



New Hanover County
Local Watershed Planning Group

MEETING SUMMARY

Wednesday, August 1, 2001 meeting held at the Cape Fear Riverwatch Educational Ctr.

Take Note! The meeting next month will be on Thursday instead of Wednesday!

Next Meeting scheduled for Thursday, September 6, 2001

Meeting Agenda:

- ◆ Presentation on DOT projects and mitigation, Bill Gilmore, NC Department of Transportation, and Scott McLendon, US ACOE
- ◆ Presentation on Clean Water Management Trust Fund (CWMTF) projects

The meeting will be held at the Cape Fear Riverwatch Educational Center from 6:30 p.m.- 8:30 p.m. The public is

Group Members/alternates present:

Jim Bordeaux, Castle Hayne Steering Committee
Stacy Smaltz/ Bouty Baldrige, Cape Fear River Watch
Michael Pope, Sierra Club, Wrightsboro Community
Chris O'Keefe, New Hanover Co. Planning
Dick Loeffert, Northchase HOA
Jabe Hardee, Cameron Company
David Mayes, City of Wilmington
Curt Hensyl, Local watershed resident/ International Paper

Support staff & guests present:

Christy Perrin, WECO/NCSU
Sunny Snider, WECO/NCSU
Leon Danielson, WECO/NCSU
Bonnie Duncan, NC Wetlands Restoration Program
Larry Hobbs, NC Wetlands Restoration Program
Scott McLendon, USACE
Penny Tysinger, Cape Fear Council of Governments

Group members absent:

Don Cooke, CP&L
Marian McPhaul, UNCW
Tommy Tew, Corbett Timber Co.
Karen Moorefield, Carolina Heights Neighborhood

Conservation Easements and Review of Goals

At the July meeting of the New Hanover County Watershed Planning Group, group members received an update on KCI's work from Bonnie Duncan, discussed their definition of "quality of life", and brainstormed potential goals for their watershed plan. At the end of the meeting Christy presented a timeline for the group for the remainder of the year.

Conservation Easements

Camilla Herlevich, Coastal Land Trust

Camilla Herlevich with the Coastal Land Trust gave a terrific presentation on conservation easements. A copy of the power point presentation is enclosed with this summary. Camilla also talked to the group about how the Coastal Land Trust was started and the current status of the program. Finally, she spoke about two pieces of land within the Northeast Cape Fear River, Angola Bay and Bear Garden, which are currently for sale.

Questions and Answers for Camilla Concerning Conservation Easements

Q: With respect to restrictions, you mentioned subdivisions. Could someone get a building permit and build on a conservation easement before you do your yearly check?

A: Yes, that is possible, there could be an improvement in the way this information is provided to developers, etc.

Q: Is there any way out of a conservation easement?

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A: An easement can't be extinguished unless you have proof that the conservation value of the property is gone, and the conservation organization the land is affiliated with is compensated.

Q: What happens if the conservation organization goes under?

A: The bylaws of every conservation organization require that if the organization goes out of business its assets must go to another, similar tax-exempt organization.

Q: Who sets the value for income tax benefits of conservation easements?

A: The land appraiser and tax laws.

Q: Who pays property taxes on conservation easements?

A: The landowner.

Q: Is the value of a conservation easement set by an appraiser as good as of the day of the appraisal, or years down the road?

A: The value is set at of the date of the appraisal.

Q: Is there an accreditation program for conservation agencies?

A: Some accreditations are offered by Land Trust Alliance, but accreditations for conservation organizations are not required. Conservation must be a priority for a conservation organization, but there is no way to keep people from writing conservation bylaws and not adhering to them.

Q: If DOT wants to build wetlands as mitigation—is that a conservation easement?

A: DOT can acquire land through fee simple purchase or through conservation easement. If DOT purchases the property fee simple, they would attach an easement if they transfer the property. Mitigation work must be protected in perpetuity.

Q: Does DOT own land?

A: Yes.

Comment: DOT is the only state agency that can own property separate and apart from the state property agency.

Q: How do you structure easements with a willing

landowner to preserve land and homesites?

A: There are a few approaches for this situation: 1) ask the landowner to identify homesites on a map; 2) Land Trust and landowner identify a residential zone on the property; or 3) Land Trust and landowner identify a residential exclusion zone on the property.

Q: In residential areas, is there a way to get credit for conservation easements?

A: It may be possible to qualify some residential areas as open space. For instance, if there is a corridor of backyards that may protect water quality, the corridor may qualify as open space.

Q: Are there any fees, such as a maintenance fee, associated with conservation easements?

A: Sometimes, but it depends on the project. Coastal Land Trust accepts fees when offered, especially when travel, etc. may be involved. For instance, for a critical area project, no fee was accepted. However, for a project located far away, or for mitigation projects fees are accepted (\$10,000 for a mitigation). The fees are used to build the stewardship endowment.

Q: What do you do when you manage a property?

A: The Coastal Land Trust sends people out once a year to check the land and ensure that there are no changes. Aerial photography may be used in some areas.

Q: Where does the \$10,000 for mitigation projects come from?

A: I used my own formula based on travel, the biologist's time, etc. I basically figured out what it will cost the Land Trust to do the work.

Q: Is there a natural catastrophe clause?

A: Yes, none of the remedies for natural catastrophes apply, except in situations that may cause/be human health threats.

Coastal Land Trust

Camilla started the Coastal Land Trust in North Carolina, and the organization now has six employees including a biologist, a business manager, and an outreach specialist. The organization has acquired

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over 17,000 acres for protection. Work to date has mainly been in the southeast and middle Cape Fear. The northeast Cape Fear still needs to be addressed.

Initially, the Land Trust focused on river corridors and wetlands, as they had little money and needed donations. Money from the Clean Water Management Trust Fund for conservation easements propelled the Land Trust to make their first acquisition of Lee Island.

Bird Island

A current project for the Coastal Land Trust is on Bird Island. Years ago, the landowners proposed development and bridge plans for the island. A Bird Island conservation group and the Coastal Land Trust fought against development plans, but the owner wanted too much money for the land. Recently, the landowner, in need of a tax break, has reduced the cost of the land. The Coastal Land Trust will buy one portion of the land this year (in December) and one portion next year as they are combining different funding sources.

Angola Bay and Bear Garden

Angola Bay (owned by International Paper) and Bear Garden are two large pieces of land for sale in the Northeast Cape Fear River with landscape scale conservation potential. The approximately 38,000-acre Angola Bay property is attractive to the NC WRP for its restoration potential. There are ditches on the property that can be dealt with at minimal restoration costs. It is also attractive to the NC Wildlife Resources Commission (WRC), as the Angola Bay property would provide access to adjacent WRC lands. A few rare species are found on the property, and the land is a potential area for Red-Cockaded Woodpeckers.

The Bear Garden property has preservation potential with black water creeks and wildlife. Preservation of this property may provide for an excellent wildlife corridor and protect water quality. Camilla encouraged the group to add both of these properties to their priority list as their protection could protect water quality and wildlife on a large scale.

Why Should the Group be Interested in Angola Bay and Bear Garden?

Bonnie Duncan, NC WRP

Bonnie discussed with the Group why the NC WRP needs the group's support for initiating work to acquire land in Angola Bay. Angola Bay and Bear Garden are located in the headwaters of the Northeast Cape Fear River and thus influence water quality in the local New Hanover County watershed. There is a strict timeline for the sale of the Angola Bay property (a December deadline) and the group's support of its purchase by WRP would give Bonnie additional rationale for getting the project funded.

Also, Coastal Land Trust will identify areas in our watershed that are targeted for preservation and areas that are already preservation sites.

Other Questions

Q: Are there any nesting Red-Cockaded Woodpeckers on the property?

A: No, but with conservation of the land there is the potential in the future as Red-Cockaded Woodpeckers are nesting just down the road from Angola Bay.

Comment: I've heard that if Angola Bay and Bear Garden were linked together it could be like the Okefenokee Swamp. A very unique landscape exists in Bear Garden with sandy ridges, Pocosin forest. On Highway 53, a beautiful mineral pond is located to the left. It is a neo-tropical migratory bird spot.

Q: Will it be expensive to fill the ditches in Angola Bay?

A: No, but the property itself costs a lot of money. However, money attracts money, so if the WRP buys a portion of the land it may attract others to purchase the remaining portions for conservation, etc.

Comment: You'll have to really look closely at the drainage if you plan on restoring only a portion of the property.

Q: What is the source of funds for this acquisition?

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A: Funds will come from an EPA settlement. These funds are separate from what the Group will use in this watershed. The WRP just needs the Group's support.

Q: *Who will restore the property?*

A: The NC WRP.

Group Consensus and Recommendation

Group members were in full agreement to support NC WRP's acquisition and restoration of Angola Bay/Bear Garden. They formed and agreed to the following statement:

The New Hanover County Local Watershed Planning Group encourages the NC WRP to allocate funds for acquisition and restoration by the NC WRP of Angola Bay and Bear Garden.

Review of Goals for the Watershed Plan

Christy and Sunny reviewed and made a few changes to the group's goals for the watershed by separating the goals from potential options to achieve goals. Christy went over the changes with the group to ensure that everyone approved of the altered goals. The tentative goals accepted by the group are listed below. Eventually, these goals will be drafted into a watershed plan.

For water quality:

- Determine a level of water quality to a certain standard
- Reduce sediment from eroded stream banks
 - Acceptable flood control is a potential option to achieve this goal
- Protect and improve water quality through wetland, stream, and buffer projects, and other water quality improvement programs
- Improve water quality for safe contact and consumption (recreation, fish consumption)
 - Is more information needed to determine what health risks exist and how to reduce these risks (Division of Environmental Health or Shellfish Sanitation)?

- Reduce fecal coliform inputs
 - Assessing the impact of sanitary sewers on water quality is a potential option to achieve the goal of reducing fecal coliform inputs
- Get Burnt Mill Creek off 303 (d) list

For flooding:

- Reduce flooding
 - Determine areas for retention thereby creating a useful purpose for future consideration of uses is a potential option to achieve the goal of flood reduction
 - Create system allowing free flowing ditches therefore reducing erosion is a potential option to achieve the goal of flood reduction
- Decrease stormwater runoff and improve the quality of runoff
 - Implement BMPs and best available technologies (BATs)
- Reduce damage to personal property and ensure public safety
 - Remove people from the floodplain and/or elevate structures in the floodplain (flooding changes as we develop)

For growth and development:

- Guiding growth
 - Encourage responsible government involvement and enforcement is a potential option to achieve the goal of guiding growth
 - Provide infrastructure to areas where we want to encourage development and do not provide infrastructure to areas where we don't want to encourage development is a potential option
 - Encouraging/educating developers to make a personal commitment to self-enforce existing regulations is a potential option

For wildlife:

- Preserve wildlife habitat
 - Conserving land is a potential option to

achieve the goal of preserving wildlife habitat

- Maintain continuity and connectivity of habitat
- Identify areas of important habitat and strive to protect these areas and take opportunities to educate
- Encourage wildlife return
 - Providing more habitat via the use of wetlands wherever possible is a potential option for achieving the goal of encouraging wildlife return

Questions and Discussion regarding watershed goals

Q: What exactly does the first goal for water quality mean?

A: To determine what the level of water quality is now.

Comment: Information from Mike Mallin and KCI will assist with reaching this goal.

Comment: We have some water quality data now from Burnt Mill Creek that should be used.

Q: Are we aiming for a certain standard?

A: Yes, we want a measurable goal although it is tough to determine this goal. KCI's models will help determine a goal.

Q: An article in the paper said not to swim in Greenfield Lake because of fecal coliform from wildlife, are we investigating this?

A: No, Greenfield Lake is outside our Local Watershed Planning Area, but it is an area Dave Mayes and Mike Mallin are working within and fecal coliform is the main problem in the lake.

Q: Anything new on North Chase?

A: Larry got the plans he needed today and we'll give you an update at the next meeting.

Comments:

- *No fish tissue sampling has occurred to the best of my knowledge, only water quality sampling.*

- *By getting Burnt Mill Creek off the non-supporting, 303(d) list we will have brought water quality to a certain standard in Burnt Mill Creek and the water will be okay for fishing and swimming.*
- *The DWQ has broken up the use support rating and it now looks at specific parameters for the use support rating.*
- *Burnt Mill Creek is rated class C, protected for recreation and aquatic habitat. It does not support those uses.*
- *You start infringing on property rights when you start telling people where to develop.*
- *We're not suggesting regulation, just encouragement through other methods such as incentives for developing in certain places, clustering, etc.*
- *You must differentiate between the science and the policy. For instance, we can scientifically determine where it is good to develop and where it's not and then recommend education on this. Property rights discussions are a part of policy, not science.*

Timeline for 2001

OCTOBER: Field trip to Pine Valley and a DOT mitigation project. The group agreed to meet early, at 5:30 pm, for the field trip. Also, the meeting may be held at Pine Valley. We'll let you know as soon as possible.

NOVEMBER: Design charette with KCI's models. The group will need to meet for more than the usual 2 hours. Dinner will be provided for a minimal cost.

DECEMBER: KCI's final report due, (deadline for applying to the CWMTF – next deadline in June, 2002)

*For more information about the New Hanover County Local Watershed Planning Group, contact Christy Perrin at (919) 515-4542
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