

# North Carolina Delegation of the Roanoke River Basin Bi-State Commission

## Summary of Minutes from March, 12 2012 Meeting

### I. [Legislative Update, Tom Fransen \(NC DWR\)](#)

Mr. Fransen gave an update on the impact of the Government Reduction Act, Session law 2011-266, which became effective on July 1, 2011. This law repealed the requirement for the Roanoke River Basin Advisory Committee (Part 2 of Article 7 of Chapter 77 of the General Statutes). Mr. Fransen stated that this should not impact the work of the Commission since the law still provides the authority for each State to meet separately and report findings to the full Commission.

One issue that SL 2011-266 did not address was Part 1 has references to Part 2 for the terms and eligibility for appointment to the Commission. After a review by the Attorney General's Office and the Governor's Office, it was determined the Governor has the necessary authority to appoint representatives to the Commission. In reviewing statute's change the Office of the Governor's Boards & Commission staff found some out of date information that is being corrected.

### II. RRBBC Calendar, Tom Fransen (NC DWR)

The full Commission will be meeting in Danville, Virginia on Tuesday, March 20<sup>th</sup>.

The next scheduled meeting for the full Commission will be on Tuesday, July 10<sup>th</sup>, 2012. That meeting will be held in North Carolina, location to be determined.

### III. [KLRWS Interbasin Transfer Update, Steven Reed \(NC DWR\)](#)

Mr. Reed provided an update on the Status of the Kerr Lake Regional Water System's request for an interbasin transfer certificate. The applicant has written an initial Draft Environmental Impact Statement (DEIS), which they have provided to the NC Division of Water Resources for Review. Before the DEIS can be completed, the Division must update the Roanoke River Basin Hydrologic Model. The Division is currently developing a contract for the upgrade. The model is expected to be completed in June 2013.

### IV. [Kerr 216 Study Update, Jim Mead \(NC DWR\)](#)

A section 216 study refers to the section of the federal River & Harbor & Flood Control Act of 1970 that authorizes studies to evaluate the operation of existing US Army Corps of Engineers (USACE) reservoirs to improve their environmental

performance. A 216 study is the only mechanism to bring about changes to the operation of a Corps reservoir (with the exception of action initiated by Congress).

The Corps is responsible for flood control and weekly decisions regarding how much water will be released downstream. Like many storage reservoirs, Kerr regulates the downstream hydrology by storing high flows for longer releases at lower levels, and also augments low flows during dry periods. A major impetus for the Kerr 216 study was concern about how downstream releases at Kerr reservoir are managed in response to high inflows, and the impacts of these releases on downstream floodplain (riparian) forests. Since the reservoir was constructed, ownership and land use along the lower Roanoke has changed. The majority of the acreage along the river in the lower Roanoke is now maintained for conservation purposes – either through easements or under ownership by the Nature Conservancy, the NC Wildlife Resources Commission, or the US Fish and Wildlife Service.

Alternatives being considered by the 216 study have focused primarily on ways to move water more quickly through the system to reduce prolonged downstream flooding during the warmer months. The Corps is just wrapping up its evaluation of the effects of operational alternatives on hydropower, as well as an attempt to quantify the benefits to the downstream riparian ecosystem. Remaining steps in the process include preparation of a document to satisfy requirements of the National Environmental Policy Act (NEPA), third party review of the study required by Corps policy, and the Corps decision on what alternatives to the current operation will be recommended. Completion is anticipated in about 2 more years.

Many of the stakeholders are hoping for a recommended alternative that includes the higher flood releases up to a 35,000 cfs maximum combined with mitigation for downstream effects on agriculture. The Corps is also considering measures to improve dissolved oxygen levels in the release from Kerr dam, which would benefit Lake Gaston downstream. A comprehensive alternative would also include the Corps using hydrologic models to proactively adjust releases in response to inflow trends that indicate a high probability of sustained high inflows. Lastly, the recommended alternative should incorporate adaptive management - monitoring and adjustment of operational protocols in response to how they perform under real-world conditions.

V. [Uranium Mining, Peter Pommerenk \(City of Virginia Beach\)](#)

In February 2011, the City of Virginia Beach released the findings of Phase I of a study conducted in response to Virginia Uranium Inc.'s plan to develop a uranium mining operation in Pittsylvania County. This area in southwest Virginia

is believed to contain a very large untapped deposit of uranium, but the area is also susceptible to heavy rains and flooding. This raises the possibility of radiation flowing into downstream drinking water supplies, including Lake Gaston, which supplies drinking water to Virginia Beach and, indirectly, Chesapeake and Norfolk, if a catastrophic storm were to breach a tailings disposal cell.

Phase II of the study, released in February 2012, expanded on the initial study by incorporating recently published information on the current mining proposal at Coles Hill and extending the study domain through Lake Gaston. Phase II utilized a two-dimensional hydrodynamic model to better understand the impacts on the tributaries of Kerr Reservoir and Lake Gaston, including Pea Hill Creek where the City's pump station is situated. The study concluded that impacts to the drinking water supplies would be significant but not permanent, after an unlikely worst-case event. Depending on weather conditions, it could take two months to two years to completely flush radioactive contaminants out of Lake Gaston.