

Dear ECO members,

The ECO's Green Infrastructure Committee needs your help to protect Boylston Creek! On March 12th 2009 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. This was a powerful win for the protection of Boylston Creek and the trout population that inhabits it.

Unfortunately, the community was never educated to the issue and how little was being asked of landowners and what benefits they might receive should greater protection of this stream occur. The trout fishermen, for instance, bring in over \$100 million a year to WNC and better quality waters as a result of better quality protection equals less tax dollars spent on remediation later. Because residents weren't presented with the benefits, opposition to this change was greater than it might have been.

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.

Senator John Snow who represents Transylvania County, among others, has proposed a bill (Senate Bill 1259) that will undo the Commission's 2009 exercise of its mandatory duty to reclassify Boylston Creek to protect the existing trout population. The Commission was required by law to reclassify Boylston Creek as a Trout Creek and Senate Bill 1259 results in a violation of the state of North Carolina's duties under the federal Clean Water Act and raises the potential for unintended consequences for the state and its delegated program under the Clean Water Act. The Bill is now going to the Judiciary House Committee to be approved for vote in the House. This Bill has already passed in the Senate and **we need all our members to contact the committee chairs of the Judiciary House Committee to request that they FIND SENATE BILL 1259 UNFAVORABLE.** Although the Federal Clean Water Act would overrule the state Bill it could be years before the proposed Bill could be reversed, allowing for deterioration of Boylston Creek in the meantime.

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.

The Judiciary House Committee may vote on this Bill early NEXT WEEK so, **Please contact these Representatives TODAY and let them know you wish them to vote NO to SENATE BILL 1259.**

Let's stop this bill before it becomes law and before more of our tax dollars are spent on a law that will inevitably be reversed in the Federal Courts.

Judiciary I House Committee Chairpersons

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Talking Points - Feel free to use these talking points as a reference when contacting Committee Chairpersons, and as always remember phone calls are more powerful than emails.

PLEASE USE YOUR OWN WORDS!

Why Does Boylston Creek need the Trout water classification?

- 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 and 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 is intended to protect freshwaters for natural trout propagation and survival of stocked trout. Waters classified as Trout waters by the EMC shall have an undisturbed zone 25 feet wide or of sufficient width to confine visible siltation within the 25% of the buffer zone nearest the land-disturbing activity, whichever is greater. For trout waters that receive a discharge of heated liquid, the temperature shall not be increased by more than 0.9⁰F.

What the Trout Classification does not mean.

- Many of the objections raised against this reclassification by some residents have been trivial at best, and certainly do not keep in mind the best interests of the region as a whole. Trout buffers do not give the public permission to access private property for any reason. Typical maintenance of private property is not considered a land-disturbing activity, and is not regulated by the Trout Water classification. 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 results in adverse stream temperature fluctuations and does not violate statewide Forest Practices Guidelines. Agricultural lands are exempt from the buffer requirements and would not decrease land area available for farming or grazing.