



ENVIRONMENTAL PROTECTION DIVISION

Jeffrey W. Cown, Director

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**Watershed Protection Branch**

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Re: Evaluation of the 2012 Suspension of Consideration of Agricultural Withdrawal Permits in portions of the Lower Flint and Chattahoochee River Basins

In 2012, then Environmental Protection Division (EPD) Director Judson Turner issued a memo suspending the consideration of agricultural water withdrawal permits in portions of the Lower Flint and Chattahoochee River Basins from surface waters and the Floridan aquifer. The suspension allowed EPD time to improve the understanding of the condition of those resources and identify the management activities necessary for long-term sustainability. In that memo, then-Director Turner directed EPD staff to evaluate the suspension annually. This memo provides a recommendation and summarizes EPD's evaluation of the 2012 suspension.

**Recommendation:** In this evaluation, Watershed Protection Branch (WPB) recommends the following.

1. WPB recommends maintaining the 2012 suspension on surface water withdrawals, except for surface water withdrawals from the Suwannee and Ochlockonee River Basins. While additional surface water withdrawals from the Suwannee and Ochlockonee River Basins would have no impact on stream flows in the Flint River Basin, surface water withdrawals from the Flint River and its tributaries would have a direct impact. Additional surface water withdrawals from the Flint and Chattahoochee River Basins in the 2012 suspension area could lead to negative effects on other users and the water resource.
2. WPB recommends permitting new or expanded withdrawals from the Floridan aquifer in the 2012 suspension area on the condition that the permits include all statutory and regulatory requirements and restrictions on withdrawals in times of drought. This modification to the 2012 suspension would be protective of existing users and the resource in times of drought, while allowing some opportunity for new acres to be irrigated under normal and wetter weather conditions. Technical assessment of this proposed change indicates virtually no impact beyond the 2011-2012 drought. WPB recommends accepting applications for new or expanded withdrawals from the Floridan aquifer in the 2012 suspension area for drought-restricted permits starting on April 1, 2025.
3. WPB recommends providing permits without drought restrictions to those agricultural water users with unpermitted acres and sources put into irrigation prior to the 1999 or 2012 suspension. The permits must be consistent with the 2006 Flint River Basin Plan and current statutory requirements, including irrigation efficiency and 25-year permit terms. For the red zone, only acres and sources put into irrigation before December 1999 will be considered. For the green and yellow zones, only acres and sources put into irrigation before July 30, 2012 will be considered. This approach maintains the same overall drought-time irrigated acreage as assessed in the US Supreme Court case of Florida vs. Georgia.

4. WPB recommends a strong emphasis on addressing noncompliance with agricultural water withdrawal requirements. The noncompliance with issued permits or withdrawing water without a permit creates significant risk not only for the person engaged in noncompliance, but for the entire agricultural community. Unpermitted acres or sources will be addressed through compliance pathways that will reduce the load on the water resources, particularly in times of drought. Again, the successful implementation of this compliance program will help maintain the same overall drought-time irrigated acreage as assessed and affirmed by the Supreme Court's 2021 decision.
  
5. WPB recommends continuing to support the Habitat Conservation Plan development, submittal, and approval process. The Habitat Conservation Plan process allows EPD the opportunity to build more knowledge about the 2012 suspension area and implement projects that will provide protection to existing users and the water resources. The acceptance of Georgia's Habitat Conservation Plan and the issuance of an Incidental Take Permit by the US Fish and Wildlife Service will ensure the protection of endangered species while providing long-term stability and protection of Georgia's agricultural permitting practice as well as the permitted farming community.