NATIONAL ENVIRONMENTAL POLICY ACT

GENERAL

Comment ID: 6
Author Name: Heinz J. Mueller
Organization: EPA

Dear Mr. Burke:

Consistent with Section 102(2)(c) of the National Environmental Policy Act (NEPA) and Section 309 ofthe Clean Air Act, the U.S. Environmental Protection Agency (EPA) has reviewed the Public Notice and the Notice of Intent (NOl) for the Proposed Water Control Manual (WCM) Update and Environmental Impact Statement (ElS) for the Apalachicola-Chattahoochee-Flint (ACF) River Basin, located in the states of Alabama, Georgia, and Florida. EPA Region 4 NEPA staff members also attended two of the Public Scoping meetings, held on October 22,2008 (Lagrange, GA) and on October 23,2008 (Marietta, GA) and sponsored by the U.S. Army Corps of Engineers, Mobile District. Our EPA Region 4 NEPA staff members gathered information on the ACF River Basin, and were able to meet with Mobile District project experts and contracted specialists who were present at each of the Public Scoping Meetings to answer questions about the ACF Water Control Manual Update and to provide an overview of the Corps' NEPA process.

It is our understanding that an ACF Water Control Manual Update and Environmental Impact Statement (ElS) are to be developed by the Mobile District. We further understand that some water management operations described in the current basin-wide ACF Water Control Manual may be modified. Any operational changes in the various federally managed reservoirs will reportedly be fully described in each updated reservoir-specific Water Control Manual, and then included within the overall ACF Master Water Control Manual.

EPA understands that the updated ACF Water Control Manual will outline the regulation schedules for each project, as well as specifications for storage and releases from each reservoir. The updated ACF Water Control Manual will also provide documentation including revised Water Control Plans for each ofthe specific projects and river basin systems within the ACF. The updated ACF Water Control Manual will further include guidelines for making water management decisions, and will "outline policies and data protocols for flood control operations and drought contingency operations." Mobile District reports that the updated ACF Water Control Manual is needed "to enable managers to strike the best balance possible for the many multi purposes and demands...and a complex set of factors is needed to determine appropriate water management at each lake."

EPA understands that the updated ACF Water Control Manual will identify all constraints, including but not limited to: authorized project purposes, power contract commitments, hydrologic and climatologic factors, downstream lake and basin wide conditions, potential threats of flood and drought, and will include the resultant lake levels that are required to satisfy all ofthese various requirements. Because of the complexity ofthe updated ACF Water Control Manual, we understand that during the scoping process, Mobile District "will be collecting input from a broad range of stakeholders throughout the region."

The current Georgia Environmental Protection Division (EPD) request for flow reductions in the Chattahoochee River relies upon a series of predictive models that make statements about flows and how changes in these can be expected to affect water quality measures. EPD proposes monitoring of several identified flow related sensitive endpoints, and identifies a procedure of notification when certain conditions exist that would require flow change based upon new information. EPA suggests that employing this same type of concept in other areas would greatly enhance the ecological sustainability of the aquatic systems affected by construction, maintenance and operation of federal projects with the ACF watershed basin.
We appreciate the opportunity to provide these scoping comments on the Proposed Water Control Manual Update and Environmental Impact Statement for the Apalachicola-Chattahoochee-Flint (ACF) River Basin. Should you have questions, feel free to coordinate with

Ntale Kajumba ofmyNEPA staffat404/562-9620 or at kajumba.ntale@epa.gov or Paul Gagliano, P.E., at 404/562-9373 or at gagliano.paul@epa.gov. Duncan Powell of Region 4's Water Protection Division can be reached at 404/562-9258 or at powell.duncan@epa.gov.

Comment ID: 14
Author Name: Al Pope
Organization:

Dear Corps, RE: Lake Lanier, I have owned a home and lived on Lake Lanier since 1980 nearly 30 years. Over that time the Corps has earned my respect. Some rules seem unimportant but over the long haul have contributed to the beauty of the lake and the surrounding area. My respect for them however has been tarnished as a result of the lack of leadership it could have provided. Yes a drought has been a major factor, but a full river south and the releases and misreleases have been a direct result of your responsibility. You have demonstrated a lack of respect for your biggest and best stakeholders. Why? A combination of these things have had a dramatic affect on these stakeholders not only now but for years to come and for some forever. How can you assist those who have closed their businesses – lost their homes. What do we tell them. It may be easier making these decisions from Mobile.
I would like to suggest that a new agenda of priorities – where there flexibility is developed and communicated to all lake stakeholders. You hold much of your future in your hands be a leader a benevolent leader. Thoughtful and considerate.

Establish a Lanier crisis team of corps employees that are clearly available to stakeholders. Respectfully submitted by a homeowner and supporter.

Comment ID: 64
Author Name: Sunny Park
Organization:

WE ARE DESPERATELY NEED YOUR HELP WITH PERMANENT SOLUTION. PLEASE HELP!

Comment ID: 67
Author Name: Jeff Lukken
Organization: Mayor of LaGrange

A "quick and dirty" EIS and shot at
a new water control manual that skims through the massive issues facing West Point Lake and the ACF basin can not be an option for consideration by the Army. Only the most thorough study and vetting resulting in a cultural change in the Corps understanding and management of the system will assure a basin that meets the needs for future generations.

The staff of the City of LaGrange, and other local stakeholders stand ready to engage the Corps on these issues and to supply supplemental information in support of the issues outlined in this submittal. Thank you for the opportunity to submit this statement.
W. Jeff Lukken
Mayor

Comment ID: 68
Author Name: Dick Timmerberg
Organization: West Point Lake Coalition

The West Point Lake Coalition and other local stakeholders stand ready to engage the Corps on these issues and to supply any needed supplemental information. Thank you for the opportunity to submit this statement.

Dick Timmerberg
Executive Director
West Point Lake Coalition

Comment ID: 69
Author Name: Jeff Brown

Organization: Troup County Chamber of Commerce

A "quick and dirty" EIS and shot at
a new water control manual that skims through the massive issues facing West Point Lake and the ACF basin cannot be an option for consideration by the Army. Only the most thorough study and vetting resulting in a cultural change in the Corps' understanding and management of the system will assure a basin that meets the needs for future generations.

Comment ID: 181
Author Name:
Organization:

We need to keep these areas viable.

Comment ID: 201
Author Name: James A. Stinson
Organization:

I am also concerned about maintaining and protecting water quality for my children and their children.

Comment ID: 342
Author Name: Ronald Golden
Organization:

Looks like a set up to foster public opinion to dam the flint river.

Comment ID: 372
Author Name: Nancy Niekro
Organization:

You probably could give this project to Georgia Tech, or for that matter any high school, and they would come up with some logical answeres.

Please, lets not let this go the way of the second peremiter we were supposed to have to alleviate the traffic problem that exists in Atlanta.

Comment ID: 374
Author Name: Jonathon Heard
Organization: City of Cumming

This needs to be rectified to protect human life and welfare. The imbalance is swung in favor of the southern segments of the system (Alabama, Florida) and detrimental to the North Georgia region and Lake Sidney Lanier.

Comment ID: 447
Author Name:
Organization:

What a bunch of B.S.

Comment ID: 450
Author Name: Sidell Tilghman
Organization:

8. Finally, the disagreement over water use in the ACF et, al. has been going on for nearly 19 years. There are more Federal, State and local governments, a whole host of politicians along with various other entities such as EPA, EPDs, Fish and Wildlife et. al as well as numerous citizen groups involved in this mess than most people could name. This situation has been in front of numerous judges and attorneys since the beginning and while I am sure there are alot of well intentioned people working on a solution, the bottom line is there hasn't been one and there won't be any time soon. I hear many Politicians speak about the need for more

government in our lives as though that would bring solutions and I look at this one issue and think it is a prime example of why we don't need more government because we have plenty of it here and this water war is an unresolved cabal with no end in sight. Thank you for your time. Sincerely, Sidell Tilghman, Gainesville, GA

Comment ID: 531
Author Name:
Organization:

It is very sad what is happening to our lake at this time.

Comment ID: 654
Author Name: Linda Raffield
Organization: FCSWA Secretary

Last but not least to see that there are no winners in this war, all are suffering the numbers, data and statistics are not worth a hill of beans if you dont' put the human equation to it as well. Most importantly that we all work at it together, this should not be the responsibility of any one person or one agency to make the decisions for all the people this concerns and most assuredly everyone should have the willingness and thoughfulness to work together.

Comment ID: 746
Author Name:
Organization:

People need to wake up and look around we are wasting our natural resources! Theirs to many politicians and greedy developers making decisions that will impact my kids and their kids. They are only looking at today and not seeing there's a tomorrow. ‘.

Comment ID: 763
Author Name: James H. Phillips
Organization: Middle Chattahoochee Water Coalition

We would welcome the opportunity to work with the USACE and other stake holders in determining options that will serve the entire ACF basin.

Comment ID: 783
Author Name: Susan Bassett
Organization: Boardwalk Realty

We must, with the best science available, including that of first doing no harm, preserve its natural state to as large a degree as possible. We must be good stewards of this resource, and I ask those in our government agencies to fight for what is right for this bay and all it impacts. We can so easily lose it, and this is not what I want to see happen as a Floridian, as a business person in this area, and as a citizen of this great country.

SCOPING AND PUBLIC INVOLVEMENT

Comment ID: 20
Author Name: Janet G. Llewellyn
Organization: Florida Department of Environmental Protection

Dear Mr. Zettle: The State of Florida ("Florida") submits these comments to the U.S. Army Corps of Engineers ("Corps") regarding its scoping process for the draft environmental impact statement ("EIS") to be prepared in connection with the update and revision of the water control manual for the Apalachicola-Chattahoochee-Flint ("ACF") River Basin. However, submission of this letter is not intended in any way to endorse either the Corps' current process for revisions to the water control manuals for the ACF or the content of any such revisions.

The Corps Must Provide a More Detailed Proposal Florida has fundamental concerns with the procedural inadequacies of the Corps' scoping efforts and NEPA review in general. Effective scoping requires a more detailed proposal from the Corps. The scoping process is intended to identify significant issues presented by the Corps' proposal. In contrast, the Notice of Intent contains no detail about the proposal. This is contrary not only to NEPA, but also to the Corps' regulations, which require the Corps to "provide information to the public concerning proposed water control management decisions at least 30 days in advance of a public meeting." 33 CF.R. § 222.5(g) (2)(i)(C). The Corps Must Provide a Meaningful Opportunity To Obtain Informed Public Comments The current NEPA scoping process is inadequate to satisfy the public participation requirements of WRDA, 33 U.S.C § 2319, and the Corps' own implementing regulations, 33 CF.R. § 222.5. WRDA requires effective public involvement (4); coordination with affected states, regional and local agencies (5) and provision of information to the public.(6) The Corps' regulations require that the water control plan "be developed in concert with all basin interests which are or could be impacted by or have an influence on project regulation." It requires coordination with state, regional and local agencies in the development of the manual.

The scoping meetings have been conducted by setting up informational "booths" which do not allow for meaningful participation, or even the ability to obtain answers to direct questions. This process does not provide a sufficient opportunity for interested persons to obtain needed information and for the Corps to receive informed public comment. Indeed, the current process does not even meet the general guidelines for scoping under NEPA. Despite requests from interested stakeholders, including Florida,(7) the Corps has failed to provide fundamental information that is critical to the scoping process. (8) It has issued Notices of Intent (9) and initiated public scoping meetings without providing a clear statement of the purpose and need of the proposed action. In addition, the Corps has failed to describe the extent of the proposed revision or provide any discussion of associated impacts or alternative plans. The unavailability of such critical information precludes members of the public, affected states, and other stakeholders from providing the input essential to a meaningful (and lawful) scoping process.

(1) Specifically, Florida contends that the Corps' current process is inconsistent with federal laws and insufficient under both NEPA and the Water Resources Development Act ("WRDA")

(2) See In Re Tri-State Water Rights Litigation, 3:07-md-0001 (M.D. Fla.).

(4) See 33 U.S.C. § 2319; see also 33 C.F.R. § 222.5 (g)(2)(i)(A).

(5) See 33 CF.R. § 222.5(f)(9).

(6) See 33 USC. § 2319; see also 33 C.F.R. § 222.5(g)(2)(i)(C) (requiring the Corps to provide certain information to the public concerning proposed water control management decisions, including description of impacts and comparisons of alternative plans, at least 30 days in advance of a public meeting).

(7) Both verbally and in writing, Florida has asked the Corps for more information concerning the scope of the manual revisions. See Letter from Secretary Sole to C. Couch, T. Glenn & General Schroedel, dated August 29, 2008.

(8) See Council on Environmental Quality, Me11l0rnlldllll for Gel/eml Coullsels, NEPA Liaiso1ls

and Participallts in Scoping at 4 (1981) ("Scoping cannot be useful until the agency knows enough about the proposed action ... to present a coherent proposal and a suggested initial list of environmental issues and alternatives.").

(9) See 73 Fed. Reg. 9,780 (2008); 73 Fed. Reg. 54, 391 (2008).

In summary, as discussed above, Florida has significant and wide-ranging concerns with the Corps' scoping process. Nonetheless, Florida will continue to participate in the process with the intent of ensuring that the Corps will adequately address the elements required under NEPA. Janet G. Llewellyn Director Division of Water Resource Management

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Comment ID: 28
Author Name: David McLain
Organization:

I have a recommendation to be made to the ongoing process that they are working with now. There should be a visible correspondence between what is taken as stakeholder comments during the EIS scoping process, and the resultant water control manual. There should be, in my judgment, a flow chart developed that says input goes in over here and it gets processed and then it results in changes in the Water Control Manual.

Comment ID: 37
Author Name: Carol A. Couch
Organization: GA EPD

II. Scoping Issues and Comments Regulations issued by the Council on Environmental Quality ("CEQ") require that the Corps, in preparing an EIS, must first determine the scope of issues to be addressed and identify the significant issues related to a proposed action. 40 C.F.R § 1501.7(a)(2008). A. Actions to be Considered The three types of actions to be considered during the scoping process are: 1. Connected actions, which means that they are closely related and therefore should be discussed in the same impact statement....2. Cumulative actions, which when viewed with other proposed actions have cumulatively significant impacts and should therefore be discussed in the same impact statement. 3. Similar actions, which when viewed with other reasonably foreseeable or proposed agency actions have similarities that provide a basis for evaluating their environmental consequences together, such as common timing or geography. 40 C.F.R. § 1508.25(a)(2008).

Comment ID: 43
Author Name: Students of River Basin Management
Organization:

Public participation is a necessary component of responsible basin management, and we are grateful for the opportunity to have our voices heard. Please advise if additional explanation or participation is appropriate.

Incorporate stakeholder participation. *Initially, hold a joint meeting with all stakeholders to discuss findings of scoping process. All interests should be represented. *At public meetings involve third party mediator

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Comment ID: 45
Author Name: Gail Carmody
Organization: Fish and Wildlife Service

Dear Col. Jorns: The U.S. Fish and Wildlife Service (Service) is responding to your September 19, 2008, notice (73 FR 54391) soliciting scoping comments about updating the Master Water Control Manual (WCM) for the Corps' reservoir projects in the Apalachicola-Chattahoochee-Flint (ACF) River Basin of Alabama, Florida, and Georgia. We submit the following comments to assist you in identifying the resources and framing the operational alternatives that you will consider in the draft Environmental Impact Statement (EIS) for this action. These comments represent input from our Alabama, Florida, and Georgia Ecological Services Field Offices. Our authority to comment on this action derives from the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.) and the Endangered Species Act (ESA) of 1973, as

amended (16 U.S.C. 1531 et seq). It is our understanding that the WCM will specify the storage and release schedules for all five projects in the ACF system of federal dams and reservoirs: Buford Dam/Lake Lanier, West Point Dam/West Point Lake, Walter F. George Dam/Lake Eufaula, George W. Andrews Lock and Dam, and Jim Woodruff Lock and Dam/Lake Seminole. The WCM serves as the primary policy and guidance document for the Corps' water management decisions in the basin, including decisions necessitated during times of flood and drought. We have reviewed the notice announcing the intent to prepare an EIS (73 FR 9780), the notice announcing the public scoping meetings (73 FR 54391), and the various materials pertaining to the update that are posted on the Mobile District's website. Several Service personnel attended the public scoping meetings. The proposed action is consistently labeled as an "update" of the WCM, but the nature of the update, i.e., how it may depart from current operating rules, is not yet specified. During a conference call with federal agencies on October 9, 2008, the Corps' EIS contractor said that the update would not consider changes in operations that would require changes in Congressional authorizations for the projects or a re-allocation of reservoir storage. While this statement defines a general boundary in principle for the scope of the update, it does not reveal which water management variables are subject to change and to what degree. The relationship between current operating rules and Congressional authorizations is not documented in the materials that have been made publicly available for this scoping process. Therefore, our first scoping comment is to request a summary of the current operating rules for each project, an explanation of their basis in Congressionally authorized purposes, and a description of how much discretion the Corps has to change the rules. We recommend posting such a summary on the District's website for use by other agencies and the public early in the WCM update work schedule. At minimum, the summary should list storage amounts, if any, that are allocated to, and releases that are designated for, the various authorized purposes at each project with appropriate documentation and narrative explanation. For example, the current rule curve for West Point implies an amount of storage available for flood control for several months a year. For other project purposes, the Corps operates the system using the multiple zone rule curves and makes discretionary releases for purposes of navigation, hydropower, water quality, infrastructure, and protected species. The balancing of the discretionary releases is not always clear to the outsider. Compiling information on storage allocations and discretionary uses of storage allows the public to consider whether any other way of operating for the flood control purpose would be consistent with the Congressional authorization. Without such information, the logic of the current operating rules is not apparent to the public, which makes meaningful participation in the scoping process more difficult. We believe that disseminating such information will also serve to diffuse the controversy that has so frequently visited ACF water management issues in recent years.

Comment ID: 50
Author Name: Charles Krautler
Organization: Atlanta Regional Commission

Comment:
To Whom It May Concern: I offer the following comments on the scoping process for the update ofthe Water Control Manual for the federal reservoirs in the Apalachicola-Chattahoochee-Flint ("ACF") River Basin on behalf of the Atlanta Regional Commission. 1. The Corps Has Not Adequately Dermed the Proposed Action or Alternatives ARC has long supported the Corps' efforts to update the water control manuals for the ACF River Basin. We have done so because we need a creative and comprehensive new water control plan based on facts, sound science, and real input from all basin stakeholders. We also believe that this process presents a unique opportunity for the development of an operating plan that stakeholders throughout the ACF River Basin can not only accept, but also embrace. Unfortunately, the scoping process the Corps has implemented to date is not calculated to achieve this result. Contrary to basic scoping guidelines that require the Corps to present the public with a coherent proposal and a suggested initial list of environmental issues and alternatives, the Corps has not defined either the proposed action or any potential alternatives. As a result, ARC and other stakeholders have not been provided with sufficient information to understand and evaluate what is being proposed or to develop potential alternatives. This is legally inadequate and denies ARC and other stakeholders the opportunity to participate meaningfully in the process. It is also certain to lead to a water control plan that fosters division, rather than consensus and progress. At a minimum, the Corps should employ the procedures it has used to update water control manuals in other contested basins. In the Missouri River Basin, for example, the Corps engaged in a thorough

process designed to educate, build consensus, and solicit meaningful consensus alternatives from basin stakeholders. There, the Corps began by publishing what the Corps called a "preliminary revised draft environmental impact statement" setting out alternatives designed to illustrate the implications ofdifferent operational plans. This document was never intended to serve as the final proposal; rather, it was designed to provide a basis for the development of meaningful stakeholder input. The Corps then held numerous educational workshops and meetings throughout the basin to clarify the alternatives, and eventually received consensus proposals from different basin interests suggesting additional alternatives to be considered. The Corps then evaluated those consensus proposals against its original alternatives in developing a water control manual for the basin. The process described above stands in stark contrast to the process employed here, and we urge the Corps to better define the proposed action and alternatives before proceeding further. Nevertheless, ARC will submit general comments at this time.

Comment ID: 70
Author Name: David McLain
Organization: Riparian County Stakeholder Coalition

The Corps has responsibility to consider carefully the impact of the proposed action, the update of the master Water Control Plans (WCP) on the Congressionally approved project uses. We would assert you also have under NEPA the responsibility to consider carefully the broader impact on the social and economic fabric of the communities throughout the ACF Basin, and indeed on the survival, health and productivity of the waters that comprise this eco-system. If the waters of that eco-system are depleted below the minimum required to sustain that system, all users lose. The on-going EIS assessment must have, and be seen to have, a direct input into the shape and content of the WCM. A flowchart or some other form of audit trace should be constructed to demonstrate the influence of the stakeholder concerns on the WCM. A fair and equitable distribution of and public access to these waters must be an explicit aim of the proposed WCP. Therefore the scope of your EIS/WCP assessment should have a historically and scientifically-verifiable baseline for impact comparison. We understand the Commander of the Corps' South Atlantic Division will meet with the National Research Council soon; he should discuss with them the NRC's active involvement in the WCM/EIS process. The credibility of the process would be greatly enhanced.

Comment ID: 77
Author Name: Richard C. Wolfe
Organization: Troup County Board of Commissioners

Dear Colonel Jorns: We are writing as a unified Troup County Board of Commissioners to express our views regarding the sustainability of West Point Lake, out of deep concern that our past requests have largely been seemingly ignored. We have for many years now been deeply concerned with the levels maintained by the U.S. Army Corps of Engineers and we have come to a point now where we feel we must take a proactive approach to the restoration and preservation ofWest Point Lake for its original purposes

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Comment ID: 274
Author Name: Michael Halicki
Organization:

Third, there is a need for a formalized stakeholder process that engages the stakeholders in a meaningful way to work through the goals of the basin study and the alternatives analysis.

Comment ID: 308
Author Name: Michael J. Mcbride
Organization:

At your scoping meeting on 10/22 I had one main question. Why is the West Point Lake level dropped to 628' in the fall?

Your meeting was very professional and informative and I came way with answers, some of which I didn't want to hear but understand. Now I have a new question. What can be done to change this policy?

Comment ID: 318
Author Name: Kim Sak
Organization:

The first thing that I would like to say to the Corps is that I'd like to see them establish a citizens advisory group for Lake Lanier. I think that it would give them a good opportunity to have some local input that wasn't a special interest group.

Comment ID: 366
Author Name:
Organization:

I just came from the meeting in Gainesville. What a mess. It's no wonder you folks can't get anything done right, if you can't organize a meeting any better than that. What a waste of time and money.

Comment ID: 375
Author Name: Jonathon Heard
Organization: City of Cumming

Citizens from North Georgia should be allowed to be involved in this process.

Comment ID: 386
Author Name: ron condon
Organization:

I attended a meeting last night (10/29)in Gainesville. Someone really missed in terms of estimating the size of the audience. As someone who spent a lot of time arranging meetings for large groups, I can say that your purpose, last night, couldn't possibly have been served. The meeting room and booths would have worked well with about thirty people. There were probably more like 125 people in there when I was there, pushing and shoving trying to get near one of your reps. No one was learning much. I, like lots of others, just gave up and went home. Before I left, I was able to peer over several crowds of attendees to see some very nice exhibits. You were well prepared with material, but I wasn't about to try to push my way through to ask questions.
On meetings like this, you're generally better off getting too large a room than having something where no one can move.
I hope my comment on the meeting prep is helpful.

Comment ID: 405
Author Name: L Levi
Organization:

How will a few hundred comments from residents of Apalachicola Bay area (approx 10,000 population in Franklin county) compare with thousands of comments from metro Atlanta area?? Many folks in Apalachicola Bay area already feel that there is a bias in favor of upper basin needs in this water allocation issue.

Comment ID: 428
Author Name: Jack Oliaro
Organization: self

I attended the open house held in Gainesville in late October. The Corps did a good job of explaining how all the pieces work together and some of the requirements it operates under. However, what we were told seems to contradict what I witnessed last week. The Chattahoochee River appeared full in Atlanta (which should assure the 750 cfs) but yet the lake was drawn down over 1000 cfs feet the next 2 days.

Comment ID: 448
Author Name: Terri Jondahl
Organization:

Second time I've been to the open house format for a Corps of Eng Event.

Really don't like the format. Too many people trying to talk to a few folks, too noisy.

Suggest a larger area for open house then mere time for organized "public hearing" type comments where we can hear what others are saying -- use both open house and structured format. Will submit add'l comments by letter

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Comment ID: 459
Author Name: Betty Hampton
Organization:

Thank you for presenting this very informative forum! We appreciate the kind attitude of the corps and allies associates. We have heard some very constructive ideas from the presenters and from some of the attendees!

Comment ID: 487
Author Name: Melvyn & Gail Smith
Organization:

We appreciate the opportunity to have input into the process and hope that changes to "The Water Control Manual" will be completed/implemented in a timely manner.

Comment ID: 527
Author Name: Terry Simpson
Organization:

I very much enjoyed the Meeting and demonstration held in Gainesville last week. I feel that I have a much better understanding of the system and its management requirements.

Comment ID: 654
Author Name: Linda Raffield
Organization: FCSWA Secretary

Real meetings giving communities a chance to voice an opinion, real people with real problems and real voices as an alternative to the "Science Fair" type meeting where there is relatively little interaction with people other than a few pre-impted questions.

Comment ID: 721
Author Name: Arthur Mazyck
Organization:

You have all the facts relevant to the case. I would simply like to speak as a householder in the area of the Bay and River. Most people like me are very much concerned that decisions which will have bad results may be made. I urge you to listen to the concerns of the citizens of the Apalachicola Basin. Their concerns should take precedence over the concerns of upstream interests.

Comment ID: 740
Author Name: Carol Schwarz
Organization:

Please folks! One public hearing in Florida and the rest elsewhere. Even though we're downstream, we need to have more public participation, perhaps targeting the Chattahoochee, FL area, or Blountstown, FL. The concerns regarding the Apalachicola River are varied among the different river towns.

Comment ID: 763
Author Name: James H. Phillips
Organization: Middle Chattahoochee Water Coalition

We would welcome the opportunity to work with the USACE and other stake holders in determining options that will serve the entire ACF basin.

Comment ID: 765
Author Name: Tom Sweet
Organization:

I sincerely would like to comment on the scoping process but could not find a section on your site where we can respond to your request for scoping comments.
The brick, mortar, wood, and water of the 12 ACF Federal projects are given...they are what they are, federally authorized and established. The 8 Federal project purposes in play at individual projects are what they are...they have already been set by Federal legislation...no scoping input opportunities here either!
I can only comment that the manner in which your "comments" website has been set up is indicative of the cause for failure of your water management system development and operation. You only allow for comments on individual Projects, individual Project Purposes, individual NEPA Processes, individual Environmental Resources, and Shoreline Management as an isolated factor in the "scoping" process. Nowhere do you ask for or accommodate comments that are integrative or systemic in nature. The Corps planners plan, the engineers design, the construction folks build, then the operators do what they want, with what they have. Several times during this process, they all need to get together at the same time, look at the same "scope", talk to each other, and proceed with input from stakeholders. We don't need more failure which is inevitable from updated WCMs which were flawed in the first place. We need new integrated, innovative, creative, fresh WCMs!!

BASELINE CONDITIONS

Comment ID: 20
Author Name: Janet G. Llewellyn
Organization: Florida Department of Environmental Protection

The Corps Must Use the Correct Environmental Baseline: Florida is particularly concerned that the Corps use the appropriate baseline for its analysis and that the revision be of the appropriate scope. (3) As the Corps' February 2008 Notice of Intent recognizes, the last master manual for the ACF River Basin dates to 1958. Yet, since 1989, the Corps has operated under a draft water control plan. The draft plan establishes, among other things, the "action zones" that drive the Corps' management of the ACF Basin reservoirs, and a minimum flow "requirement" of 5,000 cuffs, which must be released to the Apalachicola River, both of which the Corps unilaterally adopted without compliance with the Flood Control Act, its own regulations at 33 CF.R. § 222.5, NEPA or the Endangered Species Act ("ESA"). The 1989 draft plan also reflects some major operational changes that are unlawful in light of the D.C Circuit Court of Appeals' decision in Southeastern Federal Power Customers, lank. v. Geren. NEPA does not allow the Corps to "grandfather" as existing conditions changes in water control operations -particularly unauthorized changes -that have not been subjected to final NEPA review. Simply stated, because the Corps has not prepared a master manual update since 1958, the appropriate baseline for NEPA analysis is the 1958 master manual-not the1989 draft plan. All changes in reservoir operations since that time, and all environmental impacts occurring since that time must be evaluated and analyzed under NEPA as part of the proposed action.

(3) The appropriate baseline for NEPA analysis in the 1958 master manual prepared for the ACF, not the 1989 draft water control plan or current existing operations. The NEPA process must evaluate all changes in the Corps' reservoir operations, and their environmental impacts, since 1958.

Comment ID: 48
Author Name: Tanya Blalock
Organization: Georgia Power

Accordingly, updating the WCM and its various Water Control Plans should include assessment of the water use needs necessary to maintain generation at these Georgia Power facilities as part of the baseline conditions, in accordance with Council on Environmental Quality regulations at 40 C. F. R. Part 1500.

Comment ID: 54
Author Name: Dan Tonsmeire
Organization: Apalachicola River Keepers

Define and Use an Accurate and Historically Healthy Baseline The baseline for the EIS must be comprehensive and complete, including actions initiated and undertaken since previous EIS(s) were accomplished. This would require using pre-dam flows as a baseline (See ATTACHMENT 1) for comparison to the proposed alternatives. The unimpaired flow data set should be calibrated to achieve a comparable representation of the pre-dam flows in ATTACHMENT 1 to ensure that it accurately reflects what would occur under natural conditions. It would also require the best possible scientific assessment of the ecological flow needs of the Apalachicola River and Bay to establish the flow regimes which would best mimic and protect the biological, physical and chemical integrity of the waterbody that were sustained and supported by these pre-dam flows. The divergence from the baseline described above has resulted in significant impacts to Apalachicola River and Bay. The USGS has issued reports which established impacts that have and are occurring to the Apalachicola River due to the Corps’ actions and actions by the states ofFlorida, Georgia and Alabama, some of which were undertaken under the guidance of the EPA. The separate and cumulative downstream impacts of all these actions must be assessed in a comprehensive fashion if the total impacts to downstream, and in particular the Apalachicola River and Bay, are to be accurately measured from baseline.

Comment ID: 55
Author Name: Brian Atkins
Organization:

The State of Alabama believes that the baseline or “no action” alternative for the review of the water control manuals under the National Environmental Policy Act must start with the currently approved water control manuals for each reservoir. Draft manuals, the use of action zones or other proposed operations that have never been subject to the public scrutiny demanded under NEPA and the Corps’ implementing regulations should not be used as a starting point of the Corps’ review or effort to update the manuals. The use of draft manuals, action zones or other proposed operations as the baseline or “no action alternative” would allow the Corps to alter or modify the operations of the reservoirs and impact authorized project purposes in a manner that is inconsistent with Congressional intent without providing Congress any opportunity to review the proposed changes. Such an approach would allow the Corps to circumvent its obligation to update the manuals through an open and public process. Using any other scenario as the “baseline” and ignoring the existing water control manuals for the federal reservoirs and the existing master manual for the ACF Basin would allow the Corps to avoid seeking Congressional approval for significant alterations in the operations of the reservoirs, to impact significantly the authorized project purposes of the reservoirs and to circumvent Congressional intent in establishing the project purposes for these reservoirs and the process for changing or altering such purposes. The State of Alabama understands that the Corps may use 2003 as the "baseline condition" for the manual update. We further understand that this date was selected based upon the date that the ACF River Basin Compact expired. Under the ACF Compact, Alabama, Florida Georgia and the United States agreed to allow increased water withdrawals during the development of a water allocation formula. In Articles VII and VIII of the ACF Compact, however, the parties agreed that no permanent, vested or perpetual right to water would be recognized, granted or acknowledged for any increased water withdrawals that occurred after January 3, 1992, if the compact ultimately expired. By proposing a baseline of 2003, theCorps is violating an unambiguous Congressional enactment that expressly recognized the agreements of Alabama, Florida, Georgia and the Corps as expressed in the ACF Compact and the documents that led to the enactment of the ACF Compact. The State of Alabama learned at one of the Public Scoping meetings that the Corps’ baseline will assume that current withdrawals will continue despite the ruling of the United States Court of Appeals for the D.C. Circuit, the pending litigation challenging such withdrawals, and the express language of the now-expired ACF Compact. Such an assumption ignores a significant issue that the Corps must confront. The Corps currently has no legal basis or authority to operate Lake Lanier for water supply if such operations significantly impact the authorized project purposes of navigation, hydropower or flood control or require major operational change to these authorized project purposes. By failing to consider the limited nature of the legal authority granted to the Corps by Congress to operate Lake Lanier, the Corps is wasting a tremendous amount of time and resources by using unsupported assumptions as the bases for proceeding with the manual update. The Corps' proposed approach curtails the environmental review mandated under NEPA by significantly limiting the scope of any review. Instead of reviewing the environmental impacts of proposed operations based upon the currently approved manuals, the Corps is, in effect, ignoring the potentially significant impacts upon the environment associated with major operational changes occurring between the dates of the last manuals and 2003 for the federal reservoirs. In ruling that the Corps overstepped its authority by entering the clandestine settlement agreement in the Apalachicola-Chattahoochee-Flint River Basin, the United States Court of Appeals for the D.C. Circuit admonished the Corps that it could not allow incremental changes over time to establish a new baseline or status quo. Any attempt to use 2003 as a baseline simply ensures further legal challenges over the Corps' operations and proposed operations in the ACT Basin and ignores the Corps' obligations under NEPA and other laws, rules regulations and agreements designed to govern the manual update process. Moreover, the baseline should also be based upon the amount of storage currently under existing contracts (not expired or so-called “holdover” contracts) and should assume that the contract amounts establish limits or caps on the amount of water that can be withdrawn for water supply purposes. Specifically, the baseline should not assume that the current practice of allowing water withdrawals without contracts by the Atlanta Regional Commission or Gwinnett County will be continued in the future. Any proposed changes in operations, including increases in water supply withdrawals in amounts exceeding this baseline, should not be considered by the Corps in establishing the baseline or “no action” alternative and should only be considered after the baseline conditions are established. With the expiration of the ACF Compact, the “live and let provision” expired, and there can be no expectation that water withdrawals in excess of contract amounts would be incorporated into the “baseline” operations. The United States Court of Appeals for the D.C. Circuit rejected the Corps’ argument that the proper baseline for considering whether a reallocation of storage to water supply at Lake Lanier constituted a

“major operational change” requiring Congressional approval was not the status quo at the time of the settlement agreement. The Court clearly stated that “the appropriate baseline for measuring the impact of . . . reallocation of water storage is zero, which was the amount allocated to storage space for water supply when [Lake Lanier] began operation.” Any baseline that considers current operations to accommodate water supply withdrawals or storage is contrary to this legal conclusion

Second, the Corps should establish the baseline or the starting point for any proposed changes to the water control or master manuals and the baseline should be based upon authorized project purposes.

, the Corps should assess whether any changes in the baseline conditions are necessary to comply with existing laws and regulations, including laws and regulations designed to protect the environment. Fifth, the Corps should analyze any proposed modifications to the baseline and other legal requirements to develop the proposed operations

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Comment ID: 67
Author Name: Jeff Lukken
Organization: Mayor of LaGrange

We contend the Corps Clll not select the lOP, RIOP or a designated baseline year as foundation for the development of the new Water Control manuals and associated EIS. Instead it is imperative that the Corps and all involved federal agencies engage in the WCM process with a "clean slate". Then and only then can the magnitude of the problems in the basin be corrected. Any thought by the Corps of selecting a given year of operations since the advent of West Point Lake as a baseline operating year must be abandoned. Such a concept would assume that during that year, the Corps operated the system in total compliance with all authorized uses on the system. In fact that has never occurred- especially at the West Point project.

Comment ID: 69
Author Name: Jeff Brown
Organization: Troup County Chamber of Commerce

We contend the Corps cannot select the lOP, RIOP or a designated baseline year as foundation for the development of the new Water Control manuals and associated EIS. Instead it is imperative that the Corps and all involved federal agencies engage in the WCM process with a "clean slate". Then and only then can the magnitude of the problems in the basin be corrected. Any thought by the Corps of selecting a given year of operations since the advent of West Point Lake as a baseline operating year must be abandoned. Such a concept would assume that during that year, the Corps operated the system in total compliance with all authorized uses on the system. In fact that has never occurred- especially at the West Point project.

Comment ID: 76
Author Name: Allen Boyd
Organization: U.S. Congress

Update of the Water Control Manual for the Apalachicola-Chattahoochee-Flint (ACF) River System by the U.S. Army Corps of Engineers presents a significant opportunity for more responsible management of the ACF basin. One of the first and most critical aspects of this update is setting the appropriate scope for the development of the Environmental Impact Statement (EIS). In order for the Corps to develop the most equitable water control manual for the ACF, we believe the EIS must be truly comprehensive in scope and must have a considerable impact on the updated ACF Water Control Manual. Therefore, we offer the following recommendations on the scoping process and the development of an appropriate document under the National Environmental Policy Act (NEPA). The Council on Environmental Quality's (CEQ's) NEPA regulations (found generally at 40 C.F.R. Parts 1500-1508) state that "there shall be an early and open process for determining the scope of issues to be addressed"

which "shall be termed scoping." According to CEQ's guidance, "scoping helps insure that real problems are identified early and properly studied," and that appropriate related analyses are identified and considered. In light of this guidance, it is critical that this scoping process consider all aspects of the "affected environment" in the ACF river system. Chronic drought conditions in the southeastern U.S. have led to dramatic decreases in the quantity of water entering the ACF system. Both these natural fluctuations in water supply and human-related uses have led to unprecedented reductions in freshwater inflow entering Apalachicola Bay. The water and nutrients that the Apalachicola River delivers to the bay are critical to the health and productivity of the estuary and adjacent coastal waters of the Gulf of Mexico. This area supports significant recreational and commercial fisheries, including oysters (90 percent of Florida's fishery), shrimp, grouper, and other high-value species. As such, the baseline for scoping should include an analysis of all impacts not only to the Apalachicola River, but to the Apalachicola Bay ecosystem that depends on the fresh water flows from the river. We encourage the development of a baseline for the EIS that is comprehensive, complete, and includes actions initiated and undertaken since previous environmental assessments of the ACF System. The impact of these actions should be broadly assessed if the total effects to the ACF System, particularly downstream, are to be determined.

Comment ID: 298
Author Name: Tom Bartels
Organization:

When updating the Water Control Manual be very careful what you use as a base line.

The Southeast Federal Power Customers suggest that the Corps use as a base line the last approved Water Control Manual--not some arbitrary year like 2004 or 1993. Doing anything different than going back to an approved plan codifies the myriad Corps operational decisions through time and, almost certainly, harms hydropower.

PROPOSED ACTION AND ALTERNATIVES

Comment ID: 20
Author Name: Janet G. Llewellyn
Organization: Florida Department of Environmental Protection

To date; the Corps' actions have focused on just two elements of operation at the upstream reservoirs: 1) minimum flow from Woodruff Dam, and 2) maximum fall rate in the Apalachicola River. The NEPA process must evaluate all the various Corps operations throughout the ACF reservoir system that result in the flows observed below Jim Woodruff Dam. As reflected in the Corps' regulations, the master manual must clearly describe all these decisions, particularly in the water control plans and their reservoir regulation schedules, so that all parties can easily understand the Corps' proposed action and that action can be reasonably evaluated under NEPA.

Alternatives to be considered: NEPA requires the Corps to "study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources." 42 U.S.C. § 4332(2)(E). The evaluation of alternatives is "the heart of the environmental impact statement." 40 C.F.R. § 1502.14. The Corps should include the following alternatives in the EnvirolU11entallmpact Statement. A. An Alternative Based on True Basin Inflow As shown on Figure 4.2.1.A of the 2008 Biological Opinion ("BiOp") (page 155), total upstream consumption depleted over 45 percent of the calculated unimpaired flow of the Apalachicola River in June 2000. The Corps historically has varied minimum discharges from Woodruff Dam based on available "Basin Inflow," which is calculated after upstream water withdrawals (including those the D.C. Circuit has determined to be unauthorized) have occurred. As long as Basin Inflow is calculated after Georgia consumes its desired amount, no incentive will exist for Georgia to decrease its consumptive uses, and the Corps will be left to manage an ever-shrinking resource. Because of the overall importance of Basin Inflow to the Corps' operational decision-making, the Corps must examine an alternative that is based on true Basin Inflow that "adds back in" upstream consumption to the equation.

B. An Alternative that Uses the Entire Conservation Pool in Lake Lanier Historically, the Corps has operated Lake Lanier as if the conservation pool exists only between elevation 1,053 and 1,070. In this way, the Corps has effectively eliminated a significant block of storage that can be used to augment downstream water supplies necessary to comply with the ESA, among other laws. The EIS should affirmatively acknowledge that the entire conservation pool (from elevation 1,035 -1,071) at Lake Lanier is available to meet hydropower and other downstream demands.

C. Strong Conservation Alternative The Corps should examine a strong conservation-based alternative. Water conservation is a major component of all water control plans. Georgia recently reported a 24 percent reduction in consumption during the month of August 2008 compared to the same month in 2007. Georgia clearly has the means to conserve much more aggressively than it has historically, and the Corps should evaluate an alternative that includes mandatory conservation at comparable levels.

D. A Recovery-Based Alternative Section 7(a)(1) of the ESA directs Federal agencies to use their authorities to further the purposes of the Act by conducting conservation programs for the benefit of endangered and threatened species. The U.S. Fish and Wildlife Service has developed recovery plans for the Gulf sturgeon and affected mussel species pursuant to Section 4(f) of the ESA. The Corps should evaluate an alternative that maximizes the likelihood these species will recover to the point of de-listing by implementing recommendations in the recovery plans. Benefits resulting from implementation of these plans will have Widespread benefits throughout the Apalachicola River' Basin.

Comment ID: 36
Author Name: Tony Owens
Organization: MeadWestvaco

The Corps should begin by setting forth a set of operations that fulfills the authorized purposes of the reservoirs, according to the primary legal authorities. To the extent manual revisions allow for alternative operations -such as operations to serve secondary project purposes or to comply

with the ESA and other federal laws -the Corps should allow such alternatives only on the following terms: (1) Any alternative that differs from optimal operation of the reservoirs for primary authorized purposes should be clearly identified as such. (2) The need and/or legal basis to deviate from operation of the reservoirs for optimal fulfillment of the primary authorized purposes should be clearly explained. (3) The Corps should clearly explain applicable limitations on any deviation from operations for primary project purposes, such as a time limit and the circumstances under which the Corps will restore primary operating parameters.

b. The Federal Action Is Reservoir Operation for Authorized Purposes. Like TRWDA, MWV urges the Corps to include in its environmental documentation a clear explanation of the federal "action" which the Corps is evaluating for purposes of the National Environmental Policy Act. That action should be defined as the operation of ACF reservoirs according to their authorized purposes. Events leading to the development of the Interim Operations Plan ("lOP") and Revised Interim Operations Plan ("RIOP") illustrate our concerns. Like TRWDA, in our view, the Corps never clearly defined the action which was the subject of a consultation with the U.S. Fish and Wildlife Service ("FWS") under the Endangered Species Act ("ESA"). Under ESA Section 7(a) (2), federal agencies are required to consult with FWS to insure a proposed action does not (1) jeopardize the continued existence of a listed species or (2) destroy or adversely modify designated critical habitat. 16 U.S.C. § 1536(a) (2). If the action would cause jeopardy or adverse critical habitat modification, FWS is authorized to propose reasonable and prudent alternatives and reasonable and prudent measures. However, in this case, the federal action constituting the basis for consultation was never clearly defined. Rather than presenting to FWS its standard operating procedures under the authorizing statutes, the Corps entered into open-¬ended negotiations with FWS and developed what amounts to a freestanding conservation agreement for the Apalachicola River only. The resulting RIOP now inappropriately drives operations for the rest of the system. MWV urges the Corps not to repeat that model as it revises the manual. The Corps should begin by setting forth a set of operations that fulfills the authorized purposes of the reservoirs, according to the primary legal authorities.

5. Interim Operation of ACF System Must Conform to lOP and RIOP. MWV is concerned that the Corps' failure to following the current lOP and RlOP provides clear evidence that the Corps has already determined what changes it wishes to make to the operating procedures within the ACF River System without completing the required ElS. Pursuant to NEPA, the Corps must show that the ElS informed its decision-making process, rather than simply using the ElS to justify a decision already made. 40 C.F.R. § 1502.5. Additionally, the courts have held that a NEPA review must occur before an agency action was decided upon. The Ninth Circuit noted in Cady v. Morton, 527 F.2d 786 (9t Cir. 1975): "That the filing of an ElS should precede rather than follow federal agency action has been consistently recognized by the courts." Cady at 794. The purpose of the review under NEPA is to provide "decision-makers with an environmental disclosure sufficiently detailed to aid in the substantive decision whether to proceed with the project in light of the environmental consequences." Methow Valley Citizens Council v. Regional Forester, 833 F.2d 810 (9th Cir. 1987); see also Save Barton Creek Ass'n v. FHWA, 950 F.2d 1129, 1137 (5th Cir. 1992) (the purpose of NEPA is to inform the agency making the decision). The Corps must be careful to avoid any preconceptions or arrive at any decisions before it has completed and issued the ElS updating its criteria and guidelines for managing water in the ACF River System. Whenever an agency decision to act precedes issuance of its impact statement, the danger arises that consideration of the environmental factors will be pro forma and that the statement will represent a post hoc rationalization of that decision. NEPA was intended to incorporate environmental factors and variables into the decisional calculus at each stage of the process. Sierra Club v. Lynn, 502 F.2d 43, 59-60 (5th Cir. 1974). MWV is concerned that the Corps' failure to abide by the current lOP by failing to maintain the minimum flows specified at West Point indicates that the Corps has already determined what action it wishes to take (giving priority to non-authorized purposes at the expense of navigation and hydropower production) and is simply performing the EIS to justify that decision.

Comment ID: 37
Author Name: Carol A. Couch
Organization: GA EPD

Georgia recommends strongly that the Corps not make any version of the Interim Operations Plan, including the Revised Interim Operations Plan ("RIOP"), the proposed action. Instead, the Corps should analyze a range of reasonable and feasible alternatives for the continued

operation of the federal reservoirs in the ACF Basin.

It should be noted that the issuance of water withdrawal permits from Lake Lanier and the withdrawal and consumption of water from the ACF Basin are state and local actions, not federal actions, and therefore should not be addressed within the scope of connected, cumulative, and similar federal actions. The Corps has no authority to make decisions on matters of water supply planning and must defer to the State of Georgia on such issues. Water supply withdrawals (or the lack thereof) and the consequences of them should be examined, however, as impacts of the proposed federal action.

Llternatives Analysis The three types of alternatives for the Corps to consider in the scoping process "include: (1) No action alternative. (2) Other reasonable courses of actions. (3) Mitigation measures (not in the proposed action)." 40 C.F.R. § 1528.25(b)(2008). During the scoping the process, the Corps is only required to examine alternatives that are both reasonable and feasible. Vermont Yankee Nuclear Power Corp. v. National Resources Defense Council, 435 U.S. 519,551 (1978). Thus, alternatives to be considered are those that a) meet the purpose and need of the proposed action, b) address regulatory concerns, c) are available and capable of being implemented, and d) are prudent and feasible. The federal projects in the ACF Basin were authorized to fulfill a variety of important purposes. On top of this, the Corps has obligations to comply with the Endangered Species Act, the Clean Water Act, and other federal environmental laws. The Corps is thus presented with a multitude of potential alternatives for how to operate the system. Below is a discussion of particular issues that the Corps should take into account in developing its alternatives analysis. 1. No Action Alternative CEQ guidelines indicate that in situations involving potential changes to ongoing federal actions, as would be the case here, the "no-action" alternative is interpreted to mean "no change" from the current management direction or level of management intensity. 46 Fed. Reg. 18026, 18027 (March 23, 1981). Where a natural resource has been altered by construction or operation of a project over time, it would be "a useless academic exercise" to consider as the no-action alternative returning the resource to its earlier unaltered state. See id.; see also American Rivers v. Federal Energy Regulatory Commission, 201 F.3d 1186, 1200 (9th Cir. 2000). For decades, the Corps has operated Lake Lanier to meet evolving industrial and municipal water supply needs. The Corps has not finalized any action to
Reallocate storage to water supply. From the standpoint of operations for water supply, this state of affairs would be the no-action alternative. To operate according to water supply needs that existed at some time in the past would require new action on the part of the Corps and thus would not constitute "no action." Doing so also would not represent a reasonable or feasible alternative, thus, it should not be considered as any alternative, including the "no-action" alternative. The Corps should coordinate with state and local interests to analyze water demands at Lake Lanier over the past several years and determine the most accurate and appropriate measure for current water supply requirements. Although the Corps is currently making releases from the Woodruff project pursuant to the RIOP, the RIOP is not likely the most appropriate choice for the no-action alternative for the entire ACF system due to its interim nature. Because the Corps has consistently described the RIOP as a plan for operations that would only continue until the WCM update process was complete, and because the Corps has also maintained the position that the RIOP was not itself a change to the existing water control manual, the Corps has never conducted a careful study of the RIOP's long-term impact on the ACF system as a whole. Therefore, even if the RIOP is used as the no-action alternative, the Corps must conduct a detailed study on the RIOP's long-term effects.

Instead of merely documenting current operations, the Corps must develop and analyze alternatives that will make the most efficient use of the water resources within the ACF River Basin. In considering alternatives to its current operations, Corps should not limit its consideration to only those alternatives that the Corps believes are entirely
within its current authority. Doing so could cause the Corps to overlook what could be a manner of operation that represents the highest and best use of these federal projects. The purpose of the WCM update process should be to develop operations that make the highest and best uses of the federal infrastructure and natural resources within the ACF system. If the Corps determines that the best use of those resources is not currently within the Corps' authority, the WCM update process should include an analysis of how the Corps can obtain the necessary
h . authority

(1) To assist in the development of operations that make the best use of the water resources within the basin, the State of Georgia provides below several possible alternative operations that should be considered by the Corps as part of the process: 1 Georgia believes that the

Corps has the authority to operate Lake Lanier to meet Georgia's projected year 2030 municipal and industrial water supply needs. Nothing herein should be interpreted as a suggestion by Georgia that further Congressional authorization is legally necessary to reallocate additional storage to municipal and industrial water supply. a. Reallocation of Storage for Water Supply The Corps should consider the formal reallocation of storage in the federal reservoirs to meet current water supply needs and projected future water supply needs. As discussed above in Section I.C., numerous water supply studies have concluded that the Chattahoochee River/Lake Lanier system is the most economically viable and environmentally protective alternative for meeting the water needs of the region. Georgia is confident that any objective and thorough economic or environmental analysis would conclude that the highest and best use of Lake Lanier is to meet municipal and industrial water supply needs and to coordinate such operations with releases to maximize to the extent possible the other purposes for the reservoir. No study of alternatives for a Water Control Plan that will guide future operations would be complete without an analysis of alternatives that assure storage for Georgia's present and future water supply needs through formal reallocation of storage. The Corps also should take a careful look at any reallocations in storage at West Point Lake and Walter F. George reservoir that might be needed to meet future water supply needs in Georgia.

b. Rule Curve Changes at all Projects in the ACF Basin The Corps should consider possible changes to the rule curve operations at all of the federal ACF Reservoirs to maximize available storage and optimize operations for all project purposes. While continuing to provide adequate flood control protection, the Corps should analyze whether different rule curve configurations would result in the more efficient operation of the system as a whole. Possible changes that may be considered include raising the top of conservation, reducing the winter draw-down, and making adjustments to the shoulders of the rule curve to change the rate of the winter draw-down or the spring re-fill. The potential beneficial effects of these changes may be most pronounced at Lake Lanier.

c. Different Methods for Optimizing the ACF System The Corps should not limit possible alternatives to only those that mimic the manner of operations described in the RIOP. Instead, the Corps should consider alternatives to current operations such as the concept presented by the Atlanta Regional Commission ("ARC") and its consultant, Hydrologics, Inc. in January of 2007. The ARC proposal demonstrates that alternant methods of operations can meet downstream needs while maximizing total storage within the ACF system. The WCM update process provides the Corps with an excellent opportunity to explore options such as the ARC proposal that may not have been possible under the prior operations manuals.

d. Optimal Operations for Meeting Endangered Species Needs The RIOP should not be considered as the primary alternative for meeting the needs of endangered species below the Jim Woodruff Dam. When the Corps introduced the original lOP in March of 2006, the Corps made clear that the lOP would only remain in place pending the completion of the WCM update process. Therefore, that Corps has never considered the lOP as a mode of permanent operations. It may be that the Corps should consider portions of the current RIOP to be a possible alternative in the WCM NEPA process. However, it should be only one of several alternatives considered. In determining the mode of operations necessary to support endangered species, the Corps should consider the actual needs of the species and not arbitrary flows, such as 5,000 cubic feet per second ("cfs") at the Chattahoochee gage, that have become the excepted norm over time. Maintaining a flow of 5,000 cfs in the Apalachicola River during dry times can expend a vast amount of water. In 2007, augmentation by the Corps to maintain a 5,000 cfs minimum resulted in a loss of roughly 850,000 acre-feet of storage throughout the ACF system. The Corps' operating plans should always maintain the ability to reduce flow below 5,000 cfs during serious and prolonged droughts. Another concern with the RIOP relates to the flows required during the spawning season of the Gulf sturgeon. Under the RIOP, from March through May, when Composite Storage is in Zones 1 and 2, the Corps would be unable to store water in the system until Basin Inflow exceeds 16,000 cfs. Based upon the best scientific and technical information of which we are aware, maintaining a flow of 16,000 cfs, when water otherwise might be added to composite storage for use in the drier parts of the year, appears to be unnecessary and wasteful. There is no evidence showing that the success of Gulf sturgeon spawning varies according to the amount of spawning habitat below Jim Woodruff Dam. Even if there were, there is no evidence to suggest that the amount of habitat inundated at a flow of 16,000 cfs is optimal or even preferable to lower flows. The Corps should consider the best available science and data in devising a flow regiment that will both benefit the Gulf sturgeon and provide adequate opportunities to increase storage in the ACF system. As an

alternative to merely focusing on minimum flows, that Corps should also consider other options for improving the habitat of endangered species in the Apalachicola River and Bay. One particular concern has been the inundation of floodplains along the river. Scientific research has made clear that reduced+M80 floodplain inundation has been caused more by channel degradation than by any reductions in the quantity of flow in the river. The U.S. Geological Survey ("USGS") has documented the effect of channel degradation in the Apalachicola River, which has substantially lowered the bed of the river in key places. As a result of the lowering of the channel, it now takes much more water to achieve any given river stage. Therefore, to improve habitat conditions for endangered species in the Apalachicola River, the Corps should consider options for repairing and reversing channel degradation in the river. Another factor to be considered in improving species habitat on the Apalachicola River is the Chipola Cut-off. The Chipola Cut-off is a man-made cut-off from the Apalachicola River that has resulted in large diversions (at least 25 - 34%) of the flow of the main stem of the river. This diversion plays a role in the dewatering of various sloughs and side channels that may support endangered mussel species. To improve this aspect of habitat for endangered species, the Corps should consider halting or limiting the current diversion of fresh water caused by the Chipola Cutoff. The buildup of sediment in the Apalachicola River also contributes to the dewatering of habitat areas such as Swift Slough. Sedimentation can result in the raising of sills over which water must rise to inundate those areas. The Corps should explore ways to remove sediment from the head of affected areas such as Swift Slough so that those areas receive water during lower flow periods. Various stakeholders in Florida have also expressed concerns related to salinity in the Apalachicola Bay. As with the habitat concerns discussed above, river flow is only one contributor to potential salinity issues in the bay. There are many other natural and man-made contributors. The Corps should not consider releases from storage in the ACF system as a viable measure for significantly affecting the salinity of the Bay. The Corps should consider other options for altering man-made contributors to the salinity of the Bay. As one example, the Corps should study ways to solve problems created by Sikes Cut in St. George Island, which is a major contributor to salinity in the bay.

Comment ID: 43
Author Name: Students of River Basin Management
Organization:

2) Prioritize reservoir purposes during extreme drought events. *The Reservoir Management document states: "The principal purposes for which the Federal projects in the ACF basin are operated include: fish and wildlife management, flood control, hydropower, commercial-navigation, reservoir-based recreation, water supply and water quality." *The protection of the wildlife must be of most importance during extreme droughts. Recreation and navigation may be suspended; environmental impacts and harm to endangered species may be irreversible. *Only allow for special releases/retentions and specific accommodations for
recreation once it has been determined that all other higher priority functions will not suffer or be affected under those specific flow circumstances 3)

Comment ID: 45
Author Name: Gail Carmody
Organization: Fish and Wildlife Service

Alternatives
Minimum Releases -- A fundamental operating rule for all of the Corps ACF dams is the minimum release that will occur at any given time. Whether expressed as single year-round discharge or more variably as a function of season, reservoir inflow, storage levels, and/or other factors, a minimum release rule establishes a limit on the extent to which a reservoir may deplete river flows by rising storage levels and may be required to augment flows by dropping storage levels. We encourage the Corps to use this WCM update to comprehensively evaluate storage options in the context of the impacts of altered flow regimes at the ACF dams and the benefits of restoring more natural patterns to the monthly, daily, and instantaneous releases from the ACF dams. The practice of hydropower “peaking” at Buford, West Point, and W.F. George dams, and to a lesser degree at Woodruff Dam, may raise and lower the river by several feet over the course of a few hours. This practice may severely limit the populations of many species by limiting the availability of specific microhabitats to very brief periods, periods too brief for the completion of essential life history functions. Although eliminating peaking altogether would best serve the habitat needs of riverine fish and wildlife, we recognize the important role that these projects play in providing electric power. Therefore, we ask the Corps to consider how providing windows of more stable flows during critical periods might increase

the abundance and diversity of native fishes and other aquatic resources in project tailwaters.

Winter Drawdown -- After the localized impact of hydropower peaking on project tailwaters, probably the most significant hydrologic alteration induced by ACF reservoir operations is the annual autumn drawdown and spring refill for flood control purposes. This practice vacates about 288,000 acre feet of combined storage in Lanier, West Point, and George starting October 1 and completed by mid December causing a significant rise in river flows. Refilling this storage from mid February through May 31 to meet summer recreational demand causes a daily average depletion of about 1,400 cfs per day to the flows that would otherwise issue from W.F. George Dam. The spring refill period extends into the principal spawning season for many native fish species, including most sport fishes, and because many of these rely upon floodplain habitats for spawning and rearing, less flow in the spring means less habitat. To reduce the hydrologic alteration caused by flood control operations, we urge the Corps to consider the potential risks and benefits of reducing the magnitude of the autumn drawdown and/or of beginning the spring refill earlier, especially during dry climatic periods. Also, other alternatives to achieving flood protection should be considered.

Consumptive Water Demands -- Similarly, the Corps should consider the impacts of increasing consumptive water demands in the basin. This is not an alternative, per se, but is a variable that an analysis of operational alternatives should incorporate along with climate-driven hydrologic variability. The EIS should quantify the relationship between increasing consumptive demands in the ACF Basin and the benefits from various project purposes. For example, what is the highest sustainable minimum release from Woodruff Dam if consumptive demands increase by 25, 50 or 100 percent? To consolidate and report important data about the basin, the EIS should document the volume of storage that has been either contracted for water supply or has been proposed in each project and any limitations due to hydrologic conditions of meeting the contracts.

Fisheries Management -- The Corps has been following a draft Standard Operating Procedure (SOP) for “Lake Regulations and Coordination For Fish Management Purposes” for several years. The “fish spawn” SOP establishes a general goal of managing for generally stable or rising reservoir levels and for generally stable or gradually declining river levels for about 4 to 6 weeks in the spring months. We would like to cooperate with the Corps and the wildlife agencies of the three states in the coming months to explore ways to incorporate this draft SOP into the mix of alternatives that are evaluated in the WCM update. We make this very general request because we suspect that considerable enhancements are possible for fish and wildlife resources, in both the river and reservoir environments. Such enhancements may be possible with modest changes in storage and release rules throughout the basin and not be inconsistent with project authorizations.

National Wildlife Refuges -- The Service has previously recommended to the Corps a seasonal pattern of reservoir levels at W.F. George Reservoir/Lake Eufaula that would best accommodate the needs of Eufaula National Wildlife Refuge. The principal concerns of the refuge relative to reservoir management are for water levels that provide seasonal habitat for a large number of migratory bird species, for control the spread of undesirable aquatic vegetation, and to allow the manipulation of off-reservoir impoundments for waterfowl. These recommendations, which we reiterated in our draft Fish and Wildlife Coordination Act report for the Corps' 1998 draft EIS on ACF water allocation, are to manage the reservoir so that it behaves more like a river. We recommended an annual pattern cycling between the highest levels (190 ft) in the late winter and early spring to the lowest levels (185 ft) in the late summer. These recommendations are still valid, and we request the Corps to consider how the benefits and impacts of such a scheme compare with the existing operating regime and other alternatives

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Comment ID: 50
Author Name: Charles Krautler
Organization: Atlanta Regional Commission

. The Corps Must Consider All Reasonable Alternatives Although the Corps has never formally announced the alternative operating plans it is considering, we are extremely concerned by reports that the Corps merely intends to update its existing manuals to reflect existing operations. It would be truly disappointing if the update process were to devolve in this manner

into a paper exercise that will have no lasting effect on conditions in the basin going forward. Such a pre-ordained and limited process would do a great disservice to all those who rely upon the Corps and its management of the water resources of the ACF River Basin, and would fall far short ofmeeting the Corps' obligations under NEPA. The new water control plan must not simply replicate existing operations.

Comment ID: 51
Author Name: Billy V. Houston
Organization: Tri Rivers Waterway Development District

To the extent any manual revisions allow for alternative operations—such as operations to serve secondary project purposes or to comply with the ESA and other federal laws— the Corps should consider such alternatives only on the following terms: (1) Any alternative that differs from optimal operation of the reservoirs for their primary Congressionally authorized purposes should be clearly identified as such. (2) The need and/or legal basis to deviate from operation of the reservoirs for optimal fulfillment of the primary Congressionally authorized purposes should be clearly explained. (3) The Corps should clearly explain applicable limitations on any deviation from operations for primary Congressionally authorized purposes, such as a time limit and the circumstances under which the Corps will restore primary operating parameters.

The Corps Must Operate the ACF Projects for Their Congressionally Authorized Purposes.
a. The Corps Should Acknowledge the Statutory Authorized Purposes for the ACF Reservoirs. Congress enacted several federal statutes which provide the Corps' authority for its initial construction and subsequent operation of the ACF reservoirs. Any revision to the water control manual for the ACF River System must comply with those laws as well as with the Corps' regulations. TRWDA understands the federal reservoirs' primary Congressionally authorized purposes to be as follows: • Lake Lanier: Hydropower, downstream navigation, and flood control. Sources: Pub. L. No. 79-525, 60 Stat. 634, 635 (1946) (referencing H.R. Doc. 80-300 (1946)). • West Point: Flood control, hydropower, fish and wildlife recreation, general recreation, and navigation. Sources: Pub. L. No. 87-874, 76 Stat. 1173, 1180, (1962) (referencing H.R. Doc. No. 87-570 (1962)). • Walter F. George: Navigation and hydropower. Sources: Pub. L. No. 79-14, 59 Stat. 10, 11, 17 (1945) (referencing H.R. Doc. No. 76-342 (1939)); Pub. L. No. 79-525 (referencing H.R. Doc. 80-300); Resolution of House Public Works Committee (May 19, 1953). • George W. Andrews: Navigation. Sources: Pub. L. No. 79-14; Pub. L. No. 79-525; Resolution of House Public Works Committee (May 19, 1953). • Jim Woodruff: Navigation and hydropower. Sources: Pub. L. No. 79-14; Pub. L. No. 79-525. The laws cited above are the primary sources of the Corps' authority with respect to the ACF reservoirs. They provide the legal basis for how the Corps should operate the ACF reservoirs. To demonstrate compliance with these applicable laws and authorities, TRWDA urges the Corps to provide a clear explanation of the primary Congressionally authorized purposes for each reservoir in its revised manual and in the accompanying environmental documentation.

b. The Federal Action Is: Reservoir Operations for their
Congressionally Authorized Purposes. TRWDA urges the Corps to include in its environmental documentation a clear explanation of the federal "action" which the Corps is evaluating for purposes of complying with the National Environmental Policy Act. That "action" should be defined as the operation of the ACF reservoirs in accordance with their Congressionally authorized purposes. Events leading to the development of the Corps' present Interim Operations Plan ("IOP") and Revised Interim Operations Plan ("RIOP") for the ACF river basin illustrate our concerns. In our view, the Corps never clearly defined the federal action which was the subject of its Section 7 consultation with the U.S. Fish and Wildlife Service ("FWS") under the Endangered Species Act ("ESA"). Under ESA Section 7(a)(2), federal agencies are required to consult with FWS to insure a proposed action does not (1) jeopardize the continued existence of a listed species, or (2) destroy or adversely modify the species' designated critical habitat. 16 U.S.C. § 1536(a)(2). If the action would cause jeopardy or adverse critical habitat modification, FWS is authorized to propose reasonable and prudent alternatives and reasonable and prudent measures. However, in developing the Corps' IOP and RIOP, the federal action constituting the basis for consultation was never clear. Rather than presenting to FWS its standard operating procedures under the authorizing statutes, the Corps entered into open-ended negotiations with FWS and developed what amounts to a freestanding conservation agreement for the Apalachicola River. The resulting RIOP now drives the Corps' operations for the rest of the ACF system. TRWDA urges the Corps not to repeat that inappropriate model as it revises its manual. The Corps should begin by setting forth a set of operations that fulfills the authorized purposes of the reservoirs, according to the primary Congressional authorities.

Comment ID: 54
Author Name: Dan Tonsmeire
Organization: Apalachicola River Keepers

A thorough and comprehensive assessment of impacts to this area from the alternative proposed actions should be accomplished in order to assure these functions and natural services provided within the Apalachicola Basin are sustained. Define Lead and Cooperating Agencies with Appropriate Authority and Perspective The proposed update of the Corps Water Control Manuals for the ACF Basin is the focus of the EIS, but its actions cannot be accurately assessed in isolation of other water management activities in the basin. A clear discussion and delineation of the pertinent water management responsibilities of federal and state agencies should be included as a part of the EIS process.
Because the proposed action is one of a number of water management functions that impact the ACF Basin water management, it would be prudent that alternatives be assessed in terms of the cumulative impacts from a basinwide perspective as part of this Environment Impact Study (EIS).

Comment ID: 67
Author Name: Jeff Lukken
Organization: Mayor of LaGrange

The following additional factors must be addressed and alternatives for operations must be identified and considered within the EIS for the project. These factors are suggested as alternatives to the operations currently utilized under the Corps operations. •

The use of the waters from West Point Lake to provide minimum flows for waste assimilation or municipal or industrial needs downstream is contrary to the authorized use of the lake. Those wastewater treatment dischargers (municipal or industrial) downstream of West Point Dam have no entitlement or authority for any flow greater than the minimum flow of 650 CFS. Tills was the nll1llnlum flow authorized by Congress in accordance with the 1962 Chief of Engineers report that formed the basis for the Congressional authorization. Downstream users and permit holders must improve their wastewater treatment systems to assure their discharges are treated to a level that complies with water quality standards. The use of West Point's waters to dilute substandard point and non point source discharges downstream, or to provide water for industrial and thermo electric power operations must be stopped and should not be included in any revised or new operating plan alternative.

A full pool 633-635 MSL- "Run of the River" alternative must be considered to adequately address the needs of the families and individuals and to comply with the letter of Executive Order 12898 that applies to Environmental Justice. Simply put, shoreline and water borne recreation are less desirable, inaccessible, are more dangerous or is eliminated totally during draw downs.

• Action zones at the West Point project must be eliminated or significantly reduced in their magnitude. The harshness and severity of action zones at West Point are far worse than any otter lakes on the ACF system. Their use as a resource management tool compounds problems and makes the recreational use difficult if not impossible to achieve due to their widely ranging elevations. The use of these harsh action zones is made worse by the geographical relief that shapes the lake. West Point's location in the piedmont and its associated topography that shapes it like a salad bowl, exacerbate the massive differential in action zone elevations. The result is West Point is often left to being an unusable mud flat, while the action zone management tool proceeds to remove water form the lake to address other questionable non authorized uses in other parts of the basin. We ask that as an alternative to current operations that action zones be eliminated in there entirety or be reduced to a complete range with a level never lower than 633 MSL- except for dire emergency. This basically puts the lake in the category of a "run of the river lake" with a constant stabile elevation to meet the Congressional authorizations for the project.

We believe the Corps must develop operating concepts and plans as an alternative that demonstrate improved water quality by maintaining lake elevations in the 633-635 MSL range.

Corps operations that result in fluctuations in elevation must be stopped and the lake must be stabilized at higher elevations. The relationship between adequate water quantity in the impoundment for water quality and the need for adequate water surface area can no longer be ignored by the Corps. An operations alternative must be developed as part that assures WQ standards are met, and that the WQ standards are at proper levels for the project. Simply put the Corps must operate the project in a manner that assures compliance with the Clean Water Act.

The use of West Point Lake to support downstream navigation should not be considered in any alternative in operation plans without adequate study of the ecological and other environmental damages caused by tile likely lake fluctuations to support that activity. Water Quality will likely be impacted under such use that results in rapid lake elevation fluctuation .In addition the damage to the recreational use, and sport fishing and wildlife component of the lake must be assessed before giving any consideration of such alternative operations. Heretofore such operations were made whenever water was thought to be adequate, without any consideration of environmental or economic damages at WestPoint. Bringing basin operations back in line with what Congress intended at West Point is most important. We ask that each of these items and the comments of local stakeholders be used to develop operations plan alternatives that yield a constantly higher lake elevation at the West Point project in the 633-635 range for this EIS and the resulting Water Control Manual.

Comment ID: 68
Author Name: Dick Timmerberg
Organization: West Point Lake Coalition

The following additional factors must be addressed and alternative operations must be identified and adopted following the conclusion of the EIS process. These factors are suggested as viable options to the operations currently utilized under the Corps' management plan. • In 2007 the LaGrange- Troup- Valley Chambers of Commerce commissioned an independent study by a qualified economic, analytical firm to address the impacts of varying lake levels on the local economy. The results were astounding. The lost economic opportunity is essentially an adverse impact of the greatest magnitude, based on current operations by the Corps, of hundreds of millions of dollars annually! The report is attached and tendered with this document for use with the EIS. Numerous small business owners have lost their businesses and their life savings; many are in bankruptcy. Only by raising and stabilizing lake levels to the 633- 635 level can this be corrected. We ask that the report be reviewed in its entirety and be considered as primary support for an alternative to current operationsIt is essential that the full pool! run of the river alternative be considered to adequately address the needs of the families and individuals and to comply with the letter of the Executive Order that applies to Environmental Justice.
Simply put, shoreline and water borne recreation are less desirable, inaccessible, and more dangerous, if not totally eliminated, during draw downs.

• Action zones at the West Point project must be significantly reduced in their magnitude. The harshness and severity of action zones at West Point are far worse than other lakes on the ACF system. Their use as a resource management tool compounds problems and makes year round recreational use difficult, if not impossible to achieve, due to their widely ranging elevations. The use of these harsh action zones is made worse by the geography that forms the lake. West Point's location in the piedmont and its associated topography shape it like a salad bowl and exacerbate the massive differential in action zone elevations. The result is that West Point Lake is often left as a largely unusable mud flat, while the action zone management tool proceeds to remove water from the lake to address other questionable and non authorized uses in other parts of the basin. At a winter drawdown of7 feet, 20% of West Point's surface area or 5,249 acres are exposed causing continual soil erosion and sedimentation

An operations alternative must be developed that assures WQ standards are met, and that the WQ standards are at proper levels for the project. Simply put, the Corps must operate the project in a manner that assures compliance with the Clean Water Act.
The City of LaGrange will maintain its test regime and cooperate with the states and the Corps in sharing data to assure that good data exists to use in this analysis. But the Corps must bring the project into compliance by maintaining higher and stabile lake levels. We ask that each of

these items and the comments of local stakeholders be used to develop an operations alternative that results in a constantly higher lake elevation at West Point Lake in the 633-635 range for this EIS and the resulting Water Control Plan.

Comment ID: 69
Author Name: Jeff Brown
Organization: Troup County Chamber of Commerce

The following additional factors must be addressed and alternatives for operations must be identified and considered within the EIS for the project. These factors are suggested as alternatives to the operations currently utilized under the Corps operations.
• The use of the waters from West Point Lake to provide minimum flows for waste assimilation or municipal or industrial needs downstream is contrary to the authorized use of the lake. Those wastewater treatment dischargers (municipal or industrial) downstream of West Point Dam have no entitlement or authority for any flow greater than the minimum flow of 650 CFS. This was the minimum flow authorized by Congress in accordance with the 1962 Chief of Engineers report that formed the basis for the Congressional authorization. Downstream users and permit holders must improve their wastewater treatment systems to assure their discharges are treated to a level that complies with water quality standards. The use of West Point's waters to dilute substandard point and non point source discharges downstream, or to provide water for industrial and thermo electric power operations must be stopped and should not be included in any revised ornew operating plan alternative

We believe the Corps must develop operating concepts and plans as an alternative that demonstrate improved water quality by maintaining lake elevations in the 633-635 MSL range.
Corps operations that result in fluctuations in elevation must be stopped and the lake must be stabilized at higher elevations. The relationship between adequate water quantity in the impoundment for water quality and the need for adequate water surface area can no longer be ignored by the Corps. An operations alternative must be developed as part that assures WQ standards are met, and that the WQ standards are at proper levels for the project. Simply put, the Corps must
The use of West Point Lake to support downstream navigation should not be considered in any alternative in operation plans without adequate study of the ecological and other environmental damages caused by the likely lake fluctuations to support that activity. Water Quality will likely be impacted under such use that results in rapid lake elevation fluctuation. In addition the damage to the recreational use, and sport fishing and wildlife component of the lake must be assessed before giving any consideration of such alternative operations.
Heretofore such operations were made whenever water was thought to be adequate, without any consideration of environmental or economic damages atWest Point.
Bringing basin operations back in line with what Congress intended. We ask that each of these items and the comments of local stakeholders be used to develop operations plan alternatives that yield a constantly higher lake elevation at the West Point project in the 633-635 range for this EIS and the resulting Water Control Manual.

Comment ID: 76
Author Name: Allen Boyd
Organization: U.S. Congress

An assessment of the impact of variations of freshwater flow on the ecology of the Apalachicola River and downstream coastal ecosystems, to include comparing the unimpaired flow regime, the historical flow records, and the flows imposed in the current Revised Interim Operations Plan (RIOP) for exceptional drought conditions.

An assessment of water availability, supply options, demand-management alternatives, and socioeconomic factors that influence uses in the ACF System.

Comment ID: 274
Author Name: Michael Halicki

Organization:

Second, there is the need to study alternatives to the RIOP. To use this waste this opportunity by merely documenting existing operations is a waste of taxpayer money towards an end that makes little sense and will cost a lot of money. If you don't have the money to do what you should do, it still doesn't make it right to squander the resources you have on a process that fails to engage on the important issues facing the basin. This is not the time for timidity. This is the time for leadership.

Comment ID: 494
Author Name: Tom Oliver
Organization: Hall County Government Board of Commissioners

The system operations cannot continue utilizing an antiquated management plan with simple documentation of existing trends. It is critical a thorough investigation of all operational alternatives be done with today's updated conditions being considered.

Alternative methods of creating water quality in the downstream basins from Lake Lanier is an example of study that should be explored, where flows from Lake Lanier are not taken to enhance water quality in these downstream estuaries.

Comment ID: 504
Author Name: Katheryn Dunlap
Organization: Metropolitan North GA Water Planning District

Dear Colonel Jorns: Thank you for the opportunity to provide comments on this crucial step of updating the Corps' water control manuals for the ACF Basin. The health and sustainability of Lake Lanier as a water supply source for over three million people is extremely important. We hope that the Corps will take this opportunity to truly update the water control manuals used to operate each of the Corps projects in the ACF and not just replicate the existing operations that have caused concern over the sustainability of Lake Lanier. The Corps must consider alternative operating plans to balance water supply needs and economic impact with downstream needs before adopting a new Water Control Plan. These alternative operating plans should be developed to manage the ACF Basin much more effectively and should be based on facts and sound science.

Comment ID: 606
Author Name: William A. Cooper
Organization: Cobb Chamber of Commerce

To Whom It May Concern: On behalf of the Cobb Chamber, its Board of Directors and the membership it serves, I would like to thank the U.S. Army Corps of Engineers (USACE) for the current efforts to update the water control plans for the Apalachicola Chattahoochee Flint (ACF) and Alabama Coosa Tallapoosa (ACT) River Basins. In updating the reservoir operations, we request that the USACE make the necessary changes to improve the balance among project purposes. We believe that there is a desperate need to study alternatives to the current operation and develop plans that will manage our water resources much more effectively. Through wise management of our reservoirs we believe there is sufficient water in both basins to meet the reasonable needs for municipal and industrial water supply with no adverse environmental impact on other users. We believe studying these alternative management strategies will allow USACE to determine the highest and best use of reservoir storage given the current conditions of the basin. Should Congressional approval be needed to implement the preferred plan resulting from this process, we believe such approval should be sought. The Cobb Chamber asks that the update of the water control plans consider the following:

Rather than document existing practices, the USACE should consider alternative operating plans to balance water supply needs with downstream needs.

Comment ID: 609
Author Name: Paul Kelman
Organization: Central Atlanta Progress/Atlanta Downtown Improvement Disstrict

2] There is enough water in the ACF River Basin to meet all reasonable needs, if the reservoirs are managed properly. The Corps must consider alternative operating plans to balance water supply needs and economic impact with downstream needs before adopting a new Water Control Plan. The new Water Control Plan should be designed to accommodate withdrawals consistent with projections contained in the District's Water Supply and Conservation Plan.

Comment ID: 620
Author Name: Jerry Griffin
Organization: Association of County Commissioners of GA

ACCG's greatest concern is that the Corps' current update effort would be aimed only at documenting existing operations along with identifying attendant issues and needs.

Comment ID: 759
Author Name: Billy R. Mayes
Organization: Dothan Utilities

2. That what ifÆ analyses are conducted to determine how additional reservoirs adding additional storage volumes would benefit the entire river basin. Those desiring to consume the existing facility volume should provide the funds to support their needs and add additional structures to continue to provide equitable use of the river.

MITIGATION MEASURES

Comment ID: 20
Author Name: Janet G. Llewellyn
Organization: Florida Department of Environmental Protection

Potential Mitigation Measures to be Explored

NEPA requires the Corps to evaluate "means to mitigate adverse environmental impacts." 40 CF.R. § 1502.16(h). These include measures within the Corps' jurisdiction and outside the Corps' jurisdiction, as may be implemented by State and private parties. As applied here, key mitigation elements must include conservation and water transfers. The extent of Georgia's commitment to reducing consumption in the upper portions of the Chattahoochee and Flint River basins will directly affect the amount of inflow to the Corps' projects and the volume of water in the ACF reservoir system. In assessing potential mitigation of adverse environmental impacts, the largest, least expensive and most environmentally sound source of water to meet future water needs is the water currently being wasted.

SCHEDULE

Comment ID: 98
Author Name: Candace Springer
Organization:

Thorough presentation with knowledgeable U.S. Army Corps of Engineers Representatives. Concern over length of project - was told EIS wouldn't be complete until 2011. Concern that priorities will need to be set - can't be all things to all people and of course our concern as a resident of the ACF Basin's Fish and Wildlife, water supply, and water quality.

Comment ID: 372
Author Name: Nancy Niekro
Organization:

Attending a meeting last night we discovered that at current time there is a 3 year project to determine where water will be needed in the future. Time is of the essence, we have a problem now.

Comment ID: 570
Author Name: Bradley Curry, Jr.
Organization:

My particular concern is that the reservoir operations plan be updated as promptly as possible. For reasons that we all understand, this process has been delayed far too long.

COMPLIANCE WITH OTHER REGULATIONS

Comment ID: 20
Author Name: Janet G. Llewellyn
Organization: Florida Department of Environmental Protection

Compliance with Coastal Zone Management Act Additionally, the Apalachicola River and Bay are protected by the enforceable policies of the federally approved Florida Coastal Management Program ("FCMP"). Corps actions which affect the Apalachicola River and Bay must be consistent to the maximum extent practicable with the FCMP. The Coastal Zone Management Act further obligates the Corps to provide Florida with a consistency determination before undertaking activities affecting Florida's coastal resources, including the implementation of the new master manual. See 16 USC. § 1456(r) (1) (C).

Comment ID: 55

Author Name: Brian Atkins
Organization:

Another aspect of the manual update process should consider the Corps' compliance with existing environmental laws. Since the federal reservoirs were constructed, Congress, Alabama, Florida and Georgia have enacted a number of laws and regulations designed to protect and enhance the quality of the environment, including the Clean Water Act and the Endangered Species Act. In operating the federal projects in the ACF Basin, the Corps must avoid operations that will violate or lead to violations of water quality standards or will cause directly or indirectly the take of an endangered species or impacts to critical habitat. As part of its effort to update the water control manuals at the federal reservoirs in the ACF Basin, the Corps should ensure that even under drought conditions, sufficient flow is maintained below each dam, so that water quality standards and endangered species are protected. Specifically, the Corps should coordinate with the Fish & Wildlife Service, the EPA and appropriate state agencies in Alabama and Georgia to ensure that the water control manuals are compliant with the Endangered Species Act and the Clean Water Act.

Corps must also assess whether the proposed operations under the revised water control plan will be consistent with applicable federal laws, including, but not limited to, the Water Supply Act and the Flood Control Act. This step requires an assessment of other proposed reallocations of water storage in the federal storage projects to water supply and potential reservoir construction within the ACF Basin. The State of Georgia has developed a water supply plan that includes various assumptions and projections regarding the use of federal reservoirs for water supply purposes over the next several years. To date, the Corps has not reviewed any of the potential efforts within the State of Georgia to increase the amount of water storage available for water supply at Lake Lanier. Failure to consider the impact of these assumptions and projections upon the potential future operations of Lake Lanier would violate the Corps' obligations to consider the cumulative impacts of known and foreseeable future actions. The Corps should consider these potential reallocations of storage in the environmental impact statement under NEPA, but should also consider the extent to which these reallocations may require Congressional approval prior to implementation.

Comment ID: 68
Author Name: Dick Timmerberg
Organization: West Point Lake Coalition

An operations alternative must be developed that assures WQ standards are met, and that the WQ standards are at proper levels for the project. Simply put, the Corps must operate the project in a manner that assures compliance with the Clean Water Act.
The City of LaGrange will maintain its test regime and cooperate with the states and the Corps in sharing data to assure that good data exists to use in this analysis.
But the Corps must bring the project into compliance by maintaining higher and stabile lake levels.

COOPERATING AGENCIES

Comment ID: 54
Author Name: Dan Tonsmeire
Organization: Apalachicola River Keepers

The Corps has indicated that it does not have authority to consider issues and/or to implement pertinent actions because of constraints determined by its authorized purposes. A lead agency with a basinwide perspective such as the U.S. Environmental Protection Agency (EPA) should be selected to be the Lead Agency and to make the final determination. Other cooperating agencies include but should not be limited to U.S. Geological Service (USGS), National Oceanic and Atmospheric Administration (NOAA), National Marine Fisheries Service (NMFS), and U.S. Fish and Wildlife Service (USFWS) along with the Corps of Engineers. The National Research Council (NRC) should be employed to oversee the necessary objective scientific assessments.

Comment ID: 76
Author Name: Allen Boyd
Organization: U.S. Congress

We also strongly encourage the Corps to continue working with the National Research Council (NRC) to facilitate a complementary study to the Corps' EIS. These assessments could jointly yield the base knowledge needed for determining how the ACF Water Control Manual updates should be shaped. It is our hope that this joint effort by the Corps and the NRC will support decision makers in reaching a long-term, responsible, and scientific basis for the equitable management of water along the ACF System. The NRC has produced over 200 reports and assessments of water issues across the U.S., particularly the management of the Colorado River Basin, and should be a partner in our effort to balance the needs of all users along the ACF System.

Thank you for the opportunity to provide comments and for your assistance in this most pressing matter. Sincerely, Allen Boyd

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