



The Conservator



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Winter 2004

Newsletter of the Catawba Riverkeeper® Foundation

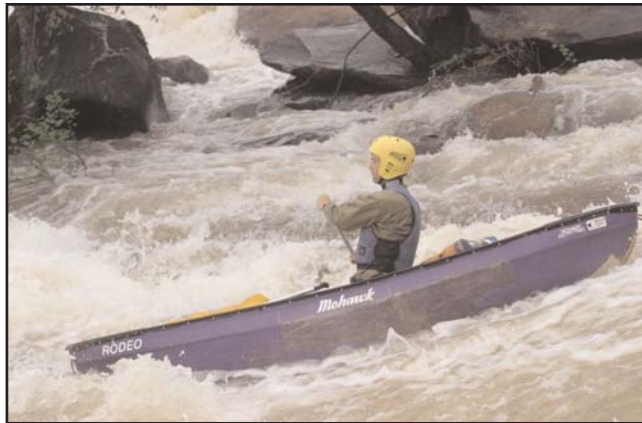
Restoring the Great Falls

Photos by Ben Edson/downstream.photo.com

Article by Maurice Blackburn - Carolina Canoe Club

It's very unusual to have the opportunity - particularly in this part of the country - to run a river that people seldom have been able to run. This possibility recently presented itself when the Great Falls of the Catawba Bypass in South Carolina became part of the Flow Studies being carried out in conjunction with Duke Power's Hydropower relicensing on the Catawba-Wateree System. Except when we have flooding such as that associated with the Fall 2004 hurricanes, there has been no water flowing in the Bypass for 80 years. Now, in the relicensing negotiations with Duke Power, we are working to get a commitment to a schedule of whitewater recreational releases similar to those in the Nantahala and Tuckasegee Rivers in Western North Carolina.

What is it like to run a river which neither you nor very many other people have run before? Well, even on a well-known river which is new to you personally, the adrenaline certainly runs high. However, when the river is so little known, the anxiety and apprehension factor runs even higher. We had hiked the bypass in April and had seen the magnitude of the boulders and rocks; we had also seen that many small trees had sprouted in the channels, constituting a somewhat unusual hazard.



Flow Study participant Kevin Miller paddles down the steep gradient of the Short Channel preparing for the first big wave



Foaming whitewater and big class 3 waves in the Short Channel can swamp canoes - not for the amateur paddler



Even expert paddlers with years of experience find the Great Falls challenging

Prior to the Flow Studies, Bunny Johns, the Flow Study leader, working as a consultant with Duke and Andrew Lazenby, the alternate for American Whitewater on the Lower Catawba Advisory Group and Al James, Manager of Landsford Canal State Park, had the opportunity to scout the runs to note, and in some cases, remove hazards.

There are two bypasses on this section of the river -- a longer one (2 miles) down the eastern side of Mountain Island and a shorter run (3/4 mile) on the western side of Mountain Island.

Motty, my wife and tandem canoe partner, has now run the longer route three times - once in a pre Flow Study trial and twice on October 23rd in the actual Flow Study- at three different flow levels. Getting to the Long Channel put-in requires a paddle across to the north end of Mountain Island and a rather difficult portage around the diversion dam.

The first move from the put-in requires a swing around some bushes followed by a left to avoid a tree stump growing out of a rock. The second rapid has a strong curler at the top, which on the

continued on page 2

Great Falls Flow Studies

Continued from page 1

two lower flow levels moved the boat sharply into a right hand eddy. This rapid was followed by a series of technical rapids requiring considerable maneuvering to find the right path. As the water level increased the routes became more obvious and somewhat easier to handle.

Technical rapids are a load of fun to run, not only because of the maneuvering, but also because the waves allow boaters to play surf. Like the French Broad, the long channel is very wide, which could make recovery of a swimmer and a runaway boat difficult.

On the International Rating system, this section probably should be rated as 2 to 2 1/2, which means that the degree of

difficulty is not too high. However, this channel is very isolated and the river is wide, presenting potential problems for inexperienced paddlers.

The Short Channel, which Motty and I did not paddle, is different in character to the Long Channel. The advanced boaters who paddled that channel said it reminded them of parts of the Ocoee in Tennessee having big waves and plenty of good surfing holes. The access to the Short Channel is even more difficult than the Long Channel.

The great attraction of these runs is that they offer very enjoyable whitewater paddling within 50 miles of Columbia and Charlotte in a beautiful unspoiled part of South Carolina.



Flow Study participant Richard Ellington leaves the Short Channel put-in and paddles toward the first big drop



Ellington's yellow kayak disappears just seconds later as he hits a torrent of foaming whitewater.



Inside the first big drop, strong currents flip the kayak. Ellington quickly performs an Eskimo roll to prepare for the next set of rapids



Right side up, Ellington can safely enjoy the next series of rapids immediately downstream



Ellington slams into the first big surfing wave. Once again, the kayak is covered by curling whitewater as he begins a turn.



Having completed a 180° turn, Ellington faces upstream and surfs the first of 4 big waves. It took expert paddling to get there, but the reward is surfing some of the best whitewater waves in the southeast.

Photos by Ben Edson/downstreamphoto.com

Successful Fundraiser Held in October

We acquired 61 new members through our fundraiser at The White Homestead in Fort Mill, SC. Below are pictures of some of the crowd listening to Rick Gaskins talk about our mission.

Photos courtesy of Rhonda Cato



Join the Catawba Riverkeeper Foundation

Want to help? How to join -

- ~ Copy or cut out the form on the back cover of this newsletter, complete, and mail to us with your check or credit card information
- ~ Go to our website www.catawbariverkeeper.org, click on "join now" and complete the information requested
- ~ Call our offices at 704.373.1916

Business Profile



Great Outdoor Provision Company is a North Carolina company founded in Carrboro in 1972. The company now has seven locations throughout the state and are on the Internet at www.greatoutdoor-provision.com. They have had a commitment to personalized retail since their inception in the back room of a bicycle store in Carrboro and are actively involved in numerous programs to promote environmental awareness.

Great Outdoor Provision Company can outfit you for any outdoor adventure, but one of their specialties is paddle sports. They outfitted our Riverkeeper® with the equipment for the Flow Studies conducted at the Great Falls of the Catawba in October. The GOP paddle sports gear performed flawlessly and carried the Riverkeeper® safely through three runs on the Long Channel.

Great Outdoor Provision Company is committed to providing opportunities to paddle, cast, tread, feel, and taste the products they sell. They encourage you to come in and try out some of their products. Their staff are involved in all sorts of outdoor adventures and enjoy sharing their experiences with you, as well as hearing about your own. They are conveniently located in Charlotte at Park Road Shopping Center at the corner of Park and Woodlawn Roads. Drop in to see them and while you are there, remember to thank them for their support as we advocate for restoration of whitewater flows to the Great Falls of the Catawba River.

Welcome to New Members

Individuals

Bernie & Teri Ackerman
G.F. & Geraldine Allen
Margaret & Tony Almeida
Jack Boyte
Carolyn Carlburg
Donald & Reba Clemmer
Ian & Nancy Davidson
Elizabeth Edgerton
Mark & Kelly Epstein
Harry Excell &
Mary McBean
James Galloway
April & Don Gordon
Ruth Greer
James & Susan Gronquist
Bridget Ann Hampden
Ann Hinson
Sonny & Sallie Hudson
Paul & Glenda Irwin
James P. Jones
Richard & Patricia Krewson
Shelia & Phillip Massey
Merrie & Peter McGrath
Monty & Nancy Montague
William Moredock
Sally Pritchard
Betty & Dennis Rash
Willard & Linda Rogers
Alphia & Walt Schrader
Gerald Schapiro
James K. Secunda
Ruth & Colin Shaw
Van Shields &
Peggy Rivers
Gordon Smith
Mary Stauble
Roger & Kathy Troutman
Robin Underwood
Murray White
Jane & Gardy Wilson

Business

Bowater Carolinas

Relicensing – Setting the Future

by Gary Faulkenberry

Current Work

With a lot of the up-front work complete, team members in the Duke hydropower relicensing process are rolling up their sleeves and beginning to tackle the many interests of stakeholders. Early work included developing a charter by which teams can monitor behavior and the work process, generating in-depth interest statements detailing the needs of each stakeholder, initiating approximately 30 study teams, and educating the many stakeholders about the process of relicensing.

Study teams are essential in order to make informed decisions on the many aspects of a relicensing agreement. They are focused on a wide gamut of subjects such as fish studies, instream flows, operations models, water supply, water quality, recreation needs, shoreline management, wildlife habitat, Wateree high water, low flow protocol, etc. These studies will be completed during 2005 and will provide key data for consideration in decision-making.

Teams

We are fortunate to have many concerned and hard working stakeholders on the four regional and two state relicensing teams. Team members spend one day each month in a working session and considerable other days involved in performing related work. From the Catawba Riverkeeper Foundation, Jim Rex, Vicki Taylor, Donna Lisenby, and myself are involved at both the regional and state level.

Shoreline Preservation

A major product of a small group of stakeholders in the Lower Catawba Team was the recently presented Shoreline Preservation Proposal – “Striking a Balance”. The proposal seeks a more appropriate balance between development and preservation to assure a healthy resource for decades to come. Both the Foothills and Piedmont Regional teams have since presented similar proposals, ensuring that shoreline preserva-

tion will be a key focus of relicensing.

Flooding-A typical study team

In the past months, the Wateree High Water Study Team has gathered data on historical records of flooding - when it has occurred, at what levels, and what was the experience of damage incurred by homeowners due to flooding events. Homeowners submitted data on roads that became impassable, septic systems covered with water, as well as property damage. One fact we discovered is that there are many more roads that become impassable than originally thought. This is a very serious issue with citizens stranded and emergency service teams unable to reach them. This team also studied how the Basin’s drainage system works and the relationship of Wateree to the other impoundments when it comes to flood control. The team will now shift to a search of available technology options for potential modifications at the Wateree dam that would provide Duke with additional capability to release water earlier and faster in a high water event.

The study team will provide the data to other relicensing teams for consideration in conjunction with all the other interests and needs of stakeholders.

Field Trips

Another element of relicensing is taking field trips to other sections of the basin. This gives stakeholders the opportunity to understand the interests of people in other regions who are also working on relicensing and to be able to consider the relative merits of issues and interests throughout the basin.

Next Major Step

In October, the four regional teams and two state teams held a two-day joint session. The primary agenda was the presentation by Duke of a draft Agreement In Principle (AIP). The AIP is a significant first step in putting together a comprehensive document that addresses a multitude of stakeholder interests and

provides as a starting point for our negotiations. Working with this draft AIP and the other key proposals, the teams have begun the tough process of reconciling the many interests into a comprehensive document that all can support. This work will likely continue into 2006, when Duke will file with the Federal Energy Regulatory Commission (FERC) for a new license.

Catawba-Wateree

Relicensing Coalition (CWRC)

CWRC has filled a key role from the beginning of the process. The Coalition encourages the process to be open to stakeholder involvement, provides educational seminars to the numerous stakeholders on topics that are necessary to full participation, and facilitates activities to ensure that stakeholder interests are well thought out and presented. We are now entering a critical phase of the negotiations that will challenge CWRC toward being more of an integrator of stakeholder needs and a builder of consensus in developing alternatives to some of the points in the draft AIP. This will ensure that the final agreement will be satisfactory for the health and future of the Catawba River Basin.

Both Vicki Taylor and Donna Lisenby also serve as Board members of CWRC. It will be essential for the two leadership organizations to be aligned and working together for the good of the basin, for *this is the single most important decision-making process to impact the future of this vital natural resource.*

Stay Focused

It is imperative that we stay focused. The year 2005 will demand our best thinking, our best teamwork, and our strongest resolve to ensure that the right things occur for the basin in relicensing. If you have thoughts or questions on relicensing, please contact someone involved in the process, or someone on the CRF team. We welcome your input.

continued on page 9

MARK YOUR CALENDAR...

Regular Covekeeper Meetings - All Meetings at 7:00 pm
No December meetings - Will resume in January

Lake Norman 1st Thursday of Month	Rocky Mount United Methodist Church
Lake Wateree 2nd Thursday of Month	Dutchman Creek Fire Dept
Lake Wylie 2nd Wednesday of Month	Red Fez Club off Hwy #49
Mountain Island Lake 2nd Monday of Month	Cook's Presbyterian Church



2005 Annual Meeting

Annual Meeting is being planned for Saturday, April 9, 2005 beginning at 3:00 pm at Camp Thunderbird on Highway #49 in Lake Wylie. Please set that date aside so you can hear about our progress, accomplishments, and challenges; elect new Board members; and recognize our volunteers. This will be a casual and "kid-friendly" event. There will be activities for children during the business session followed by the presentation of their creations at its conclusion. Anyone who wants to volunteer to help with these activities, please contact Barrie Platt at the CRF offices 704.373.1916 or barrie@catawbariverkeeper.org.

Robert F. Kennedy, Jr. at Davidson College



Robert F. Kennedy, Jr. spoke to students and the public on the Davidson College campus on November 17th. Kennedy is President of the Waterkeeper Alliance, Senior Attorney for the Natural Resources Defense



Photo credit -
Luann Laubscher,
Lake Norman Times

Council, and Chief Prosecuting Attorney for the Hudson Riverkeeper. He is also an Advisory Board Member of the Catawba Riverkeeper Foundation. Kennedy's latest book, *Crimes Against Nature*, presents a scathing

indictment of President George W. Bush's environmental policies in comparison to previous administrations - both Democratic and Republican. Kennedy asserts that Bush is selling our natural resources to the corporations that funded his political campaigns, endangering the health of this and future generations. He made a powerful presentation and recognized the North Carolina Riverkeepers in attendance for their advocacy.

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The Catawba Riverkeeper Foundation was created to protect 225 miles and 11 reservoirs of the Catawba River, which now serves nearly 2 million people in 14 counties in both Carolinas.

Visit us on the Web at:
www.catawbariverkeeper.org

Open Space Preservation Equals River Protection

by Dr. Peter Phillips

A recent specific focus of the Catawba Riverkeeper Foundation's water quality monitoring research program is to quantify how valuable forested open space is to water quality. In December, 2001, the Foundation established sampling stations at various coves along Lake Wylie's eastern shoreline in Mecklenburg County, NC, into which runoff from forested open space drained. The intent was to establish a base line of water quality data before landscape alteration and construction began upstream of these sampling sites on a large-scale development of regional impact called The Palisades. This research project has been and will continue measuring potential changes in water quality as forest is converted to development that sprawls across 8 sub-watersheds of Lake Wylie.

Sampling stations are:

- o PLS1 - Snug Harbor Cove/Left
- o PLS2 - Four-Fingered Cove
- o PLS3 - Crescent Hill
- o PLS5 - Boyds Cove, 1st Right Inlet
- o PLS6 - Back of Boyds Cove
- o PLS7 - Snug Harbor Cove/Right

Earth-moving operations began at The Palisades in late 2003. The golf course, the central roadway through the 1489 acre development and a handful of model homes are nearing completion. Land clearing and construction of more than 4100 residential units and a town center is permitted. Construction is likely to continue for five more years. Reported below are two years of baseline data collected before the forested land cover was cleared compared to the first 12 months of land alteration. This is a *preliminary* report on the initial phase of development. We need to maintain this research project so we can continue to quantify the impact that converting forested open space to development has on water quality.

Because their presence promotes algae growth, the most significant water quality parameters to monitor are the nutrients nitrogen and phosphorus, followed by turbidity, an indicator of sediment. A source of nitrogen and phosphorus will be fertilizers applied to land that can run off into the lake. Sediment may be added to the lake due to earthmoving activities.

North Carolina does not have specific nutrient criteria, therefore, neighboring South Carolina's total nitrogen criteria (TN not to exceed 1.5 mg/l) and Mecklenburg County's action level for total phosphorus (TP not to exceed 0.04 mg/l) are used here as a point of reference for judging the results of these analyses. Turbidity criteria for both states are the same and should not exceed 25 NTU in lakes.

In the summary tables on the adjacent page where stations are arranged from south to north, nitrogen and phosphorus data are shown in tabular form.

Data are summarized by season:

Summer = Jun-Jul-Aug
Fall = Sep, Oct, Nov;
Winter = Dec, Jan, Feb;
Spring = Mar, Apr, May.

Summary

o The Palisades Development area water quality consistently showed normal values for dissolved oxygen and conductivity from December 2001 through August 2004.

o The pH was generally normal; however, values close to or above 9 were recorded at times in Boyds Cove and Snug Harbor Cove/Right. This, in concert with total chlorophyll estimates, suggested high primary productivity (algae blooms).

o Turbidity was high, likely at times of high rainfall, at various periods of this study; in Four-Fingered Cove, Crescent Hill, Boyds Cove/1st Right Inlet and Snug Harbor Cove/Right.

o Mean total nitrogen was frequently above 1.5 mg/l and mean total phosphorus was frequently above 0.04 mg/l.

o After land alteration and pre-construction activities began in late October 2003, mean total nitrogen and phosphorus exceeded criteria most notably at Four-Fingered Cove, Crescent Hill, Boyds Cove, 1st/ Right Inlet, Back of Boyds Cove and Snug Harbor Cove/Right (Summer 2004 only).

o Monitoring as The Palisades development activity is occurring and should continue.

In September, the NC Department of Natural Resources classified Lake Wylie as aquatic life impaired. The 2004 Catawba River Basinwide Water Quality Plan states, "Because of chlorophyll *a* standard violations, algal blooms and dissolved oxygen percent saturation values greater than 120 percent, Lake Wylie (4,020 acres, NC portion) is impaired by eutrophication." High nutrient levels cause eutrophication, making it important to monitor nutrient trends in Lake Wylie. Summarized below are preliminary data for the first three years of this study. For the pur-

pose of this article, a summary of total phosphorus and total nitrogen levels is reported for six sampling stations. A more detailed report will be available in March. Table 1 illustrates the mean nutrient levels in the two baseline years before construction began. Table 2 illustrates the mean nutrient levels during initial land clearing and the golf course establishment phase of construction. Table 3 combines nutrient values across all coves and compares the forested open space baseline against Phase one construction. The *red and italicized data* exceed recommended levels.

Baseline-Means	Winter 2001-2003		Spring 2002-2003		Summer 2002-2003		Fall 2002-2003	
	TN	TP	TN	TP	TN	TP	TN	TP
	mg/l	mg/l	mg/l	mg/l	mg/l	mg/l	mg/l	mg/l
Snug Harbor Right	0.87	0.13	1.34	0.07	0.83	0.02	0.42	0.01
Snug Harbor Left	0.72	0.26	2.00	0.01	1.30	0.04	1.70	0.02
Four Fingered Cove	0.88	0.05	0.62	0.01	1.95	0.04	0.40	0.01
Crescent Hill	0.90	0.12	1.77	0.02	1.83	0.03	0.88	0.01
Boyds Cove 1st Rt Inlet	0.86	0.16	0.49	0.10	1.45	0.03	2.58	0.01
Back of Boyds Cove	0.62	0.10	0.97	0.02	0.68	0.09	0.78	0.01
Total	4.85	0.82	7.19	0.23	8.04	0.25	6.76	0.07
Mean	0.81	0.14	1.20	0.04	1.34	0.04	1.13	0.01

Construction-Means	Winter 2003-2004		Spring 2004		Summer 2004		Fall 2004	
	TN	TP	TN	TP	TN	TP	TN	TP
	mg/l	mg/l	mg/l	mg/l	mg/l	mg/l	mg/l	mg/l
Snug Harbor Right	0.00	0.04	0.70	0.02	3.17	0.08	1.13	0.13
Snug Harbor Left	0.45	0.04	0.63	0.01	1.47	0.07	1.03	0.10
Four Fingered Cove	1.95	0.00	6.05	0.08	0.53	0.08	1.07	0.14
Crescent Hill	0.55	0.03	2.73	0.17	0.60	0.08	1.17	0.05
Boyds Cove 1st Rt Inlet	0.67	0.11	1.00	0.03	1.53	0.10	0.60	0.14
Back of Boyds Cove	0.15	0.03	2.30	0.03	1.17	0.20	1.02	0.10
Total	3.77	0.25	13.41	0.34	8.47	0.61	6.02	0.66
Mean	0.63	0.04	2.24	0.06	1.41	0.10	1.00	0.11

Summary Table	Winter		Spring		Summer		Fall	
	TN	TP	TN	TP	TN	TP	TN	TP
	mg/l	mg/l	mg/l	mg/l	mg/l	mg/l	mg/l	mg/l
Baseline Mean	0.808	0.137	1.198	0.038	1.340	0.042	1.127	0.012
Construction Mean	0.628	0.042	2.235	0.057	1.412	0.102	1.003	0.110

Conclusion: Winter nutrient levels were lower than baseline. Spring nutrient levels increased significantly over baseline. Summer nitrogen levels increased slightly, while phosphorus levels more than doubled over baseline. Fall nitrogen levels were similar; however phosphorus levels increased nearly ten-fold after construction began. Overall, nutrients exceeded water quality criteria more than twice as often during construction.

Discussion: Sediment has a tendency to bind nutrients and cause them to settle out of the water col-

umn. Winter nutrient levels may have decreased in relation to baseline due to increased turbidity. Elevated nutrient levels occurred in the spring, summer, and fall as the golf course was established. Fewer than 20 residential units have been constructed so far. More than 4,000 residential units are permitted for construction in the future, making it imperative that water quality monitoring continue as more forested open space is converted to development. *Thanks, Lake Wylie Covekeeper monitoring crew for collecting the data that makes this study possible.*

Ramblings From the Board Chair

by Rick Gaskins

We are nearing the end of another busy year. Looking back on 2004, it is difficult to believe how much our Riverkeeper, staff, and an incredibly dedicated group of volunteers have done. Thus, I am taking this opportunity to give you my observations on the most notable accomplishments of the past year.

Lake James Settlement

Our Riverkeeper and the Foundation were part of a lawsuit opposing Crescent Resources that resulted in a settlement creating a new 2900 acre state park on Lake James. The park will be protected from development into perpetuity and greater environmental protections for the remaining 4000 acres of undeveloped land on Lake James were established. If you have never been to Lake James, I urge you to visit. I camped with my family at Lake James State Park in October and we were reminded of the beauty of a largely undeveloped lake. It is one of the priceless jewels of the Catawba River necklace. The settlement with Crescent will help preserve its beauty and water quality.

Belmont Wal-Mart

Donna Lisenby, some of our Board members, and our dedicated Covekeepers were key players in efforts to get the Belmont City Council to address the environmental impacts of a proposed Wal-Mart Supercenter in Belmont's critical watershed. The runoff from approximately 17 acres of impervious area will drain into the Catawba River a short distance upstream from the City of Belmont's sole source of drinking water. The Riverkeeper investigation revealed that the world's largest retailer was storing herbicides, pesticides, and fertilizers in parking lots where rainwater was washing the products into rivers and streams. In several cases, leaking and broken bags of these products, including some known to cause birth defects and other reproductive harm, were stored near stormwater drains. (See our website at www.catawbariverkeeper.org for more information.) Although the development was approved, the Council did place restrictions on the outdoor storage of these products. More important, the resulting publicity prompted Wal-Mart to change its storage practices. Regional Wal-Mart Manager Bob Davis said he contacted all stores in his area and requested they clean up and move pesticides and other products containing toxic chemicals from open areas. CRF volunteers continue to monitor Wal-Mart's compliance both in its construction practices in Belmont and its storage practices throughout the Catawba River Basin.

First Lakekeeper for Mountain Island Lake

In May, Pam Beck was appointed as the first Lakekeeper for Mountain Island Lake Covekeepers. As you know, MIL is the primary drinking-water source for Charlotte and Gastonia. Pam, a longtime lake advocate and volunteer, underwent a year of training in hydrology, biology and environmental law before the being named as "Lakekeeper."

Run-Off, Sewage Spills, Fish Kills and Algae blooms

Our Covekeepers and Lakekeepers have been vigilant in identifying and responding to runoff problems, sewage

spills, fish kills and algae blooms on the Catawba River, particularly on Lakes Norman, Wylie, Wateree, and Mountain Island Lake. For example, these efforts discovered and stopped an illegal dredging operation causing the destruction of wetlands on Lake Wateree. On Lake Wylie, the Foundation's volunteers have been closely monitoring and advocating for strict enforcement of the environmental regulations and restrictions applicable to the Palisades project. At this point, you can be sure that the Palisades developers know who Valerie Munei, Linda McCaw, and Brenda and Mike Peters are.

Other accomplishments:

- ~ Advocated for the restoration of the Great Falls.
- ~ Took leadership role in Clean Water Lobby Days.
- ~ Created River Guardian Buffer Awards to recognize lakefront property owners with exemplary buffer zones.
- ~ Held two fundraising events and launched the River for Everyone campaign to increase the financial stability and independence of the Foundation.
- ~ Settled the Delta Apparel lawsuit with a requirement that Delta reduce pollution levels on the South Fork of the Catawba by 85%.
- ~ Reviewed and commented on draft Catawba Basin Water Quality Plan.
- ~ Participated in efforts to find a better solution for the sewage that currently goes to the Highway 150 Sewage Treatment Plant/ oppose efforts to permit the Highway 150 Sewage Treatment Plant.
- ~ Partnered with Carolina Sportslink to launch the Dammed Catawba River Challenge (a series of open water swim races.)
- ~ The Riverkeeper and Foundation volunteers (particularly Vicki Taylor, Gary Faulkenberry, Jim Rex, Eric Jenkins, John Carter, Sue McCauley, and Cynthia Wood) have been active in efforts to negotiate the best possible hydropower license conditions for the future.
- ~ Investigated and reported on flooding issues caused by three hurricanes hitting the region in September.
- ~ Conducted the 3rd Annual River Sweep.
- ~ Pressured Charlotte Mecklenburg to improve sewage spill record - down 38% from 538 sewage spills in FY 2003 to 350 sewage spills in FY 2004.
- ~ Filed a petition for rulemaking to have a supplemental trout designation added to the Catawba River below Lake James.

Please let me know if you have ideas about other things that we should be doing to protect the Catawba River and strengthen the organization. In addition to continuing most of the activities outlined above, we are hoping to recruit a new crop of Covekeepers in 2005. We are also considering a less time-consuming training program for Covewatchers. Please let us know if you are interested in becoming a Covekeeper or Covewatcher.

Finally, although it will be reported elsewhere in this newsletter, I want to thank Will Close, Rhonda Cato, Althea Callaway and others for enabling us to have the most successful fundraising event in the history of the Foundation.

Deed Restrictions:

They Only Work When They're Enforced

by *Barrie Platt*

About two years ago, Crescent Resources sold two large tracts on Lake Wateree in Kershaw County to a local investor. The property is comprised of more than 70 acres on one shoreline and about 30 on the opposite shoreline. The buyers subdivided the property and proceeded to hire a local real estate development company. Along the way, the developer engaged a contractor for land clearing.

The property was sold with specific deed restrictions in place to protect the River, restrictions which are now standard for Crescent's shoreline properties and include a 50-foot lakefront buffer, appropriate setback requirements, and the like. But, a couple of months ago, CRF member Cecelia Federico discovered that the contractor was clearing a portion of the land *to the water's edge*. Immediately, she took action.

Cecelia talked to the SC Department of Health and Environmental Control, Crescent Resources, and Duke Power, all of whom made site visits to investigate her reports. She worked with Lakekeeper Cynthia Wood and her Wateree Covekeepers to mobilize all available resources to craft a solution.

Ultimately, DHEC instructed the owners to establish silt fences and Crescent advised them they had violated the deed restrictions and notified them that they must restore the natural buffer. We think this incident is one in which a property owner may not have emphasized the importance of the deed

restrictions to a developer -- or, the developer to a contractor -- resulting in a potential negative outcome for the River. Regardless, all involved now fully realize that CRF members care about natural buffers.

We congratulate Crescent for its willingness to deal with the issues. Since this situation at Native Shores came to light, Crescent staff met with our Lakekeeper and several Covekeepers. When asked how they intend to enforce deed restrictions in the future, they had a plan (already in place in other parts of the River Basin.) They will hire a third party real estate firm specializing in property management to document the state of the shoreline prior to sale. Then, they will advise buyers at the point of sale of the deed restrictions and their intention to monitor the property on a semi-annual basis for compliance. This plan hasn't yet been put into place on the Lower Catawba, primarily because an appropriate real estate firm has not been identified. But, we were advised that implementation will occur in the near future.

Special thanks to CRF Member Cecelia Federico, Wateree Lakekeeper Cynthia Wood, and Covekeeper Gary Faulkenberry for their efforts. Cynthia praised Cecelia for "bulldogging" the agencies and Gary Faulkenberry for following through with the Crescent representatives to talk about their deed restriction enforcement. Sounds like a trio of determined river advocates!



Congratulations Are In Order

To Wylie Lakekeeper Val Munei and CRF Volunteer of the Year Eric Jenkins for being selected by *The Charlotte Observer* as 2004 Guardians of the Environment. Keep it up, guys!

To Chuck and Sandra Bralley's Island Keeper Program for being named Environmental Organization of the Year by Keep Iredell Beautiful. Fantastic!



continued from page 4

So long as there is reason to believe that our interests are best met through the Duke relicensing process, that is where we will apply our efforts. However, if at

any time it becomes apparent that we are not seeing a good faith response to our interests, then we will recommend to the CRF Board that we consider processes outside

of this forum to make our case to FERC for consideration in relicensing. We are optimistic that we will be successful with all stakeholders reaching a final agreement.

Habitat Enhancement Program Retooled

by Donna Lisenby

In the past decades, the removal of forested shoreline and replacement with homes, business, and industry has damaged or destroyed miles of natural riverfront wildlife habitat. The Federal Energy Regulatory Commission (FERC) ordered Duke to address this habitat loss. Last December, Duke Power announced a new Habitat Enhancement Program (HEP) intended to improve wildlife habitat in the Catawba River's lakes and its shoreline. While most folks recognized the need for habitat enhancement and supported the concept of establishing funding to address the problem, many disagreed with Duke's proposed funding mechanism.

In consultation with the SC Department of Natural Resources, the NC Wildlife Resource Commission and the US Fish and Wildlife Service, Duke proposed that a Habitat Enhancement Fund be created with a donation of \$10,000 by Duke Power and an additional \$500 dock fee for repair or rebuilding of existing docks and installation of new ones. Organized homeowners groups asserted that it was unfair and unreasonable to make third parties pay for a problem Duke created.

For 30 years, Duke Power aggressively sold lease lots without habitat protection requirements. Crescent Resources (Duke Power's former subsidiary) continues to engage in intense land sale practices throughout the River Basin. The Duke Power Shoreline Management Plan allows 70% of the Catawba-Wateree shoreline to be developed with few habitat protection requirements for new development. In contrast, Alcoa requires a 100-foot natural uncut buffer zone be maintained on shoreline property in order for a homeowner to get a dock permit. This illustrates that a power company has the capacity to protect habitat before it is destroyed if it has the foresight, willingness, and stewardship ethic to act in the best interest of the River.

On the Catawba-Wateree, habitat destruction has been caused in large part by Duke's aggressive lakefront development and woefully inadequate shoreline protection policies. Duke, in consultation with the agencies, attempted to shift the cost of fixing that problem to homeowners. Homeowners vocally objected, appealing to two key SC legislators – Senators Vincent Sheheen and Linda Short. As a result of their involvement and with SC DNR's leadership, Duke agreed to suspend the fees and convene a stakeholder process to redesign the HEP.

A new study team was convened with members from the Wateree Home Owners Association, Catawba Riverkeeper Foundation, Lake Wylie Covekeepers, North and South Carolina agency

representatives, Duke Power staff and others. After six months of debate, proposals, and counterproposals, a tentative new agreement was reached last month.

The new HEP proposed funding mechanism halves the permit fee from \$500 to \$250 per dock and applies to new docks only. Duke Power will substantially increase its funding from \$10,000 to \$800,000 over five years. State wildlife agencies from both Carolinas will contribute cash or in-kind services (depending on each state's budget) up to \$40,000. New committees were created to provide oversight and they now include members from the public to help determine habitat enhancement projects.

Hopefully, a year from now, we will observe some valuable lessons were learned from this retooling process. Among them, are:

Big picture

- ~ It costs far less to protect the environment than to repair it once it is damaged;
- ~ Future generations will be called upon to pay for the lack of environmental protection by previous generations;
- ~ The Shoreline Management Plan needs stronger protection policies combined with a 50/50 balance between development and environmental protection.

Process

- ~ People united can create change;
- ~ Legislators who stand up for their constituents and the river are respected and valued;
- ~ Stakeholders can be trusted to find balanced solutions in partnership with Duke Power and state agencies when they are given the opportunity.

Implications for the near future

- ~ If the redrafting of the smaller HEP program is any indication, then there is a very real likelihood that Duke may be able to reach a settlement agreement in the much larger relicensing process with many of these same stakeholders;
- ~ Reaching a local settlement in relicensing means making the commitment to a fair, open, transparent process with compromise expected from all parties.

Congratulations to the HEP Team for reaching consensus and remaining committed to the ideal of wildlife enhancement. At Davidson last month, Bobby Kennedy said, "Our souls are nourished and fed by America's great wild places, not by asphalt and concrete. Her mountain ranges, great plains, coasts, and rivers are where humanity connects with the hand of the Creator." I hope we can all agree that having the vision and foresight to preserve, protect, and restore the health and biological integrity of the Catawba River is in everyone's best interest - *environmental and economic*.

CRF Supports the Culture & Heritage Museums of York County

If you ever wondered what your Catawba Riverkeeper does in her “spare time”, check out the



theme purses she donated to the Culture & Heritage Commission for their Pursesnatchers Event in

November. Seriously, she had expert help from Beverly Reeves Childs (*purse on left*) and Karen Gilson (*purse on right*) who were kind enough to craft two very different purses, both consistent with the mission of the Catawba Riverkeeper Foundation. These items

were the hit of the evening, generating some very competitive bidding.



Carolinas Join Forces to Create a Bi-State River Commission

On Tuesday, November 30th, SC Governor Mark Sanford signed the SC law creating the Catawba/Wateree River Basin Bi-State Commission. The 15-member commission will be comprised of representatives from both states and will serve as a forum to manage this vital natural resource. Several dozen government, business, and environmental representatives were on hand at Landsford Canal State Park for the signing. SC Senator Wes Hayes and NC Senator Dan Clodfelter spearheaded the legislation through their respective state legislative bodies. The Commission is viewed as a first step in ensuring the equitable distribution of water between the competing interests in both states while protecting water quality for everyone.



Governor Mark Sanford offers the pen he used to sign the bill to Bill Ross, Secretary of the NC Department of the Environment & Natural Resources. Pictured right to left are: NC Senator Dan Clodfelter, our Riverkeeper, SC Department of Health & Environmental Control Water Bureau Chief Alton Boozer, SC Senate Ethics Committee Research Director Phil Land (behind Gov. Sanford), Secretary Bill Ross, SC Senator Greg Gregory, and a news cameraman

Photo courtesy of [The Charlotte Observer](#)

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Inside This Issue...

- Restoring the Rapids at the Great Falls of the Catawba
- A 2004 Retrospective by the CRF Board Chair
- A Relicensing Update
- Open Space Preservation
- Equals River Protection
- Habitat Enhancement Program
- Check Inside for Covekeeper Meeting Schedules,
- Upcoming Events
- and MORE.....

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