



LEGISLATIVE UPDATE PUBLIC/STAKEHOLDERS REVIEW AND COMMENT MEETING MINUTES

Lake Norman Marine Commission

Government & Legislative Liaison Committee

John Johnson – Committee Chair

April 4, 2025

- ▶ This document includes the agenda and results of the 4/4/25 meeting outcomes and discussion from the meeting are included in red text to constitute the meeting minutes. A list of attendees is included as Attachment 1 to this document.
- ▶ What we will do today:
 - ▶ Review comments provided to draft legislative update
 - ▶ Discuss options
 - ▶ Solicit/receive public, stakeholder input/comment
 - ▶ Establish communication channels/processes
 - ▶ Set schedule/expectations for future meeting(s)
- ▶ Minutes from this meeting publicly available
 - ▶ Will be posted on LNMC website
 - ▶ Public comments also welcome on website
 - ▶ <https://lnmc.org/lnmc-government-legislative-liaison-committee-seeking-public-input/>

PURPOSE OF TODAY'S MEETING

- ▶ 1969 Legislation creating LNMC “*applicable to Lake Norman and its shoreline area concerning all matters relating to or affecting public recreation and water safety*”
- ▶ Recent events and fatalities showed need for charter and rental boat regulations
 - ▶ More than half fatalities over 5 years from illegal rental boats or charters
 - ▶ LNMC approved Charter Boat regulation effective 1/1/23; Rental Boat regulation 1/1/24
 - ▶ Enforcement of LNMC Regulations by counties hindered by lack of statutory standing of LNMC regulations

BACKGROUND

NORTH CAROLINA GENERAL
ASSEMBLY
1969 SESSION
CHAPTER 1089
HOUSE BILL 1324

AN ACT TO ESTABLISH THE LAKE
NORMAN MARINE COMMISSION.

- ▶ **LNMC has been working since mid-2023 to improve/gain enforcement status of regulations**
 - ▶ **Meetings and discussions with**
 - ▶ County Sheriffs, DAs, officials – on going
 - ▶ Wildlife Resources Commission – temp NCAC for rentals (!)
 - ▶ NC Attorney General Office – on going
 - ▶ **2025 - HB40 included corrections/updates, including process to codify LNMC regulations – LNMC sections withdrawn February 2025**
 - ▶ **SB697 reinstates HB40 corrections/updates, but needs further revision/update**
 - ▶ **LNMC implements Government and Legislative Liaison Committee to manage revision/update**

LNMC SEEKS ENFORCEMENT STATUS



The LNM Government & Legislative Liaison Committee has a mission to:

- **work with appropriate bodies to update LNM current legislation**
- **develop proposals for new legislation and rules**
- **work with county DAs and Sheriffs on adoption and enforcement of LNM rules and regulations**
- **work with North Carolina Wildlife Resources Commission and other agencies on rules and enforcement**
- **work with Duke Energy and the Federal Energy Regulatory Commission to ensure adherence to guidelines**
- **address other issues raised by state, county, or agency bodies**

PURPOSE OF GOVERNMENT & LEGISLATIVE LIAISON COMMITTEE

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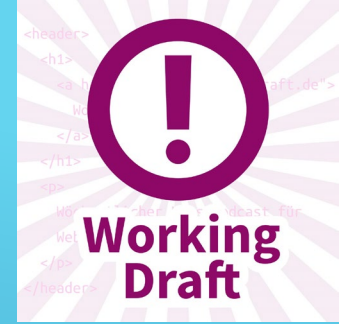


▶ **Stakeholders included in comments and discussion include:**

- ▶ Public Citizens
- ▶ NC Senate, House Members
 - ▶ Staff
- ▶ County Commissioners

- ▶ **Mayors**
 - ▶ Town Managers
- ▶ NCDEQ Water Resources
- ▶ Duke Energy
- ▶ Charlotte Mecklenburg Water
- ▶ County District Attorney
- ▶ Catawba Riverkeeper
- ▶ NC Wildlife Commission
- ▶ LNMC Commissioners
 - ▶ Staff
 - ▶ Legal Counsel
- ▶ NC Wildlife Conservation

STAKEHOLDERS INCLUDED – THANKS!



- ▶ **Current version for comment on website**
 - ▶ “Working” version dated 3/21/25
 - ▶ Based on HB40, SB697 baseline
 - ▶ Includes “obvious” updates
 - ▶ 1 mile jurisdiction, geography of Lake Norman, etc.
 - ▶ Will be used for this discussion as baseline
 - ▶ Some comments have been received
 - ▶ Will be discussed today
 - ▶ Comments welcome during this meeting or afterward by email – will be posted to website and discussed at future meeting
 - ▶ Updated version of draft will be posted based on today’s discussion, feedback, and analysis

CURRENT STATUS OF LNMC UPDATE

► Fundamentals of good legislation

- It needs to be **necessary** and **sufficient**
- **Necessary** – there is a demonstrated need based on public risk (consequence x probability)
- **Sufficient** – controls adequate to control the risk within the jurisdiction and without overburdening
- *“You can’t always get what you want but if you try... you get what you need...”*

- Mick Jagger



NECESSARY & SUFFICIENT

► Let's get started! Section 1, Definitions

- Duke Energy comment on Lake Norman
- Change *"The impounded body of water along the Catawba River in the four counties extending from the downstream face of the Lookout Shoals dam to the upstream face of the Cowan's Ford dam, inclusive to the full pond elevation of 760' above mean sea level."* to:
- *"Lake Norman' means the body of water impounded by Duke Power Company (now Duke Energy) along the Catawba River in the Four Counties, having a full pond elevation of 760.0 ft above mean sea level based on the National Geodetic Vertical Datum of 1929 and extending from Cowans Ford Dam upstream to the intersection of said full pond elevation and the Catawba River bed in close proximity to Duke Energy's Lookout Shoals Dam."*
- **No objections from meeting – will be included.**

SECTION 1, DEFINITION OF LAKE NORMAN



- ▶ Section 1, continued
- ▶ Duke Energy Comment on Shoreline Area
 - ▶ Capitalize when used – official term
 - ▶ **No objections from meeting – will be included.**
- ▶ Duke Energy Comment on use of “760 elevation” in document
 - ▶ Change to “*full pond elevation contour*” as there are 760 elevation points near Lake Norman that are not within full pond.
 - ▶ **No objections from meeting – will be included.**
- ▶ Public comment on “the area within the four counties lying within 150 horizontal feet of the 760 elevation of Lake Norman”
 - ▶ “Where did the 150 foot barrier come from?”
 - ▶ 1969 Act has jurisdiction “area within the four counties lying within one mile of the mean high water line of Lake Norman”
 - ▶ Mountain Island used 1000 feet; High Rock 500 feet; Wylie 1000 feet
 - ▶ Does the LNMC need jurisdiction inland above full pond versus the county, DEQ, and/or Wildlife?
 - ▶ **Riverkeeper (Jones) suggested jurisdiction about the full pond mark, corresponding to the Catawba Buffer Rule, for future nutrient reduction practices – see full text of recommendation on Attachment 2.**
 - ▶ **Subject to on-going discussion.**

JURISDICTION OF LNMC

- ▶ Section 1, continued comments
- ▶ Public and Duke comment on “This term also includes all islands within Lake Norman and all peninsulas extending into the waters of Lake Norman”
 - ▶ “Islands are easy to determine boundaries for, but for a peninsula, how do you determine its boundary on land?”
 - ▶ LNMCM suggests removing reference to peninsulas, as a peninsula would be covered “Shoreline Area” and land above full pond.
 - ▶ **No objections from meeting – will be included.**

ISLANDS AND PENINSULAS?

▶ Section 7, Joint Resolutions

▶ Duke Energy comment:

- ▶ Duke Energy also needs to receive the resolution. They can send to: "(4) The General Manager of Water Strategy, Hydro Licensing & Lake Services for the federal licensee of the Catawba-Wateree Hydro Project (FERC Project No. 2232)."
- ▶ LNMCM note – this is done by the Executive Director of the Wildlife Commission. **LNMCM contacted Wildlife Commission, and Wildlife had no objection to addition – will be included.**

▶ Section 8, Regulatory Authority

▶ Duke Energy comment:

- ▶ Revise "regulations shall not conflict with State law" to "regulations shall not conflict with State **or Federal** law."
- ▶ **No objections from LNMCM or others – will be included.**

SECTIONS 7 AND 8 COMMENTS

► Section 8, Regulatory Authority, continued

- Duke Energy comment: Add to “shoreline area concerning all matters relating to or affecting public recreation and water safety” the following: “provided however that the Lake Norman Marine Commission shall have no authority to promulgate rules or regulations that conflict with authority granted to the federal licensee under the Federal Power Act, including the federal licensee’s ability to carry out its responsibilities under the license issued by the Federal Energy Regulatory Commission. Likewise, the Lake Norman Marine Commission shall have no authority to regulate areas or activities within the purview of the Federal Power Act or the licensee’s hydropower license.”
- LNMC suggests legal counsel review on this comment
 - LNMC counsel reviewed and proposed alternate wording 4/7/25
 - Discussion with Duke Energy on-going

SECTION 8, REGULATORY AUTHORITY

► Comments/Input from meeting attendees:

- Planning for implementation should include LNMC contacting Law Enforcement Agencies (LEAs) and/or District Attorneys (DAs) in counties to get agreement on enforcement. LNMC agrees.
- Several comments about not including elected officials as LNMC Commissioners. Current working copy does not include elected officials as Marine Commissioners
- Several comments related to ability of one county to withdraw from LNMC without disbanding the Commission. LNMC Commissioner Johnson provided list of issues that would arise from 1 county withdrawing (see Attachment 2). Commissioners from 2 counties present in meeting stated allowing a county to unilaterally withdraw “should not be an option.”

The current working copy states “*Upon the effectuation of such withdrawal, the Commission is dissolved...*” Since this would have a major negative impact on public safety, LNMC has added “*Prior to withdrawal, the county and the Commission agree to participate in an Alternative Dispute Resolution (ADR) process to mediate the dispute(s). This ADR process will be led by a qualified, independent Mediator agreed upon by the County and the Commission. If mediation fails, the county may withdraw.*” Comments from attendees were favorable to this process.

MEETING ATTENDEE COMMENTS



▶ What's next? Path Forward...

- ▶ LNMCM will review, research comments and input as needed
- ▶ More comments expected from the public
- ▶ Information posted on LNMCM website – www.lnmc.org
- ▶ Feedback will be emailed to attendees with updated “Working Versions” as they are developed
 - ▶ **New revision will be available on LNMCM website by 4/14/25**
- ▶ Next meeting scheduled?
 - ▶ **Friday, April 25, 2025, at 1000 EDT**
 - ▶ **Invitations will go out in advance by email**
- ▶ Thanks for your participation!
 - ▶ **See next page for list of attendees**

WHAT'S NEXT?

Attachment 1, Attendance List

Sarah Beason	Marine Law
Boots Beasley	Citizen
Matt Ryan	Charter Operator
Barbara Beatty	Catawba Couty Commissioner
Elaine Powell	Meck County Commissioner
Valentina Silardi	Staff - NC Rep Helfrich
Clai Keel	Staff - NC Rep Carver
Jeff Lineburger	Duke Energy
Chad Broadway	Duke Energy
Rusty Knox	Davidson Mayor
Scott Reilly	DA Catawba County
Brandon Jones	Catawba Riverkeeper
Beth Milton	Iredell County Manager
Melissa Neader	Iredell County Commissioner
Bud Cesena	Lincoln County Commissioner
Scott Strickland	NC Wildlife Commission
Kevin Frank	LNMC Catawba Commissioner
Billy Wilson	NC Wildlife Conservation
Dave Scott	LNMC Exe Dir
John Gerke	LNMC Asnt Exe Dir
Chris Clark	LNMC Legal Counsel

MEETING ATTENDANCE, APRIL 4, 2025

MODERATOR: JOHN JOHNSON, LNMC

- ▶ Email, Brandon Jones, Riverkeeper, to John Johnson, 4/4/25, re: LNMC Jurisdiction beyond full pond: *Cyanobacteria blooms are increasing in frequency, magnitude, and duration across the Southeast. Two types of these blooms, lyngbya and microcystis, impacted Lake Norman last year. These nuisance blooms make it unsafe and/or undesirable to recreate on the lake and can lead to no swim advisories. The most effective means to mitigate these blooms is through the reduction of nutrients into the lake. We recommend the Lake Norman Marine Commission retain 50' of jurisdiction about the full pond mark, corresponding to the Catawba Buffer Rule, for future nutrient reduction practices. Efforts like the current lyngbya treatments could be voided by heavy fertilization of shoreline vegetation.*
- ▶ Text from current working copy (3-21-25) related to a county withdrawing from the LNMC: *"A county may unilaterally withdraw from participation as required by any joint resolution or the provisions of this Article, once the Commission has been created, and any county may unilaterally withdraw from the Commission at the end of any budget period. Prior to withdrawal, the county and the Commission agree to participate in an Alternative Dispute Resolution (ADR) process to mediate the dispute(s). This ADR process will be led by a qualified, independent Mediator agreed upon by the County and the Commission. If mediation fails, the county may withdraw."*
- ▶ Issues related to a single county withdrawal from LNMC presented by LNMC Commissioner John Johnson during the meeting include:
 1. Such a withdrawal would bankrupt the LNMC, as the budget is evenly shared by the counties. One county leaving would reduce the budget by 25% and LNMC would not be able to meet commitments for continuing efforts for water safety and public recreation.
 2. The counties all enjoy shared benefits from the LNMC, including the boating safety benefit of the best inland navigation system in North Carolina. About 30% on the LNMC budget goes to maintaining the Aids to Navigation (ATON) on Lake Norman. If one county was to withdraw, that county would need to take over ATON maintenance on the lake or the public would suffer a serious safety risk. The counties have not budgeted ATON maintenance and do not have contracts and processes in place to assume this responsibility. County Commissioners attending the meeting stated they did not want to "take over" maintenance of ATONs on Lake Norman.
 3. Counties also benefit from LNMC-wide initiatives like weed control. For example, the LNMC funds and releases sterile grass carp into Lake Norman to control noxious weeds such as hydrilla. These carp are released annually based on an NC State study paid for by the LNMC. The carp do not follow county lines but migrate around the lake finding and eating noxious weeds. If one county withdraws, the other counties would essentially be paying for a benefit the withdrawing county continues to receive, which would not be fair.
 4. Boating safety on Lake Norman benefits from the joint jurisdiction of 5 law enforcement agencies on the lake. The LNMC joint resolutions signed by each county enables such joint jurisdiction, with coordination for law enforcement and emergency response. If one county was to withdraw, the LNMC joint resolution would be withdrawn/negated as well. This would limit the county law enforcement to the affected county. There are no county lines marked in the lake, and activities like the annual combined training for all 4 counties would be affected. This could cause confusion from the public, lead to inconsistent enforcement, and reduce public safety and emergency response on Lake Norman.

ATTACHMENT 2, REFERENCES



Lake Norman
Marine Commission