

Letters of Support for AEC Nomination

March 10, 2023

Coastal Carolina Riverwatch

700 Arendell Street, Suite 2
Morehead City, North Carolina 28557



Dear Mr. Braxton Davis,

My name is Riley Lewis, White Oak Waterkeeper with Coastal Carolina Riverwatch (CCRW). I am writing to you on behalf of CCRW staff, Board of Directors and general membership to endorse the Gibbs Creek Watershed AEC Nomination submitted by Beaufort Citizen Alliance.

CCRW is a water quality, nonprofit organization that works to protect the quality of water and quality of life in coastal NC communities. Through our research, outreach and advocacy work in the field and community groups we have seen many streams and rivers throughout the coast become polluted by land development that impair the natural functions of the water way and threaten human health.

Natural ecosystems, like Gibbs Creek, are critical to buffering storm damage, capturing pollutants, and providing habitat for fishery important species. The Gibbs Creek watershed is the last remaining, mostly undeveloped watershed and tidal creek in Beaufort. Maintaining the ecological function of the area is critically important to protecting the larger North River and its resources.

The organization of Coastal Carolina Riverwatch urges the NC Division of Coastal Management to implement the AEC designation for Gibbs Creek that was nominated by the Beaufort Citizen Alliance. We are two community based organizations whose members spend their lives in the waters we strive to protect. The protection of Gibbs Creek will preserve the water for wildlife, locals and visitors to all enjoy for generations to come.

Sincerely,

Riley Lewis

Riley Lewis, White Oak Waterkeeper
+252.460.1450 RileyL@coastalcarolinariverwatch.org



North Carolina
Coastal Federation
Working Together for a Healthy Coast

March 16, 2023

Dr. Braxton Davis
Director, North Carolina Division of Coastal Management
NC Department of Environmental Quality, 400 Commerce Avenue
Morehead City, NC 2855

Dear Braxton,

The Area of Environmental Concern (AEC) Nomination Form submitted to the N.C. Coastal Resources Commission (CRC) for Gibbs Creek includes extensive information about water quality and habitat values of this pristine tidal creek. As stated in the application, this is one of the few tidal creeks still open for shellfish harvest in developing areas of our coast. Exploding population growth and associated land use simply exceed the capacity of existing Coastal Area Management Act (CAMA) development standards to safeguard water quality in fragile tidal creek systems.

The CRC has authority to designate new AECs when added protection is needed to safeguard coastal waters and habitats. AECs do not prohibit development. Instead, they should provide for land use rules that will maintain water quality standards and existing uses of coastal waters. CAMA rules explicitly require that before a CAMA permit is issued, there should be an affirmative finding that water quality standards will not be violated by permitted development. However, the specific AEC use development standards that are adopted to protect water quality have proven insufficient to achieve that objective.

Back when the CAMA was first enacted in 1974, there were numerous tidal creeks in N.C. open for shellfish harvest. Since that time and despite the adoption of numerous CAMA and other water quality rules, water quality in tidal creeks along our coast has deteriorated. Gibbs Creek is now a rare exception with its excellent water quality. As has been sadly seen in some many other locations, the current CAMA and other agency development rules aren't able to protect pristine tidal creeks from polluted runoff and degradation. It is time to rethink how the CRC regulates development upstream of tidal creeks and bays to stop future pollution and more water quality standard violations. Designation of this new AEC along with reasonable rules that address current weaknesses in CAMA development standards is an urgent need.

Albert Einstein said, "Insanity is doing the same thing over and over and expecting different results." We have a woeful legacy of applying inadequate development standards that allow tidal creeks throughout our coast to become increasingly polluted. This rule-making petition offers an opportunity to avoid adding yet another tidal creek to the State's list of impaired waters that now blemish our coast.

Best regards,

Todd Miller
Executive Director



Braxton Davis, Director
Division of Coastal Management
400 Commerce Avenue
Morehead City, NC 28557

Susan Schmidt, PhD
1527 Ann St
Beaufort, NC 28516
(252) 269-0032
susu@susanschmidt.net
www.susanschmidt.net

Dear Braxton Davis:

When I worked as scientist at NC Coastal Management, 1980-82, I surveyed and recommended Areas of Environmental Concern. Gibbs Creek watershed certainly qualifies as an AEC, especially as the last healthy, yet threatened, primary nursery area in Beaufort.

Gibbs Creek is home to blue crabs, oysters, clams, shrimp, red drum, spotted sea trout, flounder, and mullet—commercially and recreationally harvested in North River. The Coastal Plain small stream swamp is unique and rare in North Carolina. The vegetated watershed protects the high-quality waters of the tributary tidal creek. The AEC Nomination presents a comprehensive, and impressive, list of trees, shrubs, wildlife. IUCN (International Union for Conservation of Nature) lists resident of Gibbs Creek, the spotted turtle, *Clemmys guttata*, as **Endangered**.

The Nomination states, “The Gibbs Creek watershed is one of the last remaining relatively large tracks of undeveloped and forested land in the territorial jurisdiction of the Town of Beaufort where the features of the landscape can support a healthy and diverse population of wildlife, including mammals, reptiles, amphibians, and birds. While the forested and vegetated upland areas of the Gibbs Creek watershed are critically important features for terrestrial and aquatic wildlife, they are also essential for sustaining healthy environmental conditions in the streams, ponds, wetlands, and the tidal creek.”

The existing 75' AEC buffer is insufficient for protecting the “*unique and rare*” natural functions of the Gibbs Creek tidal watershed. In the Gibbs Creek watershed, a 100-foot undisturbed vegetative setback is necessary to protect habitat of rare, threatened, and endangered species and to maintain the current, natural infiltration processes that sustain the SA/HQW classification of Gibbs Creek.

Thanks for your consideration in protecting Gibbs Creek and its watershed as an AEC. So much has changed in Beaufort since I moved here 44 years ago. Development has already despoiled too much of Beaufort’s natural diversity. I am proud that, when I worked for Coastal Management, I wrote the resource inventory, management plan, and funding proposal for the State to purchase Rachel Carson Preserve. As volunteer steward and member of Preserve advisory board, I kayak weekly to survey shorebirds. At NC Maritime Museum on Saturday, 18 March at 2 pm, I will read climate poems from my new book, *Drought Drought Torrential*—that celebrates Beaufort’s birds and dolphins.

Sincerely, Susan Schmidt, PhD

Stakeholder Presentations
May 8, 2023 AEC Nomination Meeting

AREA OF ENVIRONMENTAL CONCERN NOMINATION

GIBBS CREEK WATERSHED

JUD KENWORTHY

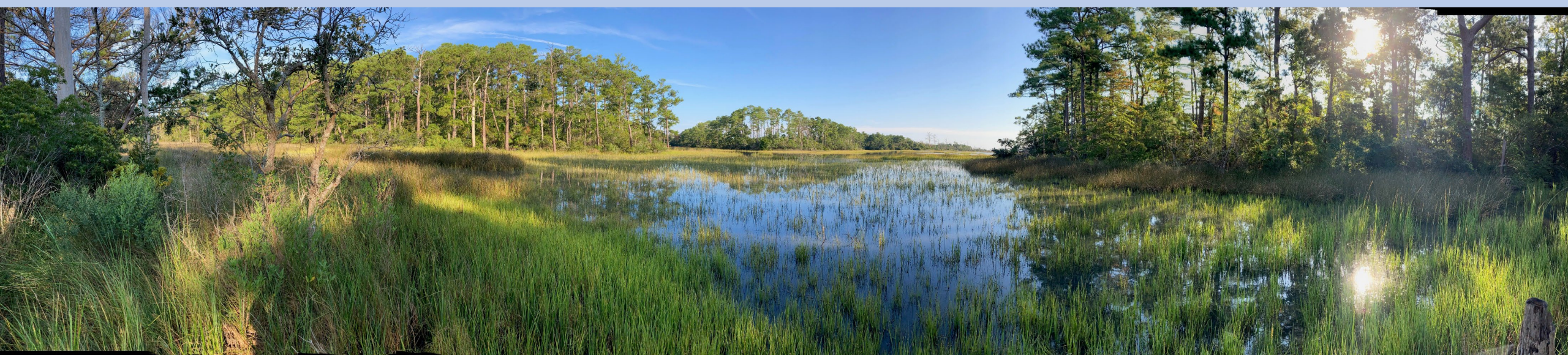
Jud.kenworthy@gmail.com

Section 2: Areas of Environmental Concern. Areas of Environmental Concern (AECs) are the foundation of the Coastal Resources Commission's permitting program for coastal development. An AEC is an area of natural importance: It may be easily destroyed by erosion or flooding; or it may have environmental, social, economic or aesthetic values that make it valuable to our state. The Coastal Resources Commission designates areas as AECs to protect them from uncontrolled development, which may cause irreversible damage to property, public health or the environment, thereby diminishing their value to the entire state. The CRC has set up four categories of AECs



- A. The Estuarine and Ocean System
- B. The Ocean Hazard System
- C. Public Water Supplies
- D. Natural and Cultural Resource Areas

1. THE STATUTES ALLOW FOR IT.
2. THE GIBBS CREEK WATERSHED QUALIFIES FOR AN AEC NOMINATION AS BOTH A **NATURAL AND CULTURAL RESOURCE AREA** (15A NCAC 07H Section .5000) & A **COASTAL COMPLEX NATURAL AREA** (15A NCAC 07H .0506)
3. THERE IS COMPELLING SCIENTIFIC EVIDENCE DOCUMENTING THE IMPAIRMENT AND DESTRUCTION OF COASTAL PLAIN WATERSHEDS – SOME OF THE MOST RELEVANT STUDIES ARE CITED IN THE NOMINATION NARRATIVE.
4. WE COMPILED AND REVIEWED DOCUMENTS AND REPORTS ON THE ECOLOGICAL CHARACTERISTICS AND FUNCTIONS OF COASTAL PLAIN WATERSHEDS – SOME OF THOSE DOCUMENTS ARE CITED IN THE NOMINATION – IN OUR JUSTIFICATION NARRATIVE WE COMBINED THOSE WITH MORE THAN TWO DECADES OF PERSONAL OBSERVATIONS IN THE GIBBS CREEK WATERSHED.





A NATURAL AND CULTURAL RESOURCE AREA & A COASTAL COMPLEX NATURAL AREA

IT IS THE LAST REMAINING MOSTLY UNDEVELOPED TRIBUTARY TIDAL CREEK WATERSHED IN THE JURISDICTION OF BEAUFORT.

PUBLIC TRUST WATERS

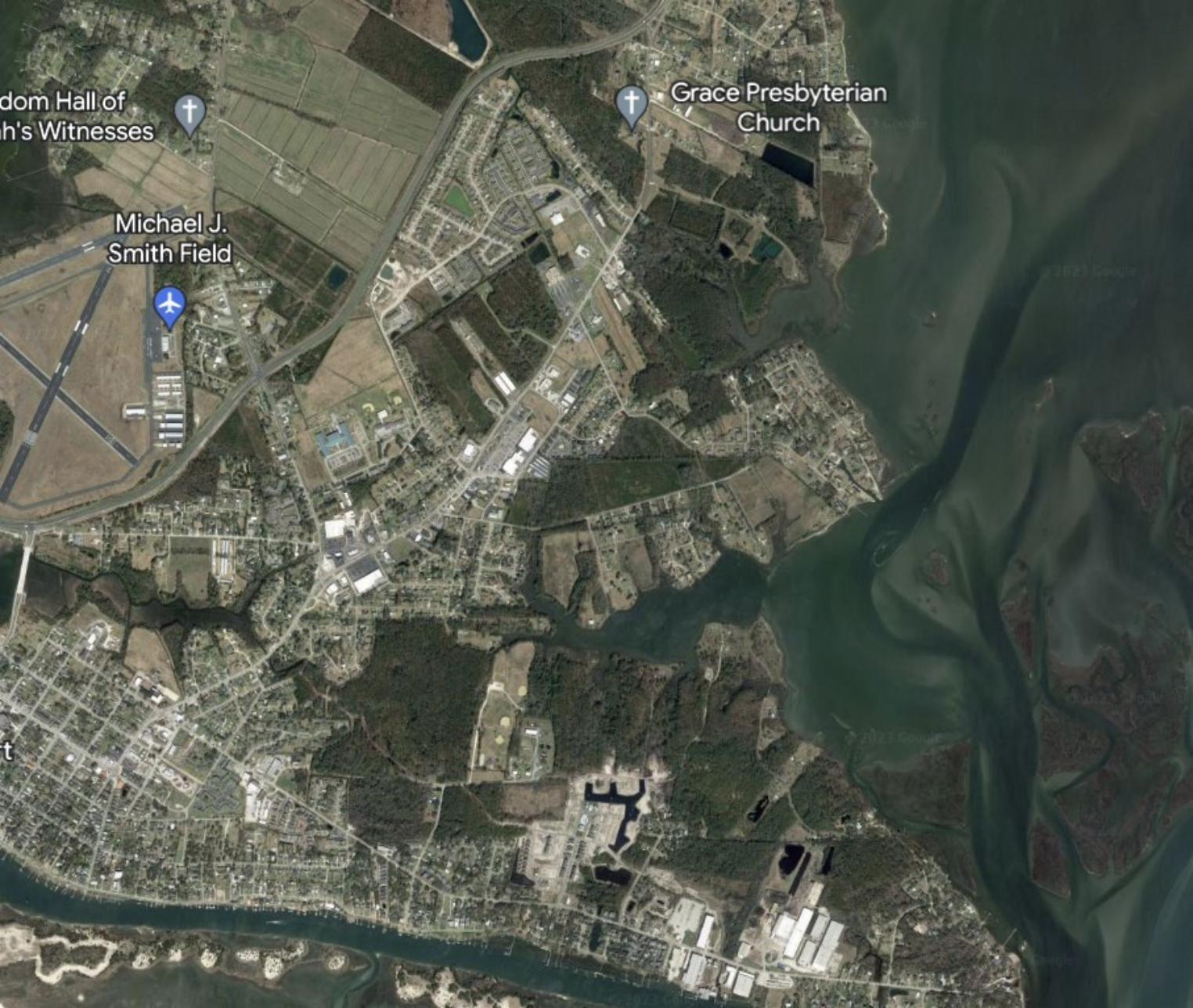
CLASSIFIED AS SA WATERS - OPEN TO SHELLFISH HARVEST – FUNCTIONAL PRIMARY NURSERY.



LIDAR IMAGE



COASTAL COMPLEX NATURAL AREA – WILDLIFE – SHOREBIRDS -WATERFOWL



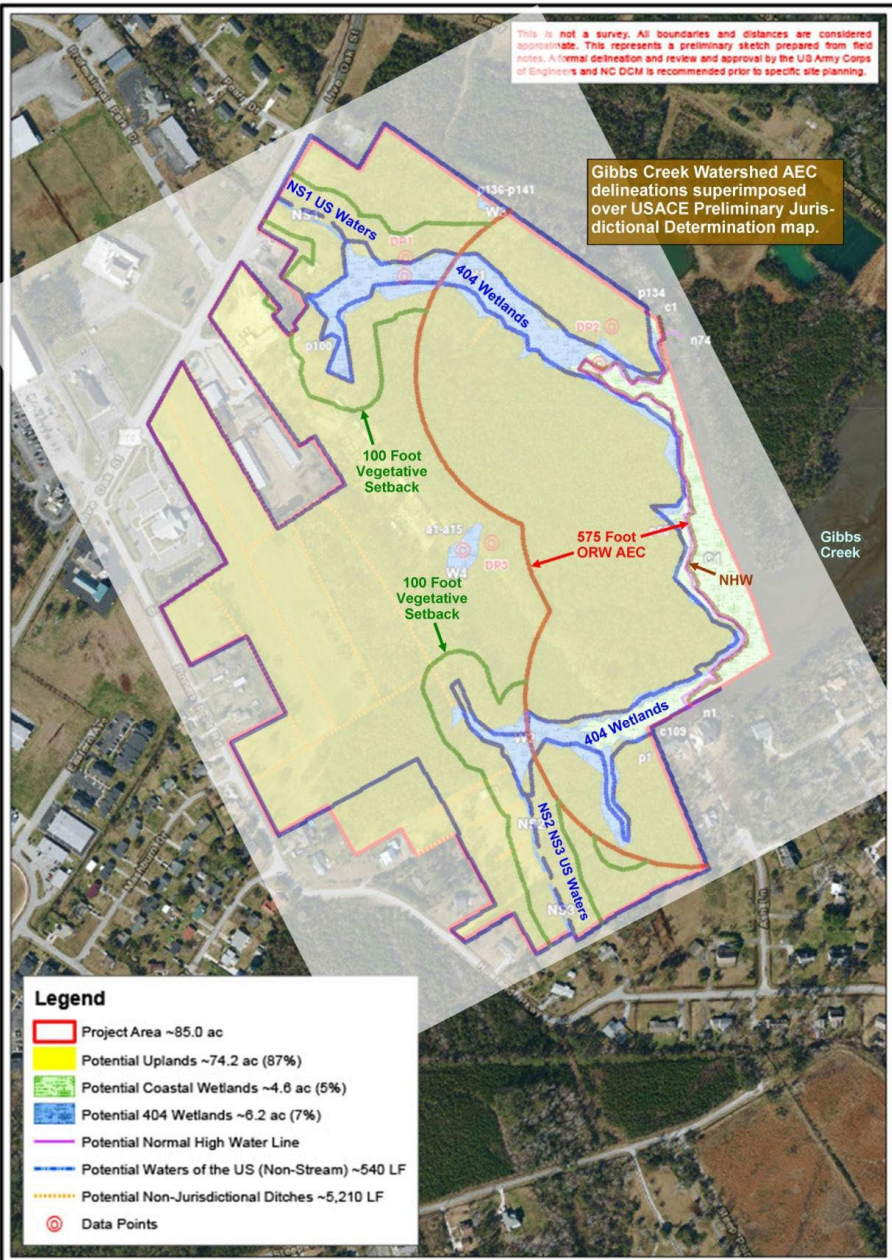


North
River

Gibbs
Creek

This is not a survey. All boundaries and distances are considered approximate. This represents a preliminary sketch prepared from field notes. A formal delineation and review and approval by the US Army Corps of Engineers and NC DGM is recommended prior to specific site planning.

Gibbs Creek Watershed AEC delineations superimposed over USACE Preliminary Jurisdictional Determination map.



L:\Wetlands\2021 Wetlands Files\DRGNCW21.274\Maps
 Boundaries are approximate and not meant to be absolute.
 Map Source: 2020 NC One Map Aerial Photography

0 150 300 600 ft
 Scale applies to 11x17" print.

Beltway-Stroud Tract
 Carteret County, NC
 03/29/2022
 DRGNCW21.274



Section 404/401 Delineation
 Preliminary Sketch
 (PJD Reference)

Figure 3.



Gibbs Creek Watershed AEC Nomination Meeting

Beth Clifford, Property Owner
Director of Beaufort Agrihood Development, LLC

May 8, 2023

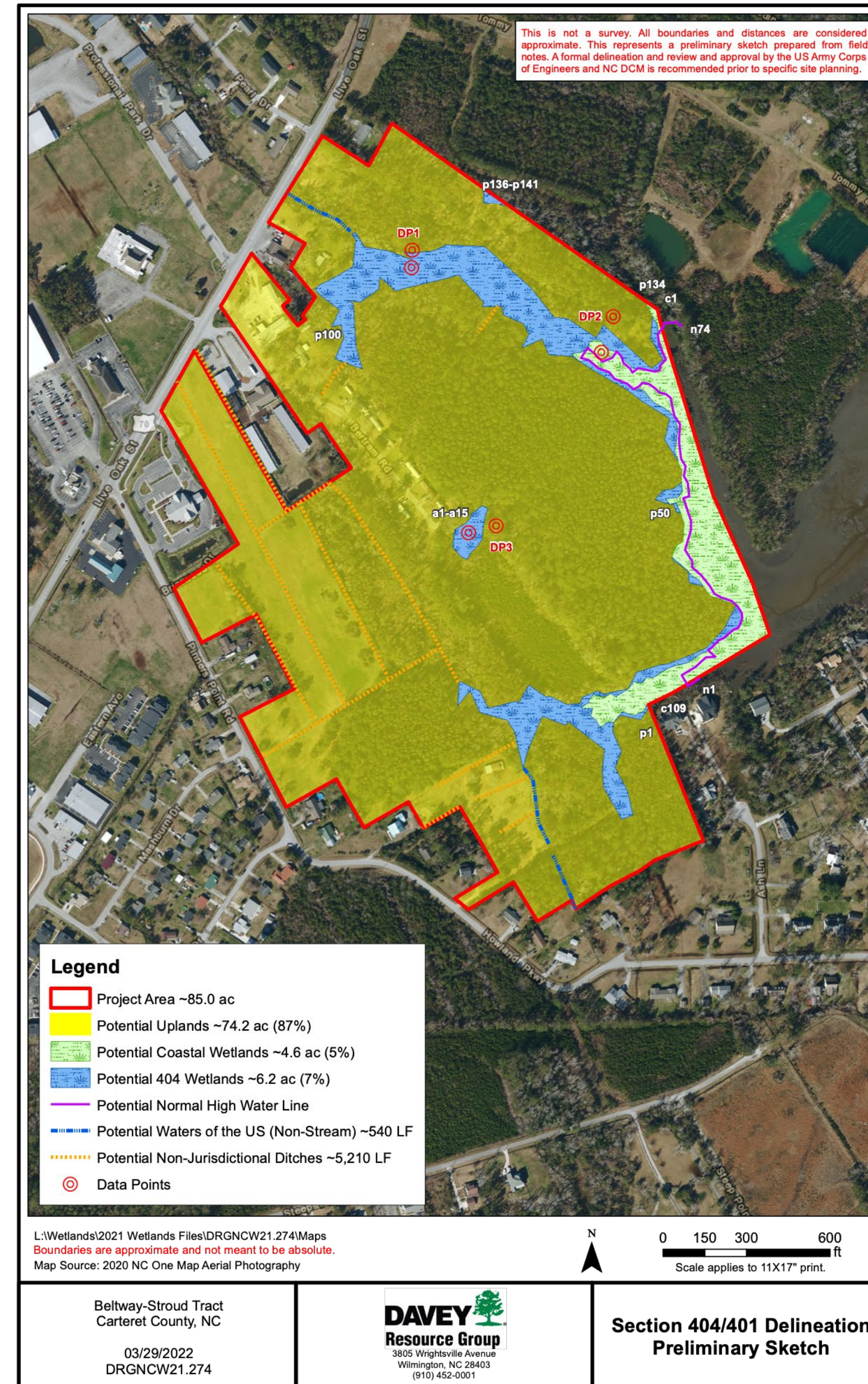
15A NCAC 07H .0501 GENERAL

The fourth and final group of AECs is gathered under the heading of fragile coastal natural and cultural resource areas and is defined as **#1** *areas containing environmental, natural or cultural resources of more than local significance* in which **#2** *uncontrolled or incompatible development could result in major or irreversible damage to natural systems or cultural resources, scientific, educational, or associative values, or aesthetic qualities.*

#1


Does this area contain ***environmental, natural or cultural resources of more than local significance?***

Estuarine Shoreline



Stormwater Flow - Existing



LEGEND	
	FLOW DIRECTION
	TREATMENT POND
	TREATED STORMWATER AREA
	UNTREATED STORMWATER AREA

2021 Carteret County GIS Maps



**Dr. Kenworthy
Home**

**Howland
Rock
neighborhood**

1980

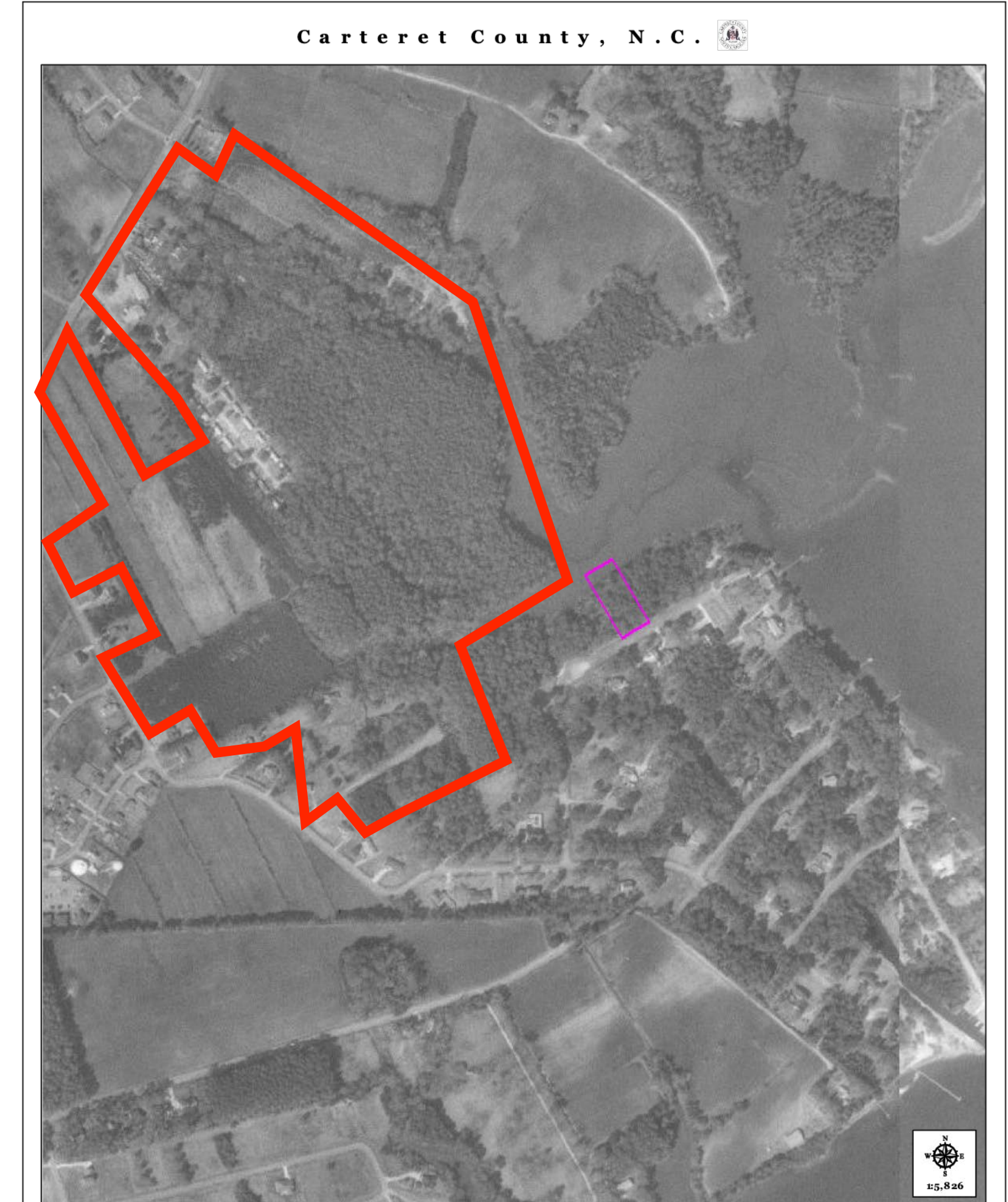
>60% farm

1990

>60% farm

1993

~50% farm



May 7, 2023
The information displayed by this website is prepared for the inventory of real property found within this jurisdiction and is compiled from recorded deeds, plats, and other public records and data. Users of this information are hereby notified that the aforementioned public primary information sources should be consulted for verification of the information contained on this site. Carteret County assumes no legal responsibility for the information contained on this site. Carteret County does not guarantee that the data and map services will be available to users without interruption or error. Furthermore, Carteret County may modify or remove map services and access methods at will.

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2004

~30% farm

2015

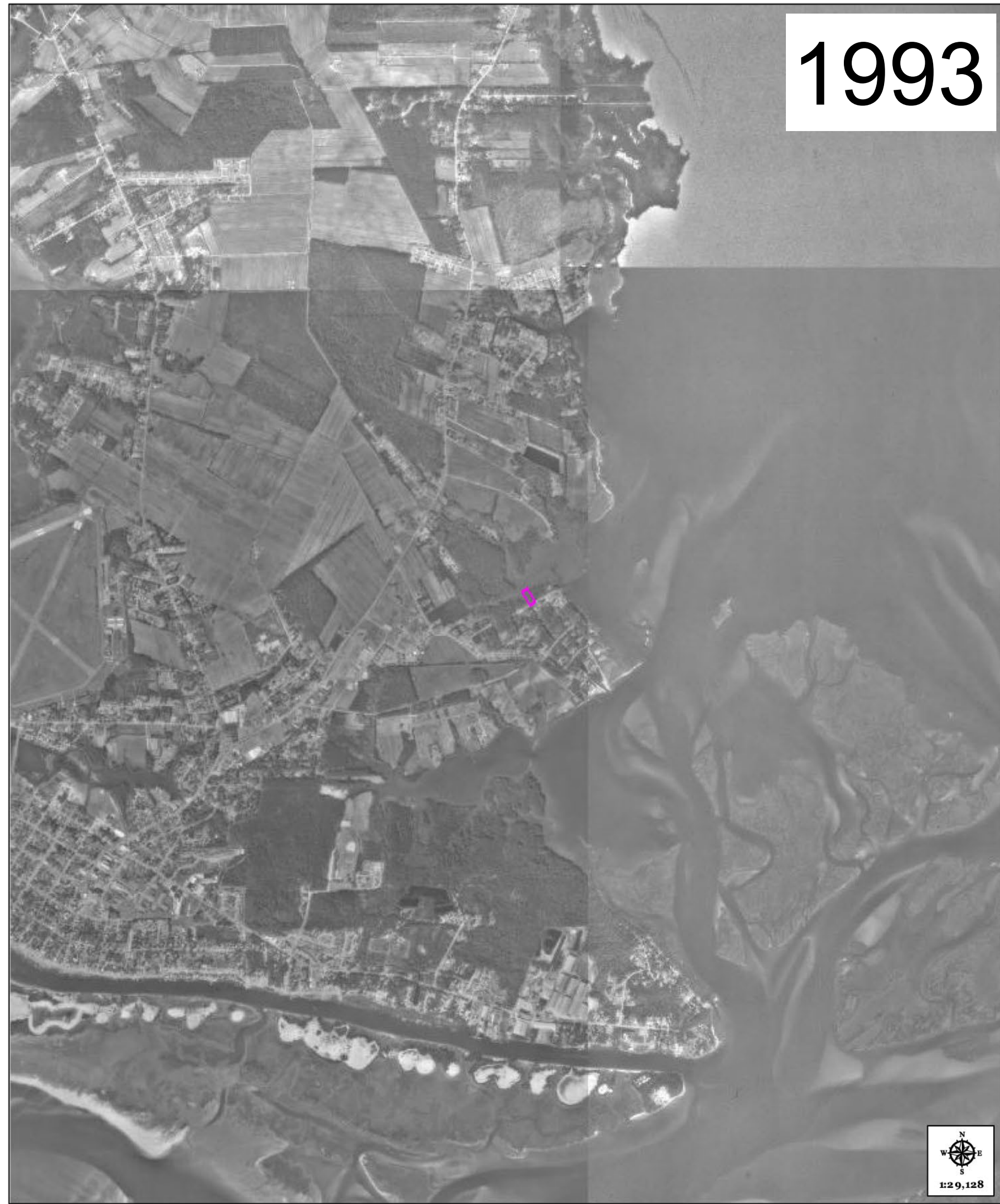
~5ac clear cut

2021

~30% farm



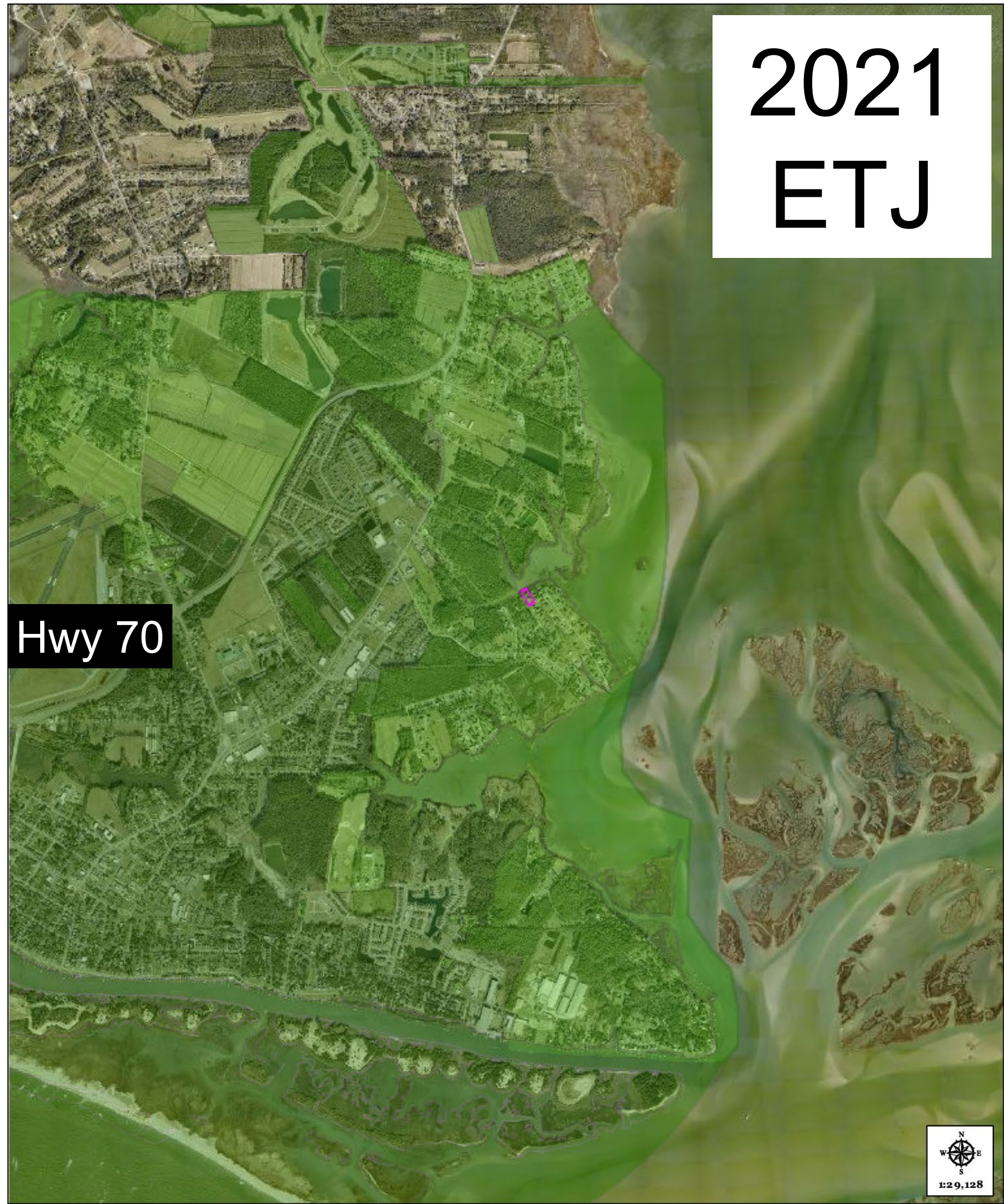
1993



May 7, 2023

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2021
ETJ



May 7, 2023

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REPORT OF SANITARY SURVEY

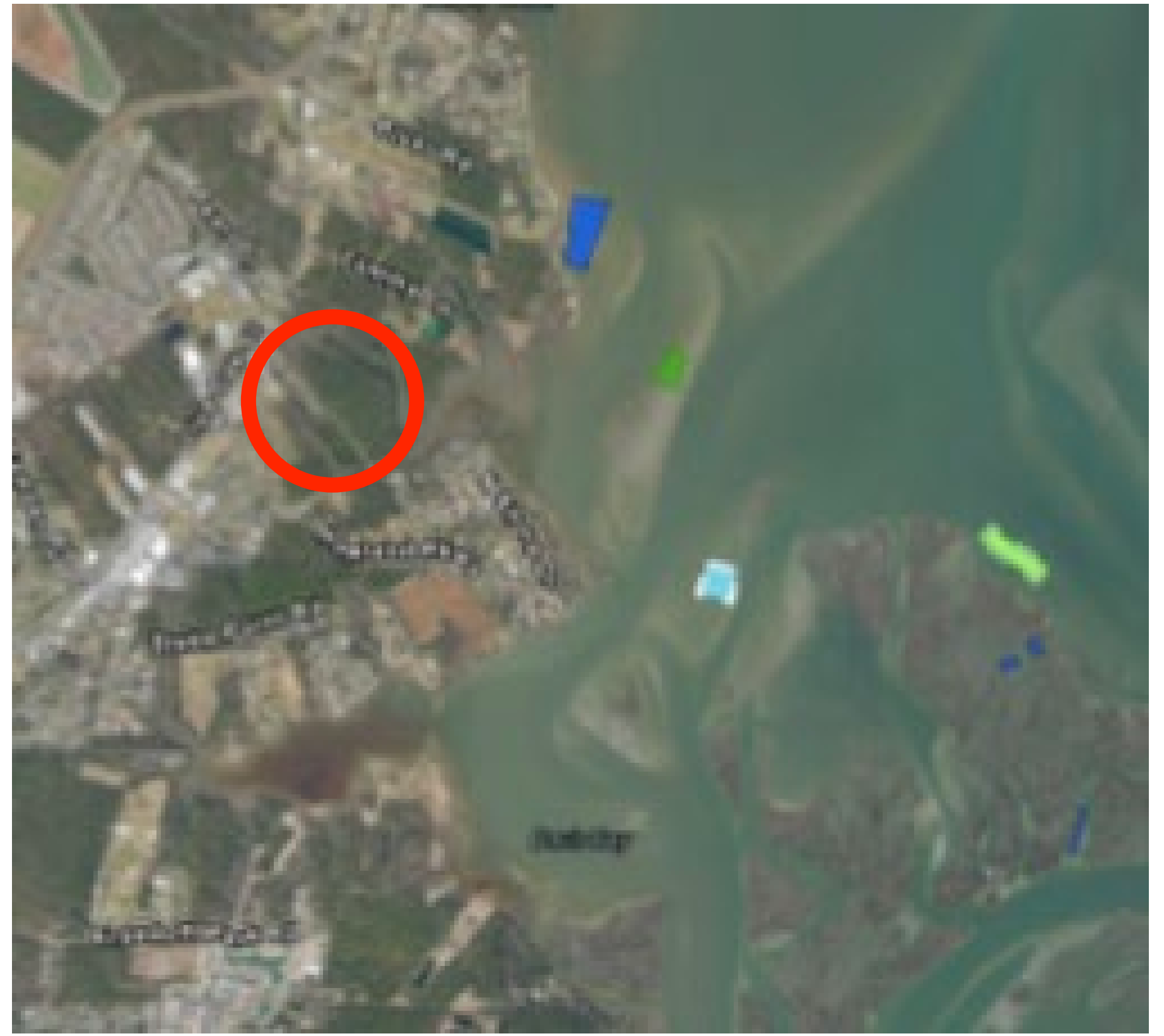
AREA E-6

NORTH RIVER AREA

JUNE 2013 THROUGH FEBRUARY 2018

Department of Marine Fisheries

Prepared 3/18



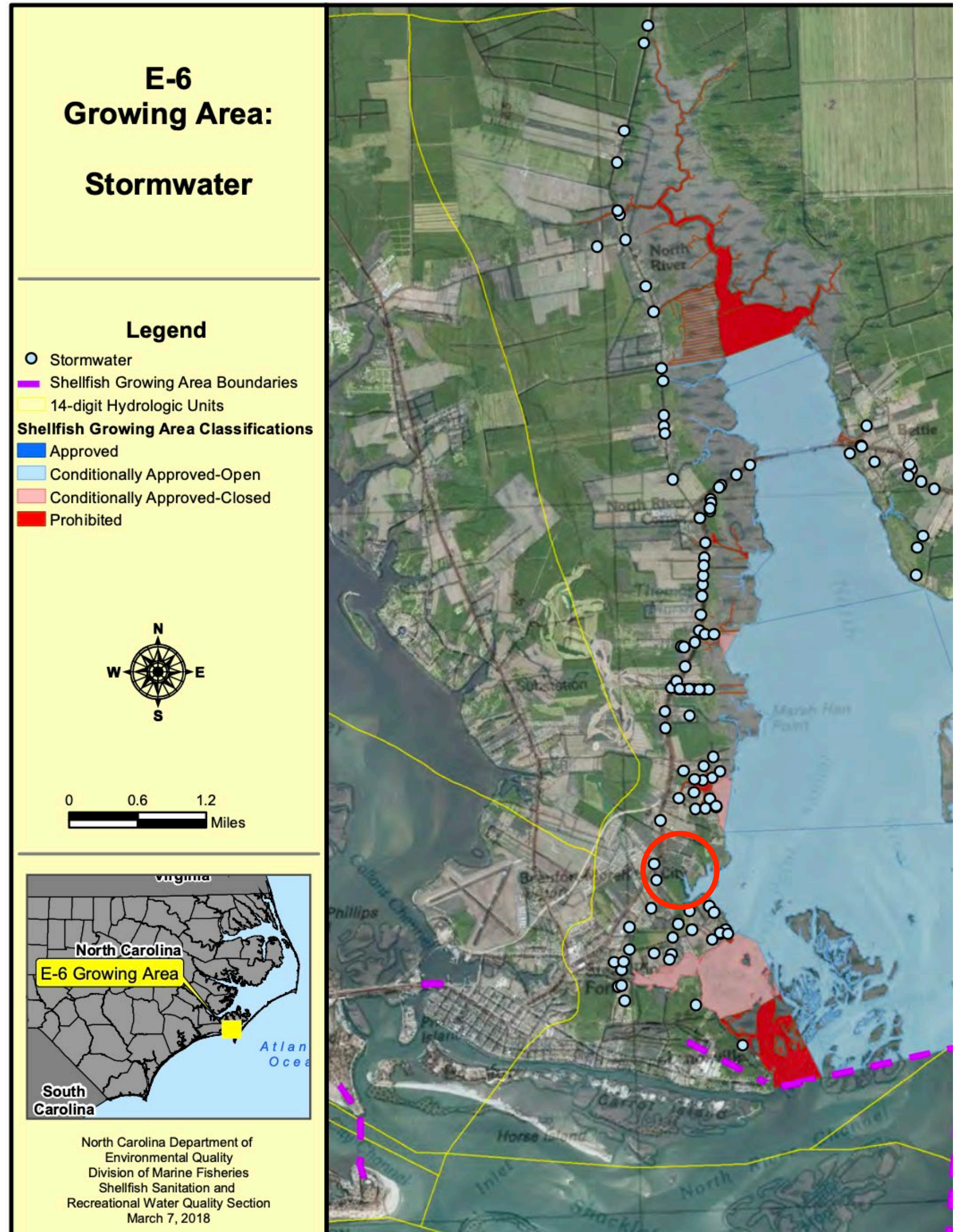
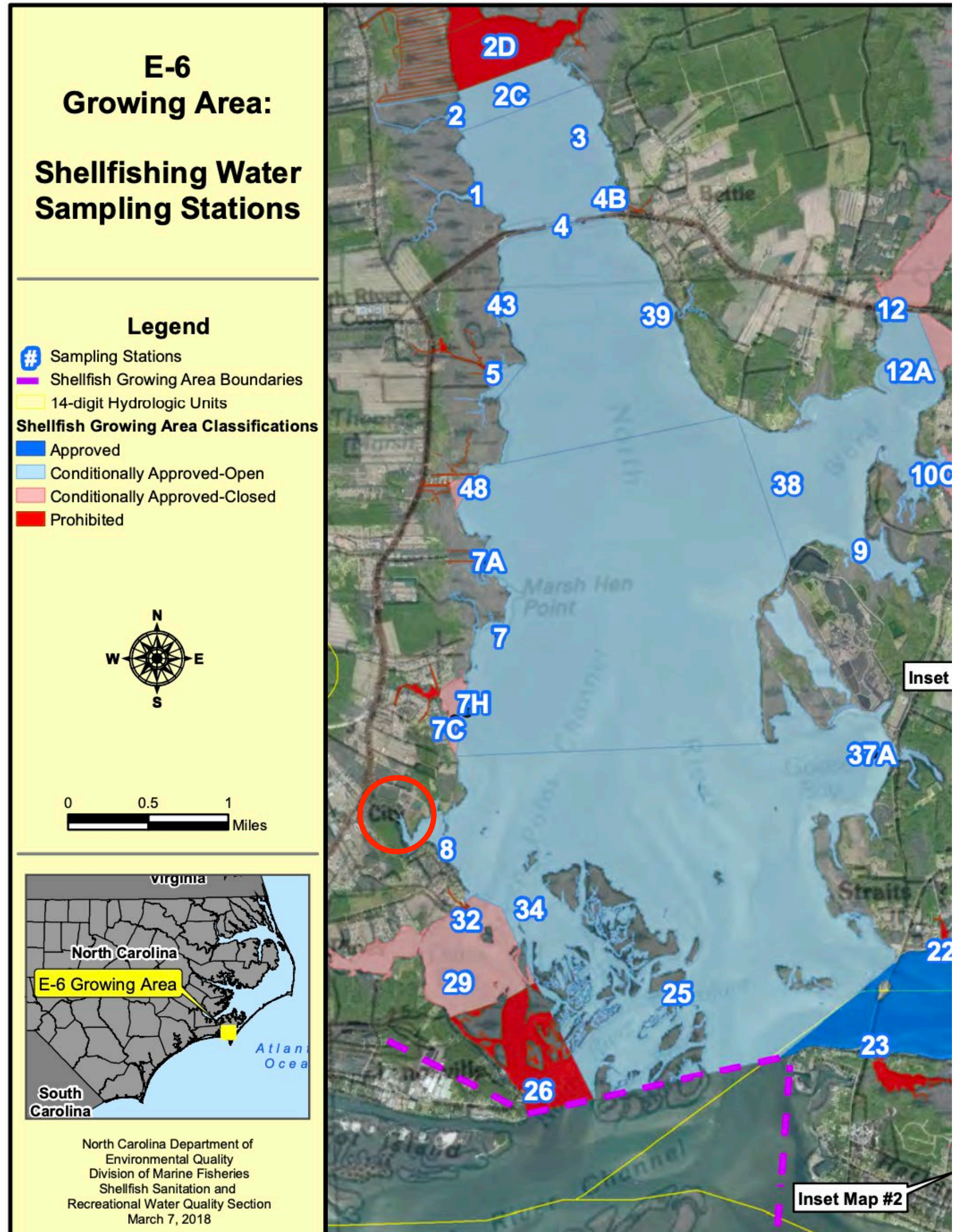


Table 12: Bacteriological Sampling Data (MPN)

Station ID: 8

# Samples:	30	Log Avg:	0.4240
# > 43 MPN:	1	Log Std Dev:	0.3564
# > 260 MPN:	0	Geomean:	2.6546
Median:	1.7	Estimated 90th:	7

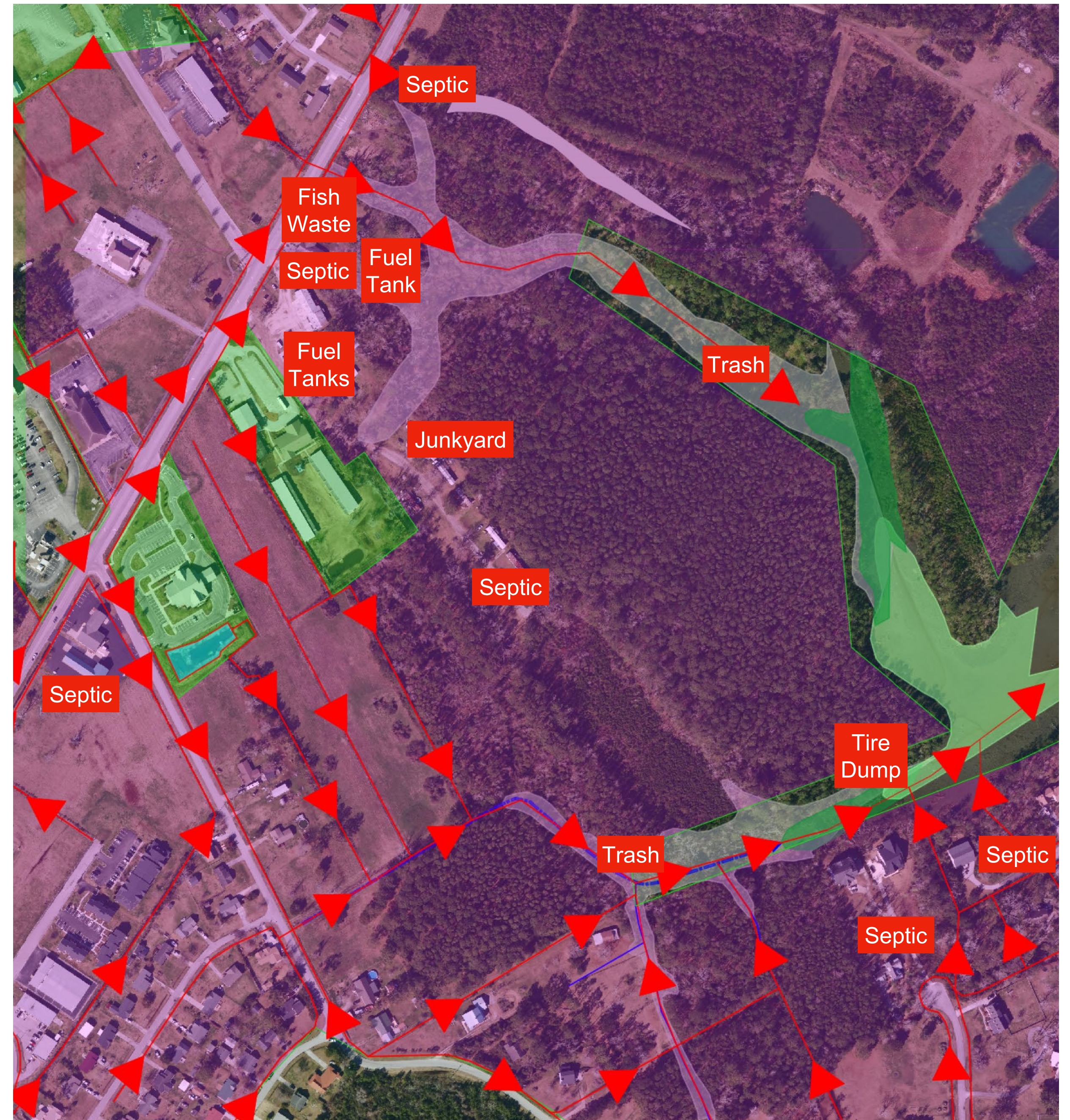
Date	Tidal Stage	Salinity	FC	Log FC
6/5/2013	1/2 EBB	30	1.7	0.2304
7/25/2013	3/4 FLD	34	1.7	0.2304
9/30/2013	1/3 EBB - 1/2 EBB	32	1.7	0.2304
10/31/2013	1ST EBB - 1/4 EBB	25	1.7	0.2304
12/3/2013	LAST FLD	30	7.8	0.8921
2/20/2014	1/4 FLD	25	2.0	0.301
5/29/2014	3/4 FLD	34	1.7	0.2304
6/12/2014	LAST FLD	32	1.7	0.2304
10/22/2014	LAST FLD	32	1.8	0.2553
11/19/2014	1/2 EBB	32	4.5	0.6532
12/4/2014	1/4 EBB	34	4.0	0.6021
2/9/2015	1/2 FLD	30	4.5	0.6532
3/26/2015	3/4 EBB	26	49.0	1.6902
6/16/2015	LAST FLD	34	1.7	0.2304
7/23/2015	1/4 EBB	35	2.0	0.301
10/29/2015	3/4 FLD	25	17.0	1.2304
12/7/2015	1/4 EBB	21	1.7	0.2304
3/1/2016	1ST FLD	26	1.7	0.2304
4/26/2016	1/4 FLD	32	9.3	0.9685
7/7/2016	1/2 FLD	34	1.7	0.2304
8/16/2016	1ST EBB	32	1.7	0.2304
9/29/2016	1/4 EBB	25	2.0	0.301
10/31/2016	LAST FLD	28	4.5	0.6532
2/13/2017	1/2 FLD	34	2.0	0.301
6/13/2017	1/4 FLD	32	1.7	0.2304
7/13/2017	1/4 FLD	34	1.7	0.2304
8/7/2017	3/4 FLD	35	1.7	0.2304
10/2/2017		28	1.7	0.2304
11/20/2017	3/4 FLD	30	1.7	0.2304
1/22/2018	1/2 FLD	30	1.7	0.2304

FC: Fecal Coliform

69 Conditional Closures of the North River 2013 to 2018 averaging 2 to 9 days in length

Existing Conditions

- Phase One Environmental completed 8/25/22
- Environmental Impact Statement completed 4/28/22



Existing Conditions

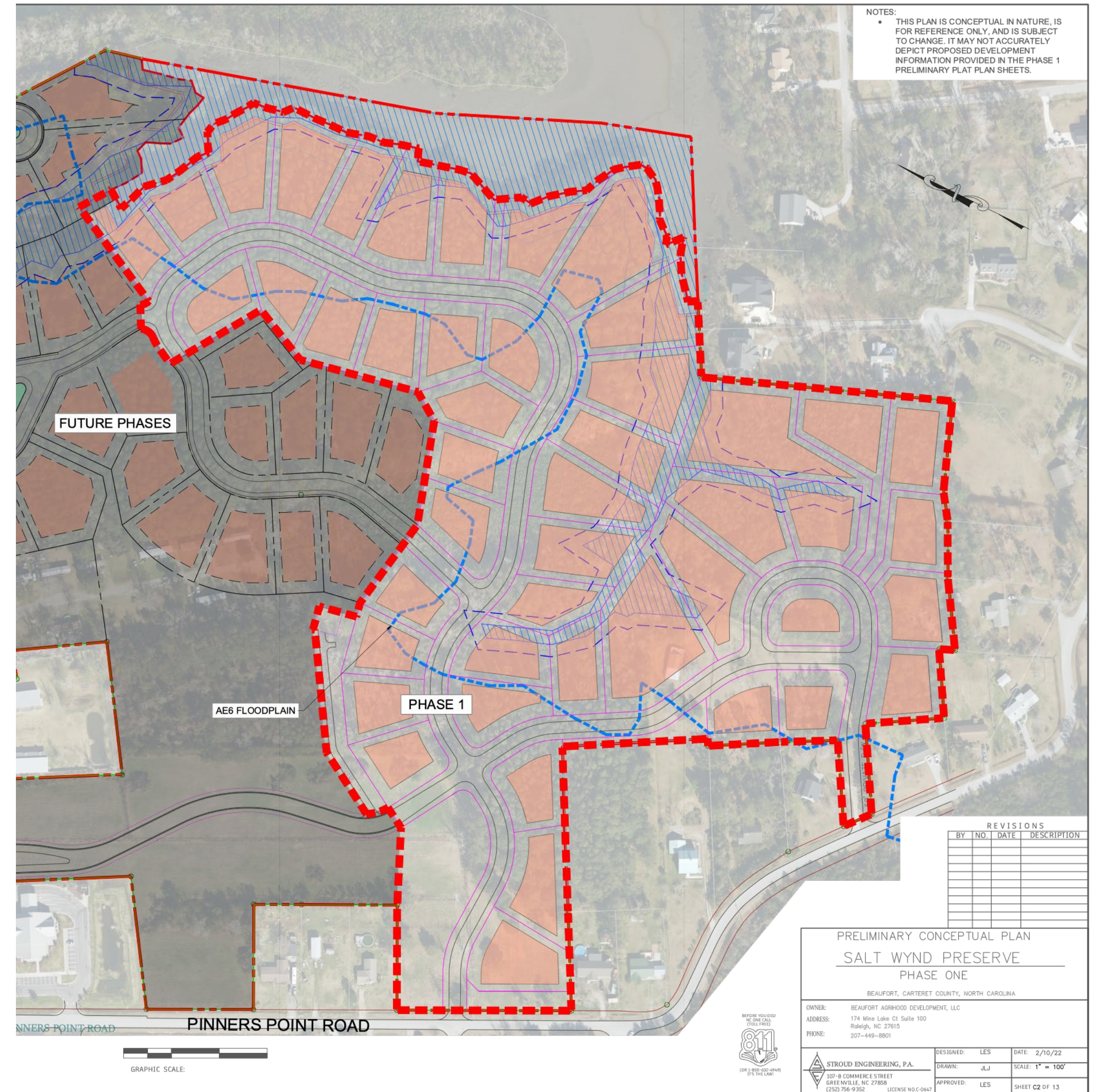




major or irreversible damage to natural systems or cultural

Proposed Development Progress

- 47 - R20 Lots
- Low-Density Stormwater Permit (NC Coastal Federation)
- Enlarged/Improved swales for existing stormwater
- Average Built Upon area/lot: 11%
- Permeable pavement
- **By right subdivision** approved by Town of Beaufort
 - Preliminary Plat
 - Final Plat
 - Sewer Allocation
- State/Federal
 - Approvals
 - Coastal Wetland Determination - Dept. of Coastal Management
 - Jurisdictional Determination - US Army Corps of Engineers
 - Erosion/Sediment Permit - NCDEQ
 - In Process
 - Stormwater Permit - Third plan set review
 - CAMA Permit - Second plan set review



In Perpetuity Deed Restrictions

LOT SPECIFIC CALCULATIONS

Lot	Gross Lot Area	Building Envelope	Natural Area (minimum)	Built-upon Area (maximum)	Building within Area of Environmental Concern	AE6 Floodplain
1	21,564	9,527	10,786	4,000	N/A	No
2	20,239	10,248	10,120	4,000	N/A	No
3	20,180	10,197	10,090	4,000	N/A	Yes
4	21,413	9,355	10,707	4,000	N/A	Yes
5	24,421	11,026	12,211	4,000	N/A	Yes
6	20,441	10,300	10,221	4,000	N/A	Yes
7	23,403	12,099	11,702	4,000	N/A	No
8	22,741	11,283	11,370	4,000	N/A	Yes
9	21,593	10,932	10,797	4,000	N/A	Yes
10	22,237	11,710	11,119	4,000	N/A	Yes
11	22,538	12,016	11,259	4,000	N/A	Yes
12	21,239	10,096	10,645	4,000	N/A	Yes
13	23,389	10,005	11,545	4,000	N/A	Yes
35	22,281	9,212	11,441	4,000	Yes	Yes
36	21,118	10,522	10,559	4,000	Yes	Yes
37	29,706	15,466	14,853	4,000	Yes	Yes
38	32,042	19,171	16,021	4,500	Yes	Yes
39	24,394	13,081	12,197	4,500	Yes	Yes
40	29,944	14,069	14,972	4,500	Yes	Yes
41	25,402	13,253	12,701	4,500	Yes	Yes
42	27,898	13,450	13,949	4,500	Yes	Yes
43	50,263	31,600	25,132	6,500	Yes	Yes
44	34,128	13,864	17,064	5,000	Yes	Yes
45	38,210	14,418	19,105	5,000	Yes	Yes
46	30,455	12,576	15,228	4,500	Yes	Yes
47	29,423	14,544	14,712	4,500	N/A	Yes
48	29,148	12,591	14,574	4,500	N/A	Yes
49	20,698	9,672	10,349	4,000	N/A	Yes
50	23,075	10,246	11,538	4,000	N/A	No
51	21,923	9,007	10,962	3,500	N/A	Yes
52	21,078	10,308	10,539	4,000	N/A	Yes
53	54,092	26,287	27,046	5,000	N/A	Yes
54	36,001	20,776	18,151	4,000	N/A	No
55	38,728	23,365	19,364	4,500	N/A	No
56	25,119	12,902	12,595	4,000	N/A	No
57	56,584	30,422	28,292	4,500	N/A	No
58	31,805	16,704	15,903	3,500	N/A	No
59	29,381	13,897	14,692	3,500	N/A	No
60	21,739	11,475	10,870	3,500	N/A	No
61	25,145	13,741	12,573	3,500	N/A	No
62	22,312	11,039	11,156	3,500	N/A	No
63	20,245	8,084	10,123	3,500	N/A	No
64	20,484	9,459	10,242	3,500	N/A	No
65	20,314	7,263	10,157	3,271	N/A	No
66	22,166	9,234	11,083	4,000	N/A	No
67	27,105	11,870	13,555	4,000	N/A	No
68	27,332	15,046	13,823	4,000	N/A	No
Non-residential	104,244			0		
ROW	234,675			0		
Total	1,614,756		638,093	193,771		

6 - Stormwater detention by lot (<=10% pre-development)

7 - 50% Natural Area

7B - Preserve trees >5" in diameter

9 - Organic landscape products

5. IMPROVEMENTS SHOWN IN THE FLOODPLAIN AREA WILL NOT RESULT IN ANY INCREASE IN THE FLOOD LEVELS MORE THAN ONE FOOT DURING THE OCCURRENCE OF A BASE FLOOD EVENT PURSUANT TO FLOOD DAMAGE PREVENTION ORDINANCE 151.44/45.
6. THE DEVELOPMENT OF EACH LOT SHALL INCLUDE A STORMWATER DETENTION DEVICE WHICH SHALL LIMIT THE RATE OF RUNOFF TO NOT GREATER THAN THE VALUE SHOWN IN THE LOT SPECIFIC CALCULATIONS TABLE. THE SUM OF THE VALUES SHOWN IN THE TABLE WILL LIMIT THE TOTAL RATE OF RUNOFF FROM THE ENTIRE SITE TO NO MORE THAN 10% GREATER THAN THE PRE-DEVELOPMENT RUNOFF RATE FOR THE ONE-YEAR 24-HOUR STORM AND THE THEN-YEAR 24-HOUR STORM. IT SHALL BE THE RESPONSIBILITY OF THE HOA TO ENSURE ALL LOTS AND STREETS CONFORM TO THESE REQUIREMENTS AND THOSE LISTED IN THE OPERATION AND MAINTENANCE AGREEMENT.
7. NATURAL AREA. THE PROPERTY INTENTION IS TO MAINTAIN THE EXISTING, NATURAL VEGETATION SO AS TO PROVIDE PRIVACY TO ALL LOT OWNERS, MAINTAIN THE NATURAL BEAUTY OF THE PROJECT, WHILE ALLOWING LIMITED SPECKLED VIEW CORRIDORS. EACH LOT HAS A MINIMUM NATURAL AREA SHOWN IN THE LOT SPECIFIC CALCULATIONS THAT WILL BE REGULATED IN PERPETUITY AS FOLLOWS:
 - (A) A LANDSCAPE PLAN MUST BE SUBMITTED TO THE ARCHITECTURAL REVIEW BOARD PRIOR TO ANY CONSTRUCTION OR MODIFICATIONS TO THE LOT. THE PLAN SHALL INCLUDE AN INVENTORY OF ALL EXISTING TREES WITH A TRUNK DIAMETER OF FIVE (5) INCHES OR LARGER AT FOUR (4) FEET ABOVE GRADE AND ALL NEW TREES AND SHRUBS TO BE PLANTED BY THE APPLICANT. THE PLAN SHALL INCLUDE ALL PLANTINGS, STREET TREES AND ANY OTHER LANDSCAPING FOR THE ENTIRE LOT INCLUDING THE NATURAL AREA.
 - (B) NO PERSON SHALL CUT DOWN OR DESTROY AND EXISTING TREES OVER FIVE (5) INCHES IN DIAMETER AT FOUR (4) FEET ABOVE GRADE WITHIN THE NATURAL AREA UNTIL APPROVED BY THE ARCHITECTURAL REVIEW BOARD FOR EXTENUATING CIRCUMSTANCES ONLY.
 - (C) ALL EXISTING TREES REQUIRED BY THE APPROVED LANDSCAPE PLAN SHALL BE CLEARLY MARKED WITH TAPE OR NON-PERMANENT SPRAY PAINT TO PROTECT THEM FROM DAMAGE DURING CONSTRUCTION. THE APPLICANT SHALL BE RESPONSIBLE FOR REPLACING ANY SUCH EXISTING TREES THAT ARE SEVERELY DAMAGED AND ANY NEW TREES THAT DO NOT SURVIVE AT LEAST TWO YEARS AFTER PLANTING.
8. EASEMENT WITHIN PRIVATE STREET RIGHT OF WAY TO BE GRANTED TO TOWN OF BEAUFORT FOR ACCESS AND MAINTENANCE OF UTILITIES.
9. ONLY ORGANICALLY CERTIFIED LANDSCAPE PRODUCTS MAY BE USED WITHIN THE DEVELOPMENT.

EIS Environmental Consequences

4.1 Topography

April 28, 2022

The topography of the Property will be minimally impacted. Some cut and fill will be required for infrastructure and building pads.

The general topography of the Property will not be altered.

4.2 Soils

The proposed development shall be permitted by NCDEQ and will comply with all stormwater requirements. All disturbed areas not occupied by improvements such as roads and houses will be vegetatively stabilized as required by the stormwater plan. The developer is requiring a vegetative buffer next to wetland and water front areas on all lots.

Due to the lack of elevational change on this property, significant soil erosion is not expected during construction.

4.3 Land Use

The Property does not have documented historical significant (see Figure 15). Historical resources will not be impacted. The use of the Property would change from undeveloped to single family residential. The development will be consistent with the following statutes and ordinances, herein collectively known as Relevant Regulations:

Relevant Regulations, industry best practices and various other pertinent planning documents were utilized to prepare the Preliminary Plat application. This EIS addresses specific areas of proposed Property design (i.e., stormwater runoff, flooding) and potential impacts and steps taken to minimize or avoid adverse environmental impacts.

The current land use is residential, idle farmland and undeveloped land. The use of the Property will not change. However, the percentage of those uses will be altered, increasing the residential and farm uses.

4.4 Wetlands

A Section 404/401 wetland delineation, Normal High Water (#NHW”), Floodplain and topographic surveys have been conducted for the Property. Regulated wetlands are present on the

Property. Minimal impacts to the wetlands will be incurred for installation of the infrastructure. However an Army Corps of Engineers wetland permit will be obtained prior to the start of the development.

The Property has been working with NC Division of Coastal Management (#NCDCM”) regarding development within the AEC and the local representative of NCDCM has visited the Property and completed the requisite validation of the NHW survey by Stroud thereby assuring the accuracy of the Boundary, Section 404/401 and NHW survey information on the Preliminary Plat (see Figure 3). The Property will construct two Stormwater Swales (#4 and #5) within the AEC and has begun the discussions with NCDCM for the requisite CAMA Major permit for these two improvements. These two swales are the only development within the AEC contemplated in the Preliminary Plat. A major CAMA permit will be obtained prior to the start of the development.

Neither wetland nor CAMA resources will be permanently impacted as a result of the proposed action.

4.5 Prime or Unique Agricultural Lands

No prime or unique agricultural land features exist onsite.

4.6 Public Lands, Scenic, Recreational, and State Natural Areas

No State Natural areas, recreational or public lands will be adversely impacted.

4.7 Areas of Archaeological or Historical Value

No areas of archaeological or historic value features exist onsite.

4.8 Air Quality

The development proposes to construct roadways accessing the Property from three county roads. Increased traffic volume could potentially impact ambient air quality. Air quality impacts typically arise from traffic delays. No delays entering or exiting the Property are anticipated.

The proposed development by itself is not anticipated to result in a significant impact on ambient air quality.

4.9 Noise Level

The development would cause temporary and intermittent negative impacts to natural soundscapes during construction. Periodic use (i.e. hourly) of various types of equipment (bobcats, trucks, power equipment, chainsaws and chippers, etc.) over the construction period would produce noise.

No long-term impact to the soundscape would occur under the preferred Alternative discussed in this EIS.

4.10 Water Resources

Stormwater requirements will be met and exceeded through the use of low-density development standards which require <12% built-upon or impervious surfaces. In addition pervious pavement will be utilized on all streets, driveways, sidewalks, and trails. These construction standards will be followed.

Project actions would not be expected to affect water resources within the development and surrounding areas.

4.11 Forest Resources

The intent of the development is to maintain the aesthetic of a wooded property after development. The Property, through deed restrictions, mandates that a minimum of 50% of each lot must be maintained in its current vegetative condition and prohibits clear cutting, with the exception of necessary utility work.

The proposed development is not expected to significantly impact the resources.

4.12 Shellfish or Fish and Their Habitats

The North River and Gibbs Creek are located along the eastern property boundary of the Property. According to the NC Department of Marine Fisheries, the areas adjoining the Property are not Primary, Permanent Secondary or Special Secondary Nursery Areas. The limited increase in impervious surfaces will not impact these areas.

The proposed development is not expected to impact these resources.

4.13 Wildlife and Natural Vegetation

A minimal amount of upland forested wildlife habitat will be cleared and developed by the project. However a tree canopy will remain. No critical wildlife habitats are located on the Property.

The proposed development is not expected to significantly impact these resources.

Conclusion

#1 Area does **NOT** contain environmental, natural or cultural resources of more than local significance

#2 Proposed development is **NOT** uncontrolled or incompatible, **Nor** could it result in major or irreversible damage

- 404 wetland buffers require Riparian habitat (**NONE** in Carteret County) by Environmental Management Commission
- Proposed development meets or exceeds ALL local, county, state and federal guidelines.
- Proposed development is the most environmentally friendly in Carteret County
- Applicant's intentions are prejudicial and against private owner's property rights.

NC Division of Coastal Management AEC Application

Eubanks Stakeholder Response

May 8th, 2023

Eubanks Family Requests “Immediate Revocation” of the current Application as written due to procedural errors of facts as the information provided in the application is no longer accurate.

- Fact:
- There is no active purchase contract with Beth Clifford, as she has failed to complete the purchase of the Bertie Eubanks Neely tract of 42 plus acres of land within the timeline of the contract. Additionally, Eubanks Family is currently entertaining new “offers of purchase” on their tract of land.
- Due to the Parcel #731609167703000- Neely, Bertie Eubanks, 846 Neely Road, Asheboro, NC 27203 land mentioned in the current AEC application no longer being a part of the large Salt Wynd development opportunity, the Eubanks family wishes all statements regarding this tract of property to be immediately removed from the current application permanently marking it as null and void in its current form.
- This application was totally based off of the current Salt Wynd Development moving forward, and since Salt Wynd is out, the statements made in this application grossly and negatively affect the future sales opportunities the Eubanks family may wish to entertain, and until a new buyer is announced and their future plans established and made public, there is no way to gauge the “possible impact” if any on the environment. That conversation will be between the future buyer, the Town of Beaufort, and any other necessary parties at that time.
- **Given the facts above, and to eliminate unnecessary negative bias, we would like to request a verbal today that the Eubanks tract be immediately removed from further AEC discussions about the current application?**

State Law defines natural and cultural resources AEC as:

- areas containing **environmental, natural or cultural resources of more than local significance** in which uncontrolled or incompatible development could result in major or irreversible damage to natural systems or cultural resources, scientific, educational, or associative values, or aesthetic qualities.
- **Additional Facts for the record that may affect future AEC Applications in regards to the three properties mentioned:**
- First of all the Eubanks Family would like to ask for an immediate denial in regards to the current application as submitted.
- I feel the “significance is totally locally driven”, which is against the very definition of an AEC listed above. The “meat” of the submittal for the AEC Application mostly came from Dr Jud Kenworthy. His home sits directly across the waterway from the land the Eubanks Family is attempting to sell, making him personally gaining the most out of this proposed “AEC” as he gets to ”keep his water view”. This makes his the entire application subject to review and all statements and findings by him could be viewed as possibly driven for personal reasons. Please note at least 90% or more of this application is directly a result of the data provided to the Beaufort Citizenship Alliance by Mr. Kenworthy.
- (Note the next two pages)

Bertie Eubanks Neely Property Location

Search Results Layers

Results List

Details

Carteret County Parcel

2023 Tax Parcels Contains 2022 changes

OWNER:	NEELY,BERTIE EUBANKS
Addresses:	1980 LIVE OAK STREET 1990 LIVE OAK STREET
PIN:	731609167703000
Dead Ref:	0330-00258
Plat Ref:	-
Total Acres:	42.39
Sale Price:	\$0
Land Value:	\$335,560
Structure Value:	\$0
Other Value:	\$0
Condo:	0
Township:	1175 BEAUFORT
City:	
Neighborhood:	110002 BEAUFORT Codes
Fire District:	BEAUFORT FIRE
Rescue District:	BEAUFORT RESCUE
Legal Desc:	ACREAGE HWY 70E HOWLAND ROCK
Elementary School:	BEAUFORT ELEMENTARY
Middle School:	BEAUFORT MIDDLE
High School:	EAST CARTERET HIGH
Commissioner:	Ed Wheatly District 5 Chris Chadwick District 6
	More
AICUZ:	Risk Level: Noise Level: Disclaimer Form

Zoom To Clear

Property Record Card

Show Similar Owners

Adjoiners Neighborhood Parcels

Directions Google Streetview

Select By Location



Dr Jud Kenworthy Property Location

Search Results Layers

Results List

Details

Carteret County Parcel

2023 Tax Parcels Contains 2022 changes

OWNER:	KENWORTHY W JUDSON ETUX MARTHA
Addresses:	109 HOLLY LANE
PIN:	731810266040000
Deed Ref:	0734-00577
Plat Ref:	-
Total Acres:	0.892
Sale Price:	\$0
Land Value:	\$133,175
Structure Value:	\$174,642
Other Value:	\$4,644
Condo:	0
Township:	11 BEAUFORT
City:	
Neighborhood:	110026 HOWLAND ROCK Codes
Fire District:	BEAUFORT FIRE
Rescue District:	BEAUFORT RESCUE
Legal Desc:	L3 BI HOWLAND ROCK
Elementary School:	BEAUFORT ELEMENTARY
Middle School:	BEAUFORT MIDDLE
High School:	EAST CARTERET HIGH
Commissioner:	Ed Wheatly District 5
	More
AICUZ:	Risk Level: Noise Level: Disclaimer Form

Zoom To Clear

Property Record Card

Show Similar Owners

Adjoiners Neighborhood Parcels

Directions Google Streetview

Select By Location



State Law defines natural and cultural resources AEC as: (continued)

- Facts: (continued)
- There have been multiple “large blocks” of land sold around Beaufort with no objections or concerns in regard to the environmental impact on the waterways around them to the extent of the properties mentioned in this application. All recent “waterway” impacted developments that have been approved by the town and commissioners, have moved forward without further delays. Where was the Beaufort Citizenship Alliance when those properties were announced?
- Looking over the list of reptiles, mammals, fish, crustaceans, marine molluscs, birds, etc, includes just about every possible wildlife/marine life combination you “may” find in an isolated tract of land along Eastern NC. We have seen no proof whatsoever of that any/all of the above call the Eubanks property home other than what has been submitted by Mr Kenworthy. Actually, the Eubanks property used to be home to several private businesses over the years. The Eubanks land in the past, has been used for several family businesses ranging from a dairy farm, family crop farm, family homeplace, tire store/service center (front portion of the land), and even rental property. Since most of the land was clear over the early years it was owned by the Eubanks family, due to the family usage over the years stated above, its evident that this property was never the natural habitat for most if any of the wildlife mentioned in the application and obviously migrated here over the years as the land sat vacant, underbrush and trees matured on the land, and other development occurred around Beaufort.

State Law defines natural and cultural resources AEC as: (continued)

- Stakeholder response in regards to the Bertie Eubanks Neely Tract of land mentioned in the AEC Application respectfully submitted by Ron Shaw and Sheila Eubanks Shaw.

**MEETING WITH NCDEQ OFFICIALS RE: LOGAN L. JONES' AND BEAUFORT
CITIZENS ALLIANCE'S NOMINATION OF LAND OWNED BY WEST, CLIFFORD
AND NEELY FOR AN AEC ON MAY 8, 2023**

Good morning to everyone. My name is Roberta West, successor trustee of the Pearl West Revocable Living Trust, her daughter and now owner of her land. As a musician and teacher by profession, I have performed before large audiences in small and large venues, such as colleges, the Atlanta Civic Center and the fabulous Fox Theatre in Atlanta. But I have never spoken before such an esteemed group of scientists, bureaucrats and environmental activists. I hope I never have to again. I feel as nervous about this as a spotted turtle in a 12-inch marathon, truly endangered as it is being pursued and harassed by Logan Jones and Judd Kenworthy and the Beaufort Citizens Council. That IS how I feel. Thankfully I have been reminded by my friend Lynn Burkard that when facing a potentially hostile audience, all I have to do is imagine that they are naked. The only problem with that is that I might be seized by uncontrollable fits of laughter. If that happens, you'll understand why.

To the point, I wish to address the following issues. First, the furtive trespassing on my property by Logan Louis Jones and Judd Kenworthy is unacceptable, even illegal, behavior. Logan has a known history of trespassing on other properties, apparently with no penalty incurred, since he has continued to do it. Being on someone's property without permission can be dangerous--for them, for my neighbor whom I allow to hunt there, and even for the land if they should intentionally or inadvertently cause damages. In NC, trespassing is generally considered a misdemeanor but can be a Class H or I Felony, when anyone is at risk of injury. I have made a report to the sheriff's deputies. Furthermore, their unknown presence on my property has caused me some anxiety, in that it has left me feeling vulnerable and powerless as I live on the land without visible neighbors

nearby for immediate help. I am amazed at their arrogance, which signals that, to them, the landowner who maintains the land and pays taxes on it, is only a barrier to their ostensibly righteous mission, and therefore I do not deserve their consideration. In addition, I question their scientific approach, collecting items without any unbiased, knowledgeable observer present. They present beautiful photographs and many scientific descriptions, but I find it amazing that on that precise day and time, a normally shy, reclusive spotted turtle appears on the grass sunning itself in a perfect pose to be photo'd. The turtle seems absolutely immaculate, without a speck of mud or even water on it, from a very muddy ditch. If I stepped into that ditch, I would sink halfway to my knees, and I might be pinned down by huge snapping turtles as big around as my waist, one of which crawled all the way up to my house, AND I might have been bitten by cottonmouth snakes that occasionally crawl onto the land and get torn up by a lawnmower. Thankfully, you didn't just happen to see the alligator (or crocodile) that a worker I hired several years ago thought he spotted! Speaking of danger, YOU are lucky to walk away with your sanctimonious life! The crane fly larva you just happened to find might even have come from under some yard grass where they also nest and breed: I see them flying around my back door, wishing they really were "skeeter-eaters," as we are told, but they're just harmless flying insects. As for the plant, that can be found in many ditches around Beaufort's extraterritorial jurisdiction where our properties are located. If you had just asked me about these specimens, I probably could have saved you some trouble, although now that I know your malicious intent, I might have shot you in the knees. And then I could have thrown you into that ditch! I remember another comment at a Planning Board meeting that the Gibbs Creek marsh is pristine, yet surveyors found a stash of old tires at the edge of the marsh and tree line. And what about Howland Rock's septic effluent that leaks into the marsh? I understand, too, that marshes themselves are a concern due to the nitrous oxide N₂O they emit, which can be nearly 300% more harmful re: global warming than carbon dioxide, especially when there are crabs and clams burrowing into the soil and even aquatic vegetation that

can produce N₂O. You list many different trees to be found on the proposed AEC, but I've never identified any of them except the pervasive sweetgum that is everywhere, and there are holly trees that you do NOT list. You threw the book at us with all the plant species, but they are NOT all in this AEC, and you didn't mention a Yucca plant that someone deliberately planted there, and which I consider dangerous in that people's eyes have been punctured by it. I give you permission to label all of the plants you find in this AEC, if you let me know when you're coming. You say, Judd, that you have observed "ecologically significant species in the Gibbs Creek watershed" for 22 years: Have you been trespassing on our property all those years? As for Reptiles, Mammals and Crustaceans that you list, why would Loggerhead and Green Sea turtles, which need sandy beaches, and Bottlenose dolphin be in Gibbs Creek? And birds--you list the Yellow-rumped Warbler as a rare species and yet they literally swarm all over my popcorn trees, front and back yards, in the fall. You speak of "the connectivity of the uplands to the wetlands" and the "fragile nature of this connectivity when it is disturbed by human activities such as deforestation," etc., but the area was timbered around 1993, and that seems to have actually helped make it more beautiful and diverse. Also until after 2000, there was a 4-room cabin being used on the land right in front of the ditch where you collected items; sometime around 2003 it was sold and moved away, the septic tank filled, and the power line cut off. And what about the road that my parents built crossing that ditch? It has not cause any damage to life in the ditch. Nor will the road included in Beth's plan that will intersect there--because both roads will have culverts to maintain water flow and that ditch will not be filled in as you claim. You refer to "anthropogenic [caused by man] impacts on tidal creek sedimentation since 1900" in your section V on "Data Supplement." I congratulate you, Mr. Judd and Mr. Logan, for your valiant attempt, with so many multi-syllabic and redundant words in this nomination, to appear learned and authoritative. But close examination exposes errors and pomposity that can rightly be described as anthropocentric--self-centered, seeking praise and publicity, with jealousy and malicious intent. Let me repeat: **This all began not with a**

concern for nature, but with a desire to prevent this development--for the perceived personal benefit of only a few Howland Rock residents.

Mr. Logan, why do you confuse people about your name? At first I saw it as Logan Louis (like Louis IV), then I saw in the paper recently re: the Beaufort Housing development, Logan Lewis (like the second most popular Carteret County name), and finally, on the nomination I saw Logan L. Jones. I can't blame you for not wanting people to know who you are, because they might find it easier to hunt you down. But it's strange. Also, Mr. Kenworthy PhD--I can't address you as Dr. because you are not a medical doctor, thank goodness. You have an interesting name, composed of KEN, meaning knowledge, and WORTHY, meaning worthy. I have trouble putting those two parts together after your incredible actions. Which leads me to the next issue.

The history of antagonism from a few residents in the Howland Rock subdivision that adjoins my family's property began with the very first Beaufort Planning Board meeting, 5.5 hours long, on Oct. 18, 2021, only 1 and a half months after my mother died. The complaint from that meeting that stands out in my mind is that Ms. Clifford's development plan and housing designs were *not compatible* with Howland Rock. Why should they be, and what makes Howland Rock so special? Ms. Clifford's plan was beautiful. A while later, Mr. Judd explained more honestly to Ms. Clifford that he wanted to be able to look at the trees across the marsh from his house. I'm not sure if those trees are on the Neely property or on the land adjacent to hers. Nevertheless, Ms. Clifford graciously took all complaints into consideration, went back to the drawing board, and paid her designers again to come up with an entirely new plan, staying with the existing R-20 zoning and adding previous streets. Her new plan was passed unanimously at the Sept. 2022 Planning Board meeting. Ms. Clifford began applying for permits while still making herself available to anyone who wished to discuss

the development, and at a North River subdivision meeting with several interested persons, Mr. Judd among them, Ms. Clifford told Judd that she had talked with a conservation group about protecting the trees at the marshline around the development, and the conservancy group had asked her about continuing their protection around the Howland Rock development. At that, Judd exploded with "F... you, Beth!" and threw his pencil and papers at her before storming off. Ms. Clifford--Beth--received an apology from one person in the group, but to this day, no apology from Judd. Maybe you can begin to see why I question Ken and Worthy together. Anyway, the next move of resistance was a request to the NCDEQ (I think) to search our properties for Native American artifacts. Ms. Neely's and my family grew up farming this land, oystering and swimming in North River, and we never found an arrowhead or pottery or anything other than 2 silver dollars, so we knew that was another delay tactic.

Now, Judd and Logan, with the compliant Beaufort Citizens Alliance founded by Logan, are performing their grand finale--this nomination for our land to become an AEC. And once again you will notice by the included diagrams that their concept of the AEC ends abruptly at the Howland Rock subdivision. There can be no doubt that their excursion onto my family's property did not begin for the conservation of nature. Rather, their purpose was/is a continued effort to **STOP ANY DEVELOPMENT ADJACENT TO HOWLAND ROCK.**

At the conclusion of the first Planning Board meeting, an older woman was overheard saying, "I bet that little old lady who used to own that property would not like having this development." She apparently was referring to my mother, whom I took care of in her home for 15 years after her major stroke in 2006. My mother and I both interviewed Ms. Clifford, and we agreed that Beth seemed to be truly interested in preserving as much of the existing property as possible. Hence, her name for the development is "Salt

Wynd Preserve." We discussed trees and water on the property and made it clear that we did not want a developer who would immediately cut down everything in sight. We discussed the highly-rated Tiller School at the front of our property, their request for space to expand, and how the wetlands water area might be used as an extension of the school's science program. Beth has met twice with the school board to discuss how she can help them. She plans to have an area near the school for some farming, which will provide interaction within the neighborhood and hopefully supply fresh food for a cafeteria on the front part of the property. Beth has certainly responded positively with our expressed desire for something creative to be done with the property that would benefit the entire community of Beaufort and Downeast. Mother and I signed our contract with Beth on May 14, 2021, almost 2 years ago, and Mother died on Sept. 3rd, less than 4 months after the signing. I know she would approve of everything Beth has been trying to do, although she would not have liked all the resistance from a few people in Howland Rock. I regret that some Howland Rock residents are uncomfortable with this change, but I understand it. I felt the same way when I returned here after retiring and found your development in place of the woods and water where I grew up playing, swimming, and camping out with Mimi and Doug Gilchrist. Their father and mother moved here from Norfolk and eventually created your beautiful subdivision. I still have Mrs. Gilchrist's old pencil sketch of the property. So there's sadness in change, and I empathize with your feelings. However, I ask now for your consideration and respect for how diligently Beth has tried to accommodate everyone's sensibilities. Please know that she, as well as my mother and I, would never want any animosity with our neighbors, but we will defend our rights and our good-faith intentions. In memory of my mother, who along with my father worked hard on this land and gave much to the North River, Beaufort, and as Methodist ministers both, to the Downeast communities and beyond, I suggest that we will accomplish more if we work together to protect our precious environment. We pledge to avoid doing any harm to it, and any respectful advice from Logan and Judd will be welcomed. Our goal is to enhance the beauty of these properties, not to endanger any

living thing on it any more than would occur in the natural course of existence, and to share its sacred value with others rather than keep it to ourselves.

Finally, I will conclude with the definition of an AEC under the Coastal Area Management Act. I quote, "Natural and Cultural Resources Area AECs are defined as 'areas containing environmental, natural or cultural resources of **more than local significance** in which **uncontrolled or incompatible development could result in major or irreversible damage to natural systems** or cultural resources, scientific, educational, or associative values, or aesthetic qualities.'" First of all, I will refer to Mr. Logan's closing paragraph of the nomination form, wherein he states, "I know this probably seems like a very minor thing from the agency's perspective, but here in Beaufort, it is not." [end quote] I agree with Mr. Logan's implicit suggestion that this may be a very minor thing, except in Beaufort, therefore **not more than local significance**. Ms. Clifford, Ms Neely and I are all proud that Gibbs Creek is still open to shellfish harvesting, and we intend to do everything possible to prevent any "uncontrolled or incompatible development that could result in major or irreversible damage" to Gibbs Creek. In the end, we intend to have a far less significant impact on Gibbs Creek than our neighbors with their seepage of septic effluent and other possible hazards like boat fuel spilling into the creek and North River from Howland Rock activities. This should be the end of a contrived effort to hold our development responsible for things that have not and will not happen, while Howland Rock fails to acknowledge their own accountability.

I thank you for your kind attention and consideration.

Roberta West

From: [Roberta West](#)
To: [Love-Adrick, Rachel A](#)
Cc: [Beth Clifford](#); [Jim Neely](#); [John Way](#); [Pam Bird](#)
Subject: [External] Beaufort: Clifford/Neely/West property"s nomination for AEC
Date: Friday, May 26, 2023 3:07:17 PM

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

Hi, Rachel,

Thank you for being so nice to me at the 5/8/23 meeting in Morehead City re: trying to find a podium. Something to lean on (and hide behind) would have helped my nervousness, but it couldn't be found. Thanks for trying.

If possible, may I add some points or questions that I didn't think of in my presentation? Maybe it's minor, but (1) I need to correct a statement I made: I think I said that Jud Kenworthy and Logan Jones did not include holly trees in their list of vegetation, but they did. (2) I also need to provide information that I inadvertently omitted, which is about the *spotted turtle* cited in the nomination form. Research online states several times that, contrary to the nomination statements that this turtle is endangered or threatened or declining, **the spotted turtle is NOT ENDANGERED, and it can even be purchased at various sites online.** Who knows if the spotted turtle photographed in the nomination attachments was not purchased and brought onto my property--at the appropriate time when it makes sense for the turtle to be out sunning and mating. I can only wonder.

More important, the possibility of having our land confiscated by the government, without compensation, has occupied our minds constantly since the AEC nomination. **We need someone to explain this: Is it not contradictory, misleading, deceptive, and wrong for the town/county/state to designate our land as an "opportunity zone" (offering incentives for development) and then to allow the land to be seized by the government without compensation?** First, to take without compensation is in itself an unconscionable Marxist act of government overreach and theft that defies U.S. Constitutional rights for property owners who have purchased the land, paid taxes on it and maintained it for many years. Second, to encourage sale and development of land wherein a buyer and landowners spend time and money in due diligence preparing for a closing, only to be blindsided a year later by neighbors and environmental activists who covet the land for their own purposes--*cf.* the nomination info: "...access ...for scientific research... otherwise not available..." which is untrue, since part of the development concept includes use of the wetlands/marsh area for charter school students, and our NIMBY neighbor, scientist Jud Kenworthy, LIVES on the marsh with freedom to do his research, and allow others to do so, on his own marsh.property. His argument about harm from development runoff has been almost entirely nullified by Beth Clifford's power point presentation showing how almost all of the runoff comes from properties and businesses surrounding us that have NO stormwater mitigation, and her development plan shows extraordinary stormwater mitigation, including expensive permeable

streets. We firmly believe that both government actions are unconscionable and doubly egregious.

Is it possible for you to forward the above to CRC members and add it to our presentations? We feel it could be important for the CRC's final AEC determination.

Finally, you might already have noticed, but there is an interesting Letter to the Editor in the Carteret News-Times 5/20-21/23 edition. It was written by Nelson Paul whose brief bio at the end states that he previously worked for the NC Div. of Coastal Management, and he mentions this Beaufort property issue. I will email a copy to you if desired.

Thanks also, Rachel, for your efficient communications to everyone re: scheduling of our 5/8 meeting, along with info re: the CRC and AEC. We look forward to hearing from you about the inclusion of the above for CRC review.

Roberta West