

OCONEE RIVER BASIN PLAN: A FOCUS ON THE LAW AND PROCESS

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REFERENCE: *Proceedings of the 1999 Georgia Water Resources Conference*, held March 30-31, 1999, at the University of Georgia. Kathryn J. Hatcher, editor, Institute of Ecology, University of Georgia, Athens, Georgia.

Abstract. The River Basin Planning Act requires Georgia Environmental Protection Division (EPD) to complete river basin plans on 14 major river basins that comprise the state of Georgia. This paper examines the application of the law in the creation of Oconee River Basin Plan. Following the law, the paper explores existing opportunities for stakeholder involvement and recommends mechanisms to increase opportunities for stakeholder involvement. Finally, the paper examines some possibilities for improvement in the process during the stakeholder meetings.

INTRODUCTION

The River Basin Planning Act of Georgia is an important tool for evaluating water resources in each of the Georgia's rivers. The growing trend for states to evaluate their resources based on watershed management, looking at the river basin as a whole system so that finally a comprehensive document that compiles the water resources work of several agencies. However, because the plan requires implementation by stakeholders it is vital that they are given ample opportunity to take part in the process. Below is an evaluation of the requirements and implementation of the act along with suggestions for improving the process.

BACKGROUND

The Oconee River Basin Management Plan was completed and approved by the Department of Natural Resources in November 1998. The original authority to develop the plan derives from the River Basin Planning Act of 1993. The plan is a first step in managing the river system as a whole. The law does not require EPD to continue to update its basin plans. However, the department has decided to place each of the river basins on a 5 year review cycle with the intention of fine tuning

the plans to address specific problems in the basin. The Oconee River is now in the first year of the second cycle.

LEGAL REQUIREMENTS

Deadline for plan completion

The act required EPD to begin developing the Oconee river basin plan by December 31, 1993. The act states that completion of the plan must occur within 5 years of the starting date. Therefore, the latest possible date for plan completion was December 31, 1998.

Management plans

The act enumerates specific requirements for the management plans including: 1) A description of the watershed, including the geographic boundaries, historical, current, and projected uses, hydrology, and a description of water quality including the current water quality conditions; 2) An identification of all governmental units that have jurisdiction over the watershed and its drainage basin; 3) An inventory of land uses within the drainage basin and important tributaries including point and nonpoint sources of pollution; 4) A description of the goals of the management plan and 5) A description of the strategies and measures necessary to accomplish the goals of the management plan.

Public Meetings

The law requires at least one public hearing upon completion of the draft plan in each river basin with notice of the hearing in a newspaper of general circulation in the area. The draft plan must be available to the public at least 30 days prior to the public meeting.

DISCUSSION

Deadline for plan completion

Despite requests for an extension of the comment period, EPD continued forward to meet the December deadline as required by law. Because the unveiling of the plan was so close to the deadline, there was little time for any extension in the review.

Management plan

The Oconee River Basin Management Plan includes all of the required elements of the law. However, EPD's decision to review the plan in a five year cycle on the basin planning process will create opportunity for refinement. The second planning cycle has more time allocated to development of the plan, hopefully, resulting in integrated goals created by stakeholders in the basin.

Public Meetings

EPD held the public meeting fifteen days before the comment period ended on the draft plan. At the meeting, a stakeholder could receive a copy of the plan for comment and review. If the stakeholder wanted the full 30 days for comment and review, then the appropriate mechanism for receiving a copy of the plan was to spend approximately \$55.00, for \$.25 per page at the regional office of EPD copying the plan. Clearly, the law allows the public an opportunity to comment on the draft plans; however, the cost was prohibitive for many stakeholders to acquire a copy of the plan with enough time allocated for review.

RECOMMENDATIONS FOR FUTURE PLANNING CYCLES

Stakeholder Involvement

The United States Environmental Protection Agency's position on stakeholder involvement in watershed planning is that the stakeholders work together as a task force to reach agreement on the goals and approaches for addressing a watershed's problems, and to decide the specific actions that are to be taken, coordinated and evaluated. If EPD follows this paradigm, stakeholder involvement is bound to increase.

In addition to involving the stakeholder in the planning process in greater detail, outreach should involve some underrepresented stakeholders. The law does not require stakeholder involvement; however, it does require an advisory committee and should be

representative of the different stakeholders in the basin. If representatives of key stakeholders are missing on the advisory committee, chances are some stakeholders will not be informed about the process and will lead to later conflict.

Process

Not only is there an opportunity to enhance stakeholder participation but there is also the opportunity to legitimize the process. There are no formal guidelines for process at these meetings. Without a formal policy and rules for conducting stakeholder meetings, it may appear to some of the stakeholders to be an illegitimate process. The watershed planning department to develop a standard practice based on public policy dispute models for conducting public meetings. For example, outside facilitators and a visible note taker would add to the legitimacy of the process. With proper planning more emphasis could be placed on evaluating the plan, rather than laying blame. Not only is a legitimate process part of the democratic foundation of public dispute resolution but it also allows for a more meaningful exchange between stakeholders and EPD.

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