Resolution of the North Carolina Environmental Management Commission Requesting the North Carolina General Assembly To Provide Funding Support for Implementation of Nutrient Rules for the Jordan Reservoir Watershed

Whereas, B. Everett Jordan Reservoir was authorized by the U.S. Army Corps of Engineers for purposes of water supply, recreation, fish and wildlife conservation, water quality, and flood control; and

Whereas, the North Carolina Environmental Management Commission has classified Jordan Reservoir and its watershed as Nutrient Sensitive Waters based on the potential for water quality problems driven by excessive nutrient inputs and nuisance algal growth; and

Whereas, the waters of Jordan Reservoir have been found to violate state nutrient-related water quality standards, resulting in the designation of these waters as impaired, and thereby diminishing their use for water supply, recreation, fish and wildlife conservation, and water quality; and

Whereas, the Commission is charged under state and federal mandates with achieving restoration of impaired waterbodies, and is expressly charged under the NC Clean Water Responsibility Act with setting goals for reducing nutrient inputs to nutrient-impaired waters and ensuring that point and nonpoint sources share the cleanup responsibility in a fair, reasonable, and proportionate manner relative to their nutrient inputs; and

Whereas, in carrying out its above-referenced responsibilities, the Commission adopted rules May 8, 2008 that would provide for such restoration, that necessitate substantial new costs, and under which a majority of costs would fall to local governments; and

Whereas, nutrient problems were anticipated prior to construction of Jordan Reservoir in 1983, but steps were not taken at that time to provide resources with which to address such problems; and

Whereas, Jordan Reservoir has become a regional amenity, providing quality-of-life benefits to a large geographic area while providing additional benefit as a source of drinking water to communities in proximity to the reservoir; and

Whereas, for individual affected parties the costs of the proposed rules may not be proportionally related to the benefits they receive from the reservoir.

Therefore, it is hereby resolved that the North Carolina Environmental Management Commission requests that the Governor and the North Carolina General Assembly provide for new, recurring, non-reverting funding to assist in the implementation of nutrient rules for the Jordan Reservoir watershed. More specifically, the Commission requests:

- $10 million recurring appropriation to assist local governments in meeting the requirements of the Existing Development Stormwater rule.

- $1 million recurring appropriation to assist local governments with staffing and other resource needs to implement the requirements of the Riparian Buffer Protection and New Development Stormwater rules.
- $100,000 recurring appropriation to the Agriculture Cost Share Program to provide additional cost-shared technical assistance positions to Soil and Water Conservation Districts to implement the requirements of the Agriculture rule.
- $120,000 recurring appropriation to the Division of Water Quality to carry out implementation requirements of the Existing Development Stormwater rule, New Development Stormwater rule, State and Federal Stormwater rule, Riparian Buffer Protection rule, Agriculture rule and Trading rule.

This the 8th day of May, 2008

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David H. Moreau
Chairman, NC Environmental Management Commission