

Flint River Basin Regional Water Development and Conservation Plan

August 12, 2005
Meeting Summary

Attendees – Stakeholder Advisory Committee:

James Lee Adams
Lucius Adkins
Dan Bollinger
John Bridges
Charles (Chop) Evans
Vince Falcione
Chris Hobby
Tommy Greggors
Hal Haddock
Bubba Johnson
John Leach III
Janet Moehle-Sheldon
Mike Newberry
Kim Rentz
Steve Singletary
Marcus Waters

Technical Advisory Committee Members: Mike Harris, Kerry Harrison, Jim Hook, Mark Masters, Steve Golladay, Woody Hicks, Rob Weller and Rad Yeager.

Georgia Environmental Protection Division: Carol Couch, Rob McDowell, Dave Hawkins, Yi Zhang, and Wen Menhong.

U.S.G.S: Lyn Torak

Facilitators: Courtney Tobin and Dennis Epps, Fanning Institute, University of Georgia

Unable to Attend – Stakeholder Advisory Committee:

Thomas C. Chatmon, Jr.
Jimmy Webb
Joe Williams

Introduction and Discussion of Process

Dr. Carol Couch welcomed the stakeholders, technical advisory members and public to the meeting. She reiterated the goal of the stakeholder process: to help craft a plan for water withdrawal in the Flint River Basin that takes conservation and economic use into consideration. She asked the stakeholders not to focus on how and why the moratorium is in place, but where we go from here, considering personal, stewardship and leadership interests. The plan needs to work for diverse interests in order to be effective.

Dr. Couch noted that the process is going slower than originally anticipated; one reason is that the groundwater and surface water model information has taken longer than anticipated. The stakeholders have been discussing background information, which is helpful, but the process is behind schedule and we need to move forward.

Dr. Couch acknowledged concerns and requests raised by stakeholders for independent review of the scientific and model information. She assured stakeholders that there will be review and that the technical information that they are relying on will be on sound technical ground, recognizing that all scientific information can not be 100% accurate. To date, technical information discussed by the stakeholders has been guided by a technical committee. USGS work will be peer reviewed, as all other work is peer reviewed at USGS, and NESPAL's work has been peer reviewed. It is important to remember that we will never know precisely how many gallons of water are using. We are always working on the basis of estimates.

With respect to concerns about upstream and upper Flint River Basin issues, the North Metro Planning District has briefed the stakeholders, and the plan outline that has been prepared and reviewed includes substantial information on upstream issues, as well as the metropolitan Atlanta area. The plan outline also takes into consideration municipal and industrial water use issues.

Dr. Couch specifically requested that the group reserve some time to discuss their thoughts and provide her with their input on the statewide water planning efforts. As a group, she would like their thoughts on how to dovetail the Flint River Basin planning activity into the statewide water planning activities. Some of the hydrological studies and decisions that need to be made must be made on a statewide level, not by individual basins. This stakeholder group is ahead of other areas in the state, and the farm economy of southwest Georgia is well represented on the Water Advisory Council. Several other planning efforts are currently underway around the state, including an effort in the 24 counties along the coast.

Regional or local water management districts are topics that have been raised in this process and in other regions around the state; those topics may be part of the statewide planning discussions. Dr. Couch noted, with respect to regional or local planning districts, that we all need to recognize boundaries, governments and funding for potential regional water districts. However, this groups' current charge is to develop a conservation and use plan in the context of current law.

In response to a question about Governor Purdue's recent statement about regional/local water councils 'not happening here,' Dr. Couch suggested that he may have been commenting on the near term rather than possibilities under the long term statewide planning process. We should not try to make all of the statewide decisions for this Flint River Plan. This area is a model for statewide planning. The product will not necessarily be completely duplicated, but the process of gathering stakeholders together for discussion and input is one that must be duplicated.

In response to a question about federalizing water decisions and having decisions trumped by higher authorities, Dr. Couch noted that, while this group needs to focus on the current situation in southwest Georgia independent of what the legislature may or may not do. This group is ahead of other areas of the state that haven't had to think about water conservation.

Several stakeholders raised the issue of the economics of the plan and emphasized the fact that water is the economy in southwest Georgia. They expressed concern that EPD not just "shut down" water access in the area. Dr. Couch assured stakeholders that the economic impact of their recommendations would be considered.

The group requested clarification on their charge. Dr. Couch said that long-term, the groups' recommendations and the plan must be incorporated into a state plan. Immediately, we need to come out of the moratorium and recognize what we can do within the current legal boundaries. The group asked Rob McDowell to write the words of the plan for them to review, but the ideas and the plan belong to the group. It is the group's plan. Someone has to sit at the keyboard, but Rob is attempting to capture what the group wants. By this process, EPD is not asking stakeholders to rubber stamp ideas, because to do so would be ultimately disrespectful of their time, efforts and intelligence.

The legal opinion offered by the Georgia Attorney General's Office has been studied and reviewed and debated, but EPD and the Director's Office are required to act according to the laws of the state. If there are ideas that would change the fundamentals of state water and permitting laws, legislative changes will be required. We can progress by taking one step at a time. The first step is what we're going to do within the calendar year to guide the permitting decisions. This will be a solid building block to dovetail into the process that in two years' time will be part of a statewide plan. This plan will consider other ideas but cannot yet possibly encompass all of the conservation and other issues that a statewide plan can consider.

In response to a question about the timetable for the plan and the possible lifting of the moratorium, Dr. Couch and Rob McDowell said the goal is to have a plan out for a 60-day public review beginning in mid-October. EPD would get the plan and the public comments by mid-December. If EPD believes this is a plan that balances the economic support needed for water and the conservation and stewardship goals and that can be implemented immediately, then the Director has complete statutory authority to implement the plan without going elsewhere. Therefore, mid-December is the absolute

earliest that EPD could make any decisions under the plan. If there are elements of the plan that require the DNR board to change a rule, the rulemaking process will take much longer. If elements of the plan require a legislative changes, that implicates another time frame.

With respect to the moratorium, there may be some incremental things that we can do in the interim without legislative authority. We may not want to keep the full moratorium in place, but there may be areas of higher risk where we need to be more cautious and conservative.

Stakeholders briefly discussed the possibility that EPD may not agree with the final plan, but others asked the group to focus on having a solid plan at the end of the process that EPD agrees with. Dr. Couch asked the stakeholders to stand in her shoes during their working process today and tell her what they want. Discuss the pros and cons of various options and make recommendations based on those discussions.

Update on Modeling

Rob McDowell announced to the group that stakeholder Jimmy Webb was recently named Farmer of the Year; and that Jim Hook was honored by the Georgia Association of Water Professionals with a conservation award. Rob also acknowledged that he shares stakeholders' frustration and would like the group to be further along, including discussions of the economics of recommendations under the plan.

Rob reviewed the progress to date in terms of model development and efforts to keep the stakeholders informed of the concepts inherent to this process. The basic parameters of establishing a threshold include how low the water level gets, how frequently that level occurs, and the duration of this period. A copy of the PowerPoint presentation on thresholds in the Spring Creek and Ichawaynochaway sub basins can be found on the Flint River Basin Plan website at www.gadnr.org/frbp.

Stakeholders had questions about the lack of industrial statistics, and they requested that EPD break down the statistics from '53 to '75 and from '75 to the present. They questioned other factors that could create some of the results, and discussed how the state reduces user while managing all irrigation users fairly.

Dr. Couch noted that the real problem comes during climatic drought, where irrigation has an effect in addition to nature.

Work on Application-Related Questions

The stakeholders worked on scenarios in two groups, discussing the steps for groundwater and surface water applications and formulating issues and recommendations for changes under current law. The following notes are a summary of both groups' responses to the questions:

Recommendations for Decision Points:
Groundwater Applications

What are the pros and cons of making decisions on a water management at a sub basin level?

PRO

- *It is more realistic and relevant*
- *There are differences by sub basins*
- *Data is there to make the decisions*
- *We need a plan that is flexible enough to make decisions by sub basins*

CON

- *More complicated and time-consuming*
- *More difficult to administer – more expensive*
- *There could be more confusion as to why some are treated differently*
- *Within sub basins there are differences that could make water withdrawal a problem at one place vs. another: upper vs. lower end: proximity to the actual stream*
- *Breakdown should be based on surface or ground water*
- *Can not go down to a low enough HUC (note – HUC 12 may be possible, but is it too small?)*

What role do conservation plans play? What if any conservation requirements should be instituted for industrial, and / or municipal users during this period?

- *New permits should require ‘state of the art’ conservation efforts – market forces and economics will force applicants to do this (meters will be on all wells by 2009).*
- *We need consistency in conservation requirements between the upper and lower Flint basins – upper Flint conservation efforts will affect lower flint water flow and conservation efforts. We need a minimum flow coming from north Georgia so that the lower Flint can provide a minimum flow to Florida.*
- *Have a conservation plan to save as much as you can during good times, increase the supply*
- *Institute broad conservation measures now:*
 - *Required*
 - *Incentive*
- *New permits may be interruptible*
 - *Must be 100% compliant*
 - *Not just ag, but for all must be conservation compliant*
 - *Take care of what they have (leaks) before they get more*
- *Grandfathered permits maybe interruptible if you don’t do certain things:*
 - *Stop end guns on roads*
 - *If you don’t upgrade the system*
 - *Assistance on conversion*

I. GROUNDWATER PERMIT APPLICATION

1. *If application not complete? – return it to sender, go no further*

IS THE APPLICATION FEE INCLUDED? *This is a recommendation for the legislature. One group recommended \$250, while the other discussed a ‘reasonable’ (\$1,000) application fee that could be fully or partially rebated upon completion of the well. ****Both groups emphasized that any fees collected must be used for something specific to assist the program or to incentivize private actions – both wanted a dedicated fee, not one that went into the state’s general fund.*****

SHOULD HAVE GPS CORRINATES

RECOMMEND – WE SHOULD DENY IF IT WOULD EFFECT EXISTING WELL. THIS IS ESPECIALLY IMPORTANT FOR SURFACE. Location is really important.

RECOMMEND – Don’t give every permit that is applied for, must be looked at on an individual location basis.

2. *Is application legitimate?*

- a. *Proof of ownership or lease is required*
- b. *With FSA office*
- c. *Criteria not met: denied*

3. *Is the application speculative?*

- a. *If not legitimate, it is speculative – deny it. How does EPD determine a speculative well? One way would be to verify the existing land use – what is currently on the land?*

4. *Is the application for an already-permitted system and thus a duplicate?*

Deny if duplicate

5. *Is the applicant already pumping?*

- a. *We need to make an individual determination on these applicants – local folks know better than Atlanta regulators which of these applicants are legitimate and which are not. An example of a non-legitimate well would be one that an applicant dug in 1998 when they knew the moratorium was coming.*
- b. *Is an amnesty program with fees possible? Goal is to get all operating wells permitted – would prefer to deal with applicants this way rather than in court.*
- c. *Must be fully compliant with new conservation plan*
- d. *On the same footing with a new applicant*

New owner = new application, make it fully compliant

If a new system, does EPD have authority to set standards “Good Cents Irrigation System?”
EPD does have the authority to require, but not established. DNR must approve. It would be nice if a system met a certain criteria.

Who decides what the new conservation plan should be? The TAC Committee & Stripling Center Research & SWC

- Drought Protection Act – must be declared each March 1st or it waits to the next year. - - The Drought Protection Act must have additional policing/enforcement tools and resources.

II. GEOLOGICAL APPRAISAL

EVALUATION

1. **Can intended aquifer be identified or is the well description too vague?**
 - a. Should have GPS coordinates
 - b. Start looking into water analysis to determine if different aquifers can be determined
 - c. Need to verify the well, but this requires additional resources

2. **Is proposed well construction logical/is there some major inconsistency?**
 - a. Have verification of depth and other criteria before the well is sunk

3. **Should you consider the effect on your neighbor?**
 - a. Yes
 - b. Use regulatory tools
 - c. If the moratorium is completely lifted on the Floridian aquifer, applicants are not going to use the Claiborne because it is less expensive to drill to the Floridian. We may need to maintain the moratorium on drilling into the Floridian in some higher-risk areas.
 - d. In over-allocated sub basins, we may need to maintain a restriction against new wells in the Floridian.
 - e. New permits may need to be conditioned to reduce water usage at certain times or under certain circumstances.

If in an area that would affect neighbors, 4 have permits, 1 new one coming on, what would EDP do? First in time, nearest, amount used? This has not been determined. We should limit new wells if it can be established that the new well will be detrimental to the existing well. It depends on where the well is located and the drawdown that is created.

III. LETTER OF CONCURRENCE

DECISION POINT 3

Should the Letter of Concurrence be issued as requested?

There may be situations where EPD could impose restrictions such as reducing the size of the pipe. Some pumps are programmed and water usage cannot be reduced – they are either on or off. With enough pipe or pump size restrictions, it may be an effective denial of the permit, but the applicant may take it over no water at all.

EPD can issue a permit for less than what was requested as long as the adjusted amount meets a minimum requirement.

LOC should be issued unless it adversely affects the resource.

Everything should be in the letter of concurrence. The applicant should do all they said they would and IT SHOULD BE VERIFIED before pumping, there should be random monitoring.

IV WELL-COMPLETION DATA

DECISION POINT 4

SHOULD WELL BE CONSIDERED FOR PERMITTING?

- Well inspection must be accomplished prior to installation of the pump. The impracticality of inspecting wells makes this a tool which should only be utilized when there is a strong suspicion of impropriety.

Regulatory tools 4

- EPD may require inspection of well before issuing permit*
- Yes, if it meets letter of concurrence.*
- EPD may plug/abandon an improperly drilled well or require reconstruction if the well was constructed differently from the specifications in the loc.*

*** What if instead of issuing for all you can pump, you issue for a certain volume?**

*That is what they think the new metering is headed for.
In horrible drought, can't pump fast enough
Must allow for a crop change to occur quickly
Could wind up selling unused capacity
Water Bank – if a specific farmer doesn't use water, can save it for another time. But this might not work in this area, unlike Nebraska.
Sometimes we have too much water*

V. PERMIT ISSUANCE

DECISION POINT 5

SHOULD PERMIT BE ISSUED AS REQUESTED?

- *Yes, if all criteria is met. But, they may limit the amount over 100,000 gallons.*
- *When moratorium is lifted, there are no rules to cover conservation being required.*
- *Put together flow chart that put you through application process. Influence over new only, not existing.*
- *Extortion could easily occur. New will apply unless existing pay them off.*
- *Permits can be modified.*
- *Permit applications should include a statement by the applicant that they are utilizing current conservation measures.*

- *Sufficient conditions can be placed upon a permit to effectively deny that permit. Therefore, there is no need to change or modify current law as to EPD's obligation to issue permits.*

SURFACE WATER – same as ground water except:

DECISION POINT 2: *Should a low-flow protection plan (LFPP) be required? Yes, it is dependent upon location, especially those in particular basins (Ich-Noc. & Spring Creek). For new user's this might be a requirement.*

RECOMMENDATION: There should be monitoring of flow of stream or river and thereby when the farmers reach a certain level, they have to quit pumping. EDP may require user to monitor stream levels. Telemetry system? EDP needs to be able to monitor these permits to assure that low flow minimum is assured.

REGULATORY TOOLS 2:

What else (ask TAC) could be used in place of 7Q10?

IV. LOW FLOW PROTECTION PLAN REVIEW – *This should come before letter of concurrence!*

EVALUATION

1. *Was as LFPP put into place as required? This should be checked that it is correctly put into place.*
2. *Is LFPP submitted by the applicant sufficient to me*

Public Comment and Future Meetings

A representative of the Georgia Conservancy reminded the stakeholders that, in light of their discussion on fees and the state's general fund, they should be aware that other groups are considering supporting a constitutional amendment which would allow agencies to collect fees that are dedicated to specific causes and do not revert to the general fund.

The meeting adjourned at approximately 2:50. The next SAC meeting dates are:

- August 25 - Albany**
- September 22– location to be determined**
- October 6 – location to be determined**

Meetings will continue to rotate at sites along or near the Flint River and all meeting dates, times and locations will also be posted on the Flint River Basin Plan website, www.gadnr.org/frbp.

The website and e-mail for the project are as follows:

WEBSITE: www.gadnr.org/frbp

E-MAIL: frbplan@dnr.state.ga.us

** Any questions about or corrections to these meeting notes should be directed to Courtney Tobin (706) 542-7149 (tobin@cviog.uga.edu) or Dennis Epps (706) 542-6244 (epps@cviog.uga.edu), meeting facilitators, Fanning Institute, University of Georgia.