

MINUTES
NORTH CAROLINA SEDIMENTATION CONTROL COMMISSION
DECEMBER 14, 2009 MEETING
FIFTH FLOOR CONFERENCE ROOM, ARCHDALE BUILDING
RALEIGH, NORTH CAROLINA

The North Carolina Sedimentation Control Commission met on December 14, 2009 at 1:30 p.m. in the Fifth Floor Conference Room, Raleigh, North Carolina. The following persons were in attendance for all or part of the meeting:

COMMISSION MEMBERS

Mr. Donnie Brewer, Chair
Mr. Richard Vick
Mr. William "Buzz" Bryson
Ms. Elaine Chiosso
Dr. Joseph Kleiss, Vice Chair
Dr. Bill Miller (via teleconference)
Mr. Robert Weintraub
Mr. Tommy Esqueda
Ms. Robin Smith (via teleconference)
Dr. Michael Voiland

OTHERS

Mr. Gray Hauser, State Sedimentation Specialist, Land Quality Section
Ms. Stephanie Lane, Administrative Secretary
Mr. Mell Nevils, Section Chief, Land Quality Section
Mr. Tracy Davis, Chief Engineer, Land Quality Section
Mr. Gowon Goode, Assistant State Sedimentation Specialist, Land Quality Section
Ms. Jana Vo, Sedimentation Education Specialist, Land Quality Section
Mr. David Harris, NCDOT
Mr. John Payne, Assistant Attorney General
Mr. Rufus Allen, Assistant Attorney General
Mr. James D. Simons, Director, Division of Land Resources
Ms. Sueanna Sumpter, Attorney General, Western Office (via teleconference)
Mr. Shawn Maier (Intern, Attorney General's Office)

PRELIMINARY MATTERS

Mr. Brewer called the meeting to order and read Executive Order No. 1.

Those in attendance introduced themselves.

Ms. Robin Smith recused herself from any involvement in the deliberation by the Sedimentation Control Commission regarding a response to North Carolina Court of Appeals Decision No. COA 08-1307.

ACTION ITEMS

Response of Sedimentation Control Commission to ruling by North Carolina Court of Appeals Decision in Hensley et. al. v. NCDENR and Mountain Air Development Corporation, No. COA 08-1307.

Summary of Case by Land Quality Section (Open Session) – Mr. Nevils

Mr. Nevils read the summary of case by the Land Quality Section.

Deliberation by Sedimentation Control Commission (closed session) – Dr. Kleiss

Dr. Kleiss read the Motion to Enter Closed Session (attached). Bryson seconded the motion and it carried unanimously.



Stephanie Lane, Recording Secretary



James D. Simons, Director