

**Catawba-Wateree River Basin Advisory Commission Meeting
Meeting Minutes for January 5, 2007**

- 1) Chairman Sen. Clodfelter called the meeting to order at 10:10 AM.
 - Meeting was held at Elks Park in Rock Hill, SC
 - Welcoming remarks by the Chairman
 - Meeting minutes for the August 18, 2006 meeting were approved unanimously by the commission

- 2) Election of the new Vice-Chairman for this commission for 2007.
 - Sen. Clodfelter talked about electing the new Vice-Chairman from SC.
 - Sen. Sheheen sponsored Sen. Hayes name as the new Vice-Chairman.
 - Sen. Hayes was elected as the Vice-Chairman unanimously by the commission.

- 3) Chairman recognized Susie Hamrick Jones with Foothills Conservancy on NC for her work in the Upper Catawba basin. The National Association of State Parks Directors also recognized her efforts.

- 4) Chairman recognized the elected members in the audience attending this meeting:
 - Rick Lee with York County Council
 - Barbara Betty with Catawba County Commission
 - Joe Sam Queen with NC Senate # 47
 - Piper Aheron with U.S. Sen. Graham's office

- 5) Water use permitting legislation update from SC working group (Donna Lisenby and Nick Stegall):
 - Working group to look at permitting of water withdrawal proposed legislation. This legislation is based on one from Georgia. Names of all of the committee members were read and can be obtained from Nick Stegall.
 - Four meeting have held so far. Averaging 30-35 individuals attending each of the four meetings. Fifty-five (55) organizations are being invited to these meetings, including conservation leagues, farm bureau, Bowater, Springs, cities, counties, SCDHEC, SCDNR, and NCDENR.
 - The next meeting is schedule for January 12, 2007 and the goal is to deliver a draft product to Sen. Hayes to be introduced into SC legislature.
 - It was stated that NC had to do some catching up and should also adopt such a permitting process for water withdrawal.
 - Copies of the summary were provided to the members of the commission (see attachment). The Bill will require water withdrawal permits for withdrawal of 3 Million Gallons per Month. Some

“grandfathering” will occur but will have to file a short permit. Even if “grandfathered”, permitting would be necessary for any additional withdrawal. Many cities and municipalities in water treatment business have the potential to be affected by this proposed legislature.

- SCDHEC will be the permitting authority for the Bill.
 - The premise behind this legislation is to ensure that there is a good policy for any water withdrawal in SC. This would allow for properly allocating the water and not adversely affecting the existing water users in that basin.
 - Due to large growth and development, many States see a need to permit water use to new users. Georgia has a comprehensive law that would be the closest comparison to the SC’s proposed legislation.
 - The proposed legislation is standalone but will also include IBT issues as recommended by NC. IBT can be a subpart of the water withdrawal bill.
 - As SC has different regulations for groundwater, this proposed bill will not cover groundwater.
 - There was discussion about modeling, minimum in-stream flows, farm ponds, and growth of areas with adequate water resources.
 - It appears that there would be no opposition to this concept. Everyone may not agree with the entire bill but it is recognized that something is needed. It was recommended that further discussion is needed to answer the question of what proportion of the water (groundwater versus surface water) is used for farming purposes.
 - Sen. Hayes thanked both Donna Lisenby and Nick Stegall for their hard work and recognized that this is a mammoth process and very important one.
- 6) A report on how NC water use act works to resolve problems of non-sustainable water use, by John Morris:
- NC water use act was adopted in 1967 due to phosphate mining in NC in that period.
 - There are two triggers based on which NCDENR gets involved and conducts area wide study. Designated capacity use area and then designation of underlying area is used then to guide individual permitting process.
 - NC has approximately 500 groundwater monitoring wells to track changes in groundwater usage. Information collected from these wells is represented as hydrographs.
 - In 1998 NC saw the aquifers being depleting and hence a process of permitting this was developed. The rule was adapted for groundwater permitting use only as surface water was not a major issue at that time.
 - Chairman asked who would initiate the designation of the capacity use areas. Can we use the existing legislation or need to follow what SC’s is doing for surface water.

- There was discussion as to how IBT and capacity use areas are being managed in NC. What are the permitting issues associated with it and who is affected.
 - It was stated that the key is to have an adequate flow from NC to SC in Catawba River basin. Since, Duke Energy has submitted the application for the FERC re-licensing, it gives us a basis to conduct a basin wide planning.
- 7) Presentation by Land Conservation Group from NC by Richard Roti:
- The presentation was on urban eco-land analysis based on flyovers and how can this information be used for future planning process.
 - Mr. Roti's contact information is 704-544-8636 or rroti@carolina.rr.com
 - The web site is www.americanforent.org
- 8) Basin Planning & Interstate Cooperation in the context of Southeaster US, by Dr. David Moreau and Dr. Jeffery Allen.
- Presentation is attached as a pdf attachment.
- 9) Open discussion:
- Appears that the FERC provides a minimum flow to be released and it does not mean that it has to cross the state line. What can be added or layered onto FERC process to give SC the comfort level they need. Can we have more than minimum flow downstream into SC written as an MOA between the states. What we are missing is the process of getting to an agreement.
 - Chairman indicated to both SCDHEC and NCDENR to sketch out what would be an agreed upon and included into a MOA. To have the table of content and an outline by March 2008 and present to the commission at that time.
 - Chairman handed out copies of paper that is attached to these minutes as pdf document.
 - Sen. Sheheen asked the question, "what are we going to achieve at the end of the day"? This will be on the agenda item for discussion at the next commission meeting.
 - In regards to the law suite by SC related to IBT issues – let's propose to have a cooling off period, every body stands down for a concrete period of time
 - The commission would ask the administrative authority not to issue a decision and other parties not to file the law suite for a period of six months.
- 10) Adjourn at 2:45 PM.