

Minutes of the Chatham County Environmental Review Advisory Committee (ERAC) Meeting, December 14, 2017

Attendance

Committee members:

Present Fran DiGiano, Vic D'Amato, Elaine Chiosso, Jeanette Ragland, Terry Schmidt, Sherri Stuewer

Absent: Ray Bode, Mary Beth Koza, Dave Mattison, Farrell Moose, Graham Swift

Guests: Jeannie Ambrose, Matt Rutledge (Associate Manager of Stewardship for Triangle Land Conservancy)

Staff: Brian Burkhart, Chatham County Environmental Quality Director

Call to order

6:30 PM by Chairman Terry Schmidt for meeting to begin following the published Agenda

Introductions of all in attendance

Recording Secretary

- Fran DiGiano was designated by chairman, Terry Schmidt, as recording secretary for the meeting

Approval of minutes of the October 12, 2017 meeting

- Fran DiGiano moved to accept the draft minutes, Sherri Stuewer seconded the motion and all members of committee voted to approve the motion. .

Public Input

None

Triangle Land Conservancy (TLC) Presentation on Land Conservation in Chatham County

- Matt Rutledge of the TLC gave a powerpoint presentation to explain its mission and means by which land is conserved.
- Mission is focused on the Triangle Area-
 - Safeguard clean water
 - Protect natural habitats
 - Support local farms and food
 - Connect people with nature (land protection & stewardship; catalyze community action & collaboration)
- Land conserved by TLC is 18,000 acres; Land owned by TLC is 5,000 acres
- Conservation Options
 - Fee Simple- outright purchase or donation, in which the landowner sells or grants all rights, title and interest in the property to the land trust
 - Easement - legal agreement between a landowner and a land trust or government agency that permanently limits uses of the land in order to protect its conservation values.
- Purchase requires funding, e.g., Agricultural Development Trust Fund; Clean Water Fund; County government

- TLC's Chatham Working Lands Initiative has easements in effect now for Silk Hope Area
- TLC's Deep River project protects key water quality sites, nature areas, scenic vista, historic sites, and potential recreation sites while also advocating for parkland acquisitions for the Deep River State Park and the creation of future canoe access points
- TLC Stewardship program monitors to make sure that land owners, for example, are properly caring for land easements.
- TLC could work with Chatham County government with regard to the Comprehensive Plan inclusion of trails and greenways. TLC thinks of itself as being "more nimble" than county governments in moving quickly to acquire land trusts taking advantage of personal acquaintances with land owners

Review Briar Chapel request for waiver to allow a stream crossing in Phase 16 and provide recommendation to the Board of Commissioners

- Nick Robinson of Bradshaw, Robinson and Slawter law firm on behalf of Newland Communities explained the request. He explained that Briar Chapel is the only Compact Community in Chatham County and noted that while only required to set aside 30% for open space, 50% has been set aside. He further noted that the homes are Green Certified resulting in 1 mil. dollars in energy savings.
- Briar Chapel has already received 404 Permit from the U.S. Army Corps of Engineers (USACE) and 401 N.C. DEQ permit for this stream crossing. USACE has done a field inspection of stream crossings done in the past and also of proposed location before approving. A certain number of stream crossings were allowed and mitigation to compensate for the incursion ("IMPACT" is terminology in use) have been made elsewhere in N.C. Of those allowed, three Impacts have not been used to date. Briar Chapel requests to add a new Impact for crossing of intermittent stream, riparian buffer, at PH 16S adjacent to the Conservation Subdivision.
- The crossing is needed to reach the new 55+ neighborhood to be built by David Weekly Homes, LLC. The alternative of a road through the Conservation Subdivision is far less desirable.
- Briar Chapel presented waiver request at Nov. 20th meeting of the Chatham County Commissioners which recommended that ERAC perform review before final approval is granted
- Others present on behalf of Briar Chapel to address technical questions were Lee Bowman, Newland Communities; Chris Huysman and Perry Isner, WNR (environmental consultant); and Chris Seamster, McKim & Creed (engineering consultants).
- Elaine Chiosso pointed out past problems with stream crossings using culverts instead of bridges in Briar Chapel. Biological communities were disrupted because bed substrate was not available or because culverts were installed too high, preventing continuous flow. Briar Chapel consultants responded that the problems had been corrected to get approval of the USACE.
- Elaine Chiosso suggested the Board of Commissioners be made aware of past problems and actions taken by Briar Chapel to improve the stream crossings as part of the request for waiver and further, be made aware that mitigations have been done outside of Chatham County, thus of no benefit to the County and have oversight on the proposed stream crossing project
- The ERAC members recommended granting the waiver as requested by Briar Chapel with the provision that Brian Burkhart draft a few sentences to address the above noted concerns by Elaine Chiosso that would be reviewed by ERAC before forwarding to Board of Commissioners.

Updates from County Staff

- ERAC members must be sworn in at next meeting by Lindsay Ray, Clerk to the Board of Commissioners, to serve as members of the Watershed Review Board
- Air sampling of coal ash deliveries to Charah's Brickhaven Facility has been suspended because the train deliveries have dropped off due to shift by Duke Energy to alternative site. Reduced coal ash load also means less revenue to the County.
- Harnet County has leachate data from coal ash but permission is needed to view the data

Announcements and updates from ERAC members

- Elaine Chiosso gave the status of a State budget provision of 1.3 mil for 2017-18 to apply an algaecide to Jordan Lake for in-lake suppression of algae. There are many concerns about feasibility including not being effective against specific algal types. SePRO, a N.C. company, made a proposal to DEQ. The USACE had 30 days to review. The USACE has prepared their report but the Haw River Assembly was not able to access it. Even if approved by USACE, an Impact Statement is required pushing the start date well beyond the approved budget period for this provision.

Adjournment

- A motion to adjourn was made by Vic D'Amato and seconded by Sherry Stewer and approved unanimously. The meeting was adjourned at 8:30 PM

Next meeting will be January 11th at 6:30 PM.

Fran DiGiano, December 20, 2016