

Mountain Island Lake Marine Commission



East Lincoln High School
6471 Highway 73
Lincolnton, NC

July 5, 2006 Minutes

Commissioners Present: Chairman Jerry Campbell (Gaston County), Vice Chairman Dan DuVall (Mecklenburg County), Secretary/Treasurer Alice Battle (Mecklenburg County), Commissioner Pam Beck (Gaston County), Commissioner Chris Watson (Lincoln County), Commissioner Greg Shelton (Mecklenburg County)

Commissioners Absent: Commissioner Ann Danzi (Gaston County)

MILMC Staff Present: Mike McLaurin, Executive Director, Chris Clark, Legal Counsel, Annette Lawing, Clerk

Topic	Discussion Summary	Action
Welcome & Introductions	Chairman Jerry Campbell called the meeting to order at 6:34 pm. Commissioners and staff introduced themselves.	
Pledge of Allegiance to the Flag	Chairman Campbell asked everyone present to join in to Pledge Allegiance to the Flag	
Approval of the July 5, 2006 Agenda	Vice Chairman Dan DuVall requested that Item #XI <i>Discussion of the MIL Map Project</i> be moved to Item #XII <i>Base Operating Plan</i> since this project is an Attachment C item. With this revision, the July 5, 2006 agenda was approved.	The July 5, 2006 agenda with revisions was approved on motions by Commissioners Beck and Battle.
Statement of Purpose	Legal Counsel, Chris Clark read the Statement of Purpose into the record.	

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Public Comments	<p>Susan Nichols stated that she and her family were at the Riverbend access on July 4th. When arriving at the access, she experienced difficulty finding a handicapped parking space due to persons illegally parking in the reserved spaces. She ultimately had to park illegally and displayed her handicapped tag.</p> <p>Executive Director Mike McLaurin, asked Mrs. Nichols is she had called 911 to report this? Mrs. Nichols stated that she did not call 911 nor did she get the license plate numbers off of the vehicles.</p> <p>Chairman Campbell would like to address this issue during the Public Safety Reports.</p>	
Approval of the June 7, 2006 Meeting Minutes	<p>Revisions to the June 7, 2006 Meeting Minutes:</p> <ul style="list-style-type: none"> ✓ Pg. 2, paragraph 2, should read Commissioner Beck, not Commissioner Battle. ✓ Pg. 3, Gaston County Police Report – should read: 34 trespassers were evicted from Big Island on Memorial Day Weekend. ✓ Pg. 6, Base Operating Plan – Project 20: should read Garr Creek not Gap Creek 	The meeting minutes, as amended, were approved on motions by Commissioners DuVall and Watson
Consent Agenda	None	
Public Safety Reports	<p>Charlotte – Mecklenburg Police Department</p> <p>Officer Dave Turner reported</p> <ul style="list-style-type: none"> ▶ 25 boat checks, 10 citations, 2 warnings ▶ 6 hours of training ▶ 2 calls for service: One of these calls was to report a female with a handgun at a sandbar. Officers located the female and the handgun without any incident. Another call was for a possible drowning. After police and fire spent several man-hours searching for this gentleman, his family located him in Gastonia. ▶ CMPD worked 40 hours assisting Parks and Rec with the recent Triathlon and Latta Launch. <p>Chairman Campbell requested that Officer Turner give Mrs. Nichols any further suggestions regarding the illegal handicap parking issue. Officer Turner suggested that she call 911 if this incident ever happens again.</p> <p>Commissioner Beck clarified that this access area is located in Mount Holly’s city limits and the police department’s non-emergency number is 704-827-4343.</p>	

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Public Safety Reports (continued)	<p>Gaston County Police Department Officer Douglas Hord reported</p> <ul style="list-style-type: none"> ▶ 24 boat checks, 8 warnings, 2 citations ▶ 9 calls for service ▶ 25 trespassing violations ▶ 1 boating accident on Lake Wylie ▶ Conducted a program on the sandbar on Mountain Island Lake to discuss Water Safety <p>Secretary/Treasurer Battle wanted to take time to thank the officers and Mecklenburg County Parks and Rec who have enforced the regulations around Big Island and the Haymarket Street Park. These areas have been of extreme interest for the Clean Lake Management Committee of two years. There is noticeably less trash and debris on Big Island and at the Haymarket Street Park as well as more families enjoying the island since there are no more permanent campers sleeping there because of the work of the committee, Jeff Presson of Meck Parks and Rec and the area law enforcement agencies. Secretary/Tres. Battle proposed that the Mountain Island Lake Marine Commission write a letter of accommodation to each of their supervisors stating the great job that they are doing. The Commission agreed with Battle's request.</p> <p>Lincoln County Sheriff's Office Deputy Warlick reported</p> <ul style="list-style-type: none"> ▶ After July 1st, budget will allow officers to spend more time patrolling the lake ▶ Have 2 new jet skis <p>N.C. Wildlife Resources Commission No report</p> <ul style="list-style-type: none"> ▶ Officer Turner with CMPD reported that NC Wildlife Resources have received reports of several break-ins to vehicles at the Neck Road access area. Officer Turner wants anyone that will be at the access area in the near future to be aware of this. <p>Mecklenburg County Parks and Recreation No Report</p> <p>Duke Energy of the Carolinas</p>	

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Public Safety Reports (continued)	Kermit Taylor reported <ul style="list-style-type: none"> ▶ Lake level is at 96.5 ▶ Approved 3 pier applications, 1 shoreline stabilization 	
Environmental Reports	<p>Mecklenburg County Land Use and Environmental Services Rusty Rozzelle</p> <ul style="list-style-type: none"> ▶ Distributed the Water Quality Index Report for May 2006. Out of the eight monitoring sites on MIL, only the Upper Gar Creek Cove site had a decrease in the index value from 2005. Going from 79 to 77 (Good/Excellent) ▶ Distributed the Bacteriological results for May 2006. This report indicates no problem with bacteria in the water ▶ Distributed the 2006 State of the Environment Report. This report is generated every two years. <p>Charlotte Engineering and Property Management</p> <ul style="list-style-type: none"> ▶ No Report <p>Lakekeepers Report Pam Beck reported</p> <ul style="list-style-type: none"> ▶ Beck highlighted <i>The Charlotte Observer</i> article written by Bruce Henderson regarding the added sediment in Nance Cove. The Lakekeepers provided comments for this article. ▶ Catawba River Challenge is going to be on July 21st at Latta Plantation 	
Discussion of the Interbasin Transfer Request by Concord/Kannapolis	<p>Chairman Campbell welcomed all speakers for attending the MILMC business meeting to present information regarding Concord/Kannapolis Interbasin Transfer request along with the revised Environmental Impact Statement (EIS). Once the presenters have completed their presentations, the Commission will then address questions or comments. Each presenter will be given equal time.</p> <p>Donna Lisenby with the Catawba Riverkeeper Foundation began her discussion with a PowerPoint presentation highlighting the following:</p> <ul style="list-style-type: none"> ▶ Catawba Riverkeeper Foundation has reviewed the final Environmental Impact Statement and still finds the same conclusion that they reported to the Marine Commission six months ago. 	

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<p>Discussion of the Interbasin Transfer Request by Concord/Kannapolis (continued)</p>	<ul style="list-style-type: none"> ▶ The preferred alternative is the most expensive and the final agreement has now confirmed this. ▶ In the final EIS, a comparison is made between the proposed IBT and the consumptive use of the power plants on the Catawba. With this comparison, the Concord/Kannapolis IBT seems very small. But to put the information into proper context, you must compare IBT's to IBT's, not to power plants. This information can be viewed on the NC Division of Water Resources website. ▶ More water is being used from the Catawba and more IBT's will be requested in the future. ▶ Need to consider the Maximum Daily Demand instead of the Average Daily Demands in the EIS. More water is being used during the summer than in the winter therefore, this needs to be considered. ▶ The final EIS gambles on two items; the weather of the future will be the same as the weather of the past and wither or not FERC will grant a license with the recommended flows. ▶ Modeling results are not accurate. ▶ The draft EIS, the final EIS and the petition were analyzed to see if they met the standards of law. It was found that it did not meet the requirements of law. The water supply facts, fish and wildlife impacts and navigation/recreation impacts are not described in these documents. ▶ Catawba Riverkeeper Foundation has concluded that the petition of the final EIS is as unreliable, inaccurate and incomplete as the first EIS. <p>Mr. Brian Hiatt, City Manager with the City of Concord, began his discussion of the Interbasin Transfer request by distributing several documents to the commission;</p> <ol style="list-style-type: none"> 1. IBT Myth and Fact information sheet 2. Overview of Key Issues 3. Letter of support of the IBT request from Lowe's Motor Speedway President, Humpy Wheeler 4. PowerPoint presentation <ul style="list-style-type: none"> ▶ Mr. Hiatt addressed water supply and management by highlighting a proposed master plan for drought and lake management, exploring water re-use and creating redundancy and interconnections. 	

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<p>Discussion of the Interbasin Transfer Request by Concord/Kannapolis (continued)</p>	<ul style="list-style-type: none"> ▶ Various alternatives that were considered during the IBT process were the Catawba River Basin, Yadkin River Basin, South Yadkin Sub basin, and the Rocky River Sub basin. ▶ The Rocky River has been considered as a water supply except that the Rocky River has a lot of wastewater discharge into the river. The NC Public Water supply does not support the Rocky River as a water supply alternative. Therefore, Concord/Kannapolis must look at the Catawba and the Yadkin to help supply their water needs. ▶ By 2035, Concord/Kannapolis water demand is projected to exceed available water amounts by an average of 22 million gallons per day. ▶ Requesting water from the Catawba and Yadkin River Basins – 6 Average Daily Demand (ADD) from Yadkin (10 mgd peak) and 16 ADD from Catawba (26 mgd peak). Preferred alternative is not 48 mgd. Preferred alternative focuses on working out agreements for treated water with neighbors. ▶ If granted the IBT, Mecklenburg County will allow Concord/Kannapolis to use 10 mgd on an emergency basis only. This is an existing connection. ▶ Even if the Yadkin River IBT is not granted the total requested transfer would account for less than 1% of Catawba River’s water if total amount is used by 2035. ▶ Mr. Hiatt discussed the summary of Catawba River Basin Low Inflow Protocol Stages. ▶ In closing, regional environmental issues such as wastewater, solid waste and air quality were addressed. <p>After the two speakers had completed their presentations, the commissioners had the opportunity to address them with questions or concerns.</p> <ul style="list-style-type: none"> ▶ Commissioner Shelton stated that his primary concern is not only with this proposed IBT but also with future IBT’s. How many will the river endure? ▶ Vice-Chairman DuVall addressed the speakers by saying that he has a problem with that once an IBT is approved it is never reviewed again. Another concern is how much can the Catawba supply without showing some serious implications? ▶ Legal Counsel Chris Clark asked Donna Lisenby with the Catawba Riverkeeper what she felt would be the detrimental impacts to water quality and other 	<p>A motion was made</p>

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<p>Discussion of the Interbasin Transfer Request by Concord/Kannapolis (continued)</p>	<p>environmental issues that the Marine Commission focuses on if the Concord/Kannapolis IBT were the only IBT granted? Ms. Lisenby responded by stating that the two impact concerns would be the withdrawal of water at low inflows (mainly in summer months) and wastewater.</p> <ul style="list-style-type: none"> ▶ Executive Director Michael McLaurin highlighted a statement that Donna Lisenby represented in her presentation regarding a state law stating that an applicant must be able to show what they want in the IBT when submitting their application. Ms. Lisenby stated that Concord/Kannapolis failed to do this and gave four alternatives instead. McLaurin requested that Concord City Manager Brian Hiatt give clarification to this. Mr. Hiatt stated that Concord/Kannapolis identified a clear alternative that involved getting the IBT from both the Yakin and the Catawba. ▶ Sec/Treas Battle reiterated that the growth at Mountain Island Lake has increased by 50% in some areas. Mountain Island has their own problems with growth and the river needs to supply water for their own people. Another concern with Sec/Treas Battle is that once an IBT is approved, it is not revisited. ▶ Commissioner Beck's concern is that Mountain Island Lake's catch basin is very small and with experiencing drought conditions 1% of the Catawba Rivers water being transferred out, may be too much. ▶ Chairman Campbell concluded the comment session in saying that the commission will continue to study the regulations and the requirements that are being presented. The Marine Commission will take under consideration all the information given tonight and throughout the process. The Marine Commission will work hand in hand with elected officials in Raleigh for clarity and understanding before final legislation is approved. Realizing there is no certainty that all parties will be satisfied, we will make a concerted effort to be as fair and right as possible in our deliberations and conclusions. <p>The commission agreed to reconfirm their position as stated in the resolution. Since the resolution was misplaced by the EMC, it will be mailed again certified mail.</p>	<p>by Commissioner Shelton to have Executive Director, Michael McLaurin mail (certified) the previously approved resolution letter to the EMC with cover letter reconfirming the MILMC position to the Concord/Kannapolis IBT. Seconded by Vice-Chairman DuVall. The motion was approved.</p>
<p>Base Operating Plan</p>	<p>Base Operating Plan Vice Chairman Dan DuVall and various commissioners updated the Attachment C</p> <ul style="list-style-type: none"> ▶ Project 2, Annual BOB Workshop (BOP Sub Committee) – Will activate this 	<p>A motion was made by Sec/Tres Battle to sign the final</p>

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Base Operating Plan (continued)	<p>commissioners. He and Mike Aldridge will come back to the commission at the August MILMC meeting with the details.</p> <ul style="list-style-type: none"> ▶ Project 30, Proposed 150' No Wake Buffer (Battle) – Nance Cove has extreme density of boats unlike any other part of the lake. Open water is very limited in this one-mile area. Bob Morgan, President of the Chamber of Commerce commented that Nance Cove should be made No-Wake. Sec/Tres asked Mr. Morgan if he would be willing to put that comment in writing and he agreed to do so. Sec/Tres Battle feels like that Nance Cove maybe be the only hold up on the 150' No Wake Zone Buffer, so she suggested taking Nance Cove out of the proposal and consider it separately. Vice-Chairman DuVall suggested that this item be added to the MILMC August agenda for discussion and decision. There was no opposition by the other commissioners regarding the placement of this item on the August agenda. 	<p>information to the commission at the August MILMC meeting. Seconded by Vice-Chairman DuVall. The motion was approved.</p>
Chairman's Report	<p>Chairman's Report</p> <ul style="list-style-type: none"> ▶ Bi-State Meeting – August 11th or August 18th 	
Executive Director's Report	No report	
Commission Counsel Report	Legal Counsel Chris Clark suggested that a motion be made concerning placement of the danger buoy at Gar Creek.	<p>A motion was made by Vice-Chairman DuVall to place a danger buoy at Gar Creek approximately 150 yards off of the main channel on the north side. Seconded by Sec/Treas. Battle. The motion was approved.</p>
Adjournment	The meeting was adjourned at 9:45 p.m.	<p>A motion was made by Commissioner Shelton and Vice-Chairman DuVall to adjourn meeting. The</p>

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		motion was approved.
Next Business Meeting Date and Location	The next MILMC business meeting will be held on August 2, 2006 at 6:30 pm at Charlotte-Meck Utilities, 5100 Brookshire Blvd, Charlotte, NC	

Annette Lawing, Clerk