# EASTERN VIRGINIA GROUNDWATER MANAGEMENT ADVISORY COMMITTEE

# WORK GROUP #2A – ALTERNATIVE MANAGEMENT STRUCTURES

# MEETING NOTES – MEETING #5 - FINAL

# FRIDAY, APRIL 29, 2016
# DEQ PIEDMONT REGIONAL OFFICE – TRAINING ROOM

## Meeting Attendees

| EVGMAC – WORKGROUP #2A | |
|---|---|
| Elizabeth Andrews – William and Mary | Wilmer Stoneman – VA Farm Bureau |
| Rhea Hale – WestRock (On Phone) | Erika Wettergreen – Marstel-Day |
| Whitney Katchmark – Hampton Roads PDC | Andrea Wortzel – Troutman Sanders/Mission H2O |

| EVGMAC – WORKGROUP #1 – STATE AGENCIES | |
|---|---|
| Scott Kudlas - DEQ | Sandi McNinch – VA Economic Development Partnership |
| Susan Douglas – VDH-ODW | Dwayne Roadcap – VDH - OEHS |

NOTE: Advisory Committee Members NOT in attendance: Brent Hutchinson – Aqua Virginia, Inc.; Britt McMillan – ARCADIS – Eastern Shore Groundwater Committee; Jamie Mitchell – Hampton Roads Sanitation District; Nikki Rovner – TNC; Rebecca Rubin – Marstel-Day; Kurt Stephenson – Virginia Tech; Eric Tucker – City of Norfolk

| INTERESTED PARTIES ATTENDING MEETING | |
|---|---|
| Phil Abraham - VECTRE | Matt Wells - WestRock |
| Ken Bannister – Draper Aden | Christine Wolfe - JLARC |
| Clint Nichols – Christian & Barton | |

| SUPPORT STAFF ATTENDING MEETING | |
|---|---|
| Sharon Baxter - DEQ | Mark Rubin – VA Center for Consensus Building |
| Brandon Bull - DEQ | Jutta Schneider - DEQ |
| Bill Norris - DEQ | Curt Thomas - DEQ |

### 1. Welcome & Introductions - Opening Comments (Mark Rubin – Meeting Facilitator)

Mark Rubin, Executive Director of the Virginia Center for Consensus Building at VCU, opened the meeting and welcomed everyone to the meeting.

He asked for introductions of those in attendance.

### 2. Presentation/Webinar: Alabama Clean Water Partnership (Allison R. Jenkins, Executive Director, Alabama Clean Water Partnership – On Phone)

Mark Rubin welcomed Allison Jenkins, Executive Director of the Alabama Clean Water Partnership, to the meeting via the Webinar/phone connection and introduced her as the presenter for the presentation

on the Alabama Clean Water Partnership.

Allison Jenkins, introduced herself and provided some background information to the group, then she presented a Webinar to the group entitled: Clean Water – A Partnership Approach "Alabama Style". She noted that the hardest thing to do is to "Stay Neutral".

Her presentation included the following:

- Alabama Water Facts:
    - Over 33 trillion gallons of freshwater flows through Alabama every year
    - 77,000 miles of streams
    - 14 major river basins
    - One-twelfth of all the ocean-flowing water in the U.S. travels through Alabama
    - National Ranking - #1 Aquatic Diversity
        - A highly-oxygenated upland stream environment
        - 1st in freshwater fish @ 317 species
        - 1st in freshwater mussels @ 178 species
        - 1st in crayfish @ 85 species
        - 1st in turtles @ 27 species
- At least 57% of Alabama residents participate in outdoor recreation each year
- In Alabama, Outdoor Recreation Generates;
    - $7.5 Billion in consumer spending
        - 86,000 direct Alabama jobs
    - $2.0 Billion in wages and salaries
    - $494 Million in state & local tax revenue
- Water – An Increasingly Scarce Commodity – Water – Closer to Home
    - Since 1990, the states of Alabama, Florida and Georgia have been "negotiating" water rights between the states, with no resolution to date.
    - There are recent tensions regarding the sharing of water from the Tombigbee River Basin with Mississippi. A MOU has been signed between the University of AL, Auburn University and MS State University to work constructively together to ward off a "water war" between the two states.
- Alabama Clean Water Partnership (ACWP) Mission: Bring interested citizens and water users together through a neutral forum in order to identify water related issues and challenges and become part of the solution for long-term water quality improvement and conservation in a non-regulatory way.
- TRUST: ACWP neutral stakeholder process allows positive relationships between stakeholder to develop thru local group initiatives, creating a "team approach" rather than stakeholders first being introduced under more "trying" circumstances.
- What is a Partnership?
    - A Partnership is a special kind of relationship in which people or organizations

        - Combine their resources to carry out a specific set of activities
    - Partners work together for a common purpose and mutual benefit.
- Nothing is done in a Vacuum!
- This is all about pulling people together.
- Have to have the right people on the room!
- Benefits of Partnerships:
    - $1 + 1 = 2^3$ Exponential results through cooperation
    - Gaining access to the skills of others
    - Mutual support and enthusiasm
    - Seeing opportunities through other's eyes
- What does the ACWP do?
    - Education
        - Adult
        - Youth
        - Government
    - On the ground projects
    - Quarterly NEUTRAL stakeholder forums
- Project Development Stages:
    - Problem
    - Opportunity
    - Cost Effective Solution
    - Identify Potential Partners
- ACWP Past Projects
    - Educational Newspaper Inserts
    - Water Conservation Kits
    - Hooked on the AL River "Festival of Fishing Lures"
    - Conflict Resolution
    - Stream Restoration
    - Educational Workshops
    - NEUTRAL Stakeholder Forums
- NRCS National Water Quality Initiative: ACWP working with the Natural Resources Conservation Service to compile prioritized lists (by basin) of watersheds where future stream protection or restoration opportunities exist.
- "Show Me Your Mussel! – Citizen Involvement and Education in designated Strategic Habitat Units across the state.
- ACWP History:
    - Outgrowth of 1998 Federal Clean Water Action Plan Initiative, coordinated in Alabama by ADEM & NRCS
    - Continued under new name of Alabama Clean Water Partnership when Federal Initiative discontinued

    - ACWP incorporated in 2001 as 501 (c) (3) nonprofit; Designed to support, not compete!
    - Mike Godfrey, Alabama Power, Manager of Environmental Compliance, Chairman of the Board (Previous chairs: AL Pulp & Paper Council; AL Power; University of West AL)
- ACWP Purposes (Per ACWP Non-advocacy Policy, 2001)
    - The Board agreed that for the ACWP to maintain its neutrality, respect and credibility it must continue to focus on its core purposes as specified in the ACWP Articles of Incorporation, adopted July 17, 2001. These purposes are:
        - 1. To restore and protect Alabama river basins in accordance with the goals of the Federal Clean Water Act,
        - 2. To coordinate a state-wide watershed management approach to safeguard water quality in Alabama in designated river basins, and
        - 3. To develop collaborative programs that meet multiple needs, eliminate duplication of tasks and allow for effective and efficient use of available resources in order to restore, protect and enhance the various designated river basins and aquatic ecosystems located in the State of Alabama and develop local watershed protection programs to benefit the citizens of the State of Alabama.
- Benefits to Participants
    - Public Involvement
    - Communication; Coordination; Consolidation; & Collaboration
        - State & Federal Agencies
        - MS4 Communities
        - Watershed Organizations & other NGOs
        - Watershed Residents
        - Education & On-The-Ground Projects
- The main focus has been o Nonpoint Source Pollution.
- The Watershed Approach: Uses watersheds or drainage basins (rather than political boundaries) to coordinate the management of water resources, considering all activities within the landscape that affect watershed health.
- A “Watershed Approach” recognizes competing needs”
    - Water Supply
    - Water Quality
    - Waste Assimilation
    - Flood Control
    - Navigation
    - Hydropower Generation
    - Fisheries
    - Biodiversity & Habitat Preservation
    - Recreation
    - Quality of Life

    - Property Values
- The ACWP Board of Directors:
    - AL Department of Environmental Management
    - Natural Resource Conservation Service
    - AL Soil and Water Conservation Committee
    - Alabama Department of Public Health
    - Alabama Power Company
    - Alabama Farmers Federation
    - Engineering Firm (Goodwyn, Mills & Cawood)
    - Local Utilities (Montgomery, Dothan, Birmingham, Madison Co.)
    - Manufacture Alabama/Toray CFA
    - AL Wildlife Federation
    - On-Site and Decentralized Wastewater
    - Navigational Interests
    - RC&D Councils
    - University of West AL
    - Geological Survey of AL
    - Home Builders Association of AL
    - AL Department of Transportation
    - ADECA – Office of Water Resources
    - Phase I/II Municipality (Madison County)
    - The Nature Conservancy
- Other Strong Partners
    - US Fish & Wildlife Service
    - AL Forestry Commission
    - AL Cooperative Extension System
    - AL Department of Conservation & Natural Resources
    - Multiple municipalities across the state
- ACWP River Basins
    - 11 River Basins (including shared watersheds of neighboring states)
    - Each basin has a neutral Sponsor(s), Steering Committee & Basin Facilitator
- Basin Sponsors – Hold Facilitator contracts and provide expense $
    - Alabama River Basin – AL Pulp & Paper Council, Montgomery Water Works;
    - Black Warrior River Basin – Cawaco Resource Conservation & Development (RC&D) Council, AL Association of RC&D Councils;
    - Cahaba River Basin – Cawaco RC&D Council, AL Association of RC&D Councils;
    - Chattahoochee-Chiploa River Basin – TRI Rivers Waterway Development Assn.;
    - Choctawhatchee-Pea-Yellow River Basin – Wiregrass RC&D Council. AL Association of RC&D Councils;

    - Coastal Alabama Basin – Mobile & Baldwin Co. Soil & Water Conservation Districts, Mobile Bay National Estuary Program;
    - Conecuh-Sepulga-Blackwater River Basin – Georgia-Pacific, Poarch Creek Band of Creek Indians;
    - Coosa River Basin – Coosa Valley RC&D Council, AL Association of RC&D Councils;
    - Tallapoosa River Basin – Montgomery Water Works;
    - Middle Tallapoosa River Basin – City of Alexander City, Lake Martin Economic Development Alliance, Montgomery Water Works;
    - Tennessee River Basin – Alabama Mountains, Rivers and Valleys RC&D Council, AL Association of RC&D Councils;
    - Tombigbee River Basin – Alabama Farmers Federation
- EXAMPLE: Coosa CWP Basin Structure:
    - Upper Coosa Stakeholder Committee (Weiss/Little River)
    - Middle Coosa Stakeholder Committee (Neely Henry, Logan Martin)
    - Lower Coosa Stakeholder Committee (Lay, Mitchell. Jordon)
    - Stakeholder Committees input into the Coosa River Basin NPS Management Plan along with input into the Plan from the Coosa River Basin Steering Committee
    - The Coosa River Basin Steering Committee then provides input to and interaction with the ACWP Board of Directors
- Who Should Participate?
    - Stakeholders:
        - Directly (and indirectly) affected by the issue
        - With the resources needed to resolve the issue
        - With authority to implement the decisions
        - With the ability to block the process or prevent implementation
- Stakeholder Categories:
    - State Regulatory Agencies (ADEM, ADPH, OSM)
    - Other Agencies (USGS, USACOE, USF&W. GSA, DCNR. AFC, ADECA)
    - Natural Resources Conservation Service
    - Soil and Water Conservation Committee/Districts
    - Elected Officials (Municipal, County)
    - Regional Planning Commissions, Regional Councils of Government
    - Environmental Group(s) (AWWA. ARA, Nature Conservancy. HOBOs. Local nonprofits)
    - Permitted Industry (Business Council of AL, Manufacture AL)
    - Marine Industry
    - Recreation (State Parks, Trail Groups, ASRT)
    - Economic Development
    - Hydro Power/Utilities
    - Public Works

    - Builders/Developers (Homebuilders, AGC)
    - Agriculture (AL Farmers Federation)
    - Forestry (Industry, Private landowners, AFA)
    - Mining/Minerals
    - Wildlife (AWF, BASS, Ducks Unlimited, local hunting/fishing groups)
    - Resource Conservation & Development Councils
    - Education (Universities, Jr. Colleges, Legacy)
- It's Not WHAT You Know But Who You Know And Who They Know!
- Why has ADEM funded the ACWP since 1999?
    - Stakeholder Involvement & Education
    - TMDL Implementation
    - MS4 Support
    - Watershed Management Plans & Project Implementation
    - Success Stores
- ACWP Neutrality Policy:
    - "It was noted that the ACWP should remain unbiased and independent, not taking stands either for or against specific issues that arise in the sub-basins, such as permit issues. It was stated that the ACWP is not an advocacy organization, the purpose of the ACWP being to cooperatively promote clean water."
    - "It was also noted that the premise behind the ACWP is that it is a consensus based forum where stakeholders can come together to discuss issues and challenges and educate stakeholders regarding all sides of an issue, and that taking a stand for one stakeholder group would alienate the other, which goes against the mission statement of the ACWP."
    - "Stakeholders know best how to address specific challenges within their particular watershed and should take on the activist role, whereas ACWP basin and sub-basin meetings can provide a neutral format through which all sides of an issue may be presented. In effect, local stakeholders take on the activist role, whereas the ACWP provides the institutional infrastructure and expertise for public discussion of specific issues."
- Document Reference: Mapping the Future of Alabama Water Resources Management: Policy Options and Recommendations – A Report to the Honorable Robert Bentley, Governor of Alabama by the Alabama Water Agencies Working Group – December 1, 2013
- ACWP AWAG Involvement
    - ACWP hopes neutral basin forums will be useful in future water quantity efforts at basin level and therefore has not been "engaged" in the AL Water Policy Debate.
    - The ACWP has:
        - Encourage stakeholders to provide comments to make their positions known
        - Promoted all AWAG Meetings
        - Allison Jenkins sits on AWAG Local/Regional Planning Focus Panel

- Water Quality Considerations:
    - Lack of Water Quality data for many streams due to tight budgets;
    - 7Q10: 7 day, 10 year low flow period, used as baseline for NPDES permits; "The solution to pollution is dilution"
    - Lack of flow causes habitat degradation affecting endangered and threatened species, leading to species listing and additional regulation.
- Be Informed….Get Involved!
- Contact Information: Allison Jenkins, Executive Director, ACWP (205) 266-6285
    - coordinator@CleanWaterPartnership.org
    - www.CleanWaterPartnership.org

**Questions: The group raised the following questions following the webinar presentation:**

- *Is there a feedback mechanism to ensure that the neutral position of the ACWP is successful?* The Partnership does not have such a feedback mechanism in place but they strive to train their facilitators early in the process on how to maintain a neutral position during meetings and discussions. They tell them that if anything comes up that is not clear or they have a question about that they are to contact Allison as the Executive Director of ACWP for clarification and direction. They usually try to measure their success at maintaining their neutrality by the attendance at their meetings and the diversity of the stakeholders in attendance.
- *What metrics does the Partnership have in place to measure the overall success of the Partnership Goals?* The measure tools are outlined in the ACWP 319 Grant papers. The educational components are real hard to measure but they are having success meeting the requirements outlined in their 319 Grant.
- *Given the neutrality of the organization and given that you have a part time staff, what are the kinds of things that the Partnership meets on in their quarterly meetings and how do you avoid being involved in controversial topics that might affect the group's neutrality and might cause stakeholders to not be involved?* ACWP looks at what the hot topics are for the basin in which the meeting is taking place – some topic or topics that are hot button items for those specific stakeholders that can be presented in an informational manner. They try to tailor the presentations to the interest of the stakeholders in the basin. Strive to have the right people (the key people) in the room for each of the quarterly meetings – folks who are involved or have an interest in projects taking place in the area or basin where the meeting is taking place.
- *Does the group address both water quality and quantity? Does it address across the board natural resource issues?* It will eventually go in that direction, but right now the focus is on water quality. Currently there is a lack of funds to proceed with the quantity piece. It is a balancing act to work with the existing funding to address anything more than the current quality concerns at this point in time.
- *What did the Partnership use as a pattern for the organization? Was there another state plan that it was patterned after?* The organization was initially patterned after the Federal Clean

Water Action Plan – you had people already meeting quarterly and coordinating their activities and talking to each other. From that group, a "Founding Board of Directors" was created for the Partnership. They worked with one basin at a time. After the first basin was organized it became evident that a "cookie cutter" approach would not work. Each basin had different stakeholders and different dynamics that needed to be taken into consideration. Each basin was different in the types of things/projects that they wanted to address. Had to design each basin organization based on who the stakeholders around the table were and the projects that were important to those specific stakeholders and that specific basin.

- *What is the structure of the Partnership? It is very interesting that the basis for the group was the Federal Clean Water Action Plan. It is great to have that as a basis to start from. Is the Board of Directors an open invitation? Is there a charter that goes along with that level of involvement? How did you limit who was on the Board of the Partnership? How do individuals get on the Board? How is the Board governed?* There are "Articles of Incorporation" and "By-Laws" that govern the makeup and actions of the Board. Having their start in the Federal Clean Water Action Plan, they initially started with three standing committee positions which those positions in the state that were tasked with implementing the Clean Water Action Plan, which were: ADEM; NRCS; the State Soil and Water Conservation Committee. That was the starting makeup of the Board, then each of the 11 River Basins has a representative on the Board. In each basin, they elect their own steering committee chairman. Those 11 steering committee chairmen can serve on the Board or they can select another stakeholder from the basin as their representative on the Board. There are also positions on the Board that are open to fill-in as needed to pull in specific partners/stakeholders as needed. There is no "Open Invitation" to the Board. The Board members are specifically identified and selected because of their interest and expertise and what they can bring to the table. These are selected as "At-Large Members" to the Board. The Board is strategically build based on the constituency that they represent. The current Board was selected (strategically built) based on who had the most impact from the nonpoint source side of water quality. Those are the people we wanted on this Board so that we could educate them internally and create opportunities to partner in hopes of making a difference in that constituency long-term.
- *These discussions continue to reference and refer to "we" as filling out the Board or selecting Board members, etc. Who is the "we" that is being referenced?* Allison Jenkins as the Executive Director is the only employee of the Board. The Board is the "we" that has the power to invite individuals to serve as a member of the Board.
- *Regarding structure: For the Basin Facilitators and their relationship with the larger partnership – do they report to the Executive Director and how much autonomy do they have with what they do within their basin?* They report to the Executive Director. Allison works very closely with each of the Basin Facilitators. She attends each of their quarterly meetings to discuss what level of support they need for their basin efforts. She works to make sure that they have the funding they need to keep their projects moving ahead and to keep their sponsors at the table and involved.

**ACTION ITEMS**: **Bill Norris will distribute copies of ACWP Annual Report and other materials related to the Partnership to the Workgroup Distributions.**

3. **Discussions – Alabama Clean Water Partnership Experience (Mark Rubin)**

Mark Rubin asked the group to discuss and help to identify what pieces of the Alabama Clean Water Partnership concept could be potentially applicable to the process that we have been discussing for Virginia?

The group's discussions included the following:

- It was suggested that the Partnership has the feel of "Virginia Forever" – it seems to have the same concept of including stakeholders and "no disagreement" concept and essentially the same mission. How is the Partnership any different than "Virginia Forever"?

---

According to their website (http://virginiaforever.org/): "VIRGINIA Forever is a unique, diverse coalition of businesses, environmental organizations, and outdoor enthusiasts that advocates for increased government funding for water quality improvements and land conservation across the Commonwealth. We are the only statewide organization that has a primary focus on increasing funding for natural resources protection."

Our Board of Directors guides our strategic direction and all advocacy efforts. Our Board includes:

Dennis H. Treacy, Chair*
Smithfield Foods, Inc.

Nikki Rovner, Vice Chair*
The Nature Conservancy

Brooks Smith, Secretary & Treasurer*
Troutman Sanders

Phil Abraham*
Virginia Association for Commercial Real Estate

R. Brian Ball
Williams Mullen

Hedrick Belin*
Potomac Conservancy

Mark T. Bowles*
McGuire Woods Consulting

Tee Clarkson
Atoka Conservation Exchange

Nissa Dean
Alliance for the Chesapeake Bay

Robert L. Dunn*
Retired (formerly DuPont)

John Eustis
New River Land Trust

Pamela Faggert*
Dominion Resources

Johnny C. Finch*
Virginia Association for Parks

Kevin Finto*
Hunton & Williams

Karen Forget
Lynnhaven River NOW

Katie Frazier
Virginia AgriBusiness Council

Lynda Frost
Trust for Public Land

Bill Greenleaf
Capital Region Land Conservancy

Barrett Hardiman
Luck Companies

Ted Henifin*
HRSD

Ann F. Jennings*

Lisa Kardell*
Waste Management

Adrienne Kotula*
James River Association

Henry P. Long
Retired (formerly Altria)

Charles G. McDaniel
Hilldrup Companies

Chris Pomeroy
AquaLaw

Jeff Rinker
MillerCoors

Rebecca Rubin
Marstel-Day

Peggy Sanner*
Chesapeake Bay Foundation

Natalie Smith*
PadillaCRT

Len Smock
VCU Rice Center

Ginny Snead
Louis Berger

Lee Stephens
Lee Stephens Law

Jim Thornton

Mike Toalson
Home Builders Association of Virginia

Mike Town
Virginia League of Conservation Voters

Kendall Tyree*
Virginia Association of Soil and Water Conservation Districts

Carol Wampler*

Esi Waters*
Norfolk Southern Corporation

Jenny West*
The Wildlife Foundation of Virginia

*=denotes Executive Board member

---

- The Partnership appears to be more of a facilitation of disputes type organization that deals primarily with education and other noncontroversial type projects and "feel good" efforts – it might help build relationships but doesn't really appear to address the issues that we have been discussing in this process.
- It might serve a purpose on the water quality side of the equation but it is unknown if this type of effort would have any success on the water quantity side.
- What are the equivalent water quantity topics that won't upset anybody?
- One of the complaints or issues at the beginning of this process was that the stakeholders didn't have a forum where they could be heard on these types of issues. This advisory committee was formed through legislative action to serve as that forum. But one of the open questions is that this advisory committee ends in 2017, so what then? Would a model like the Alabama Clean Water Partnership, but in a quantity context, be a format for something that could be done to continue the discussions started by this advisory group? The question then is probably, do we need a format to continue the discussion and if so then what should it be?
- What format do we need to get folks to work together when you don't have the water to meet demands? Currently there is no format or forum for stakeholder involvement or discussion, it is essentially a DEQ permit program. Is this something that ought to be part of any alternative

management structure discussions? Do we just say a forum for those types of discussions and stakeholder involvement is needed and just not define it?

- It was suggested that yes we do need to have a forum for further stakeholder involvement but don't know if the Alabama Clean Water Partnership model would fit into a quantity model. Not sure whether this format would fit into a water quantity model.
- The efforts of the Trading Workgroup were briefly discussed. It was noted that the group had narrowed its focus to address the question of how do you incentivize banking? If you have a credit, where you have put water back into the system, how do you monetize that?
- The question with this type of format to address water quantity, how often could such a group meet and be able to agree on everything and keep everyone happy and to keep the discussions meaningful?
- The notion for having a forum for conflict resolution, where people could possibly have a resource that could help them resolve conflicts between uses might be useful. It was agreed that such a forum would be useful but it is not this model.
- Is there some aspects of the Alabama Partnership that could be replicated for use in Virginia that would be useful?
- During the previous discussions of this group one of the things that was raised was the need to look integration of efforts across all the water programs. There is a need to look at the whole water picture. Need to look at both quality and quantity programs; issues and concerns. Having some kind of forum to discuss these issues would be useful. There is a need for a forum where these types of issues could be looked at from more of a regional approach instead of a strict single-user perspective.
- There is a need to be able to consider the impacts on economic development impacts on a regional basis as it relates to water quantity and quality considerations.
- Might need to consider that looking at things from a purely political boundary perspective is not the best way to address our water resources.
- The notion is that we would like to have a forum for stakeholder involvement with some aspect of conflict resolution (resources for conflict resolution); neutrality would be important; need to be able to vet issues in a holistic manner
- From DEQ's perspective, there would be a benefit of having some sort of ongoing resource for stakeholder input. Some of the key components would be identifying what the nature of that involvement would be and what kinds of things we would get input on. So that we could help identify what are the necessary resources to allocate to the "care and feeding" of such a group and what the frequency of that group getting together would be.
- Rather than creating a new group should we look at ways to continue the Advisory Committee?
- It was noted that back in the late 1980's, Virginia created a very high level group entitled the Groundwater Protection Steering Committee. That group was created to address a lot of the topics and issues that we have been looking at through this advisory committee structure and process. Over time, that committee has devolved into a number of staff members getting together and talking about their latest issues. While beneficial to staff, this represents a

committee structure with unrealized potential. Currently the committee is not meeting. That is something that we could look at to restructure to fit the needs of the current issues that we are looking at.

- A question was raised as to whether the State Water Commission had as their purpose the resolution of conflicts? It was noted that their role is to set state water quantity policy.

Mark Rubin suggested to the group that what we are looking for in Virginia is much narrower than the Partnership model used in Alabama. It would probably be an entire different structure and a whole lot simpler. Are there members of this workgroup who would be willing to volunteer to work this concept out into some form to bring back to the next meeting?

Group discussions included the following:

- It was suggested that it would be useful to identify what kind of feedback would DEQ like to see from this type of structure? What are the interests from the industry folks about the types of conversations that would be useful to them? Are conversations and discussions at the watershed level just as important as discussions about protection of the state's water resources as a whole? How would you set up a structure for conversations at the basin level? What would the private sector interests be for this type of structure?

**ACTION ITEM: Whitney Katchmark volunteered to write something up taking today's discussions into consideration with collaboration with Scott and Mark for presentation at the next meeting as a starting point for further discussion.**

4. **BREAK**

5. **Presentation and Discussion – Strawman – Alternative Management Structure (Andrea Wortzel)**

Andrea Wortzel presented a draft Strawman for addressing alternative management structures, including voluntary allocation agreements and syncing permitting cycles to the group. She informed the group that this work product is being presented as an "Andrea Wortzel" product and is not a product from Mission H2O. She noted the following:

---

Draft Strawman – Alternative Management Structure

Strawman does not address the following themes/questions yet to be resolved:

- Is the 300,000 gallon per month permitting threshold the right threshold? How will unpermitted withdrawals be addressed?
    - Prior legislative efforts involved evaluating the threshold on a cumulative basis for subdivisions
- How do we evaluate new alternative water supply projects on a holistic basis?
    - Looking at solutions on a regional basis
    - Including analysis of the entire water balance (surface water and groundwater)

- Evaluating impacts pro and con on other regulatory programs (stormwater, water quality, water supply)
- Stakeholder involvement
- How/when to trigger planning and development of alternative sources?

Strawman does address the following:

- Provision for voluntary allocation agreements to control in lieu of permits (but to be approved by DEQ)
- Synced up permitting cycles to allow for greater collaboration
- Trigger for when voluntary allocation agreements would apply
- Opportunities for greater stakeholder involvement

Strawman modeled after:

- Surface Water Management Act
- Agreement for Management of the Snake Valley Groundwater System
- Interstate Commission on the Potomac River Basin agreements

---

Andrea noted that she had modeled the proposed changes after the current language found in the Surface Water Management Act for use in a revised Groundwater Management Act. She noted that in addition to looking at the Surface Water Management Act that she had also used a number of references including an "Agreement for Management of the Snake Valley Groundwater System"; and the "Potomac River Low Flow Allocation Agreement". (She provided copies of the strawman as well as copies of the references she used to the group.) Her proposed strawman included the following:

---

## 62.1-255. Definitions.

As used in this chapter, unless the context requires otherwise:

"Available Groundwater Supply" means that total amount of Groundwater available for withdrawal from a designated groundwater management area as determined by the Board after consultation with water users within the area.

## 62.1-256. Duties of Board.

The Board shall have the following duties and powers:

1. To issue ground water withdrawal permits or approve voluntary agreements as contemplated in Section 62.1-266.1 in accordance with regulations adopted by the Board;

4. To determine the Available Groundwater Supply as determined through use of the Hydro VA model and after consultation with water users subject to the groundwater withdrawal permitting requirements.

Actual monitoring data shall also be considered as part of the process for determining the Available Groundwater Supply. Such a determination shall be made every 5 years;

## 62.1-258. Use of ground water in ground water management area; registration of well construction required.

It is unlawful in a ground water management area for any person to withdraw, attempt to withdraw, or allow the withdrawal of any ground water, other than in accordance with a ground water withdrawal permit, except for withdrawals made pursuant to a voluntary agreement approved by the Board pursuant to 62.1-266.1, withdrawals exempt from permitting requirements pursuant to ~~or as provided in~~ § 62.1-259, or as provided in subsections C, D and F of § 62.1-260, and subsection C of § 62.1-261. Each private well, as defined in § 32.1-176.3, constructed in a ground water management area shall be registered by the certified water well…

## 62.1-259. Certain withdrawals; permit not required.

No ground water withdrawal permit shall be required for (i) **withdrawals of less than 300,000 gallons a month**; (ii) temporary construction dewatering…

## 62.1-266. Groundwater Withdrawal Permits.

The Board may issue any ground water withdrawal permit upon terms, conditions and limitations necessary for the protection of the public welfare, safety and health.

C. All ground water withdrawal permits issued by the Board under this chapter shall have a fixed term not to exceed ten years. The term of a ground water withdrawal permit issued by the Board shall not be extended by modification beyond the maximum duration, and the permit shall expire at the end of the term unless a complete application for a new permit has been filed in a timely manner as required by the regulations of the Board, and the Board is unable, through no fault of the permittee, to issue a new permit before the expiration date of the previous permit. Any permit to withdraw ground water issued by the Board on or after July 1, 1991, and prior to July 1, 1992, shall expire ten years after the date of its issuance. Permits issued in the Eastern Virginia Groundwater Management Area shall be coordinated in accordance with regulations developed by the Board such that the permits expire and renew at the same time.

D. Renewed ground water withdrawal permits shall be for a withdrawal amount that is sufficient to meet the Available Groundwater Supply and includes such savings as can be demonstrated to have been achieved through water conservation, provided that a beneficial use of the permitted ground water can be demonstrated for the following permit term.

## 62.1-266.1. Voluntary Allocation Agreements.

When withdrawals exceed the Available Groundwater Supply, the Board shall encourage, promote and recognize voluntary agreements among persons withdrawing groundwater that are subject to groundwater withdrawal permitting requirements and are in the same groundwater management area. When the Board finds that any such agreement, executed in writing and filed with the Board, achieves compliance with the Available Groundwater Supply and is consistent with the intent, purposes and requirements of this chapter, the Board shall approve the agreement following a public hearing. The Board shall provide at least sixty days' notice of the public hearing to the public in general and individually to those persons withdrawing groundwater in the groundwater management area who are not parties to the agreement, and shall make a good faith effort to so notify conservation organizations and unregulated groundwater users. The Board shall be a party to the agreement. The agreement, until terminated, shall control in lieu of a formal order, rule, regulation or permit issued by the Board under the provisions of this chapter, and shall be deemed to be a case decision under the Administrative Process Act (§ 2.2-4000 et seq.). Any agreement shall be designed to meet the Available Groundwater Supply determination and specify the amount of water affected thereby.

Any agreement approved by the Board may include conditions which can result in its amendment or termination by the Board, following a meeting with the agreement participants and a public hearing, if the Board finds that it or its effect is inconsistent with the intent, purposes and requirements of this chapter. Such conditions may include (i) a determination by the Board that the agreement originally approved by the Board will not further the purposes of this chapter, (ii) a determination by the Board that circumstances have changed such that the agreement originally approved by the Board will no longer further the purposes by this chapter, or (iii) one or more parties to the agreement is not fulfilling its commitments under the agreement. The Board shall provide at least sixty days' notice of the public hearing to the public in general and individually to those persons withdrawing groundwater in the groundwater management area who are not parties to the agreement, and shall make a good faith effort to so notify recreational user groups, conservation organizations and fisheries management agencies.

The conditions in such agreements shall be in force only in those times when the Available Groundwater Supply has been exceeded unless otherwise provided for in the agreement.

---

Andrea's presentation included the following:

- How are we going to figure out when you would go to the voluntary allocation agreement? What is the trigger for using the agreement? In groundwater you almost need to have a "cap". There has been some discussion about how do we know how much water there is. How much

water can we withdraw? To address this concern, a definition of "Available Groundwater Supply" was added to the strawman. One of the things that came about as a result of the Eastern Groundwater Management Area, DEQ used its model and said that based on the model that reductions in groundwater use are needed and this is what we are proposing. Some of the feedback from that decision was that the user would have liked to have known that earlier in the process and that there should have been discussions regarding the timing and need for that level of reduction. Users indicated that they would like some opportunity to weigh in on the level of reductions being required.

- The strawman contains under "Duties of the Board" the power to "approve voluntary agreements" as referenced in another section and to "determine the Available Groundwater Supply as determined through use of the Hydro VA model". It was noted that the reference should be to the "VA Hydro model". A reference to consideration of actual monitoring data is also included. The process for determining the Available Groundwater Supply would be made every 5 years. The 5-year period was inserted as a place holder. Right now the permits go on a 10-year cycle, but it appears that changes to the system happen more dynamically than that and the Water Supply Plans are due every 5 years so maybe a 5-year determination would be appropriate for the updates.
- The strawman contains some administrative changes to address the use of voluntary agreements in §62.1-258.
- The reference to "withdrawals of less than 300,000 gallons a month" in §62.1-259 is bolded in the strawman because that is a topic that we have not addressed yet.
- One of the other issues that we talked about when we get down to §62.1-266 is how do we sync these things up so that we can have collaborative discussions on the withdrawals? Right now when you come in to apply for a permit, it is good for 10 years, but somebody might have gotten a permit 3 years ago and someone else might come in 4 years from now, so you may have everybody on different cycles. The proposed language is probably not ideal but is an effort to capture the concept of syncing up the permit system and provides a starting point for future discussions.
- §62.1-266.1 is all brand new language relating to "Voluntary Allocation Agreements". This is modeled after the language in the Surface Water Management section. The statement in the first sentence "when withdrawals exceed the Available Groundwater Supply" probably needs to be fleshed out and further discussed. There are a couple of topics included in the section that need to be discussed. One is that this is tied to withdrawals, not permitted withdrawals – what should this be? There are a lot of users that have the permitted ability to make withdrawals and it is the permitted withdrawal numbers that have lead us to the conclusion that reductions are needed but actual withdrawals really have not occurred at that level. So what should this be keyed off of –

should it be the actual withdrawals or permitted withdrawals. The strawman language uses "actual withdrawals" as the key, but this probably needs further discussion.

- The strawman language also limits the "voluntary allocation agreements" to person who are withdrawing groundwater and who are subject to the permitting requirements, but there is also probably a question of whether that should be broader because there are people that withdraw water who are not subject to the permitting requirements – should there be an opportunity for those users to be party to a "voluntary allocation agreement"?
- The second paragraph in new §62.1-266.1 is straight out of the Surface Water Management Act" and addresses the inclusion of "conditions".
- The last sentence of the section (§62.1-266.1) provides that the conditions in the "Voluntary Allocation Agreements" are only in force "in those times when the Available Groundwater Supply has been exceeded unless otherwise provided for in the agreement".

Discussions by the group included the following:

- *What would be an example of a voluntary agreement? Who would be the parties to the agreement?* The way that this is set up is that those that are subject to the groundwater withdrawal permitting requirements, those that are withdrawing 300,000 gallons a month or more would be able to sit down and negotiate among themselves on who is going to get how much during that period when the available groundwater amount has been exceeded. This would be an alternative to DEQ doing the same thing through permits. The parties involved would have a say in what their allocations would be among themselves instead of having that amount dictated by a permit or in a reduction in permitted amounts.
- There is no time period included within which an agreement would have to be reached.
- *How do you determine when withdrawals exceed available groundwater supply? Is it over one month or a 3 month rolling average?* It would probably be stipulated in the regulation. In the situation that we have now, DEQ has said that we have over allocated the available groundwater supply – they have stated that they think that this is the amount that is the appropriate withdrawal and this is what has been permitted and we need to figure out how to close that gap. DEQ has proposed to close that gap by reissuing permits to the 10 largest groundwater users with reduced permitted withdrawal amounts.
- *Is the trigger on the monthly withdrawal amount? How are the withdrawal amounts established? Is it on a monthly basis?* The withdrawal amounts have historically been on a monthly and annual basis – they can be established on a daily basis – but in practice DEQ uses the Health Department's Individual Daily Limit as the basis for our permits. There may be instances where DEQ would want to use something different than the Health Department's number, and that is allowed for in the statute – but there hasn't been a reason to do that to date. The idea of a voluntary allocation agreement might be that during certain times of the year

some users get to withdraw more groundwater while someone else has access to surface water and during other times of the year the source used switches. There are opportunities for all kinds of combinations of uses, sources and timing agreements.

- The term "available groundwater supply" is defined as an amount but throughout the strawman regulation it is referred to as a required "level". Maybe a better way to say it would be "that when withdrawals exceed the amount necessary to sustain the available groundwater supply". We need to think about have we use the term as a requirement; as an amount.
- The term "in consultation with" needs to be defined. There are always questions when the term is used regarding "what constitutes consultation"? Are you required to consider and incorporate comments received as part of those consultations? This concept needs to be fleshed out.
- *What does the last sentence in the first paragraph of §62.1-266.1 "Any agreement shall be designed to meet the Available Groundwater Supply determination and specify the amount of water affected thereby" mean?* This language was taken straight out of the Surface Water Management Act with only a wording change to refer to the "Available Groundwater Supply" instead of "surface water supply". The phrase "specify the amount of water affected thereby" may refer to a situation where not all users in an area are party to the allocation agreement and this would provide that amount of water that is being shared would be identified. In practice this concept may never have been addressed since we don't have any designated surface water management areas. The current interpretation is that the agency had a responsibility to determine for example, depending on what the issue of concern was during the low flow period (for example: assimilative capacity) that there would be an associated volume of flow (cfs) in an identified stream reach and that would be the quantity affected – anything above a certain designated amount of flow.
- *In the second paragraph of §62.1-266.1 there is a statement that "Such conditions may include…." These are conditions for amending and terminating a "voluntary allocation agreement". Item "ii" is a "change in circumstance". Item "iii" is you are not doing what you are supposed to be doing. Item "i" is "that the agreement originally approved by the Board will not further the purposes of this chapter" – so this is not a change in fact or circumstance – so what does this address?* This was also taken straight out of the Surface Water Management Act. Concerns were raised about all three of these conditions. It was suggested that the "Potomac Low Flow Allocation" agreement is a perfect example to consider. In the Low Flow Allocation Agreement of 1982 a decision was reached that the best science at the time felt that a flow that was protective of living resources in the Potomac River was 100 mgd. The science regarding what level of flow was sufficient to protect multiple different types of species has evolved sufficiently and significantly since then and so if the state were to determine that 100 mgd was no longer a sufficient level of flow to be set aside to protect say, shad spawning, then that would be something that would make the agreement to no longer be protective of living

resources – so the set-aside in the agreement no longer would be serving its purpose and therefore there would be grounds to reopen the agreement. The suggestion was made that the first condition listed needed to be further discussed and fleshed out.

- It was noted that the individual groups identified in this section are different between the first and second paragraph. These lists are quoted straight out of the "surface water management act". It was also noted that "fisheries management agencies" as well as "recreational user groups" don't apply to groundwater.
- *RE: The VA Hydro Model: What does it do? or doesn't do? Does the VA Hydro model set aside a certain quantity for beneficial uses? Or do we say we have say 500,000 million gallons and all 500,000 million gallons are in play whether you are a beneficial use or not?* VA Hydro is a pure Water Balance model. It looks at what the available supply is and what the water level does in response to withdrawals. It doesn't treat any of the withdrawals any differently – it does not address beneficial uses.
- *How are beneficial uses treated? How are they addressed? How does a group come together to do a "voluntary allocation agreement" and not end up inadvertently excluding one party or another?* It was noted that this was a good question. Unfortunately, currently there is no answer on how this would be addressed. In terms of how the law looks at beneficial use is that all beneficial uses have access to groundwater – the challenge is that it does say that when we can't meet all of the uses that "human consumption" has priority. But beyond that it is just a list of users that are legitimate users of groundwater for beneficial use.
- *The concern is that if 10 users get together and create this voluntary agreement and there are 50 entities in the watershed what happens to the other 40 entities?*
- *A concern regarding "future access" was raised.*
- The intent was that the voluntary agreements would come into play when there is a shortage of water not when there is an abundance of water. They would be in effect for that period of time when there was a shortage, when the water levels were low.
- If there are 10 users that get together and they have combined permits for "x" amount of water they are trying to figure out how much less than that amount that they can do by a voluntary agreement and that is all that they can play with as part of their voluntary agreement. For example: there could be a total of 200 mgd available but based on their permits they can only address 75 mgd as part of the agreement.
- After there is no longer a need for the reduction, the voluntary allocation agreement would not go away, it just wouldn't apply. There is nothing that prevents folks from continuing to abide by the agreement.
- The idea is that right now we have a number of folks who have permits that allow them to withdraw more – right now there is a shortage, so if they collectively get together and enter into a voluntary allocation agreement – so they are not abiding by the higher limits allowed for in

their individual permits, but are agreeing to withdraw a reduced amount based on their agreement with the other permittees who are party to the agreement. Then once there is a sufficient groundwater supply and the reductions are now longer needed then the individual permits and permitted amounts would apply again unless they decided to continue to abide by the voluntary agreement.

- A request was made for a flow chart of some kind that would help identify how all of these fall into place (how the puzzle pieces fit together) and what would trigger what to occur, what paths would be followed.

**ACTION ITEM: Staff will look at developing some flow-charts to help identify how the process for a voluntary allocation agreement would work and how the steps in the process would all fit together to help identify what actions would trigger what consequent actions.**

- So if we are over allocated, then any new user that went in to get a permit from DEQ would supposedly be told no water was available – then that individual could go to the existing users in the area and see if they could get them to participate in a voluntary allocation agreement that might free up sufficient amounts to allow for the new user. This is essentially a "trading" opportunity.
- The "cap" is what your permit says and what the model says.
- Concern was noted over the phrase in §62.1-266.1 which states that "the Board shall approve the agreement following a public hearing" which seems to negate the "public hearing" requirement as a consideration for approval. It was suggested that the wording should be something along the lines of "the Board shall consider".
- *Would a "voluntary allocation agreement" have to be automatically approved or does it fall into some form of permitting requirement? Is the Board obligated to approve a voluntary agreement?* There is really no different from the current permitting structure – it is just a multi-party permit. The Board would have to approve it. The Board sets the overall amount that they negotiate – it is a multi-party permit that the Board approves that allows the parties to the agreement to decide how they are going coordinate their operating procedures and what amount each of the users is allowed to withdraw. The parties to the agreement are defining the operating rules of the permit – that's the agreement. That's largely the way the Low Flow Allocation Agreement works in the Potomac.
- *If you have a new entity that wants water and they go to a couple of people who already have water (have permits) and ask if they can work out a deal – is that legal? You are giving existing users the ability to pick who gets water and who doesn't. Whoever could make the best deal or negotiate better may be the ones that get the water. Do you allow this or do you make sure that there is a cushion amount to accommodate new users who may come in?* That concept is what

has been discussed in the Trading Workgroup. It is the difference between "first come – first served" versus "who can make the best deal".

- The challenge for all of the possible alternatives to address the over-allocation issue is what do you do about the unanticipated user? One possible solution would be a set-aside amount for new and unanticipated users, but that has its own set of challenges. A lot of this is about "how much water should you set aside"? It was noted that one of the things that has been made clear in our previous discussions is that it makes a difference where the withdrawals occur – it matters where you put the straw in the ground. One of the issues with this is that we are already in a situation where we have already blown-by the set-aside amount.
- *Are there mechanisms in the permitting system that would head off any kind of "permit speculation"? For example, VMRC is dealing with a situation where individuals are going after oyster ground permits that have no intent of ever digging oysters, ever. In this situation there are individuals who want to control the availability of the resource and have others come to him to get access to the grounds. Could this happen with regard to permits to withdraw groundwater?* It is possible, but so far the limitation is the requirement for a "justification of need review" in the permit application process. It is an interesting question, because now when people apply for permits and they ask for a certain amount of water, because it is a 10-year permit, they are asking for more than they currently use – they are always looking for a cushion – the question is could they use that cushion to potentially trade, because you are not using as much and DEQ says that you have to decrease by 10 percent but you are not actually using 20 percent, then could you monetize that 10 percent that is left? The answer sort of is "yes". You have to have something to trade.
- In the waste load allocation world where there is already this same issue, you can't have any new economic development because there are not enough waste load allocations available. The waste load allocations are divvied up by waterbody, so that you couldn't have someone come in and acquire waste load allocations from an entirely different tributary or waterbody far away. In an aquifer situation, you don't have if divvied up. It is not the same across the board – it could make a difference where the reductions occur.
- It was noted that there are concerns with identifying this as a voluntary agreement when in essence it is a "multi-party permit". There would need to be a trigger that would make users decide to either to develop a voluntary allocation agreement to address and reduce water withdrawals or decide to let the state dictate their reductions. The choice is whether you work with other people to decide that "this is how we are going to comply" or do you say "State you figure it out".
- *Can a group of individual users come to DEQ now and apply for a permit and do this already?* Yes, this would be possible with the current permitting program as long as all the parties are willing to be a party to the permit. The agreement would need to be spelled out in the permit. It

would be a permit for all of the parties involved. It would likely be some kind of joint venture between and among the parties to the permit.

- What we are doing through this process is to encourage people to think about this ahead of time – long before DEQ comes to them with the need to reduce their permit limits. If for example, we have these top 10 users and among them they have a total of 40 mgd in their existing permits, but they are only using 15 mgd. That is how you might deal with the unanticipated/unexpected new user, because there is reserved available supply among that certain group of entities – if they can work out some way for how to make that available to this unanticipated/unexpected new user/employer/economic development opportunity then a voluntary allocation agreement could be developed. Probably the reason it has not happened to date it that the current users can't agree on how to share the benefits – because they would have to figure that out before they would be willing to give up anything that they already have that may occur in a neighboring jurisdiction or one of the other users controls. If that opportunity is not readily available then that economic development opportunity is walking and looking elsewhere. It would require a lot of advance planning and people would have to be willing to give up something that they currently are not.
- This concept likely has application to some finite amount of water. It may be a piece of the trading program that has been discussed. Even with a shortage there needs to be some defined finite amount that is reserved and is available for certain activities (new unexpected/unanticipated users). If not somebody's "ox is going to get gored" – somebody's economic development project is not going to happen because 10 users had the foresight to get together and have the amount included in their permits so that it is now unavailable for other uses.
- For example: If I am locality "X" and I have been told that I need to make a 47% reduction in the next 10 years and I look at all of my options and I have a perfect project that would achieve that reduction but it is going to take me 7 years to get there. Another entity has a permit for a certain amount but they are only using 50% of their permitted amount – maybe they would give me their allocation for now – for the next 7 years while I am implementing my project and then once my project is implemented I can actually achieve a 90% reduction and then I could give them back their allocated amount. This is a trading concept. We need to look at ways that we can incentivize new projects.
- Maybe this strawman is the internal document that you would use to set up a trade. You need something like this in the trading world to make it happen. It was suggested that instead of a trading concept this seems to be more of an "alternative source" negotiation concept.
- One of the reasons that we have not had multi-party permits is that all of the permits have been on different cycles. The procedure for syncing up those permits needs to be considered as an initial step towards the possibility for the existence and use of multi-party permits.

Procedurally, the current permitting process has a number if not all of the permits open at the same time so it is conceivable that they could all be issued at the same time and be on the same cycle. The question remains is how do you address and incorporate the unanticipated new user into this concept? One way to address these users would be to shorten the permit terms. You could also set the permit cycle and anyone that came in during the cycle would only get a permit for the remaining years of that cycle. Another option might be as you do the 5 Year Water Supply Plan reviews you could sync-up your permits to what is in the plan.

6. **Scheduling and Next Steps (Mark Rubin):**

Mark Rubin told the group that this had been a useful and good discussion and that based on the discussions that we need to think some of the concepts through further and try to refine the strawman.

The concept of being able to use the concept of allowing the use of voluntary allocation agreements whenever private parties wanted to develop and implement such an agreement was discussed and agreed to in concept by the group.

- It was noted that this is very similar to the Potomac Low Flow Agreement wording. It needs refinement and needs to fit into the work of the other workgroups.
- The question is "Is this a stand-alone component?" or "Does it need other components to make it work?" "Does it need to be addressed within the concept of a trading program?"
- If this a "mutation" of the current permitting structure then you really won't have a market per se. But you might achieve similar benefits to a trading program.
- If you can already theoretically have multi-party permits then what do you need this for? If you think that this is a good concept then you need to identify a structure that could be used. We need to recognize that you can have multi-party permits and figure out a way to encourage their use.
- It is a good idea in concept, but is there anything left that needs to be in place to give it structure so that people would want to do this level of negotiation now when they didn't do it in the past? There is still some concerns and uncertainty about if you get a permit will you be able to keep that permitted amount? As long as people thought that they would be able to keep that permitted amount there was no incentive to negotiate any other deals or agreements of this nature.

It was noted that the big item that we have not addressed related to the strawman document is how to determine what the "available groundwater supply" is. It was agreed that this is going to be the big challenge. In the other examples that this group has looked at the other states decided what that amount was. You could pick a number but it will likely be more conservative than the model, especially if you don't account for the spatial location part of it and you have to add a safety factor. The other problem is that surface water is clearly divided up but that groundwater is not. We have been working in the alternative supply workgroup with the notion of can you withdraw what you put in or get credit for it in some way? There are some assumptions that are being made that don't exactly fit with reality.

It was stressed that the concept and definition of "available groundwater supply" needs further work

and needs clarification before moving forward. It needs to be spelled out and there needs to be some guidance as to what we are actually trying to address. The definition of "available groundwater supply" found in the reference related to the "Snake River" was used for the definition in the strawman.

It was also requested that the term VA Hydro needs to be defined in the document.

**ACTION ITEM: Andrea Wortzel will continue to work on refining the strawman taking into consideration today's discussions and will try to get it back out to the group before the next meeting for the group to read and consider.**

Mark informed the group that the next meeting of the Advisory Committee has been scheduled for Friday, June 24th from 9:00 to 12:00.

This workgroup needs to meet one more time prior to the meeting of the main advisory group on June 24th so that we can have a product to present to the main group. The other workgroups are all meeting one more time with the intent of have a product/information for the main group to review and consider.

---

**Meeting Schedule:**

- **EVGMAC WORKGROUP #1 – Alternative Sources of Supply – Friday, May 13th – 9:00 – 12:00;**
- **EVGMAC WORKGROUP #2B – Trading – Friday, May 20th – 1:00 – 4:00;**
- **EVGMAC – Friday, June 24th – 9:00 – 12:00**

---

**ACTION ITEM: Scott; Mark and Bill will identify possible meeting dates for the workgroup and send out a Doodle Poll in the very near future to determine a preferred date and time for the next meeting.**

**ACTION ITEM: The workgroup members were requested to send any comments that they might have on the Strawman document to Bill and he will distribute them to Andrea for incorporation into a refined draft document for consideration at the next meeting.**

**ACTION ITEM: Bill will distribute an electronic version of the Strawman document for their use in incorporating their comments.**

7. **Public Comment: No public comment was offered.**

8. **Meeting Adjournment:**

Mark Rubin thanked everyone for their attendance and participation in today's meeting.

The meeting was adjourned at approximately 4:00 P.M.