



The Mountains Voice

...is calling you

From: David Hopkins

Publisher

Focus On Big Canoe, GA

...division of The Mountains Voice

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Open Records Officers for GA EPD

Cc: Kevin Chambers

DATE: March 31, 2021

TMV Internal Reference Request # 0028

OPEN RECORDS REQUEST (ORR)

Pursuant to Georgia Open Records Law (O.C.G.A. 50-18-70 et seq), I would like to:

Inspect and Copy; Obtain Copies (*select option*) of the following Records:

ORR SECTION 1: REFERENCE & BACKGROUND:

On March 2, 2021 I was given access to what I was told was the entire file record for Lake Petit Dam, which I made substantial copies of information from, one specific document of which I reference below as background in this new ORR request, seeking supplemental information related to those documents, and new documentation that may have been received by your departments subsequent to the prior request responses.

The specific reference document (*Attached as Addendum A*) is a redacted Phone Log between GSD Director Tom Woosley and an Attorney, in which Director Woosley states in part the following:

"the only issue at the dam has to do with the low level drain valve and its operability. I further noted the POA has communicated to us that they have hired an engiener to look into this and will be getting with us to discuss later.our first approach is typically to communicate with a dam owner to see if the situation can be rectified. If enforcement is needed then we could do a Non-compliance letter, a Notice of Violation, a Consent Order (where in we negotiate terms with the owner) or an Adminstrative Order where the Director orders what is to be accomplished." (Underline added for emphasis)

NOTE ON ABOVE: In the "Addendum A" Phone Log excerpt above, Director Woosley references communications with Big Canoe about hiring an engineer. In my March 2 2021 Open Records Review, there was no reference to ANY recent communications with Big Canoe of such manner. The only communications found were a Nov 2020 letter to Big Canoe notifying of an inspection, and a Feb 18 email from Big Canoe that send two early 2020 inspection reports. There were no emails or phone logs of other communications.

SECONDARY BACKGROUND NOTE: The Open Records Review revealed documents going back as far as August 1997 in which Ga Safe Dams personnel admitted knowing about the Non-Compliance Issue with Lake Petit Dam's Non-Operational Lower Lake Drain, as well as other non-compliance issues. Tom Woosley specifically is indicated repeatedly as having direct awareness of the situation, yet there is ZERO evidence that any attempt at enforcement action has been made.

ORR SECTION 2: SPECIFIC OPEN RECORDS REQUESTS:

(1) Copies of all communications between Ga Safe Dams, or any other 3rd Party or State Agency working in conjunction with Safe Dams, regarding the Lake Petit Dam. This should include communications to/from Big Canoe POA, the Big Canoe Developer, Engineers, Consultants or any other involved 3rd Parties. This should specifically, but not exclusively, include any communications involving Safe Dams Director Tom Woosley. This should include emails, texts, phone logs, video conferencing recordings, notes, letters and any and all other forms of communication record that may exist.

(2) Copies of any new Engineering or Inspection reports that have been received by Ga Safe Dams (or other Agencies) regarding Lake Petit Dam since my last request. This should specifically, but not exclusively, include:

(a) an approximate 25 page inspection report that details in part the findings of an underwater dive inspection of the Lower Lake Drain and grate system. The inspection/dive and subsequent report would likely have occurred in the timeframe of around August to October 2020.

(b) a camera inspection report of the internal pipes within the dam. This would likely have a date of between November 2020 to January 2021.

(c) 4th Quarter Inspection Report

(d) ANY other Engineering or Inspection Reports dated subsequent to July 2020.

(3) Ga Safe Dams was scheduled to do a Compliance Inspection of the Lake Petit Dam. Please provide a copy of the report, along with all associated data, reference attachments, reference communications etc.

(4) Please provide copies of any written notices to Big Canoe regarding the Lake Petit Dam that warn of, or that are in effect, a Non-compliance letter, a Notice of Violation, a Consent Order or an Administrative Order that have been issued so far during 2021.

If this request is denied in whole or in part, I ask that you cite in writing the specific statutory exemption upon which you have relied, as required by law. I also ask that you release all separate portions of otherwise exempt material. Please waive any costs associated with this request, or first inform me about such costs as required by Georgia law. As you know, the Law requires a response by you within three business days of your receipt of this letter and provides sanctions for non-compliance. I look forward to hearing from you.

Cost estimates should be submitted by email to themtnsvoice@aol.com along with payment remittance instructions, or you may call me at 706-265-0010. **Copies of Records are requested to be provided in electronic format. Electronic records responses should be submitted by email to themtnsvoice@aol.com.**

If for any reason there is a specific and valid reason why the records cannot be simply forwarded in a cost effective and quick electronic format, preferably in PDF, please inform me of said fact including the time the documents will be ready, and I will make arrangements to either have them picked up, or will provide you with a Mailing Address to where they may be sent depending upon the manner of shipment. Please include separate mailing costs in any cost estimate that may be forthcoming.

Sincerely,

- david hopkins / publisher

Focus on Big Canoe, GA Newspaper

10887 Big Canoe; Big Canoe, GA 30143

706-265-0010 / themtnsvoice@aol.com

ADDENDUM A:

Copied on March 2, 2021 during Open Records Review. Highlighted for emphasis.



ENVIRONMENTAL PROTECTION DIVISION

SAFE DAMS PROGRAM

TELEPHONE LOG

Caller Name: [REDACTED]	Date: 2/24/2021
Representing: [REDACTED]	Phone Number: [REDACTED]
Dam Name: Lake Petit Dam	Dam ID
Classification: I	County: Pickens
Employee Handling Call: Tom Woosley	

Subject/Issue(s) Discussed: [REDACTED] called and left a message for me on February 23rd regarding this dam. He is an attorney representing [REDACTED]. I called him today to discuss this dam. [REDACTED] indicated [REDACTED] had questions and [REDACTED] wanted him to get answers from me on those questions. In total, he had three questions. Those are listed below along with my response.

1. Is the POA operating within their license in particular with respect to inspections? He also noted it was his understanding these had to be done every six months and that the POA had not done those. I explained we don't do a license, rather we issue permits. Regarding the inspections, I explained the Rules for Dam Safety require the owner to do quarterly inspections and once every two years have an engineer perform an inspection. I further noted that since there had been some GORA requests recently I knew that we had some reports for 2020 already. I also pointed out the owners have until April 30 to submit reports from the past year.

2. Is the POA in good standing with us and are there any compliance issues and thus are the owners not doing what they should. He also asked if the dam is safe. I first pointed out that we do not use terminology of a dam being safe and hoped as an attorney understands that position. He agreed. I further explained that we don't have a scoring system of an owner being in good or poor standing etc. I said that as far as I know the only issue at the dam has to do with the low level drain valve and its operability. I further noted the POA has communicated to us that they have hired an engineer to look into this and will be getting with us to discuss later. I noted this is more than what most owners would do.

3. His third and final question related to what are the enforcement options if the owner is not in good standing. [REDACTED] noted that based upon my response to question #2 this one might not be relevant. I answered that our first approach is typically to communicate with a dam owner to see if the situation can be rectified. If enforcement is needed then we could do a Non-compliance letter, a Notice of Violation, a Consent Order (where in we negotiate terms with the owner) or an Administrative Order where the Director orders what is to be accomplished.

He thanked me for the quick response and answering his questions.

Action Taken: None

Written Follow-up: Yes No