

November 20, 2019

Dear Mayor and Council Members:

A resolution on your Council agenda calls for you to grant a UNC request to *"Consider Supporting a UNC Health Care Eastowne Request to the State of North Carolina to Drain the Pond, Permit Stream Restoration, and Water Quality Improvements."* The agenda item is [here](#). The UNC Health request is made up of these elements:

- 1) draining the farm pond
- 2) stream restoration to replace flow
- 3) one stream crossing in horseshoe
- 4) two stream crossings on Natural Heritage property

We strongly recommend that that the UNC Health Csre request to explore exemptions from state law for stream crossings in the Natural Heritage property be removed from consideration. This request would violate Chapel Hill's Resource Conservation District we've enforced for thirty years.

At their work session Monday night Council members indicated their interest in conserving the Heritage property. At the Joint Advisory Committee meeting held on November 19th several Advisory members supported eliminating this request as well. The crossings do not conform to the Towns RCD regulations so it would not be appropriate for the State to approve something that Town regulations do not allow.

For these reasons and because you would be setting up a situation where you would be telling the state you favor stream crossings on a property you hope to conserve, please reject the request to make a DEQ determination for roadways on the Heritage property. Doing so would open the door to future development of the Heritage site when that is not your desire.

Our second request is to grant UNC Health Care's request for an endorsement of securing a 401- 404 permit to drain the pond in return for making the restored area into a community amenity. Both NC DEQ and Town stormwater staff will require and implement state and local rules for mitigation and restoration steps of the new

stream that replaces the pond. Removing a dammed pond and improving water quality by reclaiming parts of a parking lot and an encroachment on the RCD would bring net water quality benefits to the Town.

The location of the new stream will determine the location of the RCD and buffers and allow UNC Health planners to turn parts of the existing pond area into an attractive community space to benefit visitors, clinic staff, and patients. While the pond is presently a beautiful amenity and serves a wildlife function, the Stormwater Advisory Board and staff professionals have determined that the pond does not serve an important stormwater function.

Making project stormwater determinations too early, without an agreed upon regulating plan or an analysis of the site, does create risks for unexpected consequences down the road.

We ask that in future that the Manager and the planning staff consult the Stormwater Advisory Committee and the Environmental Sustainability Commission as proposals are brought to the Town Council.

Thank you.

Signed

Julie McClintock, Phil Post, Pamela Schultz