



Deposition of:  
**Board of Trustees Meeting**

*March 10, 2020*

In the Matter of:  
**Clean Water Management Trust Fund  
Meeting**

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CLEAN WATER MANAGEMENT TRUST FUND  
BOARD OF TRUSTEES MEETING

DNCR Training Room  
Raleigh, North Carolina  
Tuesday, March 10, 2020  
9:00 a.m.

Reported by Andrea L. Kingsley, RPR

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A P P E A R A N C E S

BOARD OF TRUSTEES:

- Greer Cawood, Chair
- Ann Browning
- Amy Grissom (via telephone)
- Renee Kumor
- Dale Threatt-Taylor
- Jason Walser
- John Wilson
- David Womack (via telephone)

ALSO PRESENT:

- Walter Clark, Executive Director
- Hank Fordham, Esq.
- Steve Bevington
- Will Mann
- Will Summer
- Justin Mercer
- Damon Hearne
- Nancy Guthrie
- Terri Murray
- Marie Meckham
- Marissa Hartzler
- Sydney McDaniel

1 THE CHAIR: Everyone, we're going  
2 to get started. And we'll start with a  
3 welcome. I'm Greer Cawood, Chair of Clean  
4 Water Management Trust Fund which possibly  
5 after this meeting will be -- the North  
6 Carolina Land and Water Fund. It will be this  
7 mystic change in our name and who we are. Our  
8 identity will stay the same, which is great,  
9 but very happy to have everyone here. And  
10 we'll start with a roll call of trustees and  
11 we'll start with the trustees in the room.

12 MR. WALSER: Jason Walser,  
13 Salisbury, North Carolina.

14 THE CHAIR: Greer Cawood.

15 MR. WILSON: John Wilson.

16 MS. KUMOR: Renee Kumor, Henderson  
17 County.

18 MS. BROWNING: Ann Browning from  
19 Davidson.

20 MS. THREATT-TAYLOR: Dale  
21 Threatt-Taylor, I won't say from where.  
22 Clayton, North Carolina still.

23 THE CHAIR: On the phone I think we  
24 have David Womack of Greenville.

25 MR. WOMACK: I'm here.

1 THE CHAIR: Judy, I think you were  
2 going to try to join us. She might be able to  
3 join us a little bit later, but we do have a  
4 quorum so we will be able to proceed.

5 MS. GRISSOM: Amy Grissom is here  
6 on the phone as well.

7 THE CHAIR: Wonderful, Amy.

8 In compliance with General Statute §  
9 138A-15, it mandates that the chair enquire as  
10 to whether any trustee knows of any conflict  
11 of interest or appearance of conflict of  
12 interest with respect to matters on the  
13 agenda. If any trustee knows of a conflict of  
14 interest or appearance of conflict of  
15 interest, please state so at this time.

16 MS. THREATT-TAYLOR: Conflict of  
17 interest, appearance of a conflict of interest  
18 because I now work for the Nature Controversy  
19 of South Carolina chapter.

20 THE CHAIR: We will note that. The  
21 first, of course, everyone please make sure  
22 your cell phone is on late or turn them off.

23 Start with any revisions or additions.  
24 If not, I move for adoption of the agenda.

25 All in favor? Any opposed?

1 Thank you. I wanted to start a -- we  
2 have some visitors back here. I would love to  
3 have you introduce yourself and tell us what  
4 organization you're with.

5 MR. HOWES: I'm Bill Howse from  
6 Triangle Land conservancy.

7 MR. MANN: I'm Will Mann. I'm with  
8 the Fishing Creek Soil and Water Conservation,  
9 Halifax County.

10

11 MR. BRADY: Charlie Brady, Blue  
12 Ridge Conservancy, co-chair of the North  
13 Carolina Land Trust Federation.

14 MR. LAMB: I'm Eric Lamb, I'm with  
15 the Soil and Water Commission.

16 THE CHAIR: Thank you. We're glad  
17 you're here with us.

18 We will start with our Consent Agenda.  
19 As always, these were sent to you beforehand  
20 to review, and so if I can have approval of  
21 the minutes from the December 29 board  
22 meeting.

23 MS. KUMOR: So moved.

24 TRUSTEE: Second.

25 THE CHAIR: All in favor? Any

1           opposed?   Great.

2                       There's a request to extend the date  
3           to enter in a construction contract for  
4           existing grants which was sent out to  
5           everyone.   Any discussion?   If not then --

6                       MR. WALSER:   Move to approve.

7                       MS. KUMOR:   Second.

8                       THE CHAIR:   All in favor?   Any  
9           opposed?

10                      I understand from Hank that, luckily,  
11           he doesn't have a legal update which always a  
12           positive thing.   Thank you for all the work  
13           you do you behind the scene for us in helping  
14           to make that happen.   Thank you.

15                      We're very honored today to have Reid  
16           Morgan our deputy secretary of natural and --  
17           Wilson -- Reid Wilson.   But he would like to  
18           give us a budget update which is very  
19           important to our work.

20                      MR. WILSON:   Good morning,  
21           everybody.   This probably will be kind of  
22           brief.   As you know, currently there is no new  
23           budget in this fiscal year which leaves all  
24           with less money than you should have.   But you  
25           all know that.   Especially because you have a

1 lot of projects that you want to fund. So  
2 there's no movement on this current fiscal  
3 year at this point no one really expects any.  
4 The big question will be will there be a  
5 budget for fiscal year 2020 to 2021. And  
6 anyone who says they can tell you the answer  
7 to that doesn't know anything because it's  
8 impossible to predict. But from the  
9 standpoint of the Cooper administration, we  
10 are all doing the budget process like we would  
11 in any other year and like we have always done  
12 and like previous administrations have always  
13 done, which is the Office of State Budget and  
14 Management sent a request to all of the  
15 departments and the department then sent a  
16 request to all of its divisions and these are  
17 requests for expansion of items. That can be  
18 operating dollars or capital project dollars,  
19 trust funds.

20 So Walter and his folks put together a  
21 solid, ambitious request for the department to  
22 consider. And we considered that and along  
23 with everything else in our department, and we  
24 forwarded that back to Office of State Budget  
25 and Management and we are -- our department's

1 leadership met with their department's  
2 leadership and had a great meeting,  
3 discussion. They understand how -- I'm not  
4 going talk about the whole department, I will  
5 just talk about the Land and Water Fund --  
6 they understand how this program works. This  
7 isn't a situation where we have to explain  
8 what you guys do. They know. And they love  
9 what you guys do. So we had a great meeting  
10 with them.

11 Where it is now is the Governor is  
12 reviewing all of his options in a budget with  
13 his state budget director and other key  
14 leaders in his administration. There's no set  
15 date for when he will announce his proposed  
16 budget. Bear in mind though, the legislature  
17 is supposed to come back on April 28 so I  
18 wouldn't be surprised if he announced his  
19 budget around then, before then a little bit,  
20 but again, that's not set. So what's going to  
21 happen, again, no one knows but,  
22 theoretically, there is 2 and half to 3  
23 billion dollars sort of available that  
24 isn't -- which is way more than is normally  
25 available in a budget year. This is because

1 the economy's been strong surpluses, have been  
2 accruing, plus there was a whole lot of money  
3 in this fiscal year which wasn't spent. So it  
4 is available. You know, non-recurring dollars  
5 were not spent at all so that is all  
6 available. Now every department in government  
7 knows that and I think they are all ambitious  
8 with their requests. But that's okay.  
9 Because we made the best cases for our  
10 department.

11 So I don't know what's going to be in  
12 the governor's proposal but looking at his  
13 previous budget proposals, his goal all along  
14 has been over the course of four years to get  
15 Clean Water back to -- not back to but Clean  
16 Water up to 25 million recurring each year  
17 plus your 4 to 5 million of license plate  
18 dollars, but I don't know what he's going to  
19 do this year.

20 The other thing that's an added  
21 wrinkle but a good kind of wrinkle is from the  
22 Governor's executive order aiding on climate  
23 change, one of the products of that will soon  
24 be a report on long term resiliency, and she  
25 isn't here, but I want to give a shout out to

1 Misty Buchanan who has been leading our  
2 department's efforts to come up with really  
3 strong ideas about what sorts of things our  
4 department could be involved within long term  
5 resiliency in the state. But a couple  
6 important aspects of it are more money for the  
7 Clean Water -- sorry -- Land and Water Fund,  
8 to do stream and wetland restoration, to do  
9 flood plain buyouts, to do the sort of typical  
10 stream bank preservation that you have always  
11 done because that is going to mitigate  
12 flooding problems in the future because there  
13 will be more floods.

14 And in addition to the work that  
15 Clean -- I'm going to go back and forth --  
16 that Clean Water does, there's also an element  
17 of funding for potentially for what State  
18 Parks does in terms of returning some of those  
19 areas that have been flooded in the past, I'm  
20 thinking New Bern where people were flooded  
21 out, their houses or their businesses were  
22 flooded out. If, for instance, you all had  
23 extra funding focused on resiliency and you  
24 could buy out some of those areas, people move  
25 to safer places, then those places that have

1       been preserved could be turned into parks,  
2       trails, greenways so they become an element of  
3       pride for the community rather than one where  
4       people's lives are at risk and their  
5       businesses are literally under water.

6               Those are all elements of what our  
7       department has proposed for long term  
8       resiliency. There's a lot as well from our  
9       department about historic preservation and  
10      take that into account when you're dealing  
11      with long term issues about flooding.

12             On March 31, this resiliency report is  
13      due to the Governor and we have submitted our  
14      draft from our department and now it is coming  
15      back to us to review again to make sure we  
16      don't have any changes we want to make to it  
17      or to make those changes if we see them. So I  
18      think once that is out, that could help shape  
19      the Governor's budget proposal as well which  
20      could be in a beneficial way for this  
21      particular trust fund.

22             So that's where we are. It's all  
23      nebulous and unknown but that's what makes it  
24      interesting; right?

25             So I close the way I always want to

1 remember to close or open when I talk to you  
2 guys which is to thank you for the incredible  
3 work you do on behalf of the Governor, on  
4 behalf our secretary Susi Hamilton. This  
5 organization is so highly functioning, it's so  
6 impressive, the board, the staff, the  
7 stakeholders groups, whether it's a local  
8 government or nonprofit land trust, it's an  
9 amazing partnership that works so well and  
10 every time you all get together, I know you  
11 will you make smart sound decisions that will  
12 do positive things for water quality in the  
13 state. So thank you for all you do, you're  
14 doing a great job, don't ever change.

15 If you have any questions, I happy to  
16 try to answer them.

17 THE CHAIR: Any questions for Reid?

18 MR. WALSER: I just saw someone  
19 from Chapel Hill where I'm a graduate of, Don  
20 Hornstein gave a TEDx Talk on resiliency for  
21 insurance purposes. Have you seen that?

22 MR. WILSON: I have not.

23 MR. WALSER: I will send it to  
24 Walter and you. It's a 20 minute talk about  
25 the North Carolina Plan, what the coastal

1 insurance plan is doing. I had forgotten we  
2 were presenting a report. It's interesting,  
3 how they're trying to encourage people to make  
4 better investments in roofs and siding and  
5 other things to accomplish resiliency so our  
6 waters can stay clean.

7 MR. WILSON: Good point. Thanks  
8 for having me.

9 THE CHAIR: Reid makes a wonderful  
10 point about the history of our trust fund, and  
11 it's really the envy of other states, just how  
12 well run, the faith that the legislature has  
13 in us and Governor's support, it's very, very  
14 special. So thank you for being a part of it.

15 MR. CLARK: Thank you, Reid. Like  
16 always, good report. One of these days we may  
17 know something about the budget, but we did  
18 submit, the division, submit a fairly  
19 ambitious request. We heard there was a lot  
20 of money available so we submitted a request  
21 that includes some funding for resiliency.  
22 We'll see how that goes as well as increased  
23 funding just for trust funds in general. Some  
24 of that will end up in the Governor's budget,  
25 hopefully all of it, and maybe this year we'll

1 have legislative support for some of that too.  
2 Thank you for that update.

3 This year alone, the number of  
4 applications that we receive shows the need  
5 that we have in the state for the projects  
6 that we fund. We had 144 applications this  
7 year requesting 82.6 million dollars, and if  
8 you even consider the reapplications when  
9 people last year, that's still a 26 percent  
10 increase. So that let's you know that there's  
11 a huge need out there for the resources that  
12 we have as we go. I just -- if you compare  
13 that with last year, last year we had I think  
14 114 applications requesting 65 million. So  
15 it's going up. The need is certainly there.  
16 I think the legislature knows there's in a  
17 need from the constituents that parks and  
18 greenways and trails are important assets for  
19 communities and economic sustainability. So  
20 there's a lot of support for that.

21 So the other big thing is our name  
22 change. We are changing our name.

23 THE CHAIR: We will all stumble  
24 over it.

25 MR. CLARK: We'll say Clean Water

1 forever probably. But in the next few months  
2 we will evolve to the North Carolina Land and  
3 Water Fund which in a way is comprehensive  
4 enough to cover all of what we do. Most of  
5 you know the history of Clean Water, when the  
6 fund was established in 1996, it really had a  
7 focus on water quality. We were doing waste  
8 water projects, storm water projects. And so  
9 the name was appropriate at that time, but now  
10 that we do protection for storage sites,  
11 military buffers, natural -- important natural  
12 resources, I think this name will better sort  
13 of capture our mission. One of the drawbacks  
14 is that it almost sounds like the Federal Land  
15 and Water Conservation Fund. So we're going  
16 to try to use North Carolina in front of that  
17 so people don't get too confused.

18 We have hired a company out of  
19 Asheville called Design One which is going to  
20 work with us on rebranding. We really see  
21 this as a great opportunity to get the word  
22 out about Clean Water, our work, all the good  
23 things we do, so that rebranding will involve  
24 a new logo, a tag line, and a strategy for  
25 rolling out all of our new brand. So we're

1 hoping that will be ready to go maybe in June.  
2 It will take us all a while to call us by our  
3 new name, the internal work we will have to do  
4 with our forms that say Clean Water and in all  
5 those places and change the name there. But  
6 I'm confident that Design One, the firm we  
7 hired, is going to do a good job for us. And  
8 we have some creative talent here on the board  
9 with John Wilson, we're going to plug him in  
10 and get him involved in helping us with this  
11 effort. So stay tuned, John.

12 In your package you will find a little  
13 bit about our next board meeting in May which  
14 is going to be interesting. It will be on the  
15 Battleship North Carolina in Wilmington, May  
16 18 and May 19, so that should be fun. You get  
17 there early that day on the 18th you will go  
18 on a tour of the Battleship. We will have our  
19 meeting on the Battleship itself and we will  
20 go to one of Wilmington's other historic  
21 sites, Bellamy Mansion, for a reception  
22 afterwards. And there will be some  
23 to-be-announced fields trips on the 19th, the  
24 next day. So please mark your calendars, plan  
25 on being there. It will be a fun meeting.

1 I have one or two comments before we  
2 dive into the agenda. We're going to talk  
3 about the CREP program here in a few minutes.  
4 Steve's going to lead that discussion. You  
5 know we felt like it's a program Clean Water's  
6 been involved in for years. We just  
7 provisionally funded this year's CREP  
8 application. And we really felt like it was  
9 need for all of you to better understand it.  
10 It's not necessarily an intuitive,  
11 uncomplicated program, and so Steve's put  
12 together some educational materials and  
13 invited a guest here to talk a little bit  
14 about CREP. I know Dale has worked with the  
15 CREP program in the past. She might have  
16 insights. This is really a kind of a tutorial  
17 for me and for all of us. So looking forward  
18 to hearing that, Steve.

19 The other thing that Steve is going to  
20 present, most of you may remember this from  
21 last year, we had some discussion about our  
22 restoration conservation easements and whether  
23 or not they're being appropriately stewarded.  
24 We had an intern take a sampling of those.  
25 Steve will present some of the findings that

1 Marcus found when he did that study. So I  
2 think there's some interesting information  
3 there.

4 And finally, this afternoon I hope  
5 most of us will go on the field trip to  
6 Brumley. What time are we starting that,  
7 Will?

8 MR. SUMMER: I believe it's 1:30.

9 MR. CLARK: I hope the weather  
10 stays dry. That's it for me.

11 THE CHAIR: Just to comment on a  
12 couple of Walter's comments. Thank you all  
13 for stewarding this great group. I want to  
14 give a shout out, I think part of the increase  
15 in our applications is some of the great work  
16 that Damon and Justin have done in working  
17 with potential applicants so that they  
18 understand the process, help guide them  
19 through the process. I don't want us to lose  
20 site of that. I think a lot of thank you's go  
21 out to you all for helping our applicants.

22 As Walter was describing, and thank  
23 you to the staff for putting together what  
24 sounds like it's a great, great board meeting  
25 down at the -- down in Wilmington. We've had

1 some great offsite board meetings and one  
2 reason is because our counsel has allowed us  
3 to where previous counsel told us that we had  
4 to all sit in a room like this and not do  
5 anything out in the field together. So for  
6 newer trustees, you might not know, that's a  
7 really big deal for those of us who have been  
8 on the board for awhile. Thank you, Hank.

9 Any comments on Walter's comments?

10 We will start with public comments.  
11 If any members of the public would like to  
12 give a three-minute comment, we're happy to  
13 hear from them.

14 MS. THREATT-TAYLOR: I just want to  
15 say to conservationists, public is not saying  
16 it, to all the conservationists across North  
17 Carolina, the work we do does matter. In my  
18 new role as executive director, I had to  
19 follow in the footsteps of Reid and I just  
20 want to give one little quick example of  
21 learning from each other.

22 You know when you go to a donor's  
23 meeting you need to tell why and thanks and  
24 then you always have to have a story. And the  
25 story I chose was the time spent at Peekatop

1 (phonetic) on the deck looking over the Blue  
2 Ridge mountains and explaining to them that  
3 that's how I felt this is how -- why we do  
4 what we do. So that it lasts. And I told  
5 them that I stood there and I turned to John,  
6 didn't know who John was, I turned to John and  
7 said, "John, does it ever get old? Just  
8 looking out over the deck of Peekatop, if you  
9 stand there looking over the Blue Ridge  
10 Mountains?" And he says, "Dale, it never gets  
11 old." And that's the story I told in  
12 Greenville, South Carolina. I was trying to  
13 be a Reid, thinking of you, and I just wanted  
14 to say you all have no idea how we impact each  
15 other over time. By the way, I've been  
16 bragging on you all in South Carolina too,  
17 about the conservation bank. I want to put a  
18 word of encouragement out there. We go  
19 through the roles sometimes but don't think  
20 you're not impacting each other.

21 THE CHAIR: David, Amy, is there  
22 anything that you would like to add? Since  
23 you're participating by phone.

24 MS. GRISSOM: Nothing from me.

25 MR. WOMACK: I'm good.

1 THE CHAIR: You know to speak up  
2 whenever you want to, of course.

3 Now we will move onto our business.  
4 And Steve is going to start with the  
5 Conservation Reserve Enhancement Program.

6 MR. BEVINGTON: I will actually  
7 start with our old slide, certainly in need of  
8 updating, Walter. So we'll get on that this  
9 afternoon. The Clean Water Management Trust  
10 Fund Board of Trustees Meeting is also the  
11 Land and Water Board Meeting.

12 I'm going to take us through a little  
13 bit of the CREP program which a very unusual  
14 program for us in that, especially on the  
15 restoration side, we really accept  
16 conservation easements generally only as a  
17 match as a donation and this is one of the  
18 exceptions to rule where we actually will go  
19 into some of the details how this works. Pay  
20 for acquisition both in a term sense and a  
21 permanent sense, the program. And it comes to  
22 us -- we've been doing it on and off -- this  
23 agency has been doing it on and off since  
24 1998, and it's changed a little bit but  
25 there's probably a time for change coming that

1 we have some documents and standard contract  
2 requirements essentially developed 20 years  
3 ago that may need to get revisited. And we  
4 had applications to us to consider changing  
5 our template for the contract.

6 Those really aren't mature today but I  
7 and others think it's a very good idea to get  
8 up to speed on the same page of this program.  
9 So if those requests for changes to contracts  
10 behavior and contracts requirements change,  
11 we'll be in the best position to really bring  
12 you the best questions that you can answer at  
13 a meeting like this new future.

14 Some of those may reflect on timber  
15 management which is, as you will see, a major  
16 use of land as it goes through the CREP  
17 program. It doesn't begin that way but that's  
18 where we're headed.

19 CREP is a program -- and this is going  
20 to be a tag team effort. I think -- you will  
21 meet very soon Will Mann from Halifax County.  
22 He's going to tell you a little bit what CREP  
23 is on the ground. I will give you the central  
24 office point of view which is probably  
25 slightly warped and Dale and Will and Eric

1 Lamb in the back I hope will point out their  
2 own particular corrections if we don't  
3 understand it fully. It's a complicated  
4 program in which we allow a state agency to  
5 spend federal moneys in North Carolina to  
6 further both their needs and the needs of the  
7 Clean Water Management Trust Fund in our  
8 mission. So it's a mixed and cooperative  
9 program that really has been, as I said, sort  
10 of an unusual program.

11 One thing we do is this 30 year end  
12 permanent easements, they're actually paid for  
13 again, that's not unusual for an acquisition  
14 program, to pay for permanent conservation  
15 easements, but almost all restoration projects  
16 have federal only as match.

17 The match in this case tends to be not  
18 only a large amount of federal and state  
19 dollars from other places and in-kind services  
20 from a large program you will here about  
21 minute, but also best management practices  
22 that go out and take current agricultural  
23 practices which are legal and permitted and  
24 important but being right next to a stream  
25 maybe not the best location and turn it into a

1 win/win for water quality. That's what we  
2 will hear more of just now.

3 So the CREP program is often thought  
4 of as sort of an either statewide program  
5 which it is not or eastern North Carolina  
6 program which it is not. It involves quite a  
7 lot of -- a large portion of the state, it  
8 reminds me of Justin's being an eastern field  
9 rep he gets pretty far west some years, it  
10 does take into account large river basins as  
11 far west as the Yadkin river basin. Really  
12 the project is something as I said before  
13 we've been doing for years and years since  
14 1998. 18.5 million dollars has been spent by  
15 the Clean Water Management Trust Fund in seven  
16 phases of that. Through that we've acquired  
17 27,000 acres in easements. I think an  
18 important fact is to realize two-thirds of  
19 those have been temporary easements. We will  
20 see examples of those. So a 30-year easement  
21 can be important in changing the land practice  
22 but it really is -- it's different than many  
23 of the permanent easements we have in other  
24 places. There is an option for a permanent  
25 conservation easement of 9,000 acres. That's

1 an important distinction I think to keep in  
2 mind.

3 We have a grant presently funded in  
4 2017 that's open although such a popular  
5 program with landowners, essentially, that the  
6 funds have been committed by the agency. It  
7 takes a while to pull off an acquisition and  
8 deed transfer but those are in process. And  
9 we do have one from last year's award cycle  
10 that was just funded. So we have an open  
11 contract that we will probably enter into  
12 contract with with the standard contract  
13 language but differing questions about how to  
14 sort of fine tune the contract requirements to  
15 get the best water quality benefit out of this  
16 vehicle.

17 So with that in mind, we will see some  
18 examples this in a minute, when these things  
19 go into easements, it's essentially taking a  
20 row crop or other agricultural intensively  
21 used perhaps for grazing. We will see some  
22 examples where land is essentially intensive  
23 agricultural land adjacent to streams or major  
24 drainage canals, ditches that feed directly  
25 into streams within a 50-foot buffer,

1 sometimes a 300-foot buffer converted into a  
2 non-intensive use project. And most of those  
3 in eastern North Carolina essentially  
4 converted from agricultural land into timber.  
5 It could be a forest or it could be a working  
6 land with a 30-year easement essentially most  
7 of these projects are planted and harvestable  
8 species. There are requirements required for  
9 two different species. It is intended often  
10 with a 30-year easement essentially to be a  
11 forestry project and forestry lands.

12 These are pictures you may have seen  
13 before of Justin's slides of the variety of  
14 different ages. I think you will see there's  
15 some -- obviously some lands here that were  
16 planted silviculture sort of way, planted  
17 pretty much for future harvest. And as well  
18 as natural areas right along streams that we  
19 might think of being more typical of what we  
20 see in the acquisition program where we're  
21 really preserving natural forest on the banks  
22 and creeks throughout the CREP service area  
23 and they are well managed. We will hear about  
24 that from Will Mann in a minute, but through  
25 the soil and water districts there are

1 stewardship staff that check on this yearly  
2 and make sure the requirements of this  
3 management contract are in place for either  
4 the -- indefinitely with permanent  
5 conservation easements or short term for the  
6 30-year conservation easements.

7 THE CHAIR: Can I ask -- maybe this  
8 is what you're getting into. What happens  
9 after 30 years?

10 MR. BEVINGTON: That's exactly the  
11 crux.

12 THE CHAIR: That was not a setup to  
13 make the Chair look like she knows what's  
14 she's talking about.

15 MR. BEVINGTON: I think that's an  
16 excellent question. Please interrupt me with  
17 questions because this is in a way a new topic  
18 for me because it's not our standard  
19 restoration program in though we've been doing  
20 it a long time. Our river builder programs  
21 out west where they plant on bare stream banks  
22 and we have a 15-year agreement with the owner  
23 not to cut down trees for 15 years. The  
24 thought is once you have converted land use  
25 from bare open soil to a silviculture project

1 or recurring plant team, the date of that  
2 contract period you're unlikely to revert all  
3 the way back to a row crop or very intensive  
4 use because it literally is an investment to  
5 remove the stumps and take all of it back.  
6 But it's sort of a hope.

7 And I think to answer your question,  
8 this slide here illustrates really well, this  
9 is a 30-year conservation easement. Keep in  
10 mind, historically, all the acres we put in in  
11 the CREP program, two-thirds are in this  
12 30-year conservation easement. So the red  
13 lines are parcel lines in Halifax County, the  
14 blue lines are what was enlisted in Clean  
15 Water Management Trust Fund to help pay for  
16 the CREP 30-year easement in the blue circle.  
17 And it has this funny shape in a lot of ways  
18 because in this little doughnut hole where the  
19 red dot is right now, it's essentially more  
20 than 300 feet away from any water course. So  
21 that part was excluded. But the whole thing  
22 was essentially planted in rows of harvestable  
23 timber. I think the intent is very clear  
24 here, that this was planted as a silviculture  
25 project. What's interesting is if you look

1 over here, here's the stream, also qualified  
2 for the ditch on the other side, this red line  
3 is a ditch, that's why that strip of trees was  
4 allowed to be counted you can see in the  
5 shading along the stream is a different color  
6 right where the mouse pointer is now, there's  
7 a strip of lighter colored trees that are hard  
8 woods. So that's 50 foot buffer. That's the  
9 other part of the river that we get from this  
10 is there is a -- before with Ag practices,  
11 there's no guarantee, in fact, in most cases,  
12 land use activities went right up to the banks  
13 of the stream.

14 With the silviculture project, the  
15 standard practices which require limited  
16 harvesting or best management practices which  
17 they can take trees from the edge but they are  
18 supposed to protect water quality if they do  
19 that, but the CREP program actually requires  
20 them to plant at different widths and  
21 different applications, but here's a 50 foot  
22 hardwood buffer which is less attractive often  
23 for the timber harvesting and also provides  
24 more natural buffer in the stream. That's one  
25 thing we're getting out of this 30-year

1           easement.

2                       This is the same shot of the project  
3 beforehand. So it was a wide open row crop  
4 with no buffer essentially on either stream or  
5 ditch. So this large tract here was really  
6 just an open field which had -- we'll hear  
7 from Will Mann what his opinion is of these  
8 row crops being managed in this way, it's been  
9 converted to a silviculture project. So it's  
10 been planted but, again, I think it's almost  
11 inevitable that planning for this property is  
12 to be clear cut. So at the end of the 30-year  
13 term, the CREP managers will offer they can  
14 convert this if they wish either to another  
15 30-year term easement or they can convert it  
16 at any time to a permanent conservation  
17 easement. So they could take an additional --  
18 difference in money, \$750 would be today  
19 dollars per acre to convert this to a  
20 permanent conservation easement or they could  
21 exit the program, at that point, clear cut the  
22 trees if they wanted, revert back to row  
23 cropping if we want to expense.

24                       Any questions about this 30-year  
25 conservation easement?

1                   That's the change. What we get is a  
2 forest with a buffer where we had an Ag field.  
3 I think there's a lot of merit to it that.  
4 It's been sold to the Clean Water Management  
5 Trust Fund over the years as having merit in  
6 itself.

7                   This is an example of a permanent  
8 conservation easement. This may look  
9 confusing. The red lines are the property  
10 lines and this sort of meandering easement  
11 line is following the streams on the property.  
12 So it's not a huge one. It's around 10 acres.  
13 But I draw your attention up here to the small  
14 field here in Green County, right there there  
15 is an intensely planted silviculture plot. If  
16 I slide into Google earth time, this same  
17 thing, that yellow marker is that same field.  
18 So I will go back and forth one or two times.  
19 That's the open row crop. So when the  
20 landowner was sold on this program, he took  
21 that small field, two or three acres of a row  
22 crop field to get it into the CREP program, he  
23 offered all of that stream and this buffer  
24 that was already there, he rolled back in a  
25 permanent conservation easement so to give up

1 that little bit and be paid -- he was paid for  
2 this, he was able to convert that in a  
3 permanent way to forest. So I think the bank  
4 for the buck in this case is pretty amazing.  
5 This is one of the more efficient projects we  
6 see.

7 There's that square field and there it  
8 is in that same general position now,  
9 obviously, planted with pine trees to be  
10 harvested in some way, at least the current  
11 contracts allow selected timber but not clear  
12 cut. I think this is where we get our  
13 strongest benefit. One of the fantastic  
14 things about this program, we have an ability  
15 to sell not only opportunities like this where  
16 you have a small farm field and you get the  
17 adjoining buffer in the program, we also have  
18 an opportunity to convert the 30-year  
19 easements we've been doing for years to  
20 permanent and maybe pick up some additional  
21 buffer in the process. So that's sort of the  
22 crux of the opportunity. So what I would like  
23 to do is step away for a second and let Will  
24 Mann from Fishing Creek Soil and Water sort of  
25 tell his perspective of how CREP works in

1 Halifax County. He can give details how it  
2 works, how it sells --

3 THE CHAIR: Excuse me a second. We  
4 have an extremely special guest that joined  
5 us, Secretary Susi Hamilton.

6 SECRETARY HAMILTON: Thank you all  
7 first and foremost for giving your volunteer  
8 time to be here. I'm in no doubt per diem is  
9 going to make everybody really wealthy. We  
10 appreciate what you do. Clean Water  
11 Management Trust Fund, the LWF, is the  
12 backbone of what this department does and  
13 those two funds with parks and recreation  
14 really gives us a lot of opportunity to put  
15 this money back out into our communities and  
16 it's a real tangible way we accomplish the  
17 initiative of this department. We appreciate  
18 your time and thank you for being here.

19 This might be the last time for a  
20 while that people are all gathered together  
21 the way things are going. I want to kind of  
22 reinforce Governor Cooper has got a very  
23 strong handle on what's going on in the state.  
24 He has got his cabinet agencies working  
25 together and very, very closely. We're

1 talking about on an hourly basis as it relates  
2 to our agency operations. So we're very  
3 committed to making sure that not only do we  
4 not get sick, but we're trying not to panic.  
5 I think probably the worst thing that will  
6 come out of this will be impact on our global  
7 economy and it will trickle right down to our  
8 local communities and so we're preparing for  
9 that now. Hoping for the best. But certainly  
10 we are getting our ducks in a row because  
11 these are big ships they take a while to turn  
12 around sometimes.

13 Will, I will let you get up there and  
14 do your thing. Thank you. I've got to go  
15 upstairs to a film council meeting. Thanks.

16 MR. MANN: Folks, I want to thank  
17 you for giving me the opportunity to come and  
18 speak and I appreciate you guys having an  
19 interest in the local perspective on how these  
20 programs are working.

21 A little bit about me. I've been  
22 involved with our soil and water district  
23 about 21 years now. Prior to that I was in  
24 the fertilizer seed and chemical business. My  
25 background is strongly in production Ag, row

1 crops, livestock, that sort of thing. A  
2 little bit about our soil and water district.  
3 We're one of the oldest in the nation. The  
4 reason I was asked earlier by Steven why we're  
5 called the Fishing Creek in Halifax County,  
6 back when we were incorporated in the late  
7 1930s, we were joined with Warren County and  
8 actually our office at that time was in  
9 Littleton, North Carolina which is on the  
10 Halifax/Warren County border. In 1946 we  
11 split away. We kind of shifted and moved our  
12 office to Halifax which is our county seat and  
13 Warren County started their own district which  
14 is the Warren Soil and Water. We just kind of  
15 retained that name.

16 A little bit about us geographically,  
17 Fishing Creek is the southern border of our  
18 entire county and about 65 percent of our land  
19 acres drains into Fishing Creek which connects  
20 us with the Tar-Pamlico Basin. Having said  
21 that, that's how we got to be so involved with  
22 the CREP.

23 Early on we had -- I'm talking about  
24 early 1999 time frame, we had a lot of  
25 landowner meetings back at that point in time.

1 We've always prided ourselves on having a good  
2 working relationship with the landowners in  
3 our county, whether they be farmers or  
4 absentee landowners or whatever, and we told  
5 them about the CREP program coming down the  
6 pipeline. Though we were familiar with  
7 programs similar to that in the past, this one  
8 offered a lot of opportunities we hadn't been  
9 familiar with up until that time.

10 Statistically, that's kind of what we  
11 look like today. Back in '99 the majority of  
12 our people were looking at both 30-year and  
13 15-year contracts and easements. Up until  
14 this point in time, we were involved in just  
15 contracts alone. In a soil and water  
16 conservation district, we have county funds  
17 coming in, we have state funds and we have  
18 federal funds. We have always had a very  
19 strong federal program in our county and the  
20 conservation reserve program was one that we  
21 had been familiar with since 1985. And the  
22 way the conservation reserve program was  
23 different much like the CREP was, it was  
24 offered to a landowner in a 10-year contract,  
25 not a conservation easement. There was a

1 little bit of hesitation by a lot of  
2 landowners looking at a conservation easement  
3 because, truthfully, it was something we  
4 weren't familiar with and certainly something  
5 our districts couldn't handle. But they have  
6 done very well for us. Also at that point in  
7 time, the eligibility criteria were a lot more  
8 lenient than what we looked at today. That  
9 example that Steve showed of the aerial  
10 photography, that land is not highly erodible  
11 land.

12 Well, when we look at Halifax County,  
13 65 of our land is considered highly erodible  
14 and there's a lot of criteria that goes into  
15 that based on percentage of slope, length of  
16 slope and soil type and all those sort of  
17 things. And I apologize for going back and  
18 forth, but to show you in comparison of where  
19 we were at then versus CREP coming in the door  
20 so to speak, the conservation reserve program  
21 that was offered by federal counterparts, it  
22 looked like a scoring or ranking based on the  
23 highly erodible land criteria where CREP, we  
24 looked at water quality benefits. And in  
25 looking at highly erodible land in our county

1 because we -- of the -- at the time we had  
2 about 130,000 acres of open land, about 65,000  
3 of it was highly erodible. So there was a lot  
4 of potential there. Looking at the highly  
5 erodible initially with the CREP  
6 qualifications were if not only would a stream  
7 be a qualifying area, but we could also use a  
8 ditch. That ditch necessarily did not need to  
9 carry water. Also we could look hydric soil.  
10 So if you were to look at some the  
11 conservation easements in our county, they  
12 look real sporadic, there's no rhyme or reason  
13 why that easement is here and this portion of  
14 land didn't other than explaining that we  
15 could have a hydric soil no larger than this  
16 area that these tables encompass and that  
17 would be a qualifying source. Also, if the  
18 area was highly erodible, we could measure all  
19 750 foot from that eligible source and all of  
20 that land would be deemed available or  
21 qualifying for the CREP.

22 Well, I will tell you folks we had so  
23 much success with our landowner meetings that  
24 once that signup date -- my memory kind of  
25 clouds me but I want to say it was March 15,

1 1999 that the application period started in  
2 Halifax County. Within 30 days time, we had  
3 6,000 acres that had been applied for. At the  
4 time, the administration of the CREP program  
5 was really concerned because they said we were  
6 using it as land retirement program and that  
7 was not the case, we just had done kind of our  
8 due diligence as far as promoting the program  
9 and we just had a lot of case scenarios that  
10 were very eligible.

11 In late 1999, the CREP administration  
12 at the time looked at changing some of the  
13 qualifying requirements. We kind of trend  
14 back 750 foot to 300 regardless of it's highly  
15 erodible or not. Also the hydric soil  
16 criteria kind of went by the wayside because  
17 we were losing a lot of land. And I will tell  
18 you, based on my personal preference, I  
19 mentioned my background is in production Ag  
20 and livestock and we were concerned about what  
21 it was going to do as far as putting farmers  
22 out of business, drawing -- raising or  
23 increasing land rent or land lease on  
24 available crop land, and also losing some of  
25 our prime farmland in the county because, sad

1 to say, some of that land that may be adjacent  
2 to a blue line stream or ditch that has a flow  
3 12 months out of the year, typically those are  
4 silty clay loams or silt loams that are very  
5 productive agronomically to a farmer. So  
6 those are things we had to consider.

7 If you will look there in the red, the  
8 55 15-year contracts that were expired, the  
9 majority of our 15-year contracts, again, that  
10 was a contract, not an easement, most of those  
11 were geared towards a CP 21 practice which  
12 were grass filter strips along ditches, kind  
13 of buffering that crop field. I've got a  
14 picture of one here in that slide right there,  
15 and basically the predominance and -- in the  
16 background behind that yellow sign, that  
17 lighter, paler colored grass, that's a black  
18 switchgrass which is a native ecotype of North  
19 Carolina. We work quite a bit with the  
20 wildlife commission on generating seeding  
21 mixes on these grasses to make them conducive  
22 to production agriculture. Say, for example,  
23 if a landowner had a 30 foot CP 21 filter  
24 strip, half of it would be an introduced  
25 species much like a tall fescue or Bermuda

1 grass where they can operate the farm  
2 equipment around there and not have any  
3 infrastructure problems, and then the  
4 remaining portion that would be up against --  
5 the adjacent to the qualifying source, that  
6 would be our native grasses.

7 We manage these borders through a  
8 variety of ways. Prescribed burning was  
9 preferably. We also did some control disking  
10 with tractors and tillage equipment and final  
11 would be herbicide treatment. Mainly, the  
12 management of them were basically to keep  
13 unwanted tree or woody species from growing.  
14 Because one of the things we did, a lot of  
15 this land had artificial drainage or  
16 subsurface drainage on it and with trees,  
17 where those drainage outlets were in that farm  
18 ditch, those trees would basically cause a lot  
19 of damage to that and start the back wood on  
20 the crop fields and damage it further. So we  
21 wanted to try to manage those trees as much as  
22 possible.

23 Again, in the beginning, water quality  
24 was always number one objective. At the time  
25 the Tar-Pamlico rules had just come out with

1 concern about how that would affect production  
2 agriculture, how that would affect our land  
3 management in Halifax County. That was one  
4 thing.

5 Wildlife habitat was a big interest  
6 for everyone, regardless of whether they were  
7 a farmer, an absentee landowner, basically  
8 someone that would come in and basically lease  
9 a farm for hunting fishing privileges. That  
10 was a big sale item. Soil quality. That's a  
11 hot button for me and, of course, today we  
12 kind have retermed that as regenerative  
13 agricultural soil help. We saw a lot of  
14 improvements in that because we saw less  
15 runoff, we saw a lot more stability in our  
16 soil structures, and also we're improving that  
17 soil all the time with that warm season  
18 grasses because of the root structure.

19 The final thing, that's called carbon  
20 storage. Those in production Ag that have  
21 used conservation tillage and cover crops for  
22 a good number of years, we have kind of kicked  
23 around and looked at carbon storage. I know  
24 some of my counterparts that have a lot of  
25 wetland reserve program easements in coastal

1 North Carolina, they have people that have  
2 sold the carbon credits off of there. I  
3 personally stay in touch with a lot of carbon  
4 purchasers nationwide. A lot of it, sad to  
5 say, is private industry, is kind of dragging  
6 us government officials with them. I think  
7 that's going to be a big selling point for us  
8 here in North Carolina, especially those in  
9 the east. I say that because of all of our  
10 carbon soils. If you talk to any carbon  
11 purchasers, folks, we're well-known, even  
12 those in California, if you look at some of  
13 the biggest names in the private industry in  
14 carbon credit purchasing, all of them got  
15 their formal education in North Carolina  
16 regardless of where they are in the world.  
17 Talking with them, they look at parts of  
18 central California, Florida and eastern North  
19 Carolina because of those black land or  
20 organic soils. That's something that  
21 economically really improve some of our  
22 smaller communities in coastal North Carolina.  
23 We hope that those of us that aren't  
24 privileged enough to have organic soils and  
25 have mineral soils, hopefully we can look at

1 selling some of the carbon credits off these  
2 easements and off our production agriculture  
3 sites.

4 We talked a little bit about the  
5 financial opportunities. You know, at the  
6 time -- we look at the late '90s and early  
7 2000, agriculture was doing pretty well. We  
8 had a lot of allotment and financial incentive  
9 programs for production Ag, but we could see  
10 on the horizon that the tobacco program was  
11 fading away, our two biggest Ag commodities in  
12 our county is peanuts and cotton. In 2002 the  
13 peanut program went away. So all that hurt us  
14 economically. A lot of landowners in our area  
15 had enough foresight in seeing there was going  
16 to be some changes on the horizon so they were  
17 looking at a financial opportunity.

18 Now we didn't look at CREP as far as a  
19 money making idea, but it always, like all  
20 things, you guys being an organization that  
21 needs funds to operate, much like our farmers,  
22 they're looking at every opportunity possible.

23 The stability we talked about the  
24 financial aspects of the commodity markets  
25 changing. This CREP program helped put a lot

1 of positions in there. I can't disclose a lot  
2 of personal financial information about our  
3 landowners, but I can tell you that at least  
4 10 I know of that were able to save their farm  
5 through fighting off bankruptcy, paying off  
6 various debts or whatever, based on what the  
7 CREP program offered them. As we have  
8 progressed down the road a little bit, they  
9 have seen a little bit of return as well as  
10 the marketing of the trees that were produced  
11 as well. The recreational value, obviously  
12 the hunting and fishing improved with the  
13 CREP, and we were very fortunate in the way  
14 the easements were wrote, it's still allowed  
15 for that. And it's certainly been a big  
16 improvement on that. The aesthetic values,  
17 you know the older landowners, those that have  
18 the opportunity to take time out of their  
19 daily schedule and watch the trees grow or  
20 watch the animals live out there in the  
21 habitat, all of that has been a great blessing  
22 to them and certainly something we can account  
23 for.

24 The roadblocks on our CREP easements,  
25 you know, from about 1999 until about 2009, in

1 that decade, the administration that was in  
2 place of the CREP program, there wasn't a lot  
3 of emphasis put on site visitations. You  
4 know, I hold myself accountable just as much  
5 as the CREP administration because we were  
6 involved like everyone else. You know, I have  
7 a landowner come in from time to time and say,  
8 "Hey, I've got a problem here, my trees don't  
9 look well here," and we would always work with  
10 them on that, but as far as a broad scheme,  
11 broad stream of management or oversight, there  
12 wasn't that taking place.

13 When we started really looking at  
14 these easements they were a whole lot of  
15 issues. And one of the things that is hard to  
16 justify now but when we -- for example, for us  
17 in Halifax County, when we had that large glut  
18 of sign up in the '99/2000 time frame, a lot  
19 of our CREP easements as far as tree  
20 standability didn't get off to a good start.  
21 The reason for that, we all remember Hurricane  
22 Floyd that hit September 1999, well, in that  
23 Hurricane Floyd event, the tree nursery that's  
24 ran by the North Carolina Forest Service down  
25 in Goldsboro was completely destroyed, they

1 lost all their seedlings. Well, for those of  
2 us in eastern North Carolina, that was about  
3 80 percent of the available seedlings for two  
4 years gone. So our tree contractors, when we  
5 started establishing these CREP easements, we  
6 had to pull trees from everywhere, as far  
7 south as Georgia and on up into Northern  
8 Virginia.

9 We had a lot of varieties that were  
10 questionable as far as their quality, and the  
11 other thing we ran into with our loblolly pine  
12 seedlings, we had seedlings that came in with  
13 a fusiform rust disease which is a disease  
14 that affects the main stem of a pine tree.  
15 And, basically, as that tree grows and  
16 matures, the gall grows an exposure on it, it  
17 looks like a basketball almost. What happens  
18 is that makes that tree very vulnerable to  
19 high winds or any growth and that sort of  
20 thing, and those trees snapped off. I had one  
21 easement in particular that was over 100 acres  
22 that lost 90 percent of their trees with in  
23 five years down the road.

24 This example you see in the picture  
25 that's kudzu and you can see how the kudzu has

1 grown up those trees, it's broken some over.  
2 Kudzu was a big issue. When it was a crop  
3 field and farmers were doing some kind of  
4 tillage method of using some kind of  
5 herbicide, they were able to keep that kudzu  
6 at bay around the field border. This stand  
7 here at the time that picture was taken was  
8 about 10 years old and that kudzu had really  
9 decimated it. Of course, there's no known  
10 herbicide or production method that's 100  
11 percent able to decimate or destroy the kudzu.  
12 Basically, we can manage it best through  
13 herbicide and cultural practices such as  
14 prescribed burning, that sort of thing. Those  
15 were things we ran into manage am.

16 The absentee landowners, that was very  
17 difficult. In Halifax County, we have a lot  
18 of heir property. We've got one case is a 50  
19 acre farm that has 30 heirs to it. Who makes  
20 a decision on how it's managed like that.

21 It's very difficult. We have a lot of land  
22 that's considered undivided interest so every  
23 party that owns the land has an interest in  
24 the land and the say so and to get that number  
25 of people involved as far as what direction

1 we're going to take and what's the  
2 requirements of the program, that's very  
3 difficult. And we've got landowners that  
4 basically inherited the farm, we've had folks  
5 come in the office and say, "Hey, I've never  
6 seen the farm, can you tell me how to get  
7 there? I'd like to see it." All sorts of  
8 things like that. Those were very difficult  
9 for us. We've got folks that live on the west  
10 coast that depend on us or the forest service  
11 or a contractor to maintain it. And, folks,  
12 we're not in the land management business,  
13 that kind of steps across the line in a  
14 conflict of interest. We can't make the  
15 decision for these people.

16 CREP versus the traditional CRP. You  
17 know, I mentioned earlier about the CRP  
18 program, when that first came out, CRP in '85  
19 and '87 were two big years for everyone in  
20 North Carolina. Basically at the time, that  
21 land -- water quality was not the issue, it  
22 was just an erosion control program. So it  
23 was basically the entire field planting and  
24 all loblolly pine planted at a stand density  
25 of about 800 trees per acre which is

1 significantly high based on what's required  
2 today, but it was pretty much planted that way  
3 because they were looking at successional  
4 things and, basically, at some point in time,  
5 a future of clear cut harvest. So it was  
6 pretty much timber driven. We had a lot of  
7 people early on in the CREP program that  
8 looked at it and said, hey, this is just like  
9 CRP, we're going to look at it from a timber  
10 management standpoint. But that was not true.  
11 Now we planted a lot of trees in rows and that  
12 was obviously done for management aspect. A  
13 lot of these fields, crop fields and pastures  
14 that were converted into trees, they were  
15 planted with a mechanical tree plant in rows  
16 based on time constraints, based on the  
17 economics of it. If we were to hire hand  
18 crews and set them at different spacing --  
19 some of it was hand planted -- it would have  
20 probably added 25 percent on the overall cost  
21 and we would not have been able to manage it  
22 as effectively. So CREP, we had -- and plus  
23 the CREP, we had a reduced tree stand versus  
24 that 800 stems per acre, we tuned it down to  
25 about 434 acres. So we -- per acre. We had

1 about half the trees there. So understanding  
2 how the difference in the programs -- and also  
3 while some lands qualified, why others  
4 weren't, and also about the conservation  
5 easements, that was a big block for us.  
6 Again, we didn't know how to handle an  
7 easement. I had a case where a landowner, her  
8 father had purchased the farm in the late  
9 1930s from the Farmers Home Administration.  
10 When they went to close the conservation  
11 easement on there, they couldn't because by  
12 her father buying this land from the FHA, at  
13 the time the FHA retained all the mineral  
14 rights on the property. With that being said,  
15 they couldn't close the conservation easement.  
16 So this lady had to hire a group of attorneys  
17 and it took about five years of negotiating  
18 back and forth with the USDA in order to close  
19 that easement that was something that I really  
20 wouldn't want to wish on anyone. That was  
21 very difficult.

22 The other thing was the state, the  
23 CREP administration at the time, each one of  
24 these easements had to be surveyed and this  
25 technical staff was very limited. So

1           fortunately, there was enough money  
2           appropriated where a landowner could hire a  
3           registered surveyor to help survey these  
4           easements and that was a long drawn out time  
5           problem. Another thing was paralegal staff.  
6           All this factored in. There were people that  
7           planted their trees in 2000 but it was on 'til  
8           2009, 2010 before some of these conservation  
9           easements were closed.

10                       Folks, it was just a tremendous  
11           strain. It put a lot of burden on our  
12           relationship locally, and I know that there  
13           was -- what being done, what could be done  
14           here in Raleigh. So it was a tremendous  
15           undertaking. Looking back now, it's a lot  
16           easier to see some of the problems we made or  
17           how we could streamline them, but at the time  
18           we were kind of walking into the dark on this.  
19           And to have had as much success locally as  
20           well as statewide with the CREP program is an  
21           amazement. It's been very successful because  
22           we've had a lot of problems with it. Talking  
23           with my counterparts around state, I don't  
24           think there's been a program that we have  
25           processed that has been as difficult as this.

1 It's been a really problem and that's just  
2 talking about the technical service employees.

3 You know, moving forward, we've got  
4 quite a few 30-year easements left in the  
5 county, we've got about decade or so left on  
6 those guys. And then we've got quite a few  
7 permanents. Our question is what is this CREP  
8 easement going to look like. Now you know,  
9 after that 30-year easement is up those that  
10 don't -- because everyone is in the 30-year  
11 has an opportunity to go to permanent. And  
12 for whatever reason, they may not want to they  
13 may want to stay in a 30-year easement. What  
14 will it look like in 30 years? Will they  
15 clear cut it? Possibly there may be a  
16 percentage. There may be some that will say,  
17 hey, I'll go in for another thinning to keep  
18 my trees looking good and keep them healthy.  
19 To have those that have clear cut go back and  
20 row crop production, will that be a  
21 possibility? I don't know. That is something  
22 that we as an agency have tabled quite a bit  
23 and that kind of hinders on what the USDA  
24 classifies it because in the 1985 farm bill  
25 with the highly erodible land provisions as

1 well as the wetland provisions that came about  
2 in 1990, we don't know because right now with  
3 CRP and looking at CREP, that land retains a  
4 production history so to speak. It maintains  
5 a track number. It maintains a field number  
6 and along with it, it's highly erodible or  
7 wetland classification. So the way the  
8 language is written right now, there's a  
9 possibility it could be stumped and go back to  
10 crop production. If something happens in that  
11 language from a national standpoint, because  
12 right now the, folks, the USDA has lost two  
13 major lawsuits based on wetland provisions  
14 nationwide because of farmers fighting it, I  
15 don't know if that language changes. If it  
16 changes and they say, hey, CREP's been in 30  
17 years, it's reverted back to wetland based on  
18 the hydrology of the land, it may not be able,  
19 from a legal standpoint, or those that may  
20 receive USDA government benefits, they may not  
21 be able to put it in row crop production. So  
22 that's kind of where we're at. Those that  
23 want to leave it in trees, we're trying -- and  
24 Eric and his staff has been very helpful, he's  
25 got a staff member that's been with the CREP

1 program just about since day one, and we're  
2 able to talk and work with these landowners  
3 and it's almost a case-by-case basis of  
4 sitting there with them and saying, listen,  
5 let's put together a game plan of what you  
6 want your CREP program to look like in 10  
7 years, as it moves onto your children or  
8 grandchildren, what are their interests,  
9 because that's -- we've been at this program  
10 so long we're getting to understand the second  
11 and third generation of these family members  
12 to understand what their objectives are as  
13 well because they're going to inherit the  
14 land. And what level of management, that goes  
15 back to what are their objectives. If the  
16 children or grandchildren live two states  
17 away, they're going to have to keep in mind  
18 there might be some management aspects in  
19 there if they're not able to do it, where they  
20 are living geographically, they may have to  
21 hire a consultant or some kind of local  
22 service provider. We try to stay out of that  
23 as much as possible. The only thing we have  
24 an influence on, we have a list of  
25 contractors. A lot of them we work with that

1 the North Carolina forest service has a list  
2 of certified foresters or forest land  
3 management that we're always happy to share  
4 that information with everyone. So that's the  
5 other thing. You know, how do we adjust the  
6 current practices. You know, our kudzu photo  
7 earlier, we have to make some adjustments in  
8 these easements based on that. We have had to  
9 go in and prematurely clear cut some of these  
10 CREP easements based on that kudzu because if  
11 we were to just leave it as status quo, the  
12 kudzu would decimate the trees. We wouldn't  
13 have anything to justify what guys put in it,  
14 what anyone has put in it. We would have to  
15 go in and harvest those trees, work with the  
16 forest service and basically get an update on  
17 progressive type forest management plan to go  
18 in and do some herbicide treatments over a  
19 period of two to three years and then go back  
20 and re-establish those trees.

21 Those are some of the things we're  
22 dealing with. Folks, I know I've been over my  
23 time and I certainly appreciate the  
24 opportunity, again, and thank you for your  
25 hard work on this program.

1 THE CHAIR: Will, thank you.

2 MR. BEVINGTON: If there's  
3 questions for Will, we certainly have time for  
4 questions.

5 THE CHAIR: One thing, Will, to  
6 start off, there's recently -- I'm from  
7 Winston-Salem -- in our paper about one of our  
8 greenways that it's overcome with kudzu and  
9 they got a group of farmers that had goats who  
10 worked on different patches of it to do it in  
11 a way to help feed the goats and get rid of  
12 the kudzu to remarkable results. I take it  
13 these lands are too big for that kind of  
14 thing.

15 MR. MANN: It would work. The only  
16 thing with the CREP easement, there's a  
17 provision in the language you're not allowed  
18 to graze it --

19 THE CHAIR: So we can use  
20 herbicides but we can't put the goats in?

21 MR. MANN: That's been since day  
22 one. You know, livestock is still the most  
23 effective way of controlling kudzu. And as  
24 far as a forage, it's highly nutritious, it's  
25 high protein, very high quality forage.

1 MR. WALSER: There are significant  
2 costs in doing that. Having worked on some  
3 kudzu projects with land trust, the fencing,  
4 protecting the goats, it's labor intensive.  
5 It's a battle, it would cost a lot of money.  
6 It's a lot cheaper to do herbicides.

7 THE CHAIR: Thank you.

8 Other questions for Will or Steve?

9 MR. HEARNE: You mentioned the  
10 program that I work with in the west that does  
11 temporary or term easements which is River  
12 Builder, and one of the reasons they say it's  
13 a great deal because it's a great deal value  
14 per acre. I know the acreage amounts you  
15 refer to are pretty darn good per acre and the  
16 leverage coming in is good. I always talk  
17 about the value of that program. When we talk  
18 about why term easements are more beneficial,  
19 they're not costing us the highest amount,  
20 they're costing us the lowest amounts. I have  
21 determined the dollars in this program are  
22 pretty similar.

23 MR. BEVINGTON: The numbers go up  
24 and down over the years, the math changes,  
25 depends on staff resources and the hard work

1 on the local end and the willingness of  
2 different landowners to participate. We have  
3 had had years where CREP averaged per linear  
4 foot an enhancement value of 15 dollars per  
5 linear foot.

6 MR. HEARNE: Which is crazy good.

7 MR. BEVINGTON: Some of our  
8 projects are over a hundred dollars per linear  
9 foot. The return is fantastic and I think  
10 we've got a sense for a little bit today of  
11 the complexities those of what we have bought  
12 essentially which is two or three different  
13 things and probably various by farm to farm.  
14 But the value of CREP -- in it's best  
15 applications is huge because of the high match  
16 and because it's just a conversion, we're not  
17 moving earth, not doing terribly expensive  
18 things to the earth, ground. It is one of the  
19 highest value projects we see and it's one  
20 reason it's been funded year after year.

21 MS. THREATT-TAYLOR: You make soil  
22 and water districts look wonderful. But my  
23 question comes in, I have been out of touch  
24 with CREP in the sense of who pays for the  
25 mismanagement practices? I know a lot -- we

1 looked at the trees, you know how we used to  
2 do loblolly all the time, now we're getting  
3 into long leaf which requires burning, and I  
4 was thinking about -- with the grass programs,  
5 those management practices over those years of  
6 the contract or easement, whichever one it is,  
7 require somebody to pay some money for some  
8 folks to come in and do the management or the  
9 farmer does it himself, but that still costs  
10 money. It used to be we could write that into  
11 the contract where year two or three with the  
12 implement of BMDs and that cost was in there.  
13 Is that still how it is or they just have to  
14 come out of pocket?

15 MR. MANN: As far as site  
16 preparation and getting the easement  
17 established, whether it's grass or trees,  
18 there is cost sharing money. If there's some  
19 management aspects after that, there is. Now  
20 if there's a mismanagement, say if the trees  
21 were harvested -- they did a clear cut before  
22 the easement, that's the landowner's expense.  
23 If that grass field border gets destroyed or  
24 they plant a crop on it, that's the  
25 landowner's expense. Anything that's done

1 outside of what is required, basically what's  
2 legal so to speak, is the landowners expense.

3 MS. THREATT-TAYLOR: So for the  
4 forestry part, the management and thinning,  
5 all that stuff is written into the original  
6 contract, year two, four, whenever it's  
7 needed, it's in the original contract?

8 MR. MANN: It is. All of the  
9 CREP -- we didn't do a pre-commercial  
10 thinning. So all of the timber that is  
11 thinned and that would be after year 15 so to  
12 speak, all of that would be income generated  
13 from the sale of the timber. We never cost  
14 share anything like that. Basically, the only  
15 thing we cost share with the CP 22 or the  
16 forestry establishment is the site prep and  
17 the trees themselves. In the case, like  
18 the fusiform rust, for example, we had to go  
19 in and basically chip or remove all those old  
20 trees and that was re-established with some  
21 cost share money in that case because that was  
22 out of everyone's hands so to speak that was  
23 just poor quality seedlings. But all of our  
24 timber, we work hand-in-hand with the forest  
25 service so we lean on their technical

1           abilities on that.

2                       MS. THREATT-TAYLOR: I know there  
3           was a case one time when I worked with a  
4           little lady landowner who the neighbor said,  
5           oh, she's got some trees growing up in her  
6           field over there, let me go over clean for  
7           her. I've never forgotten that case which was  
8           not her fault but the program, so we had to  
9           work -- anyway that was not pretty. And I  
10          guess that will come back to our discussion  
11          later on about flexibility and things because  
12          this program is -- intense with our farmers  
13          and land community.

14                     MR. BEVINGTON: With Hank's help  
15          and those spent time for templates, things  
16          written in, very prescribed activities that  
17          were written with habitat enhancement in mind  
18          by biologists working with Clean Water  
19          Management Trust Fund years ago. And  
20          landowners opportunities for other programs  
21          has changed so there's some funny things in  
22          there. I didn't think we were ready -- I  
23          certainly was not ready to discuss them today,  
24          but I think you're right, Dale, we're going to  
25          have some very good questions put to people

1 much -- Will included and Eric Lamp who is  
2 here about what should the CREP look like both  
3 for Clean Water's best interest and also for  
4 the landowners's best interest. And I love  
5 the earlier discussions about resiliency in  
6 eastern North Carolina in particular. There's  
7 a lot of room for improvement that probably  
8 won't hurt landowners's interest but as we  
9 heard, there are things that complicate the  
10 real world application. It's long overdue,  
11 we'll have conflicting interest, there will be  
12 people pushing to clear cut outside of the  
13 easement, people pushing for the 18,000 acres  
14 interest, 30-year conservation easement, most  
15 of them are due in 10 years or sooner. We're  
16 presently writing contracts that will have a  
17 30 year life that may make little sense.  
18 That's an exaggeration but to have some  
19 inaccuracy how the real world is working.

20 We'll try to bring some discussion  
21 topics on these three things. I think this  
22 discussion is where this needs to go this year  
23 sometime.

24 MR. WILSON: What's the window of  
25 time in which you have to make decision about

1           whether to get out of the program -- like if a  
2           30-year is about to expire, what's the window  
3           to decide pull out completely whether to look  
4           to another 30-year or to go to a permanent?  
5           And are there any restrictions on what you can  
6           do if you're out of the program temporarily?  
7           Like could you clear cut it and then say I  
8           want to be back in for another 30-year or  
9           permanent?

10                       MR. MANN: No, sir, you won't be  
11           able to clear like that. What Eric and his  
12           team have been very progressive as far as  
13           approaching these landowners already even  
14           though we've got a decade left, say look you  
15           need to look at the permanent we've still got  
16           that 10 year time frame and, of course, this  
17           is new to us all and I'm sure Eric, I don't  
18           want to step over my bounds here, but I know  
19           they've probably got something in place. But  
20           even those that have like a 15-year contract,  
21           that question is brought up, they said could I  
22           cut that 15-year-old tree, clear cut it  
23           because economically right now, because if we  
24           look at the timber industry, for example, that  
25           tree that's actually 15 to 18 years old on a

1 per acre basis brings more economically than  
2 the 30-year old timber because basically in  
3 our part of the world we have a poke wood  
4 market, chip and saw market, that's very  
5 progressive. The 30-year old tree, that's  
6 going only to saw timber and all our saw  
7 timber is export market. That's been  
8 depressed back to the housing. As we see,  
9 export markets currently in the last several  
10 months is getting even more depressed. So  
11 right now that 15, 18 year old tree looks a  
12 lot more attractive. I've had people say,  
13 "Can I cut that tree and start all over  
14 again," and, no, you can't do that.

15 MR. WILSON: To be clear, they can  
16 cut it and leave the program if their term is  
17 expired, but they won't be able to reenlist  
18 back in the CREP. It's a one off.

19 UNIDENTIFIED VOICE: Can your 15  
20 year expire and you say "I'm going to scratch  
21 my head and think about this for a year and do  
22 nothing," and then come back after a year and  
23 say "I want to do a 30-year or permanent," or  
24 do you have to make that decision about  
25 whether you're going to exit the program

1 before your 15 year expires?

2 MR. MANN: It's going to have to be  
3 before 15-year, and going back to our earlier  
4 example, because so much of our land got  
5 qualified because of hydric soil or the highly  
6 erodible provision, today, as far as the  
7 easements, the 30-year permanent, it wouldn't  
8 be eligible, even if we were starting with a  
9 clean slate. So those are things we have to  
10 consider.

11 Our guys, the 30-year easements,  
12 probably 35 to 40 percent wouldn't be  
13 eligible. We're going to work with them best  
14 we can but it's going to be hard to say  
15 they're eligible.

16 MS. GRISSOM: Can I ask a quick  
17 question? I just was wondering what exactly  
18 is allowed in the existing template for the  
19 various contracts or easements that have been  
20 signed in the past and the ones we're writing  
21 right now? Because some kind of timber  
22 management is in there. Is it just not clear  
23 cutting or are there other management  
24 practices that are allowed or not allowed?

25 MR. MANN: As far as the management

1 practices overall, nothing has really changed.  
2 Yes, there's still some provisions for timber,  
3 but no clear cut, and the obvious ones are no  
4 dumping trash, no mining practices, no parking  
5 of equipment, because that's been a big issue  
6 for us.

7 MS. GRISSOM: You mean within the  
8 easement area?

9 MR. MANN: Exactly. And we've seen  
10 quite a bit of that. Those are kind of pretty  
11 much the low hanging fruits so to speak, but  
12 that pretty much wraps up what the management  
13 is.

14 MR. BEVINGTON: Amy, I will explain  
15 what I flashed on the screen. I wasn't going  
16 to show the slide because it was for a  
17 different meeting so ignore the second column.  
18 There is no proposed template at this point.  
19 But the --

20 MS. GRISSOM: Let me stop for a  
21 second, I couldn't go to the meeting so I'm  
22 kind of flying blind here. I don't have the  
23 slides.

24 MR. BEVINGTON: I will say quickly,  
25 the standard easements are written today for

1 conservation easements, those require 50 foot  
2 minimum buffer zones. It has a requirement,  
3 this is through the CREP program manager  
4 requirements that they plant these two  
5 different species so it can't be one single  
6 crop. Thinning is allowed under very specific  
7 conditions as part of a forest management  
8 plan.

9 MS. GRISSOM: That was what I was  
10 wondering. How specific is the thinning? Of  
11 course, you're going to manage your timber  
12 stand and you need to thin, but there's a  
13 difference --

14 MR. BEVINGTON: -- it has some  
15 language in there about group selection of  
16 trees or single tree thinning techniques which  
17 typically are not used as I understand it.

18 Eric, do you want to answer that?

19 MR. LAMB: Beginning year 16, you  
20 can do some thinning. So there is nothing  
21 allowed at all prior to that time. And what  
22 we've done is we've worked with the North  
23 Carolina Forest Service to develop a policy  
24 that once you get to a basal area which is a  
25 measurement of the tree density, once you get

1 to a basal area of 130 square feet per acre it  
2 can be thinned down to 70 and 70 basal area is  
3 meant to enhance wildlife habitat. Water  
4 quality is our primary focus, we've got a  
5 second mission to improve wildlife habitat and  
6 that's how we're taking care of that right  
7 now.

8 MR. BEVINGTON: For those that are  
9 curious, I can share an e-mail, a current  
10 template. I understand some of it in there  
11 has prescribed thinning practices that most  
12 forest managers today would not recognize as  
13 relevant.

14 THE CHAIR: For overview for  
15 trustees, this is something that I thought was  
16 really important for the full board to get a  
17 view of, but our restoration committee has  
18 going to delve into the details on this and,  
19 Will, I hope that you will continue to be a  
20 partner with us, your knowledge base, we're so  
21 lucky to have you and would love for you to  
22 continue educating us, best practices. We  
23 know a lot of those areas are distressed areas  
24 in the state and we've got to think about that  
25 kind of impact also as we look at this. So

1 we'd love your partnership going forward as we  
2 kind of delve into the details and, Steve,  
3 thank you, it was great to have Will here with  
4 us.

5 MR. MANN: Thank you.

6 THE CHAIR: Trustees, it's 10:30.  
7 We can take a five, 10 minute break or power  
8 through, and people that need to slip out to  
9 the restroom, do so. I'm a power through  
10 person.

11 Steve, do you need a break?

12 MR. BEVINGTON: I'm ready to power  
13 through.

14 THE CHAIR: We're moving on to the  
15 restoration easement survey report. Tell us  
16 about the intern work.

17 MR. BEVINGTON: Thank you, Greer.

18 This topic came out of some earlier  
19 discussions we had, again, with the  
20 restoration committee about our restoration  
21 contract and easement templates which had some  
22 10 year maintenance agreements and still does  
23 to this day. People that take on a  
24 restoration program are required to, even  
25 outside the length of the contract, once the

1 contract is closed, after three or four years,  
2 typically there's a 10-year maintenance  
3 agreement they're supposed to abide by. It's  
4 not necessarily -- it's never been enforced by  
5 us. When we mentioned this to the committee  
6 and I think it came before the board as a  
7 general topic, the real issue was how many of  
8 these projects need repair, how often do you  
9 have to go out and fix them.

10 Last year we hired Marcus Perry, a  
11 young man at NC State, he was charged with  
12 visiting as many of our Clean Water Management  
13 Trust Fund restoration projects that he could.  
14 I will get to those numbers in second. He was  
15 given three months to do this. He spent some  
16 of it in the office but most of it in the car  
17 driving around all of North Carolina. So I  
18 will bring a little history of what he saw.  
19 First I will talk about what our field  
20 objectives were and what questions we were  
21 trying to answer, discuss what we find, what  
22 Marcus found, what I saw and the field reps  
23 were helpful putting their point view in this  
24 as well. Sort of an assessment of how they're  
25 doing. One of which Greer hit today, the

1 kudzu in urban environments, so we'll get some  
2 goats and check that one off the list.  
3 Although that same requirement not to graze is  
4 in our restoration contracts too.  
5 Opportunities for further success. I think  
6 this will be kind of fun.

7 We have 169 completed Clean Water  
8 Management Trust Fund projects over the last  
9 20 or so years. That's really the number of  
10 ones that sort of fit into our standard  
11 practice. So CREP is not included in this  
12 number. And Marcus was able to get to 100 of  
13 those sites. Not all of them.

14 Essentially he was looking at four  
15 different areas. He was looking at are the  
16 easements we have in place encroached upon.  
17 It's supposed to be a 50 foot repairing  
18 buffer, is there a 50 foot repairing buffer  
19 there or is it encroached upon. What is that  
20 buffer like? It is a native growing natural  
21 forest or is it consumed by weeds, is it  
22 somebody's front yard? What's going on in  
23 there. Really looking at the stream itself.

24 NC State did this. Clean Water  
25 Management Trust Fund paid for two projects to

1 go look intensively at a subset of streams.  
2 They also found problems but found that many  
3 of these streams were doing pretty well. We  
4 can compare results to that. But to look at  
5 the stream functions we have paid for,  
6 hopefully they're still in place. And then  
7 look at the whole environment, the neighbors,  
8 and the reason I put that in there actually  
9 turns out to be one of our better finds,  
10 predictive of success is really the  
11 neighborhood essentially. The four or five  
12 parcels in the immediate vicinity of the  
13 project, what does that look like in terms of  
14 a restoration or a preservation opportunity.

15 What we were checking really,  
16 encroachment. Unfortunately, these easements,  
17 169 different areas across the state, are  
18 probably not always assigned a diligent  
19 steward so we're curious about that. Looking  
20 at boundary conditions, whether you can tell  
21 where your easement is for example. We spent  
22 a lot of time worrying about that. Kind of  
23 looking at the flood plain, is the stream  
24 using the flood plain as we hoped to see,  
25 description of neighbor conditions.

1           So I think I've covered this more or  
2           less, but the real bottom line question is is  
3           the project area being encroached upon, is  
4           vegetation contributing to the stability of  
5           the stream, is the stream supporting uses,  
6           drinkable, fishable, swimmable, and is the  
7           project area meeting its objective, is it a  
8           popular place, something that contributes to  
9           the value of the community it sits in.

10           This is sort of what our form looks  
11           like. Marcus would spend an hour or two at  
12           the most at each one of these sites. It's a  
13           five page form he would fill in but this is  
14           sort of the major disturbance piece where we  
15           would look for activities that are obviously  
16           inconsistent with our easement. We didn't see  
17           a ton of these, but I will show you some that  
18           popped up quite regularly unfortunately. In  
19           terms of the buffer, we're really looking at,  
20           most important, I highlighted here, continuity  
21           of vegetative buffers. We have a lot of data,  
22           how deep the buffer was, how long it was, was  
23           it better on the right or left. The second  
24           set of bullets is looking at the continuity.  
25           We have a 2000 foot project and we planted

1 2000 feet on both sides of the stream and  
2 spent a couple years nurturing, hoping it's  
3 healthy, this is a key assessment of how  
4 continuous is that buffer that we hopefully  
5 created.

6 In terms of stream conditions it's  
7 really opposite of what you do when you see  
8 field reps reports from distressed streams,  
9 looking for stability of the stream banks and  
10 whether this heavy erosion taking place and,  
11 obviously, we don't want to go out to ones we  
12 fixed 20 years ago and find that we have to  
13 start over again.

14 A couple miscellaneous questions  
15 Marcus answered as well. Again, some of this  
16 is the idea of how the project functioned,  
17 other competing uses like a greenway, and  
18 things -- we also asked -- herbivores are a  
19 big problem, beavers, deer eating the  
20 vegetation.

21 This is the site of the 100 sites  
22 visited. We tried to get Marcus out to every  
23 county. We didn't quite make it to every  
24 county, but I think he did a nice job of  
25 getting a character of north, south, east and

1 west North Carolina. I think it was pretty  
2 unbiased.

3 Here are our findings. Some of these  
4 in some ways seem a little distressing and  
5 some ways sort of seem like good news. I  
6 think the first bullet there, 20 percent of  
7 our easements were infringed upon. It's quite  
8 unfortunate. It's not that surprising. A lot  
9 of these projects are sort of ignored frankly.  
10 That's certainly true by our agency due to  
11 staff limitations, the way we set it up is  
12 sort of allowing -- we have third-party  
13 enforcement on many of these projects, but  
14 unless we hear of a problem we don't really  
15 necessarily monitor them. So there are  
16 counties that have active soil and water  
17 programs, active monitoring for the projects.  
18 Certain non-profits do this a lot. Some of  
19 the others, frankly, the steward who has  
20 contractually promised at the beginning of the  
21 project to take care of it has never really  
22 established a program for protecting it.  
23 They're doing the same as us, waiting for bad  
24 news and trying to react if it happens.  
25 That's a problem.

1 THE CHAIR: Steve, with our  
2 acquisition programs, they have to have proof  
3 to us that there's going to be oversight of  
4 the land to make sure -- there has to be a  
5 partner involved to do that; correct?

6 MS. GUTHRIE: Yes. When the state  
7 is holding the conservation easement, then  
8 there is an endowment set aside that Marissa  
9 is managing through the program. With the  
10 match easements we then have the partners hold  
11 and monitor those easements.

12 THE CHAIR: So there's more teeth  
13 on the acquisition side than we've had on  
14 restoration.

15 MR. BEVINGTON: There's certainly  
16 more teeth and probably more attention and  
17 there's a better funding mechanism to allow us  
18 a steward to the corrective job in checking it  
19 once a year. We do have -- we have --  
20 especially in County, Mecklenburg County and  
21 Durham County projects some water districts  
22 that check all of their projects every year.  
23 They don't check all of our projects in those  
24 counties. We have done a lot with the storm  
25 water in those areas. If you recall, last

1 year we did allow partners who have a  
2 certified land trust as part of their  
3 application package request a stewardship fund  
4 for a restoration project so it's a match  
5 50/50 but I would love to see that taken up  
6 on. Frankly, I don't believe anyone has gone  
7 for it yet. But I might be wrong. It's an  
8 obvious deficiency is some of these the land  
9 stewards promised to kind of do it and that's  
10 the last we heard of it.

11 This is what you get. One out of  
12 five. These don't sound horrible. Mowing,  
13 foot traffic, but they're up there because  
14 they impacted. We've had several cases where  
15 foot traffic really means is people are just  
16 taking it over for their own uses and it isn't  
17 really a natural area at all and it may  
18 fishing spot or something, it's not the worse  
19 thing in the world, it's just we paid to have  
20 it planted with certain trees, the bank needs  
21 to be stable and people are parking their car  
22 next to it and trampling all over it. Mowing  
23 was one that Damon and Justin brought to my  
24 attention. Interestingly enough, we thought  
25 it would be an urban problem but it's

1 everywhere. The mower is -- obviously easy  
2 way to get in to brush and see where your  
3 going, people like to see the stream. Over  
4 the years, you mow closer and closer.  
5 Anecdotally, we heard that about 10 percent  
6 and a little more disturbingly a lot of the  
7 demarcation, Marcus said, I can see where  
8 buffer starts, I said how do you know, he had  
9 a check box on his form, it says mow line. So  
10 the edge between our easement is not a sign or  
11 fence or a clear legal boundary of any sort,  
12 it's just where the mower last went. It tends  
13 to creep in.

14 So Polk County, when I was down there,  
15 the Saluda Land Trust asked if they could have  
16 extra money to buy -- great idea -- to post  
17 along the Pacolet River to post the easement  
18 which had been signed before in the past. But  
19 they wanted extra money to have these posts  
20 made out of natural hickory wood and the storm  
21 water extension aid said no. He suggested we  
22 not do it, he said when the guy with the brush  
23 hog out there he's not going to hear those  
24 posts, he will mow them by accident and never  
25 know the difference. Put a big metal post out

1           there and he'll know. So boundary marking is  
2           where we're going in this discussion. We need  
3           to have these things clearly marked and  
4           they're not at all.

5                     Any questions about how we -- what's  
6           happening to these things? We're not seeing  
7           clear cutting, we're not seeing any bull  
8           dozing, but we are seeing serious impacts in  
9           one out of five which I think we would see a  
10          lot less in Nancy's acquisition side. I'm  
11          sure there's some but it seems high.

12                    This is an example of subtle you know,  
13          doesn't seem like a big threat, correcting  
14          these things and we're correcting quite a  
15          number of them, Will stumbled across one in  
16          Durham recently.

17                    MS. THREATT-TAYLOR: We're seeing  
18          there should be wooded vegetation on the other  
19          side also?

20                    MR. BEVINGTON: Yes. This is a  
21          matched part of our parcel where we were  
22          supposed to get a wild 100 foot wide corridor  
23          for habitat and what we got was more of the  
24          guy's yard. It happens. There's quite a few  
25          examples of that unfortunately.

1 I mentioned earlier the majority --  
2 even worse 35 percent of the easements, we  
3 couldn't tell where they started or stopped.  
4 Sometimes that was fine because it's the  
5 middle of the forest and there was extra  
6 repairing buffer there sort of by accident  
7 maybe, it was ignored, that's fine. But  
8 really quite a few of them -- it's even a  
9 little more stark than that because 35 percent  
10 of easements had visible signs or marking but  
11 a lot of the other ones weren't well marked.  
12 I don't have the exact number that were  
13 clearly marked but it was view. I know there  
14 are for different agency standards of how you  
15 mark an important area and I think it's time  
16 we probably consider bringing some of the  
17 committee to look -- when the construction  
18 people walk off the property, what should the  
19 marking look like. We presently have no real  
20 instructions to applicants on that. Again,  
21 the mow line is the most common one. Only 15  
22 percent had a fence. Some of those fences  
23 were in poor shape so people crossing them  
24 are -- not that you couldn't cross it if it  
25 was public property but it's consistent with

1       our program. And very few of our signs -- our  
2       signs weren't useful, that's why I sort of  
3       highlighted. We'll have to change all these  
4       of course, to Land and Water, but sometimes,  
5       sort of near the road there was a Clean Water  
6       sign but the rest of the property there's no  
7       further sign.

8               Several applicants do really take  
9       great care in putting informative information  
10      together. So there are some success stories  
11      in there of really nice educational material  
12      along these projects. I don't want to take  
13      away from that. But in terms of protecting  
14      our buffer, there's very little signage. The  
15      vegetation actually did pretty well despite  
16      all this. Obviously there were some  
17      incursions into it. Only 35 percent were  
18      perfect, that 35 percent easements on both  
19      sides, continuous up and down but we were  
20      counting any larger than 10 foot gap as  
21      imperfect. Marcus came back with 14 of them.  
22      I went to look at some of them with him where  
23      they really were impacted pretty severely and  
24      sometimes it was just things we hadn't taken  
25      into account, power lines, some applicants are

1 good about working with power lines, saying  
2 hey, look, if you're going to continue to  
3 cross there we will do remonstrations and build  
4 you a ford, others forget about it and power  
5 line easement makes a much bigger impact than  
6 we anticipated. It's allowed use of the  
7 conservation easement but the way it's being  
8 managed creates a gap and stream restoration  
9 problem.

10 Repairing, 25 percent of the projects  
11 out of 100 visited had no invasive species  
12 problem at all. 50 percent of the buffers had  
13 invasive species. We'll talk about that in  
14 just a second.

15 I can't remember why I put this  
16 picture in but we have a lot of situations  
17 where thick vegetation is there, it's just not  
18 exactly what we designed or engineered. A lot  
19 of invasives came in.

20 Looking at the streams themselves,  
21 they did a lot better. Again, I think they're  
22 sort of in the condition of being ignored but  
23 doing very well. The history of stream  
24 restoration, Nancy did ask me the question is  
25 there any correlation between the ones that

1 did pass over time and there isn't. There are  
2 some projects that were done poorly that were  
3 done in 1998 and the more recent one doing  
4 poorly is 2013. Anything more recent than  
5 that, of course, the contractor was just out  
6 there patching it up. It does seem to be  
7 pretty much -- the streams are holding up  
8 well. I would say the history of stream  
9 restoration has changed. It used to be  
10 essentially, 20 years ago, people would go in  
11 with large rock, stone structures, they're not  
12 going to go anywhere. They could fail for  
13 different reasons especially if the vegetation  
14 is removed.

15 More recent projects have been built  
16 with a lot more wood, using smaller rock to be  
17 more natural, maybe a little more vulnerable.  
18 I think it's something to keep an eye on in  
19 the future. I was really happy. I was asked  
20 quite often the reason -- beaver is up there  
21 as a separate bullet. We are asked quite  
22 often about beaver control. Officially -- I  
23 worked with Justin on this as well, should we  
24 develop a policy on how to control beaver. In  
25 a lot of ways they're a natural feature of a

1 stream so they should be there, you don't want  
2 them chewing away -- we had a pretty new site,  
3 a beaver had been eating what was planted but  
4 there's ways to manage that. And there were a  
5 couple where the stream had chosen a new  
6 channel because of beaver activity. But  
7 generally, as a matter of fact, some of them  
8 they seem to be improving the project. There  
9 were side wetlands that were from beaver. I  
10 think our growing answer is that if they have  
11 a local nuisance problem they can take it up  
12 with the county and address them but,  
13 otherwise, we have no objection to beavers  
14 being present on the project.

15 This is Richland Creek. This was one  
16 I was very nervous to visit. It's in Wake  
17 Forest. Luckily, this is not our project.  
18 This is more or less the before project. It's  
19 a sandy bed creek with huge erosion problems.  
20 You can see the trees tipping over, large  
21 woody jams that create more erosion. Probably  
22 six to eight foot banks. It had had a repair  
23 after it was done. We sort of tipped out  
24 there nervously assuming the thing would be a  
25 disaster. I bring this up as an example of

1           how this works. This is about a 10-year-old  
2           project. We did have a repair. They found  
3           the money to go and do it. But this stream  
4           held up fantastically and, you know, it's got  
5           this and that natural point bar. It has a  
6           sore spot or two as we hiked down it. You can  
7           see how sandy it is. It does work. We were  
8           really relieved to find that compared to the  
9           disaster literally upstream and downstream, I  
10          was so proud, there's many projects I've gone  
11          out and said this is pretty but this one, to  
12          literally see -- you could see where we  
13          started and finished. We funded it. But both  
14          ends of it look like this and I think, Justin  
15          has been working on it a little bit, phase 2,  
16          it's an expensive project to do. The stream  
17          is so torn up, it really does seem like a  
18          great opportunity. I think it died because  
19          there was -- the application came back to us  
20          not because it was too expensive or worrisome,  
21          but there was greenway project that sort of  
22          started and stalled and we came across some  
23          funny exercise equipment in bushes that hadn't  
24          been used in years. But it really is a  
25          success environmentally and was super happy to

1 see that.

2 THE CHAIR: How long ago was that  
3 done?

4 MR. BEVINGTON: Finished about 10  
5 years ago.

6 MR. SUMMER: I think it was  
7 repaired in 2013.

8 MR. BEVINGTON: The structures, I  
9 put this in just to reiterate, where they put  
10 in harden structures is not that surprising  
11 that they are still there so we found that to  
12 be quite a success.

13 Really what was, you know, we'll get  
14 into the urban problems in a minute because we  
15 did have some bad problems with urban vines  
16 growing over our projects. Aside from that --  
17 I don't have a fantastic way to characterize  
18 this, but we did ask Marcus to characterize  
19 what the neighbors were doing, what was going  
20 on, and two things came out of that. One is  
21 where there's other active conservation  
22 management, the thing was doing great. So in  
23 Charlotte, for example, where they have a lot  
24 of greenways and take pride in them, manage  
25 them well, while they're out there they tend

1 to do good things for the streams. Same  
2 projects that keep invasive species problems  
3 down and keep snags out of stream, having  
4 someone present and caring about it a tiny bit  
5 makes a huge difference. So that was really  
6 something -- there was nice simpatico with the  
7 greenways that we didn't -- they were sort of  
8 a nice marker too that they were managed for a  
9 greenway so they wouldn't let other people in  
10 there to have some of the problems we did have  
11 at other places.

12 We don't have a ton of out and out in  
13 the boonies sort of agricultural projects but  
14 they also showed relatively few encroachments.  
15 I was encouraged by that. I was a little  
16 worried they would show that people had  
17 forgotten an easement there and it had been  
18 plowed up, but that wasn't the case. There is  
19 no doubt about the urban projects, unless you  
20 have a program, I'm happy to hear about that  
21 in the newspaper, Greer, attention. In Old  
22 Salem we've had complains of kudzu taking one  
23 of our stream restoration projects. Urban  
24 projects are not only nuisance problems but as  
25 we saw in the CREP slides, tree killing vines

1 being a problem and that's not surprising when  
2 you build a perfect vine environment, a narrow  
3 strip with a street on one side that allows  
4 sunlight and a creek on the other side letting  
5 sunlight in and planting trees there. Urban  
6 vines are, not surprisingly, destructive.

7 We wondered if mowing was sort of the  
8 problem of city rec departments and it's not.  
9 We did find some of those where people go out  
10 and mow in the city park and don't treat it  
11 like a restoration opportunity, but it's  
12 everywhere, it happens in all environments.  
13 And really the highest correlation we found of  
14 anywhere of all the data is how the neighbors  
15 are taking care of the yard. If the  
16 surrounding environment was not being treated  
17 as a natural area, the stream was likely --  
18 repairing buffers were likely to be in a lot  
19 of trouble.

20 So here's kudzu examples. We've got  
21 literally tree killing. We have no real  
22 financial resource to do this. This is  
23 something, all these projects, going back to  
24 the local municipalities and asking if there's  
25 a way, they can find a way to slow some of

1           this destructive growth down in about 10  
2           sites. This is in Winston-Salem. This maybe  
3           Sivitan Park (phonetic). I don't know if that  
4           was the one in the newspaper.

5                           THE CHAIR: South Park.

6           Q.        You can see pretty much as far as the --  
7           I can see the stream is behind it. This is kudzu up  
8           front, tree killing, those trees will all be -- it's  
9           probably too late for those trees probably.

10                       I think the thing I'm sort of happy to  
11           say, I don't have shocking news to tell. The  
12           streams themselves were in good shape. So I mean, I  
13           really think the findings are pretty  
14           straightforward, that left alone, the streams are  
15           going fine. Left alone, the stewardship is  
16           insufficient, it really needs to be improved.

17                       Here are some examples. This is out  
18           west where it's part of our easement is essentially  
19           that. It's common land being used by people and  
20           valuable to the community in a certain way but not  
21           what we imagined when we got this project started.  
22           Looking all over, I think the bottom line is streams  
23           themselves are fine except for a few exemptions.  
24           Most of the problems that Marcus covered we either  
25           knew about or suspected. Easements are in fairly

1 good condition but do not have stewardship.  
2 Projects are not well marked. Aggressive vines are  
3 a problem. Projects that had compatible uses around  
4 them did very well. There was one exception at a  
5 state park where there was just probably an  
6 engineering mistake, stream's doing terribly inside  
7 the park. Otherwise, if they had good stewards  
8 close by, it would likely be in great shape.

9 Just an example of some of the bad stuff  
10 we did find that you know we do have areas that  
11 really could qualify for new grant and that's  
12 luckily quite rare. But there's a number between  
13 spot repairs, we will try to get effected now  
14 through sort of a couple of do overs. One case in  
15 point, there are three creeks that are a completely  
16 do overs. There's no way -- it's probably at least  
17 as bad as -- I think Damon and Justin could sell  
18 this to you as a restoration project. Whether it be  
19 worthwhile going back in or not, I don't know.

20 MS. THREATT-TAYLOR: In a situation  
21 like that, before you go back to the doctor,  
22 you have to find out what the source of the  
23 problem is. If you haven't changed your diet,  
24 the doctor ain't going to help you. What is  
25 the source --

1 MR. BEVINGTON: This actually is an  
2 active area where our score sheet is doing  
3 better with how we defined stream restoration  
4 and enhancement. This was a priority 2  
5 restoration where they put in a bench. They  
6 left it in size but cut a bench. Well,  
7 probably through poor mismanagement of the  
8 engineering description of the likely floods,  
9 they had more water than they thought came  
10 through and essentially taken that structure  
11 away.

12 MS. THREATT-TAYLOR: Get a new  
13 doctor.

14 MR. BEVINGTON: Like I said, I  
15 think there's 10 projects that we need work  
16 on, there's three that just do not work at  
17 all. One of them, is it Hominy Creek -- I  
18 forgot the name of it. It is going to be  
19 redone. They're going to find I think other  
20 funds, not Clean Water Management funds, just  
21 a do over. I think if we did 2 percent do  
22 overs, I'd be happy. I would love to see  
23 zero. Right now, three out of 100 are do  
24 overs. If we get one or two of them fixed, I  
25 think -- I guess where I'm getting, Dale, is

1           that the opportunity for the best win projects  
2           are out there and we've had some recently come  
3           in scoring extremely high on the Roanoke and  
4           other streams where they are engaging the  
5           whole flood plain again, not patch it up  
6           second or third priorities where they're  
7           working inside an incised channel, but  
8           reflooding I think goes along very well with  
9           the emphasis we'll likely hear on resiliency.  
10          That big, flat forest up there above the bank  
11          was the original flood plain. The stream  
12          doesn't get up there anymore but with the  
13          project can actually allow the stream to flood  
14          up there obviously can be successful. I think  
15          in latter years my hope is we'll show the  
16          projects we've been funding in the last five  
17          or six years are very, very few of these. I  
18          worked with Clean Water Management Trust Fund  
19          since 1998, I probably helped through with  
20          ones that didn't do so well, but I do think  
21          the emphasis is on the big picture. I know  
22          that's not a thunderous answer to this  
23          three-month project.

24                           MS. KUMOR: As the restoration  
25          committee starts looking at issues such as

1 monitoring, stewardship monitoring and ways to  
2 improve it and marking, those are the two  
3 issues --

4 MR. BEVINGTON: Right. Thank you,  
5 Renee. I just wanted to point out a picture.  
6 This one was just completed and I chose it  
7 because both field reps were involved in  
8 bringing this to fruition. It's right at the  
9 border between east and west. A very recent  
10 picture. There are plenty of places where the  
11 channel is just as bad as you saw believe or  
12 not can look as nice as this. We have some  
13 super winners out there.

14 I just want to -- exactly where Renee  
15 was directing me here, there are some short  
16 term opportunities. That's how I characterize  
17 it. We just need to go through our list of  
18 who said they're going to do stewardship and  
19 see if they're interested in doing it anymore.  
20 I think that's my homework, to really maintain  
21 that contact list and touch base once a year  
22 and just say have you seen the creek recently  
23 because we saw it and it looked pretty good or  
24 it looked terrible. We're beginning to  
25 require -- when we get projects completed, we

1 have a better map. Marissa can go into this  
2 more. We were very disappointed in the state  
3 of conservation easements. Some of them had  
4 misinformation, some things changed over 20  
5 years, missing maps or incorrect maps.  
6 They're supposed to be legally recorded  
7 documents. They were not a great source. So  
8 even if we had to make someone go in and make  
9 someone do something, there is often not  
10 accurate information.

11 MR. HEARNE: You mean the documents  
12 themselves?

13 MR. BEVINGTON: The documents that  
14 are actually recorded with it in county  
15 offices.

16 On closeout, we're doing that now to  
17 make sure what's coming through as a completed  
18 project, we have a good conservation easement  
19 that includes Schedule A or B or exhibits that  
20 really describe exactly where it is. And then  
21 I think with Will's help and other people, we  
22 really need to clearly describe what we want  
23 people walking away from a project, how they  
24 want to sign the projects. That could be even  
25 with projects that are in great shape now,

1 just say could you flag it better or tag it.

2 Will, what agency do you think have  
3 detailed description sign marking practice?

4 MR. SUMMER: Division of mitigation  
5 services that essentially does nothing but  
6 steward easements associated with stream  
7 restorations and those are tied to regulatory  
8 requirements and mitigation credits, they've  
9 got a very, detailed sign policy, if Eric's  
10 still here, largely written by Eric when he  
11 was in charge of that program. That's  
12 something we could do is to adopt that as our  
13 recommendations and when our name gets  
14 updated, we get logos, little boundary signs,  
15 we could order a thousand of those just with  
16 administrative funds, that's something we  
17 could do at the staff level to not only  
18 encourage and require folks to mark the  
19 boundary and provide them with signs at 51  
20 cents a piece.

21 MR. BEVINGTON: That's our short  
22 term recommendations. I really think where  
23 the committee and board eventually should  
24 probably hear from us in the not too distant  
25 future is really reexamining the stewardship

1            qualifications issue. We don't want to  
2            exclude people from the process. Mary works  
3            with so many of these contractors and  
4            payments, she always wants a button for a good  
5            applicant or praise the applicant. There are  
6            people we should be able to reward in some way  
7            for being great stewards, at the minimum tell  
8            you about it, this group continues to monitor  
9            their projects really well and give you an  
10           update, it could be a score at some point, it  
11           could be some other way of flagging  
12           dysfunctional stewardship which I think we  
13           really need to do. Consider expanding  
14           stewardship programs, restoration projects to  
15           help people pay for it.

16                    Will mentioned mitigation services,  
17           they just raised their banking price to over  
18           \$500 linear foot to get these projects built  
19           because they were running low on people,  
20           running low for these projects to make  
21           credits. So there is a very high cost do to  
22           this. I think we have some fantastic match  
23           that comes in, makes it affordable, but I  
24           think if we want a great product, we may have  
25           to pay for stewardship one way or another.

1 That's for you guys to help decide. Invasive  
2 species, I don't mean invasive species we  
3 control, that we would go out and solve the  
4 kudzu problem on our restoration projects, I  
5 think it's out of our hands, but at least have  
6 it factored in so people have some estimate if  
7 they have to do something, if were their  
8 environment, their greenway, who's going to --  
9 Winston-Salem does need to pay to control  
10 their kudzu, who's going to do that and is  
11 that reflected in a budget or management plan  
12 and help talk to you about that.

13 Last one, really is there a way to  
14 describe better what I mean by neighborhood?  
15 Are there areas we should be withdrawing from,  
16 that are unlikely to be successful. I didn't  
17 find terribly many strongly predictive factors  
18 beside neighborhoods. That's not terribly  
19 surprising. I think there are certain  
20 environments, social environments I think,  
21 where it's not a great place for a restoration  
22 project and we have to find a way to quantify  
23 that, either go with cautions, extra care or  
24 avoid them potentially.

25 There's my snapshot. I wish Marcus

1           could have been here, he put in a lot of great  
2           hours and bug spray. He never got a machete  
3           but he was talking about it.

4                       THE CHAIR: Please thank him on  
5           behalf of the Trust Fund and trustees for his  
6           great work because this has been a big  
7           question that has come up again and again. So  
8           I thank you for spending the time to work with  
9           him.

10                      Renee, I look forward to your  
11           committee's good work.

12                      MR. WALSER: Not only am I not  
13           surprised with these results, especially urban  
14           areas. I would have expected more impact. We  
15           have been in our society so terrible to our  
16           streams, kudzu is completely our fault, and  
17           undoing that is really, really hard and I  
18           would have expected numbers worse than this  
19           coming from a relatively urban environment and  
20           kudos to your committee and to the staff.  
21           Those pictures -- to not see water bottles and  
22           trash. I'm used to seeing a lovely stream and  
23           seeing a water bottle.

24                      MR. WILSON: Could staff perhaps  
25           maybe in committee meetings let us know if

1           there are any applicants that have really  
2           lousy stewardship track records? It's not  
3           part of our scoring system but I would like to  
4           know here's something that going to score well  
5           enough to probably be funded but they've got a  
6           really crappy stewardship.

7                       MR. BEVINGTON: I think the way I  
8           could put it is we could certainly list the  
9           ones that are not paying attention to their  
10          streams. And certainly to both of these  
11          points together, some of the success was dumb  
12          luck. These projects kind of got ignored and  
13          they did fine. If you build it right and  
14          leave it alone, it's not a problem. It  
15          doesn't mean tomorrow someone couldn't come in  
16          and mess it up because nobody's looking. I  
17          think that's the biggest problem. I do think  
18          providing -- I essentially know what it is, I  
19          could provide you that list. There  
20          certainly -- the other level is expertise. I  
21          mean, the land trust often have staff who are  
22          exactly familiar with kind of the procedure.  
23          Generally they work on a more effective way  
24          where you see 70 acres, we can sort of walk  
25          the perimeter with -- people have talked about

1 aerial photography and drones, things like  
2 this to collect better data. I think the  
3 other list to give you to talk about in  
4 committee or somewhere would be the technical  
5 resources that maybe people who might be a  
6 better steward if they knew how to get in  
7 touch with these people. I think it's a  
8 funding issue again. There's two issues.  
9 Some applicants ignore their responsibilities  
10 and the other one is there are people who are  
11 much better at it than others. I will think  
12 of a non-unfair way to present that to you  
13 board.

14 MR. HEARNE: We can definitely talk  
15 about which ones have active or requirements  
16 stewardship program. One goes out with  
17 college students and track easements like it's  
18 one of their kids. We can talk about which  
19 ones have dedicated staff or the endowments or  
20 kind of really proactive programs. We saw 100  
21 out of how many?

22 MR. BEVINGTON: 169. But there's  
23 other restoration things that aren't really --  
24 for example, CREP is one. We didn't go see  
25 the sites, they're stewarded in a different

1 way.

2 MR. HEARNE: What I'm getting at,  
3 since there's stuff we haven't seen, we may  
4 find one we consider to be a problem issue but  
5 another group that may not get called out that  
6 year. I think there are ways to --  
7 understanding their efforts and their staffing  
8 and their general practices, whether or not  
9 they happen to be identified as having a  
10 problem.

11 THE CHAIR: I think, John, to your  
12 point again, this is something that I see that  
13 the field reps can do their best job with that  
14 applicant, but the trustees want to know who  
15 the best are so our funds are being used in  
16 the best possible way. I think that's a --

17 MR. WILSON: And to inform  
18 applicants this conversation happened today  
19 and it's ongoing.

20 MR. BEVINGTON: Yes, that message  
21 coming back out, if you allow it, I think it's  
22 very important. Mostly through these two but  
23 through central office as well.

24 MS. KUMOR: Sometimes in  
25 restoration when we are doing phase 2, that

1 goes into your issue. When you look at phase  
2 one, you already know do I want to get help  
3 from these people in phase 2? What have they  
4 done downstream or upstream.

5 MR. CLARK: How much would it  
6 cost -- maybe it would be a good idea next  
7 summer to have an intern look at the rest of  
8 these.

9 MR. BEVINGTON: I think it's a good  
10 idea. I also think there are some that need  
11 revisiting. I'm glad to hear you say that,  
12 Walter.

13 I want to say one other thought that  
14 we've been working on, we're trying to get  
15 better easement projects so bigger. We're  
16 trying to take flood plains because it makes  
17 more sense to steward it. Some of these older  
18 projects have a 35 foot buffer. With an  
19 urban -- with a sewer line and a greenway,  
20 it's just not a huge priority, not a lot of  
21 other environmental -- not tons of  
22 environmental good that will come from  
23 maintaining that. But as we develop some of  
24 these larger, we have quite a few projects in  
25 the pipeline with 3 or 400 foot numbers in the

1 flood plain, that needs to be stewarded  
2 because the bang for the buck on repairing the  
3 buffer is huge.

4 THE CHAIR: For folks to know, your  
5 presentation is about 20 minutes, Will?

6 MR. SUMMER: I think I could do it  
7 faster than that.

8 Thank you so much. A lot of wonderful  
9 discussion here today. I will be as brief as  
10 I can. I will break down the 2020 application  
11 requests, talk a bit about numbers and a few  
12 of the nuances, briefly discuss the staff  
13 review process and remind everybody about the  
14 trustee site visit.

15 For our 2020 grant cycle we had 144  
16 applications, almost 83 million, an even 100  
17 in acquisition, 22 restoration, 8 innovative  
18 storm water and 14 planning. I will note  
19 there's a few large projects that skew this.  
20 There was one project that requested 10  
21 million. It's a big project but, obviously,  
22 we won't fund it that way unless things are  
23 very fortunate in the budget. There's a large  
24 one in restoration as well I believe is 6  
25 million dollars. Even considering those, it's

1 an still increase from last year both in  
2 number and amount.

3 We've got 29 more applications than we  
4 did last year. Roughly a quarter of those are  
5 reapplications. It's worth noting had we got  
6 the budget passed, we got that roughly 7  
7 million, a lot of those reapplications would  
8 have been funded. They were kind of the next  
9 on the list. Those folks were probably right  
10 to put it in and if the budget goes where it  
11 should then perhaps those will be funded. On  
12 top of that, there was another quarter of  
13 additional applications. So we had a lot of  
14 repeats and a lot of new applications. The  
15 reapplications are requesting a total of 30  
16 million. Again, some might have been funded  
17 had we had a big budget bump last year.

18 As far as regional distribution goes,  
19 the Piedmont stayed roughly the same in terms  
20 of number of applications. The mountains saw  
21 an increase, coastal saw an increase. There's  
22 quite a few applications in here. More than  
23 we generally tend to see. All good things.

24 I'll talk a little bit specifically  
25 about acquisition. 12 of the 100 came from

1 state agencies, four from local governments,  
2 84 from nonprofits. It is worth noting that a  
3 lot of those nonprofit applications are  
4 proposed to be transferred to state agencies,  
5 so if you think about the ones that might be  
6 state agencies you're really thinking about  
7 the green and orange being parks, game lands,  
8 and areas that are by default open to public  
9 access as well as some of the nonprofits could  
10 have public access as well.

11 What we will see this afternoon in the  
12 Brumley Preserve is a great example of a  
13 nonprofit owned public access site that is a  
14 well loved recreational resource for folks  
15 around here and local government as well is  
16 almost always public access.

17 In terms of the resource that they  
18 claimed on the application as a reminder,  
19 we've got four major resource types, any  
20 application could have all four. Almost all  
21 the applications had some water on or  
22 proximate to them on our buffers, so 96 out of  
23 100. Quite a few had some scoring for natural  
24 heritage. That might be as high as the 50  
25 points which would have maxed that out or as

1 low as five points. So they're not all  
2 excellent natural heritage sites but they are.  
3 Of those, the natural heritage staff has  
4 reviewed all 100 from the desktop. Some sites  
5 were familiar. Some were new to them. The  
6 ones that were new to them, based on what they  
7 could see, they wanted to go out and visit 43  
8 new site visits. So all the biologists are  
9 going out to see the sites for us which is  
10 great to have that level of eyes on the  
11 ground. 21 claimed historical cultural  
12 credit. Nancy sent those off to historians to  
13 review. They will tell us if they do have the  
14 merit that they claim. And eight are green  
15 ways.

16 I will also note of these 16 or 17  
17 claimed, that they were military buffer  
18 projects. Again, Nancy sent those off to  
19 designated individuals on each base to  
20 determine whether or not it is priority for  
21 the base as it says it is.

22 I did want to touch base on the  
23 results from the changes we made to the -- you  
24 made to the criteria as a result of S 381.  
25 The two big things that had changes in points

1 were the likelihood of land use change, that  
2 added two points to the system. A little less  
3 than half got the full credit based on the  
4 growth model we showed you in December. A  
5 quarter of them received partial credit based  
6 on the same model, and three additional  
7 applications are likely to receive full credit  
8 based on other evidence. And in these three  
9 cases it was the fact that they were clearly  
10 already subdivided, in fact failed  
11 subdivision, so it's pretty easy to make the  
12 case that with a twist of the economy or  
13 financing term, these could again be  
14 developed.

15 On the planning side, 44 of the  
16 applicants submitted plans that appeared to  
17 meet most of the requirements. A quarter of  
18 them referenced plans that would score at  
19 least a point. No everyone had attached their  
20 plans. That's one of the things we have to do  
21 is chase those down. And eight of them  
22 submitted plans that we funded. Some of the  
23 other corridor plans and few more recently  
24 funded plans. It's nice to see the money  
25 we're putting in the planning is coming back

1 around and helping form what we see in  
2 applications.

3           Something that we see nearly every  
4 year, I want to remind the trustees, in a lot  
5 of cases there are times when a property must  
6 be purchased before you guys are going to meet  
7 in September, it might be it's on the market,  
8 the landowner is going to sell it. That puts  
9 us in an interesting position because we, the  
10 state, have to have a new transaction occur  
11 after the grant award. So if a fee simple  
12 property has already been purchased, the  
13 transaction that's left for us to participate  
14 in is purchase conservation easement. So if  
15 the fee simple value was \$100,000, that might  
16 leave us only 60 or \$70,000 worth of  
17 eligibility in terms of the conservation  
18 easement that we can reimburse and pay for  
19 that transaction. When that happens, we do  
20 allow the other party to be considered as a  
21 match. Alternatively, if the property is  
22 going to change ownership, for instance, the  
23 land trust purchased it, at closing it's going  
24 to the state, then the state can participate  
25 at the fee simple value. It's just something

1 that I think field reps will bring up when  
2 they're presenting these to you folks in  
3 September, that this project was already  
4 purchased, but it was done so because of a  
5 need and the timing didn't line up.

6 There are also applications for  
7 properties that might be purchased just after  
8 the application deadline happens. So right  
9 now if the project becomes available to the  
10 land trust, and our cycle has already past,  
11 they might have to purchase it, wait until  
12 February, then you're seeing it a year and a  
13 half old but we still consider that part of  
14 the window because they couldn't have gotten  
15 it in any other cycle. Staff does not submit  
16 applications for properties they've owned for  
17 years and maybe monetize the value of the  
18 easement for ownership property. So you will  
19 be made aware of those if they do come through  
20 and that's up to the board to decide how to  
21 spend those funds or not spend them.

22 For restoration, 22 applications,  
23 three state agency, four local governments, 15  
24 non-profits. The restoration field nonprofits  
25 are, again, some of the larger applicants.

1 Broken down by project type, roughly 60  
2 percent of the traditional stream restoration,  
3 what Steve has been showing you. We've got  
4 four of the riparian buffer enhancement, these  
5 are the tree plantings, less construction  
6 heavy but less expensive work. Three active  
7 conversion projects, one dam removal and one  
8 shoreline protection. We do have four  
9 regional applications, but it is worth noting  
10 this year with direction from Steve and great  
11 work with the field reps up front, we no  
12 longer have regional applications that say  
13 we're going to do at least X amount of feet  
14 and X amount of properties, each of the  
15 regional applications have sent in a list of  
16 landowners and projects they're going to do  
17 the work on which is a vast improvement for  
18 us. Of all the projects only one is design  
19 only.

20 For innovative storm water, eight  
21 applications, three state agency, four local  
22 governments, one nonprofit. As is typical,  
23 the budgets contain monitoring costs from 2  
24 percent to 50 percent. Why that is worth  
25 highlighting, the innovative storm water, as a

1 reminder, it's a program to learn something  
2 new about storm water practices, develop new  
3 tools, advance the science, but because there  
4 is no other storm water funding in the state  
5 that is grant based currently, folks with  
6 conventional storm water needs often try to  
7 fit into this grant program. So if 2 percent  
8 of the grant is monitoring it probably is a  
9 little construction heavy, maybe light on the  
10 evaluation results and that's -- when that  
11 committee gets into the weeds of that, they're  
12 going to have to really wrestle what is  
13 innovative and how do these projects fit with  
14 that.

15 Grant cycle plan. Three local  
16 governments, 11 non-profits. Most of these  
17 are sort of restoration type planning. Three  
18 do contain significant portions of acquisition  
19 planning. This is roughly on par with recent  
20 years in terms of how many were more based on  
21 acquisition and conservation. I will talk a  
22 little bit more about that in a sec.

23 For the restoration program they're --  
24 the committee made changes, but there weren't  
25 any changes that really drastically effected

1 the scoring so there's nothing to talk about  
2 on that. I think a lot of staff and trustees  
3 anticipated a large tidal wave of planning  
4 once we made plans critical to the  
5 applications, it didn't hit this year yet  
6 because -- it may very well, I think it's just  
7 such a short time line we release the new  
8 guidance and folks had the opportunity.

9 Just to let you know, we're not going  
10 to meet again and review projects until  
11 September. Despite how long it seems between  
12 February 3 and when you guys see the  
13 applications, it is absolute crunch time for  
14 staff involved in project review. 144  
15 projects to read and understand the details,  
16 understand the deficiencies, understand what  
17 we need to go back to the applicant and get.  
18 Field reps I don't think have but a tiny  
19 fraction of days in the office between now and  
20 June 1. We won't see them for quite a while.  
21 Program managers are reviewing and scoring the  
22 project. All the parameters that go into the  
23 score, we don't take anybody's word for that,  
24 we go through each one and look all that up.  
25 I say we, it's not me, it's Nancy, Reese and

1 Steve and others. We've got biologists  
2 working on our behalf checking these out,  
3 we've got historians, we've got military  
4 installations, DEQ storm water staff. There's  
5 just a mountain to review to make sure the  
6 scope that gets presented to you in September  
7 is accurately feasible and it's time well  
8 spent every time we look over a project from  
9 15 years ago, we're wrestling with some sort  
10 of problem or issue or conservation strategy  
11 that now seems to have us tilting our heads,  
12 it's really because at that point staff is so  
13 busy trying to catch up they didn't get to do  
14 a lot of upfront work. Having to work to  
15 resolve the issues that were created a decade  
16 ago, this upfront time really pays dividends.  
17 But staff will be swamped.

18 There is a brief period for applicants  
19 to get us information either that they missed  
20 or was confusing in the application. And  
21 program managers are going to be preparing  
22 project scope. Field reps will be after they  
23 get done with field visits through June will  
24 look at score and scope and preparing for  
25 presentation for June and July, and then we

1 pull that together and send it to you in early  
2 August. If anyone is interested, we have the  
3 un-updated corrected version of any  
4 applications that you are welcome to request  
5 and look through. Happy to deliver it. But  
6 in recent years it turned out trustees liked  
7 having the scopes prepared, scores,  
8 presentations ready to go so we're sending  
9 them out if folks want them in a full package,  
10 but if that's not your preference, we can  
11 certainly accommodate.

12 Few quick slides. Guidance for the  
13 trustee site visit. This is something this  
14 board did just over a year ago. Kind of with  
15 Hank's input on when it would be appropriate  
16 to see sites and when and how to do it. I  
17 think the notion here is do you go, get more  
18 information that way, do you not go. Maybe  
19 make it look like your playing a favorite. I  
20 think taking that into consideration, knowing  
21 the trustees are intelligent and able to  
22 execute their responsibilities impartially, we  
23 err on the side of getting you more  
24 information. That's what this is about. So  
25 if somebody does reach out to you and requests

1 a site visit, it is at your discretion, if you  
2 look through the application and say, hey,  
3 this is something I want to see more about, I  
4 can get all the information about the  
5 application, that is certainly your right, it  
6 is not your obligation. You may turn down any  
7 invitation that you please. But, you know, I  
8 think Hank has worked hard, we can make sure  
9 we can be in compliance if you choose to visit  
10 a site.

11 Couple points of guidance, one to  
12 notify Walter, let him know you've been  
13 contacted. Two, let the staff know to  
14 coordinate visits. It allows us and the field  
15 reps to be on site so everyone is getting the  
16 same information from two different times, two  
17 different points, it's awkward if the field  
18 rep heard something one day and the trustee  
19 heard something else. It's important that we  
20 can all be -- staff can be at those meetings.  
21 Also allows us an opportunity to find out how  
22 many and which trustees from which committees  
23 are going so we can be in compliance with the  
24 open meetings. If any of you get together and  
25 do clean water business, we need to notice the

1 meeting, provide it to the public. Running it  
2 through staff is critical there.

3 THE CHAIR: This is different  
4 because this is the smallest board I serve on.  
5 So we get to the open meetings. We have to be  
6 mindful about it.

7 MR. SUMMER: Finally, when we're  
8 reviewing these in September and a project  
9 comes up, I think it's important to trustees  
10 to say "I did see this project in July and  
11 want to make the other trustees aware." So  
12 it's out in the open.

13 Deciding to go. I covered this a  
14 little bit. It's really at your discretion if  
15 you think you can get more information out of  
16 it or want to. Again, it's your right, not  
17 your obligation at all.

18 MR. HEARNE: Can I add something?  
19 So you all now how we communicate with the  
20 applicants on the other end, we don't tell the  
21 applicants not to invite you but we work to  
22 prevent an arm's length of applicants inviting  
23 as many as possible thinking that getting you  
24 on site is going to make a difference on the  
25 project. So we tell them we prefer you not

1 invite the trustees and let them decide where  
2 they want to go. It doesn't mean it's not  
3 going to happen, it doesn't mean it's improper  
4 if they do invite someone, but we kind of put  
5 it in your court to think about it rather than  
6 applicants trying to compete who they can get  
7 out there. It would get complicated really  
8 quickly if they felt they needed to do that to  
9 get an edge and they definitely know that's  
10 not the case, so when they ask about that,  
11 there are times when we can help facilitate  
12 something they might reach out to you all, but  
13 we try to work it so that it's your decision  
14 if you want to see something and sometimes  
15 they just do their own thing and that's their  
16 right. But that's kind of how we work on it  
17 on our end to keep it reasonable.

18 MR. SUMMER: Kind of coming back to  
19 arranging the site visit, particularly this  
20 year where we have just the two field reps,  
21 144 applications, Damon and Justin pretty much  
22 both want to be on the site visits. There are  
23 not many days in the calendar between now and  
24 June when that's possible for either one of  
25 them so it's good to let us coordinate those

1 and accept that probably July, early August  
2 will be the best time to visit them. We will  
3 work with the trustees and visit the site when  
4 you want to see it, but it's a lot easier on  
5 staff if we can be really involved in that.

6 Just a reminder, gifts are prohibited.  
7 Food, logo wear, anything of any value  
8 constitute a gift so they should not be  
9 accepted.

10 That's all I have, thank you very  
11 much.

12 THE CHAIR: Questions for Will?

13 MR. WALSER: If you ever want some  
14 cover, I'm thinking about any tracts that are  
15 weird, I don't know anything about \$10 million  
16 property, but to me that stands out as if the  
17 staff has any desire to say let's put \$2  
18 million in there something, that's contrary to  
19 what we already said, I think it would be  
20 great to have a trustee on some of those  
21 visits. Anything weird that can give you  
22 cover so you're not alone or you're saying we  
23 need to look at this differently because of X,  
24 Y and Z, I would encourage you to reach out to  
25 us. I don't know that we're available but --

1 MR. HEARNE: I appreciate that.

2 THE CHAIR: I think that's an  
3 excellent point because it might be that you  
4 can see it's going to be a phase project over  
5 three or four years so in the end maybe we do  
6 put 10 million something. But for nobody to  
7 have laid on eyes on it in that sense --

8 MR. WALSER: Not a policy shift,  
9 something bigger we know will inspire  
10 conversation in September might as well get  
11 some objective third-party eyes out there.

12 MR. HEARNE: We may not necessarily  
13 know that on our initial visit, but as follow  
14 up, a lot of times it's much more efficient in  
15 kind of getting to the crux of the issue is  
16 harder to do on the first visit because we're  
17 exploring, planning, asking questions,  
18 figuring it out, but kind of identifying which  
19 one may need more follow up in that category.  
20 That's also the advantage to the July or  
21 August time frame is that we've been able to  
22 weed out the easy question and understand  
23 generally where the project is going so if you  
24 all go on site, we can really focus in on  
25 what's happening.

1 THE CHAIR: Thank you to Walter.  
2 Thank to our leadership. From the little bit  
3 that I've heard from you all and that you  
4 covered, we're going to have some incredible  
5 applications to review in September and some  
6 really hard decisions to make. Especially  
7 since we have no idea what moneys we're going  
8 to have.

9 Sydney, thank you for getting the  
10 meeting all set up and you probably -- do you  
11 have any housekeeping items for folks? Do we  
12 need to get people to sign this?

13 These are in your blue packet. So  
14 sign those and get those to Sydney.

15 I would like to thank everybody for  
16 their time and great questions and thank you  
17 to David and Amy, it's hard, I know, being on  
18 a conference call for a long meeting like this  
19 so thank you for your involvement and we  
20 appreciate it very much.

21 MR. WOMACK: In some cases you feel  
22 like your sort of out of loop but at the same  
23 time I want to thank the staff for those  
24 really interesting presentations. Very  
25 informative. So thank you for that.

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THE CHAIR: Thank you everybody and  
thank you as always to a wonderful Clean Water  
Management staff. And next time we meet, we  
will be saying thank you to Land and Water  
staff. Thank you. Looking forward to seeing  
everyone in Wilmington.

I say we stand adjourned.

(Meeting adjourned at 10:41 a.m.)

<b>1</b>	<b>18,000</b> 63:13	<b>27,000</b> 24:17	<b>6</b>
<b>1</b> 113:20	<b>18.5</b> 24:14	<b>28</b> 8:17	<b>6</b> 104:24
<b>10</b> 1:17 31:12	<b>18th</b> 16:17	<b>29</b> 5:21 105:3	<b>6,000</b> 39:3
36:24 45:4 48:8	<b>19</b> 16:16	<b>3</b>	<b>60</b> 109:16 111:1
55:6 63:15 64:16	<b>1930s</b> 35:7 51:9	<b>3</b> 8:22 103:25	<b>65</b> 14:14 35:18
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