

Flint River Basin Plan
November 4, 2005

Meeting Summary
Stripling Irrigation Center
Camilla, GA

Attendees – Stakeholder Advisory Committee:

James Lee Adams
Lucius Adkins
John Bridges
Thomas C. Chatmon, Jr.
Charles (Chop) Evans
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: Steve Golladay, , Jim Hook, Mark Masters, Rad Yeager, Rob Weller, Jason Wisniewski

Georgia Environmental Protection Division: Rob McDowell, Cliff Lewis, and Tommy Rumph

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

Unable to Attend – Stakeholder Advisory Committee:

Dan Bollinger

Introduction

Following an opening prayer by Mr. John Bridges, Rad Yeager, member of the Technical Advisory Committee, provided the stakeholders with a brief introduction to the Stripling Irrigation Center. Through a generous donation by Mr. C.M. Stripling, the 130 acre facility supports agricultural research and helps farmers do the best job possible with the water resources they have.

Statewide Water Planning Overview

Rob McDowell gave an overview of the statewide water planning process and how the Flint River Basin Plan fits into the statewide planning process. The Georgia Environmental Protection Division has been charged by the Georgia legislature to create a statewide water plan to be presented to the legislature by January, 2008. The Water Council was created to develop and approve a statewide water plan. Rob listed the members of the Water Council and directed stakeholders to its website - www.georgiawatercouncil.org. Stakeholders asked about Water Council membership and voting rights. According to the statute that created the Water Council, legislative members hold seats on the Council by virtue of their office, and they are non-voting members. Rob noted several highlights from March 2005 Water Council meeting, including the fact that the statewide planning process discusses and requires regional/sub-state water planning. There will be several essential pieces to the plan, including 1) the statewide components of water planning, and 2) planning regions and sub-state areas, which need to be identified during the process.

Rob also discussed the timetable accepted by the Water Council. There will be several major management objectives discussed by the eight Basin Advisory Committees; the objectives include minimize withdrawals, maximize returns, stream needs storage, water quality, and substate planning. Rob briefly explained the public input part of the process, including the Statewide Advisory Committee, the Basin Advisory Committees, and the Technical Advisory Committees and the groups and organizations that are likely to be represented on each committee. All meetings will be open to the public, and the next meeting of the Water Council is December 1. The coastal sound science initiative results were presented at the last Water Council meeting, and Rob will be providing Water Council members with an overview of the Flint River Basin Plan at the December 1 meeting. Stakeholders asked several clarifying questions about the statewide process, and several recommended that members of the Flint River Basin Plan stakeholder group need to be members of the statewide water planning committees.

Group Discussion on Working Through Concerns About the Plan and Voting

Several stakeholders expressed significant concerns about continually trying to reach consensus, and they asked for the ability to vote on issues and recommendations. (The stakeholders had voted at one of their earliest meetings to try and achieve consensus if at

all possible and only resort to voting if consensus was not possible.) The majority of the stakeholders (16-2) agreed to vote using Roberts Rules of Order. Several others noted that none of the stakeholders came to the table to end the process without a plan, while others noted that a plan will be ‘done for us’ if the stakeholders do not present recommendations.

One member of the group asked about a meeting held with Dr. Couch the previous day, how it happened, and why all members were not included. Senator Bulloch convened the meeting in response to a letter sent to Dr. Couch by nine members of the Stakeholder Advisory Committee at the end of October. Dr. Couch and Senator Bulloch met with the members of the Committee who signed the letter to address their concerns. Members who attended the meeting noted that the tone of the meeting was very conciliatory and positive, and that a face-to-face meeting had been very beneficial. They talked about the statewide plan and came to an understanding that Dr. Couch must develop a plan regardless of what the stakeholders do, but she would strongly prefer that the plan she develops include stakeholder recommendations. Rob also noted that any future meetings would be open to the entire stakeholder group; Dr. Couch will not be able to meet with individual members of the stakeholder group until after completion of the process. Members who attended the meeting the previous day discussed the focus of lifting the moratorium, which is directed at farmers, rather than a broad, comprehensive plan, which will be done at the state planning level. While the statute contemplates, and EPD wants, as broad a plan as possible, EPD recognizes that agriculture is by far the most significant user in the lower Flint River basin.

Group Discussion of Permitting Recommendations

The group discussed the guiding principles for today’s discussion of the recommendations for permitting strategies:

1. EPD Shall issue permits
2. Resource cannot be degraded
3. All permittees must have reasonable use
4. Lift the moratorium credibly

Several stakeholders asked whether there is scientific proof that water resources have been degraded. Rob noted that the Ichawaynochaway and Spring Creek models show increased problems with irrigation, and stakeholders were referred to p. 119 of the draft plan to re-read the hydrology section. Other members noted that Spring Creek always dries up during every minor drought – even pre-irrigation. Members agreed that northern Decatur and northern Seminole counties were in a different situation than much of the Flint River Basin. Members discussed the possibility that the creek could be sinking into the ground, which Rob said argues for a very close connection to the aquifer. Heavy groundwater pumping will affect the discharge to the stream. Another stakeholder asked members to consider whether it would be feasible to pump water into Spring Creek during certain times of the year. Another member noted that farmers are not getting credit for irrigation and the water that is returned to the system through

irrigation, and the stakeholders asked Rob to address this question to USGS so they could better understand net return.

The stakeholders then addressed the permitting recommendations from page 145 of the current draft Plan. Several recommendations were deleted (including one on low flow protection relating to replacement criteria for 7Q10 and a 7 day well inspection requirement), and the following represent the accepted recommendations and the respective votes for each:

1. The largest scale on which water management and permitting decisions should be based should be a sub-basin level corresponding to the USGS HUC-8 designation. In the Flint River Basin these are:

- G. Upper Flint
- H. Middle Flint
- I. Kinchafoonee-Muckalee Creek
- J. Lower Flint
- K. Ichawaynochaway Creek
- L. Spring Creek

Permitting decisions in these sub-basins will take into account the water use characteristics, hydrology, geology, any link between surface water and ground water, and the ecology unique to each sub-basin. Where necessary, and where data are available, permitting and management decisions should also take into account site-specific conditions and local stream impacts down to a HUC-12 scale.

[The motion was made and seconded to accept #1, and the motion passed unanimously.]

2. In considering new and existing applications, the goal of EPD will be to evaluate the effect of the proposed water use on existing users, and issue the new permit in such a way that the new permit will not adversely impact the water available to existing users. This evaluation may result in EPD issuing a permit for less than the applicant requested; requiring the applicant to use a different aquifer than requested; requiring the applicant to drill in a different location to avoid causing drawdown in an existing permitted well or unacceptable impacts on an adjacent stream; and imposing more stringent low-flow protection requirements on surface water users than are currently recommended (such as protecting a flow higher than 7Q10 or other appropriate tabulations of low flow characteristics.)

Because of the variable characteristics of the Floridian aquifer, there may be parts of the Flint River Basin in which groundwater withdrawals have no significant impact on nearby users or on stream flows. In these areas, permits should be issued as requested by the applicant as long as all other requirements are met (such as proof of ownership, conservation measures, etc.).

[The motion was made and seconded to accept #2, and the motion passed with 12 for and 5 opposed to the recommendation.]

3. Newly issued permits in the Flint River Basin (i.e. those issued after January 1, 2006 regardless of when an application was submitted) will require an economically feasible, state-of-the-art conservation plan that reduces the volume of water withdrawn, used, or applied as a condition of the permit. Such plans may include end-gun shut off switches, rain-gauge shut-off systems, and leak repair. Applicants and EPD shall refer to conservation measures recommended by the University of Georgia Cooperative Extension Service or the Georgia Soil and Water Conservation Commission.

In the event that a required conservation plan is not being followed, the permittee will be issued a notice of violation requiring correction of the problem and compliance with the conservation plan in such a way that irrigation during a growing season is not interrupted. However, the violator will have his or her permit suspended if the problem is not corrected before the next growing season.

[The motion was made and seconded to accept #3 with changes, and the motion passed unanimously.]

4. If irrigation is decreased during a drought year by 20% of current use in and Ichawaynochaway Creek and lower Flint River sub-basins, critical low flow criteria will be met. If irrigation is decreased during a drought year in the Spring Creek sub-basin by 20%, it is assumed this will have a beneficial affect on water levels and stream ecology even though critical low flow criteria may not be met. This will require application of the Flint River Drought Protection Act in such a way that enough irrigated acreage is temporarily converted to dry-land acreage, which can be done either through the voluntary auction process or non-voluntary irrigation suspension with compensation as defined by State law.

[The motion was made and seconded to approve # 4, and the motion passed with 16 for and one abstaining.]

5. For new permit applications, EPD will require proof of ownership or a lease before a letter of concurrence is issued to the applicant. EPD will also require latitudinal/longitudinal, accurate coordinates of a proposed well or surface water pump location to be included on the permit application.

[The motion was made and seconded to approve #5, and the motion passed unanimously.]

6. All existing permits known to be duplicate permits will be revoked by EPD. All existing permits for which initial use of water has not commenced will be considered null and void, and revoked.

[The motion was made and seconded to approve #6, and the motion passed unanimously.]

Timeline and Future Meeting Agenda

The group discussed the need for future meetings and potential agenda items. They decided to meet Monday, November 14 from 7:30am to 2pm and Tuesday, December 13 from 7:30am to 11am. Both meetings will be held at the Stripling Irrigation Center, and the following items will be discussed at the November 14 meeting:

1. Discussion of various drought scenarios under the Flint River Drought Protection Act, including scenarios with and without an auction;
2. Any remaining issues on statutory/legislative recommendations;
3. Find out/discuss if EPD has any ‘loose ends’ – issues that are unresolved;
4. Public Comment period for EPD after December 16 – will there be stakeholder review before it gets put out to public/what is the public comment going to consist of/will the group be reconvened to respond to the public comment?; and
5. Renewable permits – old number 8 on the legislative discussion.

Discussion on Statutory Reform and Legislative Recommendations

The stakeholders discussed the recommendations for statutory reform, the current section 9.9 in the draft Plan. Several items were deleted (including recommendations on renewable permits and additional staffing for EPD), and the following are the remaining recommendations with the vote noted underneath.

1. In order to minimize or eliminate speculative farm-use permit applications, EPD should charge a permit application fee of \$250. This money should be dedicated to assisting management of agricultural water use or as an incentive for conservation, and should not be put into the State general fund.

[A motion was made and seconded to accept #1, and the motion passed unanimously.]

2. For existing permits, those that are ‘grandfathered’ as defined by the Water Quality Act and Groundwater Use Act should be exempt from being modified in any way in order to provide new users with sufficient water.

[A motion was made and seconded to accept #2, and the motion passed with one vote in opposition.]

3. For declared drought years, the Flint River Drought Protection Act should be modified to allow focus on individual sub-basins:

- a. Upper Flint
- b. Middle Flint
- c. Kinchafoonee-Muckalee Creek
- d. Lower Flint
- e. Ichawaynochaway Creek
- f. Spring Creek

Including areas with critical habitats that are host to endangered species.

[A motion was made and seconded to accept #3, and the motion passed unanimously.]

4. Funding for the Flint River Drought Protection Act should be expanded beyond its current limits such that it can afford to pay higher per-acre prices for suspension of irrigation. This would allow the State to suspend irrigation on high-water use lands as opposed to on marginal farmland; increase the likelihood of taking more land out of irrigation; allow the EPD Director to require non-voluntary suspension of irrigation with fewer challenges; and offset the direct and indirect costs of reducing irrigation.

[A motion was made and seconded to accept #5, and the motion passed unanimously.]

5. Future permitting decisions, policing, review, etc. should be made at a local level, such as by a regional water management district or authority similar to those operating in other states.

[A motion was made and seconded to accept #5, and the motion passed with one abstention.]

6. The state should consider subsidies for conversion of permits from surface water to groundwater, as this may be a cost effective way to maintain adequate stream flows in some areas.

[A motion was made and seconded to accept #6, and the motion passed unanimously.]

7. The state should consider using existing wells or installing and operating wells during extreme droughts to supplement the flow in Spring Creek and other tributaries to maintain stream flow and protect endangered species.

[A motion was made and seconded to accept #7, and the motion passed with one abstention and one vote in opposition.]

8. The statutory requirement that EPD “shall” issue all new permits should be re-evaluated in order to protect existing users and the resource.

[A motion was made and seconded to accept #8, and the motion passed with one vote in opposition.]

9. Alternatives to issuing permits based on rated pump capacity should be explored.

[A motion was made and seconded to accept #9, and the motion passed unanimously.]

Public Comment and Future Meetings

Oscar Jackson congratulated the group on its efforts. He also entered the following into the laptop computer provided for public comment:

“My name is Oscar Jackson and I would like to enter into the record of this meeting my cover letter dated November and 15 pages of documentation. As a LAYMAN I am interested in and concerned about the results of the study being done regarding the Flint River Basin and its effect on Southwest Georgia water resources. All of these concerns have been expressed in prior communications during my service as the Southwest Georgia representative on the Georgia Governor’s Advisory Council On TriState Water Issues, Chairman South Georgia Chamber of Commerce Water Resources Committee and more recently documents presented at these Flint River Basin meetings. My main concern is that the “Flint River Water Development and Conservation Plan” doesn’t encompass the entire Flint River Basin but only the Southwest Corner and then leaves out Lake Seminole where Georgia is flooding the Upper Floridan Aquifer in the Panhandle of Florida and Alabama.

A copy of this message and a disk copy is placed below this laptop along with a copy of my handout.

Thanks”

Copies of the documentation referenced by Mr. Jackson were offered to the stakeholders and may be obtained by contacting Dr. Jackson at 1039 College Street, Bainbridge, GA, phone 229/246-3238.

The stakeholders decided to meet two additional times prior to the December 16 deadline by which they must submit recommendations to Dr. Carol Couch.

The final two SAC meeting dates are:

November 14, 7:30am to 2pm – Stripling Irrigation Center

December 13, 7:30am to 11am – Stripling Irrigation Center

The meeting adjourned at 1:55. 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.