



ENVIRONMENTAL PROTECTION DIVISION

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To: Jeffrey W. Cown *JWC*

Thru: Anna Truszczyński *AMT*
Veronica Craw *VLC*

From: Wei Zeng *WZ*
Marjie Roquemore *MJR*
Edward Rooks *ER*

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. In November 2024, WPB recommended 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. WPB recommends maintaining this suspension.
2. In November 2024, WPB recommended 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. On April 1, 2025, EPD started accepting applications for such permits with drought-restrictive conditions. At this point, 18 such applications have been received and are under review. WPB recommends continuation of this practice.
3. In November 2024, WPB recommended 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. WPB recommends continuation of this practice.

4. In November 2024, WPB recommended 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. Since then, the Agricultural Water Withdrawal Program has been established and separated from the Water Supply Program; a Compliance Unit has been established; the Manager of the Compliance Unit has been hired; and efforts in resolving compliance cases are underway.
5. In November 2024, WPB recommended continuing to support the Habitat Conservation Plan (HCP) development, submittal, and approval process. The HCP 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. Since then, the draft HCP document has been shared with US Fish & Wildlife Service for their comments. EPD participated in the 2025 National Habitat Conservation Plan Coalition Annual Meeting and made a presentation on Georgia's draft Habitat Conservation Plan. We anticipate the State of Georgia's formal submission of the HCP in the coming months. WPB recommends continuous involvement and support of the effort.
6. In September 2024, the Moratorium on Clayton Aquifer Groundwater Withdrawal Use was modified after review and analysis of a series of groundwater simulations using the most recent ten years of water level data from a network of 11 USGS monitoring wells. The review concluded that it is important to continue the overall moratorium on Clayton aquifer use, but recommended the Clayton aquifer be allowed as a potential alternative source option occasionally and only during very limited periods (drought conditions where surface water streams in the Lower Flint River Basin are at or below the 10th percentile), for the Drought SWAP project, which requires participating surface water permittees to switch to groundwater sources during drought times, with use not to occur regularly so as to allow the resource to continue recovery, and to limit use during those specified times to irrigating no more than 2,287 acres. WPB recommends continuous and careful monitoring of the Clayton Aquifer, especially during and after drought conditions that trigger the switch.
7. WPB has been monitoring conditions in the Claiborne and Cretaceous Aquifers as well. It is important that we continue to monitor these aquifers, partly because they also serve as sources for the Drought SWAP project. The ongoing drought conditions cause water levels in some of the monitoring wells to be below normal. However, there is no widespread extreme low water level in these aquifers. There is no record-breaking low level in any of the wells monitored. WPB recommends continuous and careful monitoring of these aquifers, especially during and after drought conditions that trigger the switch.