

## **Meeting Minutes for the Board of the Carolina Wetlands Association meeting**

**May 18, 2020; 6:30 pm**

**Location: Virtual Meeting Online via Zoom**

**Submitted by Kristie Gianopulos**

**Attending remotely:**

**Board Members:** Kim Matthews, Rick Savage, Chad Guthrie, Tara Allden, George Matthis, Kristie Gianopulos, Kristine Cherry, Norton Webster, Geoff Gisler, Dan Hitchcock, Curt Richardson, George Howard

**Non-board Members:** Virginia Daniel, Linda Wendling (compliance officer), Rachel Massa (general volunteer coordinator), Mattie Fraiser, Tyler Newman, Robert Truesdale, Carrie Caviness

### **6:30 Meeting Called to Order**

- Adoption of the Agenda – Norton W. made motion to ask for conflict of interests regarding agenda as a matter of course, all in favor
- Adoption of the Minutes - March 2020 – Kim M. motion to adopt minutes, George Matthis seconded, all in favor

### **6:45 Status of Projects**

- Town of Swansboro
  - Meeting with town council on July 13
  - David Shouse, Norton Webster, and Rick Savage going to town council meeting so far, as well as Samantha Burdick, Resiliency Coordinator for NC Division of Coastal Management
  - Thinking about duplicating the Stony Run project
- Stony Run (Dunn, NC)
  - Working with Wetland Solutions to acquire wetland land using grant funds and donate to the town of Dunn
  - Applying for \$35,000 EEG (Attorney General's office) grant funds for the planning process/project plan; no cost share requirements
  - Grant would be mainly for data collection, some person time for developing the project plan; proposal/application has to be done by May 28<sup>th</sup>
  - Geoff Gisler asked how we are going to oversee the funds? Norton W. has written up a policy for dealing with funds like this; policy will be sent to the board soon. This is because we have an EPA grant \$40,000 and this one too. Award for this would be beginning of 2021, so we have some time to designate/hire a project manager if we need to.

- No matching funds requirements; as part of developing the scope and budget, we are defining roles and responsibilities for this grant project. Carolina Wetlands Association will be the grant manager. Will send this out to the whole board.
- VOTE - Rick S. moved that the board approved the people working on the Stony Run project to apply to the EEG grant funds. Curt R. seconded motion, all in favor.
- Volunteer Wetlands Monitoring Grant
  - NC State University Field work delayed due to Covid-19; EPA will grant 1-year extension
  - Mike Burchell is developing the QAPP, NC State has the money
  - Volunteer methodology and website and data collection portal will be worked on this summer
  - Goal to hire volunteer coordinator in July; start date is flexible because if we don't have volunteers, then we won't need a coordinator.

### 7:00 Geoff Gisler on WOTUS lawsuit(s) and how Carolina Wetlands can help

April 20<sup>th</sup>, EPA finalized Waters of the US rule. Narrows down protected waters into 4 categories – *traditional navigable waters* (probably more to come on that; further get from this, harder to exercise jurisdiction), *“most” perennial and “many” intermittent streams* (excludes ephemeral streams) (if streams aren't jurisdictional [JD], wetlands next to them won't be protected) and their tributaries (have acknowledged a real problem as to what to include – “typical year test” – flow can't be in response to precipitation, a very large gray area), *lakes and ponds* (narrowed coverage of these, in part by providing exception for cooling ponds, including nuclear power plant lakes. Some managers of these have argued they shouldn't be subject to Clean Water Act), and *wetlands* (if not abutting a JD water, not protected. It's okay if the wetland has no surface water. If a wetland doesn't abut, it can be JD if flooded from water in a JD water at least once in a typical year. Unclear how this would be determined. A wetland flooding the other way into a JD stream would not qualify for this. Wetlands separated from a JD stream by a SINGLE natural feature (dune, natural berm) can still be JD. If separated by more than one separating feature, the wetland is not jurisdictional [unless they flood once a year]. If separated by a man-made feature, there has to be a surface water connection, includes roads. A culvert has to connect a JD water to a wetland when a road separates. A lot of discretion left to land owners and permit writers.

Rule scheduled to go into effect June 22, 2020.

Curt R. - Where does that leave pocosins? (they flood outward, not inward) – Geoff G. – this makes a lot of pocosins non-jurisdictional. Ditches may provide a surface water connection, but depends...maybe on size of canals (boats?). This rule is going to create a lot of problems like this (taking jurisdiction away from wetlands). Another problem is that EPA and the Corps are saying a property owner should be able to go out and see if it's a wetland (they do say you could have penalties if you are wrong).

George Howard – how does NC compare? Geoff Gisler answer Virginia is better off than NC; their state wetland law is broader than in NC. Non-404 wetland rules (isolated wetlands) in NC used to be better than now; whittled down and much more limited. Not the backstop they once were. Isolated wetland rules have been narrowed down only to bog and basin wetlands. s

Geoff G. said EPA suggested impact wouldn't be that bad, because some industry will continue with the old way of doing things. (This is questionable whether this will really happen.)

George H – maybe write a letter to NC and SC DOT asking what their plans are to continue to protect wetlands?

Rick S. pleased with this idea of writing letter encouraging DOT to continue to protect wetlands.

Virginia Baker reminded us that an acre of isolated wetlands has to be reached before it even triggers mitigation, in North Carolina.

Geoff Gisler – NC DOJ and NC DEQ joined with 15+ other states to challenge the rule in court. Other cases have been filed, including cases that say the Clean Water Act doesn't apply to any streams or wetlands and the new rule goes too far.

Geoff suggests that this organization, the network we have could be useful/active. Courts consider what the threat is when they consider an injunction. So pictures, videos, etc. could help with showing what is at risk. Also we can raise awareness among citizenry.

Waterkeeper Alliance, Sound Rivers, Southern Conservation Network and others have been involved. Maybe there will be more big picture policies at the state levels. There may be an attempt to define waters of the state to exclude wetlands – this came up in the 1990s. May happen next year in the long session – opportunity to push for better state wetland laws or have to push back on attempts to loosen.

#### **7:15 Curt Richardson on the Duke Wetlands Center expansion**

Duke has decided to move forward on Duke “Restore”, a new program. New Director of the wetland center will take over when Curt Richardson retires in a couple years. A lot of universities close wetland centers across the country when faculty leave/retire. Duke has a new Dean who is very supportive. Brian Sullivan is moving to Chapel Hill and will be Associate Director – coastal salt marsh restoration work. He started Duke Restore – university will support with \$, coastal to the piedmont to find places to restore and assess policies too. Duke Marine Lab will now also have a branch of the wetland center. Duke is hiring for ecological restoration positions – coastal, economic policy. They see this as helping with climate change. Endowment will support this effort; will be new and more wetlands activity from this in the state.

#### **7:25 Committee Reports**

- **Nominations Committee – Robert/Rick**
  - Currently 4 Board member terms are up, but all are willing to renew.
  - We will vote on board members at the July meeting; one board member (Rick S) is President, so that will need to be voted on also.
  
- **Program Committee - Jessica/Jim/Carrie**
  - Status and success of the virtual tours of the Wetland Treasures
    - Pocosin Lakes NWR is the next one up
    - Virtual tours/videos are posted on Panthertown bog, Bunched Arrowhead preserve, Brogden Bottomlands
    - Linda W. suggested sharing the videos with teachers – maybe through the NC Env. Educator certification program; George Howard suggested Alexis Bond who works with him to spread the word wider too

- A webinar on the Wetland Treasures Program planned May 27
- Asking everyone to help promote the tours and webinar; want to try to work more on local outreach that got missed because tours couldn't be done in person. Several other organizations have shared our virtual tour announcements.
- *Nomination form* for wetland treasures is on our website, so anyone can nominate a wetland treasure now.
- Next committee meeting: June 15
  
- Science Committee - Ginny/Robert
  - Nothing new to report on Ramsar Application status, State of the Wetlands Report, or concentration of whitepapers
  - Next Meeting: May 21
  - Wetland landowner restoration guide will be posted very soon on website and will go out with July newsletter
  
- Development Committee – Kim
  - Outreach metrics
  - Volunteer hours report – just switched to a Google Form, link on our website (200 people have logged hours for this year) Rachel Massa will be working to remind volunteers to log their hours – helps with implementing our Strategic Plan, matching requirements on grant
  - Fundraising Campaigns
    - Spring Celebration – cancelled; Facebook one-day ask instead (\$150 received)
    - Fall – Photo contest and calendars – will start advertising next month for this contest
    - Looking for other ideas
  - 914 Facebook Likes now; 200 followers on Instagram/twitter; Youtube videos too; LinkedIn (more for professional articles)
  - Some wetland treasure videos have been posted
  - Board members please like and share to expand our reach through social media
  
- Policy Committee – George Matthis
  - Mission clarification is being worked on, because function of this committee hasn't been well defined in the past
  - Two new members, Linda Wendling and David Shouse
  
- Finance Committee – Norton, Heather
  - Balance - \$9,259.23 available balance
  - Hasn't been a lot of activity (\$195 Facebook donations), we bought a Zoom subscription.
  - Budget questions/update?
  - Procedural Policy is being developed (how to handle finances, grants, etc.) and will be submitted to Policy Committee
  
- Executive Committee – Rick S /Kim M

- NC WRRRI Annual conference – we will host two webinars
  - May 19 - Treatment Wetlands
  - TBD – we will sponsor a second session on Saltwater Intrusion – probably in June
- ASWM has asked Carolina Wetlands Association to participate in 2 national webinars, the first one is June 24; there are only about 4 or 5 state/regional wetland associations and ASWM Executive Director has taken a big interest in these associations and what they are doing.

**8:05 Other Business**

Board retreat – fall

- Fundraising topic
- Moving forward the Stony Run project (developing this more into a program)
- Want to get some tentative dates; a poll will be sent out to set a date
- More detail at the board meeting in July

**8:10 Adjourn**

Tara Alden motioned to adjourn, Kim Matthews seconded, all in favor