

**MEMORANDUM OF AGREEMENT FOR PARTICIPATION IN
REGIONAL WATER PLANNING**

**BETWEEN
LOWER FLINT – OCHLOCKONEE WATER PLANNING COUNCIL
AND
GEORGIA ENVIRONMENTAL PROTECTION DIVISION
AND
GEORGIA DEPARTMENT OF COMMUNITY AFFAIRS**

FOR

**COOPERATION RELATING TO THE PREPARATION OF A REGIONAL WATER
DEVELOPMENT AND CONSERVATION PLAN**

THIS MEMORANDUM OF AGREEMENT is made and entered into this 15th day of September, 2009, by and between the Environmental Protection Division of the Georgia Department of Natural Resources (hereinafter referred to as EPD); the Georgia Department of Community Affairs (hereinafter referred to as DCA); and the Lower Flint - Ochlockonee Water Planning Council (hereinafter referred to as LFLOWPC).

WHEREAS, during its 2004 session, the General Assembly passed the “Comprehensive State-wide Water Management Planning Act” (O.C.G.A. §12-5-520) that declared the need for a comprehensive state-wide water management plan and set forth policies to guide regional water planning efforts; and

WHEREAS, during its 2008 session, the General Assembly passed and Governor Sonny Perdue signed HR 1022, the Georgia Comprehensive State-wide Water Management Plan to help guide the stewardship of Georgia’s precious water resources to ensure that those resources continue to support growth and prosperity statewide while maintaining healthy natural systems; and

WHEREAS, water resources availability and water needs vary widely over geographic regions in Georgia, and future population growth and economic development will occur in manners unique to each geographic region; and

WHEREAS, the Comprehensive State-wide Water Management Plan provides a framework for: 1) assessing the capacities of water resources, 2) forecasting future water supply and assimilative capacity needs, and 3) identifying and documenting – via a Water Development and Conservation Plan - regional water management solutions that will allow future water needs to be met in a sustainable fashion; and

WHEREAS, O.C.G.A. §§ 12-5-31, 12-5-96, and 12-5-522 call for the preparation of regional water development and conservation plans; and

WHEREAS, the Comprehensive State-wide Water Management Plan provides for the creation and execution of a Memorandum of Agreement (MOA) between each regional water planning council and EPD and DCA; and

WHEREAS, the subject MOA is to establish procedures for the said entities relative to development of the Water Development and Conservation Plans; and

WHEREAS, the LFLOWPC needs to establish operating procedures, goals and objectives to govern its actions and decisions, and

WHEREAS, the LFLOWPC is to develop and submit a recommended regional Water Development and Conservation Plan (WDCP) to the EPD Director and that responsibilities and procedures for development of the recommended plan need to be clarified; and

WHEREAS, the ultimate success of the Regional Water Development and Conservation Plan is to be found in its successful implementation; and

WHEREAS, this agreement will have at a minimum a three-year term and can be renewed and amended upon written approval of all parties; and

WHEREAS, execution of this Memorandum Of Agreement shall be a condition precedent to issuance of the EPD Director's letter of delegation to the LFLOWPC per Rules for Regional Water Planning, Section 391-3-32-.01(4)(b).

NOW, THEREFORE, EPD, DCA AND LFLOWPC agree as follows:

- 1. Responsibilities of the Lower Flint - Ochlockonee Water Planning Council include:**
 - A. Following regional planning guidance developed by EPD, the LFLOWPC will submit a recommended Regional Water Development and Conservation Plan to the EPD Director. The LFLOWPC will be required to submit early drafts of Water Development and Conservation Plan elements and quarterly progress reports as described in the planning guidance.
 - B. Adopting a Public Involvement Plan based on a template provided by EPD and actively seeking the input and advice of affected local governments, water providers, and other interested stakeholders.
 - C. Providing a regional forum for involving and coordinating with local governments within the planning region as well as with local governments outside the region boundaries that rely on, or impact, water resources within the planning region. Involvement may include (but not be limited to) education, discussion, and technical analyses.

- D. Coordinating with adjacent water planning councils and/or water planning councils that share water resources.
- E. Conducting open meetings. A reasonable amount of time must be provided to solicit and collect public comment during the meetings.
- F. Directing the Regional Planning Contractor in establishing meeting schedules and agendas, developing plan content, and identifying and selecting management practices and other key elements of the Regional Water Development and Conservation Plan. The above must be done in accordance with guidance, budget and schedule provided by EPD.
- G. Using data and information provided by EPD and other appropriate sources and in cooperation with on-going statewide water management planning initiatives, prepare a recommended Regional Water Development and Conservation Plan for adoption by the EPD Director. Identify management practices that will be used to ensure that forecasted water resource needs are met.
- H. With support from their Regional Planning Contractor, coordinating with DCA to ensure the Regional Water Development and Conservation Plan is developed in concert with the regional and local government comprehensive planning process; to identify inconsistencies between local government and regional Comprehensive Plans and the Regional Water Development and Conservation Plan; and to recommend a timeline for reconciling any inconsistencies.
- I. Coordinating with EPD to address and respond to comments received during the 45-day public comment period associated with their Water Development and Conservation Plan.
- J. The Operating Procedures and Rules for Meetings of the LFOWPC are shown in Attachment A and adopted as part of this Memorandum of Agreement.

2. Responsibilities of EPD include:

- A. Providing LFOWPC a Regional Planning Contractor who will assist LFOWPC with specifying Operating Procedures that will address at a minimum council leadership, decision-making, meetings, and governance. The Regional Planning Contractor will assist LFOWPC with planning, organizing, preparing, and writing a recommended Regional Water Development and Conservation Plan.
- B. Providing technical and planning guidance documents to assist LFOWPC and their Regional Planning Contractor with the preparation of the Regional Water Development and Conservation Plan.
- C. Providing a template for a Public Involvement Plan that establishes the basic public involvement activities to be undertaken by all regional water planning councils. Basic activities will actively seek the input and advice of affected local governments, water

providers, and other interested stakeholders. The Public Involvement Plan will include provisions for an advisory body of elected officials who will provide recommendations and input on regional population, economic and employment forecasts, impacts of fiscal responsibilities, and other data and information required for the preparation of the Water Development and Conservation Plan.

- D. Providing LFLOWPC and their Regional Planning Contractor with the following types of information:
 - i. The current sustainable water quantity capacity of the major rivers, streams, and lakes, within the LFLOWPC (surface water availability assessment)
 - ii. The current assimilative capacity of the major rivers and streams within the LFLOWPC (surface water quality assessment).
 - iii. Determination of the characterization of groundwater resources in the region (groundwater quantity and quality assessment).
 - iv. Forecasts of 10-, 20-, 30-, and 40-year population projections
 - v. Employment projections
 - vi. Projected Water Withdrawal
 - vii. Energy water use
 - viii. Land surface types and distribution

- E. In cooperation with federal agencies, local governments, and other partners, continuing to monitor water resources conditions within the LFLOWPC to maintain and update data and information on the status of the region's waters.

- F. Reviewing drafts of the LFLOWPC's Water Development and Conservation Plan to ensure it is consistent with planning guidance to be provided by EPD in accordance with the Comprehensive State-wide Water Management Plan.

- G. Ensuring coordination of water planning across the boundaries of adjoining water planning regions.

- H. Providing fiscal oversight and contract management of the Regional Planning Contractor assigned to the LFLOWPC.

- I. Consulting with DCA to ensure that the planned implementation of the Water Development and Conservation Plan is done in concert with the regional and local government comprehensive planning process.

- J. Providing public notice of the recommended Water Development and Conservation Plan and a comment period of at least forty-five days.

- K. Adopting the LFLOWPC's Regional Water Development and Conservation Plan if it is complete and consistent with EPD guidance.

3. Responsibilities of DCA include:

- A. Upon request of the LFLOWPC, in meeting its responsibilities identified in Section 1.H. above, providing guidance to the Councils, on land use planning and existing regulatory tools that will lead to identifying inconsistencies between the local government and Regional Commission Comprehensive Plan(s) and the Regional Water Development and Conservation Plan.
- B. Upon request of the LFLOWPC, assist in preparing a timeline, based on priorities established by the Council, in consultation with local governments within its region and DCA, to be used by these local governments, Regional Commissions, and the LFLOWPC to establish deadlines by which inconsistencies between the individual local government and Regional Commission Comprehensive Plans and the Regional Water Development and Conservation Plan will be reconciled.
- C. As jointly agreed upon by DCA and the LFLOWPC, DCA will revise DCA's local government and regional Comprehensive Planning 'Recertification Schedule' to incorporate the agreed upon deadlines for local government and Regional Commission Comprehensive Plans to be revised, updated, etc. to eliminate identified inconsistencies between these local government and Regional Commission Comprehensive Plans and the Regional Water Development and Conservation Plan.
- D. As local government and Regional Commission Comprehensive Plans are being revised, updated, etc. during the 2009-2011 timeframe, DCA will provide the LFLOWPC an opportunity to review and comment on the local or Regional Commission Comprehensive Plan's consistency with the Council's Regional Water Development and Conservation Plan.

IN WITNESS WHEREOF, the parties have hereunto, acting by and through their duly authorized officers and agents, set their hands upon this 15th day of September, 2009.

ENVIRONMENTAL PROTECTION DIVISION

BY: 
Carol A. Couch, Director

DEPARTMENT OF COMMUNITY AFFAIRS

BY: 
Mike Beatty, Commissioner

LOWER FLINT - OCHLOCKONEE WATER PLANNING COUNCIL

BY:

A. Rimee Rye
Member

W. H. Holdaway
Member

K. Lee Anle
Member

Jim D. Webb
Member

Jerry Clark
Member

Ray Murray
Member

Chris D.
Member

Kevin Chapman
Member

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Member

Chas E. Singh
Member

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Member

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Member

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Member

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Member

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Member

Rick Moss
Member

John S. Baily (Hwe)
Member

John A. Heath
Member

Arnold D. Small
Member

Steve Doughty
Member

John Fred M, Sr.
Member

Bob Harman
Member

Member

Member

Member

Member

Member

Member

ATTACHMENT A

LOWER FLINT-OSCHLOCKONEE WATER PLANNING COUNCIL OPERATING PROCEDURES

I. NAME AND PURPOSE

The name of this organization shall be the Lower Flint-Ochlockonee Water Planning Council (LFWPC).

The purpose of the Lower Flint-Ochlockonee Water Planning Council is to prepare a recommended regional Water Development and Conservation Plan that promotes the sustainable use of the water resources of the planning region, through the selection of an array of management practices, that will support the region's and state's economy, protect public health and natural systems, and enhance the quality of life for all citizens. The Water Development and Conservation Plan will identify management practices that will be used to ensure that forecasted water resource needs are met.

II. DEFINITIONS

Advisory body of local elected officials – Group composed of one representative from each county and city in the water planning region, to provide recommendations and input on regional population, economic and employment forecasts and on other data and information required for preparation of the water development and conservation plan.

Chair – The individual responsible for presiding at council meetings.

Consensus – Cooperative development of mutually acceptable decisions. A consensus decision is understood to mean that Lower Flint-Ochlockonee Water Planning Council members have had an opportunity to express their views, understand the decision and, given the efforts made to address different interests, are willing to live with the specified course of action.

Council members – Individuals who have been appointed by the Governor, Lt. Governor, and Speaker to serve on the Lower Flint-Ochlockonee Water Planning Council through the process specified in the Georgia Comprehensive State-wide Water Management Plan.

EPD – Environmental Protection Division.

Operating Procedures – The procedures by which the Lower Flint-Ochlockonee Water Planning Council will handle their activities.

Quorum – The minimum number of Council members required to be present at a meeting before any business can be transacted. In the case of the Lower Flint-Ochlockonee Water Planning Council, 17 voting members of the filled appointee positions shall constitute a quorum.

Regional Planning Contractor – EPD provided Contractor who will assist and support the Lower Flint-Ochlockonee Water Planning Council with planning, organizing, preparing, and writing a water development and conservation plan.

Rules for Meetings – The rules guiding Council members during Council meetings and deliberations.

Two-thirds majority vote – Sixty-seven percent or more of the Council members present at a meeting.

Vice-Chair – Individual selected by the Council that in the absence of the Chair performs the duties of the Chair.

Water Council Leadership – Chair and Vice Chair.

Water Planning Regions – Those regions established by the Georgia Comprehensive State-wide Water Management Plan.

III. COUNCIL MEMBERSHIP

Council Members. Individuals that represent interests such as agriculture, forestry, industry, commerce, local governments, water utilities, regional development centers, tourism, recreation and the environment. The Governor appointed thirteen members plus one alternate; the Lieutenant Governor appointed six members plus one alternate and the Speaker of the House appointed six members plus one alternate. The Lieutenant Governor and Speaker also each appointed a non-voting ex officio member from among the membership of the Senate and House.

Term of Office. Members shall have a three-year term with re-appointment at the pleasure of the initial appointing authority. Ex-officio members appointed by the Lieutenant Governor and Speaker shall serve two-year terms. In the event of a vacancy, the official who made the initial appointment shall appoint a replacement to serve the remainder of the applicable term.

IV. COUNCIL LEADERSHIP

General Powers. The Lower Flint-Ochlockonee Water Planning Council Leadership shall function within existing State laws and regulations and shall follow guidance provided by EPD.