S. HRG. 109–730

FIELD HEARING TO CONSIDER THE EFFECT OF THE CORPS OF ENGINEERS' OPERATION OF THE APALACHICOLA-CHATTAHOOCHEE-FLINT AND ALABAMA-COOSA-TALLAPOOSA RIVER BASINS ON GEORGIA'S AGRICULTURAL COMMUNITY

HEARING

BEFORE THE

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY UNITED STATES SENATE

ONE HUNDRED NINTH CONGRESS

SECOND SESSION

OCTOBER 24, 2006

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October 24, 2006

U.S. SENATE
COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY
Columbus, Georgia

The Committee met, pursuant to notice, at 9:30 a.m. at the RiverCenter, 900 Broadway, Columbus, Georgia, Honorable Saxby Chambliss, Chairman of the Committee, presiding.

OPENING STATEMENT OF HON. SAXBY CHAMBLISS, A U.S. SENATOR FROM GEORGIA, CHAIRMAN, COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

The CHAIRMAN. This hearing has come to order.

And I want to thank everyone for coming today to discuss a critically important issue, Georgia's water resources. I'd particularly like to start by thanking Steve Sweet, in particular, the technical director of the RiverCenter. What a gorgeous facility. This is my first time in this auditorium, and this is really something special. And I know the folks here in Muscogee County, particularly, know they have something special here.

I'd like to thank Steve and all of his staff. They've been a tremendous help in coordinating all the logistics for us. It's because of Steve's hard work in making this hearing possible that we're able to meet in this wonderful facility. So, again, to Steve and all of the staff here, we thank you very much.

I'm also pleased to have my friends and colleagues from Georgia's Congressional Delegation join us today. We invited all of the Delegation to come. Senator Isakson and I had one of these hearings previously in Gainesville, which he chaired, and we had Nathan Deal there with us that day. Today, I'm very pleased to have my good friend and colleague, Senator Isakson here again. We also have Congressman Westmoreland here, Congressman Sanford Bishop, and I know that Congressman Phil Gingrey is on the way. So, gentlemen, thank you all for being here.

These river systems that cross Congressional Districts affect many citizens in our state, so I'm particularly pleased that these folks could join us. Congressman Linder wanted to join us but was

unable to rearrange his schedule; however, he has a written statement he would like to submit for the record, and his statement will be made a part of the record in the appropriate place.

As I said, in August of this year, Senator Isakson and I, along with Congressman Deal, held a hearing in Gainesville very similar to the one that we're holding today. At that hearing, we heard from homeowners, economic development officials, and local government officials regarding their needs from the Alabama-Coosa-Tallapoosa and Apalachicola-Chattahoochee-Flint River Basins.

Well, that hearing, folks, was mainly on the issues relative to Lake Lanier. We promised all the folks here in this part of the state that we would be holding a hearing downstream as well because you have a stake in this matter that is just as strictly important as the folks upstream. We're looking forward to hearing directly from you about the various needs you have for these lakes and rivers.

This hearing offers a unique opportunity because you're going to hear from the Corps of Engineers regarding their operation of these systems and why things may not be exactly as each one of us would like for them to be.

I'm eager to hear today from Governor Perdue about the progress he's made with Governors Riley and Bush from Alabama and Florida and getting the three governors to agree on new water allocations between the three states that rely on the ACT and the ACF River systems. We all heard a great deal about the Tristate Water Wars, and we all know that there are very complex issues involved. Although we're a long way from a resolution, the fact that these governors are talking face-to-face and not via court papers is a good sign.

And let me just say that Senator Isakson and I have had to have a number of meetings with the Corps of Engineers as well as the Secretary of the Army and Governor Perdue relative to moving forward with some discussion towards a resolution, and were it not for the leadership of Governor Perdue, we would not be where we are in that process today. Both before the Federal Court that was positive decision from Georgia's perspective came down the early part of this year as well as after that court decision, he has been trying to make progress on this issue. I want to thank him for his leadership and I look forward to hearing from you today.

Also, I'm eager to hear from Brigadier General Joe Schroedel, who is the new Commander of the U.S. Army Corps of Engineers, South Atlantic Division. I hope General Schroedel can tell us today about the progress they made in updating the water control manuals and shed some light to our folks as to why the systems are currently being operated the way they are.

Now, let me just say that Senator Isakson and I had the opportunity to visit with General Schroedel before this meeting this morning, and I'm impressed. We finally, folks, have somebody who not only will have a vision as to what we need to do but is willing to make some of the hard enough decisions and move this issue forward. I'm impressed with the comments that he's already made relative to movement, and I look forward to his statements a little later on.

Finally, on our third panel, we'll hear from Dick Timmerberg from the West Point Lake Coalition, Mike Gaymon with Greater Columbus Chamber of Commerce, Steve Singletary with Georgia Soil & Water Conservation Commission, and Jimmy Webb with the Flint River Water Council. These gentlemen will represent a variety of interests from recreation to economic development to conservation and agriculture interests in Georgia's water resources.

Although we do not have a witness here today to speak of it, I want to make sure that I make note of the fact that we have two important ports in Georgia—one in Bainbridge and one right here in Columbus—that are also impacted by the operation of the ACT and the ACF River systems.

I visited with folks in Bainbridge the other day, and I talked numerous times with folks here in Columbus relative to the issues that are involved with both of those ports, and rest assured that we have the best interest of those ports in mind as we go through this process, I want to make sure that everybody knows that we are keenly aware of the important role that these ports play in commerce and navigation needs and of the considerable impact they have on the west and southwest parts of our state. A number of industries and jobs that can be supported by these river systems. It's important that all of the needs from these systems are noted as we assess not only modern day uses but modern day needs.

Because our witness panel today is limited, I want to be sure that folks know that the official record for this hearing will remain open for five business days and that any—I emphasize that; any interested party may submit written testimony to be included in the record. I want to thank all of our witnesses for being with us today, and I look forward to their testimony.

At this time, I'd like to first turn to my colleague, my good friend, and one of the great leaders of the United States Senate, Senator Isakson, for any comments he wishes to make.

STATEMENT OF HON. JOHN ISAKSON

Senator ISAKSON. Well, thank you very much, Senator Chambliss, and thank you Chairman, will be conducting this hearing today.

I'm pleased to join you for the second time. We started this, as he said, in Gainesville at the Riverside Academy and had a hearing in the month of August, which General Walsh, who has been the southeastern commander, testified, and we had great participation. I know we'll have great participation with that today.

I welcome the Governor, who has just stepped in, and after all of the things the Senator said, had it not been for his leadership in engaging Governor Riley in Alabama in the beginning, civil discussions on future use of the ACF-ACT basins, we would be in a quagmire today. And his leadership has shown—proven he and Riley are talking, and that's one of the fundamental foundations to ultimately have a successful conclusion.

I'm very pleased that Congressman Westmoreland, Congressman Gingrey, and Congressman Bishop are joining us today because these issues are important to the entire Congressional Delegation.

General Schroedel, I have to tell you; I had some prepared remarks about the issues, and it was after talking to you for 20 min-

utes, you're my kind of guy. And I think everybody here is going to be really pleased to hear what General Schroedel, who has come to take over this committee. He has a can-do attitude. He listens. He wants to know what's on people's minds and emulates the deliverer. That's exactly what we've needed.

There are three things I'm going to be looking for from the General and from the Corps because there are three important ingredients, I think, to put this real problem behind us and resolve it for the long-term best interest of the three states and all of the people of Georgia.

Number one, we have an assurance from General Walsh and from Secretary Harvey of the Army that beginning in January of 2007, the Corps will begin what has been postponed for years, and that is a new water control plan. It is absolutely essential that a 50-year-old water control plan be updated to reflect the State of Georgia and its population of almost 10 million people and the needs and diversity of all of the Chattahoochee River basin.

Secondly, an acknowledgement that the Interim Operational Plan, in which we currently are working, is an operational plan that's basically a de-facto water control plan based on the environmental species issue. And it's very important that all the issues that affect the basin and the water supply be addressed in a comprehensive water control plan.

Lastly, there are conflicting interests; environmental interests, business interests, stewardship for the environment, recreation, all the things that water engages. I do not believe that these interests are mutually exclusive. I think they can be inclusive. And I know from reading General Schroedel's testimony with regard to the various priorities of the use of water, he takes from—he takes a very priority approach to see to it that all the concerns are equally invested and equally studied and equally addressed.

Lastly, I hope the General will address the requests of the folks around West Point Lake in terms of the winter pool level increasing two feet. I know the Corps was asked to look at the possibility of doing that, raising the winter pool from 628 to 630, and I know the people from West Point Lake and LaGrange would be happy to hear a response from the General with regard to that issue.

But, lastly, I want to reaffirm what I said before. I want to thank my colleagues for joining me for this important issue, thank Saxby for chairing and our Governor for his leadership, and I want to welcome General Schroedel to Georgia and to the southeast. We look forward to his enlightened leadership on this critical issue for us.

The CHAIRMAN. Thank you. Congressman Bishop.

STATEMENT OF HON. SANFORD D. BISHOP, JR.

Mr. BISHOP. Good morning, and thank you very much. I'd like to thank you, Senators Chambliss and Isakson, for holding this very important hearing on the Army Corps of Engineers Operation of the Apalachicola-Chattahoochee-Flint and the Alabama-Coosa-Tallapoosa River Basins on Georgia's Agricultural Community.

I want to certainly welcome all the community and my colleagues, especially to the Second Congressional District. You are located in the Second Congressional District, and this is indeed God's country.

I also want to take an opportunity to welcome the Governor to the Second Congressional District of Columbus to this hearing and thank him for the great work that he is doing in the interest of the water for the people of the State of Georgia.

And, certainly, we want to welcome General Schroedel. We welcome you and look forward to a wonderful working relationship, which we have had before on many projects that are of mutual interest.

Today, we'll consider an important issue that are reasons for our economic, agricultural, and recreational quality of life; our water usage from and the levels of our river basins. As it's well-known, recently, the Corps of Engineers mistakenly released tens of billions of gallons of water from Lake Lanier to, just a possible, drought and conditions in Florida endangering the Gulf sturgeon and some species of protected mussels in our neighboring states. Now, this action, which was undertaken pursuant to the Endangered Species Act, prompted a lawsuit against the Corps over how our water resources are managed.

At issue are the levels of which our four water bodies are set; Lake Lanier, West Point, Walter F. George, and Lake Seminole all on the Chattahoochee River. Recently, the Corps received some warnings by Governor Perdue and the Georgia Environmental Protection Division that Lanier is too low. Now, the water is—should be up to 537 million gallons of water daily to more than 3 billion left to Atlanta. As a result of the mistaken release, the state has activated a regional document sponsored by the state's mitigation protecting responsibly to manage our precious water resources.

Now, the Corps has the responsibility to provide for and to the management of our water needs. The Congress has oversight over the Corps of which is what this hearing is all about.

Our natural resources are precious. We have a responsibility to be good stewards in our individual capacities. So while we love our mussels and sturgeon, our human needs must take precedence here. And with solid planning and water management, notwithstanding as far as the Interim Operations Plan to manage the ACF basin and protecting endangered species, we ought to be able to balance these needs without the needs of more water than is necessary for our reservoir.

I share the deep concern of my colleagues in Congress and in the State of Georgia including Governor Perdue as the Corps' apparent mismanagement of these important resources, and I'm also deeply concerned that the Corps has been unresponsive to the concerns raised by the Governor, leaving us with no alternatives but to seek legal action to protect the resources.

The fact is that the Corps implemented that Interim Operations Plan, but without the public not being on notice, it was undertaken without studying for effects, including the devastating effect of the low levels they're having on recreational boating, fishing, and of course, the local counties as well as the eventual agricultural usage.

While we have taken the Corps to task, I must hasten to commend and thank the Corps for its more recent cooperation on issues with Lake Seminole, Tybee Creek project, the dam project right here in Columbus, and the establishment of a community

council to work with the Corps and the communities in the Lake Seminole and Lake Walter F. George areas to improve relations and customer service there on both those bodies.

As a member of Congress, I am very, concerned about the impact, but I look forward to this important hearing addressing these important issues so that we can arrive at a responsible and sustainable water management plan with good cooperation with the Corps and all of the communities that are affected by these very, very important water basins.

The CHAIRMAN. Thank you. Congressman Westmoreland.

STATEMENT OF HON. LYNN A. WESTMORELAND

Ms. Westmoreland. Thank you, Senator Chambliss, and thank you for having us here. And thanks to Senator Isakson and my friend Sanford Bishop and Governor Perdue for being here also.

General Schroedel, this is a problem that seems to have been created by us tying our hands to do common-sense things, and I'm glad to hear from hearing these Senators that you seem to be a common-sense kind of guy.

We have to understand that when the Corps implemented a plan for the Apalachicola-Chattahoochee-Flint River system that that plan was never completed, and West Point Lake is probably taking on more responsibility for water needs than it should have because there was a system of lakes that were actually never built.

When this lake was built, it brought about great economic recreational water storage ability to the whole system. And, General, we're going to look to you to tell us what we need to do to untie your hands to do the right thing for this entire region. The City of Columbus, the City of LaGrange; Phoenix City, Alabama; West Point, Georgia; cities depend on the flow of water. We have businesses on both sides of the river that need to make sure they have an appropriate flow.

The lake level at West Point is very important to this whole region as far as the economics that it provides, and so we're looking forward to your leadership in letting us know how we can help you solve this situation.

And, Governor, I want to thank you for your leadership with—of the governance in trying to resolve this without lawyers. And you and I have talked about this before, and we understand that a common-sense approach, a gentleman's agreement between people, is much more effective than the costly and lengthy court battles that come out of this.

So, Senator, I look forward to hearing all of the panels and getting some answers to our questions. Thank you.

The CHAIRMAN. Great. Thank you. And I understand Congressman Gingrey is on the way, and we'll certainly give him an opportunity to make some comments, but obviously, we've now been joined by Governor Sonny Perdue.

Governor, welcome. We enjoyed very much your presentation in Gainesville, which I alluded to earlier. As I told the audience in my opening comments, and Senator Isakson reiterated them that without your leadership and moving this ball down the court, we simply wouldn't be where we are today.

I want to make sure that everybody understands as far as the leadership from the highest level in all three states, you have been the one to really be up front and to try to make sure that we come to a good common-sense resolution that is ultimately a benefit to all three states. It's a very complex issue.

We thank you for taking the time out of what I know is a somewhat busy schedule that you have over the next couple of weeks here. We appreciate you being here today, and we look forward to your comments, Governor.

STATEMENT OF HON. SONNY PERDUE, GOVERNOR OF GEORGIA

Governor PERDUE. Thank you, Mr. Chairman. After hearing all of your opening comments, we'd probably all be better served with a hard-laying hand for me and concluding my remarks, but you probably suspect I won't do that.

But thank you all and thank the Committee on Agriculture, Nutrition, and Forestry for allowing and conducting this hearing today on this very important issue. I'd like to thank the Chairman of that Committee, Saxby Chambliss, as well as Senator Isakson and the hometown boy, Sanford Bishop, Congressman, thank you, and Congressman Westmoreland, as well as your interest in this whole river basin area. I know it affects your districts as well as it does all of Georgia, and I thank you all for giving us the opportunity to talk about this.

I want to begin by really just reiterating things that we all know; simple things. But water is a life resource. It's a fundamental part of our lives. And I don't want to be condescending in that, but sometimes we forget how viable it is. It's easy to forget how completely we depend upon it. Human survival is dependent on water, and water's been ranked by experts as only second to oxygen as essential for life. And it's not only essential for drinking, but it's critical to our economy, including our number-one industry in Georgia, and that is agriculture.

We've worked hard in Georgia to ensure that our uses of this precious resource are reasonable, that we are currently in the process of adopting a statewide water plan just here in this region. We've opened the Environmental Protection Division office in Tifton to improve local and state coordination on water use.

EPD has just implemented the use of our new geographic information system technology into its process for evaluating applications for agricultural irrigation permits. The Soil & Water Conservation Authority is helping to put a water meter on every pump in the Flint River basin so that we can have the best quality data on agricultural water use for managing our water supply.

We want to be good stewards because it's that important. We believe that Georgia's doing its part in—to responsibly utilize and manage our precious water resources that we share with our two sister states. So you can understand our exasperation when the United States Corps of Engineers fails to do its part to properly manage this critical resource in the ACT and in the ACF River basins.

Waters arising and flowing in Georgia are waters of the State of Georgia. And the federal reservoirs constructed on them should be

operated by the Corps to meet the vital needs of Georgia citizens, including water supply, waste assimilation, recreation and navigation, and to support, yes, the biological needs of a wide variety of species throughout the river basin.

In March of this year, the Corps announced a new reservoir management plan for the ACF basin reservoirs called the Interim Operations Plan. Now, it wouldn't be appropriate if we didn't use an acronym for that, but IOP was intended to support the needs of the endangered Gulf sturgeon during its spring spawn and the needs of two species of protected mussels in the summer.

While the intention of the IOP may be good, the State of Georgia is concerned that it mandates the release of far more water than is necessary for the protection of these species and depletes the water storage upon which people and wildlife, including those protected species at issue, depend. Unfortunately, under former leadership, the Corps had largely dismissed Georgia's concerns in those areas.

On May 5th, 2006, Dr. Carol Couch, our director of Georgia's Environmental Protection Division, wrote a letter to the Corps including hydrologic data showing that the Corps' continued operations to draw down the federal reservoirs in the ACF basin to their lowest level in 50 years and could effectively empty them if continued. On June the 1st, 2006, Dr. Couch sent a letter to the Corps and the U.S. Fish & Wildlife Service requesting specific changes to the IOP.

On June the 2nd, 2006, I wrote the Secretary of the Army, Frances Harvey, sharing Georgia's concern that, quote, Unless the Corps changes its operating protocols, the reservoirs and lakes in the system will be drawn down to their lowest level in recorded history. Also, on June the 2nd, 2006, Dr. Couch sent a letter to Colonel Peter Taylor and the Fish & Wildlife Service with an attached memorandum providing additional results of the simulation of the IOP using data and information received from the Corps.

On June the 6th, 2006, I personally met with former Commander Michael Walsh and Colonel Taylor again expressing in person those concerns. By June 9th, 2006, the state received no material responses from the Corps in response to our letters of concern.

Thus, on June the 9th, 2006, Dr. Couch wrote the Corps another letter demanding specific revisions for the IOP. On June the 12th, 2006, the Corps responded by letter to Dr. Couch's June 1st and June 2nd letters. The Corps challenged what it believed to be certain assumptions underlying Georgia's simulations of the IOP but did not provide data to allow Georgia to assess the validity of the Corps' assertions or to fully evaluate the discrepancy between the Corps' and Georgia's models.

The Corps repeatedly put off responding to our June 9th letter that demanded changes to the IOP. After several requests for more time, the Corps finally stated that it would not respond to the June 9th letter because of unidentified, quote, Concerns raised by other parties to the litigation. In fact, the Corps did not respond to Dr. Couch's June 9th letter until June 21, 2006.

In the midst of all this, the Corps has admitted to releasing more than 22 billion gallons of water from Lake Lanier by mistake; at a time when the region was approaching what is traditionally the

dryest time of the year. By this mistake, they essentially created a man-made drought on top of a natural drought. The 22 and a half billion gallons of water the Corps mistakenly released corresponds to 6.3 percent of Lake Lanier's conservation storage capacity or 22 and a half of West Point's capacity or 28.2 of Walter F. George's storage conservation pool.

The unfortunate actions by the Corps and the repeated lack of response to our concerns left Georgia with no alternative but to take legal action to protect our water resources. As you're aware, the State of Georgia filed a complaint in the Northern District of Georgia to stop the Corps' continued operation according to the Interim Operations Plan. This case is still pending.

Litigation is never how I choose to deal with issues, as Congressman Westmoreland stated. And as I explained earlier, we tried to impress our concerns upon the Corps; however, the Corps' leadership was largely non-responsive. The threat to the State of Georgia months later was not subsided.

The IOP that the Corps continues to operate under does not allow our reservoirs to refill and recover the lost stored water. Common sense tells you you cannot manage a system of reservoirs if you never store your water.

The Corps' Interim Operations Plan was adopted without any prior notice, without any public participation, without analysis of its impact on authorized purposes for which the federal reservoirs were constructed, without consideration of its impact on the water supply security for the millions of people who rely on the Chattahoochee reservoir system for water supply, without consider of its long-term sustainability or its long-term impact on federally protected species, and without consideration of alternatives. The result is an unbalanced plan that poses a severe risk of substantial harm to the State of Georgia.

In fact, the Interim Operations Plan is essentially a water-control plan; a water-control plan that was adopted without any public comment or notice and taking only one factor into consideration; that is, endangered species.

Now, Georgia has long advocated that the Corps should update its master control plan for both the ACF and the ACT basins, which has not been done in over 50 years. As a result, the Corps is operating these complex systems without reliable and predictable operating rules tailored to current demands and conditions within the basin. Indeed, the Corps' own regulations provide that water control plans should be updated periodically in light of changing demands and other conditions. And I don't think there's any question that in the last 50 years the ACF and ACT basins in our region of all three states have changed dramatically.

The Federal Government itself has recognized the need for current plans. The Federal Emergency Management Agency is investing millions of dollars in updating floodplain maps. This is in response to growth in Georgia and Alabama that has altered the flood characteristics of watersheds. The Corps needs to incorporate these altered flood characteristics into updated operation manuals to ensure the protection of life and property in both states.

Further, inefficient, inaccurate, or unpredictable operation of the ACF and ACT systems results in growing uncertainty about the

supply of water for more than half the Georgia citizens and facilities such as the Farley nuclear plant in Alabama and other power plants and industries. The water control plans should also be updated as part of implementing the 2003 settlement reached by the Corps, the State of Georgia, and other parties that would help ensure a constant water supply over the next decade.

The failure of the Corps to update the water control plan is also affecting a stated purpose of lakes in the basin, and that is recreation. West Point officials have repeatedly asked the Corps to raise the level of the lake by two feet in the winter when the water is plentiful to accommodate recreational and fishing needs that have a significant impact on the region's economy. The Corps officials have said that they have to adhere to the elevation levels of the IOP. So it seems that the Corps only has the authority to change the—its operation when it wants to do so.

So what does all this mean? The Corps is providing flows for the endangered sturgeon and mussels under an IOP. It was developed without studying its full effects and without properly updating the Corps' grossly outdated water control plan. The Corps' performance under the IOP this year demonstrates that it is not a sustainable plan.

The ACF system lost more than 381,338 acre feet of storage during the period from March 1 to October 20, 2006, when the IOP has been implemented. This corresponds to 23 percent of the entire system storage at summer pool levels. The loss of system storage is the largest among historical drought years of 1986, 1988, 1999, 2000, 2001, and 2006.

The system now just has 63 percent of conservation storage left, which is worse than at the same time in 1999. That means if the current drought continues and turns out to be as severe and prolonged as the previous one or even worse, and if the Corps does not take measures to actively conserve water in the reservoirs, system storage will be depleted to levels never seen before.

Earlier this year, the Corps submitted the IOP to the U.S. Fish & Wildlife Service for consultation pursuant to the Endangered Species Act. On September 5, 2006, the Fish & Wildlife Service issued its Biological Opinion regarding the Corps' operation and its effect on threatened species in the Apalachicola River.

In the Biological Opinion, the Fish & Wildlife Service found the flows provided under the IOP would be sufficient to allow the threatened and endangered species to survive, but the Biological Opinion failed to recognize that the IOP does not allow the federal reservoirs to refill as they should, and thus, in a multi-year drought, those reservoirs could be drained completely with potentially devastating results and effect to human needs and the needs of a very same species that the IOP is designed to protect. The Biological Opinion, therefore, is seriously flawed, shortsighted, and unfortunately, it looks like you must have to go back to the Corps to challenge it.

At the same time, Governor Riley and I are doing our best to put aside any disagreement between our states and reach an agreement on the management and operations of the ACT water basin. If we find common ground there, it is my hope that we would also reach consensus on the management of the ACT basin. Of course,

in the end, the only way any agreement would be successful is if the Corps will manage the basin accordingly.

I met with Governor Riley twice regarding the ACT River basin, and we're committed to a resolution. We may need to ask for your help, Congress, in securing the Corps' consent when the time comes.

I hope there's an opportunity for the Corps to direct this course under Brigadier General Joseph Schroedel. Now, in order to get the Corps' operations back on track, I believe it's going to take real leadership on his part. And I look forward to personally sitting down with General Schroedel in the near future to discuss these important matters.

In closing, I would like to say that I cannot believe Congress passed an Endangered Species Act with the intention of providing substantially more protection for the species than for human beings. The Corps can provide for both the needs of these endangered species and the needs of humans upstream if it operates wisely and is guided by sound science and good planning.

For example, I do not believe Congress intended that the Corps provide those species with more water than they would have received even that the natural environment would provide; particularly when it comes at great costs upstream.

It is time, as Congressman Westmoreland said, for common sense to prevail on this issue. That is what we want from the Corps when asking that they update the 50-year-old water control plan. That is what we seek through our request to stop the release of water greater than nature would provide.

Thank you, once again, for this opportunity to voice Georgia's concern. Thank you.

[The prepared statement of Governor Perdue can be found on page 50 in the appendix.]]

The CHAIRMAN. Governor, thank you very much for those very informative, very straightforward comments relative to numerous issues we have in consideration relative to our tristate water issues here in Georgia. And thanks again for your leadership.

And let me just say; I think everybody on this panel would agree that we've been trying to make changes in the Endangered Species Act for some time now. We can put some common-sense provisions in place, and unfortunately, when we try to take common sense to Washington, we find a road block at the city limits. And we're going to continue that fight trying to make sure that we make some provisions in the ESA to hopefully take care of situations like this, which is very directly.

I want to point out; simply need to be put in place, and there needs to be more common sense. And thinking about the way we're protecting the environment and now the needs of the individuals throughout the country with that species which we all treasure so much.

Thank you very much for being here. Thank you for your continued leadership.

Governor PERDUE. Thank you.

The CHAIRMAN. Now, I would like to ask Brigadier General Joseph Schroedel, South Atlantic Division Commander, United States Army, Corps of Engineers, I'd like for you to come forward.

General Schroedel, we know that you have only been on the job for a couple months now. And as Senator Isakson and I were discussing this with you, the fact that you are new, gives you a very unique perspective on the issues that we have as well as the ability to hopefully lead us down the road trying to solve some of these issues.

I can't help but comment that when we had our meeting in Gainesville, General Walsh was still occupying your position as the South Atlantic Division Commander. Today, he is serving our country in Iraq. We wished him well back then. We obviously still hope he and all of his comrades who are in Iraq the very best, and they're in our prayers every day.

We thank you for your great service to the United States of America. Because you wear the uniform, you're a hero of ours. And I don't have to tell you that it goes without saying and without knowing who all's in the audience that because of the location of Fort Benning here, there is a tremendous appreciation to the United States Army in this part of our state.

So we thank you for being here, and we look forward to your comments.

STATEMENT OF BRIGADIER GENERAL JOSEPH SCHROEDEL, DIVISION COMMANDER, SOUTH ATLANTIC DIVISION, U.S. ARMY CORPS OF ENGINEERS

General SCHROEDEL. Great. Thank you, Mr. Chairman.

Distinguished members of the Congress, great citizens of this local community in the State of Georgia, and the great South, having just gotten here, as the Chairman said, about two months ago, I'll tell you, my wife and I are ecstatic to be a part of the South; friendly people who we call true Americans.

And it's just great to be here. And I also appreciate the expectations I think that you've already raised with folks from our initial meeting. I'll do everything I can to live up to that and more.

I'd like to make some opening comments, and what I'll do, if I can, is I'd like to read a few of the—part of the opening statement. I want to save as much time as I can for discussion. The first thing I'd say is I'm here to listen. We are all in this together. This is a very complex problem. And the first question that I ask anybody is: What are your priorities and what are your objectives? And then our obligation is to figure out a way within our authorities and our capabilities to meet all of those demands.

I'd also like to thank, if I can, everyone in this audience for your support to the United States Army and for all the men and women in uniform and civilians. I'll tell you; out of my 4,000 employees in the division, about 80 right now are civilians, volunteers who are serving in harm's way in combat, serving the needs of our nation. And I'd like to thank all of you for your support. That's important.

And for me personally, my son is deploying to Afghanistan today, so my personal commitment to you is I am here and not seeing him off. And I think it's an important statement to you that this is important to me, and I'm here to listen to what has to be said so I can execute my duties to the fullest extent that I can.

And I'd also like to publicly respond, if I can, to one comment the Governor made. And if, in fact, our organization has not been re-

sponsive, I will publicly apologize for that. That will not be tolerated under my command. If someone asks a question, you're going to get an answer, and it better be quick.

I'd also like to say that the Corps does commit to a policy of openness. Nothing that we do is secret, and everything that we do should be a matter of public record. We have websites. And it's a matter of education; make sure people know where to get the information. I will enforce and reinforce that. And, in fact, we let people know how to participate and help us serve you.

Again, I ask that my full statement be submitted to the record. And let me go on with my opening statement so I could save some time for discussion and listening and see what we can do to help solve this problem.

I'd like to also maybe start by responding to Congressman Westmoreland's question; sort of respond to your question of how can you help untie our hands. I think one of the bottom lines for us is that we've got to get past the feud between the three states. We have to have political peace behind us, and let us get on—as we committed the 2nd of January, let's get on with getting those manuals done so we can have a collaborative process that gets everybody involved in figuring out the right way to manage the system. I think we'll find many of the components of how we're managing it today will probably remain in place. But, nonetheless, 50 years is way too long, and we just need the political process to get past so we can get on with the work, and we're ready to go.

So let me go on with a little bit of my statement, if I can. The ACT River system of projects—and by the way, let me back up for a second. I've only been here a couple of months, and I've been working hard to learn everything I can about this system. My boss has said this is my priority for the region. I still have a lot to learn. I've got some of my experts in the audience with me. I am not going to pretend to be the expert today. I can tell you I've asked a lot of tough questions, so I know a little bit, and I'll share as much as I can here today.

The ACT River system projects consist of multi-purpose projects providing for flood control, hydropower, navigation, water supply, water quality, recreation, and fish and wildlife conservation; all the above. The system has five Corps projects and 10 Alabama Power Company dams, and the Corps projects consist of two major storage projects, Allatoona and Carters, here in the State of Georgia at the upper end of the basin.

The basin, as everyone knows, is experiencing some dry conditions as are other basins within the southeast. I will tell you I was shocked to come here from the southwest where I commanded a division for three and a half years, and shocked to find that there were no natural reservoirs here. That was a shock to me. I'll just pass that on to you.

The two uppermost projects, Allatoona and Carters, are experiencing inflows that average 10 to 50 percent less than normal. But only minimum flows are currently being released from Carters, and Allatoona is only generating power two hours a day. I'll also add that we have allocated no water in navigation since about the year 2000.

The ACF River system of projects also consists of multi-purpose projects, all for the same purposes that I just mentioned. The Federal projects in the system begin, as I think most people know, with Lake Sidney Lanier at the headwaters, West Point Lake here, Lake Walter F. George, George W. Andrews, and Lake Seminole at the lower end of the basin. And there are also several other lakes and hydropower facilities operated by private and public utilities along the system.

Now, under normal circumstances—and this is one point that I'd like to make sure you all understand. Under normal circumstances, we operate the reservoirs to meet the purposes in accordance with not the IOP but draft water management plans. Our most recent attempt to revise all the manuals that were developed in the 1980s; the IOP is a specific manual which addresses only the endangered species south of Woodruff. It does not—does not apply to the entire system.

What we did in the 1980s is establish certain zones of water levels, which trigger actions within those zones as different levels are reached. Now, this management has proven to be successful in the past under varying water conditions, drought or no drought. And what these zones do, basically, is that it allows us to balance the competing demands at each reservoir, and at the same time, synchronize what we're doing with the water all along the system between the reservoirs.

So if we're at Level 2 or between Level 2, let's say at Lanier, we want to be at that level at all of the systems. That doesn't mean a certain level; it means be within the band for that particular reservoir that would meet all of the needs to the best extent that we can accomplish that at that site.

Obviously during a drought, that causes special problems, so we've modeled the reservoir levels for this year using the assumptions of the 2000 drought as a basis. Now, based on that assumption, we expected West Point Lake to reach its lowest point at the mid winter. I think, as most people know, we have all the lakes down in the winter to provide for flood protection and then bring them back up in the spring. We expect that by January, at most, a decline of perhaps another two feet; maybe a little bit more, but right now, as a matter of fact, the lake went up today.

I will tell you also we have to look at what the weather experts say. They're predicting a small El Nino, which typically brings higher than normal rains in the southeast. So we had to take that into account from our calculation of risks. Regardless, the Corps will continue to operate with the current management plan. We'll do our best to meet the needs.

Let me address the winter pool level, if I can, for a second. West Point Lake was authorized with five purposes; recreation, hydropower, flood control, navigation, fish and wildlife conservation. And we make every effort to meet all of these needs and authorize purposes to the fullest extent possible with the available water. A request to raise the winter pool level from the current conservation level of 628 to 630 was disapproved after an extensive evaluation of risks. And in this case, we had to balance flood risks against recreation.

Let me explain how operational decisions are influenced by a variety of factors. Operation of Corps reservoirs take into account current and predicted future conditions, as I said. For instance, in a drought, conserving water for human and industrial consumption becomes a higher priority, and I think we'd all agree with that. I'm sure some folks in this area remember well the flood of 2003 when the rain fell pretty heavily between here and Lanier, and it caused quite a stir, as I am told.

Some other uses, such as recreation and hydropower, may temporarily become a lower priority. Likewise, in times when the risk of flooding becomes greater, flood control operations rise in priority. So these dams that we've established within our current manuals help us balance those needs and judge risks. The winter pool level at West Point was originally authorized at 625, and then we raised it to 628 in the 1980s with these draft manuals.

To make an informed decision—and this is a point I'd like to make. To make an informed decision on increasing the winter pool level, a study must be done—and by the way, I'm not a fan of long drawn-out studies. I like to get her done. But I'd like to see us do a study quickly to quantify—which hasn't been done at this point; quantify the increased risk to downstream citizens, flood risk.

At the same time, you know, let's quantify what the trade-offs are with respect to costs to mitigate the risks, the social benefits, socioeconomic benefits, of recreation. I don't know. Perhaps there aren't as many people living south of the lake as used to be. There are a lot of factors we should take into account.

But I personally am in favor of a study quickly. Let's get to the answer, and let's make a decision. It's within our authority to raise the level, but let's do what we need to do to be as certain as we can about what risks we're taking. So I just want to make sure that I make that point to everybody in this local community, though I would like to do that as quickly as we can.

On the Endangered Species Act, just a couple of quick comments. Again, the Interim Operating Plan is focused strictly on the endangered species list. That's the mussels that you've heard about and the Gulf sturgeon.

We've been in consultation with the Fish & Wildlife Service since the year 2000, so about six years. It was only this year—about the time I got here—or actually, before I got here—that we entered into a formal consultation with the Fish & Wildlife Service. They've now issued their Biological Opinion.

And the key piece for me—this is one of the questions I asked. One of the questions I asked was: How much were we releasing prior to this IOP? And it amounts to about 5,000 cubic feet per second. So the IOP basically embraced what we were already releasing as a normal flow—outflow, not just for endangered species. So the overall impact on lake-level reservoirs is really minimal, from what I can tell so far, with respect to this IOP.

The BIOP basically sets parameters for the flow. I won't get into the details. Naturally, they might before I get into any of it, but I can tell you that it's a very complicated set of adjustments that are made that may require some of the release of storage; again, depending on how low the flows go. And, again, I don't want to cover those details right here.

During drought conditions—and I guess the bottom line is: During drought conditions, not all project purposes can be met. I think we all understand that. You have competing demands; you've got to set priorities somewhere. And only minimum basin inflows would be released in support of endangered species. So I think we've got a balance there.

We've also simulated West Point Lake and Walter F. George Lake levels for both with and without the IOP. Now, this is an important point for me. The modeling shows that as of 1 October, the current lake levels would be approximately one foot higher without the implementation of the IOP for this Biological Opinion. It should also be noted that during less extreme conditions, the impacts of the IOP BIOP would be negligible on lake levels at West Point.

Let me conclude by saying that the ACF River system currently exists in a couple of environments that make all decisions a challenge. And I will tell you I don't mind hard decisions. I don't mind being in a rock and a hard place.

The first clearly is the drought, and it looks like it's moderating a little bit. Matter of fact, we just raised—we picked up six inches this past weekend with the rain we had. But the second one, which I would ask for help from—the Congress' help from, or the Governor, you know, is the disagreement that currently exists between the states over water allocation and the best management of the system.

Now, I will tell you; I think everybody wants to see that, and I frankly think that's going to happen. And we're in a dry run, as I said earlier, and trying to get our manuals going so we can get everybody working together and solve this issue as quickly as we can.

I don't have all the answers, but the Corps remains ready to support, ready to serve you, ready to serve your needs, ready to provide the technical expertise, which I've already spent a lot of time with our folks, and I'm very comfortable in their abilities, and we're here to provide all the assistance we can to make the right things happen.

So, again, the commitment that I'll make is I'm honored to be here. Great to be a part of the South. We'll remain responsive. I want to listen. I want to hear what your concerns are. I want to know what your objectives are. I want to make sure that we're communicating with you so you know what we're thinking and how we're trying to balance the competing needs.

I frankly think the Corps is in a great position as an independent entity to oversee a system, which is essentially an interstate system, and help make sure that all of those needs are met to the best of our ability to serve the needs of the American people who are served by that system or both the systems.

Sir, thank you very much.

[The prepared statement of General Schroedel can be found on page 61 in the appendix.]]

The CHAIRMAN. General, thank you very much for your comments. And let me say, that with your son deploying to Afghanistan today, just know that you and your family are in our prayers, and we hope that you'll give your son an extra hug around the neck from all of us the next time you do see him and tell him how much

we appreciate his dedication to protecting all Americans and making sure that freedom and security are maintained in this country.

We've been joined by Congressman Phil Gingrey. So I want to make sure he has the opportunity to not only ask questions but make an opening statement.

And, Congressman Gingrey, just so you'll know, what we're going to do is to go down the line, and we're going to let everybody ask questions. When it comes your turn, you'll have all the time you want to make any sort of statement plus ask your questions. So we'll keep you in the mix there.

General, it was my understanding that there has not been a new water control plan for the ACF system for really all of the 50 years that it's been in existence. However, in your statement, you referenced the draft water management plans developed in the late 1980s.

Do you operate the system pursuant to these draft management plans, and do they therefore have the force and effect of a management plan, or do you operate the system based on the Interim Operations Plan, which was created after the State of Florida filed their Endangered Species Act claims earlier this year?

General SCHROEDEL. Sir, we operate the entire system on the basis of those draft 1980 manuals, which decline to depict their level of the bands that I talked about into zones, which were created in conjunction with state folks to help determine between the signs and the calculation. How do we balance all of those needs at varying levels at each of our reservoirs?

So the short answer is: We use those manuals. And the IOP is augment to that only for that portion south of Woodruff to address the water being released from there or beyond that point for the endangered species for the mussels.

But, again, 5,000 CFS flow, which is in that Biological Opinion, is historically about what we saw into flow in there.

The CHAIRMAN. Now, it's my understanding that the IOP dealt in part with trying to protect the mussels and sturgeons during their spawning season. Is that going to be a continual IOP, or is that then modified depending on the season for spawning?

General SCHROEDEL. Sir, to be honest with you, I'm not really sure. But what I would expect to happen is if we can move on with the master manual—with revising the manuals, that we should incorporate into those manuals the appropriate steps to address the endangered species and not have a myriad of different manuals that perhaps conflict or cause confusion regarding what's the management plan. I think we need one management plan.

The CHAIRMAN. Well, let's talk about the updating of those manuals.

What the entire Delegation here wants to see is the updating of those manuals because these lakes were built in the 1950's, and basically, they're operating under the same water plans pursuant to the water manuals that were in place when these lakes were constructed.

We have been assured by the Secretary of the Army in a meeting face-to-face with Senator Isakson and I had that the manuals would begin being updated on January 2nd, 2007. Leading up to that, there would be some preliminary work being done, which is,

I understand, in place now, in preparation for the updating of those manuals.

Can you tell us whether or not that schedule of beginning the updating process is going to take place on January 2nd?

General SCHROEDEL. Sir, I've reviewed the testimony and the bidding, and my understanding is that we have committed, and I will reaffirm the commitment to begin that work. I will also note—like to point out that I'm being told at the same time that funding to carry that effort out as quickly as we need to is not adequate.

The CHAIRMAN. Now is the time for us to address that issue. I assure you it's being addressed at our level.

General SCHROEDEL. Thank you, sir.

The CHAIRMAN. And we're not going to let it be held up for that reason.

There are various interests in our state which makes Georga a little bit unique and different from our two bordering states involved in this issue. We have issues in north Georgia, for example, with Lake Lanier being the water source for the city of Atlanta as well as of some other surrounding communities for it being a discharge area for some of the counties surrounding metropolitan Atlanta that are different than those you find as you move downstream.

Downstream, not only do we have the same recreational water supply issues as north Georgia relative to the lakes in this part of the state, but there are important agricultural interests and interests in transporting goods in commerce down the rivers to the Gulf. Those issues are unique here versus the issues that are prevalent in the metro Atlanta area.

So as you go through this process, I want to make sure that the Corps thoroughly understands that there are different and, in some instances, competing issues that need to be addressed and that we need to strike the right balance when it comes to making sure that Atlanta has the water supply it needs to operate its drinking water system.

But at the same time, we've got to make sure that folks down on this end of the rivers and the reservoirs that they use here are provided with the necessary levels to allow them to continue the recreation, the drinking water that they need, and also provide the flow in the rivers to allow for the commercial operation of our ports here.

I was curious when you said that previous actions on the levels at the lakes have been successful. We're going to hear from some property owners a little bit later, and I'll be interested to hear what they have to say about how successful they think the operation from a level standpoint is.

And I'll note with interest that Dick Timmerberg is going to point this out to us a little bit later on with some photographs. These photographs show docks that are obviously docks that have been out of water not for a few days, a few weeks, but months, maybe even years. There's good-standing trash going under and upward to these docks.

So the assertion that our levels have been successful over the years is going to be an issue, which I'm sure will be addressed a little later. And when you say you're going to listen—and I appre-

ciate that—I hope you'll listen very closely to what our witnesses have to say about those levels.

Various stakeholders in the ACF system have very specific requests of the Corps in terms of their management of the systems. For instance, the West Point Lake Coalition would like to raise the winter pool of West Point Lake. Why can't you simply just raise that level? Give us an explanation so that these folks can understand why the Corps can't just arbitrarily go out and raise the level of West Point Lake.

General SCHROEDEL. Sir, without the word "arbitrarily," I'd say that it is within our authority to make the decision to raise the level. And as I indicated earlier, we did raise the level once in conjunction with the 1980s revision from 625, which was the level that was determined to be appropriate for providing the proper flood capacity. So we've already raised it three feet.

And we can; however, at this point, we're not willing to do so because we believe the risk of flood damage downstream is higher this year, given what we know about predicted rainfalls, given what we know about the hydrology, given what we know about the system, we're not willing to make that decision to accept that risk. We think it's too high.

However, what we need to take a look at, as I mentioned, are two things. One, we need to take a look at what's downstream these days and what risk mitigation measures are there. One suggestion that's come out of the community is: You know, if we have enough advanced notice, we can pre-evacuate.

I'm personally not a fan of pre-evacuation. I think Katrina taught us that the infrastructure of this country is built for the economy; not for evacuation. You can't evacuate people fast enough. However, if there are local plans that say, "Wait a minute. We're only talking about 300 people, and given two-hours notice, we feel comfortable we can get them out of there," those are plans and dialogues that we haven't been able to have.

We also have not quantified—and there was another study done that I'm aware of that took a look at this issue, but that study did not quantify the flood risks, nor did it quantify what the real tradeoffs were in terms of real recreation benefits.

I took a look—again, I'm gathering information trying to learn as fast as I can, and I took a look at the visitation of West Point Lake just yesterday when I visited, and I can tell you, of the 3.2 million visitors per year, looking at the last three years, I looked at the visitation between November, December, January, and February, those four months account for 17 percent of visitation on an annual basis.

So the vast majority of visitation occurs in the summer months when the flood—when the pools are up. Don't have to worry about flood mitigation and—but, again, this is just—this is a superficial piece of information that I noted. But from my initial look at, you know, where are we, and what are we basing the risk on? I think we need more information, and that's why I would endorse a quick study.

I'm going to meet with some local folks later on today. I want to talk to them about some other authorities. You know, there are two or three agreements, and there are other means by which using

perhaps some local resources and our resources, we can put together a quick study and try and determine the answers to these questions about flood risk and trade-offs on the recreation piece.

So, sir, we can. I would like to move out—I have a history from my last command of authorizing a deviations in the west where we track down rivers and the disappearance of rivers over seasons. And we were raising Prado Dam as an example. We did a study; raised it about four feet. And not for recreation; there's no recreation out on Prado Dam above Gainesville. Instead, what is at risk is the water supply. You know, water is gold out west.

So I personally am inclined in that direction from my history and what I've done in command in other areas, but I want to make sure we've got the right collaborative study done quickly that would—it would make sure we're doing this in a—with a good understanding of the risks.

The CHAIRMAN. Well, I'll leave it to others to delve into that a little more, but I think it's safe to say that from an upstream standpoint over the last couple of years, particularly, there hadn't been any need to worry about flooding downstream.

General SCHROEDEL. Sir, I'd like to point that I also find very interesting about this system; Lake Lanier holds—and I find this very fascinating. Lake Lanier holds 60 percent of the storage on the system, but it is served by only 5 percent of the watershed. West Point Lake provides 20 percent—make sure I got my numbers right here. I thought this was very fascinating. West Point holds 20 percent of the storage, but yet is served by 14 percent of the watershed.

And that was why we had the situation we did in 2003 when we have a rain south of Lanier; you've got a bigger watershed, bigger area that's feeding the lake, and you can—you can impound the water much more quickly than you can ever, ever impound the water at Lanier.

So I guess a little dynamics along the system like that could feed into our risk situations, and we need to think about that.

The CHAIRMAN. There is one last area I want to cover with you. In June of this year, we learned that due to a calibration error, the Corps of Engineers incorrectly released an extra 22 billion gallons of water from Lake Lanier. In our hearing in Gainesville, General Walsh told us in order to prevent such a calibration error in the future, a redundant system was put in place on Lake Lanier.

First of all, would you comment on that calibration error, and have similar redundant systems been put in place downstream at West Point Lake, Walter F. George, and Seminole Lake?

General SCHROEDEL. Sir, absolutely. I can tell you; if anything about the Corps, we are a learning organization, and when we make a mistake, we learn and we respond quickly. And I can tell you; yesterday, I personally saw three different redundant systems that are measured every day and tracked to make sure that all three are in sync and that we know exactly what the level of that lake is; to the hundredth of a foot, I might add.

But yes, sir, that's in place. And I put my hands on them, so I know what they look like and if they work.

The CHAIRMAN. Okay.

General SCHROEDEL. And I've done the same on all of the other systems.

The CHAIRMAN. Are they working?

General SCHROEDEL. Yes, sir.

The CHAIRMAN. Okay. Senator Isakson.

Senator ISAKSON. Thank you, Senator Chambliss.

You told us before the hearing and then into your testimony, you said your first order of business when you get a new command is to ask the stakeholders what are their priorities.

General SCHROEDEL. Yes, sir.

Senator ISAKSON. Just so the record reflects it—and you've already addressed it—our number-one priority is implementing the water control plans on January 2nd of next year. And to that end, you made a reference, which was well-noted by all of us up here, that there may be some shortage of funding to be able to do it as rapidly as you would like to do it. That falls under our responsibility.

Do you happen to know how much money you need for '07 and '08 to do the water control plan?

General SCHROEDEL. Sir, I honestly don't know. But I can get you that answer quickly.

Senator ISAKSON. Well, I would appreciate it, and I know all of the other members here would appreciate your writing us and giving us the information on what it would take to complete that plan within the time frame that it's completable, which I understand is somewhere less than 24 months, but more than 12. That way, we can go to bat for that funding in Washington D.C. And I know Saxby—and I agreed with what Saxby said; we'll get that done, but we need to know——

General SCHROEDEL. Yes, sir.

Senator ISAKSON.——how much as quickly as possible.

General SCHROEDEL. Yes, sir. Thank you.

Senator ISAKSON. On that vain, secondly, with regard to the winter pool in West Point, in your testimony, you said: To make an informed decision on increasing the winter pool level, a study must be done which quantifies the risk—increased rate of downstream—risks to downstream citizens, the annual cost of increased flooding, the cost to mitigate the flood risk, socioeconomic benefits of high winter pool for recreation and other purposes, and any impacts on benefits of fish and wildlife.

Will you initiate such a study?

General SCHROEDEL. Yes, sir.

Senator ISAKSON. And if you have considered that you—if you would, how much is that going to cost?

General SCHROEDEL. Well, sir, that's what I'm going to talk to the local folks today about. And if, in fact, there is a requirement for funding on our side, then we can let you know that. Again, I don't know the exact details of that till I meet with the local folks and our folks this afternoon to discuss that point.

Senator ISAKSON. Well, I know you acknowledge in your testimony that you were aware that the local study was done and accepted the fact that it may very well be correct, but there were certain things within the priorities under law that you have to consider the warning risk in that.

General SCHROEDEL. Yes, sir.

Senator ISAKSON. And I assume maybe you can take the best of information from that study and then add to it those other things like fish and wildlife.

General SCHROEDEL. Yes, sir. Absolutely. That's my intent.

Senator ISAKSON. Is there any similarity between here and the South Pacific Division you commanded before coming here as far as water?

General SCHROEDEL. Yes, sir, there is. I guess my first impression was I was shocked to find out that there were water wars in the southeast. And I was further shocked to find out that there are no natural reservoirs in the southeast and—and, again, my initial impression here is that our problem is a simple—I'll say simple—is a complex matter but made simpler, I think, by two things; storage and management of that storage.

And I'd be the first to stand up and say I think we need some sort of an interstate, if you will, system commission like the Delaware River system or something, in which the Federal Government and others play a role in, and here's why: To respond again to some comments that the Chairman made, we do—we the Corps and all of us need to be very aware of not only the differences between needs up at the headwaters and needs at the tailwaters and differences of those balances, but I think not only do we need manuals here, I think we need a dynamic process and a dynamic system that, once we put manuals in place, we don't wait another 50 years—you know, I'd like our grandchildren and great-grandchildren—and we owe it to future Americans to have a process in place that will ensure that we don't have this happen again.

We can't have 50 years go between change in how we do business. Developmental pressures. Mother Nature, by the way, has a role. She's changing things. I think in addition to the manuals right now, we need to come up with a dynamic process. Call it Interstate Commission; I don't care what it is. Something that will allow us to update this process continuously because it's dynamic, and it changes year-to-year; drought, no drought, developmental pressures, it doesn't matter.

So I think in addition to the manuals, we need a process that will allow us to make this whole thing dynamic and not let this happen ever again.

Senator ISAKSON. To that end, we are in a—this is the 16th year of the absence of tristate water contract, and for 15 and a half years of those 16 years, three states have been in court. And during all that period of time, the inability for us to finally get an interstate water contract agreement was, in large measure, because we didn't have a water control plan.

So I just want——

General SCHROEDEL. Wow.

Senator ISAKSON. I just—the point's been made to us that without the water control plan, we'll never really get a final tristate contract because only after you know how the watershed is going to be managed and the environmental factors it'll change, the states will have reached that agreement.

So that's—when you hear us talk so often about when are you going to start and when are you going to finish and how much is

it going to cost, all along 16 years—my 16 years, last 16 years in the State Government and Federal Government, that has been the ultimate thing that allowed people the ability to agree to disagree because they didn't have that plan.

So just for a matter of evidence—not a question, just an editorial comment—that's why the Corps' quick implementation of that plan is so essential to all of us.

General SCHROEDEL. Great, sir.

Senator ISAKSON. Thank you——

General SCHROEDEL. That's good to know.

Senator ISAKSON.——Mr. Chairman.

The CHAIRMAN. Congressman Bishop.

Mr. BISHOP. Thank you very much.

General, we appreciate your openness and your flexibility in trying to deal with some of these very challenging issues. You were talking about formulating some dynamic way of dealing with these challenges so that we don't have to wait so that you can get me that input that was—that's responsive to the current conditions.

We had a very, very heated—and I've had several heated town hall meetings with representatives of the Corps down around the Lake Seminole area, and there's some concern around the Lake Walter F. George area about the implementation of the Corps, of directives, about the management, about the interpretation of the rules and regulations, some—many interpretations of which change depended upon who the character—the supervisor is in the area.

Although, residents may have been living on Lake Seminole for 20, 25 years and had residences there. Now, all of a sudden, the new person comes in and says, well, you've got a one-foot overhang or your dock is one foot too large. And these conditions have been in existence for 20 years in many instances, and they're told that they now have to remove or have to alter their home.

And there are all kinds of problems that have—that were expressed and has a great deal of tension, which I found myself as a referee between the 150, 200 residents at that angry meeting and your representatives. And I must commend Colonel Taylor and—for his leadership and Colonel Helgar from Mobile—I mean, from Savannah, who were willing to sit in to have an attitude such as you've exhibited here today.

But out of all of that, we were able to suggest, and Colonel Taylor was able to agree to implement and has, in fact, begun implementation of community councils so that residents of areas that have been impacted by the Corps policies can have regular meetings with the Corps so that the Corps can get feedback on how the regulations are being applied and implemented, how the interpretations are affecting the residents where there are concerns about maintenance.

For example, the hydrilla problem is a real problem and has been a real problem in the Lake Seminole area, and to some extent now in the Lake Walter F. George area. All of these areas have a great deal of tension, and if you had regular community councils that met on a regular basis that dealt with these issues before they came to a crisis.

And I have to commend Colonel Taylor who said with tremendous authority as the district commander to implement them and

did it, and it has made my life a lot easier in responding to the kind of admissions of angry residents who want the Congressmen to do something about the Corps.

So I was hoping that you could, all along the ACT and the ACF, if you could consider establishing some of these community councils where stakeholders get to interact on a regular basis with the Corps personnel so that some of the problems that we're talking about now don't come up as surprises when there's a crisis, and we can deal with them on a regular basis and keeping it from becoming a major issue.

General SCHROEDEL. Sir, that makes too much sense. I've considered it, it's done. As soon as I get back, that will be the standard for my entire division; not just the State of Georgia. That's a great idea. Thank you.

I don't like to waste time thinking about things either.

The CHAIRMAN. Senator Westmoreland.

Mr. BISHOP. Thank you, Mr. Chairman.

General, I noticed that you've got—listed flood control, hydropower, navigation, water supply, water quality, recreation, fish and wildlife conservation, and I read where those change the articles.

Just looking at the overall priority, where would you put the fish and wildlife?

General SCHROEDEL. Where will I personally put it?

Mr. BISHOP. Yeah. In what rank?

General SCHROEDEL. I would do everything I could to make sure I complied with the law first. As we all know, it is a law, and we have to comply with the law so we try to work very closely with the services.

But I will tell you, I always ask the question: When are we going to put human beings on the endangered species list? So we've got to have a balance.

Mr. BISHOP. Okay.

General SCHROEDEL. Balance is appropriate.

Mr. BISHOP. Well, my point is: They seem to be driving the train right now.

General SCHROEDEL. Sir, at least from my initial look, I don't find that to be the case, honestly.

Mr. BISHOP. Okay. Good.

General SCHROEDEL. Given the flows, historical flows, as I mentioned earlier, and given the impacts with or without—and I will tell you; we did some very strong arm wrestling with the Service on that Biological Opinion, and we were fairly satisfied that we weren't going to do—having the train driven by endangered species.

So I'm very comfortable personally with what I've learned about the collaboration, coordination, and, you know, making sure we didn't go too far one way. So at this point, my initial impression is that I think we're probably okay. But I'm not satisfied yet.

Mr. BISHOP. Okay. Now, you talked about down river results, as far as collecting all of those. Do you know when West Point was impounded? When the water was impounded?

General SCHROEDEL. Sir, I know the—I found this fascinating. I know the lake was dedicated the same month and year that I

began my service with this nation as a commissioned officer; June of '75.

Mr. BISHOP. Okay.

General SCHROEDEL. So I'll never forget it.

Mr. BISHOP. And so there's been a lot of development in the last 30 years or so downstream?

General SCHROEDEL. Right.

Mr. BISHOP. And when that lake was impounded, we knew what it was impounded for, at least what the law said. And so anybody that has built downstream from there now that have put their self in danger of a flood is their problem and not the people's problem on West Point Lake, is it—would that be a true statement?

General SCHROEDEL. Sir, I mean, you can say that. I'm not sure I would. But I mean——

Mr. BISHOP. Well, somebody allowed——

General SCHROEDEL. I think——

Mr. BISHOP. Somebody allowed them to build in harm's way based on the facts that were there in 1975; is that not true?

General SCHROEDEL. Yes, sir. I mean, I can tell you from my previous experience, especially out west watching people in development pressures, forest people are then choosing on their own some buildable flood zones—despite flood insurance, despite FEMA warnings, despite all the other warnings. In the end, when the flood comes, there's still people, and they're still standing there looking for help, and we wind up helping them anyway. It's a very interesting challenge personally.

Mr. BISHOP. I don't disagree with you. I understand. But my point is that I don't think the people that are living around that lake should be responsible for bad behavior on somebody else's part.

General SCHROEDEL. I agree.

Mr. BISHOP. Let me ask you another question.

Are you aware that people from LaGrange and Troup County and West Point Lake had a meeting with Mr. Woodly in Washington?

General SCHROEDEL. No, sir.

Mr. BISHOP. Myself and Congressman Gingrey and representatives from the Senator's office were in that meeting. Colonel Taylor was in the meeting also.

And at that meeting, one of the things that we asked for is that before any decision was being made about the 630 level, that Troup, LaGrange's, West Point's engineers and—had prepared a study of great expense to them that the Corps study—people that did it and the people that did their study can sit down and compare notes, so to speak.

We were told that meeting would occur. It never occurred. And the Corps came down with their decision not to raise the lake level. So we have not been given cooperation. And, like I said, Colonel Taylor was in the meeting, but Mr. Woodly, which I understand is the Secretary of Civil Works for the Army in Washington—so I don't know if we need to go any higher than that or not, but, General, we're going to count on you to check on that, if you would, and find out why that meeting didn't take place.

General SCHROEDEL. Sir, I will do that this afternoon because I'll be meeting with, I think, some of those same folks today, so I will pursue that today.

Mr. BISHOP. Okay. If we could.

And, you know, I also notice that you had on here that—I guess, that these lake levels were based on predictions of weather—weather patterns, and that's good to base it on historical patterns and predictions. I think there was a prediction that this year there would be five major hurricanes hit the United States, and I don't think—I don't think we've had one yet. So sometimes predictions are wrong, but facts are facts.

And I think it was either in '93 or '95, during the summer, full lake level at West Point, we had about 11 inches of rain. Now, I think the lake got at that time to 641. No flooding occurred. And that was at a full lake level. And that was at a time where there was no prediction of that type of rain, no historical basis, I don't guess, for that type of rain. But that rain happened. Like you said, Mother Nature is unpredictable. But even though that rain happened at a time that it had never been predicted, not usual, at a lake at full level, no flooding.

So I wish you would consider some of those facts——

General SCHROEDEL. Sir, I will.

Mr. BISHOP.——when you look at that is that predictions are good, history is good, but sometimes facts tend to do better.

I'm glad to see that you're going to meet with the people of West Point because, as Congressman Bishop said—I think his recommendation is a good one, and I was glad to see that you went along with it because people—because of bad predictions and bad decisions—have suffered great property loss, value, and just the rights that were given to have private property, the right to enjoy it.

And then Senator Chambliss showed in those pictures, and I hope and I'm sure that you'll get a copy of the complete album.

General SCHROEDEL. Okay.

Mr. BISHOP. You'll see where that—where people's property are, as 628 left them. In the—and reality of it is, I think the 630 level would be great, but I think the 633 level would be even better. So don't just take the 630 and try to run with it. If we wind up getting it any higher than that, we would.

And, General, I want to thank you, and I'm looking forward to working with you and getting some type of resolve to this problem because I think everybody in this panel, I know, wants some resolve to it.

And we're looking for some leadership from the Corps. You know, the Corps just can't be the passive kind of, well, fish and wildlife saying this, the courts are saying this. You need to stand up and be the leader that you are, and I know you will.

So thank you for coming into the battle zone here and taking the income, but I look forward to working with you in the future.

General SCHROEDEL. Sir, likewise. Thank you.

Senator ISAKSON. Representative Gingrey.

Mr. GINGREY. Mr. Chairman, thank you. First of all, let me apologize for being a little bit late and missing an opportunity to

make an opening statement. I would like to ask Mr. Chairman unanimous consent to submit my written remark for the record.

Senator ISAKSON. Without objection.

Mr. GINGREY. Thank you, Mr. Chairman.

I'm very appreciative of having the opportunity to be here as part of the panel in this agricultural position to sit in the Agricultural Committee Field Hearing in Columbus, Georgia, with my colleagues.

And, General, what I want you to understand, I think probably everything has already been said, but all of us that have not had the opportunity to say it, so I'm not going to repeat what I can predict I think my colleagues—well, Congressmen Bishop and Westmoreland, in particular, the three of us, as you know, currently all represent this part of the state.

But here on this—on this day, you've got a third, fully one-third, General, of the Congressional Delegation of the State of Georgia representing nine and a half million people. You've got both of our United States Senators and three of our Congressmen in a bipartisan fashion. And some of us had to get up real early in the morning to get here from Moultrie, Georgia, and Cobb County, and that just could kind of indicate to you how important these issues are.

And I was really pleased when you, as a second panel, took your seat, and I saw you roll up those sleeves and kind of reminded me of General Schwartzkopf in Desert Storm, and you've got that take-charge look, and you told us that in a previous command you've not hesitated to deviate from the book when it seemed appropriate when common sense prevailed, and that's the kind of thinking that we like.

And we are asking from you in regard to this particular issue—I realize with the next panel, you're going to hear from folks on this issue of this winter pool level at West Point Lake, and, of course, you're going to hear from our farm community, and as Chairman Chambliss has some great responsibility of chairing that committee in the Senate, there are many on the issues that will be discussed, and I understand that.

But this one particular issue is hugely important; particularly to the three members of the House and, obviously, to our Senators as well. And, you know, you talked about predictions and El Nino and all that stuff—I can hardly pronounce that, and I'm a Georgia Tech engineer and graduate from Medical College of Georgia, but I'm going to tell you something; I do understand actual versus predicted, and that's what Congressman Westmoreland was just talking about.

You're going to hear from this next panel, and they're going to let you know a little bit about actual and the damage that some of these rigid rules and regulations inflict on a local community because somebody's worried about the sturgeon and I don't know what—the snail-guard or mussels we're really talking about, but I think the most endangered species that we're concerned about is homo-sapiens and the people that live in this community and the economic impact and the recreational issues.

And we're just asking for some common sense. And so, basically, I—you know, you—I think you've already said it in regard to the study. We've heard a lot about earmarks during this 109th Con-

gress, and people have been backing up on earmarks. I guarantee you one thing; you'll get an earmark that all of the members of Congress and Senate that this statement will support proudly put their name to it on both sides of the aisle because—you know, we've done the study locally. We've paid the expenses of doing that, and there is absolutely, General, no excuse for not moving forward and doing this in a timely fashion because this thing has just drug on far too long.

Now, I don't think I came up with a question at all in this speech that I gave, but I wavered my opening statement, so I'll sort of include that, Mr. Chairman, in my time. But if you can respond to those thoughts, I would appreciate it because I get the impression that you're the guy, the brigadier general, where the buck should stop at your desk and not necessarily a civilian assistant, assistant secretary of the Department of Defense, who I don't think is qualified to make the decisions as well as you are.

So we're looking toward you, and we're hoping for a good answer. And I'll yield back my time and listen to your response.

General SCHROEDEL. Sir, I can say that, first of all, I'm not afraid to make decisions. If they're within my authority, I'll make them. And in response to me making the decision and the buck stopping with me, I couldn't agree with you more.

And if I could share, perhaps, on another battlefront that I'm facing here within this region—now, my region covers from Mississippi all the way to Virginia—in another simple project called The Everglades. The norm has been that the folks had to go to Washington to get answers. And I've already waited on that situation. I was glad to hear from the sponsors when they called me back, and said, "You know, it's nice to know we don't have to go to Washington anymore." So I will just offer that to you as evidence at least in the last few weeks of my inclination, which is exactly to do what you've said.

Mr. GINGREY. Thank you. You're back with The Chairman.

The CHAIRMAN. Well, General, we've laid the challenge out there, and we look forward to working with you. There are a lot of stakeholders here who have significant interest in all of the issues from the end of the Apalachicola as it goes into the Gulf all the way north of Atlanta. And we're excited about the fact that you're here. And, frankly, for the first time from my perspective in the 12 years that I've been working on this, you have more inclination to make decisions and to get something done than anybody that we've talked to before. So we're glad you're here.

And, again, when you communicate with your son, tell him how much we appreciate his service to our country. And we look forward to staying in touch with you. Thank you for taking the time to be with us, sir.

General SCHROEDEL. Thanks. If I can make one final request, if I can, Mr. Chairman.

The CHAIRMAN. Sure.

General SCHROEDEL. You and all the people here saying that I've established in this region is deeds not words. I've got to say to judge me by my deeds, not my words. Thank you.

The CHAIRMAN. We'll set this hearing for a year from now, and then we'll give you a grade. How about that?

General SCHROEDEL. Sir, I'd love it. That's great.

The CHAIRMAN. Thank you very much, General.

I would now like to ask our third panel, which consists of: Mr. Dick Timmerberg, the executive director of West Point Lake Coalition in LaGrange; Mr. Mike Gaymon, president and CEO of Columbus Georgia Chamber of Commerce here in Columbus; Mr. Steve Singletary, vice chairman of Georgia Soil and Water Conservation Commission from Blakely; and Mr. Jimmy Webb of Flint River Water Council. Jimmy resides in Leary.

Please come forward and take your places.

Gentlemen, thank you all very much for taking the time to come out and share some thoughts with us today, and we look forward to your opening comments.

I would encourage you to stay within a three- to five-minute range. This light system we have up here is a little bit funky today because the yellow light doesn't work. The green light means that you've spoken for four, and you're in your four-minute period. There will then be a blank for that last minute, but when the red light comes on, it means your five minutes is up, and we'd like for you to wind up. All of your written statements will be taken in the records. So everything that wasn't included will be included.

And, Mike, what we'll do is start with you. And, Dick, we'll go right down the row as far as opening statements in order. Mike, welcome. We'll, of course, hear from you now.

STATEMENT OF MIKE GAYMON, PRESIDENT AND CEO, COLUMBUS GEORGIA CHAMBER OF COMMERCE, COLUMBUS, GEORGIA

Mr. GAYMON. Thank you, sir.

Dear Committee Members, it is an honor to have you here in the RiverCenter, which is one of our super regional assets. This facility came about due to a public-private partnership resulting in over $100 million being raised to endow the arts. And many—in fact, many of the things in our region are due to this partnership where the public sectors work with the private sectors to find a win-win, which is what we hope could finally happen with the Water Wars, a public-private partnership for water.

Columbus was a planned city. Being on the most northern location for river traffic, its very beginning is due to the Chattahoochee River. Today, we're more aware and sensitive to the importance of the river than we have ever been. Just as the 20-plus mills that used to depend upon the river for its power, we depend upon it even more for drinking, some of our water recreation, and certainly, for business needs. When you come back next year, you'll see the 2.5-mile whitewater course in our central business district. We think this is just another example that while—we say we have rediscovered The Hooch.

In 1992, our city was faced with a major problem of Combined Sewer Overflow. Once a plan was developed and carefully explained to the citizens, they voted to tax themselves to a tune of over 600—$60 million to fix the problem. Combined with local funds, over $80 million was spent on the $100 million problem. Today, Columbus does not have a CSO problem. In fact, we used the opportunity to construct a 15-mile riverwalk, which is actually

a nice covering for a gigantic CSO sewer collection system along the river.

We hold this up as an example of having the political will to fix a long-term problem through an innovative and bold effort to make it better than it was. In fact, thanks to some financial help from the Congress in 1995, we were able to build a Combined Sewer National Demonstration Project, which was one of the first in the nation that's now being held up as an international model for dealing with treatment of wastewater solids. I hope it doesn't appear that I'm bragging about these accomplishments, but instead, I'm trying to illustrate the point that we can be good stewards; not to have to break the bank, but it takes a commitment, and it takes partners who are willing to find solutions; not just identify problems.

Unfortunately, some cities in our state and our nation have chosen to pay fines or to try a patchwork approach instead of being responsible and accountable to take care of their own problems. However, in spite of what we've done to fix our CSO, it helps us and it helps the people downstream as well. Wouldn't it be appropriate or even make sense to require everyone using the rivers to do the same? Simply using average annual stream flows is questionable as to the adequacy. That may be like the man who stuck his head in an oven and his feet in the freezer, and on the average, he ought to be okay.

During these periods, the cost of treatment before a discharge occurs could be many times over what it could be and should be if minimum flows are met and maintained year-round. Frankly, we support growth and development. We're glad that other areas of our state and our region are growing, but we don't think it should be at the expense of others. There are other parts of our state in addition to Lake Lanier and Apalachicola who are just as interested in protecting the environment while ensuring that the future of our citizens in regard to having ample water to sustain their quality of life are enhanced.

For example, more septic tanks that are put in operation in our state causes the flow and return to our rivers to be impacted. Shouldn't cities and counties with policies, or maybe the lack of, of uses versus minimum returns simply be ignored regardless of the impact of people downstream? It probably sounds too simple to ever work. Maybe that's part of the problem. We've made it too complicated.

Imagine—or some might say hallucinate—with me for a moment. What would happen if every user were required to do the following two things? Put back at least 90 percent of what's withdrawn on an annual basis back into the rivers and return what's put back cleaner than when it was withdrawn. If every user had to adhere to these two items, everyone upstream and downstream the rivers would have plenty of water to drink and play on, while still ensuring environmental issues were also taken care of. This would not pit one city against another city or another state against another state. Instead, each would be forced to adhere to the two rules that everyone withdrawing and discharging would operate and live by. If it were that easy, perhaps it would have been fixed a long time ago. But does anyone here think it's ever going to get any easier?

We applaud your interest in this area. We thank you for coming to Columbus to—for this hearing, and we look forward to the leadership in what we think is one of the most vital aspects of our future; sustainable water standards.

Thank you.

[The prepared statement of Mr. Gaymon can be found on page 59 in the appendix.]]

The CHAIRMAN. Thank you Mike, Dick.

STATEMENT OF DICK TIMMERBERG, EXECUTIVE DIRECTOR, WEST POINT LAKE COALITION, LaGRANGE, GEORGIA

Mr. TIMMERBERG. Thank you, Mr. Chairman. Members of Congress, guests, Brigadier General Schroedel, nice to meet you.

Before I actually start, we did submit the pictures, which the Chairman referred to earlier. And, General, we would take issue on how successful that plan is, as much as I hate to say it. But when you see those pictures later, I think you will concur with us that it has not been real successful.

I would like to emphasize up front, though, that we have an excellent working relationship locally with the Corps at the West Point Lake project and tremendous respect for their commitment and dedication to the lake. We've partnered with them on numerous projects; life jacket loaning programs, annual lake cleanup, solar buoy lights, to name a few. Regrettably, we do not have the same level of respect for the management practices employed by the Mobile District. And while I'm going to emphasize the management practice, there are a lot of fine people and we have some excellent relationships with Mobile, but we do challenge the management practices that are employed.

The Congress of the United States authorized West Point Lake in 1962 for five purposes: Hydropower; fish and wildlife recreation, i.e., sport fishing and wildlife; general recreation; navigation; and flood control. I would like to briefly address only two of these since the mussel and sturgeon and endangered species have been addressed previously.

Regarding recreation, West Point Lake is the first Corps of Engineers lake in the country to be specifically authorized by Congress as a demonstration recreation project. I want to repeat that; a demonstration recreation project. Yet, recreation is the one authorized purpose most consistently ignored and undervalued by the Mobile District.

In the District's own documents, specifically, Appendix X—F, Section 5, on recreation, they state the first and second recreation impact levels at 633.5 and 632 MSL respectively versus a full pool of 635. In a local West Point Lake document, the recreation impact levels are listed at 632.5 and 629. Obviously, there should only be one set of numbers. Realistically, we believe the more accurate numbers are somewhere in between.

Consequently, on the 28th of November in '05, we submitted a recommendation based on current conditions that said these numbers should be 632.5 for the first level and a minimum of 630 for the second. Mobile never responded to that recommendation. Recreation impact levels are critical because they equate to economic impact levels. West Point Lake is conservatively estimated to have an

annual economic impact of 225 to $250 million on its neighboring communities. These numbers do not include the economic potential that the lake was maintained at a safe, stable winter pool level of a minimum of 630.

General, you referred to the 17 percent visitation. I wouldn't visit the lake right now, and I live within position of 10. Our position is if it was a safe level, people would visit the lake all year-round because we have the climate to support that visitation. And actually, when we looked at the study, there would be about a 24 to $28 million economic impact because of the increased visitation.

Basic historical data; winter flooding is not and has not been the issue. The flood of record, as Congressman Westmoreland stated, occurred in May of '03 when the lake was at full pool. We had 11 to 15 inches of rain unforecasted, and due to a great job by the Corps, the lake went up six feet, but there was no flooding or certainly no major flooding.

We contend Mobile should provide the public a safe winter lake level at a minimum 630 to enjoy the authorized purpose of recreation 12 months a year. A 628 level is an unsafe surface. There have been numerous boating accidents resulting in huge repair bills and personal injuries, and we believe it's just a matter of time before one or more people are killed due to the unsafe lake level.

Additionally, the fluctuating lake levels caused tremendous soil erosion and sedimentation due to a vast number of exposed areas with shoreline; 5,249 acres to be exact in the 628 level are 20 percent of the surface area of the lake. Water storage capacity is being reduced daily, water turbidity is increased, and treatment costs to provide clean, safe drinking water are likewise escalating.

Finally, the economic value of the lake is grossly underutilized. Since its authorization, sport fishing and wildlife, along with general recreation, has increased exponentially in value and now dwarf the other authorized purposes. Our communities are suffering economic losses due to unsafe and unsatisfactory winter lake levels below 630. Furthermore, our ability to recruit industry and jobs suffers tremendously when we have to keep people away from an unrealistically low lake.

Conversely, a stable and dependable West Point Lake would be a recruiting magnet. We don't even know the economic potential of West Point Lake due to current and past management practices. However, a drive around Lake Lanier proves the economic potential is phenomenal if the management practices provide us the opportunity to realize it.

Georgia's population continues to grow, and there will be continuing increasing demands. The Mobile District practice needs to provide fair and equitable distribution of water the low state over. One major part of the solution to meet these increasing demands is to increase actual storage, not storage potential; more and more storage water. Take advantage of winter rains to increase storage is a win-win for all parties. Higher lake levels for recreation, higher lake levels for hydropower, and more water available for downstream needs.

We respectfully ask that our Senators join with our Representatives and other members of Congress and insist that the Corps follow your Congressional authorizations. In lieu of this and assuming

the Mobile District can and will continue to ignore Congress' directives, we ask that our Senators and Representatives introduce and pass legislation which mandated a minimum 630 winter lake level.

The communities and stakeholders around West Point Lake have needlessly suffered too much economic harm already. We've been dealing with this issue for over six years; six years when the majority of rational people agree this is the right thing to do, and the science supports it.

We sincerely appreciate your time and this opportunity and ask your support to finally bring this issue to a positive resolution prioritizing the most valuable authorized purposes of recreation and maximizing the economic potential of West Point Lake for the community and the individual lakefront stakeholders.

Thank you.

[The prepared statement of Mr. Timmerberg can be found on page 68 in the appendix.]]

The CHAIRMAN. Thank you Dick, Steve.

STATEMENT OF STEVEN SINGLETARY, VICE CHAIRMAN, GEORGIA SOIL & WATER CONSERVATION COMMISSION, BLAKELY, GEORGIA

Mr. SINGLETARY. Good morning. My name is Steve Singletary. I'm a southwest Georgia farmer, supervisor with the Flint River Soil & Water Conservation District, and vice chairman of the Georgia Soil & Water Conservation Commission. I'm pleased to be here today not only representing Georgia Soil & Water Commission but the Flint River District, which is directly impacted by the results of this hearing because of areas that we cover.

For 60 years, this Conservation District has played an important role in making local leaders make decisions regarding the use of natural resources. The 40 districts across the state are an active partner in the delivery of federal, state, and local conservation policies and programs.

Mr. Chairman, I want to personally thank you for holding this hearing today in Columbus and for including conservation issues on the agenda. I fully understand much of today should be focused on the Corps of Engineers' operation of local river basins; however, I'm pleased that you and the Committee understand the value and importance of ag water conservation.

Conservation programs have grown over the last decade to now represent significant funding and meaningful technical assistance to farmers and irrigators. This commitment allows farmers to not only protect our soil and water but to be better neighbors and citizens. Row crop producers in southwest Georgia have benefited from irrigation management cost share and incentives promoted by current conservation programs resulting in better management of land and water. While we get other support from commodity programs, the conservation tools, both technical and financial, have helped avoid regulations and promote more profitability in an ever-changing farming environment.

I know my time is limited here. I don't want to leave you with several thoughts regarding water conservation programs that the Georgia Soil & Water Conservation Commission offers to assist producers. The first program I would like to mention is the Ag

Water Conservation Initiative Irrigation Reservoir Incentive Program, better known as the Pond Program. This program provides cost share assistance to land owners to help offset the cost of either renovating or—an existing pond or constructing a new impoundment. This containment structure catches off-season water that would be lost and provide a source to augment surface and ground water supplies. Key partner in this program is the Natural Resource Conservation Service who provides technical assistance to ensure that construction is completed in a sound manner.

The Commissions Mobile Irrigation Lab provides a service of evaluating uniformity of water distribution under pivot civic—center pivot irrigation systems. As systems age, water distribution may change. In many cases, irrigation is scheduled when a portion of the field is stressed by hot and dry conditions, and if water is not applied uniformly, this portion of the field may need to be irrigated and the rest of the field doesn't require water.

A Mobile Irrigation Lab audits—Mobile Audit Lab quantifies how uniform water is supplied. Results of this field test include a graph showing the uniformity of the pivot system at pivot and proceeding down the system toward the end, an accurate application chart from a verified—from a field speed and water flow test and a detailed report showing leaks and needed repairs. If uniformity results are poor, cost share assistance is offered to the producer to retrofit the nozzle package to improve the water application uniformity.

Through the use of GPS technology and aerial imagery, this program has helped identify off-site water applications from an end-gun and will provide cost share assistance to equip the systems with an end-gun shutoff device when water is thrown on the public roadways or irrigation is applied to more than one acre of non-productive land.

The Commission is also implementing the first statewide effort to measure ag water use. House Bill 579 passed by the General Assembly and signed into law by the Governor Perdue, mandates that the Commission oversee the purchase, installation, maintenance, and collection of data from meters on all Environmental Protection Division permitted to ag withdraws. This program inventories pump sites using GPS technology to record their location and causes a meter to be installed on these sites. Annual water use data is obtained and along with irrigation water is applied—area that irrigation water is applied to and the cropping history from these sites.

The Commission works with irrigators to improve their understanding of how this state supposed state sponsored on-the-farm management tool can assist them in improving irrigation efficiency and help identify pumping problems. A state-sponsored interactive website will be produced to provide producers with an opportunity to review personal water use and/or provide comments on changes to irrigation systems for their cropping history.

The last program I'd like to highlight is the Irrigator Pro Ag Water Conservation Incentive Program. Through this corporation—cooperative effort with the National Peanut Research Lab, producers are given an incentive to use a computerized irrigation scheduling tool. For the crops of corn, cotton, and peanuts,

irrigators can track crop water uses and target irrigation events to match these needs.

Commission's goal of these conservation programs is simple. It is to supply producers with tools and knowledge that they need to use water wisely and efficiently. The Pond Program provides additional water. The Irrigation Lab ensures it's applied uniformly. The metering programs measures what's used. And the Irrigator Pro matches what is applied to the needs.

Thank you.

[The prepared statement of Mr. Singletary can be found on page 66 in the appendix.]]

The CHAIRMAN. Thank you Steve, Jimmy.

STATEMENT OF JIMMY WEBB, FLINT RIVER WATER COUNCIL, LEARY, GEORGIA

Mr. WEBB. Mr. Chairman, Senator Isakson, Congressman Westmoreland, Congressman Bishop, and Congressman Gingrey who's gone, it's my honor to be here before you today.

Steve and I are tied pretty tight together as farmers locally. A lot of the ideas that he just discussed with you were born with the Water Council, and the Soil & Water Commission have carried them on.

I offer my testimony from the perspective of dependence. Certainly, my livelihood, and to a great extent, the livelihood of all of my southwest Georgia neighbors, is dependent on our natural resources for irrigation. I'm a fourth-generation Calhoun County farmer whose operation consists of 2,500 acres of peanuts, cotton, and corn. We began irrigating—not me, my forefathers—in 1971 and continued to invest in irrigation hardware and infrastructure until our entire row crop operation could benefit from supplemental irrigation.

Over the last 35 years, we've also made great strides in areas of water conservation. We practice conservation tillage on most of our acreage, have replaced old inefficient systems with uniform low-pressure pivots and made use of the latest in irrigation scheduling research to ensure the most efficient use of our water resources as possible. Furthermore, given the cost of energy, pumping unnecessary amounts of water is one practice that would guarantee the fourth generation would never be able to pass down to the farmer of the fifth generation. For the Webbs and most of the farmers in southwest Georgia, irrigation is not a luxury. It's a business necessity that drives the largest sector or our regional and state economy.

I understand the purpose of this hearing is to discuss the Corps of Engineers' operation of the ACF River basins and their efforts and the effects on Georgia's agriculture. To date, the high-profile actions recently taken by the Corps on the Chattahoochee River have not directly affected my operation given my location in the Flint River basin. However, every action and decision concerning management of the ACF is of interest to me for one very simple reason; I suspect that Florida does not care if their minimum flow demands in the Apalachicola are met with water from the Chattahoochee or the Flint Rivers.

Up to this point, ACF discussions have focused mainly on the Chattahoochee, but it is possible, if not probable, that in the near future, an attempt to squeeze more water from the Flint Basin could be made in order to meet some target flow. The biggest loser if such a scenario would play out would no doubt be Georgia agriculture.

The lower Flint contains the greatest concentration of irrigated acreage in the state. These row and forage crops translate into roughly $700 million in Farmgate value and contribute significantly to the $5.8 million in direct and indirect output from agriculture and related businesses in this small corner of Georgia.

I can personally attest to the ripple effect caused by irrigated production through my partial ownership of a cotton gin and a peanut-buying point. Without the investment in irrigation technology by southwest Georgians, three of the first seven years in this century, including 2006, would have ended in complete disaster not just for producers, but for an economy that depends on our ability to access our water resources. Unfortunately, farmers as a group have not been as proactive as perhaps we should have been when it comes to discussions on water plan and policy.

As a charter member of the Flint River Regional Water Council and an appointee to the Basin Advisory Committee for the Flint River Basin Regional Water Development and Conservation Plan, I consider myself fairly well-versed in water policy issues. It is with this knowledge that I can fully appreciate the complex and difficult process of equitable water allocation among competing uses.

At the same time, it's my experience as a farmer that realizes the greatest potential threat to our way of life is uncertainty regarding access to water. Serious questions with serious concerns loom over both the inter and intrastate water concerns facing Georgia.

Questions such as: What kind of impacts are possible with the U.S. Fish & Wildlife now designating all of southwest Georgia critical habitat for several endangered mussel species? I want to add one thing to that from what Congressman Westmoreland and Congressman Gingrey said. If this is imposed, at what point would I be considered an endangered species? I do wonder a lot of times if those endangered species are driving the train.

Does my state-issued irrigation permit effectively negate my right to reasonable use as a riparian? If I'm forced to reduce my water use, what basis will be used if our permits are not tied to any withdrawal amount? The bottom line is: We as irrigators must have clarity in our rights to access in times of water scarcity, whether naturally occurring or imposed by some government regulation.

Production agriculture in 2006 is a venture filled with great risk but also some reward. One risk that we as producers cannot endure would be the arbitrary interruption, for whatever reason, of our ability to irrigate. We must remain at the table as the decisions are made in the near future will have lasting consequences.

I appreciate the Committee's recognition of the importance of agriculture and my opportunity to share some of my concerns with you. And I'd be happy to ask answer any questions you may have.

[The prepared statement of Mr. Webb can be found on page 89 in the appendix.]]

The CHAIRMAN. Well, thank all of you for your excellent testimony. And, again, let me just say that your entire statement will be put in the record.

Mike, I'm going to start with you. What effect does an adequate supply of water have upon the economic development of Columbus and Muscogee County?

Mr. GAYMON. Well, Senator, as you know, we have a regional economic development organization known as The Valley Partnership, which covers six counties and three overseas, and it has significant part. I mean, without water, obviously, there will be no growth. And as you know, this part of Georgia needs all the help it can get.

As I said, we are for growth and development of other parts, but we don't think it ought to be at our expense. So water is critical. We must have water for drinking. We also must have water, obviously, for discharge back into the river. I mean, it's a major part of the very reason why we're here, and I think our future is absolutely tied to it.

The CHAIRMAN. We are very pleased that the conclusion of the last base closure round to see that Fort Benning was going to be gaining about 10,000 soldiers over the next several years, and we're going to see the movement of the armor school from Fort Knox down here as well as some other assets to Fort Benning.

While all of that is well and good, it's going to bring not just 10,000 soldiers; it's going to bring their families, it's going to bring lots of civilians in addition to that. It's going to bring a lot of government contractors into Columbus.

From a water supply standpoint, are we prepared to meet the needs at Fort Benning and the ancillary folks that it's going to bring into our area?

Mr. GAYMON. Capacity-wise, Columbus Waterworks has excess capacity of water and sewer, but obviously, our challenge is for this region, and that's why we've got to make sure that we continue to make sure that we provide the water and sewer needs for this region.

Right now, it's a question as to whether we'd be able to be able to provide water and sewage in the outlining areas if each county and each area decided to do its own thing, so to speak. So we think that regionally is the way we have to do with that the water and sewer.

When you're talking about 33,000 people moving to this region—you participated in the Kia announcement. I know several of you were there. What's about to happen at Fort Benning is three times the size of Kia. That is tremendous. And we've got to make sure that we have ample water and sewer available for this growth that is going to happen; not what might happen; we know it will happen, so we've got to make sure we're ready. And that's why we're applauding this hearing, and we thank you for taking the proactive stance because the future of our region depends upon it.

The CHAIRMAN. Lastly, we know that water flow is critical to the utilization of the port in Columbus. How important from an economic standpoint is the Port of Columbus to this area?

Mr. GAYMON. It's lost some of its importance, Senator, over the years. Obviously, if you can't commit to whether you're going to be able to have enough water for the draw to bring barges up, it's chicken and the egg. You won't have barge traffic if you can't commit that there'll be water to float those barges. And without any uncertainty, knowing whether you will or whether you won't, obviously, the barge traffic is not nearly as it used to be simply because of reliability.

You know, you can't tell folks that you can ship up and ship down. Obviously, you'd be questionable as to whether you can put a barge on the river and nobody really knows, I think, as to those small windows of opportunity for shipping equipment.

The CHAIRMAN. Dick, when you talk about achieving minimal winter water levels, in order to achieve that, is it necessary to draw down more water from upstream or keep more water from flowing downstream to accomplish this or both of the above or neither of the above?

Mr. TIMMERBERG. Basically, we like to refer to it as free water because it's the late fall and winter rains. And no one—at least now in the Tristate Water Wars—is competing for that. I think we all understand now with the IOP that that 5,000 is historically what's been done. So the flows have been augmented above that because of the appearance to the rural curve at the reservoir. So when water's coming in, we can easily store that water.

Last winter, had we, in fact, stored it, the drought still would have happened, but would the results have been this severe and as early? No, they wouldn't have; not with another two feet of water, which again is approximately about 42,000 acre feet of water that would have been available had we just stored it when we had the opportunity.

The CHAIRMAN. So from your historical perspective, once we reach an adequate level from a wintertime standpoint, it can be controlled with the normal inflow and outflow again that you've seen historically without lowering the level?

Mr. TIMMERBERG. Correct.

The CHAIRMAN. Steve, what role does your organization play during drought years when the rainfall is scarce and more producers need to depend on irrigation? And secondly, earlier this year, there were folks around the state who were under water restrictions due to drought conditions; do agriculture producers have to abade the water restrictions?

Mr. SINGLETARY. What's that last part?

The CHAIRMAN. Do agriculture producers have to abide by these water restrictions?

Mr. SINGLETARY. No, sir. They don't have to abide by the water restrictions; however, they do use some of the tools that have been provided, such as the Irrigator Pro computer model that work to reduce the amount of water they can use by matching the actual needs of the crops to water instead of producing—put the number of what he needs to do. We have instruments in the field that take measurements to tell us when the crop actually needs the water, so that produces it.

With the programs to retrofit irrigation systems, we're increasing the efficiency or uniformity and getting better use of the water

we're using; therefore, being able to use less because we're doing a better job of applying what we need. With the meters, it allows us to know what we are using and do a better job of doing that management at the time.

The CHAIRMAN. Jimmy, you mentioned in your testimony that your farm consists of 2,500 acres of irrigated commodities. What's your source for that irrigation?

Mr. Webb I am a surface water irrigator, and that's probably why this is so important to me.

In the Chattahoochee region here, they have about 70,000 acres of irrigated land. In my county alone, we have 37,000 acres of irrigated land. The majority of my county is irrigated by surface water. That surface water eventually ends up in Lake Seminole and ends up in Florida. That's why it's very important to me.

As a surface water irrigator, we have become very efficient by using the programs that Steve was talking about. A lot of—I think a lot of the public perspective is that, a lot of times, we pump unnecessarily. With these programs that we have, the computer models, we pump only when necessary and only when we absolutely have to.

And it's made—believe it or not, it has made my yields go up because I was watering a lot of times on my own at the wrong time, and it would hurt my crop. And now, with these programs, I'm much more efficient with the water and making a better yield.

The CHAIRMAN. What's been the economic impact of the expanded use of irrigation by agriculture producers over the last decade?

Mr. WEBB. I couldn't tell you the answer to that one.

The CHAIRMAN. Well, I don't mean in dollars, but if you had not had the asset of an irrigation system on your farm versus having the farm all dry, again, what's done from an economic impact on southwest Georgia?

Mr. Webb I think I would be out of business, especially for the first few years of this century. What it has done is stabilized our income. We know that we're going to have a crop every year. We're going to have some type of production. Stability in your income, stability in your economy, stability in your tax base of southwest Georgia.

The CHAIRMAN. Senator Isakson.

Senator ISAKSON. Mr. Timmerberg, I want to take a couple of your points and try and amplify them, if I can.

Number one, I thought the General's comment with regard to 17 percent of the usage of visitation took place during the four winter months; I think you hit the nail on the head when you said because of the low pool, that reduces the visitations. It's not reflective of the lack of use because the climate here is temperate, with fishing and many other forms of recreation are year-round.

To that end, as I understand it, when the lake was originally authorized, it was authorized at 625 feet. That was raised in the 1980s when they did the amended plan to 628. And in 2003, the Corps, on its own, raised the winter pool to 630 and then subsequently reduced it. Do you know why it was raised to 630 in 2002 and then why it was reduced?

Mr. TIMMERBERG. Yes. We made a recommendation of the district engineer at that time based on the economic harm as well as the economic potential of having the lake at a safe winter level pool of 630, and the district engineer at that time granted a one-year waiver both in '02, '03, and '04. And we've even looked back at that as a three-year test run, and obviously, there were no serious repercussions from that 630 lake level.

In '05, the district engineer stated that he was returning to the broad—and rural curves and that the lake would be managed according to those curves.

Senator ISAKSON. I understand in the three-year test, it demonstrated no difficulties?

Mr. TIMMERBERG. Correct. And if I can, Senator, just a very recent example. Saturday—when we talked about winter visitation—there was a bass tournament Saturday out of Highland Marina & Resort; charity tournament that benefit Children's Healthcare of Atlanta. It had been advertised for six months heavily in the Atlanta area. Anybody that was here Saturday was at Fall Chamber of Commerce Day. It couldn't have been better. Seven boats showed up for that tournament, after six months of advertising. Because, again, in my opinion, people cannot rely on a safe lake level.

Senator ISAKSON. Mike, I want to just commend Columbus and Muscogee County. Your water authority people, waste water people, have visited me on numerous occasions that what you all implemented in '96 and have executed is nothing short of breaking the Pine sewer outfall as well as your water management.

And your recommendations about returning 90 percent of what you use back in the watershed is exactly the type of thinking we need in municipal and county government because every time we put water in the septic tank, we're taking it out of the watershed, so to speak, and every time we're treating it, we can put it back in the watershed, and then it's a higher problem when it's taken out.

Those management practices of what Columbus is doing is extremely admirable. And I just want you to know that. It's well-noted by all of us in Congress.

Mr. GAYMON. Thank you, sir. And our Columbus Waterworks, they are in the leading edge, but we're just looking for partners. We're not asking you to do it for us. We're just saying, "Work it with us, and we'll find a way to make it work," and I think that's exactly what we're trying to do.

Senator ISAKSON. Now, Jimmy, I've got a question for you. And this is not my origination, so I'm asking it on behalf of the staff sitting here behind me, so if I mix up the terminology, you just blame me.

Since 2006 has been a very dry year, has there been a noticeable difference in crop yields with your use of conservation tillage versus condition?

Mr. Webb Yes, sir. The biggest difference was the fact that in my conservation and tillage is irrigating. We've been pleasantly surprised at what our yields are under irrigation. A lot of the dry-land people in our area have destroyed their crops. They did not make any crop at all. And the irrigation has made a tremendous difference.

And the conservation and tillage, what it does is the water will stay there longer. It doesn't evaporate as quickly. So, therefore, it's helped us stretch our waters out. And with these tools we have, we don't have to come back as quick as we used to by using conservation tillage.

Senator ISAKSON. And isn't it fair to say—particularly looking back over the last 10 years—that had it not been for irrigation, the ag industry basically in this part of Georgia would have been wiped out given the weather patterns?

Mr. Webb Yes, sir. I thought about one other thing to answer Chairman Chambliss' question is: In the last 10 years, you see less and less dry-land farms and more and more are going to irrigation. The dry-land farms have been planted in the CRP programs and has turned them into recreational tracks that—under a type land, and it's—it's no longer being used for production agriculture; mostly just all irrigating now.

Senator ISAKSON. Notwithstanding the higher cost of petroleum and spilled, and something you've just almost got to deal with staying there?

Mr. Webb Yes, sir. You have to. If you want to produce a crop, you have to have some water.

Senator ISAKSON. Thank you, Mr. Chairman.

The CHAIRMAN. Congressman Bishop.

Mr. BISHOP. Thank you. I'd like to thank the panel for your comments. I think they all will be extremely helpful in instructing to us and to the Corps.

With respect to Mr. Webb and Mr. Singletary, I don't have questions for you. We are very, very intimately involved in the agriculture and the water needs there, but I just want to take this opportunity to commend you for your organizations' perseverance and your insight in being able to address the bad rap that has been put on south Georgia agriculture for pumping out all of the water and not allowing that water to flow down into Florida and being part of the problem for the shortage of water. I think that the practices that you've utilized and the research with the quantifying ag needs and actually quantifying ag usage and fine-tuning the irrigation process, I want to congratulate you on being able to improve your yields with that.

I think it has made a big difference, and it also gives us ammunition in Congress when we have to deal with the people who are not commended with how much or how little irrigation you have to do and the impact it has on water control. And I want to commend you for what you've done to help educate us and educate—and give us the tools that we need to be able to protect that usage.

With respect to Mr. Gaymon, I want to just ask you if you could sort of just emphasize with regard to economic development how important the water flow is on the Chattahoochee-Apalachicola River way with regard to the development plans that you have here in the Columbus area from here south, particularly with regard to what is planned with the Infantry Museum or Armor Museum, the marina plans and how increased water flow, raising the water levels, such as the lake, and allowing the water levels to increase as it comes down downstream; how that would affect the government plans for the marina, the Infantry Museum, and all of

these communities right down—right in the Chattahoochee River way?

And also, I want to comment that—there were comments made about the barge traffic, the Port of Columbus. But we do have another port south of Columbus, and that's the Port of Bainbridge, which is also in my Congressional District, which is probably in more need of navigable water than in—than perhaps we need here in Columbus.

So I do want the General to be cognizant of the fact that Bainbridge is a port and, of course, that could be a tremendous economic impact there if that water flow was consistent of the barge traffic there.

But if you have a comment on the economic government plans, I'd appreciate that.

Mr. GAYMON. Yes, sir. Thank you, Congressman.

We think there's ample water, but not—as I understand, we think there's a sufficient supply of water to be able to take care of our current and future needs, but not at all costs.

You know, when flows get down very low, it's not just the number of water that we need for drinking; it's also what happens with being able to treat it before you discharge back into the river, which ends up costing everyone a lot more money than perhaps it would have if certain flows were maintained.

It's a big political issue. We understand that. I mean, you guys, that's why you're there. And you're there to fix it, if you will, working with a lot of folks. But our future is dependent upon being able to have an adequate supply of water. We will put back into the river; clean the water that we take out. We will be good stewards. I think we've shown to be good stewards. We have permits to withdraw over 90 million. We withdraw some around 60 million.

So we're being good stewards, but we're looking out 10 years from now, 15 years from now, when this region grows—and we think it certainly will. Senator Chambliss has already mentioned the growth with Fort Benning, and with Kia at West Point and so forth.

So we think that it's important what we do today to take care of our future. Our future is tied to that river. Without the river, we will not be a city. And without this city being the hub of this region, I'm not sure what we'd become. I don't think it would be anything any of us would be proud of. So it's absolutely essential.

But we think there's an ample supply. It's a matter of just maintaining that ample supply so that we'll be good stewards, and we want everybody upstream and we want everybody downstream to be good stewards as well. Don't punish us because another area is growing. You know, let us be good stewards like we want everyone else to be good stewards.

Mr. BISHOP. Okay.

The CHAIRMAN. Congressman Westmoreland.

Mr. BISHOP. Thank you. And, Mike, let me say that from all of us, no flack from any other city can, but Columbus is a great example of how public-private partnerships work. I think this facility, your CSO plan where you voted to tax yourself to do that is a important thing that I think we have to consider that you are trying to do what you said; put that water back in cleaner and to be a

good steward of the water, unlike some of the cities that—maybe north of us up around the Atlanta area.

But it's kind of what Senator Chambliss said would—do you have any dollar amount of what the impact is on that flow? Keeping that flow right because of the mills, because of the recreation, because of your draw in the dependency, I guess, on that river valley partnership?

Mr. GAYMON. I'll give you one quick number. We mentioned Fort Benning. The Columbus Waterworks now has a contract to provide water and sewer at Fort Benning. If they can't provide that, we're talking about over $3.2 billion in new growth and development that is in this city.

But we're talking about our very livelihood. I mean, if we're not able to provide water to Talbot County, to Chattahoochee County, to this region, we think those counties are going to continue to be very, very rural, and they need jobs. I mean, they deserve an opportunity for jobs as well, and we think our best hope for that is to make sure the water and sewer for this region can be taken care of; not just today, but we're talking about years from now, and we've got to protect it.

And it's not that we don't think it should be at an expense. We want Atlanta to grow. Thank goodness it remains growing. But we won't be able to grow, and this region deserves the opportunity to grow as well, and if adequate supplies of water are not in the river, we have no choice. We will not be able to reach our potential, and that's where we think the biggest challenge lies.

Mr. BISHOP. Well, I want to ask you a question. I don't mean to put you on the spot. But just as a common-sense thing, do you think that you would have a better chance of keeping that river flow constant if you had more water upstream or less water upstream?

Mr. GAYMON. I think, certainly, the more water that's upstream that is coming down gives all of us an opportunity to grow and develop. And that's why we're applauding you guys for being here and saying we're going to be good stewards. That's what we want. We don't think it ought to be we grow and you don't; tag, you're out. I mean, I don't think that's being good stewards of the God-given natural resource that we all must protect.

Mr. BISHOP. Well, I think it's good the comments you made about the barge traffic because if we keep that river flowing consistent, then we have a better opportunity of keeping that consistency where it needs to be if we have more reserve upstream to keep it.

Mr. Timmerberg, to your knowledge—and here, we're going to get back to, General, some facts, maybe, rather than predictions. Do you know of a winter flood event that has happened since West Point Lake had been impounded?

Mr. TIMMERBERG. Since the lake became impounded, no, I do not know of a significant winter flood event. Saying if the flood event occurred in May of '03, and that's when the lake was at full pool, to begin with.

And, again, you're talking about common sense, sir, and so at 635 and the flood of record went up six feet from 635 to 641; no significant downstream flooding. At 630 winter pool, if that same flood of record hit, we would only be one foot over what would be

normal full pool. Common sense and science, as mentioned, we provided a study to try and facilitate the process, and it's glad to hear the General stating they would be willing to look at that again.

Mr. BISHOP. Well, Dick, I think science is a word we don't use enough of. We're in this weather and predictions and history and use science.

But, Mr. Webb and Mr. Singletary, I just have a request for you all. Thank you for what you do. If you ever see any Georgia farmer who needs to be on the Endangered Species Act, would you let members of this panel know because it's bad enough to have a country that's dependent on farm oil, and we certainly, certainly cannot afford to be dependent on farm flu. So I would ask and request that of you.

Mr. Webb Yes sir.

Mr. SINGLETARY. Be glad to.

The CHAIRMAN. I think if we look at the recent poll numbers, members of Congress are on the Endangered Species Act.

Gentlemen, thank you very much for taking your time out of what we know again are busy schedules to come here today to give us very valuable input. We appreciate the opportunity to dialogue with you.

General Schroedel, thank you again for your attendance and for your willingness to jump into this with both feet early on. We look forward to you working with us as well as these gentlemen and others.

And let me say to our audience out there, we thank you for taking time to come. As Senator Isakson and I have both mentioned, we had a hearing in Gainesville. We had a huge audience up there, and we had a lot of participation. And without you being here to express your opinions, to hear what's going on here, we would not know what the real needs of this area are. So to each and every one of you, I thank you for being here.

As I mentioned before you will have the opportunity to have your own personal input if you do not feel like your views were expressed here today. If you're interested in providing a written statement, the record is going to remain open for five business days. If you will please visit the Agriculture Committee's website at www.agriculture.senate.gov, you can get additional details, or you can see any of these staff folks who are sitting behind us here to get that website address.

Again, to the folks here at the RiverCenter, thank you for hosting us in a magnificent facility. And for those of you who haven't heard, we want to see this auditorium filled and Mike Gaymon does a song and dance on Friday night. It's a terrific facility, Mike. Columbus is extremely fortunate to have this type of facility.

Thank you all very much for being here. This hearing is now concluded.

[Whereupon, at 12:11 p.m., the hearing was adjourned.]

APPENDIX

October 24, 2006

Testimony
of
U.S. Representative John Linder (GA-07)
before the
U.S. Senate Committee on Agriculture, Nutrition, and Forestry
in
Columbus, GA
on
October 24, 2006

First, I would like to take this opportunity to sincerely thank Chairman Saxby Chambliss (R-GA) for holding a hearing to discuss the water issues presently facing Georgia, as well as our nation as a whole. I would also like to thank Chairman Chambliss for allowing me to submit my statement for the hearing record, as I cannot attend the hearing due to a scheduling conflict.

Water-related issues have been of interest to me for many years. In fact, I wrote an article in 1978 that predicted that one of the two major challenges for our country in the next century would be providing enough fresh water for our booming population. Just last week, the U.S. population exceeded 300 million people.

Today, even 28 years later, America still does not have an integrated or comprehensive water policy, even with the hundreds of thousands of Federal, state and local, and private-sector employees working to solve water problems. The difficulty is that there is little communication and coordination amongst these water experts. If we wait another ten or twenty years to get serious about meeting demand for clean water, it will be too late. The United States cannot afford to reevaluate its water policies every time a crisis hits. Now is the time to get ahead of this issue.

That is why I introduced legislation in the 107th, 108th, and 109th Congresses to create the 21st Century Water Commission. This commission of experts would specifically work on the water issues facing our nation so that we can ensure an adequate supply of fresh water for U.S. citizens in the 21st century. The 21st Century Water Commission, which is created by H.R. 135, would be an advisory body only and would make non-binding recommendations on how to coordinate water management efforts on all levels so that localities, states, and the Federal government can work together to develop a comprehensive water policy in order to avoid future water shortages.

H.R. 135 was approved by the U.S. House of Representatives on April 12, 2005, in an overwhelmingly bi-partisan vote of 402-22. It is now pending before the Senate Environment and Public Works Committee.

H.R. 135 has also drawn support from numerous organizations, including the

Association of California Water Agencies (ACWA), the Colorado Water Board, the Central Arizona Project, the San Diego County Water Authority, the WateReuse Association, the International Bottled Water Association (IBWA), the National Association of Home Builders (NAHB), the National Water Resources Association (NWRA), and the American Farm Bureau Federation.

I have been told over and over again that the United States only reevaluates its water policies when a crisis hits. But failure to plan for future water shortages is a recipe for disaster, as one day, Americans may turn their taps and discover that no water emerges. We must begin now, through this and future dialogues, to advance the science and knowledge that will be necessary to deal with 21st century water challenges.

In closing, H.R. 135 will create a resource and a research engine to enable local communities to better solve their water problems. I look forward to working with you, Chairman Chambliss, and Senator Isakson, to hopefully move H.R. 135 though the U.S. Senate in November, when we return to legislative session.

STATE OF GEORGIA
OFFICE OF THE GOVERNOR
ATLANTA 30334-0900

Sonny Perdue
GOVERNOR

Testimony of the Honorable Sonny Perdue
Governor of Georgia
Before the
U.S. Committee on Agriculture, Nutrition and Forestry Committee
United States Senate

Columbus, Georgia
October 24, 2006

I would like to thank the U.S. Committee on Agriculture, Nutrition and Forestry for conducting this field hearing today on this very important issue. I would also like to thank Senator Saxby Chambliss and Senator Johnny Isakson, as well as Congressmen Westmoreland, Gingrey and Price for their leadership on this issue.

Water is a life resource. It is a fundamental part of our lives. It is easy to forget how completely we depend on it. Human survival is dependent on water – water has been ranked by experts as second only to oxygen as essential for life. It is not only essential for drinking but critical to our economy, including our number one industry in Georgia – agriculture.

We have worked hard in Georgia to ensure that our uses of this precious resource are reasonable. We are currently in the process of putting together a statewide water plan. Just here in this region we have opened an EPD office in Tifton to improve local/state coordination on water use. EPD has just implemented the use of new geographic information system (GIS) technology into its process for evaluating applications for agricultural irrigation permits. The Soil and Water Conservation Authority is helping to put a water meter on every pump in the Flint river basin so that we will have the best quality data on agricultural water use for managing our water supply. Georgia is doing its part to responsibly utilize and manage our precious water resources.

And so you can understand our exasperation when the United States Army Corps of Engineers' (Corps) fails to do its part to properly manage this critical resource in the ACT and ACF river basins. Waters arising and flowing in Georgia are waters of the State of Georgia, and the federal reservoirs constructed on them should be operated by the Corps to meet vital needs of Georgia's citizens, including water supply, waste assimilation, recreation and navigation, and to support the biological needs of a wide variety of species.

In March of this year, the Corps announced a new reservoir management plan for the ACF Basin reservoirs called the Interim Operations Plan (the IOP). The IOP was intended to support the needs of the endangered Gulf sturgeon during its spring spawn and the needs of two species of protected mussels in the summer. While the intention of the IOP may be good, the State of Georgia is concerned that it mandates the release of far more water

than is necessary for the protection of these species and depletes the water storage upon which people and wildlife – including the protected species at issue – depend. Unfortunately, under former leadership, the Corps has largely dismissed Georgia's concerns.

- On May 5, 2006, Dr. Carol Couch, Director of Georgia's Environmental Protection Division, wrote a letter to the Corps enclosing hydrologic data showing that the Corps' continued operations could draw down the federal reservoirs in the ACF Basin to their lowest level in 50 years and could effectively empty them.

- On June 1, 2006, Dr. Couch sent a letter to the Corps and the U.S. Fish and Wildlife Service (FWS) requesting specific changes to the IOP.

- On June 2, 2006, I wrote Secretary of the Army Frances Harvey sharing Georgia's concern that "unless the Corps changes its operating protocols, the reservoirs and lakes in the system will be drawn down to their lowest level in recorded history."

- Also on June 2, 2006, Dr. Couch sent a letter to Colonel Peter Taylor and FWS with an attached memorandum providing additional results of the simulation of the IOP using data and information received from the Corps.

- On June 6, 2006, I personally met with former Commander Michael Walsh and Colonel Taylor again expressing these concerns.

- By June 9, 2006, the State had received no material responses from the Corps in response to its letters. Thus, on June 9, 2006, Dr. Couch wrote the Corps another letter demanding specific revisions to the IOP.

- On June 12, 2006, the Corps responded by letter to Dr. Couch's June 1 and June 2 letters. The Corps challenged what it believed to be certain of the assumptions underlying Georgia's simulations of the IOP, but did not provide data to allow Georgia to assess the validity of the Corps' assertions or to fully evaluate the discrepancies between the Corps' and Georgia's models.

- The Corps repeatedly put off responding to our June 9, 2006 letter that demanded changes to the IOP. After several requests for more time, the Corps finally stated that it would not respond to the June 9, 2006 letter because of unidentified "concerns raised by the other parties to the litigation." In fact, the Corps did not respond to Dr. Couch's June 9 letter until June 21, 2006.

In the midst of all of this, the Corps admitted to releasing more than 22 billion gallons of water from Lake Lanier by mistake – at a time when the region was approaching what is traditionally the driest time of the year. By this mistake, they essentially created a "man made" drought on top of a natural drought.

The 22.5 billion gallons of water that the Corps mistakenly released corresponds to 6.3% of Lake Lanier's conservation, or 22.5% of West Point's, or 28.2% of Walter F. George's (Lake Eufala) storage conservation.

The unfortunate actions by the Corps, and the repeated lack of response to our concerns, left Georgia with no alternative but to take legal action to protect our water resources. As you are aware, the State of Georgia filed a complaint in the Northern District of Georgia to stop the Corps' continued operation according to the Interim Operations Plan. This case is pending.

Litigation is never how I choose to deal with issues. As I explained earlier, we tried to impress our concerns upon the Corps. However, the Corps' leadership was largely non-responsive. The threat to the State of Georgia months later has not subsided.

The IOP that the Corps continues to operate under does not allow the lakes to refill and recover the lost stored water. Common sense tells us that you cannot manage a system of reservoirs if you never store any water. The Corps' Interim Operations Plan was adopted without any prior notice, without any public participation, without analysis of its impact on authorized purposes for which the federal reservoirs were constructed, without consideration of its impact on the water supply security for the millions of people who rely on the Chattahoochee reservoir system for water supply, without consideration of its long-term sustainability or its long-term impact on federally protected species, and without consideration of alternatives.

The result is an unbalanced plan that poses a severe risk of substantial harm to the State of Georgia.

In fact, the Interim Operations Plan is essentially a water control plan. A water control plan that was adopted without any public comment or notice and taking only one factor into consideration – endangered species. Georgia has long advocated that the Corps should update its master control plan for both the ACF and ACT basins – which it has not done in over 50 years. As a result, the Corps is operating these complex systems without reliable and predictable operating rules tailored to current demands and conditions within the Basins. Indeed, the Corps' own regulations provide that water control plans should be updated periodically in light of changing demands and other conditions. And there is no question that over the last 50 years the ACF and ACT Basins in Georgia have changed dramatically.

The Federal government itself recognized the need for current plans. The Federal Emergency Management Agency (FEMA) is investing millions of dollars in updating floodplain maps. This is a response to growth in Georgia and Alabama that has altered the flood characteristics of watersheds. The Corps needs to incorporate these altered flood characteristics into updated operation manuals to ensure protection of life and property in both states.

Further, inefficient, inaccurate, or unpredictable operation of the ACF and ACT systems results in growing uncertainty about the supply of water for more than half of Georgia's citizens and for facilities such as the Farley nuclear plant in Alabama and other power plants. The water control plans also should be updated as part of implementing the 2003 settlement reached

by the Corps, Georgia, and other parties that will help ensure that metropolitan north Georgia's water needs for the next decade will be met.

The failure of the Corps to update the water control plan is also affecting a stated purpose of lakes in the basin—recreation. West Point officials have asked the Corps to raise the level of the lake by two feet in the winter when water is plentiful to accommodate recreational needs that have a significant impact on the region's economy. But Corps officials have said that they have to adhere to the elevation levels in the IOP. So, it seems that the Corps only has the authority to change its operations when it wants to do so.

What does all of this mean? The Corps is providing flows for endangered sturgeon and mussels under an IOP that was developed without studying its full effects and without properly updating the Corps' grossly outdated water control plans. The Corps' performance under the IOP this year demonstrates that it is not a sustainable plan. The ACF System lost 381,338 acre-feet of storage during the period from March 1 to October 20, 2006, when the IOP has been implemented. This amount corresponds to about 23% of the entire system storage at the summer pool levels. The loss of system storage is the largest among historical drought years of 1986, 1988, 1999, 2000, 2001, and 2006. The system now has just 63% of conservation storage left, which is worse than at the same time in 1999. If the current drought turns out to be as severe and prolonged as the previous one, or even worse, and if the Corps does not take measures to actively conserve water in the reservoirs, system storage will be depleted to levels never seen before.

Earlier this year, the Corps submitted the IOP to the U.S. Fish and Wildlife Service for consultation pursuant to the Endangered Species Act. On September 5, 2006, the FWS issued its biological opinion regarding the Corps' operations and its effects on threatened species in the Apalachicola River. In the Biological Opinion, the Fish and Wildlife Service found that the flows provided under IOP would be sufficient to allow the threatened and endangered species to survive. But the Biological Opinion failed to recognize that the IOP does not allow the federal reservoirs to refill as they should, and that in a multi-year drought those reservoirs could be drained completely, with potentially devastating effects to human needs and the needs of the very same species that the IOP is designed to protect. The Biological Opinion, therefore, is seriously flawed, and, unfortunately, it looks like we will have to go back to court to challenge it.

At the same time Governor Riley and I are doing our best to put aside the disagreements between our States and reach an agreement on the management and operations of the ACT river basin. If we can find common ground there, it is my hope that we also would reach consensus on the management of the ACF basin. Of course, in the end, the only way any agreement will be successful is if the Corps will manage the basin accordingly. I have met with Governor Riley twice regarding the ACT river basin and we are committed to a resolution. We may need to ask for your help in securing the Corps consent when the time comes.

I hope that there is an opportunity for the Corps to correct its course under Brigadier General Joseph Schroedel. In order to get the Corps' operations on track, I believe that it is going to take real leadership on his part. I look

forward to sitting down with General Scrhoedel in the near future to discuss these important matters.

In closing, I would like to say that I cannot believe Congress passed the Endangered Species Act with the intention of providing substantially more protection for the species than for human beings. The Corps can provide for both the needs of the endangered species and the needs of humans upstream if it operates wisely and is guided by sound science and good planning. For example, I do not believe that Congress intended that the Corps provide the species with more water than even the natural environment would support, particularly when it comes at such a great cost upstream.

It is time for common sense to prevail on this issue. That is what we want from the Corps when asking that they update fifty year old water control plans. That is what we seek through our request to stop the release of water greater than nature would provide.

Thank you again for this opportunity.

United States Senate Committee on Agriculture, Nutrition and Forestry Hearing

October 24, 2006

F. Michael Gaymon, GCCE
President and CEO

Dear Committee Members,

It is an honor to have you here in the RiverCenter, one of our super regional assets. This facility came about due to a "public-private partnership" resulting in over $100,000,000 being raised to endow the arts. In fact, many of the things in our region are due to this partnership where the public sectors work with the private sectors to find a "win-win". Which is what we would hope could finally happen with the "WATER WARS"....a public-private partnership for water.

Columbus was a planned City. Being the most northern location for river traffic, its very beginning is due to the Chattahoochee River. Today, we are more aware and sensitive to the importance of the River than we have ever been. Just as the 20 plus mills that used to depend upon it for power, we depend upon it for even more.....our drinking, some of our water recreation and certainly business needs. When you come back next year you should see a 2.5 mile whitewater course in our central business district. This is just another reason that we have rediscovered the Hooch.

In 1992, our city was faced with a major problem of Combined Sewer Overflows (CSO). Once a plan was developed and carefully explained, the citizens of this community voted to tax themselves to the tune of over $60,000,000 to fix the problem; combined with other local funds, over $80,000,000 was spent on the $100,000,000 problem. Today, Columbus does not have a CSO problem. In fact, we used the opportunity to construct a 15 mile river walk which is actually a nice covering for the gigantic CSO sewer collection system along the River.

We hold this up as an example of having the political will to fix a long-term problem through an innovative and bold effort to make it better than it was.

In fact, thanks to some financial support from Congress, in 1995 we were able to build a Combined Sewer National Demonstration Project that was one of the first in the nation and is now being held up as an international model for dealing with the treatment of wastewater solids.

I hope that it doesn't appear that I am bragging about these accomplishments. Instead, I am trying to illustrate the point that we can be good stewards, not have to break the bank but it takes a commitment and some partners who are willing to find solutions and not just identify problems.

Unfortunately, some cities in our state and nation have chosen to pay fines or try a "patch work" approach instead of being responsible and accountable to take care of their own problems.

However, in spite of what we have done to fix our CSO, it helps us and the people downstream. Wouldn't it be appropriate or even make sense to require everyone using the rivers to do the same?

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What progress has preserved.

Simply using average annual stream flows are questionable as to the adequacy. That may be like the guy who said if he stuck his head in an oven and his feet in a freezer, that on the average he should be ok. During these periods, the cost of treatment before a discharge occurs could be many times over what it should be if minimum flows are met and maintained year round.

Frankly, we support quality growth and development. We are glad that other areas of the state and Region are growing but we don't think that it should be AT THE EXPENSE of others.

There are other parts of the state in addition to Lake Lanier and Apalachicola River who are just as interested in protecting the environment while ensuring that the future of our citizens in regards to having ample water to sustain their quality of life are enhanced.

For example, the more septic tanks that are put into operation in our state cause the flow and return to our rivers to be impacted. Should cities and counties with policies or lack thereof of usage versus minimum returns simply be ignored regardless of the impact on people downstream?

It probably sounds too simple to ever work. Maybe that is part of the problem, we have made this too complicated. Imagine, or some may say hallucinate, with me for a moment. What would happen if every user were required to do the following two things?

1. Put back at least 90% of what is withdrawn on an annual basis out of the rivers.
2. Return this cleaner than when it was withdrawn.

If every user had to adhere to these two items, everyone up and down the rivers would have plenty of water to drink or play on, while still ensuring that the environmental issues were also taken care of. This should not pit one city or state against another. Instead, each would be forced to adhere to the two rules that everyone withdrawing and discharging would operate and live by.

If it were easy, perhaps it could have been fixed a long time ago. But does anyone think that it ever will become easier?

We applaud your interest in this critical issue. We thank you for coming to Columbus for this hearing. We look forward to your leadership in what we think is one of the most vital issues for the future....sustainable water standards.

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DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS

COMPLETE STATEMENT

OF

BRIGADIER GENERAL JOSEPH SCHROEDEL
DIVISION COMMANDER
SOUTH ATLANTIC DIVISION
U.S. ARMY CORPS OF ENGINEERS

BEFORE THE

SENATE COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

October 24, 2006

INTRODUCTION

Members of Congress and distinguished guests, I am Brigadier General Joseph Schroedel, Division Commander, South Atlantic Division, U.S. Army Corps of Engineers. Thank you for the opportunity to provide this statement before you today concerning the Corps operations and management of the Alabama-Coosa-Tallapoosa River Basin encompassing parts of Georgia and Alabama and the Apalachicola-Chattahoochee-Flint River Basin encompassing parts of Alabama, Florida and Georgia. The U.S. Army Corps of Engineers practices the principles of openness. We strive to maintain transparency concerning our operations and management of the systems. We do this by providing all our publics with as much data as possible via our web site, sharing of information with state and Federal agencies, meetings with our partners and communities in and around our projects, and through the media.

I would like to divide my statement into four parts: normal management, increasing the winter pool level to provide additional recreational opportunities at West Point Lake, Endangered Species Act, and the condition the basin finds itself in today.

NORMAL MANAGEMENT

The Alabama-Coosa-Tallapoosa (ACT) Rivers system of projects consists of multipurpose projects providing for flood control, hydropower, navigation, water supply, water quality, recreation, and fish and wildlife conservation. The system has five Corps projects and ten Alabama Power Company dams. The Corps projects consist of two major storage projects, Allatoona and Carters in Georgia at the upper end of the basin, and three run-of-the-river projects at the lower end of the basin in Alabama. The Alabama Power Projects are located on the Coosa and Tallapoosa Rivers and are

operated in conjunction with Corps projects to provide a minimum seven day average flow in the system. The Corps has flood control oversight of the Alabama Power Projects.

The ACT basin is experiencing the same drought conditions as other river basins in the Southeast. The two upper most projects, Allatoona and Carters, are experiencing inflows averaging 10 to 50 percent of normal. Allatoona is currently 9-feet below normal pool and Carters is 10.5 feet below normal. At the lower end of the system in the Alabama River, depths are 6-feet below the authorized project depth of 9 feet. Only minimum flows are currently being released from Carters. Allatoona is only generating two hours a day. Due to the drought, the Alabama River situation has caused one company to modify its water intake to remain operational and another to switch to alternate transportation modes to remain operational.

The Apalachicola-Chattahoochee-Flint (ACF) Rivers system of projects also consists of multipurpose projects providing for flood control, hydropower, navigation, water supply, water quality, recreation, and fish and wildlife conservation. The Federal projects on the system begin with Lake Sidney Lanier at the headwaters, West Point Lake, Lake Walter F. George, George W. Andrews, and Lake Seminole at the lower end of the basin. There are several lakes with hydropower facilities operated by private and public utilities along the system as well.

Under normal circumstances the Corps operates and manages these reservoirs to meet all project purposes in accordance with the draft water management plans developed in the late 1980s. These plans establish certain zones of water levels which trigger actions when these levels are reached. This management has proven to be successful in meeting project purposes when water within the basin is plentiful.

Issues begin to arise primarily when drought hits the system. The management plan calls for balancing the various reservoirs with available water in the basin to keep them generally in the same action zones. These zones have been developed to meet the authorized project purposes to the maximum extent possible under varying water conditions. As you are all well aware, the Southeast has been in a moderate to severe drought throughout 2006. We have modeled the reservoir levels using the assumption that this year's conditions are similar to those of the drought of 2000. Based on that assumption, we expect West Point Lake to reach its lowest point in mid-winter (January), possibly a decline of another 2-4 feet, before winter flows begin to refill the lake.

The next reservoir down the system is Lake Walter F. George. The authorized project purposes are hydropower, navigation, recreation, water quality, and fish and wildlife conservation. Walter F. George is also experiencing drought conditions. The lake is currently about 2.7-feet below its normal pool level for this time of year. In a like manner with West Point, we also modeled Walter F. George and the results indicate it

will remain at or near its current level through the winter. This will keep both lakes at the top of Action Zone 2 if additional rains do not occur between now and mid-winter.

Looking on the positive side, weather experts tell us an El Niño condition has developed in the Pacific, which typically brings higher than normal rains to the Southeastern United States during the winter months.

However, until the rains come, the Corps will continue to operate with the current management plan, doing our best to meet the authorized project purposes to the maximum extent possible under the current drought conditions.

WINTER POOL LEVEL

West Point Lake was authorized with five purposes. They are recreation, hydropower, flood control, navigation, and fish and wildlife conservation. Concern has been expressed that the Corps has prioritized those purposes to make flood control and fish and wildlife conservation higher priorities than recreation.

The Corps makes every effort to meet all authorized project purposes to the fullest extent possible with available water. A request to raise the winter pool level from the current conservation level of 628 to 630-feet has been submitted by local interests. After much consideration, the Corps has declined to grant that request for this year. This decision has apparently led some to have concerns that flood control is being given priority over recreation.

Let me explain how operational decisions are influenced by a variety of factors and how priorities are established among authorized project purposes. Operation of Corps reservoirs must take into account current and predicted future conditions, as well as known seasonal weather patterns. For instance, in drought conditions, conserving water for human and industrial consumption becomes a higher priority. Some other uses, such as recreation and hydropower, may temporarily become a lower priority. Likewise, in times when the risk of flooding becomes greater, flood control operations rise in priority over other conflicting uses. Water is sometimes released in larger quantities than would otherwise be the case in anticipation of a flood event.

In Georgia, the annual seasonal weather pattern is typically one of wet winter and spring months, followed by drier months in the summer and fall, with the driest month typically being October. For this reason, the operational plans for most of these lakes call for annual drawdowns in advance of the wet season. This gives us the extra storage needed to protect downstream residents from potential flood events. This conservative approach has served us well through the years, preventing or reducing much flooding in the basin during storm events.

The winter pool level at West Point Lake was originally authorized at 625 and was raised to 628 when the draft water management plan was developed in the late 1980s,

an action which provides for increased recreation opportunities. To further increase that level, which would remove an additional two feet of available flood control storage, would have an effect on flood damage reduction and other potential impacts, not just the recreational benefits. Under the current management plan, the amount of flood storage provides a level of flood protection to downstream homes and businesses. It would be unwise to increase the risk to those Georgia and Alabama citizens downstream without first identifying the risk and potential economic loss resulting from decreased flood protection, or how any increased risk could be mitigated.

I am aware that a study was commissioned by concerned organizations earlier this year to analyze the flood control capability of West Point Lake. While the conclusions of that report may prove to be correct, the analysis did not address the fundamental question of the cost of induced flood damages downstream of the dam, nor was the specific economic analysis of increased recreation and other benefits, such as fish and wildlife conservation, addressed.

To make an informed decision on increasing the winter pool level, a study must be done which quantifies the increased risk to downstream citizens, the annual cost of that increased risk of flooding, the cost to mitigate increased flood risk, the socio-economic benefits of a high winter pool level for recreation and other purposes, and any impacts on or benefits to fish and wildlife.

ENDANGERED SPECIES ACT

The U.S. Army Corps of Engineers has been in informal consultation with the U.S. Fish and Wildlife Service pursuant to Section 7 of the Endangered Species Act concerning operations in the ACF basin to protect endangered mussels since early 2000. In 2002, Gulf Sturgeon spawning in the Apalachicola River became an operational concern when portions of spawning habitat below Jim Woodruff Dam became exposed during the spring spawning months. At that time, Mobile District agreed to collect additional information to assist in completing consultation on the effects of operations at the Jim Woodruff Dam and associated releases to the Apalachicola River. During informal consultation and as new scientific information became available, the Corps has adjusted our operations at Jim Woodruff were adjusted as necessary to provide adequate flow conditions to afford protection for Gulf sturgeon and two types of protected mussel species in the Apalachicola River. In early 2006, the results of our informal consultations with USFWS over the past few years were incorporated into an Interim Operations Plan, or IOP, for releases from Jim Woodruff Dam to provide the necessary flows under varying conditions to afford protection to these species. Over the years, the IOP has been revised and updated as new scientific information became available. In early 2006, the Corps entered into formal consultation with the Service which resulted in a Biological Opinion on the IOP being issued by the USFWS on September 5, 2006, which included some revisions to the IOP.

The Biological Opinion basically sets the parameters for flow requirements below Jim Woodruff Dam to provide protection to the species at various times of the year and under various conditions such as a drought. It establishes an absolute minimum flow, flow thresholds which allow a certain percent of water to be stored at the projects, and the points at which 100 percent of inflows must be released. These thresholds provide protection for the species while still allowing us to operate the system. During drought conditions, not all project purposes can be fully met, and only the minimum basin inflows would be released in support of endangered species.

We have simulated the West Point Lake and Walter F. George lake levels for both with and without the IOP operation specified in the Biological Opinion. The modeling shows that as of 1 October, the current lake levels would be approximately 1-foot higher without implementation of the IOP/BIOP. It should also be noted that during less extreme conditions, the impacts of the IOP/BIOP would be negligible on lake levels at West Point.

TODAY'S ENVIRONMENT

The Apalachicola-Chattahoochee-Flint Rivers system currently exists in two environments which make any and all operation and management decisions a challenge. First, as I have previously discussed, is the drought. With the help of El Niño, we may see that environment change over the next few months. The second environment is a much greater challenge and that is the disagreement among the states over water allocation and best management of the system.

I do not have the solution to this issue; however I pledge the full support and technical expertise of the Corps in providing whatever assistance is requested to help achieve a successful resolution for all involved.

SUMMARY

Thank you for the opportunity to update you on the operations and management of the Alabama-Coosa-Tallapoosa and Apalachicola-Chattahoochee-Flint Rivers systems of projects, and specifically our operations at West Point Lake. I assure you the Corps is committed to working with all stakeholders in the basin to provide the best management and operation of the river systems. I am hopeful the ongoing mediation process will produce a framework to bring protection and balance to these precious resources.

Good Morning. I am Steve Singletary, a Southwest Georgia farmer, local businessman, supervisor with the Flint River Soil and Water Conservation District and the vice chairman of the Georgia Soil & Water Conservation Commission.

I am pleased to be here today representing not only the Georgia Soil & Water Conservation Commission but the Flint River Soil and Water Conservation District, a District that may be directly impacted by the results of this hearing. For over 60 years, this conservation district has played an important role making sure local leaders help make decisions regarding the use of natural resources. The forty Districts across the state are active partners in the delivery of federal, state and local conservation policies and programs.

Mr. Chairman, I want to personally thank you for holding this hearing today in Columbus, and for including conservation issues on the agenda. I fully understand much of today has been and should be focused on the Corps of Engineers' operation of local river basins. However, I am pleased you and the Committee understand the value and importance of the impact of ag water conservation.

Conservation programs have grown over the last decade to now represent significant funding and meaningful technical assistance to farmers and irrigators. This commitment allows farmers to not only protect their soil and water but also be a better neighbor and citizen.

Row crop producers in Southwest Georgia have benefited from the irrigation management cost share and incentives promoted by current conservation programs, resulting in better management of land and water. While we get other support from the commodity programs, the conservation tools, both technical and financial, have helped avoid regulation and promote more profitability in an ever changing farming environment.

I know my time is limited here today but, I do want to leave you with several thoughts regarding some of the water conservation programs that the Georgia Soil & Water Conservation Commission offers to assist producers.

The first program I would like to mention is the Ag Water Conservation Initiative Irrigation Reservoir Incentive Program, better known as the Pond Program. This program provides cost share assistance to land owners to help offset the cost of either renovating an existing pond or constructing a new impoundment. These containment structures catch off-season water that would be lost and provide a source to augment both surface and groundwater supplies. A key partner in this program is the Natural Resources Conservation Service who provides technical assistance to ensure that construction is completed in a sound manner.

The Commission's Mobile Irrigation Lab provides a service of evaluating the uniformity of water distribution under center pivot irrigation systems. As systems age, water distribution patterns may change. In many cases, irrigation is scheduled when a portion of the field is stressed by hot, dry conditions. If water is not applied uniformly, this portion of the field may need to be irrigated before the rest of the field requires water. A Mobile Irrigation Lab audit quantifies how uniform water is applied. Results of this field

test include a graph showing the uniformity of the pivot starting at the pivot point and proceeding down the system toward the endgun, an accurate application chart from a field verified speed and water flow test and a detailed report showing leaks and needed repairs. If uniformity results are poor, cost share assistance is offered to the producer to retrofit the nozzle package to improve water application uniformity. Through the use of GPS technology and aerial imagery, this program also helps identify offsite water application from an endgun and will provide cost share assistance to equip the systems with an endgun shutoff device when water is thrown on a public roadway or irrigation is applied to more that one half acre of nonproductive land.

The Commission is also implementing the first statewide effort to measure ag water use. HB579, passed by the General Assembly and signed into law by Governor Perdue, mandates that the Commission oversee the purchase, installation, maintenance and collection of data from meters on all Environmental Protection Division permitted ag withdraws. This program inventories pumping sites, uses GPS technology to record their location and causes a meter to be installed at these sites. Annual water use data is obtained, along with the area that irrigation water is applied to and cropping history from these sites. The Commission works with the irrigator to help improve their understanding of how this state sponsored "on the farm" management tool can assist in improving irrigation efficiency and help identify pumping deficiencies. A state sponsored interactive web site will provide producers an opportunity to review personal water use data and/or provide comments on changes in the irrigation system or to their cropping history.

The last program I would like to highlight is the Irrigator Pro Ag Water Conservation Incentive Pilot Program. Through this cooperative effort with the National Peanut Research Lab, producers are given an incentive to use a computerized irrigation scheduling tool. For the crops of cotton, corn, and peanuts, irrigators can track crop water use needs and target irrigation events to match these needs.

The Commission's goal of these conservation programs is simple. It is to supply producers with the tools and knowledge they need to use water wisely and efficiently. The Pond Program provides additional water sources; the Mobile Irrigation Lab ensures that irrigation water is applied uniformly; the metering programs measures the amount of water pumped; and the Irrigator Pro matches what is being applied to crop water needs.

We have a great opportunity to build on the effective programs and policies that were established through years of commitment from federal, state and local leaders. These leaders want to continue to be constructive and active players to meet future conservation program needs. We want to work with you to make sure that programs like these continue to provide meaningful assistance to producers and results the taxpayers can also appreciate and enjoy. Producers realize that if water is used efficiently and effectively, their production costs are lower and they are being wise stewards of a resource that we all benefit from.

Thank you.

October 24, 2006

SENATE HEARING TESTIMONY
DICK TIMMERBERG, EXECUTIVE DIRECTOR
WEST POINT LAKE COALITION
COLUMBUS, GEORGIA

Good morning. My name is Dick Timmerberg and I am the Executive Director of the West Point Lake Coalition (WPLC) and West Point Lake Advocate for the city of LaGrange and Troup County. The WPLC is a 501c3 organization and has been in existence over six years. Our Mission Statement is as follows:

"TO PROMOTE AND PROTECT WEST POINT LAKE'S ENVIRONMENTAL, RECREATIONAL, AND ECONOMIC OPPORTUNITIES".

We want to emphasize upfront that we have an excellent working relationship locally with the Corps of Engineers (COE) at the West Point Lake Project and tremendous respect for their commitment and dedication to our lake. The WPLC and the COE locally have partnered together on several projects to improve our lake:

- **We have installed approximately twenty artificial fish habitat structures and have another ten to fifteen to go. These artificial habitats will both improve the fishery and help people catch more fish.**
- **We have pursued and received grants for a life jacket loaner program to hopefully prevent any more children from drowning because they did not have access to a personal flotation device.**
- **We conduct an annual lake clean up in early October with some 250 to 300 volunteers picking up 30,000 to 50,000 pounds of trash, tires, and miscellaneous items such as old couches, refrigerators, bicycles, shopping carts, etc.**
- **The WPLC has lit up our lake at night by investing approximately $20,000 to purchase solar buoy lights for all main channel buoy markers from the dam up the river to Ringer Access; we then partnered with the COE locally to install and maintain these buoy lights to increase safety for those people utilizing the lake at night or during periods of low visibility.**

Please note that the above projects all focus on providing a "safe" and enjoyable West Point Lake for people to visit.

Regrettably, the WPLC does not have the same level of respect for the management practices employed by the COE, Mobile District, where there is a perceived lack of common sense, a refusal to think outside the box, a generally unresponsive attitude toward stakeholders, and a reluctance to do the right thing.

The Congress of the United States authorized West Point Lake in 1962 for five purposes:

1) **Hydropower**
2) **Fish and Wildlife Recreation, i.e. sport fishing and wildlife**
3) **General Recreation, i.e. boating, skiing, etc.**
4) **Navigation**
5) **Flood Control**

Re: Hydropower, West Point Dam generates enough power to support 24,000 homes or to provide power to a city the size of LaGrange. It is the lowest cost electric power available in the marketplace during a time of strain on the nation's energy supply. Hydropower benefits from higher lake levels which keep the battery charged and guarantee adequate water for generating purposes.

Re: Fish and Wildlife, the COE, Mobile District's, practice of yo-yoing the lake level up and down with major fluctuations has at times caused harm to the bass fishery during spawning periods and has caused literally thousands and thousands of mussels to die on receding shorelines. Although these mussels are not an endangered species, they provide the same cleansing and filtration of the water as the downstream, endangered mussels; yet the COE and/or US Fish and Wildlife have arbitrarily determined that these mussels are expendable. I wish someone could reasonably explain this; and then explain why the needs of some mussels and sturgeons take priority over the needs of man re: clean, quality water to drink and to use in recreation! To our knowledge, US Fish and Wildlife has never studied the effects or harm of the fluctuating lake levels to fish and wildlife species or the effects on the ACF Basin as a whole. Their studies have been limited to individual segments of the Basin as if these segments existed in a vacuum.

Re: Recreation, West Point Lake is the first COE's lake in the country to be specifically authorized by Congress as a demonstration, recreation project! Yet Recreation is the one authorized purpose most consistently ignored and undervalued by the COE, Mobile District. In the COE, Mobile District's, own documents, specifically, Appendix F, Section 5, Pages F-5 to F-7, the COE states the first and second recreation impact levels at 633.5 MSL and 632.0 MSL respectively vs. full pool of 635.0 MSL. In a local West Point Lake Project document dated 18 February '04, the recreation impact levels are listed as 632.5 MSL and 629.0 MSL for the first and second recreation impact levels respectively. As much as we would like to endorse Appendix F, we believe the more accurate numbers are somewhere in between; consequently, on 28 November, '05, we submitted a realistic recommendation that there should be only one set of numbers and based on current conditions, those numbers should be 632.5 MSL and 630.0 MSL for the first and

second recreation impact levels respectively. Surprisingly, or maybe not, the COE, Mobile District has never officially responded to our recommendation.

Recreation Impact Levels (RIL's) are critical because they equate to Economic Impact Levels. West Point Lake is conservatively estimated to have an annual economic benefit/impact of $225 to $250 million dollars on its neighboring communities; please note that these numbers do NOT include the economic potential if the lake was maintained at a safe, stable, winter pool level of a minimum 630.0 MSL. In fact we are in the process of commissioning an updated economic study to determine the current economic value and the future economic potential of West Point Lake. We believe that the COE, Mobile District's, management practices are causing economic harm to the communities and businesses affected by West Point Lake as well as the individual stakeholders such as lakefront residents who are suffering depressed property values plus the loss of their docks for a minimum five to six months a year. All along, these lakefront property owners are paying lakefront taxes twelve months a year for an average six month a year lake! This is a "taking" by the federal government!

Re: Navigation, the facts are that commercial navigation has been extremely costly to taxpayers environmentally and on a per barge basis, let alone terribly inefficient. Commercial navigation consumes tremendous amounts of available water at the expense of Fish & Wildlife and Recreation. It is unlikely that the state of Florida will ever again issue permits for dredging; perhaps it is time to de-authorize commercial navigation as a purpose on the ACF Basin given current and future increasing demands on a limited supply of water and given other navigation alternatives.

Re: Flood Control, West Point Lake was one of three lakes which were to be built to provide flood protection for the city of West Point and further downstream. The COE, Mobile District, admits that West Point Lake cannot control flooding since the other two lakes were never built. West Point Lake can and does help mitigate flooding; however, even the Chief Engineer in his original report recommended that a system of levees be built to protect the city of West Point. For your information, there has never been a significant winter flood event since the lake was impounded. In actuality, the flood of record occurred in May, 2003, when a freak storm dropped from eleven to fifteen inches of rain in roughly 24 hours on a part of the river without gages to alert the COE, Mobile District, to the exact amount of incremental water. Of extreme importance is the fact that this storm hit when the lake was at full pool (635 MSL); the lake rose approximately six feet to roughly 641 MSL and major flooding downstream was prevented.

At the beginning of my testimony, I mentioned safety. We believe the COE, Mobile District, should provide the public a safe, winter lake level of a minimum 630 MSL to enjoy the authorized purpose of recreation twelve months a year. We have the climate to enjoy the lake year round. The WPLC has done its part i.e. life jacket

loaner programs, annual lake clean ups, and solar buoy lights. We are disappointed that the COE, Mobile District, has not responded in kind. A 628.0 MSL is an unsafe lake level due to hidden sand bars and hidden trees, both lurking right under the surface; there have been numerous boating accidents resulting in huge repair bills and minor injuries have been reported. We believe that it is just a matter of time before one or more people are killed due to unsafe lake levels.

Additionally, the severe fluctuating lake levels cause tremendous soil erosion and sedimentation due to the vast number of exposed acres of shoreline. Water storage capability is being reduced daily; water turbidity is increased; and treatment costs to provide clean, safe drinking water are likewise escalating.

Finally, the economic value of West Point Lake is grossly underutilized! Since its authorization, sport fishing & wildlife along with general recreation have increased exponentially in value and now dwarf the other authorized purposes. Our communities are suffering economic losses due to unsafe and unsatisfactory, winter lake levels i.e. below 630 MSL. Furthermore, our ability to recruit industry and jobs suffers tremendously when we have to keep people away from an unrealistically low lake; conversely, a stable and dependable West Point Lake should be a recruiting magnet. We don't even know the economic potential of West Point Lake due to current and past COE's management practices. However, a drive around Lake Lanier proves the economic potential is phenomenal if COE's management practices provide us the opportunity to realize it.

Georgia's population continues to grow; and there will continue to be increasing demands on a relatively fixed amount of water. The COE, Mobile District's, management practices must provide a fair and equitable distribution of water. One major part of the solution to meet these increasing demands is to increase storage – storage, storage, and more storage! Taking advantage of winter rains to increase storage is a win/win for all parties: higher lake levels for recreation; higher lake levels for hydropower; and more water available for downstream needs in the event of a drought.

The COE, Mobile District, has repeatedly denied our recommendation and the request from Congressman Lynn Westmoreland to maintain a winter pool of a minimum 630 MSL so people could safely use the lake for recreation all year long and we could maximize or at least optimize the current, economic potential of West Point Lake! We believe the COE is in violation of the congressionally authorized purpose of recreation by managing the lake at levels lower than their own stated Recreation Impact Levels!

Our understanding is that the COE, Mobile District, rejected our recommendation based on outdated and archaic rules and regulations; additionally, they never responded to numerous requests to sit down and review the data/science which was

provided them in the form of a flood study by a qualified hydrologist at our community's expense to save the COE, Mobile District, time and money. The former District Engineer authorized a 630.0 MSL winter pool in 2002 and again in 2003 and 2004; through three consecutive years there were no negative repercussions and more than adequate flood storage was available versus the flood of record. The only rationale provided by the COE, Mobile District, was flood control, in spite of the above facts and in total disregard for the authorized purposes of Fish & Wildlife Recreation and General Recreation.

At a recent Town Hall Meeting in LaGrange on Tuesday, 10 October, 2006, Congressman Lynn Westmoreland said, and I quote: "Things are out of whack. I think we are finally at the point where we have passed enough rules that we have handcuffed common sense". We couldn't agree more! Should not the needs of man have priority? Should not decision makers be empowered to decide issues based on common sense and science?

I cannot tell you how many lawsuits have been filed and are in progress; I can tell you that the COE, Mobile District, refuses to make management practices changes for fear of additional lawsuits. Fear of more litigation is stopping positive changes and causing economic harm to our communities and stakeholders. Meanwhile valuable time and taxpayer money is being wasted on attorneys' fees.

Why is the ACF Basin being managed by archaic and outdated rules and regulations? Case in point: thanks to a rainy September, West Point Lake had risen to roughly 630.0 MSL. Beginning 8 October, 2006, the COE, Mobile District, started draining West Point Lake of valuable water creating unsafe conditions and economic harm. Why would a reasonable individual lower a lake level while inflows to the lake are averaging 10% of historical averages? Downstream should only be entitled to the water that Mother Nature would have provided and no more. It appears that the COE, Mobile District, is ignoring West Point Lake stakeholders or blindly following archaic rules and regulations.

As Congressman Westmoreland so aptly stated, "what in the world has happened to common sense"? Why are judges establishing rules and regulations? Isn't that Congress' job or the job of the agency involved given proper oversight? Why can a government agency, like the COE, Mobile District, ignore a congressional authorization, i.e. Recreation? Why are huge sums of taxpayer money spent to do a study to justify what we know is the right thing to do?

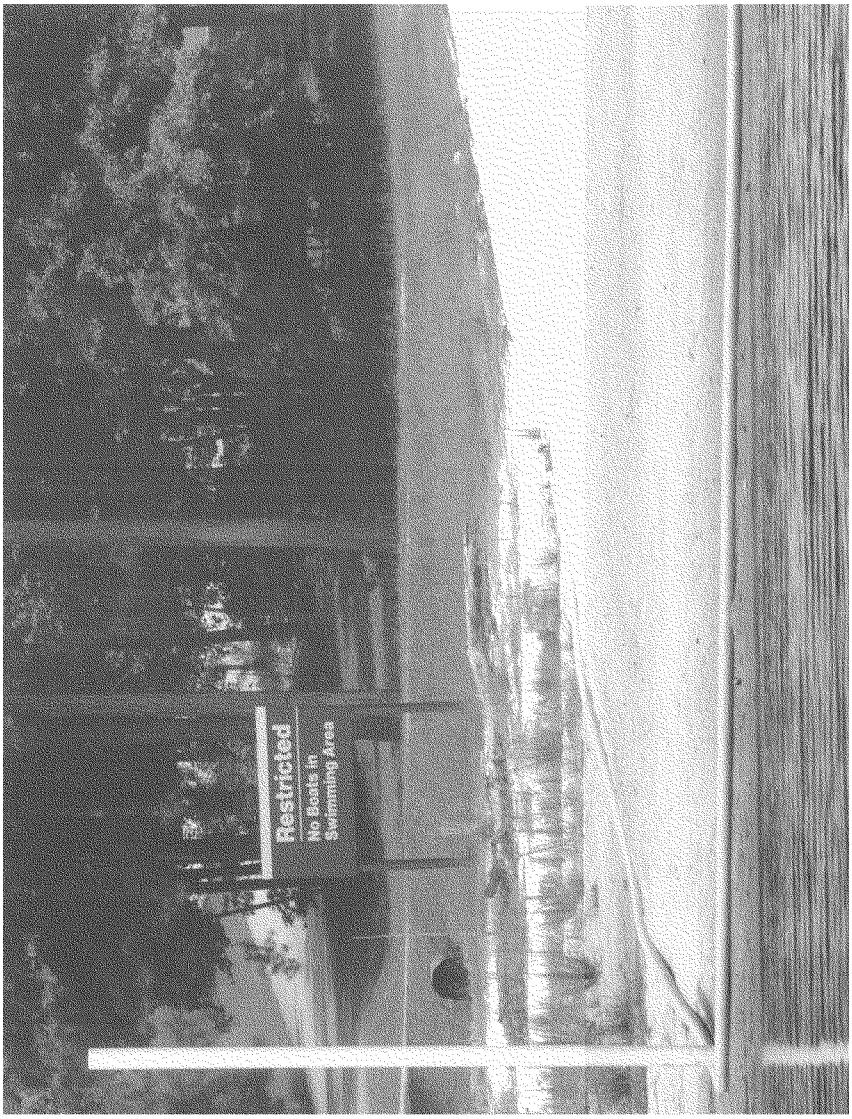
We respectfully ask that our Senators join with our Representatives and other members of Congress and demand that the COE, Mobile District, follow their congressional authorizations. In lieu of this and assuming the COE, Mobile District, can and will continue to ignore Congress' directives, we ask that our Senators and Representatives introduce and pass legislation which mandates a minimum

630.0 MSL winter lake level.

The communities and stakeholders around West Point Lake have needlessly suffered too much economic harm already? We have been dealing with this issue for over six years; six years when the majority of rational people agree this is the right thing to do!

Starting immediately and in the future, can we please review the facts, employ a little deductive reasoning, and utilize a little good old fashioned common sense in route to doing the right thing???

We sincerely thank you for your time and this opportunity and ask your support to finally bring this issue to a positive resolution prioritizing the most valuable authorized purposes of recreation and maximizing the economic potential of West Point Lake.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No Boats in
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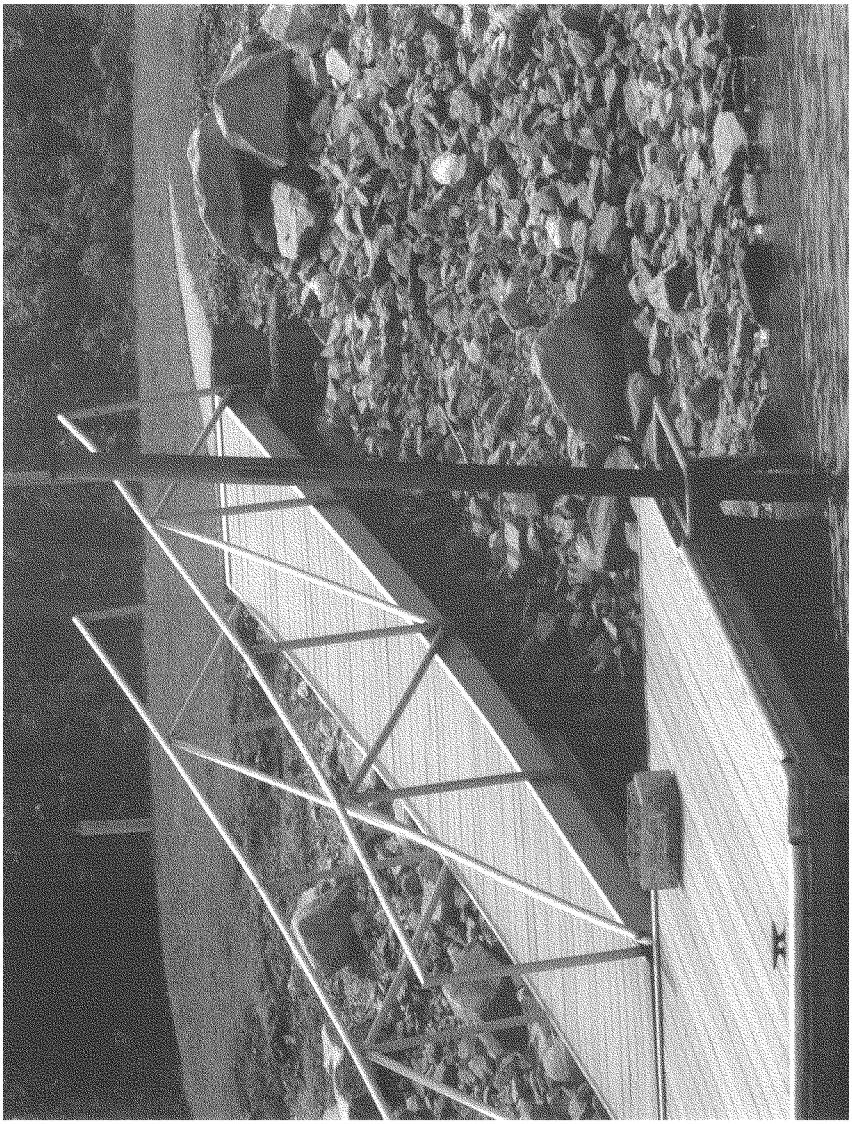

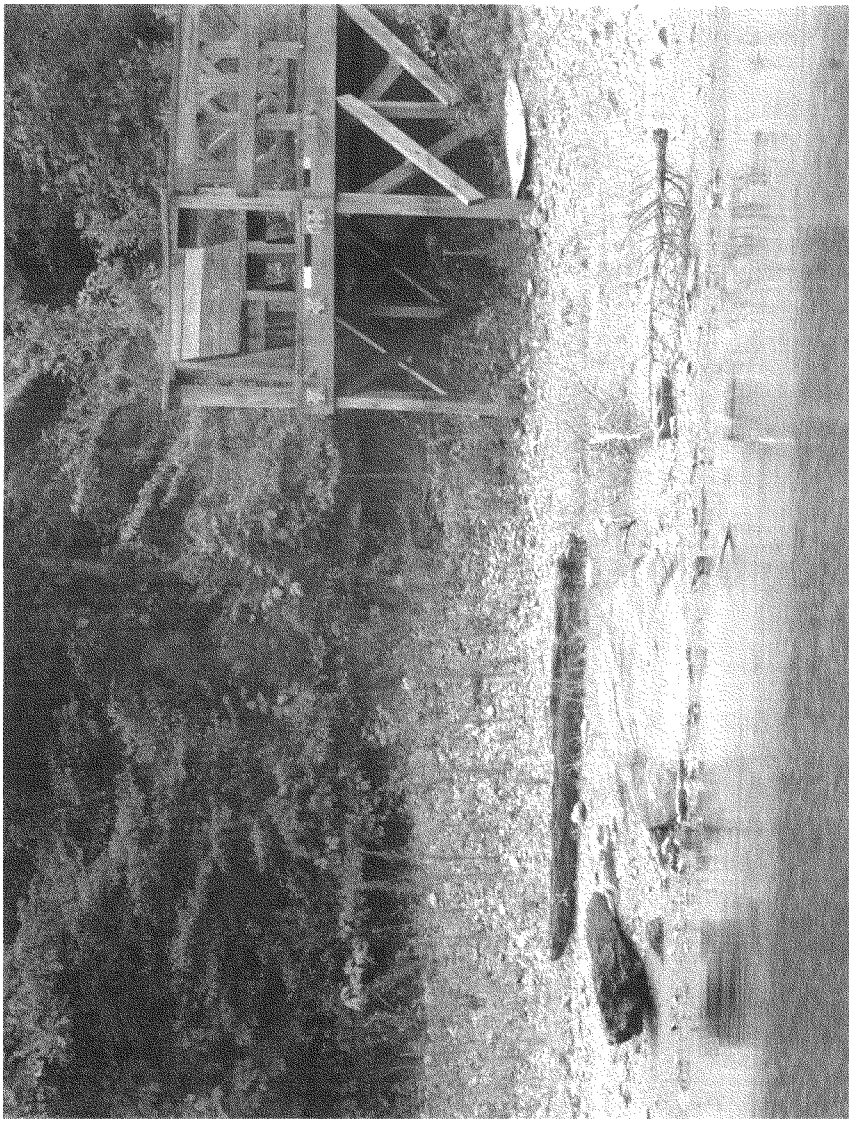

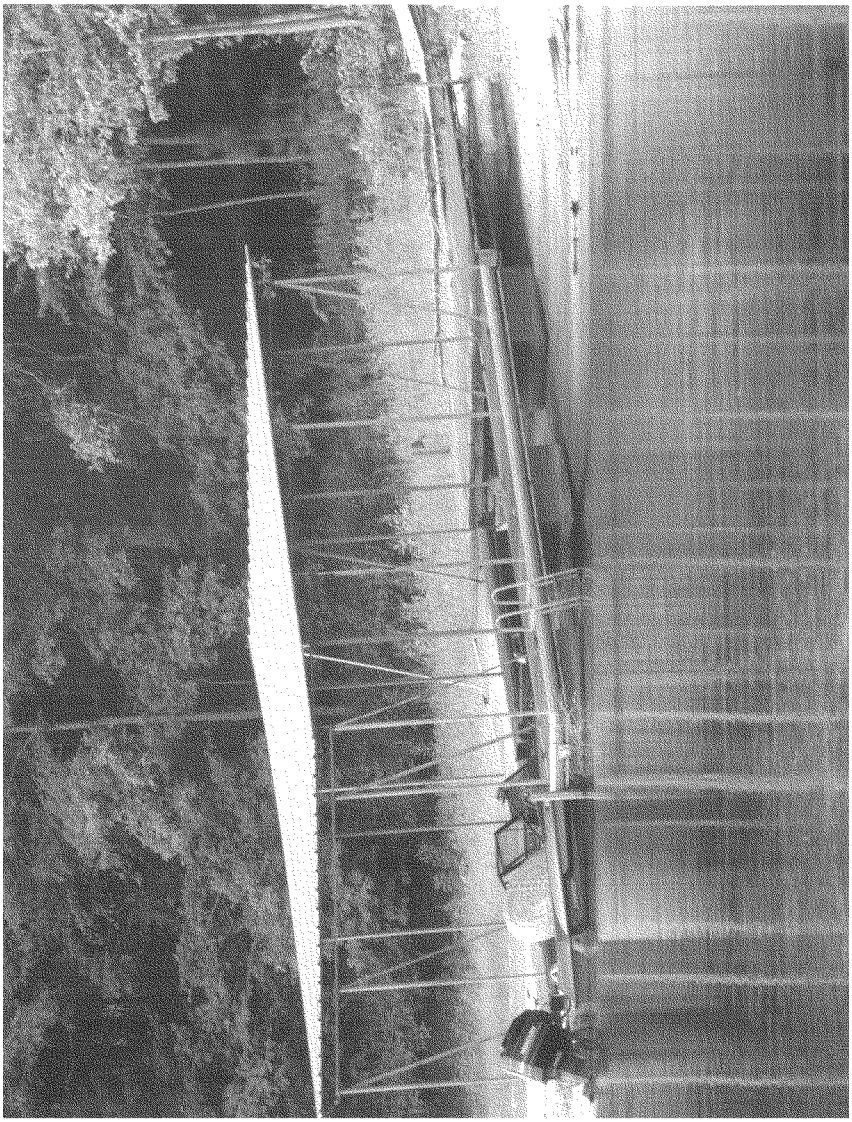

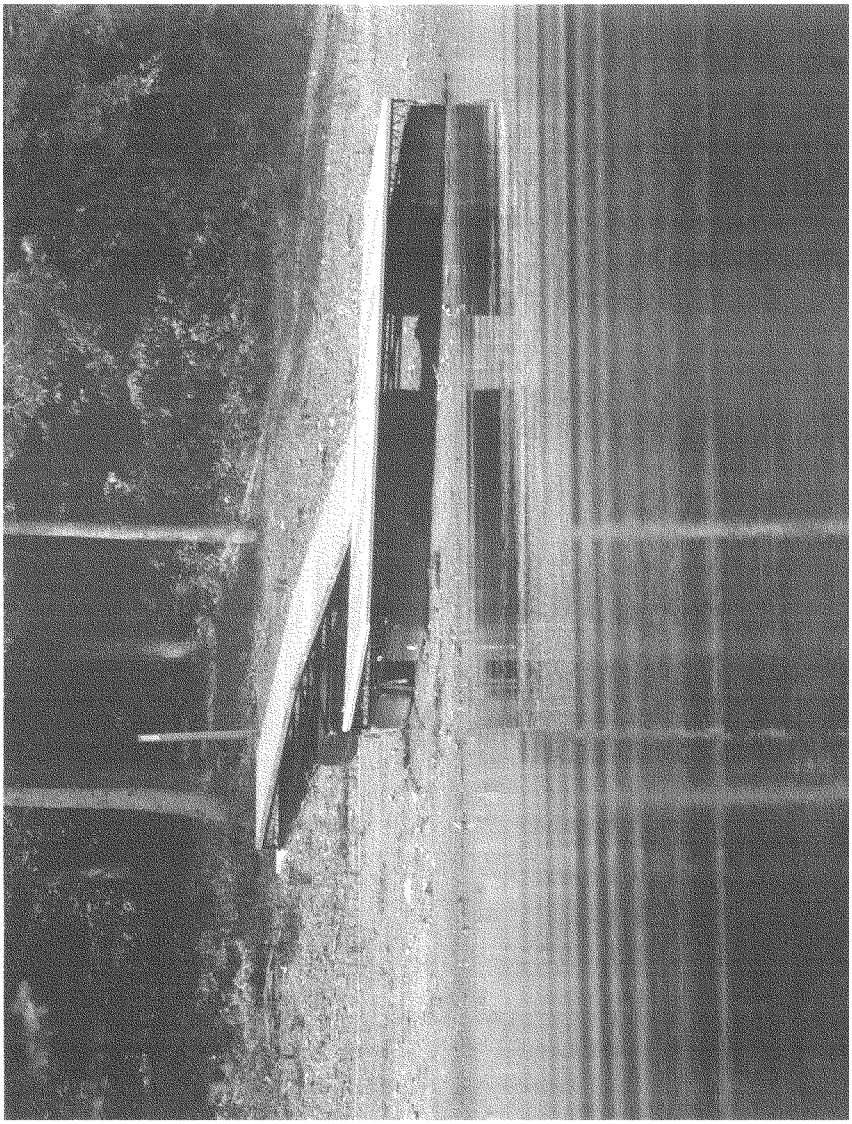

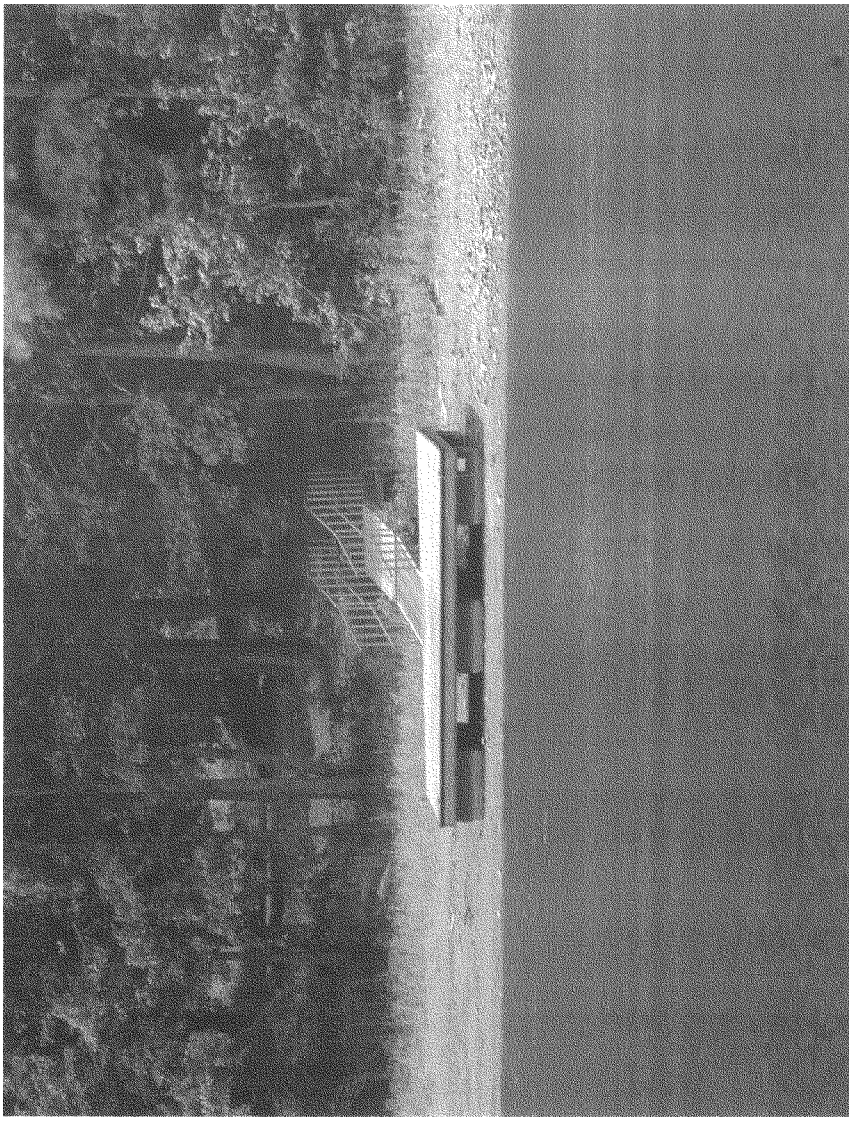

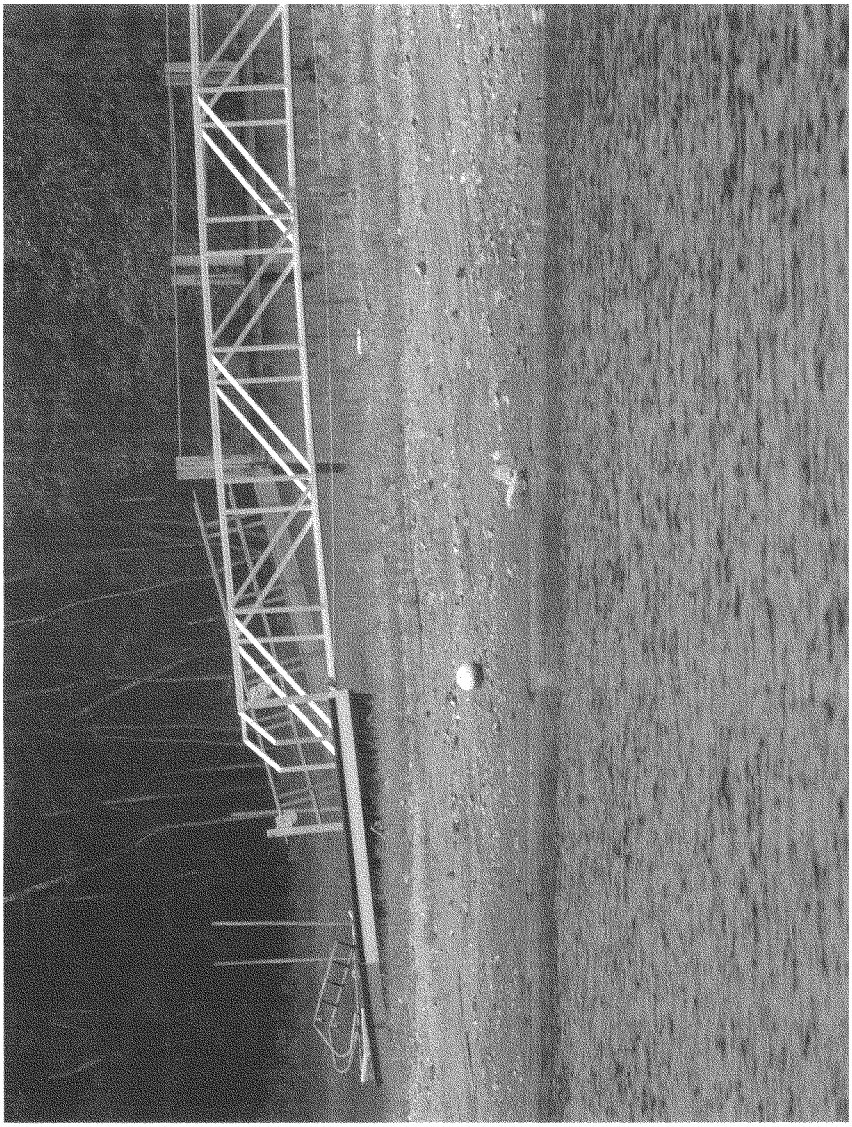

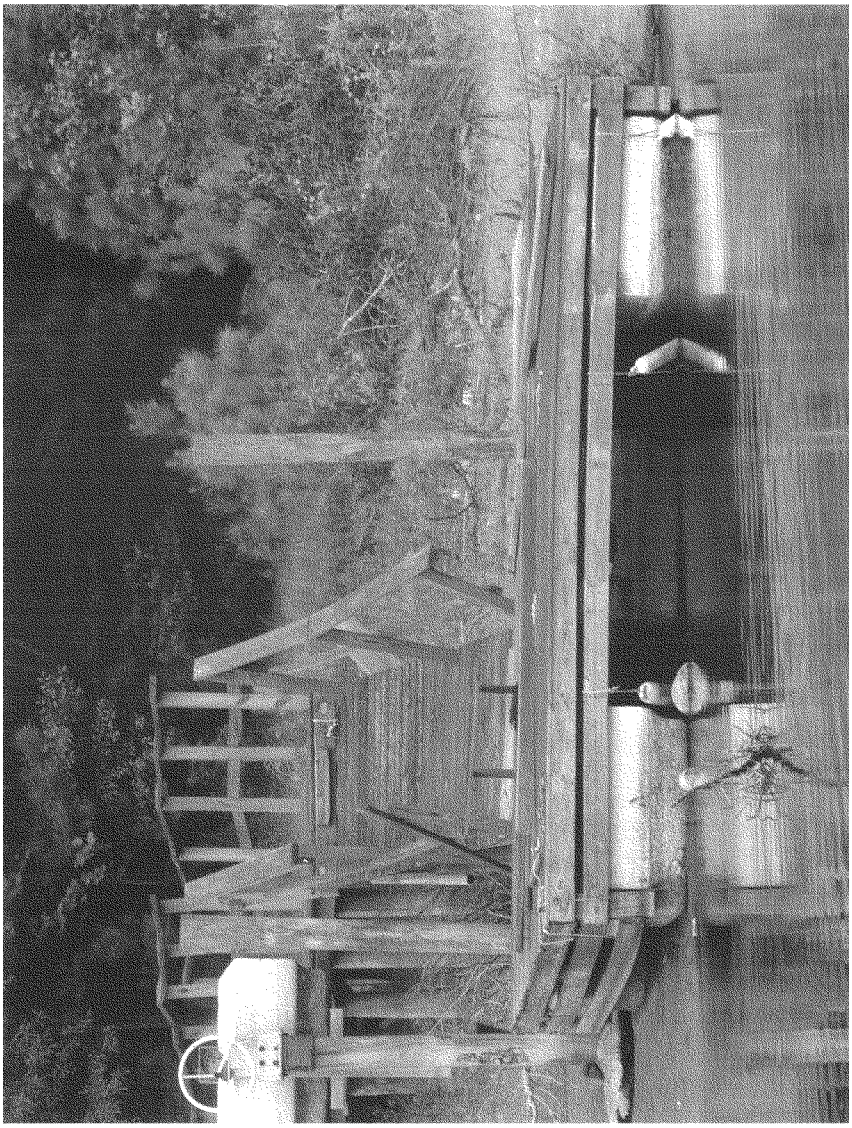

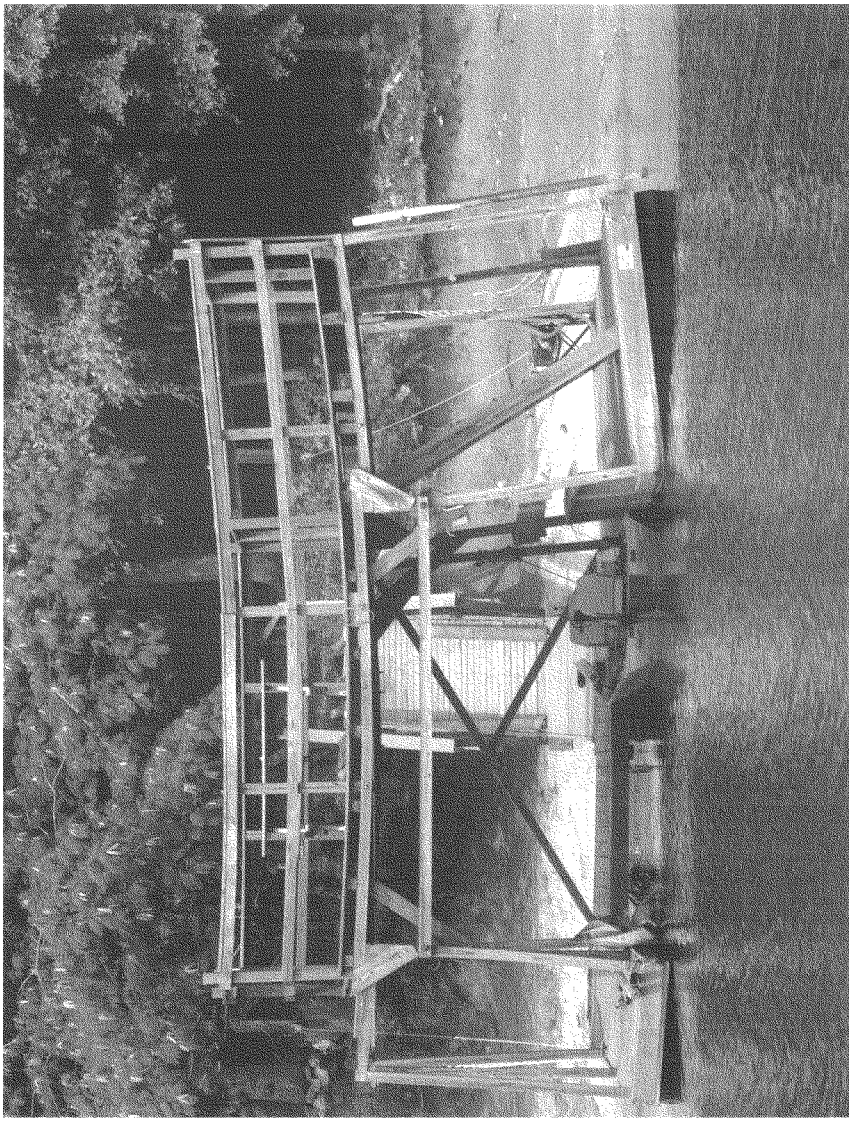

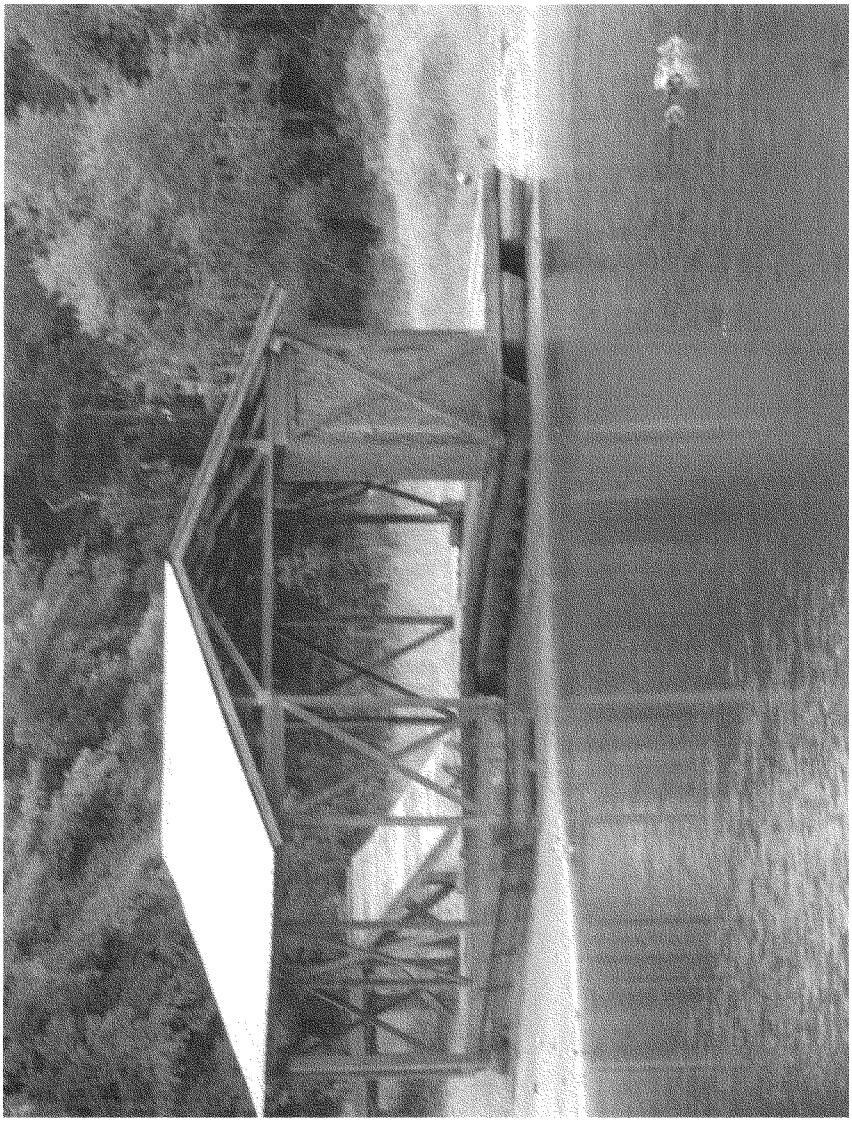

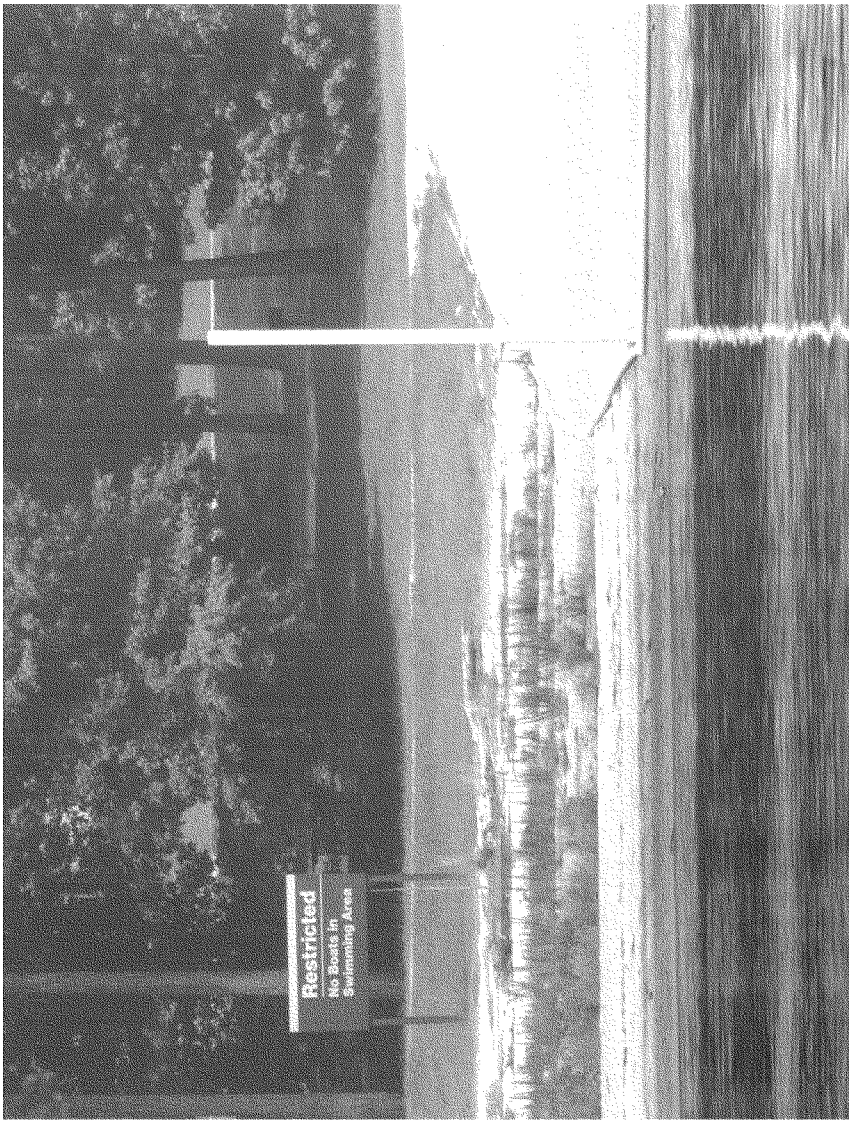
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No Boats in
Swimming Area

Senate Agriculture Committee Meeting
Saxby Chambliss, Chair
Columbus, GA
October 24, 2006

Opening Statement of Mr. Jimmy Webb – Calhoun County, GA

Chairman Chambliss, members of the Committee and distinguished guests, it is my pleasure and a distinct honor to appear before you today as a voice of Georgia agriculture and to highlight a few areas of concern as discussions of water management evolve here in the Southeast. I offer my testimony from the perspective of dependence. Certainly my livelihood, and to a great extent the livelihood of all my Southwest Georgia neighbors, is dependent on our natural water resources for irrigation. I am a 4th generation Calhoun County farmer whose operation consists of 2,500 irrigated acres of rotated peanuts, cotton and corn. We began irrigating in 1971 and continued to invest in irrigation hardware and infrastructure until our entire row crop operation could benefit from supplemental irrigation. Over the last 35 years, we have also made great strides in areas of water conservation. We practice conservation tillage on most of our acreage, have replaced old inefficient systems with uniform low-pressure pivots and make use of the latest in irrigation scheduling research to ensure the most efficient use of our water resources as possible. Furthermore, given the cost of energy, pumping unnecessary amounts of water is one practice that would guarantee the 4th generation never passing the farm down to the 5th. For the Webb's and for most of the farmers in southwest Georgia, irrigation is not a luxury, it is a business necessity that drives the largest sector of our regional and state economy.

I understand the purpose of this hearing is to discuss the Corps of Engineers operation of the ACF river basins and the effects on Georgia's agriculture. To date, the high-profile actions recently taken by the Corps on the Chattahoochee River have not *directly* affected my operation given my location in the Flint River Basin. However, every action and decision concerning management of the ACF is of interest to me for one very simple reason. I suspect that Florida does not care if their minimum flow demands in the Apalachicola are met with water from the Chattahoochee or the Flint Rivers. Up to this point, ACF discussions have focused mainly on the Chattahoochee but it is possible, if not probable, that in the near future an attempt to squeeze more water from the Flint Basin could be made in order to meet some target flow. The biggest loser if such a scenario would play out would no doubt be Georgia agriculture. The Lower Flint contains the greatest concentration of irrigated acreage in the state. These row and forage crops translate into roughly 700 million dollars in farmgate value and contribute significantly to the 5.8 *billion* dollars in direct and indirect output from agriculture and related businesses in this small corner of Georgia. I can personally attest to the ripple effect caused by irrigated production through my partial ownership of a local cotton gin and peanut buying point. Without the investment in irrigation technology by Southwest Georgians, three of the first seven years in this century, including 2006, would have ended in complete disaster for not just producers, but for an economy that depends on our ability to access our water resources.

Unfortunately, farmers as a group have not been as proactive as perhaps we should be when it comes to discussions on water planning and policy. As a charter member of the Flint River Regional Water Council and an appointee to the Basin Advisory Committee for the Flint River Basin Regional Water Development and Conservation Plan, I consider myself fairly well versed in water policy issues. It is with this knowledge that I can fully appreciate the complex and difficult process of equitable water allocation among competing uses. At the same time, it is my experience as a farmer that realizes the greatest potential threat to our way of life is uncertainty regarding access to water. Serious questions with serious consequences loom over both the inter and intra-state water concerns facing Georgia. Questions such as: What kinds of impacts are possible with US Fish and Wildlife now designating all of SW Georgia critical habitat for several endangered mussel species? Does my state issued irrigation permit effectively negate my right to reasonable use as a riparian? If I am forced to reduce my water use, what basis will be used given our permits are not tied to any withdrawal amount? The bottom line is we as irrigators must have clarity in our rights to access in times of water scarcity whether naturally occurring or imposed by some government regulation.

Production agriculture in 2006 is a venture filled with great risk but also great reward. One risk that we as producers cannot endure would be the arbitrary interruption, for whatever reason, of our ability to irrigate. We must remain at the table as the decisions made in the near future will have lasting consequences. I sincerely appreciate the Committee's recognition of the importance of agriculture in these discussions and for the opportunity to share some of my concerns with you. At the appropriate time, I would be happy to answer any questions you may have.

STATEMENT OF
BILLY G. TURNER, PRESIDENT
COLUMBUS WATER WORKS
T0 THE
U.S. SENATE COMMITTEE ON AGRICULTURE, NUTRITION AND FORESTRY
OCTOBER 24, 2006
COLUMBUS, GEORGIA

Statement for the U. S. Senate Committee on Agriculture, Nutrition and Forestry

Billy G. Turner
President
Columbus Water Works
Columbus, Georgia

Columbus, Georgia and the whole middle Chattahoochee area are vitally concerned about the future and continuing viability of the Chattahoochee River. The river has provided Columbus and this area with drinking water, wastewater assimilation, electrical power and industrial supply. Historically, Columbus has had navigable access to the Gulf of Mexico and we desire to have that access continue.

Columbus is a regional economic center and we believe that sustaining appropriate flows here also supports agricultural and agribusiness needs in our area. The key to sustaining the middle Chattahoochee watershed as a productive and essential area of the State is maintaining targeted flows here and throughout the Chattahoochee River basin.

There is so much more known about the Chattahoochee River today than almost any other river system. The Tri-State water negotiations resulted in a compilation of huge amounts of data. Unfortunately, we have not used the information in a productive way. Some entities pick and choose data that supports their wishes while ignoring data that does not. This position has fueled mistrust and has lead to the impasse we currently face.

Columbus has a number of concerns, not the least of which is our fear that the middle Chattahoochee area is being ignored. We see a focus placed on Lake Lanier and the Apalachicola River and little attention to the flows in the middle of the ACF system. We need an understanding that the river is a complex resource and requires an in depth understanding at every point. Needs and impacts can vary at almost every river mile, and yet the impression is that no one is developing useful information.

The frustration builds when those entities who are at the negotiating table appear to have no regard for the middle Chattahoochee. The highly prized economic engine of the State of Georgia is the Metro Atlanta area. The opposing view is that uncontrolled urban sprawl is rampant in Metro Atlanta. That is just an example of polarizing views existing today.

To day, we cannot agree on what are the more important uses for our water. Many believe that the highest and best use of our water resources is the protection of the ecology, such as extraordinary focus on mussels and gulf sturgeon. Others feel that human needs including jobs and economic development must take presidence. In order to promote and protect those positions, we see people taking extreme views which further reduces the chances of solving our water dilemma.

We understand that many wish only to consider annual average stream flows because doing so covers up the real problem of low flows during drought conditions. If the Chattahoochee River carried annual average flows all the time, we would not have a problem. But, it does not and we need to keep proper focus on the real problem.

We believe the State of Georgia has it right when it suggests that we must minimize withdrawals and maximize returns. That is the simple and realistic approach to making the Chattahoochee River deliver needed water to this area of our State.

In order to address the needs of our area we negotiated with Georgia Power Company for targeted flow regimens at Columbus. These flows supported in written statements by both Georgia and Alabama of 800cfs minimum, 1,350cfs daily average and 1,850cfs weekly average have been incorporated into Georgia Power Company's Federal Energy Regulatory Commission (FERC) License for the middle Chattahoochee Project. One problem in maintaining these flow targets is the necessity that sufficient flows be released by the U. S. Army Corps of Engineers. Based on our review of USGS flow gage data at Columbus for the summer of 2006, these flows have not been consistently maintained.

A major concern is the expanding and increasing dependence on septic tanks and other consumptive use practices and the impact that these systems have during drought. We are convinced by what is occurring that a lack of will exists to adhere to the maximizing returns portion of the State's water planning effort. It is critical to the long-term health and viability of the Chattahoochee River that this practice be turned around. We do not believe this will happen without some form of mandate from the State.

From our position in the middle Chattahoochee River area looking both ways, we see a need to be concerned. It is not our plan to be sacrificed for the good of other areas of the State. We are facing projected growth in this area and we will need all of our resources to meet the need for water brought on by that growth. We appreciate your understanding that we do not seek to be impediments to finding good sustainable solutions to our problems. We seek to be good partners to our neighbors and we ask that our neighbors be good partners to us.

Thank you for your consideration of our concerns.

A STATEMENT TO THE SENATE COMMITTEE ON AGRICULTURE, NUTRITION AND FORESTRY

by

THE MIDDLE CHATTAHOOCHEE WATER COALITION
OCTOBER 24, 2006

The Corps of Engineer's Operation of River Basins and Georgia Agriculture

Gentlemen, thank you for the opportunity to submit this document on behalf of the Middle Chattahoochee Water Coalition.

In late 2005 a significant group of stakeholders in the middle reach of the Chattahoochee River Valley came together to form the Middle Chattahoochee Water Coalition (MCWC). Our membership is near 50, with representation from cities, counties, major corporations, institutions, environmental groups, chambers of commerce, and special interest groups.

We focus our work from the Whitesburg gage on the Chattahoochee near Newnan, GA to Jim Woodruff dam on Lake Seminole at the Florida line, with the high ridges forming the east and west boundaries of our area in Georgia and Alabama respectively . We have also engaged in a dialog with stakeholders in Florida to broaden our perspective.

Our mission is to enhance the quality of life in our communities through watershed planning.

Our goals are:

- To ensure equitable sharing of water resources
- To enhance economic opportunity and development
- To improve water quality
- To meet multi purpose environmental, public and industrial needs
- To protect recreational resources
- To preserve ecosystems
- To expand public understanding of issues related to the basin
- To provide input to state and regional planning initiatives

all as related to the watershed forming the Chattahoochee River.

We believe that the future of the Chattahoochee and its great water resources should not be determined behind closed doors by a few selected individuals, that decisions should not be made unless there is widespread stakeholder input, and that the future of the river should not be determined in court rooms. Strong stakeholder driven planning is essential to ensuring a proper resource planning process and the survival of the river system. We suggest that our organization is a vehicle to help accomplish many of these important objectives.

Middle Chattahoochee Water Coalition Statement
October 24, 2006

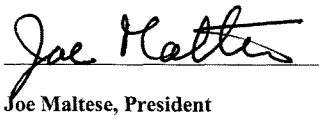
Though we are a young organization, we are growing quickly. MCWC is pursuing efforts to provide for sub-basin planning of the Chattahoochee River's resources and looks forward to the day when we can assure that goal is achieved.

As our organization moves forward we ask that federal agencies work with us. While there has been some level of cooperation and responsiveness from federal agencies, there is room for more. We offer the government the opportunity to interact directly with numerous significant and diverse stakeholders in the exchange of concerns and objectives **in both directions**. Your support in assuring responsiveness from federal agencies regarding our inquiries, their participation in our meetings, and consideration of our recommendations with an open mind will ensure a better end result for all.

MCWC is concerned over the intensity of attention given to addressing the demands of the growing Atlanta metropolitan area, the needs of Lake Lanier, and the Apalachicola, while little attention seems to be given to the river system south of Atlanta and north of Florida. We ask your help in changing that atmosphere.

We welcome the command of Brigadier General Joseph Schroedel to the South Atlantic Division. He has brought, with his testimony, a breath of fresh air and an openness that we appreciate. It is our intention to utilize this and to work with him to the greatest extent possible. We hope his organization will reciprocate.

Thank you for holding this hearing at the Columbus River Center to hear our concerns. We look forward to continued success with your assistance in assuring a great future for the Chattahoochee River system.



Joe Maltese, President
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Southeastern Federal Power Customers, Inc.

Alabama Electric Cooperative, Inc
Andalusia, AL 36420-0550

Alabama Municipal Electric Authority
Montgomery, AL 36103-5220

Big Rivers Electric Corporation
Henderson, KY 42419-0024

Blue Ridge Power Agency
Danville, VA 24541-3300

Central Electric
Power Cooperative, Inc
Columbia, SC 29202-1455

Central Virginia
Electric Cooperative
Lovingston, VA 22949

East Kentucky Power Cooperative
Winchester, KY 40392-0707

East Mississippi Electric
Power Association
Meridian, MS 39302-5517

Electricities of North Carolina, Inc
Raleigh, NC 27626-0513

Jim Woodruff Customers
Madison, FL 32340-0208

Municipal Electric Authority
of Georgia
Atlanta, GA 30328-4640

Municipal Energy Agency
of Mississippi
Jackson, MS 39201-2898

North Carolina Electric
Membership Corporation
Raleigh, NC 27611-7306

Oglethorpe Power Corporation
Tucker, GA 30085-1349

Orangeburg Department of
Public Utilities
Orangeburg, SC 29116-1057

Piedmont Municipal Power Agency
Greer, SC 29651-1236

Saluda River Electric
Cooperative, Inc
Laurens, SC 29360-0929

Santee Cooper
Moncks Corner, SC 29461-2901

South Mississippi Electric
Power Association
Hattiesburg, MS 39404-5849

Virginia Cooperative Preference
Power Customers
Harrisonburg, VA 22801-1043

Virginia Municipal Electric
Association #1
Harrisonburg, VA 22801-3699

UNITED STATES SENATE
COMMITTEE ON AGRICULTURE, NUTRITION AND FORESTRY
WATER RESOURCES FIELD HEARING

STATEMENT OF C.H. BONHAM III
ON BEHALF OF THE
SOUTHEASTERN FEDERAL POWER CUSTOMERS, INC.

OCTOBER 24, 2006

Mr. Chairman:

On behalf of the Southeastern Federal Power Customers, Inc. ("SeFPC"), I am pleased to provide testimony in reference to the Agriculture, Nutrition, and Forestry Committee's ("Committee") hearing on the effect of the U.S. Army Corps of Engineers ("Corps") operation of multipurpose projects in the Apalachicola-Chattahoochee-Flint ("ACF") River Basin. The members of the SeFPC are the beneficiaries of the hydropower operations by the Corps in the ACF River Basin. We are pleased to see that the Committee has taken a significant interest in the operation of the Corps' multi-purpose projects in the ACF River Basin.

Members of the SeFPC purchase power from the Southeastern Power Administration ("SEPA") which markets the power generated at the Corps facilities throughout the Southeast including the four projects in ACF River Basin. SEPA markets the power generated at federal reservoirs to municipal systems, rural electric cooperatives, and other wholesale customers throughout the Southeast. The SeFPC represents some 238 rural cooperatives and municipally owned electric systems in the states of Alabama, Georgia, Mississippi, Kentucky, North Carolina, South Carolina, Florida, and Virginia, which purchase power from SEPA. Many members of the SeFPC rely upon the nearly 400 MW of nameplate capacity and average 1.1 million MWH of energy provided by these resources in the ACF, which are integrated with other Corps hydroelectric projects in Georgia, Alabama and South Carolina and marketed by SEPA to power customers in Mississippi, Alabama, Georgia, Florida, and South Carolina.

The SeFPC agrees with the concerns raised by witnesses testifying at the hearing regarding the decisions that the Corps has made in operating the projects at Lake Lanier, West Point Lake, Lake Walter F. George, and the Jim Woodruff project. In recent years, increased demands on the water resources in the ACF have placed pressure on the Corps to operate the projects in a manner that appears arbitrary and capricious. Like Governor

Perdue, the SeFPC hopes that the complex balancing of project needs in the ACF River Basin can be accomplished through a negotiated rather than litigated means.

The hydropower customers in the region have a unique relationship with the Federal Government with respect to the Corps projects on the ACF. The majority of the capital costs of the projects in the Southeast that are incurred by the Federal Government are repaid through the sales of electricity. To the extent that a non-hydropower related project user pays the Corps for the use of a project, that amount is a fraction of the payments that the hydropower customers make to the Federal government on an annual basis.

The obligation of the hydropower customers to pay for the capital costs of the projects is not an unusual concept. In fact, Congress required that the projects demonstrate a viable cost benefit ratio when the projects were authorized for construction decades ago. Because of the requirement to show that the benefits of a project exceed its costs, the bulk of the storage at the projects was allocated for hydropower production because hydropower benefits justified a large portion of the costs of the projects. In approving project construction with these storage allocations, Congress explicitly affirmed a legal obligation for the Corps to provide hydropower benefits from the projects.

Water will be available for various uses in the ACF River Basin depending upon lake levels. In times of ample rainfall, the storage at the projects can support numerous uses. When rainfall is limited, however, as in the past year, the Corps is placed in a difficult position of prioritizing project uses. The Corps will maintain or draw down lake levels to support various needs. This is why the concept of how storage is maintained or used is critical to understanding how the Corps affects millions of lives in the ACF River Basin and beyond.

When there is limited water in available storage or demands to use storage to support various uses, the Corps receives ample criticism for making decisions on how to manage its ACF resources. In fact, there is a common thread running through many of the complaints that are raised when the Corps changes operations in times of drought; there is no legal foundation or clearly articulated policy position behind the decision making process. The SeFPC has been one of many stakeholders in the ACF River Basin to register this argument.[1]

The Corps shoulders significant blame for the ongoing debate on water resources in the ACF River Basin as it has allowed numerous parties to claim use of the storage without a Congressionally approved allocation of storage or paying a fair and

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[1] In fact, the SeFPC had to sue the Corps in a U.S. District Court to have a fair hearing on its concerns when Corps officials in the Southeast expressed indifference to the underlying legal authorities that govern the operations in the ACF River Basin. This case settled subject to the Corps' compliance with the requirements of the National Environmental Policy Act.

appropriate price for it. In this respect, the Corps has allowed parties to use storage and made decisions on how storage should be used for project uses that were not originally authorized by Congress. In the absence of a statutory authorization or Congressionally approved allocation of storage, litigation has blossomed in the Southeast to reconcile the Corps' failure to maintain an articulate policy on how the projects in the Southeast should be operated. Indeed, rather than deploying proactive policy decisions with Congressional oversight, the Corps has retreated to an operational pattern predicated on near term litigation risks.

There are several solutions to this quagmire that the Committee should consider and can promote in cooperation with the Congressional Committees that have jurisdictional oversight of the Corps. For nearly two decades the SeFPC has suggested that other potential users of the storage should pay for the lost hydropower generation when those entities need to use the hydropower storage to support their needs. Several water supply utilities in the Atlanta metropolitan region have shown some agreement with this proposition if they can be assured that they will have access to the storage and it will not be subject to the whims of the Corps' operational changes. It is a model that should be followed for all users of the ACF resources.

Until the Corps makes pricing of storage in the ACF a priority, the current debate on water issues in the Southeast will continue and boil over in periods of a drought. Here, Congress can take a leadership role in giving the Corps direction because the decision making process for the management of the projects in the ACF appears driven by a triage of litigation risks rather than a coherent policy. The fact that the Corps continues to rely on a water control plan from the 1980s that was never formally adopted for the ACF River Basin confirms that the management of the ACF projects in the Southeast is terribly fractured.

The oversight hearing is a step in the right direction and we appreciate the Chairman's leadership in drawing attention to these problems. Please do not hesitate to call upon our membership if we can provide additional assistance to the Committee and answer any questions.

Respectfully submitted,

/s/

C.H. Bonham III
Chairman
Water Storage Reallocation Committee
Southeastern Federal Power Customers, Inc.

October 22, 2006

To the Attn: of
Brig Gen Joseph Schroedel
Us Army Corps of Engineers

Dear Sir:

My name is O. W. McGowan of LaGrange, Ga., and I am a Co-Chairman of the West Point Lake Coalition. I am not a property owner on Lake West Point, however, on behalf of my family and the many other families, both local and out of the area, who enjoy the recreational opportunities the lake can provide, I feel I have a vested interest in the on-going struggle to keep the lake at a reasonable water level. I, like many others, am very distressed over the rock-hard headed position that is being taken over the lake level, and I feel I must take issue with you on several points you have made.

First I am appalled to read in your comments that the lake could possibly drop another 4' by January!!! The lake is scarcely usable NOW by those having docks on the shoreline, and is risky, if not outright dangerous, for use by campers and day use visitors. There is currently barely sufficient water at most of the Corps docks to launch a medium sized ski boat - never mind a larger cabin-cruiser type.

Secondly, you suggest that flood control is being given higher priority than recreation because your "model" says there might be downstream flood risk. Yet, in the same paragraph you say you are not too sure of that until there has been an economic impact study done on the downstream areas. To this argument I say HOOEY! You state that downstream flooding has been prevented by the dam. GREAT, that is one of the reasons the dam was built. But, you have been provided data that PROVES that was accomplished in 2003 when an inundating rain occurred at a time the lake was at the summer pool level of 635', and the lake level rose to a point that was still 6' below the maximum pool level. I believe if the lake was maintained at the proposed 630' level, it would take a rain of NOAH'S proportion to approach exceeding the max dam capacity.

Third, regarding the endangered mollusks and sturgeons. What would they be getting if there were no dams? Whatever nature was providing. So why do we have to drop water for their benefit, at the expense of humans? Besides, has anyone considered the thousands and thousands of dead snails on West Point Lake's exposed shoreline? This policy makes no sense to me.

I ask that you encourage a common sense approach to a solution to this matter; and I believe that common sense and facts will show that a winter pool level of 630' is perfectly workable. Thank you for listening.

O. W. McGowan

Dick, First of all I would like to commend you on your proposed testimony.

The generals however is as full of holes as swiss cheese.First he doesn't mention Lake Lanier at all in his testimony except to mention that it is part of the system. Political or monetary influence?Secondly he refers to studies made in the late"1980's" almost twenty years ago. Obviously out of date! He repeatly refers to flood control but doesn't offer any concrete evidence that two more feet of winter pool would cause any problems. I was living on the lake during the flood of "03" and the facts are that it had been raining in Atlanta for three days before the torrential downpour,the exact amount witch is in dispute, If the corps had released some water in anticipation of this water coming downstream,the downpour would have been of little or no consequence. That is a Fact!! And lastly there several impoundments downstream of us that can control any flood waters. My final comment is this,If we had let out as much water as we were receiving the lake would not have been in the condition as it was last summer. If the corps is in fact the keeper of the lake then they should have questioned the Judges decision to let out more water then we were receiving. Thanks again dick for all your efforts and I will try to be at the hearing if work permits

Jack Struble
LaGrange, Ga.

Members of Congress October 22, 2006

As a concerned citizen of Troup County, an officer of the Executive Board of the West Point Lake Coalition (WPLC) and a lake front property owner on West Point Lake, I wish to make my statement known to the U.S. Senators and Representatives that govern the laws of our land.

I was born and raised in Troup County and watched the construction of the dam throughout my childhood. My Father made it a point to take us to the construction site of the dam at least once a month. I also saw the years of flooding that took its toll on the City of West Point and even as a child could understand the need for some flood control in that area. However, the city was built on the banks of the Chattahoochee River and nothing was ever done (except for elevating some of the buildings and walkways) to protect the city from the river. As far as flood control, this lake has never flooded West Point since its construction. The significant rains of 2003 were yet another blunder by the COE since there was no flow meter in the area where the rains accumulated and rather was placed too far upstream to be of any assistance. You would think that with the modern meteorologically advanced equipment of the COE, Mobile, the impending rains would be diagnosed and actions would have been taken prior to the rain event.

The construction of the dam took longer than planned and when the water was backed up in the lake, the COE determined that their calculations on depth were incorrect and too many trees were above the water line. The lake was drained and some of the trees were topped with the assumption that the trees would rot over time and fall to the bottom. While there are a number of trees on the bottom of the lake, there are still numbers of tree stumps protruding either just below the waterline or totally out of the water. This has for years been a well known fact to locals who fish the lake on a consistent basis. However, due to the overcrowding of Lake Lanier, more and more individuals from the metro Atlanta area are finding their way to West Point Lake. The lake hazards cause boating accidents and unnecessary damage to boats and to visitors on the lake.

Over the years, the COE has been criticized locally for their fluctuation of the lake level on West Point. I doubt seriously that the COE in Mobile even knows what a two (2) foot fluctuation on a "flat plate" lake really means.

As a lake front property owner, I can tell you that over the past five (5) years, the soil erosion around our property has increased drastically as well as the level of silt that has accumulated as a result of the erosion. This summer was especially deadly for the bait fish that normally shelter themselves under the docks for protection. We put our boat in during the middle of May and it had to be removed the second week in July. That would make our use of prime lake property unusable for a period of nine (9) months. Unfortunately, our tax assessor did not see the devaluation of our property when preparing our taxes for this year. This makes us a victim of unfair taxation and is grounds for a class action lawsuit against the COE.

As an active member of the Executive Board of the WPLC, I am out in the public with the people and businesses who benefit from the lake. They, fortunately, are finally beginning to understand that the local COE office is not the enemy in this situation but the real problem lies with the incompetent personnel that are in control in Mobile as well as in Washington.

As far as hydropower, maybe someone should check to see why the generators at West Point Dam have been inoperable for a number of years. I think "budget cuts" come to mind when this is brought up in discussion. Fortunately the personnel at the local office have patched together, one again, the small generator. If the power cannot be generated here, the water must flow to another location.

I think that you can see from my letter, that the COE in Mobile, historically, has made more blunders than improvements for West Point Lake. We need for the COE, Mobile and the Washington Group under the Secretary of the Army to organize themselves and get a plan together to once and for all, treat West Point Lake fairly and raise the winter pool level to 630 feet. As our elected officials, we are counting on you to continue to pressure the COE in Mobile and Washington to do the job as outlined in the directions from Congress back in 1962.

Thank you for your patience.

Eucle Vickery
Secretary, West Point Lake Coalition

Property Owner
151 Leisure Cove Drive
LaGrange, Georgia 30240

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