

VIRGINIA ROANOKE RIVER BASIN ADVISORY COMMITTEE
Clarksville Community Center
Clarksville, Virginia
August 18, 2010

Virginia Roanoke River Advisory Committee: Senator Roscoe Reynolds, Delegate Thomas Wright, Delegate Charles Poindexter, Delegate Kathy Byron, John Feild, Mike McEvoy, Tim Pace, Read Charlton, John Lindsey, Evelyn Janney, Bob Jean, Billy Martin

Others: Andrew Lester, Randy Arno, Jerry Lovelace, Barry Dunkley, Byron Motley, Doug Bowman, Wayne Carter, Willie Jones, Gene Adesso, Katherine Mull, Timmy Baynes, Lisa Andrews, Phillip Lovelace, Jim Thornton, Vernon Wilson, Jean Richter, Pete Kornegay, Bill Edwards, Joe Topham

Staff present:

Tammy Stephenson, VA DEQ ; Scott Kudlas, VA DEQ

Welcome

Call to Order

Chairman McEvoy called the meeting to order and explained the day's events. He asked John Feild to explain the symposium scheduled for August 19.

Mr. McEvoy introduced Clarksville Mayor Kevin Allgood. Mayor Allgood welcomed everyone to the Town of Clarksville, the only lakeside town in Virginia.

Mr. McEvoy requested introductions from all the meeting attendees.

Bob Conner was recognized by Mr. McEvoy as an integral member of the founding VA Roanoke River Basin Advisory Committee. He presented Mr. Conner with a plaque on behalf of the Advisory Committee.

Mr. Conner explained that he has a rare form of skin cancer, which is now in remission, but has caused him to miss meetings and, ultimately, resign from the Committee. He has kept up with the emails and plans to continue to do so. He continued that it has been an honor for him to have served on this committee and believes that if it not for the committee's diligence, progress with North Carolina would not have happened. Mr. Conner received a standing ovation by all present.

Mr. McEvoy explained that Bill Lindenmuth will replace Mr. Conner on the committee.

Minutes

Upon a motion by Delegate Wright, seconded by Mr. Lindsey, minutes of the August 2, 2010 meeting were unanimously approved.

Mr. McEvoy reported that the Committee also needed to elect a second vice-chair due to Mr. Conner's resignation. He discussed the issue with Tim Pace prior to the meeting.

Upon a motion by Senator Reynolds, seconded by Delegate Wright, Tim Pace was nominated to serve as second vice-chair. Mr. Feild made a motion, seconded by Mr. Lindsey, to close nominations. Mr. Charlton moved to appoint Tim Pace as second vice-chair. The motion passed unanimously.

Sub-Committee Reports

There was no report for the Agriculture and Forestry Sub-Committee.

There was no report for the Lake Interests Sub-Committee.

Mr. Lindsey reported for the Permit Holders Sub-Committee. He said that members are contacting permit holders to let them know the committee is here to help them. There are about 50 permit holders.

Mr. Charlton reported that he had nothing to add with regard to the Roanoke River Interests Sub-Committee.

Discuss North Carolina legislation related to Interbasin Transfers

Mr. McEvoy explained that this issue was requested at the August 2 meeting, as everyone is not clear about the Virginia or North Carolina process with regard to Interbasin transfers. He asked Mr. Kudlas to explain Virginia's process.

Mr. Kudlas explained that in Virginia, there is no specific regulation that deals with Interbasin transfers. In Virginia, there is a water withdrawal permit program, which North Carolina does not have, which requires a permit unless the withdrawal is grandfathered or falls into an exclusion. Through the permitting process, there is a cumulative impact evaluation required, which looks at water being taken out of the basin, and discharges. The permitting process began in 1989. Prior to 1989, a 401 certification was required. This process was more de facto than the water withdrawal permitting process.

In comparing the Virginia and North Carolina processes, Mr. Kudlas said Virginia's process is more comprehensive. Neither state's process will prevent things like Lake Gaston from happening.

Delegate Wright asked why the regulation could not require 85% of the water returned to the basin. Mr. Kudlas said it would be up to the General Assembly to make that change in the regulation. He added that this would be a difficult process, as many localities do not have a good understanding of where water goes to do a proper evaluation.

Mr. Lovelace said the issue of returning water to the basin was discussed with the Lake Gaston issue, but merits of two pipes were too expensive, particularly to return the water

to the same area in the basin. He said it is not just a matter of returning water to the basin, but an issue of returning water to the origin of the withdrawal.

There was much discussion whether legislation should be introduced for consideration by the General Assembly. Senator Reynolds said there is a willingness to look at the issue, but there needs to be awareness that this is a statewide issue, taking water out of a basin. He added that two things need to happen: 1) a presentation needs to be made to the State Water Control Board explaining how Interbasin transfers are considered during the permitting process and 2) support needs to be raised in the Governor's office. He was not sure the best time to bring up this issue. He was concerned that some legislators may think this is a southside-only issue.

Mr. Kudlas explained that Virginia's water supply planning process will ultimately show localities and/or region's desires or needs for an Interbasin transfer as well as concerns regarding an Interbasin transfer, as the plans look at localities water needs for the next 30 years. He added that it generally takes three years for legislation: one to introduce it, the second year to study it, the third year to adopt.

After additional discussion, Delegate Wright made a motion that the Committee work with DEQ to develop legislative language to amend the permitting process. Mr. Kudlas explained that DEQ cannot present legislative language without approval from the Secretary of Natural Resources. However, we can recommend. He said that Senator Reynolds has a meeting scheduled with him and Ellen Gilinsky, at which time this issue can be further discussed. Mr. Martin seconded the motion, and it passed unanimously.

Mr. McEvoy gave background on the Kerr Reservoir Allocation, stating that it had previously been suggested the states have a 75/25, VA/NC split of the allocation based on the geographic footprint of the reservoir. Gene Adesso asked to speak to the issue. He said the issue and the Water Allocation Ad Hoc Committee report have been discussed by the North Carolina Advisory Committee. Mr. Adesso addressed each of the alternatives. He added that he did not think the Corps of Engineers know how much water there is to allocate.

Mr. Kudlas suggested a clarification on withdrawal allocation versus storage allocation.

Mr. McEvoy said Ms. Stephenson would poll members for the next meeting date.

As there was no business to discuss, Chairman McEvoy adjourned the meeting at approximately 11:45 a.m.