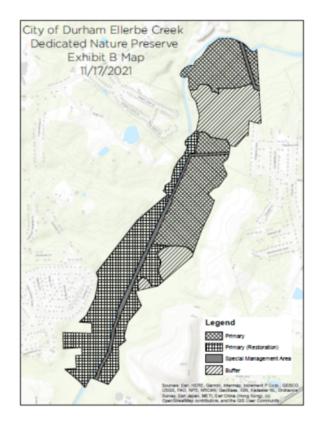


Great Egret; Source: ECWA, Dan Kaplan

Ellerbe Creek Watershed Association Dedicated Nature Preserve Proposal Alternative

Background

- January 20, 2022: ECWA and State Presentation
 - An item without a staff recommendation was brought forward by the Planning Department.
 - The proposal was to create 284 acres of Dedicated Nature Preserve (DNP) across 12 City parcels.
 - The proposal requested protection of a waterbird rookery, of Ellerbe Creek, and of a mature forestland.
 - DNP area was proposed to be dedicated through a permanent conservation easement.

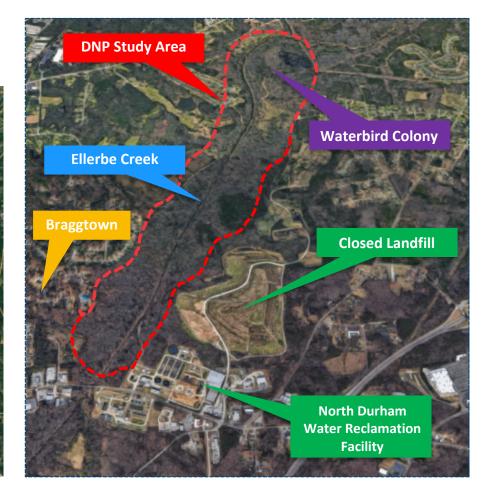






Site Context







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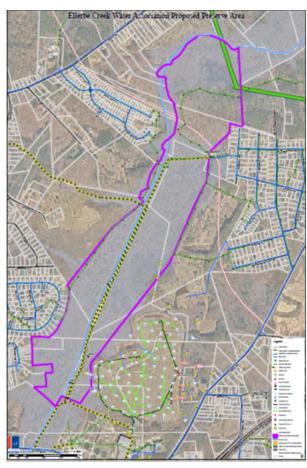
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Next Steps Taken

- Site visits with ECWA & State NCR
- Conferred with other jurisdictions who underwent DNP process
- 25+ meetings with partners
- Met with: CAO, GSD, NIS, DPR, Planning, Public Works, Solid Waste, Transportation, WM, MPO
- Mapped infrastructure with WM and roads with Transportation
- Obtained estimates for title work, appraiser, and surveys









Due Diligence

- Staff conducted due diligence processes:
 - Impacts to existing City operations?
 - Impacts to future City operations?
 - What City infrastructure is here?
 - What City future infrastructure is planned?
 - What obligations does it create?
 - What restrictions does it create?
 - What costs will be incurred?



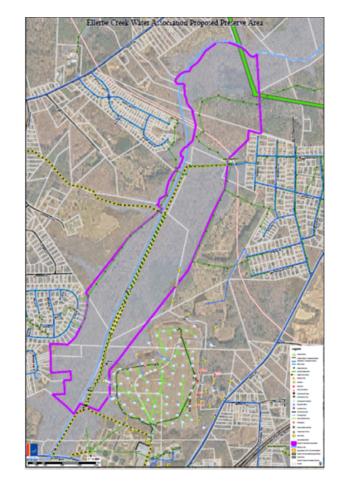


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Key Issues from Due Diligence

- Boundary should be moved northward away from closed landfill and NDWRF
- Ensure WM can continue, by-right, to access, maintain, add/remove, and upgrade existing and any potential future infrastructure
 - Two force mains, several gravity lines, gas probes, water sampling wells-which require maintenance and oversight
- Make sure primary areas are free of infrastructure and that City maintains by -right ability for utilities in non-primary areas
- If approved, DNP process would require a management plan
- 35 developable acres to be placed in nature preserve
- Will assist with tree canopy metrics, Falls Lake credits, grant matches



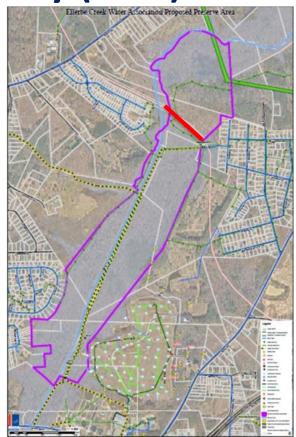


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The Northern Durham Parkway (NDP)

- The Northern Durham Parkway (NDP) is listed on the DCHC MPO and NC Board of Transportation adopted Comprehensive Transportation Plan (CTP).
- The route of the NDP bisects the proposed area for dedication.
- Transportation recommends maintaining the existing reservations for the NDP corridor consistent with the adopted Comprehensive Transportation Plan (CTP) of the DCHC MPO.
- The NDP is not currently funded.







Costs and Timeline

- Request for appropriation of ~\$100,000:
 - \$50,000 survey and plat
 - \$10,000 appraisal
 - \$10,000 title work
 - \$20,000 consulting fees
 - \$10,000 boundary signage & markings
- Timeline for State approval of any preserve is 9 to 12 months after City staff is able to procure the survey and other items listed.

ARTICLES OF DEDICATION

CITY OF DURHAM ELLERBE CREEK NATURE PRESERVE

THESE AUTICLES OF DEDICATION (see and re-constants referred to a "Dedication") in and, secret all const and fifthetin as of the ______ try ($_{\rm m}$, 20, b) was between the CTTY OF DURINGLY, a body points and comparise expansion and estimating under the laws of these of fixed fickets with an address of 101 Gy Hall Fixed, pathways, 92 CTMP (to be established in the state of the STATE OF NORTH CAROLIDA (b) extra the state of the state of the STATE OF NORTH CAROLIDA (b) extra the state of the state of the STATE OF NORTH CAROLIDA (b) extra the state of the STA

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WIEREAS, the State is authorized by G.S. 1430-135.255 or ray, of the North Carolina General States (horizonthe "the Nature Preserves Act") to initialize a priority previous of rating preserves in the State of North Carolina in a variety of ways, including acquisition by parchase or gift of interests is lawly accepting Articles of Deducation from some of estatual areas, and

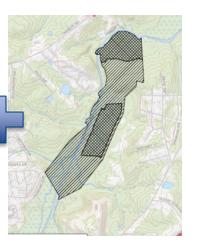
WIEREAS, the Guater overs, as of the date set forth above, real property consisting or acres, more or less, in Datam Courty, North Carolina, as described in Exhibit A and or that the same is without mortgage, lies, or other mecanileance morpt assessed and restrictmenter record, included have by reference and

WEEREAG, the Granter factors to convey to the Otta a conservation assument in and to City of Datase Ellistic Cost Warking's Clocky Things Dataset, and province containing processions (2014) again with the physical flatteness described on Ellistic Mathell B statistical asterio Specaradher the Act and the Datas recognizion tradit for Cyr of Datasen Ellistic Withouthed Colory Cashi Monroy Act and the Datas recognizion tradit for Cyr of Datasen Ellistic Withouthed Colory Cashi Monroy Dataset Mathematical Colory Cashi Mathematical Colory Cashi Monroy Dataset Ellistic Activity Colory Dataset Mathematical Colory Cashi Monroy Dataset Ellistic Activity Colory Dataset Mathematical Colory Cashi Monroy Dataset Ellistic Activity Colory Dataset Mathematical Colory Cashi Monroy Dataset Ellistic Colory Cashi Mathematical Colory Dataset to the Namer Presents Act and in acconduce with times Articles, and hold the same in trast for the public as a matter present; ed.

WEEREA3, the Preserve in documed by the Secretary of the N.C. Department of Natural and Coltrard Resources to qualify as an constanting natural areas moder the attributory criteria for nature preserve dedication on 0.8, 1488-135220 of rays, and further serves the public persposes for a dedicated preserve as stated in 0.5, 340B-1352272; and

WEEREAS, at a meeting held in the sity of ______. North Chambing, on the ____ day of ______ 12___ the Gaveman and Chambil of State approved the acceptance of this dedication and convergence of this conservation eccement in trust for the uses and purposes expressed in the Dama Posterior A.R.

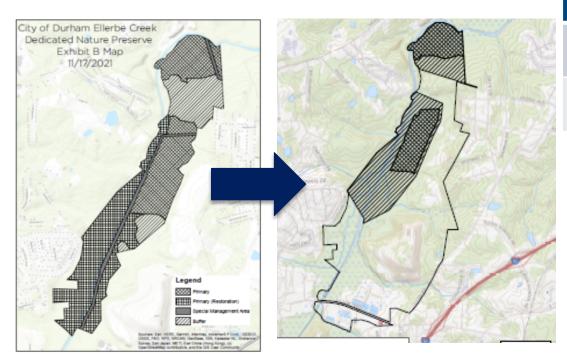








ECWA's Refined Proposal



	January 2022	April 2023
Overall Acreage	284 acres	215 acres
Primary Acreage	227 acres	83 acres

- Use Primary only for most valuable areas
- Simplify boundaries
- No existing or planned WM infrastructure in, or within 100' of Primary boundaries
- New by-right for City within Buffer area for all utility infrastructure, landfill monitoring, and future bike/ped infrastructure; Primary would require State approval
- Easier to add land in future than remove





Existing Conservation Preserves & Areas

Dedicated Nature Preserves

- Jordan Lake Game Lands
- Eno River State Park
- Eno River Diabase Sill Plant Conservation Preserve

Registered Heritage Areas

- Bennett Place Forest
- Duke Forest
- Eno River Association Blue Wild Indigo Slope
- Hill Forest (NCSU)
- Penny's Bend/Eno River Bluff





Advantages Comparison

Dedicated Nature Preserve

- Permanent Protection of Property
- The State and others can be made aware of the City's intention for protection through a Public-Facing Inventory
- Fulfills the City's Comprehensive Plan goals for Open Space needs
- Perpetual protection of the heron/waterbird rookery and other features

Registered Heritage Area

- Protection of Property
- The State and others can be made aware of the City's intention for protection
- Fulfills the City's Comprehensive Plan goals for Open Space needs
- Protection of the heron/waterbird rookery and other features
- City Council retains control of City property and future use





Concerns Comparison

Dedicated Nature Preserve

- Can only be unfurled by the Governor and Council of State
- Initial cost of \$100,000
- The City could be cited by the State for violations
- Ongoing management expenses and liability
- Inflexibility as to future or unforeseen uses by the City for Landfill Management, Recreation Uses, and Water Distribution System

Registered Heritage Area

- Protection could be reduced or reversed by future governing bodies.
- Future Development Pressure





Recommendation

- To direct staff to enter negotiations with the State of North Carolina Department of Natural and Cultural Resources to draft a voluntary agreement to register the subject property as a Registered Heritage Area; and
- To direct staff to craft City Code of Ordinance language to protect the area through self-directed action; and
- To authorize the City Manager to make changes to the area preserved as further investigation is completed before finalizing any registration or protection of the property.





Alternatives

Alternative 1:

• Defer the ECWA/State request for a permanent Conservation Easement per the State's Nature Preserves Act taking no action at this time. This Option retains the City's full use and discretion of the property.

Alternative 2:

• City Council could direct staff to dedicate the property for protection under the State's Dedicated Nature Preserve program.





QUESTIONS?



919.560.1200

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