



**DEPARTMENT OF THE ARMY  
WILMINGTON DISTRICT, CORPS OF ENGINEERS**

**B. EVERETT JORDAN DAM AND LAKE**  
P.O. Box 144  
MONCURE, NORTH CAROLINA 27559

April 11, 2007

Mr. Scott Radway  
Radway Design Associates  
1709 Legion Road, Suite 210  
Chapel Hill, North Carolina 27517

Dear Mr. Radway:

Thank you for the opportunity to comment on the proposed site plan for the Belvedere Development. The tract for development is located on the north side of the intersection of Hwy 54 and Downing Creek Parkway. The tract is bordered on the northeast by Federal property under the stewardship of the US Army Corps of Engineers at Jordan Lake.

Federal property in this area is leased to the State of North Carolina and is designated by the North Carolina Wildlife Resources Commission (NCWRC) as Permanent Wildlife Lands and managed as game lands. In addition, this area is managed as a waterfowl sub-impoundment and is open to public hunting and fishing by licensed individuals in accordance with all NCWRC Inland Fishing, Hunting, and Trapping Regulations.

On lots available for purchase adjacent to Federal property we request that the buyer be notified of activities that may occur on game lands such as hunting, forestry activities, and other recreational activities. One suggestion is to post signs adjacent to the game lands that notify potential buyers that hunting is allowed on game lands in accordance with all NCWRC regulations. Another way to protect the natural area and permanent wildlife lands is through the use of buffers.

There is typically a more concentrated amount of hunting activity on waterfowl sub-impoundments, therefore we would recommend that you increase the planned 10 foot buffer to a 100 foot buffer between any buildings or parking lots that border government property. We believe a 100 hundred foot buffer will provide more safety to any future residents and cut down on conflicts between residents and hunters.

When development occurs adjacent to natural areas and permanent wildlife lands we typically recommend a buffer of at least 100 feet of undisturbed vegetation be left along the boundary whenever possible. In addition to increased safety, buffers provide aesthetic benefits to adjacent private landowners. They also screen the property from changes on public lands that may result from forestry practices such as prescribed burns or timber harvests, and from other public recreational activities.

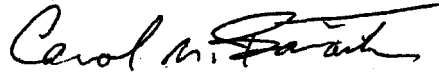
The waters of Jordan Lake and surrounding Federal Lands are managed for public drinking water supply, fish and wildlife habitat, natural resource based public recreation, and flood storage. Development of adjacent property can adversely impact

these management activities by decreasing the minimum flow from any streams on the property, increasing the volume or rate of storm water discharge from the property, increasing the sediment or nutrient loads leaving the property, and adversely impacting wetlands. Again, we recommend that a 100-foot buffer of undisturbed vegetation be left adjacent to the boundary to help protect water quality.

Other steps should also be taken to avoid adverse water quality impacts including the incorporation of storm water retention/detention structures into storm water planning and by avoiding or minimizing impacts to wetland areas on the property. If you have not done so already you should coordinate with the U.S. Army Corps of Engineers Regulatory Office in Raleigh to discuss any possible impacts to the intermittent stream on the property.

Again, we appreciate the opportunity to comment on this proposed development adjacent to public lands. If we can provide any additional information, please contact Francis Ferrell at the Jordan Lake Visitor Assistance Center (919) 542-4501 extension 28.

Sincerely,



Carol M. Banaitis, R.F.  
Operations Manager, Acting  
B. Everett Jordan Lake

CF:  
Ms. Gail Sharron  
Durham City-County Planning Department  
101 City Hall Plaza  
Durham, North Carolina 27701

J. B. Culpepper, Director  
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405 Martin Luther King Jr. Blvd  
Chapel Hill, North Carolina 27514

Isaac Harrold  
NC Wildlife Resources Commission  
2513 White Pine Lane  
Mebane, North Carolina 27302-8133



## ⊠ North Carolina Wildlife Resources Commission ⊠

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### MEMORANDUM

Date: 11 December 2007

To: Dana Stidham, Senior Planner, Town of Chapel Hill

From: Jacquelyn Wallace, Urban Wildlife Biologist, NC Wildlife Resources Commission

Subject: Aydan Court Townhomes and Condominiums

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Pursuant to your request, the NC Wildlife Resources Commission has reviewed site plans for the proposed Aydan Court Townhomes and Condominiums project to be located along NC Highway 54 in Chapel Hill. The comments below describe this project's potential impacts on wildlife resources, and provide suggestions on ways the applicant could attempt to minimize such impacts.<sup>1</sup>

As shown on the attached map, this development project will be located adjacent to NC Wildlife Resources Commission Game Land. Although the property around Jordan Lake Reservoir is technically owned by the US Army Corps of Engineers, it is managed by the NC Wildlife Resources Commission as Game Land, meaning that hunting, prescribed burning, logging, and other activities occur on this property.

We typically recommend establishing a 150-yard hunting safety buffer (as indicated by dark green line on the attached map) around Game Land boundaries, and discourage building permanently inhabited structures within this boundary. We recognize this proposed development

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<sup>1</sup> *Please Note: These comments are intended to assist applicants and decision makers proactively minimize adverse impacts to wildlife resources. Although following these measures may help development projects meet requirements of applicable environmental permits, these comments are not regulatory in nature, and do not represent all measures needed to meet requirements of the environmental permits. These comments may also not address all concerns of the NCWRC regarding construction or mitigation for this specific project.*

project is located almost entirely within this boundary, and this type of buffer may not be possible. We therefore recommend the applicant:

1. Establish the widest buffer possible between the Game Land boundary and permanently inhabited residences, and
2. Include language on the development plat to inform future homebuyers that these home sites will be located adjacent to Game Land.

In addition, as shown on the attached map, this property is located entirely within part of a state-designated Significant Natural Heritage Area (SNHA), the Little Creek Bottomlands.<sup>2</sup> Due to the ecological value of Significant Natural Heritage Areas, we typically suggest that development sites containing SNHAs place a building envelope, no build easement, or permanent conservation easement on the portion of a site that falls within SNHA boundary. Because this site is situated entirely within an SNHA boundary, we recognize this type of protection will not be possible. Therefore, we recommend the applicant:

3. Conduct an environmental assessment to identify 1) negative impacts this development will have on the SNHA, and 2) strategies the applicant could take to avoid, minimize, and mitigate for these impacts, and
4. Attempt to minimize impacts to Little Creek Bottomlands to the greatest extent possible.

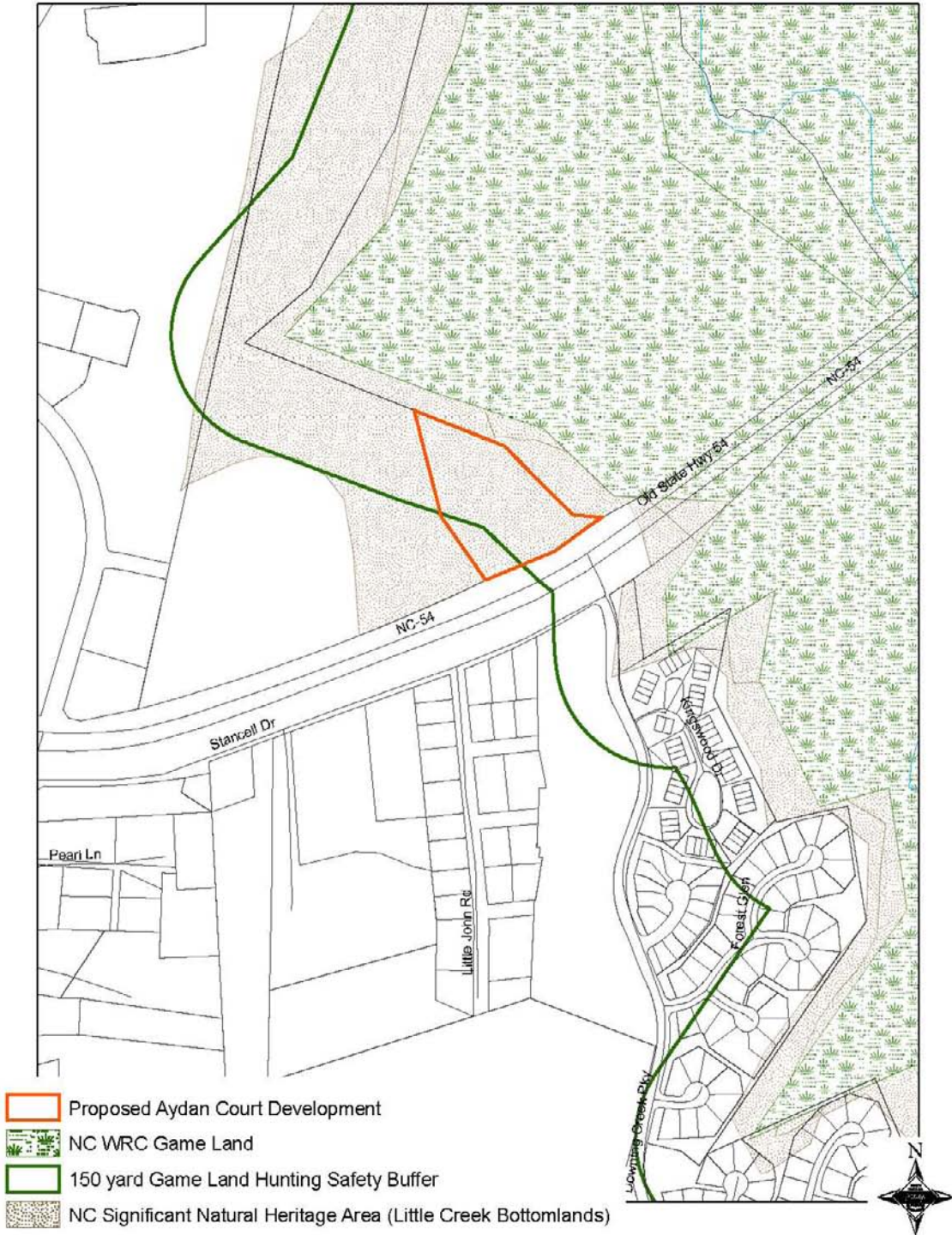
Thank you for the opportunity to review this development project, and for considering these comments. If have any questions, please feel free to contact me at (919) 360-9680 or [jacquelynwallace@earthlink.net](mailto:jacquelynwallace@earthlink.net).

cc: Jeff Marcus, NC Wildlife Resources Commission  
Shari Bryant, NC Wildlife Resources Commission  
Chris Dawes, NC Wildlife Resources Commission  
Kristen Sinclair, NC Natural Heritage Program

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<sup>2</sup> Documentation of the site's environmental value can be found on pgs. 137-149 of the "Durham County Inventory of Important Natural Areas, Plants, and Wildlife," published in 1999. A copy of this document can be obtained by calling Kristen Sinclair with the NC Natural Heritage Program at (919-715-8687).

## Aydan Court Townhomes & Condominiums



**THE BROUGH LAW FIRM**

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January 8, 2008

Ms. Carol Ann Zinn  
Cazco, Inc.  
Suite 1-B  
180 Providence Road  
Chapel Hill, North Carolina 27514

Re: Aydan Court

Dear Carol Ann:

I have reviewed the December 11, 2007 memorandum from Jacquelyn Wallace, Urban Wildlife Biologist with the Wildlife Resources Commission, to Chapel Hill Senior Planner Dana Stidham regarding the proposed Aydan Court development. In response, I have the following three comments.

First, as with any development proposal in Chapel Hill, there are various opportunities for individuals, groups, and organizations, to make comments and offer suggestions regarding such proposals. I am sure you will consider Ms. Wallace's suggestions as you will those made by others in the course of the review of this project, and evaluate them in the light of what the Chapel Hill ordinance requires, how the project can best satisfy the policies adopted by the Town Council, and the practical realities of constructing a successful development. In this regard, it should be noted that Ms. Wallace's suggestions are just that — suggestions — and do not have the force of law or purport in any way to be required by any statute or regulation.

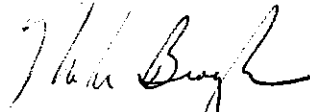
Second, as to her recommendation regarding establishing a "hunting safety buffer" adjacent to the Game Land boundary, this suggestion seems unwarranted in view of the huge disparity between the enormous size of the Game Land and the very small size of the site you seek to develop. If any "hunting safety buffer" is to be established, it should be done on the Game Land property, rather than seeking, in effect, to add to the Game Land by limiting the use of private property to expand the use of the Game Land property.

Third, it is important to recognize that the State has established a Natural Heritage Area Trust Fund to acquire for the public areas deemed significant for specified ecological or cultural reasons. G.S. 113-77.9. If the State so chooses, of course, it can acquire your property or any other property for public use. However, the fact that your property is within a designated Significant Natural Heritage Area is of no regulatory significance and imposes no developmental limitations on it.

Please let me know if you have any questions or desire further clarification.

Sincerely,

THE BROUGH LAW FIRM

A handwritten signature in black ink, appearing to read "Michael Brough", written in a cursive style.

Michael B. Brough

MBB:las