

2002 SESSION

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HOUSE JOINT RESOLUTION NO. 202

Offered January 11, 2002

Requesting the State Water Commission to study the effectiveness of the Commonwealth's water policies.

Patrons—Landes, Abbitt, Byron, Councill, Cox, Dillard, Louderback, Saxman and Wardrup; Senators: Bolling, Colgan, Hawkins, Norment and Williams

Referred to Committee on Rules

WHEREAS, adequate and safe water supplies are essential to the public welfare and continued economic development; and

WHEREAS, historically, localities have retained control over utilization of resources within their borders, including water resources; and

WHEREAS, this often requires cooperation between multiple jurisdictions to deal with complex water resources issues that span more than the locality; and

WHEREAS, local governments often look to the state for assistance in conflict resolution in cases where environmental and legal impacts of water supply development go beyond political boundaries; and

WHEREAS, under the public trust doctrine and Article XI of the Virginia Constitution, the Commonwealth is the steward of the natural resources of the State and it has the trust responsibilities to "conserve, develop and utilize" these resources; and

WHEREAS, Virginia statutes such as the Ground Water Management Act, the Surface Water Management Act, and the Virginia Water Protection Permit provide management tools that enable the Commonwealth to better allocate water and assign water rights; and

WHEREAS, Virginia has exercised what some have characterized as a passive approach to water supply planning which has resulted in an increase in the number of recent water allocation conflicts; and

WHEREAS, due in large measure to an absence of a comprehensive state water policy, these conflicts have been left to the courts to resolve; and

WHEREAS, in 1994, the State Water Commission, recognizing that the state had an essential role to play in water supply planning, water allocation, dispute resolution and water development, proposed options for the state's involvement in each of these areas; and

WHEREAS, in 1998, finding that the state's water supply planning function was inadequate, the State Water Commission recommended a \$754,000 budget amendment to establish seven positions within the Department of Environmental Quality to perform water supply planning; and

WHEREAS, recent drought conditions, along with the increasing demand for water supplies, have highlighted the need within the Commonwealth to better manage and plan for current and future supply needs; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the State Water Commission be requested to study the effectiveness of the Commonwealth's water policies. In conducting the study the State Water Commission shall examine (i) Virginia's current water laws and policies, (ii) the adequacy of such laws and policies in providing adequate water supplies, and (iii) the role the state should play in data collection, water supply planning, water allocation, dispute resolution, and water development.

The Division of Legislative Services shall provide staff support for the study. Technical assistance shall be provided by the Department of Environmental Quality. All agencies of the Commonwealth shall provide assistance to the State Water Commission, upon request.

The State Water Commission shall complete its work by November 30, 2003, and shall submit its written findings and recommendations to the Governor and the 2004 Session of the General Assembly as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents.

Implementation of this resolution is subject to subsequent approval and certification by the Joint Rules Committee. The Committee may withhold expenditures or delay the period for the conduct of the study.

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