



North Carolina Native Plant Society

C/O North Carolina Botanical Garden

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Mr. Henry Wicker
US Army Corps of Engineers
P. O. Box 1890
Wilmington, NC 28402-1890



North Carolina Native Plant Society

Promoting the enjoyment and conservation of North Carolina's native plants and their habitats through education, protection, propagation, and advocacy since 1951

March 2, 2009

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US Army Corps of Engineers
P. O. Box 1890
Wilmington, NC 28402-1890

Scoping comments on USACE Action ID SAW-2007-00073 regarding the proposal by Titan America to construct a cement kiln and dig a quarry

Dear Mr. Wicker:

The NC Native Plant Society wishes to submit these scoping comments regarding the subject matter.

Our Society has 400 households as members throughout North Carolina. We were founded in 1951 and are an all-volunteer organization. For those 58 years our mission has been to promote the conservation of native plants and their habitats through education, appreciation, protection, propagation and advocacy. While our focus is on native plants, we are very much aware that when native plants are conserved, the total environment in which they thrive will be healthy and diverse. Further, such healthy plant habitats will make a strong contribution to decreasing carbon dioxide in the atmosphere, allowing rainwater to replenish aquifers and reducing stormwater pollution of our streams and wetlands.

The Society is a strong supporter of the letter and spirit of the North Carolina Plant Protection Act of 1979 (G.S. 106 – 202.12 – 202.22) and the Plant Conservation Board and the Plant Conservation Scientific Committee which it established.

Since the lands of the proposed kiln and quarry are private property to which we have no legal access and since our Society is an all-volunteer organization, we have relied on the work of governmental agencies which both have access rights to the property and have science staffs to perform preliminary scientific studies of the plant communities and habitats on the site. To our knowledge, the most definitive scoping letter concerning the flora of the site that has been submitted to the USACE is the one from the US Fish and Wildlife Service (USFWS) dated August 6, 2008.

The Plant Communities and Probable Impact

The USFWS letter identifies these four plant communities on the 1,868 acre site:

Cypress-gum swamp (Blackwater subtype) (294 acres)
Non-riverine wet hardwood forest (115 acres)
Mesic mixed hardwood forest (Coastal Plain subtype)
Xeric sandhill scrub

USFWS letter states:

“The PN (public notice of the subject action) states that proposed quarrying action at the Castle Hayne alternative would impact approximately 493 acres of wetlands. . . . While the nature of the impacts is not specified in the PN, it is likely that the existing vegetation of the site would be eliminated.”

“The alternative identified near Castle Hayne contains tidal, freshwater, forested wetlands, a unique subset of alluvial wetlands. This wetland type occurs along rivers where flooding is influenced by lunar or wind tides and includes both forested areas and marshes with dense herbaceous vegetation These forests are regularly to irregularly flooded with freshwater lunar or wind tides and there is little or no salinity in the water. Tidal flooding brings seawater-derived nutrients and varying amounts of sediment into the community which probably makes the tidal forest more productive than the non-tidal blackwater subtype of cypress-gum swamp.”

“The North Carolina Wildlife Action Plan identifies the Northeast Cape Fear River as a priority area of habitat protection. . . . Priority areas have high species diversity, rare species, and endemic species. These areas are also considered to be critical to the survival of certain species by providing, for example, spawning area, and/or contain diverse biological communities. . . . Sites in North Carolina that have a high priority for habitat protection and or contain rare or endemic species should be avoided if at all possible.”

Our Society’s Broad Concerns

Our Society agrees completely with the above concerns of the USFWS. These forested wetlands with their understory of woody and herbaceous shrubs have been at least a thousand years in formation and are hugely important.

Wetland sites like this one have been the target of protection by governmental agencies, citizens-based conservation organizations and citizens. Specifically, following is a summary of funds expended since 1999 for conservation within 25 miles of the kiln and quarry site, most of which has been for riparian corridor protection:

The NC Clean Water Management Trust Fund	\$42,982,000
Other state, federal and private funding	<u>68,401,000</u>
Total	\$111,383,000

It seems to us to be very flawed public policy for any federal and state environmental regulatory agencies to consider allowing the optional destruction of this large tract of wetlands at the same time that different governmental agencies are working so hard and expending large public sums to preserve very similar sites within no more than 25 miles.

Mitigation

We believe that true mitigation of the destruction of mature, forested wetlands is a problematic activity at best anywhere. Additionally, the unique characteristics of this site make successful mitigation for this destruction to be very, very problematic.

We concur with these statements concerning mitigation in the USFWS letter:

“The large, forested wetland tract at the Castle Hayne site represents a very valuable resource that may be irreplaceable with the landscape of southeastern North Carolina.”

“...we believe the forested wetlands that would be impacted over the course of the plant operation at the Castle Hayne site may represent an aquatic resource of national importance (ARNI). Adverse impact to these resources may be unmitigable.”

EIS Request - Plant Inventory

We request that as part of the EIS process that there be a complete, multi-seasonal inventory of all plants on the site. Due to the herbaceous nature of the diverse plants on the site, some species can only be identified during a narrow window in their growing season. In order to ensure that the study and resulting inventory are done with solid science and full independence, we request that this project be directed by the NC Plant Conservation Board and its Plant Conservation Scientific Committee. That is, the Board and its Scientific Committee would define the scope of the study, select the scientists to do the work, monitor the project over the four seasons, receive the inventory report and provide conclusions from the study. Because of the very special characteristics of some of the rare plants on this site, it is important that that the survey be performed by biologists who are familiar with the species and their preferred habitat and have recently observed the species in the field in order to have a good search image for the species. This is likely to require a significant number of biologists to focus on this project over the four seasons.

The applicant, Titan America, should pay for the costs of the study including the fully allocated costs of the Board and Scientific Committee to direct the study.

Threatened and Endangered Plant Species

The main reason for the plant inventory study will be to identify all endangered, threatened and special concern plant species that are on the site. The USFWS letter identifies these two species as likely to be found on the site:

Carya myristiciformis (Nutmeg Hickory) (classified as Endangered by the NC Plant Conservation Program)

Gelsemium rankinii (Swamp Jessamine) (classified as Significantly Rare)

Additionally, a biologist very familiar with the NE Cape Fear and Island Creek edges of the subject site knows that this species is present in the wetlands:

Nuphar luteum ssp sagittifolium (Cape Fear Spatter-dock) (on the Watch List of the NC Plant Conservation Program)

Another plant specialist expects that some federally listed endangered plants may occur at the site given the approximate habitat there and the fact that they exist in the nearby Holly Shelter Game Land in Pender County. They include:

Lysimachia asperulaefolia (Rough-leafed Loosestrife)

Carex lutea (Golden Sedge)

Thalictrum cooleyi (Cooley's Meadowrue)

All three of these species are also classified as Endangered by the NC Plant Conservation Program.

Summary Recommendation

Based on the scientific analysis already performed concerning the site and the recognition that true equivalent mitigation is not feasible, we recommend that the US Army Corps of Engineers very carefully consider granting the applicant, Titan America, permission to destroy these wetlands.

Thank you very much for allowing us to submit these comments. Please contact us if we can provide further assistance in your EIS processes. Will you please place us on your information list for updates on the status of the EIS project?

Very truly yours,

Tom Harville
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