

Good morning. My name is Dick Timmerberg and I am the Executive Director of the West Point Lake Coalition (WPLC) and West Point Lake Advocate for the city of LaGrange and Troup County. The WPLC is a 501c3 organization and has been in existence over six years. Our Mission Statement is as follows:

"TO PROMOTE AND PROTECT WEST POINT LAKE'S ENVIRONMENTAL, RECREATIONAL, AND ECONOMIC OPPORTUNITIES".

We want to emphasize upfront that we have an excellent working relationship locally with the Corps of Engineers (COE) at the West Point Lake Project and tremendous respect for their commitment and dedication to our lake. The WPLC and the COE locally have partnered together on several projects to improve our lake:

? We have installed approximately twenty artificial fish habitat structures and have another ten to fifteen to go. These artificial habitats will both improve the fishery and help people catch more fish.

? We have pursued and received grants for a life jacket loaner program to hopefully prevent any more children from drowning because they did not have access to a personal flotation device.

? We conduct an annual lake clean up in early October with some 250 to 300 volunteers picking up 30,000 to 50,000 pounds of trash, tires, and miscellaneous items such as old couches, refrigerators, bicycles, shopping carts, etc.

? The WPLC has lit up our lake at night by investing approximately \$20,000 to purchase solar buoy lights for all main channel buoy markers from the dam up the river to Ringer Access; we then partnered with the COE locally to install and maintain these buoy lights to increase safety for those people utilizing the lake at night or during periods of low visibility.

Please note that the above projects all focus on providing a "safe" and enjoyable West Point Lake for people to visit.

Regrettably, the WPLC does not have the same level of respect for the management practices employed by the COE, Mobile District, where there is a perceived lack of common sense, a refusal to think outside the box, a generally unresponsive attitude toward stakeholders, and a reluctance to do the right thing.

The Congress of the United States authorized West Point Lake in 1962 for five purposes:

- 1) Hydropower

- 2) Fish and Wildlife Recreation, i.e. sport fishing and wildlife
- 3) General Recreation, i.e. boating, skiing, etc.
- 4) Navigation
- 5) Flood Control

Re: Hydropower, West Point Dam generates enough power to support 24,000 homes or to provide power to a city the size of LaGrange. It is the lowest cost electric power available in the marketplace during a time of strain on the nation's energy supply. Hydropower benefits from higher lake levels which keep the battery charged and guarantee adequate water for generating purposes.

Re: Fish and Wildlife, the COE, Mobile District's, practice of yo-yoing the lake level up and down with major fluctuations has at times caused harm to the bass fishery during spawning periods and has caused literally thousands and thousands of mussels to die on receding shorelines. Although these mussels are not an endangered species, they provide the same cleansing and filtration of the water as the downstream, endangered mussels; yet the COE and/or US Fish and Wildlife have arbitrarily determined that these mussels are expendable. I wish someone could reasonably explain this; and then explain why the needs of some mussels and sturgeons take priority over the needs of man re: clean, quality water to drink and to use in recreation! To our knowledge, US Fish and Wildlife has never studied the effects or harm of the fluctuating lake levels to fish and wildlife species or the effects on the ACF Basin as a whole. Their studies have been limited to individual segments of the Basin as if these segments existed in a vacuum.

Re: Recreation, West Point Lake is the first COE's lake in the country to be specifically authorized by Congress as a demonstration, recreation project! Yet Recreation is the one authorized purpose most consistently ignored and undervalued by the COE, Mobile District. In the COE, Mobile District's, own documents, specifically, Appendix F, Section 5, Pages F-5 to F-7, the COE states the first and second recreation impact levels at 633.5 MSL and 632.0 MSL respectively vs. full pool of 635.0 MSL. In a local West Point Lake Project document dated 18 February '04, the recreation impact levels are listed as 632.5 MSL and 629.0 MSL for the first and second recreation impact levels respectively. As much as we would like to endorse Appendix F, we believe the more accurate numbers are somewhere in between; consequently, on 28 November, '05, we submitted a realistic recommendation that there should be only one set of numbers and based on current conditions, those numbers should be 632.5 MSL and 630.0 MSL for the first and second recreation impact levels respectively. Surprisingly, or maybe not, the COE, Mobile District has never officially responded to our recommendation.

Recreation Impact Levels (RIL's) are critical because they equate to Economic Impact Levels. West Point Lake is conservatively estimated to have an annual economic benefit/impact of \$225 to \$250 million dollars on its neighboring communities; please note that these numbers do NOT include the economic potential if the lake was maintained at a safe, stable, winter pool level of a minimum 630.0 MSL. In fact we are in the process of commissioning an updated economic study to

determine the current economic value and the future economic potential of West Point Lake. We believe that the COE, Mobile District's, management practices are causing economic harm to the communities and businesses affected by West Point Lake as well as the individual stakeholders such as lakefront residents who are suffering depressed property values plus the loss of their docks for a minimum five to six months a year. All along, these lakefront property owners are paying lakefront taxes twelve months a year for an average six month a year lake! This is a "taking" by the federal government!

Re: Navigation, the facts are that commercial navigation has been extremely costly to taxpayers environmentally and on a per barge basis, let alone terribly inefficient. Commercial navigation consumes tremendous amounts of available water at the expense of Fish & Wildlife and Recreation. It is unlikely that the state of Florida will ever again issue permits for dredging; perhaps it is time to de-authorize commercial navigation as a purpose on the ACF Basin given current and future increasing demands on a limited supply of water and given other navigation alternatives.

Re: Flood Control, West Point Lake was one of three lakes which were to be built to provide flood protection for the city of West Point and further downstream. The COE, Mobile District, admits that West Point Lake cannot control flooding since the other two lakes were never built. West Point Lake can and does help mitigate flooding; however, even the Chief Engineer in his original report recommended that a system of levees be built to protect the city of West Point. For your information, there has never been a significant winter flood event since the lake was impounded. In actuality, the flood of record occurred in May, 2003, when a freak storm dropped from eleven to fifteen inches of rain in roughly 24 hours on a part of the river without gages to alert the COE, Mobile District, to the exact amount of incremental water. Of extreme importance is the fact that this storm hit when the lake was at full pool (635 MSL); the lake rose approximately six feet to roughly 641 MSL and major flooding downstream was prevented.

At the beginning of my testimony, I mentioned safety. We believe the COE, Mobile District, should provide the public a safe, winter lake level of a minimum 630 MSL to enjoy the authorized purpose of recreation twelve months a year. We have the climate to enjoy the lake year round. The WPLC has done its part i.e. life jacket loaner programs, annual lake clean ups, and solar buoy lights. We are disappointed that the COE, Mobile District, has not responded in kind. A 628.0 MSL is an unsafe lake level due to hidden sand bars and hidden trees, both lurking right under the surface; there have been numerous boating accidents resulting in huge repair bills and minor injuries have been reported. We believe that it is just a matter of time before one or more people are killed due to unsafe lake levels.

Additionally, the severe fluctuating lake levels cause tremendous soil erosion and sedimentation due to the vast number of exposed acres of shoreline. Water storage capability is being reduced daily; water turbidity is increased; and treatment costs to provide clean, safe drinking water are likewise escalating.

Finally, the economic value of West Point Lake is grossly underutilized! Since its authorization, sport fishing & wildlife along with general recreation have increased exponentially in value and now dwarf the other authorized purposes. Our communities are suffering economic losses due

to unsafe and unsatisfactory, winter lake levels i.e. below 630 MSL. Furthermore, our ability to recruit industry and jobs suffers tremendously when we have to keep people away from an unrealistically low lake; conversely, a stable and dependable West Point Lake should be a recruiting magnet. We don't even know the economic potential of West Point Lake due to current and past COE's management practices. However, a drive around Lake Lanier proves the economic potential is phenomenal if COE's management practices provide us the opportunity to realize it.

Georgia's population continues to grow; and there will continue to be increasing demands on a relatively fixed amount of water. The COE, Mobile District's, management practices must provide a fair and equitable distribution of water.

One major part of the solution to meet these increasing demands is to increase storage - storage, storage, and more storage! Taking advantage of winter rains to increase storage is a win/win for all parties: higher lake levels for recreation; higher lake levels for hydropower; and more water available for downstream needs in the event of a drought.

The COE, Mobile District, has repeatedly denied our recommendation and the request from Congressman Lynn Westmoreland to maintain a winter pool of a minimum 630 MSL so people could safely use the lake for recreation all year long and we could maximize or at least optimize the current, economic potential of West Point Lake! We believe the COE is in violation of the congressionally authorized purpose of recreation by managing the lake at levels lower than their own stated Recreation Impact Levels!

Our understanding is that the COE, Mobile District, rejected our recommendation based on outdated and archaic rules and regulations; additionally, they never responded to numerous requests to sit down and review the data/science which was provided them in the form of a flood study by a qualified hydrologist at our community's expense to save the COE, Mobile District, time and money. The

former District Engineer authorized a 630.0 MSL winter pool in 2002 and again in 2003 and 2004; through three consecutive years there were no negative repercussions and more than adequate flood storage was available versus the flood of record. The only rationale provided by the COE, Mobile District, was flood control, in spite of the above facts and in total disregard for the authorized purposes of Fish & Wildlife Recreation and General Recreation.

At a recent Town Hall Meeting in LaGrange on Tuesday, 10 October, 2006, Congressman Lynn Westmoreland said, and I quote: "Things are out of whack. I think we are finally at the point where we have passed enough rules that we have handcuffed common sense". We couldn't agree more! Should not the needs of man have priority? Should not decision makers be empowered to decide issues based on common sense and science?

I cannot tell you how many lawsuits have been filed and are in progress; I can tell you that the COE, Mobile District, refuses to make management practices changes for fear of additional lawsuits. Fear of more litigation is stopping positive changes and causing economic harm to our communities and stakeholders. Meanwhile valuable time and taxpayer money is being wasted on attorneys' fees.

Why is the ACF Basin being managed by archaic and outdated rules and regulations? Case in point: thanks to a rainy September, West Point Lake had risen to roughly 630.0 MSL. Beginning 8 October, 2006, the COE, Mobile District, started draining West Point Lake of valuable water creating unsafe conditions and economic harm. Why would a reasonable individual lower a lake level while inflows to the lake are averaging 10% of historical averages? Downstream should only be entitled to the water that Mother Nature would have provided and no more. It appears that the COE, Mobile District, is ignoring West Point Lake stakeholders or blindly following archaic rules and regulations.

As Congressman Westmoreland so aptly stated, "what in the world has happened to common sense"? Why are judges establishing rules and regulations? Isn't that Congress' job or the job of the agency involved given proper oversight? Why can a government agency, like the COE, Mobile District, ignore a congressional authorization, i.e. Recreation? Why are huge sums of taxpayer money spent to do a study to justify what we know is the right thing to do?

We respectfully ask that our Senators join with our Representatives and other members of Congress and demand that the COE, Mobile District, follow their congressional authorizations. In lieu of this and assuming the COE, Mobile District, can and will continue to ignore Congress' directives, we ask that our Senators and Representatives introduce and pass legislation which mandates a minimum 630.0 MSL winter lake level.

The communities and stakeholders around West Point Lake have needlessly suffered too much economic harm already? We have been dealing with this issue for over six years; six years when the majority of rational people agree this is the right thing to do!

Starting immediately and in the future, can we please review the facts, employ a little deductive reasoning, and utilize a little good old fashioned common sense in route to doing the right thing???

We sincerely thank you for your time and this opportunity and ask your support to finally bring this issue to a positive resolution prioritizing the most valuable authorized purposes of recreation and maximizing the economic potential of West Point Lake.