

RECREATION IS A FULLY AUTHORIZED PURPOSE

The following is a compilation of legal authorities and evidence in the Administrative Record that clearly establish recreation as a fully authorized purpose of Buford Dam.

- 1944 Flood Control Act, Sec. 4:
 - Congress authorized the Corps to, “construct, maintain, and operate public park and recreational facilities at water resource development projects under the control of the Department of the Army....” “The water areas of all such projects shall be open to public use generally for boating, swimming, bathing, fishing, and other recreational purposes, and ready access to and exit from such areas along the shores of such projects shall be maintained for general public use.”
 - Leading federal court case interpreting FCA Sec. 4:
“While flood control and navigation are dominant functions, the Act also recognizes recreation and other interests and secondary uses that should be provided for. *** The text of the Flood Control Act thus sets up a balance between flood control, navigation, recreation, and other interests.” *South Dakota v. Ubbelohde*, 330 F.3d 1014, 1027 (8th Cir. 2003).
- Park Report, 1939:
In authorizing reservoir projects for the ACF River Basin System in the River and Harbor Act of 1945, Congress cited “House Document Numbered 342, Seventy-sixth Congress” (the “Park Report”), a Corps study citing six specific direct benefits of the then-proposed project:
243. *Direct Benefits*. The principal direct benefits are discussed below and evaluated under the following headings:
 - (a) Savings to the public in transportation charges.
 - (b) Value of hydroelectric power developed.
 - (c) Value as a facility for national defense.
 - (d) Increased commercial value of riparian lands.
 - (e) Recreational value.**
 - (f) Value as a source of industrial and municipal water supply.
- The report allocated \$50,000 to recreation in its cost/benefit analysis
- Construction of a dam *at the Buford site* was authorized in the River and Harbor Act of 1946, in accordance with the Report of the Chief of Engineers contained in House Document 300, 80th Congress, 1st Session (H.R. Doc. 80-300) (the “Newman Report”):
 - “Incidentally, [Buford Dam] would ensure an adequate municipal and industrial water supply for the Atlanta area, would produce large benefits in the way of recreation, fish and wildlife conservation and similar matters, and would, with the added flood control storage proposed herein, contribute to the reduction of floods and flood damages in the basin below.” Newman Report ¶ 100.
- Congressional testimony: “...we need badly some sort of water recreation in that section.” Hartsfield appropriations testimony, 1949.
- 33 CFR 222.5 cites recreation as a project purpose of Buford Dam
- Recreation was referenced in the following Corps documents during construction:
 - Definite Project Report (1959) (cites \$65,000 in costs for recreation planning and \$196,800 in benefits to fish and wildlife)
 - 1959 Cost Allocation Report: \$268,000 in costs recited for “public use facilities”
 - Reservoir Regulation Manual
 - Consolidated Program Documents, ACF
 - Authorized and Operating Purposes of Corps Reservoirs, July 1992, ACF041740
 - Water Supply Handbook
 - Lanier Resource Management Plan, App. A
- Bronze Plaque on face of Buford Dam recites recreation as a purpose
- General Design Memorandum shows plans for recreation facilities
- 2002 Stockdale opinion at 9 (recreation is “another project purpose.”)