

New York Times
August 16, 2009

River Basin Fight Pits Atlanta Against Neighbors

By [Shaila Dewan](#)

ATLANTA — The residents of the economic engine of the South, as they like to call this comparatively gleaming and rapidly expanding state capital, have always suspected that they are the objects of resentment from their more rural neighbors.

Now they are certain of it.

A recent court defeat has left Atlanta howling that its enemies, including Alabama and Florida, are trying to choke off the city's prosperity, if not out of sheer spite then at least the misguided notion that jobs and money would flow to them instead. The conflict is the timeworn rural-versus-urban enmity writ large, a battle over water that has pitted Atlanta against its neighbors in and out of Georgia.

"The only motivation is political," Charles Krautler, the director of the [Atlanta Regional Commission](#), said of the fight. "We don't have as good of spin doctors as they do. It's easy to point the finger at big bad Atlanta."

Ostensibly, the war among the three states is about a river basin that supplies the taps of 3.5 million people in metropolitan Atlanta before it flows down the Alabama-Georgia state line and into the Florida Panhandle. Each state says the others are demanding too much water. But many experts say there is no actual scarcity — the system, managed properly, could meet the needs of users along the Apalachicola, Chattahoochee and Flint Rivers, including power companies, farmers and oystermen.

Still, the three states have spent nearly 20 years battling over the allocation of the water. And now, no matter their motive, Alabama and Florida have the law squarely on their side. On July 17, Judge Paul A. Magnuson of Federal District Court agreed with their argument that supplying water to Atlanta was not an authorized use of [Lake Sidney Lanier](#), the federal reservoir northeast of the city at the headwaters of the river basin.

For decades, Judge Magnuson ruled, the [Army Corps of Engineers](#) had illegally managed the Buford Dam, which created the lake beginning in 1956, to provide the Atlanta region with drinking water. He said Congress built the dam only for navigation, flood control and hydropower. The [97-page ruling](#) largely faults the corps for overstepping its authority but also suggests that Georgia knew for decades that Congressional approval was needed.

Govs. [Charlie Crist](#) of Florida and [Bob Riley](#) of Alabama, both Republicans, hailed the decision.

“Atlanta has based its growth on the idea that it could take whatever water it wanted, whenever it wanted it, and that the downstream states would simply have to make do with less,” Mr. Riley said.

After the court’s ruling, he added, “this massive illegal water grab will be coming to an end.”

Alabama officials say that they are not trying to prevent Atlanta from growing but that they want the city to pay for the infrastructure that growth requires. In 1948, the mayor of Atlanta declined to contribute money to the construction of the Lake Lanier dam, arguing that the city would not need the water.

Atlanta has responded with a major public relations offensive, painting the city as a good steward that has carried out a water plan, treats its sewage until it is drinkable and, during the recent drought, put conservation measures in place when downstream users did not. (Environmentalists concede these points but say that they are half-hearted at best and that the metropolitan area could save millions of gallons through more aggressive conservation.)

Gov. [Sonny Perdue](#) of Georgia, a Republican who is not normally an Atlanta ally in intrastate battles over rural and urban priorities, has recently begun to defend its water use. Mr. Perdue cites figures showing that the city’s net water use is less than 1 percent of the river basin’s water flow when it reaches the Florida-Georgia border. At that point in the basin, the minimum water flow maintained by the corps is 5,000 cubic feet per second, compared with 750 in Atlanta.

Mr. Perdue argues that the real goal of Florida, in suing for more water under the Endangered Species Act, is to protect the fishing industry in the Apalachicola Bay. And he says that while Alabama has argued for better navigation, it really wants water to cool power plants. Neither goal is an authorized use of Lake Lanier, and neither, Atlantans say, is as crucial as their own needs.

“What happens in metro Atlanta and Georgia doesn’t hurt either of those states,” said Pat Stevens, chief of the environmental planning division for the Atlanta Regional Council, blaming Georgia’s opponents for the many failed efforts at negotiations over the years. “But if their goal is to hurt metro Atlanta and Georgia, they could achieve that. I always just thought they never had a reason to come to an agreement.”

If that is true, they have less reason now.

Judge Magnuson did not order the spigots shut off immediately, nor did he say that the system could never be used for drinking water. Instead, he said he would allow three years for the corps to receive approval from Congress to use the lake for that purpose.

Several members of Congress have said they will not act unless the three states make a deal. But Georgia’s hand is now far weaker than it was before the ruling.

“Why didn’t they go to Congress for approval 20 years ago?” asked Sally Bethea, executive director of the [Upper Chattahoochee Riverkeeper](#), an environmental organization. “It was obvious that this was a gamble to say well, the corps gave it to us so we get to keep all this water. There’s no insurance policy in that.”

Instead of taking a conciliatory approach, though, Mr. Perdue has vowed to “fight to the death,” accused his opponents of hypocrisy and pointedly brought up a 150-year-old [Supreme Court](#) decision declaring the Chattahoochee River to be on Georgia’s side of the state line. Mr. Perdue is hoping to find allies among other states where reservoirs built for other purposes are used for drinking water.

The governor has also talked about building reservoirs and is planning to appeal the decision, although even his allies say a successful appeal is unlikely.

Mr. Riley has engaged in theatrics of his own. When Mr. Perdue appointed Mike Garrett, the chief executive officer of Georgia Power, to work with Congress on the water issue, Mr. Riley warned the power company’s parent, Southern Company, to stay neutral. He did not mention that Alabama Power, another subsidiary of Southern Company, has been a party to the lawsuit for years.

Seeking Congressional authorization would be a tricky matter for Georgia, whose delegation is outflanked by Alabama and Florida combined, both in size and influence, though all three states are led by Republicans and lack firepower in the Democratic leadership that controls Congress.

Representative [John Lewis](#), a Democrat from Atlanta and the senior member of the Georgia delegation, said members of Congress would become more involved in negotiations among the states. “It would be our hope,” Mr. Lewis said, “that the three states and the members of Congress from the three states would work it out, and if not we will take it up at the Congressional level.”

One of Mr. Perdue’s goals, meanwhile, is to go back to the negotiating table. To show his enthusiasm, on July 30 he sent a letter, which he made public, to Governors Crist and Riley, listing 40 possible dates for a meeting.

They are both still reviewing their schedules.