

# Developing a Water Allocation Program in North Carolina

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# Current Situation

- Outside of Capacity Use Areas, only legal limit is a vague requirement to “be reasonable” (i.e., riparian law).
  - Capacity use areas can be established by the state when water supply (surface and/or ground) is insufficient to meet existing or projected demand. Currently, one CUA exists in coastal plain (groundwater), about 15% of state.
- Registration required for withdrawals  $\geq 0.1$  mgd (Agriculture  $\geq 1.0$  mgd).
- Interbasin transfer permit for withdrawals  $\geq 2.0$  mgd

# Current Situation (cont.)

- No flow limitations or instream flow study required if proposed withdrawal  $<20\%$  of 7Q10.
- Withdrawals  $\geq 20\%$  of 7Q10 require assessments of eco-region, habitat and biota.
- Site-specific instream flow field study required if habitat and biota are "good", or if eco-region is outside of Piedmont.
- Field study also needed for new reservoirs and most hydropower projects. Seasonally-adjusted flow regime typically recommended, not single flow.
- Otherwise, desktop analysis is used (only for Piedmont streams). Formula was developed based on past site-specific wetted perimeter studies. "Poor" habitat gets 7Q10 as minimum flow.

# Water Allocation Study

- Droughts of 1998-2002 and 2007-2008 forced action by legislature. Study bill in 2007 to look at all aspects of water allocation.
- Recommendations (among many):
  - Use Regulated Riparian legal framework
  - Establish a permit system for large water withdrawals
  - Establish proactive, adaptive, river basin water supply planning
  - The state shall preserve flow regimes and groundwater levels in all water sources as necessary to protect their physical, chemical and ecological integrity by reserving the appropriate portion of surface waters from allocation
  - Address critical research and study needs
    - How exactly should the state implement the instream flow goal?

# Moving Forward

- SIFN helped bring together NC and Federal agencies, NGOs, universities and others
- Legislation expected to be debated in 2010-2011. We want to be ready with a defensible approach when the debate begins. Also, that we are similar to other efforts in the country.
- Environmental Defense Fund (in consultation with NC agencies) contracted with Environmental Flow Specialists to conduct a hydroecological classification of NC streams
- Jim Henriksen will tell us about the classification study

