

Saluda River Basin Council Meeting Minutes

September 18, 2024

RBC Members Present: Michael Waddell, KC Price, Thompson Smith, Jason Davis, David Coggins, Katherine Amidon, Kaleigh Sims, Josie Newton, Eddie Owen, Paul Lewis, Larry Nates, Kevin Miller, Patrick Jackson, Rett Templeton, Phil Fragapane, Robert Hanley, Brandon Grooms, Jay Nicholson, Melanie Ruhlman, & Devin Orr

RBC Members Absent: Jeff Boss (Jeff Phillips, alternate, present), Rebecca Wade (Erika Hollis, alternate, present), Rick Huffman, Justin McGrady, David Lawrence, Charlie Timmons, & Tate Davis

Planning Team Present: Kirk Westphal, Joe Koon, Tom Walker, Andy Wachob, Alexis Modzelesky, Alex Pellett, Hannah Hartley, & Jeff Allen

Total Present: 41

K.C. Price, Chair, called the September 18th, 2024, meeting to order at 10:03 AM. The Saluda RBC's September 18th meeting objectives meeting included reviewing Chapters 4 and 8 comments, continuing development of Plan recommendations and experiencing the Saluda River firsthand (post-meeting paddle trip).

K.C. Price called for approval of the meeting agenda. Patrick Jackson – 1st made a motion to approve the meeting agenda with David Coggins – 2nd, which was approved unanimously.

There was a motion to approve the August 21st meeting minutes and summary. Patrick Jackson – 1st – made a motion which was seconded by David Coggins – 2nd. Members unanimously approved the last meeting minutes and summary.

Suggestion: The River Basin planning website needs to appear, or the Saluda Basin Council can be easily found on the DES website. In our next meeting, we should go through navigating the Basin Planning Council website they created.

Housekeeping Items and Announcements- Parking Lot:

- 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/CDM Smith to share general PPT with RBC for council member customization and sharing with networks (Status-Ongoing)
- 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)
- RBC letter requesting that the legislative approved Surface Water Study Committee collaborate with the eight RBCs prior to proposing policy and rule changes (Status-Not started).

Public and Agency Comment: there was no public or agency comment.

Review of Comments Received on Draft Chapters 4 and 8:

Kirk Westphal facilitated this session by highlighting the Key Comments in Chapters 4 and 8.

Water Demand and Drought Response:

Chapter 4

- Asked to clarify groundwater demands
- Have projection figures show only surface water since groundwater is too small to see
- Demand projections are models of water user
 - Projections are shown starting in 2025 rather than 2020 to show clean trends based on demand model-including 2020 would show a break in graph since model is based on average use, not 2020 use.
 - Projections are calculated with moderate and high unit use rates and number of users. So there can be different demand starting points in 2025 for Moderate and High Demand Scenarios

Chapter 8

- RBC responsibilities
 - Does RBC have budget and authority to collect hydrologic information
 - Communicate drought declarations to the RBC, stakeholder, and public.
- Recommendation of having an RBC member on the DRC vs having an RBC liaison to communicate with the DRC

Grace Houghton reviewed the comments that we received. We got some minor editorial comments, and some asked for clarification on how we would respond to that. Everyone should review it and see if any comments have a greater impact or could be worthy of discussion that

came up a few times. Starting with Chapter 4, there were a number of comments on the groundwater and just asking for additional clarification on the groundwater demands. A big piece of that is that groundwater use is so small in Saluda. It's less than point one percent of the total water demand. So, we assumed that those demands will stay constant into the future since it will not have a large impact on the demands overall. On the projections-there are a number of figures for each water-use category where we show the projected demands over the planning horizon. It includes a note on each figure that groundwater is too small to visible see. There's a recommendation to make those figures surface water only.

Another point to clarify is that groundwater usage was related to permits and registrations. The groundwater permits have a usage associated with it, but the groundwater registration doesn't have a usage associated with it. We reported the recent usage of groundwater registered users. There was a question of why the projections are showing starting in 2025 rather than 2020 (further clarification). To shed more light on this, these demand projections are not forecasted from the end of our data point; instead, they are models of potential water use in different scenarios based on a unit use rate per user.

Q: Who are those registered users?

A: Registered with DES. – fall line up is a registration area

C: Looked like there were other registrations for groundwater. Made a comment on that

Q: Talk about table 4.3 and make it more clear

A: Table 4.3 Permitted and Registered surface water totals by category in the Saluda River basin show that the top half of the table summarizes the permitted and registered amount for each water use. Then, the bottom half of the table refers to the current use over the total permitted and registered amount.

C: Also confused by this narrative. Some language to clarify what's going on. 2019 data? Can we get data to 2024? P & R before current use

C: Consistent with other plans

C: Strong opinion about sequence of chapter

C: Simplify it as much as possible

C: If other plans are formatted this way, just keep it

C: Based on current demand and not on P & R

C: 4-1 table 2019 data, 4-5 table projected in 4 months to be using 50 mgd less

C: Will have to review those WD projections. DES only gets data in January. 2023 data is in demands. Current scenario is an average. Projections use a median. HD scenario should be more and we base planning on that number.

Q: What is the difference between current and projected numbers?

A: Have to investigate

C: I'd like a re-read opportunity on chapter 4

C: We went through the WD methods with stakeholders and followed those recommendations.

C: As tech has gotten better sources using water are doing a good job tracking that. More efficient every year – industry least likely high growth in our methods due to efficiency gains

C: Industry growth is high in my demands. Hard to ID certain industry and assign growth numbers

C: Getting back to WD projections. Is that in an appendix in the plan or heavily documented?

How do we make sure new members can revisit data sets in the future?

C: Edisto and Broad have separate reports. We'll get reports out for this basin

Chapter 8 was on drought response-

We received fewer comments suggesting reorganization or simplifying the summaries of all the community's different drought plans. A portion of the chapter talks about RBC's responsibilities, and two of the points that were brought up were related to the RBC's ability to collect hydrologic information and (whether they have the budget and authority to do that.). Regarding having an RBC liaison to the Drought Response Committee, there has been a discussion about potentially having a member of the RBC on the DRC.

C: Don't love the verbiage – we aren't funded as a group to keep convening so it can't be on our plate

C: Recommendations see the role of the RBC moving forward. Will this become a formal body with support funding or something to help us to do what we say we're going to do? Not a 501c3 or agency. We'd like to see it continue as a formal group with authority. RBC become scientific group? Florida has that, Texas has that, SC remains to be seen. Vision for this group and others. Best we can is make recommendations

C: Those two lines are not articulated in the planning framework

RBC liaison to DRC

C: Fine to leave it in. If RBC people keep an eye on it and volunteer that would be ideal

C: Prescribed legally. Seemed like a lot of basins have RBC members on DRC. Rec if law is under review have RBC member on DRC

C: Can always invite them too

Discussion and Development of Plan Recommendations:

Planning Process Reminders- Principle to guide our discussions:

- 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 a specific hardline position- 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.

Status of RBC Recommendations:

- Drought Response (Status -Draft Recs are Complete)
- Planning Process (Status- Draft Recs are Complete)
- Technical and Program (Status- Further discussion required on a few technical recommendations intended to fill data gaps)

- Policy, regulatory, and Legislative (Status – will continue to be discussed in today’s meeting)

Green, Yellow, Red Buckets:

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.

Note:

- Recommendations needing only minor revisions and clear RBC consensus will go to the **Green Bucket**.
- Not full RBC support and may revisit to see if consensus can be achieved with revision go to **Yellow Bucket**.
- Minimal RBC support and no clear path to consensus drop to **Red Bucket**

Options for Yellow Bucket recommendations:

Edisto RBC’s Approach: For certain policy, legislative and regulatory recs, the RBC did not reach consensus but decided to include the rec in the plan along with a discussion of why it was supported or not supported.

Broad RBC’s Approach: Consensus was important to them. If a rec did not have consensus (any member could not “live with “it), it was excluded from the plan. This only happened for a few recs.

Additional Option for Yellow Bucket Recs:

1. Edisto: include non-consensus items with pro/con notes and pie-chart votes
2. Option: Include non-consensus items with pro/con notes only
3. Broad: No inclusion without consensus

C: Like #2 w/ include in body report recommendation consensus only. If there are some we come across that have substantial discussion put that in an appendix. Plan should not be viewed as a one and done. There is a 5 year cycle to review and update the plan. Merit in including those discussion topics that were important for future iteration of RBC. If we come up w/ discussions that come about in other councils that is a reason to consider those discussions

C: #2 don't want to go there too quickly. Want to focus on consensus points

Plan recommendation Ch 2, 3, and 8 comments wrap in next 2 weeks

Expect Melanie's recommendations to send to all RBC members

Planning Process Recommendations- Potential Recommendations for Discussion:

Continued Funding: To continue positive progress at the state level for river basin planning, the RBC calls for a state-led assessment of the current funding for SCDES to support river basin planning. 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.

RBC Discussion Notes:

- Communication between RBCs and DES about funding
- Request that the legislature continue funding the planning process
- Seed grant example (GA EPD)
- This recommendation was placed in the green bucket

Building on Resiliency Planning Efforts: 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 the South Carolina Office of Resilience, local Hazard Mitigations Plans, and the associated river basin plan (9) developed by the RBCs for inclusion within the resilience element as required by the South Carolina Local Government Comprehensive

Planning Enabling Act as amended in 2020. Encourage land use regulations and corresponding ordinances, stormwater ordinances be adjusted to support the resilience element.

Consider adding hazard mitigation. Green

RBC Discussion Notes:

- There was a suggestion to also reference the local hazard Mitigation Plans in the recommendation
- There was support for this recommendation; however, the RBC elected to revisit it later
- This rec was placed in the green and yellow buckets, recognizing that it may need additional discussion and wordsmithing.

C: Change the last sentence – “land use regulations”

C: I think zoning is important to pull it out and keep

C: Delete stormwater ordinances

C: Stormwater ordinances are mandated

C: Avoid contradictions

C: “encourage” and “be”

C: Local hazard mitigation plans – LCWSC is going through a formal process to get into the plan.

False assumption that everyone is involved but may not know

Technical Recommendations:

Questions and Ideas for Discussion (that May Lead to Recs):

In future planning phases, the RBC recommends understanding the potential impacts of private and community/ commercial wells and how they may affect surface water and/or better characterize growth potential. (In Green bucket)

Q: How many private and community wells? Do they put burden on surface supply? What is its capacity, and how does it affect surface water if it is an alternative? It may help understand growth potential.

C: There are some community wells

C: If anybody is using gw as an alternative. What is gw capacity?

C: Can't identify true gw capacity in this basin

C: Can you live with the group trying to understand that in future planning?

C: Can show you where growth is and where it isn't

C: 20 or so public water systems in GVL county that use gw. Merit in looking at small gw withdrawers. In drought, streams may be fed by gw so it might be good to look at

C: We have some data on that and can look in specific area by zip code and respond via FOIA

C: Many were installed long ago

C: Punched wells have all of the info stamped on them

Water Quality: Yellow bucket: Split into Tech and Policy. CDM to consolidate text for discussion at the next meeting.

Questions and Ideas for Discussion (that May Lead to Recs):

Water Utility Policies:

- The RBC encourages utilities to build resilience to ensure adequate quantity of water through identification of alternative sources, including interconnections
- The RBC encourages consideration of regionalization opportunities among water utilities. Regionalization is one tool to better manage the availability of water resources and build resilience.
- What recent policy changes/performance changes has each water utility already implemented within the basin that could be considered as a basin-wide recommendation?

Technical – consider coordinating with DES to define data gaps and possible avenues for filling gaps in the future phases. Identify/restore programs that help educate what recommendations should we have in this document to set us up for water quality analysis? Ideas:

- Suggest that SCDES develop a spatial data set for septic tank locations and age for a baseline understanding for potential failing clusters of septic systems.

- Advocate for state funding to support Smaller tributary sampling and other areas without much sampling data (“Adopt a stream”-citizen science approved by USEPA)
- Advocate for more regular funding/monitoring by DES monitoring group- chemical assessments that render reaches to meet designated uses. (include funding restoration for conservation districts)
- Catalogue water bodies that are and are not regulatory monitored
- Encourage nexus with water quantity and its relationships to water quality (similar to habitat suitability relationships)- could include runoff analysis and relationship with sedimentation.

Policy: Yellow Bucket- (further discussion)

C: Curious if DES provide feedback for WQ monitoring of Clean Water Act?

Rec – fully fund DES WQ monitoring program

C: DES checks creeks for WQ?

C: Main stem usually but not funded to sample tribs. Adopt a Stream fills in the gap of where state can’t sample those tribs. Database on Clemson website. Info on DES website. Limitations of DES sampling capacity, big data gaps across the state

C: Agree – DES ambient monitoring program was slashed years ago. Quantify % are/are not monitored through ambient monitoring. AAS is limited in analysis that DES tests for

C: Needs to be nexus to the quantity issue. Fish population data is the nexus. Only place we’ve addressed when quality comes in contact with quantity. Sediment may be part of that – model sedimentation / runoff analysis

C: Bullet 2 – DES to develop impaired waters must monitor the stations WQ monitoring group (chemical assessments)

C: Recommend draft some language and keep it yellow. Return to debate

Q: What role do we have in education moving forward? Support ways to get the public or students thinking about water

A: How to implement – who will do it and funding?

C: Conservation Districts did a lot of this work. Re-empower Soil and Water Conservation Districts. Lost funding

C: Education materials don't exist anymore - RBC to identify programs and support them? RBC plan part of it

C: Before SC watershed atlas DES used to publish watershed reports and put out periodically for each basin – state of the watershed. Stopped doing reports. It's a tool but not a report. Bring them back

Policy/Legislative/Regulatory Recommendations:

Potential Recommendations for Discussion:

Allocation of Surface Water Resources:

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.

Recommendations:

- SCDES/RBCs/Other (TBD in implementation) should study peer states/basins for information and alternative methods for allocating surface water resources to inform specific science-based recommendations in the State Water Plan (report to legislature in advance by a date specific in implementation)
- Remove safe yield as a metric as a means of implementing regulations-rely instead on minimum instream flows (to be revised based on best available science).
- Concern about removing entirely-consider replacing
- Concern about opening up an act revisions without clean alternative
- Safe Yield Work Group (DHEC): “There could be marginal improvements, but they were unlikely to result in any substantial change”

Yellow Bucket- consider diving into general and specific recommendations on review of procedure and specific alternatives if any).

C: Needs some work – the regulations are flawed regulation – uses highest withdrawal number tailored to 20% year round. SY as defined in law is not available in most streams and rivers for over half the year. Rec – eliminate SY as a metric in law and regs. Fall back on MIF requirements. Not a fair calculation for allocation in our regs not consistent with the law

C: Removing the regulation is concerning

C: What our water law has done has established a WQ standard inconsistent with the CWA and EPA agrees

C: There is nothing to replace it. Open up the SWWA without precise recommendation to replace it?

C: We look to neighboring states for BMPs – needs some common sense looking for BMPs

C: Cruz comes down to who is determining what is better.

C: River network has a Southeast publication tracking policy in those states highlighted

C: Is the goal to give Legislators a report or to develop state water plan? Our RBC will roll into state plan and where changes to Legislative will come to fruition to support policy recommendations in state water plan

C: Dealing with uncertainty and trying to write policy around it is complex

C: When law was put together it wasn't done haphazardly. Very prescriptive law and regs that followed

C: What was passed was best at the time. We know it isn't perfect but better than what we had before

C: Advocate to collect really good data

C: SY workgroup convened by DHEC, did we get a presentation? Might be good to hear from the workgroup

C: Group was very limited scope

C: All of the info is online. Currently under a lawsuit and can point you to the info but can't present on it

C: Can we get the lawsuit forwarded?

Land/Water management Laws, Regulations, Policies, and Manuals:

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 resources alterations, mass grading construction activity review, other land disturbance activities, 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- Should focus on managing runoff, encourage infiltration, and reducing sedimentation. (Can likely get to Green Bucket-need clear language, motivations)

C: Confused, should it be more general. Large developments they grade 100 – 300 acres moving soil around.

C: Mass graded subdivisions and industrial parks – all graded at once. No soil cover stormwater controls aren't designed for that practice

C: "land disturbance"

C: GVL county needs to have engineered retention pond if disturbing more than an acre

C: Current stormwater requires a buffer., How does the buffer compare to other states? Why it was added

C: There is a definition out there on mass grading

C: 1 acre of disturbed land with pines won't have the same impact as a clear cut and mass graded area

C: Minimize surface water runoff and preserve, protect, and promote infiltration

C: I have fundamental questions about what we're doing here. Legislature is in control of laws and regs. Policies and manuals they can dig into guidance documents

Revision of Stormwater Mitigation and Groundwater Recharge Strategies:

The RBC requests a call to action to each local jurisdiction within the basin to review their ordinance and design guidelines and consider inclusion of the following mitigation and groundwater recharge strategies: (Riparian, Green Infrastructure, and Tree Ordinance).

Questions and ideas for discussion:

The South Carolina Surface Water Withdrawal, Permitting Use, and Reporting Act:

Could SCDES work with agriculture economists to better understand the potential future demands for agriculture and how that impacts how we should adjust the registration process? How do the agriculture representatives on the RBC that are grandfathered feel about the post-2011 requirements for agriculture users? What could be changed?

Saluda RBC Meeting #18, Weds, October 30, 2024.

Meeting location LCWSA Office, Laurens.

Go through Edisto and Broad recommendations and let us know what you like

Discussion Topics:

- Introduce Chapters 5 and 6 (and maybe 7)
- Continue discussion and development of Policy, Regulatory and Legislative Recommendations.
- Begin development of Implementation Plan.

Meeting adjourned at 1:54 PM

Motion to adjourn:

Paul Lewis – 1st and

Thompson Smith – 2nd

Minutes: Iffy Ogbekene and Tom Walker

Approved: 10/30/24

RBC Chat:

10:00:55 From Thomas Walker to Everyone:

will get started here in a minute

10:02:39 From Robert Hanley to Everyone:

10-4. Quiet crowd, so far.

10:05:14 From Robert Hanley to Thomas Walker(direct message):

Audio restored.

10:05:18 From Kevin Miller to Everyone:

You're back now. Thanks.

10:05:19 From Jeffery Allen to Everyone:

Got it!

10:05:27 From Thomas Walker to Everyone:

dropped for some reason

10:13:08 From jnicholson's iPhone to Everyone:

Jay Nicholson online.

10:13:31 From Thomas Walker to Everyone:

yessir, sorry I missed you

11:12:12 From Thomas Walker to Everyone:

i'm trying to get you in robert

11:19:27 From Thomas Walker to Everyone:

10 minute break

12:13:10 From Kevin Miller to Everyone:

Regarding the right to access navigable waterways (not non-navigable streams) from road right-of-ways:

12:24:13 From Thomas Walker to Everyone:

lunch break until 12:45

13:09:50 From Haley Denison to Everyone:

River-Network-Protecting-Restoring-Flows-in-SE-Rivers-2019.pdf (rivernetwork.org)

13:54:27 From Thomas Walker to Everyone:

meeting adjourned