



What's New?



Edition #5

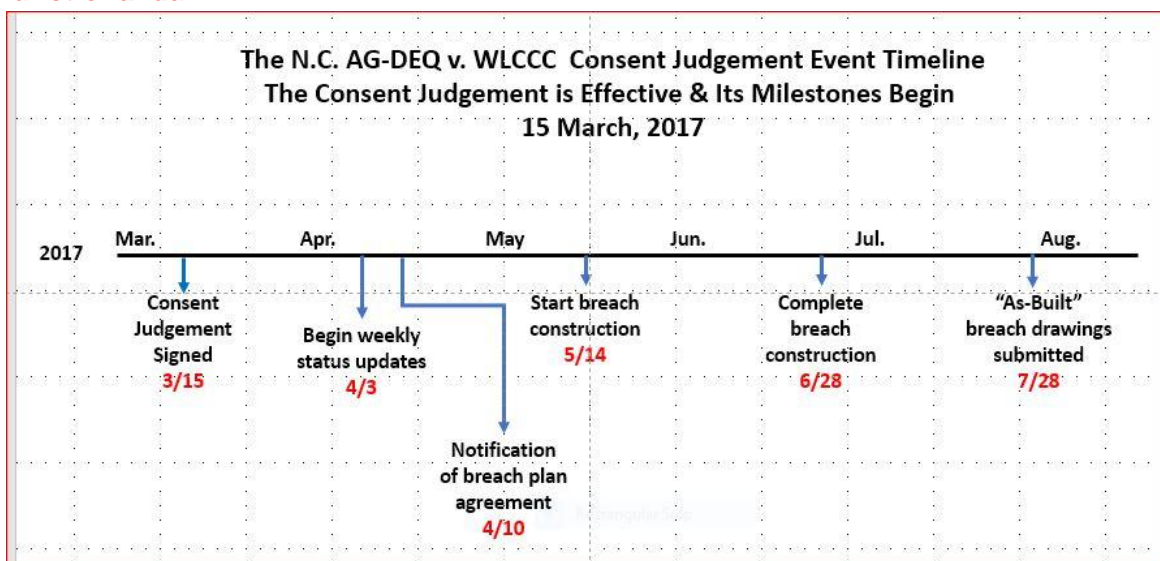
March 18, 2017

The NC-AG/DEQ v. WLCC Court Case – Where We Are Now

To be sure we're all working from the same set of facts and assumptions, the following information is offered:

- The fate of the Woodlake dam is now dictated by the 15 March, 2017 N.C. Moore County Superior Court *Consent Judgement* between the N.C. AG-DEQ and WLCCC. The Consent Judgement's timelines, milestones and progress reports are very specific and mandatory.
 - Based on this Judgement, **the dam WILL be breached, the only issue is, breached using what engineering plan?**
 - The Judgement gives WLCCC two breach options:
 - Use the previously DEQ approved Geosyntec breach plan.
 - Engage the services of a qualified engineering company to develop a new breach plan.
 - The concrete portion of the dam is considered by DEQ to be **economically unfeasible to repair**. In addition to the collapsed spillway, the face of the dam has voids (holes/cracks) that are allowing water to penetrate and further undermine the spillway and its supporting structures' integrity.
 - The current DEQ thinking is to site the breach in the earthen section on the East side of the concrete portion of the dam, in-between the Eastern outflow pipe and the concrete portion of the dam, i.e., as you face the dam from the lake side, the breach will be to the left of the concrete dam.
 - The logic is that side has established down-stream water flow paths due to its proximity to the old spillway.
 - **The final decision of the engineering approach used to breach the dam must be approved by DEQ engineers.**
- The role the Restore Woodlake Committee resident engineers play.

- Fortunately, we have at least three N.C. licensed Professional Engineers (PEs), with the professional credentials called for by DEQ in the Consent Judgement. These engineers are working without pay, as are all the members of the Restore Woodlake Committee and its Subcommittees.
- Per a written agreement between DEQ and the Restore Woodlake Committee, our engineers are able to work collaboratively with DEQ engineers, but they do not have veto power and cannot interfere with DEQ meeting its public safety obligations; however, they can and will offer engineering suggestions and opinions.
 - Their goal is to make whatever breach engineering approach used as benign as possible; meaning that the engineering approach used does not preclude using the in-place breach structure as the basic structure of a future dam repair; and, **potentially**, returning the dam and lake to a full-service configuration.
 - While this is not a perfect situation, given the circumstances that Woodlake owners and management have created, it's at least an opportunity to have the Restore Woodlake Committee's and your opinions heard and considered.
- **Will there be any water in the lake? At this point, we really don't know, as it will depend upon the final approved breach plan** and its ability to effectively deal with a 10" rain storm in a 24-hour period, and **simultaneously** safely impound some amount of water. As soon as we know, you will know.
- Will WLCCC again "kick-the-can" down the road? The judge made it very clear to WLCCC's co-owner, Vice President, and General Manager, Ms. Watson, that failure to meet the terms and milestones of the Consent Judgement would result in serious legal consequences. Given that the Atlantic hurricane season starts June 1st and ends November 30th, "kicking-the-can" would not be a prudent course of action.
- A Consent Judgement timeline is provided for your information – **please note that the "construction" activities on the timeline are "breach" activities, NOT reconstruction of a functional dam.**



- None of the Consent Judgement affects the ownership of the dam or lake – it's still WLCCC's property.
 - Only time will tell how the ownership portion of the "Restore Woodlake" equation turns out.
 - During the Court hearing, Ms. Watson used the term "*fix*" the dam (twice). It is not clear to us if she were referring to adhering to the Consent Judgement's terms; or, she really meant they were going to "*fix*" the dam and return it to full service. Either way, considering the approaching start of the Atlantic hurricane season (1 June), for safety sake, a breach will precede any permanent "*fix*".
- The Committee will remain engaged and proactive. We are considering **ALL** options, and when we have a recommendation, we will share that with the community.