

January 3, 2007

MEMORANDUM

To: The Honorable Members of the General Assembly

Re: Virginia Roanoke River Basin Advisory Committee 2006 Annual Report

The “Virginia Roanoke River Basin Advisory Committee Annual Report,” prepared pursuant to Chapter 5.4 of Title 62.1 of the Code of Virginia § 62.1-69.35:2 is available from the Department of Environmental Quality’s (DEQ) website at: <http://www.deq.virginia.gov/regulations/reports.html>. A hard copy can be obtained by calling Greg Anderson, DEQ West Central Regional Office Water Monitoring Manager, at (540) 562-6871 or Rick Linker, Water Policy Manager, at (804) 698-4195. The report provides information about the groups activities for 2006.

I look forward to serving the people of the Roanoke River Basin during the coming year as VRRBAC continues its work.

Sincerely,

A handwritten signature in cursive script that reads "Charles D. Poindexter".

Charles D. Poindexter
Chairman

**A REPORT TO
THE HONORABLE TIMOTHY M. KAINE, GOVERNOR,
AND
THE GENERAL ASSEMBLY OF VIRGINIA**

**VIRGINIA ROANOKE RIVER BASIN ADVISORY COMMITTEE
2006 ANNUAL REPORT**

**Virginia Roanoke River Basin Advisory Committee
January 3, 2007**

Executive Summary

The Virginia Roanoke River Basin Advisory Committee (VRRBAC) was established in the executive branch of state government as an advisory committee to the Virginia delegation to the Roanoke River Basin Bi-State Commission. VRRBAC assists the delegation in fulfilling its duties and carrying out the objectives of the Commission, pursuant to § 62.1-69.39.

VRRBAC continues to advance its goals, despite the challenges noted below. Members participated in efforts involving pertinent Roanoke River Basin (Basin) issues including the Smith Mountain Lake FERC re-licensing process, USACE recreational area closures at some lakes, and water safety at lakes. Also VRRBAC is working to develop an inventory of Basin “Brownfields” sites. VRRBAC held three meetings, discussing and learning about topics pertaining to the Basin and molding positions on Basin issues. However, a delay in convening of the Roanoke River Basin Bi-State Commission continues to limit the activities of VRRBAC.

This year the General Assembly appropriated \$2000 each year for FY 2007 and FY 2008 to VRRBAC for travel expenses. This source of operating funds has been a great help with the cost of travel to the meetings. However, additional funds are still needed to enable VRRBAC to carry out its full mission and to develop tangible products, like position papers on the issues pertinent to the Basin. Such action would help provide integrated management of the entire watershed, improve and maintain environmental quality, and protect public health in the Basin.

The North Carolina Roanoke River Basin Advisory Committee (NCRRBAC) has not met. It is important for this group to participate in the dialogue so that further progress can be made on Basin issues. The legislative members of VRRBAC wrote to the North Carolina Governor and Secretary of the Environment and Natural Resources to recommend holding the inaugural meeting of the Roanoke River Basin Bi-State Commission. There has been neither formal response to the letter nor any apparent action on the North Carolina side of the Basin.

This report provides information on VRRBAC’s 2006 activities. It further identifies issues important to the success of VRRBAC and to the Roanoke River Basin.

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I. Introduction

The Virginia Roanoke River Basin Advisory Committee (VRRBAC) was established in the executive branch of state government as an advisory committee to the Virginia delegation to the Roanoke River Basin Bi-State Commission. VRRBAC assists the Virginia delegation in fulfilling its duties and carrying out the objectives of the Commission, pursuant to § 62.1-69.39. VRRBAC is composed of 23 members that include 1 ex-officio U. S. Representative, 6 ex-officio Virginia legislative members, 13 non-legislative citizen members, and 3 ex-officio members from North Carolina. The planning district commissions located in the Roanoke River Basin (Basin) recommended 11 of the non-legislative citizen members of the advisory committee, while the Senate Committee on Rules and the Speaker of the House each appointed 1 non-legislative citizen member. These non-legislative citizen members reside within the Basin's watershed, represent the diversity of interests, and demonstrate interest, experience, or expertise in water-related Basin issues.

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:

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.

II. Meetings and Locations

VRRBAC meets throughout the Basin in an effort to make the meetings available to all Basin constituents. This year 3 meetings were held in Floyd, Charlotte Courthouse, and Boydton. Since the Committee first convened, it has met in 15 different locations throughout the Basin. Speakers from various groups, state agencies, and local governments have informed the Committee about pertinent issues. Local government, state, federal, and private entities have provided meeting facilities for the meetings. Such

participation demonstrates that VRRBAC has strong partnerships in the region, which helps in carrying out its work.

III. Organization

Charles Poindexter of Glade Hill is the Chairman. Mike McEvoy of Roanoke is 1st-Vice Chairman and Watt Foster of Brookneal is 2nd -Vice Chairman. These officials were elected to provide a geographical, urban, and rural balance to VRRBAC's leadership.

IV. Current Membership of VRRBAC

There are currently 20 members. North Carolina has not provided any ex-officio members. A list of current members is provided below.

Senator Charles R. Hawkins	Walter Coles, Chatham
Senator Frank M. Ruff	Read Charlton, Charlotte Court House
Delegate Kathy J. Byron	Robert H. Conner, Ebony
Delegate Thomas C. Wright, Jr.	Rupert Cutler, Roanoke
Delegate Robert Hurt	John H. Feild, Mecklenburg
Delegate Onzlee Ware	Haywood J. Hamlet, Phenix
Representative Virgil H. Goode, Jr.	Evelyn Janney, Floyd
Charles D. Poindexter, Chairman, Glade Hill	John Lindsey, Penhook
Mike McEvoy, 1 st Vice-Chairman, Roanoke	Curry Martin, Bedford
Watt R. Foster, 2nd Vice-Chairman, Brookneal	George Stovall, Stuart

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

Watt Foster, Mike McEvoy, and Haywood Hamlet are the non-legislative delegates to the Roanoke River Basin Bi-State Commission, as appointed by the Governor.

VI. Sub-committees

The sub-committees formed are Agriculture and Forestry, Lake Interests, Municipal Interests and Permit Holders, River Interests, and Water. They are set up to parallel the structure of the North Carolina counterpart so that the groups can easily interface with each other. Direction has been given that the sub-committees should prepare position papers on important issues and bring them back to VRRBAC for adoption. The sub-committees are designed to bring the most knowledgeable people possible together to accomplish the work of VRRBAC. The sub-committees must receive broad-based input from as many interested parties as possible. The sub-committees have added or are seeking members that will represent stakeholders throughout the Basin. An effort is made to maintain a geographical and urban/rural balance. VRRBAC members serve as the chairs and vice-chairs of these sub-committees. Other members may serve as their particular skills are needed. The current known composition of the committees is listed below.

Agriculture and Forestry: Haywood Hamlet - Chairman, Evelyn Janney - Vice-Chairman, Walter Coles, Robert Conner, and George Stovall.

Lake Interests: Robert Conner - Chairman, Charles Poindexter - Vice-Chairman, John Feild, Watt Foster, and Curry Martin. Other citizen members include Jean McCarter.

Municipal Interests and Permit Holders (MIPH): John Lindsey - Chairman, Mike McEvoy - Vice-Chairman, Read Charlton, and Dr. Rupert Cutler. Other citizen members include Barry Dunkley, William Johnson, Maureen Castern, C.J. Mitchem, and Bill Reidenbach.

River Interests: Watt Foster - Chairman, Read Charlton - Vice-Chairman. Bud LaRoche is representing the Virginia Division of Game and Inland Fisheries (DGIF) on the committee. Other citizen members include Pamela Kent Pettus, Maureen Castern, J. T. Davis, Jerry Lovelace, and Tom Stutts.

Water: Mike McEvoy – Chairman, Robert Conner - Vice-Chairman, Walter Coles, and Dr. Rupert Cutler. Other citizen members include William Johnson.

The River Interests sub-committee prepared a comprehensive report on the Basin, which included a map, a list of streams, issues, features, a list of impaired streams, a list of pertinent organizations, and a narrative summary.

The Lake Interests sub-committee has compiled information gathered from 3 public meetings held at Lake Gaston, Kerr Reservoir, and Smith Mountain Lake concerning problems at the lakes. It is to work on a position paper regarding these issues.

The Agricultural and Forestry sub-committee continues work on recommendations concerning Best Management Practices(BMP) funding and additional BMPs for a couple of notable problem areas.

The MIPH sub-committee is working to develop a survey to inventory permit holders in the Basin, identify their current and future needs, and ascertain their water withdrawal and/or discharge from/to the Basin. It has also determined the BROOM computer model has potential to evaluate the impact of withdrawals. The focus of the group is on the long-term needs of the Basin.

The Water sub-committee has tracked pertinent developments such as nutrient criteria, wastewater reuse, and environmental funding proposals.

The sub-committees continue recruiting members and gathering information. The limited level of funding hampers efforts at the sub-committee level.

VII. Issues and Topics of Interest:

Funding of VRRBAC Activities: This year the General Assembly appropriated \$2000 each for FY 2007 and FY 2008 to VRRBAC for travel expenses. This source of operating funds has been a great help with the travel expenses to the meetings. The

limited level of funding has restricted the Committee, particularly at the sub-committee level. A greater source of operating funds would enable the group to carry out its full mission and to develop tangible products, such as position papers. Such action would help provide a framework to better manage the entire watershed, improve and maintain environmental quality, and protect public health in the Basin.

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, esthetics, boating, fishing, etc. These activities and personal values help drive the economic engine of the local and regional area. Clean water and 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 our way of life. These include 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.

Inter-basin Transfer of Water: It is recognized that when inter-basin transfers occur, economic vitality can disappear with the water. The Virginia Beach – Lake Gaston pipeline is an example of such a transfer. The Committee recognizes that Virginia Beach has been a good neighbor. However, there is great concern that other large urban areas are looking at the Basin as a source of water. Greensboro and the North Carolina Triangle area have apparently studied the Basin for this purpose. Also, an allocation from Kerr Reservoir was recently given to Henderson, NC and other partners which could result in a transfer of water out of the Basin. This is presented in more detail below.

Water Withdrawals: U. S. Army Corps of Engineers (USACE) contracted with the Town of Henderson and others to provide water from Kerr this year. The deal was reportedly consummated in a committee and there was not a public input process. There apparently was no comprehensive review of the impacts of such a contract. VRRBAC and others would like to see a government entity operate in the public arena. Essentially Henderson, Vance County, Soul City, and Oxford have become a partner like Va. Beach as they now have an allocation of storage in the reservoir. This decision impacts the reservoir and likely sets some precedents that will cause problems down the road. There are proposed water withdrawals from the Dan River sub-basin at Milton and Eden. Reportedly there are a large number of requests for withdrawals at Kerr Reservoir. There is concern about the impacts of these withdrawals on the river system and neighboring communities. For instance, even though the Milton withdrawal would be returned to the Basin, the re-entry point would be miles down stream of the withdrawal and below Halifax. Therefore, impacts to a large section of stream and a community could be realized. In addition, the purchase of the Burlington plant in Clarksville by a group of investors from North Carolina includes the water intake/rights. The investors proposed to pipe the water to the Oxford, North Carolina area to serve a new community of 1400 residences. This could directly impact the Clarksville area by impacting their historic water rights.

Regulation of Flow and Storage: There are interrelationships within the Basin involving flow, as events in one section of the Basin can impact other parts. VRRBAC supports the watershed concept and believes the Basin extends from the headwaters into the Albemarle Sound. Environmental, ecosystem, human health, power generation, aquatic life, and economic needs of the Basin must be balanced. The interconnection between surface water and groundwater is noted. During drought, low groundwater table levels are of concern. Drought/low flow conditions impact beneficial uses of the water and must be defined to aid the planning process. Increased storage has been discussed as an option to consider for future planning purposes. Model development may provide a good tool for understanding the impacts of different conditions on the Basin. The John H. Kerr 216 Study is evaluating discharge and demand data throughout the Basin. A proposal has been made by the Water Conservation Alliance titled the “Graduated Step Release Protocol” to control the flow leaving the Smith Mountain Project. This plan is an alternative to the method now utilized. The Water Conservation Alliance has presented the idea to groups and communities throughout the Basin. This past year the Water Conservation Alliance asked the DEQ to test the “Graduated Step Release Protocol” during critical periods but this request was denied. VRRBAC encourages this cooperative approach which considers and involves diverse groups of stakeholders and favors working with stakeholders in the Basin and DEQ, DGIF, and other pertinent agencies to conduct the testing.

Basin-wide Dialogue: A goal of the Committee 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 VRRBAC. There must be rural and urban cooperation on water issues. Sub-committees have been given direction to promote such an effort through discussion and collaboration. Broad public support of policy and regional consensus is the best way to bring about positive change associated with environmental and related health issues. Better efficiency of protection efforts will result if all partners, public, private, federal, state, and local officials, share and leverage resources. Such coordination and consensus building in the entire Basin on watershed management issues is essential to sound watershed decision making and management. Communication must extend across the boundary line of Virginia and North Carolina. In an effort to begin the dialogue with North Carolina, the Committee has invited speakers from the North Carolina Department of the Environment and Natural Resources, Albemarle-Pamlico National Estuary Program, and a North Carolina local community to discuss pertinent issues in the Basin. The importance of the Albemarle-Pamlico Estuary is recognized. There are free flowing streams that bi-state collaboration could help improve and protect. It is VRRBAC’s intent to work cooperatively with North Carolina and its structure is designed accordingly. The Virginia legislative members of VRRBAC have written a letter to North Carolina Governor Easley and Environment and Natural Resources Secretary Ross suggesting a Roanoke River Basin Bi-State Commission meeting be held to facilitate cooperation between the States. A VRRBAC website has been developed to aid the communication process. It is located at <http://www.deq.virginia.gov/vrrbac/>.

Policy and Planning: VRRBAC is interested in promoting policy that protects and makes wise use of the Basin resources. A recent initiative is the planned development of an

inventory of “Brownfields” sites for the Basin. “Brownfields” are abandoned, idled, or under-used industrial and commercial property where expansion or redevelopment is complicated by *real* or *perceived* environmental contamination. However, they are attractive real estate opportunities thanks to their location, price, and existing infrastructure. They attract capital reinvestment, increase local tax revenue, stimulate local economy, increase adjacent property values, retain jobs, create jobs, conserve land, and ease locality infrastructure expenses. To redevelop these sites is good public policy which provides environmental and economic benefits. VRRBAC has participated on the Technical Advisory Committee for the State Water Policy and Regulation development and members are currently working at the local level on water supply plans. VRRBAC has participated on the John H. Kerr 216 Sponsors Advisory Committee and the FERC re-licensing effort and Shoreline Management Plan development at Smith Mountain Lake. Landfills and bio-solids have been a topic of discussion at many VRRBAC meetings. Members have heard and discussed pertinent planning issues including the importance of defining low flow conditions, local control of land use decisions, forestland conservation, public river access for recreation and fishing, flooding, storm water management, water and sewer systems, and water reuse. VRRBAC have discussed new ideas on how to accomplish forest conservation such as the purchase of development rights, compensation to non-industrial private forests, and long term rather than perpetual conservation agreements. Members have also agreed that because Virginia and North Carolina share the Basin and both Lake Gaston and Buggs Island (Kerr Reservoir) Lake are on the boundary of the States, a commonality in water policy and regulations could enhance the management of issues involving the two States. Opportunities also exist to work together on stream issues. The Virginia legislative members of VRRBAC have written a letter to North Carolina Governor Easley and Environment and Natural Resources Secretary Ross suggesting a Roanoke River Basin Bi-State Commission meeting be held to facilitate cooperation between the States.

Invasive Species: VRRBAC has discussed issues regarding Hydrilla and other invasive species such as Zebra mussels. The Lake sub-committee received public questions about the lack of funding to control Hydrilla at Lake Gaston and the effectiveness of treatment. The Committee listened to a presentation on the treatment of hydrilla and toured the lake this year to view the problem during the high growth season.

Recreation and Fishing: Concerns have been expressed to VRRBAC about the striped bass and other fisheries. VRRBAC members have toured the Vic Thomas Striped Bass Hatchery and DGIF staff discussed the resource. White Bass reportedly came back very well this year, after a near collapse of the fishery last year, with local fishermen saying it’s the best year in memory. The importance of fishing and other water sports to the economic health of the region is substantial. Franklin and Bedford Counties have hosted a Bass Masters Tournament at Smith Mountain Lake. American Shad and American Eel Restoration programs are being conducted in Virginia. It is noted that the Albemarle-Pamlico National Estuary Program area of influence stops at the first impoundment, even though the Estuary fisheries are impacted by the upstream structures.

Water Quality: The generally good water quality of the Basin is valued by VRRBAC and is recognized as a characteristic that must be preserved. It is understood that everything

we do on the land affects the quality of water in our rivers and streams. We must prevent pollution from running off land to waterways. One obvious key to this effort is to stop forestland loss and fragmentation. A healthy forest watershed in contrast to other land uses provides a higher quantity and quality of water yields, lower storm flow peaks and volumes for a given input of rainfall, the greatest soil stability and the lowest levels of soil mass movement, gully erosion and surface erosion, and exports the lowest levels of sediment downstream. The VRRBAC members are familiar with various subjects associated with protection of water quality including storm water management, animal waste regulations, Total Maximum Daily Loads (TMDLs), Low Impact Development techniques, BMPs for agriculture, forestry, and urban development, Biological Source Tracking, Nutrient Management Plans, biosolids, forestland conservation, conservation easements, and the impact of air pollution on water quality. Water reuse, the Virginia Water Protection permit program, and desalination have also been discussed. Local and regional leadership could provide valuable support for the TMDL process and the associated implementation of BMPs and other strategies to correct pollution problems. Baseline water quality conditions should be established so that short and long term trends in water quality can be monitored.

Lakes: Smith Mountain, Leesville, Buggs Island/Kerr, Gaston, and Philpott Lakes are recognized as valuable resources for the Basin. The economic impact of these resources to the local and regional community is great. Concerns have been expressed to VRRBAC at public meetings about problems at these lakes. Some of these matters are debris management/removal, drought and low water levels, reports of bad water quality, impaired tributaries, lack of funding for water quality monitoring, placement and maintenance of navigational aides, controlling privy waste from boats, enforcement of boating laws, exotic invasive species, shoreline management plans and dock control, PCB contamination, septic tank issues, wild bird feeding and the accompanying contamination issue, siltation, recreational access, and safety issues/enforcement. Many of these issues can hurt the image of the lakes and can have a negative effect on the economy. There is considerable concern over water safety issues. At Smith Mountain Lake, a group is interacting with the legislature and DGIF on boater training, licensing, speed, noise control and also extra patrols from DGIF. Many of the initiatives failed this past year but some money for increased patrols by DGIF was appropriated. However, some proposed legislation has been carried over until this upcoming session. Chairman Poindexter has suggested that the Lakes sub-committee prepare a position paper on lake water safety and bring a draft resolution before the committee.

VIII. 2006 Presentations to the Committee

- Chuck Hutsell, Regional Forester, Virginia Department of Forestry; “Strategic Overview of the Department of Forestry and Forestry in Virginia”
- Tamara Vance, Deputy Director, Virginia Outdoor Foundation; “Conservation Easements”

- Howard Dickerson and Terry Slusher; “Land Owner Experiences with Conservation Easements”
- Michael Keeler, Virginia Department of Environmental Quality, “Stream Restoration Fundamentals”
- Frank Simms, AEP Hydro Support Manager, “Studies at Smith Mountain Lake Associated with FERC Re-licensing”
- Chris Evans, DEQ, Virginia “Brownfields” Coordinator; “Virginia’s Market Based “Brownfields” Program”
- Bill Brush, Water Conservation Alliance, “SM Project P-2210 Release Protocol Analysis”

IX. Recommendations

- VRRBAC is opposed to any inter-basin transfers that would have a substantial negative impact on the people of the Basin. The overall consensus of VRRBAC is that the group must protect the water resources and growth potential. Water resources are recognized as essential for the economic vitality of the Basin.
- VRRBAC is opposed to any new water withdrawal until such time that the real and potential needs for the foreseeable future are determined. Furthermore, VRRBAC intends to ask the corresponding committee in North Carolina to support this motion as soon as they become active.
- VRRBAC strongly supports the appropriation by the General Assembly of funds to the DEQ for grants to localities and regional planning districts to meet the requirements of the new State Water Supply Planning Regulation.
- VRRBAC supports funding for controlling hydrilla at Lake Gaston. While hydrilla is not yet in Smith Mountain Lake, if it is identified there, then VRRBAC would support funding for Smith Mountain Lake as well since early treatment is a much more cost effective method of control.
- VRRBAC supports the recent Virginia Initiatives for Invasive Vegetation and Invasive Species to deal with hydrilla, zebra mussels, snakeheads, etc. VRRBAC favors funding for these efforts to provide leadership, technical expertise, and corrective actions as appropriate to mitigate and prevent these ecological and economic damaging agents.
- VRRBAC supports a balanced flow regime for the rivers and lakes of the Basin. It recommends that all governmental agencies, stakeholders, and private industry work together to balance all interests.

- VRRBAC is concerned with the volume of solid and bio-solid waste entering Virginia and the Basin. VRRBAC supported the 2005 Joint Legislative Audit and Review Commission study on the effectiveness of the Bio-Solids program regulations and management thereof and the implementation of appropriate recommendations from this study.
- VRRBAC supports the TMDL process and the implementation of BMPs, and other strategies such as Conservation Easements, Low Impact Development Techniques, and Nutrient Management Plans to correct pollution problems. VRRBAC strongly supports additional funding to implement these practices which will reduce pollution to streams.
- VRRBAC strongly supports the appropriation by the General Assembly of funds to the DEQ for grants to localities and regional planning districts to meet the requirements of the new proposed State Water Supply Planning Regulation.
- VRRBAC believes a critical issue on all the lakes is the concern for safety due to the lack of DGIF enforcement resources. VRRBAC supports increased funding for DGIF to address this shortfall as traditional DGIF funding for hunting and fishing are inadequate to cover enforcement for such large recreation areas. The Virginia Compensation Board's formula of one deputy for 1500 residents should also be reviewed to include consideration of additional local law enforcement personnel for jurisdictions with large lakes.
- VRRBAC supports the inclusion of the Roanoke/Staunton River and the other southern rivers in all efforts to fund waste water treatment plant upgrades and other water quality resource improvements in Virginia; and further urges that in a spirit of equity such funding be provided on a pro rata basis to communities and other entities commensurate with the land mass and river miles in each watershed.
- VRRBAC supports The Virginia "Brownfields" Program and encourages the Basin localities to make listings of their sites so that an inventory of Basin sites is developed.

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.