



North Carolina Department of Environment and Natural Resources

Division of Water Resources

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**FINDING OF NO SIGNIFICANT IMPACT
ENVIRONMENTAL ASSESSMENT FOR THE CHARLOTTE MECKLENBURG UTILITIES DEPARTMENT
MODIFICATION OF INTERBASIN TRANSFER CERTIFICATE**

Pursuant to the requirements of the Surface Water Transfers Act [G.S. 143-215.221] and the State Environmental Policy Act (G.S. 113A), the Charlotte Mecklenburg Utilities Department (CMUD) has prepared an environmental assessment (EA). This EA has been prepared to support CMUD's request to eliminate Condition 3 from its Interbasin Transfer (IBT) Certificate, issued by the Environmental Management Commission (EMC) on March 14, 2002 under the provisions of G.S. 143-215.221.

The IBT Certificate issued by the EMC allows CMUD to transfer 33 million gallons per day (MGD) from the Catawba River Basin to the Rocky River Basin. Due to concerns that impacts to the Carolina heelsplitter, a federally-listed endangered species, had not been sufficiently evaluated, the EMC created a condition to exclude Goose Creek from the area to be served by the interbasin transfer:

Condition 3 of the certificate states:

The Goose Creek subbasin in Mecklenburg County is removed from the area to be served by the IBT. A moratorium on the installation of new interbasin transfer water lines (water lines crossing the ridgeline) into Goose Creek subbasin is in effect until the impacts of additional urban growth on the endangered species are fully evaluated.

At the time the certificate was issued, it was assumed that Goose Creek Watershed protection measures would be addressed in an environmental study developed for a new wastewater plant under consideration by Union, Cabarrus, and Mecklenburg Counties. The wastewater treatment plant effort has since been abandoned and watershed protection needs within Goose Creek have been addressed through separate local and state level initiatives, most specifically the Town of Mint Hill's 2010 Post-Construction Ordinance (PCO). The Town of Mint Hill's PCO addresses the action items listed in the NC Department of Environment and Natural Resources Site Specific Water Quality Management Plan for the Goose Creek Watershed 15A NCAC 2B .0600-.0609, approved by the EMC in 2008.

As stated in 15A NCAC 02B .0601, *"The purpose of the actions required by this site-specific management strategy is for the maintenance and recovery of the water quality conditions required to sustain and recover the federally endangered Carolina heelsplitter (Lasmigona decorata) species. Management of the streamside zones to stabilize streambanks and prevent sedimentation are critical measures to restore water quality to sustain and enable recovery of the federally endangered Carolina heelsplitter."*

Some of the mitigation and protection measures specifically required by the PCO and currently being implemented by the Town of Mint Hill include:

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- I. The control of storm water for projects disturbing 1 acre or more of land
 - Requires Storm Water Management Permit for new development activities that disturb 1 acre or more and result in increased impervious area.
 - Controls and treats difference in runoff from pre- to post-development conditions for 1-year, 24-hour storm.
 - Removes 85% of total suspended solids.
 - Exceeds runoff volume requirement of EMC rule by requiring that storm water treatment systems be installed to control the volume leaving the project site at post-development for the 1-year, 24-hour storm.
 - Town of Mint Hill accepts maintenance and operational responsibility so as to preserve and continue a BMP's design functions.
- II. The control of wastewater discharges and toxicity for streams supporting the Carolina heelsplitter
 - No new NPDES wastewater discharges or expansions to existing discharges
 - No new onsite sanitary sewage systems within riparian buffers
 - No activity that would result in direct or indirect discharge is allowed if it causes toxicity to Carolina heelsplitter
 - When possible, action shall be taken to reduce ammonia to achieve 0.5 mg/L or less of total ammonia.
- III. The establishment and maintenance of riparian buffers
 - Exceeds EMC requirement by requiring buffers on all intermittent and perennial streams as well as ponds, lakes, and reservoirs based on NC DWQ's *Identification Methods for the Origins of Intermittent and Perennial Streams*.
 - Requires undisturbed riparian buffers within 200 feet of waterbodies within the 100-year floodplain and 100 feet of waterbodies not within the 100-yr floodplain.
 - Direct discharges of runoff to streams are not allowed.
- IV. Other requirements
 - Sewer lines and associated structures must be a minimum of 50 feet from jurisdictional wetlands associated with the floodplain.
 - Undisturbed Open Space is required for new development.

The Division of Water Resources has determined that the analysis of the potential environmental impacts set forth in the EA and mitigative measures set forth in the PCO support a Finding of No Significant Impact such that preparation of an environmental impact statement will not be required. This decision is based upon the requirements of 15A NCAC 2B .0600-.0609, information in the attached EA, and review by governmental agencies. This FONSI completes the environmental review record, which is available for inspection and comment for 30 days at the State Clearinghouse.



Thomas A. Reeder
Division of Water Resources

2/19/13
Date