

Georgia Water Coalition

Partners Meeting

June 5, 2014

Report

Prepared by

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Introduction

The first meeting of the Georgia Water Coalition (GWC) Partners for 2014 took place on June 5, 2014 at the Georgia Wildlife Federation's Alcovy Conservation Center in Covington. Seventy-six people (plus the facilitator) participated in the meeting including representatives of 43 GWC member organizations. The names, affiliations and e-mail addresses of the participants are provided in Appendix I to this report.

The purposes of the meeting included providing brief updates on a number of topics and issues and reaching consensus on the recommendations to be included in the 2015 GWC Report.

Welcome

Todd Holbrook, President and CEO of the Georgia Wildlife Federation, welcomed the Partners to the Alcovy Conservation Center in what may be the best-attended Partners meeting yet. A map of Georgia's river basins was circulated for participants to mark the river basin of greatest concern to them (see results on page 8 of this report). Also a survey evaluating the meeting was distributed (results in Appendix II).

Updates and presentations

Review of how the GWC, its Leadership Team and Committees operate.

Gil Rogers, of the Southern Environmental Law Center, provided an overview of the GWC. It started as four organizations; now it has grown to over 200 organizations. The GWC's central goal has been the improvement of water management in Georgia so that water is both clean and abundant. The core philosophy is that water is a public resource.

The GWC is a grassroots organization that develops principles and goals. A Leadership Team then serves to direct and make decisions about strategies to achieve the goals. The Team works on a variety of fronts including the legislature, the Board of Natural Resources, the Environmental Protection Division, the Corps of Engineers and others. The Team invests resources, makes decisions about priorities, resolves conflicts and implements strategies. It also works to streamline work and improve efficiency. The Team speaks for all members of the GWC.

The Leadership Team has several committees including the Legislative Committee, the Communications Committee and ad hoc committees.

The Legislative Committee meets once a week during the session to coordinate efforts and to determine positions on bills. Regular updates are sent out to GWC Partners. Membership on the Committee is open to all GWC Partners.

The Communications Committee is responsible for developing and implementing the media strategy including developing and maintaining good relationships with the media.

An ad hoc committee is currently addressing reservoir issues – a perennial issue. There is also a groundwater committee.

Membership on the Leadership Team is open but there is a protocol for joining, including commitments of financial support and time. If interested, please contact any member of the Leadership Team. See Appendix III.

2014 Legislative summary

Juliet Cohen, of Chattahoochee Riverkeeper, started with descriptions of two GWC victories on bills addressing EPD Emergency Response (HB 549) and Water Supply Watersheds (SB 299).

The Emergency Response bill (HB 549) was a proactive measure initiated by the GWC as a result of major spills on the Ogeechee, Trail Creek, the Savannah and elsewhere and EPD's poor responses to them. The bill, which was first introduced late in the 2013 session by Representative Jon Burns and others, would mandate a response from EPD, including notice, timely response and training across the state.

The Water Supply Watersheds bill (SB 299) involved Senator Steve Gooch's amendment to make buffers on these watersheds optional. After a huge backlash generated by the GWC and Trout Unlimited, the amendment was withdrawn. Both mandates for buffers and watershed protection plans remain in place.

Gil Rogers reported on the "epic battle" of the Flint River Drought Protection Act (SB 213). The original Act never resolved the Flint's problems and the amendments that finally passed don't either, but they are an improvement over what had been proposed by Senator Ross Tolleson and others. Among other things, the revisions define what "flow augmentation" means and limits the EPD Director's authority to specific areas on the Lower Flint basin for the sole purpose of maintaining minimum stream flows sufficient to protect habitat critical for vulnerable aquatic life. The improvements are a tribute to GWC's power and effectiveness.

Neill Herring, lobbyist, reported on several other successful measures including a bill (HB 741) to protect communities from land application of sewage sludge in which EPD must adhere to local zoning, and a bill (HB 881) to restore license tag funding for conservation purposes.

Neill also reported on two losses: the coastal moratorium on aquifer storage and recovery was allowed to expire at the end of June. Senator Tolleson ordered the bill that would have extended the moratorium (SB 306) to a study committee; and the bill (HB 864) requiring reporting on returns of water withdrawals was also refused a hearing.

Growing the GEAN and Camo Coalition

Todd Holbrook described two independent yet interrelated e-mail alert systems, the Georgia Environmental Action Network and the Camo Coalition. Both support advocacy. The GEAN reaches about 10,000 people, the Camo Coalition about 20,000. The audiences overlap but sometimes support different issues. For example, both systems alerted people about the Flint River Drought Protection Act issues (see above). The Camo Coalition emphasizes issues of concern to sportsmen (e.g., public ownership of wildlife).

The Georgia Wildlife Federation currently manages both alert systems

Partners were urged to sign up for both alert systems.

Request for sponsorship of the Capitol Conservation Day

Tally Sweat, of the Garden Club of Georgia, reported that the next Capitol Conservation Day will be on February 18, 2015. Capitol Conservation Day will start with breakfast and a briefing on selected legislative issues followed by visits to legislators to talk about specific issues.

Tally urged Partners to put the date on their calendars, sign up as sponsors of the event and to contact her for more information including how to get involved.

Marsh buffer rollbacks

Steve Caley, of Greenlaw, reported that the Soil Erosion and Sedimentation Act (1975) requires a 25-foot buffer to protect all the state's waters, including the coastal salt marsh. On Earth Day, April 22, EPD Director Jud Turner announced that the 25-foot buffer next to coastal salt marsh was no longer required. The impetus for the change was ambiguity in the Act that has led to conflicting interpretation and implementation strategies. The Director could have addressed the need for clarity by working with legislators during the session to develop legislative language or through the rulemaking process. Instead, he made a unilateral decision. Among other things, the Director's decision will make the development of the spit on the south end of Sea Island easier, because the proposed road for the development will no longer have to impinge on the 25-foot buffer.

Steve then discussed various strategies that the GWC could pursue, including revisions to the Coastal Marshlands Protection Act and/or the Erosion and Sedimentation Act.

Megan Desrosiers, of One Hundred Miles, also discussed strategies including educating the public and allies.

Bill Sapp, of the Southern Environmental Law Center, described the related issue of "all state waters" currently before the Georgia Court of Appeals in the Tired Creek case, which deals with a buffer on freshwater wetlands. The outcome of this case is uncertain. The Court should issue a decision in the next 2 to 4 months. Regardless, a legislative fix is necessary. The fix could involve clarifications to the Erosion and Sedimentation Act (E&S Act) or the Coastal Marshlands Protection Act (CMPA).

Dave Kyler, of the Center for a Sustainable Coast, reported that the Coastal Advisory Council voted unanimously to oppose the removal of the 25-foot buffer requirement. In a May 23 letter to the Board of Natural Resources, the Council recommended the reversal of the directive and new legislation establishing a buffer that was based on the best science. Dave described the recommendation as a "breakthrough experience" in that the Council is comprised of a broad spectrum of citizens including local elected officials who have been reluctant to take such actions, despite the Council's purpose. He added that the position taken by the Council on the marsh buffer may portend a more active and appropriate role for the advisory group, which will help strengthen Georgia's Coastal Management Program.

Groundwater issues

Neill Herring introduced the issues by describing the Floridan aquifer as a dynamic aquifer that recharges at the top. While the state has mapped the significant groundwater recharge areas, these areas are largely unprotected and wide open to exploitation. The issue of protecting the aquifer recharge areas is growing in importance as we are using up our surface waters.

One risk to the aquifer is from toxic industrial sites. One example is the LCP chemical plant near Brunswick, where chlorine, caustic soda, and mercury are being drawn toward the Floridan aquifer, having already dissolved into aquifers overlying the Floridan. The lawyers are stalling, and the Attorney General has actually joined in a suit to protect polluters of the Chesapeake Bay. Georgia needs to sue the polluters, the ones in Georgia, not go adventuring to protect polluters in other states.

Gordon Rogers, of Flint Riverkeeper, addressed the issue of the over-exploitation of the Floridan aquifer. The problem started on the coast decades ago with withdrawals by paper mills in Savannah, Jesup, Brunswick, St. Marys and elsewhere. In Savannah, the problem became salt water contamination from the ocean; in Brunswick, it became fossil salt water being drawn into the Floridan aquifer from below. More recently, over-allocation in the form of agricultural withdrawals has manifested in the Lower Flint/Dougherty Plain where surface flows in the Flint and the tributaries of the Flint have been directly affected by withdrawals from the Floridan. Gordon asserted that EPD had fundamentally abdicated its responsibilities to protect the aquifer, associated surface flows and other side effects, and therefore property rights. And, in both the coastal and the Dougherty Plain scenarios, EPD is now “managing by moratorium”, in essence locking in and protecting existing users and the effects of over-allocation, and locking out other riparian owners, an additional assault on property rights. He also asserted that current permitting offers band-aid solutions – directing applicants to other aquifers with no science on the sustainability, and connectivity to surface waters, to back up the decisions.

Emily Markesteyn, of Savannah Riverkeeper, described the expiration of the moratorium on aquifer storage and recovery (ASR) on the coast. Senator Tolleson let the moratorium lapse as of July 1, referring the issue to a study committee. Emily urged Partners to contact Senator Tolleson, asking him to start the study committee’s work.

Thus, we have in GA widespread and increasing aquifer contamination, widespread and increasing overallocations of the aquifer, piecemeal moratoria on only some users and riparian owners in fragmented locales, no protections against damaging new technologies, decreasing legal requirements on polluters, resulting in numerous trespasses on private property values, rights, and public assets.

One Partner suggested that the GWC consider asking EPA, under the authority of the Clean Water Act, to take over Georgia’s management of water until EPD lived up to its responsibilities. Response: Unfortunately, the CWA doesn’t apply to groundwater. The best response may be to elect responsive people to office.

Proposed Waters of the US rule

Juliet Cohen reported that the EPA was currently seeking comments on what constituted “Waters of the United States.” The need to clarify the definition comes from language in the Clean Water Act and subsequent court rulings including SWANCC (2001) and RAPANOS (2006) that clouded things.

Among the issues are “isolated wetlands” and the extent to which they are connected with other waters of the US. Will they be automatically protected, protected on a case-by-case basis or exempted from regulation?

The deadline for comment on the EPA notice in the *Federal Register* is October 20 (recently extended from July 21). The Chattahoochee Riverkeeper and the Southern Environmental Law Center are actively working on this issue.

Bill Sapp noted that “this is a big deal.” SELC was currently addressing depression wetlands in the southeast (e.g., Carolina Bays). Partners were urged to either join their effort or file their own comments. Additional information on the issue may be found at www.environmentgeorgia.org

2014 elections and GWC candidates forum

April Ingle, of Georgia River Network, reported that Georgia Conservation Voters had closed up shop – hopefully to reemerge at a later date. In the meantime, Colleen Kiernan, of the Sierra Club, reminded Partners that the Sierra Club had a PAC and could work on election issues.

April noted that 2014 was an important election year and that Partners needed to help communicate water issues as a top issue to candidates. As a non-profit 501c3 organization, there are things you can do and not jeopardize your status with the IRS. You can ask candidates where they stand on water issues such as groundwater, the Flint River, buffers and property rights.

The GWC will be hosting a thank you event on June 24 for legislators who were with GWC on issues. For information on the event in Cobb County, visit <http://www.garivers.org/gawater/events.html> or contact April Ingle (see Appendix I for contact information).

Preparing the GWC 2015 Report

Hans Neuhauser, meeting facilitator, described the process of developing recommendations for the 2015 GWC Report including the requirement that Partners agree to each recommendation by consensus. Consensus was defined as being reached when everyone either supported the recommendation or at least could live with it. Recommendations where consensus could not be reached would be referred to the Leadership Team for further work.

The Partners then broke into small groups to review the recommendations in the 2013 GWC Report and make changes – additions, deletions and modifications. The small groups were:

- GWC Mission and Principles plus outside the box issues (discussion leaders: Sally Bethea and Gil Rogers)
- Recommendation # 1: Maintain water as a public resource, not a private commodity to be sold or traded (discussion leaders: Todd Holbrook and Jennette Gayer)
- Recommendation # 2: Restore and protect healthy natural systems which are essential for human and environmental well-being and economic prosperity (discussion leaders: Steve Caley and Joe Cook)
- Recommendation # 3: Provide future generations with a heritage of plentiful clean water because water is an essential resource (discussion leaders: April Ingle and Ben Emanuel)
- Recommendation # 4: Make clean water a statewide priority (discussion leaders: Emily Markesteyn and Mark Woodall)
- Recommendation # 5: Ensure that water conservation and efficiency are the cornerstones of water supply planning (discussion leaders: Gordon Rogers and Laura Hartt)
- Recommendation # 6: Establish common sense water management policies (discussion leaders: Chris Manganiello and Neill Herring)

The recommendations were then posted and reviewed by all participants. Issues were identified and resolved.

All of the following changes were adopted by consensus of the Partners. The changes will be given to the 2015 GWC Report Drafting Team chaired by Gil Rogers. The Team was empowered to word-smith the recommendations but not to change the substance. A Draft will be presented to the GWC Partners in September and the Final Report endorsed at the next Partners meeting in November.

Recommended Changes to the 2013 GWC Report

Mission Statement

Add: Georgia's surface and groundwater resources

Principle 1

Under 1 (a), add "transparency"

Principle 3

Eliminate the first sentence: "The regulation of interbasin transfers must be strengthened to reflect scientific knowledge, respect natural systems, and protect the basins of origin and receipt."

[Comment: This is important but not in synchrony with other core principles. It will be covered elsewhere in the 2015 Report.]

Principle 4

Eliminate the second sentence: "Complete information on water withdrawal and consumption by all sectors, including thermoelectric plants, is a matter of vital public interest requiring full disclosure for informed decision making."

[Comment: This will be covered elsewhere in the 2015 Report.]

Recommendation 1

Under 1 (A), add "and other water policy decisions" at the end of the sentence.

Under 1 (B), re-write sentence to: "Make permanent statewide moratorium on aquifer storage and recovery (ASR)."

Under 1 (c), re-write sentence to: "Prohibit water pollution trading in Georgia."

Add 1 (E): "Prohibit groundwater contamination through injection of wastewater (treated or untreated) and toxic leaching. Also insure consistency and compliance with state and federal regulation."

Add 1 (F): "Buffers adjacent to waters of the state are protections of the public trust for those waters and dependent communities and wildlife."

Recommendation 2

Under 2 (A): Re-write sentence to: "The state should comprehensively monitor and report accurate information on water quality issues affecting public health."

Under 2 (B): Add "including during drought conditions" at the end of the sentence.

Under 2 (E): Re-write sentence to: "Protect, restore and thoroughly clean up groundwater resources and aquifer recharge areas."

Change listing of 2 (A) to 2 (I) and change 2 (I) into 2 (A).

Recommendation 3

[Comment: Consistently present recommendations to address both what and why. Check for and address redundancies.]

Under 3 (A): Add at the end of the sentence: “and protect Georgia’s natural water systems.”

Under 3 (B): Add at the end of the sentence: “by making the State Water Plan criteria mandatory.”

Under 3 (C): Re-write to: “Drought planning and management must be proactive, focus on all sectors and users, be science-based, objective and non-political.”

Under 3 (D): Add “and land application systems” after the words “septic systems.”

Recommendation 4

[Comment: Make the recommendations more actionable.]

Under 4 (B): Re-write to: “Protect water quality through expanded, comprehensive monitoring.”

Under 4 (G): Add at the end of the sentence: “discharges, to include improvement of those regulations and prevention of any rollbacks.”

Under 4 (I): Re-write to: “Expand and improve emergency response capacity within E.P.D.”

[Comment: In the explanatory paragraph for 4 (I), include initiating rulemaking.]

Add 4 (J): “Streamline and improve the triennial review with EPA.”

[Comment: The paragraph elaborating on 4 (J) should include engaging the public.]

Recommendation 5

{Comment: A preamble is needed stating that water is finite (finite nature of water).

Add to 5 (A): “The state should score jurisdictions (providers) based on national and state best practices, publish the list, and link improvement funds to needs, and linking new withdrawal and reservoir requests to scores and progress. Returns of withdrawals should be an explicit portion of the score [a la HB 864].”

Add to 5 (E): “Use conserved volume in surface supply systems which depend on reservoirs to supplement downstream flows during drought.

Under 5 (F): At the end of the sentence, add “zoning and maximum impervious” (sic)

Add 5 (G): “State should complete the water auditing process and implement reconciliation of the audit figures, corrective actions, and state funding for local governments and authorities. All jurisdictions should strive or be required to achieve a 10% maximum water loss rate.”

Add 5 (H): “Identify utilities (providers) that do not currently have productive relationships with Georgia Water Coalition member groups and be intentional about developing relationships; make sure that all utilities have a dedicated conservation staff capacity.”

Recommendation 6

Under 6 (E): In the explanatory paragraph, add the Department of Agriculture to the list of enforcement agencies. Also add at the bottom: “Encourage exploration of alternative agencies for enforcement of various environmental laws.”

Under 6 (F): In the explanatory paragraph, change the term “developments of regional impact under the Georgia Planning Act” to: “comprehensive plans” in both places where it appears.

Delete 6 (H). Comment: Issue is covered more comprehensively elsewhere.

Closing remarks

Dirty Dozen Nominations

Joe Cook, of Coosa River Basin Initiative, announced that he and Chris Manganiello, of Georgia River Network, will be preparing the 2014 Dirty Dozen Report. It will be released in October in time to have a potential impact on the elections. To reach this goal, nominations will be due by July 15. An application form will be available soon. Good visuals are especially needed. Re-nominations are also welcome.

Also needed is information on updates to previously listed sites.

Watershed of greatest concern

During the session, a map of Georgia’s watersheds was circulated; Partners were asked to mark the watershed of greatest concern to them. The marks were tallied with the results, in order of greatest concern being:

1. Flint
2. Chattahoochee
3. Savannah
4. Satilla
5. Ocmulgee
6. Altamaha
7. Coosa
8. Oconee and Ogeechee (tie)
9. St. Marys, Suwannee and Ochlocknee (tie)

Next Meeting

The next Partners meeting will be held in November at the Alcovy Conservation Center. The specific date will be announced later.

Appendix I Participants in the GWC Partners Meeting, June 5, 2014

First Name	Last Name	Organization	Email
Sara	Barczak	Southern Alliance for Clean Energy	sara@cleanenergy.org
Leah	Barnett	Georgia Conservancy	LBarnett@gaconservancy.org
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Sam	Booher	Sierra Club	sbooher@aol.com
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Elvin	Hilyer	Lumpkin Coalition	elvin3865@gmail.com
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Roger	Johnson	Ens & Outs, Earth Ministry	rjohn@tds.net

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Appendix II

Survey of attendees at the June 5, 2014 GWC Partner Meeting

Use a Scale of 1 to 5, Circle Choice: 1= lowest score 5= highest score

Morning Session:

1. Was the content of the Morning Session presented in a way that you could understand the issues? 1=0 2=1 3=1 4=14 5=36

*one comment = "Good Job"

Was it presented in a way that you could understand what actions you need to take to help on the issues? 1=0 2=1 3=2 4=20 5=29

*one comment = "need to repeat at end of each talk"

2. Was enough time allotted for each topic? 1=0 2=2 3=11 4=16 5=23

3. Additional Comments:

- Very Good!
- It would be nice to hear from new groups about their work
- Seemed rushed, wished the discussion on the ??? water rule proposed by EPA and COE was clearer
- Extremely Informational
- I think it would be helpful if someone typed up notes about the meeting and provided a list of websites with action recommendations and emailed it out. "meeting minutes"
- Concise and on point –Good
- Any way to provide space for questions under each agenda item in case there's not enough time to ask them in the session?
- Too much Too fast, but all is meaningful
- A few more minutes on the large subjects would be good, especially for Q & A

- Always want more time – but this allotment worked okay. A key “help” was the legislative summary sheet & the several powerpoint slides/presentations
- Things moved fast but that kept attention. Would be nice to have a handout of high points & action suggestions.

Afternoon Session:

1. Did your small group have a thorough discussion and use the allotted time well?

1=0 2=0 3=5 4=11 5=30

2. Do you think the consensus process that GWC uses to finalize the content of the Biennial Report is effective? **1=0 2=0 3=3 4=9 5=29**

3. Do you plan to review the draft 2015 Biennial Report when we send it out to all of the GWC Partners? **1=0 2=1 3=2 4=5 5=34**

4. Additional Comments:

- We did a thorough job, and the discussion was good. More time would have been appreciated – maybe 10 minutes
- Need more time on breakout sessions, or less topics per session
- My small group (#1 Water as a Public Resource) is extremely efficient
- Very productive session – like the format
- The group was fabulously knowledgeable
- Need more time for this session
- More time to review edits, pink/blue paper not that productive
- Not enough time – we (group #2 Healthy Natural Systems) had a huge section to review. The red dot process is hard given things are so small (hard to read) and everyone is grouped around the sheets. What about projecting the changes and we go as a group?
- Appreciate the review
- We had great group! (#2 Healthy Natural Systems)

The Meeting:

1. Were you given enough information prior to the meeting to be prepared for the event? **1=0 2=2 3=1 4=11 5=34**
2. Were you able to use this time to network and make connections to help with your efforts? **1=0 2=1 3=5 4=11 5=31**
3. Did you learn anything new today? **Yes=48 No=0**
4. How many GWC meetings per year do you think should be held? **1=5 2=32 3=14**
5. Would you like to attend GWC meetings at other locations around the state? **Yes=15 No=22**

If **YES**, please suggest a town or state park that would be suitable:

LOCATION:

- **Macon – 3**
 - **Macon WW facility**
 - **One of the colleges**
 - **Vogel State Park**
 - **Smithgall Woods State Park**
 - **Savannah**
 - **Lake Blackshear resort**
 - **Flint River Water Policy Center**
 - **Flint Riverquarium**
 - **Jekyll**
 - **Skidaway**
6. Additional Comments:
- **I can make it here. Anywhere else is too far from Augusta**
 - **This location has many advantages and is somewhat central but I'm sure it's nice to go elsewhere. Thanks for everyone's work – especially GWF!**
 - **Great Survey!**
 - **Love the consensus process.**

- Ask presenters to not use abbreviations. Too many people don't know what they stand for.
- Covington works best for us.
- Great
- I will go where everyone else wants to go, but I really like this facility. Great learning/sharing/networking environment. Everything is applicable to the water movement.
- Allow time to review text (explanatory paragraphs) in coalition report by each committee. (Our committee did – titles and paras. Because we didn't realize we were only reviewing the titles for consensus.) This led to good suggestions on the paragraphs and few changes to the titles but a harried review process – sort of like day 40 under the Gold Dome.
- Thank You!
- This location is fine.
- I like meeting in Covington



Leadership Team

Chattahoochee Riverkeeper

Coosa River Basin Initiative

Environment Georgia

Flint Riverkeeper

Georgia River Network

Georgia Wildlife Federation

Greenlaw

Ogeechee Riverkeeper

Savannah Riverkeeper

Sierra Club

Southern Environmental Law Center