

# High Rock Lake Association, Inc.

NEWSLETTER SPRING 2010

**Our Mission: "To Foster and Promote the Welfare of High Rock Lake and the Yadkin River"**

Many of our lake residents do not know our Association was chartered by the State of North Carolina in 1954. Our Mission Statement has not changed since that time. Over the past 56 years property owners around High Rock Lake and many others who love the lake and river have recognized the need for this organization. The Association is managed by a Board of Directors who serve on a voluntary basis and without compensation. The Officers of the Association are also unpaid volunteers, and any meals served at our meetings are paid for personally by Directors, Officers, and Visitors. Thank you for your support of the High Rock Lake Association.

## LAKE OPERATIONS

The water levels in High Rock during past few years' droughts are testimony to the changes in lake operation that your Association has been instrumental in bringing about. I'm sure you have thought about the comparison to the similar drought we had in 2002! We are now in a period of above average rainfall, so we all tend to relax and think all is well on the river. DON'T RELAX ! We need the guarantees for management of low lake inflows that a new Federal License to Alcoa will provide.

Fortunately, for the past several years Alcoa Power Generating Inc. (APGI) has voluntarily modified operational decisions to comply with low inflow protocols and lake levels that were negotiated with the HRLA and other Stakeholders in the 2007 Relicensing Settlement Agreement. That's why we have enjoyed good water levels.

## BENEFITS THAT WILL BE A PART OF A NEW ALCOA FERC LICENSE

Here's a brief outline of important changes and improvements that will become effective when The Federal Energy Regulatory Commission issues a new license to APGI:

- A 7 month Recreational Season water level guarantee, with a maximum drawdown of 4 ft., on average probably less than 2.5 to 3 ft. drawdown

- Reduced lake outflows during drought conditions
- Piers permitted with 6 ft. water depth
- Piers permitted on lots with less than 200 ft. waterfront
- Roofs on Piers
- Roofs over floating boat slips
- Boat Lifts, either piling supported or floating
- Increased pier sizes allowed
- Greater latitude of clearing for lake access and views.
- A new public recreational access area on High Rock in Rowan County.
- Existing public recreation sites on High Rock, Tuckertown and Narrows reservoirs will be improved to provide ADA Compliance, dusk to dawn security lighting, and toilet facilities.
- Lands transferred into conservation; and for County and State parks.

## FIGHT FOR CONTROL OF THE LAKES

Everyone with an interest in the Yadkin Lakes has probably heard of the efforts to deny Alcoa's Application for a new Federal License to operate the Yadkin Project. This effort is generally characterized as "an effort by the State of North Carolina".

That's not an accurate characterization. Last fall the **North Carolina General Assembly** voted to **NOT** move forward in any effort to gain control of the Lakes and Hydroelectric Facilities.

Unfortunately, certain special interests with hidden motives have used political maneuvers designed to capture control of the Yadkin Hydroelectric Project.

Those special interests and sponsors have included:

- Past Governor Mike Easley
- Governor Beverly Perdue
- Albemarle Financier Roger Dick
- Concord Legislator Sen. Hartsell
- The Yadkin Riverkeeper
- Stanly County Board of Commissioners

Past and present Governors have ignored requests by the Association to provide reasons for their efforts to take-over the Project.

The Association has met with the other promoters of the Take-Over effort, in an effort to gain insight and reasons for the fight to gain control of the Project. Here's what we've heard and seen:

- Water for the People

*This is a vague claim that the waters of the Yadkin River belong to the people, and Alcoa has no right to it. No one, including Alcoa, disputes this; and it is certainly no reason to take over land and facilities acquired, built, and maintained by private interests. We can find no history of anyone ever being denied access to the waters of the Yadkin River.*

- Money for the State

*Promoters of a State take-over make wild claims about revenues "for the people of North Carolina"; but provide no factual basis for their claims. The Fiscal Research Department for the North Carolina Legislature flatly says it is unable to provide cost estimates of profit or loss because the sponsors cannot furnish factual information as to acquisition cost, operating expenses, debt service, or outsourcing expenses related to any State Agency operating the Project.*

- Facilitation of Interbasin Water Transfers

*The NC Department of Commerce has issued a document called "21<sup>st</sup> Century Plan for the Use of The Yadkin River*

*Resources". The Governor used this document in support of her objections to Alcoa receiving a Federal License Renewal. This plan deals extensively with the value of Yadkin River water when transferred to large population centers such as Greensboro or Charlotte. There's little or no emphasis on the qualities we hold dear at High Rock.*

When we ask for additional details about the above, or details about how a new State Agency would operate the lakes, the promoters become very evasive.

### **WHERE DO THINGS STAND NOW?**

Alcoa Power Generating Inc. (APGI) continues to operate the Project under terms of its 1958 License.

The Federal Energy Regulatory Commission (FERC) has been delayed in processing the License Application of APGI due to not receiving a required Water Quality Certificate from The State of North Carolina.

The North Carolina Department of Environmental and Natural Resources issued the required Water Quality Certificate on May 7, 2009.

Stanly County filed an appeal of the 401 Water Quality Certificate on May 8, 2009.

The Yadkin Riverkeeper filed an appeal of the 401 Water Quality Certificate on May 13, 2009.

The litigation over the Water Quality Certificate could last four more years. Once the Water Quality Certificate is final and clear of litigation, FERC can issue the License.

Pending legislation, HB1099, is limited to establishing a new State Agency, to be formed for the purpose of trying to acquire a license from FERC to operate the Yadkin Project. If FERC were to award a license, then more legislation would be required to authorize debt for the acquisition of the Project. It is likely this process could take years of legislation, litigation, and huge cost to taxpayers.

## **URLA POSITION ON PROJECT LICENSEE**

Since signing the Relicensing Settlement Agreement in late 2006, the Board of Directors has stood by the decision. That Agreement (RSA) provides outstanding improvements to the environmental, aesthetic, recreational, and socioeconomic aspects that affect our lives around High Rock Lake.

The Board has been very receptive to discussion of various positions on lake management and/or ownership; and has been very proactive in studying all perspectives on various issues.

As of this date we have found no reason to change the position we took in 2006.

Delays in issuing a new License means Alcoa is entitled to annual renewals of its 1958 FERC License for one year terms and deprives us of hard won improvements.

At this time the only applicant for the Federal License is Alcoa Power Generating Inc. No other agency, entity, company, or group has submitted an Application to operate the Yadkin Project to the Federal Energy Regulatory Commission.

That's why The High Rock Lake Association supports the issuance of a new Federal License to Alcoa Power Generating Inc. which includes the RSA terms and conditions.

At this time we believe there is no other acceptable option for operation of the Yadkin Hydroelectric Project.

When the process for Relicensing began in late 2002, The Board of the High Rock Lake Association decided to participate in the process. We saw this process as a way to pursue the HRLA original mission, "To Foster and Promote the Welfare of High Rock Lake and the Yadkin River". The Association has never opposed ALCOA's re-licensing; but we wanted to insure the Federal License renewal contained terms that were satisfactory to the HRLA. Our members need to understand a very important fact behind the actions of your HRLA Board: We are not working for, or in partnership with Alcoa in the battle over control for

the Yadkin Hydroelectric Project; we are working to see the results of years of hard work and negotiations culminate in a new FERC License that will insure a better future for High Rock Lake.

## **POLLUTION ISSUES**

Water quality has long been a high priority for the HRLA. We tried many approaches to getting the State involved in water quality improvement during the Relicensing Negotiations. NCDENR and its Water Quality Division took strong positions that water quality in High Rock Lake was influenced by inflow from upstream, and Alcoa operations had little influence on water quality.

The HRLA position was somewhat different, as we believe lake levels, fluctuation rates, and removal of debris from shorelines all have an influence on water quality that is affected by lake operations and shoreline management guidelines. We also agreed that inflow water quality needs improvement.

During the past year municipal sewage spills have impacted our lake. The Thomasville spill generated the most attention, and we believe appropriate State Agencies have responsibility to insure these problems are corrected.

We had a fish kill this past fall in the upper reaches of Dutch Second Creek. The Yadkin Riverkeeper concluded this was probably a result of the Thomasville spill, but most of us familiar with High Hock Lake concluded this allegation was due to the Riverkeeper's lack of knowledge of the hydrographic characteristics of High Rock. The NCWRC decided the fish kill was due to a naturally occurring "thermal turnover", and we have no reason to question that conclusion.

When the Yadkin Riverkeeper group was organized, our Board was hopeful this new group would focus on the many sources of point and non-point pollution upstream of High Rock Lake, and make a meaningful contribution to improved water quality in the watershed. Regrettably, the Riverkeeper seems to be focused on promoting the legislation for takeover of the lakes by the State. We hope the Yadkin Riverkeeper Board of Directors will re-examine their mission statement and start working

on meaningful improvements in the Yadkin watershed upstream of High Rock.

Little attention has been paid to recent major spills from the Salisbury –Rowan sewer system, dumping untreated sewage directly in the creeks feeding High Rock Lake. Again, we hope appropriate State Agencies will take steps to insure future compliance with discharge regulations.

All these situations demand citizen involvement to obtain better water quality.

A lot of improvement to High Rock waters could come from attention to cleaning up storm water discharges into the streams and creeks that feed into the Yadkin and the lake. We're talking about measures such as:

- ✓ Stopping the practice of using street washers in towns and cities.
- ✓ Outlawing people sweeping and blowing trash and grass clippings from yards and parking lots into the streets; and requiring trash/clipping pickup and disposal in landfills.
- ✓ Change ordinances and zoning laws that require new commercial buildings to build such large paved parking lots, which cause increased runoff.
- ✓ Stop charging landfill and trash disposal fees, which tend to cause an increase of roadside dumping and littering. Landfills and trash disposal sites should be available to the public at no charge, and funded by the general tax revenues in each county. Almost all non-biodegradable trash that is dropped by the side of the road winds up in our waterways.

The above are just a few ideas to help clean up our lake, we are sure our members can think of a lot more ways to help. Demand changes from your elected officials.

### **Light Pollution**

While we're on the subject of pollution, let's think about another type that is important to lake

dwellers. For an introduction and explanation of the term: "Light Pollution", please go the web at <http://docs.darksky.org/PG/PG1-light-pollution.pdf>

This link will provide thoughtful insight on an issue that especially impacts our ability to observe the beautiful night sky, to enjoy a restful evening or good night's sleep, even enhance our ability to safely navigate on the lake at night.

The problem around the lake comes from the many flood lights and security lights that have become so prolific around the shore line. There's a term that applies to many light installations: "Light Trespass".

**"Light trespass**, occurs when streetlights or a neighbor's security light directs unwanted lighting onto our property or into our homes, contributes to a loss of natural darkness" (an excerpt from Dark Sky.ORG)

A floodlight mounted on your house, aimed to illuminate your pier, also shines brightly across a cove and becomes a nuisance for others.

Please consider this issue when placing lights around the lake, and try to select fixtures and mounting locations that direct the light where you need it, but does not spill over or shine towards other areas.

### **BOATER SAFETY EDUCATION LAW**

While a lot of you were sleeping, the 2009 North Carolina Legislature passed a law known as Senate Bill 43. This law was signed by Governor Perdue on July 10, 2009, and becomes effective May 1, 2010. Here's the Bill's language:

#### **"§ 75A-16.2. Boating safety education required.**

(a) No person shall operate a vessel with a motor of 10 horsepower or greater on the public waters of this State unless the operator has met the requirements for boating safety education.

(b) A person shall be considered in compliance with the requirements of boating safety education if the person does one of the following:

(1) Completes and passes the boating safety course instituted by the Wildlife Resources Commission under G.S. 75A-16.1 or another boating safety course that is approved by the National Association of State Boating Law Administrators (NASBLA) and accepted by the Wildlife Resources Commission;

- (2) Passes a proctored equivalency examination that tests the knowledge of information included in the curriculum of an approved course;
- (3) Possesses a valid or expired license to operate a vessel issued to maritime personnel by the United States Coast Guard;
- (4) Possesses a State-approved nonrenewable temporary operator's certificate to operate a vessel for 90 days that was issued with the certificate of number for the vessel, if the boat was new or was sold with a transfer of ownership;
- (5) Possesses a rental or lease agreement from a vessel rental or leasing business that lists the person as the authorized operator of the vessel;
- (6) Properly displays Commission-issued dealer registration numbers during the demonstration of the vessel;
- (7) Operates the vessel under onboard direct supervision of a person who is at least 18 years of age and who meets the requirements of this section;
- (8) Demonstrates that he or she is not a resident, is temporarily using the waters of this State for a period not to exceed 90 days, and meets any applicable boating safety education requirements of the state or nation of residency;
- (9) Has assumed operation of the vessel due to the illness or physical impairment of the initial operator, and is returning the vessel to shore in order to provide assistance or care for the operator;
- (10) Is registered as a commercial fisherman or a person who is under the onboard direct supervision of a commercial fisherman while operating the commercial fisherman's boat; or
- (11) Provides proof that he or she is at least 26 years of age.

Any person who operates a vessel with a motor of 10 horsepower or greater on the waters of this State shall, upon the request of a law enforcement officer, present to the officer a certification card or proof that the person has complied with the provisions of this section.

(c) Any person who violates a provision of this section or a rule adopted pursuant to this section is guilty of an infraction, as provided in G.S. 14-3.1. The court shall assess court costs for each violation but shall not assess a penalty.

So, anyone less than 26 years old must comply with this new Law. According to the North Carolina Wildlife resources Commission website, here are phone numbers and an email address to obtain information on compliance:

704-209-0541 704-278-2236  
[Randy.Thomas@ncwildlife.org](mailto:Randy.Thomas@ncwildlife.org)

## LAKE BUSINESSES

Support local businesses. That includes marinas, boat shops, restaurants, bait and tackle shops, and convenience stores around the lake. Their business tends to be seasonal, so they may have to charge a little more than Wal-Mart or Bass Pro Shop, but it's sure nice to find one close by on a weekend when you need something.

In addition to lakeside businesses, click on the "Local Businesses" tab on the HRLA website.

## MEMBERSHIP and DUES PAYMENT

Please support the High Rock Lake Association by joining and sending in your membership dues for 2010. A important purpose of paying dues is to show that you genuinely support the HRLA in their representation of the users of the lake before ALCOA, FERC and other government agencies. The Association is continuing its work on the Alcoa relicensing project, which has been delayed by Stanly County, The Yadkin Riverkeeper, and some politicians in Raleigh. **Your membership in the High Rock Lake Association will help us convince FERC and the State of North Carolina that High Rock Lake deserves the benefits the new License will provide.**

Your property values at High Rock have been improved by the HRLA's accomplishments in the Alcoa relicensing procedures. Once the new Federal License is issued you'll benefit from changes we negotiated in the Shoreline Management Plan, including changes to pier construction rules that will help many of you.

The HRLA will continue its work of protecting the interests of everyone who loves High Rock Lake. We think it's the best it's ever been, and we are determined to keep working on continued improvements. To do that, we need a strong membership – PLEASE, stay involved! Check our website, [www.HRLA.COM](http://www.HRLA.COM), for the Association calendar and other issues of interest including current issues, lake levels, bridge clearances, and a good weather station. Again, thanks for your support.

**Have a Great Summer and Enjoy The Lake !!**

**Your High Rock Lake Association Board of Directors**

Raymond Alessandrini

Jack Calvert

Curtis Leonard

Steve Lohr

Chuck Melton

Mark Oden

Danny Tuttle

Henry "Penny" Boone

Don Conner

Warren Godwin

Peggy Mangold

Keith Moore

Leonard Strong

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Nancy Brenseke

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