



2020 Hampton Street • Room 3063A
 P.O. Box 192 • Columbia, SC 29202
 (803) 576-2083

**Minutes
 September 21, 2020**

Attendance

Commissioner	District	Present
Charles Weber	1	Yes
Tim McSwain	2	No
Sam Holland	3	No
Vacant	4	--
Buddy Atkins	5	Yes
John Grego	6	Yes
Robert Squirewell	7	No
Carol Kososki	8	Yes
Vacant	9	--
Vacant	10	--
Gail Rodriguez	11	Yes

Staff & Visitors	Affiliation
Quinton Epps	Conservation Division
Nancy Stone-Collum	Conservation Division
Charlie Fisher	Conservation Division
Clayton Voignier	Community Planning & Dev.
Ben Jones	RC GIS
Bill Stangler	Congaree River Keeper

Call to Order

Chair Carol Kososki welcomed everyone and called the meeting to order with a quorum at 3:34pm. All members, staff, and guests participated by video conference due to the closure of county offices as a result of the COVID-19 pandemic.

Approval of Agenda

Clayton Voignier had previously requested the Timberlane Tree Planting item be removed from the Conservation Coordinator’s report so a revised agenda was sent out. Carol stated Commission agendas are developed by the Executive Committee and not solely by staff. John Grego made a motion to approve the original agenda with Timberlane listed and was seconded by Buddy Atkins. Clayton explained his concern was that other county staff were not aware of Nancy’s discussion with Gills Creek Watershed Association and he wanted to confer with Administration on the best path forward for activities on county-owned land before he could provide a full update. The motion carried to adopt the original agenda.

Approval of Minutes

John made a motion to approve the minutes of July 20, 2020 and was seconded by Charles Weber. Motion carried.

Treasurer’s Report

In Robert Squirewell’s absence, Nancy Stone-Collum pointed out Professional Services has an \$80,000 encumbrance for a consultant (as yet to be determined) on the bridge and road repair at Mill Creek. The Mill

Creek budget line item for Heavy Equipment of \$36,996.91 is for the Kubota tractor. An increase of \$2,045.95 is necessary because the quote expired due to the length of time it took for Administration sign off; meanwhile the original tractor model is no longer available requiring a change in model.

Report of the Community Planning & Development Director

Status of CDBG-MIT Action Plan

Clayton reported the financial certification and all other certifying documents were submitted to HUD on July 31. On August 31 the Action Plan approved by County Council was submitted; it takes 60 days for HUD to review the plan and provide feedback. HUD is offering free technical assistance to the county from their vendor, Capital Access, on how to set up and operate the programs to implement the plan. Richland County was one of the few local jurisdictions to receive this assistance. Carol questioned when the next meeting of the Blue Ribbon Committee on Flood Recovery will be scheduled. Clayton would like to have a meeting with the technical assistance provider before re-convening the Blue Ribbon Committee. Due to requirements by HUD, the county will advertise for bids for an implementation contractor.

Report of the Chair

Carol reported she worked as a volunteer at the Pinewood Lake Park Pollinator garden and was very pleased with the quality of the garden and the leadership of Anne Marie Johnson. The garden, a project of the Richland Soil and Water Conservation District, has provided great outreach even during the pandemic via newsletters and through the video series.

Nancy announced she will be retiring effective October 30 after working with RCCC for 16 years. She thanked commissioners for their friendship and all that they'd been able to accomplish together. Carol asked Clayton how to proceed in getting the position filled. He replied that public safety positions were the only ones not affected by the hiring freeze. He informed Quinton Epps to submit a justification to him which will then need to be approved by the County Administrator. Buddy expressed great concern at having two vacant positions (Land Program Planner and Conservation Program Analyst) and the looming departure of the Administrative Assistant, Charlie Fisher. He and Carol both stressed the need to have RCCC leadership involved in the hiring and selection process. Carol asked Clayton for help in having that voice. Buddy suggested sending a letter to Council in support of hiring for Nancy's position as soon as possible.

Tree Canopy Study update

Last fall, RCCC applied for and received a grant with the Green Infrastructure Center (GIC) to help communities make strategic decisions to conserve or expand tree cover. The GIC is collaborating with SC Forestry Commission on this effort. Ben Jones with Richland County GIS explained he is using remote sensing analysis to track tree canopy over time in the Hollingshed Creek Watershed. Originally a pilot area west of the Broad River which encompassed all of District 1 was chosen. However, it became apparent the area was too large so Hollingshed Creek Watershed was chosen because it is entirely located within District 1 and has a watershed management plan written for Stormwater in 2014. Ben showed maps of the area and discussed image resolution concerns resulting from shadows caused by low sun angles. When he is finished with the land cover map within a few weeks, Ben will create a layer of potential priority planting areas. Buddy pointed out the value of the GIS analysis for broader conservation potential (beyond tree cover) and as a decision-support tool for multi-objective analysis in land development issues. Ben's goal is expand the tree canopy analysis county-wide but will need new LIDAR and aerial data. Buddy suggested investigating the use of USDA Farm Service metadata as another mapping overlay to compare and contrast urbanizing and agricultural land use. A written report detailing a planting map, plan, and how to implement it will be developed by year's end.

Navigable Waters Protection Report

Bill Stangler, Congaree Riverkeeper, explained the change in interpreting the federal Navigable Waters Protection Act is a complicated issue and spans many years. The new rule changes the definition of Waters of the United States and opens questions of where the Clean Water Act is applicable, and 404 Permit requirements to fill streams or wetlands. This issue has been debated by courts, presidential administrations, and the EPA. The Trump administration started the process to redefine the Waters of the US in 2017. EPA and Army Corp of Engineers (ACOE) published a new rule which went into effect June 22, 2020. Many isolated wetlands and headwater streams, particularly ephemeral streams, are no longer jurisdictional under the new rule. It also means public notice of the land being disturbed will not be provided.

In April RCCC sent comments to the ACOE recommending the Holy Grail project in Lexington County be required to purchase mitigation credits from the Mill Creek Mitigation Bank, rather than provide permittee-responsible mitigation, to offset filling six acres of wetlands. Federal regulation requires 404 jurisdictional projects to first try to avoid impacts to streams and wetlands, secondly minimize impacts, then mitigate as a last resort. The ACOE office in Charleston reviewed the Holy Grail permit and determined it was not jurisdictional under the new rule. The Charleston District ACOE has determined several permits were not jurisdictional resulting in more fill and no mitigation.

The impact on water quality, habitat, and ecosystem services to larger water bodies will be considerable due to the loss of many acres of wetlands and headwater streams under the new definition. The new rule is likely to reduce the sale of mitigation credits affecting the county's mitigation bank. Without a jurisdictional finding, there will be less public notice that allows the public to understand the impacts of various projects. Bill is working with other environmental organizations to develop strategies to evaluate how to deal with the situation; this may require filing more FOIA requests. Lawsuits have been filed contesting the rule and the ACOE's implementation.

Carol questioned whether there are any wetland protections that could be placed in the Land Development Code to offset the loss of federal protections. Bill lamented the lack of roundtable type discussions on water quality buffers, floodplain protection, and wetlands development and urged the county to do more to provide safeguards. John said RCCC had taken a conservative approach in maintaining the status quo on wetlands and water quality buffers within the proposed land development code but the Commission could take a closer look at ephemeral streams and floodplain fill to extend those protections to other areas. Buddy suggested developing incentives through a credit system like the open space ordinance to discourage activity in sensitive areas. Bill ended with a need to develop creative ways to protect critical areas.

Conservation Committee Report

Land Development Code Comments

John reported there are additional follow-up comments to share with the Planning Division regarding agricultural districts which should be used to protect large working farmland rather than large rural lots. After the ACOE determined the Holy Grail project was not jurisdictional under the new rule, additional protections for smaller streams and isolated wetlands may be required within the land development code. The National Wetlands Inventory is not reliable for determination of wetlands on the ground. John suggested encouraging electrical distribution lines be placed underground. The Floodplain Overlay District is weak in preventing development in the floodplain. Gills Creek Watershed Association used RCCC comments as a base and made many strong, helpful recommendations. Buddy referenced a news article about the federal government's efforts to discourage development in the floodplain for hazards mitigation purposes but local governments are

not following suit and being as proactive as needed. Buddy stated categorically there should be no development in the 100-year floodplain.

Conservation Land Acquisitions Update

Spring Meadow

The developer approached staff about donating 31 acres of wetlands in the Spring Meadow subdivision to the county. This is good conservation property on both sides of Crane Creek containing bottomland floodplain forest. RCCC holds an easement on a nearby property. There is a three-acre adjacent property that may be donated by Blue Granite Water Services which is needed for a water easement by the Spring Meadow developers. Blue Granite has proposed a trade with RC Utilities elsewhere in the county. These issues will need to be resolved before either/both donations can be presented to RCCC and Council for approval.

Lake Elizabeth

This 35-acre property is a similar situation to Walden Pond where the Lake Elizabeth Homeowners Association is interested in donating the lakebed to the county. The dam was breached in 2015, draining the lake and destroying part of US Highway 21. SCDOT removed the spillway and allowed Crane Creek to flow freely under the road. Staff has requested reports and studies done for SCDOT to evaluate any impacts for downstream flooding. The property would make a great park with walking trails for passive recreation. A parcel on the eastern end of the lakebed is in the Forfeited Land Commission (failure to pay taxes) so RCCC could acquire the parcel at no cost for public access and a few parking spaces.

John made a motion to extend the meeting an additional 15 minutes. Charles seconded the motion which carried.

Buddy stated RCCC should be wary of liability and public access issues and asked if the property would be protected if RCCC doesn't accept a donation. A conservation easement isn't a likely option since the HOA does not want to maintain ownership.

Cabin Branch Parcel

A letter was included in the packet from John McAllister seeking to determine if RCCC is interested in purchasing a 60-acre parcel on Air Base Road in Hopkins. The property is adjacent to the county-owned Cabin Branch tracts on its western and half of its eastern boundary. Staff has been approached over the years about buying the property for \$300,000. No price was discussed this time with Quinton. McAllister is accepting offers up to October 10 and then may move to auction the tract. The consensus was this would be good property to own but the timeframe does not allow RCCC to comply. Quinton will relay this information to the realtor.

Conservation Manager's Report

Quinton will forgo his report due to time constraints.

Charles made a motion seconded by John to extend the meeting until 5:30pm. Motion carried

Conservation Coordinator's Report

Grant Budget Cuts

Third reading of the FY21 budget gave approval to the RCCC grants program at \$250,000, the same amount as FY20 and the previous eight years. A motion was made during reconsideration to keep grant spending levels at last year's amount. Allocation amounts between Historic Preservation and Community Conservation grant programs differ from year to year. In FY21 the historic grants were funded at a higher amount than FY20; therefore the motion reduced those grants by \$37,561 which is 18%. The overall RCCC grant program was

decreased from \$250,000 to \$212,439. Budget amendments are being considered this month and some of the grantees and commissioners have spoken to councilmembers about restoring the cuts. If the argument is all grants should be cut by 10% that would mean \$25,000 spread over all of the RCCC grants which would be fairer and less painful for the eight grants that took the 18% cut. Buddy spoke with Councilwoman Terracio and she has agreed to submit an amendment to reinstate the \$37,561. Carol has spoken with Councilman Manning who will support Councilwoman Terracio.

Grant Allocations

A motion from Buddy was sent in advance of the meeting. Buddy said he wanted to separate the motion into two. First motion: RCCC grant funding recommendations will be transmitted to Administration as a single package, with no designation as to historic or conservation. Grant titles and descriptions would be used to categorize the nature of each grant. Gail seconded the motion. Motion carried unanimously.

Buddy said the second motion is more problematic. He moved the RCCC no longer allocate a set funding amount for historic and conservation grants starting in FY22. The committees' recommendations will be presented to the full RCCC for consideration, approval and possible adjustment of the grant amount. In making its final determination on which conservation and historic grants are funded and at what amount, the RCCC will seek to fairly distribute funds between the two categories.

Nancy expressed her concern for committees not having a specific funding amount to allocate when they evaluate the individual grants. In a year when both committees receive a large number of worthy grants, without a firm amount to allocate, both committees may make recommendations that exceed the \$250,000 cap. This puts the full Commission in the difficult and time-consuming position of reducing the committees' recommended awards. She suggested RCCC set the allocation for each committee at the February meeting based on a recommendation from staff and committee chairs after having reviewed the grant submissions. After further discussion, Buddy withdrew his motion to allow more time to evaluate the best path forward.

Timberlane

As a result of the 2015 flood, Richland County bought-out and demolished 16 homes with FEMA funds and must maintain the properties in perpetuity as open space for the conservation of natural floodplain functions. Nancy reported Clayton held a Zoom meeting in August with Planning, Conservation and Emergency Services staff and the Gills Creek Watershed Association (GCWA) to discuss tree planting on Timberlane and Glenhaven Drives. Nancy met on site with landscape architect Emily Jones, GCWA leaders, City of Columbia arborist, and a neighborhood resident. After walking the site, the group concluded the project is more involved and beyond GCWA's capabilities. Nancy suggested RCCC would be interested in the project and could fund a professional forester or landscape architect to create a tree planning plan and implement the plan, including ordering trees, ground preparation, and working with volunteers to plant the trees. This change needs to go back to the county working group with a plan and timeline. Carol mentioned the connection to the Gills Creek Greenway and Nancy said that contact had been made with Michael Niermeier, Director of the Transportation Penny Program. The Greenways Advisory Committee is meeting soon and this topic will be discussed further.

The meeting was adjourned at 5:30 pm.

Respectfully submitted,
Charlie Fisher