

Jordan circulators on hold

June 4, 2014 News + Observer

State had planned to begin stirring the waters by April 1

By **ANDREW KENNEY**
akenney@newsobserver.com

RALEIGH The state has paid about \$400,000 for construction of 36 SolarBee devices, even though a federal review has temporarily delayed a plan to use them to stir the waters of Jordan Lake into cleanliness.

The state's environmental agency expected to put the water circulators on Jordan Lake by April 1.

They won't be deployed, however, until the U.S. Army Corps of Engineers gives final approval for the controversial, \$1.44 million "pilot project."

For environmentalists and critics of the plan, the pending federal review offers a last chance to derail the effort, which some see as a poor replacement for environmental rules that the legislature delayed last summer.

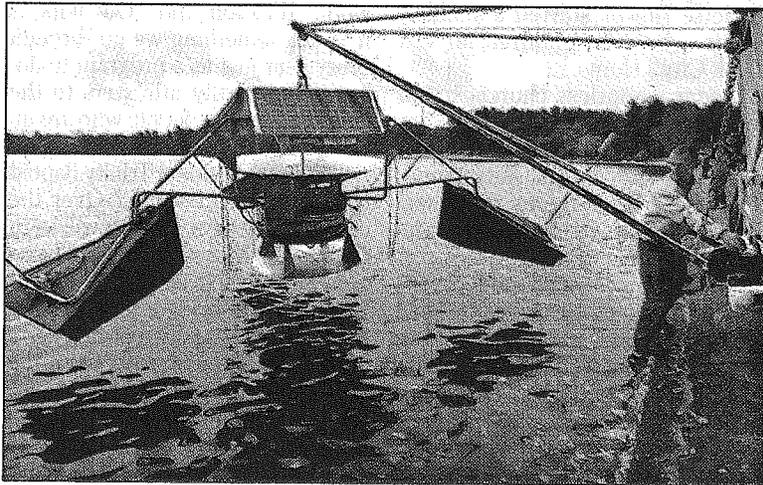
Earlier this year, a coalition of environmental groups, their supporters and others flooded the Corps of Engineers with comments, about 1,500 in all.

The state could be forced to make significant changes to the project if the Corps finds serious issues in those comments or in its final review.

The state Department of Environment and Natural Resources argues that's an unlikely situation. A draft report issued by the Corps of Engineers found that the pilot project would have no unavoidable adverse impacts.

Some of the plan's critics, however say the state has moved too hastily by paying out money to the devices' manufacturer, Medora

SEE **SOLARBEE**, PAGE 5B



MEDORA CORP.

The SolarBee water circulator will be used to control pollution in Jordan Lake after final approval from the Army Corps of Engineers.

SOLARBEE

CONTINUED FROM PAGE 1B

Corp., and inking a deal with the company.

"The reason that environmental review is necessary before projects are undertaken is so that people can evaluate all the aspects of the project," said Will Hendrick, an attorney with the Southern Environmental Law Center.

"I feel it's poor public policy to commit substantial amounts of public dollars to projects the consequences of which are either unknown or unreviewed," Hendrick said.

Federal OK needed

The 36 devices, each weighing 850 pounds, now are sitting in storage at a Medora facility. The state needs the Army Corps of Engineers' permission to put them in the water because the federal government controls the lake and thousands of acres of shoreline.

DENR's leadership is confident it will get that permission, based on "departmental discussions with the U.S. Army Corps of Engineers," according to agency spokeswoman Sarah Young.

It's not unusual for the department to sign a contract ahead of approval, Young wrote in an email, though she couldn't say how often it happens.

This back-and-forth is only the latest step in the dance between the state, local and federal officials responsible for Jordan Lake.

The stakes aren't small: The lake saw about 1.1 million visitors in 2013, according to the N.C. Division of Parks and Recreation, and the man-made reservoir provides drinking water for about 300,000 people in the Triangle.

The federal government in 2002 declared the lake's water quality "impaired" by algae, leading to a long debate about how to keep algae-feeding nutrients out of the rivers and creeks above the lake. In 2009, state leaders stamped an eight-county set of regulations called the Jordan Lake Rules.

Last year, upstream legislators moved to scrap that par-

tially implemented plan. Eventually they settled for a two-year delay, during which the state could explore alternative options, such as "in-lake" technology that would kill algae, as opposed to the traditional approach of limiting the pollution that feeds algae.

At the same time, the legislature wrote language into the state's budget that essentially handed the contract for the water-circulating project to Medora.

That same legislation called for the two-year test to begin in April, which is part of the reason for DENR's haste, according to Young.

Alternatives considered

Despite the delay, DENR's sailing has been smooth.

The Corps of Engineers found no significant negative impacts from the project in a draft environmental report issued March 7. The Corps then gathered public comments for a month, and since then has been reviewing them and preparing a final decision.

The draft assessment considered some alternative approaches, including two companies' competing solar circulators, cable-powered circulators and wind-powered circulators.

The report found Medora's SolarBee was the most-effective approach, able to circulate more water while standing only 2 feet above the surface.

In all, 36 devices would be spread across about 1,500 acres of the roughly 45,000-acre lake, split between the Morgan Creek arm on the northern end of the lake and the Haw River arm on its southwest end. If the pilot works, a full deployment could include five times more units.

The circulators would be anchored for safety, and state employees would inspect them weekly. Signs at boat ramps and buoys near the deployments would warn boaters about the project, according to the report, while the circulators themselves would have reflective orange posts and strobe lights.

Medora has never seen a swimmer injured by the de-

vices; anyone too close is pushed away on the surface, rather than underwater, according to the draft report. The devices should be practically inaudible at any distance, according to the draft.

And given their wide spacing and gentle output, the SolarBee units would do no harm to birds or fish, the Corps and DENR predicted.

Small fish could pass through the floats, while larger fish could swim away, according to the report, though critics questioned this conclusion. In fact, the devices could help fish by oxygenating more water, according to the environmental assessment.

Corps response pending

Critics of the plan, however, say that DENR has failed to prove why the project is necessary in the first place. Hendrick of the SELC said it's merely an effort to delay implementation of the Jordan Lake Rules.

"Let's not spend substantial amounts of state dollars engaging in a protracted experiment with unproven effectiveness, when as a result of the previous protracted negotiation process, rules were put in place with proven effectiveness," he said.

His group also challenged the plan on technical grounds, questioning, for example, whether the devices might spread aquatic weeds by fragmenting and dispersing them.

The Corps has not finished its responses to the public comments it received, including the SELC's, according to federal biologist Justin Bashaw.

Those responses could bring new data and research or pose new challenges to the state project, but the Corps isn't ready to say when it will release its findings, except that they will come "in the near future."

Should the project pass, the circulators may soon be on the water – and the state government's plan for Jordan Lake could foreshadow its new approach to the environment.