

# Lake Wylie Marine Commission



**July 28, 2008  
7:00 p.m.**

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

## Minutes

**Commissioners Present:** Chairman Joe Stowe (Gaston County), Vice Chairman Bo Ibach (Mecklenburg County), Secretary/Treasurer Sandy DuPuy (Mecklenburg County), Commissioner David Cloninger (Gaston County), Commissioner Smitty Hanks (Gaston County)

**LWMC Staff Present:** Chris Clark, Legal Counsel

**LWMC Staff Absent:** Annette Lawing, Interim Executive Director

Topic	Discussion Summary	Action
<b>Welcome &amp; Introductions</b>	Chairman Joe Stowe called the meeting to order at 7:00 pm.	
<b>Approve Minutes – June 23, 2008</b>	The minutes from the June 23, 2008 meeting were approved.	A motion was made by Commissioner Hanks to approve the June 23, 2008 meeting minutes. Seconded by Commissioner Cloninger. The motion was approved.

Topic	Discussion Summary	Action
<b>Approval of the July 28, 2008 Meeting Agenda</b>	The July 28, 2008 meeting agenda was approved.	A motion was made by Secretary Treasurer DuPuy to approve the July 28, 2008 meeting agenda. Seconded by Vice Chairman Ibach. The motion was approved.
<b>Consent Agenda</b>	<b>Consent Agenda - None</b>	
<b>Public Comments</b>	<b>Public Comments - None</b>	
<b>County Reports</b>	<p><b>Charlotte-Mecklenburg Police Dept and SPLASH Report</b> – Officer Everhart reported</p> <ul style="list-style-type: none"> <li>• <b>Monthly Activity Summary (June 2008)</b></li> <li>• (85) Calls for Service</li> <li>• (32) Boats Inspected</li> <li>• (2) Boaters Assisted</li> <li>• (30) Boaters Warned</li> <li>• <b>SPLASH report</b></li> <li>• Officer Everhart took SPLASH to the US Power Squadron children’s outing at Bowater Park</li> </ul> <p><b>Gaston County Police Department</b> – Officer Danny Osborne reported</p> <ul style="list-style-type: none"> <li>➤ Gaston Lake Unit began working full time on the water on June 14<sup>th</sup>.</li> </ul> <p><b>York County Sheriff’s Office</b> – Sgt Brent Mabry reported</p> <ul style="list-style-type: none"> <li>➤ Lake Patrol Unit is now on the water full time.</li> <li>➤ (1) Boating accident</li> </ul> <p><b>N.C. Wildlife Resources</b> – No one was present to give a report</p> <p><b>Tega Cay Police Department</b> – No one was present to give a report</p> <p><b>S.C. Dept of Natural Resources</b> – Sgt Todd Campbell reported</p>	

Topic	Discussion Summary	Action
<p><b>County Reports (continued)</b></p>	<ul style="list-style-type: none"> <li>○ (1) Boat sank</li> <li>○ (1) Boating accident with injuries</li> </ul> <p><b>Mecklenburg County Land Use and Environmental Service Agency (LUESA)</b> – No one was present to give a report</p> <p><b>Duke Energy of the Carolinas</b> – Ronnie Lawson reported</p> <ul style="list-style-type: none"> <li>○ Lake level is 96.8</li> <li>○ 11 lake reservoirs are below 98% of total usable storage. This TUS is calculated by measuring the highest intake level to the target level.</li> <li>○ Continue to be in Stage 3 of the LIP</li> <li>○ Stream flow – 46.1% - target is 85%</li> <li>○ US Drought Monitoring System - +3.67</li> </ul> <p>As a follow up from the Riverfront Development request for support for a permanent staging site on Lake Wylie, Chairman Stowe welcomed Duke Energy’s Joe Hall to the LWMC business meeting and asked him to elaborate on the follow up respond letter from Duke Energy to the LWMC regarding this request.</p> <p>Mr. Hall stated that with any permanent staging area request, Duke requires that the applicant consult with numerous local, state and federal agencies in order to provide all interests an opportunity to participate in the review process. Duke is neither the advocate nor the adversary of this application and will consider comments from the Riverfront residents and other interested parties during this review process.</p> <p><b>Lake Wylie Lakekeeper</b> – Ellen Goff reported</p> <ul style="list-style-type: none"> <li>➤ Catawba Riverkeeper Foundation’s Annual meeting was held on July 26, 2008</li> <li>➤ Muddy Water Watch is a state-wide initiative to reduce stormwater runoff from construction sites by providing training workshops and materials developed specifically for volunteers on the NC Sedimentation Pollution Control Act of 1973 and the NC NPDES General Permit for construction stormwater runoff. Over the course of this two year project, trained volunteers will be able to properly identify sedimentation and erosion violations from active construction sites, as well as poorly maintained Best Management Practices (BMP’s)</li> <li>➤ Riversweep will be held the first Saturday in October. Additional information to</li> </ul>	

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<b>County Reports (continued)</b>	<p>come next month. Ms. Goff requested financial support from the marine commission to fund T-shirts to distribute to the volunteers. Chairman Stowe suggested that Ms. Goff bring a written request to the August 25<sup>th</sup> LWMC business meeting.</p> <p><b>Mecklenburg County Parks and Recreation</b> – No one was present to give a report</p>	
<b>Request for Comments</b>	<p><b>Request for Comments/Approval</b></p> <p><b>Request for Support of an Inland South Carolina Naval Militia (SCNM) (Follow-up)</b>– Scott Spivey with the Lighthouse Marine Service reported</p> <ul style="list-style-type: none"> <li>• At the June 23, 2008 Lake Wylie Marine Commission meeting, Scott Spivey presented a proposal for a pilot program on Lake Wylie in order to develop an inland South Carolina Naval Militia. The purpose of this program is to assist with surge activities when needed, authorized by appropriate authority and in accordance with all pertinent laws and regulations. The commission requested 30 days to research this proposal and to come back at its July 28<sup>th</sup> meeting with a decision on endorsement.</li> <li>• Secretary Treasurer Sandy DuPuy read the draft endorsement letter from the LWMC to the commission and opened the floor for discussion.</li> <li>• Commissioner Hanks asked where else has this program been successful. This would be the first of its kind, stated Mr. Spivey.</li> <li>• Commissioner Cloninger and Secretary Treasurer DuPuy both commented that the establishment of a SCNM on Lake Wylie may would get ahead of the already established law enforcement agencies. Commissioner Cloninger added that if additional help is needed on the lake, the local law enforcement agencies would contact the marine commission requesting additional help. Then, the commission would definitely consider the proposal for an inland SCNM.</li> </ul> <p><b>Request for Approval of a No Wake Zone in Reflection Pointe</b>– John Dobbs, Reflection Pointe Boat Slip Association</p> <ul style="list-style-type: none"> <li>• The Reflection Pointe Boat Slip Association is requesting that their cove be granted a No Wake Zone due to boaters entering into the cove at excessive speeds. The community docks are being damaged due to the wake being caused by these</li> </ul>	<p>A motion was made by Commissioner Cloninger for the LWMC not to endorse the Lighthouse Marine Services’ proposal for an Inland SCNM. There was no second. Motion failed.</p> <p>A motion was made by Commissioner Hanks for the LWMC not to endorse the Lighthouse Marine Services’ proposal for an Inland SCNM until more information is provided or until the program is more formed. Seconded by Secretary Treasurer DuPuy. The motion was approved.</p>

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<p><b>Request for Comments (continued)</b></p>	<p>boaters.</p> <ul style="list-style-type: none"> <li>As part of the No Wake Zone request procedure, Commissioners Hanks, Cloninger and Chairman Stowe will visit this site and come back with a recommendation at the August 25, 2008 LWMC meeting.</li> </ul> <p><b>Request for Approval of a No Wake Zone in Misty Waters Cove (Follow-up) – Michele Carotenuto, Misty Waters HOA</b></p> <ul style="list-style-type: none"> <li>This cove is approximately 2,500 feet long and at its narrowest, 100 ft wide. The concern of Mr. Carotenuto is the wakes from speeding boats entering and exiting the cove, are damaging Marina docks and causing eroding wave action on the shores.</li> <li>The request is that Misty Waters Cove be designated as a No Wake Zone and a buoy be installed half way into the cove. CMPD Officer Terry Everhart suggested that a No Wake sign be posted at the boat access ramp in lieu of a buoy mid way in the cove.</li> <li>After reviewing the information and visiting the site, the commission voted to approve the requested No Wake Zone in Misty Waters Cove.</li> <li>CMPD Officer Terry Everhart asked the LWMC Legal Counsel Chris Clark if this No Wake Zone will be sent to NC Wildlife in order to be submitted into their Administrative Code. Legal Counsel replied that the marine commission has regulatory authority and has a choice to submit this regulation to NC Wildlife or not. Atty Clark requested that the commission revisit this issue at its August 25, 2008 meeting.</li> </ul> <p><b>Request for Comments – Distribution of Line Crossing Paw Creek Cove &amp; Withers Cove – Buddy Mauney with Shaw Energy</b></p> <ul style="list-style-type: none"> <li>Duke Energy Power Delivery Distribution is the owner of an existing aerial 24Kv distribution line that crosses Lake Wylie adjacent to the Wither’s Cove Bridge located on Shopton Rd West in Mecklenburg County. In reviewing a request for an attachment to this line, Duke Energy Lake Services noted that the distribution line had not been previously documented and was not located on their Catawba Wateree Line Crossing Maps for Lake Wylie. Duke Energy Power Delivery Distribution is required to submit an “after-the-fact” permit application and contact</li> </ul>	<p>A motion was made by Vice Chairman Ibach to approve the request for a No Wake Zone in Misty Waters Cove as presented to the commission. Seconded by Commissioner Hanks. The motion was approved.</p> <p>A motion was made by Vice Chairman Ibach to approve the distribution of line crossing at Withers Cove as presented. Seconded by Secretary Treasurer DuPuy. The motion was approved.</p>

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<p><b>Request for Comments (continued)</b></p>	<p>the Federal, State and Local Regulatory Agencies to request their review and comments for the non-permitted line construction upgrade.</p> <ul style="list-style-type: none"> <li>• Being that the commission had previously visited this site and reviewed this request, a motion was made to approve this project.</li> <li>• As part of the review process, Commissioner DuPuy and Ibach will visit the site of Paw Creek distribution request and will bring forth their recommendations at the August 25, 2008 meeting.</li> </ul> <p><b>Request for Comments – Goat Island Project, Town of Cramerton – Mike Norris and Dave Richmond with McGill Associates</b></p> <ul style="list-style-type: none"> <li>• Goat Island is located in the South Fork of the Catawba River and is directly adjacent to the downtown business district of Cramerton and the Lakewood Community. The island is almost 30 acres of mature hardwoods and vegetation. The island’s size and central location promotes a park that can incorporate a variety of recreation elements. Such amenities would be passive in nature to preserve the existing vegetation and minimize the impact to its natural resources.</li> <li>• In order to utilize the park, two 10- foot wide pedestrian bridges will be constructed. There will be a greenway between the two bridges and spur trails around the island. This pedestrian link across the South Fork of the Catawba River is important not only to the Town of Cramerton but to the entire region. With this important river crossing, several municipalities and tourist attractions can be linked together through an extensive greenway network. Eventually, this will provide connectivity from the US Whitewater Center to Daniel Stowe Botanical Gardens.</li> <li>• The application also includes construction of a fishing/observation pier, canoe/kayak landing, an amphitheatre, a nine-hole disc golf course, picnic shelters, and playground equipment.</li> <li>• As part of the review process, Commissioners DuPuy, Stowe and Ibach will visit the site and will come back to the commission with a recommendation at the August 25, 2008 meeting.</li> </ul>	

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<p><b>Request for Comments (continued)</b></p>	<p><b>Request for Comments – Drought Mitigation Plan for Allen Steam Station – Ron Lewis, Duke Energy</b></p> <ul style="list-style-type: none"> <li>• Duke is proposing a temporary cooling water pumping system at the existing Allen Steam Station electric plant. The system will consist of nine floating intake pipes with screened openings and pumps designed to withdraw at a through screen velocity at or below .5 feet per second. The intake pipes will pump water from the Catawba River to the station’s condenser cooling water discharge canal, which flows to the South Fork Catawba River. 60,000 gpm will be pumped during July, August and September 2008 within Lake Wylie from upper main-lake to Allen’s cooling water discharge canal entering the South Fork Arm of Lake Wylie. Minimal shoreline and land disturbance as most piping will be above ground. Warning buoys and signage will be placed in the area near the floating intake structure.</li> <li>• The temporary pumping plan has been proposed to ensure uninterrupted power production at this base load facility, while mitigating the effects on the aquatic community and downstream users.</li> <li>• The Permanent Supplemental Cooling Water System Design: Pump 240,000 gpm during July, August and September starting in 2009.</li> </ul> <p><b>Request for Comments – Drought-related Intake Modification Contingencies – Joe Hall, Duke Energy Lake Services</b></p> <ul style="list-style-type: none"> <li>• The modified permit process with no change to approved capacity would include: <ul style="list-style-type: none"> <li>○ Temporary modifications without any new water-retaining structures (e.g. temporary pumps on a floating barge that pump back to the existing water intake)</li> <li>○ Temporary modifications that include new water-retaining structures (e.g. temporary cofferdam at intake and temporary pump on a floating barge)</li> <li>○ Permanent modification of existing intakes (e.g. changing out pumps, modifying intake openings, etc.)</li> </ul> </li> </ul>	<p>A motion was made by Commissioner Hanks to approve the temporary / permanent cooling system at the Allen Steam Station as part of its Drought Mitigation Plan. Seconded by Commissioner Cloninger. The motion was approved.</p> <p>A motion was made by Vice Chairman Ibach to approve the modified review process for emergency situations with the existing intake operations with no change in capacity. Seconded by Secretary Treasurer DuPuy. The motion was approved.</p>

Topic	Discussion Summary	Action
<b>Request for Comments (continued)</b>	<ul style="list-style-type: none"> <li>• The normal permit process with change to approved capacity includes: <ul style="list-style-type: none"> <li>◦ Permanent modification of existing intakes resulting in installed capacity increases above amounts approved by both FERC and Duke (e.g. putting in new pumps that exceed the originally approved capacity)</li> </ul> </li> </ul> <p>Public/Industrial intake modifications: Temporary system contingencies with no increase in capacity:</p> <ul style="list-style-type: none"> <li>➤ Reduced consultation / review process <ul style="list-style-type: none"> <li>◦ Lake Facilities Safety Plan (LFSP) Developed in Coordination with State Wildlife Resources Agency and final plan provided to Marine Commission (if applicable)</li> <li>◦ 15-day review process with resource agencies (e.g. USACOE, USFWS, NCDENR-Public Water Supply, SCDHEC, etc.)</li> </ul> </li> <li>➤ FERC apprised of temporary methods, LFSP and consultation</li> </ul>	
<b>Goals Worksheet</b>	<b>Review of the Marine Commission Goals Worksheet</b> <ul style="list-style-type: none"> <li>➤ <b>Project E-1, Concord/Kannapolis IBT</b> (Stowe/DuPuy) – An Expert from Wright Water Engineers, Inc. provided comments for CRF's and the SELC's case against the State of NC's approval of an Interbasin transfer (IBT) of 10 million gallons a day (MGD) from the Catawba River Basin to the Rocky River in the Yadkin-Pee Dee River Basin.</li> <li>➤ <b>Project E-2, Hydrilla</b> (Ibach) – Commissioner Ibach reported that Duke Energy has identified three additional areas where Hydrilla has been spotted. Duke sprayed these areas with herbicides to help control this growth.</li> <li>➤ <b>Project E-3, Wastewater Treatment Plant Stakeholders Group</b> (DuPuy/Ibach) No new information to report</li> <li>➤ <b>Project E-4, Creating a “Clean Marina” program for LWMC</b> (DuPuy) – No new information to report</li> <li>➤ <b>Project S-01, Law Enforcement Facility</b> (Stowe) – Chairman Stowe reported that power, air conditioning and sewer have all been turned on at the temporary office. Handicap ramps are being installed and building has been painted.</li> </ul>	

<b>Topic</b>	<b>Discussion Summary</b>	<b>Action</b>
<b>Goals Worksheet (continued)</b>	<ul style="list-style-type: none"> <li>➤ <b>Project S-02, No Wake Buffers at all Bridges on Lake Wylie</b> (Ibach/Stowe) – Resolution was approved by the commission at its June 23<sup>rd</sup> meeting. Chris Clark to send this document to NC Wildlife.</li> <li>➤ <b>Project PI-01, Notification of Sewage Spills.</b> ( Ballou) – No new information to report.</li> <li>➤ <b>Project PI-02, Website – (DuPuy)</b> –No new information to report</li> <li>➤ <b>Project PI-03, Law Enforcement Posters – (Hanks)</b> Distribution of the posters continues.</li> </ul>	
<b>Finance</b>	<b>Finance and Activity Report</b> – Interim Executive Director Annette Lawing was not present to give report	
<b>Other Business</b>	<b>Chairman’s Report</b> – No report <b>Executive Directors Report</b> – No report <b>Legal Counsel Report</b> – No report	
<b>Public Comments</b>	<b>Public Comments - None</b>	
<b>Adjournment</b>	There was no further business and the meeting was adjourned at 8:45 pm	The meeting was adjourned by consensus.
<b>Next Business Meeting Date and Location</b>	The next LWMC business meeting will be held on August 25, 2008 at 7:00 at the Red Fez Club, 16,600 Red Fez Club Road, Charlotte, NC.	

Annette Lawing, Interim Executive Director