

Part IV
**Transcript of March 6, 2001 Public Hearing –
Fayetteville, NC**

*Jordan Lake Water Supply Storage Allocations Round Two
and
Proposed Increase in Interbasin Transfer*

**Public Hearing, March 6, 2001, Fayetteville
Transcript**

Hearing Officer: Leo Green

I want to welcome all of you to this public hearing on the proposed allocations of Jordan Lake water supply storage and increasing interbasin transfer for the towns of Cary, Apex, and Morrisville, and Wake County for RTP south by the North Carolina Environmental Management Commission. Hearing officers for this hearing are: Jim Melvin of Greensboro, Dr. David Moreau (who is not here yet) and I am Leo Green.

This hearing has been called pursuant to NC General Statute 143.215.22(I) for the purpose of inviting public comment on the proposed allocations and interbasin transfer certification recommended by the Division of Water Resources. Public Notice of this hearing was provided by first class mail on January 31, 2001 to over 590 parties in and around the Cape Fear River Basin, including existing allocation holders, persons with registered withdrawals or permitted discharges, local governments, public water systems, Legislators, and other interested and private and public parties. Public Notice was published in the Raleigh News and Observer on February 2, 2001 and in the Fayetteville Observer Times on February 1, 2001. Public Notice was also published in Volume 15, Issue 15 of the NC Register on February 1, 2001. The public is invited to comment on both the Jordan Lake Water Supply Allocations and the applicants interbasin transfer petition and supporting environmental documentation. The Commission is considering and seeking comments on three options with regard to the interbasin transfer request. The options in no particular order are:

- A. Grant the certificate for the 27 MGD interbasin transfer request.
- B. Deny the 27-MGD interbasin transfer request.
- C. Grant the certificate including any conditions necessary to achieve the purposes of the statute or to provide mitigation measures.

The public is encouraged to comment on any conditions that the Commission should have done to restrict the proposed allocations and interbasin transfer. As you entered you should have filled out one of the registration forms so that we will have a record of all in attendance. If you did not do so, please do so before you leave. You should have also indicated on the form if you would like to make comments.

We will limit your comments to 3 minutes each. I think we have in excess of 40 people wanting to make comments. At the end of the 3 minutes we will notify you and that will be a signal for you to conclude your remarks as quickly as possible.

Representing the Division of Water Resources here is: Director John Morris; Tom Fransen, Water Allocation Section Chief; and Syd Miller, Environmental Planner.

Each speaker is limited to 3 minutes. At the end of the 3 minutes I will raise my hand and encourage you to bring your remarks to a conclusion. The hearing officers reserve the right to question speakers or respond to comments as appropriate. All speakers must come up to the microphone so that we can pick up your comments on our tape recorder. If you have a written statement of your comments please give them the person at the registration table. When your name is called please step up to the microphone and identify yourself and your affiliation.

At this time Syd Miller will summarize the allocation and interbasin transfer recommendation.

[Verbal comments by Syd Miller, Division of Water Resources follows]

Good evening. You are aware of the purpose of this meeting or hearing. If you are here for any other reason, you do not need to sit. This provides the context of where we are in the process. This began back in 1996. In 1997 the EMC already made decisions on those allocation requests that did not involve interbasin transfers. At that time, they gave a 2 MGD allocation to the town of Holly Springs. After this, the Environmental Management Commission will consider the hearing officer's report and make a decision. What we are talking about here is Jordan Lake. This diagram provides sort of a conceptual schematic of how the lake is operated. The lake normally here is 216 feet, and down here is what's called the sediment pool, between this is called the conservation pool, which is divided roughly into 1/3 and 2/3's. 1/3 is allocated to water supply storage and the other 2/3's is allocated to low flow augmentation. So 1/3 of the inflow is to the lake, roughly get assigned here and 2/3 gets assigned here. Before Jordan Lake, the low flow at Wilmington was a little over 75 CFS (that's Cubic Feet per Second) or 49 million gallons per day. With Jordan Lake, that target at Wilmington is now 600 plus or minus 50 Cubic Feet Per Second or 388 plus or minus 32 million gallons per day. Rules in the North Carolina Administrative Code define how the allocations are to be made or to specify that criteria that are considered. One of the main criteria is that applicants are holders needs, another alternative water sources are available to those applicants. All allocations are based on the average daily demands and for this round, what we are calling Round Two, the Division of Water Resources based those needs on a planning horizon of 2015. If you want to get into any more detail, this is where you can look or you can call us. So, this is where we are right now in terms of allocations. This is the two that was allocated to Holly Springs in December of 1997. These allocations were already held by Orange County and OWASA (Orange Water and Sewer Authority) and then Cary and Apex already had 16 and Chatham County already had 6. One thing I need to mention is when we talk about allocations in terms of million gallons per day, actually what allocations are made on percentage bases of the total water supply storage pools. When we talk about an allocation, say 16 million gallons per day, what we are actually talking about is an allocation of 16 percent of the water supply storage pool. These were the original requested amounts by these applicants. One thing that we need to note here, these requested amounts were a mixture of maximum day demands and average day demands and they were also based on a longer planning horizon. These requests were based on year 2025. As I mentioned before, the Division of Water Resources in making recommendations shortened that planning horizon to 2015 to be a little more conservative and put everything on an average day demand basis. These are the recommended allocations for these applicants, a total of 9 million gallons a day. So, if these recommendations are followed by the Environmental Management Commission, this is what the

allocation of a water supply storage pool will look like. These allocations here are a total of 33 million gallons per day were made back around 1998. This right here is the 2 million gallon a day that was allocated to Holly Springs and what we are calling here Round Two A in 1997. If the recommendations are followed at the next Environmental Management Commission Meeting that reviews this decision, an additional 9 million gallons a day will be allocated. This will leave a total 56 million gallons per day or 56% of the water supply storage pool unallocated. The reason that the top five applicants on that chart, which were Cary, Apex, Chatham County, Harnett, Morrisville, and Wake RTP, recent decision on that was delayed from 1997 to here in 2001 because a number of those had to deal with interbasin transfers. That is not the case with Chatham County or Harnett County, they had just requested that they had the opportunity to provide additional information. These are the criteria on which interbasin transfers have to be decided. First here, necessity, reasonableness, and beneficial effects of the transfer and of the proposed uses, any detrimental affects on the source river basin, that would be the Cape Fear River Basin, any detrimental affects on the receiving river basin, that would be the Neuse River Basin, the EMC is grant that certificate unless the detriments outweigh the benefits. Also it needs to be noted that when it comes to making the decision about interbasin transfer, that decision is based on maximum daily demands. That is the difference between the allocations and the interbasin transfers. The allocations are made based on an average daily demand. If you want to look into this more fully, these are the two statutes that have to do with interbasin transfer and the administrative rule. These are the highlights of the petition that were submitted on behalf of the towns of Cary and Apex, Morrisville, and Wake County on behalf of Research Triangle Park. At present, Cary and Apex have an interbasin transfer certificate for 16 million gallons a day; their request involves basically an increase of 11 million gallons per day to 27 million gallons per day. Part of that petition was an intention of constructing a Cape Fear River Basin Wastewater Treatment Plant. It was noted that in the Environmental Impact Statement there are no direct environmental impacts, but that secondary impacts due to growth could be significant but again there was nothing that was attributable specifically to interbasin transfer. In the case of all the scenarios of the Environmental Impact Statement the impacts due to growth would have been the same. Put it into context, this is the upper part of the Cape Fear River Basin, this is the Yadkin River Basin, this is the Neuse River Basin. Currently, based on the 1997 local water supply plans, we have an interbasin transfer of 3.2 million gallons per day by the City of High Point going from the Cape Fear River Basin to the Yadkin River Basin. We have an interbasin transfer of 4.6 million gallons per day by the town of Asheboro going from Yadkin into the Cape Fear River Basin. Montgomery County transfers less than a million gallons per day into the Cape Fear River Basin. The City of Durham transfers 18.3 million gallons per day into the Cape Fear River Basin from the Neuse River Basin and currently Cary and Apex transfer 10.6 million gallons per day into the Neuse River Basin. So, the net transfer of the Cape Fear River Basin is 10.1 million gallons per day. Again that is based on 1997 local water supply plans. Looking at it another way, these are the projected demands of the petitioners. The yellow bar here shows their total transfer from the Cape Fear River Basin. This Neuse River Basin, this blue line right here shows the net transfer with all this considered along with the City of Durham, and that transfer from the Neuse River Basin into the Cape Fear River Basin. A couple of pieces of information from the Environmental Impact Statement, this shows a comparison of impacts on flows at Fayetteville, this was looking at the base 1998 scenario of the model runs, the base future scenario, and then the proposed scenario, that being the requested transfer amount. The important thing about this slide is to note that the base future of the

proposed are virtually identical. This shows comparison of impacts on Jordan Lake levels, this is during one of the critical droughts of record during the recreation period of June through August. Again we have got the base 1998 scenario, base future scenario, and the proposed transfer. Again compare the base future with the proposed transfer, its virtually identical. As Mr. Green noted in the opening, potential Environmental Management Commission actions are to improve the petition as it was proposed, deny the petition, or approve the petition with conditions. Here are some potential conditions that the Environmental Management is considering:

1. To allow interbasin transfer of 27 million gallons per day until the year 2010, but after that reduce it back to 16 million gallons per day that they currently have after 2010.
2. To require that the Cape Fear River Basin Wastewater Treatment Plant be online by 2010 returning wastewater back to the Cape Fear River Basin.
3. Require the petitioners to enact ordinances similar to the Neuse Buffer Rules within the Jordan Lake Watershed.
4. Require the petitioners to develop a compliance and monitoring plan to ensure that they are within the limits of their certificate and then of course any other conditions that might be opposed.

The comment period will close this Friday at 5 PM. You may submit written comments to the Division of Water Resources, either in writing, by US Mail, or by e-mail, or either bus. If you want any more additional information the entire Environmental Impact Statement is online at our homepage, as are all of our reports. With that I will turn it back over to Mr. Green.

Hearing Officer: Leo Green

I will now call on those persons who have indicated a desire to comment on these recommended allocations. Please limit your comments to matters relevant to the proposed recommendations and we are setting a time limit of 3 minutes per speaker. The Hearing Officers reserve the right to question speakers or to respond to comments as appropriate. All speakers must come up to the microphone so that we can pick up your comments on our system. If you have any written statements of your comments please give them to the person at the registration table. When your name is called please step up to the microphone and identify yourself and your affiliation.

Verbal comments by Senator Tony Rand follow

I want to thank you very much for coming here to Fayetteville today to have this hearing. This is about a future. I am delighted to have Mr. Melvin, who presence will add a glow to anywhere in which he went.

This is a matter of great importance to our community. I am sure that you know as you can tell by the people that are gathered here today. The problem with interbasin transfer has long concerned those of us in the Cape Fear basin. The Cape Fear River has meant a great deal to the history of Fayetteville since its founding and we have been dependent on it for commerce for our supply of drinking water and a way to communicate with our brothers and sisters throughout the Cape Fear River Basin. So when you talk about doing anything to the supply of water you

directly threaten our future and what this area is about. We have always been somewhat suspicious of our more wealthy brother of the river. We appreciate and we take a great deal of joy in that Cary and Apex and Morrisville and these areas have experienced a tremendous growth and I appreciate the nice music that you are playing there, but it probably doesn't add much to it. We feel for their problems but we know that an adequate supply for water is probably one of the most important things to any community. I became aware of this, I had the opportunity to travel extensively in California on business in the decade of the 90s and the problems in San Diego and what they have done to the Colorado River, that has really shown me what we might be in store for here in North Carolina if we don't plan wisely for our future. So when we talk about projections and we talk about what may happen we are all aware that those are just projections so we want to make sure that we protect ourselves as much as we can. We have found out that the Cape Fear River Assembly, which has done a huge amount of work to protect the quality of the Cape Fear River and to bring all the stakeholders up and down the river together to talk about what the Cape Fear River is, what it can be, and what it means to them, and through that we have come to believe and have seen that the future of our town is directly dependent on an adequate supply of water. We do not want to see our future mortgaged by helping those up the river now. Governor Easley talks about one North Carolina, I think that is very important and that means we all have to be good stewards of our resources and we have to help one another grow and prosper. We do not object to Cary taking this water as long as they put it back. I don't think that is an unreasonable attitude for us to take or unreasonable posture for you to take. The City of Fayetteville is not a wealth area, I guess I have read that the average value of a house in Cary is about \$300,000. I would be surprised if it over \$100,000 here in Cumberland County, so you see the problems that we have compared to them. If we don't have an adequate supply of water our growth will be directly impacted and will be seriously affected for generations yet to come. We understand the problems you face and we appreciate very much your being here, but we hope you will take this into consideration that if Cary is allowed to do this it is not at all unreasonable to ask them to with the water what the Lord did in the first place, that is put it back where it belongs. Thank you very much.

Written copy of verbal comments by Retired Senator, Lura Tally follows

Many of you went with me and Joe Tally, when he was mayor, to Washington time and time again to get the Jordan Lake started. We were fought every step of the way by Triangle communities, those who live there may not remember that or know about it, but at that time they did not want it, now they want the water, which we know they need to and we need it and we are terribly glad that we have Jordan Lake there and Senator Everett Jordan was wonderful to get it going and that was federal regulation that did it. I think that is very important to remember.

Effects of Removal of Water in Cape Fear Basin

The importance of keeping the volume in the Cape Fear River emphasizes the need for return of original water (cleaned) into the basin - danger of transfer outside of basin.

Several years ago the Fayetteville area, realizing the growth of the region and the need for a clean water source for the future, voted \$40 million in bonds (now being paid by our taxpayers) in order to build a facility to clean water from the Cape Fear River and to return the same amount of water, clean, to the river for use by communities downstream. Test results have shown that the water returned to the river is even cleaner than that taken out for our use. This return to our basin makes drinking water possible in Wilmington, Elizabethtown, and other areas in the Cape Fear Basin.

We are not a wealthy area like the towns of the Triangle area, but we have undertaken the job and expense of doing the right thing and returning the water, cleaned to the Cape Fear River Basin, thus securing our drinking water and that of the communities and population for years to come.

The principle of the law in the North Carolina books and voted for by both houses of your legislature is that

“If you take it out you must return it” (the water). To keep the volume steady and to guarantee that the facilities built for this purpose will remain to be depended upon in the future with our growing population is essential, otherwise you rob this basin of its essential source of water and rob the towns and communities all the way to our Coast.

Note: This will be a precedent set for the rest of the state and be a bad example for other basins (Yadkin - Pee Dee). Any permit must have water money guaranteed for building the facility.

Steve Tally

Written copy of verbal comments by Colonel Davis, Ft. Bragg Garrison Commander

March 8, 2001

Public Works Business Center

Mr. Tom Fransen
Division of Water Resources, DENR
1611 Mail Service Center
Raleigh, North Carolina 27699-1611

Dear Mr. Fransen:

The Cape Fear River Basin is extremely important to Fort Bragg and Pope Air Force Base. Fort Bragg, Pope, and the surrounding region are inextricably linked. We are partners in a multitude of mutual environmental and land management issues. We are a member of the Mid Cape Fear River Assembly. We own more than 160,000 acres in the Basin. When combined with Pope, we have over 52,000 soldiers, airmen, and their families that live, work and play in the Basin.

Drinking water for Fort Bragg and Pope is drawn from the Little River which flows into the Cape Fear River upstream from Fayetteville. We currently draw an average of 7 million gallons per day (mgd), but can draw a maximum of 12 mgd. We have a request in for a permit that would give us the approval to withdraw 20 mgd when needed. The water we withdraw is discharged back into the Little River.

In emergencies and droughts, we can purchase up to 3 mgd from the Fayetteville Public Works Commission (PWC). We've done this as recently as July 1998 when drought conditions caused us to turn to PWC for additional water. We are concerned that the proposed Interbasin Transfer might reduce the availability of water for Fort Bragg and jeopardize both our training missions and deployments. Further, water availability affects the cost and the quality of the water. The potential cost increases will come from taxpayer dollars and the young soldiers, airmen, and their families operating on low budgets living in the Cape Fear River Basin.

Sincerely,

/SIGNED/
Addison D. Davis, IV
Colonel, Infantry
Garrison Commander

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**Public Hearing
Environmental Management Commission
March 6, 2001
Fayetteville**

Edwin S. Deaver

Good evening ladies and gentlemen. As Mayor of the Town of Hope Mills, I am here to speak on behalf of the citizens I represent, but in a sense I am here tonight to speak on behalf of all interests within the Cape Fear River basin. (The ridge lines or topography which establishes the boundaries of this basin or watershed were formed long before mankind existed, and for many good reasons man's use of this precious resource, that is water, was and should continue to be guided by those pre-existing boundaries.) Our cities and their growth must employ planning which takes into consideration both the availability of water and its return to the river system from which it came. Please

2030 - growth here also

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~~note the~~ following concerns:

- 1) Although Jordan Lake was originally constructed primarily for flood control purposes, the water which it contains has become a real economic resource.
- 2) If approved as requested, the allocation in question would result in less than half of the storage available for use outside of the lake's watershed being available to downstream users who have yet to receive a single gallon.
- 3) Much of the Cape Fear River basin remains rural, and the use of and need for water for irrigation of cropland has not been adequately evaluated. This situation and others are further compounded by the uncertainty regarding availability of ground water in many of these areas.

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- 4) We do not yet know what effects the Randleman Dam project will have on downstream availability and use of water. This is of particular concern during the drought-associated Lake refill periods.
 - 5) We still have no confirmation regarding the safe yield of water supply from Jordan Lake, especially considering the water supply storage depletion which has occurred during a number of recent droughts.

Finally, although multi-million dollar water system improvements for the permit applicant have already been approved and are underway to accommodate the additional transfer, it is imperative that, at the least, certain conditions be imposed regarding the requested increase. Please take action to ensure that this additional interbasin transfer, if approved, does not occur for any longer than absolutely necessary and require construction of a new operational wastewater treatment plant located within the Cape Fear River basin for total return of this increase in transfer precede any future allocations of water to the applicants. *With conditions*

Thank you for the opportunity to provide this input. I am certain that you will make every effort to achieve equity for all in your final decision.

The Mission of the Cape Fear River Assembly

To provide for the highest quality of life possible for the residents of the Cape Fear

River Basin, through the proper management of the Cape Fear River, its tributaries, and adjacent land uses.

“...support efforts to investigate, educate and effectuate”

I also speak as a ^{former} member and supporter of the Cape Fear River Assembly, with Exec Dir, Don Freeman, whose office is located in PWC Open Bldg, and consist of upper, middle & lower basins, each who have a keen interest in the Cape Fear River, its users and cleanliness. Their mission of the Cape Fear River Assembly is - - -

Hope Mills receives it water + sewer processing thru PWC, and have a vested interest in this matter. Hope Mills along with all Cumberland County is growing, ^{and} Hope Mills ^{is} growing, ^{and} ^{will} ^{need} ^{more} ^{water} ⁱⁿ ^{the} ^{future}. We plan to grow also - + will need more water - -

Verbal comments by Commissioner John Henley, Cumberland County follow

Thank you for the opportunity to speak. I am John Henley, I am a physician, a member of the Cumberland County Board of Health and a County Commissioner. Along with its people, perhaps our single greatest resource in this county is the Cape Fear River. We are a low wealth county and because of many decisions made years ago, we don't have a countywide water and sewer system. Because of that we have thousands and thousands of families in this county who rely on well water for drinking, cooking, and bathing. Many of these wells are substandard, many wells are very shallow, and are not fully grounded to state standards. Because of that they are more subject to ground water contamination. Because we are a low wealth county, to go deeper into the aquifer, which is often 300 feet, it is cost prohibited for most of these families, who are low-income families. Many of them are obviously built near septic tanks because we don't a countywide sewer system. There was a recent study done in this county that 20% of the wells, establishments, nursing homes in the counties, child day care centers in the county, were actually contaminated at one time or another when they were studied. The need for good clean water in this county is enormous and the water must be protected. We have the same needs for economic growth in Cumberland County that Wake County has and water is a critical part of that and without it we are not going to grow. We need to grow economically to be able to afford a countywide sewer and water system. That is absolutely a critical need to this county and without being able to for certain provide adequate water supply to those businesses and industries that want to come to Cumberland County, we are not going to be able to attract those businesses. The reason we are here, frankly is because of money, Cary, Apex, Morrisville, Research Triangle Park want to continue their rapid expansion, they need the water but they don't want to spend the money to build the wastewater treatment plant on the west side of the county and put the water back into the Cape Fear River. I don't have any problems if they want to use the water, we need to share water, it is an asset that we all need, I would love for them to share their economic growth with us down here. It broke my heart yesterday to hear that Cisco Systems needed water because they wanted to go from 3,000 employees to 12,000 employees, send them down here and we can give them a higher quality of living at less cost. I urge you, if you are going to allocate the water that they want, require them, require them not a promise, there have already been delays, they have already laid pipes going the other way, require them to put the water back in the Cape Fear River to protect us and all the communities down below us. One final point, Cary objected because they feel that the requirement to put all the water back into the Cape Fear River Basin is unreasonable because the study showed no harm in doing so. Perhaps that is so, but I think there are a lot of good people who look at that study and who have questions about who paid for that study and the quality of that study. Long term assumptions are always subject to error. My mother and father graduated from Cary High School, my grandmother still lives in Cary. I remember as a boy and a teenager being in Cary on Dry Avenue, two blocks from Cary High School at that point and time, and what Cary was then and what Cary is now could not have been projected forty years ago. The Research Triangle Park was not even contemplated until the late 50s. If we are planning on water allocations going forth for decades, we need to require the building of that wastewater treatment plant now, it is only going to be more expensive and we are only going to meet more resistance as the Triangle grows in power and influence. Thank you.

Written copy of verbal comments by Rollin Shaw, Fayetteville City Council follow

FROM : WRITE ON

FAX NO. : 9104969009

Mar. 03 2001 07:09PM P1

REVISED DRAFT

SUGGESTED REMARKS FOR COUNCIL MEMBER ROLLIN SHAW Environmental Management Commission Hearing March 6, 2001

Hello, and welcome to Fayetteville. I am Rollin Shaw, and I serve on the City Council of Fayetteville. I am the liaison councilmember to the Fayetteville Public Works Commission. I previously served on the Cumberland County Board of Commissioners. I have great interest in the topic we are addressing today, and I thank you for being here to receive the input of citizens from Fayetteville and other downriver communities.

The importance of an adequate supply of clean water is something that everyone in this room understands. We do also understand the need for more water that is driving the communities of Cary and Apex to ask for an increased allocation of water and an interbasin transfer from the Cape Fear River Basin. The growth and development in those communities has been remarkable. However, their need is not justification enough to permit a greater amount of water to be removed – permanently removed, not merely “borrowed” – from the Cape Fear River Basin. That river flows far beyond the city limits of Apex and Cary. It passes other lovely places like Lillington, and Dunn, and Fayetteville, and other fine communities farther south, such as Tar Heel and Elizabethtown. That river, ~~sirs~~, is an artery that nourishes this region of our state. We are all dependent on the Cape Fear River, and the quantity and quality of the water in it. The quality of lives of hundreds of thousands of North Carolina citizens is affected by the supply of water from the river. They may not live in Cary or Apex, but the quality of those lives must be considered every bit as much as that of those who do live in Cary or Apex.

We in this room are politically aware. We know about the exigencies governmental bodies confront every day. We know that accommodations must be made and compromises must be reached. However, the situation before us really can be considered as a simple matter of what is right and fair. And what could be more fundamentally unfair than to permit the removal of a significant natural resource from one community simply to benefit another? To do so would be to give credence to the old saw, "It's the squeaky wheel that gets the grease." And as cynical as the electorate have become in recent years, we don't need to further confirm their worst suspicions about how government works!

I know that interbasin water transfers are not uncommon. The temporary diversion of water from basin to basin involves a technology and an ability to manipulate our resources that is worthwhile. The ability to do so provides a flexibility that can be helpful and valuable in managing our environmental resources. However, the situation we discuss today is different in that the water that is being sought is forever taken from the Cape Fear River Basin and is not returned. Having water permanently taken from the Cape Fear River basin end up in the Neuse River basin is a manipulation of natural resources that may well benefit one or two communities, but adversely affects many others.

I, like so many others here today, appeal to you to deny the proposal for an increased interbasin transfer of water from the Cape Fear River Basin. The future of this city, this county, this region of North Carolina will be negatively affected by such an increase. We are a generous people in this area of North Carolina, but we need an abundant supply of clean water, too. We simply can't afford to give away in perpetuity that which we will need in our own future. Please deny this request. And thank you for listening to us all.

Verbal comments by Robert A. Massey, Jr., City of Fayetteville

I want to welcome you to Fayetteville and hope that you enjoy your stay here and I want to thank you because the decision that you make will have some generational impacts on this community. I am Robert Massey, a member of the Fayetteville City Council, and as serving as a chair for the Environmental Conservation Committee appointed by our Mayor Milo McBride, I want to first of all thank you for hearing the citizens who have come to this public hearing. Your responsibilities as members of the Environmental Management Commission are great, the decisions you make have the potential to affect hundreds and thousands of our people for generations to come. I stand before you today asking that the proposal for increasing interbasin transfer of the water be denied. My reasons are very simple, in my years of public service I have seen that the effective value of compromise is very important. I know that compromise is not always easily reached, but when it can be all parties can benefit. There need not be in matters of great importance, such as that bring us here today, winners and losers. There can be and ought to be whenever possible, winners and winners. It seems to me that in this manner there are considerations involving such diverse factors as population growth, political power, water supply pools, environmental impact statements, wastewater facilities, millions of gallons of water per day, water cubic feet per seconds. It is a complex matter but never the less it is one that certainly can be resolved in a way that considers the needs and expectations of all the citizens of this region, both in Cary and in Cumberland County. My understanding is that currently Cary and Apex takes about 16 million gallons per day from the Cape Fear River Basin discharging that water into the Neuse River Basin. Their request for an increased amount by 11 more million gallons per day is what brings me here this day. I am a reasonable person and as I represent reasonable people in this community, if there is truly a pressing need to temporarily increase the amount of water taken from the Cape Fear River Basin and you experts think this can be done without harming those of us who are downstream then so be it, but I did say temporarily. A permanent increase beyond that which is currently in place can not be cheerfully accepted by this community. Furthermore I suggest a basis for compromise will be found in a look at the reasons why the water taken from our river basin isn't being returned to that basin. Surely there are ways to correct that. It might involve a significant capital investment by Wake County, but such is often the price of explosive growth and development, there is no such animal as a free lunch. As we have all learned there may or may not be free solutions to the needs for more water. Please add my voice and the voice of our constituents to those who appeal to you today to deny that increase over a long-term basis of that additional water. Thank you.

Verbal comments by Senator Larry Shaw follow

Good evening ladies and gentlemen. Am I talking to the Commissioners or the members of DENR?

Green: Commissioners

Commissioners good evening, we are glad to have you here. As you can see we have quite a turnout here, I am very impressed to see that people are so concerned about the water issues. Commissioner I have a 15 page presentation but I won't bore you with it, but I would like to leave it for the record sir. I would like to make a few comments if I may. You have heard over and over again how pressing, urgent and critical this need is by many of the presenters here today. I can only add to that because we feel that this is really a miscarriage of justice here. We don't think that Cary went about this in the right way and that they were very heavy handed in moving forward with those projects without looking at the other side of the coin and for that reason I stand to ask you to deny the request for the permit. I would also like to read that this is what I do think is reasonable and I would like to read from your December 14 meeting of the year 2000. This is one of your action items on page 3. The Commission is considering and seeking comments on 3 options with regard to the interbasin transfer request. The options in no particular order are:

- A. Grant the certificate for the 27 mgd per day interbasin transfer request
- B. Deny the 27 mgd per day interbasin transfer request
- C. Grant the certificate to include any conditions necessary to achieve the purpose of the statute or to provide mitigation measures

The public is invited to comment on the policy condition or to suggest any other condition that they feel is appropriate. Go ahead and outline these things: you are speaking one to allow the maximum day interbasin transfer amount of 27 mgd until 2010 but reduce it to 16 mgd after 2010. We don't think that this is really practical nor reasonable for them to go to the trouble and extreme and have 10 years of operating at this level and then reduce it. As we all know the population is going to continue to grow, so we don't think that this is feasible at all. Require Cary and Apex to have a wastewater plant discharging to the Cape Fear River online by 2010. This I think goes to the heart of the matter and what everyone here is saying today. There are 3 or 4 other options that you give but this one seems to have some type of sound of fairplay to it. We think that if they had really had serious inclinations to do this they would have expressed those in good faith steps by now. They mentioned they were going to do this in 1999 and then 2000 and then in 2001, they still have not done it and are no where near. I don't think their required land nor drawing plans, let alone contracts, so we think at the very least and I think this community has been very practical about this from what I am hearing, you are talking about a community that is impacted by the Cape Fear River Basin that is about 1.2 million population and covering about 25 counties. That is quite a large number of people to be impacting along the Cape Fear Basin and by the year 2010 the population is expected to be about 1.5 million. We hope that you are hearing us and we are not being very practical here but we think that at a minimum they need to make a commitment to have this wastewater plant on stream quick, fast and in a hurry because this is not, the water problems get critical and critical as the years go on. We have a population boom and we looked at the 1990 census and the 2000 census and we have a million plus people in North Carolina, guess where they are all at, take a guess, you want to take a guess, I think we know where they are. Yes sir, they are all up stream, about 40% of them

are right up around Wake, that whole area up there right up stream from us. That is a very attractive area, but that is okay to, we can appreciate that, but don't deny us our growth and when PWC comes to you for water request, when they came in 1997 they were denied flat. At the same time Holly Springs, which is up the road, and I think there might have been one other town, they got 2 million gallons per day increase. Let's be a bit more fair play, we are trying to fairly, PWC is trying to plan, we need you be more sensitive to what is going on downstream. I could stand here and bore you with a lot of other information, but I won't do that but I would like to make an appeal to our City Council. This is an opportunity to look at this thing for what it is, God blessed the child that has its own. We have the Cape Fear running by us everyday, we need dig a big hole and put a lot of it on the side for future needs because that is the only way to ensure our growth and prosperity down the road, it is called a reservoir and by the way you could also use it for hydroelectric if you have your mind to it. I want to thank you coming to Fayetteville first of all, this is highly unusual. We are not here to beat you up, none of us are, I think everything is done in the right spirit, but we want you to listen to what we are saying and hear what we are saying and we are not being very impractical here but we would like for them to make a commitment if they are going to get the water, we think this is a shotgun marriage here.

Written copy of verbal comments by Representative Marvin W. Lucas, Cumberland County

Gentlemen I am Marvin Lucas and I represent the 17th House District here in Cumberland County. Indeed it is my pleasure to greet you and welcome you to Cumberland County. As you can see this is a very friendly gregarious group, but they do mean business.



North Carolina General Assembly
House of Representatives
State Legislative Building
Raleigh 27601-1096

REPRESENTATIVE MARVIN W. LUCAS
17TH DISTRICT

March 06, 2001

Willing to Share

The Triangle area of our great state is in great need of an additional supply of a very precious resource- water.

God has blessed the Cape Fear region with the gracious flow of the Cape Fear River. ~~This~~

~~is a precious resource and perhaps the only one of its kind in the region.~~

I caution that sharing a resource should bind the receiving entities to rigid terms of thankfulness. The conditions of benevolence should be clearly defined prior to any consent!

The basic premise should be that whatever amount of water that is received must be properly treated and returned to its original basin.

There should be no compromise on this premise.

Rep. Marvin W. Lucas

*Corrected
copy
ML (03-06-2001)*



Verbal comments by Lee Warren, Chairman, Cumberland County Board of Commissioners

My name is Lee Warren, I am Chairman of the Cumberland County Board of Commissioners. Thank you for allowing us to speak here this evening. My address is 2443 River Road. My home and barn, and horses, and cows and goats are approximately 900 feet from the Cape Fear River. The well that my family drinks water from is approximately 11 ½ feet deep. Most of my neighbors are in a similar situation. If you don't get good surface water you have to go down between 350 and 450-foot layers of rock to get water. It is extremely expensive, cost prohibited and it is one that residents and farmers have a hard time justifying. We have 307,000 citizens of Cumberland County, 661 square miles. Our greatest natural resource is the Cape Fear River, it is the harp blood of Cumberland County. It runs right down the middle of it like a beautiful ribbon. All we ask you to do is do the right thing. We respectfully ask that you deny the request for the interbasin transfer. There are very few necessities of life, food, shelter, and a clean and abundant supply of water. That is one that is of grave concern to us here. We don't ask that you not allow Cary not to use the water from the Cape Fear River Basin, all we ask you to do is return it to the Cape Fear River Basin. The 25 county, 2 plus million people that live downstream of Cary in the Cape Fear River Basin do not have the political clout that Wake County has, we recognize that fact. We do have some of the most caring, wonderful citizens, neighbors that you have ever seen and all we ask you to do is the reasonable thing and have the water put back into the Cape Fear River Basin. Thank you.

My name is Greg Taylor. I am a County Commissioner from Bladen County and I also sit on the Board of Directors for the Cape Fear River Assembly. I speak to you today as an elected county official, representing the people of Bladen County and my fellow commissioners. Our Board has passed a resolution opposed to this Inter Basin Transfer. I am confident that our board will oppose any transfers that are as obviously ill considered as this one.

I do not want to spend valuable time rehashing the same issues and concerns that other have raised and will raise. So I will just mention that we are concerned about the possible affects of Randleman Lake on the EIS and our concerns about exactly what is the "Safe Yield" of Jordan Lake. But I do want voice more specifically our concerns in a couple of areas. Number 1; we are very concerned about the future availability of the water supply downstream. As most of you are aware, Dupont is building a major expansion on the Cape Fear River in Bladen County. What you may not be aware of that Bladen County has been exploring the possibility of building a water purification plant to supply industrial and residential users with water. We are exploring capacities from 2,000,000 up to a 10 million gallons per day. The DWR's watershed diversion figures suggest that only 22 million gallons per day will remain for use outside the Jordan Lake watershed. If a little county of only 30,000 people may need of up to 40% of this available supply, how in the world will Cumberland and New Hanover's needs be met?

I have been reading with interest the press accounts where everyone seemed to be in agreement that the Cary/Apex communities build a water treatment plant in the next ten years that will return the water to the Cape Fear River Basin. That certainly seems like a compromise that reasonable people might be able to accept. However, I read with interest the comments in

today's Fayetteville Observer from Cary Town manager Bill Coleman who opposes even this compromise. Under no circumstances should this IBT be approved unless the communities concerned are required to return the water to the Cape Fear Basin within the 10-year period. In fact, I believe that the conditions requested in the March 6th letter from Mr. Kurt Taube, Executive Director of the Lower Cape Fear Water and Sewer Authority, to Mr. Tom Fransen of the Division of Water Resources are all reasonable conditions to request.

Our other concern is that the current process does not appear to be sufficient to protect the rights of the citizens downstream from future IBT's. Cary has apparently spent millions of dollars on water system improvements specifically designed to facilitate this interbasin transfer. How was DENR able to approve these water system improvements prior to a full consideration of all the issues surrounding inter basin transfers? It certainly cannot be said that a public outcry was not anticipated? The downstream communities fought the last transfer and a process had supposedly been set up to make sure that further IBT's did not happen without a full and public airing of the issues involved. But now we are supposed to believe that DENR, after approving the expenditure of millions of dollars on the Cary system will in any real sense consider now saying that Cary cannot have the water? This is a joke! Your decision has already been made. It was made when you approved the improvements to the Cary system. The only question now is whether you will put some REAL requirements on the Cary and Apex that makes realistic attempts to protect the citizens living downstream.

Verbal comments by Commissioner Tal Baggett, Cumberland County

Mr. Chairman thank you for coming to Cumberland County, we are delighted to have each of you here visiting with us and you have not fallen into a hornets nest, I know it may seem like that but this is a very hospitable community and we are delighted to have you here. I am Tal Baggett, I serve on the County Commissioners here and I can tell you my dream along with 6 other Commissioners is for a county wide water and sewer system. We do not have a countywide sewer system, we are currently underway in the planning and the proposing of the financing for such a system. That system is very important to the well being and to the economic growth of this community. For Cary to be allowed to withdraw water and to transfer it into any other basin other than from where they are taking it could very well deny us Mr. Chairman the right to have water in the future where we need it in Cumberland County. Our County has a plentiful supply of ground water as Mr. Warren has told you, you can go 10 or 12 feet and you can locate an adequate supply, but Mr. Chairman, I tell you it is full iron, magnesia, full of other particles some of which may be pollutants and I don't think it is safe for our neighbors and our friends to continue to drink water when it comes from shallow wells, many of which do not meet specifications. Mr. Chairman I ask you to deny the petition and I simply ask you which is more important a green lawn in Cary or a thirsty child in Cumberland County? Thank you.

Written copy of verbal comments by Linda Lee Allen, Fayetteville Area Economic Development Corporation

I want to thank you for caring enough to come to Cumberland County tonight to hear our concerns and I am wearing 2 hats. First of all my husband Marvin and I are small business people in this county. Let me tell you the SBA (Small Business Administration) defines a small business as 500 or less employees. Let me clarify when I say small business in Cumberland County, for us 75% of all businesses in this county employ 10 or less people, so when I say small business, I mean really small. You are our only advocate, you are the only body that we can depend on to protect our resources in this community. We small business people can not afford the lobbyists, we can't afford the lawyers, we can not afford to move if resources dry up on us here. On behalf of the thousands of small business owners here who are trying to make a living, you are our only resource to protect us. The other hat that I am wearing is that I am the volunteer Chairman of the Fayetteville Area Economic Development Corporation.

THANK YOU FOR CARING ENOUGH ABOUT THIS COMMUNITY TO COME TO FAYETTEVILLE AND HEAR OUR CONCERNS REGARDING THIS ISSUE.

I AM THE VOLUNTEER CHAIRMAN OF THE FAYETTEVILLE AREA ECONOMIC DEVELOPMENT CORPORATION. OUR MISSION IS SIMPLE – BRING IN NEW JOBS AND EXPAND THE TAX BASE. WE DO THIS IN TWO WAYS – FIRST, BY RECRUITING NEW INDUSTRIES TO COME HERE AND SECOND, BY HELPING OUR EXISTING INDUSTRY EXPAND AND GROW.

PLEASE DON'T MAKE IT EVEN MORE DIFFICULT FOR US TO DIVERSIFY AND STRENGTHEN OUR ECONOMY. WE ARE ALREADY IN A COMPETITIVE DOGFIGHT WITH OUR UPSTREAM NEIGHBORS FOR NEW JOBS AND INDUSTRY. WE ARE VERY CONCERNED ABOUT WHAT EFFECT YOUR DECISIONS WILL HAVE AS IT RELATES TO THE FUTURE LOADING OF THE CAPE FEAR RIVER WITH REGARD TO FUTURE WASTE WATER DISCHARGE AND NEW SINGLE POINT DISCHARGES. WE DO NOT DESERVE NOR CAN WE AFFORD THE POTENTIAL LONG

RANGE DAMAGE TO OUR ECONOMIC FUTURE. OUR EXISTING INDUSTRY AND PROSPECTIVE INDUSTRIES MUST BE ASSURED THAT THE AVAILABILITY OF ADEQUATE WATER AND WASTE WATER DISCHARGE OPPORTUNITIES FOR THE LONG TERM FUTURE ARE SECURE IN THIS REGION.

WE CANNOT AFFORD TO SUFFER ECONOMICALLY AT THE HANDS OF OUR FAR WEALTHIER NEIGHBORS. AND, IF THERE IS ANY DOUBT AS TO THE NEGATIVE IMPACT OF THIS ACTION ON THIS COMMUNITY, THEN WE BEG YOU TO ERR ON THE SIDE OF CAUTION AND PROTECT US. WE ARE THE VICTIM HERE, NOT THE AGGRESSOR. THE TRIANGLE HAS THE MEANS TO SOLVE THIS PROBLEM THEMSELVES – IT IS A PROBLEM THAT THEY CREATED – THEY HAVE BEEN REAPING THE BENEFITS FOR MANY YEARS AND NOW THEY NEED TO SPEND SOME OF THAT MONEY TO SOLVE IT, NOT LOOK TO A POORER DOWNSTREAM NEIGHBOR FOR RELIEF.

AS YOU CONSIDER ALL THAT YOU HEAR TONIGHT, PLEASE KNOW THAT YOU ARE

HOLDING THE FUTURE OF FAYETTEVILLE IN
YOUR HANDS.

Verbal comments by Patricia Keller

Good evening, thank you for coming and listening to us. I am a simple citizen but some years ago I read a book called the Cadillac Desert and it talked about the American West and its disappearing water. It looks like we have the same problem coming up. 100 years ago there was a place called Owen Valley in California where the Piodads Indians started irrigating and they had abundant crops. When the settlers came in they ran the Piodads off or killed them and took over and then the people down in the Los Angeles area that wanted to expand came up and got the water rights from the people up there and took the water down to Los Angeles and the farms dried up. I feel that we have somewhat the same problem here, that the people up north in Raleigh and that area now want the water. Is Cary and Apex, are they in the area that contributes to Jordan Lake, contributes water, because even using it they may be taking water that should be coming down to Fayetteville, Wilmington, and the other cities downstream. I really feel that people should be more aware, I tried to talk to a number of people about coming to this meeting, but they didn't really know what it was about. Water is important to everybody whether they own a home or don't, so I really just want to say that the ordinary citizens need to be aware that they should be heard like I am trying to be heard. Thank you all for coming because there is a much better turnout than I expected.

Verbal comments by Mike Koivisto, Town of Morrisville

Good evening, my name is Mike Koivisto and I am the Assistant Town Manager for the Town of Morrisville. My comments are going to go in a slightly different direction. I am here in support of the proposed interbasin transfer from the Haw River to the Neuse River. The Town of Morrisville is a rapidly growing municipality, between 1997 and 2000 the Towns population more than tripled from 2100 citizens to approximately 7000 citizens. Projections indicate that the population will increase almost 4 times by 2030 to an estimated population of 27,000. During this period of recent growth Morrisville has implemented water restrictions to help conserve the available water supply and has also worked closely with the Town of Cary to educate and inform citizens of the importance of water conservation. A great deal of Morrisville's growth has occurred due to its proximity to Research Triangle Park. RTP provides a wealth of high paying jobs and is internationally recognized for cutting edge research and development. Many of the people who work in RTP have chosen to live in the Towns of Morrisville, Cary, and Apex. In order to provide a reliable drinking water source for our citizens and to encourage growth within the RTP area to benefit all of North Carolina, it is imperative that this interbasin transfer request of an increase of 27 mgd per day be granted. Thank you for the opportunity to comment.

Verbal comments by Larry B. Norris, Fayetteville Technical Community College

I am Larry Norris, I am a citizen of Cumberland County, also I am President of Fayetteville Technical Community College. I have brief comments. First of all thank you for the opportunity to speak and also for holding the hearing here in Cumberland County. Fayetteville Technical Community College, which is the 2nd largest community college in the North Carolina system,

has 2 primary missions: they are developing the work force and improving the quality of living for the citizens of Fayetteville and Cumberland County North Carolina. Our critical role is the development of the work force is to help grow the economy of our service area, vital to that role is providing graduates with the essential skills to serve existing industries and businesses and to assist in recruiting new industries, particularly in high tech and emerging technologies. As a low wealth county, Cumberland struggles to expand and diversify its economy, particularly in fostering a climate for industrial and business development. Our location on Interstate 95 and near Interstate 40 makes Cumberland County a prime location for economic investment. Our ability to provide necessary infrastructure for potential industry as well as assist existing industry and their expansion must not be compromised by potential loss of invaluable resources like the water in the Cape Fear River. In addition the renewal of our downtown depends greatly on the development of the waterfront and the river is also essential to the growth and expansion of the Cape Fear Botanical Garden. While statistical data and models may show that diversion of additional millions of gallons of water each day from the river may have no permanent short term effects on the health of the river and its ability to provide water at current demand, we question the accuracy of such data and models for long term impacts. Commonsense says if you take the water out of the river you should return it. Though we have been labeled as “chicken little” because of our concerns and our objections to this additional transfer, we believe that such transfers will have significant long term negative effects on the quality and availability of water for our community and we respectfully request that the transfer be denied.

Verbal comments by Walter Moorman, Retired Professional Engineer

Good evening, welcome to Fayetteville. By the end of this hearing you will have heard many of the same things over and over and perhaps that is good to have that repetition because the points are well made. It is interesting and ironical that the citizens of Fayetteville who led the fight to get B. Everett Jordan Lake, at the time it was new hope, built and established for years are now in the role of trying to protect the water that was developed by constructing the dam. In the early years of the fight our primary concern was flood control, and we accomplished that by lowering the undergird of the flood level by 9 feet. Now we find ourselves in the position of trying to hold the water in the river that is justifiably ours. In recent years we have found that in spite of the best management practices of those who regulate the water coming from the dam or the lake we have already had periods where there was a threat of reduced water supply in the Cape Fear River and threatened the supply to Fayetteville and Cumberland County. As a professional engineer surveyor we had the privilege in my firm of working for the Corps of Engineers in the early stages of New Hope now B. Everett Jordan, we surveyed the roads, the railroads, the upper pool level, the lower pool level, we worked up there for years. All the time we were working I attended a number of hearings where all these pool levels that you have seen in the slides were described and literally we have a drain that we would have to worry about the pool levels for our water supply being threatened by those and attempting to put it into another watershed, another river basin. We assumed all along that communities in the watershed would have use for the water and would return it properly treated to the streams within the Cape Fear River Basin. Up to this point it has generally been done. This is only right and reasonable and we ask that you stick to that basic principle. You notice at the public hearing and in the slide you showed a number of conditions for conditions that may be incorporated into the approval process. I can see that may be the best that we get. We naturally would like for you to deny the request all

together, but I don't see that in the cards. Therefore I request that you include all 4 of those conditions as binding in any approval that is given for the interbasin transfer. Again I thank you for coming to Fayetteville.

Verbal comments by John McCowley, Southeastern Regional Economic Development Commission

Gentlemen thank you for coming. My name is John McCowley, I am an average everyday ordinary citizen in Fayetteville. I am a member of the Southeastern Regional Economic Development Commission which is funded by the Legislator and is given the task of trying to recruit industry to this region. I appear before you today in no official capacity. A lot of my friends and neighbors have appeared here and they have been considerably more diplomatic than I intend to be because it is just my nature. I have been involved in this since 1997 and I had the pleasure of being a part of the legal team that represented PWC at that time when this issue was first brought about. I believe then that the fix was in, I believe that today the fix is in. I am not a water scientist, I am not a hydrologist, but I did read a book called Everything I Need to Know I Learned in Kindergarten. What you borrow, you give back. It is just that simple. The fact that we have gone through lots of expense and years of time is an indication that Cary has no intention of building a facility, they have no intention of spending their money and I agree with this gentleman, they have experienced fantastic growth. With that growth has come a lot of tax revenue, and they can afford to build a sewage treatment facility and everyone there knows it and everyone here knows it. It is a simple fact. The truth is they don't want to do it because it is cheaper to spend their money on politics and come down here and get the results they want and that is what they intend to do. I believe this process is inherently designed to give them an advantage, I think they obviously perceive that or they would not be spending millions of dollars to get ready for what they believe to be a foregone conclusion. As a citizen of Fayetteville and a citizen of North Carolina I am disappointed in the process itself and I am disappointed in our neighbors upstream that they are that inconsiderate of these fine people because they need water to drink and they need things for their families and their children and their grandchildren and it is just not a complicated matter and I don't believe you need to be a scientist to figure this one out.

Written copy of verbal comments by Bill Coleman, Town of Cary

**COMMENTS IN SUPPORT OF THE REQUEST BY CARY AND APEX FOR A
CERTIFICATE TO INCREASE THEIR INTERBASIN TRANSFER ("IBT") OF
WATER FROM THE HAW RIVER SUBBASIN TO THE NEUSE RIVER SUBBASIN**

Submitted by

**William B. Coleman, Jr.,
Manager, Town of Cary**

Good Evening. I'm Bill Coleman, Town Manager of the Town of Cary, and I want to begin by saying that I'm glad to be close to home tonight—I was raised in Red Springs. I've been with the Town of Cary since 1988 – and before then I held the position of manager in Southern Pines, Chatham County, and Pittsboro, so my experience in the Cape Fear River basin goes back to the late 70's. With all that said, I'm here to speak in support of our water allocation and interbasin transfer requests as submitted, without revision.

The interbasin transfer is part of the Town's overall, long-term strategy to meet our statutory mandate to provide our citizens and those in our partnering jurisdictions with water in the most environmentally sound and cost-effective manner. Information compiled by the applicants and DWR over the last 5-plus years strongly supports the approval of the requested transfer. I'd like to highlight some of that information, and comment on two of the potential IBT conditions published in the hearing notice.

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Like many of our fellow petitioners, the Town of Cary has had the great fortune to benefit in recent years from growth brought to us by our proximity to Raleigh, Durham, and most importantly, the Research Triangle Park. Thousands of the employees of these industries have chosen to live with their families in the Town of Cary. To maintain the high quality of life for our existing citizens, our Town Council over the last several years has begun a new chapter in our community's history: that of ~~effective growth~~ ^{more direct} management. ^{of Growth and its impacts} At Council's direction ~~and~~ ~~hearing the call of the Cary voters~~, we have developed and begun to implement the most innovative growth management program in the Eastern United States.

We have brought the best nationally recognized growth management consultants to help us protect our community—and those around us—from the ~~negative effects~~ ^{impacts of} of growth. Part of this effort is our move to slow our population ~~rate increase~~ ^{growth}, bringing it down from a high in the 1990's of 13% to last year about 5%. Our ultimate growth rate goal is around 3%. That's what we think is necessary to ensure a healthy economy and high quality of life for our citizens.

As part of our approach ^{for} to the wise use of finite natural resources, the Town of Cary in 1996 began implementing an aggressive and nationally recognized program to reduce water demand through conservation and reuse. Our Water Conservation Plan incorporates voluntary, regulatory and incentive mechanisms. As part of that plan, we have recently added a new, much higher rate at the top end of our tiered water rate structure to discourage unnecessary irrigation. We are installing the state's first municipal reclaimed water distribution system - ^{at a significant cost to our rate payers} ~~and~~ ^{in residential areas where business occurs} for customers in that service area the use of reclaimed water will be required for irrigation. We already have low per capita water use rates when compared to other North Carolina cities, but plan to reduce our water demand further - 20 percent by 2020. Without these conservation programs, if we planned our water needs using typical water use rates for other cities in the state, our requested interbasin transfer would have been significantly higher.

The Town of Cary has been working with the Division of Water Resources on our proposed interbasin transfer for over five ^{the Applicants} years. A comprehensive, full-basin hydrologic model was used ^{Funded by the} ^{Cary} ^{Division} ^{AS7} to assess the impacts of the proposed IBT. That model was

developed with full stakeholder participation from the Cape Fear River Basin, using 60 years of data, and was calibrated based on detailed data available between 1988 and 1998. The top levels of DENR and the various environmental divisions have scrutinized the model, and its use for assessing the impacts of the transfer. They have also fully supported and accepted the Environmental Impact Statement conclusions developed with this model.

The results of this highly scientific, comprehensive, unprecedented, and open process is that there are no direct impacts on downstream flows or Jordan Lake elevation from ^{the} ~~our~~ requested IBT.

The IBT will reduce the average annual flow in the Cape Fear River by a maximum of one half of one percent. At Lillington, this is about 1.5 million gallons out of 388 million gallons per day. The environmental impact statement clearly shows that there will be no significant direct environmental impacts to either the Cape Fear or Neuse River Basins.

Cary recognizes that the proposed interbasin transfer can facilitate growth and the impacts associated with that growth.

in the Cape Fear Basin or in the

To this end—and unlike any other place in North Carolina-- Cary has already implemented a number of programs to mitigate these impacts, such as basinwide stream buffer requirements throughout the Town's jurisdiction. ~~Each~~ ^{These} exceeds the state's requirements for the Neuse River Basin and, according to DEINR's own officials, has set the bar for a new level of protection for the Cape Fear River.

The Town of Cary is committed to protecting natural resources, and we challenge others to match our level of water quality protection.

Our requested transfer should be reviewed in context with other transfers in the Cape Fear and Neuse River Basins. For over a decade, more water is being taken out of the Neuse River and being transferred into the Cape Fear. Our proposed transfer will help bring the basins back into balance, not make things worse.

Specifically, an extra 10 mgd is now transferred into the Cape Fear River Basin on an average basis, and these transfers are expected to continue or increase in the future as they cannot be easily or practically reduced.

Again, our requested transfer will help offset the current net transfer from the Neuse River Basin to the Cape Fear River Basin, thus balancing the flow between these basins.

In addition to being uniquely situated adjacent to the Research Triangle Park, we are also uniquely situated on the ridgeline between two river basins: the Neuse and the Cape Fear. This means that we are part of both basins.

We therefore understand our downstream neighbors' concerns about the safe yield of the Cape Fear River below Jordan Lake, and about the reliability of Jordan Lake's low flow augmentation pool. And like our neighbors, we encourage the Division of Water Resources ^{to} ~~must~~ work quickly to determine the safe yield of the river.

In ~~fact~~ and to this end, Cary and the Public Works Commission of Fayetteville are cooperatively funding a Cape Fear River water quality modeling project that will assist with this. The Division of Water Resources is already working on a drought management plan for the low flow augmentation pool and has discussed options for better meeting flow targets with stakeholders, the Corps of Engineers and the USGS.

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However, while important, the low flow augmentation pool is operated independently from the water supply pool, and our requested IBT does not impact low flows in the Cape Fear River. Therefore, the transfer will have no effect on the safe yield determination. And, since the Jordan Lake low flow augmentation pool is managed separately from the water supply pool, the IBT has no impact on the ability of the low flow augmentation pool to meet downstream flow targets.

Even so, the Town of Cary is committed to returning highly treated wastewater to the Cape Fear basin and has been trying to move this effort forward for some time.

But as discussed with the EMC's Water Allocation Committee, our progress has been slowed due to regulatory hurdles associated with efforts to make this proposed facility a regional wastewater facility. We support the regional concept, but it takes additional time for coordination with potential partners. We continue our pledge and efforts to work with DENR to permit such a facility and welcome the deadline of 2010 for having the new facility on line. We believe that this deadline - if set by the EMC - will help move the permitting for this facility forward.

Finally, I would like to comment on the proposal to allow our requested IBT of 27 MGD only until 2010, and then to reduce the transfer to 16 MGD after that.

Even though the Environmental Impact Statement shows there would be no impacts with this higher IBT, we still believe that returning water to the Cape Fear River is the right thing to do.

As I've just stated for the record, the Town of Cary is planning to return water to the Cape Fear River via a new wastewater reclamation plant. This plan was already built into our current request of 27 MGD. Otherwise, our needed IBT would be 45 MGD, not 27 MGD. Therefore, reverting the IBT to 16 MGD after 2010 would be tantamount to denying our request outright.

Depending on the method used to meet such a proposal if required, it would cost an additional \$55 to \$90 million to meet this permit condition, and these numbers don't include operation and maintenance costs – particularly the costs of literally pumping wastewater around our community. The elaborate pumping schemes this would require for raw and

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treated wastewater would pose environmental risks and would under-utilize existing infrastructure - without any benefit of reducing impacts.

In summary, we request that you grant the interbasin transfer of 27 MGD. We have already taken extraordinary steps to minimize our request, and the analyses conducted over the last 5 years show that there are no significant negative impacts; in fact, the requested transfer will have a positive impact by balancing existing transfers out of the Neuse River Basin. Reducing the transfer below 27 mgd, or denying our request, would unnecessarily increase the cost of providing water to our customers, with no environmental benefit.

Thank you for the opportunity to comment.

Will want to be new

Written copy of verbal comments by John E. Pechman, North Carolina Wildlife Resources Commission

NCWRC Comments Regarding the Increase in Interbasin Transfer of Water from Jordan Reservoir

John E. Pechmann, Chairman, Presenter

The Wildlife Resources Commission is charged with the responsibility to protect and conserve the state's fish and wildlife resources. In light of this responsibility we have the following concerns with the proposed increase of the interbasin transfer of water.

First is the impact to receiving streams of the additional effluent. The receiving streams are in the Neuse River watershed, which has already been significantly adversely impacted by effluent and stormwater from a highly urbanized area. The proposed effluent could further impact aquatic resources in affected waters. Crabtree, Swift and Middle creeks of the Neuse River basin are of particular concern, since these waters are inhabited by several state listed endangered and threatened species. A number of animal and plant species are likely to be impacted due to destruction, fragmentation, and alteration of remaining habitat and increase in free-roaming domestic animals. Species that are rare, sensitive to disturbance, or habitat specialists are likely to be extirpated from the area. The increase in effluent will cause further decline in water quality in receiving streams. Development facilitated by the transfer will result in additional stormwater runoff and sedimentation, which will exacerbate water quality problems.

Examples of some of the listed species in the Neuse River basin and Wake County:

Pinewoods shiner- a fish listed as a federal species of concern and state significantly rare.
Dwarf wedgemussel- a mussel listed as a federal and state endangered species.
Spiny crayfish- listed as a state special concern species.
Michaux's sumac- a federal and state endangered plant species.

In addition to the listed species we are concerned about anadromous species that spawn in the basin. Just recently the Quaker Neck Dam was removed from the Neuse River at Goldsboro, which allowed striped bass, American shad and other anadromous species to access historic spawning grounds in Wake and Johnston counties. Reduced water quality could affect the recovery of these species.

Second is the impacts of water loss to the Cape Fear River basin. The Cape Fear basin also supports several listed species as well as important sport fish populations. American shad, striped bass, Atlantic sturgeon and possible shortnose sturgeon use the Cape Fear River for spawning. Significant reductions in water flows could impede the reproductive success of these and other species. In Jordan Reservoir many fish species spawn in shallow water areas. Reductions in water levels may result in the dewatering of nesting areas, thereby reducing reproductive success.

Decreased water flows in the Cape Fear River system would lessen the river's ability to assimilate wastes from industrial, municipal and agricultural sources. The Greensboro area proposes to significantly increase discharges to the Haw River and the Alamance County and Burlington areas are experiencing significant growth. This could lead to reductions in water quality and decreases in fisheries resources inhabiting the river. Drawdowns of the reservoir will impact wetlands in the Jordan Reservoir watershed area, which will affect numerous fish and wildlife species.

Finally additional water will lead to additional growth. Secondary impacts from this increased water supply will facilitate an increase in industrial, commercial, and residential development. Such development will result in an increase in the amount of impervious surfaces, which will in turn result in an increase in stormwater runoff. The increase in stormwater runoff can exert significant impacts on stream morphology. This will cause further degradation of aquatic habitats through accelerated stream bank erosion, channel changes, bedload changes, altered substrates, and scouring of the stream channel. Secondary development that follows increased water supplies and infrastructure projects causes the loss, degradation, and fragmentation of terrestrial habitats as well. All of which will result in diminished populations of fish and wildlife.

In summary the proposed increase in the interbasin transfer of water from Jordan Reservoir to the Neuse River system has significant potential to detrimentally affect fish and wildlife resources in both basins and the Wildlife Resources Commission is opposed to the project as currently proposed.

Written copy of verbal comments by Milo McBryde, City of Fayetteville

DRAFT

SUGGESTED REMARKS FOR MAYOR MILO MCBRYDE
Environmental Management Commission Hearing
March 6, 2001

Good afternoon, gentlemen. I am Milo McBryde, Mayor of the City of Fayetteville. It is my privilege to hold that position. It is my responsibility to use that position for the good of our community. The issue before us today is of great importance to our city, but not only to our city. Our entire region of this great state will be affected by what is said here and how you assess what is said here.

I am one of many people here today appealing to you to deny the request for an increased allocation of water to be taken from the Cape Fear River Basin by the upriver communities of Cary and Apex. There are many specific reasons why we believe an increase in the amount of water being taken from our Cape Fear River Basin is a bad idea. However, my appeal to you today is based on what we *don't* know about the consequences of the possible approval of this proposal.

As you may have seen as you traveled here today Fayetteville is
undergoing a kind of
Center city,
renaissance. We are growing. We are successfully revitalizing our We are
actively seeking ways to diversify our economy, so that we will be less dependent on the
governmental and military payrolls. We are beautifying the gateways and corridors into
our city. We are actively pursuing ways to maximize our proximity to that most
wonderful of all natural assets, the Cape Fear River.

I believe there could well be negative consequences to an increase of the water being taken from the Cape Fear River Basin. I am reasonably sure that no one of you would assure me to the contrary. Those consequences might well be disastrous to the important progress our community is making. It simply cannot be foreseen what effect a greater allocation would have on this community's water supply and water quality. That water supply and quality is vital to our quality of life and to our economic development efforts. For that reason, I oppose the proposal. This community is too valuable to this region and to this state to permit it to be deprived of what God has seen fit to give us in the form of the Cape Fear River.

Gentlemen, I know that there is a solution to this problem, a solution that would give both Cary and Apex the water they need *and* give Fayetteville and other downstream communities the water that is rightfully a part of the Cape Fear River basin. That solution is to simply require that Cary and Apex build a wastewater treatment plant that will discharge back into the Cape Fear River the water they've taken from it. You might say that's an expensive solution; but it is not as expensive for Cary and Apex as the alternative could be for Fayetteville and other downriver communities.

Please do not approve an increase in the interbasin water transfer allocation unless the water can be put back. Thank you for your attention.

Written copy of verbal comments by Charles Holt

Charles Holt , Fayetteville NC

E M C Public Hearing
March 06 2001

Welcome to Fayetteville and we appreciate your coming to hear our concerns about our most precious natural resource The Cape Fear River !!

I have changed my remarks after reading the March 02 article in the Fayetteville Observer..quoting John Morris, director of Division of Water Resources stating that diverting or transferring 4 billion gallons of water a year from the Cape Fear Basin to the Neuse River Basin..”will neither hurt water quantity or water quality in the Cape Fear River Basin.” If that is the department’s position WHY THE PUBLIC HEARING ?????

Why, John(who I have known and respected) did North Carolina fight Virginia’s proposed INTER BASIN TRANSFER from Lake Gaston in the Roanoke River Basin to Virginia Beach ? I would love to read NC’s attorneys remarks on INTER BASIN TRANSFERS and their claims that they impact water quality in the Roanoke River.

More disturbing was Bill Coleman’s remarks about every citizen in Fayetteville....” Nobody in Fayetteville understands environmental impact statements or scientific models related to inter basin transfers.” In addition Mr Coleman states that we have a “ Chicken Little attitude, in that we worry about problems that are not going to happen....the sky will not fall”...

I am sure the people in the Neuse River Basin or on the Tar River thought the “ sky would not fall on their rivers.”

We, in Fayetteville, do know the dangers of inter basin transfers...some

of us have even traveled West or have read about diversions from the Colorado and other rivers that have drained them.

We worry about water quality in the Cape Fear and its dark water smaller rivers which are their tributaries...SOUTH RIVER PHOTOS.

Cape Fear is in good shape...banks are full of wildflowers, wildlife abounds, and fishing is pretty good....

AMERICAN SHAD, an anadromous fish, is on his way from the sea into the Cape Fear to spawn. Shad filters the water of the Cape Fear through his gills for the plankton he lives on. We hope the Wildlife Commission will reintroduce the Stripped Bass in the Cape Fear as they so successfully did on the Roanoke.

Inter Basin Transfers are bad for our state and its river basins...NC needs a POLICY on all the river basins.....Balanced economic growth and healthy rivers and clean water.

CLOSING....Let Cary return the water to our river basin, they can afford it. IN THE MEANTIME LET THEM PAY FOR THE WATER THEY EXTRACT FROM THE CAPE FEAR TO MITIGATE THE DAMAGES.





Hearing Officer: Leo Green

Before we let Mr. Martin start, we are about 1/3 of the way through the people that would like to make comments. I notice in our stack here that we have 3 or 4 people that made comments at the Raleigh hearing last night, we would encourage you to let that be your record for this hearing and not make the same comments tonight. I will not call your name unless you have a strong objection to that.

Verbal comments by W. Steve Martin, AIA, Fayetteville State University

Good evening gentlemen, my name is Steve Martin, I am the University Architect for Fayetteville State University. First I would like to welcome you to Fayetteville but in particular I would like to welcome you to Fayetteville State University. You have heard comments from Senator Rand, Senator Shaw, Mrs. Tally and we at Fayetteville State we share these concerns, particularly in the belief that the water taken from the Cape Fear River Basin needs to be returned to the Cape Fear River Basin. That is a very self-serving interest for the University in that we want to protect our potential growth. We have heard a lot tonight about growth down through the years, I am here to say that the growth is here this year. This University, founded in 1867 is the 2nd oldest institution of higher learning in the State. We have a very diverse population here and as part of the bond package that passed in November Fayetteville State University and my Department in particular is overseeing \$45.5 million worth of construction, that is on this campus alone. As part of an economic impact we have an estimated annual economic impact of over \$105 million per year. We intend to expand our enrollment by 50% by 2008, that is just around the corner. We share these concerns and beliefs that water taken from the basin needs to be returned to the basin. We believe that Fayetteville State University is a good neighbor and we want to be a fair neighbor to those up north with the stipulation that what they take from us, they return to us. Thank you.

*Due to poor recording, Division of water Resources was unable to transcribe verbal comments following W. Steve Martin. The speakers are (in order):

- ✓ Mick Noland*
- Margaret Dickson*
- ✓ Sharon Valentine*
- ✓ Denny Shaffer*
- ✓ David Cooke*
- ✓ Maria Kliess*
- ✓ Rudolph Singleton*
- ✓ Thorton Rose*
- Clinton Harris*
- Peggy Vick*
- Jose Cardona*
- ✓ Neil Smith*
- Walter Vick*
- Edward Williams*

- ✓ Bob Cogswell*
- ✓ Jimmy Kizer*
- ✓ Don Broadwell*
Marcia Mackethan*
- Steven Lawrence*
- ✓ Douglas Modde*
- ✓ Carlos Zukowski*
Alfred Rose*

Speakers who did not submit written copies of their verbal comments were contacted by letter, email and phone. DWR requested a written copy of their verbal statements or a written copy of any comments they might want to include in lieu of their spoken comments. Check mark (✓) indicates those speaker from whom we received written comments (either at the hearing or following the hearing).

Written copy of verbal comments by Mick Noland, Fayetteville Public Works Commission

STATEMENT BY FAYETTEVILLE PUBLIC WORKS COMMISSION

**March 6, 2001 Public Hearing
Jordan Lake Water Supply Storage Allocations Round 2 and
Proposed Interbasin Transfer Increase for Towns of Cary, Apex, and
Morrisville and Wake County (for RTP South)**

My name is Mick Noland. I am the Chief Operating Officer for the Water Resources Division of the Fayetteville Public Works Commission. This evening I would like to summarize our concerns and recommendations associated with the proposed Round 2 allocations and interbasin transfer increase for several Triangle Area communities

Since the hearing officers and DWQ staff have heard and been sent documentation of many of our concerns, in consideration of time limitations, I do not intend to reiterate those comments in detail tonight. Detail written comments will be submitted prior to the March 9, 2001 5:00 p.m. deadline. I instead want to focus on three specific recommendations on conditions of the proposed IBT increase.

First, a new Cape Fear River wastewater treatment plant should be required. Unless the applicants are required to have a new wastewater plant discharging to the Cape Fear River, the proposed action in the EIS is misrepresented. The applicants are under no obligation with respect to developing a new wastewater facility unless the EMC so conditions this IBT.

Second, completion of a new Cape Fear River wastewater treatment plant should trigger reversion of the maximum allowable IBT back down to the existing level. The Triangle Area communities should be required to build wastewater facilities to ensure that the IBT will be maintained at a level no greater than the current 16 mgd maximum. It would not make sense to invest tens of millions of dollars in new wastewater facilities if the already tremendous IBT is allowed to grow even larger. Any temporary increase in the existing IBT

should be allowed only until 2010, or earlier if Cape Fear River wastewater facility construction can be accomplished sooner.

Third, completion of a new Cape Fear River wastewater treatment plant should be required before any possible allocation for Cary/Apex and their partners beyond Round 2. Our understanding is that Cary and Apex have already jointly submitted a draft Round 3 application to DWR requesting a total allocation of 48 mgd. Given this development, it would be in keeping with the very optimistic assumptions made in the EIS to require that a new Cape Fear wastewater plant be operational prior to any possible allocation for these communities beyond Round 2.

With respect to these three recommended IBT conditions, and in particular about reverting back to the current 16 mgd maximum IBT, there is always concern about the costs of pumping improvements and under utilization of wastewater plants in the Neuse Basin. However, no one is forcing the IBT applicants to use Jordan Lake as a water supply. In fact, Cary is currently participating with Raleigh, Durham, and Granville County in a feasibility study of using Kerr Lake as a water supply. Cary's long-range water supply plan also includes possible development of a Neuse Basin reservoir on Middle Creek in western Johnston County. Existing wastewater facilities in the Neuse Basin can still be fully utilized if sources besides Jordan Lake are used to supply the future needs of these communities that are not met by this allocation round.

There has also been discussion about how approving the IBT increase is somehow justified because it would offset some of the IBT that occurs into the Cape Fear Basin, most notably from Durham. We strongly disagree. Durham's IBT from the Neuse to the Cape Fear Basin is from its large wastewater discharges to a tributary of Jordan Lake. Durham's discharges thus reach Jordan Lake from where recent history shows they may or may not be released to meet minimum Cape Fear River flow requirements below Jordan Lake. This

situation of net inflow into the CFR basin is more by happenstance than by design and there is no assurance it won't become negative in the future.

Beyond our recommendations for IBT conditions, we believe that the following significant issues remain unresolved:

- ✓• The EIS impact analysis is critically flawed since it focuses on only the water supply pool not the combined pools to include the water quality pool.
- The critical assumption was made in the EIS that agricultural withdrawals will not increase over time. This assumption was made despite projections of rapidly expanding population and municipal water use. No evidence was provided that agricultural acreage will decrease in the future.
- ✓• Randleman Lake was excluded from the analysis in the Triangle Area's IBT EIS. Specific data were not provided on how the Cape Fear River low flow regime would be affected by Randleman Lake operations.
- ✓• An accurate historical low flow impact assessment is missing. In fact, Lillington flows have frequently dropped below the 600 cfs minimum flow target every year between 1982 and 2000, often far below 600 cfs, and to levels as low as 300 cfs.
- ✓• EIS scenarios demonstrate that the Jordan Lake water quality pool is already insufficient for downstream needs as it is fully depleted in 11 of 69 simulated years, for up to nearly 80 days in a single August to February period, facilities.
- ✓• Water supply available to downstream communities is rapidly dwindling. If the 28MGD allocation is granted, 22 mgd of the maximum 50 mgd

diversion will remain without a single gallon yet being allocated to users farther downstream such as Fayetteville, Sanford or Harnett County who are well outside the lake's watershed.

- **The safe yield of Jordan Lake has not been confirmed.** The 100 mgd safe yield estimate appears to be optimistically high. EIS scenarios with simulated Jordan Lake withdrawals of 100 mgd show water supply storage being fully depleted in multiple droughts and fully or nearly depleted for over three consecutive months in one drought.
- **Now the EMC is faced with the challenge of still having to make an objective Round 2 allocation and IBT decision.** Cary/Apex water supply system improvements are already well underway to allow withdrawal and treatment of an expanded Jordan Lake allocation. Millions of dollars have already been spent on this construction, which began in October 1999. Even before these construction expenditures, and even before the IBT EIS was initiated, DENR's Division of Environmental Health approved plans and specifications for the Cary/Apex water treatment facility expansion. We find it difficult to understand how a truly objective evaluation of the IBT EIS could have been made when DENR had already approved the facilities to make use of the IBT. Furthermore, there are unanswered questions about whether Environmental Review of the Cary/Apex expansion was conducted in accordance with DENR's North Carolina Environmental Policy Act Rules.

In closing, I would like to thank you for the opportunity to express the views of the City of Fayetteville Public Works Commission. We do not believe that the IBT EIS process adequately addressed several legitimate and important concerns.

Nevertheless, we believe that the EMC now has opportunities to ensure that our concerns are addressed by conditioning Round 2 IBT approval and by providing specific direction and oversight to the Round 3 allocation process.

Respectfully submitted by:



M. J. Noland, P.E.

Chief Operating Officer

Water Resources Division

Fayetteville Public Works Commission

Margeret Dickson :

Had problems with the recorder and did not receive the requested written statement.

INTERBASIN WATER TRANSFER HEARING

My name is Sharon Valentine and my husband, Steve Quinn, and I farm 6000 acres on the Cumberland/Bladen line and grow approximately 28 million pounds of turkey annually.

I would urge this commission to take two major issues into consideration before approving water transfer from the Cape Fear River that not only has implication on the farm economy but on the state's economic sustainability in the southeastern part of the State.

I know we are trying to reach an acceptable compromise with Apex and Cary so that 30 years from now this area will still have both quantity and quality water from the Cape Fear River. Perhaps I should have introduced myself as "chicken little" because the report I bring from our farm not only indicates we are running out of water but that we perhaps have run out of time. The bottom line is we no longer have water flowing into the Cape Fear downstream as we once had and that information should be considered in your deliberations.

Our farm drains 270,000 acres above us and five streams converge at the lower end of the farm to form Harrison Creek. Harrison Creek flows into the Cape Fear River. In 1996 Hurricane Fran pounded the Cape Fear Basin. The debris dumped into the waterways and the silting in of the stream channels was never corrected. Stream drainage into the Cape Fear River was greatly reduced and every time the region gets a thunderstorm Harrison Creek backs up for 17 miles. The most graphic illustration of streams without channels occurred with Hurricane Floyd that left 18 inches of water on 2000 acres of our farm for 11 weeks. The water is no longer flowing into the Cape Fear but stagnates in a swamp like condition until it ~~evaporates or~~ dries up. We brought the Cape Fear Drainage issue to the attention of DENR in 1996-1997.

The second problem is the second year of a continuing drought. We are 5 inches under normal rainfall since January. The aquifer on the farm has fallen 40 feet since 1988 and this is on a farm that has a 13-year history of subterranean irrigation. Timbering in the region has dried up the small creeks that use to originate in wetlands. I really believe we are in a period of climate change and water that we use to

take for granted must be carefully and deliberately considered in any planning. The forecast this year is again for a hot, dry summer and I wonder what would be the options if the Jordon reservoir falls to limits of many of the reservoirs in the western states. Will we pay farmers not to irrigate? Two of the five wells on the farm have gone dry.

Agriculture generates 48 billion dollars in state revenue and the poultry industry in this part of the state contributes more money than the entire Research Triangle Park. A wrong decision on water diversion—not just in gallons of water from the river—but from totally dependent lower Cape Fear Basin is a gamble with our farms, our livelihood and our future. Thank you.

Denny Shaffer

2910 Skye Drive
Fayetteville, NC 28303
910 485-7203
March 6, 2001

I am Denny Shaffer. I speak tonight for myself and my family, but for the record I have lived here 47 years, been a two term City Councilman, and a national officer of the Sierra Club for 27 years, including two terms as National President. I have received the Governor's Award for distinguished service to the state as an environmentalist.

As President of the Sierra Club I traveled extensively in this country looking at environmental success stories and governmental approved and endorsed mistakes. From that experience, let me tell you, interbasin transfers...unless small and temporary...are a bad idea.

No science told us years in advance that Hurricane Floyd flood waters were coming, or of the drought now in Western North Carolina that needs four or five years of above average rains to recover. No one can accurately tell you how much water is going to be available in the Cape Fear River Basin, long term.

But here we have not only a study that confuses science with clairvoyancy, but a process that lacks credibility. This EIS is paid for by those who want the water. I have, as an individual, or a member of a team hired 20 or more consultants. You get to talk to them before the hire. Tell them your problem, get their assurances that they are the ones to help you. And when the product is delivered, in this case an EIS, the future of the consultants is dependent on a good recommendation from their client so they can get more clients. Who here believes they could long exist as consultants if they brought to Cary a report that said, forget it folks, this is just a dumb idea?

Are the consultants dishonest. No. Can they work the data to influence one way or the other the result. Of course.

Cary and Apex are a casebook study of bad planning, and/or bad management. They have outgrown their water supply. They have proceeded with construction assuming decisions not yet made. Last night at the Raleigh hearing major industries testified to the massive growth they have planned. These folks are working hard toward making Cary, Apex and Raleigh the next Los Angeles. Need water? Buy it, steal it, use your muscle and get it. And you can bet that lousy air quality is on the way.

The residents of Cary, Apex and Raleigh need the EMC to help protect them from themselves, and their leadership.

Perhaps worst of all is the arrogance. Fayetteville folks just don't understand says City Manager Bill Coleman. Just "Chicken Little." He has science on his side. Bought and paid for. His behavior clearly says they believe they have the political clout to get what ever they want. ~~It shows they believe they will get what they want from this study.~~ They point out to us slow thinking folks down river that many on the EMC are from their area. Money has been spent in anticipation of the outcome going their way as if they know in advance.

I know the EMC. I know you want to protect the quality of the environment of this state, for North Carolina families and for the future.

Rewarding bad planning will get more bad planning. And more diminishment of environmental quality.

Give them no more water until they have in place facilities to return that water to the river basin from which it was drawn.

**COMMENTS IN SUPPORT OF THE REQUEST BY CARY AND APEX FOR A
CERTIFICATE TO INCREASE THEIR INTERBASIN TRANSFER ("IBT") OF
WATER FROM THE HAW RIVER SUBBASIN TO THE NEUSE RIVER SUBBASIN**

Submitted by

**David Cooke, Manager
Wake County**

Good Evening. My name is David Cooke, and I am the Wake County Manager. I am here to speak in support of the proposed interbasin transfer of 27 MGD of water from the Haw River Basin to the Neuse River Basin. While Wake County is not a water supply provider, we have requested a Jordan Lake allocation and been involved in the requested interbasin transfer on behalf of Research Triangle Park. Since there are representatives from RTP here to present their comments, I will focus my remarks on how the requested IBT fits into the County's regional planning efforts.

In 1998, Wake County completed a Water and Sewer Master Plan. In order to develop this plan, the Wake County Commissioners created a 21-member Water and Sewer Task Force. This Task Force worked with key stakeholders to identify and evaluate options for future water and sewer service in Wake County. Consensus-based solutions were sought during the process. The final plan recommended that two utility groups form to serve the eastern and western portions of the County, with the ultimate goal of merging into one countywide utility.

Cary, Apex, Morrisville and RTP are working together on water and sewer solutions that are consistent with those outlined in the Water and Sewer Master Plan. The Plan recommended that these local governments work together to address water supply needs in the western portion of the County, using Jordan Lake as the primary water supply source. The requested IBT of 27 MGD is consistent with this planning recommendation.

The Environmental Impact Statement for the IBT clearly illustrates that there are no direct impacts to either the Neuse River Basin or the Cape Fear River Basin as a result of the requested transfer of water. The water supply pool and water quality pools in Jordan Lake are operated independently, and thus withdrawals from the water supply pool do not impact the water quality pool. Predicted downstream flows do not significantly change as a result of the requested IBT.

The Water and Sewer Master Plan also recommended a new water reclamation facility that will discharge to the Cape Fear River to service portions of these western Wake County communities. Cary and Apex each support this recommendation and are working to build such a facility.

Wake County recently decided to pursue another countywide planning project similar to the Water and Sewer Master Plan. The County Commissioners have recognized that growth in the area will impact environmental quality as well as the quality of life for our citizens if it is not properly planned. Therefore, we are beginning to develop a Wake County watershed management plan. This plan will be developed with stakeholder input and will include specific strategies to protect water quality within the county. The efforts Cary and the other petitioners have taken to address the impacts of growth will be an important component of our overall plan.

Wake County strongly believes that developing and implementing plans such as our Water and Sewer Master Plan and our Watershed Management Plan results in programs that allow for growth while protecting the environment in a cost-effective manner. By approving the requested interbasin transfer of 27 MGD, the Environmental Management Commission would illustrate its support of planning efforts such as those undertaken in Wake County, since the petitioners' request is consistent with our plan and has no direct impacts on the environment.

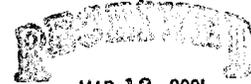
I appreciate the opportunity to comment tonight.

Lee Maria Kliess

1012 Westmont
Fayetteville, NC 28305
(910) 433-2412
Wednesday March 7, 2001

Tom Fransen
Division of Water Resources
DENR
1611 Mail Service Center
Raleigh, NC 27699-1611

Fayetteville Observer
Letters to the Editor
PO Box 849
Fayetteville, NC 28302



MAR 12 2001

DIVISION OF
WATER RESOURCES

Dear Tom Fransen,

Thank you for giving me the opportunity to speak concerning the water transfer from Jordan Lake to the Neuse River Basin.

Unfortunately, even though I signed up at 4PM, more than half the people, including the press had left before I had that opportunity.

What the Division of Water Resources is addressing is a complex issue with a single minded need. Cary and Apex want water and a little transfer has not done any apparent damage. Lets plan for the next decade and go ahead with more.

Fortunately or unfortunately NATURE is very forgiving, but once it is pushed to its limits it becomes equally none forgiving. What is Cary going to do after this decade - want and need more water. After 50 years? The Water Resources Commission has taken a very short sighted view. They are dealing with Jordan Lake as it exists now. A similar flood control lake in Iowa has silted up. Will Jordan lake perhaps hold only one third as much water in 50 or 80 years as it holds now? Will all that water then be permitted to feed the urban sprawl created by the extended Raleigh Area?

What is planned with the increasing run off? While it hasn't been flushed through our toilets, it has picked up minerals, heavy metals and other pollutants from the city streets. In Indianola Iowa it unfortunately also flooded the sewer plant. Here in Fayetteville I owned a house which had the exceptional dry basement. But then a one family home on Hay street was turned into a commercial property needing a parking lot. No longer did we have a dry basement. One can also ask for the source of mercury that is showing up in fish. There are other consequences that haven't been addressed and others that are not known yet.

Even with the PERMISSION WITH CONDITIONS there is no mechanism that permits re-evaluation and STOPPAGE if negative consequences are observed. All we are talking about is transfer of water. No natural water source is without minerals, protozoa, amoeba, algae, etc. The Great Lakes have been damaged by the introduction of a muscle. The Mediteranian is suffering from a fast spreading water plant. North Carolina is currently being invaded by the FIRE ANTS. Do we as yet have a real clue to the sudden outbreak of VISTERIA?

If Cary is in such need and has the wealth to spend \$64 million on the chance that permission for additional water from Jordan Lake will be permitted let them set aside in escrow \$64 million for the sewer plant that will be needed to transfer water back to the Cape Fear River. There was another excellent suggestion. Assess a fine, an increasing fine, for every additional gallon of water that will be drawn. Let that increase be at least 10%, but allow half of the fine to go toward building the new sewer plant. Let enough of the fine to be lost for ever such that Cary doesn't wait for ever before building the sewer plant.

Will Cary and Raleigh become our new Los Angeles? For once the people are there, we will not have the ability to shut off their water supply. I have traveled and experienced too many short sighted, single answer solutions. Please let me have the names and address of the 17 commissioners. They each need to obtain a copy of

The Logic of Failure
Recognizing and avoiding error in complex situations
by Dietrich Doerner, Perseus Books, Reading Mass.

Of course it should have been known that with the building of the Aswan Dam the flooding and fertilizing of the Nile Valley would end.

Of course, the missionary doctors who went to India a hundred years ago to save lives, should have known that more babies surviving would cause an increase of the population that would suffer from future famines and malnutrition.

Of course WHO should have known that spraying against mosquitoes would also kill the predators of the mosquitoes. In Primavera, Paraguay we were not excessively bothered with mosquitoes. There was one case of malaria in 1000 people. WHO sprayed. We all had to get mosquito nets as it became impossible to sleep at night without them.

Of course building irrigation canals from the waters of the Indus River would greatly increase the amount of arable land. But, Pakistan being a poor country, the available resources and manpower used sun dried bricks to line the canals. Some thirty years later the water had seeped through the clay of these bricks and raised the water table. It was amazing to wake up on a warm morning and see frost all over the ground. Strange frost, actually nitrates that had been brought to the surface from the raising of the water table. This land was no longer farmable. Instead of increasing the arable land, the desert was now encroaching about 5 miles a year.

Sincerely,



Dr. Lee Maria Kleiss
Chemistry
Fayetteville State University

Rudolph Singleton:

MAR-22-2001 16:24

P.02/03

**THE LAW FIRM OF
HUTCHENS & SENTER**

Attorneys & Counselors At Law

H. Terry Hutchens
William L. Senter
John H. Britton
* Joseph J. Vonnegut
James C. Huff

Rudolph G. Singleton, Jr.
Of Counsel

* Licensed in Georgia only

March 22, 2001

Ms. Sheila Thomas
Environmental Department of Engineering
North Carolina Division of
Water and Natural Resources
P.O. Box 27687
Raleigh, North Carolina 27611-7687

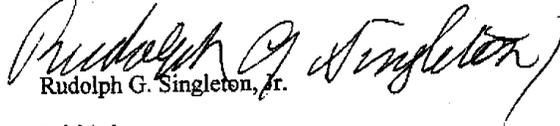
Re: Interbasin Transfer

Dear Ms. Thomas:

Enclosed, pursuant to our telephone conversation, is an outline of remarks which I made opposing interbasin transfer by Cary/Apex of waters from the impoundment at Jordan Dam which I made at the hearing on March 6, 2001.

Cordially,

THE LAW FIRM OF HUTCHENS & SENTER


Rudolph G. Singleton, Jr.

RGS/rab

Enclosure

4200 MORGANTON ROAD, SUITE 103, FAYETTEVILLE, NC 28314
MAILING ADDRESS: P.O. BOX 2505, FAYETTEVILLE, NC 28302
TELEPHONE (910) 864-6888 FAX (910) 864-6848

March 5, 2001

(Mar G)

EMC Hearing RE: Interbasin Transfer. History: Originally, primarily flood control

- 1970 New Hope Dam/Jordan Dam
Lawsuit *Sierra Club v. Corps of Engineers*. Intervention in favor of dam by Cumberland County and Fayetteville, downstream communities, and New Hanover County through Lower Cape Fear Water and Sewer Authority. Intervention opposing dam by Durham and Chapel Hill. Suit lasted six years. Multiple court hearings. Three appearances in U.S. Court of Appeals.
- 1976 Week long trial in Durham.
- 1980-81 Impoundment complete.
- 1980's Water allocations to various communities.
- 1989 1st EMC approved interbasin transfer. Cary/Apex: 16 million gallons per day. Admin/Hearing requested by Cumberland County/Fayetteville and New Hanover/Cape Fear Water and Sewer Authority (week long hearing).
There had been multiple "unofficial" interbasin transfers, but none approved by state agency.
Cary/Apex sewer/treatment plant emptied into the Neuse River Basin.
Cary/Apex had failed to build or even plan for Cape Fear Basin sewage treatment plant.
Cary/Apex system had just built a 50 million gallon intake facility.
Cary/Apex refused to commit to Cape Fear Basin sewage treatment plant.
- NOW Cary/Apex is seeking increase from 16 million gallon per day to 27 million gallons per day. They still have capacity to take out 50 million gallons per day.
They still refuse to commit and be bound to build a Cape Fear basin sewage treatment plant.

They, have without prior EMC state approval, proceeded to gamble on an investment argument by building a multi-million dollar water plant.

Make no mistake, this is all about money. This is also all about fairness and common sense.
Fayetteville/Cumberland County and the downstream communities do not object to Cary/Apex using all the water they need out of the Jordan Dam impoundment, if they will simply return it to the Cape Fear Basin, rather than transferring it to the Neuse River Basin! All that is required is a Cape Fear Basin sewage treatment plant which should have been built, as promised, in 1989.
The EMC should legally and equitably force Cary/Apex to return all Jordan Lake water or require them to secure their water elsewhere.
Throughout history, people have followed water. It is wrong that Cary/Apex selfishly ask that Jordan water follow people, using the sewers of the Neuse.

Rudolph G. Singleton, Jr.
Attorney
P.O. Box 2505
Fayetteville, NC 28302
Tele.: 910-864-6888
Fax: 910-864-6848

In matters pertaining to the Cape Fear River and interbasin transfer of water, I represent FWC and the City of Fayetteville as their attorney. I have represented Fayetteville and Cumberland County in these matters since 1970, when we intervened in the above litigation to secure the Jordan Dam.

I also appeared in the 1989 administrative hearing regarding the first EMC approval of interbasin transfer.

TOTAL P.03

Thornton Rose:

Cape Fear River Interbasin Transfer

Subject: Cape Fear River Interbasin Transfer

Date: Thu, 22 Mar 2001 17:01:22 EST

From: TeaWater1@aol.com

To: tom.fransen@ncmail.net

At approximately 11:00 AM, Thursday, March 22, 2001, I received a call from the office of the Environmental Management Commission stating my presentation at the Cape Fear River Interbasin Transfer hearing held March 6, 2001 in Fayetteville, NC was somewhat garbled in transmission from the recording. The person calling requested that I recap my remarks from my notes as best I can and e-mail them to "Tom.Fransen@ncmail.net"

As follows:

I have before me Volumes I & II, Corps of Engineers' "Comprehensive Report on the Cape Fear River Basin, North Carolina", dated 30 October 1961. In 1963, as president of the Fayetteville Area Chamber of Commerce I attended, along with Mayor Robert Butler and City Attorney Joe Talley, the Senate committee hearing concerning the proposed New Hope Dam and Reservoir held in Washington, DC. Senator B. Everett Jordan presiding.

Noone in Wake or Orange county provided any help in seeking approval of the project. Dr. Mott Blair of Siler City is the only person from the upstream area I recall actively promoting the dam and impoundment. Rather, there was resistance from a group of Chapel Hill professors and a congressman from Nashville, NC.

The Cary folks should be mindful that were it not for the leaders in the Cape Fear Basin there would be no Jordan Lake from which they now enjoy 16,000,000 gallons/day.

(note:add to the above the previous e-mail sent March 8, 2001 as follows):

Dear Mr. Fransen: I wish to add the following to my remarks made at the Cape Fear River Interbasin Water Transfer hearing held in Fayetteville, NC, March 6, 2001:

The problem that your board should consider as paramount is the ultimate effect the reduction of stream flow will have on the "dilution of pollution" which is one of the Corps of Engineers's concerns when the New Hope Dam and Lake was proposed in the early 1960's. Should the flow of water continue to be diverted to another basin the effects will be felt due to the lack of dilution of the pollution which will always be there as stormwater drains into the creeks and streams, agricultural run-off and ineffective wastewater treatment facilities which exists today.

I think your decision should give weight to the fact that the people asking for the transfer have no intention of providing facilities to return the water to the Cape Fear Basin due to the cost without being forced to do so. Otherwise, they would be expending the money on building a wastewater treatment plant with definite plans now to return the present 16,000,000 gallons per day to the Cape Fear Basin rather than building the plant to empty the treated water into the Neuse Basin.

Serious thought should be given to the effect that the increased flow into the Neuse River when the next storm surge blocks the river from flowing into the sound. The City of New Bern will be inundated. Even now, though it doesn't happen often, it does happen.. I remember. I was there!

The transfer must not be granted until Cary and the others have completed and have in operation the required facilities to return the treated water to the Cape Fear Basin with adequate monitoring equipment.

Thank you for allowing this input.

Thornton W. Rose
2614 Mirror Lake Drive
Fayetteville, NC 28303
(910) 484-9060

1 of 1

05/03/2001 3:24 PM

Clinton Harris: Had problems with the recorder and did not receive the requested written statement.

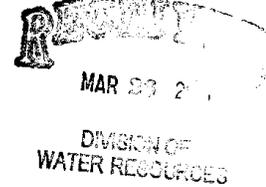
Peggy Vick: Had problems with the recorder and did not receive the requested written statement.

Jose Cardona: Had problems with the recorder and did not receive the requested written statement.

Neil Smith

03/26/01

Attn: Sheila Thomas
North Carolina Division of Water Resources
PO Box 27687
Raleigh NC 27611-7687



Greetings:

Thanks for your follow-up in reference to a public hearing concerning the Cape Fear River Basin conducted at Fayetteville State University in early March 2001. At that hearing I was privileged to speak as a concerned citizen whose family (Neil Archibald Buis) has made the Cape Fear Basin home since the mid 1700's. In fact the homestead I reside on today was granted to my ancestors in 1789 from the first governor of NC after the conclusion of the Revolutionary War. My father, Shelby F. Smith was raised on the banks of the Cape Fear as well as his family before him. As a child my dad joyfully told stories of his buddies, cousins and neighbors swimming the river from shore to shore on hot summer days in southern Cumberland County. My father taught all who would hear respect of creation & neighbors and that always meant you may borrow necessary resources for ones journey but you always returned what you borrowed and when possible a little extra. This story can be repeated endlessly and should, there may be a redundant tone but for the future and with celebration of the past, time is in

to end all that's significant and a two hour hearing can erase 2,000,000 years of creation + evolution. I'd thought, but my reflections seem to indicate this is possible if not probable, in light of a biased presentation and Sogone conclusions from the independent study.

Things I learned:

- A) The study convinced me that water not only can exist as a liquid, gas or solid, but water is also imaginary. The analytical charts and data convinced the listener that the millions of gallons of water we're all concerned about were only imaginary and would not affect anything. Believe it or not!
- B) The Triangle municipalities and county governments have shown no good faith in the years past as to convince anyone of their future good faith efforts. Years and years of promises are mere promises, nothing has been done by these entities to suggest otherwise -
- C) No significant efforts have been initiated among the progressive thinkers of the Triangle area to utilize the resources available. i.e. (subdivisions with less use of land surface, reuse of water, heavy tilt on the ~~vertical~~ vertical and not horizontal. etc)

- D) Recognized the complexities of this problem, but political agenda is to take easiest way.
- E) This problem is providing an excellent case-study to show to the world and the U.S. and our own citizens of N.C. There is a better way yet!
- F) Profit taking and greed are the priority as the environment and stewardship of all creation is recklessly diminished.

Conclusion:

- A) North Carolina is a state that facilitates compassion and empathy for all creation, and when all has been respected the end will be for the greater good.
- B) Use the water, borrow all you need, but return it where you found it.
- C) No one person stands alone, we must respect our neighbor when the neighbor is upstream, downstream or without a stream.

Respectfully Submitted,

Neil E. Smith, Concerned Citizen
Neil E. Smith 03/26/01

Walter Vick: Had problems with the recorder and did not receive the requested written statement

Edward L. Williams: Had problems with the recorder and did not receive the requested written statement

Bob Cogswell

re: March 6, 2001 Public Hearing

Subject: re: March 6, 2001 Public Hearing
Date: Mon, 26 Mar 2001 17:50:46 EST
From: "Robert Cogswell" <rcogswell@ci.fay.nc.us>
To: <sheila.ambat@ncmail.net>
CC: "Roger Stancil" <rstancil@ci.fay.nc.us>

My main point was the fact that in 23 plus years of being present at public hearings before the Fayetteville City Council (I am the City Attorney, and have been since 1977), I have never seen all of the folks who spoke in opposition on the same side of an issue at any given time. It showed that the citizens of Fayetteville can work together for a common goal in the public sector.

----- Original Message -----
This is in reference to the March 6, 2001 Public Hearing that you attended and spoke:

We are in the process of transcribing the hearing. Unfortunately due to some difficulties with the sound system we have been unable to transcribe your portion of the hearing. We are requesting that you send us your comments in written format. You may simply reply to this email message. You can be as brief or detailed as you wish. Basically include whatever you would like to be recorded for official comment.

We regret having difficulties with the sound system. However we do value your comments and look forward to receiving them. Receiving them in e-mail form will allow us to document them in the Hearing Officer's Report. Please have them to us by April 2, 2001. If we do not receive your comments by then, we will not be able to respond to them in the report. If you have any questions please free to call me at (919) 715 - 0388.

Regards,

Sheila

--
Sheila Thomas-Ambat
Environmental Engineer
Division of Water Resources, NC DENR

1611 Mail Service Center, Raleigh, NC 27699-1611
512 North Salisbury Street, Raleigh, NC 27604
Phone: (919) 715-0388, Fax: (919) 733-3558
email: Sheila.Ambat@ncmail.net

----- End of Original Message -----

Jimmy Kizer

Re: March 6, 2001 Public Hearing

Subject: Re: March 6, 2001 Public Hearing
Date: Tue, 27 Mar 2001 21:46:12 EST
From: JMKizer@aol.com
To: sheila.ambat@ncmail.net

Sheila,

I apologize for taking so long to get back in touch with you, but the past week and a half have been crazed. At the public hearing, I spoke on behalf of two organizations in the local area. Basically, on behalf of the South Central Chapter of Professional Engineers of North Carolina, of which I am president, and the Homebuilders Association of Fayetteville, on which I am a member of the board of directors. As an aside, I am also a former At-Large Fayetteville City Council Member.

On behalf of the local PENC (72 members) and Homebuilders (420 members), both groups feel that any interbasin transfer must be accompanied with a requirement as part of the permit that states within 10 years that Cary will have an operational sewage treatment plant that is placing highly treated wastewater back into the Cape Fear River Basin. If the plant is not a REQUIREMENT, then both groups OPPOSE the interbasin transfer. Both of these groups in board meetings and general membership meetings have this opinion, and I was given the task of putting their views on record. Both of these groups have a great deal to lose if the water quality and available quantity in the Cape Fear River is lowered.

On a more technical side, I as a Professional Engineer, have trouble with the way the effects of the interbasin transfer were determined. To have the petitioners help to develop the model to use in the analysis appears to me to be a conflict of interest. How can a model that was hastily put together adequately mimic the 60 year history of a river basin is difficult for me to understand. I do watershed modelling, along with GIS analysis, and to model any active river system or urban watershed for that matter is extremely complex. I know as well as any engineer, that the model is only as good as the information put into it, and slight variations of the numbers can result in vastly different outcomes. It bothers me that Cary was so involved with this process, and while I have been told that the model took three years to complete, I do not believe that it can accurately depict what will actually take place if an extreme drought condition was to occur for a protracted period. Another point to this is the fact that since the model had to be put together for this request, it is obvious that DENR was not prepared to address the issue of interbasin transfer. Now, with the help of the people who want it, the State is capable of analyzing the effects of an interbasin transfer well into the future? I see a problem here.

I also have trouble with the concept that, at least from my perspective, this interbasin transfer appears to be a done deal. I cannot see how Cary was given permission to construct their intakes on Jordan Lake when the interbasin transfer was still in the review stage. I know that I cannot get a project through the permitting process unless every last bit of information is supplied, reviewed, and concurred with, and on a large project, that takes a great deal of time. The fact that they are under construction bothers me, especially as an Engineer, and I feel that there may be some legal issues here that might have to be addressed.

Bottom line, The South Central Chapter of PENC and the Homebuilders Association of Fayetteville OPPOSE any interbasin transfer UNLESS it is accompanied by a REQUIREMENT that Cary BUILDS A WASTEWATER TREATMENT PLANT THAT SENDS TREATED WASTEWATER BACK INTO THE CAPE FEAR RIVER BASIN. This has to be a requirement, since I do not believe it will occur without that stipulation in the permit.

Sorry for my wordiness, but I feel it is important for my future, the area's future, and my children's future.

Respectfully Submitted,

Jimmy Kizer
James M. Kizer, Jr., PE

1 of 1

03/28/2001 6:44 AM

Don Broadwell, Sr

BROADWELL LAND COMPANY
P.O. BOX 53587
FAYETTEVILLE, NC 28305
(910) 484-5193
FAX (910) 484-2036

RECEIVED
APR 5 2001

DIVISION OF
WATER RESOURCES

April 3, 2001

Ms. Sheila Ambat
NCDENR
Division of Water Resources
1611 Mail Service Center
Raleigh, NC 27699-1611

Re: March 16, 2001 Public
Hearing on Jordan Lake
Water Supply Allocations

Dear Ms. Ambat:

Thank you for your interest in my comments on Interbasin Transfer and Allocation. The comments below are what I had intended to say at the hearing. As I was scheduled to speak late in the Hearing, and the moderator asked that we not be redundant, I did not make these comments. I, however, said that I could support the transfer and allocation only if the recipients were held in the strongest terms to a calendared set time to return the treated wastewater to the Cape Fear Basin.

I am Dohn Broadwell, Sr., 903 Hay Street, Fayetteville. I've been a builder and land developer for 48 years. In our activity, we own and manage about 5000 acres in Cumberland and Bladen County, with the majority of it in forest management that is or will be protected by a conservation easement with the Nature Conservancy.

I will not speak on the issue of inter-basin transfer from a technical standpoint, as I am not qualified to do so. In my bird hunting forays in the west I have, however, witnessed several rivers suffering from excessive withdrawal. I believe it is the Colorado River that's been reduced to a saline trickle as it enters the Gulf of California. For years I said it couldn't happen here. I'm not so sure at this point.

With a few exceptions, we, in the lower Cape Fear basin live and do business in a relatively lower-wealth economy. For years I have joined many others in efforts to entice more upscale business investment in our area without much success. Although we are not all turkey pluckers in our employment, we certainly have more of that than IBM & GLAXO.

I am both proud and envious of our neighbors in Wake and the Triangle area. Their success makes them the regional business mentors of Eastern North Carolina. I wholeheartedly support their continued success in business and certainly hope some of it trickles down to us.

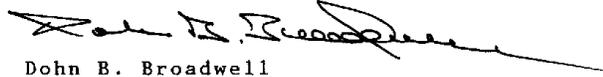
Their success, however, should not be to our potential detriment. I believe it only reasonable that the natural flow of the Cape Fear be maintained for all time. As I understand the situation, I believe that the upstream areas have every right to use the naturally occurring water in the river basin. In turn, I believe that the used and cleaned up water should be returned to the basin and the flow returned to that of nature. In order to achieve that, I believe we are only considering the matters of cost and not a significant engineering problem. I trust that the success of the transferror will afford the funds to do just that.

I have read that there is already some imbalance in the interbasin transfer with the Cape Fear receiving unnatural flow. If that be true, take that into consideration, but please mandate any user of transferred water, wherever located, return the used water to the natural basin. Please make failure to do subject to severe penalty and require a calendar of performance events that answer just that. I ask that you consider the transfer requests favorably, but at some specific near-term date, assure its return. I understand that has not always happened in the past.

I would like to thank the Commission members for their service to the citizens of the state and for consideration of our regional interests in the matter of interbasin water transfer.

As a parting comment at the Hearing I said that I had often heard the "saying" that "the solution to pollution is dilution" and we needed to protect the river flow to do just that!

Thanks for your interest.



John B. Broadwell

DBB/hh

Marcia Mackethan: Had problems with the recorder and did not receive the requested written statement

Steven Lawrence: Had problems with the recorder and did not receive the requested written statement

Douglas Modde

RECEIVED
APR 2 2001
DIVISION OF
WATER RESOURCES

**DOUGLAS B. MODDE
5886 COLUMBINE ROAD
FAYETTEVILLE, NC 28306**

March 30, 2001

**Attention: Sheila Ambat
NC DENR
Division of Water Resources
1611 Mail Service Center
Raleigh, NC 27699-1611
Fax#: 919-733-3558**

Re: March 6, 2001 Public Hearing on Jordan Lake Water Supply Allocation

Dear Ms. Ambat:

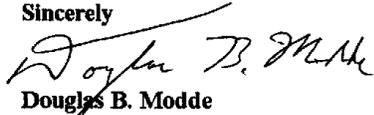
I oppose the Inter-Basin Water Transfer from Neuse River Basin to the Cape Fear River Basin, and from the Cape Fear River Basin to the Neuse River Basin. I agree with Mr. Denny Shaffer and the NC Fish and Wildlife representative at the meeting. I also forgot to mention the Ft. Bragg Commander's representative who stated that the depletion of the additional water would endanger the training of the United States largest Military Base concerning personnel. Ft. Bragg as you know is home of the Military Base for Special Warfare and the only Airborne Division for the United States. Not to say, we have plans for additions to our runway at Pope Air Force Base, so we can strategically move our troops rapidly into the World if necessary.

Lets talk about bad water coming down from Maryland into our water supply along the east coast affecting the Neuse River Basin and possibly getting into the Cape Fear River Basin. This will ruin our water from the Jordan Lake that comes down to the people in the Cape Fear River Basin Region. Remember what happened in the Pamlico Sound Pfiesteria killing approx 300.000 fish and went up the Neuse River Basin. We need containment now before it contaminates the Cape Fear River Basin. That means stopping 18 million gallons coming from Durham daily. So we are not talking about just losing the water to the Neuse River Basin, but also stopping the water coming from the Neuse River Basin. You stated in the meeting it depends on the quality of life on how it will affect the River Basin's. Well I see one contaminated and one not! If you follow my recommendation.

Our crops are already falling down here, our wells are going dry, we have drought conditions where we cannot water our lawns and have to ration the water. You want to give away more of our water for free. We have worked years to help the quality of water in the Fayetteville Area by not polluting. M.J. Soffe has put in water quality techniques that are the best. You will hamper the industry in the Cape Fear Region. We are also talking about Dupont and Smithfield Packing Co. the largest Hog Processing Plant in the World.

I would like A copy of the minutes of the meeting held for the public on March 5, and 6, 2001.

Sincerely



**Douglas B. Modde
Retired United States Army Military Intelligence**

Carlos Zukowski

Re: March 6, 2001 Public Hearing

Subject: Re: March 6, 2001 Public Hearing
Date: Fri, 30 Mar 2001 17:23:32 EST
From: Czuki@aol.com
To: sheila.ambat@ncmail.net

My comments:

My name is Carlos Zukowski, an American citizen residing in Fayetteville since 1996.

When I travel to Europe I am always told to "watch out for Gipsies, they will steal you bind"

I never expected that my neighbors for Wake County will try to "steal" our water, giving us in return an **empty promise**.

Are the members of the water commission willing to sign a document that will hold them **personally and financially** responsible for another **empty promise**?

Dear Sheila Thomas Ambat, do you think that we will ever get such a commitment from the Board?
What do they need the additional water for, Cisco is laying off thousands, so many of the present resident of the area will be moving, reducing the demand for water?

Personally I believe that the members of the Board lack of intestinal fortitude to reject the requests of the Research Triangle leadership.

Carlos Zukowski
115 Parkview Ave.
Fayetteville, NC 28305

Alfred Rose: Had problems with the recorder and did not receive the requested written statement

The rest of the hearing was not transcribed because of problems with the recording equipment..