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- Commissioners Present:** Chairman Dan Hartley (Gaston County)
Vice Chairman Hunter Wilson (Mecklenburg County)
Secretary Treasurer Ray Webber (York County)
Commissioner Smitty Hanks (Gaston County)
Commissioner Brad Thomas (Gaston County)
Commissioner Dan Mullane (Mecklenburg County)
Commissioner Quay Williford (York County)
- Commissioners Absent:** Commissioner A.W. Bill Beers (York County)
Commissioner Sam Perkins (Mecklenburg County)
- Staff Present:** Neil Brennan, Executive Director; Chris Clark, Legal Counsel; Emily Parker, Administrator

Meeting Minutes

Item 1 – Welcome

Chairman Hartley called the meeting to order at 7:00 pm and welcomed everyone present.

Item 2 – Approval of Minutes

Chairman Hartley asked if any changes need to be made to the February 28, 2022 minutes. Secretary Treasurer Webber moved to approve the February 28, 2022 minutes. Commissioner Hanks seconded the motion. There was no further discussion and the motion was approved unanimously.

Item 3 – Approval of Agenda

Chairman Hartley asked if any changes need to be made to the March 28, 2022 agenda. Commissioner Thomas moved to adopt the March 28, 2022 agenda. Vice Chairman Wilson seconded the motion. There was no further discussion and the motion was approved unanimously.

Item 4 – Public Comment

None.

Item 5 – Stakeholder Reports

Charlotte Mecklenburg Police Department (CMPD) – Officer Kennelly reported that they are getting ready for summer and they received a new engine for the center console of one of their boats. Vice Chairman Wilson said that the LWMC can provide a boat tour for emergency responders if they would like that.

Gaston County Police Department (GCPD) – Sgt. Knupp did not have a report.

York County Sheriff’s Office (YCSO) – Sgt. Richardson said that they are helping with life jacket loaner boards and will have full crews on the water starting at the end of May. The YCSO dive team is up and running with six new divers added to the team. Their special operations groups are planning to patrol islands and tiki parties to make the water as safe as possible and more family friendly.

Mecklenburg County Sheriff’s Office (MCSO) – No report was given.

Tega Cay Police Department (TCPD) – No report was given.

Mecklenburg County ABC Board Law Enforcement – Officer Mullis did not have a report.

NC Wildlife Resources Commission (NCWRC) – Sgt Laton reported that a boat took on water over the weekend and no one was hurt. They are working on a media event on May 20 with Mothers Against Drunk Driving.

SC Department of Natural Resources (SCDNR) – No report was given.

US Coast Guard (USCG) – No report was given.

US Coast Guard Auxiliary (USCGA) – Mr. Jim Nass reported that they have started boater education classes at Cabela's. There was discussion about tethering a boat operator to the engine cut off switch. It has been recommended to have a second tethered operator on a boat. There are no guidelines for how long a tether has to be.

Mecklenburg County Land Use and Environmental Services Agency (LUESA) – Mr. Matthew Philips reported that they conducted monitoring last week. A sewage overflow (~500,00 gallons) event started on the weekend of March 12 when a tree fell on a main line which caused the sewer break. They sampled on March 17 in Long Creek and bacteria levels were elevated. Mecklenburg County LUESA staff is working with Charlotte Water on high-risk areas where sewer lines are at risk. Executive Director Brennan asked if preventative maintenance can be done. Commissioner Hanks asked about the River District. They just broke ground on an area that could impact Lochfoot Cove. The LUESA team has been monitoring there for a while.

Duke Energy – Mr. Kermitt Taylor reported that the lake level is at 97.1' and we are still in drought stage 0. Mr. Taylor was asked to speak about the McDowell Nature Preserve application that was received by the LWMC. Executive Director Brennan recapped his talk with Kelvin Reagan, the Duke Energy staff member that sent the application:

A Duke Energy request to comment on changes to the McDowell Nature Preserve came in and here is the essence of the request. Kelvin Reagan, Manager, Southern Region of Duke Energy's Lake Services, provided the following information on the McDowell Nature Preserve based on the questions the LWMC submitted:

The original lease of the 54 acres of lakebed by Duke Energy to Mecklenburg County included the entire cove where the McDowell Nature Preserve is located. It was issued in 1958 under a previous Federal Energy Regulatory Commission (FERC) license. There were no details of the docks and no drawings or surveys required under that original lease. The lease expired in 2008, but Duke Energy was allowed to renew it on a yearly basis and did so.

That FERC license expired, and the new FERC license issued in 2015 required the leases for areas that Duke Energy had previously leased to be renewed. There are hundreds of such leases (e.g., community marinas) throughout Duke Energy's purview, and Duke Energy has a lead manager who is going through each lease. Detailed drawings and surveys are required under the new FERC license, and the applicable ones for McDowell are included in the LWMC's March 2022 agenda packet.

Only the new leases that have changes are required go through the FERC approval process. The LWMC is not in the approval chain, but Duke Energy decided upon our establishment in 1987 that we should be provided the opportunity to review and comment on changes to the leases where changes are involved; it's a courtesy provided to both us and the Lake Norman Marine Commission.

Just as we commented in the past regarding changes to the Commodore Yacht Club, we are asked to review and comment in this case because the lease is being changed to reduce the area of the marina in the lakebed to less

than one acre. There are no changes to the existing structures in the new lease – just the smaller scope of the lakebed being leased to the county. If the LWMC has any additional questions, Mr. Reagan has advised that the Duke Energy stakeholders at this meeting will be able to answer them. A "No Comment" response from the LWMC may be appropriate in this case.

Executive Director Brennan recommended that the LWMC provide a response of "no comment." Vice Chairman Wilson asked if a particular lease space being impacted. Mr. Taylor said it would not. Commissioner Thomas moved to send a response of "no comment." Vice Chairman Wilson seconded the motion. There was no further discussion and the motion was approved unanimously.

Mr. Taylor said that Duke Energy will mobilize on the Lake Wateree construction project in September 2023 and work will start in the water in November 2023. The target date for getting water levels back to normal in Lake Wylie is late 2024.

Catawba Riverkeeper Foundation (CRF) – Mr. Brandon Jones reported that the LWMC is confirmed to have a tent at River Fest. He said that the CRF will have nine Swim Guide sites in 2022 and the LWMC will have two of those sites. They will add a new site near the Daniel Stowe Botanical Garden. The CRF will install a sensor in the South Fork River near the Boat House in McAdenville. The sensor costs around \$8,000. They still have Swim Guide sites that are not yet sponsored.

Item 6 – SC Department of Health and Environmental Control (SC DHEC) Fish Consumption Advisory Overview

Ms. Taylor Shearer spoke to the LWMC about SC DHEC's fish consumption advisory program. The advisory program started in the 1970s to monitor for mercury and other contaminants. The purpose of the program is directed towards public health. Ms. Shearer reviewed her slides provided in the LWMC agenda packet. She said her team goes out fishing once a week. She then described the process for testing fish. Ms. Shearer said many site sampling signs were posted 10+ years ago. Now half the signs are gone and/or damaged. Moving forward, they will make general signs including the sentiment "Advisory – Go online for more information". Vice Chairman Wilson mentioned research conducted years ago on PCBs in fish. He added that if you are grinding the whole fish, that is not what people tend to eat. Ms. Shearer said that PCBs concentrate in fat/lipids. She recommended to cut fat off a fish and try to grill it instead of pan fry it. She said that mercury resides in edible tissue and organics are in fish bones. Commissioner Hanks asked about white catfish. She said that is a real kind of catfish. Vice Chairman Wilson asked if it is safe to say that if one species is on the advisory list, that all fish are on the list. Ms. Shearer said it is all site-specific. If a fish is not on the advisory list, it just means that her team does not have enough data to make a clear advisory statement. Dr. Brett Hartis said he has contact information for Ms. Shearer's counterpart in North Carolina and can share it with the LWMC. Commissioner Hanks asked if anyone is conducting studies on how to reduce mercury/PCBs in fish. Ms. Shearer said that fish absorb mercury through water, so she is not sure how to reduce mercury levels in fish.

Item 7 – SC DHEC Harmful Algal Bloom Presentation

Ms. Emily Bores is the Harmful Algal Bloom (HAB) Coordinator for SC DHEC. She reviewed the slides provided in the LWMC agenda packet. Secretary Treasurer Webber asked what the primary reason is that algal blooms happen. Ms. Bores said blooms are naturally occurring in a water body and water conditions change to promote bloom growth. Vice Chairman Wilson asked if she has any marketing materials that would be good for social media. She said no, they currently only have a paper handout. She added that there is an app. Olivia Edwards (Mecklenburg County LUESA) mentioned the Cyanobacteria Work Group (CWG) and one subgroup focuses on Educational Outreach. They are working on educational materials and once they have something drafted, she will share it with the LWMC. Executive Director Brennan asked if Ms. Bores has HAB signs to spare. She said no and that there are 15 HAB signs for the entire state of South Carolina. HAB signs are given to regional offices so they can be posted as needed. She added that signs would be posted at public access sites

and noted that they cost around \$30-\$50 each. Commissioner Hanks commented that if you put a sign at a public access landing people might think the whole lake has a HAB problem. She said it is hard to pin down where algal blooms will be and will not be. All her team can do is educate the public. Algal blooms are wind and wave driven and can be below the surface, too. Their mantra is “When in doubt, stay out.” It was noted that the LWMC will want to hear from the CWG when they are ready to present their work.

Item 8 – Buoys and Buoy Maintenance Update

Commissioner Thomas asked Sgt. Laton if NCWRC is still receiving complaints about the danger buoys south of Paradise Point being out of place. Mr. Brandon Burch said he would look at it but has not gotten to it yet. Sgt. Laton will reach out to Mr. Burch tomorrow. For the Highway 74 bridge buoy replacement, Captain Adam Huth plans to build anchors before Easter. He will also conduct a visual check from that dam south before Easter. There are three buoys on the north side of the 74 bridge and one is needed on the south side of the bridge. Vice Chairman Wilson said the buoy that used to be in front of the Allen Steam Plant is out in the middle of the channel and downstream. Commissioner Hanks told Sgt. Laton and Sgt. Richardson that Mr. Perry Johnston at Dock Masters has danger buoys at his facility. The LWMC does not handle danger buoys. They may want to call Mr. Johnston and check in about the danger buoys. Commissioner Thomas will send them Mr. Johnston’s number.

Item 9 – Treasurer’s Report

Secretary Treasurer Webber reported that three checks written in the last month. FY23 funding requests have been sent in to the three contributing counties. For the current fiscal year:

- Gaston County has paid through June 30, 2022
- York County and Mecklenburg County are up to date through Q3 (March 31, 2022).

Item 10 – Chairman’s Report

Chairman Hartley presented Ms. Parker with gift card in recognition of her 10 years of superb service to the LWMC.

Item 11 – Executive Director’s Report

Executive Director Brennan reported that:

Federal Energy Regulatory Commission (FERC) Application: Duke’s final check of the FERC package identified a few minor corrections that are being made to the wording and drawings. The Belmont Rowing Club’s surveyor and engineer have completed the changes and the City of Belmont has forwarded the application to Duke for what should be the final review. Once Duke finally agrees the package is ready, the City will send the FERC application to the various agencies for comment and approval by the numerous stakeholders who are required to sign off on the application. Simultaneous with the Duke review, the City will issue an RFP - request for proposal – for an experienced consultant to shepherd application through the sign off process, a process usually takes several months.

South Fork River Health Committee (now the South Fork River Health Project): The Policy and Advocacy subcommittee will meet April 6 to map out the actions to achieve the goal of implementing enhanced stormwater management policies in the counties through which the South Fork River flows. Subcommittee members are:

Melissa	Patton	Carolina Land and Lakes	Executive Director
John	Searby	Catawba Riverkeeper	Executive Director
Geraldine	Gardner	Centralina Regional Council	Executive Director
Kelly	Weston	Centralina Regional Council	Gov. Affairs & Member Engagement Coordinator

Tucker	Johnson	City of Gastonia	Assistant City Engineer
Danon	Lawson	City of Gastonia	Stormwater Administrator
Scott	Attaway	City of Lowell	City Manager
Brian	Sciba	Gaston County	Building Inspections Director
Will	Cauthen	Cramerton citizen	Former Mayor of Cramerton

Idle Speed Zones: Sent letters to the chairmen of the Mecklenburg County Board of Commissioners and the Gaston County Board of Commissioners to solicit their support for a 50-foot idle speed/no-wake regulation within 50 feet of a moored or an anchored vessel, person in the water, or any **private** wharf, dock, bulkhead, or pier consistent with the South Carolina law. North Carolina law enforcement officers support such a regulation, and Lake Norman has a state law that requires idle speed within 50 yards of a vessel launching area, bridge, dock, pier, marina, vessel storage structure, or vessel service area. NOTE: In a new law signed by Governor McMaster on March 14, South Carolina rejected a proposed increase of the idle speed limit from 50 to 100 feet on Lake Wylie.

Wake Surfing: The new South Carolina law does restrict wake surfing within 200 feet of a dock, a person in the water, or anchored watercraft. Recommend the LWMC discuss a similar rule for the North Carolina waters of Lake Wylie.

Catawba-Wateree Water Management Group: Will represent the Lake Wylie Marine Commission at the Catawba-Wateree Water Management Group’s 2022 Water for All Summit in Richburg, South Carolina on March 30.

Recommendation to North Carolina Department of Environment and Natural Resources: Rebecca Coppa, a Sedimentation Education Specialist with North Carolina Department of Environment and Natural Resources, introduced a change to North Carolina Erosion and Sediment Control Planning and Design Manual to require wire mesh backed silt fencing along wetlands, streams, lakes or other surface water bodies as is required in Mecklenburg County. She advises that there’s no update yet and there is no immediate timeline for when the manual will next be updated. The Commission’s Technical Committee is working on it, but they are a group of volunteers; it isn’t their main job. I have asked about the feasibility of addressing the Technical Committee and advised the Mecklenburg County officials that an update to the manual is underway. Alerted Rusty Rozzelle and Olivia Edwards of Charlotte-Mecklenburg Water Services of the updating of this manual.

Item 12 – Administrator’s Report

Ms. Parker thanked the LWMC for the card and kind recognition. Centralina Regional Council is in the process of moving offices. While going through items in storage, Ms. Parker found a box of LWMC t-shirts and a box of miscellaneous LWMC items. Those items were laid out on a table in the meeting space. Ms. Parker asked everyone to visit the table before leaving and take items they can use.

Item 13 – Public Relations Report

Vice Chairman Wilson revisited the topic of needing a designer to create educational graphics for social media. He spoke with several designers who quoted between \$50-\$75 per hour of work. The designers concurred that they would like a list of topics to cover and for the LWMC to send 5-6 at a time for them to work on (versus one at a time). Vice Chairman Wilson proposed making a spreadsheet with one column covering possible Topics (e.g., HABs, life jackets, no wake zones, etc). The next column could reference stakeholder partners to consult with for correct wording, etc. He suggested starting a shared Google spreadsheet and for the LWMC to populate columns. He said once we get to that point, the group can vote on engaging a graphic designer.

Vice Chairman Wilson requested that revisiting giveaway options be tabled until a later meeting.

Ms. Parker will follow up with Mr. Dave Ferguson about the voiceover for “Why is Lake Wylie Brown?” and coordinate with Hunter on getting it posted to the website.

Executive Director Brennan said to add Autonomous Monitors (under the CRF report) to the April agenda.

Item 14 – Announcements

None.

Item 15 – Adjournment

The meeting adjourned at 8:41 pm.