

FINAL

MITIGATED FINDING OF NO SIGNIFICANT IMPACT

CHARLOTTE-MECKLENBURG UTILITIES
PROPOSED INCREASE IN INTERBASIN TRANSFER
FROM THE CATAWBA RIVER BASIN TO THE ROCKY RIVER BASIN

RESPONSIBLE AGENCY: NORTH CAROLINA DEPARTMENT OF
ENVIRONMENT AND NATURAL RESOURCES

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MITIGATED FINDING OF NO SIGNIFICANT IMPACT (FONSI)

Project Applicant: Charlotte-Mecklenburg Utilities

Summary Project Description: Charlotte Mecklenburg Utilities (CMUD) is requesting an interbasin transfer (IBT) certificate from the North Carolina Environmental Management Commission (EMC) for an increase in their transfer amount from 16.1 million gallons per day (mgd) to 35 mgd. The proposed IBT is based on the existing water withdrawals from the source basin (Mountain Island Lake within the Catawba River Sub-basin, and transfer of the water to the receiving basin (Eastern Mecklenburg County within the Rocky River Sub-basin via consumptive use and existing discharges in the receiving basin (Mallard Creek Wastewater Treatment Plant [WWTP] and Rocky River Regional WWTP). The IBT will not lead to expansions of permitted discharges at either of the WWTP locations in the receiving basin. This Environmental Assessment (EA) provides supporting documentation for the IBT certificate petition.

Background and Procedural History: Pursuant to the Regulation of Surface Water Transfers Act [G.S. 143-215.22I(f1)], the Department is required to prepare an environmental assessment (EA) for petitions for an interbasin transfer certificate. The determination of whether an environmental impact statement shall also be required is made in accordance with provisions of Article 1 of G.S. 113A. Within the Department, the Division of Water Resources is the responsible agency for interbasin transfer requests.

After reviewing scoping comments, the Division determined that a mitigated EA was the appropriate environmental review document. Under a mitigated EA, all significant impacts must be mitigated to a level of insignificance through identified mitigation measures. The Division will recommend to the EMC that some of the mitigation measures be included in the certificate as enforceable permit conditions.

Following public review of the FONSI/EA, the Applicant will present its petition requesting an increase in interbasin transfer to the EMC. The Division will also present its recommendations. The EMC will then hold a public hearing on the proposed transfer. A final decision will be made at the next full EMC meeting following the public comment period and preparation of a hearing officer's report.

The environmental assessment (EA) found no direct impacts that would result from the proposed transfer. Direct impacts that may result from future infrastructure projects such as water and sewer lines will be assessed through separate environmental reviews of those projects. The EA identified secondary and cumulative impacts due to growth in the receiving basin as the primary significant environmental impacts. These impacts include water quality impacts, wetland impacts, impacts to threatened mussel populations, habitat fragmentation, and loss of open space.

Mitigation Measures: The Division of Water Resources will recommend to the EMC inclusion of a number of conditions in the IBT Certificate for the implementation of long-term mitigation of secondary and cumulative impacts. The certificate should also include provisions for a compliance and monitoring plan to track progress on meeting the proposed conditions. The plan would also specify requirements for reporting actual maximum daily transfer amounts. The following items are under consideration for inclusion in the IBT certificate. Note that the specific permit language may be modified from the text shown.

- Require the County to evaluate the feasibility of each element of the Surface Water Improvement and Management Program (SWIM) on an annual basis. For those elements that are deemed feasible, the County should continue to seek funding from its Board of County Commissioners to fund the SWIM program to continue implementing the Phases outlined in Section 6.2.1.2 of the EA.
- Require the County and the Town of Mint Hill to consider the conclusions of WRC's Goose Creek watershed study when complete. Mecklenburg County and Mint Hill should provide information to WRC on which recommendations they will pursue adopting and which recommendations are infeasible and why.
- Require Mecklenburg County and the City of Charlotte to continue the stakeholder process to investigate water quantity control from single-family development and water quality control for all development. To accomplish this end, the stakeholder group should consider evaluating the feasibility of single-family detention and recommending ordinance revisions based on technical, political, long-term maintenance, cost, and benefits related to the proposed ordinance changes.

In addition to the permit conditions listed above, Mecklenburg County, the City of Charlotte, and the Towns of Cornelius, Huntersville, Davidson and Mint Hill have implemented, proposed and /or committed to a number of mitigation measures designed to avoid and minimize any potentially significant adverse environmental impacts. These measures include but are not limited to the following:

1. Mecklenburg County has adopted the Phase I strategy of the Surface Water Improvement and Management program (SWIM). The goal of the nine-part strategy is for all county streams to be suitable for prolonged human contact and supportive of aquatic life.
2. All towns within Mecklenburg County have adopted stream buffer requirements under Part 3 of the SWIM Phase I strategy. Buffer widths range from 30 to 100 feet and apply to all streams with a drainage area of 100 acres or more. Some of the local jurisdictions have adopted more stringent requirements.
3. Mecklenburg County is implementing water quality modeling under Part 5 of the SWIM Program strategy. The County is working with the Town of Huntersville to establish a watershed management strategy for McDowell Creek based on the results of the model. Following the pilot, the County plans to extend this effort to the entire county.

4. Towns within Mecklenburg County have adopted land use policies which include provisions for open space preservation, stormwater control, sedimentation and erosion controls, growth boundaries, and tree preservation among others.
5. 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 IBT water lines into Goose Creek subbasin is in effect until the impacts of additional growth urban growth on the endangered species are fully evaluated.
6. Mecklenburg County and the Town of Mint Hill commit to participate in the Goose Creek watershed protection initiative and to cooperate with the NC Wildlife Resources Commission to secure funding for riparian buffer acquisition in Goose Creek (particularly within Mecklenburg County).
7. Mecklenburg County commits to consider incorporation of a number of recommendations from the Voices and Choices initiative in the county's environmental protection programs, as appropriate.
8. Mecklenburg County commits to pursue its existing county-wide comprehensive watershed management programs and work with Towns on land use planning. This effort may include working with local land trusts and other natural preservation groups along with large landowners to implement voluntary forest and agricultural preservation plans. Mecklenburg County will continue to evaluate the possibility of using other measures besides typical BMPs to protect sensitive aquatic species, including land use controls, alternative land use scenarios and land acquisition. Also, local zoning ordinances could be amended to create zoning districts that prohibit typical suburban sprawl-type subdivisions, and encourage "smart growth."
9. Mecklenburg County commits to pursue funding for watershed restoration. This effort includes working with the North Carolina Wetlands Restoration Program to identify potential stream restoration sites within Mecklenburg County and using wetland impact fees generated from projects within Mecklenburg County on county stream restoration.

Each of the foregoing mitigation measures is described in more detail in the environmental assessment (EA) supporting the requested interbasin transfer. The Applicant's proposed mitigation measures have adequately addressed identified concerns regarding potentially significant adverse environmental impacts. 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 above support a finding of no significant impact such that preparation of an environmental impact statement will not be required. This decision is based upon information in the attached EA and review by governmental agencies. This FONSI completes the environmental review record, which is available for inspection at the State Clearinghouse.

Sincerely,

Thomas C. Fransen
Division of Water Resources