

APPENDIX 3

Agency Comments

Environmental Assessment - Addition of the Goose Creek Watershed to IBT Certificate

Comment	Author	Comment	Response	EA Section
1	Natural Heritage Program, Andrea Leslie	Applaud Mint Hill for enacting the Post-Construction Storm Water Ordinance but there will be more certainty of protecting the Carolina heelsplitter and other sensitive species if buffers are strengthened to (1) 200 feet on perennial streams and 100 feet on intermittent streams, (2) minimize the variances allowed from the buffer protection regulations, especially those allowing utility lines within the buffer and utility crossings over streams, and (3) widen the undisturbed buffer width for forestry activities and ensure that developers cannot use the forestry exemption to clear riparian vegetation before development.	No action necessary.	Sect 6.2
		Remain concerned that SCI associated with higher density development could result in further degradation and possible extirpation of listed species in the Goose Creek watershed.	Mitigation proposed aligns with Site Specific Water Quality Management Plan. See Table	Sect 6
		Correction: Atlantic pigtoe is described in the EA as state threatened, but it is state endangered. As is Carolina creekshell.	Correction made.	Sect 3.3.3
		See most recent description of Goose Creek Aquatic Habitat in the Union County Inventory.	Reference added. Note that this project pertains only to the Mecklenburg County portion of the Goose Creek watershed.	Sect 3.3.3
		Referenced support of more detailed stormwater protection measures described in Wildlife Resources Commission comments	See Comment 2.	Sect 6.2
2	Wildlife Resources Commission, Shari Bryant	WRC continues to remain concerned, as they commented during the review period for the Site Specific Plan in 2008, that some of the measures in the Site Specific Plan are not sufficient to protect the Carolina heelsplitter.	We acknowledge this history associated with the Site Specific Plan. The Site Specific Plan was adopted by the Environmental Management Commission, after consideration of input through a formal rule-making process, for the purposes of maintenance and recovery of the water quality conditions required to sustain and recover the Carolina heelsplitter species. The Town of Mint Hill's Post Construction Ordinance meets the requirements of the Plan included in EMC rules. See Table 7.	Sect 6.1, 6.2
		More protective if developments that exceed a 6% built-upon area required control of stormwater than the current 10% built-upon area. At 6%, at minimum stormwater controls should treat 2-year, 24-hr storm or bankful event and provide adequate infiltration of stormwater.	The Site Specific Plan was adopted by the Environmental Management Commission, after consideration of input through a formal rule-making process, for the purposes of maintenance and recovery of the water quality conditions required to sustain and recover the Carolina heelsplitter species. The Town of Mint Hill's Post Construction Ordinance meets the requirements of the Plan included in EMC rules. See Table 7.	Sect 6.2
		It is unclear whether removal of Condition 3 would allow not only water lines, but sewer lines as well. Significant concerns regarding the addition of sewer because significantly higher density development could occur than with water lines only.	The focus of this EA is on the removal of Condition 3 which only addresses water service. Condition 3 does not limit sewer lines.	General
		100-year floodplain: Utility infrastructure should be kept out of the buffers and 100-year floodplain. No new fill or development in the 100-year floodplain.	To the extent practical, CMUD's water utility infrastructure, if installed, would be kept out of the buffers and 100-year floodplain. Mecklenburg County has in place a strong floodplain protection program and fill and/or development within the 100-year floodplain are strictly limited.	Sect 6.3

		If condition 3 is removed, please understand that WRC will revisit issues concerning SCI on any future water or sewer projects in the watershed.	We acknowledge that any future water or sewer line projects would be independently permitted.	General
3	Division of Water Quality , Hannah Headrick	SCI will negatively affect water quality.	The Site Specific Plan was adopted by the Environmental Management Commission, after consideration of input through a formal rule-making process, for the purposes of maintenance and recovery of the water quality conditions required to sustain and recover the Carolina heelsplitter species. The Town of Mint Hill's Post Construction Ordinance meets the requirements of the Plan included in EMC rules. See Table 7.	Sect 4
		Yet to be proven if PCO will protect water quality. Existing water quality data have not shown improvements.	As a result of the economic downturn, little development has occurred in the Town of Mint Hill since the Post Construction Ordinance was adopted. Mecklenburg County will continue its monitoring program and continue annual reporting.	Sect 6.2
		DWQ prefers that CMUD provide annual monitoring reports to show what it has been doing towards meeting the PCO plan goals. Include annual reports for past few years as part of document.	Mecklenburg County conducts monitoring within the watershed. Annual reporting is conducted as part of the Goose Creek Fecal Coliform Recovery Program and data is included in Appendix A-1. Other water quality data are located in Appendix A-2, Mecklenburg County Water Quality Data.	Sect 6.2
		Document does not speak much to the rest of the Goose Creek watershed outside of Mint Hill that will experience growth because of increased water availability.	This project is specific to the service area of CMUD and is entirely within Mecklenburg County. The entire Goose Creek watershed within Mecklenburg County is within the planning jurisdiction of the Town of Mint Hill. Figure 2 depicts these boundaries. This project does not include the portion of the watershed within Union County.	General
4	Division of Water Quality	Removal of Condition 3 is not a prudent course of action considering there is endangered species in the watershed.	The Site Specific Plan was adopted by the Environmental Management Commission, after consideration of input through a formal rule-making process, for the purposes of maintenance and recovery of the water quality conditions required to sustain and recover the Carolina heelsplitter species. The Town of Mint Hill's Post Construction Ordinance meets the requirements of the Plan included in EMC rules. See Table 7.	General
	Mooresville Regional Office			
5	Aquifer Protection Section	No Comment	No action necessary.	
	Mooresville Regional Office			
6	U.S. Fish and Wildlife Service, Brian Cole	The EA concludes that the effects of increased growth and development made possible by removal of Condition 3 will not be significant to the Carolina heelsplitter. We cannot agree with this conclusion.	The Site Specific Plan was adopted by the Environmental Management Commission, after consideration of input through a formal rule-making process, for the purposes of maintenance and recovery of the water quality conditions required to sustain and recover the Carolina heelsplitter species. The Town of Mint Hill's Post Construction Ordinance meets the requirements of the Plan included in EMC rules. See Table 7.	General
	Brian Cole	Provided summary of recent surveys for the Carolina heelsplitter to document population decline and habitat degradation. USFWS conclusion: As a result of aquatic habitat degradation in the watershed, this population of Carolina heelsplitter is rapidly declining and is likely to become extirpated in the near future without implementation of adequate measures to prevent further aquatic habitat degradation and to restore the species' habitat.	By inclusion of these comments in the complete final EA document, these survey results are acknowledged.	Sect 3.3.3

		We do not believe the Site Specific Plan (and hence the PCO) goes far enough to be protective of the Carolina heelsplitter.	The Site Specific Plan was adopted by the Environmental Management Commission, after consideration of input through a formal rule-making process, for the purposes of maintenance and recovery of the water quality conditions required to sustain and recover the Carolina heelsplitter species. The Town of Mint Hill's Post Construction Ordinance meets the requirements of the Plan included in EMC rules. See Table 7.	Sect 6
		Land disturbance: We believe that requirements of the PCO should apply to any new clearing activity regardless of the size or type of disturbance (current rules apply for disturbances greater than or equal to 1 acre). Recommended requirements include (1) measures designed to replicate and maintain the pre-construction hydrograph and (2) measures to promote infiltration. Any stormwater measures should include a monitoring and maintenance plan.	The Town of Mint Hill's Post Construction Ordinance is consistent with the Site Specific Plan regarding the 1-acre trigger and includes references to its Storm Water Design Manual, which includes requirements for operation and maintenance of BMPs. The Town of Mint Hill accepts maintenance responsibility following a 2-year warranty period. See Table 7.	Sect 6.2
		Buffers: We continue to recommend the requirement for maintenance or establishment and protection of undisturbed, forested buffers on each side of streams that are naturally vegetated that extend a minimum of 200 feet from the top of the banks of all perennial streams and a minimum of 100 feet from the top of the banks of all intermittent streams, or the full extent of the 100-year floodplain, whichever is greater.	The Site Specific Plan was adopted by the Environmental Management Commission, after consideration of input through a formal rule-making process. The Town of Mint Hill's Post Construction Ordinance meets the requirements of the Plan included in EMC rules and exceeds the buffer delineation language of the Site Specific Plan. This results in better definition of intermittent streams in particular. See Table 7.	Sect 6.2
		Buffers: Disturbances which require maintained, cleared rights-of-way such as ditches or utility lines should not occur within the buffers.	To the extent practical, CMUD's water utility infrastructure, if installed, would be kept out of the buffers and 100-year floodplain. Mecklenburg County has in place a strong floodplain protection program and fill and/or development within the 100-year floodplain are strictly limited.	Sect 6.2
		Buffers: The PCO should encourage the reestablishment of riparian buffers in areas where they are currently lacking and require the establishment of riparian buffers when changes in land uses occur.	While not described in the Post Construction Ordinance, Mecklenburg County has begun a small buffer restoration program, planting trees within the defined buffers which currently are not forested. Public education programs regarding the benefits of buffers are also in place.	Sect 6.2
		Buffers: Too much potential for variances within the buffers. Recommend that no fill, no new impervious surfaces, or no creation of semi-pervious surfaces be allowed within the floodplain or the buffers and that the buffers remain undisturbed.	Potentially allowable activities with the buffer are reviewed by the Storm Water Administrator and do require mitigation if approved. The Division of Water Quality has the authority to challenge a decision for a period of 30 days after issuance. Variance requests require a multi-level approval process including the Storm Water Administrator (Mecklenburg County), the Storm Water Advisory Committee, and the Director of the Division of Water Quality who then presents it to the Environmental Management Commission. The Environmental Management Commission ultimately makes a decision on a variance request, which is consistent with their rule-making process for the Site Specific Plan.	Sect 6.2
		Buffers: Variances should require mitigative measures. We would be happy to meet with or discuss buffer concerns in more detail.	Section 305C(11) of the Post Construction Ordinance details the mitigation requirements for stream buffer impacts.	Sect 6.2

		<p>Ammonia toxicity: Based on currently available information, we believe the achievement of 0.5 milligrams per liter or less of total ammonia on a chronic basis is reasonably likely to prevent death, harm, or injury to the Carolina heelsplitter. We recommend that the PCO outline measures that must be taken to ensure "toxicity to the Carolina heelsplitter" is likely to be prevented (instead of more after-the-fact as currently written). This should include monitoring and enforcement plans.</p>	<p>Ammonia is monitored as part of Mecklenburg County's water quality monitoring program. The Post Construction Ordinance meets the requirements of the Site Specific Plan. We also recognize that ammonia toxicity is less likely to originate from stormwater sources and that it is an important component of Mecklenburg County's overall water quality monitoring program in the watershed. Point sources, the most likely source of elevated ammonia, are directly regulated by the Division of Water Quality.</p>	<p>Sect 6.2</p>
		<p>Forestry activities within buffers: Site Specific Plan allows for forestry activities including removing trees within the buffers. It is unclear if the PCO allows the same. This is inappropriate within the Goose Creek watershed and should include rules that do not permit forestry exemptions to be used for clearing prior to development activities.</p>	<p>The Post Construction Ordinance includes language regarding vegetation management under Section 305(C)(9). Forestry activities including removing trees is generally not permitted. For example, removal of individual trees which are in danger of causing damage to dwellings, other structures or human life is permitted. Pruning is also permitted.</p>	<p>Sect 6.2</p>
		<p>We continue to note the need for a restoration component in (or to compliment) the PCO so that existing poor water quality is remediated.</p>	<p>Mecklenburg County is currently in the planning stages of a significant restoration project within the watershed, partially within current County-owned property, as part of the County's Watershed Management Plan implementation.</p>	<p>Sect 6.2</p>
		<p>We believe that removal of Condition 3 will contribute to already degraded conditions and further compromised habitat in the Goose Creek system.</p>	<p>The Site Specific Plan was adopted by the Environmental Management Commission, after consideration of input through a formal rule-making process, for the purposes of maintenance and recovery of the water quality conditions required to sustain and recover the Carolina heelsplitter species. The Town of Mint Hill's Post Construction Ordinance meets the requirements of the Plan included in EMC rules. See Table 7.</p>	<p>General</p>