



Working together to share a common resource.

CASE STATEMENT

June 2012

APALACHICOLA-CHATTAHOOCHEE-FLINT STAKEHOLDERS

Working Together to Share a Common Resource

Water... It is one of society's most basic needs, essential for our survival. It is necessary for our environment, sustaining every living thing that calls our planet home. It impacts our economy and plays a critical role in power production, agriculture and the many other industries that are water-dependent. It defines communities along rivers and lakeshores, and it provides unparalleled recreational opportunities. It is fundamental to our everyday existence, yet it is something we often take for granted. But we cannot continue to do so.

In the Western United States, where water is scarce, communities have long understood the need to conserve this precious resource. For those of us living in the verdant Southeast – particularly before the significant population growth of the past three decades – water once seemed ever-abundant.

In 2007, our region's extended drought brought our water issues into the national spotlight, but the local debate over water sharing began much earlier. In 1989, Alabama first sued the U.S. Army Corps of Engineers for allowing Lake Lanier to supply water to Atlanta area municipalities, citing the lack of regard for downstream interests and claiming the federally managed reservoir was built for flood control, hydropower and navigation – not water supply. Lake Lanier is the largest reservoir in the Apalachicola-Chattahoochee-Flint (ACF) River Basin, maintaining 62% of the storage for the entire 19,600 square-mile watershed stretching from the southern Appalachian Mountains to the Gulf of Mexico – an area with 5 million residents. *(Please see Exhibit A for a tri-state river basin map.)*

For the past 22 years, the ACF River Basin case has been tied up in the courts. The June 2012 decision by the U. S. Supreme Court to let stand the 11th U.S. Circuit Court of Appeals unanimous ruling that water supply is an authorized purpose for Lake Lanier resolves a significant impediment to reaching an equitable and sustainable solution to the water conflict in the ACF Basin. As long as this unresolved legal issue existed, the parties to the conflict could hold out from entering meaningful discussions for the long term sustainability of the waters in the basin.

Over the last two years, the ACF Stakeholders' mission has been to arrive at a scientifically based understanding of how the waters in the basin are now being used and what options exist for future shared use. It is the only organized resource consisting of members from all three states and 14 different water interest categories that has a history of working toward this goal.

The matter from here forward is in the hands of the U.S. Army Corps of Engineers. They have stated their need for stakeholders input. The ACF Stakeholders are it. What the Stakeholders come up with will have an important influence, maybe even a decisive one, in what the Corps implements.

Recognizing that litigation and politics have been unable to resolve the issues, a grassroots effort was launched by the individuals and groups most impacted by the situation – *the stakeholders themselves*. Incorporated as a 501(c)3 nonprofit organization in September 2009, **ACF Stakeholders, Inc. (ACFS) is a diverse group representing all sectors in all three states – working together for the first time to achieve a common goal.**

ACFS's mission is to achieve equitable water-sharing solutions among stakeholders that balance economic, ecological and social values, while ensuring sustainability for current and future

generations. After developing a strong organizational infrastructure and completing a forward-thinking strategic planning process, ACFS has moved on to the critical next steps, centered around developing a Sustainable Water Management Plan. Through scientific modeling and a shared vision process, ACFS will work to achieve a sustainable solution that works for everyone in the Basin.

ACFS is seeking a total of \$1,500,000 to underwrite this very important initial effort and has made significant progress toward this goal. Funds raised from the private sector are providing great momentum to jumpstart ACFS's efforts, helping the organization to begin developing and communicating long-term solutions to federal and state decision-making agencies. **It is now time to end decades of stalemate in our region over water allocation. We can all be a part of a visionary new plan that meets the needs of our residents, our economy and our environment. Please join with us to bring about this historic outcome.**

SETTING THE STAGE FOR CHANGE

Within the past five years, drought devastated our local landscape and then it came to a dramatic close, when rains fell in abundance and flood waters swept through the region. Recurring periods of drought and flood may become more frequent as our climate continues to change. Issues of water quantity and quality have become familiar front-page news, but even in times of normal rainfall, our region struggles to conserve and manage the water we have.

There is great urgency to address the many challenges we face: *How will we allocate our water supply when we have millions more people living in the ACF Basin in the years to come? What will happen when we have the next severe drought? How can we plan now to guarantee a sustainable future?*

Hoping to answer these questions – and to find common ground – the Apalachicola-Chattahoochee-Flint Stakeholders began as a small group of concerned community leaders meeting informally in 2008. By the time ACFS incorporated a year later, it had grown to involve individuals and interest groups from all four of the watershed's sub-basins:

(1) Upper Chattahoochee

Defined as the waters entering the ACF Basin north of the USGS Franklin Gage at Franklin, Georgia, this sub-basin includes Lake Lanier and much of the greater Atlanta metropolitan area. In addition to the homeowners and boaters interested in maintaining water levels on Lake Lanier, thousands of residents enjoy recreational opportunities in the Chattahoochee National Recreation Area. Sub-basin residents also require substantial water supply needs. Gwinnett County is particularly impacted because Lake Lanier is the only source of drinking water for a countywide population of 800,000.

(2) Middle and Lower Chattahoochee

Extending south of the Franklin Gage to the confluence of the Chattahoochee and Flint rivers at the Jim Woodruff Lock and Dam (JWLD), this sub-basin is distinguished by a variety of interests including growing municipalities, agribusiness, waste water management facilities, power plants, industrial manufacturers, and historically and culturally significant river towns. Four of the five major ACFS reservoirs managed by the U.S. Army Corps of Engineers lie within this sub-basin and are important for power supply, recreation, flood control and navigation interests.

(3) Apalachicola

South of the JWLD, the Apalachicola River drains into the Apalachicola Bay creating the river system and estuary with the highest biodiversity of any in North America – one of thirty places in the world designated by UNESCO as a “Man in the Biosphere Reserve.” International conservation organizations have also designated it as a “Biological Hotspot” and “Biogem” for its global ecological importance. In addition to preserving this unique environment, sub-basin representatives are interested in maintaining a vibrant seafood industry that has supported communities for generations.

(4) Flint

Starting in East Point, Georgia, the Flint River springs up from under the runways of Hartsfield-Jackson Airport and through the developed suburbs south of Atlanta before it winds through the rural countryside of central and southern Georgia. It flows naturally unimpeded until it reaches the Lake Blackshear reservoir near Warwick and Lake Worth below Lake Blackshear, then on to Lake Seminole near Bainbridge where it merges with the Chattahoochee to form the Apalachicola. This sub-basin is characterized by the Southeast’s most productive agricultural land, supporting farming operations that contribute \$50 billion to the gross national economy.

ACFS has been supported by almost 100 individuals and groups. Annual membership dues range from \$25 for a non-voting member to \$2,500 for members that represent a public jurisdiction with more than 100,000 residents or industry members with more than 500 employees. Each of the four sub-basins has the opportunity to appoint 14 stakeholder representatives to serve on the 56-member ACFS Governing Board. These stakeholder interests include:

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| (1) Navigation | (8) Hydro Power |
| (2) Recreation | (9) Thermal Power |
| (3) Water Quality | (10) Local Government |
| (4) Water Supply | (11) Environmental and Conservation |
| (5) Farm and Urban Agriculture | (12) Business and/or Economic Development |
| (6) Industry and Manufacturing | (13) Historic and Cultural |
| (7) Seafood Industry | (14) Other |

Each of the four sub-basins appoints two members to the ACFS Executive Committee, serving as the organization’s Chair, Vice Chair, Secretary, Treasurer and four executives-at-large. The Governing Board and Executive Committee are tasked with addressing issues that benefit the entire ACF Basin and recommending positions supported by all stakeholders. The organization is hard at work developing a unified voice, incorporating stakeholder input to build a consensus-based, basin-wide vision. The group understands that plans must be developed to benefit every user – and any solution short of that is not sustainable.

The organization initially asked the U.S. Institute for Environmental Conflict Resolution, an independent federal agency charged with resolving disputes, to facilitate stakeholder meetings, and it now works with the Washington, DC-based nonprofit organization RESOLVE’s highly experienced facilitator, Gail Bingham. ACFS leaders believe that, while it may be challenging to reach consensus at times, positions that represent a consensus view will have a much greater impact, and they are very pleased with the extraordinary progress made to date. State and federal agencies

have a well-established history of listening to significant constituent voices, and ACFS looks forward to continuing to build goodwill and political support for its initiatives going forward. The ACFS's democratic, collaborative approach is distinctly different from any other effort within the tri-state area, and it offers an unprecedented opportunity to reach a long-term solution to the long-standing problem of water allocation. **With the ACFS in place, change is now possible.**

“The ACFS, due to its organization and make-up, brings together the most knowledgeable, diverse group representing all water interests in the ACF watershed. A positive outcome from the ACFS has the best chance to be a workable solution for the 20-year-old water dispute.”

Billy Turner
Former Columbus Water Works Director, Columbus, Georgia
ACFS Lower and Middle Chattahoochee Sub-basin

WORKING TOWARD A SUSTAINABLE FUTURE

In March 2011 at the ACFS Governing Board meeting in Apalachicola, Florida, the Board approved a 2011 Annual Plan and a Five-Year Action Planning Program. These strategic documents establish the top priorities for the organization to address as it works to develop a sustainable water resource management plan for the ACF basin.

While many of the priority action items – such as compiling best practices and drafting and distributing consensus views – can be accomplished within the current ACFS framework and membership dues structure, the following key items require broader community support and private investment:

Sustainable Water Management Plan and Instream Flow Assessment - \$1,155,000

In order to develop a solution that will meet our region's needs now and in the future, we must understand the river flows, lake levels and how they vary over time. We know that releases are necessary when there is peak hydropower demand, that there are navigation opportunities available requiring certain flows and operational actions, and that the region's commercial and recreational users also depend on the water flows and levels. Some key issues include, but are not limited to: the need for certain lake levels in the Upper, Middle and Lower Chattahoochee sub-basins; the agricultural irrigation needs in the Flint sub-basin; and the freshwater flow to fish and wildlife habitats in the Apalachicola area and throughout the entire ACF Basin. What we don't yet know is how these and other pieces of the puzzle relate to each other. A river basin as large as the ACF requires hydrologic modeling tools and complex, data-driven analysis to determine how we can best meet the needs of the many different stakeholders.

To focus on the water flows needed to sustain our ecology and environment in the ACF Basin, a detailed Instream Flow Study is needed. Currently not enough data is available to fully understand how to protect the native species and habitats in the tri-state area. This independent, science-based assessment will serve as the first phase of a larger effort to identify the flow regime necessary to sustain the physical, biological and chemical integrity and ecological health of the ACF System.. The results from these efforts will complement the information gathered in the Sustainable Water Management Plan to ensure the best possible outcomes for our region's unique ecosystem.

ACFS conducted an open and competitive bidding process, reviewing applications from qualified vendors and professional services firms, with the goal of beginning this project as soon as the necessary funds are raised. Two consulting firms were chosen for different aspects of the SWMP/IFA project.

Black and Veatch was chosen to provide the hydrologic modeling for the ACF watershed and consensus building process. This process will include developing performance metrics from the multiple water interests represented in the ACFS, developing water management alternatives; and working with the ACFS members to arrive at a consensus recommendation. The Georgia Water Resource Institute based at Georgia Tech and headed by Dr. Aris Georgakakos will provide the detail modeling. When completed, the Sustainable Water Management Plan will provide detailed information on the water quantity and quality needs of the basin stakeholders and will be used to test different options and explore tradeoffs. The plan will offer one or more viable alternative water management scenarios, presented in a visually informative way that can be readily understood by nontechnical stakeholders. Hydrologic modeling will serve as the basis for the ACFS's Shared Vision Planning, with the ultimate goal of reaching consensus on a forward-thinking basin-wide solution for ACF water allocation.

Atkins Global was chosen to provide the Instream Flow Assessment which will consist of identifying target species in the watershed and determining the flows and levels of water in the watershed necessary for their habitats. These results will form the basis for environmental flow performance metrics for the hydrologic modeling process.

Meeting and Process Facilitation Services - \$162,000

ACFS holds quarterly Governing Board meetings in locations throughout the ACF Basin and requires ongoing communication and progress toward its objectives from its various committees and workgroups. To facilitate meetings and continue laying the groundwork for collaboration and consensus among so many diverse interests, a Washington DC based conflict resolution firm, RESOLVE, has been selected as an outside facilitator. Resolve has provided facilitation services to ACFS for the past 2 years and the success to this point is attributable to their experience in similar water conflict situations. . To support facilitation services expenses, ACFS has budgeted \$162,000 for 2012 and 2013.

“There is great love for the Flint River in Southwest Georgia, as well as appreciation for the vitality of the Floridan Aquifer which underlies our area. Those of us who work the land understand the need to maintain the integrity of the river and the aquifer, both for economic and environmental reasons. In order to make informed decisions about water issues that affect us, we need a strong knowledge base, and that will only be possible with the scientific data from an ACFS Sustainable Water Management Plan.”

**Charles Stripling
Agricultural Landowner, Camilla, Georgia
ACFS Flint River Sub-Basin**

Organizational Needs - \$183,000

Resolving the tri-state water conflict is undeniably a massive undertaking, and operating an all-volunteer organization to accomplish this goal is simply not sustainable. While ACFS has accomplished a considerable amount under volunteer leadership, ACFS has now retained an Executive Manager and administrative support to successfully accomplish the organization's goals. These resources will supplement the continuing volunteer effort by members of the Governing Board on various committees and work groups. The projected budget for these costs is \$183,000 for the remainder of 2012 and 2013, after which the organization would look to membership dues and contributions from all water users for annual funding to cover operating expenses.

MAKING A DIFFERENCE

In the Apalachicola-Chattahoochee-Flint River Basin, we are blessed with a remarkable network of streams and rivers that bring so many benefits to our local communities and our entire region. The economic wellbeing of the Southeast and the sustainability of the waters in the ACF basin are inextricably intertwined. **We rely on our rivers, and in return, we must manage them responsibly.**

There is no more critical issue to our region than ensuring adequate, sustainable water supply. It is not possible to underestimate the magnitude of the issue or the significance of this effort. For twenty years, Alabama, Georgia and Florida have been in the courts and in various stages of negotiation to arrive at a water sharing agreement, with no success. ACFS represents the first and only effort by a consortium of stakeholders in these three states to arrive at a scientifically sound water sharing solution.

Since it was established, ACFS has come a very long way, and the organization looks forward to meeting its fundraising goals in the coming year. At the same time, ACFS continues to build bridges and to bring people together. At the most recent stakeholder meeting, ACFS welcomed top officers from the U.S. Army Corps of Engineers who oversee the management of reservoirs and river flows in our region. While government regulations prohibit these officials from participating in fundraising efforts, they remain involved with ACFS and supportive of the organization's efforts.

We are at a pivotal moment when each and every one of us can make a difference. For example, the recent increased involvement of agribusiness in ACFS efforts has allowed this critical industry to make its voice heard and become more aware of its responsibilities. Every stakeholder in the process has an equal opportunity to participate and work on solutions.

“The stakeholders are developing a true understanding of what we all need. We're taking time to educate and learn from each other, and we see how each of our interests fits into the big picture. The bottom line is that we've got to work together. We can accomplish at a grass-roots level what has been completely stalled by politicking and legal action. With the support of the broader community and the private investments secured in this campaign, I believe we can work out a solution for sharing our water, our most precious resource.”

Dan Tonsmeire

**Apalachicola Riverkeeper, Apalachicola, Florida
ACFS Apalachicola Sub-basin**

ACFS is also engaged in some exciting work with the Carl Vinson Institute of Government at the University of Georgia to identify best practices and innovative ways to close the gaps in water availability through investments in better technologies, water use policies and water management options. By continuing to explore the alternatives, we can build consensus for a new tri-state water management policy that meets the legitimate and diverse needs of multiple users in the ACF Basin. When we do so, each and every one of us will benefit.

To accomplish this goal, corporations, foundations and individuals throughout the tri-state area must demonstrate their commitment to the quality of life in our region by investing in ACFS. Please consider a generous contribution to the Apalachicola-Chattahoochee-Flint Stakeholders, Inc. **A sustainable future is within our reach, and your support is needed to bring this vision to life.**

“The work of the ACF Stakeholders is not about identifying the problem – it’s about identifying the solution. We are interested in applying best practices of water management up and down the whole basin. We know that the outcome will make a difference for future generations, benefiting the quality of life in our region.”

**Brad Currey
Community leader, Atlanta, Georgia
ACFS Upper Chattahoochee Sub-basin**