

Public Comment on “HMGP 4830 Lake Petit Dam Rehabilitation”

From:

David Hopkins
Property Owner & Resident, Big Canoe
10887 Big Canoe
Jasper, GA 30143
themtnsvoice@aol.com

To:

FEMA Region IV – Environmental & Historic Preservation (EHP)
3005 Chamblee-Tucker Road, Atlanta, GA 30341
Email: FEMA-R4EHP@fema.dhs.gov

Date: September 29, 2025

Subject: HMGP 4830 Lake Petit Dam Rehabilitation (Final Public Notice)

Dear FEMA Region IV EHP Team,

I am a homeowner and full-time resident of Big Canoe, Georgia. I am also the publisher of the local newspaper, and have been covering non-compliance issues related to Lake Petit Dam for almost 6 years. I write to object to using Hazard Mitigation Grant Program (HMGP) funds for the “Lake Petit Dam Rehabilitation” subgrant.

Executive Summary

FEMA should deny this subgrant unless and until the applicant can show: (1) eligibility under HMGP rules (including the proper role of any private entity), (2) that the proposed work is not barred as maintenance/rehabilitation absent an increased level of protection, (3) a compliant alternatives analysis and full EO 11988/NEPA record, (4) cost-effectiveness ($BCR \geq 1.0$), (5) alignment with an approved mitigation plan and a County EMA support letter, and (6) no duplication of programs. Big Canoe is a very affluent private community, and has stated (see Addendum B) that it has the funds available to do the necessary repair and maintenance work on the Spillway and drainage systems. Meanwhile, Georgia still has households and communities in long-term recovery from Helene; **HMGP dollars should be prioritized accordingly.**

I. Facts from the Notice and Record

- The notice identifies “Applicant: Big Canoe POA” and the project title “HMGP 4830 Lake Petit Dam Rehabilitation.” It cites FIRM Panel 13227C0185C (Pickens County Unincorporated Areas) and describes the scope as “rehabilitat[ing] the dated Lake Petit Dam spillway... [to] decrease ongoing maintenance.”
 - While Pickens County was not listed as an affected area under DR-4830, HMGP under DR-4830 is statewide—“*All areas in the State of Georgia are eligible to apply for assistance under the Hazard Mitigation Grant Program*”—so while I do not argue county designation as a bar; this is unquestionably a bad policy to extend disaster relief funds into a non-affected area solely to serve the needs of a private, luxury gated community.
 - Big Canoe POA was issued a Non-Compliance Notice regarding the issues they are now requesting funding for on May 2, 2021.
https://lakepetitdam.com/wp-content/uploads/2021/05/BC-LPD_2021-05-20_EPD-Petit-FY21-QA-inspection-follow-up.pdf
 - Big Canoe POA was issued a Conditional Permit to continue operating Lake Petit Dam on June 6, 2024, months before Hurricane Helene. The Permit required them to fix the very issues they are now requesting funding for.
https://lakepetitdam.com/wp-content/uploads/2025/02/2024-06-06_LakePetitDamPermit.pdf
 - In 2023, prioritizing discretionary luxury expenses over legal compliance in maintaining infrastructure, Big Canoe launched the <https://renewbigcanoe.org/> initiative which involved almost \$8 Million for a redesigned Private Golf Clubhouse, and two 9 Hole Golf Course Renovations totaling in excess of \$5 Million.
 - The POA’s own community e-blast confirms: “***We have the funds to move ahead with this project, and no special assessment will be required***” while still seeking outside funding “to help offset” costs.
-

II. Legal & Technical Objections

1. Applicant / Subapplicant Clarity (Eligibility)

- In Georgia, HMGP is administered by GEMA/HS; eligible applicants are public agencies and certain PNPs that provide essential services to the general public. Applications require an approved mitigation plan action and a County EMA support letter. Please clarify the true applicant/subapplicant of record (e.g., County) and the POA’s status, and produce the plan action item and EMA support letter.
- If the POA is positioned as a PNP, FEMA should make an explicit essential-services finding for a private, gated community facility not generally open to the public.

2. Ineligible “Maintenance/Rehabilitation” Absent Increased Protection

- FEMA’s HMA Guide v2.1 states: “**Flood risk reduction projects that address, without an increase in the level of protection, the operation, deferred or future maintenance, rehabilitation, restoration, repair or replacement of existing structures... including dams ... are not eligible.**” (*HMA Guide v2.1, Part 12, E.1.2 “Ineligible Activities”*)

The recent public notice’s own language frames the project as rehabilitation to reduce ongoing maintenance. FEMA/GEMA must therefore show a clear increase in design standard/level of protection (e.g., hydrology/hydraulics, PMF/return period) and a BCR ≥ 1.0 .

3. Pre-Existing Compliance Obligation (Not Disaster-Driven)

- Publicly available Georgia Safe Dams records (see links above) show this is a long-standing compliance obligation: (a) a **May 20, 2021** QA inspection follow-up letter identified seepage on the downstream slope, **voidspace behind the spillway wall**, and **deteriorated drains**, and required an **Engineer of Record** response **within 90 days**; and (b) a **June 6, 2024** Conditional Permit—months before Helene—directed the POA to correct these same deficiencies. **Using HMGP to backfill private O&M/compliance erodes program integrity.**

4. Duplication-of-Programs / Proper Funding Lane

- FEMA policy forbids duplication of programs and cautions against funding where a more specific authority exists. For dam rehab, the High Hazard Potential Dam (HHPD) track is the dam-specific lane the state can pursue; **HMGP should not be the piggy bank for private dam rehab** unless eligibility and public benefit are overwhelming and no better program exists. Require the State to document HHPD consideration first.

5. EO 11988 / NEPA Alternatives & Floodplain Compliance

- The Final Public Notice states: “**FEMA has determined the only practicable alternative is to fund the repairs located within the Special Flood Hazard Area** prior to the event.” (*Final Public Notice*)

Under EO 11988, FEMA must consider alternatives and only proceed in a floodplain if **no practicable alternative** exists; “practicable” means *capable of being done within existing constraints* (considering environment, cost, and technology). (*HMA Guide v2.1, Part 4.H.4; Glossary*)

Here, the POA’s own e-blast confirms “**We have the funds to move ahead with this project...**”, which indicates a **practicable alternative** to a FEMA-funded action exists—namely, **no federal action / applicant-funded implementation**. FEMA/GEMA should either (a) revise the finding that “the only practicable alternative” is to fund within the SFHA or (b) produce a documented alternatives analysis explaining why **no FEMA funding** is not practicable in light of the POA’s stated capacity.

6. Public vs Private Benefit

- HMGP should predominantly protect the general public. FEMA/GEMA should demonstrate that the primary benefits accrue to the public downstream rather than to private amenities within the gated development. If private benefit predominates, this is the wrong tool. Of note – the entire area of **FIRM Panel 130149 13227C0185C** lies within the confines of the private and affluent, gated community of Big Canoe.

7. Incomplete Permitting & EHP Record (USACE coordination ongoing)

- The project's design and permitting are not final. The engineer has reported ongoing coordination with the U.S. Army Corps of Engineers, potential design changes (e.g., to the stilling basin), and no specific date for revised drawings; Georgia Safe Dams has requested monthly updates and updated plans by a stated date. These facts show that key scope elements and permit conditions remain unsettled.
 - FEMA's HMA Guide v2.1 states that FEMA does not accept incomplete or placeholder subapplications and requires EHP compliance documentation with the subapplication. With USACE approvals and design still unresolved, the subapplication is incomplete on its face and cannot be approved.
 - Because FEMA cannot complete EHP review or make an award until all EHP requirements are met—and because the scope and permit conditions remain unsettled—**the proper disposition is denial of this subgrant.**
-

III. Equity, Optics, and the Public Interest

Georgia is still managing long-term recovery needs from Helene. Disaster case management has only recently launched, faith and community organizations continue to report unmet needs, and many households remain in repair limbo. Every HMGP dollar steered to a private community's long-deferred compliance project is a dollar not available to storm survivors and truly public infrastructure (see GEMA DCMP press release, Aug. 28, 2025; American Red Cross Georgia updates; North Georgia UMC disaster response).

The optics are also indefensible: the POA publicly states it “has the funds to move ahead,” yet seeks disaster dollars to “offset” costs—after years of prioritizing discretionary, amenity-focused spending inside a private, gated community. In plain terms: disaster dollars are not a concierge service for gated amenities.

Human reality: funding a long-deferred, pre-Helene permit obligation with post-disaster dollars rewards inaction and diverts funds from storm victims. That is indefensible policy and indefensible optics.

Finally, the timing underscores responsibility: the POA launched major discretionary capital projects in 2023 after being publicly placed on notice for non-compliance. This record makes clear that any needed dam work should be paid for by the private community—**not** by taxpayers.

IV. Specific Requests

Primary request — Denial. Please **deny this subgrant.**

If FEMA/GEMA decline to deny outright, then at minimum require all of the following before any award or obligation:

1. **Eligibility & Role:** Correct identification of the eligible applicant/subapplicant; if PNP is claimed, an essential-services determination suitable for a facility within a private community.
2. **Level of Protection:** Engineering that demonstrates a meaningful increase in protection (not just rehab/maintenance) and a passing Benefit Cost Analysis (“BCA”) — $BCR \geq 1.0$.
3. **Plan & Letter:** The exact mitigation-plan action authorizing this project and the County EMA letter of support.
4. **EO 11988/NEPA:** The full 8-step record, alternatives analysis, and all permits/conditions.
5. **Duplication Review:** Documentation that HHPD or other dam-specific funding lanes were considered and ruled out with rationale.
6. **Cost Share:** If FEMA proceeds despite the above, require the maximum feasible non-federal cost share from the POA given its self-stated capacity to fund the project.

V. Transparency

I will submit FOIA requests to FEMA Region IV and Georgia Open Records requests to GEMA/HS for the full administrative record (eligibility determinations, engineering, BCA, plan alignment, EMA letter, duplication-of-programs review, and the EO 11988/NEPA file). I also intend to publish this comment as part of broader public reporting to ensure transparency around how limited disaster funds are prioritized for Georgians still recovering from Helene.

Personal Closing

As a Big Canoe resident, I want our community to fix our dam on our dime—not the taxpayers’. The POA’s own message says the money is already in hand. Let’s put our money where our mouth is and keep FEMA’s limited mitigation dollars focused on survivors and actual public needs.

Thank you for your consideration and for the difficult triage you do on behalf of Georgia’s recovery.

Respectfully,

 9/29/25
David Hopkins

Property Owner & Resident, Big Canoe, GA
& publisher of the Focus On Big Canoe Newspaper
10887 Big Canoe, Jasper, GA 30143
themtnsvoice@aol.com

Citations to record & reference:

- **Final Public Notice (Pickens Progress):** Applicant, title, scope, FIRM panel, comment instructions.
 - Attached as **ADDENDUM A**
- **POA e-blast (9/17/2025):** “We have the funds... no special assessment.”
 - Attached as **ADDENDUM B**
- **USACE/GSD permitting and schedule correspondence** showing design still in flux and approvals pending
 - Attached as **ADDENDUM C** (Army Corps of Engineers approval status & related schedule/letter)
- <https://renewbigcanoe.org/clubhouse-overview> – this \$7.75 Million dollar discretionary project began AFTER coming under Permit Mandates to fix the Lake Petit Spillway
- <https://renewbigcanoe.org/choctaw-course-flyovers> – this \$3.4 Million dollar discretionary project just finished, and was begun at a time that Big Canoe POA was aware that more repairs to the Lake Petit Dam were needed.
- **Ongoing recovery/unmet needs:** GEMA DCMP launch; Red Cross & faith-based recovery updates. (GEMA)
<https://gema.georgia.gov/press-releases/2025-08-28/gemahs-wraps-temporary-sheltering-launches-disaster-case-management>
- A public website documenting over 50 years of problems and non-compliance by the Big Canoe POA involving Lake Petit Dam - <https://lakepetitdam.com/>

Adendum A

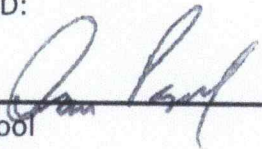
Statement of Publication

State of Georgia
Pickens County

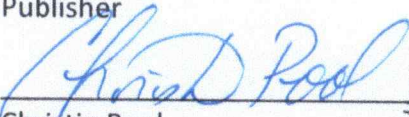
Dan Pool, Publisher of the Pickens County Progress, a newspaper of general circulation, printed and published in Jasper, Georgia, County of Pickens, hereby certifies that the attached is a true copy of the advertisement headed Legal, a copy of which is attached hereto, was printed and published in said newspaper on the following dates:
September 18, 2025
September 25, 2025

That said newspaper was regularly issued and circulated on those dates.

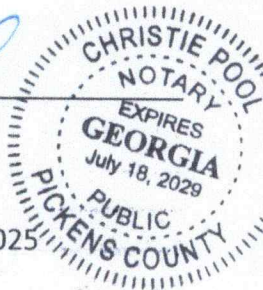
SIGNED:



Dan Pool
Publisher



Christie Pool
Director of Legal Advertising



This 25th day of September 2025

FINAL PUBLIC NOTICE

The Federal Emergency Management Agency (FEMA) has received a subgrant application for Big Canoe Property Owners Association (POA) in Pickens County, Georgia. Pursuant to Executive Order 11988 and 44 CFR Part 9.12, final notice is hereby given of FEMA's intent to provide funding for this project under the Hazard Mitigation Grant Program (HMGP).

An initial disaster-wide Public Notice was published Monday, September 30, 2024 for DR-4830 Hurricane Helene. Under the National Environmental Policy Act (NEPA), federal actions must be reviewed and evaluated for feasible alternatives and for social, economic, historic, environmental, legal, and safety considerations. Executive Order (EO) 11988 and EO 11990 requires FEMA to consider alternatives - and provide a public notice of any proposed actions in or affecting floodplains or wetlands. This notice may also fulfill requirements under Section 106 of the National Historic Preservation Act (NHPA).

This notice serves as a project-specific final notice for FEMA's funding action located within a Special Flood Hazard Area. FEMA has determined the only practicable alternative is to fund the repairs located within the Special Flood Hazard Area prior to the event. Funding for the proposed project will be conditional upon compliance with all applicable federal, tribal, state and local laws, regulations,

floodplain standards, permit requirements and conditions. This action complies with the National Flood Insurance Program (NFIP) requirements.

Responsible Entity: FEMA Hazard Mitigation Grant Program

Applicant: Big Canoe POA

Project Title(s): HMGP 4830 Lake Petit Dam Rehabilitation

Location of Proposed Work and Floodplain Insurance Rate Map (FIRM) Panels:

Site Name Pickens County Unincorporated Areas; **GPS Coordinates** 84.28923 W 34.46098 N **FIRM Panel** 130149 13227C0185C

All Panels effective 09/29/2010, accessed 08/11/2025.

Proposed Work and Purpose: The intent of the project for which the POA is seeking funding is to rehabilitate the dated Lake Petit Dam spillway as well as internal drains along portions of the lower half of the downstream slope of the Dam. The existing spillway and internal drains were designed and constructed using guidelines and materials which are no longer the industry standard and require on-going maintenance to mitigate failure, which could result in a breach of the Dam. The project will construct a modern reinforced concrete chute spillway and rehabilitate the remaining internal corrugated metal drain pipes to update their performance, reliability, and design life and decrease ongoing maintenance by using modern construction materials, details, and standards.

Project Alternatives:

(1) New Tunneled Spillway Conduit - This alternative would consist of constructing a new tunneled spillway by drilling upstream through the ridge and exiting into the existing reservoir 40 feet below the normal water surface elevation. A steel or concrete water-tight liner would be constructed behind the machine to act as the conduit for passing flows from the reservoir. This alternative would require a highly specialized contractor, and several challenges would be presented,

such as the variability in site conditions and rock quality requiring different specialized tooling; difficulties with site access for equipment, which could affect properties and roadways surrounding the site; and implications to cost and schedule. Although this alternative was considered, it has been deemed an impracticable alternative and would potentially adversely impact social or economic resources for the community. Proposed repairs to the internal drains would remain the same for this alternative.

(2) No action alternative - This alternative is not feasible as the repairs are necessary to ensure that the spillway and internal drains for the Dam remain operational to perform their designed function. These features protect the downstream community and structures from the effects of a Dam breach. With the No action alternative, the risk of Dam breach is increased, and continued maintenance costs, which may not properly address the issues, will be incurred. With the No action alternative, continued negative impacts may be experienced.

Comments: This will serve as the final public notice regarding the above-described action funded by the FEMA HMGP program. Interested persons may submit comments, questions, or request a map of this specific project by writing to the Federal Emergency Management Agency, Region 4, 3005 Chamblee-Tucker Road, Atlanta, Georgia 30341, or by emailing FEMA-R4EHP@fema.dhs.gov. Comments should be sent in writing with the subject line "HMGP 4830 Lake Petit Dam Rehabilitation" at the above addresses within 15 days of the date of this notice.

THIS NOTICE MAY BE REMOVED FROM PUBLIC VIEW ON THE 15th DAY FROM ORIGINAL DATE OF POSTING

NOTICE WAS POSTED ON 17th DAY OF September 202530041. Please be governed accordingly.

Adendum B

GEMA Funding Application

From: Big Canoe POA (media@bigcanoepoa.org)

To: themtnsvoice@aol.com

Date: Wednesday, September 17, 2025 at 10:34 AM EDT



GEMA Funding Application

Hello Neighbors,

As you may remember from a board meeting late last year, Vice President Sandy Pullara mentioned we were investigating Federal, State, and Local funding sources to help us offset the cost of our Lake Petit Spillway replacement. I am pleased to let you know that we have identified a potential source of funding through the State of Georgia's allocation of FEMA funds from last year's Hurricane Helene. We have spent many months working with our Engineer of Record, Geosyntec, to prepare a very comprehensive funding application, which will be submitted to GEMA (Georgia Emergency Management Agency) later this week.

As part of the GEMA submission requirements, we are posting a Notice of our funding request in the Pickens Progress classifieds later this week. We wanted to make you aware of this posting in advance so you could hear the accurate information directly from us.

As we have stated at numerous Board Meetings and Town Halls, your Board, Staff, and Finance Committee have been preparing for the costs of the Lake Petit Spillway replacement for several years. We have the funds to move ahead with this project, and no special assessment will be required for its

completion. However, the Board and I feel it would be prudent to explore all outside funding sources that may be available to help offset the spillways replacement cost.

GEMA does not have a specific timeline for the approval or denial of our application, so we will continue to keep the community updated in our monthly Board Meetings with any information we receive.

Thank you for your support of this important infrastructure project.

Scott Auer
General Manager, Big Canoe POA

Ask the POA



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Big Canoe POA | 12 Wolfscratch Dr | Big Canoe, GA 30143 US

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Addendum C



200 E. Main St. 6th Floor
Johnson City, TN 37604
PH 423.385.2320
www.Geosyntec.com

31 July 2025

Kate Betsill
Safe Dams Program
Georgia Department of Natural Resources
2 Martin Luther King, Jr. Drive
Suite 1470A, East Tower
Atlanta, Georgia 30334

Subject: Lake Petit Dam Permit Application
Spillway Chute and Stilling Basin Replacement – Schedule Update
Pickens County
Permit #112-009-00462-A-01

Dear Ms. Betsill:

Big Canoe Property Owner's Association (POA) and its consultant Geosyntec Consultants, Inc. (Geosyntec) provided responses to Georgia Safe Dams Programs' (GSDP) comments on the Spillway Chute and Stilling Basin Replacement Design on 13 June 2025. In that letter, we had planned to update the drawings based on GSDP comments alone and submit on 01 August 2025. We have been coordinating on this project with the U.S. Army Corps of Engineers (USACE) since 30 May 2025 to understand the permitting process and requirements for the proposed potential impacts to existing streams. This discussion is ongoing and may result in some additional design changes to the spillway stilling basin. In an effort to limit the GSDP reviews, we are planning on incorporating any changes from the USACE coordination with the edits made from the GSDP comments. We expect to be able to submit the drawings within 3 months; however, we do not have a specific date available at this time. As soon as we have an anticipated date for the revised drawings we will communicate this to you.

Please contact the undersigned, at (423) 617-1660, if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Jaime Mercado".

Jaime A. Mercado, P.E.
Senior Engineer
Geosyntec Consultants, Inc.

cc: Big Canoe Property Owner's Association