



# **Lanier Ruling and Governor's Response**

# Judge's Ruling



- **On July 17, 2009, after nearly 20 years of litigation, Judge Magnuson determined water supply is not an authorized purpose of Lake Lanier**
- **Determined Corps' operation of Lake Lanier for water supply exceeded its authority under the Water Supply Act of 1958**
  - Major Operational Change
  - Impaired project purpose of hydropower

# Our Deadline



- **Judge Magnuson delayed enforcement of the ruling to give Congress time to authorize water supply as a purpose for Lake Lanier -- if Congress does not act, ruling takes effect July 17, 2012**
- **Absent Congressional reauthorization, most lake users must cease withdrawals, and regular releases from Buford Dam would be reduced substantially**

# Governor's response



## Four-Pronged Strategy:

- Appeal
- Negotiations
- Congressional Reauthorization
- Contingency Planning

# Appeal



## Appeal:

- **Georgia is appealing and we believe several areas in the ruling are vulnerable**
- **Have hired Seth Waxman from WilmerHale in DC**
- **Eleventh Circuit has stayed the appeal while they decide how to address jurisdictional questions raised by Alabama and Florida**

# Tri-State Negotiations



- **Governors Perdue, Riley, and Crist met December 15 to discuss the issues**
- **The three governors have charged their negotiating teams to bring back a deal in time to pass the three state legislatures this year**
- **Talks are going well, but there's a huge amount of work left to be done**
- **Confidentiality orders prohibit saying more**

# Congressional Reauthorization



- **Judge Magnuson’s decision says reauthorization is essential -- “Congressional approval of the reallocation of storage in Lake Lanier is required...”**
- **We have briefed the Administration**
- **We have met repeatedly with the GA delegation**
- **A serious effort at reauthorization is still months away, but the respective Congressional delegations are engaged on the issue**

# Contingency Planning



- **Task Force**
- **Regardless of whatever plan we adopt, it is clear that Lake Lanier is the most economical and environmentally friendly way to provide for Georgia's water needs**