

**ANNUAL STATUS REPORT  
CAPACITY USE AREA #1**

**September 1997 to August 1998**

Division of Water Resources

North Carolina Department of Environment  
and Natural Resources

March 1999

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## **EXECUTIVE SUMMARY**

Capacity Use Area #1 (CUA#1) was formed in 1968 in response to pumping of the Castle Hayne aquifer associated with a phosphate mining operation in Beaufort County. Within CUA#1, all persons withdrawing more than 100,000 gallons of water per day must first obtain a permit from the Division of Water Resources (DWR). CUA#1 water use permits specify a maximum daily water withdrawal rate to protect the water source and other water users from negative impacts related to the permitted water use.

Water use throughout much of CUA#1 appears to be at sustainable levels. While DWR has recognized some areas of concern with respect to ground water use, it is currently working with the affected parties to mitigate existing or potential negative impacts to the ground water system. Water use by many existing and new permittees has increased. However, the high yield of the Castle Hayne aquifer, coupled with decreased pumping of the Castle Hayne at PCS Phosphate, have lessened the impacts of increased water use.

While compliance of CUA#1 permittees is generally good, DWR has recognized areas which need improvement. DWR will work with permittees to resolve problems related to exceeding their permitted daily withdrawal rate. Additionally, DWR will be working to increase the compliance rate with respect to permittees' submission of monthly water level and water use reports.

DWR is currently working in several areas to improve the management of the water resources within CUA#1. DWR is digitizing permittee information, as well as water use data, to allow for easier interpretation and greater public access to this data. Additionally, DWR is establishing a field office in New Bern to better monitor and maintain wells in DWR's monitoring well network. DWR is currently developing a hydrogeologic framework and model of the Castle Hayne aquifer. This model will allow DWR to assess cumulative impacts of multiple water withdrawals within CUA#1. DWR has also presented evidence to the Environmental Management Commission (EMC) to support the formation of a new CUA in the Central Coastal Plain of North Carolina to mitigate serious water level declines in the Cretaceous aquifers in that area.

## INTRODUCTION

In 1967, the North Carolina General Assembly passed the Water Use Act of 1967. The Water Use Act gave the Environmental Management Commission (EMC) the power to declare "Capacity Use Areas" (CUAs). A CUA is an area of the state in which the EMC has determined that ground water and/or surface water use must be regulated by a permitting program to prevent or alleviate problems associated with the water use within that area. A copy of the Water Use Act of 1967 is included as Appendix A.

In 1968, the EMC declared the state's first CUA, Capacity Use Area #1. CUA#1 was declared in response to the pumping of tens of millions of gallons of ground water per day to dewater a phosphate mine near the town of Aurora in Beaufort County. This large volume ground water pumping affected water levels in wells tens of miles away. Thus, the EMC declared that CUA#1 includes all or parts of eight eastern North Carolina counties surrounding the mine, as shown in Figure 1. A copy of the rule governing CUA#1 is included as Appendix B.

Within CUA#1, anyone who withdraws, obtains, or uses more than 100,000 gallons of water per day of must first obtain a water use permit from the North Carolina Division of Water Resources (DWR). In order to obtain this permit, the applicant must show that the proposed water use will not harm the ground water and/or surface water resources or interfere with the use of water by others. Once DWR is satisfied that the proposed water use will not cause significant negative effects on the resource or on other users, DWR issues a water use permit to the applicant.

CUA#1 permits establish the maximum daily water withdrawal rates for each permittee, regardless of the number of days water is used. Additionally, to prevent damage to aquifers by overpumping, the permits establish a maximum drawdown level for each permittee's well or wells. Permittees are required to submit monthly reports of the water levels in their wells and daily water use from each of their water sources. DWR uses the data from these monthly reports to ascertain compliance with CUA#1 permit conditions. DWR also uses these data, along with data collected from the State monitoring well network, to track the water use trends and cumulative and individual effects of water use by the permittees in CUA#1.

This annual report provides information regarding current water use, program compliance trends, and water levels in the major aquifers of CUA#1. Additionally, this report outlines management activities and technical studies undertaken by DWR to provide continued protection and effective use of the water resources of CUA#1.

## THE PERMITTING PROCESS

When a CUA#1 permit application arrives at DWR, a hydrogeologist reviews it for completeness. While permit applications may vary in size from a few pages to several volumes of application data, they all must contain the basic information outlined in the official application forms contained in Appendix C. If the application lacks necessary information, the hydrogeologist contacts the applicant with a request for the missing information.

Once a permit application contains all necessary supporting data, it is deemed complete and moves to the review stage. The permitting process is subject to the time limitations and public notice requirements established in the Water Use Act of 1967, as shown in Figure 2. Once the application is complete, DWR has ten days to send a public Notice of Application to individuals on the CUA#1 mailing list. This mailing list consists of all CUA#1 permittees, certain government agencies, and all other parties who request that DWR add them to the mailing list. A copy of the current CUA#1 mailing list is included as Appendix D.

After the initial Notice of Application is issued, DWR has 15 more days in which to review feasibility of the applicant's proposed water use. DWR may review the application on the basis of many different factors, depending on the complexity of the water use that the applicant is requesting. DWR evaluates the feasibility of the proposed water use based upon known characteristics and yields of the water source involved, the probability of negative impact to the water source or to other water users, and other factors. DWR uses various tools, such as historical water level and water use data, computer modeling, and field investigations, to assist with these evaluations.

During the review period, the permit application is open to public comment. DWR reviews any comments received from the applicant, other permittees, government agencies, and the general public to assist with its evaluation of the application.

Within 15 days of the Notice of Application, DWR decides whether to issue the permit as requested by the applicant, deny the permit altogether, or issue a permit with terms that are modifications of those requested by the applicant. If DWR issues a permit, it prepares a draft permit to send to the applicant for review. At the same time, DWR sends a public Notice to Issue a CUA#1 Permit to the CUA#1 mailing list.

Once the Notice to Issue and the draft permit have been distributed, DWR has 18 days to review comments received from the applicant and the general public regarding the terms of the

draft permit. Modifications to the draft permit may be made based upon review of these comments. At the end of the 18 day comment period, DWR may issue the CUA#1 permit, or, if significant changes in the permit are necessary based on review of public comments, the revised draft permit may be sent to public notice for another 18 days before its issuance.

## WATER USE TRENDS

CUA#1 permittees are classified based upon their type of use (e.g., mining, irrigation, aquaculture). Additionally, DWR tracks the sources of their water withdrawals. This section outlines current trends in surface and ground water use within CUA#1.

Ground water is a very important water source for most CUA#1 permittees. Ground water supplies over 95 percent of permittees with at least some of their permitted water withdrawals, as shown in Table 1. Almost 85 percent of permittees use ground water exclusively.

The principal aquifer used in CUA#1 is the Castle Hayne aquifer, which consists predominantly of a porous, highly transmissive limestone. The Castle Hayne aquifer is capable of safely yielding large quantities of water. Some permitted Castle Hayne wells in CUA#1 are capable of producing millions of gallons of water per day. The top of the Castle Hayne aquifer ranges in depth from as little as 10 feet below land surface, in the southwestern portion of CUA#1, to over 400 feet below land surface in the eastern portions of CUA#1. Over 90 percent of permittees are permitted to withdraw ground water from the Castle Hayne aquifer.

In addition to the Castle Hayne aquifer, other aquifers used by CUA#1 permittees include the Cretaceous, Croatan, and Yorktown aquifers. Use from the Cretaceous and Croatan aquifers is very minor. The Cretaceous aquifers are used by some permittees in the westernmost portion of CUA#1. The surficial Croatan aquifer is pumped at a mining operation in Beaufort County to keep the mine pit dry. The Yorktown aquifer is an important water source for some permittees in the eastern portion of CUA#1 where the water in the Castle Hayne aquifer is too salty for irrigation or potable supply.

As shown in Figures 3 and 4, mining operations account for over 65 percent of total reported ground water withdrawals. These withdrawals are made by PCS Phosphate (PCS), a phosphate mining operation located in Beaufort County, near Aurora. The bulk of PCS's withdrawals are made under permit #03 to depressurize the Castle Hayne aquifer, which

underlies the phosphate ore bed. PCS also makes additional withdrawals from the Castle Hayne aquifer under permit #03 to supply process and potable water for their mining and processing operations. Under permit #CU1007, PCS withdraws ground water from the Yorktown and surficial Croatan aquifers to keep water from flowing into the mine pit from the pit walls. During the reporting period, PCS's average withdrawals were 3.7 million gallons per day (MGD) for permit #CU1007, and 30.5 MGD for permit #03. These pumping rates represent significant reductions in PCS's ground water usage over the last eight years.

Another major ground water use in CUA#1 is public supply. Public supply accounted for nearly 20 percent of reported withdrawals within CUA#1. The amount of ground water withdrawn for public supply continues to increase as water demand increases and as water supply systems continue to expand their boundaries and serve more customers.

Other ground water uses within CUA#1 include industry, aquaculture, agriculture, and non-agricultural irrigation. Together, these uses accounted for less than nine percent of reported withdrawals during the report period.

#### Surface Water Use

While relatively few CUA#1 permittees utilize surface water, it is an important source of water for those that use it. Approximately 15 percent of CUA#1 permittees are permitted to use surface water. However, as shown in Figures 3 and 4, surface water use accounts for over 57 percent of permitted withdrawal limits and over 67 percent of reported use within CUA#1.

The major surface water sources used by CUA#1 permittees are the Roanoke and Neuse Rivers, with industry using the bulk of reported withdrawals from both rivers. Weyerhaeuser operates a paper mill on each of these two rivers, one mill being located in Martin County, and the other mill being located in Craven County. These two mills accounted for 87 percent of reported surface water use during the report period. The other major surface water use in CUA#1 is farmland drainage. During the report period, two users held permits for farmland drainage in Tyrrell County. Reported water use for farmland drainage accounted for almost 12 percent of reported surface water use. Minor surface water uses in CUA#1 include aquaculture, public supply, and biological research.

#### Ground Water Levels

Since the late 1960s, ground water levels in the Castle Hayne aquifer in CUA#1 have been influenced primarily by PCS Phosphate's pumping. Historical water level data indicate that

PCS's radius of influence in the Castle Hayne aquifer may have extended as far north as northern Washington County and as far south as southern Carteret County. However, current water level data show that the radius of influence of pumping at PCS has significantly diminished as pumping for mine dewatering has decreased from an average of over 50 MGD in the late 1980s to 30.5 MGD during the period covered by this report.

Figure 5 is a potentiometric surface map of the Castle Hayne aquifer during 1998. While the cone of depression centered on PCS's mining operation is the most notable feature of the potentiometric surface, several smaller cones of depression are also present on the map. Cones of depression are present around Cherry Point, from pumping at the Marine Corps Air Station and the City of Havelock; at the Town of Vanceboro, from pumping associated with the town and a large fish farm in the area; and in southern Carteret County, from pumping at Morehead City, Beaufort, and communities along Bogue Sound. This clearly indicates that these additional withdrawals are having a greater influence on water levels in the Castle Hayne aquifer than they have in the past. This is due primarily to decreased water withdrawals at PCS and increasing water use by other users throughout CUA#1.

## COMPLIANCE EVALUATION

Historically, regulatory compliance has been generally good within CUA#1. However, there are several areas in which DWR will seek improvement in the coming year.

Table 2 presents a compliance summary for CUA#1 during the report period. For each permittee, Table 2 shows whether the permittee submitted the required monthly usage and water level reports and whether the permittee used more water than allowed. For permittees who used more water than allowed, Table 2 gives the number of days the permittee used too much water, the maximum daily overuse, and the total overuse by that permittee during the report period.

As shown in Table 2, approximately 18 percent of CUA#1 permittees reported using more water than allowed by their permits. Over half of those in violation were public water suppliers. The remaining violators were industrial permittees and a biological research facility. The greatest total overuse was over 17 million gallons, which occurred over 36 days. This permittee also had the maximum overuse in one day, exceeding the permit limit by almost 1.2 million gallons. The greatest number of days a permittee overused water was 54 days, during which the total overuse was just under 4.5 million gallons.



Over half of the permittees who exceeded their water use permit limit did so on more than one day during the report period. DWR will work with repeat violators to help them determine the nature of their overuse and, if necessary, whether they need to apply for an amendment to their permit. Also, DWR encourages permittees to keep close track of their water use and to promptly contact DWR with any concerns or if a larger permitted withdrawal amount becomes necessary.

Another area of concern is the number of users who are not submitting monthly water use and water level reports. Water use and water level reports are important as sources of information for compliance data. Additionally, these reports help DWR understand how the ground and surface water systems respond to water withdrawal. As shown in Table 2, approximately 23 permittees, or 38 percent of permittees, did not submit either one or both of the required monthly reports during this report period. Of these permittees, almost 87 percent were agricultural or aquaculture users. Non-agricultural irrigation and public supply users make up the remaining 13 percent.

Some of these users may not have submitted monthly reports because they did not use water during the report period. This may be especially true for agricultural and aquaculture users due to the seasonal nature of their water use. However, because of the dry summer encountered during 1998, it is highly unlikely that this many permittees did not use any water during the period. Additionally, not using water during a given month does not absolve a permittee of submitting water level and water use reports for that month.

DWR will continue to work with permittees on these compliance issues. However, it is the responsibility of permittees to comply with their water use permits. While DWR makes every effort to work with permittees to get them in compliance with their permits, permittees who continually violate the conditions of their permits may be subject to civil and criminal penalties provided in the Water Use Act.

### **SPECIFIC CONCERNS WITHIN CUA#1**

During the course of the report period, DWR recognized some specific concerns in certain areas of CUA#1, or with certain permittees. The following section outlines these concerns and the steps DWR is taking to resolve the concerns.

### Town of Plymouth

In early 1998, the Town of Plymouth contacted DWR regarding the presence of chloride concentrations of above the North Carolina standard of 250 milligrams per liter. Increasing chloride concentrations in wells is typically an indicator of saltier water moving to the wells in response to pumping.

To help determine the cause of the increasing chloride concentrations, DWR personnel reviewed the ground water use records of permittees in the Plymouth vicinity. Additionally, DWR personnel reviewed geologic information in this area. DWR determined that the increasing chloride concentrations were most likely due to migration of saltier water from either the Roanoke River or the lower part of the Castle Hayne aquifer. The Town is currently evaluating methods to mitigate the problem, including installing wells farther south from the Roanoke River and connecting with the Washington County Water System.

### PCS Phosphate

In early 1998, DWR personnel began research to determine the likelihood of salt water intrusion occurring in the vicinity of PCS Phosphate. DWR was concerned that PCS's pumping of the upper Castle Hayne aquifer could cause the upwards migration of saltier ground water from aquifers beneath the upper Castle Hayne, particularly the Black Creek and Beaufort aquifers.

During the period covered by this report, DWR met with PCS twice to discuss this concern. Currently, DWR and PCS are working together to study the likelihood of this vertical salt water migration. These joint activities include performing geophysical surveys on PCS's property and the expansion of the monitoring well network in the vicinity of PCS to collect more water level and water quality data.

### Vanguard Farms

During the summer of 1998, Vanguard Farms applied for a CUA#1 permit to withdraw up to two million gallons of ground water per day for a fish farm in Craven County. During the permit review, DWR performed computer modeling to assess how Vanguard's proposed ground water withdrawal might affect the aquifer and nearby residents. The computer modeling indicated that the pumping might cause water level declines in nearby wells that would interfere with the operation of surface pumps in these wells.

In cooperation with the United States Geologic Survey, Vanguard Farms, and Coastal Plains Catfish, another nearby fish farm, DWR personnel monitored water levels in two nearby wells while allowing Vanguard Farms to withdraw ground water on a trial basis for several weeks.

Water level data from this long term pump test was compared to the data provided by the earlier computer modeling. The analysis showed that Vanguard Farms' pumping did not lower water levels as much as predicted by the computer model and Vanguard Farms was issued a CUA#1 permit at its requested water use rate.

## **PROGRAM DEVELOPMENT**

During the report period, DWR has put great effort into improving the CUA#1 program. The following section lists some of the aspects of these improvement efforts.

### CUA#1 Permit and Compliance Data

DWR is well underway in its efforts to digitize basic permittee data and all water use and water level reports. Information on permittees, pending permit applications, and compliance status is contained in the division's databases. Additionally, DWR inputs data from the CUA#1 monthly water level and water use reports into databases. The division is also working on entering historical water level and water use information into databases. Some of this data is available to the general public via the internet on the CUA#1 home page at:

<http://www.dwr.ehnr.state.nc.us/hms/gwbranch/cua1.htm>

### Monitoring Well Network

Understanding regional and local water level trends is key to effective management of the State's ground water resources. To this end, DWR monitors and maintains a network of several hundred wells across the Coastal Plain. During the report period, the General Assembly appropriated funds for DWR to expand this well network and refurbish many of the wells which have deteriorated with age or have been damaged.

As part of this expansion, DWR has established a field office in New Bern. The New Bern personnel contribute to upkeep and monitoring of the well network. The data from the expanded network will greatly aid DWR in its management of the ground water resources of

CUA#1 and the other areas of the Coastal Plain. The field personnel will also be available as needed to assist CUA#1 permittees with questions and concerns regarding the CUA#1 program.

Data collected from DWR's well network and information about the network may be viewed on the internet at:

<http://www.dwr.ehnr.state.nc.us/hms/gwbranch/gwb.htm>

#### Castle Hayne Aquifer Framework

As stated previously, potential impacts of proposed water uses within CUA#1 are reviewed on an individual basis. To date, DWR has not had an accurate, quantitative method to assess the cumulative impact of proposed and existing withdrawals on the ground water system as a whole. To better understand these cumulative effects, DWR is developing a hydrogeologic framework of the Castle Hayne aquifer within CUA#1. This framework consists of the accumulation and interpretation of hydrogeologic data from DWR's well network, geophysical data, and other sources. Once the framework is complete, DWR will use it to develop a hydrogeologic model of the Castle Hayne aquifer system. This model will be an important ground water management tool for DWR as it will help DWR assess cumulative impacts of withdrawals from the ground water system in CUA#1.

#### Central Coastal Plain

For several years, ground water levels in the Cretaceous aquifers of the Central Coastal Plain of North Carolina have been declining at an alarming rate. These declines have been caused by water users in this area withdrawing more ground water than can be recharged to the aquifers.

In March 1998, DWR held a public meeting in Greenville to update water users in this area on the crisis nature of the water level declines in many parts of the Central Coastal Plain. The general consensus from this meeting was that the magnitude of these declines had become so great that the State needed to intervene and form a new CUA.

In December 1998, DWR went before the EMC to propose forming a new CUA to address the water level declines in the Central Coastal Plain. This new CUA would encompass all of the following counties: Beaufort, Carteret, Craven, Duplin, Edgecombe, Greene, Jones, Lenoir, Martin, Onslow, Pamlico, Pitt, Washington, Wayne and Wilson.

DWR will presented the draft rule for this new CUA to the EMC in early 1999. The

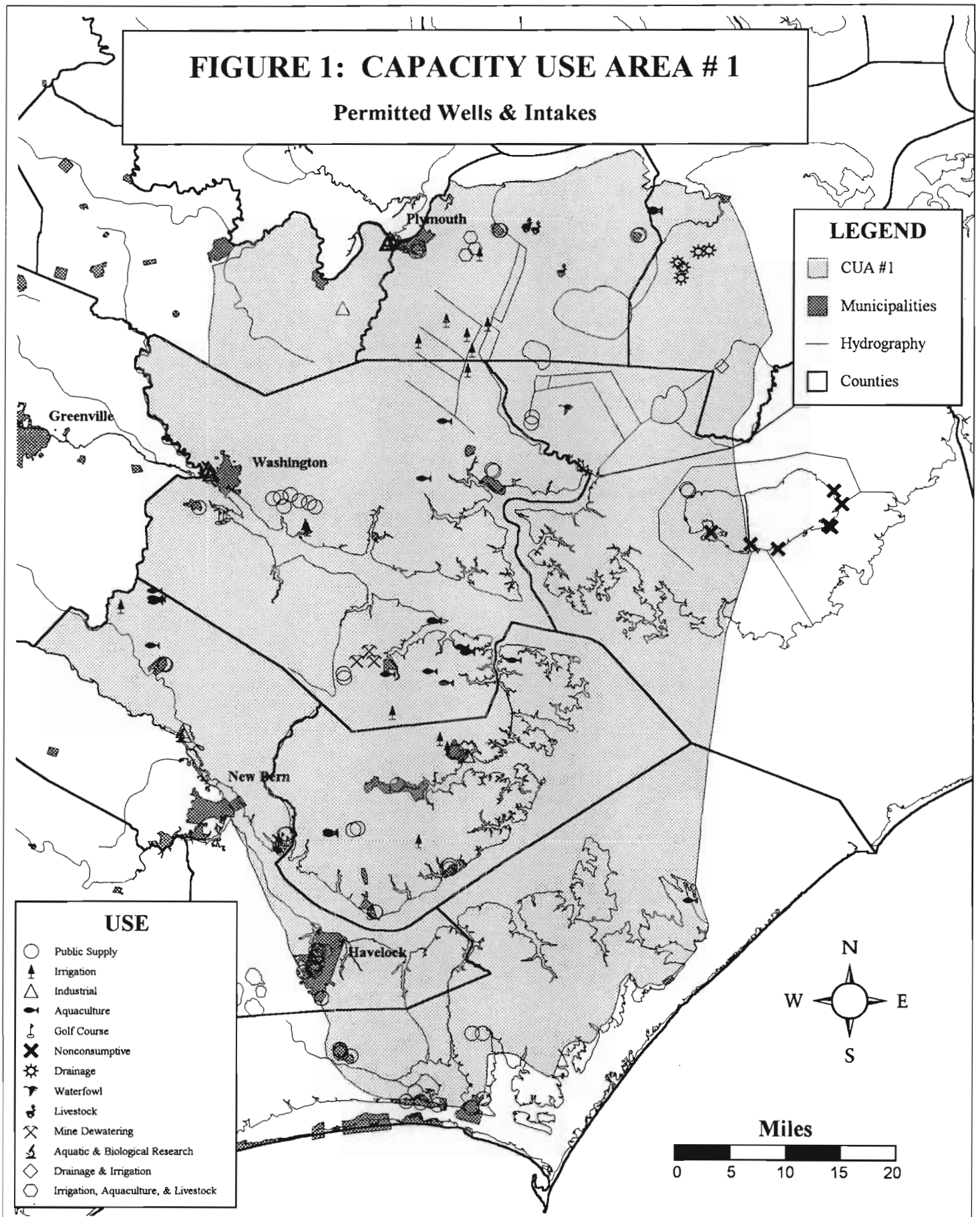
EMC approved the draft rule and has initiated the public hearing process. Public comment on the draft rule is being solicited through the prescribed system of hearings and comment periods. DWR invites all interested parties to share their ideas and information to effect the most efficient management of the ground water resources of eastern North Carolina.

This new CUA will have a minimal effect on most current CUA#1 permittees. The greatest effect will be on permittees in Hyde and Tyrrell Counties. Permittees in these two counties will no longer require water use permits for water uses above 100,000 gallons per day. Existing CUA#1 permits for permittees in Beaufort, Carteret, Craven, Martin, Pamlico, and Washington Counties will remain in effect in the new CUA. The greatest effect the new CUA may have on existing CUA#1 permittees in these counties will be an expected increase in water withdrawals from the Castle Hayne aquifer as water users in the Central Coastal Plain seek other water sources. DWR oversight and permitting of these new withdrawals will prevent adverse effects to the aquifer system or to other existing water users.

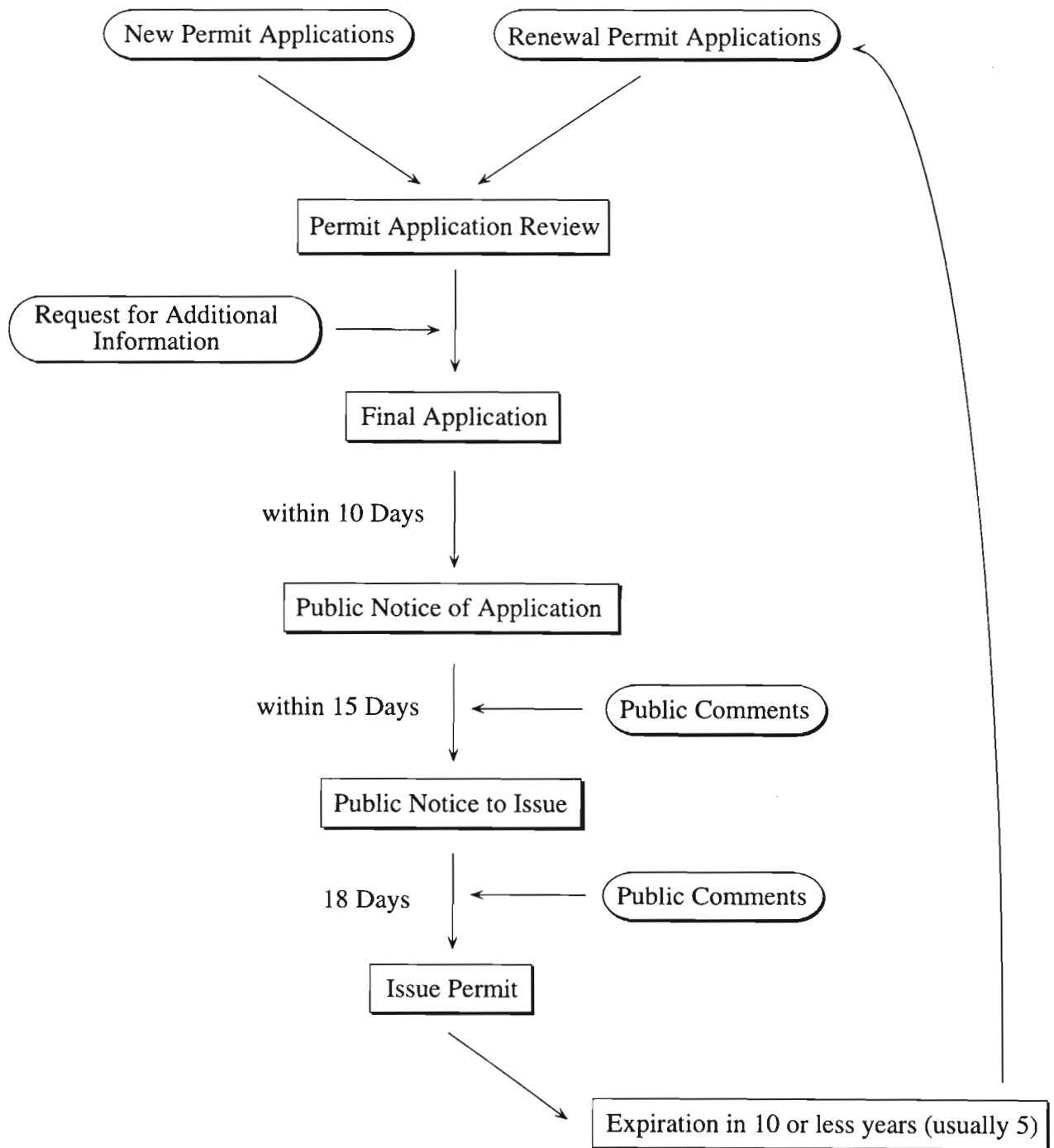
**FIGURES**

# FIGURE 1: CAPACITY USE AREA # 1

## Permitted Wells & Intakes

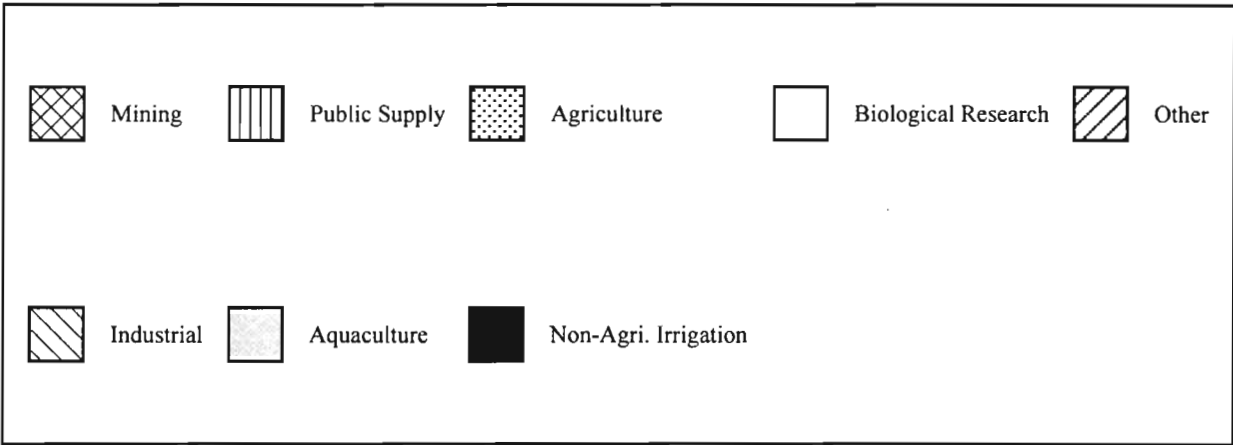
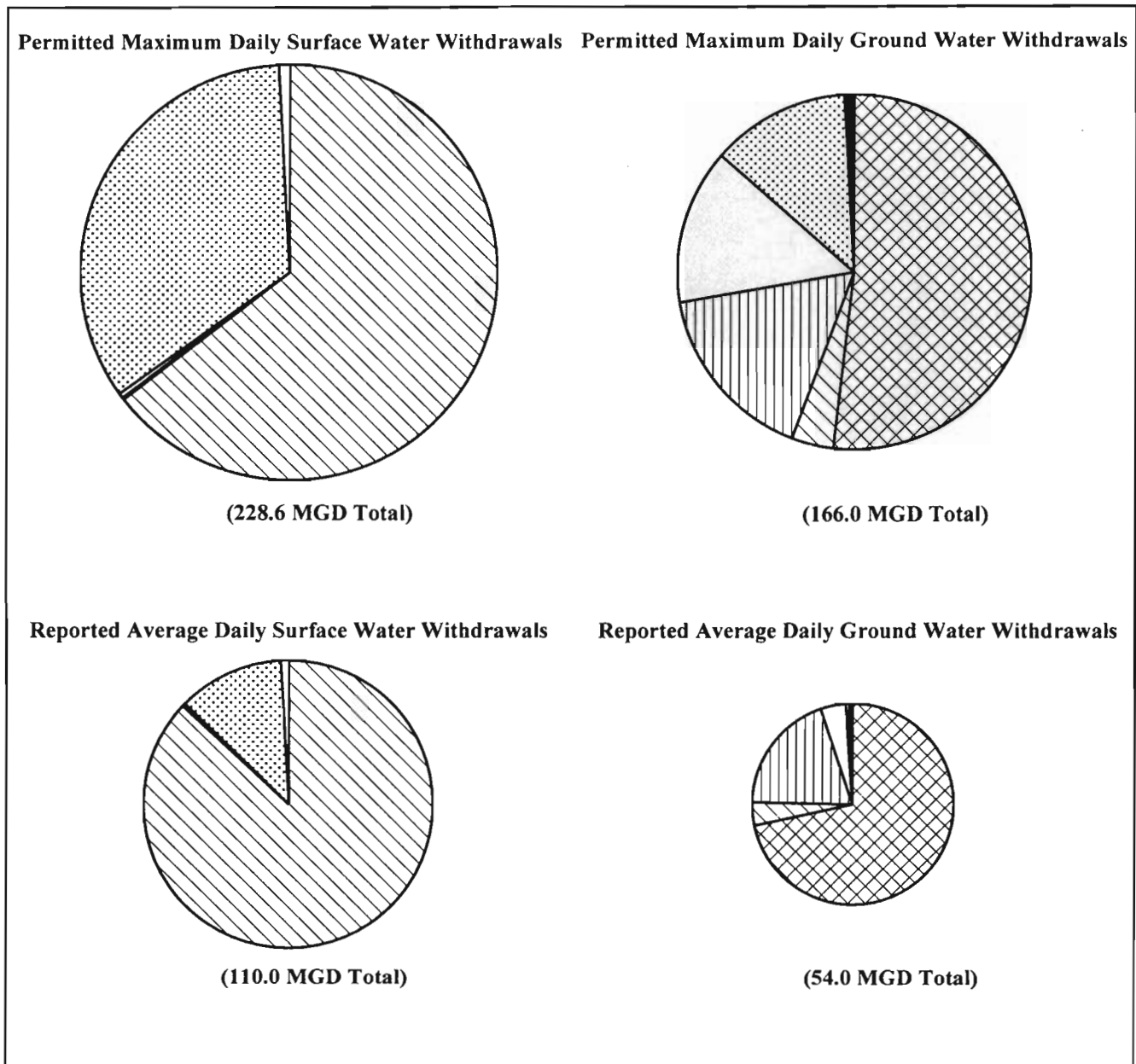


**FIGURE 2: Capacity Use Area #1 Permit Application Process**

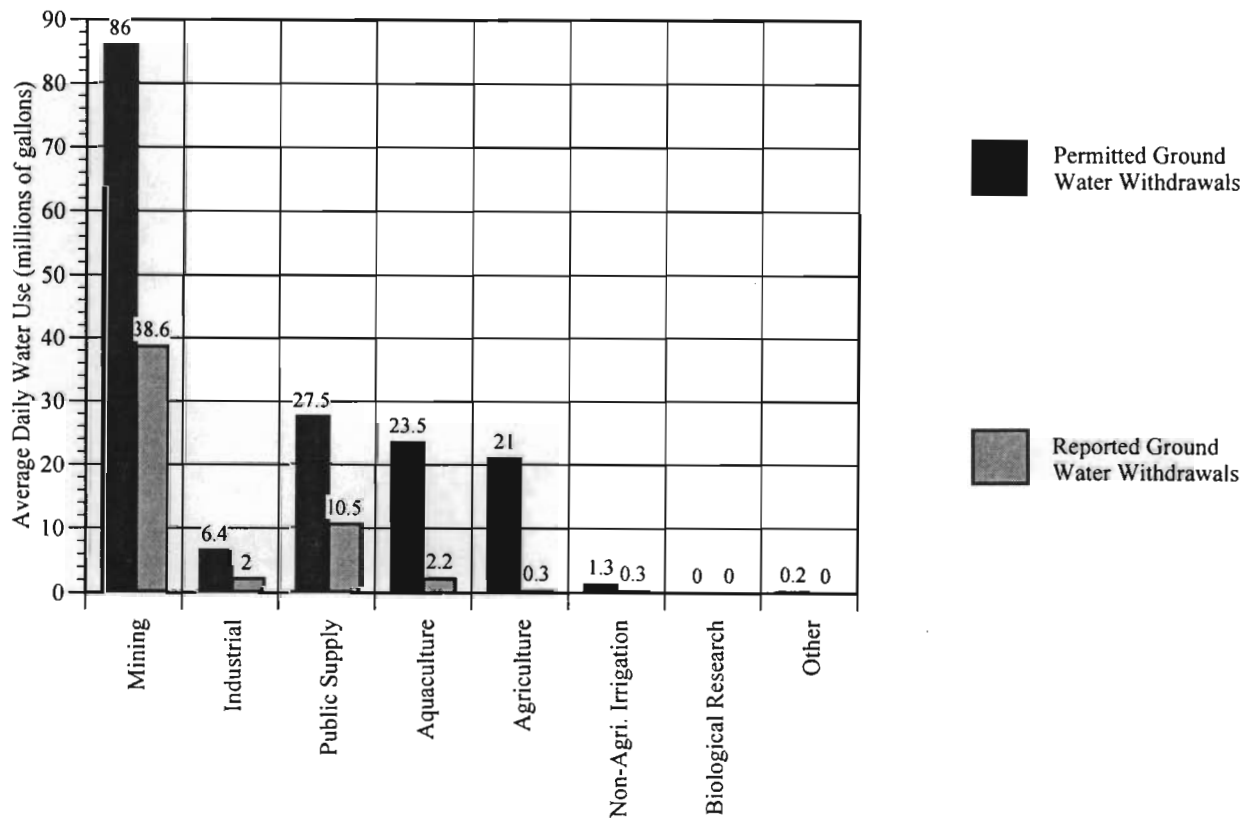
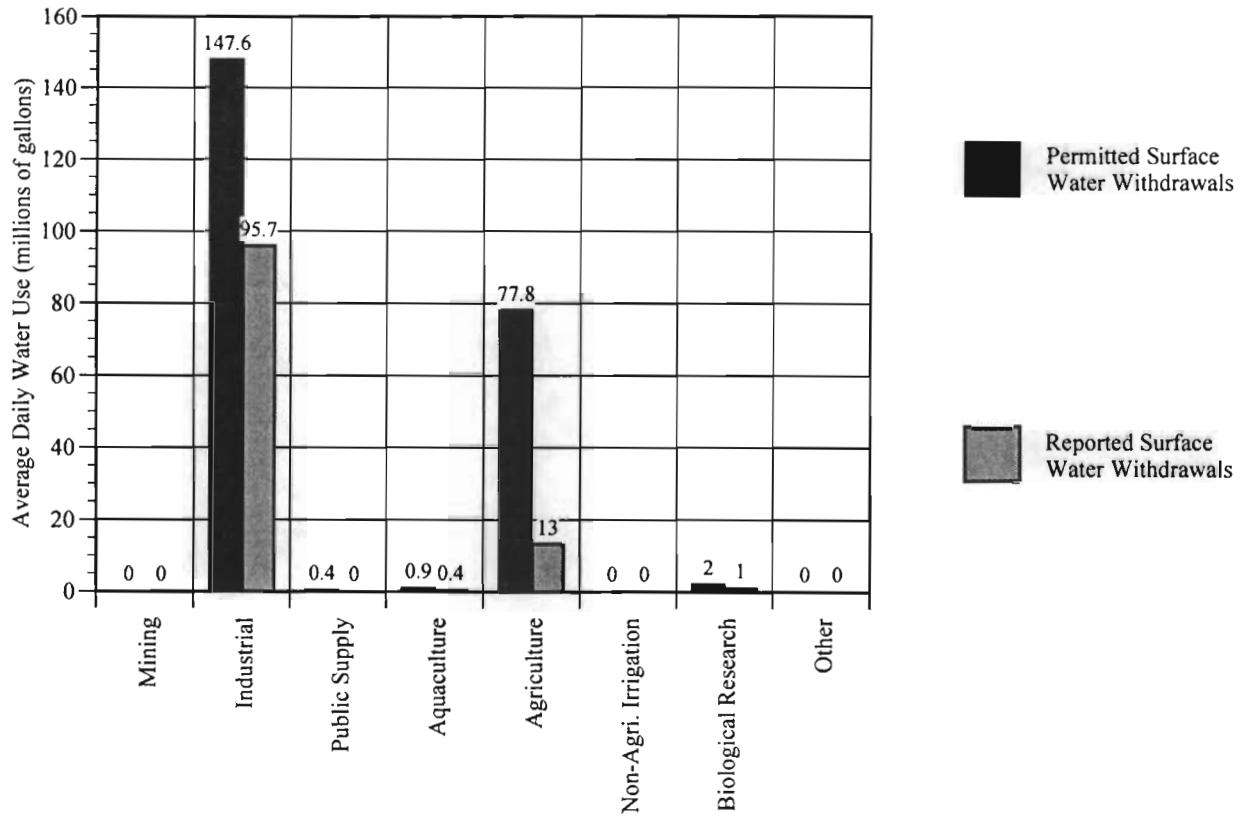




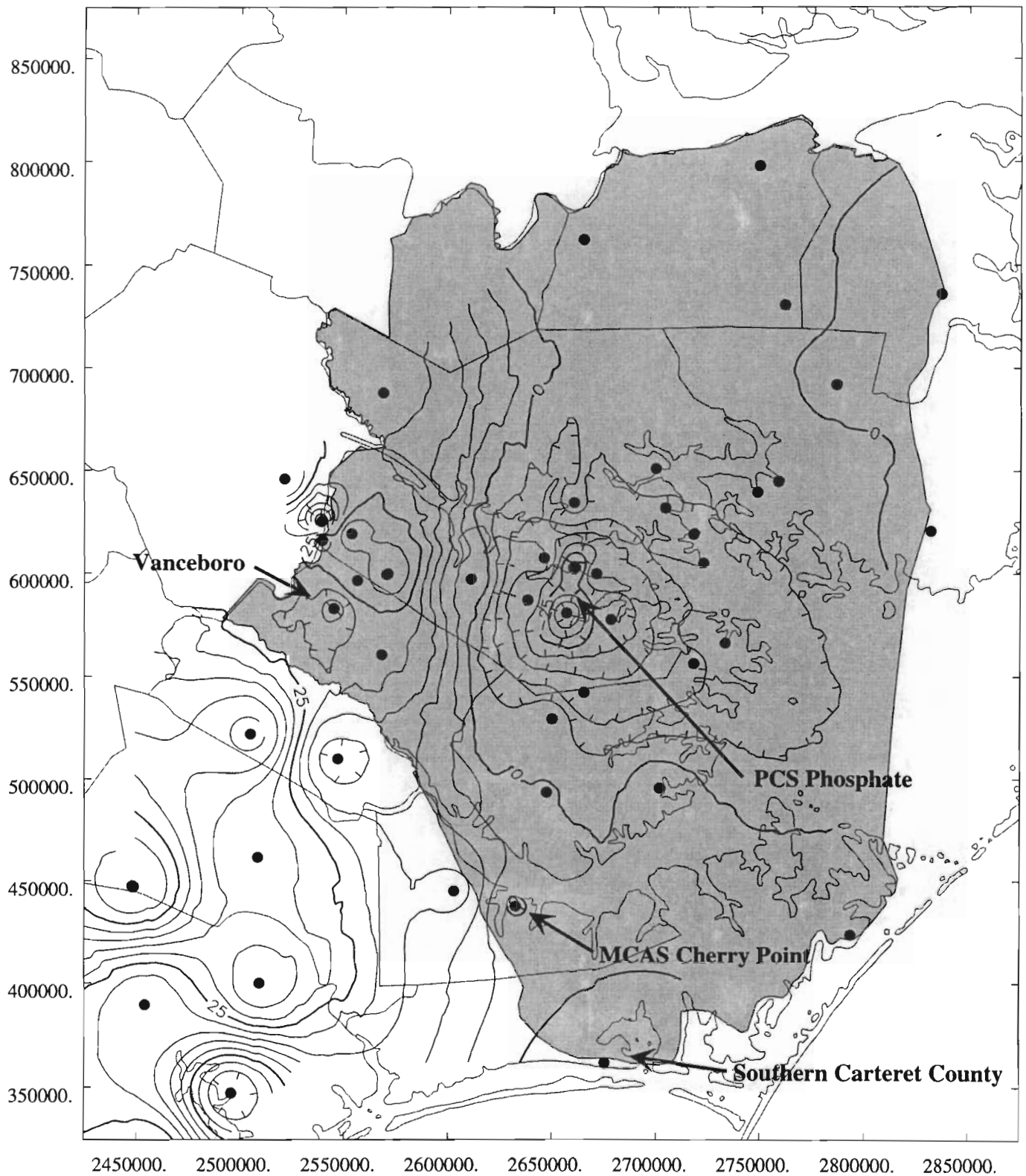
**FIGURE 3: Total Permitted and Reported Surface and Ground Water Use Values**  
September 1997 - August 1998



**FIGURE 4: Total Permitted and Reported Surface and Ground Water Use Values**  
September 1997 - August 1998



**FIGURE 5: 1998 Potentiometric Surface of the Castle Hayne Aquifer  
in the Vicinity of Capacity Use Area #1**



**NOTE:** Shaded area represents Capacity Use Area #1.  
Contours represent elevation of the potentiometric surface relative to mean sea level.  
Contour interval = 5 feet.

Prepared January 11, 1998

**TABLES**

**TABLE 1: Permitted Maximum Daily Withdrawals for Capacity Use Area #1**

Permittee	County	Permit Number	Type of Use	Maximum Daily Withdrawal (MGD)*		
				Surface Water	Ground Water	Total
PCS Phosphate Co	Beaufort	03	Mine Dewatering	0.00	78.00	78.00
GHW Weyerhaeuser Nursery	Beaufort	06	Irrigation, Agriculture	0.00	1.00	1.00
City of Washington	Beaufort	09	Public Supply	0.00	4.20	4.20
NCASI	Craven	20	Biological Studies	2.00	0.00	2.00
Mattamuskeet Natural Wildlife Refuge	Hyde	25	Nonconsumptive	0.45	0.00	0.45
Fairfield Harbour	Craven	27	Irrigation, Golf Course	0.00	0.30	0.30
Pamlico Packing Co Inc	Pamlico	34	Industrial	0.00	0.52	0.52
Calvin L Rowe Sr	Beaufort	92	Aquaculture	0.00	0.86	0.86
H L Respass Farms	Washington	93	Irrigation, Agriculture	0.30	0.30	0.60
David W Waters	Beaufort	94	Irrigation, Agriculture	0.00	1.30	1.30
Swindell Fish Farms	Beaufort	CU0200002	Aquaculture	0.00	0.58	0.58
Weyerhaeuser Real Estate Company	Beaufort	CU0200003	Irrigation, Golf Course	0.00	0.52	0.52
North State Fisheries	Beaufort	CU0200005	Aquaculture	0.00	1.73	1.73
Richland Township W&S	Beaufort	CU0200006	Public Supply	0.00	0.52	0.52
Pamlico County Water System	Pamlico	CU0200008	Public Supply	0.00	2.21	2.21
Alston Spruill Farms	Pamlico	CU0200009	Irrigation, Agriculture	0.00	0.72	0.72
T L Harris Jr	Washington	CU0200010	Irrigation, Agriculture	0.00	1.44	1.44
Weyerhaeuser Plymouth Plant	Martin	CU0200011	Industrial	97.60	3.54	101.14
Tyson Foods Inc	Washington	CU0200012	Livestock	0.00	0.15	0.15
Country Club of Plymouth Inc	Washington	CU0200013	Irrigation, Golf Course	0.00	0.20	0.20
Town of Roper	Washington	CU0200014	Public Supply	0.00	0.30	0.30
Minnesott Golf and Country Club	Pamlico	CU0200015	Irrigation, Golf Course	0.00	0.30	0.30
Bernard F Kornegay	Washington	CU0200016	Irrigation, Agriculture	0.00	0.50	0.50
Down East Fisheries	Beaufort	CU0200017	Aquaculture	0.00	0.72	0.72
Town of Plymouth	Washington	CU1001	Public Supply	0.00	0.74	0.74
National Spinning Co	Beaufort	CU1005	Industrial	0.00	2.00	2.00
PCS Phosphate Co	Beaufort	CU1007	Mine Dewatering	0.00	8.00	8.00
Town of Belhaven	Beaufort	CU1008	Public Supply	0.00	1.00	1.00
Town of Newport	Carteret	CU1012	Public Supply	0.00	0.92	0.92

\* MGD = Million Gallons per Day

**TABLE 1: Permitted Maximum Daily Withdrawals for Capacity Use Area #1**

Permittee	County	Permit Number	Type of Use	Maximum Daily Withdrawal (MGD)*		
				Surface Water	Ground Water	
				Ground Water	Total	
Weyerhaeuser Company	Craven	CU1013	Industrial	50.00	0.20	50.20
Town of Morehead City	Carteret	CU1014	Public Supply	0.00	2.50	2.50
Town of Beaufort	Carteret	CU1015	Public Supply	0.00	1.00	1.00
NCDA Tidewater Research Center	Washington	CU1016	Irrigation, Agriculture	0.00	3.67	3.67
Town of Oriental	Pamlico	CU1022	Public Supply	0.00	0.15	0.15
City of Havelock	Craven	CU1029	Public Supply	0.00	2.00	2.00
NCSU Pamlico Aquaculture Field Lab	Beaufort	CU1031	Aquaculture	0.30	2.36	2.66
Tyson Foods Inc	Tyrrell	CU1033	Drainage	7.50	3.80	11.30
AgResource Ltd Dannenberg Farms	Washington	CU1044	Irrigation, Agriculture	0.00	1.00	1.00
Town of Creswell	Washington	CU1046	Public Supply	0.36	0.29	0.65
AgResource Ltd Grace Farms	Washington	CU1047	Irrigation, Agriculture	0.00	0.38	0.38
Town of Chocowinity	Beaufort	CU1051	Public Supply	0.00	0.25	0.25
Hyde County Water System	Hyde	CU1053	Public Supply	0.00	1.15	1.15
"C" Canal Farms	Hyde	CU1054	Waterfowl	0.00	0.19	0.19
Paul Farms Inc	Pamlico	CU1057	Irrigation, Agriculture	0.00	1.44	1.44
Carolina Fisheries	Beaufort	CU1058	Aquaculture	0.00	2.50	2.50
US Marine Corps Cherry Point	Craven	CU1060	Public Supply	0.00	8.00	8.00
Castle Hayne Fisheries	Beaufort	CU1073	Aquaculture	0.00	2.16	2.16
Manning Farms Inc	Washington	CU1085	Irrigation, Agriculture	0.00	1.30	1.30
CWS Systems Inc	Craven	CU1087	Public Supply	0.00	1.00	1.00
White Rock Fish Farm Inc	Craven	CU1090	Aquaculture	0.00	0.43	0.43
Island Fisheries	Pamlico	CU1091	Aquaculture	0.00	1.30	1.30
Coastal USA Fish Company	Carteret	CU1096	Aquaculture	0.58	0.26	0.84
Town of Vanceboro	Craven	CU1097	Public Supply	0.00	0.41	0.41
Bray Inc of the Albemarle	Tyrrell	CU1098	Aquaculture	0.00	4.00	4.00
McCotter Farms	Pamlico	CU1099	Irrigation, Agriculture	0.00	3.50	3.50
John Hancock Farmland Management	Tyrrell	CU1100	Drainage, Irrigation	70.00	0.01	70.01
Cypress Swamp Fisheries	Beaufort	CU1101	Aquaculture	0.00	0.76	0.76
Harrison's Aquafarm Inc	Pamlico	CU1102	Aquaculture	0.00	1.73	1.73

\* MGD = Million Gallons per Day

**TABLE 1: Permitted Maximum Daily Withdrawals for Capacity Use Area #1**

Permittee	County	Permit Number	Type of Use	Maximum Daily Withdrawal (MGD)*		
				Surface Water	Ground Water	Total
David C Austin	Beaufort	CU1103	Aquaculture	0.00	2.16	2.16
Selvie James	Washington	CU1104	Irrigation, Agriculture	0.00	0.50	0.50
First Craven Sanitary District	Craven	CU1105	Public Supply	0.00	0.86	0.86
Vanguard Farms Inc	Craven	CU1106	Aquaculture	0.00	2.00	2.00
Woodridge Timber Inc	Martin	CU1107	Industrial	0.00	0.14	0.14

\* MGD = Million Gallons per Day

**TABLE 2: Capacity Use Area No. 1 Compliance Summary**

Permittee	Permit #	Total Overuse (MG)	# of days over	Maximum Daily Overuse (MGD)	Reports Submitted (Yes/No)
PCS Phosphate	03	0	0	0	Yes
GHW Wey. Nursery	06	17.398	36	1.187	Yes
City of Washington	09	0	0	0	Yes
NCPI NCASI	20	0.690	1	0.690	Yes
Mattamuskeet NWR	25	0	0	0	NA *
Fairfield Harbour	27	-	-	-	No
Pamlico Packing	34	0.263	1	0.263	Yes
Calvin L. Rowe, Sr.	92	-	-	-	No *
H. L. Respass Farms	93	-	-	-	No
David W. Waters	94	-	-	-	No
Swindell Fish Farms	CU0200002	0	0	0	Yes
Weyco Real Estate Co.	CU0200003	0	0	0	Yes
North State Fisheries	CU0200005	-	-	-	No
Richland Township W&S	CU0200006	0.020	1	0.020	Yes
Pamlico County Water Sys.	CU0200008	1.342	5	0.337	Yes
Alston Spruill Farms	CU0200009	-	-	-	No
T. L. Harris, Jr.	CU0200010	-	-	-	No
Weyerhaeuser (Plymouth)	CU0200011	0	0	0	Yes
Tyson Foods	CU0200012	-	-	-	No
Plymouth Country Club	CU0200013	-	-	-	No
Town of Roper	CU0200014	0	0	0	Yes
Minnesott Golf & CC	CU0200015	0	0	0	Yes
Bernard F. Kornegay	CU0200016	-	-	-	No
Down East Fisheries	CU0200017	-	-	-	No
Town of Plymouth	CU1001	4.445	54	0.884	Yes
National Spinning Co.	CU1005	2.086	3	0.808	Yes
PCS Phosphate	CU1007	0	0	0	Yes
Town of Belhaven	CU1008	0.396	1	0.396	Yes
Town of Newport	CU1012	0	0	0	Yes
Weyerhaeuser (New Bern)	CU1013	0	0	0	Yes
Town of Morehead City	CU1014	0	0	0	Yes
Town of Beaufort	CU1015	0.105	1	0.105	Yes
NCDA Tidewater RC	CU1016	-	-	-	No *
Town of Oriental	CU1022	1.053	36	0.079	Yes
City of Havelock	CU1029	0	0	0	Yes
NCSU Pamlico Aquaculture F.L.	CU1031	0	0	0	Yes
Tyson Foods	CU1033	-	-	-	No



**TABLE 2: Capacity Use Area No. 1 Compliance Summary**

Permittee	Permit #	Total Overuse (MG)	# of days over	Maximum Daily Overuse (MGD)	Reports Submitted (Yes/No)
AgResource Ltd (Dannenberg)	CU1044	-	-	-	No
Town of Creswell	CU1046	0	0	0	Yes
AgResource Ltd (Grace)	CU1044	-	-	-	No
Town of Chocowinity	CU1051	2.219	30	0.172	Yes
Hyde County WS	CU1053	0	0	0	Yes
C Canal Farms	CU1054	0	0	0	Yes
Paul Farms Inc.	CU1057	-	-	-	No
MCAS Cherry Point	CU1060	0	0	0	Yes
Carolina Fisheries	CU1058	-	-	-	No
Castle Hayne Fisheries	CU1073	-	-	-	No
Manning Farms	CU1085	0	0	0	Yes
CWS Systems	CU1087	0	0	0	Yes
White Rock Fish Farm	CU1090	0	0	0	Yes
Island Fisheries	CU1091	0	0	0	Yes
Coastal USA Fish Company	CU1096	-	-	-	No
Town of Vanceboro	CU1097	-	-	-	No
Bray Inc. of the Alb.	CU1098	0	0	0	Yes
McCotter Farms	CU1099	-	-	-	No
John Hancock F.M.	CU1100	0	0	0	Yes
Cypress Swamp Fisheries	CU1101	-	-	-	No
Harrison's Aquafarm	CU1102	-	-	-	No
David C. Austin	CU1103	-	-	-	No
Selvie James	CU1104	0	0	0	Yes
First Craven SD	CU1105	0	0	0	Yes
Woodridge Timber	CU1106	-	-	-	No *
<b>Report Totals</b>		<b>30.017</b>	<b>169.000</b>	<b>4.941</b>	

- \* **Notes:**
1. Lake Mattamuskeet National Wildlife Refuge is not required to submit monthly reports as its use is nonconsumptive surface water use.
  2. Calvin L. Rowe, Sr. was not required to submit monthly reports during the subject period, as his well is not yet constructed.
  3. The NCDA Tidewater Research Center submitted water level reports during the subject period, but did not submit water use reports.
  4. Woodridge Timber was a new permittee during the subject period, and had not had its well constructed by the end of the subject period.

**APPENDICES**

**APPENDIX A: Water Use Act of 1967**

**PART 2.**  
**REGULATION OF USE OF WATER RESOURCES.**

**§ 143-215.11. Short title.**

Statute text  
This Part shall be known and may be cited as the Water Use Act of 1967.  
(1967, c. 933, s. 1.)

**§ 143-215.12. Declaration of purpose.**

Statute text  
It is hereby declared that the general welfare and public interest require that the water resources of the State be put to beneficial use to the fullest extent to which they are capable, subject to reasonable regulation in order to conserve these resources and to provide and maintain conditions which are conducive to the development and use of water resources.  
(1967, c. 933, s. 2.)

**§ 143-215.13. Declaration of capacity use areas.**

Statute text  
(a) The Environmental Management Commission may declare and delineate from time to time, and may modify, capacity use areas of the State where it finds that the use of groundwater or surface water or both require coordination and limited regulation for protection of the interests and rights of residents or property owners of such areas or of the public interest.

(b) Within the meaning of this Part "a capacity use area" is one where the Commission finds that the aggregate uses of groundwater or surface water, or both, in or affecting said area (i) have developed or threatened to develop to a degree which requires coordination and regulation, or (ii) exceed or threaten to exceed, or otherwise threaten or impair, the renewal or replenishment of such waters or any part of them.

(c) The Commission may declare and delineate capacity use areas in accordance with the following procedures:

(1) Whenever the Commission believes that a capacity use situation exists or may be emerging in any area of the State, it may direct the Department to investigate and report to the Commission thereon.

(2) In conducting its investigation the Department shall consult with all interested persons, groups and agencies; may retain consultants; and shall consider all factors relevant to the conservation and use of water in the area, including established or pending water classifications under Part 1 of this Article and the criteria for such classifications. Following its investigation the Department shall render a written report to the Commission. This report shall indicate whether the water use problems of the area involve surface waters, groundwaters or both and shall identify the Department's suggested boundaries for any capacity use area that may be proposed. It shall present such alternatives as the Department deems appropriate, including actions by any agency or person which might preclude the need for additional regulation at that time, and measures which might be employed limited to surface water or groundwater.

(3) If the Commission finds, following its review of the departmental report (or thereafter following its evaluation of measures taken falling short of regulation) that a capacity use area should be declared, it may adopt a rule declaring said capacity use area. A rule declaring an area to be a capacity use area shall delineate the boundaries of the area.

(4) to (6) Repealed by Session Laws 1981, c. 585, s. 3.

(7) Repealed by Session Laws 1987, c. 827, s. 167.

(d) The Commission may conduct a public hearing pursuant to the provisions of this subsection in any area of the State, whether or not a capacity use area has been declared, when it has reason to believe that the withdrawal of water from or the discharge of water pollutants to the waters in such area is having an unreasonably adverse effect upon such waters. If the Commission determines that withdrawals of water from or discharge of water pollutants to the waters within such area has resulted or probably will result in a generalized condition of water depletion or water pollution within the area to the extent that the availability or fitness for use of such water has been impaired for existing or proposed uses and that injury to the public health, safety or welfare will result if increased or additional withdrawals or discharges occur, the Commission may issue a rule:

(1) Prohibiting any person withdrawing waters in excess of 100,000 gallons per day from increasing the amount of the withdrawal above such limit as may be established in the rule.

(2) Prohibiting any person from constructing, installing or operating any new well or withdrawal facilities having a capacity in excess of a rate established in the rule; but such prohibition shall not extend to any new well or facility having a capacity of less than 10,000 gallons per day.

(3) Prohibiting any person discharging water pollutants to the waters from increasing the rate of discharge in excess of the rate established in the rule.

(4) Prohibiting any person from constructing, installing or operating any facility that will or may result in the discharge of water pollutants to the waters in excess of the rate established in the rule.

(5) Prohibiting any agency or political subdivision of the State from issuing any permit or similar document for the construction, installation, or operation of any new or existing facilities for withdrawing water from or discharging water pollutants to the waters in such area in excess of the rates established in the rule.

The determination of the Commission shall be based upon the record of the public hearing and other information considered by the Commission in the rule-making proceeding. The rule shall describe the geographical area of the State affected thereby with particularity and shall provide that the prohibitions set forth therein shall continue pending a determination by the Commission that the generalized condition of water depletion or water pollution within the area has ceased.

Upon issuance of any rule by the Commission pursuant to this subsection, a certified copy of such rule shall be mailed by registered or certified mail to the governing body of every county, city, town, and affected political subdivision lying, in whole or in part, within the area and to every affected or interested State and federal agency. A certified copy of the rule shall be posted at the courthouse in every county lying, in whole or in part, within the area, and a notice setting forth the substantive provisions and effective date of the rule shall be published once a week for two successive weeks in a newspaper or newspapers having general circulation within the area. After publication of notice is completed, any person violating any provision of such rule after the effective date thereof shall be subject to the penalties and proceedings set forth in G.S. 143-215.17.

(1967, c. 933, s. 3; 1973, c. 698, s. 14; c. 1262, s. 23; 1977, c. 771, s. 4; 1981, c. 585, ss. 1-4; 1987, c. 827, ss. 154, 167.)

ASSOCIATION

**Legal Periodicals.** - For survey of 1981 administrative law, see 60 N.C.L. Rev. 1165 (1982).

## CASE NOTES

**Environmental Management Commission's determination of capacity use areas is discretionary.** High Rock Lake Ass'n v. North Carolina Env'tl. Mgt. Comm'n, 51 N.C. App. 275, 276 S.E.2d 472 (1981).

**As to the scope of judicial review** for the Environmental Management Commission's determination that a given area should or should not be declared a capacity use area, see High Rock Lake Ass'n v. North Carolina Env'tl. Mgt. Comm'n, 51 N.C. App. 275, 276 S.E.2d 472 (1981).

**Refusal by Commission to declare Yadkin River Basin a capacity use area was not arbitrary or capricious.** See High Rock Lake Ass'n v. North Carolina Env'tl. Mgt. Comm'n, 51 N.C. App. 275, 276 S.E.2d 472 (1981).

**Informal Rule-Making Procedure Held Not Subject to Review.** - An informal hearing conducted by the Commission to consider whether to initiate a proceeding to declare the Yadkin River Basin a capacity use area was no more than a rule-making type procedure, and thus plaintiffs were not entitled to judicial review under § 150B-43 et seq. High Rock Lake Ass'n v. North Carolina Env'tl. Mgt. Comm'n, 39 N.C. App. 699, 252 S.E.2d 109 (1979), decided prior to the 1987 amendments to this section.

**Subsection (d) of this section operates as a statutory limitation on the standing of parties** interested in or affected by the action to seek judicial review. High Rock Lake Ass'n v. North Carolina Env'tl. Mgt. Comm'n, 39 N.C. App. 699, 252 S.E.2d 109 (1979).

**Plaintiffs Held Not Entitled to Judicial Review.** - A hearing held by the Commission to serve the function of a general information gathering tool to inject public participation at a stage of decision-making generally reserved to staff participation was an informal stage of the

decision-making process with respect to this section's considerations, and the use of evidence presented at that hearing to consider whether to initiate a proceeding under this section was purely within the discretion of the Commission. Since no order was issued by the Commission which in turn could have adversely affected plaintiffs, they were not entitled to judicial review under this section. *High Rock Lake Ass'n v. North Carolina Env'tl. Mgt. Comm'n*, 39 N.C. App. 699, 252 S.E.2d 109 (1979).

**Applied** in *Biddix v. Henredon Furn. Indus., Inc.*, 76 N.C. App. 30, 331 S.E.2d 717 (1985).

**§ 143-215.14. Rules within capacity use areas; scope and procedures.**

Statute text

(a) Following the declaration of a capacity use area by the Commission, it shall prepare proposed rules to be applied in said area, containing such of the following provisions as the Commission finds appropriate concerning the use of surface waters or groundwaters or both:

(1) Provisions requiring water users within the area to submit reports not more frequently than at 30-day intervals concerning quantity of water used or withdrawn, sources of water and the nature of the use thereof.

(2) With respect to surface waters, groundwaters, or both: provisions concerning the timing of withdrawals; provisions to protect against or abate salt water encroachment; provisions to protect against or abate unreasonable adverse effects on other water users within the area, including but not limited to adverse effects on public use.

(3) With respect to groundwaters: provisions concerning well-spacing controls; and provisions establishing a range of prescribed pumping levels (elevations below which water may not be pumped) or maximum pumping rates, or both, in wells or for the aquifer or for any part thereof based on the capacities and characteristics of the aquifer.

(4) Such other provisions not inconsistent with this Part as the Commission finds necessary to implement the purposes of this Part.

(b) In adopting rules for a capacity use area, the Commission shall consider the factors listed in G.S. 143-215.15(h).

(1967, c. 933, s. 4; 1973, c. 1262, s. 23; 1981, c. 585, s. 5; 1987, c. 827, ss. 154, 168.)

Annotations

**CASE NOTES**

**Applied** in *High Rock Lake Ass'n v. North Carolina Env'tl. Mgt. Comm'n*, 39 N.C. App. 699, 252 S.E.2d 109 (1979).

**§ 143-215.15. Permits for water use within capacity use areas - Procedures.**

Statute text

(a) In areas declared by the Commission to be capacity use areas no person shall (after the expiration of such period, not in excess of six months, as the Commission may designate) withdraw, obtain, or utilize surface waters or groundwaters or both, as the case may be, in excess of 100,000 gallons per day for any purpose unless such person shall first obtain a permit therefor from the Commission.

(b) When sufficient evidence is provided by the applicant that the water withdrawn or used from a stream or the ground is not consumptively used, a permit therefor shall be issued by the Commission without a hearing and without the conditions provided in subsection (c) of this section. Applications for such permits shall set forth such facts as the Commission shall deem necessary to enable it to establish and maintain adequate records of all water uses within the capacity use area.

(c) In all cases in which sufficient evidence of a nonconsumptive use is not presented the Department shall notify each person required by this Part to secure a permit of the Commission's proposed action concerning such permit, and shall transmit with such notice a copy of any permit it proposes to issue to such persons, which permit will become final unless a request for a hearing is made within 15 days from the date of service of such notice. If sufficient evidence of a nonconsumptive use is not presented, the Commission may: (i) grant such permit with conditions as the Commission deems necessary to implement the rules adopted pursuant to G.S. 143-215.14; (ii) grant any temporary permit for such period of time as the Commission shall specify where conditions make such temporary permit essential, even though the action allowed by such permit may not be consistent with the Commission's rules applicable to such capacity use area; (iii) modify or revoke any permit upon not less than 60 days' written notice to any person affected; and (iv) deny such permit if the application therefor or the effect of the water use proposed or described

therein upon the water resources of the area is found to be contrary to public interest. Before issuing a permit under this subsection, the Commission shall notify the permit applicant of its proposed action by sending the permit applicant a copy of the permit the Commission proposes to issue. Unless the permit applicant contests the proposed permit, the proposed permit shall become effective on the date set in the proposed permit. A water user who is dissatisfied with a decision of the Commission concerning that user's or another user's permit application or permit may commence a contested case under G.S. 150B-23.

(d) The Commission shall give notice of receipt of an application for a permit under this Part to all other holders of permits and applicants for permits under this Part within the same capacity use area, and to all other persons who have requested to be notified of permit applications. Notice of receipt of an application shall be given within 10 days of the receipt of the application by the Commission. The Commission shall also give notice of its proposed action on any permit application under this Part to all permit holders or permit applicants within the same capacity use area at least 18 days prior to the effective date of the proposed action. Notices of receipt of applications for permits and notice of proposed action on permits shall be by first-class mail and shall be effective upon depositing the notice, postage prepaid, in the United States mail.

(e) Repealed by Session Laws 1981, c. 585, s. 8.

(f) (1) Recodified as 143-215.4(d) by Session Laws 1987, c. 827, s. 169.

(2), (3) Repealed by Session Laws 1987, c. 827, s. 169.

(g) Repealed by Session Laws 1987, c. 827, s. 169.

(h) In determining whether to issue, modify, revoke, or deny a permit under this section, the Commission shall consider:

(1) The number of persons using an aquifer or stream and the object, extent and necessity of their respective withdrawals or uses;

(2) The nature and size of the stream or aquifer;

(3) The physical and chemical nature of any impairment of the aquifer or stream, adversely affecting its availability or fitness for other water uses (including public use);

(4) The probable severity and duration of such impairment under foreseeable conditions;

(5) The injury to public health, safety or welfare which would result if such impairment were not prevented or abated;

(6) The kinds of businesses or activities to which the various uses are related;

(7) The importance and necessity of the uses claimed by permit applicants (under this section), or of the water uses of the area (under G.S. 143-215.14) and the extent of any injury or detriment caused or expected to be caused to other water uses (including public use);

(8) Diversion from or reduction of flows in other watercourses or aquifers; and

(9) Any other relevant factors.

(1967, c. 933, s. 5; 1973, c. 108, s. 89; c. 698, s. 15; c. 1262, s. 23; 1977, c. 771, s. 4; 1981, c. 585, ss. 6-10; 1987, c. 827, ss. 154, 169.)

Annotations

#### CASE NOTES

**Applied** in High Rock Lake Ass'n v. North Carolina Env'tl. Mgt. Comm'n, 39 N.C. App. 699, 252 S.E.2d 109 (1979).

**Cited** in State ex rel. Wallace v. Bone, 304 N.C. 591, 286 S.E.2d 79 (1982).

**§ 143-215.16. Permits for water use within capacity use areas - Duration, transfer, reporting, measurement, present use, fees and penalties.**

Statute text

(a) No permit under G.S. 143-215.15 shall be issued for a longer period than the longest of the following: (i) 10 years, or (ii) the duration of the existence of a capacity use area, or (iii) the period found by the Commission to be necessary for reasonable amortization of the applicant's water-withdrawal and water-using facilities. Permits may be renewed following their expiration upon compliance with the provisions of G.S. 143-215.15.

(b) Permits shall not be transferred except with the approval of the Commission.

(c) Every person in a capacity use area who is required by this Part to secure a permit shall file with the Commission in the manner prescribed by the Commission a certified statement of quantities of water used and withdrawn, sources of water, and the nature of the use thereof not more

frequently than 30-day intervals. Such statements shall be filed on forms furnished by the Department within 90 days after the adoption of an order by the Commission declaring a capacity use area. Water users in a capacity use area not required to secure a permit shall comply with procedures established to protect and manage the water resources of the area. Such procedures shall be adapted to the specific needs of the area, shall be within the provisions of this and other North Carolina water resource acts, and shall be adopted after public hearing in the area. The requirements embodied in the two preceding sentences shall not apply to individual domestic water use.

(d) If any person who is required to secure a permit under this Part is unable to furnish accurate information concerning amounts of water being withdrawn or used, or if there is evidence that his certified statement is false or inaccurate or that he is withdrawing or using a larger quantity of water or under different conditions than has been authorized by the Commission, the Commission shall have the authority to require such person to install water meters, or some other more economical means for measuring water use acceptable to the Commission. In determining the amount of water being withdrawn or used by a permit holder or applicant the Commission may use the rated capacity of his pumps, the rated capacity of his cooling system, data furnished by the applicant, or the standards or methods employed by the United States Geological Survey in determining such quantities or by any other accepted method.

(e) In any case where a permit applicant can prove to the Commission's satisfaction that the applicant was withdrawing or using water prior to the date of declaration of a capacity use area, the Commission shall take into consideration the extent to which such prior use or withdrawal was reasonably necessary in the judgment of the Commission to meet its needs, and shall grant a permit which shall meet those reasonable needs. Provided, however, that the granting of such permit shall not have unreasonably adverse effects upon other water uses in the area, including public use, and including potential as well as present use.

(f) The Commission shall also take into consideration in the granting of any permit the prior investments of any person in lands, and plans for the usage of water in connection with such lands which plans have been submitted to the Commission within a reasonable time after June 27, 1967. Provided, however, that the granting of such permit shall not have unreasonably adverse effects upon other water uses in the area, including public use, and including potential as well as present use.

(g) It is the intention of the General Assembly that if the provisions of subsection (e) or subsection (f) of this section are held invalid as a grant of an exclusive or separate emolument or privilege, within the meaning of Article I, Sec. 7 of the North Carolina Constitution, the remainder of this Part shall be given effect without the invalid provision or provisions.

(h) Pending the issuance or denial of a permit pursuant to subsection (e) or (f) of this section, the applicant may continue the same withdrawal or use which existed prior to the date of declaration of the capacity use area.

(1967, c. 933, s. 6; 1973, c. 1262, s. 23; 1977, c. 771, s. 4; 1987, c. 827, s. 154.)

Annotations  
**Editor's Note.** - The reference to the Constitution in subsection (g) is to the Constitution adopted in 1868, as amended. See now N.C. Const., Art. I, § 32.

Session Laws 1989, c. 727, s. 218(106), directed that the phrase "Natural Resources and Community Development" be replaced by the phrase "Environment, Health, and Natural Resources" in this section. However, the phrase "Natural Resources and Community Development" does not appear in this section.

## CASE NOTES

**Applied** in High Rock Lake Ass'n v. North Carolina Env'tl. Mgt. Comm'n, 39 N.C. App. 699, 252 S.E.2d 109 (1979).

### § 143-215.17. Enforcement procedures.

Statute text  
(a) **Criminal Penalties.** - Any person who shall be adjudged to have violated any provision of this Part shall be guilty of a Class 3 misdemeanor and shall only be liable to a penalty of not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000) for each violation. In addition, if any person is adjudged to have committed such violation willfully, the court



may determine that each day during which such violation continued constitutes a separate violation subject to the foregoing penalty.

(b) Civil Penalties. -

(1) The Secretary may assess a civil penalty of not less than one hundred dollars (\$100.00) nor more than two hundred fifty dollars (\$250.00) against any person who violates any provisions of, or any order issued pursuant to this Part, or who violates a rule of the Commission implementing this Part.

(2) If any action or failure to act for which a penalty may be assessed under this Part is willful, the Secretary may assess a penalty not to exceed two hundred fifty dollars (\$250.00) per day for each day of violation.

(3) In determining the amount of the penalty the Secretary shall consider the factors set out in G.S. 143B-282.1(b). The procedures set out in G.S. 143B-282.1 shall apply to civil penalty assessments that are presented to the Commission for final agency decision.

(4) The Secretary shall notify any person assessed a civil penalty of the assessment and the specific reasons therefor by registered or certified mail, or by any means authorized by G.S. 1A-1, Rule 4. Contested case petitions shall be filed within 30 days of receipt of the notice of assessment.

(5) Requests for remission of civil penalties shall be filed with the Secretary. Remission requests shall not be considered unless made within 30 days of receipt of the notice of assessment. Remission requests must be accompanied by a waiver of the right to a contested case hearing pursuant to Chapter 150B and a stipulation of the facts on which the assessment was based. Consistent with the limitations in G.S. 143B-282.1(c) and (d), remission requests may be resolved by the Secretary and the violator. If the Secretary and the violator are unable to resolve the request, the Secretary shall deliver remission requests and his recommended action to the Committee on Civil Penalty Remissions of the Environmental Management Commission appointed pursuant to G.S. 143B-282.1(c).

(6) If any civil penalty has not been paid within 30 days after notice of assessment has been served on the violator, the Secretary shall request the Attorney General to institute a civil action in the Superior Court of any county in which the violator resides or has his or its principal place of business to recover the amount of the assessment, unless the violator contests the assessment as provided in subdivision (4) of this subsection, or requests remission of the assessment in whole or in part as provided in subdivision (5) of this subsection. If any civil penalty has not been paid within 30 days after the final agency decision or court order has been served on the violator, the Secretary shall request the Attorney General to institute a civil action in the Superior Court of any county in which the violator resides or has his or its principal place of business to recover the amount of the assessment.

(7) The Secretary may delegate his powers and duties under this section to the Director of the Division of Environmental Management of the Department.

(c) Injunctive Relief. - Upon violation of any of the provisions of this Part, a rule implementing this Part, or an order issued under this Part, the Secretary may, either before or after the institution of proceedings for the collection of the penalty imposed by this Part for such violations, request the Attorney General to institute a civil action in the superior court of the county or counties where the violation occurred in the name of the State upon the relation of the Department for injunctive relief to restrain the violation or require corrective action, and for such other or further relief in the premises as said court shall deem proper. Neither the institution of the action nor any of the proceedings thereon shall relieve any party to such proceedings from the penalty prescribed by this Part for any violation of same.

(1967, c. 933, s. 7; 1973, c. 698, s. 16; c. 1262, s. 23; 1975, c. 842, s. 2; 1977, c. 771, s. 4; 1981, c. 585, s. 11; 1987, c. 827, ss. 154, 170; 1989 (Reg. Sess., 1990), c. 1036, s. 4; 1993, c. 539, s. 1020; 1994, Ex. Sess., c. 24, s. 14(c).)

Annotation

**Editor's Note.** - Session Laws 1993, c. 539, which amended this section, in s. 1359, as amended by Session Laws 1994, Extra Session, c. 24, s. 14(c), provides: "This act becomes effective October 1, 1994, and applies to offenses occurring on or after that date. Prosecutions for offenses committed before the effective date of this act are not abated or affected by this act, and the statutes that would be applicable but for this act remain applicable to those

prosecutions."

**Effect of Amendments.** - The 1993 amendment, effective October 1, 1994, and applicable to offenses occurring on or after that date, inserted "Class 3" preceding "misdemeanor" and inserted "only" preceding "be liable to a penalty" in the first sentence of subsection (a).

**§ 143-215.18. Map or description of boundaries of capacity use areas.**

Statute text  
(a) The Commission in designating and the Department in recommending the boundaries of any capacity use area may define such boundaries by showing them on a map or drawings, by a written description, or by any combination thereof, to be designated appropriately and filed permanently with the Department. Alterations in these lines shall be indicated by appropriate entries upon or additions to such map or description. Such entries shall be made under the direction of the Secretary of Environment, Health, and Natural Resources. Photographic, typed or other copies of such map or description, certified by the Secretary of Environment, Health, and Natural Resources, shall be admitted in evidence in all courts and shall have the same force and effect as would the original map or description. If the boundaries are changed pursuant to other provisions of this Part, the Department may provide for the redrawing of any such map. A redrawn map shall supersede for all purposes the earlier map or all maps which it is designated to replace.

(b) The Department shall file with the Secretary of State a certified copy of the map, drawings, description or combination thereof, showing the boundaries of any capacity use area designated by the Commission; and a certified copy of any redrawn or altered map or drawing, and of any amendments or additions to written descriptions, showing alterations to said boundaries.

(1967, c. 933, s. 8; 1973, c. 1262, s. 23; c. 1331, s. 3; 1977, c. 771, s. 4; 1987, c. 827, ss. 154, 171; 1989, c. 727, s. 218(107).)

**§ 143-215.19. Administrative inspection; reports.**

Statute text  
(a) When necessary for enforcement of this Part, and when authorized by rules of the Commission, employees of the Commission may inspect any property, public or private, to investigate:

- (1) The condition, withdrawal or use of any waters;
- (2) Water sources; or
- (3) The installation or operation of any well or surface water withdrawal or use facility.

(b) The Commission's rules must state appropriate standards for determining when property may be inspected under subsection (a).

(c) Entry to inspect property may be made without the possessor's consent only if the employee seeking to inspect has a valid administrative inspection warrant issued pursuant to G.S. 15-27.2.

(d) The Commission may also require the owner or possessor of any property to file written statements or submit reports under oath concerning the installation or operation of any well or surface water withdrawal or use facility.

(e) The Commission shall accompany any request or demand for information under this section with a notice that any trade secrets or confidential information concerning business activities is entitled to confidentiality as provided in this subsection. Upon a contention by any person that records, reports or information or any particular part thereof to which the Commission has access under this section, if made public would divulge methods or processes entitled to protection as trade secrets or would divulge confidential information concerning business activities, the Commission shall consider the material referred to as confidential, except that it may be made available in a separate file marked "Confidential Business Information" to employees of the department concerned with carrying out the provisions of this Part for that purpose only. The disclosure or use of such information in any administrative or judicial proceeding shall be governed by the rules of evidence, but the affected business shall be notified by the Commission at least seven days prior to any such proposed disclosure or use of information, and the Commission will not oppose a motion by any affected business to intervene as a party to the judicial or administrative proceeding.

(1967, c. 933, s. 9; 1973, c. 1262, s. 23; 1981, c. 585, s. 12; 1987, c. 827, ss. 154, 172.)

**§ 143-215.20: Repealed by Session Laws 1987, c. 827, s. 173.**

**§ 143-215.21. Definitions.**

Statute text

Unless the context otherwise requires, the following terms as used in this Part are defined as follows:

(1), (2) Repealed by Session Laws 1987, c. 827, s. 174.

(3) "Consumptive use" means any use of water withdrawn from a stream or the ground other than a "nonconsumptive use," as defined in this Part.

(4) Repealed by Session Laws 1987, c. 827, s. 174.

(5) "Nonconsumptive use" means (i) the use of water withdrawn from a stream in such a manner that it is returned to the stream without substantial diminution in quantity at or near the point from which it was taken; or, if the user owns both sides of the stream at the point of withdrawal, the water is returned to the stream upstream of the next property below the point of diversion on either side of the stream; (ii) the use of water withdrawn from a groundwater system or aquifer in such a manner that it is returned to the groundwater system or aquifer from which it was withdrawn without substantial diminution in quantity or substantial impairment in quality at or near the point from which it was withdrawn; (iii) provided, however, that (in determining whether a use of groundwater is nonconsumptive) the Commission may take into consideration whether any material injury or detriment to other water users of the area by reason of reduction of water pressure in the aquifer or system has not been adequately compensated by the permit applicant who caused or substantially contributed to such injury or detriment.

(6), (7) Repealed by Session Laws 1987, c. 827, s. 174.

(1967, c. 933, s. 11; 1973, c. 1262, s. 23; 1977, c. 771, s. 4; 1987, c. 827, ss. 154, 174.)

**APPENDIX B: Capacity Use Area #1 Rule**

**15A-2E.02. CAPACITY USE AREA NO. 1**

Rule

15A-2E.0201.DECLARATION AND DELINEATION OF CAPACITY USE AREA NO. 1

15A-2E.0202.PERSONS WITHDRAWING GROUNDWATER IN CAPACITY USE AREAS.

15A-2E.0203.WITHDRAWALS BETWEEN 10,000 G.P.D. AND ONE MILLION G.P.D.

15A-2E.0204.PERSONS WITHDRAWING ONE MILLION G.P.D.

15A-2E.0205.ACTIVITIES.

15A-2E.0206.NONCONSUMPTIVE USE PERMITS.

15A-2E.0207.CONFIDENTIAL INFORMATION.

15A-2E.0208.SEVERABILITY.

**15A-2E.0201. DECLARATION AND DELINEATION OF CAPACITY USE AREA NO. 1**

The Environmental Management Commission on the 18th day of December, 1968, declared and delineated the following described geographical area a capacity use area:

"That area bounded by a line beginning at the intersection of Highway US 17 and Roanoke River, at Williamston, and running south along Highway US 17 to the Martin-Beaufort Counties line; thence northwest along the Martin-Beaufort Counties line to the Pitt County line; thence generally south along the Pitt-Beaufort Counties line to the Craven County line; thence southwest along the Pitt-Craven Counties line to the Neuse River; thence southeast along the Neuse River to New Bern; thence south along Highway US 70 to Morehead City and on to Atlantic; thence north along the eastern edge of Cedar Island, across Pamlico Sound, along the eastern edge of Great Island, to the intersection of Highways US 264 and NC 94 near the south shore of Lake Mattamuskeet; thence north along Highway NC 94 to Columbia; thence west along the south shore of Albemarle Sound to the mouth of Roanoke River; thence generally southwest along Roanoke River to Highway US 17 at Williamston, the beginning."

Statutory Authority G.S. 143-215.13;

Eff. February 1, 1976.

**15A-2E.0202. PERSONS WITHDRAWING GROUNDWATER IN CAPACITY USE AREAS**

(a) Permits Required

(1) Water Use Permit

(A) No person shall, after June 18, 1969 (as designated the Commission), withdraw, obtain or utilize surface waters or ground waters, or both, in excess of 100,000 gallons per day for any purpose unless such person shall first apply for a water use permit therefor from the Director.

(B) Application for such water use permit shall be submitted on a form approved by the Director. An approved form, may be obtained from the Department of Natural Resources and Community Development, P.O. Box 27687, Raleigh, N.C. 27611. The application shall describe the specific purpose or purposes for which the water will be withdrawn or used, and shall justify the quantity needed for each purpose. Each application submitted to the Division will be considered and acted upon as soon as practicable. Pending the Director's issuance or denial of a permit, the applicant may continue the same withdrawal or use which existed prior to the date of declaration of the capacity use area.

(C) Water use permits shall be issued for a period to be determined by the Director but not to exceed the longest of the following:

(i) 10 years, or

(ii) the duration of the existence of the capacity use area, or

(iii) the period found by the Director to be necessary for reasonable amortization of the applicant's water withdrawal and water using facilities.

(D) Each water use permit shall be subject to review, modification or renewal by the Director as set forth in Section 143-215.15(c) of the General Statutes of North Carolina (Water Use Act of 1967). Holders of water use permits will be expected to notify the Director of any major changes in usage. Review of water use permits may require the justification of continuing needs and the documentation of all water conservation measures.

(E) Water use permits shall not be transferred except with the approval of the Director.

(F) Water withdrawn under any water use permit shall be used only for the purpose(s) set forth in the permit.

(2) Well Construction Permit

(A) A well construction permit shall be obtained prior to construction of all wells except those constructed for individual domestic water supplies.

(B) Application for a well construction permit shall be made of Form GW22, "Application for Permit to Construct a Well," which can be obtained from the Division. The application shall state the purpose of the well, and shall include the proposed location, construction specifications, the estimated withdrawal rate, the location and ownership of all water-supply wells within a radius of either:

(i) 1,000 feet for wells withdrawing less than 100,000 gallons per day;

(ii) 1,500 feet for wells withdrawing 100,000 to 1,000,000 gallons per day;

(iii) 2,500 feet for wells withdrawing more than 1,000,000 gallons per day; and such other information as the Director may reasonably deem necessary.

(b) Withdrawal and Water-Level Controls Required

(1) Total Quantity. The water use permit issued by the Director shall establish the maximum total quantity that may be withdrawn daily, and may specify the timing of withdrawals.

(2) Maximum Withdrawal Rates. Maximum rates of withdrawal of water from individual wells or surface-water intakes may be set forth in the water use permit issued by the Director, when the Director determines that such control is required to conserve water or protect the water quality.

(3) Maximum Drawdown Levels. The water use permit may specify the lowest water level that may be produced in any well or wells.

(4) Additional Provisions. The water use permit shall be issued subject to such other provisions as the Director deems necessary to conserve or protect the water resources of the capacity use area. The permit may:

(A) require that the applicant cooperate with the Division, and with other users of water in the affected area, in determining and implementing reasonable and practical methods and processes to conserve and protect the water resources while avoiding or minimizing adverse effects on the quantity and quality of water available to persons whose water supply has been materially reduced or impaired as a result of withdrawals made pursuant to water use permits;

(B) require that any portion of the water withdrawn be returned to the source or to any other stream or aquifer as approved by the Director;

(C) require the holder of a water use permit to obtain the Director's approval of the locations and distribution of individual surface-water intakes and wells, and of the depths, zones, aquifers or parts of aquifers from which withdrawals may be made;

(D) require that each well or surface-water intake be equipped with an approved monitoring device that will provide a continuous record of withdrawals within an accuracy of plus or minus five percent;

(E) require that observation stations or wells be installed and maintained for monitoring water levels and water quality;

(F) require that holders of water use permits unite in joint efforts to conserve water quantity and quality by any and all of the requirements in this Rule when applicable.

(c) Reports Required

(1) Well Record or Well Completion or Abandonment Report. Any person completing or abandoning any well shall furnish the Director, on Form GW-1, a certified record of the construction or abandonment of such well within a period of 30 days from completion of construction or abandonment, as required in the provisions of Article 7, Chapter 87 and Article 38, Chapter 143, General Statutes of North Carolina. The required completion report shall include the location, size, depth, casing record, method of finishing, formation log, static water level, yield data and records of any surveys, geophysical logs, test or water analyses. Samples of formation cuttings from all wells shall be furnished to the Director except when the Director specifies that such samples are not required. For wells withdrawing more than 1,000,000 gallons a day, a description of the proposed device for metering withdrawals is required. The required abandonment report shall include the location and method of sealing and plugging.

(2) Reports and Records of Withdrawal from each Source. For withdrawals of more than 100,000 gallons per day, monthly reports of daily withdrawals from each well or surface-water intake shall be furnished to the Director not later than 15 days after the end of each calendar month. Withdrawals shall be measured by a method acceptable to the Director. Withdrawals of 1,000,000 gallons per day or more shall be measured by an approved metering device, equipped with an automatic chart recorder, and having any accuracy of plus or minus five percent. The required reports shall include copies of chart recordings.

(3) Reports of Water Levels. For withdrawals of less than 1,000,000 gallons per day, water level reporting, if required, may be specified in the permit. For withdrawals of 1,000,000 gallons per day or more monthly reports of water levels shall be furnished to the Director not later than 15 days after the end of each calendar month as follows:

(A) the pumping water level for each supply well as measured with a steel or electric tape from a fixed reference point each day at approximately the same hour, or at such other time intervals as may be satisfactory to the Director. The measurements shall be within accuracy limits of plus or minus 0.25 of a foot or three inches.

(B) The level of each surface water used as a source of supply, as measured by a method and at such frequency as specified in the permit.

(C) The Water levels in observation wells other than supply wells as measured from a fixed reference point at intervals specified by the permit.

(4) Other Reports. The Director may require reports of other data pertinent and necessary to the evaluation of the effects of withdrawals.

Statutory Authority G.S. 143-215.14; 143-215.15;

Eff. February 1, 1976; Amended Eff. March 1, 1985.

**15A-2E.0203. WITHDRAWALS BETWEEN 10,000 G.P.D. AND ONE MILLION G.P.D.**

**15A-2E.0204. PERSONS WITHDRAWING ONE MILLION G.P.D.**

Statutory Authority G.S. 143-215.1; 143-215.14; 143-215.15;

Eff. February 1, 1976; Amended Eff. January 1, 1979; November 1, 1978; Repealed Eff. March 1, 1985.

**15A-2E.0205. ACTIVITIES**

Activities Requiring Prior Approval by the Commission. No construction or installation of works of improvement which may significantly affect the quantity or quality of the water resources shall be undertaken without prior approval from the Commission. These include, but are not necessarily limited to, the following:

(1) Surface Drainage Projects

(a) Any project involving the drainage or diversion of ponded or standing water, except water temporarily impounded as the result of flooding, from an area in excess of five acres;

(b) Application for approval of any such project shall include:

(i) a description of the area,

(ii) purpose of the project and method of drainage, and

(iii) a general evaluation of the probable effects of the project on the water resources.

(2) Subsurface Drainage Projects

(a) Any project involving the withdrawal or diversion of ground water, except for the purpose of water supply or agricultural use, that will probably result in lowering existing ground water levels or artesian head more than three feet for a period of one year in any area of more than five acres;

(b) Application for approval of any such project shall include a description of the area, purpose of the project and method of drainage, and a general evaluation of the probable effects of the project on the water resources.

(3) Well Mining Projects

(a) Any projects involving the removal or extraction of minerals through wells;

(b) Application for approval of any such project shall include:

(i) a description of the location and extent of the area;

(ii) methods, procedures and processes of removal or extraction;

(iii) well-plugging and abandonment procedures, and

(iv) an evaluation of the effects of the water resources.

(4) Excavation Projects

(a) Any project involving the excavation of any land that lies under water;

(b) Any project involving the excavation of any single area in excess of five acres to any depth below the highest natural level of groundwater;

(c) Application for approval of any such projects shall include a description of the location and the extent of the area, purpose, depth, and excavation methods.

Statutory Authority G.S. 143-215.14; 143-215.20;

Eff. February 1, 1976.

**15A-2E.0206. NONCONSUMPTIVE USE PERMITS**

**15A-2E.0207. CONFIDENTIAL INFORMATION**

**15A-2E.0208. SEVERABILITY**

Statutory Authority G.S. 143-215.14; 143-215.15;

Eff. February 1, 1976; Repealed Eff. March 1, 1985.



**APPENDIX C: Capacity Use Area #1 Permit Application**

**APPLICATION FOR WATER  
USE PERMIT IN CAPACITY  
USE AREA #1**

North Carolina Environmental Management Commission  
Department of Environment and Natural Resources  
Division of Water Resources  
PO Box 27687, Raleigh, NC 27611-7687, phone: 919-733-4064

New Application  Permit #  Application for Permit Renewal  Permit Amendment

I. Applicant Information:

(a) Applicant: \_\_\_\_\_  
(Name of Person, Company, or Corporation)

(b) Mailing Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

(c) Authorized Contact Person: \_\_\_\_\_  
(Name)  
\_\_\_\_\_  
(Title) \_\_\_\_\_ (Phone Number)

II. Purpose(s) for which water is to be used (check all that apply):

- (a)  Public Water Supply System\* (e)  Livestock Supply  
(b)  Agricultural Irrigation (f)  Mining, describe briefly \_\_\_\_\_  
(c)  Surface drainage (g)  Industrial, describe briefly \_\_\_\_\_  
(d)  Aquaculture (h)  Other, describe briefly \_\_\_\_\_

\*If (a) above is checked, applicant must have a valid Local Water Supply Plan {GS 143-355(l) and (m)} and indicate their PWSID# \_\_\_\_\_.

III. Source(s) of Water (attach extra sheets if necessary):

(a) Ground Water: Fill in table below. Depths: feet below land surface. Land surface elevation: feet above mean sea level.

Well #	Latitude	Longitude	Well Depth	Depth to Top of Screen	Depth to Bottom of Screen	Depth to Pump Intake	Land Surface Elevation	Existing (E) or Proposed (P)	# of Gallons to be Withdrawn Daily	# of Hours to be Pumped Daily

(b) Surface Water: Fill in table below.

Intake #	Latitude	Longitude	Name of Water Body	Existing (E) or Proposed (P)	# of Gallons to be Withdrawn Daily	# of Hours to be Pumped Daily

(c) Daily withdrawals from ground water = \_\_\_\_\_ gallons.

(d) Daily withdrawals from surface water = \_\_\_\_\_ gallons.

If (c) or (d) above equals or exceeds 1,000,000 gallons, a Capacity Use Area #1 permit substitutes as a water withdrawal registration {GS 143-215.22H}.

continued on reverse side

IV. Location of sources of withdrawal (Attach the relevant portion of a United States Geological Survey topographic map and specify the following information):

- (a) name of quadrangle
- (b) county(ies) in which withdrawal sources are located
- (c) positions of all withdrawal wells indicated in section III. (a) with daily number of gallons to be withdrawn
- (d) locations of all existing water supply wells within 1500 feet of the existing or proposed wells listed in section III. (a)
- (e) positions of all surface water withdrawal points indicated in section III. (b) with daily number of gallons to be withdrawn
- (f) locations of all discharge points for water withdrawals covered under this application with daily number of gallons to be discharged.

V. Substantiation for the amount of withdrawal requested:

Submit documentation that justifies the total withdrawal requested. Documentation could include design plans, development plans, planning studies, operation reports, past pumping records, etc. If withdrawals are to be seasonal or vary significantly from month-to-month throughout the year, describe the reasons for the variations and specify those variations.

VI. Disposal of water:

Describe how the water will be disposed of after it has been used and provide an evaluation of the potential impacts of the disposal methods.

VII. Certification:

*I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the submitted information is true, accurate, and complete.*

(Name)	(Official Title)	(Date)
(Signature)		

**APPENDIX D: Capacity Use Area #1 Mailing List**

### Appendix D: Capacity Use Area #1 Mailing List

Permit No.	Permit Status	Facility	City	State
CU1054	Active	"C" Canal Farms	New Bern	NC
CU1044	Active	AgResource Ltd Dannenberg Farms	Manteo	NC
CU0200009	Active	Alston Spruill Farms	Oriental	NC
NA	NA	Aquaterra Inc	Raleigh	NC
NA	NA	Barrett Kays & Associates	Raleigh	NC
NA	NA	Beaufort County Board of Commissioners	Chocowinity	NC
CU0200016	Active	Bernard F Kornegay	Pantego	NC
CU1098	Active	Bray Inc of the Albemarle	Elizabeth City	NC
CU1087	Active	CWS Systems Inc	Charlotte	NC
92	Rescinded	Calvin L Rowe Sr	Blounts Creek	NC
CU1058	Active	Carolina Fisheries	Aurora	NC
CU1073	Active	Castle Hayne Fisheries	Aurora	NC
CU1029	Active	City of Havelock	Havelock	NC
09	Active	City of Washington	Washington	NC
CU1108	Active	Coastal Plains Catfish	Grifton	NC
CU1096	Active	Coastal USA Fish Company	Wilmington	NC
CU0200013	Active	Country Club of Plymouth Inc	Plymouth	NC
CU1109	Rescinded	County of Carteret-North River Community	Beaufort	NC
CU1101	Active	Cypress Swamp Fisheries	Aurora	NC
CU1103	Active	David C Austin	Aurora	NC
94	Active	David W Waters	Pinetown	NC
NA	NA	Division of Coastal Management	Raleigh	NC
NA	NA	Division of Environmental Health	Raleigh	NC
NA	NA	Division of Land Resources	Raleigh	NC
NA	NA	Division of Soil and Water Conservation	Raleigh	NC
NA	NA	Division of Water Quality	Raleigh	NC
CU0200017	Active	Down East Fisheries	Aurora	NC
27	Incomplete	Fairfield Harbour	New Bern	NC
CU1105	Active	First Craven Sanitary District	Bridgeton	NC
NA	NA	G & E Engineering	Charlotte	NC
06	Incomplete	GHW Weyerhaeuser Nursery	Washington	NC
93	Active	H L Respass Farms	Plymouth	NC
CU1102	Active	Harrison's Aquafarm Inc	Grantsboro	NC
CU1053	Active	Hyde County Water System	Swanquarter	NC
CU1091	Active	Island Fisheries	Lowland	NC
CU1100	Active	John Hancock Farmland Management	Champaign	IL
CU1085	Active	Manning Farms Inc	Pantego	NC
25	Active	Mattamuskeet Natural Wildlife Refuge	Swanquarter	NC
CU1099	Active	McCotter Farms	Vandemere	NC
CU1112	Incomplete	Michael Woolard	Vanceboro	NC

## Appendix D: Capacity Use Area #1 Mailing List

Permit No.	Permit Status	Facility	City	State
CU0200015	Active	Minnesott Golf and Country Club	Arapahoe	NC
CU1016	Active	NCDA Tidewater Research Center	Plymouth	NC
CU1031	Active	NCSU Pamlico Aquaculture Field Lab	Aurora	NC
NA	NA	NCSU Sea Grant College Program	Raleigh	NC
20	Active	National Council of the Paper Industry NCASI	New Bern	NC
CU1005	Active	National Spinning Co	Washington	NC
CU0200005	Active	North State Fisheries	Pinetown	NC
03	Active	PCS Phosphate Co	Aurora	NC
CU0200008	Active	Pamlico County Water System	Bayboro	NC
34	Active	Pamlico Packing Co Inc	Vandemere	NC
NA	NA	Pamlico Tar River Foundation	Washington	NC
CU1057	Active	Paul Farms Inc	New Bern	NC
CU1111	Active	Peace and Plenty Farms	Vanceboro	NC
CU0200006	Active	Richland Townshp W&S Beauf County #VII	Washington	NC
CU1104	Active	Selvie James	Creswell	NC
NA	NA	Southern Environmental Law Center	Chapel Hill	NC
CU0200002	Active	Swindell Fish Farms	Pantego	NC
CU0200010	Active	T L Harris Jr	Pantego	NC
CU1015	Active	Town of Beaufort	Beaufort	NC
CU1008	Active	Town of Belhaven	Belhaven	NC
CU1051	Active	Town of Chocowinity	Chocowinity	NC
CU1046	Active	Town of Creswell	Creswell	NC
CU1014	Active	Town of Morehead City	Morehead City	NC
CU1012	Active	Town of Newport	Newport	NC
CU1022	Active	Town of Oriental	Oriental	NC
CU1001	Active	Town of Plymouth	Plymouth	NC
CU0200014	Active	Town of Roper	Roper	NC
CU1097	Active	Town of Vanceboro	Vanceboro	NC
CU1033	Active	Tyson Foods Inc	Creswell	NC
NA	NA	US Fish and Wildlife Service	Raleigh	NC
CU1060	Active	US Marine Corps Cherry Point	Cherry Point	NC
NA	NA	USDA Natural Resource Conservation	Plymouth	NC
CU1106	Active	Vanguard Farms Inc	Greenville	NC
CU1013	Active	Weyerhaeuser Company	New Bern	NC
CU0200011	Active	Weyerhaeuser Plymouth Plant	Plymouth	NC
CU0200003	Active	Weyerhaeuser Real Estate Company	Chocowinity	NC
CU1090	Active	White Rock Fish Farm Inc	Vanceboro	NC
NA	NA	Wildlife Resources Commission	Raleigh	NC
CU1107	Active	Woodridge Timber Inc	Jamesville	NC