

DEPARTMENT OF THE ARMY
COMPLETE STATEMENT
OF
BRIGADIER GENERAL DONALD E. JACKSON
COMMANDER, SOUTH ATLANTIC DIVISION
U.S. ARMY CORPS OF ENGINEERS
BEFORE
THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS
UNITED STATES SENATE

ON

“Oversight of Army Corps of Engineers Water Management in the Apalachicola-Chattahoochee-Flint (ACF) and the Alabama-Coosa-Tallapoosa (ACT) River Systems.”

JULY 22, 2013

Madam Chairman and Members of the Committee:

I am Brigadier General Donald Jackson, Commander of the U.S. Army Corps of Engineers South Atlantic Division and am honored to testify before you today on the status of the Corps' Water Management in the Apalachicola-Chattahoochee-Flint (ACF) and Alabama-Coosa-Tallapoosa (ACT) River systems.

The Corps' Mobile District is currently updating the basin-wide Master Water Control Manuals for the ACF and ACT River systems through an open and deliberative process that includes preparation of an environmental impact statement (EIS) for each system, and solicitation and consideration of comments from the public and all interested stakeholders. The original basin-wide Water Control Manual for the ACF was completed in 1958 and for the ACT in 1951. Between 1990 and 2012, the Corps was involved in litigation that included challenges to the Corps' operation of federal reservoirs in both systems, against a background of disagreement among the state of Alabama, Florida, and Georgia regarding the allocation of waters within the basins. During the pendency of that litigation, the states agreed to Compacts for both basins that were approved by Congress in 1997, and which contemplated the states agreeing to formulas for apportioning the surface waters of the two basins. The Corps would have endeavored to update its operations, to the extent authorized by law, to implement such an agreement. After the states failed to reach agreement and the Compacts expired, the Secretary of the Army directed the Corps to proceed with updating the federal water control manuals for the ACF and ACT systems. The litigation concluded in 2012 without resolving the states' underlying disputes regarding the allocation of waters among the states, and without specific direction from the courts as to how the Corps should operate the ACF and ACT systems.

The purpose of revising the manuals is to develop and implement updated, basin-wide operational schemes for the federal projects in the two basins in accordance with their authorized purposes, in light of current conditions and applicable law. Water control manuals assist federal water managers in operating individual and multiple, interdependent Corps reservoirs on the same river system consistent with applicable law. Generally, a water control manual will include technical, hydrologic, geographic, demographic, policy, and other information. The Corps uses these manuals to inform and guide its decisions on the management of the waters in our reservoirs, which typically involve different operating regimes for times of high water, low water, and normal conditions. The manuals contain water control plans for each of the reservoirs in the basin system and specify how the various reservoirs will be operated as a system. The manuals also contain drought plans and zones to assist federal water managers in knowing when to reduce or increase reservoir releases, and how to ensure the safety of dams during extreme conditions such as floods.

As part of the update process, the Corps is preparing an EIS for each of the two federal systems, and is soliciting and considering comments from the public and interested stakeholders. These actions will result in updated plans and manuals for both systems that are consistent with applicable law and take into account changes in basin hydrology and demands from years of growth and development, new/rehabilitated structural features, legal requirements, and environmental issues.

The two river basins encompass all or part of 39 counties in Alabama, 8 counties in Florida, and 67 counties in Georgia.

The ACF basin (Figure 1) originates in north east Georgia, crosses the Georgia-Alabama border into central Alabama, and follows the state line south until it terminates in Apalachicola Bay, Florida. The basin covers 50 counties in Georgia, 10 counties in Alabama, and 8 counties in Florida, extending a distance of approximately 385 miles; the basin drains 19,600 square miles.

There are five federal reservoirs and ten non-federal reservoirs in the ACF system. At the headwaters of the system north of Atlanta are Buford Dam and Lake Sidney Lanier. Other federal reservoirs in the ACF system are West Point Lake Dam and West Point Lake; W.F. George Lock and Dam and W.F. George Lake; Lake George A. Andrews Lock and Dam and George A. Andrews Lake; and Jim Woodruff Lock and Dam and Lake Seminole.

The ACT basin (Figure 2) originates just north of the Tennessee-Georgia border, extends into central north Georgia, crosses the Georgia-Alabama state line into north Alabama, and continues across central and south Alabama before terminating in Mobile Bay. The basin covers 32 counties in Alabama, 18 counties in Georgia, and 2 counties in Tennessee, extending a distance of approximately 320 miles; the basin drains 22,800 square miles.

There are five federal reservoirs and eleven non-federal projects owned by Alabama Power Company in the ACT system. Federal reservoirs in the ACT system include Carters Lake and Reregulation Dam; Allatoona Dam and Lake; Robert F. Henry Lock and Dam and R.E. "Bob" Woodruff Lake; Millers Ferry Lock and Dam and William "Bill" Dannelly Lake; and Claiborne Lock and Dam and Claiborne Lake.

In June 2011 The United States Court of Appeals for the Eleventh Circuit held that municipal and industrial water supply for the city of Atlanta, Georgia, is an authorized purpose of the Lake Lanier project under the Rivers and Harbors Act of 1946, and remanded the matter to the Corps to determine the extent of its legal authority to accommodate the state of Georgia's request in 2000 for additional water supply withdrawals at and below Lake Lanier. In Re: MDL-1824 Tri-State Water Rights Litigation, 644 F.3d 1160 (11th Cir. 2011). In response to that decision, the United States filed a legal opinion of the Chief Counsel of the Corps with the Eleventh Circuit on June 25, 2012, regarding the authority of the Corps to accommodate water supply withdrawals at and below Lake Sidney Lanier under the Rivers and Harbors Act of 1946, Public Law No. 84-841 (July 30, 1956), and the Water Supply Act of 1958.

On October 12, 2012, the Corps published a notice soliciting public comment on revising the scope of the EIS for the ACF water control manual update in light of these developments. The Corps published a revised, Final Updated Scoping Report in March 2013, providing notice that the Corps is evaluating additional water supply alternatives within the scope of the ACF water control manual update and EIS, including Georgia's updated request for water supply. The Corps has not yet decided on a proposed mode of ACF system operations. The proposed operations will be identified in the draft water control manuals and EIS. Those documents will be made available for public comment before any final decision is made on how the system should be operated.

The ACF Water Control Manual update and EIS are being prepared in accordance with Corps regulations, National Environmental Policy Act (NEPA), and all applicable law. As part of this effort, the Corps will consult with other federal agencies as required, including consultation with the U.S. Fish and Wildlife Service for consideration of impacts to threatened and endangered species. The draft water control manuals and EIS will be released for public review and comment in accordance with NEPA and requirements in Corps regulations. Similarly, the draft water control manuals and EIS will undergo quality control/quality assurance reviews to include agency technical review and independent external peer review.

The Corps is currently in the technical analysis stage of the ACF manual update. We expect to reach the next major milestone in this process about two years from now, when we file a draft EIS with the Environmental Protection Agency (EPA) and release the draft water control manual and draft EIS for public review and comment.

The ACT Water Control Manual update and EIS are also being prepared in accordance with applicable law. The draft water control manual and EIS were released for public review and comment on March 1, 2013. The Corps is currently evaluating the public review and independent external peer review comments it received on these draft documents.

The draft Water Control Manual and EIS for the ACT reflect the existing water supply storage at Lake Allatoona pursuant to contracts entered into under the Water Supply Act of 1958; those contracts remain valid, and the operations we are considering in the water control manual update process assume that withdrawals will continue as contemplated under those contracts.

In summary, the purpose of both the ACF and the ACT manual updates is to improve the information and guidance that the Corps uses to operate the federal dams in these basins in accordance with applicable law. We operate the dams in each basin as a system, and will continue to do so. The updates will take into account changes in basin hydrology and demands from years of growth and development, new/rehabilitated structural features, legal requirements, and environmental issues. Throughout this process, the Corps encourages the active participation of all stakeholders, and the Corps will carefully consider all comments received.

Madam Chairman, Members of the Committee, this concludes my testimony. I look forward to continuing to work with the Committee on these very important issues and answering any questions you may have.

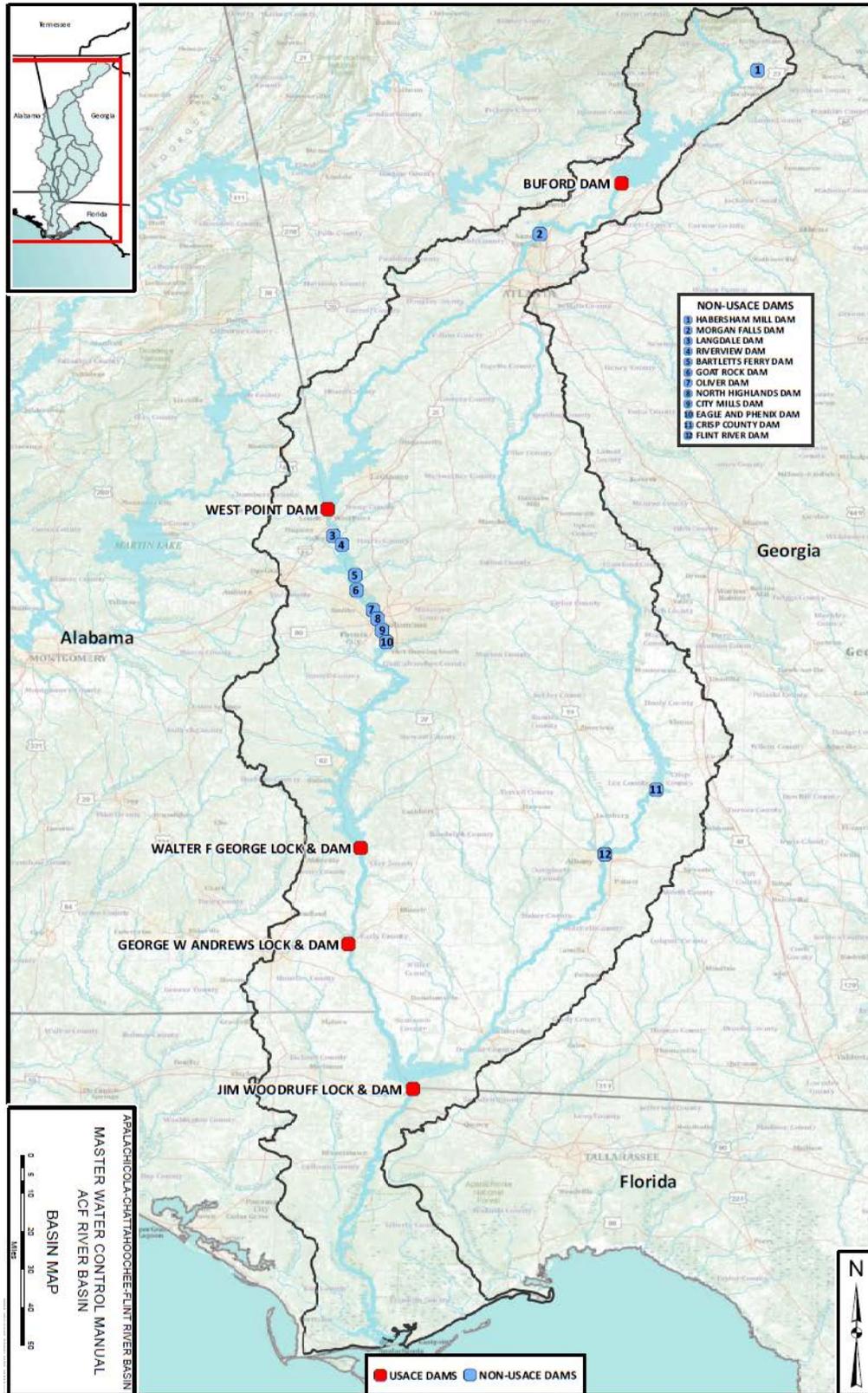


Figure 1. Apalachicola-Chattahoochee-Flint River Basin

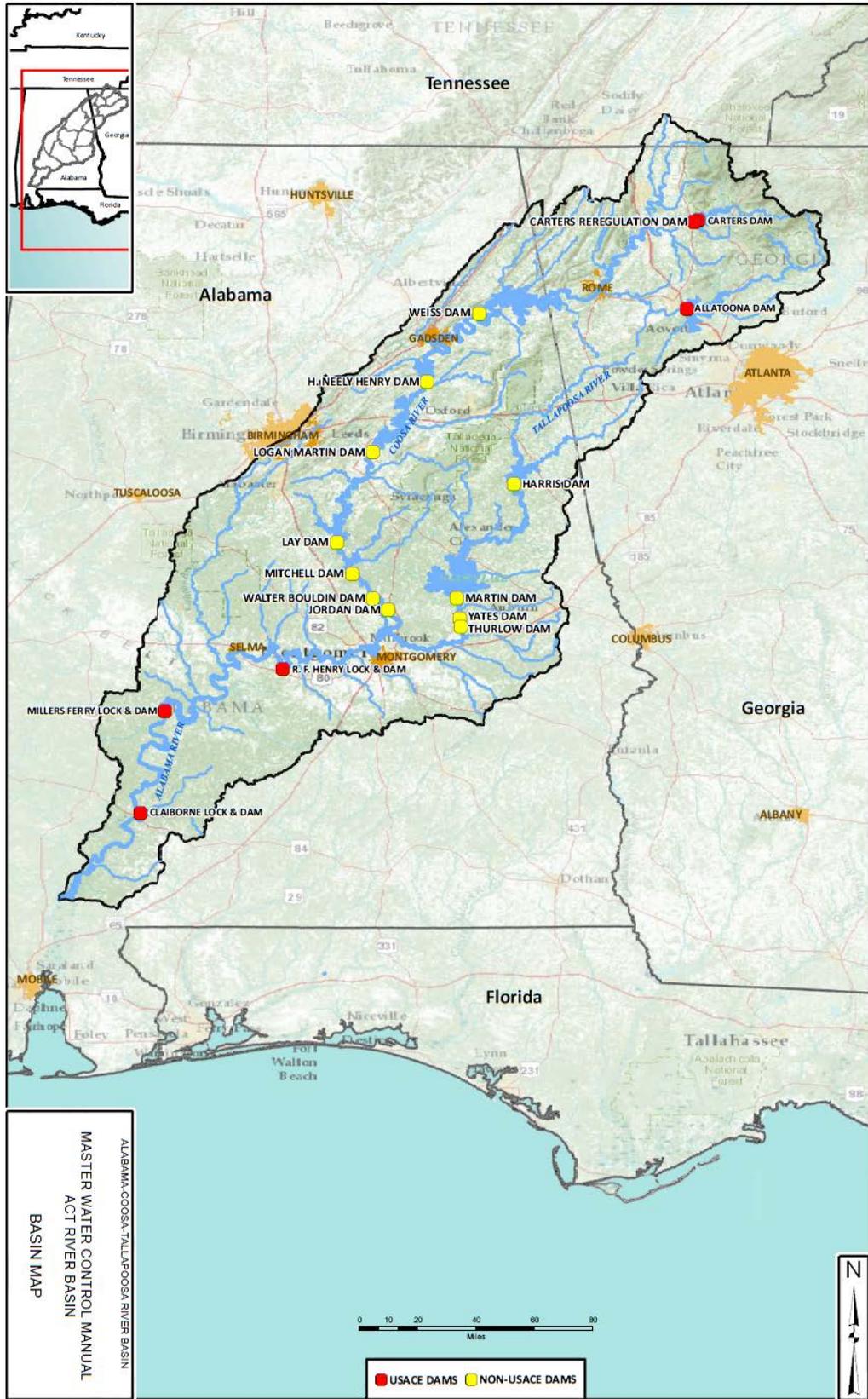


Figure 2. Alabama-Coosa-Tallapoosa River Basin