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Georgians dream of tapping Tennessee to end water woes



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Georgia lawmakers are after 1.5 square miles of disputed Tennessee land, a good portion of which is actually water. Nickajack Lake comes within about 100 yards of the state's northern border.

By Greg Bluestein and Melissa Abbey

The Atlanta Journal-Constitution

COLE CITY HOLLOW, Tenn. —

COLE CITY HOLLOW, Tenn. — On a rainy day, the grassy patch of land just across Georgia's northwest border is muddy and forlorn. No one lives here, but there are people: about 85 of them, buried in State Line Cemetery.

But the 1.5-square-mile piece of Tennessee gleams in the eyes of some Georgia legislators. They say it holds the key to ending metro Atlanta's water woes, maybe forever.

The Georgia House recently initiated its latest attempt to claim disputed territory at the border that, if shifted to Georgia, would give the state access to the mighty Tennessee River. This time, they've reduced Georgia's demand to just a slice big enough to run a pipeline to the river, dropping earlier claims on a larger swath.

Skeptics say it's a time-wasting fantasy. Tennessee over the years has scoffed at Georgia claims to river access, based on centuries-old surveying mistakes. Still, backers of the latest gambit — passed as a resolution in the House, and by a Senate committee on Wednesday — believe it could help set the stage for a successful legal battle to make the claim stick.

“My thought is we're getting to the same result one way or another - either through Supreme Court litigation or from a compromise,” said Brad Carver, a water rights attorney and lobbyist who helped draft the plan. “Litigation should always be the last resort, but if Tennessee rejects this, Georgia may have no other choice but to sue them in Supreme Court.”

The play for Tennessee River access has become an odd sideshow to Georgia's so-called “water wars,” which involve disputes with Alabama and Florida over the right to draw drinking water from Lake Lanier before it feeds the Chattahoochee River.

These days, Lake Lanier is brimming with water and the state is fresh off a legal victory that secures its rights to tap the sprawling reservoir. But memories of the epic drought six years ago has kept alive - at least among some legislators - a thirst for access to the Tennessee River, which has about 15 times the flow of the Chattahoochee.

At the root of the border battle is the 1796 move by Congress to designate the 35th parallel as Tennessee's southern border, which would have given Georgia a share of the Tennessee River. But the surveying team sent to chart the line in 1818 placed the border about 1.1 miles south of where it should be.

Many surveyors and historians agree the line is technically flawed - as are other state boundaries around the nation. But such issues are usually left dormant because borders have been in place so long that “correcting” them would be disruptive, to say the least.

Nonetheless, the idea of tapping the Tennessee bubbled up among Georgia legislators at the height of the late

2000's drought, when they first called for a commission to revisit the boundary.

The idea was largely seen as absurd beyond the Gold Dome. Then-Tennessee Gov. Phil Bredesen asked if it was a joke. An aide to Chattanooga's mayor had 2,000 bottles of water delivered to Georgia's statehouse, calling it "a cool wet kiss of friendship."

Supporters of the latest resolution insist it's serious. They say it will bolster Georgia's legal case if Tennessee refuses. Their theory: Georgia's offer to reduce its claim to a mere pipeline right-of-way is so generous that Tennessee officials have to accept it.

"If they ignore it, they've done a disservice to the people that are living in the disputed area and at the same time they are strengthening our case," said state Rep. Harry Geisinger, R-Roswell, who sponsored this year's plan and has been a prime backer in the Legislature from the get-go.

Many lawmakers view House Resolution 4 as a no-risk proposal that's worth a shot, even an extremely long one. Backed by leaders from both parties, it encourages the governor to negotiate a new boundary with Tennessee with the pipeline compromise in mind.

Some, including state Rep. Brian Thomas, say the idea is delusional. The Lilburn Democrat, one of two House lawmakers to vote against this year's resolution, called it "silly."

"It's just sheer fantasy to think that the state of Tennessee is going to get a copy of this resolution and say, 'Oh, that's great, that sounds perfectly reasonable to us, we'd love to give Georgia a piece of Tennessee,'" Thomas said.

Tennessee House Majority Leader Gerald McCormick said this week that his state does not hold the solution to Georgia's water needs.

"While I respect their tenacity, I do believe they should look at some other ideas that might be more practical," McCormick said.

Gov. Nathan Deal told the AJC that the Tennessee River proposal "has some merit" but said the state wouldn't open a new legal front until it reaches a final accord with its other neighbors. The three states are still working on a final resolution to the decades-long fight over water from Lanier and the Chattahoochee.

"I have talked with some of the lawyers who have done a detailed analysis of this. Obviously they think they have some meritorious claims," he said. "I quite frankly would rather resolve some of the water disputes we have with Florida and Alabama before we take on another one."

Up at the border, people who live near the land Georgia covets could face changes if a pipeline were built. Donald Jenkins, 76, was born and raised in the area; his great grandfather built the first school in the valley.

Jenkins cherishes the valley's solitude. As long as a water pipe to Georgia wouldn't mean major disruption, he doesn't care if it happens. No one from the valley identifies with one state or the other, he said. But they do care about the land.

"We kind of like where we're at and we don't want it disturbed," he said.

The Senate Judiciary Committee will hold a hearing at 4 p.m. Wednesday to consider House Resolution 4.

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