

AGENDA
Commission for the Environment
October 12, 2015
7:30 p.m.

Richard Whitted Meeting Facility (Room 250)
300 West Tryon Street, Hillsborough

- | <u>Time</u> | <u>Item</u> | <u>Title</u> |
|--------------------|--------------------|--|
| 7:30 | I. | Call to Order |
| 7:32 | II. | Additions or Changes to Agenda |
| 7:35 | III. | Approval of Minutes – September 14 (Attachment 1) |
| 7:40 | IV. | Herbicides & Pesticides Used at County Facilities
The CFE will consider a list of herbicides and pesticides used to manage the grounds at Orange County buildings and facilities. The BOCC would like the CFE to review the list, discuss with DEAPR staff, and provide feedback or recommendations to staff and BOCC. (Attachments 2-3) |
| 8:00 | V. | Green Building Incentives
Bouma will provide an update on the Town of Chapel Hill's early experience with the pilot Commercial Green Building Incentive in the Ephesus-Fordham district. (Attachment 4) |
| 8:15 | VI. | Collaboration in Energy Conservation/Management
Saunders and Bouma will report on the third meeting of the interagency committee working to collaborate on projects to address energy conservation and management (Attachment 5) |
| 8:30 | VII. | CFE Outreach / News Articles
The CFE will review/discuss the latest news article intended to educate and inform the public about issues highlighted in the Orange County State of the Environment. (Attachment 6) |
| 8:40 | VIII. | Annual Report and Work Plan (2015-16)
Each year the Board of County Commissioners (BOCC) asks its advisory boards to prepare an report of their activities, accomplishments, new issues, and concerns for BOCC information. A copy of the 2014-15 report is attached for your reference. A draft 2015-16 will be provided for CFE consideration in November. The final report is due December 18. (Attachment 7) |
| 8:50 | IX. | Updates and Information Items
Staff and/or CFE members will provide updates on the following items: <ul style="list-style-type: none">➤ Green Restaurant Challenge update (Attachment 8)➤ BOCC to discuss solid waste/recycling/food waste (Oct 13) (Attachment 9)➤ Orange County Resolution of Support for Small Solar (Attachment 10)➤ BOCC decision on Nov 2016 bond package (Attachments 11 - 12)➤ Carrboro's Community Climate Action Plan - Draft Report (Attachment 13)
http://www.townofcarrboro.org/718/Energy-and-Climate-Task-Force➤ OWASA Biosolids management report – Part 2 Draft (Attachment 14)➤ Forest Service offers advice for treating ash trees (Attachment 15)➤ Raleigh streetlights being switched to LED (Attachment 16)➤ Changes to state environmental laws/rules (Attachments 17 - 19)➤ New rules boost EPA's environmental justice efforts (Attachment 20)➤ NC House and Senate pass industrial hemp bill (Attachment 21)➤ Fine particles linked to early death (Attachment 22)➤ Haw River Trail newsletter (Attachment 23) |
| 9:15 | X. | Adjournment |

Next meeting: November 9 (Chapel Hill)

CFE Meeting Ground Rules (*Adopted 9/12/11*)

1. Keep to agenda topic under discussion
2. Share relevant information
3. One person speaks at a time after recognition by the Chair
4. Everyone is invited to participate in discussions / no one person should dominate discussions
5. Strive to reach consensus first before voting

Activities the CFE expects to carry out in 2015:

- Continue to update the Orange County State of the Environment 2014 report
- Convene an Energy Task Force (or equivalent work group) to improve the County's ability to foster local sustainable energy production and energy efficiency strategies
- Recommend ways to reduce the County's "carbon footprint" and implement the County's Environmental Responsibility Goal
- Help with public outreach and management efforts related to hydrilla in Eno River
- Help initiate the development of a comprehensive conservation plan for Orange Co
- Collaborate with NC Botanical Garden and others to identify significant roadside habitat for native plants; ask NCDOT and other utilities to protect those roadside habitats [authorized by BOCC June 2012]
- Co-sponsor the annual DEAPR photography contest (*The Nature of Orange*)
- Help plan for and participate in DEAPR's annual Earth Day event

Concerns or emerging issues the CFE has identified for 2015:

- The CFE will continue to advocate for an expansion of the County's commercial food waste pickup and composting services to reduce food waste in the solid waste stream
- The CFE remains interested in developing incentives for increasing energy efficiency in new construction [January 2012 memo to Planning Board]
- The CFE will strive to learn more about environmental justice matters and incorporate relevant information and considerations in the State of the Environment 2014 report
- The CFE will follow closely the Solid Waste Advisory Group's discussions of how to improve the handling and disposal of Orange County's solid waste, and will advocate for better long-term solutions
- The CFE will continue to advocate for increased efforts to gather information related to water resources in Orange County and will continue to increase public awareness and understanding of water supply sources, related concerns, and what steps can be undertaken to maintain or improve the quantity and quality of Orange County water supply resources
- The CFE will continue to address, as appropriate, the critical environmental issues for Orange County as enumerated on page 3 of the 2014 State of the Environment report, which include potential adverse effects from a) invasive, non-native, plant and animal species; b) reductions in State-led collection of water resources data; c) potential drilling for natural gas in the Deep River basin; d) urban sprawl; and CFE support for e) the responsible deployment of clean and appropriately-sited renewable energy and reductions in energy use to help fight climate change

**Orange County
Commission for the Environment**

DRAFT Meeting Summary

September 14, 2015

Orange County Solid Waste Administration Building, Chapel Hill

PRESENT: Jan Sassaman (Chair), May Becker, Lynne Gronback, Loren Hintz, David Neal, Bill Newby, Jeanette O'Connor, Rebecca Ray, Gary Saunders

ABSENT: Sheila Thomas-Ambat, Peter Cada, Tom Eisenhart, Lydia Wegman, David Welch

STAFF: Tom Davis, Brennan Bouma

GUESTS: Terri Buckner (OWASA Board of Directors), Pat Davis (OWASA Sustainability Mgr.)

- I. **Call to Order** – Sassaman called the meeting to order at 7:34 pm.
- II. **Additions or Changes to Agenda** – Sassaman said he would like to add a brief update and discussion on the status of CFE membership and appointments. He said he would insert this item between Items IV. and V. on the agenda.
- III. **Minutes** – Hintz motioned to approve the August 10 minutes as written; seconded by Saunders. Sassaman pointed out a typo on Page 2. Approved unanimously.
- IV. **Energy Conservation / Management Forum** – Terri Buckner (OWASA Board of Directors) and Gary Saunders reported on the first two meetings to plan for a community forum on energy conservation and management. Buckner said the meetings have also included representatives from Carrboro, Chapel Hill, UNC, and OWASA.

Buckner reported the group decided that a community forum is not desirable at this time after all. Instead they will identify projects of mutual interest where there are opportunities for collaboration among the different entities. Buckner said the group might want to hold a public forum after identifying one or more projects. She noted the Town of Carrboro held a public forum on climate change and did not get adequate public participation. The plan is to have something specific for members of the public to consider and react to in the future.

Bucker said the group developed an initial list of potential projects that also included metrics on how each group would measure and report on energy conservation and management. It also included metrics on social value. Bucker said the next task is for people to review the list and prioritize projects of interest to the entity they represent. The group will consider those prioritize and decide where to go next.

Bucker said the next two meetings will be September 30 and October 28, during which the group will identify the projects of mutual interest and to determine what is necessary to make them happen. She noted this is different from what she had presented in August and hopes this new idea will also be of interest to the CFE for further participation.

Sassaman asked Saunders what he wanted from the full CFE. Saunders asked CFE members look over the list of potential energy conservation collaboration projects and provide comments to him in time for him to report to Mary Tiger of OWASA by Sept 18.

Saunders commented on the list of potential collaboration projects. He agreed with Buckner that this initial approach would be better than a public forum.

Buckner noted that some of the potential projects are short-term projects and others are relatively long-term. She said Chapel Hill has been talking with a consultant about compiling an inventory of roofs that could support solar energy production in advance of future capital improvement planning for roof replacement. She said another project is the potential for the University of North Carolina to utilize methane gas produced by OWASA's wastewater treatment plant. Neal asked what happens to the methane currently. Buckner said the methane is burned by flaring. Pat Davis said OWASA generates 110,000 cubic feet of methane gas daily (61 BTUs). He said a portion of the gas is captured and used to heat OWASA's digestion process and a portion is flared off.

Pat Davis discussed some of the other potential projects being considered by OWASA. He offered to provide more details on projects to CFE members.

Buckner noted that the CFE gave tentative approval of this concept in August. Buckner and Saunders asked if the CFE remained favorable of this new collaboration moving forward. Sassaman asked members if they wished to continue the involvement. The consensus was that the CFE wishes to continue its collaboration in this effort.

Bouma described some of the other potential projects on the list for CFE members to consider and respond to. Sassaman asked Saunders to send the list of potential projects to CFE members. Saunders noted the list of 11 potential projects was only released to the working group on Friday and he would send it via email.

O'Connor reported on a project by the Town of Carrboro's climate task force. Becker asked whether the inventory of roofs for their solar energy potential could also include privately-owned homes and buildings. Buckner noted that public funds can't be used to solarize private buildings. Neal and Bouma discussed a project by the City of Raleigh to support and expand solar energy production.

CFE members thanked Buckner, Davis, Saunders, and Bouma for their report.



CFE Membership (Unscheduled item) – Sassaman noted that several CFE member appointments will expire at the end of December, and also that he will need to resign from the CFE because he and his wife are relocating to Chatham County. He said Donna Lee Jones's position remains vacant following her resignation this past June.

Sassaman said the terms for Neal and Saunders will December 31 and neither is eligible for reappointment. He said Ray's and Gronback's terms also expire December 31, but both are eligible for reappointment and both are interested in continuing on the CFE.

Sassaman said there will be four vacancies to fill shortly. He asked CFE members to contact people they feel would be good candidates for serving on the commission and to encourage them to apply. Bouma reported that at a recent BOCC meeting he heard strong interest by commissioners in filling all vacancies on their advisory boards. CFE members expressed interest in finding candidates from diverse racial and social backgrounds, especially given the CFE's interest in environmental justice issues.

- V. **Green Building Incentives** – The CFE continued its discussion of potential incentives for energy-efficient construction. Bouma reported on his and Rich Shaw's recent meetings with James Baxter, chief commercial building inspector with the Orange

County Planning & Inspections Department. Bouma noted that Baxter is a long-time member of the staff and is very familiar with the state building and energy codes. Bouma said he also spoke with Gordon Dively, who was formerly with the Solid Waste department and was recently hired to be the County's capital projects manager.

Bouma reported the County established a green building committee in 2007-08, but that it was dissolved when the recession took hold in 2008-09. He said the committee included representatives from around the county, and they tried to identify incentives for green building. They considered potential changes to the fee schedule and helping to publicize businesses that employed green practices, but the committee stopped meeting before anything resulted from those discussions.

Bouma suggested it is a good time to resume these discussions. He said Orange County uses the international energy code as a minimum standard, and James Baxter was a member of the large commission that developed the energy code. Bouma said the code was developed because green building was conflicting with the standard building codes that were in place around the country. He said the energy code is actually out in front of what is being done in practice. Bouma gave an example of the intent of the energy code to improve the energy efficiency of HVAC systems; however in practice the practice of installing new systems is out of synch with the process needed to calibrate those HVAC systems properly.

Bouma said Baxter and Dively have ideas for green building incentives that could be discussed further. He said alternatives to reducing permit fees or providing rebates should also be considered because permit fees are needed to generate revenue for staffing the inspections division. Bouma noted decreasing the size of a house can usually improve energy efficiency, so increasing property taxes for larger houses with energy inefficient construction is another potential option. He cited the example of OWASA's increased water and sewer fees for larger residences that use more water. Sassaman said most residents would not consider higher property tax as a disincentive because they may not recognize the higher fee embedded in the escrow portion of their mortgage payment. He found that was the case with the County's \$120 recycling fee. He said only three residents objected to the fee. Hintz and Neal questioned the legal authority and acceptability of a tax surcharge for larger, inefficient residences. Gronback, Newby, and Bouma discussed the costs and benefits of "tiny homes."

Bouma reported that Baxter is interested in continuing this discussion and determining what ideas can be generated for County consideration. He said Baxter is interested in learning about Chapel Hill's experience with its pilot project of permitting development in the Ephesus-Fordham district. Neal asked Bouma whether he had a chance to contact the Chapel Hill town staff for an update on that pilot effort. Bouma said he had not.

Neal suggested that once we learn from the Chapel Hill experience how many commercial builders are willing to pursue the rebates the CFE could work with Planning and Inspections staff to develop a package of potential incentives that would apply in certain locations, conditions, and circumstances. The package might go then go to the Planning Board and BOCC as draft amendments to the Unified Development Ordinance. Bouma said he would work with the Air and Energy Committee on next steps.

Neal noted that a rebate for commercial building construction is likely to be more feasible than for residential buildings, particularly when dealing with retrofits. He suggested the County could appropriate a certain total amount of rebate funds available annually, and once those funds were spent there would be no more rebates for that given year.

- VI. **CFE Outreach / News Articles** – The CFE reviewed news articles intended to educate and inform the public about issues highlighted in the State of the Environment report. Sassaman thanked Hintz for his work on the article that was published featuring news of the emerald ash borer and other invasive species. Sassaman asked if there were comments on the article by Tom Davis on hydraulic fracturing. Hintz asked whether the article should mention potential adverse health effects. Davis said the article is intended to cover the potential effects of fracking on Orange County. Sassaman suggested the potential for health effects is captured in language about potential water contamination. Gronback said some deeds to property relinquish the landowners' mineral rights.

The CFE approved of sending the fracking article as written to area newspapers. Sassaman thanked Davis for his work on preparing the article.

CFE members then considered an updated list of potential topics for new articles (Attachment 6). Davis said he would ask Cada to work with him on an article about water conservation, based on narrative from the SOE report. The CFE discussed producing an article or two on solar energy generation in Orange County, and to include language in the article that advocates for restoring state tax incentives for solar energy.

The CFE decided to prepare an article about solar energy issues for October, an article about water conservation for November, and an article on barriers to solar development for December. Draft articles will be reviewed by the appropriate committee and then shared with the full CFE for a final scan prior to being submitted for publication.

- VII. **Orange County Bond Referendum 2016** – The CFE reviewed the letter it had sent to the BOCC in June asking the Board to consider reopening the bond referendum process and providing a full opportunity for public and County staff comment. The CFE discussed sending a representative to the September 15 BOCC meeting to thank the BOCC for this opportunity and to provide comments pertaining to the County's proposed 2016 bond referendum. Bouma mentioned that he heard that as many as 200 people were expected to show up at the meeting to speak on this issue. Hintz suggesting CFE members communicate their interests to the BOCC by email rather than at the meeting.

Sassaman said he would send an email to BOCC members and attached a copy of the CFE's June memo for reference. He suggested other CFE members could do the same.

- VIII. **Updates and Information Items** – Information on the following subjects was provided in the meeting package; selected items were discussed: a) Chatham County's temporary fracking moratorium, b) hydrilla treatments in the Eno River, c) Chapel Hill's pollution prevention video, d) Bolin Creek trail, e) Orange County's social justice goal, f) OWASA's wastewater/biosolids report, g) OWASA's new sustainability manager, h) County brochure on tree harvesting, i) Duke Forest deer management, j) NC's response to EPA's Clean Power Plan, k) Making Energy Work Conference – Oct 6.

Newby reported the US EPA's Environmental Benefits Mapping and Analysis Program (BenMAP) program has added to its component for social justice considerations.

Bouma reported County staff are identifying subjects for public service announcements to be aired on WCHL Radio. He asked CFE members for any ideas for future topics.

- IX. **Adjournment** – Sassaman asked for a motion to adjourn. Hintz motioned to adjourn; seconded by O'Connor. Sassaman adjourned the meeting at 9:35 pm.



Department of Environment,
Agriculture, Parks & Recreation

MEMORANDUM

To: Bonnie Hammersley, County Manager

From: David Stancil, DEAPR Director

Date: July 8, 2015

Re: Pesticide Use on County Grounds and Buildings

In May, a Board member requested information about the types of pesticides and herbicides used by County staff to manage and maintain grounds, parks, landscaped areas and buildings.

Attached please find a list of applications compiled by staff. The table describes the product, description, timing of use, and other information about the product.

A few notes about the attached table:

- Many of the items listed are not applied on a regular basis, but as needed.
- Staff works diligently to minimize the usage of pesticides and herbicides, and selects applications that are more environmentally-sensitive where possible. However, it should be noted that ballfields and locations like the Soccer.com Center have specialized grasses and turf that require a high level of maintenance to ensure a quality playing surface, and these products are needed to maintain that type of playing surface. Based on our review, this usage and need also exists for other jurisdictions that maintain athletic facilities of the type Orange County manages, and the facilities in our area also use many of the same products listed here.

Please let me know if I may provide any additional information.

Product	Active Ingredients	Description	Timing of use	Acute Toxicity Rating [1 (most) - 4 (least)] ^{1,2}	EPA Registered? ³	Restricted Use Product? ⁴	EPA Toxicity Word ⁵	Technical Fact Sheet (National Pesticide Information Center) or MSDS	Label Image
Products Used at Soccer.com Center									
Fertilizer	Various	Various Formulations	During Active Growth	NA	NA	No	NA	NA	NA
Micronutrients	Various	Plant Health	During Active Growth	NA	NA	No	NA	NA	NA
MaxiPlex	Humic Acid	Humic Acid/Organic	During Active Growth	NA	NA	No	NA	http://www.turf.at/product_data_sets/Sicherheit/datenblaetter/EN/Floratine/MaxiPlex.MSDS_UK.pdf http://www.kellysolutions.com/renovials/documents/submit/KellyData/ND%5CFertilizer%5CProduct%20label%5CMAIPI%20EX%202012%203%2017%20PM.pdf	
Liquid Iron	Iron	Enhance Color	During Active Growth	NA	NA	No	NA	NA	NA
T-NEX	Trinexapac-ethyl	Growth Regulator	During Active Growth	3	Yes	No	Caution	http://fs1.agrian.com/pdfs/T-NEX_1AQ_MSDS2.pdf	http://fs1.agrian.com/pdfs/T-NEX_1AQ_Label2.pdf
Q4	2,4-D, etc.	Herbicide	During Active Growth	1	Yes	No	Danger	http://pdf.tirmsdev.com/Web/9/36341/99_36341_MSDS_English.pdf?download=true	http://www.cdms.net/LDat/ldU/HR006.pdf
RoundUp	Glyphosate	Herbicide	Year Round	2	Yes	No	Warning	http://npic.orst.edu/factsheets/ Glyphotech.pdf	http://www3.epa.gov/pesticide/search/pppls/071995-00020-20020731.pdf
Products Used by Pest Control Contractor at County Buildings									
Arilon	Indoxacarb	Urban insects including termites	As needed.	2	Yes	No	Caution	http://www.cdms.net/LDat/mpB7E001.pdf	http://www.dupont.com/content/dam/assets/products-and-services/pro-products/SI-1672C.pdf
Suspend-SC	Deltamethrin	Broad spectrum insecticide	As needed.	3	Yes	No	Caution	http://npic.orst.edu/factsheets/Deltatech.html	http://www.fightthebite.net/download/labels/SUSI.pdf
Suspend-Polyzone	Deltamethrin	Broad spectrum insecticide	As needed.	3	Yes	No	Caution	http://npic.orst.edu/factsheets/Deltatech.html	http://www.bcgov.net/departments/public-safety/mosquito-control/Suspend-Polyzone%20label.pdf

Product	Active Ingredients	Description	Timing of use	Acute Toxicity Rating [1 (most) - 4 (least)] ^{1,2}	EPA Registered? ³	Restricted Use Product? ⁴	EPA Toxicity Word ⁵	Technical Fact Sheet (National Pesticide Information Center) or MSDS	Label Image
Products Used by DEAPR for Parks and Grounds (Parks Division)									
Round Up	Glyphosate	Kill weeds and grass in plant beds, mulched areas, walkways, parking lots and trails. Also brushed or sprayed on fresh cuts and stumps of invasive trees.	As needed.	2	Yes	No	Warning	http://npic.orst.edu/factsheets/bglyphotech.pdf http://www3.epa.gov/pesticide/s/chem_search/ppls/071995-00020-20020731.pdf	
Trimec, Speedzone	2,4-D	Broadleaf weed control in turf.	Varies	2	Yes	No	Danger	http://npic.orst.edu/factsheets/24-DTech.pdf http://www.southernmag.com/docs/labels_msds/2_4-D.pdf	
Pendulum, Halts, Pre-M	Pendimethalin	Pre-emergent grass and weed control. Applied to gravel parking lots and walkways.	Early spring.	3	Yes	No	Caution	http://www.cdms.net/LDat/mp3_HA000.pdf http://www.cdms.net/LDat/ld3_HA004.pdf	
Advion	Indoxacarb	Broadcast on large areas to prevent or eliminate fire ant infestation. Spot treat ant mounds.	As needed.	2	Yes	No	Caution	http://www.cdms.net/LDat/mpB_7E001.pdf http://www.cdms.net/LDat/ldB_7E005.pdf	
Sevin	Carbaryl	Liquid drench application to fire ant mounds.	As needed.	3	Yes	No	Caution	http://npic.orst.edu/factsheets/carbtech.pdf http://www.cdms.net/LDat/ld5_ER002.pdf	
Talstar	Bifenthrin	Liquid drench application to fire ant mounds.	As needed.	3	Yes	Yes for some formulations	Caution	http://npic.orst.edu/factsheets/biftech.html http://www.cdms.net/LDat/ld8_PP004.pdf	
Cross Bow	2,4-D	Non-selective, used on woody plants such as poison ivy.	As needed.	3	Yes	No	Danger	http://www.cdms.net/LDat/mp0_2H000.pdf http://www.cdms.net/LDat/ld0_2H006.pdf	

Footnotes:

- 1 - From Pesticide Action Network (PAN) web site - "Formulated pesticide products (which usually include inert ingredients) are required to carry an acute toxicity rating by the U.S. EPA which is reflected in the warning label on the pesticide container. The U.S. EPA gives a warning label of Category 1 to the most acutely toxic pesticide products and Category 4 to the least acutely toxic pesticide products (1). The different toxicity categories are based on the LD50, the dose (in milligrams of substance per kilogram of body weight) that kills 50% of the test animals in a standard assay. For inhalation exposures, the LC50 is used---the concentration in air in milligrams per liter that kills 50% of the test animals."
- 2 - PAN (Pesticide Action Network) web site: http://www.pesticideinfo.org/Docs/ref_toxicity3.html#PANSummaryCancer Pesticide Action Network (PAN) Summary Carcinogen Categories This source states the following: "There are several organizations that evaluate and rank chemicals for their carcinogenicity. Because carcinogenicity designations from different sources sometimes conflict with each other, PAN created a summary carcinogen designation that reflects the most toxic ranking assigned by any organization. In addition, the different terms used by different organizations to describe carcinogen status were translated into a consistent set of terms."
- 3 - From the National Pesticide Information Center (NPIC) web site: "Laboratory Testing: Before pesticides are registered by the U.S. EPA, they must undergo laboratory testing for short-term (acute) and long-term (chronic) health effects. Laboratory animals are purposely given high enough doses to cause toxic effects. These tests help scientists judge how these chemicals might affect humans, domestic animals, and wildlife in cases of overexposure."
- 4 - From PAN web site: "The U.S. EPA restricts use of some pesticide products because they are acutely toxic to humans or beneficial insects; have been shown to cause worker illnesses, groundwater contamination, bird or fish kills; or their drift damages other crops. RUPs (Registered Use Products) can be used only by certified and licensed applicators, and then only under specific conditions."
- 5 - <http://www.npic.orst.edu/factsheets/signalwords.pdf> From the National Pesticide Information Center web site: "CAUTION means the pesticide product is slightly toxic if eaten, absorbed through the skin, inhaled, or it causes slight eye or skin irritation. WARNING indicates the pesticide product is moderately toxic if eaten, absorbed through the skin, inhaled, or it causes moderate eye or skin irritation. DANGER means that the pesticide product is highly toxic by at least one route of exposure. It may be corrosive, causing irreversible damage to the skin or eyes. Alternatively, it may be highly toxic if eaten, absorbed through the skin, or inhaled. If this is the case, then the word "POISON" must also be included in red letters on the front panel of the product label."

DEAPR Administrative Policy

Sustainable Landscaping at Orange County Facilities

Approved by the Commission for the Environment (CFE) on June 14, 2010. for implementation by DEAPR. It is based on guidelines proposed by a Joint Committee on Sustainable Landscaping Practices (2008) comprised of representatives of the CFE, the Planning Board and County staff from Planning & Inspections and DEAPR.

Goal Statement: Use appropriate and sustainable landscaping practices on all County-owned properties, including buildings, parking, parks, and other facilities.

Purposes: Landscaping around government buildings and facilities is important for maintaining the value and appearance of public property. When landscapes are not managed efficiently, it can increase maintenance costs, waste natural resources, and pollute the environment. Sustainable landscaping practices can produce significant economic and environmental benefits. Savings include reduced labor, water, fertilizer costs, and lower hauling expenses and disposal fees. Composting and mulching returns valuable organic material to the soil, which increases the water-holding capacity of soil, reduces erosion, and conserves water. Proper watering, fertilizing, Integrated Pest Management (IPM), and pruning can encourage healthier, disease-resistant plants and can reduce the amount of pesticides, fertilizers, and other toxic runoff entering storm drains and polluting streams and other water bodies.

I. Guidelines:

The following guidelines apply to all properties owned and maintained by the County. Departments should consider these as minimum guidelines and may choose to employ standards that are more restrictive than these guidelines, consistent with other County policies and procedures.

A. Resource Conservation

1. Prioritize building on land that is already disturbed
2. Site buildings to take advantage of the natural day light and solar gain, with natural venting where possible
3. Plant deciduous trees on the southwest sides of buildings to reduce energy needs in the summer and to increase possible solar gain in the winter.
4. Plant evergreen trees on the northeast corner of buildings for protection from winter winds
5. Harvest rain water with cisterns to help reduce the use of potable water
6. Design and implement efficient irrigation systems
7. Specify drought tolerant plants
8. Use local building and plant materials to reduce transportation costs
9. Use recycled materials and FSC (Forest Stewardship Council) certified wood
10. Minimize night light pollution
11. Balance cut and fill on site
12. Provide priority parking spaces for carpooling, alternative fuel vehicles, and bicycles
13. Identify and protect heritage trees—trees that, because of their age, size, type, historical association, or horticultural value, are of special importance

B. Storm Water Management (Applicable for new construction and retrofitting existing facilities)

1. Recognize the value of storm water detention on site to reduce the amount sent to the storm sewer and streams
2. Restore and create wetlands where appropriate for increased flood control and to enhance water quality
3. Reduce pollution by treating storm water through the use of bioswales, storm water planters, rain gardens, ecoroofs, or other effective storm water retention measures
4. Disconnect impervious surfaces from draining directly into surface waters, wherever feasible
5. Reduce impervious surfaces with porous concrete, porous asphalt, permeable pavers or other effective storm water retention measures
6. Encourage the use of cisterns in design for new construction projects
7. Use low-impact design techniques to help treat pollution opportunities at their source

C. Maintenance

1. Use native plants
2. Avoid invasive species
3. Reduce pruning needs by allowing plants to realize their natural forms and providing enough room for growth
4. Minimize the amount of grass lawn by using ground covers that require little or no irrigation, water use and mowing
5. Use organic mulch (from a local source) to retain water and suppress weeds
6. Use organic fertilizers and compost
7. Use pesticides and herbicides (no stronger than directed) only when no other alternative exists
8. Consider using integrated pest management practices—utilizing materials of natural origin such as plant oils (e.g., rosemary, wintergreen) or boric acid

D. Social Capital

1. Provide accessibility to buildings and facilities by individuals with disabilities under the Americans with Disabilities Act (ADA) of 1990
2. Consider opportunities to include social gathering spaces
3. Incorporate interpretive signage that speaks of site history and sustainable design principles
4. Provide bicycle and pedestrian linkages to other facilities
5. Plan for the inclusion of public art
6. Consider the affects of landscaping on crime prevention

E. Waste Reduction

1. Provide recycling bins for park users
2. Create on-site composting areas
3. Use products and materials that are durable and can be reused or recycled

II. Implementation:

The Department of Environment, Agriculture, Parks and Recreation (DEAPR) shall use these guidelines to develop landscape plans for each County-owned property within its purview. Each plan should consider comprehensive pest management alternatives consistent with the applicable guidelines provided in Section I.C of this policy.

A. Existing facilities

Landscape plans for existing facilities should be developed within two years of the adoption of this policy.

B. Newly-acquired facilities

When the County acquires new properties, sites with existing facilities should have a landscape plan completed within six months of acquisition.

C. New construction

Newly-constructed facilities should have a landscape plan in place at the time of its completion and opening.

Issued as DEAPR Administrative Policy #3

P. David Stancil, Director

Effective date: October 1, 2010

**ORANGE COUNTY
DEPARTMENT OF ENVIRONMENT, AGRICULTURE,
PARKS AND RECREATION**

MEMORANDUM

To: Commission for the Environment
From: Rich Shaw
Date: June 3, 2015
Subject: Summary of the presentation on Chapel Hill's green building incentives

At your April 13 meeting the CFE received a presentation on the Town of Chapel Hill's pilot program of providing financial incentives for sustainable design (or "green building") within the Ephesus Church / Fordham Renewal District.

The following is a summary of the presentation and CFE discussion:

Chapel Hill's Green Building Incentives – John Richardson (Planning Manager for Sustainability) and Jesse Freedman (Energy Management Specialist) presented an overview of the Town of Chapel Hill's pilot program of providing financial incentives for sustainable (or "green building") design. Richardson noted that this pilot program applies only for development within the Ephesus Church / Fordham Renewal District.

Freedman said the Town's objective is to incentivize developers to build high-performance buildings with better energy and water conservation performance than the 75th percentile of similar buildings. He noted that prior to this program the incentive was to build the worst energy and water efficient buildings allowed by law.

Freedman described the Town's process of choosing a green building standard for energy use from among many options, including LEED certification, Energy Star, 2030 Challenge, and others. The Town chose the Energy Star program, which the staff considers a neutral standard. The Town chose the State water performance standard. Freedman said the intent was to create standard that are rigorous and achievable.

Freedman said in this pilot phase the financial incentive for builders is up to a 35% reduction in their development permit fees. He reviewed the benefits of green building versus conventional building in terms of energy use and water consumption. He noted the tendencies for higher rental rates (+ 2% – 17%), greater resale value (+ 5.8% - 35%), higher market value (+ 13.5%), and lower operating expenses (- 30%) for green buildings on average.

Richardson said the rebate could result in a potential total maximum reduction in revenue from permit fees of about \$600,000; however that level of activity is highly unlikely. He said there have been only two applicants to date. Richardson said Town staff will try to verify performance measures, likely through periodic field inspections.

Freedman and Richardson responded to questions from CFE members:

O'Connor asked if there were incentives for sustainable design of the outside portions of the buildings, such as green roofs, xeriscaping, and onsite water retention. Richardson said yes, there are standards for the outside as well.

Neal asked if Chapel Hill had looked at examples of like programs in other jurisdictions, such as Catawba County. Richardson said they consulted NC State's DESIRE database for suitable examples and found that Charlotte's program was most effective. The others reported low levels of effectiveness.

Sassaman asked if the Town used other incentives in addition to the permit fee rebate. Richardson said the State has authorized the rebate incentive. For buildings and development outside of the Ephesus Church / Fordham district the Town uses other standards and requirements for approving special use permits.

Sassaman asked if the Town applies these standards to its public buildings. Richardson said the Town has, by ordinance, a LEED Silver minimum for all buildings. For example, the Chapel Hill Library was built to LEED Silver standard.

Neal asked if these standards applied to single-family residential development, and might the Town consider expanding the incentives to other parts of the town. Richardson said it is only intended for commercial and multifamily residential, and said the council has not discussed imposing these standards elsewhere.

Hintz asked how much less the cost of utilities might be for buildings in the Ephesus Church / Fordham district than in other parts of the town. Richardson said it would depend on the building type; the staff has run some calculations.

Richardson said the Town of Chapel Hill will reassess the pilot program at the end of the first year and the staff will work with the town council on making adjustments if needed.

Neal noted the CFE has recommended to the BOCC and the Planning Board that Orange County consider adopting similar incentives for sustainable development, but thus far nothing has resulted from those discussions.

The CFE thanked Richardson and Freedman for their presentation.

From: Mary Tiger [mailto:mtiger@owasa.org]

Sent: Thursday, October 01, 2015 12:21 PM

To: Terri Buckner; Pat Davis; Brennan Bouma; gary.saunders@ncdenr.gov;

Subject: Brief Summary and Next Steps from Last Night's Energy Collaboration Meeting

Thanks to those who were able to attend the Inter-local Energy Collaboration Working Group meeting at OWASA last night. By way of this email, I wanted to provide the entire group with a brief summary of and next steps identified in last night's discussion. For those in attendance, please feel free to contribute if I missed or mis-represented anything.

After briefly reviewing the proposed projects and programs and criteria used to prioritize these projects, we looked at the top projects based on the group's assessment of their potential to achieve each of the four criteria. I have attached a slide deck that summarizes the responses. Slide 5 really served as a springboard for our discussion of what projects were a priority for the group and next steps needed to move the effort forward. (We did not review slides 6-15, but they are provided here for the group for to view. I've also added a slide to describe how the ranking was done. This was spoken last night.) Please note that these slides and summary are intended only for the purposes of the group.

In summary, we identified five initiatives that hold promise for collaborative efforts among the group.

- **Biogas to energy at OWASA wastewater treatment plant**
Champions: Brad Ives (UNC) and Pat Davis/Mary Tiger (OWASA)
Next steps: UNC and OWASA to meet to discuss details around collaborative opportunities
- **Technical evaluation of solar PV opportunities at public facilities/land tracts**
Champion: Jesse Freedman, Town of Chapel Hill
Next steps: Identify information needed from each agency on sites with potential for PV
- **Street lighting coordination (particularly of lighting under direct control of agencies)**
Champion: Gaylan Bishop, UNC
Next steps: Investigate if UNC staff can conduct assessment of potential for LED lights on agency property; send invitation to the group to attend a UNC lighting tour
- **Fleet management efficiencies**
Champion: Brennan Bouma, Orange County
Next steps: Identify information that is needed to build a baseline to assess opportunities to collaborate on increasing fleet efficiency (potential source: Triangle Clean Cities and NC Clean Energy Technology Center)
- **Joint energy and carbon tracking and reporting**
Champion: Elizabeth Zander, Chapel Hill Environmental Stewardship Board
Next steps: Identify information that is needed (and in what form) for inter-local comparisons using standards used by the state and others; review existing energy data management and reporting approaches used by towns, county, OWASA, school system, and UNC

Each of the champions identified will take the lead in coordinating the next steps. Additionally, I will work on summarizing the short-term, intermediate, and long-term objectives of each of the projects, and Terri Buckner will also look at the social cost of carbon.

Please hold Wednesday October 28th from 5:30-7pm in the OWASA Board Room for the next meeting. We will circulate a Doodle Poll soon to identify another date in early December to meet.

Best regards,

Mary Tiger

Sustainability Manager

Orange Water and Sewer Authority

919-537-4241 (office)

mtiger@owasa.org

**ORANGE COUNTY
DEPARTMENT OF ENVIRONMENT, AGRICULTURE,
PARKS AND RECREATION**

MEMORANDUM

To: Commission for the Environment
From: Rich Shaw
Date: October 7, 2015
Subject: Articles for Public Outreach

Since February CFE members have worked with staff to develop monthly articles for the *Chapel Hill News* and *The News of Orange County*. Thus far there have been articles on hydrilla in the Eno River, electronic vehicle charging stations, the benefits of native plants, problems caused by the emerald ash borer and other invasive species, and the effects of fracking on Orange County.

Revised Calendar for Preparing/Publishing News Articles

Topic	SOE	Committee (Lead)	Completion	Publication
Hydrilla in the Eno	pp. 69-70	Water (Cada/Davis)	April	April
New electric vehicle charging stations	pp. 21-22	Air & Energy (Bouma)	April 15	May 13
Pollinator Issues	pp. 43-44	Land (O'Connor/Shaw)	June	June
Terrestrial invasives / choosing native spp.	pp. 43-44	Land Resources (Hintz/Shaw)	Aug 15	Aug 19
Potential effects of fracking in Orange Co.	pp. 71-72	Water (Davis/Sassaman)	Sept 1	Oct __
Solarize projects	N/A	Air & Energy (Neal/Bouma)	draft Oct 15	late Oct
Water conservation	pp. 47- 54	Water (Cada/Davis)	draft Nov 1	Nov
Barriers to solar development	N/A	Air & Energy (_____/Bouma)	draft Dec 1	Dec
Land conservation	pp. 37-42	Land (Wegman/Shaw)		
<i>Reconsider schedule for 2016 (change to quarterly?)</i>				

NAME OF BOARD/COMMISSION: Commission for the Environment

Report Period: 2014 - 2015

**ORANGE COUNTY ADVISORY BOARDS & COMMISSIONS
ANNUAL REPORT / WORK PLAN FOR THE COUNTY COMMISSIONERS**

The Board of Commissioners welcomes input from various advisory boards and commissions in preparation for its annual planning retreat. Please complete the following information, limited to the front and back of this form. Other background materials may be provided as a supplement to, but not as a substitute for, this form.

Board/Commission Name: Commission for the Environment

Persons to address BOCC at work session and contact information:

Chair:	Jan Sassaman	919-933-1609	jan.sassaman@gmail.com
Vice Chair	Lydia Wegman	919-886-8775	lnwegman@gmail.com

Primary County Staff Contact:

Department of Environment, Agriculture, Parks and Recreation
Rich Shaw (Land Conservation Manager) 245-2514 rshaw@orangecountync.gov
Tom Davis (Water Resources Coordinator) 245-2513 tdavis@orangecountync.gov
Brennan Bouma (Sustainability Coordinator) 245-2626 bbouma@orangecountync.gov

How many times per month does this commission meet, including any special meetings and sub-committee meetings?

One meeting per month (2nd Monday); committees meet as needed during meeting

Brief Statement of Commission's Assigned Charge and Responsibilities.

Purpose: to advise the BOCC on matters affecting the environment, with particular emphasis on environmental protection and enhancement. Other duties include:

- Perform special studies/projects on environmental issues as requested by BOCC
- Recommend environmental initiatives to the BOCC, especially of local importance
- Study changes in environmental science and environmental regulations in the pursuit of the CFE's duties
- Educate the public and local officials on environmental issues

What are your Commission's most important accomplishments?

- Published the 2014 Orange County State of the Environment report (previous reports were completed in 2000, 2002, 2004, 2009)
- Convened Orange County Environmental Summit (2005, 2009, 2014)
- Made recommendations to BOCC on food waste and solid waste tax district (2014)
- Worked with Orange County Schools to introduce local environmental indicators/status and trends into middle and high school science curriculum (2004, 2009, 2014)
- Hosted a Solid Waste Forum with the Chapel Hill Sustainability Committee (2013)
- Co-sponsored the annual *Nature of Orange* photography contest (2012, 2013, 2014)
- Advocated for ½ cent sales tax referendum for Triangle Region public transit (2012)
- Compiled annotated bibliography of the effects of forestry on water quality (2012)
- Developed sustainable landscaping and forest management policies for the administration of County-owned facilities (2010)
- Assisted County staff in completing the Natural and Cultural Systems Element of the Orange County Comprehensive Plan (2008)

List of Specific Tasks, Events, or Functions Performed or Sponsored Annually.

- Review and comment on environmental issues (e.g., fracking, biosolids application, water pollution, air quality, forest mgmt..) and other issues assigned by the BOCC
- Identify priorities for the Lands Legacy Action Plan (natural areas and wildlife habitat)
- Conduct special studies pertaining to Orange County environment (e.g., energy efficiency/sustainability, forestry effects on water quality, herbicides and native flora)
- Develop recommendations on implementation of ground water studies of the 1990s and the integration of ground water and surface water quality and quantity
- Conduct environmental education outreach at events (e.g., Last Fridays, Festifall)

Describe this commission's activities/accomplishments in carrying out BOCC goals/priorities, if applicable.

BOCC Goal Five: Create, preserve, and protect a natural environment that includes clean water, clean air, wildlife, important natural lands and sustainable energy for present and future generations.

- Presented findings and recommendations to BOCC on selected environmental issues: effects of forest mgmt. on water quality; effects of herbicides on roadside native plant habitat; potential effects of hydraulic fracturing ("fracking") in Orange County; problems caused by hydrilla in the Eno River (BOCC Priorities #1 and #12)
- Stayed abreast of ongoing and developing env. issues of importance to the County, such as Falls & Jordan Lake nutrient mgmt. rules, reducing commercial food waste in solid waste stream and permitting of biosolids on farmland (Priorities #12 and #16)
- Provides comments on proposed master plans for future parks/preserves

If your commission played the role of an Element Lead Advisory Board involved in the 2030 Comprehensive Plan preparation process, please indicate your activities/accomplishments as they may relate to the Comprehensive Plan's goals or objectives. *(Element Lead Advisory Boards include: Planning Board, Commission for the Environment, Historic Preservation Commission, Agriculture Pres. Board, and Parks & Recreation Council)*

The CFE provided extensive input into DEAPR staff development of the *Natural and Cultural Systems Element* of the Comprehensive Plan—specifically the chapters on Air and Energy Resources, Water Resources, and Natural Areas and Wildlife Habitat.

Objective AE-1:

Assess and implement the current countywide greenhouse gas emissions inventory and action plan target reductions.

- The CFE helped to initiate a countywide inventory of greenhouse gas emissions (2005), and continues to advise on ways to reduce the County's "carbon footprint."

Objective AE-15:

Foster participation in green energy programs such as installation incentives for solar hot water/solar generation/solar tempering in residential or commercial construction. The County should develop programs that will link citizens and businesses with options for alternative and sustainable energy sources.

- The CFE's Air and Energy Resources Committee has developed proposals that address energy efficiency and renewable power issues, and will pursue further in collaboration with other advisory boards and stakeholders.

Objective NA-3:

Develop a more detailed and consistent methodology for monitoring changes in forest cover throughout the County, and specifically the extent of mature hardwood forest.

- The CFE's State of the Environment report documented significant reductions in mature hardwood forest that occurred from 2003-2008 and since 1988. DEAPR staff will update those data to include forest conversions that occurred 2009 - 2013.

Objective NA-11:

Develop a comprehensive conservation plan for achieving a network of protected open space throughout Orange County, which addresses 1) threats to important natural areas; 2) connectivity between protected areas; 3) coordination with neighboring counties; and 4) sustainable management of critical natural resources.

- The CFE's Biological Resources Committee prepared a draft scope of work and is considering how to proceed as follow up to the 2014 Parks & Recreation Master Plan

Objective NA-16:

Create a system of public and private open space and conservation areas, including parks, nature preserves, and scenic vistas representative of Orange County landscape.

- The CFE advises County's Lands Legacy program in its efforts to protect the most important natural and cultural resource lands through a variety of means.
- The CFE's Biological Resources Committee prepared a draft scope of work and is considering how to proceed as follow up to the 2014 Parks & Recreation Master Plan

Objective WR-5:

Promote and participate in regional efforts to plan for use of water supplies in the region in an equitable manner, including contingency planning for water supplies during droughts. [Also Objectives WR-9, WR-10, and WR-15]

- CFE stays abreast of Jordan Lake Partnership and advises staff as needed
- CFE advocates for full implementation of the Water Resources Initiative to ensure planning for an adequate water supply for current and anticipated future needs

Objective WR-11:

Provide incentives and educational information to landowners to increase protection of watersheds and ground water supplies and their inter-relationships.

- The CFE distributes groundwater and surface water educational materials at Festifall and Last Fridays events and as part of its State of the Environment reports

NOTE: The Orange County State of the Environment 2014 identified specific recommendations on ways to help maintain and improve Orange County's environmental quality, many of which address objectives stated in the Orange County Comprehensive Plan.

Identify any activities this commission expects to carry out in 2015 as they relate to established BOCC goals and priorities. If applicable, is there a fiscal impact (i.e., funding, staff time, other resources) associated with these proposed activities (list).

- Continue to update the Orange County State of the Environment 2014 report
- Convene an Energy Task Force (or equivalent work group) to improve the County's ability to foster local sustainable energy production and energy efficiency strategies
- Recommend ways to reduce the County's "carbon footprint" and implement the County's Environmental Responsibility Goal (BOCC Priority #10)
- Help with public outreach and management efforts related to hydrilla in the Eno River
- Help initiate the development of a comprehensive conservation plan for Orange Co (BOCC Priority #1)
- Collaborate with NC Botanical Garden and others to identify significant roadside habitat for native plants; ask NCDOT and other utilities to protect those roadside habitats [authorized by BOCC June 2012]
- Co-sponsor the annual DEAPR photography contest (*The Nature of Orange*)
- Help plan for and participate in DEAPR's annual Earth Day event

What are the concerns or emerging issues your board has identified for the upcoming year that it plans to address, or wishes to bring to the Commissioners' attention?

- The CFE will continue to advocate for an expansion of the County's commercial food waste pickup and composting services to reduce food waste in the solid waste stream
- The CFE remains interested in developing incentives for increasing energy efficiency in new construction [January 2012 memo to Planning Board]
- The CFE will strive to learn more about environmental justice matters and incorporate relevant information and considerations in the State of the Environment 2014 report
- The CFE will follow closely the Solid Waste Advisory Group's discussions of how to improve the handling and disposal of Orange County's solid waste, and will advocate for better long-term solutions
- The CFE will continue to advocate for increased efforts to gather information related to water resources in Orange County and will continue to increase public awareness and understanding of water supply sources, related concerns, and what steps can be undertaken to maintain or improve the quantity and quality of Orange County water supply resources
- The CFE will continue to address, as appropriate, the critical environmental issues for Orange County as enumerated on page 3 of the 2014 State of the Environment report, which include potential adverse effects from a) invasive, non-native, plant and animal species; b) reductions in State-led collection of water resources data; c) potential drilling for natural gas in the Deep River basin; d) urban sprawl; and CFE support for e) the responsible deployment of clean and appropriately-sited renewable energy and reductions in energy use to help fight climate change

Green Restaurant Challenge

From: Elizabeth Zander [mailto:elizabeth.zander@gmail.com]

Sent: October 7, 2015

To: Brennan Bouma

Cc: Rich Shaw

Subject: Green Restaurant Challenge?

Hi Brennan & Rich,

I apologize for the slowness of forward movement! I have been emailing and calling restaurants to try to get together a focus group. Others are interested in participating, but only Greg Overbeck from the Chapel Hill Restaurant Group has committed to meeting, and I would like to get 3-4 restaurants present with interested members of the CFE and ESAB.

If you know any Orange County restaurant owners personally, I would certainly appreciate the assistance gathering folks together. The ESAB's capacity has been hurt a little the last two months due to vacancies and members with life events that kept them from meetings, but we should have better attendance starting this month.

I hope to be in touch soon with some progress.

Best,
Elizabeth

Hi Elizabeth,

Rich Shaw asked me if I had any updates on the Green Restaurant Challenge that you were hoping to put together, and I thought I'd just ask!

Any news we can share with the CFE?

Brennan

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: September 15, 2015

**Action Agenda
Item No.** 4-e

SUBJECT: Orange County Resolution of Support for Small Solar

DEPARTMENT: Asset Management Services

PUBLIC HEARING: (Y/N)

No

ATTACHMENT(S):

Resolution of Support for Small Solar

INFORMATION CONTACT:

Brennan Bouma, 919-245-2626

PURPOSE: To adopt a resolution of support for small-scale residential solar arrays.

BACKGROUND: Orange County is a leader in North Carolina in successfully developing and delivering alternative and more sustainable energy sources for County facilities and assets. Several adopted County goals and policies specifically support the development of renewable energy resources such as solar arrays, including the 2005 Environmental Responsibility Goal and the 2030 Comprehensive Plan. Recently in May of 2015, the Orange County Board of Commissioners showed further support of solar technologies by endorsing the development of a pilot solar photovoltaic system within its County facilities, beginning with the Rogers Road Community Center.

In recent years, the cost of solar installations has fallen while their popularity has increased, for both small residential installations (5 kilowatts on average) and large-scale commercial installations. While both small and large solar arrays provide useful amounts of renewable electricity for Orange County residents and businesses, they create different land use impacts in the space they occupy and their visual appearance. Reflecting this difference in impact, and in an effort to further promote the development of small residential solar installations, Orange County has separated small solar installations of less than 20 kilowatts from the larger commercial installations in the permitting and review process.

Changes in procedure like this help to encourage and facilitate the adoption of small solar installations by County residents. These efforts by County staff to facilitate adoption of this technology should be applauded and continued.

FINANCIAL IMPACT: Adoption of this resolution of support will have no financial impact.

SOCIAL JUSTICE IMPACT: The following two Orange County Social Justice Goals are applicable to this agenda item:

- **GOAL: ENSURE ECONOMIC SELF-SUFFICIENCY**

The creation and preservation of infrastructure, policies, programs and funding necessary for residents to provide shelter, food, clothing and medical care for themselves and their dependents.

- **GOAL: ESTABLISH SUSTAINABLE AND EQUITABLE LAND-USE AND ENVIRONMENTAL POLICIES**

The fair treatment and meaningful involvement of people of all races, cultures, incomes and educational levels with respect to the development and enforcement of environmental laws, regulations, policies, and decisions. Fair treatment means that no group of people should bear a disproportionate share of the negative environmental consequences resulting from industrial, governmental and commercial operations or policies.

Small scale solar installations represent infrastructure improvements that will assist residents in reducing their long term energy costs. Working with County residents to facilitate the development of small scale solar, in accordance with applicable land use regulations, helps to increase access to this technology and its benefits. Maintaining the separation of small scale solar from large scale solar in the permitting and review process helps to ensure that small scale solar projects are reviewed fairly in proportion to their possible impacts.

RECOMMENDATION(S): The Manager recommends the Board approve and authorize the Chair to sign the attached resolution of support for small solar installations in Orange County.

ORANGE COUNTY BOARD OF COMMISSIONERS

Resolution of Support for Small Solar

Whereas, the widespread adoption of solar technology would reduce the necessity to build additional nuclear or fossil-fuel generating plants with their attendant problems; and

Whereas, the County has endorsed the development of a pilot solar photovoltaic system within its own County facilities; and

Whereas, the County's 2030 Comprehensive Plan establishes several goals and objectives encouraging the development of alternative energy sources in accordance with applicable land use regulations; and

Whereas, the price of small residential solar voltaic arrays has recently fallen and kits containing all of the necessary electrical components have become readily available, and

Whereas, recent local efforts to promote the development of small residential solar have been successful, including the Solarize Orange project which has resulted in new solar installations on over 150 homes and small businesses across Orange County in 2014 and 2015; and

Whereas, the average residential solar array installed in Orange County over the past 2 years is approximately 5 kilowatts, and solar installations up to 20 kilowatts are allowed as an accessory use for a residential property; and

Whereas, Orange County has previously adopted comprehensive land use regulations in order to distinguish the permit submittal and review process for small residential solar projects and large, commercial, solar utility operations in an effort to further promote the development of small residential solar facilities; and

Whereas, the County wishes to empower the residents of Orange County to take advantage of these recent advances in this promising renewable energy technology;

Now Therefore, we, the Orange County Board of Commissioners, declare our support for this technology and direct the County Manager and staff to encourage and facilitate its adoption by individual residents.

This 15th day of September, 2015.

Attest:

Donna Baker, Clerk to the Board

Earl McKee, Chair
Orange County Board of Commissioners

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: October 6, 2015

**Action Agenda
Item No.** 7-a

SUBJECT: Additional Discussion Regarding a November 2016 Bond Referendum and Possible Consideration of a Preliminary Resolution To Set Bond Purposes and Amounts

DEPARTMENT: County Manager, Finance and Administrative Services

PUBLIC HEARING: (Y/N)

No

ATTACHMENT(S):
Proposed Preliminary Resolution To Set Bond Purposes and Amounts

INFORMATION CONTACT:

Bonnie Hammersley, 919-245-2300
Paul Laughton, 919-245-2152

PURPOSE: To continue discussion regarding a November 2016 Bond Referendum, and to consider adoption of a preliminary resolution to set bond purposes and amounts.

BACKGROUND: In several meetings during the past year, the Board of Commissioners has discussed the scheduling of a General Obligation Bond Referendum. A large part of the incentive for moving forward with a bond referendum is the repair, renovation, and upgrading of existing older school facilities. Both school systems completed facilities assessments reflecting needs totaling approximately \$330 million. The scope of study for Chapel Hill-Carrboro City Schools included schools constructed prior to 1990, while the Orange County Schools study included all district buildings.

At the Board of Commissioners January 30, 2015 Retreat, the Board directed staff to develop materials for Board consideration regarding the Board formally expressing its intent to schedule a November 2016 Bond Referendum, including a total bond package amount of approximately \$125 million. The Board also directed staff to move forward with the development of a process for a November 2016 Bond Referendum similar to the process utilized during the County's 2001 Bond Referendum.

At its March 3, 2015 Regular meeting, the Board discussed its intent to schedule a November 2016 Bond Referendum to address County and School capital needs; discussed the proposed creation of, structure, and charge for a proposed Capital Needs Advisory Task Force; and discussed the potential need for the services of a qualified facilitator for the Task Force. The Board subsequently requested additional information from staff and the two school systems for continued discussion at a future meeting.

The Board further discussed this item at its April 21, 2015 meeting, and approved the scheduling of a November 2016 Bond Referendum to address School Capital needs. The Board also approved its intent for a bond package totaling approximately \$125 million, and supported the concept of a Bond Education Committee. This Committee's composition, appointment process, and public outreach responsibilities would be discussed and decided on at a future meeting.

At a work session on September 10, 2015, the Board continued its discussion and received a presentation on the fiscal impacts for various bond issue scenarios.

This agenda item includes a proposed resolution by which the Board could make a preliminary determination as to bond purposes and amounts. This resolution would give direction to staff in discussing the County's plans with staff of the North Carolina Local Government Commission (LGC), which is a State agency that must approve substantially all County borrowings, and in preparing the remaining formal proceedings for Board action.

After the adoption of this resolution, the Board could delete proposed purposes or reduce the amount of bonds proposed for any purpose, but could add a purpose or increase the amount of bonds proposed for any purpose only by re-starting the process with another resolution like that presented here.

A motion to approve the resolution should specify the purposes and amounts of bonds to be authorized for purposes specified in the motion. When the Board has determined the amounts, staff will suggest a number for the tax-rate equivalent impact to be included in the motion for completion of the resolution.

To summarize the procedure for calling the referendum –

a) Board considers a resolution such as that presented, (i) to set maximum parameters of bond purposes and amounts, (ii) to make certain "findings of fact" required by the LGC application process, and (iii) to authorize staff to proceed with the LGC application process and the remaining formal steps for the bond issue.

b) County staff will discuss the proposed bond program with the LGC staff and complete an application for LGC approval.

c) Staff will present to the Board the proposed forms of the "Bond Orders", the short authorization proceedings required by law. The Bond Orders are first presented to a Board meeting for "introduction", with no formal vote on the Bond Orders required.

d) Then there will be a required public hearing on the Bond Orders.

e) After the public hearing (at the same meeting or a subsequent meeting), the Board will take a final vote on the Bond Orders, and on a separate resolution to put the questions before the voters.

There will be a separate Bond Order and ballot question for each purpose for which bonds are proposed. Staff will schedule the remaining steps for completion prior to the Board's 2016 summer recess, as directed by the Board.

FINANCIAL IMPACT: There is no immediate financial impact related to the discussion of a November 2016 Bond Referendum.

SOCIAL JUSTICE IMPACT: The following Orange County Social Justice Goal is applicable to this agenda item:

- **GOAL: ENABLE FULL CIVIC PARTICIPATION**

Ensure that Orange County residents are able to engage government through voting and volunteering by eliminating disparities in participation and barriers to participation.

RECOMMENDATION(S): The Manager recommends that the Board 1) continue its discussion of a November 2016 Bond Referendum, 2) provide direction to staff, as appropriate, and 3) consider adopting the preliminary resolution at the Board's pleasure.

2. The Board makes the following findings of fact in support of its determination:

(a) The proposed capital projects are necessary and expedient for the County.

(b) The amount of bonds proposed is adequate and not excessive for the proposed purpose. Although capital needs for the stated purposes may exceed the amount of bonds proposed, the Board finds that this level of bond funding is appropriate considering the County's resources and other needs.

(c) The County's debt management and budgetary and fiscal management policies have been carried out consistently in accordance with the law.

(d) The Board expects a potential annual tax rate equivalent impact to the County related to paying debt service on the bonds of approximately _____ cents per \$100 of assessed valuation.

3. (a) The Finance Officer is authorized and directed to proceed with the proper steps toward the authorization of the referendum, including proceeding with an application to the North Carolina Local Government Commission (the "LGC") for its approval of the bonds. The Board appoints the Finance Officer as the County's authorized representative with respect to the LGC application process.

(b) The Finance Officer, in collaboration with the Clerk, is authorized and directed to publish a notice of the Board's intent to apply to the LGC for approval of the bonds. This notice must be in the form prescribed by statute and consistent with this resolution.

(c) All County representatives are authorized to take all such further action as they may consider necessary or desirable in connection with the furtherance of the purposes of this resolution. This resolution takes effect immediately.

From: Jan Sassaman

Sent: Monday, September 14, 2015 10:39 PM

To: 'Saunders, Gary'; Rich Shaw; 'David Neal'; 'David Welch'; 'Jeanette O'Connor'; 'Loren Hintz'; 'Lydia Wegman'; 'Lynne Gronback'; 'May Becker'; 'Peter Cada'; 'Rebecca Ray'; 'Sheila Thomas-Ambat'; 'Tom Eisenhart'; 'William Newby (CFE)'

Subject: RE: CFE meeting materials - Sept 14 (Chapel Hill)

CFE Members:

Per our discussion this evening, I have sent the following to the BOCC, along with another copy of the June 15 memo that was in our packets.

Thanks to those of you who were there for a profitable meeting that ended on time.

See you in October.

JanS

September 14, 2015

Dear Orange County Commissioners:

At our monthly meeting this evening, the Orange County Commission for the Environment discussed the pending public hearing on the 2016 Bond Referendum.

The CFE asked me to express our appreciation that you are conducting a hearing on this matter as we urged in our correspondence to you of June 15, 2015, a copy of which is attached for your reference. We also reaffirmed our hope that as part of the Bond issue, funds will be allocated to fund projects that would not only enhance educational opportunities, but that would also benefit a wider segment of the population. As an example, as we noted in that letter, if the County could provide \$5 to \$10 million for park development, it would be possible to develop and open the Blackwood Farm Park as well as additional recreational facilities in the northern part of the county, and by developing Twin Creeks Park, the County would provide recreational opportunities for both school children and adults.

Thank you for your consideration.

Jan F. Sassaman, PhD

Chair, Orange County Commission for the Environment.

TOWN OF CARRBORO

ENERGY AND CLIMATE ACTION TASK FORCE

Carrboro established a new Energy and Climate Protection Task Force task force in May, 2014, charged with supporting the Town with community planning for climate protection and resiliency. The Task Force has been asked to prepare a report to submit to the Board of Aldermen that addresses:

- a. Recommendations for new actions the Town can pursue to reduce nonrenewable energy use and greenhouse gas emissions from residential and commercial buildings in Carrboro
- b. Recommendations for new actions the Town can pursue to reduce nonrenewable energy use associated with transportation in Carrboro
- c. Recommendations for new actions the Town can pursue to promote renewable energy in Carrboro
- d. Recommendations for new actions the Town can pursue to better manage vegetation, soil, and impervious surfaces to capture carbon, reduce energy use in buildings, mitigate the heat island effect, and reduce stormwater runoff.

A list of Task Force members can be found [here](#). Agendas and meeting minutes are posted as they become available.

A **draft report** presented to Board of Aldermen on June 23, 2015 and video of the Board's discussion can be found [here](#).

DRAFT BIOSOLIDS MANAGEMENT REPORT – PART 2

October 2, 2015

Orange Water and Sewer Authority
Carrboro – Chapel Hill, North Carolina



*A public, non-profit agency providing water, sewer and reclaimed
water services to the Carrboro-Chapel Hill community.*

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ORANGE WATER AND SEWER AUTHORITY

*A public, non-profit agency providing water, sewer and reclaimed water services
to the Carrboro-Chapel Hill community.*

EXECUTIVE SUMMARY

OWASA has evaluated several options to improve and optimize recycling the biosolids produced during the treatment of wastewater at the Mason Farm Wastewater Treatment Plant (WWTP). This draft *Biosolids Management Report – Part 2* presents the results of that evaluation, and focuses primarily on options that use existing biosolids treatment processes at the WWTP. As agreed to by the Board of Directors, this evaluation does not include options that would require design and construction of new, major biosolids treatment systems either independently or in cooperation with other parties.

Options have been evaluated against social, environmental, and financial objectives which have been previously agreed to by the Board of Directors, but for which no relative ranking or weighting has been assigned. An additional objective – consideration of impacts on OWASA employees – is included for consideration.

Key findings from the evaluation are:

1. There is no single alternative that outperforms all other options across all objectives; therefore, the final decision as to the preferred option will depend on how the Board of Directors weighs the different objectives.
2. Based on the assumptions used for this analysis, the annual operating and maintenance costs of all of the options evaluated are within about 17% (about \$150,000 difference between the highest and lowest cost options) of one another. Capital equipment and capital improvements costs associated with the different options have a much greater range of variation, with the lowest option costing \$380,000 and the highest costing about \$1.8 million over the 20-year planning period. (This is about 1% or less of the projected total Capital Improvements Program costs for the next twenty years.)
3. Options involving the land application of liquid biosolids are more transport-intensive, and involve more risk of vehicle accidents, spills, and improper application of biosolids. They also have greater uncertainty regarding their long-term viability. Options involving land application by OWASA are more labor intensive.
4. Options involving greater dewatering will pose greater challenges for the treatment of wastewater, especially as plant flows approach the design capacity of the WWTP.
5. Land application of liquid biosolids maximizes the value to farmers, while application of dewatered biosolids has considerably lower value to farmers due to reduced nutrient and moisture content.

6. Estimated 20-year capital equipment and capital improvements costs are considerably higher for options involving dewatering 50% or more of our biosolids, as conveyance and loading improvements will be needed at our existing dewatering building. Options involving land application of dewatered biosolids have even higher capital costs because a new off-site dewatered biosolids storage facility will be needed.

Recommended Next Steps

There are near-term opportunities to improve our biosolids recycling program, but we can maintain our existing program approach if the Board of Directors would like to take additional time to determine the best course of action for long-term management of our biosolids considering our biosolids management objectives. In addition, if the Board determines that it has adequate information to modify the existing program, it would take time to design, permit, and construct any capital facilities as well as provide adequate notice to the farmers currently in our biosolids program. Therefore, the following next steps are recommended:

1. Staff provide any additional information needed by Board to determine the preferred path forward for biosolids management.
2. Inform farmers participating in our program and other stakeholders that we will continue our current biosolids management program approach for at least the next two fiscal years. This will provide additional time for evaluation of our options, selection of the preferred option, and, if applicable, hire additional staff and/or design and implement any improvements required to implement the selected option. If the Board of Directors agrees, this will be reflected in the preparation of the annual budgets for Fiscal Years 2017 and 2018.
3. Prepare and issue a Request for Proposals for liquid biosolids management contract services needed to supplement OWASA management of liquid biosolids for the next two years.
4. Remove the *Biosolids Management Report – Part 2* approval from the Board of Directors' 12-month schedule and obtain the Board's guidance regarding scheduling of future evaluation of alternatives and possible community engagement activities, if desired.

October 7, 2015

CONTACT: *Brian Haines, public information officer, N.C. Forest Service, 919-857-4828*

N.C. Forest Service offers advice to landowners interested in treating ash trees for emerald ash borers

Treatment options exist for people wanting to save trees

RALEIGH – In two years, the emerald ash borer has become a notorious pest in North Carolina. From its first appearance in the state in 2013, it has already left a trail of dead ash trees in its wake, and it continues to spread, prompting a statewide quarantine in September.

But, there are options for homeowners and landowners or land managers interested in protecting individual trees. “Treatment options are available, but because of the cost and accessibility of trees in a forest, it is simply not feasible to treat large forested areas,” said Rob Trickel, head of the N.C. Forest Service’s Forest Health Branch. “However, treatment of a few individual trees may be worth considering for some homeowners or landowners.”

Options for the urban or landscape/ornamental ash tree include removing the ash tree, replacing the ash tree, or keeping the tree by treating it with pesticides.

For those interested in keeping their ash trees around, NCFS has developed an Emerald Ash Borer Insecticide Guide. The guide was developed to assist even the newest of pesticide users with selecting and treating their ash trees, covering common questions concerning tree identification, what pesticides can be used and how to make a pesticide application. The guide can be found online at www.ncforestsservice.gov/forest_health/pdf/EAB_NC_PesticidePub.pdf

The guide lists 17 pesticides for EAB treatment that have been registered through the N.C. Department of Agriculture and Consumer Services Pesticide Section and also have been tested in field trials through universities or government agencies.

Homeowners may also want to contact a certified arborist if they are uncertain about applying pesticides themselves or if their tree is large. “Generally, it is worth hiring an arborist if you want to protect ash trees larger than 20” in diameter, but arborists can serve any size tree,” Trickel said.

To calculate your tree’s diameter, measure the width in inches around the tree at 4.5 feet above the ground. Divide that number by 3.14, and that will give you your diameter at breast height. Another consideration is the cost of treatment. That is often a complicated issue, depending on many factors. There is an online calculator available through Purdue University that may assist landowners in making the decision. You can find it at <http://extension.entm.purdue.edu/treecomputer/>.

Using the calculator will give you a side-by-side comparison of the cost to remove, remove/replace and treat with different pesticides. The calculator is free, but users must register a user name and password. “Generally speaking, the developers of the calculator assert that in most cases, it is more economical to protect ash trees with pesticides than it is to replace them,” Trickel said.

For more information related to the research and science behind selecting an appropriate insecticide, the North Central Integrated Pest Management Center developed a publication, Insecticide Options for Protecting Ash Trees from Emerald Ash Borer. It is an extensive guide that answers many common questions. To learn more about insecticides for emerald ash borer, go to www.emeraldashborer.info/files/multistate_eab_insecticide_fact_sheet.pdf for this online publication.

For additional resources regarding ash trees in the urban environment, visit the N.C. Forest Service’s Managing Emerald Ash Borer in Urban Areas page at www.ncforestsservice.gov/forest_health/forest_health_eab.htm. The Pesticide Guide is posted there, along with other tools to help in the identification and decision making process.

The N.C. Forest Service and the NCDA&CS Plant Industry Division continue to monitor the emerald ash borer. If you suspect you have the insect, please contact your county ranger, call the NCDA&CS Plant Industry Division hotline at 1-800-206-9333, or email information to at newpest@ncagr.gov.

Duke Energy starts switch of city streetlights to LED

Sept 30, 2015

BY RICHARD STRADLING
rstradling@newsobserver.com

LEDs use less energy and last longer

N+0

City expects to save \$400,000 a year

RALEIGH

A contractor for Duke Energy Progress replaced an old sodium vapor streetlight fixture on Beryl Road near the State Fairgrounds on Tuesday with a new LED, the first in an effort to overhaul the city's streetlights during the next 15 months.

It will cost about \$400 on average to replace each streetlight, or \$12 million for about 30,000 lights across the city, said Randy

Turner, project manager for Duke Energy. But because LED - light-emitting diode - fixtures last longer and use up to 85 percent less energy, the city and Duke Energy stand to come out ahead in the long run.

The city, which leases the lights from Duke Energy, expects to save about \$400,000 a year in lower lease payments, said Dust-

in Brice, who oversees the streetlight program for the city Public Works Department. Duke benefits because the LED lights last 10 to 15 years, compared to about five for the old models, Turner said.

Raleigh joins a growing number of cities and towns that have gone to LED streetlights. Duke Energy Progress has already changed out lights

In addition to using less energy, the LED fixtures produce a light that is clearer and more uniform than the orangish tint of sodium vapor lights, Brice said. Raleigh has used the lights in places downtown and along Hillsborough Street for several years, and they got good reviews when the city tested LED fixtures in five other places around town in 2012.

"The light quality was better," Brice said. "Residents were very pleased with it, from the feedback we got."

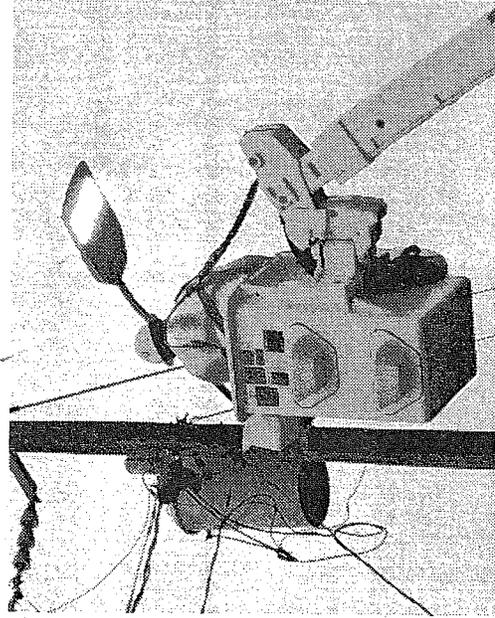
Despite the better quality, the city wasn't in a hurry to change the lights citywide until more recently, when advances in technology and mass

production brought down the cost of LED fixtures.

Turner says LEDs now cost about 50 percent less than they did three years ago.

The fixtures belong to Duke Energy. The company will charge the city \$600,000, or \$50 per fixture, to replace 12,000 lights that are less than 20 years old. But the company will switch out the other 18,000 at no cost to the city.

It might seem counter-intuitive for a company to install equipment so its customers use less of its product, but power companies have long had efficiency programs aimed at helping their customers use less electricity.



RICHARD STRADLING rstradling@newsobserver.com

A worker with American Lighting and Signalization turns on a new light-emitting diode or LED streetlight Tuesday.

in Garner, Holly Springs and Cary and is in the midst of replacing 100,000 mercury vapor street and area lights with

LEDs across the state, Turner said.

In addition to using less

SEE LED, 11A

Companies and their regulators like the programs because they offset the need to build expensive new power plants.

In addition, said Duke Energy spokeswoman Meredith Archie, "Our customers are asking for the newest technology, and this is partly a response to that."

Duke Energy considered several vendors for the Raleigh lights, including Durham-based Cree, Archie said. In the end, it chose fixtures made by American Electric Lighting, a subsidiary of Atlanta-based Acuity Lighting Group.

Richard Stradling: 919-829-4739, @RStradling



HOUSE BILL 765: Regulatory Reform Act of 2015

(Except)
See marked items *

2015-2016 General Assembly

Committee:		Date:	September 28, 2015
Introduced by:	Rep. McElraft	Prepared by:	Karen Cochrane- Brown, Erika Churchill, Jeff Hudson, Jennifer McGinnis, Chris Saunders, Staff Attorneys Jennifer Mundt Legislative Analyst
Analysis of:	Conference Report H765-PCCS40526-SBf-6		

SUMMARY: House Bill 765 would amend a number of State laws related to business regulation, State and local government regulation, and environmental regulation.

PART I. ADMINISTRATIVE REFORMS

REPEAL OBSOLETE STATUTES

Section 1.1. would repeal obsolete provisions in the criminal law related to using profane or indecent language on public highways and refusing to relinquish a party telephone line in an emergency.

BURDEN OF PROOF IN CERTAIN CONTESTED CASES

Section 1.2. would clarify that the petitioner has the burden of proof in most contested cases and establishes that the State agency has the burden of proof in certain contested cases, including cases involving the imposition of civil fines or penalties and cases involving the demotion, suspension or discharge of a career State employee. The Joint Legislative Administrative Procedure Oversight Committee is directed to study whether there are other categories of cases in which the burden should be placed with the agency. This section would become effective when it becomes law and would apply to contested cases commenced on or after that date.

LEGISLATIVE APPOINTMENTS

Section 1.3. would amend the law governing legislative appointments to boards and commissions, whether by the General Assembly through the appointments bill or directly by the Speaker and the President Pro Tempore, to apply the following rules if the law requires a recommendation or nomination by a third party for the appointment:

- For consultations or recommendations of a third party:
 - The consultation or recommendation is discretionary and not binding.
 - The third party must submit the consultation or recommendation at least 60 days before expiration of the term or within 10 days of a vacancy.
 - Failure to submit the consultation recommendation within the time period is deemed a waiver of the opportunity.

O. Walker Reagan
Director



Research Division
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House Bill 765

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- For appointments made from a list of nominees provided by a third party:
 - The third party must submit the recommendation at least 60 days before expiration of the term or within 10 days of a vacancy. This provision does not apply to appointments to the Legislative Ethics Committee.
 - Failure to submit nominees within the time limits is deemed a waiver of the opportunity.

These provisions would become effective when they become law and apply to recommendations, consultations, and nominations made on or after that date.

OCCUPATIONAL LICENSING BOARD INVESTIGATORS AND INSPECTORS

Section 1.5. would amend the law governing occupational licensing boards to prohibit a board from contracting with or employing a person licensed by the board to serve as an investigator or inspector, if the person is actively practicing in the profession or occupation over which the board has jurisdiction. The section would not prohibit the board from hiring a licensee for purposes other than as an investigator or inspector or if the licensee is not actively working in the field. Also, the section would not prohibit the board from contracting with licensees to serve as expert witnesses or consultants, provided their duties and authority are limited to serving as an information resource to the board or board personnel.

NO FISCAL NOTE REQUIRED FOR LESS STRINGENT RULES

Section 1.6. would amend the process for the periodic review and expiration of existing rules under the Administrative Procedure Act. The section provides that if, during the readoption process, a rule is amended to impose a less stringent burden on regulated persons than the existing rule, then the agency is not required to prepare a fiscal note for the rule.

APO TO MAKE RECOMMENDATIONS ON OCCUPATIONAL LICENSING BOARD CHANGES

Section 1.7. would direct the Joint Legislative Administrative Procedure Oversight Committee (APO) to review the recommendations contained in the Program Evaluation Division report, entitled "Occupational Licensing Agencies Should Not be Centralized, but Stronger Oversight is Needed," to determine how to improve oversight of occupational licensing boards. The section directs APO to consult with various interested parties in conducting its review and to propose legislation to the 2016 Session of the 2015 General Assembly.

TECHNICAL CORRECTION

Section 1.8(a) would make a technical amendment to G.S. 20-116(g)(3) to rewrite the provision to eliminate duplicative lettering in accordance with coded bill drafting protocol.

Section 1.8(b) would add a new bill section to House Bill 44, Local Government Regulatory Reform, to limit the scope of the grant of zoning power with respect to special use permits and conditional use permits.

Sections 1.8(c)-(d) would amend Section 12 of House Bill 44, Local Government Regulatory Reform, which requires notice to property owners prior to commencement of construction by a county or city. The amendment would define 'construction' to exclude routine maintenance and repair.



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Section 4.15.(b) would direct the Commission for Public Health (Commission) to review and amend rules to implement the changes described above.

Section 4.15.(c) would direct the Commission to report, beginning January 1, 2016, and every quarter thereafter until all rules are adopted, as to its progress of adopting and amending rules pursuant to Sections 4.14 and 4.15 of this act to HHS Oversight and the ERC.

Section 4.15.(d) would direct the Commission, in consultation with DHHS, local health departments, and industry stakeholders, to study the costs and benefits of requiring treatment standards above those that are established by nationally recognized standards, and report its findings and recommendations to HHS Oversight and the ERC on or before March 1, 2016.

CONTESTED CASES FOR AIR PERMITS

Section 4.17. would amend the process for filing a contested case regarding an air quality permit decision of the EMC by:

- Providing that the filing for a contested case by a permit applicant or permittee would stay the EMC's decision while the filing for a contested case by a person who is not the permit applicant or permittee would not automatically stay the EMC's decision.
- Limiting these contested case provisions to permit application decisions rather than other types of permit decisions, such as permit modification, suspension, or revocation.

Section 4.17 would also direct the Department of Environment and Natural Resources to study whether these changes to contested cases for air quality permits should be expanded into other programs administered by the Department. The Department will report the results of the study to the Environmental Review Commission by March 1, 2016.

AMEND ISOLATED WETLANDS LAW

Section 4.18. would make the following changes to the regulation of isolated wetlands in the State:

- Provide that the only types of isolated wetlands the State will regulate are Basin Wetlands and Bogs and that the State will not regulate isolated man-made ditches or ponds constructed for stormwater management purposes or any other man-made isolated pond.
- Provide that the mitigation requirements for impacts to isolated wetlands apply only to the amount of impact that exceeds the current regulatory thresholds.
- Provide that impacts to wetlands that aren't isolated wetlands will not be combined with impacts to isolated wetlands to determine whether the regulatory thresholds have been reached.
- Direct the Environmental Management Commission to amend its rules by March 1, 2016, to establish a coastal region, piedmont region, and mountain region for purposes of regulating impacts to isolated wetlands. The regulatory thresholds for the three regions would be as follows:
 - Less than or equal to one acre of isolated wetlands for the entire project in the coastal region.
 - Less than or equal to one-half acre of isolated wetlands for the entire project for the piedmont region.
 - Less than or equal to one-third acre of isolated wetlands for the entire project for the mountain region.

In no event could the regulatory requirements for impacts to isolated wetlands be more stringent than required under current law, which is less than or equal to one acre of isolated wetland for



House Bill 765

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the entire project for areas east of Interstate 95 and less than or equal to 1/3 acre of isolated wetland for the entire project for areas west of Interstate 95.

AMEND COASTAL STORMWATER REQUIREMENTS

Section 4.19. would direct the Department of Environment and Natural Resources to evaluate the water quality of surface waters in the Coastal Counties, the impact of stormwater on this water quality, and stormwater management measures. The Department would report the results of the study, including any recommendations to the Environmental Review Commission no later than April 1, 2016.

AMEND STORMWATER MANAGEMENT LAW

Section 4.20. would make the following changes to the regulation of stormwater in the State:

- Extend the deadline for the Environmental Management Commission (EMC) to adopt rules to implement fast-track permitting for stormwater management systems.
- Provide that the volume, velocity, and discharge rates of water associated with the one year, 24-hour storm and the difference in stormwater runoff from the predevelopment and postdevelopment conditions for the one year, 24-hour storm must be calculated using an acceptable engineering hydrologic and hydraulic method.
- Provide that development may occur within a vegetative buffer if the stormwater runoff from the development is discharged outside of the buffer and is managed so that it otherwise complies with all applicable State and federal stormwater management requirements.
- Provide that the requirements that apply to development activities within one half mile of and draining to Class SA (shellfish) waters or within one half mile of Class SA waters and draining to unnamed freshwater tributaries will not apply to development activities and associated stormwater discharges that do not occur within one half mile of and draining to Class SA waters or are not within one half mile of Class SA waters and draining to unnamed freshwater tributaries.
- Provide that no later than March 1, 2016, a State agency or local government that implements a stormwater management program must submit its current stormwater management program or a revised stormwater management program to the EMC and that no later than December 1, 2016, the EMC must review and act on each of the submitted stormwater management programs. The EMC may only approve a program if it finds that the standards of the program equal those of the EMC's model program.
- Direct the Environmental Review Commission (ERC), with the assistance of the Department of Environment and Natural Resources to review and consider reorganization of State statutes, session laws, rules and guidance documents related to stormwater management. The ERC must submit any legislative recommendations to the 2016 Regular Session of the 2015 General Assembly.
- Extend the sunset on the provision that allows cluster mailboxes to be constructed without requiring a modification of a stormwater permit from December 31, 2015 to December 31, 2017.



STUDY EXEMPTING LINEAR UTILITY PROJECTS FROM CERTAIN ENVIRONMENTAL REGULATIONS

Section 4.21. would direct DENR to study whether and to what extent activities related to the construction, maintenance, or removal of linear utility projects should be exempt from certain environmental regulations. DENR will report the results of the study to the ERC no later than March 1, 2016.



REPEAL DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES IDLING RULES

Section 4.24. would direct the Secretary of Environment and Natural Resources to repeal the Heavy-Duty Vehicle Idling Restrictions rules by March 1, 2016, and provide that until the effective date of the repeal of the rule, DENR, the EMC, or any other political subdivision of the State cannot implement or enforce the rule.



AMBIENT AIR MONITORING

Section 4.25. would direct DENR to review its ambient air monitoring network and request from the United States Environmental Protection Agency (EPA) the authority to remove any monitor not required by federal law that the Department has determined is not necessary to protect public health, safety, and welfare; the environment; and natural resources. This section would also direct DENR, no later than September 1, 2016, to discontinue all ambient air monitors not required by federal law and for which EPA approval for discontinuance is not required if the Department has determined that the monitors are not necessary to protect public health, safety, and welfare; the environment; and natural resources. This section would not preclude DENR from installing temporary ambient air monitors as part of an investigation of a suspected air quality violation or in response to an emergency causing an imminent danger to human health and safety.



DIVISION OF AIR QUALITY NOTICE REQUIREMENTS

Section 4.27. would reduce the notice period for consent orders related to air pollution from 45 days to 30 days and would provide that notice of a consent order or a public meeting on a consent order would be given on DENR's website rather than in a newspaper having general circulation in the county in which the air pollution originated.



PROHIBIT THE REQUIREMENT OF MITIGATION FOR IMPACTS TO INTERMITTENT STREAMS

Section 4.31. would provide that, except as required by federal law, DENR could not require mitigation for impacts to intermittent streams.

PIGEON HUNTING

Section 4.32. would exempt pigeons from the animal cruelty statutes and the Animal Welfare Act.

WILDLIFE RESOURCES COMMISSION STUDIES

Section 4.33. would direct the Wildlife Resources Commission (Commission) to review the methods and criteria by which it adds, removes, or changes the status of animals on the State Protected animal list and compare these to federal regulations and the methods and criteria of other States in the region. This section would also direct the Commission to review the State's policies for addressing introduced species and make recommendations for improving these policies. The Commission would be required to report its findings to the ERC by March 1, 2016.

Section 4.34. would direct the Commission to establish a coyote management plan to address the impacts of coyotes in this State and the threats that coyotes pose to citizens, industries, and populations of native wildlife species within the State. The Commission would be required to report its findings and recommendations, including any proposed legislation to address overpopulation of coyotes, to the ERC by March 1, 2016.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

Excerpts
(See riparian
buffer next
page)

SESSION LAW 2015-246
HOUSE BILL 44

Ratified

AN ACT TO REFORM VARIOUS PROVISIONS OF THE LAW RELATED TO LOCAL GOVERNMENT.

The General Assembly of North Carolina enacts:

NOTICE TO CHRONIC VIOLATORS

SECTION 1.(a) G.S. 160A-200 is repealed.

SECTION 1.(b) G.S. 160A-200.1 reads as rewritten:

"§ 160A-200.1. Annual notice to chronic violators of public nuisance or overgrown vegetation ordinance.

(a) A city may notify a chronic violator of the city's public nuisance ordinance that, if the violator's property is found to be in violation of the ordinance, the city shall, without further notice in the calendar year in which notice is given, take action to remedy the violation, and the expense of the action shall become a lien upon the property and shall be collected as unpaid taxes.

(b) The notice shall be sent by registered or certified mail. When service is attempted by registered or certified mail, a copy of the notice may also be sent by regular mail. Service shall be deemed sufficient if the registered or certified mail is unclaimed or refused, but the regular mail is not returned by the post office within 10 days after the mailing. If service by regular mail is used, a copy of the notice shall be posted in a conspicuous place on the premises affected. ~~A chronic violator is a person who owns property whereupon, in the previous calendar year, the city gave notice of violation at least three times under any provision of the public nuisance ordinance.~~

(c) A city may also give notice to a chronic violator of the city's overgrown vegetation ordinance in accordance with this section.

(d) For purposes of this section, a chronic violator is a person who owns property whereupon, in the previous calendar year, the city gave notice of violation at least three times under any provision of the public nuisance ordinance."

AUTHORIZE CITIES TO REGULATE CERTAIN STRUCTURES THAT UNREASONABLY RESTRICT THE PUBLIC'S RIGHT TO USE THE STATE'S OCEAN BEACHES

SECTION 1.5. G.S. 160A-205 reads as rewritten:

"§ 160A-205. Cities enforce ordinances within public trust areas.

(a) Notwithstanding the provisions of G.S. 113-131 or any other provision of law, a city may, by ordinance, define, prohibit, regulate, or abate acts, omissions, or conditions upon the State's ocean beaches and prevent or abate any unreasonable restriction of the public's rights to use the State's ocean beaches. In addition, a city may, in the interest of promoting the health, safety, and welfare of the public, regulate, restrict, or prohibit the placement, maintenance, location, or use of structures that are uninhabitable and without water and sewer services for more than 120 days, as determined by the city with notice provided to the owner of record of the determination by certified mail at the time of the determination, equipment, personal property, or debris upon the State's ocean beaches. A city may enforce any ordinance adopted pursuant to this section or any other provision of law upon the State's ocean beaches located within or adjacent to the city's jurisdictional boundaries to the same extent that a city may enforce ordinances within the city's jurisdictional boundaries. A city may enforce an ordinance adopted pursuant to this section by any remedy provided for in G.S. 160A-175. For purposes of this section, the term "ocean beaches" has the same meaning as in G.S. 77-20(e).



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RIPARIAN BUFFER REFORM

SECTION 13.1.(a) Subsection (e1) of G.S. 143-214.23 is repealed.

SECTION 13.1.(b) Part 1 of Article 21 of Chapter 143 of the General Statutes is amended by adding a new section to read:

"§ 143-214.23A. Limitations on local government riparian buffer requirements.

(a) As used in this section:

- (1) "Local government ordinance" means any action by a local government carrying the effect of law approved before or after October 1, 2015, whether by ordinance, comprehensive plan, policy, resolution, or other measure.
- (2) "Protection of water quality" means nutrient removal, pollutant removal, stream bank protection, or protection of an endangered species as required by federal law.
- (3) "Riparian buffer area" means an area subject to a riparian buffer requirement.
- (4) "Riparian buffer requirement" means a landward setback from surface waters.

(b) Except as provided in this section, a local government may not enact, implement, or enforce a local government ordinance that establishes a riparian buffer requirement that exceeds riparian buffer requirements necessary to comply with or implement federal or State law or a condition of a permit, certificate, or other approval issued by a federal or State agency.

(c) Subsection (b) of this section shall not apply to any local government ordinance that establishes a riparian buffer requirement enacted prior to August 1, 1997, if (i) the ordinance included findings that the requirement was imposed for purposes that include the protection of aesthetics, fish and wildlife habitat, and recreational use by maintaining water temperature, healthy tree canopy and understory, and the protection of the natural shoreline through minimization of erosion and potential chemical pollution in addition to the protection of water quality and the prevention of excess nutrient runoff, and (ii) the ordinance would permit small or temporary structures within 50 feet of the water body and docks and piers within and along the edge of the water body under certain circumstances.

(d) A local government may request from the Commission the authority to enact, implement, and enforce a local government ordinance that establishes a riparian buffer requirement for the protection of water quality that exceeds riparian buffer requirements for the protection of water quality necessary to comply with or implement federal or State law or a condition of a permit, certificate, or other approval issued by a federal or State agency. To do so, a local government shall submit to the Commission an application requesting this authority that includes the local government ordinance, including the riparian buffer requirement for the protection of water quality, scientific studies of the local environmental and physical conditions that support the necessity of the riparian buffer requirement for the protection of water quality, and any other information requested by the Commission. Within 90 days after the Commission receives a complete application, the Commission shall review the application and notify the local government whether the application has been approved, approved with modifications, or disapproved. The Commission shall not approve a local government ordinance that establishes a riparian buffer requirement for the protection of water quality unless the Commission finds that the scientific evidence presented by the local government supports the necessity of the riparian buffer requirement for the protection of water quality.

(e) Cities and counties shall not treat the land within a riparian buffer area as if the land is the property of the State or any of its subdivisions unless the land or an interest therein has been acquired by the State or its subdivisions by a conveyance or by eminent domain. Land within a riparian buffer area in which neither the State nor its subdivisions holds any property interest may be used by the property owner to satisfy any other development-related regulatory requirements based on property size, including, but not limited to, residential density and nonresidential intensity calculations and yields, tree conservation purposes, open space or conservation area requirements, setbacks, perimeter buffers, and lot area requirements.

(f) When riparian buffer requirements are included within a lot, cities and counties shall require that the riparian buffer area be shown on the recorded plat. Nothing in this subsection shall be construed to require that the riparian buffer area be surveyed. When riparian buffer requirements are placed outside of lots in portions of a subdivision that are designated as common areas or open space and neither the State nor its subdivisions holds any property interest in that riparian buffer area, the local government shall attribute to each lot abutting the riparian buffer area a proportionate share based on the area of all lots abutting the riparian buffer area for purposes of development-related regulatory requirements based on property size, including, but not limited to, residential density and nonresidential intensity calculations

and yields, tree conservation purposes, open space or conservation area requirements, setbacks, perimeter buffers, and lot area requirements.

(g) The Commission may adopt rules to implement this section."

SECTION 13.1.(c) The definitions set out in G.S. 143-214.23A(a), as enacted by Section 13.1(b) of this act, shall apply to this section. Notwithstanding G.S. 143-214.23A(b), as enacted by Section 13.1(b) of this act, a local government ordinance that establishes a riparian buffer requirement for the protection of water quality that exceeds riparian buffer requirements necessary to comply with or implement federal or State law or a condition of a permit, certificate, or other approval issued by a federal or State agency that is in effect on October 1, 2015, may remain in effect and enforceable until January 1, 2017. If the local government ordinance is authorized by the Environmental Management Commission pursuant to G.S. 143-214.23A(d), as enacted by Section 13.1(b) of this act, on or before January 1, 2017, the ordinance may continue to be in effect and enforceable. If the local government ordinance is not authorized by the Environmental Management Commission pursuant to G.S. 143-214.23A(d), as enacted by Section 13.1(b) of this act, on or before January 1, 2017, the ordinance shall no longer be in effect or enforceable.

SECTION 13.1.(d) This section becomes effective October 1, 2015.

SECTION 13.2.(a) The Environmental Management Commission, with the assistance of the Department of Environment and Natural Resources, shall examine ways to provide regulatory relief from the impacts of riparian buffer rules adopted to implement the State's Riparian Buffer Protection Program for parcels of land that were platted on or before the effective date of the applicable riparian buffer rule. The Commission shall specifically examine ways to fairly provide properties with relief where a change in use has occurred that would otherwise trigger the requirements of the riparian buffer rules. Such relief would be determined on a case-by-case basis and provide relief to successor owners. For purposes of this study, a change in use that would otherwise trigger the requirements of the riparian buffer rules shall not include either of the following circumstances:

- (1) Developing from a vacant condition to a use allowed by the current local regulations, unless the local regulations have been changed at the request of the property owner since the date the buffer rule was applied; the parcel was recorded prior to the effective date of the applicable buffer rule; and the allowable use is for any nonfarming or nonagricultural purpose.
- (2) The property configuration has not been altered except as a result of either an eminent domain action or a recombination involving not more than three parcels, all of which were recorded before the effective date of the applicable buffer rule.

The Commission may also consider and recommend other circumstances that should not constitute a change in use that would otherwise trigger the requirements of the riparian buffer rules. No later than April 1, 2016, the Commission shall report the results of its study, including any recommendations, to the Environmental Review Commission.

SECTION 13.2.(b) This section becomes effective October 1, 2015.

SECTION 13.3.(a) As used in this section, "coastal wetlands" means any salt marsh or other marsh subject to regular or occasional flooding by tides, including wind tides, whether or not the tidewaters reach the marshland areas through natural or artificial watercourses, provided this shall not include hurricane or tropical storm tides.

SECTION 13.3.(b) For purposes of implementing 15A NCAC 02B .0233 (Neuse River Basin: Nutrient Sensitive Waters Management Strategy: Protection and Maintenance of Existing Riparian Buffers) and 15A NCAC 02B .0259 (Tar-Pamlico River Basin: Nutrient Sensitive Waters Management Strategy: Protection and Maintenance of Existing Riparian Buffers), Zone 1 of a protective riparian buffer for coastal wetlands shall begin at the most landward limit of the normal high water level or the normal water level, as appropriate.

SECTION 13.3.(c) The Environmental Management Commission shall adopt temporary rules to amend its rules consistent with this section.

SECTION 13.3.(d) This section becomes effective October 1, 2015.

SECTION 13.4.(a) The Environmental Management Commission shall amend its rules for the protection of existing riparian buffers to provide for the case-by-case modification of the requirement for maintaining woody vegetation in the riparian buffer area upon a showing by a landowner that alternative measures will provide equal or greater water quality protection.

SECTION 13.4.(b) The Environmental Management Commission shall adopt temporary rules to amend its rules consistent with this section.

SECTION 13.4.(c) This section becomes effective October 1, 2015.

(Excepts)

See marked items *

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

SENATE BILL 119
RATIFIED BILL

AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE GENERAL STATUTES AND SESSION LAWS, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, AND TO MAKE ADDITIONAL TECHNICAL AND OTHER AMENDMENTS TO THE STATUTES AND SESSION LAWS.

The General Assembly of North Carolina enacts:

PART I. TECHNICAL CORRECTIONS RECOMMENDED BY THE GENERAL STATUTES COMMISSION

SECTION 1.(a) G.S. 1-267.1(d) reads as rewritten:

"(d) This section applies only to civil proceedings. Nothing in this section shall be deemed to apply to criminal proceedings, to proceedings under Chapter 15A of the General Statutes, to proceedings making a collateral attack on any judgment entered in a criminal proceeding, or to appeals from orders of the trial courts pertaining to civil proceedings filed by a taxpayer pursuant to G.S. 105-241.17."

SECTION 1.(b) G.S. 7A-27 reads as rewritten:

"§ 7A-27. Appeals of right from the courts of the trial divisions.

- (a) Appeal lies of right directly to the Supreme Court in any of the following cases:
 - (1) All cases in which the defendant is convicted of murder in the first degree and the judgment of the superior court includes a sentence of death.
 - (2) From any final judgment in a case designated as a mandatory complex business case pursuant to G.S. 7A-45.4 or designated as a discretionary complex business case pursuant to Rule 2.1 of the General Rules of Practice for the Superior and District Courts.
 - (3) From any interlocutory order of a Business Court Judge that does any of the following:
 - a. Affects a substantial right.
 - b. In effect determines the action and prevents a judgment from which an appeal might be taken.
 - c. Discontinues the action.
 - d. Grants or refuses a new trial.

(a1) Appeal lies of right directly to the Supreme Court from any order or judgment of a court, either final or interlocutory, that holds that an act of the General Assembly is facially invalid on the basis that the act violates the North Carolina Constitution or federal law. Nothing in this ~~section-subsection~~ shall be deemed to apply to appeals from orders of the trial courts pertaining to criminal proceedings, to proceedings under Chapter 15A of the General Statutes, to proceedings making a collateral attack on any judgment entered in a criminal proceeding, or to appeals from orders of the trial courts pertaining to civil proceedings filed by a taxpayer pursuant to G.S. 105-241.17.

(b) ~~Appeal~~ Except as provided in subsection (a) or (a1) of this section, appeal lies of right directly to the Court of Appeals in any of the following cases:

- (1) From any final judgment of a superior court, other than ~~the one described in subsection (a) of this section, or one based on a plea of guilty or nolo contendere, including any final judgment entered upon review of a decision of an administrative agency, except for a final judgment entered upon review of a court martial under G.S. 127A-62.~~
- (2) From any final judgment of a district court in a civil action.



"(e) 2014 and 2015 Expenses. – A taxpayer is eligible for a credit under this section for taxable years beginning on or after January 1, 2016, for qualifying rehabilitation expenditures that were incurred in 2014 and 2015 if all of the following conditions are met:

- (1) The certified historic structure is located in a Tier 1 or a Tier 2 county.
- (2) The certified historic structure is owned by a city.
- (3) The qualifying rehabilitation activity commenced in 2014.
- (4) A certificate of occupancy is issued on or before December 31, 2015.
- (5) The taxpayer meets all of the other conditions in this section."

SECTION 54.5.(b) Section 32.2(c) of S.L. 2015-241 reads as rewritten:

"**SECTION 32.3.(c)** Subsection (a) of this section becomes effective January 1, 2016, and applies to qualified rehabilitation expenditures and rehabilitation expenses incurred on or after that date. ~~date, except as otherwise provided by law.~~ The remainder of the section is effective when this act becomes law."

SECTION 54.5.(c) This section is effective when it becomes law and applies to credits that may be claimed for taxable years beginning on or after January 1, 2016.

SECTION 55. G.S. 110-90.2(a1) reads as rewritten:

"(a1) No person shall be a child care provider or uncompensated child care provider who has been any of the following:

- (1) Convicted of a misdemeanor or a felony crime involving child neglect or child abuse.
- (2) Adjudicated a "responsible individual" under ~~G.S. 7B-807(a1)~~ G.S. 7B-311(b).
- (3) Convicted of a "reportable conviction" as defined under G.S. 14-208.6(4)."

SECTION 56.(a) G.S. 110-105.5(c), as enacted by S.L. 2015-123, reads as rewritten:

"(c) Individuals whose names are listed on the Registry shall not be a caregiver as defined in ~~G.S. 110-105.3(b)(2)~~ G.S. 110-105.3(b)(1) at any licensed child care facility or religious-sponsored child care facility."

SECTION 56.(b) This section becomes effective January 1, 2016.

SECTION 56.2.(a) G.S. 113-415.1 reads as rewritten:

"§ 113-415.1. **Local ordinances ~~prohibiting~~ regulating oil and gas exploration, development, and production activities invalid; petition to preempt local ordinance.**

(a) It is the intent of the General Assembly to maintain a uniform system for the management of oil and gas exploration, development, and production activities, and the use of horizontal drilling and hydraulic fracturing for that purpose, and to place limitations upon the exercise by all units of local government in North Carolina of the power to regulate the management of oil and gas exploration, development, and production activities by means of ~~special, local, or private acts or resolutions,~~ ordinances, property restrictions, zoning regulations, or otherwise. Notwithstanding any authority granted to counties, municipalities, or other local authorities to adopt local ordinances, including, but not limited to, those imposing taxes, fees, or charges or regulating health, environment, or land use, any local ordinance that prohibits or has the effect of prohibiting all provisions of local ordinances, including those regulating land use, adopted by counties, municipalities, or other local authorities that regulate or have the effect of regulating oil and gas exploration, development, and production activities that the Mining and Energy Commission has preempted pursuant this section, shall be invalid to the extent necessary to effectuate the purposes of this Article. To this end, all provisions of special, local, or private acts or resolutions are repealed that do the following: within the jurisdiction of a local government are invalidated and unenforceable, to the extent necessary to effectuate the purposes of this Part, that do the following:

- (1) ~~Prohibit the siting of wells for oil and gas exploration, development, and production within any county, city, or other political subdivision.~~
- (2) ~~Prohibit the use of horizontal drilling or hydraulic fracturing for the purpose of oil or gas exploration or development within any county, city, or other political subdivision.~~
- (3) Place any restriction or condition not placed by this Article upon oil and gas exploration, development, and production activities and use of horizontal

drilling or hydraulic fracturing for that purpose within any county, city, or other political subdivision.

(4) In any manner are in conflict or inconsistent with the provisions of this Article.

~~(b) No special, local, or private act or resolution enacted or taking effect hereafter may be construed to modify, amend, or repeal any portion of this Article, unless it expressly provides for such by specific references to the appropriate section of this Article. Further to this end, all provisions of local ordinances, including those regulating land use, adopted by counties, municipalities, or other local authorities that prohibit or have the effect of prohibiting oil and gas exploration, development, and production activities and use of horizontal drilling or hydraulic fracturing for that purpose within the jurisdiction of a local government are invalidated to the extent preempted by the Commission pursuant to this section.~~

~~(e) When oil and gas exploration, development, and production activities would be prevented from construction or operation by a county, municipal, or other local ordinance, the operator of the proposed activities may petition the Mining and Energy Commission to review the matter. After receipt of a petition, the Commission shall hold a hearing in accordance with the procedures in subsection (d) of this section and shall determine whether or to what extent to preempt the local ordinance to allow for the proposed oil and gas exploration, development, and production activities.~~

(c1) If a local zoning or land-use ordinance imposes requirements, restrictions, or conditions that are generally applicable to development, including, but not limited to, setback, buffer, and stormwater requirements, and oil and gas exploration, development, and production activities would be regulated under the ordinance of general applicability, the operator of the proposed activities may petition the Oil and Gas Commission to review the matter. After receipt of a petition, the Commission shall hold a hearing in accordance with the procedures in subsection (d) of this section and shall determine whether or to what extent to preempt the local ordinance to allow for the regulation of oil and gas exploration, development, and production activities.

(d) When a petition described in subsection ~~(e)~~(c1) of this section has been filed with the ~~Oil and Gas Mining and Energy Commission~~, the Commission shall hold a public hearing to consider the petition. The public hearing shall be held in the affected locality within 60 days after receipt of the petition by the Commission. The Commission shall give notice of the public hearing by both of the following means:

- (1) Publication in a newspaper or newspapers having general circulation in the county or counties where the activities are to be conducted, once a week for three consecutive weeks, the first notice appearing at least 30 days prior to the scheduled date of the hearing.
- (2) First-class mail to persons who have requested notice. The Commission shall maintain a mailing list of persons who request notice in advance of the hearing pursuant to this section. Notice by mail shall be complete upon deposit of a copy of the notice in a postage-paid wrapper addressed to the person to be notified at the address that appears on the mailing list maintained by the Commission, in a post office or official depository under the exclusive care and custody of the United States Postal Service.

(e) Any interested person may appear before the ~~Oil and Gas Mining and Energy Commission~~ at the hearing to offer testimony. In addition to testimony before the Commission, any interested person may submit written evidence to the Commission for the Commission's consideration. At least 20 days shall be allowed for receipt of written comment following the hearing.

(f) A local zoning or land-use ordinance is presumed to be valid and enforceable to the extent the zoning or land-use ordinance imposes requirements, restrictions, or conditions that are generally applicable to development, including, but not limited to, setback, buffer, and stormwater requirements, unless the ~~Oil and Gas Mining and Energy Commission~~ makes a finding of fact to the contrary. The Commission shall determine whether or to what extent to preempt local ordinances so as to allow for the establishment and operation of the facility no later than 60 days after conclusion of the hearing. The Commission shall preempt a local ordinance only if the Commission makes all of the following findings:

- (1) That there is a local ordinance that would ~~prohibit or have the effect of prohibiting~~regulate oil and gas exploration, development, and production

activities, or use of horizontal drilling or hydraulic fracturing for that purpose.

- (2) That all legally required State and federal permits or approvals have been issued by the appropriate State and federal agencies or that all State and federal permit requirements have been satisfied and that the permits or approvals have been denied or withheld only because of the local ordinance.
- (3) That local citizens and elected officials have had adequate opportunity to participate in the permitting process.
- (4) That the oil and gas exploration, development, and production activities, and use of horizontal drilling or hydraulic fracturing for that purpose, will not pose an unreasonable health or environmental risk to the surrounding locality and that the operator has taken or consented to take reasonable measures to avoid or manage foreseeable risks and to comply to the maximum feasible extent with applicable local ordinances.

(g) If the ~~Oil and Gas Mining and Energy~~ Commission does not make all of the findings under subsection (f) of this section, the Commission shall not preempt the challenged local ordinance. The Commission's decision shall be in writing and shall identify the evidence submitted to the Commission plus any additional evidence used in arriving at the decision.

(h) The decision of the ~~Oil and Gas Mining and Energy~~ Commission shall be final unless a party to the action files a written appeal under Article 4 of Chapter 150B of the General Statutes, as modified by this section, within 30 days of the date of the decision. The record on appeal shall consist of all materials and information submitted to or considered by the Commission, the Commission's written decision, a complete transcript of the hearing, all written material presented to the Commission regarding the location of the oil and gas exploration, development, and production activities, the specific findings required by subsection (f) of this section, and any minority positions on the specific findings required by subsection (f) of this section. The scope of judicial review shall be as set forth in G.S. 150B-51, except as this subsection provides regarding the record on appeal.

(i) If the court reverses or modifies the decision of the ~~Oil and Gas Mining and Energy~~ Commission, the judge shall set out in writing, which writing shall become part of the record, the reasons for the reversal or modification.

(j) In computing any period of time prescribed or allowed by this procedure, the provisions of Rule 6(a) of the Rules of Civil Procedure, G.S. 1A-1, shall apply."

SECTION 56.2.(b) G.S. 130A-309.205 reads as rewritten:

"§ 130A-309.205. Local ordinances regulating management of coal combustion residuals and coal combustion products invalid; petition to preempt local ordinance.

(a) It is the intent of the General Assembly to maintain a uniform system for the management of coal combustion residuals and coal combustion products, including matters of disposal and beneficial use, and to place limitations upon the exercise by all units of local government in North Carolina of the power to regulate the management of coal combustion residuals and coal combustion products by means of ordinances, property restrictions, zoning regulations, or otherwise. Notwithstanding any authority granted to counties, municipalities, or other local authorities to adopt local ordinances, including those imposing taxes, fees, or charges or regulating health, environment, or land use, all provisions of local ordinances, including those regulating land use, adopted by counties, municipalities, or other local authorities that regulate or have the effect of regulating the management of coal combustion residuals and coal combustion products, including regulation of carbon burn-out plants, within the jurisdiction of a local government are ~~invalidated, invalidated and unenforceable~~, to the extent necessary to effectuate the purposes of this Part, that do the following:

- (1) Place any restriction or condition not placed by this Part upon management of coal combustion residuals or coal combustion products within any county, city, or other political subdivision.
- (2) Conflict or are in any manner inconsistent with the provisions of this Part.

...."

SECTION 56.2.(c) Subsection (a) of this section is effective retroactively to June 4, 2014. Subsection (b) of this section is effective retroactively to August 20, 2014.

SECTION 56.5. G.S. 115C-47 reads as rewritten:

"§ 115C-47. Powers and duties generally.

North Carolina House and Senate Pass Industrial Hemp Bill

October 01, 2015

MARKETWIRED

Hemp, Inc. (OTC PINK: HEMP) announced today Senate Bill 313 passed the House on September 28, 2015 (with a vote of 101 to 7) and the Senate on September 29, 2015 (with a vote of 42 to 2) in favor of the proposed Industrial Hemp legislation in North Carolina. According to the North Carolina Industrial Hemp Association (NCIHA), "this legislation will authorize an industrial hemp pilot program within the state of North Carolina and establish the Industrial Hemp Commission (IHC) to be followed by pilot program participants." IHC will implement the university research program.

Passed by both the House and the Senate, Industrial Hemp Senate Bill 313 awaits final approval from Governor Pat McCrory. If approved by the Governor, the state will then establish its Industrial Hemp Commission to oversee the pilot program. This commission, reportedly, will work with the North Carolina Industrial Hemp Association (NCIHA) of which David Schmitt, COO of Hemp, Inc.'s (OTC: HEMP) subsidiary Industrial Hemp Manufacturing, LLC in Spring Hope, NC, is on the Board of Directors.

Bruce Perlowin, CEO of Hemp, Inc. (OTC: HEMP) said, "We couldn't be more excited. Just one day after the House approved the bill, it was approved by the Senate. This is a major accomplishment for the state. Years ago, the Senator Stan Bingham attempted to pass an Industrial Hemp bill but North Carolina's law enforcement opposed it and that buried the bill. Now, there are no objections to it. People are being educated on the myriad benefits of industrial hemp, including how it can help the economy. I believe we'll see less objections across the country as more people begin to understand what hemp is and how it can benefit them as an individual and how it benefits their community. Our multipurpose hemp processing plant is the only one in the state, so we are thrilled."

Per the Bill (view full Senate Bill 313 here), the General Assembly declared that promoting and encouraging the development of the industrial hemp industry are in the best interest of North Carolina residents. The industrial hemp industry can "expand employment, promote economic activity, and provide opportunities to small farmers for an environmentally sustainable and profitable use of crop lands that might otherwise be lost to agricultural production."

The bill also states it seeks to "establish an agricultural pilot program for the cultivation of industrial hemp in the State, to provide for reporting on the program by growers and processors for agricultural or other research, and to pursue any federal permits or waivers necessary to allow industrial hemp to be grown in the State."

"This is exciting news for North Carolina farmers who will be able to cultivate industrial hemp again for the first time in 71 years," said Thomas Shumaker, Executive Director for NCIHA. "We would like to thank everyone who supported our organization throughout this effort especially North Carolina Agriculture Commissioner Steve Troxler and his team for their hard work and support in making this a reality." Hemp, Inc.'s multipurpose industrial hemp processing plant in Spring Hope, North Carolina is 80% complete. German engineer, Jens Kleinert of Temafa Machines, the manufacturer of Hemp, Inc.'s decortication machine, says he was quite surprised that it was able to be installed in such a short amount of time. This is Kleinert's third time visiting the plant to monitor the re-installation and has since derived a list of final tasks that need to be done.

The fact that hemp is not yet legal in North Carolina played no role in setting up shop in North Carolina. Executives say the company will process kenaf until Senate Bill 313 goes into effect. "Even with the kenaf, we expect it to produce millions of dollars in revenue a year, which is already legal and very lucrative," said Perlowin.

From hemp historian John Dvorak's research, in 1619, it was illegal not to grow hemp in Jamestown, Virginia because it was one of the country's most valuable resources. Colonists were ordered to grow 100 plants specifically for fiber export. States actually encouraged hemp cultivation. However, marijuana prohibition and the dominance of the cotton industry set in. Today, Americans want to take advantage of the lucrative hemp cash crop.

Hemp is a plant that was grown around the world for centuries. This plant, once considered a valuable natural resource, is and has been harvested for its fibers, seed, seed meal and seed oil. The hemp plant is a variety of the plant species *Cannabis Sativa*. The leaves of the hemp plant also look very similar, thus its confusion with marijuana. While both plants look similar, they are quite different. Hemp contains less than 1% THC, the active ingredient known as delta-9-tetrahydrocannabinol. The marijuana plant, on the other hand, does contain 5 - 20% of this active ingredient.

In the United States of America, hemp dates back to the 1600's. American farmers were required by law to grow hemp in Jamestown, Virginia and other colonies in order to export fiber. Hemp was a valuable natural resource. As such, the Declaration of Independence was drafted on hemp paper in 1776 and the U.S. Constitution was outfitted with 60 tons of hemp sails and rigging. Past Presidents George Washington, Thomas Jefferson and John Adams all grew hemp, while Abraham Lincoln used hemp seed oil to fuel his lamps. This is just a sampling of how hemp was used. It wasn't until 1937 that hemp rapidly declined in popularity due to the passage of the Marijuana Tax Act.

Despite the "Hemp for Victory" campaign during WWII, harassment from law enforcement coupled with inadequate education on the difference between hemp and marijuana quickly disparaged Americans. According to author Jim Lunstrum's article, *Wisconsin Once Led the Nation in Hemp Production*, the last hemp crop was grown in Wisconsin in 1958. In 1970, the Controlled Substances Act officially prohibited cultivation of the hemp crop.

Today, hemp provides just as many benefits as it has done for centuries, both environmentally, ecologically, and economically. Hemp can be grown in different climates and in a variety of soil types. It's naturally resistant to most pests and is grown very close together. One acre of hemp can produce four times more paper than one acre of trees and is usually planted and harvested within four months.

Over 25,000 products can be derived from hemp. Forests and wildlife habitats would be saved and erosion of topsoil due to logging would be eliminated, if hemp were used. Hemp, as a food source, is rich in essential fatty acids such as Omega 3 - 6 - 9. Hemp seeds can also be made into butter, milk, protein powder, oils, soap, and candles to name a few. Over 25,000 products can be derived from hemp. Read more on the uses and benefits of hemp on www.voteindustrialhemp.com.

It should be especially noted that hemp is an excellent source for fiber, which is why Hemp, Inc. will manufacture it in its multipurpose decortication processing facility. This natural, organic fiber can be processed into everything from clothing to textiles and was once the fabric of choice. Initially, it was only used as industrial fiber because of the coarseness. Traditional methods using acid to remove natural glue (lignin) in plant fibers to soften fabric had an adverse effect on hemp, as it made the fiber too weak for use. However, research evolved and an enzymatic process was developed to remove the lignin without weakening the fiber. This enzymatic process produced "de-gummed" hemp fiber that could be spun with a variety of other fabrics to create wonderful textiles for the apparel industry. Because of the durability, resistance to mold and ultraviolet light, and other properties of hemp, apparel made of hemp have been known to far surpass non-hemp products.

According to the non-profit trade association, Hemp Industries Association (HIA), the U.S. retail market for hemp products was valued to be at least \$620 million. This includes hemp food, body care products, non-dairy milk, shelled seeds, soaps, lotions, clothing, auto parts, building materials and various other products. It's also important to note that market growth is increasing, even with current challenges... primarily legislature.

EPA:

New rules boost agency's environmental justice efforts

Tiffany Stecker, E&E reporter

Published: Wednesday, September 30, 2015

It's been a big week for environmental justice at U.S. EPA.

The agency recently finalized two rules intended to protect the poorest sectors of the population from toxic substances. EPA began the week by announcing an overhaul of pesticide regulations to protect farmworkers -- many of whom are undocumented and do not speak English -- to include the first age restrictions on pesticide applicators and an annual requirement for safety training.

The agency followed up yesterday with a long-awaited refinery rule, which sets tough standards on petroleum refineries to cut toxic air emissions. The rule requires refineries to monitor emissions on site and publicly disclose those levels for the first time, creating, in EPA Administrator Gina McCarthy's words, "a kind of neighborhood watch for refinery pollution" (*see related story*).

Along with climate change, environmental justice -- the alleviation of pollution in poor and underserved communities -- was one of McCarthy's top priorities when she came on as EPA chief in 2013, following in the footsteps of her predecessor, Lisa Jackson.

"Environmental justice is at the heart of EPA's mission to protect public health - especially for vulnerable communities dealing with risks associated with pesticide exposure," McCarthy wrote in a blog [post](#) ahead of the agricultural Worker Protection Standard revisions ([E&ENews PM](#), Sept. 28).

Matthew Tejada, director of EPA's Office of Environmental Justice, wrote his own blog [post](#) to highlight how the refinery rule will improve overall health of residents living around the facilities. The approximately 6.1 million people living within 3 miles of a petroleum refinery are disproportionately likely to be poor and members of a minority group, according to EPA ([EnergyWire](#), Sept. 30).

"The emission reductions from this final rule will lower the cancer risk from refineries for 1.4 million people. That's not just good for the communities that live in and around refineries -- it's *outstanding*," he wrote.

But despite EPA's vocal loyalty to environmental justice, some critics have knocked the agency for not addressing claims from poor and minority areas. EPA's Office of Inspector General recently found that the agency was three years late in issuing guidance for considering environmental justice in rulemaking. An investigation from the Center for Public Integrity found EPA's Office of Civil Rights has dismissed 95 percent of complaints of environmental discrimination under Title VI of the Civil Rights Act of 1964.

Other cases, like the complaint filed by the community living around Flint, Mich.'s wood-fired Genesee Power Station, have languished for years ([Greenwire](#), Feb. 19).

But farmworker advocacy groups, which have called on EPA to update its standards over the past two decades, acknowledged that the updated worker protection standard represented a greater focus on environmental justice.

"The EPA has been very engaged with the farmworker community organizations to correct the deficiencies in the Worker Protection Standard," said Virginia Ruiz, director of occupational and environmental health for Farmworker Justice.

"The new final rules are a first important step, but we want to see EPA engaged just as strongly in the implementation and the education and enforcement to make sure they are meaningful," Ruiz added.

The addition of a farmworker representative on EPA's National Environmental Justice Advisory Council (NEJAC) was a significant step, said Jeannie Economos, pesticide safety and environmental health project coordinator at the Farmworker Association of Florida.

"This isn't just a regulation, this isn't just something on paper, it affects the next generation," Economos said.

For Vernice Miller-Travis, a longtime environmental justice advocate and member of NEJAC, the recent actions represent a long departure from how the agency used to view civil rights.

"Is it everything? No. Is it a significant improvement from what it was? Absolutely," she said. "I feel that our representation is more valued at this moment than it has been heretofore."

ABOUT GREENWIRE – THE LEADER IN ENERGY & ENVIRONMENTAL POLICY NEWS

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AIR POLLUTION:

Fine particles linked to early-death risk -- study

Amanda Peterka, E&E reporter

Published: Tuesday, September 15, 2015

Exposure to fine airborne particles increases the risk of premature death, according to a new study of more than 500,000 people.

An increase of just 10 micrograms per cubic meter of airborne fine particles increased the risk of death from all causes by 3 percent, the study led by New York University scientists found.

"Our data add to a growing body of evidence that particulate matter is really harmful to health, increasing overall mortality, mostly deaths from cardiovascular disease, as well as deaths from respiratory disease in nonsmokers," said George Thurston, an NYU epidemiologist and the study's lead author, in a statement.

Published online today in the journal *Environmental Health Perspectives*, the research was funded by the National Institute of Environmental Health Sciences and NYU.

Fine particles are about one-thirtieth the width of a human hair and have been linked by previous studies to health problems and premature death. The annual national ambient air quality standard for fine particulate matter is 12 micrograms per cubic meter.

The NYU team said the new study was aimed at confirming whether work done in the past on higher levels of particles could be replicated.

The researchers used data from the National Institutes of Health and AARP on 517,041 people aged 50 to 71 and living in California, Florida, Louisiana, New Jersey, North Carolina and Pennsylvania as well as in the Atlanta and Detroit areas.

The data -- collected from 2000 to 2009 -- take into account factors that could affect health, such as level of education and alcohol consumption. They estimated exposure to fine particles by census tract using pollution data collected by U.S. EPA through its Air Quality System database.

Along with finding an increase in death from all causes, the researchers found that an increase of 10 micrograms per cubic meter led to a 10 percent increase in the risk of death due to heart disease. The same pollution increase was associated with a 27 percent increase in the risk of death by respiratory disease for nonsmokers.

The results were consistent regardless of gender, age group and level of education. "Our study is particularly notable because all the data used in our analysis comes from government- and independently held sources," Thurston said. Richard Hayes, a senior study author and an NYU epidemiologist, said in a statement more research is needed on which ingredients of fine particulate matter are most harmful to human beings.

"We need to better inform policymakers about the types and sources of particulate pollution so they know where to focus regulations," he said. "It is especially important to continue monitoring health risks as national standards for air pollution are strengthened."



THE MOUTH OF THE HAW

THE NEWSLETTER OF THE HAW RIVER TRAIL PARTNERSHIP

Fall 2015

What is the Haw River Trail Partnership?

The Haw River Trail Partnership was formed with the goal of helping the public enjoy and conserve the natural resources of the Haw River corridor.

The Partnership is the result of a signed Memorandum of Understanding between ten governmental agencies agreeing to work together for the development of trails along the river and conservation of the river and lands within the watershed.

Conservation through recreation

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NEW PROPERTY ACQUISITIONS TO EXPAND LAND TRAIL

Twenty-seven new property acquisitions have been added to the land trail route in Southern Alamance County, between Great Alamance Creek south of Swepsonville River Park and Cane Creek on the Alamance-Orange County line. This stretch of river is over ten miles long and gaining land here requires the cooperation of several landowners. We have acquired critical pieces to continue the Haw River Trail (HRT) south from Swepsonville River Park and to create nearly four miles of contiguous HRT in the heart of Saxapahaw. The existing Saxapahaw section will extend two miles downriver and one mile upriver, following the Church Road bridge and connecting to trails on Saxapahaw Island. Funding for the project came from a multi-year grant from the North Carolina Parks and Recreation Trust Fund.

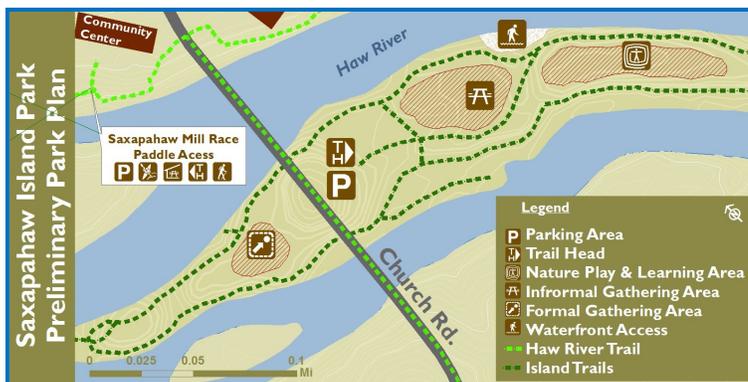


Haw River Trail – Saxapahaw Mill Race

SAXAPAHAW ISLAND PARK

We are pleased to announce preliminary plans for Saxapahaw Island Park, a nature-based park that combines elements of community and family; art and culture; and play and learning with recreation. The park will feature hiking trails, gathering spaces, waterfront access, and a nature play and learning area. To realize our vision for this innovative park, we have asked the community to get involved in its design and implementation.

Email info@thehaw.org to get involved.



Conceptual plan for Saxapahaw Island Park.



HRT land route in Southern Alamance County. Recent acquisitions shown in red.



THE MOUTH OF THE HAW

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SPINY SHOFTSHELL TURTLE ON THE HAW



Spiny softshell turtle found basking on the rocks of the Haw River.

While paddling on the Haw River Trail, we came across an unusual turtle basking on the rocks—a spiny softshell (*Apalone spinifer*). This turtle has never before been documented from the Haw River Watershed nor from the Cape Fear River Basin (see sidebar for more about river terminology).

Jeff Humphries, Wildlife Diversity Biologist with the Wildlife Resources Commission, says this is an exciting find and he is looking forward to conducting surveys on the River to determine if this find is a lone turtle transported to the watershed or a member of a native Haw River population previously undiscovered.

Learn more about the Spiny Softshell by visiting the Amphibians & Reptiles of North Carolina page at bio.davidson.edu/herpcons.

MOUNTAINS-TO-SEA TRAIL MASTER PLAN ESTABLISHES ROUTE ALONG THE HAW RIVER TRAIL

North Carolina State Parks released a master plan and a new website for the Mountains-to-Sea State Trail (MST). The plan establishes the path of the MST to follow the Haw River Trail from Haw River State Park on the Rockingham-Guilford County line, through Alamance County to Cane Creek on the Alamance-Orange County line.



Check out the master plan and the interactive map at ncmountainstosea.org

HAW RIVER TRAIL FLORA

The riparian corridor of the Haw River supports a diversity of plants and wildlife. While hiking the Haw River Trail this summer, we noticed several interesting plants. Have you seen these plants on your hikes?

1. Carolina Spinypod (*Matelea carolinensis*)
2. Eastern Sensitive-briar (*Mimosa microphylla*)
3. Bitter-bloom (*Sabatia angularis*)
4. Passion Flower (*Passiflora incarnata*)



#hawrivertrailflora to show us your finds!

More About Rivers

What is a River Basin?

A river basin is the drainage area of a river. River basins are divided into watersheds.

The Cape Fear River Basin is the largest in North Carolina. It begins west of Greensboro, at the headwaters of the Haw River, and ends at the Atlantic Ocean in Wilmington.

What is a Watershed?

A watershed is the land that water flows across or through on its way to a common place such as a river.

The Haw River Watershed covers land in ten counties and makes up the northern portion of the Cape Fear River Basin.

Conservation
through
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NEW TRAIL CONNECTING GLENCOE MILL VILLAGE TO THE TOWN OF HAW RIVER NEARING COMPLETION

The finishing touches are being applied to the newest section of the Haw River Trail/Mountains-to-Sea Trail. The Sellers Falls Section connects to the Glencoe Section at Stoney Creek Marina to create over seven miles of contiguous trail. The new section offers over two miles of trail meandering through mature hardwood forest with prominent views of the river.

More than 100 volunteers with the Friends of the Mountains-to-Sea-Trail contributed over 2,000 hours building this trail. Efforts included not only clearing the way by removing briars and roots, but also leveling ground, putting in rock stepping stones, and constructing six bridges. Three of the bridges are 20 feet or more in length. Thank you to our faithful volunteers and to everyone who contributed!

The Sellers Falls Section is slated to open this winter.



Map of the Sellers Falls section of the Haw River Trail, which connects to the Glencoe Section at Stoney Creek Marina.



FMST volunteers designed and built a new 24-foot bridge along the route (top). They used hand tools to clear and level the trail (bottom).

Quarterly Attendance at Haw River Trail Sites

June-August 2015

Altamahaw Paddle Access
5,567

Shallow Ford Natural Area
7,528

Great Bend Park
4,651

Glencoe Paddle Access
1,905

Red Slide Park
6,655

Graham Paddle Access
4,528

Sweptonville River Park-Upper
17,159

Sweptonville River Park-Lower
12,698

Great Alamance Creek Paddle Access
4,529

Sax. Lake Paddle Access
13,106

Sax. Mill Race Paddle Access
12,967

Total Quarterly Attendance:

94,652

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ALAMANCE COUNTY TRAILS PLAN

Alamance County has adopted a county-wide trails plan that establishes the Haw River Trail as a top priority. Additional priorities include creating connecting trails to municipalities and establishing trails along creeks flowing into the Haw River. You can view the plan at alamance-nc.com/recreation.

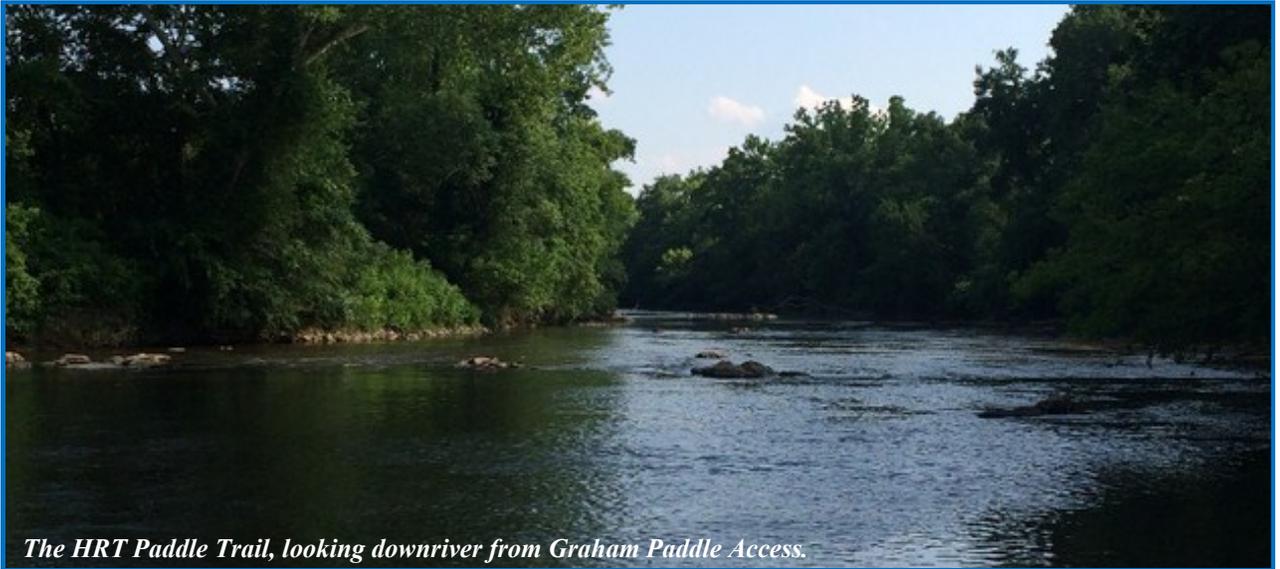


THE MOUTH OF THE HAW

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PADDLE TRAIL FEATURED IN OUR STATE MAGAZINE

The Haw River Paddle Trail was featured in Our State Magazine in June. The article reviews the history of the Haw River, provides a paddle guide, and details the current value of the river to wildlife, paddlers, and the regional economy. Check it out at ourstate.com/haw-river-paddle.



The HRT Paddle Trail, looking downriver from Graham Paddle Access.

For a detailed guide to river sections of the Haw River Paddle Trail please visit our website at thehaw.org/Paddle_trail/RiverSections.html. Looking for a guided adventure or need to rent a boat to get out on the trail? Visit thehaw.org/Paddle_trail/outfitters.html for a list of local outfitters and their contact information.

UPCOMING EVENTS

TRAIL BENEFIT EVENTS

Trailathlon: Saturday, November 7th, 9:00am

| Saxapahaw | For information or to register visit thehaw.org

Haw River Hustle: Sunday, November 8th, 8:00am

| Glencoe | For information/to register visit burlingtonNC.gov/Outdoors

Your participation makes a difference. This Spring, 68 participants helped us raise over \$5,500 to help build the Haw River Trail.

THANK YOU!

AFTER WORK HIKES

Join in on a series of after-hours hikes along the Haw River Trail this Fall— for more info visit burlingtonNC.gov/Outdoors.

What is the Haw River Trail?

Founded on the idea of conservation through recreation, the Haw River Trail (HRT) is a land and paddle trail connecting Haw River State Park to Jordan Lake State Recreation Area. Much of the trail is still under development.

The trail captures the natural resources, history, and culture of Alamance County and the surrounding region, and serves as a critical resource for connecting the community to its heritage.

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For questions, comments, or to add/remove your name to/from the HRT mailing list, email info@thehaw.org.