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Councilmanic Perceptions of Water Policy for the Lake Gaston Water Supply Project in Virginia and North Carolina

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COUNCILMANIC PERCEPTIONS OF WATER POLICY
FOR THE LAKE GASTON WATER SUPPLY PROJECT
IN VIRGINIA AND NORTH CAROLINA

by

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A Dissertation submitted to the Faculty of
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ABSTRACT

COUNCILMANIC PERCEPTIONS OF WATER POLICY FOR THE LAKE GASTON WATER SUPPLY PROJECT IN VIRGINIA AND NORTH CAROLINA.

Beverly McAfee Hedberg
Old Dominion University, 1997
Chairman: Dr. Leonard Ruchelman

The purpose of this case study is to analyze the perceptions of city council members in formulating and implementing policy on the Lake Gaston Water Supply Project in Virginia and North Carolina. A comparison of the perceptions of twenty-three members of three city councils: Henderson, North Carolina; Roanoke Rapids, North Carolina; and Virginia Beach, Virginia serves as the basis for analysis. Their perceptions of the issues and how they view other actors in the intergovernmental arena, within the context of the Lake Gaston Water Supply Project.

Specifically, the research examines how city council members view (1) water-policy issues, (2) the positions of council members, city councils, and interest groups, (3) the position of key state actors, and (4) the positions of federal actors as they pertain to the Lake Gaston Water Supply Project.

It was found that local policy-making is highly fragmented and not easily directed. Proceeding through the intergovernmental maze is a necessary councilmanic activity. Turf battles, bureaucratic red tape, and communication failures have all contributed to long delays in resolving

persisting issue of satisfying the water supply needs of Virginia Beach. The study demonstrates how conflict results when attempts are made to meet the growing water needs of urbanizing areas -- an ever more critical urban policy concern.

To my Fathers,
Morgan Favors McAfee, Jr., D.D.S.
and
Alfred Alphonse Hedberg, D.D.

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Recognition must also be given to the members of the City Councils of Henderson, North Carolina; Roanoke Rapids, North Carolina; and Virginia Beach, Virginia for making themselves available to be interviewed. Additionally, many thanks go to Mary Lawrence and Rita Trammell of the City of Virginia Beach Municipal Reference Library for their considerable assistance in my archival research on the Lake Gaston Water Supply Project.

A debt of gratitude is owed to Dr. Timothy D. Norton for his invaluable contribution as an editor of my numerous drafts and re-writes.

Most of all, I want to thank my husband, Lee, and my daughter, Katey, for their patience and understanding during a process that "never seemed to end."

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CHAPTER 1

INTRODUCTION

Water resource issues have emerged as major public policy concerns at both the national and global levels.¹ Population growth, variable rainfall, and geographical inequities in aquifer distribution are just a few of the tangible factors that lie at the root of the water problems facing policy-makers.² In consideration of the reality of the uncontrollable and volatile nature of these factors, it appears highly unlikely that concerns over the availability of water resources will fade quietly away.³ On the contrary, such issues will probably continue to be a vital

The fifth edition of A Manual for Writers by Kate L. Turabian was used as the manuscript model for this dissertation.

¹ Thomas Y. Canby, "Water: Our Most Precious Resource," National Geographic 158 (August 1981): 144-179.

² Robert A. Taylor, "Water: The Nation's Next Resource Crisis?" U.S. News and World Report 63 (March 1985): 64-68.

³ Luis V. Cunha, Vitor A. Figueirido, Mario L. Correia, and Antonio S. Goncalves, Management and Law for Water Resources (Fort Collins, Colorado: Water Resources Publications, 1977), 1-10.

part of both current and future political debate.⁴

Local Water Policy

When local policy-makers are confronted with the necessity of assuring their constituencies of the availability of reliable supplies of potable water, they often encounter the diverse agendas of disparate interest groups both within and beyond their constituencies.⁵

For example, local citizen activists may voice expectations of uninterrupted access to plentiful amounts of water while simultaneously protesting any increase in water bills to pay for such access. Local business groups may protest the negative economic impact on current and prospective markets that inevitably accompanies any question as to the dependability of a locality's water supplies.

Whenever such groups see themselves as being directly impacted by local water policy, they seldom hesitate to make their expectations and concerns known to their local policy-makers.⁶ Even city officials vested with the ultimate

⁴ Andrew A. Dzurik, Water Resources Planning (Savage, Maryland: Rowman and Littlefield Publishers, Inc., 1990), 1-3.

⁵ Ibid., 139-145.

⁶ William E. Cox and Leonard A. Shabmen, Institutional Issues Affecting Water Supply Development: Illustrations from Southeastern Virginia (Blacksburg, Virginia: Virginia Water Resources Research Center, 1983), 10-23.

responsibility of providing reliable public service systems may sometimes press for expanded initiatives for urban development so as to broaden the tax-base necessary to support repairs and additions to out-dated and overburdened water infrastructures.

From an interstate perspective, when local policy-makers are drawn into confrontations between current and potential water users, what may be an already complex local water-policy issue often becomes an even more convoluted intergovernmental one. Current users of municipal water resources generally view the expectations of other potential users as likely to impact negatively upon their interests.⁷ Resolving the issues can easily develop into severely polarized water-policy conflicts.

The parameters of local water policy are also expanded when officials at the federal level of government become stakeholders. In this arena, local policy-makers can lose control over their own projects. For example, federal environmental reports on local water projects may be required from an agency that might find its funding levels in jeopardy if a congressman responds negatively to agency conclusions. A similar scenario could develop if a decision to enforce certain federal regulations was to be viewed by a congressman standing for re-election as having a potentially

⁷ Ibid., 10-23.

detrimental impact on his campaign. The mix can become even more complicated if the federal courts become involved in local water disputes, a situation that is not uncommon in consideration of the myriad of such conflicts that are regularly taken to litigation.⁸

The attempts of local policy-makers to address local water issues are often affected by such intricate political complexities, all of which are generally the inevitable consequences of encounters with other actors in the intergovernmental arena.⁹ Such is the case with the members of the City Councils of Henderson, North Carolina; Roanoke Rapids, North Carolina; and Virginia Beach, Virginia -- local policy-makers that must contend with the web of actors that exist at the local, state, and federal levels of government as they prepare and execute local water policy. These particular city council members are targeted in this study because they are key stakeholders.

The Lake Gaston Water Supply Project was initiated by Virginia Beach in an effort to meet that city's long-term water needs by transporting water from Lake Gaston, which straddles the Virginia-North Carolina border, to Virginia

⁸ Charles McKinley, "The Management of Water Resources under the American Federal System," in Federalism, Mature and Emergent, ed. Arthur MacMahon (Garden City, New York: Doubleday, 1955), 328-351.

⁹ William Brooke Graves, American Intergovernmental Relations: Their Origin, Historical Development, and Current Status (New York: Charles Scribner's Sons, 1964), 738-739.

Beach via a seventy-six mile pipeline. Virginia Beach is looking for a secure long-term water supply. Henderson and Roanoke Rapids, on the other hand, are located in close proximity to Lake Gaston and, therefore, likely to experience first-hand any negative economic or environmental problems that may be among the project's outcomes.

The purpose of this study is to explore how these local policy-makers perceive the dynamics that underlie the water-policy debate. This research focuses on the perceptions of local policy-makers with regard to (1) water-policy issues, (2) the local positions of council members, city councils, and interest groups, (3) the positions of key state actors, and (4) the positions of federal actors as they pertain to the Lake Gaston Water Supply Project. City council members' perceptions were selected as the focus for this research partly because an understanding of intergovernmental relations involves moving beyond a strict focus upon legal powers and formal actions in policy-making into the less formal realm of the views of individual actors within the intergovernmental arena.¹⁰

Another consideration in doing this study is based on the view that policy-makers can never realistically hope to have an entirely comprehensive understanding of every possible component of a policy issue. Such being the case,

¹⁰ Deil S. Wright, Understanding Intergovernmental Relations (Belmont, California: Wadsworth Publishing Company, 1988), 37.

they often rely on cues and rules of thumb or reflect particular biases in determining their policy positions.¹¹ The positions of council-member perceptions can be viewed, therefore, as (1) a legitimate focus in policy research, and (2) an acknowledged influence upon a council member's position on policy issues.

Background

Southeastern Virginia has faced water-supply problems of varying degrees of severity since the 1920's. Such concerns have been fueled over succeeding years by the demands of an expanding population, increasing economic activity, and frequent droughts. These factors have placed considerable pressure upon the water-supply systems that serve certain cities in Southeast Virginia: Chesapeake, Norfolk, Portsmouth, Suffolk, and Virginia Beach.

After years of study and debate, the Virginia Beach City Council voted on November 15, 1982, to formally adopt the Lake Gaston Water Supply Project as the best alternative for solving their locality's long-term water problems. This project involves the building of a pipeline from Lake Gaston, which straddles the North Carolina/Virginia border,

¹¹ Sandra Kaufman, "Decision Making and Conflict Management Processes in Local Government," in Managing Local Government, eds. Richard D. Bingham, et al. (Newbury Park, California: SAGE Publications, Inc., 1991), 117.

to Virginia Beach -- a distance of approximately seventy-six miles. The city's plans call for the eventual withdrawal from the lake of a maximum of seventy million gallons of water daily by 2030.

For over fifteen years, Virginia Beach's City Councils have worked to make the Lake Gaston Water Supply Project a reality. Their attempts to articulate and to execute local water policy that is acceptable to the residents of their city as well as to all of the other intergovernmental actors that have become involved in the project over the years have had mixed results. Indeed, many of the dilemmas that the various Virginia Beach City Councils have encountered during this time-frame have arisen out of the need to grapple with the multiple overlapping jurisdictions that impact upon the Lake Gaston Water Supply Project.

One example of the issues faced by Virginia Beach City Councils has been the public's concern over the project's impact on the environment. In order to investigate such concerns, the Councils have funded numerous environmental studies. These studies have repeatedly concluded that the Lake Gaston Water Supply Project would neither harm the lake nor the ecology of the neighboring area. However, North Carolina cities such as Henderson and Roanoke Rapids have expressed a lack of confidence in these studies. They argue that (1) taking such a large amount of water out of Lake Gaston is bound to be harmful to the surrounding

environment, and (2) no city in Virginia has the right to take water from a lake that lies partly in North Carolina.

It is because of such fundamental disagreements that a myriad of no-win obstacles have developed and subsequently been encountered by the various intergovernmental stakeholders in the project. This is another reason why the perceptions of local policy-makers in Henderson, Roanoke Rapids, and Virginia Beach regarding intergovernmental actors are of such interest. This study's analysis of these concerns moves along the following lines.

First, the intergovernmental issue is examined from the perspective of the dynamics that surround these three cities. The parameters of one city's working relationship with another are usually defined and characterized by the concerns that they have in common.¹² Have the stakeholders' perspectives of certain shared concerns led to a political polarization of the municipalities involved? Have there been any attempts to arrive at inter-local agreements?

Second, the intergovernmental issue is examined from the perspective of any interplay that exists between cities and their state governments.¹³ Have the states involved chosen to keep their distance from local concerns or have

¹² Graves, American, 738-739.

¹³ David C. Nice, Federalism: The Politics of Intergovernmental Relations (New York: St. Martin's Press, 1987), 119-120.

they presented a united front of support for a particular component of the policy debate? Have there been any attempts made to establish inter-state compacts?

Third, the intergovernmental issue is examined from the perspective of any relations that exist between the three cities and the federal government. Have federal agencies taken conflicting positions? Have congressmen from the states involved been active in project negotiations?

The presence of this volatile and complex intergovernmental mixture of local, state, and federal actors is largely responsible for the selection of the Lake Gaston Water Supply Project as the context for this case study. The project's divisive realities have made the formulation and implementation of local water policy that is acceptable to all of the parties involved a challenging goal. The project is certainly a political "hot-potato" that has repeatedly been tossed back and forth over local, state, and federal fences. As such, it provides an appropriate setting for an analysis of the perceptions that local policy-makers engaged in the formulation and implementation of local water policy have of water-policy issues; of the positions of council members, city councils, and interest groups; of the positions of key state actors; and of the positions of federal actors as they pertain to the Lake Gaston Water Supply Project.

Study Objectives and Research Questions

Local policy-makers often encounter frustrations when they attempt to formulate and implement local water policy within the intergovernmental arena.¹⁴ The city council members in this study have had to find solutions to local water concerns while negotiating and hacking their way through multiple overlapping governmental jurisdictions, each of which represents a constituency with its own unique agenda.

In light of these realities, the research objectives of this study are as follows:

1. To clarify the policy issues of the Lake Gaston Water Supply Project.
2. To ascertain the city council members' perceptions of their positions and those of their city council in the Lake Gaston Water Supply Project.
3. To ascertain city council members' perceptions of the influence of local interest groups in the Lake Gaston Water Supply Project.
4. To achieve a clearer view of the perceptions that the city council members have of the

¹⁴ Patrick Healy III, The Nation's Cities (New York: Harper and Row, 1974), 127.

positions of state and federal actors in the Lake Gaston Water Supply Project.

With these study objectives in mind, the research questions that this inquiry seeks to answer are:

1. What are the events that have contributed to the Lake Gaston issue?
2. How do the city council members perceive the local dynamics that surround the Lake Gaston Water Supply Project and why do they have these perceptions?
3. How do the city council members perceive the state-local dynamics that surround the Lake Gaston Water Supply Project and why do they have these perceptions?
4. How do the city council members perceive the federal-local dynamics that surround the Lake Gaston Water Supply Project and why do they have these perceptions?
5. What are the similarities and differences among these perceptions comparing council members in Virginia Beach, Virginia with council members in Henderson, North Carolina, and Roanoke Rapids, North Carolina.

6. What implications do these perceptions have for local water-policy formulation and implementation for meeting the growing water needs of an urbanizing society?

Since the emphasis of this study is on personal perceptions, open-ended interview questions have been selected as the most appropriate means for gathering data. The interview format was chosen because it allows for more elaborate responses from those individuals being interviewed.¹⁵ Face-to-face interviewing also assists in the gathering of in-depth data that delves into the "reconstruction of the practical reasoning"¹⁶ that is involved in the formulation of a city council member's perceptions.

The laboratory sites for this research are the three city councils under study.¹⁷ As such, this study falls into the category of qualitative research since it employs the detailed observations of a researcher.¹⁸ The

¹⁵ Floyd J. Fowler, Jr., Survey of Research Methods (Newbury Park, California: SAGE Publications, 1993), 82-83.

¹⁶ Bruce Jennings, "Interpretation and the Practice of Policy Analysis," in Confronting Values in Policy Analysis, eds. Frank Fischer and John Forester (Newbury Park, California: SAGE Publications, 1987), 144.

¹⁷ Mary Timney Bailey, "Do Physicists Use Case Studies? Thoughts on Public Administration Research," Public Administration Review 52 (January/February, 1992): 51.

¹⁸ Van Maanen, J., Dabbs, J. M., Jr., and Faulkner, R. R., Varieties of Qualitative Research (Beverly Hills, California: SAGE Publications, 1982), 16; referenced in

individuals interviewed are among those sitting members who served between January, 1992 and December, 1996 in the City Councils of Henderson, Roanoke Rapids, and Virginia Beach. Results of an analysis of the data gathered in the study's three "laboratories"¹⁹ will be available for addition to the overall body of knowledge in the field of water policy and intergovernmental relations.

The research strategy for this specific analysis is that of a case study. As defined by Robert Yin, a case study is "an empirical inquiry that investigates a contemporary phenomenon within its real-life context when the boundaries between phenomenon and context are not clearly evident and in which multiple sources of evidence are used."²⁰ This inquiry follows the aforementioned pattern in that it focuses upon the contemporary phenomenon of city council members' perceptions within the real-life context of the Lake Gaston Water Supply Project. The multiple sources of evidence used are archival data -- such as municipal reports, court documents, and periodicals -- as well as data collected from interviews with the various council members.

Robert K. Yin, Case Study Research: Design and Methods, (Newbury Park, California: SAGE Publications, 1990), 25.

¹⁹ Ibid., 52.

²⁰ Robert K. Yin, Case Study Research: Design and Methods (Newbury Park, California: SAGE Publications, 1990), 23.

The research design is that of a comparative case study. With the focus being the perceptions of the council members, the analysis includes an examination of the similarities and differences among the interview responses.

This case study is exploratory in nature in that the research involves an analysis of the complex components of a city council member's perceptions while not attempting to establish any causal relationships. Although such designs are often accorded minimal respect as methodologies of choice, exploratory studies do involve more than merely a parroting back of accumulated information.²¹ As the analysis of the perceptions of city council members entails multi-faceted and highly-integrated operations, the selection of a research design that allows both for the inclusion, examination, and evaluation of intricate qualitative data is requisite.

A well-designed exploratory case study must fulfill certain criteria.²² First, there must be a precise understanding as to what will be explored. In this study, the perceptions of city council members are the target of the exploratory analysis. Second, there must be a clear awareness of the purpose of the exploration. In this study,

²¹ Anartya Sen, Description as Choice (Oxford Economic Papers, 1983:3), 353-369; referenced in Qualitative Methods in Management Research, ed. Evert Gummesson (Newbury Park: SAGE Publications, 1991), 75.

²² Yin, Case, 37.

the purpose is to gain a better understanding of the perceptions that local policy-makers engaged in the formulation and implementation of local water policy have regarding (1) water-policy issues, (2) the positions of council members, city councils, and interest groups, (3) the positions of key state actors, and (4) the positions of federal actors as they pertain to the Lake Gaston Water Supply Project.

Third, there must be a statement as to what are the standards for judging the success of the exploration. In this study, the established criteria are the ability to provide answers to the aforementioned research questions and to demonstrate the following propositions for further inquiry derived from intergovernmental concepts presented by Deil S. Wright:

1. Individual interactions among public officials are at the core of intergovernmental relations and of water policy formulation and implementation.
2. Intergovernmental relations and water policy formulation and implementation do not involve one-time occasional occurrences. Rather, they are based on the continuous day-to-day patterns of the contacts, knowledge, and evaluations of officials who govern.
3. The power and influence available to any one jurisdiction (or official) is significantly limited. These limits produce an authority pattern best described as bargaining.

4. Intergovernmental relations is anchored in and suffused²³ with policy-making -- in this case, water policy.

Limitations of the Study

This study requires the gathering of interview data on the perceptions of city council members. One limitation of this research is that it only presents the perspectives of city council members who served on the city councils between January, 1992 and December, 1996. A primary reason for the selection of this time-frame is that it was a very active period in terms of significant events impacting the Lake Gaston Water Supply Project. This increased the likelihood that council members would reflect a rich tapestry of perceptions.

Another limitation of this research is that it only presents the perspectives of those local policy-makers that are currently sitting on the subject councils. Since the early 1980s, when the Lake Gaston Water Supply Project was adopted, there have been numerous local policy-makers involved in the process of formulating and implementing water policy related to the project. Collecting and analyzing the amount of data that could potentially be accumulated if all of those stakeholders were alive, could

²³ Deil S. Wright, "Intergovernmental Relations and Policy Choice," Publius: The Journal of Federalism 5 (Fall 1975): 4-6.

be located, and were willing to be interviewed would have been an unrealistic expectation for this research.

Significance of the Study

There are two fundamental reasons for considering this study to be one of consequence. First is the growing importance of water issues in the nation's public-policy debate. The emergence of the mid-Atlantic coast's local water-policy issues as a significant topic serves as partial justification for studying this locality's efforts to secure a reliable long-term water supply. If another municipality is moving to formulate and implement local water policy, its policy-makers can profit from an awareness and understanding of the experiences of other policy-makers who have gone through a similar process.

Second is the contribution that this study can make to the body of knowledge that exists on the formulation and implementation of local water policy in the intergovernmental arena. This study's findings can contribute to an understanding of the relationships that exist in the highly complex mix of local, state, and federal actors and jurisdictions operating in that arena.²⁴

²⁴ Wright, Understanding, 14, 24.

Outline for the Study

This study is presented within the framework of seven chapters. Chapter I serves as an introduction to the topic and provides a brief overview of the chapters that follow. Chapter II entails an examination of the body of literature as it relates to the present study. It includes a theoretical overview of the scholarship available on local water-policy formulation on the particulars of water law, and on the dynamics of intergovernmental relations.

Chapter III contains a review of the methodology employed in the study. This review includes a presentation of the research design and a discussion of case study methodology. Chapter IV presents an overview of the events that have contributed to the Lake Gaston Water Supply Project.

Chapters V and VI present the data from the interviews with the city council members from the three subject cities. Chapter V focuses on councilmanic backgrounds and perceptions of policy issues, local actors, and local interest groups. Chapter VI centers in on councilmanic perceptions of the significance of political actors in the state and federal arenas.

Chapter VII is a pivotal one for this study. It contains the findings and interpretations of the data collected. It is here that the study's propositions are

demonstrated, strategies are explored, and recommendations for future studies are presented.

CHAPTER II

REVIEW OF THE RELATED LITERATURE

Making Local Water Policy in the Intergovernmental Arena

One area of public affairs that has appeared increasingly on the agendas of local government officials is that of water policy. This trend toward an escalation in the visibility of water issues began in the 1950s, when a controversy arose that focused the attention of communities across the country upon their local water supplies. The focus of the quarrel that so quickly captured the concern of many localities was the artificial fluoridation of water to reduce tooth decay.²⁵ Since either enough fluoride had to be added to a municipality's water supplies to be effective -- or none added at all -- local policy-makers had no safe place to stand in a policy arena whose sudden controversial status was relatively new to them. Water-policy issues were catapulted to a prominent position on local public-policy agendas.²⁶

By the 1960s, local water policy had taken on a decidedly environmental dynamic. National public concern

²⁵ Dzurik, Water, 4.

²⁶ David L. Martin, Running City Hall (University, Alabama: The University of Alabama Press, 1982), 174.

began to focus on issues positioned as critical, not only to the local ecology, but also to that of the state and even the nation. Issues of water purity became synonymous in the public's mind to such catastrophic events as off-shore oil spills.²⁷ Water-policy parameters were expanded beyond local issues of dental health into the broader federal realm of national legislation and regulation. The entire intergovernmental arena had become the setting for issues relative to water policy.

During the 1970s, environmentalists focused on the issue of water purity. The source of their anxieties were revelations during the 1960s that local policy-makers in cities such as New Orleans, Louisiana had not maintained a reliable supply of safe drinking water for their citizens. These disclosures resulted in pressure being exerted upon agencies of the federal government to center water-policy efforts during the 1970s around water-pollution issues.²⁸ Local policy-makers were also being pressured to address municipal water-contamination concerns as well as increased regulations from state and federal agencies.

By the 1980s, numerous local policy-makers became concerned with what they perceived as the public's desire

²⁷ Jeanne Nienaber Clarke and Daniel McCool, Staking Out the Terrain (Albany, New York: State University of New York Press, 1985), 1.

²⁸ John C. Bollens and Henry J. Schmandt, The Metropolis (New York: Harper and Row, Publishers, 1982), 278-280.

for them to directly address more expansive environmental issues. However, in an effort to please the newly-awakened sensibilities of their communities, these policy-makers often found themselves on the horns of a public-policy dilemma. For example, some local governments -- not wanting to adjust their water policy in a way that would mean incurring the considerable expense of increased water treatment -- suddenly found themselves being labeled by their constituencies as contributors to community water-pollution problems. However, if they approached industrial offenders with threats of fines or fees relative to municipal mandates for water purification, citizens would oftentimes pressure them to capitulate for fear of losing jobs if the offending industry left the community. It appeared that local policy-makers could neither "lick 'em" nor "join 'em."²⁹

A major local water-policy concern of the 1990s that garnered the attention of all three levels of government was the problem of increasing demand upon the nation's water supplies. This has lead to occasions where local water-policy decisions have had to await the outcome of negotiation of interests at other levels of government

²⁹ Donald F. Kettl, Government by Proxy: [Mis?] Managing Federal Programs (Washington, D.C.: Division of Congressional Quarterly, Inc., 1988), 49-69.

before they could be resolved.³⁰ Such intergovernmental dynamics have surfaced with increasing frequency in the water-policy conflicts and negotiations encountered by local policy-makers.

Local Water-Policy Formulation and the Positions of City Councils

There is little literature available on the positions of city councils as they touch the formulation and implementation of water policies on the local level. One volume, Western Water Flows to the Cities,³¹ was the only significant resource that substantively addressed this concern. For this reason, all of the following examples are set within the context of water issues in the western United States.

The single most important factor in the use and management of water in that region is the hundredth meridian. This is the line of demarcation that separates the arid western and more humid eastern regions of North America. As a function of this climatic and geographic reality, water policy in western localities is currently

³⁰ Laurence J. O'Toole, ed., American Intergovernmental Relations (Washington, D.C.: Division of Congressional Quarterly, Inc., 1985), 13.

³¹ John A. Folk-Williams, Susan C. Fry, and Lucy Hilgendorf, Western Water Flows to the Cities (Santa Fe, New Mexico: Western Network, 1985).

centered around the efforts of city officials, working in a setting of intense intergovernmental conflict, to determine ways of allocating scarce water supplies. Arizona Senator Barry Goldwater once characterized such western water wars in this manner: "A man in the West will fight over three things: water, women and gold and usually in that order."³²

Prior to World War II, the western states had based their economy primarily upon agriculture. After the War, individuals began to leave the eastern part of the nation and migrate to the western regions, bringing with them their suburban ideals of towering trees and verdant meadows. This dynamic gradually drove western water-policy issues to the point of an intense polarization of positions between those who supported suburban growth and those who sided with agricultural interests. Over the years, the fiscal differential that existed between municipal income that could be generated from agricultural water -- currently valued at approximately \$10 per acre foot -- and municipal water -- currently valued at approximately \$2,000 per acre foot -- resulted in agricultural interests losing more water battles than they won.³³ During the decades that followed,

³² Hester McNulty, "The Importance of the Hundredth Meridian to the Uses and Management of Water," in Managing Water Resources, eds. John Cairns, Jr. and Ruth Patrick (New York: Praeger, Inc., 1986) 109.

³³ Ibid., 113-114.

local policy-makers faced an increasing number of volatile conflicts over water policy.³⁴ It is within the complex politics of the multiple overlapping jurisdictions that exist within the intergovernmental maze that the following illustrations of local water-policy formulation and implementation are set.

One example of a city council negotiating water-policy issues occurred in Colorado Springs, Colorado.³⁵ In this city, the Department of Public Utilities has jurisdiction over water and its Director reports to the City Manager who, in turn, reports to the Council. Colorado Springs and a neighboring city, Aurora, both applied to the U.S. Forest Service for an easement to construct part of a joint water-supply project that would be of mutual benefit to the two municipalities. However, the Forest Service produced an Environmental Impact Statement that stated the project would negatively impact the wilderness status of the area. In addition, members of powerful environmental groups such as the Sierra Club also opposed the project.

³⁴ Helen Ingram, "The Politics of Information Constraints on New Sources," in Water Politics and Public Involvement, eds. John C. Pierce and Harvey R. Doerksen (Ann Arbor, Michigan: Ann Arbor Science Publishers, Inc., 1976), 63-65.

³⁵ All of the following examples of cities involved in local water policy came from Western Water Flows to the Cities by John A. Folk-Williams, Susan C. Fry, and Lucy Hilgendorf. This volume contains excellent information on several other western cities, which have had to contend with water policy issues, not enumerated in the text of this paper.

At that point, the City Council of Colorado Springs realized that this project was going to involve them in lengthy litigation. In the short-term, the city also realized that it still needed to find more water for its citizens. As part of efforts to locate additional supplies, the Council proposed an innovative concept involving the Arkansas River. It filed in federal court for the right to withdraw the same amount of water from the river that the city returns to it in the form of effluent. This innovative approach provided another option for a city in need of water.

The second example of a city becoming involved in water negotiations at various intergovernmental levels is Phoenix, Arizona. Water-resources management and planning for this city are the responsibility of the Phoenix Water Department, which reports to the City Council and the Mayor by way of the City Manager. Because of the extensive nature of their water problems, the Council established a Strategic Planning Program with the mandate of dealing primarily with water-supply issues. In addition, the Council hired a Water Advisor, whose job it was to aid in the intergovernmental negotiating component of the Council's efforts to develop and implement its water policies.

In 1980, the Arizona legislature passed the Groundwater Management Act, which created four Active Management Areas that cover 69% of the state's total groundwater. The

Phoenix City Council found it necessary to enter into negotiations with its state government in order to meet the conservation requirements established by the Act. When concerns began to surface relative to the adequacy of the city's conservation measures, the Council authorized their Water Advisor to join them in bargaining with state officials. The end result of these efforts was the adjustment over time of the city's conservation endeavors.

A third example of local policy-makers facing difficult water-policy decisions developed in Yuma, Arizona. This city's water service is handled by the municipality's Department of Utilities with all local water policy being formulated by the Yuma City Council. As part of its continuous search for water, the Council contracted with the U.S. Federal Bureau of Reclamation for the purchase of water stored in Lake Mead that had been made available for municipal use through the Boulder Canyon Project Act. Contrary to forecasts, however, Yuma soon discovered that it needed more water than it had originally projected. It was this increase in demand that became the center of a dispute between the Council and the Ak-Chin Indian Community.

An Environmental Impact Statement completed in 1981 by the U.S. Federal Bureau of Reclamation indicated that the water in Lake Mead was the only suitable water supply for the Indian Community. On the other hand, Yuma's City Council contended that there were indeed several other

possible sources for the Ak-Chin Community's needs -- among which was excess city irrigation water. It was this surplus water that the Council believed could be used by the Ak-Chin Indian Community to replace that the city wanted to withdraw from the lake. The settlement of this dispute, which was determined by an Act of Congress because a federal Indian reservation was involved, resulted in the Ak-Chin Indian Community having to be financially compensated by the city for any extra water the city removed from Lake Mead.

All three of these cases reveal a considerable amount about the "give and take" involved in water negotiations and about the position that city councils play in such efforts. In the case of Colorado Springs, Colorado, the City Council approached water negotiations and its variables by looking to innovative local water-supply initiatives to meet their needs. They understood the potential political impasse that could have been contingent with their putting all of their hopes into one plan. They also recognized the reality of having to find other workable local options if negotiations were unfruitful. Their willingness to discover and apply new paradigms to old problems helped them meet their short-term water needs.

In the Phoenix, Arizona case, the Council realized that negotiations involve compromises and, in order to work out such compromises, individuals equipped and empowered to do the negotiating need to already be in place. Their solution

was the establishment of a Strategic Planning Program to forestall problems and the hiring of a Water Advisor to carry out the details involved in any bargaining process. By distancing themselves from a politically volatile operation, the Council avoided the provincial squabbling that can contribute to unfavorable outcomes at state-level negotiations.

In Yuma, Arizona, the City Council had to negotiate with the federal government in its efforts to formulate local water-policy. Their search for a reliable water supply involved dealings with the U.S. Congress as well as with the local Ak-Chin Indian Community. Indian affairs required delicate handling in order not to polarize participants in the mediation process. The local policy-makers' sensitive approach to the situation worked to forestall volatile rejoinders being volleyed from the different camps in the debate.

All three of these cities brought foresight, communication skills, preparedness, and innovation to the intergovernmental negotiations in which each of them became involved. The results, although not always completely favorable to the municipality, do illustrate the benefit of acknowledging the "give and take" dynamic of bargaining.

Water Law

In water-policy debates, officials at the federal, state, and local levels of government are often inextricably drawn together.³⁶ It is situations such as the ones previously presented that can lead to conflicts within the intergovernmental arena over water policy. The parameters of federal, state, and local involvement in such conflicts are primarily determined by the stipulations of various water laws.³⁷ To understand some of the complex relationships that have been manifested in the policy issues at stake in the Lake Gaston Water Supply Project, it is helpful to be aware of the overall distribution of legal powers involved.

The federal government's interest in water issues first developed from its contention that, since navigation by water is considered to be a function of commerce, the U.S. Constitution's commerce clause gives the federal government jurisdiction over the navigation of domestic waterways. Over the years, however, federal jurisdiction has been expanded to include much more than the activity on coastal and tidal streams and nontidal navigable waters. It has now

³⁶ William Anderson, Intergovernmental Relations in Review (Minneapolis: University of Minnesota Press, 1960), 89-91.

³⁷ Cunha, Figueiredo, Correia, and Goncalves, Management, 253-257.

moved into the realm of national water oversight through flood control and watershed development.³⁸

Although the federal government has jurisdiction over navigable streams, this prerogative does not infringe upon a state's proprietary control "over the beds of navigable streams or its [the state's] right to determine who may legally use the waters."³⁹ The position of localities in the multiple overlapping layers of government -- in spite of having no constitutional platform and of often being viewed only as creatures of the states in which they exist -- is based upon their responsibility to provide potable water for their citizens.⁴⁰

It is due to the presence of these intergovernmental realities, that the implementation of water law in the United States has become a most enigmatic and obscure process. Legislation concerning water supplies is administered by government agencies at the federal, state, and local levels. At the federal level, water management is generally the responsibility of the U.S. Departments of the Interior, Agriculture, and Defense; however, water quality is primarily handled by the U.S. Environmental Protection Agency since it administers the Clean Water Act. At the state level, water issues are generally handled by state

³⁸ McKinley, "The Management," 328-240.

³⁹ Ibid., 329.

⁴⁰ Ibid., 340-347.

agencies. At the local level, water policy is usually implemented through municipal or county water authorities or districts that have been established as a result of the delegation of powers from the federal and state levels.⁴¹

A better understanding of the activities within these multiple overlapping jurisdictions can be facilitated by briefly addressing two pertinent principles of water law.

The first principle is that of riparian rights -- the contention that the right to use water is ultimately a property right. Entities have riparian rights if they own the land that is in actual contact with inland waters. This doctrine has two interesting components: (1) reasonable use, which allows upper riparian owners to take any amount of water they wish as long as that usage does not interfere with the reasonable needs of the lower riparian owners; and, (2) correlative rights, which assigns riparian owners a proportional share of water based upon land ownership. Riparian rights exist in 31 states -- including North Carolina and Virginia.⁴²

The second principle is that of interbasin water-transfer laws. Most interbasin transfers of water that currently exist in the United States are exclusively interstate transfers. Major interbasin transfers are those that involve:

⁴¹ Dzurik, Water Resources, 60-69.

⁴² Ibid., 26-27.

carrying water over one or more state lines for use in a state that either (1) lies entirely outside the basin of origin, or (2) lies partly within the basin of origin but which would import substantially⁴³ more water than it contributes to the basin of origin.

Both riparian and interbasin transfer law are judicial concepts that have been a significant part of the debate surrounding the Lake Gaston Water Supply Project.

Dynamics of Intergovernmental Relations

The dynamics of intergovernmental relations are another component of this study. A firm grasp of these dynamics will provide a framework for the analysis of many of the activities relative to the setting of this case study, the Lake Gaston Water Supply Project. This section is devoted to an overview of the literature related to (1) intergovernmental relations and federalism, (2) a model of intergovernmental relationships, (3) local government in the intergovernmental arena, (4) inter-local relations, (5) local-state relations, and (6) local-federal relations.

Intergovernmental Relations and Federalism

Intergovernmental relations represents both highly-centralized and loosely-woven connections. The successful

⁴³ William Goldfarb, Water Law (Chelsea, Michigan: Lewis Publishers, Inc., 1989), 56-57.

operation of government requires that a preeminent degree of cooperation and collaboration exists among the levels of government involved.⁴⁴ Admittedly, a certain potential for difficulty is inevitable in any constitutional framework that divides its legislative powers between national and state arenas.⁴⁵ It was an acknowledgement of the potential for abuse inherent in such a design that served as the impetus for the American federal system of checks and balances, which was instituted with constitutional limits designed to establish a stability in the partnership that exists between the national government and that of the states.⁴⁶

The inter-connections that exist between these often reluctant partners are labyrinthine in nature.⁴⁷ Some political scholars have declared that the traditional principles of federalism cannot expand to adequately address such potential tensions as does the theory of

⁴⁴ Thomas J. Anton, American Federalism and Public Policy (New York: Random House, 1989), 30.

⁴⁵ Timothy Conlan, New Federalism (Washington, D.C.: The Brookings Institution, 1988), xii-xvii.

⁴⁶ Jeffrey R. Henig, Public Policy and Federalism (New York: St. Martin's Press, 1985), 14-16.

⁴⁷ Deil S. Wright, "Federalism, Intergovernmental Relations and Intergovernmental Management," Public Administration Review 50 (March-April 1990): 168-178.

intergovernmental relations.⁴⁸ Nevertheless, the intergovernmental relations model cannot be viewed in isolation from that of the federal system of government. It is federalism's distribution of power and responsibilities that anchors the dynamics of the relationships incorporated in intergovernmental relations. The framework established by the comparatively rigid principles of federalism permit the substantive development of the less restrictive precepts of intergovernmental relations.⁴⁹

However, intergovernmental relations does encompass a wide range of activities that are not necessarily allowed for in the federalist model. First, the federalist model of government emphasizes national-state relationships. Intergovernmental relations acknowledges interactions among officials from all governmental levels, including the local sector. Second, the federalist model emphasizes legal powers and formal written agreements. Intergovernmental relations includes an emphasis upon diverse informal actions as well as the perceptions of governmental officials. Third, the federalist model of government emphasizes a strict hierarchical model of relationships based upon authority and power. Intergovernmental relations includes

⁴⁸ David R. Beam, Timothy J. Conlan, and David B. Walker, "Federalism: The Challenge of Conflicting Theories and Contemporary Practice," in Political Science: The State of the Discipline, Ada W. Finifter (Washington, D.C.: American Political Science Association, 1983), 247-279.

⁴⁹ Nice, Federalism, 2-3.

no such distinctions. Finally, the federalist model minimally addresses policy concerns. Intergovernmental relations encourages the field of policy study as it approaches issues of ends, means, substance, and process.⁵⁰

A Model of Intergovernmental Relationships

Scholars have proposed several intergovernmental models of the authority relationships that exist among national, state, and local jurisdictions in the United States. The model chosen for use in this research is the Overlapping Authority Model. This model's primary constructs are as follows:

1. Substantial areas of governmental operations involve national, state, and local units (or officials) simultaneously.
2. The areas of autonomy or single-jurisdiction independence and full discretion are comparatively small.
3. The power and influence available to any one jurisdiction (or official) is significantly limited.⁵¹

The reason for the selection of this model is its representativeness and inclusiveness of the realities that exist in the intergovernmental realms featured in this study.⁵² Daniel J. Elazar -- Professor of Political

⁵⁰ Wright, "Intergovernmental," 4-6.

⁵¹ Wright, Understanding, 31-48.

⁵² Ibid., 47-50.

Science and Director of the Center for the Study of Federalism at Temple University and Professor in Intergovernmental Relations at Bar-Ilan University -- once presented a most unaffected, yet erudite, distillation of the constructs of the theory of intergovernmental relations that serves to aptly describe the particulars of this model.

He wrote:

In sum, the most striking characteristic of the American partnership is that virtually everyone is involved in virtually everything. The federal and state governments are involved because of their constitutional position as the anchors of the American political system. Local governments, public non-governmental agencies, and private interests are involved because they make an effort to become involved and have found ways to "pay the ante" required to sit in on the great game of government in the United States.⁵³

As scholars analyzed political trends and developments with the intent of looking at them from the intergovernmental perspective, they labeled the activity of the 1980s-1990s -- the focus of this research -- the Contractive Phase of intergovernmental relations.⁵⁴ Federal cuts, judicial decision-making, and budget-balancing over all levels of government are at the top of the policy agenda of this phase. The participants that guide this

⁵³ Daniel J. Elazar, "Federalism and Intergovernmental Relations," in Cooperation and Conflict: Readings in American Federalism, eds. Daniel J. Elazar, et al. (Itasca, Illinois: F. E. Peacock Publishers, Inc., 1969), 19-20.

⁵⁴ Daniel J. Elazar, "Opening the Third Century of American Federalism: Issues and Prospects," The Annals of The American Academy of Political and Social Science 509 (May 1990): 11-21.

period are aggressive, contentious, defensive, and litigious.⁵⁵ It is not surprising that the intergovernmental mechanisms they often employ are negotiated dispute settlements, congressional statutes, and court decisions.⁵⁶

Local Government in the Intergovernmental Arena

Local governments are established to provide public service systems such as sewage treatment, police protection, waste removal, and water supplies. Elected local policy-makers furnish these useful benefits to their constituencies in response to the level of political expectations held by those constituencies.⁵⁷ Perhaps more than any of the other three levels of government in the intergovernmental maze, local officials must endure the highest measure of scrutiny. This is due largely to their close proximity to this constituency and to their high degree of visibility within their respective communities.⁵⁸

⁵⁵ Wright, Understanding, 101-110.

⁵⁶ Richard S. Williamson, Reagan's Federalism: His Efforts to Decentralize Government (Lanham, Maryland: University Press of America, Inc., 1990), 226-228.

⁵⁷ Barbara E. Phillips and Richard T. LeGates, City Lights (New York: Oxford University Press, 1981), 256.

⁵⁸ Paul R. Dommel, "Intergovernmental Relations," in Managing Local Government, ed. Richard D. Bingham (Newbury Park, California: SAGE Publications, Inc. 1991), 135-138.

Local governments cannot be studied or understood in isolation from the other members of the intergovernmental arena.⁵⁹ One of the several forces that influences the performance of local policy-makers is the reality of the intergovernmental relationships that municipal officials develop with individuals and agencies in other levels of government.⁶⁰

By the indicators of growth in revenue, expenditures, and employment, local governments have been the fastest-growing of the three sectors of government since the end of World War II.⁶¹ However, even though local officials are ultimately responsible for using these expanding parameters to effectively and efficiently provide services to their communities, regulations and other mandates being imposed upon them by entities at the state and federal levels are also increasing.⁶² Caught in the midst of such realities, local policy-makers have one fundamental political resource that they can wield to maintain some semblance of control

⁵⁹ Robert D. Thomas, "Cities as Partners in the Federal System," Political Science Quarterly 101 (Spring 1986): 49-58.

⁶⁰ Gunnar Wikstrom, Jr., "Political Scientist as Public Policy-Maker," in Municipal Government, Politics and Policy: A Reader, eds. Gunnar Wikstrom, Jr. and Nelson Wikstrom (New York: University Press of America, 1982), 180.

⁶¹ Michael D. Reagan and John G. Sanzone, The New Federalism (New York: Oxford University Press, 1981), 35.

⁶² Bollens and Schmandt, The Metropolis, 148.

over the future of their localities -- the legal authority to make policy.⁶³

The policy-making authority of a governmental unit is "the total relationship of government to its environment, as expressed in its concrete programs and specific decisions."⁶⁴ However, policy-making at the local level is a highly-fragmented process due to the multiplicity of governmental forces that exist at other levels.⁶⁵ It must be remembered that the legal authorization to make policy does not necessarily mean that the power to do so will be employed effectively or indeed at all. Yet, not possessing such formal authority deprives local policy-makers of the "ante" Elazar contends is required to "sit in on the great game of government."⁶⁶

Inter-local Relationships

Inter-local relationships embrace all of the diverse connections that exist between units of government operating

⁶³ Sarah F. Liebschutz, Bargaining Under Federalism (New York: State University of New York Press, 1991), 73-96.

⁶⁴ William O. Winter, The Urban Polity (New York: Dodd, Mead & Company, 1969), 39.

⁶⁵ Paul E. Peterson, Barry G. Rabe, and Kenneth K. Wong, When Federalism Works (Washington, D.C.: The Brookings Institution, 1986), 61-80.

⁶⁶ Elazar, "Federalism," 19-20.

below the level of the states. Since all localities are either agents for or creatures of their respective states, they rest upon approximately the same legal status. For this reason, inter-local relationships are generally horizontal in nature, with localities usually not exercising supervisory powers over one another. In recent years, such relationships have increased. The focus of this activity has usually been less upon formal and legalistic rules and more upon an acknowledgement of the public's need for services.⁶⁷

In order to fulfill the responsibilities that exist in the realm of public service systems, communities are often faced with the necessity of entering into cooperative arrangements with each other.⁶⁸ Some sources define such inter-local cooperation as "any device, formal or informal, legal or extra-legal, by which two or more local units of government attempt to meet a mutual difficulty or need."⁶⁹ Others describe it as "all activities which any local government unit or its officials may carry on voluntarily

⁶⁷ Anderson, Intergovernmental, 116-120.

⁶⁸ Nicholas L. Henry, Public Administration and Public Affairs (Englewood Cliffs, New Jersey: Prentice-Hall, 1986), 329-330.

⁶⁹ Guthrie S. Birkhead, Jr., Extent of Interlocal Cooperation in New York State (Albany: Department of Audit and Control, 1958), 5; quoted in William Brooke Graves, American Intergovernmental Relations: Their Origins, Historical Development, and Current Status (New York: Charles Scribner's Sons, 1964), 738.

with another local governmental unit or units, of which one unit may agree to administer for both itself and one or more other local units."⁷⁰ Whatever parameters are chosen, inter-local collaboration to provide public services has become fundamental to this nation's system of governance, which allows for different levels of government with multiple overlapping jurisdictions.⁷¹

Local-State Relations

Because states are the creators of the localities within their boundaries,⁷² there are only a few limitations placed upon a state's dealings with its cities. Broad state authority allows for state emphasis upon four policy areas when they work with local governments: (1) physical development issues such as improvements in industrial and residential infrastructures; (2) improvement of cooperation between the public and private sectors; (3) fiscal incentives to assist local developments; and (4) citizen

⁷⁰ Graves, American, 738.

⁷¹ Daniel J. Elazar, Building Cities in America: Urbanization and Suburbanization in a Frontier Society (Lanham, Maryland: Hamilton Press, 1987), 145-147.

⁷² Lawrence F. Keller and Alan C. Weinstein, "Law and the City," in Managing Local Government, eds. Richard D. Bingham, et al. (Newbury Park, California: SAGE Publications, Inc., 1991) 61-63.

participation in the development of local objectives.⁷³

States have increasingly "been roundly and soundly chastised for their neglect of urban distress and decline."⁷⁴ Such being the case, some scholarship has pointed to states beginning to increase their interest in the affairs of their localities and in displaying a more aggressive posture towards them.

Many states now have an urban majority, and it would be somewhat cavalier in light of such political realities for state officials to adopt a belligerent anti-urban posture.⁷⁵ As a result, state governments are being forced to take an increased interest in the problems being faced by policy-makers at the local level. A logical outgrowth of this concern is the growing number of instances of increased state interest in local service-delivery systems such as sewage, roads, and water.⁷⁶

⁷³ Henry, Public, 325-326.

⁷⁴ Wright, Understanding, 315-316.

⁷⁵ Reagan and Sanzone, The New Federalism, 90-100.

⁷⁶ Bollens and Schmandt, Metropolis, 162-163.

Local-Federal Relations

The primary basis for local-federal relations is generally viewed as a fiscal one. The tax base at the local and state levels is limited; however, the federal level of government, with its broader jurisdictional powers and its larger tax base, is the most fiscally-advantaged entity in the intergovernmental arena.⁷⁷ Yet, the American system of government is too complex to be adequately defined in terms of "haves" and "have-nots." In reality, it is a system that requires the governing responsibilities be shared.⁷⁸

Local governments have had to become increasingly adept at functioning as lobbyists in the solicitation of financial support from the federal government for urban projects that have grown too cumbersome and fiscally draining for local coffers. A vital component of this federal connection, however, is the need for localities to get federal regulatory approval for projects supported by federal funds.⁷⁹ These realities are typical of the growing trend toward more direct relationships between the local and federal levels of government. As contended by Banfield and Wilson, "If the control over cities is taken from the states

⁷⁷ Kettl, Government, 1-5.

⁷⁸ O'Toole, American, 79-84.

⁷⁹ Charles R. Adrian and Charles Press, Governing Urban America (New York: McGraw-Hill Book Company, 1972), 301.

it will be taken by the federal government, not the localities."⁸⁰

⁸⁰ Edward C. Banfield and James Q. Wilson, City Politics (New York: Vintage Books, Random House, Inc., 1963), 113.

CHAPTER III

METHODOLOGY

Focusing on three cities -- one in Virginia and two in North Carolina -- this study seeks to understand the complexities encountered by local city policy-makers as they work to formulate and implement local water policy. The research questions that this inquiry seeks to answer are:

1. What are the events that have contributed to the Lake Gaston issue?
2. How do the city council members perceive the local dynamics that surround the Lake Gaston Water Supply Project and why do they have these perceptions?
3. How do the city council members perceive certain state-local dynamics that surround the Lake Gaston Water Supply Project and why do they have these perceptions?
4. How do the city council members perceive certain federal-local dynamics that surround the Lake Gaston Water Supply Project and why do they have these perceptions?
5. What are the similarities and differences in these perceptions comparing council members in Virginia Beach, Virginia with city council

members in Henderson, North Carolina and Roanoke Rapids, North Carolina?

6. What implications do these perceptions have for local water-policy formulation and implementation for meeting the needs of an urbanizing society?

To answer these questions, information has been gathered from archival materials as well as from audio-taped interviews with sitting members of the Henderson, North Carolina, Roanoke Rapids, North Carolina, and Virginia Beach, Virginia City Councils who served between January, 1992 and December, 1996.

This research is a comparative case study utilizing qualitative data with heavy reliance having been placed upon the use of open-ended methods of inquiry and data collection. The use of qualitative data for this research is supported by the following statement by Michael Q. Patton,

Qualitative data consist of detailed descriptions of situations, events, people, and interactions; ...and excerpts from documents....Qualitative measures permit the evaluation researcher to record and understand people in their own terms....Qualitative data provide depth and detail....At the simplest level, depth and detail may emerge from responses to open-ended questions on a questionnaire.⁸¹

⁸¹ Michael Quinn Patton, Qualitative Evaluation Methods (Newbury Park, California: SAGE Publications, 1990), 22.

The use of case-study methodology involves an analysis of the perceptions of key policy-makers, which is the focus of this research. Studying how people respond to external realities, evaluating how they accommodate themselves to those realities, and how they attempt to change them -- all adapt well to case study research.⁸²

Research Design

The selection of case-study research design for this project was based upon Yin's⁸³ three conditions for determining appropriate research strategies. His first condition is the determination of "how" and "why" questions as being basic to a case study. "How" and "why" questions were incorporated into the interview instrument that is used to explore policy-makers' perceptions. Yin's second condition pertains to the amount of control that the researcher has over the events under study. He contends that a case study does not require the researcher to be able to either control or manipulate the events under study. Since this study does not offer the researcher an opportunity to exercise such control or manipulation, the decision to use the case-study methodology is again con-

⁸² Catherine Hakim, Research Design (London, England: Allen & Unwin, 1987), 68.

⁸³ Yin, Case, 17.

firmed. Yin's third condition for a case study relates to the determination of focus. He states that case studies should center on contemporary events as opposed to historical ones. This research fulfills such criteria since it focuses on a contemporary phenomenon.

In this case, the research is designed so as to demonstrate the following propositions for further inquiry as derived from suggestions by Deil S. Wright:

1. Individual interactions among public officials are at the core of intergovernmental relations and of water-policy formulation and implementation.
2. Intergovernmental relations and water-policy formulation and implementation do not involve one-time occasional occurrences. Rather, they are based on the continuous day-to-day patterns of the contacts, knowledge, and evaluations of officials who govern.
3. The power and influence available to any one jurisdiction (or official) is significantly limited. These limits produce an authority pattern best described as bargaining.
4. Intergovernmental relations is anchored in and suffused⁸⁴ with policy-making -- in this case, water policy.

Selection

The three subject cities -- Henderson, North Carolina; Roanoke Rapids, North Carolina; and Virginia Beach, Virginia -- were selected primarily because they are all stakeholders in the Lake Gaston Water Supply Project. A basic interest

⁸⁴ Wright, "Intergovernmental Relations," 4-6.

was to compare their perceptions of the project and of the other intergovernmental actors involved in the formation and implementation of water policy related to the project.

The decision to interview the currently sitting members who had served on the subject city councils between January, 1992, and December, 1996, was partially based on the factor of time. This time span was a very active period for the Lake Gaston Water Supply Project, which helped to assure informative responses to the interview questions. Also, in consideration of the importance of the Lake Gaston Water Supply Project to all the stakeholders involved, recollections about such a major issue would likely be reliable.⁸⁵

The subjects of this research were twenty-three of the sitting members of the three city councils in this study -- Henderson, with eight persons, Roanoke Rapids, with six persons, and Virginia Beach, with nine persons. It was determined that sitting city council members were the most logical choice for interviewing in consideration of their availability.

Initially, a letter was sent to each council member introducing the researcher, briefly outlining the purpose of the study, informing the council member that he or she would be receiving a phone call requesting an interview, and assuring the subjects that all of their responses would be

⁸⁵ Converse and Presser, Survey Questions, 20.

kept confidential (See Appendix A for copies of the letters mailed out to the interviewees.).

Within approximately ten days of this mailing, the process continued with the contacting of each council member by phone in order to make an appointment for the personal interview. Any missed interviews were rescheduled for a later date. The council members were again assured that their responses would be kept confidential.

Each interview took between thirty to forty-five minutes and was audio recorded to enable the researcher to concentrate on maintaining an open and agreeable rapport during the interview and to ensure accuracy in data collection. At the end of each interview, the council member was informed that he or she would be mailed a brief summary of all of the data collected and that he would be contacted by phone and asked to report his perception of the summarized data (See Appendix B for a summary of the interview results.).

Instrumentation

An interview guide containing open-ended questions was used as the data collection instrument (See Appendix C for a copy of the Interview Guide.). This choice was made because such questions were considered to be the most appropriate for obtaining the self-reported data needed for this

research. This format allowed for elaborative responses from those individuals being interviewed. As Patton stated:

We interview people to find out from them those things we cannot directly observe....We cannot observe feelings, thoughts, and intentions. We cannot observe behaviors that took place at some previous point in time. We cannot observe situations that preclude the presence of an observer. We cannot observe how people have [mentally] organized the world and the meaning they attach to what goes on in the world. We have to ask people questions about those things. The purpose of interviewing, then, is to allow us to enter into the other person's perspective.⁸⁶

Although interviews are a useful means of data collection, the issue of a subject's memory is often raised. It is true that the accuracy of responses to questions requiring the recall of past events or behaviors can be of concern if "the questions asked refer to events that happened a long time ago, or if they require the recall of many separate events."⁸⁷ To combat the doubts raised by such concerns, the use of "cues" to aid recall, was chosen as a technique in formulating the interview questions. The "cuing" process involved the stimulation of recall, in certain instances, by presenting a variety of associations to the interviewee. This technique takes into account that human memory uses a great variety of coding schemes to store information. "What appears to be a forgotten event may be

⁸⁶ Patton, Qualitative, 196.

⁸⁷ Jean M. Converse and Stanley Presser, Survey Questions: Handcrafting the Standardized Questionnaire (Beverly Hills, California: SAGE Publications, 1988), 20.

perfectly accessible if the correct storage file is tapped."⁸⁸

As a check to better assure validation of data, responses have been cross-checked among respondents to determine discrepancies, if any. Also, responses to ascertain factual information have been cross-checked with available archival documentation.

The interview guide used in this research was pilot-tested so as to refine both its content and the procedures followed in data collection.⁸⁹ The pilot-testing involved two interviews with former Virginia Beach City Council members. After input from the first interview, the only change to the guide was in the grouping of some of the questions. The input from the second interview confirmed the appropriateness of the changes that had been made as well as the adequacy of the instrument as a whole.

The interview guide was then submitted to and subsequently approved by the researcher's Dissertation Committee and the College of Business and Public Administration's Committee on Libraries and Human Research.

Questions on the interview guide were sub-divided under the following topics:

1. Personal background. This section was composed of six introductory questions that were basically of

⁸⁸ Ibid., 22.

⁸⁹ Yin, Case, 80-82.

a background/demographic nature "aimed at locating the respondent in relation to other people."⁹⁰

It was during this period that a relaxed rapport was designed to be established between the researcher and the interviewees.⁹¹

2. Perceptions of the issues surrounding the Lake Gaston Water Supply Project. This section was composed of five questions that were developed to gather information about the subjects' perceptions of issues surrounding the Lake Gaston Water Supply Project as a whole. These were opinion questions developed to ascertain "what people think about...a specific program."⁹²
3. Perceptions of local entities and organizations. This section was made up of four questions to gather data about the subjects' perceptions as to the dynamics of local influences on the formulation of local water policy.
4. Perceptions of state leaders, officials, and organizations. This section was made up of two questions developed to gather information about the subjects' perceptions of the significance of

⁹⁰ Patton, Qualitative, 209.

⁹¹ William Wiersma, Research Methods in Education (Itasca, Illinois: F. E. Peacock Publishers, Inc. 1980), 144.

⁹² Patton, Qualitative, 207.

certain state-level actors to the Lake Gaston Water Supply Project.

5. Perceptions of federal leaders, officials, and organizations. This section was composed of two questions designed to gather information about the subjects' perceptions of the significance of certain federal-level actors to the Lake Gaston Water Supply Project.
6. Ideas as to what should be done about the Lake Gaston Water Supply Project. This final section was composed of two questions designed to elicit input from the subjects about their perceptions as to what would be a suitable resolution to the Lake Gaston Water Supply Project and to Virginia Beach's water needs.

The individual questions on the Interview Guide were matched with the initial research questions as follows:

<u>Interview Question</u>	<u>Research Question</u>
1-6.....	Personal Background Data
7.....	1, 6
8.....	1, 6
9.....	1, 6
10.....	1, 6
11.....	1, 6
12.....	2, 5, 6
13.....	2, 5, 6
14.....	2, 5, 6
15.....	2, 5, 6
16.....	3, 5, 6
17.....	3, 5, 6
18.....	4, 5, 6
19.....	4, 5, 6
20.....	1, 6
21.....	1, 6

The interview data were collected and compiled over a four-week period.

Data Analysis

The data were categorized by interview question so as to facilitate subsequent analysis of the responses (See Appendix D for a tabular summary of the interview results.). This approach allowed for the inclusion in the analysis of council members' perceptions of events and individuals along with the presentations of archival historical data within its tenets. A basic interest here was the exploration of the respondents' personal interpretations of relevant events and individuals within the context in which they performed.

To validate the accuracy of the analysis of the perceptions of the council members, the summary of interview results was mailed to the respondents. A follow-up phone conversation with a majority of the council members was conducted. The respondents stated that the summary's contents were accurate and representative of their perceptions.

The data-reduction process involved compiling interview notes and synthesizing open-ended, qualitative data.⁹³

⁹³ Michael Quinn Patton, How to Use Qualitative Methods in Evaluation (Newbury Park, California: SAGE Publications, 1987), 144-154.

According to Julian L. Simon, the analysis of such descriptive research can include the researcher selecting

...whatever concepts he can borrow from other fields and the ordinary words of the common language....He must create his own classification and his own guideposts. He must decide what to look at and what to ignore, what to record and what not to record, which clues to follow up and⁹⁴ which to drop, what is important and what is valueless.

All of the interviews were audio-taped. In lieu of verbatim transcriptions of the sessions, detailed notes citing major points as well as pertinent quotes and comments were extracted. Data were then categorized in order to summarize and analyze common themes and patterns. (See Appendix F for a detailed description of the data-reduction process.)

⁹⁴ Julian L. Simon, Basic Research Methods in Social Science (New York: Random House, 1969), 54.

CHAPTER IV

A BACKGROUND AND OVERVIEW OF THE LAKE GASTON WATER SUPPLY PROJECT

The Lake Gaston Water Supply Project has been a local water-policy issue for over fourteen years; however, the context within which local policy-makers are currently wrestling with this concern has been developing for decades. The following background and overview lays framework, traces activities, and demonstrates trends that have evolved to create the intergovernmental arena in which certain local policy-makers are formulating and implementing local water policy. (See Appendix E for a detailed chronological cataloguing of events pertaining to the project.)

The 1960s: A Decade of Establishing Municipal Boundaries and Connections

Virginia Beach, Virginia, from its inception, has had water-supply problems -- as the following quote from a 1927 newspaper suggests: "Virginia Beach, almost surrounded by the ocean, was compelled to run a pipeline to the City of Norfolk to get an adequate supply of drinking water."⁹⁵

⁹⁵ Staff Report, The Virginian-Pilot and The Norfolk Landmark, 9 April 1927, 7.

The need for potable water was a local policy issue that faced city officials when Virginia Beach was little more than a narrow strip of land located along part of Virginia's Atlantic coastline. Today, officials continue to confront this same issue as the city has grown to become the most populated in the Commonwealth.⁹⁶

Part of Virginia Beach's water problems derives from the issue of the ownership of the city's water resources. Long before 1963, when the small resort city of Virginia Beach merged with its comparatively larger neighbor -- Princess Anne County -- the City of Norfolk had already developed extensive reservoir and groundwater systems within that County's boundaries. After the merger, because water supplies within its corporate limits belonged to Norfolk, the newly-formed and much-enlarged City of Virginia Beach had to purchase water from Norfolk as well as from Portsmouth, the only other city in the surrounding region with a significant water-supply system. Primarily because of the combined effects of population growth and a lack of sufficient Virginia Beach-owned water within its boundaries,

⁹⁶ Hampton Roads Planning District Commission, The Economic Impact of a Growth Moratorium and Desalination on the City of Virginia Beach (Chesapeake, Virginia: 1992), iv-vi.

the city began to experience notable water shortfalls during the latter 1960s.⁹⁷

Over the years, it became increasingly obvious to members of Virginia Beach's City Councils that they were going to have to look for additional sources of potable water. Connections were going to have to be made with other incorporated entities in order to meet Virginia Beach's growing need for water.

The 1970s: A Decade of Regional Initiatives

The decade of the 1970s was a period characterized by a considerable amount of regional activity being focused upon local water-policy concerns.⁹⁸ The concept of the Lake Gaston Water Supply Project itself was first put forth at the regional level. During the early 1970s, the Southeastern Virginia Planning District Commission, made up of representatives from the eight localities in the region, projected that Southeastern Virginia -- especially the cities of Virginia Beach, Chesapeake, and Suffolk -- was going to need access to additional sources of water in order

⁹⁷ City of Virginia Beach, Lake Gaston Project Chronology as of February 19, 1996 (Virginia Beach, Virginia: 1996), 1.

⁹⁸ Virginia Beach Department of Public Utilities, Annual Report - Fiscal Year 1994-95 (Virginia Beach, Virginia: 1994), 6.

to meet growth projections.⁹⁹ The Southeastern Water Authority of Virginia -- which was later to become the Southeastern Public Service Authority that represented the eight localities in Southeastern Virginia -- presented several studies of water supply alternatives for the region. Included among those studies was the recommendation of Lake Gaston as a viable regional water source.¹⁰⁰

Upon petition by the municipalities involved, the U.S. Congress directed the U.S. Army Corps of Engineers to undertake a water supply study for what was then called Tidewater Virginia. At this time, North Carolina did not voice any objections to the consideration of Lake Gaston as a feasible water source for municipalities in Virginia.¹⁰¹

Between 1976 and 1977, various water-policy initiatives occurred.¹⁰² The Southeastern Public Service Authority began to implement their version of a Lake Gaston Water Supply Project. The U.S. Army Corps of Engineers, which was evaluating over thirty-six different potential water supplies for the region, cited Lake Gaston as one of the

⁹⁹ Office of Water Research and Technology of the United States Department of the Interior, Feasibility Study of Future Water Impoundments (Washington, D.C.: 1979), 1-13.

¹⁰⁰ City of Virginia Beach, Virginia (1996), Lake, 1.

¹⁰¹ Ibid., 1.

¹⁰² Geraghty and Miller, Inc., Assessment of Availability of Brackish Ground Water for Desalination in the City of Virginia Beach, Virginia (Annapolis, Maryland: July 1979), 1-6.

leading contenders for ultimate selection as an acceptable water source. Once the Corps began to study possible water-supply alternatives, North Carolina pressed its opposition to Virginia-initiated water projects because of concerns about potentially negative environmental and economic impacts. However, North Carolina specifically stated that it did not oppose the use of Lake Gaston as a regional water source.¹⁰³

During the latter part of 1978, the U.S. Army Corps of Engineers completed its research, which indicated that Lake Gaston was the best source for the seventy million gallons of water projected to be needed daily in the Tidewater area. However, the Corps recommendation was questioned by the Virginia State Water Control Board because the latter supported other water-supply projects. The Southeastern Planning District Commission, which represented three counties and thirteen towns in Tidewater, also opposed the Lake Gaston Water Supply Project because they, too, supported an alternative water-supply project.¹⁰⁴

At this juncture -- June, 1978 -- North Carolina's Governor, James B. Hunt Jr., threatened legal action against the project because its proposed pumping station at Pea Hill Creek, although in Brunswick County, Virginia, was part of

¹⁰³ City of Virginia Beach, Virginia (1996), Lake, 1.

¹⁰⁴ Harry Stapleton, "Opposition Expected to Lake Gaston as Water Source," The Virginian-Pilot, 10 June 1978, 1(B).

the Roanoke River Basin that lies both in North Carolina and Virginia.¹⁰⁵ In an attempt to work out the issue, Governor Hunt and Governor John N. Dalton of Virginia signed an agreement establishing the second Virginia-North Carolina Joint Water Committee and renamed it the Virginia-North Carolina Water Resources Management Committee. This interstate agency was composed of ten members from each of the two participating states.¹⁰⁶

At the committee's first meeting, the Virginia delegation took a stand in support of the Lake Gaston Water Supply Project. The North Carolina delegation, however, raised questions about the adequacy of the water conservation measures being employed by Virginia Beach. The Virginia Beach representatives pointed out that their city's conservation ordinances had already led to a thirty percent reduction in the water being used by its then 272,000 residents.¹⁰⁷

Attempts to solve local water-supply problems on the regional level were prominent only during the 1970s. This is not to say that all regional agency activity, such as that pursued by the Southeastern Virginia Planning District

¹⁰⁵ C. E. Maguire, Inc., Phase I Study - Roanoke River Basin Water Resource Development Plan (Norfolk, Virginia: October 1982), ii-iii.

¹⁰⁶ Stapleton, "Opposition," 1.

¹⁰⁷ Doug Gardner, "Va. Backs Lake Gaston for Water Source," The Virginian-Pilot, 19 July 1978, 1, 4(A).

Commission and the Southeastern Water Authority, ceased at the end of that decade. However, it does reflect a lack of policy initiatives from the regional arena in subsequent years. Although initiatives at this level did not bring about conclusive responses to Virginia Beach's water problems, their efforts did serve to establish a platform where talks began and the various parties involved put substance to their separate policy concerns.

**The 1980s: A Decade of Inflammatory Politics
and Increased Litigation**

This period was marked by a considerable amount of political rhetoric, which had the ultimate effect of taking a local water-policy issue and telescoping it into state as well as national politics. The actors at all three levels of government -- local, state, and federal -- did not hesitate to use every strategy at their disposal to advance their own positions.

The decade began with the announcement by the Federal Water Resource Council of new standards for the nation's water projects. The U.S. Army Corps of Engineers' Lake Gaston Water Supply Project -- which was on the verge of being presented to the Corps' North Upper Atlantic Command in New York -- did not conform to these new standards. As a result, the Corps had to set aside six years of research and

begin to re-examine each of the original thirty-five water options available to the region -- a process that would take approximately three more years to complete.¹⁰⁸

In spite of this delay, the City Council of Virginia Beach voted on November 15, 1982, to formally name the Lake Gaston Water Supply Project as its alternative to solve the city's water problems. In what was to prove to be one of only a few statements to come from the Virginia statehouse relative to the project, Governor Charles S. Robb indicated that he believed that the Lake Gaston Water Supply Project was the most logical option for Virginia Beach. Even this announcement of support was soft-pedaled because of the stern opposition to the project that had been voiced by residents of Mecklenburg County, Virginia and other rural counties who wanted to stop the project because of their fear that it would threaten their own economic survival by encouraging potential development to be drawn away from them to the eastern part of the state.¹⁰⁹

Officials from North Carolina offered no immediate opposition to the Virginia Beach proposal. They did, however, link two water problems in their state to

¹⁰⁸ Warren Fiske, "Gaston Put in Doubt as Source of Water," The Virginian-Pilot, 18 September 1980, 1, 3(D).

¹⁰⁹ "A Compilation of Reports by the Virginia State Water Control Board, North Carolina Department of Natural Resources and Community Development, and United States Army Corps of Engineers: Assessment of Water Services" (Virginia Beach, Virginia: December 1982), 15.

discussions of Southeastern Virginia's water shortage. In exchange for helping Virginia, Jay Langfelder, North Carolina Assistant Secretary of Natural Resources and Community Development alluded to previous expectations of North Carolina that assistance would be forthcoming from Virginia in cleaning up the Chowan River and in limiting groundwater withdrawals from the region.¹¹⁰

As part of its efforts to broaden political support for the project, Virginia Beach began to enlist the aid of other localities in the region that were experiencing water shortages. One such attempt was a joint session later in November, 1982, of the City Councils of Virginia Beach and Chesapeake, Virginia. Chesapeake was buying 1.2 million gallons of water daily from Portsmouth and getting the remainder of its supplies from the Northwest River. Its Council realized that they would benefit from supporting the Lake Gaston Water Supply Project because the water that they could purchase from Virginia Beach would cost less than continuing to treat the ever-increasing amounts of water that would have to be taken from the Northwest River. Chesapeake's response at the joint session was one of complete support for the project.¹¹¹

¹¹⁰ Ibid.

¹¹¹ Geraghty and Miller, Inc., Development of An Emergency Ground-Water Supply for the City of Virginia Beach, Virginia Volume I (Annapolis, Maryland: March 1982), 1-2.

In addition, Franklin, Virginia stated that they might like to acquire one million gallons of water per day from the project. Although Franklin did not need to expand its water supplies, the additional water from Lake Gaston could be used to dilute their water's high fluoride content -- a solution that would be cheaper than other available treatment processes.¹¹²

Such recruiting of partners in the project by Virginia Beach officials would not only help to defray the high costs involved, but would also serve to facilitate a stronger political base in the State Legislature for the project's support. Virginia Beach would need a strong supportive consensus among state legislators in order to overcome opposition from the rural law-makers who were feeling threatened by the growing power of the Tidewater delegates. Such a base would facilitate the passage of relevant bills. However, legislators from the western part of the state were concerned that their water needs were being ignored by interests that wanted to quench what they viewed as Virginia Beach's seemingly unquenchable thirst for water.¹¹³

It was at this point in December, 1982, that North Carolina's Secretary of Natural Resources and Community Development agreed that Virginia Beach might be able to draw

¹¹² Kent Jenkins Jr., "Assamoosick Swamp plan abandoned," The Ledger-Star, 25 November 1982, 1(D).

¹¹³ Ibid.

water from Lake Gaston without hurting North Carolina's interests. He also indicated that his state would consider supporting the project, under the following conditions:

1. Virginia Beach's assurances that water levels in the lake and surrounding water-ways would not be lowered more than a foot,
2. Virginia Beach's agreement to help in cleaning up the pollution in the Chowan River, and
3. Virginia Beach's adherence to a legally enforceable ceiling on the amount of water it would take from Lake Gaston.¹¹⁴

This seemingly positive word from North Carolina was soon followed, however, by indications from the Board of Supervisors of Brunswick County, Virginia that they had serious concerns about the project. At a June, 1983 meeting, they raised questions about compensation for County landowners for the impact of the water intake pumping station being located on their land. Meanwhile, the County Board of Supervisors in Mecklenburg County, Virginia, approved a resolution urging the U.S. Army Corps of Engineers to deny a permit to Virginia Beach to begin construction.¹¹⁵ The hope by Virginia Beach that it could form a strong political base of project support across the state was fading.

¹¹⁴ Kent Jenkins Jr., "North Carolina wants water pipeline promises," The Ledger-Star, 15 December 1982, 20(A).

¹¹⁵ Brian Jordan, "Beach pipeline push gets, mixed reviews," The Virginian-Pilot, 20 July 1983, 5(C).

During August, 1983, the Virginia-North Carolina Water Resources Management Committee met. At this meeting, North Carolina's Secretary of Natural Resources and Community Development, Joseph W. Grimsley, indicated that, unless his state got firm agreements from Virginia officials on things that it wanted, North Carolina was prepared to go to extreme lengths to oppose the project.¹¹⁶

It was at this point that the Lake Gaston Water Supply Project was propelled into the national political arena. U.S. Senator Jesse Helms, a Republican from North Carolina who was anticipating a tight race for re-election, publicly stated: "Insofar as I am concerned, the time will never come when it [the Lake Gaston Water Supply Project] will not be opposed by me as long as I am a member of the United States Senate."¹¹⁷ Helms' statement served to virtually eliminate any hope for a compromise between the concerned parties in North Carolina and Virginia. It was this affirmation by Senator Helms that propelled the issue into an entirely new arena. In response, North Carolina's Governor Hunt, who was Helms' opponent in the 1984 U.S. Senate race, said that he wanted Virginia Beach to be required to have an environmental impact statement done on the project. Such a

¹¹⁶ Harry Stapleton, "Efforts to clean the Chowan put on display in Virginia," The Virginian-Pilot, 18 August 1983, 6(D).

¹¹⁷ Kent Jenkins Jr., "2 states square off over Gaston plan," The Virginian-Pilot, 26 August 1983, 1, 3(A).

statement was deemed unnecessary by the city in light of the highly supportive report of the U.S. Army Corps of Engineers.¹¹⁸

The following month the Virginia State Water Control Board issued a permit that would allow the project to move forward. At this point, the U.S. Army Corps of Engineers released a Draft Environmental Assessment which indicated that the Lake Gaston Water Supply Project would not have any significant impacts on the environment. This report was viewed by Virginia Beach as further underscoring both the correctness of their position and the unreasonable and irresponsible nature of North Carolina's objections.¹¹⁹

Soon afterwards, interstate negotiations were cut off at an October, 1983 meeting of the Virginia-North Carolina Water Resources Management Committee. Betty J. Diener, Virginia's Secretary of Commerce and Natural Resources, said that since North Carolina Governor Hunt had taken a firm stand against the project, there was no need to continue with the talks.¹²⁰ Virginia's Governor Robb released a statement saying that, since the Lake Gaston Water Supply Project had been made an issue in Governor Hunt's bid to unseat U.S. Senator Jesse Helms, their campaigning had

¹¹⁸ Ibid.

¹¹⁹ City of Virginia Beach (1996), Chronology, 3.

¹²⁰ Staff Reports, "Water committee reaches an impasse on pipeline," The Virginian-Pilot, 3 October 1983, 3(D).

severely hampered any bargaining efforts between the two states.¹²¹

U.S. Senator John W. Warner, Republican from Virginia, insisted that North Carolina's Governor was practically waging war against the proposed Lake Gaston Water Supply Project. Senator Warner said that Governor Hunt was opposed to the project because he realized that Virginia Beach could win a federal permit if its fate were to be decided on facts rather than politics. Governor Hunt subsequently sent a memo to North Carolina Attorney General Rufus Edmisten stating that, if the U.S. Army Corps of Engineers issued a permit authorizing Virginia Beach to begin construction, he was to file a lawsuit against the Corps.¹²²

This abundance of political rhetoric was quickly followed by an bipartisan move in which both Senator Helms and Governor Hunt joined together in opposing the Lake Gaston Water Supply Project.¹²³ It was now clear that the project would be in for a very bumpy ride.

In response to the statements made by Senator Helms and Governor Hunt, the two U.S. Senators from Virginia --

¹²¹ Charles Giametta, "Opposition to Gaston pipeline is called political," The Virginian-Pilot, 9 February 1984, 1, 3(C).

¹²² Mason Peters and Charles Giametta, "Hunt vows fight to defeat plan for Lake Gaston," The Virginian-Pilot, 8 October 1983, 1-2(A).

¹²³ Mason Peters, "Hunt aide and Helms demand pipeline study," The Virginian-Pilot, 15 November 1983, 1-2(A).

John W. Warner and Paul S. Tribble -- promised their constituencies that they would strenuously oppose any capricious delay in the Lake Gaston Water Supply Project. During December, 1983, the U.S. Army Corps of Engineers presented a Final Environmental Assessment clarifying that the project would have no significant impact on the quality of the surrounding environment.¹²⁴

Immediately after the Corps' report was made public, Governor Hunt sent a letter to the Commander of the Wilmington Engineer District requesting that the Corps determine whether the present policy on the Lake Gaston controversy violated provisions of the Coastal Zone Management Act. The Governor contended that the proposed withdrawal of water from the Roanoke River would have significant water quality impact on the lower reaches of the Roanoke, a move he contended was prohibited by the Coastal Zone Management Act.¹²⁵

Within days of receipt of the Governor's letter, the U.S. Army Corps of Engineers granted a permit to Virginia Beach to proceed with construction on the Lake Gaston Water Supply Project. Preliminary work could begin, but Virginia Beach could not pump water until it closed a contract with

¹²⁴ United States Army Corps of Engineers, Lake Gaston Project Environmental Assessment (Norfolk, Virginia: December 7, 1983), 1-12.

¹²⁵ Mason Peters, "Hunt and Jones move against Gaston water plan," The Virginian-Pilot, 7 January 1984, 1, 3(B).

the Corps' District Office in Wilmington. The contract would allow Virginia Beach to buy storage space in the John H. Kerr Reservoir, west of Lake Gaston. This flood-storage space, a one-foot deep layer across 10,200 acres, would be enough to supply up to sixty million gallons of water per day.¹²⁶

At this point, North Carolina filed suit in Federal District Court in Raleigh, North Carolina. Their contention was that the Environmental Assessment performed by the U.S. Army Corps of Engineers was seriously flawed. At the same time, Virginia Beach filed two suits. The first asked the court to declare that the Corps was not required to prepare an environmental impact statement on the project. The second sought a declaration that landowners along the Roanoke River had no right to use of the water diverted by the project.¹²⁷

The Corps ignored threats from the U.S. House of Representatives Appropriations Committee that their funding would be cut if they did not perform another environmental study on the Lake Gaston Water Supply Project. Instead, it released a final Water Supply Study and Environmental Impact Statement for Hampton Roads, Virginia. This study stated that the project would not have any significant

¹²⁶ Ibid.

¹²⁷ City of Virginia Beach (1995), List of Regulatory and Judicial Reviews of the Lake Gaston Project, 1.

environmental impact and that it was the most environmentally acceptable alternative of all those studied by the Corps.¹²⁸

The project remained in litigation for the next two years. In July, 1987, the Federal District Court in Raleigh, North Carolina issued an Order and Memorandum Opinion dismissing thirty-eight of the forty complaints made by North Carolina.¹²⁹ The Court also remanded the matter back to the U.S. Army Corps of Engineers for more study.¹³⁰

During August, 1988, in response to the Draft Supplemental Assessment of the Lake Gaston Water Supply Project that the U.S. Army Corps of Engineers presented in June, 1987, the U.S. Division of Marine Fisheries, the U.S. Fish and Wildlife Service, and the National Marine Fisheries Service all petitioned the Corps to embark upon a formal Environmental Impact Statement for the project, with particular focus on the striped-bass population.¹³¹

In December, 1988, the U.S. Army Corps of Engineers published a Supplemental Environmental Assessment in favor

¹²⁸ United States Army Corps of Engineers, Feasibility Report and Final Environmental Impact Statement (Norfolk, Virginia: December 1994), 280-281.

¹²⁹ United States District Court, Eastern District of North Carolina, Raleigh Division; Order and Memorandum Opinion, State of North Carolina, et al., v Colonel Ronald E. Hudson, et al. (July 7, 1987), 1-29.

¹³⁰ City of Virginia Beach (1995), List, 1.

¹³¹ Staff Report, "Agencies fear effects of pipeline on bass," The Ledger-Star, 19 August 1988, 4(D).

of Virginia Beach that resolved the issued remanded to it by the Federal District Court in Raleigh. The Corps stated that the project would not affect striped bass in the Roanoke River and that Virginia Beach had proven its need to withdraw sixty million gallons of water daily from the lake.¹³²

On January 30, 1989, the Brunswick County Board of Supervisors rejected Virginia Beach's attempts to lay pipe for the project on County property. In March, 1989, Virginia Beach filed a lawsuit against the County. By April, 1989 a judge in Brunswick County ruled that Virginia Beach could condemn property for the project even though approval for the project was still stalled in federal court.¹³³ Within four months, Brunswick County dropped its objections in exchange for Virginia Beach's agreement to pay the County \$3.5 million in compensation for impacts associated with construction and for lost county tax revenues from the 9.4 acres Virginia Beach would be buying.¹³⁴

This decade of political rhetoric and litigation had apparently increased the resolve of all parties involved.

¹³² Marc Davis, "Pipeline won't affect bass, corps says, The Virginian-Pilot, 23 December 1988, 1(D).

¹³³ Marc Davis, "Judge lets Beach condemn land for Gaston line," The Virginian-Pilot, 6 April 1989, 3(D).

¹³⁴ Marc Davis, "Brunswick, Beach make deal on pipeline," The Virginian-Pilot, 17 August 1989, 1, 3(D).

Stakes had been raised as all sides further entrenched their positions. On each occasion that Virginia Beach made a move, North Carolina or a Virginia locality countered with tactics intended to thwart the resort city's efforts.

**The 1990s: A Decade of Continued Litigation,
Attempted Mediation, and Heightened Frustration**

During the 1990s, litigation over the Lake Gaston Water Supply Project continued at a fever pitch.¹³⁵ This decade also witnessed further conflicts due to the demise of negotiations between Virginia and North Carolina and to failed mediation attempts at the federal level.

In April, 1990, Federal Judge W. Earl Britt ruled that, contrary to contentions by North Carolina, the U.S. Army Corps of Engineers had taken a hard look at the effect of the withdrawal of water from Lake Gaston on the spawning of striped bass downstream. He agreed with the Corps' decision to issue a building permit to Virginia Beach. Judge Britt's decision cleared the way for Virginia Beach to begin construction. In response to this decision, North Carolina

¹³⁵ United States District Court, Eastern District of North Carolina, Raleigh Division, Order and Memorandum Opinion, State of North Carolina, et al., v Colonel Ronald E. Hudson, et al. (Raleigh, North Carolina: February 2, 1990), 1-15.

went to the Fourth U.S. Circuit Court of Appeals during April, 1990, to have Judge Britt's opinion overturned.¹³⁶

In December, 1990, North Carolina's State Attorney General's office asked for an injunction to keep Virginia Beach from starting construction on the Lake Gaston Water Supply Project. He contended that the city could not build a pumping station or draw water until it got permission from the U.S. Federal Energy Regulatory Commission. Two weeks later, Judge W. Earl Britt barred Virginia Beach from starting construction, saying the city first had to get a federal permit from the Commission -- a process that could take up to two years.¹³⁷ However, in February, 1992, the U.S. Fourth Circuit Court of Appeals decided not to reconsider its recent ruling allowing Virginia Beach to begin construction. As a result, the city again began to make plans to break ground by the spring.¹³⁸

Later in February of that same year, Mecklenburg County Circuit Court ruled that Virginia Beach could not use the Kerr Reservoir, located in Virginia's Mecklenburg and Halifax Counties, to store water upstream from Lake Gaston. In response to this suit, the State Supreme Court of

¹³⁶ Cyril Zaneski, "Gaston pipeline foes file appeal notices," The Virginian-Pilot, 7 April 1990, 4(B).

¹³⁷ Michael S. Markowitz, "Judge plugs Gaston work, says Beach needs permit," The Virginian-Pilot, 11 December 1990, 1, 8(A).

¹³⁸ Staff Report, "Beach can start work on pipeline, court rules." The Virginian-Pilot, 22 February 1992, 2(A).

Virginia ruled that Virginia Beach did not need the Counties' consent before beginning construction. The Court ruled that, since the construction would not occur in either County, they had no grounds for complaint.¹³⁹

In December, 1992, another roadblock to the project appeared to be removed. The U.S. Secretary of Commerce ruled for Virginia Beach and rejected North Carolina's plea to consider how the project could harm its coastal environment. This decision reflected the U.S. Department of Justice position that the Coastal Zone Management Act did not provide for the interstate review of projects.¹⁴⁰

During 1993, however, Clinton Administration officials said that they wanted to rethink the U.S. Department of Justice's decision -- one which had been made under the Bush Administration. The new U.S. Department of Commerce Secretary, Ronald H. Brown, said that he was going to review the Department's position because it had long-term implications on how the Coastal Zone Management Act could be applied. The final result of this review was an affirmation that the Coastal Zone Management Act did not apply in the

¹³⁹ Staff Report, "Beach wins new bout in battle for pipeline," The Virginian-Pilot, 18 September 1993, 3(D).

¹⁴⁰ Lisa Olsen, "Beach overcomes a barrier to pipeline," The Virginian-Pilot, 4 December 1992, 1-2(A).

Lake Gaston case.¹⁴¹ Once again, the project could continue.

However, by December, 1993 the U.S. Department of Commerce again changed its position. It ruled that North Carolina could fight the project based on federal laws designed to protect coastlines. This decision took Virginia's legislators and Virginia Beach's officials by surprise. In addition, the U.S. Department of Justice, without explanation, withdrew its longstanding opinion that environmental laws could not be used to fight the project.¹⁴²

By May, 1994, the U.S. Department of Commerce finally stopped vacillating between opinions and swept aside North Carolina's contention that its coast would be harmed by the Lake Gaston Water Supply Project. Commerce Secretary Ronald Brown said the importance of relieving the water shortage in a major metropolitan area outweighed minimal environmental impact on North Carolina's coastal resources and striped bass. This decision cleared the way for the U.S. Federal Energy Regulatory Commission to act on the project's permit.¹⁴³

¹⁴¹ Mason Peters, "N.C. files new suit to block Gaston project," The Virginian-Pilot, 3 September 1993, 1, 4(D).

¹⁴² Esther Diskin, "A fresh obstacle for Gaston pipeline," The Virginian-Pilot, 17 December 1993, 1, 8(A).

¹⁴³ Esther Diskin, Mac Daniel, and Dale Eisman, "Gaston pipeline clears key hurdle," The Virginian-Pilot, 24 May 1994, 1, 16(A).

In June, 1994, the U.S. Federal Energy Regulatory Commission Chairwoman Elizabeth Moler determined that her Commission had to prepare an Environmental Impact Statement before it could make a decision on whether or not to grant Virginia Beach a permit to remove water from Lake Gaston.¹⁴⁴ Six months later, the Commission released a Draft Environmental Impact Statement that stated that Virginia Beach required the water that would be provided by the project, that alternatives advanced by opponents were either less sufficient or beyond the scope of current technology, and that the project would do little damage to the environment.¹⁴⁵

In response, attorneys for North Carolina filed a motion with the U.S. Federal Energy Regulatory Commission with the intent of getting that Commission to call a hearing before passing final judgment on the project. The Commission's final study, however, gave Virginia Beach and Chesapeake permission to take as much as sixty million gallons daily from Lake Gaston.¹⁴⁶

¹⁴⁴ United States Department of Commerce, Decision and Findings in the consistency Appeal of the Virginia Electric and Power Company from an Objection by the North Carolina Department of Environment, Health, and Natural Resources (Washington, D.C.: May 19, 1994), 52-54.

¹⁴⁵ Office of Hydropower Licensing of the Federal Energy Regulatory Commission, Non-Project Use of Project Lands and Waters for the City of Virginia Beach Water Supply Project (Washington, D.C.: January 1995), 83-86.

¹⁴⁶ Karen Weintraub, "Last Agency OKs Gaston pipeline," The Virginian-Pilot, 27 July 1995, 1-2(B).

An attempt at federal mediation of the Lake Gaston debate began in March, 1995. John Bickerman, a full-time federal mediator, was brought into the dispute by a federal judge after North Carolina challenged a Lake Gaston decision made by the U.S. Secretary of Commerce. Both Virginia Beach and North Carolina joined the mediation voluntarily, with the understanding that they both would be legally bound by any agreement that was reached and then ratified. Within one month, the mediator released a proposed compromise on the Lake Gaston Water Supply Project. The agreement, based on negotiations between Virginia Beach and North Carolina, had to be approved by several federal agencies as well as ratified by both State Legislatures and both Governors.¹⁴⁷

It did not take long, however, for four Southside Virginia lawmakers from Danville and Halifax County to respond negatively to the meditation document. They classified it as being reckless and unfair, since they were left out of negotiations. Norfolk was also miffed that it wasn't included in the mediation process. The mediator attempted to smooth out their concerns by emphasizing the fact that only Virginia Beach and North Carolina officials participated in the negotiations because they were the only

¹⁴⁷ Mason Peters, "Gaston Breakthrough," The Virginian-Pilot, 7 April 1995, 1-2 (A).

litigants in the lawsuit that had led to the mediation process.¹⁴⁸

Virginia's Governor, George F. Allen, said that the mediation agreement did not offer Roanoke River Basin residents enough protection to safeguard their economic development. The Governor also indicated that he would not consider calling a Special Session of the Virginia General Assembly that was needed to approve the settlement, since Democratic leaders were not willing to limit the session to discussion of the Lake Gaston Water Supply Project. The mediation process had been a failure.¹⁴⁹

By August, 1995, North Carolina was again in federal court. This time it filed a request asking for the recent decision of the U.S. Federal Energy Regulatory Commission giving a permit for the building of Lake Gaston to be revoked. In September, the U.S. District Court released an opinion against North Carolina that set off a chain of events clearing the way for construction to begin. The court also revalidated the project's permit that had been granted by the Commission. This permit automatically dissolved an injunction that had blocked construction on the

¹⁴⁸ Karen Weintraub, "Lake Gaston deal irks Norfolk," The Virginian-Pilot, 11 May 1995, 1, 11(A).

¹⁴⁹ Mac Daniel, "Collapse of pipeline deal fails to derail road plans," The Virginian-Pilot, 30 June 1995, 2(B).

project for the past four years. In March, 1996, construction resumed.¹⁵⁰

In April, 1996, North Carolina filed a legal brief in federal appeals court charging that the U.S. Federal Energy Regulatory Commission had overstepped its legal powers by allowing Virginia Beach to avoid getting North Carolina's approval to begin construction.¹⁵¹

Meanwhile, another obstacle faced the Lake Gaston Water Supply Project. In June, 1996, Norfolk, Virginia released a study that said its minimum available water supply would be eighteen million gallons a day more than Norfolk had assumed in its 1993 water contract with Virginia Beach. Virginia Beach officials were furious at what they considered to be faulty reasoning contained in the report. They were also suspicious about the timing of the report's release and about their not having been given any advance notification about its publication.¹⁵²

Norfolk officials responded by insisting that their contract with Virginia Beach stipulated that they keep an accurate accounting of their water supply and that the law

¹⁵⁰ Karen Weintraub, "After a five-year halt, construction resumes on the \$150 million project," The Virginian-Pilot, 13 March 1996, 1(B).

¹⁵¹ Karen Weintraub, "North Carolina goes to court to challenge Gaston approval," The Virginian-Pilot, 17 April 1996, 3(B).

¹⁵² Karen Weintraub, "Water study may affect pipeline battle," The Virginian-Pilot, 16 June 1996, 1, 5(A).

required that such a report be made available to the media. Norfolk's Mayor said that his city was still supportive of the Lake Gaston Water Supply Project.¹⁵³

When North Carolina heard about the Norfolk study, however, it immediately asked for permission -- three days after the final deadline for project opponents to present written arguments to the court that was considering the validity of a U.S. Federal Energy Regulatory Commission permit allowing Virginia Beach to begin construction -- to amend its materials list by adding the water study. Virginia Beach Mayor Meyera Oberndorf said that her Council's concerns about the Norfolk report being used against the Lake Gaston Water Supply Project had been realized. In retaliation, several prominent members of the Virginia Beach City Council said that they might not support funding for a proposed 20,000-seat arena in Norfolk or for a light-rail system linking the Virginia Beach Pavilion Convention Center with downtown Norfolk. Both of these projects are considered vital in Norfolk.¹⁵⁴

In December, 1996, the Lake Gaston Water Supply Project again received nationwide attention. The attorneys general of twenty-six states filed briefs urging the U.S. Circuit Court of Appeals for the District of Columbia to over-turn a

¹⁵³ Ibid.

¹⁵⁴ Harry Minium, "Beach may refuse to chip in on arena, rail," The Virginian-Pilot, 26 June 1996, 1, 11(A).

construction permit issued in 1995 by the U.S. Federal Energy Regulatory Commission. The brief stated that the Commission's decision to award the permit "represents a clear and present danger to the sovereign rights of all states." Later that same week, an additional fourteen states urged the Court to over-turn the same permit.¹⁵⁵

At this point, the Lake Gaston Water Supply Project has been debated for over fourteen years and has been in and out of court countless numbers of times. It has been the topic of regional agency focus as well as congressional debate and a bone of contention between federal agencies positioned on opposite sides of the debate. It has been the subject of political campaigns at the local, state, and federal levels and, even after attempts at interstate negotiation and federal mediation, the various sides appear to be no closer to reconciliation.

There is, however, an interesting related issue appearing on the horizon. In August, 1996, it was reported that -- like Virginia Beach -- officials in Albemarle County, North Carolina have discovered that they are running out of drinking water. A draft report released by an engineering firm hired by the Albemarle Commission and the Northeast Economic Development Commission proposed seven "scenarios" for coping with the water shortage -- several of

¹⁵⁵ Karen Weintraub, "40 states now support N.C.," The Virginian-Pilot, 14 December 1996, 1-2(B).

which called for sharing Lake Gaston water with Virginia.¹⁵⁶

This latest turn of events may result in North Carolina having to defend itself against the same arguments Virginia Beach has been using in support of the Lake Gaston Water Supply Project. For both Virginia and North Carolina, this may prove to be a means by which inter-state talks on local water policy issues can resume. Possibly, this situation will lead to the establishment of a point of common ground for negotiations arising out of a common need.

¹⁵⁶ Mason Peters, "N.C. area to wrestle with sharing water," The Virginian-Pilot, 25 August 1996, 3(B).

CHAPTER V

COUNCILMANIC BACKGROUNDS AND PERCEPTIONS OF POLICY ISSUES, LOCAL ACTORS, AND POSITIONS OF LOCAL INTERESTS

Set within the context of the Lake Gaston Water Supply Project, councilmanic interviews were conducted with the intent of gaining a clearer understanding of local policy-makers' personal backgrounds as well as their perceptions of policy issues, local actors, and the positions of local interest groups. Data are presented here that compare responses of city council members in Henderson, North Carolina; Roanoke Rapids, North Carolina; and Virginia Beach, Virginia.

A Profile of Councilmanic Backgrounds

Table 1 provides comparative data on the background of council members. Although most of the respondents in all three cities are long-time residents of their respective localities, none of them have ever held any other elected position. Consequently, their political experience is in this sense limited.

Another experiential component of political sophistication is an individual's length of time in public

TABLE 1
A PROFILE OF COUNCILMANIC BACKGROUNDS*

BACKGROUND ELEMENTS	HENDERSON n=8	ROANOKE RAPIDS n=6	VIRGINIA BEACH n=9
CITY RESIDENCY:			
0 TO 15 YEARS	0	2	1
16 TO 25 YEARS	1	1	1
26 TO 35 YEARS	1	3	3
OVER 35 YEARS	6	0	4
YEARS ON COUNCIL:			
0 TO 2 YEARS	3	2	1
3 TO 5 YEARS	2	3	1
6 TO 10 YEARS	2	1	2
11 TO 15 YEARS	0	0	3
16 TO 20 YEARS	1	0	0
OVER 20 YEARS	0	0	2
OTHER ELECTED GOVERNMENT POSITIONS HELD	0	0	0
HIGHEST DEGREE HELD:			
BACHELOR OF SCIENCE	4	4	6
MASTER OF ARTS	4	2	3
OCCUPATIONS:			
BUSINESS	5	4	5
RETIRED	3	2	1
OTHER	0	0	3
ORGANIZATIONAL MEMBERSHIPS:			
BUSINESS	3	5	5
CIVIC	5	5	7
SOCIAL	5	2	4
PROFESSIONAL	5	5	5

* Multiple responses are possible in some instances.

office. Most council members in North Carolina have served less than six years. Out of the eight interviewed members of the Henderson Council, two have served for four months, one for one year, one for four years, and one for five years. On the six-member Roanoke Rapids City Council, there are two members who have served for two years, two for three years, and one for five years. In contrast, five out of the nine Virginia Beach City Council members interviewed have served on council for more than ten years. Out of the nine members interviewed in Virginia Beach, one has served for two years and one for five. Of the remainder, five members have served over six years and two over twenty years.

Over half of Henderson and Roanoke Rapids' council members have served on their respective Councils for no more than five years and none of their members have served for over twenty years. In Virginia Beach, however, only two of their council members have served for five years or less, two have been on Council for over twenty years, and the majority has served between six and fifteen years. The average term of office among the members in Henderson is five years, in Roanoke Rapids four years, and in Virginia Beach twelve years. These factors give Virginia Beach an experiential edge in governing as well as possibly yielding somewhat of a cumulative superiority in the realm of political astuteness.

To focus on occupations, a majority of the respondents from each Council has been engaged in business, while the remainder classify themselves either as retired or as homemakers. Therefore, the greater number of council members interviewed work in the business sector of the localities in which they reside. Similarly, business-organization memberships tend to predominate among the interviewees. Members of the Virginia Beach City Council appear to be a somewhat more diverse group occupationally and in their affiliations than their counterparts in North Carolina.

Councilmanic Perceptions of Policy Issues

When comparing perceptions of Lake Gaston policy issues (Table 2), the Henderson City Council members appear to have two primary concerns. First is the safeguarding of local water supplies. Since Kerr Lake is the water source for Henderson, these council members are concerned that, when the level of Lake Gaston falls too low, refilling it with water from Kerr Lake will have a negative impact on their water supplies. For this reason, the council members expressed concern that the Lake Gaston Water Supply Project will endanger their municipality's source of drinking water.

Second is the precedent that could be set if the project is implemented. It is the viewpoint of these same

TABLE 2

A PROFILE OF COUNCILMANIC PERCEPTIONS OF GASTON POLICY ISSUES*

POLICY ISSUES	HENDERSON n=8	ROANOKE RAPIDS n=6	VIRGINIA BEACH n=9
SAFEGUARDING THE LOCAL WATER SUPPLY	6	0	0
CONTENDING WITH PRECEDENT SET BY THE PROJECT	6	0	0
THE INTER-BASIN TRANSFER OF WATER	1	0	0
LACK OF KNOWLEDGE ABOUT THE PROJECT	1	0	0
GETTING COMPENSATION FOR WATER	0	5	0
ENVIRONMENTAL HARM DONE BY THE PROJECT	0	1	0
GETTING WATER FROM LAKE GASTON	0	0	6
OTHER ENTITIES PROTECTING THEIR POLITICAL TURF	0	0	3

* Multiple responses are possible in some instances.

six respondents from Henderson that the Lake Gaston Water Supply Project could be the first of many similar demands to be placed on Kerr Lake. To quote one Henderson respondent: "We are greatly concerned about the precedent that could be set by this project. Whenever the topic comes up, all I can picture is more and more people coming and sticking their pipes into Lake Gaston and eventually sucking Kerr dry."

A majority of the members of the City Council of Roanoke Rapids view the water project somewhat differently. These council members are willing to consider compensation packages for the water that would be taken by the project. They currently view the Lake Gaston Water Supply Project as being one of "all take and no give." Five of the six members see Virginia Beach as wanting to appropriate, without being willing to give anything in return, part of a resource that is vital to the stability of Roanoke Rapids' somewhat depressed local economy. These council members would like for Virginia Beach to present them with compensatory options for their consideration.

As Roanoke Rapids member explained, "If they desire to take our water, they should dangle a carrot out there that makes it a sellable issue. We need a four-lane route to Virginia Beach, of all places. I'd trade that for water -- and I'd do it today." Another Roanoke Rapids council member elaborated in a similar vein: "They are going to take our water for free and then sell it to their citizens. That

sure sounds like they're going to be making a lot of money over the years without having to shell any out -- and that's just not fair."

Thus the majority of the Roanoke Rapids respondents shows a willingness to consider what they would perceive as being a more equitable solution to the conflicts. They see the implementation of the project as an opportunity to get something to help their community. In contrast, their counterparts in Henderson still look at the Lake Gaston Water Supply Project as a detrimental venture that must be stopped.

The members of the Virginia Beach City Council see the Lake Gaston Water Supply Project as having only one "patently obvious" objective -- to get water. As the initiator of the project, Virginia Beach has been pursuing this matter for almost fifteen years. One Virginia Beach council member stated that his city's need for water is a matter of municipal survival and not a luxury "just to keep the tourists coming in." They perceive small businesses and developers, who depend upon stable water supplies for their subsistence, as expecting Council to deliver that service to them. The Virginia Beach council members see no logical reason for the project not to be implemented. To quote one respondent: "This state is water-rich. It's just that the water isn't where the people are."

Another dynamic, as perceived by three of the Virginia Beach council members, is the persistent effort of other interested parties "to protect their political turf." These Virginia Beach office holders contend that many of the problems they have with other parties in the project are rooted in their refusal to work with Virginia Beach. To quote one Virginia Beach council member: "We have a bunch of political demigods out there -- all of which are squabbling for their own piece of political turf." The perception that other entities are unwilling to cooperate on the project was an undercurrent in all of the Virginia Beach councilmanic interviews. As one member said: "It seems that the first posture of everyone we approach with this project is to look after their own interests. That needs to change or we'll never get this project going."

Virginia Beach council members view the policy issues surrounding the project as having become inflamed with political rhetoric. One member stated: "It's difficult to get people to listen to what the facts really are because once you get emotions aroused, all reasoning stops." These local policy-makers consider the impassioned bravado that surrounds the project as being one of the fundamental reasons why attempts to implement it have been repeatedly de-railed.

Councilmanic Perceptions of Local Positions

Table 3 presents the respondents' perceptions of their own individual positions, as well as those of their respective Councils' from an institutional perspective. As the data show, two of the North Carolina interviewees do not see themselves as having an individual position to play and look to others in the city or the state to take the lead. In contrast, all of the Virginia council members see themselves as having a personal position in the project -- an indication of political efficacy.

A majority of the Henderson council members perceive their individual positions as doing whatever they can to stop what they see as a "political assault" on Henderson's water supplies. Seven of the eight council members interviewed firmly believe that, if more people are made aware of and understand the survival dynamics of what they present as the "Kerr factor" -- which refers to the need to maintain that lake's water level -- there would be a greater appreciation of the need to oppose the project.

Henderson respondents view the institutional position of their Council the same as they view their individual positions. Just as they individually see themselves as "small-town Davids" fighting valiantly against a "big-city Goliath," the majority of the council members views their

TABLE 3

**A PROFILE OF COUNCILMANIC PERCEPTIONS OF LOCAL POSITIONS
IN THE GASTON PROJECT***

LOCAL POSITIONS	HENDERSON n=8	ROANOKE RAPIDS n=6	VIRGINIA BEACH n=9
<u>INDIVIDUAL ROLES</u>			
TO DEFEAT THE PROJECT	7	0	0
TO REPRESENT THE PEOPLE	1	0	0
TO GET THE BEST DEAL FOR THE ELECTORATE	0	4	0
NO POSITION	0	2	0
TO ADVANCE THE PROJECT TO COMPLETION	0	0	7
TO EXPLAIN THE PROJECT TO OTHERS	0	0	2
<u>COUNCIL ROLES</u>			
TO DEFEAT THE PROJECT	7	5	0
TO REPRESENT THE DESIRES OF THE ELECTORATE	1	0	0
TO SERVE AS AN ARENA FOR CITIZEN DISCUSSION	0	1	0
TO ADVANCE THE PROJECT TO COMPLETION	0	0	9

* Multiple responses are possible in some instances.

corporate position as one of promoting the efforts of their "elder brother, North Carolina" to halt the project. They believe that Henderson possesses neither the financial nor legal resources necessary to successfully engage in a one-on-one, long-term struggle with Virginia Beach. Therefore, they perceive their Council's position as one of "holding up the arms" of the only entity -- the state of North Carolina -- that they believe has a chance of "winning the war against Virginia Beach."

In Roanoke Rapids, the majority of the council members perceive their individual positions as "getting the best for the people that elected [them]." They see themselves as possibly being in a position to negotiate compensation that could help their locality. However, the majority of the Roanoke Rapids council members views the position of their Council as being somewhat different. They see it as standing firm and unanimous in their opposition to the Lake Gaston Water Supply Project. They perceive the message that the Council gets from the citizens of Roanoke Rapids is that they do not like the project because they believe it will hurt their personal and local economies. To quote one respondent: "People take positions on it [the Lake Gaston Water Supply Project] based upon two things, where they live and what they want out of life. The people who live in Roanoke Rapids want to maintain their quality of life, and they see the project as endangering that."

On the one hand, the Roanoke Rapids council members see themselves as needing to work to get the best deal for their constituency -- a process that could conceivably involve allowing the project to be implemented after getting compensation for the water. On the other hand, they perceive their Council's position as standing firm against the project, without mention of a willingness to bargain. This difference between individual and corporate positions is noteworthy in that, on the individual level, they perceive of themselves as being negotiators, and on the Council level, their position is one of unyielding resistance.

As noted earlier, two of the Roanoke Rapids members do not see themselves as having an individual position in relationship to the project. The reason they gave for this response is their perception of a lack of formal Council policy on the project. Since the other four council members see the Council as having a formal position, either the former group is unaware of Council policy or the latter group has mistakenly presumed its existence. In either case, there appears to be a problem of communication or understanding among the council members.

In Virginia Beach, as would be expected, the majority of the Council perceives their individual positions as doing whatever they can to advance the Lake Gaston Water Supply Project to completion. Two of the council members see their

primary individual positions as "explaining and interpreting" the project to others. Either individually or corporately, Virginia Beach council members are unswerving in their commitment to the completion of the project. As one respondent explained: "On this one issue, at least, we are united. Everyone is paddling in the same direction."

Councilmanic Perceptions of the Position of Local Interest Groups

Table 4 reveals perceptions that the members of the three Councils have of the positions of local interests in the Lake Gaston Water Supply Project. The Henderson council members see their constituency as the primary local influence on their individual positions. Considerable weight is also given to input from the Chamber of Commerce and civic leagues. When the Henderson council members were interviewed, four of eight stated that contacts with their constituency influence their individual policy positions on the Lake Gaston Water Supply Project. To quote one respondent: "It seems that some of our people believe that the project is going to hurt this area and they want to make sure that they personally aren't going to suffer because of it." Although three of the Henderson council members view local businesses as being influential, there also appears to

TABLE 4

**A PROFILE OF COUNCILMANIC PERCEPTIONS OF THE POSITIONS
OF LOCAL INTEREST GROUPS IN THE GASTON PROJECT**

INFLUENCES	HENDERSON n=8	ROANOKE RAPIDS n=6	VIRGINIA BEACH n=9
<u>LOCAL INTEREST GROUPS THAT INFLUENCE COUNCIL MEMBERS</u>			
CIVIC LEAGUES	1	1	3
CHAMBER OF COMMERCE	2	4	3
MEDIA	1	1	0
LOCAL BUSINESS	3	3	2
CONSTITUENCY	4	2	8
OTHER CITY COUNCILS	0	1	3
<u>LOCAL INTEREST GROUPS THAT INFLUENCE CITY COUNCIL</u>			
CIVIC LEAGUES	3	2	6
CHAMBER OF COMMERCE	3	2	2
MEDIA	0	1	0
LOCAL BUSINESS	0	2	3
CONSTITUENCY	1	2	8
OTHER CITY COUNCILS	0	1	4
LACK OF KNOWLEDGE ABOUT THE PROJECT	0	2	0

be a coalition of interests at work including civic, media, and constituency.

A majority of the council members from Roanoke Rapids perceives the Chamber of Commerce and local businesses as exerting influence on their individual policy positions, with a broad spectrum of other local interest groups exerting some influence on the policy of their Council. In Roanoke Rapids, members commented on receiving printed materials that the Chamber makes available that articulate its concerns about the economic and environmental impact of the project. Some of the Chamber's members also communicated their particular concern that the project will have a detrimental effect upon water-related recreation on Lake Gaston -- a sizeable money-maker in that area. One council member stated: "This is a beautiful town and we owe it to the businesses that employ our citizens to act upon their concerns." As for the Council as a whole, members report a low-key response from local interest groups. Two of the council members do not consider themselves as having sufficient awareness of the position of local interests vis-a-vis the Council's policy on the subject. This could be indicative of a perception that the project is viewed primarily as a state issue and not as a local one.

On the other hand, the Virginia Beach council members definitely see their constituency as exerting an influence on both individual and Council policy positions on the Lake

Gaston Water Supply Project. They consider the Lake Gaston Water Supply Project as being a constituency-driven issue. They perceive the electorate as manifesting genuine concerns about the future of the city if it does not get the water it perceives that it needs. One respondent from Virginia Beach explained: "The citizens have done their homework on this issue and they have very clear expectations -- 'Get us water!'"

Council members see a solid base of citizen activism as wielding influence of considerable intensity. The Virginia Beach City Council is not searching to find the local-pulse on this issue -- as could be the case for the Councils in both Henderson and Roanoke Rapids. On the contrary, the Virginia Beach members are focused on fulfilling solidly-galvanized constituent expectations about the Lake Gaston Water Supply Project.

Although the Virginia Beach respondents perceive other local interests as exerting some influence on both individual as well as Council policy on the project, influence from other sectors -- when compared to that from the constituency -- is perceived as being less. In particular, four Virginia Beach council members view the positions of neighboring Councils as being either supportive or combative. For example, Chesapeake is characterized as an understanding partner; whereas, Norfolk is viewed as "a fly in the ointment" of project implementation.

Summary

Set within the context of the Lake Gaston Water Supply Project, councilmanic interviews were conducted with the intent of gaining a clearer understanding of local policy-makers' personal backgrounds as well as their perceptions of policy issues, their positions, and the influences of local interest groups.

Upon reviewing background characteristics, none of the council members have ever held any elected government positions other than their seats on their respective Councils. In addition, length of service on Council is somewhat limited in Henderson and Roanoke Rapids. The average term of office among the members in Roanoke Rapids is four years, in Henderson five years, and in Virginia Beach twelve years. This gives Virginia Beach members an experiential edge in governing experience over that of the members of the other two Councils. A majority of each Council has been engaged in the realm of small business, which assists them in comprehending how a locality's delicate economic balance could be impacted, whether for good or ill, by the implementation of the Lake Gaston Water Supply Project.

Councilmanic perceptions of policy issues show some interesting differences. The Henderson council members evidence two concerns in regards to the project --

safeguarding local water supplies and contending with the precedent of allowing other jurisdictions to draw water that would be set by the project. The Roanoke Rapids council members are concerned with the possibility of getting compensation for the water that would be taken if the project is implemented. It is noteworthy that only Henderson members place safeguarding their local water supplies at the top of their agenda.

Though the majority of the Virginia Beach City Council is focused on implementing the project, one third of the council members consider resolving "turf battles" through some process of bargaining as being an issue of considerable import.

In consideration of the position of individual council members, the Virginia Beach cohort sees themselves as being committed to the project -- undoubtedly because of the perceived urgency of the issue in relationship to the long-term well-being of their city. Members from the two North Carolina Councils do not perceive the project as being as critical a local issue and are willing to rely on other actors at the state level to work on their behalf. This difference is developed further in the next chapter.

CHAPTER VI

COUNCILMANIC PERCEPTIONS OF THE POSITIONS OF STATE AND FEDERAL ACTORS IN THE LAKE GASTON WATER SUPPLY PROJECT

A prime interest in this chapter is to present an understanding of how local policy-makers perceive the positions of key actors in state and federal government. Table 5, which follows, includes data on council members' perceptions of state actors and Table 6 contains similar data on federal actors.

Councilmanic Perceptions of the Positions of State Actors By Degree of Support for Council Policy

As seen in Table 5, the majority of city council members in North Carolina perceives state actors, such as the Governor and State Legislature, as providing strong support for their councils' positions on the Lake Gaston issue. At the same time, Virginia Beach council members view their state office holders as presenting equivocal and at times negligible support for the respondents' position on the issue. All of the North Carolina and Virginia Beach interviewees indicate negligible support for their respective policies from the Virginia-North Carolina

TABLE 5

**A PROFILE OF COUNCILMANIC PERCEPTIONS OF
THE POSITIONS OF STATE ACTORS BY DEGREE OF SUPPORT FOR COUNCIL POLICY**

STATE ACTORS	HENDERSON n=8	ROANOKE RAPIDS n=6	VIRGINIA BEACH n=9
	PERCEIVED DEGREE OF SUPPORT	PERCEIVED DEGREE OF SUPPORT	PERCEIVED DEGREE OF SUPPORT
GOVERNOR	5 - strong support 3 - equivocal support	4 - strong support 2 - equivocal support	8 - equivocal support 1 - negligible support
STATE LEGISLATURE	5 - strong support 3 - negligible support	5 - strong support 1 - no opinion	8 - equivocal support 1 - negligible support
STATE DEPARTMENT OF NATURAL RESOURCES	3 - strong support 5 - negligible support	2 - strong support 4 - negligible support	9 - negligible support
VA-NC WATER RESOURCE MANAGEMENT COMMITTEE	8 - negligible support	6 - negligible support	9 - negligible support
STATE COURTS	8 - negligible support	6 - negligible support	9 - negligible support
STATE ATTORNEY GENERAL	no mention	no mention	4 - strong support

Resource Management Committee, which was set up by the Governors of both states as a mediating body. They also see their states' courts as giving negligible support for their respective councilmanic positions on the project.

A comparison of the perceptions of the two North Carolina City Councils reveals that a majority of both perceives their Governor as putting forth strong support for their positions on the project while a minority of each council views the Governor's support as equivocal or misleading. The perception of strong support from North Carolina's Governor is based on his public statements. As one council member explains: "As the leader of this state [North Carolina], he is adamantly opposed to anything that would damage us."

The members of the Henderson and Roanoke Rapids City Councils that view the Governor as providing equivocal support base their contention on the following. They perceive him as having betrayed their interests to curry the favor of voters in Eastern North Carolina. These council members perceive that he is yielding to pressure from individuals in the more-prosperous and less rural eastern part of the state who are willing to trade state endorsement of the Lake Gaston Water Supply Project for the building of new roads between North Carolina and Virginia.

In contrast, the majority of the Virginia Beach council members believes that the Governor of Virginia provides only

equivocal support for their policy on the project. Their responses are based upon their perception that some localities in the more rural western part of Virginia do not want to see the project completed and that those same localities are putting pressure on the Governor. Virginia Beach council members perceive themselves as trying to get policy implemented that would benefit other localities in the state, but doing so without sufficient state support.

Focusing on the North Carolina State Legislature, the majority of Henderson's City Council sees their state representatives as opposing the Lake Gaston Water Supply Project. Similarly, the majority of the Roanoke Rapids City Council agrees with their counterparts in Henderson that State Legislators realize the Lake Gaston Water Supply Project would not be in the best interests of North Carolina. As a whole, the Roanoke Rapids respondents report that their representatives to the State Legislature are fully behind them in their desire to stop the project.

In contrast, the Virginia Beach council members view the Virginia State Legislature as putting forth equivocal support for the project. They report that the Legislature is being pressured by Western Virginia communities, which are located around Lake Gaston and are not sympathetic to Virginia Beach's desire to take water from the lake, that want Virginia Beach to seek other alternatives. Virginia Beach council members do state, however, that their own

representatives in the legislature have worked hard to keep the project going. To quote one Virginia Beach respondent: "Our guys [local representatives] help us as much as they can. The problem is that not every legislator is on our side." This lack of consistent and pervasive support among the greater number of lawmakers, however, is resented by some of the council members. As stated by one council member: "Plainly put, we have been jerked around by the legislature until it's embarrassing."

Only a minority of both North Carolina City Councils view the North Carolina State Department of Natural Resources as presenting strong support for their opposition to the project. The greater number report negligible support from this Department as they perceive it as defining a very narrow role for itself. North Carolina council members would like to see more support coming from the Department. To quote one North Carolina respondent: "All those people do is send us stacks and stacks of paperwork about it [the project]; but, nobody is going to take the time to read all of that stuff."

Virginia Beach council members view their State Department of Natural Resources as providing only negligible support. As is the case in North Carolina, Virginia Beach council members perceive the Department's activity as being limited to narrow government-mandated parameters. A Virginia Beach council member even stated: "They don't

really seem all that interested in what's going on down here."

One state office-holder that is reported to be giving strong support to the implementation of the Lake Gaston Water Supply Project is the Attorney General of Virginia. His willingness to speak to the Federal Energy Regulatory Commission and to file court briefs on behalf of the City of Virginia Beach is perceived by some of that city's council members as reflecting solid advocacy for the project. Four interviewees believe that the Attorney General understands the importance of the project to the city's future. Worthy of note, however, is the Attorney General's campaign for Governor in the Fall 1997 election. In light of this, his efforts to assist the most populous municipality in the state could be considered politically strategic.

Councilmanic Perceptions of the Positions of Federal Actors in the Policy Process by Degree of Satisfaction

As the data presented in Table 6 indicate, all of the members of the Henderson City Council and a majority of the members of the Roanoke Rapids City Council view the efforts of the U.S. Environmental Protection Agency relative to this issue as being satisfactory. One North Carolina interviewee said: "They work to get people's attention focused on the serious environmental problems that the project could

TABLE 6

**A PROFILE OF COUNCILMANIC PERCEPTIONS OF THE
POSITIONS OF FEDERAL ACTORS IN THE POLICY PROCESS BY
DEGREE OF SATISFACTION**

FEDERAL ACTORS	HENDERSON n=8	ROANOKE RAPIDS n=6	VIRGINIA BEACH n=9
	PERCEPTIONS OF DECISIONS	PERCEPTIONS OF DECISIONS	PERCEPTIONS OF DECISIONS
ENVIRONMENTAL PROTECTION AGENCY	8 - decisions satisfactory	4 - decisions satisfactory 2 - no opinion	9 - decisions unsatisfactory
FEDERAL ENERGY REGULATORY COMMISSION	3 - decisions satisfactory 4 - position insignificant 1 - no opinion	1 - decisions satisfactory 5 - position insignificant	9 - decisions unsatisfactory
U.S. ARMY CORPS OF ENGINEERS	6 - decisions satisfactory 2 - no opinion	4 - decisions satisfactory 2 - position insignificant	9 - decisions satisfactory
LOCAL U.S. SENATORS AND REPRESENTATIVES	6 - decisions satisfactory 2 - no opinion	5 - decisions satisfactory 1 - no opinion	9 - decisions satisfactory
FEDERAL COURTS	6 - decisions satisfactory 2 - no opinion	4 - decisions satisfactory 2 - no opinion	9 - decisions satisfactory

cause." Satisfaction with the Agency's decisions is connected to the obstacles it poses to the project's implementation.

The majority of the Virginia Beach respondents perceives the decisions made by the U.S. Environmental Protection Agency as being unsatisfactory. To quote one respondent: "That group has been a pain throughout the entire process -- and you can quote me!" The overall perception is that the Agency has frequently hindered the project with unnecessary, and sometimes politically-motivated, red tape. As one Virginia Beach council member said: "It sure seemed like the Clinton bureaucrats want to undo or at least redo everything the Reagan and Bush bureaucrats did that helped us." Once again, as is the case with Henderson and Roanoke Rapids, Virginia Beach's dissatisfaction with the Agency's decisions is discussed in terms of the roadblocks it puts in the way of the project.

A minority of the Henderson and Roanoke Rapids City Councils perceives the decisions of the U.S. Federal Energy Regulatory Commission as being satisfactory. The minorities' perceptions are that this is the only Commission of the federal government that is aware of the importance of maintaining the integrity of Kerr Lake as a water source for Henderson. Once again, councilmanic opinions of the Commission's decisions are presented in terms of whether or

not it placed roadblocks in the way of the project's implementation.

In contrast, the majority of the Henderson and Roanoke Rapids respondents view the U.S. Federal Energy Regulatory Commission's position as basically insignificant. Although the council members are acquainted with many components of the project, their understanding of the issue is somewhat limited. They gather most of their information from newspaper accounts and do not appear to have inquired much further. In this case, council members' lack of awareness of some of the project's finer details may have influenced their perception of the degree of satisfaction exhibited by a federal actor in the project.

Virginia Beach council members expressed frustration with the red tape posed by both the U.S. Environmental Protection Agency and the U.S. Federal Energy Regulatory Commission. As one Virginia Beach council member put it: "Every day costs us thousands. I don't think people in Washington realize what things cost and that we need to complete this project." Virginia Beach respondents see political pressure as intruding on the regulatory process. To quote one interviewee: "When we have needed their assistance, it hasn't always been there. They keep vacillating back and forth. Somebody needs to decide something and then stick to it." Once again, council members express dissatisfaction with federal agencies, which

are viewed as putting roadblocks in the way of the project's implementation.

Henderson and Roanoke Rapids council members view the U.S. Army Corps of Engineers as "just doing their job." In this case, even though the decisions made by the Corps have not always benefitted the position of the North Carolina City Councils on the Gaston issue, these council members still view them in positive terms based upon the rationale that the Corps is acting within its federally-mandated guidelines.

Virginia Beach council respondents also express satisfaction with the Corps. One interviewee said: "It has always worked well with us -- maybe it's because this whole project was originally their idea." Here, council members' perceptions are based upon the lack of Corps-imposed roadblocks to project implementation.

Regarding U.S. Senators and Representatives, the majority of the members of the Henderson and Roanoke Rapids City Councils point to their congressmen's attempts to get legislation passed that would halt the project. Virginia Beach council members also feel they have been well represented by their U.S. Senators and Representatives in light of the latter's efforts to get legislation passed that would advance the Lake Gaston Water Supply Project. To quote one Virginia Beach council member: "Those people have

been wonderful. Many times we went to see them, not only to enlist their aid, but to be encouraged."

With regard to the federal courts, both Henderson and Roanoke Rapids council members view their rulings as being unbiased. A North Carolina respondent stated that: "It [the Lake Gaston Water Supply Project] is all going to end up in the federal courts, and who knows what the outcome will eventually be. After all, you can't lobby a judge!" Here, the overall satisfactory rating is based, not on decisions that can be influenced to stop the project, but upon the confidence of these council members that, at least in this part of the federal arena, justice and fairness are likely to prevail.

Virginia Beach council members' perceptions of the federal courts' decisions can also be characterized as positive; however, they do reflect a certain sense of frustration with the length of the litigation process. Even though all of the courts' final decisions have been favorable to the implementation of the project, there is an overriding concern on the part of the council members about the amount of time that has been involved. One member stated: "It takes years for them to decide anything. Time is money -- and we're running out of both." The lengthy litigation process is a fundamental concern of all of the Virginia Beach respondents.

Conclusions

Comparisons of the similarities and differences of councilmanic perceptions of the positions of state and federal actors have been presented. The purpose is to gain a clearer understanding of the intergovernmental process as viewed by local policy-makers. The Henderson council members view the state arena rather than the federal arena as their primary hope for stopping the project. In fact, they have indicated that they have little faith that federal agencies can protect them. To quote one North Carolina council member: "There are too many governments involved in this issue for us to be sure that Washington will be able to keep other 'Virginia Beaches' from tapping into the lake. Maybe this is one of those wars you just can't win."

The Roanoke Rapids council members also see themselves as being on the fringe of what they believe is North Carolina's fight to stop the Lake Gaston Water Supply Project. As one Roanoke Rapids council member stated: "No one has really ever asked us our opinion on the issue. All the activity is at the state level."

The Virginia Beach council members, however, see themselves as actively "having to fight this one alone." They do not perceive Virginia's state government as being a consistent supporter of their policy on the project and there is resentment among them that they are having to do

most of the work and bear so much of the costs. According to one council member: "We are a city out there pursuing what is really a statewide project and we've been forced to carry the ball."

Though generally accepting of federal agencies' positions in attempting to resolve the Lake Gaston issue, Henderson and Roanoke Rapids council members believe that localities have little control in the federal arena. North Carolina council members are not convinced that the ultimate outcome of federal litigation will be in their favor.

Since members of the Virginia Beach City Council do not perceive their state government as being of any great assistance to them in getting the Lake Gaston Water Supply Project implemented, they see the federal arena as the site of meaningful activity surrounding the project. However, Virginia Beach council members also see the federal arena as one that is all too frequently bombarded by uncontrollable political pressures. In an article in U.S. Mayor, the reporter quoted Virginia Beach Mayor Meyera E. Oberndorf as comparing her city's efforts to solve its water shortages to running "the mother of all federal regulatory gauntlets."¹⁵⁷ This Council views agency responses, reports, and regulations as being vulnerable to political influences that have resulted in delays to the speedy

¹⁵⁷ Michael A. Gagliardo, "Virginia Beach Frustrated by Fed in Obtaining Water," U.S. Mayor, 12 November 1996, 9.

resolution of issues related to the project. The frustration level on which the members comment is primarily connected to activities in the federal arena.

CHAPTER VII

FINDINGS AND INTERPRETATIONS

The position of city council members in formulating and implementing water policy on the local level is the basic focus of this research. A comparison of the perceptions of twenty-three members of two city councils in North Carolina and one in Virginia serves as the foundation for analysis. Their understanding of the issues and how they view other actors in the Lake Gaston Water Supply Project is the basis for the conclusions and the recommendations presented in this chapter. It must be noted that the Lake Gaston issue has not yet been resolved at the time of writing.

The Position of City Council Members in the Formulation and Implementation of Local Water Policy

After reviewing the numerous water studies that they had commissioned from consulting firms and study groups, the Virginia Beach City Council adopted the Lake Gaston Water Supply Project in 1982. Fifteen years of involvement in implementing this project has led the Council into multiple confrontations involving local, state, and federal jurisdictions. The North Carolina City Councils of Henderson and Roanoke Rapids also have placed the Lake

Gaston Water Supply Project on their policy agendas. In contrast, however, their approach has been to formulate and implement policy that will either stop or garner compensation from stop the project.

Councilmanic Policy-Making and the Intergovernmental Arena

In Chapter I of this study, propositions based upon the work of Deil S. Wright were posed:

Individual interactions among public officials are at the core of intergovernmental relations and of water policy formulation and implementation.

Intergovernmental relations and water policy formulation and implementation do not involve one-time occasional occurrences. Rather, they are based on the continuous day-to-day patterns of contacts, knowledge, and evaluations of the officials who govern.¹⁵⁸

As a demonstration of these propositions, the data collected in the present study on the Lake Gaston Water Supply Project confirm that city council members have been involved in making contacts and forging alliances with other governmental officials in the local, state, and federal realms. Council members in North Carolina have reported having frequent contacts with multiple agencies, but have relied more heavily on their state government as interposer. Among the actors in the intergovernmental arena, state officials have been perceived by these North Carolina

¹⁵⁸ Wright, "Intergovernmental," 4-6.

council members as providing the most support for their local policy concerns.

Virginia Beach council members, in contrast to their counterparts in North Carolina, have given evidence of a wider range of individual interactions with various public officials and agencies. They noted supportive communications with their own state legislators yet little support from legislators who represent other parts of the state. The current State Attorney General was also mentioned as a very active player, one who has worked closely with Virginia Beach council members in supporting their position in federal hearings and court actions.

Interactions with actors in the federal arena have been varied. Virginia Beach council members' contacts with the U.S. Environmental Protection Agency and the U.S. Federal Energy Regulatory Commission have been frequent if not always pleasant. Contacts with officials who govern in the state and federal arenas of government have generated perceptions of equivocal support from these sources. However, in the case of the U.S. Army Corps of Engineers and members of the U.S. Congress that represent the Virginia Beach district, frequent personal communications have been judged as being more agreeable and councilmanic assessments of these entities have been affirming.

A third proposition is:

The power and influence available to any one jurisdiction (or official) is significantly limited.

These limits produce an authority pattern best described as bargaining.¹⁵⁹

This proposition has been demonstrated foremost by the ongoing attempts of Virginia Beach City Council to overcome constraints caused by jurisdictional separation. First, the Lake Gaston Water Supply Project calls for the building of a pipeline that takes water out of a lake under federal regulation. This has meant that the city has had to become involved in lengthy permitting negotiations with the U.S. Federal Energy Regulatory Commission. Second, environmental-impact issues have been connected with Virginia Beach's withdrawal of water from the lake. Because of these matters, the city has been involved in numerous court battles with the U.S. Environmental Protection Agency.

Third, the project involves laying approximately seventy-five miles of pipeline across several different municipalities and counties within Virginia. This policy component has resulted in Virginia Beach having to bargain fact-to-face with various municipal and county jurisdictions in Virginia so as to accumulate the rights-of-way needed for the project. The conditions imposed by all of these jurisdictions have resulted in concessions being made by Virginia Beach that were part of their maneuvering through the intergovernmental labyrinth.

¹⁵⁹ Ibid.

A fourth proposition is:

Intergovernmental relations is anchored in and suffused with policy-making -- in this case, water policy.¹⁶⁰

This proposition is demonstrated by the policy-making efforts in which all of the council members in this study have been engaged. Their attempts to formulate and implement their localities' water policies have provided contacts with a variety of public officials throughout the intergovernmental arena. The existence of these officials and agencies as well as the councilmanic perceptions of them are part of the policy-making activities that permeate all three intergovernmental realms -- local, state, and federal.

Councilmanic Perceptions of Political Patterns

This summary of councilmanic perceptions of the politics of water policy reveals some interesting patterns.

David versus Goliath

The often-used caricature of a big city swooping down on a defenseless rural area has frequently been played out in the councilmanic views of the controversy surrounding the Lake Gaston Water Supply Project. The two North Carolina municipalities can be classified as small rural communities

¹⁶⁰ Ibid.

with their combined population being less than 31,000. Virginia Beach, on the other hand, falls into the category of a burgeoning urban metropolis with its population almost hitting the 500,000 mark.

Such statistics served to position these three municipalities in opposite camps -- Henderson and Roanoke Rapids as the "small rural communities" and Virginia Beach as a "giant urban metropolis." In addition, other perceptions of the council members on each side also added fuel to the fires of dissent that the mere existence of the project had already ignited.

Interviews revealed that the council members from the small communities do not feel that the large city tried to establish a working relationship with them before coming in and attempting to "take" their water. The perception of both Henderson and Roanoke Rapids council members is that Virginia Beach is intruding into their region with "a big straw in its mouth" ready to take water first and ask questions later.

The viewpoint from the Virginia Beach City Council is that small localities are often tight-knit enclaves not disposed to negotiate. Such an environment does not nurture prospects for bargaining; instead, it inevitably supports pre-conceptions that asphyxiate negotiations and foster

conflict.¹⁶¹ Viewpoints on both sides generally reveal a "win-lose" perception of the issue. Insufficient effort has been directed to identifying a "win-win" solution involving trade-offs and compromise.

Intra-State Conflicts

Within the states of North Carolina and Virginia there are intra-state conflicts that play themselves out in the Lake Gaston Water Supply Project. Perceptions among some of the North Carolina council members include concerns that their Governor and their Legislature do not fully back the localities' opposition to the project due to conflicting pressures from other regions in the state. North Carolinians along the Atlantic coastline are willing to let the Lake Gaston Water Supply Project go through because they believe that part of a compensation package for their support would be the expansion of highway and interstate systems from their communities into Virginia. North Carolinians in the western part of the state, including the council members in Henderson and Roanoke Rapids, generally do not want the project to go forward either because of the damage they believe it will cause their area or because of

¹⁶¹ Mary Parker Follett, Mary Parker Follett - Prophet of Management, ed. Pauline Graham (Boston, Massachusetts: Harvard Business School Press, 1995), 69-70.

the lack of an acceptable compensatory package being offered.

This conflict within North Carolina has resulted in the Governor being perceived as equivocal in his opposition to the project and in certain Eastern Carolina legislators being perceived as soft on the issue. Although state-level opposition to the water project has not been unanimous in North Carolina, Henderson and Roanoke Rapids still perceive state officials as mounting strong opposition to it.

The situation in Virginia also reveals statewide divisions. Cities and counties in the western part of the state are opposed to the project because they see it as robbing them of their chance to encourage development. On the other hand, citizens in the more populous Atlantic coastline regions are supportive of its implementation. Not only has this difference caused divisions in the State Legislature, it has also seeped into the realm of gubernatorial politics. In anticipation of the Fall, 1997 elections, some gubernatorial candidates have been courting highly-populated Virginia Beach's favor by working in defense of the project. However, intra-state rivalries have led other state actors in Virginia to side-step the issue and leave the bulk of the policy formulation and implementation to be done by Virginia Beach.

Constituent Expectations

According to an analysis by Phillips and LeGates, elected local policy-makers furnish services to the residents of their communities in response to the level of political expectations held by those constituencies.¹⁶² Within the context of the Lake Gaston Water Supply Project, council members in Virginia Beach perceive the project as being a constituency-driven issue. They see the average citizen as being aware of its particulars and standing firmly behind its speedy implementation.

On the other hand, the North Carolina council members do not perceive the residents of their localities as considering the project to be of paramount importance. Although they perceive that their constituencies are against the project to send water to Virginia Beach, council members do not see the matter as being an all-consuming passion among their voters. Perhaps the lack of passionate opposition among the constituencies in North Carolina has resulted in North Carolina council members not being as forceful on the issue as are Virginia Beach council members.

¹⁶² Phillips and LeGates, City Lights, 256.

Proactive versus Reactive State Government

In spite of some perceptions of equivocal support, North Carolina council members still view their state government as a proactive entity carrying the standard for the anti-Lake Gaston forces. The consensus view of council members in Henderson and Roanoke Rapids is that it is too costly a war for their localities to conduct on their own. These council members feel quite comfortable allowing the state to take the forward position in the battle.

In contrast, the council members in Virginia Beach perceive themselves as fighting for the Lake Gaston Water Supply Project primarily with their own resources of time, money, and energy. They resent the amount of money and attention they have had to give to this one issue. In sum, North Carolina council members perceive the Lake Gaston Water Supply Project as a local concern being taken up by the state. In contrast, Virginia Beach council members perceive it as a state issue that -- although beneficial to other areas -- is being carried by a locality.

Two-sided Bureaucratic Red Tape

Although the Virginia Beach council members hold to the traditional position of disdain for bureaucratic red tape, North Carolina officials appear to view it from an entirely

different perspective. They use it to either stop or at least delay the project's progress whenever possible.

According to one Virginia Beach council member: "North Carolina has fought us at every turn. They seem determined to drag this thing [the project] out as long as they can." If a report or study could be asked for, it was demanded. If a permit could conceivably be necessary, it was deemed as being absolutely essential. Whenever an appeal was feasible, it was made. North Carolina officials have left no bureaucratic stone unturned. This has cost Virginia Beach an abundance of time, money, and effort.

Turf Battles

Several of the Virginia Beach council members interviewed either commented directly or made obvious allusions to the political turf battles they have encountered as part of the implementation process surrounding the Lake Gaston Water Supply Project. They have confronted formidable resistance from North Carolina, from Virginia cities and counties, and from federal agencies.

For example, in June, 1996, Norfolk unexpectedly released a water study. It indicated that the amount of water it would have available for Virginia Beach in times of drought was eighteen million gallons a day more than previously estimated. North Carolina subsequently used this

information to support its arguments in Gaston litigation before the U.S. District Court of Appeals. Although Norfolk said it released the study because of legal requirements, Virginia Beach officials -- who had not been informed of the release in advance and were concerned that its contents would be misinterpreted -- saw Norfolk's action as one more battle waged for political turf. Virginia Beach interviewees perceive that, because of the financial loss that Norfolk would experience if Virginia Beach stopped getting water from them and began to get it from Lake Gaston, the report public was presented at a most inopportune time.¹⁶³

As recently as March, 1997, another turf battle ensued with Suffolk on one side and the cities of Chesapeake, Norfolk, and Virginia Beach on the other. Suffolk had awarded Norfolk zoning permits to expand a pumping station for treating Lake Gaston water; however, Suffolk placed conditions on the permits that would restrict Norfolk's use and sale of any surplus water. Suffolk did this primarily to protect its groundwater supplies. Virginia Beach and Chesapeake, both beneficiaries of Lake Gaston water, came into the litigation on Norfolk's side because Suffolk's stand could conceivably stop the entire Lake Gaston Water

¹⁶³ Weintraub, "Water study," 5.

Supply Project.¹⁶⁴ This confrontation is another example of Virginia Beach's encounter with political turf conflict.

Interactive Relationships Among Overlapping Governments

Vincent and Elinor Ostrom, in their analysis of the public sector, view public service systems as "public service industries".¹⁶⁵ This relates to their observation of large numbers of autonomous units of government within the intergovernmental arena as well as related degrees of overlapping multiple levels among those units of government. A key concern, according to the Ostroms, is the degree of success that a unit of government has when bargaining and negotiating to achieve effective service delivery. Data from the present study confirms the relevance of the Ostrom model of water supply as a public service industry with multiple layers and complexities.

To quote the Ostroms:

The water industry serving any particular area will normally include large-scale water production agencies like the U.S. Corps of Engineers which operates dams and large water storage facilities, intermediate producers like metropolitan water districts and county water authorities which operate large aqueducts and intermediate storage facilities, and municipal water

¹⁶⁴ Karen Weintraub, "Suffolk hit with 'angrier' suit," The Virginian-Pilot, 21 March 1997, 1, 7(B).

¹⁶⁵ Vincent Ostrom and Elinor Ostrom, "Public Goods and Public Choices," in Alternatives for Delivering Public Services: Toward Improved Performance, ed. E. S. Savas (Boulder, Colorado: Westview Press, 1977), 26.

departments, water service districts, mutual water companies or private water utility companies that operate terminal storage facilities and retail distribution systems. The quality and cost of water delivered at the tap and the facilities available for recreation, navigation, flood control, and related uses will depend upon the joint operation of many different governments,¹⁶⁶ agencies and firms functioning in a water industry.

The council members in this study had to establish relationships with individuals in various intergovernmental settings in the course of either initiating the project or trying to stop it. Proceeding through the intergovernmental maze has been both a necessary and a fundamental councilmanic activity. Local policy-making in this milieu is highly-fragmented and not easily controlled.¹⁶⁷

When the Virginia Beach City Council adopted the Lake Gaston Water Supply Project, they initiated a process that set other mechanisms into motion throughout the intergovernmental sphere. This Council's decision to undertake such a project has inevitably led to contacts and conflicts with governing officials in other jurisdictions. These governing entities, therefore, were set into motion because local policy-makers in Virginia Beach decided they wanted to build a pipeline. Virginia Beach paid the "ante" and, as Elazar contends, its policy-makers could now "sit in on the great game of government."¹⁶⁸

¹⁶⁶ Ibid., 28.

¹⁶⁷ Peterson, Rabe, and Wong, When Federalism, 61-80.

¹⁶⁸ Elazar, "Federalism," 19-20.

Because of this policy decision, the local policy-making process for Virginia Beach has been broadened to include other governmental realms. Sometimes it took place in city council chambers, sometimes in state houses, sometimes in agency meetings, sometimes in the halls of the U.S. Congress, and sometimes in federal court rooms. Wherever the setting, contacts and conflicts have been part of the process.

In consideration of this history, it is appropriate to contemplate its implications for meeting the water needs of an urbanizing society. Thought should be given to whether or not the multiple layers and complex webs within the intergovernmental arena are facilitators of or impediments to the policy-making process. According to Robert Bish and Vincent Ostrom, the same factors that appear to stymie policy formulation can actually be credited with its eventual implementation.

Because multiple overlapping jurisdictions are assumed to be disorderly, those favoring consolidation have not explored the possibility that intergovernmental relations may manifest an orderliness.¹⁶⁹

Vincent and Elinor Ostrom later state that,

A highly-fragmented political system without substantial overlap among the many jurisdictions is especially vulnerable.... With overlapping units of government, conflicts among governments at any one level may be resolved by recourse to the decision-making arrangements existing at a higher level of

¹⁶⁹ Robert L. Bish and Vincent Ostrom, Understanding Urban Government (Washington, D.C.: American Enterprise Institute for Public Policy Research, 1973), 52.

government.... The critical feature is the availability of legal, political, and constitutional remedies.¹⁷⁰

The local-policy maker, therefore, is rescued from potential exploitation and harassment of overlapping governments by the orderliness and remedies explicit in the very existence of those same governments. They may be sources of irritation and frustration; however, they can also be seen as protectors from abuse and misuse. So long as the perception exists among local policy-makers that there is a recourse available to them of a higher governmental authority, their continued participation in Elazar's game of government is assured. According to the Ostoms, local policy-makers' potential disenfranchisement by government is precluded by the existence of that same government.

Strategies to Explore

This case study suggests that the identification and execution of alternative tactical strategies may have better facilitated the policy-making process.

The first strategy relates to mediation and arbitration. It is advisable to introduce such processes into policy-making at an earlier stage of decision-making

¹⁷⁰ Vincent Ostrom and Elinor Ostrom, "Public," 38-39.

rather than at a late stage¹⁷¹ as was noted in the present case. One reason is that taking such action could possibly work to avoid protracted and divisive litigation that requires large amounts of time and considerable sums of money. Although Henderson and Roanoke Rapids have not been directly involved in court proceedings, North Carolina has been absorbed in litigation. Virginia Beach has had to invest millions of dollars in lawyer fees to initiate and respond to project-related law suits. As of the time of writing, approximately \$17 million has been expended in legal fees involving litigation and regulatory procedures.¹⁷²

Another reason for introducing meditation and/or arbitration into the initial stages of policy-making is that, during the early phases, there are likely to be fewer interested actors and vested interests involved than later in the process. Early introduction of mediation or arbitration reduces the likelihood of disenfranchising an interested party by excluding them from the discussions.¹⁷³

The one instance where a federal mediator was involved with the Lake Gaston Water Supply Project issue occurred as

¹⁷¹ Follett, Mary, 69-70.

¹⁷² City of Virginia Beach (1997), Capital Improvement Program, 146.

¹⁷³ Sam Leonard, Mediation: The Book (Evanston, Illinois: Evanston Publishing, Inc., 1994), 111-112.

the result of a federal lawsuit. The mediation did not take place until 1995, thirteen years after the Lake Gaston Water Supply Project had been initiated. This process was a failure primarily because, as mandated by a federal judge, the only parties involved in it were the litigants in the suit. Since other actors who had become in the process over the years were excluded, eventually the mediation effort collapsed. This also pertains to resistant state legislators who had to ratify any agreement.

The second strategy is that the policy process should focus on trade-offs as an important part of negotiations. It is necessary to clarify what the key actors want as the condition for resolution.¹⁷⁴ For example, this study reveals that the two North Carolina cities have different expectations in relation to the project. Henderson council members have primarily been concerned about protecting their water supply, whereas some Roanoke Rapids council members have been willing to look at compensation in exchange for their support of the project. Such distinctions were never formally clarified or pursued.

A third strategy is to focus on timing and communications in the policy process. To work to establish lines of communication with interested parties before the formal announcement of a policy can reduce misunderstandings

¹⁷⁴ Follett, Mary, 73.

as well as political tensions.¹⁷⁵ The turf battles referred to by several of the Virginia Beach council members could possibly have been defused if differences of views had been anticipated prior to the formal announcements of policy. These could have been strategically discussed to avoid misunderstandings and to assure consensus.

For example, the heightening of political rhetoric that occurred when U.S. Senator Jesse Helms intervened in the project possibly could have been avoided had attempts been made to communicate with him before the project was announced. In 1984, Senator Helms was involved in a tight race for reelection and needed to rally electoral support for his campaign. It can be speculated that Senator Helms could have been assuaged on this matter through early informal discussions. Also, the problems that Virginia Beach has had with other municipalities in the Hampton Roads area possibly could have been forestalled if those communities had been involved in early preparatory discussions prior to public disclosure of the proposal to utilize Lake Gaston as a water supply.

Finally, if Virginia Beach had worked harder to build coalitions within the region as well as with other localities around the state before announcing their policy intentions, they possibly could have lessened resistance to their getting inter-local clearances for the project.

¹⁷⁵ Ibid., 82-83.

Recommendations for Future Research

As water supply becomes a more prominent societal concern, government officials on the federal, state, and local levels are having to contend with water-related issues with growing frequency. The conflict that results when attempts are made to supply the needs of urbanizing areas with the resources that often are claimed by diverse interests is becoming a recurring urban policy concern.

Local problems of water supply frequently expand into regional troubles. Conflicts inevitably occur when disparate demands are juxtaposed against similar needs within the complex dynamics of the intergovernmental labyrinth of policy-making. It would be appropriate, therefore, to encourage other water-related studies for the purpose of identifying conflict remedies of both an institutional and strategic nature.

Though water issues are usually generated on the local-regional levels, the federal regulatory level is a significant subject area for future research. Of particular importance is how the federal position could be better conducted to facilitate water-supply management and the implementation of water policy.

Similarly, the position of state governments could be studied to identify better management practices, especially

as they apply to urban arenas that will be generating growing water needs.

Finally, greater attention could be directed to the position of local government, particularly on questions of intergovernmental cooperation to assure equitable water distribution.

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APPENDIX A

LETTERS OF CORRESPONDENCE

February 2, 1997

Mr. John Jones
1234 Main Street
Virginia Beach, VA 23456

Dear Mr. Jones,

As a Doctoral Candidate in the College of Business and Public Administration at Old Dominion University, I am presently working on my dissertation, Councilmanic Perceptions of Water Policy for the Lake Gaston Water Supply Project in North Carolina and Virginia.

I am writing this letter with the hope of enlisting your assistance in this endeavor.

In order to successfully complete my research, I need to conduct interviews with the sitting members of the City Councils of Henderson, North Carolina, Roanoke Rapids, North Carolina, and Virginia Beach, Virginia. The purpose of the brief, 30-minute, interview is to collect information concerning policy-maker's perceptions of other actors -- at the local, state, and federal levels -- in the Lake Gaston project.

With your permission, an audio tape would be made of the interview for my use as a personal reference when analyzing the data collected. In accordance with university policy, all responses would be kept confidential.

Your willingness to assist me in this research would be greatly appreciated. Looking forward to speaking with you in the near future in order to schedule an interview, I remain...

Sincerely yours,

Beverly M. Hedberg

Enclosure: Business Card

February 1997

Mr. John Jones
1234 Main Street
Virginia Beach, Va 23462

Dear Mr. Jones,

As per our previous conversation, I have enclosed a copy of the two-page summary of all of the data collected in the councilmanic interviews.

I will be calling you within the next few days to get your perception of the summary's contents.

Thank you again for your assistance.

Sincerely,

Beverly M. Hedberg

March 1997

Mr. John Jones
1234 Main Street
Virginia Beach, VA 23456

Dear Mr. Jones,

Thank you very much for participating in my doctoral research by agreeing to be interviewed with regard to your unique connection to the Lake Gaston project.

It is my hope that the research, when completed, will aid other local policy-makers in similar situations.

Once again, your assistance was greatly appreciated. I remain...

Sincerely yours,

Beverly M. Hedberg

APPENDIX B

SUMMARY OF INTERVIEW RESULTS

SUMMARY OF INTERVIEW RESULTS

The following summary is divided into the same sections as was the interview. Please remember that this abstract is a summary and that, as such, is designed to give only a broad synopsis of the data collected.

Perceptions of the Issues Surrounding the Project

The Henderson City Council members generally see the primary issue being that of Virginia Beach wanting water and coming to Lake Gaston for it. They are concerned about the precedent set by the authorization of such an inter-basin transfer of water. As individual council members, they are opposed to the project largely for economic reasons. As a Council, their opposition also includes a desire to accurately represent the desires of their electorate. They see their individual and councilmanic positions as doing all they can to defeat the project.

The Roanoke Rapids City Council members generally see the primary issue being Virginia Beach threatening to take water without giving anything in return. As individual council members, they are opposed to the project largely because they are not being offered a compensation package for the water. As a Council, their opposition is also based upon their view that the water in the lake belongs to North Carolina. They see their individual positions as getting the best deal for the people that elected them and their council's position as doing whatever it can to stop the project.

The Virginia Beach City Council members see the issues as being their city's need for water and turf battles among interested parties. Both as individual council members and as a city council as a whole, they unanimously support the project. They view their individual and councilmanic positions as doing all that they can to see the project through to completion.

Perceptions of Local Entities and Organizations

The city council members interviewed perceive most local entities as exerting some influence either upon the formation of the council members' positions on the project or upon those of the councils as a whole. Generally, civic leagues, the Chamber of Commerce, and the constituency are perceived as the most influential.

Perceptions of State Leaders, Officials, and Organizations

The Henderson and Roanoke Rapids City Councils as a whole both view their governor and legislature as being significant actors in the project -- with the governor occasionally vacillating on his position. They both perceive the state as the primary mover of North Carolina's efforts to stop the project.

The Virginia Beach City Council also view their governor and legislature as being significant actors in the project. However, they do voice concern that, since individuals in the western part of the state are opposed to the project, there is not the unanimous support from either entity that they would like. The overall response from the state was viewed by them as being both lukewarm and mixed. These city officials see themselves as having to spearhead the entire effort.

Perceptions of Federal Leaders, Officials, and Organizations

Both the Henderson and Roanoke Rapids City Councils view federal agencies and courts as being significant actors in the project. They see their U.S. Senators and Representatives as being very supportive of their efforts. They both see the Environmental Protection Agency as a significant actor.

The Virginia Beach City Council, as a whole, views federal agencies and the courts as being significant actors in the project. They see their U.S. Senators and Representatives as being very supportive of their efforts. They do, however, voice considerable frustration with the Environmental Protection Agency, the Federal Energy Regulatory Commission, and the time taken involved in litigation in the federal courts.

Ideas as to What Should Be Done about the Project

The Henderson City Council believes that Virginia Beach should look somewhere else for water and that desalinization as well as cleaning up the James River should be considered as legitimate options.

The Roanoke Rapids City Council believe that if Virginia Beach gets the water, their city should be compensated for it and that Virginia Beach should reduce the amount of water they plan on taking. They also believe that desalinization should be pursued as a viable option.

The Virginia Beach City Council, on recommendation of the City Attorney, did not respond to the questions in this section.

APPENDIX C

THE INTERVIEW GUIDE

INTERVIEW GUIDE FOR LOCAL POLICY-MAKERS

Interviewer: _____ **Interviewee:** _____
Site of Interview: _____ **Date of Interview:** _____

Section I: Personal Background

1. How many years have you been a resident of this city?

2. When were you first elected to City Council and how long have you served?

3. What other elected government positions have you held and for how long have you held them?

4. Of what organizations are you a member?
Business: _____
Civic: _____
Social: _____
Professional: _____
Other: _____
5. What is your current occupation?

6. What is the highest level of education you have completed?

Section II: Perceptions of the Issues Surrounding the Lake Gaston Project

7. What do you perceive to be the basic issues surrounding the Lake Gaston project?

8. What is your position on the Lake Gaston project and why do you hold that position?

9. What is your City Council's policy on the Lake Gaston project and why do they have that policy?

10. How do you perceive your role in relationship to the Lake Gaston project?

11. How do you perceive your City Council's role in relationship to the Lake Gaston project?
-

Section III: Perceptions of Local Entities and Organizations

12. Which of the following local entities or organizations do you perceive as having exerted an influence upon the formation of your position on the Lake Gaston project and, if they did exert an influence, how and why did they do it?

- (a) Civic Leagues _____
- (b) Chamber of Commerce _____
- (c) Media _____
- (d) Local Businesses _____
- (e) Your Constituency _____
- (f) Other City Councils _____
- (g) Other _____

13. What do you perceive as having been their response to your position on the Lake Gaston project?
-

14. Which of the following local entities or organizations do you perceive as having exerted an influence upon the formation of your City Council's policy on the Lake Gaston project and, if they did exert an influence, how and why did they do it?

- (a) Civic Leagues _____
- (b) Chamber of Commerce _____
- (c) Media _____
- (d) Local Businesses _____
- (e) Their Constituency _____
- (f) Other City Councils _____
- (g) Other _____

15. What do you perceive as having been their response to your City Council's policy on the Lake Gaston project?
-

Section IV: Perceptions of State Leaders, Officials, and Organizations

16. Which of the following state leaders, officials, or organizations do you perceive as having been significant "actors" in the Lake Gaston project and, if they were significant "actors," how and why were they?

- (a) Governor _____
- (b) Legislature _____
- (c) State Department of Natural Resources _____
- (d) VA-NC Water Resource Mgmt. Committee _____

- (e) State Courts _____
(f) Other _____

17. What do you perceive as having been the response of these state "actors" to your City Council's policy on the project?

Section V: Perceptions of Federal Leaders, Officials, and Organizations

18. Which of the following federal leaders, officials, or organizations do you perceive as having been significant "actors" in the Lake Gaston project and, if they were significant "actors," how and why were they?

- (a) Environmental Protection Agency _____
(b) Federal Energy Regulatory Commission _____
(c) U.S. Army Corps of Engineers _____
(d) Your State's Senators and Congressmen _____
(e) Federal Courts _____
(f) Other _____

19. What do you perceive as having been the response of these federal "actors" to your City Council's policy on the project?

Section VI: Ideas as to What Should Be Done about the Lake Gaston Project

20. What do you perceive as being an acceptable resolution of the Lake Gaston controversy?

21. What do you perceive as being the best option for Virginia Beach in its search for a reliable, long-term source of water?

APPENDIX D

TABULAR SUMMARY OF INTERVIEW RESULTS

TABULAR SUMMARY OF INTERVIEW RESULTS

City of Henderson, North Carolina

Section I: Personal Background

1. How many years have you been a resident of this city?
N = 8

- 0 to 15 years (0)	- 26 to 35 years (1)
- 16 to 25 years (1)	- over 35 years (6)

2. When were you first elected to City Council and how long have you served? N = 8

- 1996; 4 months (2)	1990; 5 years (1)
- 1996; 1 year (1)	1989; 8 years (1)
- 1993; 4 years (1)	1979; 18 years (1)
- 1991; 6 years (1)	

3. What other elected government positions have you held and for how long have you held them? N = 8

- none (8)

4. Of what organizations are you a member? N = 8

Business:	Professional:	Social:
- yes (3)	- yes (5)	- yes (5)
- no (5)	- no (3)	- no (3)
Civic:	Other:	
- yes (5)	- no (8)	
- no (3)		

5. What is your current occupation? N = 8

- insurance agent (1)
- owner of a travel agency (1)
- salesman (1)
- mortician (1)
- owner of an insurance agency (1)
- retired school teachers (2)
- retired engineer (1)

6. What is the highest level of education you have completed? N = 8

- bachelor of science degree (4)
- master of arts degree (4)

Section II: Perceptions of the Issues Surrounding the Lake Gaston Project

7. What do you perceive to be the basic issues surrounding the Lake Gaston project? N = 8

- protecting our water supply and the precedent set by the project (6)
- inter-basin transfer of water (1)
- don't know enough about the project to say (1)

8. What is your position on the Lake Gaston project and why do you hold that position? N = 8

- what? oppose the project (6)
- why? because we shouldn't give our water to Virginia Beach without getting something in return
- don't know enough about the project to say (2)

9. What is your City Council's policy on the Lake Gaston project and why do they have that policy? N = 8

- what? opposes the project (7)
- why? because it negatively impacts our economy
- don't know enough about the project to say (1)

10. How do you perceive your role in relationship to the Lake Gaston project? N = 8

- to defeat the project (7)
- to represent those that elected him (1)

11. How do you perceive your City Council's role in relationship to the Lake Gaston project? N = 8

- to defeat the project (7)
- to represent the people that elected them (1)

Section III: Perceptions of Local Entities and Organizations

12. Which of the following local entities or organizations do you perceive as having exerted an influence upon the formation of your position on the Lake Gaston project and, if they did exert an influence, how and why did they do it? N = 8

(a) Civic Leagues

- influential (1)
 - how? they spoke with me
 - why? they were concerned about their future
- not influential (7)

(b) Chamber of Commerce

- influential (2)
 - how? made statements against the project
 - why? concerned about their economic future
- not influential (6)

(c) Media

- influential (1)
 - how? by getting the facts to the people
 - why? it is their responsibility
- not influential (7)

(d) Local Businesses

- influential (3)
 - how? they spoke with us
 - why? because of economic concerns
- not influential (5)

(e) Your Constituency

- influential (4)
 - how? they have spoken with me
 - why? they are concerned about their water
- not influential (4)

(f) Other City Councils

- influential (0)
- not influential (8)

(g) Other Local Entities

- influential (0)
- not influential (8)

13. What do you perceive as having been their response to your position on the Lake Gaston project? N = 8

- the only response has been from those who agree with my position and it has all been supportive (8)

14. Which of the following local entities or organizations do you perceive as having exerted an influence upon the formation of your City Council's policy on the Lake Gaston project and, if they did exert an influence, how and why did they do it? N = 8

(a) Civic Leagues

- influential (3)
 - how? they talk to us
 - why? concern about local economy
- not influential (4)
- don't know enough about the project to say (1)

(b) Chamber of Commerce

- influential (3)
 - how? public statements
 - why? economic concerns for the area
- not influential (4)
- don't know enough about the project to say (1)

(c) Media

- influential (0)
- not influential (7)
- don't know enough about the project to say (1)

(d) Local Businesses

- influential (0)
- not influential (7)
- don't know enough about the project to say (1)

(e) Their Constituency

- influential (1)
 - how? addressing us with their concerns
 - why? don't want lowered property values
- not influential (5)
- don't know enough about the project to say (2)

(f) Other City Councils

- influential (0)
- not influential (7)
- don't know enough about the project to say (1)

(g) Other Local Entities

- influential (0)
- not influential (7)
- don't know enough about the project to say (1)

15. What do you perceive as having been their response to your City Council's policy on the Lake Gaston project?
N = 8

- the only response has been from those who agree with our position and it has all been supportive (8)

Section IV: Perceptions of State Leaders, Officials, and Organizations

16. Which of the following state leaders, officials, or organizations do you perceive as having been significant "actors" in the Lake Gaston project and, if they were significant "actors," how and why were they?
N = 8

(a) Governor

- actor? significant (5)
 - how? through public statements opposing project
 - why? he'd be ruined if he supported it
- actor? not significant (3)
 - how? he has not always worked with us to stop project
 - why? he has sold out to eastern North Carolina's desire to exchange support for the project for new roads

(b) Legislature

- actor? significant (5)
 - how? they pay attention to us and our desires
 - why? they know the project must be stopped
- actor? not significant (3)

(c) State Department of Natural Resources

- actor? significant (3)
 - how? by establishing water-transfer policy that hinders the project
 - why? it's their job
- actor? not significant (5)

(d) VA-NC Water Resource Mgmt. Committee

- actor? significant (0)
- actor? not significant (8)

(e) State Courts

- actor? significant (0)
- actor? not significant (8)

(f) Other State Entities

- actor? significant (0)
- actor? not significant (8)

17. What do you perceive as having been the response of these state "actors" to your City Council's policy on the project? N = 8

- the only response has been from those who agree with our position and it has all been supportive (7)
- don't know enough about the project to say (1)

Section V: Perceptions of Federal Leaders, Officials, and Organizations

18. Which of the following federal leaders, officials, or organizations do you perceive as having been significant "actors" in the Lake Gaston project and, if they were significant "actors," how and why were they? N = 8

(a) Environmental Protection Agency

- actor? significant (8)
 - how? the studies they required pointed out environmental concerns that needed to be made known
 - why? it was their job
- actor? not significant (0)

(b) Federal Energy Regulatory Commission

- actor? significant (3)
 - how? they have authority over permits
 - why? because they regulate and protect Kerr Lake, our water source
- actor? not significant (4)
- actor? no opinion (1)

(c) U.S. Army Corps of Engineers

- actor? significant (6)
 - how? reports they have done showing some concerns about the project
 - why? it's their job
- actor? not significant (0)
- actor? no opinion (2)

(d) Your U.S. Senators and Representatives

- actor? significant (6)
 - how? they pay attention to us
 - why? they care about our interests
- actor? no opinion (2)

(e) Federal Courts

- actor? significant (6)
 - how? they will impartially decide litigation
 - why? everything ends up in the courts
- actor? no opinion (2)

(f) Other Federal Entities

- actor? significant (0)
- actor? not significant (8)

19. What do you perceive as having been the response of these federal "actors" to your City Council's policy on the project? N = 8

- the only response has been from those who agree with our position and it has all been supportive (8)

**Section VI: Ideas as to What Should Be Done about
the Lake Gaston Project**

20. What do you perceive as being an acceptable resolution of the Lake Gaston controversy? N = 8

- Virginia Beach needs to find another source (3)
- Virginia Beach should clean up their own water resources and not try to take water from us that we need for our economic development (1)
- Virginia should get water from Virginia (1)
- Virginia Beach not to use strong-arm tactics to get what they want (1)
- no opinion (2)

21. What do you perceive as being the best option for Virginia Beach in its search for a reliable, long-term source of water? N = 8

- look somewhere else other than Lake Gaston (4)
- desalinization and clean up the James River (2)
- desalinization (2)

TABULAR SUMMARY OF INTERVIEW RESULTS

City Council of Roanoke Rapids, North Carolina

Section I: Personal Background

1. How many years have you been a resident of this city?
N = 6
 - 0 to 15 years (2)
 - 16 to 25 years (1)
 - 26 to 35 years (3)
 - over 35 years (0)

2. When were you first elected to City Council and how long have you served? N = 6
 - 1995; 2 years (2)
 - 1994; 3 years (2)
 - 1992; 5 years (1)
 - 1989; 8 years (1)

3. What other elected government positions have you held and for how long have you held them? N = 6
 - none (6)

4. Of what organizations are you a member? N = 6

Business:	Professional:	Social:
- yes (5)	- yes (5)	- yes (2)
- no (1)	- no (1)	- no (4)
Civic:	Other:	
- yes (5)	- no (6)	
- no (1)		

5. What is your current occupation? N = 6
 - mechanical engineer (1)
 - real estate salesman (1)
 - owner of retail tire dealership (1)
 - pharmacist (1)
 - retired (2)

6. What is the highest level of education you have completed? N = 6
 - bachelor of science degree (4)
 - master of arts degree (2)

**Section II: Perceptions of the Issues Surrounding the
 Lake Gaston Project**

7. What do you perceive to be the basic issues surrounding the Lake Gaston project? N = 6
 - Virginia Beach taking our water without giving us something in return (5)
 - environmental problems that could result from taking that much water from Lake Gaston (1)
8. What is your position on the Lake Gaston project and why do you hold that position? N = 6
 - what? oppose the project (4)
 - why? we aren't getting anything for the water
 - don't know enough about the project to say (2)
9. What is your City Council's policy on the Lake Gaston project and why do they have that policy? N = 6
 - what? we are against the project (5)
 - why? it's our water
 - what? we don't really have a formal policy (1)
 - why? this is mainly being fought at the state level
10. How do you perceive your role in relationship to the Lake Gaston project? N = 6
 - to get the best for the people who elected me (4)
 - no role (2)
11. How do you perceive your City Council's role in relationship to the Lake Gaston project? N = 6
 - to be firm and unanimous in our opposition (5)
 - to be an arena for citizen discussion (1)

Section III: Perceptions of Local Entities and Organizations

12. Which of the following local entities or organizations do you perceive as having exerted an influence upon the formation of your position on the Lake Gaston project and, if they did exert an influence, how and why did they do it? N = 6

(a) Civic Leagues

- influential (1)
 - how? by personal contact
 - why? concern about the local economy
- not influential (5)

(b) Chamber of Commerce

- influential (4)
 - how? they sent me materials against it
 - why? economic and environmental concerns
- not influential (2)

(c) Media

- influential (1)
 - how? editorials
 - why? concerns about local economy
- not influential (5)

(d) Local Businesses

- influential (3)
 - how? talking to me
 - why? economic issues
- not influential (3)

(e) Your Constituency

- influential (2)
 - how? talking to me
 - why? economic concerns
- not influential (4)

(f) Other City Councils

- influential (1)
 - how? general impressions
 - why? economic future of the region
- not influential (5)

(g) Other Local Entities

- influential (0)
- not influential (6)

13. What do you perceive as having been their response to your position on the Lake Gaston project? N = 6

- the only response has been from those who agree with my position and it has all been supportive (6)

14. Which of the following local entities or organizations do you perceive as having exerted an influence upon the formation of your City Council's policy on the Lake Gaston project and, if they did exert an influence, how and why did they do it? N = 6

(a) Civic Leagues

- influential (2)
 - how? casual contacts
 - why? economic concerns
- not influential (2)
- don't know enough about the project to say (2)

(b) Chamber of Commerce

- influential (2)
 - how? public relations efforts
 - why? economic concerns for businesses
- not influential (2)
- don't know enough about the project to say (2)

(c) Media

- influential (1)
 - how? editorials
 - why? economic concerns for the area
- not influential (3)
- don't know enough about the project to say (2)

(d) Local Businesses

- influential (2)
 - how? casual contact
 - why? economic future of the area
- not influential (2)
- don't know enough about the project to say (2)

(e) Their Constituency

- influential (2)
 - how? casual contact
 - why? economic concerns
- not influential (2)
- don't know enough about the project to say (2)

(f) Other City Councils

- influential (1)
 - how? through intergovernmental commissions
 - why? economic issues
- not influential (3)
- don't know enough about the project to say (2)

(g) Other Local Entities

- influential (0)
- not influential (2)
- don't know enough about the project to say (4)

15. What do you perceive as having been their response to your City Council's policy on the Lake Gaston project? N = 6

- the only response has been from those who agree with our position and it has all been supportive (6)

Section IV: Perceptions of State Leaders, Officials, and Organizations

16. Which of the following state leaders, officials, or organizations do you perceive as having been significant "actors" in the Lake Gaston project and, if they were significant "actors," how and why were they? N = 6

(a) Governor

- actor? significant (4)
 - how? through public appearances he opposes project
 - why? concern for the welfare of the state
- actor? not significant (2)
 - how? he has not always worked with us
 - why? he has sold out to Eastern North Carolina's desire to exchange project support for new roads into Virginia

(b) Legislature

- actor? significant (5)
 - how? willing to spend time and money to stop project
 - why? it's good for North Carolina
- actor? no opinion (1)

(c) State Department of Natural Resources

- actor? significant (2)
 - how? they have given us a lot of data about problems with the project
 - why? it's their job
- actor? not significant (4)

(d) VA-NC Water Resource Mgmt. Committee

- actor? significant (0)
- actor? not significant (6)

(e) State Courts

- actor? significant (0)
- actor? not significant (6)

(f) Other State Entities

- actor? significant (6)

17. What do you perceive as having been the response of these state "actors" to your City Council's policy on the project? N = 6

- the only response has been from those who agree with our position and it has all been supportive (6)

**Section V: Perceptions of Federal Leaders, Officials,
 and Organizations**

18. Which of the following federal leaders, officials, or organizations do you perceive as having been significant "actors" in the Lake Gaston project and, if they were significant "actors," how and why were they?
N = 6

(a) Environmental Protection Agency

- actor? significant (4)
 - how? through their reports they highlighted important environmental problems
 - why? it's their job
- actor? don't know enough to say (2)

(b) Federal Energy Regulatory Commission

- actor? significant (1)
 - how? by control of the permitting process they protect Kerr Lake
 - why? it's their job
- actor? not significant (5)

(c) U.S. Army Corps of Engineers

- actor? significant (4)
 - how? through the reports they do, they show problems with project
 - why? it's their job
- actor? not significant (2)

(d) Your U.S. Senators and Representatives

- actor? significant (5)
 - how? made themselves available whenever we need information about dangers of project
 - why? for the good of North Carolina
- actor? no opinion (1)

(e) Federal Courts

- actor? significant (4)
 - how? unbiased decisions settling disputes
 - why? it's their job
- actor? no opinion (2)

(f) Other Federal Entities

- actor? significant (0)
- actor? not significant (6)

19. What do you perceive as having been the response of these federal "actors" to your City Council's policy on the project? N = 6

- the only response has been from those who agree with our position and it has all been supportive (6)

Section VI: Ideas as to What Should Be Done about the Lake Gaston Project

20. What do you perceive as being an acceptable resolution of the Lake Gaston controversy? N = 6

- Give Virginia Beach the water if they give us an acceptable compensation package (3)
- Virginia Beach must reduce the amount of water they want (1)
- Virginia Beach will probably get the water; but, there are concerns about the precedent it will set (1)
- They should find water closer to home and they should have been better stewards of the water they already have (1)

21. What do you perceive as being the best option for Virginia Beach in its search for a reliable, long-term source of water? N = 6

- desalinization (5)
- they should clean up their own water (1)

TABULAR SUMMARY OF INTERVIEW RESULTS

City Council of Virginia Beach, Virginia

Section I: Personal Background

1. How many years have you been a resident of this city?
N = 9

- 0 to 15 years (1)	- 26 to 35 years (3)
- 16 to 25 years (1)	- over 35 years (4)

2. When were you first elected to City Council and how long have you served? N = 9

- 1994; 2 years (1)	- 1980; 13 years (1)
- 1992; 5 years (1)	- 1978; 14 years (1)
- 1989; 9 years (1)	- 1976; 21 years (1)
- 1986; 10 years (1)	- 1972; 25 years (1)
- 1982; 11 years (1)	

3. What other elected government positions have you held and for how long have you held them? N = 9

- none (9)

4. Of what organizations are you a member? N = 9

Business:	Professional:	Social:
- yes (5)	- yes (5)	- yes (4)
- no (4)	- no (4)	- no (5)

Civic:	Other:
- yes (7)	- no (9)
- no (2)	

5. What is your current occupation? N = 9

- owner of a funeral home (1)
- banker (1)
- part-time consultant for local hospital (1)
- hotel/retail (1)
- farmer (1)
- retired farmer (1)
- homemakers (3)

6. What is the highest level of education you have completed? N = 9

- bachelor of science degree (6)
- master of arts degree (3)

**Section II: Perceptions of the Issues Surrounding the
 Lake Gaston Project**

7. What do you perceive to be the basic issues surrounding the Lake Gaston project? N = 9

- getting water from Lake Gaston (6)
- turf battles with entities not willing to share (3)

8. What is your position on the Lake Gaston project and why do you hold that position? N = 9

- what? to support the project (9)
- why? it's the best water-supply alternative

9. What is your City Council's policy on the Lake Gaston project and why do they have that policy? N = 9

- what? supports the project (9)
- why? it's the best water-supply alternative

10. How do you perceive your role in relationship to the Lake Gaston project? N = 9

- to advance the project to completion (7)
- to explain project-related issues to the public (2)

11. How do you perceive your City Council's role in relationship to the Lake Gaston project? N = 9

- to work as a team in support of the project (9)

Section III: Perceptions of Local Entities and Organizations

12. Which of the following local entities or organizations do you perceive as having exerted an influence upon the formation of your position on the Lake Gaston project and, if they did exert an influence, how and why did they do it? N = 9

(a) Civic Leagues

- influential (3)
 - how? they talk to me about it
 - why? they are concerned about their future
- not influential (6)

(b) Chamber of Commerce

- influential (3)
 - how? supportive reports made available to the public -- appears to be lip service
 - why? good for business
- not influential (6)

(c) Media

- influential (0)
- not influential (9)

(d) Local Businesses

- influential (2)
 - how? they encourage thinking long-term about water
 - why? economic survival ultimately depends upon water supply
- not influential (7)

(e) Your Constituency

- influential (8)
 - how? personal contacts
 - why? concerned about the future of the area if we don't get water
- not influential (1)

(f) Other City Councils

- influential (3)
 - how? they were either for or against the project
 - why? if they benefitted from the project, they were influential; if they did not benefit from the project, they were not influential
- not influential (6)

(g) Other Local Entities

- influential (0)
- not influential (9)

13. What do you perceive as having been their response to your position on the Lake Gaston project? N = 9

- the only response has been from those who agree with my position and it has all been supportive (9)

14. Which of the following local entities or organizations do you perceive as having exerted an influence upon the formation of your City Council's policy on the Lake Gaston project and, if they did exert an influence, how and why did they do it? N = 9

(a) Civic Leagues

- influential (6)
 - how? spoke before council
 - why? concerned about their water supply
- not influential (2)
- do not feel I can comment on what did or did not influence other council members (1)

(b) Chamber of Commerce

- influential (2)
 - how? through written reports on the project
 - why? concerns about the economic development of the city
- not influential (6)
- do not feel I can comment on what did or did not influence other council members (1)

(c) Media

- influential (0)
- not influential (7)
- do not feel I can comment on what did or did not influence other council members (1)

(d) Local Businesses

- influential (3)
 - how? through the Chamber of Commerce
 - why? they believe it to be very important
- not influential (5)
- do not feel I can comment on what did or did not influence other council members (1)

(e) Their Constituency

- influential (8)
 - how? speaking to council members
 - why? concerns about a reliable source of water for the city
- do not feel I can comment on what did or did not influence other council members (1)

(f) Other City Councils

- influential (4)
 - how? they either worked with us or against us
 - why? they were either for or against the project
- not influential (4)
- do not feel I can comment on what did or did not influence other council members (1)

(g) Other Local Entities

- influential (0)
- not influential (9)

15. What do you perceive as having been their response to your City Council's policy on the Lake Gaston project?
N = 9

- the only response has been from those who agree with our position and it has all been supportive (9)

Section IV: Perceptions of State Leaders, Officials, and Organizations

16. Which of the following state leaders, officials, or organizations do you perceive as having been significant "actors" in the Lake Gaston project and, if they were significant "actors," how and why were they?
N = 9

(a) Governor

- actor? significant (8)
 - how? outwardly supportive; but not as proactive as we want
 - why? parts of the state don't want the project to succeed, so he is only so vocal in his support
- actor? not significant (1)

(b) Legislature

- actor? significant (8)
 - how? occasionally passing supportive legislation; but not proactive as a body
 - why? parts of the state do not want the project to succeed so support varies among the delegates
- actor? not significant (1)

(c) State Department of Natural Resources

- actor? significant (0)
- actor? not significant (9)

(d) VA-NC Water Resource Mgmt. Committee

- actor? significant (0)
- actor? not significant (9)

(e) State Courts

- actor? significant (0)
- actor? not significant (9)

(f) Other State Entities

- actor? yes, the attorney general (4)
 - how? he has spoken to the Federal Energy Regulatory Commission and filed court briefs on our behalf
 - why? he understands how important this issue is to our city

17. What do you perceive as having been the response of these state "actors" to your City Council's policy on the project? N = 9

- the only response has been from those who agree with our position and it has all been supportive (9)

Section V: Perceptions of Federal Leaders, Officials, and Organizations

18. Which of the following federal leaders, officials, or organizations do you perceive as having been significant "actors" in the Lake Gaston project and, if they were significant "actors," how and why were they? N = 9

(a) Environmental Protection Agency

- actor? significant (9)
 - how? calling for endless reports and analyses that are redundant
 - why? it's their job; but, they have oftentimes appear to be politically motivated

(b) Federal Energy Regulatory Commission

- actor? significant (9)
 - how? too many permit rulings; they vacillated on their position
 - why? it's their job; but, sometimes negative political pressure was applied

(c) U.S. Army Corps of Engineers

- actor? significant (9)
 - how? through studies and reports that were generally favorable
 - why? such water projects are under their jurisdiction

(d) Your State's U.S. Senators and Representatives

- actor? significant (9)
 - how? helping us whenever they could
 - why? they know how very important this is to us and the region

(e) Federal Courts

- actor? significant (9)
 - how? through their rulings
 - why? they appear to know the correctness of our position

(f) Other Federal Entities

- actor? not significant (9)

19. What do you perceive as having been the response of these federal "actors" to your City Council's policy on the project? N = 9

- ultimately, they have been supportive (9)

Section VI: Ideas as to What Should Be Done about the Lake Gaston Project

20. What do you perceive as being an acceptable resolution of the Lake Gaston controversy? N = 0

21. What do you perceive as being the best option for Virginia Beach in its search for a reliable, long-term source of water? N = 0

APPENDIX E

CHRONOLOGY OF THE LAKE GASTON WATER SUPPLY PROJECT

A CHRONOLOGY OF THE LAKE GASTON WATER SUPPLY PROJECT

1970-1996

1970-1975

The Southeastern Virginia Planning District Commission projects the need for additional water in Southeast Virginia, especially in the cities of Virginia Beach, Chesapeake, and Suffolk.

The Southeastern Water Authority of Virginia is formed and studies water supply alternatives in the Roanoke, Chowan, and James River Basins. It later recommends Lake Gaston as a source of water for Hampton Roads.

North Carolina does not object to the recommendation by the Southeastern Water Authority of Virginia that Lake Gaston be considered as a water source.

The U.S. Congress directs the U.S. Army Corps of Engineers to undertake a water supply study for Hampton Roads.

1976-1977

The Southeastern Water Authority of Virginia becomes the Southeastern Public Service Authority and attempts to implement a Lake Gaston project.

The U.S. Army Corps of Engineers evaluates approximately thirty-six water supply alternatives for Hampton Roads -- including a Lake Gaston option.

North Carolina opposes the expansion of groundwater and Chowan River Basin supplies for Hampton Roads; however, it specifically states that it does not oppose the use of Lake Gaston.

1978

April

North Carolina Governor Jim Hunt and Virginia Governor John N. Dalton sign an agreement that establishes the second Virginia-North Carolina Joint Water Committee -- renaming it the Water Resources Management Committee.

When the original Virginia-North Carolina Joint Water Committee first met, it seriously considered Lake Gaston as a source of water for Southeastern Virginia. The North Carolina contingent said it would not object to Lake Gaston, provided the downstream flow in the Roanoke River Basin was maintained through increased water releases from the Corps of Engineers' Kerr Reservoir upstream from Lake Gaston. Even then, however, there was strong opposition from local governments and river-basin associations from both states, and the committee's proposal fell through.

May

The Corps of Engineers states that Lake Gaston is the best source for the seventy million gallons daily (MGD) that it contends Southeastern Virginia needs.

Virginia's Southeastern Public Service Authority, which represents eight Virginia localities, wants the Corps of Engineers to reconsider the Blackwater-Nottoway complex (a system of reservoirs and impoundments in Virginia on the Blackwater River in Franklin and Zuni, and a pumping station on the Nottoway River) instead of recommending a Lake Gaston plan.

The Mayor of Norfolk, Virginia, who is the Southeastern Virginia Public Service Authority's secretary-treasurer, voices concerns about the Lake Gaston plan.

The Mayor of Suffolk, Virginia, another member of the Southeastern Virginia Public Service Authority, also voices concerns about the Lake Gaston plan.

June

The Board of Supervisors of Brunswick County, Virginia threatens legal action against the Lake Gaston plan.

Virginia's Southside Planning District Commission opposes the selection of the Pea Hill Creek tributary of Lake Gaston as a possible water source for Southeastern Virginia.

North Carolina's Governor Jim Hunt opposes the Pea Hill Creek idea because, although it is in Brunswick County, Virginia, it is part of the Roanoke River Basin, which is in both North Carolina and Virginia. He tells the Corps of Engineers that North Carolina favors the Appomattox River Basin as a water source for Southeastern Virginia. Governor Hunt's stand (which includes a threat of legal action if the Roanoke or Chowan Rivers in North Carolina or the Blackwater River in Virginia is the Corps of Engineer's final choice) against the Roanoke River and Chowan River as water options for Southeastern Virginia virtually eliminates them from consideration by the Corps of Engineers.

July At the first meeting of the Virginia-North Carolina Water Resources Management Committee, Virginia takes its first public stand on the water issue by endorsing Lake Gaston as the best long-range source of water. The committee set up a technical subcommittee to study eleven water source alternatives.

October The Southeastern Virginia Planning District Commission hires a consultant, Durham and Richardson, to study the feasibility of using the Blackwater-Nottoway Rivers as an area water source. It believes that the project can yield forty-three MGD for Southeastern Virginia.

December The City of Virginia Beach announces that it could forestall needing water from Lake Gaston if it built a proposed desalinization plant that would turn brackish well water into potable drinking water. It is estimated that \$50 million cost would cover the city's needs through 2030.

1979

December In a report prepared for Chesapeake, Virginia, Malcolm Pirnie Engineers, Inc., states that Lake Gaston is the most expensive and least feasible of several alternatives that would help make Chesapeake self-sufficient in water by 2000. The firm warns Chesapeake not to participate in the Lake Gaston Project at this time largely because the burden of battling lawsuits from groups opposed to the construction of the pipeline and the expense of the project. Members of the city council indicate that they will keep all of their options open until they make a final decision.

The Corps of Engineers indicated that local governments will have to show a willingness to accept the costs of the project. If they indicate that they don't want it, they do not believe Congress will approve it. A District Engineer says that the Corps' enthusiasm for the project hasn't faltered because it feels it is still the best long-term solution to the water supply problem.

1980

September The Corps of Engineers announces that their plans to present the Lake Gaston proposal to the North Upper Atlantic Command in New York during October 1980 have changed. Their plan now apparently does not conform to new federal standards published in December 1979 by the Federal Water Resource Council. The Corps of Engineers will need three more years to determine if, under the new standards, Lake Gaston still is the best long-term water source for Tidewater. It will have to brush aside six years of studies and re-examine each of about thirty-five possible water solutions for Southeastern Virginia to see which one best complies with the new standards.

The Corps of Engineers is now going to need a new appropriation from Congress to continue the study, which began in 1974 and has already cost the federal government \$400,000. The new study will need the endorsement of local officials or Congress will not give the Corps of Engineers a new appropriation.

The Mayor of Norfolk, Virginia states that he and other officials will seek an exemption to the new requirements of the Federal Water Resource Council on the grounds that they jeopardize national defence, since there are so many military facilities in this area.

1982

November

The City of Virginia Beach formally names Lake Gaston as the solution for its water problems. The city will build an eighty-six mile pipeline to the lake. Water will enter the pipe at a northeastern branch of Pea Hill Creek. It will flow into the Norfolk water system and be treated at existing facilities. The cost is estimated at \$185 million. This action reverses a decision made fourteen months ago to join the five members of the Appomattox River Water Authority and build a lake west of Petersburg. It also casts grave doubt on the Southeastern Public Service Authority's proposal to build a reservoir in the Assamoosick Swamp in Southampton County.

Virginia Governor Charles S. Robb gives his support to the Lake Gaston Water Supply Project. He acknowledges the existence of stern opposition to the project -- such as that from residents of Mecklenburg County, who have organized to fight the plan because they fear it will endanger their own water supplies.

Virginia's Secretary of Commerce and Resources, notes that a state law that would authorize transfer of water from one river basin to another (legislation that some feel is necessary for the building of the pipeline) will be forthcoming from the Virginia Beach delegation when the General Assembly convenes in January.

North Carolina officials offer no immediate opposition to the Virginia Beach proposal. Officials link two water problems in their state to discussion of Southeastern Virginia's water shortage. In exchange for helping Virginia, North Carolina has asked for aid in cleaning up the Chowan River and limiting groundwater withdrawals in the region.

Virginia Beach announces a joint session of the City Councils of Virginia Beach and Chesapeake to enlist other area cities in Virginia Beach's plan to tap Lake Gaston as a water source. They indicates that later in the week Virginia Beach officials will be meeting with members of the

Southeastern Public Service Authority and asking them to participate also.

Chesapeake, Virginia officials are unanimous in their praise for Virginia Beach's decision to draw water from Lake Gaston. The City Manager will study the Virginia Beach plan as well as the financial effects it would have for Chesapeake -- such as whether or not obtaining Lake Gaston water would reduce the operating costs of the City's system that currently processes water from the Northwest River.

Virginia Beach, Virginia formally asks Norfolk and five other localities to participate in the Lake Gaston Water Supply Project at a meeting of the Southeastern Public Service Authority. Virginia Beach wants to maintain a controlling interest in the project. The Virginia Beach Mayor asks that interested localities form a "subgroup" of the Southeastern Public Service Authority. The voting rights of subgroup members would be determined by the amount of money each would spend on the project. Since Virginia Beach would pay the lion's share of the project, it would have the most say in decisions. The subgroup's decisions would simply be ratified by the other members of the Authority's Board of Directors.

Virginia's Southeastern Public Service Authority votes to stop work on the Assamoosick project, which would have created a lake in Southampton County, and votes to help Virginia Beach with its proposed pipeline.

The Mayor of Norfolk, Virginia states that he does not believe that his city will join the proposed subgroup; but, that Norfolk would agree to a contractual arrangement by which its treatment facilities could be used to purify Gaston water.

Officials in Franklin, Virginia state that they might like to acquire one MGD from the project. Franklin gets all its water from wells and has a problem with high fluoride content that is characteristic of groundwater supplies. Although Franklin does not need to expand its supply, the additional water could be used to dilute the fluoride -- a solution that might be cheaper than other treatment processes.

December

The Virginia State Water Control Board passes a resolution to endorse the Lake Gaston Water Supply Project. The Board will have to approve the final Virginia Beach plan before pipeline construction can begin. This is the third time the Board has backed the Lake Gaston plan. In the mid-1970s, a regional water committee, which now is called the Southeastern Public Service Authority, supported Lake Gaston. The Board was ready to endorse the plan at that time but backed off because of its uncertainty over interbasin transfer questions, among other matters. During a subsequent study by the Corps in which it issued a preliminary report supporting the Lake Gaston plan, the Board again was supportive.

North Carolina officials say that Virginia Beach could draw water from Lake Gaston without hurting North Carolina's interests there. The state may support the pipeline, under certain conditions:

1. Virginia Beach's assurances that water levels in the lake and surrounding waterways not be lowered more than a foot,
2. Virginia Beach would help in cleaning up the pollution in the Chowan River. There are concerns about the problem of algae blooms that have caused fish kills in the Chowan River in North Carolina.
3. Virginia Beach agrees to a legally enforceable ceiling on the amount of water it would take from Lake Gaston. The agreement would include both the Chowan River and the Roanoke River.

1983

- January** The Chairman of the Virginia State Water Study Commission states at a meeting in Brunswick County, Virginia that water from Lake Gaston will almost certainly be withdrawn and that the state has the right under existing law to withdraw water from Lake Gaston. He also says that he does not think Brunswick County will receive any revenue from the water transfer.
- February** The City of Norfolk, Virginia agrees to help pay for engineering work on the pipeline. Norfolk's Mayor says that their policy has always been to work with the region in pursuing water and Gaston should be an area-wide water source.
- Chesapeake, Virginia agrees to help pay for engineering work on the pipeline. The city reserves the right to withdraw from the project at any time.
- Franklin, Virginia agrees to help pay for engineering work on the pipeline.
- Portsmouth, Virginia states that since they do not need water from Lake Gaston they would only join if Portsmouth were paid to treat water brought in from the lake.
- Suffolk, Virginia, whose projected water needs are also relatively small, flatly refuses to join in because they believe that opposition to the Lake Gaston plan will eventually kill it.
- Virginia State officials pledge to back whatever water-supply plan Southeastern Virginia localities unite in supporting. The state's approval is critical to any project.
- Virginia's Southeastern Public Service Authority passes a resolution that formally kills the Assamoosick plan and endorses the Lake Gaston project; but, their role in the Gaston project is left undecided.
- May** The Virginia-North Carolina Water Resources Management Committee reports that it plans to negotiate by Fall 1983 a formal agreement that would advance Virginia Beach's proposed pipeline

to Lake Gaston. The Committee has been conducting technical analyses of the Lake Gaston plan for several months. Administrators reported that the project would have negligible effect on water levels in Lake Gaston or Kerr Lake.

North Carolina agrees that Virginia has a legal right to the water in Lake Gaston. Besides the Lake Gaston project, the agreement is expected to address North Carolina's request that Virginia help protect underground water supplies and clean up the Chowan River, which has been plagued with fish-killing algae blooms. North Carolina officials had threatened legal action against previous efforts to draw water from the lake.

July Virginia Beach asks the Army Corps of Engineers for a permit to allow construction of a pipeline that would draw water from Pea Hill Creek in Brunswick County, Virginia and deposit it in a main in Suffolk that is owned by Norfolk.

August The County Board of Supervisors of Mecklenburg County, Virginia has unanimously approved a resolution urging the Army Corps of Engineers to deny a permit to Virginia Beach to build the Lake Gaston pipeline.

The Virginia-North Carolina Water Resources Management Committee says that ground rules, even conditions, could be established for a permit to govern withdrawals from Lake Gaston and minimum lake-flow and water-flow levels in the Roanoke River in North Carolina. Unless the state gets agreements from Virginia officials that it wants, it will go to extreme lengths to oppose use of the Roanoke River Basin as a water source.

Henderson, North Carolina says it does not want to have water taken out of Lake Gaston; but, promises of the maintenance of minimum lake levels would help.

North Carolina U.S. Senator Jesse Helms says that he is in total opposition to the project.

North Carolina U.S. Representative I. T. Valentine says that Virginia Beach should be

required to prepare an environmental impact statement on the project.

North Carolina Governor Jim Hunt says that he is opposed to the project and that Virginia should be required to have a full federal environmental impact statement made for the project.

Madison, North Carolina officials say that Greensboro, North Carolina is waiting for Virginia Beach to be given permission to take water from Lake Gaston so that they can take water from the Mayo River, which borders Madison.

Virginia Governor Charles S. Robb says that Governor Hunt has hampered bistate negotiations with his insistence that a full federal environmental impact statement be prepared before the project goes forward.

September The Virginia State Water Control Board issues a permit to Virginia Beach that will allow the project to proceed.

Isle of Wight County, Virginia expresses a desire to join Virginia Beach in the project.

The Army Corps of Engineers releases a Draft Environmental Assessment which indicates that the Lake Gaston pipeline will not have any significant impacts on the environment.

October Virginia's representative to the Virginia-North Carolina Water Resources Management Committee says that, since North Carolina Governor Jim Hunt has taken a firm stand against the project, there is no need to continue further negotiations.

The Army Corps of Engineers announces that it is moving to placate some of North Carolina Governor Hunt's concerns. At Hunt's request, the Corps will hold two public hearings on the project.

North Carolina Governor Jim Hunt writes a memo to his state's Attorney General stating that if the Army Corps of Engineers issues a permit authorizing Virginia Beach to build the pipeline a lawsuit is to be filed.

The Army Corps of Engineers stops short of issuing a crucial permit that would allow the project to proceed although they do present a finding of "no significant impact on the quality of the human environment" relative to the project. If opponents uncover some environmental problem caused by the proposed pipeline, the Corps would require Virginia Beach to compile additional environmental data on the project.

November

Isle of Wight County, Virginia endorses Virginia Beach's proposed Lake Gaston project. The County will take Virginia Beach up on its offer to give it one million of its sixty MGD if needed.

North Carolina U.S. Senator Jesse Helms joins with North Carolina Governor Jim Hunt in opposing the Lake Gaston water withdrawal.

North Carolina U.S. Representative I. T. Valentine, whose Second Congressional District includes most of the shoreline of Lake Gaston and Kerr Lake, and North Carolina U.S. Senator John East say that the Army Corps of Engineers needs to go back and do a thorough environmental impact statement on the project.

Virginia Senators John W. Warner and Paul S. Trible vow to oppose any delay in the project.

Virginia State Senator A. Joe Canada Jr., a Virginia Beach Republican, says that he will continue to press the Army Corps of Engineers to proceed as rapidly as possible to approve the project.

Lawrenceville, Virginia officials state their opposition to the Gaston project because it will hurt their local economy.

Currituck County, North Carolina officials say that they would like to discuss possible future sharing of Lake Gaston water with Virginia Beach if they could determine how to do it without stepping on a political land mine. Currituck voters will decide in a January 24 referendum whether they will approve a bond issue that would complete funding for a water system. If the voters turn down the proposal, it is not likely the County will get another chance soon to build a water system. Currituck received

nearly \$4 million in grants for the water system in the last year, but the gift money is contingent on voter approval of a FmHA loan to complete the project. North Carolina U.S. Representative Walter Jones played a major role in winning Farmers Home Administration approval for the planned water system. Jones strongly opposes the pipeline.

December

The Army Corps of Engineers signs a Final Environmental Assessment which declares that the pipeline will have no significant impact on the quality of the environment. Under procedure used by the Corps, such a statement -- called a finding of no significant impact (FONSI) -- must be circulated for thirty days before a project can be given final approval.

North Carolina Governor Hunt indicates that he is disappointed with the Corps' decision and will consult with the State Attorney General regarding legal action. The Hunt administration had indicated a willingness to compromise with Virginia Beach on the project earlier this year but backed off when Sen. Jesse Helms, R-North Carolina, came out against it. Hunt, a Democrat, hopes to unseat Helms, a Republican, in the state's Senate election next year.

1984

January

North Carolina U.S. Representative I. T. Valentine announces that the House Public Works Subcommittee on Water Resources will conduct hearings in February on a bill to block the pipeline unless a full environmental impact statement is issued.

North Carolina U.S. Representative Walter Jones, Chairman of the House Merchant Marine and Fisheries Committee, sends a letter to the Army Corps of Engineers urging them not to approve the pipeline without a prior environmental impact study.

North Carolina Governor Jim Hunt sends a letter to the Army Corps of Engineers objecting to the Lake Gaston project. Under the Federal Coastal Management Act, no federal actions may be taken that are inconsistent with provisions of a state coastal management statute. He asks the Corps to determine whether the present policy in the Lake Gaston controversy violated the "Consistency provision" of the Coastal Zone Management Act. He bases his request on what he sees to be evidence that proposed withdrawal of water and other uses of water in the Roanoke River would have significant water quality impact on the lower reaches of the Roanoke River and in Albemarle Sound within the areas covered by the Coastal Zone Management Act.

The Army Corps of Engineers grants a permit to the City of Virginia Beach to proceed with construction of the project. Virginia Beach cannot take water from the lake until it closes a contract with the Corps' District Office in Wilmington. The contract will allow the city to buy storage space in the John H. Kerr Reservoir, west of Lake Gaston. In effect, the signing of the contract would make Virginia Beach a part-owner of the reservoir along with the Corps and Virginia Electric and Power Company. Virginia Beach would spend \$3.9 million to buy 0.5 percent of the flood-storage space behind the Kerr Reservoir. This flood-storage space -- one foot deep spread across 10,200 acres -- is enough to supply up to sixty MGD. The use of the Kerr Reservoir is essential to the project.

Immediately after it receives the permit from the Corps, Virginia Beach files class-action suits against North Carolina Gov. James B. Hunt Jr., the Roanoke River Basin Association, and two corporations with water rights to the Roanoke River -- Weyerhaeuser Co. and Champion International Corp. One of the suits, filed in U.S. District Court, asks the Court to declare that the Corps was not required by law to prepare an environmental impact statement on the project. The second suit seeks a declaration that landowners along the Roanoke River have no right to the use of the water diverted by the project.

North Carolina sues the Army Corps of Engineers to block a permit for construction of the project. The suit contends that the Corps acted "arbitrarily and capriciously" in determining that the project would not harm the environment. It asks the U.S. District Court in Raleigh to declare the permit null and void and to revoke it. The suit says also that the Corps failed to consider alternatives to the project, violated the Federal Water Supply Act and inadequately assessed the project's effect on water quality in North Carolina. It contends that the Corps unlawfully failed to give reasonable consideration to alternatives that would have less impact on the environment as required by the Clean Water Act and the National Environmental Policy Act.

The U.S. Army Corps of Engineers says that it is prepared to issue a finding that drawing water from the John H. Kerr Reservoir west of Lake Gaston would be environmentally safe.

February

Virginia Beach, Virginia ratifies a contract with the Corps. The City agrees to pay the federal government \$2,275,685 for rights to flood storage space a foot deep spread across 10,200 acres of the 2.2 million acre reservoir. As water is drawn from Lake Gaston at the Pea Hill Creek pipeline intake, the contract calls for an equivalent amount to be let through the Kerr Dam to replenish the lake.

The Governors of North Carolina and Virginia as well as a platoon of Congressmen testify at a House Water Resources Subcommittee hearing on a bill designed to block construction of the Lake

Gaston project. The legislation, introduced in November, sought to prevent the Corps of Engineers from awarding a pipeline construction permit until it performed a detailed assessment of the project's environmental impact. But the Corps, after reviewing data supplied by Virginia Beach and concluding that the project was environmentally safe, issued the permit January 9, 1984 -- a move the project's proponents say rendered the bill moot.

U.S. Representative Walter B. Jones of North Carolina introduces the bill about Lake Gaston to the House Water Resources Committee. Since the Corps has issued the construction permit to Virginia Beach, the bill would need to be amended by a member of the Public Works and Transportation Committee. Rep. I. T. Valentine of North Carolina, a member of the Public Works and Transportation Committee, sat at the subcommittee table during the hearing. Both Valentine and Jones are facing democratic primary fights.

July

U.S. District Court Judge John A. MacKenzie notifies Virginia Beach officials of his decision to suspend their class-action lawsuit against owners of water rights along the Roanoke River until it is decided whether the permit to build the Lake Gaston project is legal. Judge MacKenzie says that the question of who has a right to the water in the river would be academic if Virginia Beach's permit to build the project was ruled invalid. The legality of the construction permit revolves around the question of whether the Corps was first required to prepare a detailed study of the project's environmental impact. Using data compiled by Virginia Beach, the Corps decided there was no adverse environmental impact and no need for such a study.

September

The U.S. Army Corps of Engineers has rejected a House of Representatives Committee Directive to perform an environmental study on the Lake Gaston project. The Corps said the House Appropriations Committee's call for further environmental study does not supersede laws giving the Corps power to decide that such a study is unnecessary. In a letter to several congressional project proponents, the Corps Acting Chief Counsel, says it would take action

by the full Congress and President Reagan to prompt an environmental study.

The House Appropriations Committee calls for the Corps to perform an environmental study on the Lake Gaston project. Although the Directive is not binding on the Corps, Rep. I. T. Valentine and his allies warn that the Corps risks funding cuts if they ignore it.

December

The U.S. Army Corps of Engineers releases the final Water Supply Study and Environmental Impact Statement for Hampton Roads, Virginia. The study determines that the Lake Gaston Project will not have any significant impact and is the most environmentally acceptable alternative of all the alternatives studied.

1987

September The County Planning Commission of Isle of Wight County, Virginia votes against allowing an eleven-mile stretch of pipe to bisect the county and cross the area's prime agricultural lands. The vote goes to the Board of Supervisors, which must either accept or reject the recommendation. Virginia Beach will have to return to the County for a conditional use permit approval before construction begins.

The county Planning Commissioners in Sussex County, Virginia votes unanimously in favor of allowing the pipeline to cross a 10.5 mile section of rural Sussex County along the abandoned Norfolk and Western railroad. Final action is expected in October when the Board of Supervisors meets. Because Sussex does not have zoning laws, the Supervisors' approval will conclude the process.

Southampton County, Virginia grants local consent for the Lake Gaston pipeline.

December Jarratt, Virginia grants local consent for the Lake Gaston pipeline.

Isle of Wight County, Virginia grants local consent for the Lake Gaston pipeline.

1988

June U.S. District Court Judge W. Earl Britt asks the Army Corps of Engineers to assess the pipeline's effect on the striped bass spawning season and to determine the extent of Virginia Beach's water needs.

The U.S. Army Corps of Engineers issues a Supplemental Assessment of the Lake Gaston pipeline that found that the project would not hurt striped bass.

July Greensville County, Virginia grants local consent for the Lake Gaston Water Supply Project.

August The U.S. Division of Marine Fisheries strongly objects to the Lake Gaston project. They have contacted the Army Corps of Engineers and called for a full environmental impact statement to assess the effects of the proposed withdrawal, particularly upon striped bass.

The U.S. Fish and Wildlife Service submits statements to the Army Corps of Engineers in support of a formal environmental impact statement for the Lake Gaston project, particularly upon striped bass and upon wildlife that is sensitive to river flows. The Service is so concerned that if an environmental impact statement is not executed, it reserves the right to refer the matter to the Council on Environmental Quality. That Council looks at disagreements that arise between federal agencies over projects that affect the environment.

The National Marine Fisheries Service sends a letter to the Army Corps of Engineers requesting a formal environmental impact statement for the Lake Gaston project, particularly upon striped bass.

The Army Corps of Engineers says it will evaluate these comments before making a final recommendation and delivering all the additional data to the U.S. District Court.

- September** A bill is pending in Congress which was written by Representative Walter B. Jones, D-North Carolina. It would require federal agencies to exercise caution in allowing water withdrawals from the basin while a full environmental impact study is in progress. That would presumably apply to the Corps and the Lake Gaston project. Jones is Chairman of the Merchant Marine and Fisheries Committee. This bill has passed the House of Representatives. Jones wants the federal government to study the issue further. His bill claims that even small changes in the condition of the Roanoke River could have major consequences for survival of striped bass. A different version that does not contain language ordering a study in the Roanoke River basin is pending in the Senate Committee on Environment and Public Works. Sen. Warner of Virginia is working with the Committee to see if it can be modified so it won't affect the Lake Gaston project.
- October** The bill, known as the Atlantic Striped Bass Conservation Act, passes both the House and the Senate. Part of the bill authorizes a three-year federal study of striped bass in the Albemarle Sound-Roanoke River Basin; but it does not indicate that there can be no water withdrawals from the basin while the study is in progress. This language presumably exempts the Gaston project from being stopped by the bill.
- December** After seventeen months of study, the Army Corps of Engineers issues a Supplemental Environmental Assessment that states that the pipeline will not affect striped bass in the Roanoke River and that Virginia Beach has proved its need to withdraw sixty MGD. The study had been ordered by U.S. District Judge W. Earl Britt in June 1988.
- Mecklenburg County, Virginia sues Virginia Beach, claiming that the city must get county approval before it uses water from Lake Kerr, a reservoir next to Lake Gaston.
- Virginia Beach officials claim that Lake Kerr, which is partly in Mecklenburg County, is owned and controlled by the Corps and that therefore County approval is not necessary.

1989

February Brunswick County, Virginia refuses to approve an intake vent for the pipeline that would have been located within the county. The County then adopted a resolution asking the Governor and Legislature to stay out of the dispute.

A bill proposed by State Senator Clarence Holland which says that the pipeline does not have to comply with Brunswick County's master plan passed. But, Senator Richard Holland softened the Virginia Beach victory by tacking on amendments that set an effective date of Feb. 1, 1990. By state law, Brunswick must give the project "local consent." If the Supervisors vote no, Virginia Beach can now appeal to a special three-judge panel appointed by the Chief Justice of the State Supreme Court. Virginia Beach officials consider this an improvement over the current legally mandated appeal process which could take years.

March The Virginia Beach City Council authorizes a lawsuit to be filed against Brunswick County to clear a path through the County for the Lake Gaston pipeline. On January 30, 1989, the Brunswick County Board of Supervisors rejected the pipeline as inconsistent with the County's Comprehensive Plan. The City had 30 days to appeal that decision in Brunswick Circuit Court.

April A Judge in Brunswick County, Robert G. O'Hara Jr., rules that Virginia Beach can condemn property for the pipeline even though the project is stalled in federal Court. Virginia law permits one locality to condemn land in another locality for a waterworks project.

August Brunswick County, Virginia drops its objection to the Lake Gaston pipeline in exchange for the following:

1. Virginia Beach will pay \$3.5 million to the County in compensation for impacts associated with pipeline construction and for lost County tax revenues from the 9.4 acres Virginia Beach is buying on the lake.

2. Virginia Beach will pay Brunswick \$1.675 million if the City ever seeks permission to take more than sixty MGD from the lake.

3. Virginia Beach will not condemn property in Brunswick without the County's consent.

4. Virginia Beach will not interfere with recreational uses of Lake Gaston.

The county agrees to drop all opposition to the pipeline, to withdraw from a federal lawsuit in North Carolina, and to grant the project "local consent" within forty-five days.

1990

February

U.S. District Court Judge W. Earl Britt rules that the Army Corps of Engineers has complied with federal regulations requiring it to determine whether the environmental consequences would prohibit the proposed withdrawal of water from Lake Gaston. Agreeing with the Corps, Britt says the city's plan to augment the river's supply during droughts by releasing water from another storage lake, Kerr, along the river eliminates the loss of any days of spawning flows for striped bass. Britt also upholds the Corps' determination that the proposed withdrawal of sixty MGD would be needed by Virginia Beach by the year 2030.

North Carolina asks U.S. District Judge W. Earl Britt to reconsider his February 2 ruling in light of two federal conservation agencies' concerns about environmental threats posed by the planned pipeline. In its motion and supporting documents, the state contends that Britt based his ruling, in part, on a U.S. Justice Department memorandum that incorrectly softened positions that the U.S. Fish and Wildlife Service and the National Oceanic and Atmospheric Administration took on the proposed pipeline.

The U.S. Fish and Wildlife Service sends a letter to the court which says that the pipeline should not be built until the Corps conducts a detailed study of how the proposed daily withdrawal of sixty MGD would affect spawning striped bass in the Roanoke River. The Service also says that the Corps failed to consider the cumulative impacts on striped bass of other existing and potential withdrawals of water from the river for industrial and agricultural users along the North Carolina border before issuing Virginia Beach the permit to build the pipeline in January 1984.

The National Marine Fisheries Service sends a letter to the court which says that the pipeline should not be built until the Corps conducts a detailed study of how the proposed daily withdrawal of sixty MGD would affect spawning striped bass in the Roanoke River. The Service

also says that the Corps failed to consider the cumulative impacts on striped bass on other existing and potential withdrawals of water from the river for industrial and agricultural users along the North Carolina border before issuing Virginia Beach the permit to build the pipeline in January 1984.

- March** U.S. District Court Judge W. Earl Britt refuses to reconsider his decision that gave Virginia Beach the right to proceed with construction of the Lake Gaston pipeline.
- April** North Carolina files notices in the Fourth U.S. Circuit Court of Appeals in Richmond to overturn Judge W. Earl Britt's opinion that cleared the way for Virginia Beach to build the Lake Gaston pipeline.
- October** U.S. Representative Tim Valentine, D-North Carolina, proposes an amendment to the Water Project Authorization Act of 1990 to suspend action on the Lake Gaston project until results are known from a three-year study on effects on striped bass. The amendment passes the House of Representatives in September over the objection of Rep. Owen Pickett, D-Virginia. The amended bill is being considered by a House-Senate Conference Committee, and a final bill is expected before Congress adjourns.
- A Congressional House-Senate Conference Committee tones down an amendment by Rep. Tim Valentine, D-North Carolina, that would have forced Virginia Beach to delay construction of the pipeline. The revised version of Valentine's amendment still calls on the Corps to review Virginia Beach's permit once the bass study is finished, but it allows construction to proceed. The compromise language passed both houses before Congress adjourned. Sen. John W. Warner, R-Virginia and Rep Owen B. Pickett, D-Virginia, who spearheaded the drive to defeat Valentine's original amendment, said the new version merely codifies procedures already in place for monitoring the pipeline's environmental effects. The new language enables the construction to go forward as planned.
- December** North Carolina's Attorney General asks for an injunction to keep Virginia Beach from starting work on the Lake Gaston pipeline. It contends

that Virginia Beach cannot build a pumping station or draw water until it gets permission from the Federal Energy Regulatory Commission.

U.S. District Court Judge W. Earl Britt bars Virginia Beach from starting construction on the pipeline, saying the city must first get a federal permit that could take up to two years to obtain. He concludes that allowing the city to proceed might unfairly influence the Federal Energy Regulatory Commission, which regulates the use of the lake and must decide whether the city can draw water. Britt also holds that letting Virginia Beach move forward without clearance from the Commission could cause irreversible environmental damage.

Virginia Beach, Virginia files a motion in U.S. District Court in Raleigh asking it to reconsider its ban on construction of the pipeline.

1991

- January** U.S. District Court Judge W. Earl Britt responds to Virginia Beach's motion by stating that he sees no reason to loosen his injunction.
- March** North Carolina petitions the National Oceanic and Atmospheric Administration for permission to review the Federal Energy Regulatory Commission's approval of the Lake Gaston pipeline pursuant to the Coastal Zone Management Act.
- April** The City of Virginia Beach asks the U.S. Circuit Court of Appeals in Richmond to overturn an order blocking construction of the Lake Gaston pipeline. The explain to the three-judge panel of the Fourth U.S. Circuit Court of Appeals that Virginia Beach needs to start building the pipeline immediately to avoid water shortages that would result if a drought were to strike. North Carolina argues that no work should be done until Virginia Beach has approval from the Federal Energy Regulatory Commission, saying permission to start work might unfairly influence the Commission's decision.
- May** The U.S. Department of Commerce says that federal regulators cannot approve the pipeline if North Carolina environmental officials demonstrate that it would interfere with plans to preserve coastal regions. The North Carolina Department of Environment, Health and Natural Resources is given six months to determine whether the pipeline will disrupt its management plan for coastal areas downstream from the lake. If the Department can cite a specific section of its environmental plan that precludes withdrawing water from Lake Gaston, the Federal Energy Regulatory Commission must reject the pipeline. Virginia Beach can then appeal to the Secretary of Commerce, who can overturn the decision for a variety of reasons, including national security. This may eventually help Virginia Beach because of the presence of military bases in South Hampton Roads.
- July** Virginia Beach files a lawsuit against North Carolina, claiming that the North Carolina General Assembly violated the Constitution when

it passed a law limiting the withdrawal of water from certain bodies of water. The statute covers the withdrawal of water at any point, including from another state, and gives North Carolina the power to ask the courts to enforce the law and levy fines.

North Carolina's General Assembly revises a newly passed law that bans the withdrawal of water under certain conditions from North Carolina rivers and reservoirs. Included in the ban are withdrawals from points outside North Carolina. In addition, the statute would have allowed the Courts to block or penalize violators. Both provisions are removed.

Virginia Beach considers dropping its suit at the request of North Carolina.

September North Carolina: The State's Division of Coast Management determined that water taken from Lake Gaston would diminish the natural southerly flow of the lake into the Roanoke River and coastal areas near Albemarle Sound. Endorsement by the Division of Coast Management is necessary before the Federal Energy Regulatory Commission approves the project. Lake Gaston is operated as a hydroelectric project by Virginia Power. The Federal Energy Regulatory Commission must give its approval before drinking water can be withdrawn from the lake.

Virginia Beach agrees to allow Suffolk to tap into the Lake Gaston pipeline if Franklin or Isle of Wight County drop out of the venture. The agreement would continue to allow Virginia Beach to pump water from two Suffolk wells in the event of a water shortage. The city would give its approval for Suffolk to purchase up to ten MGD from Norfolk.

November North Carolina petitions the U.S. Supreme Court to hear an appeal of the Army Corps of Engineer's permit litigation.

December The U.S. Fourth Circuit Court of Appeals gives Virginia Beach permission to start building parts of the Lake Gaston pipeline, ending a lower court's yearlong ban on construction. The injunction imposed by U.S. District Judge Earl W. Britt stated that the Federal Energy Regulatory Commission must first rule on whether

the City can draw water from the lake. Letting construction proceed, Britt ruled, would unfairly influence the Commission.

North Carolina asks the U.S. Circuit Court of Appeals to review a ruling that allowed Virginia Beach to start building parts of the Lake Gaston pipeline.

1992

January

A bill passes the Virginia State Senate that endorses earmarking sixty MGD of the state's water for Virginia Beach's proposed pipeline. The bill will help prevent the pipeline from getting caught in further legal snags.

The Federal Energy Regulatory Agency notifies Virginia Beach and Virginia Power that further action on the application for Agency approval is suspended pending resolution of the Coastal Zone Management Act issue.

February

A bill that would have given state support to the pipeline is defeated in the Virginia House of Delegates.

The U.S. Fourth Circuit Court of Appeals decides not to reconsider its recent ruling allowing Virginia Beach to start work on parts of the Lake Gaston pipeline. As a result, Virginia Beach hopes to break ground for small portions of the pipeline this spring, gambling that the pipeline will eventually clear a string of legal and regulatory hurdles that remain.

The U.S. Supreme Court, without comment, declines to hear an appeal of a ruling issued July 1991 by the Fourth Circuit Court of Appeals in Richmond. That decision said that the Corps acted properly when it gave Virginia Beach a permit for the pipeline without first issuing an environmental impact statement. North Carolina had argued that the environmental study was needed because the pipeline could threaten striped bass spawning grounds. They also said the pipeline would divert water needed in the future by North Carolina communities close to the basin.

March

Martin County, North Carolina, one of five north-eastern North Carolina counties that borders the Roanoke River from the Virginia state line to the river's mouth at Albemarle Sound, announces that they oppose the pipeline.

Virginia's Governor L. Douglas Wilder sends a letter to the U.S. Secretary of Commerce asking for quick approval of the pipeline.

June U.S. Senator Terry Sanford, D-North Carolina, asks U.S. Commerce Secretary Barbara Franklin to schedule another public hearing on the Lake Gaston pipeline in North Carolina.

North Carolina's Agriculture Commissioner writes to Barbara Franklin arguing that the pipeline would threaten the Roanoke River irrigation sources used by North Carolina farmers.

The North Carolina Striped Bass Study is released recommending a moratorium on new water withdrawals from the Roanoke River Basin.

July A letter is sent to the U.S. Secretary of Commerce by six members of the Virginia congressional delegation saying that another public hearing on the pipeline is unnecessary. The letter is in response to a request by Sen. Terry Sanford, D-North Carolina, who suggested that the Department of Commerce hold a public hearing at a site convenient for North Carolinians and Southside Virginians who oppose the pipeline.

December U.S. Department of Commerce rules for Virginia Beach and rejects North Carolina's plea to consider how the project could harm its coastal environment.

The U.S. Army Corps of Engineers states that a federal study that asserted the Lake Gaston pipeline would threaten striped bass is insupportable. The study had been done by the U.S. Department of the Interior.

1993

- February** North Carolina asks the Secretary of Commerce to reverse the December 1992 decision of the previous Secretary that was supportive of the Lake Gaston pipeline.
- April** The U.S. Department of Commerce Secretary, Ronald H. Brown, asks the Justice Department to review the legal opinions that were the basis of the Commerce Department's decision last December. The Justice Department has supported Virginia Beach's position that the Coastal Zone Management Act cannot be used in this manner.
- June** The U.S. Department of Justice reaffirms its position that the Coastal Zone Management Act does not provide for the inter-state review of projects.
- July** The Federal Energy Regulatory Commission mails out a Draft Report whose summary conclusions largely dismiss the pipeline's impact on the environment. The Commission will now set a thirty-day period for comments from all organizations with an interest in the project.
- Virginia Beach signs a long-term water services contract with Norfolk for treating and transporting Lake Gaston water.
- September** North Carolina files a law suit against the U.S. Department of Commerce saying that North Carolina should be given further opportunity to show that withdrawing water from the lake would damage the area -- economically and environmentally. The North Carolina Attorney General insists that the Coastal Zone Management Act should apply to the pipeline, even though the pipeline is in Virginia, because its impact will be felt over the border.
- U.S. Department of Commerce rules North Carolina doesn't have the right to contest the project under the Coastal Zone Management Act because none of the pipeline would actually be in North Carolina.
- U.S. Department of Justice officials rule that North Carolina doesn't have the right to contest

the project under the Coastal Zone Management Act because none of the pipeline would actually be in North Carolina.

The Virginia State Supreme Court rules that Virginia Beach does not need the consent of Halifax and Mecklenburg Counties before building the pipeline. The court unanimously over-turned a decision by Mecklenburg County Circuit Judge Charles L. McCormick II. He said last year that the city needed the counties' permission because it plans to store water in Kerr Reservoir, which is located in both counties; however, the pipeline would not be located in either county.

The Environmental Protection Agency recommends that the Federal Energy Regulatory Commission take another look at the environmental assessment it made, which states that the pipeline would have no significant environmental impact.

The U.S. Fish and Wildlife Service also recommends that the Federal Energy Regulatory Commission take another look at the environmental assessment it made relative to the project.

October

The Environmental Protection Agency orders the Federal Energy Regulatory Commission to prepare a new assessment of the proposed pipeline two months after the Commission released its first one.

The Richmond Circuit Court dismisses a lawsuit brought by Mecklenburg and Halifax County Boards of Supervisors which claims that a 1992 law allocating sixty MGD from Lake Gaston to Virginia Beach violates the Virginia Constitution.

December

The U.S. Department of Commerce rules that North Carolina can fight the pipeline based on federal laws designed to protect its coastline.

The U.S. Department of Justice hands the Gaston issue over to the Commerce Department and withdraws its longstanding opinion that the environmental laws could not be used to fight the pipeline.

The U.S. Department of Justice contends that the Bush Administration acted prematurely in 1992 in settling the dispute between North Carolina and Virginia on the scope of the Coastal Zone Management Act. The Clinton Administration is seeking broader regulatory powers for agencies enforcing environmental laws. The Justice Department usually takes no position officially until an Agency -- in this case the National Oceanic and Atmospheric Administration -- acts and that action is challenged in court. By acting in 1992 before the National Oceanic and Atmospheric Administration had reviewed the law, the Justice Department may have acted prematurely.

National Oceanic and Atmospheric Administration, the arm of the Commerce Department that administers the Coastal Zone Management Act says the Act allows it to review the Lake Gaston pipeline to consider its effect on North Carolina's coastal plan.

Virginia Beach files a lawsuit in U.S. District Court seeking to get a ruling that states that the U.S. Department of Justice doesn't have any right to make a review of the project -- thus invalidating any conclusion that the Justice Department might reach. The lawsuit attacks a central question in the Lake Gaston battle: Does the Coastal Zone Management Act allow one state to object to projects wholly located in another state?

1994

- February** Virginia's Attorney General James S. Gilmore III files a "friend-of-the-court" brief in U.S. District Court in Norfolk in support of Virginia Beach in a suit it filed against North Carolina and the U.S. Department of Commerce.
- May** The Environmental Protection Agency requests that the Federal Energy Regulatory Commission conduct an in-depth environmental impact statement of the project -- which could take up to two years. The Federal Energy Regulatory Commission is not bound by the Environmental Protection Agency request. The Commission, which comes under the U.S. Commerce Department, controls the permit allowing Virginia Beach to build a water intake valve in the lake.
- The U.S. Department of Commerce sweeps aside North Carolina's contention that its coast will be harmed by allowing Virginia Beach to withdraw up to sixty MGD from Lake Gaston.
- June** The Federal Energy Regulatory Commission Chairwoman, Elizabeth Moler, determines that her Commission must prepare an in-depth Environmental Impact Statement before it can make a decision on whether or not to grant Virginia Beach a permit.
- July** Virginia Beach City Council files a suit in the Fourth U.S. Circuit Court of Appeals in Richmond against the Federal Energy Regulatory Commission to get them to decide on the pipeline permit by August 25, 1994. The request is based on a federal statute that requires Agencies to take action within a reasonable time period.
- Virginia and North Carolina lawmakers meet with the goal of getting officials in both states to start a calm, cross-border conversation on major problems.
- North Carolina files a lawsuit challenging Commerce Secretary Ron Brown's decision in favor of the pipeline project.
- Virginia Beach takes the unusual step of bypassing the Federal Energy Regulatory

Commission and asking the State Corporation Commission to condemn the land it needs for the pipeline. At its core, the case is a fight for primacy between state and federal governments' water-rights. The case raises the question: Who has ultimate control over the public's use of a hydroelectric project? The entire lake bed and shoreline is owned by Virginia Power; but the utility is regulated by the Federal Energy Regulatory Commission which must approve any changes in Virginia Power's operation. The Commission gets its authority to regulate hydroelectric projects from the Federal Power Act.

August The Federal Energy Regulatory Commission states that it will not reconsider their decision to require an Environmental Impact Statement of the Lake Gaston pipeline.

November The Virginia State Corporation Commission grants Virginia Beach permission to condemn property rights in Lake Gaston under state law, theoretically eliminating the need for Federal Energy Regulatory Commission approval for the pipeline to begin.

1995

January

The Federal Energy Regulatory Commission releases a Draft Environmental Impact Statement that is a strong indication of how it will rule this summer. It says that Virginia Beach needs the water that would be provided by the pipeline, that alternatives advanced by opponents were either less efficient or beyond the scope of current technology, and that the project would do little damage to the environment.

Virginia Beach lawyers argue in the Federal Appeals Court for the Eastern District of North Carolina before Judge W. Earl Britt asking him to modify his injunction to allow construction of the pipeline if the City can obtain property rights to the intake point along the lake front. They contend that if they are able to obtain the land through condemnation, a process that was allowed late last year by the Virginia State Corporation Commission, then they should not need the Federal Energy Regulatory Commission's permission to build the pipeline.

March

A federal mediator becomes involved in the Gaston issue after North Carolina challenged a Gaston decision made by the U.S. Secretary of Commerce. Both sides joined the mediation voluntarily, but they will be legally bound by any agreement they reach.

The U.S. Department of the Interior, which once supported the Lake Gaston project, in a letter to the Federal Energy Regulatory Commission outlines its concerns with the project and recommends that it be studied further before construction is allowed to begin.

U.S. District Court Judge W. Earl Britt denies Virginia Beach's request to circumvent the Federal Energy Regulatory Commission.

April

A federal mediator releases a proposed compromise on the Lake Gaston pipeline. The agreement, based on negotiations between Virginia Beach and officials from North Carolina, must be approved by several federal

agencies and ratified by both State Legislatures and Governors.

May

Four Southside Virginia lawmakers call the Lake Gaston mediation process reckless and unfair largely because they were shut out of negotiations.

Norfolk, Virginia officials are miffed the Beach didn't adequately consult them during the federal mediations process over the pipeline.

Virginia Governor George F. Allen says he will not call the Virginia General Assembly into Special Session to ratify the agreement unless he is confident the legislators will support the Gaston settlement. Because of the power of Norfolk legislators and the strong opposition of representatives from the Southside, the agreement will almost certainly die without votes from Norfolk's delegation.

Danville, Virginia, located in the Roanoke River Basin that includes the lake, asks a Federal District Court to make them parties to the lawsuit that led to the settlement.

Clarksville, Virginia, located in the Roanoke River Basin that includes the lake, asks a Federal District Court to make them parties to the lawsuit that led to the settlement.

June

Virginia Governor George F. Allen says a proposed agreement on the Lake Gaston pipeline doesn't offer Roanoke River basin residents enough protection.

Virginia Governor George F. Allen says he is ready to call the Legislature into Special Session but only if Democrats agree to his terms for limiting the session to three days and the pipeline issue.

Chesapeake, Virginia's City Council unanimously approves the Lake Gaston settlement reached between Virginia Beach, Norfolk and North Carolina.

Norfolk, Virginia's City Council unanimously approves the agreement.

July

The first attempt at a settlement, reached April 28, 1995 after more than four months of mediation, is throw out by a Virginia Legislative Committee as unfair to Norfolk and Southside Virginia.

North Carolina Governor James B. Hunt Jr. ends negotiations by saying that he could not agree to a settlement that allowed construction of the pipeline without guarantees from Virginia's Legislature that the water withdrawals would be limited.

The Federal Energy Regulatory Commission releases a study that concluded the pipeline is the most economical and least damaging way for southeastern Virginia to get more drinking water.

North Carolina attorneys file a motion with the Federal Energy Regulatory Commission, the last federal agency that must review the pipeline. Their goal is to get the Commission to call a hearing before passing final judgment on the pipeline to make Virginia Beach officials swear on the stand about their actual water needs.

U.S. District Court Judge Thomas F. Hogen temporarily overturns a decision by U.S. Commerce Secretary Ronald H. Brown that had favored building the pipeline. He issues a stay of Brown's decision after determining that Virginia Beach would be harmed less by a delay than North Carolina would be should the pipeline be constructed.

Federal Energy Regulatory Commission gives Virginia Beach and Chesapeake permission to take as much as sixty MGD from Lake Gaston; however, the Commission said its permit would not take effect until after a federal judge in Washington, D.C., lifts a stay that he imposed on another Gaston-related case. The Commission also dismisses North Carolina's argument that South Hampton Roads does not really need Lake Gaston water and denied Carolina's motions for a hearing on the matter and for further delays.

August

North Carolina files a request with the Federal Energy Regulatory Commission asking that the permit it granted to Virginia Beach for the

building of the Lake Gaston pipeline be revoked or modified.

September The Federal Energy Regulatory Commission decides that North Carolina had failed to unearth new evidence or arguments that would cause the Commissioners to reconsider their approval of the project issued in July 1995.

U.S. District Court Judge Thomas F. Hogen releases an opinion that set off a chain of events clearing the way for construction of the pipeline. His pro-Virginia Beach ruling automatically ends a stay he had imposed on the project. That validated the pipeline permit granted by the Federal Energy Regulatory Commission, and the permit dissolved an injunction that has blocked pipeline construction for the past four years.

November North Carolina's two U.S. Senators introduce legislation that would give their Governor the power to block the proposed Lake Gaston pipeline.

A group of Southside Virginia legislators files suit against the City of Virginia Beach, hoping to derail the pipeline. The suit filed in Mecklenburg County Circuit Court alleges that the General Assembly violated the State Constitution in 1992 by giving the City permission to tap Lake Gaston.

December Isle of Wight County, Virginia's Planning Commission recommends that the Board of Supervisors turn down a request from Virginia Beach to store up to sixty MGD of Lake Gaston water in the county.

Jarratt, Virginia's Town Council approves a zoning permit for a one mile portion of the proposed Lake Gaston pipeline.

1996

- January** A group of about twenty legislators from Southside Virginia is hoping to get legislation passed that would prohibit cities with more than 350,000 residents from taking water from sources outside their primary basin. Virginia Beach is the only city in the state that would be affected by such legislation.
- February** The Isle of Wight County, Virginia Board of Supervisors is asked by the City of Virginia Beach for a zoning permit needed to run nine-miles of the Lake Gaston pipeline through the county and into the Ennis Pond Channel, which ultimately feeds into a Norfolk Reservoir in Suffolk.
- After hearing from three individuals in favor of the project and three against, the five-member County Board of Supervisors decides to appoint a committee to learn more about Virginia Beach's request for a zoning permit to run nine-miles of the Lake Gaston pipeline through the county and into the Ennis Pond Channel.
- March** Virginia Beach, Virginia resumes construction on the pipeline in a clearing on the east side of the Nottoway River in Southampton County. In 1990, when construction began the first time, North Carolina obtained an injunction that stopped virtually all work. The courts only allowed the city to install about a mile of the pipeline.
- April** North Carolina files a legal brief in federal appeals court charging that the federal government should not have approved the Lake Gaston pipeline.
- The Roanoke River Basin Association, which represents residents in the area drained by Lake Gaston and is also challenging the pipeline, files its own brief in the same case. It argued that FERC had ignored other cheaper ways for Virginia Beach to get its water.

May

Isle of Wight County, Virginia's County Board of Supervisors agrees unanimously to approve a conditional use permit that will allow Virginia Beach to dump up to sixty million gallons of Lake Gaston water a day into a small pond near Windsor.

Virginia Beach, Virginia agrees to pay Isle of Wight \$600,000 a year for five years for the protection of water quality within the watersheds of Ennis Pond channel, Burnt Mill Reservoir, Western Branch Reservoir and Lake Prince. The city will also buy easements of Isle of Wight residents who live along the channel and will pay up to one and one-half times their value. In addition, the city will have an information/complaint telephone hot line to call with complaints if the water causes damage to property or in the case of other emergencies.

June

Norfolk, Virginia releases a study which says that Norfolk's minimum water supply in times of drought could be as high as ninety-seven million gallons of water a day -- eighteen million gallons a day more than Norfolk assumed in its 1993 water contract with Virginia Beach. Available water levels are higher because of improvements Norfolk has made to its water system and because it assumes that the Blackwater and Nottoway rivers can be drastically drawn down.

Virginia Beach contends that it does not accept the assumptions of the report and is concerned that the information will be misinterpreted.

Isle of Wight County, Virginia's Board of Supervisors, despite an offer by Virginia Beach promising local property owners one-and-a-half times the appraised value of their land for the right to run the Lake Gaston Pipeline through the county, voted to delay a decision for another month.

North Carolina asks for permission -- just three days after the final deadline for pipeline opponents to present written arguments to the U.S. District Court of Appeals in Washington which is considering the validity of a FERC permit issued to

Virginia Beach allowing it to build the pipeline -- to amend its materials by adding the water study just released by Norfolk. The new study found that Norfolk's water system could produce as much as eighteen million more gallons per day than previously estimated.

Virginia Beach, Virginia contends that Norfolk's report is misleading and accuses its neighbor of trying to sabotage the project. Several prominent Virginia Beach officials say that they believe the City Council will not support funding a proposed 20,000-seat arena or a light rail system linking the Pavilion and downtown Norfolk.

July

Virginia Beach, Virginia continues to condemn a new Norfolk water supply study, but has accepted Norfolk's offer to sell the disputed water for less.

Virginia Beach files a response in U.S. District Court of Appeals, challenging the use of Norfolk's study in its appeal of the FERC decision last year to issue the final pipeline permit.

August

Leaders in Albemarle County, North Carolina discover that much of their part of North Carolina is short on drinking water. A draft report released by an engineering firm hired by the Albemarle Commission and the Northeast Economic Development Commission proposed seven "scenarios" for coping with the water shortage through the year 2020. Several of the scenarios prepared call for sharing Lake Gaston water with Virginia. The interstate water sharing could be part of a legal agreement by North Carolina to let Virginia Beach pump water from Lake Gaston.

October

The Environmental Protection Agency sends a letter to the Federal Regulatory Energy Commission in which it agrees with pipeline opponents that the Clean Water Act gives North Carolina veto power over the project. The Environmental Protection Agency says that the Commission should take a stand agreeing with the Agency's position.

November

The U.S. District Court of Appeals for the District of Columbia is determining whether or not North Carolina can veto the project's permits. The court orders the Federal Energy Regulatory Commission to re-examine some of its basic assumptions about the Lake Gaston project. The Commission had submitted a brief with the court stating that the Environmental Protection Agency was wrong to state that North Carolina should not be allowed to veto the Lake Gaston project. The Commission found that North Carolina did not deserve certification power over the project because all water flowing through the pipeline would be drawn from and used in Virginia. It also contends that the project will take a relatively insignificant amount of water from the Roanoke River. The Commission stated that if the Environmental Protection Agency had problems with the pipeline, it should have said something thirteen years ago when it didn't object to the project and refused North Carolina's request to hold hearings to stop it.

Suffolk, Virginia's Planning Commission recommends against granting the city of Norfolk conditional-use permits it needs to handle Lake Gaston pipeline water. The matter will now go before the Suffolk City Council, which has already held up one pipeline project while it tries to negotiate a deal for some of Norfolk's expected surplus water. Suffolk would like to purchase some of the water Norfolk will have once Virginia Beach has its own supply from Lake Gaston.

December

The U.S. Circuit Court of Appeals for the District of Columbia receives briefs from the attorneys general of twenty-six states urging the court to over-turn a pipeline permit issued last year by the Federal Energy Regulatory Commission that allows the construction of the Lake Gaston pipeline.

The U.S. Circuit Court of Appeals for the District of Columbia also receives briefs from the attorneys general of an additional fourteen states urging the court to over-turn a pipeline permit issued last year by the Federal Energy Regulatory Commission.

In a ten-page brief the department filed with the U.S. Circuit Court of Appeals for the District of Columbia, the Department concludes North Carolina should be able to veto the project, but only if reducing the flow over the Lake Gaston dam could damage water quality downstream.

Virginia Beach City Council votes to endorse a light rail system that connects Norfolk with the Oceanfront. The agreement has, however, two conditions -- the Lake Gaston project will be successfully completed and in operation and a referendum in the city of Virginia Beach is held to determine whether the citizens want to finance the light-rail system.

APPENDIX F**DATA-REDUCTION PROCESS**

DATA-REDUCTION PROCESS

The data-reduction process involved compiling interview notes and synthesizing open-ended, qualitative data. All of the interviews were audio-taped. In lieu of verbatim transcriptions of the sessions, detailed notes citing major points as well as pertinent quotes and comments were extracted. Data were then categorized in order to summarize and analyze common themes and patterns.

The coding process used to prepare the data for Tables 5 and 6 is shown. The terms used in these tables were derived as data were collected and themes emerged. Guidelines for data reduction were consistently followed.

Table 5

This table presented a profile of councilmanic perceptions of the positions of state actors. This was done by categorizing council member perceptions of the degree of support state actors gave to the policy of their respective city councils.

The following terms were used to describe the varying degrees of support perceived:

<u>strong support</u>	earnest advocacy of council policy by state actor;
<u>equivocal support</u>	uncertain advocacy of council policy by state actor;
<u>negligible support</u>	insignificant advocacy of council policy by state actor.

Listed below are examples of direct quotes from the councilmanic interviews. They are presented to illustrate the basis upon which the descriptors were selected.

Henderson: strong support of Governor

"As the leader of this state [North Carolina], he is adamantly opposed to anything that would damage us."

"The Governor knows that the project will hurt this area and that he can't let it happen."

Roanoke Rapids: strong support of State Legislature

"Our representatives are working pretty hard to help us on this one."

"The members of the State Legislature from this district understand that our economy can't afford to allow Virginia to take our water for free."

Virginia Beach: strong support of Attorney General

"He's gone to bat for us with FERC [Federal Energy Regulatory Commission]."

"It sure seems like he is the only one in Richmond to really appreciate what we're going through."

Henderson: equivocal support of Governor

"People around here believe that, even though he says he's against it, he has sold us out to interests in the eastern part of the state."

"He needs to stop sending his aides to speak for him. They just don't convince me. I want to hear him say that he is really against it [the project]."

Roanoke Rapids: equivocal support of Governor

"It doesn't always sound like he wants to stop the project."

"The rich people who live nearer Virginia Beach want roads built between North Carolina and Virginia to help their development. He seems awfully eager to give them what they want and not so intent to think about what the poorer and less populated areas around Gaston need."

Virginia Beach: equivocal support of State Legislature

"Plainly put, we have been jerked around by the legislature until it's embarrassing."

"Our guys [local representatives] help us as much as they can. The problem is that not every legislator is on our side."

Henderson: negligible support of State Department of Natural Resources

"All those people do is send us stacks and stacks of paperwork about it [the project]; but, nobody is going to take the time to read all of that stuff."

"I guess they must be on our side -- I've just never heard of them doing anything."

Roanoke Rapids: negligible support of State Courts

"Even if their decisions favor North Carolina, I don't think they have really done very much for our side."

"I suppose they are unbiased in their decisions. I don't guess they would try to hurt the people in North Carolina by letting Virginia Beach boss us around."

Virginia Beach: negligible support of State Department of Natural Resources

"They don't really seem all that interested in what's going on down here."

"If they would be a little more vocal about supporting us maybe we could say they were contributing more to our efforts."

Table 6

This table presented a profile of councilmanic perceptions of the positions of federal actors in the policy process. This was done by categorizing council member perceptions of the degree of satisfaction they have of decisions made by federal actors.

The following terms were used to describe the varying degrees of satisfaction perceived:

<u>satisfactory decisions</u>	decisions made by federal actors were perceived as being acceptable;
<u>unsatisfactory decisions</u>	decisions made by federal actors were perceived as being unacceptable;
<u>insignificant positions</u>	positions of federal actors were perceived to be meaningless.

Listed below are examples of direct quotes from the councilmanic interviews. They are presented to illustrate the basis upon which the descriptors were selected.

Henderson: satisfactory decisions of Environmental Protection Agency

"They work to get people's attention focused on the serious environmental problems that the project could cause."

Roanoke Rapids: satisfactory decisions of Federal Courts

"It [the Lake Gaston Water Supply Project] is all going to end up in the federal courts, and who knows what the outcome will eventually be. After all, you can't lobby a judge! And that's the way it should be."

Virginia Beach: satisfactory decisions of Army Corps of Engineers

"It has always worked well with us -- maybe it's because this whole project was originally their idea."

"They have been consistent in their support of the project. I only wish other agencies in the federal government could be that way. At least we could always count on the Corps."

Henderson: unsatisfactory decisions

(No federal actor was perceived as making unsatisfactory decisions.)

Roanoke Rapids: unsatisfactory decisions

(No federal actor was perceived as making unsatisfactory decisions.)

Virginia Beach: unsatisfactory decisions of the
Environmental Protection Agency

"That group has been a pain throughout the entire process -- and you can quote me!"

"It sure seems like the Clinton bureaucrats want to undo or at least redo everything the Reagan and Bush bureaucrats did that helped us."

Henderson: insignificant positions of the Federal
Energy Regulatory Commission

"They pretty much are on the outside looking in at all of this. I don't really see them as doing all that much that is important."

"I've heard of them -- but I don't really think that they are really in the thick of things. They'll probably go along with whatever the EPA [Environmental Protection Agency] says."

Roanoke Rapids: insignificant positions of the Federal
Energy Regulatory Commission

"That's the agency that works with the power companies -- right? They really don't have much of substance to say about a water supply project."

"Up to this point, I don't think that they have had very much to do with all of this [the Lake Gaston Water Supply Project]."

Virginia Beach: insignificant positions

(No federal actor was perceived as making insignificant decisions.)

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