



Water Resources Research Institute
of The University of North Carolina

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People. Performance. Excellence.

Progress Energy Water Resources Seminar

Water Allocation Law in Southeastern States

1:30-3:30 pm, Tuesday, April 1, 2008

Jane S. McKimmon Center, NC State University

The Southeastern Water World: Where Are We, How Did We Get Here & Where Are We Going?

James E. Kundell, Ph.D.

Professor Emeritus

University of Georgia Carl Vinson Institute of Government

Water Management Law in North Carolina, 2008 – Present and Prospective

Milton S. Heath, Jr.

Professor of Public Law and Government

UNC Chapel Hill School of Government

This seminar is free and open to the public. Registration is not required.
WRRRI will offer 2 Professional Development Hours (PDHs) for engineers and surveyors.

Hosted by the Water Resources Research Institute, NC State University

ABSTRACTS

The Southeastern Water World: Where Are We, How Did We Get Here & Where Are We Going?

*James E. Kundell, Ph.D., Professor Emeritus
University of Georgia Carl Vinson Institute of Government*

The southeastern United States is a water rich area where water availability has generally been taken for granted. Changing circumstances have resulted in both intrastate and interstate water conflicts emerging over water use and how it is allocated to competing users. Contributing factors include the geology and hydrology of the region, droughts, increasing demands spurred by population and economic growth, and better understanding of water resources. States are responding to these new water challenges by taking a more comprehensive approach to water management within their borders. The Georgia General Assembly, for example, just adopted a comprehensive water management plan that has taken nearly a decade to develop. Resolution of interstate water conflicts in the Southeast is still in its infancy. Although some court decisions have been made to resolve issues between states, no interstate compacts have been created in the eastern U.S. since the 1960s, prior to the passage of much of the federal and state environmental legislation. This presentation will focus on the evolution of intrastate and interstate water challenges in the Southeastern U.S. and what is likely to occur in the future.

Water Management Law in North Carolina, 2008 – Present and Prospective

*Milton S. Heath, Jr., Professor of Public Law and Government
UNC Chapel Hill School of Government*

Ten Points of North Carolina Water Law Reform

1. "It's the Law": mandated recommendations for allocation and management by 2009.
2. If you do statewide regulation, do it right: follow The Model Code.
3. We have "stopped the bleeding" (IBT's, etc.), and started the emergency, conservation and short-term processes (Governor Easley's proposals, etc.).
4. "If it ain't broke, don't fix it"; we have a lot of functioning water management laws and programs.
5. "Don't strand your allies: take care of existing local governments and state agencies.
6. Don't forget "the stakeholders"; they won't forget you (farmers, power companies, locals, and "the wildlife").
7. "In the long run", what really matters? (It starts with a "G".)
8. Is it really climate change, or just another drought?
9. Is there a hurry on basic reform? (Water law reform took a dozen years after the mid-50's drought.)
10. Sometimes "it takes an expert" (try ground water geology for local well ordinances).

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BIOGRAPHIES

Dr. James E. Kundell

Dr. Jim Kundell is Professor Emeritus at the University of Georgia where he served as the Director of the Carl Vinson Institute of Government's Environmental Policy Program and Professor of Environmental Policy in the Eugene Odum School of Ecology. He is also former Policy Director of UGA's River Basin Center.

He is the author of more than 150 books, articles and policy reports on environmental policy topics. Recent projects include conducting water policy research for the comprehensive state water management plan; research relating to multi-state regional water planning and management in the Southeastern United States; and research on water rights and water allocation. He is a member of the Environmental Advisory Board to the Chief of Engineers, U.S. Army Corps of Engineers; a member of the Scientific Advisory Committee of the Joseph Jones Ecological Research Center and the Robert Woodruff Foundation; and a former member of the Board of Directors of the Association of Ecosystem Research Centers. In addition, Dr. Kundell has served on many state government advisory boards and legislative committees, including chairing the 50 member Georgia Water Plan Advisory Committee, serving on Governor Barnes' Special Advisory Committee on the ACT/ACF River Compacts, and serving on the technical advisory committee of the Upper Floridan Aquifer Sound Science Initiative.

Dr. Kundell was named Georgia Power Professor of Water Resources, Walter B. Hill Distinguished Public Service Fellow, and received numerous gubernatorial, legislative and other awards for his work on environmental policy. Dr. Kundell was awarded Honorary Faculty Title of Professor of Ecology, at the Inter-Regional Academy of Personnel Management and the International Personnel Academy in Kiev, Ukraine. In addition to Ukraine, he has worked in China and Brazil. Dr. Kundell received his Ph.D. from Syracuse University.

Professor Milton S. Heath, Jr.

Professor Milton S. Heath, Jr., is a professor of public law and government in the UNC Chapel Hill School of Government. He also serves as a joint professor in UNC's School of Public Health Environmental Sciences and Engineering Department. Heath joined UNC in 1957 where he has been the principal specialist in conservation and environmental law at the Institute of Government. From 1959-1984 he was sole or principal draftsman of most of North Carolina's environmental and natural resources legislation. During the years 1967-1983 he also served as standing committee counsel to the Senate and House committees that developed environmental legislation. Heath has published many environmental and conservation law guidebooks, articles, and bulletins including a new Guidebook on the Law and Practice of Soil and Water Conservation in North Carolina. He is the author or co-author of eight law review articles concerning environmental law.

Heath has consulted in countries including England, Scotland, Australia, New Zealand, and Kenya and written international papers on air pollution control in Germany and Canada and water pollution control in Guatemala. In 2004 he was inducted into the Hall of Fame of the Southeastern States Association of Conservation Districts, and in 2008 the North Carolina Hall of Fame. In 2007 he was given the J.M. Jarrett Award of The North Carolina Environmental Health Association for his "significant contributions towards improving man's environment". In 2008, the UNC School of Government established the Milton S. Heath, Jr., Lectures on the Environment. He was also awarded the Order of the Longleaf Pine by Governor Easley.

Prior to Professor Heath's work at UNC, he was Confidential Law Assistant, Office of Governor's Counsel, New York, and staff attorney for T.V.A.'s Legal Division. While on leave from UNC, he served as Technical Assistant to the Chairman of the Federal Power Commission from 1963-64. He earned his A.B. from Harvard and his LL.B. from Columbia University. His areas of interest include environmental protection and natural resources management, environmental health, public utilities, soil and water conservation, state boards, commissions, and councils.

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