

The Catawba-Wateree River Basin Advisory Commission (CWRBAC)

Meeting Minutes – October 6, 2017

Commission Members Present: Senator Wes Climer, Barry Gullet (Chair), Kathy Wilson (Vice Chair), Rick Lee, Jeff Lineberger, Tim Mead, James Bagley, Donny Hicks

1. Call Meeting to Order

The meeting was called to order by Chairman Gullet. He noted that eight voting members (majority) of the Commission to constitute a quorum. Six voting members were present; therefore, business requiring a vote could be discussed but action would be held until the next meeting.

Review of Commission Members:

Chairman Gullet reviewed the current list of Commission positions and who currently held those positions. Current vacant positions include two South Carolina Senator positions, one South Carolina House of Representative, North Carolina Conservation Land Trust, and Lake Norman/Lake Wylie Marine Commission Representative. Elected officials for the three South Carolina positions have been identified. Official appointment letters are expected prior to the next meeting. The North Carolina Conservation Land Trust position is awaiting appointment from Governor Cooper. And the Marine Commissions are currently working to approve a new representative prior to the next meeting.

Membership Issues and Possible Solutions

The review of the Commission Members included a discussion surrounding the difficulty of scheduling meetings when both states are not in legislative sessions and all eight legislative members are able to attend. Mr. Lee suggested the language in the statute be adjusted to allow for a primary and an alternate person be assigned to the eight legislative positions. The primary will continue to be appointed by the Governor of each state. The alternate will be a non-legislative staff member, from the primary's district, assigned by the primary and hold the power to vote in the absents of the primary. Chairman Gullet explained how this has been an ongoing issue since the Commission was constituted and agreed with Mr. Lee's suggestion, adding the recommendation of reviewing the statute for any other changes the Commission finds necessary at this time. Mr. Lee would like to see one or two positions created for members of the public. Mr. Lineberger was also in favor of initiating alternates for the legislative positions.

Chairman Gullet introduced the Roanoke River Basin Advisory Group Bi-laws document, suggesting this Commission develop a similar set of bi-laws specific to the Catawba-Wateree River Basin Advisory Commission. Mr. Lee will review and edit the bi-laws and suggested statute changes prior to the next meeting.

2. Review of Minutes

The minutes from the February 5, 2016 meeting and October 26, 2016 special session call were reviewed with no adjustments required. Approval of these minutes will be voted on during the next meeting with a quorum.

3. Recreational Use on the Catawba River (Tom Bell – City of Rock Hill)

Mr. Bell began with a review of recreational use of the river in recent history; mostly comparing recreational conditions prior to and after efforts began developing the Comprehensive Relicensing Agreement (CRA). Prior to the agreement, recreational activities were difficult due to flocculating flow on river and lack of access points. Mr. Bell reviewed the timeline of initiatives implemented to increase recreational use of the river between the late 1990's to present. These initiatives were those identified during the CRA development. The establishment of new recreational flow levels, several new river access points, increase in communication between local governments, recreational users, and Duke Energy has resulted in five new Outfitter companies along the river and crowds of swimmers and tubers enjoying the river.

Mr. Bell stressed the importance of increasing safety measures as increasing the recreational usability of the river is well on its way. Rock Hill is working to adapt to these new issues by training fire fighters how to conduct water rescues and increasing communication between emergency responders and law enforcement. There is no regulatory liability for the outfitter companies which Mr. Bell was not advocating for but increasing safety along the river is becoming a priority for Rock Hill Parks and Recreation.

4. Report on Duke Energy's Request to Increase Target Lake Levels (Mark Oakley)

Mr. Oakley went through his presentation explaining the background on a recommendation to increase target lake levels six inches during the summer months between May and October in the Comprehensive Relicensing Agreement (CRA). The recommendation was made in the Catawba-Wateree Water Management Plan and all modifications were unanimously approved by the 70 CRA parties in August 2016. Mr. Oakley went over the Low Inflow Protocol and its intended purpose. He also explained the risk assessment process used through the CHEOPS model for the requested six-inch increase. Further details of the request can be found in the presentation on the Commission's website.

Mr. Lee asked about how Duke was accounting for sedimentation loading in the reservoirs. Mr. Oakley explained that initial sediment loading studies were used in the CHEOPS model which overestimated the amount of sediment entering the lakes. An annual sediment analysis was reported between 2011 and 2015. The Catawba-Wateree Management Group will continue monitoring lake bottom levels every 5 years. Senator Climer asked about the results of the studies so far. Chairman Gullet explained the sediment loading is less than expected and the sediment is shifting around in the reservoirs more than predicted.

5. Report on South Carolina's Nutrient TMDL (Wade Cantrell – SC DHEC)

Mr. Cantrell began the discussion with the background and progress to date of SC's nutrient TMDL. In 2001, SC developed a standard for phosphorous. South Carolina and North Carolina entered a settlement agreement on the amount of nutrient levels which could be discharged. Wastewater reductions of 50% of previous loads were fully implemented in 2006. A 319 project allowed SC to conduct an update on the nutrient model, developed for the TMDL, which was used for a reevaluation of total phosphorous (TP) levels. Results of the study indicated the levels continued to be above the standard for both TP and total nitrogen (TN). The SC 2016 303(d) list prompted SC to place the Catawba lakes at the top of the priority list for TMDL development to reduce nutrient loads to the lakes. Preliminary loading numbers were developed to reach a goal of reducing waste loads of TP by 60 to 70% from point sources and 30 to 40% from non-point sources and reducing waste loads of TN by 50% from point sources and 30% from non-point sources. These reductions, which are aggregated for all

dischargers and not facility specific, are estimates of levels needed to help lakes meet the nutrient standards. South Carolina began evaluating how to allocate the reductions for permitted dischargers. The permittees (Catawba River Permittees Group) wanted to take a closer look at the model and allocations, at which point they requested the model be reevaluated.

In March 2017, the TMDL stakeholder group determined that, in the group's assessment, the monitoring was too limited for model development. The National Council for Air and Stream Improvement proposed to collect data to provide the model through their own funding which both states agreed to. The combination of South Carolina's and NCASI's data collection (including a few co-located stations) effectively doubled the monitoring efforts.

In July 2017, stakeholders met to discuss the best use of the data and how to adjust the model based on the new data. Moving forward, data collection will continue in 2018, the model will be adjusted during 2019, and South Carolina plans to complete the TMDL and have new permits in place in 2020.

6. Update on Catawba-Wateree Water Management Group Activities (Barry Gullet – Catawba-Wateree Water Management Group Chair)

Chairman Gullet presented a brief history, an overview and update on activities of the Catawba-Wateree Water Management Group. Chairman Gullet explained how the Water Management Group has taken on a voluntary process with four major phases. Those phases include: a safe yield research project; water quantity analysis extending the safe yield out to 2100; water quality analysis to understand the future of the source as a drinking water supply; and the economic impacts of a high-quality reliable water supply. The group is currently in phase three; however, products from the first two phases will be updated on regular intervals. Several additional, more focused studies have been completed and response measures to water supply shortages have been implemented. The group conducted regional water audit workshops with the goal of completing a regional water audit and revenue loss project. By establishing a broad communication network, Chairman Gullet discussed how the group will continue to expand its regional water planning efforts with a variety of stakeholder representation. A newly formed Advisory Committee will help broaden the group's perspective and help support the mission moving into the future. The Water Management Group continues to plan new initiatives while continuing to update existing plans. Additional information on this update can be found in the presentations slides link on the website.

7. A Single Fishing License for Lake Wylie (Rick Lee)

Currently, a fisherman would need a North Carolina and South Carolina fishing license to fish on Lake Wylie. Mr. Lee brought this topic back to the Commission in efforts to discuss possible solutions for this issue. This issue was originally brought before the Commission in 2014. At that time, a letter was sent on behalf of the Commission to SCDNR and NCWRC to ask for an agreement between NC and SC that is similar to other agreements between NC and Virginia and SC and Georgia. It was mentioned that the effort was unsuccessful due to disagreements over revenue from the licenses. Kathy Wilson brought up that law enforcement issues on the lake had been in the news lately so the timing might be better to revisit this effort. Joe Stowe volunteered the Lake Wylie Marine Commission to take the lead on the effort to determine the level of revenue generated by both states. The Marine Commission will develop a report outlining the issues involved and recommendations to move forward that will be presented to the Commission at the next meeting.

8. Election of New Chair and Vice Chair

Chairman Gullet opened the discussion pointing out that there were not enough Commission members present to qualify as a quorum; therefore, only nominations could be made. It was acknowledged that Kathy Wilson is the current Vice Chair. Mr. Lee nominated Mrs. Wilson Chair and Jeff Lineberger as Vice Chair. The window for nominations will remain open until a meeting can be called where a quorum is present to vote.

9. Discussion of Future Meetings and Agenda Items

Mr. Bagley suggested the next meeting be held in early December prior to both state legislatures beginning sessions. Suggested agenda items throughout the meeting include: reviewing draft bi-laws and proposed statute changes to Article 8; presentation on the process for homeowners to dredge around their property; updates from the Water For All Summit and the Comprehensive Relicensing Agreement Stakeholder Update meeting; findings from the fishing license report and recommendations; and election of a new Chair and Vice Chair. It was noted that the elected officials from SC should have appointment letters in hand by December. The next meeting will likely be held in SC.

Meeting adjourned by Chairman Gullet.

Minutes Submitted by Melanie Williams, Basin Planning Branch – NC DEQ