

Lower Neuse Basin Association® Neuse River Compliance Association®
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Email: publiccomments@ncdenr.gov

CHPP 2021 Amendment Comments
P.O Box 769
Morehead City, N.C. 28557

Mr. Jimmy Johnson, Coastal Habitats Coordinator APNES:
Ms. Anne Deaton, Habitat Program Manager Habitat and Enhancement Section

Thank you for the opportunity to provide comments on the Draft 2021 Amendment to the Coastal Habitat Protection Plan (CHPP General Statutes § 143B-279.8.). It is understood that the CHPP is a long-term strategy to improve coastal fisheries through habitat protection and enhancement efforts. As such, the history of the lofty CHPP document (since the 1997 Fisheries Reform Act followed by the initial CHPP in 2005) provides information on habitat distribution, abundance, ecological functions and importance to fish production, status and trends, threats to habitats, and includes recommendations to address those threats. We note that all of the previous CHPP documents have been massive collections of information supplemented with lofty ideals and extensive recommendations. Perhaps it is time to consider a change. The incorporated comments from the independent stakeholder workgroup convened by the NC Coastal Federation (Federation) and The Pew Charitable Trusts (Trusts) offers an approach that targets and identifies real actions that have a practicable opportunity to make incremental improvements in key coastal habitat areas. The Federation/Trusts comments identify a set of voluntary water quality improvement actions that would support CHPP goals, could be taken over the next five years, and help minimize the need for regulatory actions. Overall, we find these comments and recommendations to be realistic, potentially achievable, and locally capable of implementation. Rather than recreating and reconstructing the massive CHPP document on five-year intervals, it is suggested that the 5-year amendment simply identify needed changes to the previous CHPP, and set recommendations and achievements for a five year time period. The comments offered by the Federation and the Trusts are realistic and digestible. Conversely, we note the lack of an Executive Summary and the extent of the massive 2021 Draft document (~250 pages) challenge us to understand the proposed changes and priorities offered in the 2021 Amendment. Simply stated, the comprehensive size of the document/references diminishes the opportunity for decision makers to prioritize realistic actions.

On behalf of the LNBA/NRCA Associations, I respectfully submit the attached comments on the Draft 2021 Amendment to the North Carolina CHHP. Our comments are generally focused on recommendations for the protection and restoration of SAV through Water Quality Improvements. Our Associations appreciate the monumental challenges placed upon the many contributors to the CHPP process. Thank you for the opportunity to submit these comments. If you require additional information or have questions about our comments, please contact me or Haywood Phthisic, LNBA/NRCA Executive Director.

Sincerely,


Chairman LNBA/NRCA

cc: LNBA/NRCA Boards

LNBA/ NRCA Comments on 2021 Amendment to the Coastal Habitat Protection Plan

1. The historical extent of NC's SAV habitat is apparently dominated by observation from areas north of Cape Lookout along the western shore of the Outer Banks. These areas are extremely remote by distance, dilution, denitrification, assimilation, and hydrology from the influences of nutrient contributions from most of the inland areas of the state. None-the-less, the document continues the tradition of targeting the low-hanging fruit of regulatory recommendations for chlorophyll-a, nitrogen, and phosphorus. State-wide standards for chlorophyll-a, nitrogen, and phosphorus regulatory thresholds are not appropriate due to the site-specific influences of hydrology, wind, currents, tides, flow velocity, light availability, climate, extreme weather events. Nutrient concentrations are poor predictors of biological responses. Despite general acceptance of nutrient pollution as a problem, understanding the ways that SAV and other biological communities respond to nutrients is complicated, in part because conditions in estuaries, streams and rivers are quite variable. Chlorophyll a, a pigment in primary producers, is used to estimate algal biomass however the response of chlorophyll a to nutrients is dependent on the local environmental context. The CHPP document inadequately distinguishes significant differences between inorganic, organic, and algal turbidity. We support the (CHPP 2021 Appendix) Coastal Federation and Trusts' recommendations for voluntary "nature based" recommendations – i.e., living shorelines. Adopting additional rules and regulations for state-wide numerical criteria for chlorophyll-a, nitrogen, and phosphorus will not reliably protect the goods and services provided by designated uses. Rather, additional state-wide regulatory standards for chlorophyll and nutrients are not scientifically supported and they excessively and erroneously impact the economy.

Colored dissolved organic matter (CDOM) is primarily leached from decaying detritus and organic matter and gives water a brownish color. Light penetration is greatly reduced in waters with high CDOM concentrations. In general, CDOM concentrations are higher in fresh and oligohaline waters compared to polyhaline waters. In the Neuse River estuary, CDOM is increasing and may be linked to the salinity regime. As such, declines in water quality for this region could be harder to manage because they are not just directly related to nutrient enrichment.

2. Although the LNBA/NRCA may not agree with the "fact-based findings" assembled by the Coastal Federation and Pew Trusts' stakeholders, we concur with the recommendations of the Coastal Federation and the Pew Trusts stakeholders' consensus recommendations for an array of non-regulatory actions. Significant progress has been made by the LNBA/NRCA to reduce the point source loads of nutrients into the Neuse Estuary, but progress made in reducing our point source pollution is overshadowed by the impacts of nonpoint source pollution. New rules and regulations on point sources will not achieve a condition of algal nutrient growth limitation. If non-point sources contribute 75% of the nutrient load problem, regulating only 25% of the nutrient sources (point sources) will not achieve significant reductions in algal growth.
3. The LNBA/NRCA supports the widespread use of voluntary nature-based strategies that protect water quality, help reduce flooding, and make coastal communities more resilient to climate extremes. Federal and state climate resiliency strategies could expand financial incentives and technical assistance to encourage local communities to voluntarily prepare local watershed management and restoration plans. These plans enable public and private landowners to implement cost-effective, nature-based projects that protect, restore and mimic natural hydrology to reduce runoff, flooding, and restoration coastal fishery habitats such as SAV.