

Jordan circulators on hold

State had planned to begin stirring the waters by April 1

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RALEIGH The state has paid about \$400,000 for construction of 36 Solar-Bee 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 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, including western Wake County.

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 partially 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.

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MEDORA CORP.

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