

**Proposed Sub-State Planning Guidance  
A Report on the State Advisory Committee Meeting  
Submitted to the Environmental Protection Agency  
by the Fanning Institute, University of Georgia  
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**Objectives for the State Advisory Committee Meeting**

The State Advisory Committee was convened for the eighth time on April 30 to discuss sub-state planning for the State-wide Water Management Plan. Several objectives for the day were presented to SAC members:

1. Explain and discuss the pros and cons of the proposed approach to sub-state planning;
2. Discuss what criteria should be considered in establishing planning boundaries;
3. Explore the process for nominating water planning entities (WPEs); and
4. Identify critical criteria for reviewing and selecting nominated water planning entities as well as funding and timing; and
5. Identify transitional issues.

In order to fully appreciate the process to date, future milestones, and the proposed role of EPD and other entities in the sub-state planning process, a presentation was made to SAC members. Following is an overview of that presentation and the discussion that followed.

**Overview of Proposed Sub-State Planning Guidance**

Following a review of the objectives, Nap Caldwell outlined the overall phases of creating the State-wide Water Management Plan. The first was the period of time immediately following the passage of the legislation mandating the creation of a State-wide Water Management Plan which included designing the process for creating the plan; the second phase, which we are currently in and near conclusion, involves the input of the Basin Advisory Committees and the State Advisory Committee on the management objectives and sub-state planning process; the third phase involves the Water Council taking the draft plan/recommendations from EPD and providing their own input; and the final phase is the presentation of the plan to the General Assembly and their consideration of that plan. In the waning moments of the second phase, the SAC will be asked to consider the policies and practices that we have been discussing and consider their implementation at the sub-state level.

In discussing what should be included as guidance for the sub-state planning process, there are two implications of the act that must be considered: 1) the approach to sub-state planning must be consistent with current statutory authority; and 2) a flexible approach is needed in both the creation of water planning entities and in sub-state planning, which is consistent with the recommendation of the General Assembly's Joint Comprehensive Water Plan Study Committee.

Currently, EPD is given the statutory authority to determine "reasonable use" of both ground and surface water resources and criteria has been established to do so. Permitting authority for use of those resources as well as water quality permitting also rests with EPD. EPD also has the

authority to establish regional water development and conservation plans that can either be prepared by EPD or a party that is designated by EPD. Those plans can be used to guide permitting decisions.

Seven key elements that both define responsibility and order of action for the proposed sub-state planning guidance were described as follows:

- Definition of planning areas by EPD based on hydrologic boundaries and other factors;
- Assessment of resource capabilities in each planning area by EPD;
- Nomination of water planning entities (WPEs) by local governments and water-related interests in each planning area;
- Designation of WPEs by EPD;
- Designated WPEs prepare regional water development and conservation plans, specifying the practices to be implemented;
- Where no WPE is designated by a defined date, EPD would prepare the regional water development and conservation plan; and
- EPD will review for adoption the water development and conservation plans.

### **Discussion of Overview**

*(Q. = Question; A = Answer; C. = Comment; R. = Response; Q & C are indicative of SAC member remarks, where A & R represent EPD remarks.)*

Q. The determination has been made that this plan must be done in consistency with current statutes. I thought part of the mandate of this process was to determine what changes in the law needed to be made. Could you please explain?

A. EPD has to ask what existing laws mean and look at what we could and couldn't do. We must present a plan to the Water Council that will then go to the General Assembly that doesn't require new legislation, however, that does not preclude us from presenting recommendations to change current laws.

C. We thought that we were going to get something a whole lot more comprehensive than this, and I hope when this goes to the Water Council, they understand the need for funding.

Q. With the assessment of resource capability, how will that be done, at what cost, and when?

A. We will present to the Water Council a packet that has four parts - Background information to put this in context; the plan itself written in rule form; an implementation piece that will include specific language describing actions and costs that we'll need to bring plan to life; and the final part is recommendations of new legislation that will address things like IBTs.

Q. Has EPD put down in a timeline when certain things would have to happen relative to assessment and planning entity? Can you share that with us?

A. We haven't done that as we have not jumped to the conclusion that this will be embraced, but we understand that it is critical to do that for the WPEs to be able to move forward and do their work. On the budget requirements for information and data gathering, we have dusted off some

of the estimates we did several years ago both on quantity and quality, but have not developed any detailed budget. Before it goes to the legislature, there will need to be a detailed budget, and there will have to be commitment to funding.

C. The timing of that is critical because without that data and information, the WPEs will be useless.

C. We have found out that having to do scientific work in the Southwest region of the state and on the coast, it does take time and money. A plan won't rise up from an area without that data.

### **Summary of Proposed Guidance Discussion**

Following are critical comments/issues raised by SAC members related to the responsibilities of EPD in the sub-state planning process. These are in addition to or a reiteration of the key elements presented in the overview. An overview of the full discussion follows.

- Beyond the use of hydrologic boundaries for sub-state planning, consideration should be given to political jurisdictions, particularly when located in more than one basin. This on the ground reality will affect planning.
- EPD should certainly provide oversight of and approval for sub-state plans as well as set forth some type of mediation/arbitration guidance for dispute resolution.
- EPD should provide a timeline that includes data and information gathering through plan implementation for each sub-basin once boundaries are determined. And, those boundaries should be determined sooner rather than later.
- EPD should work to integrate existing management plans and other existing data and information resources into the sub-state planning process.
- EPD should create some evaluation mechanism to measure the success of sub-state plans.
- If full funding for sub-state planning is not provided, EPD should determine the basins of greatest need to begin the planning process.

### **Full Discussion of Proposed Guidance**

Q. What do you consider other factors besides hydrologic boundaries?

A. One thing might be the extent to which water is shared across boundaries, the political realities. While hydrologic boundaries are the most important to EPD, we can't close the door on considerations beyond that. The reality is that in implementing management practices, on the ground realities that have to be considered.

C. Regarding boundaries, and looking at solid waste as an example, we don't have that type of guidance here. We need some legal guidance, how multiple jurisdictions come together and what if a member decides to leave the table. How does that work with shared resources? From

the legal and financial side, there are lots of things to consider, and political implications are the reality. There could be a role for county attorneys helping in that matter, and we can't wait any longer. If one sub-state framework is completed and its assumptions are wrong, and that becomes the ideal, then we are in trouble.

Q. Is it EPD's responsibility to define planning areas, subject to what?

A. Our ability to define the capabilities of resources and to look at other factors beyond those. What is the state's responsibility to manage resources? That's tricky. We have to evaluate resources based on hydrologic boundaries but can't be blind to the political and economic realities.

C. Hydrologic boundaries should be the basis, but we can't ignore the political realities and some counties might need to be in more than one planning region. I don't think that most counties are going to want to give up their interest in one basin to plan in only one.

Q. What would be the problem with having a county in more than one basin?

C. That is not necessarily a problem. I think it is just a matter of considering the county's needs.

C. It would be beneficial to weave in what has been heard in BAC meetings and would be helpful to us to know what has been heard at the sub-state level.

C. There are a lot of legal issues if we are going to set up sub-state organizations, and it seems that we are jumping the gun by saying EPD is going to establish these areas in the next few months. EPD should be laying out policies and procedures for setting up those WPEs. This is really important stuff.

R. I don't anticipate that we will actually be determining sub-state planning areas before this is presented to the Water Council as we will have discussions with them on that.

Q. I thought I heard you say that planning areas would be after the 2008 legislative session, and assuming the plan is passed, can we then start to look at logistics of how to establish districts?

A. What are comfortable planning boundaries might not be listed before December.

Q. EPD's role, certainly oversight and approval, but what about mediating conflicts? I wonder will there be procedures for dispute resolution between water users and those implementing plans or is there already something in law?

A. I don't think we have any statutory authority to do that, and our desire would be to see issues resolved within the local area, but to keep it in context, the director still has the responsibility to manage resources and make permitting decisions.

C. I would think that is something that should be considered before setting boundaries so that there is consistency and quality within the plans; should set the rules for planning.

Q. I support using hydrologic boundaries in managing consumptive use and quality, but the question is this: with the Metropolitan North Georgia Water Planning District's plan, what do you do with those plans and how do you ensure consistency with those plans?

A. According to our legal counsel, we have to use current statutory authority, and the plan will conform to the district being there. I think we have the ability within the construct of District to do what we need to do within other planning areas. We may have to do different evaluations on resources on the different basins, but I'm sure that we won't make any recommendations in this plan that requires the District to change. That came up at the BACs, the question about existing plans. There are both Flint River Basin and Coastal plans, and we will have to work them into the plans done in those regions and work in concert. I think it is a separate issue from boundaries.

C. I don't think that we can dance over the need for an outlined process for dispute resolution/mediation because I don't think it will be able to be resolved within a hydrologic area or that the director can handle it. There should be a dispute resolution process. Disputes won't always be environmental in nature and someone on the outside might need to step in. In regards to other plans (referring to Flint, Coastal, Metro District, etc.), lots of county and city money has been expended, and this process should consider what is on the ground and in place now. How can we use those resources?

R. You are right, lots of effort has gone into forecasting needs, etc. When we talk about work that has been done, we are talking about EPD's work to determine capabilities of resource and perhaps there are areas where local governments have produced products that look at capabilities of resources. Local governments have to envision their futures economic and population and water needs, and to the extent that has been done, that will put folks far ahead.

Q. Funding will be a major problem. Is it realistic to consider that all this sub-state planning will be done at the same time? How do you ensure equity if some areas begin while others don't have funding?

A. I don't know that it is realistic to think that we will be doing it all at the same time. How will we do sequencing?

C. I am assuming that we will establish all the planning areas before we move ahead with any of the planning.

C. I have been looking at making sure there are tools available that will help with objective decisions on how water will be managed. The CUB is very good, but is over the large scale. We need sub-region tools. We aren't use to planning on a regional scale, and we need the tools and the flexibility to use them. Instead of jumping whole hog into planning, we need to move carefully. We haven't discussed how the planning will be phased in or over what time frame. There are bound to be some growing pains, and we don't want to jump into things that will throw regions into immediate dispute.

C. The problem I have is that we are talking about a statewide plan and when and how the legislature will guide EPD to say we want you to have this plan in place by a specific date. I can't envision us doing this piecemeal over twenty years; it seems that because of interconnections, they would all need to be at the same place at the same time.

C. There are some realities and one of those is funding and if there are funding limitations then there will be some decisions made that some phasing will need to be done. It is just the reality on what will limit the state's ability to move forward. If there are not those financial constraints, then we don't have to worry, but the legislature might ask if we can do everything, everywhere, all at once. Is EPD capable of that? Look to where we are ahead of the curve on availability of resource information on quantity or quality side and maybe concentrate on areas where there are impending problems.

Q. In your thought process, how long do you envision this plan lasting?

A. As we were reminded at one of the BACs, good planning requires that you update and alter as you need to with changing conditions. A region might come up with a plan that will work for decades, but another might face the need to reevaluate regularly because demands might change, or conditions might change.

C. What I hear is a discussion of what we have done over the last year based on the assumption that we will manage the resources but I hear nothing about managing the shortages. There needs to be some discussion of what will happen at that point.

R. I think that the array of tools we have will allow us to address shortages (conservation, IBTs, storage). As a region envisions its future, they will need to look at what tools will be needed from the toolbox to allow that particular region to deal with any shortages. I believe that we have that starting set of tools that, as needed, will address the shortage.

C. And when it is determined by the courts what amount of water needs to go down to Apalachicola, then that is your limit, and you have a crisis coming.

C. I think that in light of all of these questions, EPD should work in some adaptive management policy/plan to assess whether we are achieving instream flows, addressing water quality, and working within the plans to see if this is working how we thought it would. There needs to be an evaluative mechanism.

### **Managing Sequencing for Equity**

In early discussions, the suggestion that the sub-state planning process might not be fully funded was brought up more than once. If that is the case, how will EPD determine what areas plan first, or, in other words, where will the financial resources be focused? How will the sub-state process be phased in with limited resources? These questions were posed to SAC members. One recommendation was to let the data and information gathered from across the state determine the most critical areas for planning, while another suggested that the need for a fully-funded water planning effort is a necessity and the SAC members should advocate for that.

C. When you're talking about phasing, do you mean how do you develop all of them at the same time or how do you chose who goes first with financial and technical limitations?

A. What should the criteria be based on given potentially limited resources?

C. First step, with the resources available, you must look at potential capacity, and quantity and quality data and information before you even begin on the sub-state planning. Planning without the information is a waste of time. But once that is done, where should planning be focused? The information gathered would tell you where you need to be, i.e. where the population and use are growing the fastest.

C. If a sub-basin is constrained by lack of funding for planning, then as long as they were in some manner developing their plan, through convening a WPE or other means of moving forward, then this would be considered an implementation phase, and perhaps any disincentives for not having a plan in place would be waived by EPD.

C. The issue of timing of plans and having some basins funded and able move forward while others are not funded and can not begin will be hard to explain to the public. We have to sensitive in communicating the "whys" of who goes first, particularly across political boundaries.

C. The General Assembly has to fully fund this. We all need to be advocating/lobbying for full funding. We can't think about putting one part before another as we have to try and work on all parts concurrently.

C. If it is a small number of sub-basins, like 10, or a large number like 50, how many of these can you organize at one time? That might need to be a consideration that is independent of dollars that you have.

C. That makes me think that you can have a lot of money but remember Jim Hook talking about the Lower Flint: there is only so much money you could use because there are only so many folks that can do this work.

C. As far as using different practices, if an IBT gets brought up and if a donor basin doesn't have its plan in place whereas the receiving basin has a plan in place an wants to use an IBT, moving forward with that IBT should be a decision that doesn't happen until both plans are in place.

C. Volunteers need to be involved.

C. I can't see it working on a volunteer basis. This job is too big for just EPD, but you could have contractual arrangements with EPD oversight. We have to talk about price tag, what will it cost to do it (sub-state planning) all at one time? The plan submitted to the legislature needs to have a suggested phasing. We don't need to leave that decision to them.

C. This has to be driven by local governments. Local government volunteers should invite in expertise as opposed to EPD bringing in experts.

C. The expertise should stay at EPD with the WPE being a guidance group which is a more holistic, realistic and better way to manage state dollars. Florida has created a whole new system of government and it is a beast.

C. Florida is not the answer. It is a cumbersome nightmare.

C. Take the good things from Florida: the citizen advisory committee for each water planning district; citizens overseeing plan with an Executive Director and some one to oversee contracting. It is possible to have a nonhierarchical organization without a bureaucracy to get the job done.

C. Who will serve on the WPE? Are they representative of the people? What are there roles? They will have quite a bit of power.

C. Local planning must be done by those for whom the planning requires action; planning with people not for people. There should be technical expertise from a variety of groups: industry, environmental, etc. and not necessarily external experts. We don't need a planning bureaucracy.

### **Dispute Resolution and Mediation**

SAC members expressed their concerns about the need to set up a framework to manage what might be coming: disputes over quantity of a resource available or the quality of that resource. The SAC recommends that EPD include some type of guidance for dispute resolution as part of the guidance for sub-state planning with the understanding that disputes might involve myriad players, from local governments to industry to environmental groups. The following points were raised by SAC members.

C. HB2 might contain some guidance or at least an example of a process for dispute resolution.

Q. (*from EPD*) Is it important that this be a mandatory process, would appeal be to EPD? Or would this be the end of it?

C. This needs to be a standard state-wide process that, to the greatest extent possible, eliminates politics in the resolution process.

C. Even before we have fully gathered information and data on all the resources, we know that there are things within each region that will impact water quantity and quality. Before you get into dispute resolution, start off looking at needs on the sub-basin level. What are the incentives for working together and disincentives of not working together, such as no permits. Some of the dispute resolution will be done within the region because if we are going to have our permits, then we better get to work on how this plan will be put in place. Give enough time for folks to meet to build trust, and that will avoid a lot of the need for dispute resolution. When it comes down to water use, EPD already has the legal means to deal with it through permitting, so EPD is the final arbiter in how the water gets used.

C. Local governments are trained to maintain Quality Local Government (QLG) status. What about a water-based QLG? That might be an incentive.

C. There are also other water users beyond local governments that will play into this. If an industry has a dispute or an environmental group, there has to be some means for recourse with considerations extending beyond potential local government disputes.

C. Need entry points for public comment so that the public can avoid disputes. The guidance should build in places and times for comment.

C. As a practical matter, what you're talking about is permits and money, that is what will cause disputes, and whoever it is with the permit, they would all have some joint interest, so where is the money and who has the permit? We could focus on those to figure how to avoid disputes.

C. As a mediator, you do have to plan the dispute resolution spectrum. There is a world of difference between arbitration and mediation, and mostly these things should be able to be resolved through organized negotiation; but we have to plan for those potentials. If there was enough water, we wouldn't need to be planning, but since we do need a plan, without some guidance or direction for dispute resolution, that will only ensure litigation.

Q. With over 2000 private water systems, how does EPD contemplate that those folks are tied into dispute resolution process?

A. There has been some discussion of areas in the state where some of the users have a demonstrative impact, but we don't have the hooks we need. At some point in the future, we will have the discussion on lowering the threshold for permitting if we need that to be effective in managing resources. I don't think we have a problem getting at them on the quality side, but it is quantity.

C. We must have a complete inventory of permit holders within each of the sub-state planning areas.

C. All need to be meeting the same criteria as we don't want to create a loophole right off.

C. Eventually permit holders will have disputes about inadequate supply, and I haven't heard agriculture mentioned at all. Where does it fit? It is the big water user, and we aren't addressing it.

C. That (*agriculture*) will be specific to some particular areas.

C. We need to focus on decentralized systems, and it is one of those cases where we need to learn from the past. At the very least this plan should have a statement that says local governments can determine specifications of these systems and that they will be turned over to local governments to operate. We need to make a strong statement on that.

## **Funding the Sub-State Planning Process**

During the Basin Advisory Committee meetings, several funding topics for the planning process were discussed: funding entirely from the state; bifurcated; find ways to increase local funding; constructs for funding. These ideas were presented to the SAC for their reactions. Some recommended full funding from the state for the first few years so that WPEs can organize and begin their work. Others felt that there should be a cost sharing formula between the state and local governments and other users, or a dedicated source like the Land Conservation Fund with funding from the state dependent on meeting plan requirements. While there was no consensus on how to fund the sub-state process, no one expressed that the state should have no financial responsibility for the plan, and one member felt that if the state believes that it needs a water management plan then it should be willing to fully fund those efforts.

C. We need a clear understanding of what is expected of the local entities that receive this money.

C. There should be a continuing source of funds to update, monitor, etc.

C. What are we going to use the funds for? Studies, monitoring staff, compliance staff? We don't want just an inflated bureaucracy.

C. We should ensure we're not duplicating efforts of water planning that might have already occurred within a sub-basin.

C. The state should match the local dollars raised (50/50), and the local contribution could be based 50% on population and 50% on water usage (i.e. a sparsely populated county with high agricultural use).

C. The state should fund scientific data gathering while the administration of the WPE could be funded at the local level.

C. We should have a progressive fee on water withdrawal, i.e. the more you use, the more you're funding the plan.

C. There is a problem with "if you use more you pay more:" it puts manufacturers in Georgia at a distinct disadvantage when competing with other states and globally. Deep pockets paying these fees create a problem when plants can move to other places in the world to be competitive. Funding mechanism should require each and every person who uses water to pay, but the state shouldn't make you pay for water that you capture on your land.

C. State funding is necessary to get the plans developed and sharing of the cost can be considered in the implementation phase.

C. First, the state needs to pay for sub-state planning development; second, the General Assembly needs to fund it. Funding for implementation could be a shared cost, using the following criteria: land mass, population, population projections, number of withdrawal permits,

and number of drinking water systems. If basins need to be combined to generate funds, do so only if the combined unit guarantees implementation. Collecting and monitoring data would be paid 100% by the state.

C. Determine planning cost per region and only begin planning in the number of regions consistent with the funds available.

C. I assumed the state was going to pay for all of this. Otherwise, we will have a lot of problems. Don't want to be like the Florida model where the planning entities have the power to tax.

C. Funding is going to have to be from state and some big water users may also have to provide funds.

C. Funding should be tied to deliverables under a schedule. I am concerned that we spent a lot of time developing a broad philosophy for planning and if locals spend as much time as we have talking, there will be no solutions.

C. I don't think the state will be able to fund the whole plan, but it should fund policy development and data collection. Locals will have to fund some of the sub-state planning. Areas that are developing cannot afford to wait for state planning. Permit fees that have to go back into the general treasury are not something we should impose unless the State Constitution is changed. Permit fees may, however, be a way to get money back to the local level.

C. State should fund 100% initially so WPEs can concentrate on implementation and future funding. This would give the plan some time to work.

C. The Land Conservation Program may be something to look at as an example of a state funding mechanism.

C. The state has to fund all the work that goes into the CUB initiative; after that, we need local involvement and funding. User fees may be appropriate.

C. Anything we do ought to be predicated on a model that says: if you're wasteful, you pay more; if you conserve, you pay less. Fees must not go into the state's general fund but must go to helping develop and implement sub-state plans. There must be an economic incentive to not use more water than is absolutely necessary.

C. I'm not sure what the right way is to provide the funding, but we have to have the funding. Once we figure out how to fund, we have to figure out how to create the political goodwill to get this done. Water Coalition spent and is spending its political capital to get this done - how will others do this?

C. We need a statewide comprehensive plan and if the state is not willing to put its money where its mouth is, it has no business adopting a statewide plan. There is no where in Georgia that has

adequate water. Growth will go where the water is and that might not be where we want it to go, but maybe we have to see a lot more growth before the state will be ready.

## **Water Planning Entities**

In designating the Water Planning Entities, EPD asked SAC members to respond to these questions: Who are the ultimate decision-makers before the decision goes to EPD? Who is the ultimate decision-maker locally before a plan goes to EPD? What kind of criteria should EPD use to determine who becomes the water planning entity if there are competing groups seeking local control? And, prior to EPD designating some entity as the WPE, should there be some opportunity for public input?

***Who are the ultimate decision-makers before the decision goes to EPD?*** In this question, EPD is asking about the make-up of the WPE, and SAC members agree that broad representation of entities within sub-state planning areas should be included on the WPE.

C. The WPE should be appointed as opposed to elected and include scientific, governmental, non-governmental, and citizen representatives. There should be a full time, compensated, appointed manager of the process to serve as a conduit between locals and EPD.

C. A broad based group needs to consider decision, but there are concerns with appointment part. Who's in charge of the appointments? If we use appointments, need very strict criteria on this.

C. Use what has worked on North Metro Planning District with respect to appointments and planning. Don't reinvent the wheel in terms of organization and representation.

C. North Metro Planning District's board is made up of local elected officials and in metro Atlanta, the largest water users are local governments. We might need to organize around the largest water user in a region, which also may be the largest funder of the local plan.

C. A caution against using the Metro District model for organization: it is only local governments and environmental organizations and all water users need to be better represented.

C. It needs to be kept in a public venue, kept under public control, with local governments represented. Elected officials must be represented on the entity.

***Who is the ultimate decision-maker locally before a plan goes to EPD?*** The WPE is responsible for deciding how the practices will be applied. The decision-making entity determines if this is realistic. The advisory group provides feedback. What kind of criteria do we need at EPD to ensure that the WPE has the representation necessary?

C. EPD should give the WPE the plan for the locals to implement and manage.

C. Consensus will be needed on the sub-state plan or else EPD decides. Texas uses this model.

Q. What will be in the plan?

A. This will be a living document. The inventory and visioning is just the first part of the plan. The array of practices, together with the CUB, will allow them to exist within the confines of the resource.

C. Make sure that if the WPE is an existing entity that they don't have a political agenda to push. It needs to be a new organization that can make a regional decision that everyone can buy into.

C. This entity is the 'strawboss,' and EPD should tell them what they should be responsible for. Would rather this be locally based, based on an assessment of local needs. Sounds like EPD will be developing plan based on the document, and the local entity will just be implementing. EPD can't plan this for a region - EPD must have the big picture and be the repository of all the information. EPD has a very important monitoring role and boundary setting role.

***What kind of criteria should EPD use to determine who becomes the water planning entity if there are competing groups seeking local control?*** Few criteria were expressed, but those that were included a track record of implementation and proven results and demonstrated success at consensus building.

C. One should be a really good track record of implementation and proven results. I prefer the one that is more representative of all the interests in the sub-state planning area. The RDC has a regional focus, and the RDCs are lobbying hard to be the sub-state planning entity but they do not have the capability. Water expertise is a necessity, and many RDCs don't have that knowledge.

C. I am somewhat confused as this WPE should be representative of the basin. It needs to be an amalgamation of all the people in the basin, a representative body. From this process, there should be some guidelines set down about who goes on the group.

R. I want to mine that information from you - who should it be what are there guidelines?

C. I see us chasing all these things but it doesn't match up with what is on the ground and this has to match up with what is on the ground.

C. I'm opposed to the taxing authority of a Florida entity.

C. If you already have competing interests, then anything that is already existing should have a seat at the table but should not be the lead. A set of criteria should be set forth by EPD that outline how you will be considered.

C. One criteria to consider is a demonstrated success of consensus building.

C. One more criteria could be that EPD says no more permits until the groups can get together and decide who will be the WPE.

C. I think that makes sense but I don't think you'd want to be in that position of no more permits until there is an entity at the expense of potentially overlooking the skills and expertise that is needed.

C. The idea of holding permits over someone's head is serious. I'm talking about the effects on the little man who can't get a permit when it is the big guys who can't get it together.

C. It seems that EPD could take over the planning until there is an entity that makes sense.

Q. If no one steps up then what? *The group concurred that representatives to serve on the WPE will not be a problem.*

C. What about financial capacity to do this? It can't be given to someone without the means of conducting the work unless the state is going to pay for it. There will have to be a budget and a means to raise the necessary funds.

C. The theory behind these entities is that they are working together for the common good, and these things need to be put out that way. The process needs to be sold as positive process of working with your neighbors, looking for common solutions.

Q. Are you suggesting that border water planning entities cross state lines?

A. If the concept we are talking about is going to work then there is going to have to be some way of getting to those shared resources and their uses.

Q. Is that who is going to decide instream flow requirements? Just want to know who will provide that information? EPD or the WPE?

Q. Is the planning entity and the one who signs off on it one and the same? Why should it be separate?

A. Somebody has to take the lead but entity that takes the lead on the plan won't necessarily be the final signature on the plan

C. In establishing parameters, the plans are intended to inform EPD permitting and I wonder how that weighs with best interest of the state if the Governor or the General Assembly decides a certain industry should come to a certain area of the state. How would that affect the plan and how often would plans be revised and in what timeframe?

***Prior to EPD designating some entity as the WPE, should there be some opportunity for public input?*** The SAC absolutely supported public input prior to final designation of the WPE.

EPD asked: What should that look like (the forum for public input)? Should we reconvene something like the SAC, BAC or Town Hall meetings and say that EPD is going to designate a group to do an areas sub-state planning and give the public input into its formation?

C. Before EPD gives the stamp of approval to a group, there should be public vetting.

C. Absolutely. It could be a hybrid of BAC and Town Hall meetings and include local governments that are covered within that boundary. It would be helpful to the state as a whole if something like the BACs were to advise the process. It is also important to do a town hall type of feedback because it is a different type of feedback than you get from the BACs and SAC.

C. Something akin to the Water Council should be used to ensure that groups/state interests are included. EPD should seek recommendations for members from Water Council agencies.

### **Transition Ideas**

There is a time gap between when the plan is adopted and completion of sub-state planning by a particular region. How would you advise EPD to act if a WPE has not completed its planning but someone within that region is asking for a permit? SAC members feel that some criteria need to be put in place to prevent a rush on withdrawal permits during the planning gap.

C. My belief is that areas have to get plans done ASAP. The state should give funding, resources, and folks to facilitate the process. It needs to be a top priority to get it done in a short period of time. Decisions are being made, and capital is being expended. You have to do this quickly or there will be a real serious problem

C. I would like to see EPD have some interim criteria because I feel that there will be a permit grab if not, and I think that the criteria could drive and expedite the planning process.

C. The interim criteria may or may not be different but have to prevent permit grabs from happening.

C. We have to avoid anything that looks like we're closed for business as a state. Don't use a phase in period where no permits are granted. People/industries are trying to make decisions, and they'll look elsewhere.

C. My concern is on quantity. From what I've heard, the CUBs can be developed fairly quickly and until we get those in place and have some idea of where the boundaries are going to be that consumption is permitted on two basis: a drought; or if someone comes in and shows that they can minimize their use, increasing returns or some offset would zero out consumption, so as the plan is fleshed out say 10% of the CUB can be permitted. That would be some incentive to get the plan done.

C. Try to model behavior as to where things are and where they are heading.

C. What about the concept of a permit that would be conditional? Instead of a 10 or 20 year permit, it would be 3 years, and the permittee would know that. Then when the plan is complete, they would be first in line for renewing permit.

C. This whole permit thing, who to give them to and who not and for how long, could discourage business from coming with a temporary permit. If that is a carrot or a stick, it needs to be thought through.

C. Conservation needs to be one of the first priorities and getting folks used to some of the measures in the plan might be a good idea.

### **Next Steps**

A report on this meeting and on the BAC meetings will be submitted to EPD and that will conclude the formal advisory process. EPD thanked SAC members for their service and reiterated that just because the formal process has ended, it will not conclude the conversations that have been occurring. The plan will go to the Water Council on June 28. Prior to that, eleven town hall meetings will be held in late May. SAC members will receive a copy of the plan on cd following its submission to the Water Council.

Two SAC members had questions remaining for EPD:

Q. Is it a draft plan or EPD's recommendation?

A. That means the same thing. We will communicate that it was put together through this vast public input process, but it is the Water Council's purview to make changes.

Q. Will EPD recommend a public input process for the Water Council to follow over the next six months?

A. That will not in the plan, but it will be part of our discussions with the Council.

Q. Will you recommend boundaries in the plan?

A. No but we'll advance the criteria.

Q. Is there a number in mind?

A. No.

EPD shared the dates, locations and times of the Water Council's third round of Town Hall meetings (list attached) and encouraged SAC members to share that information with the organizations they represent. With no other questions or comments, the eighth meeting of the State Advisory Committee was adjourned.

**Town Hall Meetings**  
**May 19<sup>th</sup> to June 2<sup>nd</sup>**

- May 19**      10am to 12pm - **Athens** (Georgia Center for Continuing Education)  
                  3pm to 5pm - **Gainesville** (Gainesville College)
- May 21**      6pm to 8pm - **Rome** (The Forum)
- May 22**      6pm to 8pm - **Atlanta** (Atlanta Technical College)
- May 23**      6pm to 8pm - **Augusta** (Augusta Technical College)
- May 24**      6pm to 8pm - **Macon** (Macon State College)
- May 29**      6pm to 8pm - **Columbus** (Columbus State University)
- May 30**      6pm to 8pm - **Albany** (Darton College)
- May 31**      6pm to 8pm - **Waycross** (Okefenokee Technical College)
- June 2**      10am to 12pm - **Savannah** (Armstrong Atlantic State University)  
                  3pm to 5pm - **Statesboro** (Georgia Southern University)

For specific room information and directions, please visit:

<http://www.gadnr.org/gswp/Documents/calendar.html>