



# COMMONWEALTH of VIRGINIA

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October 1, 2010

### MEMORANDUM

**TO:** The Honorable Robert F. McDonnell and Members of the Virginia General Assembly

**FROM:** David K. Paylor

A handwritten signature in black ink, appearing to read 'DKP', written over the printed name 'David K. Paylor'.

**SUBJECT:** Roanoke River Basin Bi-State Commission 2010 Annual Report

Pursuant to VA. CODE ANN. § 62.1-69.44, the Virginia Department of Environmental Quality ("DEQ") forwards the attached 2009 Annual Report for the Roanoke River Basin Bi-State Commission. Additional copies of the report may be obtained by calling Scott Kudlas, Director, Office of Surface and Ground Water Supply Planning, at (804)698-4456. The report is also available on the DEQ website at: <http://www.deq.virginia.gov/regulations/reports/html>.

We look forward to continued service to the Virginia General Assembly and the Roanoke River Basin Bi-State Commission. Should you require further information concerning this report, please do not hesitate to contact Jeff Reynolds, Water Policy Manager, at (804)698-4376.

**A REPORT TO**  
**THE HONORABLE ROBERT F. McDONNELL, GOVERNOR,**  
**AND**  
**THE GENERAL ASSEMBLY OF VIRGINIA**

**ROANOKE RIVER BASIN BI-STATE COMMISSION**  
**2010 ANNUAL REPORT**

## **Executive Summary**

The Roanoke River Basin Bi-State Commission was established in the executive branch of state government. Duties and powers of the Bi-State Commission are pursuant to Virginia Code § 62.1-69.37.

This inaugural meeting of the Roanoke River Basin Bi-State Commission was held in March 2009 with Commission members from Virginia and North Carolina. One of the topics the Commission focused on is the request from Raleigh, NC to withdraw from the Kerr Reservoir (Buggs Island Lake). As a result of this request, a Water Allocation Ad Hoc Committee was formed with staff from both Virginia and North Carolina agencies, Virginia Tech, University of North Carolina, and Duke University. The goal of the Ad Hoc Committee was to develop a protocol for such requests that the Commission could approve and submit for consideration by the executive branches of both states and the U. S. Army Corps of Engineers. A summary of the Ad Hoc Committee's report, locality, and agency responses to the report, and action by the Commission are include in this report.

This report provides information regarding Roanoke River Basin Bi-State Commission's activities during the 2010 calendar year and identifies issues important to the success of Bi-State Commission and to the Roanoke River Basin.

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## **I. Introduction**

The Roanoke River Basin Bi-State Commission was established in the executive branch of state government. Its duties and objectives are pursuant to Va. Code § 62.1-69.37. The Bi-State Commission is composed of 18 members, nine from Virginia and nine from North Carolina. Composition of the membership is as follows: The six Virginia legislative members appointed to the Virginia Roanoke River Basin Advisory Committee and three non-legislative gubernatorial appointments. The North Carolina delegation is appointed in a similar fashion.

The Roanoke River Basin Bi-State Commission was established as a bi-state commission composed of members from the Commonwealth of Virginia and the State of North Carolina. The purpose of the Commission is to:

Provide guidance, conduct joint meetings, and make recommendations to local, state, and federal legislative and administrative bodies, and to others as it deems necessary and appropriate, regarding the use, stewardship, and enhancement of the [Roanoke River] Basin's water and other natural resources;

Provide a forum for discussion of issues affecting the Basin's water quantity, water quality, and other natural resources;

Promote communication, coordination, and education among stakeholders within the Basin;

Identify Basin-related problems and recommend appropriate solutions; and

Undertake studies and prepare, publish, and disseminate information through reports, and other communications related to water quantity, water quality, and other natural resources of the Basin

## **II. Meetings and Locations**

The Roanoke River Basin Bi-State Commission meets throughout the Basin in an effort to make the meetings available to all Basin constituents in both states. This year, the Commission held meetings in Rocky Mount, VA and Clarksville, VA. A meeting was scheduled in Roanoke Rapids, NC in June, but was cancelled at the request of the NC delegation due to a scheduling conflict.

## **III. Organization**

John Field from Clarksville, VA serves as Chair of the Commission. By-Laws were adopted in August 2009 and provide for the Chair to rotate annually between Virginia and North Carolina. The 1st Vice-Chair of the Commission is North Carolina Representative James Crawford.

#### **IV. Current Membership of the Roanoke River Basin Bi-State Commission**

There are currently 18 members on the Commission, nine from Virginia and nine from North Carolina. A list of current members is provided below.

##### **Virginia**

Senator Roscoe Reynolds  
Senator Frank M. Ruff  
Delegate Kathy J. Byron  
Delegate Thomas C. Wright, Jr.  
Delegate Charles Poindexter  
Delegate Onzlee Ware  
Mike McEvoy  
John H. Feild  
Haywood J. Hamlet

##### **North Carolina**

Senator A. B. Swindell  
Senator Ed Jones  
Rep. Michael Wray  
Rep. John May  
Rep. James Crawford  
Rep. Edith Warren  
Larry Yarborough  
Nate Hall  
John Slaton

#### **V. Non-legislative Delegates to the Roanoke River Basin Bi-State Commission**

Mike McEvoy, John Feild, and Haywood Hamlet are the Virginia non-legislative delegates to the Roanoke River Basin Bi-State Commission and were appointed by the Governor.

#### **VI. Committees**

The Roanoke River Basin Bi-State Commission has five legislated standing committees: Agriculture and Forestry, Lake Interests, Municipal Interests and Permit Holders, River Interests, and Water. Pursuant to the enabling legislation, the Bi-State Commission shall establish the above-mentioned standing committees, but may also establish other standing and ad hoc committees the Bi-State Commission deems necessary and appropriate. Membership and guidelines for the committees are under development.

The Virginia Roanoke River Basin Advisory Committee, which has been meeting since 2002, established similar standing committees to those required by the Bi-State Commission. The Advisory Committees' standing committees are structured to support the Bi-State Commission standing committees. It is likely that Virginia membership to the Bi-State Commission committees will include representatives from the Advisory Committee standing committees.

This year the Commission created the Water Allocation Ad-Hoc Committee to develop alternatives for allocating water supply storage from Kerr Reservoir. See Appendices B and C for work developed by the Ad-Hoc Committee.

#### **VII. Issues and Topics of Interest**

Importance of Natural Resources to the Economic Vitality of the Basin: People reside in and come to the Basin area to pursue various interests including vacation, lifestyle, aesthetics, boating, fishing, and more. These activities and personal values help drive the

economic engine of the local and regional area. Clean water, ample flow and supply are recognized as essential to existing beneficial uses and future economic growth. The importance of agriculture and forestry to the lifestyle and economy is notable. There are a number of tools available that offer economic incentives and help protect water quality and other resources, conserve open space/"greenfields," limit sprawl, and help preserve the way of life. These include Purchase of Development Rights (PDRs), Transfer of Development Rights (TDRs), forest riparian buffer tax credits, forest legacy perpetual easements, state and federal grants, loans, and cost share programs, Ag/Forestry Districts in some areas, conservation easements, and "Brownfields" redevelopment.

Water Allocation for Water Supply: At the initial meeting of the Roanoke River Basin Bi-State Commission, the Commission determined that an ad hoc committee was needed due to the requests for water allocation of Kerr Reservoir by North Carolina.

The Water Allocation Ad-Hoc Committee was formed with representatives from the Virginia Department of Environmental Quality, the North Carolina Department of Natural and Environmental Resources, Virginia Tech, Duke University, University of North Carolina, Roanoke River Basin Association, HydroLogics, Inc., and Kerr-Tar Regional Council of Governments (COG). Staff from the state agencies and US Army Corps of Engineers (USACE) provided support to the Ad-Hoc Committee.

The Ad-Hoc committee's assignment was to develop a draft document of understanding that could be used by the Commonwealth of Virginia, State of North Carolina, and the USACE regarding the allocation and withdrawals of water from the John H. Kerr Reservoir. The Kerr Reservoir is a federally authorized project built and managed by the USACE.

Kerr Reservoir was not authorized with a significant water supply storage pool. Based on the Water Supply Act of 1958 (WSA) up to 50,000 ac-ft can be reallocated to water supply. To reallocate more than 50,000 ac-ft would require Congress to change the project's authorization. Currently 21,379 ac-ft of the 50,000 ac-ft is allocated to four water users: Kerr Lake Regional Water System, City of Virginia Beach, VA Department of Corrections, and Mecklenburg Cogeneration. The Town of Clarksville, VA and Old Burlington Industries Intake have grandfathered withdrawals from the Reservoir.

The remaining 28,621 ac-ft can be purchased from the USACE for an estimated FY2010 cost of \$11,567,166.15 with an annual operations and maintenance cost of \$42,931.50 (based on 2010). The USACE estimates a firm yield for the remaining unallocated storage is 55.6 mgd.

The Ad-Hoc Committee drafted Purposes and a Declaration of Policy to govern the allocation of the Kerr water supply storage. Additionally, five alternatives for allocations were developed for review:

- 1) Status Quo - USACE's process is adequate and no changes are needed.

- 2) Modified Status Quo - Allow the USACE to manage the allocation with some guidelines provided by the States.
- 3) The States purchase the remaining storage and manage allocations.
- 4) Interstate Compact - Develop a compact between the State of North Carolina, the Commonwealth of Virginia, and potentially the Federal Government outlining a process for management of the Roanoke River Basin's water resources.
- 5) Identify a third party to purchase the allocation.

Each of the five scenarios is further defined in the report, with pros and cons identified. The report was released to the Commission and the Virginia Roanoke River Basin Advisory Committee in March 2010. The Advisory Committee immediately began informing localities and agencies in the basin of the committee's report to solicit comments. The report is included in Appendix B of this report, as is a summary of formal responses received regarding the report.

At the Commission meeting August 18, 2010, the following motion was passed by the Commission:

*There is general agreement that a Memorandum of Understanding/Agreement is the proper mechanism for addressing the allocation of storage capacity in Kerr Reservoir between the two states;*

*There is general agreement that apportionment of the storage allocation between the states of the available allocation is necessary;*

*That the RRBBC task the Water Allocation Ad-Hoc Committee to work out alternatives for an apportionment scheme and develop a framework for the Memorandum of Understanding/Agreement within 90 days.*

The day following the Commission meeting, a Kerr Reservoir Symposium was held in Clarksville. At the Symposium, a representative of the USACE made a presentation on Kerr Reservoir and the allocation of water storage. Historically, it has been understood that the USACE could only allow 50,000 af allocation of water in the Kerr Reservoir for Municipal and Industrial purposes. Under this assumption, the Commission began working on an arrangement that would work fairly for both states, as recent requests from North Carolina would in essence deplete the allocation. However, the Commission will now look to the USACE to clarify its legal limitations and internal policies so the Commission can move forward to recommend a resolution of the issue.

Uranium Mining - Uranium mining in the Commonwealth has been prohibited since 1982 by a state moratorium, although approval for restricted uranium exploration in the state was granted in 2007. The Virginia Coal and Energy Commission has proposed that the Virginia Center for Coal and Energy Research conduct a study on the impact of uranium mining in the Commonwealth. Virginia Uranium, Inc. has indicated an interest in initiating mining and processing operations in Pittsylvania County in the Roanoke River Basin watershed, should the moratorium be lifted.

There have been several presentations to the Roanoke River Basin Bi-State Commission on this topic, and interested citizens have addressed the Commission under public comment at the meetings. A number of studies are underway. As they are finalized, it is anticipated that the Commission will request presentations and summaries of the studies.

Basin-wide Dialogue: A goal of the Roanoke River Basin Bi-State Commission is to open channels of communication. It is important that dialogue take place which is representative of all areas of the Basin. Speakers representing different geographic areas and interests have addressed the Commission. Efforts this year included presentations within the basin on water allocation options at Kerr Reservoir and the alternatives outlined by the Ad-Hoc Committee.

### **VIII. 2010 Presentations to the Roanoke River Basin Bi-State Commission**

- Uranium Mining Study, Tom Leahy, Director of Public Utilities, Virginia Beach
- Interstate Commission of the Potomac River Basin, Jason Ericson, VA DEQ
- Winter of 2009-2010 Kerr Lake Flow Deviation Request, Gene Adesso, Roanoke River Basin Association
- Kerr Management Paradigm, Chuck Peoples, TNC, Roanoke River Project Director, North Carolina Chapter
- Roanoke River Basin, Jean Richter, Refuse Biologist, Roanoke River, U. S. Fish and Wildlife

## Appendix A

### Chapters 5.4 and 5.5 of Title 62.1 of the Code of Virginia

#### Chapter 5.4

§ 62.1-69.34. Virginia Roanoke River Basin Advisory Committee established; purpose; membership; terms; meetings.

A. The Virginia Roanoke River Basin Advisory Committee, hereinafter referred to as the "Committee," is hereby established in the executive branch of state government as an advisory committee to the Virginia delegation to the Roanoke River Basin Bi-State Commission. The Committee shall assist the delegation in fulfilling its duties and carrying out the objectives of the Commission, pursuant to § 62.1-69.39. The advisory committee shall be composed of 23 members as follows: two members of the Senate, whose districts include a part of the Virginia portion of the Roanoke River Basin, to be appointed by the Senate Committee on Rules; four members of the House of Delegates, whose districts include a part of the Virginia portion of the Roanoke River Basin, to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates; one nonlegislative citizen member at large appointed by the Senate Committee on Rules; one nonlegislative citizen member at large appointed by the Speaker of the House of Delegates; 11 nonlegislative citizen members selected by the legislative members of the advisory committee such that two are chosen from recommendations of each of the following: the Central Virginia Planning District Commission, the West Piedmont Planning District Commission, the Southside Planning District Commission, the Piedmont Planning District Commission, and the Roanoke Valley Alleghany Planning District Commission; and one member selected by the legislative members of the advisory committee from among recommendations submitted by the New River Valley Planning District Commission; and the Virginia member of the United States House of Representatives, whose district includes the largest portion of the Basin, or his designee, and three representatives of the State of North Carolina appointed in a manner as the General Assembly of North Carolina may determine appropriate. Except for the representatives of North Carolina, all nonlegislative citizen members shall be citizens of the Commonwealth of Virginia. The Virginia member of the United States House of Representatives, the members of the Virginia General Assembly, and the representatives of North Carolina shall serve ex officio without voting privileges. Of the recommendations submitted by planning district commissions authorized to recommend two members, one member shall be a nonlegislative citizen who resides within the respective planning district. However, the New River Valley Planning District Commission may recommend either one nonlegislative citizen at large who resides within the planning district or one member, who at the time of the recommendation, is serving as an elected member or an employee of a local governing body, or one member of the board of directors or an employee of the planning district commission. All persons recommended by the planning district commissions to serve as members of the advisory committee shall reside within the Basin's watershed, represent the diversity of interests in

the jurisdictions comprising the respective planning district commissions, and demonstrate interest, experience, or expertise in water-related Basin issues.

B. State and federal legislative members and local government officials appointed to the advisory committee shall serve terms coincident with their terms of office. Nonlegislative citizen members appointed by the Senate Committee on Rules and the Speaker of the House of Delegates to serve on the advisory committee, and ex officio members representing the State of North Carolina shall serve a term of two years. Initially, planning district commissions authorized to recommend two nonlegislative citizen members to the advisory committee shall recommend one member for a term of two years and one member for a term of one year. However, the nonlegislative citizen member recommended to serve on the advisory committee by the New River Valley Planning District Commission shall serve a term of one year. After the initial staggering of terms, the term of office of nonlegislative citizen members recommended by the planning district commissions shall be for two years. Nonlegislative citizen members recommended by planning district commissions shall be eligible for reappointment, if such members shall have attended at least one-half of all meetings of the Commission during their current term of service. Nonlegislative citizen members shall serve for no more than three consecutive two-year terms. Appointments to fill vacancies, other than by expiration of a term, shall be made for the unexpired terms. Vacancies shall be filled in the same manner as the original appointment. The remainder of any term to which a nonlegislative citizen member is appointed to fill shall not constitute a term in determining the member's eligibility for reappointment.

The advisory committee shall elect a chairman and a vice-chairman from among its voting members. A majority of the voting members shall constitute a quorum. The meetings of the advisory committee shall be held at the call of the chairman or whenever the majority of the voting members so request.

§ 62.1-69.35. Compensation and expenses.

Legislative members of the advisory committee shall receive such compensation as provided in § 30-19.12, and non-legislative members shall receive such compensation for the performance of their duties as provided in § 2.2-2813. All members shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Funding for the costs of compensation and expenses of members shall be paid from such funds as may be provided to the Department of Environmental Quality in the appropriations act for this purpose.

§ 62.1-69.35:1. Staffing.

The Department of Environmental Quality shall provide staff support to the advisory committee. All agencies of the Commonwealth shall provide assistance to the advisory committee, upon request.

§ 62.1-69.35:2. Chairman's executive summary of activity and work of the advisory committee.

The chairman of the advisory committee shall submit to the Governor and the General Assembly an annual executive summary of the interim activity and work of the advisory committee no later than the first day of each regular session of the General Assembly.

The executive summary shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

#### Chapter 5.5

##### § 62.1-69.36. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Basin" means the Roanoke River Basin.

"Roanoke River Basin" means that land area designated as the Roanoke River Basin by the Virginia State Water Control Board, pursuant to § 62.1-44.38, and the North Carolina Department of Environment and Natural Resources.

##### § 62.1-69.37. Roanoke River Basin Bi-State Commission established; purpose.

The Roanoke River Basin Bi-State Commission is hereby established as a bi-state commission composed of members from the Commonwealth of Virginia and the State of North Carolina and hereinafter referred to as the Commission. The Commission shall:

1. Provide guidance, conduct joint meetings, and make recommendations to local, state and federal legislative and administrative bodies, and to others as it deems necessary and appropriate, regarding the use, stewardship, and enhancement of the Basin's water and other natural resources;
2. Provide a forum for discussion of issues affecting the Basin's water quantity, water quality, and other natural resources;
3. Promote communication, coordination and education among stakeholders within the Basin;
4. Identify Basin-related problems and recommend appropriate solutions; and
5. Undertake studies and prepare, publish, and disseminate information through reports, and other communications, related to water quantity, water quality and other natural resources of the Basin.

##### § 62.1-69.38. Membership; terms.

A. The Commission shall be composed of 18 voting members that include nine members representing the Commonwealth of Virginia and nine members representing the State of North Carolina. The Virginia delegation shall consist of the six legislative members appointed to the Virginia Roanoke River Basin Advisory Committee, and three nonlegislative citizen members appointed to the Virginia Roanoke River Basin Advisory Committee, who represent different geographical areas of the Virginia portion of the Roanoke River Basin, to be appointed by the Governor of Virginia. The North Carolina delegation to the Commission shall be appointed as determined by the State of North Carolina. All members appointed to the Commission by the Commonwealth of Virginia and the State of North Carolina shall reside within the Basin's watershed. Members of the Virginia House of Delegates and the Senate of Virginia, the North Carolina House of Representatives and Senate, and federal legislators, who have not been appointed to the Commission and whose districts include any portion of the Basin, shall serve as nonvoting ex officio members of the Commission.

B. Legislative members of the Virginia delegation, federal legislators, and local government officials, whether appointed or ex officio, shall serve terms coincident with their terms of office. Nonlegislative citizen members shall be appointed to serve two-year terms, unless the member is reappointed by the appointing authorities of each state. Appointments to fill vacancies, other than by expiration of a term, shall be made for the unexpired terms. Vacancies shall be filled in the same manner as the original appointment.

C. Each state's delegation to the Commission may meet separately to discuss Basin-related issues affecting their state, and may report their findings independently of the Commission. A majority of the voting members shall constitute a quorum.

§ 62.1-69.39. Roanoke River Basin Bi-State Commission powers and duties.

A. The Commission shall have no regulatory authority.

B. To perform its duties and objectives, the Commission shall have the power to:

1. Develop rules and procedures for the conduct of its business or as may be necessary to perform its duties and carry out its objectives, including, but not limited to, selecting a chairman and vice-chairman, rotating chairmanships, calling meetings and establishing voting procedures. Rules and procedures developed pursuant to this subdivision shall be effective upon an affirmative vote by a majority of the Commission members;
2. Establish standing and ad hoc advisory committees, which shall be constituted in a manner to ensure a balance between recognized interests. The purpose of each advisory committee shall be determined by the Commission;
3. Seek, apply for, accept and expend gifts, grants and donations, services and other aid from public or private sources. With the exception of funds provided by the planning district commissions and funds appropriated by the General Assemblies of Virginia and North Carolina, the Commission may accept funds only after an affirmative vote by a majority of the members of the Commission or by following such other procedures as may be established by the Commission for the conduct of its business;
4. Establish a nonprofit corporation to assist in the details of administering its affairs and in raising funds;
5. Enter into contracts and execute all instruments necessary or appropriate; and
6. Perform any lawful acts necessary or appropriate for the furtherance of its work.

§ 62.1-69.40. Standing and ad hoc committees.

To facilitate communication among stakeholders in the Roanoke River Basin, and to maximize participation by all interested parties, the Commission shall establish both standing and ad hoc committees. The Commission shall appoint the members of the standing and ad hoc committees, in accordance with guidelines adopted by the Commission. The standing committees shall include, but not be limited to, the following:

1. Permit holders. The Commission shall identify those entities that hold permits issued by a federal, state or local regulatory agency pertaining to the water of the Basin. Such entities may recommend a representative to be appointed to the committee by the Commission;
2. Roanoke River Basin interest groups. The Commission shall identify interest groups that may recommend a representative to be appointed to the committee by the Commission;

3. Public officials and government entities. The committee shall be composed of representatives of each county, city and town located completely or partially within the Basin, and any other governmental entities that the Commission deems appropriate may recommend one member to be appointed to the committee by the Commission. The committee may also include the U.S. Senators from Virginia and North Carolina or their designees, and any member of the U.S. House of Representatives or his designee, whose district includes any portion of the Basin, if such members elect to serve on the committee; and

4. Agriculture, forestry and soil and water conservation districts. The Commission shall identify persons who represent agricultural and forestry interests throughout the Basin and representatives from the soil and water conservation districts within the Basin and shall appoint representatives from these groups to the committee.

§ 62.1-69.41. Staffing and support.

The Virginia Department of Environmental Quality and the North Carolina Department of Environment and Natural Resources shall provide staff support to the Commission. Additional staff may be hired or contracted by the Commission through funds raised by or provided to it. The duties and compensation of such additional staff shall be determined and fixed by the Commission, within available resources. All agencies of the Commonwealth of Virginia and the State of North Carolina shall cooperate with the Commission and, upon request, shall assist the Commission in fulfilling its responsibilities. The Virginia Secretary of Natural Resources and the North Carolina Secretary of the Department of Environment and Natural Resources or their designees shall each serve as the liaison between their respective state agencies and the Commission.

§ 62.1-69.42. Funding.

A. The Commission shall annually adopt a budget, which shall include the Commission's estimated expenses. Funding for the Commission shall be shared and apportioned between the Commonwealth of Virginia and the State of North Carolina. The appropriation of public funds to the Commission shall be provided through each state's regular process for appropriating public funds. The Virginia planning district commissions within the Basin shall bear a proportion of Virginia's share of the expenses, which may be in the form of in-kind contributions.

B. The Commission shall designate a fiscal agent.

C. The accounts and records of the Commission showing the receipt and disbursement of funds from whatever source derived shall be in such form as the Virginia Auditor of Public Accounts and the North Carolina State Auditor prescribe, provided that such accounts shall correspond as nearly as possible to the accounts and records for such matters maintained by similar enterprises. The accounts and records of the Commission shall be subject to an annual audit by the Virginia Auditor of Public Accounts and the North Carolina State Auditor or their legal representatives, and the costs of such audit services shall be borne by the Commission. The results of the audits shall be delivered to the appropriate legislative oversight committees in each state.

§ 62.1-69.43. Compensation and expenses.

A. Legislative members of the Virginia delegation to the Commission shall receive such compensation as provided in § 30-19.12, and non-legislative members shall receive such compensation for the performance of their duties as provided in § 2.2-2813. All voting members shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in § 2.2-2813 and 2.2-2825. However, all such expenses shall be paid from existing appropriations and funds provided to the Commission or, if unfunded, shall be approved by the Joint Rules Committee.

Members of the Virginia House of Delegates and the Senate of Virginia, and members of the Virginia Congressional delegation, who have not been appointed to the Commission, whose districts include any portion of the Basin, and who serve as nonvoting ex officio members of the Commission shall serve without compensation and expenses.

Nonlegislative citizen members appointed to any standing committees or ad hoc committees shall serve without compensation and expenses.

B. The North Carolina members of the Commission shall receive per diem, subsistence, and travel expenses as follows:

1. Ex officio legislative members who are members of the General Assembly at the rate established in North Carolina G.S. 138-6;
2. Commission members who are officials or employees of the State or of local government agencies at the rate established in North Carolina G.S. 138-6; and
3. All other members at the rate established in North Carolina G.S. 138-5.

§ 62.1-69.44. Annual report required.

The Commission shall submit an annual report, including any recommendations, to the Governor and General Assembly of Virginia and the Governor and General Assembly of North Carolina.