



New Hanover County Local Watershed Planning Group

MEETING SUMMARY

Thursday, September 6, 2001 meeting held at the Cape Fear Riverwatch Educational Ctr.
Summaries available on WECO website: www.ces.ncsu.edu/WECO

Take Note! The meeting next month will be on the **SECOND Wednesday**, at the Pine Valley Country Club!

Next Meeting scheduled for Wednesday, October 10, 2001

Meeting Agenda:

- ◆ Presentation on goals for stream and wetlands restoration, Larry Hobbs, NCWRP
- ◆ View stream restoration project at Pine Valley
- ◆ Overview of water quality models that will be used in November Design Charette meeting
- ◆ Discussion to seek consensus on criteria for prioritizing preservation lands.

The meeting will be held at Pine Valley Country Club from **5:30 p.m. - 8:30 p.m.** The public is welcome to observe.

Note- the November meeting will be held on Nov. 14, 2001

Group Members/alternates present:

Joe Blair, NC DOT
Jim Bordeaux, Castle Hayne Steering Committee
Stacy Smaltz/Bouty Baldridge, 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
Matt Hayes, City of Wilmington
Marian McPhaul, UNCW
Curt Hensyl, Local watershed resident/ International Paper
Tommy Tew, Corbett Timber Co.

Support staff & guests present:

Bill Gilmore, NC Dept. of Transportation
Dave Schiller, NCDOT
Gordon Cashin, NCDOT
Bruce Watkins, NC Coastal Land Trust
Christy Perrin, WECO/NCSU
Ron Ferrell, NC Wetlands Restoration Program
Bonnie Duncan, NC WRP
Larry Hobbs, NCWRP
Suzanne Klimek, NCWRP
Scott McLendon, USACE
Scott Logal, Cape Fear Council of Governments
Anne Deaton, NC Division of Marine Fisheries
Greg Walker, USDA
Danielle Seneschal, Cape Fear River Watch
Gloria Putnam, NC Division of Water Quality
Kevin Schneider, Cape Fear River Watch

Group members absent:

Don Cook, CP&I

PLEASE RSVP for OCTOBER 10 Meeting

by October 1 to Bonnie Duncan at (919) 733-5315 or bonnie.duncan@ncmail.net. **The October meeting will be held at the Pine Valley Country Club at 5:30 p.m.** The Country Club will provide meals at a minimal cost. The N.C. Wetlands Restoration Program will pay for most of the cost, but **we ask that participants bring \$1 to help defray the cost** (what a deal!!). Guests are welcome, although guests should also RSVP to ensure we will have enough food.

Directions to the Pine Valley Country Club:

Follow College Road from Wilmington towards Carolina Beach (past Odeander, etc.) and make a right on Pine Valley Drive. At the intersection there will be a fire station on your right. Follow Pine Valley Drive until you run into the club. The meeting will be held upstairs in the clubhouse.

NC DOT's Planning and Mitigation Program: focus on the Wilmington Area

**Presented by W.D. Gilmore, Gordon Cashin, and
David Schiller; Project Development and
Environmental Analysis Branch**

Our guests from the NCDOT presented information that had been requested from the group about:

1. Transportation Improvement Program (TIP) Overview
2. NEPA/Mitigation Process
3. Division III initiatives (impacts and mitigation)

A hand-out of their presentation will be available at the Group's next meeting.

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1. TIP Overview

Project development goes through many steps:

- Long-Range Planning (Determining the need)
- Program Development (funding the projects)
- Project Planning (Minimizing the impacts)
- Project Design
- Construction and Maintenance (Building and maintaining the Road)

What is the TIP?

- Schedule and Funding of Transportation Projects
- Statewide Seven-Year Program, financially constrained
- Objectives
 - Provides public information
 - Facilitates public involvement
 - Advances transportation projects in an organized way
 - Provides responsive transportation systems
- Multi-modal (not just automobile)
- Does not include maintenance projects

How is the TIP developed?

This is a 2 year process that includes public participation. Public meetings are held in odd years (fall/winter) to request input. NCDOT develops the draft TIP in spring/summer and releases it in September. In even years, public meetings to review the draft TIP are held in the fall/winter. Public comments are reviewed and then the Board of Transportation approves the TIP in June.

Who decides what projects go into the TIP?

- The public
- Staff, Municipal Planning Organizations (MPO), and Board of Transportation Review
- Board of Transportation approval

How are priorities decided for approved projects?

- DOT/MPO discussion
- Consider local/intrastate demand
- Funding/Authorization constraints

2. Overview of the National Environmental Protection Act (NEPA) and Mitigation Process

The National Environmental Protection Act (NEPA) of 1966 requires an analysis of all federally funded projects. The State has an analogous program for state funded projects called the State Environmental Protection Act (SEPA)

NEPA Process

1. Establish a purpose and need for a project
2. Agree on detailed alternatives (draft Environmental Assessment, and in some cases, an Environmental Impact Statement, called an EIS, is produced)
3. Selection of a preferred alternative
4. Mitigation of the alternative to minimize impacts
5. Permit and mitigate the project

3. Division 3 Initiatives

The NCDOT's Division 3 region contains New Hanover, Brunswick, Pender, and Sampson Counties. In the next 7 years there are 124 projects proposed in this division.

Wilmington Bypass impacts:

Project	TIP no.	Status	Wetland impacts (acres)	Stream impacts (feet)
US 17 to I-40	R-2405 A	Proposed	106.2	167
I-40 to US 421	R-2633C	Under Construct.	128.6	5,578
US 421 to US 17 (Brunswick)	R-2633A&B	Under Study (EIS not approv)	193-228	Not assessed

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Gordon Cashin showed maps with current mitigation sites for the Wilmington Bypass. These included the McIntyre, Haws Run, Finley McMillan, Juniper, and Dale sites.

Smith Creek Parkway (Project U-0092)

Several mitigation sites have been identified and/or constructed to mitigate for the Smith Creek Parkway's impacts. These include the following sites:

- Spring Branch – 8 acres bottomland hardwood restored, 3 acres preserved
- Bridge Maintenance- 4 acres tidal swamp restored, 2.4 created
- Finley McMillan- 102 acres Pocosin preserved
- Third Street- 1.3 acres bottomland hardwood created
- McRae Street- 1.1 acres tidal marsh restored, 12.7 acres enhanced
- Smith Creek- 11.7 acres restored, 16 acres preserved
- Waste Treatment- .8 acres created
- County property- 1.9 acres tidal swamp created
- Kerr Avenue- 47.3 acres tidal swamp preserved

Questions for Bill, Dave, and Gordon:

Q: What does "letting" a project mean?

A: Letting is when a project goes to contract and building starts

Q: Did you need to mitigate an impact on the endangered species in the I-40 connector tract?

A: An endangered plant, the Rough- leafed Loose Strife, was identified during the EIS. The right of way was shifted, but we still need to mitigate the impact to the species. We are required to have a formal (Section 7 of Endangered Species Act) consultation with the U.S. Fish and Wildlife Service. There is no guidance on how to replant the Loose Strife. We may pay someone to determine how to replant as part of the mitigation.

Q: About the Finley McMillan tract near the Holly Shelter Gamelands, what do you do with pieces of property that you have bought and used for mitigation?

A: There must be a recipient of the land- we are working with the N.C. Wildlife Resources Commission to partner with them. Sites must be monitored for 5-7 years, and in that time we may need to refurbish a tract to get the ecosystem functioning properly. We don't want to release land until it is functioning properly.

Q: When you discuss impacts, are you just talking about the on-site impacts (footprint) or also downstream pollution and increased run-off?

A: Just the on-site impacts.

Q: Is any extra mitigation weight given for different activities, such as restoration, creation, enhancement, or preservation.

A: Yes, there are different ratios or each activity which apply. Restoration in N.C. is done on a 1:1 ratio (you get the most credit for this activity). There are different opinions about how it should be mitigated- this is an evolving issue.

Q: Does the EIS for these local projects show the impacts in our watersheds of concern?

A: When we approach a project, the EIS is done in concert with other regulatory agencies and they analyze and permit the impacts, which DOT implements.

Q: How will projects impact water quality or water quantity? Will the DOT projects minimize the benefits of the mitigation projects we are being asked to recommend? Is hydrology information used to determine impacts?

A: We're not sure the information you need to determine that would ever exist- it is beyond our control.

Hydrology information is calculated. Cumulative growth is not under our control- it is a local issue. We are taking steps to start addressing cumulative impacts. We are partnering with NCDENR, and trying to partner with communities. The land development that is taking place locally is not

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following the same guidelines that we have to follow. We are not there yet- in fact the country is not there yet.

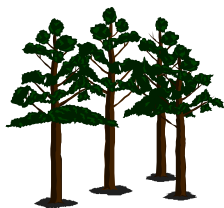
Answer (Ron Ferrell): The outcome of our technical watershed assessment will provide some of the information you are seeking, including a future projection of water quality impacts and development scenarios. We do not want to put in a project and have it blown out by development in the future. Some of the data could be prohibitively expensive so we have to balance in order to make good decisions.

Q: Where can I get information about cumulative impacts?

A: We refer to academic literature on stream effects. We don't get into specific analyses, but rely upon literature.

Q: Is the NCDWQ willing to back off of the 1:1 ratio for restoration, and consider other project options for mitigation?

A (Ferrell): The Director has the discretion to grant variances. This process can provide the justification or being flexible. Rules may need to be revised based on what we learn here.



Recommended Criteria for Prioritizing Preservation Lands

Presentation by Bruce Watkins, N.C. Coastal Land Trust (NCCLT)

Bruce explained to the group the guidelines that the NCCLT follows for prioritizing lands for preservation. Some of the guidelines are provided by the Conservation Trust for North Carolina, while the NCCLT's goals and criteria were developed over a 2 day mediated session. Bruce recommended to the group that they incorporate the criteria into their own decision-making when deciding which lands to recommend for conservation and preservation.

The Conservation Trust of N.C. (CTNC) provides a list of criteria for land acquisition. The CTNC recommends that to qualify for consideration, a site should be justified as having value for one or more of a list of 17 categories. The categories contain considerations that contribute to significant public benefit from land protection. Sometimes one factor alone is adequate, but sometimes a combination of factors is considered.

1. Contains ecosystems of special educational and scientific value.
2. Contains endangered, threatened or rare species or natural communities
3. Contains exemplary ecosystems
4. Includes important wildlife habitat and/or wildlife migration routes, or lands that buffer and protect wildlife habitat from threats
5. Contains unique or outstanding physiographic characteristics
6. Has scenic attributes visible from public areas
7. Maintains active agricultural use
8. Borders or affects integrity of a significant stream or river
9. Contains wetlands, floodplains, lakeshores, or other lands necessary to protect water quality
10. Has recognized historic value/next to designated historic resources
11. Is or can be part of a trail or greenway
12. Shares boundary or is close to public forest, park, or other nature preserve and remains in natural condition
13. Is adjacent to private land that is permanently protected
14. Is situated such that its development would obstruct or diminish scenic views from public or protected areas
15. Is a significant part of a community's designated greenbelt
16. Is valuable to community as open space due to

its proximity to developing areas

17. Maintains land used, or likely to be used, for the demonstration of sustainable agriculture, horticulture, or silviculture practices and for the education of other landowners in methods of good land stewardship.

Bruce also provided to the group (within the same handout which is available upon request) considerations that may preclude involvement (such as the property being too small or scenic values can not be viewed by the public).

Property evaluation protocol for NCCLT

Bruce reviewed the protocol used by NCCLT to evaluate potential sites for possible protection involvement. The protocol is available in a handout and will be mailed with this meeting summary.

Note- Some important lands are not in the N.C. Natural Heritage Program because some landowners are wary of government.

Bruce also mentioned some tracts of land in which the group may be interested within the watershed of concern. These include a 4,000 acre tract of land in the Northeast part of the watershed, bottomlands adjacent to Prince George's Creek, land across from Tony's Creek.

Questions for Bruce:

Q: Do you approach a landowner with a price in mind?

A: We pay the appraised value, and usually no more. Of course, the landowner may have a higher appraised value than we do.

Q: Do people ever approach you with land to sell that is degraded?

A: Yes, in that case we will pass it on to entities like NCWRP.

Q: If we recommend properties for conservation, would we need an appraisal?

A: Yes, although the problem is that mitigation is not considered the best available use, and the land can be undervalued.

Decision: The Group agreed to meet at the Pine Valley Country Club at 5:30 on Wednesday, October 10 instead of at their regular meeting date and time. Dinner will be provided at the nominal price of \$1 per person.

Decision: The Group agreed to hold their November meeting on Wednesday, November 14, 2001 from 5:30-9:00 p.m. at the Cape Fear River Watch Center (instead of Nov. 7). Dinner will be provided.

*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*