



CATAWBA COUNTY

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Catawba River Interbasin Transfer controversy resolved

HICKORY –Establishing significant reductions in the amount of water transferred out of the Catawba River during drought conditions has enabled the Protect the Catawba Coalition and Catawba Riverkeeper Foundation, Inc. to reach an agreement with the cities of Concord and Kannapolis to resolve the appeal of the Interbasin Transfer (IBT) granted Concord and Kannapolis by the State of North Carolina.

The Catawba County Board of Commissioners, at its January 19, 2010 meeting, joined with other local governments across the region in approving the agreement.

The main points of the agreement hinged on Concord and Kannapolis modifying their ability, contained in their IBT certificate, to withdraw 10 million gallons of water per day (MGD) from the Catawba River at all times by significantly limiting withdrawals during times of drought. The agreement limits withdrawals to 6 MGD during times of most severe drought, or “exceptional” drought; 7 MGD during “extreme” drought; 8.5 MGD during “severe” drought; and 9 MGD during “moderate” drought. Further, the agreement restricts Concord and Kannapolis from withdrawing more than 3 MGD from the Catawba until July 1, 2015, and after they first are withdrawing 5 MGD from the Yadkin River.

“When we first started this process, we identified several objectives of our efforts to protect the Catawba River. With this agreement and some key legislation regarding water transfers that resulted from our efforts, we have accomplished most of our objectives,” said Hickory Mayor Rudy Wright, speaking for the Coalition. “We can now redirect our resources, time and money to economic development and other initiatives to improve the quality of life for our residents. We remain committed to protecting the Catawba River and have been pleased with the cooperation within this Basin. We have laid the groundwork for future actions to collectively promote the interests of Catawba Valley residents.”

To put the agreement’s drought restrictions into perspective, the Catawba River basin was in “extreme” drought conditions (also referred to as Stage 3) for approximately 500 days during the most recent drought. Had Concord and Kannapolis already begun withdrawing the 10 MGD during that time, no limitations would have been placed upon that withdrawal while basin residents were forced to restrict water usage. Now, under the terms of the settlement, that same withdrawal would have been limited to the transfer of 7 MGD for the 500 day period.

“York County, South Carolina is proud of its involvement and association with the Coalition. The efforts of the Coalition have heightened awareness in both North and South Carolina of the value Basin residents place upon the waters of the Catawba as a resource and as an amenity,” said James E. Baker, York County Manager. “York County believes the settlement agreement enhances conservation measures on Catawba River water usage by adding critical withdrawal limitations on the IBT permit during drought conditions.”

Beyond flow restrictions, Concord and Kannapolis also agreed to a number of water conservation measures including, but not limited to, conservation friendly water rate structures, installing high efficiency toilets and other environmentally friendly fixtures in city facilities and promoting water efficiency requirements and regulations for new developments.

The settlement addresses the primary concerns that led the Coalition and the Riverkeeper to appeal the IBT by providing additional protections beyond those included in the IBT and also allows Concord and Kannapolis to move forward with

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actions needed to begin implementing withdrawals authorized by the IBT. It also demonstrates the parties' ability to resolve the issue at the local level without further involvement by the State of North Carolina.

"Concord and Kannapolis have adopted many best practices to promote water conservation," said Concord Mayor Scott Padgett. "Through the settlement agreement we have defined these efforts and demonstrated we will continue to be aggressive in protecting this vital resource."

"We are pleased to be able to reach this agreement," said Kannapolis Mayor Bob Misenheimer. "I am proud of the steps that have already been taken by our citizens to conserve water and we will continue to work to protect the integrity of the Catawba River while developing the infrastructure to meet the future needs of the residents of our communities."

Catawba Riverkeeper David Merryman approved of the settlement, stating "When coupled with the amendments that the North Carolina General Assembly made in the IBT law, this agreement will ensure the future protection of the Catawba River and its environment, while assuring adequate access to water by Catawba River basin residents and our neighbors."

Julie Youngman, senior attorney for Southern Environmental Law Center which represented the Riverkeeper, added, "The agreement provides a model for water conservation and efficiency measures that, if adopted by other municipalities, could help protect all the state's rivers."

"The agreement goes a long way to protect the Catawba River which is one of this region's greatest assets," said Mel Cohen, Mayor of Morganton. "A lot of hard work has gone into settling this dispute and we think this agreement is a good outcome for the Coalition."

The controversy of the IBT from the Catawba River sparked during public hearings in 2006, regarding Concord and Kannapolis' request to withdraw as much as 26 MGD from the Catawba River and 10 MGD from the Yadkin River for future growth needs. After nearly two years of public debate, the North Carolina Environmental Management Commission (EMC) ultimately granted Concord and Kannapolis 10 MGD from the Catawba River and 10 MGD from the Yadkin River on January 25, 2007. The Coalition, and its 18 member entities, filed a Petition for a Contested Case Hearing in the North Carolina Office of Administrative Hearings challenging the EMC's issuance of the IBT certificate March 26, 2007, followed by the Riverkeeper's Petition on March 29, 2007. These two actions were consolidated and Concord and Kannapolis then intervened on the side of the EMC. The legal proceedings prompted statewide attention, which led to some legislative changes to the IBT process and an ongoing statewide water allocation study.