



## ENVIRONMENTAL AFFAIRS BOARD

### MINUTES

**April 6<sup>th</sup>, 2022**  
Virtual Meeting (Zoom)

#### **Voting Members:**

Chi Vo (chair), Juilee Malavade (vice chair), Wilson Salls (secretary), Wafa Khalil, Matt Kopac, Chastan Swain, Katie Barnhill-Dilling, Jillian Riley, Ethan Case

Excused Absences: Melanie Allen, Aissa Dearing, Jennifer Hill Carrigan, Sherry Taylor

**Ex Officio Members/Staff:** Paul Cameron (General Services), Amy Armbruster (General Services), Tobin Freid (Durham County Sustainability Manager), Wayne Fenton (Solid Waste), Scott Whiteman (City & County Planning), Sydney Miller (Water Management), JV Loperfido (Public Works), Michelle Woolfolk (Public Works, Water Quality), Summer Alston (General Services), DeDreana Freeman (City Council)

Attendees & Panelists Total: 24

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- I. Call to Order at 6:05 PM
  - II. Approval of EAB Minutes from March 9-0
  - III. Announcements
    - a) Next EAB meeting is scheduled for May 4th, 6-8 pm.
    - b) Sydney Miller: Drinking Water Week is May 1-7. [2022 Annual Water Conservation Poster Contest](#): voting open at time of meeting; winner announced May 1.
    - c) Sydney Miller: [Mayor's challenge: Take the pledge for water conservation](#) April 1-30.
    - d) Sydney Miller: Press release: Tar River Land Conservancy was awarded a grant from Durham's Water Supply Watershed Protection Program for [Chambers Farm Conservation Easement Project](#) along Flat River.
    - e) J. Riley: Nomination for [SWCD Teacher of the Year award](#) for DPS K-12 (open at time of meeting, but closed April 15).

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- f) JV Loperfido: Update on [Septic to Sewer cost share program](#): project is now open and accepting applications for residents living in Northeast Creek Watershed.
- g) Tobin Freid: [Durham Earth Day Festival](#) April 24 12-5 in Central Park.
- h) Tobin Freid: Solarized program this summer—group pricing available. Has requested money in budget to subsidize program for lower income households. Would like to present more in the coming months and to seek advice from EAB on outreach.
- i) M. Kopac: Reflection: visited India and Ghana; observed frontline workers wrestling with plastic waste. Noted how much community matters there as well as here.

#### IV. **New and Continuing Business**

##### a) **New Topic: Black Meadow Ridge**

*Presenter(s): Jessica Sheffield (Eno River Association); Ellen Reckhow; Jennifer Nygard*

*Jessica Sheffield:*

- Will be discussing land use and advocacy for responsible development in the Triangle.
- Proposed development, 55-acre parcel, will be mass graded to accommodate new homes. Zoning is specified to be densest on Eno River.
- See website: [blackmeadowridge.org](http://blackmeadowridge.org)

*Ellen Reckhow:*

- The parcel is identified as a keystone property in Critical Area Protection Plan; that is, the highest priority for watershed protection. As a high-quality buffer, the area:
  - naturally promotes water infiltration
  - protects stream banks
  - increases biodiversity by providing food and diversity
  - provides shade, which helps keep water cooler
  - helps slow flood waters
- Zoning and transportation history follows...
- Site plan with over 400 units (6.2 units per acre) approved in 1972. (However, at that time there were no or minimal regulations.)
- Eno Drive, a proposed highway (outer arterial), was halted due to environmental concerns.
  - How did we kill the road but the project remained?
- Effort in mid-2000s to rezone or purchase property, including by the state; however, 2008 recession derailed this solution.
- Future land use plan (2018) designated parcel as Very Low Density, 2 units or less per acre (1/3 density approved in 1972).
- Thus, the currently proposed project is inconsistent with existing plans. Remaining in accordance with the land use plan would result in 128 units.

*Chris Dreps:*

- Several impacts are concerning, but focusing on how this part of the Eno is critical habitat for several threatened and endangered species. One species of note: Neuse River waterdog, which is particularly sensitive to sedimentation.
- Site would not meet state turbidity standard of < 50 NTU, creating a great threat to this species.

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- Two other recent developments have not met the turbidity standard, despite sediment controls in place.
- Proposed project would result in long term hydrologic changes. For example:
  - Would increase water in Black Meadow Branch by 20%.
  - Peak flow events will occur, increasing in stream erosion, moving tons of sediment downstream into critical habitat.
- Have sent several letters, including to NCDEQ Division of Water Resources and U.S. Army Corps of Engineers.
- City of Durham's request to reclassify segment of Eno for drinking water. There are two designations that surrounding area will enter: critical area (immediately adjacent, stricter) and protected area (outside critical area, less strict). Proposed development will be in protected area.
- Project density: maximum of 10% of watershed (830 acres based on rough calculation) of land can be developed with high density development. This along with several other planned developments may cause 10% threshold to be exceeded. Would this jeopardize Durham's application for water supply reclassification? Sent letter to state to raise the issue.

*Jennifer Nygard:*

- It took city, state, and national efforts and agencies to save what is now Eno State Park and West Point on the Eno City Park back in the 1970s.
- Three things in mind moving forward:
  - wildlife corridor
  - water quality
  - outdoor recreation
- Operation of the mill now expands into its third century.
- Aquatic habitat at West Point is of national significance.
- Together the two parks are a core wildlife sanctuary that has value for wildlife all the way to the coast. Black Meadow Ridge has served as a part of that corridor.
- The historic site will be affected. Site was to be preserved "in perpetuity"—these were the words of Jennifer's mother, who was instrumental in the original movement to preserve Eno River parkland. Historic and natural components of the site are interlocked.

### **Comments:**

**C. Vo:** Indigenous people in the community – engagement or collaboration relationship?

- **Jessica Sheffield:** More so in Hillsborough, but were invited to a tribal council meeting regarding transfer of property near Oconneechee Park
- [This link](#) will tell you more about the Eno River Journals, which uplift the stories of indigenous families in the watershed, along with families of various backgrounds.
- **Jennifer Nygard:** named for creek (Black Meadow Branch), which appears on 18th century land deeds. A companion branch, White Meadow Branch, is now under the nearby shopping center. Colonials took over lands that were cleared for corn by indigenous populations. Thus, the name itself is rooted in the legacy of the indigenous people who were there first.

**J. Malavade:** Regarding 10% land threshold for development – is this explicitly being tracked?

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- **Chris Dreps:** Not sure if this is being tracked or is required to be tracked by local government. Perhaps Planning Department. That concern was included in the letter to the state.

**M. Kopac:** What are possible outcomes, and what could Board's role be?

- **Jessica Sheffield:** Legal activity in progress that would require developer to redo site plan. Ongoing conversations with developer and owner to reduce density. Talks of raising enough donor money to encourage owner to walk away from development, but not sure if that number is attainable.
- Some ideas here: <https://www.blackmeadowridge.org/take-action>
- **Ellen Reckhow:** If City put some money into the effort to buy the property, other donors including national conservation organizations could be attracted. Would be good for EAB to advocate to City Council. Also, equity considerations: there aren't many places where you can get on a bus and not hear traffic.
- **Jennifer Nygard:** Emphasizing that getting City onboard would make donor investment more attractive. Also, serious climate change concern: cutting down standing forest.

**J. Riley:** Are all of the homes are market rate, not affordable housing?

- **Jessica Sheffield:** That's right – there isn't a commitment in the proposal for affordable housing units.

**C. Vo:** CM Freeman: is there anything you'd like to add?

- **CM:** Until the case comes before City Council, there's not much they can do. The problem is not limited to just this one development. The way we've protected this river so far is a model. If we continue to backpedal from our environmental values, where do we land?

**E. Case:** How much is needed from the city to attract national funding? And, if there were a matching city conservation fund, then could other groups use it to attract national conservation funds for other properties?

- **Jessica Sheffield:** Second part, yes.
- **Ellen:** \$2M is one estimate.

**C. Swain:** Something that EAB can do proactively is to scan current zoning/land use designations to flag other parcels that should be re-zoned/re-classified.

**Chris Dreps:** just want to add one more thing. Since the threatened species was recently found, EAB could potentially write a letter to US Fish and Wildlife. I can share an example if you're interested

## b) **New Topic: Solar Power & Duke Energy**

*Presenter(s): Stew Miller (Yes Solar Solutions)*

- Changes to net metering by Duke starting that would start 1/1/23: if you're generating electricity in facility or home (e.g. home solar), excess gets sent to Duke, and you get credit at the same rate for it.

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- Changes so that *only* people with new solar systems will (must) move to different rates. Discounted normal rate, but highly elevated peak charges. Minimum monthly bill. Other fees. Highly reduced excess payments. All negatives for home solar generators.
- Would heavily reduce value of solar for homeowners.
- Would be very difficult for companies like Yes Solar to estimate payback for solar adopters.
- When solar is being produced, cost of purchasing grid energy is much lower, disincentivizing solar.
- Currently 1% of Duke's customer base has solar – a small portion.
- No input was solicited from solar industry or rate payers.
- 20 solar companies have sent a letter to Governor (no response) and Attorney General (agrees that Duke is trying to rush this through).
- Estimated value reduction 20-35% for solar adoption, but Duke claims it only reduces solar by 8%.
- Significant job losses. Will slow industry at a time when it needs to accelerate to address climate change.
- Significant drag on state's climate goal of zero carbon by 2050.
- Actions to date: NC Utility Commission filing as intervenors.
- Law (HB589) requires the Commission to conduct a study, not Duke.

**Comments:**

**M. Kopac:** What is the justification of these steps in light of Duke's climate goals? Also, what is the rationale?

- **Stew Miller:** Duke claims loss of revenue to solar customers is a big problem, but only 1% of base is not substantial. Other utilities have passed similar changes in other states, and Duke has in SC.

**J. Riley:** This is infuriating. Were these rates in Duke's Integrated Resource Plan?

- **Stew Miller:** No.
- **J. Riley:** With the Utilities Commission, are there hearings?
- **Stew Miller:** Yes; the filings on the Commissions websites are public on website. The UC supports the proposal. Need to get with Commission to halt the change until the study is done, and done by all the stakeholders.

**K. Barnhill-Dilling:** As a board, what do we envision as our role? How can we use our collective power?

**C. Vo:** Matt, any past experience as Chair that may be relevant?

- **M. Kopac:** On a past project, went to City and asked them to add an issue to their state level advocacy. City could then submit comment.

**M. Kopac:** Councilmember Freeman, could the city's legislative affairs office take this up (or are they already?)

- **CM Freeman:** Don't have an office of legislative affairs. But do have a staff member who sets agenda for City Commission's legislative committee agenda. Former Senator Floyd

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McKissick is now a utilities commissioner so could discuss with him so he understands all the details discussed.

- **Stew Miller:** Getting with someone on UC would be huge.
- **Tobin Freid:** Jeff Hughes is also on the NCUC and is a Durham resident
- **Stew Miller:** Study should be part of carbon plan, and any changes should be part of it as well

**J. Malavade:** Is there data available showing how changes in net metering impacted solar adoption?

- **Stew Miller:** Yes, the data is out there.

**E. Case:** These rates only apply to residential customers?

- **Stew Miller:** Correct.
- **E. Case:** But there are still specific components that do impact Climate Plan. Pointing those out may be effective.

**Tobin Freid:** Am working with counterpart at state to submit comments regarding HB951. Would be happy to talk to EAB about this next month. Feedback was Durham County doesn't want to go out on a limb. Also, when word got out that Durham was preparing comments, Duke was not happy. Backroom conversations, letter didn't get submitted. It will affect the city's ability to meet goals.

**CM Freeman:** School of Government involved to make sure we're not making it political. There are ways to push back without fighting with legislature.

**J. Riley:** Making this a bigger barrier means people living near ash ponds have their soil, water, farms, air polluted. If the Board chooses not to get involved, filling the room with us as individual activists is powerful.

**CM Freeman:** Can draft letter, (the one Tobin had?) and circulate.

**Adjourn at 8:15 PM**

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