



United States Senate

WASHINGTON, DC 20510-0905

October 12, 2012

The Honorable Jo Ellen Darcy
Assistant Secretary (Civil Works)
Department of the Army
108 Army Pentagon
Washington, DC 20310-0108

Lt. General Thomas P. Bostick
Chief of Engineers
U.S. Army Corps of Engineers
441 G Street NW
Washington, DC 20314-1000

Dear Secretary Darcy and Lt. General Bostick:

We are writing concerning the Corps announcement that it will restart the process of updating the water control manuals for the Apalachicola-Chattahoochee-Flint (ACF) River Basin.

First, we continue to expect the Corps to adhere to its pledge of neutrality during this process. We believe the responsibility for achieving a permanent resolution of the controversy rests with the three governors.

Second, we are concerned that the Corps is increasingly exceeding the limits of its discretion to reprioritize water project purposes without the involvement of Congress. In updating the manual, the Corps must not make material changes to the uses for specific purposes of water resources projects. That is the proper domain of the Congress, not the Corps.

Finally, the Corps noted in June that it has not made a final decision on the operation of the ACF but will do so at the conclusion of this manual update process and after a National Environmental Policy Act (NEPA) analysis is complete. We would strongly encourage the Corps to hold a robust public notice and comment process and to give full and careful consideration to the comments and concerns of our respective States and other stakeholders who depend upon reliable downstream flows. Until the Corps completes this public process, we fully expect there will be no substantive changes to the operation of ACF system.

Please keep us apprised as the process of updating the water control manuals continues.



Sincerely,





