

*Kerr Lake Regional Water System*  
*Proposed Interbasin Transfer Certificate*

**Hearing Officer's Report**

**Environmental Management Commission**

**North Carolina**

**Department of Environmental Quality**

**Division of Water Resources**

*October 2015*

## Hearing Officer's Recommendations

The Kerr Lake Regional Water System (KLRWS) has submitted a petition for an Interbasin Transfer (IBT) certificate in order to transfer up to 14.2 million gallons per day from the Roanoke River Basin to the Tar River, Neuse River, and Fishing Creek basins. The owners of KLRWS and primary bulk customers of the system are the City of Henderson, City of Oxford, and Warren County, known as the "partners." They also currently sell water to 11 secondary bulk customers that include communities in Warren, Vance, Franklin, and Granville Counties. These customers include the Towns of Stovall, Warrenton, Kittrell, and Norlina, as well as Granville County, Vance County, and Franklin County. Future sales will occur from the City of Oxford to South Granville Water and Sewer Authority (SGWSA) for use by the Town of Creedmoor and its customer, the Town of Wilton. Franklin County now owns the Town of Youngsville water system and also sells water to the Town of Bunn and Lake Royale community.

Pursuant to N.C.G.S. § 143-215.22L (w)(3), a public hearing was held to receive public comments on the requested IBT certificate. The public hearing was held on March 31, 2015 at 6:30 p.m. at the City Hall in the City of Henderson. A total of 15 oral comments were received at the hearing. Two hundred thirty-five (235) individuals submitted written comments, which included 1,419 petition signatures, during the public comment period for the Petition. In cases where a signed petition was submitted, only the individual who submitted the petition was counted as a written commenter; however, the number of signatures on each petition was recorded and documented.

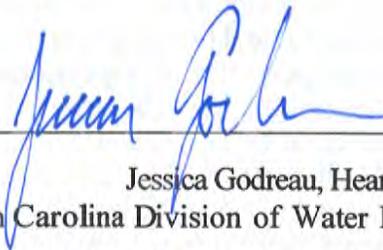
Having reviewed and considered the comments received during the public review process and the requirements set forth in the North Carolina General Statutes, the Hearing Officer and the Division Director recommend that the EMC grant the KLRWS a permitted transfer amount not exceed a maximum of 10.7 million gallons per day from the Roanoke River Basin to the Tar River Basin, 1.7 million gallons per day from the Roanoke River Basin to the Fishing Creek River Basin, and 1.8 million gallons per day from the Roanoke River Basin to the Neuse River Basin, calculated as a daily average of a calendar month basis, with the following conditions:

1. Within 90 days of receipt of the IBT certificate, the KLRWS shall prepare and submit a water conservation plan subject to approval by the EMC that specifies the water conservation measures, including a rate pricing structure, to be implemented by the partners to ensure the efficient use of the transferred water. Except in circumstances of technical or economic infeasibility or adverse environmental impact, the water conservation plan shall provide for the mandatory implementation of water conservation measures that equal or exceed the most stringent water conservation plan implemented by a public water system that withdraws water from the source river basin. All bulk water customers of KLRWS, as identified in this IBT Certificate, shall implement a water conservation plan at least as stringent as the requirements imposed on the KLRWS. The Certificate Holders shall not transfer any water to any other unit of local government unless that unit of local government agrees to be bound by this condition in full.

2. Within 90 days of receipt of the IBT certificate, the KLRWS shall prepare and submit a drought management plan subject to approval by the EMC that specifies how the transfer shall be managed to protect the source river basin (Roanoke River basin) during drought conditions or other emergencies that occur within the source river basin. Except in circumstances of technical or economic infeasibility or adverse environmental impact, this drought management plan shall include mandatory reductions in the permitted amount of the transfer based on the severity and duration of a drought occurring within the source river basin and shall provide for the mandatory implementation of a drought management plan by the KLRWS that equals or exceeds the most stringent drought management plan implemented by a public water system that withdraws water from the source river basin. All bulk water customers of KLRWS, as identified in this IBT Certificate, shall implement a drought management plan at least as stringent as the requirements imposed on the KLRWS. The Certificate Holders shall not transfer any water to any other unit of local government unless that unit of local government agrees to be bound by this condition in full.
3. Within 90 days of receipt of the IBT certificate, the KLRWS shall prepare and submit a quarterly compliance and monitoring plan subject to approval by the EMC. The plan shall include methodologies and reporting schedules for reporting the following information: daily transfer amount calculated as the average daily over the maximum month, compliance with certificate conditions, progress on mitigation measures, drought management, and reporting. A copy of the approved plan shall be kept on file with the Division of Water Resources (Division) for public inspection. The Division shall have the authority to make modifications to the compliance and monitoring plan as necessary to assess compliance with the certificate. The quarterly compliance and monitoring report shall be submitted to the Commission no later than 30 days after the end of the quarter. The KLRWS shall employ any methods or install and operate any devices needed to measure the amount of water that is transferred during each calendar quarter, calculated as a daily average of a calendar month.
4. The Commission may amend the certificate to reduce the maximum amount of water authorized to be transferred whenever it appears that an alternative source of water is available to the certificate holder from within the receiving river basin, including, but not limited to, the purchase of water from another water supplier within the receiving basin or to the transfer of water from another sub-basin within the receiving major river basin.
5. The Commission shall amend the certificate to reduce the maximum amount of water authorized to be transferred if the KLRWS's current projected water needs are significantly less than the KLRWS's projected water needs at the time the certificate was granted.
6. The KLRWS shall not resell the water that would be transferred pursuant to the certificate to another public water system. This limitation shall not apply in the case of a proposed resale or transfer among public water systems within the receiving river basin as part of an inter-local agreement or other regional water supply arrangement, provided that each participant in the inter-local agreement or regional water supply arrangement is a co-applicant for the certificate and will be subject to all the terms, conditions, and limitations made applicable to any lead or primary applicant.

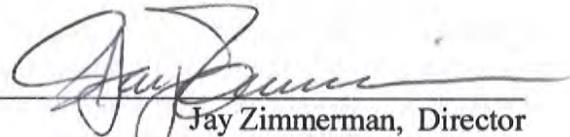
7. If the Commission determines that information in the record material to its Findings of Fact, pursuant to N.C.G.S. § 143-215.22L(k), was erroneous, incomplete, or otherwise contained material misrepresentations, misstatements, or misinterpretations the Commission may reopen and modify or revoke this Certificate to ensure continued compliance with N.C.G.S. Chapter 143. Article 21, Part 2A.

The hearing officer and the Division Director also recommend that the EMC delegate to the Division of Water Resources (Division) the authority to approve the water conservation plan, the drought management plan and the compliance and monitoring plan required as part of these conditions.



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Jessica Godreau, Hearing Officer  
North Carolina Division of Water Resources



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Jay Zimmerman, Director  
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## **PART 1 – INTERBASIN TRANSFER CERTIFICATE**

**CERTIFICATE AUTHORIZING THE KERR LAKE REGIONAL WATER SYSTEM  
TO TRANSFER WATER FROM THE ROANOKE RIVER BASIN TO THE TAR,  
FISHING CREEK, AND NEUSE RIVER BASINS  
UNDER THE PROVISIONS OF N.C.G.S. §143-215.22L(w)**

On January 2, 2009, the Kerr Lake Regional Water System (KLRWS) filed a notice of intent with the Environmental Management Commission (EMC) to request an interbasin transfer (IBT) certificate. The requested IBT certificate will increase the authorized transfer from 10 million gallons per day (MGD) (the grandfathered amount) to 14.2 MGD. The permitted transfer amount shall not exceed 10.7 MGD from the Roanoke River Basin to the Tar River Basin, 1.7 MGD from the Roanoke River Basin to the Fishing Creek Basin, and 1.8 MGD from the Roanoke River Basin to the Neuse River Basin, calculated as a daily average of a calendar month basis. These transfer amounts are based on water use projections to 2045. IBT basins are defined in N.C.G.S. §143-215.22G.

A public hearing on the Interbasin Transfer Certificate for the Kerr Lake Regional Water System was held on March 31, 2015 in the City of Henderson pursuant to N.C.G.S. §143-215.22L(w)(3). See Appendix A for the public notice of the hearing. A total of 15 oral comments were received. There were 235 individuals who submitted written comments, which included 1,419 petition signatures.

The EMC considered the KLRWS's request at its regular meeting on November 5, 2015. According to N.C.G.S. §143-215.22L(w)(7), the EMC shall grant the certificate if it finds that the KLRWS has established by a preponderance of evidence that the petition satisfies the requirements of subsection (m) of N.C.G.S. §143-215.22L. Subsection (m) requires that (1) the benefits of the proposed transfer outweigh the detriments of the proposed transfer; (2) the detriments have been or will be mitigated to the maximum degree practicable; (3) the amount of the transfer does not exceed the amount of the projected shortfall under the applicant's water supply plan after first taking into account all other sources of water that are available to the applicant; and that (4) there are no reasonable alternatives to the proposed transfer. See Appendix B for the North Carolina statutes and administrative rules which govern surface water transfers in the state.

Pursuant to N.C.G.S. §143-215.22L(w)(7), the EMC may grant the requested certificate in whole or in part, or deny it, and may grant a certificate imposing such limitations and conditions as it deems necessary and relevant. Pursuant to N.C.G.S. §143-215.22L(w)(6), in making its final determination, the EMC specifically considered the factors set out in N.C.G.S. §143-215.22L(k):

1. The necessity and reasonableness of the amount proposed to be transferred and its proposed uses,
2. The present and reasonably foreseeable future detrimental effects on the source river basin,
3. The cumulative effect on the source major river basin of any water transfer or consumptive water use that, at the time the Commission considers the petition for a certificate is occurring, is authorized under this section or is projected in any local water supply plan for public water systems with service area located within the source river basin that has been submitted to the Department in accordance with N.C.G.S. §143-355(1),
4. The present and reasonably foreseeable future beneficial and detrimental effects on the receiving river basin,
5. The availability of reasonable alternatives to the proposed transfer,
6. If applicable, the applicant's present and proposed use of impoundment storage capacity and the applicant's right of withdrawal under N.C.G.S. §§143-215.44 through 143-215.50,
7. If the water to be withdrawn or transferred is stored in a multipurpose reservoir constructed by the United States Army Corps of Engineers, the purposes and water storage allocations established for the reservoir at the time the reservoir was authorized by the Congress of the United States,
8. Whether the applicant's service area is located in both the source and receiving river basins, and
9. Any other facts or circumstances which are reasonably necessary to carry out the purposes of this part.

## **The Commission Finds:**

The members of the EMC reviewed and considered the record, including the applicant's notice of intent to request an interbasin transfer certificate, the petition, the environmental assessment (EA), the Hearing Officer's Report and all other sources of information required by N.C.G.S. §143-215.22L(1). Based on the record, the Commission makes the following findings of fact.

### ***Findings of Fact***

#### **(1) Necessity, Reasonableness, and Uses of the Proposed Transfer.**

The Kerr Lake Regional Water System (KLRWS) currently provides water directly or indirectly to municipal and county systems in four counties and three river basins in northeastern North Carolina. The water supply for the system is John H. Kerr Reservoir (Kerr Lake) on the Roanoke River, and the water is used in the Roanoke, Tar-Pamlico, and Neuse

River basins. The KLRWS has a grandfathered capacity to transfer up to 10 million gallons a day (MGD). The owners of the KLRWS and primary bulk customers served by the system are the City of Henderson, the City of Oxford, and Warren County, known as the “Partners.” They also currently sell water to secondary bulk customers that include communities in Warren, Vance, Franklin, and Granville Counties. These customers include the Towns of Stovall, Warrenton, Kittrell, and Norlina, as well as Granville County, Vance County, and Franklin County. Future sales will occur from the City of Oxford to South Granville Water and Sewer Authority (SGWSA) for use by the Town of Creedmoor and its customer, the Town of Wilton. Franklin County now owns the Town of Youngsville water system and also sells water to the Town of Bunn and Lake Royale community. Figure 1 illustrates the movement of water from the water treatment plant at Kerr Lake, operated by the City of Henderson, to the Partners and bulk customers. Table 1 identifies the three partners, their respective bulk customers, and the river basins in which their service areas are located.

**Table 1. Percentage of KLRWS Service Area in Individual River Basins**

System	River Basin			
	Roanoke	Tar	Neuse	Fishing Creek
<b>Oxford</b>		100%		
<b>Granville Co.</b>		100%		
<b>Stovall</b>	100%			
<b>SGWASA</b>			100%	
<b>Wilton</b>			100%	
<b>Henderson</b>	30%	70%		
<b>Franklin Co.</b>		85%	15%	
<b>Bunn</b>		100%		
<b>Lake Royale</b>		100%		
<b>Vance Co.</b>	50%	50%		
<b>Kittrell</b>		100%		
<b>Warren Co.</b>	38%			62%
<b>Warrenton</b>				100%
<b>Norlina</b>	50%			50%

KLRWS is actively planning to meet the Partners’ and their customer’s systems needs for a safe, reliable water supply into the future. Using a typical 30-year water supply planning period to 2045, KLRWS shows a projected average day of a maximum month demand (MMD) of 17.4 MGD. It is projected that 3.2 MGD will be returned to the Roanoke River Basin, with the other 14.2 MGD transferred out of the basin. Future demand is based on population projections, service area expansion plans, planned connections to the water supply, and Local Water Supply Plans (LWSPs) developed by the customers of this regional water supplier. In addition to serving future population and commercial growth, the Partners and their customer systems are extending water service areas and obtaining new customers who are currently served by private wells. This will be especially widespread in Vance and Warren Counties, where residents have voiced concerns about the quality of their well water caused by a high mineral content, which creates taste and odor issues. In addition, many private wells have

shown to be unreliable during the recent episodes of droughts in the region.

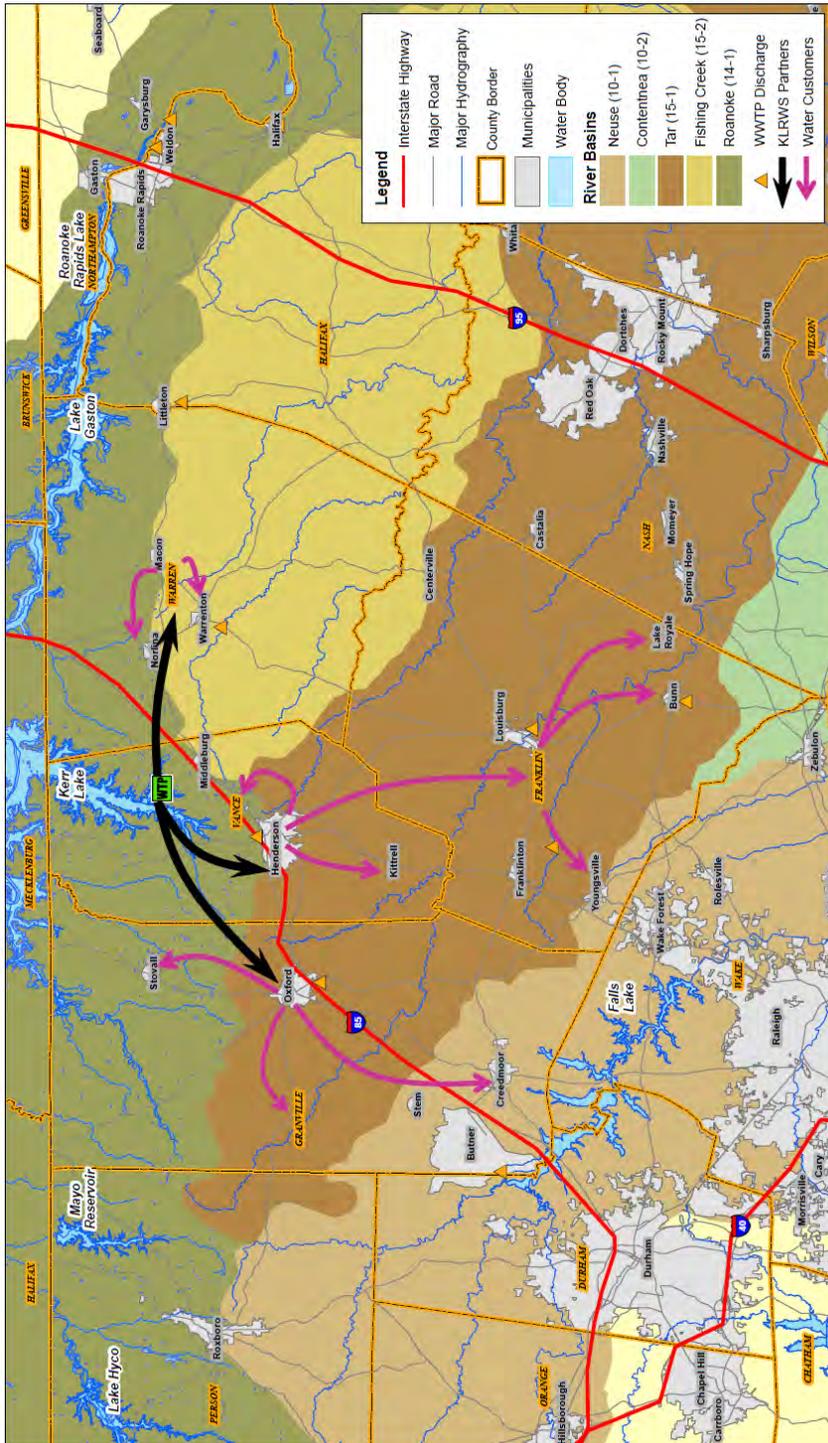
To meet future water demands within the entirety of the service area, the Partners intend to increase their withdrawal from Kerr Lake in the Roanoke River basin by expanding their existing 10 MGD water treatment plant (WTP) to 20 MGD. An authorization to construct (ATC) the WTP was granted to KLRWS by the NC Department of Environment and Natural Resources - Public Water Supply Section on March 23, 2006; PWSS Plan Review Project Serial No. 05-01344. Among other approvals, the issuance of a FONSI related to the environmental assessment document preceded the granting of the ATC. Several extensions have been granted since the 2006 approval. An ATC extension has been granted for the current design of the proposed WTP expansion through December 19, 2016.

Both the expansion and increased withdrawal can be accommodated by the KLRWS's current annual average day water supply storage allocation of 20 MGD in Kerr Lake, issued by the U.S. Army Corps of Engineers (USACE) in 2005. In 2013, the population of the KLRWS service area was 186,000, with an average day maximum month demand (MMD) of 7.7 MGD. The projected service area population in 2045 is nearly 224,000 with a MMD of 17.4 MGD. Table 2 presents the projected population growth through 2045 for the KLRWS service area.

**Table 2. Past and Projected Annual Population Growth for KLRWS Service Area**

<b>County</b>	<b>2000</b>	<b>2005</b>	<b>2010</b>	<b>2013</b>	<b>2015</b>	<b>2020</b>	<b>2025</b>	<b>2030</b>	<b>2035</b>	<b>2040</b>	<b>2045</b>
Franklin	47,260	53,880	60,813	62,697	63,433	66,009	68,611	71,211	74,151	77,916	81,680
Granville	48,498	53,090	57,577	57,910	59,310	61,336	63,361	65,388	69,149	71,819	74,489
Vance	42,954	43,192	45,358	45,056	45,583	45,692	45,802	45,913	47,021	47,532	48,043
Warren	19,972	20,072	20,939	20,453	20,456	20,088	19,855	19,705	19,878	19,800	19,723

**Figure 1 – KLRWS and Regional Water Movement**



More information about the future population growth and water demand projections may be found in Section 2.1 of the EA.

The proposed certificate is to allow the transfer of up to 14.2 MGD daily average for a calendar month, for the month in which IBT is expected to be the highest. This increase is needed in order to support the projected population growth, expanded service area, and water supply needed for the economic growth of the area serviced by the KLRWS over the next 30 years.

*Based on the record, the Commission finds that current grandfathered water supply transfer rate is insufficient to supply the Kerr Lake Regional Water System and its related service areas for the reasonable 30-year planning horizon through the year 2045. Providing water for the anticipated growth of these communities is necessary to support continued growth in this region. The requested IBT certificate for the transfer of 14.2 MGD daily average for a calendar month is found to be a necessary and reasonable amount to support the growing residential and industrial needs of this area.*

## **(2) Present and Reasonably Foreseeable Future Detrimental Effects on the Source River Basin.**

To evaluate the direct impacts on the source basin resulting from the increased IBT, the primary tool used was the North Carolina Division of Water Resources (DWR) Roanoke River Basin Hydrologic Model (model), updated in 2014. A hydrological model for a river basin can be used to assess changes in hydrological indicators for current and future conditions based on a time series of hydrological inputs to the basin. Key indicators that the model can estimate are river flows at various points within the river basin, reservoir water levels, and changes in hydroelectric power generation. The model considers all major water withdrawals and discharges within the Roanoke River basin. As required under N.C.G.S. § 143-215.22L(k)(2), data from local water supply plans were used in developing the model. In addition, industrial, recreation, energy production, mining, and agricultural withdrawals were factored into the model.

The initial set of conditions for the model represents demands, discharges and management protocols as reported from the 2010 calendar year for both North Carolina and Virginia. This model scenario provides a point of comparison to characterize the impacts of changes in demands and management scenarios by incorporating future demands to create several future scenarios. Estimates of future demands and discharges through the year 2045 were developed by DWR using data reported in individual local water supply plans, registered water withdrawers, and as provided by Virginia Department of Environmental Quality.

For model development, USGS gage data covering their individual period of record was utilized to establish flow conditions. Lake levels were evaluated for each of the reservoirs in the Roanoke River basin for the period of record and specifically during periods of extreme drought. In evaluating this alternative, lake levels for three different bases of comparison were used:

- Lake levels during the modeling simulation period, 1930 through 2011, based on estimated water demands and returns during 2010, when the IBT was about 4.6 mgd – referred to as the 2010 Baseline;
- Lake levels with all water demands in the basin projected to 2045 and with the KLRWS IBT capped at the grandfathered amount (10 mgd) – referred to as the 2045 Baseline;
- Lake levels with all water demands in the basin projected to 2045 and with the KLRWS IBT at 14.2 mgd MDD – referred to as the 2045 IBT.

The detailed modeling analysis (presented in Appendix D of the EA) indicates that lake level estimates are fairly insensitive to changes in demand due to the large inflows from the watershed and volume of the reservoir. Changes to elevation are relatively insensitive even during drought periods but show the largest change due to overall increase in demand in comparing the 2010 to 2045 Baseline results.

Table 3 summarizes the average changes in elevation during the simulation period and during two recent extreme drought periods, 2002 and 2007, for three reservoirs in the Roanoke system: Kerr Lake, Lake Gaston, and Roanoke Rapids Reservoir. None of the reservoirs showed a discernible difference in elevation between the 2045 baseline and 2045 IBT scenarios during the 2002 and 2007 droughts.

Kerr Lake was the only reservoir that showed any differences, albeit slight, during the exceptional drought periods. The model runs simulate the operation of the reservoirs based on the guide curves specified for each reservoir. This operational mode tends to maintain the reservoir level by regulating releases. For this reason, average lake elevation is usually the same for the different scenarios. When the IBT was superimposed on the 2045 Baseline elevation under 2002 drought conditions, the lake elevation dropped an additional 0.2 feet (2.4 inches). Under the 2007 drought conditions, the elevation dropped 15.2 feet from the average 2045 Baseline elevation to 284.6 feet. When the IBT was superimposed on the 2007 drought conditions, the lake elevation dropped an additional 0.1 feet (1.2 inches). These modeling results indicate that even during exceptional drought conditions, the proposed IBT increase will have negligible effects on the elevation of Kerr Lake.

**Table 3. Lake Level Difference for Proposed 2045 IBT for Entire Simulation Period and During 2002 and 2007 Droughts**

Scenario Comparison	Results (feet)	Roanoke River Reservoirs		
		Kerr	Gaston	Roanoke Rapids
2045 Baseline versus 2045 IBT	Average Baseline Elevation	299.8	200.0	132.0
	Average Elevation during 2002 Drought	284.8	200.0	132.0
	Average Difference with IBT during 2002 Drought	-0.2	0.0	0.0
	Average Elevation during 2007 Drought	284.6	200.0	132.0
	Average Difference with IBT during 2007 Drought	-0.1	0.0	0.0

Reservoir releases were also evaluated for each of the main stem reservoirs in the Roanoke River basin for the period of record and during the period of extreme drought. As with lake level, there were no projected changes in releases for reservoirs upstream of Kerr Lake. Detailed modeling results for these reservoirs are shown in Appendix D of the EA. Table 4 summarizes differences in water releases for three reservoirs in the system: Kerr Lake, Lake Gaston, and Roanoke Rapids Reservoir.

**Table 4. Reservoir Release Differences for the Entire Simulation Period and During the 2002 and 2007 Droughts**

Scenario Comparison	Results (cfs)	Roanoke River Reservoirs		
		Kerr	Gaston	Roanoke Rapids
2045 Baseline versus 2045 IBT	Average Baseline Discharge	7,443.5	7,888.8	7,491.5
	Average Discharge during 2002 Drought	3,077.3	3,247.8	2,921.0
	Average Difference during 2002 Drought	5.0	4.9	5.2
	Average Discharge during 2007 Drought	2,691.2	2,989.8	2,681.7
	Average Difference during 2007 Drought	-8.1	-8.1	-8.1

2002 Drought – 6/18/2002 through 10/15/2002  
 2007 Drought – 10/16/2007 through 3/10/2008

The modeling results indicate that most of the changes resulting from the IBT are predicted to occur as outflow from Kerr Lake. The average difference in release from Kerr Lake is approximately 5.0 mgd, which is less than the average IBT. Since the model is balancing water, this is likely due to very small changes in lake elevation predicted as a result of the IBT (less than 0.05 foot, which is rounded to 0.0 in Table 3). The reductions in release are predicted to be identical in Lake Gaston and Roanoke Rapids Reservoir to those occurring from Kerr Lake, indicating that the changes as a result of the IBT are occurring in outflow or storage in Kerr Lake. The actual changes in the flows as a result of the IBT are quite small, representing 0.07 percent on average, 0.16 percent during the 2002 drought conditions, and 0.30 percent during the 2007 drought conditions. According to the 2005 U.S. Army Corps of Engineers Reallocation Report for Kerr Lake, the average annual release from Kerr Dam is 8,000 cubic feet per second (cfs) which equates to 5,170 mgd. The maximum proposed IBT allowed under the requested certificate is 14.2 mgd, which represents approximately one-quarter of one percent of the average annual release from the Kerr Dam.

The Environmental Assessment concluded that the proposed IBT would likely not have a noticeable effect on the source basin. The predicted direct impacts to lake levels, all less than 0.2 feet, are not expected to secondarily impact other features of the reservoirs, such as boat ramps, docks, or water intake structures. Additional modeling and analyses were conducted for the Hearing Officer's report in order to estimate the additional time boat launches might be closed due to low water conditions as a result of the requested IBT. Of the 38 boat launches on Kerr Lake, the lowest 26 launches (with elevations between 287.5 feet and 293.5 feet) showed no functional difference between the 2045 baseline and 2045 IBT scenarios. The highest 12 launches (with elevations between 294.5 feet and 296.5 feet) show less than a day's difference on an average annual basis between the future scenarios with and without the IBT. See Appendix C for more detailed results and analyses of possible impacts to boat launches as a result of the requested IBT. Water levels are not predicted to decrease by such an amount that the water intake structures would be impacted, and the guide curves in place aid in the balancing of water levels among the reservoirs. These existing structures are not likely to be impacted by the proposed project.

Other water quality secondary and cumulative impacts to the Roanoke River basin, particularly to Kerr Lake, could result from the proposed project. The watershed of Nutbush Creek includes a portion of the City of Henderson and is the receiving stream for the City of Henderson's wastewater discharge. This stream is on the 303(d) list for biological impairment and urban stormwater impacts are a factor. According to the North Carolina Department of Environmental Quality (NCDEQ), this project would not significantly impact the ability of Nutbush Creek to meet the metrics for standard Class C waters. Impacts would not be significantly different from those of the No Action Alternative. The proposed IBT is not projected to result in increased water quality issues in Nutbush Creek, beyond the existing impairments, and will not require an increase to current permit limits.

*Based on the record, the Commission finds that the detrimental effects on the source basin described in N.C.G.S. § 143-215.22L(k)(2) will be very small and difficult to perceive. Additionally, the Commission finds that it is advisable to mitigate the impacts of secondary and cumulative effects caused by growth in the region serviced by the Kerr Lake Regional Water System through the implementation of local ordinances for jurisdictions that are within the Kerr Lake watershed for the protection of the lake. The Commission also finds that state permitting programs will continue to protect water quality in Nutbush Creek.*

### **(3) Cumulative Effects on the Source Major River Basin of Any Current or Projected Water Transfer or Consumptive Water Use.**

Local water supply plan data, including current and projected water use and water transfers, were used to develop the input data sets for the Roanoke River Basin Hydrologic Model (model scenarios). The model was used to evaluate current and future scenarios of basin water use. Details of the application of this model and the results of analyses of a wide range of scenarios are included in Appendix D of the Environmental Assessment document.

A comparison of Kerr Lake levels projected for the 2045 Baseline and 2045 IBT scenarios was made, utilizing drought conditions projected from the exceptional 2002 and 2007 drought events. Based on the model simulations, the average 2045 Baseline lake elevation was 299.8 feet. Under the 2002 drought conditions, the elevation dropped 15 feet to 284.8 feet. When the IBT was superimposed on the 2002 drought conditions, the lake elevation dropped an additional 0.2 feet (2.4 inches). Under the 2007 drought conditions, the elevation dropped 15.2 feet from the average 2045 Baseline elevation to 284.6 feet. When the IBT was superimposed on the 2007 drought conditions, the lake elevation dropped an additional 0.1 feet (1.2 inches) (Table 3). These modeling results indicate that even during exceptional drought conditions, the proposed IBT increase will not have a noticeable effect on the elevation of Kerr Lake. The two reservoirs downstream of Kerr Lake in the Roanoke River Basin, Lake Gaston and Roanoke Rapids Reservoir, are operated by the U.S. Army Corps of Engineers to maintain constant elevations; modeled lake levels for these reservoirs were unaffected by either drought or IBT conditions.

The detailed modeling analysis presented in Appendix D of the EA indicates that lake level estimates are fairly insensitive to changes in demand due to the large inflows to Kerr Lake from the watershed and volume of the reservoir. Changes to elevation are relatively insensitive even during drought periods; the largest change is due to the overall increase in demand when comparing the 2010 to 2045 Baseline results. A comparison of discharges, or reservoir releases, under the baseline and IBT scenarios was performed for the 2030, 2040, and 2060 demand conditions. No difference was seen in the average discharge from the three reservoirs upstream of Kerr Lake in the Roanoke River Basin. This indicates that the proposed IBT would not require upstream releases to maintain the elevation of Kerr Lake and the lower reservoirs, even during periods of drought.

The total amount of water leaving the Roanoke River basin is considered as part of the cumulative impacts analysis for the proposed project. In addition to this IBT request, the City of Virginia Beach, Virginia has an intake in Lake Gaston and has permission to transfer a maximum of 60 mgd, with recent transfers averaging 25.7 mgd (as reported in 2010).

Virginia Beach's transfer (also referred to as the Lake Gaston Project) does not impact Lake Gaston levels because lake levels are controlled by both FERC licensing and Virginia Power. However, Kerr Lake releases are impacted by the Lake Gaston Project. Downstream flows are reduced by approximately 1 percent; during drought this impact could approach 3 to 4 percent. Also during droughts, downstream flow must be maintained to protect instream habitats and when necessary augmented flows from the storage purchased in Kerr Lake are used. This amounts to an impact to Kerr Lake water levels of 2 to 4 inches, which is separate from the estimated 1.2 to 2.4-inch decrease in water level from the IBT. Cumulatively, these impacts are not significantly different from that previously approved for the Lake Gaston Project and the City of Virginia Beach. Cumulatively with this proposed IBT, downstream flows in the Roanoke River would not be impacted beyond the 1 percent anticipated for the City of Virginia Beach withdrawal.

The City of Henderson's wastewater treatment plant discharges to Nutbush Creek, a 303(d)-listed stream for biological impairment, which empties into Kerr Lake. The City's current national pollutant discharge elimination system (NPDES) permit includes a provision to allow expansion of the discharge to 6.0 mgd. The facility has not had a violation or penalty since 2001 and thus has a long track record of compliance; continued compliance, should expansion to 6.0 mgd occur, will be important to the continued protection of water quality in Nutbush Creek and Kerr Lake. Increased impacts to Nutbush Creek are not expected with the increased wastewater discharge. The NPDES permit has already been approved to 6.0 mgd; the limits in the permit are designed to preserve instream water quality of Nutbush Creek. In summary, water quality in the Roanoke River basin would likely not be impacted by the proposed IBT.

*Based on the record, the Commission finds that the proposed IBT represents a small transfer within a large river system. The cumulative effects of this proposed water transfer and consumptive water uses as described in N.C.G.S. §143-215.22L(k)(3) will not have a noticeable effect on the source basin. The provisions for drought management, water conservation, and monitoring and compliance reporting required by N.C.G.S. §143-215.22L(n) will provide additional protection to the source basin and, therefore, those provisions are incorporated into this certificate.*

**(4) Present and Reasonably Foreseeable Future Beneficial and Detrimental Effects on the Receiving Basins.**

The receiving basins, to which water is transferred from Kerr Lake via both consumptive use and wastewater discharge, include the Tar and Neuse River basins as well as the Fishing Creek basin. See Finding No. 1 for reasonably foreseeable future beneficial effects on the receiving basins.

There would be no anticipated detrimental effects to public water supply in the Tar River, Neuse River and Fishing Creek. Other municipalities do use the Tar River for water supply; however, because the initial withdrawal is from the Roanoke River basin, the available water supply in the Tar River would not be reduced by the IBT. Because stream flows in the receiving basins are not expected to change significantly due to the proposal, no detrimental effects are likely to occur to navigation, recreation, or flooding. No construction activities directly associated with the proposed increase in IBT are anticipated in the receiving basins. As documented in the EA, within the receiving basins, the proposed IBT will not have direct impacts to soils, wildlife resources, land cover, agricultural land and prime farmland, forested resources, public lands and scenic and natural areas, archaeological and historic resources, air quality, noise levels, and toxic substances/hazardous wastes.

Primary detrimental effects to water quality from the IBT would originate from operation of existing wastewater treatment plants (WWTPs). Wastewater discharges are expected to increase, but as documented in the EA are within the limits of the current NPDES permitted flows. The increased transfer of water to the Neuse River, Tar River, and Fishing Creek basins would translate into an increase in wastewater discharges at the Town of Butner, City of Oxford, Town of Warrenton, Town of Bunn, and Franklin County WWTPs.

The Tar-Pamlico River basin has a nutrient management strategy in place; Phase III is currently underway. Phosphorus and nitrogen reduction goals are the focus, with trading and other mechanisms set up to cost-effectively reduce nutrient loading. The four WWTPs associated with this project, listed above, are owned by members of the Tar-Pamlico Basin Association (Association) and have nutrient monitoring without limits as part of their permits; instead, there is an overall nutrient loading cap for the Association.

The Association has a cap for total nitrogen and total phosphorus loading, which has not been exceeded since the inception of the program even though flows have increased, as shown in annual reports documenting monthly mass loadings of nutrients. The Association has accomplished this performance by instituting biological nutrient removal at individual facilities and monitoring water quality at over 35 stations throughout the basin, including upstream and downstream of these WWTPs. In addition, nitrogen offset credits have been banked and can be used against future nutrient exceedances. The loading cap and other efforts by the Association would minimize any potential detrimental effects to downstream

water quality as a result of this project. Therefore, the Pamlico Sound would not likely see additional nutrient impacts due to the increased wastewater discharge that could result from this project.

These NPDES permits were issued to protect instream water quality while allowing for flexibility with adaptive management strategies. The permitting process for each of these facilities has complied with the North Carolina Environmental Policy Act requirements. DWR's antidegradation policy requires that only the alternative that causes the least amount of environmental damage can be permitted under the NPDES program. Direct impacts related to flooding and streambank erosion due to an increase in stream flow (from treated effluent) could be minor. The permitted NPDES flows would accommodate the proposed IBT flow amounts without creating additional significant impacts.

#### *Secondary and Cumulative Impacts*

Urban development of the receiving basins could adversely affect water quality. Indirect or secondary impacts on water quality and aquatic habitat in areas adjacent to and downstream of these areas could occur with full urbanization. Urbanization is most likely in Franklin County, with lower densities of development occurring in Granville and Vance Counties.

Short-term declines in water quality from installation of sewer and water lines, as well as public facility construction projects, and long-term declines in water quality from land use changes could have significant impacts on water quality and subsequent impacts on aquatic habitat, wetlands, and sensitive aquatic and amphibian species in the service area and downstream within the study area. However, with the existing regulatory and non-regulatory environmental protection programs in effect at the local, state, and federal levels, the impacts of the proposed IBT would be minimal when compared to those of the no action alternative. See Section 6 of the Environmental Assessment for the local, state, and federal regulations and programs that will serve to mitigate detrimental effects from the proposed IBT. While no new construction is directly associated with this proposed IBT project, other water system expansion projects, unknown at this time, could include additional infrastructure. Connections between the Partners and their customers are currently in place and of adequate capacity to accommodate projected sales to 2045.

Changes in land use can have a major effect on both the quantity and quality of stormwater runoff. Land use changes associated with urbanization, for example, if not properly planned and managed, can dramatically alter the natural hydrology of an area. Impervious surfaces increase the volume and rate of stormwater runoff. These changes lead to more frequent and severe flooding and also to degradation of water quality from the various stormwater pollutants that wash off impervious areas during rain events (for example, sediments, nutrients, pathogen-indicators).

The population projections for Warren County, including the Fishing Creek watershed, show almost flat growth; therefore, no development-related secondary and cumulative impacts would likely occur in this basin. Some industrial growth could occur, however it is not expected to be significant enough to influence population growth projections.

*Based on the record, the Commission finds that detrimental effects on the receiving basins as described in N.C.G.S. § 143-215.22L(k)(4) will be avoided due to the implementation of existing federal, state, and local regulations and protection programs. The transfer will support continued population growth and result in indirect and cumulative impacts from that growth. These impacts include effects on wastewater assimilation, fish and wildlife habitat, and water quality similar to the secondary growth effects described in Finding No. 2. However, these impacts are projected to be mitigated as a result of federal, state, and local protection programs.*

#### **(5) Reasonable Alternatives to the Proposed Transfer.**

Several alternatives to the proposed project were defined and evaluated for their ability to meet the Kerr Lake Regional Water System's water supply needs through 2045. The following information regarding water supply alternatives is from Section 3.1 of the EA document. The following six categories of alternatives, with a total of nine different water supply alternatives, were evaluated and are summarized below:

1. **Alternative 1 - No action (Not to exceed grandfathered IBT of 10 mgd)**

Under this alternative, KLRWS would continue to provide water to customers in Warren, Vance, Franklin, and Granville Counties. KLRWS would not exceed the grandfathered IBT of 10 mgd to the Tar River, Neuse River, and Fishing Creek basins. However a request would be made to update the certificate to reflect the average day of a calendar month compliance measure that was incorporated in statute through Session Law 2013-388. This alternative would preclude KLRWS from providing additional water service to its Partners and the public water systems that have contracts with the Partners. This alternative is deficient because it would limit the ability of KLRWS to meet future peak day demands and would provide KLRWS with no resilience to drought. In addition, planned connections to users who currently have individual wells would not occur. This alternative would not meet the project purpose and need.

2. **Alternative 2 – Increase in IBT to meet 2045 demands (Proposed IBT Certificate)**

This alternative would result in an increased IBT to the Tar, Fishing Creek, and Neuse River basins. Under this alternative, KLRWS would continue to be a regional provider of water and would serve its customers in Granville, Franklin, Vance, and Warren Counties. This would involve expanding the existing WTP to 20 mgd initially and meeting all contracted and future demands of the system within the planning period. To distribute

water to the expanded system, the KLRWS would need an increase in its authorized IBT to 14.2 mgd on a maximum month basis from the Roanoke River basin (Kerr Lake) to the Tar River basin (10.7 mgd), to the Fishing Creek basin (1.7 mgd), and to the Neuse River basin (1.8 mgd). Essentially no new infrastructure would be built as part of this alternative; major transmission mains are already in place.

3. Avoid IBT increase by finding alternative surface water sources:

- **Alternative 3a – Avoid Additional IBT by using a surface water withdrawal from the Tar River Basin**

This alternative would eliminate the need for an increased IBT between the Roanoke and Tar River basins. A new WTP or additional infrastructure and an expansion of an existing WTP would be necessary.

One potential water source is Lake Devin, which historically had been the City of Oxford's water source. Lake Devin lies on Hatcher's Run at a point which drains 1.55 square miles. USGS has estimated that the 20-year safe yield from Lake Devin is approximately 2 mgd. This water supply source would not result in adequate water to meet the long-term needs. Additionally, installation of new infrastructure would be required to resume use of Lake Devin as a water supply source. Therefore, this alternative does not meet the project purpose and need.

Another potential water source is the main stem of the Tar River. The Town of Louisburg could expand its water supply intake to meet the needs of KLRWS's Franklin County customers or a parallel intake could be constructed. A review of USGS stream gage data from January 1, 2000 through December 29, 2009 indicates that flows occasionally fell below target levels for aquatic habitat during summer months. A spreadsheet model was developed to evaluate how often the projected flow needs would be met by the Tar River. It was assumed that 11.5 cfs (7.4 mgd) should be maintained at the USGS flow gage based on a 1995 instream flow study conducted by DWR. For 2 percent of the estimated period of record, no withdrawals would be allowed in efforts to meet the recommended instream passing flow of 11.5 cfs. Therefore, it appears the Tar River is not a viable source to meet long-term water supply needs as a run-of-the-river source.

- **Alternative 3b – Avoid IBT by constructing a new water supply reservoir on the Tar River**

A new reservoir could be built in the upper reaches of the Tar River in Granville County. Building a new reservoir typically has greater environmental impact than other alternatives. A new reservoir would modify the flow regime in the river, would impact many acres of wetlands, and would modify instream habitat. This has the potential to significantly impact aquatic species such as the federally endangered Tar River

spiny mussel and dwarf wedgemussel.

An impoundment and associated pumping and conveyance infrastructure could be constructed in Franklin County on the Tar River to meet County demands. A new supply of approximately 3.3 mgd on an average day demand basis would be needed to serve the Tar and Neuse River basins. In order to meet future needs and comply with the instream flow requirement of 11.5 cfs in the Tar River at Louisburg, approximately 980 acre-feet of storage would be required. Assuming an average depth of 6 feet, a depth similar to the average depth of Lake Devin in Oxford and Tar River Reservoir in Rocky Mount, results in a reservoir that is approximately 160 acres which would likely result in significant impacts to aquatic habitat and federally listed species.

- **Alternative 3c – Avoid IBT by using a water withdrawal with offline storage in the Tar River Basin**

An offline reservoir which uses the Tar River as a water supply source could be used. During low flow conditions as discussed under Alternative 3a, water could not be withdrawn based on the instream flow targets. The use of offline storage was considered to determine if the Tar River plus offline storage would meet the 2045 water supply needs of KLRWS. The benefits of offline storage include the ability to withdraw flows at greater rates when water levels are high and to rely on the storage volume to manage peak demands and extended periods of low river flow. Both yearlong and seasonal withdrawal scenarios were considered.

Cost and availability of sites to build the storage remain significant limitations. Offline storage options include damming a tributary to the Tar River, using aboveground storage tanks, or filling abandoned quarries. Damming tributaries to the Tar River would require approximately 2,600 acre-feet of usable water supply storage covering approximately 4,200 acres assuming an average depth of 6 feet. This depth is similar to the average depth of Lake Devin in Oxford and Tar River Reservoir in Rocky Mount. The total storage requirement could be accomplished cumulatively in more than one tributary drainage area; however, this alternative presents similar challenges as described for Alternative 3b.

Aboveground tanks would be costly. The cost to develop storage ranges from \$0.50 to \$1.00 per gallon depending on the cost of land. Other alternatives have costs which are two orders of magnitude lower. There are four quarries registered with the NCDEQ Division of Energy, Mineral, and Land Resources, three of which are used to mine sand, and as such would not likely support water storage or have sufficient storage capacity. A crushed stone quarry was originally issued a permit in 2005, and would likely still be in use in 2045. Finally, quarries are privately owned, and their availability for future use is not guaranteed. There are no known quarries which provide a feasible storage option.

**4. Alternative 4 – Avoid Additional IBT by Finding Alternative Groundwater Sources**

Under this alternative, a groundwater source would be used to supply water to meet future needs in the Tar and Neuse River basins, equivalent to approximately 3.0 mgd on an average daily demand (ADD) basis. The current grandfathered IBT would be used to meet needs in the Fishing Creek watershed. There would be some environmental impacts around any proposed well field, and there could be impacts to groundwater resources in the area. The USACE evaluated this alternative when reviewing the request for additional allocation from Kerr Lake to the KLRWS. In 2005, the USACE found that well yields in the region are low; the maximum yield is 100 gallons per minute (gpm), which is the equivalent of 0.144 mgd, and the best producing well that the Town of Bunn operated had a capacity of 40 gpm. Based on the maximum yield of 100 gpm, KLRWS would need to install 21 wells to meet the 2045 average day demand and 24 wells to meet the maximum day demand; this assumes that the grandfathered 10-mgd IBT would continue. Since well yields would likely not be at the maximum levels, more wells would likely be required to meet 2045 demands. The USACE concluded that expected well yields would not produce an adequate supply of water to meet future needs.

In addition to problems with well yield, Vance County has indicated that many of its residents have complained about odor and discoloration issues with their private wells. Given these concerns, the potential water supply from groundwater is likely inadequate to meet the project purpose and need, and may not provide adequate water quality without additional treatment.

**5. Alternative 5 – Minimize IBT by Discharging to Roanoke River Basin**

This alternative could be accomplished by either: (1) returning raw wastewater to the Roanoke River basin for treatment at the City of Henderson's WWTP and discharging to the Nutbush Creek arm of Kerr Lake, or (2) returning treated effluent to the Roanoke River basin. Given the advantages of returning treated effluent, rather than raw wastewater, to the source basin, the treated effluent option was the alternative that was considered.

This alternative would require the construction of new wastewater effluent force mains and pump stations to convey treated wastewater from one or more of the WWTPs in the service area that discharge to the Tar River, Neuse River (once sales begin to Southern Granville Water and Sewer Authority) or Fishing Creek basins. Costs of this infrastructure and associated operational and maintenance costs would be significant. There would be direct environmental impacts associated with this alternative because new infrastructure would be built to convey the treated effluent back to the Roanoke River basin.

This alternative would not eliminate IBT due to the large amounts of consumptive use in the receiving basins. Approximately 8.3 mgd could be returned to the Roanoke River under this alternative, but there would remain an IBT of approximately 3.9 mgd. This alternative would minimize the IBT and likely keep it under the grandfathered IBT amount. It would meet water demands, require construction of new transmission lines back to the Roanoke River basin, and continue to promote the partnerships created by the local governments. While this alternative meets the purpose and need of the project, significant infrastructure costs would be necessary and direct environmental impacts would occur with construction.

## 6. Use Coastal Water as a Source

- **Alternative 6a - Avoid an increase in IBT by using coastal water as source water through desalination technology**

Estuarine water would need to come from the Pamlico Sound to avoid an IBT and meet the purpose of this alternative. Water would need to undergo a desalination treatment process before it could be used as a drinking water source. In general, it is better to site the plant near the water source, which would not allow use of the current treatment facility. One reason for this is that the wastewater from the treatment process needs to be discharged, and there would be problems in permitting a brackish discharge near Kerr Lake. Pumping saline water long distance would also pose O&M issues for conveyance and pumping infrastructure, since saline waters are highly corrosive.

In addition to high costs, using coastal estuary water would have significant direct environmental impacts. Transmission infrastructure would need to be built from the coast to the KLRWS service area, resulting in land use, wetlands, aquatic and terrestrial resource, and many other impacts because of the distance from the service area. In addition, energy-intensive pumping of the water back would result in higher greenhouse gas emissions than the proposed alternative. A new water treatment plant would also be required, along with desalination technology. This alternative would not impact water supply or hydropower use in the Roanoke River basin, but it would require a new wastewater discharge to the estuary. Using coastal estuary water does not meet the purpose and need and has potential significant direct environmental impacts.

- **Alternative 6b - Avoid an increase in IBT by using groundwater from the coastal area**  
Using water from the PCS Phosphate Mine in Aurora, North Carolina was also evaluated. PCS Phosphate uses multiple wells to relieve artesian pressure on the mining floor. Thus, they produce a large quantity of groundwater that could be used as a drinking water supply. Eagle Water Company has contracted with PCS Phosphate for 58 mgd of water that it could sell. The transmission infrastructure would result in impacts to land use, wetlands, aquatic and terrestrial resource, and many other impacts because of the distance of the required pipeline route. This alternative would result in higher greenhouse gas emissions associated with pumping the water. There would be no impacts on water supply or hydropower in the Roanoke River basin. Costs related to this alternative, which include transmission mains, pump stations, and costs associated with obtaining access to the water from the mine, are an order of magnitude higher than the costs to pump wastewater back to the Roanoke River basin. Additionally, the water supply source may not be viable once mining is discontinued. The KLRWS would not have control over the mining operation or schedule for operation. Thus this alternative does not meet the purpose and need of the project.

*Based on the record, the Commission finds that reasonable alternatives to the proposed IBT were considered. Based on a review of the project information, the Commission finds the recommended alternative (Alternative 2) to be the most feasible for meeting the KLRWS's water supply needs while minimizing detrimental environmental impacts and that the applicant's need for water cannot be satisfied by alternatives within the receiving basins.*

**(6) Applicants' Use of Impoundment Storage Capacity.**

*Based on the record, the Commission finds that this item is not applicable.*

**(7) Purposes of Any US Army Corps of Engineers Multi-Purpose Reservoir Relevant to the Petition.**

John H. Kerr Reservoir (Kerr Lake) was constructed in 1952 to provide flood control, generation of hydroelectric power, mosquito control, pollution abatement, conservation of fish and wildlife, low water control navigation, and recreation. Reallocation of the lake's conservation storage pool to include water supply occurred in 1958. The reservoir has 2,262,421 acre-feet (AF) of usable storage, which the US Army Corps of Engineers (USACE) actively manages for power production, flood control, stream flow regulation, recreation, water supply, and fish and wildlife management.

Of Kerr Lake's usable storage, approximately 57% (1,282,367 AF) is dedicated to flood control storage and the other 43% (980,054 AF), referred to as the conservation pool, and is reserved for hydropower generation and water supply. Table 5 presents the allocation of water storage

in Kerr Lake. The City of Clarksville, City of Virginia Beach, Virginia Department of Corrections, Mecklenburg Co-Generation facility (Dominion Resources), and the City of Henderson, NC (KLRWS), are existing users of water from Kerr Lake for municipal and industrial water supply.

**Table 5. Kerr Lake Water Storage Allocation**

Drainage Area (square miles)		7,800
Storage <sup>a</sup> (AF)	Total Usable Pool (Elevation 268-320 ft msl)	2,262,421
	Flood Control Pool (Elevation 300-320 ft msl)	1,282,367
	Conservation Pool (Elevation 268-300 ft msl)	980,054
	Hydropower	958,939
	Water Supply	21,115

<sup>a</sup> Storage remaining after 100 years of sedimentation from July 1953  
 Source: 2005 USACE Reallocation Report

The KLRWS began withdrawing water from Kerr Lake in 1978. In 2005, the KLRWS requested from the USACE a reallocation of 10,292 acre-feet (AF) from Kerr Lake’s usable conservation pool storage for water supply. The reallocation of 10,292 AF of storage to satisfy this request increased the total water supply storage allocation for all Kerr Lake water supply agreements to 21,115 AF and leaves 28,885 AF of storage remaining for reallocation. This reallocation finalized the conversion of an original 20 million gallon per day (mgd) ‘water use’ agreement to a ‘storage agreement.’ According to the USACE’s analysis of the request, operation of the reservoir with a 20 mgd water withdrawal during the critical low flow period (2002 drought conditions) would result in an elevation at Kerr of 0.26 feet (3.1 inches) lower than what would be expected without any withdrawal. According to the USACE, normal reservoir operations and recreation activities (fishing, boating, swimming, etc.) would not be adversely impacted by this change. The 20 mgd withdrawal (not expected to be reached before the year 2060) is not significant enough to alter reservoir operation; this volume equates to approximately 31 cubic feet per second (cfs), which represents only 0.38% of the 8,000 cfs average annual release from Kerr Dam. The volume of Kerr Lake is too large compared to KLRWS’s maximum allowed withdrawal amount for that withdrawn to have a noticeable effect.

As previously noted, the 20 mgd that the KLRWS is approved by the USACE to withdraw from Kerr Lake is not expected to be reached until at least 2060. For the 30-year planning window utilized for this IBT certificate request, it is expected that by 2045 approximately 17.4 mgd will be withdrawn in order to meet the average day maximum month demand, and of that 14.2 mgd will be transferred outside the Roanoke River basin.

*Based on the record, the Commission finds that the water storage allocation and proposed interbasin transfer are consistent with the federally authorized project purposes of Kerr Lake.*

**(8) Whether KLRWS's Service Area is Located in Both the Source and Receiving River Basins.**

The service areas for the Kerr Lake Regional Water System are within the Roanoke River basin (source), the Tar River basin (receiving), the Neuse River basin (receiving), and the Fishing Creek basin (receiving) as illustrated in Figure 1. The percentages of land area served by KLRWS within each river basin are presented in Table 1.

*The Commission finds that the Kerr Lake Regional Water System's service area population is located within both the source and receiving basins, thereby avoiding the removal or receipt of water in a basin not contained within the existing service area.*

**(9) Any Other Facts or Circumstances Reasonably Necessary to Carry Out the Purposes of the Statute.**

*The Commission finds that to protect the source basin during drought conditions, and to mitigate the future need for allocations of the limited resources of this basin, a drought management plan is appropriate. The plan shall describe the actions that the Kerr Lake Regional Water System and their secondary bulk customers will take to protect the Roanoke River Basin during drought conditions. The provisions for drought management, water conservation, and monitoring and compliance reporting as required in N.C.G.S. §143-215.22L(n) and specifically incorporated into this certificate will provide additional protection to the source basin and these provisions shall convey to all bulk water customers of KLRWS, as identified in this IBT certificate.*

## *Decision*

Based on the Findings of Fact stated above, the Commission has determined that (1) the benefits of the proposed certificate outweigh the detriments of the certificate; (2) any detriments of the proposed certificate will be mitigated to the maximum degree practicable under the conditions of this Certificate; (3) the amount of the transfer does not exceed the amount of the projected shortfall under the applicant's water supply plan after first taking into account all other sources of water that are available to the applicant; and (4) there are no reasonable alternatives to the proposed transfer. Therefore, and by duly made motions, the Commission grants the Kerr Lake Regional Water System's request to transfer water from the Roanoke River basin to the Tar River, Fishing Creek, and Neuse River basins. The permitted transfer amount shall not exceed a maximum of 10.7 million gallons per day from the Roanoke River Basin to the Tar River Basin, 1.7 million gallons per day from the Roanoke River Basin to the Fishing Creek basin, and 1.8 million gallons per day from the Roanoke River Basin to the Neuse River Basin, calculated as a daily average of a calendar month basis.

The certificate is subject to the conditions below, which are imposed under the authority of N.C.G.S. § 143-215.22L. The Kerr Lake Regional Water System shall comply with any plan that is approved pursuant to this Certificate and any approved amendments to such plan. A violation of any plan approved pursuant to this Certificate will be considered a violation of the terms and conditions of this Certificate.

1. Within 90 days of receipt of the Interbasin Transfer Certificate, the Kerr Lake Regional Water System shall prepare and submit a water conservation plan subject to approval by the Division of Water Resources (Division) that specifies the water conservation measures, including a rate pricing structure, to be implemented by the partners to ensure the efficient use of the transferred water. Except in circumstances of technical or economic infeasibility or adverse environmental impact, the water conservation plan shall provide for the mandatory implementation of water conservation measures that equal or exceed the most stringent water conservation plan implemented by a public water system that withdraws water from the source river basin. All bulk water customers of Kerr Lake Regional Water System, as identified in this Interbasin Transfer Certificate, shall implement a water conservation plan at least as stringent as the requirements imposed on the Kerr Lake Regional Water System. The Certificate Holders shall not transfer any water to any other unit of local government unless that unit of local government agrees to be bound by this condition in full.
2. Within 90 days of receipt of the Interbasin Transfer Certificate, the Kerr Lake Regional Water System shall prepare and submit a drought management plan subject to approval by the Division that specifies how the transfer shall be managed to protect the source river basin (Roanoke River basin) during drought conditions or other emergencies that occur within the source river basin. Except in circumstances of technical or economic

infeasibility or adverse environmental impact, this drought management plan shall include mandatory reductions in the permitted amount of the transfer based on the severity and duration of a drought occurring within the source river basin and shall provide for the mandatory implementation of a drought management plan by the Kerr Lake Regional Water System that equals or exceeds the most stringent drought management plan implemented by a public water system that withdraws water from the source river basin. All bulk water customers of Kerr Lake Regional Water System, as identified in this Interbasin Transfer Certificate, shall implement a drought management plan at least as stringent as the requirements imposed on the Kerr Lake Regional Water System. The Certificate Holders shall not transfer any water to any other unit of local government unless that unit of local government agrees to be bound by this condition in full.

3. Within 90 days of receipt of the Interbasin Transfer Certificate, the Kerr Lake Regional Water System shall submit a quarterly compliance and monitoring plan subject to approval by the Division. The plan shall include methodologies and reporting schedules for reporting the following information: daily transfer amount calculated as the average daily over the maximum month, compliance with certificate conditions, progress on mitigation measures, drought management, and reporting. A copy of the approved plan shall be kept on file with the Division for public inspection. The Division shall have the authority to make modifications to the compliance and monitoring plan as necessary to assess compliance with the certificate. The quarterly compliance and monitoring report shall be submitted to the Commission no later than 30 days after the end of the quarter. The Kerr Lake Regional Water System shall employ any methods or install and operate any devices needed to measure the amount of water that is transferred during each calendar quarter, calculated as a daily average of a calendar month.
4. The Commission may amend the certificate to reduce the maximum amount of water authorized to be transferred whenever it appears that an alternative source of water is available to the certificate holder from within the receiving river basin, including, but not limited to, the purchase of water from another water supplier within the receiving basin or to the transfer of water from another sub-basin within the receiving major river basin.
5. The Commission shall amend the certificate to reduce the maximum amount of water authorized to be transferred if the KLRWS's actual future water needs are significantly less than the KLRWS's projected water needs at the time the certificate was granted.
6. The KLRWS shall not resell the water that would be transferred pursuant to the certificate to another public water system. This limitation shall not apply in the case of a proposed resale or transfer among public water systems within the receiving river basin as part of an inter-local agreement or other regional water supply arrangement, provided that each participant in the inter-local agreement or regional water supply arrangement is a co-applicant for the certificate and will be subject to all the terms, conditions, and limitations made applicable to any lead or primary applicant.

7. If the Commission determines that information in the record material to its Findings of Fact, pursuant to N.C.G.S. § 143-215.22L(k), was erroneous, incomplete, or otherwise contained material misrepresentations, misstatements, or misinterpretations the Commission may reopen and modify or revoke this Certificate to ensure continued compliance with N.C.G.S. Chapter 143, Article 21, Part 2A.

NOTICE: The holders of this certificate are jointly and severally responsible for compliance with the terms, conditions and requirements stated herein, and are therefore jointly and severally liable for all penalties assessed to enforce such terms, conditions and requirements as provided in N.C.G.S. §143-215.6A.

This is the \_\_\_\_\_ day of \_\_\_\_\_, 2015.

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Gerard P. Carroll, Chairman

## **PART 2 – STAFF RESPONSE TO COMMENTS**

Kerr Lake Regional Water System Proposed Interbasin Transfer Certificate  
Public Comments Received  
Hearing Officer's Report - Part 2

#	unique #	Name	Affiliation	Date Submitted	Format	# Petition Signatures
1	1	Adams, Kirk	NC Citizen	4/20/2015	Email	
2	2	Adams, Paulette	NC Citizen	4/19/2015	Email	1
3	3	Adams, Troy	NC Citizen	4/19/2015	Email	1
4	4	Adesso, Gene	President, Roanoke River Association	3/31/2015	Hearing Transcript	
5		Adesso, Gene	NC Citizen	4/13/2015	Email - Petition	1
6	5	Alberg, Otto		4/17/2015	Email	
7	6	Alger, Rob	NC Citizens	4/20/2015	Petition	2
8	7	Allen, Angela	Director, Granville County Tourism Development Authority	4/30/2015	Letter	
9	8	Allen, Denise	NC Citizen	4/23/2015	Email	
10	9	Anthony, Nancy	VA Citizen	4/30/2015	Letter	
11	10	Arnold, SD	NC/VA Citizens	4/30/2015	Email - Petition	17
12	11	Avent, Frank	Director, Halifax County Economic Development Commission	4/24/2015	Letter	
13	12	Bailey, Merritt	NC Citizen	4/16/2015	Email	
14	13	Barnes, John	President, Henderson-Vance Chamber of Commerce	4/29/2015	Email	
15	14	Beazley, Don	NC Citizen	4/18/2015	Email	
16	15	Benjamin, Pete	Field Supervisor, US Fish and Wildlife Service	3/16/2015	Letter	
17	16	Berry, Jim	NC Citizen	4/18/2015	Email	
18	17	Ballard, Bishop		4/26/2015	Email	
19	18	Boisot, Donna		4/16/2015	Email	
20	19	Bolton, Carolyn	NC Citizen	4/20/2015	Email	
21	20	Bosworth, Charles	NC Citizen	4/27/2015	Email	
22		Bosworth, Charles	NC Citizen	4/28/2015	Letter – Petition	8
23	21	Bradley, Dale	VA Citizen	4/29/2015	Email	
24	22	Brantley, Karney	NC Citizen	4/28/2015	Email	
25	23	Brewer, Beth	NC Citizen	4/28/2015	Email	
26		Brewer, Beth	NC Citizen	4/28/2015	Email - Petition Cover	
27		Brewer, Beth	NC Citizen	4/28/2015	Attachment - Petition	2
28	24	Brewer, Tyler	NC Citizen	4/29/2015	Letter - Petition	28
29	25	Brown, Dan	CEO, Roanoke Rapids Sanitary District	3/31/2015	Letter-Hearing	
30	26	Browne, Linda	NC Citizen	4/17/2015	Email	
31	27	Brown, Tony	Manager, Halifax County	4/17/2015	Letter	
32	28	Bunn, Tina	NC Citizen	4/28/2015	Email	
33	29	Burnett, Scott	VA Citizen	4/17/2015	Email	
34	30	Burnette, Vicky	VA Citizen	4/17/2015	Email	
35		Burnette, Vicky	VA Citizen	4/17/2015	Letter	
36	31	Burton, Bobby	NC Citizen	4/23/2015	Email - Petition	1
37	32	Carter, Brandy	NC Citizen	4/26/2015	Email	2
38	33	Carter, Wayne	County Administrator, Mecklenburg County Board of Supervisors	4/30/2015	Letter	
39	34	Catherwood, Robert	NC Citizen	4/28/2015	Email	
40	35	Cestaro, Mike		4/19/2015	Email	
41		CH2MHill	Response to USFWS	3/25/2015	Letter	

Kerr Lake Regional Water System Proposed Interbasin Transfer Certificate  
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#	unique #	Name	Affiliation	Date Submitted	Format	# Petition Signatures
42	36	Champion, Kim	NC Citizen	4/28/2015	Email	
43	37	Charlton, ACR	VA Citizen	4/28/2015	Letter	
44	38	Colanero, Linda	NC Citizen	4/24/2015	Email	
45		Colanero, Linda	NC Citizen	4/24/2015	Email	
46	39	Coleman, Dawn	NC Citizen	4/20/2015	Email	
47	40	Coleman, Jill		4/18/2015	Email	
48	41	Colemen, Levi		4/18/2015	Email	
49	42	Cooper, Elaine	VA Citizen	4/24/2015	Petition	1
50	43	Craft, Gregory	NC Citizen	4/27/2015	Email	
51		Craft, Gregory	NC Citizen	4/27/2015	Petition	11
52	44	Craig, Bill	NC Citizen	4/30/2015	Email - Petition	
53	45	Creech, Stan	NC Citizen	4/29/2015	Email	
54	46	Crossman, Jayce	VA Citizen	4/21/2015	Email	
55	47	Currin, David	NC Citizen	4/21/2015	Email	
56		Currin, David	NC Citizen	4/21/2015	Petition	2
57	48	Currin, Ginnie	Executive Director, Granville County Chamber of Commerce	4/29/2015	Letter	
58	49	Curtis, Randy	NC Citizen	4/20/2015	Email	
59	50	Darnall, Clayton		4/16/2015	Email	
60	51	Davie, Robert	Administrator, Town of Warrenton	4/14/2015	Resolution	
61	52	Dayberry, Carol	VA Citizen	4/16/2015	Email	
62	53	Deck, Heather	River Keeper, Pamlico Tar River Keeper Foundation	4/20/2015	Hearing Transcript	
63		Deck, Heather	Sound Rivers, Inc.	4/30/2015	Letter	
64	54	Doughtie, Emory	Mayor, Roanoke Rapids	4/13/2015	Letter	
65	55	Dowhan, Jeff	NC Citizen	4/20/2015	Email	
66	56	Drake, Doneal	NC Citizen	4/20/2015	Email	
67	57	Dugal, Tre	VA Citizen	4/18/2015	Email	
68	58	Duncan, John	NC Citizen	4/30/2015	Email	
69		Duncan, John	NC Citizen	4/30/2015	Email	2
70	59	Dunston, Sidney	Chair, Franklin County Board of Commisioners	4/14/2015	Resolution	
71	60	Early, Thomas	NC Citizen	4/16/2015	Email	
72	61	Echols, Margaret		4/25/2015	Email	
73	62	Edwards, Priscilla	VA Citizen	4/18/2015	Email - Petition	1
74	63	Elam, Lou		4/19/2015	Email	
75	64	Elmore, Charles	NC Citizen	4/24/2015	Email	
76	65	Estes, Harvey	NC Citizen	4/18/2015	Email	
77	66	Falls, Sonya	NC Citizen	4/11/2015	Email	
78	67	Ferrucio, Deborah	NC Citizen	4/29/2015	Email	
79		Ferrucio, Deborah	NC Citizen	4/24/2015	Email	
80		Ferrucio, Deborah	NC Citizen	4/29/2015	Email	
81	68	Field, Cheryl	VA Citizen	4/22/2015	Email	
82	69	Field, Peyton	VA Citizen	4/22/2015	Email	

Kerr Lake Regional Water System Proposed Interbasin Transfer Certificate  
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#	unique #	Name	Affiliation	Date Submitted	Format	# Petition Signatures
83	70	Finch, Lois	VA Citizens	4/22/2015	Petition	13
84	71	Fleming, Della	NC Citizen	4/20/2015	Email	
85	72	Fleming, Ernest	NC Citizens	4/28/2015	Petition	32
86	73	Ford, Wilton	VA Citizen	4/16/2015	Email	
87	74	Fowler, Hugh	NC Citizen	4/17/2015	Email	
88	75	Francher, Patricia		4/22/2015	Email	
89	76	Francis, Gary	NC Citizen	4/16/2015	Email	
90	77	Freeman, Tom	NC Citizen	4/16/2015	Email	
91	78	Gaillard, Harriet	NC Citizen	4/30/2015	Email	
92	79	Garrett, Mike	NC Citizen	4/21/2015	Email	
93		Garrett, Mike	NC Citizen	4/21/2015	Email - Petition	1
94		Garrett, Mike	NC Citizen	4/21/2015	RESCIND	-1
95	80	Gazzara, Pat		4/16/2015	Email	
96	81	Gordon, Gregg	Chairman, Southside Planning District Commission	4/29/2015	Letter	
97	82	Grenier, Paul	NC Citizen	4/24/2015	Email	1
98	83	Gross, Doug	NC Citizen	4/16/2015	Email	
99	84	Halasz, James	Administrator, Halifax Co. VA	3/18/2015	Letter	
100	85	Hale, James	NC Citizen	4/20/2015	Email	
101	86	Hanson, Arthur	NC Citizen	4/19/2015	Email	
102	87	Harris, Catherine		4/18/2015	Email	
102a	88	Hayes, Judy	NC Citizens		Fax-Petition	20
103	89	Heflin, Bill	NC Citizen	3/31/2015	Hearing Transcript	
104	90	Hemann, Randy	City Manager, Oxford	3/31/2015	Hearing Transcript	
105	91	Herman, Mike	NC Citizen	3/20/2015	Email	
106	92	Hilliard, Dick		4/18/2015	Email	
107	93	Hines, David	NC Citizen	4/27/2015	Email	
108	94	Hoback, David	Director, West Piedmont Planning District Commission	3/30/2015	Letter & Resolution	
109	95	Hodge, Tashiea	VA Citizen	4/30/2015	Email	
110		Hodge, Tashiea	VA Citizen	4/30/2015	Email - Petition	2
111	96	Hoke, Joan		4/25/2015	Email	1
112	97	Holder, Gary	NC Citizen	4/20/2015	Email	
113	98	Hoyle, Susan	NC Citizen	4/28/2015	Email	
114	99	Hubbard, Allan	NC Citizen	4/28/2015	Email	
115		Hubbard, Allan	NC Citizen	4/29/2015	Email	
116		Hubbard, Allan	NC Citizen	4/29/2015	Email	
117	100	Hubbard, Bibb	NC Citizen	4/20/2015	Email	
118	101	Hughes, Doug	NC Citizen	4/22/2015	Email	
119	102	Hunter, Ben	NC Citizen	4/20/2015	Email	
120	103	Hunter, Mary	NC Citizen	4/18/2015	Email	
121	104	Hunt, Victor	County Commissioner, Warren County	3/31/2015	Hearing Transcript	
122	105	Hurst, Rita	VA Citizen	4/19/2015	Email	

Kerr Lake Regional Water System Proposed Interbasin Transfer Certificate  
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#	unique #	Name	Affiliation	Date Submitted	Format	# Petition Signatures
123	106	Hyson, Angela	NC Citizen	3/31/2015	Hearing Transcript	
124	107	Hyson, John	NC Citizen	4/30/2015	Email	
125		Hyson, John	NC Citizen	3/31/2015	Hearing Transcript	
126		Hyson, John	NC Citizen	4/30/2015	Petition 1	86
127		Hyson, John	NC Citizen	4/30/2015	Petition 2	94
128		Hyson, John	NC Citizen	4/30/2015	Petition 3	74
129		Hyson, John	NC Citizen	4/30/2015	Petition 4	105
130		Hyson, John	NC Citizen	4/30/2015	Petition 5	40
131	108	Inscoc, Michael	Henderson City Council & KLRWS Advisory Board - Public Hearing	3/31/2015	Resolution-Hearing	
132	109	Jackson, Clifton	NC Citizen	4/30/2015	Email	
133	110	Jacobs, Chuck		4/16/2015	Email	
134	111	Johnson, Ann	VA Citizen	4/20/2015	Email	2
135	112	Johnson, Sharon	VA Citizen	4/20/2015	Email	
136	113	Jones, Robin	VA Citizen	4/20/2015	Email	
137	114	Kearny-Dunlap, Angelena	Clerk, Warren County Board of Commissioners	4/9/2015	Letter & Resolution	
138	115	Keefe, John	VA Citizen	4/21/2015	Email	
139	116	Keman		4/16/2015	Email	
140	117	Kemp, Olivia	NC Citizen	4/27/2015	Email	
141	118	Kemp, Robert	NC Citizen	4/30/2015	Letter	13
142	119	Kimball, Allen		4/18/2015	Email	
143	120	King, Doug	NC Citizens	4/20/2015	Petition	2
144	121	Kohl, Donald	NC Citizens	4/24/2015	Email	
145	122	Langston, Danny	NC Citizens	4/30/2015	Petition	24
146	123	Lawrimore, Gina	VA Citizens	4/14/2015	Petition	3
147	124	Leonard, Jay	NC Citizen	4/17/2015	Email	
148	125	Longest, Ryke	Director, Duke Environmental Law & Policy Clinic	2/20/2015	Letter	
149		Longest, Ryke	Director, Duke Environmental Law & Policy Clinic	4/29/2015	Letter-Hearing	
150	126	Macdonald, John	NC Citizen	4/24/2015	Email	
151	127	Manning, J Rives	NC Citizen	4/8/2015	Letter	
152		Manning, J Rives	NC Citizen	3/31/2015	Hearing Transcript	
153	128	Matthews, Larry	NC Citizen	4/29/2015	Email	
154	129	McClarnon, Keith	NC Citizen	4/16/2015	Email	
155	130	McMillian, Jordan	NC Citizen	3/31/2015	Hearing Transcript	
155a	131	Meacham, Julia	Mayor, Town of Weldon	5/25/2015	Letter	
156	132	Melhinch, Charlie		4/20/2015	Email	
157	133	Mendenhall, Bryce	Director, Franklin County Public Utilities	3/28/2015	Letter-Hearing	
158	134	Metzger, Jeannette	NC Citizen	4/25/2015	Email	
159	135	Michalak, Paula	NC Citizen	4/17/2015	Email	
160	136	Milam, Ann		4/21/2015	Email	
161	137	Miller, Bob		4/22/2015	Email	
162	138	Mills, Harry	Economic Director, Granville County	4/30/2015	Letter	

Kerr Lake Regional Water System Proposed Interbasin Transfer Certificate  
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#	unique #	Name	Affiliation	Date Submitted	Format	# Petition Signatures
163	139	Lane, Thomas	SGWASA (from Thomas Lane, Chairman)	4/29/2015	Letter	
164	140	Murphy, Robert	Manager, Vance County Board of Commissioners	4/14/2015	Resolution	
165	141	Nanney, Barbara		4/23/2015	Email	
166	142	Netherwood, William		4/23/2015	Email	
167	143	Newsom, Marvin	NC Citizen	4/16/2015	Email	
168	144	Noel, Scott		4/17/2015	Email	
169	145	Norwood, Carla	NC Citizen	4/30/2015	Email	
170		Norwood, Carla	NC Citizen	4/30/2015	Petition	21
171	146	Nutt, Jim	NC Citizen	4/19/2015	Email	
172		Nutt, Jim	NC Citizen	4/14/2015	Email - Petition	2
173	147	Oakley, Dale	NC Citizen	4/28/2015	Email	
174	148	O'Hatnick, Jake	NC Citizen	4/30/2015	Email	
175	149	O'Hatnick, Joannah	NC Citizen	4/30/2015	Email	
176	150	O'Hatnick, Robert		4/20/2015	Email	
177	151	O'Hatnick, Suzanne	NC Citizen	4/21/2015	Email	
178		O'Hatnick, Suzanne	NC Citizen	4/21/2015	Email	
179		O'Hatnick, Suzanne	NC Citizen	4/20/2015	Email	
180	152	Olmert, Catherine	VA Citizen	4/20/2015	Email	
181	153	Olmert, Pat	VA Citizen	4/23/2015	Email	
182	154	Pace, Tim	Chairman, Virginia Roanoke River Basin Advisory Committee	4/27/2015	Letter	
183	155	Patrick County	Board of Supervisors	4/13/2015	Resolution	
184	156	Pegram, Curt	NC Citizen	4/30/2015	Email	
185	157	Pharr, Ginger	VA Citizen	4/20/2015	Email	
186	158	Phillips, Elisabeth	NC Citizen	4/30/2015	Email	
187	159	Plaster, Mary	VA Citizen	4/23/2015	Email	
188	160	Potter, Al	NC Citizen	3/1/2015	Hearing Transcript	
189		Potter, Al	President, Lake Gaston Association	4/16/2015	Letter	
190	161	Prince, Dennis	VA Citizens	4/27/2015	Petition	19
191	162	Purser, Allen	President, Roanoke Valley Chamber of Commerce	3/25/2015	Letter	
192	163	Rector, John		4/17/2015	Email	
193	164	Redman, Bob		4/16/2015	Email	
194	165	Reese, Evelyn		4/28/2015	Email	
195	166	Reese, Randolph		4/28/2015	Email	
196	167	Richardson, Eugene	NC Citizen	4/21/2015	Email	
197		Richardson, Eugene	NC Citizen	4/21/2015	Petition	12
198	168	Rivers, Al	NC Citizen	4/21/2015	Email	
199		Rivers, Al	NC Citizen	4/21/2015	Petition	2
200		Rivers, Al	NC Citizen	4/21/2015	RESCIND	-1
201	169	Robbins, Katherine	NC Citizen	4/20/2015	Email	
202	170	Roberson, Annette	NC Citizen	4/23/2015	Petition	1
203	171	Roberson, Tommy	NC Citizen	4/28/2015	Email	

Kerr Lake Regional Water System Proposed Interbasin Transfer Certificate  
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#	unique #	Name	Affiliation	Date Submitted	Format	# Petition Signatures
204		Roberson, Tommy	NC Citizen	4/28/2015	Petition	17
205	172	Ruff, Frank	VA Senator - 15th District	4/29/2015	Letter	
206	173	Ryan, John	President, Ponderosa Property Owners Association	4/9/2015	Letter	
207	174	Sampson, Jay	NC Citizen	4/30/2015	Email	
208		Sampson, Jay	NC Citizen	4/30/2015	Petition	4
209	175	Save Our Lake	NC/VA Citizens	4/20/2015	Petition 1	31
210		Save Our Lake	NC Citizens	4/20/2015	Petition 2	53
211		Save Our Lake	VA Citizens	4/23/2015	Petition 3	7
212		Save Our Lake	NC Citizens	4/28/2015	Petition 4	28
213		Save Our Lake	NC Citizens		Petition 5	4
214		Save Our Lake	VA Citizens		Petition 6	3
215		Save Our Lake	NC Citizens	4/30/2015	Petition 7	23
216		Save Our Lake	NC Citizens		Petition 8	79
217		Save Our Lake	NC/VA Citizens		Petition 9	12
218		Save Our Lake	NC Citizens	4/30/2015	Petition 10	5
219		Save Our Lake	NC Citizens	4/28/2015	Petition 11	31
220		Save Our Lake	NC Citizens	4/30/2015	Petition 12	32
221		Save Our Lake	NC Citizens	4/30/2015	Petition 13	67
222		Save Our Lake	NC Citizens	5/5/2015	Petition 14	61
223		Save Our Lake	NC Citizens	5/5/2015	Petition 15	25
224		Save Our Lake	NC Citizens	5/5/2015	Petition 16	108
225		Save Our Lake	NC Citizens	5/7/2015	Petition 17	22
226	176	Schill, Jerome	NC Citizen	4/20/2015	Email	
227	177	Secrest, Dave	NC Citizen	4/17/2015	Email	
228	178	Sergent, Jackie	Mayor, Oxford	3/31/2015	Hearing Transcript	
229		Sergent, Jackie	Mayor, Oxford	4/29/2015	Resolution	
230	179	Smith, Dora & Michael	VA Citizens	4/14/2015	Email - Petition	2
231	180	Smith, Seth	NC Citizens	4/10/2015	Petition	17
232	181	Smith, Wes	NC Citizen	4/16/2015	Email	
233	182	Solari, Bill		4/17/2015	Email	
234	183	Steagall, Shannon		4/24/2015	Email	
235	184	Steagall, Steve		4/24/2015	Email	
236	185	Steelman, Bill	NC Citizen	4/30/2015	Email	
237	186	Steigerwald, Steve	NC Citizen	4/17/2015	Email	
238	187	Stratford, Linda	VA Citizen	4/30/2015	Email	
239	188	Stroud, Barbara	NC/VA Citizens	4/30/2015	Petition	86
240	189	Sullivan, Sean	Troutman Sanders LLP For City of Oxford	4/30/2015	Letter	
241	190	Swope, Laurie	VA Citizen	4/25/2015	Email	
242		Swope, Laurie	VA Citizen	4/28/2015	Email	
243		Swope, Laurie	VA Citizen	4/8/2015	Petition	20
244	191	Sykes, Robert	Commissioner, Hobgood	3/30/2015	Email	

Kerr Lake Regional Water System Proposed Interbasin Transfer Certificate  
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#	unique #	Name	Affiliation	Date Submitted	Format	# Petition Signatures
245	192	Teel, Julie		4/29/2015	Email	
246	193	Teel, RG		4/28/2015	Email	
247	194	Tharrington, Sally	VA Citizen	4/18/2015	Email	
248	195	Thomas, Richard	NC Citizen	4/16/2015	Email	
249	196	Thompson, Chris	NC Citizen	4/16/2015	Email	
250	197	Thompson, Estes	VA Citizen	5/2/2015	Email	
251	198	Thompson, Robert	NC Citizen	4/29/2015	Email	
252	199	Thornhill, Sandy		4/27/2015	Email	
253	200	Timberlake, Frank	NC Citizen	4/27/2015	Email	
254	201	Tovey, John	NC Citizen	4/29/2015	Email	
255	202	Trout, Randy	VA Citizen	4/16/2015	Email	
256	203	Turner, Kimberly	County Manager, Northampton	4/20/2015	Letter	
257	204	Twisdale, Tracy	NC Citizen	4/30/2015	Email	
258	205	Vanburen, Cathy	NC Citizens	4/30/2015	Petition	20
259	206	VanWingerden, Don	VA Citizen	4/27/2015	Email	
260		VanWingerden, Don	VA Citizen	4/27/2015	Petition	2
261	207	Vaughn, Henry	Henry County	4/6/2015	Resolution	
262	208	Wade, Antha	NC Citizen	4/18/2015	Email	
263	209	Walston, Jim		4/17/2015	Email	
264	210	Warner, Frank	NC Citizens	4/21/2015	Petition	12
265	211	Watkins, Catherine		4/22/2015	Email	
266	212	Watkins, John	NC Citizen	4/28/2015	Email	
267	213	Watkins, Steve		4/21/2015	Email	
268	214	Watkins, Wes		4/2/2015	Email	
269	215	Wemyss, Todd		4/18/2015	Email	
270	216	West, Roger	NC Citizen	4/17/2015	Email	
271	217	Whitmore, Mallory		4/29/2015	Email	
272		Whitmore, Mallory		4/29/2015	Email	
273		Whitmore, Mallory		4/29/2015	Email	
274		Whitmore, Mallory		4/29/2015	Email	
275		Whitmore, Mallory		4/29/2015	Email	
276	218	Whitworth, Horace	NC Citizen	4/17/2015	Email	
277	219	Wilkins, Sarah		4/24/2015	Email	
278	220	Williams, James		4/17/2015	Email	
279	221	Williams, Venae	NC Citizen	4/20/2015	Petition - See 143	
280	222	Williford, Leslie		4/20/2015	Email	
281	223	Wilson, Jeanne		4/18/2015	Email	
282	224	Wilson, Lenny	NC Citizen	4/12/2015	Email	
283	225	Wilson, Nancy	NC Citizen	4/24/2015	Email	
284	226	Wingold, Burl		4/20/2015	Email	
285	227	Woerner, Bruce	VA Citizen	4/16/2015	Email	

Kerr Lake Regional Water System Proposed Interbasin Transfer Certificate  
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#	unique #	Name	Affiliation	Date Submitted	Format	# Petition Signatures
286	228	Woods, Clairborne		4/30/2015	Email	
287	229	Woolfenden, Sandra	VA Citizen	4/17/2015	Email	
288	230	Wortham, Chris		4/28/2015	Email	
289	231	Wrenn, James	Hopper, Hicks & Wrenn, PLLC for Granville County	4/30/2015	Letter	
290	232	Wright, Thomas	VA House Delegate, 61st District	4/30/2015	Letter	
291	233	Yancey, Lloyd	VA Citizen	4/20/2015	Email	
292	234	Young, Robert	NC Citizen	4/29/2015	Email	
293	235	Zollicoffer, John	NC Citizen	4/30/2015	Email	
					<b>Total</b>	<b>1419</b>
		Blank space in affiliation is due to no information provided.				

## Kerr Lake Regional Water System IBT Certificate Request – Public Comments

Hearing Held March 31, 2015

#	Comment	Commenter(s)	Response
1	<b>Certificate Would Encourage Future IBTs:</b> Further strengthens the negative practice of shifting existing water resources to provide a future benefit to a particular area outside the basin area at a direct consequence to the communities located in the source basin area.	108, 261	<i>It is unknown how approval of this IBT request will affect future decisions by the EMC or legislation from the North Carolina General Assembly.</i>
2	<b>Cumulative Demand Pressures on the Roanoke (Source) Basin:</b> The EA does not consider the effect cumulative withdrawals could have on waters in the source basin (upstream and downstream of the withdrawal). Oppose IBT by resolutions because it could cause negative economic and environmental impacts to the source basin area. Kerr Lake levels should be sustained.	11, 36, 37, 108, 134, 182, 201, 202, 205, 261	<i>The modeling analyses<sup>1</sup> conducted for the EA using the Roanoke River Basin Hydrologic Model were consistent with the requirements of G.S. 143-214.22L(k)(3) and G.S. 113-A (SEPA) to consider the cumulative effect of current and projected demands through 2045. Accordingly, all projected public water supply demands within the Roanoke River basin, both upstream and downstream of Kerr Lake, were included in the modeling scenarios<sup>1</sup>. Demand data used for the model development included Local Water Supply Plan information (submitted by individual water systems), Water Withdrawal Registration (non-water system information), and information provided by Virginia Department of Environmental Quality, including both water system and non-water system demands. Water use projections came from the same data sources. The results and analyses were presented in Section 8 of the IBT Petition.</i>
3	<b>Cumulative Withdrawals From Kerr Lake:</b> There is concern about the cumulative effect of multiple withdrawals from Kerr Lake and the transfer of that water out of the source basin. Also concern that approval of this request will make it easier for future IBTs.	91, 182, 187, 205, 247, 290	<p><i>The modeling analyses<sup>1</sup> conducted for the EA using the Roanoke River Basin Hydrologic Model considered the cumulative effect of current and projected demands through 2045. Demand data used for the model development included Local Water Supply Plan information (submitted by individual water systems), Water Withdrawal Registration (non-water system information), and information provided by Virginia Department of Environmental Quality (including both water system and non-water system demands). Future water use projections came from the same data sources.</i></p> <p><i>Future water supply withdrawals from Kerr Lake will have to be approved by the US Army Corps of Engineers (USACE). As part of the approval process, any new water supply reallocation request must undergo a full environmental review through the federal National Environmental Policy Act, which solicits public input as part of the process. The USACE has identified up to 50,000 acre-feet in</i></p>

			<i>Kerr Lake is available for water supply (representing 2% of the reservoir’s usable pool); of that amount, currently 21,115 acre-feet has been allocated. Therefore, there are possibly 28,885 acre-feet of storage still available to allocate for water supply. Any future IBTs in North Carolina would require a complete petition process and certificate from the EMC.</i>
4	<b>Define IBT.</b>	123, 124, 125, 201, 259, 288	<i>IBT (Interbasin Transfer) refers to the transfer of surface water between river basins.</i>
5	<b>EA Was Inadequate to Support a “Finding of No Significant Impact” (FONSI):</b> EA does not adequately address the direct, indirect and cumulative environmental impacts and further analysis is needed. EA contains minimal analysis of economic, environmental, and social impacts. The document should also have cost comparison of alternatives. EA does not include information regarding the presence of endangered and threatened aquatic species as well as Natural Heritage areas. EA lacks detailed information and statistics regarding projected regional need for water use by Kerr Lake RWS.	5, 10, 12, 16, 21, 22, 29, 30, 31, 32, 33, 34, 35, 43, 45, 53, 63, 64, 65, 71, 79, 96, 103, 105, 113, 118, 124, 125, 138, 144, 148, 149, 151, 153, 155a, 161, 169, 171, 174, 175, 178, 182, 185, 186, 187, 191, 205, 206, 227, 233, 235, 238, 241, 246, 253, 256, 271, 272, 273, 285, 290, 291	<i>Based upon extensive hydrologic modeling evaluations of the requested basin transfer, NCDENR and the Department of Administration determined that the proposed transfer is not expected to result in significant impacts to the environment or associated natural resources within the source or receiving basins. Potential direct environmental and societal impacts are addressed throughout the EA. Indirect and cumulative impacts are addressed in section 5 of the EA for each subject reviewed for potential impacts. EA documents typically do not contain economic analysis, instead focusing attention on uncovering any potential significant impacts to the environment. A planning level comparison of capital costs associated with the different alternatives is more appropriately provided in Table 6-1 of the Petition document. Federally and state protected species as well as significant protected natural habitat areas are addressed in sections 4.12, 4.13, and 5.13 of the EA. The current and projected water supply demands of the KLRWS service area are presented in tables 2.3 and 2.4 of the EA.</i>
6	<b>Environmental Impact Statement Should Be Conducted:</b> Commenters stated that this IBT request should have triggered the preparation of an Environmental Impact Statement not an Environmental Assessment and want a full environmental impact study to be performed. An environmental assessment is inadequate and does not meet the “hard look” standard required by the North Carolina Environmental Policy Act. The IBT law requires an EIS to be prepared for every proposed transfer of water from one major basin to another for which a certificate is required.	5, 10, 12, 16, 21, 22, 29, 30, 31, 32, 33, 34, 35, 38, 43, 44, 45, 53, 63, 64, 65, 71, 79, 96, 103, 105, 113, 118, 124, 125, 138, 144, 148, 149, 151, 153, 155a, 161, 169, 171, 174, 175, 178, 182, 185, 186, 187, 191, 205, 206, 227, 233, 235, 238, 241, 246, 253, 256, 271, 272, 273, 285, 290, 291	<i>The requirement that an EIS be prepared for proposed water transfers between major basins is stated in G.S. 143-215.22L(d) “...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.” However, in G.S. 143-215.22L(w)(2) there is the exception, “... except that an environmental impact statement shall not be required unless it would otherwise be required by Article 1 of Chapter 113A of the General Statutes.” Because 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.</i>

7	<b><u>Explain Why the Corps Is Compensated for Hydropower.</u></b>	<b>123, 124, 125, 201, 259, 288</b>	<i>The reservoir was originally conceived for the purposes of generating hydropower (primary objective), reducing flood damage, improving navigation, and promoting recreational (such as fishing) opportunities. The Water Supply Act of 1958 expanded the function of the reservoir to include providing water supply. In 2005 the KLRWS and the USACE agreed on a reallocation of waters in Kerr Lake for water supply purposes and in doing so agreed to compensate USACE for the lost hydropower potential (see Section 5.1.3 of the EA).</i>
8	<b><u>Exploration of Alternative to Return Transferred Water Back to Source Basin:</u></b> Needed exploration to return of all water upstream of the withdrawal or near the point of extraction.	<b>17, 28, 63, 89, 103, 107, 139, 182, 189</b>	<i>Returning treated wastewater to the Roanoke River basin was one of the alternatives considered in the EA (alternative 5-see Section 3.5 of the EA). That alternative would reduce, but not eliminate, the IBT due to the large consumptive uses of the transferred water in the receiving basins. This alternative would require the construction of transmission lines and pump stations to return wastewater to the source basin. The construction would result in direct environmental impacts and significant costs associated with building the infrastructure and continued operation and maintenance.</i>
9	<b><u>Exploration of Reclaimed Water Alternative:</u></b> Needed exploration conservation alternatives including tertiary treatment (i.e., use of reclaimed water).	<b>17, 107</b>	<i>The EA explored a total of nine different water supply alternatives to meet the needs of the KLRWS and their customers (see Section 3 of the EA and Findings of fact No. 5). All alternatives were evaluated based on ability to meet 2045 demands, environmental impact considerations, and cost considerations; the preferred alternative was identified to increase the IBT to 14.2 mgd.</i>  <i>Alternative 5 evaluated the potential use of reclaimed water (i.e., tertiary treatment) and other conservation initiatives. Alternative 5 would pump treated effluent back to the Roanoke River Basin. While it would reduce the IBT needed, it would not be eliminated, and there would be new infrastructure required, with associated environmental impacts and cost.</i>
10	<b><u>Future Allocation of Water:</u></b> should be preserved for the development of local rural interests.	<b>187, 189</b>	<i>The proposed IBT certificate to transfer surface water between river basins does not alter the amount of water allocated from Kerr Lake by the U.S. Army Corps of Engineers to the Kerr Lake Regional Water System. The KLRWS currently has an allocation of 20 mgd; the IBT request is to transfer 14.2 mgd. The allocation of water from Kerr Lake is determined by the USACE through a reallocation process. No change to the allocation is needed or requested by this requested IBT.</i>
11	<b><u>Impact on Minimum Releases.</u></b>	<b>29, 152, 189</b>	<i>Per the USACE reallocation agreement with KLRWS, guidance and protocol for minimum releases will remain unchanged from the 20 mgd allocation. This would include any water transferred outside the Roanoke River basin.</i>

12	<b>Impacts from Exotic Weeds.</b>	29, 152, 189	<i>An increased presence of noxious, invasive aquatic weeds is not anticipated from this IBT request. As demonstrated by the hydrologic model (and discussed above), water levels are projected to be minimally affected by the requested IBT; thereby, providing little additional opportunities for weeds to take root from exposed ground. Additionally, no new infrastructure in Kerr Lake will be required for the requested IBT; thereby, providing no source for the introduction of exotic, invasive plants or animals.</i>
13	<b>Impacts of IBT Transfer on Downstream Flows:</b> Impact of the proposed transfer on the 7Q10 flow statistic for the lower Roanoke River including all other existing transfers.	29, 152, 189	<i>Reservoir releases were also evaluated by the hydrologic model for the EA for each of the main stem reservoirs in the Roanoke River basin for the period of record including periods of extreme drought. The actual changes in the downstream flows as a result of the IBT are quite small, representing 0.07 percent reduction on average and up to 0.30 percent reduction under 2007 drought conditions (Section 5.1.1.1 of the EA). Therefore, there are no projected changes in USACE operational guidelines for releases from reservoirs upstream or downstream as a result of this requested IBT.</i>
14	<b>Impacts of IBT Transfer on Virginia:</b> IBT could have a significant economic and environmental impact on Virginia localities and could reduce the instream flow and assimilative capacity of water bodies in the Roanoke River Basin, especially during drought conditions. This could result in greater conflicts for commonly held water resources among the two states and will set an inappropriate precedent for periodic incremental increases in water resources shared by the two states. Virginia communities need to be included in the modeling.	5, 108, 205, 261, 290,	<i>The modeling analyses<sup>1</sup> conducted for the EA using the Roanoke River Basin Hydrologic Model were consistent with the requirements of G.S. 143-214.22L(k)(3) to consider the cumulative effect of current and projected demands through 2045. Accordingly, all projected public water supply demands within the Roanoke River basin, both upstream and downstream of Kerr Lake, were included in the modeling scenarios<sup>1</sup>. Water demands for water users in Virginia, both existing and projected, are included in the hydrologic model, as provided by the Virginia Department of Environmental Quality. Section 5.1.1.1 of the EA details the results of the hydrologic modelling efforts, which found no impacts to upstream flows from this requested IBT; thereby, avoiding any potential assimilative capacity issues.</i>
15	<b>Impacts to Aquatic Wildlife:</b> EA needs specific linkages between the existing regulations and programs and the impacts to locations where listed/petitioned species are present. US Fish and Wildlife Service (USFWS) has identified the Upper Tar River and Fishing Creek ecosystems as significant resources for the protection of federally listed endangered species as well as several other rare and endemic species. For the protection of these species, provisions must be made for wastewater treatment, especially emerging contaminants, and details on potential wastewater	16, 62, 63, 148, 149	<i>The requested IBT Certificate will result in no direct infrastructure construction and minimal impact on the source waters. Sections 6.1.1 and 6.1.2 in the EA address the specific links between the IBT Certificate authority and existing federal and state protected species laws.</i>  <i>Flows in the source basin will essentially remain unchanged by this proposed IBT. Flows in the receiving basins, including the Tar River and Fishing Creek basins, are projected to slightly increase, as treated wastewater discharges from water systems will increase by the access the additional transferred water. As noted in Sections 5.1.1 and 5.12.2 of the EA, adequate permitted capacity is in place for discharge of treated wastewater as a result of the proposed transfer. Most facility upgrades are in place with the exception of the South Granville Water</i>

	<p>treatment plant expansions or new discharges. Similarly, need to address nutrient reduction strategies that will occur with this IBT request for aquatic species protection.</p>		<p><i>and Sewer Authority upgrades in the Neuse River basin which are under construction. Environmental impacts associated with increased flows from treated wastewater, including protected species, were analyzed for national pollutant discharge elimination system (NPDES) discharge permits previously issued. Should new scientific findings be revealed that demonstrate impacts to these protected species from nutrient loading attributed to wastewater treatment plant discharges, then the NPDES permits would need to be reevaluated regarding their environmental protection. Additional information is available in Appendix D (memo to USFWS).</i></p> <p><i>Little information exists in the literature as to the effects that “emerging contaminants” have on the receiving waters and the wildlife present within them. Furthermore, it is unknown if these contaminants are present in the treated wastewater flows entering the Tar River, as they are not required to be tested for per the existing NPDES permit. Therefore, an environmental document would be unable to make an impact assessment regarding this subject.</i></p> <p><i>Section 5.1.1.2 in the EA details the Tar-Pamlico Nutrient Management Strategy agreement between the Oxford, Warrenton, Bunn, and Franklin County wastewater treatment plants. According to the 2015 Tar-Pamlico River Basin Plan, data suggest that nutrient loading is being driven more by the amount of precipitation (and corresponding runoff) than by nutrient concentrations. Each utility monitors total nitrogen and total phosphorus; some have specific loading limits while others are awaiting annual loading limits with the next cycle of their NPDES permits. A similar nutrient reduction strategy is in place in the Falls Lake watershed within the Neuse River basin. Detailed information can found in the Section 5.1.1.2 in the EA.</i></p>
16	<p><b><u>Impacts to Downstream Floodplain Wetlands.</u></b></p>	<p><b>29, 152, 189</b></p>	<p><i>There are no projected changes in USACE operational guidelines for releases from reservoirs upstream or downstream as a result of this requested IBT; therefore, no impacts to floodplain wetlands along the Roanoke River are anticipated.</i></p>
17	<p><b><u>Indirect and Cumulative Impacts on Receiving Basin:</u></b> Concerns about the water quality and quantity impacts facilitated by growth resulting from this IBT request. Specifically, secondary and cumulative impacts related to the IBT request on the receiving basin, which leads to increases in stormwater, wastewater, impervious surfaces,</p>	<p><b>16, 62, 63, 149</b></p>	<p><i>Indirect and cumulative impacts are addressed throughout Section 5 of the EA for each subject reviewed for potential impacts. The mitigation of potential impacts from increased stormwater, impervious surfaces, erosion, and sedimentation has been adequately addressed in Section 6 of the EA, where the federal, state, and local regulations and programs available to protect water quality are discussed.</i></p>

	erosion, and sedimentation.		Wastewater discharges are expected to increase, but have been shown to be within existing limits of current NPDES permitted flows. As noted in Sections 5.1.1 and 5.1.2 of the EA, adequate permitted capacity is in place for discharge of treated wastewater as a result of the proposed transfer. Indirect and cumulative impacts from projected growth are discussed in sections 5.2, 5.3, and 5.4 of the EA.
18	<b>Lake Levels - Combined Effect of IBT and Future Drought on Kerr Lake:</b> Commenter concerned that IBT would have caused 2 foot drop in lake levels during 2002 drought and when combined with Virginia Beach IBT would have caused 10 foot drop in lake levels during 2002 drought.	114	<i>This concerned citizen's comments stem from a misinterpretation of the data and modeling analyses presented in the EA. The specific comments refer to Figure 5-3 of the EA and interprets the figure to illustrate that if the requested IBT had been in place during the 2002 drought, then Kerr Lake levels would have dropped an additional two feet. Figure 5-3 is meant to illustrate the modeled lake levels under 2002 drought conditions for the 2010 baseline year (blue line), 2045 baseline year (green line), and year 2045 with the requested IBT. Therefore, the graph is showing at the peak of the 2002 drought conditions, the model projecting the lake level to be approximately two feet lower between 2010 (with the water supply/withdrawal needs at that time) and 2045 (with the water supply/withdrawal needs projected at that time) with the IBT. The model projects that most of the reduction in lake level is attributed to increased water demand tied to growth between 2010 and 2045; the difference in lake level between the 2045 baseline conditions and 2045 IBT conditions is estimated to be 0.2 feet, or 2.4 inches.</i>
19	<b>Lake Levels - Increased Fluctuation on Kerr Lake:</b> Commenters are concerned that fluctuating lake levels will cause depreciation in property values and will cause issues with boaters, swimmers, campers, and make the lake inaccessible to others who use the lake for recreational purposes. More information is needed on what the impacts to Kerr Lake would be. More information needed on the effect of this proposed transfer on Kerr Lake levels.	22, 34, 68, 74, 77, 91, 99, 114, 115, 116, 123, 124, 125, 140, 141, 158, 161, 166, 174, 175, 177, 186, 201, 233, 237, 253, 259, 282, 288	<p><i>Lake levels at Kerr Lake currently fluctuate due to the US Army Corps of Engineers' operation of reservoirs in the Roanoke River basin. When the Roanoke River Basin Hydrologic Model was run for the EA, the model simulated the 2002 drought conditions and estimated the elevation of Kerr Lake dropped by 0.2 feet (2.4 inches) under the 2045 IBT scenario when compared to the 2045 Baseline scenario. When the model simulated the 2007 drought conditions, the elevation of Kerr Lake dropped by 0.1 feet (1.2 inches) under the 2045 IBT scenario when compared to the 2045 Baseline scenario. Therefore, modeling results support that lake levels will not be significantly affected by the proposed IBT.</i></p> <p><i>Additional analyses were conducted for the Hearing Officer's report in order to estimate the additional time boat launches might be closed due to low water conditions as a result of the requested IBT (see Appendix C). Of the 38 boat launches on Kerr Lake, the lowest 26 launches (with elevations between 287.5 feet and 293.5 feet) showed no functional difference between the 2045 baseline and 2045 IBT scenarios. The highest 12 launches (with elevations between 294.5</i></p>

			<p>feet and 296.5 feet) show less than a day's difference on an average annual basis between the future scenarios with and without the IBT.</p>
20	<p><b>Lake Levels – Potential Lowering of Kerr Lake From Future Drought Conditions:</b> Concerns that drought in the future will lower the lake level significantly. Certificate should require a Drought Management Plan that restricts uses during droughts.</p>	<p>21, 22, 30, 39, 68, 77, 91, 99, 107, 114, 115, 116, 123, 132, 141, 182, 186, 195, 203, 244, 248, 253</p>	<p>The modeling analyses conducted for the EA evaluated lake levels with all water demands in the basin projected to 2045 with the KLRWS IBT capped at the grandfathered amount (10 mgd), referred to as 2045 Baseline, as well as lake levels projected to 2045 and with the KLRWS IBT at the maximum requested 14.2 mgd, referred to as 2045 IBT. When the model simulated the 2002 drought conditions, the elevation of Kerr Lake dropped by 0.2 feet (2.4 inches) under the 2045 IBT scenario when compared to the 2045 Baseline scenario. When the model simulated the 2007 drought conditions, the elevation of Kerr Lake dropped by 0.1 feet (1.2 inches) under the 2045 IBT scenario when compared to the 2045 Baseline scenario. See Table 5-1 and Figures 5-1 to 5-5 in the EA document.</p> <p>The Department agrees with the requirement for a Drought Management Plan. If granted by the EMC, the certificate will contain conditions requiring the KLRWS provide for DWR's approval a Water Conservation Plan, Drought Management Plan, and Compliance and Monitoring Plan. The Drought Management Plan will specify how the transfer will be managed to protect the Roanoke River Basin during drought conditions or other emergencies. The Plan will also include mandatory transfer reductions based on the severity and duration of a drought occurring within the Roanoke River basin and will provide for the mandatory implementation of a drought management plan by the KLRWS. Additional water requested through this IBT certificate will not be transferred until this requirement is complete and has been approved.</p>
21	<p><b>Lake Levels - Potential Lowering of Lake Gaston by IBT:</b> Commenters are concerned that the request will lower Lake Gaston lake levels and impact them negatively by decreasing property values and recreational use.</p>	<p>30, 95, 147, 188, 192, 226, 277, 278</p>	<p>The modeling analyses<sup>1</sup> conducted for the EA using the Roanoke River Basin Hydrologic Model were consistent with the requirements of G.S. 143-214.22L(k)(3) to consider the cumulative effect of current and projected demands through 2045. Accordingly, all projected public water supply demands within the Roanoke River basin, both upstream and downstream of Kerr Lake, were included in the modeling scenarios<sup>1</sup>. Demand data used for the model development included Local Water Supply Plan information (submitted by individual water systems), Water Withdrawal Registration (non-water system information), and information provided by Virginia Department of Environmental Quality (including both water system and non-water system demands). Water use projections came from the same data sources. Lake Gaston showed no discernable difference in lake elevation when both 2002 and 2007 drought conditions were modeled when the 2045 IBT scenario was</p>

			<i>compared against the 2045 Baseline scenario (see EA, Section 5.1, Table 5-1 and Figures 5-6 and 5-7).</i>
<b>22</b>	<b><u>Limit IBT to Grandfathered Systems, Don't Expand Geographic Scope of Water Being Transferred.</u></b>	<b>205, 232</b>	<i>The current IBT certificate request from the Kerr Lake Regional Water System (KLRWS) is a grandfathered system approved to transfer up to 10 mgd. The certificate request is to increase the maximum transfer amount to 14.2 mgd. The KLRWS currently provides water to municipal and county systems in four counties located within three major river basins (Roanoke, Tar-Pamlico, and Neuse). Over the 30-year planning period to 2045, the KLRWS does plan to expand its service area and connect residences currently served by private wells for their water supply.</i>
<b>23</b>	<b><u>Negative Economic Impact on Future Growth of the Source Basin:</u></b> Concerns that the IBT request will cause a detrimental impact to property, tourism, future commercial development and the economy in the source basin. Need to address the financial benefit to the source basin of this IBT request. Identify the benefits of the citizens by the requested transfer. Cause regulatory restrictions on localities in the basin, adversely affecting their economics.	<b>11, 21, 22, 34, 36, 37, 38, 42, 52, 55, 65, 68, 77, 79, 81, 82, 84, 91, 92, 93, 96, 99, 103, 118, 123, 124, 125, 132, 138, 141, 152, 161, 168, 169, 176, 177, 182, 187, 198, 201, 202, 203, 233, 237, 244, 248, 259, 262, 266, 282, 283, 286, 288</b>	<p><i>Table 5-1 and Figures 5-1 to 5-5 in the EA document detail the potential impacts to lake levels in Kerr Lake and adjacent property owners. Due to the recreational use of Kerr Lake, additional analyses have been conducted to better describe potential impacts to boating resources. Therefore, additional model analyses were conducted specifically looking at the period of time that this IBT request might result in lake levels being below boat ramps; thereby, precluding usage of those boat ramps. The results demonstrate that of the 38 boat launches on Kerr Lake, the lowest 26 launches (with elevations between 287.5 feet and 293.5 feet) showed no functional difference between the 2045 baseline and 2045 IBT scenarios. The highest 12 launches (with elevations between 294.5 feet and 296.5 feet) show less than a day's difference on an average annual basis between the future scenarios with and without the IBT. As a result of the proposed IBT, boat launches at elevation 294.5 feet might be closed an additional 0.2 days per year (approximately 5 hours); at elevation 295.5 feet, launches might be closed an additional 0.6 days per year (approximately 14 hours); at elevation 296.5 feet, the highest launch might be closed 0.3 days per year less (approximately 7 hours) based on how the system is expected to operate under the 2045 IBT scenario. This analysis and detailed results are presented in Appendix C. This analysis is intended to demonstrate that no perceptible recreational, and thereby economic, impacts are expected to occur from this requested IBT.</i></p> <p><i>Though the financial benefits of the proposed IBT are not specifically outlined in the EA or Petition, the applicant has demonstrated the purpose and need of the requested IBT in Section 2. The purpose and need is to meet the projected water supply needs of all customers in the KLRWS service area, including water systems that purchase water from the Partners. As shown in Figure 1-2, the service area for the KLRWS covers four counties and three river basins.</i></p>

24	<p><b>Opposition - General:</b> Commenters oppose allowance of IBTs; water should not be transferred from one basin to another.</p>	<p>1, 6, 15, 18, 19, 23, 24, 39, 40, 46, 47, 48, 50, 54, 59, 61, 66, 67, 72, 75, 87, 88, 98, 100, 102, 117, 119, 120, 122, 123, 124, 125, 133, 135, 136, 150, 152, 154, 156, 160, 165, 171, 179, 180, 181, 184, 193, 196, 236, 247, 249, 250, 251, 252, 255, 257, 263, 265, 267, 268, 269, 270, 276, 280, 284, 287</p>	<p><i>Comment noted.</i></p>
25	<p><b>Opposition Petition or Want to be Added to a Petition:</b> Commenters provided a petition opposing the IBT request.</p>	<p>2, 3, 5, 7-(2), 11-(17), 22-(8), 25/26/27-(2), 28-(28), 36, 37-(2), 49, 50/51-(11), 56-(2), 69-(2), 73, 83-(13), 85-(32), 92/93, 94(R), 97, 102a-(20), 109/110-(2), 111, 126-(86), 127-(94), 128-(74), 129-(105), 130-(40), 134-(2), 141-(13), 143-(2), 145-(24), 146-(3), 169/170-(21), 172-(2), 190-(19), 197-(12), 198/199-(2), 200(R), 202, 203/204-(17), 207/208-(4), 209-(31), 210-(53), 211-(7),</p>	<p><i>A total of 1,443 petition signatures were counted and documented.</i></p>

		212-(28), 213-(4), 214-(3), 215-(23), 216-(79), 217-(12), 218-(5), 219-(31), 220-(32), 221-(67), 222-(61), 223-(25), 224-( 108), 225-(22), 230-(2), 231-(17), 239-(86), 242/243-(20), 258-(20), 260-(2), 264-(12)	
26	<b>Opposition Rescinded:</b> Commenters originally opposed the request then rescinded their objection to the request.	94, 200	<i>Change in position noted.</i>
27	<b>Proposed Conditions - Water Efficiency, Conservation and Reuse is Needed:</b> EMC should create a condition to require the applicants to initiate additional regional planning and initiatives related to water conservation. A detailed water efficiency and water conservation plan is needed with measures to ensure water is used appropriately. Applicants need to utilize reuse and develop conservation rate structures.	16, 62, 63, 89, 139, 149, 182, 189	<i>The Department agrees with the requirement for a Water Conservation Plan. If granted by the EMC, the certificate will contain conditions requiring the KLRWS provide for DWR's approval a Water Conservation Plan, Drought Management Plan, and Compliance and Monitoring Plan. The Water Conservation Plan will specify the water conservation measures, including a rate pricing structure, which will be implemented by the KLRWS to ensure the efficient use of the transferred water.</i>
28	<b>Public Comment - Lack of proper notification:</b> Additional public information needs to be provided.	9, 21, 22, 32, 44, 45, 46, 50, 53, 58, 65, 78, 79, 80, 91, 103, 123, 124, 125, 141, 144, 169, 171, 174, 175, 176, 178, 201, 227, 234, 235, 241, 245, 246, 253, 259, 273, 283, 288	<i>Per G.S. 143-215.22L(w), the Department is required to provide written notice of the petition and public hearing in the Environmental Bulletin, a newspaper of general circulation in the source river basin, and a newspaper of general circulation in the receiving river basin. Notices were published in the Franklin Times (Franklin Co, receiving basin, published 3/5/15), the Daily Herald (Halifax Co, source basin, published 3/5/15) and the Mecklenburg Sun (Mecklenburg Co, VA, source basin, published 3/4/15). These publications exceeded the minimum notification requirements. Additionally, NCDENR distributed a news release on March 24, 2015, one week before the hearing, which is standard procedure to alert media. It was sent to all media in NC, including the Henderson Dispatch. A direct link to the news release is <a href="http://www.ncwater.org/phpns/images/uploads/90423Kerr%20Lake%20IBT%20release_2.pdf">http://www.ncwater.org/phpns/images/uploads/90423Kerr%20Lake%20IBT%20release_2.pdf</a>. Though the news release was distributed to all media, NCDENR could not ensure that the media would write or publish stories about the</i>

			<i>hearing. Per G.S. 143-215.22L(w), the Department is required to accept comments on the IBT petition for 30 days following the public hearing. The public hearing was held on March 31, 2015 and comments were accepted through April 30, 2015, as stated in the public hearing notice (see Appendix A).</i>
29	<b>Public Comment - Cancel Deadline:</b> Commenters wanted to cancel public comment period due to a need for more public hearings.	9, 21, 22, 32, 44, 45, 65, 78, 79, 80, 124, 125, 141, 144, 169, 174, 178, 227, 234, 235, 241, 245, 246, 253, 273, 283	<i>Per G.S. 143-215.22L(w), the Department is required to provide a single public hearing related to the Environmental Assessment document. The public hearing was held on March 31, 2015 at the Henderson Town Hall in Henderson, NC. Comments were accepted through April 30, 2015, as stated in the public hearing notice (see Appendix A). The public comments received did not raise questions or point out information not already considered by the Environmental Assessment document. Because no new issues were being raised, it was not deemed necessary or beneficial to extend the comment period beyond the required 30 days.</i>
30	<b>SEPA Act (HB795):</b> Bill would facilitate a lack of public scrutiny and would probably be done without an environmental impact statement, public hearings and public sentiment and affect the lives of millions of people.	79, 80	<i>The recently enacted changes to the State Environmental Policy Act (SEPA) associated with Session Law 2015-90, were signed into law by Governor McCrory on June 19, 2015. Section 7 of Session Law 2015-90 deals specifically with maintaining the existing environmental reviews for proposed IBT requests. Therefore, the existing IBT requirements are not expected to be affected by the recently passed changes to SEPA from Session Law 2015-90.</i>
31	<b>Support Provided:</b> Support for the Interbasin Transfer Certificate request to support population growth, residential and economic development. This includes both comments from private citizens as well as resolutions from units of local government.	8, 14, 41, 57, 60, 70, 104, 121, 131, 137, 155, 157, 162, 163, 164, 167, 228, 229, 240, 254, 289, 292, 293	<i>Comment noted.</i>
32	<b><u>The City of Henderson Controls All the Water in Kerr Lake.</u></b>	72, 123, 124, 125, 201, 259, 288	<i>The U.S. Army Corps of Engineers (USACE) controls and manages the water in Kerr Lake. The City of Henderson is one of three partners who own the Kerr Lake Regional Water System (KLRWS), which is requesting the IBT certificate to transfer 14.2 mgd. The KLRWS has an allocation from the USACE for up to 20 mgd of water from Kerr Lake.</i>

33	<p><b>Water Will be Transferred to Raleigh and Surrounding Area:</b> The Triangle has the resources to expand or build their own water reservoirs and should reduce their consumption and conserve more instead of gaining access to water from Kerr Lake.</p>	<p><b>4, 13, 20, 35, 75, 76, 101, 106, 124, 125, 139, 142, 159, 168, 173, 188, 192, 194, 195, 198, 232, 253, 262, 281</b></p>	<p><i>Per the petition for the IBT certificate, the transferred water is for the Kerr Lake Regional System partners and their customers located in Vance, Warren, Granville, and Franklin Counties (i.e., existing service area). The EMC and the General Assembly have recognized this concern and 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. This restricts the allowance to the three lead KLRWS partners and their bulk customers identified on the certificate. Any proposed IBT request to transfer water to Raleigh would require a separate and complete petition process and certificate from the EMC.</i></p>
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<sup>1</sup> Access to the hydrologic model and all the model scenarios presented in the EA and the Hearing Officer’s Report are publicly available. Please visit [http://www.ncwater.org/data\\_and\\_modeling/Roanoke/](http://www.ncwater.org/data_and_modeling/Roanoke/) to request public access to the Roanoke River Basin Hydrologic Model.

**From:** [kirkadams@nc.rr.com](mailto:kirkadams@nc.rr.com)  
**To:** [Nimmer, Kim](#)  
**Subject:** Water Diversion from Roanoke River Basin  
**Date:** Monday, April 20, 2015 12:22:02 AM

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Dear Ms. Nimmer,

As a NC resident and property owner on Lake Gaston, I write to inform you that I am vehemently opposed to diverting water from the Roanoke River Basin.

As this can only create unimaginable problems in the unforeseeable future, I can only hope that plans to divert water do not go forward.

Thank you for taking the time to read my email.

Sincerely,

Kirk Adams  
Macon, NC

**From:** [carolyn.adams](#)  
**To:** [Nimmer, Kim](#)  
**Subject:** PUBLIC PETITION. SAVE OUR LAKE WATER  
**Date:** Sunday, April 19, 2015 6:46:37 PM

---

We the below signed in opposition to the Permit to increase 10MGD  
(ten million gallons daily)

Of inter Basin Transfer to the Tar/Neuse River Basins because of the  
cumulative impact on Kerr/Buggs Island levels, as well as undisclosed  
impacts on the environment, the economy, and tourism in Vance and  
Warren Counties as well as Southside Virginia.

To: [Kim.Nimmer@ncdenr.gov](mailto:Kim.Nimmer@ncdenr.gov)

NCDENR. [521 Salisbury St. 1611 Mail Service Center Raleigh,  
NC. 27699-1611](#)

NAME\_\_Paulette Adams\_\_\_\_\_/ . PHONE NUMBER\_\_252-213-  
3367\_\_

**From:** [carolyn.adams](#)  
**To:** [Nimmer, Kim](#)  
**Subject:** PUBLIC PETITION SAVE OUR LAKE WATER  
**Date:** Sunday, April 19, 2015 9:57:38 PM

---

We the below signed in opposition to the Permit to increase 10MGD (ten million gallons daily)

Of inter Basin Transfer to the Tar/Neuse River Basins because of the cumulative impact on Kerr/Buggs Island levels, as well as undisclosed impacts on the environment, the economy, and tourism in Vance and Warren Counties as well as Southside Virginia.

To: [Kim.Nimmer@ncdenr.gov](mailto:Kim.Nimmer@ncdenr.gov)

NCDENR. [521 Salisbury St. 1611 Mail Service Center Raleigh, NC. 27699-1611](#)

NAME \_\_\_\_\_ Troy Adams \_\_\_\_\_/. PHONE NUMBER\_\_252-430-6247\_\_\_\_\_

## Transcription for Public Hearing – Kerr Lake IBT (3-31-2015)

**Gene Adesso** - I am president of the Roanoke River Association. Our organization has been monitoring the IBT request since its inception and we've been assisted in that regard by the Duke Law and Environmental Center. The director of that center is here and will speak to you if you want after the meeting. I am going to be very short and will give more time to him because he is going to speak in terms of the response. One or two things I think I'd like to say though. We've talked about Wake County and we've talked about the fact that the IBT request has nothing to do with Wake County, and that is true. You should also be aware however, that Wake County, Raleigh, Durham and Chapel Hill have in the year 2005 put a request into the Corp of Engineers for 50 million gallons of water every day allocation. The lake supply allocation in Kerr Lake has 28,000 acres left. The rest of it has been allocated already. If they were granted that allocation it would use that total up so there would be no more water supply. On top of that allocation request I should also tell you that in one point in time when the boom was going on and Raleigh was really desperate for a water supply they had someone do a study on alternatives. They had put together a full project on inter-basin transfer of 50 million gallons of water a day out of Kerr Lake and it's in a book I got at home. It was presented to Raleigh, Durham and Chapel Hill at that time. On top of another thing talking about a bi-state (Kerr) lake can get an IBT from two states. Virginia doesn't have a IBT statute, all you have to do in Virginia is get a permit. That is what was done on 60 million gallons a day taken out of Lake Gaston to Virginia Beach. So basically NC does not have a monopoly on this that water also belongs to Virginia and the Virginia communities. I would ask if the Virginia communities basically were included in the modeling and the supply and I believe they were. Is that true? (Answered: They were) – End

# PUBLIC PETITION

## SAVE OUR LAKE WATER

***We the below signed are in opposition to the Permit to increase 10MGD of Inter Basin Transfer from the Roanoke River Basin to the Tar/Neuse River Basins because of the cumulative impact on Kerr Lake/Buggs Island Lake water levels, as well as undisclosed impacts on the environment, the economy, and tourism in Vance and Warren Counties as well as Southside Virginia.***

To: [Kim.Nimmer@ncdenr.gov](mailto:Kim.Nimmer@ncdenr.gov)

NCDENR 521 N. Salisbury St. 1611 Mail Service Center Raleigh, NC 27699-1611

NAME / PHONE NUMBER

NAME / PHONE NUMBER

Gene Adesso (919) 414 -4591

APRIL 30<sup>th</sup>, 2015 DEADLINE

(Your name and phone number are required for your opinion to count)

**From:** [Otto](#)  
**To:** [Nimmer, Kim](#)  
**Subject:** Denial of permit to draw water  
**Date:** Friday, April 17, 2015 9:44:33 AM

---

Dear Ms. Nimmer, In our local paper your address was given as the person to contact in regard to the permit to draw water from Kerr Lake. As this effects a number of things I request that the permit be denied. Thank you, Ott and Yvonne Alberg residents of Lake Gaston



This email has been checked for viruses by Avast antivirus software.

[www.avast.com](http://www.avast.com)



(Your name and phone number are required for your opinion to count)



April 30, 2015

Dear Kim Nimmer,

After reviewing the Petition for Kerr Lake Regional Water System Interbasin Transfer Certificate provided during the public hearing at the Henderson City Hall, it is clear that this transfer is essential to the support and growth of tourism development in Granville County which is linked to thriving communities and a healthy economy, both of which depend upon a sustainable and long-term water supply for growth.

At the same time, lake related recreation both feeds tourism and depends upon plenty of water to provide that recreation. So we are pleased that the Environmental Assessment document indicated that the requested 4.2 mgd IBT would make a negligible impact on lake water levels while also supporting water needs to meet projected growth in our and area counties for the next 30 years. Furthermore, as we see it, this transfer will not only not cause any harmful effects on Kerr Lake, but it will also support the economic development of the surrounding areas.

The role of the Granville County Tourism Development Authority is to promote the use and development of the County's recreational, historic, and tourism resources. The TDA feels that supporting this certificate will increase opportunities in these areas and create new ones in the process.

Therefore, the Tourism Development Authority of Granville County is pleased to join the City of Oxford in support of the Proposed Kerr Lake Interbasin Transfer Certificate.

Sincerely,

*Angela P. Allen*

Angela P. Allen, Director  
Granville County Tourism Development Authority

**From:** [Denise Allen](#)  
**To:** [Nimmer, Kim](#)  
**Subject:** Proposed Draw Down of Kerr Lake  
**Date:** Thursday, April 23, 2015 3:37:30 PM  
**Importance:** High

---

Dear Kim,

I am writing to you in regards to the proposed draw down of Kerr Lake. I am only hearing of this through a couple of letters to the editor in a local paper just in the last two weeks. Back when the City of Virginia Beach wanted to get water from Lake Gaston/Roanoke River there was a lot of notification about it and public meetings to inform the public and also forums to express opinions. There was a lot of opposition about letting Va. Beach get water.

I am a resident of Warren Co. and I am a real estate broker in which my business concentration is at Lake Gaston. I grew up in this area enjoying both of these beautiful lakes and the tourism is a big part of these counties income as well as people buying vacation/retirement homes. The people of the affected counties are owed the facts of what is being proposed and this should be published in the local papers for all concerned citizens to read before any further action is taken!

Please do the right thing by the residents and let us have a say in whether this should happen.

Thank you,

Denise

Denise C. Allen, Realtor/Broker Licensed in NC/VA  
Coldwell Banker Advantage  
2401 Eaton Ferry Rd.  
Littleton, North Carolina 27850  
Office (252) 586-2470 ext. 234  
Cell (252) 213-2532

Fax (425) 799-8885

[deniseallen@embarqmail.com](mailto:deniseallen@embarqmail.com)

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7440 Brookmead Hwy  
Blades, VA 24557  
April 27, 2015

Tom Franzen  
DWR - Division of Water Resources  
1611 Mail Service Center  
Raleigh, NC 27699-1611

Dear Sir:

I request that a full Environmental Impact Study be done for the Kerr Lake Regional Water System before the expansion of water withdrawal and processing be done to serve western Franklin County. The water resources of our region as well as the biodiversity that our lakes and rivers support must be protected for our future and those to follow.

Sincerely,  
-Nancy Anthony

RECEIVED  
APR 30 2015

**From:** [sdarnold@bitbroadband.com](mailto:sdarnold@bitbroadband.com)  
**To:** [Nimmer, Kim](#)  
**Subject:** Please, Please, Please Save Our Water  
**Date:** Thursday, April 30, 2015 10:18:25 PM  
**Importance:** High

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We the below signed are in opposition to the permit to increase 10MFD of Inter Basin Transfer from the Roanoke River Basin to the Tar/Neuse River Basins because of the cumulative impact on Kerr Lake/Buggs Island Lake water levels, as well as undisclosed impacts on the environment, the economy, and tourism in Vance, and Warren Counties as well as Southside Virginia.

434-252-6894 Judy Brown  
434-252-6894 Kent Brown  
434-689-5560 Danny Arnold  
919-702-2293 Sheila Arnold  
434-689-5560 Ali Arnold  
434-636-2719 Maurine King  
434-636-2719 Sid Arnold  
252-438-4478 Tamara Martin  
252-438-5672 Julie Ball  
434-689-5506 Rod Beckwith  
434-689-5506 Gloria Beckwith  
404-987-3054 Sheri Sims  
434-774-6543 Ken Sims  
434-774-4519 Maria Sims  
252-257-2257 James Eatmon  
919-693-9888 Clarence Ayers  
252-430-4424 Allan Pixler

RECEIVED

APR 27 2015

DIVISION OF WATER RESOURCES

HALIFAX  
COUNTY  
NORTH CAROLINA  
*We Mean Business.*

April 24, 2015

Tom Fransen, Section Chief  
DENR-Division of Water Resources  
Planning Branch  
1611 Mail Service Center  
Raleigh, NC 27699-1611

Re: Need for Environmental Impact Statement for Evaluation of Proposed Kerr Lake Regional Water System (KLRWS) Interbasin Transfers

Dear Mr. Fransen:

The Board of Directors of the Halifax County Economic Development Commission objects to the Division of Water Resource's decision not to require an Environmental Impact Statement in reviewing the proposal by Kerr Lake Regional Water System for an Interbasin Transfer Certificate ("IBT"). The Roanoke River supplies drinking water, recreational opportunities, and wildlife habitat enjoyed by millions of people in the area. Increasing the current transfer of water out of the Roanoke Basin by more than 40 percent should trigger a full Environmental Impact Statement ("EIS"). The Environmental Assessment ("EA") submitted by Kerr Lake Regional Water System is inadequate to evaluate the proposal. We oppose the Division's decision to approve this document and do not support the Interbasin Transfer Certificate because it is based on inadequate information. Without an EIS to guide us, we cannot be assured that the Roanoke River will be able to continue to supply drinking water, recreational opportunities, and wildlife habitat already enjoyed by millions of people in the area.

All IBT certificate applicants are subject to the general EIS requirements of SEPA. SEPA was passed "to require agencies of the State to consider and report upon environmental aspects and consequences of their actions involving the expenditure of public moneys or use of public land." See N. C. Gen. Stat. § 113A-2. SEPA's provisions "provide a mechanism by which all affected State agencies raise and consider environmental factors of proposed projects."

Another reason for opposition to this withdrawal is IF the permit is approved and IF the KLRWS were to withdraw their permitted 14.2 million gallons per day this could prevent a county in the Roanoke River Basin from locating an industry that was a high water rate user.

It appears that the KLRWS is planning to withdraw this water, not for its use or for its water system, but to sell the water to other water systems in other river basins. It appears that KLRWS plans to sell or transfer water out of its local area or water service district. This water will be transferred, not just to an adjoining river basin, but across multiple river basins to another end user.

**Halifax County Economic Development Commission**

260 Premier Boulevard • Roanoke Rapids, NC 27870

Phone (252) 519-2630 • Fax (252) 519-2632

E-Mail: [hdc@halifaxdevelopment.com](mailto:hdc@halifaxdevelopment.com) • Website: [www.halifaxdevelopment.com](http://www.halifaxdevelopment.com)

Residents of the Roanoke River Basin should NOT be punished by actions of NCDENR allowing the KLRWS to withdraw a large amount of water (14.2 million gallons per day) from the Roanoke River basin to sell and transfer to other basins.

We request that you deny the Kerr Lake Regional Water System's request for an increase in their withdrawal permit.

Further, we request that additional environmental impact studies be performed to determine the cumulative impact of withdrawal of 14.2 million gallons per day for the Kerr Lake Regional Water system and the withdrawal of 60 million gallons per day for the Lake Gaston Water Supply Project on behalf of Virginia Beach.

Thank you for your consideration of these requests.

Sincerely,

A handwritten signature in black ink, appearing to read "Frank V. Avent III". The signature is written in a cursive style with a large initial "F".

Frank V. Avent III  
Chairman

FVA/le

**From:** [Merritt EMBARQ](#)  
**To:** [Nimmer, Kim](#)  
**Subject:** Transfer of water from the Roanoke River Basin  
**Date:** Thursday, April 16, 2015 7:51:32 PM

---

Kim,

I am opposed to any increase in the amount of water taken from the Roanoke River Basin. There is uncontrolled growth in the Raleigh Durham area promoted by developers that have no regard for the area; they only want to make money.

I lived in Raleigh from 1983 to 2002 before moving to Lake Gaston. The water supply in north Raleigh was in trouble in 1983. Did the area limit growth? No.

Now they want to take water from the Roanoke Basin so they can build more.

Where does stop? We don't want a problem like Northern California where they have water reshoring so they can send water to Los Angeles where water use is not reshown.

Merritt Bailey  
164 S Macon Drive  
Littleton, NC 27850

**From:** [John Barnes](#)  
**To:** [Nimmer, Kim](#)  
**Subject:** Kerr Lake Regional Water System Inter-Basin Transfer  
**Date:** Wednesday, April 29, 2015 1:52:36 PM  
**Importance:** High

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Kim,

Please accept this e-mail correspondence as notification that the Henderson-Vance Chamber of Commerce fully supports the Kerr Lake Regional Water System (KLRWS) inter-basin transfer request for an increase of 4.2 million gallons per day (mgd) to their current grandfathered transfer of 10 mgd million gallons per day on a maximum day basis.

The increase is needed to ensure that future water demands for the KLRWS and its customers, which includes municipal and county systems in Vance, Granville, Warren, and Franklin Counties, and three river basins in northeastern North Carolina, can be sustained through 2045.

An available and abundant water supply and its sustainability to prospective industry, is vital to the economic growth and development of the four-county region. And, according to environmental assessment studies conducted by the firm CH2M HILL, a global leader in engineering and construction based in Denver Colorado, the increase in projected transfers will show no noticeable impact. Their study includes projected lake levels during extreme drought, low flow duration and hydropower.

The KLRWS inter-basin transfer request is crucial for the economic growth and viability of the four-county region and will serve as an essential component for an effective economic development strategy for attracting new industry.

Your consideration and approval of the KLRWS request is most earnestly appreciated.

All the best,  
John Barnes  
President  
Henderson-Vance County Chamber of Commerce  
414 S. Garnett Street  
Henderson, NC 27536  
252-438-8414  
[john@hendersonvance.org](mailto:john@hendersonvance.org)

**From:** [Don Beazley](#)  
**To:** [Nimmer, Kim](#)  
**Date:** Saturday, April 18, 2015 10:05:00 AM

---

Please note my opposition to WBT from the Roanoke River to any other destination. Thank you for your consideration of my stance on this proposed legislation.

Don Beazley  
Littleton, NC\  
Full time Lake Gaston Resident



## United States Department of the Interior

FISH AND WILDLIFE SERVICE  
Raleigh Field Office  
Post Office Box 33726  
Raleigh, North Carolina 27636-3726

16 March 2015

Mr. Harold Brady  
NCDENR – Division of Water Resources  
Public Water Supply Section  
1634 MSC  
Raleigh, NC 27699-1634

RE: Comments on Draft EA (dated January 2015) for IBT increase from Kerr Lake to Tar River, Neuse River & Fishing Creek basins, Vance, Granville, Warren & Franklin Counties, North Carolina

Dear Mr. Brady:

The US Fish and Wildlife Service (Service) received a request on 16 January 2015 by CH2M Hill to provide comments on the draft Environmental Assessment (EA) for the Interbasin Transfer (IBT) increase from Kerr Lake to Tar River, Neuse River, and Fishing Creek basins. The Service has identified the Upper Tar River and Fishing Creek ecosystems as significant resources for the protection of federally listed endangered species as well as several other rare and endemic species. Federal goals for the conservation of trust species depend explicitly on the sustained integrity of the Upper Tar River and Fishing Creek ecosystems. Our comments are submitted pursuant to, and in accordance with, provisions of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.) (ESA) and the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.).

The Kerr Lake Regional Water System (KLRWS) seeks to increase the existing IBT from John H. Kerr Reservoir (Kerr Lake) in the Roanoke River basin to the Tar River basin, Neuse River basin, and Fishing Creek subbasin to provide sufficient water for future demand. The KLRWS is owned by the City of Henderson, the City of Oxford, and Warren County, and additional water is sold to Stovall, Warrenton, Norlina, Vance County, Kittrell, and Franklin County. Future sales are proposed to South Granville Water and Sewer Authority (SGWASA) for use by Creedmoor and Wilton. The KLRWS expects water demand to increase beyond the 10 MGD (grandfathered) allowed with the current IBT certificate during the next 30 to 45 years. The projected demands for year 2045 represented in MMD (average day of a maximum month demand) are 10.7mgd to the Tar River basin, 1.7mgd to the Fishing Creek subbasin, and 1.8mgd to the Neuse River basin. In total, the KLRWS is requesting an IBT certificate to transfer on an MMD basis 14.2mgd out of the Roanoke River basin. The US Army Corps of Engineers (USACE) has already allocated the storage equivalent of 20mgd average day demand within Kerr Lake to the KLRWS.

The Service has significant interest in the conservation of globally and nationally-significant aquatic resources in the Tar River basin. Two of our office's overarching goals is to recover populations of federally listed species (including the federally endangered dwarf wedgemussel (*Alasmidonta heterodon*), Tar River spiny mussel (*Elliptio steinstansana*), and harperella (*Ptilimnium nodosum*)) and conserve at-risk species such that their listing is unnecessary (USFWS 2012). Several streams in the Upper Tar River basin and the Fishing Creek subbasin have been identified as essential to the survival and recovery of the dwarf wedgemussel, the Tar River spiny mussel, and harperella (USFWS 1990, 1992, 1993). In addition, the NC Natural Heritage Program (NCNHP) characterizes the Upper Tar River and Fishing Creek as having "Outstanding" significance for aquatic biodiversity; they are in the top 3% of the most highly significant natural heritage sites in NC. In fact, the Upper Tar River is one of the best locations in NC for the dwarf wedgemussel, Atlantic pigtoe (*Fusconaia masoni*), and Chameleon lampmussel (*Lampsilis* sp.); and the Fishing Creek subbasin is the global stronghold for the Tar River spiny mussel. These basins support 18 species identified as imperiled by NCNHP (NCNHP 2015). Of these species, three (Carolina madtom (*Noturus furiosus*), Neuse River waterdog (*Necturus lewisi*), and the NC spiny crayfish (*Orconectes carolinensis*)) are endemic to only the Neuse and Tar-Pamlico drainages and occur nowhere else on the planet. The Service is especially interested in projects that may affect federal at-risk species (i.e., those species for which the Service has been petitioned to list under ESA and for which the Service will be making listing determinations in the next two years) including the Atlantic pigtoe (*Fusconaia masoni*), yellow lance (*Elliptio lanceolata*), green floater (*Lasmigona subviridis*), Carolina madtom, Neuse River waterdog, and Chowanoke crayfish (*Orconectes virginensis*).

The KLRWS has assessed several alternatives to meet their water needs for the next 30 years. The applicant's preferred alternative is to increase the IBT from the Roanoke River basin from 10 to 20 MGD and continue to treat and discharge wastewater into the Tar River, Neuse River, and Fishing Creek basins.

With increased water supply available to the upper Tar and Neuse River Basins, the Service is extremely concerned about secondary and cumulative impacts (SCI) related to this project, especially because of the sensitive species and habitats in this area. Additional water supply allows for increased growth and development, which in turn generates stormwater, increased impervious surfaces, more wastewater, and other SCI which in turn impact aquatic species and the habitats they live in. The EA states that there "is the potential for water quality and quantity impacts related to growth in the project area, facilitated in part by the availability of an adequate waters supply" (EA – p.1-5). Section 6.1 of the draft EA provides a brief description of existing regulations and programs, but the "analysis does not attempt to measure the performance of these regulations...to improve specific environmental conditions" (EA – p.6-1). While the accounting of regulations and programs was overall thorough (with the exception of the omission of the state's riparian buffer rules (which was said to be provided in Section 6.1.2, but was not), the Service contends that in order to concur with a finding of no significant impact for the project, specific linkages of the existing regulations and programs to the impacts to locations where listed/petitioned species are present is essential. While the listing of regulations and programs was informative, it is difficult to review the project and understand how to "connect the dots."

We suggest that this information could be best presented by discussing how recommendations contained in the NC Department of Environment and Natural Resources' (DENR's) *Guidance for Preparing SEPA Documents and Addressing Secondary and Cumulative Impacts* (<http://portal.ncdenr.org/web/deao/sepa>) and in the NC Wildlife Resources Commission's *Guidance Memorandum to Address and Mitigate Secondary and Cumulative Impacts to Aquatic and Terrestrial Wildlife Resources and Water Quality* (August 2002, [http://www.ncwildlife.org/portals/0/Conserving/documents/2002\\_GuidanceMemorandumforSecondaryandCumulativeImpacts.pdf](http://www.ncwildlife.org/portals/0/Conserving/documents/2002_GuidanceMemorandumforSecondaryandCumulativeImpacts.pdf)) are/are not accounted for in existing regulations/programs. If this proposed level of analysis goes beyond the scope of an EA, then the Service recommends the applicant to consider developing an Environmental Impact Statement (EIS).

Because of the additional water supply, provisions must be made for wastewater treatment. It is often a misconception that highly treated effluent is beneficial to the receiving system, particularly regarding increased flows during droughts or periods of low flow. However, the concentration of effluent constituents of concern is also increased during these low flow periods. This is particularly important because emerging contaminants of concern including pharmaceuticals and personal care products containing endocrine-disrupting compounds are not treated in typical wastewater treatment systems. The sedentary nature of mussels and plants means they are unable to move away from the discharge location(s) and would be continuously exposed. Accordingly, effluent characteristics need to be protective of mussels at all times, including the instantaneous minimum flow.

Details on potential wastewater treatment plant expansions or new discharges were not sufficient in the draft EA. The Service knows of three potential projects for which substantial detail and analysis for SCI should be included – one is a current project, Franklin County's proposed new discharge to the Tar River; one is a possible future project given potential increase of supply to Creedmoor, and includes SGWASA's proposed new discharge to the Tar River (different location than the Franklin County project); and one includes the City of Raleigh as a future bulk water purchase customer. Each of these projects could have significant environmental effects – some potentially positive, and some negative. Provision of water through this increased IBT request could make those projects viable, and therefore they need to be analyzed in the EA.

It is not clear why the NC Division of Water Resources (NCDWR) would allow an IBT into a Nutrient Sensitive Watershed (NSW). Both the Falls Reservoir watershed and the Tar River are NSW's. The EA states, "the nutrient reduction strategies and NPDES permits in place are sufficient to mitigate potential impacts to aquatic species and their habitats" (p. 5-39). Supplying additional water through an increased IBT enables additional nutrients to be discharged, and while nutrient offsets may be in place, they are not discussed adequately in the EA. The Service would like to see detailed information about the Tar-Pamlico Basin Association and resulting nutrient allocations as well as the Falls Lake strategy incorporated and discussed relative to impacts in the EA.

The Service would like to encourage a discussion with the applicant about the reconsideration of Alternative #5, minimizing IBT by discharging to the Roanoke River basin. While this alternative was deemed to meet the project's purpose and need, it was eliminated because

“significant infrastructure costs would be necessary and direct environmental impacts would occur with construction” (EA – p.3-8). Information provided under Alternative #2 indicates that “the KLRWS is currently compensating the USACE annually for the lost hydropower” (EA – p. 3-2). The Service would like to see a comparison of the infrastructure costs to transport wastewater back to the Roanoke basin versus the loss of hydropower income, which was estimated to be \$3,455,000 (2005 dollars). Once these costs are evaluated, as well as the costs associated with future consultations for new discharges in the Tar River basin, Alternative #5 may seem more desirable, or a combination of alternatives might also be more sensible.

As a minor point, the Service would like to inform the applicant that the information provided on the Roanoke logperch on p. 4-35 is out of date. Please visit:

<http://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=E01G> or  
<http://www.ncwildlife.org/Learning/Species/Fish/RoanokeLogperch.aspx> for more current information on the species.

The Service appreciates the opportunity to comment on the draft EA. In summary, the Upper Tar River and Fishing Creek ecosystems are extremely significant aquatic resources, and thus secondary and cumulative impacts of the proposed project to these areas must be carefully evaluated. The protection of the Tar River basin and the rare species it contains is one of our office’s highest priorities. For these reasons, we believe it is extremely important to accurately assess the costs and benefits of alternative #5, fully value the quality of the natural environment in the project area, and continue to involve the resource agencies and the public in the process.

The Service is willing to meet with the applicant and others to share information and explore means of achieving a shared vision of sound water supply and wastewater disposal and for conserving the aquatic resources of the Tar River basin for the continuing benefit of the American people. If you have any questions regarding our comments on this project, please contact Sarah McRae of this office at 919-856-4520x16 or [sarah\\_mcrac@fws.gov](mailto:sarah_mcrac@fws.gov). Thank you for your cooperation in the effort to protect endangered and threatened species.

Sincerely,  


Pete Benjamin  
Field Supervisor

eC: Lyn Hardison, NCDENR  
Vann Stancil, NCWRC  
Gabriela Garrison, NCWRC  
Shari Bryant, NCWRC  
Jaime Robinson, CH2M Hill

References:

NC Natural Heritage Program. 2015. North Carolina Natural Heritage Program Biotics Database and Mapviewer. (<http://portal.ncdenr.org/web/nhp/database-search>; accessed March 2015).

US Fish and Wildlife Service. 1990. Harperella (*Ptilimnium nodosum*) Recovery Plan. Newton Corner, Massachusetts. 60pp.

-----1992. Tar [River] spiny mussel (*Elliptio steinstansana*) Recovery Plan. Atlanta, Georgia. 40pp.

-----1993. Dwarf wedgemussel (*Alasmidonta heterodon*) Recovery Plan. Hadley, Massachusetts. 52pp.

-----2012. Five Year Strategic Plan (2012-2017). Raleigh Ecological Services Field Office. Raleigh, NC. 19pp.

**From:** [Jim Berry](#)  
**To:** [Nimmer, Kim](#)  
**Cc:** [Etta Ann Berry](#); [Scott Berry](#); [Jeff Linker](#)  
**Subject:** Intrabasin transfer  
**Date:** Saturday, April 18, 2015 7:53:09 PM

---

Hello:

This will inform of my opposition to removal of water from the Roanoke River. As a near 40 year resident at Lake Gaston, I have witnessed the development of almost 300 subdivisions on the 350 mile perimeter of the 50 year old lake.

The homes in these subdivisions, with tax values that range from modest to millions of dollars, were built there primarily because of the "constant level" nature of the lake. Anything that threatens that aspect of the lake undermines the future tax base of the five surrounding counties as well as the prosperity and dreams of the thousands of homeowners involved. [For example, unable to afford such a home those many years ago, I have slowly built it over the intervening decades (and it is almost finished!).]

Please explore all potential alternatives including tertiary treatment and return of all water back to near the point of extraction.

Cordially,

James Berry P.E.  
US EPA, Retired

Jim Berry

**From:** [Ballard Bishop](#)  
**To:** [Nimmer, Kim](#)  
**Subject:** Kerr Lake Water Sale  
**Date:** Sunday, April 26, 2015 11:42:26 AM

---

It has come to our attention that Water in Kerr Lake (Bugg's Island) has been offered for sale to Henderson to sell to another place. As landowners on Kerr Lake we oppose this and pay enough taxes to say HECK NO - The water in Kerr Lake is not for sale and Henderson does not need 10 million more gallons - Just put a bucket in your backyard this weekend.

STOP your insidious plan to sell lake water.

BALLARD BISHOP

JANICE PUTNAM

owners

Piney Pointe

## Nimmer, Kim

---

**From:** dboisot@bitbroadband.com  
**Sent:** Thursday, April 16, 2015 5:35 PM  
**To:** Nimmer, Kim  
**Subject:** IBA

We are also against IBA and concur with the association.

Klp & Donna Boisot

**From:** [Carolyn Bolton](#)  
**To:** [Nimmer, Kim](#)  
**Subject:** Kerr water  
**Date:** Monday, April 20, 2015 12:57:35 PM

---

Please do not allow water to be pumped to RTP area for their development needs. Kerr Lake is already sharing water with others.

Regards,  
Carolyn G. Bolton

Warren County resident.

Sent from my iPhone

**From:** [Brady, Harold M.](#)  
**To:** [Nimmer, Kim](#)  
**Subject:** FW: inner-basin transfer  
**Date:** Monday, April 27, 2015 9:22:46 AM

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**From:** C William Mary Jane Bosworth [mailto:[cwbosworth@embarqmail.com](mailto:cwbosworth@embarqmail.com)]  
**Sent:** Monday, April 27, 2015 9:15 AM  
**To:** Brady, Harold M.; Young, Sarah; Fransen, Tom; Senator Angela Bryant; [tpace@co.henry.va.us](mailto:tpace@co.henry.va.us); [ewyatt@ci.henderson.nc.us](mailto:ewyatt@ci.henderson.nc.us); [pogeary@ci.henderson.nc.us](mailto:pogeary@ci.henderson.nc.us); [saysoministries@embarqmail.com](mailto:saysoministries@embarqmail.com); [dbrum@ncol.net](mailto:dbrum@ncol.net); [garrison01@centurylink.net](mailto:garrison01@centurylink.net); [tshester@ncol.net](mailto:tshester@ncol.net); [abtl12@yahoo.com](mailto:abtl12@yahoo.com); [gwilder1@nc.rr.com](mailto:gwilder1@nc.rr.com); [ewright@vancecounty.org](mailto:ewright@vancecounty.org)  
**Subject:** inner-basin transfer

I am very concerned about the long term effects that the inner basin transfer may have on the environment of Kerr Lake. We have suffered through a number of droughts and low water periods that can only be exacerbated by the additional removal of water from the lake. My concern is that even when the lake is at low levels, contractual obligations will require the continued drawdown of the lake. This of course can have severe effects on our tourist industry, spawning grounds and our lake ecosystem.

I am also very concerned about the future of Vance County and our immediate neighbors, the water in Kerr Lake and the Roanoke River system is one of the few bright spots in our local economy and should be used to further business investment in our local tri-county area.

I hope that you will assist us in delaying the cut off period for public comment and a full environmental impact study, so that the long range consequences of any inner basin transfers can be studied and appreciated.

Sincerely;  
Charles Bosworth

252-492-0531  
2317 Pool Rock Rd.  
Henderson, NC 27537  
[cwbosworth@enbarqmail.com](mailto:cwbosworth@enbarqmail.com)

Kim Nimmer  
NCDENR  
521 N. Salisbury St.  
1611 Mail Service Center  
Raleigh, NC 27699-611

Dear Mrs. Nimmer

I am very concerned about the long term effects that the inner basin transfer may have on the environment of Kerr Lake. We have suffered through a number of droughts and low water periods that can only be exacerbated by the additional removal of water from the lake. My concern is that even when the lake is at low levels, contractual obligations will require the continued drawdown of the lake. This of course can have severe effects on our tourist industry, spawning grounds and our lake ecosystem.

I am also very concerned about the future of Vance County and our immediate neighbors, the water in Kerr Lake and the Roanoke River system is one of the few bright spots in our local economy and should be used to further business investment in our local tri-county area.

I hope that you will assist us in delaying the cut off period for public comment and in calling for a full environmental impact study, so that the long range consequences of any inner basin transfers can be studied and appreciated.

Sincerely;  
Charles Bosworth

252-492-0531  
2317 Pool Rock Rd.  
Henderson, NC 27537  
cwbosworth@enbarqmail.com

PUBLIC PETITION

SAVE OUR LAKE WATER

We the below signed are in opposition to the Permit to increase 10MGD of Inter Basin Transfer from the Roanoke River Basin to the Tar/Neuse River Basins because of the cumulative impact on Kerr Lake/Buggs Island Lake water levels, as well as undisclosed impacts on the environment, the economy, and tourism in Vance and Warren Counties as well as Southside Virginia.

To:

\*Kim.Nimmer@ncdenr.gov

\* NCDENR 521 N. Salisbury St. 1611 Mail Service Center Raleigh, NC 27699-1611

NAME / PHONE NUMBER

NAME / PHONE NUMBER

Charles W Bosworth 252-492-0531 /

Mary Jane Bosworth 252-492-0531 /

Richard P Marshall 252-430-1909 /

Richard M Dement 252-492-2532 /

Lena Dement 252-492-2532 /

James E. Carden 252-767-1522 /

Donna K Carden 252-767-2371 /

Shaila Marshall 252-430-1909 /

/

/

/

/

/

RECEIVED

APR 28 2015

DIVISION OF WATER RESOURCES

APRIL 30<sup>th</sup>, 2015 DEADLINE

(Your name and phone number are required for your opinion to count)

**From:** [Dale Bradley](#)  
**To:** [Nimmer, Kim](#)  
**Subject:** Opposition to Inter-Basin Water Transfer  
**Date:** Wednesday, April 29, 2015 6:25:28 PM

---

Dear Ms. Nimmer,

This is to notify you that we are opposed to the Inter-Basin Water Transfer permit that currently allows the Kerr Lake Regional Water System Partners (KLRWP) the transfer of up to 10 million gallons of water per day from Kerr Lake to areas in Warren, Oxford, Henderson, and other cities south of us. We are also against their request to transfer an additional 10 million gallons of water per day from the Roanoke River to other watersheds.

Please ensure that our opposition is logged as appropriate to stop this permit.

Sincerely,

Mike and Dale Bradley  
40 Chanco Drive  
Ebony, VA 23845

**From:** [kbrantley7@nc.rr.com](mailto:kbrantley7@nc.rr.com)  
**To:** [Nimmer, Kim](#)  
**Subject:** Inter-Basin Water Transfer from Kerr Lake  
**Date:** Tuesday, April 28, 2015 8:52:05 AM

---

As a taxpaying citizen of the City of Henderson and Vance County and a former citizen of Warren County, I strongly oppose the proposed additional inter-basin transfer of water out of Kerr Lake by the KLRWS. This process has been faulty from the start and if approved, the outcome would be disastrous for our area. I urge you to take action against this transfer.

Thank you for your consideration.

Karney F. Brantley  
110 Westlake Drive  
Henderson, NC 27536

**From:** [Beth Brewer](#)  
**To:** [Nimmer, Kim](#)  
**Subject:** Kerr Lake Petition  
**Date:** Tuesday, April 28, 2015 1:58:47 PM

---

Hi Kim,

A friend sent me a petition to sign opposing a water transfer of up to 10M gallons of water per day from Kerr Lake. Can we email a petition to you so long as our contact information is included?

Beth Brewer

**From:** [Beth Brewer](#)  
**To:** [Nimmer, Kim](#)  
**Subject:** Kerr Lake Petition  
**Date:** Tuesday, April 28, 2015 8:25:56 PM  
**Attachments:** [Kerr Lake Petition - Brewer.xlsx](#)

---

Kim -

Please find attached a couple of petition signatures.

Thanks!

**PUBLIC PETITION**

**SAVE OUR LAKE WATER**

**We the below signed are in opposition to the Permit to increase 10MGD of Inter Basin Transfer from the Roanoke River Basin to the Tar/Neuse River Basins because of the undisclosed impacts on the environment, the economy, and tourism in Vance and cumulative impact on Kerr Lake/Buggs Island Lake water levels, as well as Warren Counties as well as Southside Virginia.**

To: Kim.Nimmer@ncdenr.gov

NCDENR 521 N. Salisbury St. 1611 Mail Service Center Raleigh, NC 27699-1611

**Name**

Elizabeth M Brewer

Mary Elizabeth Brewer

**Phone Number**

252-430-7170

252-430-7170

PUBLIC PETITION

SAVE OUR LAKE WATER

We the below signed are in opposition to the Permit to increase 10MGD of Inter Basin Transfer from the Roanoke River Basin to the Tar/Neuse River Basins because of the cumulative impact on Kerr Lake/Buggs Island Lake water levels, as well as undisclosed impacts on the environment, the economy, and tourism in Vance and Warren Counties as well as Southside Virginia.

To: Kim.Nimmer@ncdenr.gov

NCDENR 521 N. Salisbury St. 1611 Mail Service Center Raleigh, NC 27699-1611

NAME / PHONE NUMBER

NAME / PHONE NUMBER

Tyler Brown 252-432-0713

1 Willde Brault 252-204-9630

Dave Alston

Dave [Signature] 252) 432-3087

1 Zach Chappell 919-417-3479

Brian Cash

[Signature] 252 430 9275

1 [Signature] 919-310-619

Carlton Fawcington

[Signature] 919 951-5858

1 [Signature] 919 482-0531

Chris Brewer 252 492-8553

1 Joel [Signature] 252 438-5114

Scott Incoe 919-690-5802

1 Jay C Goodwin 919-368-360

Ken Hestford 919-690-0980

1 Victor W Gill 252-492-9413

Jonathan Edwards 252 572-4470

1 Robin Kearney 252-767-6254

Jeff Shearin 252-813-8453

1 Tammy Rainey 252-432-7283

CHARLES CRICKENBERGER 434-

1 Jonathan Stokes - 252-767-7163

David Robinson - 252-226-6708

1 MARTIN FOSTER - 252-226-2480

Ronnie Gilliam 919-853-3976

1 Duane Jones 919-697-5235

David Rainey 252-213-3673

1 BRANDON ADAMS 910-200-2526

Hector Velazquez (252) 572-390,

Joseph Nehme 804-586-5911

APRIL 30<sup>th</sup>, 2015 DEADLINE



# Roanoke Rapids Sanitary District

1000 Jackson Street  
P. O. Box 308  
Roanoke Rapids, NC 27870  
(252) 537-9137  
Fax (252) 537-3064  
[www.rrsd.org](http://www.rrsd.org)

May 8, 2009

Kerr Lake Regional Water System IBT Comments  
CH2M HILL  
Attn: Kecia Lucas  
3201 Beechleaf Court, Suite 300  
Raleigh, NC 27604

Reference: Kerr Lake Regional Water System  
Request for Interbasin Transfer Certificate

To whom it may concern:

The Kerr Lake Regional Water System (KLRWS) is a regional provider of drinking water. The system sells bulk water to Henderson, Oxford, and Warren County. These three customers, in turn, serve portions of Vance, Granville, Franklin, and Warren Counties.

KLRWS has an existing, grandfathered, surface water transfer capacity of 10 MGD. The grandfathered capacity allows the system to move water from the Roanoke River Basin (Kerr Lake) to the Tar and Fishing Creek River Basins, both of which are sub-basins to the Tar-Pamlico Major River Basin. On February 18, 2009, KLRWS submitted a Notice of Intent to Request an Interbasin Transfer (IBT) Certificate to the Environmental Management Commission. In that notice KLRWS requested to increase the authorized transfer from 10 MGD to 24 MGD, and to transfer 2.4 MGD from the Roanoke River Basin to the Neuse River Basin. These transfer amounts are based on water use projections to the year 2040.

The City of Virginia Beach, Va. currently has a surface water transfer capacity of 60 million gallons per day authorization from the Roanoke River Basin.

The applicants are requesting comments on the scope of the EIS including the potential alternatives and other issues related to the proposed transfers. Written comments may be mailed or submitted electronically to [klrws@ch2m.com](mailto:klrws@ch2m.com). Mailed and emailed comments will be given equal weight. The comment period for this phase of the project closes on May 8, 2009. Interested parties will also have future opportunities to provide comment during this IBT request process.

The Roanoke Rapids Sanitary District request the following is included in the scope of impacts to be evaluated in an environmental impact statement (EIS):

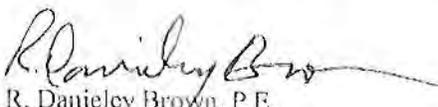
- Predictive Impact of the proposed transfer on the 7Q10 for the lower Roanoke River coupled with the impact due to all existing authorized transfers on 7Q10.
- impact on the minimum release schedule established during the recent FERC relicensing agreement for the Gaston-Roanoke Rapids project.
- The drinking water source for the Roanoke Rapids Sanitary District is the Roanoke Rapids Reservoir. The Reservoir is located immediately below Lake Gaston. This body of water is also impaired due to the infestation of exotic weeds such as hydrilla (Hydrilla)

verticillata), Brazilian Elodea (Egeria densa), and Eurasian watermilfoil (Myriophyllum spicatum). The lake was rated mesotrophic in 1994 and nutrient values have remained low to moderate since 1983. North Carolina Power and the N.C. Division of Water Resources have considered options for controlling these aquatic weeds although no specific actions are planned in the near future. The watershed is being targeted for NPS pollution controls.<sup>(1)</sup> Please assess the cumulative impact to nutrient values in the Roanoke Rapids Reservoir due to existing and proposed interbasin transfers.

- Please prepare a comparative analysis of the effect on the safe yield of the Roanoke Rapids Reservoir before and after the proposed inter-basin transfer through 2040, assuming no additional transfers are authorized.
- Impact on the waste assimilative capacity of the Lower Roanoke River for various types of pollutants and address predictive allocation for oxygen-demanding wastes (CBOD<sub>5</sub>), ammonia nitrogen (NH<sub>3</sub>-N), nutrients and toxicants permit limitations from wastewater treatment plants with corresponding permitted loads discharging to the Roanoke River during summertime conditions, when temperature is high and stream flow is low.
- The role of the floodplain wetlands along the Roanoke River in nutrient assimilation, as well as NPS pollution abatement, and sediment removal is based on their opportunity and ability to receive and retain sediment, respectively.<sup>(1)</sup> Does the potential reduction in stream flows due to the cumulative effects of inter basin transfers impact the role floodplain wetlands play in this capacity?
- Will mitigation measures for all impacts determined from the study be a condition of the interbasin transfer authorization to appropriately assess the cost of impacts to the beneficial users?
- Many sections of the Roanoke River including the Roanoke Rapids Lake have been identified as impaired waters under various categories. Will the interbasin transfer authorization restore full use to impaired waters and/or protect unimpaired waters of the Roanoke River? How will this be accomplished?

The Roanoke Rapids Sanitary District appreciates this opportunity to highlight some potential impacts of the subject Interbasin Transfer (IBT) Certificate for your consideration. Our position on the transfer of water out of the Roanoke River Basin will be prejudiced on the impact the practice will have on local water quality and public health, a plentiful supply to protect property, fight fires and attract industry to support a robust economic development plan at affordable rates which reflect the true cost of service through a responsible mitigation plan. Should you have any questions please do not hesitate to contact me.

Very Truly Yours,  
Roanoke Rapids Sanitary District

  
R. Daniele Brown, P.E.  
Chief Executive Officer

Cc: Jeff Smith, Chairman  
File

<sup>(1)</sup>Roanoke River Basinwide Water Quality Management Plan September 1996  
*Chapter 6 - Water Quality Concerns, Goals and Management Strategies*

From: [lindabrownenc@gmail.com](mailto:lindabrownenc@gmail.com)  
To: [Nimmer, Kim](#)  
Subject: Inter Basin Water Transfer (KLRWP)  
Date: Friday, April 17, 2015 9:50:59 AM

---

TO: NC Department of Environment and Natural Resources  
ATTN: Kim Nimmer

My husband and I live on waterfront property on Lake Gaston and are concerned about the proposal being considered to double the amount of Inter-Basin water transfers currently allocated to the Kerr Lake Regional Water System "Partners" (KLRWP). We were alerted to this proposal by the Lake Gaston Association which represents the interests of the lake, property owners around the lake, and the counties which surround it:

"The Kerr Lake Regional Water System "Partners" (KLRWP) currently has authority to transfer up to 10 million gallons of water per day (MGD) water from Kerr Lake to areas in Warren, Oxford, Henderson and others cities south of us. Of that amount only under 3 MGD is returned to the Roanoke River Basin at Kerr Lake. The KLRWP seeks to transfer an additional 10 MGD from the Roanoke River Basin."

We also recognize that the Virginia Beach pipeline also is authorized to transfer water from our lake as one of the sources for its water supply and has been doing that since about the mid-1990's.

When we had the opportunity, we did connect to the Warren County Water System, which now supplies the water to our home, so we recognize that we sort of have competing (and perhaps) conflicting interests with regard to this water transfer issue. We now depend upon the water supplied by Warren County. However, we also are seriously concerned about the impact increased water withdrawals would have on the lake levels and the lake environment. What would happen if NC were to experience a serious drought like California has right now?

We urge the NC Department of Environment and Natural Resources to require a full environmental impact study of proposed increases in water withdrawal from the Roanoke River Basin. This study should also consider potential impact of future water withdrawal increases. We further demand fully-disclosed publication and reporting of the environmental impact study's conclusions.

Yours truly,  
Linda and Chuck Browne  
129 Rocky Branch Circle

Macon, NC 27551  
Home: 252-257-5889



State of North Carolina  
County of Halifax

HISTORIC COURTHOUSE - P.O. BOX 98 - 10 N. KING STREET - HALIFAX, NC 27839  
PHONE: 252-583-1131 - FAX: 252-583-9921

TONY N. BROWN  
COUNTY MANAGER  
brownnt@halifaxnc.com

RECEIVED

APR 10 2015  
DIVISION OF WATER RESOURCES

April 7, 2015

Mr. Tom Fransen, Section Chief  
DENR – Division of Water Resources  
Planning Branch  
1611 Mail Service Center  
Raleigh, North Carolina 27699-1611

Re: Need for Environmental Impact Statement for Evaluation of Proposed Kerr Lake Regional Water System Interbasin Transfers

Dear Mr. Fransen:

The Halifax County Board of Commissioners, during its April 6, 2015 Regular Meeting, objected to the Division of Water Resources' decision not to require an Environmental Impact Statement in reviewing the proposal by Kerr Lake Regional Water System for an Interbasin Transfer Certificate.

The Roanoke River supplies drinking water, recreational opportunities, and wildlife habitat enjoyed by millions of people in the area. Increasing the current transfer of water out of the Roanoke Basin by more than 40 percent should trigger a full Environmental Impact Statement. The Environmental Assessment submitted by Kerr Lake Regional Water System is inadequate to evaluate the proposal. We oppose the Division's decision to approve this document and do not support the Interbasin Transfer Certificate because it is based on inadequate information. Without an Environmental Impact Statement to guide us, we cannot be assured that the Roanoke River will be able to continue to supply drinking water, recreational opportunities, and wildlife habitat already enjoyed by millions of people in the area.

All Interbasin Transfer Certificate applicants are subject to the general Environmental Impact Statement requirements of SEPA. SEPA was passed "to require agencies of the State to consider and report upon environmental aspects and consequences of their actions involving the expenditure of public moneys or use of public land" (See North Carolina General Statute § 113A-2). SEPA's provisions "provide a mechanism by which all affected State agencies raise and consider environmental factors of proposed projects".

Another reason for opposition to this withdrawal is if the permit is approved and if the Kerr Lake Regional Water System were to withdraw their permitted 14.2 million gallons per day this could prevent a county in the Roanoke River Basin from locating an industry that was a high water rate user.

*Where the Spirit of Independence Was Born*

Mr. Tom Fransen, Section Chief  
DENR – Division of Water Resources  
April 7, 2015  
Page 2

It appears that the Kerr Lake Regional Water System is planning to withdraw this water, not for its use or for its water system, but to sell the water to other water systems in other river basins. It appears that Kerr Lake Regional Water System plans to sell or transfer water out of its local area or water service district. This water will be transferred, not just to an adjoining river basin, but across multiple river basins to another end user.

Residents of the Roanoke River Basin should NOT be punished by actions of NCDENR allowing the Kerr Lake Regional Water System to withdraw a large amount of water, 14.2 million gallons per day, from the Roanoke River basin to sell and transfer to other basins.

The Halifax County Board of Commissioners request that you deny the Kerr Lake Regional Water System's request for an increase in their withdrawal permit. We further request that additional environmental impact studies be performed to determine the cumulative impact of withdrawal of 14.2 million gallons per day for the Kerr Lake Regional Water system and the withdrawal of 60 million gallons per day for the Lake Gaston Water Supply Project on behalf of Virginia Beach.

Thank you for your kind consideration regarding these requests.

Cordially,



Tony N. Brown  
County Manager

CC: Halifax County Economic Development Commission

**From:** [Bunn, Tina](#)  
**To:** ["harold.m.brady@ncdenr.gov"](mailto:harold.m.brady@ncdenr.gov); ["sarah.young@ncdenr.gov"](mailto:sarah.young@ncdenr.gov); ["Tom.Fransen@ncmail.net"](mailto:Tom.Fransen@ncmail.net); ["kmartinncemc@hotmail.com"](mailto:kmartinncemc@hotmail.com); ["angela.bryant@ncleg.net"](mailto:angela.bryant@ncleg.net); ["tpace@co.henry.va.us"](mailto:tpace@co.henry.va.us); ["Nathan.Baskerville@ncleg.net"](mailto:Nathan.Baskerville@ncleg.net); ["esthermccrackin@ci.henderson.nc.us"](mailto:esthermccrackin@ci.henderson.nc.us); ["ffrazier@ci.henderson.nc.us"](mailto:ffrazier@ci.henderson.nc.us); ["ewyatt@ci.henderson.nc.us"](mailto:ewyatt@ci.henderson.nc.us); ["pogear@ci.henderson.nc.us"](mailto:pogear@ci.henderson.nc.us); ["ewright@vancecounty.org"](mailto:ewright@vancecounty.org); ["saysoministries@embarqmail.com"](mailto:saysoministries@embarqmail.com); ["gwilder1@nc.rr.com"](mailto:gwilder1@nc.rr.com); ["abt12@yahoo.com"](mailto:abt12@yahoo.com); ["tshester@ncol.net"](mailto:tshester@ncol.net); ["garrison01@centurylink.net"](mailto:garrison01@centurylink.net); ["Kim.Nimmer@ncdenr.gov"](mailto:Kim.Nimmer@ncdenr.gov); ["dbrum@ncol.net"](mailto:dbrum@ncol.net); ["angelenakdunlap@warrencountync.gov"](mailto:angelenakdunlap@warrencountync.gov); ["stugaville@embarqmail.com"](mailto:stugaville@embarqmail.com); ["paulapulley@warrencountync.gov"](mailto:paulapulley@warrencountync.gov); ["lindaworth@warrencountync.gov"](mailto:lindaworth@warrencountync.gov); ["barrym@vance.net"](mailto:barrym@vance.net); ["bbaker109@hotmail.com"](mailto:bbaker109@hotmail.com); ["jenjord25@hotmail.com"](mailto:jenjord25@hotmail.com); ["vmhunt50@yahoo.com"](mailto:vmhunt50@yahoo.com); ["Sen.Ruff@verizon.net"](mailto:Sen.Ruff@verizon.net); [Bunn, Dean](#)  
**Subject:** Kerr Lake Interbasin Water  
**Date:** Tuesday, April 28, 2015 12:51:25 PM

---

URGENT REQUEST –

Cancel the 4/30/15 Interbasin Transfer Public Comment Deadline.  
Call for public hearings.  
Call for a complete Environmental Impact Study.

Please forward this email to any Councilman, Commissioners not included in the distribution.  
As an NC and VA property owner this issue is very important to me. Our citizens deserve to be heard on this topic and we need a full impact study to understand the implications of this water transfer on our lakes and rivers.  
Thank you,

Dean R. Bunn  
109 S. Fort St.  
Nashville, NC 27856  
[drbunn1954@gmail.com](mailto:drbunn1954@gmail.com)

---

This message, including any attachments, may contain confidential information intended for a specific individual and purpose, and may be protected by law. If you are not the intended recipient please delete this message immediately. Any disclosure, copying or distribution of this message, or the taking of any action based on it, by any unintended recipient is strictly prohibited.

**From:** [Scott Burnette](#)  
**To:** [Nimmer, Kim](#)  
**Subject:** Inter basin water transfer  
**Date:** Friday, April 17, 2015 6:48:56 PM

---

I am in favor or insisting on a full environmental impact study of the effects of divert water from the lake. Please add my name to the list.

Scott Burnette  
South Hill, VA

**From:** [Vicky Burnette](#)  
**To:** [Nimmer, Kim](#)  
**Subject:** Water Proposal  
**Date:** Friday, April 17, 2015 9:06:09 AM

---

Dear Kim Nimmer,

Having just read a disturbing article in the Viewpoint section of The Mecklenburg Sun, I am writing to express my dismay and to oppose the idea of increasing the daily drawdown of Kerr Lake. Sorry I missed the meeting, but I did not know about it.

My home is in Clarksville and the lake is one of the last major sources of revenue that we have. Burlington Industries is gone! Russell Stover is gone! This leaves us with zero industry and little chance of attracting any if others siphon the water away. Our recreation and fishing attractions need water and maintain healthy lake levels for fish spawning, boat ramps and swimming areas is essential.

I am asking that you do a complete environmental study before considering taking more water from the lake. It is important to the quality of life for us all.

Sincerely,

Vicky Burnette  
1082 Old Rock Road  
Clarksville, VA 23927

RECEIVED

APR 20 2015

April 17, 2015

Tom Fransen  
DENR  
1611 Mail Service Center  
Raleigh, NC 27699-1611

Dear Mr. Fransen,

I am disturbed to learn that North Carolina is wanting to siphon off more water from Kerr Lake, not for the sole benefit of the Kerr Lake Regional Water Systems counties only, but to pipe processed water to western Franklin County, a suburb of Raleigh. So the tapping process never ends!

Consider that the lake is the only major resource Clarksville has to sustain its existence. We depend on tourism from campers, fishermen, and boaters. Burlington Industries is gone! Russell Stover is gone! If the lake is damaged by low water levels we will suffer.

Therefore, I implore you to do a thorough environmental impact study before going forward with any plans to draw down more water. Natural areas are disappearing at an alarming rate, this is something we can stop from happening!

Sincerely,  
Vicki Burnette  
1082 Old Rock Rd.  
Clarksville, Va. 23927

**From:** [Bobby Burton](#)  
**To:** [Nimmer, Kim](#)  
**Subject:** Fw: PUBLIC PETITION : SAVE OUR LAKE WATER  
**Date:** Thursday, April 23, 2015 9:36:51 AM

---

----- Forwarded Message -----

**From:** carolyn adams <pauletteadams@hotmail.com>  
**To:** Mary Mcmillan <msqrd3@yahoo.com>; MACEY PAYNTER <mvpaynter@embarqmail.com>; Leigh Anne Fowler <mamahen235@aol.com>; mishmuff@hotmail.com; Watkins John and Mary Edith <mejwatkins@centurylink.net>; Maltais Katie <katiemaltais825@gmail.com>; Melanie Brewer <hannroosmom@embarqmail.com>; audrey currin <audreycurrin@hotmail.com>; Wade Barbara and Lee <wadebarbara@hotmail.com>; acr1760@hotmail.com; Storm Dick and Carolyn <carolyn\_storm@yahoo.com>; Cook John and Trudy <cook@pinnellins.com>; Floyd Ken and Jeri <kenflo1@aol.com>; bjlassiter@gvdhd.org; BillieJoWest@embarqmail.com; Bobby Burton <freej4@yahoo.com>; Jessie Curtis <jessie2231@hotmail.com>; Cameron Curtis <cameron.curtis1979@gmail.com>; ccronk@gvdhd.org; dcash@gvdhd.org; etate@gvdhd.org; Patsy Rooker <gopatsygo47@hotmail.com>; Shelia Paynter <shpayn@hotmail.com>; Denise Rice <jayshap2003@yahoo.com>; jsrooker@gmail.com; jeanne1011@embarqmail.com; Kim Oettinger <koettinger@nc.rr.com>; "jill@perfectionautoandmarine.com" <jill@perfectionautoandmarine.com>; Schaad Pam <pamschaard@centurylink.net>; Sandra White <lexieluhu@gmail.com>; thayesjones@gvdhd.org; wsmith <wsmith@gvdhd.org>  
**Cc:** padams <Padams@gvdhd.org>; "pauletteadams@hotmail.com" <pauletteadams@hotmail.com>  
**Sent:** Sunday, April 19, 2015 6:35 PM  
**Subject:** PUBLIC PETITION : SAVE OUR LAKE WATER

We the below signed in opposition to the Permit to increase 10MGD (ten million gallons daily)  
Of inter Basin Transfer to the Tar/Neuse River Baisins because of the cumulative impact on Kerr/Buggs Island levels, as well as undisclosed impacts on the environment, the economy, and tourism in Vance and Warren Counties as well as Southside Virginia.

To: [Kim.Nimmer@ncdenr.gov](mailto:Kim.Nimmer@ncdenr.gov)

NCDENR. 521 Salisbury St. 1611 Mail Service Center Raleigh, NC. 27699-1611

NAME \_\_\_\_\_ Bobby Burton \_\_\_\_\_. PHONE NUMBER \_\_\_\_\_ 252-432-1438 \_\_\_\_\_

**From:** [Brandy Carter](#)  
**To:** [Nimmer, Kim](#)  
**Subject:** Save Our Lake Water  
**Date:** Sunday, April 26, 2015 8:15:31 AM

---

We the below signed are in opposition to the Permit to increase 10MGD of Inter Basin Transfer from the Roanoke River Basin to the Tar/Neuse River Basins because of the cumulative impact on Kerr Lake/Buggs Island Lake water levels, as well as undisclosed impacts on the environment, the economy, and tourism in Vance and Warren Counties as well as Southside Virginia.

Brandy and Bob Carter  
(252)-432-5887  
(252)-432-0357

Sent from my iPhone



H. Wayne Carter III  
County Administrator  
Emergency Services Director

## Mecklenburg County Board of Supervisors

Post Office Box 307 • Boydton, Virginia 23917

### BOARD OF SUPERVISORS

Glenn Barbour  
Chairman  
Gregg Gordon  
Vice-Chairman  
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Andy Hargrove  
Jim Jennings  
Claudia H. Lundy  
Glanzy M. Spain, Jr.  
Dan Tanner

April 30, 2015

Kim Nimmer  
North Carolina Department of  
Environmental and Natural Resources

Dear Ms Nimmer,

I am writing on behalf of the Mecklenburg County Board of Supervisor's regarding the proposed interbasin transfer request by the Kerr Lake Regional Water System (KLRWS) and its possible effects upon Kerr Lake and the Roanoke River Basin.

As you are aware, Mecklenburg County is the home to Kerr Dam and the majority of Kerr Lake. As such the County is greatly concerned with any interbasin water transfers that could negatively impact the County and its future growth.

The current request by the KLRWS would increase its current grandfathered interbasin transfer from 10 MGD to over 14 MGD. This IBT would have a detrimental effect on the Roanoke River Basin and those communities that rely upon it for their future economic growth.

The Mecklenburg Board of Supervisors is requesting a full environmental impact study be performed on the proposed transfer to determine the long term effects that these continual interbasin transfers are having on the Roanoke River.

Please feel free to contact me with any questions you may have on this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "HWC", is written over a white background.

H. Wayne Carter, III.  
County Administrator

**From:** [Bob and Sandra Catherwood](#)  
**To:** [Nimmer, Kim](#)  
**Subject:** Inter basin transfer from Kerr Lake  
**Date:** Tuesday, April 28, 2015 11:35:19 AM

---

Ms. Nimmer;

I wish to go on record in opposition to the proposed transfer of additional water from Kerr Lake to support other counties and industry in other counties beyond those currently being served by the waters of Kerr Lake. It seems absurd to argue that the level of Kerr Lake would not be affected by the removal of 10 million gallons of water per day. I have seen Kerr Lake at extremely low levels during dry years when docks were on dry land or there was insufficient water to allow access to docks. The additional removal would worsen this situation. Rather than transferring this additional water to help population and industrial growth in other areas, this resource should be used for that purpose in Vance, Granville and Warren Counties. It seems that every effort has been made to gain approval in a dark and secretive manner, with little or no notice given to those who would be most directly affected.

I have lived in Vance County for 41 years, and during that time, it has appeared as though our community leaders have always acted to stifle growth and development of our area. I believe this is another step in that direction. The City of Henderson may gain additional revenue, but at what cost? And what will that additional revenue be used for? There are too many examples of the failure to take positive steps.

As one enters Vance County from any direction, there are signs that say "Vance County, Home of Kerr Lake". Lets keep it that way by not sending its waters elsewhere.

Sincerely,

Robert K. Catherwood

**From:** [Mike and Cindie Cestaro](#)  
**To:** [Nimmer, Kim](#)  
**Cc:** [LGA Executive Director](#)  
**Subject:** Unintended consequences of increases in Inter Basin Water Transfer  
**Date:** Sunday, April 19, 2015 5:25:04 PM

---

Water rights -- the prospects of a water war similar to what is happening in the West Coast should not be ignored.

Kerr Lake residents are already seeing their property values affected because of declining and unstable water levels.

The stability of hydroelectric power we have become use to is being placed at risk.

A negative affect on down stream hydrilla control and recreational fishing will affect the economic viability of the NC/VA Lake Gaston area.

This effort is a short sighted attempt to solve a problem by using valuable long term resources to correct poor use and consumption practices.

The solution is not to wastefully drain from the future needed resources, but to implement today's available solutions, e.g., responsible use, intra-government consumption practices, and recycling, reuse, and reclamation programs, universal building codes requiring structures to improve the use of water coming in, and the use of water products discharged, and universal irrigation and farming practices.

Inter basin transfer is treating a symptom, not the problem, i.e., no comprehensive and collaborative inter-government resource management.

Mike Cestaro

**From:** [Champion, Kim](#)  
**To:** [Nimmer, Kim](#)  
**Subject:** save Kerr Lake  
**Date:** Tuesday, April 28, 2015 8:38:06 AM

---

Greetings Kim Nimmer,

I am not in favor of the Kerr Lake inter-basin transfer. Vance County and Warren County are in Tier One and these are the counties that should receive special treatment for economic growth. Franklin County should not be allowed to receive almost all the increase allotment amount. Please help support and protect our environment.

Thank you,

Kim Champion  
Manson, N.C.

RECEIVED  
APR 23 2015  
DIVISION OF WATER RESOURCES

ACR Charlton  
718 Greenfield Road  
Charlotte Court House, VA 23923  
Tel: 434-547-7240

23 April 2015

Mr. Tom Fransen, Section Chief  
DENR - Division of Water Resources, Planning Branch  
1611 Mail Service Center  
Raleigh, NC 27699-1611

Dear Mr Fransen:

In response to NC's request for public comment on the the issue of Inter Basin Transfer of water from the Roanoke River Basin, I offer the following for your consideration.

A full Environmental Impact Statement is required for any IBT of water from the Roanoke River Basin. I support this requirement for reasons outlined below.

1. An EIS is required for any IBT by NC and VA statute.
2. The size of the area involved in the IBT is huge and the transfer involves more than than two watersheds. A full EIS will address this issue.
3. The impact of the IBT will be long term (30 years or more).
4. An EIS will provide a scientific basis for IBT decisions, now and future.
5. Many small IBT's at the county level can add up to larger IBT's as they accumulate (even exceeding statutory limits).
6. At least some of the water involved will be sold on the commercial market.

The Roanoke River Basin and the waters therein are of critical importance to us as citizens and to the State of Virginia. We wish to preserve this asset for our use both now and in the future.

Sincerely,



ACR Charlton, citizen

**From:** [Linda Colanero](#)  
**To:** [Nimmer, Kim](#)  
**Subject:** Water  
**Date:** Friday, April 24, 2015 1:48:04 PM

---

Please cancel the public comment deadline and schedule more public hearings regarding the Kerr Lake Interbasin Transfer. Citizens are also calling for a full environmental impact study and statement. Thank you.

Linda and Daniel Colanero  
Lake residents

Sent from my iPad

**From:** [Brady, Harold M.](#)  
**To:** [Nimmer, Kim](#)  
**Subject:** FW: Water  
**Date:** Friday, April 24, 2015 1:28:07 PM

---

-----Original Message-----

From: Linda Colanero [<mailto:lcolanero@embarqmail.com>]  
Sent: Friday, April 24, 2015 1:24 PM  
To: Brady, Harold M.  
Subject: Water

My husband and I would like you to reconsider the inter basin water transfer until a full environmental impact study has been done. Please cancel public comment deadline and schedule more public hearings. More people need to be informed. Consider the impact on the Tier I counties.  
Thank you.

Sincerely,  
Linda and Daniel Colanero  
Manson, NC

Sent from my iPad

**From:** [Dawn Coleman](#)  
**To:** [Nimmer, Kim](#)  
**Subject:** Proposed Increase IBT for Kerr Lake regional water system-OPPOSED  
**Date:** Monday, April 20, 2015 1:46:25 PM

---

I am OPPOSED to the proposed increase IBT from Kerr Lake. The precedence it sets for future proposals and the long term impacts on Warren and Vance counties is of serious concern to me. I was also very disappointed to find no public hearing was held to inform local residents as to what was being proposed/planned. Its a shame our elected officials would think this was ok to proceed without the public's knowledge.

Sincerely,

Dawn Coleman  
252-257-4722

**From:** [1](#)  
**To:** [Nimmer, Kim](#)  
**Subject:** Denial of Drawdown  
**Date:** Saturday, April 18, 2015 9:28:25 AM

---

Please deny drawdown of Kerr Lake for water supply.

Jill Coleman

**From:** [Coleman, Levi](#)  
**To:** [Nimmer, Kim](#)  
**Subject:** Denial of Kerr Lake Drawdown  
**Date:** Saturday, April 18, 2015 9:05:22 AM

---

Hello,

I would like to deny the additional drawdown of Kerr Lake's water supply. Please let me know if I need to take any additional effort to have my vote counted. Thank you and have a great weekend!

Levi Coleman

Sent from my iPhone

This electronic mail (including any attachments) may contain information that is privileged, confidential, and/or otherwise protected from disclosure to anyone other than its intended recipient(s). Any dissemination or use of this electronic mail or its contents (including any attachments) by persons other than the intended recipient(s) is strictly prohibited. If you have received this message in error, please notify us immediately by reply e-mail so that we may correct our internal records. Please then delete the original message (including any attachments) in its entirety. Thank you.





## Changes in Statutory Requirements

- Initiated IBT based on 2007 amendments to IBT statute
  - Multiple up-front public meetings and similar multiple final public hearings
  - EIS required
  - IBT regulated based on Max Day Transfer
- Session Law 2013-413
  - Changed regulation of IBT to maximum daily average of a calendar month
- Proceeding with KLRWS IBT Based on Senate Bill 734 (Session Law 2014-120)
  - Allows for approval process based on General Statutes pre-2007 amendments (similar to coastal counties)
  - Expedited process for certain USACE reservoirs
    - ✓ Allows for approval based on an EA
    - ✓ One public hearing required

**From:** [Gregory Craft](#)  
**To:** [Nimmer, Kim](#)  
**Subject:** petition attached  
**Date:** Monday, April 27, 2015 9:16:40 AM  
**Attachments:** [lake petition.PDF](#)

---

Kim,

Petition attached with names on property owners on Kerr Lake.

How can we keep up with the permit process? Do you have any information on the effect of this proposed transfer on Kerr Lake levels?

Thanks,

--

Gregory F. Craft  
Official Durham Visitor and Relocation Guide  
Carolina Custom Traders  
[gregoryfcraft@gmail.com](mailto:gregoryfcraft@gmail.com)  
919-612-6382

PUBLIC PETITION

SAVE OUR LAKE WATER

We the below signed are in opposition to the Permit to increase 10MGD of Inter Basin Transfer from the Roanoke River Basin to the Tar/Neuse River Basins because of the cumulative impact on Kerr Lake/Buggs Island Lake water levels, as well as undisclosed impacts on the environment, the economy, and tourism in Vance and Warren Counties as well as Southside Virginia.

To: Kim.Nimmer@ncdenr.gov

NCDENR 521 N. Salisbury St. 1611 Mail Service Center Raleigh, NC 27699-1611

NAME / PHONE NUMBER

NAME / PHONE NUMBER

Gregory Craft / 919-612-6382 / Zina Almers / 919-698-6619

Sherry A. Hughes - 432-3600 /

Hal Mahler 252-820-0420,

Joe Mahler 252-820-0421,

Robin Bradley 919-306-5537

Mark Bradley 919-306-0985 /

~~STEFAN~~ TRAVIS 252-431-1849 /

Lea Traub 252-431-1849 /

Robert Lawrie 252 436 0965 /

Keith Carbill 252 -204-9222 /

/

/

/

APRIL 30<sup>th</sup>, 2015 DEADLINE

(Your name and phone number are required for your opinion to count)

**From:** [Bill Craig](#)  
**To:** [Nimmer, Kim](#)  
**Subject:** Inter-Basin Transfer  
**Date:** Thursday, April 30, 2015 8:24:29 AM

---

Hi Kim,

My wife and I reside in Vance County.

We oppose the inter-basin water transfer proposal. It appears that if the proposal is passed, one of Vance County's greatest assets will be disproportionately distributed to other counties. This will likely have a detrimental impact on tourism and future commercial development here.

Thank you for being a conduit for our concerns.

Bill Craig

**From:** [Stan Creech](#)  
**To:** [Nimmer, Kim](#)  
**Subject:** Water transfer  
**Date:** Wednesday, April 29, 2015 11:30:31 AM

---

I'm strongly opposed to the water transfer without any environmental study or substantial public input.

--

**Stan Creech**

**Creech Import Repair, Inc.**

1818 St. Albans Dr., Suite 106

Raleigh, NC 27609

**(919) 872-1999**

[www.CreechImport.com](http://www.CreechImport.com)

<http://creechimport.wordpress.com/>



**From:** [Jayce Crossman](#)  
**To:** [Nimmer, Kim](#)  
**Subject:** Opose Inter Basin Water Transfer  
**Date:** Tuesday, April 21, 2015 7:31:20 PM

---

Hi Kim: I live on Lake Gaston (15 years) and I feel it would not be in the best interest of all of us living here or to the river to indulge in transferring more water from from the Roanoke River Basin. I am against this additional drain that this latest North Carolina proposal will do. Thank you for this opportunity to voice my opposition. Joyce A. Crossman, 556 Long Branch Drive, VA 23950

**From:** [David Currin](#)  
**To:** ["Mike Garrett"; Nimmer, Kim](#)  
**Subject:** RE: Inter Basin Transfer - Kerr Lake  
**Date:** Tuesday, April 21, 2015 10:34:57 AM  
**Attachments:** [PUBLIC PETITION \(3\).docx](#)

---

Hello Ms. Nimmer,

I agree with Mike Garrett.

David T. Currin  
Century 21 – Hancock Properties, Inc.  
Cell: 919-482-0435

---

**From:** Mike Garrett [mailto:[stingraymg@gmail.com](mailto:stingraymg@gmail.com)]  
**Sent:** Tuesday, April 21, 2015 10:28 AM  
**To:** [Kim.Nimmer@ncdenr.gov](mailto:Kim.Nimmer@ncdenr.gov)  
**Subject:** Inter Basin Transfer - Kerr Lake

Kim Nimmer,

I have attached a copy of the petition signed by myself opposing the Inter Basin Transfer of water from the Roanoke River Basin to support the Raleigh/Wake County growth surge. I have lived in this area all of my life and spent the last 23 years marketing & selling real estate in the area. A large part of my business is Kerr Lake property sales and the other area I work hard in is Commercial real estate. I know that it is being said that this transfer will not affect our water levels but I beg to differ. There is already an average of 40 million gallons of water a day coming out of this lake via the Lake Gaston pipeline to Virginia Beach. I say that it is coming out of Kerr Lake because there is an agreement between the power houses of the two lake dams to maintain Lake Gaston at a constant level which in turn means that that water must come from Kerr Lake. Vance County which houses most of Kerr Lake that is in North Carolina is a Tier 1 County which means that it is a very poor county that is identified as needing help with economic growth. We need commercial industry to create jobs and tax base so that our county can flourish, our schools can improve, and the quality of life for all citizens can be improved. We fought hard against the Virginia pipeline and lost. During that time, Raleigh & Wake County were making inquiries about putting pipeline into the lake to get water for themselves and that was stopped. Now it appears that they are

trying to slip in the back door to get the water. They only need the water because of their continued growth, well we need that growth in our county and if we provide water out of the Roanoke River Basin to them, then we are “cutting off our noses to spite our faces” only aiding their growth & not ours. Industry will never come to Vance, Warren, & Northern Granville County until they see it as the most logical option because we can provide the water they need. Wake County has Falls Lake to draw from and if they are out growing that then legislators & commerce should be directing industry and business that are looking in the area to the counties just north of them where there is plenty of land and plenty of water, at least for now. I am strongly opposed to this Inter Basin Transfer of Water and believe that had it be publicized in a manner to reach all the residence of these counties, there would have been a much larger turn out at the public meeting. I really feel like someone is trying to “slip one by us” which is an atrocity to the Tier 1 counties that are already struggling to make ends meet and promote growth.

Respectfully

*Michael G. Garrett*

Licensed Broker in NC and  
The Commonwealth of Virginia  
Coldwell Banker Advantage  
857 S. Beckford Drive, Suite C  
Henderson, NC 27536  
(252) 431-6262 – Direct  
(252) 438-0197 – Mobile  
Personal Website: <http://www.OnKerrLake.com>  
Company Website: <http://www.advantagecb.com>  
E-Mail: [mikegarrett@realtor.com](mailto:mikegarrett@realtor.com)

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[MGarrett.www.gocba.com/](http://MGarrett.www.gocba.com/)

-

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## Granville County Chamber of Commerce

124 Hillsboro Street • P.O. Box 820 • Oxford, North Carolina 27565 • Phone: 919-693-6125 • Fax: 919-693-6126  
1598 NC Hwy 56 • Suite 4 • Creedmoor, North Carolina 27522 • Phone: 919-528-4994 • Fax: 919-528-4994  
[www.granville-chamber.com](http://www.granville-chamber.com)

April 29, 2015

Kim Nimmer  
[Kim.nimmer@ncdenr.gov](mailto:Kim.nimmer@ncdenr.gov)

Ms. Nimmer,

After reviewing the research provided to us, it is obvious that the Proposed Kerr Lake Interbasin Transfer is vital to the growth of business and industry in Granville County. In addition, the research shows that this transfer certificate will further the economic development of our region without causing any harmful effects on Kerr Lake or the tourism of the area.

It is the mission of the Granville County Chamber of Commerce to promote a healthy economy with good business conditions, support good government, improve community relations and market services and programs for Chamber members. The Board feels that supporting this certificate is in support of our organizational mission.

Therefore, the Board of Directors of the Granville County Chamber of Commerce is pleased to join the City of Oxford in support of the Proposed Kerr Lake Interbasin Transfer Certificate.

Respectfully submitted,

Ginnie D. Currin; Executive Director

Representing the Granville County Chamber of Commerce's Board of Directors

**From:** [randysrepair@embarqmail.com](mailto:randysrepair@embarqmail.com)  
**To:** [Nimmer, Kim](#)  
**Subject:** Proposed Increase IBT for Kerr Lake regional water system-OPPOSED  
**Date:** Monday, April 20, 2015 12:13:00 PM

---

I am OPPOSED to the proposed increase IBT from Kerr Lake. The precedence it sets for future proposals and the long term impacts on Warren and Vance counties is of serious concern to me. I was also very disappointed to find no public hearing was held to inform local residents as to what was being proposed/planned. Its a shame our elected officials would think this was ok to proceed without the public's knowledge.

Sincerely,

Randy Curtis  
252-456-2543

**From:** [Clayton](#)  
**To:** [Nimmer, Kim](#)  
**Subject:** IBT  
**Date:** Thursday, April 16, 2015 8:26:50 PM

---

Against!

NORTH CAROLINA  
TOWN OF WARRENTON

RESOLUTION  
Of  
Support for Kerr Lake Regional Water System  
Proposed Interbasin Transfer Petition

**WHEREAS**, the Warrenton Public Water System is located within the Fishing Creek River basin; and

**WHEREAS**, the Kerr Lake Regional Water System, of which Warren County is a Partner and from which the Town of Warrenton purchases its water, has already obtained an allocation of storage in Kerr Lake from the US Army Corps of Engineers equivalent to an average annual water demand of 20 MGD; and

**WHEREAS**, the Kerr Lake Regional Water System has projected reasonable increases in water demand based on moderate growth projections and continued efforts to replace unreliable and often contaminated groundwater supplies with reliable treated water; and

**WHEREAS**, the total of all the Kerr Lake Regional Water System Partners and wholesale customers is projected to require an average annual water demand of almost 14 MGD and 17.4 MGD on an average basis in a maximum calendar month by 2045, which is less than the allocation provided by the US Army Corps of Engineers; and

**WHEREAS**, the projected interbasin transfer in 2045 is 14.2 MGD on an average basis in a maximum calendar month and exceeds the current grandfathered Interbasin Transfer Certificate of 10 MGD; and

**WHEREAS**, the proposed interbasin transfer can occur using existing pipeline infrastructure already in place; and

**WHEREAS**, the alternatives to the transfer all have substantially higher cost, significant potential environmental impacts from pipeline and other infrastructure construction, with no identified benefit to the environment; and

**WHEREAS**, the effects of the proposed transfer in the Roanoke River basin on key indicators of lake levels, dam outflow and hydropower generation have been analyzed and shown to have no detrimental impacts; and

**WHEREAS**, wastewater facilities treating wastewater from use of this additional water have previously had impacts analyzed and have already received their permits; and

**WHEREAS**, the local governments have required program elements to minimize potential impacts of growth.

**NOW THEREFORE**, be it hereby resolved that:

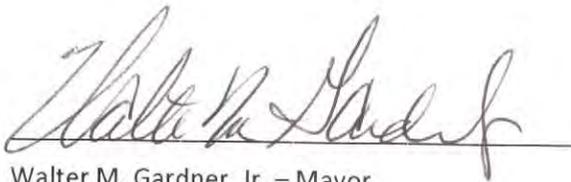
The Warrenton Board of Commissioners supports the requested interbasin transfer request of the Kerr Lake Regional Water System as an efficient means to meet the projected water demands of the region it serves.

Adopted this the 9<sup>th</sup> day of April, 2015.

ATTEST:



Robert Davie – Town Administrator



Walter M. Gardner, Jr. – Mayor

## Nimmer, Kim

---

**From:** Carol <cdayb@bitbroadband.com>  
**Sent:** Thursday, April 16, 2015 5:42 PM  
**To:** Nimmer, Kim  
**Subject:** Inter Basin Water Transfer

Please count my vote as "oppose".

Carol J. Dayberry  
1823 Great Creek Drive  
Bracey, VA (mailing address: La Crosse, VA 23950)

*Surround yourself with what you love: whether it's family, pets, keepsakes, music, plants, hobbies, whatever... Your home is your refuge.*

## Transcription for Public Hearing – Kerr Lake IBT (3-31-2015)

**Heather Deck** – I am the river keeper with the Pamlico Tar River Foundation. I think I'm one of two people in the room that are here to speak mainly on the impacts of the receiving basin. The Pamlico-Tar River Foundation has over 2,000 members who live, work, and play and make their livelihood from the Tar-Pamlico River. I'm mainly speaking here tonight about the impacts of the receiving basin, and the ongoing critical need for long term planning to conserve our precious limited water resources. There are counties that are a part of this IBT, mainly counties that are within the Tar-Pam basin, but there are many counties that are downstream. The counties that are a part of the existing IBT and the future expansion of this request are part of that network of head water areas that flow downstream where hundreds of thousands of people get their drinking water supply as well in the Tar and fishing creek water shed. We did comment on the EA and the funding that was done and we do appreciate the responses by the consultants and some of the partners on the questions that were incorporated in the petition. Our major concern in those comments have been the water quality impact facilitated by the growth from this IBT. There was a lot of talk tonight about the economic growth and the potential for the economic growth and the impacts facilitated by this growth were really not evaluated in the EA so that was the basis of comments at that point. But tonight I want to focus mainly on the comments on the certificate and the EMC's responsibility to ensure protections for the receiving basin. I will also add that the Pamlico River Foundation does support the comments by the Roanoke River Association. There was one thing that I really wanted to point out, in the EA there were some inaccurate graphs and I think those have been corrected. But, at one point and time there was some maps that dictated transfer into Creedmoor and a discharge into the Tar River Basin, but that is no longer accurate. Creedmoor is now a part of Sigwasa and this discharge goes to the Neuse. But I think that has been corrected but I did want to point that out. What we've talked about the comments to the EA is the significance to the Tar River, the upper Tar River especially and fishing creek. It is looked at as a refuge of national significance for a number of endangered aquatic species. We have mussels that are endangered species and there is a real need in the future to plan to protect these aquatic mussels moving forward. I think we need to think about this as not about human needs but environmental needs as everything is pretty much intertwined and the protection of these species and water quality is one of those things that we have to do in order to protect our own communities, our own health and the quality of water for our own needs. I would like to commend the local governments on the numerous efforts that were laid out with the EA and things done to conserve water and to protect water quality. We do need to continue to prioritize these efforts within our communities with education with land owners with industrial users. As a part of the Pamlico-Tar River foundation I do say to you that are elected officials and

the community here tonight we want to play a role in that, we want to be supportive of that going forward. The regional partners in this group have an established relationship and a system that could be the model for North Carolina and beyond for future water planning and for conservation measures. I want to talk now a little bit about what's in the general statutes related to the commission's authority to the IBT certificate. There are specifics in the general statute that's talked about in subsection M, that on the final determination of a certificate the one thing that they have to consider are the detriments being mitigated to the maximum degree practical and the other one is there are no other reasonable alternatives to proposed transfer. With that what we would like to request is that the EMC consider adding on conditions to a transfer if it does move forward, and that is allowed under subsection N of the general statutes. The first condition that we would like to have considered is that the partners be required under this condition to initiate additional regional planning and initiative related to water conservation. Those things may include water use for existing and future industrial users for additional local planning and other ordinances that may be available to them in other avenues for volunteering incentive based required measures to consider conserving water. The second condition be that those local government that currently have fixed or flat rate structures for water rates convert conservation rate structures. I think at this point in time only two of those IBT's have current conservation rate structures, Bunn and Creedmoor if I'm correct. That's one of those things I think would be a benefit for water conservation moving forward. – End



April 30, 2015

*Via Email*

Kim Nimmer  
DENR-Division of Water Resources  
Planning Branch  
1611 Mail Service Center  
Raleigh, NC 27699-1611  
By fax (919) 733-3558 and  
e-mail to: [kim.nimmer@ncdenr.gov](mailto:kim.nimmer@ncdenr.gov)

RE: Comments of RRBA on Proposed KLRWS Interbasin Transfers

To whom it may concern:

Sound Rivers, Inc.<sup>1</sup> (SRI) submits these comments on the proposed Kerr Lake interbasin transfer certificate request and supporting Environment Assessment (EA) and Finding of No Significant Impact (FONSI). The proposed Interbasin Transfer (IBT) is from the Roanoke River basin to the Tar-Pamlico and Neuse River basins via the Kerr Lake Regional Water System (KLRWS).

Sound Rivers monitors, protects and enhances the Tar-Pamlico and Neuse Rivers and watersheds while promoting environmental justice. We represent approximately 5000 members. We submit these comments in addition to our public hearing comments on March 31, 2015.

#### **Sound Rivers Supports RRBA Position**

SRI fully supports the comments submitted by the Duke Environment Law and Policy Clinic on behalf of the Roanoke River Basin Association (RRBA)<sup>2</sup>. We agree that the EA is legally insufficient to meet the requirements of the State Environmental Policy Act (SEPA) and that an EIS is required.

#### **EA lacks sufficient information**

As noted in our comments submitted to the State Clearinghouse on February 20, 2015 and enclosed here, the EA does not provide sufficient information regarding both direct and indirect impacts expected from the project and does not provide DWR adequate information in order to conclude that the action will not have a significant adverse effect on the quality of the environment.

---

<sup>1</sup> Sound Rivers, Inc. is the new name of the Pamlico-Tar River Foundation following our April 1, 2015 merger with the Neuse River Foundation.

<sup>2</sup> Letter from Ryke Longest, Duke Environmental Law and Policy Clinic to Kim Nimmer, DWR re: comments of RRBA on KLRWS interbasin transfers submitted on April 30, 2015.

Additionally, the US Fish and Wildlife Service in their comments regarding the EA noted the assessment lacked sufficient information to address the direct, indirect and cumulative environmental impacts and recommended that further evaluation be conducted.<sup>3</sup> We fully support the position of the US FWS and agree that further analysis is warranted and required by law.

### **IBT Certificate should be denied**

In addition to the lack of information in the EA that fails to fully characterize the environmental impacts, the certificate request should be denied because it fails to meet the requirements of G.S. §143-215.22L(m)(2) and §143-215.22L(m)(4). The KLRWS has not sufficiently mitigated detriments to the maximum extent practicable and there may be reasonable alternatives to the proposed transfer. We encourage DWR, KLRWS partners and local governments to continue to evaluate the ability to enact alternative 5 that would include returning wastewater to the Roanoke River Basin as well as encouraging re-use of treated wastewater, especially by current and new industrial users.

The mitigation measures outlined in Section 6 are insufficient to mitigate the detriments of the proposed IBT and reveal a great need for all IBT recipients to transition to a conservation rate structure. Currently only two of the local governments within the service area use such a rate structure.

### **Recommendations**

We recommend that the EMC should return the IBT certificate request and require an EIS to be completed. However, if the EMC decides to grant the IBT certificate, we would recommend that the commission require additional conditions as allowed by G.S. §143-215.22L(n). The first condition should include a requirement that all local governments that currently operate under fix or flat rate structures be required to convert to a conservation rate structure within a specified time frame. Secondly, an excellent opportunity exists for the KLRWS, an established partnership, to become a state and national model regarding future water conservation planning. Should a certificate be granted, we recommend that the EMC require as a condition, that the partners initiate regional planning regarding water conservation that would include, but not be limited to, water re-use with existing and future industrial users, local planning options including ordinances and other avenues for voluntary incentives, and other requirements for water conservation.

Sound Rivers greatly supports regional conservation planning and will support any efforts that reduce or eliminates the need for the proposed IBT.

We appreciate your consideration of these comments.

Sincerely,



Heather Deck  
Pamlico-Tar Riverkeeper  
Sound Rivers, Inc

---

<sup>3</sup> Letter from Pete Benjamin, US Fish and Wildlife Service, to Mr. Harold Brady, NC DWR re: Comments on IBT increase from Kerr Lake. March 16, 2015.



# Pamlico-Tar River FOUNDATION

February 20, 2015

*Via Email*

State Clearinghouse  
NC Dept. of Administration  
1301 Mail Service Center  
Raleigh, NC 27699-1301

Re: Comments on EA and FONSI for IBT increase from Kerr Lake to Tar River, Neuse River and Fishing Creek basins

To whom it may concern:

The Pamlico-Tar River Foundation (PTRF) submits these comments on the Environmental Assessment and Finding of No Significant Impact (FONSI) for the proposed Interbasin Transfer (IBT) from the Roanoke River basin to the Tar-Pamlico and Neuse River basins via the Kerr Lake Regional Water System (KLRWS).

PTRF, founded in 1981, is a grassroots environmental organization representing greater than 2000 members and a licensed member of Waterkeeper Alliance, Inc. Our mission is to enhance and protect the Pamlico-Tar River watershed through education, advocacy, and research.

### **Adequacy of Environmental Assessment**

PTRF is commenting on the EA per 01 NCAC 25 .0506, where any interested party may make comments on the adequacy of the documents. Furthermore, we have provided supplemental information that we request be reviewed by DWR for consideration.

### **FONSI inadequate**

As described in North Carolina's Administrative Code (01 NCAC 25 .0505) the Division of Water Resources must include certain information in a Finding of No Significant Impact (FONSI).

"A FONSI shall contain the following information: (1) a brief narrative description of the proposed activity including a description of the area affected by the proposed activity and a site location map, where appropriate; (2) a list of probable environmental impacts of the proposed activity; (3) a list of the reason(s) for concluding that the action will not have a significant adverse effect on the quality of the environment, with reference to any mitigation activities to be carried out, thereby negating the necessity of preparation of an EIS; (4) a statement that no EIS is to be prepared and that the FONSI completes the environmental review record which is available for inspection at the Clearinghouse."

The FONSI does not adequately include the anticipated impacts to the receiving basins, as is required by rule. The FONSI and the EA, as noted in our comments below, inaccurately state that no direct impacts will occur from this project. Furthermore, the evaluation of secondary and cumulative impacts is incomplete and thereby does not provide the agency with sufficient information to make a FONSI determination.

#### **EA lacks sufficient information**

The EA does not provide sufficient information regarding both direct and indirect impacts expected from the project and does not provide DWR adequate information in order to conclude that the action will not have a significant adverse effect on the quality of the environment.

First, the preferred alternative (alternative 2) will require construction and will result in direct impacts, contrary to what is stated in the EA. While the partners will not be constructing new lines, there will be new water sales that will occur from the expanded IBT (water sales to SGWASA and Creedmoor). Additionally, the EA identifies that significant service area expansion can be anticipated. While the EA points to conversion for many residential users from groundwater via wells that will not result in new construction of homes, it will result in impacts to waters and wetlands via construction of new water lines.

New infrastructure required due to new water sales and the anticipated expansion of service areas is exactly what is intended to be evaluated by SEPA. While the applicant can speculate whether or not the infrastructure will or will not be built absent the IBT, it will certainly be built if the IBT is approved and must be evaluated.

Furthermore, the EA fails to adequately address secondary and cumulative impacts (SCI) due to the expected growth facilitated by the expanding IBT. The statement that growth will occur absent the expanded IBT is not backed up and contradictory to what is stated in Section 1, "...the potential for water quality and quantity impacts related to growth in the project area, facilitated in part by the availability of an adequate water supply."

As noted in Appendix C, under the Environmental Justice assessment, "while the availability of adequate future water supply is not a primary driver of growth in Warren county, water supply assurances are important for this county's ability to attract future employment opportunities via industry and development." It goes on to say that "water supply would not be a limiting factor in the area's economy and ability to attract new industries or residents." The EA attempt to serve the interest of determining a FONSI by stating that the expanded IBT and resulting increased and assured water supply will have no impact on the area's growth that will cause SCI, yet they claim in the EJ section that the expanded IBT is necessary to promote growth.

#### **Other information missing**

Section 4 of the EA fails to include all wastewater dischargers, including information on the City of Louisburg's plant and discharge, a major NPDES permit. Minor dischargers are also not included, even though some have had significant impacts to receiving stream water quality, as noted in the Tar-Pamlico Water Quality Plan. Included in this analysis should be more detailed information on both the major and minor NPDES wastewater dischargers in the receiving basins. That information should include their compliance record and current average flows.

Section 5.1.1.3 states that “Little to no increase in wastewater discharge to Fishing Creek is expected, direct impacts to the Fishing Creek basin are not likely to occur.” However, Section 2 Exhibits 1 and 2 demonstrate essentially a doubling of wastewater discharge to Fishing Creek.

Additionally, the EA does not include information regarding current sludge application sites and evaluation of future land application needs for additional sludge triggered via the IBT and expanded wastewater discharge as well as the potential for new industrial discharge.

### **Endangered and Threatened Species**

The EA does include information regarding the presence of endangered and threatened aquatic species as well as Natural Heritage areas. However, the EA fails to adequately evaluate the likely impact that will occur due to the expected growth the IBT will facilitate.

As described in the NC Wildlife Resource Commission’s “Wildlife Action Plan”, the Tar-Pamlico River Basin is home to 39 priority aquatic species, including 16 freshwater mussel species.<sup>1</sup> Of those 16 mussel species, the NC Wildlife Resource Commission (WRC) and NC Natural Heritage Program (NHP) identifies 13 species that are either federally or state listed endangered, state or federal species of concern, or species that are classified as significantly rare. In total, 18 species of freshwater mussel either currently or historically existed within the river basin. The North Carolina Natural Heritage Program lists the upper Tar River as a “nationally significant aquatic habitat”. The US FWS characterizes the Tar River as a “mussel refugium of national significance,” which supports “one of the two remaining best populations” of the federally endangered dwarf wedgemussel in North Carolina.”<sup>2</sup>

These critical species are threatened by inadequate water quality standards for several pollutants, including criteria for ammonia, commonly found in wastewater discharge. There are also highly sensitive to non-point source pollution from activities such as sludge application, stormwater runoff from impervious surfaces as well as sedimentation from agriculture, silviculture or new construction.

### ***Federally Listed Endangered Species within the Tar-Pamlico Basin***

The Tar-Pamlico River basin is home to two freshwater mussel species that receives protection under the Endangered Species Act. The Tar River spiny mussel, which is endemic to North Carolina, and the dwarf wedgemussel. Additionally, several species have been petitioned for listing under the ESA and include the green floater and atlantic pigtoe, both found within the basin.

The Tar River spiny mussel is a unique mussel and one of only three freshwater mussels with spines in the world. It is found only within the Neuse and Tar-Pamlico River basins, with a greater extent of distribution found within the Tar River and its tributaries. As noted by US FWS, the species is in great peril due to small, isolated populations. The 2009 review of the Tar River Spiny mussel Recovery Plan states the need for improved water quality standards for this species’ protection.

“Also, recent studies indicate that current federal and state water quality standards for several pollutants commonly found in wastewater discharges and stormwater runoff are either not

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<sup>1</sup> NC Wildlife Resource Commission, “Wildlife Action Plan”. 2005. <http://www.ncwildlife.org/plan.aspx>

<sup>2</sup> Letter from Pete Benjamin, U.S. Fish and Wildlife Service to Bruce Pleasant, USDA – Rural Development, Re: application by City of Creedmoor for funding for WWTP. January 24, 2013

available (no criteria or standard derived) or likely not protective of freshwater mussels and current regulations controlling the discharge or runoff of these pollutants are not protective.”<sup>3</sup>

The dwarf wedgemussel was historically found along the eastern seaboard, but is now in rapid decline. Most of the remaining populations within the Tar River basin are small and isolated. Threats include the toxic effects from industrial, domestic and agricultural pollution.<sup>4</sup>

### **Upper Tar River Basin**

The upper Tar River watershed supports a diverse aquatic population and is the source of drinking water for the majority of communities located downstream. The upper Tar River has been generally characterized as having good water quality, but growth in the region has led to an increase in stressors that require additional management efforts and protections in order to maintain the integrity of the River system.

The Upper Tar River Subbasin in Person and Granville Counties is a globally significant freshwater resource. In fact, it is considered a “Hot Spot” for freshwater conservation by The Nature Conservancy (TNC). In terms of rare species richness, it is considered one of the top 72 out of 2,000 subbasins across the United States.<sup>5</sup>

The largest threat to the quality of the upper Tar will be growth the region will experience, including the growth supported by the expanded IBT. Research regarding the protection of aquatic species and water quality point to the threat of zinc and chlorine, both highly toxic to aquatic species.<sup>6</sup> The 2010 Basinwide Water Quality Plan<sup>7</sup> notes that the river has shown signs of stress due to an increase in organic nitrogen, turbidity, fecal coliform bacteria, copper and zinc.

Additionally, there are numerous wastewater discharges within the upper Tar River watershed. Within sub-basin 03-03-01, there are 10 individual NPDES permit sites and 14 General NPDES sites, dominated by Single Family Domestic Wastewater Discharge certificates of coverage.

Sensitive freshwater mussel species known to inhabit the Upper Tar River basin include the dwarf wedgemussel, atlantic pigtoe, triangle floater, yellow lance, yellow lampmussel, green floater, creeper and notched rainbow.

### **Swift & Fishing Creek Sub-basins**

As noted in the Tar-Pamlico River Basinwide Plan, both Swift and Fishing Creek watersheds are a threatened and endangered species protection priority area.<sup>8</sup>

Swift and Fishing Creek sub-basins support 10 rare mussel species, including the Tar River spiny mussel and dwarf wedgemussel. There are an additional 8 mussel species, included 6 state threatened species.

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<sup>3</sup> US Fish and Wildlife Service, Tar River Spiny mussel Recovery Action Plan, 2009 Review.

<sup>4</sup> [http://www.fws.gov/raleigh/species/es\\_dwarf\\_wedgemussel.html](http://www.fws.gov/raleigh/species/es_dwarf_wedgemussel.html)

<sup>5</sup> Master, Lawrence L., Stephanie R. Flack and Bruce A. Stein, eds. 1998. *Rivers of Life: Critical Watersheds for Protecting Freshwater Biodiversity*. The Nature Conservancy, Arlington, Virginia.

<sup>6</sup> US Fish and Wildlife Service. 1993. Dwarf Wedgemussel Recovery Plan. Hadley, Massachusetts. 52pp.

<sup>7</sup> 2010 Tar-Pamlico Basinwide Water Quality Plan.

<http://portal.ncdenr.org/web/wg/ps/bpu/basin/tarpamlico/2010>

<sup>8</sup> 2010 Tar-Pamlico River Basinwide Plan. DWR.

Research suggests that Swift Creek supports the best yellow lance and Atlantic pigtoe populations found throughout their distribution.<sup>9</sup> Both sub-basins are identified as priority areas for habitat protection.<sup>10</sup>

Threats to the sub-basins include both point and non-point source pollution, including numerous biosolid application fields, with currently unknown impacts.

### **Recommendations**

We recommend that DWR require supplemental information in the EA, especially regarding secondary and cumulative impacts to endangered and threatened species. This information is critical in order to determine whether a FONSI should be issued. Additionally, DWR must include in its evaluation of the EA a list of the impacts from the project expected in the receiving basins, not just the source basin.

We further encourage DWR, KLRWS partners and local governments to continue to evaluate the ability to enact alternative 5 that would include returning wastewater to the Roanoke River Basin as well as encouraging re-use of treated wastewater, especially by current and new industrial users. The mitigation measures outline in Section 6 also reveal a great need for all IBT recipients to transition to a conservation rate structure. Currently only two of the local governments within the service area use such a rate structure. Additionally, the EA includes information on the age of the current water lines and we would encourage the partners to use all available resources for long-term maintenance and inspection of water lines to reduce unnecessary water loss.

We appreciate your consideration of these comments.

Sincerely,

A handwritten signature in cursive script that reads "Heather Deck".

Heather Deck  
Pamlico-Tar Riverkeeper  
Pamlico-Tar River Foundation

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<sup>9</sup> Prince, A. 1997. NC Natural Heritage Program. The Upper Tar River Basin: Swift Creek and Fishing Creek subbasins.

<sup>10</sup> NC WRC. 2005. Wildlife Action Plan.



# City of Roanoke Rapids

Office of the Mayor - Emery G. Doughtie

P. O. Box 38 1040 Roanoke Avenue

Roanoke Rapids, N. C. 27870

(252) 533-2840 (252) 537-1139

email: [edoughtie@roanokerapidsnc.com](mailto:edoughtie@roanokerapidsnc.com)

April 13, 2015

RECEIVED  
APR 14 2015  
DIVISION OF WATER RESOURCES

Mr. Tom Fransen, Section Chief  
DENR-Division of Water Resources  
Planning Branch  
1611 Mail Service Center  
Raleigh, NC 27699-1611

**Re: Need for Environmental Impact Statement for Evaluation of Proposed Kerr Lake Regional Water System (KLRWS) Interbasin Transfers**

Dear Mr. Fransen:

The Roanoke Rapids City Council objects to the Division of Water Resources' decision not to require an Environmental Impact Statement in reviewing the proposal by Kerr Lake Regional Water System for an Interbasin Transfer Certificate ("IBT"). The Roanoke River supplies drinking water, recreational opportunities, and wildlife habitat enjoyed by millions of people in the area. Increasing the current transfer of water out of the Roanoke River Basin by more than 40 percent should trigger a full Environmental Impact Statement ("EIS"). The Environmental Assessment ("EA") submitted by Kerr Lake Regional Water System is inadequate to evaluate the proposal. We oppose the Division's decision to approve this document and do not support the Interbasin Transfer Certificate because it is based on inadequate information. Without an EIS to guide us, we cannot be assured that the Roanoke River will be able to continue to supply drinking water, recreational opportunities, and wildlife habitat already enjoyed by millions of people in the area.

All IBT certificate applicants are subject to the general EIS requirements of SEPA. SEPA was passed "to require agencies of the State to consider and report upon environmental aspects and consequences of their actions involving the expenditure of public moneys or use of public land." See NC General Statute § 113A-2. SEPA's provisions "provide a mechanism by which all affected State agencies raise and consider environmental factors of proposed projects."

Tom Fransen, Section Chief

Page 2

April 13, 2015

Another reason for opposition to this withdrawal is IF the permit is approved and IF the KLRWS were to withdraw their permitted 14.2 million gallons per day, this could prevent a county in the Roanoke River Basin from locating an industry that was a high water rate user.

It appears that the KLRWS is planning to withdraw this water, not for its use or for its water system, but to sell the water to other water systems in other river basins. It appears that KLRWS plans to sell or transfer water out of its local area or water service district. This water will be transferred, not just to an adjoining river basin, but across multiple river basins to another end user.

Residents of the Roanoke River Basin should NOT be punished by actions of DENR allowing the KLRWS to withdraw a large amount of water (14.2 million gallons per day) from the Roanoke River Basin to sell and transfer to other basins.

We request that you deny the Kerr Lake Regional Water System's request for an increase in their withdrawal permit.

Further, we request that additional environmental impact studies be performed to determine the cumulative impact of withdrawal of 14.2 million gallons per day for the Kerr Lake Regional Water System and the withdrawal of 60 million gallons per day for the Lake Gaston Water Supply Project on behalf of Virginia Beach.

Thank you for your consideration of these requests.

Sincerely,



Emery G. Doughtie

Mayor

**From:** [Jeff & Jodie Dowhan](#)  
**To:** [Nimmer, Kim](#)  
**Subject:** Inter-Basin Water Transfer out of the Roanoke River Basin  
**Date:** Monday, April 20, 2015 2:30:52 PM

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Dear Ms. Nimmer,

I am communicating with you to address my opposition regarding inter-basin water transfers out of the Roanoke River Basin. I am a resident of Halifax, NC and it is my opinion that the water in the Roanoke River Basin should be used by the communities in the basin from the origin out through Albemarle Sound. The communities may have water in excess of their current needs but if inter-basin water transfers out of the Roanoke River Basin continue the future growth and economic expansion potential of the Roanoke River Basin communities will be compromised. At the very least should a transfer be considered all applicable laws and regulations such as the need to perform an environmental impact assessment and adequate public notice to obtain and respond to public comments should be conducted.

Respectfully,

Jeff Dowhan

**From:** [Don Drake](#)  
**To:** [Nimmer, Kim](#)  
**Subject:** Kerr Lake Inter Basin Transfers  
**Date:** Monday, April 20, 2015 6:30:39 PM

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I am opposed to the proposed doubling of the amount of water transferred from the Roanoke River basin to the Tar-Pamlico basin. Reducing the water in the Roanoke River basin to the benefit of the Kerr Lake Regional Water System would be the proverbial "robbing Peter to pay Paul."

If, as Michael Inscoc, Chair of the KLRWS said, the increase would be just "a drop in the bucket", then KLRWS should be able to get by without that extra drop. The N.C. Environmental Management Commission should preserve the Roanoke River for use within its area to meet our future needs. Large parts of Warren County are still not served by public water. Once that service is provided, and the impact of that extra usage and any new business users is seen, the amount of water truly needed in the Roanoke River Basin might be better evaluated. Until that time, the Roanoke's water should be left where it is.

Donald Drake  
250 Canaan Shores Rd.  
Littleton, NC 27850

[drakede12@gmail.com](mailto:drakede12@gmail.com)

**From:** [Tre Dugal](#)  
**To:** [Nimmer, Kim](#)  
**Subject:** Lake Gaston IBT  
**Date:** Saturday, April 18, 2015 9:51:32 AM

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I am a homeowner on Lake Gaston and I am in opposition of transferring water from other watersheds. If this water is removed from the basin without any chance of it returning to the lake, this lake will end up like Kerr Lake. I do not want to see this happen to this beautiful natural resource.

Thank you,

Tre' Dugal  
59 Dogwood Lane  
Boydton, VA

Sent from my tablet.

**From:** [John Duncan](#)  
**To:** [Nimmer, Kim](#)  
**Subject:** Opposing Water Withdrawal from Kerr Lake  
**Date:** Thursday, April 30, 2015 3:08:55 PM

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I am writing to you, members of the North Carolina Environmental Management Commission, as a home owner of property at Kimball Point on Kerr Lake. My extended family and I OPPOSE the proposal to increase the amount of water withdrawn from Kerr Lake to 14 million gallons per day (mgd). The most recent data indicate that the current level of withdrawal of water is 5.9 mgd. As you can see, the proposal nearly more than doubles that.

My extended family has owned three properties at Kerr/Buggs Island Lake since the 1950s - a place where multiple generations have met, summered, lived and enjoyed the lake. It was somewhat of a shock to learn today of the proposal to increase so dramatically the level of water to be diverted from the lake.

We have experienced drought at the lake - and the resultant danger to water craft when stumps that have long been deep underwater are then closer to the surface. The scarring of the land around the lake with a dramatically lower water level has an economic impact as well, with both safety and looks compromised. We had a severe drought in 2002 and another in 2007. Those were an anomaly. What is proposed, however, would lead to long term danger for water craft and scarring of the land and nature around the lake. Property values would plummet. Tourism would be sadly impacted in an area of the state where the economy is not strong now. Nowhere in the documents that I have seen is any information about how much lower the water level would be with the proposed change.

With the information that I have now, my extended family and I are OPPOSED to the proposal to increase the withdrawal of water from Kerr Lake to 14 million gallons a day.

It is worth noting, as well, that very likely there are other property owners like my cousins and myself who do not live in the area year-round and who had no opportunity to see any information about the proposal. Even some who do live in the area have expressed to me their surprise at learning - belatedly - of this proposal.

It is my hope that you will OPPOSE this proposal.

Sincerely,

John Duncan  
17 Old Turnpike Road  
Arden, NC 28704  
Mobile: 828-699-9916

163 Oak Tree Lane  
Manson, NC

**From:** [Angela](#)  
**To:** [Nimmer, Kim](#)  
**Subject:** Fwd:Petition to Prevent Water Withdrawal from Kerr Lake  
**Date:** Thursday, April 30, 2015 11:49:46 PM

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----- Original Message -----

Subject: Petition to Prevent Water Withdrawal from Kerr Lake  
From: John Duncan <johnduncan83@gmail.com>  
To: arhyson@yahoo.com  
CC:

Please add my wife's and my name to the petition opposing water withdrawal from Kerr Lake.

John and Talia Duncan  
163 Oak Tree Lane  
Manson, NC 27553  
Mobile - 828-699-9916

Home Address:  
17 Old Turnpike Road  
Arden, NC 28704



Board of County Commissioners

113 Market Street  
Louisburg, NC 27549

Phone: 919.496.5994  
Fax: 919.496.2683

[www.franklincountync.us](http://www.franklincountync.us)

**RESOLUTION OF  
SUPPORT FOR KERR LAKE REGIONAL WATER SYSTEM  
PROPOSED INTERBASIN TRANSFER PETITION**

**WHEREAS**, Franklin County is located within portions of the Tar and Neuse River basins; and

**WHEREAS**, the Kerr Lake Regional Water System has already obtained an allocation of storage in Kerr lake from the US Army Corps of Engineers equivalent to an average annual water demand of 20 mgd; and

**WHEREAS**, the customers of the Kerr Lake Regional Water System have projected reasonable increases in water demand based on moderate growth projections and continued efforts to replace unreliable and often contaminated groundwater supplies with reliable treated water; and

**WHEREAS**, the total of all the Kerr Lake Regional Water System Partners and wholesale customers is projected to require an average annual water demand of almost 14 mgd and 17.4 mgd on an average basis in a maximum calendar month by 2045, which is less than the allocation provided by the US Army Corps of Engineers; and

**WHEREAS**, the projected interbasin transfer in 2045 is 14.2 mgd on an average basis in a maximum calendar month and exceeds the current grandfather IBT of 10 mgd; and

**WHEREAS**, the proposed interbasin transfer can occur using existing pipeline infrastructure already in place; and

**WHEREAS**, the alternatives to the transfer all have substantially higher cost, significant potential environmental impacts from pipeline and other infrastructure construction, with no identified benefit to the environment; and

**WHEREAS**, the effects of the proposed transfer in the Roanoke River basin on key indicators of lake levels, dam outflow and hydropower generation have been analyzed and shown to have no detrimental impacts; and

**WHEREAS**, wastewater facilities treating wastewater from use of this additional water have previously had impacts analyzed and have already received their permits; and

**WHEREAS**, the local governments have required program elements to minimize potential impacts of growth:

**NOW THEREFORE**, the Franklin County Board of County Commissioners resolves that: The Governing Board of Franklin County supports the requested interbasin transfer request of the Kerr Lake Regional Water System as an efficient means to meet the projected water demands of the region it serves.

**ADOPTED** this the 6<sup>th</sup> day of April, 2015.

**FRANKLIN COUNTY BOARD OF COMMISSIONERS**

Sidney E. Dunston, Chair

ATTEST:

Kristen G. King, Clerk to the Board



## Nimmer, Kim

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**From:** Thomas R. Earley <trearley@embarqmail.com>  
**Sent:** Thursday, April 16, 2015 4:08 PM  
**To:** Nimmer, Kim  
**Subject:** KLRWP request for water transfer

It does not make sense to double the amount of water being transferred from Kerr lake to areas south in North Carolina. They are doubling the amount water removed from the Roanoke River Basin without proper justification. A serious assessment needs to be conducted to ensure that proper use of the current available water is in effect before any request for additional water is approved. Please ensure that steps are being taken to validate and justify the need, and that appropriate steps are being taken in the southern counties to conserve our resources.

Thank You, Tom Earley, Littleton NC.

**From:** [Margaret Echols](#)  
**To:** [Nimmer, Kim](#)  
**Subject:** DENY permit for additional withdrawal from Kerr Lake  
**Date:** Saturday, April 25, 2015 6:23:46 PM

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Please stop this from going forward!!

Please ma'am. This area needs Kerr Lake. How can the city of Henderson speak for all of the water in Kerr Lake??

Thank you for your time.

Sent from my iPhone

**From:** [Pat Edwards](#)  
**To:** [Nimmer, Kim](#)  
**Subject:** petition to save Kerr Lake  
**Date:** Saturday, April 18, 2015 2:38:00 PM

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**PUBLIC PETITION  
SAVE OUR LAKE WATER**

*We the below signed are in opposition to the Permit to increase 10MGD of Inter Basin Transfer from the Roanoke River Basin to the Tar/Neuse River Basins because of the cumulative impact on Kerr Lake/Buggs Island Lake water levels, as well as undisclosed impacts on the environment, the economy, and tourism in Vance and Warren Counties as well as Southside Virginia.*

**To:** [Kim.Nimmer@ncdenr.gov](mailto:Kim.Nimmer@ncdenr.gov)

NCDENR 521 N. Salisbury St. 1611 Mail Service Center Raleigh, NC 27699-1611

NAME / PHONE NUMBER NAME / PHONE NUMBER

Priscilla O Edwards, 7573575339

/

**From:** [Lou Elam](#)  
**To:** [Nimmer, Kim](#)  
**Subject:** Kerr Lake  
**Date:** Sunday, April 19, 2015 9:42:20 AM

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Please do not allow further water drawdown from Kerr Lake. The many people who enjoy this lake all ready contend with fluctuating water levels and inaccessible areas frequently. We would greatly appreciate your denial of this proposal. Thank you! Lou Ann and Jim Elam

Sent from my iPhone

**From:** [Tom Elmore](#)  
**To:** [Nimmer, Kim](#); [frankt@rftimberlake.com](mailto:frankt@rftimberlake.com)  
**Subject:** Kerr Lake Water Transfer  
**Date:** Friday, April 24, 2015 2:56:36 PM

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Ms. Nimmer

I was just made aware of the plans evidently already in place and approved for transfer of millions of gallons of water each day from Kerr lake to to the Raleigh community of Franklin County.

I am not a resident of Vance, Granville or Warren county but I have been a tourist there since my youth in 1961. I grew up in Durham and now live in Timberlake. I was raised every summer at Kerr lake and my son was raised every summer there. My love of the lake and my experiences there have shaped my life. DENR seems ready to wipe that and any future experiences for me and countless others right out of existence!

I am incredibly disappointed in the decisions and policy of all involved. Shame On You! You have violated the sacred duty you have to conduct the business of DENR to the benefit of all North Carolina residents.

I fully oppose this action taken by very narrow minded and obviously greed driven individuals. I intend to support both in financial and personal action to fight you in every way and to reverse this action now or how ever long it takes.

**WE WHO ACTUALLY KNOW THIS LAKE ARE FIGHTING MAD! Get used to us because we are NOT GOING AWAY!**

Charles Elmore  
1270 Frank Timberlake RD  
Timberlake, NC 27583

cte202@aol.com

**From:** [Harvey Estes](#)  
**To:** [Nimmer, Kim](#)  
**Cc:** [LGA Executive Director](#)  
**Subject:** Inter Basin Water Transfer  
**Date:** Friday, April 17, 2015 10:18:45 AM

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I would like to record my opposition to any further water transfer from the Roanoke to the Neuse/ Cape Fear basin area. I am a resident of the Durham area, and live in the Cape Fear basin, and I realize that my opinion may lead to higher water costs in my area. My reason is that any permission to obtain water from adjacent water basins would delay the inevitable requirement that all of us diminish our water consumption, and live within our water constraints, however uncomfortable or expensive that might be. California should be a lesson for us all! Thank you for your attention to my opinion. Harvey Estes, 3542 Hamstead Court, Durham, NC, 27707.

## Nimmer, Kim

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**From:** Boyce Falls <bsfalls@centurylink.net>  
**Sent:** Saturday, April 11, 2015 11:11 PM  
**To:** Nimmer, Kim  
**Subject:** Inter Basin water for Franklin County

Ms. Nimmer,

We have held property on Kerr Lake, Grassy Creek area, for almost 30 years and built a home on our lot 8 years ago. We are on a creek, Johnson's, and any drop in the water levels leaves us with very little water. Several years ago in a drought period, we lost much of the water down to the creek channels. This is our home and we chose it for the access to water for recreation and beauty. I am outraged to learn of the City Council in Henderson arranging this transfer of water to Franklin in such a secretive, underhanded way. It is not right for the taxpaying citizens of Granville, Vance and Mecklenburg, Va. to lose property value and recreational usage because Henderson wants to make some money. I also fear the threat to tourism and revenue for our lake area.

I and my husband oppose this water withdrawal and intend to alert all neighbors in our area who will be affected negatively by these actions. Thank you for listening.

Sonya and Boyce Falls  
3103 Piney Point Rd.  
Bullock, NC 27507 9196931279

**From:** [Deborah Ferruccio](#)  
**To:** [Brady, Harold M.](#); [Young, Sarah](#); [Nimmer, Kim](#); [Fransen, Tom](#); [kmartinncmc@hotmail.com](mailto:kmartinncmc@hotmail.com); [Senator Angela Bryant](#); [tpace@co.henry.va.us](mailto:tpace@co.henry.va.us); [Rep. Nathan Baskerville](#); [esthermccrackin@ci.henderson.nc.us](mailto:esthermccrackin@ci.henderson.nc.us); [ffrazier@ci.henderson.nc.us](mailto:ffrazier@ci.henderson.nc.us); [ewyatt@ci.henderson.nc.us](mailto:ewyatt@ci.henderson.nc.us); [pogear@ci.henderson.nc.us](mailto:pogear@ci.henderson.nc.us); [angelenakdunlap@warrencountync.gov](mailto:angelenakdunlap@warrencountync.gov); [saysoministries@embarqmail.com](mailto:saysoministries@embarqmail.com); [dbrum@ncol.net](mailto:dbrum@ncol.net); [garrison01@centurylink.net](mailto:garrison01@centurylink.net); [abt112@yahoo.com](mailto:abt112@yahoo.com); [gwilder1@nc.rr.com](mailto:gwilder1@nc.rr.com); [ewright@vancecounty.org](mailto:ewright@vancecounty.org); [vmhunt50@yahoo.com](mailto:vmhunt50@yahoo.com); [jenjord25@hotmail.com](mailto:jenjord25@hotmail.com); [baker109@hotmail.com](mailto:baker109@hotmail.com); [Tare Davis](#); [barrym@vance.net](mailto:barrym@vance.net); [lindaworth@warrencountync.gov](mailto:lindaworth@warrencountync.gov); [paulapulley@warrencountync.gov](mailto:paulapulley@warrencountync.gov); [stugaville@embarqmail.com](mailto:stugaville@embarqmail.com)  
**Cc:** [kmr](#); [Gary Robertson](#); [kferral](#); [edalesio](#); [smooneyh](#); [Capital Correspondence](#); [woolvertop@fayobserver.com](mailto:woolvertop@fayobserver.com); [Amanda Lehmert](#); [Independent Weekly](#); [bball](#); [cdowell](#); [pgannon](#); [jjones](#); [jvalencia](#); [rkhrais](#); [lbonner](#); [bhenderson](#); [jmurawski](#); [Jim Morrill](#); [rose.hoban](#); [loretta.boniti](#); [tim.boyum](#); [ben.mcneely](#); [kmccullen](#); [molly.parker](#); [bminnick@wncn.com](mailto:bminnick@wncn.com); [bferrell](#); [lauraleslie](#); [Mark Binker](#); [Bmildwurf](#); [cbrowder](#); [Jonathan.camp](#); [joel.brown](#)  
**Subject:** Public Comment on Proposed Kerr Lake Interbasin Transfer  
**Date:** Wednesday, April 29, 2015 2:28:10 PM

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To: Kerr Lake Regional Water System Officials, the News Media and N.C. Legislators

Below is a letter I sent for the public record to Kim Nimmer, N.C Dept. of Environment and Natural Resources Division of Water Resources: Interbasin Transfer Program Manager voicing my adamant opposition to the proposed IBT based on the numbers -- the millions of gallons per day (MGD) that simply do not add up. Weakened requirements in H795 would facilitate the IBT and should not be passed.

Sincerely,

Deborah Ferruccio  
297 Davis-Hyman Rd.  
Norlina, N.C. 27563  
[\(252\) 257-2604](tel:(252)257-2604) and [\(919\) 610-6234](tel:(919)610-6234)

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Dear Ms. Nimmer:

We, the people of the Kerr Lake region and the downstream Roanoke River Basin depend on Kerr Lake water for our lives, our economic sustenance, and for the future prosperity of our region. We are categorically opposed to the proposed Interbasin Transfer (IBT) for the following reasons:

First, the IBT would permanently adversely impact the Kerr Lake region's water use and economic potential by diverting more than the remainder of Kerr Lake Regional Water System's KLRWS future water allotment. The IBT would send much-needed water from our "distressed, low-growth" Tier 1 counties to "prosperous, high-growth" Tier 2 and 3 counties via the Tar and Neuse Rivers.

KLRWS was originally allotted by the U.S. Army Corps of Engineers a cap of 20 million gallons of water per day (MGD) for the three partners who own the system -- the City of Henderson, Warren County, and Oxford, which sell water within the immediate area to towns such as Norlina, Warrenton, Stovall and Creedmoor.

Currently the combined water use of KLRWS partners and their customers is 15 MGD (7.67 Vance + 2.69 Franklin/Tar River + .82 Warren/Tar + .19 Granville/Neuse = 15 MGD). The simple math reveals that KLRWS's remaining water allotment is 5 MGD for future use by the partners.

**How, then, can KLRWS and local officials plan to send 9.21 MGD to Franklin County via the Tar River without surpassing the system's allocated total 20 MGD (15 + 9.21 = 24.21 MGD)? Local and other economic development officials who back the IBT must be planning that the Kerr Lake region's future population and water needs will not grow but will actually decline.**

Because the IBT would divert more than the KLRWS's allotted future water use, it necessarily follows that the Kerr Lake water transfer must be viewed for what it is, ill-conceived and discriminatory, aimed at robbing water from a Tier 1, poor, minority region and sending it south to prosperous communities for economic development that should occur in the Kerr Lake region where the water is and where the economic need is.

Citizens of the Kerr Lake region and Roanoke River Basin will never accept the IBT, and local and state officials need to prepare for a battle they cannot win.

Sincerely,

Deborah Ferruccio

297 Davis-Hyman Rd  
Norlina, NC 27563  
[\(252\) 257-2604](tel:(252)257-2604) [\(919\) 610-6234](tel:(919)610-6234)

**From:** [Deborah Ferruccio](#)  
**To:** [Brady, Harold M.](#); [Young, Sarah](#); [Nimmer, Kim](#); [Fransen, Tom](#); [kmartinncemc@hotmail.com](mailto:kmartinncemc@hotmail.com); [Senator Angela Bryant](#); [tpace@co.henry.va.us](mailto:tpace@co.henry.va.us); [Rep. Nathan Baskerville](#); [esthermccrackin@ci.henderson.nc.us](mailto:esthermccrackin@ci.henderson.nc.us); [ffrazier@ci.henderson.nc.us](mailto:ffrazier@ci.henderson.nc.us); [ewyatt@ci.henderson.nc.us](mailto:ewyatt@ci.henderson.nc.us); [pogearly@ci.henderson.nc.us](mailto:pogearly@ci.henderson.nc.us); [angelenakdunlap@warrencountync.gov](mailto:angelenakdunlap@warrencountync.gov); [saysoministries@embarqmail.com](mailto:saysoministries@embarqmail.com); [dbrum@ncol.net](mailto:dbrum@ncol.net); [garrison01@centurylink.net](mailto:garrison01@centurylink.net); [abt112@yahoo.com](mailto:abt112@yahoo.com); [gwilder1@nc.rr.com](mailto:gwilder1@nc.rr.com); [ewright@vancecounty.org](mailto:ewright@vancecounty.org); [vmhunt50@yahoo.com](mailto:vmhunt50@yahoo.com); [jenjord25@hotmail.com](mailto:jenjord25@hotmail.com); [baker109@hotmail.com](mailto:baker109@hotmail.com); [Tare Davis](#); [barrym@vance.net](mailto:barrym@vance.net); [lindaworth@warrencountync.gov](mailto:lindaworth@warrencountync.gov); [paulapulley@warrencountync.gov](mailto:paulapulley@warrencountync.gov); [stugaville@embarqmail.com](mailto:stugaville@embarqmail.com)  
**Cc:** [John Hyson](#); [Cliff Jackson](#); [Ken Ferruccio](#); [Leslie James](#)  
**Subject:** Please Request: Interbasin Transfer Public Comment Deadline Cancelled Public Hearings Scheduled  
**Date:** Friday, April 24, 2015 2:21:35 PM

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To All Involved in the Proposed Interbasin Transfer Decision:

Citizens of the Kerr Lake region met last night and discussed the proposed Kerr Lake Interbasin Transfer. We all agreed that the public has the right to fully weigh in on the issue and that as stakeholders who deserve justice we must be a meaningful part of the decision-making process.

Today, I have contacted many of you by telephone requesting that you support cancellation of the April 30th public comment deadline. With more time, you can also support our request for several official public hearings where all involved can learn more about the rationale for this transfer and about the potential impacts.

The public has the right to knowledge the right to express its sentiment, and as our officials, you have the responsibility to provide public forums where an open, transparent process can allow and facilitate the best decisions possible concerning this body of water that is crucial to so many.

Thank you for your consideration of this request

Sincerely,

Deborah Ferruccio  
(252) 257-2604 and (919) 610-6234

**From:** [Deborah Ferruccio](mailto:Deborah.Ferruccio)  
**To:** [janicecolvin@centurylink.net](mailto:janicecolvin@centurylink.net); [jasmarm@gmail.com](mailto:jasmarm@gmail.com); [al@vance.net](mailto:al@vance.net); [Twisdale, Tracy](mailto:Twisdale_Tracy); [terriellr@bellsouth.net](mailto:terriellr@bellsouth.net); [frankaw21@embarqmail.com](mailto:frankaw21@embarqmail.com); [newadvocate2000@gmail.com](mailto:newadvocate2000@gmail.com); [cwbosworth@embarqmail.co](mailto:cwbosworth@embarqmail.co); [kayak758@yahoo.com](mailto:kayak758@yahoo.com); [cte202@aol.com](mailto:cte202@aol.com); [carla.m.norwood@gmail.com](mailto:carla.m.norwood@gmail.com); [Greg Goddard](mailto:Greg_Goddard); [francesb@embarqmail.com](mailto:francesb@embarqmail.com); [psambullock@gmail.com](mailto:psambullock@gmail.com); [jwatson@watsonlawfirmpc.com](mailto:jwatson@watsonlawfirmpc.com); [Scott Steagall](mailto:Scott_Steagall); [phil@commercialinstall.com](mailto:phil@commercialinstall.com); [sandrarcrabtree@yahoo.com](mailto:sandrarcrabtree@yahoo.com); [sdarnold@buggs.com](mailto:sdarnold@buggs.com); [cwbosworth@embarqmail.com](mailto:cwbosworth@embarqmail.com); [reelite@mindspring.com](mailto:reelite@mindspring.com); [elliemae0930@gmail.com](mailto:elliemae0930@gmail.com); [info@kerrlakeparkwatch.com](mailto:info@kerrlakeparkwatch.com); [Victoria Lehman](mailto:Victoria_Lehman); [Ken Ferruccio](mailto:Ken_Ferruccio); [rueduconscious@gmail.com](mailto:rueduconscious@gmail.com); [john\\_hyson@gmail.com](mailto:john_hyson@gmail.com); [Cliff Jackson](mailto:Cliff_Jackson)  
**Cc:** [Brady, Harold M.](mailto:Brady_Harold_M); [Young, Sarah](mailto:Young_Sarah); [Nimmer, Kim](mailto:Nimmer_Kim); [Fransen, Tom](mailto:Fransen_Tom); [kmartinncemc@hotmail.com](mailto:kmartinncemc@hotmail.com); [Senator Angela Bryant](mailto:Senator_Angela_Bryant); [tpace@co.henry.va.us](mailto:tpace@co.henry.va.us); [Rep. Nathan Baskerville](mailto:Rep_Nathan_Baskerville); [esthermccrackin@ci.henderson.nc.us](mailto:esthermccrackin@ci.henderson.nc.us); [ffrazier@ci.henderson.nc.us](mailto:ffrazier@ci.henderson.nc.us); [ewyatt@ci.henderson.nc.us](mailto:ewyatt@ci.henderson.nc.us); [pogear@ci.henderson.nc.us](mailto:pogear@ci.henderson.nc.us); [angelenakdunlap@warrencountync.gov](mailto:angelenakdunlap@warrencountync.gov); [saysministries@embarqmail.com](mailto:saysministries@embarqmail.com); [dbrum@ncol.net](mailto:dbrum@ncol.net); [garrison01@centurylink.net](mailto:garrison01@centurylink.net); [abt112@yahoo.com](mailto:abt112@yahoo.com); [gwilder1@nc.rr.com](mailto:gwilder1@nc.rr.com); [ewright@vancecounty.org](mailto:ewright@vancecounty.org); [vmhunt50@yahoo.com](mailto:vmhunt50@yahoo.com); [jenjord25@hotmail.com](mailto:jenjord25@hotmail.com); [baker109@hotmail.com](mailto:baker109@hotmail.com); [Tare Davis](mailto:Tare_Davis); [barrym@vance.net](mailto:barrym@vance.net); [lindaworth@warrencountync.gov](mailto:lindaworth@warrencountync.gov); [paulapulley@warrencountync.gov](mailto:paulapulley@warrencountync.gov); [stugaville@embarqmail.com](mailto:stugaville@embarqmail.com)  
**Subject:** H795 and Proposed Kerr Lake InterBasin Transfer  
**Date:** Wednesday, April 29, 2015 2:24:55 PM

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To: Local Officials and Preserve Our North Carolina Lakes Community  
From: Ken Ferruccio

See: Letter to Nimmer + NC Legislators

Date: April 29, 2015

To: Kim Nimmer, NC Department of Environment and Natural Resources and North Carolina,  
News Media, and NC Legislators

From: Ken Ferruccio  
297 Davis-Hyman Rd.  
Norlina, N.C. 27563

**Subject: House Bill 795 and the Proposed Kerr Lake Interbasin Transfer**

House Bill 795 would facilitate a lack of public scrutiny concerning the transfer of water from Kerr Lake and the Roanoke River Basin for economic development in the Tier 2 and Tier 3 counties, possibly at the sacrifice of the Tier 1 counties. Furthermore, the transfer could and probably would be done without an environmental impact statement, public hearings and public sentiment and affect the lives of millions of people.

At any given time the water supply is limited. To designate the coastal plain counties connected to the Roanoke River Basin as "low growth" or no "growth counties" then deplete the very resource that would enable them to grow -- namely, water for economic development in the Tier 2 and Tier 3 counties and the usual urban sprawl -- would be discriminatory.

The non-discriminatory argument that the water could be evenly distributed is based on extrapolating present and past amounts of water provided by the Roanoke River Basin and other sources to future needs, an extrapolation based ultimately on the assumption

that nature is consistent, a rather risky assumption at any time and place, such as in California, Texas, and other places having negative economic impacts because of long periods of drought limiting or abolishing water sources.

*The News and Observer* stated (April 28) that House Bill 795 is “another assault on the environment and should be protested” but predicted it would “sail through.”

House Bill 795 must be defeated.

**From:** [Cheryl](#)  
**To:** [Nimmer, Kim](#)  
**Subject:** HELP - YOUR SUPPORT IS REQUESTED  
**Date:** Wednesday, April 22, 2015 11:01:04 PM

---

Please DENY the permit for additional water withdrawal from Kerr Lake.

All the residents from Southside Virginia are extremely concerned regarding the possibility of additional water withdrawals from Kerr Lake.

The lake levels shift regularly now and additional withdrawals will have significant negative impact on the area - folks living on the lake, folks who's income are supported by Kerr Lake activities and the tourists that visit the area.

Please consider all email notifications as additions to the petitions you are receiving.

I am available to participate/lead activities to support efforts to deny the request should you/your team require.

Thanks in advance for your support to deny the request.

Cheryl Stoshak Field

**From:** [Peyton field](#)  
**To:** [Nimmer, Kim](#)  
**Subject:** PLEASE SUPPORT OUR WATER !!!!  
**Date:** Wednesday, April 22, 2015 9:50:23 PM

---

Please DENY the permit for additional water withdrawal from Kerr Lake.

The lake levels shift regularly now and additional withdrawals will have significant negative impact on the area - residents, tourists and advertising.

Please consider all email notifications as additions to the petitions you are receiving.

This is becoming an extremely popular concern of all residents in Southside Virginia and we would greatly appreciate your support in denying the request.

Sincerely,  
Peyton B. Field

# PUBLIC PETITION

## SAVE OUR LAKE WATER

*We the below signed are in opposition to the Permit to increase 10MGD of Inter Basin Transfer from the Roanoke River Basin to the Tar/Neuse River Basins because of the cumulative impact on Kerr Lake/Buggs Island Lake water levels, as well as undisclosed impacts on the environment, the economy, and tourism in Vance and Warren Counties as well as Southside Virginia.*

To: Kim.Nimmer@ncdenr.gov

NC DENR 521 N. Salisbury St. 1611 Mail Service Center Raleigh, NC 27699-1611

NAME / PHONE NUMBER

NAME / PHONE NUMBER

Lois Finch - 434-774-7536 /  
Daniel Thomas 540-578-1410 /  
Kristen Sadler 434-865-3984 /  
Wanda Townsend 434-917-0740 /  
Jasmine Jagers 434-247-0000 /  
Tammy Robinson 434-917-4308 /  
Sandi Kidd 434-757-1704 /  
Becky Aleman 434-447-6231 /  
Sheryl Benzag 434-480-6816 /  
Rij-Kan 434-689-2435 /  
Marilee A. Gaudin-hale 434-636-2311 /  
A.S. 434-262-3149 /  
Kim D. King 434-774-5866 /

APRIL 30<sup>th</sup>, 2015 DEADLINE

(Your name and phone number are required for your opinion to count)

**From:** [Della Fleming](#)  
**To:** [Nimmer, Kim](#)  
**Subject:** public petition...save our lake water  
**Date:** Monday, April 20, 2015 8:03:13 AM

---

I am in opposition to the Permit to increase 10MGD of Inter Basin Transfer from the Roanoke River Basin to the Tar/Neuse River Basins because of the cumulative impact on Kerr Lake/Buggs Island Lake water levels, as well as undisclosed impacts on the environment, the economy, and tourism in Vance and Warren Counties as well as Southside Virginia.

Della Fleming / 252-456-3775

# PUBLIC PETITION

## SAVE OUR LAKE WATER

We the below signed are in opposition to the Permit to increase 10MGD of Inter Basin Transfer from the Roanoke River Basin to the Tar/Neuse River Basins because of the cumulative impact on Kerr Lake/Buggs Island Lake water levels, as well as undisclosed impacts on the environment, the economy, and tourism in Vance and Warren Counties as well as Southside Virginia.

To:

\*Kim.Nimmer@ncdenr.gov

\* NCDENR 521 N. Salisbury St. 1611 Mail Service Center Raleigh, NC 27699-1611

### NAME / PHONE NUMBER

### NAME / PHONE NUMBER

Don Arnold 252-456-3577

CLARENCE KING 252-586-6000

Jan Solt 252-856-0002

Cindy Snijes (919) 690-0852

Dorothy Arnold 252-257-5696

Jean White 252-257-4421

Edith Peters 252-257-5505

Yiza Ferrimon (252) 257-0497

Turain Beech 252-257-4421

George Kumble 252-586-1385

David Beech 252-257-4421

Patricia Hight 252-492-6978

Jessie Miller 914-497-6199

Eric Miller 203-461-0812

Diane Miller 252-204-8875

Marta S. Bergeron 252-257-8000

Patty C. Watson 252-446-3589

Brenda Spain 252-213-5948

Margaret Echols 252-257-9313

Frank W. Kyles 919-833-4538

Erie Echols 252-213-0826

Don Hunter 252-213-0288

Meredith Hunter APRIL 30<sup>th</sup>, 2015 DEADLINE

336-413-8201

(Your name and phone number are required for your opinion to count)

# PUBLIC PETITION

## SAVE OUR LAKE WATER

*We the below signed are in opposition to the Permit to increase 10MGD of Inter Basin Transfer from the Roanoke River Basin to the Tar/Neuse River Basins because of the cumulative impact on Kerr Lake/Buggs Island Lake water levels, as well as undisclosed impacts on the environment, the economy, and tourism in Vance and Warren Counties as well as Southside Virginia.*

To:

\*Kim.Nimmer@ncdenr.gov

\* NCDENR 521 N. Salisbury St. 1611 Mail Service Center Raleigh, NC 27699-1611

NAME / PHONE NUMBER

NAME / PHONE NUMBER

Renate Hall	(252) 257-2334	/
JOAN ARBUHNOT	257-9413	/
April Andrews	257-2319	/
Jennie Horein	204-9635	/
Jane Embler	491-4022	/
Carol Warren	336-694-1180	/
M-WENRICH	252-259-5931	/
GARY JONES	252-537-8607	/
Vicki Jones	537-8607	/
		/
		/
		/
		/

APRIL 30<sup>th</sup>, 2015 DEADLINE

(Your name and phone number are required for your opinion to count)

## Nimmer, Kim

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**From:** Wilton Ford <wilton@peproducts.com>  
**Sent:** Thursday, April 16, 2015 3:40 PM  
**To:** Nimmer, Kim  
**Cc:** ExecDir@lakegastonassoc.com  
**Subject:** My wife Christy and I, who own a home in Timberline Shores on Lake Gaston, are opposed to IBT.

Kim,  
My wife Christy and I, who own a home in Timberline Shores on Lake Gaston, are opposed to IBT.

**Thank you!**

*Wilton Ford*

President

Process Engineering Products Company, Inc.

621 Moorefield Park Dr. Suite G, N. Chesterfield, VA 23236

Local: 804-560-0655, Toll Free: 800-849-5655, Fax: 804-560-3296, Cell: 804-402-5655,

E-mail: [wilton@peproducts.com](mailto:wilton@peproducts.com)

**From:** [Margaret](#)  
**To:** [Nimmer, Kim](#); [Bobby johnson](#)  
**Cc:** [Hugh and Peg Fowler](#)  
**Subject:** Kerr Lake water  
**Date:** Friday, April 17, 2015 7:28:13 AM

---

Several years ago as President of the Eatons Ferry Estates POA I wrote in opposition to transferring water to other jurisdictions. Today as a private citizen I would like to do the same. I had two fears at the time our water system was put in place. One was the aforementioned dilution of the supply and secondly that a contaminate could be put in the water that would make the entire system useless. What protection would be put in place to protect the initial users. Lake Gaston already supplies Virginia Beach. There is a finite quantity of water but an ever growing quantity of people. When do you say no?

Los Angeles, San Diego, Las Vegas, Phoenix are supplied water and electricity from the same source. That source looks to be drying up from lack of proper rain and the like. Some day in the not distant future that source will disappear. What do they do then? When demand exceeds supply where do you go, what do you do?

Let's not put our selves into that position.

Hugh Fowler  
187 S Sunset Dr.  
Littleton, NC 27850

**From:** [Patricia Fracher](#)  
**To:** [Nimmer, Kim](#)  
**Subject:** Kerr lake  
**Date:** Wednesday, April 22, 2015 9:15:11 PM

---

I write to deny additional withdrawal of water fr KerrLake/Buggs Island.  
Sent from my iPhone

## **Nimmer, Kim**

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**From:** Gary & Marg Francis <gary\_marg@hotmail.com>  
**Sent:** Thursday, April 16, 2015 4:59 PM  
**To:** Nimmer, Kim  
**Subject:** IBT (inter Basin Transfer) against proposal

As a property owner on Lake Gaston, I strongly oppose any agreement that proposes the transfer of water from the Kerr Lake (Roanoke Water Basin) to Raleigh or any other community. Please rule against the current proposal.

Gary Francis  
812 Brookfield Rd  
Raleigh, NC

**Nimmer, Kim**

---

**From:** Tom Freeman <tom@networkz.net>  
**Sent:** Thursday, April 16, 2015 4:57 PM  
**To:** Nimmer, Kim  
**Subject:** Inter Basin Water Transfer

I'm writing to let you know our family opposes the request to to transfer an additional 10 MGD from the Roanoke River Basin. We believe this request is one of many we may anticipate in the future. I have discussed this with 4 other neighbors and we all feel the same.

Thanks for your consideration.

Tom & Betsy Freeman

157 Forest Cove Drive (on Lake Gaston)

Littleton, NC 27850

**From:** [Harriet Gaillard](#)  
**To:** [Nimmer, Kim](#)  
**Subject:** Water withdrawal from Kerr Lake  
**Date:** Thursday, April 30, 2015 4:57:14 PM

---

Dear Ms. Nimmer,

Please add me to the list of concerned citizens and Kerr Lake property owners who are dismayed and alarmed at the process by which counties in North Carolina with no vested interest in beautiful Kerr Lake other than the millions of gallons of water they can buy on the cheap and use for their own economic development.

There are so many questions that property owners have not had the opportunity to ask and we were surely not notified of any public hearings in a timely manner that would have allowed us to ask these questions. Were there any hearings offered to the property owners and if so, where were they and when? And where were they publicized?

Who would bear the cost of pipelines and pumping stations to even begin transferring water? What is the amount of water that can ultimately be pumped out of Kerr Lake since the lake is dependent on rivers that are dependent on rainfall and favorable climate. What would happen in a drought if NC and Virginia farmers needed to access the water bordering their counties? How much water could counties on the lake withdraw if they became attractive to certain industries because of the valuable water resource and wanted to improve their own economy?

I watched Kerr Lake being flooded as a child and have spent part of every year at Kerr Lake. For the past few years, my husband and I have been renovating a lake house there that was left to me by my aunt. I have enjoyed the lake in every season and revel in its beauty now as the lake is full and the trees bursting with spring colors.

However, I have also seen it very dry and the water dangerously low for boating and campsites empty. Please study the material carefully and thoughtfully and prayerfully before you sign off on anything that will impact the lives of so many people and the environment in which they live.

Thank you,

Harriet Gaillard  
3906 Sweeten Creek Road  
Chapel Hill, NC 27514

Sent from my iPad

**From:** [Mike Garrett](#)  
**To:** [Nimmer, Kim](#)  
**Subject:** Inter Basin Transfer - Kerr Lake  
**Date:** Tuesday, April 21, 2015 10:27:53 AM  
**Attachments:** [PUBLIC PETITION \(3\).docx](#)

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Kim Nimmer,

I have attached a copy of the petition signed by myself opposing the Inter Basin Transfer of water from the Roanoke River Basin to support the Raleigh/Wake County growth surge. I have lived in this area all of my life and spent the last 23 years marketing & selling real estate in the area. A large part of my business is Kerr Lake property sales and the other area I work hard in is Commercial real estate. I know that it is being said that this transfer will not affect our water levels but I beg to differ. There is already an average of 40 million gallons of water a day coming out of this lake via the Lake Gaston pipeline to Virginia Beach. I say that it is coming out of Kerr Lake because there is an agreement between the power houses of the two lake dams to maintain Lake Gaston at a constant level which in turn means that that water must come from Kerr Lake. Vance County which houses most of Kerr Lake that is in North Carolina is a Tier 1 County which means that it is a very poor county that is identified as needing help with economic growth. We need commercial industry to create jobs and tax base so that our county can flourish, our schools can improve, and the quality of life for all citizens can be improved. We fought hard against the Virginia pipeline and lost. During that time, Raleigh & Wake County were making inquiries about putting pipeline into the lake to get water for themselves and that was stopped. Now it appears that they are trying to slip in the back door to get the water. They only need the water because of their continued growth, well we need that growth in our county and if we provide water out of the Roanoke River Basin to them, then we are "cutting off our noses to spite our faces" only aiding their growth & not ours. Industry will never come to Vance, Warren, & Northern Granville County until they see it as the most logical option because we can provide the water they need. Wake County has Falls Lake to draw from and if they are out growing that then legislators & commerce should be directing industry and business that are looking in the area to the counties just north of them where there is plenty of land and plenty of water, at least for now. I am strongly opposed to

this Inter Basin Transfer of Water and believe that had it be publicized in a manner to reach all the residence of these counties, there would have been a much larger turn out at the public meeting. I really feel like someone is trying to “slip one by us” which is an atrocity to the Tier 1 counties that are already struggling to make ends meet and promote growth.

Respectfully

*Michael G. Garrett*

Licensed Broker in NC and  
The Commonwealth of Virginia  
Coldwell Banker Advantage  
857 S. Beckford Drive, Suite C  
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-

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**From:** [Mike Garrett](#)  
**To:** [Nimmer, Kim](#)  
**Subject:** FW: Inter Basin Transfer - Kerr Lake  
**Date:** Tuesday, April 21, 2015 1:50:54 PM  
**Attachments:** [PUBLIC PETITION \(3\).docx](#)

---

Dear Kim,

I am sorry to appear to be jerking you around but it has come to my attention that incorrect information has been passed around regarding the Inter Basin Transfer of water out of Kerr Lake. I have been led to believe that the Inter Basin Transfers of water were outside of the 3 Basins that make up the ownership of the Kerr Lake Regional Water System. Mike Inscoe of the Henderson City Council called me to explain that the Inter Basin Transfer was only among the 3 basins associated with Henderson, Oxford, & Warrenton's ownership of the Kerr Lake Regional Water System and that no water would be transferred outside of that. He also explained that this process had to be completed to get the additional 10,000,000 gallons of water already approved by the ACE to be released to the Kerr Lake Regional Water System for use within our three basins; the Roanoke River Basin, the Tar River Basin, & the Fishing Creek Basin for our future growth. That being the case, I respectfully resend my objection to this request and move to support the transfer request.

Respectfully,

*Michael G. Garrett*

Licensed Broker in NC and  
The Commonwealth of Virginia  
Coldwell Banker Advantage  
857 S. Beckford Drive, Suite C  
Henderson, NC 27536  
(252) 431-6262 – Direct  
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Personal Website: <http://www.OnKerrLake.com>  
Company Website: <http://www.advantagecb.com>  
E-Mail: [mikegarrett@realtor.com](mailto:mikegarrett@realtor.com)

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---

**From:** Mike Garrett [mailto:stingraymg@gmail.com]  
**Sent:** Tuesday, April 21, 2015 10:28 AM  
**To:** 'Kim.Nimmer@ncdenr.gov'  
**Subject:** Inter Basin Transfer - Kerr Lake

Kim Nimmer,

I have attached a copy of the petition signed by myself opposing the Inter Basin Transfer of water from the Roanoke River Basin to support the Raleigh/Wake County growth surge. I have lived in this area all of my life and spent the last 23 years marketing & selling real estate in the area. A large part of my business is Kerr Lake property sales and the other area I work hard in is Commercial real estate. I know that it is being said that this transfer will not affect our water levels but I beg to differ. There is already an average of 40 million gallons of water a day coming out of this lake via the Lake Gaston pipeline to Virginia Beach. I say that it is coming out of Kerr Lake because there is an agreement between the power houses of the two lake dams to maintain Lake Gaston at a constant level which in turn means that that water must come from Kerr Lake. Vance County which houses most of Kerr Lake that is in North Carolina is a Tier 1 County which means that it is a very poor county that is identified as needing help with economic growth. We need commercial industry to create jobs and tax base so that our county can flourish, our schools can improve, and the quality of life for all citizens can be improved. We fought hard against the Virginia pipeline and lost. During that time, Raleigh & Wake County were making inquiries about putting pipeline into the lake to get water for themselves and that was stopped. Now it appears that they are trying to slip in the back door to get the water. They only need the water because of their continued growth, well we need that growth in our county and if we provide water out of the Roanoke River Basin to them, then we are "cutting off our noses to spite our faces" only aiding their growth & not ours.

Industry will never come to Vance, Warren, & Northern Granville County until they see it as the most logical option because we can provide the water they need. Wake County has Falls Lake to draw from and if they are out growing that then legislators & commerce should be directing industry and business that are looking in the area to the counties just north of them where there is plenty of land and plenty of water, at least for now. I am strongly opposed to this Inter Basin Transfer of Water and believe that had it be publicized in a manner to reach all the residence of these counties, there would have been a much larger turn out at the public meeting. I really feel like someone is trying to “slip one by us” which is an atrocity to the Tier 1 counties that are already struggling to make ends meet and promote growth.

Respectfully

*Michael G. Garrett*

Licensed Broker in NC and  
The Commonwealth of Virginia  
Coldwell Banker Advantage  
857 S. Beckford Drive, Suite C  
Henderson, NC 27536  
(252) 431-6262 – Direct  
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Personal Website: <http://www.OnKerrLake.com>  
Company Website: <http://www.advantagecb.com>  
E-Mail: [mikegarrett@realtor.com](mailto:mikegarrett@realtor.com)

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**From:** [Pat Gazzara](#)  
**To:** [Nimmer, Kim](#)  
**Subject:** Inter basin water transfer  
**Date:** Thursday, April 16, 2015 5:56:57 PM

---

Kim I live on Lake Gaston and moved here and with the sole purpose of enjoying the fishing. I'm very concerned about this water transfer and how it would affect the lake. I am opposed to this action.  
Respectfully, Patrick Gazzara

Sent from my Samsung Mobile



April 24, 2015

Ms. Kim Nimmer  
North Carolina Dept. of Environment and Natural Resources  
Division of Water Resources  
1611 Main Service Center  
Raleigh, NC 27699-1611

RE: Comments on Kerr Lake Regional Water System Interbasin Transfer Certificate Request

Dear Ms. Nimmer:

The Southside Planning District Commission Board met on Thursday, April 23, 2015, and unanimously opposed the Interbasin Transfer Certificate for the Kerr Lake Regional Water System. The Environmental Assessment does not take into account all potential impacts from this interbasin transfer from the Roanoke River Basin. For this reason, the Southside Planning District Commission Board opposes the Interbasin Transfer Certificate request based on the current Environment Assessment.

The proposed water withdrawal could cause substantial negative economic and environmental impacts to Virginia Counties including the Southside Planning District region which includes the Counties of Brunswick, Halifax and Mecklenburg. For these reasons, the Southside Planning District Commission is requesting that an Environmental Impact Statement (EIS) be prepared to fully evaluate the effect of cumulative withdraws on the basin systems and the potential upstream impacts of the interbasin transfer. The EIS will also provide a stronger technical analysis to demonstrate that any negative economic and/or environmental impacts are mitigated.

The Southside Planning District Commission region is deeply interested in the Kerr Lake Regional Water System Interbasin Transfer Certificate request and hopes that the Environmental Management Commission (EMC) fully considers an Environmental Impact Statement (EIS).

Sincerely,

A handwritten signature in blue ink that reads "Gregg Gordon".

Gregg Gordon  
Chairman

**From:** [Paul Grenier](#)  
**To:** [Nimmer, Kim](#)  
**Cc:** [Barbara Stroud](#)  
**Subject:** Kerr Lake  
**Date:** Friday, April 24, 2015 8:17:36 PM

---

Kim;

Please add my name & phone number to the petition.

Thanks, Paul

Paul Grenier 252-438-2821

**Nimmer, Kim**

---

**From:** Doug Gross <douglassgross@gmail.com>  
**Sent:** Thursday, April 16, 2015 4:47 PM  
**To:** Nimmer, Kim  
**Subject:** Inter-basin transfer

I am a resident of Raleigh. Despite that, I oppose the transfer of water between basins.

H.D. Gross 3417 Horton St.  
Raleigh 27607  
(107 N.Pine Cove Lane  
Macon 27551)



# HALIFAX COUNTY BOARD OF SUPERVISORS

1030 Cowford Rd, Ste. LL1  
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THOMAS E. WEST

JAMES M. HALASZ  
County Administrator  
[jmh@co.halifax.va.us](mailto:jmh@co.halifax.va.us)

March 18, 2015

Mr. Kim Nimmer  
Division of Water Resources  
1611 Mail Service Center  
Raleigh, NC 27699-1611

Dear Mr. Nimmer:

As Halifax County Virginia County Administrator I would like to comment on the proposed increase in interbasin transfer out of the Roanoke River Basin. Halifax County is completely within the Roanoke River Basin and the Staunton, Banister and Dan Rivers are important environmental and economic assets of the County. We rely on the natural resources of the river system to sustain our quality of life and to provide opportunities for our children and grandchildren to also have meaningful and sustainable lives for decades to come. The transfer of water from our river basin essentially means our future will be limited in the years to come because of unsustainable activities in other basins where people and communities have used up their water supply at a pace not replaced by the natural environment. Now that they have used up their resource – they want to reach out and use ours. It is as simple as that.

We are all aware of similar instances throughout the country where communities have depleted the water resources they were blessed with; and with continued “growth” and “development” they then depleted the water resources of surrounding communities and regions. Of course, the Colorado River rarely makes it to the ocean, the Everglades may become never glades, large numbers of lakes and rivers in the southwest no longer exist and vibrant eco-systems are gone forever – forests, grasslands and numerous species sacrificed to poor water management.

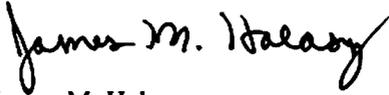
It is always easier to take what is available somewhere else when you need it rather than re-use your resources or create additional resources. Of course, that scenario means you ultimately deprive other areas of their resources and future opportunities. We are not much in favor of other river basins and their communities depriving Halifax County of our future opportunity for good lives. We would prefer to work with our neighbor communities in the Roanoke River Basin and use the resources we share for the benefit of the communities in the basin.

I know that Halifax County, Virginia must work with all communities in the Roanoke River Basin now and in the future to wisely use the water we all have a right to draw from. That principle of wisely working together to optimize and share the resources we possess is reasonable and sustainable. However, to export our resources and our future from the Roanoke River Basin region, with no return, is not a sustainable or fair approach to managing the resources we possess and have been blessed with. It is not appropriate that communities and regions outside of our basin will possess a claim to our future that based on existing water management policy, will never be returned to us. It is not just that in times of drought our farmers may be prevented from irrigating crops, our businesses will be unable to use water to expand and create jobs and our communities will be restricted from growing because we must send water to communities outside our basin that will have a protected claim to our water and future.

This proposed increase to the interbasin transfer from the Roanoke River Basin (or any other) is bad policy. It ensures that unsustainable development practices continue – to the future detriment of other regions and vital ecosystems supporting the environment we rely on for all we do. If other river basins need water they should find it in their own basin. If it is not there, they should not be permitted to grow in a manner that cannot be supported. Water policy should assure all regions of some opportunity for a sustainable future for the sake of all generations to come and the environment that supports us.

Thank you for the opportunity to comment on this issue. If I can be of any assistance now or in the future, please let me know how I can help.

Sincerely,

A handwritten signature in black ink that reads "James M. Halasz". The signature is written in a cursive style with a large, sweeping initial 'J'.

James M. Halasz  
County Administrator

**From:** [James K. Hale](#)  
**To:** [Nimmer, Kim](#)  
**Subject:** Inter Basin Water transfer  
**Date:** Monday, April 20, 2015 10:23:45 AM

---

I would like to voice my opinion that I am against inter basin water transfers. These transfers will at some point impact the lives of those living in the Roanoke River basin in a negative way.

--

James K. Hale(Kenny)  
Hale Plumbing Inc  
910 Park Ave  
Roanoke Rapids, NC 27870  
252 537 9871

**From:** [ahanson451@gmail.com](mailto:ahanson451@gmail.com)  
**To:** [Nimmer, Kim](#)  
**Subject:** Water transfer  
**Date:** Sunday, April 19, 2015 10:29:45 AM

---

We are opposed to any water transfer out of lake gaston. Developers of the Raleigh Durham and Virginia beach areas take advantage of the system and should do better planning to anticipate shortages that may occur in the future. If we hold the line now, maybe that will encourage better planning now.

Arthur and Linda Hanson  
Macon NC  
Sent from my iPad

**From:** [Harris, Catherine](#)  
**To:** [Nimmer, Kim](#)  
**Subject:** Deny  
**Date:** Saturday, April 18, 2015 11:19:53 AM

---

Please deny the Kerrlake withdrawal permit. Thank you!

Sent from my iPhone

## Transcription for Public Hearing – Kerr Lake IBT (3-31-2015)

**Bill Heflin** - I live on Lake Gaston in Warren County. I don't have any prepared notes to leave y'all and if I had prepared them they would have changed entirely. There are three things, first off I'm in with the Lake Gaston Association and we've been getting questions like crazy from our members about what all this means and we haven't been able to give them good answers. I think that this assessment you have may go a long ways towards that and I'd like to take a copy with me when I leave if I can. Just as a citizen the other thing, it seems like there would be a whole lot less objection to this if the water were coming back to Kerr Lake, if it wasn't a one way trip and I know that there would be a lot of money involved in that, and I don't know what that would be, but it seems like the objections would be lessened to a greater degree if we were getting the water back when you were done with it from the treatment plant. Secondly, I don't know what the financial benefit to the Kerr Basin is from you; I didn't hear a dollar amount or anything like. That if somebody could make that clear, that would be good information for everybody to know. The last thing is on the Environmental Impact Statement I think I understand that is required by law and I don't understand how that is getting pushed aside, it doesn't make sense to me. I'm not an expert on this by any means, I've just heard little bits, but I don't understand how it's being neglected. Those are my comments. Thank you for your time – End

## Randy Hemann IBT Comments

My name is Randy Hemann and for close to two years now I have served as the City Manager in Oxford.

I probably should not admit this but when I interviewed for my position and was asked what do you know about water and sewer, I gave an honest answer and said absolutely nothing but the City employs people that do know a lot about water and sewer and I can manage them.

Let me assure you that in addition to managing the people who oversee our water and sewer operations I have learned a lot about water and sewer in the last two years and I hope my comments give evidence of my steep learning curve.

My newness to Oxford and to City Management caused me to look at our system from a 60,000 foot view before I got down to ground level.

From a consumption standpoint we have around 3,700 customers who use around 1.4 million gallons of water per day but we have peak days above 1.9 million gallons per day. We obviously need more water if we as a community are to grow. As you well know Oxford is not blessed with a river close by. Prior to our entry into the KLRWS in 1973 the City of Oxford pumped water around 4 miles from the Tar River to Lake Devin where our water was held and treated and then piped close to another mile into the City.

Our alternative to joining the Regional Water System in 1973 which remains our alternative today is to pull water from the Tar River, an alternative that I would guess no one in this room would prefer. An interbasin transfer through the KLRWS is our only real alternative to meet our water needs and the growth of the regional water system within the reasonable bounds outlined in our IBT petition is the most prudent alternative from a practical and an environmental standpoint.

Another alternative for Oxford to limit IBT would be to return our wastewater to the Roanoke Basin, an alternative that would involve significant construction costs and have much higher environmental impacts than the proposed interbasin

transfer. I would argue that in the end our focus on wastewater should be on improving the end product.

Moving from a 60,000 foot view down to a micro view, the wastewater system was not pretty in Oxford in the 1990's and I would have understood the argument back then to limit any additional water coming to Oxford because of our poor track record. But let me take a moment to tell you that we have invested and continued to invest in our treatment process. We now have a Plant capacity of 3.5 million gallons per day. Our infiltration has been significantly reduced over the last 10 years. We are in the middle of constructing a 1 million gallon flow equalization basin to make our plant more efficient by allowing us to treat the wastewater at a more even rate by reducing the peak flows through the plant and thus extend the lifetime of the plant. But the real story is in what comes out of our plant.

When you compare 2005 annual average data versus 2014 with regards to Biological Oxygen Demand or BOD and Total Suspended Solids or TSS the story is staggering. During that time period we had an 80% reduction in the Biological Oxygen Demand (BOD) amount that we discharge annually. Our Total Suspended Solids (TSS) has been reduced by 92%.

We also have not failed a Toxicity test since the completion of the 2006 expansion. Being a part of a regional water system has played a part in allowing the City of Oxford to save time and money in the water treatment area and refocus our efforts to improve our wastewater treatment process.

I say all of this so you will understand that the City of Oxford has and will continue to act responsibly with our wastewater treatment process and any additional discharge that might result from this interbasin transfer will be treated responsibly.

Likewise, the KLRWS will become more responsible if allowed to expand. Our raw water treatment process will be improved and we will very likely decrease the amount of water used in system flushing.

In closing, we appreciate your consideration in helping the City of Oxford and the KLRWS gain approval for this interbasin transfer. For Oxford it is our only

alternative and we hope that you will look at our City, our water system and our wastewater system and know that we have been responsible from an environmental standpoint and that in order to be responsible to our citizens and grow our community we need your support for this transfer. Thank you again for the opportunity to speak today.



## Nimmer, Kim

---

**From:** Mike Herman <mherman@shipwithbest.com>  
**Sent:** Friday, March 20, 2015 9:44 PM  
**To:** Fransen, Tom  
**Cc:** Nimmer, Kim  
**Subject:** Proposed Kerr Lake Regional Water System' Interbasin Transfers

**Importance:** High

March 20, 2015

Tom Fransen  
Section Chief  
DENR-Division of Water Resources  
Planning Branch  
1611 Mail Service Center  
Raleigh, NC 27699-1611

E-mail to: [tom.fransen@ncdenr.gov](mailto:tom.fransen@ncdenr.gov) and [kim.nimmer@ncdenr.gov](mailto:kim.nimmer@ncdenr.gov)

RE: Need for Environmental Impact Statement for Evaluation of Proposed Kerr Lake Regional Water System' Interbasin Transfers

Dear Tom,

We object to the Division of Water Resource's decision not to require an Environmental Impact Statement in reviewing the proposal by Kerr Lake Regional Water System for an Interbasin Transfer Certificate ("IBT"). The Roanoke River supplies drinking water, recreational opportunities and wildlife habitat enjoyed by millions of people in the area. Increasing the current transfer of water from out of the Roanoke Basin by more than 40 percent should trigger a full Environmental Impact Statement ("EIS"). The Environmental Assessment ("EA") submitted by Kerr Lake Regional Water System is inadequate to evaluate the proposal. We oppose the Division's decision to approve this document and do not support the Interbasin Transfer Certificate because it is based on inadequate information. Without an EIS to guide us, we cannot be assured that Roanoke River will be able to continue to supply drinking water, recreational opportunities and wildlife habitat already enjoyed by millions of people in the area.

All IBT certificate applicants are subject to the general EIS requirements of SEPA. SEPA was passed "to require agencies of the State to consider and report upon environmental aspects and consequences of their actions involving the expenditure of public moneys or use of public land." See N.C. Gen. Stat. § 113A-2. SEPA's provisions "provide a mechanism by which all affected State agencies raise and consider environmental factors of proposed projects." In re Environmental Management Com. etc., 53 N.C. App. 135, 141 (N.C. Ct. App. 1981) "The primary purpose of both the state and federal environmental statutes is to ensure that government agencies seriously consider the environmental effects of each of the reasonable and realistic alternatives available to them." Orange County v. North Carolina Dep't of Transp., 46 N.C. App. 350, 383 (N.C. Ct. App. 1980). SEPA has provisions specifying when an environmental document is not required. There is a list of actions which are exempted from coverage. Had the General Assembly intended to exempt IBT certificates from SEPA, it would have added that to the exempted list found in SEPA. See N.C. Gen. Sta. § 113A-12 (List of exempted actions, like water lines, shellfish leases and driveway connections to public roads). They did not do so and the Division had the power to require an EIS and should have done so.

To support a Finding of No Significant Impact ("FONSI"), we expect to see analysis of all the direct impacts of the proposal as well as the cumulative and secondary impacts of the proposal itself. This EA does not contain any analysis to support its FONSI. The law requires the Division to show how it made its decision, but the EA and associated FONSI are just conclusions. For just one example, the statement that "water quantities needed to protect aquatic habitats would remain available" in the Secondary and Cumulative Impacts section of 5.12.1 does not meet the standard of a hard look. Further definition of these quantities and discussion of how their appropriate levels would be monitored and ensured is missing. Without the data and analysis, this is simply an unsupported conclusion.

The Division's decision to grant a FONSI on this EA is just not supported by the analysis. If the impacts are analyzed in other documents, show them to us. The public depends on local governments to protect the Roanoke River for use and enjoyment. We cannot do that job if the Division decides to keep us in the dark. Require an Environmental Impact Statement so that we can see the basis for all these conclusions.

Regards,

*Michael L. Herman*

Michael L. Herman  
Buck Spring Plantation (Lake Gaston)  
180 South Macon Drive  
Littleton, NC 27850

**From:** [Dick Hilliard](#)  
**To:** [Nimmer, Kim](#)  
**Subject:** Kerr Lake Water Permit  
**Date:** Saturday, April 18, 2015 2:56:32 PM

---

This email is sent in opposition to the proposal to permit the withdrawal of water from Kerr Lake for use in the Triangle area. Kerr Lake experiences enough water level fluctuations without having this problem exacerbated by withdrawing millions of gallons of water for the greater Triangle area. As a near lake resident and frequent user of lake resources I am expressing strong dissension to this proposal, and am urging denial of this permit.

Thank you.

Sent from my iPad

**From:** [David Hines](#)  
**To:** [Nimmer, Kim](#)  
**Subject:** Opposition to Inter Basin Transfers.  
**Date:** Monday, April 27, 2015 11:05:40 AM

---

I'm opposed to IBTs. The full effects of IBTs are still not completely understood and expose environmental and public health dangers.

We've all seen the negative effects of IBTs in California just on the availability of water during droughts.

There are alternatives available to municipalities for public water supplies, specifically deep wells.

These are more more costly of course but avoids theft of water from neighboring communities.

Less waste, more foresight and intelligent planning are the better answers.

Thank you,

David Hines,  
Littleton, NC 27850  
(252) 578-7889  
usafdeh@gmail.com



West Piedmont  
Planning District Commission

P.O. Box 5268  
Martinsville, VA 24115-5268  
Phone: (276) 638-3987  
Fax: (276) 638-8137  
e-mail: staff@wppdc.org

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March 30, 2015

Ms. Kim Nimmer  
Division of Water Resources  
North Carolina Department of Environment and Natural Resources  
1611 Mail Service Center  
Raleigh, North Carolina 27699-1611

Subject: Proposed Kerr Lake Regional Water System Inter-Basin (IBT)  
Certificate Request

Dear Ms. Nimmer,

Please find attached a resolution recently adopted by the West Piedmont Planning District Commission opposing the request by the Kerr Lake Regional Water System to increase its daily inter-basin transfer allowance for the purpose of providing additional water to meet the anticipated future demand of several North Carolina communities located outside the Roanoke River Basin. Please incorporate this resolution as representing the official comments of the Commission in connection with the public hearing on March 31st in Henderson, NC and the public comment period through April 30, 2015.

Thank you for the opportunity to comment on this issue of significance to the future economic vitality of the communities located within the West Piedmont Planning District and the Roanoke River Basin. If you have any questions, or if I may otherwise assist you in this matter, please do not hesitate to contact me.

With kind regards, I remain,

Sincerely yours,

David R. Hoback  
Executive Director

Attachment

**Resolution to Oppose  
the  
Proposed Interbasin Transfer Increase  
from the  
Roanoke River Basin  
by the  
Kerr Lake Regional Water System**

Resolution WPPDC 2015-4

**WHEREAS**, the North Carolina Department of Environment and Natural Resources (NCDENR) has announced it is conducting a public hearing in Henderson, North Carolina on March 31, 2015 to entertain public input and also will receive written comments through April 30, 2015 regarding a request by Kerr Lake Regional Water System (KLRWS) to withdraw additional water from the Roanoke River Basin and transfer it to the Tar River, Neuse River and Fishing Creek basins in the state of North Carolina; and

**WHEREAS**, KLRWS is requesting an increase in its currently grandfathered interbasin allowance from 10 mgd to 14.2 mgd from the Roanoke River Basin; and

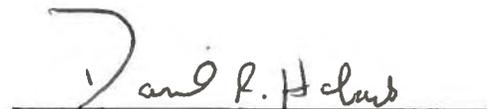
**WHEREAS**, water is a vital resource for the future livelihood of communities and this proposed interbasin transfer of water holds the potential to create deleterious economic and environmental impacts upon the North Carolina and Virginia communities located in the Roanoke River Basin; and

**WHEREAS**, the currently proposed withdrawal of water from the Roanoke River Basin to three separate river basins will only further strengthen the precedent of shifting existing water resources to provide a future benefit to other out of basin communities at the expense of communities located within the Roanoke River Basin; and

**WHEREAS**, the out-of-basin transfer may have the effect of causing regulatory restrictions to be imposed on localities upstream thus affecting their water use, wastewater discharges, and ultimately adversely affecting their economies;

**NOW THEREFORE BE IT RESOLVED** by the West Piedmont Planning District Commission that on this 26<sup>th</sup> day of March, 2015 it does hereby proclaim its strong opposition to the request by the Kerr Lake Regional Water System to increase its grandfathered daily interbasin water transfer limit from 10 mgd to 14.2 mgd and hereby calls upon the North Carolina Department of Environment and Natural Resources to deny the KLRWS request.

  
\_\_\_\_\_  
Commission Officer

  
\_\_\_\_\_  
Executive Director



**From:** [thodge](#)  
**To:** [Nimmer, Kim](#)  
**Subject:** Save Our Lake Water Petition  
**Date:** Thursday, April 30, 2015 1:27:16 PM  
**Attachments:** [DOC231.pdf](#)  
**Importance:** High

---

Great Day Kim, Please see attached the signed petition with Paulette and Jacqui's signature. Any questions please don't hesitate to call. Thanks

**Tashiea Hodge**, Marketing Support Manager  
[www.taskpbsi.com](http://www.taskpbsi.com)

1555 King Street, Suite 201 Alexandria, VA 22314  
Office: 703-575-6464 / Fax: 703-575-6467  
[thodge@taskpbsi.com](mailto:thodge@taskpbsi.com)

PUBLIC PETITION

SAVE OUR LAKE WATER

We the below signed are in opposition to the Permit to increase 10MGD of Inter Basin Transfer from the Roanoke River Basin to the Tar/Neuse River Basins because of the cumulative impact on Kerr Lake/Buggs Island Lake water levels, as well as undisclosed impacts on the environment, the economy, and tourism in Vance and Warren Counties as well as Southside Virginia.

To: \*Kim.Nimmer@ncdenr.gov

\* NCDENR 521 N. Salisbury St. 1611 Mail Service Center Raleigh, NC 27699-1611

<u>NAME / PHONE NUMBER</u>	<u>NAME / PHONE NUMBER</u>
Jacqueline Woodard 200 Magnolia Court Manson, NC 27536	/ 703.403.5772
	/
	/
PAULETTE HAMILTON (703) 969-1160 200 MAGNOLIA COURT MASON, NC 27536	/
	/
	/
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	/
	/
	/
	/
	/

APRIL 30<sup>th</sup>, 2015 DEADLINE

(Your name and phone number are required for your opinion to count)

**From:** [joan hoke](#)  
**To:** [Nimmer, Kim](#)  
**Subject:** Lake petition  
**Date:** Saturday, April 25, 2015 5:22:39 PM

---

please send petition to sign

**From:** [G Holder](#)  
**To:** [Nimmer, Kim](#)  
**Subject:** KLRWP  
**Date:** Monday, April 20, 2015 10:08:08 AM

---

Good morning,

The Kerr Lake Regional Water System "Partners" (KLRWP) currently has authority to transfer up to 10 million gallons of water per day (MGD) water from Kerr Lake to areas in Warren, Oxford, Henderson and others cities south of us. Of that amount only under 3 MGD is returned to the Roanoke River Basin at Kerr Lake. The KLRWP seeks to transfer an additional 10 MGD from the Roanoke River Basin. We are totally opposed Inter-Basin Transfers (IBT) from the Roanoke River to other watersheds.

Gary and Georgia Holder  
105 Pinewood Acres Dr  
Henrico NC 29842

**From:** [Susan](#)  
**To:** [Nimmer, Kim](#)  
**Subject:** Inter- basin Water Transfer  
**Date:** Tuesday, April 28, 2015 11:07:30 AM

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>

>

> As a resident of Vance Co. I most definitely am not in favor of this inter-basin water transfer. More studies need to be done and more discussion of consequences to our county  
> need be done before moving forward. I think then the proposal will be viewed as detrimental to our county and our lake.

>

> Susan Hoyle

**From:** [Allan Hubbard](#)  
**To:** [Nimmer, Kim](#)  
**Cc:** [Rep. Nathan Baskerville](#); [kmartinncemc@hotmail.com](mailto:kmartinncemc@hotmail.com); [Senator Angela Bryant](#); [tpace@co.henry.va.us](mailto:tpace@co.henry.va.us)  
**Subject:** Impact of unconstrained Interbasin transfers on Kerr Lake levels during droughts  
**Date:** Tuesday, April 28, 2015 10:34:53 PM

---

Ms. Nimmer -

Please incorporate the comments below in proceedings on the Kerr Lake Regional Water System Interbasin Transfer certificate request.

#### THE PROPOSED IBT WOULD HAVE CAUSED A DROP OF TWO FEET IN KERR LAKE DURING OCTOBER OF THE 2002 DROUGHT

As I read Figure 5-3 of the Environmental Assessment, if the proposed Interbasin Transfer had been in effect, Kerr Lake would have dropped an additional two feet, about 20 feet instead of 18 feet, in October during the 2002 drought. (Figure 5-3 depicts a drop from an elevation of 296 feet to 276 feet taking into effect the proposed IBT instead of to 278 feet without the effect of the proposed IBT).

The EA explains that "on average," the proposed IBT would have only caused a decrease in lake level during the full 18 month duration of the drought of .2 feet (i.e., 2.4 inches) (EA at page 5-3, Table 5-1, and Figure 5-2). Averages can be misleading. As is clear from the graph in Figure 5-3, the impact of the proposed IBT would grow more severe at a much greater rate as the lake level gradually decreased, accounting for the drop of two additional feet during October of the 2002 drought. This is not surprising, since the lake at such a low level, with its gradually sloping bed, will have much less acreage of surface water for the IBT to draw from.

#### THE VIRGINIA BEACH IBT COMBINED WITH THE PROPOSED IBT WOULD HAVE CAUSED A DROP OF 10 FEET IN KERR LAKE DURING OCTOBER OF THE 2002 DROUGHT

If the Virginia Beach IBT is taken into account, the combined IBTs would have accounted for 10 feet of the 20-foot drop in the lake level during October of the 2002 drought. (As I understand it, the current Virginia Beach IBT is about 4 times the proposed IBT; if the proposed IBT would have caused a drop of two feet in the lake level in October 2002, then the Virginia Beach IBT would have caused a drop of 8 feet, or a combined drop of 10 feet.)

#### THERE SHOULD BE CONSTRAINTS ON INTERBASIN TRANSFERS DURING DROUGHTS

I am not aware of any constraints on IBTs during a drought, and would not be surprised if IBTs actually peak during droughts. This is inequitable. There should be constraints on IBTs during droughts, and the lower the lake's level sinks, the greater those constraints should be. Owners of lake front lots have as great, or greater, interest in their boating, fishing and scenic rights in the lake as do IBT customers in their water consumption.

#### DROUGHTS MAY BECOME MORE COMMON IN THE FUTURE

Although in the last 15 years there apparently have only been two droughts worthy of note -- the 2002 and 2007 droughts -- that does not mean that, given the scientific warnings of coming climate changes, droughts will not be more frequent in the future.

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My sister and I own a cottage on Kimball Point at Kerr Lake. The cottage has been in the family since the dam was built. We plan to pass it on to our respective children, and hope they in turn will pass the cottage on to their children and grandchildren.

During the 2002 drought, the lake was not a pleasant place to spend time. My hope is that there will be minimal such episodes in the future.

#### ACTION REQUESTED; OTEHR ISSUES

If the certificate is ultimately granted, it should be conditioned on appropriate constraints on the volume of water that can be drawn from the lake during periods of drought.

I have only had time to focus on the narrow issue of IBTs during periods of drought. There well may be other issues that need to be addressed (e.g., how can North Carolina agencies unilaterally make decisions affecting Kerr Lake, most of which falls within the boundaries of the Commonwealth of Virginia).

Sincerely,

Allan C. Hubbard

159 Oak Tree Lane  
Manson, NC 27553; and

701 Winans Way  
Baltimore, MD 21229

[410-566-3464](tel:410-566-3464)  
[202-271-7113](tel:202-271-7113) (mobile)

**From:** [Allan Hubbard](#)  
**To:** [Senator Angela Bryant](#)  
**Cc:** [Nimmer, Kim](#); [Rep. Nathan Baskerville](#); [kmartinncemc@hotmail.com](mailto:kmartinncemc@hotmail.com); [tpace@co.henry.va.us](mailto:tpace@co.henry.va.us)  
**Subject:** Re: Impact of unconstrained Interbasin transfers on Kerr Lake levels during droughts  
**Date:** Wednesday, April 29, 2015 1:29:31 PM

---

Dear Senator Bryant -

Thank you for your prompt response to my comments.

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According to Fig. 5-3, the proposed IBT would have resulted in an additional drop in the lake level of two feet during October of the 2002 drought. Two feet strikes me as a significant decrease, particularly if viewed with the Virginia Beach IBT, which I calculated would result in a combined drop of 10 feet.

As for the system taking appropriate action, are there data available that show what IBTs were made during the 2002 drought? If IBTs were appropriately constrained during that drought, then I stand corrected.

Sincerely,

Allan Hubbard

Sent from my iPhone

On Apr 29, 2015, at 10:43 AM, Sen. Angela Bryant <[Angela.Bryant@ncleg.net](mailto:Angela.Bryant@ncleg.net)> wrote:

Mr. Hubbard: Please see the attached presentation from the public hearing. There is no information from this assessment that the requested IBT transfer will decrease lake levels significantly during drought. I feel sure the water system will take responsible action during any drought and that if necessary the state, local, and federal governments will intervene.

Sen. Angela R. Bryant  
District 4- Halifax, Vance, Nash, Wilson and Warren Counties  
300 N. Salisbury Street, Room 520  
Raleigh, NC 27603-5925  
919-733-5878  
[Angelab@ncleg.net](mailto:Angelab@ncleg.net)  
[www.ncleg.net](http://www.ncleg.net)  
919-733-3113- fax  
Karon Hardy - Leg. Asst.  
[bryantla@ncleg.net](mailto:bryantla@ncleg.net)

**From:** Allan Hubbard [<mailto:allanhubbard43@gmail.com>]  
**Sent:** Tuesday, April 28, 2015 10:35 PM  
**To:** [Kim.Nimmer@ncdenr.gov](mailto:Kim.Nimmer@ncdenr.gov)  
**Cc:** Rep. Nathan Baskerville; [kmartinncemc@hotmail.com](mailto:kmartinncemc@hotmail.com); Sen. Angela Bryant; [tpace@co.henry.va.us](mailto:tpace@co.henry.va.us)  
**Subject:** Impact of unconstrained Interbasin transfers on Kerr Lake levels during droughts

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<KLRWS Public Hearing\_03.15.pdf>

**From:** [Allan Hubbard](#)  
**To:** [Nimmer, Kim](#)  
**Cc:** [Senator Angela Bryant](#); [Rep. Nathan Baskerville](#); [kmartinncmc@hotmail.com](mailto:kmartinncmc@hotmail.com); [tpace@co.henry.va.us](mailto:tpace@co.henry.va.us); [Peele, Linwood](#); [Brady, Harold M.](#)  
**Subject:** Re: Impact of unconstrained Interbasin transfers on Kerr Lake levels during droughts  
**Date:** Wednesday, April 29, 2015 10:35:53 PM

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Ms Nimmer -

Many thanks for your detailed response to my comments.

With regard to your discussion of the lake levels during a 2002 equivalent drought, the data you refer to are based on "average" drops in the lake level, which show that the proposed IBT would result in only a .2 foot drop, on average over the 18 month life of the drought. This misses my point that averages can be misleading. If you focus on October of the 2002 drought, as depicted in the graph at figure 5-3 of the EA, the proposed IBT would cause a drop of two feet in the lake level, from 278 feet to 276 feet (both of which, incidentally, are well below the "average" 284.8 foot level of the lake during the 2002 drought you reference in your email).

As for constraints on IBT transfers during periods of drought, after seeing your references to NC statutory requirements for such constraints, I reviewed the IBT petition submitted by the Kerr Lake Regional Water System. I was pleasantly surprised to see that the petition, at Appendix B, does set forth a detailed water shortage response plan that imposes constraints on IBT transfers during periods of drought. I see that the plan has been approved by the NCDWR, but see no reference to review or approval by the Army Corps of Engineers. Did NCDWR coordinate its review with the Corps? Also, does NCDWR serve as a watchdog to ensure satisfactory compliance with the water shortage response plan? It should.

Finally, do you know whether the Virginia Beach IBT arrangement has a similar water shortage response plan? Although that may be a Virginia issue, it certainly affects owners, like me, of lake front property in North Carolina.

Sincerely,

Allan Hubbard

On Wed, Apr 29, 2015 at 1:46 PM, Nimmer, Kim <[kim.nimmer@ncdenr.gov](mailto:kim.nimmer@ncdenr.gov)> wrote:

Mr. Hubbard,

The information presented in the Environmental Assessment (EA) shows that during the extreme drought conditions of 2002, the hydrologic model predicted that the drop in lake elevation attributed to the IBT in the year 2045 would be 0.2 feet, or 2.4 inches as you stated. Please refer to Table 5-1 on page 5-4 of the EA. That table shows the baseline elevation for Kerr Lake to be 299.8 feet. The 2002 drought conditions drop the lake elevation to 284.8 (a 15-foot drop). When the IBT is factored into the model, the lake elevation drops 0.2 feet from the drought conditions, which would lower the lake level by a total of 15.2 feet. As taken from the EA document:

“The model runs simulate the operation of the reservoirs based on the guide curves specified for each reservoir. This operational mode tends to maintain the reservoir level by regulating releases. For this reason, average lake elevation is usually the same for the different scenarios. In the case of the 2002 drought, Kerr Lake did show a slight difference in elevation of 0.2 feet. Because of the drought, the elevation falls below the guide curve, and the discharge is maintained at the same elevation for the IBT and non-IBT. This results in a slightly lower elevation in the IBT scenario. Figures 5-1 to 5-5 illustrate the results for Kerr Lake for the Proposed 2045 IBT based on the updated RRBHM simulations. These simulations show little discernible differences between any of the three simulations depicted based on increased basin demands between 2010 and 2045 or the added influence of the IBT even during the 2002 drought (Figure 5-2) or in the lower end of the duration curve (Figure 5-5).”

Two of the conditions placed on all IBT certificates (as required by state statute G.S. 143-215.22L (n)) is that there be both a water conservation plan that, “specifies the water conservation measures that will be implemented by the applicant in the receiving river basin to ensure the efficient use of the transferred water...” and a drought management plan that “specifies how the transfer shall be managed to protect the source river basin during drought conditions or other emergencies that occur within the source river basin.” The drought management plan, “shall include mandatory reductions in the permitted amount of the transfer based on the severity and duration of a drought occurring within the source river basin and shall provide for the mandatory implementation of a drought management plan by the applicant.”

In addition, Water Shortage Response Plans (required for water supply systems statewide under administrative rules 15A NCAC 02E. 0607) also place triggers for the implementation of system-wide water conservation measures and initiatives. These triggers are based upon water supply levels of the specific water system. The water conservation measures reduce water usage system-wide; thereby, reducing the total basin transfers.

Thank you for your comments regarding the proposed Interbasin Transfer (IBT) Certificate for the Kerr Lake Regional Water System. NCDENR will be accepting comments regarding the proposed certificate through April 30, 2015. All comments received will be part of the public record, and will be included along with responses prepared by NCDENR as part of the Hearing Officer’s Report to the NC Environmental Management Commission. The Environmental Management Commission is the decision-making body for the proposed IBT certificate. We anticipate the final determination will be made at the Environmental Management Commission’s July 9th meeting.

Best Regards,

Kim Nimmer

~~~~~  
Kim Nimmer

Interbasin Transfer (IBT) Program

Water Supply Planning Branch

NCDENR - Division of Water Resources

1611 Mail Service Center

Raleigh, NC 27699-1611

Phone: [919-707-9019](tel:919-707-9019)

Email: [Kim.Nimmer@ncdenr.gov](mailto:Kim.Nimmer@ncdenr.gov)

NOTICE: Emails sent to and from this account are subject to the Public Records Law and may be disclosed to third parties.

---

**From:** Allan Hubbard [mailto:[allanhubbard43@gmail.com](mailto:allanhubbard43@gmail.com)]

**Sent:** Wednesday, April 29, 2015 1:29 PM

**To:** Senator Angela Bryant

**Cc:** Nimmer, Kim; Rep. Nathan Baskerville; [kmartinncemc@hotmail.com](mailto:kmartinncemc@hotmail.com); [tpace@co.henry.va.us](mailto:tpace@co.henry.va.us)

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[www.ncleg.net](http://www.ncleg.net)  
[919-733-3113](tel:919-733-3113)- fax  
Karon Hardy - Leg. Asst.  
[bryantla@ncleg.net](mailto:bryantla@ncleg.net)

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**Sent:** Tuesday, April 28, 2015 10:35 PM  
**To:** [Kim.Nimmer@ncdenr.gov](mailto:Kim.Nimmer@ncdenr.gov)

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Sincerely,

Allan C. Hubbard

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[410-566-3464](tel:410-566-3464)

[202-271-7113](tel:202-271-7113) (mobile)

<KLRWS Public Hearing\_03.15.pdf>

**From:** [Bibb Hubbard](#)  
**To:** [Nimmer, Kim](#)  
**Subject:** Please DENY PERMIT for additional withdrawal from Kerr Lake  
**Date:** Monday, April 20, 2015 7:51:54 PM

---

Dear Ms. Nimmer:

I hope it is in your power to **deny a permit** for an additional withdrawal of 10 million gallons of water per day from Kerr Lake. Many other lake owners and I did not know of any hearings on this subject and I object strenuously to additional substantial withdrawals of water from Kerr/ Buggs Island Lake.

My family has owned property at Kimball Point for many decades, having been one of the first residents of the lake. We have built family traditions around the lake and it has become the fabric of our family, holding us all together. We plan on keeping it in our family for generations to come.

It is astonishing that this proposal has serious consideration under the auspices that 10 million gallons of water a day won't have a negative impact. How in the world anyone can think that such a withdrawal will have no impact is beyond understanding.

Please do respond to my request.

Sincerely  
Bibb Hubbard  
159 Oak Tree Lane  
Manson, NC 27553

202.286.9819  
[bibbhubbard27@gmail.com](mailto:bibbhubbard27@gmail.com)

21 West Windsor Avenue  
Alexandria, VA 22301

**From:** [Doug Hughes](#)  
**To:** [Nimmer, Kim](#)  
**Subject:** Inter-basin water transfer opposition  
**Date:** Wednesday, April 22, 2015 12:50:31 PM

---

Hi Kim,

My name is Doug Hughes and I am writing to convey my opposition to the increased inter-basin water transfer of 10mgd from Kerr Reservoir. I reside on Lake Gaston and served on the Board of the Lake Gaston Association for 10 years, the last three of which were as Association President. We as a Board were diametrically opposed to transferring any more water out of the Roanoke River Basin. I now serve as the Vice Chairman of the Northampton County Economic Development Commission and Secretary/Treasurer of the Upper Coastal Plains Council of Governments. As such, I am acutely aware of the importance of keeping the water within the Roanoke River Basin to the future economic development of our currently depressed region. I was a stakeholder during the early discussions of this transfer and opposed it then as I do now. It is especially disconcerting to me that a full Environmental Impact Study was not conducted as originally promised. It is my sincere hope that the water that is so vital to our Roanoke River Basin communities and their futures is not further reduced by the needs and wants of those who are expanding beyond their capacity.

Thank you,

*Doug Hughes*

(252) 308-6840  
146 Windy Pt. Cir.  
Henrico, NC 27842

**From:** [Ben Hunter](#)  
**To:** [Nimmer, Kim](#)  
**Subject:** Withdrawal Permit  
**Date:** Monday, April 20, 2015 8:56:01 AM

---

Ms. Nimmer,

I am writing to let you know that I am one of the many opposing any permits for further withdrawal from Kerr Lake. I am from Warren County and have property on Kerr Lake. This is of great concern.

Thank you,

Ben Hunter

**From:** [Mary Hunter](#)  
**To:** [Nimmer, Kim](#)  
**Subject:** Opposed  
**Date:** Saturday, April 18, 2015 11:22:25 AM

---

I am a property owner at Kerr Lake and am OPPOSED to the proposed additional withdrawal of water from that lake.

Mary Hunter  
210 Plummer Street  
Warrenton, NC 27589  
252 257-2321



March 31, 2015

Good Evening:

My name is Victor Hunt. I am a County Commissioner representing Warren County, NC. I stand this evening to speak on behalf of the Warren County Board of Commissioners and the customers served by Warren County Public Utilities to encourage approval of the Kerr Lake Regional Water System's (KLRWS) Interbasin Transfer (IBT) Certificate application. The requested IBT Certificate is critical to the System's ability to meet future demands for water in its service area without adversely impacting Kerr Lake's water levels. The KLRWS serves three bulk customers, the Cities of Henderson and Oxford, and Warren County. Warren County owns and operates a countywide public water system that supplies water to the Towns of Warrenton and Norlina in addition to citizens residing throughout the unincorporated areas of the County.

Warren County, designated by the NC Department of Commerce as a Tier One economically distressed jurisdiction, is one of few small rural counties in the State of NC that owns and operates a public water system. It is through our longtime partnership with KLRWS that we are able to provide this critical resource for our citizens. Our ability to distribute the water supply that has already been approved by the US Army Corps of Engineers throughout our service area, which includes the Roanoke River and Fishing Creek Basins, is critical if we are to be able to meet the projected demands of our collective customers through 2045.

The U.S. Army Corps of Engineers allocated water to the KLRWS in 2005, and we are advised that modeled results have shown no perceptible impact from the projected transfers, including projected impacts on lake levels during extreme drought, low flow duration, and hydropower. The most recent modeling, which looked at water needs in the entire river basin in Virginia and North Carolina for the next 50 years, which includes previously approved transfers, has confirmed that there is no perceptible impact on Kerr Lake water levels, downstream lake water levels, or downstream flows in the Roanoke River Basin. These modeling results showing no changes in lake levels are important to Warren County because we value the roles Kerr Lake and Lake Gaston play in our local community and economy. Warren County has the largest share of shoreline of all

the five counties in NC and Virginia that Lake Gaston borders. According to the NC Department of Commerce, in 2013 tourism expenditures in the Lake Gaston Region contributed over \$280 million to the economy.

It has been stated that when compared to the total volume of water in Kerr Lake, the amount requested to be transferred will be a drop in the bucket. An approved IBT Certificate will allow the water to be transferred between basins to ensure the System is able to serve its customers in Vance, Granville, Warren and Franklin Counties.

In Warren County we are continuing to expand our public water system throughout the County; however, without the additional capacity we will not have sufficient water to meet our future needs. As the economy continues to rebound from the most recent recession, Warren County is excited to be a part of the Triangle North regional economic development project along with Vance, Granville and Franklin Counties. As part of this project, each of our counties has a Triangle North industrial park. However, without sufficient water capacity, it will be very difficult to attract viable industries to locate in our individual parks.

In closing, I urge the approval of the requested IBT Certificate for the KLRWS. The Partners in this regional water system (Henderson, Oxford and Warren County) have worked together for over 40 years to ensure the availability of clean and affordable drinking water for our citizens. We pledge to continue to work together to cost-effectively meet the water demands of our unique service areas. The favorable consideration and approval of the KLRWS IBT Certificate application is greatly appreciated.

Sincerely,

Victor Hunt  
Warren County Commissioner &  
KLRWS Advisory Board Member

Warren County Board of Commissioners  
P.O. Box 619  
Warrenton, NC 27589  
Tele: 252-257-3115

**From:** [Rita Hurst](#)  
**To:** [Nimmer, Kim](#)  
**Subject:** IBT  
**Date:** Sunday, April 19, 2015 5:13:39 PM

---

I reside along Gaston Lake in Virginia and am a member of LGA. I strongly oppose Interbasin transfers.

Rita Hurst

## Transcription for Public Hearing – Kerr Lake IBT (3-31-2015)

**Angela Hyson** – I would like to start off by asking a question first. Would you raise your hand if you are just a public citizen and not an elected official? I'm glad to see a few people here. I think pretty much every topic has been pretty much touched on I'm here to speak tonight though as a resident of Kerr Lake. I have lived on Kerr Lake since 1947 in one capacity or another. I was there when it was a river, then I saw the dam finished in 1952 and 53. I have seen the lake fluctuate quite a bit. Mr. Manning, I commend you and you have my sympathy, I agree with you whole heartedly. I heard someone speak and say that Gaston Lake, how many dollars it brings and so forth. That's a whole different game; there are measures in place to protect Gaston Lake. Gaston Lake does not fluctuate. Kerr Lake does fluctuate. A couple summers ago we couldn't put a boat in the lake or take a boat out because there was not a ramp on Kerr Lake that was above a level where you could launch a boat. Issued by the Army Corp of Engineers, saying no boats could go in or be taken out. That was just a couple of summers ago, and then we had a drought. Everyone knows about the drought of 2002, you tell me what else is going to happen when you take out approximately 15 more million gallons of water. I don't think anybody in here can play God and say the water is going to stay at a certain level. Do I feel for people who need water, yes I do. There is a study going on now at the University of North Carolina that was started in 2013 saying that water is going to be the number one issue in this country. Folks, I would like to see everybody have water, but I want to have water in the Roanoke River Basin. I want to protect our own first. The original agreement was between Oxford, Henderson and Warren County. Do I want to see Henderson, Oxford and Warren County succeed? Absolutely, I'm a Warren County resident and have been my whole life. Do I want to see us though at the price of sacrificing our water and giving it to other people at our own expense, no I do not. There comes a time when you have to access your own water resources in your own given area. Sometimes we may not like it, sometimes it may require spending additional money, but if that additional money has to be spent, it has to be spent. If that means tapping into the Tar River, if that means tapping into the Neuse River by other sources, in these other regions so be it. We cannot supply the world with water. I looked at the map as it was being displayed by Mr. Brady, and I thought the way this is going approximately ¼ of NC is being supplied by the Kerr Lake reservoir. There is something wrong with that picture, something very wrong with that picture. So, we come to what do we do. Well, the point is, we have to do something. Alternative 2, I looked at it and by the way I read all 170 pages of this booklet yesterday and today because I wanted to be thoroughly informed to see what in the world had taken so long to write this proposal. The IBT, we could do that just as it's written. What is it going to do? It's going to require additional water supply, it is going to affect the lake levels and it is going to have an effect on the hydropower impacts in the Roanoke River Basin.

So what are we doing? Henderson is turning around and paying for the KLRWS and compensating the U.S. Corp of Engineer way on up in the millions of dollars started in 2005. Why in the world are we compensating the U.S. Corp of Engineers for hydropower when the original purpose of the whole lake was for flood control and to create hydropower? We could avoid the IBT by doing an alternative that means constructing a new water supply reservoir on the Tar River. It has been recommended that we could also draw water with an off line storage in the Tar River Basin, maybe in a granite pit. I read several suggestions of how it can be done. Or perhaps Alternative 5, minimize the inter-basin transfer by discharging treated waste water back up to the ORB. There are opportunities for reclaimed water. Living on the Roanoke River Basin, I want to see the water come back, even if it is used water. Thank you – End

**From:** [John Hyson](#)  
**To:** [Nimmer, Kim](#)  
**Subject:** Kerr Lake IBT  
**Date:** Thursday, April 30, 2015 9:57:09 AM  
**Attachments:** [scan0002.pdf](#)  
[scan0004.pdf](#)

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Ms. Nimmer:

We are attaching several files of Petitions against this Inter Basin Transfer, that principally authorizes the movement of large amounts of water from the poor counties along the Roanoke River Basin to transfer it to the richer counties near Raleigh. (Due to the file sizes there will be one more email following this with additional Petitions.) These are the signatures - and phone numbers per your suggestion - of hundreds of citizens of this region from all elements of our society who find the suggestion of more of the Roanoke River Basin waters being taken from us objectionable. We are aware that several hundred more Petitions and messages have been sent to you in recent days.

We also find objectionable the manner in which our representative government - both locally and in Raleigh - betrayed our trust to manipulate the legal process already established to deceptively remove the Environmental Impact Statement, public notification, and public input elements of this Permit procedure. What is grievous about this is that powers-to-be apparently wanted this so badly they felt this overt deception was worth their political risk.

It is our hope that these volumes of objection might if not to have an effect to cancel this Permit, at least to convince those behind the scenes and on the Environmental Management Committee to open the procedure as it was designed for public disclosure and review before put in place.

## Transcription for Public Hearing – Kerr Lake IBT (3-31-2015)

**John Hyson** - Thank you and I appreciate the opportunity to be here. We're just private citizens and we live up on Kerr Lake. Somebody told me one time that zoning is what other people can tell you what you can do with your property. Inter-basin transfer is what other people can do with your water. I think that we're taking water from Kerr Lake and sending it to other regions such as Bunn and Youngsville and Lake Royal and Creedmoor and it's been pointed out we're taking away from Halifax county and other people down river too. All of these people from Youngsville, etc. are within minutes of Falls Lake there's a lot of water down there they've mentioned that their property growth has been an output from Wake County. So, even though we're not talking about water going directly to Wake County we're talking about water going to the bedrooms of Wake County. It's all much in the same. The other thing is we've all probably heard the laws have been redacted after the fact if we say this is all in motion and by law, no other communities are going to be able to tack onto this system we might just have a ruling come down that, oh yeah we changed our mind and these communities can tack on with this system. There goes more water into Wake County etc. I'm concerned too cause I might be simple minded, but right now we're taking 4.64 million gallons a day out of Kerr Lake. We've got the capacity or the permit to take up to 20 million gallons a day. How are we going to sustain the lake levels? Where is more water going to come from to increase 15 million gallons input in Kerr Lake per day? Kerr Lake was originally made for flood control and hydroelectric production there was no mention in the initial establishment of Kerr Lake that it would be involved in inter-basin transfer. Kerr Lake has become a financial boom to those counties that adjoin the lake. We have restaurants, we have businesses, we have motels that all prosper. We have employment that prospers by the benefit of all those establishments that have that tourism. We had the opportunity a few years ago to go out and visit Lake Mead, that's also a lake that was established back in the 30's for flood control and hydroelectric production. That white line you see is the cleared rock when that lake has been sucked down 60 feet in water level to supply the likes of Las Vegas and Los Angeles. We've all heard in the paper where Los Angeles is trying to figure a way to get a pipeline to the Mississippi River. So we need to protect the water that we have I'm seeing this as the beginning of a direction. The reason that people want to take water out of Kerr Lake as we've heard is to help provide growth in other counties, in more rural areas. Well, we've got rural areas too, we've got counties that need employment, we've got counties that need growth, we've got counties that need industrial and real estate growth and we've got the water. So, let's let the growth happen here in Vance County, Warren County, Mecklenburg County, Granville County, and let the people that work in Wake County worry about where they're going to get their water. - End

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PUBLIC PETITION

SAVE OUR LAKE WATER

We the below signed are in opposition to the Permit to increase 10MGD of Inter Basin Transfer from the Roanoke River Basin to the Tar/Neuse River Basins because of the cumulative impact on Kerr Lake/Buggs Island Lake water levels, as well as undisclosed impacts on the environment, the economy, and tourism in Vance and Warren Counties as well as Southside Virginia.

To: [Kim.Nimmer@ncdenr.gov](mailto:Kim.Nimmer@ncdenr.gov)

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 1 Laura Peace 252-492-0574  
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 1 Patricia McDaniel 252-492-7791  
 1 Veronica Long 252-492-1646  
 1 Julia Finch<sup>252</sup> 438-4404  
 1 Edna Hughes<sup>252</sup> 492-1031  
 1 Betty Callen<sup>252</sup> 438-7602  
 1 Corinne F. Parkman<sup>252</sup> 598-0440

APRIL 30<sup>th</sup>, 2015 DEADLINE

(Your name and phone number are required for your opinion to count)

PUBLIC PETITION

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Lo Ann M. Hamer 438-6024 /

Rae Hennagan 252 438-5303 /

APRIL 30<sup>th</sup>, 2015 DEADLINE

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3

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Lauren Murvine

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APRIL 30<sup>th</sup>, 2015 DEADLINE

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To: Kim Nimmer@ncdenr.gov

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Troy Adams - 252-456-3367

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APRIL 30<sup>th</sup>, 2015 DEADLINE

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PUBLIC PETITION

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To: Kim.Nimmer@ncdenr.gov

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 Barbara Matt - Chesapeake  
 Cindy Whitley - Wsn. N.C.  
 James Whitley

APRIL 30<sup>th</sup>, 2015 DEADLINE

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11

# PUBLIC PETITION

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To: \*Kim.Nimmer@ncdenr.gov

\* NCDENR 521 N. Salisbury St. 1611 Mail Service Center Raleigh, NC 27699-1611

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|                  |               |   |
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| Tim Ennis        | 252-820-9311  | / |
| Nancy Schuerch   | 252-767-9295  | / |
| Rebecca Mayfield | 252-820-9311  | / |
| Judy Brooks      | 804-265-7325  | / |
| Melby B. Jones   | 804 751-8677  | / |
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| Lisa Aycock      | (252)257-2639 | / |
| Ch. Rain         | (252)343-3495 | / |
| Kelvin Clay      | (919)514-9179 | / |
| Amanda H. Aycock | (252)257-2639 | / |

APRIL 30<sup>th</sup>. 2015 DEADLINE

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15

# PUBLIC PETITION

## SAVE OUR LAKE WATER

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\*Kim.Nimmer@ncdenr.gov

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| Peggy Mulchi 434-636-5377           |                            |
| Teresa Jones 252-820-9367 /         |                            |
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| Bernard Johnson 257-1279            |                            |
| Demond John Andrew (252) 915-0641 / |                            |
| McCoin Brown 257-6670               |                            |
| James B. Soode Jr. 252-257-1452 /   |                            |
| Yolanda Harburne 456-3492 /         |                            |
| Deborah Speer 252-879-0009          |                            |
| Ken Speer 252-879-0009              |                            |
| Nick Baepiane 257 4400 /            |                            |
| Star Alston 202 526-5014            |                            |

APRIL 30<sup>th</sup>, 2015 DEADLINE

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14

PUBLIC PETITION

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To: \*Kim.Nimmer@ncdenr.gov

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Rhonda Wheeler "

James Simmons 434-535-8329

Ram Jones 919-853-3415

Jimmy Brown 919-809-2556

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Charles & Melba 301-805-9578

Norman Austin 919-690-8695

Jinda Mitman 610 333 5266

Rhe Mitman 484. 241. 7384

Mary Hunter 252 257-2321

Janette Kemball 252 456-2653

Ellen Kemball APRIL 30<sup>th</sup>, 2015 DEADLINE

(Your name and phone number are required for your opinion to count)

9

PUBLIC PETITION

SAVE OUR LAKE WATER

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\* NCDENR 521 N. Salisbury St. 1611 Mail Service Center Raleigh, NC 27699-1611

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| Woody King 252-432-6879 9258  | /                          |
| Christine Troeger 252-257-958 | /                          |
| Mary Alice Carter             | /                          |
| Christine Carter 252-456-2412 | /                          |
| Deborah Ferruccio             | 252-257-2604               |
| JACQUELINE SILVER             | 252-204-8716               |
| Laura Bennie Davis            | 257-1460                   |
| Dionnet Redwell               | 919 931 3625               |
|                               | /                          |
|                               | /                          |
|                               | /                          |
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APRIL 30<sup>th</sup>, 2015 DEADLINE

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27

PUBLIC PETITION

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To:

\*Kim.Nimmer@ncdenr.gov

\* NCDENR 521 N. Salisbury St. 1611 Mail Service Center Raleigh, NC 27699-1611

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NAME / PHONE NUMBER

|                                 |                                   |
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| Colin Walker 252 879 0039       | Jack Callahan 252-257-1961        |
| Meredith Valentine 252-257-2730 | Susan Blaylock 252-257-4226       |
| Mary A. Bennell 252-257-1426    | Alice Plowden 252-257-5560        |
| Shyllis Hicks King 252-257-3962 | Duane Putman 252-257-5560         |
| John Pomeoy 919 727 2065        | Joynt Serls 252-257-3284          |
| Swan Carrels 252 907 5095       | Shannon Serls 252-257-3284        |
| Michael Pugh 919 616 8427       | Arnello Wilson 252-213-0786       |
| Peg Fessenden 216-303-9462      | Saul E. Will (252) 820-5486       |
| Gayle Davis 252-492-6835        | David Corbo (252) 915-745         |
| Scenie Brake 252 438 5319       | Smoleff 252 425-5419              |
| Don Brake 252 432 2479          | John Patrick Beyn 252 425 5437    |
| Wayne Polunin 252-257-3835      | Hillman B. Poythress 252 213 4398 |
| Edward Paynter 252-213-1673     |                                   |

APRIL 30<sup>th</sup>, 2015 DEADLINE

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18

PUBLIC PETITION

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\* NCDENR 521 N. Salisbury St. 1611 Mail Service Center Raleigh, NC 27699-1611

| <u>NAME / PHONE NUMBER</u>            | <u>NAME / PHONE NUMBER</u>                |
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| Shawn Green 433-1620                  | Sherry Thompson 879-0077                  |
| Justin Green                          | McDault Mike 252- <del>247</del> 432-5348 |
| Gyonne L. Long 257-3440               | Lury Milon 252-232-5647                   |
| Demetra                               | Annie Reed 257-9351                       |
| Rene 252- <del>224</del> 252-244-8529 | DeLisha Milon 252-244-8529                |
|                                       | De Angelia Milon 252-336-4506             |
|                                       | Robby Ross 252-257-3497                   |
|                                       | Anne Ross 252-257-4697                    |
| Lynmar B Henderson 252-257-2249       |                                           |
| Deborah Phillips 252-879-0022         |                                           |
| Bonnie S. Holstrom 204-5648           |                                           |
| Linda Hunt 252-343-3950               |                                           |

APRIL 30<sup>th</sup>, 2015 DEADLINE

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21

# PUBLIC PETITION

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To:

\*Kim.Nimmer@ncdenr.gov

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 Tony Barnette 252 425 1103 /  
 Nancy Paschall 252-213-1879 /  
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 Elsie Miller (252) 456-1083 /  
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Charles J. Varga  
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 Audrey D. [Signature]  
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 William [Signature]  
 252-438-2671  
 Pam Varga  
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 [Signature]  
 Linda Rivers 252-456-3249  
 Sheila Brown 252-257-2979

APRIL 30<sup>th</sup>, 2015 DEADLINE

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28

PUBLIC PETITION

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| 2. Esther E. Alford 252-438-4941           | 19. Natalie Williams-Cole (252) 762-1662                      |
| 3. Thomas Eggleston - 252.492.0349         | 20. Angel Pan (252) 598-0274                                  |
| 4. Irene McFall - 252-436-2677             | 21. Terrell Hays (252) 598-0274                               |
| 5. Carrie McFall - Henderson, N.C.         | 22. Charles Ferris 930 Buckhorn St. Henderson, N.C. 27536     |
| 6. Laura Hedrick 252-492-4913              | 23. Dan Williams - 924-Buckhorn Henderson, N.C. 252-438-8321  |
| 7. Pam Grissom 252-430-1118                | 24. Margaret A. Hines                                         |
| 8. Thomas Grissom 252-430-1118             | 25. Margaret Stevenson 953 Buckhorn St. Henderson, N.C. 27536 |
| 9. Mildred Ross 252-438-5413               | 26. Helen Clark 252-492-0377                                  |
| 10. Ralph F. Ross 252-438-5413             | 27. James Clark 252-492-0377                                  |
| 11. Betty Smith 904 Avis Lane 252-438-8885 | 28. Hattie Renee 252-438-8321                                 |
| 12. Cherie Parker 482-252-8202             |                                                               |
| 13. Dull Hank 252 492 6863                 |                                                               |
| 14. Mary G. Smith 252-438-7508             |                                                               |
| 15. Bettie B. Tucker 252-492-1871          |                                                               |
| 16. Harold S. Tucker 252-492-1871          |                                                               |
| 17. Welaris Lurker 252-492-7495            |                                                               |

APRIL 30<sup>th</sup>, 2015 DEADLINE

(Your name and phone number are required for your opinion to count)

7

PUBLIC PETITION

SAVE OUR LAKE WATER

*We the below signed are in opposition to the Permit to increase 10MGD of Inter Basin Transfer from the Roanoke River Basin to the Tar/Neuse River Basins because of the cumulative impact on Kerr Lake/Buggs Island Lake water levels, as well as undisclosed impacts on the environment, the economy, and tourism in Vance and Warren Counties as well as Southside Virginia.*

To: Kim.Nimmer@ncdenr.gov

NCDENR 521 N. Salisbury St. 1611 Mail Service Center Raleigh, NC 27699-1611

NAME / PHONE NUMBER

NAME / PHONE NUMBER

Judith L / 252-204-9040

Faye Rivera /

Maxine West /

Cartes Newell /

Claudia Hernandez (52) 432-9799

Catene Williams 586-5520

Bettie Pasco, RN - 586-1155

/

/

/

/

/

APRIL 30<sup>th</sup>, 2015 DEADLINE

(Your name and phone number are required for your opinion to count)

3

PUBLIC PETITION

SAVE OUR LAKE WATER

*We the below signed are in opposition to the Permit to increase 10MGD of Inter Basin Transfer from the Roanoke River Basin to the Tar/Neuse River Basins because of the cumulative impact on Kerr Lake/Buggs Island Lake water levels, as well as undisclosed impacts on the environment, the economy, and tourism in Vance and Warren Counties as well as Southside Virginia.*

To: [Kim.Nimmer@ncdenr.gov](mailto:Kim.Nimmer@ncdenr.gov)

NCDENR 521 N. Salisbury St. 1611 Mail Service Center Raleigh, NC 27699-1611

NAME / PHONE NUMBER

NAME / PHONE NUMBER

Jerry Stallings 252-456-3072 /

William E. Taylor 252-213-5354 /

Denise R. Feagie 252-257-2292 /

/

/

/

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APRIL 30<sup>th</sup>, 2015 DEADLINE

(Your name and phone number are required for your opinion to count)

15

PUBLIC PETITION

SAVE OUR LAKE WATER

We the below signed are in opposition to the Permit to increase 10MGD of Inter Basin Transfer from the Roanoke River Basin to the Tar/Neuse River Basins because of the cumulative impact on Kerr Lake/Buggs Island Lake water levels, as well as undisclosed impacts on the environment, the economy, and tourism in Vance and Warren Counties as well as Southside Virginia.

To: [Kim.Nimmer@ncdenr.gov](mailto:Kim.Nimmer@ncdenr.gov)

NCDENR 521 N. Salisbury St. 1611 Mail Service Center Raleigh, NC 27699-1611

NAME / PHONE NUMBER

NAME / PHONE NUMBER

Edward E. Jones 252-456-4506  
 Sharon Turner 252-432-0858 /  
 Jennifer Turner 252-432-0858  
 Jane Cottrell (252) 438-2009 /  
 Shannon Cottrell (919) 339-4698 /  
 Peggy Clayton (252) 492-1724 /  
 Neal Clayton (252) 492-1724 /  
 Bob Dutton (252) 459-4142 /  
 Mary V. Dutton (252) 459-4142 /  
 Lou Vann 252-459-4142 /  
 Tom Vann 252-459-4142 /  
 Robert Ray (919) 693-2131 /  
 Walter Seal 252-492-8977 /  
 Ke Jackson 336-504-1958 /  
 Russell Jackson 252-438-4394 /

APRIL 30<sup>th</sup>, 2015 DEADLINE

(Your name and phone number are required for your opinion to count)

14

PUBLIC PETITION

SAVE OUR LAKE WATER

We the below signed are in opposition to the Permit to increase 10MGD of Inter Basin Transfer from the Roanoke River Basin to the Tar/Neuse River Basins because of the cumulative impact on Kerr Lake/Buggs Island Lake water levels, as well as undisclosed impacts on the environment, the economy, and tourism in Vance and Warren Counties as well as Southside Virginia.

To:

NCDENR 521 N. Salisbury St. 1611 Mail Service Center Raleigh, NC 27699-1611

NAME / PHONE NUMBER

NAME / PHONE NUMBER

Robert Harris 252-492-3981  
Robert Smith III 252-425-4555  
Kristi Ellington 252-430-0824

MIKE Cophill - 252-226-2146

Faye Durham 252-767-6218  
Buttany Old 252 430-4210

Patsy K 252-430-2110

Vickie Martin 252-430-2538  
Zula Satterwhite 430-2368

Kenneth Bell 252-264-7513

John Ellyt 252-492-2332  
Margaret Clary 252-456-9199

Cherish Holman 252-213-9098  
Tara A. Toward 252-438-2643

PUBLIC PETITION

SAVE OUR LAKE WATER

We the below signed are in opposition to the Permit to increase 10MGD of Inter Basin Transfer from the Roanoke River Basin to the Tar/Neuse River Basins because of the cumulative impact on Kerr Lake/Buggs Island Lake water levels, as well as undisclosed impacts on the environment, the economy, and tourism in Vance and Warren Counties as well as Southside Virginia.

To:

NC DENR 521 N. Salisbury St. 1611 Mail Service Center Raleigh, NC 27699-1611

NAME / PHONE NUMBER

NAME / PHONE NUMBER

Daniel Norwood - 252-492-2848  
Stacey Norwood Cottrill 252-430-1741

Robert T Norwood 252-492-2848

Bonnie Norwood - 252-432-1385

James A Roengrant 919-517-9040

Tracy Morgan 252-431-0477

Pete Bachu 252-425-3357

James A Morgan Sr. 252-431-0477

Beverly Satterwhite 252-438-2944

Quila Wood 252-438-8877

Lawanda Anderson (252) 436-4055

Robert Dickerson 492-3724

Dreg Patterson 252-438-2944

Charles Taylor 492-2289

Jane Haws 252-492-3981

Barbara Norwood 492-2289

Laura Davis 252-287-4132

Glenn Norwood 492-0403

Jane Denton - 257-1867

Julie Moseley 425-1730

Cary Denton - 213-066

Brian C. Moseley 425-1730

Wesley Rivers - 213-8811

Gant Green 492-4460

Cindy Mustian - 213-89339

Bryant A Green 492-4460

Dale Mustian - 213-5495

Carlton Norwood 432-4412

James Rain - 919-986-1297

Bill With - 252-456-3787

APRIL 30<sup>th</sup>, 2015 DEADLINE

(Your name and phone number are required for your opinion to count)

PUBLIC PETITION

23

SAVE OUR LAKE WATER

We the below signed are in opposition to the Permit to increase 10MGD of Inter Basin Transfer from the Roanoke River Basin to the Tar/Neuse River Basins because of the cumulative impact on Kerr Lake/Buggs Island Lake water levels, as well as undisclosed impacts on the environment, the economy, and tourism in Vance and Warren Counties as well as Southside Virginia.

To:

\*Kim.Nimmer@ncdenr.gov

\* NCDENR 521 N. Salisbury St. 1611 Mail Service Center Raleigh, NC 27699-1611

| NAME / PHONE NUMBER          | NAME / PHONE NUMBER            |
|------------------------------|--------------------------------|
| Cheryl King 257-3714,        | Bernie Blackwell 919-971-972   |
| Randy King 432-5330          | Lisa Blackwell 213-0000        |
| Hazel Lloyd 492-1800         | Debbie Fowler 252-204-1202     |
| Wilbert Vaughan 879-0044     | 157 Redgecree 257-4210         |
| Gladys Evans 438-3842,       | Wade Schuster 492-4687         |
| Melvin Evans 438-3842        | Sherry Schuster 492-4687       |
| Wade Schuster 492-4687       | 1 Cora L. Mercy (252) 676-3165 |
| Sherry Schuster 492-4687     | 1 Ofie May 252-257-1986        |
| Annie Matthews 456-4277      | 1 Frances May 252-257-1986     |
| Jane Matthews Jr. 456-4277   |                                |
| Foyce Vaughan 213-6885       |                                |
| Drew Saul 431-0838           |                                |
| Ferrell Saul 431-0838        |                                |
| Torre Caporatta 252-470-0051 |                                |

APRIL 30<sup>th</sup>, 2015 DEADLINE

(Your name and phone number are required for your opinion to count)

23

PUBLIC PETITION

SAVE OUR LAKE WATER

We the below signed are in opposition to the Permit to increase 10MGD of Inter Basin Transfer from the Roanoke River Basin to the Tar/Neuse River Basins because of the cumulative impact on Kerr Lake/Buggs Island Lake water levels, as well as undisclosed impacts on the environment, the economy, and tourism in Vance and Warren Counties as well as Southside Virginia.

To:

\*Kim.Nimmer@ncdenr.gov

\* NCDENR 521 N. Salisbury St. 1611 Mail Service Center Raleigh, NC 27699-1611

| <u>NAME / PHONE NUMBER</u> | <u>NAME / PHONE NUMBER</u> |
|----------------------------|----------------------------|
| Candy Stevens 213-1685     |                            |
| Joy Talley 267-0339        | /                          |
| Bruce Tingen 438-7461      |                            |
| David Tingen 438-7461      | /                          |
| Billy Davidson 438-7970    |                            |
| Dianne Davidson 438-7970   | /                          |
| Robbie Talley 767-9133     | /                          |
| April Collins 213-2893     |                            |
| Charles Collins 492-7708   | /                          |
| Shelia Tingen 438-5344     |                            |
| Danny Stanton 438-5344     | /                          |
| Chay Collins 430-9014      |                            |
| Chay Collins 430-9014      | /                          |
| Danny Wilkerson 492-1648   |                            |
| Sandra Wilkerson 492-1648  | /                          |
| Johnny Dickson 492-6585    |                            |
| Jatna Detry 492-5150       | /                          |
| Tony Hill 432-1924         |                            |
| Pete Schuster 456-3310     | /                          |
| Ray Pagan 252-431-4537     |                            |
| Anna Walker 492-2701       | /                          |
| Kathy Nowood 252-204-1849  |                            |
| Dennis Nowood 252-204-1849 |                            |

APRIL 30<sup>th</sup>, 2015 DEADLINE

(Your name and phone number are required for your opinion to count)

PUBLIC PETITION

13

SAVE OUR LAKE WATER

To:

Kim.Nimmer@ncdenr.gov

NCDENR 521 N. Salisbury St. 1611 Mail Service Center Raleigh, NC 27699-1611

NAME / PHONE NUMBER

NAME / PHONE NUMBER

Jan Reese 252-456-3304  
 Jay Lee 252-456-2274  
 Joe Reese 252-204-7823  
 Marvin Reese 252-432-0688  
 Wanda Thompson 213-4002  
 Vickie Norwood 252-456-3473  
 Wendy Covel 252-456-1188  
 Warren Lee 252-456-3166  
 Will ~~Strong~~ 252-456-2970  
 Charles Henderson Jr 492-5731  
 Permeas Bullock  
 456-2257  
 Tracy Lee Brinkley  
 456-2316

Crystal Jones (804)497-1708  
 Duane Joubert 804 387-8432  
 Angela Ellington 252-456-0031

456-3304

APRIL 30<sup>th</sup>, 2015 DEADLINE

(Your name and phone number are required for your opinion to count)

252-456-5236

14

PUBLIC PETITION

SAVE OUR LAKE WATER

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To: [Kim.Nimmer@ncdenr.gov](mailto:Kim.Nimmer@ncdenr.gov)

NCDENR 521 N. Salisbury St. 1611 Mail Service Center Raleigh, NC 27699-1611

NAME / PHONE NUMBER

NAME / PHONE NUMBER

|                                    |                                 |
|------------------------------------|---------------------------------|
| Teresa Wimbrow 252-767-2270 /      | Everlyna Newood (252) 456-2563  |
| Jeanne Bolter (252) 456-4328       | Mildred Schuster (252) 456 5060 |
| Geraldine P. Curtis (252) 456-2637 |                                 |
| Larry J. Tharber 252-456-6577      |                                 |
| Mary Helen Thissom /               |                                 |
| 252-492-1836 /                     |                                 |
| Milton Thissom /                   |                                 |
| 252-492-1836 /                     |                                 |
| Gene Curtis (252) 456-4360         |                                 |
| Melinda Curtis (252) 456-4360      |                                 |
| Ashley Usher (252) 425-7864        |                                 |
| Jessie Curtis (252) 432-6188 /     |                                 |
| Jonny Clary 456-2037               |                                 |
| Hugh Clary /                       |                                 |

APRIL 30<sup>th</sup>, 2015 DEADLINE

(Your name and phone number are required for your opinion to count)

PUBLIC PETITION

SAVE OUR LAKE WATER

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To: *\*Kim.Nimmer@ncdenr.gov*

\* NCDENR 521 N. Salisbury St. 1611 Mail Service Center Raleigh, NC 27699-1611

NAME / PHONE NUMBER

NAME / PHONE NUMBER

*Lynn Dines Harper / 252-432-5638*

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APRIL 30<sup>th</sup>, 2015 DEADLINE

(Your name and phone number are required for your opinion to count)

PUBLIC PETITION

SAVE OUR LAKE WATER

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To:

\*Kim.Nimmer@ncdenr.gov

\* NCDENR 521 N. Salisbury St. 1611 Mail Service Center Raleigh, NC 27699-1611

NAME / PHONE NUMBER

NAME / PHONE NUMBER

*[Handwritten signature]*

*(919) 269-2050*

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APRIL 30<sup>th</sup>, 2015 DEADLINE

(Your name and phone number are required for your opinion to count)

8

PUBLIC PETITION

SAVE OUR LAKE WATER

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To: *North Carolina Department of Environment and Natural Resources*

NC DENR 521 N. Salisbury St. 1611 Mail Service Center Raleigh, NC 27699-1611

NAME / PHONE NUMBER

NAME / PHONE NUMBER

*Jesse Stem 252-438-4429*

*Vallie, Stem 252-438-4420*

*Justin Holtzman 252-226-2509*

*Jamie Holtzman 252-456-3359*

*Bobby P. ... 252-257-4076*

*Virginia M. Owen 252-438-4800*

*Susan Helfman 492-4763*

*Jill Helfman 492-4763*

/  
/  
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/  
/  
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APRIL 30<sup>th</sup>, 2015 DEADLINE

(Your name and phone number are required for your opinion to count)

16

PUBLIC PETITION

SAVE OUR LAKE WATER

We the below signed are in opposition to the Permit to increase 10MGD of Inter Basin Transfer from the Roanoke River Basin to the Tar/Neuse River Basins because of the cumulative impact on Kerr Lake/Buggs Island Lake water levels, as well as undisclosed impacts on the environment, the economy, and tourism in Vance and Warren Counties as well as Southside Virginia.

To:

NC DENR 521 N. Salisbury St. 1611 Mail Service Center Raleigh, NC 27699-1611

NAME / PHONE NUMBER

NAME / PHONE NUMBER

Julia Person -252-915-7775 /

Randy Martin  
Jas Benhille

Charles Hayes 252-702-3145 /

Kevin Norwood -252-438-2643 /

Leroy Reau /

Fernando Baquias /

Erick Galeana /

Jhena Wans 252 425 3997 /

Mary Rooker - 252-492-6374 /

Kelbrie A Kildander 252-201-6373 /

Mike Roberson /

Alexandra Thomas 252-213-5403 /

Carmen Bass 252 213-1875 /

Natasha Epps 252-492 7474 /

Walter Foster /

**RESOLUTION 15-31**  
**SUPPORTING THE KERR LAKE REGIONAL WATER SYSTEM**  
**PROPOSED INTERBASIN TRANSFER PETITION**

**WHEREAS**, the Henderson City Council identified eight Key Strategic Objectives (KSO) at its 2015 Strategic Planning Retreat; *and*

**WHEREAS**, one of the Key Strategic Objectives is addressed by this request as follows:  
*KSO 5: To Provide Reliable, Dependable and Environmentally Compliant Infrastructure Systems; and*

**WHEREAS**, the City of Henderson is located within portions of the Roanoke and Tar River basins; *and*

**WHEREAS**, the Kerr Lake Regional Water System has already obtained an allocation of storage in Kerr lake from the US Army Corps of Engineers equivalent to an average annual water demand of 20 mgd; *and*

**WHEREAS**, the customers of the Kerr Lake Regional Water System have projected reasonable increases in water demand based on moderate growth projections and continued efforts to replace unreliable and often contaminated groundwater supplies with reliable treated water; *and*

**WHEREAS**, the total of all the Kerr Lake Regional Water System Partners and wholesale customers is projected to require an average annual water demand of almost 14 mgd and 17.4 mgd on an average basis in a maximum calendar month by 2045, which is less than the allocation provided by the US Army Corps of Engineers; *and*

**WHEREAS**, the projected interbasin transfer in 2045 is 14.2 mgd on an average basis in a maximum calendar month and exceeds the current grandfather IBT of 10 mgd; *and*

**WHEREAS**, the proposed interbasin transfer can occur using existing pipeline infrastructure already in place; *and*

**WHEREAS**, the alternatives to the transfer all have substantially higher cost, significant potential environmental impacts from pipeline and other infrastructure construction, with no identified benefit to the environment; *and*

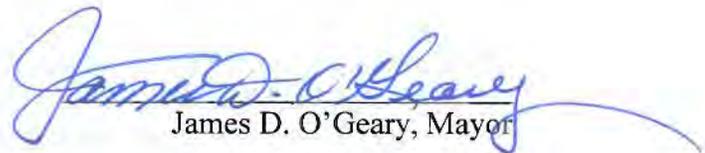
**WHEREAS**, the effects of the proposed transfer in the Roanoke River basin on key indicators of lake levels, dam outflow and hydropower generation have been analyzed and shown to have no detrimental impacts; *and*

**WHEREAS**, wastewater facilities treating wastewater from use of this additional water have previously had impacts analyzed and have already received their permits; *and*

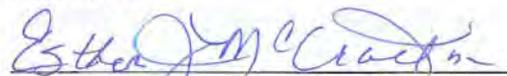
**WHEREAS**, the local governments have required program elements to minimize potential impacts of growth:

***NOW, THEREFORE BE IT RESOLVED BY THE HENDERSON CITY COUNCIL THAT IT DOES HEREBY SUPPORT*** the requested interbasin transfer request of the Kerr Lake Regional Water System as an efficient means to meet the projected water demands of the region it serves.

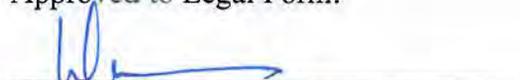
The foregoing Resolution 15-31, introduced by Council Member Inscoe and seconded by Council Member Daeke, on this the 23<sup>rd</sup> day of March 2015 and having been submitted to a roll call vote, was approved by the following votes: YES: Rainey, Peace-Jenkins, Daeke, Simmons, Daye, Coffey and Inscoe. NO: None. ABSTAIN: None. ABSENT: Kearney.

  
James D. O'Geary, Mayor

***ATTEST:***

  
Esther J. McCrackin, City Clerk

Approved to Legal Form:

  
D. Rix Edwards, City Attorney

*Reference: Minute Book 43, p 485*

**From:** [kbrantley7@nc.rr.com](mailto:kbrantley7@nc.rr.com)  
**To:** [Nimmer, Kim](#)  
**Subject:** Inter-Basin Water Transfer from Kerr Lake  
**Date:** Tuesday, April 28, 2015 8:52:05 AM

---

As a taxpaying citizen of the City of Henderson and Vance County and a former citizen of Warren County, I strongly oppose the proposed additional inter-basin transfer of water out of Kerr Lake by the KLRWS. This process has been faulty from the start and if approved, the outcome would be disastrous for our area. I urge you to take action against this transfer.

Thank you for your consideration.

Karney F. Brantley  
110 Westlake Drive  
Henderson, NC 27536

**From:** [Cliff Jackson](#)  
**To:** [Nimmer, Kim](#)  
**Subject:** Kerr Lake IBT  
**Date:** Thursday, April 30, 2015 7:07:00 AM

---

Dear Ms. Nimmer:

We, the people of the Kerr Lake region and the downstream Roanoke River Basin, depend on Kerr Lake water for our lives, our economic sustenance, and for the future prosperity of our region. We are categorically opposed to the proposed Interbasin Transfer (IBT) for the following reasons:

First, the IBT would permanently adversely impact the Kerr Lake region's water use and economic potential by diverting more than the remainder of Kerr Lake Regional Water System's (KLRWS) future water allotment. The IBT would send much-needed water from our "distressed, low-growth" Tier 1 counties to "prosperous, high-growth" Tier 2 and 3 counties in the Tar and Neuse River basins.

KLRWS was allotted by the U.S. Army Corps of Engineers a cap of 20 million gallons of water per day (MGD) for the three partners who own the system -- the City of Henderson, Warren County, and Oxford, which sell water within the immediate area to towns such as Norlina, Warrenton, Stovall and Creedmoor.

Because the proposed IBT would divert more than the KLRWS's allotted future water use, it necessarily follows that the Kerr Lake water transfer must be viewed for what it is, ill-conceived and discriminatory, aimed at robbing water from a Tier 1 poor minority region and sending it south to prosperous communities for the economic development that should actually occur in our Kerr Lake region where the water is and where the economic need is most desperate.

Citizens of the Kerr Lake region and Roanoke River Basin will never accept the IBT and the resulting mud flats during our periodic droughts. The economic value of our water is critical for our tourism, our future development, and indeed, the future prosperity of our region.

Thank you,  
Clifton Jackson  
323 Hamme Mill Rd  
Warrenton NC 27589

## Nimmer, Kim

---

**From:** Chuck Jacobs <chuck@jacobssells.com>  
**Sent:** Thursday, April 16, 2015 3:34 PM  
**To:** Nimmer, Kim  
**Subject:** Opposition to inter-basin water transfer

Kim, please add my name to those in opposition to any inter basin transfers from Kerr/gaston that is not returned.

Chuck jacobs

**From:** [Ann Johnson](#)  
**To:** [Nimmer, Kim](#)  
**Subject:** Inter Basin Transfer from the Roanoke River Basin to the Tar/Neuse River Basins  
**Date:** Monday, April 20, 2015 2:59:42 PM

---

NCDENR 521 N. Salisbury St. 1611 Mail Service Center Raleigh, NC 27699-1611

We the below signed are in opposition to the Permit to increase 10MGD of Inter Basin Transfer from the Roanoke River Basin to the Tar/Neuse River Basins because of the cumulative impact on Kerr Lake/Buggs Island Lake water levels, as well as undisclosed impacts on the environment, the economy, and tourism in Vance and Warren Counties as well as Southside Virginia.

Dan Johnson 863-450-2765

Ann Johnson 863-450-2765

We were living here full time and now spend summers in this area.

Thank you for your concerns.

Dan and Ann Johnson

**From:** [Sharon Johnson](#)  
**To:** [Nimmer, Kim](#)  
**Subject:** Kerr Lake withdrawal  
**Date:** Monday, April 20, 2015 2:14:12 PM

---

Please DENY the request to withdraw water from Kerr Lake. I have lived on the lake for over 50 years, & enough is enough!!! That was not the intent.

Sharon P Johnson, GRI,CRB,QSC,SFR  
Associate Broker, Century 21 Clary & Associates, Inc.  
231 E Atlantic St./P O Box 300  
South Hill, VA 23970  
434-447-8740 (o)  
434-774-5741 (m)  
434-447-5858 (f)  
Licensed Associate Broker in Commonwealth of Virginia  
Licensed Broker in State of North Carolina  
<http://www.c21clary.com/sharon.html>

**From:** [Robin Jones](#)  
**To:** [Nimmer, Kim](#)  
**Subject:** Deny permit for further withdrawal of water from Kerr Lake  
**Date:** Monday, April 20, 2015 10:43:50 AM

---

Dear Kim,

My husband and I live near Palmer Point on Kerr Lake. We grew up boating and skiing on the lake since we were 5 years old. We want to save the lake for our grandchildren.

Please deny further water withdrawal from Kerr Lake!!!!

Thank you,

Robin Jones  
161 Carters Lane  
Boydton, VA 23917

Robin B. Jones, CPA, CFP  
Creedle, Jones, and Alga, PC  
PO Box 487  
828 N Mecklenburg Avenue  
South Hill, VA 23970  
434-447-7111 phone  
434-447-5793 fax

*This message may contain confidential and/or proprietary information and is intended for the person/entity to whom it was originally addressed. Any use by others is strictly prohibited.*



## WARREN COUNTY BOARD OF COMMISSIONERS

602 WEST RIDGEWAY STREET  
POST OFFICE BOX 619  
WARRENTON, NORTH CAROLINA 27589

Barry Richardson, Chairman  
Jennifer Jordan, Vice Chairman  
Bertadean Baker  
Tare Davis  
Victor Hunt

Linda T. Worth  
County Manager

Angelena Kearney-Dunlap  
Clerk to the Board

April 9, 2015

Ms. Kim Nimmer  
Division of Water Resources  
1611 Mail Service Center  
Raleigh, NC 27699-1611

RE: Resolution in Support of Kerr Lake Regional Water  
System Proposed Interbasin Transfer Petition

Dear Ms. Nimmer:

The Warren County Board of Commissioners during their April 6, 2015 regular meeting, by unanimous vote approved the above referenced Resolution.

Feel free to contact this office if further assistance is needed.

Sincerely,

A handwritten signature in black ink, appearing to read "Angelena Kearney-Dunlap", is written over a large, stylized oval scribble.

Angelena Kearney-Dunlap  
Clerk to the Board

cc: Macon Robertson, Public Utilities

akd

attachments (2)

Phone: (252) 257-3115  
Fax: (252) 257-5971  
www.warrencountync.com



# WARREN COUNTY BOARD OF COMMISSIONERS

602 WEST RIDGEWAY STREET  
POST OFFICE BOX 619  
WARRENTON, NORTH CAROLINA 27589

Barry Richardson, Chairman  
Jennifer Jordan, Vice Chairman  
Bertadean Baker  
Tare Davis  
Victor Hunt

Linda T. Worth  
County Manager

Angelena Kearney-Dunlap  
Clerk to the Board

## County of Warren

## State of North Carolina

### Resolution in Support of Kerr Lake Regional Water System Proposed Interbasin Transfer Petition

**WHEREAS**, the Warren County Public Water System is located within portions of the Roanoke , Tar and Fishing Creek River basins; and

**WHEREAS**, the Kerr Lake Regional Water System, of which Warren County is a Partner, has already obtained an allocation of storage in Kerr Lake from the US Army Corps of Engineers equivalent to an average annual water demand of 20 MGD; and

**WHEREAS**, the Kerr Lake Regional Water System has projected reasonable increases in water demand based on moderate growth projections and continued efforts to replace unreliable and often contaminated groundwater supplies with reliable treated water; and

**WHEREAS**, the total of all the Kerr Lake Regional Water System Partners and wholesale customers is projected to require an average annual water demand of almost 14 MGD and 17.4 MGD on an average basis in a maximum calendar month by 2045, which is less than the allocation provided by the US Army Corps of Engineers; and

**WHEREAS**, the projected interbasin transfer in 2045 is 14.2 MGD on an average basis in a maximum calendar month and exceeds the current grandfathered Interbasin Transfer Certificate of 10 MGD; and

**WHEREAS**, the proposed interbasin transfer can occur using existing pipeline infrastructure already in place; and

**WHEREAS**, the alternatives to the transfer all have substantially higher cost, significant potential environmental impacts from pipeline and other infrastructure construction, with no identified benefit to the environment; and

**WHEREAS**, the effects of the proposed transfer in the Roanoke River basin on key indicators of lake levels, dam outflow and hydropower generation have been analyzed and shown to have no detrimental impacts; and

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Fax: (252) 257-5971  
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**WHEREAS**, wastewater facilities treating wastewater from use of this additional water have previously had impacts analyzed and have already received their permits; and

**WHEREAS**, the local governments have required program elements to minimize potential impacts of growth.

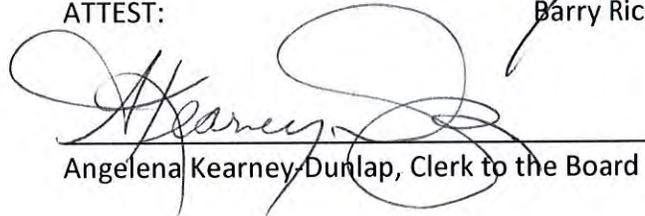
**NOW THEREFORE**, be it hereby resolved that:

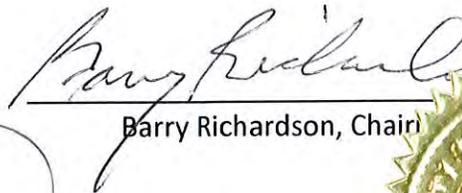
The **Warren County Board of Commissioners** supports the requested interbasin transfer request of the Kerr Lake Regional Water System as an efficient means to meet the projected water demands of the region it serves.

**Adopted this the 6<sup>th</sup> day of April, 2015.**

WARREN COUNTY BOARD OF COMMISSIONERS

ATTEST:

  
Angelena Kearney-Dunlap, Clerk to the Board

  
Barry Richardson, Chair





# WARREN COUNTY BOARD OF COMMISSIONERS

602 WEST RIDGEWAY STREET  
POST OFFICE BOX 619  
WARRENTON, NORTH CAROLINA 27589

Barry Richardson, Chairman  
Jennifer Jordan, Vice Chairman  
Bertadean Baker  
Tare Davis  
Victor Hunt

Linda T. Worth  
County Manager

Angelena Kearney-Dunlap  
Clerk to the Board

**COPY OF MINUTES FROM THE REGULAR MONTHLY MEETING  
OF THE WARREN COUNTY BOARD OF COMMISSIONERS  
HELD ON MONDAY, APRIL 6, 2015 AT 6:00 PM IN THE  
WARREN COUNTY ARMORY CIVIC CENTER, MEETING ROOM,  
WARRENTON, NC.**

The meeting was called to order by Chairman Barry Richardson. Other commissioners present: Bertadean Baker, Tare Davis, Victor Hunt and Jennifer Jordan. Others in attendance: County Manager Linda T. Worth, Finance Director Gloria Edmonds and County Attorney Karlene Turrentine.

On motion of Commissioner Baker, which was seconded by Commissioner Hunt and duly carried by unanimous vote, Resolution In Support of the Kerr Lake Regional Water System Interbasin Transfer Petition was adopted with Chairman Richardson authorized to sign same.

A true and correct copy.

Witness my hand and official seal this 8<sup>th</sup> day of April 2015.



(SEAL)

A handwritten signature in black ink, appearing to read "A. Kearney-Dunlap".  
Angelena Kearney-Dunlap, Clerk

Phone: (252) 257-3115  
Fax: (252) 257-5971  
www.warrencountync.com

**From:** [John Keefe](#)  
**To:** [Nimmer, Kim](#)  
**Subject:** Kerr Lake  
**Date:** Tuesday, April 21, 2015 9:07:49 PM

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Ms. Nimmer,

I'm writing to register my strong opposition to the proposed increase in the drawdown of water from the Roanoke River. The economic impact will be disastrous for those of us who depend on the long term attractiveness of Kerr Lake.

Sincerely,

John B. Keefe  
Bracey, VA

## Nimmer, Kim

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**From:** KEMAN46@aol.com  
**Sent:** Thursday, April 16, 2015 4:02 PM  
**To:** Nimmer, Kim  
**Subject:** IBT

I oppose any additional Inter Basin Transfer of water from the KLRWP, I believe that each basin should stand on its own. I bought property out in the country and on Lake Gaston to be away from the larger populated areas of our state for many reasons, one of which is I do not think that areas like Raleigh-Durham has adequate plans in place for future growth and is making little or no effort to conserve resources such as water. California has found out that water is not an unlimited resource and efforts should be made locally to better use this resource that they already control before any action is taken that further encourages the lack of respect (and waste) of resources.

**From:** [Robert C. Kemp](#)  
**To:** [Nimmer, Kim](#)  
**Subject:** Kerr Lake IBT  
**Date:** Monday, April 27, 2015 5:48:56 PM

---

Dear Ms. Nimmer:

This letter is in regard to the proposed Kerr Lake Inter Basin Transfer that is to be considered on July 9, 2015. I understand April 30, 2015 is the last day to voice an opinion on this subject.

I grew up in Warren County and have lived in Vance County for many years. I have spent a lot of time at Kerr Lake and have seen what it looks like when the water level is low and I can tell you "it's not pretty" and it is not functional. If this IBT that has been proposed happens the level of the lake will eventually be lower and lower as the years go by. Kerr Lake is this area's biggest asset and having a good water supply will help this area get industries and boost this economy. Vance and Warren are two of the poorest counties in the state.

Tourism and fishing tournaments bring people from all over the southeast to Kerr Lake. They camp at the lake, stay in local motels, use our restaurants, buy our gas and return year after year. If we lose them our economy would become even worse than it is.

It would be a sad day if people were unable to enjoy Kerr Lake the way it is used now.

Please deny this transfer.

Thank you.

Olivia Kemp

Robert C. Kemp, Jr.  
Post Office Box 1549  
Henderson, NC 27536

April 30, 2015

Ms. Kim Nimmer  
NCDENR  
512 N. Salisbury Street  
1611 Mail Service Center  
Raleigh, NC 27699-1611

RE: Kerr Lake Inter-Basin Water Transfer

Dear Ms. Nimmer,

It is my understanding that today, April 30, 2015, is the last day that any type of written response or otherwise can be given regarding this Inter-Basin transfer of water. The perceived secrecy is very appalling in the manner that notices or lack of local notices have been given. It should have been required so many public notices in so many days. It was amazing that in the Vance County area no one knew about this request, such as: The Vance County Tourism Board, Realtors, and other businesses directly impacted by withdrawal in later years. As an example, Lake Mead in Arizona where Las Vegas and Los Angeles have been taking "a little bit" of water every day for the last 30 years. Lake Mead is now at 40 percent capacity and being turned into a mud hole.

As you are aware, Kerr Lake is a flood controlled lake level, unlike Lake Gaston which is held at a set level by the US Corp of Engineers. If this drawdown is allowed, any drought conditions could potentially take Kerr Lake to a disastrously low level in the next millennium. The "Powers That Be" need to reconsider and allow more time for public opinion to be expressed and extend this July deadline when the decision is to be made at the Commission meeting. I understand that the coffers of Kerr-Lake Regional System (Henderson mainly) will benefit from this drawdown, but I feel that is short-

sighted for our future of Vance County and any potential growth for the area. Another industry that would suffer in our area is the tourism business. The loss of water because of lake conditions could adversely affect this business and associated businesses. Real estate values would be effected in the three county area.

I do not know what is fact and what is fiction due to the secrecy surrounding this certificate. From my understanding, Franklin County and the Tar River Basin areas will get the lion's share of the proposed 20 million gallons per day (MGD). They are the ones that will economically benefit from this drawdown. However, Vance, Granville and Warren Counties will be dealt a death blow in any attempt to draw potential industry to the area because they would not have the water capacity to support big water users (ex: big pharmaceutical companies).

Again, we want to emphasis that our area would suffer because of the loss of tourism (boaters, campers, fishing tournaments) which affect our hotels, motels and bed-and-breakfast owners, as well as the restaurants, marinas, and shopping centers. Realtors in the Kerr Lake area would have no potential buyers interested in property bordering a potential mud hole.

If this information is indeed fact, then I am adamantly opposed to this certificate.

Sincerely,

A handwritten signature in black ink, starting with a large, stylized capital 'R' and ending with a long horizontal flourish.

Robert C. Kemp, Jr.  
252-492-0028

PUBLIC PETITION

SAVE OUR LAKE WATER

We the below signed are in opposition to the Permit to increase 10MGD of Inter Basin Transfer from the Roanoke River Basin to the Tar/Neuse River Basins because of the cumulative impact on Kerr Lake/Buggs Island Lake water levels, as well as undisclosed impacts on the environment, the economy, and tourism in Vance and Warren Counties as well as Southside Virginia.

To:

NCDENR 521 N. Salisbury St. 1611 Mail Service Center Raleigh, NC 27699-1611

NAME / PHONE NUMBER

NAME / PHONE NUMBER

David Harty

/ 492-5078

Cam Pennington

James D.V.K

/ 492-2546

Charles Collier

/ 492-7708

Walter Fisher

/

~~Almond~~

/

Milton D Ross

/ 438-3561

John Stokes

/ 492-7458

Jessime L. Ayscough

/ 438-4836

Billy Edmond

/ 438-7091

Thomas Riley

/ 438-5233

Shury T. Jones

/ 492-7458

/

APRIL 30<sup>th</sup>, 2015 DEADLINE

(Your name and phone number are required for your opinion to count)

PUBLIC PETITION

SAVE OUR LAKE WATER

*We the below signed are in opposition to the Permit to increase 10MGD of Inter Basin Transfer from the Roanoke River Basin to the Tar/Neuse River Basins because of the cumulative impact on Kerr Lake/Buggs Island Lake water levels, as well as undisclosed impacts on the environment, the economy, and tourism in Vance and Warren Counties as well as Southside Virginia.*

To:

NCDENR 521 N. Salisbury St. 1611 Mail Service Center Raleigh, NC 27699-1611

NAME / PHONE NUMBER

NAME / PHONE NUMBER

Phillip J. Hall 336-597-1178/

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APRIL 30<sup>th</sup>, 2015 DEADLINE

(Your name and phone number are required for your opinion to count)

**From:** [Allen Kimball](#)  
**To:** [Nimmer, Kim](#)  
**Subject:** Kerr Lake Water  
**Date:** Saturday, April 18, 2015 1:20:43 PM

---

Deny! Deny! Pleas deny the Triangle water authorities the permit to draw water from Kerr Lake to aid in development of Triangle activities by moving water to a different river basin.

For those of us that were original land owners and had to give up our property for the creation of Kerr Lake, to now come along and want us to give up millions of gallons of water for development of areas outside the Kerr Lake River Basin is adding insult to injury.

Deny the permit!!!

Allen Kimball

Sent from my iPad

PUBLIC PETITION

SAVE OUR LAKE WATER

*We the below signed are in opposition to the Permit to increase 10MGD of Inter Basin Transfer from the Roanoke River Basin to the Tar/Neuse River Basins because of the cumulative impact on Kerr Lake/Buggs Island Lake water levels, as well as undisclosed impacts on the environment, the economy, and tourism in Vance and Warren Counties as well as Southside Virginia.*

To: Kim.Nimmer@ncdenr.gov

NCDENR 521 N. Salisbury St. 1611 Mail Service Center Raleigh, NC 27699-1611

NAME / PHONE NUMBER

NAME / PHONE NUMBER

Venae Williams /  
919-669-5652

Doug King /  
919-422-4657

/

/

/

/

/

/

/

APRIL 30<sup>th</sup>, 2015 DEADLINE

(Your name and phone number are required for your opinion to count)

**From:** [Donald Kohl](#)  
**To:** [Nimmer, Kim](#)  
**Subject:** Kerr Lake Water Basin  
**Date:** Friday, April 24, 2015 5:00:18 PM

---

We'd like to express our deep concern regarding the proposed transfer of water from the Kerr Lake Basin. Kerr Lake is the only hope any any improvement in the Vance County area. the Recreational draw as well as the potential to entice industry to this area is dependent on a reliable amount off water in this Basin. Before this proceeds any further, a thorough impact study needs to be conducted as well as Public Hearings on the matter.

It appears that this has been a less than transparent effort on the part of the City Council and other decision makers.

Sincerely Concerned,

Alice E. Kohl  
Donald N. Kohl  
280 Puddle stone lane  
Henderson

PUBLIC PETITION

SAVE OUR LAKE WATER

We the below signed are in opposition to the Permit to increase 10MGD of Inter Basin Transfer from the Roanoke River Basin to the Tar/Neuse River Basins because of the cumulative impact on Kerr Lake/Buggs Island Lake water levels, as well as undisclosed impacts on the environment, the economy, and tourism in Vance and Warren Counties as well as Southside Virginia.

To: \*Kim.Nimmer@ncdenr.gov

\* NCDENR 521 N. Salisbury St. 1611 Mail Service Center Raleigh, NC 27699-1611

@

NAME / PHONE NUMBER

NAME / PHONE NUMBER

Gregory Peice 919-796-1855  
Gary Peice 919 669 2672

John Kennedy 919-879-6580  
Joshua Sanders 919-368-8504

Jammy Langston 919-669-8366

W Pace 919-915-0110

Danny Langston 919-669-8367

Doris Proctor (919) 989-6753

Garth Langston 919-320-5392

Ledith J. Woodard 919-956-4321

Lain James 919-969-5143

Alvin T. Parker 919-965-8797

Kaye Thorne 919-631-7551

Adam Hager 919-625-2700

Ray James 919-332-5975

Christin Conner 919 625-3117

Pat James 919-601-7057

April Phillips 252-205-5250

Eula Lee Dutton 919-934-2211

Morgan Langston 919-631-1158

Jamie Jones 919-631-7550

Joseph Cox 919-610-5906

Jarvis J. Bass 919-284-2181

APRIL 30<sup>th</sup>, 2015 DEADLINE

Roger D. Sutton 919-284-4288

(Your name and phone number are required for your opinion to count)

PUBLIC PETITION

SAVE OUR LAKE WATER

*We the below signed are in opposition to the Permit to increase 10MGD of Inter Basin Transfer from the Roanoke River Basin to the Tar/Neuse River Basins because of the cumulative impact on Kerr Lake/Buggs Island Lake water levels, as well as undisclosed impacts on the environment, the economy, and tourism in Vance and Warren Counties as well as Southside Virginia.*

To: [Kim.Nimmer@ncdenr.gov](mailto:Kim.Nimmer@ncdenr.gov)

NCDENR 521 N. Salisbury St. 1611 Mail Service Center Raleigh, NC 27699-1611

NAME / PHONE NUMBER NAME / PHONE NUMBER

Gina Lawrimore / (434)262-6724

Denis Medlin / (434)447-8740

Cyndi Evans / (434) 447-8740

/

/

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/

APRIL 30<sup>th</sup>, 2015 DEADLINE

(Your name and phone number are required for your opinion to count)

**From:** [Jay Leonard](#)  
**To:** [Nimmer, Kim](#)  
**Subject:** Inter Basin Water Transfer (IBT)  
**Date:** Friday, April 17, 2015 10:33:48 AM

---

We support LGA's position on IBT. It is essential that the promised Lake Gaston water level be maintained for Lake Gaston property owner's and recreational users of the lake.

Jay Leonard  
Linda Leonard  
1489 Golf Course RD  
Littleton, NC 27850



**Environmental Law & Policy Clinic  
Box 90360  
Durham, NC 27708-0360**

Ryke Longest, Director  
Telephone: (919) 613-7169  
Toll Free: (888) 600-7274  
Fax: (919) 613-7262

February 20, 2015

Harold Brady  
DENR-Division of Water Resources  
Planning Branch  
1611 Mail Service Center  
Raleigh, NC 27699-1611  
By fax (919) 733-3558 and  
e-mail to: [harold.m.brady@ncdenr.gov](mailto:harold.m.brady@ncdenr.gov)

RE: Environmental Assessment of Proposed KLRWS Interbasin Transfers

Dear Harold,

On behalf of the Roanoke River Basin Association, we submit the following comments regarding the environmental document submitted by Kerr Lake Regional Water System and the responsive document issued by Tom Fransen, "Finding of No Significant Impact," and submitted to the North Carolina's Department of Administration for review in the Clearinghouse. In that notice, your office directed that comments regarding the environmental document be directed to you by February 20, 2015. Based upon review of the materials presented as well as readily available peer-reviewed literature, this document does not adequately meet the "hard look" standard required by the North Carolina Environmental Policy Act.

Please note that these comments, while critical of the documents prepared and the FONSI which resulted from them, are not directed at the substance of the request presented. RRBA has a long history of holding state and federal agencies accountable for thoroughly analyzing the impacts of transfers of water from the Roanoke River Basin. Pointing out the deficiencies in the supporting documents does not necessarily indicate RRBA's ultimate opposition to the underlying request, as these are separate and distinct issues.

**I. This IBT Proposal Should have Triggered the Preparation of an Environmental Impact Statement not an Environmental Assessment**

In North Carolina, Inter-Basin Water Transfers ("IBTs"), or large surface water transfers between river basins, are regulated by the Environmental Management Commission ("EMC") under General Statute § 143-215.22L. This regulation requires that all proposed IBTs exceeding 2 million gallons per day ("mgd"), calculated as a daily average of a calendar month and not to exceed 3,000,000 gallons per day in any one day, first require EMC certification and approval. Certification is additionally required for

March 30, 2015

Page 2

water transfer increases by 25% or more above the average daily amount during the period between July 1, 1992 and July 1, 1993, and for increases to transfers permitted pursuant to N.C. GEN. STAT. §162A-7. This law requires an environmental impact statement be prepared for every proposed transfer of water from one major river basin to another for which a certificate is required.

The first step in the certification process is the Notice of Intent (“NOI”) to file an IBT Petition. In February 2009, the Kerr Lake Regional Water System (“applicant”) submitted a NOI to Request an IBT Certificate to the EMC. The proposed project, as revised in 2014, will transfer 14.2 mgd, calculated as the average day of a (maximum) calendar month, from the Roanoke River IBT basin to the Tar River (10.7 mgd), Fishing Creek (1.7 mgd), and Neuse River (1.8 mgd) IBT basins. According to the applicant, this transfer volume represents the projected 2045 demands of the existing customer base and anticipated growth of the service area. The applicant has a current grandfathered IBT of 10 mgd, calculated as a maximum day, which is equivalent to 9.7 mgd, calculated as the average of a calendar month.

Then, the EMC shall conduct a study of the environmental impacts for the proposed IBT. The law provides that

“The study shall meet all of the requirements set forth in N.C. GEN. STAT. 113A-4 and rules adopted pursuant to N.C. GEN. STAT. 113A-4. 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.”

See N.C. Gen. Stat. §143-215.22L(d) (emphasis added).

According to law, every IBT from one major river basin to another requires an Environmental Impact Statement (“EIS”). The source and the receiving river basins of the proposed project are within the seventeen “major river basin” of North Carolina. N.C. GEN. STAT. §143-215.22G(1). For this reason, we maintain that an EIS should have been prepared for this proposal, rather than an Environmental Assessment as the document was captioned.

Any EIS produced in compliance with this section must include:

- (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; and

(3) A description of measures to mitigate any adverse impacts that may arise from the proposed interbasin transfer.

See N.C. Gen. Stat. §143-215.22L(d)

Also, IBT certificate applicants are subject to the general EIS requirements of SEPA (N.C. GEN. STAT. § 113A 4), which is supplementary to the requirements of other statutes. One of the enumerated purposes of SEPA is “to require agencies of the State to consider and report upon environmental aspects and consequences of their actions involving the expenditure of public moneys or use of public land.” See N.C. Gen. Stat. § 113A-2. SEPA’s provisions “provide a mechanism by which all affected State agencies raise and consider environmental factors of proposed projects.” In re Environmental Management Com. etc., 53 N.C. App. 135, 141 (N.C. Ct. App. 1981) “The primary purpose of both the state and federal environmental statutes is to ensure that government agencies seriously consider the environmental effects of each of the reasonable and realistic alternatives available to them.” Orange County v. North Carolina Dep’t of Transp., 46 N.C. App. 350, 383 (N.C. Ct. App. 1980).

To effectuate SEPA’s stated policy, the General Assembly restricted state agency actions by imposing procedural requirements. SEPA’s procedural requirements were supplemental to any other requirements set by law. The General Assembly recognized that absent procedural requirements, agencies could not be held accountable by the people, who hold the rights. The very caption of this section of SEPA explains its purpose: “Provisions Supplemental.” As the law provides:

“The policies, obligations and provisions of this Article are supplementary to those set forth in existing authorizations of and statutory provisions applicable to State agencies and local governments. In those instances where a State agency is required to prepare an environmental document or to comment on an environmental document under provisions of federal law, the environmental document or comment shall meet the provisions of this Article.”

See N.C. Gen. Stat. § 113A -10.

SEPA has provisions specifying when an environmental document is not required. There is a list of actions which are exempted from coverage. Had the General Assembly intended to allow the state agency to not prepare a document when a federal document was being prepared, it would have added that to the list found in SEPA. See N.C. Gen. Sta. § 113A-12 (List of exempted actions, like water lines, shellfish leases and driveway connections to public roads).

Thus any IBT related environmental document prepared for EMC review of an IBT request must also address these standard issues:

“(a) The environmental impact of the proposed action;

- (b) Any significant adverse environmental effects which cannot be avoided should the proposal be implemented;
  - (c) Mitigation measures proposed to minimize the impact;
  - (d) Alternatives to the proposed action;
  - (e) The relationship between the short term uses of the environment involved in the proposed action and the maintenance and enhancement of long term productivity;
  - (f) Any irreversible and irretrievable environmental changes which would be involved in the proposed action should it be implemented.”
- See N.C. Gen. Stat. § 113A-4

For this reason, we contend that the submitted “Environmental Assessment” does not satisfy the requirements of North Carolina’s law. We recognize that the Division and the applicant appear to be operating under the assumption that a section contained in last year’s regulatory grab bag bill supports their decision. See N.C. Sess. Law 2014-120, Section 37. This change in the law, does not exempt IBTs from bi-state Army Corps of Engineer’s reservoirs from SEPA. Rather the section states that an EIS isn’t required “unless it would otherwise be required by Article 1 of Chapter 113A.” Any transfer of the size represented here must trigger requirement of EIS under SEPA. Even though the current proposed increase is significantly smaller than originally proposed, the Roanoke River Basin is an environmentally sensitive area. The reduced scope of the request is direct proof that applying complete SEPA review to IBT requests works as the drafters intended. By assembling better information on the actual demand, the proposal now more accurately represents projected demand, and many construction related impacts have been avoided.

SEPA’s reason for existence is to cause agencies to examine the environmental impacts before they make a decision. Like the National Environmental Policy Act (“NEPA”), the SEPA statute is aimed to produce better decisions and to arm citizens with procedural tools to hold agencies accountable for making those decisions transparently. The predicate for requiring an EIS is the significance of the potential environmental impacts. Until and unless an agency studies the impacts and reports their study the public cannot be satisfied that the agencies are seriously considering the environmental effects of each alternative available to them. Orange County v. North Carolina Dep’t of Transp., 46 N.C. App. 350, 383 (N.C. Ct. App. 1980).

Even if the decision to do an EIS instead of an EA was discretionary, it is clear that an IBT of this size would trigger the requirements of N.C. Gen. Stat. § 113A-4. The General Assembly itself has declared the importance of all issues involving the allocation and use of waters within the Roanoke River Basin, especially as they relate to Kerr Lake. “The State reserves and allocates to itself, as protector of the public interest, all rights in the water located in those portions of Kerr Lake and Lake Gaston that are in the State.” See N.C. Gen. Stat. § 143-215.22B. Thus these water rights are state property and their use and allocation are subject to protection by the North Carolina Environmental Policy Act, above and beyond the statutory minimum provisions set forth in N.C. Gen. Stat. §143-215.22L.

## **II. This Environmental Document was Inadequate to Support a Finding of No Significant Impact**

To support a Finding of No Significant Impact (“FONSI”), we expect to see analysis of all the direct impacts of the proposal as well as the cumulative and secondary impacts of the proposal itself. Major secondary impacts of this proposal were not analyzed, creating undue segmentation of the analysis and major gaps. The North Carolina Environmental Policy Act requires that agencies take a hard look before making a decision on a proposal. This environmental document does not provide such a hard look. The following examples support our contention.

The Water Treatment Plant (“WTP”) expansion’s potential impacts on wildlife were not discussed in section 5. Construction expanding the WTP’s capacity to 20 mgd depends on the approval of this IBT request. Lack of construction in this proposal is cited as the reason behind the conclusion of no direct impacts on species, yet no details are provided as to any ramifications of the WTP expansion-related construction (section 2.1). Further, these expansions will also certainly spur growth and development and the secondary impacts of this development are not assessed at all. No discussion of the impact of “smaller water line construction” or its impacts on species is provided in section 5.

Analytical evidence and sufficient discussion are lacking throughout section 5 to support the conclusions that there are no impacts on federally listed species (sections 5.12 and 5.13). The conclusions of no direct impacts or no significant secondary and cumulative impacts are made without supporting information behind the claims. For example, although 5.12.1 states that no significant changes will occur in lake elevation, lake and basin hydrology, or water quality in the source basin, there is no data provided as to which levels are considered significant for the involved species. Secondly, in section 5.12.2, minimal impacts to water quality and sensitive species aquatic habitat in the Tar River basin aren’t further defined or explored. As a third example, section 5.13.1 fails to include any consideration of downstream effects on species in the source basin. Analysis in sections 5.12 and 5.13 do not specifically address the endangered and threatened species present including: Roanoke Logperch, Southern Bog Turtle, James Spiny mussel, Dwarf Wedgemussel, Tar River Spiny mussel, Small Whorled Pogonia, Small-anthered Bittercress, and Smooth Coneflower that are discussed in 4.12 and 4.13. In addition, the statement that “water quantities needed to protect aquatic habitats would remain available” in the Secondary and Cumulative Impacts section of 5.12.1 does not meet the standard of a hard look. Further definition of these quantities and discussion of how their appropriate levels would be monitored and ensured is missing. Without the data and analysis, this is simply an unsupported conclusion. The Environmental Assessment’s Section 5’s examination of the proposed IBT’s impacts on shellfish, fish, wildlife, natural vegetation and their habitat lacks any real supporting detail to merit the FONSI.

March 30, 2015

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In sum, our comment is that the environmental document provided is legally insufficient to meet the requirements of SEPA and factually to support a FONSI. These defects must be corrected for a thorough and accurate analysis of impacts. This is the minimum that is required to achieve the statute's objectives of informed public debate that results in an informed decision.

Very Truly Yours,

/s/

Ryke Longest



**Environmental Law & Policy Clinic**  
**Box 90360**  
**Durham, NC 27708-0360**

Ryke Longest, Director  
Telephone: (919) 613-7169  
Toll Free: (888) 600-7274  
Fax: (919) 613-7262

April 30, 2015

Kim Nimmer  
DENR-Division of Water Resources  
Planning Branch  
1611 Mail Service Center  
Raleigh, NC 27699-1611  
By fax (919) 733-3558 and  
e-mail to: [kim.nimmer@ncdenr.gov](mailto:kim.nimmer@ncdenr.gov)

RE: Comments of RRBA on Proposed KLRWS Interbasin Transfers

Dear Harold,

On behalf of the Roanoke River Basin Association, we submit the following comments regarding the interbasin transfers proposed by Kerr Lake Regional Water System (Kerr Lake IBT) and the underlying environmental assessment and responsive document issued by Tom Fransen, "Finding of No Significant Impact." RRBA has a long history of holding state and federal agencies accountable for thoroughly analyzing the impacts of transfers of water from the Roanoke River Basin. Based upon review of the materials presented as well as readily available peer-reviewed literature, the application and supporting documents for the Kerr Lake IBT do not meet the standards set forth under North Carolina law. We would also note that the materials presented do not even currently reflect the proposed plans as they still show a pipeline to Creedmoor. Accordingly the Environmental Management Commission should reject the proposal and send it back for preparation of an Environmental Impact Statement to assess the impacts of the project as required by law.

#### **I. United States Fish and Wildlife Service Correctly Identified Defects in the Environmental Assessment Prepared to Support the IBT**

The U.S. Fish and Wildlife Service (FWS) was invited to comment on the draft environmental assessment (EA) developed for this proposal. Substantively, these comments focused on the need for increased analysis of secondary and cumulative impacts in the EA, and recommended the development of an environmental impact statement (EIS) in order to adequately address secondary and cumulative impacts. FWS suggested that analysis of secondary and cumulative impacts should include discussion of the NC Wildlife Resource Commission's (WRC) guidance for mitigation of secondary and cumulative impacts. The U.S. Fish and Wildlife Service (FWS) was invited to

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comment on the draft environmental assessment (EA) developed for this proposal. See Letter from Pete Benjamin, Field Supervisor, Raleigh Field Office, U.S. Fish and Wildlife Service to Harold Brady, NCDENR Division of Water Resources (March 16, 2015) [hereinafter Letter]. Substantively, these comments focused on the need for increased analysis of secondary and cumulative impacts in the EA, and recommended the development of an environmental impact statement (EIS) in order to adequately address secondary and cumulative impacts. FWS suggested that analysis of secondary and cumulative impacts should include discussion of the NC Wildlife Resource Commission's (WRC) guidance for mitigation of secondary and cumulative impacts.

FWS interest in the Kerr Lake IBT stems from the fact that several state and federally listed endangered, threatened, and candidate species are located in these watersheds. In fact, three of these species occur only in the Neuse and Tar-Pamlico drainages. The FWS is concerned that secondary and cumulative impacts of the IBT would adversely affect state and federally protected wildlife because the IBT would lead to increased development in the receiving basins, which would in turn lead to negative impacts on water quality in the receiving basins. See Letter at 2. The FWS recommends development of an EIS to analyze these secondary and cumulative impacts, and cites the WRC guidance on secondary and cumulative impacts as an appropriate tool to direct this analysis. This guidance provides support for the FWS comments in turn. See North Carolina Wildlife Resources Commission, Guidance Memorandum to Address and Mitigate Secondary and Cumulative Impacts to Aquatic and Terrestrial Wildlife Resources and Water Quality 2 (2002) [hereinafter WRC Guidance], available online at: [http://www.newildlife.org/portals/0/Conserving/documents/2002\\_GuidanceMemorandumforSecondaryandCumulativeImpacts.pdf](http://www.newildlife.org/portals/0/Conserving/documents/2002_GuidanceMemorandumforSecondaryandCumulativeImpacts.pdf) (last accessed on April 28, 2015)

The FWS has identified several streams in the Upper Tar River basin and the Fishing Creek subbasin as essential to the survival and recovery of the dwarf wedgemussel, the Tar River spiny mussel, and the harparella. The receiving basins also support numerous state listed species and federal at-risk species. FWS is extremely concerned about the secondary and cumulative impacts of the IBT on these species. Secondary impacts are defined as probable impacts caused by and resulting from the proposed activity that occur later in time or in another location. Cumulative impacts are defined as impacts resulting from the incremental impact of the proposed activity when added to other past, present, and probable future activities in the area. Increased water supply in the receiving basin allows for increased growth and development, which leads to increases in stormwater, wastewater, impervious surfaces, erosion, and sedimentation, among other secondary and cumulative impacts. See Letter at 3.

The draft EA recognizes the "potential for water quality and quantity impacts related to growth in the projected area, facilitated in part by the availability of an adequate water supply." Although the draft EA identifies existing regulations and programs that may address these secondary and cumulative impacts, it does not specifically discuss *how* these existing regulations and programs will address secondary and cumulative impacts and in turn provide for the protection of listed and at-risk species. FWS contends that this analysis is "essential" in order for FWS to concur with the draft

EA's finding of no significant impact. FWS identifies the NC Department of Environment and Natural Resources' Guidance for Preparing SEPA Documents and Addressing Secondary and Cumulative Impacts and the previously mentioned WRC Guidance for Mitigation of Secondary and Cumulative Impacts as a framework for conducting this analysis. FWS recommends that the applicant consider developing an EIS in the event that this analysis goes beyond the scope of an EA. FWS then specifically critiques the draft EA for not properly analyzing the effects of anticipated wastewater increases and the construction of new wastewater treatment plants, and the potential for increased nutrient discharge into a watershed that is identified as "nutrient sensitive."

WRC guidance for mitigation of secondary and cumulative impacts specifically identifies water quality impacts as a result of increased development. Without proper safeguards, increased development can lead to increased stormwater runoff, increased sedimentation and pollution, riparian habitat loss, and in turn lead to decreased freshwater biodiversity. Federally endangered and threatened species, specifically freshwater mussels, are particularly susceptible to the negative secondary and cumulative impacts of increased development. Mitigation of these secondary and cumulative impacts may be accomplished by the maintenance of forested stream buffers, reduction of impervious surfaces, establishment of erosion and sediment control plans, effective stormwater control and treatment, and the use of appropriate stormwater and wastewater infrastructure.

WRC guidance recommends maintenance of 100-foot native forested buffers along each side of perennial streams and 50-foot native forested buffers along each side of intermittent streams and wetlands. These buffers should be increased to 200 feet and 100 feet, respectively, for waters containing federally listed species. WRC recommends that local governments limit impervious surfaces to less than 10% of the watershed, and recommend that the local government provide for open space that maintains predevelopment conditions. Where federally listed species may be affected, developments exceeding 6% impervious surfaces should obtain permits that require stormwater controls designed to replicate and maintain predevelopment water conditions.

Municipalities are encouraged to incorporate specific criteria, such as establishing perimeter controls at development sites and stabilizing soils using grass and mulch cover, into their erosion and sediment control plans (and to develop these plans if they don't exist). WCS recommends more stringent protections in areas where federally listed species may be impacted, and recommends coordination with state and federal agencies in both the development and implementation of these measures. Finally, WCS recommends prevention of direct stormwater or wastewater discharge into streams and installation of appropriate stormwater and wastewater infrastructure. This includes the use of force mains and appropriate siting and maintenance of these features. These recommendations are the same for areas where federally listed species may be present.

FWS's recommendation that an EIS may be necessary to analyze secondary and cumulative impacts reinforces the argument that an EIS for the Kerr Lake IBT was required. Furthermore, the WRC guidance document identifies specific secondary and

cumulative impacts that may result from increased development in the receiving basin and how these impacts are best mitigated. This information is useful in terms of identifying the specific information missing from the EA and providing a reference for what appropriate analysis of secondary and cumulative impacts would include.

RRBA agrees with the concerns expressed by FWS. The Kerr Lake IBT's supporting environmental document does not provide the information needed to allow FWS to concur with NC DENR staff's conclusion that there are no significant impacts. The failure also shows that NC DENR has not considered the factors required by statute for an IBT decision.

## **II. This IBT Proposal Should have Triggered the Preparation of an Environmental Impact Statement not an Environmental Assessment**

In North Carolina, Inter-Basin Water Transfers ("IBT"), or large surface water transfers between river basins, are regulated by the Environmental Management Commission ("EMC") under law. See N.C. Gen. Stat. § 143-215.22L. This law requires that all proposed IBTs exceeding 2 million gallons per day ("mgd"), calculated as a daily average of a calendar month and not to exceed 3,000,000 gallons per day in any one day, first require EMC certification and approval. Certification is additionally required for water transfer increases by 25% or more above the average daily amount during the period between July 1, 1992 and July 1, 1993, and for increases to transfers permitted pursuant to N.C. Gen. Stat. §162A-7. This law requires an environmental impact statement be prepared for every proposed transfer of water from one major river basin to another for which a certificate is required. The Kerr Lake IBT meets both of these triggers.

Last legislative session, an amendment was enacted as part of the Regulatory Reform Act of 2014, a "Christmas Tree Bill" loaded down with unrelated "ornaments" including section 37. The added language prescribes a different manner of notice for an IBT under the following conditions: "or (iii) to withdraw or transfer water stored in any multipurpose reservoir constructed by the United States Army Corps of Engineers and partially located in a state adjacent to North Carolina, provided the United States Army Corps of Engineers **approved the withdrawal or transfer** on or before July 1, 2014." See 2014 N.C. Sess. Law 120 at § 37 (emphasis added). The amended language in Section 37 does not apply to the Kerr Lake IBT, since the United States Army Corps of Engineers never approved this transfer. While the proposal withdrawal is within the storage allocation of KLRWS, transfer of water outside the basin on the North Carolina side of Kerr Lake is governed by North Carolina law. No approval of the transfer by the United States Army Corps of Engineers appears of record in this matter.

The first step in the certification process is the Notice of Intent ("NOI") to file an IBT Petition. In February 2009, the Kerr Lake Regional Water System ("applicant") submitted a NOI to Request an IBT Certificate to the EMC. The proposed project, as revised in 2014, will transfer 14.2 mgd, calculated as the average day of a (maximum)

calendar month, from the Roanoke River IBT basin to the Tar River (10.7 mgd), Fishing Creek (1.7 mgd), and Neuse River (1.8 mgd) IBT basins. According to the applicant, this transfer volume represents the projected 2045 demands of the existing customer base and anticipated growth of the service area. The applicant has a current “grandfathered” IBT of 10 mgd, calculated as a maximum day, which is equivalent to 9.7 mgd, calculated as the average of a calendar month.

Then, the EMC shall conduct a study of the environmental impacts for the proposed IBT. The law provides that

“The study shall meet all of the requirements set forth in N.C. Gen. Stat. 113A-4 and rules adopted pursuant to N.C. Gen. Stat. 113A-4. 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.”

See N.C. Gen. Stat. §143-215.22L(d) (emphasis added).

According to law, every IBT from one major river basin to another requires an Environmental Impact Statement (“EIS”). The source and the receiving river basins of the proposed project are within the seventeen “major river basin” of North Carolina. N.C. GEN. STAT. §143-215.22G(1). For this reason, we maintain that an EIS should have been prepared for this proposal, rather than an Environmental Assessment as the document was captioned.

Any EIS produced in compliance with this section must include:

“(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.”

See N.C. Gen. Stat. §143-215.22L(d)

Also, IBT certificate applicants are subject to the general EIS requirements of SEPA (N.C. Gen. Stat. § 113A 4), which is supplementary to the requirements of other statutes. One of the enumerated purposes of SEPA is “to require agencies of the State to consider and report upon environmental aspects and consequences of their actions

involving the expenditure of public moneys or use of public land.” See N.C. Gen. Stat. § 113A-2. SEPA’s provisions “provide a mechanism by which all affected State agencies raise and consider environmental factors of proposed projects.” In re Environmental Management Com. etc., 53 N.C. App. 135, 141 (N.C. Ct. App. 1981) “The primary purpose of both the state and federal environmental statutes is to ensure that government agencies seriously consider the environmental effects of each of the reasonable and realistic alternatives available to them.” Orange County v. North Carolina Dep’t of Transp., 46 N.C. App. 350, 383 (N.C. Ct. App. 1980).

To effectuate SEPA’s stated policy, the General Assembly restricted state agency actions by imposing procedural requirements. SEPA’s procedural requirements were supplemental to any other requirements set by law. The General Assembly recognized that absent procedural requirements, agencies could not be held accountable by the people, who hold the rights. The very caption of this section of SEPA explains its purpose: “Provisions Supplemental.” As the law provides:

“The policies, obligations and provisions of this Article are supplementary to those set forth in existing authorizations of and statutory provisions applicable to State agencies and local governments. In those instances where a State agency is required to prepare an environmental document or to comment on an environmental document under provisions of federal law, the environmental document or comment shall meet the provisions of this Article.”

See N.C. Gen. Stat. § 113A -10.

SEPA has provisions specifying when an environmental document is not required. There is a list of actions which are exempted from coverage. Had the General Assembly intended to allow the state agency to not prepare a document when a federal document was being prepared, it would have added that to the list found in SEPA. See N.C. Gen. Sta. § 113A-12 (List of exempted actions, like water lines, shellfish leases and driveway connections to public roads).

Thus any IBT related environmental document prepared for EMC review of an IBT request must also address these standard issues:

- “(a) The environmental impact of the proposed action;
- (b) Any significant adverse environmental effects which cannot be avoided should the proposal be implemented;
- (c) Mitigation measures proposed to minimize the impact;
- (d) Alternatives to the proposed action;
- (e) The relationship between the short term uses of the environment involved in the proposed action and the maintenance and enhancement of long term productivity;
- (f) Any irreversible and irretrievable environmental changes which would be involved in the proposed action should it be implemented.”

See N.C. Gen. Stat. § 113A-4

For this reason, we contend that the submitted “Environmental Assessment” does not satisfy the requirements of North Carolina’s law. We recognize that the Division and the applicant appear to be operating under the assumption that a section contained in last year’s regulatory grab bag bill supports their decision. See N.C. Sess. Law 2014-120, Section 37. This change in the law, does not exempt all IBTs from bi-state Army Corps of Engineer’s reservoirs from SEPA. Rather the section states that an EIS isn’t required “unless it would otherwise be required by Article 1 of Chapter 113A.”

While current proposed IBT is significantly smaller than the originally proposal, the “preparation of an EIS can be avoided only if the agency finds that changes or safeguards in the project sufficiently reduce the impact to a minimum.” Sierra Club v. United States Dep’t of Transport, 753 F.2d 120 (D.C. Cir. 1985) (Describing extraordinary measures taken by Agency to reduce all impacts of noise from larger aircraft using Jackson Hole Airport). The Applicant has not demonstrated that it has included extraordinary measures to reduce impacts to a minimum. Rather the applicant only supposes that since no new construction will be directly required by the IBT, there will be no impacts from the IBT.

The reduced scope of the request is direct proof that applying complete SEPA review to IBT requests works as the drafters intended. By assembling better information on the actual water supply demand, the proposal now more accurately represents projected demand. While many water supply infrastructure construction related impacts have been avoided, the development growth fueled by the new water supply has not been evaluated at all.

SEPA’s reason for existence is to cause agencies to examine the environmental impacts before they make a decision. Like the National Environmental Policy Act (“NEPA”), the SEPA statute is aimed to produce better decisions and to arm citizens with procedural tools to hold agencies accountable for making those decisions transparently. The predicate for requiring an EIS is the significance of the potential environmental impacts. Until and unless an agency studies the impacts and reports their study the public cannot be satisfied that the agencies are seriously considering the environmental effects of each alternative available to them. Orange County v. North Carolina Dep’t of Transp., 46 N.C. App. 350, 383 (N.C. Ct. App. 1980).

Even if the decision to do an EIS instead of an EA was discretionary, it is clear that an IBT of this size would trigger the requirements of N.C. Gen. Stat. § 113A-4. The General Assembly itself has declared the importance of all issues involving the allocation and use of waters within the Roanoke River Basin, especially as they relate to Kerr Lake. “The State reserves and allocates to itself, as protector of the public interest, all rights in the water located in those portions of Kerr Lake and Lake Gaston that are in the State.” See N.C. Gen. Stat. § 143-215.22B. Thus these water rights are state property and their use and allocation are subject to protection by the North Carolina Environmental Policy Act, above and beyond the statutory minimum provisions set forth in N.C. Gen. Stat. §143-215.22L.

### **III. The Kerr Lake IBT Environmental Document was Inadequate to Support a Finding of No Significant Impact**

To support a Finding of No Significant Impact (“FONSI”), we expect to see analysis of all the direct impacts of the proposal as well as the cumulative and secondary impacts of the proposal itself. Major secondary impacts of this proposal were not analyzed, creating undue segmentation of the analysis and major gaps. The North Carolina Environmental Policy Act requires that agencies take a hard look before making a decision on a proposal. The “hard look” doctrine indicates:

“What constitutes a “hard look” cannot be outlined with rule-like precision. At the least, however, it encompasses a thorough investigation into the environmental impacts of an agency's action and a candid acknowledgment of the risks that those impacts entail. *See Robertson*, 490 U.S. at 350, 109 S.Ct. 1835 (agencies must assure that “the adverse environmental effects of the proposed action are adequately identified and evaluated”); *Hughes River Watershed Conservancy v. Johnson*, 165 F.3d 283, 288 (4th Cir.1999) (*Hughes River II*) (same); 40 C.F.R. § 1502.14(a) (agencies shall “[r]igorously *explore* and objectively *evaluate* all reasonable alternatives”) (emphasis added)”.

Nat'l Audubon Soc'y v. Dep't of Navy, 422 F.3d 174, 185 (4th Cir. 2005)

According to this doctrine, this environmental document does not provide such a hard look. The following examples support our contention.

The Water Treatment Plant (“WTP”) expansion’s potential impacts on wildlife were not discussed in section 5. Construction expanding the WTP’s capacity to 20 mgd depends on the approval of this IBT request. Lack of construction in this proposal is cited as the reason behind the conclusion of no direct impacts on species, yet no details are provided as to any ramifications of the WTP expansion-related construction (section 2.1). Further, these expansions will also certainly spur growth and development and the secondary impacts of this development are not assessed at all. No discussion of the impact of “smaller water line construction” or its impacts on species is provided in section 5.

Analytical evidence and sufficient discussion are lacking throughout section 5 to support the conclusions that there are no impacts on federally listed species (sections 5.12 and 5.13). The conclusions of no direct impacts or no significant secondary and cumulative impacts are made without supporting information behind the claims. For example, although 5.12.1 states that no significant changes will occur in lake elevation, lake and basin hydrology, or water quality in the source basin, there is no data provided as to which levels are considered significant for the involved species. Secondly, in section 5.12.2, minimal impacts to water quality and sensitive species aquatic habitat in the Tar River basin aren’t further defined or explored. As a third example, section 5.13.1 fails to include any consideration of downstream effects on species in the source basin. Analysis in sections 5.12 and 5.13 do not specifically address the endangered and threatened species present including: Atlantic Sturgeon, Roanoke Logperch, Southern

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Bog Turtle, James Spinemussel, Dwarf Wedgemussel, Tar River Spinemussel, Small Whorled Pogonia, Small-anthered Bittercress, and Smooth Coneflower that are discussed in 4.12 and 4.13.

In addition, the statement that “water quantities needed to protect aquatic habitats would remain available” in the Secondary and Cumulative Impacts section of 5.12.1 does not meet the standard of a hard look. Further definition of these quantities and discussion of how their appropriate levels would be monitored and ensured is missing. Without the data and analysis, this is simply an unsupported conclusion. The Environmental Assessment’s Section 5’s examination of the proposed IBT’s impacts on shellfish, fish, wildlife, natural vegetation and their habitat lacks any real supporting detail to merit the FONSI.

In sum, our comment is that the environmental document provided is legally insufficient to meet the requirements of SEPA and factually to support a FONSI. These defects must be corrected for a thorough and accurate analysis of impacts. This is the minimum that is required to achieve the statute’s objectives of informed public debate that results in an informed decision. Accordingly, the Commission should reject the Kerr Lake IBT proposal and not accept it again until the applicant completes an Environmental Impact Statement.

Very Truly Yours,

/s/

Ryke Longest



## United States Department of the Interior

FISH AND WILDLIFE SERVICE  
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16 March 2015

Mr. Harold Brady  
NCDENR – Division of Water Resources  
Public Water Supply Section  
1634 MSC  
Raleigh, NC 27699-1634

RE: Comments on Draft EA (dated January 2015) for IBT increase from Kerr Lake to Tar River, Neuse River & Fishing Creek basins, Vance, Granville, Warren & Franklin Counties, North Carolina

Dear Mr. Brady:

The US Fish and Wildlife Service (Service) received a request on 16 January 2015 by CH2M Hill to provide comments on the draft Environmental Assessment (EA) for the Interbasin Transfer (IBT) increase from Kerr Lake to Tar River, Neuse River, and Fishing Creek basins. The Service has identified the Upper Tar River and Fishing Creek ecosystems as significant resources for the protection of federally listed endangered species as well as several other rare and endemic species. Federal goals for the conservation of trust species depend explicitly on the sustained integrity of the Upper Tar River and Fishing Creek ecosystems. Our comments are submitted pursuant to, and in accordance with, provisions of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.) (ESA) and the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.).

The Kerr Lake Regional Water System (KLRWS) seeks to increase the existing IBT from John H. Kerr Reservoir (Kerr Lake) in the Roanoke River basin to the Tar River basin, Neuse River basin, and Fishing Creek subbasin to provide sufficient water for future demand. The KLRWS is owned by the City of Henderson, the City of Oxford, and Warren County, and additional water is sold to Stovall, Warrenton, Norlina, Vance County, Kittrell, and Franklin County. Future sales are proposed to South Granville Water and Sewer Authority (SGWASA) for use by Creedmoor and Wilton. The KLRWS expects water demand to increase beyond the 10 MGD (grandfathered) allowed with the current IBT certificate during the next 30 to 45 years. The projected demands for year 2045 represented in MMD (average day of a maximum month demand) are 10.7mgd to the Tar River basin, 1.7mgd to the Fishing Creek subbasin, and 1.8mgd to the Neuse River basin. In total, the KLRWS is requesting an IBT certificate to transfer on an MMD basis 14.2mgd out of the Roanoke River basin. The US Army Corps of Engineers (USACE) has already allocated the storage equivalent of 20mgd average day demand within Kerr Lake to the KLRWS.

The Service has significant interest in the conservation of globally and nationally-significant aquatic resources in the Tar River basin. Two of our office's overarching goals is to recover populations of federally listed species (including the federally endangered dwarf wedgemussel (*Alasmidonta heterodon*), Tar River spiny mussel (*Elliptio steinstansana*), and harperella (*Ptilimnium nodosum*)) and conserve at-risk species such that their listing is unnecessary (USFWS 2012). Several streams in the Upper Tar River basin and the Fishing Creek subbasin have been identified as essential to the survival and recovery of the dwarf wedgemussel, the Tar River spiny mussel, and harperella (USFWS 1990, 1992, 1993). In addition, the NC Natural Heritage Program (NCNHP) characterizes the Upper Tar River and Fishing Creek as having "Outstanding" significance for aquatic biodiversity; they are in the top 3% of the most highly significant natural heritage sites in NC. In fact, the Upper Tar River is one of the best locations in NC for the dwarf wedgemussel, Atlantic pigtoe (*Fusconaia masoni*), and Chameleon lampmussel (*Lampsilis* sp.); and the Fishing Creek subbasin is the global stronghold for the Tar River spiny mussel. These basins support 18 species identified as imperiled by NCNHP (NCNHP 2015). Of these species, three (Carolina madtom (*Noturus furiosus*), Neuse River waterdog (*Necturus lewisi*), and the NC spiny crayfish (*Orconectes carolinensis*)) are endemic to only the Neuse and Tar-Pamlico drainages and occur nowhere else on the planet. The Service is especially interested in projects that may affect federal at-risk species (i.e., those species for which the Service has been petitioned to list under ESA and for which the Service will be making listing determinations in the next two years) including the Atlantic pigtoe (*Fusconaia masoni*), yellow lance (*Elliptio lanceolata*), green floater (*Lasmigona subviridis*), Carolina madtom, Neuse River waterdog, and Chowanoke crayfish (*Orconectes virginensis*).

The KLRWS has assessed several alternatives to meet their water needs for the next 30 years. The applicant's preferred alternative is to increase the IBT from the Roanoke River basin from 10 to 20 MGD and continue to treat and discharge wastewater into the Tar River, Neuse River, and Fishing Creek basins.

With increased water supply available to the upper Tar and Neuse River Basins, the Service is extremely concerned about secondary and cumulative impacts (SCI) related to this project, especially because of the sensitive species and habitats in this area. Additional water supply allows for increased growth and development, which in turn generates stormwater, increased impervious surfaces, more wastewater, and other SCI which in turn impact aquatic species and the habitats they live in. The EA states that there "is the potential for water quality and quantity impacts related to growth in the project area, facilitated in part by the availability of an adequate waters supply" (EA – p.1-5). Section 6.1 of the draft EA provides a brief description of existing regulations and programs, but the "analysis does not attempt to measure the performance of these regulations...to improve specific environmental conditions" (EA – p.6-1). While the accounting of regulations and programs was overall thorough (with the exception of the omission of the state's riparian buffer rules (which was said to be provided in Section 6.1.2, but was not), the Service contends that in order to concur with a finding of no significant impact for the project, specific linkages of the existing regulations and programs to the impacts to locations where listed/petitioned species are present is essential. While the listing of regulations and programs was informative, it is difficult to review the project and understand how to "connect the dots."

We suggest that this information could be best presented by discussing how recommendations contained in the NC Department of Environment and Natural Resources' (DENR's) *Guidance for Preparing SEPA Documents and Addressing Secondary and Cumulative Impacts* (<http://portal.ncdenr.org/web/deao/sepa>) and in the NC Wildlife Resources Commission's *Guidance Memorandum to Address and Mitigate Secondary and Cumulative Impacts to Aquatic and Terrestrial Wildlife Resources and Water Quality* (August 2002, [http://www.ncwildlife.org/portals/0/Conserving/documents/2002\\_GuidanceMemorandumforSecondaryandCumulativeImpacts.pdf](http://www.ncwildlife.org/portals/0/Conserving/documents/2002_GuidanceMemorandumforSecondaryandCumulativeImpacts.pdf)) are/are not accounted for in existing regulations/programs. If this proposed level of analysis goes beyond the scope of an EA, then the Service recommends the applicant to consider developing an Environmental Impact Statement (EIS).

Because of the additional water supply, provisions must be made for wastewater treatment. It is often a misconception that highly treated effluent is beneficial to the receiving system, particularly regarding increased flows during droughts or periods of low flow. However, the concentration of effluent constituents of concern is also increased during these low flow periods. This is particularly important because emerging contaminants of concern including pharmaceuticals and personal care products containing endocrine-disrupting compounds are not treated in typical wastewater treatment systems. The sedentary nature of mussels and plants means they are unable to move away from the discharge location(s) and would be continuously exposed. Accordingly, effluent characteristics need to be protective of mussels at all times, including the instantaneous minimum flow.

Details on potential wastewater treatment plant expansions or new discharges were not sufficient in the draft EA. The Service knows of three potential projects for which substantial detail and analysis for SCI should be included – one is a current project, Franklin County's proposed new discharge to the Tar River; one is a possible future project given potential increase of supply to Creedmoor, and includes SGWASA's proposed new discharge to the Tar River (different location than the Franklin County project); and one includes the City of Raleigh as a future bulk water purchase customer. Each of these projects could have significant environmental effects – some potentially positive, and some negative. Provision of water through this increased IBT request could make those projects viable, and therefore they need to be analyzed in the EA.

It is not clear why the NC Division of Water Resources (NCDWR) would allow an IBT into a Nutrient Sensitive Watershed (NSW). Both the Falls Reservoir watershed and the Tar River are NSW's. The EA states, "the nutrient reduction strategies and NPDES permits in place are sufficient to mitigate potential impacts to aquatic species and their habitats" (p. 5-39). Supplying additional water through an increased IBT enables additional nutrients to be discharged, and while nutrient offsets may be in place, they are not discussed adequately in the EA. The Service would like to see detailed information about the Tar-Pamlico Basin Association and resulting nutrient allocations as well as the Falls Lake strategy incorporated and discussed relative to impacts in the EA.

The Service would like to encourage a discussion with the applicant about the reconsideration of Alternative #5, minimizing IBT by discharging to the Roanoke River basin. While this alternative was deemed to meet the project's purpose and need, it was eliminated because

“significant infrastructure costs would be necessary and direct environmental impacts would occur with construction” (EA – p.3-8). Information provided under Alternative #2 indicates that “the KLRWS is currently compensating the USACE annually for the lost hydropower” (EA – p. 3-2). The Service would like to see a comparison of the infrastructure costs to transport wastewater back to the Roanoke basin versus the loss of hydropower income, which was estimated to be \$3,455,000 (2005 dollars). Once these costs are evaluated, as well as the costs associated with future consultations for new discharges in the Tar River basin, Alternative #5 may seem more desirable, or a combination of alternatives might also be more sensible.

As a minor point, the Service would like to inform the applicant that the information provided on the Roanoke logperch on p. 4-35 is out of date. Please visit:

<http://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=E01G> or  
<http://www.ncwildlife.org/Learning/Species/Fish/RoanokeLogperch.aspx> for more current information on the species.

The Service appreciates the opportunity to comment on the draft EA. In summary, the Upper Tar River and Fishing Creek ecosystems are extremely significant aquatic resources, and thus secondary and cumulative impacts of the proposed project to these areas must be carefully evaluated. The protection of the Tar River basin and the rare species it contains is one of our office’s highest priorities. For these reasons, we believe it is extremely important to accurately assess the costs and benefits of alternative #5, fully value the quality of the natural environment in the project area, and continue to involve the resource agencies and the public in the process.

The Service is willing to meet with the applicant and others to share information and explore means of achieving a shared vision of sound water supply and wastewater disposal and for conserving the aquatic resources of the Tar River basin for the continuing benefit of the American people. If you have any questions regarding our comments on this project, please contact Sarah McRae of this office at 919-856-4520x16 or [sarah\\_mcrac@fws.gov](mailto:sarah_mcrac@fws.gov). Thank you for your cooperation in the effort to protect endangered and threatened species.

Sincerely,  


Pete Benjamin  
Field Supervisor

eC: Lyn Hardison, NCDENR  
Vann Stancil, NCWRC  
Gabriela Garrison, NCWRC  
Shari Bryant, NCWRC  
Jaime Robinson, CH2M Hill

References:

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*Charles R. Fullwood, Executive Director*

GUIDANCE MEMORANDUM TO ADDRESS AND MITIGATE SECONDARY AND  
CUMULATIVE IMPACTS TO AQUATIC AND TERRESTRIAL WILDLIFE RESOURCES  
AND WATER QUALITY  
(August 2002)

### *Executive Summary*

Thousands of acres of land are developed each year in North Carolina, and this development consists of many individual and often unrelated projects. Without proper safeguards, the cumulative effects of land development can transform the landscape and negatively impact the environmental character and natural functions of the ecosystems. North Carolina projects a population increase of more than 3 million new individuals by the year 2020 (N. C. Progress Board 2001); therefore, it is imperative that coordinated measures be implemented to protect wildlife resources and their habitats.

When development is conducted in an unplanned and amorphous or ambiguous pattern it can have more serious impacts on ecosystem function. Rapidly developing landscapes can result in stream degradation due to increases in stormwater runoff, sedimentation and other pollutants, and riparian habitat losses. Some of the greatest impacts of development, both land-based and near-water development, occur on water quality in our streams and rivers. Many of our native species of aquatic organisms have become highly imperiled as a result. The decline in freshwater species is a direct reflection of declining quality of our streams and rivers, and rare and sensitive species are particularly affected by secondary and cumulative impacts associated with urban development due to their sensitivity to slight habitat alterations.

A more comprehensive approach to project review is necessary if we are to effectively protect the environmental resources of the State. This approach should scrutinize the cumulative and secondary impacts (CSI) associated with all projects subject to State Environmental Policy Act (SEPA) requirements as closely as direct impacts. Cumulative effects are defined as effects resulting from the incremental impact of the proposed activity when added to other past, present, and probable future activities in the area. Cumulative effects can occur from individually minor but collectively significant activities taking place over a period of time. Secondary effects are defined as probable effects caused by and resulting from the proposed activity although they are later in time or further removed in distance.

Presently, cumulative and secondary impacts are often not fully addressed in an environmental review. The Department of Environment and Natural Resources (DENR), has identified as part of the 2000 strategic plan the need to develop a policy for evaluating and mitigating the cumulative and secondary impacts. Identification of measures to mitigate for secondary and cumulative impacts was determined to be an important component of addressing impacts.

This document was primarily authored by biologists with the N. C. Wildlife Resources Commission and the N. C. Division of Parks and Recreation. Significant contributions were provided by the CSI Working Group, which includes representatives from numerous state agencies concerned with the conservation of natural resources. The U. S. Fish and Wildlife Service, which supports these recommendations, also provided constructive review of the document.

This document is intended to serve as a guidance memorandum for local governments to assist with addressing secondary and cumulative impacts associated with public projects. Implementation of these recommendations will assist in the mitigation of impacts to water quality, to fish and wildlife and their habitat generally, and in situations where federally threatened and endangered species exist. Alternatives to these measures will be examined on a case-by-case basis, provided that the same level of protection is afforded. The recommendations provided herein are intended to be applied to new developments or to existing developments for

which significant modifications or expansions are proposed. Incorporation of the measures that are outlined throughout the document by local governments will alleviate the concerns of the natural resource agencies and will provide for a smoother and more timely review of environmental documents and permits.

The recommendations presented in this document to avoid or mitigate these impacts are based on the best available science and were obtained by a synthesis of scientific information in journals, publications, reference books, and personal communication with professionals familiar with North Carolina aquatic species and other natural resources. However, the recommendations may be revised as more information becomes available about species' habitat requirements and measures necessary to protect aquatic and terrestrial habitat and water quality. It is envisioned that through the active participation and initiative of local governments in partnership with State resource and regulatory agencies, the concerns regarding impacts of significance will be alleviated and the review of environmental documents and permits will be more efficient and effective.

Recommendations include measures regarding:

- Forested buffers
- Stream and wetland resources
- Infrastructure locations
- Floodplains
- Impervious surfaces and stormwater treatment
- Erosion and sediment control

## *Preface*

This document is intended to serve as a guidance memorandum for local governments to assist with addressing secondary and cumulative impacts associated with public projects. Implementation of these recommendations will assist in the mitigation of impacts to water quality, to fish and wildlife and their habitat generally, and in situations where federally threatened and endangered species exist. Alternatives to these measures will be examined on a case-by-case basis, provided that the same level of protection is afforded. The recommendations provided herein are intended to be applied to new developments or to existing developments for which significant modifications or expansions are proposed. Incorporation of the measures that are outlined throughout the document by local governments will alleviate the concerns of the natural resource agencies and will provide for a smoother and more timely review of environmental documents and permits.

Agencies, municipalities, landowners, and the public share a responsibility to protect and conserve fish and wildlife, which are public resources. Efforts to minimize secondary and cumulative impacts may not show immediate rewards, however such efforts are important to prevent future damage to riparian and stream systems and to rebuild degraded areas. These efforts will also help meet the anti-degradation standard established in Rule 15A NCAC 02B .0201, which provides for the maintenance, protection, and enhancement of existing uses.

During the fall of 2001 and through 2002 the N. C. Department of Environment and Natural Resources (DENR) established and guided a Cumulative and Secondary Impact (CSI) Working Group. This group was made up of a variety of staff from Divisions within DENR. The CSI Working Group undertook the task of identifying, drafting, and developing a system and protocol for ensuring that cumulative and secondary impacts are adequately addressed during the review of documents required under the N. C. Environmental Policy Act. Identification of mitigation measures effective in reducing potential negative impacts associated with projects was a major component of this endeavor; therefore, a "mitigative measures" subgroup was formed. This document was developed as a result of that effort.

This document was primarily authored by biologists with the N. C. Wildlife Resources Commission (NCWRC) and the N. C. Division of Parks and Recreation, and significant contributions were provided by the mitigative measures subgroup. The document includes comments, ideas, and suggestions from the entire CSI Working Group, which includes representatives from the N. C. Division of Coastal Management, N. C. Division of Environmental Health, N. C. Division of Land Resources, N. C. Division of Marine Fisheries, N. C. Division of Parks and Recreation, N. C. Division of Water Quality, N. C. Division of Water Resources, N. C. Office of Legislative and Intergovernmental Affairs, and the NCWRC. Constructive comments from many of these agencies improved the document. The U. S. Fish and Wildlife Service (USFWS), which supports these recommendations, also provided constructive review of the document.

The NCWRC and the Division of Parks and Recreation recognize that ongoing development and change to the natural landscape will continue and that continued economic development is critical to the citizens of the state. Furthermore, a healthy state is dependent upon a healthy economy and a healthy natural environment, both of which are integrated components. How and where change to the landscape occurs makes all the difference in the future of a sustainable economy and healthy natural environment. The assembled information consists of recommendations, that when implemented by a local government, will

simultaneously work to maintain or improve water quality, protect aquatic habitat, permit economic expansion, and preserve the character of the land.

### *Introduction*

Thousands of acres of land are developed each year in North Carolina, and this development consists of many individual and often unrelated projects. Without proper safeguards, the cumulative effects of land development can transform the landscape and negatively impact the environmental character and natural functions of the ecosystems. North Carolina projects a population increase of more than 3 million new individuals by the year 2020 (N. C. Progress Board 2001); therefore, it is imperative that coordinated measures be implemented to protect wildlife resources and their habitats. Most citizens want a clean environment and a healthy economy, therefore measures must be implemented statewide to allow economic growth without significant and irretrievable impacts to North Carolina's environment.

Some of the greatest impacts of development, both land-based and near-water development, occur on water quality in our streams and rivers. Many of our native species of aquatic organisms have become highly imperiled as a result. Approximately one-third of North American freshwater fish species (Williams et al. 1989) and 72% of freshwater mussel species (Williams et al. 1993) qualify for classification as "endangered", "threatened", or "special concern" at the federal level, and habitat loss is a primary culprit, particularly for mussels. In North Carolina, 21% of freshwater fishes and 53% of freshwater mussel species are designated endangered, threatened, or of special concern at the state level (LeGrand et al. 2001). The decline in freshwater species is a direct reflection of declining quality of our streams and rivers. Federally endangered and threatened species are particularly affected by secondary and cumulative impacts associated with urban development due to their sensitivity to slight habitat alterations. A high proportion of listed species occurs within areas of the state that are developing the most rapidly; some have lost major reaches of their habitats within the past few decades, others are in danger of being extirpated from entire river basins, and one species has been extirpated from the state, and thus is extinct (Carolina Elktoe, *Alasmidonta robusta*).

When development is conducted in an unplanned and amorphous or ambiguous pattern it can have more serious impacts on ecosystem function. Rapidly developing landscapes can result in stream degradation due to increases in stormwater runoff, sedimentation and other pollutants, and riparian habitat losses. Measures that may mitigate these impacts include preservation of forested stream buffers of appropriate size, reduction of impervious surfaces, and effective stormwater treatment.

The recommendations presented in this document to avoid or mitigate these impacts are based on the best available science and were obtained by a synthesis of scientific information in journals, publications, reference books, and personal communication with professionals familiar with North Carolina aquatic species and other natural resources. However, the recommendations may be revised as more information becomes available about species' habitat requirements and measures necessary to protect aquatic and terrestrial habitat and water quality.

### **General Mitigation Measures for All Watersheds (more extensive measures apply to watersheds that support federal endangered and threatened species)**

Although riparian zones constitute a small percentage of the landscape, they frequently perform important ecological functions and contain a disproportionately high number of wildlife

species in comparison to most upland habitats (Fischer et al. 2000; Knutson and Naef 1997). As a matter of policy, the American Fisheries Society strongly urges that riparian areas be considered unique and distinctly valuable habitats, and that such areas be declared of critical environmental concern (AFS 1985). Riparian areas perform many functions that are essential to maintaining water quality, aquatic species survival, and biological productivity.

With regards to the measures required to protect streams from pollutants, the further the intervention occurs from the source, the greater the costs to society (Reeves et al. 1991); resulting in a gradient from prevention to interdiction to restoration (Waters 1995). Watershed protection has been the most successful method of habitat rehabilitation (Reeves et al. 1991); however, given the difficulty of totally preventing or eliminating pollutants (e.g. sediment) at the source, interdiction such as the use of riparian buffers is an important tool in reducing damage to streams (Waters 1995). The functions of riparian zones are well documented and convey sometimes subtle but critical benefits to society. These functions are listed below.

#### Forested riparian area functions

- Reduce pollutants and filter runoff
- Improve air quality and lower ozone levels
- Maintain stable water flows
- Help sustain natural channel morphology
- Help maintain water and air temperature by providing shade
- Stabilize stream banks
- Provide most of the organic carbon and nutrients to support the aquatic food web
- Provide sources of large woody debris for the stream channel
- Help reduce the severity of floods
- Facilitate the exchange of groundwater and surface water
- Provide critical wildlife habitat

Numerous studies have evaluated buffer widths needed for stream protection. Often these have focused on a single parameter, which has resulted in a large variation in recommended buffer widths (Appendix A). For a buffer to effectively perform for all riparian processes, wider contiguous buffers (100–300 feet) are recommended (Knutson and Naef 1997; May and Horner 2000; Martin et al. 2000; Palik et al. 2000; Richards and Hollingsworth 2000; Stewart et al. 2000). Effective buffer sizes depend upon specific site conditions, such as slope and soil type. Although variable widths may be more applicable in some circumstances, they are often more difficult to understand, implement, and enforce. Therefore, we offer generalized recommendations of minimum buffer widths for predictable application across the North Carolina landscape. Because specific conditions differ, some deviations from the general recommendation may be acceptable, however deviations should be kept to a minimum. Discussions regarding buffers or riparian corridors refer to forested buffers where the dominant vegetation consists of native trees and shrubs.

Streams with wide, forested riparian corridors in developed areas are essential for the protection of water quality and aquatic habitats. Natural riparian corridors are diverse, dynamic, and complex biophysical habitats (Naiman et al. 1993), and riparian ecosystems have the greatest vulnerability to alteration (Knutson and Naef 1997; and references therein). The maintenance of riparian habitat may yield the greatest gains for aquatic and terrestrial wildlife across the landscape while involving the least amount of area.

Numerous significant and negative consequences can result when headwater streams are lost (Meyer and Wallace 2001), and the effects of degradation accumulate; therefore, the condition of the stream in the lower reaches is closely dependent on the condition in the

headwaters (Vannote et al. 1980). In addition, headwater streams can significantly reduce nutrient export to rivers (Alexander et al. 2000; Peterson et al. 2001).

1. We recommend the maintenance or establishment of a minimum 100-foot native forested buffer along each side of perennial streams and 50-foot native forested buffer along each side of intermittent streams and wetlands throughout the present and future service areas or the entire municipal jurisdiction (EPA 2000; Stewart et al. 2000). We additionally encourage the implementation of buffers on ephemeral streams due to the important functions that they provide as headwater streams (Alexander et al. 2000; Peterson et al. 2001). Buffers should be measured horizontally from the edge of the stream bank (Knutson and Naef 1997), which may result in wider buffers on higher gradients, and must be provided over the entire length of stream, including headwater streams. Further, we recommend leaving 30% of the development area as greenspace, which would include buffers and wetlands and ensure that the greenspace is connected to natural resources.

Wide, contiguous riparian buffers have greater and more flexible potential than other options to maintain biological integrity (Horner et al. 1999) and could ameliorate many ecological issues related to land use and environmental quality (Naiman et al. 1993). As expansion of developed areas continues into the watershed, wildlife habitat can change, become fragmented, and even disappear. Riparian buffers provide travel corridors and habitat areas for wildlife displaced by development. In addition, riparian buffers serve to protect water quality by stabilizing stream banks, filtering capacity of stormwater runoff, and provide habitat for aquatic and fisheries resources.

2. We recommend that delineation of streams be conducted for the municipal service area according to U. S. Army Corps of Engineers (USACOE) or N. C. Division of Water Quality (NCDWQ) methodology. This information can be found at <http://h2o.enr.state.nc.us/ncwetlans/strmfrm.html> (accessed May 2002). U. S. Geological Survey (USGS) maps underestimate the extent of streams. Recent research has shown that USGS maps can underestimate total stream length in the Piedmont of North Carolina by 25 % (Gregory et al. in press).
3. We recommend that sewer lines, water lines, and other utility infrastructure be kept out of riparian buffer areas (Knutson and Naef 1997; and references therein). All utility crossings should be kept to a minimum, which includes careful routing design and the combination of utility crossings into the same right-of-way (provided there is not a safety issue). Discontiguous buffer segments can impair riparian functions disproportionate to the relative occurrence of the breaks in the buffer (May and Horner 2000; Van Sickle 2000), and multiple crossings can result in cumulative impacts. The directional bore (installation of utilities beneath the riverbed, avoiding impacts to the stream and buffer) stream crossing method should be used for utility crossings wherever practicable, and the open cut stream crossing method should only be used when water level is low and stream flow is minimal. Manholes or similar access structures should not be allowed within buffer areas. Stream crossings should be near perpendicular (75° to 105°) to stream flow and should be monitored at least every three months for maintenance needs during the first 24 months of the project and then annually thereafter. Sewer lines associated with crossing areas should be maintained and operated at all times to prevent the discharge to land or surface waters. We recommend a minimum 50–100 feet setback on all streams, lakes, and wetlands for these structures, which falls in line with the recommended buffer widths. In circumstances where minimum setbacks cannot be attained, sewer lines shall be constructed of ductile iron or other substance of equal durability. Further, pesticides

(including insecticides and herbicides) should not be used for maintenance of rights-of-way within 100 feet of perennial streams and 50 feet of intermittent streams, or within floodplains and wetlands associated with these streams.

4. Avoid the removal of large trees at the edges of construction corridors. Re-seed disturbed areas with seed mixtures that are beneficial to wildlife. Avoid fescue based mixtures because fescue is invasive and provides little benefit to wildlife. Native, annual small grains appropriate for the season are preferred and recommended (See [http://www.esb.enr.state.nc.us/wetplant/wetland\\_plants.htm](http://www.esb.enr.state.nc.us/wetplant/wetland_plants.htm), and <http://www.co.mecklenburg.nc.us/coeng/Storm/services/vegetation/vegetation.htm>). Where feasible, use woody debris and logs from corridor clearing to establish brush piles and downed logs adjacent to the cleared right-of-way to improve habitat for wildlife. Allowing the corridor area to revegetate into a brush/scrub habitat would maximize benefits to wildlife. For areas adjacent to residential areas, a native shrub/grass option may also be beneficial. Minimize corridor maintenance and prohibit mowing between April 1 and October 1 to minimize impacts to nesting wildlife. We suggest a maintenance schedule that incorporates only a portion of the area—one third of the area, for example—each year instead of the entire project every 3 or 4 years. Herbicides and pesticides should never be used in wetland areas or near streams, as described above in item 3.
5. We recommend that the local governments prohibit commercial or residential development within the 100-year floodplain. Undeveloped floodplains strongly influence aquatic systems, support a combination of riparian and upland vegetation used by aquatic and terrestrial wildlife, supply a rich source of food to aquatic communities (Junk et al. 1989), and provide an important sediment trapping function (Palik et al. 2000). The filling of floodplains increases the potential for flooding of adjacent properties and interferes with the natural hydrologic process of the waterways. It also disrupts the continuity of migration corridors for wildlife. Instead, we recommend that developers set aside a portion of the land to be developed as green space and concentrate these areas along the streams and rivers (see Item 1 above). In addition we encourage “infill” (new development in unused or underutilized land in existing urban areas) development in urbanized portions of the jurisdiction and recommend the site practices for infill and brownfield development issued by the U. S. Environmental Protection Agency (EPA) (<http://www.epa.gov>; accessed May 2002) and the Center for Watershed Protection (<http://www.cwp.org/>; accessed May 2002). Floodplain maps may need to be updated to reflect development of the watershed. Floodplain remapping studies in Charlotte showed that buildout conditions would result in a floodplain width change from an average of 429 feet to 611 feet (<http://www.co.mecklenburg.nc.us/coeng/storm/floodinfo/floodmaps.htm>; accessed May 2002)
6. We recommend that the local government limit impervious surfaces to less than 10% of the watershed (Schueler 1994; Arnold and Gibbons 1996; Doll et al. 2000; Mallin et al. 2000; May and Horner 2000; Stewart et al. 2000; Paul and Meyer 2001). The construction of roadways and other impervious surfaces in new neighborhoods can produce short-term direct impacts as well as long-term cumulative effects. Multiple studies have shown that stream degradation occurs at approximately 10% coverage by impervious surfaces (Schueler 1994; Arnold and Gibbons 1996; Doll et al. 2000; Mallin et al. 2000; May and Horner 2000; Stewart et al. 2000; Paul and Meyer 2001). Likewise, the Wake County Watershed Management Plan Task Force performed a correlation

analysis of impervious surfaces to watershed classification based on water quality data, and they found that watersheds of unimpaired streams averaged 8% imperviousness, impacted streams averaged 11%, and degraded streams averaged 24% (<http://projects.ch2m.com/WakeCounty/>; accessed May 2002).

We also recommend that the local government provide for sufficient open space to effectively reduce impervious surface so that predevelopment hydrographic conditions are maintained, limit curb and gutter in new developments, and prevent direct discharges of stormwater into streams. To achieve no net change in the hydrology of the watershed, we recommend installation of grassed swales in place of curb and gutter and on-site stormwater management (i.e. bioretention areas or other attenuation measures). These designs often cost less to install (Kwon 2000) and significantly reduce environmental impacts from residential development. Information regarding financing stormwater management can be found at <http://stormwaterfinance.urbancenter.iupui.edu/> (accessed May 2002).

Many of these recommendations have been applied in Maryland to protect the Chesapeake Bay from water quality degradation (MDE 2000). Suggested examples to accomplish the <10% impervious goal are using conventional designs at a level of <10% imperviousness or using conservation clusters with higher densities, with dedicated open space and other stormwater control measures to mimic the hydrograph consistent with an impervious coverage of less than 10%. Reduction of road widths is one method to reduce overall impervious surface coverage. The N. C. Department of Transportation (NCDOT) has issued road guidelines that allow for the reduction in street widths when compared to standard secondary road guidelines. This material can be found at <http://www.doh.dot.state.nc.us/operations/tnd.pdf> (accessed May 2002). In addition, there are site planning practices that, when incorporated with the above mentioned road building guideline, can further reduce the amount of impervious surface within a site (see recommendations in the document Better Site Design (Center for Watershed Protection; <http://www.cwp.org/>; accessed May 2002).

7. Use bridges for all permanent roadway crossings of streams and associated wetlands to eliminate the need to fill and culvert, where practicable. If culverts must be used, the culvert should be designed to allow passage of aquatic organisms. Generally, this means that the culvert or pipe invert is buried at least one foot below the natural streambed. If multiple cells are required, the second and/or third cells should be placed so that their bottoms are at stream bankfull stage. This will allow sufficient water depth in the culvert or pipe during normal flows to accommodate movements of aquatic organisms. If culverts are long and sufficient slope exists, baffle systems are recommended to trap gravel and provide resting areas for fish and other aquatic organisms. If multiple pipes or cells are used, at least one pipe or box should be designed to remain dry during normal flows to allow for wildlife passage. In addition, culverts or pipes should be situated so that no channel realignment or widening is required. Widening of the stream channel at the inlet or outlet of structures usually causes a decrease in water velocity causing sediment deposition that will require future maintenance. Finally, riprap should not be placed on the streambed.
8. We recommend that municipalities incorporate the elements listed below into their erosion and sediment control plans (see Brown and Caraco 2000 for additional information). Sediment is considered the most important cause of water pollution in the

United States (Waters 1995), and construction is considered the most damaging phase of the development cycle to aquatic resources (Brown and Caraco 2000).

- a) Minimize clearing and grading and only perform these operations in the context of an overall stream protection strategy.
- b) Protect waterways by preventing clearing adjacent to waterways, and stabilize drainage ways.
- c) Phase construction for larger construction sites ( $\geq 25$  acres) to reduce the time and area that disturbed soils are exposed.
- d) Stabilize soils as rapidly as possible ( $< 2$  weeks) by establishing a grass or mulch cover.
- e) Protect steep slopes, and avoid clearing or grading existing steep slopes as much as possible.
- f) Establish appropriate perimeter controls at the edge of construction sites to retain or filter concentrated runoff from relatively short distances before it leaves the site.
- g) Employ advanced settling devices that contain design features which include greater wet or dry storage volume, perforated risers, better internal geometry, use of baffles, skimmers and other outlet devices, gentler side-slopes, and multiple cell construction.
- h) Implement a certified contractors program so that trained and experienced contractors are on-site.
- i) Sedimentation impacts should be minimized by regular inspection of erosion control measures, and sediment control devices should be maintained in good and effective condition at all times. Erosion and sediment controls should be reassessed after storms. The incorrect installation of erosion control structures and those not properly maintained can result in sedimentation impacts to nearby streams and wetlands.

### **Specific Mitigation Measures for Waters Containing Federally Listed Species**

Federally endangered and threatened species are particularly affected by secondary and cumulative impacts associated with urban development due to their sensitivity to habitat degradation and resulting high probability of extirpation. A high proportion of listed species occurs within portions of the state that are developing the most rapidly; some have lost major reaches of their habitats within the past few decades, others are in danger of being extirpated from entire river basins, and one species has been extirpated from the state, and thus is extinct (Carolina Elktoe, *Alasmidonta robusta*). It is not just single species that are in danger of being lost in some systems, but entire faunas and communities.

For those watersheds that support federally endangered and threatened species, the following additional conditions shall be followed. These measures provide a higher degree of protection and also serve to protect the state-listed species and the general biotic integrity of these systems. The natural resource agencies' concerns regarding indirect effects to threatened and endangered species will be alleviated by adoption of these measures. The attached map (Appendix B) shows the location of NCDWQ designated 14 digit hydrologic unit code (HUC) drainage basins that support federally endangered and threatened species, and provide an indication of where the more extensive measures will apply. This map may be updated, as more information becomes available.

### **Stormwater**

1. Permits for new developments exceeding 6% imperviousness shall be required to include stormwater controls designed to replicate and maintain the hydrographic condition at the site prior to the change in landscape and at a minimum include provisions that satisfy WS II-HQW minimum standards (WSII-HQW waters as precedent; Schueler 1994; Arnold and Gibbons 1996; Doll et al. 2000; Mallin et al. 2000; May and Horner 2000; Stewart et al. 2000). This can be achieved through a variety of measures (see Item 6 above).
2. Insufficient information exists in the literature for the minimum buffer widths necessary to ensure the continued survival of federally endangered and threatened aquatic species. Therefore, the following minimum buffer recommendations are based on the best scientific information available and the opinion of biologists most familiar with the species in the state. The minimum recommended buffer widths may actually need to be more or less stringent; and therefore, recommended widths may be modified as more information becomes available. A 200-foot native, forested buffer on perennial streams and a 100-foot forested buffer on intermittent streams, or the full extent of the 100-year floodplain, shall be required for new developments. Detailed studies have resulted in recommendations of 200-foot buffers and wider for protection of priority habitats in the U. S. (Knutson and Naef 1997, and references therein; Martin et al. 2000; Richards and Hollingsworth 2000). If wooded buffers do not exist, then these areas shall be revegetated or allowed to naturally revegetate (so long as the area is pervious) to increase the functionality of a forested buffer. (Knutson and Naef 1997, and references therein; 200-foot buffers on Randleman Lake; 200-foot buffers associated with protection of aquatic endangered species habitats required for Buckhorn Reservoir Expansion Project in 1995 – City of Wilson).
3. Grassed swales shall be used in place of curb and gutter for new developments, except in areas with >5% slope. Check dams, level spreaders, and other associated best management practices shall be used to minimize the effect of stormwater runoff entering the riparian buffer areas. In areas where slopes exceed 5%, stormwater collected in piped conveyance systems shall be directed away from surface waters and best management practices shall be employed at both the intake and the outlet areas. Curbs and gutters may be used in combination with sidewalks in areas where clustering of uses increases the net local density to a level greater than 4 dwelling units per acre. This will separate the pedestrian portion of a street-scape from the automobile portion and will encourage greater pedestrian mobility within the cluster development (see recommendations in Pedestrian Facilities Users Guide at [http://www.walkinginfo.org/insight/features\\_articles/userguide.htm](http://www.walkinginfo.org/insight/features_articles/userguide.htm); accessed May 2002). Clustering development away from riparian areas will also allow for greater stream protection.
4. We recommend that that direct discharges of stormwater to streams not be allowed. Effective energy dissipation at the pipe outlet shall be accomplished to prevent scour of the stream channel and buffer. Stream habitats are maintained most effectively when stormwater runoff is dispersed through a vegetated or grassed buffer zone prior to entering the riparian buffer. The ditching or piping of stormwater except when used in combination with grassed swales, level spreaders and check dams shall not be allowed in the riparian buffer. At no time should any mandated vegetated buffer zone be used for these engineered devices. In addition, the use of trees—particularly evergreen species—can be an effective component of an integrated stormwater management plan and can reduce the amount of surface water runoff by as much as 7% on a site due to interception, transpiration, and other processes (see

[communities.agsci.ubc.ca/bulletins/TB\\_issueforest.pdf](http://communities.agsci.ubc.ca/bulletins/TB_issueforest.pdf), and <http://wcufre.ucdavis.edu/urban.htm>; accessed May 2002).

5. Emergency management procedures shall provide for the containment of runoff from fighting residential, commercial, or industrial fires and for the removal and clean up of any hazardous spills that may endanger nearby streams, instead of flushing contaminants into waterways.

#### Wastewater Infrastructure

1. Force mains shall be used to the greatest extent practicable. Gravity sewer lines shall be installed to follow along the outside of the 100-year floodplain contour unless topographic features, existing development, or other conditions restrict this technique.
2. Public and private sewer lines adjacent to streams shall parallel streams and be sited as far as practicable from stream and tributary corridors (Knutson and Naef 1997; and references therein). A minimum 200-foot buffer shall be provided for perennial streams and a 100-foot buffer for intermittent streams to maintain the integrity of the buffer or the full extent of the 100-year floodplain. Sewer lines close to streams shall be constructed of ductile iron or other substance of equal durability, similar to the guidance under the general mitigation measures item number 3.
3. No new sewer lines or structures shall be installed or constructed in the 100-year floodplain or within 50 feet of wetlands associated with a 100-year floodplain (Knutson and Naef 1997; and references therein).
4. Septic tanks, lift stations, wastewater treatment plants, sand filters, and other pretreatment systems shall not be located in areas subject to frequent flooding (areas inundated at a 10-year or less frequency) unless designed and installed to be watertight and to remain operable during a 10-year storm. Mechanical or electrical components of treatment systems shall be above the 100-year flood level or otherwise protected against a 100-year flood (As per rule 15A NCAC 18A .1950 – Location of Sanitary Sewage Systems).
5. Only aerial crossings elevated sufficiently to reduce the risk of flood damage or directional boring stream crossings shall be allowed. The placement of these crossings will be limited to major stream or creek confluences. Manholes or similar access structures shall not be allowed within buffer areas. Stream crossing areas shall be monitored once a quarter for maintenance needs.

#### Water and Utility Infrastructure (Electricity, Telecommunications, and Gas)

1. All water lines and utilities shall follow roads or meet the requirements associated with sewer line placements (Killebrew 1993; Knutson and Naef 1997; and references therein). Stream crossing guidance is presented under the general mitigation measures item number 3.

### Maintenance of Rights-of-Ways

1. Insecticides and herbicides shall not be used within 200 feet of streams, floodplains, and associated wetlands (Knutson and Naef 1997; and references therein) except when needed to protect native flora and fauna from exotics and when using appropriately labeled products, such as biopesticides (<http://www.epa.gov/pesticides/biopesticides/>; accessed May 2002).
2. Native, forested plant communities shall be maintained within 200-foot buffer area of streams, floodplains, and associated wetlands. A closed canopy will be maintained over streams. Emphasis will be placed upon trimming trees, instead of tree removal, within 200 feet of streams, floodplains, and associated wetlands (Knutson and Naef 1997; and references therein).

### Sediment and Erosion Control

1. In addition to the items listed under the general mitigation measures, locally enforced stringent erosion and sedimentation control requirements shall be developed and implemented for all construction. The development of these requirements shall be fully coordinated with the state and federal agencies involved in aquatic endangered species protection. These measures shall be state-of-the-science and significantly exceed state minimum requirements for sediment and erosion control. Local ordinances shall be developed to prevent “forestry exemptions” from turning into development opportunity without meeting the conditions identified in this memorandum.
2. Fill or buildings shall not be allowed in the 100-year floodplain (as described in previous sections).

### Additional Recommendations for Federally Listed Species

1. The local government shall solicit assistance and concurrence from resource agencies such as NCDWQ, N. C. Division of Land Resources, NCWRC, N. C. Natural Heritage Program, and USFWS during the initial development and assessment of best management practices for stormwater management, sediment and erosion control, utility placement, etc.
2. Maps shall be developed of the anticipated construction lines of utilities associated with expanded service areas. This information shall become part of a Geographic Information System (GIS) database housed and maintained by the local government. Surveys or reviews will use maps and field determinations, when necessary, in conjunction with USACOE and NCDWQ delineation criteria for wetlands and waters. As infrastructure or development is planned or developed, field surveys should be conducted to assess impacts and means to avoid impacts. Field surveys (delineation) or intensive map reviews (including soil surveys, National Wetland Inventories (NWI) maps, USGS maps, watershed protection maps of all wetlands and waters) shall be completed and mapped with GIS technology. All GIS databases and associated files shall be provided to state and federal agencies upon request.

3. Local governments shall encourage and offer incentives for new developments, as part of the subdivision review process, to use low impact development technique for stormwater control (*Low Impact Development*; EPA Document # 841– B-00-002 and 841-B-00-003), and reduce impediments to implementing the plan. Proposed projects that are subject to NCEPA review shall identify as a part of the subdivision review process anticipated impervious surface amounts prior to plat approval.
4. Developers and builders, including land-clearing operators, shall be required to participate in a local government stormwater and sediment erosion control education program. Certification and bonding is recommended.
5. Infiltration practices (e.g., reduced road widths, rain gardens, parking lot bioretention areas, increased sheet flow instead of ditching, and disconnect impervious areas) to maintain predevelopment hydrographic conditions shall be emphasized over detention ponds. Condition information should include the base flow for low flow conditions.
6. Conservation Reserve Program lands and restoration of prior converted wetlands shall be encouraged to help manage overall stormwater impacts as part of a regional integrated stormwater management plan.
7. Site gas stations, car washes, and other “spill” land uses at least 200 feet from streams and wetlands.
8. The local government shall provide an environmental check-off list that a developer must complete before the issuance of development approvals to ensure protection of aquatic habitats for threatened and endangered species and that proper state and federal permits have been obtained. This shall preclude the issuance of any subdivision plan, building, and utility permits without inclusion of pertinent protective measures. This process shall ensure that land clearing does not occur without a site plan, including erosion control.
9. A watershed impact evaluation board shall be established to review projects within the service area with aquatic, endangered species. The board would ensure compliance, preview infrastructure and development plans, and be eligible to seek funding for conservation initiatives designed to protect and preserve aquatic, endangered species.
10. We encourage local governments to consider retrofit options, including abandonment of chronic problem areas especially where projects exist in floodplains and are on failing septic systems. These areas should not be candidates for sewer service. Local governments should explore all buyout opportunities of these areas prior to exploration of providing sewer services to these areas. In addition, this should apply to schools and other public institutions. These public facilities should be relocated to more suitable areas. Local governments are encouraged to strengthen local land development codes to ensure that privates lands donated to the public for usage of schools and other public facilities (i.e. fire, police, or medical facilities) are located outside of the 100-year floodplain so as to avoid future problems.
11. We recommend the use of conservation easements, public ownership, or deed restrictions to ensure the perpetual conservation of natural buffer areas.

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*Appendices*

Appendix A. Minimum riparian habitat buffer widths needed to retain various riparian habitat functions as reported in the literature.

| Riparian habitat function  | Perpendicular distance from stream in meters (feet in parentheses)                 | Source                                                      |
|----------------------------|------------------------------------------------------------------------------------|-------------------------------------------------------------|
| Filter Nutrients (General) | 36(118)                                                                            | Young et al. 1980 (MN)                                      |
| Filter Nitrogen            | 18(59) retention of only 20–50% of surface ammonium and 50% of nitrite and nitrate | Daniels and Gilliam 1996 (NC)                               |
|                            | 9(29) grass                                                                        | Dillaha et al. 1989 <i>in</i> Osborne and Kovacic 1993      |
|                            | 30(98)                                                                             | Doyle, et al. 1977 <i>in</i> Osborne and Kovacic 1993       |
|                            | 31(102) 94% reduction in ground water nitrate                                      | Hanson et al. 1994                                          |
|                            | 30(100) 78% reduction in groundwater nitrate                                       | Hubbard 1997 (GA)                                           |
|                            | 16(52)                                                                             | Jacobs and Gilliam 1985 (NC)                                |
|                            | 10(32)                                                                             | James, et al. (in press) <i>in</i> Osborne and Kovacic 1993 |
|                            | 55(180)                                                                            | Jordan et al. 1993 (MD)                                     |
|                            | 25(82)                                                                             | Lowrance, et al. 1984                                       |
|                            | 10–40(33–131)                                                                      | Lowrance 1992 (GA)                                          |
|                            | 16(52) or 39(127) grass                                                            | Osborne and Kovacic 1993 (IL)                               |
|                            | 19(62) ~70–80% reduction                                                           | Peterjohn and Correll 1984 (MD)                             |
|                            | 50(164) 80–90% reduction                                                           | Peterjohn and Correll 1984 (MD)                             |
|                            | 30(98)                                                                             | Pinay and Decamps 1988 <i>in</i> Osborne and Kovacic 1993   |
|                            | 27(88) grass                                                                       | Schnabel 1986 <i>in</i> Osborne and Kovacic 1993            |
|                            | 30(98)                                                                             | Spruill 2000 (NC)                                           |
|                            | 17–20(56–66) or 31(100) to produce lowest simulated outputs                        | Williams et al. 2000 (GA)                                   |
|                            | 21(70) reduced surface N by 67% and ammonium by 71% [recommended 40m (118)]        | Young et al. 1980 (MN)                                      |
|                            | 27(88) grass                                                                       | Young, et al. 1980 <i>in</i> Osborne and Kovacic 1993       |

| Riparian habitat function                                                                | Perpendicular distance from stream in meters (feet in parentheses)                                      | Source                                                                       |
|------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|
| Filter Sediment/Phosphorus                                                               | 10(32)–20(65)                                                                                           | Aubertin and Patric 1974 <i>in</i> Osborne and Kovacic 1993 (WV)             |
|                                                                                          | Nearly 50% of <sup>137</sup> Cs labeled sediment moved over 100m(328) in riparian area                  | Cooper et al 1987 (NC)                                                       |
|                                                                                          | 16(52)                                                                                                  | Cooper and Gilliam 1987 <i>in</i> Osborne and Kovacic 1993                   |
|                                                                                          | 6–18(20–59)                                                                                             | Daniels and Gilliam 1996 (NC)                                                |
|                                                                                          | 9(30) (grass filter)                                                                                    | Dillaha et al. 1989 (VA); Dillaha et al. 1988 (VA); Magette et al. 1989 (MD) |
|                                                                                          | 9(29)                                                                                                   | Haupt and Kidd 1965 <i>in</i> Osborne and Kovacic 1993 (ID)                  |
|                                                                                          | 55(180)                                                                                                 | Jordan et al. 1993 (MD)                                                      |
|                                                                                          | Most sediment deposited within 1 <sup>st</sup> 30(98) of buffer but extends 80(262) in riparian buffers | Lowrance et al. 1988 (GA)                                                    |
|                                                                                          | 30(98) removed 75-80% from storm water in logged areas                                                  | Lynch et al. 1985                                                            |
|                                                                                          | 28(92) for 81% efficiency                                                                               | Mander et al. 1997 (Estonia)                                                 |
|                                                                                          | 16(52) or 39(127)grass                                                                                  | Osborne and Kovacic 1993 (IL)                                                |
|                                                                                          | 19(62) trapped 90% of sediment                                                                          | Peterjohn and Correll 1984 (MD)                                              |
|                                                                                          | 50(164) trapped 94% of sediment                                                                         | Peterjohn and Correll 1984 (MD)                                              |
|                                                                                          | 50(164) for 84% total and 73% soluble P removal efficiency                                              | Peterjohn and Correll 1984 (MD)                                              |
|                                                                                          | 15(49)–45(147)                                                                                          | Trimble and Sartz 1957 <i>in</i> Osborne and Kovacic 1993 (NH)               |
|                                                                                          | 30(100) recommended for trapping sediment                                                               | Wenger 1999                                                                  |
|                                                                                          | 17–20(56–66) or 28(92) to produce lowest simulated outputs                                              | Williams et al. 2000 (GA)                                                    |
|                                                                                          | 21(69) for 67% total and 69% soluble P removal efficiency                                               | Young et al. 1980 (MN)                                                       |
| 27(90) removed 93% sediment from feedlot; 23(75) removed only 33% from dairy farm runoff | Young et al. 1980 (MN); Horner and Mar 1982 <i>in</i> Castelle et al. 1994                              |                                                                              |

| Riparian habitat function             | Perpendicular distance from stream in meters (feet in parentheses)                              | Source                                                                  |
|---------------------------------------|-------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------|
| Filter Contaminants                   | 9(30) (fecal coliform/grass filter)                                                             | Coyne et al. 1998 (KY)                                                  |
|                                       | 15–80 (49–262) adequate for nonpoint source pollution                                           | Phillips 1989 (NC)                                                      |
| Erosion Control                       | 55(180)                                                                                         | Jordan et al. 1993 (MD)                                                 |
|                                       | 30(100)                                                                                         | Raleigh et al. 1986 <i>in</i> Knutson and Naef                          |
| Stream Type Maintenance (Rosgen 1996) | 20x bankfull width each side (E channel type streams >10 ft wide at bankfull and <5% slope)     | Llhardt, et al. 2000 (Eastern U.S.)                                     |
|                                       | 10x bankfull width each side (other channel type streams >10 ft wide at bankfull and <5% slope) | Llhardt, et al. 2000 (Eastern U.S.)                                     |
|                                       | Entire floodplain + $\geq 30(100)$ (For identifiable floodplain and terrace slopes)             | Llhardt, et al. 2000 (Eastern U.S.)                                     |
|                                       | $\geq 61(200)$ (>5% slope)                                                                      | Llhardt, et al. 2000 (Eastern U.S.)                                     |
| Large Woody Debris                    | >30(100)                                                                                        | Fetherston, et al. 1995 (Pacific NW)                                    |
|                                       | Majority of recruitment within 45(148)                                                          | Knutson and Naef 1997 (review)                                          |
|                                       | 46(150)                                                                                         | Robinson and Beschta 1990                                               |
| Water Temperature Control             | 10(32)–20(65)                                                                                   | Aubertin and Patric 1974 <i>in</i> Osborne and Kovacic 1993 (WV)        |
|                                       | $\geq 30(100)$ provides shading of old growth forest                                            | Beschta et al. 1987 <i>in</i> Castelle et al. 1994 and Knutson and Naef |
|                                       | 10(32)                                                                                          | Brazier and Brown 1973 <i>in</i> Osborne and Kovacic 1993 (OR)          |
|                                       | 12(39)                                                                                          | Corbett, et al. 1978 <i>in</i> Osborne and Kovacic 1993 (NC)            |
|                                       | 31(101)                                                                                         | Lynch and Corbett 1990 <i>in</i> Osborne and Kovacic 1993 (PN)          |
| Microclimate Influence                | >45(148) and up to 300(985)                                                                     | Brosofske, et al. 1997 (WA)                                             |
|                                       | 61–122(200–399)                                                                                 | Chen et al. 1990 <i>in</i> Knutson and Naef                             |

| Riparian habitat function              | Perpendicular distance from stream in meters (feet in parentheses) | Source                                                                            |
|----------------------------------------|--------------------------------------------------------------------|-----------------------------------------------------------------------------------|
| Food Resources                         | >30(100) particulate organic matter (POM)                          | Palik, et al. 2000 (Eastern U.S.)                                                 |
| Instream habitat and aquatic resources | 73–275(240–902) semi-aquatic resources                             | Burke and Gibbons 1995 (SC)                                                       |
|                                        | ≥30(100) to minimize short-term logging impacts on streams         | Davies and Nelson 1994 (Australia)                                                |
|                                        | 15–30(50–100) for minimum maintenance                              | Johnson and Ryba 1992 <i>in</i> Knutson and Naef                                  |
|                                        | >30(100)                                                           | May and Horner 2000 (WA) ; Martin et al. 2000 (MI, VA) ; Stewart et al. 2000 (WI) |
|                                        | >61(200)                                                           | Richards and Hollingsworth 2000 (Eastern U.S.)                                    |
|                                        | 164(534) semi-aquatic resources                                    | Semlitsch 1998 (multi state)                                                      |

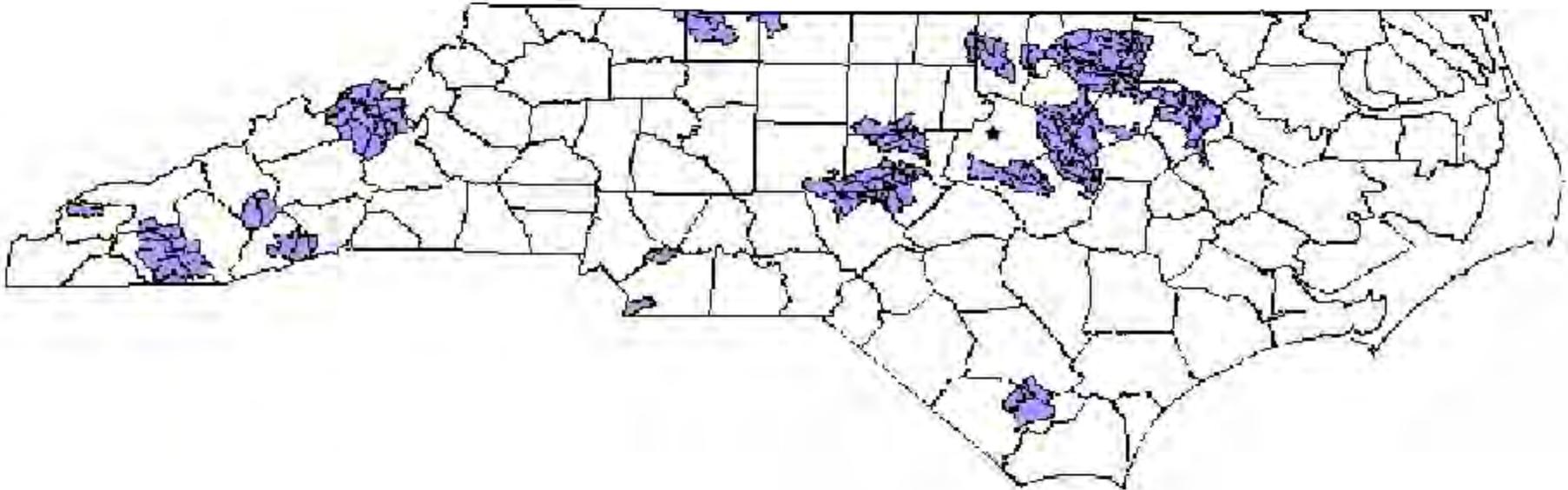
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**Appendix B. N. C. Division of Water Quality designated 14 digit hydrologic unit code (HUC) drainage basins that support federally endangered and threatened species.  
(July 2002: Map maybe updated as more information is acquired)**

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2013**

**SESSION LAW 2014-120  
SENATE BILL 734**

AN ACT TO PROVIDE FURTHER REGULATORY RELIEF TO THE CITIZENS OF NORTH CAROLINA BY PROVIDING FOR VARIOUS ADMINISTRATIVE REFORMS, BY ELIMINATING CERTAIN UNNECESSARY OR OUTDATED STATUTES AND REGULATIONS AND MODERNIZING OR SIMPLIFYING CUMBERSOME OR OUTDATED REGULATIONS, AND BY MAKING VARIOUS OTHER STATUTORY CHANGES.

The General Assembly of North Carolina enacts:

**ELIMINATE, AS OBSOLETE, THE SMALL BUSINESS CONTRACTOR AUTHORITY, THE COMMITTEE ON DROPOUT PREVENTION, THE STATE EDUCATION COMMITTEE, THE STATE EDUCATION COMMISSION, THE NATIONAL HERITAGE AREA DESIGNATION COMMISSION, THE GOVERNOR'S MANAGEMENT COUNCIL, THE BOARD OF DIRECTORS OF THE NORTH CAROLINA CENTER FOR NURSING, AND THE BOARD OF CORRECTIONS**

**SECTION 1.(a)** Part 20 of Article 10 of Chapter 143B of the General Statutes is repealed.

**SECTION 1.(b)** Article 6B of Chapter 115C of the General Statutes is repealed.

**SECTION 1.(c)** G.S. 116C-1 reads as rewritten:

**"§ 116C-1. Education Cabinet created.**

(a) The Education Cabinet is created. The Education Cabinet shall be located administratively within, and shall exercise its powers within existing resources of, the Office of the Governor. However, the Education Cabinet shall exercise its statutory powers independently of the Office of the Governor.

(b) The Education Cabinet shall consist of the Governor, who shall serve as chair, the President of The University of North Carolina, the State Superintendent of Public Instruction, the Chairman of the State Board of Education, the President of the North Carolina Community Colleges System, the Secretary of Health and Human Services, and the President of the North Carolina Independent Colleges and Universities. The Education Cabinet may invite other representatives of education to participate in its deliberations as adjunct members.

(c) The Education Cabinet shall be a nonvoting body that:

(1) Works to resolve issues between existing providers of education.

~~(2) Sets the agenda for the State Education Commission.~~

(3) Develops a strategic design for a continuum of education programs, in accordance with G.S. 116C-3.

(4) Studies other issues referred to it by the Governor or the General Assembly.

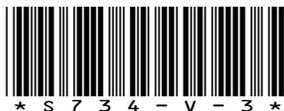
(d) The Office of the Governor, in coordination with the staffs of The University of North Carolina, the North Carolina Community College System, and the Department of Public Instruction, shall provide staff to the Education Cabinet."

**SECTION 1.(d)** G.S. 116C-2 is repealed.

**SECTION 1.(e)** Article 26 of Chapter 143 of the General Statutes is repealed.

**SECTION 1.(f)** Section 18.10 of S.L. 2001-491 reads as rewritten:

**"SECTION 18.10.** Notwithstanding G.S. 158-8.1, the Western North Carolina Regional Economic Development Commission shall develop a regional heritage tourism plan and shall present the plan to the 2002 Regular Session of the 2001 General Assembly no later than May 1, 2002. The National Heritage Area Designation Commission created pursuant to Section 18.4 of this act shall terminate August 1, 2014."



**SECTION 1.(g)** Part 24 of Article 9 of Chapter 143B of the General Statutes is repealed.

**SECTION 1.(h)** G.S. 90-171.71 is repealed.

**SECTION 1.(i)** G.S. 143B-711 reads as rewritten:

**"§ 143B-711. Division of Adult Correction of the Department of Public Safety – organization.**

The Division of Adult Correction of the Department of Public Safety shall be organized initially to include the Post-Release Supervision and Parole Commission, ~~the Board of Correction,~~ the Section of Prisons of the Division of Adult Correction, the Section of Community Corrections, the Section of Alcoholism and Chemical Dependency Treatment Programs, and such other divisions as may be established under the provisions of the Executive Organization Act of 1973."

**SECTION 1.(j)** G.S. 143B-715 is repealed.

#### **CLARIFY PROCESS FOR READOPTION OF EXISTING RULES**

**SECTION 2.** G.S. 150B-21.3A(d) reads as rewritten:

"(d) Timetable. – The Commission shall establish a schedule for the review and readoption of existing rules in accordance with this section on a decennial basis as follows:

(1) With regard to the review process, the Commission shall assign by assigning each Title of the Administrative Code a date by which the review required by this section must be completed. In establishing the schedule, the Commission shall consider the scope and complexity of rules subject to this section and the resources required to conduct the review required by this section. The Commission shall have broad authority to modify the schedule and extend the time for review in appropriate circumstances. Except as provided in ~~subsection~~ subsections (e) and (f) of this section, if the agency fails to conduct the review by the date set by the Commission, the rules contained in that Title which have not been reviewed will expire. The Commission shall report to the Committee any agency that fails to conduct the review. The Commission may exempt rules that have been adopted or amended within the previous 10 years from the review required by this section. However, any rule exempted on this basis must be reviewed in accordance with this section no more than 10 years following the last time the rule was amended.

(2) With regard to the readoption of rules as required by sub-subdivision (c)(2)g. of this section, once the final determination report becomes effective, the Commission shall establish a date by which the agency must readopt the rules. The Commission shall consult with the agency and shall consider the agency's rule-making priorities in establishing the readoption date. The agency may amend a rule as part of the readoption process. If a rule is readopted without substantive change, the agency is not required to prepare a fiscal note as provided by G.S. 150B-21.4."

#### **AUTHORIZE LICENSING BOARDS TO ADOPT RULES FOR PROFESSIONAL CORPORATIONS**

**SECTION 3.** G.S. 55B-12 reads as rewritten:

**"§ 55B-12. Application of regulations of licensing boards.**

(a) A professional corporation shall be subject to the applicable rules and regulations adopted by, and all the disciplinary powers of, the licensing board as herein defined. Nothing in this Chapter shall impair the disciplinary powers of any licensing board applicable to a licensee as herein defined. No professional corporation may do any act which its shareholders as licensees are prohibited from doing.

(b) Subject to the requirements of Article 2A of Chapter 150B of the General Statutes, any licensing board subject to this Chapter may adopt rules to implement the provisions of this Chapter, including any rules needed to establish fees within the limits set by this Chapter."

#### **OCCUPATIONAL LICENSING BOARD REPORTING AMENDMENTS**

**SECTION 4.** G.S. 93B-2 reads as rewritten:

**"§ 93B-2. Annual reports required; contents; open to inspection; sanction for failure to report.**

(a) No later than October 31 of each year, each occupational licensing board shall file electronically with the Secretary of State, the Attorney General, and the Joint ~~Regulatory Reform~~Legislative Administrative Procedure Oversight Committee an annual report containing all of the following information:

- (1) The address of the board, and the names of its members and officers.
- (1a) The total number of licensees supervised by the board.
- (2) The number of persons who applied to the board for examination.
- (3) The number who were refused examination.
- (4) The number who took the examination.
- (5) The number to whom initial licenses were issued.
- (5a) The number who failed the examination.
- (6) The number who applied for license by reciprocity or comity.
- (7) The number who were granted licenses by reciprocity or comity.
- (7a) The number of official complaints received involving licensed and unlicensed activities.
- (7b) The number of disciplinary actions taken against licensees, or other actions taken against nonlicensees, including injunctive relief.
- (8) The number of licenses suspended or revoked.
- (9) The number of licenses terminated for any reason other than failure to pay the required renewal fee.
- (10) The substance of any anticipated request by the occupational licensing board to the General Assembly to amend statutes related to the occupational licensing board.
- (11) The substance of any anticipated change in rules adopted by the occupational licensing board or the substance of any anticipated adoption of new rules by the occupational licensing board.

(b) No later than October 31 of each year, each occupational licensing board shall file electronically with the Secretary of State, the Attorney General, the Office of State Budget and Management, and the Joint ~~Regulatory Reform~~Legislative Administrative Procedure Oversight Committee a financial report that includes the source and amount of all funds credited to the occupational licensing board and the purpose and amount of all funds disbursed by the occupational licensing board during the previous fiscal year.

(c) The reports required by this section shall be open to public inspection.

(d) The Joint Legislative Administrative Procedure Oversight Committee shall notify any board that fails to file the reports required by this section. Failure of a board to comply with the reporting requirements of this section by October 31 of each year shall result in a suspension of the board's authority to expend any funds until such time as the board files the required reports. Suspension of a board's authority to expend funds under this subsection shall not affect the board's duty to issue and renew licenses or the validity of any application or license for which fees have been tendered in accordance with law. Each board shall adopt rules establishing a procedure for implementing this subsection and shall maintain an escrow account into which any fees tendered during a board's period of suspension under this subsection shall be deposited."

**OAH ELECTRONIC FILING**

**SECTION 5.(a)** Article 3 of Chapter 150B of the General Statutes is amended by adding a new section to read:

**"§ 150B-23.3. Electronic filing.**

In addition to any other method specified in G.S. 150B-23, documents filed and served in a contested case may be filed and served electronically by means of an Electronic Filing Service Provider. For purposes of this section, the following definitions apply:

- (1) Electronic filing means the electronic transmission of the petition, notice of hearing, pleadings, or any other documents filed in a contested case with the Office of Administrative Hearings, as further defined by rules adopted by the Office of Administrative Hearings.

- (2) Electronic Filing Service Provider (EFSP) means the service provided by the Office of Administrative Hearings for e-filing and e-service of documents via the Internet.
- (3) Electronic service means the electronic transmission of the petition, notice of hearing, pleadings, or any other documents in a contested case, as further defined by rules adopted by the Office of Administrative Hearings."

**SECTION 5.(b)** This section is effective when it becomes law and applies to contested cases filed on or after that date.

## **STREAMLINE RULE-MAKING PROCESS**

**SECTION 6.(a)** G.S. 150B-19.1(h) is repealed.

**SECTION 6.(b)** G.S. 150B-21.4 reads as rewritten:

### **"§ 150B-21.4. Fiscal notes and regulatory impact analysis on rules.**

(a) State Funds. – Before an agency ~~adopts~~ publishes in the North Carolina Register the proposed text of a permanent rule change that would require the expenditure or distribution of funds subject to the State Budget Act, Chapter 143C of the General Statutes it must submit the text of the proposed rule change, an analysis of the proposed rule change, and a fiscal note on the proposed rule change to the Office of State Budget and Management and obtain certification from the Office of State Budget and Management that the funds that would be required by the proposed rule change are available. The agency shall submit the text of the proposed rule change, an analysis of the proposed rule change, and a fiscal note on the proposed rule change to the Office at the same time as the agency submits the notice of text for publication pursuant to G.S. 150B-21.2. The fiscal note must state the amount of funds that would be expended or distributed as a result of the proposed rule change and explain how the amount was computed. The Office of State Budget and Management must certify a proposed rule change if funds are available to cover the expenditure or distribution required by the proposed rule change.

(a1) DOT Analyses. – In addition to the requirements of subsection (a) of this section, any agency that adopts a rule affecting environmental permitting of Department of Transportation projects shall conduct an analysis to determine if the rule will result in an increased cost to the Department of Transportation. The analysis shall be conducted and submitted to the Board of Transportation when the agency submits the notice of text for publication. The agency shall consider any recommendations offered by the Board of Transportation prior to adopting the rule. Once a rule subject to this subsection is adopted, the Board of Transportation may submit any objection to the rule it may have to the Rules Review Commission. If the Rules Review Commission receives an objection to a rule from the Board of Transportation no later than 5:00 P.M. of the day following the day the Commission approves the rule, then the rule shall only become effective as provided in G.S. 150B-21.3(b1).

(b) Local Funds. – Before an agency ~~adopts~~ publishes in the North Carolina Register the proposed text of a permanent rule change that would affect the expenditures or revenues of a unit of local government, it must submit the text of the proposed rule change and a fiscal note on the proposed rule change to the Office of State Budget and Management as provided by G.S. 150B-21.26, the Fiscal Research Division of the General Assembly, the North Carolina Association of County Commissioners, and the North Carolina League of Municipalities. The fiscal note must state the amount by which the proposed rule change would increase or decrease expenditures or revenues of a unit of local government and must explain how the amount was computed.

(b1) Substantial Economic Impact. – Before an agency ~~adopts~~ publishes in the North Carolina Register the proposed text of a permanent rule change that would have a substantial economic impact and that is not identical to a federal regulation that the agency is required to adopt, the agency shall prepare a fiscal note for the proposed rule change and have the note approved by the Office of State Budget and Management. The agency must also obtain from the Office a certification that the agency adhered to the regulatory principles set forth in G.S. 150B-19.1(a)(2), (5), and (6). The agency may request the Office of State Budget and Management to prepare the fiscal note only after, working with the Office, it has exhausted all resources, internal and external, to otherwise prepare the required fiscal note. If an agency requests the Office of State Budget and Management to prepare a fiscal note for a proposed rule change, that Office must prepare the note within 90 days after receiving a written request for the note. If the Office of State Budget and Management fails to prepare a fiscal note within this

time period, the agency proposing the rule change shall prepare a fiscal note. A fiscal note prepared in this circumstance does not require approval of the Office of State Budget and Management.

If an agency prepares the required fiscal note, the agency must submit the note to the Office of State Budget and Management for review. The Office of State Budget and Management shall review the fiscal note within 14 days after it is submitted and either approve the note or inform the agency in writing of the reasons why it does not approve the fiscal note. After addressing these reasons, the agency may submit the revised fiscal note to that Office for its review. If an agency is not sure whether a proposed rule change would have a substantial economic impact, the agency shall ask the Office of State Budget and Management to determine whether the proposed rule change has a substantial economic impact. Failure to prepare or obtain approval of the fiscal note as required by this subsection shall be a basis for objection to the rule under G.S. 150B-21.9(a)(4).

As used in this subsection, the term "substantial economic impact" means an aggregate financial impact on all persons affected of at least one million dollars (\$1,000,000) in a 12-month period. In analyzing substantial economic impact, an agency shall do the following:

- (1) Determine and identify the appropriate time frame of the analysis.
- (2) Assess the baseline conditions against which the proposed rule is to be measured.
- (3) Describe the persons who would be subject to the proposed rule and the type of expenditures these persons would be required to make.
- (4) Estimate any additional costs that would be created by implementation of the proposed rule by measuring the incremental difference between the baseline and the future condition expected after implementation of the rule. The analysis should include direct costs as well as opportunity costs. Cost estimates must be monetized to the greatest extent possible. Where costs are not monetized, they must be listed and described.
- (5) For costs that occur in the future, the agency shall determine the net present value of the costs by using a discount factor of seven percent (7%).

(b2) Content. – A fiscal note required by subsection (b1) of this section must contain the following:

- (1) A description of the persons who would be affected by the proposed rule change.
- (2) A description of the types of expenditures that persons affected by the proposed rule change would have to make to comply with the rule and an estimate of these expenditures.
- (3) A description of the purpose and benefits of the proposed rule change.
- (4) An explanation of how the estimate of expenditures was computed.
- (5) A description of at least two alternatives to the proposed rule that were considered by the agency and the reason the alternatives were rejected. The alternatives may have been identified by the agency or by members of the public.

(c) Errors. – An erroneous fiscal note prepared in good faith does not affect the validity of a rule.

(d) If an agency proposes the repeal of an existing rule, the agency is not required to prepare a fiscal note on the proposed rule change as provided by this section."

**SECTION 6.(c)** This section is effective when it becomes law and applies to proposed rules published on or after that date.

## **REPRESENTATION OF SMALL BUSINESS ENTITIES IN ADMINISTRATIVE APPEALS**

**SECTION 7.(a)** G.S. 150B-23(a) reads as rewritten:

"(a) A contested case shall be commenced by paying a fee in an amount established in G.S. 150B-23.2 and by filing a petition with the Office of Administrative Hearings and, except as provided in Article 3A of this Chapter, shall be conducted by that Office. The party who files the petition shall serve a copy of the petition on all other parties and, if the dispute concerns a license, the person who holds the license. A party who files a petition shall file a certificate of service together with the petition. A petition shall be signed by a party, an attorney representing a party, or other representative of the party as may specifically be

authorized by law, and, if filed by a party other than an agency, shall state facts tending to establish that the agency named as the respondent has deprived the petitioner of property, has ordered the petitioner to pay a fine or civil penalty, or has otherwise substantially prejudiced the petitioner's rights and that the agency:

- (1) Exceeded its authority or jurisdiction;
- (2) Acted erroneously;
- (3) Failed to use proper procedure;
- (4) Acted arbitrarily or capriciously; or
- (5) Failed to act as required by law or rule.

The parties in a contested case shall be given an opportunity for a hearing without undue delay. Any person aggrieved may commence a contested case hereunder.

A local government employee, applicant for employment, or former employee to whom Chapter 126 of the General Statutes applies may commence a contested case under this Article in the same manner as any other petitioner. The case shall be conducted in the same manner as other contested cases under this Article.

A business entity may represent itself using a nonattorney representative who is one or more of the following of the business entity: (i) officer, (ii) manager or member-manager, if the business entity is a limited liability company, (iii) employee whose income is reported on IRS Form W-2, if the business entity authorizes the representation in writing, or (iv) owner of the business entity, if the business entity authorizes the representation in writing and if the owner's interest in the business entity is at least twenty-five percent (25%). Authority for and prior notice of nonattorney representation shall be made in writing, under penalty of perjury, to the Office on a form provided by the Office."

**SECTION 7.(b)** G.S. 105-290 is amended by adding a new subsection to read:

"(d2) Business Entity Representation. – If a property owner is a business entity, the business entity may represent itself using a nonattorney representative who is one or more of the following of the business entity: (i) officer, (ii) manager or member-manager, if the business entity is a limited liability company, (iii) employee whose income is reported on IRS Form W-2, if the business entity authorizes the representation in writing, or (iv) owner of the business entity, if the business entity authorizes the representation in writing and if the owner's interest in the business entity is at least twenty-five percent (25%). Authority for and prior notice of nonattorney representation shall be made in writing, under penalty of perjury, to the Commission on a form provided by the Commission."

**SECTION 7.(c)** This section is effective when it becomes law and applies to contested cases and appeals commenced on or after that date.

## **MERCHANT EXEMPTION FROM LOCKSMITH LICENSING**

**SECTION 9.** G.S. 74F-16 reads as rewritten:

### **"§ 74F-16. Exemptions.**

The provisions of this Chapter do not apply to:

- ...
- (6) ~~A merchant, or retail or hardware store, when the merchant or store does not purport to be a locksmith and lawfully (i) rekeys a lock at the time of sale of the lock, (ii) duplicates a key, except for duplicating a transponder type key that requires programming, or (iii) installs as a service a lock on a door if both the door and lock were purchased from the same merchant store, so long as all of the following apply:~~
  - a. It is lawfully duplicating keys or installing, servicing, repairing, rebuilding, reprograming, rekeying, or maintaining locks in the normal course of its business.
  - b. It maintains a physical location in this State.
  - c. It maintains a sales and use tax permit in accordance with G.S. 105-164.16.
  - d. It does not represent itself as a locksmith.

...."

## **REPEAL OUTDATED PUBLIC UTILITIES STATUTES OR REPORTS**

**SECTION 10.(a)** G.S. 62-36A and G.S. 62-36.1 are repealed.

**SECTION 10.(b)** G.S. 62-158(d) reads as rewritten:

"(d) The Commission, after hearing, may adopt rules to implement this section, including rules for the establishment of expansion funds, for the use of such funds, for the remittance to the expansion fund or to customers of supplier and transporter refunds and expansion surcharges or other funds that were sources of the expansion fund, and for appropriate accounting, reporting and ratemaking treatment. ~~The Commission and Public Staff shall report to the Joint Legislative Commission on Governmental Operations on the operation of any expansion funds in conjunction with the reports required under G.S. 62-36A."~~

**SECTION 10.(c)** G.S. 62-159(d) reads as rewritten:

"(d) The Commission, after hearing, shall adopt rules to implement this section as soon as practicable. ~~The Commission and Public Staff shall report to the Joint Legislative Commission on Governmental Operations on the use of funding provided under this section in conjunction with the reports required under G.S. 62-36A."~~

**SECTION 10.(d)** G.S. 62-133.2(g) is repealed.

**SECTION 10.(e)** Section 14 of S.L. 2002-4 is repealed.

**SECTION 10.(f)** Section 14 of S.L. 2007-397 is repealed.

**SECTION 10.(g)** Section 6.1 of S.L. 1995-27 is repealed.

### **CLARIFY PROFESSIONAL ENGINEER EXEMPTION**

**SECTION 11.(a)** G.S. 89C-25 reads as rewritten:

#### **"§ 89C-25. Limitations on application of Chapter.**

This Chapter shall not be construed to prevent or affect ~~prevent the following activities:~~

- (1) ~~The practice of architecture, architecture as defined in Chapter 83A of the General Statutes, landscape architecture, landscape architecture as defined in Chapter 89A of the General Statutes, or contracting or any other legally recognized profession or trade contracting as defined in Articles 1, 2, 4, and 5 of Chapter 87 of the General Statutes.~~
- (2) Repealed by Session Laws 2011-304, s. 7, effective June 26, 2011.
- (3) Repealed by Session Laws 2011-304, s. 7, effective June 26, 2011.
- (4) ~~Engaging in engineering or land surveying as an employee or assistant under the responsible charge of a professional engineer or professional land surveyor or as an employee or assistant of a nonresident professional engineer or a nonresident professional land surveyor provided for in subdivisions (2) and (3) of this section, provided that the work as an employee may not include responsible charge of design or supervision.~~ surveyor.
- (5) The practice of professional engineering or land surveying by any person not a resident of, and having no established place of business in this State, as a consulting associate of a professional engineer or professional land surveyor licensed under the provisions of this Chapter; provided, the nonresident is qualified for performing the professional service in the person's own state or country.
- (6) Practice by members of the Armed Forces of the United States; employees of the government of the United States while engaged in the practice of engineering or land surveying solely for the government on government-owned works and projects; or practice by those employees of the Natural Resources Conservation Service, county employees, or employees of the Soil and Water Conservation Districts who have federal engineering job approval authority that involves the planning, designing, or implementation of best management practices on agricultural lands.
- (7) ~~The internal engineering or surveying activities of a person, firm or corporation engaged in manufacturing, processing, or producing a product, including the activities of public service corporations, public utility companies, authorities, State agencies, railroads, or membership cooperatives, or the installation and servicing of their product in the field; or research and development in connection with the manufacture of that product or their service; or of their research affiliates; or their employees in the course of their employment in connection with the manufacture, installation, or servicing of their product or service in the field, or on the premises maintenance of machinery, equipment, or apparatus~~

~~incidental to the manufacture or installation of the product or service of a firm by the employees of the firm upon property owned, leased or used by the firm; inspection, maintenance and service work done by employees of the State of North Carolina, any political subdivision of the State, or any municipality including construction, installation, servicing, maintenance by regular full-time employees of streets, street lighting, traffic control signals, police and fire alarm systems, waterworks, steam, electric and sewage treatment and disposal plants; the services of superintendents, inspectors or foremen regularly employed by the State of North Carolina or any political subdivision of the State or a municipal corporation; provided, however, that the internal engineering or surveying activity is not a holding out to or an offer to the public of engineering or any service thereof as prohibited by this Chapter. Engineering work, not related to the foregoing exemptions, where the safety of the public is directly involved shall be under the responsible charge of a licensed professional engineer, or in accordance with standards prepared or approved by a licensed professional engineer.~~

(7a) The engineering or surveying activities of a person as defined by G.S. 89C-3(5) who is engaged in manufacturing, processing, producing, or transmitting and delivering a product, and which activities are reasonably necessary and connected with the primary services performed by individuals regularly employed in the ordinary course of business by the person, provided that the engineering or surveying activity is not a holding out or an offer to the public of engineering or surveying services, as prohibited by this Chapter. The engineering and surveying services may not be offered, performed, or rendered independently from the primary services rendered by the person. For purposes of this subdivision, "activities reasonably necessary and connected with the primary service" include the following:

- a. Installation or servicing of the person's product by employees of the person conducted outside the premises of the person's business.
- b. Design, acquisition, installation, or maintenance of machinery, equipment, or apparatus incidental to the manufacture or installation of the product performed by employees of the person upon property owned, leased, or used by the person.
- c. Research and development performed in connection with the manufacturing, processing, or production of the person's product by employees of the person.

Engineering or surveying activities performed pursuant to this subdivision, where the safety of the public is directly involved, shall be under the responsible charge of a licensed professional engineer or licensed professional surveyor.

(8) The (i) preparation of fire sprinkler planning and design drawings by a fire sprinkler contractor licensed under Article 2 of Chapter 87 of the General Statutes, or (ii) the performance of internal engineering or survey work by a manufacturing or communications common carrier company, or by a research and development company, or by employees of those corporations provided that the work is in connection with, or incidental to products of, or nonengineering services rendered by those corporations or their affiliates.

(9) The routine maintenance or servicing of machinery, equipment, facilities or structures, the work of mechanics in the performance of their established functions, or the inspection or supervision of construction by a foreman, superintendent, or agent of the architect or professional engineer, or services of an operational nature performed by an employee of a laboratory, a manufacturing plant, a public service corporation, or governmental operation.

(10) The design of land application irrigation systems for an animal waste management plan, required by G.S. 143-215.10C, by a designer who exhibits, by at least three years of relevant experience, proficiency in soil science and basic hydraulics, and who is thereby listed as an Irrigation

Design Technical Specialist by the North Carolina Soil and Water Conservation Commission."

**SECTION 11.(b)** G.S. 89C-19 reads as rewritten:

**"§ 89C-19. Public works; requirements where public safety involved.**

This State and its political subdivisions such as counties, cities, towns, or other political entities or legally constituted boards, commissions, public utility companies, or authorities, or officials, or employees of these entities shall not engage in the practice of engineering or land surveying involving either public or private property where the safety of the public is directly involved without the project being under the direct supervision of a professional engineer for ~~the preparations of plans and specifications for~~ engineering projects, or a professional land surveyor for land surveying projects, as provided for the practice of the respective professions by this Chapter.

An official or employee of the State or any political subdivision specified in this section, holding the positions set out in this section as of June 19, 1975, shall be exempt from the provisions of this section so long as such official or employee is engaged in substantially the same type of work as is involved in the present position.

Nothing in this section shall be construed to prohibit inspection, maintenance and service work done by employees of the State of North Carolina, any political subdivision of the State, or any municipality including construction, installation, servicing, and maintenance by regular full-time employees of, secondary roads and drawings incidental to work on secondary roads, streets, street lighting, traffic-control signals, police and fire alarm systems, waterworks, steam, electric and sewage treatment and disposal plants, the services of superintendents, inspectors or foremen regularly employed by the State of North Carolina or any political subdivision of the State, or municipal corporation.

The provisions in this section shall not be construed to alter or modify the requirements of Article 1 of Chapter 133 of the General Statutes."

**BAIL BOND SHIELD AMENDMENT**

**SECTION 12.(a)** G.S. 58-71-40(d1) reads as rewritten:

"(d1) While engaged in official duties, a licensee is authorized to carry, possess, and display a shield as described in this subsection. The shield shall fulfill all of the following requirements:

- (1) Be an exact duplicate in size, shape, color, and design of the shield approved under G.S. 74C-5(12) and pictured in 12 NCAC 07D. 0405 on ~~May 1, 2013~~ May 1, 2013, except that the design may be altered by stamping, inlaying, embossing, enameling, or engraving to accommodate the license number. With respect to size of the shield, the shield shall be 1.88 inches wide and 2.36 inches high.
- (2) Include the licensee's last name and corresponding license number in the same locations as the shield referenced in subdivision (1) of this subsection.
- (3) With reference to the shield described in subdivision (1) of this subsection, in lieu of the word "Private," the shield shall have the words "North Carolina," and in lieu of the word "Investigator," the shield shall have the words "Bail Agent."

Any shield that deviates from the design requirements as specified in this section shall be an unauthorized shield and its possession by a licensee shall constitute a violation of the statute by the licensee."

**SECTION 12.(b)** G.S. 15A-540 is amended by adding a new subsection to read:

"(d) A surety may utilize the services and assistance of any surety bondsman, professional bondsman, or runner licensed under G.S. 58-71-40 to effect the arrest or surrender of a defendant under subsection (a) or (b) of this section."

**ADA REQUIREMENTS FOR PRIVATE POOLS**

**SECTION 13.(a)** Notwithstanding Section 1109.14 of the 2012 NC State Building Code (Building Code), swimming pools shall be required to be accessible only to the extent required by the Americans with Disabilities Act, 42 U.S.C. § 12101, et seq., and federal rules and regulations adopted pursuant to that Act.

**SECTION 13.(b)** The Building Code Council shall adopt a rule to amend Section 1109.14 of the 2012 NC State Building Code (Building Code) consistent with Section 13(a) of this act.

**SECTION 13.(c)** Section 13(a) of this act expires on the date that the rule adopted pursuant to Section 13(b) of this act becomes effective.

### **ABC PERMITS/SCHOOLS AND COLLEGES**

**SECTION 14.** G.S. 18B-1006(a) reads as rewritten:

"(a) ~~School and College Campuses. – No permit for the sale of malt beverages, unfortified wine, or fortified wine alcoholic beverages shall be issued to a business on the campus or property of a public school, college, or university, school or college, other than at a regional facility as defined by G.S. 160A-480.2 operated by a facility authority under Part 4 of Article 20 of Chapter 160A of the General Statutes except for a public school or college function, unless that business is a hotel or a nonprofit alumni organization with a mixed beverages permit or a special occasion permit. This subsection shall not apply on property owned by a local board of education which was leased for 99 years or more to a nonprofit auditorium authority created prior to 1991 whose governing board is appointed by a city board of aldermen, a county board of commissioners, or a local school board. This subsection shall also not apply to the constituent institutions of The University of North Carolina with respect to the sale of beer and wine at (i) performing arts centers located on property owned or leased by the institutions if the seating capacity does not exceed 2,000 seats; (ii) any golf courses owned or leased by the institutions and open to the public for use; or (iii) any stadiums that support a NASCAR-sanctioned one-fourth mile asphalt flat oval short track, that are owned or leased by the institutions, and that only sell malt beverages, unfortified wine, or fortified wine at events that are not sponsored or funded by the institutions. Notwithstanding this subsection, special one-time permits as described in G.S. 18B-1002(a)(5) may be issued to the University of North Carolina at Chapel Hill for the Loudermilk Center for Excellence facility. This subsection shall not apply to the following:~~

- (1) A regional facility as defined by G.S. 160A-480.2 operated by a facility authority under Part 4 of Article 20 of Chapter 160A of the General Statutes, unless the permit is for a public school or public college or university function.
- (2) Property owned by a local board of education and leased for 99 years or more to a nonprofit auditorium authority created prior to 1991 whose governing board is appointed by a city governing board, a county board of commissioners, or a local school board.
- (3) A hotel.
- (4) A nonprofit alumni organization.
- (5) Restaurants, eating establishments, food businesses, or retail businesses on the property defined by G.S. 116-198.33(4).
- (6) Any golf courses owned or leased by the public college or university and open to the public for use.
- (7) The sale of malt beverages, unfortified wine, or fortified wine at the following:
  - a. Performing arts centers located on property owned or leased by the public college or university.
  - b. Any stadiums that support a NASCAR-sanctioned one-fourth mile asphalt flat oval short track, that are owned or leased by the public college or university, and that only sell malt beverages, unfortified wine, or fortified wine at events that are not sponsored or funded by the public college or university.
- (8) Special one-time permits as described in G.S. 18B-1002(a)(5) for the Loudermilk Center for Excellence facility at the University of North Carolina at Chapel Hill."

### **ENFORCE MUNICIPAL FLOODPLAIN ORDINANCE IN ETJ**

**SECTION 15.** G.S. 160A-360(k) reads as rewritten:

"(k) As used in this subsection, "bona fide farm purposes" is as described in G.S. 153A-340. As used in this subsection, "property" means a single tract of property or an

identifiable portion of a single tract. Property that is located in the geographic area of a municipality's extraterritorial jurisdiction and that is used for bona fide farm purposes is exempt from exercise of the municipality's extraterritorial jurisdiction under this Article. Property that is located in the geographic area of a municipality's extraterritorial jurisdiction and that ceases to be used for bona fide farm purposes shall become subject to exercise of the municipality's extraterritorial jurisdiction under this Article. For purposes of complying with 44 C.F.R. Part 60, Subpart A, property that is exempt from the exercise of extraterritorial jurisdiction pursuant to this subsection shall be subject to the county's floodplain ordinance or all floodplain regulation provisions of the county's unified development ordinance."

## **PERMIT CHOICE**

**SECTION 16.(a)** Chapter 143 of the General Statutes is amended by adding a new Article to read:

"Article 80.  
"Permit Choice.

### **"§ 143-750. Permit choice.**

(a) If a permit applicant submits a permit for any type of development and a rule or ordinance changes between the time the permit application was submitted and a permit decision is made, the permit applicant may choose which version of the rule or ordinance will apply to the permit.

(b) This section applies to all development permits issued by the State and by local governments.

(c) This section shall not apply to any zoning permit."

**SECTION 16.(b)** Part 1 of Article 18 of Chapter 153A of the General Statutes is amended by adding a new section to read:

### **"§ 153A-320.1. Permit choice.**

If a rule or ordinance changes between the time a permit application is submitted and a permit decision is made, then G.S. 143-750 shall apply."

**SECTION 16.(c)** Part 1 of Article 19 of Chapter 160A of the General Statutes is amended by adding a new section to read:

### **"§ 160A-360.1. Permit choice.**

If a rule or ordinance changes between the time a permit application is submitted and a permit decision is made, then G.S. 143-750 shall apply."

**SECTION 16.(d)** This section is effective when it becomes law and applies to permits for which a permit decision has not been made by that date.

## **COMMUNITY COLLEGE BREWING COURSE WAIVER**

**SECTION 17.(a)** Article 11 of Chapter 18B of the General Statutes is amended by adding a new section to read:

### **"§ 18B-1114.6. Brewing, Distillation, and Fermentation course authorization.**

(a) Authorization. – The holder of a brewing, distillation, and fermentation course authorization may:

- (1) Manufacture malt beverages on the school's campus or the school's contracted or leased property for the purpose of providing instruction and education on the making of malt beverages.
- (2) Possess malt beverages manufactured during the brewing, distillation, and fermentation program for the purpose of conducting malt beverage tasting seminars and classes for students who are 21 years of age or older.
- (3) Sell malt beverages produced during the course to wholesalers or to retailers upon obtaining a malt beverages wholesaler permit under G.S. 18B-1109, except that the permittee may not receive shipments of malt beverages from other producers.
- (4) Sell malt beverages produced during the course, upon obtaining a permit under G.S. 18B-1001(2).

(b) Limitation. – Authorization for a brewing, distillation, and fermentation course shall be granted by the Commission only for a community college or college that offers a brewing, distillation, and fermentation program as a part of its curriculum offerings for students of the school. For purposes of this section, the term "brewing, distillation, and fermentation program"

includes a fermentation sciences program offered by a community college or college as part of its curriculum offerings for students of the school.

(c) Malt Beverage Special Event Permit. – The holder of a brewing, distillation, and fermentation course authorization who obtains a malt beverages wholesaler permit under G.S. 18B-1109 subject to the limitation in subsection (a) of this section may obtain a malt beverage special event permit under G.S. 18B-1114.5 and where the permit is valid may participate in approved events and sell at retail at those events any malt beverages produced incident to the operation of the brewing, distillation, and fermentation program. The holder of a brewing, distillation, and fermentation course authorization may participate in not more than six malt beverage special events within a 12-month period and may sell up to 64 cases of malt beverages, or the equivalent volume of 64 cases of malt beverages, at each event. For purposes of this subsection, a "case of malt beverages" is a package containing not more than 24 12-ounce bottles of malt beverage. Net proceeds from the program's retail sale of malt beverages pursuant to this subsection shall be retained by the school and used for support of the brewing, distillation, and fermentation program.

(d) Limited Application. – The holder of a brewing, distillation, and fermentation course authorization shall not be considered a brewery for the purposes of this Chapter or Chapter 105 of the General Statutes."

**SECTION 17.(b)** G.S. 18B-1114.5(a) reads as rewritten:

"(a) Authorization. – The holder of a ~~brewery, brewery permit, a malt beverage importer, beverages importer permit, a~~ brewing, distillation, and fermentation course authorization, or a nonresident malt beverage vendor permit may obtain a malt beverage special event permit allowing the permittee to give free tastings of its malt beverages and to sell its malt beverages by the glass or in closed containers at trade shows, conventions, shopping malls, malt beverage festivals, street festivals, holiday festivals, agricultural festivals, balloon races, local fund-raisers, and other similar events approved by the Commission. Except for a brewery operating under the provisions of G.S. 18B-1104(7), all malt beverages sampled or sold pursuant to this section must be purchased from a licensed malt beverages wholesaler."

**SECTION 17.(c)** G.S. 18B-1001(2) reads as rewritten:

**"§ 18B-1001. Kinds of ABC permits; places eligible.**

When the issuance of the permit is lawful in the jurisdiction in which the premises are located, the Commission may issue the following kinds of permits:

...  
(2) Off-Premises Malt Beverage Permit. – An off-premises malt beverage permit authorizes (i) the retail sale of malt beverages in the manufacturer's original container for consumption off the premises, (ii) the retail sale of malt beverages in a cleaned, sanitized, resealable container as defined in 4 NCAC 2T.0308(a) that is filled or refilled and sealed for consumption off the premises, complies with 4 NCAC 2T.0303, 4 NCAC 2T.0305, and 4 NCAC 2T.0308(d)-(e), and the container identifies the permittee and the date the container was filled or refilled, and (iii) the holder of the permit to ship malt beverages in closed containers to individual purchasers inside and outside the State. The permit may be issued for any of the following:

a. ~~Restaurants;~~ Restaurants.

b. ~~Hotels;~~ Hotels.

c. ~~Eating establishments;~~ establishments.

d. ~~Food businesses;~~ businesses.

e. Retail businesses.

f. The holder of a brewing, distillation, and fermentation course authorization under G.S. 18B-1114.6. A school obtaining a permit under this subdivision is authorized to sell malt beverages manufactured during its brewing, distillation, and fermentation program at one noncampus location in a county where the permittee holds and offers classes on a regular full-time basis in a facility owned by the permittee.

...  
....

**SECTION 17.(d)** G.S. 66-58(c)(1a) reads as rewritten:

**"§ 66-58. Sale of merchandise or services by governmental units.**

...

(c) The provisions of subsection (a) shall not prohibit:

...  
(1a) The sale of products raised or produced incident to the operation of a community college or college viticulture/enology program as authorized by G.S. 18B-1114.4 or the operation of a community college or college brewing, distillation, or fermentation program as authorized by G.S. 18B-1114.6.

...."

## GOOD SAMARITAN LAW

SECTION 18. G.S. 90-21.14 reads as rewritten:

### "§ 90-21.14. First aid or emergency treatment; liability limitation.

(a) Any person, including a volunteer medical or health care provider at a facility of a local health department as defined in G.S. 130A-2 or at a nonprofit community health center or a volunteer member of a rescue squad, who ~~receives no compensation for his services as an emergency medical care provider, who voluntarily and without expectation of compensation~~ renders first aid or emergency health care treatment to a person who is unconscious, ill or injured,

- (1) When the reasonably apparent circumstances require prompt decisions and actions in medical or other health care, and
- (2) When the necessity of immediate health care treatment is so reasonably apparent that any delay in the rendering of the treatment would seriously worsen the physical condition or endanger the life of the person,

shall not be liable for damages for injuries alleged to have been sustained by the person or for damages for the death of the person alleged to have occurred by reason of an act or omission in the rendering of the treatment unless it is established that the injuries were or the death was caused by gross negligence, wanton conduct or intentional wrongdoing on the part of the person rendering the treatment. The immunity conferred in this section also applies to any person who uses an automated external defibrillator (AED) and otherwise meets the requirements of this section.

...."

## PHARMACY BENEFITS MANAGEMENT

SECTION 20.(a) Chapter 58 of the General Statutes is amended by adding a new Article to read:

"Article 56A.

"Pharmacy Benefits Management.

### "§ 58-56A-1. Definitions.

The following definitions apply in this Article:

- (1) Health benefit plan. – As defined in G.S. 58-50-110(11). This definition specifically excludes the State Health Plan for Teachers and State Employees.
- (2) Insurer. – Any entity that provides or offers a health benefit plan.
- (3) Maximum allowable cost price. – The maximum per unit reimbursement for multiple source prescription drugs, medical products, or devices.
- (4) Pharmacy. – A pharmacy registered with the North Carolina Board of Pharmacy.
- (5) Pharmacy benefits manager. – An entity who contracts with a pharmacy on behalf of an insurer or third-party administrator to administer or manage prescription drug benefits.
- (6) Third-party administrator. – As defined in G.S. 58-56-2.

### "§ 58-56A-3. Maximum allowable cost price.

(a) In order to place a prescription drug on the maximum allowable cost price list, the drug must be available for purchase by pharmacies in North Carolina from national or regional wholesalers, must not be obsolete, and must meet one of the following conditions:

- (1) The drug is listed as "A" or "B" rated in the most recent version of the United States Food and Drug Administration's Approved Drug Products with Therapeutic Equivalence Evaluations, also known as the Orange Book.

(2) The drug has a "NR" or "NA" rating, or a similar rating, by a nationally recognized reference.

(b) A pharmacy benefits manager shall adjust or remove the maximum allowable cost price for a prescription drug to remain consistent with changes in the national marketplace for prescription drugs. A review of the maximum allowable cost prices for removal or modification shall be completed by the pharmacy benefits manager at least once every seven business days, and any removal or modification shall occur within seven business days of the review. A pharmacy benefits manager shall provide a means by which the contracted pharmacies may promptly review current prices in an electronic, print, or telephonic format within one business day of the removal or modification."

**SECTION 20.(b)** The Department of Insurance, in collaboration with the Department of Commerce and the North Carolina Board of Pharmacy, shall study the issue of pharmacy benefits management company regulation. Specifically, the study shall include: (i) frequency of disclosure of and methodology for calculating maximum allowable cost prices by the pharmacy benefits management companies; (ii) appeals procedures for pharmacies relating to maximum allowable cost pricing; (iii) consumer protections and the disclosure of consumer health information by pharmacy benefits managers; (iv) regulation of the various forms of incentives offered to a consumer by pharmacy benefits managers and its effects on choice of pharmacy; and (v) any further industry regulation deemed necessary to study. The Department of Insurance shall report the collective findings and recommendations, including any proposed legislation, to the 2015 General Assembly on or before January 20, 2015.

**SECTION 20.(c)** Section 20(a) of this section becomes effective January 1, 2015, and applies to contracts entered into, renewed, or amended on or after that date.

#### **LIMITED FOOD SERVICES AT LODGING FACILITIES**

**SECTION 21.(a)** G.S. 130A-247(7) reads as rewritten:

"(7) "Limited food services establishment" means an establishment as described in G.S. 130A-248(a4), with food handling operations that are restricted by rules adopted by the Commission pursuant to G.S. 130A-248(a4) and that prepares or serves food only in conjunction with amateur athletic events. Limited food service establishment also includes lodging facilities that serve only reheated food that has already been pre-cooked."

**SECTION 21.(b)** G.S. 130A-148(a4) reads as rewritten:

"(a4) For the protection of the public health, the Commission shall adopt rules governing the sanitation of limited food service establishments. In adopting the rules, the Commission shall not limit the number of days that limited food service establishments may operate. Limited food service establishment permits shall be issued only to the following:

- (1) ~~political~~ Political subdivisions of the State, State.
- (2) ~~establishments~~ Establishments operated by volunteers that prepare or serve food in conjunction with amateur athletic events, events.
- (3) Lodging facilities that serve only reheated food that has already been pre-cooked.
- (4) ~~or for establishments~~ Establishments operated by organizations that are exempt from federal income tax under section 501(c)(3) or section 501(c)(4) of the Internal Revenue Code."

**SECTION 21.(c)** The Commission for Public Health shall adopt rules to conform to the provisions of this section.

#### **AMEND HOTEL CARBON MONOXIDE ALARM REQUIREMENT**

**SECTION 22.(a)** Section 19(c) of S.L. 2013-413 is repealed.

**SECTION 22.(b)** Section 19(e) of S.L. 2013-413 reads as rewritten:

"**SECTION 19.(e)** This section is effective when it becomes law, except that ~~(i)~~ subsection (b) of this section becomes effective October 1, 2013, and expires October 1, 2014; and (ii) subsection (c) of this section becomes effective October 1, 2014.2013."

**SECTION 22.(c)** G.S. 143-138(b2) reads as rewritten:

"(b2) Carbon Monoxide ~~Detectors.~~ Alarms. – The Code (i) may contain provisions requiring the installation of either battery-operated or electrical carbon monoxide ~~detectors~~ alarms in every dwelling unit having a ~~fossil fuel burning~~ combustion heater, appliance, or fireplace, and in any dwelling unit having an attached garage and (ii) shall contain

provisions requiring the installation of electrical carbon monoxide ~~detectors~~alarms at a lodging establishment. Violations of this subsection and rules adopted pursuant to this subsection shall be punishable in accordance with subsection (h) of this section and G.S. 143-139. In particular, the rules shall provide:

- (1) For dwelling units, carbon monoxide ~~detectors~~alarms shall be those listed by a nationally recognized testing laboratory that is ~~OSHA-approved~~approved to test and certify to American National Standards Institute/Underwriters Laboratories Standards ANSI/UL2034 or ANSI/UL2075 and shall be installed in accordance with either the standard of the National Fire Protection Association or the minimum protection designated in the manufacturer's instructions, which the property owner shall retain or provide as proof of compliance. A carbon monoxide ~~detector~~alarm may be combined with smoke detectors if the combined ~~detector~~alarm does both of the following: (i) complies with ANSI/UL2034 or ANSI/UL2075 for carbon monoxide alarms and ANSI/UL217 for smoke detectors; and (ii) emits an alarm in a manner that clearly differentiates between detecting the presence of carbon monoxide and the presence of smoke.
- (2) For lodging establishments, including tourist homes that provide accommodations for seven or more continuous days (extended-stay establishments), and bed and breakfast inns and bed and breakfast homes as defined in G.S. 130A-247, carbon monoxide ~~detectors~~alarms shall be installed in every ~~enclosed space~~dwelling unit or sleeping unit having a fossil fuel burning~~combustion~~ heater, appliance, or fireplace and in ~~any enclosed space, including a sleeping room,~~every dwelling unit or sleeping unit that shares a common wall, floor, or ceiling ~~with an enclosed space~~with a room having a fossil fuel burning~~combustion~~ heater, appliance, or fireplace. Carbon monoxide ~~detectors~~alarms shall be (i) listed by a nationally recognized testing laboratory that is ~~OSHA-approved~~approved to test and certify to American National Standards Institute/Underwriters Laboratories (ANSI/UL) Standards ANSI/UL2034 or ANSI/UL2075, (ii) installed in accordance with either the standard of the National Fire Protection Association (NFPA) or the minimum protection designated in the manufacturer's instructions, which the lodging establishment shall retain or provide as proof of compliance, (iii) receive primary power from the building's wiring, where such wiring is served from a commercial source, and (iv) receive power from a battery when primary power is interrupted. A carbon monoxide ~~detector~~alarm may be combined with smoke detectors if the combined ~~detector~~alarm complies with the requirements of this subdivision for carbon monoxide alarms and ANSI/UL217 for smoke ~~detectors~~alarms. In lieu of the carbon monoxide alarms required by this subsection, a carbon monoxide detection system, which includes carbon monoxide detectors and audible notification appliances installed and maintained in accordance with NFPA 720, shall be permitted. The carbon monoxide detectors shall be listed as complying with ANSI/UL2075. For purposes of this subsection, "lodging establishment" means any hotel, motel, tourist home, or other establishment permitted under authority of G.S. 130A-248 to provide lodging accommodations for pay to the ~~public~~public, and "combustion heater, appliance, or fireplace" means any heater, appliance, or fireplace that burns combustion fuels, including, but not limited to, natural or liquefied petroleum gas, fuel oil, kerosene, wood, or coal for heating, cooking, drying, or decorative purposes, including, but not limited to, space heaters, wall and ceiling heaters, ranges, ovens, stoves, furnaces, fireplaces, water heaters, and clothes dryers. For purposes of this subsection, candles and canned fuels are not considered to be combustion appliances.
- (3) The Building Code Council shall modify the NC State Building Code (Fire Prevention) to regulate the provisions of this subsection in new and existing lodging establishments, including hotels, motels, tourist homes that provide accommodations for seven or more continuous days (extended-stay

establishments), and bed and breakfast inns and bed and breakfast homes as defined in G.S. 130A-247; provided nothing in this subsection shall prevent the Building Code Council from establishing more stringent rules regulating carbon monoxide alarms or detectors for new lodging establishments, including hotels, motels, tourist homes that provide accommodations for seven or more continuous days (extended-stay establishments), and bed and breakfast inns and bed and breakfast homes as defined in G.S. 130A-247. The Building Code Council shall modify the NC State Building Code (Fire Prevention) minimum inspection schedule to include annual inspections of new and existing lodging establishments, including hotels, motels, and tourist homes that provide accommodations for seven or more continuous days (extended-stay establishments), and bed and breakfast inns and bed and breakfast homes as defined in G.S. 130A-247 for the purpose of compliance with this subsection.

- (4) Upon discovery of a violation of this subsection that poses an imminent hazard and that is not corrected during an inspection of a lodging establishment subject to the provisions of G.S. 130A-248, the code official responsible for enforcing the NC State Building Code (Fire Prevention) shall immediately notify the local health director for the county in which the violation was discovered, or the local health director's designee, by verbal contact and shall also submit a written report documenting the violation of this subsection to the local health director for the county in which the violation was discovered, or the local health director's designee, on the next working day following the discovery of the violation. Within one working day of receipt of the written report documenting a violation of this subsection, the local health director for the county in which the violation was discovered, or the local health director's designee, shall investigate and take appropriate action regarding the permit for the lodging establishment, as provided in G.S. 130A-248. Lodging establishments having five or more rooms that are exempted from the requirements of G.S. 130A-248 by G.S. 130A-250 shall be subject to the penalties set forth in the NC State Building Code (Fire Prevention).
- (5) Upon discovery of a violation of this subsection that does not pose an imminent hazard and that is not corrected during an inspection of a lodging establishment subject to the provisions of G.S. 130A-248, the owner or operator of the lodging establishment shall have a correction period of three working days following the discovery of the violation to notify the code official responsible for enforcing the NC State Building Code (Fire Prevention) verbally or in writing that the violation has been corrected. If the code official receives such notification, the code official may reinspect the portions of the lodging establishment that contained violations, but any fees for reinspection shall not exceed the fee charged for the initial inspection. If the code official receives no such notification, or if a reinspection discovers that previous violations were not corrected, the code official shall submit a written report documenting the violation of this subsection to the local health director for the county in which the violation was discovered, or the local health director's designee, within three working days following the termination of the correction period or the reinspection, whichever is later. The local health director shall investigate and may take appropriate action regarding the permit for the lodging establishment, as provided in G.S. 130A-248. Lodging establishments having five or more rooms that are exempted from the requirements of G.S. 130A-248 by G.S. 130A-250 shall be subject to the penalties set forth in the NC State Building Code (Fire Prevention).
- (6) The requirements of subdivisions (2) through (5) of this subsection shall not apply to properties subject to the provisions of either G.S. 42-42 or G.S. 42A-31."

**SECTION 22.(d)** G.S. 130A-248 reads as rewritten:

**"§ 130A-248. Regulation of food and lodging establishments.**

...

(b) No establishment shall commence or continue operation without a permit or transitional permit issued by the Department. The permit or transitional permit shall be issued to the owner or operator of the establishment and shall not be transferable. If the establishment is leased, the permit or transitional permit shall be issued to the lessee and shall not be transferable. If the location of an establishment changes, a new permit shall be obtained for the establishment. A permit shall be issued only when the establishment satisfies all of the requirements of the ~~rules and the requirements of subsection (g) of this section~~ rules. The Commission shall adopt rules establishing the requirements that must be met before a transitional permit may be issued, and the period for which a transitional permit may be issued. The Department may also impose conditions on the issuance of a permit or transitional permit in accordance with rules adopted by the Commission. A permit or transitional permit shall be immediately revoked in accordance with G.S. 130A-23(d) for failure of the establishment to maintain a minimum grade of C. A permit or transitional permit may otherwise be suspended or revoked in accordance with G.S. 130A-23.

...

(g) All hotels, motels, tourist homes, and other establishments that provide lodging for pay shall ~~install either a battery operated or electrical carbon monoxide detector in every enclosed space having a fossil fuel burning heater, appliance, or fireplace and in any enclosed space, including a sleeping room, that shares a common wall, floor, or ceiling with an enclosed space having a fossil fuel burning heater, appliance, or fireplace. Carbon monoxide detectors shall be listed by a nationally recognized testing laboratory that is OSHA approved to test and certify to American National Standards Institute/Underwriters Laboratories Standards ANSI/UL2034 or ANSI/UL2075, and installed in accordance with either the standard of the National Fire Protection Association or the minimum protection designated in the manufacturer's instructions, which the establishment shall retain or provide as proof of compliance. A carbon monoxide detector may be combined with smoke detectors if the combined detector complies with the requirements of this subdivision for carbon monoxide alarms and ANSI/UL217 for smoke detectors comply with the requirements of G.S. 143-138(b2)(2). Upon notification of a violation of G.S. 143-138(b2)(2) by the code official responsible for enforcing the NC State Building Code (Fire Prevention) in accordance with G.S. 143-138(b2)(4), the local health department is authorized to suspend a permit issued pursuant to this section in accordance with G.S. 130A-23.~~

**SECTION 22.(e)** No later than March 31, 2015, the Building Code Council shall adopt a rule to amend the NC State Building Code (Fire Prevention) as it applies to structures required to comply with the provisions of G.S. 143-138(b2)(2), as enacted by this section, to adopt the standards for carbon monoxide alarms contained in the 2015 International Fire Code promulgated by the International Code Council. The effective date of the rule required by this section shall be no later than June 1, 2015.

## **CONTESTED CASES FOR CAMA PERMITS**

**SECTION 23.** G.S. 113A-121.1 reads as rewritten:

### **"§ 113A-121.1. Administrative review of permit decisions.**

(a) An applicant for a minor or major development permit who is dissatisfied with the decision on his application may file a petition for a contested case hearing under G.S. 150B-23 within 20 days after the decision is made. When a local official makes a decision to grant or deny a minor development permit and the Secretary is dissatisfied with the decision, the Secretary may file a petition for a contested case within 20 days after the decision is made.

(b) A person other than a permit applicant or the Secretary who is dissatisfied with a decision to deny or grant a minor or major development permit may file a petition for a contested case hearing only if the Commission determines that a hearing is appropriate. A request for a determination of the appropriateness of a contested case hearing shall be made in writing and received by the Commission within 20 days after the disputed permit decision is made. A determination of the appropriateness of a contested case shall be made within 15 days after a request for a determination is received and shall be based on whether the person seeking to commence a contested case:

- (1) Has alleged that the decision is contrary to a statute or rule;
- (2) Is directly affected by the decision; and

- (3) Has alleged facts or made legal arguments that demonstrate that the request for the hearing is not frivolous.

If the Commission determines a contested case is appropriate, the petition for a contested case shall be filed within 20 days after the Commission makes its determination. A determination that a person may not commence a contested case is a final agency decision and is subject to judicial review under Article 4 of Chapter 150B of the General Statutes. If, on judicial review, the court determines that the Commission erred in determining that a contested case would not be appropriate, the court shall remand the matter for a contested case hearing under G.S. 150B-23 and final decision on the permit pursuant to G.S. 113A-122. Decisions in such cases shall be rendered pursuant to those rules, regulations, and other applicable laws in effect at the time of the commencement of the contested case.

(c) ~~A When the applicant seeks administrative review of a decision concerning a permit under subsection (a) of this section, the permit is suspended from the time a person seeks administrative review of the decision concerning the permit until the Commission determines that the person seeking the review cannot commence a contested case or the Commission makes a final decision in a the contested case, as appropriate, case, and no action may be taken during that time that would be unlawful in the absence of a permit.~~

(d) A permit challenged under subsection (b) of this section remains in effect unless a stay is issued by the administrative law judge as set forth in G.S. 150B-33 or by a reviewing court as set forth in G.S. 150B-48."

## **OPEN BURNING**

**SECTION 24.(a)** The definitions set out in G.S. 143-212, G.S. 143-213, and 15A NCAC 02D .1902 (Definitions) apply to this section.

**SECTION 24.(b)** 15A NCAC 02D .1903 (Open Burning Without an Air Quality Permit). – Until the effective date of the revised permanent rule that the Commission is required to adopt pursuant to Section 3.11(d) of this section, the Commission and the Department shall implement 15A NCAC 02D .1903 (Open Burning Without an Air Quality Permit) as provided in Section 3.11(c) of this section.

**SECTION 24.(c)** Implementation. – Notwithstanding Paragraph (b) of 15A NCAC 02D .1903 (Open Burning Without an Air Quality Permit), no air quality permit is required for the open burning of leaves, logs, stumps, tree branches, or yard trimmings if the following conditions are met:

- (1) The material burned originates on the premises of private residences and is burned on those premises.
- (2) There are no public pickup services available.
- (3) Nonvegetative materials, such as household garbage, lumber, or any other synthetic materials, are not burned.
- (4) The burning is initiated no earlier than 8:00 A.M. and no additional combustible material is added to the fire between 6:00 P.M. on one day and 8:00 A.M. on the following day.
- (5) The burning does not create a nuisance.
- (6) Material is not burned when the North Carolina Forest Service has banned burning for that area.

The burning of logs or stumps of any size shall not be considered to create a nuisance for purposes of the application of the open burning air quality permitting exception described in this subsection.

**SECTION 24.(d)** Additional Rule-Making Authority. – The Commission shall adopt a rule to amend 15A NCAC 02D .1903 (Open Burning Without an Air Quality Permit) consistent with Section 3.11(c) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant to this section shall be substantively identical to the provisions of Section 24(c) of this section. Rules adopted pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of the General Statutes. Rules adopted pursuant to this section shall become effective as provided in G.S. 150B-21.3(b1) as though 10 or more written objections had been received as provided by G.S. 150B-21.3(b2).

**SECTION 24.(e)** Sunset. – Section 24(c) of this section expires on the date that rules adopted pursuant to Section 24(d) of this section become effective.

**SECTION 24.(f)** Local Government Air Pollution Control Program Limitation. – G.S. 143-215.112(c) is amended by adding a new subdivision to read:

**"§ 143-215.112. Local air pollution control programs.**

- ...
- (c) (1) The governing body of any county, municipality, or group of counties and municipalities within a designated area of the State, as defined in this Article and Article 21, subject to the approval of the Commission, is hereby authorized to establish, administer, and enforce a local air pollution control program for the county, municipality, or designated area of the State which includes but is not limited to:
- a. Development of a comprehensive plan for the control and abatement of new and existing sources of air pollution;
  - b. Air quality monitoring to determine existing air quality and to define problem areas, as well as to provide background data to show the effectiveness of a pollution abatement program;
  - c. An emissions inventory to identify specific sources of air contamination and the contaminants emitted, together with the quantity of material discharged into the outdoor atmosphere;
  - d. Adoption, after notice and public hearing, of air quality and emission control standards, or adoption by reference, without public hearing, of any applicable rules and standards duly adopted by the Commission; and administration of such rules and standards in accordance with provisions of this section.
  - e. Provisions for the establishment or approval of time schedules for the control or abatement of existing sources of air pollution and for the review of plans and specifications and issuance of approval documents covering the construction and operation of pollution abatement facilities at existing or new sources;
  - f. Provision for adequate administrative staff, including an air pollution control officer and technical personnel, and provision for laboratory and other necessary facilities.

...

(6) No local air pollution control program may limit or otherwise regulate any combustion heater, appliance, or fireplace in private dwellings. For purposes of this subdivision, "combustion heater, appliance, or fireplace" means any heater, appliance, or fireplace that burns combustion fuels, including, but not limited to, natural or liquefied petroleum gas, fuel oil, kerosene, wood, or coal, for heating, cooking, drying, or decorative purposes."

**SECTION 24.(g)** G.S. 143-215.108 is amended by adding a new subsection to read:

**"§ 143-215.108. Control of sources of air pollution; permits required.**

...

(j) No Power to Regulate Residential Combustion. – Nothing in this section shall be interpreted to give the Commission or the Department the power to regulate the emissions from any combustion heater, appliance, or fireplace in private dwellings, except to the extent required by federal law. For purposes of this subsection, "combustion heater, appliance, or fireplace" means any heater, appliance, or fireplace that burns combustion fuels, including, but not limited to, natural or liquefied petroleum gas, fuel oil, kerosene, wood, or coal, for heating, cooking, drying, or decorative purposes."

**SECTION 24.(h)** G.S. 160A-193 is amended by adding a new subsection to read:

**"§ 160A-193. Abatement of public health nuisances.**

(a) A city shall have authority to summarily remove, abate, or remedy everything in the city limits, or within one mile thereof, that is dangerous or prejudicial to the public health or public safety. Pursuant to this section, the governing board of a city may order the removal of a swimming pool and its appurtenances upon a finding that the swimming pool or its appurtenances is dangerous or prejudicial to public health or safety. The expense of the action shall be paid by the person in default. If the expense is not paid, it is a lien on the land or premises where the nuisance occurred. A lien established pursuant to this subsection shall have the same priority and be collected as unpaid ad valorem taxes.

(c) The authority granted by this section does not authorize the application of a city ordinance banning or otherwise limiting outdoor burning to persons living within one mile of the city, unless the city provides those persons with either (i) trash and yard waste collection services or (ii) access to solid waste dropoff sites on the same basis as city residents."

#### **COASTAL STORMWATER GRANDFATHER**

**SECTION 25.(a)** The definitions set out in G.S. 143-212, G.S. 143-213, and 15A NCAC 2H .1002 apply to this section.

**SECTION 25.(b)** 15A NCAC 02H .1005 (Stormwater Requirements: Coastal Counties). – Until the effective date of the revised permanent rule that the Commission is required to adopt pursuant to Section 26(d) of this section, the Commission and the Department shall implement 15A NCAC 02H .1005 (Stormwater Requirements: Coastal Counties) as provided in Section 25(c) of this section.

**SECTION 25.(c)** Implementation. – Notwithstanding Paragraph (h) of 15A NCAC 02H .1005 (Stormwater Requirements: Coastal Counties), the provisions and requirements applicable to any grandfathered development activity subject to Subparagraph (a)(2) of 15A NCAC 02H .1005 shall also be applicable to an expansion of the development activity. For purposes of this subsection, "grandfathered development activity" means development activity that is regulated by provisions and requirements of 15A NCAC 02H .1005 (Stormwater Requirements: Coastal Counties) that was effective at the time of the original issuance of any of the authorizations listed in Subparagraph (h)(2) of 15A NCAC 02H .1005, because the authorization meets the criteria set forth in that Subparagraph; and "expansion of the development activity" means development activity conducted on a contiguous property or properties under a subdivision plat approved by the local government prior to July 3, 2012.

**SECTION 25.(d)** Additional Rule-Making Authority. – The Commission shall adopt a rule to amend 15A NCAC 02H .1005 (Stormwater Requirements: Coastal Counties) consistent with Section 25(c) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant to this section shall be substantively identical to the provisions of Section 25(c) of this act. Rules adopted pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of the General Statutes. Rules adopted pursuant to this section shall become effective as provided in G.S. 150B-21.3(b1) as though 10 or more written objections had been received as provided by G.S. 150B-21.3(b2).

**SECTION 25.(e)** Sunset. – Section 25(c) of this section expires on the date that rules adopted pursuant to Section 25(d) of this section become effective.

#### **AMEND TRANSPLANTING OF OYSTERS AND CLAMS STATUTE**

**SECTION 26.** G.S. 113-203 reads as rewritten:

##### **"§ 113-203. Transplanting of oysters and clams.**

- (a) ~~It is unlawful to transplant oysters taken from public grounds to private beds except:~~
- ~~(1) When lawfully taken during open season and transported directly to a private bed in accordance with rules of the Marine Fisheries Commission.~~
  - ~~(2) Repealed by Session Laws 2009-433, s. 6, effective August 7, 2009.~~
  - ~~(3) When the transplanting is done in accordance with the provisions of this section and implementing rules.~~
- (a1) ~~It is lawful to transplant seed clams less than 12 millimeters in their largest dimension and seed oysters less than 25 millimeters in their largest dimension and when the seed clams and seed oysters originate from an aquaculture operation permitted by the Secretary.~~
- (a2) It is unlawful to do any of the following:
- (1) Transplant oysters or clams taken from public grounds to private beds except when lawfully taken during open season and transported directly to a private bed in accordance with rules of the Marine Fisheries Commission.
  - (2) Transplant oysters or clams taken from permitted aquaculture operations to private beds except from waters in the approved classification.
  - (3) Transplant oysters or clams from public grounds or permitted aquaculture operations utilizing waters in the restricted or conditionally approved classification to private beds except when the transplanting is done in accordance with the provisions of this section and implementing rules.
- (a3) It is lawful to transplant seed oysters or seed clams taken from permitted aquaculture operations that use waters in the restricted or conditionally approved classification

to private beds pursuant to an Aquaculture Seed Transplant Permit issued by the Secretary that sets times during which transplant is permissible and other reasonable restrictions imposed by the Secretary under either of the following circumstances:

- (1) When transplanting seed clams less than 12 millimeters in their largest dimension.
- (2) When transplanting seed oysters less than 25 millimeters in their largest dimension.

(a4) It is unlawful to conduct a seed transplanting operation pursuant to subsection (a3) of this section if the seed transplanting operation is not conducted in compliance with its Aquaculture Seed Transplant Permit.

(b) It is lawful to transplant from public bottoms to private beds oysters or clams taken from ~~polluted~~ waters in the restricted or conditionally approved classifications with a permit from the Secretary setting out the waters from which the oysters or clams may be taken, the quantities which may be taken, the times during which the taking is permissible, and other reasonable restrictions imposed by the Secretary for the regulation of transplanting operations. Any transplanting operation which does not substantially comply with the restrictions of the permit issued is unlawful.

(c) Repealed by Session Laws 2009-433, s. 6, effective August 7, 2009.

(d) It is lawful to transplant to private beds in North Carolina oysters taken from natural or managed public beds designated by the Marine Fisheries Commission as seed oyster management areas. The Secretary shall issue permits to all qualified individuals who are residents of North Carolina without regard to county of residence to transplant seed oysters from said designated seed oyster management areas, setting out the quantity which may be taken, the times which the taking is permissible and other reasonable restrictions imposed to aid the Secretary in the Secretary's duty of regulating such transplanting operations. Persons taking such seed oysters may, in the discretion of the Marine Fisheries Commission, be required to pay to the Department for oysters taken an amount to reimburse the Department in full or in part for the costs of seed oyster management operations. Any transplanting operation which does not substantially comply with the restrictions of the permit issued is unlawful.

(e) The Marine Fisheries Commission may implement the provisions of this section by rules governing sale, possession, transportation, storage, handling, planting, and harvesting of oysters and clams and setting out any system of marking oysters and clams or of permits or receipts relating to them generally, from both public and private beds, as necessary to regulate the lawful transplanting of seed oysters and oysters or clams taken from or placed on public or private beds.

(f) The Commission may establish a fee for each permit established pursuant to this subsection in an amount that compensates the Division for the administrative costs associated with the permit but that does not exceed one hundred dollars (\$100.00) per permit.

(g) Advance Sale of Permits; Permit Revenue. – To ensure an orderly transition from one permit year to the next, the Division may issue a permit prior to July 1 of the permit year for which the permit is valid. Revenue that the Division receives for the issuance of a permit prior to the beginning of a permit year shall not revert at the end of the fiscal year in which the revenue is received and shall be credited and available to the Division for the permit year in which the permit is valid."

## **EXEMPT CONSTRUCTION AND DEMOLITION LANDFILLS FROM THE MINIMUM FINANCIAL RESPONSIBILITY REQUIREMENTS APPLICABLE TO OTHER SOLID WASTE MANAGEMENT FACILITIES**

SECTION 27. G.S. 130A-295.2 reads as rewritten:

**"§ 130A-295.2. Financial responsibility requirements for applicants and permit holders for solid waste management facilities.**

...  
(h) To meet the financial assurance requirements of this section, the owner or operator of a sanitary ~~landfill~~ landfill, other than a sanitary landfill for the disposal of construction and demolition debris waste, shall establish financial assurance sufficient to cover a minimum of two million dollars (\$2,000,000) in costs for potential assessment and corrective action at the facility. The Department may require financial assurance in a higher amount and may increase the amount of financial assurance required of a permit holder at any time based upon the types of waste disposed in the landfill, the projected amount of waste to be disposed in the landfill,

the location of the landfill, potential receptors of releases from the landfill, and inflation. The financial assurance requirements of this subsection are in addition to the other financial responsibility requirements set out in this section.

(h1) To meet the financial assurance requirements of this section, the owner or operator of a sanitary landfill for the disposal of construction and demolition debris waste shall establish financial assurance sufficient to cover a minimum of one million dollars (\$1,000,000) in costs for potential assessment and corrective action at the facility. The financial assurance requirements of this subsection are in addition to the other financial responsibility requirements set out in this section.

...  
(j) In addition to the other methods by which financial assurance may be established as set forth in subsection (f) of this section, the Department may allow the owner or operator of a sanitary landfill permitted on or before August 1, 2009, to meet the financial assurance requirement set forth in subsection (h) of this section by establishing a trust fund which conforms to the following minimum requirements:

- ...  
(4) Payments into the fund shall be made in equal annual installments in amounts calculated by dividing the current cost estimate for potential assessment and corrective action at the facility, ~~which~~ which, for a sanitary landfill, other than a sanitary landfill for the disposal of construction and demolition debris waste, shall not be less than two million dollars (\$2,000,000) in accordance with subsection (h) of this section, by the number of years in the pay-in period.
- (5) The trust fund may be terminated by the owner or operator only if the owner or operator establishes financial assurance by another method or combination of methods allowed under subsection (f) of this section.
- (6) The trust agreement shall be accompanied by a formal certification of acknowledgement."

#### **ON-SITE WASTEWATER APPROVAL CLARIFICATION**

**SECTION 28.(a)** G.S. 130A-343 is amended by adding a new subsection to read:  
**"§ 130A-343. Approval of on-site subsurface wastewater systems.**

...  
(j1) Clarification With Respect to Certain Dispersal Media. – In considering the application by a manufacturer of a wastewater system utilizing expanded polystyrene synthetic aggregate particles as a septic effluent dispersal medium for approval of the system under this section, neither the Commission nor the Department may condition, delay, or deny the approval based on the particle or bulk density of the expanded polystyrene material. With respect to approvals already issued by the Department or Commission that include conditions or requirements related to the particle or bulk density of expanded polystyrene material, the Commission or Department, as applicable, shall promptly reissue all such approvals with the conditions and requirements relating to the density of expanded polystyrene material permanently deleted while leaving all other terms and conditions of the approval intact.

...."  
**SECTION 28.(b)** Until the reissuance of approvals by the Department of Environment and Natural Resources or the Commission for Public Health as required by Section 28(a) of this act, conditions or requirements in existing approvals relating to the particle or bulk density of expanded polystyrene shall have no further force or effect.

#### **REFORM AGENCY REVIEW OF ENGINEERING WORK**

**SECTION 29.(a)** Definitions. – The following definitions apply to Section 6 of this act:

- (1) Practice of Engineering. – As defined in G.S. 89C-3.
- (2) Professional Engineer. – As defined in G.S. 89C-3.
- (3) Regulatory Authority. – The Department of Environment and Natural Resources, the Department of Health and Human Services, and any unit of local government operating a program (i) that grants permits, licenses, or approvals to the public and (ii) that is either approved by or delegated from

the Department of Environment and Natural Resources or the Department of Health and Human Services.

- (4) Regulatory Submittal. – An application or other submittal to a Regulatory Authority for a permit, license, or approval. In the case of a unit of local government, Regulatory Submittal shall mean an application or submittal submitted to a program approved by or delegated from the Department of Environment and Natural Resources or the Department of Health and Human Services.
- (5) Submitting Party. – The person submitting the Regulatory Submittal to the Regulatory Authority.
- (6) Working Job Title. – The job title a Regulatory Authority uses to publicly identify an employee with job duties that include the review of Regulatory Submittals. Working Job Title does not mean job titles that are used by the human resources department of a Regulatory Authority to classify jobs containing technical aspects related to the Practice of Engineering.

**SECTION 29.(b)** Standardize Certain Regulatory Review Procedures. – No later than December 1, 2014, each Regulatory Authority shall review and, where necessary, revise its procedures for review of Regulatory Submittals to accomplish the following:

- (1) Standardize the provision of review and comments on Regulatory Submittals so that revisions or requests for additional information that are required by the Regulatory Authority in order to proceed with the permit, license, or approval are clearly delineated from revisions or requests for additional information that constitute suggestions or recommendations by the Regulatory Authority. For purposes of this subdivision, "suggestions or recommendations by the Regulatory Authority" means comments made by the reviewer of the Regulatory Submittal to the Submitting Party that make a suggestion or recommendation for consideration by the Submitting Party but that are not required by the Regulatory Authority in order to proceed with the permit, license, or approval.
- (2) With respect to revisions or requests for additional information that are required by the Regulatory Authority in order to proceed with the permit, license, or approval, the Regulatory Authority shall identify the statutory or regulatory authority for the requirement.

**SECTION 29.(c)** Informal Review. – No later than December 1, 2014, each Regulatory Authority shall create a process for each regulatory program administered by the Regulatory Authority for an informal internal review at the request of the Submitting Party in each of the following circumstances:

- (1) The inclusion in a Regulatory Submittal of a design or practice sealed by a Professional Engineer but not included in the Regulatory Authority's existing guidance, manuals, or standard operating procedures. This review should first be conducted by the reviewing employee's supervisor or, in the case of a Regulatory Authority that is a unit of local government, either the reviewing employee's supervisor or the delegating or approving State agency. If this initial review was not conducted by a Professional Engineer, then the Submitting Party may request review by (i) a Professional Engineer on the staff of the Regulatory Authority or (ii) the delegating or approving State agency in the case of a Regulatory Authority that is a unit of local government. If the Regulatory Authority or delegating or approving State agency does not employ a Professional Engineer qualified and competent to perform the review, it may provide for review by a consulting Professional Engineer selected from a list developed and maintained by the Regulatory Authority. The Regulatory Authority may charge the Submitting Party for the costs of the review by the consulting Professional Engineer. Nothing in this subdivision is intended to limit the authority of the Regulatory Authority to make a final decision with regard to a Regulatory Submittal following the reviews described in this subdivision.
- (2) A disagreement between the reviewer of the Regulatory Submittal and the Submitting Party regarding whether the statutory or regulatory authority identified by the Regulatory Authority for revisions or requests for

additional information designated as "required" under the procedures set forth in Section 29(b) of this act justifies a required change.

**SECTION 29.(d)** Scope. – Nothing in Section 29(c) of this act shall limit or abrogate any rights available under Chapter 150B of the General Statutes to any Submitting Party.

**SECTION 29.(e)** Procedure to Develop List of Consulting Professional Engineers. – Regulatory Authorities shall develop formal written procedures to prepare and maintain a list of consulting Professional Engineers required pursuant to subdivision (1) of Section 29(c) of this act.

**SECTION 29.(f)** Pilot Study. – No later than March 1, 2015, the Department of Environment and Natural Resources shall complete a pilot study on the Pretreatment, Emergency Response and Collection System (PERCS) wastewater collection system permitting program and the stormwater permitting program and perform the following activities with the assistance and cooperation of the North Carolina Board of Examiners for Engineers and Surveyors and the Professional Engineers of North Carolina:

- (1) Produce an inventory of work activities associated with the operation of each regulatory program.
- (2) Determine the work activities identified under subdivision (1) of this subsection that constitute the Practice of Engineering.
- (3) Develop recommendations for ensuring that work activities constituting the Practice of Engineering are conducted with the appropriate level of oversight.

**SECTION 29.(g)** Report. – The Department shall report the results of the pilot study to the Environmental Review Commission no later than April 15, 2015.

**SECTION 29.(h)** Review of Working Job Titles. – No later than December 1, 2014, each Regulatory Authority and the Department of Transportation shall do the following:

- (1) Review the Working Job Titles of every employee with job duties that include the review of Regulatory Submittals.
- (2) Propose revisions to the Working Job Titles identified under subdivision (1) of this subsection or other administrative measures that will eliminate the public identification as "engineers" of persons reviewing Regulatory Submittals who are not Professional Engineers.

**SECTION 29.(i)** Initial Report. – Each Regulatory Authority shall report to the Environmental Review Commission prior to the convening of the 2015 Regular Session of the 2015 General Assembly on implementation of the following, if applicable:

- (1) The standardized procedures required by Section 29(b) of this act.
- (2) The informal review process required by Section 29(c) of this act.
- (3) The review of Working Job Titles required by Section 29(h) of this act.

**SECTION 29.(j)** Annual Report. – Beginning in 2016, each Regulatory Authority shall annually report to the Environmental Review Commission no later than January 15 on the informal review process required by Section 29(c) of this act. The report shall include the number of times the informal review process was utilized and the outcome of the review.

**SECTION 29.(k)** Annual Reporting Sunset. – Section 29(j) of this act expires on January 1, 2019.

## **SPEED LIMIT WAIVER IN STATE PARKS AND FORESTS**

**SECTION 31.(a)** G.S. 143-116.8 is amended by adding two new subsections to read:

**"§ 143-116.8. Motor vehicle laws applicable to State parks and forests road system.**

(a) Except as otherwise provided in this section, all the provisions of Chapter 20 of the General Statutes relating to the use of highways and public vehicular areas of the State and the operation of vehicles thereon are made applicable to the State parks and forests road system. For the purposes of this section, the term "State parks and forests road system" shall mean the streets, alleys, roads, public vehicular areas and driveways of the State parks, State forests, State recreation areas, State lakes, and all other lands administered by the Department of Environment and Natural Resources or the Department of Agriculture and Consumer Services. This term shall not be construed, however, to include streets that are a part of the State highway system. Any person violating any of the provisions of Chapter 20 of the General Statutes hereby made applicable in the State parks and forests road system shall, upon conviction, be

punished in accordance with Chapter 20 of the General Statutes. Nothing herein contained shall be construed as in any way interfering with the ownership and control of the State parks road system by the Department of Environment and Natural Resources and the forests road system by the Department of Agriculture and Consumer Services.

(b) (1) It shall be unlawful for a person to operate a vehicle in the State parks road system at a speed in excess of twenty-five miles per hour (25 mph). When the Secretary of Environment and Natural Resources determines that this speed is greater than reasonable and safe under the conditions found to exist in the State parks road system, the Secretary may establish a lower reasonable and safe speed limit. No speed limit established by the Secretary pursuant to this provision shall be effective until posted in the part of the system where the limit is intended to apply.

(1a) It shall be unlawful for a person to operate a vehicle in the State forests road system at a speed in excess of 25 miles per hour. When the Commissioner of Agriculture determines that this speed is greater than reasonable and safe under the conditions found to exist in the State forests road system, the Commissioner may establish a lower reasonable and safe speed limit. No speed limit established by the Commissioner pursuant to this provision shall be effective until posted in the part of the system where the limit is intended to apply.

...  
(f) Notwithstanding any other provision of this section, a person may petition the Department of Environment and Natural Resources for a waiver authorizing the person to operate a vehicle in the State parks road system at a speed in excess of 25 miles per hour in connection with a special event. The Secretary may impose any conditions on a waiver that the Secretary determines to be necessary to protect public health, safety, welfare, and the natural resources of the State park. These conditions shall include a requirement that the person receiving the waiver execute an indemnification agreement with the Department and obtain general liability insurance in an amount not to exceed three million dollars (\$3,000,000) covering personal injury and property damage that may result from driving in excess of 25 miles per hour in the State parks road system subject to the conditions determined by the Secretary.

(g) Notwithstanding any other provision of this section, a person may petition the Department of Agriculture and Consumer Services for a waiver authorizing the person to operate a vehicle in the State forests road system at a speed in excess of 25 miles per hour in connection with a special event. The Commissioner may impose any conditions on a waiver that the Commissioner determines to be necessary to protect public health, safety, welfare, and the natural resources of the State forest. These conditions shall include a requirement that the person receiving the waiver execute an indemnification agreement with the Department and obtain general liability insurance in an amount not to exceed three million dollars (\$3,000,000) covering personal injury and property damage that may result from driving in excess of 25 miles per hour in the State forests road system subject to the conditions determined by the Commissioner."

**SECTION 31.(b)** The Department of Environment and Natural Resources and the Department of Agriculture and Consumer Services shall amend their rules to be consistent with Section 31(a) of this act.

#### **SCOPE OF LOCAL AUTHORITY FOR ORDINANCES**

**SECTION 32.(a)** Section 10.2 of S.L. 2013-413 is repealed.

**SECTION 32.(b)** No later than November 1, 2014, and November 1, 2015, the Department of Agriculture and Consumer Services shall report to the Environmental Review Commission on any local government ordinances that impinge on or interfere with any area subject to regulation by the Department.

**SECTION 32.(c)** No later than November 1, 2014, and November 1, 2015, the Department of Environment and Natural Resources shall report to the Environmental Review Commission on any local government ordinances that impinge on or interfere with any area subject to regulation by the Department.

**SECTION 32.(d)** In developing the reports pursuant to Sections 32(b) and 32(c) of this act, the Department of Environment and Natural Resources and the Department of

Agriculture and Consumer Services shall solicit and receive input from the public regarding any local government ordinances that impinge on or interfere with any area subject to regulation by the respective Department.

#### **FEE ROLLBACK FOR OYSTER PERMITS UNDER PRIVATE DOCKS**

**SECTION 33.(a)** Subsection (m) of G.S. 113-210 are repealed.

**SECTION 33.(b)** This section becomes effective July 1, 2014.

#### **LOCAL GOVERNMENT LEASES FOR RENEWABLE ENERGY FACILITIES**

**SECTION 34.** G.S. 160A-272 reads as rewritten:

##### **"§ 160A-272. Lease or rental of property.**

...  
(c) The council may approve a lease for the siting and operation of a renewable energy facility, as that term is defined in G.S. 62-133.8(a)(7), for a term up to ~~20~~25 years without treating the lease as a sale of property and without giving notice by publication of the intended lease. ~~This subsection applies to Catawba, Mecklenburg, and Wake Counties, the Cities of Asheville, Raleigh, and Winston-Salem, and the Towns of Apex, Carrboro, Cary, Chapel Hill, Fuquay-Varina, Garner, Holly Springs, Knightdale, Morrisville, Rolesville, Wake Forest, Wendell, and Zebulon only."~~

#### **INLET HAZARD AREAS**

**SECTION 35.(a)** The definitions set out in G.S. 113A-103 apply to this section.

**SECTION 35.(b)** 15A NCAC 07H .0304 (AECs Within Ocean Hazard Areas). – Until the effective date of the revised permanent rule that the Commission is required to adopt pursuant to Section 35(d) of this act, the Commission and the Department shall implement 15A NCAC 07H .0304 (AECs Within Ocean Hazard Areas) as provided in Section 35(c) of this act.

**SECTION 35.(c)** Implementation. – Notwithstanding Subparagraph (3) of 15A NCAC 07H .0304 (AECs Within Ocean Hazard Areas), the Commission shall not establish any new and shall repeal any existing inlet hazard area in any location with the following characteristics:

- (1) The location is the former location of an inlet, but the inlet has been closed for at least 15 years.
- (2) Due to shoreline migration, the location no longer includes the current location of the inlet.
- (3) The location includes an inlet providing access to a State Port via a channel maintained by the United States Army Corps of Engineers.

**SECTION 35.(d)** Additional Rule-Making Authority. – The Commission shall adopt a rule to amend 15A NCAC 07H .0304 (AECs Within Ocean Hazard Areas) consistent with Section 35(c) of this act. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant to this section shall be substantively identical to the provisions of Section 35(c) of this act. Rules adopted pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of the General Statutes. Rules adopted pursuant to this section shall become effective as provided in G.S. 150B-21.3(b1) as though 10 or more written objections had been received as provided by G.S. 150B-21.3(b2).

**SECTION 35.(e)** Sunset. – Section 35(c) of this act expires on the date that rules adopted pursuant to Section 35(d) of this act become effective.

**SECTION 35.(f)** Nothing in this section is intended to prevent the Commission from (i) studying any current inlet hazard area or any other area considered by the Commission for designation as an inlet hazard area, (ii) designating new inlet hazard areas, or (iii) modifying existing inlet hazard areas consistent with Section 35(c) of this act.

#### **HUNTING TRIALS**

**SECTION 36.(a)** The Wildlife Resources Commission shall adopt rules to clarify the requirements in 15A NCAC 10B .0114 addressing which participants in retriever field trials are required to possess a hunting license, including out-of-state participants, judges, and spectators.

**SECTION 36.(b)** In developing the rules pursuant to Section 36(a) of this act, the Wildlife Resources Commission shall hold public hearings and consult with field trial groups active in the State.

## EXPEDITED IBT PROCESS FOR CERTAIN RESERVOIRS

**SECTION 37.** G.S. 143-215.22L(w) reads as rewritten:

"(w) Requirements for Coastal Counties, Counties and Reservoirs Constructed by the United States Army Corps of Engineers. – A petition for a certificate (i) to transfer surface water to supplement ground water supplies in the 15 counties designated as the Central Capacity Use Area under 15A NCAC 2E.0501, ~~or (ii) to transfer surface water withdrawn from the mainstem of a river to provide service to one of the coastal area counties designated pursuant to G.S. 113A-103, or (iii) to withdraw or transfer water stored in any multipurpose reservoir constructed by the United States Army Corps of Engineers and partially located in a state adjacent to North Carolina, provided the United States Army Corps of Engineers approved the withdrawal or transfer on or before July 1, 2014,~~ shall be considered and a determination made according to the following procedures:

- (1) The applicant shall file a notice of intent that includes a nontechnical description of the applicant's request and identification of the proposed water source.
- (2) The applicant shall prepare an environmental document pursuant to subsection (d) of this section, except that an environmental impact statement shall not be required unless it would otherwise be required by Article 1 of Chapter 113A of the General Statutes.
- (3) Upon determining that the documentation submitted by the applicant is adequate to satisfy the requirements of this subsection, the Department shall publish a notice of the petition in the North Carolina Register and shall hold a public hearing at a location convenient to both the source and receiving river basins. The Department shall provide written notice of the petition and the public hearing in the Environmental Bulletin, a newspaper of general circulation in the source river basin, a newspaper of general circulation in the receiving river basin, and as provided in subdivision (3) of subsection (c) of this section. The applicant who petitions the Commission for a certificate under this subdivision shall pay the costs associated with the notice and public hearing.
- (4) The Department shall accept comments on the petition for a minimum of 30 days following the public hearing.
- (5) The Commission or the Department may require the applicant to provide any additional information or documentation it deems reasonably necessary in order to make a final determination.
- (6) The Commission shall make a final determination whether to grant the certificate based on the factors set out in subsection (k) 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.
- (7) The Commission shall grant the certificate if it finds that the applicant has established by a preponderance of the evidence that the petition satisfies the requirements of subsection (m) of this section. The Commission may grant the certificate in whole or in part, or deny the request, and may impose such limitations and conditions on the certificate as it deems necessary and relevant."

## ELIMINATE OUTDATED AIR QUALITY REPORTING REQUIREMENTS

**SECTION 38.(a)** G.S. 143-215.3A reads as rewritten:

"§ 143-215.3A. **Water and Air Quality Account; use of application and permit fees; Title V Account; I & M Air Pollution Control Account; reports.**

...  
(c) The Department shall report to the Environmental Review Commission and the Fiscal Research Division on the cost of the State's environmental permitting programs contained within the Department on or before 1 November of each year. ~~In addition, the Department shall report to the Environmental Review Commission and the Fiscal Research Division on the cost of the Title V Program on or before 1 November of each year. The reports report shall include, but are is not limited to, fees set and established under this Article, fees~~

collected under this Article, revenues received from other sources for environmental permitting and compliance programs, changes made in the fee schedule since the last report, anticipated revenues from all other sources, interest earned and any other information requested by the General Assembly."

**SECTION 38.(b)** The following sections of S.L. 2002-4 are repealed:

- (1) Section 10.
- (2) Section 11, as amended by Section 12 of S.L. 2006-79 and S.L. 2010-142.
- (3) Section 12.
- (4) Section 13.

**SECTION 38.(c)** G.S. 143-215.108(g) is repealed.

#### **CLARIFYING CHANGES TO STATUTES PERTAINING TO THE MANAGEMENT OF VENOMOUS SNAKES AND OTHER REPTILES**

**SECTION 39.** G.S. 114-419(b) reads as rewritten:

**"§ 14-419. Investigation of suspected violations; seizure and examination of reptiles; disposition of reptiles.**

...  
(b) If the Museum or the Zoological Park or their designated representatives find that a seized reptile is a venomous reptile, large constricting snake, or crocodylian regulated under this Article, the Museum or the Zoological Park or their designated representative shall determine final disposition of the reptile in a manner consistent with the safety of the public, which in the case of a venomous reptile for which antivenin approved by the United States Food and Drug Administration is not readily available, ~~may include euthanasia~~ shall be euthanized unless the species is protected under the federal Endangered Species Act of 1973."

#### **REFORM ON-SITE WASTEWATER REGULATION**

**SECTION 40.(a)** G.S. 130A-334 reads as rewritten:

**"§ 130A-334. Definitions.**

The following definitions shall apply throughout this Article:

...  
(1b) "Ground absorption system" means a system of tanks, treatment units, nitrification fields, and appurtenances for wastewater collection, treatment, and subsurface disposal.

...  
(7a) "Plat" means a property survey prepared by a registered land surveyor, drawn to a scale of one inch equals no more than 60 feet, that includes: the specific location of the proposed facility and appurtenances, the site for the proposed wastewater system, and the location of water supplies and surface waters. "Plat" also means, for subdivision lots approved by the local planning authority ~~and recorded with the county register of deeds~~, if a local planning authority exists at the time of application for a permit under this Article, a copy of the recorded-subdivision plat that has been recorded with the county register of deeds and is accompanied by a site plan that is drawn to scale.

...  
(15) "Wastewater system" means a system of wastewater collection, treatment, and disposal in single or multiple components, including a ground absorption system, privy, septic tank system, public or community wastewater system, wastewater reuse or recycle system, mechanical or biological wastewater treatment system, any other similar system, and any chemical toilet used only for human waste. A wastewater system located on multiple adjoining lots or tracts of land under common ownership or control shall be considered a single system for purposes of permitting under this Article."

**SECTION 40.(b)** G.S. 130A-335(f1) reads as rewritten:

"(f1) A preconstruction conference with the owner or developer, or an agent of the owner or developer, and a representative of the local health department shall be required for any authorization for wastewater system construction issued with an improvement permit under G.S. 130-336 when the authorization is greater than five years old. Following the conference,

the local health department shall ~~issue a revised authorization~~ advise the owner or developer of any rule changes for wastewater system construction that includes incorporating current technology that can reasonably be expected to improve the performance of the system. The local health department shall issue a revised authorization for wastewater system construction incorporating the rule changes upon the written request of the owner or developer."

**SECTION 40.(c)** G.S. 130A-336 reads as rewritten:

**"§ 130A-336. Improvement permit and authorization for wastewater system construction required.**

...  
(b) The local health department shall issue an authorization for wastewater system construction authorizing work to proceed and the installation or repair of a wastewater system when it has determined after a field investigation that the system can be installed and operated in compliance with this Article and rules adopted pursuant to this Article. This authorization for wastewater system construction shall be valid for a period equal to the period of validity of the improvement permit, ~~not to exceed five years,~~ permit and may be issued at the same time the improvement permit is issued. No person shall commence or assist in the installation, construction, or repair of a wastewater system unless an improvement permit and an authorization for wastewater system construction have been obtained from the Department or the local health department. No improvement permit or authorization for wastewater system construction shall be required for maintenance of a wastewater system. The Department and the local health department may impose conditions on the issuance of an improvement permit and an authorization for wastewater system construction.

(c) Unless the Commission otherwise provides by rule, plans, and specifications for all wastewater systems designed for the collection, treatment, and disposal of industrial process wastewater shall be reviewed and approved by the Department prior to the issuance of an authorization for wastewater system construction by the local health department.

(d) If a local health department repeatedly fails to issue or deny improvement permits for conventional septic tank systems within 60 days of receiving completed applications for the permits, then the Department of Environment and Natural Resources may withhold public health funding from that local health department."

## **REPEAL WASTE MANAGEMENT BOARD RULES**

**SECTION 41.(a)** The General Assembly finds that the statutory authority for the Governor's Waste Management Board was repealed by S.L. 1993-501 and, therefore, regulations previously promulgated by that Board are no longer enforceable or necessary.

**SECTION 41.(b)** The Secretary of Environment and Natural Resources shall repeal 15A NCAC Chapter 14 (Governor's Waste Management Board) on or before December 1, 2014. Until the effective date of the repeal of the rule required pursuant to this section, the Secretary, the Department of Environment and Natural Resources, the Environmental Management Commission, or any other political subdivision of the State shall not implement or enforce 15A NCAC Chapter 14 (Governor's Waste Management Board).

## **WELL CONTRACTOR LICENSING CHANGES**

**SECTION 42.(a)** G.S. 87-43.1 is amended by adding the following new subdivision to read:

**"§ 87-43.1. Exceptions.**

The provisions of this Article shall not apply:

...  
(10) To the installation, construction, maintenance, or repair of electrical wiring, devices, appliances, or equipment by a person certified as a well contractor under Article 7A of this Chapter when running electrical wires from the well pump to the pressure switch."

**SECTION 42.(b)** G.S. 87-98.6 reads as rewritten:

**"§ 87-98.6. Well contractor qualifications and examination.**

(a) The Commission, with the advice and assistance of the Secretary, shall establish minimum requirements of education, experience, and knowledge for each type of certification for well contractors and shall establish procedures for receiving applications for certification, conducting examinations, and making investigations of applicants as may be necessary and appropriate so that prompt and fair consideration will be given to each applicant.

(b) The Commission, with the advice and assistance of the Secretary, shall establish minimum requirements of education, experience, and knowledge for each type of certification for well contractors for the installation, construction, maintenance, and repair of electrical wiring devices, appliances, and equipment related to the construction, operation, and repair of wells. Requirements developed pursuant to this subsection shall apply only to the initial certification of an applicant and shall not be required as part of continuing education or as a condition of certification renewal."

**SECTION 42.(c)** This section is effective when it becomes law. The requirements of subsection (b) of G.S. 87-98.6, as enacted by Section 42(b) of this act, apply to applicants applying for certification on or after the date this section becomes effective.

#### **STANDARDIZE LOCAL WELL PROGRAMS**

**SECTION 43.(a)** G.S. 87-97 reads as rewritten:

##### **"§ 87-97. Permitting, inspection, and testing of private drinking water wells.**

(a) **Mandatory Local Well Programs.** – Each county, through the local health department that serves the county, shall implement a private drinking water well permitting, inspection, and testing program. Local health departments shall administer the program and enforce the minimum well construction, permitting, inspection, repair, and testing requirements set out in this Article and rules adopted pursuant to this Article. No person shall unduly delay or refuse to permit a well that can be constructed or repaired and operated in compliance with the requirements set out in this Article and rules adopted pursuant to this Article.

(a1) **Use of Standard Forms.** – Local well programs shall use the standard forms created by the Department for all required submittals and shall not create their own forms unless the local program submits a petition for rule-making to the Environmental Management Commission, and the Commission by rule finds that conditions or circumstances unique to the area served by the local well program constitute a threat to public health that will be mitigated by use of a local form different from the form used by the Department.

...

(k) **Registry of Permits and Test Results.** – Each local health department shall maintain a registry of all private drinking water wells for which a construction permit or repair permit is ~~issued~~ issued that is searchable by address or addresses served by the well. The registry shall specify the physical location of each private drinking water well and shall include the results of all tests of water from each well. The local health department shall retain a record of the results of all tests of water from a private drinking water well until the well is properly closed in accordance with the requirements of this Article and rules adopted pursuant to this Article.

...."

**SECTION 43.(b)** Notwithstanding 15A NCAC 02C .0107(j)(2), neither the Department of Environment and Natural Resources nor any local well program shall require that well contractor identification plates include the well construction permit numbers. Local well programs may install a plate with the well construction permit number or any other information deemed relevant on a well at the expense of the local program.

**SECTION 43.(c)** The Environmental Management Commission shall adopt a rule to amend 15A NCAC 02C .0107(j)(2) consistent with Section 43(b) of this act.

**SECTION 43.(d)** Section 43(b) of this act expires on the date that the rule adopted pursuant to Section 43(c) of this act becomes effective.

**SECTION 43.(e)** If the well location marked on the map submitted with an application to a local well program is also marked with a stake or similar marker on the property, then the local well program may not require the contractor to be on-site during the on-site predrill inspection, as long as the contractor is available by telephone to answer questions.

#### **SENATOR JEAN PRESTON MARINE SHELLFISH SANCTUARY**

**SECTION 44.(a)** It is the intent of the General Assembly to establish a marine shellfish sanctuary in the Pamlico Sound to be named in honor of former Senator Jean Preston, to be called the "Senator Jean Preston Marine Shellfish Sanctuary."

**SECTION 44.(b)** The Division of Marine Fisheries of the Department of Environment and Natural Resources shall designate an area of appropriate acreage within the Pamlico Sound as a recommendation to the Environmental Review Commission for

establishment of the "Senator Jean Preston Marine Shellfish Sanctuary" and create a plan for managing the sanctuary that includes the following components:

- (1) Location and delineation of the sanctuary. – The plan should include a location for the sanctuary that minimizes the impact on commercial trawling. In addition, the sanctuary should be gridded into areas leased to private parties for restoration and harvest and areas operated and maintained by the State for restoration that are not open for harvest. The leased and unleased areas should be arranged in a pattern where leased squares are surrounded on four sides by unleased squares.
- (2) Administration. – The plan should include the prices to be charged for the leased portions of the sanctuary, including an administration fee to be retained by the Division to support the leasing and monitoring program. The plan shall also provide that the balance of lease payments collected by the Division be transferred to the General Fund with a recommendation that some or all of the proceeds be used for the support of the State's special education programs in memory of Senator Jean Preston.
- (3) Funding. – The plan should include a request for appropriations sufficient to provide funds for the construction of appropriate bottom habitat and shellfish seeding and for Division staff necessary to conduct oyster restoration and monitoring activities. The plan should provide that, whenever possible, construction and shellfish seeding be carried out by contract with private entities.
- (4) Commercial fisherman relief. – To promote the diversification of commercial fishing opportunities, the plan should include a program to award free or discounted leases under this section to commercial fishermen who (i) have held one or more commercial fishing licenses continually for a period of 10 or more years and (ii) receive at least fifty percent (50%) of their income from commercial fishing with those licenses.
- (5) Recommendations. – The plan should include recommendations for statutory or regulatory changes needed to expedite the expansion of shellfish restoration and harvesting in order to improve water quality, restore ecological habitats, and expand the coastal economy.

**SECTION 44.(c)** No later than December 1, 2014, and quarterly thereafter until submission of a final plan to the Environmental Review Commission, the Department of Environment and Natural Resources shall report to the Environmental Review Commission regarding its implementation of this section and its recommended plan.

#### **CLARIFY GRAVEL UNDER STORMWATER LAWS**

**SECTION 45.(a)** G.S. 143-214.7(b2) reads as rewritten:

"(b2) For purposes of implementing stormwater programs, "built-upon area" means impervious surface and partially impervious surface to the extent that the partially impervious surface does not allow water to infiltrate through the surface and into the subsoil. "Built-upon area" does not include a ~~wooden-slatted deck, deck or the water area of a swimming pool, or gravel pool.~~"

**SECTION 45.(b)** The Environmental Management Commission shall amend its rules to be consistent with the definition of "built-upon area" set out in subsection (b2) of G.S. 143-214.7, as amended by Section 45(a) of this act.

**SECTION 45.(c)** Unless specifically authorized by the General Assembly, neither the Environmental Management Commission nor the Department of Environment and Natural Resources have the authority to define the term "gravel" for purposes of implementing stormwater programs. Any rule adopted by the Environmental Management Commission or the Department of Environment and Natural Resources that defines the term "gravel" for purposes of implementing stormwater programs is not effective and shall not become effective.

**SECTION 45.(d)** This section is effective when it becomes law. Subsection (b2) of G.S. 143-214.7, as amended by Section 45(a) of this act, applies to projects for which permit applications are received on or after that date.

#### **UNITED STATES POSTAL SERVICE CLUSTER BOX UNITS/NO STORMWATER PERMIT MODIFICATION REQUIRED**

**SECTION 46.(a)** Notwithstanding the requirements of Article 21 of Chapter 143 of the General Statutes and rules adopted pursuant to that Article, the addition of a cluster box unit to a single-family or duplex development permitted by a local government shall not require a modification to any stormwater permit for that development. This section shall only apply to single-family or duplex developments in which individual curbside mailboxes are replaced with cluster box units whereupon the associated built-upon area supporting the cluster box units shall be considered incidental and shall not be required in the calculation of built-upon area for the development for stormwater permitting purposes.

**SECTION 46.(b)** This section is effective when this act becomes law and expires on December 31, 2015, or when regulations on cluster box design and placement by the United States Postal Service become effective and those regulations are adopted by local governments, whichever is earlier.

#### **MODIFICATION OF APPROVED WASTEWATER SYSTEMS**

**SECTION 47.(a)** The definitions set out in G.S. 130A-343 shall apply to this section.

**SECTION 47.(b)** 15A NCAC 18A .1969(j) (Modification of Approved Systems). – Until the effective date of the revised permanent rule that the Commission is required to adopt pursuant to Section 47(d) of this act, the Commission and the Department shall implement 15A NCAC 18A .1969(j) (Modification of Approved Systems) as provided in Section 47(c) of this act.

**SECTION 47.(c)** Implementation. – Notwithstanding 15A NCAC 18A .1969(j) (Modification of Approved Systems), the rule shall be implemented so as to not require a survey or audit of installed modified accepted systems in order to confirm the satisfactory performance of such systems.

**SECTION 47.(d)** Additional Rule-Making Authority. – The Commission for Public Health shall adopt a rule to amend 15A NCAC 18A .1969(j) (Modification of Approved Systems) consistent with Section 47(c) of this act. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant to this section shall be substantively identical to the provisions of Section 47(c) of this act. Rules adopted pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of the General Statutes. Rules adopted pursuant to this section shall become effective as provided in G.S. 150B-21.3(b1) as though 10 or more written objections had been received as provided by G.S. 150B-21.3(b2).

**SECTION 47.(e)** Sunset. – Section 47(c) of this act expires on the date that the rule adopted pursuant to Section 47(d) of this act becomes effective.

#### **CAPSTONE PERMITTING**

**SECTION 48.** G.S. 150B-23 is amended by adding a new subsection to read:

**"§ 150B-23. Commencement; assignment of administrative law judge; hearing required; notice; intervention.**

...  
(g) Where multiple licenses are required from an agency for a single activity, the Secretary or chief administrative officer of the agency may issue a written determination that the administrative decision reviewable under Article 3 of this Chapter occurs on the date the last license for the activity is issued, denied, or otherwise disposed of. The written determination of the administrative decision is not reviewable under this Article. Any licenses issued for the activity prior to the date of the last license identified in the written determination are not reviewable under this Article until the last license for the activity is issued, denied, or otherwise disposed of. A contested case challenging the last license decision for the activity may include challenges to agency decisions on any of the previous licenses required for the activity."

#### **CHANGES TO THE RESIDENTIAL PROPERTY DISCLOSURE ACT**

**SECTION 49.(a)** Chapter 47E of the General Statutes reads as rewritten:

**"Chapter 47E.**

**"Residential Property Disclosure Act.**

...  
**"§ 47E-2. Exemptions.**

The following transfers are exempt from the provisions of this Chapter:

- (1) Transfers pursuant to court order, including transfers ordered by a court in administration of an estate, transfers pursuant to a writ of execution, transfers by foreclosure sale, transfers by a trustee in bankruptcy, transfers by eminent domain, and transfers resulting from a decree for specific performance.
- (2) Transfers to a beneficiary from the grantor or his successor in interest in a deed of trust, or to a mortgagee from the mortgagor or his successor in interest in a mortgage, if the indebtedness is in default; transfers by a trustee under a deed of trust or a mortgagee under a mortgage, if the indebtedness is in default; transfers by a trustee under a deed of trust or a mortgagee under a mortgage pursuant to a foreclosure sale, or transfers by a beneficiary under a deed of trust, who has acquired the real property at a sale conducted pursuant to a foreclosure sale under a deed of trust.
- (3) Transfers by a fiduciary in the course of the administration of a decedent's estate, guardianship, conservatorship, or trust.
- (4) Transfers from one or more co-owners solely to one or more other co-owners.
- (5) Transfers made solely to a spouse or a person or persons in the lineal line of consanguinity of one or more transferors.
- (6) Transfers between spouses resulting from a decree of divorce or a distribution pursuant to Chapter 50 of the General Statutes or comparable provision of another state.
- (7) Transfers made by virtue of the record owner's failure to pay any federal, State, or local taxes.
- (8) Transfers to or from the State or any political subdivision of the State.

(b) The following transfers are exempt from the provisions of G.S. 47E-4 but not from the requirements of G.S. 47E-4.1:

- ~~(9)~~(1) Transfers involving the first sale of a dwelling never inhabited.
- ~~(10)~~(2) Lease with option to purchase contracts where the lessee occupies or intends to occupy the dwelling.
- ~~(11)~~(3) Transfers between parties when both parties agree not to complete a residential property disclosure statement or an owners' association and mandatory covenants disclosure statement.

...  
**"§ 47E-4. Required disclosures.**

...  
~~(b2) With regard to transfers described in G.S. 47E-1, the owner of the real property shall include in any real estate contract, an oil and gas rights mandatory disclosure as provided in this subsection:~~

- ~~(1) Transfers of residential property set forth in G.S. 47E-2 are excluded from this requirement, except that the exemptions provided under subdivisions (9) and (11) of G.S. 47E-2 specifically are not excluded from this requirement.~~
- ~~(2) The disclosure shall be conspicuous, shall be in boldface type, and shall be as follows:~~

~~OIL AND GAS RIGHTS DISCLOSURE~~

~~Oil and gas rights can be severed from the title to real property by conveyance (deed) of the oil and gas rights from the owner or by reservation of the oil and gas rights by the owner. If oil and gas rights are or will be severed from the property, the owner of those rights may have the perpetual right to drill, mine, explore, and remove any of the subsurface oil or gas resources on or from the property either directly from the surface of the property or from a nearby location. With regard to the severance of oil and gas rights, Seller makes the following disclosures:~~

|                                               |                                                                           | Yes | No | No Representation |
|-----------------------------------------------|---------------------------------------------------------------------------|-----|----|-------------------|
| <u>                    </u><br>Buyer Initials | 1. Oil and gas rights were severed from the property by a previous owner. | ==  | == | ==                |
| <u>                    </u><br>Buyer Initials | 2. Seller has severed the oil and gas rights from the property.           | ==  | == |                   |

|                             |                                                                                                                     |            |           |
|-----------------------------|---------------------------------------------------------------------------------------------------------------------|------------|-----------|
|                             |                                                                                                                     | <u>Yes</u> | <u>No</u> |
| <u>                    </u> | 3. <del>Seller intends to sever the oil and gas rights from the property prior to transfer of title to Buyer.</del> | <u>—</u>   | <u>—</u>  |
| <u>Buyer Initials</u>       |                                                                                                                     |            |           |

(c) The rights of the parties to a real estate contract as to conditions of the property of which the owner had no actual knowledge are not affected by this Article unless the residential disclosure statement or the owners' association and mandatory covenants disclosure statement, as applicable, states that the owner makes no representations as to those conditions. If the statement states that an owner makes no representations as to the conditions of the property, then the owner has no duty to disclose those conditions, whether or not the owner should have known of them.

**"§ 47E-4.1. Required mineral and oil and gas rights disclosures.**

(a) With regard to transfers described in G.S. 47E-1 and G.S. 47E-2(b), the owner of the real property shall furnish to a purchaser a mineral and oil and gas rights mandatory disclosure statement. The disclosure shall be conspicuous, shall be in boldface type, and shall be as follows:

MINERAL AND OIL AND GAS RIGHTS DISCLOSURE

Mineral rights and/or oil and gas rights can be severed from the title to real property by conveyance (deed) of the mineral rights and/or oil and gas rights from the owner or by reservation of the mineral rights and/or oil and gas rights by the owner. If mineral rights and/or oil and gas rights are or will be severed from the property, the owner of those rights may have the perpetual right to drill, mine, explore, and remove any of the subsurface mineral and/or oil or gas resources on or from the property either directly from the surface of the property or from a nearby location. With regard to the severance of mineral rights and/or oil and gas rights, Seller makes the following disclosures:

|                             |                                                                                                                 | <u>Yes</u> | <u>No</u> | <u>No Representation</u> |
|-----------------------------|-----------------------------------------------------------------------------------------------------------------|------------|-----------|--------------------------|
| <u>                    </u> | 1. <u>Mineral rights were severed from the property by a previous owner.</u>                                    | <u>—</u>   | <u>—</u>  | <u>—</u>                 |
| <u>Buyer Initials</u>       |                                                                                                                 |            |           |                          |
| <u>                    </u> | 2. <u>Seller has severed the mineral rights from the property.</u>                                              | <u>—</u>   | <u>—</u>  |                          |
| <u>Buyer Initials</u>       |                                                                                                                 |            |           |                          |
| <u>                    </u> | 3. <u>Seller intends to sever the mineral rights from the property prior to transfer of title to Buyer.</u>     | <u>—</u>   | <u>—</u>  |                          |
| <u>Buyer Initials</u>       |                                                                                                                 |            |           |                          |
| <u>                    </u> | 4. <u>Oil and gas rights were severed from the property by a previous owner.</u>                                | <u>—</u>   | <u>—</u>  | <u>—</u>                 |
| <u>Buyer Initials</u>       |                                                                                                                 |            |           |                          |
| <u>                    </u> | 5. <u>Seller has severed the oil and gas rights from the property.</u>                                          | <u>—</u>   | <u>—</u>  |                          |
| <u>Buyer Initials</u>       |                                                                                                                 |            |           |                          |
| <u>                    </u> | 6. <u>Seller intends to sever the oil and gas rights from the property prior to transfer of title to Buyer.</u> | <u>—</u>   | <u>—</u>  |                          |
| <u>Buyer Initials</u>       |                                                                                                                 |            |           |                          |

(b) The North Carolina Real Estate Commission shall develop and require the use of a mineral and oil and gas rights mandatory disclosure statement to comply with the requirements of this section. The disclosure statement shall specify that the transfers identified in G.S. 47E-2(a) are exempt from this requirement but the transfers identified in G.S. 47E-2(b) are not. The disclosure statement shall provide the owner with the option to indicate whether the owner has actual knowledge of the specified characteristics or conditions. The owner may make no representations only as to a previous severance of mineral rights and previous severance of oil and gas rights.

(c) The rights of the parties to a real estate contract as to the severance of minerals or the severance of oil and gas rights by the previous owner of the property and of which the owner had no actual knowledge are not affected by this Article unless the mineral and oil and

gas rights mandatory disclosure statement states that the owner makes no representations as to the severance of mineral rights or the severance of oil and gas rights by the previous owner of the property. If the statement states that an owner makes no representations as to the severance of mineral rights or the severance of oil and gas rights by the previous owner of the property, then the owner has no duty to disclose the severance of mineral rights or the severance of oil and gas rights, as applicable, by a previous owner of the property, whether or not the owner should have known of any such severance.

**"§ 47E-5. Time for disclosure; cancellation of contract.**

(a) The owner of real property subject to this Chapter shall deliver to the purchaser the disclosure statements required by this Chapter no later than the time the purchaser makes an offer to purchase, exchange, or option the property, or exercises the option to purchase the property pursuant to a lease with an option to purchase. ~~The residential property disclosure statement~~ the mineral and oil and gas rights mandatory disclosure statement, or the owners' association and mandatory covenants disclosure statement may be included in the real estate contract, in an addendum, or in a separate document.

**"§ 47E-6. Owner liability for disclosure of information provided by others.**

~~The~~ With the exception of the disclosures required by G.S. 47E-4.1, the owner may discharge the duty to disclose imposed by this Chapter by providing a written report attached to the residential property disclosure statement and the owners' association and mandatory covenants disclosure statement by a public agency or by an attorney, engineer, land surveyor, geologist, pest control operator, contractor, home inspector or other expert, dealing with matters within the scope of the public agency's functions or the expert's license or expertise. The owner shall not be liable for any error, inaccuracy, or omission of any information delivered pursuant to this section if the error, inaccuracy, or omission was made in reasonable reliance upon the information provided by the public agency or expert and the owner was not grossly negligent in obtaining the information or transmitting it.

**"§ 47E-7. Change in circumstances.**

If, subsequent to the owner's delivery of a residential property disclosure ~~statement and statement~~, the mineral and oil and gas rights mandatory disclosure statement, or the owners' association and mandatory covenants disclosure statement to a purchaser, the owner discovers a material inaccuracy in a disclosure statement, or a disclosure statement is rendered inaccurate in a material way by the occurrence of some event or circumstance, the owner shall promptly correct the inaccuracy by delivering a corrected disclosure statement or statements to the purchaser. Failure to deliver a corrected disclosure statement or to make the repairs made necessary by the event or circumstance shall result in such remedies for the buyer as are provided for by law in the event the sale agreement requires the property to be in substantially the same condition at closing as on the date of the offer to purchase, reasonable wear and tear excepted.

**"§ 47E-8. Agent's duty.**

A real estate broker ~~or salesman~~ acting as an agent in a residential real estate transaction has the duty to inform each of the clients of the real estate broker ~~or salesman~~ of the client's rights and obligations under this Chapter. Provided the owner's real estate broker ~~or salesman~~ has performed this duty, the broker or salesman shall not be responsible for the owner's willful refusal to provide a prospective purchaser with a residential property disclosure ~~statement~~ statement, the mineral and oil and gas rights mandatory disclosure statement, or an owners' association and mandatory covenants disclosure statement. Nothing in this Chapter shall be construed to conflict with, or alter, the ~~broker or salesman's~~ broker's duties under Chapter 93A of the General Statutes.

...."

**SECTION 49.(b)** This section becomes effective January 1, 2015, and applies to contracts executed on or after that date.

**REPORTS ON MINIMUM DESIGN CRITERIA**

**SECTION 50.** Section 1 of S.L. 2013-82 reads as rewritten:

**"SECTION 1.** The Department of Environment and Natural Resources shall develop Minimum Design Criteria for permits issued by the stormwater runoff permitting programs authorized by G.S. 143-214.7. The Minimum Design Criteria shall include all requirements for siting, site preparation, design and construction, and post-construction monitoring and

evaluation necessary for the Department to issue stormwater permits that comply with State water quality standards adopted pursuant to G.S. 143-214.1, 143-214.7, and 143-215.3(a)(1). In developing and updating the Minimum Design Criteria, the Department shall consult with a technical working group that consists of industry experts, engineers, environmental consultants, relevant faculty from The University of North Carolina, and other interested stakeholders. The Department shall submit interim reports on its progress in developing the Minimum Design Criteria to the Environmental Review Commission no later than September 1, 2014, and December 1, 2014. The Department shall submit a final report, including its recommendations to the Environmental Review Commission no later than ~~September 1, 2014.~~February 1, 2015."

#### **CLARIFY EFFECTIVE DATE OF DEFINITION OF DISCHARGE OF WASTE**

**SECTION 51.(a)** Section 17 of S.L. 2012-187 reads as rewritten:

"SECTION 17. Section 11 of this act is effective when it becomes law and applies to contested cases filed or pending on or after that date. Except as otherwise provided, this act is effective when it becomes law."

**SECTION 51.(b)** This section becomes effective July 16, 2012.

#### **STATEWIDE VENUS FLYTRAP PENALTIES**

**SECTION 52.(a)** Article 22 of Chapter 14 of the General Statutes is amended by adding a new section to read:

**"§ 14-129.3. Felony taking of Venus flytrap.**

(a) Any person, firm, or corporation who digs up, pulls up, takes, or carries away, or aids in taking or carrying away, any Venus flytrap (*Dionaea muscipula*) plant or the seed of any Venus flytrap plant growing upon the lands of another person, or from the public domain, with the intent to steal the Venus flytrap plant or seed is guilty of a Class H felony.

(b) This section shall not apply to any person, firm, or corporation that has a permit to dig up, pull up, take, or carry away the plant or seed, signed by the owner of the land, or the owner's duly authorized agent. At the time of the digging, pulling, taking, or carrying away, the permit shall be in the possession of the person, firm, or corporation on the land."

**SECTION 52.(b)** G.S. 14-129 reads as rewritten:

**"§ 14-129. Taking, etc., of certain wild plants from land of another.**

No person, firm or corporation shall dig up, pull up or take from the land of another or from any public domain, the whole or any part of any ~~Venus flytrap (*Dionaea muscipula*),~~ trailing arbutus, Aaron's Rod (*Thermopsis caroliniana*), Bird-foot Violet (*Viola pedata*), Bloodroot (*Sanguinaria canadensis*), Blue Dogbane (*Amsonia tabernaemontana*), Cardinal-flower (*Lobelia cardinalis*), Columbine (*Aquilegia canadensis*), Dutchman's Breeches (*Dicentra cucullaria*), Maidenhair Fern (*Adiantum pedatum*), Walking Fern (*Camptosorus rhizophyllus*), Gentians (*Gentiana*), Ground Cedar, Running Cedar, Hepatica (*Hepatica americana* and *acutiloba*), Jack-in-the-Pulpit (*Arisaema triphyllum*), Lily (*Lilium*), Lupine (*Lupinus*), Monkshood (*Aconitum uncinatum* and *reclinatum*), May Apple (*Podophyllum peltatum*), Orchids (all species), Pitcher Plant (*Sarracenia*), Shooting Star (*Dodecatheon meadia*), Oconee Bells (*Shortia galacifolia*), Solomon's Seal (*Polygonatum*), Trailing Christmas (Greens-*Lycopodium*), Trillium (*Trillium*), Virginia Bluebells (*Mertensia virginica*), and Fringe Tree (*Chionanthus virginicus*), American holly, white pine, red cedar, hemlock or other coniferous trees, or any flowering dogwood, any mountain laurel, any rhododendron, or any ground pine, or any Christmas greens, or any Judas tree, or any leucothea, or any azalea, without having in his possession a permit to dig up, pull up or take such plants, signed by the owner of such land, or by his duly authorized agent. Any person convicted of violating the provisions of this section shall be guilty of a Class 3 misdemeanor only punished by a fine of not less than ~~ten dollars (\$10.00)~~seventy-five dollars (\$75.00) nor more than ~~fifty dollars (\$50.00)~~one hundred seventy-five dollars (\$175.00) for each offense. The provisions of this section shall not apply to the Counties of Cabarrus, Carteret, Catawba, Cherokee, Chowan, Cumberland, Currituck, Dare, Duplin, Edgecombe, Franklin, Gaston, Granville, Hertford, McDowell, Pamlico, Pender, Person, Richmond, Rockingham, Rowan and Swain offense, with each plant taken in violation of this section constituting a separate offense. The Clerk of Court for the jurisdiction in which a conviction occurs under this section involving any species listed in this section that also appears on the North Carolina Protected Plants list created under the authority granted by Article 19B of Chapter 106 of the General Statutes shall report the

conviction to the Plant Conservation Board so the Board may consider a civil penalty under the authority of that Article."

**SECTION 52.(c)** This section becomes effective December 1, 2014, and applies to offenses committed on or after that date.

#### **EXPAND DAILY FLOW DESIGN EXEMPTION FOR LOW-FLOW FIXTURES**

**SECTION 53.** Section 34(b) of S.L. 2013-413 reads as rewritten:

**"SECTION 34.(b)** Implementation. – Notwithstanding the Daily Flow for Design rates listed for dwelling units in 15A NCAC 18A .1949(a) or for other establishments in Table No. 1 of 15A NCAC 18A .1949(b) (Sewage Flow Rates for Design Units), a wastewater system shall be exempt from the Daily Flow for Design, and any other design flow standards that are established by the Department of Health and Human Services or the Commission for Public Health provided flow rates that are less than those listed in ~~Table No. 1 of 15A NCAC 18A .1949(b)~~ 15A NCAC 18A .1949 (Sewage Flow Rates for Design Units) can be achieved through engineering design that utilizes low-flow fixtures and low-flow technologies and the design is prepared, sealed, and signed by a professional engineer licensed pursuant to Chapter 89C of the General Statutes. The Department and Commission may ~~establish~~ establish, by rule, lower limits on reduced flow rates as necessary to ensure wastewater system integrity and protect public health, safety, and ~~welfare~~welfare, provided that the Commission relies on scientific evidence specific to soil types found in North Carolina that the lower limits are necessary for those soil types. Rules adopted pursuant to this section shall become effective as provided in G.S. 150B-21.3(b1) as though 10 or more written objections had been received as provided by G.S. 150B-21.3(b2). Proposed daily design flows for wastewater systems that are calculated to be less than 3,000 total gallons per day shall not require State review pursuant to 15A NCAC 18A .1938(e). Neither the State nor any local health department shall be liable for any damages caused by a system approved or permitted pursuant to this section."

#### **AMEND ISOLATED WETLANDS REGULATION**

**SECTION 54.(a)** Until the effective date of the revised permanent rule that the Environmental Management Commission is required to adopt pursuant to Section 54(c) of this act, the Commission and the Department of Environment and Natural Resources shall implement 15A NCAC 02H .1305 (Review of Applications) as provided in Section 54(b) of this act.

**SECTION 54.(b)** Notwithstanding 15A NCAC 02H .1305 (Review of Applications), all of the following shall apply to the implementation of 15A NCAC 02H .1305:

- (1) The amount of impacts of isolated wetlands under 15A NCAC 02H .1305(d)(2) shall be less than or equal to one acre of isolated wetlands east of I-95 for the entire project and less than or equal to 1/3 acre of isolated wetlands west of I-95 for the entire project.
- (2) The mitigation ratio for impacts of greater than one acre for the entire project under 15A NCAC 02H .1305(g)(6) shall be 1:1 and may be located on the same parcel.
- (3) For purposes of Section 54(b) of this section, "isolated wetlands" means a Basin Wetland or Bog as described in the North Carolina Wetland Assessment User Manual prepared by the North Carolina Wetland Functional Assessment Team, version 4.1 October, 2010, that are not jurisdictional wetlands under the federal Clean Water Act. An "isolated wetland" does not include an isolated man-made ditch or pond constructed for stormwater management purposes or any other man-made isolated pond.

**SECTION 54.(c)** The Environmental Management Commission shall adopt rules to amend 15A NCAC 02H .1300 through 15A NCAC 02H .1305 consistent with Section 54(b) of this act. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant to this subsection shall be substantively identical to the provisions of Section 54(b) of this act. Rules adopted pursuant to this subsection are not subject to Part 3 of Article 2A of Chapter 150B of the General Statutes. Rules adopted pursuant to this subsection shall become effective as provided in G.S. 150B-21.3(b1) as though 10 or more written objections had been received as provided by G.S. 150B-21.3(b2).

**SECTION 54.(d)** The Department of Environment and Natural Resources shall study (i) how the term "isolated wetland" has been previously defined in State law and whether

the term should be clarified in order to provide greater certainty in identifying isolated wetlands; (ii) the surface area thresholds for the regulation of mountain bog isolated wetlands, including whether mountain bog isolated wetlands should have surface area regulatory thresholds different from other types of isolated wetlands; and (iii) whether impacts to isolated wetlands should be combined with the project impacts to jurisdictional wetlands or streams for the purpose of determining when impact thresholds that trigger a mitigation requirement are met. The Department shall report its findings and recommendations to the Environmental Review Commission on or before November 1, 2014.

**SECTION 54.(e)** This section is effective when it becomes law. Section 54(b) of this act expires on the date that rules adopted pursuant to Section 54(c) of this act become effective.

## **ENERGY AUDIT REQUIREMENTS**

**SECTION 55.** G.S. 143-64.12 reads as rewritten:

### **"§ 143-64.12. Authority and duties of the Department; State agencies and State institutions of higher learning.**

(a) The Department of Environment and Natural Resources through the State Energy Office shall develop a comprehensive program to manage energy, water, and other utility use for State agencies and State institutions of higher learning and shall update this program annually. Each State agency and State institution of higher learning shall develop and implement a management plan that is consistent with the State's comprehensive program under this subsection to manage energy, water, and other utility use, and that addresses any findings or recommendations resulting from the energy audit required by subsection (b1) of this section. The energy consumption per gross square foot for all State buildings in total shall be reduced by twenty percent (20%) by 2010 and thirty percent (30%) by 2015 based on energy consumption for the 2002-2003 fiscal year. Each State agency and State institution of higher learning shall update its management plan ~~annually~~ biennially and include strategies for supporting the energy consumption reduction requirements under this subsection. Each community college shall submit to the State Energy Office ~~an annual~~ a biennial written report of utility consumption and costs. Management plans submitted ~~annually~~ biennially by State institutions of higher learning shall include all of the following:

- (1) Estimates of all costs associated with implementing energy conservation measures, including pre-installation and post-installation costs.
- (2) The cost of analyzing the projected energy savings.
- (3) Design costs, engineering costs, pre-installation costs, post-installation costs, debt service, and any costs for converting to an alternative energy source.
- (4) An analysis that identifies projected annual energy savings and estimated payback periods.

...

(j) The State Energy Office shall submit a report by December 1 of ~~each~~ every odd-numbered year to the Joint Legislative ~~Commission on Governmental Operations~~ Energy Policy Commission describing the comprehensive program to manage energy, water, and other utility use for State agencies and State institutions of higher learning required by subsection (a) of this section. The report shall also contain the following:

- (1) A comprehensive overview of how State agencies and State institutions of higher learning are managing energy, water, and other utility use and achieving efficiency gains.
- (2) Any new measures that could be taken by State agencies and State institutions of higher learning to achieve greater efficiency gains, including any changes in general law that might be needed.
- (3) A summary of the State agency and State institutions of higher learning management plans required by subsection (a) of this section and the energy audits required by subsection (b1) of this section.
- (4) A list of the State agencies and State institutions of higher learning that did and did not submit management plans required by subsection (a) of this section and a list of the State agencies and State institutions of higher learning that received an energy audit.
- (5) Any recommendations on how management plans can be better managed and implemented."

## STUDY USE OF CONTAMINATED PROPERTY

**SECTION 56.(a)** The Department of Environment and Natural Resources shall study ways to improve the timeliness of actions necessary to address contaminated properties such that the property is safe for productive use, threats to the environment and public health are minimized to acceptable levels, and the risk of taxpayer-funded remediation is reduced. The Department shall specifically consider all of the following:

- (1) The expansion of risk-based remediation of groundwater to all remediation programs under the Department.
- (2) The resources needed within the Department to oversee remediation, including the potential to expand the use of Department-approved private environmental consulting and engineering firms to implement and oversee remedial actions.
- (3) That rules adopted by the Environmental Management Commission for water quality standards applicable to groundwater be no more stringent than the lower of the federal or State maximum contaminant levels for drinking water in cases where the maximum contaminant levels have been adopted.
- (4) Liability protection for innocent purchasers of nonresidential property who take actions consistent with the federal Comprehensive Environmental Response, Compensation, and Liability Act for due diligence and due care regarding investigations and contaminants found.
- (5) Other matters the Department deems appropriate to further the goals of this study.

**SECTION 56.(b)** The Department shall report the results of this study, including any recommendations, to the Environmental Review Commission no later than November 1, 2014.

## HARDISON AMENDMENT CLARIFICATION

**SECTION 57.** G.S. 150B-19.3 reads as rewritten:

### "§ 150B-19.3. Limitation on certain environmental rules.

(a) An agency authorized to implement and enforce State and federal environmental laws may not adopt a rule for the protection of the environment or natural resources that imposes a more restrictive standard, limitation, or requirement than those imposed by federal law or rule, if a federal law or rule pertaining to the same subject matter has been adopted, unless adoption of the rule is required by one of the ~~following subdivisions of this subsection.~~ A rule required by one of the following subdivisions of this subsection shall be subject to the provisions of G.S. 150B-21.3(b1) as if the rule received written objections from 10 or more persons under G.S. 150B-21.3(b2):

- (1) A serious and unforeseen threat to the public health, safety, or welfare.
- (2) An act of the General Assembly or United States Congress that expressly requires the agency to adopt rules.
- (3) A change in federal or State budgetary policy.
- (4) A federal regulation required by an act of the United States Congress to be adopted or administered by the State.
- (5) A court order.

(b) For purposes of this section, "an agency authorized to implement and enforce State and federal environmental laws" means any of the following:

- (1) The Department of Environment and Natural Resources created pursuant to G.S. 143B-279.1.
- (2) The Environmental Management Commission created pursuant to G.S. 143B-282.
- (3) The Coastal Resources Commission established pursuant to G.S. 113A-104.
- (4) The Marine Fisheries Commission created pursuant to G.S. 143B-289.51.
- (5) The Wildlife Resources Commission created pursuant to G.S. 143-240.
- (6) The Commission for Public Health created pursuant to G.S. 130A-29.
- (7) The Sedimentation Control Commission created pursuant to G.S. 143B-298.
- (8) The North Carolina Mining and Energy Commission created pursuant to G.S. 143B-293.1.
- (9) The Pesticide Board created pursuant to G.S. 143-436."

## **FORESTRY FEES CORRECTION**

**SECTION 58.** G.S. 106-1004, as enacted by S.L. 2014-100, reads as rewritten:

### **"§ 106-1004. Fees for forest management plans.**

The Board of Agriculture shall establish by rule a schedule of fees for the preparation of forest management plans developed pursuant to ~~Article 83~~ of this Chapter. The fees established by the Board shall not exceed the amount necessary to offset the costs of the Department of Agriculture and Consumer Services to prepare forest management plans."

## **RECOURSE WHEN AGENCY FAILS TO ACT**

**SECTION 59.(a)** G.S. 150B-23 is amended by adding a new subsection to read:

"(a4) If an agency fails to take any required action within the time period specified by law, any person whose rights are substantially prejudiced by the agency's failure to act may commence a contested case in accordance with this section seeking an order that the agency act as required by law. If the administrative law judge finds that the agency has failed to act as required by law, the administrative law judge may order that the agency take the required action within a specified time period."

**SECTION 59.(b)** G.S. 150B-44 reads as rewritten:

### **"§ 150B-44. Right to judicial intervention when final decision unreasonably delayed.**

~~Unreasonable delay on the part of any agency or administrative law judge in taking any required action shall be justification for any person whose rights, duties, or privileges are adversely affected by such delay to seek a court order compelling action by the agency or administrative law judge. Failure of an administrative law judge subject to Article 3 of this Chapter or failure of an agency subject to Article 3A of this Chapter to make a final decision within 120 days of the close of the contested case hearing is justification for a person whose rights, duties, or privileges are adversely affected by the delay to seek a court order compelling action by the agency or by the administrative law judge. The Board of Trustees of the North Carolina State Health Plan for Teachers and State Employees is a "board" for purposes of this section."~~

## **SEVERABILITY CLAUSE AND EFFECTIVE DATE**

**SECTION 60.** If any section or provision of this act is declared unconstitutional or invalid by the courts, it does not affect the validity of this act as a whole or any part other than the part declared to be unconstitutional or invalid.

**SECTION 61.** Except as otherwise provided, this act is effective when it becomes law.

In the General Assembly read three times and ratified this the 15<sup>th</sup> day of August, 2014.

s/ Phil E. Berger  
Presiding Officer of the Senate

s/ Thom Tillis  
Speaker of the House of Representatives

s/ Pat McCrory  
Governor

Approved 12:10 p.m. this 18<sup>th</sup> day of September, 2014

**From:** [JLM](#)  
**To:** [Nimmer, Kim](#)  
**Subject:** Kerr Lake  
**Date:** Friday, April 24, 2015 3:13:38 PM

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I am absolutely in opposition to the proposed transfer of water out of Kerr Lake and I am very willing to support a lawsuit.

I know numerous arguments have already been made against this egregious proposal.

John Macdonald  
185 Diamond Pt Rd  
Henderson



J. Rives Manning, Jr  
900 Monroe St  
Roanoke Rapids, NC 27870

March 30, 2015

Tom Fransen, Section Chief  
DENR-Division of Water Resources  
Planning Branch  
1611 Mail Service Center  
Raleigh, NC 27699-1611

RE: Need for Environmental Impact Statement for Evaluation of Proposed Kerr Lake Regional Water System' Interbasin Transfers

Dear Mr. Fransen:

I object to the Division of Water Resource's decision not to require an Environmental Impact Statement in reviewing the proposal by Kerr Lake Regional Water System for an Interbasin Transfer Certificate ("IBT"). The Roanoke River supplies drinking water, recreational opportunities and wildlife habitat enjoyed by millions of people in the area. Increasing the current transfer of water out of the Roanoke Basin by more than 40 percent should trigger a full Environmental Impact Statement ("EIS"). The Environmental Assessment ("EA") submitted by Kerr Lake Regional Water System is inadequate to evaluate the proposal. We oppose the Division's decision to approve this document and do not support the Interbasin Transfer Certificate because it is based on inadequate information. Without an EIS to guide us, we cannot be assured that Roanoke River will be able to continue to supply drinking water, recreational opportunities and wildlife habitat already enjoyed by millions of people in the area.

All IBT certificate applicants are subject to the general EIS requirements of SEPA. SEPA was passed "to require agencies of the State to consider and report upon environmental aspects and consequences of their actions involving the expenditure of public moneys or use of public land." See N.C. Gen. Stat. § 113A-2. SEPA's provisions "provide a mechanism by which all affected State agencies raise and consider environmental factors of proposed projects."

Another reason I am opposed to this withdrawal is IF the permit is approved and IF the KLRWS were to withdraw their permitted 14.2 Million Gallons per day this could prevent a county in the Roanoke River Basin from locating an industry that was a high water rate user.

It appears that the KLRWS is planning to withdraw this water, not to use themselves or in their water system but to sell it to other water systems in other river basins. If the KLRWS was going to use or furnish this

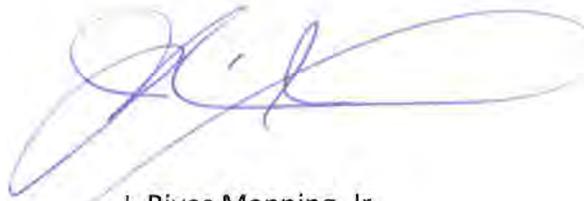
water to customers in its, local district, that would be one thing, BUT they are going to sell it to be transferred well out of its local area or water service district. This water will be transferred , not just to an adjoining river basin but across a couple of river basins to another end user.

Residents of the Roanoke River Basin should NOT be punished by actions of NCDENR allowing the KLRWS to withdraw a large amount (an additional 4.2 million gallons per day) of water from the Roanoke River basin and sell and transfer it to other basins.

I request that you deny the Kerr Lake Regional Water System's request for an increase in their withdrawal permit.

Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read "J. Rives Manning, Jr.", with a large, sweeping flourish extending to the right.

J. Rives Manning, Jr.

## Transcription for Public Hearing – Kerr Lake IBT (3-31-2015)

**Rives Manning** – I'm a citizen of Halifax County, Roanoke Rapids. I appreciate the opportunity to come here tonight to speak. I'm also a county commissioner of Halifax County; I serve on the Halifax County Economic Development Commission along with the Gaston Weed Council. So, I'm a little familiar with the property and the water here. I'm a property owner in Halifax County along the Roanoke Rapids Lake where we have four to five foot of fluctuation per week and this gets a little old. I have no animosity and I don't mean to hurt Vance County or Henderson or Warren County or Granville County. I have ties going way back, my father was born in Henderson and my grandmother was born in Granville County. But, I was raised in Halifax County and we're downstream. When Mr. Ensko was pointing out that rural county and rural people were trying to help, well that's exactly what I am trying to do. I'm not trying to hurt anybody up stream, but I want the same favor back from them. I don't want them hurting us by taking water that would be coming downstream and we need. There was a senator a few years ago talking about money, he would say a nickel here, a dime there and he keeps on till he gets a million dollars then we get into big money. We're talking about here a little bit of water here, 4.2 million, and a little bit later and first and last we're talking about big money, big water. That's taken out, and us downstream would not have the opportunity to use that. We're also a tier 1 county, the ones east of us are also tier 1 county, the need water and folks, I'm opposed to this withdrawal increase. I feel like it needs to be taken into consideration the penalties that are coming against those of us downstream, because if we can site an industry that's a big water user but we can't get our increase as these have already gotten then we're SOL and we don't need to be that either. We're a tier 1 county, North Hampton County is a tier 1 county and the other ones to the east of us are tier 1, we need the water and the potential. So I ask y'all to turn down this request. – End

**From:** [Larry Matthews](#)  
**To:** [Nimmer, Kim](#); [info@kerrlakeparkwatch.org](mailto:info@kerrlakeparkwatch.org)  
**Cc:** [Deborah Ferruccio](#); [john\\_hyson@yahoo.com](mailto:john_hyson@yahoo.com); [gene@gaddesso.net](mailto:gene@gaddesso.net); [cte202@aol.com](mailto:cte202@aol.com)  
**Subject:** Re: COMMENTS AGAINST IBT FROM KERR LAKE - FOR THE RECORD  
**Date:** Wednesday, April 29, 2015 2:13:41 PM

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Ms. Nimmer, I too am a native of Piedmont North Carolina, a business man, a lover & user of Kerr Lake and, most important, a voting taxpaying citizen.

I would like to go on record as being in full agreement and support of the letters opposing this Transfer from Mr Timberlake, the KerrLakeParkWatch, and the effort led by Ms. Deborah Ferruccio. I am totally opposed until an impact study has been performed and the citizens of this state can insure that our government officials are following legal and ethical due process...and not backdoor politics.

While I know the you have no real say so in the final outcome, with your field and background being Environmental Science, I would think that you understand our desire for an impact study.

Thank you for your consideration. And thank you for serving the citizens our State as the Interbasin Transfer Program Manager.

Larry Matthews  
4508 Jilandre Ct  
Wake Forest, NC 27587  
Cell 919-740-7451 919-740-7451



***"A government big enough to give you everything you want is strong enough to take everything you have." Thomas Jefferson***

On Tuesday, April 28, 2015 1:58 PM, "Nimmer, Kim" <[kim.nimmer@ncdenr.gov](mailto:kim.nimmer@ncdenr.gov)> wrote:

Mr. Timberlake,  
Thank you for your comments regarding the proposed Interbasin Transfer (IBT) Certificate for the Kerr Lake Regional Water System. NCDENR will be accepting comments regarding the proposed certificate through April 30, 2015. All comments received will be part of the public record, and will be included along with responses prepared by NCDENR as part of the Hearing Officer's Report to the NC Environmental Management Commission. The Environmental Management Commission is the decision-making body for the proposed IBT certificate. We anticipate the final determination will be made at the Environmental Management Commission's July 9th meeting.

Best Regards,  
Kim Nimmer

~~~~~  
Kim Nimmer  
Interbasin Transfer (IBT) Program  
Water Supply Planning Branch  
NCDENR - Division of Water Resources  
1611 Mail Service Center  
Raleigh, NC 27699-1611

Phone: 919-707-9019  
Email: [Kim.Nimmer@ncdenr.gov](mailto:Kim.Nimmer@ncdenr.gov)

NOTICE: Emails sent to and from this account are subject to the Public Records Law and may be disclosed to third parties.

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**From:** info@kerrlakeparkwatch.org [mailto:info@kerrlakeparkwatch.org]  
**Sent:** Tuesday, April 28, 2015 1:48 PM  
**To:** Nimmer, Kim  
**Cc:** Deborah Ferruccio; john\_hyson@yahoo.com; gene@gaddesso.net; kerrlakelover@bellsouth.net; cte202@aol.com  
**Subject:** COMMENTS AGAINST IBT FROM KERR LAKE - FOR THE RECORD

Ms. Nimmer,

I am a native and a taxpayer of Granville County and am handle Public Affairs for the 400-member group, **Kerr Lake Park Watch**. I understand that you are accepting public comment regarding the proposed IBT (Interbasin Water Transfer) from Kerr Lake to Franklin County and other areas.

You may regard this both as my personal and professional statement in representing the citizens' group, Kerr Lake Park Watch in OPPOSING THE TRANSFER, especially until such time as the public's requests and demands for input and the execution of the much requested Environmental Impact Study have been achieved.

I am a former state parks board chairman, a former DENR board member and have served in a number of other environmental and parks areas. the Corps of Engineers.

If you need additional information, you will find my contact information at the very end of this email.

We have recently been asked by media and public officials about why **Kerr Lake Park Watch**, an organization focused on the public parks around Kerr Lake is so vested in what happens with the lake's water. I want to expound on that.

When the allocation for the removal of 20 million gallons of water per day from Kerr Lake was approved by the US Army Corps of Engineers, that actually occurred before the withdrawal of 60 million gallons of water per day from Lake Gaston, which Kerr has to replace almost every day.

Also, whether the Corps will defend this position or not is unknown, but the Corps originally did not intend for the water to be dispersed, especially sold for a single town's profit, to areas outside of the Roanoke River Basin. Citizens in three counties, Vance, Granville and Warren have been irate over the water issue for years because of the sale of Kerr Lake water to "outside the area" but they are always thwarted by officials who promise that system water will come to their areas, but at a high or prohibitive costs. You must know that the City of Henderson and Vance County et al water wars are famous in ethics classes and debates.

At **KLPW** we have seen droughts in the last ten years that have made picnic areas into empty parking lots and campgrounds where only the crows play...alone. If there's just low water, the people don't come to the picnic grounds and the nearly 1000 campsites on the lake. It's simple, the water is the draw. The Roanoke River Basis Association can give you far better water resources data than our group can and we have found their information to be forthright, verifiable and the truth.

We flat do not want that water drawn from Kerr Lake, without a full Environmental Impact Study. It's that simple. We want an honest, impartial study and then, let us all let the chips fall where they may. We say, "What's the harm?"

The harm is in the way the City of Henderson as the Kerr Lake Water Resources System has maneuvered around the public for its own gain and avoided public scrutiny and encouraged higher levels of government to help. We say, the action of the water transfer may be legal, but it is certainly not ethical. I mentioned this in a citizen grassroots meeting recently that our own government is railroading the system to keep public opinion away from the process and has enjoined with major industry pulling Governor McCrory's strings and the strings of the General Assembly to circumvent public input and approval.

The extra allocation of water belongs to the Tier One counties of Vance, Granville and Warren. If companies want to develop, let them follow the water to the Kerr Lake area, not to Tier Two Franklin County and as everyone knows, eventually to Tier One Wake County.

Any city, county or state employee or official who inhibits any citizen's rights to scrutinize and to participate in a governmental process such as this Interbasin Water Transfer, should be fired or removed from office and then prosecuted to the fullest extent of the law for civil rights violations. In our opinion, the State of North Carolina, the City of Henderson and any other public official who supports the process done so far on this IBT, has displayed brazen disregard for the public and have supported those officials who have used every rule and in the absence of rules, made new ones to circumvent the public's demand for a full Environmental Impact Statement on the Interbasin Transfer of water from Kerr Lake to Franklin County and others.

We do not like battling, but we will use every resource and every means to seek out the identities of these people and bring them to the public's attention until such time

as the public is given a chance to be heard and obeyed. If you look at the totally different compositions of the Sierra Club, the Roanoke River Basin Association, your local citizens' group, "Preserve Our North Carolina Lakes Community" and our own **Kerr Lake Park Watch**, all of these diverse groups of people asking for the exact same thing, an Environmental Impact Statement, there has to be something to this.

*Frank Timberlake*

**Lead, Public Affairs**

**KERR LAKE PARK WATCH**

**Office (919) 269-4300**

**Cell (919) 805-0055**

**email: [info@kerrlakeparkwatch.org](mailto:info@kerrlakeparkwatch.org)**

**[www.kerrlakeparkwatch.org](http://www.kerrlakeparkwatch.org)**

**<http://www.facebook.com/KerrLakeParkWatch>**

## Nimmer, Kim

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**From:** Keith McClarnon <[ksmac108@gmail.com](mailto:ksmac108@gmail.com)>  
**Sent:** Thursday, April 16, 2015 3:41 PM  
**To:** Nimmer, Kim  
**Subject:** Inner Basin Transfer

Please let it be known that I am opposed to the transfer of 10 million gallons of water a day from the Kerr Lake system to other systems per the plan of the Inner Basin Transfer.  
I am a resident of both Chatham and Warren Counties.  
Thank you.

### ***SHAWN***

K. SHAWN MCCLARNON  
[KSMAC108@GMAIL.COM](mailto:ksmac108@gmail.com)  
919 618 4692 (MOBILE)  
919 542 5030 (HOME)

## Transcription for Public Hearing – Kerr Lake IBT (3-31-2015)

**Jordan McMillian** - I'm here on behalf of the Vance County and the Vance County Water District to provide our support for the requested inter-basin transfer. We believe it's important for the region to the existing citizens and the potential customers in this area. For a rural area such as ourselves regionalism is how we survive. We share resources, we work together and the Kerr Lake regional water system is one of the greatest examples of regionalism. Its multiple parties working together for the benefit of providing clean drinking water to those in need in our area. The data suggest that the water is going to stay here, 10.7 million gallons as we've heard in the Tar River Basin, 1.7 into the fishing creek. That's the four counties in this region, Granville, Vance, Warren and Franklin Counties and then 1.8 million to the Neuse Basin. This request is about regionalism for us, providing for the citizens that live in a rural area. The challenge obviously is the fact that river basins divide our area. So, this is the challenge and we believe that increasing that IBT capacity is a start to the solution. Just to share a brief story on the Vance County Water District, probably one of the newest systems in the state. A few years back in 1997 the county was going through a land use process, during that process the citizens came forward and said we need clean drinking water. There were, and there remains contamination, hot spots of contamination and poor water quality. So, as a result of that, we formed the Vance County Water District in 2004. We went through a full environmental assessment, received a finding of no significant impact in 2008 for a proposed 165 mile project. We are currently wrapping up construction, we've only built half of that, about 50 percent and we're looking at roughly 1,000 committed customers. So, in doing that we received grant funds and loan funds from the USDA, we received grant funds from the N.C Rural Center and the Department of Commerce. We've worked with the underground storage tank division of DENR and we have addressed some of these contamination areas through this project. So, the important take away is that we're still not where we need to be, we have not reached all the citizens that we have, and we have not addressed all the clean water needs that we have in this area in our county and the region. During our planning process the county considered many alternatives. We were lucky enough that the Kerr Lake regional water partnership was in place and had the ability to transfer between basins; we have customers between both basins. To conclude, we believe and Vance County believes in this capacity for inter-basin transfer not only enhances our regional model but will ensure that we have clean drinking water available for our citizens in the future. - End

# Town of Weldon

109 Washington Avenue

P.O. Box 551

Weldon, North Carolina 27890

Tel: (252) 536-4836 Fax (252) 536-4104

*Julia M. Meacham*  
Mayor

*Thomas H. Wellman*  
Town Attorney

*Commissioners*  
*Susie M. Adams*  
*Walter Clark, Jr.*  
*Stanley M. Edwards*  
*Kimberley A. Robinson*  
*Franklin D. Williams, Jr.*

April 25, 2015

**Rockfish Capital  
of The World**



Mr. Harold Brady, WR Planner  
NCDENR- Division of Water Resources  
1601 Mail Service Center  
Raleigh, NC 27699

## **RE: ENVIRONMENTAL ASSESSMENT OF KLRWS INTERBASIN TRANSFER**

Dear Mr. Brady:

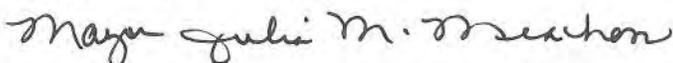
On behalf of the Town of Weldon we submit the following comments regarding the environmental document submitted by Kerr lake Regional Water System and the responsive document issued by Tom Fransen, "Finding of No Significant Impact" (FONSI). Based upon review of the FONSI and our review of General Statute 143-215.22L all proposed inter-basin transfers exceeding 2 million gallons per day require Environmental Management Commission (EMC) Certification and approval only after a thorough Environmental Impact Statement (EIS). The FONSI issued was based solely on an Environmental Assessment which does not adequately meet the "hard look" standard required by the North Carolina Environmental Policy Act. This law requires an EIS to be prepared for every proposed transfer of water from one major river basin to another for which a certificate is required.

We respectfully ask the Division of Water Resources to have a full EIS performed that studies and analyzes the economic, environmental and social impacts of the transfer of water from the Roanoke River Basin. Our comment is that the environmental assessment issued by Mr. Fransen is legally insufficient to meet the requirements of the North Carolina Environmental Policy Act.

A thorough and accurate analysis of the impacts on the basin can only be achieved by conducting an Environmental Impact Statement as required by state law.

Please enter our comment into the public record and acknowledge receipt of this letter.

Respectfully Submitted,



Mayor Julia Meacham

**From:** [Charlie Melhinch](#)  
**To:** [Nimmer, Kim](#)  
**Subject:** IBT  
**Date:** Monday, April 20, 2015 10:38:57 AM

---

I want to go on record in opposition to IBT. perhaps another reservoir needs to be considered--maybe the tar river?



Public Utilities  
1630 US #1 Hwy  
Youngsville, NC 27596

Phone: 919.556.6177  
Fax: 919.556.6709

[www.franklincountync.us](http://www.franklincountync.us)

March 28, 2015

Gerald P. Carroll, Chairman  
NC Environmental Management Commission  
1617 Mail Service Center  
512 N Salisbury Street  
Raleigh, NC 27699-1617

Re: Kerr Lake Regional Water System

Dear Sir:

I am writing on behalf of the political body of Franklin County, Franklin County Department of Public Utilities and the current and future constituents that are collectively represented.

Historically Franklin County has been, and in large cases continues to be, a rural North Carolina county with large expanses of pasture, farmland, and sparsely populated areas. In the timeframe defined from 2004-2007, specific geographic areas of our County experienced unbelievable explosions of residential development prompting the label as being one of the top 10 fastest growing counties in the state. A large factor in this explosive growth was the County's close proximity to the City of Raleigh, Wake County, and the US Hwy 1 corridor. Supply and demand in the residential land market helped developers concentrate their efforts in the southern portion of our county where large tracts of affordable land were easily found.

Ahead of this development pattern, Franklin County governing officials had the foresight that availability of water and sewer would be paramount to maintaining and even sustaining continued growth. With that in mind, Franklin County representatives worked with the City of Henderson and the Kerr Lake Regional Water System to contractually secure a long term sustainable water source. In year 2000, Franklin County began purchasing water from the City of Henderson to support existing use in the Towns of Youngsville and Bunn, the community of Lake Royale, and other residential/commercial/industrial users formally served by the then known Franklin Water and Sewer Authority (FWASA). Although Franklin County had other water providers represented by the Towns of Franklinton and Louisburg, it was ultimately the

*"Equal Opportunity Employer"*

partnership with the City of Henderson that allowed for the continued support of the development that was taking place.

Upon first glance at the general geographic characteristics of Franklin County it is easy to note that we are relatively 'water poor'. The largest surface water contribution is the Tar River which flows along our northern border with Vance County down through the eastern expanse of our County. Currently the Town of Louisburg utilizes a 'run of river intake' on the Tar River to provide water service to its customers. Relatively low flows within this portion of the river and its general proximity to the residential development areas in the southern part of the County were also driving factors in seeking a more sustainable water source via the City of Henderson/KLRWS. These factors caused the investment in and installation of a large diameter water pipeline that travels from the heart of the City of Henderson water distribution system south along US Hwy 1 through Franklin County, terminating at the Wake County line.

Although development patterns significantly slowed after 2008, Franklin County officials continued to recognize the need for additional water allocation to sustain itself for the next 20-40 years in the future. Considerations were given to alternative water sources via the Neuse River, inter-connections with other counties, and the possibility of producing from ground water attributes. As the fiscal impacts of each were studied it became evident that the most fiscally prudent option for our customer base was to seek additional allocation from the City of Henderson/KLRWS and utilize the existing infrastructure for this conveyance. In light of these considerations, Franklin County has openly expressed to City of Henderson/KLRWS officials its desire and need to be considered for an additional 3 MGD of water supply from the proposed expansion of the water treatment facility.

In supporting the need for the proposed 'Intebasin Transfer' Franklin County is committed to balancing population growth with management of our natural resources. We recognize in order for there to be a balance between economic growth and water resource management, comprehensive long-term planning must come to the forefront. This balancing act has become an issue for cities, counties, and states across our nation. The rural dynamic of our region is in constant motion and we must handle it in a respectful manner that allows our natural resources and development patterns to coexist. Through organizational polices such as our Unified Development Ordinance, Franklin County planning professionals seek to manage these issues in a manner that is beneficial for all.

That being said, all parties must agree as well that all watersheds are not created equal across the State. There are geographic areas in the State that are poised to develop simply because of their juxtaposition to urban centers. Franklin County may very well be the 'poster child' for the previous statement. It is this scenario that makes it imperative to request additional water allocation from a neighboring watershed via the ability of an 'Interbasin Transfer'.

I sincerely appreciate your attention to this matter and hope that I have openly expressed not only Franklin County's support for the proposed 'IBT' but also our commitment to managing such a valuable resource. Please do not hesitate to contact me directly with any comments or concerns regarding this correspondence.

Sincerely,

*J Bryce Mendenhall*

J Bryce Mendenhall  
Director  
Franklin County Public Utilities

**From:** [Jeannette Metzger](#)  
**To:** [Nimmer, Kim](#)  
**Subject:** Water transfer from Kerr Lake.  
**Date:** Saturday, April 25, 2015 7:51:01 PM

---

We live on "Nutbush Creek" area of Kerr Lake and already experience shallow water issues at times throughout the summer. Also, hydrilla has taken over our area and we have to ride out on the boat to swim. It has also devalued our property. We see no reason to increase to decrease. We are against the transfer. John and Jeannette Metzger 442 Pool Rock Plantation Lane Henderson NC 27537. email: metzgerjean@yahoo.com and ltcusaf@yahoo.com.  
Thank you. J. Metzger

**From:** [Paula Michalak](#)  
**To:** [Nimmer, Kim](#)  
**Subject:** Roanoke Water Transfer to Raleigh Durham  
**Date:** Friday, April 17, 2015 7:06:42 AM

---

April 17, 2015

Dear Ms. Nimmer,

I am writing to you regarding the possible increase in water transfer from the Roanoke Water Basin to the Raleigh-Durham area (The IBT). I am opposed to this action because I believe it could disrupt the integrity of the Roanoke Water Basin. I live in Wilson, NC, but own property on Lake Gaston. A decade ago, Wilson had a water shortage. Our leadership voted for and built a larger reservoir, so we could be independent of others in our need for water. This expenditure was fairly large for our community, but it was something we had to do. Raleigh-Durham should enlarge their own reservoir, or add a new reservoir, to save the rain when we are having a surplus of that.

Thank you.

Paula Michalak

**From:** [Ann Milam](#)  
**To:** [Nimmer, Kim](#)  
**Subject:** Inter Basin Water Transfer  
**Date:** Tuesday, April 21, 2015 2:43:46 PM

---

We vote along WITH the LGA.

Bruce and Ann Milam  
Eaton's Ferry Estates property owners

**From:** [MILLER, BOB COL](#)  
**To:** [Nimmer, Kim](#)  
**Subject:** Additional withdrawal from Kerr Lake  
**Date:** Wednesday, April 22, 2015 9:47:46 PM

---

Ms. Nimmer-I am dismayed to learn of the plan to withdraw a large amount of additional water from Kerr Lake, especially without the more thorough Environmental Impact Study. This sounds like a special interest and underhanded approach. As a longtime lake front property owner in the area I register my opposition to any such action. It will eventually do unnecessary damage to the shoreline and property values. Thank you for your attention to this matter. Bob Miller

April 30, 2015

Dear Kim Nimmer,

My name is Harry Mills and I am the Economic Director in Granville County. In reviewing the information provided about the Kerr Lake Regional Water System Interbasin Transfer, it is clear to me that this transfer is essential to our economic growth in Granville County. This transfer would not only be extremely important in recruiting new businesses to the County but it will also assist our existing businesses with growth or expansion.

It is important for us as a region to show collaboration in everything we do. This has the ability to show those seeking relocation to Granville County how unified we are. Therefore, the Granville County Economic Development Department is excited to join the City of Oxford in support of the Proposed Kerr Lake Interbasin Transfer Certificate.

Sincerely,

A handwritten signature in cursive script, appearing to read "Harry Mills".

Harry Mills

Granville County Economic Development Director



## South Granville Water and Sewer Authority

April 29, 2015

Staff  
Members

Lindsay L.  
Mize,  
Director

Beverly  
Beal Clerk

Board  
Members

Kim Nimmer  
Water Supply Planning Branch  
NCDENR - Division of Water Resources  
1611 Mail Service Center  
Raleigh, NC 27699-1611

Tom Lane,  
Chair

Dave Currin  
Vice-Chair

Lonnie Cole

Subject: Petition for Kerr Lake Regional Water System Inter basin Transfer Certificate

Linda  
Jordon

Dear Ms. Nimmer,

Jimmy  
Minor

On Tuesday, April 14, 2015, the South Granville Water and Sewer Authority's (SGWASA) Executive Director, Lindsay Mize spoke with you on SGWASA's involvement with the subject inter-basin transfer petition. I would like to restate some of those discussion points here for the written record of the petition.

Edgar  
Smoak

SGWASA currently serves approximately 19,219 citizens in southern Granville County. SGWASA serves as the regional water and sewer provider to the Town of Butner, the City of Creedmoor, the Town of Stem and the southern regions of Granville County. When the subject petition was originally filed, the City of Creedmoor owned its water distribution and sewer collections systems. Due to projected growth, they looked to expand their capabilities by purchasing water from the Ker Lake Regional Water System (KLRWS) and developing a wastewater discharge on the Tar River in addition to the current service rendered by SGWASA. During the time that has lapsed in the current petition process, SGWASA has purchased the City of Creedmoor's distribution and collection systems and now owns all water and sewer facilities in southern Granville County. This anticipated inter-basin capacity that was originally to assist the City of Creedmoor is now slated to assist SGWASA in meeting the same anticipated future demand.

Herman  
Wilkerson

Mr. Mize relayed to me that in your conversation the following points were discussed:

- The current filed SGWASA Local Water Supply Plan (LWSP) shows SGWASA to have adequate capacity until 2050-2060. Part of the reason for this adequate

capacity is that the 1.1 million gallons per day (MGD) as stated in the petition are already listed as a SGWASA future supply source. This was accomplished when the "Asset Purchase Agreement" with the City of Creedmoor was signed by the City and SGWASA.

- SGWASA's reasoning for wishing to maintain this future capacity is reflected in issues that are not shown in the LWSP documents. One of these is the fact that when DENR conducted the Neuse River Hydraulic Model which included the record droughts of 2005 and 2007; the 20 year safe yield of Lake Holt (Lake Butner) was estimated to be dropped from 10 MGD to 7.5 MGD. This is a reduction of 2.5 MGD. (Lake Holt is SGWASA's raw water source.) This 1.1 MGD through the petition will start to replace what SGWASA originally had for long range planning.
- DENR has also mentioned in the past that there may be a push to require minimum releases even on streams classified as zero (0) flow streams. The SGWASA Executive Director remembers something near 1/3 of Lake Holts safe yield would have to go to this if it was ever implemented. This volume was never designed for when Lake Holt was constructed, nor was it ever anticipated in SGWASA's long range plans.

With these needs illustrated, I would like to make one additional comment about the proposed supply. The additional approximate 10 MGD being asked for in the petition is not exceeding the already allocated 20 MGD for the KLRWS. If a person were to look at USGS Station 02080500 – the Roanoke River at Roanoke Rapids; this is a point below all of the area consumptive uses including the Lake Gaston Virginia Beach withdrawal; they would see the lowest average river flow recorded since 1964 would be in 2002. This average flow per second calculates to over 1.5 Trillion gallons per day for the lowest recorded year. This 10 million gallons per day will be approximately 0.66% and all of this is not to leave the basin. The Citizens in Southern Granville County pay federal taxes that support maintenance of Kerr Lake and they utilize its recreational facilities. As a State Resource the lake should be allowed to be used by any and all citizens when it can be reached economically. This includes the use of the raw water source, especially when the use is such a minimal amount of the total flow.

If you have any questions, please contact, Mr. Lindsay Mize, SGWASA Executive Director, at (919) 575 – 3367, Ext. 312 or via email at [LMize@sgwasa.org](mailto:LMize@sgwasa.org).

Sincerely,



Thomas W. Lane  
Chairman

C: Lindsay L. Mize, Executive Director  
SGWASA Board Members

Vance County Board of Commissioners  
Vance County Administration Building  
122 Young Street, Suite B  
Henderson, N.C. 27536



County Manager's Office  
Telephone (252) 738-2001  
Fax (252) 738-2039

Kelly H. Grissom  
Clerk to Board  
Telephone (252) 738-2001

April 14, 2015

Ms. Kim Nimmer  
Division of Water Resources  
1611 Mail Service Center  
Raleigh, NC 27699-1611

Re: **Support for Kerr Lake Regional Water System's  
Proposed Interbasin Transfer Petition**

Dear Ms. Nimmer:

During its meeting on April 6<sup>th</sup> the Vance County Board of Commissioners approved a resolution supporting the interbasin transfer petition from the Kerr Lake Regional Water System. Attached is a copy of the resolution.

The Board of Commissioners believes that approval of the petition will promote a regional approach to providing clean drinking water to existing citizens within the rural Kerr-Tar Region. The County has experienced this first hand as we are wrapping up approximately 77 miles of waterline construction to serve residents within Vance County. Because of the topography dividing the County into two river basins (the Roanoke and Tar River Basins), the citizens of Vance County will be direct beneficiaries of the increase in transfer allowance. Currently, the Vance County Water District has customers within both basins and the ability to serve projected customers within this region until 2045 is paramount to the County's effort to provide clean drinking water.

We appreciate you considering this letter and resolution of support.

Sincerely,

Robert M. Murphy  
Interim County Manager

RECEIVED

APR 20 2015  
DIVISION OF WATER RESOURCES

c: Ed Wyatt, Interim City Manager – City of Henderson

## RESOLUTION

By the  
Vance County Board of Commissioners

### *SUPPORTING THE KERR LAKE REGIONAL WATER SYSTEM'S PROPOSED INTERBASIN TRANSFER (IBT) PETITION*

**WHEREAS**, Vance County is located within portions of the Roanoke and Tar-Pamlico River basins; and

**WHEREAS**, the Vance County Water District is a bulk water customer of the Kerr Lake Regional Water System and provides water to citizens and property owners within Vance County who are located in both the Roanoke and Tar-Pamlico River basins; and

**WHEREAS**, the Kerr Lake Regional Water System has previously obtained an allocation of storage in Kerr Lake from the US Army Corps of Engineers equivalent to an average annual water demand of 20 million gallons per day (mgd); and

**WHEREAS**, currently the Kerr Lake Regional Water System is limited to transferring 10 mgd from the Roanoke basin and has submitted an IBT request to increase the transfer to 14.2 mgd; and

**WHEREAS**, the total of all the Kerr Lake Regional Water System Partners and wholesale customers are projected to have an adequate water supply for their needs through 2045 if the request to increase IBT is approved; and

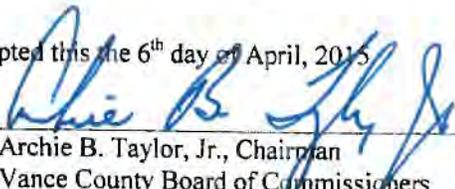
**WHEREAS**, the proposed interbasin transfer can occur using existing pipeline infrastructure already in place; and

**WHEREAS**, the alternatives to the transfer all have substantially higher cost and significant potential environmental impacts from pipeline and other infrastructure construction, with no identified benefit to the environment.

**NOW THEREFORE BE IT RESOLVED** that the Vance County Board of Commissioners hereby:

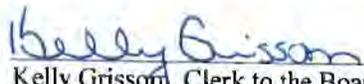
Supports the requested interbasin transfer request of the Kerr Lake Regional Water System as an efficient means to meet the projected water demands for the future of the region it serves.

Adopted this the 6<sup>th</sup> day of April, 2015

By: 

Archie B. Taylor, Jr., Chairman  
Vance County Board of Commissioners

ATTEST

  
Kelly Grisson, Clerk to the Board

**From:** [Barbara Nanney](#)  
**To:** [Nimmer, Kim](#)  
**Subject:** Water withdrawal  
**Date:** Thursday, April 23, 2015 12:10:20 PM

---

I oppose the withdrawal of water to Kerr Lake.

Sent from my iPad

**From:** [Ned Netherwood](#)  
**To:** [Nimmer, Kim](#)  
**Subject:** IBWT  
**Date:** Sunday, April 19, 2015 8:32:51 AM

---

Good morning Kim.

I hope my email finds you well. I am writing to you this morning to express my sincere concern about the above subject and removal of additional water from the Roanoke River Basin on a daily basis for other areas that does not return much of it to our area.

My wife and I just bought this beautiful lake house 2 years ago here and it is in a small cove as we did not want to be on the main lake. That said, our water depth is not as deep as we would like but with a proposal like this we have real concerns about it being or becoming even lower. A water lake house is not of much value if there is little water adjacent to the property.

We need to be sure it stays this way and would really appreciate any assistance, regardless of any political pressure to make this happen, to be sure it does NOT.

Sincerely  
Concerned Waterfront Property owner  
William Netherwood, jr.

Ned

## Nimmer, Kim

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**From:** Marvin Newsom <newsomins@ncol.net>  
**Sent:** Thursday, April 16, 2015 3:45 PM  
**To:** Nimmer, Kim  
**Subject:** water transfer from Lake Gaston(Roanoke River Basin) to another river basis

Ms. Nimmer: My feeling is that if Virginia Beach can get 60 million gallons of water from Lake Gaston, certainly Raleigh-Durham or Rocky Mount can get some. If reallocation needs to be made, you should work for a lesser amount for Virginia Beach(over 100 miles away and across several other basins), and allow near cities to share in this good water. Virginia Beach has a treasure and the local people tried to prevent this transfer years ago, but someone more powerful than local people decided Virginia Beach could draw up to 60 million gallons and they have been pumping away since then. Marvin Newsom, resident of the Littleton/Lake Gaston area my entire 68 years

**From:** [SGT Noel](#)  
**To:** [Nimmer, Kim](#)  
**Cc:** [LGA Executive Director](#)  
**Subject:** Inter Basin Water Transfer  
**Date:** Friday, April 17, 2015 11:45:50 AM

---

Dear Ms. Nimmer,

As a full-time resident on Lake Gaston, I would like to express my opposition to the Inter Basin Water Transfer (IBT). It is my opinion that the removal of water from the Roanoke River Basin will be detrimental to the overall environment of the river, lakes and surrounding areas. Although I understand the water concerns of the metropolitan areas south of the Roanoke River Basin, I feel that the degradation of the river basin environment would be permanent and severely impact those of us that currently live, work and depend on the river.

Regards,  
Scott G. Noel

Carla Norwood, PhD  
Gabriel Cumming, PhD  
164 Norwood Lane, Manson, NC 27553  
(252) 456-3471 home | (252) 431-5164 cell

April 29, 2015

Ms. Kim Nimmer  
NC DENR Interbasin Transfer Program Manager  
Raleigh, NC

Dear Ms. Nimmer,

We are writing to express our strong opposition to the proposed interbasin transfer permit from Kerr Lake/Roanoke River basin to the Tar and Neuse basins.

As residents and business owners in rural, Tier One Warren County, we believe that it is a mistake to transfer any more of the water allocation to which Warren County has a right to more urban areas outside the basin. According to documents regarding the interbasin transfer that we have reviewed, the proposal would significantly increase the water going to Franklin County in the next thirty years, with minimal increases to the Fishing Creek basin. Transferring water rights from our rural, economically distressed community to more urban, suburban and wealthy communities is problematic in several ways. First, it threatens our communities' long-term quality of life by potentially reducing residents and visitors to enjoy and benefit from Kerr Lake as a recreation area and tourist attraction, as draws from the lake increase.

Second, this interbasin transfer undermines our community's economic future by thoughtlessly giving away an important asset—abundant and clean water—that could otherwise be used to attract much-needed industry and jobs to our community. As water scarcity increases in our region, Warren County may be able to benefit by being able to offer water resources and a healthy, clean environment. However, if more developed areas like Franklin County have access to these water resources instead of us, there will be little reason for businesses to consider locating in our community. The water of Kerr Lake is a community asset that deserves to be protected for the betterment of the local communities, not given to more urban areas to subsidize sprawl and over-development while widening the economic gap between the state's rural and urban counties. Third, interbasin transfers are ecologically problematic and we believe they should be minimized on environmental grounds.

Furthermore, we feel that opportunities for public engagement surrounding this issue have been at best inadequate and at worst willfully opaque. We are professionals who work in the environmental and economic development fields, and have expertise in community engagement and participatory research and evaluation. We live on historic family

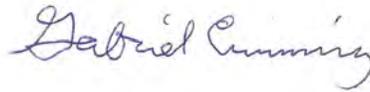
property, part of which was submerged during the construction of Kerr Lake. Until we were made aware of this impending decision a couple of weeks ago by neighbors, we had not heard anything about this issue, and to date have neither read nor received any official notifications of the interbasin transfer process or any opportunities to educate ourselves and engage as citizens in the decision making about the proposed transfer. This suggests that DENR and other leaders who are shaping this process care little about meaningful public engagement, informed decision making or the long-term consequences of this decision for our community.

Feel free to contact us if you have any questions about our position.

Thank you,

A handwritten signature in blue ink that reads "Carla Norwood". The signature is written in a cursive style with a large initial 'C'.

Carla Norwood, PhD

A handwritten signature in blue ink that reads "Gabriel Cumming". The signature is written in a cursive style with a large initial 'G'.

Gabriel Cumming, PhD

ncleg.net - Let them know you oppose this Permit

# PUBLIC PETITION

## SAVE OUR LAKE WATER

We the below signed are in opposition to the Permit to increase <sup>10,000,000 gallons daily</sup> 10MGD of Inter Basin Transfer from the Roanoke River Basin to the Tar/Neuse River Basins because of the cumulative impact on Kerr Lake/Buggs Island Lake water levels, as well as undisclosed impacts on the environment, the economy, and tourism in Vance and Warren Counties as well as Southside Virginia.

To:

\*Kim.Nimmer@ncdenr.gov

NC DENR 521 N. Salisbury St. 1611 Mail Service Center Raleigh, NC 27699-1611

NAME / PHONE NUMBER

NAME / PHONE NUMBER

Amy Williamson -252-492-8060/

Daniel Parrish 252-226-4457

Latonya Hall 252-432-5779

Stanley Hawkins 919-742-8116

Dennis Williamson 252-431-4909

Preston Parrish - 252-767-2429/

Carla Norwood -252-456-3471

Cynthia R. Bowen 252-767-2642/

Ashley B. Parrish 252-767-7337/

Tyasha Ragster 919-339-5462/

Lizette Baskerville 252-492-7335/

Cecelia Wilder 919-603-4996/

Dennis Wilder 919-690-8735/

Tyler Pierce -919-691-4062/

Gabriel Cumming 252-456-3471/

APRIL 30<sup>th</sup>, 2015 DEADLINE

(Your name and phone number are required for your opinion to count)



# PUBLIC PETITION

## SAVE OUR LAKE WATER

We the below signed are in opposition to the Permit to increase <sup>10,000,000 gallons daily</sup> 10MGD of Inter Basin Transfer from the Roanoke River Basin to the Tar/Neuse River Basins because of the cumulative impact on Kerr Lake/Buggs Island Lake water levels, as well as undisclosed impacts on the environment, the economy, and tourism in Vance and Warren Counties as well as Southside Virginia.

To:

\*Kim.Nimmer@ncdenr.gov

\* NCDENR 521 N. Salisbury St. 1611 Mail Service Center Raleigh, NC 27699-1611

NAME / PHONE NUMBER

NAME / PHONE NUMBER

<i>Rocky [unclear]</i>	103.615.4867	/
<i>Rane [unclear]</i>	571.241.1338	/
<i>Jama [unclear]</i>	(434) 446-9460	/
<i>Bruce E. King</i>	540-686-9205	/
<i>Larry E. Chul</i>	<del>222.222</del>	/
<i>MARK Finley</i>	804.576.8243	/
	434-996-3462	/
		/
		/
		/
		/
		/
		/
		/

APRIL 30<sup>th</sup>, 2015 DEADLINE

(Your name and phone number are required for your opinion to count)

**From:** [Jim Nutt](#)  
**To:** [Nimmer, Kim](#)  
**Subject:** Save Our Lake Water  
**Date:** Sunday, April 19, 2015 8:39:15 PM

---

Signing the Public Petition for Save out Lake Water.

James Nutt 252-492-7133

Kay Nutt 252-492-7133

490 Parrott Road  
Henderson, NC 27637

**Nimmer, Kim**

---

**From:** Jim Nutt <jimnutt@embarqmail.com>  
**Sent:** Tuesday, April 14, 2015 2:35 PM  
**To:** Nimmer, Kim  
**Subject:** Denial of Kerr Lake Permit.

Attention:

I respectfully submit a request to deny the taking of water from Kerr Lake, the Inner-Basin Transfer. This has not been sufficiently studied and has not been aired to the general public.

Thank You.

Jim and Kay Nutt  
490 Parrott Road  
Henderson, NC 27537  
252-492-7133

**From:** [Dale Oakley](#)  
**To:** [Nimmer, Kim](#)  
**Subject:** Water Transfer  
**Date:** Tuesday, April 28, 2015 1:45:38 PM

---

I have lived in Vance County all of my life. Our water supply is vital to the growth of Vance, Warren and Granville Counties. Franklin County will take our water and next it will be Wake County.

This transfer should not be approved.

Dale Oakley

27 Lakewood Court

Henderson, NC 27537

252-431-4315

**From:** [Jake O.](#)  
**To:** [Nimmer, Kim](#)  
**Cc:** [Rep. Nathan Baskerville](#); [tpace@co.henry.va.us](mailto:tpace@co.henry.va.us); [Senator Angela Bryant](#); [kmartinncemc@hotmail.com](mailto:kmartinncemc@hotmail.com)  
**Subject:** Opposition to Interbasin transfers from Kerr Lake  
**Date:** Thursday, April 30, 2015 2:07:10 PM

---

Ms. Nimmer:

As a member of a family that has lived and owned property on the Lake since before its creation, I am opposed to the Interbasin Transfer Proposal.

My primary concern is the lack of awareness about the existence of this proposal, and its potential impact, by the citizens who would presumably be most impacted by it. The impacted community must have sufficient time to consider and respond to the proposal, and my understanding is that as of this deadline there large portions of the impacted community who are either unaware or just vaguely aware of how this action may have a great impact on their future. I consider that to be unfair.

My secondary concern is that the environmental impact statement indicates a trivial drop in shoreline elevation after the additional water is removed from the Lake. While I am not a hydrologist, I find this implausible and would need to hear a direct and satisfactory response to this concern before approving of the transfer.

Regards,  
Jake O'Hatnick

159 Oak Tree Lane  
Manson, NC 27553

1611 Jackson Street  
Baltimore MD 21230

**From:** [Joannah O'Hatnick](#)  
**To:** [Nimmer, Kim](#)  
**Subject:** Objections to withdrawing additional water from Kerr Lake  
**Date:** Thursday, April 30, 2015 10:16:26 PM

---

Dear Ms. Nimmer:

I am writing to you to record my objections to the current proposal to increase the amount of water withdrawn daily from Kerr Lake. Many people who own property adjoining Kerr Lake were not aware of the proposal, or of any hearings on the matter, until quite recently. In addition, the environmental and economic impacts -- impacts on wildlife, on tourism, on taxes coming into the county's economy (assuming dropping property values of houses on the lake -- of withdrawing greater amounts of water from Kerr Lake do not appear to have been fully evaluated and taken into account. I have spent much time at Kerr Lake, and I have always hoped, and assumed, that my children could also benefit from enjoying Kerr Lake as much as I have. With the proposed additional withdrawing of water, I am no longer sure that they will have the opportunity to enjoy the lake as much as my sibling, my cousins, our families, and I have.

I do not support the approval of the proposal to withdraw additional water from Kerr Lake.

Thank you.

Sincerely,

Joannah O'Hatnick  
Property of extended family:  
159 Oak Tree Lane  
Manson, NC 27553

Current residence:  
58 Mont Street  
Guelph, Ontario N1H 2A4  
Canada

**From:** [donroberto66@comcast.net](mailto:donroberto66@comcast.net)  
**To:** [Nimmer, Kim](#)  
**Subject:** Additional water withdrawal from Kerr Lake  
**Date:** Monday, April 20, 2015 6:43:55 PM

---

Dear Ms. Nimmer,

I have interest in Kerr Lake through family. We have been enjoying the lake and contributing to the local economy for more than 40 years.

As I recall, our family never received notification that such a scheme for water withdrawal from the lake was up for consideration. Due process appears to have been violated.

On that basis alone, the permit should be denied!

Robert O'Hatnick

**From:** [Suzanne](#)  
**To:** [Nimmer, Kim](#)  
**Subject:** Re: Please DENY PERMIT for additional withdrawal from Kerr Lake  
**Date:** Tuesday, April 21, 2015 11:06:08 AM

---

Dear Ms. Nimmer,

Thank you for your prompt reply. I see that a press release was issued one week before the hearing. A week's notice is clearly insufficient. One question is where was it published? I certainly never got any notice. It should have been sent to residents of the lake. Thank you for the additional information.

I have read the documents you sent, but, since I am not trained in water management, an explanation for the lay person would be helpful. To me, who experienced the dramatic drop in water level in the droughts of 2002 and 2007, it is difficult to imagine how increasing the release of water from +/- 5 mgd to 14 mgd would not also cause a dramatic drop in water level for Kerr/Buggs Island Lake. Is there an additional source of water coming INTO Kerr Lake - or only more leaving?

It appears that this has already been decided because this approach costs the least in terms of infrastructure development. If anyone wanted to know what the residents of the lake think, we would have been notified directly and in a timely fashion. We were not. Promising to replace our wells with a different system sounds like appeasement. My extended family and I are not appeased and I ask for considerably more information in a manner that is understandable to the lay person. Please make my comments part of the public record.

I will be in touch with the members of the Environmental Management Commission and will change my plans so that I can be present at that meeting,

Sincerely,

Suzanne H. O'Hatnick  
159 Oak Tree Lane  
Manson, NC 27553

410-362-2604  
[suzanneohatnick@comcast.net](mailto:suzanneohatnick@comcast.net)  
432 Drury Lane  
Baltimore, MD 21229

On Apr 21, 2015, at 9:01 AM, Nimmer, Kim <[kim.nimmer@ncdenr.gov](mailto:kim.nimmer@ncdenr.gov)> wrote:

Ms. O'Hatnick,

Thank you for your comments regarding the proposed Interbasin Transfer (IBT) Certificate for the Kerr Lake Regional Water System. NCDENR will be accepting comments regarding the proposed certificate through April 30, 2015. All comments received will be part of the public record, and will be included along with responses prepared by NCDENR as part of the Hearing Officer's Report to the NC Environmental Management Commission. The Environmental Management Commission is the decision-making body for the proposed IBT certificate. We anticipate the final determination will be made at the Environmental Management Commission's July 9th meeting.

Please see the news release that was sent out about the public hearing and proposed interbasin transfer request at:

[http://www.ncwater.org/phpns/images/uploads/90423Kerr%20Lake%20IBT%20release\\_2.pdf](http://www.ncwater.org/phpns/images/uploads/90423Kerr%20Lake%20IBT%20release_2.pdf).

For more detailed information about the request and to see the supporting documents, go to <http://www.ncwater.org/?page=294>.

The final determination for the certificate will be made by the Environmental Management Commission (EMC) at its July 9, 2015 meeting. To see more information on the EMC, including a member list, go to <http://portal.ncdenr.org/web/emc>.

Best Regards,  
Kim Nimmer

~~~~~  
Kim Nimmer  
Interbasin Transfer (IBT) Program  
Water Supply Planning Branch  
NCDENR - Division of Water Resources  
1611 Mail Service Center  
Raleigh, NC 27699-1611

Phone: 919-707-9019  
Email: [Kim.Nimmer@ncdenr.gov](mailto:Kim.Nimmer@ncdenr.gov)

NOTICE: Emails sent to and from this account are subject to the Public Records Law and may be disclosed to third parties.

---

**From:** Suzanne [<mailto:suzanneohatnick@comcast.net>]  
**Sent:** Monday, April 20, 2015 6:37 PM  
**To:** Nimmer, Kim  
**Subject:** Please DENY PERMIT for additional withdrawal from Kerr Lake  
**Importance:** High

Dear Ms. Nimmer:

I hope it is in your power to **deny a permit** for an additional withdrawal of 10 million gallons of water per day from Kerr Lake. Many other lake owners and I did not know of any hearings on this subject and I object strenuously to additional substantial withdrawals of water from Kerr/ Buggs Island Lake.

I own property at Kimball Point which our extended family has enjoyed for many decades. I have put considerable sums of money into maintaining and enhancing the property for generations to come. Visions of a mud hole instead of our lake are not appetizing. How in the world anyone can think that such a withdrawal will have no impact is beyond my understanding.

Please do respond to my request. If there were hearings, why was I not informed? Although I live much of the year in Baltimore, Maryland, I would have come to testify had I known.

Sincerely,

Suzanne H. O'Hatnick  
159 Oak Tree Lane  
Manson, NC 27553

410-362-2604  
[suzanneohatnick@comcast.net](mailto:suzanneohatnick@comcast.net)

432 Drury Lane  
Baltimore, MD 21229

**From:** [Brady, Harold M.](#)  
**To:** [Nimmer, Kim](#)  
**Subject:** FW: Interbasin Transfer Petition  
**Date:** Tuesday, April 21, 2015 2:41:09 PM

---

-----Original Message-----

From: Suzanne [<mailto:suzanneohatnick@comcast.net>]  
Sent: Tuesday, April 21, 2015 2:45 PM  
To: Brady, Harold M.  
Subject: Interbasin Transfer Petition

Dear Mr. Brady,

I am contacting you since you represent the North Carolina Division of Water Resources. I attempted to reach you by phone, but it was constantly busy.

My concern as a property owner on Kimball Point at Kerr/Buggs Island Lake is that I only just learned about the proposal to increase the daily release of water from Kerr Lake from the most recent data on current release of 5.9 mgd to 14 mgd.

Although reports I have just reviewed indicate no environmental impact, surely somewhere someone has noted the economic impact of severely lowering the water level of Kerr Lake. Nowhere have I seen estimates of how much lower the water will be. Nonetheless, it seems only common sense - unless you can assure me to the contrary - that nearly tripling the outflow of water with no increase in inflow will drop the water level drastically, endangering water craft because of all the tree stumps that currently lie rather far below the surface. That does not include the scarred land that will result from severely lowered water levels and the impact that will have on home values for those of us who own, visit or rent our properties.

I would appreciate information on just how much the water level will drop at Kerr Lake under the proposal. Please contact me at the Baltimore number or my email address. At this point I am OPPOSED to any proposal that recommends authorizing the release of up to 14 mgd at Kerr Lake.

Sincerely,

Suzanne H. O'Hatnick  
159 Oak Tree Lane  
Manson, NC 27553

410-362-2604

432 Drury Lane  
Baltimore, MD 21229  
[suzanneohatnick@comcast.net](mailto:suzanneohatnick@comcast.net)

**From:** [Suzanne](#)  
**To:** [Nimmer, Kim](#)  
**Subject:** Please DENY PERMIT for additional withdrawal from Kerr Lake  
**Date:** Monday, April 20, 2015 6:22:22 PM  
**Importance:** High

---

Dear Ms. Nimmer:

I hope it is in your power to **deny a permit** for an additional withdrawal of 10 million gallons of water per day from Kerr Lake. Many other lake owners and I did not know of any hearings on this subject and I object strenuously to additional substantial withdrawals of water from Kerr/ Buggs Island Lake.

I own property at Kimball Point which our extended family has enjoyed for many decades. I have put considerable sums of money into maintaining and enhancing the property for generations to come. Visions of a mud hole instead of our lake are not appetizing. How in the world anyone can think that such a withdrawal will have no impact is beyond my understanding.

Please do respond to my request. If there were hearings, why was I not informed? Although I live much of the year in Baltimore, Maryland, I would have come to testify had I known.

Sincerely,

Suzanne H. O'Hatnick  
159 Oak Tree Lane  
Manson, NC 27553

410-362-2604  
[suzanneohatnick@comcast.net](mailto:suzanneohatnick@comcast.net)

432 Drury Lane  
Baltimore, MD 21229

**From:** [Catherine Olmert](#)  
**To:** [Nimmer, Kim](#)  
**Subject:** DENY permit for additional withdrawal from Kerr Lake  
**Date:** Monday, April 20, 2015 10:27:57 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)

---

Please DENY permit for additional withdrawal from Kerr Lake

Catherine Olmert  
133 Oak Tree Lane  
Manson, NC 27553

Catherine Watkins Olmert, CIC  
President

[Watkins Insurance Agency, Inc.](#)  
Partner- Keystone Insurers Group  
Phone (434) 447-3544 Cell (434) 774-7565  
*Ranked 5th of the nation's top 100 Independent  
Agencies by Insurance Journal in 2013*



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*An Independent Insurance Agency can pinpoint exactly how changes in your deductibles or your lifestyle can lower your insurance costs. They can propose safety measures that earn discounts or tell you how to package one policy with another to save money and improve coverage. For stability, quality and convenience, make your informed insurance purchase from an Independent Insurance*

**From:** [Pat Olmert](#)  
**To:** [Nimmer, Kim](#)  
**Subject:** Please DENY permit for additional withdrawal from Kerr Lake  
**Date:** Thursday, April 23, 2015 10:18:59 PM  
**Attachments:** [image003.png](#)  
[image004.png](#)

---

Please DENY permit for additional withdrawal from Kerr Lake

Kim I am a resident, homeowner and small business owner on Kerr Lake and without major, major income in the right hands our local counties surrounding the lake we can not afford more withdrawal from lake waters. This is all we have. I am all for a win win but we would need to charge a lot more for our only such a valuable resource.



***Pat Olmert***

[Watkins Insurance Agency](#)

A Member of Keystone Insurers Group

Phone (434)-447-3544

Fax (434)-447-3799



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**Virginia Roanoke River Basin Advisory Committee**

Mr. Tim Pace, P.E., Chairman

County of Henry

PO Box 7

Collinsville VA 24078

276-634-2559

April 27, 2015

Kim Nimmer  
Division of Water Resources  
1611 Mail Service Center  
Raleigh, NC 27699-1611

RE: Comments on Kerr Lake Regional Water System Interbasin Transfer Certificate Request

Dear Ms. Nimmer,

The Virginia Roanoke River Basin Advisory Committee (VRRBAC) reviewed the *Environmental Assessment for an Interbasin Transfer from the Roanoke River Basin* as well as other relevant documents, including the Appendices, Interbasin Transfer Petition, and FONSI. It is the opinion of the VRRBAC that the Environmental Assessment does not take into account all of the potential impacts from this interbasin transfer (IBT) request. For that reason, the VRRBAC opposes the Interbasin Transfer Certificate request based on the current Environmental Assessment and advises the Environmental Management Commission (EMC) to necessitate a full Environmental Impact Statement (EIS).

A full EIS should be required based on the following factors as identified by the VRRBAC:

- Environmental Impact Statements are the accepted practice for projects of this magnitude, specifically surface water transfers between river basins. The scale of this proposed IBT will involve multiple local and regional jurisdictions as well as cross a state boundary, all of which should justify a full EIS.
- The Environmental Assessment does not take into account the effect that cumulative withdrawals (multiple interbasin transfers) could have on the basin systems.
- The Environmental Assessment does not sufficiently analyze the potential upstream impacts of the interbasin transfer, which may include restrictions on future water withdrawals for localities that reside upstream.
- The Environmental Assessment contains minimal analysis of economic and environmental impacts. An EIS will provide stronger technical analysis to demonstrate that any negative economic and/or environmental impacts are mitigated.
- The Environmental Assessment lacks detailed information and statistics regarding the projected regional need for water use by the Kerr Lake Regional Water System.

Additionally, the VRRBAC proposes that the EMC assign certain operational conditions to any IBT certificate issued in the event that an EIS is not completed.

1. The IBT should be limited to the existing service area of the Kerr Lake Regional Water System. The transfer request spans a larger geographic scale than the grandfathered system, as some localities listed in the Certificate are not currently in the service area.
2. The IBT Certificate should require submittal of a Drought Management Plan for NCDENR review and approval. The Drought Management Plan should include, at a minimum, the following requirements:
  - a. Assignment of specific water elevations in Kerr Reservoir that determine specific drought stage conditions (e.g., Watch, Warning and Emergency) that trigger reductions in water use within the areas served by Kerr Lake Regional Water System.
  - b. A procedure to assess vulnerability to drought conditions and adjust water usage to prolong available supply
  - c. A detailed description of the conservation measures to be taken whenever either of the following occur:
    - i. Lake Kerr water elevations are at or below the prescribed drought trigger elevations
    - ii. A Drought Emergency has been declared by either the Commonwealth of Virginia or by the North Carolina Drought Management Advisory Council for an area that includes all or parts of the Roanoke River Basin.

The VRRBAC remains deeply interested in the Kerr Lake Regional Water System Interbasin Transfer Certificate request and hopes that the EMC fully considers our stated position. This letter was approved by the membership of the Virginia Roanoke River Basin Advisory Committee (listed below) and signed by the Chairman.

| <b>Chair and Vice-Chair</b>                                                                             | <b>Legislative Members</b>                                                                                                                                                                                | <b>Non-Legislative Members</b>                                                                                                                                          |
|---------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Chair: Tim Pace<br>1 <sup>st</sup> Vice Chair: Billy Martin<br>2 <sup>nd</sup> Vice Chair: Al Zimmerman | Congressman Robert Hurt<br>Senator Frank Ruff<br>Senator William M. Stanley, Jr.<br>Delegate James Edmunds, II<br>Delegate Charles D. Poindexter<br>Delegate Sam Rasoul<br>Delegate Thomas C. Wright, Jr. | Christopher Blakeman<br>Read Charlton<br>John Field<br>Haywood J. Hamlet<br>Evelyn Janney<br>Bob Jean<br>John Lindsey<br>Gerald V. Lovelace<br>Don Smith<br>Mark Wagner |

Sincerely,



Tim Pace, P.E.  
 Chairman, Virginia Roanoke River Basin Advisory Committee

cc: Tom Fransen, Chief, Water Planning Section  
NC DENR

VRRBAC members (electronic distribution)

**WHEREAS**, the North Carolina Department of Environment and Natural Resources (NCDENR) has announced it is conducting a public hearing in Henderson, North Carolina on March 31, 2015 to entertain public input and will also receive written comments through April 30, 2015 regarding a request by Kerr Lake Regional Water System (KLRWS) to withdraw additional water from the Roanoke River Basin and transfer it to the Tar River, Neuse River and Fishing Creek basins in the state of North Carolina; and

**WHEREAS**, KLRWS is requesting an increase in its currently grandfathered inter-basin allowance from 10 mgd to 14.2 mgd from the Roanoke River Basin; and

**WHEREAS**, water is a vital resource for the future livelihood of communities and this proposed inter-basin transfer of water holds the potential to create deleterious economic and environmental impacts upon the North Carolina and Virginia communities located in the Roanoke River Basin; and

**WHEREAS**, the currently proposed withdrawal of water from the Roanoke River Basin to three separate river basins will only further strengthen the precedent of shifting existing water resources to provide a future benefit to other out of basin communities at the expense of communities located within the Roanoke River Basin; and

**WHEREAS**, the out-of-basin transfer may have the effect of causing regulatory restrictions to be imposed on localities upstream thus affecting their water use, wastewater discharges, and ultimately adversely affecting their economies;

**NOW THEREFORE BE IT RESOLVED** by the Patrick County Board of Supervisors that on this 13<sup>th</sup> day of April, 2015 it does hereby proclaim its strong opposition to the request by the Kerr Lake Regional Water System to increase its grandfathered daily inter-basin water transfer limit from 10 mgd to 14.2 mgd and hereby calls upon the North Carolina Department of Environment and Natural Resources to deny the KLRWS request.

*Roger T Hayden Vice Chair*  
*Cystal P Harris*  
*H. Danny Foley Jr*  
*Karl O. Weiss*

**From:** [Curt Pegram](#)  
**To:** [Nimmer, Kim](#)  
**Subject:** Inter-basin Water Transfer  
**Date:** Thursday, April 30, 2015 9:45:02 AM

---

Ms. Nimmer:

I am disinclined to believe that elected officials and career bureaucrats are sincerely interested in the good of the people of Vance and Warren Counties in any case that involves substantial benefit for corporate interests and the people in their back pockets.

DO NOT TRANSFER ANY MORE WATER FROM KERR LAKE TO ANY NEW SOURCES. PUT A MORATORIUM ON ANY INCREASE IN ROUTINE TRANSFERS.

Has no one learned a damned thing from the misuse of water resources in California?

Hold a referendum for an educated public. It is a true saying of Adam Smith, that whenever businessmen meet, the conversation ends with a conspiracy against the public.

I have a strong dislike for these frat-boy/lodge-brother/country club member confederations that are upheld and enforced by government regulators at the people's expense. Shame on you all.

Leave our lake be. It is our best source of potable water, recreation and revenue. DO NOT MESS THIS UP. Bring the industry and jobs here, why don't you? You know where they're needed right well, don't you?

Put the entire matter (facts and figures, plans and projections--plus the secrets) before the public and let us taxpayers and registered voters conclude the business in more representative fashion. Let the Army Corps of Engineers build reservoirs in the Tar River Basin. Pull the pacifiers from the corporate types who think themselves entitled and elite and give them a dose of fresh reality.

You people aren't planners, you're facilitators of corporate malfeasance and there should be criminal liabilities imposed upon those who squander natural resources for personal gain.

I am grateful for your time and consideration. Please convey these observations and better suggestions to your partners in crime. I'll be contacting our county commissioners and council members. I'll be happy to address you all in person.

Regards,

Curt Pegram  
Henderson, NC  
252.432.8653

Ginger Pharr  
205 Shelton Hall Rd.  
Red Oak, VA 23964

April 16, 2015

Tom Fransen, Section Chief  
DENR-Division of Water Resources - Planning Branch  
1611 Mail Service Center, Raleigh, NC 27699-1611

Re: Kerr Lake Environmental Impact Study

Dear Sir:

I live near the shores of Kerr Lake and have direct ties to it. My grandfather was one of the many people who lost their business and/or home to the lake many years ago when it was built. He relocated his home and business and, as promised, he eventually gained from the traffic coming and going to the lake.

Now that lake is threatened once again by people who want to take our resources. We are asking that the laws be adhered to and a complete environmental impact study be performed in regard to the request to take water from our basin. The people of Southside Virginia realize that the amount of water requested is just below the government guidelines that would trigger an automatic study.

Please act ethically in this matter and perform the complete environmental study of the proposal to double the intake of the Kerr Lake Regional Water System.

Sincerely,



Ginger Pharr  
Concerned Citizen  
Southside Virginia

RECEIVED  
APR 20 2015  
DIVISION OF WATER RESOURCES

---

**From:** [phillipsbets](mailto:phillipsbets)  
**To:** [Nimmer, Kim](mailto:Nimmer, Kim)  
**Cc:** [Rep. Nathan Baskerville; tpace@co.henry.va.us](mailto:Rep. Nathan Baskerville; tpace@co.henry.va.us); [Senator Angela Bryant; kmartinncemc@hotmail.com](mailto:Senator Angela Bryant; kmartinncemc@hotmail.com)  
**Subject:** Opposition to and impact of Interbasin transfers from Kerr Lake  
**Date:** Thursday, April 30, 2015 11:17:06 AM

---

Ms. Nimmer -

My family has owned property on Kerr Lake since the damn was built and before the lake was ever filled. I still own some of that property and so do many of my cousins. We were blindsided by this proposal and OPPOSE THE PROPOSED INTERBASIN TRANSFER PROPOSAL.

I believe there should be strenuous constraints during periods of drought; the stronger the drought, the more constraints there should be. We already had problems in 2002 and 2007 and subsequent to the transfers to Virginia Beach. Boat ramps were closed, fishing tournaments cancelled, spawning grounds were lost, and plant cover was lost which caused additional erosion of lake shore lines. There were also other lost recreational opportunities and therefore spending in the County.

I also believe such a drop in lake levels would create dangerous situations for boaters, swimmers, campers and others who use the lake for recreational purposes due to barely submerged rocks, stumps, etc.

I also believe there should be an environmental impact statement done on this proposal as I believe it would adversely affect birds, fish, other wildlife and plant life significantly.

Although the Corps of Engineers does own the lake itself, I believe there should be more communication among the governmental entities involved and surrounding property owners who have paid and do pay real estate taxes to the County for years.

Please study this proposal and all the ramifications much more carefully.

Sincerely,

Elisabeth H. Phillips (Please NOTE the correct spelling of my Elisabeth - there is no Z.)

163 Oak Tree Lane  
Manson, NC 27553

5110 Marbury Circle NW (Residence and mailing address)  
Atlanta, GA 30327-4962

(404) 255-8017  
(404) 931-7141 (cell)

Section Chief TOM FRANSEN  
DENR-Division of Water Resources-PLANNING BRANCH  
1611 Mail Service Center  
Raleigh, NC 27699-1611

IN RE: WATER TRANSFER / ENVIRONMENTAL STUDIES

Please acknowledge the lasting and irreversible impacts as well as the current and growing crises that transferring water and its ownership cause on the west coast for the environment, agriculture, economy and all residents. Also please consider strongly this request for environmental impact studies that encompass all these issues within the Roanoke River Basin within your regulations of government.

Recently, the Dan River is impacted by poor business practices, just as the Neuse was devastated by a lack of business oversight. Both underscore the necessity of your responsibility for water resources.

North Carolina and Virginia, fortunately located on the east coast of the United States of America, has benefitted from the Riparian Right Doctrine which I understand allows local use only when those downstream are not being dis-serviced of the same privilege.

When water is bought and sold to be transferred for specifically designated benefit, then we will look forward to the same problems that only have been permitted for significant citizens of the west coast. I trust your division of government and its authority will include oversight for all of us, not just a select few who will trade supply and money.

Also, I desperately hope some among your experts recall when North Carolina and Virginia worked together against water ultimately transferred to another basin. It was hard fought and not successful except in establishing a warning for more "little chinks" that ultimately impact "the lot"!

*Mary Catherine Plaster*  
Mary Catherine Plaster  
P.O. Box 888, Chatham, VA 24531

23 April 2015

RECEIVED  
APR 27 2015  
DIVISION OF WATER RESOURCES

## Transcription for Public Hearing – Kerr Lake IBT (3-31-2015)

**Al Potter** - I'm the president of the Lake Gaston Association. I don't have any prepared notes either. I've burned a couple of brain cells listening to this tonight. As a member of Lake Gaston who has five counties on Lake Gaston; two in Virginia and three in North Carolina we'd like to be a good neighbor. We'd like to see Warren County get the water they need. We think Oxford and Vance County who are also on Kerr Lake have a right to take the water. However, the elephant in the room here is that, Raleigh wants it all. If Raleigh wants it all, I don't want anybody to get any. When you think about it, Franklin says you're the fastest growing county but you're a bedroom county. Raleigh has expanded out to their giving water to southern Franklin County that goes into some other basin is giving it to Raleigh. If Raleigh gets its foot in the door I'm afraid it will keep digging and pretty soon we won't have any water to give. Lake Gaston is supposedly protected and it has a standard water level, however, when you get down to the point it can't be protected forever if you take all the water out and if dominion cannot make power out of the lake then we don't have a lake at all. Our lake plans on making power, making hydroelectric renewable energy. So, we really have to make a decision whether we want renewable energy and power or if we want to provide water to the world. Frankly, I'd like to go and use the lake, I'd like the power. Thank you. – End



(252) 586-6577  
Toll free 1-888-586-6577  
P. O. Box 656 ♦ Littleton, NC 27850

[www.LakeGastonAssoc.com](http://www.LakeGastonAssoc.com)

*Your primary VOICE on lake issues  
Since 1989*

Kim Nimmer  
NC Department of Environmental and Natural Resources  
512 N. Salisbury St.  
1611 Mail Service Center  
Raleigh, NC 27699-1611

April 16, 2015

Re: Kerr Lake Regional Water System Request for Inter-basin Transfer Certificate

The Lake Gaston Association, LGA, is OPPOSED to the KLRWS proposal to increase its authorized transfer from 10 to 20 MGD. Our stand is based on the principle of Riparian Rights – the future allocation of water in the Roanoke River Basin should be preserved for the development of the local (rural) interests rather than feeding the rapacious appetites of rapidly expanding urban/suburban areas removed from our locale.

Similarly, we opposed the transfer of 60 MGD from Lake Gaston to Virginia Beach several years ago.

At a minimum, all future inter-basin transfer allocations should be predicated on an 80% return of treated wastewater to the Roanoke River or its tributaries; thus minimizing environmental impact on the lower reaches of the river.

Sincerely,

Al Potter  
President, Lake Gaston Association

RECEIVED  
APR 20 2015  
DIVISION OF WATER RESOURCES

← LGA Mission... to identify issues affecting our members and pursue resolution with the responsible organizations. →

Email: [Info@LakeGastonAssoc.com](mailto:Info@LakeGastonAssoc.com)

PUBLIC PETITION

SAVE OUR LAKE WATER

We the below signed are in opposition to the Permit to increase 10MGD of Inter Basin Transfer from the Roanoke River Basin to the Tar/Neuse River Basins because of the cumulative impact on Kerr Lake/Buggs Island Lake water levels, as well as undisclosed impacts on the environment, the economy, and tourism in Vance and Warren Counties as well as Southside Virginia.

To: Kim.Nimmer@ncdenr.gov

NCDENR 521 N. Salisbury St. 1611 Mail Service Center Raleigh, NC 27699-1611

NAME / PHONE NUMBER

NAME / PHONE NUMBER

|                               |   |                            |
|-------------------------------|---|----------------------------|
| Dennis Plinio 434-865-2434    | / | Johnnie Jones 434-729-3021 |
| Gust Rusk 434-630-3196        | / | Wayne Bruef 434-264-2420   |
| Donald R. Wilson 434-374-4810 | / |                            |
| Dennis Harcup 434-262-5054    | / |                            |
| Robert Gilman 434-676-2244    | / |                            |
| Tony Hillman 434-676-4449     | / |                            |
| Jeff Parrish 434-729-2445     | / |                            |
| Ricky Ezell 434-262-3919      | / |                            |
| Darlene Dix 434-480-2365      | / |                            |
| Kaysey Mull 434-210-0592      | / |                            |
| Zach Claudis 434-470-1366     | / |                            |
| Suzie Austin 434-321-2030     | / |                            |
| Ray Tisdale 434 447 3600      | / |                            |
| Alison Armstrong 434-294-3803 | / |                            |
| Jeramial Jir 434-480-5738     | / |                            |
| Kaid Moody 434-532-2339       | / |                            |
| Benny Noblin 434-480-2324     | / |                            |

APRIL 30<sup>th</sup>, 2015 DEADLINE

(Your name and phone number are required for your opinion to count)



RECEIVED

MAR 30 2014

March 26, 2015

Tom Fransen  
Section Chief  
DENR-Division of Water Resources  
Planning Branch  
1611 Mail Service Center  
Raleigh, NC 27699-1611

Need for Environmental Impact Statement for Evaluation of Proposed Kerr Lake Regional Water System' Interbasin Transfers

Dear Mr. Fransen:

We object to the Division of Water Resource's decision not to require an Environmental Impact Statement in reviewing the proposal by Kerr Lake Regional Water System for an Interbasin Transfer Certificate ("IBT"). The Roanoke River supplies drinking water, recreational opportunities and wildlife habitat enjoyed by millions of people in the area. Increasing the current transfer of water from out of the Roanoke Basin by more than 40 percent should trigger a full Environmental Impact Statement ("EIS"). The Environmental Assessment ("EA") submitted by Kerr Lake Regional Water System is inadequate to evaluate the proposal. We oppose the Division's decision to approve this document and do not support the Interbasin Transfer Certificate because it is based on inadequate information. Without an EIS to guide us, we cannot be assured that Roanoke River will be able to continue to supply drinking water, recreational opportunities and wildlife habitat already enjoyed by millions of people in the area.

All IBT certificate applicants are subject to the general EIS requirements of SEPA. SEPA was passed "to require agencies of the State to consider and report upon environmental aspects and consequences of their actions involving the expenditure of public moneys or use of public land." See N.C. Gen. Stat. § 113A-2. SEPA's provisions "provide a mechanism by which all affected State agencies raise and consider environmental factors of proposed projects." In re Environmental Management Com. etc., 53 N.C. App. 135, 141 (N.C. Ct. App. 1981) "The primary purpose of both the state and federal environmental statutes is to ensure that government agencies seriously consider the environmental effects of each of the reasonable and realistic alternatives available to them." Orange County v. North Carolina Dep't of Transp., 46 N.C. App. 350, 383 (N.C. Ct. App. 1980). SEPA has provisions specifying when an environmental document is not required. There is a list of actions which are exempted from coverage. Had the General Assembly intended to exempt IBT certificates from SEPA, it would have added that to the exempted list found in SEPA. See N.C. Gen. Sta. § 113A-12 (List of exempted actions, like water lines, shellfish leases and driveway connections to public roads). They did not do so and the Division had the power to require an EIS and should have done so.

To support a Finding of No Significant Impact ("FONSI"), we expect to see analysis of all the direct impacts of the proposal as well as the cumulative and secondary impacts of the proposal itself. This EA does not contain any analysis to support its FONSI. The law requires the Division to show how it made its decision, but the EA and associated FONSI are just conclusions. For just one example, the statement that "water quantities needed to protect aquatic habitats would remain available" in the Secondary and Cumulative Impacts section of 5.12.1 does not meet the standard of a hard look. Further definition of these quantities and discussion of how their appropriate levels would be monitored and ensured is missing. Without the data and analysis, this is a simply an unsupported conclusion.

The Division's decision to grant a FONSI on this EA is just not supported by the analysis. If the impacts are analyzed in other documents, show them to us. The public depends on local governments to protect the Roanoke River for use and enjoyment. We cannot do that job if the Division decides to keep us in the dark. Require an Environmental Impact Statement so that we can see the basis for all these conclusions.

Sincerely,

A blue ink signature of Allen W. Purser, President/CEO of the Roanoke Valley Chamber of Commerce.

Allen W. Purser, President/CEO

**From:** [John Rector](#)  
**To:** [Nimmer, Kim](#)  
**Subject:** Water Transfers From Lake Gaston  
**Date:** Friday, April 17, 2015 6:44:09 PM

---

Kim – I live on Lake Gaston and strongly object to any further proposals to reduce our water levels. Millions of gallons of water are currently being taken from the lake to support various communities. While I appreciate the need for water, Lake Gaston is not the solution to water shortages in distant metropolitan areas. Cities such as Raleigh need to find their own solutions, and take meaningful measures to reduce water consumption prior to asking other communities to solve their problem. I did not move here to see the lake depleted by non-residents.

Thanks for considering my opinion.

Sincerely,

John Rector

**From:** [Bob Redman](#)  
**To:** [Nimmer, Kim](#)  
**Subject:** Opposition to IBT from Kerr Lake  
**Date:** Thursday, April 16, 2015 5:57:32 PM

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Ms. Nimmer,

I am a member of the Lake Gaston Association and own recreational property on Lake Gaston. As a member of the LGA, I support their opposition to IBT from Kerr Lake.

R.C.Redman, Jr

**From:** [Evelyn Reese](#)  
**To:** [Nimmer, Kim](#)  
**Subject:** Don't take the lake  
**Date:** Tuesday, April 28, 2015 8:55:35 PM

---

Please do not take the Lake. I am **not** in favor of this Kerr Lake inter-basin transfer. It seems Wake Forest (Wake County) area is confused about the lake levels and that it can easily be refilled.

**From:** [Evelyn Reese](#)  
**To:** [Nimmer, Kim](#)  
**Subject:** Don't take Kerr Lake  
**Date:** Tuesday, April 28, 2015 10:14:58 PM

---

I am NOT in favor of the Kerr Lake inter-basin transfer. Please don't take the lake.

The lake covers part of my Daddy's original family farm...the Corps of Engineers recently planted pine seedlings on the shoreline of his farm to intentionally BLOCK access or view of the lake from the same family landowners since 1948-49.

Irrigation of this farm joining the lake is now prohibited but previously was allowed for 50+ years. Water cannot be drawn from the lake for irrigating crops; yet, the inter-basin transfer would involve more water on a weekly basis than farmers would use in several months!!! REMEMBER US FROM THE 50s???

I have seen the lake when you could walk across the coves because of the water level being so low. During a drought in recent years, there was concern by the Henderson Water System about conserving water for local usage because the lake level was so low that it would fall below the suction pipe that draws water from the lake to supply current customers. What if we have another drought, what will replace the water that is being transferred out?

I see no benefit for this Tier 1 area by allowing the inter-basin water transfer. The water being transferred out going to Tar River and Neuse River will benefit Granville, Franklin and Wake Counties but will be detrimental to Vance and Warren County with no benefit.

W. Randolph Reese

Life time resident



**From:** [Eugene Richardson](mailto:Eugene.Richardson@ncfbins.com)  
**To:** [Nimmer, Kim](mailto:Kim.Nimmer@ncdenr.gov)  
**Subject:** RE: FW:  
**Date:** Tuesday, April 21, 2015 11:43:31 AM

---

I HAVE BEEN IN WARREN CO ALL MY 64 YRS AND HAVE BEEN FISHING KERR LAKE ALL MY LIFE. I FISH BASS TOURNEMENTS AND SINSE THEY STARTED PULLING WATER OUT OF KERR IT HAS NOT BEEN THE SAME. THE WATER USE TO GET WAY UP IN THE TREES AND NOW WITH ALL THE RAIN WE HAVE HAD ITS BEARLEY UP TO THE RUTS OF THE TREE. THANKS FOR WHAT YOU DO.

-----Original Message-----

From: Nimmer, Kim [<mailto:kim.nimmer@ncdenr.gov>]  
Sent: Tuesday, April 21, 2015 11:34 AM  
To: Eugene Richardson  
Subject: RE: FW:

Ms. Richardson,

Thank you for your comments and signed petition regarding the proposed Interbasin Transfer (IBT) Certificate for the Kerr Lake Regional Water System. NCDENR will be accepting comments regarding the proposed certificate through April 30, 2015. All comments received will be part of the public record, and will be included along with responses prepared by NCDENR as part of the Hearing Officer's Report to the NC Environmental Management Commission. The Environmental Management Commission is the decision-making body for the proposed IBT certificate. We anticipate the final determination will be made at the Environmental Management Commission's July 9th meeting.

Best Regards,  
Kim Nimmer

~~~~~  
Kim Nimmer  
Interbasin Transfer (IBT) Program  
Water Supply Planning Branch  
NCDENR - Division of Water Resources  
1611 Mail Service Center  
Raleigh, NC 27699-1611

Phone: 919-707-9019  
Email: [Kim.Nimmer@ncdenr.gov](mailto:Kim.Nimmer@ncdenr.gov)

NOTICE: Emails sent to and from this account are subject to the Public Records Law and may be disclosed to third parties.

-----Original Message-----

From: Eugene Richardson [<mailto:eugene.richardson@ncfbins.com>]  
Sent: Tuesday, April 21, 2015 11:13 AM  
To: Nimmer, Kim  
Subject: FW:

-----Original Message-----

From: Gene R [<mailto:eugene.richardson@ncfbins.com>]  
Sent: Tuesday, April 21, 2015 11:07 AM  
To: Eugene Richardson  
Subject:

This E-mail was sent from "RNP240BFA" (Aficio MP 4001).

Scan Date: 04.21.2015 11:06:54 (-0400)

PUBLIC PETITION

SAVE OUR LAKE WATER

**We the below signed are in opposition to the Permit to increase 10MGD of Inter Basin Transfer from the Roanoke River Basin to the Tar/Neuse River Basins because of the cumulative impact on Kerr Lake/Buggs Island Lake water levels, as well as undisclosed impacts on the environment, the economy, and tourism in Vance and Warren Counties as well as Southside Virginia.**

To: [Kim.Niromer@ncdenr.gov](mailto:Kim.Niromer@ncdenr.gov)

NCDENR 521 N. Salisbury St. 1611 Mail Service Center Raleigh, NC 27699-1611

NAME / PHONE NUMBER

NAME / PHONE NUMBER

*H. Todd* 252-432-4912 /

*Kare Wood* 919 306 6588 /

*Lore Richardson* 252-431-4245 /

*Angela C. Mew* 252-438-4119 /

*James Davis* (919) 690-4217 /

*Rebecca Lee* 252-438-4119 /

*Jodi Beck* 301-252-9795 /

*Karen Bobbit* 252-438-4119 /

*Fritzy Oley* 919-691-4342 /

*Scott R. Min* 252-767-3312 /

~~*Richard M. Mays*~~ 252-438-6788 /

*Quincy P. Gault* 252-213-0340 /

APRIL 30<sup>th</sup>, 2015 DEADLINE

(Your name and phone number are required for your opinion to count)

**From:** [Al Rivers](#)  
**To:** [Nimmer, Kim](#)  
**Cc:** [Rep. Nathan Baskerville](#); [Tommy Hester](#); [Tom Church](#); ["Tommy Roberson"](#); [kgrissom@vancecounty.com](mailto:kgrissom@vancecounty.com); [dbrum@ncol.net](mailto:dbrum@ncol.net); [jimkearney2001@yahoo.com](mailto:jimkearney2001@yahoo.com); [jcrawford@homecreditcorpinc.com](mailto:jcrawford@homecreditcorpinc.com)  
**Subject:** Kerr Lake Additional Draw Down  
**Date:** Tuesday, April 21, 2015 12:39:05 PM  
**Attachments:** [PUBLIC PETITION \(3\).docx](#)

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Kim Nimmer,

I have attached a copy of the petition signed by myself and others opposing the Inter Basin Transfer of water from the Roanoke River Basin to support the Raleigh/Wake County growth surge. I have lived in this area most of my life and spent the last 24 years marketing & selling real estate in the area and advocating for Vance County. Along with some Kerr Lake residential sales, the major part of my business is Commercial Real Estate which includes recruiting new business and industry to this area which is already difficult, at best, because of some of our situations and with continued increases in our water transfers to other areas you are making it impossible to get anyone interested in moving their business to Henderson and Vance County as we will eventually run out of the very resource that should make us attractive. Sometimes I just feel like the people making these decisions just treat us like step children. I know that it is being said that this transfer will not affect our water levels but I find that to be totally unbelievable. There is already a huge amount of water transferred out of our area every day via the Lake Gaston pipeline to Virginia Beach. This is coming out of Kerr Lake because we supply Lake Gaston to the detriment of Kerr Lake. Vance County houses much of Kerr Lake and is a Tier 1 County which means that we are very poor county that is identified as needing help with economic growth. We need industry to create jobs and tax base so that our county can flourish, our schools can improve, and the quality of life for all citizens can be improved. With these type maneuverings by officials who should support and protect us, this will not happen as we will not have the necessary product, specifically WATER, to offer to our future prospects. We stood and fought hard against the Virginia pipeline and lost. During that time, Raleigh & Wake County were making inquiries about putting pipeline into the lake to get water for themselves and that was stopped. Now it appears that they are trying to slip in a back door to help themselves to our water. They only need the water because of their continued growth, well we need that

growth in our county and if we provide water out of the Roanoke River Basin to them, then we are “cutting off our noses to spite our faces” only aiding their growth while hurting the possibilities of our own growth. Industry will never consider Vance, Warren, & Northern Granville County until they see it as the most logical option because we can provide the water, along with other infrastructure, they need. Wake County needs to take care of its own problems and leave our future alone. Our legislators, the Department of Commerce and the various associations that we actually belong to should be directing business and industry that is looking, to areas other than Wake County and the RTP. The first word out of those groups is they have the services and help. These services and help that they say is available was made available by State and Federal \$\$\$. That infrastructure and services should be made available to the poorer counties like us and not always in the Raleigh’s of the world. Most everybody that I know, except the politicians, are opposed to the Inter Basin Transfer Agreement, if the intent is to allow Raleigh and Wake County or anybody else for that matter to draw water from Kerr Lake are strongly opposed to any further transfer. I feel the public hearing to publicize this was sort of “snuck” by us so there would be no opposition. **I think it is underhanded and am adamantly opposed to any additional transfer of water out of Kerr Lake. Additional meetings should be scheduled and advertised so that everybody interested has a way to voice their opinion.**

-

Please do not continue to mortgage the future of this area in favor of some other area.



**From:** [Al Rivers](#)  
**To:** [Nimmer, Kim](#)  
**Cc:** [Rep. Nathan Baskerville](#); [Tommy Hester](#); [Tom Church](#); ["Tommy Roberson"](#); [kgrissom@vancecounty.com](mailto:kgrissom@vancecounty.com); [dbrum@ncol.net](mailto:dbrum@ncol.net); [jimkearney2001@yahoo.com](mailto:jimkearney2001@yahoo.com); [jcrawford@homecreditcorpinc.com](mailto:jcrawford@homecreditcorpinc.com)  
**Subject:** RE: Kerr Lake Additional Draw Down  
**Date:** Tuesday, April 21, 2015 12:59:37 PM

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Hello all!!!

Based on information received this morning I am herewith withdrawing this letter of opposition to NC DENR representative. I am told that the additional 10mm gallons requested is for the use of the 3 current owners of the Kerr Lake Regional Water System. I am withdrawing this only on the premise that Wake County and Raleigh will not get any of this allocation and it will be for the future growth of current ownership and subscribers to the system, only.

Sorry about the misinformation.

Al Rivers

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**From:** Al Rivers [mailto:[al@vance.net](mailto:al@vance.net)]  
**Sent:** Tuesday, April 21, 2015 12:39 PM  
**To:** 'kim.nimmer@ncdenr.gov'  
**Cc:** 'nathan.baskerville@ncleg.net'; Tommy Hester ([tshester@ncol.net](mailto:tshester@ncol.net)); Tom Church; 'Tommy Roberson'; [kgrissom@vancecounty.com](mailto:kgrissom@vancecounty.com); [dbrum@ncol.net](mailto:dbrum@ncol.net); [jimkearney2001@yahoo.com](mailto:jimkearney2001@yahoo.com); [jcrawford@homecreditcorpinc.com](mailto:jcrawford@homecreditcorpinc.com)  
**Subject:** Kerr Lake Additional Draw Down

Kim Nimmer,

I have attached a copy of the petition signed by myself and others opposing the Inter Basin Transfer of water from the Roanoke River Basin to support the Raleigh/Wake County growth surge. I have lived in this area most of my life and spent the last 24 years marketing & selling real estate in the area and advocating for Vance County. Along with some Kerr Lake residential sales, the major part of my business is Commercial Real Estate which includes recruiting new business and industry to this area which is already difficult, at best, because of some of our situations and with continued increases in our water transfers to other areas you are making it impossible to get anyone interested in moving their business to Henderson and Vance County as we will eventually run out of the very resource that should make us attractive. Sometimes I just feel like the people making these decisions just treat us like step children. I know that it is being said that this transfer will not affect our water levels but I

find that to be totally unbelievable. There is already a huge amount of water transferred out of our area every day via the Lake Gaston pipeline to Virginia Beach. This is coming out of Kerr Lake because we supply Lake Gaston to the detriment of Kerr Lake. Vance County houses much of Kerr Lake and is a Tier 1 County which means that we are very poor county that is identified as needing help with economic growth. We need industry to create jobs and tax base so that our county can flourish, our schools can improve, and the quality of life for all citizens can be improved. With these type maneuverings by officials who should support and protect us, this will not happen as we will not have the necessary product, specifically WATER, to offer to our future prospects. We stood and fought hard against the Virginia pipeline and lost. During that time, Raleigh & Wake County were making inquiries about putting pipeline into the lake to get water for themselves and that was stopped. Now it appears that they are trying to slip in a back door to help themselves to our water. They only need the water because of their continued growth, well we need that growth in our county and if we provide water out of the Roanoke River Basin to them, then we are “cutting off our noses to spite our faces” only aiding their growth while hurting the possibilities of our own growth. Industry will never consider Vance, Warren, & Northern Granville County until they see it as the most logical option because we can provide the water, along with other infrastructure, they need. Wake County needs to take care of its own problems and leave our future alone. Our legislators, the Department of Commerce and the various associations that we actually belong to should be directing business and industry that is looking, to areas other than Wake County and the RTP. The first word out of those groups is they have the services and help. These services and help that they say is available was made available by State and Federal \$\$\$. That infrastructure and services should be made available to the poorer counties like us and not always in the Raleigh’s of the world. Most everybody that I know, except the politicians, are opposed to the Inter Basin Transfer Agreement, if the intent is to allow Raleigh and Wake County or anybody else for that matter to draw water from Kerr Lake are strongly opposed to any further transfer. I feel the public hearing to publicize this was sort of “snuck” by us so there would be no opposition. **I think it is underhanded and am adamantly opposed to any additional transfer of water out of Kerr Lake. Additional meetings should be scheduled and**

**advertised so that everybody interested has a way to voice their opinion.**

-

Please do not continue to mortgage the future of this area in favor of some other area.

**From:** [Katherine Robbins](#)  
**To:** [Nimmer, Kim](#)  
**Subject:** Increase of Inter Basin Transfer from Kerr Lake  
**Date:** Monday, April 20, 2015 3:22:16 PM

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Dear Ms. Nimmer,

I feel compelled to write to you because of some major concerns I have about the future of Kerr Lake. I am in opposition to the Permit to increase 10MGD of Inter Basin Transfer from the Roanoke River Basin to the Tar/Neuse River Basins because of the cumulative impact on Kerr Lake/Buggs Island Lake water levels, as well as undisclosed impacts on the environment, the economy, and tourism in Vance and Warren Counties as well as Southside Virginia.

I was told that the deadline to argue against this permit was April 30, 2015, and that only confused me further, since as a resident of Raleigh I have heard and read NOTHING about this. Could you please provide articles in the public forum addressing this change? I must have somehow missed them. I would certainly hope that something that would drastically change both a source of water within the basins, and the water draw at Kerr Lake would have been announced in a very public manner. I am concerned that residents of the counties are not aware of both the environmental and economic impacts this decision brings for many counties of North Carolina and Virginia.

If your office could please provide me the resources for when this was officially announced and advertised, I would greatly appreciate it. In the meantime, I believe this permit should be denied.

Thank you.  
Sincerely,  
Katherine Robbins

--  
Katherine Kemp Robbins  
[kdkemp@gmail.com](mailto:kdkemp@gmail.com)  
[www.stelladot.com/katherinerobbins](http://www.stelladot.com/katherinerobbins)



**From:** [annette.roberson](mailto:annette.roberson)  
**To:** [Nimmer, Kim](mailto:Nimmer,Kim)  
**Subject:** Fwd: PUBLIC PETITION: SAVE OUR LAKE WATER  
**Date:** Thursday, April 23, 2015 9:23:17 AM

---

Sent from my iPad

Begin forwarded message:

**From:** "TommyRoberson" <[troberson@nc.rr.com](mailto:troberson@nc.rr.com)>  
**Date:** April 23, 2015 at 4:18:30 AM EDT  
**To:** "'annette roberson'" <[acr1760@hotmail.com](mailto:acr1760@hotmail.com)>  
**Subject:** RE: PUBLIC PETITION: SAVE OUR LAKE WATER

I signed it and all of our employees signed it

---

**From:** annette roberson [<mailto:acr1760@hotmail.com>]  
**Sent:** Wednesday, April 22, 2015 11:33 PM  
**To:** tommy roberson  
**Subject:** Fwd: PUBLIC PETITION: SAVE OUR LAKE WATER

Sent from my iPad

Begin forwarded message:

**From:** Paulette Adams <[padams@gvdhd.org](mailto:padams@gvdhd.org)>  
**Date:** April 22, 2015 at 1:17:59 PM EDT  
**To:** 'annette roberson' <[acr1760@hotmail.com](mailto:acr1760@hotmail.com)>  
**Subject:** RE: PUBLIC PETITION: SAVE OUR LAKE WATER

This is only to get a public hearing and over **2000** emails or written petitions have to be in before the end of this month/**or** it is a done deal and lake level will go to **268 feet. We the public need to have a say in this. This would be taking water from one water shed to another. Franklin county wants to have this water. Please email this to all you know.**

---

**From:** annette roberson [<mailto:acr1760@hotmail.com>]  
**Sent:** Wednesday, April 22, 2015 9:27 AM  
**To:** Paulette Adams  
**Subject:** Re: PUBLIC PETITION: SAVE OUR LAKE WATER

I signed it.

Sent from my iPad

On Apr 20, 2015, at 11:43 AM, Paulette Adams <[padams@gvdhd.org](mailto:padams@gvdhd.org)> wrote:

We the below signed in opposition to the Permit to increase 10MGD (ten million gallons daily) Of inter Basin Transfer to the Tar/Neuse River Baisins because of the cumulative impact on Kerr/Buggs Island levels, as well as undisclosed impacts on the environment, the economy, and tourism in Vance and Warren Counties as well as Southside Virginia.

To: [Kim.Nimmer@ncdenr.gov](mailto:Kim.Nimmer@ncdenr.gov)

NCDENR. 521 Salisbury St. 1611  
Mail Service Center Raleigh, NC. 27699-1611

NAME\_\_annette Roberson\_\_\_\_\_/ . PHONE  
NUMBER\_\_\_\_2524926084\_\_\_\_\_

This email Must be sent before April 30,2015

**From:** [Tommy Roberson](#)  
**To:** [Nimmer, Kim](#)  
**Subject:** FW: Scanned from Robco MFG  
**Date:** Tuesday, April 28, 2015 8:49:34 AM  
**Attachments:** [Scanned from Robco MFG.pdf](#)

---

Ms. Nimmer, please find attachment of opposition to the proposed Permit of InterBasin Transfer. These are the employees of Robco Manufacturing (Alumadock) in Henderson, NC  
We build and install docks on Kerr Lake and others. We have lived through previous droughts and draw downs of the lake and could not put in our products due to low water. We have always been told by the USACE that Kerr Lake was built for 1. Flood Control 2. Power Generation 3. Recreation.

Thank you.

Tommy Roberson  
President Robco Manufacturing, Inc.  
Alumadock Marine Structures/ Gutterdeck Products  
P 252.438.7399 x 102  
F 252.438.2108  
[www.alumadock.com](http://www.alumadock.com)  
[www.gutterdeck.com](http://www.gutterdeck.com)

-----Original Message-----

From: scanner@robcomfg.com [<mailto:scanner@robcomfg.com>]  
Sent: Tuesday, April 28, 2015 8:45 AM  
To: Tommy  
Subject: Scanned from Robco MFG

Please open the attached document. It was scanned and sent to you using a Xerox Multifunction Device.

Attachment File Type: pdf, Multi-Page

Multifunction Device Location:  
Device Name: WC7225

PUBLIC PETITION  
SAVE OUR LAKE WATER

*We the below signed are in opposition to the Permit to increase 10MGD of Inter Basin Transfer from the Roanoke River Basin to the Tar/Neuse River Basins because of the cumulative impact on Kerr Lake/Buggs Island Lake water levels, as well as undisclosed impacts on the environment, the economy, and tourism in Vance and Warren Counties as well as Southside Virginia.*

To: Kim.Nimmer@ncdenr.gov

NCDENR 521 N. Salisbury St. 1611 Mail Service Center Raleigh, NC 27699-1611

NAME / PHONE NUMBER

NAME / PHONE NUMBER

Tommy Roberson 252-430-9045 / Hunter Roberson 252-572-2048  
Robert Cartock 252-432-2299 / *Michael Roberson* 252-431-7162  
Charles S. Whitemore 757-871-9921 / *Clay Jackson* 252-431-41218  
HUNT CREECH 910-612-9216 /  
CARLOS CAJALAS 252 767 7011 /  
Arita Evans 252-226-6127 /  
Barbara Wagner 252-438-3017 /  
David E Ramirez (252) 767-8504  
Adam Roberts (252) 820-2107 /  
Stephen Thompson (252) 432-4851  
John Catlett (252) 432-4519 /  
Share Morris (919) 328 0795 /  
Juan Iy Molina 252 767 8719  
Blaw. Gutierrez-e. 252. 213 7434 /

APRIL 30<sup>th</sup>, 2015 DEADLINE

(Your name and phone number are required for your opinion to count)

# SENATE OF VIRGINIA



**FRANK M. RUFF, JR.**  
15TH SENATORIAL DISTRICT  
ALL OF CHARLOTTE, LUNENBURG,  
MECKLENBURG, AND NORTOWAY COUNTIES;  
PART OF BRUNSWICK, GAITHER, DINWIDDIE,  
HALIFAX, PITTSBURGH, AND PRINCE GEORGE  
COUNTIES, AND PART OF THE CITY OF  
DANVILLE  
POST OFFICE BOX 332  
CLARKSVILLE, VIRGINIA 23927

COMMITTEE ASSIGNMENTS:  
GENERAL LAW AND TECHNOLOGY, CHAIR  
AGRICULTURE, CONSERVATION AND  
NATURAL RESOURCES  
FINANCE  
LOCAL GOVERNMENT  
RELIGION

April 29, 2015

Ms. Kim Nimmer  
Interbasin Transfer (IBT) Program  
Water Supply Planning Branch  
NCDENR – Division of Water Resources  
1611 Mail Service Center  
Raleigh, NC 27699-1611

Re: Comments on Kerr Lake Regional Water System Inter-basin Transfer Certificate Request

Dear Ms. Nimmer:

I understand that as a Virginian I have no say in the policy of North Carolina's water resources. However, as a representative of many people of the Roanoke River Basin in Virginia, I should weigh in on the issue of the inter-basin transfer. Many in the counties I represent may be negatively impacted by the decisions made on this issue.

We in Virginia did not challenge the withdrawal request when the allotment from the Corps of Engineers was made because we believed that, as basin communities, they should have every right to the use of that water. In addition, it would be expected to discharge waste water into the basin that would in turn provide for downstream users' needs.

Having reviewed the Environmental Assessment for an Inter-basin Transfer from the Roanoke River Basin as well as the included Appendices, Inter-basin Transfer Petition, and FONSI there appears to be no accounting for all of the potential impacts of this request.

For this reason, I believe to satisfy the concerns of all a full EIS should be required based on the following factors.

1. Environmental Impact Statements are the accepted practice for projects of this size, specifically surface water transfers between river basins. The scale of the proposed IBT will

Ms. Kim Nimmer  
Page Two  
April 29, 2015

involve multiple local and regional jurisdictions as well as cross the state line, all of which should justify a full EIS.

2. The Environmental Assessment does not take into account the effect that cumulative withdrawals (multiple inter-basin transfers) could have on the basin systems.

3. The Environmental Assessment does not sufficiently analyze the potential upstream impacts of the inter-basin transfer, which may include restrictions on future water withdrawals for localities in the basin.

4. The Environmental Assessment contains minimal analysis of economic and environmental impacts. An EIS will provide stronger technical analysis to demonstrate that any negative economic and/or environmental impacts are mitigated.

5. The Environmental Assessment lacks detailed information and statistics regarding the projected regional need for water use by the Kerr Lake Regional Water System.

Additionally, I believe the IBT should be limited to the existing service area of the Kerr Lake Regional Water System. The transfer request spans a larger geographic scale than the grandfathered system, as some localities listed in the Certificate are not currently in the service area.

Thank you in advance,



Frank M. Ruff, Jr.  
15<sup>th</sup> District  
Senate of Virginia

# PONDEROSA PROPERTY OWNERS ASSOCIATION

John W. Ryan, President  
P. O. Box 298  
Townsville, NC 27584

---

April 7, 2015

Tom Fransen  
Section Chief  
DENR-Division of Water Resources  
Planning Branch  
1611 Mail Service Center  
Raleigh, NC 27699-1611

Dear Tom,

The Ponderosa Property Owners Association represents 127 owners in a subdivision located on the shore of Kerr Lake. We object to the Division of Waters Resource's decision not to require an Environmental Impact Statement (EIS) in reviewing the proposal by Kerr Lake Regional Water System (KLRWS) for an Interbasin Transfer Certificate. The Roanoke River supplies drinking water, recreational opportunities and wildlife habitat enjoyed by millions of people in the area. Increasing the current transfer of water from out of the Roanoke Basin by more than 40 percent should trigger a full EIS. The Environment Assessment submitted by KLRWS is inadequate to evaluate the proposal. We oppose the division's decision to approve this document and do not support the Interbasin Transfer Certificate because it is based on inadequate information. Without an EIS to guide us, we cannot be assured that the Roanoke River will be able to continue to supply drinking water, recreational opportunities and wildlife habitat already enjoyed by millions of people in the area.

FOR THE BOARD OF DIRECTORS



JOHN W. RYAN  
PRESIDENT

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APR 09 2015

DIVISION OF WATER RESOURCES

**From:** [Jay Sampson](#)  
**To:** [Nimmer, Kim](#)  
**Cc:** [John Hyson](#)  
**Subject:** Save Our Lake Water  
**Date:** Thursday, April 30, 2015 10:59:15 AM  
**Attachments:** [Public Petition.pdf](#)

---

Kim,  
Good morning.  
Here is the petition for save our lake.  
My wife and I signed it, as well as a few of my co-workers.

We have a place at Kerr Lake.  
And are very concerned about protecting the water levels.

Thanks for attention to this matter.

**G&M Service Company**

Your Heating & Cooling Experts  
Since 1978

**Jay Sampson**

**Operations Manager**

**Office: 919-772-8820 ext 1**

**Mobile: 919-801-3233**

**Fax: 919-772-3529**

EMail: [jay@gandmservice.com](mailto:jay@gandmservice.com)

Website: [www.gandmservice.com](http://www.gandmservice.com)

PUBLIC PETITION

SAVE OUR LAKE WATER

We the below signed are in opposition to the Permit to increase 10MGD of Inter Basin Transfer from the Roanoke River Basin to the Tar/Neuse River Basins because of the cumulative impact on Kerr Lake/Buggs Island Lake water levels, as well as undisclosed impacts on the environment, the economy, and tourism in Vance and Warren Counties as well as Southside Virginia.

To: Kim.Nimmer@ncdenr.gov

NCDENR 521 N. Salisbury St. 1611 Mail Service Center Raleigh, NC 27699-1611

NAME / PHONE NUMBER

NAME / PHONE NUMBER

WILLIAM L. SAMPSON / 919-359-2176  
Robert Fein / 919-538-1542.  
Jraci Sampson / 919-255-8866  
Wayne Wicker 919-630-6228

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APRIL 30<sup>th</sup>, 2015 DEADLINE

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DIVISION OF WATER RESOURCES

PUBLIC PETITION

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To: Kim.Nimmer@ncdenr.gov

NCDENR 521 N. Salisbury St. 1611 Mail Service Center Raleigh, NC 27699-1611

NAME / PHONE NUMBER	NAME / PHONE NUMBER
Gupton Walker 252-432-9286	Kurt Sneed
Jane Parkinson 952-438-4044	Ray Shelton
James Fulmer 434-252-0068	Walter Brady 252-820-5145
Lee F. Simpson 919-497-6324	Walter Brady 252-820-5145
James F. Howell 804-896-1833	Walter Brady 252-820-5145
Jody Kerley 252-236-3284	1. R. Speck 252-492-1111
Larry Robinson 252-432-1944	1. 252-213-3902
James W. [unclear]	1. Chuck Poe 919-218-3428
Charles Burrell	1. Leo R. Scoggins 919-724-6422
[unclear]	1. [unclear] 434-238-6914
Jessica Tighman 252-213-2043	1. [unclear]
Edward Stieglitz 850-586-0552	1. Madal M. [unclear] 252-4307
Rene McManis	1. Mark [unclear] 434-252-0321
Rene McManis Jr.	1. Billy E. Chandler 919-210-4491
Marty Warr	

APRIL 30<sup>th</sup>, 2015 DEADLINE

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PUBLIC PETITION

SAVE OUR LAKE WATER

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To:

NC DENR 521 N. Salisbury St. 1611 Mail Service Center Raleigh, NC 27699-1611

NAME / PHONE NUMBER

NAME / PHONE NUMBER

Gerald T. Paschall (252) 204-9264	
Linda Paschall 252-204-9061	
Landra White 252-48-2104	
Judy Fleming 252-257-2780	
I. J. Flory 252-257-2780	

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APR 20 2015

DIVISION OF WATER RESOURCES

PUBLIC PETITION

SAVE OUR LAKE WATER

We the below signed are in opposition to the Permit to increase 10MGD of Inter Basin Transfer from the Roanoke River Basin to the Tar/Neuse River Basins because of the cumulative impact on Kerr Lake/Buggs Island Lake water levels, as well as undisclosed impacts on the environment, the economy, and tourism in Vance and Warren Counties as well as Southside Virginia.

To: [Kim.Nimmer@ncdenr.gov](mailto:Kim.Nimmer@ncdenr.gov)

NC DENR 521 N. Salisbury St. 1611 Mail Service Center Raleigh, NC 27699-1611

NAME / PHONE NUMBER

NAME / PHONE NUMBER

Butch Meek 252-456-2664 /	GAY WATSON 252-257-917
Howard Stultz 252-456-3188 /	Jackie Sorrell 252-204-3549
Dot Stultz 252-456-3188	Chris Sorrell 252-204-3151
Margaret C. McCusker 252-257-4011	Butch Watson 252-257-9171
Hamil Daulbner 252-456-3225 /	Sally Duncan 252-257-1675
Gary Payne 252-456-3628 /	Mamie Richardson 252-456-7509
Peggy Allen 252-457-3823	Larry Richardson 252-456-2581
Lucas Payne 252-430-8814 /	Bruce Perkins 252-456-3603
Charles Rivers 252-456-3244	Sara F. Blalock 252-257-1572
Carson S. Bridger 456-2724 /	Curie Rayster 252-257-1536
Mary A. Howerton 843-670-3276 /	Amy Andrews 252-257-5290
Bob Howerton 157-650-0876	Dana Kelsner 252-456-2572
Believe Perkins 252-456-3603 /	JelMick -257-3318
Charles Duncan 252-257-1675 /	Amber Pofford 213-5188
Bernard Davis 456-2784 /	
Betty Rollinson 252-257-1604	
Abraham Robertson 252-257-4676	

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To:

\*Kim.Nimmer@ncdenr.gov

\* NCDENR 521 N. Salisbury St. 1611 Mail Service Center Raleigh, NC 27699-1611

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NAME / PHONE NUMBER

Shirley Wilson 252-438-0242  
 Susie Murphy 252-438-7659  
 Betty Williamson 919-693-5003  
 Edna Nunney 252-438-6236  
 Charlotte Bennett 252-438-7918  
 Norma Jean Brehm 438-5634  
 Phyllis C. Stainback 438-4016  
 Shady L. Stainback 438-4016  
 Joan N. Brane 492-3357  
 Virginia Nowood 438-7923  
 Leah Boswell 438-6754  
 Shirley Peggan 438-8432  
 Mary Bowen 492-3208  
 Ann Dussan 432-1589  
 Sue Saulkner - 436-22951  
 Joyce Adom 433-8214  
 Mary Lou Bauer 438-8076

Leah Wanda 919 6938  
 Betty Clayton - 252.438.3044  
 Helen L. Pore 252-438-6911  
 Ethel Skamper 438-7469  
 Vicki Hamner 438 3004  
 Annice Connolly 438 4203  
 Ruth Hartzell 438-6421  
 Adelaide Deacon 252-0450  
 Yvonne White 492-870  
 Rhonda Champion - 492-878  
 Gail W. Boye (252) 432-0409  
 Annette Kern 438-8015  
 Nell Elaine 438-35  
 Bess J. Raham 438-5577  
 Rita Poole 252-438-693

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To:

NCDENR 521 N. Salisbury St. 1611 Mail Service Center Raleigh, NC 27699-1611

NAME / PHONE NUMBER

NAME / PHONE NUMBER

Judy Bookbinder 252-456-2959

EUGENE FREY 336-392-0772

Carlis Rice (252) 213-8506

Robert King 252-430-9416

Kui Salver (252) 430-6911

Jon Blake 919-693-2094

Paula Sterling (443) 735-9042

Mary Ann 252-762-4244

Celyand Baskillo

Woody FARRISH (252) 432-7843

Kang Painter

Aidee Torres 919 353-5092

Carlos Lopez 919 691-5351

Paul RAA 919-431-0954

*[Signature]*

Kerr Lake marine

Chiwane - 252-767-0045

Susan Janos (252) 226-6902

Sean Parrish 252 915-1506

*[Signature]*

Charles Jackson

Ariane Ramirez

Angeles San Juan

Jam Howard

Billy Worth

Mark Pace

Diane Chamberlin (919) 724-7308

Bill Lancaster 919 693 6577

Bob Smith (782)-470-9777

Ruby Wood  
Gary Davis

858-425-4001

919-779-0585

NAME PHONE NUMBER

# PUBLIC PETITION

## SAVE OUR LAKE WATER

We the below signed are in opposition to the Permit to increase 10MGD of Inter Basin Transfer from the Roanoke River Basin to the Tar/Neuse River Basins because of the cumulative impact on Kerr Lake/Buggs Island Lake water levels, as well as undisclosed impacts on the environment, the economy, and tourism in Vance and Warren Counties as well as Southside Virginia.

To:

NC DENR 521 N. Salisbury St. 1611 Mail Service Center Raleigh, NC 27699-1611

NAME / PHONE NUMBER

NAME / PHONE NUMBER

Chelsea Hatchel → 252-425-6305

Johnnie Davis 610-547-8909

Cynthia Williams → 1252-456-4715

Kevin Smith 252-492-8748 | [Signature] 252-167-161

W. Blake [Signature] 252-626-1363 | 1 David W. [Signature] 252-492-9340  
Norman Jackson 252-572-2652

[Signature] 352-432-5214  
Heath [Signature] 919-482-2730

Thomas [Signature]  
Alyse [Signature] 252-425-1236

[Signature] 252-492-5307  
Denise Jackson 252-588-2692

Randy [Signature] 919-717-762

Turner E. [Signature] 252-492-0922  
Bobbie Abbott 252-204-5817

Robert S. [Signature] 252-432-5666  
[Signature] 252-915-1072

Billy [Signature] 820-9430  
Tony Hughes -

David Harris - 432-5173,  
Seven Peoples

**APRIL 30<sup>th</sup>, 2015 DEADLINE**

(Your name and phone number)

252-213-0551

Harmon Ford 252-204-5483

① James Brown  
Jimmy Bell

Bill Ray

Ronald Rose

Al M. Reynolds

Robert Payne

Joseph Y. J.

Henry W. J.

Henry W. J.

Jackson Bay

Miss A. Heeman

Robert B. J.

\* Pool Rock  
Plantation Lane

PUBLIC PETITION

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SAVE OUR LAKE WATER

**We the below signed are in opposition to the Permit to increase 10MGD of Inter Basin Transfer from the Roanoke River Basin to the Tar/Neuse River Basins because of the cumulative impact on Kerr Lake/Buggs Island Lake water levels, as well as undisclosed impacts on the environment, the economy, and tourism in Vance and Warren Counties as well as Southside Virginia.**

To:

\* Kim.Nimmer@ncdenr.

\* NCDENR 521 N. Salisbury St. 1611 Mail Service Center Raleigh, NC 27699-1611

NAME / PHONE NUMBER

NAME / PHONE NUMBER

JOHN METZGER 492-1571 /

Jeannette Metzger 252-425-6336

JocAnn Abbott 252-226-4426,

Jill Metzger Mayo 229 269 8204

Chris Morgan 919 562 5099

Jan Morgan 919 671 8553 /

JOE PELLICCA 919 801 3063 /

SUSAN PELLICCA 919 556 2762 /

Josh Mayo 229 269 8211 /

\* BE ADVISED IF THIS PERMIT TO INCREASE 10MGD OF INTER BASIN TRANSFER IS APPROVED THE RESIDENTS OF THE POOL ROCK COMMUNITY WILL PETITION THE CITY TO HAVE OUR PROPERTY ON POOL REEVALUATED AND TAXES REDUCED DUE TO THE ADVERSE EFFECT OF WATER LEVELS AS IT APPLIES TO RECREATIONAL CAPABILITIES  
APRIL 30<sup>th</sup>, 2015 DEADLINE  
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\* NCDENR 521 N. Salisbury St. 1611 Mail Service Center Raleigh, NC 27699-1611

NAME / PHONE NUMBER

NAME / PHONE NUMBER

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 Ed & Donna Peckne 252-456-3947  
 Tom & Nancy Risberg 252-456-1010  
 Bob & Linda Hall 919-649-6462  
 Pat Chilton 252-456-3770  
 Jane Chilton 252-456-3474  
 Holly E. Wilson 252-456-3342  
 Julie E. Wilson 252-456-3342  
 Frank A. Wilson (252) 456-3342  
 Nancy Wilson 252-456-3342  
 Amy O. Malley 252-257-0737  
 Mary Brinson 252-257-0737  
 Jennifer Cullis @ 919 306-7733  
 Randy Dills 919 602-7444  
 Linwood Rhodes 919 779-0825  
 Edeli Ellyto 252-430-9471

APRIL 30<sup>th</sup>, 2015 DEADLINE

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PUBLIC PETITION

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\* NCDENR 521 N. Salisbury St. 1611 Mail Service Center Raleigh, NC 27699-1611

NAME / PHONE NUMBER

NAME / PHONE NUMBER

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William Luddell 252-456-3134 /

Donald Palmer 252-456-3134 /

Carl W. Tisher 252-204-8648

Sharlene B. Roberson 252-432-6464

Clyde T. Roberson Jr 252-425-1174

Kelsey Higut 252-425-0359 /

Ken Cummins 252-204-3223 /

/

/

/

/

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To:

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\* NCDENR 521 N. Salisbury St. 1611 Mail Service Center Raleigh, NC 27699-1611

<u>NAME / PHONE NUMBER</u>	<u>NAME / PHONE NUMBER</u>
Janet M. Lant / 352-456-4697 /	Devin Zwaan 917-777-7411
Tom & Elizabeth Dale - 252-492-0683	Carolyn Plummer (252) 433-0
Brenda Aycock 432-6530 /	Georgia Hamill (252) 492-3695
Joyce Chock 252 452-9054	
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To: \*Kim.Nimmer@ncdenr.

\* NCDENR 521 N. Salisbury St. 1611 Mail Service Center Raleigh, NC 27699-1611

NAME / PHONE NUMBER

NAME / PHONE NUMBER

Fonda Seay (252) 738-9744 /

Tanner Seay (252) 738-9744 /

David Seay (252) 738-9744 /

Conrad R. Kohl 252 492 5658 /

Alice E. Kohl 252-492 /

5658 /

/

/

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To: \*Kim.Nimmer@ncdenr.gov

\* NCDENR 521 N. Salisbury St. 1611 Mail Service Center Raleigh, NC 27699-1611

NAME / PHONE NUMBER

NAME / PHONE NUMBER

Winfred Hays <sup>252</sup> 438-7184 /  
Mave E. Hays <sup>252</sup> 438-7184 /  
Wanda N. Garrison 438-7684 /

I have read all articles /  
& opinions in newspapers /  
& am not for the 10 million /  
gals of water to be taken /  
out of our Kerr Lake dam. /

APRIL 30<sup>th</sup>, 2015 DEADLINE

(Your name and phone number are required for your opinion to count)

Mary E. Garrison 252-492-1836





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To: Kim.Nimmer@ncdenr.gov

NCDENR 521 N. Salisbury St. 1611 Mail Service Center Raleigh, NC 27699-1611

NAME / PHONE NUMBER

NAME / PHONE NUMBER

Jack H. Hughes Jr. 252 492 7106,  
Sherry A. Hughes 252-432-3600,

/

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APRIL 30<sup>th</sup>, 2015 DEADLINE

(Your name and phone number are required for your opinion to count)

Mallory Whitmore 919-723-8429  
730 E Whitaker Mill Rd Raleigh, NC 27608

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PUBLIC PETITION

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To: Kim.Nimmer@ncdenr.gov

NCDENR 521 N. Salisbury St. 1611 Mail Service Center Raleigh, NC 27699-1611

NAME / PHONE NUMBER	NAME / PHONE NUMBER
Jeffrey Szeszuy Pumarada ↳ 704-604-1854	Betty Horner 919-830-0619
Kelly Davisby 336-601-1416	[Signature] (252) 813-238
Katharine VanVorst 1302-242-9896	Brandi Ellis 252-827-999
Craig Reed 919-649-4506	Mallory Whitmore 919-723-8
Nancy Jean 252-341-924	[Signature] (919) 612-1655
Danielle Grubbe	↳ 919-521-7078
Pran De	
Caroline Kern 919-386-9857	919-680-2558
[Signature]	919-830-6475
[Signature] K. Howles	919-215-5725
Tam Cunn	919-612-9638
Renee Foster	919-240-5568
PAIGE LAWAL	919-880-6653
Carolyn Mabry	919-828-9969
Godd Clayton	

APRIL 30<sup>th</sup>, 2015 DEADLINE

(Your name and phone number are required for your opinion to count)

Kimberly Andrews

919-434-1413

Brice Collins

MATT NEWCOMER

Jordan Russ

Sean O'Connell

336-552-3475

919-521-0935

919-244-9669

910 639 2986

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PUBLIC PETITION  
SAVE OUR LAKE WATER

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\*Kim.Nimmer@ncdenr.gov

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NAME / PHONE NUMBER	NAME / PHONE NUMBER
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Kathryn Klavis 252 431-5003	Amanda Lester <del>252</del> 919-603-7920
Amelia Johnson 252 432-2174	Kolbi Knapp 252-425-5866
Melvin Johnson 252-438-3528	Jack Ransell 252-431-4888
Maria Hedgesch 252 438 8030	Kim Edwards 252-492-7781
Heather Laffman 252-492-1697	Janie Gillespie 252-767-1019
Billy HARGROVE 252-432-9296	Neta Williamson 252 433 0142
Saul Curvin 919 638 4635	Faye Cooper 252 492-4463
Rebecca Lee 252-430-4652	Orlando [unclear] 252 425 7066
Ruby Atkins 252-438 7541	TRACY Eatman 252 438-3186
Flynn Whitmore 252-425-6261	Mariana Davis 252 432-0429
	Debbie Dupin 492-6181
	Richard Davis 252-432-7540

DEADLINE 2 SIGN  
PUBLIC PETITION  
SAVE OUR LAKE WATER  
We the below signed are in opposition to the Permit to increase 10MGD of Inter Basin Transfer from the Roanoke River Basin to the Tar/Neuse River Basins because of the cumulative impact on Kerr Lake/Buggs Island Lake water levels, as well as undisclosed impacts on the environment, the economy, and tourism in Vance and Warren Counties as well as Southside Virginia.  
To: \*Kim.Nimmer@ncdenr.gov  
\* NCDENR 521 N. Salisbury St. 1611 Mail Service Center Raleigh, NC 27699-1611

NAME / PHONE NUMBER

NAME / PHONE NUMBER

Stacey Markham 336-260-3071 /  
Kyle Jackson - 252-767-9489 /  
DEVYWAYNE HARRIS (252) 438-8327 /  
Lydia Jackson 252-213-0518 /  
Laura Harris 252-213-7247 /  
Deen McFaddin 492-9148 /  
Gay McFaddin 252-213-1099 /  
Nate Trivette 812 869 0738 /  
Donna Newton 252-492-2557 /  
Cheryl Ford 252-492-8685 /  
Bobby Newton 252-492-2557 /

Angela B. Jackson 252-432-4181  
Cleo Winkler 252-432-1352  
Freddie Coleman 252 204-2800  
Queenie Coleman 252 431-0726  
Dorey Williams 919-288-5626  
James Williams 919-514-9276  
Jerry Patton 252-204-6797  
Richard Ashley 252 438-3836

PUBLIC PETITION

SAVE OUR LAKE WATER

We the below signed are in opposition to the Permit to increase 10MGD of Inter Basin Transfer from the Roanoke River Basin to the Tar/Neuse River Basins because of the cumulative impact on Kerr Lake/Buggs Island Lake water levels, as well as undisclosed impacts on the environment, the economy, and tourism in Vance and Warren Counties as well as Southside Virginia.

To:

\*Kim.Nimmer@ncdenr.gov

\* NCDENR 521 N. Salisbury St. 1611 Mail Service Center Raleigh, NC 27699-1611

NAME / PHONE NUMBER

NAME / PHONE NUMBER

Brendley Henderson (252) 492-2141

NANCY Henderson 252-204-2980

Sam Ashmali 252-767-1126

C.G. Rooker 252-492-6372

Michael W. Hill 252-492-1480

Donna Hunt 252-492-8651

Jose Venquez 919-514-7266

MUGALLI ABDUL 336-459-4660

Beal Wright, 919-419-5017

Jason Dickerson 252-213-4156

ALBERTO Guillen 252-767-10434

DeAnnal Jordan 252-456-3061

Chad Cupere 252-492-13439

Fred Williams 252-492-136419

Janice McRoy 252-572-4477

PUBLIC PETITION

SAVE OUR LAKE WATER

We the below signed are in opposition to the Permit to increase 10MGD of Inter Basin Transfer from the Roanoke River Basin to the Tar/Neuse River Basins because of the cumulative impact on Kerr Lake/Buggs Island Lake water levels, as well as undisclosed impacts on the environment, the economy, and tourism in Vance and Warren Counties as well as Southside Virginia.

To:

\*Kim.Nimmer@ncdenr.gov

\* NCDENR 521 N. Salisbury St. 1611 Mail Service Center Raleigh, NC 27699-1611

NAME / PHONE NUMBER

NAME / PHONE NUMBER

- |                               |                              |
|-------------------------------|------------------------------|
| Jessica Payne 904-535-7646    | Lakendra Brown 252-767-0881  |
| Darrin Payne 919-795-3241     | Nick Cornish 252-432-1319    |
| Rickelle Payne 386-966-8961   | David Bobbitt (919) 702-8347 |
| Doug Howley 919-894-5395      | Janece Ward 252-433-6100     |
| Warren Stillman 919-764-9704  | Kim Travis 252-432-7044      |
| Clark Lane 919-344-9779       | Andrew Travis 252-820-0127   |
| Amy Howley (336) 262-9037     | Joe Davis 252-204-1603       |
| Martin Greenberg 919-612-6494 | Dani Washington 252-204-2460 |
| Jamie Payne 919-671-2390      |                              |
| Donald Davis 252-430-7884     |                              |
|                               | Kennedy Parker 919-482-4489  |

PUBLIC PETITION

SAVE OUR LAKE WATER

We the below signed are in opposition to the Permit to increase 10MGD of Inter Basin Transfer from the Roanoke River Basin to the Tar/Neuse River Basins because of the cumulative impact on Kerr Lake/Buggs Island Lake water levels, as well as undisclosed impacts on the environment, the economy, and tourism in Vance and Warren Counties as well as Southside Virginia.

To:

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\* NCDENR 521 N. Salisbury St. 1611 Mail Service Center Raleigh, NC 27699-1611

NAME / PHONE NUMBER

NAME / PHONE NUMBER

Mr. G. G. G. (252) 204-5767

Emmie Magall: 202 767 1184

W. Lynn Ayres: 492-3439

Ahmad Deshaun: 252 433-8875

Corene Jaylor → 252 / 657-8465

Billy Lawson JR → 252 / 820-2324

Willie Edmund

D. M. H. 252-433-7754 /

Richard Smith, / 402 93 98

/

/

PUBLIC PETITION

SAVE OUR LAKE WATER

We the below signed are in opposition to the Permit to increase 10MGD of Inter Basin Transfer from the Roanoke River Basin to the Tar/Neuse River Basins because of the cumulative impact on Kerr Lake/Buggs Island Lake water levels, as well as undisclosed impacts on the environment, the economy, and tourism in Vance and Warren Counties as well as Southside Virginia.

To:

\*Kim.Nimmer@ncdenr.gov

\* NCDENR 521 N. Salisbury St. 1611 Mail Service Center Raleigh, NC 27699-1611

NAME / PHONE NUMBER	NAME / PHONE NUMBER
David J. Whitman (252) 425-6261	Norma Flowers / 919-271-1158
Patsy P Rogers (252) 933-0327	John Bazamore (252) 456-7031
Kim Hope	Bobbie A Dail III 252/820/
J. T. Horn, Jr. (429-108)	George N. Tucker III [0090]
Stephan Short 762-0502	Marilyn G Tucker 226-3611
Agnes Seate 572-2427	John Forte
Betty Robinson 762-0502	Jack Beaker
Mary Patton 252/204-2030 /	
Eric Kearsom 252/820-9236	
Dubach Dietzold 919-714-1367 /	
Sandra Horn 252-425-8822	

PUBLIC PETITION

SAVE OUR LAKE WATER

*We the below signed are in opposition to the Permit to increase 10MGD of Inter Basin Transfer from the Roanoke River Basin to the Tar/Neuse River Basins because of the cumulative impact on Kerr Lake/Buggs Island Lake water levels, as well as undisclosed impacts on the environment, the economy, and tourism in Vance and Warren Counties as well as Southside Virginia.*

To:

\*Kim.Nimmer@ncdenr.gov

\* NCDENR 521 N. Salisbury St. 1611 Mail Service Center Raleigh, NC 27699-1611

NAME / PHONE NUMBER

NAME / PHONE NUMBER

Rashida Clark  
Nikkya Hagland

676-7607  
252-438-3499

/  
/  
/  
/  
/  
/

PUBLIC PETITION

SAVE OUR LAKE WATER

*We the below signed are in opposition to the Permit to increase 10MGD of Inter Basin Transfer from the Roanoke River Basin to the Tar/Neuse River Basins because of the cumulative impact on Kerr Lake/Buggs Island Lake water levels, as well as undisclosed impacts on the environment, the economy, and tourism in Vance and Warren Counties as well as Southside Virginia.*

To:

\*Kim.Nimmer@ncdenr.gov

\* NCDENR 521 N. Salisbury St. 1611 Mail Service Center Raleigh, NC 27699-1611

NAME / PHONE NUMBER

NAME / PHONE NUMBER

Janet B. Norwood 438-3252

Floyd Edwards

/  
/ 919-339-7635  
/  
/  
/  
/  
/  
/  
/

RECEIVED

MAY 07 2015

PUBLIC PETITION

SAVE OUR LAKE WATER

We the below signed are in opposition to the Permit to increase 10MGD of Inter Basin Transfer from the Roanoke River Basin to the Tar/Neuse River Basins because of the cumulative impact on Kerr Lake/Buggs Island Lake water levels, as well as undisclosed impacts on the environment, the economy, and tourism in Vance and Warren Counties as well as Southside Virginia.

To:

\*Kim.Nimmer@ncdenr.gov

\* NCDENR 521 N. Salisbury St. 1611 Mail Service Center Raleigh, NC 27699-1611

NAME / PHONE NUMBER

NAME / PHONE NUMBER

Charles Melham 257-2190 /  
 Ernestine Williams 257-2190 /  
 Barbara H Jones 257-2826 /  
 Joe W. Jones 257-2826 /  
 Mark Robinson 456-3823 /  
 Robert Allen 257-1045 /  
 Cameron B. Covert 257-1045 /  
 Sherry Covert 257-1045 /  
 Cameron Limer 257-1045 /  
 James Smith 425-8446 /  
 Thomas Lynn  
 Tommy Callahan 252-257-4916  
 Misha Callahan 252-257-4314

Chris Callahan 252-257-9407  
 Susan Clayton 252-257-9407  
 Sarah Walker 252-257-4322  
 Allen Harris 252-257-1861  
 Rodney Walker 252-257-4322  
 Alice Allen 252-257-4829  
 Gwen Allen - 952-486-3769  
 Bertha Desmond 252-586-1341  
 Diane Lynch 252-430-9985

APRIL 30<sup>th</sup>, 2015 DEADLINE

(Your name and phone number are required for your opinion to count)

RECEIVED

APR 20 2015

DIVISION OF WATER RESOURCES

PUBLIC PETITION

SAVE OUR LAKE WATER

We the below signed are in opposition to the Permit to increase 10MGD of Inter Basin Transfer from the Roanoke River Basin to the Tar/Neuse River Basins because of the cumulative impact on Kerr Lake/Buggs Island Lake water levels, as well as undisclosed impacts on the environment, the economy, and tourism in Vance and Warren Counties as well as Southside Virginia.

To: Kim.Nimmer@ncdenr.gov

NCDENR 521 N. Salisbury St. 1611 Mail Service Center Raleigh, NC 27699-1611

NAME / PHONE NUMBER

NAME / PHONE NUMBER

*David Matthews* 252 432 4365

LARRY MATTHEWS JR 919-266-7065

Bill Mocarosky 252-213-4677

Jill Jacobson 252-434-8141

Wm Kuhub 252-432-1536

*Loretta J. ...*

*David ...*

Robb James 919-880-2547

CURT MULHOLLAND

*Danny ...* 213-48871

Cathy Newell 204-20431

Ken Basham

APRIL 30<sup>th</sup>, 2015 DEADLINE

*Bill ...*

919-548-0953

1 *Margaret ...*

1 MIKE BREED LOVE HENDERSON

1 *William Cooper*

1 David Daniel

1 *Helen ...*

1 Caitlin Wilson

1 Laquandra Terry 82002

1 *Jamara ...*

1 *Keith D Cox*

1 *Lynn D Cox*

Ralph Hutchins 434-252-0402

Christopher McCann 336-214-3360

Catherine DeBruh 336-214-3360

(Your name and phone number are required for your opinion to count)

RECEIVED

APR 20 2015  
DIVISION OF WATER RESOURCES

PUBLIC PETITION

SAVE OUR LAKE WATER

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To: Kim.Nimmer@ncdenr.gov

NCDENR 521 N. Salisbury St. 1611 Mail Service Center Raleigh, NC 27699-1611

NAME / PHONE NUMBER

NAME / PHONE NUMBER

- |                                    |                                       |
|------------------------------------|---------------------------------------|
| 1 Keith D. Cox 919-693-1130        | 1 Carl & Shirley Duxland 919-210-7076 |
| 2 Lynn D Cox 919-693-1130          | 1 Joshua & Jessica Tilghman           |
| 3 Ryan Hays                        | 1 Amy Thomas 252-213-7212             |
| 4 Tammy Amwood 252-213-9284        | 1 John Lee 252-204-4499               |
| 5. Kim Chapman                     | 1 John Lee 919-671-3982               |
| 6. [Signature]                     | 1 Ruth Lee 252-82030                  |
| 7 Bob Stahl 765-744-659            | 1 Dan Rardin 252-732-310              |
| 8 Evan Hockenberger / 919 306 9227 | 1 Sandra Hix 252-438-43               |
| 9 Bruce Adcock 919-339-9373        | 1 Tony Best 919-610-692               |
| Card Hopkins 252 436 9323          | 1 Sammy R. Darter 434-252-0150        |
| Reginald Davis 252-438-6644        | 1 [Signature]                         |
| Jeff Stafford 919 414 2473         | 1 Leo Thomas 434-252-8501             |
|                                    | 1 Web Thomas 919-690-25               |
|                                    | 1 Rhonda Johnson 252-432-54           |

APRIL 30<sup>th</sup>, 2015 DEADLINE

(Your name and phone number are required for your opinion to count)

RECEIVED  
APR 23 2015  
DIVISION OF WATER RESOURCES

PUBLIC PETITION  
SAVE OUR LAKE WATER

*We the below signed are in opposition to the Permit to increase 10MGD of Inter Basin Transfer from the Roanoke River Basin to the Tar/Neuse River Basins because of the cumulative impact on Kerr Lake/Buggs Island Lake water levels, as well as undisclosed impacts on the environment, the economy, and tourism in Vance and Warren Counties as well as Southside Virginia.*

To: Kim.Nimmer@ncdenr.gov

NC DENR 521 N. Salisbury St. 1611 Mail Service Center Raleigh, NC 27699-1611

<u>NAME / PHONE NUMBER</u>	<u>NAME / PHONE NUMBER</u>
Jennifer Talbot	/ 434-917-4480
Jamca Terry	/ 434-429-4332
Karen Sulton	/ 443-622-5440
Shelia Williams	/ 434-774-4037
Robin Nemeth	/ 434-392-2060
Yvonne Clay	/ (434) 774-4053
Kenyada Davis	/ (434) 378-4621
	/
	/
	/
	/

APRIL 30<sup>th</sup>, 2015 DEADLINE

(Your name and phone number are required for your opinion to count)

# SAVE OUR LAKE WATER

**We the below signed are in opposition to the Permit to increase 10MGD of Inter Basin Transfer from the Roanoke River Basin to the Tar/Neuse River Basins because of the cumulative impact on Kerr Lake/Buggs Island Lake water levels, as well as undisclosed impacts on the environment, the economy, and tourism in Vance and Warren Counties as well as Southside Virginia.**

To: [Kim.Nimmer@ncdenr.gov](mailto:Kim.Nimmer@ncdenr.gov)

NCDENR 521 N. Salisbury St. 1611 Mail Service Center Raleigh, NC 27699-1611

NAME / PHONE NUMBER

NAME / PHONE NUMBER

*Shelly S McLenon 252-432-1172*  
*Bob Masly 252-213-0724*  
*W Jack Holt 434-252-6302*  
*Sharon Whaley 252 438-8412*  
*J B Hair 252 492 76 26*  
*Wayne Kinton 252/438-6226*  
*Freddie Howell 252/456-3456*  
*Eric McPhy 252-343-4467*  
*Keith Mc 919-853-2073*  
*Ramlyne Reese 438 7603*  
*Kathy McLenon 252 432-3776*

RECEIVED

APR 28 2015

# SAVE OUR LAKE WATER

**We the below signed are in opposition to the Permit to increase 10MGD of Inter Basin Transfer from the Roanoke River Basin to the Tar/Neuse River Basins because of the cumulative impact on Kerr Lake/Buggs Island Lake water levels, as well as undisclosed impacts on the environment, the economy, and tourism in Vance and Warren Counties as well as Southside Virginia.**

To: Kim.Nimmer@ncdenr.gov

NCDENR 521 N. Salisbury St. 1611 Mail Service Center Raleigh, NC 27699-1611

NAME / PHONE NUMBER

NAME / PHONE NUMBER

Susan Clegg 431-0733

Richard Clegg 431-0733

Ed Jenkins 443-4488 1

Ray A E 1

Sail Jenkins 430-8072

Ed Jenkins 430-8072

Shane Bryles 1

Christy Dinnegan 1 252 4925011

Paul Reese 1 252-492-2601

Bobby Sugg 1

Walter Lander 1

Ann E. Emmons 1 252 823 7114

Sandra Hopkins 4384343

Carl Hopkins 4384343

Bruce Carroll 252-640-8920

Angelia Daugherty

Clint STEVENS

PUBLIC PETITION

SAVE OUR LAKE WATER

***We the below signed are in opposition to the Permit to increase 10MGD of Inter Basin Transfer from the Roanoke River Basin to the Tar/Neuse River Basins because of the cumulative impact on Kerr Lake/Buggs Island Lake water levels, as well as undisclosed impacts on the environment, the economy, and tourism in Vance and Warren Counties as well as Southside Virginia.***

To: Kim.Nimmer@ncdenr.gov

NC DENR 521 N. Salisbury St. 1611 Mail Service Center Raleigh, NC 27699-1611

NAME / PHONE NUMBER

NAME / PHONE NUMBER

Susette McDonald 919.924.4903  
Dyke Harrison 919.796.8741  
John A. [unclear] 919-691-0440 /  
Darryl McDonald 252.438.2553 /  
/

PUBLIC PETITION

SAVE OUR LAKE WATER

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To: [Kim.Nimmer@ncdenr.gov](mailto:Kim.Nimmer@ncdenr.gov)

NCDENR 521 N. Salisbury St. 1611 Mail Service Center Raleigh, NC 27699-1611

NAME / PHONE NUMBER

NAME / PHONE NUMBER

*Dottie Inawton 434-252-0002*  
*CRZ 434 252 0002*  
*Chuck Miller 434 252 6461*

/

/

/

PUBLIC PETITION

RECEIVED  
APR 30 2015

SAVE OUR LAKE WATER

We the below signed are in opposition to the Permit to increase 10MGD of Inter Basin Transfer from the Roanoke River Basin to the Tar/Neuse River Basins because of the cumulative impact on Kerr Lake/Buggs Island Lake water levels, as well as undisclosed impacts on the environment, the economy, and tourism in Vance and Warren Counties as well as Southside Virginia.

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NCDENR 521 N. Salisbury St. 1611 Mail Service Center Raleigh, NC 27699-1611

NAME / PHONE NUMBER

NAME / PHONE NUMBER

Frank B. Newell Jr  
252-257-1754

Peggy A Newell  
252-257-1754

Barry Ward 252-213-3169

Kristy Steed 252-204-0081

Anthony Steed 252-257-9244

Donald Allgood 252-204-3373

Dina Peterson 767-7809

Chris King - 252-213-2543

Robert J. Wilson 252-586-2396

Richard Karpinski 252-586-3502

Joseph J. Gibbs 252-586-5680

John Fioriti - 252-586-4444

DAVE JOHNSON 252-586-4469

James Nold / 252-586-7112

Arsend Beyroun 252-586-5583

Peter Moore 252-257-4059

Frank Hopatt 252-257-2800

Charles Hemholt 252-535-13

Gene Brannon 252-257-41

William Watson 252-586-25

Michael Shearon 433-9455

James Heaux 767-9490

APRIL 30<sup>th</sup>, 2015 DEADLINE

(Your name and phone number are required for your opinion to count)

PUBLIC PETITION

SAVE OUR LAKE WATER

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To:

NC DENR 521 N. Salisbury St. 1611 Mail Service Center Raleigh, NC 27699-1611

NAME / PHONE NUMBER

NAME / PHONE NUMBER

GARY GILBERTSON 252-257-0325

/

/

/

/

/

/

/

/

/

/

/

APRIL 30<sup>th</sup>, 2015 DEADLINE

(Your name and phone number are required for your opinion to count)

PUBLIC PETITION

SAVE OUR LAKE WATER

To:

NCDENR 521 N. Salisbury St. 1611 Mail Service Center Raleigh, NC 27699-1611

NAME / PHONE NUMBER

NAME / PHONE NUMBER

LWIGHT FEARCE 252-456-2549

Shirley Moss 252-257-4635

Danny Wynn 252-257-4635

William Adams (252) 425-4714

Kee Stutz 456-2374

Cliffie K. Burrows 456-3158

~~David ...~~ 252-257-4635

Marilyn & Clifton Bennett  
(252) 492-0470

Ann & Bill Spence

Jami Diny Otey

Richard Otey

David & Brenda Otey

Jack Smith 252-257-4801

Jane ... (410) 547 890

Dustin Burrows 456-3158

Virginia Perry 556-3741

Jackie Burnette 252-213-3030

APRIL 30<sup>th</sup>, 2015 DEADLINE

(Your name and phone number are required for your opinion to count)

ej-pp.org - to get more information  
ncleg.net - Let them know you oppose this Permit

### PUBLIC PETITION

### SAVE OUR LAKE WATER

We the below signed are in opposition to the Permit to increase <sup>10,000,000 gallons daily</sup> 10MGD of Inter Basin Transfer from the Roanoke River Basin to the Tar/Neuse River Basins because of the cumulative impact on Kerr Lake/Buggs Island Lake water levels, as well as undisclosed impacts on the environment, the economy, and tourism in Vance and Warren Counties as well as Southside Virginia.

To: \*Kim.Nimmer@ncdenr.gov

NCDENR 521 N. Salisbury St. 1611 Mail Service Center Raleigh, NC 27699-1611

<u>NAME / PHONE NUMBER</u>	<u>NAME / PHONE NUMBER</u>
Marsha Abbott / 252 438-5389	
M.T. Abbott 252-438-5389 /	
Lisa Wallace 492 0315 /	
M. Wintz 252-431-1461 /	
Ann Oak 252-826-2079	
Bob O'Neil 252-432-9781 /	
Gay M	
Bud Wilder 252-432-3676 /	
Chris Fisher 252 213 5780 /	

APRIL 30<sup>th</sup>, 2015 DEADLINE

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PUBLIC PETITION

SAVE OUR LAKE WATER

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To:

NC DENR 521 N. Salisbury St. 1611 Mail Service Center Raleigh, NC 27699-1611

<u>NAME / PHONE NUMBER</u>	<u>NAME / PHONE NUMBER</u>
Rosalind Wright	/ 252-456-2623
Anna White	/ 252-651-8121
BJ Capps	/ 252-213-4079
Janita White	/ 252-204-1020
Clarissa Knight	/ 434-247-1009
Shena Goode	/ 804-477-2666
Sean Harley	/ 252-456-2516
Bryan Walker	/ 252-456-6541
Peggy Bolton	/ 252-430-9054
	/
	/
	/

APRIL 30<sup>th</sup>, 2015 DEADLINE

(Your name and phone number are required for your opinion to count)

# PUBLIC PETITION

## SAVE OUR LAKE WATER

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To: Kim. NIMMER @ ncdenr.gov

NCDENR 521 N. Salisbury St. 1611 Mail Service Center Raleigh, NC 27699-1611

NAME / PHONE NUMBER

NAME / PHONE NUMBER

1 Amber Powell 252-331-9449	1 Marie C Liebelt 919-620-0403
Alvin Shearin 252-213-5233	1 Thomas Mayo 252-213-4094
Phillip Parker 252-432-6097	1 Barbara Kengen 252-456-4508
Nolan Parker 252-432-9779	1 Tim Beave 252-213-6491
Wayne Ayers 252-466-3766	1 Jimmie Lee 252-455-3476
Sharon A. Katz 252-456-2731	1 James A. Hayes Jr 252-456-2533
Jeff Perkins 252- <del>222-278</del> 915-0453	1 Richard R. <del>252-04</del> 252
Mary A. Henderson 252-456-2155	1 SELMA J. HAYES 252-456- <del>3</del> 2533
Blair M. Badkillo 252-456- <del>204</del> -61491	
Willie Wiggins 336-214-0710	
Carolyn Schoonover 804-712- <del>6107</del> <sup>6107</sup>	
David F. Hines 804-712-2103	
Kathryn Schoonover 804-712-6107	
Tommy & Anne Satterwhite - 919-495-37501	

APRIL 30<sup>th</sup>, 2015 DEADLINE

(Your name and phone number are required for your opinion to count)

# PUBLIC PETITION

## SAVE OUR LAKE WATER

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NCDENR 521 N. Salisbury St. 1611 Mail Service Center Raleigh, NC 27699-1611

### NAME / PHONE NUMBER

### NAME / PHONE NUMBER

CHERYL COFFMAN 213-8046	/	Clayton Taylor 252-456-0422
Maryland Hids 213-9069	/	Mary W Taylor 252-456-2422
Scott Capps 252-492-1119	/	Graham Guissem 252-456-2146
TARA HUNTER 919-239-0831	/	Lou J. Hayes 252-456-323
Chestine Kearney 252-257-4824	/	Erving R. Hayes Sr. 252-456-323
Johnny M. Williams 252-456-4333	/	Charles Hayes 252-767-5014
Jinder Johns 252-213-9777	/	Roy Hyn 804-386-4423
Dorothy E Smith 252-257-4801	/	
Candace Morland 252-213-1273	/	
W W Payton 252-213-1331	/	
Judy Coppedge 252-433-0419	/	
Laura Miller 919-693-8145	/	
Carol C. Archer 919-818-6239	/	
Mary M. McAnstee 252-456-3332	/	
A. Taylor 252-213-9118	/	

APRIL 30<sup>th</sup>, 2015 DEADLINE

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PUBLIC PETITION

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To:

NC DENR 521 N. Salisbury St. 1611 Mail Service Center Raleigh, NC 27699-1611

NAME / PHONE NUMBER

NAME / PHONE NUMBER

Jessica Huggins (252) 213-6323 /  
 Janice Huggins (252) 204-2021 /  
 Army Edgeator 252 432-7435 /  
 Delean Harris 252-257-9198 /  
 William Seraphi 252 257 2219 /  
 Sheila Arnold 434-689-5560 /  
 Danny Arnold 434-689-5560 /  
 Shelby Hicks 456-2628 /  
 Clayton Hicks 456-2628 /

NC DENR

Raleigh, NC 27699-1611

NAME / PHONE NUMBER

NAME / PHONE NUMBER

Julius Mann "Joe" 252-425-2425 /  
 Emma Richardson 252-713-7449 /  
 VIRGINIA BROACH 252 456-3491 /

**From:** [Jerry Schill](#)  
**To:** [Nimmer, Kim](#)  
**Subject:** Inter Basin Water Transfer  
**Date:** Monday, April 20, 2015 5:44:25 PM

---

Dear Ms. Nimmer,

This email relates to ongoing KLRWP discussions regarding the proposed additional water transfer of 10 MGD from the Roanoke River Basin. My objective is to provide you with my position before the April 30 end of the public comment period

As a concerned Lake Gaston homeowner and North Carolina resident, I am looking for assurance that any potential future water transfer changes to the Roanoke River basin will not result in an additional lowering of the Lake Gaston daily mean levels. My situation may, or may not, be unique; but the current Lake Gaston levels generally allow me to use my boat dock and boats about 80 to 90 percent of the boating season. So far that has been sufficient. Water transfers that result in lowering the average daily levels would have a serious impact on my lake usage as well as the potential catastrophic degradation to value of my property. Saving for life, just to live on, and use, the lake, required significant personal sacrifice. Understandably, this may not seem as significant to the members of the NCDENR, but it is real to me.

I appreciate that you must be busy with this and other issues, but please let me know what the impact would be. Should I lose use of the lake, I would look for compensation to cover resultant dredging and modifications to the existing boat dock.

Regards,

Jerome E. Schill  
71 Gail Drive  
Littleton, NC  
252-586-7971

**From:** [Dave Secrest](#)  
**To:** [Nimmer, Kim](#)  
**Subject:** Inter Basin Transfer Proposal  
**Date:** Friday, April 17, 2015 12:23:28 PM

---

Dear Ms. Nimmer,

I do not support the proposal to increase (double) the daily drawdown volume of water from Lake Kerr. The public has no tolerance for an attempt to propose legislation that threatens to apparently mis-manage our water resources, especially while the proposal lies firmly within a cloud of mis-information and contradictory analysis provided by a state-contracted firm. Common sense would tell you that if only three citizens attended the public hearing, the credibility of that hearing is null and void - there was no public hearing. You need to determine why that happened. Both the contracting agent and your office have to ensure the completion of drastically improved methods of informing the public in order to hold another legitimate hearing or series of hearings.

I am a resident of Warren County, a Navy veteran and was raised on factual accuracy, pro-active communications and trust. My impression is that your department's consulting agent, CH2MHILL, has not demonstrated any of those pre-requisites for achieving well-understood results. This apparent sub-par performance reflects poorly on your department's attention-to-detail and execution of oversight/supervisory responsibilities to the public.

I strongly recommend you stop this proposal in its tracks now, put yourself in the shoes of those citizens to be affected and then make corrections in your instructions and requirements for CH2MHILL's deliverables. Numerical data has to be accompanied by written analysis that can be understood by all - then we can debate the proposal.

Widely promulgating the renewed and authenticated results of your directed review through all forms of media would be necessary in order to restore the public's confidence in your work on this IBT proposal, the very legitimacy of which is in question.

Sincerely, dave secrest, retired Navy

## IBT Comments

Thank you for the opportunity to speak today.

My name is Jackie Sergent and I am honored to serve as the Mayor of Oxford, as well as to be before you tonight.

I am here to speak to you about two issues related to the Inter Basin Water Transfer: Economic Development and the public health benefits of a community water system. Although these appear to be two very different issues, they are integrally related and both are not only very important to me but to the City of Oxford and the region as a whole.

Just last week, on March 22<sup>nd</sup> World Water Day was celebrated and promoted by the UN. Why? Because as the Deputy Secretary General stated: Water is a precondition for human existence: Water is health. It is also Nature. Climate. Energy. Food. Urbanization. Industry. Equality.

All of these terms are connected in one way or another to economic development. As a Mayor, job creation as a means to elevate the quality of life for our residents and our region is a constant concern for me and our Board of Commissioners. We would like all of our citizens to have opportunities to stay in our community; not only to prosper and enjoy a good life but to also have the means to give back to the community. Meaningful economic growth and the opportunities that come from that growth do not happen without water.

The City of Oxford has an allocation of 2 million gallons per day. While our average use is around 1.2-1.4 million gallons per day, at peak times use can rise above 1.8 million gallons per day. Currently about 1/3 (~400,000 gallons) of our daily water goes to our larger industries and businesses like Revlon, Certainteed, Lace Lastics, Bandag, Ideal Fastener, Gate Concrete, Dill Air Controls, Santa Fe Natural Tobacco, Shalag US Inc, and Granville Medical Center.

The industries that I just mentioned, all of which are City of Oxford water customers, and therefore depend upon KLRWS water, employ just under 3,000 people.

They are significant employers in our area. But we as a community and as a region need to be able to continue to grow. The Triangle North Granville Industrial Park, just outside our city limits, remains empty. But rather than saying it is empty, I prefer to say that it is full of promise. It has great potential to provide employment opportunities for our community and our region - but only if we have the water needed to support that growth. Increasing our IBT allocation to allow for plant expansion is a path to that end.

Fortunately, because of the quality and quantity of our water supply, the issue before us today is not an either/or scenario, the FONSI (Finding of No Significant Impact) clearly shows that we can within reason increase water production at the KLRWS, thereby enhancing economic opportunities for our region, without a significant impact on the environment or downstream flow rates.

This leads me to the public health merits of a community water supply. I have been extremely fortunate to work at our district health dept for the past 26 years after earning a graduate degree in public health from UNC.

One of the first examples of public health in action is related to a water supply. During the 1854 cholera epidemic in London, as deaths accumulated, physician John Snow began marking the cases on a map to see if there was a pattern. Eventually he noticed a large number in the area of the Broad St pump. Without understanding exactly what was wrong with the water, Dr. Snow removed the pump handle, and the cases of cholera immediately began to decline.

This story illustrates how a safe water supply is key to the health of a community. And that we are fortunate to be able to depend upon our public water system (the KLRWS) as our safe water supply. Under the Safe Drinking Water Act, the EPA sets limits on contaminants in drinking water to assure it is safe for human consumption. While approximately 15 percent of Americans rely on their own

private drinking water supplies, that percent is higher in our region as the KLRWS served <50% of Vance County residents, and KLRWS and SGWASA together served <40% in Granville County in 2011. The remaining private drinking water supplies are not subject to EPA standards. Unlike public drinking water systems serving many people, no experts regularly check these water sources and their quality before it is sent to the tap. The burden of responsibility is on the owners to insure that their water is safe from both naturally and human activity contaminants such as micro-organisms, radon, nitrates, heavy metals, and industrial/household pollutants.

KLRWS assumes that burden and offers residents and businesses a safe and reliable source of water with quantities that are sufficient to meet industrial and critical fire protection needs. Providing for future growth offers the residents of our counties the potential to be part of this water system if needed.

According to the World Health Organization, the risk of illness from pathogens is at least 10,000 – 1 million times greater than the risk of cancer from disinfection by-products, a testament to the value of a community water supply and treated water. Further, of the top 10 public health achievements of the 20<sup>th</sup> century, two are related to the availability of a public water system: control of infectious diseases and fluoridation of drinking water. Many would argue that filtration of drinking water and the use of chlorine for disinfection is the most significant public health intervention in history.

We have the opportunity to prepare for development by providing the cornerstone of quality of life: a safe water supply for our residents and businesses for many years to come. I urge you, as you consider this IBT application, to consider both our need for job creation and growth in this region as well as the value of sufficiently endowed community water system.

Thank you for your time and energy in this process and for allowing me to come before you tonight.



**RESOLUTION**  
**By the**  
**City of Oxford Board of Commissioners**

*SUPPORTING THE KERR LAKE REGIONAL WATER SYSTEM'S PROPOSED INTERBASIN TRANSFER  
(IBT) PETITION*

**WHEREAS**, the City of Oxford has been a partner member of the Kerr Lake Regional Water System with the City of Henderson and Warren County since 1974; and

**WHEREAS**, the City of Oxford is located within the Tar-Pamlico River basin and is a bulk water customer of the Kerr Lake Regional Water System, and provides water to citizens, business, and industry within Granville County who are located in both the Roanoke and Tar-Pamlico River basins; and

**WHEREAS**, the City of Oxford provides water to the Town of Stovall in the Roanoke River basin and anticipates providing water to South Granville Water and Sewer Association, whose jurisdiction falls within the Neuse River basin; and

**WHEREAS**, the Kerr Lake Regional Water System has previously obtained an allocation of storage in Kerr Lake from the US Army Corps of Engineers equivalent to an average annual water demand of 20 million gallons per day (mgd); and

**WHEREAS**, the City of Oxford is nearing its current allocation allotment and seeks to expand its allocation to support current and future customers; and

**WHEREAS**, the Kerr Lake Regional Water System is currently limited to transferring 10 mgd from the Roanoke River basin and has submitted an IBT request to increase the transfer to 14.2 mgd; and

**WHEREAS**, the customers of the Kerr Lake Regional Water System including the City of Oxford have projected reasonable increases in water demand based on moderate growth projections; and

**WHEREAS** the Kerr Lake Regional Water System partners desire to provide a solution to their increased water supply needs that is fiscally responsible for their customers as well as environmentally responsible; and

**WHEREAS**, the proposed interbasin transfer can occur using existing pipeline infrastructure already in place; and the alternatives to the transfer all have substantially higher cost and significant potential environmental impacts from pipeline and other infrastructure construction, with no identified benefit to the environment;

**WHEREAS**, the effects of the proposed transfer in the Roanoke River basin on key indicators of lake levels, dam outflow and hydropower generation have been analyzed and shown to have no detrimental impacts; and

**WHEREAS**, wastewater facilities treating wastewater from use of this additional water have previously had impacts analyzed and have already received their permits; and

**WHEREAS**, the total of all the Kerr Lake Regional Water System Partners and wholesale customers is projected to have adequate water supply for its needs through 2045 if the request to increase the Interbasin Transfer is approved; and

**NOW THEREFORE BE IT RESOLVED** that the Oxford Board of Commissioners do hereby:

1. Recognize the importance of the Kerr Lake Regional Water System in providing clean drinking water to a region that is divided by its river basins; and
2. Support the requested interbasin transfer request of the Kerr Lake Regional Water System as an efficient means to meet the projected water demands of the region it serves.

Adopted this the 28<sup>th</sup> day of April, 2015

By: \_\_\_\_\_  
Jacqueline vdH Sergent, Mayor  
City of Oxford

ATTEST \_\_\_\_\_  
Barbara C. Rote, Clerk to the Board



# PUBLIC PETITION

## SAVE OUR LAKE WATER

**We the below signed are in opposition to the Permit to increase 10MGD of Inter Basin Transfer from the Roanoke River Basin to the Tar/Neuse River Basins because of the cumulative impact on Kerr Lake/Buggs Island Lake water levels, as well as undisclosed impacts on the environment, the economy, and tourism in Vance and Warren Counties as well as Southside Virginia.**

To: [Kim.Nimmer@ncdenr.gov](mailto:Kim.Nimmer@ncdenr.gov)

NCDENR 521 N. Salisbury St. 1611 Mail Service Center Raleigh, NC 27699-1611

NAME / PHONE NUMBER

NAME / PHONE NUMBER

Seth Smith 919-601-9111

, Kevin Cash (919) 937-5429

Scott Frye 919-500-2715

, David Hanson 919-422-6588

David W. Hanson 919-422-6582

Rosalinda Quintanilla 919-358-8706 /

T Ron Wintz 919-472-9544 /

Steve Dixon 919-884-8996 /

 919 818 8327 /

Luis Hernandez 919 398 4236 /

David Silva 919 390-9307 /

Miguel Gomez Chavez /

Rogelio Castilleja 919-730-3041

 919-596-1896

Cesar Sanchez 919-475-9639 /

Jose Ansel Silva 919-697-1448 /

Miguel Gonzalez 919-600-0090 /

APRIL 30<sup>th</sup>, 2015 DEADLINE

(Your name and phone number are required for your opinion to count)

## Nimmer, Kim

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**From:** Wes Smith <wsmith1124@aol.com>  
**Sent:** Thursday, April 16, 2015 5:10 PM  
**To:** Nimmer, Kim  
**Subject:** Re: Inter Basin Water Transfer

I oppose this transfer. I am a resident of the Raleigh-Durham area who would benefit from the transfer. I also own property on Lake Gaston. Unless it is during a time of extreme excessive water supply in the Roanoke River watershed and an extreme water shortage in the below mentioned watershed area affecting the Oxford, Henderson areas, I would be adamantly opposed to the transfer.

Thank you,

Wes Smith

On Apr 16, 2015, at 3:09 PM, "LGA Executive Director" <execdir@lakegastonassoc.com> wrote:



*Your primary voice on lake issues  
Since 1989*

### **Subject: Inter Basin Water Transfer**

We have a difficult and contentious topic today. Inter basin water transfer (IBT) is something everyone has an opinion on and the right answer to. We, the LGA board, have the responsibility to do only what is good for our lake environment. The LGA has always been against IBT and continues to oppose. All our members may not share this view, especially those of you who live in the Raleigh-Durham area.

Whatever your view is, we need your input during the public comment period for this North Carolina proposal. You do not have to be a NC resident to reply.

The Kerr Lake Regional Water System "Partners" (KLRWP) currently has authority to transfer up to 10 million gallons of water per day (MGD) water from Kerr Lake to areas in Warren, Oxford, Henderson and others cities south of us. Of that amount only under 3 MGD is returned to the Roanoke River Basin at Kerr Lake. The KLRWP seeks to transfer an additional 10 MGD from the Roanoke River Basin. The Lake Gaston Association has historically opposed Inter-Basin Transfers (IBT) from the Roanoke River to other watersheds.

The LGA is sending a letter of opposition to the North Carolina Department of Environmental and Natural Resources (NCDENR), but to be effective the voices of the membership need to be heard. Please take the time to voice your position to Kim Nimmer at

NCDENR, before April 30 2015, the end of the public comment period. Her e-mail address is [Kim.Nimmer@ncdenr.gov](mailto:Kim.Nimmer@ncdenr.gov). Your efforts are vital to maintaining the viability of the Roanoke River Basin from its origin to Albemarle Sound.

Al Potter  
LGA President

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*In order to ensure that the LGA emails make it to you through the internet & not be considered spam, we now have to offer you the opportunity to unsubscribe from our emails. That will mean you will get **no** emails at all if you choose to unsubscribe, e.g. no electronic Bulletins, water level advisories, speaker info, etc. etc.*

*If you no longer want to receive emails from the Lake Gaston Association you can [unsubscribe here](#)*

**From:** [William Solari](#)  
**To:** [Nimmer, Kim](#)  
**Subject:** InterBasin Water Transfer  
**Date:** Friday, April 17, 2015 11:14:53 AM

---

Ms. Nimmer,

We are both adamantly opposed to the proposed Permit to increase 10MGD of water Inter Basin transfer from the Roanoke River basin to the Tar/Neuse River Basins. This water may be needed to provide for the growth and economic viability of the areas along the Roanoke River, Kerr Lake, Lake Gaston, and on down-stream to the Coast. This transfer can have a cumulative impact on Kerr Lake water levels, as well as undisclosed effects on the environment, the economy, future growth of industry and its needs for clean and available water sources to support such growth in Vance, Warren, and Halifax Counties---areas already suffering the distress of higher than average unemployment. Robbing us of this resource, can inhibit the future recovery of these depressed economies in these 3 Counties. Please do not approve this request without a detailed environmental and economic impact study on the loss of this valuable resource to our area, and our children.

--

Sylvia & Bill Solari

**From:** [Scott Steagall](#)  
**To:** [Nimmer, Kim](#)  
**Subject:** No Inter Basin Transfer  
**Date:** Friday, April 24, 2015 2:16:38 PM

---

Kim,

Please add my name to the list of those opposed to this transfer request, especially without \*real\* public hearings and a real scientific impact statement.

Thanks  
Scott Steagall  
Henderson, NC

**From:** [shannon.steagall](#)  
**To:** [Nimmer, Kim](#)  
**Subject:** I oppose the interbasin transfer from Kerr lake!!  
**Date:** Friday, April 24, 2015 2:41:42 PM

---

Cancel the April 30 Interbasin Transfer Public Comment Deadline

--

*Shannon*

**From:** [Bill Steelman](#)  
**To:** [Nimmer, Kim](#); [Bill Steelman](#); [editor@warrenrecord.com](mailto:editor@warrenrecord.com); [mbbnc@outlook.com](mailto:mbbnc@outlook.com)  
**Subject:** IBT certificate  
**Date:** Thursday, April 30, 2015 7:53:06 PM

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Kim, being the Co-owner and operator of Chelsea Farms, a USDA 15 acre farm in Warren County, ( my wife is the owner)I have strong concerns about the proposal to send water from a Tier I county to a Tier II county.I feel there needs to be more time for Farm Owners and the Public to be included in meetings and or hearings to bring to light the impact of this issue for the present and the future.I will also be in contact with Senator Angela Bryant who represents Warren County. I do not feel that a small group of County Commissioners should be able to make this kind of decision without the input of the people they are suppose to be looking out for.

Thank you for your service and please continue to be a Guardian of our natural resources.  
William Steelman

**From:** [Steve Steigerwald](#)  
**To:** [Nimmer, Kim](#)  
**Subject:** Lake Gaston Inter Basin Water Transfer  
**Date:** Friday, April 17, 2015 1:41:53 PM

---

Kim,

I own a house in Raleigh and a house in Warren County. I have lived in Raleigh since 1965. I am vehemently apposed to transferring more and more water out of the Roanoke River Basin to any other areas, cities, states, etc. Other areas must learn to develop responsibly including obtaining natural resources from within their own area. I am speaking of over populated areas such as Virginia Beach and Raleigh. Why should the Roanoke River basin suffer financially for the benefit of other areas. At face value, this last statement may appear to be in correct, but when the river and lakes in the Roanoke River basin are significantly reduced, property values and property taxes will drop off dramatically. Warren county in particular is one of the poorest counties in the state and is hugely supported by the influx of money driven solely by the above ground water of the lakes and Roanoke river. All this and the environmental impact on the river and the fish in it both seasonally and year round is FAR to great a cost to bear on a poor county.

--

Steve Steigerwald

**From:** [Linda Stratford](#)  
**To:** [Nimmer, Kim](#)  
**Subject:** Roanoke IBT -- opposed  
**Date:** Thursday, April 30, 2015 8:46:17 AM

---

I'm opposed to the interbasin transfer of water, most especially without an environmental impact study for both/all basins involved.

The study criteria should require very high standards for water conservation in the requesting area. I particularly oppose a transfer to the Raleigh area. Having lived in Raleigh for almost 20 years, I know that water conservation measures there are almost non-existent, unlike other areas of North Carolina, notably Greensboro.

It's hard for me to believe that in this era of environmental awareness, anyone would even consider a move like this, much less sign off on it without a study (Tom Frasen, NC DENR Chief of the Water Planning Section).

Point of interest: some Californians we know have proposed a water pipeline from the Southeast (that's ALL of us) to California. After all, they grow 90% of our produce.

Bottom line: It's not nice to fool Mother Nature.

Linda Stratford  
471 Dock Side Drive  
Clarksville, VA 23927

*Life is supposed to be fun! ~ Abraham*

# PUBLIC PETITION

## SAVE OUR LAKE WATER

We the below signed are in opposition to the Permit to increase 10MGD of Inter Basin Transfer from the Roanoke River Basin to the Tar/Neuse River Basins because of the cumulative impact on Kerr Lake/Buggs Island Lake water levels, as well as undisclosed impacts on the environment, the economy, and tourism in Vance and Warren Counties as well as Southside Virginia.

To: \*Kim.Nimmer@ncdenr.gov

\* NCDENR 521 N. Salisbury St. 1611 Mail Service Center Raleigh, NC 27699-1611

### NAME / PHONE NUMBER

### NAME / PHONE NUMBER

Andrew Rambert	910-859-0123	Frances DeMent	252-767-7165
Bobby R. Lewis	434-774-8236	John DeMent	252-572-7560
David Sizemore	919-693-5255	Melvin Campbell	252-432-6732
Alanna Williamson	919-482-6807	Seannir Campbell	252-437-7555
Graham Teele	919-482-0562	Roger Britt	252-492-7837
Lynn Williams	919-690-1226	Dist Britt	252-820-2045
Terri Pennell	434-321-7101	Hare Britt	919-693-6836
Margaret Semster	434-372-5035	James Britt	919-691-3264
Christine Amos	1-434-808-3098	Mary Overby	252-572-4496
Norman Wilmoth	434-547-3917	Brynn Daniels	919-482-1343
Daniel Wilson	434-219-2073	Alexa Yancey	252-204-2854
Danny Seaman	434-447-9568	Barbara Stroud	252-432-1087
Milton Harrison	252-204-5769	James Elmore	252-432-0174
TarQueenia Oliver	919-603-7691	Cunnie Elmore	252-492-2722
MICHAEL SPRULL	252-213-3571	Vickie Barber	438-7218
YOLANDA SPRULL	252-213-0675	Bill Barber	252-432-3824
Donnie McClain	(919) 917-3041		
Jessica McClain	(919) 280-6074		

APRIL 30<sup>th</sup>, 2015 DEADLINE

(Your name and phone number are required for your opinion to count)

PUBLIC PETITION

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To: \*Kim.Nimmer@ncdenr.gov

\* NCDENR 521 N. Salisbury St. 1611 Mail Service Center Raleigh, NC 27699-1611

NAME / PHONE NUMBER

NAME / PHONE NUMBER

Nancy Roberts 919 693 5255 /	SCOTT HUNT (252) 432 7987
Terri Gwinn 252 425-3001 /	FAWN HUNT (252) 432 7985
TEARATAYLOR 919 939-9935 /	Shanta Byrd 919 603-1928
donna Lyon McFalls 919-690-9083	Cortney P Royster (434) 738-3333
Olivia Prezas 919 939 0504	Ethan B Royster (434) 738-7335
Pattie Taylor 252 572-7939 /	
Damien McFalls 919 691 8446 /	
Wanda 919 693 7804 /	
Keith <sup>Raymer</sup> 919-693-7804 /	
Mary Roberts 919 693 6210 /	
Charles Roberts 919 693 6210 /	
Tracy Scott 252-213-5454	
Marie J. Mummert 434-574-2998	

APRIL 30<sup>th</sup>, 2015 DEADLINE

(Your name and phone number are required for your opinion to count)

PUBLIC PETITION

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To: \*Kim.Nimmer@ncdenr.gov

\* NCDENR 521 N. Salisbury St. 1611 Mail Service Center Raleigh, NC 27699-1611

<u>NAME / PHONE NUMBER</u>	<u>NAME / PHONE NUMBER</u>
Tom Young 252-915-9017	/
Garland Collette 252-767-0270	/
MAURICE BOYD 919-939-9040	/
Georgia Williams (919) 691-1780	/
Robert Russell (252) 492-2662	/
Azul Beau (919) 693-4122	/
Cori Wilkerson (919) 691-1401	/
Jonathan Holman (919) 328-9236	/
Regina Henderson 252-492-5494	/
Cheryl Lynch (252) 201-8779	/
Aimee Peace (252) 438-5414	/
CORDEUR HEMAS	/
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	/
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APRIL 30<sup>th</sup>, 2015 DEADLINE

(Your name and phone number are required for your opinion to count)

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To: \*Kim.Nimmer@ncdenr.gov

\* NCDENR 521 N. Salisbury St. 1611 Mail Service Center Raleigh, NC 27699-1611

<u>NAME / PHONE NUMBER</u>	<u>NAME / PHONE NUMBER</u>
Bobby Elmore - 252-204-7991	Tyual Glover - 252-425-7803
Dot Elmore - 252-438-4307	Raymond Glover - 919-691-3171
Richard Hoke 352-237-6061	Fred Henderson 919-482-4060
Joan Hoke 352-237-6061	Mary Henderson - 252-425 0959
David Hoke - 252-425-5796	DAVID ROBBINS - 919 862 4104
Eric Reed - 919-339-3133	ELLIS MORTON - 919.482.6356
Michael Eaton - 252-430-4097	
Joey Kearney - 919-754-7367	
Christi Baggett - 919-761-4036	
Robert Baggett - 919-417-2060	
John Robinson - 252-492-4641	
Anita Peace - 252-915-8115	
Lisa Glaser - 252-425-1323	
Linda Heppie - 919 693-4916	
Timothy Atkins (919) 482-8144	
Sara Deere (919) 691-8196	

APRIL 30<sup>th</sup>, 2015 DEADLINE

(Your name and phone number are required for your opinion to count)

PUBLIC PETITION

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*We the below signed are in opposition to the Permit to increase 10MGD of Inter Basin Transfer from the Roanoke River Basin to the Tar/Neuse River Basins because of the cumulative impact on Kerr Lake/Buggs Island Lake water levels, as well as undisclosed impacts on the environment, the economy, and tourism in Vance and Warren Counties as well as Southside Virginia.*

To: \*Kim.Nimmer@ncdenr.gov

\* NCDENR 521 N. Salisbury St. 1611 Mail Service Center Raleigh, NC 27699-1611

NAME / PHONE NUMBER                      NAME / PHONE NUMBER

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APRIL 30<sup>th</sup>, 2015 DEADLINE

(Your name and phone number are required for your opinion to count)

April 30, 2015

*BY EMAIL – ORIGINAL BY FIRST CLASS MAIL*

Kim Nimmer  
Interbasin Transfer Program  
Water Supply Planning Branch  
Division of Water Resources  
North Carolina Department of Environment and Natural Resources  
1611 Mail Service Center  
Raleigh, NC 27699-1611

[kim.nimmer@ncdenr.gov](mailto:kim.nimmer@ncdenr.gov)

**Re: Comments of the City of Oxford, North Carolina regarding Proposed Kerr Lake Interbasin Transfer Certificate**

Dear Ms. Nimmer:

This firm represents the City of Oxford, North Carolina (“Oxford”) – one of the three members of the Kerr Lake Regional Water System (“KLRWS”). Oxford appreciates the opportunity to provide the North Carolina Department of Environment and Natural Resources (“DENR”) and the North Carolina Environmental Management Commission (“EMC” or the “Commission”) with additional information regarding the KLRWS’s proposed interbasin transfer (“IBT”) of 4.2 million gallons of water per day from Kerr Lake to the Tar River, Fishing Creek and Neuse River basins (the “Proposed Transfer”). In light of recent attempts to mischaracterize the nature and environmental impact of the Proposed Transfer, this correspondence provides citations to previous environmental assessments of the Proposed Transfer and relevant legal authorities. We hope that this information will assist the Commission in separating the facts and the applicable law from well-meaning, but inaccurate, advocacy.

### **Background**

On an average day, close to five *billion* gallons of water passes through Kerr Lake and is discharged through the dam into Lake Gaston.<sup>1</sup> The Proposed Transfer of 4.2 *million* gallons per day represents *less than a tenth of one percent* of that volume.

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<sup>1</sup> Ed Wyatt, Interim Manager, City of Henderson, North Carolina, Information Relative to Kerr Lake Regional Water System (KLRWS) Interbasin Transfer, available at

One of the main goals of the Proposed Transfer is to allow Oxford to prepare to meet the projected future demand for potable water in Granville County. If approved, the Proposed Transfer will effectively double Oxford's allocation of water from the KLRWS from two million gallons per day to four million gallons per day. Oxford will provide water to its own customers in central and northern Granville County via transfers to the Tar River basin and it will be able to assist the South Granville Water and Sewer Authority ("SGWSA") in meeting the future demands of SGWSA's customers through transfers to the Neuse River basin.<sup>2</sup>

The northern piedmont of our state is still struggling to recover from the demise of its traditional industries, such as textile manufacturing. Unemployment in this region remains well above the state average,<sup>3</sup> and the economically disadvantaged populations in this area (including significant minority populations) have not reaped the benefits of the recent growth in North Carolina's major urban centers. While this phenomenon is not solely due to issues of water availability, local governments must be able to show they have sufficient resources to meet projected future water demand in order to recruit new jobs to these areas. Approving the Proposed Transfer will help Oxford and Granville County to make this demonstration and resolve one of the issues that has frustrated previous economic development efforts.

## **Discussion**

As explained below, previous environmental assessments regarding the Proposed Transfer have shown that its effect on the elevation of water in Kerr Lake will be negligible, and the analysis of potential environmental impacts has been more than sufficient to satisfy the North Carolina Environmental Policy Act ("SEPA").<sup>4</sup>

### **I. Effect of the 2014 Regulatory Reform Act**

Comments regarding DENR's proposed Finding of No Significant Impact ("FONSI") for the Proposed Transfer<sup>5</sup> implied that DENR and the KLRWS were under a mistaken impression

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<http://homeinhenderson.com/2015/04/28/news/information-relative-to-kerr-lake-regional-water-system-klrws-interbasin-transfer/> (last visited Apr. 30, 2015).

<sup>2</sup> As DENR noted in its Neuse River demand report, SGWSA is expected to have insufficient water supplies to meet projected demand as early as 2030.

<sup>3</sup> See North Carolina Department of Commerce, North Carolina's February County and Area Employment Figures Released (Apr. 8, 2015), available at [https://www.ncesc1.com/pmi/rates/PressReleases/County/NR\\_Feb2015CountyRelease\\_M.pdf](https://www.ncesc1.com/pmi/rates/PressReleases/County/NR_Feb2015CountyRelease_M.pdf) (last visited Apr. 30, 2015).

<sup>4</sup> N.C.G.S. § 113A-1, *et seq.*

<sup>5</sup> Tom Fransen, Finding of No Significant Impact (Jan. 16, 2015), available at [http://www.ncwater.org/Permits\\_and\\_Registration/Interbasin\\_Transfer/Status/Kerr/Final-Kerr\\_Lake\\_IBT\\_FONSI\\_signed.doc.pdf](http://www.ncwater.org/Permits_and_Registration/Interbasin_Transfer/Status/Kerr/Final-Kerr_Lake_IBT_FONSI_signed.doc.pdf) (last visited Apr. 30, 2015).

that Section 37 of the 2014 Regulatory Reform Act<sup>6</sup> provided substantive support for DENR's decision not to develop a full Environmental Impact Statement ("EIS").<sup>7</sup> This is incorrect. The FONSI does not cite the 2014 RRA as a basis for the finding, and the Environmental Assessment that supports the FONSI (the "2015 EA") explicitly acknowledges that an EIS may still be necessary for the Proposed Transfer.<sup>8</sup>

The history of Section 37 helps to clarify its somewhat ambiguous meaning. Prior to Section 37 becoming law, N.C.G.S. § 143-215.22L(d) required the preparation of an EIS for:

[E]very proposed transfer of water from one major river basin to another for which a certificate is required....

Thus, regardless of whether an IBT would result in significant environmental impacts, a full EIS would have been required for the Proposed Transfer.<sup>9</sup> As a result of Section 37, though, the Proposed Transfer is exempt from this "automatic" EIS requirement. Instead, DENR is only required to prepare an EIS for the Proposed Transfer if it concludes that the transfer will result in significant effects on the quality of the environment in North Carolina. Consistent with this revised requirement, DENR and the KLRWS prepared the 2015 EA to evaluate whether an EIS is required, and DENR eventually concluded it was unnecessary.

## **II. Effect of the Proposed Transfer on Kerr Lake Water Levels**

Given that the Proposed Transfer involves less than one tenth of one percent of the average daily water flow through Kerr Lake, it should come as little surprise that extensive modeling efforts have confirmed the effect of the Proposed Transfer on water levels in the lake will be negligible. The KLRWS's environmental consultant, CH2M Hill, modeled the effect of the Proposed Transfer in two different scenarios:

- A year of average rainfall and flow through Kerr Lake (in this case, 2010) with estimated demands present in 2045 in place (including the full 10 million gallons per day of grandfathered IBT from Kerr Lake), but without the Proposed Transfer (identified as the 2045 Baseline); and

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<sup>6</sup> N.C. Sess. Law 2014-120, Section 37 ("Section 37"). Hereinafter, this correspondence refers to the 2014 Regulatory Reform Act – as a whole – as the "2014 RRA."

<sup>7</sup> See Comments of the Roanoke River Basin Association (Feb. 20, 2015) (hereinafter, the "RRBA Comments").

<sup>8</sup> See CH2M Hill, Environmental Assessment for an Interbasin Transfer from the Roanoke River Basin at 1-5 (Jan. 2015), available at [http://www.ncwater.org/Permits\\_and\\_Registration/Interbasin\\_Transfer/Status/Kerr/KLRWS\\_EA\\_20150116.pdf](http://www.ncwater.org/Permits_and_Registration/Interbasin_Transfer/Status/Kerr/KLRWS_EA_20150116.pdf) (last visited Apr. 30, 2015).

<sup>9</sup> The Proposed Transfer would involve withdrawing water from one major river basin, the Roanoke, and discharging it into the Tar and Neuse River major basins.

- A year of average rainfall and flow through Kerr Lake (again 2010) with both the Proposed Transfer and all other estimated demands (including the full grandfathered IBT) in place (identified as the 2045 IBT).<sup>10</sup>

In addition, for each of these scenarios, CH2M Hill modeled the difference in lake elevation from the Proposed Transfer that would result from the rainfall and flow through Kerr Lake that occurred during:

- The 2002 drought year; and
- The 2007 drought year.

Based on the results of this analysis, CH2M Hill reached the following conclusions:

1. The average elevation of Kerr Lake is unaffected by the Proposed Transfer.<sup>11</sup>
2. If the 2007 drought were to occur again, the average elevation of Kerr Lake would be 0.1 feet (1.2 inches) lower as a result of the Proposed Transfer.<sup>12</sup>
3. If the 2002 drought were to occur again, the average elevation of Kerr Lake would be 0.2 feet (2.4 inches) lower as a result of the Proposed Transfer.<sup>13</sup>

Finally, it is important to note that during the 2002 drought, the actual average elevation of Kerr Lake was approximately 14.5 feet below normal and during the 2007 drought, the actual average elevation of Kerr Lake was approximately 5.1 feet below normal.<sup>14</sup>

In other words, under normal conditions, the Proposed Transfer has no direct effects on the environment of North Carolina. And, during extreme drought conditions, the environmental effects from the slight reduction in average lake elevation due to the Proposed Transfer will be imperceptible when compared to the effect of Kerr Lake being between 5 and 15 feet below normal pool due to natural precipitation patterns and the Corps' normal operation of the lake.

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<sup>10</sup> See 2015 EA at 5-3.

<sup>11</sup> See *id.* (noting Kerr Lake, Lake Gaston, and Roanoke Rapids Reservoir showed no discernible difference in average elevation).

<sup>12</sup> See *id.* at 5-4, table 1.

<sup>13</sup> See *id.*

<sup>14</sup> See *id.* at 5-13, table 5-3 (as compared to normal pool of 300.0 msl). Normal elevations of Kerr Lake during the months of the 2002 and 2007 droughts range between 295.5 msl and 302.0 msl. See USACE, Shoreline Management Plan for John H. Kerr Reservoir at 5 & 35 (Jan. 1995), available at <http://www.saw.usace.army.mil/Portals/59/docs/recreation/johnhkerlake/SMP1995.pdf> (last visited Apr. 30, 2015).

**III. Sufficiency of the Environmental Assessment and the Finding of No Significant Impact under SEPA**

As explained in Section II, above, DENR and the KLRWS have not simply assumed that there will be no environmental impact from the Proposed Transfer, nor is that conclusion based solely on the notion that the KLRWS will not need to expand its water treatment plant to accommodate the Proposed Transfer.<sup>15</sup> In fact, CH2M Hill has developed a detailed analysis that demonstrates the negligible impact of the Proposed Transfer on water levels in Kerr Lake. This analysis accounts for current and increased future demands from the KLRWS members as well as the effects of current and increased future demands from other users. This analysis also demonstrates that releases from Kerr Lake into Lake Gaston, Roanoke Rapids Reservoir and the downstream portions of the Roanoke River will not be significantly affected by the Proposed Transfer.<sup>16</sup> CH2M Hill's modeling establishes that no changes in releases from the three lakes will occur during normal conditions and that the maximum reduction in release rates under any of the modeled drought scenarios will be 8.1 cubic feet per second.<sup>17</sup> This compares to a reduction of flow through the three lakes between 4,500 to 4,800 cubic feet per second (550-600 times greater) due to natural precipitation patterns and the Corps' management of the lakes during the same drought scenario.<sup>18</sup> Again, the effect of the Proposed Transfer has been demonstrated to range from imperceptible (at most) to non-existent (under normal conditions).

DENR is entitled to apply the "Rule of Reason" when deciding on the extent of its SEPA-required analysis.<sup>19</sup> Thus, contrary to the assertions in comments regarding the draft FONSI,<sup>20</sup> there is ample support for the conclusion that there will be no impacts to fish or shellfish in Kerr Lake (section 5.12.1 of the 2015 EA) or on any "downstream" species (section 5.13.1 of the 2015 EA). Similarly, the lack of meaningful effects from the Proposed Transfer on water levels or flows makes the development of water quantities that would be required to protect in-lake and downstream species entirely unnecessary.<sup>21</sup>

Finally, DENR's and the KLRWS's analysis of secondary/indirect impacts within the 2015 EA is also appropriate. One commenter on the draft FONSI suggested that the 2015 EA does not provide sufficient information about the effects of development that could result from

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<sup>15</sup> See RRBA Comments at 4.

<sup>16</sup> See 2015 EA at 5-10, table 5-2.

<sup>17</sup> See *id.*

<sup>18</sup> See *id.*

<sup>19</sup> See *Orange County v. North Carolina Department of Transportation*, 265 S.E.2d 890, 911-12 (N.C. Ct. App. 1980) (noting in context of alternatives analysis, the Rule of Reason does not require government agencies to "consider every one of the 'infinite variety' or 'unexplored and undiscussed alternatives that inventive minds can suggest'").

<sup>20</sup> See RRBA Comments at 6.

<sup>21</sup> See *id.*

the Proposed Transfer.<sup>22</sup> The level of detail that the commenter seeks, however, is unrealistic in this case. Providing more than a qualitative discussion of these issues in the 2015 EA would require an oracle of the type not seen since ancient Greece. For example, regarding impacts to species and water quality in the Tar River, DENR and the KLRWS would need to speculate as to future growth patterns in Granville, Vance and Franklin Counties as well as in upstream locations. They would then need to speculate as to the requirements of future stormwater regulations and related improvements to water quality. They would also need to speculate regarding the future effluent limits that would be applied to every NPDES permit holder within the basin. To provide a discussion of the impacts associated with smaller water lines, DENR and the KLRWS would also have to guess as to the locations of higher-volume users over the next thirty years in order to develop a sense of where distribution lines would need to be located. They would then have to develop a methodology for evaluating how all of these variables would affect water quality and how water quality, quantity and other biological factors would combine to affect species in the Tar River. Given the fantastic nature of such an assessment, both its credibility and its value to DENR or the EMC in evaluating the Proposed Transfer appear limited.

Please accept this correspondence as notice of Oxford's desire to have the opportunity to speak at the Commission's meeting in July regarding the Proposed Transfer. Feel free to contact me at (919) 835-4173 if I can provide you with any additional information in the interim.

Sincerely,



Sean M. Sullivan

cc: Randy Hemann, Manager, City of Oxford, North Carolina  
James C. Wrenn, Jr., Esq., County Attorney, Granville County, North Carolina

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<sup>22</sup> See *id.* at 4 (regarding growth-related impacts generally); 5 (regarding water line construction and related impacts on protected species); 6 (regarding water quality-related impacts from development).

**From:** [Laurie](#)  
**To:** [Nimmer, Kim](#)  
**Subject:** Kerr Lake Basin Water Transfer  
**Date:** Saturday, April 25, 2015 12:56:53 PM

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I would like to say that I am against this and any future water transfers as a landowner on this lake. I expected to have water under my boat, not in someone else's home, etc. Cancel the April 30, 2015 Interbasin Transfer Public Comment Deadline, have some public hearings that are fully advertised, and get the appropriate environmental impact study before making such a huge decision.

Laurie Swope

Sent from my iPad

**From:** [Laurie Swope](#)  
**To:** [Nimmer, Kim](#)  
**Cc:** [lswopeh@aol.com](mailto:lswopeh@aol.com)  
**Subject:** Interbasin Transfer  
**Date:** Tuesday, April 28, 2015 7:25:23 PM  
**Attachments:** [Interbasin Transfer Petition.pdf](#)

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Please accept the following signatures that do not want water taken from Kerr Lake at any point.

Laurie Swope

# PUBLIC PETITION

## SAVE OUR LAKE WATER

*We the below signed are in opposition to the Permit to increase 10MGD of Inter Basin Transfer from the Roanoke River Basin to the Tar/Neuse River Basins because of the cumulative impact on Kerr Lake/Buggs Island Lake water levels, as well as undisclosed impacts on the environment, the economy, and tourism in Vance and Warren Counties as well as Southside Virginia.*

To:

NC DENR 521 N. Salisbury St. 1611 Mail Service Center Raleigh, NC 27699-1611

NAME / PHONE NUMBER

NAME / PHONE NUMBER

*Denise Bauhart (757) 876-1151 /*  
*Cristi Nice (757) 565-4945 /*  
*Bekky Scoggin (757) 707-<sup>0927</sup>~~908~~ /*  
*Karen Florimonte (757) 713-7492 /*  
*Jessi Scoggin (757) - 707-0227 /*  
*Kara Lane (~~757~~ 757-903-4741)*  
*Charnissa Chitlers 757-707-7245 /*  
*Sianna Lindsay 757-206-7894*  
*Noah Salavajus 757-903-3600 /*  
~~*Erin*~~  
*Bryann Stanno 817-528-0280 /*  
*Miranda Christy 757-812-8887 /*  
*Will P. Gibson 757-634-5260 /*  
*Michael ~~757~~ 757-997-7397 /*

*Meredith Sobczak 757-403-6315*  
*Catherine Sweetnam 757-564-3827*  
*April Roadley 757-220-1978*  
*Laurie Swope / (804) 829-6601*  
*Matthew Swope / (434) 689-2590*  
*Matthew Swope / (804) 347-00652*  
*Phil Swann / (804) 347-03165*  
*Jill Swipe / (804) 397-0614*

APRIL 30<sup>th</sup>, 2015 DEADLINE

(Your name and phone number are required for your opinion to count)

## Nimmer, Kim

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**From:** Sykes, Robert  
**Sent:** Monday, March 30, 2015 5:27 PM  
**To:** Nimmer, Kim  
**Cc:** Thomas Ellis  
**Subject:** Kerr Lake - Roanoke River Basin Interbasin Transfer Request

Ms. Nimmer,

My name is Robert Sykes. I am one of the commissioners for the Town of Hobgood located in Halifax County. I also serve as the town's mayor-pro-tem. I'm writing in regards to the Public Hearing that will be held in Henderson tomorrow evening pertaining to the Interbasin Transfer Request from the Kerr Lake Regional Water System to receive additional water from the Roanoke River Basin. I am not a hydrologist or geologist and, thus, have no intimate or scientific knowledge about the impact of such a water transfer. However, in talking with several of my county colleagues, leaders, and residents they have voiced strong opposition of this proposal due to concerns that such a transfer of our water could potentially:

1. Leave us short of water for ourselves in the event or events of:
  - a. A sustained drought
  - b. Natural catastrophe
  - c. Additional people moving into our area and
  - d. New businesses possibly needing the water or looking at it as an incentive to do business in our area.

Therefore, **I must side with the above mentioned folks in voicing my disapproval of such a water transfer at this time.**

If, in the future, it can be shown that it would have no major impact on our area, I would certainly be willing to reconsider it. Let me know if you have any questions.

Sincerely,

*Robert Sykes*

Robert Sykes, Commissioner & Mayor-Pro-Tem  
Town of Hobgood

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Robert Sykes, BS MS ITFS LMFT INFP  
NC Department of Health & Human Services  
Early Intervention Service Coordinator  
Roanoke Rapids CDSA Satellite Office  
401-B Becker Drive  
Roanoke Rapids, NC 27870  
(Office) 252-537-4796, ext. 223  
(Fax) 252-537-1293  
[Robert.Sykes@dhhs.nc.gov](mailto:Robert.Sykes@dhhs.nc.gov)

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Email correspondence to and from this address is subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized State official. Unauthorized disclosure of juvenile, health, legally privileged, or otherwise confidential information, including confidential information relating to an ongoing State procurement effort, is prohibited by law. If you have received this email in error, please notify the sender immediately and delete all records of this email.

**From:** [julie teel](#)  
**To:** [Nimmer, Kim](#)  
**Subject:** Kerr Lake Interbasin Water transfer  
**Date:** Wednesday, April 29, 2015 10:13:57 AM

---

Please stop the April 30 public comment deadline. We need public hearings. We also need an environmental impact statement.

**From:** [rgteel59@gmail.com](mailto:rgteel59@gmail.com)  
**To:** [Nimmer, Kim](#)  
**Subject:** Kerr Lake Interbasin Water transfer  
**Date:** Tuesday, April 28, 2015 9:51:26 PM

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Cancel the April 30 Interbasin Transfer Public comment deadline. We need public hearings on this matter. We also need an Environmental impact study. We need clarification on Mr. Inscoe's clarifications. They just made me more confused.

Sent from Windows Mail

**From:** [Sally Tharrington](#)  
**To:** [Nimmer, Kim](#)  
**Subject:** DENY permit for additional withdrawal from Kerr Lake  
**Date:** Saturday, April 18, 2015 1:14:24 PM

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I ask that you deny this permit.

Our taxes are constantly increased and yet, now what our higher taxes are for is being taken away. With every approval, another entity will ask.

--

Sally Tharrington  
Director of Financial Aid  
Southside Virginia Community College  
434-949-1061

**From:** [Richard Thomas](#)  
**To:** [Nimmer, Kim](#)  
**Cc:** ["Lake Gaston Association Members"](#)  
**Subject:** Inter Basin water transfer  
**Date:** Thursday, April 16, 2015 7:06:40 PM

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Dear MS. Nimmer,

As a full time resident on Lake Gaston in the Roanoke Valley River Basin Watershed I would like to go on record as opposing the proposed inter-basin transfer of water from Kerr Lake to the areas of Oxford and other areas south of us. I have been involved in watershed organizations in both Wisconsin and New Jersey for the past 25 years. Most recently serving on the Board of Directors of the South Jersey Land and Water Trust for 10 years before moving to North Carolina. Anyone associated with watersheds knows and accepts that inter-basin transfer from one water shed to another has the potential to create negative impacts on the hydrology of the contributing water shed as well as endanger the plants and animals.

I ask you to rethink this proposal and attempt to find another solution that will not endanger our water shed and the economy of our area for the sake of the positive impact it may have on the accepting area. The potential in times of drought to cause irreversible damage to the Roanoke Valley area will be there if this transfer is allowed to happen.

Respectfully,

Richard E. Thomas – Board of Directors Eatons Ferry Estates property Owners Association  
116 Pinecrest Court  
Littleton, NC 27850

## Nimmer, Kim

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**From:** Chris Thompson, Lake Gaston Realtor <Agent@Lake-Gaston-Properties.com>  
**Sent:** Thursday, April 16, 2015 4:15 PM  
**To:** Nimmer, Kim  
**Subject:** Transfer of water from Roanoke River (Kerr Lake)

I am writing in **\*opposition\*** to an increase of the Inter-Basin Transfer of water from the Roanoke River (Kerr Lake) to other watersheds in North Carolina.

*Chris*

MY Knowledge & Experience = YOUR Satisfaction & Savings!

**Christine Thompson, ABR, RSPS, SFR**  
Associate Broker, Realtor<sup>®</sup>, NC & VA License  
**Waterfront Properties at Lake Gaston**  
1698 Eaton Ferry Rd., Littleton, NC 27850

(434) 917-3289 Home Office (Day/Eve)  
**(877) A-LAKE-4-U** Toll Free "Find Me" & Fax  
(252) 586-7600 Office / Receptionist (9-5)

INFO & SEARCH MLS: [www.Lake-Gaston-Properties.com](http://www.Lake-Gaston-Properties.com)

**From:** [Estes Thompson](#)  
**To:** [Nimmer, Kim](#)  
**Subject:** Kerr Lake transfer  
**Date:** Saturday, May 02, 2015 2:06:58 PM

---

I am against transferring anymore water from the Roanoke River watershed.

Estes Thompson  
321 Cedar Lane  
Clarksville VA

**From:** [Rob Thompson](#)  
**To:** [Nimmer, Kim](#)  
**Subject:** Kerr Lake Inter Basin Transfer  
**Date:** Wednesday, April 29, 2015 11:00:27 AM

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Kim,

As a life long resident of Warren County I wanted to let you know that I am strongly opposed to the proposed Kerr Lake Inter Basin Transfer. I see no reason our lake should provide water for the urban sprawl that is taking over Franklin County.

Thank You,

Robert Thompson

--

Robert A. Thompson  
Project Manager  
Cast Stone Systems, Inc.  
532 N. Main Street  
Warrenton, NC 27589  
252-257-1599 Telephone  
252-257-1588 Fax  
[rthompson@caststonesystems.com](mailto:rthompson@caststonesystems.com)  
[www.caststonesystems.com](http://www.caststonesystems.com)

**From:** [sandy@lthornhill.com](mailto:sandy@lthornhill.com)  
**To:** [Nimmer, Kim](#)  
**Subject:** Kerr Lake-Buggs Island  
**Date:** Monday, April 27, 2015 9:15:15 AM

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Perhaps it did not occur to any of you that people do live on this lake and rely on the water to have the casual life that it provides. We completely understand that others need water for every day life but have found a way in the past and will again in the future with your assistance and not in lowering the water levels of our lake. It will damage the life style of many individuals, businesses and visitors. It will not take business to your areas but will send business to other locations and perhaps other states. Then of course, you will need to find an other way to get revenue.

Someone with a better thinking process needs to be in charge of this project as there have been answers in the past that did not damage any of the above mentioned things. We all have a piece of this land and want to keep it the pres-teen area that it is now. You will, in fact, damage that in your efforts to make an easy cure for a problem that may or may not exist at this time.

Our young folks go to college all the time to learn how to handle this type of situation, perhaps, and it is only a thought, that the older men and women in charge let some new folks look at this situation if there really is one and give their thoughts on how to resolve the problem. I am one of the older folks and I appreciate new input even if it goes against my old people thinking.

This letter will not sway you one way or the other but I hope that it makes you think twice about your projected plan to ruin the habitat and life style around Buggs Island in the future.

Sandy Thornhill  
Piney Point

**From:** [info@kerrlakeparkwatch.org](mailto:info@kerrlakeparkwatch.org)  
**To:** [Nimmer, Kim](#)  
**Cc:** [Deborah Ferruccio](#); [john\\_hyson@yahoo.com](mailto:john_hyson@yahoo.com); [gene@gaddesso.net](mailto:gene@gaddesso.net); [kerrlakeover@bellsouth.net](mailto:kerrlakeover@bellsouth.net); [cte202@aol.com](mailto:cte202@aol.com)  
**Subject:** COMMENTS AGAINST IBT FROM KERR LAKE - FOR THE RECORD  
**Date:** Tuesday, April 28, 2015 1:48:48 PM

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Ms. Nimmer,

I am a native and a taxpayer of Granville County and am handle Public Affairs for the 400-member group, ***Kerr Lake Park Watch***. I understand that you are accepting public comment regarding the proposed IBT (Interbasin Water Transfer) from Kerr Lake to Franklin County and other areas.

You may regard this both as my personal and professional statement in representing the citizens' group, Kerr Lake Park Watch in OPPOSING THE TRANSFER, especially until such time as the public's requests and demands for input and the execution of the much requested Environmental Impact Study have been achieved.

I am a former state parks board chairman, a former DENR board member and have served in a number of other environmental and parks areas. the Corps of Engineers.

If you need additional information, you will find my contact information at the very end of this email.

We have recently been asked by media and public officials about why ***Kerr Lake Park Watch***, an organization focused on the public parks around Kerr Lake is so vested in what happens with the lake's water. I want to expound on that.

When the allocation for the removal of 20 million gallons of water per day from Kerr Lake was approved by the US Army Corps of Engineers, that actually occurred before the withdrawal of 60 million gallons of water per day from Lake Gaston, which Kerr has to replace almost every day.

Also, whether the Corps will defend this position or not is unknown, but the Corps originally did not intend for the water to be dispersed, especially sold for a single town's profit, to areas outside of the Roanoke River Basin. Citizens in three counties, Vance, Granville and Warren have been irate over the water issue for years because of the sale of Kerr Lake water to "outside the area" but they are always thwarted by officials who promise that system water will come to their areas, but at a high or prohibitive costs. You must know that the City of Henderson and Vance County et al water wars are famous in ethics classes and debates.

At ***KLPW*** we have seen droughts in the last ten years that have made picnic areas into empty parking lots and campgrounds where only the

crows play...alone. If there's just low water, the people don't come to the picnic grounds and the nearly 1000 campsites on the lake. It's simple, the water is the draw.

The Roanoke River Basin Association can give you far better water resources data than our group can and we have found their information to be forthright, verifiable and the truth.

We flat do not want that water drawn from Kerr Lake, without a full Environmental Impact Study. It's that simple. We want an honest, impartial study and then, let us all let the chips fall where they may. We say, "What's the harm?"

The harm is in the way the City of Henderson as the Kerr Lake Water Resources System has maneuvered around the public for its own gain and avoided public scrutiny and encouraged higher levels of government to help. We say, the action of the water transfer may be legal, but it is certainly not ethical. I mentioned this in a citizen grassroots meeting recently that our own government is railroading the system to keep public opinion away from the process and has enjoined with major industry pulling Governor McCrory's strings and the strings of the General Assembly to circumvent public input and approval.

The extra allocation of water belongs to the Tier One counties of Vance, Granville and Warren. If companies want to develop, let them follow the water to the Kerr Lake area, not to Tier Two Franklin County and as everyone knows, eventually to Tier One Wake County.

Any city, county or state employee or official who inhibits any citizen's rights to scrutinize and to participate in a governmental process such as this Interbasin Water Transfer, should be fired or removed from office and then prosecuted to the fullest extent of the law for civil rights violations. In our opinion, the State of North Carolina, the City of Henderson and any other public official who supports the process done so far on this IBT, has displayed brazen disregard for the public and have supported those officials who have used every rule and in the absence of rules, made new ones to circumvent the public's demand for a full Environmental Impact Statement on the Interbasin Transfer of water from Kerr Lake to Franklin County and others.

We do not like battling, but we will use every resource and every means to seek out the identities of these people and bring them to the public's attention until such time as the public is given a chance to be heard and obeyed. If you look at the totally different compositions of the Sierra Club, the Roanoke River Basin Association, your local citizens' group, "Preserve Our North Carolina Lakes Community" and our own **Kerr Lake Park Watch**, all of these diverse groups of people asking for the exact same thing, an Environmental Impact Statement, there has to be something to this.

*Frank Timberlake*

*Lead, Public Affairs*

**KERR LAKE PARK WATCH**

*Office (919) 269-4300*

*Cell (919) 805-0055*

*email: [info@kerrlakeparkwatch.org](mailto:info@kerrlakeparkwatch.org)*

*[www.kerrlakeparkwatch.org](http://www.kerrlakeparkwatch.org)*

*<http://www.facebook.com/KerrLakeParkWatch>*

Mr. John Tovey  
114 Saddletree Rd  
Oxford, NC 27565  
April 29, 2015

Dear Sir/ Madam

I have recently heard, with dismay that the City of Oxford could be denied from drawing the extra water from the Kerr Lake Regional Water System, the extra water being essential to the local rural communities, including Oxford.

I have read and heard that studies concluded that NO SIGNIFICANT drop in the water table of Kerr Lake would occur. This extra water is needed to maintain the community and help the further expansion of the local communities. No harm will be impacted to the environment or the residents of Kerr Lake.

The local communities NEED this safe clean water to continue to live and enjoy their communities, this is not a privilege, it's a basic human right and for a small group of lake side residents to complain that, "We are afraid the water level could possibly drop" seems to be a little selfish. We are a community, all of us, whether you live in town, countryside or lake.

As I said before this extra water, I believe a new total of 14.2 million gallons per day an increase of only 4.2 million GPD (*and NOT the 10 million that some have stated*) is, if you excuse the pun, a drop in the ocean, but is ESSENTIAL for day to day living and future expansion, which would benefit ALL.

Please pass this proposal for the good of all.

Yours Faithfully

John Tovey (a very concerned Citizen)

## Nimmer, Kim

---

**From:** Randy Trout <bigfishon@cox.net>  
**Sent:** Thursday, April 16, 2015 12:02 AM  
**To:** Nimmer, Kim  
**Subject:** Kerr Lake

Ms. Nimmer,

Leave Kerr Lakes water alone. We do not need the water drawn down, to send to other regions.  
My Name is Randy J. Trout, Telephone Number: 757-463-6974 or 757-320-7465.

Sent from my iPhone



OFFICE OF THE  
COUNTY MANAGER

# Northhampton County

"A GREAT PLACE TO RAISE FAMILIES, PROFITS, AND EXPECTATIONS"

P.O. BOX 808

JACKSON, NC 27845

PHONE (252) 534-2501

FAX (252) 534-1166

April 20, 2015

Mr. Harold Brady, WR Planner  
NCDENR- Division of Water Resources  
1601 Mail Service Center  
Raleigh, NC 27699-1601

## **RE: ENVIRONMENTAL ASSESSMENT OF KLRWS INTERBASIN TRANSFER**

Dear Mr. Brady:

On behalf of Northhampton County Local Government, we submit the following comments regarding the environmental document submitted by Kerr lake Regional Water System and the responsive document issued by Tom Fransen, "Finding of No Significant Impact" (FONSI). Based upon review of the FONSI and our review of General Statue 143-215.22L all proposed inter-basin transfers exceeding 2 million gallons per day require Environmental Management Commission (EMC) Certification and approval only after a thorough Environmental Impact Statement (EIS). The FONSI issued was based solely on an Environmental Assessment which does not adequately meet the "hard look" standard required by the North Carolina Environmental Policy Act. This law requires an EIS to be prepared for every proposed transfer of water from one major river basin to another for which a certificate is required.

We respectfully ask the Division of Water Resources to have a full EIS performed that studies and analyzes the economic, environmental and social impacts of the transfer of water from the Roanoke River Basin. Our comment is that the environmental assessment issued by Mr. Fransen is legally insufficient to meet the requirements of the North Carolina Environmental Policy Act. A thorough and accurate analysis of the impacts on the basin can only be achieved by conducting an Environmental Impact Statement as required by state law.

Please enter our comment into the public record and acknowledge receipt of this letter.

Respectfully Submitted,

  
Kimberly L. Turner, County Manager  
Northhampton County

cc: Northhampton County Board of Commissioners

**From:** [Twisdale, Tracy](#)  
**To:** [Nimmer, Kim](#)  
**Subject:** Concerned citizen with regards to any negative effects on Kerr Lake  
**Date:** Thursday, April 30, 2015 2:20:28 PM

---

Ms. Nimmer:

I am a North Carolina State Employee that lives in Vance County in Manson, NC on Kerr Lake and I am very concerned about the possibility of loosing any of our natural resources that Kerr Lake offers to this great state of North Carolina and Virginia.

We need to preserve our natural resources at all costs to include our water, wildlife, fisheries, tourism, property values & peace of mind.

Please don't allow any legislation to take from us the one really good thing we have going for us in this rural county area. So much depends on Kerr Lake and all the good that comes from it.

Without Kerr Lake, we are just a dried up piece of land that has a history of once being something great and providing us a great resource.

Thank you for any attention that you can provide to the concerned citizens of this 4 county area that have grave concerns about the future of the beloved Kerr Lake.

Sincerely,

Tracy P. Twisdale

---

E-mail correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.

# PUBLIC PETITION

## SAVE OUR LAKE WATER

**We the below signed are in opposition to the Permit to increase 10MGD of Inter Basin Transfer from the Roanoke River Basin to the Tar/Neuse River Basins because of the cumulative impact on Kerr Lake/Buggs Island Lake water levels, as well as undisclosed impacts on the environment, the economy, and tourism in Vance and Warren Counties as well as Southside Virginia.**

To: [Kim.Nimmer@ncdenr.gov](mailto:Kim.Nimmer@ncdenr.gov)

NCDENR 521 N. Salisbury St. 1611 Mail Service Center Raleigh, NC 27699-1611

<u>NAME / PHONE NUMBER</u>	<u>NAME / PHONE NUMBER</u>
Betsy Purran 919-691-0348	Elizabeth Kunkin 252/257-3085
Shawn Saccuti 252-425-0181	Debbie Hoadley 252/257-4276
John C. Banks 252-382 1719	
Eleanor Smith 252-820-9370	
Terry Woodley	
Monna Pineda 252-492-2244	
Wendy Bullard 252-425-9666	
Cynthia Butler 919-528-7877	
Brian Walker 252-492-5677	
Tyrone Williams 252-820-5066	
Derrick Kearney 252-204-5193	
Anthony Williams 252-326-2839	
Alyssa D. Williams 252-257-5658	
Jaylen Mattson 336-504-0332	
Cynthia Rose 252-257-0424	
DARline Johnson 252-767-4765	
Cathy VanBuren 252/456-8128	

APRIL 30<sup>th</sup>, 2015 DEADLINE

(Your name and phone number are required for your opinion to count)



**From:** [Don Van Wingerden](#)  
**To:** [Nimmer, Kim](#)  
**Cc:** [Gregory Craft](#)  
**Subject:** Save Our Lake Water  
**Date:** Monday, April 27, 2015 7:22:10 AM  
**Attachments:** [PETITION KERR LAKE WATER 20150427071609.PDF](#)

---

Kim,

We have a 2<sup>nd</sup> home at 5101 Thomas Rd and would like our names added to this petition. Where can we learn more on what the proposition would do to the lake.

Thanks,

Don

Donald Van Wingerden  
Vice -President  
Atlantic Building Supply Inc.  
703-335-5455

PUBLIC PETITION

SAVE OUR LAKE WATER

*We the below signed are in opposition to the Permit to increase 10MGD of Inter Basin Transfer from the Roanoke River Basin to the Tar/Neuse River Basins because of the cumulative impact on Kerr Lake/Buggs Island Lake water levels, as well as undisclosed impacts on the environment, the economy, and tourism in Vance and Warren Counties as well as Southside Virginia.*

To: Kim.Nimmer@ncdenr.gov

NCDENR 521 N. Salisbury St. 1611 Mail Service Center Raleigh, NC 27699-1611

NAME / PHONE NUMBER

NAME / PHONE NUMBER

*Don Van Wynd 703-901-0547,*

*Maryjo Van Wynd 703-901-2034,*

/

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/

APRIL 30<sup>th</sup>, 2015 DEADLINE

(Your name and phone number are required for your opinion to count)



**RESOLUTION OF THE  
HENRY COUNTY BOARD OF SUPERVISORS**

**In Opposition of the Interbasin Transfer Certificate  
for the Kerr Lake Regional Water System**

**WHEREAS**, the North Carolina Department of Environment and Natural Resources (NCDENR) is soliciting public comment on the Kerr Lake Regional Water System (KLRWS) interbasin transfer (IBT) certificate request; and

**WHEREAS**, KLRWS has requested an increase to its current grandfathered IBT of 10 million gallons per day (mgd) to an amount over 14 mgd; and

**WHEREAS**, the proposed water withdrawal could cause substantial negative economic and environmental impacts to the North Carolina and Virginia counties, cities, and towns located in the Roanoke River Basin; and

**WHEREAS**, the out-of-basin transfer of water will further solidify the routine practice of shifting natural resources to benefit a particular area at a direct consequence to other areas in the Roanoke River Basin; and

**WHEREAS**, the proposed water transfer would reduce the flow and assimilative capacity of rivers and streams in the Roanoke River Basin; and

**WHEREAS**, the out-of-basin transfer may have the effect of causing regulatory restrictions to be imposed on localities upstream, affecting their water use and wastewater discharges, and ultimately adversely affecting their economies:

**NOW THEREFORE BE IT RESOLVED** by the Henry County Board of Supervisors that, on this 24<sup>th</sup> day of March, 2015, it does hereby proclaim its strong opposition to the granting of additional interbasin transfers from the Roanoke River Basin, and does hereby call this matter to the attention of industries, businesses, counties, cities, towns and citizens in the Roanoke River Basin.

*H.G. Vaughn*

---

H.G. Vaughn, Chairman  
Henry County Board of Supervisors

**From:** [Antha Wade](#)  
**To:** [Nimmer, Kim](#)  
**Subject:** Kerr Lake Reservoir  
**Date:** Saturday, April 18, 2015 3:30:51 PM

---

Dear Ms Nimmer,

I am hereby asking you to DENY the Triangle authorities their request to pull millions of gallons of water from Kerr Lake for development within the Research Triangle. The Corp of Engineers already have to pull millions of gallons of water to keep Lake Gaston at a steady level, water for Henderson, and not to forget that Lake Gaston is also supplying water to VA Beach. I feel all of this is so totally unfair and causes even more distress to counties that are already under state poverty levels. This action will effect all of Kerr Lake and I feel will have a huge financial impact on poor counties as well as those with moderate income levels.

I feel dropping the water will have a major impact on the fish in the lake. The bass tournaments and regular fishing bring in a lot of income to Warren, Vance, and several other counties. My family has owned land on this lake for generations and this is just unfair and irresponsible.

Please don't let this happen.

Sincerely,

Antha Buchanan Wade  
126 Rose Hill Rd.  
Manson, NC 27553  
Warren County

**From:** [Jim Walston](#)  
**To:** [Nimmer, Kim](#)  
**Subject:** Oppose Inter basin water transfer (IBT) from Roanoke River Basin  
**Date:** Friday, April 17, 2015 10:08:32 AM

---

I'm asking you to oppose Inter basin water transfer (IBT) from Roanoke River Basin.

Thanks

Jim Walston

Full time resident

PUBLIC PETITION

SAVE OUR LAKE WATER

*We the below signed are in opposition to the Permit to increase 10MGD of Inter Basin Transfer from the Roanoke River Basin to the Tar/Neuse River Basins because of the cumulative impact on Kerr Lake/Buggs Island Lake water levels, as well as undisclosed impacts on the environment, the economy, and tourism in Vance and Warren Counties as well as Southside Virginia.*

To: Kim.Nimmer@ncdenr.gov

NCDENR 521 N. Salisbury St. 1611 Mail Service Center Raleigh, NC 27699-1611

NAME / PHONE NUMBER

NAME / PHONE NUMBER

FRANK WARNER 336-675-5565 /  
*Chas Warner*

MARTHA WARNER 757-403-9756 /

*Martha Warner* /

Elaine S Warner 336-675-0148 /

Willard Lewis 336-516-5759 /

*Russell King* 336 669 5135 /

*Bud Bar* 336 512-8184 /

Vance Crisp 336-222-9622 /

*Jim Belcher* 336-221-1501 /

*Jim Long* 336-261-3343 /

*Darryl Payne* 336 267 8950 /

APRIL 30<sup>th</sup>, 2015 DEADLINE

(Your name and phone number are required for your opinion to count)

**From:** [Catherine Watkins](#)  
**To:** [Nimmer, Kim](#)  
**Subject:** Kerr Lake/Buggs Island transfer of water  
**Date:** Wednesday, April 22, 2015 9:15:43 AM

---

Please DENY permit for additional withdrawal from Kerr Lake.

**From:** [johnwatkins@centurylink.net](mailto:johnwatkins@centurylink.net)  
**To:** [Nimmer, Kim](#)  
**Subject:** Inter-basin Water Transfer  
**Date:** Tuesday, April 28, 2015 12:19:25 PM

---

Ms. Nimmer & the NCDENR:

I am writing this because of my concern for the proposed inter-basin water transfer from Kerr Lake to counties south of the Tar River. Please understand that my concern is based in the lack of quality information, a bunch of disinformation, and a general lack of trust that my local and state government to make the best choice for the citizens that they represent. I live on Kerr Lake, the value of my home is directly affected by the level and quality of the water in Kerr Lake, and I don't think anyone at any level of government has taken into consideration my home's value, my family's financial situation, or my opinion of what needs to happen to the water in Kerr Lake. I am 100% sure that this decision is all about money for the City of Henderson, and it certainly seems that the rational for the movement of water from Kerr Lake stops there.

Please put a hold on the decision to continue with this project. Please present more/better/accurate information to the citizens of Vance County and the Kerr Lake area before the NCDENR moves forward.

Thank you.

John Watkins  
85 Sunset Cove Lane  
Manson, NC 27553  
252-456-5280

**From:** [Steve Watkins](#)  
**To:** [Nimmer, Kim](#)  
**Subject:** water withdrawal  
**Date:** Tuesday, April 21, 2015 4:56:01 PM

---

Please deny water withdrawal as I live on the lake and would like to have my grandchildren enjoy it as much as I have enjoyed the lake.

**From:** [Watkins, Wes](#)  
**To:** [Nimmer, Kim](#)  
**Subject:** permit for additional water with drawal  
**Date:** Thursday, April 23, 2015 8:19:56 AM

---

Please DENY permit for additional water withdrawal from Kerr Lake

Wes Watkins

**From:** [Wemyss, Todd](#)  
**To:** [Nimmer, Kim](#)  
**Subject:** Do Not Pass Kerr Lake Permit  
**Date:** Saturday, April 18, 2015 8:09:49 AM

---

Please do NOT pass increase in withdrawal amounts.

Sent from my iPhone

**From:** [R West](#)  
**To:** [Nimmer, Kim](#)  
**Subject:** Inter Basin Water Transfer  
**Date:** Friday, April 17, 2015 9:35:14 AM

---

I am a resident of Lake Gaston, and my family & I are not in favor of any Inter Basin Water Transfer from Lake Gaston or the Roanoke River Basin to other watersheds.

Roger & Mary West  
135 Twin Oaks Lane  
Henrico, NC 27842

**From:** [Mallory Whitmore](#)  
**To:** [Nimmer, Kim](#)  
**Subject:** Kerr Lake IBT  
**Date:** Wednesday, April 29, 2015 5:05:35 PM

---

Dear Ms. Nimmer,

I am reaching out to you in desperation, concerning the Kerr Lake IBT. The citizens of the soon to be affected area are just now finding out about this. Unfortunately, most missed the memos that seem to have been intended to be overlooked. The final public hearing made news only 30 minutes before the meeting took place. The public has not had enough time to process this, let alone take action. Although they have met the requirements to obtain the permit, I am deeply concerned about the future of Kerr Lake and everyone who depends on it. I am not expecting you to stop this, but I am requesting that we are given more time and opportunity for opposition. I grew up on Kerr Lake and know the level fluctuation all too well. Without a full environmental impact study, I fear the worst for the lake and everyone who depends on it.

This could be crippling for the local economy that is and always has been struggling.

I also think that it's foolish to sell our water for the next 30+ years without doing a full study.

Please help us if you can.

Thank you very much for taking the time to look into this. I have added a link that will hopefully give you a better idea of what we are going through.

Deeply concerned, feeling helpless and hopeless,

Mallory Whitmore

[http://www.chathamstartribune.com/opinion/article\\_559db5e2-e387-11e4-9af6-47f24105f55a.html](http://www.chathamstartribune.com/opinion/article_559db5e2-e387-11e4-9af6-47f24105f55a.html)

**From:** [Fransen, Tom](#)  
**To:** [Nimmer, Kim](#)  
**Subject:** FW: Kerr Lake IBT  
**Date:** Thursday, April 30, 2015 8:15:02 AM

---

Please include this email as an official comment on the Kerr IBT. I'll go ahead and respond to Ms. Whitmore.

---

**From:** Reeder, Tom  
**Sent:** Thursday, April 30, 2015 8:02 AM  
**To:** Harwood, Joseph E; Ragan, Jamie  
**Cc:** Fransen, Tom; Zimmerman, Jay  
**Subject:** RE: Kerr Lake IBT

I'm sending this on to Tom Fransen. He can take care of this. Thanks.



Tom Reeder  
Assistant Secretary for Environment  
NC Department of Environment and Natural Resources  
919-707-8619  
[tom.reeder@ncdenr.gov](mailto:tom.reeder@ncdenr.gov)

---

**From:** Harwood, Joseph E  
**Sent:** Thursday, April 30, 2015 7:59 AM  
**To:** Ragan, Jamie; Reeder, Tom  
**Subject:** RE: Kerr Lake IBT

Tom,  
Unfortunately, Jamie Ragan is on leave today and tomorrow, and this came in on the Ombudsman line yesterday afternoon. In Jamie's absence, I'm forwarding this to you to see if you could get someone in Water Quality to respond to this person....as you can see she called 3 times according to Dorothy's note....

Thanks much.....

H.

Joseph E Harwood  
Ombudsman  
Office of the Secretary  
NC Department of Environment and Natural Resources  
[Joseph.harwood@ncdenr.gov](mailto:Joseph.harwood@ncdenr.gov)  
Office – 919-707-8623

---

**From:** Ragan, Jamie  
**Sent:** Wednesday, April 29, 2015 5:08 PM

**To:** Harwood, Joseph E  
**Subject:** FW: Kerr Lake IBT

Suggestions?

---

**From:** Harris, Dorothy L [<mailto:dorothy.harris@ncdenr.gov>]  
**Sent:** Wednesday, April 29, 2015 4:55 PM  
**To:** Ragan, Jamie  
**Subject:** FW: Kerr Lake IBT

She has also called three times and said she would tomorrow as well (she's nice, but persistent) – is this something you would handle? If not, let me know.

---

**From:** Mallory Whitmore [<mailto:mallorywhitmore@icloud.com>]  
**Sent:** Wednesday, April 29, 2015 4:49 PM  
**To:** Vandervaart, Donald  
**Cc:** [mallorywhitmore@icloud.com](mailto:mallorywhitmore@icloud.com)  
**Subject:** Kerr Lake IBT

Dear Secretary van der Vaart,

I am reaching out to you in desperation, concerning the Kerr Lake IBT. The citizens of the soon to be affected area are just now finding out about this. Unfortunately, most missed the memos that seem to have been intended to be overlooked. The final public hearing made news only 30 minutes before the meeting took place. The public has not had enough time to process this, let alone take action. Although they have met the requirements to obtain the permit, I am deeply concerned about the future of Kerr Lake and everyone who depends on it. I am not expecting you to stop this, but I am requesting that we are given more time and opportunity for opposition.

I grew up on Kerr Lake and know the level fluctuation all too well. Without a full environmental impact study, I fear the worst for the lake and everyone who depends on it. This could be crippling for the local economy that is and always has been struggling.

I also think that it's foolish to sell our water for the next 30+ years without doing a full study.

Please help us if you can.

Thank you very much for taking the time to look into this. I have added a link that will hopefully give you a better idea of what we are going through.

Deeply concerned, feeling helpless and hopeless,

Mallory Whitmore

[http://www.chathamstartribune.com/opinion/article\\_559db5e2-e387-11e4-9af6-47f24105f55a.html](http://www.chathamstartribune.com/opinion/article_559db5e2-e387-11e4-9af6-47f24105f55a.html)

**From:** [Young, Sarah](#)  
**To:** [Nimmer, Kim](#)  
**Subject:** Fwd: Kerr Lake IBT  
**Date:** Wednesday, April 29, 2015 5:23:18 PM

---

Sent from my Verizon Wireless 4GLTE smartphone

----- Forwarded message -----

From: "Mallory Whitmore" <mallorywhitmore@icloud.com>

To: "Young, Sarah" <sarah.young@ncdenr.gov>

Subject: Kerr Lake IBT

Date: Wed, Apr 29, 2015 5:09 pm

Dear Ms. Young,

I am reaching out to you in desperation, concerning the Kerr Lake IBT. The citizens of the soon to be affected area are just now finding out about this. Unfortunately, most missed the memos that seem to have been intended to be overlooked. The final public hearing made news only 30 minutes before the meeting took place. The public has not had enough time to process this, let alone take action. Although they have met the requirements to obtain the permit, I am deeply concerned about the future of Kerr Lake and everyone who depends on it. I am not expecting you to stop this, but I am requesting that we are given more time and opportunity for opposition. I grew up on Kerr Lake and know the level fluctuation all too well. Without a full environmental impact study, I fear the worst for the lake and everyone who depends on it.

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Mallory Whitmore

[http://www.chathamstartribune.com/opinion/article\\_559db5e2-e387-11e4-9af6-47f24105f55a.html](http://www.chathamstartribune.com/opinion/article_559db5e2-e387-11e4-9af6-47f24105f55a.html)

**From:** [Fransen, Tom](#)  
**To:** [Nimmer, Kim](#)  
**Subject:** FW: Kerr Lake IBT  
**Date:** Thursday, April 30, 2015 8:21:00 AM

---

Looks like the same comment sent to the Secretary.

---

**From:** Mallory Whitmore [mailto:mallorywhitmore@icloud.com]  
**Sent:** Wednesday, April 29, 2015 5:10 PM  
**To:** Fransen, Tom  
**Subject:** Kerr Lake IBT

Dear Mr. Fransen,

I am reaching out to you in desperation, concerning the Kerr Lake IBT. The citizens of the soon to be affected area are just now finding out about this. Unfortunately, most missed the memos that seem to have been intended to be overlooked. The final public hearing made news only 30 minutes before the meeting took place. The public has not had enough time to process this, let alone take action. Although they have met the requirements to obtain the permit, I am deeply concerned about the future of Kerr Lake and everyone who depends on it. I am not expecting you to stop this, but I am requesting that we are given more time and opportunity for opposition. I grew up on Kerr Lake and know the level fluctuation all too well. Without a full environmental impact study, I fear the worst for the lake and everyone who depends on it.

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Mallory Whitmore

[http://www.chathamstartribune.com/opinion/article\\_559db5e2-e387-11e4-9af6-47f24105f55a.html](http://www.chathamstartribune.com/opinion/article_559db5e2-e387-11e4-9af6-47f24105f55a.html)

**From:** [Brady, Harold M.](#)  
**To:** [Nimmer, Kim](#)  
**Subject:** FW: Kerr Lake IBT  
**Date:** Thursday, April 30, 2015 2:40:29 PM

---

---

**From:** Mallory Whitmore [mailto:mallorywhitmore@icloud.com]  
**Sent:** Wednesday, April 29, 2015 5:06 PM  
**To:** Brady, Harold M.  
**Subject:** Kerr Lake IBT

Dear Mr. Brady,

I am reaching out to you in desperation, concerning the Kerr Lake IBT. The citizens of the soon to be affected area are just now finding out about this. Unfortunately, most missed the memos that seem to have been intended to be overlooked. The final public hearing made news only 30 minutes before the meeting took place. The public has not had enough time to process this, let alone take action. Although they have met the requirements to obtain the permit, I am deeply concerned about the future of Kerr Lake and everyone who depends on it. I am not expecting you to stop this, but I am requesting that we are given more time and opportunity for opposition. I grew up on Kerr Lake and know the level fluctuation all too well. Without a full environmental impact study, I fear the worst for the lake and everyone who depends on it.

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[http://www.chathamstartribune.com/opinion/article\\_559db5e2-e387-11e4-9af6-47f24105f55a.html](http://www.chathamstartribune.com/opinion/article_559db5e2-e387-11e4-9af6-47f24105f55a.html)

**From:** [Whitworth, Horace](#)  
**To:** [Nimmer, Kim](#)  
**Subject:** Kerr Lake Regional Water transfers  
**Date:** Friday, April 17, 2015 9:45:51 AM

---

Dear Ms. Nimmer: I am a home owner in Warren County and am contacting you to respectfully convey my objection to any proposed increase in the inter basin transfer of water from the Roanoke River Basin to other watersheds. The current authorized transfer limits are appropriate and should not be exceeded. Thank you for your consideration.

Horace Whitworth,  
190 Westwinds Rd  
Macon NC 27551

**Horace P. Whitworth CFA**  
Chief Executive Officer



**Thompson, Siegel & Walmsley LLC**

6806 Paragon Place, Suite 300 | Richmond, VA 23230 | p: 804-521-6369 | f: 804-213-4911  
[www.tswinvest.com](http://www.tswinvest.com)

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For more information please visit <http://www.mimecast.com>

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**From:** [Sarah Wilkins](#)  
**To:** [Nimmer, Kim](#)  
**Subject:** water transfer  
**Date:** Friday, April 24, 2015 10:23:21 AM

---

Please do not change the current system of releasing our water from Lake Gaston.

Sarah Wilkins  
[swilkins0248@aol.com](mailto:swilkins0248@aol.com)

**From:** [James Williams](#)  
**To:** [Nimmer, Kim](#)  
**Subject:** Concern for Lake Gaston  
**Date:** Friday, April 17, 2015 10:24:26 AM

---

Please be responsible when making decisions concerning Lake Gaston and the entire Roanoke valley. Each area of our Great Country should be allowed to protect their assets without fear of them being gobbled up by areas only interested in growth no matter what the cost to their neighbors.

Thanks

James Williams  
Sent my iPad

PUBLIC PETITION

SAVE OUR LAKE WATER

*We the below signed are in opposition to the Permit to increase 10MGD of Inter Basin Transfer from the Roanoke River Basin to the Tar/Neuse River Basins because of the cumulative impact on Kerr Lake/Buggs Island Lake water levels, as well as undisclosed impacts on the environment, the economy, and tourism in Vance and Warren Counties as well as Southside Virginia.*

To: Kim.Nimmer@ncdenr.gov

NCDENR 521 N. Salisbury St. 1611 Mail Service Center Raleigh, NC 27699-1611

NAME / PHONE NUMBER

NAME / PHONE NUMBER

Venae Williams /  
919-669-5652

Doug King /  
919-422-4657

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APRIL 30<sup>th</sup>, 2015 DEADLINE

(Your name and phone number are required for your opinion to count)

**From:** [Leslie Williford](#)  
**To:** [Nimmer, Kim](#)  
**Subject:** Kerr Lake permit  
**Date:** Monday, April 20, 2015 12:37:40 PM

---

To Whom It May Concern,

I am a new home owner at Kerr Lake, but my family has been on the lake since it's formation. To say that I am dismayed at the recent discussion about another water withdrawal is an understatement. I read the information about the decision, including the report about no significant environmental impact. Removing that much water from any ecosystem would impact the wildlife and foliage in the area, not to mention the basin, itself since this water will not be replaced. Please do not move forward with this recommendation. Thank you for your time.

Leslie S. Williford  
Sent from my iPad

**From:** [jeanne wilson](#)  
**To:** [Nimmer, Kim](#)  
**Subject:** Deny permit  
**Date:** Saturday, April 18, 2015 7:53:03 PM

---

Please deny permit for water to be pulled from Kerr Lake to supply Research Triangle Park.

**Nimmer, Kim**

---

**From:** Lenny Wilson <lennywilson1@gmail.com>  
**Sent:** Sunday, April 12, 2015 3:25 PM  
**To:** Nimmer, Kim  
**Subject:** Water being removed from our home lake

My name is Lenny Wilson , My wife is Pat. We are retired just recently and have moved into our lake house. We have owned for 10 years and just getting to enjoy it with our grand kids, We are opposed to this water with drawl and not being notified properly about the meetings so we could attend and voice our opinion. We want to go on record as being opposed to any water being piped off to other counties when we need to support our own business and the recreation sites, camping, fishing tournaments, all the things help our people produce a living. We live in the Grassy Creek area on Spewmore Creek. When our water drops to 298' we have to be careful for shallow areas. Thanks for your time and look forward to hearing about another meeting, Thanks Lenny Wilson 919-614-1011.

**From:** [Nancy Wilson](#)  
**To:** [Nimmer, Kim](#)  
**Subject:** Kerr Lake Interbasin Water Transfer  
**Date:** Friday, April 24, 2015 12:30:24 PM

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Kim Nimmer, Interbasin Transfer Program Manager,

I am a resident of Vance County, and I am also the Vance County Tourism Development Authority Director. We have a serious issue facing Vance, Warren and Granville Counties, **Kerr Lake Inter-basin water transfer**. The request by Henderson City Council/Regional Water System, to double the 10 MGD to 20 MGD will create critical and negative effects to Kerr Lake. Tourism will suffer greatly, and we will lose visitors who generate new dollars for our local economy. Kerr Lake will turn to a mud flat during low water and drought. Fishing, boating, camping, sailing, special events and leisure activities will stop. The 1.2 millions visitors who come to the North Carolina side of Kerr Lake will go away.

Why would a Tier 1 county, Henderson City Council sell 13 million gallons of water to a Tier 2 county that boarder's Wake County? Vance County and Warren County needs industry, retail sales, commercial businesses and residential growth. If our allotment of water is sold to Franklin County, we will lose an opportunity to recruit business. A total of 12,84 MGD will go to the Tar and Neuse River Basins, an increase of 9.21. Franklin County will not return the water back to Kerr. We will see 10+million gallons of water per day leaving Kerr Lake going to another basin. Please help stop Kerr Lake from being "Sold Out.". We need jobs in Vance, Warren and Granville Counties. Industry brings jobs, and water brings industry. Without water, we will not have jobs or industry. Tourism is a true form of economic development. Kerr Lake is our greatest asset in Vance County.

The following is needed.

Cancel the April 30 Inter basin Transfer Public Comment Deadline

Call for Public Hearings

Call for an Environmental Impact Statement

Your help will be greatly appreciated,

Nancy Wilson, Executive Director  
Vance County Tourism Development Authority  
946T-W. Andrews Avenue  
Henderson, NC 27536  
252-438-2222



This email has been checked for viruses by Avast antivirus software.

[www.avast.com](http://www.avast.com)

**From:** [BURL\\_WINGOLD@DELL.com](mailto:BURL_WINGOLD@DELL.com)  
**To:** [Nimmer, Kim](#)  
**Cc:** [coconuts0345@gmail.com](mailto:coconuts0345@gmail.com)  
**Subject:** Proposed Taking of Water from Kerr Lake  
**Date:** Monday, April 20, 2015 1:32:34 PM

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Dell - Internal Use - Confidential

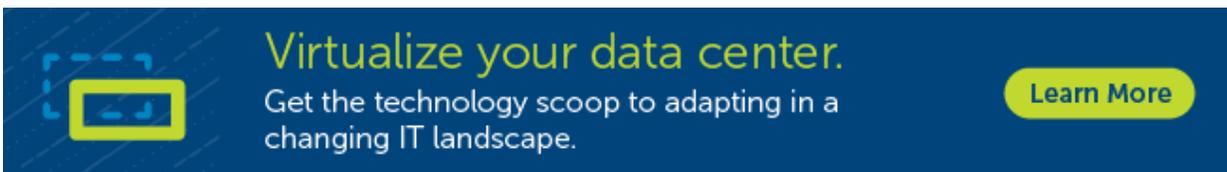
Kim:

I wanted to get you an email asking that the proposal be rejected. I am a homeowner on the lake and further reductions in lake level will severely impact my cove and my ability to use the Lake as I have done over the past 50 years.

I hope that you receive a substantial number of emails asking that this proposal not be approved.

Best Regards !

Burl and Karyn Wingold



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The banner features a dark blue background with a yellow and blue icon of a server rack on the left. The text is in white and yellow, and a yellow button with the text 'Learn More' is on the right.

4-16-15



**Bruce F. Woerner**  
FICF, LUTCF  
2013 Master Agent

MR. FRANKSEN,

I REQUEST A FULL ENVIRONMENTAL IMPACT STUDY  
BEFORE ANY WORK OR DECISION IS MADE TO PROVIDE ANY  
PROCESSED WATER CAN BE PIPED TO WESTERN FRANKLIN COUNTY, N.C.

THANK YOU

  
BRUCE F. WOERNER

RECEIVED  
APR 20 2015  
DIVISION OF WATER RESOURCES

**From:** [Claiborne Woods](#)  
**To:** [Nimmer, Kim](#)  
**Subject:** Kerr Lake Interbasin Transfer  
**Date:** Thursday, April 30, 2015 11:15:29 PM

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NO we are not in favor of the Kerr Lake inter-basin transfer.. We have lived on this lake for nearly 20 years. We pay dearly for the privilege to do so. There have been many times when our "lake front property" looked more like "desert front property" due to the lack of water. And my friends there will be more dry times to come. In case no one noticed there is no more land being made, and the water we have is all we will have.

We already provide water to communities that were not in the original agreement (i.e. Franklin County). It is NOT the responsibility of Vance County to provide water to areas that have chosen to build on every square inch of ground that they have and are only NOW thinking about how to provide water to these areas. But this is not what is on the minds of those in charge - all they want to do is fatten the bottom line! This is not the answer. We began selling water to Franklin County - and the money was good - but it still wasn't enough. So what do we do - times are tough - SELL WATER AGAIN. After all it worked before.....

Lets be honest, our officials have side stepped the process, held late night meetings that John Q. Public was not aware of. and they continue to make up the rules as they go along! We can't attend "meetings" when they only held one which was poorly advertised at that. This wreaks of collusion. We already can't get industry to come here. Now you want to sell off our water supply to some other area so they can attract the businesses? There is something terribly wrong with this picture.

Do the math people - you can't continue to take away from something and not put anything back. And pardon the pun - but one day the well will be dry and Vance County will not understand how this happened.

Stop this before it is too late. Vance County is disappearing before our eyes. There is one thing for certain - it is difficult to attract industry now - but what will it be like when we have NOTHING to offer?

Claiborne Woods

**From:** [woolfwoman](#)  
**To:** [Nimmer, Kim](#)  
**Subject:** Interbasin water transfer  
**Date:** Friday, April 17, 2015 5:22:55 PM

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I have been a Lake Gaston property owner for many years. I am against the transfer of water from the Roanoke River, particularly in the amounts being requested. This would be counter-productive to our philosophy of improving Lake Gaston in order to make it a desirable location to live and play.  
Please register my comments as being against any interbasin water transfer.

Sandra Woolfenden  
703 978 1887

Sent from Samsung tablet

**From:** [Chris Wortham](#)  
**To:** [Nimmer, Kim](#)  
**Subject:** Kerr Lake inter-basin transfer  
**Date:** Tuesday, April 28, 2015 10:14:24 AM

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I am totally against the water transfer. We should be looking out for Vance, Granville and Warren counties. Our city and county officials should be looking out for us. Why are they not. What do we gain as citizens of Vance, Warren and Granville by helping to attract businesses and new people to other areas. Something smells about this transfer .

LAW OFFICES OF  
**HOPPER, HICKS & WRENN, PLLC**

P.O. BOX 247, 111 GILLIAM STREET  
OXFORD, NORTH CAROLINA 27565

N. KYLE HICKS  
JAMES C. WRENN, JR.  
CINDY P. BOSTIC  
GERALD T. KOINIS

William L. Hopper, of Counsel

April 30, 2015

TELEPHONE: 919-693-8161  
FACSIMILE: 919-693-9938  
www.hopperhickswrenn.com

VIA E-MAIL TRANSMISSION  
kim.nimmer@ncdenr.gov

Kim Nimmer  
Interbasin Transfer Program  
Water Supply Planning Branch  
Division of Water Resources  
North Carolina Department of Environment  
And Natural Resources  
1611 Mail Service Center  
Raleigh, NC 27699-1611

Re: Comments of the City of Oxford, North Carolina Regarding Proposed Kerr Lake  
Interbasin Transfer Certificate

Dear Ms. Nimmer:

I am the appointed attorney for Granville County, the Town of Butner, and the South Granville Water and Sewer Authority. We have reviewed the comments made by Sean Sullivan on behalf of the City of Oxford. We join in those comments and adopt them as our own.

We also ask that this letter serve as notice of my clients' desire to have the opportunity to speak at the Environmental Management Commission's meeting in July regarding the proposed interbasin transfer. Should you need additional information about our position, please feel free to contact me at 919.693.8161.

Sincerely,



James C. Wrenn, Jr.

JCWjr/md

Cc Michael S. Felts, Manager, Granville County  
Thomas S. Marrow, Manager, Town of Butner  
Lindsay L. Mize, Executive Director, South Granville Water and Sewer Authority  
Randy Hemann, Manager, City of Oxford  
Sean M. Sullivan, Attorney for the City of Oxford

{A0114738.DOCX}



COMMONWEALTH OF VIRGINIA  
HOUSE OF DELEGATES  
RICHMOND

RECEIVED

APR 30 2015

THOMAS C. "TOMMY" WRIGHT, JR.  
POST OFFICE BOX 1323  
VICTORIA, VIRGINIA 23974  
SIXTY-FIRST DISTRICT

COMMITTEE ASSIGNMENTS:  
MILITIA, POLICE AND PUBLIC SAFETY (VICE CHAIRMAN)  
GENERAL LAWS  
AGRICULTURE, CHESAPEAKE AND NATURAL RESOURCES

April 28, 2015

Ms. Kim Nimmer  
Division of Water Resources  
1611 Mail Service Center  
Raleigh, North Carolina 27699-1611

Dear Ms. Nimmer:

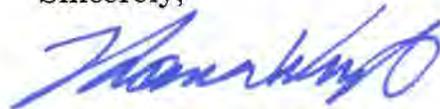
I am submitting my comments in response to the Kerr Lake Regional Water System interbasin transfer certificate request. The proposed project, as revised in 2014, would transfer 14.2 million gallons of water per day from the Roanoke River basin to three basins within the State of North Carolina and sell the withdrawn water to consumers in localities within the basins. I am opposed to such transfers for a number of reasons. There is no indication in any of the documents, the previous Environmental Impact Statement (EIS), or the environmental assessment conducted by the contractor, that any attempt was made to evaluate the impact of the transfer on Virginia communities located in the Roanoke River Basin, particularly those upstream from Kerr Reservoir. I am concerned that the State of North Carolina is not requiring an EIS for these proposed additional transfers, which could have a significant economic and environmental impact on Virginia localities. There is the possibility that the additional amount of water to be transferred could reduce the instream flow and assimilative capacity of water bodies in the Roanoke River Basin, especially during drought conditions.

I recognize that planning for future water supply needs is an important responsibility of government. In 2002, Virginia adopted a water supply planning law that required our Department of Environmental Quality (DEQ) to develop a state water supply plan detailing the projected demands on our water resources and strategies for meeting our needs over the next 30-50 years. As chairman of the Virginia State Water Commission, I have been intimately involved in reviewing the development of our statewide water supply plan. Just recently, DEQ has indicated that based on the plan, the next 30 years will see a net increase of approximately 32 percent in mean water supply demand over the period 2010-2014.

This increase in the projected demand for water resources by Virginia combined with the fact that North Carolina is seeking additional withdrawals from Kerr Reservoir, could result in greater conflicts for commonly held water resources among the two states. I expect that the Water Commission will hold hearings this summer to review the provisions of our state plan in order to determine the impact that increased demand by both states will have on our water resources. As a member of the state legislature I have a responsibility to assure Virginians that we are carrying out the law and protecting for the maximum benefit of all the beneficial uses of our water resources, both off-stream and instream, including domestic consumption, the protection of fish and wildlife habitat, maintenance of waste assimilation, recreation, navigation, cultural and aesthetic values, agricultural, electric power generation, and commercial and industrial uses.

I am concerned that this latest increase in withdrawals from Kerr Reservoir have not been fully evaluated and that this will set an inappropriate precedent for periodic incremental increases in water resources shared by the two states.

Sincerely,

A handwritten signature in blue ink, appearing to read "Thomas Wright, Jr.", written in a cursive style.

Delegate Thomas Wright, Jr.

Lloyd M. Yancey, Jr.  
461 Olde Forest Rd.  
Clarksville, VA 23927

April 16, 2015

Tom Fransen, Section Chief  
DENR-Division of Water Resources - Planning Branch  
1611 Mail Service Center  
Raleigh, NC 27699-1611

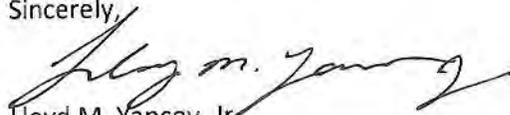
Re: Kerr Lake Environmental Impact Study

Dear Sir:

I have lived on the shores of Kerr Lake for many years. The lake was the reason I moved to this area and now it is threatened once again by people who want to take our resources. We are asking that the laws be adhered to and a complete environmental impact study, not just a statement, be performed in regard to the request to take water from our basin. The people of Southside Virginia realize that the amount of water requested is just below the government guidelines that would trigger an automatic study.

Please act ethically in this matter and perform the complete environmental study of the proposal to double the intake of the Kerr Lake Regional Water System.

Sincerely,



Lloyd M. Yancey, Jr.  
Concerned Citizen  
Southside Virginia

RECEIVED  
APR 20 2015  
DIVISION OF WATER RESOURCES

**From:** [Chick](#)  
**To:** [Nimmer, Kim](#)  
**Subject:** Kerr Lake RWS Interbasin Transfer Certificate Application  
**Date:** Wednesday, April 29, 2015 8:09:56 PM

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My name is Robert G. Young, Jr and I live at 120 White Oak Drive in Henderson, NC..I would like to request that NCDENR approve The Kerr Lake IBT Certificate. I served as Mayor of Henderson from 1979 to 2003 and worked closely with NCDER and the US Army Corps of Engineers on our water system. This water system can meet the needs of water customers for the next 30 years. The approval of this certificate will allow KLRWS to meet the needs in rural Vance, Granville, Warren and Franklin Counties. KLRWS must be able to provide safe, clean drinking water to citizens in rural communities and small towns now and in the future. Thank You.

**From:** [John H. Zollicoffer, Jr.](#)  
**To:** [Brady, Harold M.](#); [Nimmer, Kim](#); [Rep. Nathan Baskerville](#); [Angelab@ncleg.net](#)  
**Cc:** [Linda Worth \(Warren County\)](#); [Randy Hemann \(City of Oxford\)](#); [\(Pete\) O'Geary James](#); [Ed Wyatt \(City Manager\)](#); [Rix Edwards](#); [Frank Frazier](#); ["Mike Inscoe"](#)  
**Subject:** Kerr Lake Regional Water System Inter-Basin Transfer Permit Support  
**Date:** Thursday, April 30, 2015 4:52:25 PM

---

Dear Ladies and Gentlemen:

I was one of the team that travelled to Washington and Atlanta in 1972-73 to help form and create the Kerr Lake Regional Water System. While I am not longer the official attorney for the Regional Water System or of the City of Henderson ( having become "Of Counsel" in my law firm last October ), I take great pride in the Regional Water System and in the wonderful opportunities it has for the future growth and economic opportunities for the rural area north of theTriangle.

The 3 "partners" in the Regional Water System ( Henderson, Oxford, and Warren County ) have had 20 million gallons of water a day allotted to them from Kerr Lake ( in the Roanoke River basin ) since 1973 when the Regional System was first created. However, only Henderson's wastewater plant is in the Roanoke River Basin, and all other water ( including that passing through Oxford's and Warren County's, and Henderson's customer Franklin County's, wastewater plants and indeed southern Vance County also ) has its end-product in basins of other rivers and tributaries. Thus, much of the System's water allotment cannot be utilized as our present inter-basin transfer permit is limited to only half of our water allotment from Kerr Lake.

We have already experienced difficulty in recruiting prime industrial prospects within our individual 3 "partners' water systems because of the limitations on our inter-basin transfer capacity, and growth and economic development is direly needed here.

The Environmental Assessment has shown that our present request for the small additional inter-basin transfer would not have any significant effect on the environment ( including the water levels in Kerr Lake ). The opposition to our application, I submit, is largely based on mis-information and false rumors ( including that Kerr Lake would become a "mud flat", and that all of the inter-basin water would go to Raleigh, leaving the areas served by Henderson, Oxford and Warren County dry ). As you well know, and the existing Environmental Assessment bears out, these "rumors" are unfounded and false.

I am still in close contact with the leaders of the governing bodies of Henderson, Oxford and Warren County and they have ( together with those of Vance and Granville Counties, in which the cities are located ) all passed Resolutions in strong support of this inter-basin transfer request. The Henderson Dispatch wrote an editorial today supporting the approval of this transfer without delay, and we trust the North Carolina Department of Environmental Natural Resources will do so.

Please make this letter part of the record in support of the inter-basin transfer application of the Kerr Lake Regional Water Sysdtem partners.

Thank you.

John H. Zollicoffer, Jr.  
Stainback, Satterwhite & Zollicoffer, PLLC  
Attorneys at Law  
115 North Garnett Street  
P. O. Drawer 19  
Henderson, NC 27536

Phone: (252) 438-4134  
Fax: (252) 438-6044

E-Mail: [jzollicoffer@sszlaw.net](mailto:jzollicoffer@sszlaw.net)

## **PART 3 – APPENDICES**

# **Appendix A**

## **Notice of Public Hearing**

**March 31, 2015**

# Interbasin Transfer Certificate for the Kerr Lake Regional Water System

## NOTICE OF PUBLIC HEARING

March 31, 2015, 6:30 PM  
City Hall – City of Henderson  
134 Rose Avenue, Henderson, NC 27536

The North Carolina Department of Environment and Natural Resources (NCDENR) will hold a public hearing to receive comments on the Kerr Lake Regional Water System (KLRWS) interbasin transfer (IBT) certificate request.

The KLRWS currently provides water directly or indirectly to municipal and county systems in Vance, Granville, Warren, and Franklin Counties, and three river basins in northeastern North Carolina. Kerr Lake, the sole surface water source of the KLRWS, is within the Roanoke River basin and is managed by the United States Army Corps of Engineers (USACE).

The KLRWS has requested an increase to their current grandfathered IBT of 10 million gallons per day (mgd) on a maximum day basis in order to meet future water demands for the KLRWS and its customers through 2045. This request will address future projected transfers to the Tar River basin of 10.7 mgd, Neuse River basin of 1.8 mgd, and Fishing Creek (Warren County) basin of 1.7 mgd, resulting in a total transfer of 14.2 mgd from the Roanoke River basin. The proposed IBT values are calculated on an average day of the maximum month, per current statutory regulation.

The public hearing will start at 6:30 p.m. on Tuesday, March 31, 2015, at the City of Henderson City Hall. The public may review the supporting environmental documents at:

<http://ncwater.org/?page=294>.

The purpose of this announcement is to encourage interested parties to attend and/or provide relevant written and verbal comments. Division of Water Resources staff requests that parties submit written copies of oral comments. Based on the number of people who wish to speak, the length of oral presentations may be limited.

If you are unable to attend, you may mail written comments to Kim Nimmer, Division of Water Resources, 1611 Mail Service Center, Raleigh, NC 27699-1611. Comments may also be submitted electronically to [kim.nimmer@ncdenr.gov](mailto:kim.nimmer@ncdenr.gov). Mailed and emailed comments will be given equal weight. All comments must be postmarked or emailed by April 30, 2015.

## **Appendix B**

# **NC Statutes and Administrative Rules for Water Transfers**

**§ 143-215.22L. Regulation of surface water transfers.**

(a) Certificate Required. – No person, without first obtaining a certificate from the Commission, may:

- (1) Initiate a transfer of 2,000,000 gallons of water or more per day, calculated as a daily average of a calendar month and not to exceed 3,000,000 gallons per day in any one day, from one river basin to another.
- (2) Increase the amount of an existing transfer of water from one river basin to another by twenty-five percent (25%) or more above the average daily amount transferred during the year ending 1 July 1993 if the total transfer including the increase is 2,000,000 gallons or more per day.
- (3) Increase an existing transfer of water from one river basin to another above the amount approved by the Commission in a certificate issued under G.S. 162A-7 prior to 1 July 1993.

(b) Exception. – Notwithstanding the provisions of subsection (a) of this section, a certificate shall not be required to transfer water from one river basin to another up to the full capacity of a facility to transfer water from one basin to another if the facility was in existence or under construction on 1 July 1993.

(c) Notice of Intent to File a Petition. – An applicant shall prepare a notice of intent to file a petition that includes a nontechnical description of the applicant's request and an identification of the proposed water source. Within 90 days after the applicant files a notice of intent to file a petition, the applicant shall hold at least one public meeting in the source river basin upstream from the proposed point of withdrawal, at least one public meeting in the source river basin downstream from the proposed point of withdrawal, and at least one public meeting in the receiving river basin to provide information to interested parties and the public regarding the nature and extent of the proposed transfer and to receive comment on the scope of the environmental documents. Written notice of the public meetings shall be provided at least 30 days before the public meetings. At the time the applicant gives notice of the public meetings, the applicant shall request comment on the alternatives and issues that should be addressed in the environmental documents required by this section. The applicant shall accept written comment on the scope of the environmental documents for a minimum of 30 days following the last public meeting. Notice of the public meetings and opportunity to comment on the scope of the environmental documents shall be provided as follows:

- (1) By publishing notice in the North Carolina Register.
- (2) By publishing notice in a newspaper of general circulation in:
  - a. Each county in this State located in whole or in part of the area of the source river basin upstream from the proposed point of withdrawal.
  - b. Each city or county located in a state located in whole or in part of the surface drainage basin area of the source river basin that also falls within, in whole or in part, the area denoted by one of the following eight-digit cataloging units as organized by the United States Geological Survey:
    - 03050105 (Broad River: NC and SC);
    - 03050106 (Broad River: SC);
    - 03050107 (Broad River: SC);
    - 03050108 (Broad River: SC);
    - 05050001 (New River: NC and VA);
    - 05050002 (New River: VA and WV);
    - 03050101 (Catawba River: NC and SC);
    - 03050103 (Catawba River: NC and SC);

03050104 (Catawba River: SC);  
 03010203 (Chowan River: NC and VA);  
 03010204 (Chowan River: NC and VA);  
 06010105 (French Broad River: NC and TN);  
 06010106 (French Broad River: NC and TN);  
 06010107 (French Broad River: TN);  
 06010108 (French Broad River: NC and TN);  
 06020001 (Hiwassee River: AL, GA, TN);  
 06020002 (Hiwassee River: GA, NC, TN);  
 06010201 (Little Tennessee River: TN);  
 06010202 (Little Tennessee River: TN, GA, and NC);  
 06010204 (Little Tennessee River: NC and TN);  
 03060101 (Savannah River: NC and SC);  
 03060102 (Savannah River: GA, NC, and SC);  
 03060103 (Savannah River: GA and SC);  
 03060104 (Savannah River: GA);  
 03060105 (Savannah River: GA);  
 03040203 (Lumber River: NC and SC);  
 03040204 (Lumber River: NC and SC);  
 03040206 (Lumber River: NC and SC);  
 03040207 (Lumber River: NC and SC);  
 03010205 (Albemarle Sound: NC and VA);  
 06020003 (Ocoee River: GA, NC, and TN);  
 03010101 (Roanoke River: VA);  
 03010102 (Roanoke River: NC and VA);  
 03010103 (Roanoke River: NC and VA);  
 03010104 (Roanoke River: NC and VA);  
 03010105 (Roanoke River: VA);  
 03010106 (Roanoke River: NC and VA);  
 06010102 (Watauga River: TN and VA);  
 06010103 (Watauga River: NC and TN);  
 03040101 (Yadkin River: VA and NC);  
 03040104 (Yadkin River: NC and SC);  
 03040105 (Yadkin River: NC and SC);  
 03040201 (Yadkin River: NC and SC);  
 03040202 (Yadkin River: NC and SC).

- c. Each county in this State located in whole or in part of the area of the source river basin downstream from the proposed point of withdrawal.
  - d. Any area in the State in a river basin for which the source river basin has been identified as a future source of water in a local water supply plan prepared pursuant to G.S. 143-355(l).
  - e. Each county in the State located in whole or in part of the receiving river basin.
- (3) By giving notice by first-class mail or electronic mail to each of the following:
- a. The board of commissioners of each county in this State or the governing body of any county or city that is politically independent of a county in any state that is located entirely or partially within the

source river basin of the proposed transfer and that also falls within, in whole or in part, the area denoted by one of the eight-digit cataloging units listed in sub-subdivision b. of subdivision (2) of this subsection.

- b. The board of commissioners of each county in this State or the governing body of any county or city that is politically independent of a county in any state that is located entirely or partially within the receiving river basin of the proposed transfer and that also falls within, in whole or in part, the area denoted by one of the eight-digit cataloging units listed in sub-subdivision b. of subdivision (2) of this subsection.
- c. The governing body of any public water system that withdraws water upstream or downstream from the withdrawal point of the proposed transfer.
- d. If any portion of the source or receiving river basins is located in another state, all state water management or use agencies, environmental protection agencies, and the office of the governor in that state upstream or downstream from the withdrawal point of the proposed transfer.
- e. All persons who have registered a water withdrawal or transfer from the proposed source river basin under this Part or under similar law in an another state.
- f. All persons who hold a certificate for a transfer of water from the proposed source river basin under this Part or under similar law in an another state.
- g. All persons who hold a National Pollutant Discharge Elimination System (NPDES) wastewater discharge permit for a discharge of 100,000 gallons per day or more upstream or downstream from the proposed point of withdrawal.
- h. To any other person who submits to the applicant a written request to receive all notices relating to the petition.

(d) Environmental Documents. – The definitions set out in G.S. 113A-9 apply to this section. 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. 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.

(e) **Public Hearing on the Draft Environmental Document.** – The Commission shall hold a public hearing on the draft environmental document for a proposed interbasin transfer after giving at least 30 days' written notice of the hearing in the Environmental Bulletin and as provided in subdivisions (2) and (3) of subsection (c) of this section. The notice shall indicate where a copy of the environmental document can be reviewed and the procedure to be followed by anyone wishing to submit written comments and questions on the environmental document. The Commission shall prepare a record of all comments and written responses to questions posed in writing. The record shall include complete copies of scientific or technical comments related to the potential impact of the interbasin transfer. The Commission shall accept written comment on the draft environmental document for a minimum of 30 days following the last public hearing. The applicant who petitions the Commission for a certificate under this section shall pay the costs associated with the notice and public hearing on the draft environmental document.

(f) **Determination of Adequacy of Environmental Document.** – The Commission shall not act on any petition for an interbasin transfer until the Commission has determined that the environmental document is complete and adequate. A decision on the adequacy of the environmental document is subject to review in a contested case on the decision of the Commission to issue or deny a certificate under this section.

(g) **Petition.** – An applicant for a certificate shall petition the Commission for the certificate. The petition shall be in writing and shall include all of the following:

- (1) A general description of the facilities to be used to transfer the water, including current and projected areas to be served by the transfer, current and projected capacities of intakes, and other relevant facilities.
- (2) A description of all the proposed consumptive and nonconsumptive uses of the water to be transferred.
- (3) A description of the water quality of the source river and receiving river, including information on aquatic habitat for rare, threatened, and endangered species; in-stream flow data for segments of the source and receiving rivers that may be affected by the transfer; and any waters that are impaired pursuant to section 303(d) of the federal Clean Water Act (33 U.S.C. § 1313(d)).
- (4) A description of the water conservation measures used by the applicant at the time of the petition and any additional water conservation measures that the applicant will implement if the certificate is granted.
- (5) A description of all sources of water within the receiving river basin, including surface water impoundments, groundwater wells, reinjection storage, and purchase of water from another source within the river basin, that is a practicable alternative to the proposed transfer that would meet the applicant's water supply needs. The description of water sources shall include sources available at the time of the petition for a certificate and any planned or potential water sources.
- (6) A description of water transfers and withdrawals registered under G.S. 143-215.22H or included in a local water supply plan prepared pursuant to G.S. 143-355(l) from the source river basin, including transfers and withdrawals at the time of the petition for a certificate and any planned or reasonably foreseeable transfers or withdrawals by a public water system with service area located within the source river basin.

- (7) A demonstration that the proposed transfer, if added to all other transfers and withdrawals required to be registered under G.S. 143-215.22H or included in any local water supply plan prepared by a public water system with service area located within the source basin pursuant to G.S. 143-355(l) from the source river basin at the time of the petition for a certificate, would not reduce the amount of water available for use in the source river basin to a degree that would impair existing uses, pursuant to the antidegradation policy set out in 40 Code of Federal Regulation § 131.12 (Antidegradation Policy) (1 July 2006 Edition) and the statewide antidegradation policy adopted pursuant thereto, or existing and planned consumptive and nonconsumptive uses of the water in the source river basin. If the proposed transfer would impact a reservoir within the source river basin, the demonstration must include a finding that the transfer would not result in a water level in the reservoir that is inadequate to support existing uses of the reservoir, including recreational uses.
- (8) The applicant's future water supply needs and the present and reasonably foreseeable future water supply needs for public water systems with service area located within the source river basin. The analysis of future water supply needs shall include agricultural, recreational, and industrial uses, and electric power generation. Local water supply plans prepared pursuant to G.S. 143-355(l) for water systems with service area located within the source river basin shall be used to evaluate the projected future water needs in the source river basin that will be met by public water systems.
- (9) The applicant's water supply plan prepared pursuant to G.S. 143-355(l). If the applicant's water supply plan is more than two years old at the time of the petition, then the applicant shall include with the petition an updated water supply plan.
- (10) Any other information deemed necessary by the Commission for review of the proposed water transfer.

(h) Settlement Discussions. – Upon the request of the applicant, any interested party, or the Department, or upon its own motion, the Commission may appoint a mediation officer. The mediation officer may be a member of the Commission, an employee of the Department, or a neutral third party but shall not be a hearing officer under subsections (e) or (j) of this section. The mediation officer shall make a reasonable effort to initiate settlement discussions between the applicant and all other interested parties. Evidence of statements made and conduct that occurs in a settlement discussion conducted under this subsection, whether attributable to a party, a mediation officer, or other person shall not be subject to discovery and shall be inadmissible in any subsequent proceeding on the petition for a certificate. The Commission may adopt rules to govern the conduct of the mediation process.

(i) Draft Determination. – Within 90 days after the Commission determines that the environmental document prepared in accordance with subsection (d) of this section is adequate or the applicant submits its petition for a certificate, whichever occurs later, the Commission shall issue a draft determination on whether to grant the certificate. The draft determination shall be based on the criteria set out in this section and shall include the conditions and limitations, findings of fact, and conclusions of law that would be required in a final determination. Notice of the draft determination shall be given as provided in subsection (c) of this section.

(j) Public Hearing on the Draft Determination. – Within 60 days of the issuance of the draft determination as provided in subsection (i) of this section, the Commission shall hold

public hearings on the draft determination. At least one hearing shall be held in the affected area of the source river basin, and at least one hearing shall be held in the affected area of the receiving river basin. In determining whether more than one public hearing should be held within either the source or receiving river basins, the Commission shall consider the differing or conflicting interests that may exist within the river basins, including the interests of both upstream and downstream parties potentially affected by the proposed transfer. The public hearings shall be conducted by one or more hearing officers appointed by the Chair of the Commission. The hearing officers may be members of the Commission or employees of the Department. The Commission shall give at least 30 days' written notice of the public hearing as provided in subsection (c) of this section. The Commission shall accept written comment on the draft determination for a minimum of 30 days following the last public hearing. The Commission shall prepare a record of all comments and written responses to questions posed in writing. The record shall include complete copies of scientific or technical comments related to the potential impact of the interbasin transfer. The applicant who petitions the Commission for a certificate under this section shall pay the costs associated with the notice and public hearing on the draft determination.

(k) Final Determination: Factors to be Considered. – In determining whether a certificate may be issued for the transfer, the Commission shall specifically consider each of the following items and state in writing its findings of fact and conclusions of law with regard to each item:

- (1) The necessity and reasonableness of the amount of surface water proposed to be transferred and its proposed uses.
- (2) The present and reasonably foreseeable future detrimental effects on the source river basin, including present and future effects on public, industrial, economic, recreational, and agricultural water supply needs, wastewater assimilation, water quality, fish and wildlife habitat, electric power generation, navigation, and recreation. Local water supply plans for public water systems with service area located within the source river basin prepared pursuant to G.S. 143-355(1) shall be used to evaluate the projected future water needs in the source river basin that will be met by public water systems. Information on projected future water needs for public water systems with service area located within the source river basin that is more recent than the local water supply plans may be used if the Commission finds the information to be reliable. The determination shall include a specific finding as to measures that are necessary or advisable to mitigate or avoid detrimental impacts on the source river basin.
- (3) The cumulative effect on the source major river basin of any water transfer or consumptive water use that, at the time the Commission considers the petition for a certificate is occurring, is authorized under this section, or is projected in any local water supply plan for public water systems with service area located within the source river basin that has been submitted to the Department in accordance with G.S. 143-355(1).
- (4) The present and reasonably foreseeable future beneficial and detrimental effects on the receiving river basin, including present and future effects on public, industrial, economic, recreational, and agricultural water supply needs, wastewater assimilation, water quality, fish and wildlife habitat, electric power generation, navigation, and recreation. Local water supply plans prepared pursuant to G.S. 143-355(1) that affect the receiving river basin shall be used to evaluate the projected future water needs in the

receiving river basin that will be met by public water systems. Information on projected future water needs that is more recent than the local water supply plans may be used if the Commission finds the information to be reliable. The determination shall include a specific finding as to measures that are necessary or advisable to mitigate or avoid detrimental impacts on the receiving river basin.

- (5) The availability of reasonable alternatives to the proposed transfer, including the potential capacity of alternative sources of water, the potential of each alternative to reduce the amount of or avoid the proposed transfer, probable costs, and environmental impacts. In considering alternatives, the Commission is not limited to consideration of alternatives that have been proposed, studied, or considered by the applicant. The determination shall include a specific finding as to why the applicant's need for water cannot be satisfied by alternatives within the receiving basin, including unused capacity under a transfer for which a certificate is in effect or that is otherwise authorized by law at the time the applicant submits the petition. The determination shall consider the extent to which access to potential sources of surface water or groundwater within the receiving river basin is no longer available due to depletion, contamination, or the declaration of a capacity use area under Part 2 of Article 21 of Chapter 143 of the General Statutes. The determination shall consider the feasibility of the applicant's purchase of water from other water suppliers within the receiving basin and of the transfer of water from another sub-basin within the receiving major river basin. Except in circumstances of technical or economic infeasibility or adverse environmental impact, the Commission's determination as to reasonable alternatives shall give preference to alternatives that would involve a transfer from one sub-basin to another within the major receiving river basin over alternatives that would involve a transfer from one major river basin to another major river basin.
- (6) If applicable to the proposed project, the applicant's present and proposed use of impoundment storage capacity to store water during high-flow periods for use during low-flow periods and the applicant's right of withdrawal under G.S. 143-215.44 through G.S. 143-215.50.
- (7) If the water to be withdrawn or transferred is stored in a multipurpose reservoir constructed by the United States Army Corps of Engineers, the purposes and water storage allocations established for the reservoir at the time the reservoir was authorized by the Congress of the United States.
- (8) Whether the service area of the applicant is located in both the source river basin and the receiving river basin.
- (9) Any other facts and circumstances that are reasonably necessary to carry out the purposes of this Part.

(l) Final Determination: Information to be Considered. – In determining whether a certificate may be issued for the transfer, the Commission shall consider all of the following sources of information:

- (1) The petition.
- (2) The environmental document prepared pursuant to subsection (d) of this section.
- (3) All oral and written comment and all accompanying materials or evidence submitted pursuant to subsections (e) and (j) of this section.

- (4) Information developed by or available to the Department on the water quality of the source river basin and the receiving river basin, including waters that are identified as impaired pursuant to section 303(d) of the federal Clean Water Act (33 U.S.C. § 1313(d)), that are subject to a total maximum daily load (TMDL) limit under subsections (d) and (e) of section 303 of the federal Clean Water Act, or that would have their assimilative capacity impaired if the certificate is issued.
- (5) Any other information that the Commission determines to be relevant and useful.

(m) Final Determination: Burden and Standard of Proof; Specific Findings. – The Commission shall grant a certificate for a water transfer if the Commission finds that the applicant has established by a preponderance of the evidence all of the following:

- (1) The benefits of the proposed transfer outweigh the detriments of the proposed transfer. In making this determination, the Commission shall be guided by the approved environmental document and the policy set out in subsection (t) of this section.
- (2) The detriments have been or will be mitigated to the maximum degree practicable.
- (3) The amount of the transfer does not exceed the amount of the projected shortfall under the applicant's water supply plan after first taking into account all other sources of water that are available to the applicant.
- (4) There are no reasonable alternatives to the proposed transfer.

(n) Final Determination: Certificate Conditions and Limitations. – The Commission may grant the certificate in whole or in part, or deny the certificate. The Commission may impose any conditions or limitations on a certificate that the Commission finds necessary to achieve the purposes of this Part including a limit on the period for which the certificate is valid. The conditions and limitations shall include any mitigation measures proposed by the applicant to minimize any detrimental effects within the source and receiving river basins. In addition, the certificate shall require all of the following conditions and limitations:

- (1) A water conservation plan that specifies the water conservation measures that will be implemented by the applicant in the receiving river basin to ensure the efficient use of the transferred water. Except in circumstances of technical or economic infeasibility or adverse environmental impact, the water conservation plan shall provide for the mandatory implementation of water conservation measures by the applicant that equal or exceed the most stringent water conservation plan implemented by a public water system that withdraws water from the source river basin.
- (2) A drought management plan that specifies how the transfer shall be managed to protect the source river basin during drought conditions or other emergencies that occur within the source river basin. Except in circumstances of technical or economic infeasibility or adverse environmental impact, this drought management plan shall include mandatory reductions in the permitted amount of the transfer based on the severity and duration of a drought occurring within the source river basin and shall provide for the mandatory implementation of a drought management plan by the applicant that equals or exceeds the most stringent water conservation plan implemented by a public water system that withdraws water from the source river basin.

- (3) The maximum amount of water that may be transferred, calculated as a daily average of a calendar month, and methods or devices required to be installed and operated that measure the amount of water that is transferred.
- (4) A provision that the Commission may amend a certificate to reduce the maximum amount of water authorized to be transferred whenever it appears that an alternative source of water is available to the certificate holder from within the receiving river basin, including, but not limited to, the purchase of water from another water supplier within the receiving basin or to the transfer of water from another sub-basin within the receiving major river basin.
- (5) A provision that the Commission shall amend the certificate to reduce the maximum amount of water authorized to be transferred if the Commission finds that the applicant's current projected water needs are significantly less than the applicant's projected water needs at the time the certificate was granted.
- (6) A requirement that the certificate holder report the quantity of water transferred during each calendar quarter. The report required by this subdivision shall be submitted to the Commission no later than 30 days after the end of the quarter.
- (7) Except as provided in this subdivision, a provision that the applicant will not resell the water that would be transferred pursuant to the certificate to another public water system. This limitation shall not apply in the case of a proposed resale or transfer among public water systems within the receiving river basin as part of an interlocal agreement or other regional water supply arrangement, provided that each participant in the interlocal agreement or regional water supply arrangement is a co-applicant for the certificate and will be subject to all the terms, conditions, and limitations made applicable to any lead or primary applicant.

(o) Administrative and Judicial Review. – Administrative and judicial review of a final decision on a petition for a certificate under this section shall be governed by Chapter 150B of the General Statutes.

(p) Certain Preexisting Transfers. – In cases where an applicant requests approval to increase a transfer that existed on 1 July 1993, the Commission may approve or disapprove only the amount of the increase. If the Commission approves the increase, the certificate shall be issued for the amount of the preexisting transfer plus any increase approved by the Commission. A certificate for a transfer approved by the Commission under G.S. 162A-7 shall remain in effect as approved by the Commission and shall have the same effect as a certificate issued under this Part. A certificate for the increase of a preexisting transfer shall contain all of the conditions and limitations required by subsection (m) of this section.

(q) Emergency Transfers. – In the case of water supply problems caused by drought, a pollution incident, temporary failure of a water plant, or any other temporary condition in which the public health, safety, or welfare requires a transfer of water, the Secretary of Environment and Natural Resources may grant approval for a temporary transfer. Prior to approving a temporary transfer, the Secretary shall consult with those parties listed in subdivision (3) of subsection (c) of this section that are likely to be affected by the proposed transfer. However, the Secretary shall not be required to satisfy the public notice requirements of this section or make written findings of fact and conclusions of law in approving a temporary transfer under this subsection. If the Secretary approves a temporary transfer under this subsection, the Secretary shall specify conditions to protect other water users. A temporary

transfer shall not exceed six months in duration, but the approval may be renewed for a period of six months by the Secretary based on demonstrated need as set forth in this subsection.

(r) Relationship to Federal Law. – The substantive restrictions, conditions, and limitations upon surface water transfers authorized in this section may be imposed pursuant to any federal law that permits the State to certify, restrict, or condition any new or continuing transfers or related activities licensed, relicensed, or otherwise authorized by the federal government. This section shall govern the transfer of water from one river basin to another unless preempted by federal law.

(s) Planning Requirements. – When any transfer for which a certificate was issued under this section equals or exceeds eighty percent (80%) of the maximum amount authorized in the certificate, the applicant shall submit to the Department a detailed plan that specifies how the applicant intends to address future foreseeable water needs. If the applicant is required to have a local water supply plan, then this plan shall be an amendment to the local water supply plan required by G.S.143-355(l). When the transfer equals or exceeds ninety percent (90%) of the maximum amount authorized in the certificate, the applicant shall begin implementation of the plan submitted to the Department.

(t) Statement of Policy. – It is the public policy of the State to maintain, protect, and enhance water quality within North Carolina. It is the public policy of this State that the reasonably foreseeable future water needs of a public water system with its service area located primarily in the receiving river basin are subordinate to the reasonably foreseeable future water needs of a public water system with its service area located primarily in the source river basin. Further, it is the public policy of the State that the cumulative impact of transfers from a source river basin shall not result in a violation of the antidegradation policy set out in 40 Code of Federal Regulations § 131.12 (1 July 2006 Edition) and the statewide antidegradation policy adopted pursuant thereto.

(u) Repealed by Session Laws 2013-388, s. 2, effective August 23, 2013.

(v) Modification of Certificate. – A certificate may be modified as provided in this subsection:

- (1) The Commission or the Department may make any of the following modifications to a certificate after providing electronic notice to persons who have identified themselves in writing as interested parties:
  - a. Correction of typographical errors.
  - b. Clarification of existing conditions or language.
  - c. Updates, requested by the certificate holder, to a conservation plan, drought management plan, or compliance and monitoring plan.
  - d. Modifications requested by the certificate holder to reflect altered requirements due to the amendment of this section.
- (2) A person who holds a certificate for an interbasin transfer of water may request that the Commission modify the certificate. The request shall be considered and a determination made according to the following procedures:
  - a. The certificate must have been issued pursuant to G.S. 162A-7, 143-215.22I, or 143-215.22L and the certificate holder must be in substantial compliance with the certificate.
  - b. The certificate holder shall file a notice of intent to file a request for modification that includes a nontechnical description of the certificate holder's request and identification of the proposed water source.
  - c. The certificate holder shall prepare an environmental document pursuant to subsection (d) of this section, except that an

environmental impact statement shall not be required for the modification of a certificate unless it would otherwise be required by Article 1 of Chapter 113A of the General Statutes.

- d. Upon determining that the documentation submitted by the certificate holder is adequate to satisfy the requirements of this subsection, the Department shall publish a notice of the request for modification in the North Carolina Register and shall hold a public hearing at a location convenient to both the source and receiving river basins. The Department shall provide written notice of the request for the modification and the public hearing in the Environmental Bulletin, a newspaper of general circulation in the source river basin, a newspaper of general circulation in the receiving river basin, and as provided in subdivision (3) of subsection (c) of this section. The certificate holder who petitions the Commission for a modification under this subdivision shall pay the costs associated with the notice and public hearing.
- e. The Department shall accept comments on the requested modification for a minimum of 30 days following the public hearing.
- f. The Commission or the Department may require the certificate holder to provide any additional information or documentation it deems reasonably necessary in order to make a final determination.
- g. The Commission shall make a final determination whether to grant the requested modification based on the factors set out in subsection (k) of this section, information provided by the certificate holder, 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.
- h. The Commission shall grant the requested modification if it finds that the certificate holder has established by a preponderance of the evidence that the requested modification satisfies the requirements of subsection (m) of this section. The Commission may grant the requested modification in whole or in part, or deny the request, and may impose such limitations and conditions on the modified certificate as it deems necessary and relevant to the modification.
- i. The Commission shall not grant a request for modification if the modification would result in the transfer of water to an additional major river basin.
- j. The Commission shall not grant a request for modification if the modification would be inconsistent with the December 3, 2010 Settlement Agreement entered into between the State of North Carolina, the State of South Carolina, Duke Energy Carolinas, and the Catawba River Water Supply Project.

(w) Requirements for Coastal Counties and Reservoirs Constructed by the United States Army Corps of Engineers. – A petition for a certificate (i) to transfer surface water to supplement ground water supplies in the 15 counties designated as the Central Capacity Use Area under 15A NCAC 2E.0501, (ii) to transfer surface water withdrawn from the mainstem of a river to provide service to one of the coastal area counties designated pursuant to G.S. 113A-103, or (iii) to withdraw or transfer water stored in any multipurpose reservoir constructed by the United States Army Corps of Engineers and partially located in a state

adjacent to North Carolina, provided the United States Army Corps of Engineers approved the withdrawal or transfer on or before July 1, 2014, shall be considered and a determination made according to the following procedures:

- (1) The applicant shall file a notice of intent that includes a nontechnical description of the applicant's request and identification of the proposed water source.
- (2) The applicant shall prepare an environmental document pursuant to subsection (d) of this section, except that an environmental impact statement shall not be required unless it would otherwise be required by Article 1 of Chapter 113A of the General Statutes.
- (3) Upon determining that the documentation submitted by the applicant is adequate to satisfy the requirements of this subsection, the Department shall publish a notice of the petition in the North Carolina Register and shall hold a public hearing at a location convenient to both the source and receiving river basins. The Department shall provide written notice of the petition and the public hearing in the Environmental Bulletin, a newspaper of general circulation in the source river basin, a newspaper of general circulation in the receiving river basin, and as provided in subdivision (3) of subsection (c) of this section. The applicant who petitions the Commission for a certificate under this subdivision shall pay the costs associated with the notice and public hearing.
- (4) The Department shall accept comments on the petition for a minimum of 30 days following the public hearing.
- (5) The Commission or the Department may require the applicant to provide any additional information or documentation it deems reasonably necessary in order to make a final determination.
- (6) The Commission shall make a final determination whether to grant the certificate based on the factors set out in subsection (k) 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.
- (7) The Commission shall grant the certificate if it finds that the applicant has established by a preponderance of the evidence that the petition satisfies the requirements of subsection (m) of this section. The Commission may grant the certificate in whole or in part, or deny the request, and may impose such limitations and conditions on the certificate as it deems necessary and relevant. (1993, c. 348, s. 1; 1997-443, ss. 11A.119(a), 15.48(c); 1997-524, s. 1; 1998-168, s. 4; 2001-474, s. 28; 2007-484, s. 43.7C; 2007-518, s. 3; 2008-125, s. 1; 2008-198, s. 11.5; 2010-155, ss. 2, 3; 2011-398, s. 50; 2013-388, s. 2; 2014-120, s. 37.)

## SECTION .0400 - REGULATION OF SURFACE WATER TRANSFERS

### 15A NCAC 02E .0401 APPLICABILITY

(a) Pursuant to G.S. 143-215.22G(3), the amount of a transfer shall be determined by the amount of water moved from the source basin to the receiving basin, less the amount of the water returned to the source basin.

(b) Pursuant to G.S. 143-215.22G(3)(a) and 143-215.22G(3)(b), and notwithstanding the definition of basin in G.S. 143-215.22G(1), the following are not transfers:

- (1) The discharge point is situated upstream of the withdrawal point such that the water discharged will naturally flow past the withdrawal point.
- (2) The discharge point is situated downstream of the withdrawal point such that water flowing past the withdrawal point will naturally flow past the discharge point.

(c) The withdrawal of surface water from one river basin by one person and the purchase of all or any part of this water by another party, resulting in a discharge to another river basin, shall be considered a transfer. The person owning the pipe or other conveyance that carries the water across the basin boundary shall be responsible for obtaining a certificate from the Commission. Another person involved in the transfer may assume responsibility for obtaining the certificate, subject to approval by the Division of Water Resources.

(d) Under G.S. 143-215.22I(b), a certificate is not required to transfer water from one river basin to another up to the full capacity of a facility to transfer water from one basin to another if the facility was existing or under construction on July 1, 1993. The full capacity of a facility to transfer water shall be determined as the capacity of the combined system of withdrawal, treatment, transmission, and discharge of water, limited by the element of this system with the least capacity as existing or under construction on July 1, 1993.

*History Note:* Authority G.S. 143-215.22G; 143-215.22I; 143B-282(a)(2);  
Eff. September 1, 1994.

## **Appendix C**

**Responses: Kerr Lake Regional Water  
System Interbasin Transfer Request  
Hearing Officer's Report Preparation  
Questions  
(CH2M HILL, Inc., July 7, 2015)**

# Responses: Kerr Lake Regional Water System Interbasin Transfer Request Hearing Officer's Report Preparation Questions

PREPARED FOR: North Carolina Division of Water Resources  
COPY TO: KLRWS  
PREPARED BY: CH2M HILL, Inc.  
DATE: July 7, 2015  
PROJECT NUMBER: 376894  
REVISION NO.: Final

CH2M HILL, Inc. (CH2M) received questions from the Division of Water Resources (DWR) on June 22, 2015. These responses are to be used in support of the preparation of the Hearing Officer's Report for the Kerr Lake Regional Water System's (KLRWS) request for an increase in interbasin transfer (IBT) from the Roanoke River basin.

## **1. What is the sensitivity or inherent error of the USGS flow gage below Kerr dam? This is intended to provide context as to whether the modeled impacts are within the error of the gage.**

Flow from Kerr Lake is measured by the U.S. Army Corps of Engineers (USACE). Tony Young at the Wilmington USACE office was contacted regarding gaging at the dam. He stated that there are no published error estimates for the gage. He did state that the rating curve used to estimate the flows may have errors associated with it but that they assume that the errors are likely both under- and over-estimates, depending on the location on the rating curve, and that the errors are assumed to essentially cancel out. They do not believe that there is an overall high or low bias to the flow estimates. He also stated that discharge estimates are affected by operation of the turbines and that uncertainty in flow estimates is inherent in these measurements.

U.S. Geological Survey (USGS) operates gage 02080500, which is located downstream of Roanoke Rapids Reservoir. Jeanne Robinson at the Raleigh USGS office was contacted. She indicated that the Annual Data Reports for that gage include an assessment of record quality. The gage is considered to have good accuracy. The stage-discharge relationship is evaluated on a routine basis to ensure that estimates are within five percent of base ratings. Adjustments are made, as needed, to the calculated stage-discharge relationship to maintain this level of accuracy.

Based on these responses, it seems that USGS is satisfied with estimates +/- 5 percent and that should therefore be considered in evaluating modeled impacts.

## **2. Are there any gages (i.e., staff or similar) within the lake to measure changes in water level elevations across the lake?**

Two stage elevations are reported by the USACE, an HW gage and a digital collection platform (DCP) gage. Review of recent data shows the difference in these two gages is consistently less than 0.1 feet. Data from these gages, and similar ones in other Roanoke River basin reservoirs, are used in part to manage the network of reservoirs and are monitored for many purposes including drought management. Recent provisional data can be reviewed here: <http://epcc.saw.usace.army.mil/dcp05.htm>.

**3. Please provide additional model analyses describing impacts to state or federal boat ramps through Kerr Lake. In other words, what is the percentage of time and duration the existing boat ramps will be closed due to low water conditions and how much longer does this requested IBT make the conditions?**

The USACE and NC Parks Department manage 32 of the 38 boat launches on Kerr Lake. These agencies were contacted to determine ramp elevations at each launch point and to question whether there are specific management rules regarding closure of boat ramps.

The USACE was able to provide ramp elevations for all launches on the lake. No specific rules for launch closure based on lake elevation are known to exist; individual ramps are visually assessed when elevations begin to reach the bottom elevations and decisions are based on best professional judgement. Practically speaking, boat ramps are not useable to the very bottom elevation of a ramp since boat trailers may become stuck if the tires are off of the pavement. A rule of thumb estimate of 2.5 feet of water depth above the bottom of the ramp was assumed to be the point when a ramp would be closed by management for safety reasons. For this reason, 2.5 feet were added to the ramp bottom elevations to specify the minimum elevation criteria used for closure decisions. Since the closure elevation is only an estimate, they were rounded to the nearest half foot.

The frequency of water level falling below each launch elevation over the 82-year simulation period (almost 30,000 days) was determined. Table 1 summarizes the number of days launches with ramps at each elevation could be closed during the period of record under both the 2045 baseline and 2045 IBT scenarios. It can be seen that periods when most or all launches would be closed are nearly identical. It is only the ramps with elevations above 294.5 feet that anything more than a negligible difference is seen. The highest launch, Satterwhite Point Marina, is actually expected to be functional for an extra 23 days over the 82 year

**Table 1. Summary of estimated boat launch closure frequency during the 82-year period of record**

Launch elevations (feet)	Number of launches	2045 Baseline total days closed	2045 Baseline average days/year closed	2045 IBT total days closed	2045 IBT average days/year closed	Total difference (days)	Average annual difference (days/year)
287.5	5	94.3	1.1	94.6	1.2	-0.3	0.0
288.5	4	106.9	1.3	107.2	1.3	-0.3	0.0
289.5	0	114.4	1.4	114.7	1.4	-0.3	0.0
290.5	2	125.7	1.5	125.7	1.5	-0.0	0.0
291.5	4	171.9	2.1	175.7	2.1	-3.9	0.0
292.5	5	265.6	3.2	266.2	3.2	-0.6	0.0
293.5	6	353.9	4.3	354.8	4.3	-0.9	0.0
294.5	7	915.0	11.2	933.8	11.4	-18.9	0.2
295.5	4	3449.7	42.1	3499.7	42.7	-50.0	0.6
296.5	1	6070.6	74.0	6047.6	73.7	+23.1	-0.3

Data provided by the USACE

period based on how the system is expected to operate under the 2045 IBT scenario.

It should be noted that the closure time and the number of launches shown in Table 1 are not cumulative. For example, under the 2045 baseline scenario, the lake elevation is expected to fall below 294.5 feet for 915.0 days over the 82-year simulation period or on average approximately 11.2 days per year. Twelve total launches have potential closure elevation of 294.5 or lower. For the 2045 IBT scenario, the lake is predicted

to fall below 294.5 feet for 933.8 days over the 82-year simulation period or on average approximately 11.4 days per year. It should also be noted that this assessment assumes all ramps are closed at a launch point when the closure elevation is reached; closure decisions are at the discretion of ramp management. Many launch points have multiple ramps, some with different lower elevations, so the estimated statistics presented Table 1 are conservative.

Boat launch closure is not defined by specific policies but is based on more subjective assessment of existing and expected conditions by launch site management. An estimate of the potential days of closure was performed based on published boat ramp elevations and a rule of thumb related to the functionality of the ramps. The lowest 26 launch areas showed no functional difference between the future scenarios with and without the IBT. The highest 12 launches show less than a day's difference on an average annual basis between the future scenarios with and without the IBT.

**4. What is the recurrence interval of 2002 and 2007 droughts? Are they considered 50-year, 100-year, etc. events? We are consulting with USGS on an answer, but would appreciate thoughts on this as it is related to the model results.**

This issue was discussed with Hydrologics, the firm that developed the Roanoke River basin hydrologic model (RRBHM), and USGS. No specific recurrence statistics are available at this time. USGS does not calculate recurrence statistics. The 2002 drought led to the lowest recorded water surface elevations in Kerr Lake during the 82-year period of record, likely do to its long duration. The 2007 drought was not as severe in the Roanoke River basin. Kerr Lake water surface elevation (or stage) data are presented for the period from 2000 to 2011 in Figure 1. It is evident that the 2002 drought was both longer and more severe than the 2007 drought.

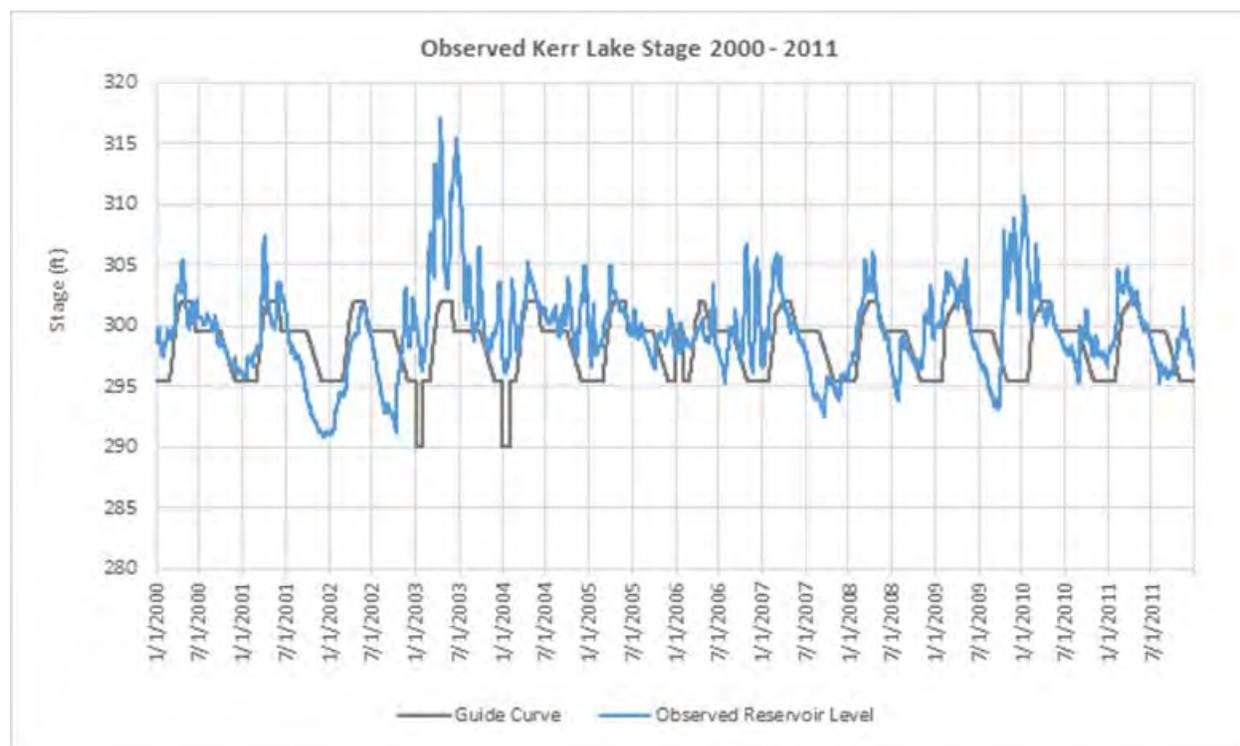


Figure 1  
Observed Kerr Lake stage data from 2000 to 2011

Two measures, days below a certain water surface elevation and minimum water surface elevation, can be used to qualitatively assess the severity of the droughts. Since the OASIS model assumes the same USACE reservoir operational rules and same conditions but varies watershed inflows, the model can be used to assess the relative severity of droughts throughout the 82-year period of record. No changes in demand or

operation are implied in the model throughout a run so the demands on the reservoir are the same for the 1950's drought as for the 2002 or 2007 drought.

**5. Are the modeled lake elevation changes (2.4 inches under 2002 drought conditions and 1.2 inches under 2007 drought conditions) attributed to the proposed IBT statistically significant within the sensitivity of the model? What is the error range for the model?**

Note that these lake elevation changes are in reference to Kerr Lake and the 2045 dataset.

Hydrologics was consulted and staff indicated that they do not have numbers quantifying the error between the modeled and gaged data. Hydrologics developed the RRBHM and DWR conducted a review prior to their acceptance of the completed model.

DWR was consulted regarding their approach to model validation of the RRBHM OASIS model. DWR used a number of industry standard statistical measures to assess accuracy including Nash-Sutcliffe Efficiency, RMSE-observations standard deviation ratio, and percent bias. These three measures were applied at seven USGS gage locations for the period from 2007 through 2012. All locations received a satisfactory rating, as determined by DWR, for all measures. The percent bias, the tendency to be larger or smaller than observed data, for this period was -12.3 percent for the Roanoke River gage USGS02080500. This suggests that the model in general under predicts flow.

It is understood by those using the model that the differences between the model and gage data are expected to be moderately high due to the methods with which the model calculates statistics. The OASIS model uses monthly withdrawal and discharge estimates and operational rules to estimate reservoir levels and stream flow. Withdrawals and discharges are likely to be variable within a given month depending on a number of conditions such as weather and changes in population. In addition, while the operating rules are guidelines for operation, they can't be and aren't followed as closely in reality as they are in the model.

Since the error estimates for the model are based on river flow, these are difficult to convert to lake elevation. It is our opinion that the predicted changes in elevation are within the likely error of the model and certainly barely perceptible to someone utilizing the lake.

**6. Need documentation regarding the documented concerns presented in the EA about groundwater quality (Vance and Warren counties). What data/information is available to support statements in EA regarding reliability of private wells during recent drought episodes and residents' concerns about water quality?**

The Vance County Water System planning process included public meetings in 2008 and 2009. Residents presented their water quality and drought resilience comments at these meetings. Their concerns, along with private groundwater well sampling, were used to support the formation of the Vance County Water System and as evidence of the demand for a reliable and safe potable water supply in the area. The project's environmental assessment, which discusses on pages 3 and 4 issues such as fecal coliform contamination of wells that are too shallow and close to septic tanks, received a Finding of No Significant Impact (FONSI) from the U.S. Department of Agriculture (USDA). This EA and evidence of the FONSI and its publication according to federal rules is attached.

The Vance County Water System is designed to meet the potable water demands of existing rural area residents and sign-ups for pre-construction tie-ins to the system have been strong, with approximately 1,000 to date.

**7. List of recipients who received the original NOI in 2009.**

This request was clarified with Kim Nimmer/DWR. The request is for the list of recipients of the public notice for the public meetings associated with the 2009 submittal of the Notice of Intent (NOI) by the KLRWS Partners. The public notice process followed the 2007 version of the IBT statute. This list, organized by section of the statute, is attached.

## **Appendix D**

**Responses to Comments from U.S. Fish  
and Wildlife Service Regarding the Kerr  
Lake Regional Water System  
Environmental Assessment on the  
Proposed Interbasin Transfer  
(CH2M HILL, Inc., March 22, 2015)**

# Responses to Comments from US Fish and Wildlife Service Regarding the Kerr Lake Regional Water System Environmental Assessment on the Proposed Interbasin Transfer

PREPARED FOR: Harold Brady/DWR Kim Nimmer/DWR  
COPY TO: Tom Fransen/DWR  
PREPARED BY: CH2M HILL  
DATE: March 22, 2015

## Overview

The US Fish and Wildlife Service (USFWS) provided comments on the Kerr Lake Regional Water System (KLRWS) Interbasin Transfer (IBT) Environmental Assessment (EA) on March 16, 2015. The following responses have been prepared for use by the North Carolina Division of Water Resources (DWR) in preparing comment responses and in developing the hearing officer's report of the public proceedings.

The KLRWS is seeking an increase in approved transfer from the current grandfathered, maximum day IBT of 10 mgd, equivalent to 9.7 mgd on an average day of a maximum month, to 14.2 mgd on an average day of a maximum month. This is an increase in 4.5 mgd over the current amount.

## Secondary and Cumulative Impacts

The USFWS letter discusses concerns regarding both cumulative impacts resulting from construction of new water lines associated with service area expansions and secondary and cumulative impacts (SCI) due to the expected growth facilitated by the expanding IBT. The most significant ongoing construction is associated with the Vance County Water System which prepared an EA (under the National Environmental Policy Act [NEPA] due to federal funding sources) and received a FONSI in 2008 for construction of 165 miles of water distribution mains, three elevated storage tanks, and five booster pump stations. These water mains have been and continue to be constructed along North Carolina Department of Transportation (NCDOT) rights-of-way. The potential for impacts associated with the Vance County Water System have already been considered under appropriate environmental regulations. The majority of Vance County Water System customers are current residents that are being converted from individual, private groundwater wells to a public water system.

Infrastructure will be required for the City of Oxford to serve the Town of Creedmoor via connections to the South Granville Water and Sewer Authority (SGWASA). However, at this time, planning efforts have not begun and insufficient information is available to estimate impacts. It is expected that this infrastructure investment will trigger the State Environmental Policy Act (SEPA) process and direct impacts will be evaluated and mitigated through this process at the appropriate time, when more planning information is available.

The increase in IBT is 4.5 mgd, and SCI associated with this focus mainly on construction of small water lines within the NCDOT right-of-way, where little environmental impacts are expected and with growth in areas such as Franklin County. The Franklin County water system serves low density areas of the county, as it does not always extend sewer service. Lot sizes are typically larger, limiting population density and potential for SCI to environmental resources. Water supply of this smaller amount could be achieved in other ways, such as through offline storage from a Tar River intake, however it is anticipated that these other, viable water sources would carry greater environmental impact than the proposed small increase in IBT.

## Increased Wastewater Discharges

The USFWS letter discusses impacts of increasing wastewater discharge in general. The letter indicates that wastewater flows are not beneficial during drought conditions and the potential impacts of emerging contaminants. The letter goes on to say that the EA did not fully evaluate wastewater discharges to the Tar River and associated SCI with other projects. These include Franklin County's proposed new discharge to the Tar River, SGWASA's proposed discharge to the Tar River and the bulk transfer of water to the City of Raleigh. Each of these is addressed below.

- Adequate permitted capacity is in place to treat wastewater as a result of the proposed transfer. Most facility upgrades are in place with the exception of the SGWASA upgrades in the Neuse River basin which are under construction. Environmental impacts have been analyzed and permits have previously been issued.
- Franklin County is in the planning stage of evaluating options for their facilities but no decisions have been made and regulatory processes through the State Environmental Policy Act (SEPA) have not started. We understand that speculative limits have been requested and received from DWR but this does not signify that a decision has been made. Their evaluation is partially in response to consideration for an increase in industrial discharge but no decision has been made at this time.
- The Town of Creedmoor did receive speculative limits for a potential discharge to the upper Tar River. However, the Creedmoor water and sewer system has subsequently been purchased by SGWASA. The proposed IBT from the Roanoke to the Neuse River basin is based on SGWASA treating the wastewater and discharging within the Neuse River basin. A discharge to the Tar would require environmental review and permitting. It would also eventually require a modification to the IBT certificate.
- No bulk transfer of water to Raleigh is included in the proposed transfer and the General Statutes will require the certificate to prohibit water sales to systems that were not identified in the petition. While Kerr Lake may have been identified as an alternative to the Little River Reservoir project for the City of Raleigh, it is not included in their long range water supply plan or their 2013 Local Water Supply Plan and could not be allowed by this proposed IBT.

## Nutrient Sensitive Waters

The USFWS indicates that it is not clear why DWR would allow a transfer into a basin classified as a nutrient sensitive water (NSW). This is answered by the previous response that current permitted wastewater capacities can accommodate water generated by the transfer. In addition, even if dischargers had to be increased, the dischargers could provide further treatment to reduce nutrient loading and pursue other options provided under the Tar-Pamlico Nutrient Management Strategy (NMS).

The Tar-Pamlico NMS agreement involves nutrient loading limits on point sources in the basin. Nutrient trading is permissible. The total nitrogen (TN) load goal is 1,361,000 kg/year at Washington and is currently not yet being met with the implementation of the 30 percent reduction goal. The total phosphorus (TP) goal is to have no increase from the 1991 level of 180,000 kg/year at Washington, and this is only being achieved in some years (drier years) in the watershed. According the 2015 Tar-Pamlico River Basin Plan, data suggest that nutrient loading is being driven more by the amount of precipitation (and corresponding runoff) than by nutrient concentrations. Each utility monitors TN and TP; some have loading limits while others are awaiting annual loading limits with the next cycle of their NPDES permits. Facilities in the Tar River basin that receive water from the KLRWS include:

**TABLE 1**  
**Tar-Pamlico Basin Association Members that Receive Water Supply from the KLRWS**

<b>Permit Owner</b>	<b>Permitted Flow (mgd)</b>
Town of Bunn	0.3
Franklin County	3.0
City of Oxford	3.5
Town of Warrenton	2.0

Source, NCDWR Tar-Pamlico River Basin Plan, 2014

A similar nutrient reduction strategy is in place in the Falls Lake watershed within the Neuse River basin. The Falls Lake Rules were adopted by the NC Environmental Management Commission in 2010. SGWASA is currently upgrading its facility to meet treatment requirements planned to go into effect in 2016. Currently the facility has a TN annual mass limit of 58,599 lbs/year and in 2016 this loading will reduce to 22,420 lbs/year and a TP annual mass limit of 2,284 lbs/year will begin.

### **Return of Water to the Roanoke River Basin**

USFWS urges reconsideration of the EA’s alternative 5, which would return water to the Roanoke River basin. Estimated cost information for all alternatives is included in the IBT Petition which is being published in the North Carolina Environmental Clearinghouse prior to the March 31, 2015 public hearing. The capital costs of this return range from \$17 Million to \$111 Million and include substantial impacts associated with infrastructure construction and pumping. This alternative was considered to have more detrimental impacts than the proposed IBT.