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AND PENSIONS



RICK W. ALLEN

12TH DISTRICT, GEORGIA

Congress of the United States
House of Representatives

January 28, 2019

Colonel Daniel Hibner
U.S. Army Corps of Engineers, Savannah District
100 W. Oglethorpe Avenue
Savannah, GA 31401

Dear Colonel Hibner,

I write today to provide the U.S. Army Corps of Engineers with information about water levels of the Savannah River at the Jefferson Davis Bridge, also known as the 5th Street Bridge, at the time of the signing of the Water Infrastructure Improvements for the Nation (WIIN) Act of 2016.

The language of the WIIN Act requires the fish passage structure to “maintain the pool for navigation, water supply, and recreational activities, **as in existence on the date of enactment of this Act**” for either a “repair of the lock wall of the New Savannah Bluff Lock and Dam and modification of the structure” or “removal of the New Savannah Bluff Lock and Dam on completion of construction of the [fish passage] structure.”

Based on the information from the U.S. Geological Survey, the water level of the Savannah River at the 5th Street Bridge varied between approximately 113.5 feet and 114.5 feet, with the gage height measuring between approximately 13.5 feet and almost 15 feet, in December of 2016, when the WIIN Act was signed into law. It was Congress’ intent that when using the language “as in existence on the date of enactment of this Act,” the water levels on that date should be the marker for what is acceptable when it comes to maintaining the pool level.

As you may know, the amendment to the 2016 WIIN Act at issue was added to the pending Senate Bill on September 15, 2016, without my knowledge or input. By doing so, the preparation of a Disposition Study pursuant to 33 U.S. Code § 549a, which I understand is typically required before a project like ours is deauthorized, was circumvented. Therefore, my constituents and I were denied the right to provide any input. The situation is even more troubling considering the fact that Wesley Coleman, the Acting Director of the Corps’ Institute for Water Resources, appears to have drafted the legislation. In fact, members of the Corps upper command discussed the deauthorization in the days leading up to the introduction of the amendment. My understanding of these facts is supported by the enclosed email dated September 11, 2016 from Mr. Coleman to 12 high-ranking members of your organization. If the normal deauthorization process had been followed, it is very unlikely that we would have to deal with the many issues we now face.

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The numbers that we have seen from the U.S. Army Corps of Engineers at the 5th Street Bridge are a calculated average depth variation between 10 and 13 feet. Further, in the Draft Recommended Plan that replaces the New Savannah Bluff Lock and Dam with a High Fixed Weir structure with a Dry Floodplain, you calculate the pool will be dropped to approximately 9.5 feet deep, which is below your own numbers of calculated average depth variation between 10 to 13 feet.

Lowering the pool is unacceptable. The language of the WIIN Act clearly states that the water level should be maintained to the level on the date of enactment of this Act, and these numbers provided by the U.S. Geological Survey clearly show that the Draft Recommended Plan does not meet the letter of the law. We respectfully request that you review the enclosed attachments and provide a response to the following questions:

- If you are not using the water levels from the U.S. Geological Survey, can you please provide the source for your numbers and over what time period these numbers were calculated?
- In light of the recorded water levels in December 2016, will the Corps review the options and modify them to ensure the pool level is in compliance with the WIIN Act?
- If the Corps will not modify the options, can you please give a detailed response on why you believe the High Fixed Weir structure with a Dry Floodplain is within the law?
- Since three local governing bodies have endorsed maintaining the pool at an elevation of 114.5 feet, will the Corps choose another option as their Draft Recommended Plan that maintains a higher water level than the current Draft Recommended Plan, which lowers the pool to approximately 9.5 feet?

If any answers to these questions are not under the purview of the Savannah District and would be better suited to be answered by Headquarters or the South Atlantic Division, please work with them to provide me with the most comprehensive answers.

Sincerely,

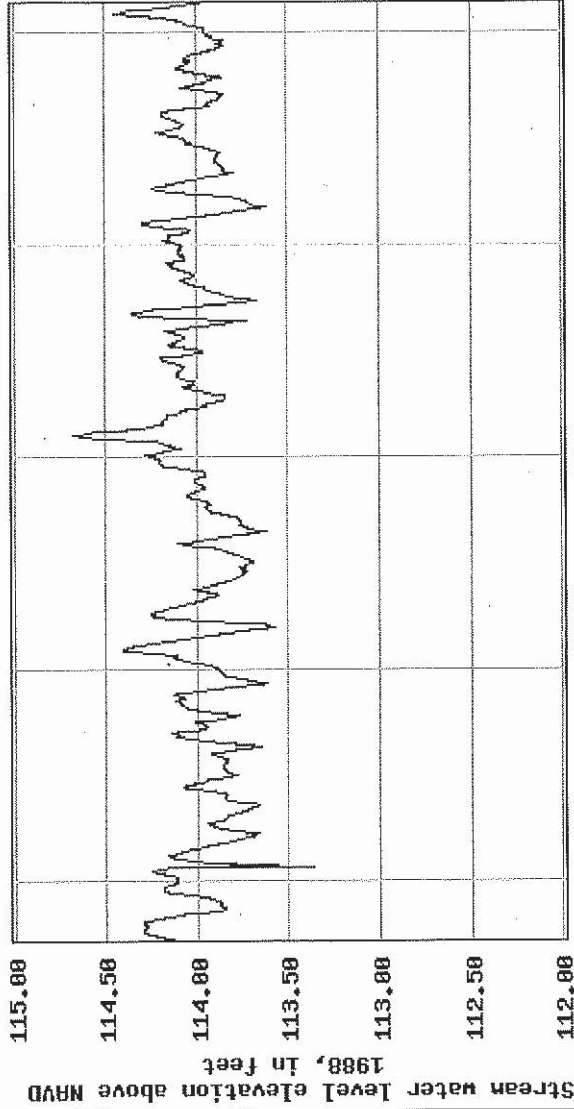
A handwritten signature in black ink that reads "Rick W. Allen". The signature is written in a cursive style with a large, sweeping initial "R".

Rick W. Allen

Member of Congress

Cc: Erik Blechinger

USGS 02196670 SAVANNAH RIVER JEFFERSON DAVIS BR, AT AUGUSTA, GA

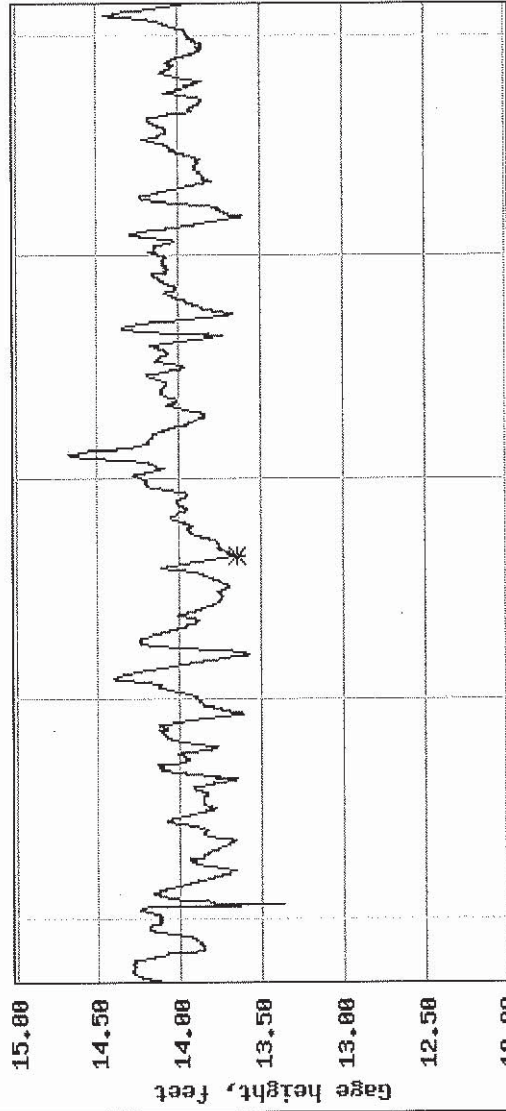


Dec 03 2016 Dec 10 2016 Dec 17 2016 Dec 24 2016 Dec 31 2016

----- Provisional Data Subject to Revision -----

Graph courtesy of the U.S. Geological Survey

USGS 82196670 SAVANNAH RIVER JEFFERSON DAVIS BR, AT AUGUSTA, GA



Dec 03 2016 Dec 10 2016 Dec 17 2016 Dec 24 2016 Dec 31 2016

----- Provisional Data Subject to Revision

— Gage height * Measured gage height

Graph courtesy of the U.S. Geological Survey

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Wesley E. Coleman, Jr.
Chief, Office of Water Project Review

-----Original Message-----

From: Coleman, Wesley E Jr HQ02

Sent: Sunday, September 11, 2016 10:31 PM

To: Jackson, Donald E MG HQ <Donald.E.Jackson@usace.army.mil>; Dalton, James C SES HQ02 <James.C.Dalton@usace.army.mil>; Brown, Theodore A SES HQ02 <Theodore.A.Brown@usace.army.mil>; Holden, Thomas A SES MVD <Thomas.A.Holden@usace.army.mil>; Belk, Edward E HQ <Edward.E.Belk@usace.army.mil>; Lee, Alvin B SES SAD <Alvin.B.Lee2@usace.army.mil>

Cc: Greer, Jennifer A HQ02 <Jennifer.A.Greer@usace.army.mil>; Brown, Stacey E HQ02 <Stacey.E.Brown@usace.army.mil>; Paynes, Wilbert V HQ <Wilbert.V.Paynes@usace.army.mil>; Nee, Susan G HQ02 <Susan.G.Nee@usace.army.mil>; Greenwood, Susan HQ02 <Susan.Greenwood@usace.army.mil>; Wethington, David M HQ <David.M.Wethington@usace.army.mil>

Subject: Savannah Harbor Expansion Project and the New Savannah Bluff Lock and Dam

Sirs...

I've been hearing a lot of conversations internal and external to the Corps regarding the Savannah Harbor Expansion Project (SHEP), the fish ladder by-pass included in that project, and the ultimate fate of the New Savannah Bluff Lock and Dam (NSBLD). This is a complex issue and I don't know that there is an easy solution, but I offer the following:

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V/R

Wesley E. Coleman, Jr.
Chief, Office of Water Project Review