

**MEMORANDUM**

**TO:** Alan Clark  
**THROUGH:** Dianne Reid  
**FROM:** Jamie McNees  
**DATE:** September 9, 2010  
**SUBJECT:** **Proposed Reclassification of French Broad River from Class B to Class B WS-IV Critical Area (CA)**

The Division of Water Quality (DWQ) is requesting that the Environmental Management Commission (EMC) grant staff permission to proceed with rule-making for the proposed reclassification of a portion of the French Broad River. The City of Hendersonville has requested that a portion of the French Broad River in Henderson County (French Broad River Basin) be reclassified to WS-IV CA for an emergency water intake.

The proposed CA would extend along a portion of the French Broad River, from its confluence with the Mills River, approximately 0.19 miles downstream to the proposed raw water intake. Typically, a new riverine WS-IV CA is the area measured 0.5 miles from the proposed intake, but in this case, the French Broad River Water Supply IV CA and the Mills River WS-III CA are located 0.19 miles upstream of the proposed 22.5 acre CA. In addition, no area in association with the proposed intake is to be reclassified to WS-IV PA due to the topography in this area.

The waters to be reclassified meet water supply water standards according to DWQ staff. However, there is one unnamed tributary (agricultural drainage ditch) to the French Broad River in the proposed CA which will be diverted from its current course at a point approximately 180 feet prior to its confluence with the French Broad River and rerouted approximately 70 feet downstream from the current location. This would move the mouth of the unnamed tributary downstream from the proposed reclassification area. By diverting the unnamed tributary 70 feet downstream, it will no longer impact the proposed reclassification reach of the French Broad River. The Public Water Supply Section of DENR is requiring the relocation of the drainage ditch.

If reclassified, development and discharge restrictions will apply. However, there are no current or planned dischargers and no planned development in the proposed reclassification area according to DWQ and local government staff. Existing land use in the proposed CA primarily consists of forested and agricultural land. Henderson County is the only local government with jurisdiction in the proposed CA, and they understand they will need to modify their water supply watershed protection ordinances within 270 days after the reclassification effective date.

Staff recommends sending this item to the November 2010 WQC meeting to request permission to proceed to the full EMC at their January 2011 meeting. The proposed effective date is estimated to be May 1, 2012.