

August 11, 2010

Mr. John Huisman
NC Dept of Environment and Natural Resources
Division of Water Quality Planning
1617 Mail Service Center
Raleigh, NC 27669-1617

Re: Home Builders Association of Raleigh-Wake County's Comments on Falls Lake
Nutrient Management Strategies Rules

Dear Mr. Huisman:

This letter serves as one form of our public comments regarding the proposed Falls Lake Rules. We have had representation at and participated in the majority of the meetings that have taken place and have provided verbal public comment at the most recent public hearings. Below are the highlighted points on which we would like to comment regarding the Falls Lake Rules:

Staged Approach and Goals

Throughout this process the term "controllable sources" has been used to refer to the different contributors of nitrogen and phosphorus that the Division of Water Quality believes can be controlled. They do not represent all contributors, as air deposition has been shown to be the greatest. These "controllable sources" are being strapped with the burden of meeting all the necessary reductions of nitrogen and phosphorus in order to get Falls Lake into compliance.

Of these "controllable sources", new development is the only one that will be required to meet 100% of its reductions right out of the gate. All other controllable sources will have **25-30 years** across two phases to meet the reduction requirements.

This fact is brought up because of the concern that after Phase I is completed for the other controllable sources, there will be additional requirements put on new development. Since there is a push to have analysis done to see if Phase II, as it is currently proposed, is still necessary, we are concerned that if levels are not met, the decision will be made to restrict new development even further. Our argument is that we will be required to meet the reductions 100% from the beginning whereas the other sources (such as point source, agriculture, existing development) have 25-30 years as previously mentioned.

Credits

We do not agree that preservation should be a form of credit. The modeling done to determine the reduction levels include land in its current form. Consequently, simply keeping land in its current form is not grounds for granting credits. However, if an

agricultural field is reforested, then perhaps that would constitute grounds for granting credits toward reductions.

We also have a great concern that offset credits will be extremely difficult to come by as these rules go into affect. With the inability to meet the reductions 100% onsite, as the more challenging development sites are mostly what remain, it will be necessary to buy-down and with a limited geographic area, this will become exceedingly difficult and expensive.

DOT Exemption

We do not agree that the Department of Transportation (DOT) should receive an exemption to the rules for the construction to roads that is not also offered to developers who put in roads and offsite improvements associated with their development. We are not suggesting this exemption for the road network within the subdivisions, but specifically the off-site improvements the developers are often required to do as a condition of their approval. The same issues and difficulties are present whether it is DOT doing the project or a private developer. The same considerations and exemptions should be offered to a developer as they are to DOT.

Redevelopment

Given the complexity and inherent restrictions of redevelopment, there needs to be flexibility built into the rules to allow for additional offsets when reductions cannot be met onsite.

Affordable Housing

Addressing the new development rules more holistically, it is important to point out that these rules will make it exceedingly more difficult to offer any level of affordable housing in this area of the County. It will attribute to sprawl and segregation of housing types, two issues Wake County has worked to prevent.

The Home Builders Association of Raleigh-Wake County, and our over 2,400 members, value a healthy lake and the need to assure it can provide for future generations as it has past generations. We have worked with Wake County Government over the years as they have developed ordinances to allow for some development within the watershed while still protecting the integrity of the lake. We appreciate the opportunity to be involved in this process and welcome any question or requests for additional information. Please feel free to contact me at 919-232-5886 or by email at sharris04@hbawake.com.

Sincerely,

A handwritten signature in cursive script that reads "Suzanne Harris".

Suzanne Harris
Vice President of Governmental Affairs