MEMORANDUM

To: Paul Wiebke, Assistant Stormwater Manager
City of Durham Engineering & Stormwater Division

From: Bill Gilmore, EEP Director
Marc Recktenwald, EEP WPPI Director

Cc: Stephanie Horton, EEP Property Protection Supervisor
Perry Sugg, EEP Project Manager

Subject: Conservation Easement Vegetation Planting Revisions
EEP Stream Restoration #272
Ellerbe Creek Northgate Park – Durham, NC

Date: November 16, 2009

This memo is in response to the City of Durham's letter to Mr. Bill Gilmore dated October 28, 2009 concerning the referenced stream restoration project. In this letter, the City requested specific planting plan revisions for the riparian buffer within the conservation easement. The City of Durham had granted the conservation easement to the State in March 2008 for the stream restoration project. As you are aware, the construction was completed and accepted in May 2009 and buffer planting had been delayed until this fall. These requested revisions arose out of concern recently expressed to the City by local citizens in the neighborhood.

The City has requested that the buffer plantings be designed to minimize obstruction of sight lines in the park across the planted buffer area (Concern #1) and also to keep certain areas cleared for open play areas (Concern #2). In order to responsibly respond to the request, EEP staff evaluated potential impacts to the State's investment, requirements of regulatory agencies, and the mitigation credits generated, all within the context of maintaining a reasonable balance with community needs. The planting contractor had pre-ordered the plants and worked with EEP to find substitutions based on plant availability and without incurring excess costs. After careful consideration of the City's proposed revisions and our evaluation, EEP has agreed to make revisions to the buffer consistent with those proposed in the City's letter, but with minor modifications to preserve the integrity and investment of the stream restoration for the State.

Concern #1 – Sight Lines

Changes to the planting plan were made where possible and consistent with the outlined requests in paragraph A of the letter. Specific revisions are described below:

Streamside: Live stakes were installed along the stream per the plan in April 2009. Species included a mix of silky dogwood, silky willow, elderberry, and ninebark. At EEP's request, the planting contractor had substituted a mix of these species in lieu of black willows, which were specified in the original plan. The construction contractor did install a few black willows around two specific structures that required some reworking during construction and after the initial live stake installation.

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Inner Floodplain (Bench): EEP reduced the quantities by half for both buttonbush (50) and Ilex decidua (61) planted in this zone and relocated the majority of those planted in the area upstream of Lavender Avenue. Additionally, some of the Buttonbush were added to the wetlands to replace lost plants in this area. EEP replaced these shrubs with a combination of steeplebush (40), Ilex verticillata (60), red chokeberry and canopy tree species (sycamore, hornbeam, willow oak).

Outer Floodplain (Park Terrace): EEP removed Spicebush from this zone and reduced overall quantities (50). Spicebush was planted upstream of Lavender Avenue with a minor component on the floodplain bench. Flowering dogwood was not planted (nursery was out of stock). Downstream of Lavender Avenue, EEP substituted coral berry (111), steeplebush (100), red chokeberry and some redbud (+/-35).

Concern #2 – Open Areas

EEP will make the changes listed below to allow specific areas within the defined easement boundaries to be managed as open parkland (i.e., mowed at the discretion of the City) with no planted trees or shrubs. EEP will be marking the easement boundary and these areas with posted signs within the next few months. EEP will not be revising the easement boundaries or requesting a swap of land area to make up for the lost vegetated buffer areas. The attached map shows the managed open areas, which are consistent with the City's request. At the discretion of the City, the open areas defined herein can be managed as grassed lawn with regular mowing.

Open Play Area: EEP will allow the outer 15 feet of the easement in this area to be kept as open parkland with active mowing. This distance is the most we can give in order to maintain a manageable forested buffer without impacting stream/buffer credits.

Pedestrian Bridge Entrance: Where the maintained trail enters the easement area, site triangles can be maintained as open parkland on either side of the trail entrance as marked on the attached map.

Club Blvd Trail Entrance: Where the maintained trail enters the park from the street, a site triangle as shown on map can be kept as open or landscaped parkland.

Trails along Easement Boundary: Areas where maintained park trails are adjacent to the easement line, a clearance zone of 12 feet between the maintained trail and the planted buffer can be maintained as open area (i.e., mowed) to prevent encroachment of vegetation into the trail.

The riparian forest zone is designed to provide a functional natural riparian forest community along both sides of the stream. This zone, planted with a variety of native plants (trees, shrubs, and native grasses) will eventually culminate as a mature riparian forest along the stream. EEP will be monitoring and managing the vegetation over the next five years for both growth success and for the presence of aggressive invasive plant species.

We trust the City finds these revisions enacted by EEP to be an acceptable balance suitable to the City and the local citizenry. We look forward to furthering our cooperative relationship on the many restoration projects, current and future, in and around the City of Durham. For further questions or comments, please feel free to contact Perry Sugg at (919) 715-1359 or Stephanie Horton at (919) 715-1263 to discuss this at your convenience.

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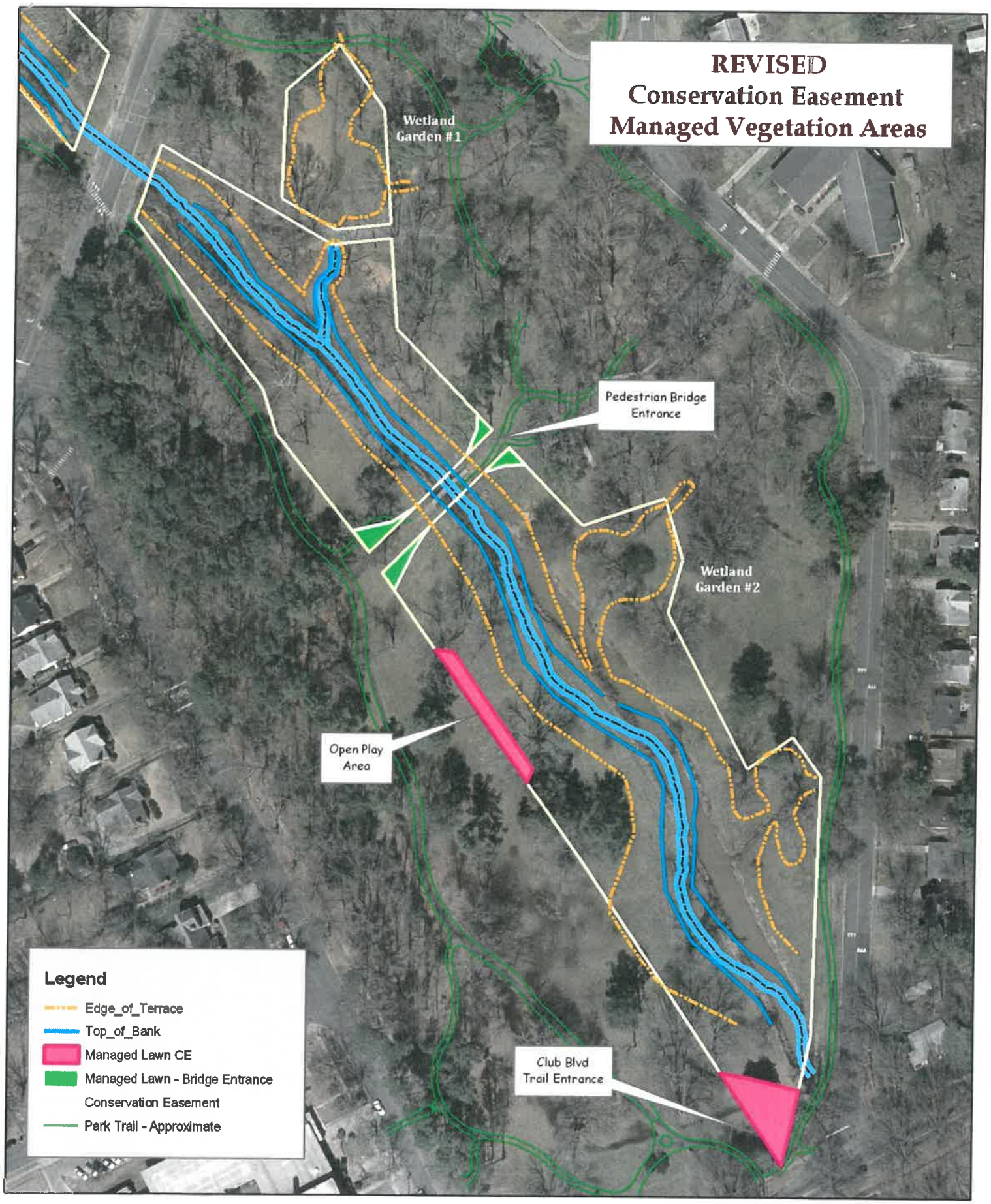

NOTE: A 12-foot clearance zone is allowed between maintained park trails and the outer planted buffer.

0 62.5 125 250 Feet

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Durham NC
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wpsugg - nov2009