

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005**

**H**

**2**

**HOUSE BILL 1189  
Committee Substitute Favorable 5/17/05**

Short Title: Fontana Lake Protection.

(Public)

---

Sponsors:

---

Referred to:

---

April 12, 2005

A BILL TO BE ENTITLED

1 AN ACT TO PROTECT FONTANA LAKE AND THE WATERS DRAINING TO  
2 THE NORTH SHORE OF 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, Fontana Lake has excellent water quality that must be maintained  
18 for the benefit of the citizens of Graham and Swain Counties and for the citizens of  
19 North Carolina; and

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

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

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

3           Whereas, the development and implementation of an outstanding resource  
4 waters management strategy for the entire watersheds of all creeks that drain to the  
5 north shore of Fontana Lake between Eagle and Forney Creeks, including Eagle and  
6 Forney Creeks, would benefit the water quality in Fontana Lake; Now, therefore,  
7 The General Assembly of North Carolina enacts:

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

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

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