

Lake Wylie Marine Commission



**August 27, 2007
7:00 p.m.**

**Red Fez Club
16,600 Red Fez Club Road
Charlotte, NC**

Minutes

Commissioners Present: Chairman Joe Stowe (Gaston County), Commissioner Bo Ibach (Mecklenburg County), Commissioner Secretary/Treasurer Sandy DuPuy (Mecklenburg County), Troy Blackmon (York County), Vice-Chairman Billy McLean (Gaston County), Commissioner Dan Ballou (York County)

Commissioners Absent: Commissioner Don Cloninger (York County)

LWMC Staff Present: Chris Clark, Legal Counsel, Annette Lawing, Interim Executive Director

Topic	Discussion Summary	Action
Welcome & Introductions	Chairman Joe Stowe called the meeting to order at 7:04 pm.	
Approve Minutes – July 23, 2007	The minutes from the July 23, 2007 LWMC business meeting were approved.	A motion was made by Commissioner Ibach to approve the July 23, 2007 LWMC meeting minutes. Seconded by Commissioner Ballou. The motion was approved.
Consent Agenda	Consent Agenda - None	

Topic	Discussion Summary	Action
Public Comments	<p>Public Comments –</p> <ul style="list-style-type: none"> □ Mark Sleeper, a Lake Wylie resident, voiced his concerns over why the lake levels have dropped so rapidly and what does this imply for the future. Mr. Sleeper, along with Mr. Bill Orford, put together a PowerPoint handout for the commission to review which shows data comparing the 2002 drought to the current drought, average rainfall vs. actual rainfall, LIP information and requested actions of the LWMC. Mr. Sleeper stated that what he would like to see from this evening’s Duke Energy presentation would be information on the Low Inflow Protocol and conservation methods that Duke is planning to implement. □ Smity Hanks, who lives west of Buster Boyd Bridge, suggested that the main channels be marked to help eliminate boaters getting stuck in troubled areas. The only way to do this is to determine a safe water level (i.e. 10 ft) and mark the channel from that point. If boaters decide to go outside of this marked channel, they do so at their own risk. 	
County Reports	<p>Charlotte Mecklenburg Police Department and SPLASH Report – Officer Terry Everhart reported</p> <ul style="list-style-type: none"> □ SPLASH – Attended the Mid Atlantic Boat Show from August 3rd – 5th and the National Night Out in Kings Mountain. □ Attended Gaston County Water Safety Coalition training for young kids. There were approximately 225 kids there to see the presentation from SPLASH. □ (65) Boats Inspected (July) □ (56) Warnings (July) □ (10) Citations Issued (July) □ (4) Boaters Assisted (July) <p>Gaston County Police Department – Officer Jason May reported</p> <ul style="list-style-type: none"> □ (1) Boating Accident (August) □ (6) Calls for Service (August) □ (20) Special Checks (August) □ (1) Trespassing Violation (August) □ (6) Warnings (August) □ (10) Safety Inspections (August) □ Will continue to have the Gaston County boat and jet skis in the water until the first of October. At that time, the boat will be sent in for engine repairs. The GCPD 	

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<p>County Reports (continued)</p>	<p>does not expect to get the boat back before January 08.</p> <p>York County Sheriff's Office – No one was present to report.</p> <p>N.C. Wildlife Resources – No one was present to report.</p> <p>Tega Cay Police Department – No one was present to report.</p> <p>S.C. Dept of Natural Resources – Officer Dwayne Rodgers reported</p> <ul style="list-style-type: none"> □ (1) Boating Accident (August) □ (1) Drowning (August) □ Courtesy Boat Inspections on September 1st and 2nd at Ebenezer Boat Landing from 10am – 12 noon. <p>Mecklenburg County Land Use and Environmental Service Agency (LUESA) – David Buetow reported</p> <ul style="list-style-type: none"> □ Distributed the July 2007 Water Quality report. Lower end of the lake reported in the Good/Excellent range. The lowest index values were reported in Withers Cove and Paw Creek Cove (Fair/Good range). These results were due to higher chlorophyll levels. □ Distributed the July 2007 Bacteriological report. All sites reported in the 0-200 range except for Dutchman's Creek. This testing site rated 250 fecal colonies per / 100 ml. These results stem from the ongoing watershed problem in this area. Secretary Treasurer DuPuy asked David how often LUESA tested at these sites. David replied that during the months from May – September, samples are taken monthly and the remaining part of the year, samples are taken every other month. <p>Duke Energy of the Carolinas – Ronnie Lawson reported</p> <ul style="list-style-type: none"> □ (104) Pier Applications Approved (June – August) □ (51) Stabilization Applications Approved (June – August) □ Lake Level – 94.6 <p>Lake Wylie Lakekeeper – C.D. Collins and Steve Johnson reported</p> <ul style="list-style-type: none"> □ Sixth Annual Lake Wylie Riversweep is scheduled for Saturday, October 6th from 9am – 12 noon. 	

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County Reports (continued)	<ul style="list-style-type: none"> □ Water testing in streams – testing results at South Fork and 321 indicates that the phosphorus results are 3-4-times what South Carolina considers maximum. The river water normally dilutes the phosphorus but that is not taking place. The phosphorus levels are still extremely high. Steve is working with DHEC and DNER to test phosphorus readings more downstream and to compare results. <p>Mecklenburg County Parks and Recreation – Mike Campbell, new superintendent for McDowell Nature Preserve, reported</p> <ul style="list-style-type: none"> □ Buoy found in cove. Researching where this buoy came from so they can reinstall it. □ All (4) four boat accesses at Copperhead have been closed due to the low lake levels. 	
Environmental	<p>Report from Duke Energy on Lake Levels – Ed Bruce, Civil Engineer in the Hydro Licensing Group at Duke Energy, opened his presentation with stating that the Catawba River system is performing quite well during this current drought. The massive reservoirs are doing exacting what they were built to do, support the infrastructure that has been built up in this basin during very dry periods. Mr. Bruce distributed a PowerPoint handout for the commission to view while he gave his presentation.</p> <ul style="list-style-type: none"> ▪ In this handout, comparison of the rainfall from the drought in 2002 to the current drought indicated that 4 out of 7 months in 2007 were drier than in 2002. The Storage Index Ratio began to decline once we got into the dry periods (June – August 2007). ▪ As stated in the Lake Wylie Comprehensive Relicensing Agreement, during normal operations Duke will target the lake level at 97 (3 feet below full pond) but can take the level down as low as 94 feet. ▪ The stages, triggers, and action summary of the Low Inflow Protocol was explained by Mr. Bruce. Essentially, Duke Energy is monitoring three trigger points: remaining storage in all of the reservoirs, four significant tributary streams that flow into the system, and the US Drought monitoring. ▪ Currently, stage 2 of the Low Flow Protocol has been implemented which means, mandatory water use restrictions are being enforced. ▪ Due to the lack of rainfall and extremely high temperatures, the groundwater is starting to eat into the storage. Duke estimates that during August, water lost to natural evaporation was 450 cubic feet per second. ▪ Mr. Bruce wrapped up his presentation with reporting which boat ramps have been closed due to the drought and listing the current lake levels for all 11 lakes in the 	

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<p>Environmental (continued)</p>	<p>Catawba River.</p> <p>Chairman Stowe asked Ed Bruce if he foresees Stage 3 of the LIP being implemented anytime soon. Bruce responded that he estimates going to Stage 3 by the end of September or first of October. Storage is being lost at the rate of 2% a week and if we don't get some significant rainfall, Stage 3 will definitely be implemented.</p> <p>Mr. Robert McCrary asked Bruce how worse off would Lake Wylie be if water was being drawn out of the lake due to the Concord/Kannapolis IBT. It would be hard to determine, but most likely it would not be noticeably different than what it is now, stated Bruce. Bruce compared how much water is being lost to natural evaporation (450 cubic feet per second) to the 10 million gallons a day (15 cubic feet per second) that will be drawn out by Concord/Kannapolis.</p> <p>Bill Orford, Covekeeper, wanted to know why it took four years (1998 – 2002 drought) to get to the same point that we are at right now with only experiencing several months of drought conditions. He also pointed out that the current Low Inflow Protocol needs to be reevaluated so that the triggers are kicked in sooner. Ed Bruce responded that the Low Inflow Protocol has the Drought Management Advisory Group as a meeting committee in which they reevaluate the LIP every 5 years and make revisions, if needed. Bruce added that when you call for quicker actions or restrictions from area municipalities that also will cause Duke to cut back the flows quicker down stream.</p> <p>Update on Hydrilla on Lake Wylie – Commissioner Bo Ibach informed the commission that the Management Plan that was created by Dr. Kirk needs to get approval from the commission in order to move forward on ordering the Grass Carp for Lake Wylie. Once approved, the number of stock will then be decided upon by NC Wildlife Resource Commission and SC Department of Natural Resources. Commissioner DuPuy asked if this plan had been used successfully in other lakes in the region infested with hydrilla. This same Management Plan was used on Lake Norman and Lake James.</p> <p>Vice Chairman Billy McLean asked Ken Manual with Duke Energy if NC Wildlife and SCDNR would most likely go with the recommendations that Dr. Kirk has put forth in this Management Plan. Ken replied that they do reserve the right to change the number of fish but will look highly at Dr. Kirk's recommendation.</p>	<p>A motion was made by Commissioner Ibach to adopt Dr. Kirk's Management Plan for the introduction of grass carp into Lake Wylie. Seconded by Commissioner Ballou. The motion was approved.</p>

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<p>Request for Comments</p>	<p>Charlotte Mecklenburg Utilities – Withers Cove Water Main - Chairman Stowe and Commissioner Ibach reported</p> <p>As part of the 2005 Steele Creek North Annexation, the Charlotte Mecklenburg Utility Department is proposing to construct a 16-inch water main underneath Withers Cove in Lake Wylie. This water main will be installed to help with water pressure in this area. Charles Bliss with Charlotte Mecklenburg Utilities and Brannon Richards with Kimley-Horn and Associated presented this request to the LWMC at their July 23rd business meeting. Chairman Stowe and Commissioner Ibach visited this site and concluded that this proposed project looks to have no impact on the jurisdictional waters.</p> <p>Request for No Wake Zone near Allison Creek Boat Launch – Ronald Kanurick, resident of Lake Wylie, presented the request to the commission. This request for a No Wake Zone is due to the amount of wake action in this area. The number of boats launching from the public access at Allison Creek is tremendous which is causing added wake action in the cove adjacent to it. The runs that the local Sheriff’s office has made in this area have increased recently. Officer Dwayne Rodgers with SCDNR informed Mr. Kanurick and the commission that this same request has been forwarded to headquarters in Charleston and is awaiting their response.</p> <p>Request for No Wake Zone in Boyd’s Cove – Mr. Chris Economides reported for the applicant, Ms. Sheila Castanas. Ms. Castanas has lived in Boyd’s Cove for 35 years and is concerned for the safety of children in this cove due to jet ski and boats coming through this cove at a high rate of speed. The wake action will rock her boat house so badly that her grandchildren can not fish off the dock anymore. Ms. Castanas is willing to pay for extra buoys to be added in this cove if the commission will allow this request.</p> <p>As part of the approval process, Chairman Stowe and Commissioner Blackmon volunteered to visit the site and to review this request. They will report back to the commission with a recommendation at the September 24, 2007 meeting.</p>	<p>A motion was made by Commissioner Ibach to approve the proposed Charlotte Mecklenburg Utilities Water Main project in Withers Cove. Seconded by Secretary Treasurer DuPuy. The motion was approved.</p>
<p>Public Safety</p>	<p>No Wake Buffers at Bridges – As part of the idea of having No Wake Buffers at all bridges on Lake Wylie, Commissioner Ibach distributed photos of the lower Armstrong Bridge and the bridge at Catawba Creek to highlight how narrow the channels are at these bridges. One idea is to install day beacons (poles with navigation aides on them) in lieu of No Wake buoys. Commissioner Ibach spoke with Bob Elliott with the Lake Norman</p>	

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Public Safety (continued)	Marine Commission to see how much these beacons cost since they too are using them. He estimated around \$3500/each (labor and materials). The commission will continue to research other options and look at other lakes that have this same problem and will bring back for more discussion at the September 24 th business meeting.	
Update on Interbasin Transfer	Update on IBT – Secretary Treasurer DuPuy reported that the motion to dismiss the Concord/ Kannapolis IBT proposal is scheduled for a hearing on September 11 th . In addition, the North Carolina General Assembly recently passed a new IBT statute which strengthens the public comment time and will give the ability to review an IBT and possibly revise it even after it has been passed.	
Update on the Law Enforcement Facility	Update on the Law Enforcement Facility – Legal Counsel Chris Clark announced that he has received the signed lease agreement that was needed from SCDNR. Clark requested that the commission leave this item on the agenda for another month due to the York County signed lease agreement is slightly different from SCDNR’s agreement. Minor revisions may have to be made to the York County agreement, if requested. Chairman Stowe informed the commission that Tom Smith with the York County Council is helping to get all the needed permits completed.	
Review of the Marine Commission Goals Worksheet	Review of the Marine Commission Goals Worksheet – <input type="checkbox"/> Public Information, Notification of Sewage Spills – No report <input type="checkbox"/> Public Information, Website – No report <input type="checkbox"/> Public Information, Law Enforcement Posters – Vice Chairman McLean stated that this project will most likely be completed closer to spring 2008.	
Finance and Activity Report	Finance and Activity Report – Interim Executive Director Annette Lawing distributed the Finance and Activity Report for July 2007. Eco-Friendly Reporting – In order to conserve paper and our natural resources, Lawing suggested at the July 23 rd business meeting that the public be offered an opportunity to receive their Lake Wylie agenda and meeting minutes via email in lieu of US Mail. Lawing presented the commission with the final draft of the mailing list update to the public. This draft was approved by the commission and will be mailed out to the 225+ contacts in September.	A motion was made by Commissioner Blackmon to approve the draft mailing update. Seconded by Secretary Treasurer DuPuy. The motion was approved.

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<p>Other Business</p>	<p>Chairman's Report –</p> <ul style="list-style-type: none"> <li data-bbox="512 253 1612 464">□ Wastewater Treatment Plant Stakeholders Group - Chairman Stowe requested a volunteer serve as a representative of the Lake Wylie Marine Commission on the stakeholders group for the proposed wastewater treatment facility near Long Creek. Commissioner Bo Ibach and Secretary Treasurer Sandy DuPuy volunteered to serve on this stakeholders group. The two commissioners will alternate. <li data-bbox="512 472 1612 829">□ Human Feces in Lake Wylie – The Lake Wylie Marine Commission was contacted by a lake resident in the Misty Waters Subdivision regarding human feces floating in Lake Wylie. While kayaking, this resident observed this problem several times since the July 4th holiday but was unsure who to contact to report it. Secretary Treasurer Sandy DuPuy contacted the NC Division of Water Quality and they were very responsive by going to the site and taking water samples. The two times that they were able to take samples; there were no sightings of this waste, only algae. As a follow up, DuPuy plans to invite Wes Belk with the NC Division of Water Quality to come speak at the September 24 LWMC business meeting. <li data-bbox="512 873 1612 1344">□ Clean Marina Concept – Commissioner Ballou reported that the North Carolina Clean Marina program is a partnership between Marine Trade Services, the NC Marine Trade Association, NC Big Sweep and the Division of Coastal Management. This program is designed to show that marina operators can help safeguard the environment by using management and operations techniques that go above and beyond regulatory requirements. This is a great program however; this program is geared more towards the coastal waterways instead of inland lakes. Commissioner Dan Ballou and Secretary Treasurer Sandy DuPuy would like to see Lake Wylie craft their own standards and promote a similar program. Currently, River Hills Marina on Lake Wylie has met the requirements of the NC Clean Marina program and is the only marina on Lake Wylie that has succeeded in doing this. DuPuy and Ballou will report at the September LWMC business meeting with more information. <p>Executive Directors Report – Interim Executive Director Annette Lawing reported on an article that was printed in the August 18th Charlotte Observer. This article was written by Mitchell Aberman who has a home on Lake Wylie. Aberman reported that he, his wife</p>	<p>A motion was made by Commissioner Blackmon to endorse the Clean Marina concept and the efforts to create such a program on Lake Wylie. Seconded by Vice Chairman McLean. The motion was approved.</p>

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Other Business (continued)	and their 7-year-old daughter were near Ebenezer boat landing in York County to go swimming. Right next to the dock in which his daughter was about to jump in was an irregular candelabra with rebar spikes sticking out from a base of concrete. After pulling this structure out of the water, a neighbor identified it as a “fish structure”. Very concerned about the dangers of placing items like this near docks, Aberman talked with SCDNR Officer Dwayne Rogers about what specific rules are there governing the creation of fish structures in the lake. Officer Rogers told Mr. Aberman that people are allowed to sink Christmas trees and “natural debris” in the lake for the use of fishing structures however; it looked as if someone dumped the rebar structure and several other large items near Mr. Aberman’s dock illegally. In order to enforce this problem, the person dumping such items in the lake must be caught during the act. The Lake Wylie Marine Commission will continue to research what items should be and should not be allowed in the lake. Follow up on this item will be at the September LWMC business meeting.	
Public Comments	Public Comments – Robert Pine suggested that when the Covekeepers and LUESA get usually high phosphorus results from their water quality monitoring sites that they contact DHEC and/or DNER to share their information. These elevated results plus the low water flow are just a couple of reasons why Mr. Pine opposes the Concord/Kannapolis IBT.	
Adjournment	The meeting was adjourned at 8:55 pm	The meeting was adjourned on motions by Commissioner Ibach and Secretary Treasurer DuPuy.
Next Business Meeting Date and Location	The next LWMC business meeting will be held on September 24, 2007 at 7:00 p.m. at Belmont City Hall, 115 North Main Street, Belmont, NC	

Annette Lawing, Interim Executive Director