

**ENVIRONMENTAL MANAGEMENT COMMISSION  
WATER ALLOCATION COMMITTEE  
MINUTES**

**January 13, 2016  
9:00 A.M.**

On January 13, 2016, the Water Allocation Committee (WAC) met in the Ground Floor Hearing Room at the Archdale Building in Raleigh, North Carolina.

**WAC Members in Attendance:**

Chairman Tommy Craven  
Mr. Gerard Carroll  
Mr. Steve Tedder  
Mr. Manning Puette  
Mr. Charles "Boots" Elam  
Mr. E. O. Ferrell  
Mr. Steven Rowan

**Additional EMC Members in Attendance:**

Dr. Lawrence Raymond  
Dr. Albert Rubin

**Others Present:**

Ms. Jennie Hauser, Attorney General's Office

**I. Preliminary Matters:**

In accordance to North Carolina General Statute § 138A-15, Chairman Craven asked if any WAC member knew of any known conflict of interest or appearance of conflict with respect to any item on the January 13, 2016 WAC agenda and none of the members stated that there was a conflict. There were two sets of minutes that needed to be approved, the November 2015 Minutes and the amended July 2015 Minutes that included the names of the Committee Members of the Science Advisory Board and Peer Review Group. The November minutes did not include Mr. E.O. Ferrell as an attendee. A motion was made to approve the minutes with the amendment to include Mr. Ferrell as an attendee. A second was made of the motion. The November minutes were unanimously approved. Chairman Craven asked if there was a motion to approve the amended July Minutes. A motion was made and seconded. The July minutes were unanimously approved.

**II. Action Item**

**A. Request to take Jordan Lake Allocation Documents Out For Public Review (Don Rayno, NC Division of Water Resources)**

**Presentation Description:**

Mr. Rayno with the Division of Water Resources reviewed the Draft Cape Fear Water Supply Evaluation that looks at the surface water needs throughout the basin through 2060. He also reviewed the Draft Jordan Lake Water Supply Allocation Recommendations which are DWR staff recommendations with the EMC making the final decision. Mr. Rayno then requested that the documents be taken out for public comment. He thanked the City of Raleigh for initially reviewing the documents and giving him the first set of comments that will be used in the revision of the documents. Mr. Rayno stated that DWR would like to make a general announcement regarding the availability of the documents and the comment period for the documents. The documents have already been available through the WAC website since they were posted for the WAC meeting and the applications have been available through the DWR website for the last year. DWR would like to hold at least one public meeting to

discuss the documents and receive comments although a public hearing is not required. DWR would then compile the comments, respond to those comments and make revisions to both of the documents. The final documents would then be prepared for presentation to the EMC later this calendar year.

This entire process was driven by requests for allocation of the water supply storage of Jordan Lake. In previous rounds of allocation, the EMC asked DWR to look forward a lot further than the allocation decision required to assess future supply needs over the next several decades. The Cape Fear River Water Supply Evaluation analyzed 2060 estimated demands using the Cape Fear-Neuse Rivers Hydrologic Model. The components, limitations and assumptions of the model were discussed.

Jordan Lake storage includes allocations for sediment storage, conservation storage (water supply storage and low flow augmentations), and flood control storage. The water supply portion is the focus of EMC water supply allocation decisions for local governments that wish to use it. The lake is operated by the Army Corps of Engineers.

Mr. Tedder asked what the level of the sediment storage is currently. Mr. Rayno stated that he was unsure of the current level of sedimentation, but a report ten years ago showed that the level of sedimentation was significantly lower than what was anticipated.

Mr. Carroll stated that the elevation is 216 for the top of the conservation pool. He asked if it would be possible to increase that elevation by a certain number of feet. Mr. Rayno replied that it would require an act of Congress, because the primary purpose of the project was flood storage which would be decreased with an increase in conservation pool elevation.

Mr. Rayno stated that part of the evaluation was to estimate the potential yield in the water supply pool of Jordan Lake. When the reservoir was designed, the State of North Carolina asked the Army Corps of Engineers to include water supply storage that the State paid for and which was originally designed to yield 100 mgd. All of the new estimates of the potential yield of the water supply pool estimated by the model were greater than 100 mgd.

Mr. Tedder asked if the State could pay to increase the percentage of the conservation pool to greater than 100 mgd so it could be used for water supply. Tom Fransen with the Division of Water Resources stated that the contract between the State and the Corps is for a percentage of a volume of water between 206 and 216 which is currently estimated at 94,600 acre feet with the availability at 100 mgd. Mr. Fransen believes that there may be some flexibility if it is determined that it is really more than 100 mgd since they are working with storage volumes and not withdrawal rates. The contract with the Corps and the subcontractors may be able to be adjusted. Mr. Rayno added that it would not be a change in the percentage, but rather what amount of water is available.

Mr. Rayno then stated that given that the conditions since 1930 were used for the model, they are reasonably certain that the water supply pool can provide 100 mgd and that 1% of the storage pool can reliably be counted on to provide 1 mgd. Using 2010 drought conditions, in order to meet the low flow targets released from the low flow augmentation pool, the low flow augmentation pool never reached zero. As demand increases in the future including downstream, there may short periods of time where it could reach zero or close to zero.

Using the information provided by local governments in their local water supply plans to make predictions for 2060, the projections for demand include a significant increase in water withdrawals including from Jordan Lake. The water levels and water supply storage of Jordan Lake were assessed using past drought scenarios and the approval of various water allocation requests. Although there is a decrease in water levels and the duration of those conditions increases if all allocation requests are approved, there is still minimum water supply storage available.

Potential water supply shortages were analyzed for each water withdrawer under each of the model scenarios using 2010 conditions for demands projected for 2060.

Chairman Craven stated that there would not be enough time in the meeting for Mr. Rayno's full presentation and the other agenda items. He requested that Mr. Rayno highlight the major points of the presentation in the interest of time. Mr. Rayno agreed.

Mr. Rayno then showed several areas that may have water supply shortages during various drought conditions and how those locations plan to prevent shortages. Aside from these highlighted systems, modeling indicates that water systems using surface water from the Deep River, Haw River, Neuse River and Contentnea Creek Sub basins are not likely to face flow related shortages over the range of flow captured by the 81 years of historic data.

The Jordan Lake Water Supply Allocation Recommendations were evaluated using similar methods but were based on 2045 projections. Mr. Rayno reviewed the background of the project and the summary of the allocation guidelines.

Chairman Craven asked why if the allocation would lead to the need for an Interbasin Transfer Certificate, the application for the IBT Certificate must be considered along with the allocation and where the requirement came from. He stated that the requirement increased both the expense and difficulty of pursuing the allocation. The IBT process takes 2 to 4 years and 2 million dollars in consulting fees. The allocation process appears to be much simpler and if there is not an allocation, then there is no need to pursue the more complicated IBT. Mr. Rayno replied that issue has been raised during every round of allocations. The concern is that if you get the certificate first, does that presume that you are going to be able to get an allocation? If you get the allocation first, does that presume that you are going to get the IBT Certificate? The current requirement does complicate the process.

Chairman Craven then asked if it was a statutory requirement. Mr. Rayno replied that it is a rule for allocating water.

Mr. Rayno then stated that in the latest round of allocation applications, DWR received 10 applications from 13 local governments that equaled 105.9% of the total water supply pool. Current allocations represent 63% of the available water supply pool. DWR draft recommendations call for the approval of the requested allocations except Raleigh and Fayetteville PWC. Modeling indicates that Fayetteville does not face flow related shortages through 2060 from existing sources. Raleigh has not initiated the process to get an IBT Certificate which would be needed for an allocation. Raleigh's alternative proposal for a Cape Fear River withdrawal and wastewater discharge could provide the requested amount of water without an allocation.

### **Questions/Comments:**

Mr. Puette asked what percent of the water supply pool that the EMC allocates. Mr. Rayno replied that the EMC allocates up to 100% of the water supply pool which is approximately 100mgd. The contract between the State and the federal government is for a percent of storage. The allocation contract is for a percentage of the state's percent. Mr. Tedder stated that for clarification purposes when they discuss a percent they are referring to 1 mgd. Mr. Rayno confirmed that 1% is generally referring to 1 mgd. Mr. Puette asked which of the cities metered their water. Mr. Rayno replied that they all meter their water.

Mr. Tedder stated that he has asked staff many questions before the meeting. He wanted to commend the staff for pulling together all the information to give the WAC the information to work with. Mr. Tedder stated that he was ready to make a motion. Chairman Craven stated that he would allow it. Mr. Tedder made a motion that the staff recommendations with the inclusion of the 4.7% allocation for the City of Raleigh be put out for public comment. From the information that has been presented over the last several months, Raleigh has a more urgent need than many of the others in terms of water supply shortages. He then stated that 100 mgd is not set in stone and that the sediment pool could be manipulated in the future, even if it does require federal action. Mr. Tedder stated that the language in the rules say the allocation application and the IBT Certificate must be coordinated, but it does not say when that coordination must occur. If Raleigh still needs the IBT after receiving the allocation, then at that time, it could be coordinated. The allocation, in his opinion, should come before the IBT.

Ms. Hauser clarified Mr. Tedder's motion stating that the motion was to move to approve the staff recommendation including the 4.7% request from the City of Raleigh to send out for public comment. Mr. Tedder confirmed the clarification. The motion was seconded and was approved unanimously. Chairman Craven stated that they would report the WAC approval to the EMC the following day.

Chairman Craven commended Mr. Rayno for his report, citing the usefulness of including the utility requests and the details.

### **III. Information Item**

#### **A. Interbasin Transfer Update (Kim Nimmer, Division of Water Resources)**

##### **Presentation Description:**

Ms. Nimmer stated that there is currently one interbasin transfer request in process for Union County. The Union County request is for a new interbasin transfer certificate to transfer 23 mgd from the Yadkin River Basin to Rocky River Basin to meet their projected demands through 2050. The presentation provided a history and an update on where the request was in the IBT process. The final EIS is currently posted in the state clearinghouse for a 30-day review that will end February 11. The next steps in the IBT process were discussed. A summary of public comments on the Draft EIS was also presented.

##### **Questions/Comments:**

Mr. Tedder wanted confirmation that source and receiving basins were in the Yadkin basin. Ms. Nimmer confirmed his statement.

### **IV. Closing Comments: Chairman Craven**

Chairman Craven stated that there was not enough time left in the meeting to discuss the last agenda item of issues and impediments. That item was postponed to the next WAC meeting. Mr. Tedder stated that the issues and impediments discussion is extremely important and he wants to make sure that it is discussed at the next meeting. Chairman Craven stated that a list of items was compiled that will be open for discussion and action. They need to sort through them to decide which ones they can act on and which ones they cannot.

There were no additional comments by the members or staff. Chairman Craven adjourned the meeting.