

INTERSTATE COORDINATION MECHANISMS FOR THE ACF BASIN FROM A FLORIDA PERSPECTIVE

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Abstract. The Apalachicola-Chattahoochee-Flint River (ACF) Basin has been the locus of ongoing conflict and controversy among the states of Georgia, Alabama and Florida for decades. They, together with the U.S. Army Corps of Engineers, are now near the end of a comprehensive planning study which provides the opportunity for long-term cooperative agreements. Florida's perspective regarding water use issues is discussed. Any interstate coordination mechanism for the ACF must give adequate recognition to and consideration of Florida's needs for water quality and quantity in the Apalachicola River to maintain its fisheries, recreation and tourism activities.

access to water. They also held that they were entitled to the water as the majority of the basin's land area and people are in Georgia. Florida's intervention was based on its concern that unrestrained growth upstream would inevitably damage the ecology of Apalachicola Bay and concern about the larger question of the management of water and related resources in the basin. Ultimately, a stay was filed and the parties chose to negotiate their differences out of court. In January 1992, the three states and the Army signed a Memorandum Of Agreement to amicably resolve this suit. As a result, there was created an opportunity to establish a mechanism which could meaningfully influence management of the basin through study, analysis, coordination and dispute resolution.

INTRODUCTION

The area drained by the Apalachicola, the Chattahoochee and the Flint Rivers (the ACF Basin) encompasses significant parts of Alabama, Florida and Georgia. This basin's waters and related resources are important to the well-being of this area and the entire three state region. But all is not well with this important basin.

The three states and the U.S. Army Corps of Engineers are currently attempting to resolve a serious, long-running dispute over the management of these resources. The State of Alabama filed a lawsuit in June 1990 against the Corps, the agency which operates the federally funded hydropower, navigation and flood control structures in the ACF basin. This action was in response to a federal proposal to reallocate storage in Lake Lanier from hydropower to drinking water supply and a reluctance by the State of Georgia and Metropolitan Atlanta to negotiate on the proposed reallocation and coordinate it with proposals from other basin water interests. Florida filed to intervene on Alabama's side while Georgia filed to intervene on the Corps' side. Alabama officials took this action because they saw the reallocation as preempting their rights to the basin's water resources. Georgia filed to intervene because of its perception that Alabama was trying to restrain the economic growth of Metropolitan Atlanta by restricting

INTERSTATE WATER CONFLICTS

A study undertaken to investigate Florida's interests in interstate basin management included a detailed literature review on basin wide efforts to manage water and related resources through a state-federal partnership, and extensive visits and interviews at three federal-interstate commissions: the Delaware River Basin Commission, the Susquehanna River Basin Commission and the Interstate Commission on the Potomac River Basin [Leitman, Dzurik and Hall, 1996]. All of those commissions, as with most other interstate coordination mechanisms, resulted from "water wars" of sorts; i.e., periods of prolonged and substantial disagreement on managing commonly shared water systems.

"Water wars" are invariably about ways of life; maintaining an old one, or starting a new one. This "water war" over the ACF is no different. It is about the differing ways of life of several important sets of people. The first set is the one who started this particular battle of this war, consisting of all those whose star is hitched to the continued growth of the Atlanta metropolitan area. "As Atlanta goes, so goes the South" is their mantra; "progress" in the form of continuing economic growth through more development and use of land, water and related resources, is at the center of their culture. More water is required to maintain this way of

life, and the Chattahoochee River seems a likely place to get it.

Then there are those whose way of life has been built around the harvesting of nature's bounty, particularly that which comes from the estuary and bay at the extreme southern end of the basin. There, some 400 miles from Atlanta, where the Apalachicola River pours the ACF Basin's waters into the Gulf of Mexico, another idea of "progress" exists; insuring for the future the continuous plentiful yield of this exceedingly rich wetland. To achieve this goal, a stable environment is needed, and changes in either the amount or the quality of the ACF's waters reaching the estuary could disturb this stability.

The third group to find its way of life threatened by this dispute includes all those who have adjusted their lives to take advantage of the relatively constant water level in the system's mainstem rivers and reservoirs. This group includes water-based recreationists and those who service them; and those who have an interest in the system's irrigated agriculture potential. Large diversions from the system threaten their future use and enjoyment of their investment.

This already difficult conflict is further complicated by the multiplicity of jurisdictions that have a hand, or think they do, in the management of these waters. The federal government, Georgia, Alabama, Florida and numerous local and regional governmental and non-governmental entities all find themselves and their futures caught up in this battle.

The current dispute is not the first skirmish in this "war." The 1990 lawsuit represents the third time in fifteen years that the three states and the Corps have disagreed formally over water management in the basin. It is obvious to most that another way must be found for making such decisions; and making them so fairly and equitably that their implementation is unlikely to face serious challenge. The fundamental, critical issue in this matter is whether the resources of this basin will be managed incrementally, from afar, by strangers, or by those most affected and according to agreed upon objectives.

Perhaps the most difficult concept to grasp about a river basin is that it is a system with connectivity between its various parts. Actions taken in one place within the system, or on one part of the system, have repercussions throughout the system. Using water in one part of a basin may preclude its use in another. In the ACF Basin, an area where, until recently, there always seemed to be enough water for everything, this is just starting to be understood. And one's perspective may be influenced by viewing the basin from below, or from the Gulf and seeing it as one interconnected system, or by viewing it from above, or at the headwaters, and seeing it as three different river basins with little or no interrelation.

BASIN RESOURCE MANAGEMENT ISSUES

Surprisingly, officials in all three of the Basin states are aware that the time is here to address competing demands for water and they share a common concern about this. They worry about what comes next. For example, who will make the next such request, who will decide on such requests, and on what bases? Who will be the present and future manager of this basin's water and related resources, and to what purpose will the management of these resources be directed?

As might be expected, the three states hold quite different views about the "best" use of the basin's resources. To Florida, the Apalachicola's waters are extremely important to tourism and fisheries. Alabama's interests include navigation, recreation and water supply. Aside from Atlanta's request for water, Georgia has interests similar to Alabama for the basin waters in south Georgia. And the Corps is committed to operating the river for navigation, recreation, and power production.

In most management issues, things seem to happen in cycles. It appears that the wheel of resource management is about to complete another turn. Water resources management is about to become, once again, an important regional and national issue.

As withdrawals increase, the dependable flow in the river undoubtedly will decrease. In lakes, wetlands and estuaries, this reduced flow may play havoc with the transport and utilization of nutrients and the maintenance of salinity regimes. It also will mean reduced navigation seasons, and lowered hydropower production. Recreational users of the waterways will find lowered river and lake levels, which will impact access to the system, the location and quality of beaches and other shoreline areas, as well as habitat for fish and game.

Withdrawals also will affect the variation in the system's rate of flow. A river's normal cycle of flooding and ebbing is an important determinant of the life forms that it supports. Withdrawals have the same impact on this variation as do dams and reservoirs; they smooth out the stream's hydrograph, knocking peaks off of floods, and filling the valleys of dry periods. This changes the system's habitat; especially the kinds of plants that grow in the water and its wetlands.

This habitat change, in turn, alters the kinds of fish and other aquatic organisms to be found in and around the stream. It also alters the kinds of terrestrial game that can be supported within the immediate environs of the waterway. Already the dams on the Chattahoochee and the regulation of flows by these structures has essentially eliminated the flood-and-dry cycle of the "natural" river, which threatens the life forms that developed under this cycle.

And, of course, putting large quantities of treated wastewater back into the river also changes it in negative

ways. Effluent that has been treated to today's standards still contains large amounts of pollutants which, over time, will degrade the physical, chemical and biological quality of the receiving stream. The lowered quality, in turn, reduces the overall value and utility of the stream's water for a variety of other uses, including in-stream uses.

The point of all this is that withdrawals have costs associated with them. Water is not a free good. These costs will be paid -- by someone or some thing. Many of the costs incurred by Atlanta's proposed withdrawals from Lake Lanier will be paid by those outside Atlanta, particularly those in the ACF south of this city. Many an ox, both private and public, will be gored.

Water withdrawals, of course, also have benefits; and the one proposed by Atlanta is no exception. Many -- in Atlanta, in Georgia and elsewhere, in both the private and public sectors -- will benefit from this use of the Chattahoochee's water if it is allowed. But in considering such proposals, there are at least two things to keep in mind.

1. Will the benefits at least equal the costs ?
2. Who will benefit? Will the costs be paid by those who benefit; in proportion to their benefit?

There are many today, in all three states, who believe that the answer to both these questions is a resounding "No", but who is to decide if this answer is right or wrong? Who is to decide if Atlanta should receive the water it has claimed?

Georgia, and its colleague in this case, the Corps, is valuing the basin's water according to the historically accepted economic development objective. And it is taking the long honored approach of getting its claim on this water in first. Alabama is opposing Georgia's claim, as is Florida, on the basis of both economic and environmental values; values that could be decidedly deflated if Georgia has its way. Both Alabama and Florida have been beaten to the starting line by Georgia; they have falling back on the venerable strategy of calling for "further study" before these resources are divvied up. None of these positions are very honorable ones, and all reflect poorly on the leaders and voters of each state.

It is not at all clear, even after more than four years and millions of dollars into a comprehensive study of the basin, that the three states will come to agreement on management of the basin. As of early this year, however, there is hope that the states and the federal government will come to an agreement on a river basin mechanism. The four entities are in the ninth draft on an agreement to establish some form of interstate river basin commission. One of the essential actions now is for the states' legislative bodies and governors to approve an agreement, and for the U.S. Congress to also approve. This implies a significant role for the federal

government in water resources management among the three states, but with a different role than it has had in the past. Historically, the federal role in water resources management grew out of four realities:

1. Enormous amounts of capital were needed for design, construction and management of large scale water resources systems.
2. Such systems required the employment of large numbers of highly skilled engineers and technicians.
3. The nation's largest landholder today is the federal government.
4. Water is critical to such overriding concerns as national defense, economic stability, and public health.

It seems that these four realities will continue to ensure a significant federal presence in the overall management of this nation's waters. However, the future federal role in water resources management is likely to be different from what we have seen in the past. The new look will see the states assuming more responsibility and decision-making authority for their water resources. No-one has been given the responsibility for seeking the path by which today's water management institutions, policies and programs can be transformed into ones which can efficiently and effectively serve us in the future. As we have seen through many drafts of attempts at an interstate agreement over the past several months, there is no guiding light on how to arrange a river basin management mechanism.

This is the vacuum in water resources management that deserves our urgent attention. This needs to be the first item on the agenda for Florida's water future, for the ACF basin, for the Southeast region, and for the nation.

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LITERATURE CITED

- Leitman, S., A. Dzurik and M.W. Hall, 1996, *Investigation of institutional Mechanisms for Management of the Apalachicola-Chattahoochee-Flint Basin: A Florida Perspective*, Miami: Dunn Foundation.