

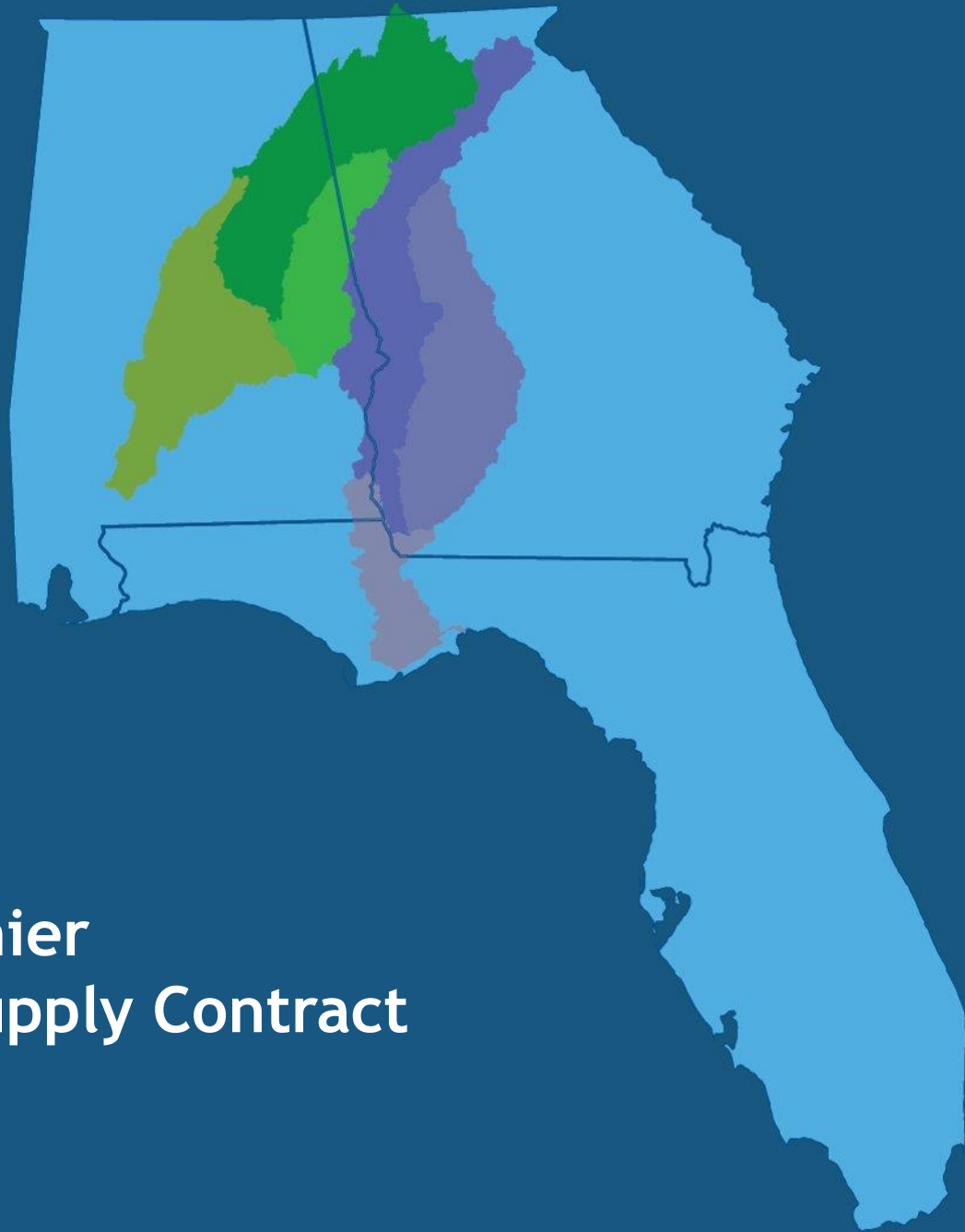
Water Litigation and Lake Lanier Contract

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Natural Resources Division Manager - Atlanta Regional Commission

March 10, 2021





Lake Lanier Water Supply Contract

Florida v. Georgia No. 142 Original (US Supreme Court)

- Original Action
- Equitable Apportionment
- Two Special Masters
- Full Court
 - First Heard Case Jan 2018
 - Heard Case Again Feb 22, 2021

Florida v. Georgia No. 142 Original (US Supreme Court)

- More background:
 - Atlanta Regional Commission Supreme Court
- Oral Argument, Google search to find:
 - C-Span Florida Georgia
 - Supreme Court Florida Georgia Transcript
 - Oyez Florida Georgia



Gregory G. Garre for Plaintiff (Art Lien)

Source: SCOTUSblog



Craig S. Primis for Defendant (Art Lien)

Source: SCOTUSblog

First Opinion - June 27, 2018

Remanded 5-4

– Breyer, Roberts, Kennedy, Ginsburg,
Sotomayor

– Dissent: Thomas, Alito, Kagan, Gorsuch

Kavanaugh, Barrett

U.S. SUPREME COURT ORAL ARGUMENTS

LIVE

C-SPAN
c-span.org

C-SPAN

Source: c-span.org

Justice Barrett to Florida:

Most of your brief and most of your argument has focused on Georgia's agricultural uses. So, are you abandoning any challenge to municipal use?

Florida's Attorney: We are. Our focus here is on agricultural use and irrigation in the Flint River, Your Honor.

Justice Roberts –

- *Many causes*
- *What if Georgia 20% to blame, 40%?*

Justice Breyer –

- *To Florida - 2 big hurdles*
- *Overharvesting vs. dead oysters*
- *Conflicting water usage data*

Justice Kavanaugh –

- *What if substantial benefits and substantial costs?*

Justice Sotomayor to Florida:

Counsel, my biggest problem with your case are three facts, all offered by your experts.

Your experts modeled that:

- *to see any appreciable effect on predation, you need salinity changes of 5 to 15 parts per thousand (ppts)*
- *without any water consumption by Georgia*
 - *salinity would have changed by generally less <5 ppts*
 - *oyster biomass would have increased 7-10%.*

Justice Sotomayor to Florida:

I'm doubtful that a 10 percent change is sufficient to be viewed as an invasion of rights of a serious magnitude.

How would that justify the use of an equitable remedy?

Florida v. Georgia No. 142 Original (US Supreme Court)

- Full Court Heard Case February 22nd
 - Google search to find:
 - C-Span Florida Georgia
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 - Oyez Florida Georgia
- Next Step is Opinion by June 30th