

ALABAMA WATER RESOURCES ACT OUR CURRENT SYSTEM OF MANAGING WATER QUANTITY

Much of the state's current plan for managing the quantity of water flowing through Alabama is contained in the Alabama Water Resources Act passed in 1993. This law created the Office of Water Resources and the Alabama Water Resources Commission. They are charged with ensuring sufficient water for all users in the State of Alabama and to work with other state and federal agencies to reach these ends. The discussion that follows provides some background on the creation of the Office of Water Resources and the Alabama Water Resources Commission and reasons to continue the current system.

Section I

Foundation of Alabama Water Resources Act

In a 1991 Executive Order, Governor Guy Hunt created the Office of Water Resources as a division within the Alabama Department of Economic and Community Affairs (ADECA). This action was based on the recommendations of the Alabama Water Resources Study Commission, which was created by another Executive Order signed by Governor Hunt in 1989. It gave the Office of Water Resources the authority to begin to monitor, and control if necessary, the water resources of the state.

The Commission's study suggested that the need for effective management and development of our water resources would become increasingly important as Alabama continues to grow and prosper. The establishment of mechanisms designed to avoid "crisis management" in the future would help to protect Alabama's water supply and insure adequate water supplies for domestic, agricultural, industrial, recreation and other interests. Governor Hunt's creation of the Office of Water Resources was a needed first step toward beginning to take a serious look at this important issue in Alabama.

Also, in 1992 Governor Hunt, along with the Governors of Florida and Georgia entered into an agreement to work together to address interstate water resource issues and promote coordinated system wide management of water resources. A key component of this process was to conduct a comprehensive study of the Alabama-Coosa-Tallapoosa (ACT) and the Apalachicola-Chattahoochee-Flint (ACF) River Basins. The goal of this study was to provide the information necessary to develop a formal mechanism for long term, basin-wide management and use of the water resources to meet the environmental, public health and economic needs of the two basins in all three states.

This study, completed in 1995, has been used as the basis for much of the work done to date on the ACT/ACF negotiations between the states of Alabama, Florida and Georgia. Additionally this study has provided some of the water quality modeling data that has been useful in studying the water flowing through these river systems.

At the same time the executive order was enacted, legislation was also being considered that would create an Office of Water Resources within ADECA. This legislation was introduced at least three times before its final passage in 1993 and was

designed to ensure that Governor Hunt's executive order was continued and expanded where necessary in order to protect Alabama's water resources. It was supported by many different and varied groups like the Alabama Audubon Council, the Alabama Farmers Federation, Alabama Power Company, the Alabama Rural Water Association, the Alabama Sierra Club, the Business Council of Alabama, the City of Fayette, the Mobile Water and Sewer Board, the Alabama Conservancy and many other organizations representing a balance of viewpoints on environmental issues.

Primarily the Water Resources Act was created to establish a comprehensive water resource management program to ensure that Alabama's future water supplies would be adequate to meet the needs of Alabama's citizens. It was also designed to give the state a mechanism to handle emergency situations such as floods and droughts as well as address the issue of interstate water resources. When proposed, it provided the state with a cost effective way to manage and protect our water resources with minimal adverse impact to water users. It remains a viable option today.

Section II

Alabama Water Resource Management

In 1896 the Geological Survey of Alabama was created to make explorations and examinations to determine accurately the quality and character of water powers and their capacity within the state. The Geological Survey of Alabama still carries that function today and with the additional help of the Alabama Water Resources Act and the Water Pollution Control Act, the focus has been to recognize that there is an abundant water supply and no need for restrictions on human water consumption in the future. Every five years since 1950 the USGS has conducted an inventory of water use in the United States. In 1995 the Alabama District of USGS worked in cooperation with the Office of Water Resources at ADECA to compile water-use data for Alabama. However, the State of Alabama has experienced substantial growth around urban centers and in certain rural areas of the state where economic development projects have been recruited and it is important to monitor and evaluate our water resources in light of these changes.

The creation of the Office Water Resources was a very forward thinking action by the Alabama Legislature. They were able to capitalize on the water negotiations with neighboring states to create such an act. The fact that it was located under the direction of ADECA, where first hand knowledge of future developments exists, and sufficient funding is available, will continue to be a benefit. Droughts and new economic development projects are two of the most critical impacts that Alabama's abundant water resources face today. Certainly no one can predict droughts, but the Office of Water Resources will continue to monitor the effects of population and economic growth on our existing water supplies and help us prepare to make the right decisions for future challenges. The Office of Water Resources can provide the data to ADECA, the Alabama Department of Environmental Management (ADEM) and our elected officials who must protect our environment while providing a balance for water uses such as recreation, industry, agriculture, irrigation, aquaculture, navigation and transportation uses.

The Alabama Water Resources Act provides a graduated approach to managing water quantity in a way that does not harm traditional riparian rights, and, in normal times is non-threatening to water users holding a Certificate of Use. It focuses on specific problem areas in the state, rather than imposing strict regulations on the entire water system when that may be unnecessary. The Act gives the OWR the power to act without creating a harsh regulatory burden on the users.

The Office of Water Resources and the Alabama Water Resource Commission are vested with the power and responsibility to develop plans and strategies for the management of the waters of the state as well as other goals and policies listed in the Act. In existence less than ten years, this agency has done a considerable amount of work with the limited resources it has been given. Currently under new leadership, and with strong support from Governor Siegelman, the Office of Water Resources has presented a viable plan to carry out their policies, and is in the process of filling staff vacancies in order to do this.

Critical Use Studies are one tool available under the Water Resources Act to determine if the water resources in a particular area are under stress. If such a study reveals that there are potential problems with the amount of available water, the Water Resources Commission can designate the area as a Capacity Stress Area. This gives the Commission the chance to implement water use limitations on those water users within the Capacity Stress Area. While this portion of the law has not been sufficiently utilized to date, it appears that under the new leadership of the Office of Water Resources, this will be the case and serious efforts will be made to evaluate the capability of an area to meet the water demands placed on it.

The development and implementation of new programs such as Critical Use Studies, Dam Safety and Drought Planning will further the efforts of the Office of Water Resources to support the full implementation of the Alabama Water Resources Act while improving water resources management and coordination with other agencies. Failure to perform these and other duties required under the Water Resources Act will place the State of Alabama at a disadvantage in the ongoing ACT/ACF negotiations and would be harmful to future growth of the state.

Some may consider their goals lofty, but if you were Carole Barton, a retail nursery grower from Alabaster, Alabama you would welcome the Office of Water Resources efforts to plan and prepare for future droughts. During the late summer of 2000, because of a drought situation, all licensed landscapers and nursery operations in a 5-municipality area in Jefferson County received a letter stating, "*all outdoor watering, both commercial and residential was banned until further notice.*" Just this one-month restriction caused a severe hardship not only on the residents of these municipalities, but on the owners and employees of lawn care companies, all throughout rural Alabama. Wholesale greenhouse operators and sod farmers could not market their products if the end users were unable to irrigate.

The demand for water is not only crucial to business and agricultural interests, but for all of Alabama. It is clear that in the past, and as we recognize today, the Office of Water Resources currently has the power to designate capacity stress areas and can recommend that ADEM implement and enforce any actions within those areas to limit the quantitative use of the water resources. We recommend the current system, under new leadership, be given a chance to continue doing the work it is charged with doing. There is no need to re-create a dual agency or board to oversee water management in the state when the Office of Water Resources is ready to implement its intended mission.

Section III Appendix

A. Alabama Water Resources Act; Our Current System of Managing Water Quantity (Dorman Grace's Presentation to the Committee)