

Georgia's 2018

# CLEAN WATER HEROES

## Apalachicola-Chattahoochee-Flint Stakeholders

### APALACHICOLA, CHATTAHOOCHEE & FLINT RIVERS

#### Privately Funded Stakeholder Group Provides Road Map to End Tri-State Water Dispute

#### INTRODUCTION:

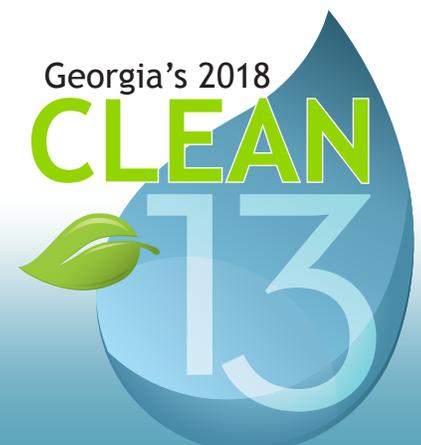
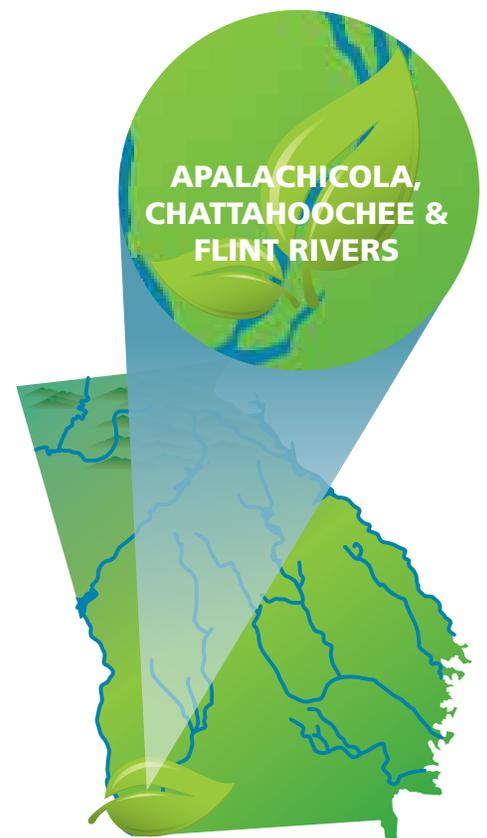
A June Supreme Court ruling in the decades-long water dispute between Georgia and Florida was perhaps good news for lawyers and bad news for taxpayers in both states. The ruling insured that there would be more court filings...and more lawyers' fees. Since the early 1990s, when Florida and Alabama sued to prevent Georgia water utilities from taking more water from the Chattahoochee and Etowah rivers, Georgians have spent millions in legal fees. Just since 2011, Georgia has paid out \$47 million in legal defense and litigation-related expenses. Meanwhile, beginning in 2009 a private group of citizens from the three states convened to develop a water-sharing plan. That plan, referenced repeatedly by the Supreme Court's appointed Special Master during court proceedings in 2016, now more than ever might hold the path to cooperation among the long-feuding states.

#### THE WATER BODIES:

The Apalachicola, Chattahoochee and Flint rivers are critical to Georgia, Florida and Alabama for diverse reasons. At 435 miles long, the Chattahoochee is Georgia's longest river, and provides drinking water for almost half the state's population. The Flint and the streams and aquifers that feed it supply drinking water for Georgians and water for the "breadbasket of Georgia," providing millions of gallons of water for farms daily during the growing season. In Alabama, the Chattahoochee is used to power multiple industrial facilities, including a nuclear power plant. In Florida the state's seafood industry depends heavily on adequate freshwater flows into Apalachicola Bay, an estuary that has historically produced 90 percent of Florida's oyster harvest. Meanwhile, a host of federally protected aquatic species depend on the river system.

#### THE CLEAN:

In 2009, with some \$2 million in private funding, a group of stakeholders representing diverse interests ranging from recreation to agriculture and navigation to water supply, gathered with the intent of developing a water sharing plan between Georgia, Florida and Alabama—something that more than two decades of studies, negotiations and court proceedings had failed to produce.





Six years later, that group of 56 citizens known as the ACF Stakeholders (ACFS) reached consensus on its Sustainable Water Management Plan (SWMP).

The SWMP includes actions that would ensure equitable sharing of the river system's finite water resources while providing for adaptive management in the future.

"Our plan lights a path to changing the way we store water and operate the reservoir system, combined with smarter approaches to using water, and improving stream flows in the river basin and Apalachicola Bay," said Betty Webb, 2015 ACFS Chair and Administrator for the City of Apalachicola, Florida.

Tellingly, during court proceedings in 2016, Special Master Ralph Lancaster repeatedly referenced the SWMP and asked a number of the witnesses in the proceedings to provide their opinion of the SWMP.

And, this summer, when the Supreme Court returned the case back to the Special Master for further work, the high court's opinion reflected some of the core tenets of the SWMP. Namely, that the system does, in fact, support a number of human uses throughout the basin as well as a diverse riverine ecosystem and that the US Army Corps of Engineers plays a significant role in the management of the system.

In August, the Supreme Court named federal appellate judge Paul J. Kelly, Jr. of New Mexico to serve as the new Special Master in the Florida v Georgia case.

It remains to be seen whether Judge Kelly will choose to review the work of ACFS as part of his new role in the litigation as did Special Master Lancaster. As for the stakeholders, their hope is that their consensus-building work can serve as a road map for leading the bickering states away from the courtroom and to the negotiating table.



*Top: The amount of water used to irrigate crops in the Flint and Chattahoochee river basins has been one bone of contention in the long-running water wars between Georgia, Alabama and Florida. Left: Communities in metro Atlanta depend heavily on the Chattahoochee River for drinking water. The state of Florida contends that upstream water withdrawals have reduced the amount of freshwater flowing to Apalachicola Bay, harming the region's seafood harvests. Above: An Apalachicola Bay oysterman tongs for oysters. The health of the Bay's oyster harvest depends heavily on adequate freshwater flows coming into the bay from the Apalachicola River.*



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