



North Carolina Division of Water Resources

Interbasin Transfer Law & Process

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Water Planning Section



Outline

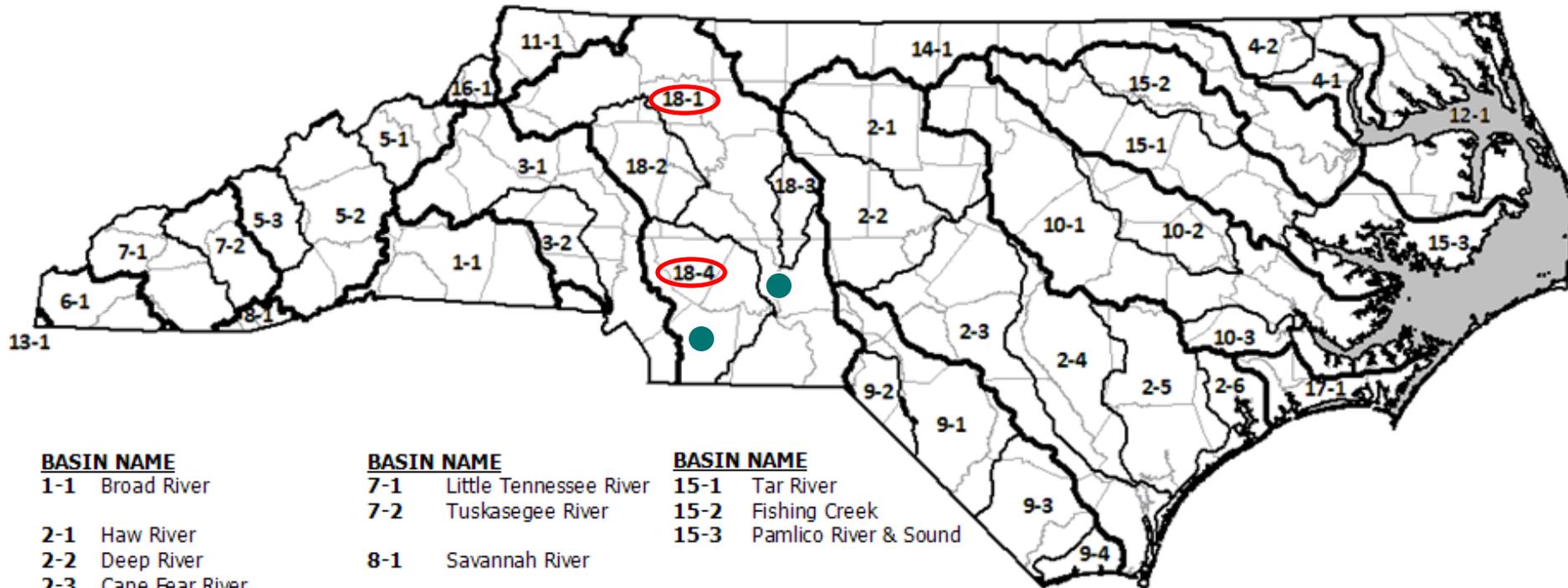
- I. **I**nter-**B**asin **T**ransfer Definition
- II. Planning and Reporting Considerations
- III. Statutory Requirements and IBT Process
- IV. EMC Decision Considerations



What is an Interbasin Transfer?

An interbasin transfer is the movement of surface water from one river basin into another.

Designated Interbasin Transfer River Basins As defined in G.S. §143-215.22G



BASIN NAME

- 1-1 Broad River
- 2-1 Haw River
- 2-2 Deep River
- 2-3 Cape Fear River
- 2-4 South River
- 2-5 Northeast Cape Fear River
- 2-6 New River
- 3-1 Catawba River
- 3-2 South Fork Catawba River
- 4-1 Chowan River
- 4-2 Meherrin River
- 5-1 Nolichucky River
- 5-2 French Broad River
- 5-3 Pigeon River
- 6-1 Hiwassee River

BASIN NAME

- 7-1 Little Tennessee River
- 7-2 Tuskasegee River
- 8-1 Savannah River
- 9-1 Lumber River
- 9-2 Big Shoe Heel Creek
- 9-3 Waccamaw River
- 9-4 Shallotte River
- 10-1 Neuse River
- 10-2 Contentnea Creek
- 10-3 Trent River
- 11-1 New River
- 12-1 Albemarle Sound
- 13-1 Ocoee River
- 14-1 Roanoke River

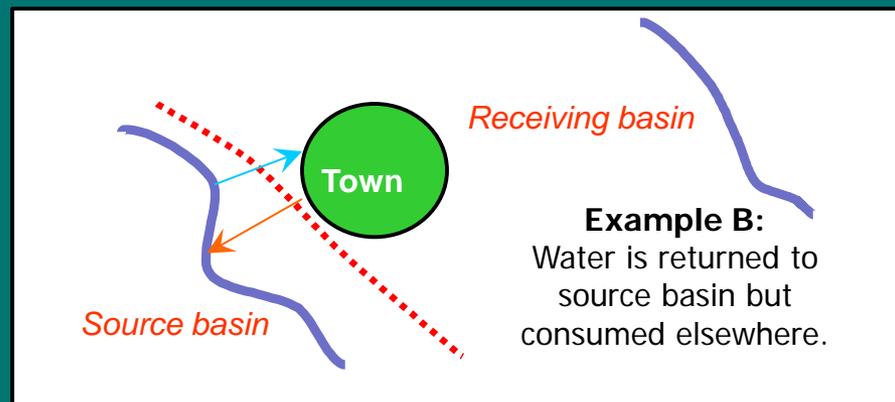
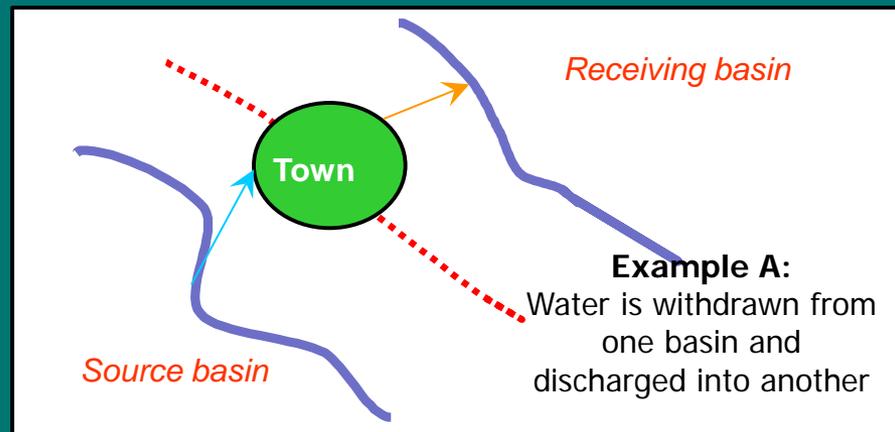
BASIN NAME

- 15-1 Tar River
- 15-2 Fishing Creek
- 15-3 Pamlico River & Sound
- 16-1 Watauga River
- 17-1 White Oak River
- 18-1 Yadkin River
- 18-2 South Yadkin River
- 18-3 Uwharrie River
- 18-4 Rocky River

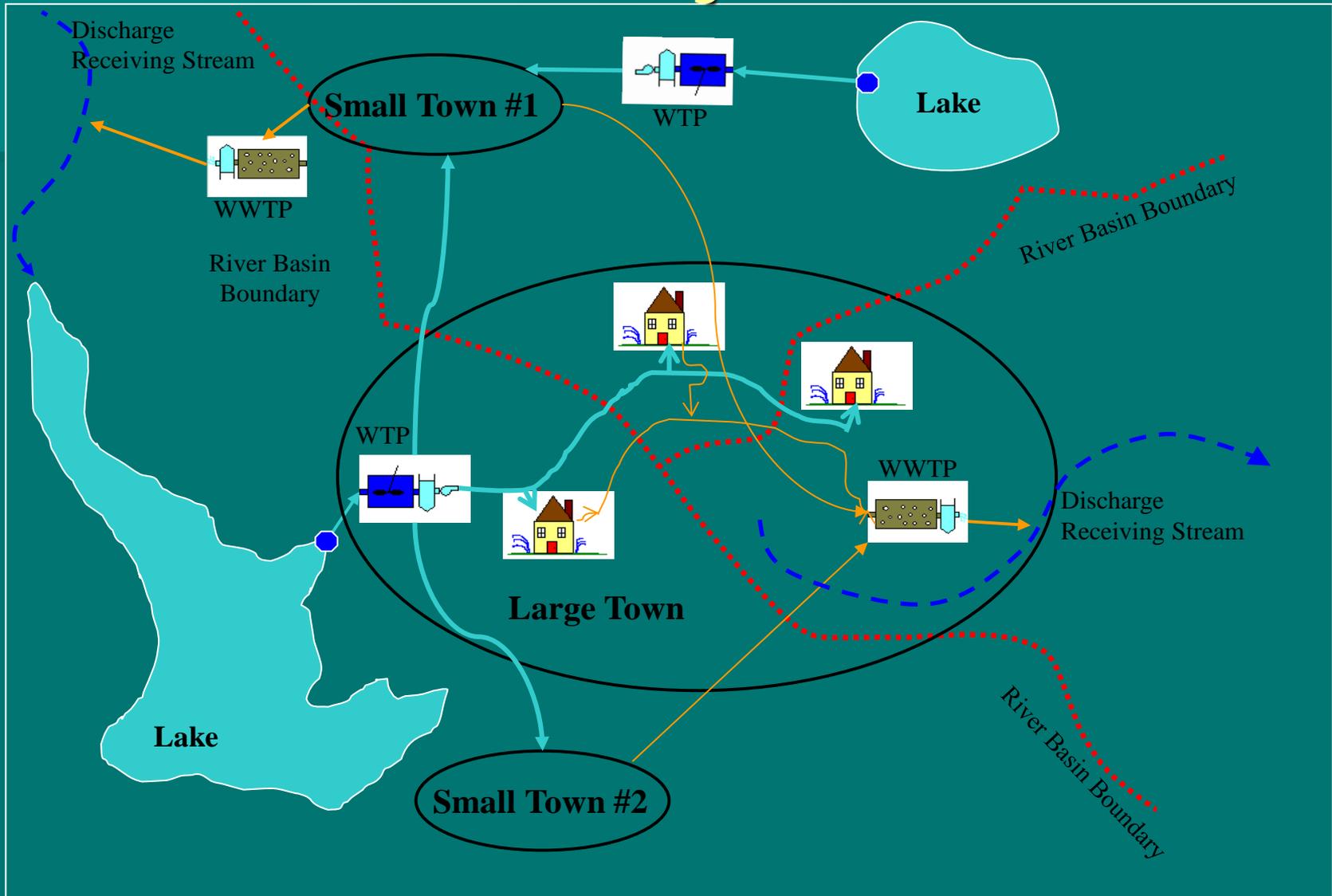
What is an Interbasin Transfer?

$$\text{Transfer} = \text{Withdrawal} - \text{Return}$$

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



The Reality of IBT





Statutory Requirements

History of Interbasin Transfer Law

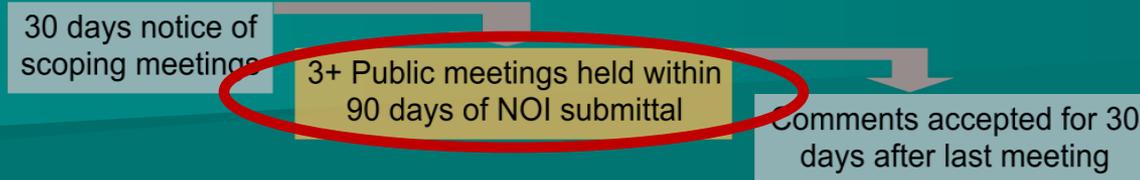
- Starting in 1955, statutes require state approval in some circumstances.
- Beginning in 1959, General Assembly began to attach anti-diversion riders.
- In 1991, the existing basin definitions were passed (*NC G.S. §143-215.22G*)
- 1993 Interbasin Transfer Law (*NC G.S. §143-215.22I*)
- 2007 major amendment to the Interbasin Transfer Law (*NC G.S. §143-215.22L*).
- 2013 certificate based on average day instead of maximum daily withdrawals (*SL 2013-388*)

Statutory Requirements

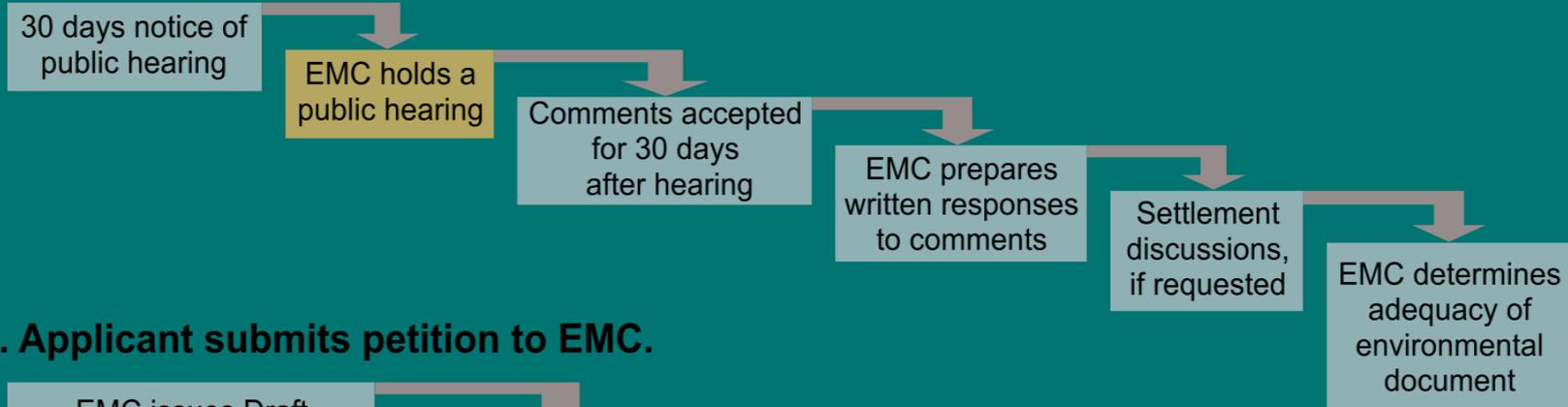
- IBTs are now based on **average** day flows, calculated on monthly basis.
- Transfers that require a certificate are,
 - 2 MGD or more average daily, or
 - 3 MGD or more maximum daily, or
 - Hold a grandfathered certificate
- Certificates are not limited to local governments. They can be issued to any “person” responsible for a transfer.

IBT Certification Process

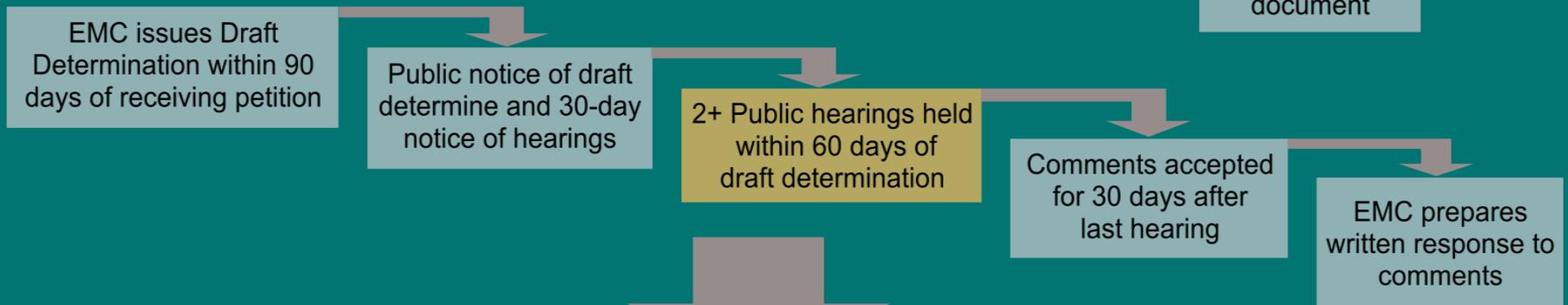
I. Applicant submits Notice of Intent to file a petition.



II. Applicant submits draft environmental document (EIS or EA).



III. Applicant submits petition to EMC.



EMC ISSUES FINAL DETERMINATION

Findings of Fact

- **The EMC may grant a Petition in whole or in part, or deny it, and may require mitigation measures to minimize detrimental effects.**
- **In making this determination, the EMC is required to specifically consider:**

Findings of Facts

EMC Decision Considerations

- The necessity, reasonableness, and beneficial effects of transfer amount
- Detrimental effects on the source river basin
 - The cumulative effect of uses on the source major river basin
- Detrimental effects on the receiving basin
- Reasonable alternatives to the proposed transfer
- Use of impounded storage
- Purposes and water storage allocations in a US Army Corps of Engineers multipurpose reservoir
- Compare the service area of the applicant to the locations of both the source and receiving basins?
- Any other facts or circumstances

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