fish and Wildlife

---

[1] Letter from Secretary Sole to Col. Jorns, *RE State of Florida's Comments as requested on Proposed Reduction of Flow from Buford Dam* (February 28, 2008).

[2] The Corps' analysis of Georgia's earlier request to reduce outflows to 550 cfs during the spring of 2008 concluded: "Implementation of the recommended plan will not significantly impact the hydrology of the Chattahoochee River, Apalachicola River and bay system, or the reservoirs." *See Environmental Assessment Georgia Environmental Protection Division Proposal For A Temporary Reduced Minimum Water Quality Flow Requirement In The Chattahoochee River At Peachtree Creek For Drought Contingency Water Management Operation In The ACF River Basin And Temporary Waiver From ACF Water Control Plan* (March 2008) at EA-29.

Service's recent biological opinion concerning Corps operations acknowledges this by recommending, pursuant to 16 U.S.C. §1536(a)(1), that the Corps "[w]ork in consultation with the states and other stakeholders to assist in identifying ways to reduce overall depletions in the ACF basin, ..." *See Biological Opinion on the U.S. Army Corps of Engineers, Mobile District, Revised Interim Operating Plan for Jim Woodruff Dam and the Associated Releases to the Apalachicola River* (June 1, 2008) at 186-187.

Sincerely,

Janet G. Llewellyn
Director
Division Water Resource Management

JGL/yz

Columbus
Water
Works

Serving our Community
Protecting the Environment

October 22, 2008

Colonel Byron G. Jorns, District Commander
Mobile District, USACE
ATTN: CESAM-DE
P. O. Box 2288
Mobile, AL 36628-0001

Dear Colonel Jorns:

We have received your invitation to offer comment regarding a request from Georgia EPD to reduce required minimum flow at Peachtree Creek from 750cfs to 650cfs for the period November 1, 2008 through at least April 30, 2009. We generally support the desire to retain more water in Lake Lanier because doing so benefits all Chattahoochee River stakeholders.

In previously supporting the Peachtree Creek flow reduction granted during the period of March, 2008 through May 2008, Columbus Water Works relied on the assurances of both Georgia EPD and the Corps of Engineers that flows at Columbus would not be negatively affected. As identified through data obtained from the USGS's Columbus gage (#02341505), we observed that Columbus' FERC approved flows were consistently met during the March-May period. That certainly verifies for us that these flows at Columbus are not excessive and can, in fact, be met even in times of restricted flow.

Our concerns about this newly requested cutback do not stem from the earlier reduction but rather from the failures to meet the FERC approved flows at Columbus since flows at Peachtree Creek were returned to normal. Since June 24, 2008, FERC licensed flows at Columbus have been shorted 60% of the time for weekly averages and 10% of the time for daily averages. These failures came in the face of the Corps IOP modeling which states that the FERC flows will be met as long as West Point reservoir elevation exceeds 621.6. That elevation has been significantly exceeded essentially all summer.

We do not understand what has changed so that even with the flows at Peachtree Creek returned to 750cfs, the FERC flows at Columbus are not consistently being met. Is there some other overriding consideration? Is this the result of the Corps lack of attention to this stretch of the Chattahoochee River? The Corps approach to the FERC flows at Columbus is confusing. On one hand, Corps documents indicate that all FERC flows will be maintained while on the other, Corps officials state that there is no obligation to meet FERC flows. Both cannot be true. We need new assurances from the Corps that the FERC flows at the Columbus gage will be observed and protected as called for in the IOP.

Our position is, simply put, we will support a reduction at Peachtree Creek to 650cfs if the Corps and Georgia EPD once again make the assurance that there will be "no impact from flow reduction" at Columbus. Since the record shows that this was achieved during the March-May reduction, we see no reason that it could not be sustained for the requested period. If those assurances can't be offered, we will be left with no other choice but to oppose the requested reduction.

If I can offer any additional information, please let me know.

Sincerely,

Billy G. Turner
President

BGT/rsb

cc: General Joseph Schroedel
Dr. Carol Couch
Bob Tant

CITY OF Suwanee GEORGIA
Dave Williams
Mayor
373 Hwy. 23, Suwanee, GA 30024
770-945-8996 • 770-945-2792 FAX
770-831-1530 Office
dave@suwanee.com • www.suwanee.com

DE DPK DS DP

CROSSROADS of PAST and FUTURE
1817
CITY OF Suwanee GEORGIA
373 Highway 23 • Suwanee, Georgia 30024
(770) 945-8996 • Fax (770) 945-2792
www.suwanee.com • Email: info@suwanee.com

October 22, 2008

Colonel Byron G. Jorns
Commander Mobile District
U.S. Army Corps of Engineers
P.O. Box 2288
Mobile, Al. 36628-0001

RE: Request by Georgia Environmental Protection Division (EPD) to reduce flow from Lake Lanier for water quality from 750 cfs to 650 cfs this winter

Dear Colonel Jorns:

As Mayor of the city of Suwanee, I wholeheartedly support EPD's request to reduce the releases from Lake Lanier this winter to meet the reduced flow target at Peachtree Creek of 650 cfs. The city of Suwanee adjoins the east side of the Chattahoochee River, just south of Lake Lanier and Buford Dam. The majority of our citizen's drinking water comes from Lake Lanier.

During this prolonged drought we must all do whatever we can to preserve as much storage in Lake Lanier as possible. Our citizens along with all the others throughout Gwinnett County are doing our part by supporting the state's watering restrictions and other water conservation efforts.

Please grant EPD's request for the reduced releases from Lake Lanier. It is very important that Lake Lanier's water elevation does not recede such that the county has to lower its raw water intake at a substantial cost to all the customers of the Gwinnett Water System.

Thank you for your time and consideration of this important request.

Sincerely,

Dave Williams, Mayor
City of Suwanee

CITY OF
SUGAR HILL
est. 1939

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RECEIVED
10/27/08

Colonel Byron G. Jorns
Commander Mobile District
U.S. Army Corps of Engineers
P.O. Box 2288
Mobile, Al. 36628-0001

October 22, 2008

RE: Request by Georgia Environmental Protection Division (EPD) to reduce flow from Lake Lanier for water quality from 750 cfs to 650 cfs this winter

Dear Colonel Jorns:

The City of Sugar Hill enthusiastically supports EPD's request to reduce the releases from Lake Lanier this winter to meet the reduced flow target at Peachtree Creek of 650 cfs. We believe that during this prolonged drought we must all do whatever we can to preserve storage in Lake Lanier. Our citizens along with all the others in unincorporated Gwinnett County are doing our part by supporting the state's watering restrictions and other water conservation efforts.

Please grant EPD's request for the reduced releases from Lake Lanier. Drinking water for our citizens is supplied by the Gwinnett County Water System. This water system has its intakes directly in Lake Lanier. It is very important that the lake water elevation does not recede such that the county has to lower its raw water intake at a substantial cost to all the customers of the Gwinnett Water System.

Sincerely,

Gary Pirkle
Mayor

4988 West Broad Street · Sugar Hill, GA 30518 . 770-945-6716 . 770-945-0281 Fax
www.cityofsugarhill.com

City Of Loganville

P.O. BOX 39
LOGANVILLE, GEORGIA 30052
Mayor Tim Barron

Certified City of Ethics

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October 24, 2008

Colonel Byron G. Jorns
Commander Mobile District
U.S. Army Corps of Engineers
P.O. Box 2288
Mobile, Al. 36628-0001

RE: Request by Georgia Environmental Protection Division (EPD) to reduce flow from Lake Lanier for water quality from 750 cfs to 650 cfs this winter

Dear Colonel Jorns:

The City of Loganville wholeheartedly support EPD's request to reduce the releases from Lake Lanier this winter to meet the reduced flow target at Peachtree Creek of 650 cfs. We believe that during this prolonged drought we must all do whatever we can to preserve storage in Lake Lanier. Our citizens along with all the others in unincorporated Gwinnett County are doing our part by supporting the state's watering restrictions and other water conservation efforts.

Please grant EPD's request for the reduced releases from Lake Lanier. Drinking water for our citizens is supplied by the Gwinnett County Water System. This water system has its intakes directly in Lake Lanier. It is very important that the lake water elevation does not recede such that the county has to lower its raw water intake at a substantial cost to all the customers of the Gwinnett Water System.

Sincerely,

Tim Barron
Mayor

CITY OF LILBURN

76 Main Street Lilburn, Georgia 30047

City Hall	(770) 921-2210	Fax (770) 921-8942
Police Department	(770) 921-2211	Fax (770) 923-6871
Court Services	(770) 921-2505	Fax (770) 921-7723

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October 20, 2008

Colonel Byron G. Jorns
Commander Mobile District
U.S. Army Corps of Engineers
P.O. Box 2288
Mobile, Al. 36628-0001

RE: Request by Georgia Environmental Protection Division to Reduce Flow from Lake Lanier for Water Quality from 750 cfs to 650 cfs during Winter 2008-2009

Dear Colonel Jorns:

We wholeheartedly support Georgia Environmental Protection Division's request to reduce releases from Lake Lanier this winter to meet the reduced flow target at Peachtree Creek of 650 cfs. We strongly believe all of us must do whatever we can to preserve water storage in Lake Lanier during this prolonged drought. Our citizens and all other citizens living and/or working inside unincorporated Gwinnett County are doing our part by supporting the state's watering restrictions and by participating in other water conservation efforts.

Please grant Georgia Environmental Protection Division's request for reduced releases from Lake Lanier. Drinking water for our citizens is supplied by the Gwinnett County Water System. This water system has intakes directly in Lake Lanier. It is vital that Lake Lanier's water elevation does not recede to the point that Gwinnett County has to lower its raw water intake at a substantial cost to all the customers of the Gwinnett Water System.

Sincerely,

Diana B. Preston

Diana B. Preston
Mayor

cc: City Council Members

DG
DHR
DSM
DP

City of Grayson

475 Grayson Parkway
P. O. Box 208
Grayson, GA 30017
(770) 963-8017

October 22, 2008

Colonel Byron G. Jorns
Commander Mobile District
U.S. Army Corps of Engineers
P.O. Box 2288
Mobile, Al. 36628-0001

RE: Request by Georgia Environmental Protection Division (EPD) to reduce flow from Lake Lanier for water quality from 750 cfs to 650 cfs this winter

Dear Colonel Jorns:

The City of Grayson wholeheartedly supports EPD's request to reduce the releases from Lake Lanier this winter to meet the reduced flow target at Peachtree Creek of 650 cfs. We believe that during this prolonged drought we must all do whatever we can to preserve storage in Lake Lanier. Our citizens along with all the others in unincorporated Gwinnett County are doing our part by supporting the state's watering restrictions and other water conservation efforts.

Please grant EPD's request for the reduced releases from Lake Lanier. Drinking water for our citizens is supplied by the Gwinnett County Water System. This water system has its intakes directly in Lake Lanier. It is very important that the lake water elevation does not recede such that the county has to lower its raw water intake at a substantial cost to all the customers of the Gwinnett Water System.

Sincerely,

Jim Hinkle
Mayor

City of Duluth
Office of the Mayor
Nancy Harris

3167 Main Street
Duluth, GA 30096
Phone (770) 497-5821
Fax (770) 623-2765
www.duluthga.net

October 24, 2008

Colonel Byron G. Jorns
Commander – Mobile District
US Army Corps of Engineers
PO Box 2288
Mobile, AL 36628-0001

RE: Public Response for Meetings on the Apalachicola-Chattahoochee-Flint River Basin Water Control Manual and Reduction of Flow from Lake Lanier for Water Quantity from 750 cfs to 650 cfs as Requested by the Georgia Environmental Protection Division

Dear Colonel Jorns:

The City of Duluth is a City of 27,000 residents who reside in the northern metro Atlanta Region and receive its drinking water from Lake Lanier and the Chattahoochee River through Gwinnett County Utilities. There is no resource more critical than water and for that reason our City has been carefully watching the discussions regarding this valuable and limited resource. We have listened to the arguments that the water in Lake Lanier has an impact on the water flowing into Florida.

The use of water by the Atlanta Metropolitan area as you are aware is an insignificant about of water considering the much larger drainage basin located below Lake Lanier. In fact if no water were taken by the Metro area it would result in only a 1 to 2% difference in the ACF Basin as measured by the flow at the Florida state line. The reduction of flow to 650 cfs has already been found to have no detrimental effects downstream but is a significant savings of water in Lake Lanier that does have tremendous benefits for those in the Metro area who depend on this water source.

Obviously things change over time requiring a new assessment of the Lake Lanier facilities. The drought that has existed for several years which may be tied to global warming is nothing that could have been predicted when the Water Control Plan was put into place. The current operation of the Lake and the Water Control Plan no longer is applicable to the changes which have occurred and a New Water Control Plan should not replicate unacceptable operations that have placed everyone in such a dire situation by draining the Lake to artificially make up water that nature was not producing. The small

amount that the Lake attempted to make up due to drought conditions accomplished nothing of significance except for the current problems that continue in the metro area due to a depleted water supply.

Our City asks for your favorable consideration of EPD's request for a reduction in releases from Lake Lanier to allow time for the Lake to achieve a more normal level. Our City and others have made significant reductions in our water usage due to the current Lake level and we need some other solutions to help resolve the out flow of water from Lake Lanier.

Sincerely,

Nancy Harris,
Mayor

Sincerely,

Phil McLemore,
City Administrator

FAX: (770) 513-2187

City of Dacula
442 Harbins Rd.
P.O. Box 400
Dacula, GA 30019

Phone: (770) 963-7451

October 20, 2008

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

Dear Colonel Jorns:

The Mayor and City Council of the City of Dacula, Georgia, support the Georgia Environmental Protection Division's request to reduce the releases from Lake Lanier this winter to meet the flow target at Peachtree Creek of 650 cfs. As the drought continues, we must all do whatever we can to preserve storage in Lake Lanier. Our City is the eastern most of Gwinnett County. Our citizens, as well as those in unincorporated Gwinnett County, are doing our part to reduce the use of and to preserve storage by supporting Georgia's water restrictions and are fully complying with water conservation efforts.

Please carefully consider and grant GA EPD's request for reduced releases from Lake Lanier. Dacula's drinking water is supplied by the Gwinnett County Water System. Water intakes for the system are located in Lake Lanier. It is important that the lake water elevation does not recede such that the County has to lower its raw water intake at a substantial cost to all customers both in unincorporated Gwinnett County and her cities, especially in these tough economic times.

Respectfully,

Jimmy Wilbanks
Mayor

City of Buford

2300 Buford Highway • Buford, Georgia • 30518 • (770) 945-6761 • FAX (770) 932-7976

October 27. 2008

Colonel Byron G. Jorns
Commander Mobile District
U.S. Army Corps of Engineers
P.O. Box 2288
Mobile, Al. 36628-0001

RE: Request by Georgia Environmental Protection Division (EPD) to reduce flow from Lake Lanier for water quality from 750 cfs to 650 cfs this winter

Dear Colonel Jorns:

The City of Buford appreciates the U.S Army Corps of Engineers efforts to preserve the water stored in Lake Lanier during this record drought. The City has a small water plant on the lake and takes pride in offering high quality drinking water to its citizens since the 1930's.

The City of Buford supports EPD's request to reduce the releases from Lake Lanier this winter to meet the reduced flow target at Peachtree Creek from 750 to 650 cfs. With the drought continuing and with improvement uncertain, we believe that preserving water stored in Lake Lanier is a high priority for our citizens and our efforts should anticipate conditions eroding in the coming months and next year. Our citizens, along with all the others in unincorporated Gwinnett County and Hall County, are doing our part by supporting the State's watering restrictions and other water conservation efforts.

The City of Buford supports the EPD's request to reduce releases from Buford Dam to support 650 cfs minimum flow at Peachtree Creek beginning November 1, 2008 and continuing through March 31, 2009.

Sincerely,

Bryan Kerlin
City Manager
City of Buford

October 23, 2008

Colonel Byron G. Jorns
Commander Mobile District
U.S. Army Corps of Engineers
P.O. Box 2288
Mobile, Al. 36628-0001

RE: Request by Georgia Environmental Protection Division (EPD) to reduce flow from Lake Lanier for water quality from 750 cfs to 650 cfs this winter

Dear Colonel Jorns:

We wholeheartedly support EPD's request to reduce the releases from Lake Lanier this winter to meet the reduced flow target at Peachtree Creek of 650 cfs. We believe that during this prolonged drought we must all do whatever we can to preserve storage in Lake Lanier. Our citizens along with all the others in unincorporated Gwinnett County are doing our part by supporting the state's watering restrictions and other water conservation efforts.

Please grant EPD's request for the reduced releases from Lake Lanier. Drinking water for our citizens is supplied by the Gwinnett County Water System. This water system has its intakes directly in Lake Lanier. It is very important that the lake water elevation does not recede such that the county has to lower its raw water intake at a substantial cost to all the customers of the Gwinnett Water System.

Sincerely,

Lois D. Salter
Mayor, City of Berkeley Lake
President, Gwinnett Municipal Asssociation

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AUBURN
GEORGIA - ESTABLISHED 1892

October 21, 2008

Colonel Byron G. Jorns
Commander Mobile District
U.S. Army Corps of Engineers
P.O. Box 2288
Mobile, Al. 36628-0001

RE: Request by Georgia Environmental Protection Division (EPD) to reduce flow from Lake Lanier for water quality from 750 cfs to 650 cfs this winter

Dear Colonel Jorns:

We wholeheartedly support EPD's request to reduce the releases from Lake Lanier this winter to meet the reduced flow target at Peachtree Creek of 650 cfs. We believe that during this prolonged drought we must all do whatever we can to preserve storage in Lake Lanier. Our citizens along with all the others in unincorporated Gwinnett County are doing our part by supporting the state's watering restrictions and other water conservation efforts.

Please grant EPD's request for the reduced releases from Lake Lanier. Drinking water for our citizens is supplied by the Gwinnett County Water System. This water system has its intakes directly in Lake Lanier. It is very important that the lake water elevation does not recede such that the county has to lower its raw water intake at a substantial cost to all the customers of the Gwinnett Water System.

Sincerely,

Linda Blechinger
Mayor

P.O. BOX 1059 • 1369 FOURTH AVENUE • AUBURN, GEORGIA 30011 • PHONE 770-963-4002 • FAX 770-513-9255 • www.cityofauburn-ga.org

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ATHENS BOAT CLUB
Lake Lanier

October 14, 2008

Colonel Byron G. Jorns, District Commander
Mobile District, USAC
Attn: CESAM-DE
P.O.Box 2288
Mobile, AL 36628-0001

Dear Colonel Jorns:

On behalf of the members of the Athens Boat Club, located on Lake Lanier, Dawsonville, I respectfully request you reply favorably to the request of the Georgia Environmental Protection Division's letter requesting the Corps to reduce the minimum amount of flow in the Chattahoochee River at Peachtree Creek in Atlanta by 13% between November 1, 2008 and April 30, 2009.

We believe by reducing this flow it will allow a better chance of adding to the storage in Lake Lanier and will not adversely affect Peachtree Creek. Of course, much needed rain must fall to help with this effort.

For the Board of Governors

Marguerite Daniel

Marguerite Daniel
Secretary Treasurer

Cc: Board members

ATHENS BOAT CLUB, INC.
207 Dogwood Drive • Dawsonville, GA 30534
706.216.2256 • Fax 706-216-0130 • e-mail abc@alltel.net

ATLANTA REGIONAL COMMISSION

PLANNING • LEADERSHIP • RESULTS

October 27, 2008

Colonel Byron Jorns
Commander & District Engineer
Department of the Army
Mobile District, Corps of Engineers
190 Saint Joseph Street
Mobile, Alabama 36602-3630

Dear Colonel Jorns:

This letter is to support the October 10, 2008 request made by the State of Georgia to reduce releases from Buford Dam/Lake Lanier on a temporary basis. The State of Georgia has evaluated the proposed action and has determined no adverse water quality impacts are expected.

Although all the lower lakes in the ACF River Basin refilled during 2008, Lake Lanier did not refill and continues to be the lowest it has ever been for this time of year. We are increasingly concerned about the descent of the lake level. The action requested by the State of Georgia will conserve enough water in Lake Lanier to supply over 700,000 people for more than half a year.

We urge you to use your leadership to reduce the releases from Lake Lanier as requested by the State of Georgia as soon as possible.

Sincerely,

Pat Stevens

Pat Stevens
Chief, Environmental Planning

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

Northcutt, Heather P SAM

From: Dan Tonsmeire [dan@apalachicolariverkeeper.org]
Sent: Monday, October 27, 2008 4:32 PM
To: CESAM-PD-EA SAM
Cc: 'sally bethea'; dmclain850@aol.com; smithlaw@mindspring.com; 'Chadwick Taylor'; leitman@tds.net
Subject: Comments on Request to reduce releases from Lake Lanier

Mobile District

U.S. Army Corps of Engineers

Please accept these comments as a follow up to previous questions on the similar request made earlier this year.

1) How would this decrease in flows affect flows in the Apalachicola River and Bay

2) How would these decrease in flows affect reservoir elevations at W.F. George and West Point reservoirs, which help augment flows to the Apalachicola?

3) What additional actions is Georgia taking to “share the pain” in this situation such as increased conservation efforts, please provide reports and/or documentation of these actions?

4) What actions is Georgia taking to avoid our getting into this emergency situation on a regular basis? If we are having these problems at the current level of consumption it only seems logical that as we increase consumption such problems will occur more often.

5) How does the management action comply with the Court ruling that the Corps must have Congressional authorization to provide for water supply?

While the current releases from Lake Lanier are not intended to support flows to the Apalachicola, it is not apparent that this management action is being considered in the context of the downstream users. The efforts of the water users in the drainage basin which contributes flow to Lake Lanier should have a requirement to demonstrate their uses are not impacting the Corps ability to meet it authorized purposes. This would seem to be a requirement of the request to keep water in Lake Lanier at the expense of downstream users.

These measures appear to be less and less of a temporary action and indicate the Corps should view these measures as an effort to institute further piecemeal changes to the operations without adequate consideration of downstream users and prior commitments the Corps has to meet authorized purposes. Please explain your consideration of these issues in the development of your final action.

Thanks you the opportunity to comment.

Dan Tonsmeire

Dan Tonsmeire, Riverkeeper

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Zettle, Brian A SAM

From: Janet_Mizzi@fws.gov
Sent: Thursday, November 13, 2008 8:43 AM
To: Zettle, Brian A SAM; Jerry_Ziewitz@fws.gov
Cc: Sandy_Tucker@fws.gov; Gail_Carmody@fws.gov
Subject: Re: Fw: Water Quantity Analysis of Lowering Chattahoochee at Peachtree Minimum Flow Requirement Nov08-Arp09

Attachments: PeachtreeFlowReduction Nov08-Apr09.ppt

PeachtreeFlowReduction Nov08-A...

Mr. Zettle, the U.S. Fish and Wildlife Service has reviewed the information you provided below concerning the proposed reduction in flows out of Lake Lanier and the projected effects in water flows and we concur with your determination that implementation of the recommended plan may effect, but is not likely to adversely affect, listed species in the Apalachicola River and will not result in the adverse modification or destruction of designated critical
habitat. This concludes section 7 consultation in accordance with the Endangered Species Act of 1973, as amended. Please contact Jerry Ziewitz at extension 223 if you have any questions concerning this response.

Janet Mizzi
Deputy Field Supervisor
U.S. Fish and Wildlife Service
Panama City, FL Field Office
1601 Balboa Ave.
Panama City, FL 32405
Ph: 850 769-0552 ext. 247
Fax: 850 763-2177

EXTINCTION IS FOREVER

Jerry Ziewitz/R4/FWS/DOI

11/12/2008 04:14 PM To
Janet Mizzi/R4/FWS/DOI@FWS
cc
Sandy Tucker/R4/FWS/DOI@FWS
Subject
Fw: Water Quantity Analysis of Lowering Chattahoochee at Peachtree Minimum Flow Requirement Nov08-Arp09

Janet,

The Corps has requested an expedited response to this NLAA determination for a proposed change in ACF operations. GA has requested the Corps to reduce flows by 100 cfs out of Lake Lanier during the winter to conserve storage (maintain a min flow of 650 instead of 750 in Atlanta). This is not a change in the operations (the RIOP) that we've consulted upon already, which describe releases from Woodruff Dam, but this change could affect the

amount the water available to Woodruff Dam. However, their analysis shows no change in releases from Woodruff with or without this proposal, which is a reasonable finding given the current hydrology and the relatively small operational change in the upper basin. Beginning next summer with a higher elevation in Lake Lanier could conceivably benefit listed species if Lanier storage is needed to support minimum flows from Woodruff later in 2009. They want to implement this action, which they did last winter also, very soon, possibly Friday this week.

Therefore, I recommend a prompt reply to the message below from Brian Zettle saying we concur with their NLAA determination.

Jerry Ziewitz
USFWS
1601 Balboa Ave.
Panama City, FL 32405
(850)769-0552x223
----- Forwarded by Jerry Ziewitz/R4/FWS/DOI on 11/12/2008 03:45 PM -----

"Zettle, Brian A SAM" <Brian.A.Zettle@usace.army.mil>

11/12/2008 03:32 PM To
<JERRY_ZIEWITZ@FWS.GOV>, <GAIL_CARMODY@FWS.GOV>
cc
Subject
FW: Water Quantity Analysis of Lowering Chattahoochee at Peachtree Minimum Flow Requirement Nov08-Arp09

Jerry,

As we discussed earlier, here are the modeling results James completed regarding downstream impacts associated with the recent EPD request to temporarily reduce the minimum water quality flow in the Chattahoochee River at Peachtree Creek from 750 cfs to 650 cfs. Due to the potential for very minor, but measurable reductions in flow in the Apalachicola River, we have determined that implementation of the recommended plan may effect, but is not likely to adversely affect, listed species in the Apalachicola River and will not result in the adverse modification or destruction of designated critical habitat. Only minor differences in Apalachicola River flows are expected to occur as compared to the No Action alternative. Implementation of the recommended plan will not result in an inability to operate Jim Woodruff Dam according to the RIOP provisions agreed to in Formal Section 7 Consultation with the USFWS. Could you please review the attachment and reply regarding USFWS concurrence or questions with our determination? Thanks.

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

-----Original Message-----
From: Hathorn, James E Jr SAM
Sent: Wednesday, November 12, 2008 2:47 PM
To: Zettle, Brian A SAM
Cc: Eubanks, Michael J SAM; Ashley, Jonathan A SAM; Houston, Amber M SAM; Smith, Christopher T SAD; Mauldin, Gary V SAD; Harvey, Randall B SAM; Taylor, Peter F SAM
Subject: Water Quantity Analysis of Lowering Chattahoochee at Peachtree Minimum Flow Requirement Nov08-Arp09

Hey Brian,

I have attached a powerpoint file that summarizes our water quantity analysis of lowering the Peachtree Creek minimum flow requirement. Our results differ from GA EPD, because their modeling assumed a reduction beginning October 16, 2008. The COE modeling assumes a reduction beginning November 10, 2008. However, we both demonstrate a moderate increase in Lanier's storage if we implement the reduction. We decided to use 3 hydrologic conditions; 7q10 from GA EPD, the 1988-1989 hydrology and the 10th Percentile. Current conditions are very dry and the most recent forecast predicts a normal to below normal winter. These 3 hydrologic conditions capture the range of severe dry conditions to below normal conditions. As a results, the modeling captures the worst case of downstream impacts and the maximum benefit to Lake Lanier storage.

Slides 3-5 summarizes the impacts

Please call me if you have any questions or additional data need.

James E. Hathorn, Jr.
Hydrology and Hydraulics Branch
U.S. Army Corps of Engineers, Mobile
Office (251) 690-2735
Cell (251) 509-5368
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