

January 3, 2005

MEMORANDUM

TO: The Honorable Members of the General Assembly

RE: Virginia Roanoke River Basin Advisory Committee 2004 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, Policy and Planning Manager, at (804) 698-4195. The report provides information about the groups activities for 2004.

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

Sincerely,

/s/

John H. Feild
Chairman

**A REPORT TO
THE HONORABLE MARK R. WARNER, GOVERNOR,
AND
THE GENERAL ASSEMBLY OF VIRGINIA**

**VIRGINIA ROANOKE RIVER BASIN ADVISORY COMMITTEE
2004 ANNUAL REPORT**

**Virginia Roanoke River Basin Advisory Committee
January, 2005**

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. The Committee assists the delegation in fulfilling its duties and carrying out the objectives of the Commission, pursuant to § 62.1-69.39.

This year the Committee continued to function in largely an organizational and developmental manner. A lack of funding and a delay in convening of the Roanoke River Basin Bi-State Commission curbed the activities of the Committee. However, members participated in efforts involving pertinent Basin issues including the John H. Kerr 216 Study, the Statewide TAC on Water Supply Planning, and the Smith Mountain Lake FERC re-licensing process. VRRBAC held four meetings, discussing and learning about topics pertaining to the basin. VRRBAC representatives met with the leadership of the North Carolina Roanoke River Basin Advisory Committee (NCRRBAC) to discuss progress in both States. It is hoped that the NCRRBAC meets shortly, followed by the first meeting of the Roanoke River Basin Bi-state Commission. In addition a VRRBAC website has been developed and located at <http://www.deq.virginia.gov/vrrbac/>

The lack of funding restricted the Committee, particularly at the grass roots and sub-committee level. A source of operating funds would enable the group to carry out its full mission and to develop tangible products, such as 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.

This report provides information on VRRBAC's 2004 activities. It further identifies issues important to the success of the Committee 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. The advisory committee is composed of 23 members that include 1 U. S. Representative, 6 State legislative members and 13 non-legislative citizen members, and 3 ex-officio members from North Carolina. The Legislative members are also ex-officio. The planning district commissions 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 Committee assists the Virginia delegation to the Roanoke River Basin Bi-State Commission in fulfilling its duties and carrying out the objectives of the Commission, pursuant to § 62.1-69.39.

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 Roanoke basin in an effort to make the meetings available to all basin constituents. This year 4 meetings were held in Clarksville, Moneta, Roanoke, and Richmond. Since the Committee first convened, it has met in 10 different locations throughout the basin. Speakers from various groups, State Agencies, and Local Governments have informed the Committee about pertinent issues. Localities

and State entities have provided meeting facilities for the meetings. Such participation demonstrates that VRRBAC has strong partnerships in the region, which helps in carrying out the work of the Committee.

III. Organization

John Feild of Clarksville is Chairman, while Charles Poindexter of Glade Hill and Mike McEvoy of Roanoke are Co-Vice Chairman. These officials were elected to provide a geographical, urban, and rural balance to the committee 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	Watt R. Foster, Brookneal
Delegate Onzlee Ware	Haywood J. Hamlet, Phenix
Representative Virgil H. Goode, Jr.	Evelyn Janney, Floyd
John H. Feild, Chairman, Mecklenburg	John Lindsey, Penhook
Mike McEvoy, Vice-Chairman, Roanoke	Curry Martin, Bedford
Charles D. Poindexter, Vice-Chairman, Glade Hill	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 NC counterpart so that the groups can easily interface with each other. Chairman Feild has given direction that the sub-committees should prepare position papers on important issues and bring them back to the full Committee for adoption. The sub-committees should bring the most knowledgeable people possible to the table, where the work of VRRBAC must take place. The groups should receive broad-based input consolidated 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 chair and vice-chair 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, and Robert Conner.

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

Municipal Interests and Permit Holders: Mike McEvoy – Chairman and Read Charlton. Other citizen members include William Johnson.

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

Water: Mike McEvoy – Chairman and Robert Conner – Vice-Chairman. Other citizen members include William Johnson.

The River Interests sub-committee prepared a comprehensive report on the Roanoke River 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 sub-committee has compiled information gathered from 3 public meetings held at Lake Gaston, Kerr Reservoir, and Smith Mt. Lake concerning problems at the lakes. It plans to begin working on a position paper regarding these issues.

The Agricultural and Forestry sub-committee has been working on a position paper including recommendations concerning BMP funding and additional BMPs for a couple of notable problem areas.

The Water and the Municipal Interests and Permit Holders members have served on the State Water Supply Planning TAC and have been tracking other pertinent developments such as nutrient criteria and environmental funding proposals.

The sub-committees are still in the process of recruiting members and gathering information. The lack of funding hampers efforts at the sub-committee level.

VII. Issues and Topics of Interest:

Funding of VRRBAC Activities: A mechanism for funding exists but depends upon appropriations to DEQ, which have not been made. This lack of funding has restricted the Committee, particularly at the grass roots and sub-committee level. A 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 integrated management of 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 Roanoke River 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. In addition, the importance of agriculture to our lifestyle and economy should be noted.

Inter-basin Transfer of Water: It is recognized that when inter-basin transfers occur, economic vitality may 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 Roanoke Basin as a source of water. Greensboro and the NC Triangle area have apparently studied the Roanoke Basin for this purpose.

Water Withdrawals: 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, it is possible that the purchase of the Burlington Plant in Clarksville by a group of investors from NC would include the water intake/rights. This could directly impact the Clarksville area if the historic water rights were piped elsewhere.

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. Environmental, ecosystem, human health, power generation, aquatic life, and economic needs of the basin must be balanced. Model development may provide a good tool for understanding the impacts of different conditions on the basin. The interconnection between surface water and groundwater is noted. Low groundwater table levels due to the recent drought 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. A proposal made by the Water Conservation Alliance titled the “Graduated Step Release Protocol” was presented to the Committee. This proposal is an alternative to the method now utilized to control the flow leaving the Smith Mountain Project. The Water Conservation Alliance is working to present the proposal to groups and communities throughout the basin. VRRBAC encourages this cooperative approach which considers and involves everyone.

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 as all partners, public, private, federal, state, and local officials, can 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. 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 has followed the State Water Policy development and was represented on the Technical Advisory Committee. The group is interested in promoting policy that protects the Roanoke Basin. The Committee has been granted representation on the John H. Kerr 216 Sponsors Advisory Committee. Members plan on participating on the Water Supply and Sedimentation and Channel Morphology Committees for this study. Members have been involved with the FERC re-licensing effort and Shoreline Management Plan development at Smith Mt. Lake. Members have heard and discussed pertinent planning issues including the importance of defining low flow conditions, local control of land use decisions, public river access for recreation and fishing, flooding, storm water management, and water reuse. In addition, members recognize that a commonality in VA and NC water policy/regulations could enhance the management of issues involving the two 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.

Recreation and Fishing: Concerns have been expressed to the Committee about the striped bass and other fisheries. The Committee has toured the Vic Thomas Striped Bass Hatchery and DGIF staff discussed the resource. The importance of fishing and other water sports to the economic health of the region is noted. This past fall, Franklin and Bedford Counties hosted a Bass Masters Tournament at Smith Mountain Lake. VRRBAC is also aware of the American Shad and American Eel Restoration programs being conducted.

Water Quality: The generally good water quality of the Roanoke basin is valued by the group and is recognized as a characteristic that must be preserved. Baseline water quality conditions should be established so that short and long term trends in water quality can be monitored. Given the upcoming TMDLs that are scheduled for much of the Virginia Roanoke River Basin, local and regional leadership could provide valuable support for implementation of BMPs and other strategies to correct these pollution problems. The members are familiar with various subjects associated with protection of water quality including animal waste regulations, Total Maximum Daily Loads (TMDLs), Low Impact Development (LID) Techniques, Best Management Practices (BMPs) for agriculture and urban development, Biological Source Tracking (BST), Nutrient Management Plans, Biosolids, and the impact of air pollution on water quality. Water reuse, the Virginia Water Protection Permit Program, and desalination have also been discussed.

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 the Committee 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 evasive 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. VRRBAC supported rulemaking last year, which gave localities the ability to prohibit the feeding of waterfowl in areas where the practice is suspected to cause bacteria impairments. These impairments have resulted in the issuance of warnings and public health advisories. At Smith Mountain Lake a coalition of partners is considering setting up a service district to help fund solutions for some of these concerns.

VII. 2004 Presentations to the Committee

- Scott Kudlas, Virginia Department of Environmental Quality; “Summary of the Water Supply Planning TAC Report”
- Frederick Fisher, Office of the Attorney General; ”Riparian Rights in Virginia”
- Greg Anderson, Virginia Department of Environmental Quality; “Review of Proposed 2003 Legislation Pertinent to the Committee”
- Bill Brush, Director, Smith Mountain Lake Association and Chairman of the Roanoke River Basin Water Conservation Alliance; “Smith Mountain Project Release Protocol Analysis”
- Walt Cummings, Clarksville Revitalization Committee; “Revitalization Projects in Clarksville”
- Richard E. Huff II, Franklin County Administrator; “Pertinent Facts about the Smith Mt. Lake Region”
- Stan Smith, Smith Mountain Lake Association Board of Directors; “Special Tax District Proposal to Fund Lake Care” and “Ferrum College/SMLA Locally Funded Water Quality Monitoring Program”
- Greg Anderson, Virginia Department of Environmental Quality; “Overview of the Virginia Roanoke River Basin Advisory Committee”
- Phil Schirmer, Roanoke City Engineer; “Roanoke River Flood Reduction Project”

- Scott Shirley, Director of Wastewater Operations, Western Virginia Water Authority; “Water Pollution Control Plant Improvements”
- Shane Sawyer, Regional Planner, Roanoke Valley Alleghany PDC, “Roanoke Valley Long Range Water Supply System Study”
- Wes Jargowsky, Virginia Save Our Streams (SOS) Volunteer, Carol Davit, Environmental Communications Coordinator, Western Virginia Water Authority, “Virginia SOS Biological Monitoring Techniques Discussion and Demonstration”

VIII. Recommendations

- The Roanoke River Basin Scenic River Designation and responsibilities should be assigned to VRRBAC.
- VRRBAC favors the development of a State-wide Water Policy, but only one that mandates local stakeholder input and is against the inter-basin transfer of water that is detrimental to the people of the basin.
- VRRBAC is against 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 Roanoke River 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 when it is possible to do so, VRRBAC intends to ask the corresponding committee in NC to go on record supporting this same motion.

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 nonlegislative 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 nonlegislative 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.