

Triangle faces upstream fight for Jordan Lake rules

Legislative review panel is split along regional lines

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RALEIGH The inter-regional political fight over Jordan Lake is churning again, and upstream legislators who want to delay or loosen environmental rules in favor of "technological solutions" may hold the advantage in the next phase.

Elected officials from Greensboro and Burlington are the largest voting bloc on the legislature's Committee on Jordan Lake, making up half the panel that will guide a revamp of the multi-billion-dollar Jordan Lake rules environmental program.

The areas that use or plan to use Jordan Lake's drinking water will be outnumbered on the board, holding three of its 10 regular seats.

To Elaine Chiosso, an environmentalist who heads the Haw River Assembly, the board's makeup doesn't adequately represent downstream users.

Downstream representation is important, Chiosso said, because upstream cities are heavily affected by pollution-control rules and have greater incentive to undo them.

"It's an interesting watershed, in that the biggest city by far ... is Greensboro, which sits at the headwaters," she said.

"So they have always seen Jordan Lake as sort of a nuisance. ... They're too far away to use it for drinking water, or even much for recreation."

The new committee, named Oct. 29, is charged with analyzing Jordan Lake and other polluted waters, reviewing state law about watershed management, gathering comment and recommending a new clean-up strategy, which would need approval from the General Assembly.

In all, five regular members represent the upstream cities, while three represent Durham, Chatham and western Wake counties, which draw water from the lake.

Another member, Sen. Neal Hunt, comes from Raleigh and voted to delay the rules; and Sen. Thom Goolsby, also a delay supporter, represents Wilmington, at the end of the Cape Fear River downstream of Jordan Lake.

Sen. Rick Gunn says members of the Triad delegation are just as determined as their Triangle colleagues to improve water quality in the 16-mile-long reservoir. He led the charge to repeal the rules this summer and now is a chairman of the study committee.

Voting records show Gunn can expect support in the new group.

In all, seven of the 10 regular members voted this summer to delay the rules for three years - a victory for upstream legislators and Triad developers who had pushed against the pollution controls.

The vote also illustrated a regional split. Almost 80 percent of upstream legislators voted for the delay, while about 75 percent of the Triangle delegation voted against it.

Pollution controls

Gunn, of Burlington, is skeptical of the state's current approach to Jordan Lake, which relies heavily on pollution controls that aim to keep nutrients like nitrogen and phosphorous out of the lake. Development of upstream land - grading, clear-cutting, and paving - allows more of these nutrients to flow into creeks and streams, feeding algae in the lake that make the water murkier and more alkaline, diminishing its quality.

To prevent this, the current rules call for runoff control on thousands of new and existing properties, most often in upstream areas like the Triad. Gunn's hope and claim is that technology, such as a fleet of water circulators that churn the lake, can help clear the water.

"High nutrients in itself is not a bad thing," he said last

week. "How we manage those nutrients is what's important. I have been, and I still am, very skeptical that the policies that were put in place in Jordan Lake would have a material effect."

Triad advantage

Rep. Tom Murry, a Republican who represents western Wake County, fought for the current rules during this year's debate, joining a counter-push by Triangle legislators that stopped a full repeal.

Murry acknowledged that the board's geography may favor the Triad over the Triangle, with a caveat.

"While it might look like it's an uphill battle based on the makeup of the committee, there's always a way to make sure that the interests of Cary, Morrisville ... and western Wake County are well-represented," he said. His goals, he said, are to avoid "wasting taxpayer dollars on technology that might not be effective," and "to make sure that we're not doing any harm to the quality of Jordan Lake at the same time through the relaxation of rules."

Murry also pointed out that he had the backing of Rep. Nelson Dollar, a lead Republican budget writer from Cary.

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Rep. Rick Glazier, a Democrat representing Cumberland County, had harsher words about the new committee and the revision of the lake clean-up plan.

"It's not been a particularly transparent, fair or deliberate process, so it's not all that surprising to me that the committee's not all that balanced," said Glazier, who did not seek a seat on the committee.

Like all such groups, the Jordan Lake committee is part of the legislative research commission, led by

state Sen. Tom Apodaca and Rep. Tim Moore, both of whom are ex-officio members of all research groups. Neither legislator returned a call for comment.

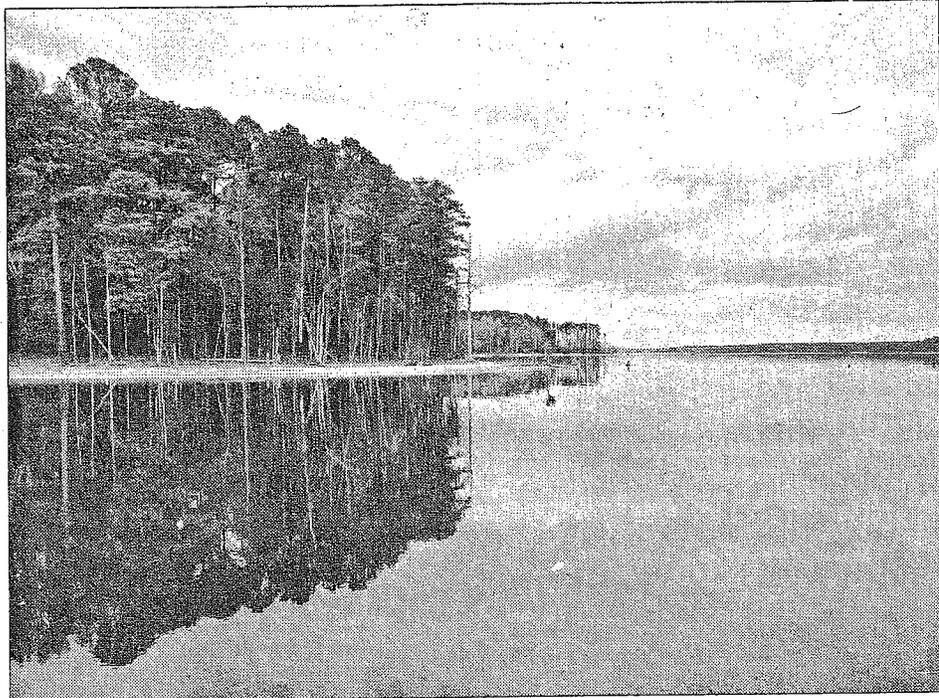
Gunn argued that his new group's mentality, not its geography, would determine its course. He said some parts of the current rules could make it into his committee's recommendation.

"We are going to work together to find the best way to resolve, both from a quality-management and regulation standpoint, to do what's best," he said.

Start of a long process

The committee will begin meeting in December, returning a report during the legislative short session next year, he said.

That may only begin a long process. The current Jordan Lake program was debated for six years before



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A becalmed Jordan Lake near the Parker's Creek Recreation area off of Highway 64.

Gov. Bev Perdue signed it into law in 2009.

Sen. Floyd McKissick Jr., a Durham Democrat and committee member, says the new panel's work could affect the state's strategies for Falls Lake and other crucial water supplies.

But the outcome, McKissick said, can't be predicted by the group's membership.

"There's certainly what I would call a geographical, a careful geographical balancing ...," he said.

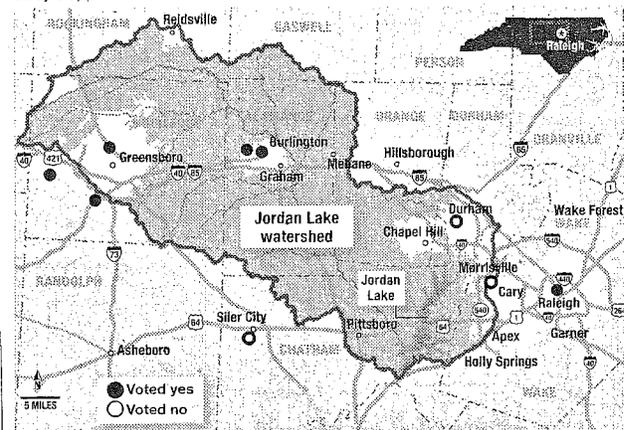
"But the thing I'd be concerned about more than geographical balance is ideological open-mindedness."

Asked how that was looking, he laughed and said, "Yet to be determined."

Jordan Lake committee members

*Excludes two ex-officio members

The General Assembly this summer approved a delay of the Jordan Lake rules. The delay's supporters are more prevalent on the Jordan Lake study committee than the delay's opponents.



Note: Sen. Thom Goolsby, of Wilmington, not shown, voted for delay.

The News & Observer

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