

ROANOKE RIVER BASIN BI-STATE COMMISSION  
Weldon, NC  
May 23, 2011

**Roanoke River Basin Bi-State Commission (RRBBC) members present:**

**NC:** Senator Douglas Berger, Representative James Crawford, Representative Edith Warren, Representative Michael Wray, Larry Yarborough.

**VA:** Senator Roscoe Reynolds, Senator Frank Ruff, Delegate Thomas Wright, John Feild, Mike McEvoy.

**Staff present:**

**NC:** Tom Franson, Steve Reed, NC DENR; Rick Seekins, Kerr-COG, Gene Adesso.

**VA:** Scott Kudlas, Jeff Reynolds, Tammy Stephenson - VADEQ

**Others :** Sue Poe, Jerry Hagerman, George Stanhope, Georgie Stuart, Nancy Wilson, Katie Whitehead, Fred Bonner, Doug Hughes, Barbara Hudson, Timothy Stuart, Marshall Ecker, William Lindenmuth, Hunter Jamerson, Virginia Henkirch, Kaye Feild, Ryhe Longest, Read Charlton, Hope Cupit, Joyce White, Deborah Lovelace, Phillip Lovelace, Byron Motley, Joan Wages, Bill and Barbara Winn, James Johnson, Tom Gray, Harold Carawa, Jim Thornton.

**Call Meeting to Order**

Mr. Feild called the meeting to order.

**Welcome**

Dr. Ervin Griffin, Sr., President of Halifax Community College provided a welcome of the assembly to the College.

**Recognition of Members and Guests**

Mr. Feild asked for introductions around the room.

Mr. Feild noted that, with ten members, there was a quorum of the RRBBC present as defined in the By-Laws. Additionally, the By-Laws provide for succession of officers and electronic polling for any substantive issue so all members can give input on the issue(s).

**Minutes**

Upon a motion by Representative Crawford, seconded by Delegate Wright, the minutes of the August 18, 2010 meeting were approved with unanimous vote of the Commission.

**Election of Officers**

Mr. Feild explained that the 1<sup>st</sup> Vice-Chair, Representative Crawford, elected to step aside rather than progressing to the Chair position. Mr. Feild asked for nominations from

NC for the Chair. Mr. Yarborough nominated Representative Warren. Representative Crawford seconded the motion. Upon a motion by Representative Crawford, seconded by Senator Ruff, Representative Warren was elected as Chair of the RRBBC by unanimous acclamation.

Mr. Feild welcomed Representative Warren as Chair and turned over the gavel. He thanked the DEQ staff - Scott Kudlas, Tammy Stephenson, and Greg Anderson – for their support of the organization.

Chairman Warren (Rep.) thanked Mr. Feild for his service and leadership to the Bi-State Commission. As her first official duty, she recognized Gene Adesso, who presented golf balls and a ball retriever to Mr. Feild in appreciation of his service.

Chairman Warren (Rep.) asked for nominations for 1<sup>st</sup> Vice Chair from VA. Senator Ruff nominated Mike McEvoy. Senator Reynolds seconded the nomination. Upon a motion by Senator Ruff, seconded by Senator Reynolds, Mr. McEvoy was elected 1<sup>st</sup> Vice Chair of the RRBBC by unanimous acclamation.

Chairman Warren (Rep.) asked for nominations for 2<sup>nd</sup> Vice Chair from NC. Representative Crawford nominated Mr. Yarborough. Representative Wray seconded the nomination. As there were no other nominations, Mr. Feild made a motion, seconded by Representative Crawford, to accept the Mr. Yarborough as 2<sup>nd</sup> Vice Chair of the Bi-State Commission by unanimous acclamation.

All duly elected officers are now in place.

### **Committee Reports**

#### NC Roanoke River Basin Advisory Committee (NCRRBAC)

Representative Crawford reported that there have been two meetings. The Advisory Committee is now not as worried about the quantity of the water as they are the quality of the water. The Advisory Committee is concerned about the potential uranium mining in VA, although they did not know how much NC can do. He was glad to see so many VA folks in attendance and supporting the ban on uranium mining. He appreciates the fight and will be there with them.

#### VA Roanoke River Basin Advisory Committee (VRRBAC)

Mr. McEvoy said VA had also held two meetings since the last RRBBC meeting. In January, the meeting was held in Danville and had a presentation by Dr. Paul Angermeier on a computer model for the Pamlico Sounds he is working on, study to be published in the fall. In May, the VRRBAC met in Roanoke with a presentation on the Virginia Beach Uranium Mining Impact Study from Dr. Peter Pommerenk, Virginia Beach.

Mr. McEvoy added that Senator Ruff introduced legislation in VA on interbasin transfers (IBT) and noted that VA has a water withdrawal permitting process. He said the IBT legislation was tabled for review by the Virginia State Water Control Board committee. Senator Ruff added that no one really opposed the legislation, but wanted to better

understand it. This summer and fall they will work through these issues. Delegate Wright reported that on the House side, the IBT legislation was presented and acknowledged for its importance.

Senator Berger said he and Senator Ed Jones have introduced legislation for a study on uranium mining in VA and the potential environmental and economic impacts on NC. They are trying to make sure the study gets done.

#### Water Allocation Ad Hoc Committee

Tom Franson reported that neither he nor Scott Kudlas were prepared for a presentation. Due to the General Assembly sessions in both states, there has been no Ad Hoc Committee meeting. Hopefully, they can get together and have a report for the next RRBBC meeting.

Chairman Warren (Rep.) thanked everyone who had traveled a distance to attend the meeting. There are issues before the RRBBC that will require time and commitment from all. She thanked those attending from Floyd, VA.

Chairman Warren (Rep.) asked Andrew Lester, RRBA, to come forward. Mr. Lester gave a synopsis of the American Rivers Association's designation of the Roanoke River as one of America's Most Endangered Rivers. For this designation, ARA looks at three criteria:

- 1) A major decision in the coming year that the public can help influence through the proposed action; 2) the significance of the river to people and wildlife; 3) the magnitude of the threat to the river and its communities, especially in light of a changing climate. In January 2012, the VA General Assembly will be asked to lift the moratorium. With this designation, there will now be public discussion of the issue.

Chairman Warren (Rep.) called on Ryhe Longest, Duke University, to speak. Mr. Longest reported that they will work with the RRBBC this summer and fall on the legal and resource issues relative to uranium mining.

Chairman Warren (Rep.) said she will now devote time for discussion on uranium mining, and asked for a representative of the Floyd contingent to speak. A number of people spoke against uranium mining in VA, noting the following:

- Coles Hill has been designated by FEMA as being in the flood zone
- Concern about the storage of tailings
- VA and NC deserve clean water, and uranium mining is an inappropriate activity
- Foreign money laundering would be promoted through uranium mining
- Radioactive materials would affect fetuses
- Wait at least until all the studies are completed, analyzed, and distributed before a decision is made on lifting the ban on uranium mining

Mr. Yarborough noted that in February, the NCRRBAC met and discussed the uranium mining issue. As a result, they drafted a letter with a recommendation to keep the ban on uranium mining in Virginia.

Mr. Yarborough made a motion that the RRBBC pass a resolution to keep the ban. Mr. Feild said he applauded the NC resolution, but thought the VRRBAC would have to consider a resolution to provide guidance to the Bi-State Commission, as the established protocol. Mr. McEvoy further explained that the VRRBAC passed a resolution some time ago to wait on the National Academy of Sciences study before the Committee takes a position on uranium mining. The official position of VRRBAC is they are waiting for the studies to be completed.

Mr. Yarborough withdrew the motion to let VRRBAC consider the issue.

Senator Berger asked Mr. Longest if there was anything North Carolina should do if Virginia lifts the ban. Mr. Longest said he was not prepared to give a recommendation yet, as they just got started. However, they plan to have something soon.

Chairman Warren (Rep.) stated the motion would be back on the agenda at some point.

Senator Ruff said a valid point had been made: if the studies are completed in December 2011, he does not believe members of the General Assembly would be able to analyze them in time for a 2012 vote. He thought the best thing for the RRBBC to do is support NO ACTION until the studies are completed and analyzed. He made a motion to that affect as follows:

As the studies on uranium mining in Virginia will not be completed until December 2011, the RRBBC requests that the General Assembly delay action on lifting the ban on uranium mining until the studies are completed and analyzed. Mr. Feild seconded the motion.

Mr. Yarborough asked that the motion be changed to include that the VA General Assembly will not consider the issues until RRBBC takes action. Senator Ruff said this is not in conflict with his motion.

Senator Reynolds requested an amendment to the motion that states the issue will not be considered by the General Assembly before January 2013. Mr. Yarborough seconded the amendment.

There was discussion on the motion.

*MOTION: A motion was made and amended as follows: As studies on uranium mining in Virginia will not be completed before December 2011, the Roanoke River Basin Bi-State Commission requests that no action be taken by the Virginia General Assembly on lifting the ban on uranium mining until the studies are completed and analyzed, and not before January 2013. Furthermore, the RRBBC requests that the issue not be considered*

*by the Virginia General Assembly until the Roanoke River Basin Bi-State Commission takes action on the issue.*

Attending members of the RRBBC approved the motion unanimously. Those present for the motion: NC - Senator Douglas Berger, Representative Edith Warren, Representative Michael Wray, Larry Yarborough; VA - Senator Roscoe Reynolds, Senator Frank Ruff, Delegate Thomas Wright, John Feild, and Mike McEvoy. As prescribed in the By-Laws, the motion will be submitted to all members of the Roanoke River Basin Bi-State Commission for their consideration, allowing 10 business days to vote on the motion.

Chairman Warren (Rep.) thanked everyone for their participation in the discussion.

The next meeting will be in the next few months in Virginia.

As there was no further business to discuss, the meeting was adjourned at 11:50 a.m.

**ELECTRONIC VOTING RESULTS OF THE ABOVE-STATED MOTION:**

**Voting for the motion: Haywood Hamlett (VA), Delegate Charles Poindexter (VA), Representative James Crawford (NC), and Nate Hall (NC).**

**There were no votes opposing the motion.**