



North Carolina Department of Environment and Natural Resources

Beverly Eaves Perdue
Governor

Dee Freeman
Secretary

MEMORANDUM

TO: ENVIRONMENTAL REVIEW COMMISSION
The Honorable David Rouzer, Chair
The Honorable Mitch Gillespie, Co-Chair
The Honorable Ruth Samuelson, Co-Chair

SOUTH CAROLINA GENERAL ASSEMBLY
The Honorable Bobby Harrell, Speaker of the House of Representatives
The Honorable Glenn McConnell, President Pro Tempore

NORTH CAROLINA GOVERNOR
Governor Bev Perdue

SOUTH CAROLINA GOVERNOR
Governor Nikki R. Haley

FROM: Kari Barsness *KKB*
Director of Legislative and Intergovernmental Affairs

SUBJECT: River Basin Advisory Commission Report

DATE: September 30, 2011

Pursuant to General Statute 77-117, General Statute 77-98, SL 2007-495, Section 22 the Division of Water Resources shall submit to the Environmental Review Commission, the Governors of North and South Carolina and the South Carolina General Assembly a report on the Catawba-Wateree River Basin Advisory Commission, the Roanoke River Basin Advisory Commission, and the Yadkin-Pee Dee River Basin Advisory Commission by October 1 of each year. Please consider the Division of Water Resources 2011 River Basin Advisory Commission Reports attached as the formal submission of this report.

If you have any questions or need additional information, please contact me by phone at (919) 715-4189 or via e-mail at kari.barsness@ncdenr.gov.

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Division of Water Resources**

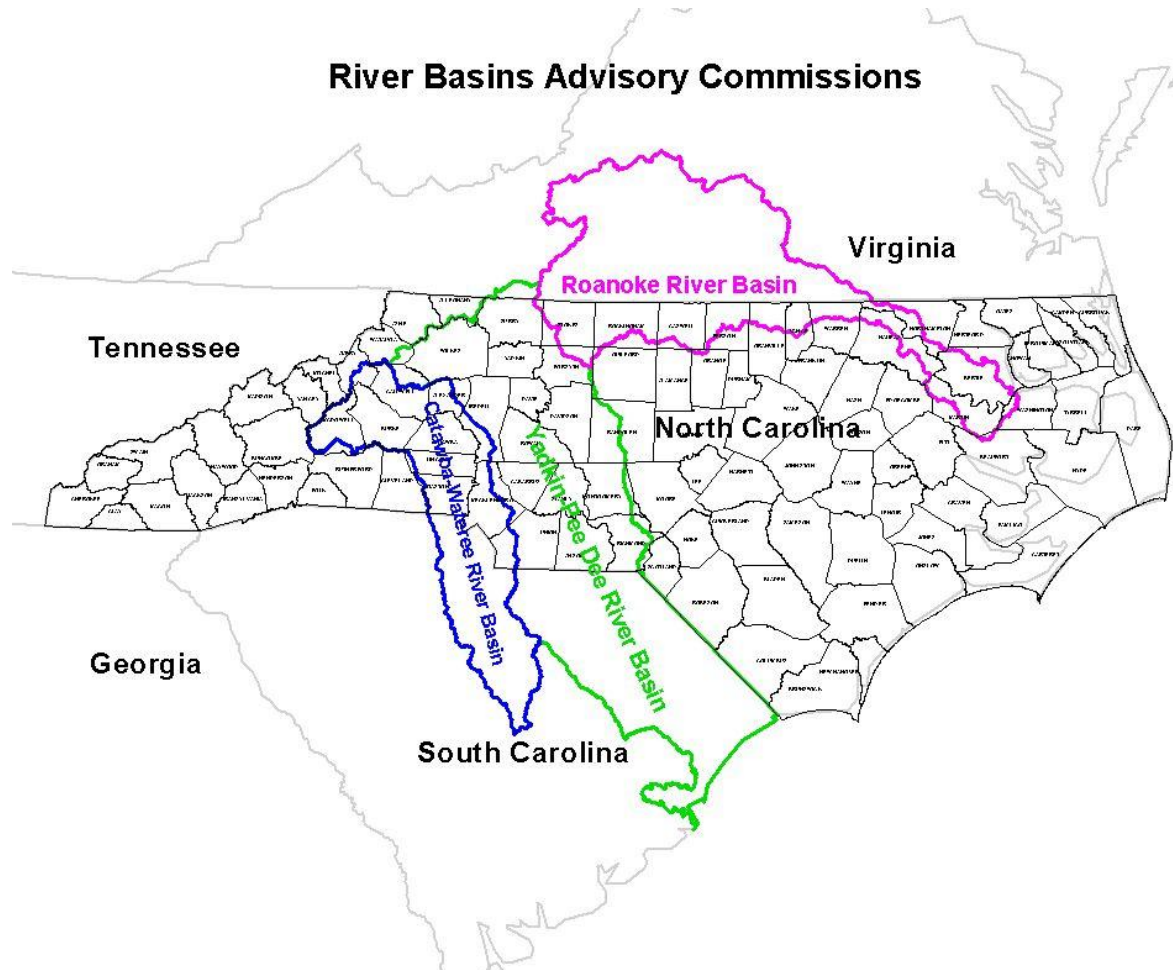
**STATUS REPORT TO THE GENERAL ASSEMBLY ON
RIVER BASINS ADVISORY COMMISSIONS
OCT. 1, 2010 THROUGH SEPT. 30, 2011**

Executive Summary

The N.C. General Assembly has established three river basin advisory commissions by statute: the Catawba/Wataree River Basin Advisory Commission, the Roanoke River Basin Advisory Commission and the Yadkin/Pee Dee River Basin Advisory Commission.

The formation of the Roanoke River Commission was created in 2002, with the passage of Session Law 2002-117. The Catawba/Wataree River Basin Commission and Yadkin/Pee Dee River Basin Commission were created two years later in 2004, with the passage of Session Law 2004-83.

The following figure highlights the three river basins.



The commissions were established for two primary reasons:

1. To provide a forum for discussion of issues related to water and other natural resources in the basin and
2. To provide guidance and recommendations regarding the use, stewardship and enhancement of the natural resources in the basin for the purposes of integrated river basin management.

The **Catawba/Wateree River Basin Advisory Commission** met two times in the period from Oct. 1, 2010, to Sept. 30, 2011. Major topics discussed at these meetings included: settlement of the Supreme Court lawsuit initiated by South Carolina, potential hydrologic modeling of the Yadkin Pee Dee River Basin, and a proposed off-line reservoir in Lancaster County, S.C.

The **Roanoke River Basin Bi-State Commission** met once in the period from Oct. 1, 2010, to Sept. 30, 2011. Major topics discussed at this meeting included potential uranium mining in the Roanoke River Basin in Virginia and possible strategies for the allocation of the remaining water supply in Kerr Lake.

The **Yadkin/Pee Dee River Basin Advisory Commission** did not meet in the period from Oct. 1, 2010, to Sept. 30, 2011.

Catawba/Wateree River Basin Advisory Commission

This commission is comprised of 15 members and includes eight legislative representatives from the North Carolina and South Carolina General Assemblies. The remaining seven members include a representative of Duke Energy Carolinas, a representative from a South Carolina water or sewer utility, a member from the bi-state Catawba River task force, a representative from the North Carolina marine commissions in the basin, a member of a South Carolina lake homeowners' association on the river, a member from the Carolina's Partnership Inc. and a member of a North Carolina nonprofit land conservation trust.

Since Oct. 1, 2010, the Catawba/Wateree Commission has met two times: on Nov. 12, 2010, and most recently on Aug. 12, 2011. The November meeting focused on efforts to resolve the U.S. Supreme Court lawsuit regarding the apportionment of water in the river basin. This lawsuit had been initiated by South Carolina after the approval of the Concord-Kannapolis Interbasin Transfer Certificate by the N.C. Environmental Management Commission. At this meeting, the Catawba/Wateree Commission played a critical role in forging the draft agreement that eventually was used to resolve this lawsuit in December 2010.

Topics of concern at the August meeting were a proposed off-line reservoir in Lancaster County, S.C.; hydrologic model development for the Yadkin Pee Dee River basin and updates on the status of water resource management programs in North and South Carolina. The Commission tasked representatives from the N.C. Division of Water Resources and the S.C. Department of Health and Environmental Control to develop a comprehensive cost estimate for the Yadkin Pee Dee hydrologic model. This cost estimate is to be presented to the Commission at its next meeting, scheduled for Oct. 7, 2011. At this meeting the commission will discuss whether to

submit formal comments to the U.S. Army Corps of Engineers regarding Lancaster County's pending permit application for its proposed offline reservoir in the Catawba/Wateree River Basin.

The N.C. Division of Water Resources provides staffing and assistance to the commission. There were minor meeting expenses and members' per diem expenses for fiscal year 2010-2011.

The Division of Water Resources has established a website for the commission where meeting agendas, meeting summaries, speaker presentations and other relevant information are available to interested parties. To see this information, go to

<http://www.ncwater.org/basins/rbac/index.php?tabid=1>.

Roanoke River Basin Bi-State Commission

The Roanoke River Commission is comprised of 18 members and includes 12 legislative representatives from North Carolina and Virginia, as well as three non-legislative members from each state.

Since Oct. 1, 2010, the commission has met once (on May 23, 2011). During this meeting, the commission received presentations regarding proposed uranium mining that would occur within the Roanoke River Basin in Virginia. The commission also received an update from the water allocation ad hoc committee on the potential future allocation strategies for the unallocated water supply storage in the John H. Kerr reservoir.

In support of the Roanoke River Bi-State Commission, the North Carolina Roanoke Advisory Committee met once on Feb. 28, 2011, and received presentations on the proposed uranium mining in Virginia and the allocation of the water supply storage in the John H. Kerr reservoir.

Session Law 2011-266 (Senate Bill 593) -- the Government Reduction Act -- eliminated the North Carolina Roanoke Advisory Committee. The elimination of the advisory committee has created an unintended problem. The three non-legislative members to the commission are appointed from the membership of advisory committee. Future activities of the full Roanoke Commission are currently on hold until North Carolina resolves the appointment of the three non-legislative members.

The N.C. Division of Water Resources and the Kerr-Tar Council of Governments provide staffing and assistance to the commission and the committee. There were minor meeting expenses and members' per diem expenses for fiscal year 2010-2011.

Yadkin/Pee Dee River Basin Advisory Commission

The Yadkin/Pee Dee Commission is comprised of 15 members and includes eight legislative representatives from North Carolina and South Carolina. The remaining seven members include a representative from Progress Energy, Alcoa Power Generating Inc., Weyerhaeuser Inc., a North Carolina and South Carolina water or sewer utility, a South Carolina agricultural entity, and a land development industry that does business within the basin.

Since its establishment, the Yadkin/Pee Dee River Basin Advisory Commission has never met, and neither state has appointed members to the commission. If this commission meets in the future, the N.C. Division of Water Resources would provide staffing and assistance. There were no expenses for fiscal year 2010-2011.