

Broad River Basin Council

**June 8, 2023 Meeting Minutes**

**Members Present:** Amy Bresnahan, Ken Tuck, Bryant Fleming, Daniel Hanks, Angus Lafaye, John Alexander, Jeff Walker, Erika Hollis, Bill Stangler, Mark Boland, James Kilgo, & Jeff Lineberger

**Members Absent:** Frank Eskridge (John Riggs, alternate, present), Paul Pruitt (David Evans, alternate, present), Kristen Austin (Eric Krueger, alternate, present), Karen Kustafik, Jim Cook, Justin McGrady, Jason Wright, & Brison Taylor

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

**Total Present:** 38

**1. Call the meeting to Order ( Ken Tuck, RBC Chair)**

Ken Tuck, Broad River Basin Council (RBC) chair, called to order the June 8, 2023 meeting of the Broad RBC at 9.00 AM. Ken reviewed the meeting objectives and requested motions to approve the agenda, minutes, and summary documents from the previous meeting. The Broad RBC members unanimously approved the RBC meeting agenda and the last meetings and summary.

**Approval of Agenda:** Angus Lafaye – 1<sup>st</sup> and Bill Stangler – 2<sup>nd</sup> – unanimous approval

**Approval of Minutes and Summary Documents:** Angus Lafaye – 1<sup>st</sup> and Bill Stangler and Amy Bresnahan – 2<sup>nd</sup> – unanimous approval

There were no public comments and there were no agency comments.

The RBC May meeting review included:

- Draft Chapter 7 focusing on Water Management Strategies,
- DHEC regarding the Surface Water Withdrawal, Permitting Use and Reporting Act and Regulations,
- Developed Planning Process, Technical and Program, and Policy, Legislative and Regulatory Recommendations.

Based on feedback from the PPAC, the “Resource Centered Approach” was proposed which included:

- permits for all with no registrations,

- 30 year permits reviewed every 10 years,
- and permits can be reduced if the permitted limit is not necessary to meet permittee's future needs for length of permit.

Regarding the issue of mean vs. median, it's been suggested that Safe Yield should be based on the median, not the mean. This is because the median stream statistics are much more representative of typical streamflow or central tendencies. The limitation of using the mean has resulted in an overestimation of resource availability.

Comment: Would like to use median and see what the change would be for the Broad River Basin (difference between Safe Yield)

Response: The Safe Yield calculation is in the regulation, so it is not a suggested change at this time

Response: about a 20% allocation difference overall

Comment: It would be helpful to have a summary table

Comment: Seems to be general support to consider making this recommendation

## **2. Review and Finalize Planning Process, Technical and Program, and Policy, Legislative, and Regulatory Recommendations ( John Boyer) 9.30-10.00**

John Boyer facilitated this session, **the River Basin Planning Recommendations** included:

- RBCs, and their Planning team should regularly consider polling and identify if adjustments to meeting times, locations, and dates would allow for easier and/or more member attendance and/or increased in-person attendance.
- SCDNR and the RBC Planning Team should conduct regular, for example, annual reviews of the RBC membership, making sure all interest categories are adequately represented.
- Experts who presented technical information to the RBCs should also offer proposed recommendations for RBC consideration.

**River Basin Planning Process Recommendations:**

- RBC should consider developing and executing a communication plan early in the initial 2-year planning process and conducting education and outreach prior to completion of the River Basin Plan.
- SCDNR should take lead in organizing an annual state-wide meeting of the RBCs with the Agriculture and Natural Resources Committee of the State Senate and the Agriculture, Natural Resources and Environmental Affairs Committee of the State House to communicate the value of water planning, highlight progress and recommendations, and share ideas among RBCs.
- The South Carolina Legislature should continue to fund state water planning activities, including river basin planning.

Comment: Concerned about membership and the cutoff for new membership relating to voting on plans

Discussion: Membership should be considered on a case-by-case basis dependent on the situation such as the applicant's familiarity with the planning process

Discussion: after the first cycle of planning there needs to be some sort of onboarding and training (orientation slides, quizzes, etc.)

Comment: Discussion about the DNR/DHEC merger into the DES and what to do about the language in the Plan

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

- Consider incorporating future climate projections into modeling analyses, for example, projected temperature, evapotranspiration, and precipitation, to better address potential supply-side changes in hydrology. Consider incorporating historical climate information such as dendroclimatology (tree ring data) to inform drought risk and scenarios.
- Recognizing that comprehensive, reliable, and long-term hydrologic data is critical to water planning, funding mechanisms to support continued USGS efforts to maintain and expand streamflow gages should be identified.

- The Broad RBC should identify the financial impacts of increased sedimentation on reservoirs and water resources and communicate the results to local governments to demonstrate the value of riparian buffers, sedimentation, and erosion control measures, and other policies and controls that reduce sediment generation and transport.
- With support from technical experts, should evaluate the impact of future land use changes on water resources quantity and quality.
- Should continue to consider ecological flow standards, including new and/or improved data, as it becomes available.
- Should identify potential pinch points where current and projected low flows may lower the assimilative capacity of the streams. Strategies may need to be identified to mitigate low flows at these potential pinch points.
- The RBC should maintain its focus of the assessment of water quantity, future planning efforts in the Broad River Basin should include evaluation of surface water quality, including nutrient loading and sedimentation, which is important to maintaining affordable public water supplies and the ecological health of the streams, rivers and lakes.
- The facilitator should create an on-line library of, or a catalog of links to, technical information that will enhance the RBC's technical understanding of water resources concepts and issues.

Discussion: It would be nice to have additional climate information such as dendroclimatology studies which might provide good information about extreme droughts in the State.

Discussion: Sedimentation issues should be a joint cooperation between government jurisdictions and should include enforcement of policies

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

- The Surface Water Act should be revised to allow for reasonable use criteria to be applied to surface water withdrawals, like those that currently exist for groundwater withdrawals
- Laws that allow for regulation of water use need to be enforceable to be effective.

- As existing permits expire.
- Regulators should work with permittees on permit terms ( an acceptable approach, i.e., fair and effective approach ) to bring grandfather users under the Surface Water Act regulation.
- water law and implementing regulations should not distinguish between registrations and permits ( all water users, that withdrawal above the identified threshold, should be required to apply for a water withdrawal permit ).
- The Broad RBC should develop a model riparian buffer ordinance for local jurisdictions to consider.

However, members suggested some recommendations to be considered, which included:

- The water withdrawal permitting process should specifically assess the permit application's alignment with current RBP, particularly regarding proposed withdrawals, returns, resources conservation, and drought response.
- For River Basins with state or federal specially designated streams (i.e., National Wild and Scenic, State Scenic River), the RBCs should assess alignment between the RBP, and any associated management plan associated with the special designation.
- State agencies should adopt a narrative flow standard to protect designated uses.

Discussions: There was concern regarding permit length and investments in infrastructure for utilities and industry

Comment: Make sure the recommendations are streamlined in the Executive Summary

### **Initial RBC Review Comments of Draft Plan Chapters 1,2, 3, and 4 10-10.30**

This session discussed what the RBC is doing and reviews management plans, such as the socio-economic, financial, and climate. Chapter 3 views the level of water resources. It is essential the RBC pay attention to the document but be as concise as possible. Members are given till the end of June to read all the documents (chapters 1, 2, 3, & 4) and come with feedback or send us comments and suggestions. For chapter 9, CDM Smith added a few recommendations and

updated that before sending the new version. Chapter 8 is already reviewed; chapter 7, we talked about it the last time. Chapters 5 and 6 are the ones we are working on; we will send those out to everyone.

### **Implementation Plan Development**

Grace facilitated this session, highlighting the **objectives**, which included; address water shortage or other issues and being informed by the RBC's recommended water management strategies and other plan recommendations. The **schedule** focuses on the first five years following adoption of the River Basin Plan and the **budget** needed to accomplish each objective and identifies potential funding sources. She further stated the RBC's implementation responsibilities which included; RBCs will meet once per year at a minimum to discuss implementation progress, submit biannual progress reports to SCDNR which will summarize progress toward meeting each objective, identify impediments and challenges, document revisions to the implementation plan and justification and RBCs may form subcommittees to focus on aspects of implementation. However, for the implementation plan, there are proposed objectives which include **objective 1-** to improve water use efficiency to conserve water resources, **objective 2-** optimize and augment sources of supply, **objective 3-** improve drought management, **objective 4-** effectively communicate RBC findings and recommendations and **objective 5-** improve technical understanding of water resource management issues.

For the strategy session, each objective is discussed further regarding strategy priority, including long-term goals and objectives and parties responsible for discharging the 5-year actions plan. In other words, the strategies and 5-years actions plan ( budget and funding sources) needed to meet the proposed five objectives include strategy priority, 5-year actions, long-term goals and objectives, responsible parties, budget, and funding sources. A survey approach will be utilized to try to understand or track action plans that have been implemented. Prioritization will be determined by what is most useful during implementation. However, in the next RBC next meeting, we will come up with suggestions to modify the document. The tentative phase 4 meeting and topics are August 10<sup>th</sup> - Finalize Implementation Plan & RBC Review of Chapters 5, 6 and 9, September 14<sup>th</sup> - Review Chapter 10 and full, Draft Plan & Review

Executive Summary and October 12<sup>th</sup> - Complete Draft Plan and Executive Summary & Test of Consensus on Draft Plan. Members will be on vacation in July, impacting turnout, so the RBC will pick up next in August. During that period, we can send our comments via email to keep up with our progress while on vacation.

Discussion: There was discussion getting survey results into plan and more robust statistics/data for per capita water use

Possible prioritization would be to prioritize municipal implementation over agricultural implementation as agriculture is a much smaller water user in the basin

The meeting concluded at 12:50 pm and the next meeting will be held August 10, 2023.

Minutes: Iffy Ogbekene and Tom Walker

Approved:

**RBC Chat:**

09:10:47 From Eric Krueger to Everyone:

It was about a 20% drop -- from like 430 cfs to 330 cfs

09:12:49 From Erika Hollis to Everyone:

I support the RBC consider including this recommendation

09:16:54 From Erika Hollis to Everyone:

yes

09:17:14 From Mark Boland to Everyone:

FYI. I did not receive the email from John he sent on 6/5. I did receive the email of 6/6 with attachments draft Chapters 2 and 3

09:17:40 From Thomas Walker to Everyone:

ok, i will see if i can forward it to you from my phone

09:44:18 From Erika Hollis to Everyone:

Yes thanks

09:44:19 From Eric Krueger to Everyone:

Yup

09:44:22 From Mark Boland to Everyone:

I am good.

09:44:31 From James Kilgo\_SC Rural Water Association to Everyone:

Good here too

09:44:58 From James Kilgo\_SC Rural Water Association to Everyone:

Hey Thomas. Sorry for joining a bit late.

09:45:16 From Thomas Walker to Everyone:

thanks all, no problem thanks james

09:45:32 From Erika Hollis to Everyone:

yes

09:45:37 From John Alexander to Everyone:



09:45:41 From Mark Boland to Everyone:

yes

09:46:20 From Erika Hollis to Everyone:

Seems reasonable if available

09:46:44 From Eric Krueger to Everyone:

I'm in favor... always good to have "end members" on your scenarios if nothing else

09:53:56 From Eric Krueger to Everyone:

A 10,000-year drought would force some unsavory things -- we would have to shut down things like lawn watering and car washing to drink, eat, and have jobs. Such actions already extremely hard, as necessary as it is (think CO River). What will be the plan or path to get to this, should such a drought arise?

09:57:17 From Mark Boland to Everyone:

I am ok with the tree ring data recommendation, however, it does pose additional questions as to funding, who does the work, availability of data for public viewing/access, etc. This seems to be a "nice to have" option if it can be collected, interpreted, managed and made publicly available.

09:57:26 From Erika Hollis to Everyone:



Yes. Strongly support language encourage protection of riparian buffers and sediment and erosion control

09:59:10 From Mark Boland to Everyone:

I also strongly support the riparian buffer requirements. The State should consider making it more of a mandated requirement more so than just suggestion.

09:59:53 From Thomas Walker to Everyone:

thanks all. on to land use changes recommendation

10:00:08 From Thomas Walker to Everyone:

all of these will be in the minutes

10:00:13 From Eric Krueger to Everyone:

Same here on buffers... And, it would be fascinating to have a study addressing whether there has been acceleration in sediment due to recent economic boom

10:00:15 From Thomas Walker to Everyone:

\*comments

10:05:59 From Mark Boland to Everyone:

I concur on recommendation to consider focus on future evaluations of water quality, et.al...

10:06:26 From Eric Krueger to Everyone:

Same here...

10:07:22 From Eric Krueger to Everyone:

Sounds like there may be a call here for a more comprehensive analysis on the future of the resource -- combined future impacts rather than segregated analyses

10:08:35 From Erika Hollis to Everyone:

Yes

10:08:41 From Eric Krueger to Everyone:

Yes

10:09:32 From Erika Hollis to Everyone:

Suggest changing can to should

10:10:39 From Mark Boland to Everyone:

FYI. SCDHEC is already evaluating water quality via 303(d) and TMDL studies of various watersheds. I would suggest RBCs be looped into these efforts.

10:11:31 From Thomas Walker to Everyone:

i'll mention it in a second

10:13:01 From John Alexander to Everyone:

Is this recommendation suggesting to add use criteria to agricultural withdrawals?

10:13:22 From Thomas Walker to Everyone:

all users, yes

10:14:44 From John Alexander to Everyone:

It becomes more political at that point.

10:15:25 From John Alexander to Everyone:

I agree that it is vague

10:16:39 From Eric Krueger to Everyone:

The second part "... can / should be improved.." is what's vague to me. The first part is clear to me.

10:19:11 From Thomas Walker to Everyone:

haven't forgotten your comment mark, will bring that up after this discussion

10:25:19 From John Alexander to Everyone:

How does existing industry, future economic impacts, and future agricultural needs benefit from changing this language? Other than the agency having a bigger hand in the equation, it sounds like this language or vague statement has the goal of making the permitting process longer and more complicated

10:25:47 From Erika Hollis to Everyone:

That seems like a reasonable

10:26:20 From Mark Boland to Everyone:

Good point, John.

10:26:38 From John Alexander to Everyone:

maybe not "goal" but maybe an unintended consequence

10:27:35 From Erika Hollis to Everyone:

Maybe remove sentence two and replace with bill's recommendation.

10:37:23 From Mark Boland to Everyone:

I am good with the model riparian buffer ordinance recommendation

10:58:21 From Erika Hollis to Everyone:

yes

11:04:50 From James Kilgo\_SC Rural Water Association to Everyone:

that last option

11:04:58 From James Kilgo\_SC Rural Water Association to Everyone:

list in executive summary

11:05:01 From Eric Krueger to Everyone:

Of course, you can always repeat the Recommendation language as a header to launching into the background.

11:05:07 From Erika Hollis to Everyone:

That seems good. List in executive summary

11:05:38 From James Kilgo\_SC Rural Water Association to Everyone:

good insight eric. thanks

11:06:16 From Thomas Walker to Everyone:

break until 11:20

11:28:08 From Erika Hollis to Everyone:

In support of narrative flow standard

11:33:26 From Erika Hollis to Everyone:

Do we provide comments in track changes form?

11:34:13 From Thomas Walker to Everyone:

either markup pdf's or email john to get the file link to download in word

11:49:37 From Thomas Walker to Everyone:

10 min break for lunch here

12:56:12 From Mark Boland to Everyone:

I like moving the next meeting to August.

12:56:14 From Erika Hollis to Everyone:

yes

12:56:30 From Eric Krueger to Everyone:

Yes.. I suspect Kristen will be fine with this.

12:59:09 From Thomas Walker to Everyone:

august 10th next meeting date. meeting conclusion