

From: Carol Abernethy  
Sent: Monday, February 25, 2008 10:20 AM  
To: 'Doug Schworer (DSchworer@nc.rr.com)'  
Cc: George Small; Sue Burke; 'Bill Strom'; Bill Thorpe; Ed Harrison; Jim Ward; Jim Ward (w) ; Kevin Foy; Laurin Easthom; Mark Kleinschmidt; Matt Czajkowski ; Sally Greene (w); Amy Harvey; Carlo Robustelli; Catherine Lazorko; Dwight Bassett; Roger Stancil; Sabrina Oliver; Sandy Kline; Bruce Heflin; Flo Miller; Ralph Karpinos; Toni Pendergraph  
Subject: Email FW: Bradey Green Public Comment Agenda Item 6 2-25

Attachments: stream\_class.pdf

Thank you for your email. A copy has been forwarded to each Council Member and to senior staff members.

Carol Abernethy  
Exec. Asst., Manager's Office  
Town of Chapel Hill

-----Original Message-----

From: Doug Schworer [mailto:dschworer@nc.rr.com]  
Sent: Sunday, February 24, 2008 2:42 PM  
To: Town Council  
Cc: dschworer@nc.rr.com  
Subject: Bradey Green Public Comment Agenda Item 6 2-25

Larry Band asked me to forward his email to Sally Greene to the mayor and all Town council members. Larry left for Beijing and does not have access to email.

Thanks,

Doug Schworer

Email from Larry Band to Sally Greene:

Dear Sally,

I am writing briefly with regard to the question coming up before council on Monday evening regarding storm protection in the Bradley Green development. I will not be able

to be at the meeting as I will be in Beijing, but wanted to call to your attention the issue of the urban variants of stream determination that are under discussion for the Bradley Ridge development.

You are aware of the difficulties and issues regarding delineation of the extent of specific stream classes in urbanized areas that we have worked with in Chapel Hill and elsewhere. In the period that initial determinations are made it is important to be aware of precedents that may be set. The LUMO guidelines which I am attaching (from the CH town website) discuss urban variants and the general policy of extending a classification for discontinuous channels (where buried by sediment or otherwise disturbed) based on the downstream segment. In the case of the small drainage behind the old Potted Plant, which scored above a threshold for intermittent status in each of two town inspections, the intermittent status originally given was reversed on the basis of its lack of connectivity to a downstream drainage. However, inspection of the site shows that it diffuses into a disturbed area where debris from the I-40 construction 20 years ago buried the stream, which now drains subsurface through a wet area into a marked perennial stream just before it enters a culvert under the highway. This sounds to me like the conditions described in the urban variant write-up, similar to the test case in the Morgan Creek tributary. At the very least, the drainage system in this area is currently functioning to retain runoff, sediment and nutrients, and given the stated recommendations to promote Low Impact Development methods, disturbance to them should be minimized.

Given the ambiguity of the determination, a precautionary principle might be advised. Elsewhere in the LUMO, it is recommended that ephemeral streams (if the intermittent classification is not accepted), while not having a buffer requirement, not be built on unless there is a clear need.

These are difficult questions to resolve as the stream determination process is new. Because of this, current decisions may serve as precedents. In many environmental protection cases, the precautionary principle is preferred to minimize long term impacts.

I understand that these question require careful balancing of options and appreciate the careful consideration you and the rest of the council are devoting.

Regards,  
Larry Band