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INTERIOR DEPT.: DUKE POLICY ALLOWS TOO MUCH DEVELOPMENT ALONG LAKES

Energy firm defends plan, saying its power ends at high-water line

By Bruce Henderson, Staff Writer

The U.S. Interior Department has joined critics who say Duke Power's management of the Catawba River lakes does more to encourage new home-building than to protect the environment.

In filings to the federal agency that polices Duke, the department complains of the "disproportionate" amount of development along lake shorelines. Key wildlife habitat isn't being adequately protected, it says.

Duke defends its policies, saying critics expect it to exert more control over development than its legal authority allows.

The criticism was lodged as the Federal Energy Regulatory Commission, or FERC, decides whether to approve Duke's revisions to its shoreline management plan. This key document classifies every mile of shore by its current or future uses, such as for power plants, homes or wildlife habitat.

Where Duke fails, the Interior Department and others claim, is in balancing the lake's recreational, scenic and environmental uses with development.

Duke's authority over the lakes extends only to the high-water line. The shoreline plan can't dictate where homes and businesses are built. But the plan does say where piers, docks and marinas could be allowed - affecting the development that goes with them.

The Interior Department, which includes the U.S. Fish and Wildlife Service, registered concern in March over two marinas proposed for subdivisions on Lake Norman and Lake Wylie.

The growing number of such projects, officials wrote to FERC, "contribute to the imbalance between shoreline development and shoreline protection."

In addition to the two under review, the commission has approved the construction of four group docks serving Lake Norman subdivisions since June, records show. The docks will accommodate 262 boats.

Mark Cantrell, a Fish and Wildlife biologist, said the agency has found “drastic impacts” to fish, birds and other wildlife on Norman’s shoreline, where more than 60 percent of the shoreline is classified developed. Shoreline set aside for wildlife is often besieged by barking dogs, lawnmowers and roaring boats, he said.

“Lake Norman is probably the shining example of how not to balance the natural resources on the shoreline with the use of the reservoir, probably the shining example in the Southeast,” Cantrell said.

The N.C. Wildlife Resources Commission and Riverkeeper Donna Lisenby, in separate comments on Duke’s proposed shoreline plan, complain that people who don’t own property on the lakes are being shut out of access.

“We seem to be further away from resolution than we ever have,” Lisenby said.

The Interior Department and Lisenby have asked for formal roles in FERC’s decision-making on the shoreline plan.

Duke says the plan was developed after extensive studies that identified important fish habitat, and after consulting with FERC, other government agencies and the public.

“We don’t create them in a vacuum,” said Joe Hall, a Duke lake management official. “If somebody had comments, they certainly had opportunities to comment.”

The plan now before FERC classifies 76 percent of the total shoreline on 11 lakes along the Catawba as already developed or suitable for some form of future development. That could mean homes, businesses, bridges or public recreation areas.

The plan labels 24 percent of the shoreline off-limits to development for environmental reasons, compared to 16 percent in a plan approved in 1996.

Because the shore of lakes Hickory, Norman and Wylie are more than half developed, the new plan earmarks most future shoreline development for more remote lakes, such as Fishing Creek, south of Rock Hill, S.C., and James.

Only 14 percent of the shoreline of Lake James, in the N.C. foothills near the Catawba’s headwaters, is now classified as developed. Homes, businesses and recreation areas could line an additional 66 percent of the shore in the future, the plan says.

The Interior Department says 50 percent of the total shoreline of all the lakes should remain undeveloped. Lisenby says Duke should reclassify half of its remaining undeveloped shoreline in categories that forbid development.

For all the lakes, 44 percent of the shoreline is now classified for homes, businesses, hydro plants or public areas, the plan shows.

FERC expects to issue an environmental assessment of Duke's plan - and respond to the issues raised by the Interior Department, Lisenby and others - in about a month, said Brian Romanek, a FERC official.

No formula exists to decide whether a license holder is hitting the right balance, Romanek said. FERC relies largely on what local officials, natural resource agencies and the public have to say.

"It helps us see what kind of balance is actually taking place there," he said.

FERC approved a 1998 version of Duke's shoreline classification maps, similar to those being offered now, saying they "would provide the appropriate protection and control of shoreline development."

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