

New Hope Creek Corridor Advisory Committee

Minutes of Meeting of February 14, 2008

Present: Goebel, Fowler, Jacobs, Harrison, Healy, Kent, Wade Penny, Carolyn Penny, Olive, Welch, Ryke Longest, Drew McConville, Michael Hiatt [the latter three with Duke Environmental Law Clinic]

(1) Healy said that Chris Berndt will be a new member of the committee, appointed by the Chapel Hill Greenways Commission. Chris and Bill Webster will make a presentation on Dry Creek trail planning at the March NHCCAC meeting.

(2) Update on Hollow Rock area planning (Welch, Jacobs). The Hollow Rock planning committee's last meeting received the report of the historical/archeological survey of the site, a summary of which was passed out to the NHCCAC. It was noted that site development could be restricted by the large number of sites found by the consultant, who also recommended further surveys. The Hollow Rock committee also discussed possible closure of Pickett Road to through traffic and use of the road as an access and parking area for Hollow Rock Park. Road closure would require a public hearing and consultation with nearby landowners. The Pennys and Trinity School are reported to be in favor of a road closing.

The HR committee also discussed development possibilities at the site, including trails, toilets, and picnic facilities. For example, should there be a large picnic shelter for school groups? Should there be re-creations of historic buildings or buildings moved to the site? It was noted that Orange County has expressed a preference for only limited development. Also discussed were funding for park development, role of Triangle Land Conservancy and buildings now standing on its land, the possible use of existing road easements near Randolph Road for site access, and the possibility of a new traffic light at the corner of Randolph and Erwin Rd. Jacobs spoke in favor of encouraging public recreational use at Hollow Rock and re-location of the old Hollow Rock store to the site. The Hollow Rock committee will next meet Feb. 28.

(3) Update on Turkey Farm Road Bridge. Ryke Longest, director of the Duke Environmental Law clinic and law students Drew McConville and Michael Hiatt, briefed us on the status of the bridge situation. Longest has filed, on behalf of Kent and Healy, a notice of intent to appeal the water quality permit, on the basis that the conditions for a categorical exemption had not been met, particularly failure to comply with the North Carolina Endangered Species Act. NCDOT cannot be a formal legal party to the appeal, but we are asking the administrative law judge to bring them in as part of the procedure against the NC Division of Water Quality. The NHCCAC is continuing to contest the NCDOT actions despite its redesign of the bridge because there is no assurance that NCDOT is committed to specifics of a demolition and construction process that will not injure habitat qualities, including the endangered mussels. Moreover, although the new bridge does not have a bent in the

stream, it is still lower than the one it replaces, with unknown impacts on wildlife passage. Longest has recently set up a movement-triggered wildlife camera near the bridge so as to identify game trails. Unfortunately, it has been moved, perhaps by people “tagging” (painting graffiti) under the bridge.

Harrison said that last night Orange County representatives made comments at the Metropolitan Planning Organization transportation planning meeting that again raised concerns about the bridge. Kent sent a message to Barry Jacobs asking that Orange County ask NCDOT for a field meeting of biologists at the bridge site before proceeding further. The result of such a meeting would be a “green sheet” listing NCDOT’s specific environmental commitments with respect to the bridge.

After discussion, the NHCCAC voted unanimously to pass the following resolution, and to request Kent, Longest and Healy to present it to all interested parties as a summary statement of the Committee’s continuing concerns about the bridge. It may be desirable to request the Orange County Commission to pass a similar resolution on its own behalf.

RESOLUTION

WHEREAS the natural corridor of New Hope Creek preserves invaluable recreational and educational opportunities, open space, wildlife habitat, and other historic and natural resources; and

WHEREAS the preservation of the New Hope Creek Corridor is essential for maintaining the health of Jordan Lake and the Cape Fear River Basin; and

WHEREAS the section of New Hope Creek at Turkey Farm Road supports a unique community of freshwater mussels already imperiled by drought and the impacts of urban development, including at least two State Endangered Species and Federal Species of Concern (Carolina Creekshell, Atlantic Pigtoe), one State Threatened Species (Creeper), one State Special Concern Species (Notched Rainbow), one State Significantly Rare Species (Eastern Creekshell), and additional rare species that may include a previously undiscovered species of *Lampsilis* mussel; and

WHEREAS Orange County, Durham County, the Town of Chapel Hill, and the City of Durham have continuously reaffirmed our commitment to the preservation of the New Hope Creek corridor and its natural resources since our joint funding of the New Hope Open Space Master Plan in 1989, adoption of the Master Plan in 1991; appointment of the New Hope Creek Corridor Advisory Committee to advise us on its implementation; and the subsequent expenditure of five million dollars of local, state and private funds for land protection pursuant to the Plan;

NOW, THEREFORE, BE IT RESOLVED that the New Hope Creek Corridor Advisory Committee respectfully requests that the North Carolina Department of Transportation, North Carolina Division of Water Quality, and other involved state

agencies ensure the maintenance of high water quality, pristine habitat for aquatic species, passage for terrestrial wildlife, and adequate recreational access in the design and construction of the Turkey Farm Road Bridge at New Hope Creek.

BE IT FURTHER RESOLVED that the New Hope Creek Corridor Advisory Committee respectfully requests that the North Carolina Department of Transportation and other involved state agencies consult with the Advisory Committee in any decisions that may impact the New Hope Creek natural corridor and its planned preservation as laid out in the New Hope Corridor Open Space Master Plan.

BE IT FURTHER RESOLVED that the New Hope Creek Corridor Advisory Committee respectfully requests that the North Carolina Department of Transportation conduct an environmental assessment pursuant to the North Carolina Environmental Policy Act and a field meeting with qualified ecologists to ensure that proposed demolition, construction, and final design of the Turkey Farm Road Bridge will have no negative impacts on the high level of aquatic species habitat, water quality, and other natural heritage features of the New Hope Creek area.

(4) Discussion of role of NHCCAC in issues affecting the New Hope outside the area of the 1992 New Hope plan (e.g. 164 acre Boylan development near Hwy. 751 south of Stagecoach Rd.). Healy noted that the NHCCAC has been asked by several parties to comment on this and other proposals in the area south of Rt. 54. He said he was aware of the significant negative impacts that large scale development in this area could have on the water quality of Jordan Lake and other New Hope resources, but felt that (a) our mandate from the jurisdictions does not extend south of Rt. 54 and (b) we do not have segments of the 1992 plan covering this area that we can turn to for guidance. Kent observed that when Jerry Emison was chair, the NHCCAC did offer comments on some developments in that area, including comments on the replacement of the bridge at Stagecoach Rd. In 2000, the Committee issued an interim report (available at <http://newhopecreek.org/pdf/10yearreport.pdf>) noting (p. 15) the rapid rate of development of non-Corps land south of Rt. 54 and suggesting that “with the extensive development that is underway in this area, it seems prudent for the governing bodies to consider charging a group with specifically attending to protection of the creek south of NC 54.”

Jacobs said that there would have to be approval by all four jurisdictions for extension of the geographic scope of the New Hope Master Plan, but she thought we could issue a statement of general opinion on new development. Goebel, Wade and Carolyn Penny, Welch and Olive all concurred. The impacts of development on biodiversity on the Corps wildlife lands were mentioned. Goebel said he thought DOST would welcome our comments on major projects. Wade Penny said that we need to find allies in this effort.

As a result of this discussion, Healy was asked to draft a statement of concern by the NHCCAC and a request for action for circulation to NHCCAC members for comment and a later vote, perhaps via email.

Items (5) and (6) could not be discussed because of time constraints, but will be on the agenda at a future meeting.

(5) Discuss long term effect of drought on New Hope Creek (Olive).

(6) Accommodating Leigh Farm Park to presence of Disc or Frisbee type golf (Olive).

**Next meeting-- Thurs. March 13 5 pm
Forest View Elementary School**