



**Metropolitan North Georgia Water Planning District
GOVERNING BOARD
Meeting Notes and Minutes
June 4, 2009**

The Metropolitan North Georgia Water Planning District Governing Board met on Thursday, June 4, 2009 at 10:00 a.m. in the Allen S. Hardin Amphitheater at the R. Charles Loudermilk Center for Regional Community in Atlanta, Georgia.

Members Present

Ms. Kit Dunlap, Chairman
Hon. Sam Olens, Vice-Chairman
Mr. Birdel Jackson, Secretary/Treasurer
Mr. Bradley Currey
Mr. Gerald Pouncey
Mr. Steven Woodruff
City of Atlanta Designee: Mr. Rob Hunter
Bartow County Designee: Mr. Gene Camp
Cherokee County Designee: Mr. David Kubala

Coweta County Designee: Mr. Ellis Cadenhead
DeKalb County Designee: Mr. Charles Lambert
Douglas County Designee: Mr. Peter Frost
Fayette County Designee: Mr. Tony Parrott
Fulton County Designee: Mr. Chris Browning
Gwinnett County Designee: Mr. James Scarbrough
Hall County Designee: Mr. Kelly Randall
Henry County Designee: Mr. Ken Phillips
Rockdale County Designee: Mr. Dwight Wicks

Members Not Present

Mayor Boyd Austin
Commissioner Eldrin Bell
Mr. William Thomas Craig
Mr. Bob Fountain
Ms. Katie Kirkpatrick
Commissioner Charlie Laughinghouse
Ms. Suzanne Sitherwood

Approve Meeting Notes and Minutes

Chairman Kit Dunlap called the meeting to order and welcomed the Board. The meeting notes and minutes from the May 7, 2009 Board meeting were approved without opposition.

Chairman's Report

Chairman Dunlap informed the Board that there is a CD in their meeting handouts from Coweta County that includes the various water conservation education materials that were presented to the Board on May 7, 2009.

Chairman Dunlap called on Pat Stevens to present a water conditions status report. Ms. Stevens reviewed current drought conditions and lake levels around the region.

Ms. Stevens announced to the Board that GA EPD has posted the Water Conservation Implementation Plan (WCIP) as a final document along with public comments received on the DNR website. She noted that staff will discuss the WCIP with the Water Supply TCC. As a result of the WCIP, GA DNR may consider amending their rules and regulations to implement the document.

Chairman Dunlap called on Matt Harper to review the timeline for developing metrics. A request was made to involve the Board Metrics Working Group in the development of the metrics for the wastewater and watershed plans.

Chairman Dunlap informed the Board that the "I'm In" water conservation campaign development is moving forward. Grey Advertising is working on developing grassroots educational materials and fund-raising materials. Chairman Dunlap noted that a brainstorming session has been scheduled for June 5, 2009 to solicit input from key educators. Chairman Dunlap reminded the Board that Ms. Katie Kirkpatrick, Ms. Suzanne Sitherwood and Mr. Rob Hunter will assist with fundraising efforts for the campaign and she thanked them for their efforts.

Executive Committee Report

Chairman Dunlap called on Mr. Birdel Jackson to present the proposed 2010 budget and work program to the Board for adoption. Mr. Jackson referred the Board members to a memo dated May 29, 2009 and he began explaining the proposed 2010 budget and work program that the Executive Committee is recommending to the Board for adoption.

Mr. Jackson explained that the 2010 budget is based on \$0.20 per capita local dues, the same rate as the 2009 budget. He added that the overall revenue from local dues for 2010 is roughly \$12,000 less than 2009 because of Walton County opting out of the District. A motion was made, seconded and approved without opposition to adopt the proposed 2010 budget and work program.

Chairman Dunlap informed the Board that the Executive Committee adopted a new list of BAC members this morning. She added that Board members can nominate BAC members at any time. Chairman Dunlap asked Matt Harper to explain the next steps for the BAC process. Mr. Harper explained that the Executive Committee had requested that each applicant narrow down the membership category to the primary and secondary option that best represents the

perspective they will bring to the BAC meetings. Mr. Harper stated that initial orientation meetings for the new BACs will take place later this summer.

Status of Revised ACF/ACT Operations Manuals

Chairman Dunlap introduced Jerry Barnes, the Special Assistant and Director of the Southeast Water Manual Update for the U.S. Army Corps of Engineers. Mr. Barnes provided a status update on the process for updating the operations manuals. The Corps has held seven public hearings, five in the ACF Basin and two in the ACT Basin, which were attended by more than 2000 stakeholders offering over 600 comments. Mr. Barnes stated that the purpose of this project is to prepare a system-wide operation manual. Mr. Barnes clarified that the Corps allocates storage in their projects and manages flows out of their impoundments. The Corps models for the river systems have been updated to reflect current conditions. Mr. Barnes has requested two different model runs; no water supply use of resource and current operations. Mr. Barnes noted that he has requested an additional six months and one million dollars to prepare a comprehensive administrative record for the manual updates in preparation for future legal issues.

Mr. Barnes noted that Senior U.S. District Judge Paul Magnuson will be ruling on two main questions: 1.) is water supply an authorized use of Lake Lanier? 2.) to what degree is storage for endangered species habitat a share of the allocation? If the Judge decides that the current water supply use is not authorized then Corps will regroup and reevaluate the manual updates. Mr. Barnes explained that Judge Magnuson has received written briefs and will likely take months to make a ruling. Mr. Barnes also noted that the Judge Magnuson has requested the manual updates be completed sooner than the Corps' planned three years. Mr. Barnes stated that his preference would be for the three states' governors to work out an agreement.

Mr. Barnes clarified that the manual updates will not resolve the water wars and that the Corps will not study raising Lake Lanier's full pool elevation as a part of the manual update. He noted that the Corps had received funding for the manual updates under the stimulus package; \$3 million for the ACF manual and \$2.8 million for the ACT.

Ms. Pat Stevens asked Mr. Barnes how the Alabama Power lakes are being handled in the ACT manual updates. Mr. Barnes explained that the Corps works closely with the Federal Energy Regulatory Commission (FERC) during their license renewal process for dams. Operation requirements can be inserted into upcoming FERC license agreement renewals if any changes are made to the ACT manual. A board member asked Mr. Barnes who pays for flood control, recreation and navigation. Mr. Barnes explained that flood control is an authorized federal purpose, recreation fees are collected at Corps parks and river barge operators are charged fees. Another board member asked who would pay for additional water supply storage or for a raising the Lake Lanier full pool elevation. Mr. Barnes explained that Congress would have to authorize the Corps to do such a study, federal funds would need to be appropriated and a 50% local match would have to be secured. A board member asked if West Point Lake could be operated at that higher lake level in times of uncertainty to offset additional releases from Lanier. Mr. Barnes

explained that the Corps cannot make any long term change in operations without authorization from Congress.

Chairman Dunlap thanked Mr. Barnes for coming down to speak with the Board and she invited him back next year to give the Board another update. Mr. Barnes thanked the Board for the invitation to speak and expressed his willingness to come back in the future to provide additional updates.

Status of ACF Stakeholder Collaborative Effort

Chairman Dunlap asked Ms. Pat Stevens to give an overview of the ACF stakeholder collaborative effort. Ms. Stevens informed the board that this group met for the first time on June 3, 2009 in Columbus, GA. Ms. Stevens noted that Mr. Brad Currey had been involved in the process and asked if he would like to comment. He added that no state or federal agencies were represented and that it was strictly stakeholders from all various sections of the ACF basin that attended. Mr. Currey also noted that this group is being facilitated by a person who lives in Arizona and has no stake in the outcome of the tri-state litigation. Part of this initial stakeholder meeting discussed how this group should be structured and funded.

Status of Lake Allatoona Chlorophyll *a* TMDL

Chairman Dunlap introduced Mr. Corey Babb with the Metro Water District staff to give a status update on the Draft Chlorophyll *a* Total Maximum Daily Load (TMDL) document being proposed for Lake Allatoona. Mr. Babb provided an overview of the TMDL process in Georgia. He stated that the draft TMDL was written for two segments of Lake Allatoona; the Etowah River Arm and the Allatoona Creek Arm. Corey explained that the Metro Water District had met with a small group of local government stakeholders and as a result a comment letter was submitted to GA EPD dated May 21, 2009.

Mr. Kubala expressed concern that this flawed document will shut down growth because local governments will not be able to expand wastewater treatment facilities. He further stated that the reductions identified in the TMDL do not address the main source of the nutrients flowing into Lake Allatoona, which is non-point source runoff. Mr. Jim Scarbrough agreed that the point sources are a very small portion of the nutrient loading compared to the non-point sources.

Chairman Dunlap suggested that Ms. Linda MacGregor be invited to the next board meeting to give an update on this TMDL. She also requested that staff stay engaged in this issue.

Tri-State Water Wars Litigation Update

Chairman Dunlap introduced Ms. Patricia Barmeyer with King & Spalding to provide an update on the tri-state litigation. Ms. Barmeyer began by explaining that at one time or another all parties have sued the Corps over their operation of the river systems. She explained that

Alabama and Florida both think that Lake Lanier's only purpose is for hydropower and flood control and that Georgia can only withdraw water when it's released for power generation. Our belief is that the Corps is authorized to reallocate storage for water supply. The power generators / suppliers would like to be compensated for the loss of power generation revenue when water is held in the lake for water supply storage. Ms. Barmeyer clarified that the area water suppliers have always been willing to pay power suppliers for water use.

Mr. Brad Currey asked if the Missouri court case Judge Magnuson ruled over dealt with storage. Ms. Barmeyer responded that yes it did but in the end the Judge supported the Corps' operation. Mr. Rob Hunter asked if the second phase of Judge Magnuson's decision relating to endangered species could overrule the outcome of the first phase dealing with water supply storage. Ms. Barmeyer explained that the endangered species issue has the potential to overrule anything the courts, congress or the three states may decide. Chairman Dunlap thanked Ms. Barmeyer for the update.

2009 TCC Meeting Schedule

Chairman Dunlap informed the Board that a list of upcoming Technical Coordinating Committee meetings has been included in their board packet.

Next Meeting

Chairman Dunlap announced the next Board meeting would take place on Thursday, September 3, 2009 at 10:00 a.m. in the Loudermilk Center Amphitheatre.

There being no other business, the meeting was adjourned.