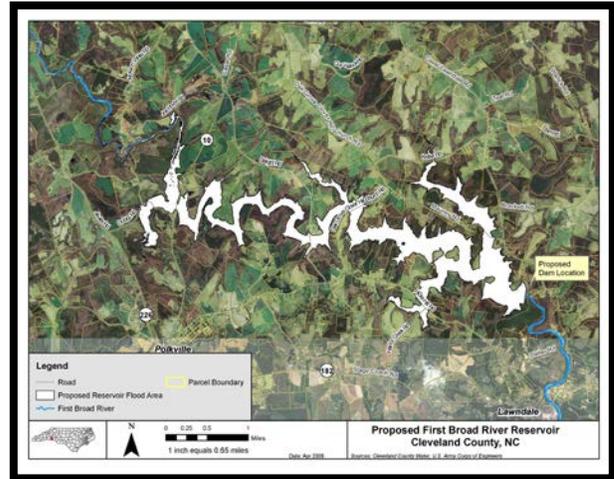




US Army Corps
of Engineers
Wilmington District

Cleveland County Water 1,200 Acre First Broad River Reservoir Cleveland County, North Carolina (Regulatory)

- **Permit application to construct a 1,200 acre water supply reservoir on the First Broad River near the town of Lawndale, Cleveland County, North Carolina.**
- **Current issues are related to the continuing drought and water supply meeting present and future demands, in stream flow requirements and endangered species, (*Hexastylis naniflora*).**



CONGRESSIONAL DISTRICT: NC- 10

Date: 8 April 2013

1. PURPOSE:

To provide information on the Cleveland County Water's (CCW) proposal to construct an impoundment on the First Broad River, Cleveland County, North Carolina to provide a potable water supply source.

2. BACKGROUND:

a. A technical feasibility study for constructing an impoundment on the First Broad River, to serve the growing potable water needs of Cleveland County, was published in February 1997. Four reservoir locations were selected for evaluation. The chosen alternative is to impound approximately 24 miles of First Broad River (and associated tributaries) with a pool elevation of 856' MSL.

b. The proposal received renewed interest due to drought conditions which occurred in the summer of 2002. CCW's proposed reservoir is driven by drought concerns and potential future capacity needs. CCW is proposing a regional facility to serve Cleveland, Rutherford, Gaston, and Lincoln Counties in NC; and Cherokee County in SC.

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- c. Several populations of the federally threatened dwarf-flowered heartleaf (*Hexastylis naniflora*) have been identified within the proposed impoundment area. Formal Section 7 consultation with the U.S. Fish and Wildlife Service will be required if the proposed reservoir is authorized, but has not started at this time.
- d. The Corps received an individual permit application from CCW on June 22, 2005. Based upon comments received from the June 28, 2005 public notice, a determination was made to require the preparation of an EIS pursuant to NEPA.
- e. A public notice was issued on April 7, 2008 notifying the public of a scoping meeting that was held in Shelby, NC on April 17, 2008. The meeting was attended by about 200 people.
- f. As a result of the interagency/stakeholder meetings and the scoping meeting, the North Carolina Division of Water Resources performed an update of the In-stream Flow Study (completed on June 20, 2008) for the First Broad River to address the amount of water that will be available to CCW for water supply.
- g. On February 5, 2009, an interagency/ stakeholder meeting was held in Mooresville to review and discuss the updated purpose and need and alternatives report. The agencies and stakeholders provided comments on the draft documents.
- h. The Corps updated the purpose and need and alternative report to address agency's and stakeholder's concerns and developed a tentative final reasonable range of alternatives to meet the purpose and need statement. These alternatives are a reservoir on the First Broad River, side stream reservoirs on Crooked Run Creek and Knob Creek with water pumped from the current First Broad River intake and pump station to the reservoirs, and use of the Broad River as an additional supply of water. This could be either through the development of a new water treatment plant by CCW or the purchase of finished water from the city of Shelby or the town of Forest City.
- i. On June 1, and October 1, 2009, the Corps sent letters to CCW stating our concerns about the proposed reservoir having significantly more environmental impacts than partnering and purchasing water supply capacity from nearby cities and towns, or constructing an intake on the Broad River. All of these alternatives appear to fully meet CCW's purpose and need, have significantly less environmental impact than a new reservoir, and will be far less costly than the construction of a new reservoir. The Corps stated that if CCW cannot provide information as to why these alternatives are not available to them, and also demonstrate how the reservoir is the least environmentally damaging practicable alternative, the Corps will have no choice but to deny their request to construct a reservoir on the First Broad River. The Corps also stated that the continued efforts toward the preparation of an EIS document are an unwise use of the resources of both CCW and the Corps. In the light of these other, feasible alternatives, the Corps strongly urged CCW to reconsider its desire to pursue the reservoir alternative at this time. The Corps believes that consideration of one or a combination of the alternatives will potentially save CCW

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significant effort and costs. On March 24, 2010, and July 2, 2010, CCW responded stating that they still wanted to pursue the proposed reservoir and continue the EIS process.

3. **CURRENT STATUS:**

a. The Corps resumed the EIS process at CCW's request in September 2010. On September 1, 2011, the Corps had an interagency/stakeholder meeting to get comments on the proposed project and alternatives. The Corps received comments from the agencies and stakeholders and began reviewing them to determine the appropriate response and incorporation into the document.

b. On April 4, 2012, CCW requested the Corps to stop working on the EIS. They stated that they were in discussions with the town of Shelby as a possible co-applicant for the First Broad River Reservoir. If Shelby became a co-applicant this could potentially change the purpose and need for the proposed reservoir. On January 16, 2013, CCW contacted the Corps and requested to resume working on the EIS.