



# THE STATE OF GEORGIA

## EXECUTIVE ORDER

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BY THE GOVERNOR:

- WHEREAS:** Agriculture remains a bedrock of Georgia's economy statewide, with the production of row crops (corn, cotton, peanuts and soybeans) and other high value crops (pecans, fruits and vegetables), a vital part of Southwest Georgia's farm output and the very fabric of the region's economy; and
- WHEREAS:** Access to water for irrigation of these crops remains the most essential agricultural input for the successful production of these crops in the deep sandy soils of this region of the state; and
- WHEREAS:** Existing Georgia law provides for the regulated use of surface water and groundwater withdrawals over 100,000 gallons/day for irrigation of crops; and
- WHEREAS:** The Environmental Protection Division (EPD) of the Georgia Department of Natural Resources is the state agency charged with issuance of agricultural permits under Georgia law and for ensuring the compliance and enforcement of Georgia's agricultural permitting program; and
- WHEREAS:** EPD maintains two databases regarding agricultural water use in the state – the Permit Database, containing roughly 8,700 entries representing about 7,000 unique agricultural withdrawal permits, and the Wetted Acres Database that is populated with survey data of wetted acres in the lower Flint River Basin in order to get better estimates of the sum of agricultural irrigation in the basin; and
- WHEREAS:** The Wetted Acres Database was designed as a water planning tool and was not envisioned or maintained with regulatory compliance in mind; and
- WHEREAS:** A comparison has been made between the amount of acres permitted for the application of irrigation via withdrawal from the surface water and groundwater of the state against the wetted acres database used for water planning; and
- WHEREAS:** Pursuant to this comparative exercise between the aforementioned databases, there are a number of acres in the region that appear to be wetted (or that have been wetted in the recent past) for which there does not appear to be associated permits granting the authority to irrigate those acres under Georgia law; and

- WHEREAS:** Since these acres are included in the Wetted Acres Database, they do not represent additional agricultural water use not previously estimated by Georgia for planning purposes or as part of the sum of agricultural withdrawals used in models; and
- WHEREAS:** These acres represent only the potential of non-compliance with Georgia's agricultural permitting framework and, as such, must be verified; and
- WHEREAS:** Many of the acres in question involve a small degree of potential non-compliance and upon further investigation may not actually be non-compliant given the estimation methods used to populate a planning tool like the Wetted Acres Database; and
- WHEREAS:** Some of the wetted areas in question are larger in size and may not be associated with a permit; these will be the principal focus of this effort.

**NOW, THEREFORE, PURSUANT TO THE AUTHORITY VESTED IN ME AS GOVERNOR OF THE STATE OF GEORGIA, IT IS HEREBY**

- ORDERED:** That full support of the executive branch of Georgia be given to the Director of the Environmental Protection Division as he begins his investigation into the degree of noncompliance of agricultural irrigation in the State and takes whatever enforcement action is appropriate pursuant to existing law and regulation to ensure full compliance in our agricultural regulatory program.

**IT IS FURTHER**

- ORDERED:** That Agricultural Permitting Compliance Task Force is hereby established to: (a) examine the issues involved in the development of this level of potential non-compliance, (b) in consultation with the Director of EPD, EPD staff, Georgia Soil and Water Conservation Commission, and the Department of Agriculture, determine whether in fact there is a significant level of non-compliance in the agricultural permitting program, and (c) should a material level of non-compliance be confirmed, to recommend by January 1, 2017, whatever legislative or regulatory changes that would help ensure better compliance rates in the future.

**IT IS FURTHER**

- ORDERED:** That members of this task force shall be appointed at a later date to begin work on this important project for the sustainability of water resources essential to agricultural pursuits in Georgia.

This 28<sup>th</sup> day of October, 2016.

  
GOVERNOR