

October 24, 2012

Mr. Bennett Bearden  
Geological Survey of Alabama  
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Re: Comments on the *Water Management Issues in Alabama* report by the Alabama Water Agencies Working Group

Mr. Bearden:

The Southeast Regional office of American Rivers is grateful to have the opportunity to comment on the *Water Management Issues in Alabama* report. We are supportive of Alabama's efforts to begin building the base for statewide water management planning. This move will have far-reaching implications for the protection and stability of Alabama's water supplies and natural resources for the future.

American Rivers is the leading organization working to protect and restore the nation's rivers and streams. Rivers connect us to each other, nature, and future generations. Since 1973, American Rivers has fought to preserve these connections, helping protect and restore more than 150,000 miles of rivers through advocacy efforts, on-the-ground projects, and the annual release of *America's Most Endangered Rivers*<sup>®</sup>. Headquartered in Washington, DC, American Rivers has offices across the country, including the Southeast, and more than 100,000 supporters, members, and volunteers nationwide.

American Rivers has taken particular interest in how states in the Southeast will secure cost-effective, more reliable supplies of water in the context of a changing climate and growing populations. Having worked in Georgia, South Carolina, and North Carolina on state water management planning and permitting, we would like to take this opportunity to comment on your *Water Management Issues in Alabama* report and share some of our lessons learned.

#### 1. Water Issue Area – Water Conservation and Water Reuse

Water conservation is useful, but it hinges on behavioral changes and can often fluctuate as the perceived urgency changes. Water efficiency provides a better path for demand planning by a utility or community. Water efficiency is about retrofitting the infrastructure in our communities and in our homes to do the same work with less water. The reduced demand of a more efficient water system

translates into new water supply. A community that chooses to create new water supply through efficiency will be able to count on that savings when drought arrives. The water provider is not on the hook to provide the saved increment of water and does not need to create new capacity for it. In this way, water efficiency is a far more reliable supply source than stored water that is subject to drought, evaporation or the needs of other communities.

Water efficiency policies, particularly water loss auditing and control as described by the American Water Works Association, are an integral part of effective water resources planning in the Southeast. For instance, Georgia passed the 2010 Water Stewardship Act which requires the adoption of practices including auditing by water utilities, the sale of only high-efficiency Water Sense-labeled toilets, urinals, and sink aerator fixtures, and a schedule for outdoor watering statewide ([http://www1.legis.ga.gov/legis/2009\\_10/fulltext/sb370.htm](http://www1.legis.ga.gov/legis/2009_10/fulltext/sb370.htm)). If Alabama is going to protect and plan for its water resources, water efficiency policies must be adopted.

American Rivers has published two reports that provide useful guidance to Southeast decision makers regarding lower cost, lower impact water supplies:

- Money Pit: The High Cost And High Risk Of Water Supply Reservoirs In The Southeast  
<http://www.americanrivers.org/newsroom/resources/money-pit.html>
- Hidden Reservoir: Why Water Efficiency Is The Best Solution For The Southeast  
<http://www.americanrivers.org/newsroom/resources/hidden-reservoir.html>

## 2. Water Issue Area – Instream Flows

American Rivers agrees that protecting variable, natural stream flows is a critical piece of water resource planning. We also agree that setting a minimum instream flow standard that is truly protective is difficult. In our research and experience on this issue, however, we have found that the Presumptive Flow Standard for Ecological Flows as defined by Richter et al. (2011; attached) provides a good solution for states. The presumptive standard defines levels of protective flow, with the most protective allowing alterations no more than 10% of the daily flow, and with alterations greater than 20% of the daily flow causing “moderate to major changes in natural structure and ecosystem function” (Richter et al. 2011).

States across the Southeast have taken varying approaches to setting minimum instream flows. South Carolina recently established R. 61-119 to regulate surface water withdrawal, permitting, and reporting (<http://www.scdhec.gov/environment/water/regs/r61-119.pdf>). In the regulation, South Carolina defines “minimum instream flow” as forty percent of the mean annual daily flow (“MADF”) for the months of January, February, March and April; thirty percent of MADF for May, June, and December; and twenty percent of the MADF for July through November. Safe yield is determined in consultation with the S.C. Department of Natural Resources, S.C. Code Ann. § 49-4-80(C), and must leave at least

20% of MADF. R. 61-119.E.3.a.i.A. We suggest Alabama look beyond its immediate neighbors and review lessons learned from states with withdrawal permitting regulations and/or minimum instream flow standards.

Thank you for the opportunity to comment on the *Water Management Issues in Alabama* report. We applaud the State of Alabama for taking this important step forward toward developing water management policies protective of the state's valuable water resources. I would be happy to make myself available to discuss these comments further and share more information and resources. I can be reached at [rhaynes@americanrivers.org](mailto:rhaynes@americanrivers.org) or 803-771-7114 ext. 12.

Sincerely,



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