



## DAM SAFETY BARRIER

DID YOU KNOW THAT THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY CONSIDERS DAMS AS ONE OF THE 16 CRITICAL INFRASTRUCTURE SECTORS IDENTIFIED IN THE NATIONAL INFRASTRUCTURE PROTECTION PLAN? SPARTANBURG WATER IS CONTINUALLY LOOKING FOR WAYS TO SECURE ITS CRITICAL INFRASTRUCTURE TO ENSURE UNINTERRUPTED WATER SUPPLY TO OUR COMMUNITY.

The South Carolina Department of Natural Resources (SCDNR) has installed and maintained “exclusion zone” buoys upstream of the Lake Bowen Dam for decades. Spartanburg Water recently installed a “second line of protection” for its Lake Bowen Dam. SWS installed an uninterrupted double cable barrier behind (downstream) the SCDNR buoys ahead of the Bowen Dam. The dam barrier buoys and signs were developed in compliance with US Coast Guard standards and guidelines, and each utilizes correct symbols as a navigation aid for waters in the United States and Canada:

- **Danger:** A diamond shape alerts boaters to hazards
- **Restricted Operations:** Markers with a circle indicate areas with regulated operations



- **Exclusion:** A diamond shape with a cross means boats are prohibited from the area
- **Information:** Markers with a square provide helpful information such as directions, distances and locations

Each year, our lake wardens retrieve a number of watercraft on the reservoirs that have drifted away from their dock, boat lift or mooring. Typically, these occurrences are higher during times when the levels of the reservoirs are fluctuating. Boat and Personal Watercraft owners are encouraged to always secure their watercraft properly to ensure they do not float away from their mooring.

For more information on boating safety on our lakes, or to sign up for a boating safety class, please contact the lake wardens’ offices.

# Your Land Access Agreement Questions Answered

IN RESPONSE TO A HIGH VOLUME OF STAKEHOLDER FEEDBACK AND INPUT FROM ADJACENT LANDOWNERS, SPARTANBURG WATER HAS MADE A NUMBER OF IMPROVEMENTS TO THE PERMITTING PROCESS, INCLUDING THE INTRODUCTION OF THE LAND ACCESS AGREEMENT—A UNIVERSAL AGREEMENT THAT PROTECTS AND PRESERVES YOUR RIGHTS AS A PROPERTY OWNER ON BOTH LAKE BOWEN AND LAKE BLALOCK.

The Land Access Agreement is a new and improved approach to the Private Structure Agreement that served as the original paperwork to standardize and govern use of the buffer zone when partnerships for private structures, like docks, walkways and fire pits, were requested by one of our neighbors.

Because our lakes are the drinking water reservoirs for the community, there are rules and regulations that we must have in place to protect water quality. However, many of you and your neighbors shared a number of questions and concerns about how information is recorded, not to mention the efficiency of the permitting process itself.

While this agreement is newly structured to reflect improvements requested by you and your neighbors, signed agreements have been in place for decades. This ensures that clear terms and guidance exist in the management of property around the lakes—for both you and Spartanburg Water.

Improvements to this agreement were made at the request of property owners and based upon the useful feedback many lake-area residents provided in a number of listening sessions that were convened around the watershed in 2018.

## Does everyone need to sign a new Land Access Agreement?

Yes—and this is to protect you and your investment, all while allowing Spartanburg Water to continue performing its responsibilities to manage the drinking water resources. This document is required of all individuals seeking permits around Spartanburg Water reservoirs and documents their understanding of Spartanburg Water’s ownership and management approach to the property below the 827’ and 720’ contour lines.

## What is the purpose of the Land Access Agreement?

The agreement order clearly establishes the mutual rights and obligations of Spartanburg Water and adjacent property owners regarding use of Lake Bowen and Lake Blalock. Property owners are required to complete a (one-time) Land Access Agreement upon issuance of permits and licenses.

Spartanburg Water owns and controls all of the property around the shoreline of Lake Bowen, Lake Blalock and Municipal Reservoir #1. While it is “publically-owned property” SWS has a duty to manage and control all of its property. There is no implied “public access” to property that is not designated as

“public access property” and Spartanburg Water controls access to certain areas, which includes the property around each of the water supply reservoirs. Spartanburg Water is absolutely willing to give adjoining landowners access to certain “reservoir” property through the proper execution of a Land Access Agreement.

## If Spartanburg Water is a public utility, why do I need permission to access public property?

Although Spartanburg Water System is a public utility, there is no implied access to the property owned by any public entity. Unrestricted access to utility property would mean that anyone—including outside lake interests—could access and even develop on the buffer property. The LAA protects you and Spartanburg Water from unauthorized usage.

## How can the Land Access Agreement help me as a landowner?

The Land Access Agreement protects the adjoining landowners from other unauthorized public access to property that adjoins private residential property. Spartanburg Water recognizes that adjoining property owners have a vested interest in the lake as well as the SWS owned property that actually abuts these drinking water reservoirs. If all areas of the lake were designated as “public access property” it would be nearly impossible to control who accesses these areas. The LAA defines a clear agreement of terms and conditions regarding the use of these areas by adjoining property owners (by permission) and subsequently allows SWS to identify limited “public access property” in other areas of the lake for the general public to access—public landings, parks, etc.

For more information on Land Access Agreements or to apply for an LAA, please contact the Lake Bowen Warden’s Office at 864-592-2240 or the Lake Blalock Warden’s Office at 864-578-5442. Additional information, including a downloadable pdf of the Land Access Agreement is available at <https://www.spartanburgwater.org/>.



# Property Lines:

## MUNICIPAL RESERVOIR #1 AND LAKE BLALOCK



Spartanburg Water is tasked with the responsibility to protect and preserve water quality in our drinking water reservoirs—and that includes understanding and defining property lines.

Locations of a property line are recorded in the legal description of a piece of land. Both Municipal Reservoir #1 and Lake Blalock reservoirs have property boundaries defined by contour elevations above Mean Sea Level (MSL).

The elevation above Mean Sea Level (MSL) that constitutes the property line for SWS around the reservoirs is 780 feet above MSL for Municipal Reservoir #1 and for 720 feet above MSL for the Lake Blalock reservoir.

In 1926, construction of a dam was completed on the South Pacolet River and Municipal Reservoir #1 was formed. The Lake Blalock reservoir was created in 1983 to be an additional drinking water source for the Spartanburg community. Between 1973 and 1977, Spartanburg Water System purchased property along the Pacolet River up to the 720' MSL contour line.

Many people are familiar with establishing a property boundary through what is termed "meets and bounds," but using an MSL elevation is a more common method when bodies of water and flood levels are identified. Unless the physical condition of the land changes, either through erosion or grading, the original property line for SWS Municipal Reservoir #1 and Lake Blalock reservoir does not move. The 720' MSL contour at Lake Blalock reservoir was established by professional survey at the time SWS purchased the parcels of property. This was accomplished using the "Sea Level Datum of 1929," the standard for all surveys conducted during that time period.

The **Sea Level Datum of 1929** was established for surveying work in the United States. The datum was used to measure elevation above mean sea level (MSL). This was the Datum used by SWS when it acquired/purchased all of the original. The Sea Level Datum of 1929 is used as the basis for determining the location of the SWS property line today. The Sea Level Datum of 1929 was renamed the National Geodetic Vertical Datum of 1929 (NGVD 29) in 1973; it was superseded by the North American Vertical Datum of 1988 (NGVD 88). However, when determining the location of a property boundary that was established prior to the NGVD 88 it is critical that the datum used in the original land transfer be used to avoid erroneous findings.

In some instances, surveyors working for an adjoining landowner may identify a property line by simply connecting the lower lot property pins to create a lower (lake side) property line. If the plat with a lower property line is in conflict with the 720' or 780' MSL, the 720' or 780' MSL will prevail as the property line for SWS, even if the other plat is recorded on public record. Spartanburg Water System has original documentation that demonstrates the formation of specific MSL contour lines as the boundary for SWS property.

In the event you as an adjoining landowner need to survey your property, it is critical to make sure the independent surveyor locates and confirms the accurate location of the 720' MSL contour line for Lake Blalock reservoir or 780' MSL contour line for Municipal Reservoir #1 using the NGVD 29 datum. Surveying benchmarks and/or monuments have been installed by the federal government and by SWS that can provide a baseline or starting point. SWS can assist you or your surveyor in locating a benchmark if needed.

If you have any questions, please contact the lake wardens' offices. Additional information about the lakes and specific requirements related to Spartanburg Water System-owned property is available at [www.spartanburgwater.org](http://www.spartanburgwater.org).

## II PRESS PAUSE UPDATE

Launched last October, the Press Pause program continues through December 1, 2019. During this 14-month period, adjoining property owners may request to "Press Pause" and establish a baseline of permits for the improvements below the 827' Spartanburg Water property line. By Pressing the Pause Button, SWS Watershed Management staff will perform an inventory of the uses and structures on SWS property which adjoins your property so that we can establish a current status of any existing and needed permits for any improvements. Anyone that signs up before March 30 will receive at 25 percent discount on all associated permits, licenses and agreements required. Adjoining landowners wishing to participate in this program may do so by registering in one of the following ways:

- **Email:** [presspause@spartanburgwater.org](mailto:presspause@spartanburgwater.org)
- **Voice mailbox:** 864-580-2095
- **Register online:** [www.spartanburgwater.org](http://www.spartanburgwater.org)
- **In person:** Stop by the Lake Bowen office and complete a form.

If you chose not to participate in Press Pause, please remember that without a current permit or license (which would allow a structure or other item to remain on Spartanburg Water property for the duration of its useful life), property owners will be required to remove the non-conforming structure or item at the end of the Press Pause program.

## Have you purchased a new watercraft or made any mechanical changes by adding a new or modified motor?

If so, your watercraft must be inspected by a lake warden prior to the purchase of an access permit.

- Please trailer your new or modified watercraft to the lake offices
- To ensure a safe inspection process, all inspections will take place at the lake offices
- We will be unable to perform any inspections on the water
- Inspections will cover necessary checks for horsepower and motor restrictions required by SC Code of Laws (50-25-1320) and safety equipment that state law dictates must be on board your watercraft.

### FOR MORE INFO, CALL:

- **Lake Bowen:** (864) 592-2240
- **Lake Blalock:** (864) 578-5442

Beginning March 15, office hours for the wardens' offices will be 8 a.m. to 4 p.m.

# Boating Season Has Arrived:

## TIME FOR BOAT PERMIT, ACCESS PERMIT RENEWALS

We are excited to announce that the 2019 boating season has arrived. As we look forward to warmer temperatures, please remember that your 2018 watercraft access permits/stickers will expire on March 31.

Our teams at Lake Bowen and Lake Blalock are preparing renewal letters to be sent out to your homes no later than March 15. These letters will provide information on the renewal process, as well as outlining rules and regulations for boating and boating safety on Lake Bowen and Lake Blalock reservoirs. Watercraft access stickers can be purchased by mail utilizing the renewal letter or at the lake wardens' offices.

If you have a watercraft that has previously

been permitted or a new watercraft, a current access sticker must be purchased and placed on your vessel no later than April 30.

Permits can be purchased year round for access to Lake Bowen and Lake Blalock reservoirs. Be sure to inspect your vessel prior to conducting any type of water activities during the year. Safety is extremely important to all. Spartanburg Water System hopes you have a safe and fun boating season and we hope to see you out on the water very soon.

If you have any questions about boat permits, boating requirements/regulations or laws regarding boating safety, please feel free to contact the wardens' offices.



# Gulls Return for Winter Vacation:

## MIGRATORY BIRDS ARE COMMON BEYOND THE COAST

Every winter, a large number of gulls return to Lake Bowen reservoir. Although gulls may be most closely associated with the coastal region more than 200 miles from Spartanburg County, there are many different types of this migratory bird, and two varieties of this species are common in our own watershed each winter: ring-billed gulls and herring gulls.

They are travelers, and actually prefer inland waters for their habitat, at least for part of the year. These birds live year-round near the Great Lakes and northeastern North America, but migrate south for the winter, passing through the Piedmont of South Carolina in route to the Gulf and Atlantic coasts. They often return to the same location each year, which means that the gulls in Lake Bowen reservoir are likely

the same gulls that have been coming for many years past.

Both ring-billed and herring gulls are scavengers, and can survive and flourish with any type of diet. They primarily eat fish, insects, earthworms, grain and garbage. Some larger birds will also eat rodents, when they can get them.

Distinguishing between our winter visitors can be difficult. The ring-billed gull is roughly the size of the typical laughing gull (the stereotypical "seagull"). It has a white head and yellow legs, light gray wings with black tips, and a tell-tale black ring near the tip of its bill. The herring gull is slightly larger, but with similar coloring. However, it lacks the black ring of the ring-billed gull, and instead has a red dot on the underside of its bill.

Ring-billed and herring gulls are remarkably graceful in the air, and can skim along the water at over 40 miles per hour. They will often space themselves about three to six feet apart and lounge around on the water, having a good time and giving passing boaters a disdainful stare.

Take a few moments and look to see if you can spot some of our winter visitors. Lately they have been seen loitering around the park landing in the open water between the point and the Highway 9 Bridge. Soon enough, they will be moving along toward more coastal waters and will not return until next year.



THE MARK OF RESPONSIBLE FORESTRY