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# Smith: Score one for humans on river ruling

BY SARAH FAY CAMPBELL

sarah@newnan.com

The U.S. Fish and Wildlife Service has determined that the flow from Lake Seminole into the Apalachicola River can be reduced during times of extreme drought without significantly harming the endangered mussels that live in the river.

That's good news for Lake Lanier, which will get to keep more water during times of drought.

The USFWS recently issued a "biological opinion" related to the U.S. Army Corps of Engineers' "revised interim operating plan" for the lakes in the Apalachicola-Chattahoochee-Flint basin.

The Corps's new interim operating plan calls for reducing the flow over Seminole's Woodruff Dam to as low as 4,500 cubic feet per second during periods of extreme drought. That reduced flow is intended to help the upstream reservoirs, including Lake Lanier and West Point Lake, hold more water.

"This is a good ruling," said State Rep. Lynn Smith, R-Newnan. Smith is chairwoman of Georgia's House Natural Resources and Environment committee, and has been involved in the "tri-state water wars" for years.

"Score one for the humans. For a little bit," Smith said.

The corps had been maintaining a minimum flow of at least 5,000 CFS over the dam since 1957. That minimum flow was officially adopted in 1989 with the Draft Water Control Plan for the basin.

Last June, an appellate court struck down a previous ruling in the ongoing water wars legislation between Georgia, Alabama and Florida.

As part of that ruling, the appellate court gave the Corps one year to create a Revised Interim Operating Plan.

The biological opinion is "not going to interrupt what the Corps is doing," Smith said. "If it had been a bad ruling, it would have been a setback."

The Endangered Species Act has been a factor in the ongoing battle over the water in the Chattahoochee, Flint and Apalachicola rivers. Florida has demanded higher flows to protect the mussels and Gulf sturgeon, as well as the oyster beds that are very important to Apalachicola's economy.

The biological opinion includes an "incidental take statement," which provides the Corps an exemption from "take" under the Endangered Species Act for harming protected species.

In return, according to the release from USFWS, "the Corps has committed to several actions to minimize the loss of mussels. Those include monitoring to evaluate the impact of dam operations."

"We want to thank our Corps colleagues for working with us to balance protection of our natural resources with the myriad of users that rely on the Apalachicola-Chattahoochee Flint River Basin, from metro Atlantans to Florida oystermen," said Cindy Dohner, southeast regional director for USFWS.

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