



North Carolina Department of Environment and Natural Resources

Pat McCrory
Governor

Donald R. van der Vaart
Secretary

MEMORANDUM

TO: N.C. Marine Fisheries Commission
Habitat and Water Quality Advisory Committee

FROM: Anne Deaton
Katy West
Division of Marine Fisheries, NCDENR

DATE: August 15, 2015

SUBJECT: Habitat and Water Quality Advisory Committee Meeting

The Habitat and Water Quality Advisory Committee Meeting met 1:00 pm, Wednesday, August 12, 2015 at the Department of Environment and Natural Resources Washington Regional Office, Washington, NC. The following attended:

Advisers: Dick Bierly, Bob Christian, David Duane, David Glenn, Terry Pratt, Mike Street, Shelby White, Clay Willis

Absent: Joel Fodrie, Mike Wicker

Commissioners: Chuck Laughridge

Staff: Tere Barrett, Louis Daniel, Anne Deaton, Ernie Hain, Shannon Jenkin, JD Potts, Katy West, Garry Wright

Public: David Knight

Other agency staff: Jimmy Johnson, Kevin Hart, Shane Staples, Anthony Scarborough, Cyndi Karoly, Mike Lopazanski, Braxton Davis, Tracy Davis, Jean Conway, Samir Dumpor

Other DENR commissioners: Larry Baldwin, Dan Dawson, Bob Rubin, John Snipes

Chuck Laughridge, serving as chair of the Habitat and Water Quality Advisory Committee, called the meeting to order. It was explained that this was a Joint Meeting of the Habitat and Water Quality Advisory Committee and the Coastal Habitat Protection Plan (CHPP) Steering Committee.

MODIFICATIONS TO THE AGENDA

Because two Coastal Habitat Protection Plan Steering Committee members were not yet present, the committees agreed by consensus to move approval of the meeting minutes to the end of the agenda. Jimmy Johnson, lead staff for the Coastal Habitat Protection Plan Steering Committee, explained that because they had a lot to go over, he would like to move review of Chapter 14, which did not require a vote, to the end of the agenda. **The committees agreed by consensus.**

PUBLIC COMMENT

David Knight, with the NC Wildlife Federation, said that the NC Wildlife Federation supports the CHPP and is willing to help out in any way they can.

OVERVIEW OF REVISED CHPP CHAPTERS

Anne Deaton explained to the Habitat and Water Quality Advisory Committee that the Coastal Habitat Protection Plan Steering Committee began meeting in January 2015 to review revised sections of the Coastal Habitat Protection Plan. She reviewed the CHPP update process, how the plan organization had been slightly modified, types of information included in each chapter, what chapters had already been presented to the CHPP Steering Committee, and the remaining timeline to complete the plan by the end of 2015. Deaton noted that the Coastal Habitat Protection Plan Steering Committee selected four priority habitat issues for the focus of implementation for the next five years. Those issues include the need for more oyster restoration, encouragement of living shorelines for shoreline stabilization, sedimentation in estuarine creeks, and generating metrics to monitor management success and habitat trends. It was explained to both committees that to complete the process, that includes gathering public comment, and getting approval for the final plan from the Coastal Habitat Protection Plan Steering Committee, Marine Fisheries Commission, Coastal Resources Commission, and Environmental Management Commission by the end of 2015, a completed draft plan must be presented to the Environmental Review Commission at their September meeting before it can be taken out to public comment. The review of Chapter 14, Existing Habitat Protection, Restoration and Enhancement Efforts was moved to the end of the meeting.

REVIEW OF CHPP PRIORITY HABITAT ISSUES CHAPTER

Oyster Reef Habitat Restoration

Garry Wright went over the Oyster Reef Habitat Restoration paper. Draft options were presented regarding ways to further advance cultch planting, hatchery oyster seed production, and oyster sanctuaries. There was some discussion and suggestions from the committee members regarding the paper. Some suggestions included asking other state agencies to provide in writing what they have paid for oyster cultch, consider incentives to recycling oyster shell (like the old deposit on glass soda bottles), to include in the text the role of non-profit organizations in oyster restoration, and that the state should not compete with private hatchery production. **The Coastal Habitat Protection Plan Steering Committee and Habitat and Water Quality Advisory Committee approved of the 14 options by consensus.**

Sedimentation in Estuarine Creeks

Deaton went over the Sedimentation paper. She described the ecological importance of upper estuarine creeks to the system, biological effects and sources of sedimentation in those areas, and past North Carolina studies that looked at this issue. There was extensive discussion on this issue. Mike Street

noted that sediment is the major pollutant in North Carolina and that Division of Water Resources and university studies showed that the existing stormwater rules (prior to implementation of the EMC coastal stormwater rules) were insufficient. Tracy Davis, director of Division of Energy, Mining, and Land Resources, updated the committees on the status of House Bill 765, which would significantly weaken coastal stormwater rules and put compliance with rules at greater risk due to self monitoring and other actions. The bill is pending since it was sent to conference committee. Other comments included that enforcement and compliance with existing rules is critical, that agriculture and forestry are exempt from sediment and erosion control rules and should be the focus for sediment improvements, and that NC Department of Transportation is probably the greatest source of impervious surfaces in the coast. Tom Gerow, NC Forestry Services, noted that periodic inspections indicate that Forestry Practice Guidelines have high compliance rates. When discussing compliance with Sediment and Erosion Control Rules, staff and the division director explained that education is done, but staff cuts and increasing duties make compliance a huge challenge. Nine draft options were presented that included needed research, voluntary actions, and ways to improve the effectiveness of sediment and erosion control programs. Dan Dawson, CHPP Steering Committee member, asked that the word “continued” be added to the option: Encourage [continued] development of effective local erosion control programs to maintain compliance and reduce sediment from reaching surface waters. **Staff agreed to make that change. The Coastal Habitat Protection Plan Steering Committee and Habitat and Water Quality Advisory Committee approved of the nine options by consensus.**

Generating Metrics on Management Success and Habitat Trends

Ernie Hain went over the Metrics paper. He explained that an integrated ecosystem assessment approach is recommended, in which indicators are selected within different components of the ecosystem, and that monitoring is established. For consistency, the monitoring plan will utilize established APNEP indicators where possible. Also, monitoring sites will be established in areas nominated as Strategic Habitat Areas and other areas that are not, so that in addition to obtaining habitat trend data, sampling will provide field groundtruthing of Strategic Habitat Areas. Five draft options were presented that included developing metrics to assess status and trends in habitats, and performance criteria to measure success of management decisions. There were discussions on the need to incorporate continuous monitoring equipment in the monitoring strategy, and education on the value of that, and to ensure that the monitoring plan is not too expensive to maintain. **The Coastal Habitat Protection Plan Steering Committee and Habitat and Water Quality approved of the five options by consensus.**

REVIEW OF DRAFT CHPP RECOMMENDATIONS

Deaton went over the draft recommendations. She explained that most of these were existing from the 2010 plan and noted any changes. There were no objections to any of the recommendations, although committee members had several suggested wording changes. Most of the changes were minor word clarification in nature. Content changes included:

Recommendation 2.2. Define, identify, and designate, and protect Strategic Habitat Area Four.

Recommendation 4.2. Adopt or modify rules or statutes to address proper re-use of ~~prohibit~~ ocean wastewater discharges and prohibit new discharges.

APPROVAL OF MINUTES

The Habitat and Water Quality Advisory Committee approved of the October 2014 minutes by consensus.

OTHER BUSINESS

The committees agreed to postpone the presentation of Chapter 14 until the next meeting due to the time of day. The meeting adjourned at 5:30 pm.

Cc: Catherine Blum
Mike Bulleri
Scott Conklin
Dick Brame
Louis Daniel
Charlotte Dexter

Jess Hawkins
Brad Knott
Dee Lupton
Nancy Marlette
Lauren Morris
Phillip Reynolds

Jerry Schill
Gerry Smith
District Managers
Committee Staff Members
Marine Patrol Captains
Section Chiefs