



## Lower Flint-Ochlockonee Water Council Meeting 10 April 19, 2011 - Camilla, GA Agenda

### *Objectives:*

- 1) Committee reports
- 2) Revisions to Plan
- 3) Approve of plan for submittal to EPD

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|-----------------|---|
| 8:30-9:00 a.m.  | Registration  |
| 9:00-9:20       | Welcome, Introductions, Chairman's Discussion - Richard Royal<br><i>Adopt February meeting summary, review agenda</i> |
| 9:20-9:40       | Plan Process/Timeline - Kristin Rowles  |
| 9:40-10:00      | Overview of Plan Revisions - Kristin Rowles   |
| 10:00-10:30     | Water Quantity Committee Report and Recommendations - Jimmy Webb  |
| 10:30-10:45     | Break   |
| 10:45-11:15     | Water Quality Committee Report and Recommendations - Jerry Lee  |
| 11:15-11:45     | Plan Review Committee Report and Recommendations - Richard Royal/Kristin Rowles                                       |
| 11:45-12:00     | Local Elected Official and Public Comments  |
| 12:00-1:00 p.m. | Lunch   |
| 1:00-2:00       | Final Discussion of Plan for Submittal to EPD   |
| 2:00-2:30       | Adoption of Plan for Submittal to EPD   |
| 2:30-2:45       | Wrap Up/ Council Meeting 10 Evaluation/Adjourn  |
| 2:45-4:00       | Council Celebration   |

To: Lower Flint-Ochlockonee Water Planning Council

From: Kristin Rowles, GWPPC and Robert Osborne, Black & Veatch

cc: Tim Cash, Assistant Branch Chief, GA EPD

Subject: Meeting Summary: Council Meeting 9 on February 10, 2011

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The council meeting was held on February 10, 2011, at Cotton Hall in Colquitt. The list of attendees is attached. In addition to these minutes, the presentations (slides) discussed in this meeting will be posted on the Lower Flint web portal (<http://www.lowerflint.org/>).

#### **Welcome, Introductions and Chairman's discussion**

Chairman Royal started the meeting by recognizing Jerry Chapman, council member and mayor of Colquitt, who welcomed the Council to Colquitt. John Bridges provided an invocation. Next, Chairman Royal asked the Council to approve the meeting summary and the meeting agenda. *The council approved the meeting summary from the last council meeting and the agenda for the meeting by consensus.*

The Council next conducted an election for chair and vice-chair. There were nominations with seconds for both Richard Royal and Hal Haddock to continue in their current positions as chair and vice-chair, respectively. No other candidates were nominated. Richard Royal and Hal Haddock indicated their willingness to serve if elected. *Richard Royal and Hal Haddock were elected chair and vice-chair, respectively, for calendar year 2011 by unanimous vote via written ballots.*

Chairman Royal asked the Council if any members who attended the ACF Councils Joint Meeting on January 27, 2011 would like to comment on the meeting. Council member Jimmy Webb said that some of the discussion over the gap at Bainbridge seemed divisive and focused on the Lower Flint as the sole cause of the Bainbridge gap. Webb said that he told the three councils that they need to be united, especially because of the tri-state water litigation. Webb also said all three councils thought a reservoir would be needed to address the gap. Chairman Royal commented that the Governor has appropriated \$300 million dollars in the budget for reservoirs.

Both Webb and Royal expressed concern over the model because even if all agricultural water use ceased, a gap would still occur. Council member John Heath also expressed

concern about the modeled gap; he is concerned that it could become a policy target instead of just assessment information. He suggested that the council try to redefine the gap terminology. He also questioned the need for the 5,000 cfs flow target in the Apalachicola and suggested that a way to measure water use reduction was needed. Council member Huddy Hudgens said that the model is wrong, and Chairman Royal said that he is inclined to believe that.

Council member Hal Haddock said that there seems to be a lack of understanding of how water moves underground in this region; the Upper Floridan (Dougherty Plain) aquifer recovers quickly from drawdown. Council member John Bridges commented that raising dams to increase reservoir storage is likely the least expensive option. Royal said that the governor's plan is to increase the capacity of existing dams as well as build new wells.

John Heath said that it may be that we cannot keep drilling wells if the gap is going to be addressed. Steve Bailey asked: When the Corps of Engineers (COE) is releasing 15,000 cfs over Woodruff Dam, what is the point of conservation? He said that the COE's releases waste so much water as to make conservation pointless. Jimmy Webb noted that Upper Flint members expressed surprise at the joint meeting that agricultural uses are not metered. Council member John Bridges said this area has gone through three extreme droughts, and the results have not been dramatic.

Next, Chairman Royal said that Tim Cash (EPD) had provided the Council the name of an attorney to consult on the Endangered Species Act (ESA). Royal noted that Cash had told him that the cost for the council to work with the lawyer would not be paid by EPD. Council member Jimmy Webb said that the council needs to consult a lawyer familiar with the ESA, mostly likely from the western U.S. Chairman Royal commented that the endangered species issue is going to persist, and he referred to a newspaper article on the issue from this week. Chairman Royal commented that he wondered if water users in the region were at risk without a Habitat Conservation Plan. As an alternative to a private lawyer, Webb suggested that the Council meet with the Region IV Director for the U.S. Fish and Wildlife Service (USFWS), Cynthia Dohner. Webb said that Dohner has experience with the Endangered Species Act and Habitat Conservation Plans, and she could provide the council with another perspective, at no cost. Webb suggested that the council send a group to meet with Dohner. Chairman Royal said the suggestion made sense and asked if there were any objections. There were none. ***Chairman Royal asked that the meeting with Cynthia Dohner (USFWS) be arranged and that any council members wishing to participate indicate so to him.***

### **Overview of Plan Revisions**

Kristin Rowles reviewed the following timeline for the council:

<u>Completion Date</u>	<u>Milestone</u>
February 2011	Council Meeting 9
March/April 2011	Council Meeting 10
May 2, 2011	Recommended Plan to GAEPD
May-July 2011	Public Notice of Draft Plan
August 2011	Final Production of Adopted WDCP
September 30, 2011	GAEPD Approves Lower Flint-Ochlockonee Regional WDCP

Kristin noted it was critical that any remaining issues are discussed as soon as possible. She said that on January 21, Council members received a revised review draft of the plan. This draft addressed EPD's comments on the October 15<sup>th</sup> draft and council decisions from its December meeting. She said that after this meeting a revised draft will be prepared.

Kristin asked if the council would like the next draft to include mark-up notations (to indicate changes). Council members said that they would like to have mark-up notations.

Kristin said that next she would review the changes in the January 21<sup>st</sup> draft. First, she said that references to appendices had been changed to reference a set of supplemental materials for the plan; the supplemental materials will be housed on the council website.

#### Sections 1 and 2

In addition to some minor text edits, Kristin said that there was new material provided for Sections 1.1 and 1.2 by EPD. She also said there was a revised map would be provided for Section 2 in the next draft.

Chairman Royal said he did not like the phrase "consensus based" on page 1-2 as a descriptor of the planning process. Although a consensus was noted where possible, Robert's Rules were also used in decision making. ***Kristin said that she could strike this phrase. Royal asked if there were any objections; there were none.***

#### Sections 3 and 4

Kristin said she added information about water resources shared with neighboring councils and made some clarifications regarding the assessment models. She said that the Division of Wildlife Resources was preparing some comments on Section 3, and she expected to receive these soon to share with the council via the appropriate committee. In Section 4, she said that the section on water demand forecasts for thermoelectric power production (Section 4.4) was not complete and would be discussed further this afternoon.

Kristin noted that the charts in Sections 3 and 4 had been revised for clarity of presentation.

#### Section 5

Kristin noted that there were minor text and reference edits. There were also new water quality maps.

#### Section 6

Kristin noted that Section 6.1 was edited for clarity and length. The discussion of uncertainties was modified to add additional information on how those issues are currently being addressed and where to get more information. Kristin said one of the uncertainties will be discussed in Water Quantity Committee report.

Chairman Royal commented that the discussion about plan revisions was moving quickly and reminded council members that if they had any concerns or comments that they should address them now.

In Section 6.2, the following changes were made to Table 6-1:

- New categories (Demand Management, Supply Management and Flow Augmentation, Water Quality)
- Numbered management practices
- Prioritization
- Changes to Management Practices based on council decisions and EPD comments: DM6, SF4, SF5, WQ1, WQ2, WQ3

Following Table 6-1, Kristin said there were modifications in Section 6-2 to further explain the storage modeling run and the Council's selection of management practices vis-à-vis identified gaps and the Council's vision and goals.

#### Section 7

Kristin said there were changes to Section 7.4: Recommendations to the State. This section is now categorized into information needs and water policy recommendations. She said that several of the items listed were new to this draft; she had culled them from meeting summaries to try to ensure that all recommendations that have been discussed were included. This section will be reviewed later today. Kristin would like the council's feedback on whether this section is complete.

Kristin said that the remaining parts of Section 7 and the whole of Section 8 would be revised after this meeting.

After Kristin's overview, the council members again discussed their concerns about the surface water availability model and the gap identified by that model at Bainbridge. Council member John Heath suggested that the council re-define the gap. Kristin noted that in a committee report later this morning, there was a recommendation for language

based on John Heath's concern that the gap not be used as a policy tool. Richard Royal said that the gap has been defined for the council by EPD.

In response to a question about what the gap means, Tim Cash (EPD) said that the gap is a metric to compare consumptive use against. Council member Jerry Lee said that the gap does not necessarily indicate something bad. Tim Cash said that the gap is not the impact; the impact of the gap has not been defined.

John Heath and Richard Royal said that there is a need to address model issues. After discussing concerns about the model, council members asked for clarification on how the gap arises in the model. Mark Masters explained that the model's flow target is based on natural (unimpaired) flows, and consumptive water use results in a gap. Chairman Royal asked whether a gap would exist if Upper Flint region impacts were not included in the model. Masters answered yes. A council member asked if it is possible to eliminate the gap. Masters explained that the model had been run to indicate that the Flint Basin needs 162,000 acre feet of storage to close the gap. The gap can also be closed by reducing consumptive use, but consumptive use needs to be completely stopped when flow is at or less than the metric in order to fully close the gap. Steve Simpson said that 162,000 acre-feet is about the size of half of West Point Lake; given other purposes and requirements of reservoir design, such as accounting for evaporation, a lake about the size of West Point would probably be needed to provide 162,000 acre-feet of storage for the purpose of addressing the gap.

Council member John Heath expressed concern about the definition of unimpaired flows. Jimmy Webb asked if the gap is largest when flow is lowest. Masters said not necessarily; while in general the gap is larger when the unimpaired (natural) flow is lower, the gap is due to the combination of consumptive water use and stream flow, and is largest when the combined effects are greatest.

Council member Jimmy Champion suggested that the council should focus on the plan. Kristin said that issues and recommendations related to the gap would come up later in the day. Chairman Royal noted that they would come back to John Heath's concern in the Water Quantity Committee report.

### **Water Quantity Committee Report and Recommendation**

Committee Chair Jimmy Webb asked Kristin to review the slides summarizing the committee's recommendations. Kristin said the committee met on February 8, 2011. At that meeting, the committee discussed Endangered Species Act issues, reviewed changes in January 21, 2011 draft plan, discussed further plan revisions, and developed recommendations to Council for today's meeting. Kristin passed out a meeting summary of the February 8<sup>th</sup> meeting.

Kristin shared the following recommendation from the committee regarding the second bullet point (regarding 2008 Biological Opinion) on page 6-2 (Section 6.1):

- *Change the 2<sup>nd</sup> sentence to read as follows: “The consultation will continue ongoing depth distribution data collection and analysis to determine the minimum flows needed in order to protect listed species.”*
- *Add a footnote referring to the statement of the Council’s position on this issue on page 7-13.*

Jimmy Webb asked George Martin of Georgia Power, who was attending the council meeting and who had attended the joint council meeting on January 27<sup>th</sup>, if he had found out more about the specific flow needs of the power plant below Woodruff Dam. At the joint council meeting, the members had wanted more information about what role the power plant’s flow needs had played in setting the flow target for Woodruff Dam. Martin said that they were still looking into the answer.

Council member Greg Murray said to the council that, in his experience and observations of flow below Woodruff Dam, 5000 cfs in the Apalachicola River was not very much water; this is a VERY low flow. He said that he doubted whether the USFWS would go much lower than that in setting their flow target.

Kristen asked if there were any questions about the recommended change. There were no questions. ***The Council accepted the committee’s recommendation by consensus.***

Kristin said the next recommendation involved replacing management practices DM8 and DM9 with a new management practice written to emphasize the need for further study (as opposed to implementation) of the policy tools presented in these two management practices. The committee’s recommendation is to replace management practices DM8 and DM9 with the following:

***DM8: Research new tools for agricultural water demand management to determine their feasibility, costs, and benefits for Georgia.***

- ***Quantification of Agricultural Water Withdrawal Permits:*** Currently, the tools to manage agricultural water withdrawals in drought periods are limited to the Flint River Drought Protection Act and emergency powers at the discretion of the EPD Director. Quantification of agricultural withdrawal permit limits, based on use over a period of years, could allow for more precise management in a drought period. However, quantification is difficult to implement, and water users have significant concerns over this policy approach. More study is needed to determine whether quantification would provide for more predictable and fair management of agricultural water demand in drought periods.

- ***Agricultural irrigation institutions:*** Irrigation institutions, such as irrigation districts, are used in other states to support farmers in sharing resources and developing common supply infrastructure. They can provide for local or regional management of water resources and support more flexible management approaches. More study is needed to determine whether these institutions would be appropriate and beneficial for water users and water resources in Georgia.

***The Council accepted this recommendation from the committee by consensus.*** The Water Quantity Committee report was concluded.

### **Water Quality Committee Report and Recommendations**

Committee chair Jerry Lee made the report for the Water Quality Committee. He said that in its February 3<sup>rd</sup> committee meeting, the committee reviewed changes in January 21st draft, discussed further plan revisions, developed recommendations to Council for today's meeting, and reviewed new water quality modeling results for the region.

Lee said the committee's first recommendation to the council was to change management practice WQ1 on page 6-10 as follows:

- Continue ~~Improved~~ enforcement of existing discharge permits
- Ensure continued ~~Improved~~ enforcement of erosion and sediment control regulations
- Continued implementation of ~~Support for~~ existing management plans and practices, such as the TMDL plans for specific stream reaches to address specific parameters
- ~~Advocating~~ Advocate for a study of methods for coordinating and applying existing state resources to comprehensively address water quality

These changes were to address EPD questions seeking clarification about the management practice. Jerry asked if there were any questions, there were no questions.

***The Council accepted the committee's recommendation by consensus.***

The next recommendation involved the management practice WQ2 on page 6-10 by adding the following bullet point to the management practice description:

- Create a complaint response program, similar to that of the Georgia Forestry Commission for the silvicultural industry, to provide for the resolution of water quality concerns from agricultural sources through coordination, cooperation, and technical assistance with agricultural landowners.

Jerry Lee explained that this complaint response program creates a buffer between agriculture and EPD on compliance issues. Lee said that for forestry, the Georgia Forestry Commission tries to mitigate first when a complaint arises before going to EPD. A council member asked who would implement this program for agriculture. A

representative of the Georgia Soil and Water Conservation Commission at the meeting said that the Commission already plays this role and does not receive many complaints on agriculture. Council member Jimmy Champion suggested that the state Department of Agriculture could implement such a program, but other council members disagreed that the Department of Agriculture would be a good choice.

Council member T.E. Moye commented that this type of program would be good for agriculture, but Jimmy Webb said he thought such a program would create a new avenue for complaints.

Chairman Royal said he believed that the Council did not have consensus on this recommendation and asked for a vote. ***The Council members voted 8 in favor and 4 against the recommendation; the recommendation was approved.***

The next recommendation from the committee concerned management practice WQ4 on page 6-10 regarding water quality monitoring. The committee recommended replacing the existing description of the management practice with the following:

- Increase the number of sampling sites and the frequency of sampling to build a better information base on water quality conditions to support improved resource assessments in the future.
- Increase parameters sampled at each sampling location as needed to improve water quality database and future assessments.

Lee asked if there were any questions; there were no questions. ***The Council accepted the committee's recommendation by consensus.***

The last recommendation from the committee concerned page 7-13 in Section 7.4. Lee said that the committee recommended the addition of the following item to the list of information needs:

- Update water quality model assumptions in future resource assessments to reflect actual volumes treated by various wastewater treatment methods (e.g., land application, discharging facility). The assumption that current allocations among these methods will remain the same may not be accurate given instream flow concerns

Lee asked if there were any questions; there were no questions. ***The Council accepted the committee's recommendation by consensus.*** Kristin Rowles said that the new water quality modeling results will be reviewed after lunch.

### **Plan Review Committee Report**

The Plan Review Committee met on February 4, 2011. A meeting summary was distributed as a hand-out. At its meeting, the committee discussed the January 21st draft and developed recommendations to the council for today's meeting. Kristin Rowles presented the committee's recommendations to the council.

First, in Table 6-1, Kristin explained that she had taken a first try at noting the priorities of the management practices in the January 21st draft. The priorities were rated as high, medium, and low and noted in the table by color coding (with a key in the table heading). Kristin said that in discussion with the committee, it was decided to change the priorities to high and normal priority (2 categories instead of 3). Kristin said that the assignment of priorities in the January 21st draft represented best guesses on her part and that she needed to collect input from the council to ensure that the assignments reflected their input.

She said she would distribute a hand-out on which members could indicate which management practices they thought should be marked as high priority. The information collected from the council members on these worksheets would be used to discuss the assignment of priorities in the Plan Review Committee. She said that the committee had discussed that priorities should be based on the importance of a management practice to attaining the council's vision and goals and to addressing identified gaps.

Next, the committee recommended the addition of language to Section 6-2 (page 6-11) to clarify the groundwater model results (additions are underlined):

*The identified gaps, including that in the Dougherty Plain aquifer, relate to the depletion of surface water flows in drought periods, as a result of consumptive use of surface water and groundwater. At many points in the period of record, the magnitude of these gaps is sufficiently large that it cannot be addressed without drastic suspension of consumptive water use, construction of large-scale storage, or both. The gap identified in Dougherty Plain aquifer results from the impact of groundwater use on surface water and does not reflect an adverse impact of groundwater use on aquifer levels; the model predicted drawdown in the aquifer of less than five feet.*

Kristin said that this addition was to address a concern raised by council member John Bridges regarding the presentation of the groundwater model results. ***The Council accepted the committee's recommendation by consensus.***

The next recommendation concerned Section 6.2 on page 6-12. The committee recommended the following modification (additions are underlined; deletions are marked by strike-through):

As the planning process evolves, the Council recommends the development of more precise measures of the health of its water resources. Moreover, the Council emphasizes that the resource assessment models developed and used for this plan are planning tools; they should not be relied upon as policy tool. The Council makes further recommendations about information needs and resources assessment models ~~This recommendation is explored further~~ in Section 7.

This modification was recommended to address a concern raised by council member John Heath that the gap would become a policy target. ***The Council approved this recommended modification by consensus.*** The Council also continued its earlier discussion regarding the gap presentation. It was noted that the target flows used in the surface water availability assessment were defined by EPD. However, the law provides for reasonable use of water. The council members discussed whether a conflict exists between the assessment target and reasonable use as a policy.

Council member Jimmy Webb said that the impact of the gap is unknown, and furthermore, he did not want to see the gap used against the state or water users in Georgia. Council member Huddy Hudgens said he did not think that the council should use the word “gap” in its plan. John Heath noted that even with a sizable gap at Bainbridge, the state was still issuing permits for withdrawals in the region. Mark Masters (GWPPC) suggested that a measure of the gap could be the difference between consumptive use and reasonable use. ***Chairman Royal said that the council needs to define the gap for itself and referred further discussion the Water Quantity Committee.***

Chairman Royal asked if an Endangered Species Act enforcement action or litigation action arose, who would the action be taken against: EPD or water users? Council member Mike Newberry said that the former EPD director had indicated that action would likely be taken against EPD. Chairman Royal asked Tim Cash (EPD) if he had any comment; Cash replied that he had no comment.

The committee’s next recommendation concerned the 4<sup>th</sup> bullet point on page 7-14 (Section 7.4). The following modification was recommended by the committee:

*Delete:*

*Revenue raising authority should be considered for these institutions.*

*Add:*

*If a funding source is needed for these institutions, a regional sales tax would be preferred over a property tax as a potential revenue source.*

Kristin explained that the committee had expressed concerns over new property taxes in the region. Some council members expressed concern that any revenue raising authority

would be considered. After a brief discussion, ***Chairman Royal referred this recommendation back to the Plan Review Committee for discussion and revision.***

The next recommendation concerned the joint recommendations developed at the joint council meeting with the Upper Flint and Middle Chattahoochee Councils on January 27<sup>th</sup>. The following three recommendations were presented for the council to consider for addition to Section 7.4 in a new sub-section highlighting coordinated recommendations with neighboring councils

- *The Upper Flint, Lower Flint-Ochlockonee, and Middle Chattahoochee Councils recognize the critical need for more storage in the Apalachicola-Chattahoochee-Flint (ACF) System and recommend that a plan for additional storage be developed and implemented and that it consider the following: better utilization of existing storage in the Chattahoochee, new storage in the Flint, and enhancement of existing storage capacity.*
- *The Upper Flint, Lower Flint-Ochlockonee, and Middle Chattahoochee Councils urge GAEPD and those involved in the resource assessment modeling to improve upon existing models for future regional water planning by making greater use of actual and current data on water use and conditions and by developing assumptions that more closely approximate actual conditions.*
- *The Upper Flint, Lower Flint-Ochlockonee, and Middle Chattahoochee Councils request that state and federal agencies reevaluate the scientific justification for the minimum flow requirements at Woodruff Dam that are intended to maintain healthy aquatic ecosystems.*

In discussion of these shared recommendations, council member Greg Murray asked to have the 3<sup>rd</sup> item regarding the minimum flow requirements at Woodruff Dam deleted. He said that it was only likely that the targets would be increased, not decreased. Tim Cash (EPD) said that the minimum targets at Woodruff are a range, not just a single number. Council member Mike Newberry said that re-evaluating the flow targets could help or hurt, but scientific justification was important. Council member Steve Bailey said that the 5000 cfs target was not a problem, but larger releases by the Corps were the problem.

Council vice-chair Hal Haddock asked the council to vote on adopting the joint recommendations, including the 3<sup>rd</sup> item. The vote was eight in favor and eight against adoption (including the 3<sup>rd</sup> item). To break the tie, the vice-chair voted in favor of adopting the recommendations (including the 3<sup>rd</sup> item). ***The Council adopted the joint recommendations for inclusion in Section 7.4.***

Council member Mike Newberry asked for clarification on the change to Section 6.2. His question was answered, and he said he was fine with the recommendation as is.

Lower Flint-Ochlockonee Water Planning Council  
Council Meeting 9  
Meeting Date: February 10, 2011

B&V Project 164139  
February 16, 2011

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Next, Chairman Royal asked the council if they felt comfortable enough with the plan to sign it. Council member T.E. Moye said that the council has spent a lot of time on the plan, and he is comfortable with it. Council member Jimmy Webb said that the plan is better than doing nothing and having EPD write the plan. Council members generally indicated that they thought the plan was getting close to what it needed to be and that they were comfortable with it. Council member Huddy Hudgens said he thought it was possible that EPD would reject the plan; Chairman Royal disagreed.

In response to a question about the plan review process, Tim Cash said that the plan is scheduled to be distributed for public comment on May 9. In response to general concerns expressed by Council members that they believed that EPD would make major revisions to the Council's plans before issuing them for public comment, he said that he thought that it would be unlikely for EPD to have the opportunity to do that since EPD would receive the plans on May 2 and then issue them for comment one week later. The public comment period is likely to be 30-60 days. EPD is preparing an online tool to collect public comments on the regional plans.

Chairman Royal asked Cash how EPD will deal with comments and create a single final report. Cash said that EPD was not planning to combine the individual regional plans into a single plan and that each of the regional plans will be stand-alone documents.

A council member asked if the May 2 deadline was a legislative deadline; Cash said it is an EPD deadline.

Council member Huddy Hudgens asked if there will be a council meeting after the public comment period. Cash said that there is not one planned now, but EPD is considering it. He noted that there were budget constraints. Chairman Royal said he thought that a council meeting following the public comment period would be necessary.

Council member T.E. Moye noted that a non-regulatory agency should implement the complaint response program discussed in the Water Quality Committee Report earlier.

### **Lunch**

Steve Bailey offered a lunch blessing. The Council broke for lunch at the Tarrer Inn.

### **Technical Ad Hoc Committee Meeting Summary**

Kristin said this committee met on December 13, 2010 to evaluate information on water savings from agricultural irrigation efficiency practices. She said a meeting summary is provided in the pre-meeting packet material.

Kristin said that the GWPPC had previously provided information to the Water Quantity Committee to estimate water savings associated with various practices. This information was used in the selection of management practices by the committee and council. She said the group discussed these estimates, especially relative to a recent document distributed by the Flint River Basin Partnership that estimates relatively high levels of potential water savings from agricultural efficiency practices. Representatives of the Stripling Irrigation lab were at the committee meeting in order to help discuss the Partnership's estimates.

Kristin said that the committee and the Stripling lab representatives were able to come to agreement on water savings estimates for agricultural practices. The Partnership's estimates were not intended to be aggregated. The group agreed that 10-15% water savings was possible from current use levels (given what is currently known about actual levels of current conservation implementation and potential savings from various practices). Kristin noted that the Satilla-Suwannee Council had developed a similar estimate (12.5%) for their region.

### **Water Quality Modeling Update**

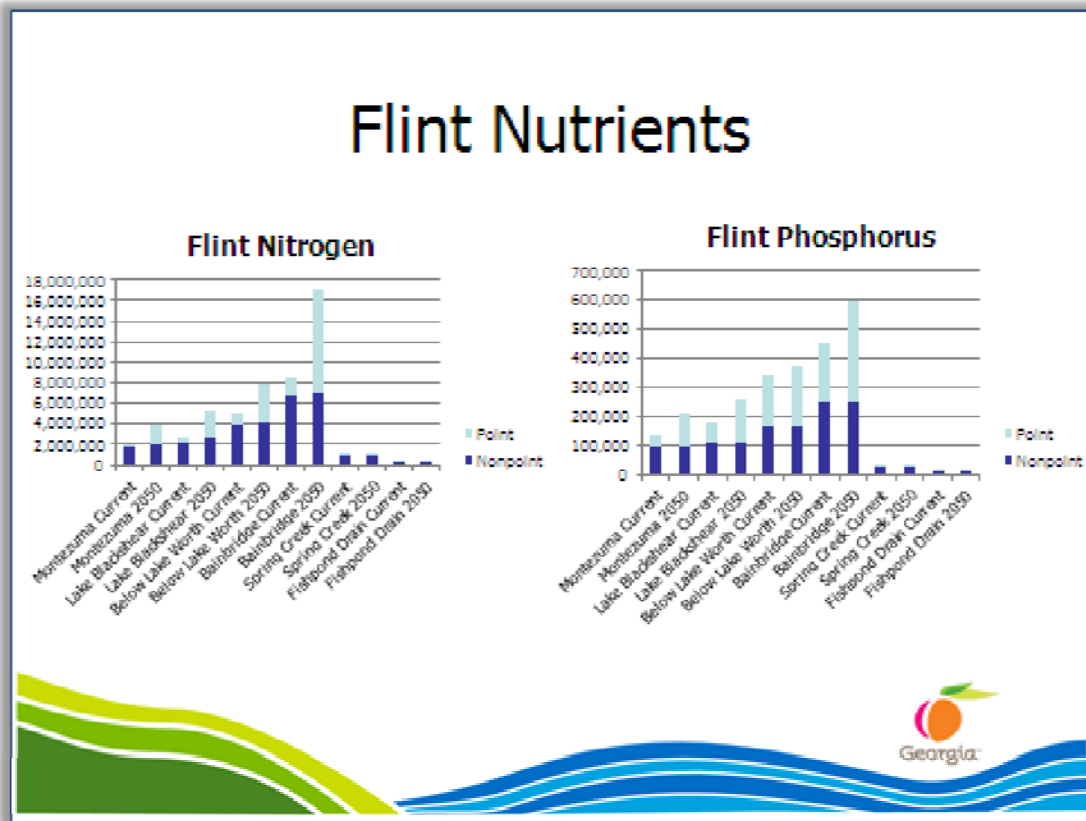
Steve Simpson provided an update concerning the water quality modeling. Steve reminded the council that the surface water quality modeling is about modeling the assimilative capacity of the waterbodies. The assimilative capacity is the ability of the waterbodies to receive pollution without violating water quality standards.

Steve explained that the dissolved oxygen (DO) models are run at "critical conditions" (low flow, high temperature) with permitted discharges. He noted that the watershed models account for both wastewater discharges and storm water runoff from various land uses. Lake models look at the impacts of nutrients. Steve said that models in general identify "unacceptable impacts" as not meeting state standards for dissolved oxygen, nutrients, chlorophyll a, etc.

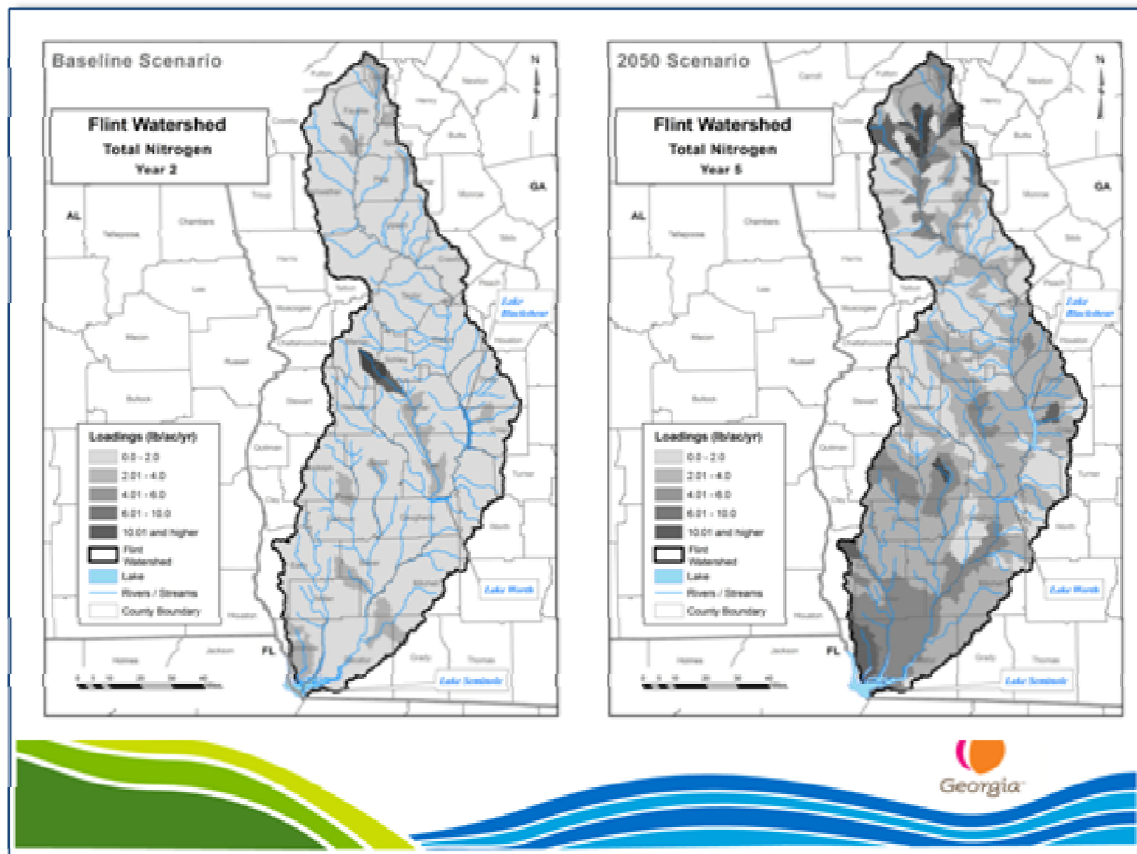
Steve said the results from the modeling can be overwhelming. There are many numeric results calculated for over 40 summation locations in the Flint basin. Steve said for this presentation, key locations will be highlighted, including:

- Montezuma
- Lake Blackshear
- Below Lake Worth
- Bainbridge
- Spring Creek
- Fish Pond Drain

Steve discussed the following graphs which show the contributions from point and non-point sources in pounds per year. Nitrogen and phosphorus trends are somewhat similar.



Next, Steve showed selected nutrient modeling results on maps of the basin. For the Flint watershed, Steve said that, in general, nonpoint sources currently contribute more nutrients than point sources. Future increases in nutrient loads will come from nonpoint contributions from changing land uses and significant increases in point source contributions.



Steve then summarized Lake Blackshear modeling results. He said that no nutrient standards were yet established for the lake. Phosphorus loading into lake is primarily from nonpoint sources. Lake Seminole results are similar. Seminole also has no nutrient standards yet established. Phosphorus loading to Lake Seminole is primarily from nonpoint sources. Future phosphorus increases in Seminole will be primarily point source related.

Steve presented some potential Council considerations, including:

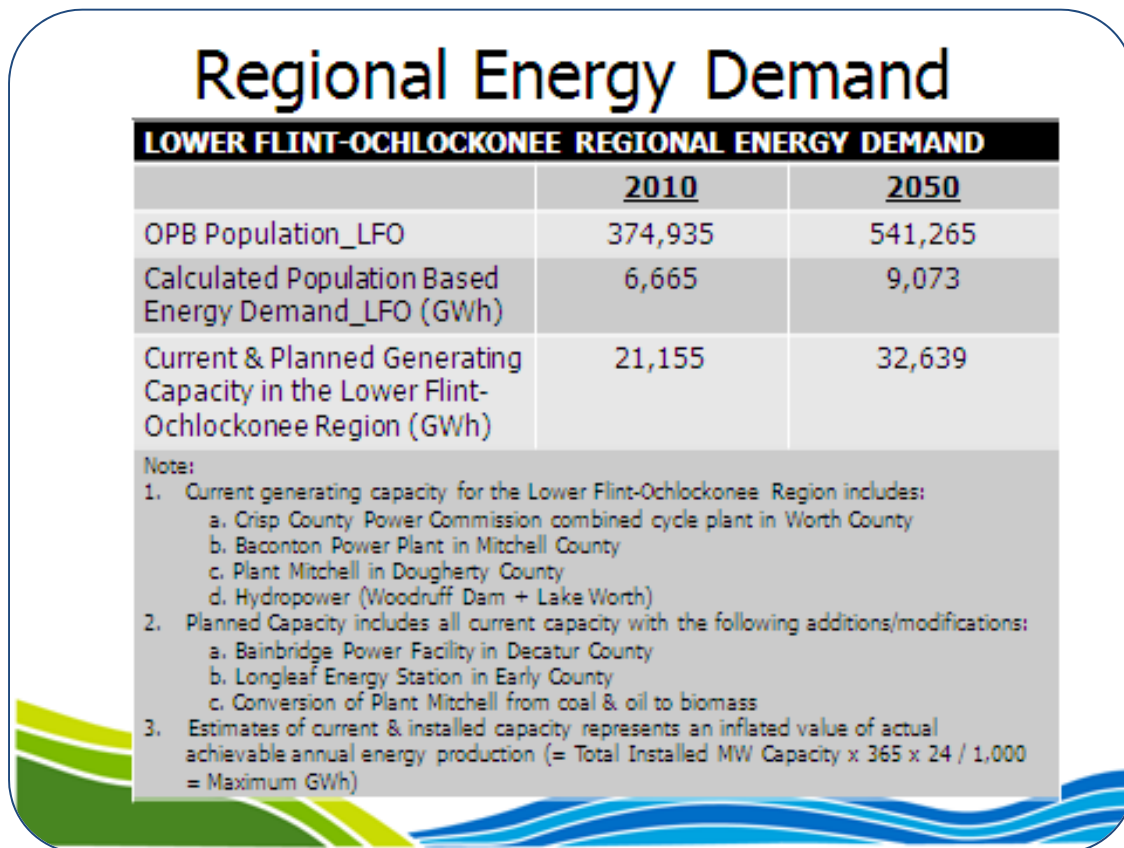
- Dissolved Oxygen
  - Increased flow will require increased treatment
- Lake and Watershed Modeling
  - Modeling indicates types of management practices that might be most effective in reducing nutrients
  - Relative contribution of point & nonpoint sources of nutrients
  - Variability in results from year to year
  - Comparison with existing water quality standards
- Future Considerations
  - Expanded data collection

- Modeling tool improvements for future updates
- Florida nutrient standards potential impacts

In closing, Steve Simpson said that the results and the council's recommendations related to the results would be discussed at the next water quality committee meeting.

### **Energy Forecasts Follow-up Discussion**

Kristin reminded the council that they had a presentation at the last council meeting on water demand forecasts for the energy sector. For the region, she provided the following summary statistics on regional energy demand:



Kristin reminded the council that for the statewide energy demand forecasts, the location of additional capacity (beyond 2020) was not specified because it was unknown. She asked if the council would like to address the unallocated capacity in its plan. Concern was noted with additional water consumption in the region given identified flow shortfalls. Chairman Royal asked if anyone would like to address this issue in the plan;

*the council agreed that the allocation of future generating capacity did not need to be directly addressed in Section 4.4.*

### **Shared Resources Discussion**

Kristin said that there was a need for discussion of water resources shared with the Suwannee-Satilla Council in the small area of this council's region that falls in the Suwannee Basin. Information to support this discussion is being developed, and it will be discussed at the next council meeting. There may be an interim small group meeting with some council members to go over this information. Kristin will work with the chairman to identify participants, if needed. Council members Terry Clark, Bill Yearta, and Will Vereen were nominated by other council members to participate because they live in that part of the region.

### **Review of Outstanding Issues/Plan to Finalize WDCP for May 2nd Submittal to EPD**

Kristin said that the next Council meeting will be in mid-April, prior to the May 2<sup>nd</sup> submittal of the regional water plan to EPD for release to public comment. After the council meeting, the Plan Review Committee can determine how to deal with loose ends in finalizing the plan (with full council involvement by e-mail or phone if needed).

Next, Kristin reviewed the committee work that would happen before the next council meeting:

**Water Quality Committee:** Modeling results and implications to the plan will be discussed.

**Water Quantity Committee:** Gap definition discussion (also: interbasin transfer recommendation, see below)

**Plan Review Committee:** Management practices prioritization, Section 7.4: revision to recommendation regarding water management institutions and revenue generating capabilities; review of sections 7 & 8.

Kristin said that she would distribute a revised draft plan in the week of February 28<sup>th</sup> for use in committee discussions. She suggested committee meetings approximately as follows:

Week of February 28<sup>th</sup>: Water Quality Committee

Week of March 7<sup>th</sup>: Water Quantity Committee

Week of March 14<sup>th</sup>: Plan Review Committee, Water Quality Committee

Week of March 21<sup>st</sup>: Water Quantity Committee (if needed)

Weeks of March 28<sup>th</sup>/April 4<sup>th</sup>: Committee meeting as needed

The Council selected April 19<sup>th</sup> for the next Council meeting. The meeting will be held in Camilla.

Next, the Council discussed who would serve on the committee to meet with the U.S. Fish and Wildlife Service about the Endangered Species Act issues. The following members were identified: T.E. Moye, Jerry Lee, Jimmy Webb, and John Bridges. Kristin will set up the meeting.

Kristin asked the council if there were any other issues that need to be addressed by the Council before the May 2<sup>nd</sup> submittal of the plan.

Council member Steve Sykes expressed concern about the Council's recommendation on interbasin transfers. He said that the Council did not oppose transfers out of the region and that is a concern. After some discussion, it was suggested that the council consider amending its recommendation to oppose interbasin transfers out of the region. The Water Quantity Committee will consider this modification.

### **Local Elected Official and Public Comments**

Council member Steve Bailey introduced Frank Yancey from the Golden Triangle Resource Conservation and Development Council. Bailey is a board member for the council. The council has a proposal for a 319 grant for this region that Bailey recommended to the Lower Flint-Ochlockonee Council for support. EPD has asked the regional water councils to assist in the identification of 319 projects in their region that will assist in attaining the regional council's vision and goals.

Frank Yancey described the work of the Golden Triangle RC&D. He explained that RC&D's efforts to implement best management practices for dirt roads through its Better Back Roads program. He said that the RC&D has a specific "shovel-ready" Better Back Roads project identified for the Spring Creek area in Seminole County that would address an identified water quality concern. He said that the RC&D plans to submit this project as a proposal to EPD's 319 grant program.

Chairman Royal said that the council could support this project, and the council members approved by unanimous consensus. Bill Morris of EPD was asked what was needed to indicate the council's support; Morris will check. Chairman Royal offered to send a letter. If needed, the council can add specific reference to the project in the plan (management practice WQ2). Because Spring Creek is identified critical habitat for listed species of freshwater mussels, Chairman Royal asked that the letter of support for the project be copied to Sandy Tucker of the U.S. Fish and Wildlife Service.

There were no other comments from local elected officials or the public.

**Wrap Up/CM10 Preview/Council Meeting 9 Evaluation**

The next council meeting will be April 19<sup>th</sup> in Camilla. Kristin will send a new plan draft during the week of February 28<sup>th</sup>. Committee members will soon be notified about upcoming committee meetings. An evaluation form for today's meeting was distributed to council members. The meeting was adjourned.

Lower Flint-Ochlockonee Water Planning Council  
Council Meeting 9  
Meeting Date: February 10, 2011

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**Attachment 1:**

**Lower Flint-Ochlockonee Water Planning Council  
Council Meeting Attendance – February 10, 2011**

**Council Members**

Steve Bailey  
John Bridges  
Jimmy Champion  
Jerry Chapman  
Hal Haddock  
John Heath  
Josh Herring  
Huddy Hudgens  
Gary Leddon  
Jerry Lee

Chuck Lingle  
George McIntosh  
T.E. Moye  
Greg Murray  
Mike Newberry  
Jim Quinn  
Richard Royal  
Howard Small  
Steve Sykes  
Jimmy Webb

**Council Members Not In Attendance**

John Bulloch  
Dean Burke  
Terry Clark  
Bob Hanner  
Chris Hobby

Doyle Medders  
Rick Moss  
Steve Singletary  
Will Vereen  
Bill Yearta

**Planning Consultants**

Steve Simpson, B&V  
Robert Osborne, B&V

Mark Masters, GWPPC  
Kristin Rowles, GWPPC

**Georgia EPD**

Tim Cash, Assistant Branch Chief  
Bill Morris

**Georgia State Agencies**

Luke Crosson, GASWCC  
Jason Wisniewski, GA DNR Wildlife  
Resources Division

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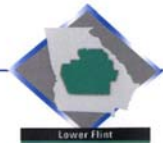
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LOWER FLINT-OCHLOCKONEE  
 WATER COUNCIL

Meeting #9, February 10, 2011  
 Public Sign-In

Name	Organization
Luke Casson	GASICS
Mark Masters	GWPPC
George Martin	GPC
Joe Truhett	Georgia Power
Johnny Rogers	Seminole Co.
Frank Yancey	NRCS/Golden Triangle RC&D
Stewie Barb	
But Earley	Georgia Forestry Comm.
Jeff Nunnery	Georgia Farm Bureau
Charles Bly	Adler
JASON WISNIEWSKI	GA DNR WILDLIFE RES. DIV.



Meeting Summary: Lower Flint-Ochlockonee Council Members meeting with USFWS  
March 11, 2011

At the Lower Flint-Ochlockonee Water Council's February 10 meeting, it was decided to request a meeting with the USFWS regional director to discuss how the Endangered Species Act affects the regional water plan and whether a Habitat Conservation Plan should be considered.

The meeting with USFWS was held on March 11, 2011 at the regional office for USFWS in Atlanta. Attending the meetings were: T.E. Moye (LFO Council), Jimmy Webb (LFO Council), Mark Musaus (USFWS), Sandy Tucker (USFWS), Sandy Abbott (USFWS), Kristin Rowles (GWPPC), Doug Wilson (GWPPC), and Mark Masters (GWPPC).

Jimmy Webb opened the meeting by asking USFWS for their guidance on how they thought the Endangered Species Act should be addressed in the regional water plan. He noted that EPD had indicated that pursuing a Habitat Conservation Plan would be an admission of guilt, but he was concerned over how to proactively address the situation given the reliance of farmers on water resources in the region.

In the discussion, the group talked about existing evidence regarding water resources and habitat conditions, tools for conservation, and steps forward. They discussed who needed to be involved in order to develop a workable solution. The following points summarize the discussion:

- All agreed that a proactive solution was preferred, and an enforcement or litigation situation would best be avoided if possible.
- All agreed on the importance of addressing the potential problem together and considering all the tools available.
- The USFWS representatives said that a Habitat Conservation Plan (HCP) is not an admission of guilt; it is a forward looking plan. The group agreed that an HCP should not be taken out of the toolbox.
- The USFWS representatives explained that a Habitat Conservation Plan is like a "mass balance" approach for an imperiled species. It attempts to provide enhanced protection in some areas to mitigate for impacts elsewhere, so that on the whole, the population is maintained.
- The USFWS representatives noted that funding sources are available to support the development of conservation initiatives.
- EPD is still permitting new use in areas of the Flint where water use is over-allocated. This is a concern to the USFWS.
- All agreed should begin working now to develop a solution.

Jimmy Webb asked the USFWS representatives what they would look for in the regional water plan. Sandy Tucker said that USFWS would like to see that the plan address the issue and suggested that it would be positive if the plan included language that said that

the Council would like to work with the USFWS to resolve potential conflicts between agricultural water use and imperiled species in the region.

In conclusion, the Council members said that they would report back to the Council on this discussion. Sandy Tucker said that she had met with EPD on this issue and would be meeting with EPD again soon, including Director Barnes. All agreed it was helpful to discuss their concerns and that working toward a solution was a matter of great importance.

To: Lower Flint-Ochlockonee Water Planning Council

From: Kristin Rowles, GWPPC; Steve Simpson, Black & Veatch

cc: Tim Cash, Assistant Branch Chief, GAEPD

Subject: Meeting Summary: Lower Flint-Ochlockonee Water Quantity Committee  
Conference Call March 15, 2011

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This committee meeting was by conference call on March 15, 2011 at 9:00am. The following committee members participated: Jimmy Webb, Richard Royal, Howard Small, Hal Haddock, George McIntosh, Mike Newberry, Jimmy Champion, Steve Bailey, and John Heath. Also present were Kristin Rowles and Mark Masters (GWPPC), Tim Cash, Bill Morris (GAEPD), and Steve Simpson (B&V).

Kristin reviewed the meeting agenda:

- Update on Endangered Species Act Issues
- Gap Discussion
- Interbasin Transfer recommendation

#### Endangered Species Update

A meeting was held between council members and representatives of the U.S. Fish and Wildlife Service on Friday, March 11 in Atlanta. A meeting summary was distributed to the committee yesterday (March 14). From the Council, Jimmy Webb and T.E. Moyer attended. From the U.S. Fish and Wildlife Service, the regional deputy director Mark Masaus and state level staff including Sandy Tucker attended. Kristin referred to the meeting summary which includes the following summary points:

- All agreed that a proactive solution was preferred.
- All agreed on the importance of addressing the potential problem together and considering all the tools available.
- The USFWS representatives described how a Habitat Conservation Plan (HCP) works:
  - An HCP is not an admission of guilt; it is a forward looking plan.
  - It works following a “mass balance” approach that attempts to mitigate impacts with enhancement of habitat.
  - HCP should be in the toolbox.
- The USFWS representatives noted that funding sources are available to support the development of conservation initiatives.

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Meeting Date: March 15, 2011

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- EPD is still permitting new use in areas of the Flint where water use is overallocated. This is a concern to the USFWS.
- All agreed should begin working now to develop a solution.

Kristin said that Jimmy Webb had asked the USFWS what they would like to see in the Council's plan to address this issue. Sandy Tucker said that USFWS would like to see that the plan address the issue and suggested that it would be positive if the plan included language that said that the Council would like to work with the USFWS to resolve potential conflicts between agricultural water use and imperiled species in the region.

Jimmy Webb following up on Kristin's summary with several observations:

- He thought that the USFWS was very positive.
- He thinks that EPD's lack of response to the USFWS letters puts the region in a bad position.
- An HCP is not an admission of guilt and should be kept in the toolbox.
- The USFWS is here to help us, and they understand that water is critical to the regional economy.
- The Council should consider language to address what USFWS suggested for the plan.

Webb concluded that he would recommend to the Council that the plan support an HCP as a tool that should be in the toolbox and that the Council consider language similar to what Sandy Tucker recommended.

Council members Hal Haddock, Steve Bailey, and Jimmy Champion expressed agreement with Jimmy Webb's recommendation. Webb asked Kristin to draft language for the committee to review that reflects his recommendation to the committee.

### Gap Discussion

Kristin said that at the last council meeting the council had discussed concern over the presentation of the "gaps" identified by the surface water availability assessment model. The Council added language at the last meeting to note that the assessment model should be used as a planning tool only and not as a policy tool. The Council still had concerns and referred the issue to the committee.

John Heath had raised the concern at the council meeting. After discussing the issue with Chairman Royal, he worked with Mark Masters on possible language to address the council's concerns. That language was not finalized before the meeting, but Webb asked Kristin to review the high points:

- The Council questions the meaning of the flow "gaps" identified by the surface water availability assessment model.
- The Council does not believe that the sustainability criteria presented by the Georgia Environmental Protection Division (EPD) account for the

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reasonable use of lawfully permitted users, especially in the Flint River Basin.

- Closing the identified gaps could ultimately cause significant harm to the region's economy.
- The Council believes that the model does not accurately reflect the true impact of consumption on streamflow and that flow targets are not clearly related to any demonstrable environmental harm.
- The Council recommends that permitting not be based on the model results.
- The Council further recommends additional study to determine a more appropriate target flow regime that accounts for permitted reasonable use.

John Heath said that plan language that reflected these points would help him to be supportive of the plan. Other council members agreed. Webb asked Kristin to draft the final recommended language and circulate it to the committee.

#### Interbasin Transfer Recommendation

Kristin said that at the last meeting Council member Steve Sykes had raised concern that the council's recommendation on Interbasin Transfers did not oppose transfers out of the region. Kristin read the current recommendation:

- The Council urges the Georgia General Assembly and other state policymakers not to preclude interbasin transfer as an option for future water management in the region, as needed and following thorough scientific evaluation. Interbasin transfer (IBT) of water can provide supply or flows to a receiving basin where water is needed. IBTs are used in many places in Georgia at this time.

Kristin asked the committee members how they would like to address this issue and whether they would like to add a statement opposing transfers out of the region. Council member Steve Bailey expressed concern that such a statement would not be productive for the council, and he also noted that it was unlikely that a transfer out of the region would be permitted given flow concerns in the region. George McIntosh asked about current interbasin transfer legislation proposed in the General Assembly and whether it had implications for the Council's consideration of this issue. It was noted that while several bills were being considered, it was thought unlikely that any would pass prior to completion of the regional water plans. Chairman Royal suggested that the council could state that interbasin transfers should not be permitted from basins where there are flow shortfalls. The committee responded positively to this proposal. Webb asked Kristin to draft plan language reflecting this proposal.

#### Wrap-Up

Kristin said that she will prepare draft language to address the committee's decisions today and share it with the committee. Next, she noted that there was one month remaining before the final council meeting before the plan is submitted to EPD. She asked if the committee members had any issues that they felt remained to be discussed

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and addressed. The committee members said that generally they thought they were making good progress and did not have specific items that needed to be addressed.

Kristin recommended that the committee plan to meet again before the April Council meeting to review its recommendations and to go over the review draft in advance of the Council meeting. The Committee agreed to this approach. Kristin will schedule the committee meeting.

Jimmy Webb and Kristin thanked the committee for their time, and the meeting was adjourned.









































