

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005**

**SESSION LAW 2005-97  
HOUSE BILL 1189**

**AN ACT TO PROTECT FONTANA LAKE AND THE WATERS DRAINING TO  
THE NORTH SHORE OF FONTANA LAKE.**

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

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

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

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

Whereas, Fontana Lake has excellent water quality that must be maintained for the benefit of the citizens of Graham and Swain Counties and for the citizens of North Carolina; and

Whereas, Forney Creek, Eagle Creek, and other creeks that drain to the north shore of Fontana Lake are classified as Trout Waters, may provide habitat for federally and State-listed endangered species, and are in fact unique and special waters of exceptional State and national recreational and ecological significance which require special protection to maintain their existing uses; and

Whereas, Forney Creek, Eagle Creek, and other creeks that drain to the north shore of Fontana Lake are renowned for exceptional trout fishing in the Eastern United States and have attracted notable anglers including author Horace Kephart, Governor Luther Hodges, United States Secretary of the Interior Stewart Udall, Wildlife Resources Commissioner T. N. Massie, and others; and

Whereas, water quality data for Forney Creek documents that the creek has excellent water quality and qualifies to be classified as outstanding resource waters; and

Whereas, the development and implementation of an outstanding resource waters management strategy for the entire watersheds of all creeks that drain to the north shore of Fontana Lake between Eagle and Forney Creeks, including Eagle and Forney Creeks, would benefit the water quality in Fontana Lake; Now, therefore,

The General Assembly of North Carolina enacts:

**SECTION 1.** The Environmental Management Commission shall initiate a rule-making proceeding no later than 1 September 2005 to adopt rules to reclassify the entire watersheds of all creeks that drain to the north shore of Fontana Lake between Eagle and Forney Creeks, including Eagle and Forney Creeks, as outstanding resource waters pursuant to G.S. 143-214.1.

**SECTION 2.** Pending the outcome of the rule-making proceeding required by Section 1 of this act, the minimum management strategies set out in 15A NCAC 2B.0225(c) shall apply to the watersheds described in Section 1 of this act.

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

In the General Assembly read three times and ratified this the 16<sup>th</sup> day of June, 2005.

s/ Marc Basnight  
President Pro Tempore of the Senate

s/ James B. Black  
Speaker of the House of Representatives

s/ Michael F. Easley  
Governor

Approved 9:10 p.m. this 21<sup>st</sup> day of June, 2005