

**Roanoke River Basin Bi-State Commission Meeting**  
**March 27, 2009**  
**Clarksville, Virginia**  
**Meeting Minutes**

**Roanoke River Basin Bi-State Commission members present:**

**NC:** Senator A. B. Swindell, John Slaton, Representative Edith Warren, Representative Lucy Allen, Larry Yarborough, Nate Hall

**VA:** Delegate Kathy Byron, Haywood Hamlet, Mike McEvoy, Delegate Charles Poindexter, Senator Frank Ruff, Delegate Thomas Wright, Senator Roscoe Reynolds, John Field, Brennan Johnson for Congressman Tom Perriello

**Staff present:**

**NC:** Rick Seekins, Kerr-Tar COG; Tom Fransen, NC DENR; Tom Reeder, NC DENR

**VA:** Scott Kudlas, DEQ, Director, Surface and Ground Water Supply Planning; Greg Anderson, DEQ, Water Monitoring Program Manager; Tammy Stephenson, DEQ, Senior Water Supply Planner.

**Others:**

**Virginia Roanoke River Advisory Committee:** Mark Wagner, Read Charlton, Bob Jean,

**USACE:** Penny Schmitt, Michael Womack, Brooke Lawson, Allen Piner, Ernie Shepherd

Other interested citizens on the sign-in sheets, which are part of the official record of this meeting.

**Welcome**

Greg Anderson welcomed everyone to first RRBBC meeting. He then introduced Kevin Allgood, Mayor of Clarksville, Virginia.

Mayor Allgood welcomed everyone to Clarksville and said a few words about the valuable resource Bugs' Island Lake/Kerr Reservoir is. He mentioned the tourism benefit this resource brings, enhancing the business industry in the Town and region.

Mr. Anderson asked Commission members to introduce themselves.

**Commission Purpose, Powers, and Duties**

Mr. Anderson recited the purpose of the RRBBC is as follows:

"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;

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."

Mr. Anderson read the Powers and Duties of the RRBBC:

"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;

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;

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 commission 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 conduct of its business;

Establish a nonprofit corporation to assist in the details of administering its affairs and in raising funds;

Enter into contracts and execute all instruments necessary or appropriate; and

Perform any lawful acts necessary or appropriate for the furtherance of its work."

Mr. Anderson said this meeting's suggested Commission business is to elect leadership, develop rules & procedures, and discuss committees. Rules & procedures need to be developed before selecting chairman, vice chairman, rotating chairmanship, etc.

Mr. Anderson added that some standing committees are established by legislation: Permit Holders; Roanoke River Basin interest groups; Public officials and government entities; and Agriculture, forestry, and soil and water conservation districts.

Mr. Anderson opened the floor to commission members to start conducting initial business.

Senator Ruff suggested that the two Advisory Committee chairs (one in NC, one in VA) be co-chairs to get organizational issues underway. Mr. Anderson presided over the election. As the NC RRAC has two co-chairs, Representatives Swindell and Allen, Representative Swindell recommended Representative Allen for the initial co-chairmanship.

Senator Ruff made a motion that Mike McEvoy and Lucy Allen serve as co-chairs of the RRBBBC until the Commission becomes better organized. The motion was seconded, and the Commission voted unanimously to appoint Mike McEvoy and Lucy Allen as co-chairs of the Roanoke River Basin Bi-State Commission.

Mr. Anderson said the next order of business is developing a procedure for calling meetings and voting. He then turned it over to the co-chairs.

Mr. McEvoy suggested a sub-committee for developing rules & procedures that can be considered at the next meeting. He asked for volunteers. Rick Seekins suggested that Gene Adesso, Scott Kudlas, and he work on these.

Mr. McEvoy asked about meeting frequency. There was a suggestion that, because USACE is waiting on the Commission to develop protocol for allocation of water, the Commission should meet more frequently initially to get this issue resolved, as industry is waiting. Try to have another meeting within a month or so. Staff will poll members to see how soon a meeting can be scheduled. Mr. Seekins said Fridays are the best dates for NC folks, as the GA is in session Mondays - Thursdays.

Mr. McEvoy said there are some standing committees dictated by Virginia legislation. VRRBAC is working under this committee structure. Mr. McEvoy asked staff to flush these out and have something for the Commission for the next meeting.

There was a question whether the standing committees were limited to Commission members, or whether agencies staff, included USACE, and others could be included. Mr. McEvoy asked for discussion. He said he thought the Advisory Committee members for both states should be considered as well. Legislation lays out the committee structure, basically the same for both states.

Consensus - stick with committees as listed in the legislation until such time that the Commission sees the need for additional committees.

Sen. Reynolds made a suggestion, which he made into a motion, that the two co-chairs and staff to prepare for consideration at the next meeting recommendation for committees, committee members, and responsibilities. There was a second to the motion and the Commission agreed unanimously.

Gene Adesso presented the Roanoke River Basin Association recommendation for an ad hoc committee to develop a document of understanding. Objective: develop a document of understanding with the State of Virginia, North Carolina, and the USACE regarding the allocation and withdrawals of water out of the Roanoke River Basin. Critical Elements: VA Local Water Supply Plans - in process by DEQ; NC Local Water Supply Plans - in process by NC DWR; 1958 Water Supply Act - dictates how USACE allocates water; Roanoke River Basin Bi-State Commission mission. Recommended Action: Convene a group that would brainstorm and bring to the Commission a process by which the objective could be achieved along with a draft Document of Understanding. Recommended Participants: VA DEQ appointee; NC DENR appointee; RRBA appointee; USACE appointee; Brian McCrodden, Hydrologics Inc.; brainstorming session facilitator. Timeframe: Completion of process and draft of a Document of Understanding for presentation at the next Commission meeting.

There was discussion. Mr. Seekins suggested that, since there is so much work to be done prior to the next Commission meeting, this issue be placed on the meeting after the next's agenda.

Mr. Seekins added that the original legislation formed after Danville meeting held years ago, the original concept was the bi-state commission, each state would have advisory committees, as they do, and 1) make sure the interest groups stay involved in the process; 2) how do you make sure there is a procession of people. Accession: Interest groups get involved in committees; committees answer to advisory committees, who answer to the Commission. This bi-state would set the committees; the Advisory Committees for each state would chair these committees and have interest groups represented on the committees. As time passes and people change, people will be identified who move up in the procession. Agency groups will stay involved, but there may be a different set of folks involved, depending on the needs.

Representative Allen said NC has not had designated staff to work on this like VA has. She added that Mr. Seekins has stepped up to the plate and she hoped at some point to make him a permanent staff member. She said they should follow VA's lead on the process. Tom Reeder with NC DENR said they would provide assistance as needed, had received some funding to do this.

Mr. Seekins said they need to move ahead and establish committees. There is a lot of information to look through with what's stated in Mr. Adesso's document. Mr. Seekins wants to make sure everyone has all the information needed to make informed decisions.

Mr. Adesso said the document he presented is meant to help with the development of protocol, not to get the answers.

Del. Byron said VA has been doing work and is eager to get going. Brainstorming sessions can take time. If NC has people identified to sit in on work group, we should get started.

Mr. Seekins suggested that the formation of this ad hoc committee be a recommendation from the Commission. This could be presented at the next meeting.

It was noted that legislation dictates who needs to be contacted to see if they want to be on the committee(s).

Mr. McEvoy asked that, in addition to procedural issues, staff should contact various interest groups to see who is interested in participating in committees. He asked that they have a presentation for next meeting for Commission to consider.

There was discussion on USACE representation, input on the ad hoc committee.

Tom Reeder said he talked with USACE and understands the USACE wants the two states to take a lead on developing this protocol. NC is ready to go. They have the local water supply plans and other studies completed, so they are ready to move. UNC School of Government completed an 18-month study on water allocation in NC.

Scott Kudlas said the majority of VA locality's water supply plans are regional and are scheduled to be submitted around the end of 2009 or early 2010.

Representative Allen said she would like to have a "meeting of the minds" with Virginia representatives with regard to interstate water allocation. She will make sure that everyone on the Commission gets a copy of the NC Water Allocation Study.

It was noted that USACE has developed on a 216 study for the two states. This has been ongoing for a number of years, impacted by budgetary constraints, etc. Requests have been received that, if granted, would deplete the M&I (municipal and industrial) water allocation. This commission needs to ensure that the citizens of the Roanoke River Basin, which they represent, are afforded some protection so the economic opportunity and vitality of the basin is not sacrificed to the benefit of other regions outside the Roanoke River Basin because they have exhausted their water supply.

Mr. McEvoy asked Mr. Kudlas to poll the VA regions to see what the water consumption issues would be from a preliminary standpoint. Maybe this could be a topic for the next meeting with the NC water allocation study so the Commission can get a feeling of the magnitude of the issue.

There were comments regarding IBT's, interstate compact similar to ICPRB (SK), USACE schedule for approving applications currently on the table.

Mr. Butler made a motion that the first item of business for staff is to develop the document of understanding, as well as work on the recommendation for the other standing committees. The motion was seconded by John Feild. There was discussion that staff look at representation on this initial committee to make sure interests are represented, including USACE. There was additional discussion that the NC Water Allocation Study be presented in a short presentation at a future Commission meeting. The Commission agreed unanimously on the motion.

*Working lunch with presentation by Jon Barlow (below).*

**Presentations** (digital and paper copies of the presentations are part of the official record of this meeting):

Jon Barlow, Roxboro, NC City Manager - Status of proposed Dan River intake in Milton, NC

Tony Young, P.E., Water Control Manager, USACE - Kerr Lake Water Allocation - Current Status and Requests

Tom Fransen, NC DENR - Kerr Lake Regional Water System – Current IBT Certification Status

Comments from Commission members:

Senator Ruff commended Greg Anderson for keeping the VRRBAC going for so many years, helping coordinate this Bi-State Commission meeting - gave a round of applause.

Mr. McEvoy thanked Clarksville for hosting the meeting.

As there was no further business to discuss, the meeting was adjourned.