



**FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION**

MARJORY STONEMAN DOUGLAS BUILDING
3900 COMMONWEALTH BOULEVARD
TALLAHASSEE, FLORIDA 32399-3000

RICK SCOTT
GOVERNOR

JENNIFER CARROLL
LT. GOVERNOR

HERSCHEL T. VINYARD JR.
SECRETARY

January 14, 2013

VIA EMAIL to: acf-wcm@usace.army.mil

And US Mail to:

Tetra Tech, Attention ACF-WCM
61 Saint Joseph Street, Suite 550
Mobile, AL 36602-3521

RE: Comments on ACF Master Water Control Manual

These comments are provided on the U.S. Army Corps of Engineers' ("Corps") proposed update of the Master Water Control Manual for the Apalachicola-Chattahoochee-Flint River Basin ("ACF") in Alabama, Florida and Georgia.¹

At the outset, the Corps must understand that Florida's earlier predictions about the impact of low flows in the Apalachicola River on the surrounding environment and way of life in the River and Apalachicola Bay (predictions long ignored by the Corps) have – unfortunately – turned out to be correct. Last year set a record for the least amount of water delivered to the Bay since records were started in 1923. This record is in spite of the fact that 2012 was not the year with the least rainfall.² Another unfortunate record produced last year was lowest recorded oyster harvest in the Bay. The occurrence of these records over the same time period is no accident and is only a harbinger of further environmental, economic, and cultural loss to come if the Corps fails to correctly revise its water control manuals.

Given that Florida's Governor Scott has requested a disaster declaration of the Bay on account of the oyster harvest, the Corps' update of its water control manuals is both timely and necessary. Florida recognizes that the Corps must manage the system in accordance with its authorized

¹ See 77 Fed. Reg. 62,224, *Notice of Intent To Revise Scope of Draft Environmental Impact Statement for Updating the Water Control Manual for the Apalachicola-Chattahoochee-Flint River Basin To Account for the U.S. Court of Appeals for the Eleventh Circuit Ruling and a June 2012 Legal Opinion of the Corps' Chief Counsel Regarding Authority To Accommodate Municipal and Industrial Water Supply From the Buford Dam/Lake Lanier Project* (Oct. 12, 2012).

² We recognize that the final six months of 2012 rainfall data remain provisional. However, final data from the first six months show that 2012 had the lowest average January-June flow in the 90-year period of record (by far), but ranked just tenth lowest in total January-June rainfall. The annual data, which include some provisional data, show exactly the same rankings. (See FDEP, 2013 in supporting documents).

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purposes. Increased upstream consumption coupled with reduced inflows to Corps reservoirs have predisposed the Corps to maximize upstream storage. However, this predisposition is neither justifiable nor equitable based on the historical record.

Under no circumstance since the reservoirs were filled has total conservation storage dropped below 500,000 acre feet. Lake Lanier, where most of the system's storage is located, has never fallen below 1,050' despite having the bottom of the conservation pool located at 1,035'. In short, since Lanier first filled, the Corps has maintained an operational "cushion" of over 400,000 acre feet (or about 130 *billion* gallons) in the conservation pool at Lake Lanier. Of course there is well over one million additional acre-feet of storage available to meet water supply demands below the bottom of the conservation pool, which the Corps has ignored entirely in its water supply analyses to date.

Meanwhile, downstream users face devastation as river levels have seen a steady erosion as each new demand placed on the system upstream is absorbed, not from the reservoir levels, but entirely from downstream river flows. After six decades steadfastly holding Lake Lanier above 1050', and in view of the predictable and avoidable devastation visited upon Florida, the Corps must now be less conservative in guarding that level and sharing the adversity of low flows at both ends of the river system. In addition, the Corps can no longer assume that all needs can be met without proactively insisting on more aggressive upstream conservation, as it is upstream use that has compromised the Corps' ability to meet its various obligations and contributed to the steady drop in river levels over the past three decades.

Florida understands the Corps is resuming prior efforts to revise the Master Manual largely as a result of the Eleventh Circuit Court of Appeals' June 2011 ruling and subsequent Army Chief Counsel's Memorandum for the Chief of Engineers, *Authority to Provide for Municipal and Industrial Water Supply from the Buford Dam/Lake Lanier Project, Georgia* (June 25, 2012) ("Counsel's Opinion") addressing the Corps' authority to accommodate municipal and industrial water supply demands from Lake Lanier. Notwithstanding the narrow justification for additional Corps review, these comments are offered with the further understanding that, as part of the update process, the Corps still intends to review all reservoir regulation schedules, policies, data protocols and procedures as applied to all authorized operating purposes (e.g., recreation, navigation, hydropower, water quality, fish and wildlife, etc...).

Since the Corps is engaged in "scoping" under the National Environmental Policy Act ("NEPA"), these comments will help focus the draft Environmental Impact Statement ("EIS") on significant areas of concern and proposed alternatives that should be considered in the final EIS. Scoping comments are necessarily general in nature, and we anticipate significant additional comments of a more technical and direct nature as the Corps' proposed action crystallizes over time. At this point, since no particular action has been proposed, we seek merely to ensure the issues of concern to Florida, as well as its proposed operating alternative, are taken into account.

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Florida has previously submitted comments on issues material to the update process, which include:

- January 12, 2007 (RE: Response to Request for Comments on the Notice of Intent to Prepare Draft Environmental Impact Statement for the Proposed Implementation of Interim Water Storage Contracts Associated with the Southeastern Federal Power Customers Settlement Agreement, at Lake Sidney Lanier/Buford Dam, GA)
- November 20, 2008 (RE: Draft Environmental Impact Statement for Updated Water Control Manual for the Apalachicola-Chattahoochee-Flint River Basin)
- January 4, 2010 (RE: Revision of Scope of Environmental Impact Statement for Updated Water Control Manual for the Apalachicola-Chattahoochee-Flint River Basin)
- February 22, 2011 (RE: ACF Master Water Control Manual Update; Fish and Wildlife Coordination Act Comments)
- May 23, 2011 (RE: Florida Fish and Wildlife Conservation Commission's Comments on Draft Fish and Wildlife Coordination Act Report)
- January 6, 2012 (RE: ESA Section 7 Consultation Concerning "Modified Revised Interim Operations Plan")

The Corps has explained: "Any comments previously submitted will be reviewed and addressed in the current re-scoping so comments previously provided do not need to be resubmitted." See News Release, *Water Control Manuals; USACE extends public scoping to next year* (Dec. 6, 2012). Therefore, Florida simply incorporates its prior comments by this reference.

Today's comments are intended to identify what the Corps can do to help arrest continuing degradation in the Apalachicola River and Bay ecosystem. Florida has long advocated operational changes that would seek to restore the pre-dam hydrograph under which the sensitive Apalachicola River and Bay ecosystem and related socioeconomic infrastructure evolved. Unfortunately, upstream consumption and related depletions have rendered a complete return to the pre-dam hydrograph infeasible. The most important thing the Corps can do now, given this reality, is to utilize all available authorities, programs and policies to curb consumption, which threatens not only to imperil Florida's interests, but to compromise all Corps operations and the myriad interests that rely on those operations.

Given existing constraints, Florida has developed an alternative reservoir operating regime, which was presented last November at the U.S. Fish and Wildlife Service ("FWS") Workshop in Eufaula, Alabama. That presentation and related work forms the foundation of what follows. For completeness of the Administrative Record, copies of Florida's presentation at the Eufaula workshop, Florida's earlier comments, and various supporting materials have been uploaded to a private ftp site, which the Corps will be able to access for seven days. The ftp site may be accessed as follows:

1. In the address bar type `ftp://ftp.myfwc.com`, press the Enter key.
2. From the View Menu select "Open FTP site in Windows Explorer".
3. From File menu select "Login As".
4. Type in username "fwcpub", password "wecare". Press the Logon button.
5. Folder where information is located is titled "COE_WCP".

SUMMARY OF FLORIDA'S FINDINGS

Increasing consumption and drought frequency have reduced inflows to the Corps reservoirs in recent decades. In response, Corps operations have favored elevated lake levels at the expense of river flows. This bias was clearly evident in 2012, as total composite conservation storage remained above Zone 4 nearly the entire year, while Apalachicola River flows generally flatlined at 5,000 cfs after early May. The Corps' continued insistence on elevating storage levels, irrespective of increasing demands, and without regard to empirical evidence that such operations devastated Apalachicola Bay and its oyster population is unacceptable.

Florida's modeling, notably conducted with the Corps' own ResSim Model, indicates that increased demands have taken the reservoir system to its limits. However, the Corps can improve downstream ecological and economic conditions using Florida's alternative operations to seek a better balance between lake levels and flow support. While Florida's alternative operations can have a positive effect on river flows, opportunities to improve conditions in the river and bay are rigidly limited by upstream consumption. Alternative operations must be coupled with reductions in upstream consumption to prevent further degradation of the Apalachicola River and Bay. Perpetuation of the status quo is not a sustainable option for either the lakes or the river.

Again, it does not help that the Corps has effectively shelved about 25% of total conservation storage in Lake Lanier, all but removing it from the Corps' daily operating protocol. The Counsel's Opinion makes abundantly clear that the Corps may drop Lake Lanier to 1035' as necessary to accomplish tomorrow's "water supply" mission. But the Corps has refused even to consider a similar approach to recover the Apalachicola River and offset devastation in Apalachicola Bay today. The Corps has traditionally relied on the specter of unknowable, unprecedented future droughts as reason to hold back stored water. But, given the adversity Florida *is now suffering*, this justification no longer resonates. By the time the Corps gets around to using water available to it, the damage will likely be irreparable.

THE PROBLEM OF UPSTREAM CONSUMPTION

As shown in Figure 1, upstream depletions during droughts account for approximately 3,365 cfs in the May through September time frame. Considering that these depletion amounts represent *two-thirds* of the current minimum flow of 5,000 cfs under the Revised Interim Operations Plan ("RIOP"), the ACF system is clearly overallocated. Modeling conducted by Florida has demonstrated that increasing demands can have a disproportionately large negative effect on lake storage during severe drought periods. This is particularly true in the most severe drought of the modeling period in 2007. Reservoir operating rules in the Corps models are predisposed to maximize lake levels during the 2007 drought. Yet the large demands shown in Figure 1 drove lake storage down in 2007, resulting in a situation in which the magnitude of demands during this single drought event are directly controlling the amount of flow releases in the Apalachicola River during *all dry years in the entire period of record*.

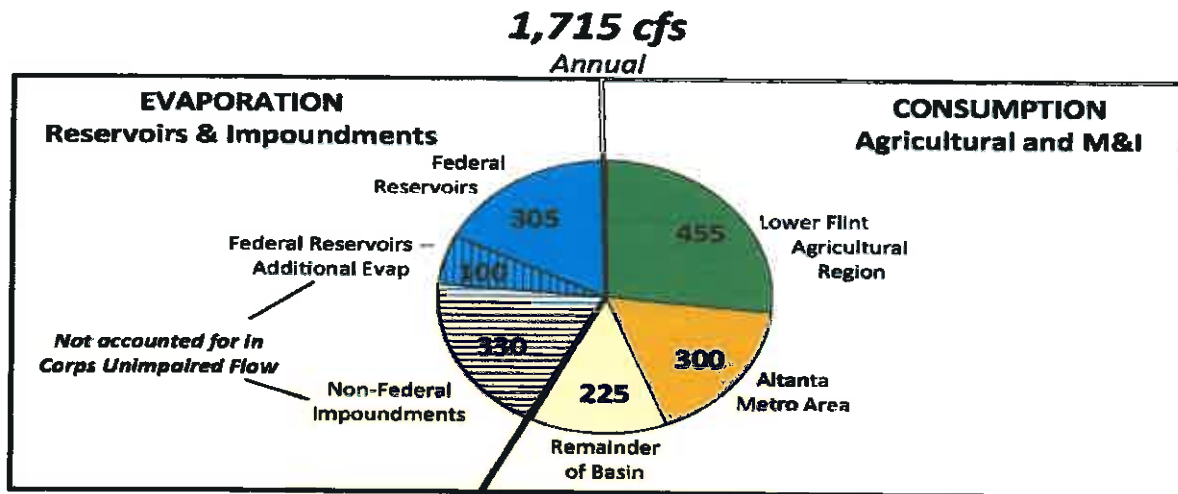
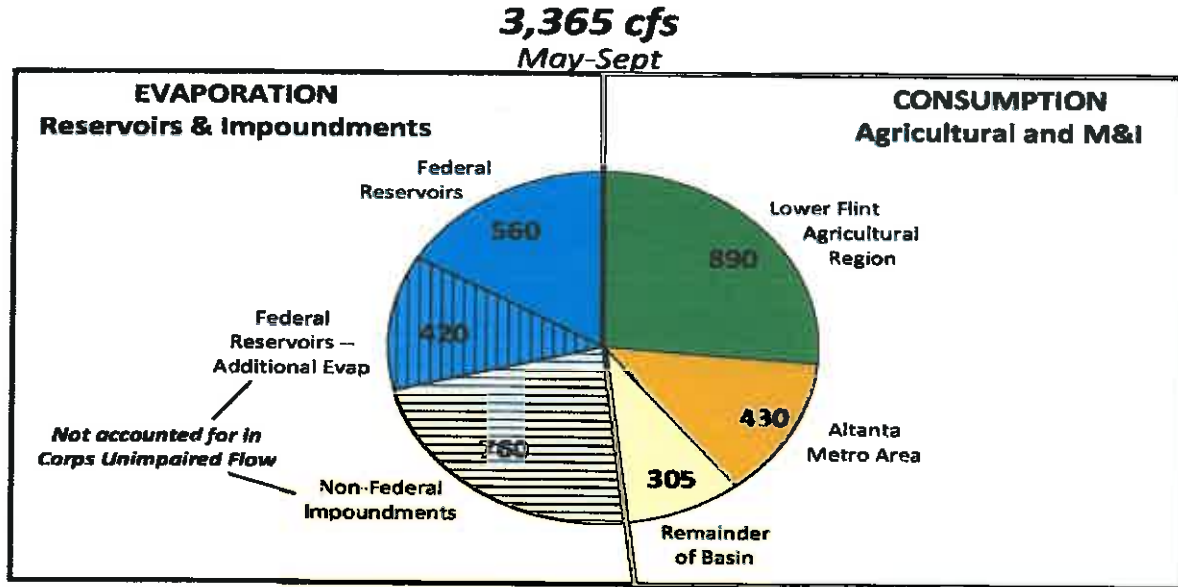
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In simple terms, this means that the Corps must draw substantially on reservoir storage to make up for upstream depletions simply to meet the minimum flow floor at the Chattahoochee gage. But for these substantial depletions, reservoir levels would not be impacted as dramatically in drought years. Nevertheless, the Corps has emphasized maintaining high lake levels but done nothing to promote conservation, leaving that matter entirely to the State of Georgia. Rather than continuing to accept the impact of upstream consumption on Federal reservoirs (and corresponding lake level and river flow reductions), it is time for the Corps to take a proactive role to promote conservation in the Basin.³

³ Unfortunately, it is not a simple matter of increasing reservoir storage capacity because evaporation is maximized in the summer months, so its impact is felt at the worst possible time. The structure, location and purpose of any increased storage needs to be carefully weighed against the large evaporative losses that will occur during droughts.

Figure 1. 2007 Depletions

Net 2007 depletions, in cfs, upstream of Woodruff Dam. Cross-hatched depletions (not accounted for in Corps Unimpaired Flow) were visually estimated from preliminary data in Figs 3.19.7 and B.2 in Draft UIF Report by GWRI/GT (2012). All other numbers are from Corps ProAction2 model, May 2012. Depletions may be higher than shown because of underestimated agricultural withdrawals in dry years and other uncertainties in Corps model (GWRI/GT, 2012), and large increases in impervious surfaces and other land use changes.



FLORIDA'S ALTERNATIVE OPERATIONS

Applicable Operating Goals and Objectives

The Corps' "water management goals include environmental and social aspects of project regulation." EM 1110-2-3600, Ch. 3 (Development of Water Control Plans) § 3-6.c. These goals are based on laws that "require inclusion of certain aspects of environmental, fish and wildlife, and recreational uses in the management of the projects, or improvement of the environment of the rivers downstream through project regulation." *Id.* This includes ensuring water quality downstream of Corps facilities is maintained. *Id.* § 3.6.d. *See also* ER 1165-2-119, § 8.e (Modifications to Completed Projects) ("Existing projects should be evaluated and reported in accordance with ER 1130-2-334, and those found incompatible with state standards (or which otherwise are not meeting their potential to best serve downstream water quality needs) should be studied in detail to determine the justification for upgrading releases and to establish an appropriate course of action.").

The Corps has elaborated on these issues in ER 1110-2-8154 (Water Quality and Environmental Management for Corps Civil Works Projects). Water quality issues include all aspects of the "physical, chemical, and biological characteristics of water ... including its quantity, distribution, movement, sediments, and biological community..." *Id.* § 5.c. Therein the Corps explains "[w]here the quality of a water resource supports a productive, diverse, and ecologically sound habitat, those waters will be maintained and protected, unless there is compelling evidence that to do so will cause significant national economic and social harm." More importantly, in the case of the Apalachicola River and Bay, "[n]o degradation is allowed without substantial proof that the integrity of the stream will not diminish", *Id.* § 6.a, and "where degradation has occurred, it is the Corps' policy to restore the resource to a biologically productive, diverse, and ecologically robust condition." *Id.* § 6.b. (Emphasis supplied).

Finally, it is Corps policy to "develop and implement a holistic, environmentally sound water quality management strategy" which is "in concert with other authorized project purposes" to ensure "*the environment will be addressed as equal in value and importance to other project purposes[.]*" *Id.* (Emphasis supplied). To this end, the Corps will "[e]nsure that the project and its operation offer the lowest stress possible to the aquatic environment."

Alternative Operating Regime

In the spirit of the foregoing, Florida has developed an alternative operating regime based on five core principles:

1. Release triggers based on Revised Basin Inflow (RBI)⁴ instead of the Corps' net Basin Inflow (net-BI) which is quantified only after all consumptive use is made upstream⁵;

⁴ As defined on Slide 16 of Florida's 11-29-2012 Eufala Workshop presentation.

⁵ *Id.*, Slide 15.

2. Rather than a handful of minimum flow floors, a full suite of minimum flows based on historic exceedance values that vary with seasons, lake storage zones, and general inflow conditions (dry or normal/wet);
3. A sharing of RBI in the form of additional releases of 50% of available RBI over the minimum release, unless storage is in drought zone (except under certain conditions when storm spillage is available);
4. Elimination of "Drought Operations" (5,000 cfs minimum) and "Exceptional Drought Operations (4,500 cfs minimum); and
5. Full use of conservation storage according to design operating range.

Florida contends that the Corps, while meeting its various obligations, must draw more heavily upon storage to minimize departures from the natural hydrograph. The natural hydrograph, which formed the foundation upon which the downstream ecosystem and economy depends, is based on a relatively long period (33 years) of flow records prior to the completion of the first Federal reservoirs.

Florida modeling, however, demonstrates that upstream consumption since the mid-1970s precludes the Corps from obtaining, solely through modified reservoir operations, pre-dam flows in model years 2000 and 2007. When we reset demands at lower levels, it became clear that these demands were the limiting factor. In light of that reality, Florida created a set of "compromised minimum flows" that are achievable within the constraints of existing demands. The compromised flows model (FL□CompAlt) worked in all years, but benefits were limited. Changing operations to use storage more aggressively definitely improves flows, but that improvement is rigidly constrained by increased demands that are severely taxing the reservoir system.⁶ Thus, it should be clear that the compromised flows are not what the system requires, but merely an improvement over current operations that better reflect the pre-dam environment.

Florida urges the Corps to carefully study the proposed alternative operating regime and evaluate all available authorities the Corps has to use substantially more of their available conservation storage to augment flows during droughts and promote additional conservation upstream so that both river flows and reservoir levels can be adequately protected.⁷ Florida's water needs today should not be subservient to Georgia's water needs tomorrow.

⁶ Notably, at its Eufala Workshop, FWS used a different approach to improve river flows by changing the Corps' action zones and establishing flow targets, minimum flows, and augmentation limits. Although FWS did not explore the impacts of changes in demands when they modeled their proposed alternative, they reached a conclusion similar to Florida's regarding the limited ability of the reservoir system to improve flows in the Apalachicola River given the existing demands and depletions throughout the basin.

⁷ An incidental benefit of Florida's proposed alternative is to encourage upstream conservation as a means to mitigate the impact of reduced lake levels resulting from robust use of reservoir storage.

Caveats

While Florida has attempted to design an effective operating protocol, Florida's efforts assume the validity of the Corps' underlying Model, which we have used to conduct all of our modeling analyses. To the extent any aspect of the Model is unsound, our conclusions and recommendations could be affected. The State of Alabama has raised legitimate concerns with the underlying tools the Corps is employing to analyze its alternative operating scenarios. Those concerns should be addressed and corrected, and a new version of the Model distributed to the States for their use.

Florida is aware of several major concerns with the Unimpaired Flow ("UIF") data set, which provides the basis for the Corps models. Contrary to prior claims from Georgia, the UIF data set does not represent "natural" flows that would occur absent the activities of man. Agricultural demands appear to be underestimated and a substantial amount of evaporation from thousands of non-federal reservoirs within the Basin has been entirely unaccounted for in the UIF (Figure 1).

Recent information developed for the ACF Stakeholders indicates that net evaporative losses from non-federal reservoirs exceeds 800 cfs during the spring of nearly all drought years.⁸ At the Eufaula workshop, the United States Geological Survey ("USGS") indicated in addition to evaporative losses, there is also a potentially large impact on flow timing because of the large amount of precipitation that can be captured and stored by these small ponds and impoundments when their water levels are low during droughts.

Evaporation from the large federal reservoirs within the Basin also may be substantially underestimated in the UIF. Information presented by the ACF Stakeholders suggests that net evaporative losses in the federal reservoirs in the spring of drought years could be underestimated by as much as 500 cfs or more.⁹

The USGS also indicated that natural flows determined by USGS PRMS (Precipitation Runoff Modeling System) matched Corps UIF relatively well from 1951-1999. But from 2000-2008, PRMS flows appear to be 26% higher than Corps UIF. This new information from USGS supports various previous analyses indicating that the magnitude of underestimated and missing depletions in the UIF is significant and must be corrected.

THE CORPS' "REMAND ANALYSIS" AND FUTURE DEPLETIONS

A major question the Corps must address is the extent to which it should serve further water supply demands in the Atlanta metro-region. In light of its extensive modeling efforts, Florida has concluded further upstream consumption unchecked by aggressive conservation efforts will

⁸ Figure B.2 (p. 200) in Unimpaired Flow Assessment for the ACF River Basin, Draft Technical Report, Oct. 2012.

⁹ Figure 3.19.7 (p. 123) in Unimpaired Flow Assessment for the ACF River Basin, Draft Technical Report, Oct. 2012.

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continue to reduce *both* river flows and reservoir levels. This raises serious concerns about the analyses contained in Corps' ACF Remand Modeling Technical Report (June 2012) ("Remand Analysis"), prepared to support the Counsel's Opinion. Current demands have already resulted in devastatingly low river flows, and reservoir levels will also drop to unacceptably low levels if demands continue to increase as projected. Aggressive conservation efforts are essential to maintaining the integrity of the river and reservoir system.

The Corps' ability to maintain the reservoir system is at risk, yet this issue was not addressed in the Remand Analysis. Possible strategies to require or encourage aggressive conservation should have been discussed. Because the river system is overallocated, any serious analysis of ACF reservoir operations must address this challenge and evaluate available mechanisms to protect inflows to federal reservoirs.

The information presented herein (and in our Eufaula presentation) demonstrates that the Apalachicola River and Bay cannot tolerate any additional depletions, and that current depletions must be reduced, through conservation, or permanent demand reduction. While it may be appropriate to evaluate the effect of unchecked consumption on Corps reservoirs, the Corps should reject any alternative that has the effect identified in the Remand Analysis. The needs of the River and Bay cannot be fully satisfied even under existing conditions.

As a purely technical matter, the Remand Analysis cannot be relied on to inform decisions about the Master Manual update because the Corps did not provide a realistic depiction of future operations and demands in this model. A new analysis is required and an updated model is needed for the States to evaluate flow and storage that could be expected if Atlanta's 2030 demands were accommodated.

Specifically, the June 2008 RIOP was assumed to be in place, even though a new RIOP was approved within a week of the Remand Analysis (May 2012). Thus the operational changes implemented by the 2012 RIOP have not been taken into account in the Remand Analysis. Moreover, the demand data employed in the Remand Analysis is incomplete because 2030 demands included increases for the Atlanta area only. Agricultural demands and other demands outside the Atlanta metro region are fixed at 2007 levels.

Finally, the 2030 demand data is based on outdated numbers that were estimated 12 years ago.¹⁰ Updated numbers must be used in this analysis to more accurately reflect the latest estimates of Atlanta's projected water use.

Regardless of the specific problems with the Remand model itself, however, the Corps needs to address the extreme low flows that currently exist in the Apalachicola River and include

¹⁰ The source of the 2030 demand amounts are described on page A-12 of Remand Modeling Technical Report, as follows: "The State of Georgia through the office of Governor Roy Barnes submitted a letter dated May 16, 2000 to the Assistant Secretary of the Army (Civil Works) identifying Georgia's projected Chattahoochee River and Lake Lanier water withdrawals and returns thru the year 2030."

proposed solutions in their analysis that will prevent these unacceptable conditions from being exacerbated by the accommodation of further water supply withdrawals.

To this end, the Remand Analysis reinforces Florida's long-held position that the Corps has discretion to utilize the entire conservation pool as necessary to meet authorized project purposes. To date, the Corps has never used conservation storage capacity in Lake Lanier between elevations 1035 and 1050. The Counsel Opinion clearly states that the full conservation pool at Lake Lanier is available for project operations, including, (at least in the Army General Counsel's view) to meet Georgia water supply demands. Moreover, as noted above, there is over one million acre feet of water in inactive storage from which water supply needs might be met. Thus, the Corps should dispel the apparent myth that Atlanta's water supply will be compromised if Lake Lanier were taken to 1035'.

The question squarely before the Corps in light of the Remand Analysis is whether it will sacrifice the needs of the Apalachicola River and Bay *today*, by setting aside upstream storage in its reservoirs to accommodate *potential* 2030 demands in Georgia. Florida maintains that any operating regime based on such an inequitable principle is indefensible.

ADDITIONAL CONCERNS

Flow Metrics

In determining the appropriate flow regime in the Apalachicola River, we are aware that some Basin interests are advocating operations designed solely to meet arbitrarily selected habitat "metrics" such as the amount of spawning habitat for a single species inundated at a particular flow. This approach is untenable. There are nearly 1,000 fish, benthic macroinvertebrates, and plant species affected by low and medium flows in the Apalachicola River and floodplain alone; this number would be much more than 1,000 if amphibians, reptiles, mammals, and avian species were included along with fish, shellfish, or macroinvertebrates in Apalachicola Bay.¹¹ It is not possible to handpick a random assortment of select species and assume that the broader ecosystem will be supported by flows designed to satisfy their limited needs.¹² Moreover, as explained below, arbitrarily selected species-specific metrics can be misused to justify even greater departures from the natural flow regime with even less water being provided to an already distressed environment. Such a result is counter to riverine science and common sense.

A holistic approach to flow metrics is required to protect the overwhelming biological complexity of a large, productive river-floodplain-estuary ecosystem like the Apalachicola. Too many interests, including Apalachicola Bay oysters, will go unprotected if flows are designed to

¹¹ See FDEP, 2013 in supporting documents.

¹² For example, the maintenance of minimal connections between the River and Swift Slough, while critical for the survival and recovery of endangered mussel species, does little to alleviate adverse salinity conditions in Apalachicola Bay. Should conditions experienced in 2012 be repeated this year, a complete collapse of the oyster population is within the realm of possibility. More must be done to prevent such an outcome.

support a select few threatened or endangered species. In that regard, Atkins (2012) used what appears to be a sound approach by setting a percent reduction limit on the area of connected aquatic floodplain habitat to inform their percent-of-flow (POF) reduction recommendation. This approach effectively addresses the entire flow regime because it protects all aquatic habitats in the floodplain from the river and slough banks covered at minimum flow up to the high bottomland hardwoods inundated only during annual floods.

Recommended minimum flows proposed by Atkins were determined using a 15 percent reduction in connected aquatic habitat in the floodplain. Atkins noted that a 15 percent allowable reduction in habitat from the historic baseline condition has been used to limit impacts on many waterbodies in Florida over the years, and is recognized as a reasonable threshold beyond which damage to the ecosystem becomes significant. As the Corps' analysis proceeds, this aspect of the Atkins approach should be examined carefully to determine if this is acceptable. A final comment is needed to provide perspective regarding the holistic habitat metric and POF recommendations proposed by Atkins. Such an approach could result in minimum flow standards that may not be achievable in some years because of existing demands, even if reservoir operations are changed to balance flow augmentation and lake storage more equitably. However, setting minimums that represent what the system needs, not what it can get under current demands, is the only appropriate and responsible strategy for protecting this system.

Considering the devastating oyster mortality in the Bay that occurred this summer as well as declines in shrimp and crab harvests and freshwater fisheries, massive die-offs of endangered mussels, and drying of the floodplain forest that has occurred in recent years, there is no question that the system has suffered severe adverse impacts under current conditions. The extreme low spring flows and extended durations of minimum flows in summer and fall that have occurred frequently since 2000 have obviously crossed a threshold with regard to impacts on the ecosystem. The magnitude of upstream depletions indicates that the river is seriously overallocated and the Corps is not increasing augmentation from the reservoirs to help mitigate this problem. Recovery is needed, and some of the flows that have been depleted by water consumption need to be restored through aggressive conservation throughout the basin and greater use of available conservation storage in the reservoirs. Environmental flow standards that protect the basic flow needs of the ecosystem, regardless whether or not they can be met with existing demands, will provide an appropriate guide for this recovery process.

Georgia's Proposal

Presentations by USGS, FWS, Alabama, and the ACF stakeholders at the Eufaula workshop last month provided many positive contributions to the ongoing dialogue. Florida takes exception, however, to Georgia's presentation, which included a proposed operation based on narrowly considered metrics for limited species. Simply stated, Georgia misused Apalachicola River and Bay metrics to support a proposed operating regime that resulted in Lake Lanier levels about 3-4 feet higher than current operations most of the time, and lower flows in the Apalachicola River nearly half the time with the duration of flatline minimum flows almost doubled.

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It is clear that the Apalachicola River needs more flow, not less, to help recover from the devastating mortality in the Bay that occurred this summer as well as previous massive die-offs of endangered mussels, decline in fisheries, and drying of the floodplain forest that has occurred in recent years. Using incorrect and/or uninformative Apalachicola River and Bay metrics to support a proposed operating regime that results in lower river flows defies common sense and is wholly unacceptable.

Sincerely,



Thomas M. Beason
General Counsel