



Lake Norman
Marine Commission

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LNMC MINUTES

September 14, 2020
Virtual Meeting via Zoom
(this meeting has been recorded and is posted at lnmc.org)

Lake Norman Marine Commissioners:

Billy Wilson	Chairman
Michael Hughes	Lincoln County
Dennis Eddinger	Mecklenburg County
David Scott	Catawba County
Rick Howard	Iredell County

Staff:

Morris Sample	Executive Director
John Gerke	Asst. Ex. Director
Angela Palmer	Administrator

Call to Order

A quorum was declared and the meeting was called to order by Chairman Wilson at 7:03 pm. All in attendance rose to salute the flag and repeat together the Pledge of Allegiance.

Minutes

After a review of the minutes from the August 10, 2020 meeting, there was a motion to approve by Commissioner Eddinger, seconded by Commissioner Scott. Approval of the minutes as presented were passed unanimously.

Reports – LNMC Executive Director

Executive Director Morris Sample reported the following items:

- US Coast Guard issued the accident statistics for 2019. Couple of interesting facts:
 - 79% of fatal boating accidents, victims drowned
 - For drowning victims, 86% were not wearing PFD's, all of 2020 LN fatalities were not wearing PFD.
 - Operator inattention, improper lookout, operator inexperience, excessive speed and alcohol were main contributing factors in boating accidents.
 - Alcohol was leading cause for fatal accidents, where cause was established.
 - Where known, 70% of deaths involved operators that had not received boater safety training
 - Only 20% occurred for operators completing a boating safety course
 - For training the lowest number of fatalities occurred for training by USCG Auxiliary, US Power Squadrons and American Red Cross.
- Lesson learned is that operator training and proper use of PFD's would drastically reduce the accidents and fatalities associated with boating.
- John Gerke will discuss the meeting of the Wake Surfing Committee and future plans.
 - The Wake Surfing Study Committee was formed by the LNMC earlier this year. The purpose was to review wake surfing activity on Lake Norman and determine if guidelines, education, and/or ordinances should be introduced on the lake to regulate this activity. The Committee is charged to gather information, including input from all interested parties, and evaluate the impact on the shoreline, personal property, personal safety,

wildlife, and the environment of the wake surfing activity. However, due to COVID-19, the first meeting was not held until July.

- The committee is made up of representatives from...
 - LNMC
 - Law Enforcement
 - Residents
 - Water sports industry
 - LN Marinas
 - LN boat rental operators
 - Catawba Riverkeepers
 - Coast Guard Auxiliary
 - Americas Boating Club
- The second meeting was held in August. It was clear at this meeting that the members felt the focus should be on education. Law enforcement indicated that the complaints received about wakes from wake surfing was not a significant number, compared to issues with jet skis and boats coming too close to docks. Some the ideas to discuss further was:
 - It was felt there needed to be enhancements to the current NC boater education laws
 - Engage Duke Energy Lake Services to assist with communication to those around the lake
 - Use of social media to reach lake users of all ages regarding regulations, rules, boater safety tips, lake conditions, etc.
 - Engage boat dealers and rental operators to enhance safety training and protocol.
 - Develop a map highlighting coves that are less than 400 feet across (400 feet is the distance that NC Wildlife and the WSIA uses for wake education). The map would be distributed in training classes, and with boat sales and rental operations.
- Based on the focus on education as a means to make the lake safer, it is suggested that further work on this be turned over to the LNMC Education committee with assistance from the members of the WSSC.
- Billy Wilson recommended dismissing members of this committee and moving this matter to the Education Committee of the marine commission. Should anyone like to continue to participate they could join the Education Committee. Commissioner Eddinger made a motion to dismiss the members, seconded by Commissioner Scott. The motion passed unanimously.
- Recognition of outgoing Chairman, Billy Wilson.

REPORTS - ENFORCEMENT

Cornelius Police Department

Emailed report - Officers responded to and initiated 78 calls for service, completed 437 zone checks and conducted 38 Problem Solving Activities during the month of August. These calls for service are on the lake only. The most calls for service were received on Saturday. Calls for service were reported between the hours of 12:00pm-6:00pm most often. The average response time for calls for service was 5.9 minutes while the average enroute time was 1.3 minutes. CPD Highlights...

- COVID Dock Side event at the Freedom Boat Club. Officers spoke to multiple groups heading to the Sandbar. Officers were able to remind the boaters about the Governors Order.
- Report of a PWC sinking. Arrived and spoke to a subject who had rented two PWC's from a friend. He was attempting to pull them to North Harbor when they started to take on water and become submerged.
- Caller stated she received an email from the Manager of Freedom Boat Club about her boat being hit by a member. She stated that this has happened numerous times. The crash did not

meet the requirements of a Boat Crash per NC Wildlife standards. Freedom Boat Club agreed to pay for the repairs.

- Report of PWC submerged with a life jacket floating beside it. While enroute Tow Boat US called to advise they were responding to tow the vessel. Operator of the PWC was already on land.
- Officers responded to a noise complaint in the cove off of Stough Farm Rd. Upon arrival they located the vessel playing loud music. When the officers approached the dock, they saw a man lying on the dock behind the vessel and observed blood coming from the area around his eye. Medic was requested to respond to that address. Upon further investigation, officers learned there was an altercation with the owner of the vessel that was playing the loud music and the complainant. Neither wanted to pursue charges.
- Charlotte-Mecklenburg Storm Water Services employee advised that he received an emergency alert at the Water Treatment intake at Blythe. He asked for a boat ride around the intake to look for "sheen" on the water. After checking the area he advised it was nothing to be concerned about and the water alarm may have been tripped by the high level of boat traffic at the boat landing.
- Officers found a vessel had beached on the shoal at the old sandbar. Officer Tadlock waded waist deep and was able to push the vessel free.

Iredell County Sheriff

Lake Patrol with Iredell County – Deputy Church reported in August responded to 183 calls for service. The goal is to educate unless it is a repeat offender. 681 security checks. Several alarm calls, but usually a mistake (phone in the cup holder, etc.). September 8th invited to participate in a go-kart race in Mooresville. 15 agencies represented. Labor Day Weekend was busy. Boating accident on September 6th with no serious injuries. Drug arrest on August 29th – attempt to distribute LSD. The lake is beginning to slow down during the week.

Catawba County

Catawba County Lake Patrol – No report

Lincoln County

Lincoln County Lake Patrol – No Report

N.C. Wildlife Resources Commission

Officer Lee reported boating incident on September 1st. Fire on a work barge. September 6th boating incident. Posting boating safety and hunting safety courses. Ncwildlife.org to sign up. Hunting is allowed on the islands owned by Duke Energy. Hunting season dates are posted on the NC Wildlife website. Lake is slowing down for the summer. Approx 19 boating accidents this boating season.

Reports – Lake Issues

Duke Energy

Chad Broadway reported lake levels are at 97.5 which is consistent with the rec season. Winter month target levels will begin towards the end of the month. Delays in receiving and processing applications for permits.

Coast Guard Auxiliary Division 26

Steve Riggins reported:

- On water activities are typically conducted on Lake Norman from April 1 – October 30.
- No change in the status of CG Auxiliary activities due to COVID-19. On-water operations are suspended unless called out by the USCG directly. Other activities such as Vessel Safety Checks and Public Education classes are allowed by permission of the Director of Auxiliary; most units have opted not to participate at this time.
- No timeline is known for return to "normal" operations.

Mecklenburg County Parks and Rec.
No Report

Island Habitat Program & NC Wildlife Federation

Chairman Billy Wilson reported the Hager's Creek fishing pier was approved last month. Awaiting the final approval from Duke. Excited to report an Iredell County officer recently caught a very large catfish in this general location. Just concluded Chairman role with the NC Wildlife Federation.

Catawba Riverkeepers

Michael Lindsey reported conclusion of the swim guide program following Labor Day weekend. 5 swim advisories during this season on Lake Norman, 4 of which were at Lake Davidson and the other at Marker 10 following a major rain event. Purpose is to spot any real swimming hazards. Popular program and expect to run it again during the 2021 season. 70 adoptable islands on Lake Norman which are cleaned twice per year along with planting. May have a limited planting this fall. Awaiting answers due to COVID-19.

Water Quality/Erosion/Buffers/Illegal Discharge

Mecklenburg County Water Quality
Dave Ferguson - No Report

Comments from the Public:

- Brian Bridgford – Thank you for your time and commitment to Lake Norman. I'm here to ask for two things:
 1. For the Marine Commission to reverse its June recommendation to change the towable time on the lake in regulation 75A-13.
 2. Transparency of the Marine Commission.

In June, the Commission recommended changing the towable time– removing 1 hour before sunrise and 1 hour after sunset, 730 hours of usable time on the lake. This recommendation was made without public announcement, without public input, and without consideration of the impact to Lake Norman. My question is – why? What specific Lake Norman data was used to determine this? I'm an avid wake surfer & on the lake before or after work during the week, when few boats are out. We leave weekends to those that don't live at the lake. Is there really a problem 7 days a week? Are there really issues in September or October? With this recommendation, you now have removed 25% of the daily time available. If any working family finishes work at 6 or 6:30 pm, expecting them to get on the lake before sunset is unreasonable – and forces them to shift their family time, to a more densely populated timeframe. Is that what we want? The 1 hour before and after frame has been in place for decades, and especially in the season of COVID, when all water sports activities have increased, you now want to shift everyone to timeframes that make it more dense? It doesn't make sense. **It's over regulation without causation & most importantly, without data and a full understanding of the impact.** A more important question should be, was a formal Impact Study done to evaluate this change on our community? How does this impact real estate, boat dealers, water sports industries, rentals, etc. when you reduce usable time on the lake? Making decisions without consideration of the financial impact is not good for anyone in our community. My suspicion is that while there may have been good intentions, this decision was made in haste – without all needed data and input and without something that leads to my 2nd request, clear transparency - an expectation shared by ALL citizens. How can anyone know to participate in a meeting if there is no agenda posted? On the website, past minutes are missing; agendas aren't provided; and there are no details about any subcommittee work – no meeting schedule, no agendas, no minutes. After 2 months, we are still waiting to see July's monthly minutes – approved in August. Citizens want to be included &

support the efforts of the Marine Commission, and with timely and transparency of the commission, I'm confident you will find an even larger community supporting the initiatives, spreading the good work of the Commission, and most importantly, partnering to improve Lake Norman and our community - where we play, work and live. I'm asking you to **reverse the recommendation for changing towable times** on the lake and for a **prompt change to administrative processes to ensure timeliness & transparency** of the Commission.

- Becky Fox – Representative for US Waterski - I would first like to again echo, a heartfelt thank you for those that continue to serve their communities - from lake patrol, and what you do on a daily basis, to Billy Wilson and his 5 years of service of the Marine Commission and for all the wildlife of NC. Thank you! Second, I would like to thank the commission and all the attendees tonight. It's clear that all of us are committed to ensuring the best for Lake Norman and it's great to see such participation. USA Waterski an organization that has been around since 1956 – 3 years before Lake Norman was made. On an annual basis, the organization, and all its subset organizations (wakeboarding, 3-event, show skiing) meet & review safety regulations. They gather input from all regions, use safety data, review with legal, and update regulations to ensure the safest experience for their members. As a result, to participate in ANY USA WaterSki Event, you must be a member. And to host any type of event (tournament, practice, even a gathering on land!), it must be sanctioned and meet certain safety requirements. These groups are the experts of what is safest for their specific sport. In June, the Marine Commission recommended changes to the floatation requirements. I'm asking the commission to change this – and allow the governing bodies of the respectful to dictate the safety equipment needed for their sport. They know best & will make more timely updates than the state. I also cannot find any information for impact rating on the internet – so not sure how anyone would know how this , and it's definitely not in any of the equipment I use....so not sure it's reasonable to use this as a guide. Additionally, I'm asking for the Marine Commission to rescind its recommendation for changes to towable time. Data should drive these decisions. We don't have a problem today, and these recommendations impact not only LKN but all citizens of the state of NC. Last week, I went out with my kids, after working all day, to spend 30 mins with them. I taught a young friend how to ski and after sunset, I got to ski for 5 mins – because mom needs a pull! I skied in a cove, with no other boats, with plenty of light, so I'm not sure why there is any need to regulate this? Lastly, the buoy process has continued to be a broken process for years and without transparency of the Commission, there is no way for the public to know when / where to provide any input. Meetings (and sub-committee meetings) should be open to the public. Agendas and minutes need to be timely available; and the buoy process information should be made available to the public or turned over for management to the NC Wildlife Resource Commission for objective management.
- Emily Kusz – express concerns about the buoy process, which I have shared with the Marine Commission on several occasions. First of all I think the focus on education vs. restriction is great for wake surfacing and should help tremendously with limiting the need for slow no wake buoys. In 2015, the Sail and Power Squadron notified the Commission of more than 30 buoys in poor condition & another 24 in fair condition. With a life expectancy of 8-10 years, we most likely have more than 50 buoys on the lake in needed repair. In 2019, the Marine Commission was re-notified of these same buoys – 54 buoys needing evaluation and/or immediate remediation in order to ensure safe navigation on the lake. And yet, significant action has not been taken. Outside of Eddie's Restaurant, there are more illegal buoys. After a commissioner meeting last fall, staff discussed, with citizens, sharing that they knew these buoys were illegal and that action needed to be taken. Yet today, they remain in place (except for 1 that is falling over). Last month, we heard of 2 near collisions, because jet skiers are now trying to navigate around these buoys. Why? Because when you put buoys in the lake – you push ALL boaters out even further; you increase density in smaller spaces. No responsible boater is navigating at 1 foot off a buoy. They are forced to navigate even further – 25 or 50 feet now from a buoy, making the no wake area not 150 feet... you are increasing it to 200 feet. When buoys are discussed, safety is often mentioned, for swimmers and those for standing on docks. I ask, how many swimming injuries have occurred from waves? In 4 years, I've heard of none – from EMS services, from Lake Patrol, or reported by the commission. On the buoy application, homeowners are required to document wave damage – but there is no requirement for documentation ensuring the dock has been engineered correctly. Even Duke Energy requires certified engineer drawings. The fact is. The buoy application process is broken and biased with zero enforcement of illegal buoys. That's why many have appealed to the Marine Commission to relinquish this process to NC Wildlife – to allow for objective, 3rd party review; for data to be collected over days/weeks (not from 2 hours on a Saturday), and to allow for decisions to be made that

are unbiased. Before you allow another buoy to be placed in the lake, stop this broken process, address the known, at least 54, navigational hazards on the lake; significantly revise the process for buoys requiring homeowners to meet current standards for their dock OR relinquish this process to the unbiased NC Wildlife.

- William O'Neill – 2 concerns regarding the urgent need for buoys in our cove across from Tom Onsrud.
- Mike Corwin – requesting a No Wake Buoy at the beginning of the Marina Village cove where it is only 320' shore to shore. This is for safety reasons.
- Dave Leach – First I want to thank you for everything you do for Lake Norman but I have a few comments/questions for the commission regarding transparency of information and communication with the public. 1. How can the commission recommend to the State legislature reducing the available watersports time on the lake by 2 hours per day without any public comment? What data do you have that shows accidents/incidents by skiers before sunrise and after sunset? 2. When buoys are proposed, why can't a GPS coordinate be provided so that the public knows where they are to be placed? This evening there are two proposed, one I know because I was able to go to a previous meeting with the address. A search for Marina Villa NC shows no results. Remove the NC from the search and the closest location name Marina Villa is in Norfolk VA. 3. I've attended several meetings in the past and boater education has always been a topic. Last meeting there were a number of wake boat dealers who expressed their efforts to support safe boating and wake safety. What is the commission doing to encourage and include other boat dealerships, boat rental locations and jet ski dealerships in water safety education? 4. Can the LNMC provide data to the public regarding lake property damage and boating accidents specifically attributed to water sports activities such as tubing, jet skiing, wake boarding and wake surfing? Is there an existing standard? 5. The wake surfing committee recommended creating a map that showed the 200 foot boundary for wake surfing. Given the number of complaints, accidents, etc wouldn't a more efficient use of resources be to create a map showing the existing 150' rule for no wake around the lake?
- Lance Fox – Live near one of the coves for a proposed No Wake Buoy. Understand that the lake is not private and should remain open to the public. Look at current rules that have been established and apply standards to the current applications.
- Brian Moran – Lives in Mt Creek. Concerned about the wake created by wake boats and their repetitive passes causing dock damage.
- Geno Price – Ask for more regulation of the wake boats. Waves are unobstructed in these small channels creating damage. Looking to find a middle ground. Difficult to report damage. 150' is not enough distance.
- Tom Onsrud – Already in a No Wake cove. Just requesting buoys as a visual reminder.

Committee Reports:

ATON Committee

Morris Sample reported the following items were completed since last meeting:

- Lights replaced on Markers 5, 22, 23, 25
- 18 signs that were badly degraded were replaced
- Marker 6 pole, light and signs replaced again for second time this summer
- Buffalo Shoals bridge buoys was repositioned

Current list of needed repairs:

- Marker M2 - Light out
- Marker M6 - Light out
- Channel Marker 16A missing, to be replaced.
- No Wake Bridge buoy to be added at I-77 bridge east of Williamson Rd. Bridge
- No Wake Bridge buoy to be replaced at railroad bridge leading to Lake Norman Marina
- No Wake Bridge buoy to be replaced at Hwy 150 bridge at Mountain Creek Marina
- Marker 3, 7, M1, & 18B lights not visible due to Osprey nest, will be repaired in the fall after Ospreys leave.

Environmental Committee

Morris Sample reported no hydrilla this year. Have received reports of Chara which is an algae that looks like hydrilla.

Boater Education/Communication

Dave Scott reported a drop in August of new visitors to the website as the boating season winds down. Need to deliver on education based on the recent conversations. A detailed questionnaire was sent to all dealers last year with little response. Need volunteers to assist with this. Need to reach out to the rental boats to see what they are doing to educate and need to get to the short-term rental properties (VRBO). Need to get to the people that organize the fishing events. Looking forward to working with the education committee to make a difference. Chairman Billy Wilson added that we do need to follow up with these education efforts and continue to reach out to all parties involved with this education committee. Most people just don't know and need to be educated. Suggest expanding on the committee to include law enforcement. Commissioner Howard made a motion to include law enforcement as part of the committee, seconded by Commissioner Eddinger. Without enforcement the education will not work. Further discussion among the commissioners. Motion passed unanimously.

Charter Boat Committee

Commissioner Eddinger reported everything going well.

No Wake Buoys

Commissioner Michael Hughes – No report

Rafting Committee

Commissioner Michael Hughes – No Report

Applications**No-Wake Buoy Requests**

- Two applications were tabled from last meeting awaiting legal response. We have received legal counsel, but have not had an opportunity to discuss. Suggest tabling all current applications until this information can be reviewed.
- Chairman Billy Wilson recommended a moratorium on all future applications. Commissioner Hughes made a motion, seconded by Commissioner Eddinger. The motion passed unanimously.

Rafting Applications –

- The Peninsula Yacht Club – 2 requests – One was prior to the meeting and was approved via email. The next one is October 3rd. Commissioner Scott made a motion to approve, Commissioner Howard seconded. The motion passed unanimously.

Charter Boat Applications – Nonw**Variances**

None

PERMITS

- Pipeline Project – Duke Energy – natural gas pipeline that is exposed due to erosion in Iredell County. Excavate around the pipeline and add concrete to eliminate further erosion. Executive Director Sample shared a picture of the location. Request approval of the remediation project. Commissioner Eddinger made a motion to approve, seconded by Commissioner Scott. The motion passed unanimously.

- Town of Davidson – kayak launch site at Lake Davidson – Executive Director Sample shared the details of the launch site which were provided to the commissioners by email. This project has been approved by all other agencies except Duke Energy. Duke is awaiting our approval before they will process. Commissioner Eddinger made a motion to approve, Commissioner Howard seconded. The motion passed unanimously.

FERC Applications

- See above

Administrative Matters

- Adjustment made to budget reallocating money from office supplies to legal consultation for the no wake buoy application process.
- Election of Officers for 2021 – Commissioner Howard made a motion to elect Commissioner Scott for Secretary/Treasurer, Commissioner Eddinger for Vice-Chair, Commissioner Hughes for Chairman, seconded by Commissioner Scott. The motion passed unanimously.
- Commissioner Howard requested the continuing of Chairman Wilson's involvement with the buoy committee. Chairman Wilson agreed to chair the No Wake Buoy committee. Official appointment will not take place until October.

Adjournment

The meeting was adjourned at 8:58pm.