



**NORTH CAROLINA MARINE FISHERIES COMMISSION
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES**

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April 24, 2008

Marc Basnight, President Pro Tempore
N.C. Senate
16 W. Jones Street, Room 2007
Raleigh, NC 27601-2808

Joe Hackney, Speaker
N.C. House of Representatives
16 W. Jones Street, Room 2304
Raleigh, NC 27601-1096

Dear Senator Basnight and Representative Hackney:

On behalf of the N.C. Marine Fisheries Commission, I am writing to ask for your support of the Coastal Stormwater Program rules. These rules were recently revised by the N.C. Environmental Management Commission to protect water quality and fisheries habitat, a primary goal in the management of our precious fisheries resources.

The Coastal Stormwater Program is a non-discharge program to control and treat stormwater runoff from development in the 20 coastal counties. The N.C. Division of Water Quality conducted a study in 2005 demonstrating that existing rules are allowing the impairment of shellfish waters and the loss of protected uses like swimming.

The revised Coastal Stormwater Program rules closely resemble the Phase 2 statute passed by the General Assembly in 2006 that applies to Brunswick, New Hanover and Onslow counties. The revised rules build upon the Phase 2 program by expanding effective stormwater controls to the remaining 17 coastal counties and by incorporating enhancements to improve the effectiveness of the rules. These enhancements include requiring a 50-foot vegetated buffer to control nutrients, excluding wetlands (that cannot be built upon) from the built upon area calculation, and requiring stormwater best management practices on smaller lots.

Shellfish are an important component of the fisheries economy in North Carolina. In addition to being a harvestable crop, oyster reefs provide critical habitat to commercially valuable finfish, crabs and crustaceans during their early life stages and act in a major way to improve water quality.

The revised Coastal Stormwater Program rules are consistent with the Coastal Habitat Protection Plan (CHPP), which recommends:

Improve land-based strategies throughout the river basins to reduce non-point pollution and minimize cumulative losses to wetlands and streams through rule making, including:

Increased use of effective vegetated buffers.


Reduction of impervious surfaces where feasible and reduction of the level of impervious surface allowable in the absence of engineered stormwater controls.

Development interests and some local governments have submitted more than 10 letters of objection to the Rules Review Commission on the final rules. As a result, the rules may be reviewed by the General Assembly during the 2008 session.

We urge you to allow the final rules to go into effect in August 2008 without changes. Four public hearings were held on the draft rules last fall. The majority of the comments received from the public strongly supported the implementation of the revised rules.

The final coastal stormwater rules are a critically important step for sustaining open shellfish beds. While these rules may not restore almost 120,000 acres of highly productive shellfish beds that are impaired, they can prevent the degradation of more.

Sincerely,



Mac Currin, Chairman
N.C. Marine Fisheries Commission

cc: DENR Secretary William G. Ross, Jr.
Senator Charles Albertson
Representative Lucy Allen