

Alabama, Florida Declare Victory in Water War With Georgia

WASHINGTON, DC, February 5, 2008 (ENS) - The U.S. Court of Appeals in Washington today ruled that a secret settlement agreement entered into between Georgia, the U.S. Army Corps of Engineers, and Atlanta-area water users is illegal under federal law.

The agreement, which was signed in 2003, would have allocated nearly 25 percent of Lake Lanier, a federal reservoir on the Chattahoochee River in northern Georgia, to supply Atlanta's 470,000 residents with water.



The Buford Dam impounds Lake Lanier in northern Georgia. (Photo courtesy [U.S. Army Corps of Engineers](#))

This would have resulted in major reductions in the supply of water reaching the downstream states - Alabama and Florida. These states fought Georgia's bid for more water, saying "the change would constitute a major operational change, which requires Congressional approval under the Water Supply Act."

"This is the most consequential legal ruling in the 18-year history of the water war, and one of the most important in the history of the state of Alabama," said Governor Bob Riley. "The ruling invalidates the massive water grab that Georgia tried to pull off."

"The ruling will have far reaching consequences. It establishes that the decades-old practice of Atlanta taking more and more water from the federal reservoirs in the Coosa and Chattahoochee Rivers without any legal authority to do so will not stand," said Riley.

Lake Lanier was created by the completion of Buford Dam on the Chattahoochee River in 1956, and is also fed by the waters of the Chestatee River. The lake's original and authorized purposes were to provide hydroelectricity and flood control.

Since Lake Lanier's construction, metro Atlanta has been taking water from the reservoir to use for municipal drinking water, which was authorized by Congress as an incidental use secondary to hydroelectricity.

Since the 1990s, the Corps, Florida, Georgia, and Alabama have all been fighting for use of Lake Lanier water.

The Chattahoochee River arises in the mountains of northeast Georgia, flows southwestward past Atlanta and through its suburbs, then turns south to form the southern half of the Georgia/Alabama state line. Further south it merges with the Flint River at Lake Seminole to form the Florida panhandle's short Apalachicola River, which empties into the Gulf of Mexico.

Federal law mandates that when a river flows between two or more states, each state has a right to an equal share of the water.

Other laws such as the Endangered Species Act require that water be available for threatened or

endangered species that live in or around Chattahoochee River and Florida's Apalachicola Bay.

In 1990, Alabama challenged the practices of the Corps of Engineers to elevate Atlanta's water supply needs over downstream interests in Alabama.

In its ruling today, the appellate court agreed that Alabama is correct on the most critical legal issue in the water war litigation.

"I hope this ruling will enhance the prospects for a fair and equitable deal among the three states," said Riley. "The secret agreement that the appellate court threw out today had been a major stumbling block for the last five years in our efforts to work out a reasonable sharing deal for this precious resource."

Florida Governor Charlie Crist applauded the court for "recognizing the importance of maintaining Florida's water flow."

"Their decision today moves us one step closer to providing essential protection for a significant amount of Florida's natural resources, seafood industry and economy," Crist said.

Chick Krautler of the Atlanta Regional Commission said the ruling did not resolve any of the fundamental issues in the water dispute between Georgia, Florida and Alabama.

The court's decision will have no impact on the water supply available to the metro area or on the ultimate allocation of water between the states, said Krautler. "The court did not decide whether water supply is among the authorized purposes of Lake Lanier."

"What the court did is to invalidate a settlement agreement that resolved a dispute between the water supply providers and the hydroelectric customers about the price paid for water supplied by Lake Lanier," Krautler said. "The decision to invalidate the agreement means that all issues are back on the table and will need to be resolved by litigation or by agreement among all the affected parties."

Crist said he will continue to work with Governor Riley and Georgia Governor Sonny Perdue to resolve the long-term water conservation issues the three states face.

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