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Water wars: GOP shift new reality as tri-state talks begin

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Nearly five years ago, three governors gathered at a historic meeting in Montgomery to begin the water talks that are expected to steer development in the heart of the Southeast for the next half-century.

Within the year, the governors of Georgia, Alabama and Florida left office, and the talks foundered. By the end of 1998, the negotiating teams for the three states called for the first of more than a dozen deadline extensions.

At various times since then, Alabama and Florida have threatened to end the talks and send the matter directly to the U.S. Supreme Court, where a costly battle would take the decision out of the states' hands. Florida came closest to bailing last year, deciding to resume just before a midnight deadline.

The negotiating teams meet today in Columbus. While they are not expected to do more than discuss a possible six-month extension, it marks the beginning of a new day.

This is the first meeting since the November elections swept in Republican governors in Georgia and Alabama who will take office this month. With Gov. Jeb Bush in Florida, and President Bush-appointed federal commissioners, the talks will be an all-Republican affair.

In his exuberant campaign last summer, Georgia Gov.-elect Sonny Perdue predicted the Republican sweep and said he would immediately call a "water summit" with his counterparts.

"We'll come together face-to-face with no staff and hammer this thing out," Perdue said.

Since his underdog victory over Roy Barnes in November, Perdue's staff has said the governor-elect's first priority is balancing the state budget. He's been unavailable for comment on the tri-state negotiations.

The water wars date back to long before 1990, the year in which Alabama sued the U.S. Army Corps of Engineers for planning to reserve more Lake Lanier water for metro Atlanta's drinking water and industrial use. At the time, Georgia officials were planning to use 529 million gallons a day from the lake and the

Chattahoochee River to satisfy the demands of hundreds of thousands of new residents through 2010.

More recently, Georgia has said the region will need --- and can safely take --- 705 million gallons a day through 2030. One estimate predicts that much water, added to water from Lake Allatoona and the Etowah River, could sustain a metropolis of more than 8 million people, or about double today's numbers.

Yet the more metro Atlanta takes, the less downstream users and others believe they will have for themselves. Alabama wants water guaranteed for its growing towns and industries on the eastern border. Even Georgians, from farmers in the southwest to homeowners on West Point Lake, see metro Atlanta as the enemy. Florida's top concern has been the health of the Apalachicola Bay, where a tenuous balance between freshwater and saltwater nurtures world-famous oysters.

Georgia's promise to return as much as 60 percent in the form of treated wastewater to replenish the rivers will be an important component of any agreement, but it's of little consolation to the anglers, homeowners and other water users still living with metro Atlanta's raw sewage spills.

The impasse

Alabama and Georgia have tentatively agreed on a water-sharing plan for the compact that deals with the Alabama, Coosa and Tallapoosa rivers. If approved, it would mean higher wintertime water levels at Lake Allatoona. Already, it's cleared the way for Georgia to begin planning for a West Georgia reservoir on the Tallapoosa. Alabama had treated earlier attempts to build the reservoir as a hostile action.

The ACT compact, though, is pending a tri-state agreement on the Apalachicola, Chattahoochee and Flint rivers. Florida has wanted Georgia to both guarantee a minimum flow of water at the state line and place a cap on the water Georgia consumes. Georgia has refused.

"We can get whipsawed that way, " said Georgia Environmental Protection Division Director Harold Reheis, one of the state's negotiators. "Our flexibility gets reduced if we accept both ... We're simply not going to accept both."

Florida's negotiators would not comment.

Some of the basic disagreements stem from metro Atlanta's booming growth. It's the 800-pound gorilla that keeps everyone else on tiptoes.

The sides also have argued over which computer model, or formula for allocating water, to use. The model is essential, since it predicts how any given allocation could change lake levels and stream flows.

The recent drought, which broke records, created further delays in the negotiations. It caused all sides to rethink their positions on reservoir levels and minimum river flows. In general, Georgia negotiators have wanted to keep more water in its reservoirs --- including Lake Lanier --- as a buffer against future droughts.

David Feldman, a water expert at the University of Tennessee who studies water disputes, said the distrust goes beyond simply dividing the water. It extends to the states believing that each will do what it says once an agreement is reached.

That's only exacerbated by the growing distrust among peripheral participants such as farmers, developers and the lake associations, made up largely of lakeside homeowners, Feldman said. Their support likely will be needed when the finished compacts are sent to Congress for final approval.

"The negotiations have been somewhat cloistered from public view, " Feldman said. "There's going to have to be some way of getting [nongovernmental] groups involved in implementation."

The cost

Georgia has already spent more than \$2.4 million on legal advice from a New Mexico attorney and the politically connected law firm of McKenna Long & Aldridge. The attorneys have worked on the state's lawsuit against the U.S. Army Corps of Engineers to get more water from Lake Lanier for human consumption and also have been used as consultants in the tri-state negotiations.

Millions more have been spent by all three states and federal teams in staff time, environmental reviews and modeling.

But the cost of uncertainty could be even greater. Georgia's chief negotiator, Bob Kerr, said he doesn't know of any businesses that have opted not to move here as a result. "But certainly it makes a water supply provider check very carefully that they are going to have enough water to meet the growth, " Kerr said.

The interstate water wars also have strained intrastate water wars. A 16-county metro Atlanta region trying to devise a water-sharing plan isn't sure how much water it will have to divide. The group realizes the tri-state compacts could mean their water resources will run out long before 2030.

To extend the resource as far as possible, state and regional planners are already talking about permanent outdoor watering restrictions and higher costs for electricity.

Going forward

Perhaps the most important new player in the water talks is Alec Poitevint, the Bainbridge agribusinessman appointed as federal commissioner in September. The Republican stalwart personally knows all three governors and was general chairman of Perdue's gubernatorial campaign. Poitevint is also co-chairing Perdue's inauguration.

In the compact negotiations, Poitevint represents more than 10 federal agencies, including the Corps of Engineers, which operates dams along the river systems, and the U.S. Environmental Protection Agency, which enforces clean-water laws. He has veto power over any agreement.

Poitevint doesn't see a conflict among his various positions. His predecessor, Lindsay Thomas, was closely aligned with Georgia and the Democratic Party as a former five-term congressman from this state. At the time of his appointment by President Clinton, Thomas was also the chairman of the Georgia Chamber of Commerce.

Poitevint said he has not spoken to Georgia's governor-elect about water since he was appointed federal commissioner.

Before then, Poitevint said his opinions were confined to general philosophies such as the importance of water and the need to recycle water for irrigation and other nonpotable uses.

But he also points to his interest in water that dates back about 25 years as a qualifying factor for his new job. Where he lives is another, he said.

"I can see Florida and Alabama from my house, " Poitevint said. "Hopefully that gives me some broader perspective."_