

Georgia Department of Natural Resources

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September 1, 2005

Honorable Mike Berg, Chairman
Dawson County Board of Commissioners
76 Howard Avenue East, Suite 120
Dawsonville, Georgia 30534

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Dear Chairman Berg:

Thank you for your letter of May 16, 2005, and for the resolution of the Dawson County Board of Commissioners supporting a scenic river study of the Amicalola River and a portion of the Etowah River pursuant to O.C.G.A. 12-5-353. The Georgia Department of Natural Resources (DNR) shares the Dawson County Board of Commissioners' opinion of the importance of the Etowah and Amicalola Rivers for their scenic, recreational, and natural characteristics. We also agree that these resources should be preserved and managed for future generations.

The Georgia Scenic Rivers act of 1969 (O.C.G.A. 12-5-350 to 354) authorizes DNR to study and from time to time recommend to the Governor and General Assembly rivers or sections of rivers to be considered for designation as scenic rivers. Each recommendation shall be accompanied by a report showing the proposed area and its classification, the characteristics which qualify the river or section of river for designation as a scenic river, ownership of land in the area, the state agency which should administer the area, and the estimated costs of acquiring fee title and scenic easements and of administering the area as a scenic river. Each scenic river, together with the land lying within its authorized boundary, as established by the General Assembly, shall be classified as:

- 1) **Natural River** – free-flowing river or section of river generally inaccessible except by trail, with the shoreline undeveloped and unused;
- 2) **Pastoral River** – free-flowing river or section of river accessible by roads, with a shoreline mostly undeveloped and unused;
- 3) **Recreational River** – free-flowing river or section of river accessible by roads with limited development along the shoreline.

A brief review of the history of the Georgia Scenic Rivers Act is useful in evaluating your request. At the time of passage of the Scenic Rivers Act, there existed the Georgia Natural Areas Council which was charged with reviewing all of Georgia's streams and identifying those which had special aesthetic, scientific, and recreational value and which should be considered as Scenic Rivers under O.C.G.A. 12-5-352. In 1971, A. Stephen Johnson prepared a report entitled Scenic Rivers of Georgia - A Conservation Challenge, for the Natural Areas Council. The report presented the results of an evaluation of 53 streams or reaches of streams with regard to physical, biological, and human use characteristics. The report recommended that the Chattooga and Suwannee Rivers be immediately designated as State Scenic Rivers and that 36 other rivers and streams be considered for State Scenic River status. The report further recommended a moratorium

on all public development on the 36 streams until the General Assembly considered those streams for State designation. The report also recommended study of four additional streams. It should be noted that the Etowah River (from its headwaters to Lake Allatoona, including Montgomery Creek and Amicalola Creek) was among the 36 streams recommended for scenic river designation and that it had the fifth highest rank of all streams evaluated in the study.

In 1974, the General Assembly designated a portion of the Chattooga River and its West Fork as a State Scenic River in response to its federal designation as a National Wild and Scenic River in 1974. The Jacks and Conasauga Rivers within the Cohutta Wilderness Area were designated by the General Assembly as State Scenic Rivers in 1978 in response to federal designation of the Cohutta Wilderness Area. Our final State designated stream, Ebenezer Creek in Effingham County, was designated in 1981, largely due to the efforts of State Representative George Chance of Springfield. Since 1981, no rivers or sections of rivers have been designated and there have been no studies done to evaluate rivers for designation.

In 2004, the General Assembly passed, and Governor Perdue signed, the Comprehensive Statewide Water Management Planning Act (O.C.G.A. 12-5-520). This Act charges the Environmental Protection Division with developing a statewide water management plan that will support a structured yet flexible approach to regional water planning. The plan is to provide guidance and incentives for regional and local water planning efforts and is to be coordinated with the efforts of other state agencies. The Act established the Water Council to ensure coordination among state agencies and to provide input into the development of the plan. The Act charges the Council with recommending a state plan to the General Assembly no later than the first day of the 2008 regular session of the General Assembly.

The comprehensive statewide water management plan will provide high-level policy guidance for water management planning including a process for guiding river basin and aquifer plans, regional water planning efforts, and local water plans. This may include a process for creating draft river basin management plans and draft groundwater management plans. The statewide plan will address several policy topics that are likely to influence the criteria and processes for consideration of scenic river and outstanding natural resource water designations. For example, the plan will include policies regarding reservoir development and water quality protection.

Given the on-going work to develop a state-wide comprehensive water management plan, I have decided to defer action on a study of those reaches of the Amicalola and Etowah Rivers included in the Dawson County resolution until the policies and guidelines in the State-wide Plan have been developed.

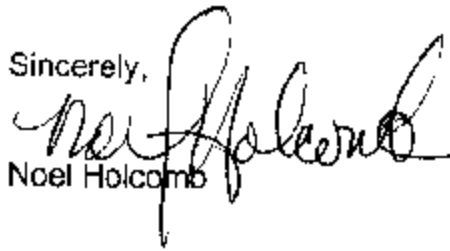
In closing, let me thank you again for your support for conservation of the Etowah and Amicalola Rivers. These are critically important rivers in Georgia for fish and wildlife habitat, recreation, and water supply. In recognition of this importance, Georgia DNR has made a significant investment in acquisition of lands along the Amicalola River that provide protection to this stream. Georgia DNR also is working with the University of Georgia, U.S. Fish and Wildlife Service, and local governments in the Etowah Basin to develop a Habitat Conservation Plan that can help to protect the Etowah River and its tributaries. In addition, Georgia EPD is a partner in the Etowah watershed study for which Dawson County is also a signatory. Dawson County's participation will be important to the successful development of the Habitat Conservation Plan and watershed study, and I encourage your continued participation in these efforts.

Finally, I urge you to consider the opportunities available under Georgia's new Land Conservation Act that was passed by the General Assembly this year. The Land Conservation Act will offer flexible tools to local governments and to DNR for the conservation of lands in Georgia. Rules and policies for implementation of the Act are under development. Governor Perdue has stated that water resource protection will be one of the priorities for projects funded under the Land Conservation Act. A project to protect the Etowah or its tributaries would likely rank very high for funding under the Land Conservation Act.

Please let me know if I can be of assistance.

Sincerely,

Noel Holcomb

A handwritten signature in black ink, appearing to read "Noel Holcomb", written over the printed name.

Enclosure

cc: Governor Sonny Perdue
Dr. Carol Couch
Dan Forster