

Georgia Department of Natural Resources

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Mark Williams, Commissioner
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August 12, 2011

MEMORANDUM

TO: Board of Natural Resources

FROM: F. Allen Barnes, Director
Environmental Protection Division

SUBJECT: Briefing on Proposed Amendments to Rules for Water Quality Control, Chapter 391-3-6, pertaining to Water Use Classifications and Water Quality Standards for temperature in portions of the Chattahoochee River

The purpose of this memo is to coordinate with the Environmental Protection Committee on EPD's plans to amend the Rules for Water Quality Control to adopt new temperature standards and stream designations for trout waters on the Chattahoochee River below Buford Dam.

Georgia's current Rules for Water Quality Control do not allow any increase for in-stream temperatures in primary trout streams and only a 2°F increase for secondary trout streams. The Chattahoochee River from Buford Dam to Peachtree Creek is currently classified as a secondary trout stream.

In 2001, the Wildlife Resources Division (WRD) discovered that trout were reproducing in the section of the Chattahoochee River from Buford Dam to Hwy 400. WRD suggested that the classification of secondary trout waters might be changed to primary trout waters. In May 2002, the Board of Natural Resources directed the EPD and WRD to conduct studies to develop an appropriate temperature standard that would protect the fishery. Fieldwork began on these studies in 2003 and concluded in 2007. Since that time, the EPD and WRD have performed extensive data analysis, modeling, and have worked on refining a new temperature standard.

As a result of this work, WRD and EPD are proposing two new designations and associated temperature standards for trout waters below Buford Dam. One designation and its associated standard will protect the fishery from Buford Dam to Island Ford Shoals where coldwater releases from Buford Dam exert their greatest influence. The second designation and its associated temperature standard will protect the seasonal fishery below Island Ford Shoals where coldwater releases are currently unable to maintain a year round fishery under all conditions. Each of the two temperature standards includes exceptions that would apply when adequate amounts of cold water are not being released from Buford Dam, when flows are less than 750 cfs at Peachtree Creek, or during prolonged drought.

To complete development of these standards, WRD and EPD plan to use a targeted approach to solicit stakeholder input. First, we plan to discuss the proposed standards with stakeholders to ensure they understand how the standards were developed and solicit their input to ensure we have considered all relevant and available information. Next, we will refine the draft rule based on stakeholder input and present it to them to show how their concerns have been addressed. After receiving final stakeholder feedback, we will make needed changes to the draft rule and then brief the Board on the proposed rule ready for official public notice. The proposed schedule is as follows:

Rulemaking Schedule	
Schedule	Activity
September – November 2011	<ul style="list-style-type: none"> • Present draft rule to stakeholders; • Incorporate stakeholder input into proposed rule
December 6, 2011	DNR Board Briefing
January 3 2011 – February 17, 2012	45-day Public Notice of proposed Rule revisions and public hearing
March 2012	Board action on proposed rules