

Dear ECO members,

As you probably know by now, the Environmental Management Commission (EMC) approved a reclassification of Boylston Creek (which runs through both Henderson and Transylvania County) from a “Class C” tributary to a “Class C Trout” tributary. Given that so many trout streams in WNC no longer support trout, this was an important win for the protection of Boylston Creek and the trout population that inhabits it.

Given that the NC Division of Environment and Natural Resources (DENR) did a rather poor job of educating the public in advance, it is not surprising that local landowners objected to the reclassification given its buffer requirements and the state legislature attempted to overturn the reclassification in the last session. Many ECO members and other concerned citizens helped with a campaign to contact our state representatives which resulted in a compromise – a public meeting (which was recently held) to assess the community’s concerns before the legislature took any action. In the meantime, the reclassification is on hold.

Following this public meeting, DENR needs to hear from as many people as possible who live in Henderson and Transylvania counties. This is our last shot to make sure DENR and our legislators understand why Boylston Creek must remain classified as a trout stream.

Please find some talking points below that you can use in your comments to DENR. Contact info is provided below.

Thanks again for standing up for our waterways. They need it!

Sincerely,

David Weintraub
Executive Director
Environmental and Conservation Organization

TALKING POINTS

PLEASE USE YOUR OWN WORDS!

Why Does Boylston Creek need the Trout water classification?

- A determination was made that there was a native trout habitat based upon trout fishery data for the upper portion of Boylston Creek from North Carolina Wildlife Resources Commission

(NCWRC) and Western Carolina University . The Division of Water Quality and NCWRC concluded that the Creek did in fact meet the definition of a “Trout Water”. The EMC was required on these recommendations under the Federal Clean Water Act to classify Boylston as a Class C Trout tributary. Without the classification there is a significantly higher risk of sedimentation and chemical runoff being introduced into the stream, thereby decreasing the likelihood of trout sustainability in Boylston Creek.

What does the Trout Classification mean?

- The trout classification would provide supplementary protection for the resources and quality of the waters. The classification provides extra protection to waters that support naturally reproducing or stocked trout. By law, every stream in North Carolina has a protective zone around it in which grading is not allowed. For most streams the zone is variable in size and must be wide enough to stop sediment from reaching the stream. Because trout are especially sensitive to sediment, the legislature has clarified that the protective zone must be a minimum of 25 feet wide on either side of designated trout streams. Trout are also sensitive to increases in water temperature, so the law prohibits the discharge of heated wastewater into trout streams that will increase water temperature by more than 0.9⁰F.

What the Trout Classification does not mean.

- Many of the objections raised against this reclassification by some residents are based on a fundamental misunderstanding about the legal effect of the trout classification and do not account for the importance of trout streams to our region as a whole. Trout buffers do not give the public permission to access private property for any reason. Routine maintenance of private property is not considered a “land-disturbing activity” of the type that is prohibited in the trout buffer. When land disturbing activity in the trout buffer is unavoidable, the state has the authority to grant variances that allow temporary and even permanent activities within the buffer. While ground cover must be maintained to prevent sedimentation cutting of grass, brush, or timber is permissible so long as it does not remove shade that prevents adverse increases in stream temperature and does not violate statewide Forest Practices Guidelines. Agricultural lands are exempt from the buffer requirements and the buffer would not decrease land area available for farming or grazing.

Historical Problems in Boylston Creek:

Requiring a 25 foot buffer is the minimum standard for protecting native trout. ECO’s water quality testing over the past twenty years has demonstrated that Boylston Creek has a growing sediment problem as a result of increased development and stormwater issues. The primary best management practice for controlling this runoff is by establishing buffers. Buffers don’t only protect trout, but they also help landowners insure that their topsoil does not end up in

streams. Studies have demonstrated that developed land can put 10,000 times more sediment in streams than undeveloped land. That's why buffers are so important.

How Maintaining Buffers Helps the Local Economy:

Trout fishing in WNC brings in over \$178 million into the economy. Land that adjoins trout streams is more valuable land, both in terms of market value as well as the enjoyment factor. The benefits of having a stream on ones property come with responsibilities to protect the stream from danger and to avoid hurting people and ecosystems downstream.

The Trout reclassification requires that a 25 foot buffer be left intact along the streambed. This requirement has rarely had much impact on landowners, but has a significant impact on the trout population. If farmland is ever converted to development land, the effect on this stream would be devastating without strong buffer protections. .

It is of the utmost importance that we protect our local trout populations. Henderson and Transylvania County are both famous for their precious and bountiful trout streams. Trout fishing brings not only enjoyment to local fishermen and women but also is responsible for a significant portion of our communities' tourism. In times of economic hardship it is even more vital for us to protect each and every source of revenue possible.

How to Comment After the Public Meeting?

Several public meetings were recently held. DENR is continuing to accept comments on whether the trout stream designation should be maintained. They need to hear from you, otherwise this stream could very well be de-classified!

Written comment should be sent to Adriene Weaver until November 9, 2010, afterward comments should be sent to state representatives. It is strongly suggested that you send your comments to all of the state representatives you can, even before the November 9th deadline. Here's the contact info:

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