

Current Water Resource Issues Roanoke River Basin

NORTH CAROLINA DELEGATION

ROANOKE RIVER BASIN BI-STATE COMMISSION

Tuesday, September 8, 2015, 12:00 pm

Harold Brady, Division of Water Resources

Outline

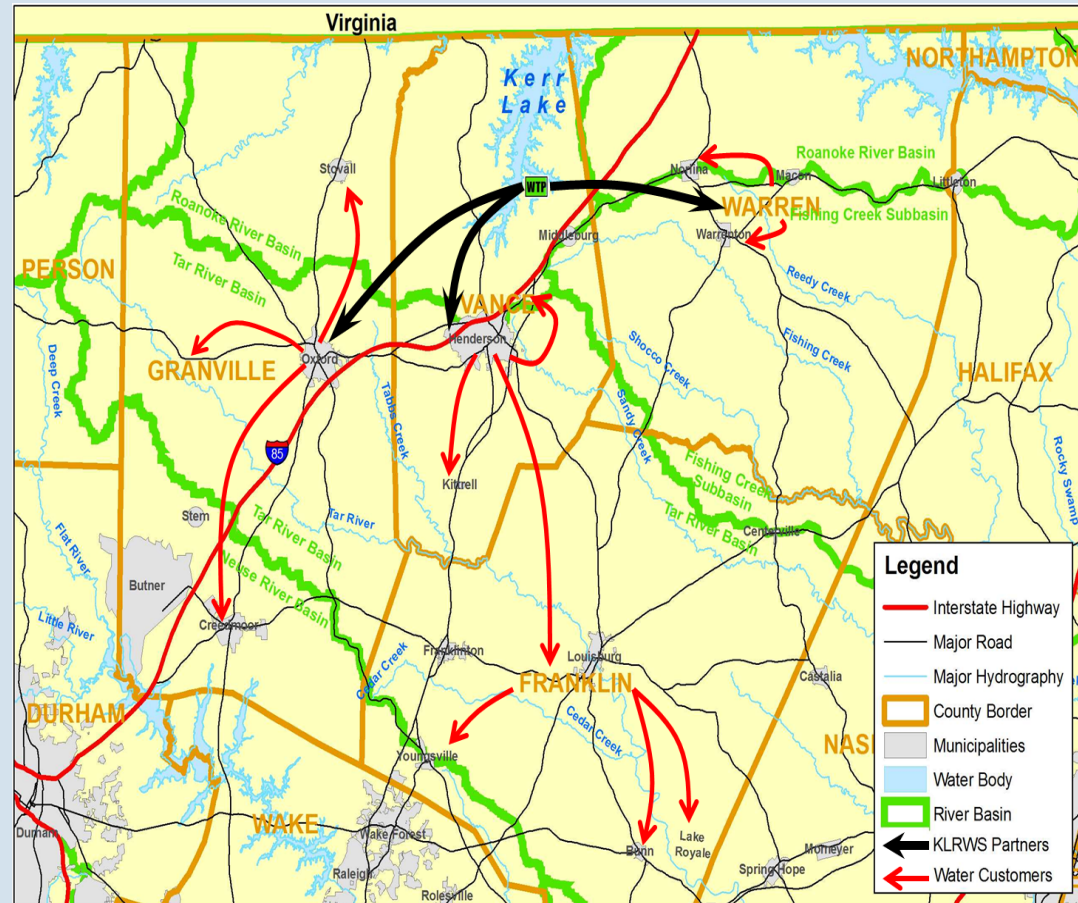
- KLRWS IBT Request
 - Description
 - Timeline
 - Statutory Requirements
 - Findings of Fact
 - Public Comments
- Current Drought Conditions
- IBT Clarification in Session Law 2015-090 (HB 795)

Requested Certificate

Primary Applicant:	Kerr Lake Regional Water System	
Source Basin:	Roanoke	
Receiving Basins:	Tar, Fishing Creek, Neuse	
Grandfathered Allowance:	10 MGD (max day)	
Existing transfer (2013 data):	4.64 MGD (avg day/max mth)	
	Roanoke to Tar:	3.63 MGD
	Roanoke to Fishing Creek:	0.82 MGD
	Roanoke to Neuse:	0.19 MGD
Total Requested IBT (<u>2045 Demands</u>):	14.2 MGD (avg day/max mth)	
	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 11 additional communities/water users in Vance, Warren, Granville, and Franklin Counties

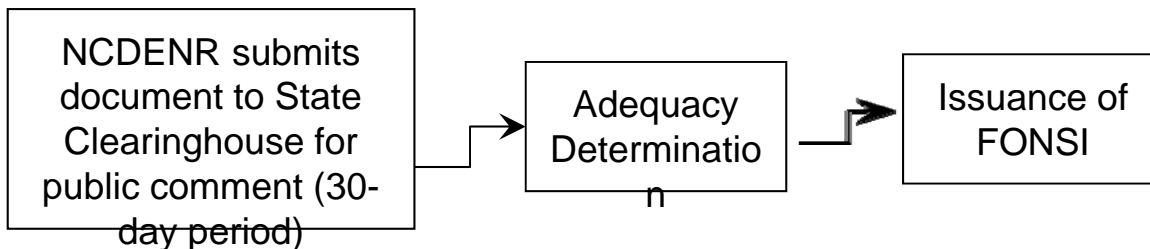


IBT Process § 143-215.22L(w)

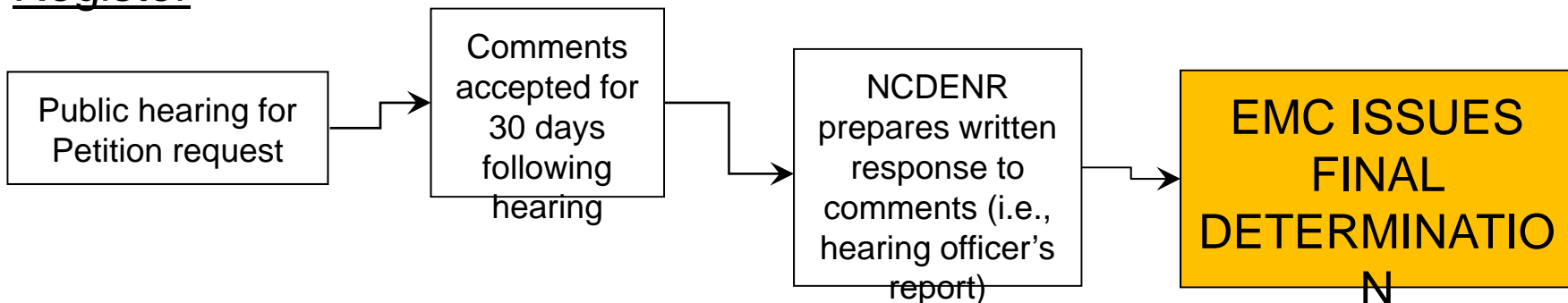
Requirements for Coastal Counties and Reservoirs Constructed
by the United States Army Corps of Engineers

I. Applicant submits Notice of Intent to file a petition

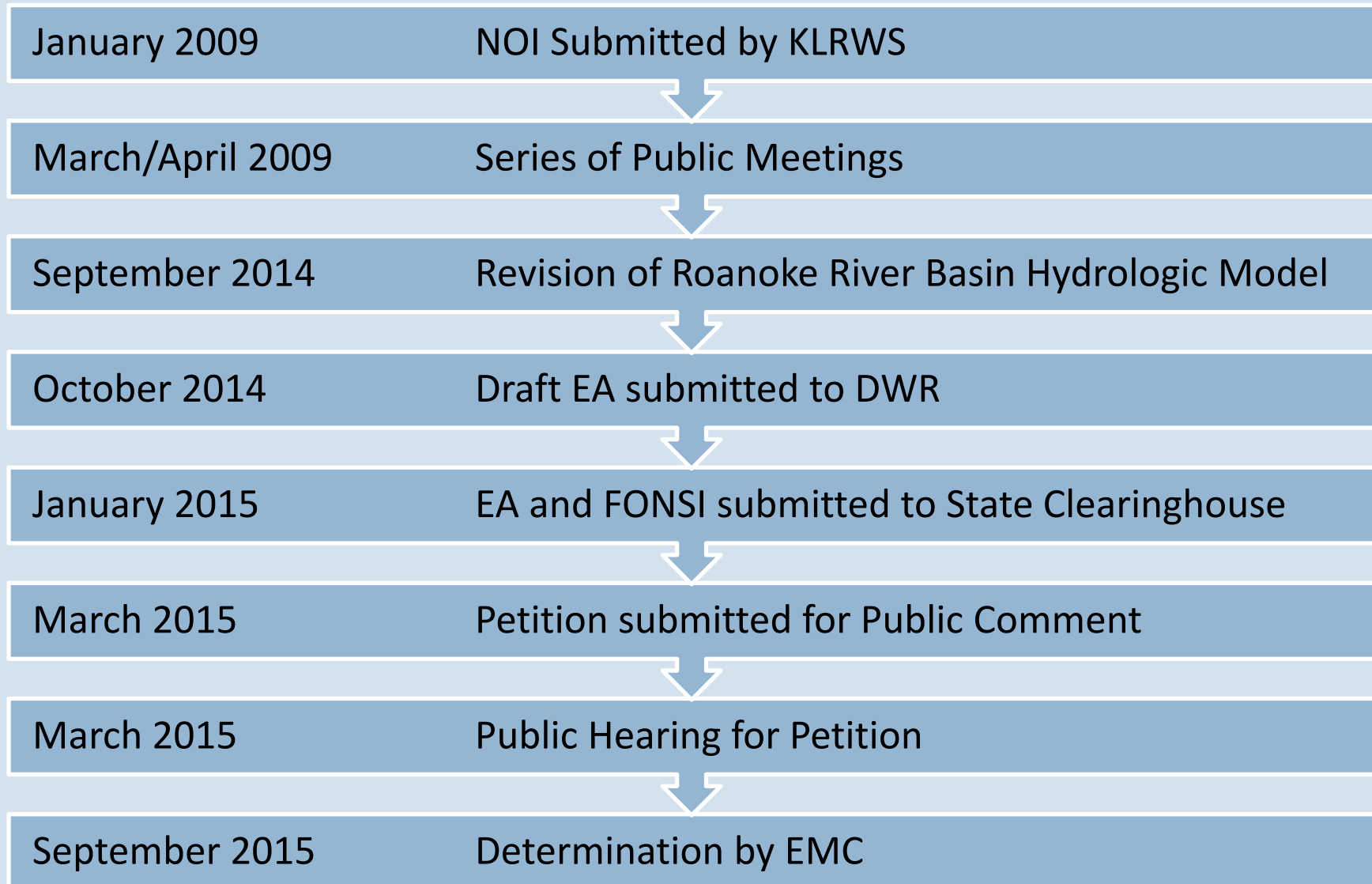
II. Applicant prepares environmental document (EA) pursuant to State Environmental Policy Act (SEPA)



III. NCDENR publishes a Petition in the NC Register



Project Timeline



EMC - Basis for Decision

- **§ 143-215.22L (w) Reservoirs Constructed by USACE**
 - (6) “The Commission shall make a final determination whether to grant the certificate based on the factors set out in subsection (k) [Findings of Fact – 9 factors] of this section, information provided by the applicant, and any other information the Commission deems relevant. The Commission shall state in writing its findings of fact and conclusions of law with regard to each factor.”

Findings of Fact

- [§ 143-215.22L \(k\)](#) requires the EMC to specifically consider:
 1. The necessity, reasonableness, and beneficial effects of transfer amount
 2. Detrimental effects on the source river basin
 3. Cumulative effects on the source major river basin of any current or projected water transfer or consumptive water use
 4. Detrimental effects on the receiving basin
 5. Reasonable alternatives to the proposed transfer
 6. Use of impounded storage
 7. Purposes and water storage allocations in a US Army Corps of Engineers multipurpose reservoir
 8. Compare the water system service area to the locations of both the source and receiving basins
 9. Any other facts or circumstances

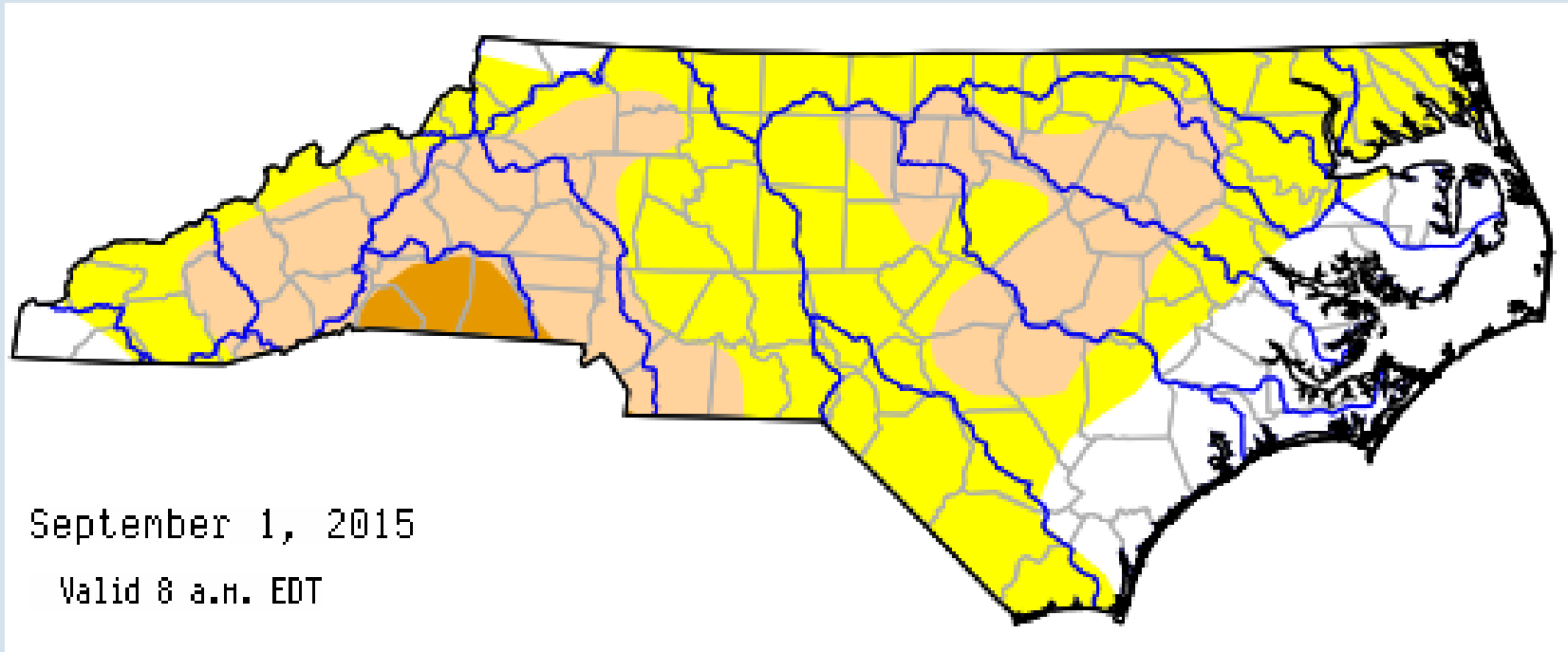
Response to Public Hearing Comments

- 235 commenters, including oral and written (delivered by hand, mail, and email)
- 1,419 petition signatures
- 33 comment categories






Primary Public Concerns

- Concern about effect on Kerr Lake level
 - DENR response: Modeling results support that lake levels will not be noticeably effected by the proposed IBT. Furthermore, USACE manages the reservoir and is responsible for water supply allocations which could potentially affect lake levels.
- EIS should be conducted/EA not adequate
 - DENR response: Since DENR reached the conclusion of being able to issue a FONSI, and given the exception in G.S. 143-215.22L(w)(2), it was concluded that an EIS was not required or necessary
- Could lead to transfer of water to Raleigh/Wake Co
 - DENR response: A condition of the IBT certificate will be that water may not be transferred to water systems that are not listed as co-applicants on the certificate

NCDMAC Current Drought Conditions



Drought Classifications

-  D0 - Abnormally Dry
-  D1 - Moderate Drought
-  D2 - Severe Drought
-  D3 - Extreme Drought
-  D4 - Exceptional Drought

Session Law 2015-090 (HB 795)

IBT Clarification

- Section 7
 - Environmental Documents. – The Except as provided in this subsection, the definitions set out in G.S. 113A-9 apply to this section. The Notwithstanding the thresholds for significant expenditure of public monies or use of public land set forth in G.S. 113A-9, **the Department shall conduct a study of the environmental impacts of any proposed transfer of water for which a certificate is required** under this section. The study shall meet all of the requirements set forth in G.S. 113A-4 and rules adopted pursuant to G.S. 113A-4. Notwithstanding G.S. 113A-4(2), **the study shall include secondary and cumulative impacts. An environmental assessment shall be prepared for any petition for a certificate under this section.** The determination of whether an environmental impact statement shall also be required shall be made in accordance with the provisions of Article 1 of Chapter 113A of the General Statutes; except that an environmental impact statement shall be prepared for every proposed transfer of water from one major river basin to another for which a certificate is required under this section. The applicant who petitions the Commission for a certificate under this section shall pay the cost of special studies necessary to comply with Article 1 of Chapter 113A of the General Statutes. An environmental impact statement prepared pursuant to this subsection shall include all of the following: (1) A comprehensive analysis of the impacts that would occur in the source river basin and the receiving river basin if the petition for a certificate is granted. (2) An evaluation of alternatives to the proposed interbasin transfer, including water supply sources that do not require an interbasin transfer and use of water conservation measures. (3) A description of measures to mitigate any adverse impacts that may arise from the proposed interbasin transfer."

Contact Information

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Purpose and Importance of the Bi-State Commission

- **§ 77-91. Commission established; purposes.**
 - There is established the Roanoke River Basin Bi-State Commission. The Commission shall be composed of members from the State of North Carolina and the Commonwealth of Virginia. The purposes of the Commission shall be to:
 - (1) Provide guidance and make recommendations to local, state, and federal legislative and administrative bodies, and to others as it deems necessary and appropriate, for the use, stewardship, and enhancement of the water, and other natural resources, for all citizens within the Basin.
 - (2) Provide a forum for discussion of issues affecting the Basin's water quantity and water quality and issues affecting other natural resources.
 - (3) Promote communication, coordination, and education among stakeholders within the Basin.
 - (4) Identify problems and recommend appropriate solutions.
 - (5) Undertake studies and prepare, publish, and disseminate information through reports, and in other forms, related to water quantity, water quality, and other natural resources of the Basin. (2002-177, s. 1.)