

Original Cosponsor: CRA Resolution Halting Harmful Water Rule in the Apalachicola-Chattahoochee-Flint (ACF) River Basin

Dr. Neal Dunn (FL-02) is introducing a Congressional Review Act resolution of disapproval to extinguish the updated ACF River Basin water plan.

The CRA provides for a broad interpretation by Congress of a rule, and resolutions eligible for expedited consideration are not restricted to final agency actions for which there is a report to Congress. This broad authority to disapprove of agency actions is provided to prevent enterprising agencies from tailoring the process through which they issue policy to avoid congressional review.

Enactment of the CRA resolution would not impact the pending U.S. Supreme Court decision. U.S. Army Corps of Engineers (USACE) is not a party to the lawsuit and its updated water plan is not under review by the U.S. Supreme Court. Florida and Georgia have presented the facts of the case, failed to arrive at a settlement and it is likely the U.S. Supreme Court will schedule additional arguments this fall.

The purpose of the CRA resolution is simply to provide time and incentive for Georgia, Alabama and Florida to resolve ongoing litigation and ensure that any future water plan rigorously explores all alternatives.

Background:

Despite ongoing litigation before the U.S. Supreme Court in *Florida v. Georgia* over freshwater flows through the Apalachicola-Chattahoochee-Flint River Basin, USACE is finalizing an updated Master Water Control Manual that will re-allocate water storage in Lake Lanier.

The updated plan, which was unveiled in December 2016, fulfills all of Georgia's requests for water through the year 2050, at the expense of Alabama and Florida's communities and ecosystems downstream. USACE recently closed the comment period on the plan and may finalize it without further delay.

Under court order to consider Georgia's formal request for additional water supplies from Lake Lanier, USACE was compelled to initiate planning prior to release of evidence presented to the U.S. Supreme Court in *Florida v. Georgia*. As a result, the updated plan does not take into account evidence demonstrating the harmful impact of Georgia's water consumption on Apalachicola River and Bay or the ability of Georgia to meet its water supply needs through conservation measures widely practiced in Florida and around the country.

Although USACE acted within its legal authority, it is now clear the updated plan contributes to gridlock and enables Georgia to ignore overtures to manage the river basin in a way that benefits all three states. It also sets a far-reaching national precedent of one state wielding congressionally authorized projects to gain an upper hand in water disputes that are best resolved through good-faith negotiations between affected parties.