

November 17, 2021

Pokeberry Creek and Wetlands Advisory Tour

Wetlands Advisory Group

Attendees: Cathy Washburn, Board Liaison; Dave Whitehouse; Dan Smith; Tom Speer
James Lastinger, Acting Deputy Chief, Regulatory Division, US Army Corps of Engineers
Wilmington District

We met at pond #1 at 10 am and walked down to Pokeberry Creek by crossing the BCCA Parkway bridge. We followed the Pokeberry Creek trail downstream to the Beaver pond. After inspecting the beaver pond, dam and discussing the water level we continued down street to the wooden bridge crossing back over Pokeberry Creek. From the wooden bridge we viewed the creek, the bank erosion and pipelines elevated above the water. We then walked back to cars and departed at 12:15pm.

During the stops along the way we discussed the following topics with James Lastinger:

1. Board approved actions completely within our right
 - a. Removing and cutting logs that impede water
 - b. Planting vegetation to stabilize mud flats
 - c. Breaching beaver dams
 - d. Creating a spillway to regulate the water level
 - e. Removal of debris to keep the spillway open and allow water to flow
2. We discussed Vigilante efforts
 - a. Moving and plugging the spillway with any debris is a violation
 - b. Repairing the beaver dam requires a permit as water is impeded
3. We discussed the beaver deceiver
 - a. Most organizations in NC just want the beavers gone
 - b. To live with the beavers regulating water level and access to food sources is needed

- c. Not familiar with how well beaver deceivers work and will look into effectiveness
4. We discussed options for improving Pokeberry Creek which means slowing the water to reduce erosion
- a. Doing a 50 foot bank stabilization at the footbridge no problem and may not even need a permit
 - b. Doing a full restoration will be in millions and may take 10 plus years to see benefits due to the excessive construction
 - c. Should look at solutions to get water level back up over the pipelines
 - d. James did not see any issues and we should have no problem getting 401, 404 permits for any restoration work
5. Under the Conservation easement we do not need to do anything and there is no violation for anything that he could see. Doing any restoration or stabilization is entirely up to HOA if there is a benefit like creating a better park along the creek.
6. No problem and no permit needed to construct a boardwalk or fishing pier as long as pilings are not in concrete.
7. It is even ok to put a dock across the full width of the beaver pond if we want or a combination floating dock.

His office has received no calls from anyone questioning HOA actions on Pokeberry Creek. His comment was "You have done nothing wrong and may continue as you are doing to manage this area".

What water level we decide on is up to HOA as long as the beaver dam is a natural built and managed feature.

Interestingly that they **do not recognize the wetlands from the NWI** as they only use photo interpretation of vegetation types.

No wetlands have been damaged, even if we drain the pond no wetlands are effected as this is all under a conservation easement anyway where the original parties agreed to do nothing and allow nature to run its course.

Catherine A. Washburn, Board Liaison