

POA RECORDS REQUEST 2020-08-11: Lake Petit Dam Records

Submitted by: david hopkins
Property Owner Lot # 4002
10887 Big Canoe; Big Canoe, GA 30143
themtnsvoice@aol.com

request date: Wednesday August 11, 2020

To: Scott Auer / Big Canoe General Manager
sauer@bigcanoepoa.org / (706) 268-2400

THE FOLLOWING REQUEST IS MADE PURSUANT TO: Big Canoe Policies and Related Procedures; Procedure 156.2 (POA Member Access to Records); OCGA § 14-3-1601; OCGA § 14-3-1602; and OCGA § 14-3-1603. In the event that the records requested are not provided, then the records may be sought according to the methods proscribed in OCGA § 14-3-1604, and any such legal action shall include a request for the cost of the litigation.

REQUEST BACKGROUND:

Lake Petit Dam (GA ID# 112-009-00462 / National Inventory Of Dams (NID) ID# GA00685), located in Pickens County Georgia, was completed in 1972. The Permitted & Listed Owner of the Dam is still currently shown as the Big Canoe Corporation in federal and state databases, which is the Developer of the private community "Big Canoe" in which the Petit Lake Dam is situated. Lake Petit Dam is an Earthen Dam listed as being 126 feet tall, 908 feet long, has a surface area of over 100 acres, and holds the equivalent of 7500 acres/ft of water. Lake Petit Dam is a Class 1 Dam; is listed as a High Hazard Dam; is under an Emergency Action Plan (EAP) requirement.

Under the Rules & Regulations of the State of Georgia, in the Subject 391-3-8 RULES FOR DAM SAFETY, the following legal requirements exist:

(1) Rule 391-3-8-.05(5) requires that *"Permits shall not be transferred from one person to another without the approval of the Director. If the ownership changes from one person to another, the new owner shall immediately notify the Director in writing of such transactions."*

(2) Rule 391-3-8-.10 details the Inspection and Maintenance Plan Requirements, which include the following:

A) Quarterly Inspections & Submitted Reports by the Dam Owner.

B) Inspection by a professional, registered Engineer every 2 years, and submitted reports.

(3) Rule 391-3-8-.11 details the requirements for Emergency Action Plans, which states the following: *"Dam Owners of Category I dams shall develop, and submit to the Division for approval, Emergency Action Plans (EAP) using the Division approved format."*

REQUEST SECTION 2: SPECIFIC REQUESTS TO REVIEW AND COPY THE FOLLOWING DOCUMENTS:

- (1)** I request a copy of all documents that show notification or effect of owner transfer to the Big Canoe Property Owners Association, including any documentation that shows the POA as meeting the definition of Dam "Owner" as is defined by the Georgia Safe Dams Act, and subsequent Rules & Regulations of the State of Georgia.
- (2)** I request a full and complete copy of all Quarterly Owner Inspections Reports for Lake Petit Dam, for the past 3 years.
- (3)** I request a full and complete copy of all Engineering Inspections Reports for Lake Petit Dam, for the past 3 years, including any and all supplemental communications, letters, opinions, summaries, or action plans related to the Dam Inspection Results, Reports or Findings.
- (4)** I request a full documentation copy of the current Lake Petit Dam Emergency Action Plan (EAP).
- (5)** I request a full documentation copy of any Operating Agreement that assigns any legal responsibilities to the Big Canoe Property Owners Association, in relationship to the Lake Petit Dam.
- (6)** I request a full and complete copy of any and all violation notices, warnings, requests for action, or communications of any nature from any Governing Agency to the Big Canoe POA in relation to the operation and / or maintenance of the Lake Petit Dam during the past 3 years.
- (7)** Copy of any current POA insurance policy which shows coverages that would be applicable to damages caused by the failure of Lake Petit Dam.

PURPOSE OF REQUEST:

I am making this request in good faith, for the purpose of reviewing the documentation that is required by the Georgia Safe Dams Program, to ensure that legal procedure is being complied with in regards to the safety of the community as relates to the Lake Petit Dam, and to ascertain the financial risk to the community in the event of a catastrophic dam failure. I expect full compliance, meeting legal time requirements.

SPECIAL INSTRUCTIONS, REMITTANCE AND CONTACT INFORMATION:

I request that where possible, records that are available in electronic format be compiled onto a Thumb Drive, CD, or other Electronic Storage Media for pickup by myself, or an appointed representative. If the documents are able to be transferred by electronic PDF document, then the records may be emailed to themtnsvoice@aol.com. Where electronic records are not available, I request that the records be copied or reproduced into paper format, and mailed to the address provided below. If this is not possible, then I request that inspection occur at a location that maintains adequate equipment necessary to making copies of records. In the event that only electronic records exist in a format that may require specialized software to access, then it is

requested that the records be converted into written form for review and copying.

If there is a cost associated with Records Copying, please itemize and submit via return email so that payment may be tendered at the time of record inspection and copying.

I am requesting that this be made available within the time allotted by Big Canoe Policies and Related Procedures, and according to all other legal requirements as accorded by State and / or Federal laws. **Time is of the essence in this request, and I request that the records be made available at the earliest allowable date allowed by legal requirement**, which I believe is within 5 business days from the date of this submittal according to OCGA § 14-3-1602(b) and (c).

Sincerely,

- david hopkins

10887 Big Canoe

Big Canoe, GA 30143

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themtnsvoice@aol.com < method of electronic communication