

**Catawba-Wataree River Basin Commission Meeting
September 26, 2008 Meeting Minutes
Lee S. Dukes Water Plant, Huntersville, NC**

1) Chairman Sen. Sheheen called the meeting to order at 10 AM.

- Meeting was held at the Lee S. Dukes Water Plant, Huntersville, NC
- Welcoming remarks by the Chairman
- Meeting minutes for the May 2, 2008 meeting were approved unanimously by the Commission

2) NC 2008 Drought Bill & Extension of IBT Notification Boundaries:

- Tom Reeder, Director of NCDENR's Division of Water Resources, gave a presentation. A copy of that presentation was given to all attendees.
- Legislation establishing notification expansion for existing IBT boundaries includes NC and adjoining State notification process. NC based this expansion on the 12 digits HUC watershed scale.
- Comment was made that SC's proposed regulation considers both upstream and downstream users for IBT notification boundaries.
- One of the new requirements of the 2008 drought bill is to develop, implement, and enforce the water shortage response plan (WSRP). The plan is a tiered level of conservation based on the severity of the drought.
- Registration and reporting requirements were included in the bill. Failure to register and/or update is a civil penalty.
- Implementation of more stringent measures may be required by NCDENR based on written findings.
- Drought registration is a major issue. NCDENR now has the discretion to change drought designation if deemed necessary.
- Enforcement is now provided through this legislation. Civil penalties from \$100 to no more than \$10,000 per month.
- Other provision in this legislation is that the emergency powers shifted from EMC to the Governor and DENR Secretary and also overrides covenants for irrigation.
- Discussion about SC State legislative process was about inclusion of notification process and drought bill.
- SC legislation on surface water permitting will be introduced in the new session. Minimum instream flow was the most critical issue and a key concept still unresolved.

3) Discussion about the ongoing litigation between the two States:

- SC and NC AG's offices have declined the offer to attend this meeting.
- SC's delegation had discussion with SC AG's office to allow for this commission to have discussion regarding technical aspects of the lawsuit. This request has not been approved to date.
- NC's delegation had similar discussion with their AG's office and reported that NC AG's office is willing to support any agreement that would allow for this

commission to talk about the case and that discussion will not be admissible in the court case.

- Action item was for the Chairman to draft from the commission a letter addressed to both the SC and NC AG's office to allow for the commission to have a privilege communication that will not be used in the lawsuit. This letter would be signed by all of the commission members.

4) **Information regarding the Great Lakes Interstate Compact**

- Tom Reeder of NC provided information.
- The interstate compact was passed by US House and Senate and is waiting for President's signature.
- The compact creates a council whose members are the Governors of the 8 states involved. This would then serve as a forum for discussing management of resources.
- Also creates a Regional body that acts in an advisory capacity. Includes the council members and representatives of the 2 Canadian Provinces.

5) **Update from Duke Energy about FERC Relicensing Process:**

- Mark Oakley, Duke Energy's Catawba-Wateree Relicensing Project manager gave the update.
- Process began in 2003.
- Studies were conducted in 2004-2005.
- Agreement was drafted in 2005-2006.
- In August 2006 Duke Energy applied for the FERC license.
- In 2008 FERC issued a notice that the license was ready for environmental review.
- Discussed the Santee Basin Cooperative Fish Passage Accord.
- Discussed the Catawba Wateree Comprehensive Relicensing Agreement accomplishments.

6) Adjourned at 1:15 PM