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October 11, 2006

Commander
U.S. Army Corps of Engineers
Savannah District
Albany Field Office
1104 North Westover Boulevard, Unit 9
Albany, Georgia 31707

VIA FEDERAL EXPRESS

Re: September 13, 2006 Joint Public Notice
Application Number: 200500976
Applicant: Mr. Albert Ball, Chairman, Grady County Board of Commissioners

To Whom It May Concern:

The Board of County Commissioners of Leon County, Florida ("Leon County") has reviewed the Joint Public Notice for the above referenced permit application. This letter presents Leon County's comments concerning the applicant's proposal to discharge fill material into Waters of the United States (103 acres of wetlands, 34,322 linear feet of perennial stream, 14,048 linear feet of intermittent stream, and 1.2 acres of ephemeral stream) for the construction of an earthen dam and the impoundment of a 960-acre lake on Tired Creek in Grady County, Georgia ("Grady County").

Leon County is bounded on the north by Grady County and on the west by the Ochlockonee River, of which Tired Creek is a tributary. The Ochlockonee River discharges into Lake Talquin, approximately half of which is located in Leon County. Lake Iamonia, another Leon County lake, derives most of its water from floodwaters of the Ochlockonee River. Several segments of the Ochlockonee River are scheduled by the Florida Department of Environmental Protection ("FDEP") for development of a Total Maximum Daily Load ("TMDL") in 2007. Because of the potential adverse impacts that the proposed Tired Creek Dam will have on the water quality and quantity of the Ochlockonee River and Lakes Talquin and Iamonia, Leon County provides the following comments.

The Mitigation Proposed for the Tired Creek Dam Project is Insufficient to Protect Downstream Water Quality

As mentioned above, Tired Creek feeds into the Ochlockonee River, which discharges into Lakes Talquin and Iamonia. Several segments of the Ochlockonee River are scheduled by the FDEP for development of a TMDL in 2007. The parameters of concern for the TMDL are coliforms (fecal and total), nutrients,

turbidity, dissolved oxygen, and mercury. Leon County is concerned that the minimal mitigation proposed for the Tired Creek Dam project is insufficient to protect the existing water quality of the Ochlockonee River, Lake Talquin and Lake Iamonia, and certainly will be of no assistance in addressing the TMDL parameters of concern. Much of the proposed mitigation takes the form of measures that already should have been adopted to minimize further degradation of downstream surface waters and does little to mitigate the true effects of the Tired Creek Dam on the quality of the downstream waters.

For example, the proposed 100-foot stream buffers over on-site and off-site streams do not directly compensate for the inundation of 48,365 linear feet (9.16 miles) of existing stream. Leon County has learned that stream buffers are needed to protect the quality of adjacent surface waters regardless of whether any sort of development project is being proposed in the area. Stream buffers, combined with effective stormwater treatment systems, are necessary to maintain existing water quality and prevent the need for future TMDLs after development activity.

Also, the proposed protection of 90 acres of wetlands along Brumbley Creek and its tributary provides no mitigation for project impacts. Like stream buffers, wetland protection is necessary to protect existing water quality of adjacent water bodies, not to offset the direct loss of 103 acres of wetlands in the watershed. The proffered mitigation allows a net water quality reduction due to the loss of wetlands that currently act as a kidney to cleanse the pollutants passing through this system. Although the remaining mitigation includes elements of wetland and stream restoration and enhancement, this is not sufficient to offset the adverse effects of the wetlands and stream losses. The State of Florida requires mitigation at one to eight times the affected wetland area based on the quality of the wetlands being destroyed, and the Corps requires mitigation sufficient to replace functional loss. These mitigation requirements recognize that manmade mitigation is less effective than natural systems and replacing wetland function. Nonetheless, the proposed mitigation plan offers roughly a 1:1 ratio of impacts to enhancement/restoration and provides no indication that functional loss will be replaced.

At a minimum, the restorative mitigation should double the loss of 103 acres of wetlands and double the loss of 9.61 miles of stream. Additional mitigation may be required depending upon the quality of the resource lost. Also, Leon County strongly recommends that the Environmental Protection Agency require a TMDL for the portion of Tired Creek downstream of the dam. The TMDL should be based on the parameters mentioned above and should be set at levels necessary to protect the water quality of the Ochlockonee River.

The Tired Creek Dam Project will Adversely Affect Downstream Water Flows

As to water quantity, Lake Iamonia's primary water source is the floodwaters from the Ochlockonee River. In the documentation provided with the Public Notice, it is stated that the project would have "negligible adverse impacts on stream flows in the area due to the project's non-consumptive nature." However, in the hydrologic report prepared by Schnabel Engineering dated May 2005, releases were programmed at only 25% of the average annual flow. That report also stated that the annual basis computer run translated to a "disastrous reduction in base flow to Tired Creek." The conclusion reached in the monthly and annual criteria was that it was "judged to be inadequate to support physical and biological functions for Tired Creek below the reservoir." This contradicts the "negligible adverse impact" statement in the Public Notice. The County does not believe that the effects of evaporation have been fully considered. An average of 0.25 inches per day of evaporation occurs within the lakes in Leon County, which has a climate similar to the area in which the lake is proposed. When this evaporation loss is calculated over the proposed 960-acre lake, the result is a loss of 20 acre-feet or 871,200 cubic feet of water per day. This evaporation will lower the lake elevation below the overflow structure over extended dry periods, shutting off all downstream flow to the Ochlockonee River, Lake Talquin, and Lake Iamonia.

Tired Creek has been observed to be dry with no base flow for several days during dry periods. Then, when normal rainfall that would normally produce stream flow occurs, the flow would simply be filling up the lake instead of maintaining the normal base flow or supporting flood conditions on the Ochlockonee River. If this project is permitted, it may take several flood events to produce a discharge from the dam that under normal circumstances would contribute to the floodwaters that fill up Lake Iamonia. In addition, there will be a significant period of no flow while the Tired Creek reservoir fills. This will have severe short term effects on the downstream river and lakes.

In addition, the Corps has not considered the limited amount of "natural" water contributing to the Ochlockonee and the more dramatic effect of the loss of Tired Creek's water on that flow. Much of the Ochlockonee's water is made up of sewage treatment outflow from numerous public treatment facilities along the river (e.g., Thomasville, Moultrie, Cairo). If this flow is removed from consideration, the impact of the loss of Tired Creek flow on the natural water contribution to the river is much greater. Considering the already impaired nature of Ochlockonee waters, the removal of a significant portion of the remaining natural water could well have a substantial impact on the river's water quality.

Finally, the Corps has apparently not considered the impact of the loss of Ochlockonee flow from the Tired Creek dam on Lake Iamonia's recharge. Much of the water in Lake Iamonia comes from overflow conditions on the Ochlockonee that

result in periodic river water breaches over several small levees to the west of the lake. The river must hit a certain flow stage to achieve these recharges. There appears to have been no serious analysis of the effect on Lake Iamonia of the reduced flow in the Ochlockonee. If the Ochlockonee's flow is diminished during otherwise overflow events, Lake Iamonia's recharge may be reduced or even eliminated, threatening the existence, much less the health, of the lake..

These short and long term effects have not been addressed by the applicant and should be thoroughly investigated before any action is taken on this permit application.

The Tired Creek Dam Project is Contrary to the Public Interest

The Tired Creek Dam project as currently proposed is contrary to the public interest for several reasons. The mitigation proposed does not conserve or protect wetlands, streams, flood plain values, water supply and conservation, or water quality sufficiently to offset the detrimental impacts to these values from the proposed project. Water quality and quantity will be adversely affected through wetland and stream losses and decreased downstream flows, which will also adversely impact fish and wildlife including threatened and endangered mussels found downstream in the Ochlockonee River. It is apparent from the Public Notice and referenced documentation that these public interest concerns have not sufficiently been addressed by the applicant.

Request for Public Hearing

Pursuant to the Public Notice and 33 C.F.R. § 327.4(b), Leon County hereby requests that a public hearing be held by the Corps to consider this permit application. As set forth above, the Tired Creek Dam project as proposed will have significant adverse impacts on water quality and quantity downstream of the project, which affects the many citizens of Grady and Leon County who live, work, and recreate on and about the waters of the Ochlockonee River, Lake Talquin, and Lake Iamonia. These citizens and their local representatives should be afforded the opportunity to participate through a public hearing in the Corps' formulation of proposed action on this permit application.

In conclusion, Leon County believes this application does not adequately address the avoidance, minimization, and mitigation requirements of the 404(b)(1) Guidelines. Leon County particularly questions the sufficiency of the proposed mitigation to compensate for the loss of significant and critical wetland and stream functions. Leon County believes that the considerable loss of wetland and stream functions within the project area, coupled with substantially reduced downstream flows, will significantly degrade the waters of the Ochlockonee River and Lakes Talquin and Iamonia.

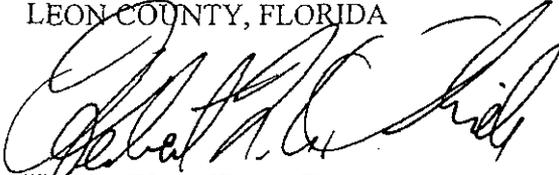
Commander, US Army Corps of Engineers
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Leon County appreciates the opportunity to comment on the Tired Creek Dam project.

Sincerely yours,

COUNTY ATTORNEY'S OFFICE
LEON COUNTY, FLORIDA



Herbert W. A. Thiele, Esq.
County Attorney

HWAT/eal

cc: Honorable Chairman and Members of the Board of County Commissioners
Parwez Alam, County Administrator
Tony Park, Director, Public Works
John Kraynak, Environmental Compliance, Growth & Environmental
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