

## THE SHOE IS ON THE OTHER FOOT...

Over the last few days, we have all been reading about the State of No. Carolina filing suit against ALCOA claiming that the Yadkin River bed belongs to the State and ALCOA has been using "muscle" to oppose the URRC. Further, the NC Dept. of Administration is trying to get a court to decide if NC has "Rightful Ownership" of the riverbed, and, as a result, the release of the water quality certificate is, once again, delayed! So, ALCOA (APGI) is the bad guy? Really??

Let's look at the State of No. Carolina as it relates to "managing" the Yadkin riverbed.

1. Despite frequent and large spillages of untreated wastewater from several municipal sources, lawfully prescribed fines are not being assessed and little to no follow-on monitoring of these sources is performed. Indeed, regular testing of the surface waters is minimal, slow, and manual. There is no sediment content testing at all on this waterway. There is a very limited digital data base and data contributed by county sources is simply filed away manually by the NC DWQ!
2. NC/DPHH and other agencies rely on DENR to provide current and thorough data as the source for their public education and evaluation programs; yet, at recent public hearings, warnings and evaluations were presented with little or no recent factual data. This despite the fact that our waterway has been listed as "impaired" by the state for over 20 years!
3. The current permit application and monitoring processes, particularly in DWQ, are slow, poorly administrated, and incomplete. Enforcement is primarily reactive.
4. Despite several cities taking their drinking water from High Rock Lake, we discovered that the NC agencies considered the lake as "a non-drinking water source", an obvious incorrect assumption affecting many levels of governmental decisions.
5. Over the last several years, DENR has placed significant efforts on the development of modeling techniques, certainly desirable strategic planning tools. However, these efforts have drained needed manpower and budget resources from the vital day to day monitoring and enforcement activities which are so necessary to correct today's pollution.
6. Looking into the effectiveness of these state agencies brings up the matter of cleanup from the final construction steps on the I-85 bridge over the Yadkin. A recent report shows that there have been many omissions of proper soil erosion control procedures during this construction. Regular and thorough monitoring by both state and federal agencies should have prevented the extreme soil erosion and debris distribution now evident in our waterway. Obviously the vitality and viability of all our state waterways are dependent upon the effectiveness of these state agencies. By not providing current and regular measurements of the pollution in all our waterways, these NC agencies are doing all NC citizens a disservice.
7. And finally, at a recent hearing in Raleigh, the state's Program Evaluation Div. admitted that NC has failed to track its submerged lands, does not manage them, and, if fact, may have conveyed river bed ownership in the past and "lost track".

For all of us who live on or use this waterway, we say "ENOUGH!" Raising the issue of riverbed ownership at this point is ludicrous and simply a delaying tactic by those who want the State to take over. And it flies in the face of the Federal Energy Regulatory Commission who has been administering these waterways all over the nation for decades for the benefit of all citizens. The State of NC has proven its incompetence.

High Rock Lake Assoc. has been actively trying to get the Relicensing Settlement Agreement in force since its initial acceptance in 2007 and after 5 years of negotiations with stakeholders, state agencies, and ALCOA. That was 6 years ago! The issue is how best to clean up our waterway, not who owns the riverbed, and certainly not who manages the power generation facilities!

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