MINUTES OF SPECIAL MEETING
OF THE EMERALD ISLE BOARD OF COMMISSIONERS
REPORT ON PROPOSED COAST GUARD ROAD STORM WATER PROJECT

MARCH 11, 2002 – 10:30 A.M. – TOWN HALL Mayor Schools called the meeting to order. Present were Mayor Art Schools, Commissioners Pat McElraft, Richard Eckhardt, Emily Farmer, Floyd Messer and Dorothy Marks. Staff members present were Carolyn Custy, Town Clerk and Frank Rush, Town Manager.

Others attending were representatives Matt Cusack and Jerry McCrain Eco Science Corportation; EPA Region 4 representative Kathy Matthews; Corps of Engineers representative Mickey Sugg; N.C. Shellfish Sanitation representative J.D. Potts; N.C. Division of Marine Fisheries representative Trish Murphey; N.C. Division of Environmental Health (Shellfish sanitation) representative George Gilbert; N.C; Division of Coastal Management Ted Tyndall; N.C. Coastal Federation Lauren Kolodit; U.S. Fish and Wildlife Service Tracy Rice; and N.C. Division of Water Quality Ed Beck and Joanne Steenhuis.

Several key topics were discussed and a summary of the discussions follow.

Efforts to minimize and avoid adverse impacts have been considered in the project designs. Such measures include: placement of the forebay on high ground, removal of the spreader bar from estuarine wetland systems, eliminating of laternal berms in the primary wetland storage area, and reduction of construction related wetland impacts through avoidance and minimization.

Lateral movement of ground water off-site to the east and west will be modeled in further project development. Sheet pile can be installed to control the lateral movement, if necessary, once the rate of transport is known.

The proposed system is designed to be used for flood storage, not as storm water treatment systems. The main idea is to deliver water to the site before it has a chance to become contaminated. Proactive use of the system will result in the pumping of ground water from the various pump stations located throughout Emerald Isle. The ground water is anticipated to have low levels of impurities, because the water is above the level of the septic fields under normal conditions. If the flood waters are prevented from being stagnant and the ground water is prevented from entering septic fields, then the site can be used to store excess flood waters without the need for treatment. Ground water pumping will occur before major storm events in order to lower area water tables and allow natural infiltration throughout the site.

It has been recommended that the Town communicate with regulating agencies to decide on a magnitude of storm event (amount of rainfall) where use of the spreader bar will be allowed. The spreader bar should only be used when Bogue Sound is closed to shell fishing. This threshold should be included in the permit application to be reviewed as a condition of the permit.

The structural integrity and function of existing wetlands will not be compromised. Typical storage period are expected to range from 7 to 14 days without any impacts to existing swamp hardwood forest wetlands.

The installation of berms or sheet pile will reduce the lateral mobility of water to leave the site to the east or west. These structures will also reduce the total capacity of the site. More

modeling will be required to determine maximum capacity while minimizing impacts to ground water in adjacent communities.

The N.C. Division of Water Quality does not view this project as a storm water treatment system. The rules for storm water systems are designed for construction related activities. This project will not require a storm water (NPDES) permit. The Division of Water Quality prefers to issue a 401 Certification in conjunction with issuance of a Section 404 (Corps) Individual permit.

The Division of Coastal Management has rules against storm water treatment systems within the 575-foot estuarine shoreline AEC. If the Division of Water Quality does not classify this project as a storm water treatment system, then these rules do not apply to this project. However, a Coastal Area Management Act (CAMA) major permit will be required for this project.

This project will be processed as an Individual permit by the U.S. Army Corps of Engineers (Corps). An application should be made before a determination on the need for an EIS or EA can be made.

The Environmental Protection Agency is interested in the quality of the water being pumped to the site. EPA requests that ground water quality sampling be performed at the pumping locations to determine whether the impacts to wetlands located onsite will be adverse thus requiring compensatory mitigation.

All agencies have agreed that the time has come to submit an application packet for further project development. This packet should be a concise document that does not include the full detail of the original report. It should provide highlights of the design and indicate any areas where jurisdictional area impacts will occur. Permits involved in this packet will be the Corps Individual Permit Application, a Division of Water Quality Pre-Contraction Notification (PCN) and a CAMA Major Permit Application.

The possible use of the site for a nature trail should be discussed along with a narrative on the effects of inundation on tree seedlings within the storage area. The results of the ground water quality sampling as well as a discussion of impacts should be included. Compensatory mitigation should be offered and described for impacts associated with construction, as well as for adverse impacts resulting from treatment of storm water, if water quality tests do not meet minimum water quality standards. A threshold for discharging from the spreader bar into the Sound should be determined and justified so that the regulatory agencies can make comments.

The agencies feel their comments have been addressed, and incorporated into the project designed.

The next step will be to enter into the permitting process, where mitigation, additional environmental documentation, and specific commitments by the Town may be required. A CAMA major permit, Corps Individual Permit and Division of Water Quality 401 Water Quality Certification will be required. Additional state and federal conditions (conditions on use of the spreader bar, water quality information) must be satisfied before permit issuance.

A copy of the report and related maps, as outlined by Mr. Reid and Mr. Martin are incorporated as part of these minutes and is self-explanatory.

At the end of the report a general question and answer session occurred.

Mayor Schools called for adjournment at 1:05 P.M.

Respectfully submitted,

Carolyn K. Custy, CMC
Certified Municipal Clerk