

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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HOUSE BILL 1189

Short Title: Fontana Lake Protection.

(Public)

Sponsors: Representative Haire.

Referred to: Environment and Natural Resources.

April 12, 2005

A BILL TO BE ENTITLED

1 AN ACT TO PROTECT FONTANA LAKE AND THE OUTSTANDING RESOURCE
2 WATERS DRAINING TO FONTANA LAKE.
3

4 Whereas, Fontana Lake in Graham and Swain Counties provides drinking
5 water and over \$4,700,000 in annual recreational benefits to the citizens of North
6 Carolina; and

7 Whereas, Graham and Swain Counties have adopted ordinances to require all
8 houseboats on Fontana Lake to have permanent toilets and permanent wastewater
9 holding tanks to protect public health and water quality; and

10 Whereas, Graham and Swain Counties, with financial assistance from the
11 Clean Water Management Trust Fund, Appalachian Regional Commission, and
12 Tennessee Valley Authority, are currently investing \$738,200 to provide facilities to
13 pump and treat wastewater from the houseboats on Fontana Lake; and

14 Whereas, Swain County and Bryson City are currently investing \$253,550 to
15 remove failing septic tanks on Bryson Branch, a tributary of the Tuckasegee River,
16 upstream from Fontana Lake; and

17 Whereas, Forney, Chambers, Hazel, and Eagle Creeks originate in the Great
18 Smoky Mountains National Park and drain to Fontana Lake; and

19 Whereas, Hazel and Eagle Creeks are classified as drinking water supply
20 waters; and

21 Whereas, Forney, Chambers, Hazel, and Eagle Creeks have excellent water
22 quality, are classified as Wild Trout Waters, provide habitat for federally and State
23 listed endangered species, and are in fact unique and special waters of exceptional State
24 and National recreational and ecological significance which require special protection to
25 maintain their existing uses; and

26 Whereas, Forney, Chambers, Hazel, and Eagle Creeks qualify to be classified
27 as outstanding resource waters; and

28 Whereas, Forney, Chambers, Hazel, and Eagle Creeks are renowned for
29 exceptional trout fishing in the Eastern United States and have attracted notable anglers

1 including author Horace Kephart, Governor Luther Hodges, United States Secretary of
2 the Interior Stewart Udall, Wildlife Resources Commissioner T.N. Massie and others;
3 Now, therefore,

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** The Environmental Management Commission shall classify
6 Forney, Chambers, Hazel, and Eagle Creeks from their headwaters to Fontana Lake as
7 outstanding resource waters by January 1, 2006.

8 **SECTION 2.** Notwithstanding G.S. 150B-21.1, the Environmental
9 Management Commission shall adopt temporary rules to classify Forney, Chambers,
10 Hazel, and Eagle Creeks from their headwaters to Fontana Lake as outstanding resource
11 waters by October 1, 2005.

12 **SECTION 3.** This act is effective when it becomes law.