

## **Saluda RBC Meeting Minutes August 21, 2024**

**RBC Members Present:** Michael Waddell, Tate Davis, KC Price, Katherine Amidon, Thompson Smith, Robert Hanley, Patrick Jackson, Larry Nates, Devin Orr, Kaleigh Sims, Rick Huffman, Rebacca Wade, Paul Lewis, Josie Newton, Jay Nicholson, Rett Templeton, Brandon Grooms, Melanie Ruhlman, Jeff Boss, & Phil Fragapane

**RBC Members Absent:** David Coggins, Eddie Owen (Amy Bresnahan, alternate, present), Jason Davis, David Lawrence, Justin McGrady, Kevin Miller, & Charlie Timmons

**Planning Team Present:** John Boyer, Joe Koon, Scott Harder, Tom Walker, Alexis Modzelesky, Leigh Anne Monroe, Andy Wachob, Alex Pellett, Hannah Hartley, Kirk Westphal, & Jeff Allen

**Total Present: 40**

K.C. Price, Chair, called the August 21<sup>st</sup>, 2024, meeting to order. The Saluda RBC's August 21<sup>st</sup> meeting objectives included reviewing chapters 2 and 3 comments, receiving an overview of Draft Saluda River Basin Plan Chapter 4 & 8, and reviewing the working draft of Chapter 9 and continuing the discussion and development of Plan recommendations.

K.C. Price called for approval of the meeting agenda. Patrick Jackson – 1<sup>st</sup> made a motion to approve the meeting agenda with Tate Davis – 2<sup>nd</sup>, which was approved unanimously.

There was a motion to approve the June 19<sup>th</sup> meeting minutes and summary. Robert Hanley – 1<sup>st</sup> – made a motion which was seconded by Michael Waddell – 2<sup>nd</sup>. Members unanimously approved the last meeting minutes and summary. KC discussed his role at LCWSC and has unretired but appreciated the support from the RBC members. KC and Katherine both said a few words regarding the passing of Dyke Spencer of Powdersville Water.

### **Housekeeping Items and Announcements:**

- Engagement of the public with this process-what, when, how, who- (Status- Ongoing)
- Engagement of public officials (pertinent municipalities) to promote the plan when we get to the public comment period and beyond- (Status-Not started)
- Identify and engage stakeholders that are not involved in the basin council but have an overlapping or adjacent connection to our efforts. For example, NRCS, SC Forestry, SCEMD, etc. (SCDNR emails state and federal agencies ahead of each council meeting)- (Status-Ongoing)
- Development and maintenance of a public facing data clearinghouse for all things water with Saluda Basin- (Status-Not Started)
- Funding for implementation- (Status-Not started)
- We have discussed some data gaps-making sure we acknowledge those in our final report and determine how to mitigate those in the future- (Status-Started, e.g., fish data in Blue Ridge)

- If we want to request additional surface water demand scenarios we need to decide when? - (Status-Last call)
- Determine how and when we will coordinate with other basin councils- (Status-Ongoing)
- What recommendations do we need to consider for non-FERC regulated dams and how they impact recreation- (Status-Discussing today)
- Visit and learn more about NRCS buffer and restorations- (Status-April-May possibly)
- Keep apprised of the Surface Water Withdrawal Act- (Status-Ongoing)
- John to share general PPT with RBC for council member customization and sharing with networks
- Idea for public engagement, create a ppt that is student-friendly (need age groups desired and a better understanding of who would have use for this)
- Optional idea for a talk-Ask our state representative to speak to us about current policies? Maybe with Megan Chase from Upstate Forever (Rebecca Wade's suggestion regarding policies)?
- Legal petition for safe yield conversation-add to discussion with policy and legislature- (Status- Ongoing)

#### **Planning Process Reminders:**

- The common interest we all have is to create a plan that ensures water resources will be available for all uses for years to come, even under drought conditions.
- Although keeping your interest category in mind is important, try to remove yourself from specific hardline positions. You are welcome to disagree when needed, but please avoid being disagreeable.
- Respect the interests and opinions of others
- Consensus is achieved when all Members can "live with" a decision and does not necessarily represent unanimity.

Public and Agency Comment: Joe Koon, newly formed Director of the Water Resources of the Department of Environmental Services. On July 1<sup>st</sup>, DHEC was split into two, the Department of Public Health and Department of Environmental Services. As part of that reorganization, 2 DNR programs came over (Hydrology and Aquatic Nuisance Species); the Hydrology program joined within the division of water resources along Leigh Anne's water permitting program. Scott will continue to oversee this River Basin Planning efforts and Leigh Anne will continue to play an advisory role.

Q: SCO still under DNR, anyone else that stayed that needs to stay involved?

A: SCO stayed the same, support the SCO

Q: How will RBC's roles work w/ new agency?

A: Continues in the new DES

Q: State water plan still w/ DNR?

A: Now with SCDES, has been implemented

Q: Clarify about funding for next steps?

A: Funding moved to DES and we are looking toward FY26.

Q: Our recommendations could have influence on that?

A: We'll take it into consideration, yes

Q: For NRCS Guest – How do we get the money?

A: Grants to apply for. Sign ups for programs for primarily agriculture. [www.sc.nrcs.gov](http://www.sc.nrcs.gov)

Review of June Meeting Highlights and Decisions:

John Boyer facilitated this session, stating the highlight of the June meeting- the status of RBC recommendations, which included Drought Response (draft Recs are Complete), Planning Process (Draft Recs are Complete), Technical and Program (draft Recs are Mostly Complete) and Policy, Regulatory, and Legislative (discussion today).

**Review of Comments Received on Draft Chapters 2 and 3:**

We still have some comment sessions that have not yet been addressed on the RBC Comment-Response Log. So that's a work in progress. We can still go ahead to submit comments for chapters 2 & 3.

Q: What if you don't see your comments?

A: The ones you sent me were big picture, focused on recommendations. We'll discuss later

**Overview of Draft River Basin Plan Chapters 4 and 8:**

Chapter 4 involves Projected Water Demand, including current Water Demand, Permitted and Registered Water Use, Projection Methodology, and other Demand Projections. Chapter 8 talks about Drought Response, including existing Drought Management Advisory groups, Local Drought Response, and RBC Drought Response (roles and responsibilities, communication plans and recommendations).

**Review of RBC Recommendations and the Working Draft of Chapter 9:**

The planning process recommendations are considered to be for future phases of the river basin planning process; the Saluda RBC will require support from SCDES, technical experts, and the South Carolina Legislature. Chapter 9 is the River Basin Planning Process Recommendations, which include;

- The Saluda RBC recommends holding additional meetings to enhance public engagement
- The Saluda RBC recommends holding an annual coordination meeting of all RBCs
- The Saluda recommends the formation of an upstate Interbasin River Council (IRC)
- Recommendation for a water planning group- one member from each RBC (at least) plus others to represent all interest categories.

Comments/Questions

9.1

C: I'm fine with the changes

C: Rural water meeting January 9<sup>th</sup> – presenters from some basins

Statewide Meeting

C: Don't think it is necessary to have a statewide meeting. Makes more sense to have an upstate meeting

C: Some Lower basins may want to meet since this water goes to them

C: Legislative recommendations made may merit discussion w/ other RBCs for support on the Legislative recommendations. If the process is to continue. Merit for means for RBCs to discuss

Q: In the future is there an overarching group RBCs report to?

A: Could talk about group to replace the PPAC

Q: New PPAC?

A: Some discussion PPAC members contacted. Been some correspondence

Q: Should there be an overarching body?

A: If it is important for all RBCs to get together then it should be important to have an overarching group to represent

C: Don't see the value in having that plus SW committee. Avoid redundancy

Q: Want to make that recommendation?

C: Myra thought formation of PPAC got this started. She does want to rename it or keep name and move forward w/ elected officials looking at this we need people to guide and advise (stakeholders). All for it. Group of professionals and experts to advise and guide

Q: What would work? Mandatory rep from each basin?

A: Let DES figure that part out what they need or are lacking. Concerned about Legislature getting involved with SW

C: We are fortunate to have Jeff Boss on the PPAC. Good to have someone from each RBC on that committee

C: Needs to be a stakeholder group. Like PPAC but not necessarily the same PPAC. Didn't have strong role for other universities doing planning (other than Clemson)

C: Recommendation of at least one person from RBC

C: Shouldn't only be RBC members

C: Current Legislation – SW Committee (117.184)

C: A lot of overlap, hard to keep up with it. How is what we're doing will have any merit or relevance

C: Still identifying membership and charter. Still evolving

C: Intel on who would be on the committee?

C: Would need to check e-mails

#### **Technical and Program Recommendations:**

- SWAM model Improvements- Consider incorporating flow monitoring data collected at the County level to validate flows in the SWAM model
- Need for more data-;
  - Encourage more fish and macroinvertebrate data collection in Blue Ridge province to support development of flow-ecology relationships.
  - Encourage researchers assessing flow-ecology relationships to make use of the limited data that is available.
  - Initiate a discussion with SCDES to explore the expansion of the ambient water quality monitoring network.

Recommendation regarding planning for development in the Saluda River Basin:

- Encourage the River Basin Plan as a tool for local comprehensive plans and economic development- recognizing that streamflow alone does not guarantee water availability and sufficient infrastructure at a given location in the basin. Hence the Saluda RBC

further recommends that developers work with water utilities to ensure that availability of adequate water and infrastructure.

Questions:

9.2

Q: Will we define Upper, Middle, Lower part of the basin?

A: We haven't done that but could

C: Don't know when developer ever coordinated with utilities

C: Remove local comp plan and focus on economic development

**Policy, Legislative, or Regulatory Recommendations:**

- Encourage streambank restoration, riparian buffers, and other practices that reduce sediment load to streams and reservoirs.
- Encourage sustainable development that implements green infrastructure and best management practices (BMPs) to reduce downstream runoff.
- Encourage more enforcement, monitoring, and maintenance of stormwater control sediments and erosion control measures.
- Encourage strengthening design standards to capture larger storm events
- Provide more incentive to landowners to not sell their lands to development and, rather, place them in permanent conservation easement.
- Provide incentives that encourage farming practices that minimize soil disturbance and soil loss, and improve soil health.

9.3

Q: Terence is your money for streambank restoration?

A: We can partner with someone on sediment, streambank, etc. Money is available

C: Not ag so would have to go a different direction – Resource Conservation Partnership which is nationally competitive

Q: Have you worked with NRCS funding?

A: Yes 319 funding w/ NRCS – EQIP – maybe 5 projects

Q: Struggling w/ state water plan making recommendations for state laws or also local?

A: Your recommendation should focus on Saluda basin but can make recommendations for the state plan. Ones applying to other stakeholder groups. Geared to citizens or local implementation authorities like MS4s.

C: Can make specific recommendations if want to, focus on water quantity planning.

Don't want to dilute the plan

C: Encourage design standards

C: Capture 2-5 year storms?

C: Dams built for 100 year storms

C: We want to build for 500-1000 year storms (or 200-300)

C: State minimum is 25 year storm event I think. Some have moved up to 100 year

C: I'm all for it. Routinely overflow. Maintenance issue usually. Catch basins

C: More low impact development and green infrastructure. Get it underground

C: General guidance for recommendations for impact

Comments: Five guidelines that we can use to formulate our recommendations:

1. Are there things we can do that reduce the uncertainty or the unknown from 2 years' worth of planning.
2. Are there things we can recommend that can be measured and compared using the kinds of metrics that we have used here, such as water availability, flow statistics, and storage potential.
3. Each recommendation can add identifiable value to the volume.
4. Can the recommendations each and every one of them add something substantial to the report.
5. It's the quality of the recommendations more so than the quantity that is going to catch people's attention and perhaps give the plan some real legs when it moves forward.

C: Kirk Westphal will be facilitating the September meeting

#### **RBC Questions:**

1. Can we review how next steps will go for implementation?- is the idea that the recommendations can serve as the basis for the next two years for the RBC?
2. It would be useful to review who is committed ( folks that drew a 3 or 4 out of the envelope, if they are still committed, and determine the process for recruiting ( application process?). new RBC members to replace those that are done after 2 years. Will that be in January, or will our onboarding be in March? How will that work across the state in general?
3. What funding is currently dedicated for ongoing work for our basin?

Suggestions:

1. All recommendations need to be clear ( not ambiguous) and measurable to benchmark our successful completion/implementation
2. We should also note key or priority recommendations so it's clear what we, as an RBC, deem most important.

Discussion:

2. C: What level of weeds do we need to get into. Yes quantity focused but can make future recommendations

3. Q: Anything to add on recruiting and filling empty RBC seats

A: There would be a vetting process. We have the responsibility to keep them fully staffed. Want to know if 2 year folks on RBC to gage if they would reup.

4. C: Budget cycles – the basin plan is funded for now, additional funding depends on future budget cycles

Suggestions:

C: Possible ideas might be voted on to go to implementation instead of recommendations

Q: This process of volunteer groups that happened. A little uncomfortable with that.

Unauthorized smaller groups doesn't seem to be in the spirit of the process

A: Genesis was to get recommendations ahead of time so we had recommendations and organized them. Help make meeting more efficient

C: Would be better to create subcommittees. Some may not be able to attend those voluntary get togethers

C: Farmers have been a challenge to attend especially during growing seasons. We want your voice heard

C: I talk w/ folks in industry about what we're doing. If I received a recommendation I would bring it to the meeting to discuss. Here's the recommendation – if it is junk we move on

**Discussion and Development of Additional Plan Recommendations:**

Recommendation needing only minor revisions

- Clear RBC consensus- GREEN BUCKET

Not full RBC support

- May revisit to see if consensus can be achieved with revisions- YELLOW BUCKET

Minimal RBC support

- No clear path to consensus
- Drop- RED BUCKET

**Potential Recommendations for discussion:**

1. To continue positive progress at the state level for watershed planning and general environmental protection, the RBC calls for a state-led assessment of the current funding to SCDES. A memorandum should be prepared explaining the funding needed to support our growing population and critical activities, including the funds needed to implement the basin recommendations provided in the plans.

Feedback:

- Communicate between RBCs and DES about funding
  - Request that the legislature continue funding the planning process.
  - Seed grant example (GA EPD)-----GREEN BUCKET
2. Safe yield is a concept originally developed for reservoirs and groundwater and was later applied to streams and rivers. It is defined as the " amount of water available for withdrawal from a particular surface water source in excess of the minimum instream flow or minimum water level for that surface source" and is the basis for the South Carolina Surface Water Withdrawal, Permitting Use, and Reporting Act. This terminology has led to lawsuits, and it is not grounded in science, nor does it account for the flashiness of the river system. Keeping 'safe yield' as a basis for our surface water allocations could result in additional lawsuits, dewatering, and /or over-allocation. SCDES should study peer states/basins for a better determinant for allocating surface water resources. (Yellow bucket)

C: Safe yield for basin not reservoirs

C: Can't disagree but need to know what they're going to use

C: Need to give an alternative and not just criticize

C: Argue that have many issues w/ SW law. Law reviewed and addressed not just safe yield

C: Hard to talk SY w/o talking about eh rest as well. Defined in Act – different from definition elsewhere. EPA decided it created flow standards which are in conflict w/ the Clean Water Act.

SY as defined for rivers not based on science. Leads to potential for overallocation. Allows some

users to dewater the rivers. Perhaps just MIF requirements maybe basin specific. An overly simplistic equation that makes no accounting sense is dangerous for long term water resources

C: Letter from EPA to Myra about Safe Yield – overallocation

C: Do we want recommendation to look at current laws overall? Just tackling SY doesn't get to it

C: Can we table it to other discussion?

C: I don't need a reduction in water, don't want to sign on – what will replace it

C: Everybody wants to see changes in SW law including ag. Need to be careful. May not get sound science

C: Frame recommendations to frame the answer. Set expectations

3. The RBC requests that the legislative approved Surface Water Study Committee (as created by the 2024-2025 Appropriation Act, 117.184) collaborate with the eight basin councils prior to proposing policy and rule changes to the South Carolina Surface Water Withdrawal, Permitting Use, and Reporting Act or any other water quality or quantity policy.

Feedback: RED BUCKET- Vice Chair will draft a letter.

4. The RBC recommends that SCDES perform a benchmark analysis of our statewide water law, regulations, policies and manuals, including but not limited to, riparian buffer protection, aquatic resource alterations, mass grading construction activity review, and the Storm Water Management BMP Field Manual. Documents should then be updated to incorporate recommendations from each of the basin councils and industry standards, providing examples to assist recommendations that are directed at municipalities.

Feedback: YELLOW- Discuss in September.

5. The RBC requests a call to action to each local jurisdiction within the basin to review their ordinances and design guidelines and consider inclusion of the following stormwater mitigation and groundwater recharge strategies:
  - a. Riparian Buffers- A vegetated area of land that is adjacent to a body of water. Riparian buffers help filter pollutants from runoff, reduces erosion, stabilizes streambanks, reduces flooding, and provides valuable riverside habitat for plant and animal species.
  - b. Green infrastructure- The Water Infrastructure Improvement ACT of 2019 by the 115<sup>th</sup> Congress defines green infrastructure as “ the range of measures that use plant or soil systems, permeable pavement or other permeable surface or substrates, stormwater harvest and reuse, or landscaping to store infiltrate, or evapotranspire stormwater and reduce flows to sewer systems or to surface waters”.
  - c. Tree ordinances that evaluate tree canopy coverage as a stormwater mitigation tool. Consideration to the Green Infrastructure Center and the US Forest Service's Southern Region Trees 2 Offset H@) studies as a starting point is recommended.

Feedback: YELLOW BUCKET

Discussion:



C: Looking more of a policy not a recommendation (remove a,b,c?)  
 C: Goal is to address quantity all of those affect quantity. 3 tools we have to improve water quantity  
 C: Local jurisdictions  
 C: This may need to go under policy  
 C: This seems to be quality  
 C: Loss of storage from scour is a quantity problem  
 C: Related to quality more than quantity. Watershed based plan not basin plan. Keep wrapping around the axle on every quality issue. This quality issue is a quantity issue  
 C: Middle of road approach – Reedy hydrograph has changed as GVL has developed  
 C: It is worth keeping as 3 bullets  
 C: Could you live with it if we directed it to quantity?  
 C: Want to make sure it stays on quantity not quality  
 C: If it stays in, I want to add to it. Keep land in ag use. Long believed storm water fees should go to farmers to improve quantity and quality  
 C: Doesn't capture everything we've discussed in past. Pull out and broaden it  
 C: Green infrastructure and trees are quantity. What are tools in toolchest to prevent runoff w/ more impervious surfaces. Less in ground less in aquifer less in baseflow for river  
 C: If we don't document this now it could be a mistake  
 C: Simplified to direct it to quantity / GW recharge aquifers for Saluda River baseflow – could simplify it for gw recharge to ensure baseflow

6. The RBC recommends that as part of the comprehensive planning process that each local jurisdiction across the state consult both the Resilience Plan developed by SCOR and RBC plans for inclusion within the resilience elements as required by the South Carolina Local Government Comprehensive Planning Enabling Act as amended in 2020. Ensure that zoning, land use, stormwater ordinance, etc, are adjusted to support the resilience element.

Feedback: consider adding mitigation plans. Green/Yellow

**Questions and ideas for Discussion (that May Lead to Recs)**

Water Utility policies:

- What recent policy changes/performance changes has each water utility already implemented within the basin that could be considered as a basin wide recommendation?

Feedback

Green Bucket - The RBC encourages utilities to build resilience to ensure an adequate quantity of water through the identification of alternative sources, including interconnections.

The RBC encourages consideration of regionalization opportunities among upstate water utilities. Tool to manage availability of water resources.

Red Bucket – Triggers and Annexation Requirements

#### Data:

- Is there value in a periodic review of basin flow characteristics (over a more condensed recent past – 30ish years)
    - C: We go through changes over time in characteristics. Merit in reviewing the data changing. Strategies we've adopted
    - C: Some models do period of record – does 30s-70s reflect needs of system now
    - C: Flow characteristics change fast
    - Q: Discussions about when a move away from SWAM in DES?
    - A: Not much discussion I'm aware of
    - C: Might supplement SWAM with rainfall and runoff
    - C: Seeing if there are changes in basin flow characteristics. Tracking over time to guide RBC recommendations. How frequently should it be done?
  - Does 7Q10 really make sense as we plan for the future, especially as we consider the distant (75+ years) past data?
    - C: Didn't use it for SWAM used as a point of comparison
    - C: 7Q10 – all related to allocation. Median more appropriate or 7Q10. MIF vs SWAM
  - Stream and river systems change over time; if we are incorporating stream data within the 7Q10 analysis that experienced significant change (installation of a dam, channel straightening land use change) are we really getting an understanding of what could be the future flow?
    - C: Median discussion was in Edisto plan
    - C: Not locked into 7Q10 – recommend median over mean
- Feedback: Use of median flow rather than mean for water allocation.

#### What data are we missing? (Next Meeting)

- What data gaps do we have, and how can we improve upon our data collection and analysis to be a better-informed RBC (and even beyond the Saluda basin to assist with statewide decision-making?)
- How can we maximize this data collection with stakeholders to consider cost and time implications?

#### **Saluda RBC Meeting #17, Wed, September 18, 2024.**

##### Informational Topics:

- Introduce Chapters 5 and 6 and review comments on Chapters 4 and 8
- Continue discussion and development of policy, Regulatory and legislative Recommendations
- Begin development of implementation Plan.

October meeting: push it back to Weds October 30<sup>th</sup>.

Canoe/paddle trip in September?

C: 2 hour float trip. 30 minutes from here

KC asked for a motion to adjourn.

1<sup>st</sup> – Robert Hanley

2<sup>nd</sup> – Brandon Grooms

Meeting adjourned at 2:00 PM

Minutes: Iffy Ogbekene and Tom Walker

Approved: 9/18/2024

RBC Chat:

10:42:33 From Jeffery Allen to Everyone:

Myra has reached out to members of the PPAC to ask us if we will continue to serve - and so far many members have said yes.

11:09:13 From Thomas Walker to Everyone:

pause until 11:18

11:29:20 From Thomas Walker to Everyone:

Devin would you be staying on after 2 years or would someone else from SCRWA step in?

11:57:52 From Kirk Westphal to Everyone:

Could this RBC suggest that the state embrace the many dollars they have spent on the SWAM models (scientifically based) and the RBC usage of these, and compare current allocation procedures to results of all the modeling that's been accomplished? (As a starting point)?

12:01:42 From Thomas Walker to Everyone:

pause until about 12:20

13:01:01 From Kirk Westphal to Everyone:

Can the RBC recommend that "At this point, we recommend efforts to encourage groundwater recharge to provide consistent baseflow, and efforts to reduce sedimentation that

could reduce surface water storage, and the expansion of relevant measures in future phases to focus on the associated water quality, habitat, and flood control benefits." ?

13:52:03 From Kirk Westphal to Everyone:

Thanks for leaving all the easy ones for me next month, John! 😊

13:52:55 From Thomas Walker to Everyone:

Reacted to "Thanks for leaving a..." with 😂

13:54:36 From Kirk Westphal to Everyone:

Tom, are we discussing changing the date?

13:54:46 From Thomas Walker to Everyone:

in october

13:54:51 From Kirk Westphal to Everyone:

Ah. ok

14:00:10 From Kirk Westphal to Everyone:

I'm happy to take John's place in a canoe.

14:00:55 From Thomas Walker to Everyone:

meeting adjourned