

October 14, 2005

Dr. Carol Couch, Director
Environmental Protection Division
2 Martin Luther King, Jr. Drive SE
Suite 1152 East Floyd Tower
Atlanta, GA 30334-9000

Dear Dr. Couch:

The purpose of this letter is to once again express our concerns with the current status of the Flint River Basin Water Development and Conservation Plan by the undersigned – members of the Stakeholder Advisory Committee. At the outset, we wish to express our disappointment in receiving the draft Plan in the middle of our busiest time – harvest – with a response deadline that simply does not allow us the time required to study the document.

We have made every effort throughout the series of Stakeholder Advisory Committee meetings to be conciliatory, and to avoid being a source of negativism during the process. Our relative silence in terms of continually raising objections to the process was certainly not indicative of our willingness to accept a document prepared wholly by the EPD. It was based on the presumption that ultimately our concerns would be adequately addressed in the final document. In addition, we have concerns about our inability to offer any meaningful response to technical presentations that dominated the bulk of our monthly meetings. In this regard, in a letter to you signed by many of us on July 20, 2005, a number of concerns were spelled out that appeared to be evolving from the planning process. However, the feeling of all of the under-signed is that while mention is made of many of those concerns in the latest version of the Plan, there is little that addresses these concerns in a substantive manner as we had hoped. Moreover, there are a number of inconsistencies in recommended "strategies" and regulatory/statutory reforms, as well as a lack of consideration how the EPD intends to manage water in the case that recommended regulatory and/or statutory reforms are not followed. On p. 25 of the current Plan we are told that recommendations are for how water is to be managed under current law, an issue that is of central importance for us and which should certainly be a part of the Plan. However, other than a description of EPD's "regulatory limits" in section 9.6, we do not find a definitive description of how the EPD proposes to manage water in the absence of recommended regulatory and statutory reform. Recommendations for permitting processes given in section 9.8 appear to be inconsistent with existing law. Absent legislative changes required to implement the recommendations in sections 9.8 and 9.9, the report provides no guidance -- recommendations -- that we can find that would describe precisely how water is to be managed under existing regulations and statutes. It is this "open-endedness" that is the source of our major concern.

We recognize the dire need to clarify existing law governing the permitting of agricultural water withdrawals and believe with the appropriate statutory reforms we can assist the EPD in crafting a Plan that we can support. To that end we recommend that the current planning process be suspended and the efforts be re-directed to consultation with members of the General Assembly in order to examine potential reforms to agricultural water permitting. Hopefully, this will allow the planning process to conclude with a plan we can support.

We are sincerely disappointed that we cannot support the current plan as drafted. Agricultural industry must know exactly how access to water resources will be affected in times of scarcity and this Plan falls short of accomplishing that goal.

There are a myriad of issues (articulated in July 20th letter) that we hope can also be addressed as the process moves forward and we stand willing to assist in every way.

Sincerely,

High School Book
John B. Leach
James J. Wells
John B. Johnson
William Adams

cc: Rob McDowell

Sincerely,

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Sincerely,

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