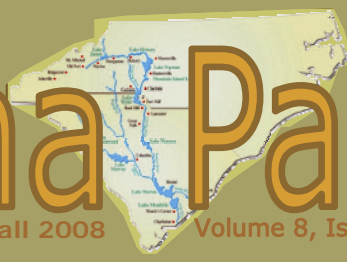


Carolina Partners

Fall 2008 Volume 8, Issue 1



"The Great Falls of the Catawba"

By: W. Louis Jones

"The Great Falls of the Catawba" print is still available exclusively through CWRC. Each 24" X 30" print is signed by the artist W. Louis Jones and numbered in a limited edition of 500. This is the first time Mr. Jones has allowed his work to be available as a print.

You can obtain the print for a donation of \$90 to CWRC which includes shipping. Email or call Beverly at director@cwrc.info or 704.295.4400 for more information. All proceeds benefit CWRC and help us to continue our mission protecting the Catawba-Wateree River during the final stages of the relicensing.



Squeak Smith...fishing on the Catawba just below Lake James in the designated trout water.

Photo: Tim Mead

Inside this issue:

| | |
|--------------------|--------|
| Relicensing Update | Page 1 |
| Dutchman's Creek | Page 1 |
| Mead Musings | Page 2 |
| New Faces at CRF | Page 2 |
| Mountain Creek | Page 4 |

Relicensing Update

—by CWRC Executive Coordinator Vicki Taylor



Where we are Now

Eight years after beginning the stakeholder driven process for Duke Energy's new license and two years after the license application has been filed, we are right in the middle of the FERC process. The FERC issued its second scoping document in February this year and the notice that the application is ready for environmental analysis in April. Duke has requested water quality certification from both states and has responded to all of the FERC's requests for additional information. A number of agreements from the CRA have been fulfilled including the purchase by the two states of approximately 6000 acres of conservation land, and the Water Management Group has been essential in providing a coordinated response to drought conditions.

What to Watch For

The next issuance from the FERC will be a draft Environmental Impact Statement (DEIS) that will take into account all comments and filings to date. The DEIS will trigger a 60 day public review period including public and agency meetings. This will be followed by the FERC's final Environmental Impact Statement. Also during this period, the states will be considering Duke's application for water quality certification under Section 401. The earliest we can anticipate a new license being issued is the latter part of 2009.

Additional Information Requests

In April, the FERC sent 32 "Additional Information Requests" to Duke. None of those requests involved additional studies which is a testament to the extensive nature of the work done so far. Most were clarifications, requests for additional detail, explanations of inconsistencies and a request for data showing how well the CHEOPS water supply model performed when compared with actual drought circumstances.

(See Relicensing—Page 3)

Dutchman's Creek Pedestrian Bridge Innovation

—by CWRC Board Member Shirley Greene

Pictures of the Dutchman's Creek Pedestrian Bridge in Ridgeway, SC tell the story. The pedestrian bridge concept and design bring together nature, steel and concrete. It brings the practical application of science to meet social needs. The design could serve as a model for other communities facing safe lake access issues.

Accolades for the pedestrian bridge are piling up. The SC Division of the American Council of Engineering Companies awarded the Dennis Corporation of Columbia, SC an engineering 'Excellence Award'. Recently Dennis Corporation and Fairfield County received an honorable mention award from the SC Association of Counties J. Mitchell Graham Memorial Award for the design. The 8 foot wide platforms are cantilevered off of the existing bridge by attachments to the bridge side rails. So no pilings were required in the construction.

Non-boating fishermen on Lake Wateree squabbled about the lack of deep water fishing access at the lake for years. Homeowners bickered about the public fishing from bridges, safety issues, parking and trash. Well the pedestrian bridge may not solve all the problems of the world, but it does provide a deep-water place for the public to fish. Thanks to Fairfield County, trash collection, lawn maintenance and parking issues were addressed.

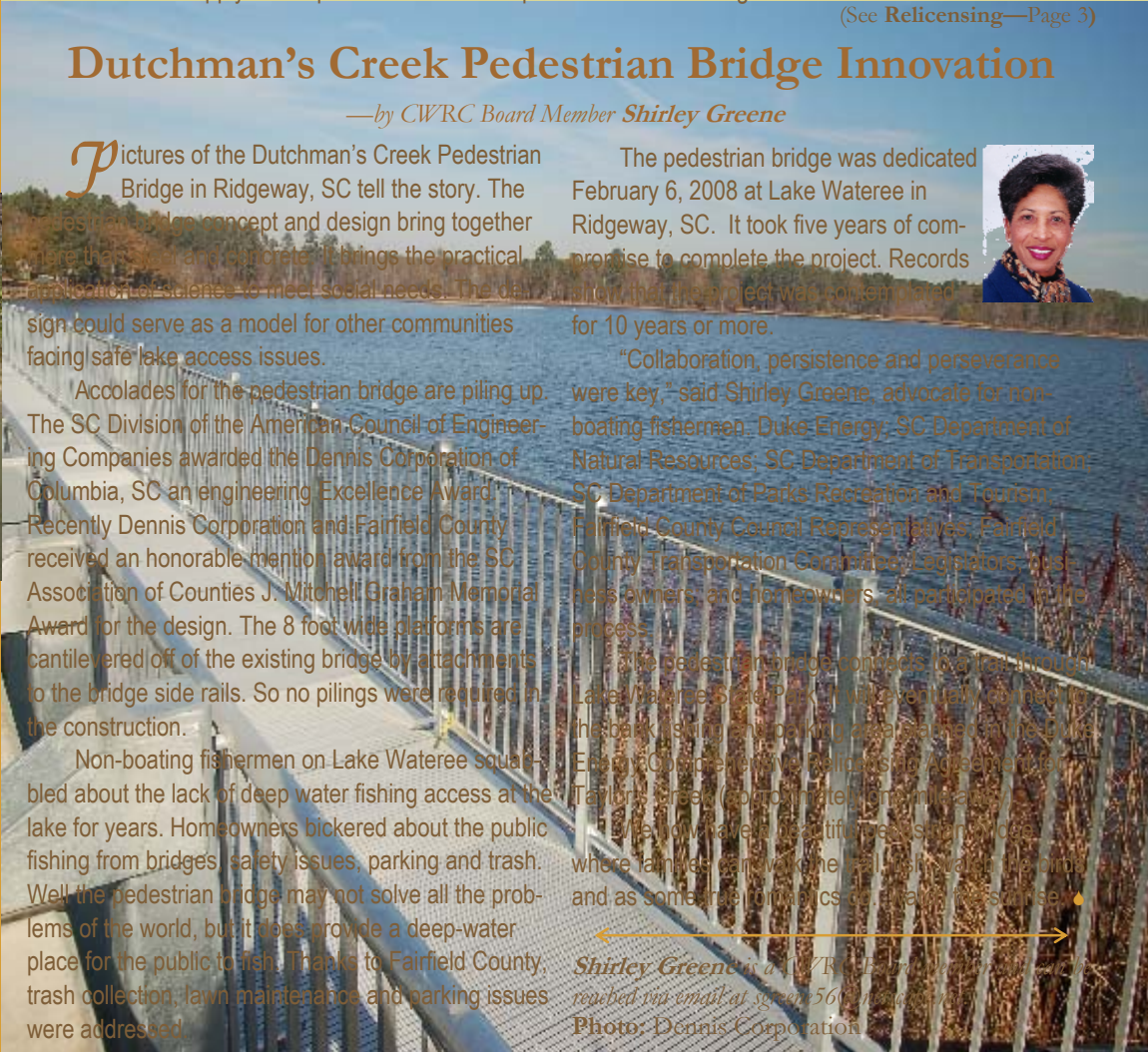
The pedestrian bridge was dedicated February 6, 2008 at Lake Wateree in Ridgeway, SC. It took five years of compromise to complete the project. Records show that the project was contemplated for 10 years or more.

"Collaboration, persistence and perseverance were key," said Shirley Greene, advocate for non-boating fishermen. Duke Energy; SC Department of Natural Resources; SC Department of Transportation; SC Department of Parks Recreation and Tourism; Fairfield County Council Representatives; Fairfield County Transportation Committee; Legislators, business owners, and homeowners all participated in the process.

The pedestrian bridge connects a trail through Lake Wateree State Park. The trail eventually connects to the back 45 min. and parking area shared by the Dutchman's Creek (approximately 1 mile) and the Easton Cooper (1.5 mile) trails.

The new water beautification station is a place where families can enjoy the fall foliage in the pond and as some time for mechanics of the water science.

Shirley Greene is a CWRC Board Member. She can be reached via email at sgreene56@earthlink.net. Photo: Dennis Corporation





Mead Musings: Donna Lisenby leaves the Catawba

—by CWRC President *Tim Mead*

Donna Lisenby, the first Catawba Riverkeeper (and a founding member of CWRC), has resigned her position at CRF to help found Waterkeepers Carolina and become the new Watauga Riverkeeper in Boone, NC. Consequently, this is a good time to review her contribution to the Catawba River and its two-state basin.

Her regional perspective has doubtlessly been her most single contribution. At a time when few persons were making the link, Donna insisted that problems associated with the River were not local, city-by-city or county-by-county, but crossed the boundaries of multiple jurisdictions. While Donna is not solely responsible, the recent formation by North and South Carolina of the Catawba-Watauga Bi-State Commission and the pending lawsuit by South Carolina against North Carolina are manifestations of the recognition of regional perspective. Donna brought that perspective to the region-wide attention to Duke Energy's re-licensing effort.

A critical talent Donna brought to her work as Riverkeeper has been her organizational skill. As a member of the original Board of Directors of the Catawba River Foundation that hired Donna, I attended a number of



the early meetings as Donna organized, lake-by-lake, her cadre of Covekeepers. I came to think of them as Donna's troopers, doing the day-to-day work of monitoring activities along the River, providing her with intelligence not available anywhere else. Her enthusiasm and optimism convinced many to follow her through the "Gates of Hell" or "Heaven"—whichever she said—toward the protection of the Catawba.

Donna's work as Riverkeeper was enhanced by her scientific understanding. She had advanced academic training in biology at Winthrop University in Rock Hill. She was never bamboozled by technical talk and could provide a solid answer to those of us who needed a little assistance in dealing with water chemistry, current flows, fish spawning or other matters requiring a scientific perspective.

Critical to Donna's success as Riverkeeper was her early efforts to publicize problems of the Catawba, publicity that had been only sporadically available. An example from shortly after she was hired as Riverkeeper sticks in my mind. A project adjacent to Lake Wylie resulted in extensive siltation at Paw Creek. Donna raised Cain! *The Charlotte Observer* ran a front page, color photo of Donna's knee-high boots standing in the mud.

At the same time, Donna has always had a penchant for confrontation. It will not come as a surprise to Donna that I say this. At times Donna's willingness to "speak truth to power" made persons uncomfortable. Yet she believed no one else was speaking such truths and the obligation to do so fell on her. In all of Donna's work as Riverkeeper, those who followed her efforts or observed them understood her dedication to the task. And we admired her for it.

Donna laid a solid foundation for the work of David Merryman, the Riverkeeper named to replace her. That foundation will stand the Catawba-Watauga basin in good stead in the future. ♦

Tim Mead is CWRC Board President and a well known writer. You can email him at Tdmead@aol.com.

New Faces at Catawba Riverkeeper Foundation, Inc.

—by Catawba Riverkeeper *David Merryman*

After 10 years of excellence in advocacy and protection of the Catawba River, several new faces now fill the staff at the Catawba Riverkeeper Foundation, Inc. Upon accepting the resignation of former Catawba RIVERKEEPER® Donna Lisenby, the Foundation's Board of Directors decided to take a new direction by splitting the roles of Executive Director and Riverkeeper into two staff positions.

In March of 2008, the first of two newly aligned staff members joined the ranks of the Catawba Riverkeeper. Rick Gaskins, now Executive Director of CRF, brings with him a host of accomplishments and accolades. Prior to becoming the Executive Director, he worked as an environmental attorney in private practice handling toxic tort litigation, as well as air, water, antitrust and zoning disputes. He is listed in *The Best Lawyers in America* for Environmental Law and has also been named as one of the "Superlawyers" in North Carolina. In addition, *Charlotte Magazine* identified him as one of the "The Best Lawyers in Charlotte" and *Business North Carolina* magazine named him as a member of the "North Carolina Legal Elite." *The Chambers USA: 2004 The Client's Guide* describes him as "a walking encyclopedia on toxic torts and environmental litigations [sic]."



CRF filled another position in April 2008 with David Merryman returning to the organization as the Catawba RIVERKEEPER®. Prior to joining the foundation, he worked as a chemist in an oil and organic extractions laboratory and as an AmeriCorps Fisheries Intern at Yellowstone National Park. For nearly a year, David served as the Assistant Catawba RIVERKEEPER® before electing to move to Maryland for work on a Master's degree. He returns to the Catawba Riverkeeper Foundation with knowledge of the region and most importantly the Catawba River. David is now a member of the CWRC board ensuring that the Riverkeeper perspective is represented.

Another two positions are coming on board during the Summer of 2008. CRF welcomed Erica Geppi to its staff in July 2008 as Community Coordinator. With prior experience in membership building and community organizing, Erica will help the Foundation engage membership and volunteers in the adversities facing the Catawba River.

Currently, CRF is in the process of hiring a new Muddy Water Watch Coordinator. The first Muddy Water Watch training in July of this year trained nearly 30 individuals to inspect and report inadequate and failing sediment and erosion control measures at construction sites.

As the faces of CRF change and the Foundation grows, we seek to provide a more well-rounded effort towards our mission: the protection and enhancement of the Catawba River, its lakes, tributaries and watershed. ♦

David Merryman is the Catawba Riverkeeper and a CWRC Board Member. You can email him at david@catawbariverkeeper.org.

(Relicensing—Continued from Page 1)

In addition, they asked several questions about the proposed bladder dam at Lake Wateree with specific emphasis on the 10,000 cfs capacity modification proposed in the CRA versus the larger option of 40,000 cfs capacity that was indicated in several supporting documents.

Duke has responded to all the information requests in three separate documents—one for cultural resource issues, one for the CHEOPS question and one covering everything else. Duke responded to the CHEOPS question with hydrographs and a narrative explanation indicating that the model aligned well with reality. They explained that the 10,000 cfs capacity for the Wateree bladder dam was agreed by consensus including both homeowners associations on Lake Wateree. There has been no subsequent response from the FERC regarding adequacy of any of the responses.

More Comments Filed

In June, the CWRC prepared and distributed a detailed summary of the comments received from stakeholders in response to the FERC's notice that the application is ready for environmental analysis, as well as a summary of the Santee River Basin Accord. You can find the full summaries on our website: www.cwrc.info. Since we prepared the summary, additional comments have been filed by two organizations: the Catawba Riverkeeper Foundation (CRF) and the Community of Lake James, Inc.

CRF argues that the mitigation provided in the CRA is not sufficient for the project impacts and does not agree that the Santee Accord related to fish passage issues is adequate for fishes in the Catawba Basin. In addition, it recommended increasing stream flows in the Wylie Reach, the Great Falls Long Channel and the Wateree reach, to levels similar to those recommended by American Rivers and the U.S. Fish and Wildlife Service.

The key issues for the Community of Lake James, Inc. are water storage, drought response and membership of the Water Management Group. They question the use of the 50 year hydrologic history used in modeling as being adequate for changing times. They also request the FERC require a review and update of the Low Inflow Protocol in an effort to make it more effective.

Summary of the Summary

To briefly capture the direction of all the comments so far.

Signers who filed comments in support of the CRA:

Catawba-Wateree Relicensing Coalition

Wildlife Resources Commission

N.C. Department of Environment and Natural Resources

S.C. Department of Natural Resources

Shirley Greene on behalf of non-boating fishermen

Non-signers who filed comments with issues, concerns, disagreements, requests and recommendations:

The Town of Cornelius: More public access, additional resources for fire/rescue capacity, and endowment fund for safety, environmental protection and enhancement.

American Rivers: Concerned with endangered species habitat and protection plans, insufficient mitigation, insufficient stream flows, need for floodplain inundation.

Coastal Conservation League: Concerned with endangered species habitat and protection plans, insufficient mitigation, insufficient stream flows, need for floodplain inundation.

U.S. Fish and Wildlife Service: Increase stream flows when diadromous

fish are present, inundate floodplain below Wateree, install bladder dam at Wateree regardless of the license term, improve mitigation, propose 50/50 balance of developed and undeveloped shoreline, additional buffers, trails. They also included their preliminary fish passage prescriptions. National Marine Fisheries Service: Flows are "compromised", reserve their authority for fish passage and endangered species requirements. Catawba Riverkeeper Foundation: Inadequate flows and mitigation. Community of Lake James: Water storage and drought management issues.

Impact on the CRA

At this time we don't know what impact the comments and requests will have on the CRA. It is entirely possible that some of the measures requested and concerns identified can be met without seriously disrupting the balance of the CRA. Additionally the long term planning in the Santee Accord allows for some stream flow increases as and when needed for migrating fish.

We will have a much better sense of how the FERC is considering the comments when they issue the draft Environmental Impact Study. Stay tuned. ♦

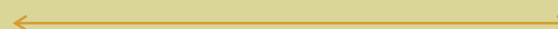


Vicki Taylor is a CWRC Board member and a consultant serving as Executive Coordinator for the Coalition during the relicensing process. Vicki can be reached via email at vetaylor@roadrunner.com.

(Mountain Creek—Continued from Page 4)

The CWMTF grant application was reviewed by the Clean Water trustees at its August 2008 meeting. The Trustees did not fund the project at this meeting; however, they carried over the project to its November 2008 meeting for further review and discussion. The Trustees have reserved \$20 million of its \$100 million appropriation to fund additional worthy projects in November. Catawba County is hopeful that Clean Water will fund the project; however it may not receive all the funding requested. If full funding is not obtained, the County will look at additional funding sources such as Parks and Recreation Trust Fund (PARTF) or the Natural Heritage Trust Fund. If grants are not obtained and the property is not acquired by the end of 2009 all is not lost. The County ensured that it had a "back up plan" when it negotiated the development agreement with Crescent Resources in April 2007. If funding is not secured to obtain the entire 600 acres, Crescent Resources must transfer 300 acres to the County and Crescent would be allowed to develop the remaining 300 acres as a low-density conservation designed subdivision. The CRA then would require Duke Energy to acquire 20-30 acres from Crescent Resources to develop recreation amenities including a canoe/kayak launch, restrooms, fishing pier swimming area and paved parking. The CRA requires these amenities to be constructed within the first five years of the new license.

Through the CRA, Catawba County will realize this vision for an important regional park facility in southeast Catawba County. ♦



Mary George is a CWRC Board member and the Assistant Planning Director for Catawba County. Mary can be reached via email at mary@catwabacountync.gov.



222 South Boulevard
Anderson, SC 29621
Attention: Beverly Reeves Childs

PHONE: 704.295.4400
EMAIL: DIRECTOR@CWRC.INFO
WWW.CWRC.INFO

MISSION STATEMENT

The mission of the CWRC is to facilitate a process to protect, enhance and restore the natural, cultural, recreational and economic resources of the Catawba-Wataree River Basin during the relicensing of Duke Energy's 13 hydroelectric facilities.

BOARD OF DIRECTORS

The CWRC board consists of 15 seats divided evenly among the three geographical sub-basin regions: upper, middle, and lower.
Board members for 2008 are:

UPPER

- Marc Collins—Burke County
- Mary K. George—Catawba County
- Susie Hamrick Jones—NC Foothills Conservancy
- Michael "Squeak" Smith—Trout Unlimited

MIDDLE

- Maurice Blackburn—Carolina Canoe Club
- Edna Chirico—Mountain Island Lake
- Tim Mead—Fisherman
- Kirk Otey—Trout Unlimited
- Vicki Taylor—Lake Norman Covekeeper

LOWER

- Will Close—Springs Close Foundation
- Shirley Greene—Non Boating Fishermen
- Gerrit Jöbsis—American Rivers
- David Merryman—Catawba Riverkeeper

2008 OFFICERS

- President—Tim Mead
- Vice President—Mary George
- Treasurer—Marc Collins
- Secretary—Squeak Smith

CONSULTS

Vicki Taylor
Executive Coordinator
vetaylor@roadrunner.com

Beverly Reeves Childs
Director of Development,
Communications & Operations
director@cwrc.info

CAROLINA PARTNERS
is the newsletter of the
CWRC

Design and Graphics
Beverly Reeves Childs

Mountain Creek Park Property—Catawba County, NC

—by Catawba County Assistant Planning Director *Mary K. George*

One of the major interests of stakeholders in the relicensing process was to secure large, undeveloped tracts within the project boundaries which would then be made accessible to the public for recreation opportunities. Catawba County, NC actively negotiated its interest during the relicensing process to acquire the 600-acre "Mountain Creek" tract on Lake Norman for a passive regional recreation park. The Comprehensive Relicensing Agreement (CRA) formalized the County's interest by providing a reduction in purchase price of \$1900 per acre up to \$1,140,000 if the total tract is purchased. The CRA required a purchase option to be secured by December 2007 and the final acquisition to be complete by August 1, 2009 with a possible extension to the end of 2009.



A purchase option for the Mountain Creek Park property was executed in December 2007 which will expire at the end of 2009. Catawba County has been diligently working with the property owner, Crescent Resources, to secure additional funding to acquire the tract. The County used an innovative approach to secure additional funding to supplement the CRA financial support in order to acquire the Mountain Creek tract. In April 2007, Crescent Resources along with another development company sought to receive approval from the County for a rezoning involving two large tracts in southeast Catawba County. As part of the rezoning request, Catawba County required Crescent to include the Mountain Creek property into a negotiated "development agreement." The agreement required Crescent to actively pursue grant funding to support the acquisition of the 600-acre property. With the assistance of Crescent and the Catawba Lands Conservancy, a Clean Water Management Trust Fund (CWMTF) grant was requested in February 2008 for \$2.6 million to acquire the land.

(See Mountain Creek—Page 3)

Partner with CWRC

Partnering with CWRC ensures the diverse interests in the river basin are well represented and our rights are safeguarded during negotiations for a new hydropower license.

- \$500 Impactor
- \$250 Advocate
- \$100 Steward
- \$ 50 Supporter
- \$ 25 Ally
- _____ Other

THANK YOU VERY MUCH...
for our strength comes from YOU!
Your gift is tax deductible.

Name: _____
Address: _____
City: _____ State: _____ Zip: _____
Phone: _____ Fax: _____
Email: _____

Please make checks payable to: Catawba-Wataree Relicensing Coalition

Mail to: Catawba-Wataree Relicensing Coalition
Attention: Beverly Reeves Childs
222 South Boulevard
Anderson, SC 29621