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ATTACHMENT 3

Sally Greene

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February 28, 2003

Mayor and Council
Town of Chapel Hill
306 North Columbia St.
Chapel Hill, N.C. 27516

Dear Mayor Foy and Council:

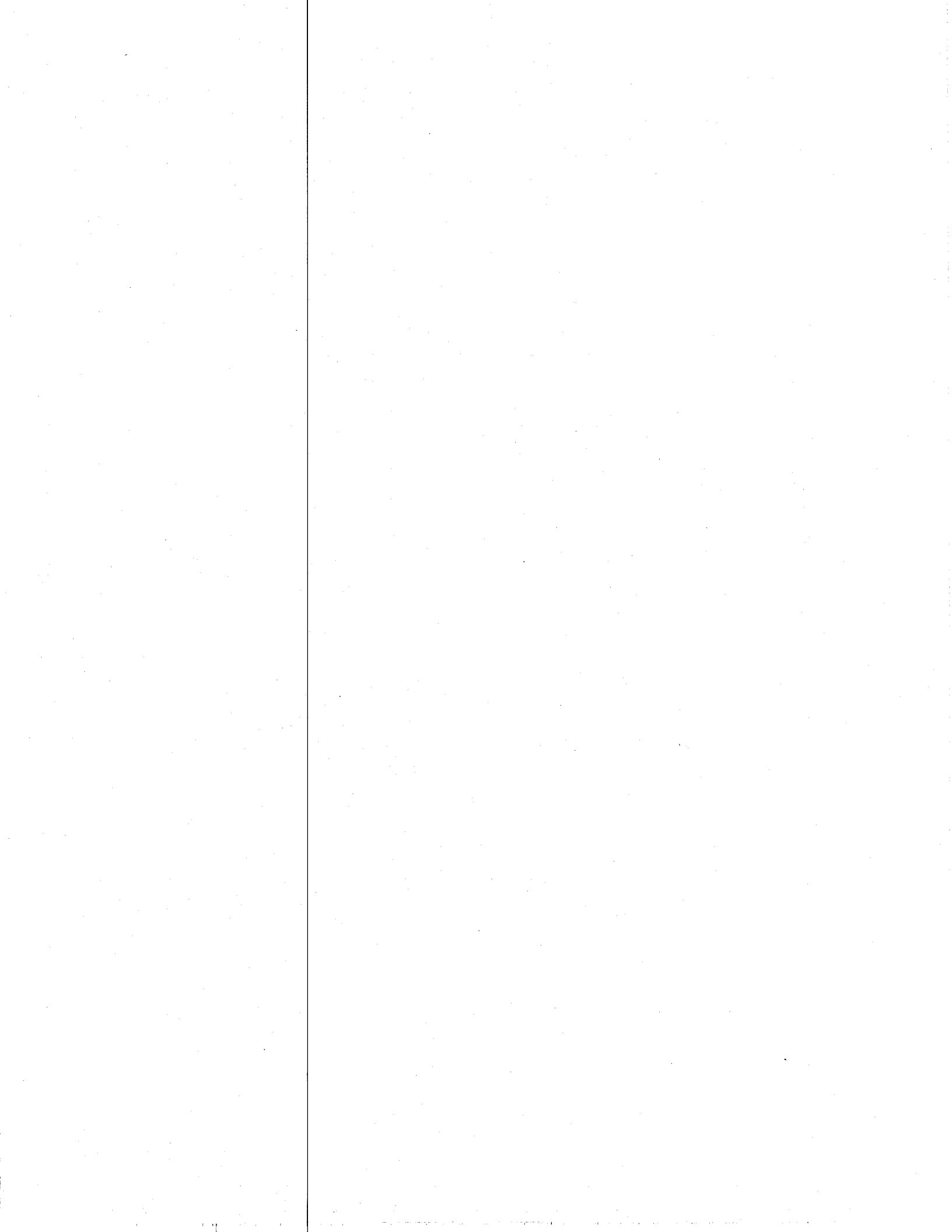
Enclosed are a statement and other documents submitted by Dr. Seth Reice as a follow-up to his testimony at the public hearing for the Creekside application on Feb. 24. Please review this information and add it to the record.

Thank you very much for your careful consideration of this application.

Sincerely yours,

Sally Greene
Sally Greene

cc: Warren Mitchell



Supplemental Statement of Dr. Seth R. Reice

After my presentation at the public hearing on Feb. 24, I realized that in answering Council Member Harrison's questions I may have left the wrong impression about the timing of my site visits relative to Mr. Royal's.

I visited the site and collected my stream samples on Feb. 3. Coincidentally, this is the same date on which Mr. Royal came out and made his determinations using NCDWQ Stream Identification Forms, according to the date on the forms. The guidelines I used were the definition and field verification criteria from the Land Use Management Ordinance. Even though there was not a continuous flow of water in the stream bed then, my conclusion was that the stream qualified as intermittent under the field verification criteria.

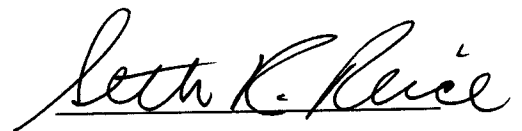
On Thursday, Feb. 6, Sally Greene hand-delivered to me, on campus, a copy of the NCDWQ forms that Mr. Royal had filled out. I told her that she should call me between 3 and 5 that afternoon to talk about my response to his analysis. We did talk that afternoon. I told her that I had done my own scoring using the form, and that my results were considerably higher. I was only able to do this with respect to what Mr. Royal identified as West Channel I, because I was unable to determine where his Channel I ended and his Channel II began. That is to say, I confined my results to the upper end of the channel, assuming that I was staying within West Channel I.

On Feb. 6-7, the site experienced almost an inch of rain (0.95 in. at the OWASA Jones Ferry station). Guessing that this would make a dramatic difference in the flow of the water in the stream, I went back to the site around 8 a.m. on Feb. 7. Sure enough, it was flowing continuously from above the drainage pipe under Morgan Creek Road (on the north side of the property) all the way down, as shown in Dave Morgan's film, made the same day. With the water flowing, I was able to observe riffle/pool sequences that had not been present on Feb. 3. So, I added that quality to my list of identifying criteria. My conclusion was confirmed on Feb. 7 by the predictable changes brought about by the rain, but I had already determined that enough of the criteria were met for the stream to be classified as intermittent.

My determination that the stream near the western border of the property is an intermittent stream was based on observations made under the same conditions, and apparently on the same day, as Mr. Royal's observations.

Further, since the presentation I have realized that the plat map included in my report to identify the five "sampling stations" is in error. Several of the locations identified do not correspond to the narrative descriptions of these locations. The narrative descriptions, and the photos included in the report, are accurate. They make it clear that on Feb. 3 I sampled from just below Morgan Creek Road to a point no farther south than the southern end of the Glasser property. (My descriptions of Stations 4 and 5 refer to the Glasser's grey house and the tree house on their property, as well as a log bridge and a large stack of wooden poles that are directly behind their property.) I sampled no farther downstream than that because on that day, there was no water visible below that point.

Attached are the narrative descriptions and a revised map. The revised locations are approximate, but they accurately show that I sampled no farther downstream than the southern end of the Glasser lot. What this suggests is that the relatively diverse microbenthic community that I have described exists farther upstream than the earlier map indicated.



Dr. Seth R. Reice

2-28-03

Date

(37)

Station 1: Slow flowing pool (44 cm deep), with abundant filamentous algae; water clear
pH 10.7; Conductivity 0.18; Dissolved Oxygen 8.8 ppm; Temperature 12.0°C; Salinity
0.0 (since Salinity was always 0.0 I will not mention it again).

Station 2. Stream was so clogged with pine needles that I had to scoop water and mud
into the net. Depth was 2-3 cm. No water chemistry data (too shallow for the probe).

Station 3. Connected pools (8 cm. deep) with shallow run (1cm deep). Water clear.
pH 10.9; Conductivity 0.17; Dissolved Oxygen 6.8 ppm; Temperature 12.0°C

Station 4. Overgrown with English Ivy. Ivy forms bridge over stream, but channel is
clear of ivy. I pulled ivy aside and the stream ran clear beneath it. Upstream of tree
house, Station 4 is near a grey house with white shutters. (3-6cm deep)
pH 10.5; Conductivity 0.13; Dissolved Oxygen 11.0 ppm; Temperature 12.0°C

Station 5. Near log bridge and beside a large stack of wooden poles. Downstream of tree
house. Depth 8 cm).
pH 10.7; Conductivity 0.10; Dissolved Oxygen 11.0 ppm; Temperature 12.0°C

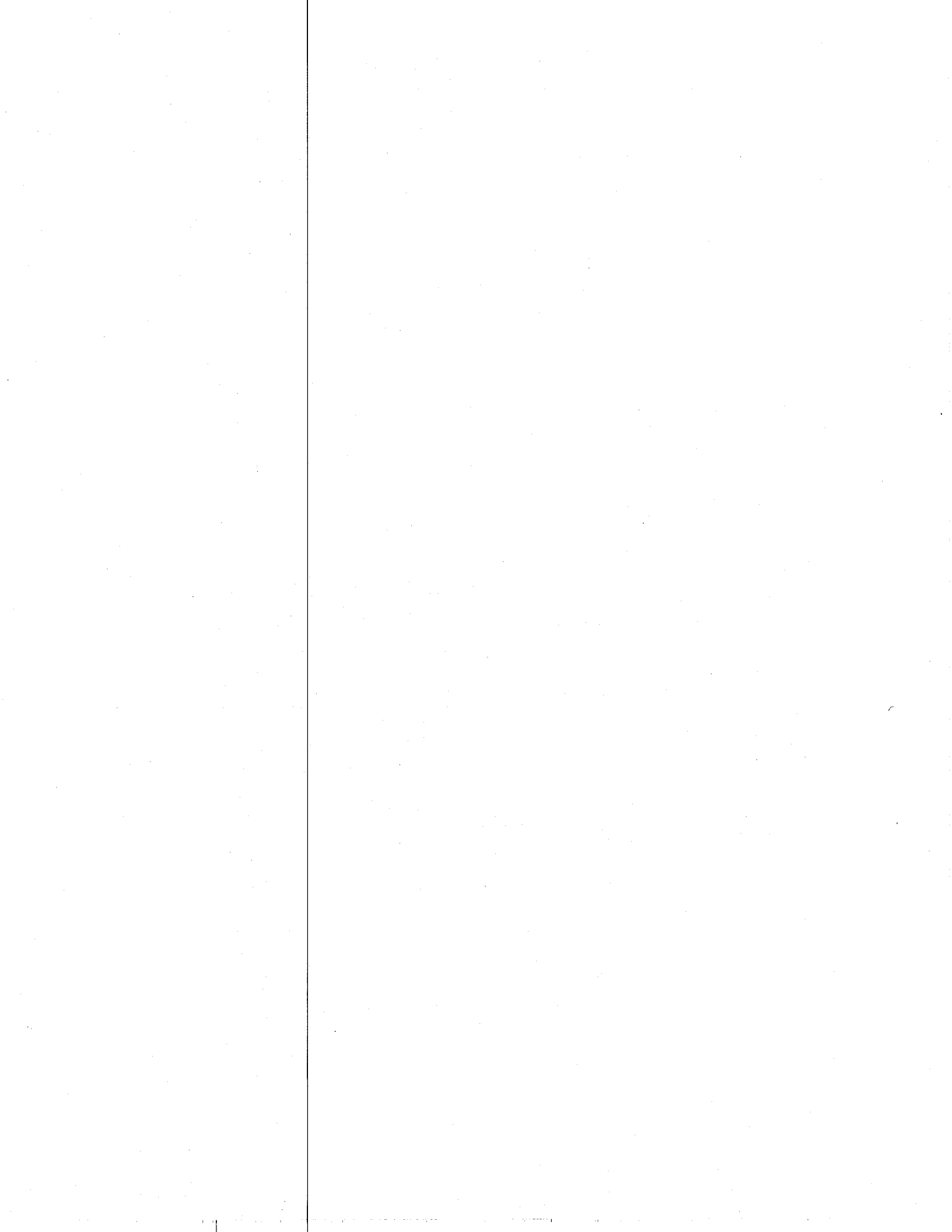
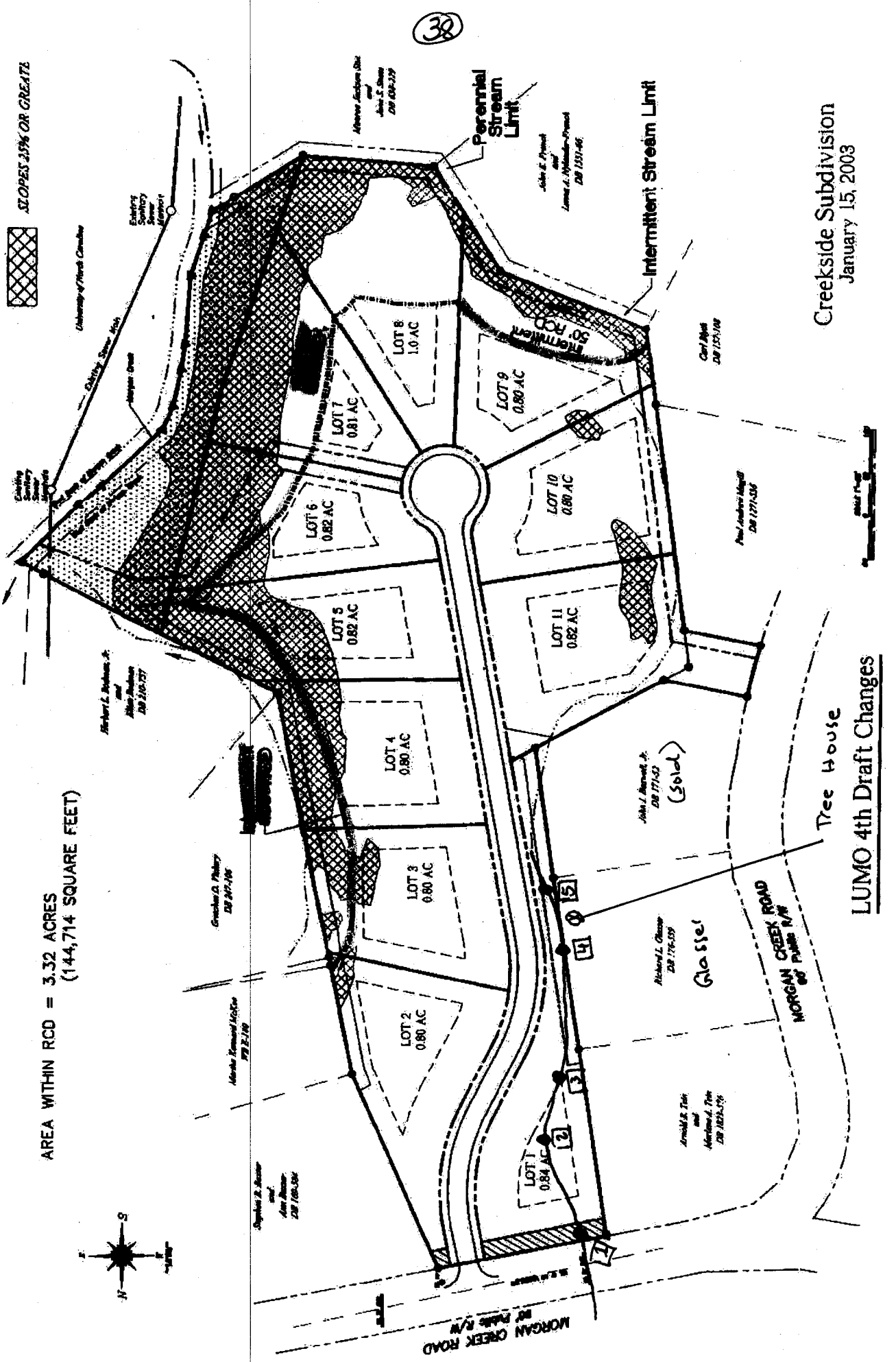


Figure 1: Station Numbers



AREA WITHIN RCD = 3.32 ACRES
(144,714 SQUARE FEET)

Creekside Subdivision
January 15, 2003

LUMO 4th Draft Changes

Connected by Little L-Louis (Stations 4+5
to 1+1.100 - Property)