



CARROLL COUNTY WATER AUTHORITY

P.O. Box 739 • Carrollton, Georgia 30112
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July 19, 2019

Via electronic mail

Mr. Kevin Thames
Chief, Project Management
Piedmont Section
U.S. Army Corps of Engineers
1590 Adamson Parkway, Suite 200
Morrow, GA 30260-1777

Re: Indian Creek Reservoir, SAS-2009-00042
Response to Comment Letter dated June 19, 2019

Mr. Thames:

The Carroll County Water Authority ("CCWA") is in receipt of your letter dated June 19, 2019 requesting additional information to complete the processing of its Section 404 Permit Application for the Indian Creek Reservoir. CCWA has eagerly anticipated these final comments, first promised in October 2018, as it allows forward movement on the project. We understand that in compiling these comments, the U.S. Army Corps of Engineers ("Corps") has reviewed CCWA's January 18, 2018 Section 404 Permit Application, comments received in response to the Joint Public Notice issued February 1, 2018 and CCWA's June 28, 2018 responses and incorporated input and discussion had on the February 21 - 22, 2018 interagency site visits to the reservoir and mitigation sites and the September 28, 2018 interagency site visit to the mitigation site. We also understand that the Corps and coordinating agencies have had numerous internal discussions regarding the project. CCWA interprets these comments as the culmination of all Corps and coordinating agencies' comments which the Corps requires CCWA to address prior to issuing a permit. All other comments, both written and oral, were deemed by the Corps to be either successfully addressed by CCWA or not relevant to the Corps' permit decision. Based on all the above due diligence and coordination efforts, CCWA accepts your comments as the final four items to be addressed prior to permit issuance and addresses each directly below.

Comment 1:

Instream Flow Protection: We are unable to determine from the information provided what type of impacts to the aquatic environment may occur from the minimum in-stream flow (MIF) (i.e. monthly 7Q10 standards) proposed at the dam and water intake sites. However, as discussed within the public notice comments received from the Environmental Protection Agency (EPA)

(i.e. comments F-1a-c), the 7Q10 standard proposed may not be the appropriate standard to ensure the protection of a healthy aquatic environment throughout the life of the project. We request that you provide confirmation from the Georgia Environmental Protection Division (EPD) indicating that the monthly 7Q10 standard proposed in the application is the best standard to use to ensure the protection of Indian Creek, the Little Tallapoosa River, and associated downstream resources.

Response to Comment 1:

CCWA retained Schnabel Engineering to prepare a Safe Yield Computations and Instream Flow Considerations report which is included under Tab 7 of the Section 404 Permit Application filed on January 18, 2018. Based on a monthly 7Q10 flow régime, Schnabel determined that there are de minimis downstream impacts as a result of the Indian Creek Reservoir project.

In its response to comments dated June 28, 2018, EPA Comment F-1a-c, CCWA recounted the State of Georgia's policies regarding downstream flows as stated in the May 1, 2001 Interim Instream Flow Protection Strategy which support a monthly 7Q10 downstream flow requirement. This flow requirement has been accepted on numerous reservoir projects including the last two to receive permits: Russell Creek Reservoir and Richland Creek Reservoir. CCWA asserts that monthly 7Q10 is an adequate protection for downstream flows.

CCWA agrees with the Corps' deference to EPD given its role as the lead agency in evaluating downstream flows. CCWA and EPD coordinated over the past several months to reach a minimum flow requirement which is protective of downstream flows and allows the project to operate as intended. As detailed in the attached July 10, 2019 letter from EPD, EPD used Schnabel's study as a starting point to establish non-depletable flows for the project. This letter provides confirmation that EPD has selected minimum instream flow requirements for CCWA's project which are based off monthly 7Q10 and provide the best means to protect Indian Creek, the Little Tallapoosa River, and associated downstream resources. See attached Exhibit "A".

Comment 2:

Water Quality: We agree with EPA's position that the project should include sufficient monitoring to ensure that all water quality criteria are being met following completion of the project. A monitoring plan should be submitted to the Corps and EPA for concurrent review. The monitoring plan should include baseline water quality and biological sampling downstream of the proposed dam, as well as long-term sampling during construction and operation of the reservoir. The proposed duration of long-term sampling should be developed with input from EPA and GAEPD.

Response to Comment 2:

CCWA intends to prepare a monitoring plan and submit it to the Corps and EPA for review. CCWA has initiated the coordination process with EPD and is eager to complete discussions and prepare the plan.

Comment 3:

Natural Resources Conservation Service (NRCS) Involvement: Please provide an update on the level to which NRCS will be involved (i.e. funding, design, monitoring, etc.) for the proposed

project, as referenced in the NRCS funding announcement Release No. 00018.18, dated September 28, 2018.

Response to Comment 3:

CCWA received funding through NRCS to prepare a Supplemental Watershed Plan EA in March 2019. NRCS's current funding and participation in the project is limited to this planning level document. While CCWA hopes to have additional NRCS funding and participation in other aspects of the project, any future assistance is subject to additional federal funding and approvals. CCWA will update the Corps if there are any changes.

Comment 4: Compensatory Mitigation

Comment 4(a)

Baseline Data: As you have agreed to collect baseline data on the reaches of streams proposed for monitoring, we request you provide an update and timeline of completion for the collection of this data.

Response to Comment 4(a)

In the January 2018 Mitigation Plan submitted with its Section 404 Permit Application, CCWA listed supplemental baseline data to be collected at the Big Indian Creek Mitigation Site ("BIGMS") in Figure 11. Figure 11 showed the locations of the following supplemental data collection: (1) Fish Survey on Big Indian Creek, (2) Macroinvertebrate and Habitat Sample at the confluence of Deere Draw and Bobcat Run, (3) Upland Vegetative Samples in four areas, (4) HGM assessments in five areas, and (5) an amphibian monitoring station. As stated in CCWA's Response to Comments dated June 28, 2018, items two (2) through four (4) were completed in February 2018. The Fish Survey was completed on July 30, 2018 and submitted to the Corps and agencies on August 6, 2018. The only remaining study to be completed is the amphibian survey which will be conducted during the 2020 season which spans between mid-April and mid-June when the minimum air temperature is 50° Fahrenheit or greater. CCWA does not anticipate any unusual results from this survey given the geographic location of the BICMS, the fact that no threatened or endangered amphibians have been located in the vicinity, and because the BICMS has been heavily farmed and occupied by cattle for several decades.

Comment 4(b)

P2 Restoration of Big Indian Creek at BICMS: Due to existing geomorphic conditions (i.e. bank height ratio, bankfull channel width, mean bankfull depth, and bankfull channel cross-sectional area, etc.) ranging within a functional level for the watershed size and landscape, and due to the large risk of failure associated with moving and recreating a new floodplain for such a large watershed (70 square miles), we do not believe that P2 restoration is appropriate for Big Indian Creek. However we would be more amendable to a revised mitigation plan which includes P3/P4 measures for this stream (i.e. bank stabilization, vegetative enhancement, etc.)

Response to Comment 4(b)

CCWA respectfully disagrees with the Corps' position on the P2 Restoration of Big Indian Creek for all the reasons and supporting documentation provided in its January 2018 Mitigation Plan and its Response to Comments dated June 28, 2018. However, CCWA acknowledges the Corps' position and will remove P2 Restoration of Big Indian Creek and revise its Mitigation Plan. Revisions to the plan are underway but will require additional time given that removing P2 on Big Indian Creek requires revisions to nearly every table and figure in the plan in addition to substantial revisions to the text. CCWA respectfully requests an extension until September 13, 2019 to submit the complete revised Mitigation Plan.

Comment 4(c)

Mitigation Credits: With the implementation of a revised mitigation plan proposing less aggressive approach with Big Indian Creek, the BICMS will not likely generate sufficient credits to fully satisfy the compensatory mitigation requirements for proposed impacts to 44,429 linear feet of stream and 12.9 acres of wetland. The mitigation plan should be revised to include additional stream mitigation in accordance with the "Savannah District, US Army Corps of Engineers, Regulatory Guidelines to Evaluate Proposed Mitigation Bank Credit Purchases in the State of Georgia"

Response to Comment 4(c)

CCWA continues to assess the credit generation impact from removing the P2 Restoration from its plan. The revised Mitigation Plan will include a strategy for addressing any shortfall of stream credits and will use applicable USACE guidelines to address the shortfall including the "Savannah District, US Army Corps of Engineers, Regulatory Guidelines to Evaluate Proposed Mitigation Bank Credit Purchases in the State of Georgia".

CCWA is eager to finalize a permit decision and is very appreciative of the teams in place at the Corps and coordinating agencies that are dedicated to the same end. We respectfully request an extension until September 13, 2019 to provide a complete revised Mitigation Plan and a Monitoring Plan. We will work as expeditiously as possible to submit the plans sooner.

Please let me know if you have any questions or objections to our request.

Sincerely,



Matt Windom, PE
Executive Director

CC: Elisha Brannon, USACE
Rosemary Calli, EPA
Eric Somerville, EPA
Sandy Abbott, F&WS
Johanna Smith, EPD
Steve Wiedl, EPD
Andrea Gray

Attachment: July 10, 2019 Letter from Wei Zeng, EPD



ENVIRONMENTAL PROTECTION DIVISION

Richard E. Dunn, Director

Watershed Protection Branch

2 Martin Luther King, Jr. Drive
Suite 1152, East Tower
Atlanta, Georgia 30334
404-463-1511

July 10, 2019

Mr. Matt Windom, P.E.
Executive Director
Carroll County Water Authority
P.O. Box 739
Carrollton, Georgia 30112

RE: Proposed Indian Creek Water Supply Reservoir

Dear Mr. Windom:

The Georgia Environmental Protection Division (EPD) received a comment letter from the U.S. Army Corps of Engineers (USACE) related to the proposed Indian Creek Water Supply Reservoir dated June 19, 2019. The letter requested that EPD provide confirmation indicating that the monthly 7Q10 standard is the best to use to ensure protection of the Little Tallapoosa River, Indian Creek, and associated downstream resources. EPD's concurrence is required for the U.S. Army Corps of Engineers' consideration of a 404 permit application necessary to construct the proposed Indian Creek reservoir.

First of all, it is perhaps dated to characterize instream flow protection thresholds at Indian Creek Reservoir's dam and pump station as monthly 7Q10's. As described below, the instream flow protection thresholds agreed upon by the Carroll County Water Authority (Authority) and Georgia EPD have been developed based on monthly 7Q10's. Note that they are similar to monthly 7Q10's in both magnitude and seasonal patterns, but they are not monthly 7Q10's themselves.

Georgia EPD determines instream flow protection thresholds in accordance with its 2001 Interim Instream Flow Policy. This Policy is based on, "the 1997 recommendations of a work group of broad-based stakeholders and representatives of WRD and EPD concerning minimum stream flow requirements." The Policy offers, as building blocks, three options for determining instream flow protection thresholds: Monthly 7Q10 Flows, Site-Specific Instream Flow, and Mean Annual Flow Options.

The Policy acknowledges that there has not been sufficient site-specific instream flow work done in Georgia to establish thresholds for each project location. As a result, EPD's standard practice is to use monthly 7Q10 flows as a starting point to establish non-depletable flows (NDF) as low flow protection thresholds. The NDF is the instream flow consisting of the monthly 7Q10 flow plus any additional flow needed to ensure de minimis adverse impacts to downstream users. These values are determined through consideration of downstream intakes, discharges, and any other relevant information regarding downstream uses, such as state water planning benchmarks. EPD has consistently applied this methodology to both direct withdrawal and water supply reservoir projects since the adoption of the Policy in 2001.

Mr. Matt Windom, PE
July 10, 2019

Second, EPD used the methodology described above in the evaluation of instream flow protection thresholds and associated downstream impacts for the Carroll County Indian Creek Reservoir project. EPD's analysis started from a set of monthly 7Q10's developed by the Authority as instream flow protection thresholds at the dam and pump station of the proposed Indian Creek Reservoir. EPD then completed its downstream impact analysis by evaluating flows at a downstream Planning Node in the vicinity of the state line with Alabama, ensuring flow protections outlined in the State Water Plan were maintained at the node. Any identified impacts were mitigated through a set of NDFs with increased flow protection thresholds above monthly 7Q10's.

Third, Georgia EPD is recognized by the U.S. Army Corps of Engineers (USACE), U.S. Environmental Protection Agency (USEPA), U.S. Fish and Wildlife Service (USFWS) as a key player in determining adequate instream flow protection thresholds for reservoir water withdrawal permitting. In 2015, these entities signed a "Water Supply/Multi-Purpose Water Related Projects Addendum to the April 7, 2004 Partnering Agreement," which identifies Georgia EPD and USEPA as co-leads in (1) developing and recommending models and tools for predicting individual and cumulative project impacts, and (2) developing a standard process for reviewing downstream flow requirements. Georgia EPD has an established process for determining downstream impacts and has used it accordingly to mitigate impacts of water supply projects.

Last but not least, USFWS has stated in a correspondence dated June 28, 2019 that "[monthly 7Q10 flows are] accepted recommendations to maintain stream function in most cases" and confirmed consistency of this practice with State low flow protection criteria. USFWS further confirms that "compelling information on an imperiled species that suggests higher flows to sustain some component necessary for their life history" would be needed to override the monthly 7Q10 recommendation.

We look forward to working with you on this project. If you have any additional questions, please contact Johanna Smith at 404-656-6937 or Johanna.Smith@dnr.ga.gov.

Sincerely,



Wei Zeng, PhD
Program Manager
Water Supply Program



ENVIRONMENTAL PROTECTION DIVISION

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