



Delegation Briefing Georgia's Water

AUGUST 17, 2009

Water Scarcity Is Not the Norm



- **Since West Point impoundment (1975), flows have met Columbus' targeted daily flow of 1,350 cfs 97.8 percent of the time**
- **Even during the last three years of drought, flows have met Columbus' targeted daily flow 96.8 percent of the time**
- **Since Lake Seminole impoundment (1957), flows at Woodruff Dam have met flow of 5,000 cfs 99.4 percent of the time**

Judge's Ruling



- Judge determined Lake Lanier, when authorized for construction by Congress in 1946, did not have water supply as an enumerated use in addition to hydropower, navigation and flood control – water supply only an “incidental” benefit
- Delayed enforcement of ruling for 3 years to give Congress time to authorize water supply as a purpose for Lake Lanier
- Absent Congressional reauthorization, only guaranteed downstream flows for water supply would be equal to 1975 estimate of “incidental flow” ... significantly lower than present levels of water supply from lake and river

Judge's Ruling



- **What the ruling does not do:**
 - Limit Georgia's ability to use water from our rivers – we still have full riparian rights
 - Allocate water between the states – this is still an issue to be resolved in negotiations
 - Guarantee flow levels to any downstream water needs

Impact on the Middle Chattahoochee?



- Columbus relies on the Chattahoochee for water supply and water quality
- 62 percent of storage in ACF basin is in Lake Lanier
- Lanier must be managed appropriately so that all downstream needs can be met
- The state continues to support adequate flows in Middle Chattahoochee, balanced with drought contingency measures
- I have never, nor will I ever, agree to any deal giving Middle Chattahoochee less water than it needs

Impact on the Middle Chattahoochee?



- **Florida is seeking to guarantee unreasonable flows at the state line, even during drought**
- **A guaranteed flow level in Florida does not guarantee a certain flow in Columbus**
- **During drought, guaranteeing the flow Florida seeks will limit water use from all users north of Woodruff Dam, not just Atlanta but also Columbus, farmers in Southwest Georgia, others**
- **As we saw recently, it would also draw down all reservoirs in the system to dangerous levels**

Why should Southwest Georgia care?



- **This is a serious issue for farmers all over the ACF basin**
- **Florida's demands for high guaranteed flows, regardless of rainfall, will demand reduced irrigation, adversely affecting agriculture**
- **Very simple – certain guaranteed flows at the border means less irrigation since Flint does not have dams**

Why Should East Georgia care?



- **Cost of implementing contingency plan represents dollars not spent elsewhere**
- **Atlanta's economic strength is valuable to rest of state**
- **Ports at Savannah and Brunswick would not have grown (and will not continue to grow) without proximity to economic engine of Atlanta**

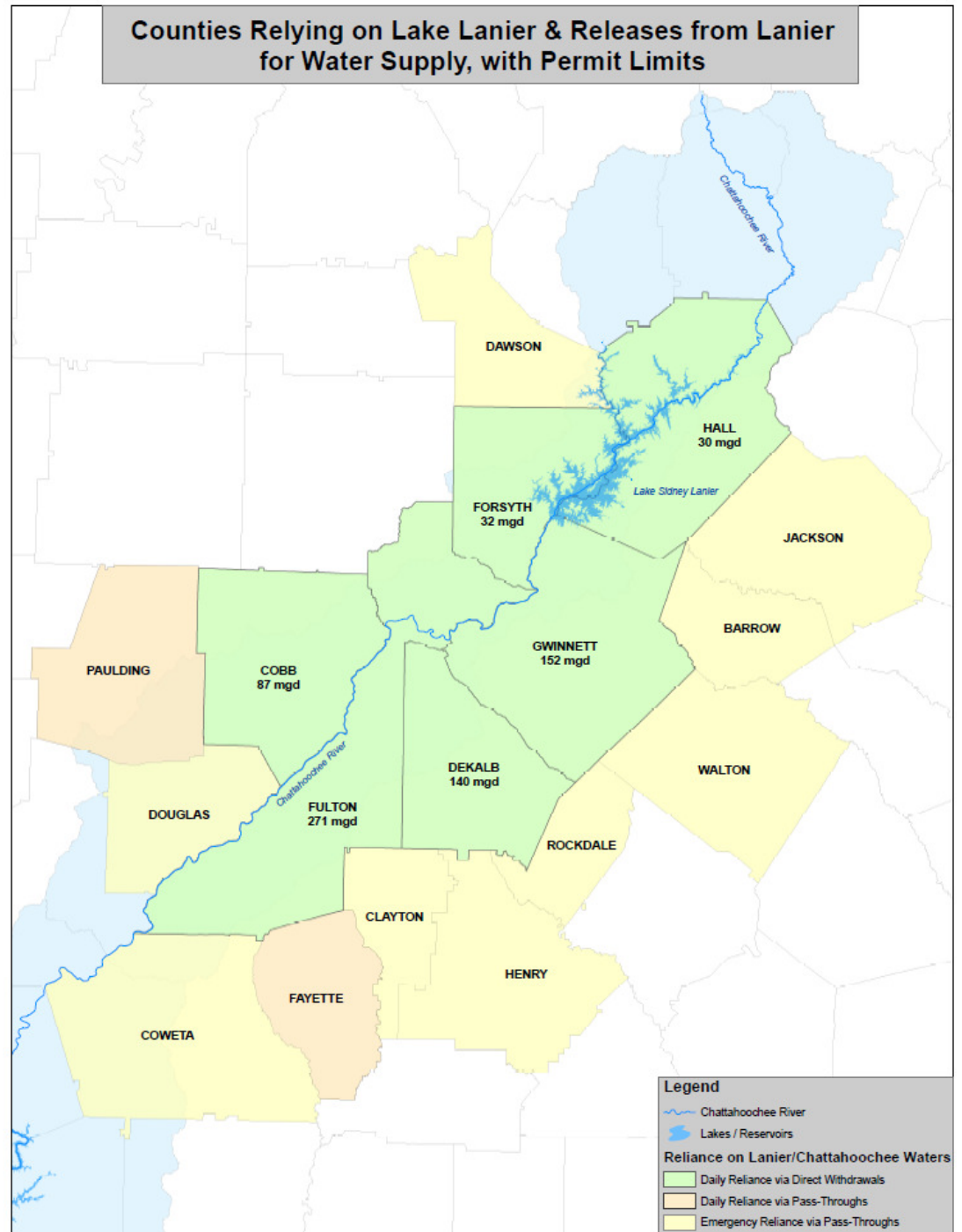
Why Should North Georgia care?



- Georgia's national and international transportation assets are centered here, they need stable water supplies
- NW Georgia water use is also targeted by Alabama in litigation regarding Allatoona
- 17 North Georgia counties are directly or indirectly affected by ruling
- These counties are Georgia's largest in population and its fastest growing

17 North Georgia counties are directly or indirectly affected by ruling on Lanier water use

- 6 depend on direct withdrawals (green)
- 2 buy water from withdrawer counties (orange)
- 9 have emergency interconnections that help during drought (yellow)



The Numbers



- In recent years, Metro Atlanta's average net water use from the Chattahoochee is 0.9% of average annual flow at FL state line during non-drought, and less than 3% during drought
- Because Metro Atlanta returns a higher percentage of water, net consumptive use is roughly equal to combined level of Middle and Lower Chattahoochee

Comparisons of Net Consumptive Use



Net Consumptive Use (during non-drought)	
Upper Chattahoochee*	Middle & Lower Chattahoochee
125 mgd	143 mgd
194 cfs	222 cfs
0.9% of average annual flow	1% of average annual flow

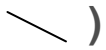
***Lanier Dependent Withdrawers**

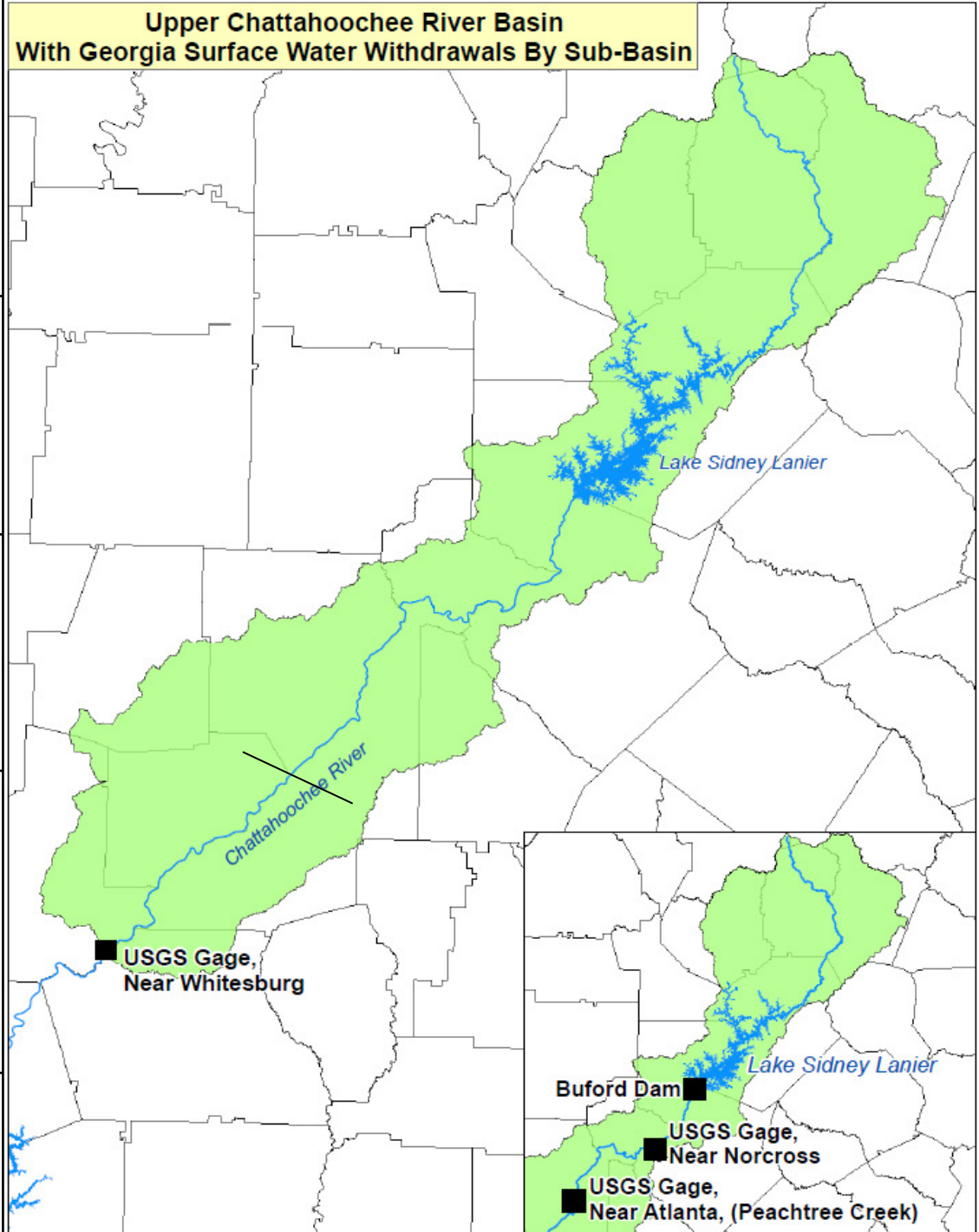
Net Consumptive Use in Upper Chattahoochee* (non-drought)

125 mgd

194 cfs

0.9% of average annual
flow at FL state line

* Lanier Dependent Withdrawers (users
north of Cobb County's southernmost
point denoted by )

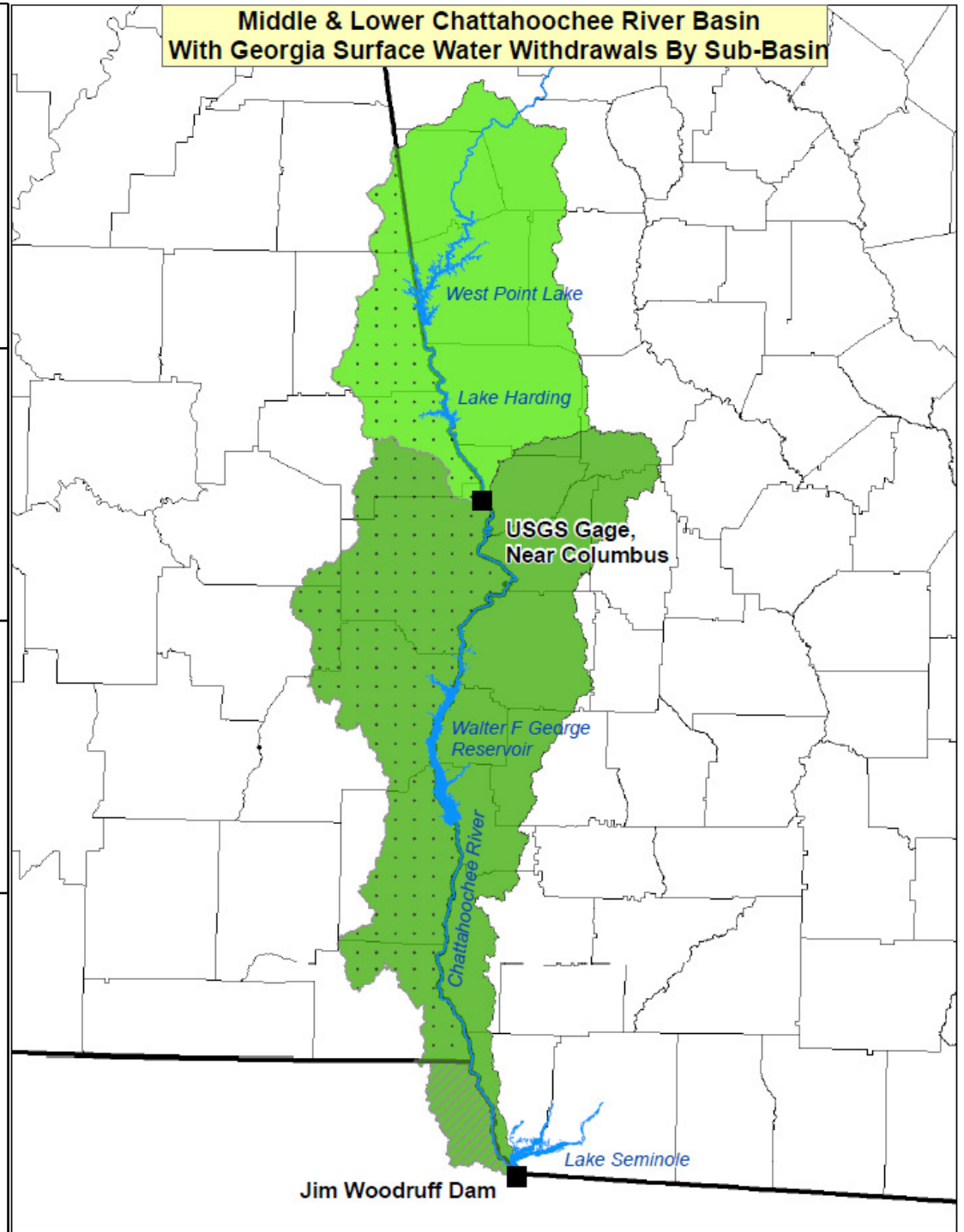


**Net Consumptive Use in
Middle & Lower
Chattahoochee
(non-drought)**

143 mgd

222 cfs

**1% of average annual
flow at FL state line**



Next Steps



Four-Pronged Strategy:

- Appeal
- Contingency Planning
- Negotiations
- Congressional Reauthorization, as directed by Judge Magnuson in ruling

Appeal/Contingency Planning



Appeal:

- **Georgia will appeal, several areas in the ruling are vulnerable**

Contingency Planning:

- **Must consider all options, ruling does not impact our riparian rights to use from rivers within our borders**
 - US Supreme Court determined that GA/AL border is on west bank of river. See *Alabama v. Georgia*, 64 U.S. 505, 514-15 (1859).
- **More reservoirs, additional water sources**

Tri-State Negotiations



Tri-State Negotiations



- **I have invited Govs Riley & Crist to meet with me**
 - Riley has said he'll be in touch; no word from Crist
- **Remained at the negotiating table and will continue to do so**
- **Georgia will not agree to a deal just for the sake of reaching a deal**
- **Never refused to meet regarding water, wish I could say the same of our neighbors**

Tri-State Negotiations



- **Georgia has a comprehensive drought response plan that includes state-imposed water restrictions, Alabama does not**
- **Georgia has a statewide water management plan, Alabama does not**
 - Judge's ruling makes water councils an even more vital part of Georgia's planning
- **Took a careful look at the 7 state deal involving the Colorado River, every state at the table had citizens dependent on that water source and all equally disadvantaged**
 - This is not the case here

Congressional Reauthorization



- **Judge Magnuson’s decision says Reauthorization is essential -- “Congressional approval of the reallocation of storage in Lake Lanier is required...”**
- **Reauthorization will not occur without a unified voice, important to nationalize discussion**
- **This is not a partisan issue, not a geographic issue, this is a GEORGIA issue**

Reauthorization is not allocation



- Reauthorization and allocation are two separate issues – judge’s ruling only looked at authorization of Lanier
- Congress must authorize water supply as a purpose for which Lanier may be operated
- Allocation of water between the states is an issue for the states to determine through negotiations
- Both Congressional reauthorization and negotiated allocation is needed

Other help Delegation can provide



- **Corps needs to join Georgia in appealing Judge Magnuson's ruling**
- **Work with the Corps on the manual update process**
 - **Alabama is pressuring the Corps not to include water supply within the scope of the manual update**
 - **Corps' work will be wasted if they disregard water supply in the manual update and then water supply is authorized by Congress**
 - **This process has gone on too long to be doing work that will be wasted**
- **Corps needs to credit Georgia water users for returns**
- **Corps needs to continue supporting the permit for Hickory Log Creek reservoir that Alabama is challenging**



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