



CONSERVATION ALABAMA

November 1, 2012

Mr. Lance LeFleur, Director
Alabama Department of Environmental Management
1400 Coliseum Boulevard
Montgomery, AL 36110

Dear Director LeFleur:

Please find Conservation Alabama's comments pertaining to the Alabama Water Agencies Working Group report to Governor Robert Bentley regarding Water Management Issues in Alabama.

First of all, we would like to commend the Governor, your agency, and the others in the Working Group for taking leadership on an issue that has needed this level of attention for decades. The ultimate conclusion to the "water wars" with Georgia and Florida does not bode well for Alabama if we do not get our water policy house in order. "Getting our water policy house in order" is a phrase I coined and have repeated for more than a decade, and I believe this process over the next year is our last best chance to achieve that goal.

Conservation Alabama plays a unique role in Alabama – as a political organization, our focus is on the intersection of people, policy, and politics in the state. We put the health, well-being, and quality of life of Alabama citizens at the top of our organizational priorities.

As such, we believe the Working Group and any comprehensive water plan the state develops, adopts, and implements should do the same – put the people first. A plan should make sure the health of our citizens, the economy our citizens rely upon for jobs and prosperity, and the environment we rely upon for drinking water and recreation, are protected. A plan that ignores the people or skews in favor of special interests over the people of Alabama will fail to achieve the change that is necessary in our state when it comes to water management.

Our recommendations for this plan include:

All politics (and planning) is local – The planning process must include a robust stakeholder and citizen participation program that is not Montgomery-centric, but substantively involves Alabamians where they live – in local watersheds. The people know their local communities and watersheds and know what they want and need in order to achieve healthy people, economies, and environment. Additionally, having this local approach to the planning process should result

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in an implementation plan that is highly localized and watershed-based. Such an approach will allow for community-specific policies and will create opportunities for innovation across the state. While this local approach is critical to a successful plan, citizen and political buy-in, and ultimately implementation, a comprehensive statewide water plan cannot exclude the expertise of the state agencies leading the Working Group. The Working Group agencies should play a vital role in connecting these local plans and desires into a statewide comprehensive water plan, making sure our policies and practices in the state work cohesively together from the Tennessee River watershed to Mobile Bay and Alabama's coastal watersheds.

In addition, while all parties – Working Group agencies and stakeholders – would love a statewide water plan that is finite and static, we must develop a structure that can accommodate changes in the political landscape, new data, and changing needs at the local and state level without completely revising the statewide water plan each time a change is needed. Having open and frequent stakeholder input at the local level through the planning process and through the implementation stage of the plan is essential for the plan to provide the structure we need, but the flexibility to change with the times.

A politically viable plan – The people of Alabama care about having enough clean water for their families to drink, for their businesses to prosper, and for their outdoor recreational opportunities to be safe and enjoyable. And that is what their representatives in the legislature care about as well. So in the end, in order to have a plan that protects our water fairly for all stakeholders, we must have one that the people and their representatives care about. While the statewide water plan should be deeply rooted in science, engineering, and riparian law, we must have a plan that is politically viable. Instream flow, interbasin transfers, water withdrawal permitting, efficiency and conservation, and many more scientific, engineering, and legal arguments are critical to this plan, but in the end, for the plan to pass, it must make sense and matter to people. Our advice to you is to not lose sight of the people and the political realities of passing this plan as the Working Group and stakeholders debate over the science, engineering, and legal issues so critical to such a plan.

Recreation matters – In reviewing the initial report to Governor Bentley, we are concerned that recreation issues received little attention, and we hope that will be corrected in the coming year. Outdoor recreation in Alabama is a \$2.2 billion industry, and in one way or another, each penny generated through outdoor recreation is reliant upon enough clean water in our state. Whether it is the obvious needs for fisherman and boaters on Alabama's reservoirs and rivers, or the less obvious habitat protection and access issues, having a strong water plan for recreational purposes is critical and should not be forgotten in this process.

Enforcement matters – Director LeFleur, we have addressed our comments to you and your agency specifically because of ADEM's experience with enforcement is extensive. While we won't debate ADEM's track record with enforcement throughout its history, I believe we both will agree that enforcement is one of the issues your agency hears the most about from the citizens of Alabama, as well as from stakeholder groups. Because of the importance of enforcement policies and practices to the people of Alabama, this plan must provide an agency or group of agencies with a clear and strong directive and adequate funding to make the enforcement program successful. The Working Group and stakeholders must not only think about the science, engineering, and legal ramifications of a plan and about creating a plan that is

publicly accepted and politically viable, you must be sure that the plan and enforcement of that plan can be implemented once adopted. We recognize this is no easy task, but it is one that we must get right in order for the water management plan to truly be a success for the people of Alabama.

Our organization stands ready to work with you and support the Working Group's efforts to finally develop, adopt, and implement a comprehensive statewide water plan for the people of Alabama. Thank you for your leadership and we look forward to continuing this conversation over the coming year.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam R. Snyder". The signature is fluid and cursive, with the first name "Adam" being the most prominent.

Adam R. Snyder
Executive Director

cc: Bennett Bearden, Chair, Alabama Water Agencies Working Group