



Proposed Kerr Lake Regional Water System Interbasin Transfer Certificate

**Roanoke River Basin Bi-State Commission
Henderson, NC
December 18, 2014**



Hot Topic



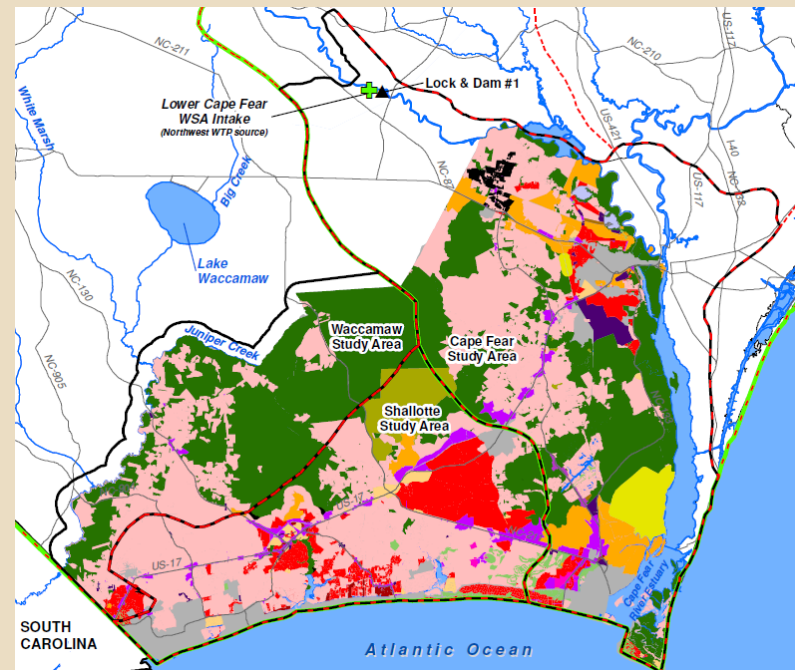
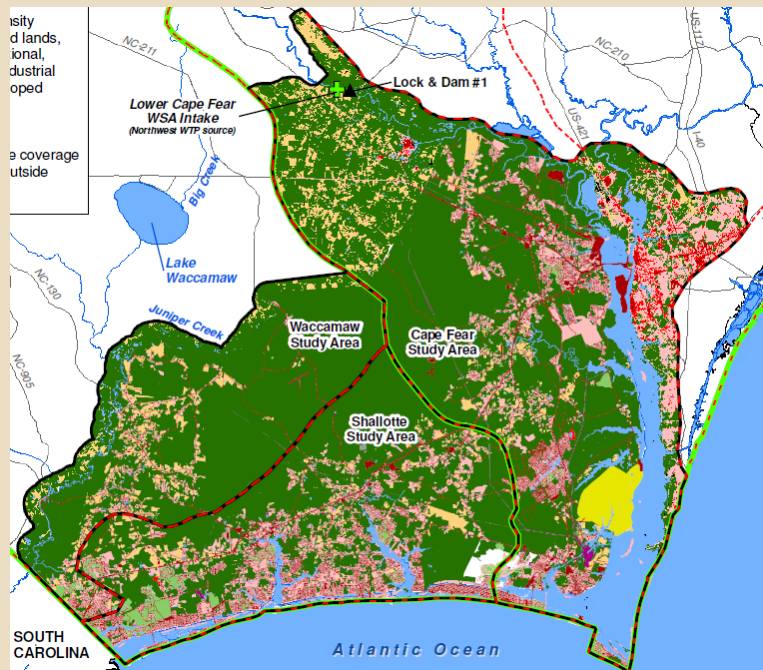
- IBT Discussions began in the 1950's.
- The NC General Assembly has made at least eight significant changes to the IBT Law since 1993.
- Six IBT Certificates have been issued.

Outline

- IBT Basics
 - What is a transfer?
- KLRWS IBT Project
 - Description
 - Timeline
 - Statutory Process
- Final Decision = EMC

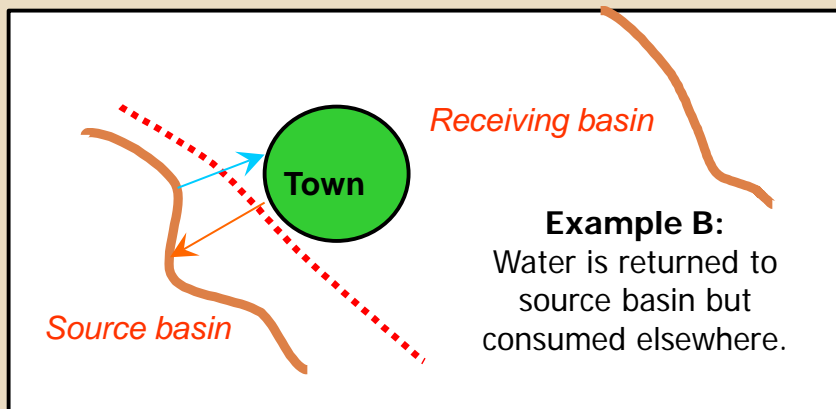
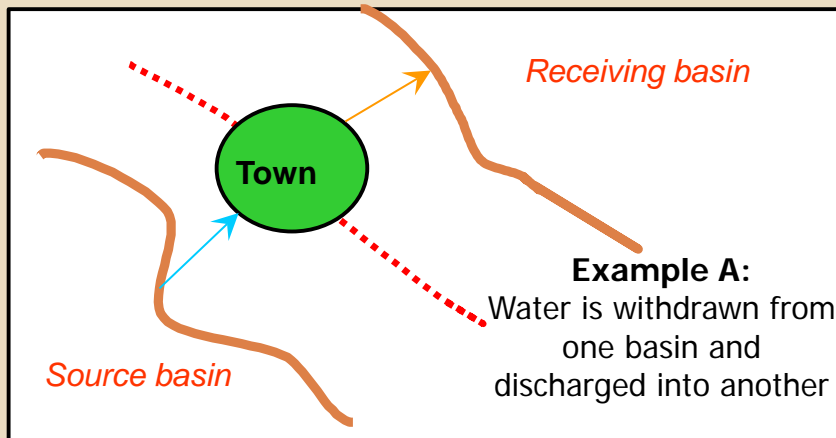
Definition & Purpose

- The withdrawal of surface water from one river basin and discharge of all or any part of the water in a river basin different from the origin.
- The purpose of the Interbasin Transfer Law is to ensure it is good public policy to move water from one river basin into another.



Simplified View of IBT

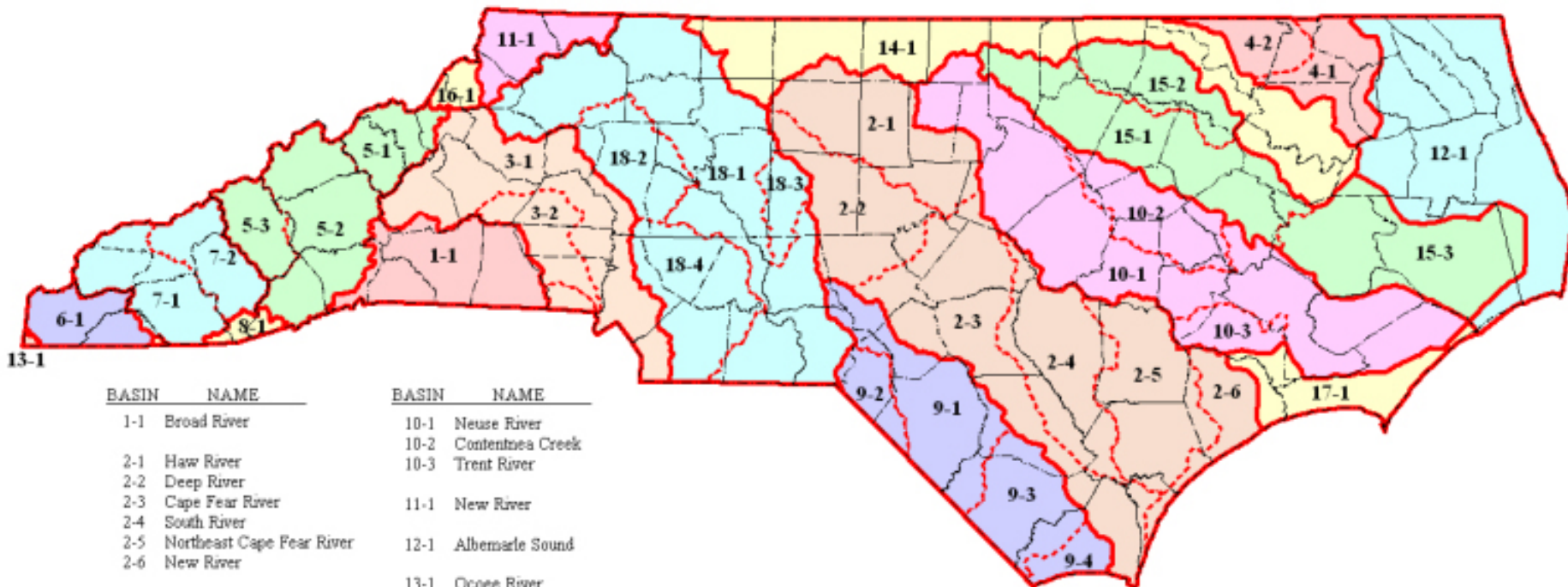
- Transfer = Withdrawal – Return
 - Net Transfer, Not Gross



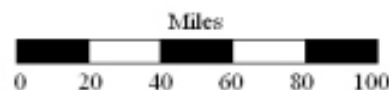
The amount of a transfer is determined by the amount of water moved from the source basin to the receiving basin, less the amount of water returned to the source basin.

Major River Basins & Sub-Basins in North Carolina

As defined in G.S. 143-215.22G



BASIN	NAME	BASIN	NAME
1-1	Broad River	10-1	Neuse River
2-1	Haw River	10-2	Contentnea Creek
2-2	Deep River	10-3	Trent River
2-3	Cape Fear River	11-1	New River
2-4	South River	12-1	Albemarle Sound
2-5	Northeast Cape Fear River	13-1	Ocoee River
2-6	New River	14-1	Roanoke River
3-1	Catawba River	15-1	Tar River
3-2	South Fork Catawba River	15-2	Fishing Creek
4-1	Chowan River	15-3	Pamlico River & Sound
4-2	Meherrin River	16-1	Watauga River
5-1	Nolichucky River	17-1	White Oak River
5-2	French Broad River	18-1	Yadkin River
5-3	Pigeon River	18-2	South Yadkin River
6-1	Hirvassee River	18-3	Uwharrie River
7-1	Little Tennessee River	18-4	Rocky River
7-2	Tuckasegee River		
8-1	Savannah River		
9-1	Lumber River		
9-2	Big Shoe Heel Creek		
9-3	Waccamaw River		
9-4	Shalotte River		



Legend

- ⋯ Sub-Basin River Boundary
- ▭ Major River Basin Bounda
- County Boundary

Statutory Thresholds for Certifications

- 2 million gallons per day (mgd) or more, calculated as a daily average of a calendar month.
 - Not to exceed 3 mgd maximum day.
- Increase the amount of an existing transfer (exceeding 2 mgd) by 25% or more above the average daily amount transferred as of July 1, 1993.
- Increase an existing/grandfathered transfer (exceeding 2 mgd) determined by the system capacity as of July 1, 1993.

Statutory changes



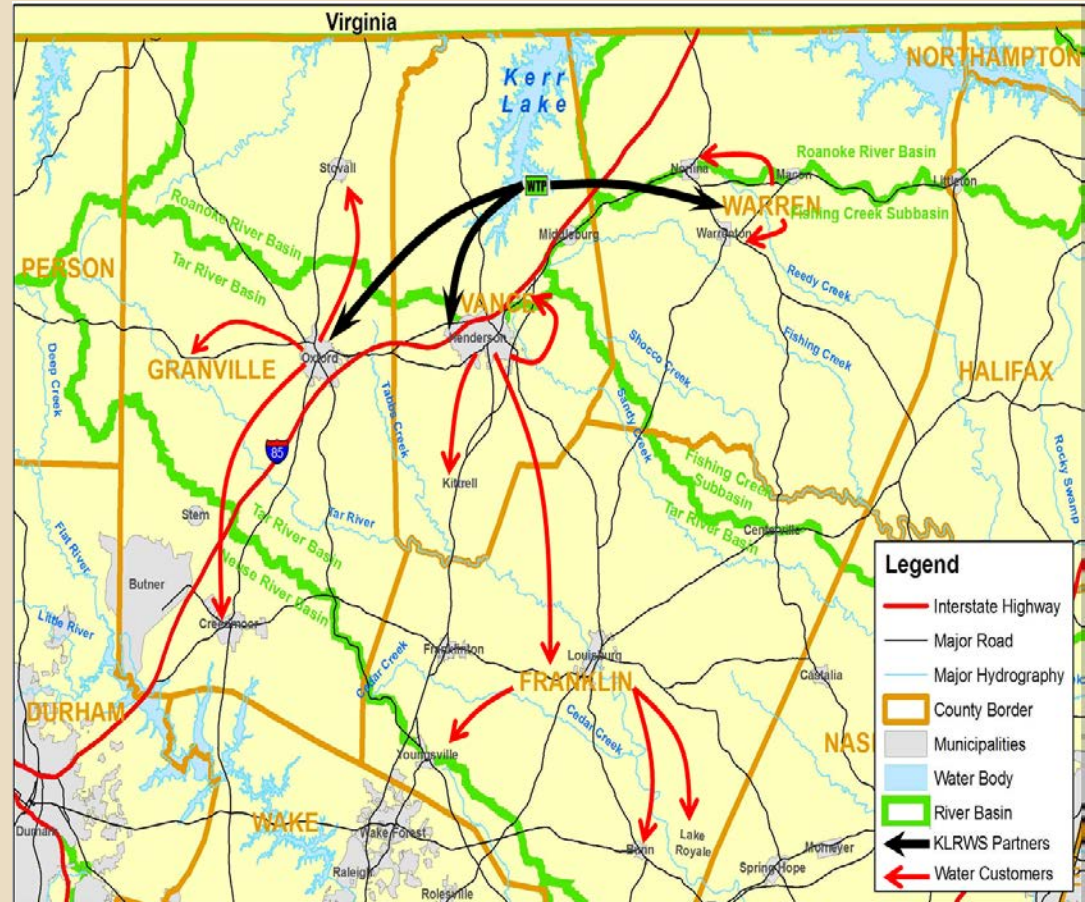
- Current statute § 143-215.22L had significant revisions in Session Law 2013-388.
 - Provided a stream-lined process for a modifying an issued Certificate.
 - Changed the measuring statistic from maximum annual day to average day over a calendar month.
- Revision in Session Law 2014-120
 - Provides inclusion for projects involving certain USACE reservoirs under an existing expedited statutory process.
 - Previously only for coastal counties
 - Primary differences:
 - Single Public Hearing for Petition
 - Adequacy Determination of environmental document by NCDENR

Proposed KLRWS IBT Description

Primary Applicant:	Kerr Lake Regional Water System	
Source Basin:	Roanoke	
Receiving Basins:	Tar, Fishing Creek, Neuse	
Grandfathered Allowance:	10 MGD	
Average Daily over Maximum Month IBT <u>request</u> is based on 2045 demand:		
Total Requested IBT:	14.2 MGD	
	Roanoke to Tar:	10.7 MGD
	Roanoke to Fishing Creek:	1.7 MGD
	Roanoke to Neuse:	1.8 MGD

Kerr Lake Regional Water System

- Primary Partners
 - City of Henderson
 - City of Oxford
 - Warren County
- City of Henderson operates WTP.
- Water sales to 15 additional communities/water users in Vance, Warren, Granville, and Franklin Counties



KLRWS & USACE

- KLRWS Agreements with USACE
 - 1974 water use agreement for up to 20 mgd
 - 2005 allocation of 10,292 acre-feet of storage
 - » Equivalent to 20 mgd average annual withdrawal
- USACE determined that there would be a slight reduction in the power generation
 - KLRWS is on an annual basis paying the USACE for water storage and power capability compensation
- Requested IBT is for utilization of the current USACE contracted amount.

There will be **NO** request to increase an allocation from John H. Kerr.



REALLOCATION REPORT

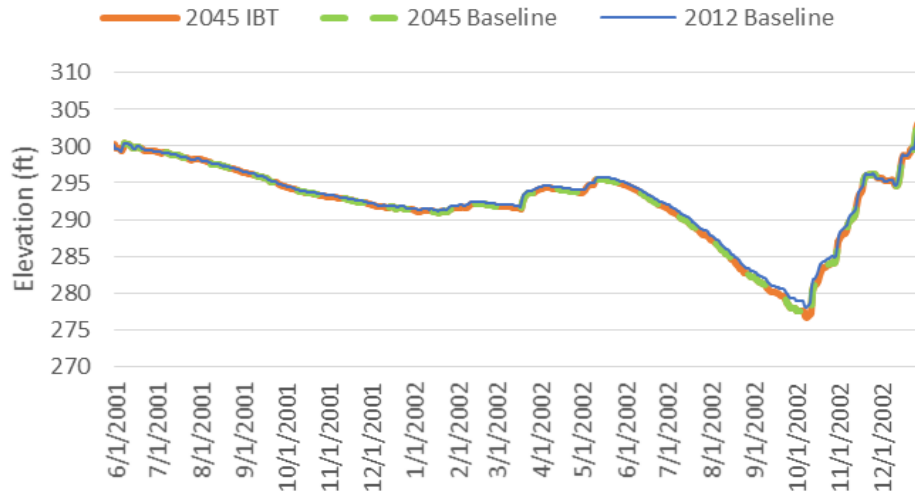
JOHN H. KERR RESERVOIR WATER SUPPLY STORAGE REALLOCATION REQUEST FOR THE CITY OF HENDERSON, NORTH CAROLINA

May 2005

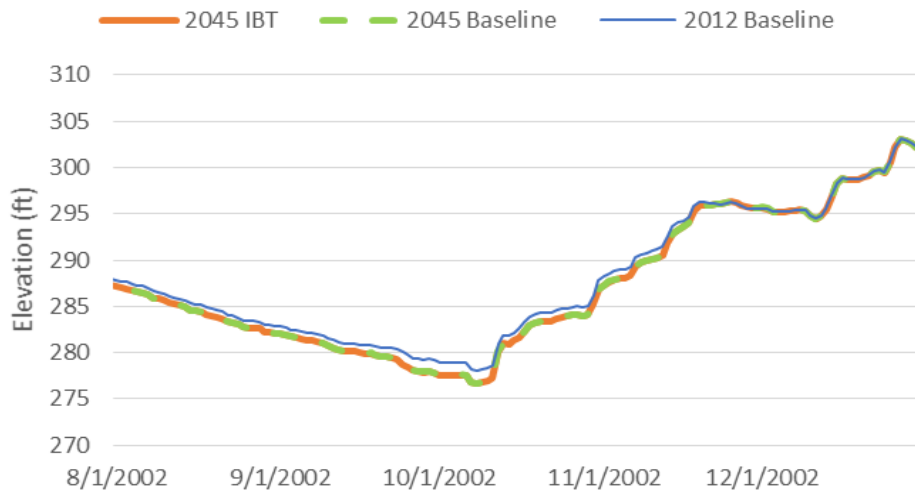
U.S. Army Corps of Engineers
Wilmington District

Summary of Modeling Scenarios

Kerr Lake - 2002 Drought Elevation



Kerr Lake - 2002 Drought Elevation



- Reduction of initial projected demands and IBT
- USACE Allocation of 20 mgd not projected to be exceeded by 2060
- Modeled results show no impact of transfer
 - ✓ Lake levels during extreme drought
 - ✓ Low flow duration
 - ✓ Hydropower

IBT Process § 143-215.22L.(w)

Requirements for Coastal Counties and Reservoirs Constructed by the United States Army Corps of Engineers

I. Applicant submits Notice of Intent to file a petition.

II. Applicant prepares environmental document (EA) pursuant to State Environmental Policy Act (SEPA).

NCDENR submits document to State Clearinghouse for public comment (30-day period)

Adequacy Determination

III. NCDENR publishes a Petition in the NC Register.



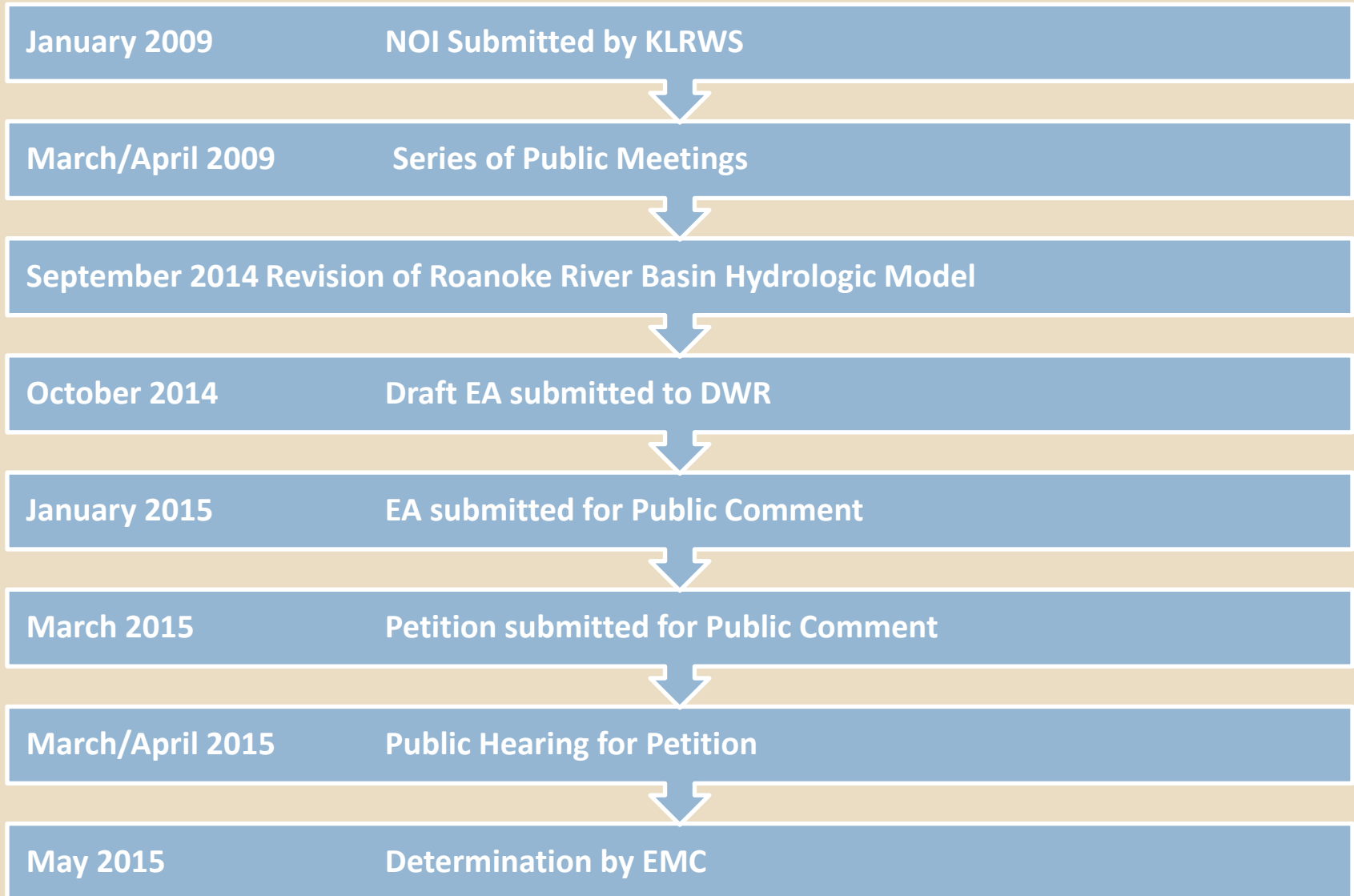
Public hearing for Petition request

Comments accepted for 30 days following hearing

NCDENR prepares written response to comments (i.e., hearing officers report)

EMC ISSUES FINAL DETERMINATION

Project Timeline





Hearing Officer Recommendations

Findings of Fact

- The EMC may grant a Petition in whole or in part, or deny it, and may require mitigation measures to minimize detrimental effects. In making this determination, the EMC is required to specifically consider:
 - The necessity, reasonableness, and beneficial effects of transfer amount
 - Detrimental effects on the source river basin
 - The cumulative effect of uses on the source major river basin
 - Detrimental effects on the receiving basin
 - Reasonable alternatives to the proposed transfer
 - Use of impounded storage
 - Purposes and water storage allocations in a US Army Corps of Engineers multipurpose reservoir
 - Compare the service area of the applicant to the locations of both the source and receiving basins?
 - Any other facts or circumstances

Contact Information

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