Testimony before the Subcommittee on Water Resources and Environment

"Comprehensive Watershed Management and Planning –
Drought Related Issues in the Southeastern US"

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Complete Statement
of
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before

The Subcommittee on Water Resources and Environment
Committee on Transportation and Infrastructure
United States House of Representatives

on

Comprehensive Watershed Management and Planning –
Drought Related Issues in the Southeastern US

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I. Opening

Madam Chair and Distinguished Members of the Subcommittee:

Thank you for the opportunity to testify before you on the issue of Comprehensive Watershed Management and Planning – Drought Related Issues in the Southeastern US. I am testifying today in my capacity as Commissioner of the Department of Watershed Management for the City of Atlanta, Georgia (the "Department"). The Department was formed in 2002 to administer all water-related services and functions within the City of Atlanta and certain surrounding areas, including the operation of water treatment and distribution systems, wastewater collection and treatment services, and stormwater management. In my capacity as Commissioner of the Department, I am responsible for ensuring that the City of Atlanta complies with all federal and state regulations regarding water resource management; identifying potential environmental issues and developing strategies to effectively respond; ensuring the city officials are aware of proposed environmental standards, trends and technologies; and providing engineering reviews and design and construction management services on capital improvement projects.

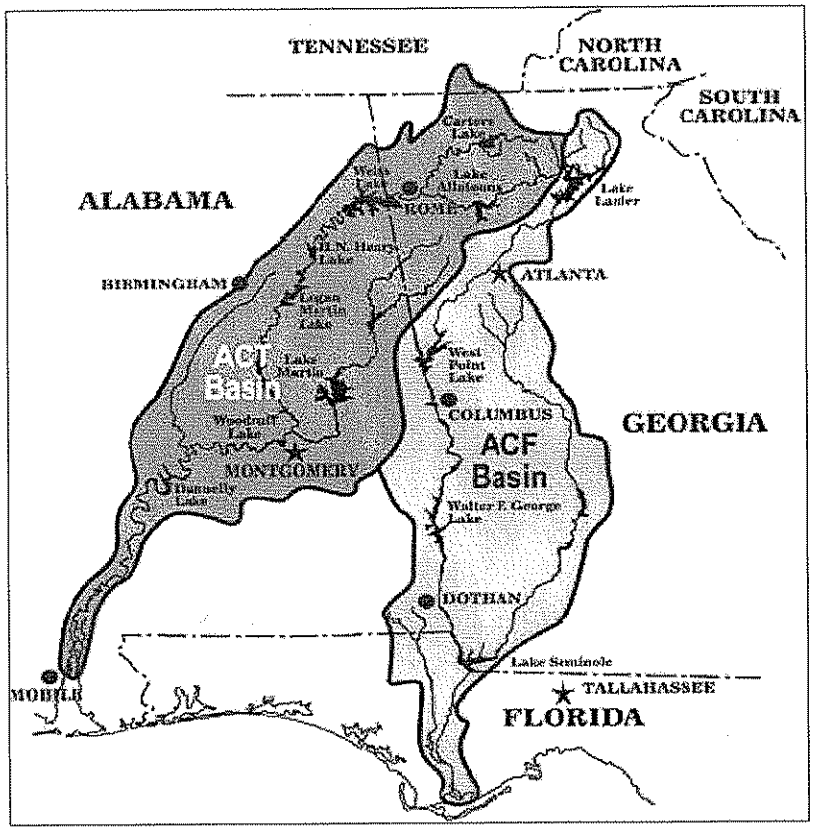
The Southeastern United States is currently experiencing a drought of record proportions. Unfortunately, the effects of these drought conditions on the Federal reservoirs and those who depend upon them have been exacerbated by management decisions driven by litigation rather than sound science or resource management.

II. Geography

Before proceeding, I will provide a brief overview of the geography of the Apalachicola-Chattahoochee-Flint (ACF) River Basin, which is essential to understanding the controversy.

The entire metropolitan area, including the City of Atlanta, depends on two federal reservoirs for water supply. The City of Atlanta and most other localities depend on Lake Lanier, which is located on the Chattahoochee River approximately 50 miles north of the city. The Chattahoochee River rises in the Blue Ridge Mountains in northeastern Georgia and flows through Atlanta to the southwest until it turns south and forms, at its western bank, the border between Georgia and Alabama.[1] The river joins the Flint River at Lake Seminole at the Florida border. Upon crossing into Florida, the river becomes the Apalachicola River and empties into the Apalachicola Bay in the Gulf of Mexico (see Figure 1).

Figure 1.



[1] Although the Chattahoochee River forms the eastern border between Alabama and Georgia for part of its length (from West Point south to Florida), the bed and both banks of the river lie entirely within the State of Georgia under the terms of the articles of agreement and cession between the United States and Georgia, dated April 24, 1802 (the "1802 Cession"). Ga. Laws 1802, p. 48 (Appendix A). The 1802 Cession is the document by which Georgia ceded its unsettled lands west of the Chattahoochee River, including what is now the State of Alabama, to the United States. The United States Supreme Court has held that this negotiated agreement was worded specifically to ensure that Georgia would retain control over the Chattahoochee. *See Howard v. Ingersoll*, 54 U.S. 381, 418 (1851) (explaining that reference to the "western bank" of the Chattahoochee, as opposed to the river itself, showed that "Georgia meant to retain the river to the Western bank, and the United States conceded it."); *see also Alabama v. Georgia,* 64 U.S. 505 (1859).

The United States Army Corps of Engineers operates five reservoirs on the Chattahoochee River, of which Lake Lanier, with 1,087,600 acre-feet of storage, is the largest by far. Notwithstanding its size, Lake Lanier is a headwaters reservoir that controls just 9% of the total flow of the basin above the Florida line.[2] The small ratio of drainage area to storage volume in Lake Lanier means that, once depleted, it takes a very long time for this reservoir to refill.

Lake Lanier is the primary source of drinking water for the metropolitan Atlanta area, as it was intended to be. Indeed, the Corps stated on numerous occasions—including in its testimony before Congress seeking authorization for the project—that the need to ensure an adequate water supply for metro Atlanta was one of the "principal" and "primary" purposes of Lake Lanier. Other authorized purposes, in addition to water supply, include flood control, hydroelectric power generation, navigation and recreation.[3]

Some systems (Gwinnett County and the City of Gainesville) withdraw water directly from the reservoir, while others (the City of Atlanta, Atlanta-Fulton County Water Resources Commission, DeKalb County and Cobb County-Marietta Water Authority) withdraw water from the Chattahoochee River below the dam. Although these systems do not take water directly out Lake Lanier, we do rely on the reservoir to maintain sufficient flows in the Chattahoochee River to cover our intakes.

Water systems in the metropolitan area depend almost exclusively surface water from the federal reservoirs, as opposed to groundwater, due to the unavailability of sufficiently high-yielding wells. Given the geology of the area, we do not have access to any large aquifer such as the Floridan Aquifer that is available to users in the lower part of the basin.

III. Current Drought Conditions and Projections

The ACF Basin is currently in the grips of one of the most severe droughts on record. The drought has caused record low flows throughout the ACF River Basin, but it is the management plan implemented by the Corps that has been the real disaster.

The operating plan that caused this crisis is the "Interim Operations Plan for Jim Woodruff Lock and Dam," (the "IOP"). The IOP was hurriedly adopted in March 2006, without proper analysis and without following procedures required by law, in response to litigation threatened by the State of Florida.

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[2]The percentage stated above is for the portion of the ACF Basin *above* the Florida line. Florida receives substantial additional inflow from tributaries to the Apalachicola River that come in *below* the state line. Florida receives 100% of the waters of these tributaries (an additional 4,500 cfs on average) in addition to the vast majority of the flow of the Chattahoochee and Flint Rivers.

[3] *See* 33 C.F.R. § 222.5 (listing the authorized purposes of Lake Lanier and other reservoirs); *see also* "Q&A," Exhibit A.

As many parties protested when the IOP was first adopted, this operating plan is not sustainable because it requires large releases from reservoir storage to meet artificially high minimum flows at the Florida line *without ever allowing the reservoirs to refill.* In budgetary terms, the IOP draws heavily on savings (water stored in reservoirs) during the summer and fall, when river flows are naturally low, without allowing savings to be replenished in the spring, when river flows are naturally high. This is like running a deficit year after year without ever allowing a surplus. This unsustainable plan nearly emptied the federal reservoirs and threw the system into crisis in 2007.

Although the nominal purpose of the IOP is to protect threatened and endangered species that inhabit the Apalachicola River (the threatened Gulf sturgeon, three species of threatened and endangered mussels—the threatened purple bankclimber and Chipola slabshell and the endangered fat threeridge), the plan was developed and implemented before the Corps or the United States Fish and Wildlife Service (USFWS) had collected sufficient information to understand the needs of these species. Moreover, because the plan was adopted and implemented without sufficient analysis to determine whether operations under the IOP could be sustained through a record drought such as we are currently experiencing, the plan has proved to be disastrous for all users, including the federally-protected species.

As a result of the IOP, conservation storage in Lake Lanier was very nearly exhausted in the Fall of 2007. Although conditions in the basin have improved over the past couple of months, such that lower reservoirs have completely filled, it will take a much longer time to refill Lake Lanier because its drainage area is so small. Lanier is currently eighteen feet below full pool, which is a record low for this time of the year. This eighteen-foot deficit represents over 600,000 acre-feet of water—an amount well in excess of the volume of water consumed by the entire metropolitan Atlanta area over a 3-year period.[4]

So what emptied Lake Lanier? The IOP. From May to November 2007, the water delivered from the federal reservoirs on the Chattahoochee River to the Apalachicola River amounted to 220% of the river's natural, "unimpaired flow"—i.e., the flow that would have been experienced if there were no reservoirs and no depletions anywhere in the ACF River Basin—during that same time period.

The situation is critical. Empty reservoirs are dangerous, especially given the prospect of a multi-year drought. The low level of storage places the security of the water supply for 4.5 million people at great risk. It also places the environment downstream at great risk. We have all seen the media coverage of last year's water crisis. The fact is that Lake Lanier water levels are currently 13 feet lower than they were this time last year. If drought conditions persist this summer and if Lanier has not refilled by June 1, the result could be devastating to the entire ACF Basin.

[4] Average annual consumptive use for the entire metropolitan area is approximately 250 cfs.

IV. Metro Atlanta's water use is not the problem in the ACF.

Downstream water users cite metro Atlanta's water use as the cause of the ACF tri-state water crisis. Farmers believe there would be more water in the basin for their crops were it not for metro Atlanta; fishermen in Florida believe their livelihood is threatened because of metro Atlanta's demands for water. But these claims are not supported by the facts.

The fact is that metro Atlanta uses 1% of the annual water volume in the ACF basin during normal years and just 2% even during extreme drought. In other words, if metro Atlanta did not withdraw a single drop of water, flows at the Georgia-Florida border would improve, at best, by a mere 2%.

This is a function of the geography detailed above. Because Lake Lanier controls only 9% of the total flow of the basin above the Florida line, 91% is geographically inaccessible to the metro area. Therefore our *maximum* impact on the system—the impact that would result if the area consumed 100% of the water that passes through Lake Lanier without returning anything to the system—would be to reduce the flow of the Apalachicola River by just 9%. In reality, of course, we use only a fraction of the flow that is actually accessible to us, and we return the majority of the water withdrawn. That is why our total impact is on the order of just 1 to 2%.

Furthermore, Metro Atlanta is not even biggest user in the ACF Basin. Consider the following:

- Depletions to the Flint River due to agricultural irrigation in South Georgia average approximately 268 mgd (415 cfs), which is about 66% more than metro Atlanta's net water consumption. Total agricultural withdrawals for irrigation are even higher. The number cited above is the total depletion of surface waters in the Flint River due to the combination of surface and groundwater withdrawals.

- Metro Atlanta's net water withdrawal is 162 million gallons per day (mgd) or 250 cubic feet per second (cfs).

- Evaporation from the mainstem reservoirs alone causes depletions of approximately 135 mgd (209 cfs).

- The State of Florida has authorized a large interbasin transfer from the lower Chipola River, a tributary to the Apalachicola River, to the town of Port St. Joe. The Florida Department of Environmental Protection has stated that the withdrawal varies monthly but can reach a monthly high of 126 cfs. Therefore, it appears the very small town of Port St. Joe is diverting about half as much water from the ACF River Basin (and from the Apalachicola Bay) as is used by the entire Atlanta metropolitan area combined, representing 72% of the total population of the basin. *See* Florida DEP, *See* 2005 *Water Quality Assessment Report for the Apalachicola-Chipola* at 31 & 94. Florida DEP has acknowledged that the water diverted to Port St. Joe "is transferred out of the basin and could affect salinity levels in the Apalachicola Bay." *Id.*

V. Water conservation by all users in the ACF Basin is crucial to protect our precious water resources.

In order to protect our precious water resources, all users in the ACF Basin must practice conservation--that includes municipal, industrial and agricultural users.

That said, conservation has different effects and is important for different reasons for different users within the basin. For example, water conservation within the metropolitan Atlanta area has a negligible impact on river flows at the Florida line. As has already been explained above, if the entire metropolitan area ceased to use water altogether, flows at the Florida line would increase by only 1 to 2%. Nonetheless, conservation in the metropolitan area is vitally important to protecting the water supply of the metropolitan area. As has been stated above, Lake Lanier controls only 9% of the flow of the ACF Basin above the Florida line while providing water supply for 72% of the population of the entire basin. We cannot expect to meet existing and future demands without practicing best-in-class conservation. Therefore the metropolitan Area is strongly motivated and fully committed to conservation even though we understand that our efforts will have no perceptible benefit to the Apalachicola River.

A. Metro Atlanta Recognizes the Need to Adopt Aggressive Conservation Measures

Metro Atlanta is doing its part and making significant progress in water conservation efforts. Sixteen counties, 98 cities and 61 water systems are working within the Metropolitan North Georgia Water Planning District to develop and implement a water conservation program that is projected to help conserve 138 million gallons a day by 2030. This plan, developed in 2003 through the District, has been approved by the Georgia Environmental Projection Division and adopted by local governments.

All jurisdictions in the District are committed to implementing the top ten water conservation measures that have been identified for water savings and cost effectiveness:

- Conservation pricing (the more you use, the more you pay). Ninety-eight percent of the water district's population is subject to increasing or tiered rates.
- Replacement of old toilets.
- Reduction of water system leaks.
- Rain sensor shut-offs for irrigation systems.
- Pre-rinse spray valves for commercial restaurants and food service operations.
- Sub-unit meters in new multi-family buildings.
- Residential water audits.
- Low-flow retrofit kits.
- Commercial water audits.

- Education and outreach.

Metro Atlanta has had mandatory conservation measures for more than two years on the local, state, water district and federal level. Federal and district requirements alone are projected to reduce water withdrawals by 20% when fully implemented.

The State of Georgia displayed foresight and leadership by enacting in 2004 a drought management plan that authorized the state to impose restrictions on outdoor water use during times of drought. Under this plan outdoor water use is restricted to three days per week during non-drought periods. In drought, the State has the authority to further reduce outdoor water use. In October 2007, during the severe drought, the State imposed an ban on virtually all outdoor water use in the northern third of Georgia. In addition, the Governor mandated a 10% reduction in withdrawals for all water utilities and other permit holders in North Georgia. Those measures have recently been revised to authorize local governments to allow some limited outdoor water use.

With regard to the City of Atlanta specifically, Mayor Shirley Franklin and the City Council have been very aggressive in promoting conservation and protection of our water resources. For example, the City of Atlanta has opted to maintain in force the ban on virtually all outdoor water use, because of the imperative that Lake Lanier be allowed to refill. In addition:

- In 2004, Atlanta committed $1 billion toward water system improvements, an unmandated expenditure. With that $1 billion, the city is replacing water mains and meters, and identifying and repairing leaks in the system.

- In 2004, Atlanta began using conservation pricing for its water/sewer bills, rewarding those who use less water.

- Atlanta is in the first year of a three-year, $35 million project to replace its 148,000 water meters with Automated Meter Reading technology, which will reduce leaks, allow meters to be read remotely, and ensure accurate billing.

- In November 2006, Atlanta was billing 158,960 accounts for a total of 662 gallons per day per account. In October 2007, those numbers were 183,405 accounts using 537 gallons per day per account, a reduction of 129 gallons per account, or 19.4%.

- The projected result of the district's conservation plan is to reduce daily average per capita use by 15.6%, from 180 gallons per day to 162 gallons per day.

- Between 2000 and 2006 the City of Atlanta added 9% more water customers but was nevertheless able to reduce water consumption by 5.2% over that same period.

- The City of Atlanta has replaced 55 miles of old pipes with new water mains. We are moving from design to construction of several additional water main projects with an estimated construction cost in excess of $325 million. The City is repairing more than 800 leaks per month to our water distribution system, which saved over 55 million gallons of water in 2007. We have also purchased and are converting a quarry to a

new drinking water reservoir that will provide 1.8 billion gallons of storage and increase our ability to effectively manage our water resources.

Individual business within the metropolitan area are doing their part as well. For example:

- The Georgia Aquarium has increased water efficiency and will reduce its water demands by more than 20% in 2008. For example, through the installation of waterless urinals and a system to recapture condensation from cooling units, the Georgia Aquarium will in excess of 2.5 million gallons of water in this year alone. In addition, Georgia Aquarium staff have extensively refined the aquatic animal Life Support Systems and processes, saving millions of gallons of water per year without compromising the effectiveness of the systems to support aquatic life.

- Hotels in the Metropolitan Atlanta area have reduced water consumption per occupied room by 50%. This has been achieved, at significant expense, through actions such as the installation of laundry water recycling systems and low-flow fixtures in rooms and public facilities, the replacement of water-cooled equipment with air-cooled equipment, closing water-dependent amenities, and actively encouraging water conservation by hotel guests and employees.

- Delta Airlines has invested millions of dollars in its water conservation effort and is committed to being a leader in water conservation and water quality issues. As a direct result of this commitment, the company has implemented a water saving and recycling program at its Technical Operations Center that resulted in a savings of more than 150 million gallons per year (gpy), cut its water use in its plating shop by more than 55% at a savings of approximately 14 million gpy, and installed automatic metering devices on aircraft water tanks, resulting in a savings of nearly 3 million gpy.

While metro Atlanta has made progress in water conservation and will continue to make progress, it is incumbent that ALL users in the basin adopt conservation measures aimed at reducing water usage over time. Metro Atlanta is doing its part, but we must all play a role.

B. Agricultural Users Must Adopt Reasonable Conservation Measures As Well

No discussion of water management in the ACF would be complete would be complete without a discussion of agricultural withdrawals and their effects on the flow of the Flint River. Although most agricultural withdrawals in the ACF are from groundwater, these withdrawals reduce baseflow into the tributaries of the Flint River and thus have a major impact on surface water levels. Agricultural withdrawals in Southwest Georgia, Southeast Alabama and Northwest Florida are largely unregulated. These withdrawals have a major impact on the operation of the system.

According to the 2006 Flint River Basin Regional Water Development and Conservation Plan ("FRP Plan") adopted by Georgia Environmental Protection Division ("EPD"), as much as 250 mgd (357 cfs) may be withdrawn for irrigation from surface waters during peak irrigation months. FRB Plan at 15. Groundwater withdrawals also have a major impact on stream flows,

reducing stream levels by as much as 257 mgd (398 cfs) at peak season. Therefore, according to the data in this plan, the total impact on stream flows during the peak irrigation months is in the range of 507 mgd (786 cfs). The average annual impact therefore appears to be in the range of 268 mgd (415 cfs).[5] In contrast, the average annual consumptive use for the entire metropolitan Atlanta area is just 161 mgd (250 cfs).

The situation with agriculture raises an important question about the authorized purposes of Lake Lanier and the other federal reservoirs. Although the federal reservoirs on the Chattahoochee are not authorized to support irrigation, they are in fact being used to support irrigation in the Flint River Basin to a large degree. This is a direct result of the Corps' decision to operate the Chattahoochee reservoirs to meet a single minimum flow target at the Chattahoochee gage in the Apalachicola River. Because the flow at this point is made up of the combined flow of the Flint River and the Chattahoochee River, for any depletion of the Flint River an equivalent amount must be supplied from the Chattahoochee River to meet the minimum flow requirement. Thus, by agreeing to meet a single minimum flow regardless of the flow of the Flint River, the Corps has, in effect, agreed to use reservoir storage to supplement any reduction in flows caused by agricultural withdrawals in the Flint River Basin. This unauthorized use of the federal reservoirs is having a significant impact on other authorized purposes and on the system as a whole.

C. The Corps Must Also Adopt Reasonable Conservation Measures

Although we recognize that water conservation is essential, the fact is that we cannot conserve our way out of the current crisis. The amount of water that can be saved through conservation pales in comparison to the amount that is continuing to be wasted through improper reservoir operations. It is literally a drop in the bucket.

From the standpoint of Corps operations, the Corps needs to conserve storage to the maximum extent possible. The Corps also needs to draw on its expertise to manage the system wisely. This is especially critical now, given the extreme drought conditions, but it is not happening.

1. Over-releases

For example, the highest priority at this time should be to refill Lake Lanier by minimizing reservoir releases to the maximum extent possible. No water should be released from the reservoir unless it is being released to meet a specific need, such as a specific instream flow requirement. Water can be retained in the reservoir at this point in time without any impact to downstream interests because basin inflows below Lake Lanier are high enough to meet instream flow requirements, the downstream reservoirs are currently full, and the flow of the Apalachicola River has been well above 20,000 cfs for months. Notwithstanding this relative abundance in the lower part of the basin, the Corps is currently making excess releases from Lake Lanier on the order of 400-500 cfs per day for no purpose. The average daily consumptive use for the entire metro area is just 250 cfs, so the amount of water that is being wasted each day is roughly *twice* the total amount of water the entire metropolitan Atlanta area consumes in a day.

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[5] See *Streamflow Depletions in the Flint River Basin Caused by Irrigation Pumping from the Floridan Aquifer in Drought Years*, Exhibit B.

In the last three months alone, over-releases from Lake Lanier have wasted approximately 17,000 acre-feet, which equates to 0.56 feet of elevation at current elevations. The water that has been wasted could have been used to sustain the needs of the metro area for an additional 34 days if extreme drought conditions persist. Alternatively, the water could have been used to increase the flow of the Apalachicola River by 250 cfs for the same period of time during the summer or fall, when the river flows are much lower and the additional water would actually do some good. Neither option is available now, however, because the water has already been released at a time when there is more than enough water downstream.

Stated differently, the amount of water wasted through over-releases from Lake Lanier over a two-week period (approximately 13,000 acre-feet) can erase the gains in storage achieved at great hardship and economic cost by having the entire metro area reduce its water demand by 10% for 100 days.[6]

2. The Corps Needs To Grant the State of Georgia's Request to Reduce the Flow Target Below Lake Lanier From 750 cfs to 550 cfs.

On a related point, the State of Georgia recently petitioned the Corps to reduce releases from Lake Lanier to the extent such releases are intended to meet the existing 750 cfs flow target below Atlanta. Although the State's petition indicates that it might be appropriate to continue the reduced release through the rest of the calendar year, the immediate request is to reduce the release from now until April 30. This should have been granted immediately.

First, the Corps has granted similar requests during prior droughts.

Second, given the specific circumstances that justify this request, each day that passes constitutes a missed opportunity to conserve a significant amount of water. By our estimates, reducing the 750 cfs target will conserve approximately 20,000 acre-feet of storage between now and April 30. These savings can likely be achieved without any significant impact to the downstream reservoirs, which are currently full, but they can only be achieved if the target is reduced immediately.

Third, the 750 cfs target was originally established by Georgia EPD to protect water quality in the Chattahoochee River and because Georgia EPD has determined that 550 cfs will suffice through April 30. The 750 cfs minimum flow requirement was set by Georgia EPD (with oversight from US EPA) to meet the water quality standard for dissolved oxygen, which is not an

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[6] This calculation assumes an over-release of approximately 500 cfs, which is the actual amount of the over-release for the past ten days. It also assumes an average annual gross withdrawal for the metropolitan area in the amount of 420 mgd (~650 cfs), which is the actual amount for 2006. Note that net withdrawals are much lower (~250 cfs) because most of the water that is withdrawn from storage used is returned to the system. The amount of storage in Lake Lanier could be saved by reducing gross withdrawals across the board by 10% would therefore be approximately 65 cfs per day, but the impact on stream flows in the lower Chattahoochee would be closer to 25 cfs (10% of the net consumptive use) than to 65 cfs (10% of the gross withdrawal).

issue at cooler temperatures. Instead of second-guessing agencies responsible for the water quality standards, the Corps should defer to them by immediately granting the request.

VI. Recommendations for Reservoir Operations

We recommend that the Corps adopt a three-step recovery plan for Lake Lanier and for the entire ACF reservoir system. The first step is to adopt an emergency recovery plan to weather the current crisis. The second step is to replace the IOP with a better, more sensible plan to ensure we do not repeat the mistakes of 2006-2007. The third step, for the longer term, is to adopt a comprehensive water control plan for the ACF Basin that is based on facts and sound science.

A. Continue the Emergency Operations Plan Until All of the Reservoirs Refill

The Corps took the first step on November 15, 2007 by adopting a recovery plan known as the Exceptional Drought Operations Plan (EDO). The EDO suspends restrictions in the IOP that prevent the reservoirs from refilling. The EDO also reduces the minimum flow requirement for the Apalachicola River to more reasonable levels.

As proposed by the Corps, the EDO would be a permanent feature of the IOP that would be triggered whenever reservoir storage is depleted to certain levels and would remain in effect until the reservoirs have recovered. The United States Fish and Wildlife Service (USFWS) has only approved the EDO through June 1, 2008. Therefore, if the EDO is not extended, there is a good chance that operations will revert back to the unsustainable IOP on June 1 *even if Lake Lanier has not yet recovered.* This would be disastrous indeed. Therefore it is essential to continue the EDO beyond June 1.

In addition, the "trigger" for determining when normal operations should resume (i.e., when operations under the EDO should cease) needs to be changed. Currently the IOP is triggered when the "composite storage" reaches "composite zone 2." Composite storage is a measure of the total amount of water in storage in all of the reservoirs. This measure is flawed because it is possible for composite storage to be relatively high even when storage in Lake Lanier is relatively low. In February 2008, for example, the lower reservoirs were full—and "composite storage" was approaching composite Zone 2—while Lake Lanier was still in its lowest zone. The EDO should be continued at least until *each reservoir* is in zone 2.

B. The Corps Should Adopt a New Interim Plan to Replace the IOP After the Reservoirs Have Recovered

The IOP should be replaced with a new *sustainable* operating plan. This cannot wait for the development of a long-term plan. Under no circumstances should operations revert to the IOP.

The combined effect of the IOP and the EDO is to keep the reservoirs in the lower zones for an extended period of time. The reservoirs might not empty, thanks to the emergency relief provided to the EDO, but the IOP will take effect to prevent them from refilling before they are ever allowed to completely refill. This type of plan will not benefit anybody.

C. New water control plans based on facts and sound science must be adopted by the Corps for the ACF reservoirs.

In the longer term, we need a comprehensive new water control plan based on facts and sound science. One major cause of the interstate controversy is the fact that the Corps has failed to follow its own rules that require the preparation of water control plans and manual for each of its projects. 33 C.F.R. § 222.5(f)(1). Currently no plan is in place for any of the reservoirs in the Chattahoochee River.

The Corps has been operating from a "draft" water control plan since 1989, but the "draft" was officially withdrawn in 1992 as a result of legal challenges. The Corps has now been operating from the "draft" plan for so long that the draft itself is woefully out of date.

To be fair, the Corps has been trying to update the water control plans for many years but has been prevented from doing so by our downstream neighbors. Notwithstanding the fact that Alabama and Florida have both filed lawsuits purporting to compel the initiation of this process, they have worked behind the scenes to prevent this from happening. This is one reason the Corps was not prepared to deal with the present crisis when it hit.

The City of Atlanta and the other metro-area Water Supply Providers strongly support the Corps' current initiative to update water control plans for the ACF Basin. We support this effort because we know the facts will show that our use of the resource is *not* the cause of the present crisis. To the contrary, ACF basin has sufficient water to meet the reasonable demands of all users—including towns and cities, power generation, farmers and fishermen and endangered species—if the reservoirs are managed properly.

We know this can be done because we have already found a way to do it. On January 10, 2007, the water supply providers submitted a proposal to the Corps which we call the "Maximum Sustainable Release Rule." Our proposal is attached as Exhibit C and a summary explanation is attached as Exhibit D. Our analysis shows that the alternative we propose would be better for *all parties*, including the endangered species that inhabit the Apalachicola River.

Although many parties have expressed an interest in this plan, the Corps has yet to give it any serious consideration. The Corps should be encouraged to study this and other alternatives as it develops the new water control plans for the ACF Reservoirs. The Corps should also be encouraged to collaborate with its stakeholders, including the City of Atlanta, instead of excluding them from the discussion. We and the other metro-area water providers stand ready to cooperate with the Corps and with the other stakeholders to find creative, constructive solutions to this long-standing controversy.

VII. Thank you and Closing

Madam Chair, thank you for allowing me to provide testimony on this important issue. Much has been said about the tri-state water wars in the Southeast. Yet we all know that 20 years of litigation have not produced a workable solution. We don't need wars, what we need is cooperative, responsible stewardship of the regions water resources for all users. The implementation of sound, science-based, sustainable operating plans is the essential first step in moving to a future of sound, regional water resource management. I look forward to working

with you in the future as you continue to discuss ways to address our local, regional and water resource management, supply and infrastructure needs.