Tri-County Lakes Administrative Commission
Board Meeting Minutes
August 8, 2023 at 4:00 p.m.

Members Present:
Lorie Smith, Chairman
David Arnold
Darrell Dalton
Robert Hiss
Neil Holthouser
Edgar Tuck
David Wells
Chris Whitlow

Members Absent:
David Rives, Vice Chairman
Bob Camicia
A. Dale Moore
Emily Ragsdale
Frank Rogers
Stuart Turille
John Vidovich

Staff Present:
Kristina Sage
Melissa Keister

Guests Present:
Roy Kelley, Leesville Lake Association
Jason Dunovant, Reporter
Dawn Saunders, Resident
Fred Duncan, Resident
Emily Rowe Sitzler, Attorney
Joy Manning, Wake Education Task Force, Secretary
Troy Rech, Resident
Rhonnie Smith, Resident
Doris Smith, Resident

1. Call to Order

Lorie Smith called the meeting to order at 4:00 p.m.

2. Invocation

Lorie Smith delivered the invocation.

3. Pledge of Allegiance

Lorie Smith led the recitation of the Pledge of Allegiance.

4. Approval of Agenda

Chris Whitlow made a motion to approve the amended agenda. Item 9D was removed and a committee appointment from the Executive Committee was added as 9F under Action Items. David Wells seconded the motion. The motion carried unanimously to approve the agenda, as amended.

5. **Public Comment**

    a. Dawn Saunders, representing CPT Buoys, LLC, read an email from a renter, whose family stayed at a property near Ms. Saunders' residence. The letter expressed how wakes affected their activities during their stay over the 4th of July holiday. Ms. Saunders also read her response to the renter. In addition, Ms. Saunders read excerpts from DWR communications and explained the reason for CPT Buoys, LLC current application for no wake buoys.

6. **Approval of Consent Agenda**

    a. Approval of Minutes - June 21, 2023 (A-1)
    b. Request for Appointment of Environmental Committee Member D. Scott Bull and John Rupnik (A-2)

Edgar Tuck made a motion to approve the consent agenda as presented. Chris Whitlow seconded the motion. The motion carried unanimously.

7. **Wake Education Task Force Update: Joy Manning**

- Joy Manning, Wake Education Task Force Secretary reviewed the current status of the task force membership, material development, distribution, and planned distribution. Banners and signs are in production for placement at marinas and launch sites. QR Code stickers continue to be distributed for placement on rental boats. An insert is complete to be included in rental packets for short-term rental properties. A boat tie-up is scheduled for Saturday, 8/12/2023 in support of Wake Education. Additionally, the group will continue outreach at future tie-ups, the SML Wine Festival, SML Chili Festival and community events. The presentation included a review of the budget of which roughly 30% of the original $10K has been used.
- Lorie Smith expressed the board's gratitude for the outstanding developments and outreach accomplished thus far, noting that it is far beyond expectations. The board expressed strong support for future events and marketing plan.

8. **Financial Report** (A-3)

- Kristina Sage reminded the board that funds which had been carried in the operational budget for exceptional expenses have been moved into Project Funds. The $5K that has been allocated for the Wake Education Task Force, for which the Smith Mountain Lake Association serves as the non-profit custodian, will be moved to SMLA in their new fiscal year which begins January 2024.

Chris Whitlow made a motion to approve the financial report. Robert Hiss seconded the motion. The motion passed unanimously.

9. Action Items

a. CPT Buoys, LLC No Wake Buoy Application (A-4)

- Lorie Smith reminded the board that the application was reviewed during the June board meeting, and the board voted to table the matter due to outstanding inquiries. As promised at the June board meeting, a meeting was convened with DWR in July. Attendees were Edgar Tuck, Bedford County; Lorie Smith, Franklin County; Kristina Sage, TLAC; Tom Guess, DWR; Ryan Brown, DWR; and Tony Fisher, DWR. The focus of the meeting was to clarify TLAC's and DWR's disposition of CPT Buoys, LLC No Wake Surfing Zone application that was not approved by DWR. Lorie Smith distributed letters from DWR dated September 2022 and March 2023, which demonstrated the language referenced by Ms. Saunders in her earlier remarks. DWR emphasized in the evaluation of the applications that safety is their priority. Visual inspections, review of the applications, and due diligence with the applicant led to the determination that the area is viewed as "unsafe". DWR clearly indicated to TLAC that they stand behind disapproval of the initial no wake surf zone application and consider a no wake zone to be the most appropriate action for public safety in the Merriman Run cove. Approval with modification as a no wake zone was not exercised for the no wake surfing zone application. To approve a no wake zone, complete due diligence including TLAC Navigation Committee deliberation and a public hearing to satisfy the regulation for citizen feedback on the application were required to be conducted. Discussion in the meeting made it clear that the issue is to uphold safety on Smith Mountain Lake and utilize the proper mechanisms to achieve that. Lorie Smith expressed her support for the current application and invited comments from the board. Edgar Tuck expressed that as a result of the meeting with DWR he supports the CPT Buoys, LLC no wake buoy application as an exception to TLAC policy and noted he does not believe approval of the application would indicate a need to change current policy. Lorie Smith noted there is no intention that additional applications be submitted for no wake zones in coves. This is an exception to TLAC policy based on safety concerns by both the TLAC Board and DWR. All future applications submitted to TLAC for a no wake zone will be viewed by current policy. If this application is approved, the exception made on this application will be significant. Lorie Smith opened the floor for questions. David Wells questioned whether current policy addresses the concern of safety and if they do not should they. Lorie Smith read a portion of No Wake Buoy application. Discussion ensued regarding future revision to application criteria and the potential need to emphasize safety as a key mitigating criterium. Edgar Tuck noted that any future applications would not be considered an exception unless TLAC receives in-depth analysis from DWR identifying, similarly to this application, that the location is an exception. It will be paramount that DWR submits to TLAC a recommendation whether they would support the approval of an application based upon their analysis. Lorie Smith noted that the resolution to approve or disapprove the application, was drafted by TLAC's attorney and she requested that the board express any concerns they may have about the language of the resolution. No concerns were expressed.

Edgar Tuck made a motion to approve the CPT Buoys, LLC no wake buoy application as an exception to current policy. David Wells seconded the motion. The motion passed unanimously.

b. Harmful Algal Blooms (HAB)

- An update from the Virginia Department of Health was provided. SMLA HAB Working Group is addressing the issues and monitoring developments. DEQ's slow response was noted including slow test cycles. It was also noted that $3.5M is allocated at the state level to do a study of algal blooms. Lorie Smith participated on a call with the SML Regional Chamber of Commerce legislative committee 8/7/2023 to pursue legislative help on funding. SMLA has purchased a tool to begin the pursuit of getting better equipped and they need money. Will be a legislative agenda issue. Two new cases were identified on 8/7/2023. Kristina Sage confirmed that one sample was a repeat location in the upper Blackwater channel.

c. SMP Roundtable Meetings Update

- Meetings are going well. We have conducted three meetings and the fourth will be held on Monday, 8/14/2023. Feedback is consistent across stakeholder groups. Feedback will be separated between SMP correlated issues and operational issues. Currently in contact with a survey professional and considering using a web-based survey to reach citizens who may not attend the meetings. May use such a tool to reach more input. Discussion to confirm board supports the idea. No one expressed disagreement.

~~d. Approve the Aquatic Vegetation Management Plan for SML (A-5):~~

e. Approve the Invasive Aquatic Vegetation Management Program for SML (A-6)

- Kristina Sage noted that the program includes all activities to be addressed this year based upon the late September early October SMLA surveys conducted by divers. The information located from past and new located areas will be reviewed and education to the community will continue.

Edgar Tuck made a motion to approve the Invasive Aquatic Vegetation Management Program. Robert Hiss seconded the motion. The motion passed unanimously.

f. Committee Appointment by the Board

- Lorie Smith noted that the TLAC by-laws allow the board to appoint ancillary committees. The executive committee recommends seating a personnel committee to facilitate a personnel evaluation of the executive director. The executive committee recommended the two lake representatives and one from each TLAC committee be a part of the committee. The committee shall consist of Dave Rives, Leesville Lake; John Vidovich, Smith Mountain Lake; Randy Stow, Navigation Committee Chair; Bob Camicia, Environmental Committee Chair, and Lorie Smith, Chairman. Ms. Smith will prepare the documentation, conduct meeting with the committee, submit to executive committee and bring back to the board. If the board is in concurrence, Lorie Smith wants to seat the committee. Lorie Smith invited discussion regarding the process. None ensued. Chairman Smith requested motion to appoint the proposed committee with the defined task of evaluating the performance of the executive director of TLAC.

Robert Hiss made a motion to appoint the personnel committee. Edgar Tuck seconded the motion. The motion passed unanimously.

10. Executive Director Updates: Kristina Sage reported that:

a. Smith Mountain Lake
   - TLAC received 47 debris reports to date in 2023.
   - Navigation Reports: 5 for AEP maintained buoys, 2 reports for TLAC maintained buoys.
   - The Navigation Committee is responding to APCo regarding placement of new channel markers and repositioning of existing markers, as well as reviewing proposed buoy changes received from APCo.
   - The SML Environmental Committee is working to replace signage at ramps and launches to encourage boaters to clean their vessels prior to launching to prevent introduction of invasives or other matter that may contribute to water quality issues. The current concerns regarding the impact of cyanobacteria on the lake make it an advantageous time to gain recognition of the need to prevent introduction of plants or organisms from another body of water.
   - Pump-Out Program is on track with last year. From July into August the number of Pump-Outs are declining

b. Leesville Lake
   - TLAC received 144 debris reports to date in 2023.

11. Reports from Board and Committees

a. Leesville Lake Association Report (A-7) – David Rives; Roy Kelley, Leesville Lake Association Debris Committee reports in Mr. Rives absence:
   - Still battling debris and the condition is getting worse.
   - The APCo meeting held July 10, 2023 did not yield appreciable improvements. Future steps are being considered by Leesville Lake Association and will be brought to the table as they develop.
   - Leesville Lake Association is looking for opportunities to change the reporting system to make it more responsive in hopes of capturing reported debris before it is carried to another location by the current.

b. Smith Mountain Lake Association Report (A-8) - John Vidovich submitted a report in his anticipated absence. The report stated that SMLA has established a Hazardous Algal Bloom (HAB) Working Group to effectively manage communication about the health of SML. The group includes stakeholders from VDH and DEQ as well as government representatives, businesses and residents from Bedford, Franklin, and Pittsylvania counties. A kickoff meeting was held on July 20, 2023. Kristina Sage noted that state HAB funding is dedicated to marine HAB issues. Addressing allocations is the ongoing legislative issue to address inland water.

c. APCo Report – Neil Holthouser reported the following:
- Updated Aids to Navigation (ATN) proposed has been shared with the TLAC Navigation Committee. Comments and suggestions are awaited.
- Debris Management
  - 355 tons of debris were removed from LVL in July.
  - 250 tons of debris were removed from SML in July.
  - 2190 tons have been removed this year. 2020 was the year of the highest level of debris removal.
  - The Sedimentation report has been delayed and APCo has requested an extension.
  - Mr. Holthouser expressed APCo's appreciation for the roundtables being held by TLAC to garner specific concerns regarding the Shoreline Management Plan.

12. Calendar and Reminders for the Board:

a. Edgar Tuck shared that Bedford County will be proposing an ordinance for septic Pump-Outs to match that already in effect in Franklin and Pittsylvania counties.

13. Adjournment:

David Wells made a motion to adjourn the meeting. Darrell Dalton seconded the motion. The motion carried unanimously, and the meeting adjourned at 5:13 p.m.

Respectfully submitted,

Kristina Sage