

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE BILL 821*
Committee Substitute Favorable 5/10/07
Senate Agriculture/Environment/Natural Resources Committee Substitute
Adopted 7/1/08

Short Title: Specify Out-of-State Areas for IBT Notice.

(Public)

Sponsors:

Referred to:

March 15, 2007

A BILL TO BE ENTITLED

1
2 AN ACT TO SPECIFY THOSE AREAS OUTSIDE OF THE STATE OF NORTH
3 CAROLINA IN WHICH NOTICES RELATED TO A PROPOSED INTERBASIN
4 TRANSFER OF WATER SHALL BE GIVEN AND TO PROVIDE FOR A
5 STUDY BY THE ENVIRONMENTAL REVIEW COMMISSION OF THE
6 DELINEATION OF MAJOR RIVER BASINS AND SUBBASINS WITHIN THIS
7 STATE AS A PART OF THE ONGOING STUDY OF THE ALLOCATION OF
8 WATER RESOURCES BY THE COMMISSION.

9 The General Assembly of North Carolina enacts:

10 **SECTION 1.** G.S. 143-215.22L(c) reads as rewritten:

11 "(c) Notice of Intent to File a Petition. – An applicant shall prepare a notice of
12 intent to file a petition that includes a nontechnical description of the applicant's request
13 and an identification of the proposed water source. Within 90 days after the applicant
14 files a notice of intent to file a petition, the applicant shall hold at least one public
15 meeting in the source river basin upstream from the proposed point of withdrawal, at
16 least one public meeting in the source river basin downstream from the proposed point
17 of withdrawal, and at least one public meeting in the receiving river basin to provide
18 information to interested parties and the public regarding the nature and extent of the
19 proposed transfer and to receive comment on the scope of the environmental
20 documents. Written notice of the public meetings shall be provided at least 30 days
21 before the public meetings. At the time the applicant gives notice of the public
22 meetings, the applicant shall request comment on the alternatives and issues that should
23 be addressed in the environmental documents required by this section. The applicant
24 shall accept written comment on the scope of the environmental documents for a
25 minimum of 30 days following the last public meeting. Notice of the public meetings
26 and opportunity to comment on the scope of the environmental documents shall be
27 provided as follows:

- 1 (1) By publishing notice in the North Carolina Register.
- 2 (2) By publishing notice in a newspaper of general circulation in:
- 3 a. Each county in this State located in whole or in part of the area
- 4 of the source river basin upstream from the proposed point of
- 5 withdrawal.
- 6 b. Each city or county located in an adjacent state located in
- 7 whole or in part of the surface drainage basin area of the source
- 8 river basin ~~upstream from the proposed point of withdrawal, up~~
- 9 ~~to the point of the last impoundment upstream from the point of~~
- 10 ~~withdrawal. This sub-subdivision shall not apply if there are no~~
- 11 ~~impoundments located in the source river basin upstream from~~
- 12 ~~the proposed point of withdrawal that also falls within, in whole~~
- 13 ~~or in part, the area denoted by one of the following eight-digit~~
- 14 ~~cataloging units as organized by the United States Geological~~
- 15 ~~Survey:~~
- 16 03050101 (Broad River: NC and SC);
- 17 03050103 (Broad River: NC and SC);
- 18 03050107 (Broad River: SC);
- 19 03050108 (Broad River: SC);
- 20 03050109 (Broad River: SC);
- 21 03050110 (Broad River: SC);
- 22 03010101 (New River: VA);
- 23 03040101 (New River: VA and NC);
- 24 05050002 (New River: VA and WV);
- 25 05050003 (New River: WV);
- 26 05070201 (New River: KY, VA, and WV);
- 27 06010102 (New River: TN and VA);
- 28 06010205 (New River: TN and VA);
- 29 03050102 (Catawba River: NC);
- 30 03050105 (Catawba River: NC and SC);
- 31 03050106 (Catawba River: SC);
- 32 03050111 (Catawba River: SC);
- 33 03010202 (Chowan River: NC and VA);
- 34 03010205 (Chowan River: NC and VA);
- 35 03010102 (Chowan River: NC and VA);
- 36 03010201 (Chowan River: NC and VA);
- 37 06010108 (French Broad River NC and TN);
- 38 06010105 (French Broad River NC and TN);
- 39 06010106 (French Broad River NC and TN);
- 40 06010201 (French Broad River TN);
- 41 03130001 (Hiwassee River: GA);
- 42 03150103 (Hiwassee River: GA);
- 43 03150105 (Hiwassee River: AL and GA);
- 44 03150106 (Hiwassee River: AL);

1 06020003 (Hiwassee River: GA, NC, and TN);
2 06020004 (Hiwassee River: TN);
3 06030001 (Hiwassee River: AL, GA, and TN);
4 03060102 (Little Tennessee River: GA, NC, and SC);
5 06010104 (Little Tennessee River: TN);
6 06010107 (Little Tennessee River: TN);
7 06010202 (Little Tennessee River: TN, GA, and NC);
8 06010203 (Little Tennessee River: NC);
9 06010204 (Little Tennessee River: NC and TN);
10 06010207 (Little Tennessee River: TN);
11 06010208 (Little Tennessee River: TN);
12 06020001 (Little Tennessee River: AL, GA, TN);
13 06020002 (Little Tennessee River: GA, NC, TN);
14 03060101 (Savannah River: NC and SC);
15 03060103 (Savannah River: GA and SC);
16 03060104 (Savannah River: GA);
17 03060105 (Savannah River: GA);
18 03060107 (Savannah River: SC);
19 03040203 (Lumber River: NC and SC);
20 03040204 (Lumber River: NC and SC);
21 03040201 (Lumber River: NC and SC);
22 03040206 (Lumber River: NC and SC);
23 03050112 (Lumber River: SC);
24 02080108 (Albemarle Sound: VA);
25 02080208 (Albemarle Sound: VA);
26 03010203 (Albemarle Sound: NC and VA);
27 03150101 (Ocoee River: GA and TN);
28 03150102 (Ocoee River: GA);
29 03150104 (Ocoee River: GA);
30 02080201 (Roanoke River: VA and WV);
31 02080203 (Roanoke River: VA);
32 02080207 (Roanoke River: VA);
33 03010104 (Roanoke River: NC and VA);
34 03010105 (Roanoke River: VA);
35 03010106 (Roanoke River: NC and VA);
36 03010204 (Roanoke River: NC and VA);
37 05050001 (Watauga River: NC and VA);
38 06010101 (Watauga River: TN and VA);
39 06010103 (Watauga River: NC and TN);
40 03010103 (Yadkin River: NC and VA);
41 03040104 (Yadkin River: NC and SC);
42 03040207 (Yadkin River: NC and SC);
43 03040105 (Yadkin River: NC and SC);
44 03040202 (Yadkin River: NC and SC);

1 a discharge of 100,000 gallons per day or more upstream or
2 downstream from the proposed point of withdrawal.

3 h. To any other person who submits to the applicant a written
4 request to receive all notices relating to the petition."

5 **SECTION 2.** As a part of the study by the Environmental Review
6 Commission of the allocation of water resources in this State pursuant to subsection (a)
7 of Section 1 of S.L. 2007-518, the Environmental Review Commission shall study the
8 delineation of major river basins and subbasins within the State. The Commission shall
9 determine whether the definition of "river basin" set out in G.S. 143-215.22G and the
10 accompanying map should be revised. The Commission shall report its findings and
11 recommendations as provided in subsection (a) of Section 1 of S.L. 2007-518, as
12 amended.

13 **SECTION 3.** This act is effective when it becomes law.