

Upper Savannah River Basin Council

**November 13, 2024 Meeting Minutes**

**RBC Members Present:** Alan Stuart, Scott Willett, Harry Shelley, Mack Beaty, Melisa Ramey, Mark Warner, Jill Miller, Katie Hottel, Reagan Osbon, Tonya Bonitatibus, Jeff Phillips, Tonya Winbush, & Cole Rogers

**RBC Members Absent:** Billy Owens (Don Todd, alternate, present), Cheryl Daniels (Eddie Brown, alternate, present), Jon Batson, Chuck Connolly, John Hains, Tim Hall, Daniel Milam, Dan Murph, & Will Williams

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

**Total Present: 28**

1. Call the Meeting to Order (Jill Miller, RBC Chair) 10:00–  
10:10
  - a. Review of Meeting Objectives
  - b. Approval of Agenda
    - i. Agenda approved
    - ii. Harry Shelley – 1<sup>st</sup> and Melisa Ramey – 2<sup>nd</sup>
  - c. Approval of October 9<sup>th</sup> Minutes and Summary
    - i. Minutes and Summary approved
    - ii. Harry Shelley – 1<sup>st</sup> and Reagan Osbon – 2<sup>nd</sup>
  - d. Announcements and Housekeeping Items
    - i. WaterSC
      1. Met initially 10/30
      2. Approved stakeholder engagement plan
      3. Next meeting 11/22
      4. 25 public members
      5. Listening groups
        - a. Provide status
        - b. Report due by end of January
      6. We have been planning for 50 years, governor planning for 100 years
    - ii. Santee
      1. Having kickoff meetings in December
    - iii. Other RBCs
      1. Pee Dee has a draft plan they are reviewing
      2. Saluda meeting next week and discussing policy, legislative, regulatory recommendations
      3. LSS working on water management strategies
      4. Potentially January for interbasin council with LSS

## 5. Broad looking at implementation

2. Public Comment (Ashley Reid) 10:10–10:15
  - a. Public Comment Period
    - i. none
  - b. Agency Comment Period
    - i. none
  
3. October RBC Meeting Review (Ashley Reid and John Boyer) 10:15–10:20
  - a. RBC adopted technical recommendations
    - i. Reducing sediment loading to reservoirs
    - ii. Study impacts of changing land use on streamflow characteristics
    - iii. Develop a strategy to identify and prioritize properties that could impact the quality and quantity of water
    - iv. Identify the financial impacts of increased sedimentation on reservoirs and water resources and communicate the results to local governments
    - v. Each local jurisdiction across the state consults the Resilience Plan
    - vi. Advocate for the development of local ordinances for new development
    - vii. Future planning efforts should include an evaluation of surface water quality
    - viii. Use RBP to highlight areas where water is more abundant
    - ix. Amend the building permitting process in counties and municipalities to require developers work with water utilities to ensure adequate water availability
    - x. Understanding potential impacts of private and community wells
    - xi. Data usage and acquisition
    - xii. Update models to consider future uncertainties
    - xiii. Fund and establish a mesoscale network of monitoring stations
  
4. Overview of RBC Comments on Draft Chapters 2, 3 and 4 10:20–10:30
  - a. Comment-response log
  - b. Addressed 90% of comments
  - c. Use 2021 multi resolution land characteristics database for land use data
    - i. In the process of getting that, will switch over
  - d. Hurricane events in last 3-4 months, should we update?
    - i. Not sure if the climate office will have time to get data
  - e. Mercury is a pollutant of concern, but some is naturally occurring
    - i. Maybe soften the wording?
    - ii. C: don't care how it got there, still affects humans the same
    - iii. C: no clear evidence that the naturally occurring mercury exceeded the limits, but the limits are exceeded and the public has the right to know
    - iv. Will make revisions

- f. Existing data that the Nature Conservancy maintains throughout the state of land protection areas
    - i. Requested that data
  - g. Haven't addressed comments on chapter 4
    - i. Extension until Friday
5. Sedimentation Projections for USACE Reservoirs and Modeling Update (Amy Shaw, CDM Smith) 10:30–10:45
- a. Future sedimentation projection for USACE reservoirs
    - i. Storage loss since initial construction
      - 1. -14% in Lake Hartwell
      - 2. -10% in Lake Russell
      - 3. -7% in Lake Thurmond
    - ii. Uncertainty in the accuracy of the initial construction surveys. USACE plans to conduct another full bathymetric survey on each reservoir in the next 10 years using the same methodology as the recent surveys
    - iii. USACE developed stage storage curve projects for 2072 assuming the same rate of sedimentation continues annually
    - iv. Approach to modeling
      - 1. Used Savannah River SWAM model to assess the impact of continued sedimentation over 50 years
      - 2. Using 2070 high-demand scenario
      - 3. Assumed storage loss through 2072: -25% in Lake Hartwell, -28% in Lake Russell, -12% in Lake Thurmond
    - v. Results
      - 1. Projected storage loss has a minor impact on water availability and there continue to be no projected shortages on the Savannah River mainstem
      - 2. Q: differences between storage loss and no storage loss were fairly similar in magnitude? A: would think so
      - 3. Assumed continued same rate of sedimentation, don't know if that's a fair assumption
      - 4. Get more sedimentation from high-intensity rain events, getting more high-intensity rain events
      - 5. Could have run a sensitivity analysis
    - vi. C: I am a little suspicious of Thurmond's numbers, but it somewhat makes sense because there is more government land around the lake. Surprised that Russell is that high. A: hopefully Corps will be able to do those surveys in around 10 years and may give some insights. Assume Russell's drainage area is smaller than Hartwell's
    - vii. As reservoirs lose storage volume, they lose sediment trapping efficiency
    - viii. Q: how would you track the rate of the changing sedimentation? A: simplistic approach, what if we added 50% to the rate

Break

10:45–10:55

6. Finish Discussion and Development of Technical Recommendations (Ashley Reid and John Boyer) 10:55–11:35
- a. Quick look ahead to implementation plan
    - i. Objectives, strategies and actions
      - 1. Address water shortages or other identified issues
      - 2. Informed by the recommended water management strategies and other plan recommendations made by RBC
      - 3. diagram
    - ii. Schedule
      - 1. Focuses on 1<sup>st</sup> 5 years following adoption of the RBP
    - iii. Budget
      - 1. Budget needed to accomplish each objective
      - 2. Identifies potential funding sources
  - b. Implementation plan- Broad RBC identified objectives
    - i. How the recommendation resulted in a strategy and action
  - c. Yellow bucket recommendations
    - i. Audit and update the state stormwater standards to reflect new storm scenarios and data and consider regional differences
      - 1. How would DES analyze it and approve plans?
      - 2. Need to wait for Jon Batson to return at next meeting
      - 3. C: Would be extremely expensive, more data needed, no way to do an analysis
      - 4. Discussion looking for additional studies for the downstream receiving bodies as well
      - 5. C: Didn't have a good mechanism for that
      - 6. What's the point?
      - 7. Stormwater one will work itself out
      - 8. red
    - ii. Extend flood mapping in SC to include the 100-year flood plain in all areas
      - 1. Data should be made more publicly accessible
      - 2. Q: how can you realistically get that number?
      - 3. Q: how does this apply to the water plan? Data is nice but if we're not advocating for zoning and land use restrictions, there's no point in getting this data. A: could offer tax credits
      - 4. FEMA funding after flooding
      - 5. C: ridiculous that we don't want people to have data? A: is it the RBC's purpose that get publicly available data even if it doesn't have anything to do with the mission

- a. Data provides local municipalities with more information
  - 6. red
- iii. Review recommendations from stream audit/ studies and consider new locations
  - 1. Stevens Creek definitely needs one
  - 2. Q: how long does it take to validate the gauging station from the time it's installed before we start seeing and using the data?
  - 3. Q: do y'all maintain a wish list of where you would like gauges? A: yes
    - a. Q: how close are you to getting the gauges you would like installed and funded? A: made considerable progress since 2015, added 50-60 gages, halfway
  - 4. Recommend rewording to say that the state should fully fund the gages that are recommended by DES because they know where they need to go
  - 5. Jeff sent info about lower-cost methods- bridge box
  - 6. Changed to fund all state-recommended streamflow gage locations
    - a. Added existing and future,
    - b. Added state agency
  - 7. Green
- iv. Recommendations for technical studies to improve knowledge of specific issues
  - 1. Very broad
  - 2. Red
- v. Complete the phase 2 USACE comprehensive study and drought plan update and support completion of phases 3 and 4
  - 1. US and LSS RBCs support completion
  - 2. Phase 3 may require congressional action
  - 3. Q: does it need to be a specific ask of the state as opposed to a general statement? A: good point.
  - 4. Q: funding from several places. What were the obstacles that prevented the state from adopting the plan? A: they wanted additional studies but there was no more money available. If Nature Conservancy hadn't stepped in, not sure if would have gotten as far as it got
  - 5. Added in "state to support"
  - 6. Not just spend money, but focus on why it couldn't get completed the first time
  - 7. Need to get the state to work with GA
  - 8. Has to be state, if not no one will do it

9. Q: are there certain things you want them to focus on if they can't do it all? A: phase 4 was always a bit nebulous
  10. If we do step 1, it will change how others understand regulating the components of the watershed
  11. Q: is there a more reasonable ask?
  12. Removed phases 3 and 4
  13. Q: what does support mean, financial support? A: cost share between states and federal
  14. Q: would we have to update the model if we got new info? A: assume they had to update to accommodate sedimentation
  15. C: stop managing the reservoirs in the rearview
  16. C: enter drought sooner by looking at inflows
  17. Q: is it a requirement that the plan gets rewritten after a certain number of years? A: not sure
  18. green
- vi. Added recommendation that RBC encourages USACE to anticipate drought
1. Changed to incorporate forecasting into drought decision-making
  2. Moved under phase 2 of USACE
  3. Add in use other available data?
  4. Maybe add in groundwater as an element in the forecast?
  5. Q: Do we have enough water quality data? Are the water gages monitored on a regular basis? A: can add it as a technical recommendation to open it up to study and evaluation of water quality issues

*With Break for Lunch at 12:00–12:20*

7. Discuss and Develop Policy, Legislative and Regulatory Recommendations (Ashley Reid and John Boyer) 11:35–1:50
  - a. Technical recommendation
    - i. Support collection of additional fish and invertebrate data to enable develop of flow ecology relationships in the Blue Ridge Province
      1. Wasn't as important because not as much area
      2. C: Important in other areas, not sure if as important here
      3. C: if they are doing it in one side why not do it here
      4. Luke Bower made a proposal to provide info on what they would do and the cost and a proposal to collect data in larger rivers
      5. Q: who are they asking for support from? A: original study was funded by a number of organizations, including Nature Conservancy, DNR, DES
      6. C: if we have gaps and they have gaps, our addition of the recommendation makes it more likely that their recommendation will be considered

7. C: we should focus on our issues
  8. State plan isn't the sum of everything from every basin, it's to pull the things that are consistent and good ideas. This wouldn't be a priority push
  9. Saluda RBC said they didn't need more info, just use what's already available. Even if they have less confidence, they should use the existing data and tell us the results and we'll decide whether we need them or not
  10. Green
- b. May include but are not limited to
    - i. Modifications to existing state or local laws, regulations, or ordinances
    - ii. New state or local laws, regulations or ordinances
    - iii. Ideas for recurring funding for water planning work
    - iv. Restructuring existing groups or agencies
  - c. River Basin Policy Recommendations
    - i. The SC legislature should authorize recurring funding for state water planning activities, including river basin planning
      1. Green
    - ii. A grant program should be established to help support the implementation of the actions and strategies identified in each RBC's RBP
      1. Nonprofit organizations might make it harder for states to swallow
      2. Depends on how many strings are attached
      3. GA Seed Grant
        - a. \$75000 per project
        - b. Can use state and federal money
      4. C: Change the wording to remove should
      5. Q: if it didn't say nonprofits, does that mean a nonprofit couldn't use it? A: not necessarily
      6. More legitimacy of data if it comes from municipality
  - d. Policy, legislative, or regulatory recommendations
    - i. The SC Surface Water Withdrawal, Permitting, Use, and Reporting Act should allow for reasonable use criteria to be applied to all surface water withdrawals like those that currently exist for groundwater withdrawals
      1. Q: is this considering the past? A: no, just the future, when they're going to consider a permit
      2. If someone were to apply for surface water registration, they don't have to show how they're reasonably going to use the water under existing law.
      3. Q: they don't check to see if you're doing what you said? A: there's some requirement that you have to show progress toward installing an intake

4. For new surface water permits, there is a minimum stream flow you have to maintain, have to have a drought contingency plan
  5. Majority of the permits are grandfathered, so they're not required. 94% of permits and registrations
  6. Effective in tying up safe yield of the basin, but that wasn't the original intent
  7. A new set up would be evaluated with reasonable use criteria
  8. Q: what percent of the waters that are available are under a grandfathered permit? How much water is actually left? A: pretty close to fully allocated based on registered and permitted reviews. Registered and permitted model scenarios are different from how DES calculates the safe yield at any point in the basin. Not enough water if everyone pulls out what they are permitted for
  9. If you open up the laws for changes, you also opening up all existing permits and registrations
  10. Q: define reasonable use. A: evaluation criteria. What are the conservation practices that are applicable to that sector use?
  11. C: how do we define reasonable use, and is there a requirement that over time, we become more efficient with our water use?
  12. C: current law, unintentionally, prescribed where growth can occur both economically and population. Do we have 20/20 vision of what's going to happen?
  13. C: Water is not being regulated.
  14. C: Once you write the rules down, people plan their behavior exactly
  15. C: Most of the water that's being allocated is not being used
  16. Need to be able to live with it to get consensus
  17. green
- ii. The current water law can be improved to support effective management of the state's water resources
1. Acknowledges problem, doesn't have solution
  2. Add emphasizing conservation? It's an overall statement, saying that grandfathered people don't have to abide by the rules
  3. Q: is registered use transferable with the property? A: registrations are not transferable
  4. If you want to make a recommendation, make it something specific you would like to see right now
  5. Other thing the Broad discussed is that for the grandfathered users, they don't have to curtail withdrawal once you get below the minimum stream flow. New users need to have a contingency plan



6. Changed improve the current laws that allow for regulation of water use so that they are enforceable and effective
7. Q: is a claw back clause a nonstarter? A: people are not interested, no one said it's a good idea. Discussion but no recommendation
8. C: Should restate so it's more definitive
9. C: doing a lot of wordsmithing and don't have the code of law in front of us
10. When we write these up in chapter 9, we have the recommendation and then a narrative
11. Q: if we don't come up with something specific, are you going to come up with an actual plan with funding? A: there's not much more you can do for legislative ideas other than lobby for your position. Providing ideas to WaterSC or the legislature
12. Q: How does whoever is in charge of revising the law get input from? A: DES, lobbyists, WaterSC, surface water committee, other states
13. C: if we don't hash it out here, they're going to hash it out in committee. Are they better equipped than we are to give a specific recommendation?
14. Can revisit this in December or January
15. Other RBCs have come up with general concepts
16. C: if we agree with others, pull them under the more major bullet
17. C: if our goal is to manage the resources, we have to find a way to be more efficient
18. Maybe develop a program like GA has which is the most stringent in the country for water loss control efficiency requirements
19. C: GA moved contractors on their Upper Basin Advisory Council and brought over contractors from FL, AL, and GA. Brought big dogs over. SC and GA don't believe there's water available
20. C: San Diego had drought worries. They got a lot of rain to avoid drought, and it provided a wake-up call that they were bumping their heads on the cap. One way they reduced water use was to stop watering trees. The population increased over 10 years, and water use decreased. Need to plan
21. A lot of headway by making water conservation efforts
22. Added improve water use efficiency bullet
23. Added find a way to reallocate resources to where they are needed bullet
24. If it gets down to level 4, the Corps only cares about keeping the water going
25. Existing permits may have to be willing to give up some water

26. Q: does your allocation show up as an asset on your balance? A: facilities do but not that
  27. C: project your water use and could prove reasonable use over an extended time but it might not actually be the case
  28. C: ask if these are reasonable projections. Are they close to what the Department of Commerce is projecting?
  29. Green
- iii. Water law and implementing regulations should not distinguish between registrations and permits
    1. Registrations are for agriculture, permits are for everything else
    2. C: a lot of concern about what we call a permit based on costs. Could be permits for all with everyone having reasonable use criteria but depending on what your permit is, it's different
    3. C: area of concern is that if ag has to get a permit, in times of drought when they need to irrigate, they have to meet minimum instream flow requirements or have a contingency plan
    4. Maybe everyone gets permits but ag gets exceptions
    5. Q: what are the differences between registrations and permits? A: no fee for registration, registrations don't have to meet minimum stream flow requirements, permits are transferable for like use
    6. If you are a groundwater user, you have to get a permit regardless because you are in a capacity use area
    7. Permits have a \$7500 application fee for new users and \$1000 annual operating fee
    8. C: only need it when the number of instream flows are likely to be running low
    9. C: in exchange for granting an agricultural user a permit and allowing them to encroach on the middle nutrient flows, they should have to demonstrate they are efficiently using the product
    10. Q: how you show someone you're being efficient?
    11. C: if there's no cost to something, people won't be efficient with it
    12. C: talked to farmers and they agree ag efficiently uses water already
    13. Red
  - iv. The Broad RBC or the PPAC should develop a model riparian buffer ordinance for local jurisdictions to consider
    1. Red
  - v. The water withdrawal permitting process should specifically assess the permit application's alignment with the current RBP particularly regarding proposed withdrawals, returns, resource conservation, and drought response
    1. C: state water plan would have to be the driving function

2. More specific to each basin
  3. Changed specifically assess to consider
  4. C: make the applicant align their plan with the RBP
  5. Q: how much weight does misalignment carry?
  6. Q: how should regulation be read? If applicant's proposed withdrawal is not in alignment, it will be rejected, won't be recommended, or info will be considered?
  7. Q: Who's going to decide if it aligns? A: DES
  8. Red
- vi. Next meeting talk about Pee Dee's and Saluda's recommendations
8. Upcoming Meeting and Draft Chapter Review Schedule (Ashley Reid and John Boyer) 1:50–2:00
- a. 12/11
  - b. Work on implementation plan
  - c. Review comments on chapters 5-7
  - d. Schedule for completion
    - i. 2024: December- work on implementation plan
    - ii. 2025: January- finalize implementation plan, February- review and discuss draft plan and executive summary, March- final draft plan and first public meeting, April- Address draft plan comments, May- finalize plan and 2<sup>nd</sup> public meeting
  - e. Chapter schedule
    - i. 2024: October- 2,3,4, November- 5,6,7,8, December- 1 and 9
    - ii. 2025: January- 10, February- full draft plan and executive summary

Meeting adjourned: 2:03 PM

Minutes: Taylor Le Moal and Tom Walker

Approved: 12/11/24