



B&V Project 164139
B&V File C-1.2
April 22, 2011

To: Lower Flint-Ochlockonee Water Planning Council

From: Kristin Rowles, GWPPC

cc: Tim Cash, Assistant Branch Chief, GA EPD

Subject: Meeting Summary: Council Meeting 10 on April 19, 2011

The council meeting was held on April 19, 2011, at the Camilla Depot. The list of attendees is attached. In addition to this summary, all the presentations (slides) discussed in this meeting will be posted on the Lower Flint-Ochlockonee Council's web portal (<http://www.lowerflint.org/>).

Welcome, Introductions and Chairman's discussion

Chairman Richard Royal opened the meeting and thanked everyone for attending. Council member John Bridges led the group in an invocation. Benjamin Hayward, the Chairman of the Mitchell County Board of Commissioners, thanked group for meeting in Mitchell County and for its work on the regional water plan.

Richard Royal asked Tim Cash (GAEPD) what would happen if GAEPD saw the need for changes to the plan after it is submitted to GAEPD. Tim Cash said that the plan will not be modified prior to the public comment period. He discussed the timeline for public comment and agency review, and he presented the three options that the GAEPD Director has in adopting the regional water plans: (1) adopt the plans as submitted, (2) ask the Council to make revisions to the plan, or (3) revise the plan. Richard Royal asked for more explanation of what would happen if the GAEPD Director chooses to revise the plan (instead of asking the Council to revise it). Tim Cash said it was a good question, but he did not expect the Director to make revisions without notifying the Council. Richard Royal said that if there are changes made by GAEPD, there should be an acknowledgment that the plan is not entirely the Council's plan.

George McIntosh said that the Council should be notified of any revisions and given the opportunity to meet again. Jimmy Webb said that the Council needs a chance to review and respond to any revisions. McIntosh made a motion to recommend that EPD notify the Council of any revisions to the Plan and provide the Council an opportunity to meet again and address any revisions, if revisions are made. Jimmy Webb seconded the

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motion. The Council did not yet have a quorum and delayed further discussion on the motion until a quorum was present.

Plan Process/Timeline & Overview of Plan Revisions

Kristin reviewed slides (available on website) that presented the Council timeline and reviewed changes to the plan in the April 12th review draft. She discussed the Executive Summary (forthcoming) and supplement documents (hand-out with list of supplemental documents provided). She also reviewed the public comment process and a new Internet-based comment collection tool that will be used by GAEPD in the public comment process. A hand-out about the comment collection website was distributed. Council members can use the on-line comment collection tool to view comments made on the plan. Council members can also make their own comments on the plan. To use the on-line comment collection tool, users need to register on the Internet site. In addition to the Internet site, comments can be submitted by e-mail, fax, or mail.

Water Quantity Committee Report and Recommendations

Committee Chairman Jimmy Webb thanked the committee for its work. Webb reported to the Council on a meeting with USFWS regarding endangered species issues in the region. A summary of the meeting is in the pre-meeting packet. Jimmy said USFWS was willing to work with area farmers to develop strategies to protect habitat as well as farmer's water use. Webb said he felt that there was now an "open door" between GAEPD, the Council, and USFWS. Tim Cash thanked the Council for its work on this issue. Webb said that Sandy Tucker (USFWS) had been in contact with Director Barnes (GAEPD) regarding a Habitat Conservation Plan in the Lower Flint. The group agreed that ultimately EPD would have to play a role as the permitting authority in the state. Richard Royal told the Council that he has met with Barnes and Tucker and will meet with them again on Friday, April 22. Barnes has said he will seek funding to determine if an HCP is necessary.

At this time, with the arrival of one more Council member, a quorum was present. The Council took up business from the beginning of the meeting. ***First, the Council unanimously approved the motion made by George McIntosh requesting that EPD notify the Council of any revisions and provide the Council an opportunity to meet and respond to any revisions. Next, the Council approved the meeting summary from the last council meeting and the agenda for today's meeting by unanimous consensus.***

Webb turned the committee report over to Kristin to review the committee's recommendations for plan revisions. Kristin reviewed slides with the committee's recommendations. Regarding plan revisions addressing Endangered Species Act (ESA) concerns, the committee recommended:

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- Addition of a Footnote #7 on page 2-5 to reference ESA-related discussion and recommendations in other parts of plan
- Adoption of Option 2 on page 6-2
- Adoption of Option 2 on page 7-16, with modification of the 2nd sentence so that it reads: “The Council urges all appropriate state agencies to join in this process, including the EPD.”

Regarding the “gap” language, the committee first recommended the addition of a new final paragraph for Section 5.4 on pages 5-8 & 5-9 (neither of the options presented in the April 12th draft) to read as follows:

The Lower Flint-Ochlockonee Council questions whether the criteria used to determine “gaps” for surface water flows (as defined in the resource assessment models) are appropriate metrics by which to evaluate the impacts of consumptive water use on the state’s water resources. The “gaps” do not provide for reasonable use by lawfully permitted users. Moreover, the “gaps” are not defined in terms of any demonstrable environmental harm. The Council disagrees with the approach to identifying “gaps” used in this planning process because:

- (a) a gap is not defined by impacts on aquatic health or downstream users;
- (b) it is not clear what the impacts of a gap are;
- (c) gaps occur as a result of use that has already been legally permitted in the region; and
- (d) the modeled gap cannot be closed through demand management even with complete cessation of consumptive water use when a gap occurs.

Moreover, assumptions used in the resource assessment model regarding upstream withdrawals for reservoirs result in a gap that is overestimated relative to actual use.

Closing the identified “gaps” could ultimately cause significant harm to the region’s economy and would be counter to the Council’s Visions and Goals (i.e., supporting the region’s economy, ensuring access to water resources for existing and future water users, maintaining the production-agriculture-based economy of the region, and supporting sustainable economic growth in the region). Therefore, the Council insists that no modifications to existing water withdrawal permitting practices be enacted based on the resource assessment model results. The Council recommends additional study to determine more appropriate flow targets that account for permitted reasonable use and demonstrable environmental impacts for use in future planning.

The committee met to finalize this recommendation this morning. The committee also recommended:

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- Clarification of gaps throughout plan as model results (“gap identified by the model”)
- Addition of the last bullet item on page 7-15: The Council recommends that no modifications to existing water withdrawal permitting practices be enacted based on the surface water availability and groundwater availability resource assessment model results. For a more complete discussion of the Council’s concerns with the modeling approaches and results, please see page 5-6. [new draft will have updated page number]

Regarding interbasin transfers, the committee recommended the addition of a new final sentence to the third bullet item on page 7-15 to address a concern raised at the last Council meeting. The new sentence should read: “However, the Council recommends against any new interbasin transfers from any basin for which this planning process identified concerns about maintaining a sustainable in-stream flow regime.”

Next, Kristin reviewed the plan revisions to address the new groundwater results for the Claiborne aquifer, for which the model was recalibrated using more up-to-date use information. Kristin said that the explanation of the groundwater results had also been clarified and improved in Sections 3.2.2 and 5.3. The committee has reviewed these revisions and recommends them for adoption by the Council.

At the conclusion of Kristin’s review of the committee’s recommended revisions, ***Webb made a motion that the Council adopt the changes to the plan recommended by the Water Quantity Committee. John Heath seconded the motion. The committee’s recommendations were adopted by the Council by unanimous consensus.***

Next, John Bridges made a motion that a new sentence be added at the end of the first paragraph on page 6-11 (after the words “of less than five feet.”): “Moreover, the Upper Floridan aquifer in this region is known to recover quickly as a result of recharge.” The motion was seconded by Huddy Hudgens. This revision was adopted by the Council by unanimous consensus.

Water Quality Committee Report and Recommendations

Committee chair Jerry Lee could not attend today due to a family medical emergency. Kristin Rowles gave his report. She said that the committee had met twice since the last Council meeting. A summary of the March 15th committee meeting is in the pre-meeting packet. A summary of the April 11th committee meeting was distributed as a hand-out. The committee reviewed new water quality modeling results on nutrient loading and how these results are presented in the plan. The committee also discussed outstanding issues and finalizing the plan. She reviewed slides with the committee’s recommendations for plan revisions.

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First, the committee had asked for a better explanation of the Ochlockonee assimilative capacity results in the plan. The Ochlockonee goes from 13.77 miles with assimilative capacity concerns in 2010 to 0 miles with concerns in 2050. Kristin explained that this result occurred only after modifications were made to existing permit requirements in the model. The text was modified to explain this better, as follows (Page 5-5, 2nd paragraph):

In the Ochlockonee, the model projected that the number of stream miles where assimilative capacity is exceeded or unavailable will decrease from 13.77 miles to 0 miles over the same period. It is important to note, however, that the Ochlockonee results were attained after modifications were made to assumptions about 2050 permit limits and discharge volumes for several NPDES dischargers in the Basin, including BASF, Boston, Doerun, Moultrie, and Affinity Foods. These modifications were made to address assimilative capacity concerns under projected 2050 conditions. EPD will modify permit limits for any NPDES permit when assimilative capacity is exceeded, and therefore, this type of permit modification would be expected.

The committee recommends adoption of this revision, as presented in the April 12th draft.

Next, the committee recommends the addition of the following as a new bullet item in the list of uncertainties affecting plan implementation on page 6-3:

- Legal challenge to the Tired Creek Reservoir in Grady County: The permit issued by the USACOE for a new reservoir on a tributary to the Ochlockonee River has been challenged by several stakeholder organizations and a county downstream in Florida. The litigants are concerned over wetland and water quality impacts of the reservoir. The litigation has implications for water resource management in the Ochlockonee River Basin and in the relationship between Georgia and Florida over shared water resources.

The committee recommends adoption of this revision, as presented in April 12th review draft.

Kristin said that in addition to these proposed revisions, the committee had also reviewed the plan's explanation of new water quality modeling results on nutrient loading. Additionally, a letter of support from the Council for the Golden Triangle RC&D 319 grant proposal was sent, as approved at the last Council meeting. (See page 34 of the pre-meeting packet.)

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Chuck Lingle made a motion to approve the revisions to the plan recommended by the Water Quality Committee. John Heath seconded the motion. The motion was approved by unanimous consensus of the Council.

Plan Review Committee Report and Recommendations

Kristin said that Richard Royal asked her to provide the Plan Review Committee's report and recommendations. Kristin said that the committee met on March 31st. A meeting summary is included in the pre-meeting packet. The committee reviewed the March 8th draft, with an emphasis on Sections 7 & 8. The committee also discussed how to address comments on Section 3 received from the Division of Wildlife Resources (a division of Georgia Department of Natural Resources).

First, Kristin said that Table 6-1 had been modified so that high priority practices are listed at the top of each section in the Table. The priorities noted in the April 12th review draft reflect the results of the survey on priorities at the last Council meeting.

Next, Kristin reviewed recommended revisions to address the comments received from the Division of Wildlife Resources (DWR) on Section 3 of the plan. The DWR comments are included in the pre-meeting packet (see pages 44-47). Page 3-14 of the April 12th review draft reflects the modifications to address the DWR comments. Additionally, the list of rare aquatic species from the DWR comments (see page 46 of the pre-meeting packet) will be added to a supplemental document to the plan.

Next, Kristin reviewed suggested revisions in Section 7.4. On page 7-17, the second option reflects the committee's discussion on revenue raising by the Councils. Kristin said that the language had also been modified to clarify the Council's position. The Council discussed the issue of whether, in the future, regional water councils should have revenue raising authority. It was noted that the Florida water management districts have taxing authority. It was also noted that this is an issue of more vs. less government. A Council member said that water decisions should be kept local. No changes were made, and Option 2 was recommended.

On page 7-18, Kristin said that she was suggesting a revision that the Plan Review Committee had not been able to address because it did not meet a second time. The revision clarified the Council's position on interstate issues. Option 2 was recommended.

On page 7-19, the first bullet item at the top of the page was formerly in the plan as management practice WQ5. Kristin said that it had been moved to Section 7.4 before it concerned coordination among regional water councils, and therefore, its scope was broader than Water Quality. This revision was reviewed with the Water Quality Committee.

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Richard Royal asked if there were any objections to adopting the revisions presented in the Plan Review Committee report. The Council adopted the recommended revisions by unanimous consensus.

Local Elected Official and Public Comments

Next, the Council provided time for local elected officials and the general public to address the council, but no one indicated that they would like to speak.

Final Discussion of Plan/Adoption of Plan for Submittal to EPD

Kristin asked if the Council had anything further to discuss before considering adoption of the plan. The Council did not have any further items to discuss.

Richard Royal indicated that it was time for the Council to act on adoption of the plan for submittal to EPD. ***Steve Bailey made a motion to adopt the plan, as revised in today's meeting, for submittal as the recommended regional water plan to EPD. John Bridges seconded the motion. The motion was approved by unanimous consensus of the Council.***

Richard Royal thanked Black and Veatch and EPD. He acknowledged Kristin Rowles for her work on the plan. Chuck Lingle thanked Chairman Royal and Vice Chair Haddock for their service to the Council. George McIntosh thanked the Georgia Water Planning and Policy Center for its assistance. Tim Cash thanked the Council for its efforts and said he had learned a lot from the Council. Woody Hicks (Jones Center) thanked the Council for its efforts to balance the environment and the economy. George McIntosh noted that over 2500 hours of work had been put into the plan by council members. Richard Royal commended the Council for its efforts. The meeting was adjourned.

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Attachment 1:

**Lower Flint-Ochlockonee Water Planning Council
Council Meeting Attendance – April 19, 2011**

Council Members

Steve Bailey
John Bridges
Jimmy Champion
Hal Haddock
John Heath
Huddy Hudgens
Gary Leddon
Chuck Lingle
George McIntosh

Rick Moss
Greg Murray
Mike Newberry
Richard Royal
Steve Singletary
Howard Small
Steve Sykes
Jimmy Webb

Council Members Not In Attendance

John Bulloch
Dean Burke
Jerry Chapman
Terry Clark
Bob Hanner
Josh Herring
Chris Hobby

Jerry Lee
Doyle Medders
T.E. Moye
Jim Quinn
Will Vereen
Bill Yearata

Planning Consultants

Steve Simpson, B&V
Mark Masters, GWPPC

Kristin Rowles, GWPPC
Doug Wilson, GWPPC

Georgia EPD

Tim Cash, Assistant Branch Chief
Bill Morris

Georgia State Agencies

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LOWER FLINT-OCHLOCKONEE
WATER COUNCIL

Meeting #10, April 19, 2011
Public Sign-In

Name	Organization
Hal Blacklock	
Huddy Hulcom	
James Faring	Mayor Whigham
Jeffrey Harvey	Georgia Farm Bureau
Bern Hayward	Mitchell Co
Dan Burke	Oil-Drill Corp
Rick Moss	
George [unclear]	
John Kelsey	SWGARC
Steve Beily	

