

Agenda Item: 13-13 Request for Adoption of Hearing Officers' Recommendations for Modification of Charlotte Mecklenburg Utilities Department's Interbasin Transfer Certificate.

Explanation:

In 2002, the Charlotte Mecklenburg Utilities Department (CMU) received an interbasin transfer certificate from the EMC. The Certificate allows CMU to transfer 33 million gallons per day (MGD) from the Catawba River Basin to the Rocky River Basin. At the time, the EMC had concerns that impacts to the Carolina heelsplitter, a federally-listed endangered species, had not been sufficiently evaluated. Therefore the EMC added a condition excluding Goose Creek from the area that could be served by the interbasin transfer until the impacts of additional urban growth on the endangered species were fully evaluated.

Since 2002, several significant protective measures have been put in place to protect the Carolina heelsplitter. The most significant was the NC DENR Site Specific Water Quality Management Plan for the Goose Creek Watershed 15A NCAC 2B .0600-.0609, which was adopted by the EMC in 2008. The stated purpose of the Management Plan is to maintain and recover the water quality conditions required to sustain the federally endangered Carolina Heelsplitter. In accordance with the 2008 EMC Management Plan, the Town of Mint Hill developed and adopted its 2010 Post-Construction Ordinance (PCO). The measures being implemented by the Town of Mint Hill as outlined in its Post Construction Ordinance meet or exceed the requirements set forth by the EMC in its Management Plan.

As a result of the efforts that have taken place since the certificate was issued in 2002, CMU believes that it has met the certificate requirement to evaluate the impacts of additional urban growth on the Carolina Heelsplitter. Therefore CMU has requested that the EMC remove Condition 3 from its certificate.

CMU developed an Environmental Assessment in support of its request, which received a Finding of No Significant Impact from the Division of Water Resources. On March 4, 2013, the EMC held a public hearing to receive comments on CMU's request to remove Condition 3. Upon consideration of the public comments and the EA/FONSI, the hearing officers recommend that the interbasin transfer certificate be modified to remove Condition 3.

Recommendations:

The hearing officers recommend that the EMC modify Charlotte Mecklenburg Utilities Department's interbasin transfer certificate to remove condition 3.