

**Flint River Basin
Regional Water Development and Conservation Plan**

**August 25, 2005
Meeting Summary
Albany, GA**

Attendees – Stakeholder Advisory Committee:

James Lee Adams
John Bridges
Thomas C. Chatmon, Jr.
Vince Falcione
Tommy Greggors
Chris Hobby
Hal Haddock
Bubba Johnson
John Leach III
Janet Moehle-Sheldon
Mike Newberry
Kim Rentz
Steve Singletary
Marcus Waters
Jimmy Webb
Joe Williams

Technical Advisory Committee Members: Kerry Harrison, Mark Masters

Georgia Environmental Protection Division: Rob McDowell and Cliff Lewis

U.S.G.S: Lynn Torak

Facilitators: Dennis Epps, Louise Hill and Courtney Tobin (Fanning Institute, University of Georgia)

Unable to Attend – Stakeholder Advisory Committee:

Lucius Adkins
Dan Bollinger
Charles (Chop) Evans

Introduction

The stakeholders began working on the issues and recommendations they previously developed on groundwater and surface water permitting decision points. The initial work of the group, entitled “Recommendations for Decision Points,” is included in its entirety in the August 12, 2005 Meeting Summary. The issues delineated below are those that were discussed and/or altered by the stakeholders at the August 25 meeting. Several stakeholders reminded their colleagues that this discussion dealt with new permits only. Legislative options which arose during the discussion are highlighted below.

Issues and Recommendations for Decision Points

1. Sub Basin Decision-Making. Considering all of the pros and cons, the group decided that water management decisions should generally be made on a sub basin level, and there must be monitoring and coordination across basins and sub basins. Water management decisions should be based on surface and/or ground water. The HUC 8 level should be the starting point for decision-making, but if additional, more detailed data is available (i.e on a HUC 10 or HUC 12 level) and the area is at risk, then more detailed information should be considered.
2. Conservation. New permit applications must submit a conservation plan which includes reasonable/ economically feasible state of the art conservation efforts. EPD should not define reasonable, as this definition will change over time. EPD should look to the Georgia Soil and Water Conservation Commission and/or Stripling Irrigation Center and the Technical Advisory Committee for objective criteria. Once the backlog is reduced, this will involve approximately 200 new permits a year – manageable on an individual basis. The plan should also talk about the importance of stewardship.
3. New Permits. A new permit is defined as any permit issued after today – August 25, 2005. With respect to technical exceptions (where the applicant claims that EPD/DNR erred in processing the permit), the burden of proof is on the applicant to demonstrate good faith effort to comply. People pumping without a permit will be treated as new permits.
4. Interruptible/Suspended Permits. If a permit is not compliant with the conservation plan stated in the application, the permit shall be suspended until the condition is rectified. Because new permits can be set up to shut off, suspending them until they achieve compliance is not an unreasonable requirement. (Use “suspend” rather than “interrupt.”)
5. GPS Coordinates. New permit applications must have GPS coordinates on the permit application.
6. Duplicate Applications. EPD must deny duplicate applications.
7. Conditioning New Permits. New permits may be conditioned if they affect existing wells. Some conditions that the group discussed as reasonable, fair and

verifiable include 1) directing the application to a different aquifer; 2) spacing wells if other users in the area would be adversely affected; 3) requiring a low flow protection plan that does not rely on 7Q10; 4) pumping arrangements to reduce groundwater withdrawal in areas of concentrated pumping; and 5) limiting the size of the well. EPD can issue a permit for less than requested. (Delete the language on page 4, decision point 3 “as long as the adjusted amount meets a minimum requirement.”

8. Inspection of Wells. EPD must inspect a well within 7 days of being notified that it was ready for inspection. If no inspection occurs, the well is automatically approved and the pump can be installed.
9. Low Flow Protection Plan. All new permit applications must have a low flow protection plan. What should low flow be - 7Q10 (which will not always protect wildlife) or something else. New surface water permit applications must also contain a low flow protection plan, but the stakeholders do not believe they have adequate information to develop the criteria for this issue. .

Flint River Drought Protection Act

Following a brief lunch, the group discussed the Flint River Drought Protection Act. Stakeholders expressed some concern that in earlier auctions under the Act, payments were made on fields that had not been farmed for several years. The group discussed the possibility of declaring a drought and conducting auctions in sub areas of the Flint River Basin, and participants noted that the process would be simpler once meters are placed on all pumps.

Recommendations from the stakeholders included the following:

- Target dollars to goals
- Set goals (locally-focused)
- Subsidize drilling/energy costs for conversion of surface water to ground water
- Focus on particular streams/areas
- Hold off on ground water changes until we know more – no recommended changes
- Additional funding is needed

Economic Impact Presentation

Mark Masters gave a brief overview of the economic impact of certain decision scenarios within the Flint River Basin, including the direct and indirect impacts to the economy of groups of counties in southwest Georgia. The PowerPoint presentation can be viewed on the Flint River Basin Plan's website at www.gadnr.org/frbp. Stakeholders were pleased with the amount of information they were given and agreed that additional information may be necessary after final management scenarios are incorporated into the plan.

Model Status

Rob gave the stakeholders an update on the status of the models. A handout was distributed showing calibration on the lower Flint using gauges at Bainbridge and Newton. A copy of the handout is located on the Flint River Basin Plan's website at www.gadnr.org/frbp. The ground water data is currently being calibrated with the surface water models. Rob committed that all modeling will be complete by the September 22 meeting. Rob also committed to e-mail charts detailing pre- and post-irrigation flow criteria to the stakeholders.

Technical and Legal 'Strawman'

The group briefly discussed the technical and legal strawman, which Rob had drafted at the request of the stakeholders. The document provided to stakeholders is the same one that was distributed in June, based on the original plan outline developed by the stakeholders. Rob noted that, while edits have been made in the index, stakeholders have not provided any specific input, and discussion from recent meetings will not be incorporated until stakeholders react to the current document. Stakeholders were asked to review the document between now and the next meeting and provide any changes/concerns to Rob or the facilitators for incorporation into the final draft for the September stakeholder meeting.

Legislative Recommendations

The following issues were raised but not extensively discussed as items which the group believes would be essential or helpful to incorporate into a Flint River Basin Water Management Plan. All of these would require legislative changes, but the stakeholders believe implementation of these ideas would support a more effective water management plan. There was not necessarily consensus on all of these ideas.

1. Local/Regional Water Management Districts. Stakeholders have mentioned this option numerous times throughout the process. Whether decisions are made locally or on a regional basis, most of the stakeholders agree that "local" decision-making is preferable to decision-making from Atlanta. The range of decisions discussed under this option includes permit awards, conditional permits, responses to repeated water conservation violations, and others.

2. Renewable Applications through Peer Review by Local Farming Committees. Local farming committees were discussed as an alternative decision mechanism several different issues, including peer review for renewable agricultural permits and as the initial place to report and respond to water conservation violations. Stakeholders noted that municipal and industrial permits have term limits, and they are required to upgrade to the newest technology and show the conservation achieved with the new technology. The group also discussed adopting some of the current requirements for industrial and municipal permits, including a renewal and review process. Other members noted that 7 or 10 year agricultural permits would not be worth very much.
3. No Changes to Grandfathered Permits. Under current law, even grandfathered permits may be modified to provide reasonable use to other applicants and in times of emergency. Several stakeholders proposed changing current laws to provide that grandfathered (pre-1991) permits may never be altered or modified under any circumstances.
4. \$250 Dedicated Fee for New Applicants. Stakeholders would like to see a fee associated with new permits, but only if the fees are dedicated specifically to the agricultural permitting program and assisting that program in meeting its goals. This would require an amendment to the state constitution, but stakeholders have discussed the fact that other groups are interested in making a similar proposed amendment.
5. EPD Can Deny Permits. Currently, EPD cannot deny a permit application. Several stakeholders expressed the opinion that, at some point and at certain times, EPD will need to have the ability to deny permits. The agency needs political cover from the agricultural community to do the right thing. We need to make this tough decision and give EPD the tools it needs to make the best management decisions possible under the circumstances. The group noted that EPD can currently deny other types of permits, just not agricultural permits.
6. Drought Protection Act Must Have Additional Policing/Enforcement Tools and Resources. The key recommended changes to the Drought Protection Act are:
 - a. Target dollars to goals
 - b. Set goals (locally-focused)
 - c. Subsidize drilling/energy costs for conversion of surface water to ground water
 - d. Focus on particular streams/areas
 - e. Hold off on ground water changes until we know more – no recommended changes
 - f. Additional funding is needed.

7. Staffing Increase at EPD. This issue arose frequently throughout the process as members discussed enforcement, local/regional management districts, and other ideas.
8. Water Banking. Water banking has some difficulties in this region of the nation. The concept would require extensive discussion to develop a workable alternative and would require legislative change. As such, further discussion of this issue was tabled.
9. Alternative Measurements to Pump Capacity. Permits could be based on rate rather than volume, or some other mechanism. Full metering will not be available until at least 2009.

Future Meetings and Public Comment

Stakeholders had a discussion about remaining work and the timing of September meetings. The group decided to incorporate an additional meeting prior to the scheduled September 22 meeting. The consensus of the group was to meet on Sept 12 from 8am – noon.

The meeting adjourned at 2:55. The next SAC meeting dates are:

September 12 – 8am to noon – Albany (Candy Room)
September 22– 7:30 to 3 – Camilla (Stripling Irrigation Center)
October 6 – Albany (Candy Room) Time to be determined

All meeting dates, times, locations and directions will 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 Dennis Epps (706) 542-6244 (epps@fanning.uga.edu), Louise Hill (706) 542-7026 (lhill@fanning.uga.edu) or Courtney Tobin (706) 542-7149 (ctobin@fanning.uga.edu), meeting facilitators, Fanning Institute, University of Georgia.