

Catawba/Wateree Basin Advisory Commission Meeting January 13, 2006

The meeting was held at the Daniel Stowe Botanical Garden in Belmont, NC. The meeting was called to order by Senator Wes Hayes (Chairman) at 10:35 am. Robin Smith (NCDENR) made announcements regarding lunch, sign in, and other logistics. Senator Hayes introduced the Commissioners and gave a brief summary of the Commission's purpose.

The minutes from the meeting on October 21, 2005, were approved.

Senator Clodfelter asked the Stowe Botanical Garden staff to give a brief history and overview of the Garden. Lee Ann Harper provided this information.

Presentation of NC Water Use Planning and Management Programs - John Morris, NCDENR

Three items are necessary for a good long-range management plan.

1. Monitoring – Acquire good data regarding the quality and availability and use of water.
2. Planning – Build a plan on water data and envisioning the future while looking at sustainability. Start from the bottom up with local and regional water supply plans.
3. Regulations – Follow a good plan with the right amount of regulation. Applicable North Carolina statutes include Water Use Act to manage ground water and surface water in certain situations, Interbasin Transfer Act, Dam Safety Act which addresses minimum flows, and Environmental Policy Act defining the environmental review process.

Morris suggested that the goals of the Commission can be met by following these 3 fundamentals. Continue to collect data, update water supply plans, update water quality models, improve water resource management regulations, continue to cooperate and communicate, and maintain trust and respect. He highlighted successful cooperation between the two states with the example of a flow agreement on the Yadkin/Pee Dee during the 2002 drought. He believes that Catawba solutions will depend on the same type of cooperation.

Discussion followed on local government water use plans, feasibility of maintaining lake storage capacity with dredging, and sediment control to minimize siltation. There was more discussion regarding reservoir capacity, the sustainability of the local water use plans, surface water capacity use areas pursuant to NC's Water Use Act, reduction of permitted water withdrawal permits, and efficient water use to minimize the need for withdrawal.

Presentation of SC Water Use Planning and Management Programs - David Baize, SCDHEC – The powerpoint presentation is attached. Catawba_Water_use.pdf

SC has 4 major statutes pertaining to water quantity. Three are administered by SCDHEC – Interbasin Transfer Act, Groundwater Use and Reporting Act, and Surface Water Withdrawal and Reporting Act; and one is administered by SCDNR – Drought Response Act. He presented specific water use information developed from water use reporting for the Catawba/Wateree basin in SC.

Baize discussed the Governor's Water Law Review Committee and its final report issued in 2004. Major recommendations of this Committee included developing a partnership relationship with NC on shared waters with a bi-state commission and establishing a permitting program in SC for

surface water withdrawals greater than 3 million gallons per day. This report and the Committee's web site was shared with the Commission members via e-mail after the meeting.

There was discussion about a finite amount of water, the permitting hurdles for new reservoirs, and alternatives to reservoirs on major rivers. There was also discussion comparing water supply planning and Interbasin Transfer permitting programs between the two states. The issue of acceptance and use of Duke Power's water quantity models was discussed and both states agreed they would be used as appropriate for planning and permitting decisions.

Duke Power Water Use and Demand Forecast - Ed Bruce, Duke Power – The powerpoint presentation is attached. [Water_Supply_Study_BI.pdf](#)

Bruce provided an overview FERC relicensing for the Catawba/Wateree project with a focus on water supply study which is one of 33 studies being conducted for relicensing.

The need for the water supply study was brought to light by 98-02 drought and observations in other basins as well as Duke's need to model future operations. The intention of the study is to develop a safe yield for each reservoir under existing operational conditions and under conditions included in the new FERC license. Regional water use projections through 2058 were used; the largest water user would then be water supply. The safe yield defines the ability of a water source to reliably supply to a municipality a given amount of water at a particular point. The safe yield analysis focuses on several critical drought periods. Coupled with the safe yield analysis is a Low Inflow Protocol (LIP), important for managing water use during droughts, and applicable to all water withdrawers greater than 0.1 mgd in the basin. Under proposed new license conditions, the safe yield increases in some instances due to the LIP. The LIP would be triggered by remaining storage in reservoirs, tributary inflows, drought monitor. The proposed LIP has four stages, with varying reductions and restrictions on different water users, depending upon stage.

Motion: Senator Clodfelter recommended that NC and SC consider using the LIP in regulatory and drought management decisions. He made a motion, seconded by Gary Faulkenberry, that both states review current authorities to see if they are adequate for implementing the LIP. The motion passed.

Discussion on implementation of the LIP and the adequacy of water supplies, including conservation measures, followed. Cooperation and communication with all water users sharing responsibility to conserve, respond, protect each others water needs and to protect the environment and quality of life are necessary to ensure ample water supply in the basin. Actions that could help fulfill the vision include an IBT policy, groundwater and surface water monitoring networks, basin drought monitor, and bi-state cooperation.

There was also discussion comparing Duke's safe yield charts with currently permitted and proposed withdrawals. Both states acknowledged that there is a legal gap in that there is currently no permit required for surface water use except for IBT in both states and in capacity use areas in NC.

Motion: Gary Faulkenberry made a motion, seconded by Dr. Mike Mead, that both states endorse and adopt the CHEOPS model for water supply issues. Duke Power reminded the Commission that the LIP would not be in effect until relicensing is completed. The motion passed.

Senator Hayes provided an opportunity for public comment and additional discussion. Much of the discussion focused on reservoir safe yield and a proposed IBT permit pending in NC. Mark Cantrell with the US Fish and Wildlife Service gave a brief overview of ecological issues in the basin. There was some discussion regarding the deficiencies in both states' authorities to regulate water quantity as well as the fact that what state legislation there is, is piecemeal. The Legislatures should be urged to tie the pieces together in a rational way.

The next meeting date will be in April on a Friday and South Carolina will host. The time will be 10:30 am to 2:00 pm. Suggested agenda topics are:

- Examples of best practices from other river basin commissions
- Feedback from NCDENR and SCDHEC on the two action items noted above as "Motion."
- Differing regulations in the Lakes (an other category, not quantity or quality)

The meeting adjourned at 3:00pm.

Commissioners in Attendance

Senator Wes Hayes

Senator Dan Clodfelter

Senator Austin Allran

Representative Eldridge Emory

Susie Hamrick Jones

Nick Stegall

Mark Hollis

Tim Mead

Ron Smith

Joe Stowe

Gary Faulkenberry