USDA Natural Resources Conservation Service
U.S. DEPARTMENT OF AGRICULTURE

Georgia State Office
355 East Hancock Ave
Athens, GA 30601

RECORD OF DECISION

Lower Little Tallapoosa River Watershed Structure No. 25A

(aka Indian Creek Reservoir Multi-Purpose Project)

CARROLL COUNTY, GEORGIA

DECISION TO BE MADE

This Record of Decision (ROD) documents the decision by the United States Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) to implement the Lower Little Tallapoosa River Watershed Structure No. 25A project (also known as Indian Creek Reservoir Multi-Purpose Project) in general accordance with the Supplemental Watershed Plan.

This project is funded under the authority of the Watershed Protection and Flood Prevention Act, Public Law 83-566 (Pub. L. 566, 83rd Congress, 68 Stat. 666, as amended), and subject to the provisions of the National Environmental Policy Act (NEPA).

This ROD is issued pursuant to NEPA (42 U.S.C. §4321 et seq.), and NRCS implementing regulations for compliance with NEPA (7 CFR Part 650, Subpart A and 7 CFR 622). The Final Environmental Impact Statement (FEIS) and Supplemental Watershed Plan VI for the Lower Little Tallapoosa River Watershed Structure No. 25A is a combined planning and environmental document for the project. NRCS developed the Plan - Environmental Impact Statement (EIS) as the lead agency and the decision to implement the Lower Little Tallapoosa River Watershed Structure No. 25A project is based upon the analysis in the FEIS, which identified the Proposed Action as the least environmentally damaging, practicable alternative capable of meeting the project purposes.

NRCS published the Notice of Availability of the Draft EIS (DEIS) in the Federal Register on October 18, 2024 (Vol. 89, No. 202), for a 45-day comment period. Notice of Availability of the DEIS was locally published on the project website, www.indiancreekreservoir.com on the same day. NRCS's response to comments on the DEIS is included in Appendix A of the FEIS. The Notice of Availability of the FEIS was published in the Federal Register by NRCS on February 7, 2025 (Vol. 90, No. 25).

INTRODUCTION

The Lower Little Tallapoosa River Watershed Structure No. 25A project began in 2006 with the evaluation of water supply solutions for the Sponsoring Local Organization (SLO), the Carroll County Water Authority (CCWA). Between 2006 and 2021, the CCWA worked with the U.S.

Army Corps of Engineers (USACE) as lead federal agency and other applicable state and federal agencies to obtain the permits necessary to construct the project including the Section 404 Permit, 401 Water Quality Certification, and Water Withdrawal Permits which all issued in 2021. In 2018, NRCS began coordination efforts with CCWA for the replacement of the existing dam and in 2022, NRCS took over the project as the lead federal agency. A Notice of Intent (NOI) to prepare the EIS was published in the Federal Register on Wednesday, August 30, 2023 (Vol. 88, No. 167). The CCWA and NRCS planning and consultation activities throughout the project are detailed in the FEIS and summarized herein.

PROJECT PURPOSES

The project purpose is twofold and based upon the project purposes outlined in Title 390, Sections 500-506 - National Watershed Program Manual (NWPM) and authorized by Pub. L. 566. The project will address two of the eight authorized project purposes listed in NWPM, Part 500, Subpart A, Section 500.3:

- Flood Prevention (Flood Damage Reduction)
- (v) Agricultural Water Management for Rural Communities

The Lower Little Tallapoosa River Watershed Structure No. 25A will provide flood control and secure agricultural water supply sufficient to meet CCWA's projected demand through 2065. The Lower Little Tallapoosa River Watershed Structure No. 25A project will achieve these purposes by providing flood protection for downstream properties and structures by upgrading the dam to safely pass the probable maximum precipitation (PMP) storm event and creating 5.1 billion gallons of water supply storage.

PROPOSED ACTION

The Proposed Action is modification of the existing, but aged, NRCS watershed dam structure on Indian Creek known as Lower Little Tallapoosa River Watershed Structure No. 25. By removing the old structure and replacing with a new 125-foot-tall earthen dam, this NRCS watershed structure will now be known as Lower Little Tallapoosa River Watershed Structure No. 25A. This action will result in a 401-acre reservoir with 5.1 billion gallons of storage, still known as the Indian Creek Reservoir.

The reservoir will be operated as a pumped-storage reservoir with supplemental pumping from the Little Tallapoosa River. In addition to the dam and reservoir, the project also includes construction of a raw water intake on the Little Tallapoosa River, a ~9-mile raw water transmission main, a raw water intake on the reservoir, and a 6 million gallon per day (MGD) water treatment plant. This action will meet the project purposes of Flood Protection and Agriculture Water Management for Carroll County, Georgia.

SCOPING

Both NRCS and the National Environmental Policy Act (NEPA) conservation planning and environmental evaluations require a scoping process involving the public and interested stakeholders. Scoping was utilized to help NRCS and the SLO, herein CCWA, identify issues of economic, environmental, cultural, and social concern in the watershed. The scoping process, including public meetings and written communication, was used to identify a variety of alternatives to address the project need.

Public coordination and resource analysis initially started with the Section 404 Permitting process under USACE as the lead federal agency. NRCS became the lead federal agency once the Section 404 Permit was issued by USACE on June 17th, 2021. The first public scoping meeting hosted by NRCS and CCWA was held on May 1st, 2023. Details on attendance, comments, and meeting details summarized in the "Public Involvement" section of this document and full details are given in Appendix A of the FEIS.

DESCRIPTION OF ALTERNATIVES

NRCS worked with CCWA to gather a variety of measures that could be implemented (known as alternatives) that would achieve the identified need for a reliable water source for rural Carroll County water users, while also maintaining flood control and protection to the downstream urban communities. These alternatives were then evaluated for least cost and fewest environmental impacts. Alternatives that were not cost-effective were eliminated from further consideration. A preliminary benefit-cost analysis was performed for comparison to determine the most cost-effective of the three short-listed sites evaluated.

The evaluation of alternatives utilized the appropriate guidance manuals, including Title 390-National Watershed Program Manual (NWPM) and Principles, Requirements, and Guidelines for Water and Land Related Resources Implementation Studies and Federal Water Resource Investments (PR&G). These alternatives broadly fell into four categories:

1. Avoidance
    a. Avoidance alternatives included water conservation, water reclamation and reuse, groundwater development, purchase of water from a regional source, and construction of an upland flow augmentation reservoir.
2. Surface Water Supply
    a. Surface water supply alternatives included a traditional reservoir (no pumped storage), construction of multiple small reservoirs, river intakes without a storage reservoir, multiple river intakes with multiple storage reservoirs, and river or stream intake with one storage reservoir (pumped-storage reservoir).
3. Minimization
    a. Minimization alternatives included avoidance measures as well as reducing the size of the proposed reservoir and using different pumping sources for water supply, such as the Little Tallapoosa River.
4. No Action aka Future Without Federal Investment (FWOFI)
    a. Represents a true no action alternative by the SLO. This alternative is included in all final analyses to serve as a baseline against which other alternatives are evaluated.

Reasonable alternatives were evaluated in consideration of the following four criteria: Completeness, Effectiveness, Efficiency, and Acceptability. Over twenty alternatives were identified. Utilizing an extensive planning process and evaluation factors related to economic, environmental, social, and cultural impacts, an alternative was selected as the Proposed Action. The Proposed Action included a pumped-storage reservoir that was determined to be the least environmentally damaging and most practicable alternative capable of meeting the project purpose.

To select which pumped-storage reservoir would have the least impact but best meet project proposes, NRCS and CCWA initially considered twelve pumped-storage reservoirs in Carroll County. The initial list of twelve sites was narrowed to six sites that currently have NRCS impoundments at the proposed dam site and are, therefore, considered impaired stream systems. The six sites are: (1) Indian Creek Tributary, (2) Turkey Creek, (3) Lower Little Tallapoosa River Watershed Structure No. 25 on Indian Creek, (4) Indian Branch Lower, (5) Indian Branch Upper, (6) Jumpin In Creek Lower.

These six sites were evaluated based on their ability to meet the project purpose of providing a reliable yield of 6 MGD during drought conditions with a minimum of 5 billion gallons of storage under certain operational conditions. Four of the six sites (Indian Branch Lower, Indian Branch Upper, Indian Creek, Jumpin In Creek Lower) met the required criteria and were then evaluated based on impacts to streams, wetlands, watersheds, roads, utilities, structures, relative cost, raw water quality and storage expandability. Ultimately, three sites were short-listed for field evaluations and more analysis including: (1) Indian Branch Lower, (2) Indian Branch Upper and (3) Lower Little Tallapoosa River Watershed Structure No. 25 on Indian Creek. These sites were assessed considering the following criteria: ability to meet the project purposes, raw water quality, stream flow impacts, jurisdictional waters impacts, threatened and endangered species impacts, cultural resource impacts, human environment impacts, and project costs. The three sites were also analyzed under the affected environment criteria including environmental quality, regional economic development, and other social effects as outlined in Table G of the FEIS.

Based on the extensive analysis, Indian Branch Lower and Indian Branch Upper were eliminated from further study. Indian Branch Lower alternative was eliminated from further consideration because compared to the other two, it had the greatest adverse environmental impacts. The Indian Branch Upper alternative was eliminated from further consideration because it had the greatest impacts to infrastructure, structures, and homes.

The selected site, No. 25, provides the greatest amount of water storage, as well as:

- Provides CCWA with more protection during times of drought.
- Has the least adverse impacts to wetlands, cultural resources, infrastructure and state listed species.
- Due to the steep topography of this site, the selected site requires less land and has lower impacts to homes.
- Is the least expensive option of the reservoirs considered.

After eliminating the final two reservoir sites described above, a pumped-storage reservoir at Lower Little Tallapoosa River Watershed Structure No. 25 on Indian Creek was determined to be the appropriate site reservoir site where the proposed action can meet the purposes and need for the project. This site will now be known as Lower Little Tallapoosa River Watershed Structure No. 25A.

Once the location was determined, two types of dam materials were evaluated as alternatives for impounding the preferred reservoir. The first alternative involved the use of roller compacted concrete (RCC) to construct a gravity dam, and the second involved the use of structural earth fill to construct the dam. After analysis of the cost and logistics of both options, the structural earth fill dam option was selected as the preferred alternative.

Ultimately, the Preferred Alternative was selected as the Proposed Action. Following selection of the Proposed Action, the alternatives selected for detailed study included No Action Alternative/Future Without Federal Investment and two variations of the Future with Federal Investment: The Proposed Action with a vegetative auxiliary spillway and the Proposed Action with a structural auxiliary spillway. The full range of impacts and detail of each alternative are in the Alternatives section of the FEIS. Table H in the FEIS provides a comparison of the Proposed Actions to the No Action Alternative, with respect to certain economic, social, and environmental factors identified in scoping.

The descriptions below provide a summary of the No Action Alternative (Alternative 1) and the Proposed Action (Alternatives 2 and 3), including works of improvement to be implemented.

Alternative #1 - No Action - Future Without Project

The No Action Alternative is included in accordance with NEPA requirements and serves as a baseline to other analyzed alternatives to determine the relative merits and disadvantages between them comparatively. The No Action Alternative would require CCWA to continue using existing water sources for its customer needs without the construction of any new facilities for water supply, which would create shortfalls based on CCWA's certified 2065 maximum daily demand projections. Additionally, the interbasin transfer of the water from the Chattahoochee Basin to the Tallapoosa Basin would remain unaddressed. The existing or current dam and spillway do not meet current safety standards for high hazard potential dams, and as such pose a threat to downstream life and property if a significant hydrologic event occurs. Aside from inadequate capacity to safely store and/or pass runoff from the design storm event, the existing vegetated auxiliary spillway does not have the required erosion resistance and integrity required and could experience considerable damage or failure and breach during the design storm event. This alternative does not satisfy the purpose and need of the project to provide reliable water supply to meet CCWA's certified demand especially during periods of drought.

Alternative #2 - Proposed Action – Lower Little Tallapoosa River Watershed Structure No. 25A with a vegetative auxiliary spillway.

Alternative #2, the Environmentally Preferred Alternative, includes the most cost-effective measures to meet the objective of providing a reliable source for agricultural water management and flood protection and is, therefore, the Proposed Action. The Proposed Action includes construction of:

1. A new earthen dam, at Lower Little Tallapoosa River Watershed Structure No. 25's location, on Indian Creek,
2. An earthen embankment spillway to be operated as a pumped-storage reservoir with supplemental pumping from the Little Tallapoosa River,
3. A raw water intake on the Little Tallapoosa River with ~9 miles of raw water transmission main,
4. A raw water intake on the reservoir, and
5. A 6 MGD water treatment plant.

The new embankment creates a reservoir that can provide storage for sediment, floodwater storage, and raw water needed to meet the water supply demand especially during drought, while also providing flood protection to downstream communities.

Alternative #3 – Structural Action - Lower Little Tallapoosa River Watershed Structure No. 25A with a structural auxiliary spillway.

Alternative #3 is similar to Alternative #2 except for the design of the auxiliary spillway. The impacts and environmental consequences associated with this option mirror that of Alternative #2, but it is not the most cost-effective measure to meet the objective of providing a reliable source for agricultural/rural water management. Alternative #3 only differs from Alternative #2 in that instead of an earthen spillway, the spillway in this alternative would be a reinforced-concrete, labyrinth-crested chute spillway.

ENVIRONMENTALLY PREFERABLE ALTERNATIVE

Selecting an "Environmentally Preferable Alternative" is required by the NWPM, (Title 390-501.42/501.44) and the National Environmental Compliance Handbook (NECH) (Title 190-610.50). The environmentally preferred alternative, as identified herein this Record of Decision (ROD), is the alternative that causes the least damage to the biological and physical environment and best protects, preserves, and enhances historical, cultural, and natural resources.

The Proposed Action, i.e. Alternative #2, is the least environmentally damaging and practicable alternative for providing a reliable water source for agricultural water management and flood control and is, therefore, the Environmentally Preferable Alternative. The Proposed Action will achieve the goal of providing a reliable and sufficient water supply for current demand conditions especially during periods of low flow or drought, while making the dam comply with modern dam safety criteria and maintaining flood control. There are no known areas of controversy associated with this alternative. Below are the salient facts regarding the decision to view Alternative #2, the Proposed Action, as the environmentally preferable Alternative:

- The USACE supports the project.
- The U.S. Fish and Wildlife Service (USFWS) supports the project, with caveats and requirements listed below. Via email dated February 29, 2024, USFWS confirmed that no further consultation is needed.
    - The Proposed Action will result in the impact to 13.11 acres of wetlands, 43,006.8 linear feet of streams, and 28.44 acres of open water.

- However, CCWA has agreed to mitigate and compensate for these impacts through the construction of a permittee-responsible mitigation site downstream of the dam referred to as the Big Indian Creek Mitigation Site.
    - Given the lack of mitigation banks in the Tallapoosa Basin at the time of permitting the reservoir, permittee-responsible mitigation is an appropriate means to offset temporal and functional losses associated with project implementation.
    - There are no identified impacts to federal or state threatened and endangered species, but accommodations will be made for potential bat habitat by limiting tree clearing during the main roosting season.
    - The Proposed Action mitigation actions will offset environmental impacts while also providing additional and valuable contributions to the protection of water quality and fish and wildlife habitat in perpetuity.
- Through consultation with the Georgia Historic Preservation Division ("HPD"), NRCS confirmed that the Proposed Action will have no adverse effect to historic properties or archeological sites.
- The Proposed Action may have short-term, minor impacts to surface water quality, vegetation, soils, wildlife, noise, and traffic in the vicinity of the construction.
- During the construction phase of the project, appropriate management practices will be used to limit or reduce short-term, temporary environmental impacts.

DECISION AND RATIONALE

NRCS's decision regarding the Lower Little Tallapoosa River Watershed Structure No. 25A project is to implement the Proposed Action, Alternative #2 and the environmentally preferable alternative. The Proposed Action will consist of constructing a new 125-foot-tall earthen dam to replace Lower Little Tallapoosa River Watershed Structure No. 25, which will increase water storage capacity of the reservoir to 5.1 billion gallons. The dam modifications will also increase the reservoir area from approximately 27 acres to approximately 401 acres (from elevation 1079 ft msl to 1161ft msl). In addition, the project includes construction of a raw water intake on the Little Tallapoosa River, ~9 miles of raw water transmission main, a raw water intake on the reservoir, and a 6 MGD water treatment plant.

The Proposed Action meets the NRCS watershed planning and NEPA evaluation criteria to meet the project purposes of Agricultural Water Management and Flood Protection and is selected over the No Action Alternative. The No Action Alternative does not meet the project purposes. The Proposed Action is the least environmentally damaging, practicable alternative capable of achieving the project purposes.

The Proposed Action, identified as the environmentally preferred alternative, meets the four PR&G criteria of being complete, effective, efficient, and acceptable to the public. Therefore, when evaluated according to NEPA and Section 404 criteria, the Proposed Action ranks as the least environmentally damaging and most practicable alternative to meet CCWA's rural community water supply demands and flood control needs.

Economic Benefits of the project include:

- The annualized damage reduction benefit is estimated to be approximately $70,800 between the Future Without Project (No Action) and the Proposed Action.
- Annualized rural community water supply revenue over a 75-year life as a direct result of the Proposed Action is approximately $62.7 million with the population benefitting from the water supply estimated to be 15,779.
- The opportunity for limited public recreation in the new reservoir.
- Promoting continued economic development in the region, and preservation of forested areas surrounding the reservoir through buffers to be established along the reservoir and its tributaries.

The Benefit to Cost ratio was analyzed to be 1.35:1 for the Proposed Action. Tables 4 through 6 in the FEIS and Appendix D of the FEIS provide breakdowns of the economic analysis and methods used. Additional beneficial impacts include the Proposed Action assumes current water usage but will also allow the CCWA to meet future demand due to population growth and development in the region.

CONSULTATIONS

Consultations are presented in the FEIS. The Lower Little Tallapoosa River Watershed Structure No. 25A project began in 2006 with the evaluation of water supply solutions for CCWA. Between 2006 and 2021, the CCWA worked with the USACE as lead federal agency and other applicable state and federal agencies to obtain the permits necessary to construct the project. The USACE issued the Section 404 Permit on June 17th, 2021, authorizing construction through June 30th, 2031. The Georgia Environmental Protection Division (Georgia EPD) issued the 401 Water Quality Certification on August 5th, 2020. The certification includes extensive water quality and biological monitoring requirements which were agreed to in coordination with the U.S. Environmental Protection Agency. On November 2nd, 2021, Georgia EPD issued two water withdrawal permits for the operation of the Indian Creek Reservoir with supplemental pumping from the Little Tallapoosa River. A Notice of Intent (NOI) to prepare the EIS was published in the Federal Register on Wednesday, August 30, 2023 (Volume 88, No. 167). NRCS became the lead federal agency in 2021 and continued with required consultations. The CCWA and NRCS planning and consultation activities throughout the entire project history were consolidated into the FEIS.

Based on the Consultation process the following public interest factors were identified: impacts to Waters of the US and potential impacts to water quality and quantity (downstream flows). Mitigation has been implemented as part of the project planning to offset impacts to Waters of the US and operations and monitoring requirements were incorporated into the 401 Water Quality Certification and water withdrawal permits to avoid impacts to water quality and quantity. All permits and attachments can be found in the Appendices of the FEIS and on the project's website- www.indiancreekreservoir.com.

Consultation correspondence was sent to eleven (11) federally recognized tribes that have ancestral land in Carroll County, Georgia. No objections to the project were received through this process. The NRCS Georgia State Conservation provided concurrence on meeting a good faith effort for the Section 106 consultation on July 29, 2024. Further consultation details can be found in Appendix A – Appendix E in the FEIS.

MITIGATION MEASURES

NEPA requires that significant impacts on the socioeconomic and natural environment from proposed federal actions need to be mitigated to the extent possible. All practicable means to avoid or minimize environmental harm have been adopted in the Proposed Action. The following measures will be undertaken to minimize impacts:

- Impacts on Waters of the US: The Amended Compensatory Mitigation Plan, dated September 2019, provided the framework of compensatory measures for jurisdictional impacts resulting from construction of the Proposed Action. The mitigation for the impacts to 13.11 acres of wetlands, 28.44 acres of open water, and 43,006 linear feet of streams includes the construction of a 174-acre permittee-responsible mitigation site downstream of the dam known as the Big Indian Creek Mitigation Site. A Section 404 Permit authorizing the impacts and approving the mitigation plan was issued by the USACE in June 2021. Construction of the Big Indian Creek Mitigation Site was complete in 2024. Since the Compensatory Mitigation Plan was finalized in 2019 and approved as a part of the Section 404 Permit issued in 2021, mitigation measures, specifically in regard to wetlands, follow the prior interpretation of the Waters of the US under the Clean Water Act before Sackett vs. EPA changed the legal definition in 2023. With this in mind, this project greatly overcompensates the requirements for wetland mitigation under the Clean Water Act, post- Sackett vs. EPA interpretation of Waters of the US. These mitigation measures were still undertaken after the Sackett decision since 1) they were outlined in the Section 404 Permit issued in 2021, and 2) as a part of the NEPA process, the Responsible Federal Official (RFO) must ensure that any action undertaken by a federal agency must consider and implement any such environmental mitigation to the furthest extent feasible.
- Impacts on water quality : Per the 401 Water Quality Certification issued on August 5, 2020, CCWA will undertake monitoring and reporting requirements summarized below. Installation of the required gages and annual monitoring commenced in 2022.
    - Maintain continuous water quality monitoring at three gage stations to include one on Indian Creek downstream of the dam, one above the intake on the Little Tallapoosa River, and one below the intake on the Little Tallapoosa River. Monitoring shall start at least two years prior to dam construction and continue a minimum of 10-years post construction or three years after the reservoir is operational. Data to be collected includes discharge (stream/river flow), temperature, dissolved oxygen, and pH at a minimum 30-minute recording interval with required data being available real-time on a public website.
    - Conduct annual biomonitoring at four sampling locations for fish, benthic macroinvertebrates, periphyton and physical habitat. Collect in situ water quality measurements for water temperature, dissolved oxygen (DO), pH, turbidity, and specific conductance during the biomonitoring.
    - Provide annual monitoring reports to Georgia Department of Natural Resources (DNR) - Environmental Protection Division (Georgia EPD). Assess any baseline

    - deviations and coordinate with Georgia EPD and the DNR Wildlife Resources Division regarding the same.
    - Promptly notify Georgia EPD of any modifications and promptly address any violations of water quality standards.
- Impacts to downstream flows: On November 2, 2021, Georgia EPD issued two water withdrawal permits to CCWA. One is for the withdrawal of water from the reservoir (Permit No. 022-1302-08), and one is for the withdrawal from the Little Tallapoosa River (Permit No. 022-1302-07). The permits repeat the monitoring and reporting requirements with the 401 Water Quality Certification summarized above. The permits also include special conditions regarding maximum pumping rates and non-depletable flows as summarized below and as provided in CCWA's Section 404 Permit and Exhibits Attached to Permit, which can be found on www.indiancreekreservoir.com/404-permit.html:
    - Water withdrawal permits for the Indian Creek Reservoir (Permit No. 022-1302-08): CCWA will meet the monitoring requirements within the 401 Water Quality Certifications, complete a Water Loss Control Plan, provide annual reports to Georgia EPD on interbasin transfers and water loss control progress. The permit is for a duration of 10-years and allows a monthly average withdrawal of 2.3 MGD.
    - From an operational standpoint, releases from the dam must equate to the lesser of natural streamflow or the non-depletable flows as follows:
        - The water withdrawal permit for the Little Tallapoosa River withdrawal (Permit No. 022-1302-07): CCWA will meet the monitoring requirements within the 401 Water Quality Certifications, complete a Water Loss Control Plan, provide annual reports to Georgia EPD on interbasin transfers and water loss control progress. The permit is for a duration of 10 years and allows a variable maximum withdrawal based on monthly average limits.
        - The permit also includes low flow protection thresholds that require CCWA to pass the lesser of natural flow or the below non-depletable flows in the Little Tallapoosa River.
    - Based on Georgia EPD's stream flow model, the low flow protection thresholds will adequately protect downstream flows and result in virtually no impact on lower portions of the flow spectrum and analyzed from data at a downstream USGS river gage. The permit also includes low flow protection thresholds that require CCWA to pass the lesser of natural flow or the non-depletable flows established by Georgia EPD in the Little Tallapoosa River. Georgia EPD created a specific set of non-depletable flows for the project.

OPERATION AND MAINTENANCE

The project will be operated and maintained by the CCWA, as the Sponsoring Local Organization. The existing Lower Little Tallapoosa River Watershed Structure No. 25 will be decommissioned for the Proposed Action and the selected Alternative (#2). A new Operation and Maintenance (O&M) agreement will be developed for the anticipated 75-year program life of the new facility. The O&M plan will be developed in general accordance with the requirements contained in the National Operations and Maintenance Manual (NOMM). O&M activities include but are not limited to maintenance of the structures, stream monitoring, and repair and replacement of inoperable components. The estimated annualized cost of operation, maintenance, and replacement is shown in Tables D-11 through D-14 of the FEIS.

The CCWA will make inspections quarterly, after unusually severe rainfall events or seismic events, and after the occurrence of any other conditions that might adversely affect the plan measures to determine what maintenance is needed. These inspections will continue for the life of the project. NRCS may assist the CCWA with the inspections at the discretion of the NRCS Georgia State Conservationist. The CCWA will prepare inspection reports and send copies to NRCS at least annually.

PUBLIC INVOLVEMENT

NRCS Georgia State Conservationist Mr. Terrance O. Rudolph is certifying that the agency has considered all the alternatives, information, analyses, and objections submitted by state, tribal, and local governments, and public commenters for consideration in developing the FEIS. The public involvement process is presented in full in the FEIS, which summarizes meetings, public participation, and milestones that have taken place during the planning process.

As a part of public involvement, the CCWA has held numerous public meetings over the course of the planning process and has solicited input from various stakeholders as a part of the 404 Permit process as well as NRCS and NEPA scoping. While the USACE was originally the lead federal agency from 2006-2021, the USACE initiated the Section 404 Permit application with Joint Public Notice(s) ("JPN") on January 13, 2010, and February 2, 2018, both with a 60-day comment period. The USACE mailed 2,556 notices and transmitted email notices to federal, state, and local agencies and the public and received 49 comments. CCWA conducted seven public meetings as part of this Section 404 permitting process, which were advertised in the local newspaper. Public participation was encouraged, and question and answer sessions were held. The comments and feedback from these meetings were incorporated into the scoping process. Comments were received from:

- U.S. Environmental Protection Agency (EPA)
- U.S. Fish and Wildlife Service (USFWS)
- U.S. Army Corps of Engineers (USACE)
- National Marine Fisheries Service (NMFS)
- Southern Environmental Law Center
- Carroll County Board of Commissioners
- Development Authority of Carroll County
- Tanner Health Systems
- Steve McMahan, citizen
- Ga State Representative Randy Nix
- Ga State Representative Tim Bearden

- Georgia Department of Natural Resources, Wildlife Resources Division (WRD)
- Georgia Department of Natural Resources, Historic Preservation Division (HPD)
- Georgia State Clearing House
- State of Alabama, Office of Water Resources
- Alabama Dept of Conservation and Natural Resources
- Randolph County, Alabama
- City of Mount Zion, Georgia
- City of Temple, Georgia
- City of Bowdon, Georgia
- Town of Wedowee, Alabama
- Central Elmore Water & Sewer Authority
- Alabama Power Company
- Turner Environmental Law Clinic
- Georgia Environmental Restoration Association (GERA)
- Lake Wedowee Property Owners' Association
- Lake Watch of Lake Martin
- Lake Martin Resource Association
- Lake Martin Homeowners and Boat Owners Association
- Charles Leverett
- Environmental Insight Consulting
- Bryan Hager
- Kirby Hamil
- Phyllis Martin
- West Georgia Technical College
- University of West Georgia
- Carroll County Chamber of Commerce

Once NRCS became lead federal agency in 2022, NRCS and CCWA jointly conducted a public scoping meeting on May 1, 2023. This public scoping meeting was advertised in the local newspaper and notice was posted on the CCWA website. The public scoping meeting on May 1, 2023, was attended by 21 members of the public. The public meeting on November 20, 2024, was not attended by any members of the public. The scoping meeting and the resulting comments and questions allowed NRCS and CCWA to formulate project alternatives, discussed in detail below.

The May 2023 scoping meeting included a presentation by CCWA of the project history, project overview, EIS process, dam safety, alternatives already identified, and public scoping considerations. Questions from the attendees were encouraged. Attendees who did not comment during the meeting were encouraged to submit comments through the CCWA website. The ability to submit comments through the website was available for 30 days following the meeting. The comments and responses are included in the FEIS document in Appendix A.

Questions received during the public meeting focused on potential impacts to downstream flows and how those flows will be monitored, the service area for water use, and flood control. CCWA and its technical team responded with information about the rigorous downstream modeling performed and the limitations on withdrawals and stream flows within its water withdrawal permits from Georgia EPD. The CCWA team also noted that as part of the Georgia EPD permit conditions, its service area is limited, and stream gauges were installed to monitor stream flows and other water quality and quantity parameters. One comment was submitted via the website related to impacts to downstream flows during a drought. CCWA addressed this comment by summarizing the modeling performed and the resulting low flow protection thresholds established in the issued water withdrawal permits.

Comments were also solicited through publication in the federal register of the Notice of Intent to Prepare an EIS (August 30, 2023), Notice of Availability of the DEIS (October 18, 2024), and Notice of Availability of the FEIS (February 7, 2025). Below is a summary of the comments:

- Notice of Intent to Prepare an EIS – 2 Comments
    - August 30, 2023- Response received from Richard Spotts. Mr. Spotts expressed concerns regarding the potential impacts of the project on climate change and the environment in general and encouraged the selection of a less damaging alternative. CCWA and NRCS conducted a rigorous review of alternatives for meeting the water supply and flood control needs including an evaluation of a no-action alternative and evaluation of 12 potential reservoir sites. Climate change and the existing environment were considered in selecting the preferred alternative. Additionally, the preferred alternative will help mitigate potential climate-related crises by providing adequate water supply during times of severe droughts.
    - October 16, 2023- Response received from WhoPoo App. The WhoPoo App expressed concerns regarding undocumented immigrants in the United States generally. These concerns were deemed not relevant to the project.
- Notice of Availability of DEIS- 3 Comments
    - November 27, 2024 – Ntale Kajumba, NEPA Section Manager, U.S. Environmental Protection Agency. Mr. Kajumba commented that CCWA should comply with the streamflow and monitoring regulations in its Water Quality Certification and concurred that no statistically significant populations of minority or low-income populations are present in the project area. NRCS concurred with the comments.
    - December 2, 2024 – Joyce Stanley, Ph.D., Regional Environmental Officer, U.S. Department of the Interior. Ms. Stanley requested clarification regarding the Water Quality Plan. The Section 401 Water Quality Certification is the Water Quality Plan and was incorporated in the DEIS by reference.
    - October 29, 2024 – Eric Johnson, Executive Director, Amphibian Refuge. Mr. Johnson recommended an amphibian survey be conducted and that measures be implemented to minimize project impacts. Amphibians were considered in the DEIS along with other plants and animals. The project will increase lake habitat for amphibians. Additionally, the USFWS did not recommend any further fieldwork or analysis regarding amphibians.
- Notice of Availability of FEIS – 3 Comments
    - March 10, 2025 – Susan Comensky, VP of Environmental Affairs, Alabama Power Company. Ms. Comensky requested clarification on the downstream modeling conducted by Schnabel Engineering and Georgia EPD, and the minimum flows established to protect downstream users. CCWA engaged Schnabel Engineering to prepare a downstream flow impact analysis as a part of preparing its Section 404 Permit Application. Following review of CCWA's

application, Georgia EPD undertook its own study which study is the basis for the minimum flow requirements in CCWA's water withdrawal permits. The differences between Georgia EPD's study and Schnabel Engineering's study are the locations of the USGS gage utilized (Schnabel used the Heflin gage while Georgia EPD used the Newell gage), the flows (Schnabel used long-term average flows while Georgia EPD analyzed the low flow spectrum), and the incorporation of return flows (Schnabel did not account for return flows while Georgia EPD incorporated permitted flows). Georgia EPD's analysis resulted in low flow protection thresholds which result in virtually no impact on lower portions of the flow spectrum at the downstream USGS gage they utilized for analysis.

- March 10, 2025 – Thomas M. Littlepage, Division Chief, Alabama Office of Water Resources. Mr. Littlepage commented on the project scope, operation, and potential impacts at the state line. The safe yield of the project decreased from 18 MGD to 6 MGD in response to modified population projections and per capita usage in coordination with Georgia EPD. The project, including its size, operations, and service area, is governed by the Section 404 Permit, two water withdrawal permits (Permit No. 022-1302-07 and Permit No. 022-1302-08), and the 401 Water Quality Certification. Any modifications to measures covered under this project would require updates to these permits. Mr. Littlepage questioned the operating procedures and their impacts on downstream flows and indicated that Alabama would like to assess the criteria for pumping operations. On May 19, 2021, prior to issuance of the Section 404 permit, Alabama was provided with Georgia EPD's operating parameters, modeling, and analysis of downstream flows through Chris Johnson, the Chief of the Water Quality Branch of the Alabama Department of Environmental Management. Alabama did not comment or request additional information at that time. The parameters and restrictions placed on the operation of the project by Georgia EPD are within the water withdrawal permits and ensure virtually no impact on lower portions of the flow spectrum at the downstream USGS gage. Mr. Littlepage also questioned whether operations would cater to recreational use or development. The reservoir is being used for water supply and flood control. Limited recreational uses will be allowed to include fishing from the shore or from a non-petroleum powered watercraft as the construction of private docks is prohibited and all personally owned watercraft operated on the reservoir must be paddled or operated by non-petroleum powered sources. CCWA owns significant property around the reservoir, including rights to the 150-foot buffer around the reservoir which will be protected from development. The lake will be operated to accommodate water supply regardless of shoreline fluctuation and drawdowns. Mr. Littlepage requested additional information on modeling of impacts to downstream flows within the EIS. Alabama was provided with the Georgia EPD's modeling in 2021 and the parameters established because of such modeling are now permit requirements within CCWA's water withdrawal permits. These permits are referenced in the FEIS. These permits and specified operating parameters were considered during the review of the project and based on Georgia EPD's modeling, the low flow protection thresholds will adequately protect downstream

flows and result in virtually no impacts on the lower portion of the flow spectrum at the downstream USGS gage.
- March 17, 2025 – Ntale Kajumba, NEPA Section Manager, U.S. Environmental Protection Agency. Mr. Kajumba stated that EPA reviewed the FEIS, and all prior comments were addressed, and that there are no additional comments. No response was necessary to this comment.

Since publication of the FEIS, NRCS has continued to work with the CCWA as the SLO, congressional offices, and state and federal agencies to provide status updates and perform targeted public outreach leading up to project design and implementation. In accordance with the scope of action and analysis detailed in the Plan-EIS, watershed agreements between NRCS and the CCWA were developed to set forth the terms and understanding to address agricultural water management and flood prevention in the Indian Creek watershed. The watershed agreements provide clarity on the responsibilities of each party and assurance of successful completion of the Lower Little Tallapoosa River Watershed Structure No. 25A.

ADDRESSING POLICY CHANGES

As the FEIS was made publicly available via the Federal Register on February 7, 2025, it contained analyses and language relating to Environmental Justice, as required by Executive Orders 14096 and 12898. However, in 2025 Executive Orders 14148 and 14173 revoked the Executive Orders 14096 and 12898. Further guidance on how these Executive Actions impact NEPA regulations and compliance was issued in a memorandum put forth by the Council on Environmental Quality (CEQ) on February 19, 2025. This guidance, published after the FEIS, will be adhered to in this Record of Decision. An NRCS national bulletin (NB 190-25-8) was issued by the NRCS on March 13, 2025, providing additional, agency specific guidance on complying with new policies and regulations on the topic of Environmental Justice (EJ). No NOA for ROD will be required due to regulation changes presented in 7 CFR 1b and the recission of 7 CFR 650.12(c). This project meets the components found at 7 CFR 1b.8

While the DEIS and FEIS contained analyses and language related to Environmental Justice, it did not bear any weight in the decision-making process. While Environmental Justice had to be included in the DEIS and FEIS under previous Executive Orders and NEPA regulations when published, the project and study area are not in any previously classified EJ community. Thus, it was never relevant to decision making regarding this project or the Proposed Action. Therefore, any previous inclusion of language or analysis in any material relating to the FEIS is not applicable in the Record of Decision to implement this project.

CONCLUSION

Based on the findings of the FEIS, NRCS will implement the Lower Little Tallapoosa River Watershed Structure No. 25A project (also commonly known as Indian Creek Reservoir Multi-Purpose Project). The Proposed Action, i.e. Alternative #2 - Environmentally Preferable Alternative, includes construction of a new 125-foot-tall earthen dam to increase water storage capacity of the reservoir to 5.1 billion gallons. In addition to the dam, the project also includes construction of a raw water intake on the Little Tallapoosa River, ~9 miles of raw water transmission main, a raw water intake on the reservoir, and a 6 MGD water treatment plant.

Further information regarding this Record of Decision may be obtained by contacting:

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7-16-2025

DATE