

Water Links and Issues for Oconee and NEGA Area 3-9-11

Reservoir Reality Check - February 18, 2011 - By garivernetwork

http://gawaterwire.wordpress.com/2011/02/18/reservoir-reality-check/?utm_source=feedburner&utm_medium=feed&utm_campaign=Feed%3A+GeorgiaWaterWire+%28Georgia+Water+Wire%29

Then again, **this project's proponents seem to be grasping at straws...**

In a nutshell, **Hard Labor Creek is on the rocks because the new water customers who were supposed to pay off its debt have not materialized. (The shame of it all is that existing customers are paying that bill.) Demand projections were overblown.** And if the project is in trouble because its presumed water demand does not exist, then should it even be built? **It's clear from the numbers in the Banner-Herald story that even an infusion of state money can't save this project.**

Judges appear disinclined to let water ruling stand –AJC – 3.9.11

<http://www.ajc.com/news/judges-appear-disinclined-to-865278.html>

A panel of judges on Wednesday appeared disinclined to let stand a ruling in the tri-state water dispute that, should it come to pass, could have catastrophic consequences for the metro region.

The judges for the 11th U.S. Circuit Court of Appeals indicated they wanted to send the case back and order the Army Corps of Engineers, which operates Buford Dam, to make a final determination of how much water from Lake Lanier can be used to meet metro Atlanta's needs.

At issue is a July 2009 ruling from Senior U.S. District Judge Paul Magnuson, who found it was illegal for the corps to draw water from Lake Lanier to meet the needs of 3 million metro residents. Magnuson set a July 2012 deadline for Georgia, Alabama and Florida to work out a resolution. Otherwise, the judge said, metro Atlanta would only be allowed to take the same amount of water it received in the mid-1970s, when the population was a fraction of its current size.

But Judge Stanley Marcus of the 11th U.S. Circuit Court of Appeals on Wednesday said he believed that the **imposition of such a deadline constitutes an injunction.** If that were the case, Magnuson should have weighed the potential harms and equities of such a result, Marcus said.

He then looked up to Parker Thompson, who was arguing the case on behalf of Florida, and asked, "You would have no problem with us vacating that?"

Parker, after looking back to lawyers from Alabama, then told Marcus he would not oppose it.

The two other judges on the panel, R. Lanier Anderson III of Macon and visiting Judge Richard Mills of Springfield, Ill., **also seemed ready to send the case back to the corps.** Both Mills and Marcus pressed Michael Gray, a lawyer representing the corps, to give the court an idea of **how long it will take the corps to issue a final decision.**

Gray estimated it would take **24 to 30 months.**

Marcus, who chaired the panel, did not indicate when the 11th Circuit will issue its ruling.

Jackson wins litigation with UOBWA; Could have implications for Barrow –Barrow Journal 3.9.11

<http://www.barrowjournal.com/archives/4772-Jackson-wins-litigation-with-UOBWA;-Could-have-implications-for-Barrow.html>

<http://www.jacksonheraldtoday.com/archives/5054-Jackson-wins-litigation-with-UOBWA;-Supreme-Court-rules-in-water-matter.html>

Mike Buffington, March 9, 2011 *Barrow Journal & Jackson Herald*

In a move that could spell the end of litigation, **Jackson County was handed a major legal victory this week in its lawsuit against the Upper Oconee Basin Water Authority.**

And that could have implications for how much access to water Barrow County will have in the Bear Creek Reservoir.

The Georgia Supreme Court refused Monday to overturn a lower court ruling that had said Jackson County's suit against UOBWA could proceed. UOBWA had earlier filed a motion for the courts to dismiss the lawsuit, but that was denied by the local Superior Court, the Court of Appeals and now the Supreme Court.

The issue in the litigation is over recalculating the amount of water contained in the Bear Creek Reservoir.

Jackson County argues that the original calculations of the reservoir's capacity are wrong by as much as half the amount.

A joint project of Jackson, Athens-Clarke, Barrow and Oconee counties, the reservoir, opened in 2002, was supposed to yield 58 million gallons per day in water. Jackson contends the real amount is closer to 24 mgd.

In 2009, Jackson sued the other three counties after UOBG refused to have a recalculation done. If Jackson County is right, a recalculation could dramatically cut the amount of water being used by the other counties, especially Athens-Clarke. **According to the original 1996 contract between the counties, the reservoir's yield is supposed to be recalculated on a regular basis, especially after the 2007 drought.** The water is divided based on the percent of ownership in the reservoir. Jackson County owns 25 percent.

The other implication is that during previous droughts over the last nine years, Athens-Clarke, the largest user of water, may have used more than its allocated share, in effect using water that really belonged to Jackson County without paying Jackson for that.

Now UOBG — **Athens-Clarke, Barrow and Oconee counties** — **have to decide if they want to continue litigation by facing off in a trial with Jackson County.** Observers say that could happen, but essentially the only question left to settle is the exact amount of the yield.

[Building reservoir could take 20 years –Barrow County News - 3.2.11](http://beta.barrowcountynews.com/section/13/article/10237/)

<http://beta.barrowcountynews.com/section/13/article/10237/>

Building a reservoir in **northern Barrow County could cost between \$ 90 million and \$ 100 million and take about 20 years, county water officials said.**

County officials with the Water and Sewer Authority suggested much of the cost to build a reservoir on Rocky Creek **could be borne by private sector investment**, though the county would still have to spend more than \$ 750,000 in application, study and permit costs before investors could be courted.

"We're not going to be able to get money from the government because they don't have any," said Stan Coley, chairman of the Water and Sewer Authority.

Before any investor would consider putting money in a Rocky Creek project, however, Coley said the county first would have to get the required permits to show the state and federal governments will allow the reservoir to be built, **the engineering studies showing the site can hold a reservoir and the plans to show that it could acquire the land the reservoir would sit on.**

Without those steps, an investor would not have enough confidence about whether the project would go forward, said Water Authority Director Myron Garrett.....

[Hard Labor Creek Dam too high for State EPD to approve - ABH- 2.28.11](http://www.onlineathens.com/stories/022811/new_792206783.shtml)

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Erin France - Reservoir still waits for permit

The two counties developing Hard Labor Creek Reservoir have **waited more than a year** to receive a permit to begin building the 95-foot dam.

Reservoir engineers drew the dam about 3 feet higher than recommended by the state, and the extra height could stand in the way of the permit's approval.

Hard Labor Creek Reservoir stakeholders are scheduled to meet today with representatives of the state Environmental Protection Division to talk about the dam's design, said Jim Luke, the chairman of the two-county reservoir board and an Oconee County commissioner.

The 3 feet doesn't affect the reservoir's capacity, and engineers added those extra inches to hold runoff from a large storm, Luke said.

[HLC Reservoir management board looks to Deal for project funding - Walton Tribune -2.20.11](http://wiltontribune.com/news/article_2ef44b0a-3ba1-11e0-bf9d-001cc4c002e0.html)

http://wiltontribune.com/news/article_2ef44b0a-3ba1-11e0-bf9d-001cc4c002e0.html

To ask state for \$ 32M for water plan

By Brian Arrington WaltonTribune.com

The Hard Labor Creek Management Board will look to use a portion of Gov. Nathan Deal's \$ 300 million reservoir project cache to move the HLC Reservoir project forward.

Precision Planning Vice President Jimmy Parker, the project's engineer, said the announcement of Deal's plan to secure water for the state could benefit the HLC Reservoir project and recommended the board pursue funding.

"The local leadership in Walton and Oconee (counties) **are preparing a formal request to the state, to solicit grant funding in the amount of \$ 32 million over three years to facilitate the completion of the reservoir,**" Parker said in an e-mail. "Both Walton and Oconee remain firm in their position that the award or acceptance of any such grant funding **must be closely evaluated to ensure that the two counties retain full control and ownership of the Hard Labor Creek Project.**"

"I think we are in a good position to ask for money," said Jim Luke, Oconee County commissioner and vice chairman of the board.

If secured, the funds ensure Walton and Oconee would provide an answer to the state's water woes, taking pressure off the state which is currently embroiled in a water war with Alabama and Florida.

"With a projected yield of 52 million gallons per day and all required permits in hand, the Hard Labor Creek project could have most significant and immediate impact on water supply capacity for the northeast Georgia region," Parker said. "Furthermore, the progress achieved to date through local leadership and investment could accelerate project completion by 2014, years ahead of projects that are presently in the permitting phase."

The total amount of initial bond proceeds for the HLC Reservoir project was about \$ 59 million, Parker said. To date, **about \$ 30 million has been spent on land acquisition, relocation of the Georgia Transmission power lines, environmental mitigation, dam design, road relocation design and design of reservoir intake structure.** The current balance in the project construction account is about \$ 29 million, Parker said.

Since the State is still developing the water supply funding program, the type and allocation method for potential funding is still unknown at this point, he said.

"With the state still in the midst of water negotiations with Florida and Alabama, the fate of metro Atlanta's water supply remains in jeopardy due to the 2012 Federal court deadline for withdrawals from the Chattahoochee River and Lake Lanier," Parker said. "The location of the Hard Labor Creek project, proximity to Gwinnett County and the metro region, and the project's 52 million gallons per day projected yield should make the HLC project a leading contender for potential state funds.

"Without additional state funding, **the schedule for completion of the Hard Labor Creek Regional Reservoir project will remain largely dependent on future growth, economic recovery and local water demands.**"

The project was first proposed in 1992 and is located in south Walton County. Once completed, the entire project could cost \$ 370 million.

[Interbasin Transfers – Carl Vinson Institute Paper 2-11](http://www.vinsoninstitute.org/publications/free/environmental-update.pdf)

<http://www.vinsoninstitute.org/publications/free/environmental-update.pdf>

INTERBASIN TRANSFERS

Interbasin transfer (IBT) regulation has remained a hot topic of debate among environmentalists and policymakers as proposals to expand Georgia's IBT pipeline continue to flow in. These proposals are one solution to meet Georgia's water supply needs, particularly in Metro Atlanta. However, there is concern about the potential effects the transfers will have on the donor basin and surrounding communities.

Not only that, but because many of Georgia's river basins cross state lines, continued political tension in the "Tri-State Water War" with Alabama and Florida is also a concern. Therefore, the nature and extent of IBT regulation is likely to be discussed in Georgia for some time.

IBTs can occur anywhere in Georgia; however, most occur in Metropolitan Atlanta and other areas of north Georgia. In its most recent edition of the Water Supply and Water Conservation Management Plan, the Metropolitan North Georgia Water Planning District notes that communities within its area rely on IBTs of more than 125 million gallons per day to meet water supply needs and projects the need for almost 150 million gallons per day in transfers by 2035.....

1.27.11 Tommy Craig retained as consultant on Glades Reservoir Project in Hall County

[AccessNorthGA.com](http://www.accessnorthga.com) January 27, 2011
<http://www.accessnorthga.com/detail.php?n=235692>
GLADES CONSULTANTS

Hall County Commissioners decided to stick with the consulting group they've retained on the Glades Farm Reservoir Project instead of going with a new firm that promised to get the permit for the project and save the county money. Brad Carver and Scott Cole from Atlanta made a presentation that was countered by Atlanta attorney Tommy Craig.

Craig said his group expected to get the project permitted within the next 20 months.

"I think it would be a terrible mistake for this board to change horses in the middle of the stream," Craig said.

Chairman Oliver said he's hoping to negotiate Craig's fee down but he had no intention of changing consultants. Oliver estimated the county might save \$ 100,000 with someone who did not have a proven track record.

"To me it's more about getting the permit and protecting the county with an adequate water supply," Oliver said.

Commissioner Ashley Bell said the county pays Craig \$ 26,000 a month and sought a better price.

Glades Reservoir project could get somewhat leaner –GainesvilleTimes. 2.26.11

<http://www.gainesvilletimes.com/section/6/article/46589/>

Commissioners split on decision to put services out for bid
The Hall County Board of Commissioners is hoping to cut costs on the Glades Reservoir project by finding a better price for engineering services.

The commissioners were split on the decision to put the services out for a competitive bid, with commissioners **Craig Lutz, Scott Gibbs and Ashley Bell voting in favor of the move** and **Tom Oliver and Bill Powell opposed at the board's Thursday meeting.**

The move came after concessions by other consultants.

At the board's Feb. 10 meeting, Glades Reservoir **consultant Tommy Craig told commissioners he and his colleagues were willing to lower their fees by \$ 5,000 a month.**

After the commission courted other firms, Craig said he was willing to renegotiate the monthly fees.

Hard Labor Creek Dam too high for State EPD to approve - ABH- 2.28.11

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....."We're hoping that we can get all of the principals in one room and come to some conclusion," he said. "We're going to do what the Safe Dams folks tell us to do in the end."

The **EPD could find design faults with more than just the additional 3 feet of dam height** and use today's meeting as an opportunity to bring up other concerns, said Chris Thomas, Oconee County's utility director and an alternate member on the reservoir management board.

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[Hard Labor Creek Project –Oconee Lessons ABH- 3.6.11](#)

The Athens Banner-Herald - March 6, 2011

LETTERS

http://onlineathens.com/stories/030611/let_795282300.shtml

Emanuel - Take lesson from Hard Labor reservoir

After reading the Banner-Herald's Monday story on the proposed Hard Labor Creek Reservoir ("Reservoir still waits for permit," Feb. 28), one wonders if the matter of engineering errors would be causing such heartburn among the lake's backers if the project weren't already in such a terrible financial state.

As it is, any added cost to produce engineering that's acceptable to state regulators will be only one small part of a **financing scheme totaling \$ 350 million that has proven deeply erroneous since the beginning**. Ludicrous population estimates just a few years ago (Oconee Countians doubling in number by 2015?) led to badly overblown projections for future water demand. **Sadly, existing water customers in Oconee and Walton counties are now left holding the bag and paying higher water rates to service debt**, while more public funds may yet go on the line to correct the drawings for an unneeded reservoir.

If Hard Labor Creek Reservoir were needed - if the projected water demand did exist - then its ledgers might be in order. Instead, the story of Hard Labor now serves all of Georgia as a cautionary tale about speculative lake-building in the present era of financial turmoil and uncontrolled public costs.

Piping Oconee River basin water elsewhere, in an environmentally unsound attempt to meet the bottom line, hardly sounds like a good solution to this problem. Neither does the plan to seek a bailout from Atlanta. Georgians, especially those at the Capitol, should take notice.

Ben Emanuel

• *Ben Emanuel is Oconee River Project Director for Altamaha Riverkeeper, Inc.*

2-18-11 Reservoir Issues – GA Wire- Hard Labor Creek Project described as Failed

Reservoir Reality Check - February 18, 2011 - By garivernetwork

http://gawaterwire.wordpress.com/2011/02/18/reservoir-reality-check/?utm_source=feedburner&utm_medium=feed&utm_campaign=Feed%3A+GeorgiaWaterWire+%28Georgia+Water+Wire%29

An **AP story this week** – which ran in practically all the major papers in the state – puts a distinct question-mark on Gov. Nathan Deal's reservoir-building plan. As an example, the article uses Canton's Hickory

Log Creek Reservoir, which “took years to finish and was expensive, running \$ 75 million over original budget estimates,” the AP reports.

The point is a general one: new reservoirs take years to build and are very expensive – even without cost overruns, which are often more the rule than the exception. The question before Georgians today on water issues is largely one of public spending priorities.

Be sure to give [that story](#) a read. In other news, the Athens Banner-Herald [has an update](#) on the foundering **Hard Labor Creek Reservoir project**, whose backers are looking to Atlanta for what could easily be called a bailout for a failed endeavor. [As we’ve noted before](#), the story of the Hard Labor Creek project stands as a cautionary tale with broad applicability when it comes the financial side of lake-building.

In a nutshell, **Hard Labor Creek is on the rocks because the new water customers who were supposed to pay off its debt have not materialized. (The shame of it all is that existing customers are paying that bill.) Demand projections were overblown.** And if the project is in trouble because its presumed water demand does not exist, then should it even be built? **It’s clear from the numbers in the Banner-Herald story that even an infusion of state money can’t save this project. Can’t Georgians statewide avoid repeats of this story by accepting a reality check on reservoirs?**

One more important note: **Hard Labor Creek backers suggest in the story that their project has “political advantage” at the money trough because it’s in a river basin that doesn’t cross any state lines on its way to the sea.** The issue here is **interbasin transfer**, and the assumption – frankly, an offensive one – is that downstream Georgians have no seat at the table.

Then again, **this project’s proponents seem to be grasping at straws.** For example, does anyone really think that Gov. Deal’s reservoir money will magically turn from bonds into grants?
-Ben Emanuel

Nickels & Dimes... and Dams – Hard Labor Creek Discussed –GA Water Wire – 3.4.11

http://gawaterwire.wordpress.com/2011/03/04/nickels-dimes%e2%80%a6-and-dams/?utm_source=feedburner&utm_medium=feed&utm_campaign=Feed%3A+GeorgiaWaterWire+%28Georgia+Water+Wire%29

By Georgia River Network

Two recent news stories just happen to highlight the cost side of a couple of proposed reservoir projects. Neither paints a complete picture of how local governments handle the immense costs of developing reservoirs, but both of these stories fall easily into the category of “things that make you go ‘Hmm.’”

The [Gainesville Times reported last Saturday](#) that “the Hall County Board of Commissioners is hoping to cut costs on the Glades Reservoir project by [finding a better price for engineering services.](#)” This in a split vote after Glades **consultant Tommy Craig “told commissioners he and his colleagues were willing to lower their fees by \$ 5,000 a month.”**

Makes you wonder what the total monthly fees are, doesn’t it? Two things are important to remember here: One, consultants on these projects are paid via public funds, probably either through taxes or water rates or some combination of both. Two, they’re usually paid consistently no matter the status of the project on the ground. So it’s not hard to imagine those costs piling up – and also not hard to imagine why at least some local elected officials would eventually start to get a little more protective of their constituents’ dollars.

The [Athens Banner-Herald reported Monday](#) on a tangential piece of the [Hard Labor Creek](#) project saga. This week’s story was simply about a tussle between reservoir planners and **state regulators over some of the engineering** – a tussle that has some dollar value tied to it. It’s worth asking, of course, if that amount of money would be such an issue if the project weren’t already in such bad shape financially. That’s the real story of Hard Labor Creek, after all: **the project is frozen but not built, is already costing local ratepayers, and almost surely wasn’t even needed in the first place.** Thus it appears that local officials may be trying to do damage control on the magnitude of the costs that they’ve put their constituents on the line for.

In each of these cases, the consultants appear to be betting the success of the public financing on the prospect of selling water to other communities across county lines, and maybe across ridgelines too. That's not only a dicey bet for the local ratepayers and taxpayers holding the bag for each project, it's also the absolute opposite of effective statewide or regional water planning.