



Tuck Tales

Newsletter of the Tuckasegee Chapter #373 of Trout Unlimited serving the western North Carolina counties of Haywood, Jackson, Macon and Swain

A Monthly Newsletter

October, 2010

Rod Raffle

We'll be starting back the raffle for one of Jim Mill's custom graphite rods this month!

September Program

The program for October's meeting will be a presentation about graphite rod building by member Jim Mills.

GSMNP Fisheries Biologist Steve Moore Wins TU Award

See Article on page 2.

Sep. Grub Committee

Our Grub Committee this month will be headed up by Dr. David McGuire.

Email addresses needed

Your editor requests that everyone please provide updated email addresses so we can make certain our data base is up-to-date and you won't miss notification of newsletter and event emails!

Editor's email address:

Send an email to:
craigforrest@sleepyhollowstudio.com

Tuckasegee Chapter of Trout Unlimited meets the first Tuesday of every month, with the exception of June, July and August, in the Community Room at the rear of the United Community Bank of Highway 107 South in Sylva at 6:30 PM. A meal is provided by the Grub Committee at a cost of \$5 per person. Guest are invited to join us at no charge.



Agreement Reduces Trout Stream Impacts from Cliffs Mountain Golf Course

CHAPEL HILL, NC –

A legal challenge brought by the Southern Environmental Law Center on behalf of the Western North Carolina Alliance and Trout Unlimited against a permit issued by the state to the Cliffs at High Carolina ended today in a settlement agreement that reduced the private, Tiger Woods-designed golf course's impact on headwater trout streams by almost half—from 3,132 linear feet of stream impacts in the original design to 1,655 linear feet of impacts in the revised design. The original design of the golf course located in the mountains of western North Carolina included extensive underground piping of trout streams.

“North Carolina’s mountain headwaters are so vital to aquatic life and downstream communities that they deserve the full protection of our laws,” said DJ Gerken, senior attorney at the Southern Environmental Law Center. “The redesign of the

private golf course under this agreement significantly reduces the impact on our stream headwaters and ensures compensatory restoration to North Carolina for any unavoidable impacts to vital mountain streams.”

The Southern Environmental Law Center, Western North Carolina Alliance and Trout Unlimited challenged the permit issued for the original golf course design in court because it allowed too much impact to trout streams without sufficient mitigation.

“We are pleased with the outcome, and we applaud The Cliffs for their willingness to work hard to address our concerns, said WNCA executive director Julie Mayfield. “They were committed to reaching an agreement and made significant changes to the golf course to do so.”

The redesign of the Cliffs golf course vindicates several important environmental protections for streams under North Carolina law:

- Streams cannot be buried for a project if those impacts can be avoided through a better design.
- Unavoidable impacts to quality mountain streams must be

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mitigated at a 2:1 ratio so that, for every area impacted, twice that area must be rehabilitated or restored elsewhere.

- Developers must mitigate their impacts to streams by restoring streams. They cannot offset their mitigation burden by seeking credit for streams on their property that were not impacted by their development and are not otherwise at risk of being degraded.

The N.C. Department of Environment and Natural Resources will revise the water quality certification for the development to reflect the settlement agreement. The Cliffs also must obtain a revised Army Corps 404 permit to reflect the terms of the settlement. (*Above information from SELC*)

Moore Receives National Award

Steve Moore, Supervisory Fishery Biologist with the GSMNP, has been selected by National Trout Unlimited as the 2010 winner of its annual award in the professional category. Moore was nominated for this highly competitive award by Little River Chapter of TU.

Each year, Trout Unlimited (TU) bestows awards to publicly recognize the outstanding achievements of its members, chapters and councils that have embodied the spirit of TU and fulfilled its mission to conserve, protect and restore North America's coldwater fisheries and their watersheds. TU also recognizes the contributions and accomplishments of individuals and groups outside the organization that have demonstrated significant leadership and success in the world of coldwater conservation.

Moore, an author of several research articles, has served with the NPS since 1985 and is heavily involved with brook trout restoration in the GSMNP. In addition to this responsibility, he has helped numerous parks and organizations around the country with similar conservation efforts.

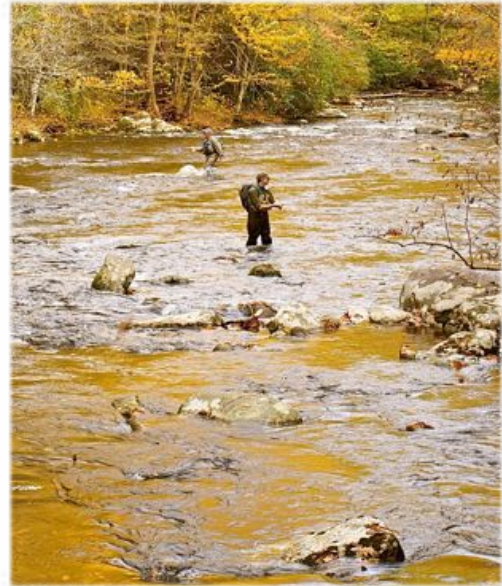
Delayed-Harvest Opens

The N.C. Wildlife Resources Commission will implement delayed-harvest regulations on 22 trout waters in 15 western North Carolina counties on Oct. 1. Before Oct. 1, hatchery-supported regulations apply to these waters.

Under delayed-harvest regulations, no trout can be harvested or possessed from these waters between Oct. 1, 2010, and one half-hour after sunset on June 3, 2011. No natural bait is allowed, and anglers can fish only with single-hook, artificial lures. An artificial lure is defined as a fishing lure that neither contains nor has been treated with any substance that attracts fish by the sense of taste or smell.

Continued drought conditions in western North Carolina may result in reducing the number of trout scheduled for stocking in delayed-harvest trout waters in October. Staff will be assessing all the delayed-harvest waters from now until Oct. 1 to determine if reduced stockings are necessary.

"All streams will receive stockings at the beginning of October; however, we may have to reduce the number of fish stocked because of the low water levels due to the drought," said Kyle Briggs, fisheries program manager with the Commission. "If there are any reductions, those fish will be stocked as soon conditions improve."



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Ruling Opens Season on N. C. Trout Streams for Golf Course Developers

Court Reversal Muddies N. C. Trout Streams and Water Quality

In a loss for N.C. trout, water quality and sportsmen, the N.C. Supreme Court today ruled six to one that a country club golf course's razing of forested buffer areas along sensitive trout streams and permanent enclosure of a N.C. mountain stream within a pipe was allowed despite a state law requiring "undisturbed" buffers to protect trout streams and water quality, according to the Southern Environmental Law Center. The Supreme Court decision reversed an earlier N.C. Appeals Court decision that a golf course constructed at Mountain Air Country Club in Yancey County violated state buffer requirements for trout streams.

"This decision slashes long-standing protections for North Carolina's valuable trout streams and threatens to turn every undisturbed trout buffer in North Carolina into a golf course or parking lot and every mountain stream into a piped ditch," said Blan Holman, a senior attorney at the Southern Environmental Law Center. "Clean trout streams are essential to North

Carolina's mountain heritage and vital for an economy powered by outdoor recreational activities. Allowing forested buffers to be leveled for golf courses will make trout streams the only state waters that can be muddied by big development."

The Court's decision leaves vulnerable thousands of miles of designated trout streams across the state. According to a dissenting opinion written by Justice Robin E. Hudson, the majority decision unilaterally removes trout stream protections that the General Assembly enacted decades ago. Justice Hudson points out that the majority "reads trout water protection provisions out of the [Sedimentation Pollution Control] Act."

Piping trout streams and denaturalizing the areas next to those streams is a recurring part of proposals for developments in North Carolina's Appalachian Mountains, especially for mountaintop luxury golf courses. The Mountain Air golf course impacts thousands of feet of stream

because the mountainside trout stream running through it was reshaped and severely modified to accommodate fairways and greens.

Numerous studies show that vegetated buffers prevent sedimentation and warming of mountain streams, which in their natural state run cold and clear. The trout buffer requirement was enacted by the N.C. General Assembly in 1989. That legislative effort was led by Western North Carolina legislators seeking to give trout streams particularly strong buffer protections because trout require clean, cold water to thrive, and are impacted severely by the increased silt and temperature from streamside development.

The Southern Environmental Law Center represented the non-profit Clean Water for North Carolina and two downstream landowners in this case whose trout stream turned muddy and brown during construction of the golf course. (*Above information from SELC*)

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