



New Hanover County  
Local Watershed Planning Group

## MEETING SUMMARY

Wednesday, December 6, 2000 meeting held at the Cape Fear Riverwatch Educational Ctr.

### Next Meeting scheduled for Wednesday, January 3, 2000

The group will hear more information about permitting and compensatory mitigation from:

- Bob Stroud, N.C. Division of Coastal Management (CAMA permitting)
- Ron Ferrell, N.C. Wetlands Restoration Program, Program Manager (Prog. overview, relation to compensatory mitigation and examples of restoration)

Time permitting, the group will finalize/prioritize the list of issues they brainstormed on Dec. 6.

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

#### Group Members/alternates present:

Jim Bordeaux, Castle Hayne Steering Committee  
Don Cooke, CP&L  
Curt Hensyl, Local watershed resident  
David Mayes, City of Wilmington  
Chris O'Keefe, New Hanover Co. Planning  
Charlie Horton, Sierra Club, Wrightsboro Community  
Stacy Smaltz/Bouty Baldrige, Cape Fear River Watch  
Tommy Tew, Corbett Timber Co.

#### Group members not present:

Jabe Hardy, Cameron Company  
Marian McPhaul, Lower Cape Fear River Program  
Karen Moorefield, Carolina Heights Neighborhood  
Robert Southerland, NC Marine Fisheries Commission  
Randy Turner, NCDOT  
Curtis Wright, Council of Neighborhood Assoc.

#### Support staff & guests present:

Aldyth Baker, guest  
Bonnie Duncan, NC WRP  
Jocelyn Elliot, NC WRP  
Suzanne Klimek, NC WRP  
Scott McLendon, USACE  
Christy Perrin, WECO/NCSU  
Kevin Schneider, Cape Fear River Watch volunteer  
Joanne Steenhuis, Wilmington Regional DWQ  
Bennett Wynne, NC Wildlife Resources Commission

### Positions and Interests

At the beginning of the meeting, members were given the opportunity to express their positions and interests in respect to the watershed and this watershed planning process. Understanding individual interests is an essential component to collaborative decision-making. Positions and interests were defined for the group as follows:

**Position:** *What is it you want from the process?*

**Interest:** *Why it is you want what you want? The reason behind the position*

#### Group members' positions and interests:

##### **Charlie Horton, Sierra Club:**

Positions: Wants improved water quality in the watershed, and expanded wildlife habitat.

Interests: Protecting the environment and offer safe places for outdoor recreation; clean water benefits everybody

##### **Chris O'Keefe, New Hanover Planning Dept.:**

Position: Wants to help target what makes a good quality of life.

Interests: To protect and enhance quality of life in New Hanover County. Bring information to the Board of Commissioners to help with their decisions. To help people with their livelihoods.

##### **Tommy Tew, Corbett Timber Co.:**

Position: Private property rights need to be respected and maintained. (and *Phragmites australis* – "common reed" needs to be wiped out!)

Interests: Recommendations need to be attainable and equitable.

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**Bouty Baldrige, Cape Fear Riverwatch:**

*Positions:* Organization is concerned about the Cape Fear River and water quality. People need to be taught the value of wetlands. Need to restore wetlands where waters are impaired. Projects may be done that will impact stormwater.

*Interests:* Wetlands play an important role in water quality in the Cape Fear. You can't save wetlands without community awareness – need projects to help with this.

**Stacy Smaltz, Cape Fear Riverwatch:**

*Positions:* Negatively impacted wetlands need to be restored to their natural hydrology. Burnt Mill Creek, as a hydrological example, used to meander before it was straightened. Potential wildlife habitat needs to be protected/restored.

*Interests:* Consider my constituents as those species without voices and need to represent them. Feel spiritually connected to them.

**Don Cooke, CP&L:**

*Positions:* Have an awareness of the need for water quality protection.

*Interests:* Recognize the future value of water (compared to oil now). Background in marine biology helps with understanding.

**Jim Bordeaux, Castle Hayne Steering Com.:**

*Positions:* To improve drainage and maintain water quality in Castle Hayne area.

*Interests:* Have specific concerns about development- impacts on stormwater runoff; quality of life. Gainful employment is also important.

**Curt Hensyl, International Paper:**

*Position:* Flood control, preserving scenic beauty of area.

*Interests:* Two-three inches of rain can cause flooding of neighborhoods.

**David Mayes, City of Wilmington:**

*Positions:* Is concerned about the balance of water quality protection and flood control. Loss of wetlands. City desires to address these situations.

*Interests:* Water quality relates to quality of life. Quality of life is the guiding principle of local government.

**Overview of Clean Water Act Section 404 Program: Permitting and Compensatory Mitigation Requirements**

Presentation by Scott McLendon, US Army Corps of Engineers (USACE), Wilmington Regulatory Field Office

As requested by the group in order to help them gain an understanding of the permitting side of wetland mitigation, Scott provided an overview of 404 certification by the USACE. His presentation will be available as a hand out .

Basic overview:

**Types of permits:**

1. *Nationwide general-* to deal with national issues. Issued by congress and authorizes activities that have minimal individual or cumulative impacts on the aquatic environment. These permits do not require an in-depth alternatives analysis. There are currently 44 nationwide permits. One cannot fill >0.5 acres of wetlands with any nationwide permit.
2. *Regional general-* to deal with regional issues. NC Division of Coastal Management has one, and the NC Dept. of Transportation (NCDOT) has one as well. These permits are issued by the individual Corps district and are developed to address regional activities that may not be addressed by the Nationwide permit.
3. *Individual permits-* required for any activity where fill amount exceeds 0.5 acres or where the activity cannot be authorized with a Nationwide permit.
  - Takes a long time to get,
  - Expressly deals with mitigation
    - Avoid impacts
    - Minimize impacts
    - Mitigation to compensate for filled wetlands

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**Compensatory Mitigation-** Not required for every permit. NCDOT is biggest customer. For restoration, the NC Division of Water Quality requires 1 acre for every 1 acre impacted (a one to one ratio)

Questions for Scott:

Q: *Do you get notification of wetlands work?*

A: We can't keep up with the work that we have. A lot of people do report. If >1/10 an acre is affected, they are supposed to call the USACE.

Q: *How important is preservation of wetlands?*

A: Restoration costs more than preservation.

Q: *How many permits are issued?*

A: 5,000 permits (annually? In this region)

Q: *How many acres are filled?*

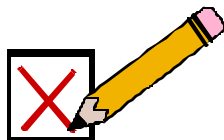
A: About 200 acres by the NCDOT, about 10 acres by others. (annually? In this region)

Q: *Because of the recent ruling, is there less regulation by the USACE?*

A: Correct. The USACE has been traditionally strict with permits. But a lot of areas will never be wetlands again due to the ruling.

Q: *If I've received a permit, avoided impacting wetlands as possible, minimized the impacts, and still needed to do offsite mitigation, what are my options?*

A: To pay \$12,000-\$24,000 per acre to the NC Wetlands Restoration Program, do something on your own, or buy credits from a mitigation bank (although there is no mitigation bank in this area- closest one is in Cumberland County). The NC WRP is very important to the USACE since it provides opportunities for compensatory mitigation.



## **Overview of Clean Water Act Section 401 State Water Quality Certification Program: Permitting and Compensatory Mitigation Requirements**

Presented by Joanne Steenhuis, NC Division of Water Quality (NCDWQ), Wilmington Regional Office

Joanne provided a brief overview of the 401 certification process.

### ***When is a permit issued?***

Basically, if there is no application for a 404 permit, then there is no 401 permit either.

### ***The 401 Permitting Process***

- Seven copies of the application and associated fees are sent to the N.C. Division of Water Quality in Raleigh.
- Applications are sent to the regional NC DWQ office for comment. The regional offices review the application area in the field to see if it complies with the avoidance, minimization, or mitigation required. If >1 acre of wetlands is impacted, the state requires mitigation. The regional NC DWQ office staff provide comments on the application.
- The application then heads to the central NCDWQ office in Raleigh for permit issuance and attached conditions. All 401 permits have conditions (although most applicants don't read them or follow them.)

Approximately 2,000 permits are issued out of Raleigh.

The regional office does not always have influence over permitting- for example when large NCDOT transportation projects are reviewed the regional office does not always have an opportunity to comment until too late in the process.

### **Questions and Answers for Joanne:**

Q: *When reviewing permits, do you make recommendations on conditions?*

A: Yes, typically recommend sediment fences around non-impacted wetlands. Very general conditions.

Q: *Are there any setback requirements?*

A: Those are coming in the future. New rules are conflicting- mitigation of wetland impact requirements vary depending on proximity to blue line streams. If over 150 feet of stream is impacted mitigation is required. If mitigation is required, you will need to mitigate down to zero, i.e.

you do not get to impact one free acre of wetland, you will mitigate for that acre plus anything over it. The same applies for a stream.

It is particularly difficult to deal with subdivisions. If a developer sells to 1,000 different landowners, then we have to deal with 1,000 landowners. That is why we like to deal with the developer of the subdivision for all the wetland impacts that will be necessary for that subdivision up front.

Q: *How do the 404 and 401 programs meld together?*

A: The state requires mitigation when >1 acre is impacted, while the USACE deals with smaller areas. The NC Department of Environment and Natural Resources and the USACE have a Memorandum of Understanding (MOU) so people can mitigate through the NCWRP.

Q: *If you are a permit holder, how do you determine what your compensatory mitigation requirements are if you have different requirements for the different permits (for the 404 and the 401 permits)?*

A: That does not happen. We try to work out agreements between the USACE and the state.

***For more information about wetlands and permitting, see the following websites:***

**NC Division of Water Quality website**  
<http://h2o.enr.state.nc.us/index.html>

**US Army Corps of Engineers website**  
[saw.usace.army.mil/wetlands/regtour.htm](http://saw.usace.army.mil/wetlands/regtour.htm)

**Society of Wetland Scientists**  
[www.sws.org/](http://www.sws.org/)

**Waterways experimental station**  
[www.wes.army.mil/](http://www.wes.army.mil/)

**U.S. Fish and Wildlife Service**  
[www.NWI.FWS.GOV/BHA/](http://www.NWI.FWS.GOV/BHA/)

### **Watershed Concerns Brainstorming**

The group participated in a brainstorming session to generate potential concerns they may want to address in the watershed. They answered the question: *What are your concerns in this specific watershed?* The group then categorized their answers. The results

follow.

### **The Big “F” (flooding)**

- Consistent flooding
- Flood plain impacts
- How well do wetlands control flooding?
- Increasing impervious surfaces
- Increased volume of flooding
- Flooding/property damage
- Increased frequency of flooding

### **Growth and Development**

- Loss of wetlands due to development
- Control urban sprawl
- Orderly development- is it in the right area
- Drainage without or with limited stream damage
- Protect remaining wetlands from development

### **Wildlife Habitat**

- Help increase wildlife habitat
- Ensure wildlife diversity
- Loss of wildlife habitat

### **Education and Community**

- Increase public awareness of the importance of wetlands
- Demonstrate wetland functions with “hands on” projects
- Influence private landowners to have self-initiated wetland restoration projects
- Informing public about nonpoint source pollution and reducing it
- The community must be involved in and aware of watershed issues
- Improve community efforts to work together to curtail wetland losses
- Be a model community for other municipalities to follow on wetland appreciation

### **Quality of Life**

- Clean up Burnt Mill Creek
- Increased pet waste
- Promote economic opportunity

- All wetlands are not equal. Should all wetlands be treated equally?
- If wetlands are so valuable, they should be purchased at a premium
- Stream impairment
- Protect quality of life
- Lower quality of life in neighborhoods
- Natural resource quality is tied to our quality of life
- Lack of concern by communities in watershed
- Increased load of trash (plastics)
- Provide alternatives to automobile transportation
- Preserve valuable open space

**Water Quality**

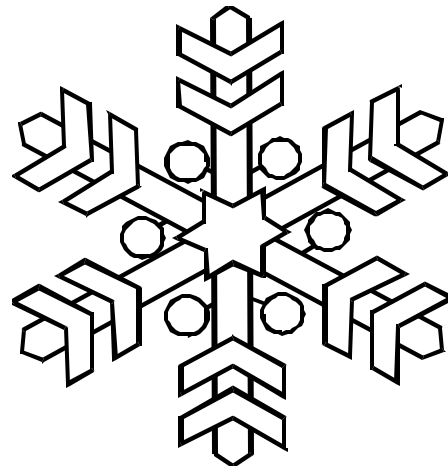
- Improve impaired waters
- Reduce polluted runoff into watershed creeks
- Increasing sedimentation
- Degraded quality due to E.Coli bacteria
- Is there a strong cause & effect between wetland drainage and water quality?
- People feeding waterfowl in McCrary pond
- Reduce water/air pollution
- Nonpoint source pollution

**Future meetings:**

The group agreed upon hearing about the following in future meetings:

- Coastal Area Management Act (CAMA) permitting, Bob Stroud, Division of Coastal Management
- Information about the N.C. Wetlands Restoration Program, including examples of wetlands and stream restoration (field trip?)
- Information about the Technical Watershed Assessment that will be conducted by KCI- what will the assessment cover?
- Watershed Roundtable Group, David Mayes, City of Wilmington

*Wishes for a peaceful  
holiday season to you and  
your loved ones*



*For more information about the New Hanover County Local Watershed Planning Group, contact Christy Perrin at (919) 515-4542, email: [christy\\_perrin@ncsu.edu](mailto:christy_perrin@ncsu.edu)*