

NORTH CAROLINA LAND AND WATER FUND  
BOARD OF TRUSTEES MEETING

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Virtual Meeting

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Tuesday, March 2, 2021

10:03 A.M.

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Volume 1

Pages 1 through 60

**A P P E A R A N C E S**

(All Parties Participated by Microsoft Teams)

Trustees:

John Wilson, Chairman  
Ann Browning, Vice Chairman  
Jason Walser, Acquisition Committee Chairman  
Renee Kumor, Restoration Committee Chairman  
E. Greer Cawood  
Amy Grisson  
Judith "Judy" Kennedy  
Darrel Williams  
David Womack

Staff:

Walter Clark, Executive Director  
Hank Fordham, Attorney  
Will Summer, Deputy Director  
Sydney McDaniel, Executive Assistant  
Nancy Guthrie, Acquisition Program Manager  
Steve Bevington, Restoration Program Manager  
Marissa Hartzler, Stewardship Program Manager  
Marie Meckman, Acquisition Program  
Terri Murray, Restoration Program Assistant  
Justin Mercer, Eastern Field Representative  
Damon Hearne, Western Field Representative  
Reid Wilson, Secretary, Department of Natural and  
Cultural Resources  
Deans Eatman, Legislative Liaison, Department of  
Natural and Cultural Resources

Guests:

Tammi-Sue Remsberg  
Justin Boner, The Conservation Fund  
Bill Holman, The Conservation Fund  
Erin Y. Crouse, The Conservation Fund

P R O C E E D I N G S

10:03 A.M.

1  
2 Chairman Wilson: I would like to call  
3 the meeting to order and welcome everyone. We've had  
4 some nice chatting that has gone on prior to the  
5 meeting starting, so I will save some opening comments  
6 for a little bit later in the agenda; just to call the  
7 roll now, please; Ann Browning?

8 Vice Chairman Browning: Here.

9 Chairman Wilson: Greer Cawood?

10 Ms. Cawood: Here.

11 Chairman Wilson: Amy Grissom?

12 Ms. Grissom: Here.

13 Chairman Wilson: Judy Kennedy?

14 Ms. Kennedy: Here.

15 Chairman Wilson: Renee Kumor?

16 Restoration Committee Chairman Kumor: Here.

17 Chairman Wilson: Jason Walser?

18 Acquisition Committee Chairman Walser: Here.

19 Chairman Wilson: Darrel Williams?

20 Mr. Williams: Here.

21 Chairman Wilson: David Womack?

22 Mr. Womack: Here.

23 Chairman Wilson: And John Wilson is  
24 here also. Let me take a moment to quickly review our  
25 current committees. The Acquisition Committee, Jason

1 Walser, has agreed to continue as Chair; Jason, thank  
2 you so much for continuing to serve; also, on the  
3 Acquisition Committee Ann Browning, Greer Cawood, Amy  
4 Grissom, John Wilson, David Womack. On the Restoration  
5 Committee Renee Kumor has agreed to continue as chair;  
6 thanks also to Renee. She and Jason are wonderful  
7 committee chairs, as I'm sure you all know well. Also,  
8 on the Restoration Committee, Restoration, Innovative  
9 Stormwater and Planning Committee are Judy Kennedy,  
10 Darrel Williams, and John Wilson. The Executive  
11 Committee is John Wilson as Board Chair. Ann Browning  
12 is our new Vice Chair, and I want to take a moment to  
13 thank Ann for agreeing to serve as Vice Chair. Jason  
14 Walser is also on the Executive Committee as chair of  
15 the Acquisition Committee, and Renee Kumor as chair of  
16 the Restoration Innovative Stormwater and Planning  
17 Committee. If there's any discussion regarding  
18 committee assignments, why don't folks talk to me after  
19 this meeting or at any time. I would like to ask for  
20 compliance with General Statute 138A-15 which mandates  
21 that the Chair inquire as to whether any Trustee knows  
22 of any conflict of interest or the appearance of a  
23 conflict of interest with respect to matters on the  
24 agenda. If any Trustee knows of a conflict of interest  
25 or the appearance of a conflict of interest, please

1 state so at this time. Okay, hearing none, or perhaps  
2 someone is speaking, but is lost in Microsoft Team's  
3 mute mode, hearing none, we'll move on. And let me ask  
4 you to please put your cell phones on vibrate or turn  
5 them off, and also please mute yourself on Teams unless  
6 you are speaking. Okay, Item 1(e) on the agenda, are  
7 there any revisions, additions to the agenda before we  
8 move for adoption? Okay, hearing none, I will  
9 entertain a motion to adopt the agenda. Please let our  
10 court reporter know who you are when you make a motion  
11 or a second, please, so a motion to adopt the agenda?

12 Vice Chairman Browning: This is Ann  
13 Browning. I move we adopt the agenda.

14 Chairman Wilson: Thank you.

15 Mr. Williams: Second.

16 Chairman Wilson: Who seconded it?

17 Mr. Williams: Darrel.

18 Chairman Wilson: Darrel, okay, any  
19 discussion; all right, and we're going to call roll on  
20 all of our votes; all right, so to adopt the agenda,  
21 Ann Browning?

22 Vice Chairman Browning: Yes.

23 Chairman Wilson: Greer?

24 Ms. Cawood: Yes.

25 Chairman Wilson: Amy?

1 Ms. Grissom: Yes.

2 Chairman Wilson: Judy?

3 Ms. Kennedy: Yes.

4 Chairman Wilson: Renee?

5 Restoration Committee Chairman Kumor: Yes.

6 Chairman Wilson: Jason?

7 Acquisition Committee Chairman Walser: Yes.

8 Chairman Wilson: Darrel?

9 Mr. Williams: Yes.

10 Vice Chairman Wilson: David?

11 Mr. Womack: Yes.

12 Chairman Wilson: And John is a yes,  
13 also, so we have adopted our agenda. Let me just take  
14 a moment if I could, please, to say again as I did when  
15 I was sworn in as Chair by our friend Judge Bob Orr  
16 that I'm really excited to be serving on the Land and  
17 Water Fund Board with such great and experienced fellow  
18 Trustees. And I want to take a moment again to thank  
19 Greer Cawood, my predecessor as Board Chair, who did an  
20 absolutely wonderful job, and I know that all of us as  
21 Trustees and staff and so many others who do business  
22 with the Land and Water Fund are all so glad that Greer  
23 is continuing as a Trustee, so thank you, thank you,  
24 Greer.

25 Ms. Cawood: Thank you, John;

1           that's very kind of you.

2                   Chairman Wilson:     I've really been enjoying  
3           so far the opportunity to work even more closely with  
4           our incredible staff which is always thinking about how  
5           to do our work even better, and also, as I'm sure many  
6           of you are, I'm eager to help as we observe the 25th  
7           anniversary of the Land and Water Fund this year.  
8           These are especially challenging times and our work is  
9           more important than ever to the people of North  
10          Carolina, and we really have our work cut out for us.  
11          Speaking of which, at our last board meeting the former  
12          Chief Deputy Secretary of the Department of Natural and  
13          Cultural Resources Reid Wilson who, as you all know, is  
14          now the Secretary of the department told us that we  
15          don't know how much money will be available to the Land  
16          and Water Fund as a result of this year's budget  
17          negotiations. We do know that some major champions for  
18          the Land and Water Fund aren't in the legislature  
19          anymore, like Chuck McGrady which underscores the  
20          importance of communicating with legislators to remind  
21          them of all the good work that the Land and Water Fund  
22          does, and still quoting Reid Wilson, we all really need  
23          to be involved in the discussions that happen between  
24          the administration and various legislative leaders. So  
25          I hope each and every one of us as Trustees will engage

1 in conversations with our elected officials in the  
2 General Assembly, in the Governor's Administration as  
3 well. And as Walter said at our last meeting, and I  
4 hope I'm not stealing any of his thunder for what he's  
5 going to say later in this meeting, we should all be  
6 communicating with those people who love the work that  
7 we do, and those are many, and be sure that the message  
8 gets heard by those who are responsible for funding us,  
9 not just the Land and Water Fund, but the Parks and  
10 Recreation Trust Fund as well, so thanks to Reid and  
11 Walter for those words at our last meeting, and I just  
12 thought they were important to repeat. And with that,  
13 we will move on to item 2 on our agenda, we're looking  
14 at the consent agenda which only contains one item  
15 which is the approval of minutes from our December 2020  
16 Board meeting. So I will entertain a motion to adopt  
17 the consent agenda and thereby the minutes from the  
18 December 2020 Board meeting.

19 Mr. Womack: So move; this is  
20 David.

21 Restoration Committee Chairman Kumor: Second,  
22 Renee.

23 Chairman Wilson: Okay, thank you,  
24 David and Renee; is there any discussion; anybody see  
25 anything in the minutes that they have a question or a



1 clarification on?

2 Ms. Grissom: I have a couple of  
3 corrections to the minutes. This is Amy. On page 11,  
4 line 17, Ann, I think that was a comment you made?

5 Vice Chairman Browning: This is Ann. I  
6 thought that, too. I think that was just a missed  
7 attribution.

8 Ms. Grissom: Right, right, there  
9 were just a couple of those and funny enough they were  
10 in the corrections from before. So at -- also at line  
11 21, I think that's Ann instead of me.

12 Chairman Wilson: Okay, and is that  
13 also on page 11?

14 Ms. Grissom: Yes, and then on  
15 page 12, line 3, I think that was my comment as opposed  
16 to Judy's, if that makes sense to everyone.

17 Chairman Wilson: Okay.

18 Ms. Grissom: And then I've got  
19 just a couple more; on page 55, on line 22, there's an  
20 attribution to me, but it's actually Nancy starting to  
21 do a report from the Acquisition Committee.

22 Chairman Wilson: Okay.

23 Ms. Grissom: Nancy, do you agree  
24 with that, or, Jason, perhaps, with that? All right,  
25 well, so the last one is page 113, on line 23. It just

1 says female speaker, but that was me.

2 Acquisition Committee Chairman Walser: Amy, I  
3 was on here the line 55; I mean line 22, on page 55.  
4 That was indeed Nancy. That was not you.

5 Ms. Grissom: Right, thanks.

6 Chairman Wilson: Okay.

7 Ms. Grissom: Okay, that's it.

8 Chairman Wilson: So page 11, line 7

9 is --

10 Ms. Grissom: 17.

11 Chairman Wilson: I'm sorry. Line 17  
12 is Ann, not Amy.

13 Ms. Grissom: Correct.

14 Chairman Wilson: The same with page  
15 11, line 21?

16 Ms. Grissom: Yes.

17 Vice Chairman Wilson: Page 12, line 3, Amy  
18 rather than Judy?

19 Ms. Grissom: Correct.

20 Chairman Wilson: Page 55, line 22,  
21 Nancy rather than Amy?

22 Ms. Grissom: Right.

23 Chairman Wilson: And page 113, line  
24 23, is Amy rather than female speaker?

25 Ms. Grissom: Correct.

1 Chairman Wilson: Okay, all right, so  
2 let me entertain a motion to adopt the minutes unless  
3 there are any other modifications to the minutes?  
4 Okay, so how about -- sorry, was somebody going to say  
5 something?

6 Mr. Williams: I was just going to  
7 say so move.

8 Chairman Wilson: Okay, to adopt the  
9 minutes as amended by Amy; Darrell has made a motion.  
10 Is there a second?

11 Restoration Committee Chairman Renee: Renee,  
12 second.

13 Chairman Wilson: Renee seconds, okay, any  
14 more discussion; all right, please let me know how you  
15 vote; Ann?

16 Vice Chairman Browning: Yes.

17 Chairman Wilson: Greer?

18 Ms. Cawood: Yes.

19 Chairman Wilson: Amy?

20 Ms. Grissom: Yes.

21 Chairman Wilson: Judy?

22 Ms. Kennedy: Yes.

23 Chairman Wilson: Renee?

24 Restoration Committee Chairman Kumor: Yes.

25 Chairman Wilson: Jason?

1 Acquisition Committee Chairman Walser: Yes.

2 Chairman Wilson: Darrel?

3 Mr. Williams: Yes.

4 Chairman Wilson: David -- David, I'm  
5 not hearing you. Are you muted? David is muted. All  
6 right, I'll vote in the meantime. John is a yes;  
7 David, last chance? All right, well, we're going to  
8 consider the minutes to be approved and the consent  
9 agenda approved; all right, moving on to our legal  
10 update from Hank Fordham.

11 Mr. Fordham: Yes, good morning; I  
12 don't really have too much to go into. We're looking  
13 at a few legal issues behind the scenes. One relates  
14 to survival of conservation easements when it's an  
15 easement that was granted to the State and then later  
16 the State, excuse me, comes into ownership of fee  
17 simple and then, of course, we're looking at the  
18 commercial usages.

19 Chairman Wilson: Okay, thank you, Hank;  
20 any questions for Hank or comments to Hank or  
21 compliments to Hank; we all compliment you, Hank.

22 Mr. Fordham: Oh, thank you, thank you;  
23 it's a pleasure working with you.

24 Chairman Wilson: Okay, all right, we're  
25 moving on to item 4, our Executive Director's update

1 from Walter Clark, Walter.

2 Executive Director Clark: Thank you,  
3 John, and good morning to everybody; I want to speak  
4 for the staff, John, and welcoming you as chair,  
5 congratulations, and also I'm going to speak for the  
6 staff in thanking Greer. Greer, thanks for your  
7 leadership over the last few years, and like with what  
8 John said, we are so happy that you are going to  
9 continue on the Board and continue to lend us your  
10 wisdom, because there's lots of it there, so. Most of  
11 you can tell that we're still teleworking. Will is in  
12 the office today, but staff is teleworking, and we have  
13 been directed by our department and actually by the  
14 State to continue teleworking until the end of June.  
15 So you'll continue to see the books in the background  
16 and maybe hear a barking dog every now and then, but  
17 that's what we will continue to do. Some of us will  
18 probably spend a little bit more time in the office  
19 over the next few weeks, particularly with the  
20 Legislature in town. There may be some things that we  
21 just have to be there for. But speaking of virtual,  
22 our Board meeting, our next Board meeting which is in  
23 May, as you all will probably recall, because I know  
24 there were a lot of disappointed folks, last May we  
25 were supposed to be in Wilmington on the USS North

1 Carolina, and of course, that got canceled. So we were  
2 very optimistic and thought we would bump that up a  
3 year and everything would be fine. Well, here it is  
4 May again, and we're going to have to cancel one more  
5 time. We will be meeting virtually in May, so I'm  
6 hoping that we can move our Board meeting still once  
7 again to USS North Carolina maybe sometime in the fall,  
8 maybe December if we have a meeting then. I think  
9 Wilmington would be nice in December, so just an update  
10 regarding that. Will's going to go into our  
11 applications for 2021 in detail shortly, but I just  
12 wanted to let you know, and I think most of you do know  
13 this. There's a huge demand as there always is for our  
14 resources. Basically, we had -- we had 108  
15 applications this year. It's a little down. Last year  
16 we had 115, but, you know, we had a little problem with  
17 a pandemic this year. So there's not a big surprise  
18 that we saw a few less applications than we did last  
19 year, but those applications request 76.5 million  
20 dollars from us. That's a lot of money. And if they  
21 were all funded, they would leverage an additional 115  
22 million dollars. So the demand is high. Of course, we  
23 don't know what our budget's going to be this year.  
24 The Legislature is in the long session right now where  
25 they'll be considering a bi-annual budget for this year

1 and next year, so we just have to wait and see. I'm  
2 hearing words of optimism. I think I said this before.  
3 Both from the Governor's office and from some key  
4 members in the Legislature, there is a four billion  
5 dollar excess in funds this year that can be used for  
6 non-recurring allocations. So I think most of you know  
7 we have -- you know, we have recurring funds that come  
8 to us pretty much every year, pretty regularly, and  
9 then depending on what the budget situation looks like,  
10 occasionally, the Legislature will add non-recurring  
11 funds which are sort of one time funds that don't  
12 reoccur. So there is this huge excess of money that  
13 may be allocated through non-recurring funding this  
14 year that four billion dollars I was talking about not  
15 all to the Land and Water Fund, but some of it maybe.  
16 So what is going on right now, the Governor is  
17 preparing his budget, his budget recommendations.  
18 Again, I mentioned at the beginning of the meeting  
19 those will probably be ready by mid-March. Then  
20 they'll get to the Legislature where they will have a  
21 crack at it sometime maybe April, May or later, and  
22 we'll have a bi-annual budget we hope. You know, two  
23 years ago, we didn't have a budget which is one of the  
24 reasons we have a four billion dollar excess in funds  
25 now because there wasn't -- you know, there wasn't a

1 budget approved and so forth, and for that reason there  
2 wasn't any expansion money spent, so that money has  
3 built up. So anyway, I think that we will likely see,  
4 perhaps, if I had a crystal ball, I'd say some increase  
5 in our recurring funding and maybe a substantial  
6 increase in our non-recurring funding. So just stay  
7 tuned. We'll keep you informed. Our -- our Land For  
8 Tomorrow people are hard at work. Staff has supplied  
9 them with information already. We are in the process  
10 of updating our Land and Water Fund flyer. Most of you  
11 probably remember the old Clean Water Management flyer  
12 which had some pretty dis -- clear facts and statistics  
13 about the fund, but we're bringing that up to date and  
14 trying to get that into the hands of our Land For  
15 Tomorrow lobbyists as quickly as we can. So we're in  
16 the final draft stages and hope to go out to printing  
17 with that fairly soon. That will also coincide -- you  
18 know, and be a useful publication to have to celebrate  
19 -- in line with celebrating our 25th anniversary. And  
20 again, John and I, and I think Nancy Guthrie and Ann  
21 Browning, and a few folks are going to be putting our  
22 heads together and figuring out how best to celebrate  
23 this momentous occasion in the next few months, so stay  
24 tuned for more about that. And I think I'm going to  
25 close with a mention of something you may or may not



1 have heard of, and it's called the 30 X 30 initiative.  
2 How many people have heard about this? It was an  
3 initiative that was announced by President Biden, and  
4 Governor Cooper has picked up on it. And the idea is  
5 to protect 30 percent, in our case of North Carolina,  
6 by the year 2030. That's a lot of land and it's a big  
7 goal. And one of the things that some folks on our  
8 staff have been working on is trying to figure out what  
9 percentage of land have we protected in North Carolina  
10 to date, and how far would we have to go to meet that  
11 30 percent. And we've come up with some rough  
12 calculations that so far in North Carolina, you know,  
13 there's several parameters that go along with this, but  
14 we've protected about 12 percent of our state's -- of  
15 our state's land so far in this state. So we have a  
16 long way to go to get to 30 percent. But that 12  
17 percent equals about 4.2 million acres that we've  
18 protected, so we should be really proud of what we've  
19 done in North Carolina, and that -- of course, that's  
20 federal lands as well as state -- you know, state lands  
21 and what local government has protected as well, but  
22 the aim for 30 percent is a big goal. And the Land and  
23 Water Fund will play a big role in getting us there.  
24 So I'm glad to take any questions, but that's all I  
25 have.

1                   Mr. Womack:                   What -- this is  
2                   David. I've got a quick question about your last  
3                   comment. So if we protected 12 percent and we need to  
4                   go another 18 percent, what is the -- what is the  
5                   overall availability of the land? I mean, if we were  
6                   to protect 30 percent and we've got -- have we got 40  
7                   percent available, 50 percent available? Do we have  
8                   any data on that?

9                   Executive Director Clark:            You know,  
10                  David, that's a great question. I think that's the  
11                  next step in trying to figure this out, you know. The  
12                  first step was getting the baseline sort of what have  
13                  we protected so far. I'm told that, you know, we could  
14                  meet that goal with lands out there that need to be  
15                  protected, but I think we need to dig down in that data  
16                  a little bit more deeply to see.

17                  Mr. Womack:                    I look forward to  
18                  that. I think it's thing is if we've got 35 percent  
19                  available, then it's going to be hard. If we've got 55  
20                  percent available, it will be a little easier. I just  
21                  was curious what that number is.

22                  Executive Director Clark:            Yeah, again  
23                  that's the next step in sort of putting this initiative  
24                  together.

25                  Mr. Womack:                    Okay.

1 Executive Director Clark: I'll let you  
2 know when we -- we get to that point; thanks for the  
3 question, David.

4 Vice Chairman Browning: Walter, one -- one  
5 question about the budget, if we do wind up with non-  
6 recurring funds, would those be available to spend over  
7 the two-year cycle of the budget most likely? How does  
8 that work?

9 Executive Director Clark: Yeah, Ann, I  
10 think they would be. And, you know, one of the  
11 concerns, of course, we have in that regard is being  
12 able to spend the money. We don't want funds coming  
13 to us that we just can't get out the door, and we've  
14 communicated that, so the people are aware of that  
15 fact. And the other thing is that we -- you know, we  
16 want to be sure we have the staff to spend it so, you  
17 know, our request to the Governor's office has  
18 included additional staff people should we get a  
19 significant chunk of non-recurring funding. The other  
20 thing that's on the table is a potential bond  
21 referendum and that's a separate animal all together.  
22 That -- I think we'll have the support of the  
23 Governor. I can't speak for him, and may have some  
24 traction in the Legislature, again because of the  
25 excess money that they have right now. But it would

1 have to be voted upon, you know, in the fall, more  
2 than likely, but -- and approved by the voters of the  
3 state. And, you know, if that money were to come to  
4 us, it may have a whole set of different parameters on  
5 the timing to spend it. You know, it may -- if it  
6 were say, for example, resiliency money for flood  
7 plain buyouts, it might require us, staff and  
8 Trustees, to work together to create a whole new  
9 ranking system for a program like that. So we have to  
10 be sure that we have the -- the staff capability to do  
11 that as well. So those are the kind of conversations  
12 that are actually going on right now, back and forth.

13 Vice Chairman Browning: Thank you.

14 Chairman Wilson: Thanks, Walter; any  
15 more questions for Walter, suggestions, compliments;  
16 we hereby compliment you, Walter.

17 Executive Director Clark: Thank you, John,  
18 and I didn't mute myself. How was that?

19 Chairman Wilson: Even more worthy of  
20 compliments, thanks, Walter; so now we move on to the  
21 Public Comment section of our meeting where the public  
22 is invited to make comments to the Board and limiting  
23 comments to three minutes per person. And I will  
24 defer to Will to talk about the technical aspects of  
25 making that happen; Will, any technical guidelines?

1 Deputy Director Summer: I appreciate the  
2 floor. We have three members of the public in  
3 attendance, so if any of those folks would like to  
4 speak, please unmute yourself and request the floor  
5 from the Chair.

6 Chairman Wilson: Okay, I'm not  
7 hearing any comments from the public, last chance on  
8 that. Okay, we will move to the business portion of  
9 our meeting, and I will turn it over to Jason as  
10 Acquisition Committee Chair for our action items  
11 coming out of the Acquisition Committee.

12 Acquisition Committee Chairman Walser: I will  
13 be brief in my comments, just to let everybody know  
14 that we did meet twelve days ago to discuss these  
15 projects. We discussed them pretty thoroughly. We had  
16 about an hour long meeting, and as you'll see, I think  
17 they're pretty straightforward. They come with a  
18 recommendation to approve as a Board from our  
19 committee, but certainly we encourage you to ask all  
20 the questions. And I'm going to let Marissa lead the  
21 discussion from here, so, Marissa, you're up.

22 Stewardship Program Manager Hartzler: Thank  
23 you; good morning, everyone; the first item out of  
24 committee, item 1A is a conservation easement amendment  
25 request on a 1997 project that was awarded to the Three

1 Rivers Land Trust, on a 33-acre parcel that's shown  
2 here on the map in blue outlining. This property was  
3 protected for its conservation values protecting  
4 Clarke's Creek and Wetlands and Herring Rookery. So  
5 this property is currently owned by the Cabarrus Soil  
6 and Water Conservation District, and they have to date  
7 used the property for limited environmental education  
8 opportunities. The property has not been open to the  
9 public. That is slated to change though with the  
10 county requesting to use the property as a connection  
11 for a trail system that you can see from the map here  
12 would connect the property to a future adjacent park,  
13 as well as a elementary school and, of course, all of  
14 the neighborhoods around. Unfortunately, the  
15 conservation easement being one of our earliest  
16 easement documents is not very clear, does not have an  
17 explicit reserve right section that allows the Soil and  
18 Water Conservation District to move forward with  
19 installing trails, which are really boardwalks, which  
20 is what would be required for a good portion of this  
21 property, nor maintain the road that was existing  
22 before the conservation easement, installing  
23 observation platform dock or even do a natural  
24 community restoration on the property. And so these  
25 are very standard reserve rights that come as a package

1 with most acquisition projects to date. So the staff  
2 and committee recommendation was to amend the  
3 conservation easement to include these standard  
4 reserved rights that are currently found in our  
5 template and that would include again trail and  
6 boardwalk construction and maintenance, a boat dock and  
7 maintenance of a existing road to help them open this  
8 property up for public access. I'll be happy to take  
9 any questions on that.

10 Chairman Wilson: So this is coming  
11 from the Acquisition Committee. It was approved by the  
12 Acquisition Committee and does not need a second.  
13 Okay, I'll entertain a motion to approve.

14 Mr. Womack: So move, this is  
15 David.

16 Ms. Kennedy: Second, Judy.

17 Chairman Wilson: Okay, any further  
18 discussion; all right, all in favor, Ann?

19 Vice Chairman Browning: Yes.

20 Chairman Wilson: Greer?

21 Ms. Cawood: Yes.

22 Chairman Wilson: Amy?

23 Ms. Grissom: Yes.

24 Chairman Wilson: Judy?

25 Ms. Kennedy: Yes.

1 Chairman Wilson: Renee?  
2 Restoration Committee Chairman Kumor: Yes.  
3 Chairman Wilson: Jason?  
4 Acquisition Committee Chairman Walser: Yes.  
5 Chairman Wilson: Darrel?  
6 Mr. Williams: Yes.  
7 Chairman Wilson: David?  
8 Mr. Womack: Yes.  
9 Chairman Wilson: And John Wilson is a  
10 yes; all right, back to you, Jason.

11 Acquisition Committee Chairman Walser: First  
12 of all, really well done, Marissa; that was very  
13 efficient coverage of that. So the next property is in  
14 Wake County and it's also a proposed easement  
15 amendment. Take it away, Marissa.

16 Stewardship Program Manager Hartzler: Thank  
17 you, Jason; item 1B is another conservation easement  
18 amendment request. This time from a 2007 project that  
19 was applied for by Triangle Greenways Council, and this  
20 property is just under 32 acres as shown on the map  
21 here in white. This was protected as an integral piece  
22 for the Capital Area Greenway and does currently have  
23 greenway on it. So this property at the time of  
24 application was actually owned by Triangle Greenways  
25 Council, and so there were no state dollars used to



1 purchase this property or to purchase the conservation  
2 easement. This was essentially a match property in  
3 which they donated the conservation easements of the  
4 state. Also, at the time of award for this project,  
5 there was a longstanding sewer line on the property and  
6 you can see that on the map here in gray. The City of  
7 Raleigh has an easement for the sewer line and they  
8 maintain the sewer line. It's 1950's era. The City  
9 has known for a long time that it would need to be  
10 maintained and possibly be replaced and even upgraded  
11 to handle increased growth in Wake County, and so that  
12 is where the City is now. They are proposing to add an  
13 additional 7/10th of an acre of right-of-way for an  
14 additional sewer line that would parallel the existing,  
15 and so that is the area that you see in pink here just  
16 north of the existing sewer line. In addition, they  
17 would like to install an additional about 6/10th of an  
18 acre new right-of-way that is this pink section down  
19 here on the eastern boundary, and I just want to note  
20 that all of the sewer lines would be co-located with  
21 the existing greenway. That's something we commonly  
22 see, sewer lines and greenways existing in the same  
23 space certainly possible and typical. So the  
24 recommendation from the staff on this particular  
25 easement amendment was to actually add a reserved right

1 to increase the amount of sewer line by an additional  
2 1.3 acres. Normally, we have recommended terminating a  
3 conservation easement to allow for utilities. From  
4 this specific property because the sewer line so  
5 clearly bisects the property, we did not feel that it  
6 was a good move to terminate the easement and further  
7 break it up for the long-term management of this  
8 property and the conservation easement. It would be  
9 preferable to add the reserved rights to the agreement.  
10 It also helps give the State a little bit of oversight  
11 as the construction of the new sewer line get approved  
12 -- continues we can -- we can have some oversight into  
13 that work, and also, most importantly in the  
14 restoration of temporarily impacted areas. And so that  
15 was the recommendation from the committee, to amend the  
16 conservation easement to allow for approximately 1.3  
17 acres of additional sewer line right-of-way as a  
18 reserved right, and to allow Triangle Greenways Council  
19 to grant that right-of-way to the City of Raleigh. So  
20 I'll just go back here to show the map and am happy to  
21 take any questions.

22 Chairman Wilson: Okay, this is a  
23 proposal to amend a conservation easement to  
24 accommodate a sewer line for project 2007-056 Triangle  
25 Greenways Council, Capital Area Greenway. This is

1 coming from the Acquisition Committee. It doesn't need  
2 a second. So let's call the roll here, Ann?

3 Vice Chairman Browning: Yes.

4 Chairman Wilson: Greer?

5 Chairman Cawood: Yes.

6 Chairman Wilson: Amy?

7 Ms. Grissom: Yes.

8 Chairman Wilson: Judy?

9 Ms. Kennedy: Yes.

10 Chairman Wilson: Renee?

11 Restoration Committee Chairman Kumor: Yes.

12 Chairman Wilson: Jason?

13 Acquisition Committee Chairman Walser: Yes.

14 Chairman Wilson: Darrel?

15 Mr. Williams: Yes.

16 Chairman Wilson: David?

17 Mr. Womack: Yes.

18 Chairman Wilson: And John is a yes.

19 And just for clarification, the item that we voted on  
20 previously was the proposal to amend the conservation  
21 easement to include standard reserve rights found in  
22 the North Carolina Land and Water Fund's current  
23 template for project 1997B-013 Cabarrus Soil and Water  
24 Conservation District Clarke's Creek Rookery. Okay, so  
25 we'll now go back, Jason, to you for item 1C.

1                   Acquisition Committee Chairman Walser: Okay,  
2                   and again, I'm going to defer to Marissa who is going  
3                   to talk to us about Enforcement of Conservation  
4                   Agreement's language and policies.

5                   Stewardship Program Manager Hartzler:     Thank  
6                   you; this last item is in relationship to the  
7                   stewardship program and how we enforce the conservation  
8                   easements and agreement that the State accepts from  
9                   Land and Water Fund projects. And so to date, we've  
10                  accepted over 870 of these conservation agreements.  
11                  And in doing so, we have as the State and the fund  
12                  accepted a perpetual allegation to enforce and uphold  
13                  these documents. And much of the work that the  
14                  stewardship program does is really focus on proactive  
15                  management of these agreements. We do everything with  
16                  our land trust partners to ensure that easements are  
17                  not violated and that is through the land trust's  
18                  fantastic relationships with the landowners, working  
19                  with them, finding out their plans, reviewing plans,  
20                  and asking for interpretation on easements and, of  
21                  course, reporting to the State annually with a  
22                  monitoring report on the property. And all of this is  
23                  great to prevent violations from happening in the first  
24                  place, but violations can and they do happen and so we  
25                  need to be prepared to handle those. For context, in a

1 given year, we may have between ten and fifteen  
2 potential violations referred to us from our partners  
3 that we need to look further into and come up with ways  
4 of fixing, if necessary. And thankfully those have  
5 been on the very minor scale to date. They tend to be  
6 very temporary, small scale, easily fixable violations  
7 and so that is not to say that in the future we might  
8 not have a major violation. Certainly we would expect  
9 it at some point with this number of conservation  
10 agreements. The staff uses procedures to address these  
11 violations, these potential violations. They were  
12 drafted in 2007. So the staff recommendation was it  
13 feels like it time to update these policies and maybe  
14 time to get a Board offered and approved enforcement  
15 policy within our larger fund policy manual. And  
16 certainly, this is all in line with the land trust  
17 alliance standard and practices, which I have shown on  
18 the screen here on the right. For those of you who  
19 have worked with land trusts, you may know that a  
20 written policy and procedures for investing potential  
21 violations is a best management practice and really  
22 required our accredited partners. So it's good to have  
23 a similar policy for our operations as well. So the  
24 committee talked about elements that a policy could  
25 include. We went over this. The -- this could include

1 the enforcement principles that we want to be timely  
2 and consistent and proportional and transparent in  
3 handling potential violations. We could then address  
4 the classification of violation types. So again, if  
5 you've worked with a land trust, you may have heard of  
6 the technical minor, moderate and major violation  
7 categories. We can define those to help us understand  
8 what the procedures for handling each type of violation  
9 is, and also at what level it needs to be handled. Are  
10 some delegated to staff? Must some go directly to the  
11 Board? A policy can also address how and when the  
12 Board wants to be notified about violations that either  
13 fall under the Board's delegation or as general  
14 reporting on annual statistics, and with such a policy,  
15 that would help give staff the direction to offer  
16 procedures for day-to-day operations that would then be  
17 in line with the Board set policy. So then staff would  
18 be able to sort of get into the weeds on instructions  
19 for how we document potential violations, the process  
20 for how we interpret and classify and propose for  
21 mediation strategies, and then, of course, steps for  
22 how and when we contact stakeholders so the monitoring  
23 land trust, the landowner, of course, and then for any  
24 issues that need Board weigh in, legal counsel, State  
25 Property Office, Attorney General's Office, you know,

1           those -- those higher levels of enforcement when  
2           necessary. So this policy, I think, would be a really  
3           great addition to the stewardship program, be very  
4           clear and transparent, show our land trust partners  
5           that we're holding the same best management practices  
6           as they are, and also be really transparent with our  
7           landowners that this is how the fund approaches  
8           potential violations. So the committee recommendation  
9           was to direct staff to draft an enforcement policy with  
10          the goal of having a policy approved by the Board to  
11          add to the policy manual. And our time line for this  
12          is spring hoping to have some additional committee  
13          meetings prior to the May Board meeting where we will  
14          present a policy to the full Board. I'm happy to take  
15          questions on that topic.

16                       Mr. Williams:                       Yeah, I do have a --  
17          I do have a brief question. Yeah, I was curious -- I  
18          was curious about the percentage of those who, you  
19          know, for all of the agreements that are put in place,  
20          and there a certain number of them that come back and  
21          request approval to make changes in those agreements.  
22          Do we have any idea what percentage of that? I guess  
23          unless we catch them, I guess we don't know, but those  
24          who go and decide to make changes on their own without  
25          coming through the approval process. Do we have any

1           idea?

2                       Stewardship Program Manager Hartzler:     So we  
3           are aware of a handful of violations in a given year,  
4           and the majority of those come to us because our land  
5           trust monitoring partners alert us.  So, you know, the  
6           number ten to fifteen in a given year given we have 870  
7           agreements, that's pretty low, thankfully.  Are there  
8           probably violations that we are not aware of; yes,  
9           possibly.  They may be minor enough or temporary that  
10          they don't get caught in an annual monitoring visit.  
11          So it's difficult to say what the potential violations  
12          percentage is across all of our conservation  
13          agreements, but thankfully to date the ones that we are  
14          made aware of and are actively working toward  
15          resolution on it is a low number, thankfully.  Did that  
16          answer your question, Darrel?

17                       Mr. Williams:                        Yes, yes, it sure  
18          did, yeah.

19                       Acquisition Committee Chairman Walser: This  
20          is Jason Walser, and, Darrel, it's a great question.  
21          And unfortunately, I hope I'm very wrong on this, but  
22          the land trust are all preparing for and I think we  
23          should too, which is why this policy is so important.  
24          Those numbers will not be so low as time goes on.  
25          Every new project we do, and as the early projects



1 continue to age, the likelihood of increased  
2 violations, people forget. Things change. It  
3 increases expedientially every year, so Marissa's going  
4 to unfortunately, probably, have a much elevated role  
5 from the end of our Board meetings to the beginning of  
6 our Board meetings in the future. I hope I'm wrong on  
7 all this, Marissa. If I cite positive things about how  
8 our monitoring fund is increasing and there are no  
9 violations, but we are wise to prepare for the worse  
10 and hope for the best.

11 Restoration Committee Chairman Kumor: I have  
12 -- this is Renee. I have a question that is a little  
13 bit bigger. If I recall what we talked about in the  
14 prior two actions in this meeting, John referred to our  
15 easement template, and I'm wondering if, first of all,  
16 do we have one easement kind of template that's current  
17 and how do we make certain that easements in the past,  
18 are they brought up to be compatible? And in this  
19 discussion of violations, how do we know that something  
20 may have been a violation in the past and in our  
21 current template is not a violation? And I'm just  
22 sorry that that's where my mind has gone wondering how  
23 they keep this all organized.

24 Stewardship Program Manager Hartzler:

25 Renee, that is an excellent question and I think that

1 the land trust community on the whole has been and is  
2 still really thinking about easement resilience, if  
3 that makes sense, and knowing that conservation  
4 easements are young concepts in general and that  
5 everyone has learned so much even just over the past  
6 twenty, thirty, forty years, that it -- it's definitely  
7 on people's minds. How do we craft a document that is  
8 restrictive enough that it protects the conservation  
9 values while at the same time giving the flexibility  
10 needed to address the things that we can't possibly  
11 know today, changed conditions, climate change,  
12 different technologies emerging to approach issues, and  
13 it's a very, very tricky balance. And so I think in  
14 reference -- in reference to the first easement  
15 amendment, the Cabarrus County, I think that's  
16 absolutely an example of this, bringing an easement up  
17 to more of a current standard to be really clear and to  
18 help both the fund and the State and the landowner  
19 understand what's possible. In terms of bringing a  
20 conservation easement up to a current standard though,  
21 that is not really covered in our amendment policy.  
22 And that's why you see that first item Cabarrus County  
23 easement amendment come to the Board, because while  
24 there are some easement amendments that are small in  
25 nature, they are delegated by that policy to staff.

1           There's no category for bringing an easement up to a  
2           current standard. That automatically gets put into the  
3           other category, and anything in the other category is  
4           automatically a major amendment and comes to the Board  
5           for -- for review and approval. So the amended policy  
6           doesn't necessarily contemplate this, but that has been  
7           the strategy to bring these up to a current standard,  
8           if necessary.

9                     Restoration Committee Chairman Kumor:    Thank  
10           you.

11                    Chairman Wilson:                     Any more comments or  
12           questions for Marissa; this comes to us from the  
13           Acquisition Committee, a proposal to direct staff to  
14           draft an updated enforcement policy to be added to the  
15           North Carolina Land and Water Fund policy manual. Any  
16           final discussion; okay, let me know how you vote,  
17           please, Ann?

18                    Vice Chairman Browning:    Yes.

19                    Chairman Wilson:                     Greer?

20                    Ms. Cawood:                         Yes.

21                    Chairman Wilson:                     Amy?

22                    Ms. Grissom:                         Yes.

23                    Chairman Wilson:                     Judy?

24                    Ms. Kennedy:                         Yes.

25                    Chairman Wilson:                     Renee?

1 Restoration Committee Chairman Kumor: Yes.

2 Chairman Wilson: Jason?

3 Acquisition Committee Chairman Walser: Yes.

4 Chairman Wilson: Darrel?

5 Mr. Williams: Yes.

6 Chairman Wilson: David?

7 Mr. Womack: Yes.

8 Chairman Wilson: And John is a yes;

9 okay, Jason, anything else from the acquisition  
10 committee?

11 Acquisition Committee Chairman Walser: No,  
12 thank you; just as always, great job, staff.

13 Vice Chairman Wilson: Right, okay,  
14 business item 2 is a 2021 application update; over to  
15 you, Will.

16 Deputy Director Summer: Thank you, so we'll  
17 briefly go over just a few things. A breakdown of our  
18 2021 application requests get into the weeks just a  
19 little bit and give you a sense of what we have before  
20 us this cycle, briefly discuss our staff review process  
21 and finally review the trustee site visit protocol  
22 which may not be a moot point late in the season, but  
23 certainly seems to be in the -- in the present  
24 conditions. So as Walter said, we -- we had 108  
25 applications for a little over 76 million. Seventy-

1 three were Acquisition. Twenty-one were Acquisition  
2 and Restoration. Two were Innovative Stormwater. And  
3 twelve were Planning. So Acquisition and Innovative  
4 Stormwater probably saw the largest reduction in terms  
5 of -- of absolute number of applications or rather  
6 relative number of applications. However, given all  
7 the challenges and uncertainty of COVID this year as  
8 Walter said, I think it's a fairly strong cycle that so  
9 many folks were able to overcome the challenges of  
10 needing to meet the landowners, and meet with folks to  
11 bring it in. So we had 36 fewer than last year,  
12 approximately 6 million less. 30 of those are re-  
13 applications, so that's a pretty good chunk of folks  
14 that -- that were not funded last year and have brought  
15 back an application presumably with some improvements  
16 and, you know, it's not a bad thing. As we've said  
17 many times, last year we didn't fund a lot of great  
18 applications, that really we only lacked resources,  
19 sufficient resources, to go down the list and pick up  
20 some great projects. So hopefully we'll get another  
21 shot at those next year depending on what  
22 -- what the funding looks like. This is what our  
23 distribution looks like, and there's a bunch of ways  
24 you could -- could slice this. You could go by  
25 population land mass. We are all scientists, natural

1 -- naturalist biologists at heart, so we like the --  
2 the regional distribution of Mountains, Piedmont and  
3 Coastal Plain. So if you look at the absolute number,  
4 it actually is roughly a third in each of the  
5 geographic regions though they're not the same size,  
6 but just in terms of the way we think of things. By  
7 the terms of funds requested, you'll see it's a little  
8 skewed towards Coastal Plain, and I think a lot of  
9 that's driven by a couple of very large land  
10 acquisition opportunities that had very large requests.  
11 We may not be able to fund them at their full request,  
12 but you know, in -- in representing what's out there,  
13 our applicants have shown us the whole property, shown  
14 us what it would take to purchase it, and we'll see  
15 what -- what funding and the will of the Board is this  
16 year. But that's the breakdown regionally as you can  
17 see pretty good -- a pretty good spread across the  
18 state.

19 Ms. Cawood: Will, to go back on  
20 an earlier point, 30 percent seems really high for re-  
21 application, but I don't know. Is that -- is that a  
22 high number this year?

23 Deputy Director Summer: It's a -- I believe  
24 it's a little higher than last year, but, of course,  
25 last year we had 144 total applications at the

1 beginning of the cycle and -- and we -- you know, I  
2 think, Greer, you've been here since we've reworked our  
3 scoring application, and over those six or seven years,  
4 you know, we would usually think of ourselves as  
5 getting down to a score of in the low seventies or  
6 sixty-nine and last year I think we stopped at a score  
7 -- on the acquisition side, that is, a score of  
8 seventy-six, if my memory serves. So there was just a  
9 lot of applications that -- that we felt good about,  
10 and I think the applicants felt good about, were good  
11 applications that they were not discouraged to -- to  
12 not consider. So it is -- I mean it's a big number for  
13 certain, but I think it -- because of the circumstances  
14 of extra high demand last year, and -- and no recurring  
15 bump as we were hoping, just a lot of the needs still  
16 out there from last year, but it certainly is a big  
17 number.

18 Ms. Cawood: Thank you.

19 Deputy Director Summer: Uh-huh.

20 Ms. Grissom: Will, this is Amy,  
21 on a -- on a kind of related note, I recall you had  
22 kind of a long provisional list from the last cycle.

23 Deputy Director Summer: Uh-huh.

24 Ms. Grissom: And it seems like I  
25 saw, I think, at least a couple on the new list that

1           were on the provisional list. How -- how far down that  
2           list do you think we're really going make it?

3                     Deputy Director Summer: That -- that is a  
4           great question. We will not make it to the end of  
5           provisional list. I don't have it sitting in front of  
6           me if -- if -- perhaps while we're continuing on, if  
7           Nancy's available, she might just look that number up  
8           and tell you where she thinks we might get, but you're  
9           absolutely right. Some of those thirty re-applications  
10          are -- are projects that as of February 1st we had not  
11          funded from the provisional list and between June 30th,  
12          we might hopefully -- well, most certainly will take a  
13          few of those off of the list such that you won't review  
14          all thirty of those in September, and we will  
15          definitely get to some of them.

16                    Ms. Grissom:                     Okay, thank you.

17                    Deputy Director Summer: And -- and we might  
18          be able to have a more specific answer by the end of my  
19          presentation. I'm anticipating; any other questions  
20          before I move forward?

21                    Mr. Williams:                    Yeah, one other  
22          quick question.

23                    Deputy Director Summer: Yes, sir.

24                    Mr. Williams:                    So I'm assuming  
25          there's no map that shows approximately where the re-



1 applications are located, right?

2 Deputy Director Summer: Not at the moment,  
3 but I can certainly have folks on staff put that  
4 together and send it to you in, I think, pretty short  
5 order. So by virtue of you're asking the question,  
6 I'll make --

7 Mr. Williams: Yeah, I was just  
8 curious about that.

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Deputy Director Summer: We can certainly provide that, so looking now specifically program by program, in the Acquisition Program, seventy-three applications. This is the one I believe we had 100 applications last year, so this one -- this one has substantially less in terms of numbered applications but still a pretty significant monetary request. The breakdown is six State agencies, four local governments, and sixty-three non-profits. It's as usual skewed towards non-profits, but I think an important nugget of information buried in there is that in addition to the six State agency applications, a

1 total of twenty-two of our other applications if funded  
2 are eventually planned to go to State agency ownership.  
3 So at the end of the day, it's actually a much larger  
4 percentage of these properties that will be owned and  
5 managed by the State, primarily for public access via  
6 parks, wildlife resources, and even historic and  
7 cultural sites. So I don't know that this Board in  
8 particular is -- is interested in fee simple ownership,  
9 interested in the public having the most benefits by  
10 way of public access, and I think this represents a  
11 pretty strong application pool for that perspective.  
12 In terms of the resources, in each application as is  
13 pretty typical, most every property has enough water on  
14 or nearby to have a right pairing and buffer score. A  
15 very high percentage also is scored -- will be scored  
16 for natural heritage resources, and then modest amount  
17 of historic cultural and greenway projects. And again,  
18 this is -- this is fairly typical with the demand we've  
19 seen in recent years across each resource. So just one  
20 note about Acquisition, we do recognize kind of that  
21 our opportunities don't or that the opportunities for  
22 our applicants don't always land up with -- line up  
23 with our grant cycle, so sometimes property is  
24 available before we can meet in September and make a  
25 decision. And rather than have the opportunity to go

1 by the applicant is -- is forced to make a purchase  
2 speculatively sometimes with borrowed funds, and I  
3 think we've in the past don't want to -- don't want to  
4 have them be penalized for taking a bold action, so we  
5 do have a mechanism to reimburse them for property  
6 they've already purchased. One is to award the  
7 conservation easement value, which is to say if you  
8 already own the property, I can't pay you to buy it,  
9 but I can pay to purchase a conservation easement on  
10 that property which is what we typically do anyhow and  
11 then any difference in the purchase price and what we  
12 are able to reimburse is considered as match. And also  
13 if the property, let's say a non-profit purchased it  
14 and then it was going to transfer it to the State, that  
15 gives us an opportunity contractually to reimburse the  
16 full fee value -- up to the full fee value when it  
17 changes his hands on that second transaction from the  
18 non-profit to a State agency. So that's just something  
19 to be aware of as we look at these when -- when you  
20 folks see them in September. You know, sometimes  
21 there's a thought of, well, they already own it; it's  
22 very little risk, but because we meet once a year, you  
23 know, they're kind of compelled to get out ahead of us  
24 in -- in certain cases. And we don't want to really  
25 penalize our partners for that. And at the same time,

1 we also don't want to monetize holdings that -- that  
2 organizations may have had for five or ten years, so --  
3 so we discourage them from bringing us projects that  
4 they've had in there -- on their books for years and  
5 years in favor of projects that are newer and -- and  
6 really more legitimately threatened. So moving on to  
7 Restoration, twenty-one applications this year. I  
8 think that's just down one from last year, if memory  
9 serves; a pretty typical breakdown, one State agency,  
10 half a dozen local governments and majority coming from  
11 the non-profits. If you look at them by project type,  
12 this is a trend we've actually been seeing in recent  
13 years where less and less of these are traditional  
14 natural channel design restoration projects. There are  
15 more, particularly in these last three, we're seeing  
16 more shoreline protection, which I think is good  
17 because that allows us to take restoration programming  
18 and really let it do good work all across the state.  
19 One is fish passage barrier removal, and one, which I  
20 think will be sort of new, is a nature-based flood  
21 reduction project. So it's -- it's kind of a more  
22 diverse application in the restoration field than I  
23 think we've seen, which is good, and one regional  
24 application which is trending downward. And you may  
25 remember from years past, the regional projects while

1           they do a lot of good work and offer a lot of -- really  
2           a lot of leverage and a lot of bang for the buck, they  
3           also come with the extra baggage of being hard to view  
4           precisely at the beginning, because there's so many  
5           different projects and it's hard to nail them all down  
6           at time of application. So this is a trend I think  
7           that is supported by the Board's interest in recent  
8           years. Innovative Stormwater, only two applications  
9           this year, one State agency, one local government; I  
10          think we'll have to get further into the cycle to  
11          really understand that trend, but it's certainly a  
12          reduction from previous years. And finally the fourth  
13          program, our Planning program, twelve applications  
14          roughly split between local governments and non-  
15          profits; I think we had maybe fourteen last year, so  
16          this is pretty well on par with the demand we saw; good  
17          projects that offer, I think, a lot of -- a lot of  
18          benefit for helping us or helping our applicants bring  
19          us more developed applications in the future. And  
20          almost half of these contain significant portion of  
21          Acquisition planning in addition to planning for a  
22          Restoration or Stormwater type benefits. So all that  
23          said, I know it's a long time between now and  
24          September. Perhaps from some folks' perspective for  
25          most of the folks here, it -- it is a crazy time.

1           These are our busiest year for project review staff.  
2           The field reps are visiting with each applicant,  
3           inspecting sites almost daily through May. As was done  
4           last year, the field reps are continuing to do the site  
5           visits solo this year. So they are going on site by  
6           themselves, walking around, getting to know the site,  
7           and then following up via phone call or Teams meeting  
8           with the applicant to understand the application fully  
9           and -- and get the details they need. Program managers  
10          are reviewing and scoring each project and getting  
11          input from natural heritage program biologists, from  
12          historians, from liaisons on military installations,  
13          and -- and the restoration program also from DEQ  
14          stormwater staff and kind of simulating all this input  
15          through June; meanwhile, continuing to manage all of  
16          the previously funded projects that require payments  
17          and contracts. We do have an applicant update period  
18          ending in June, so this is an opportunity for our  
19          review staff to see things that may be worked clearly  
20          stated or fully accurate in the application, and get  
21          clarification so that when you folks see applications  
22          in September or rather see the applications in August  
23          and make decisions in September, you're getting  
24          accurate information and that helps the whole process  
25          move -- move smoothly through contracting. And then in

1 June, the project managers are going to begin preparing  
2 the project scope and summary information that you see,  
3 and then field reps are reviewing those and just trying  
4 to get everything tidied up in the -- in the package  
5 that we send to you all in August which I think helps  
6 your speedy review and have things kind of digested and  
7 packaged in such a way that you can get information  
8 quickly and easily and make your job as smooth as  
9 possible. And I know you can't read this, but this is  
10 the Gantt chart of what staff is doing between now and  
11 the little red circle at the bottom which is the Board  
12 meeting. So there are -- there are many steps which  
13 rely on one another to be done at just the right time,  
14 and we spend a lot of time trying to make sure we don't  
15 get too far down the process and put ourselves behind.  
16 So there's a lot going on behind the scenes in the next  
17 couple of months. So stay tuned and we'll look forward  
18 to giving you guys the 2021 details at the end of  
19 summer. So one last thing I wanted to talk about was  
20 guidance for Trustee site visit.

21 Ms. Cawood: Will, I'm sorry to  
22 go back. Sorry, on the other one and back one more,  
23 and I'm sure because you all give a lot of thought to  
24 everything that there's reasoning. I hate that the  
25 field reps have to go to the site solo since most of

1           them are outdoors they can be masked, can be distanced.  
2           I mean I would assume that you can gather such -- you  
3           know, much better information one-on-one with somebody  
4           as you're looking at something, than making notes and  
5           going back and trying to decipher and talk it through  
6           with somebody. I'd just love for us to spend a moment  
7           more on that and that decision.

8                     Deputy Director Summer: Certainly, and it's  
9           not every case that we end up solo. That's kind of the  
10          standard. It does also permit a little more, and what  
11          we got into last year is we ended up having to wait a  
12          couple weeks while COVID really was dropped in our lap  
13          right about now last year. It facilitates a kind of  
14          more expedited review because we no longer have to  
15          coordinate with a -- several parties, and it allows the  
16          field reps to really make the most use of their time.  
17          But we are hoping this is the last year that this is  
18          done, and, you know, I think you're absolutely right.  
19          We're getting to the point where if nothing else, a  
20          site visit can -- can in several cases, many cases, be  
21          safely done, but I think we're using an abundance of  
22          caution. And we are having both. Something that's  
23          instituted this year is the field reps are having a --  
24          they've actually already had a pre-conference with all  
25          of the applicants, Teams meeting, face-to-face -- well,



1 not face-to-face, you know, virtual face-to-face, and  
2 then they will follow up with a post meeting. So we're  
3 -- it's not optimal, but we're -- I think we're doing  
4 the best in ensuring that we're getting all the  
5 accurate information to you, but my hope is very much,  
6 I think this is everybody's, that we'll go back to  
7 standing on the hood, pointing at a map and, you know,  
8 transferring information via the old fashion way, but  
9 it is a good point. It's -- it's certainly I think the  
10 preference to meet our applicants are folks that are  
11 very -- they are kindred spirits and -- and when I was  
12 a field rep meeting with them was the best part of the  
13 job, frankly. So I know that Damon and Justin are  
14 anticipating looking forward to getting back to that,  
15 but for this year we thought we'd continue just trying  
16 to minimize contact.

17 Ms. Grissom: Will, I have one  
18 suggestion about that, and of course, we don't know how  
19 this summer will progress and what we might or might  
20 not be able to do. But you know, if in those final  
21 months and weeks before you're presenting the rankings  
22 to the committee and to the Board, I think it might be  
23 worthwhile to look at, you know, assuming that we know  
24 exactly how much money we're going to have, look at  
25 those handful of projects that are going to be on cusp

1 of being funded or not funded, that if there's a way to  
2 potentially do a deeper dive, meeting someone on site,  
3 that -- that might be a targeted way to get the most  
4 out of what hopefully will be at least a handful of  
5 site visits that could potentially be done with an  
6 applicant.

7 Deputy Director Summer: We'll certainly take  
8 that into consideration, but I don't want to give the  
9 impression that -- that anything we're doing is -- is  
10 not thorough. We -- we kind of had the benefit of --  
11 of doing a similar thing last year, and I believe we --  
12 I think we were very successful in getting all the data  
13 and this year even better, but your point is taken that  
14 there really is no substitute in any part of life for  
15 being in person.

16 Ms. Grissom: And please, you  
17 know, I don't at all, you know, mean to raise that,  
18 that things aren't thorough, you know, absolutely not.  
19 You guys are amazing. It's just the huge  
20 responsibility of what to fund and not fund, you know,  
21 on the cusp, you know, when we have projects that are  
22 technically getting the same score, you know, several  
23 -- several ones. So, you know, that's my only -- my  
24 only comment about that. But yes, staff does an  
25 amazing job; thank you.

1 Deputy Director Summer: Thank you.

2 Chairman Wilson: Will, this is John.

3 I have a question about the two Innovative Stormwater  
4 applications. You said, I think, when we get further  
5 into the cycle, we may better understand that trend.  
6 Can you explain a little bit more what you meant by  
7 that?

8 Deputy Director Summer: Well, I think when  
9 we have the opportunity to meet with the applicants,  
10 and with Innovative Stormwater particularly, I think,  
11 frankly, N.C. State was a big part of the demand,  
12 roughly a third to half in most years, so I think part  
13 of the demand may be choices that they made in terms of  
14 not submitting as many -- as many applications. Part  
15 of it may be that, you know, there was a cap last year  
16 and that may have reduced their -- their interest in  
17 the program. Again, at State I've not -- I've not had  
18 the opportunity to even debrief staff on any early  
19 conversations they've had with them. That's -- that's  
20 what I'm anticipating.

21 Chairman Wilson: Okay, thanks.

22 Deputy Director Summer: And it may be tied  
23 to the fact that those were all university-related and  
24 now a lot of the universities have kind of been, you  
25 know, thrown for a loop with COVID as much as anyone.

1 But I know that Steve and the field reps will look into  
2 that as they're doing the meetings.

3 Chairman Wilson: Thanks.

4 Deputy Director Summer: Any other thoughts  
5 or questions before I move forward; so the final  
6 subject is guidance for a Trustee site visit. I don't  
7 know that this will be something that happens early in  
8 the season. It may change as the year progresses. I  
9 think things are changing for the positive rapidly. I  
10 look forward to that, but I did want to just cover the  
11 guidance that the Board agreed upon in March of 2019  
12 just as a refresher and for any new Trustees that  
13 weren't here when that was discussed. So the gist of  
14 it is that, you know, a Trustee may certainly visit any  
15 site visit he or she wants to. There was a time  
16 several years ago where there was uncertainty whether  
17 or not that would be appropriate, and I think we've had  
18 Hank look into it. And it's certainly your right and  
19 is appropriate to do so if you as a Trustee want more  
20 information, so we just want to go into a few points to  
21 make sure things are done correctly. The first is that  
22 if you as a Trustee get contacted for a site visit,  
23 just to reach out to Walter and let him know. The  
24 second is to when possible allow staff to coordinate  
25 site visits and that does a couple things. One, that

1 allows important staff to be on site at the same time  
2 as Trustees and applicants just to make sure everyone  
3 is always on the same page. It's awkward at a Board  
4 meeting if when a field rep is on a site he heard the  
5 applicant say one thing and then at a future meeting a  
6 Trustee got different information. That's happened a  
7 time or two, and it -- in realtime it makes it a little  
8 awkward, and it also allows us to make sure that we're  
9 not running afoul here at the meeting slot. If any two  
10 Trustees get together from the same committee and  
11 discuss or do the business of the Board, we have to  
12 notice it as an open meeting and make sure we are  
13 following all of the proper rules, so we -- by letting  
14 staff coordinate that we can help make sure that, you  
15 know, a whole committee doesn't show up on site and  
16 realize that -- that now we've run afoul of open  
17 meetings. And finally, I think the third intent of the  
18 guidance is that Trustees will make other Trustees  
19 aware when they visited a site during the funding  
20 meeting, just to keep everything open and transparent  
21 and let the public know how we do the good work that  
22 you do. So this is again language from the guidance  
23 that the Board passed. I think the important point  
24 here is that you as a Trustee don't need to feel  
25 compelled to go on a site visit just because an

1 applicant has requested or invited you to go. Of  
2 course, they would love for all of you to visit all of  
3 their sites. But with all that said, if there is  
4 anything you feel you can gain from a site visit,  
5 please absolutely let us know, and we will coordinate  
6 accordingly and make that happen. Again, the thing  
7 that I want to bring up just to let -- allow us to  
8 coordinate so we can be present and so we can make sure  
9 that open meeting laws are followed. And as far as the  
10 timing goes, the next few months -- the early months in  
11 the season are pretty busy on field staff's schedule.  
12 They are pretty much booked up through May and don't  
13 have a lot of free time to schedule an impromptu  
14 meeting or make too many changes, because if they've  
15 got three or four folks that are going to visit in one  
16 day, having to cancel that particular day might throw  
17 things into quite a mess. So really once the early  
18 season times have gone by -- really the best time from  
19 a staff perspective is later in the summer to arrange a  
20 site visit and this particular year, obviously, things  
21 will be looking better anyhow. And finally just a  
22 reminder that gifts are prohibited and gifts include  
23 logo items, lunch, pretty much anything of any value  
24 should be considered gifts and should not be accepted.  
25 So with all that said, I believe that is all that I

1 have got for you folks. I will take any questions.

2 Chairman Wilson: Will, this is John.  
3 Would you like to present the information contained in  
4 Terri's message that she put in the chat?

5 Deputy Director Summer: I did not see her  
6 chat. Let me open that up real quick.

7 Chairman Wilson: About expected  
8 license plate revenue?

9 Deputy Director Summer: Oh, absolutely.

10 Ms. Guthrie: Will, this is Nancy.  
11 I'm going to interrupt here that I also -- I did see  
12 that, and I do have some information on the provisional  
13 list that was requested earlier.

14 Deputy Director Summer: Excellent; please go  
15 ahead.

16 Ms. Guthrie: So I will just jump  
17 in if you don't mind. On the provisional list to this  
18 point in Acquisitions, that Forsyth County project,  
19 Blue's Lake as well as two Wildlife Resource Commission  
20 projects, have been funded and are contracted. We also  
21 have on the provisional list that was just funded with  
22 our February license plate the Three Rivers Land Trust  
23 project, the Butler Tract which is on the border of  
24 Fort Bragg. And with the information that Terri  
25 provided in tracking the expected revenue, we think

1 that they'll be the next three projects on our  
2 provisional list funded. Those are the Conserving  
3 Carolina - the Green River Game Land Addition, Three  
4 Rivers Land Trust - the Belle Realty project, and  
5 another project with Conserving Carolina - Evans  
6 Mountain Tract out in Henderson County. It does look  
7 like that means we're going to stop right short of the  
8 four projects you all reviewed. You may remember some  
9 in local communities and move them up on the list. It  
10 does not look right now that we will get into those  
11 projects. However, I will say we are closing projects  
12 and returning whatever revenue we can as fast as we can  
13 get projects closed. So we do anticipate some more  
14 funding coming from closed projects that we just don't  
15 know the amount of. But that does still leave looking  
16 at my list here, like six or -- about nine projects on  
17 the provisional list that probably will not be funded.  
18 And to maybe anticipate another question, I think only  
19 three of those are re-applications, so that means that  
20 either other funding was found or the opportunity is  
21 not there at this point. And I think on some of them  
22 Land Trust applicants found another avenue that they  
23 are pursuing, but that would -- from details on the  
24 acquisition provisional list.

25 Ms. Grissom:

Thank you so much;



1           you got an amazing staff.

2                       Restoration Program Manager Bevington: Could  
3 I jump in? This is Steve Bevington. I'll just say  
4 very quickly that there were ten Restoration program  
5 projects on that provisional list. We'll probably get  
6 to five or six of them. I think several of you had  
7 particular interest in the most recently funded one,  
8 which was North Carolina Coastal Federation's activity  
9 on the marine base to do shoreline protection. That  
10 one we just closed out or just got enough money to  
11 enter the contract with, and we'll probably do one  
12 whole work project after that. Beyond that, the next  
13 project would be a full ask of \$400,000, which we  
14 probably won't be able to fund. So anyway, just very  
15 quickly, the Restoration priority, we're getting it  
16 about halfway down their provisional list with three on  
17 that lower part of the list back in this year to be  
18 looked at again.

19                       Chairman Wilson:                Okay, thank you,  
20 Will; anything else from Terri's information in the  
21 chat that you want to mention?

22                       Deputy Director Summer: No, I believe that  
23 the program managers have assimilated and covered it  
24 very well; thanks to Terri and to Steve and Nancy.

25                       Chairman Wilson:                Absolutely, okay,

1 thank you, Will; before I entertain a motion to  
2 adjourn, are there any final comments from Trustees or  
3 from staff? Okay, hearing none, I will entertain a  
4 motion to adjourn.

5 Vice Chairman Browning: This is Ann. I move  
6 we adjourn.

7 Chairman Wilson: Ann.

8 Acquisition Committee Chairman Walser:  
9 Second, Jason.

10 Chairman Wilson: And Jason with a  
11 second. Okay, Ann how do you vote?

12 Vice Chairman Browning: Yes.

13 Chairman Wilson: Greer?

14 Ms. Cawood: Yes.

15 Chairman Wilson: Amy?

16 Ms. Grissom: Yes.

17 Chairman Wilson: Judy?

18 Ms. Kennedy: Yes.

19 Chairman Wilson: Renee?

20 Restoration Committee Chairman Kumor: Yes.

21 Chairman Wilson: Jason?

22 Acquisition Committee Chairman Walser: Yes.

23 Chairman Wilson: Darrel?

24 Mr. Williams: Yes.

25 Chairman Wilson: David?

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Mr. Womack: Yes.

Chairman Wilson: And John is a yes.

Thanks, everyone; we are adjourned, and again thanks to our wonderful staff.

(The proceedings were concluded at 11:25 A.M.)

NORTH CAROLINA

WAKE COUNTY

**C E R T I F I C A T E**

I, Diane C. Byrd, Notary/Reporter, do hereby certify that this Board of Trustees Meeting was taken by me and transcribed under my direction and that the sixty pages which constitute this Board of Trustees Meeting are a true and accurate transcript.

IN WITNESS THEREOF, I have hereunto set my hand this 29th day of March, 2021.

*Diane C. Byrd*

\_\_\_\_\_  
Diane C. Byrd  
Notary Public  
Certificate No.: 19933130099