

North Carolina General Assembly

ENVIRONMENTAL REVIEW COMMISSION MINUTES

April 7, 2008

The Environmental Review Commission met at 1:30 p.m. in Soundside Hall of the North Carolina Aquarium at Pine Knoll Shores. Co-Chairmen Dan Clodfelter and Charlie Albertson presided.

Members present were Co-Chairman Charlie Albertson, Co-Chairman Dan Clodfelter, Co-Chairwoman Lucy Allen, Co-Chairman Pryor Gibson, Representative Carolyn Justice, Representative Edith Warren and Representative Russell Tucker.

Also recognized in attendance were Representative William Wainwright and Representative Alice Graham Underhill, who attended a meeting at the aquarium prior to the Commission meeting. Staff in attendance were Commission Counsel George Givens, Assistant Counsel Jeff Hudson, Assistant Counsel Jennifer McGinnis, Commission Analyst Jennifer Mundt and Commission Clerk Jessica Kozma Bennett.

An advanced notice was distributed electronically to interested parties on March 16, and a second notice was distributed on March 26. Both are included as attachments to the minutes as Exhibits A and B, respectively. A copy of the meeting agenda and visitor registration forms are also included in the minutes as Exhibits C and D, again, respectively.

Co-Chairman Albertson then recognized Mr. Jay Barnes, director of the aquarium. Mr. Barnes welcomed Commission members and staff and extended an invitation to a “back of the house” tour. He also complimented the recent remodel of the aquarium.

Commission Counsel was then recognized by Co-Chairman Albertson to review the day’s agenda. It is noted for the record that a planning meeting was held March 28 and that the day’s meeting agenda is dedicated to parks and recreation reports. Mr. Givens added that there have been three meetings regarding pervious pavement and that investigation into possible flame retardant legislation is currently under study and the subject will be revisited at future Commission meetings.

Update on current drought conditions in light of conservation efforts and recent rain events

Concluding Mr. Givens comments Co-Chairman Albertson recognized Ms. Elizabeth S. Biser, Director of Legislative and Intergovernmental Affairs for the Department of Environment and Natural Resources (DENR). A copy of her presentation as attached to the minutes as **Exhibit E**.

Ms. Biser began by stating that she is filling in for Mr. Thomas Fransen and noted that although there had been a generous amount of rain recently, the State remained in a drought. Statewide, she said, water levels remain 14 to 15 inches below normal.

Regarding an outlook for the drought, she reported, a La Nina pattern is predicted. The current rains have aided reservoirs but have not recharged groundwater levels.

Co-Chairman Gibson asked to be informed of what counties are in better or worse shape. Ms. Biser was then thanked by the Chair for her report.

**Annual report on allocations from the Parks and Recreation Trust Fund
from the prior fiscal year**

Mr. Lewis Ledford was recognized by Co-Chairman Albertson. A copy of his power point presentation and a copy of the North Carolina Parks and Recreation Trust Fund annual report are included as attachments to the minutes as **Exhibits F and G**, respectively.

The trust fund was established in July of 1994 and since its inception, has funded the purchase of land by local authorities with maximum grants of \$500,000. Allocated money is as follows: 65 percent for the State's Parks System for capital projects, repairs and renovations of facilities to acquire land; 30 percent to provide grants for local governments on a dollar for dollar basis to create or improve parks and recreational projects; and, five percent for the Coastal and Estuarine Water Beach Access Programs. No more than three percent may be used by DENR for the operating expenses associated with managing capital improvement, acquiring land and administering the grants program for local governments.

Mr. Lewis reported that since 1996 more than 3,550 acres of land have been acquired, including a skate park in Rocky Mount. In 2007 there were 12 capital projects with a total price of \$17.6 million. This includes a Ford Macon State Park visitor center and renovations for a park in Haw River, among other projects. In the past 10 years, 30,000 acres were added with a total cost of \$11 million.

Addressing future needs Mr. Ledford said that State parks are experiencing record attendance and that there will be needs for additional lands and "protections." Capital improvements at existing parks total \$334 million and a potential 43,700 acres may potentially be purchased. He said that the State park system was important for the lives of future generations and that other states were creating similar models to the State's trust fund.

Co-Chairman Albertson thanked Mr. Ledford and his staff and asked the Commission to compose a letter thanking Mr. J. K. Sherron—an arbiter of the trust fund—for his efforts. Co-Chairman Clodfelter asked if historic sites were eligible for funding, of which Mr. Ledford replied that historic sites were not eligible. Discussion ensued and DENR Secretary Ross said that combinations of parklands and cultural sites have been discussed. Co-Chairman Gibson said the Commission may need to address a park fee schedule.

Co-Chairman Albertson then recognized the next presenter.

**Annual report on allocation from the Natural Heritage Trust Fund from the
prior fiscal year**

Ms. Lisa Riegal, Executive Director of the North Carolina Natural Heritage Trust Funds began her presentation discussing the mission of the trust fund. That is, to protect natural and cultural heritage lands. A copy of her presentation is included as an

attachment to the minutes as **Exhibit H**. The program works to identify the most important natural areas in the state and has finished projects in 83 counties with an additional six counties in ongoing projects.

In the 20 years of the funds existence, land values for lands acquired by the program have appreciated 300 percent. She then reviewed projects (see attachment) including an archeological site in Contentnea, the Stagville State Historic Site Land Acquisition in Durham County, New Hope Valley Forest and the Mast General Store.

Co-Chairperson Clodfelter asked how many cultural projects are taken on compared to natural sites. Ms. Riegel answered that 25 percent are cultural because of a statutory limit to focus on natural areas.

Co-Chairman Albertson thanked Ms. Riegel.

Report on the North Carolina Naturally conservation initiative

Ms. Linda P. Pearsall, Director of the Natural Heritage Program with the Office of Conservation and Community Affairs (DENR) presented on two annual reports that are included as attachments to the minutes as **Exhibits I and J**. A copy of her presentation to the Commission is included in the minutes as **Exhibit K**.

Ms. Pearsall reviewed data for the 2006 year and Co-Chairman Clodfelter asked about data from 2007. Ms. Pearsall answered that such information is not released until September. Co-Chairman Clodfelter followed asking if it took nine months to compile such information, of which Ms. Pearsall said it took six months and that there is an effort to compile and release the information more quickly.

Ms. Pearsall reviewed slides in her presentation including discussing progress toward obtaining a million acres, conservation incentives. One grant fund, she noted, successfully funded 16 projects and another conservation tax credit program as of 2006 had affected 168,000 acres.

Because of increasing population growth there is added pressure on land and water, Ms. Pearsall said. Local planners need to have effective information to be able to access and insure the most important properties. She continued her presentation and then Co-Chairman Albertson asked for questions from Commission members. Co-Chairman Clodfelter asked if it was possible to map properties with their tax values. Co-Chairman Albertson thanked Ms. Pearsall for her time.

Annual report on implementation of the Clean Water Management Trust Fund

Agenda Item 9 was deferred until later in the meeting. Co-Chairman Albertson recognized Mr. Richard E. Rogers, Executive Director of the Clean Water Management Trust Fund, Item 10 of the agenda. A copy of his presentation is included in the minutes as **Exhibit L**.

Mr. Rogers said that the trust fund's mission is to restore and enhance degraded waters, conserve unpolluted waters, eliminate water pollution, create a network of riparian buffers and greenways, and fund innovative systems. Accomplishments for the fund include 4,560 miles of buffers preserved, 435,573 acres protected, more than \$443.4 million invested in land and water conservation and 135 buffer, stream and wetlands restoration projects.

Moving to another slide, Mr. Rogers said that since 1997, 1,148 grants were funded with a total of \$832.7 million awarded. He then showed a map depicting where projects were. He then discussed projects with local governments. Co-Chairwoman Allen asked what the difference is between county versus city projects. Mr. Rogers said that the difference is management of wastewater systems.

Among key projects, one project Mr. Rogers noted was a wastewater project in Harnett County. That particular local wastewater system was regionalized and as a result the Little River (Cape Fear River basin) was projected. The awarded grant for that project was \$500,000.

He then reviewed other key projects including a \$335,000 grant to protect Hawkins Creek and the White Oak River in Swansboro. The project targets stormwater management in three drainage areas and will allow construction of two small wetlands areas and a retention pond.

Upon finishing his presentation, Co-Chairperson Albertson asked if his organization had a relationship with the State agricultural extension service. Mr. Rogers replied that they did and he believed the relationship to be a “good opportunity.”

Presentation by Land for Tomorrow

Mr. David Knight, Director of Government Relations with The Nature Conservancy was recognized by Co-Chairman Albertson. Mr. Knight began by stating that Land for Tomorrow had developed more than 240 partners and 60 ambassadors since its inception in 2004. A copy of his presentation is included in the minutes as **Exhibit M.**

Three years ago, Land for Tomorrow issued a “Five year plan for investing in North Carolina’s Land, Water, History and Future.” The report stated that the State needed to invest \$200 million a year for five years to protect important natural areas before being lost to development. In 2008, he reported that the challenges are greater. Three hundred thousand acres have been developed and the cost of land has increased 300 percent in 10 years. He then spoke of the impacts of drought and noted that the number of miles of streams not meeting state water quality standards has grown.

Mr. Rogers then expressed concern that the Million Acres goals established by the General Assembly in 2000 had only achieved 50 percent of the charge in eight years.

Mr. Reid Wilson then addressed the Commission. He is the executive director of the Conservation Trust of North Carolina.

Drought issues will recur because of the growing demand for water by an increasing population, he said. Land conservation is an important part of a long term strategy, and he added that in such conservation, groundwater recharge needs to occur.

His organization is in discussions with officials from DENR to target conservation funds for lands with real impact on water supplies. The conversation has been positive so far, he said.

Annual report on the activities of the North Carolina Agricultural Development and Farmland Preservation Trust Fund and Advisory Committee

Mr. Dewitt Hardee, Environmental Program Manager for the Department of Agriculture and Consumer Services was recognized by the Chair. A copy of his presentation is included in the minutes as **Exhibit N**. His report is Item 9 of the agenda.

Mr. Hardee began by reporting that between 2003 and 2006 the State lost 300,000 acres to development and is leading the country in farmland loss. His fund tries to protect farmland because agriculture is still the State's leading industry at \$66 billion in revenues a year. His fund promotes sustainable agriculture and is working to make family farms more viable. He also explained the Voluntary Agricultural Districts. He then showed a map in his presentation showing such districts throughout the State.

Co-Chairman Albertson thanked Mr. Hardee and the meeting was adjourned at 3:28 p.m.