



New Hanover County Local Watershed Planning Group

MEETING SUMMARY

Wednesday, August 7, 2002 meeting held at the Cape Fear River Watch.
Summaries available on WECO website: www.ces.ncsu.edu/WECO

**Please Note Meeting location change:
We will meet at Wilmington's City Hall
on Wednesday, September 4 at 6:30 p.m.**

Agenda:

- ◆ Finalize *New Hanover Watershed Plan* document for distribution
- ◆ Develop methodology to distribute plan via local government meetings and media, etc.
- ◆ Follow-up on outstanding issues, including pet waste recommendations and stormwater management rules recommendations

Directions: The City Hall Conference room is in Thalian Hall located on 3rd St between Princess and Chestnut Streets. Park on the Chestnut St side parking lot or in the deck across the street.

Group Members/alternates present:

Bouty Baldrige, Cape Fear River Watch
Michael Pope, Sierra Club, Wrightsboro Community
Dick Loeffert, Northchase Homeowners Association
Dave Mayes, City of Wilmington
Tommy Tew, Corbett Timber Co.
Chris O'Keefe, New Hanover County Planning
Marian McPhaul, Lower Cape Fear River Program
Shelly Miller, New Hanover Co. Soil and Water
Marilyn Stowell, NRCS
Scott McLendon, USACE
Stacy Smaltz, CFRW
Jennifer Coyner, CFRW

Support staff & guests present:

Christy Perrin, WECO/NCSSU
Bonnie Duncan, NC WRP
Jason Jolley, WECO/NCSSU
Deborah Amaral, Cape Fear River Assembly
Chris Yerkes, CFRW

This meeting summary contains the following:

- Overview of Restoration Project at Burnt Mill Creek
- Stormwater Regulations Discussion
- Fish Consumption in Burnt Mill Creek

Burnt Mill Creek Restoration Project

The Group met on the banks of Burnt Mill Creek at Forest Hills Elementary School to hear about the proposed restoration project. Bonnie informed the group that Burnt Mill Creek is 303(d) listed (meaning it is impaired). The stretch of stream near Forest Hills Elementary School was identified by KCI and NCWRP for stream restoration. The stream restoration will involve added meandering, sloping of banks, removal of invasive species, and sedimentation control.

Questions for Bonnie:

Q: When do you select plant species and does the group have input?

A: We select during design and the group can certainly provide feedback if they like. We will not plant invasive species.

Q: Are you making stream smaller and increasing floodplain?

A: We would like to add meanders to dissipate energy and change the floodplain, not making the stream necessarily narrower.

Q: What about flooding? This area flooded regularly in the 1980's.

A: Some flooding will be addressed, but the goal is not flood control. Nor is it our goal to flood adjacent properties with this project. Creating meanders lengthens the stream, which provides a little flood storage. Also, this is and will continue to be a FEMA regulated floodplain. Hopefully after the project this area will flood less and cause less erosion along

the stream banks.

Q: Does this mean the banks will be lower?

A: It is possible that fill material will be removed.

Q: Sedimentation is coming from upstream. Will the project capture this sediment?

A: The project will address some sedimentation. We cannot address all sedimentation from upstream, but can address erosion here.

Q: Would you try to preserve the dirt trail?

A: No, probably not. A bike path is already present, but the property is not maintained or protected for that purpose. This path was previously used as an access area for the City.

Q: Does stream restoration improve biological activity?

A: Biological impairment means that there is unsuitable aquatic habitat for benthic macroinvertebrates or aquatic bugs (which provide an indication of the presence of various pollutants). It will take more than this stream restoration project alone to remove the creek from the 303(d) list. We are working to include stream monitoring in this restoration effort.

Q: What is the cost of the project?

A: Approximately \$125,000 for the reach from the bridge to the stormwater outfall at the apartments.

Q: How long does monitoring occur afterwards?

A: The consultant that does restoration will monitor for five years, then it is locally monitored in perpetuity via a contract with the NCWRP.



STORMWATER REGULATIONS DISCUSSION

Christy Perrin informed the group that she spoke with Linda Lewis, NCDWQ, about the group's concerns and received a written response regarding the examples of stormwater regulation issues shared at the last meeting by

Matt Hayes, City of Wilmington. The issues and Linda's responses follow:

| Concern | NCDWQ Response |
|---|---|
| NCDWQ 90 -day review time for permit applications may be too cumbersome | The 90-day review time is set by the legislature. |
| Innovative stormwater systems may be discouraged | NCDWQ does not discourage innovation. However, unproven technology is a problem, particularly since NCDWQ does not have staff or funding to research these. |
| Existing wetlands are not allowed for treating stormwater, so stormwater conveyances may circumvent wetlands and contribute to their demise | Treated stormwater from a wet pond (high density development) or overland flow (low density development) may be discharged into existing wetlands. Wetlands are not allowed to be used as treatment devices since the data is not available yet about how well they meet pollutant removal regulations. Some projects are currently being investigated. |

Scott McLendon from the U.S. Army Corps of Engineers informed the group that an innovative measure allows wetlands to be used for stormwater treatment with special approval. However, there is concern that a wetland may not meet the 85% TSS (total suspended solids) removal requirement, and that increasing water flows into a wetland may change the system. Building retention ponds on high ground can dry up lower elevated wetlands, so the use of wetlands is being explored.

Chris Yerkes, an area developer and Cape Fear River Watch board member, shared his observations regarding stormwater regulations with the group.

90 Day Review Impacts on Developers:

- Minimum of 2 review periods required before approval
- Comments from NCDWQ usually come on 89th day due to staff limitations
- Developers' engineers do minimum for submittal, because comments from NCDWQ usually require changes (let NCDWQ do it)
- Developer loses money because of interest on loan (time is money)

Paying to Reduce Risk:

- Risk costs developer money
- Developer s would pay to reduce risk and speed up the process
- Example- Raleigh allows upfront fee payment to guarantee building permit in short period of time. All relevant parties meet at once to negotiate until permit is issued. Reduces risk to developer by allowing them to rely on speedy approval, and they can figure in fees in their overall costs ahead of time

Flexibility in Design Standards

- Engineers get frustrated because they have no flexibility in the shape of the ponds and they cannot use the pond as an amenity (for example, they cannot place a fountain in the middle of it.)

Credit for Pervious Cover

- No credit is currently provided for pervious cover
- Suggests allowance for partial credit for providing pervious cover (pervious pavement for example)

The group engaged in a discussion on Chris's comments.

Q: What procedure does the City follow for development review?

A (Dave Mayes): It starts with zoning, then gradually plans are developed and go through the technical review committee (TRC). Engineers and architects develop plans and bring them to TRC to ask for permit. They cannot work without a construction release. The State permitting process runs concurrently.

Scott McLendon noted that the Army Corps of Engineers is rarely asked for approval until after the City and County agree with the plan. This places the USACE in a difficult position if the plans have been agreed upon by other parties. The USACE only addresses land with wetlands, but often wetland delineation on maps are not signed off on by the USACE when it is brought to TRC. The USACE often takes time because they are not part of a unified planning effort. Normally, they take 2 to 4 weeks to review a development proposal. Dave Mayes offered to ensure the USACE is on the TRC review list.

The group brainstormed a list of issues which merit considerations:

- *Encourage one-stop clearing house for permitting*
- *Need for improved communication among permittin agencies*

- *Different organizations are on different time frames*
- *What is status of the state looking into incorporating natural features in design*
- *What are parameters used in the process and can it become performance based*
- *Steve Koger standard for innovative performance based approaches*
- *NCDWQ review is a bottle neck*
- *City will not tell engineers a certain way to design, because they do not want to be liable for design*
- *No way to fund old stormwater detention pond retrofitting for maximizing watershed benefits.*

Draft New Hanover Watershed Plan Document

Fish Consumption section

Marian will speak with County epidemiology expert to determine effects of fishing and eating fish in the creek. The Health department has been doing advisories, and a fireman got sick after being in Burnt Mill Creek. She will provide information about this to the group to consider for a recommendation.

ACTION ITEMS

ACTION ITEM: WECO will ask the NCSU Dept. of Agricultural and Biological Engineering (Bill Hunt) for information about what other States may be doing to encourage innovative stormwater management techniques.

ACTION ITEM: Christy will rewrite the Section reflecting Tommy's concerns.

ACTION ITEMS: Those who volunteered to re-write sections of the draft watershed plan should email those changes to Christy before next meeting (Bonnie, Marian).

HOMEWORK: The Group should read letter to New Hanover County regarding the Stormwater Roundtable and be ready to make a decision regarding endorsement at the next meeting.

For more information about the New Hanover County Local Watershed Planning Group, or to be removed from this mailing list, contact Christy Perrin at (919)515-4542
Email: christy_perrin@ncsu.edu

