

AGENDA
North Carolina Land and Water Fund
Acquisition Committee Meeting
March 16, 2023, 9:00 a.m. – 12:00 p.m.

This meeting will be held via teleconference and will have a physical location on the 4th floor of the Nature Research Center located at 121 West Jones Street, Raleigh, NC in room 4508. If any member of the public would like to join to the meeting via MS Teams or in person, please contact Terri Murray at teresa.murray@ncdcr.gov or 919-707-9400 in advance for links or directions.

Committee Members:

Jason Walser (Chair), John Wilson, Ann Browning, Greer Cawood, Amy Grissom, David Womack

COMMENCEMENT

1) Call to Order (Chair)

a) Welcome

b) Roll call

c) Compliance with General Statute § 138A-15

General Statute § 138A-15 mandates that the Chair inquire as to whether any Trustee knows of any conflict of interest or the appearance of a conflict of interest with respect to matters on the agenda. If any Trustee knows of a conflict of interest or the appearance of a conflict of interest, please state so at this time.

d) Please put cell phones on vibrate or turn off, and if you are joining remotely, mute your audio and turn off your video unless you are called upon to speak

e) Revisions, additions, and adoption of the agenda

2) Executive Director's Update (Will Summer)

PUBLIC COMMENTS

The public is invited to make comments to the Board (Chair)

The NCLWF policy manual states that comments shall be limited to subjects of business falling within the jurisdiction of the NCLWF. The NCLWF welcomes public comments on general issues. Comments will not be allowed on individual projects before the NCLWF for funding during the regular meeting. Comments will be limited to three minutes per person.

BUSINESS

1) Program Manager's update (Marissa Hartzler)

Staff will provide the committee with a program update.

2) Easement Amendment Policy updates (Justin Mercer)

Staff will present an edited draft of the policy based on direction during the previous meeting.

3) Native community restoration background (Justin Mercer / Marissa Hartzler)

Staff will review the current practices and expectations for native community restoration.

4) Improving access to NCLWF funds and benefits (Will Summer)

Staff will summarize the board action on improving access to underserved communities and provide

background information and a summary of the discussion from the Restoration Committee.

ADJOURNMENT

Action Item**Staff member(s): Justin Mercer**

Agenda Item 2) STW-001 Conservation Agreement Amendment Policy Revision**Background**

On rare occasions, permanent conservation agreements may need to be modified or amended. NCLWF has an amendments policy, first adopted in 2013 and updated as needed over the years, that provides requirements, compensation, and delegation of approval for amendments. Through application of this policy and changing legislative requirements, staff have identified areas for improvement and further revisions.

In 2015, the NC General Assembly enacted § 121-39.1. Termination or modification of agreements requiring public bodies of the State to conduct a conservation benefit analysis prior to any modification or termination of a conservation agreement. Conservation agreements may only be modified if the conservation benefit analysis concludes that the modification results in greater benefit to conservation purposes. Defining and establishing criteria for a conservation benefit analysis is delegated to the agency requesting conservation agreement modification, however NCLWF's current policy lacks definition of conservation benefit analysis.

At its meeting on February 15, 2023, the NCLWF Acquisition Committee directed staff to draft a revised policy for further discussion.

Staff recommendation

Staff will present a revised policy for consideration by the committee.

Committee action needed

Provide direction to staff on further revisions and/or make a recommendation to the board.

Attachments: Redline draft of STW-001 Conservation Agreement Amendment Policy, clean draft of STW-001 Conservation Agreement Amendment Policy



Stewardship Program Policies:

Conservation Agreement Amendment Policy (STW-001)

Background: On rare occasions, permanent conservation agreements may need to be modified or amended. This policy was established and approved by the Board to provide a consistent and predictable process for these cases.

Policy:

The North Carolina Land and Water Fund (NCLWF) was established in 1996 primarily to protect water quality interests in the State. In 2013, the purpose of the NCLWF was expanded to include ~~the~~ protection of natural heritage ~~and~~ historic and cultural resources as well as to buffer military bases. In addition, with the dissolution of the Natural Heritage Trust Fund (NHTF) in 2013, the ~~North Carolina Land and Water Fund~~ NCLWF became the de facto appointed body for matters that would have ~~previously~~ gone before the NHTF ~~in the past~~. Therefore, this document pertains to changes to conservation agreements initially entered into by either of the aforementioned funds.

When the NCLWF Board of Trustees (Board) elects to fund a land protection project, there are ~~two-three~~ arrangements-conservation strategies in which the State retains an interest in perpetuity: 1) ~~a~~ State-held conservation easements, 2) declarations of covenants and restrictions, and ~~23)~~ dedications under either the State Nature Preserves Act or State Nature and ~~the~~ Historic Preserve Dedication Act. ~~The There may also be term agreements that exist only for a set number of years. These~~ NCLWF strives to design these instruments, hereafter referred to broadly as “conservation agreements,” ~~should be designed and written so as~~ to avoid the need for an amendment or modification of the agreed upon terms. It is the State’s presumption that they-conservation agreements will not be amended or modified. Amendments may only be approved in exceptional cases or in due to unforeseen circumstances, ~~this presumption may be rebutted~~ provided the procedures outlined below are met. ~~Among other factors, the original intent of the agreement will be considered.~~

Because every property ~~is-and project are~~ unique, no decision by the Board with respect to an amendment of a conservation agreement shall form a precedent with respect to any other request for an amendment. Although this amendment policy sets forth certain guidelines and procedures, nothing herein shall ~~be deemed to impair~~ diminish the sole and absolute ~~discretion authority~~ of the Board ~~of Trustees~~. An amendment is an extraordinary procedure and not available to a landowner as a matter of right. All amendments must comply with applicable federal, ~~Sstate,~~ and local laws.

- I. **Minor ~~A~~amendments** – These amendments, as described below, have been deemed to be small in scale or impact, and the Board has delegated consideration and approval to staff.

~~A. Amendments to language – Changes to the language of a conservation agreement that do not affect the spatial boundaries.~~



- A. Technical amendments or corrections – Adjustments ~~to that have no effect on the conservation values or~~ correct a clerical error in the language of a conservation agreement resulting in no impact on the conservation values may be approved at the staff level.
- B. Amendments to accommodate public works projects – Adjustments to conservation agreements to accommodate public works projects may be approved at staff level under the following conditions:
1. The project can be effectively accomplished with the addition of a reserved right and there is no surface impact (e.g. projects utilizing horizontal directional drilling) or surface impacts are minimal and can be sufficiently mitigated (e.g. plant rescue or restoration of temporary construction easements).
 2. Changes to spatial boundaries can be approved at the staff level if all of the following conditions are met:
 - a. The change would affect less than one acre or 5% of the conservation agreement area, whichever is smaller.
 - b. The project would be perpendicular to or a minimal distance parallel to surface waters if any riparian buffers are affected.
 - c. The project would have no significant impact on other conservation values except in cases where impacts can be fully mitigated by a plant rescue or other operation. Determination of conservation impact will be subject to the process outlined in Section III of this policy.
- C. Addition of standard reserved rights – The reserved rights listed below are considered to be standard allowances and any addition(s) may be approved at the staff level if the following conditions are met:
1. Requested rights adhere to all other NCLWF policies and procedures; requests for addition of trail rights shall be subject to the NCLWF Natural Surface Trails Policy.
 2. The intent of the original conservation agreement does not explicitly indicate a desire to prohibit the requested rights.
 3. Standard reserved rights eligible for NCLWF staff approval include the following:
 - natural surface trails for hiking
 - paved trails (such as greenway or universal access trails) including footbridges and trail amenities
 - native community restoration, management, and maintenance



- stream and wetland restoration
- hunting and fishing
- maintenance of existing roads and trails
- vegetation management limited to boundary marking, fencing, signage, fire containment, insect and disease control, hydrology restoration, wetland enhancement, control of invasive exotic plants, and removal of trees that pose a threat to life or property
- use of motor vehicles limited to the purposes of monitoring, management, stewardship, universal access, and emergencies

All other amendments not covered under Section I are considered to be Major Amendments and must be taken to the Board for consideration Section II.

- ~~1. *Other amendments* – All other amendments to language not covered under section I.A.1 must be taken to the NCLWF Board for consideration per the guidance in section II.~~

~~B. *Amendments to boundary* – Changes to the spatial boundary of an agreement.~~

- ~~1. *Amendments to accommodate public works projects* (i.e. roads, bridges, sewer and water lines or associated infrastructure) may be approved at staff level if the following conditions are met:
 - ~~a. The amendment would affect less than 1 acre or 5% of the easement area, whichever is smaller.~~
 - ~~b. The project would be perpendicular or minimal distance parallel to surface water if any riparian buffers are affected.~~~~
- ~~2. *Other boundary amendments* – All other amendments to the boundary not covered under section I.B.1 must be taken to the NCLWF Board for consideration per the guidance in section II.~~

II. **Major ~~A~~amendments** – All amendment ~~requestss~~ not explicitly covered above ~~will~~ must be considered by the Board and ~~must be affirmed~~ approved by a two-thirds vote ~~in order to pass for approval.~~ Any request deemed by staff to be an emergency request will be forwarded to the Board Chair for consideration.

- A. Public Works Projects – Amendments ~~requests~~ requests to accommodate public works projects that are not covered ~~above in Section I~~ may be ~~adopted~~ approved by the NCLWF Board.
- B. Public Drinking Water Supply Reservoir – After the Record of Decision has been issued (final location has been permitted) ~~an a easement conservation agreement~~ or portions of ~~an a easement conservation agreement~~ may be amended by the ~~NCLWF~~ Board for development



of a public drinking water supply reservoir.

C. Other Circumstances – All ~~proposals~~requests for amendment of ~~easements~~conservation agreements for circumstances not covered above must meet the following criteria:

1. Clearly serves the public interest and provide a public or community benefit
2. ~~Have a net beneficial effect on the relevant conservation values protected by the easement~~Has a net positive benefit on the conservation values as outlined in Section III of this policy, regardless of agreement recording date.
3. ~~Does not~~Does not result in impermissible private benefit (as verified by appraisal if deemed necessary by the NCLWF). ~~other than the benefit inherent to the conservation agreement~~The Board may choose to approve amendment requests if and when the public benefit significantly outweighs any potential private benefit.
4. ~~Must be~~is consistent with the conservation purpose(s) and documented intent of the ~~easement~~conservation agreement.
5. To the extent verifiable, is~~Must be~~ consistent with the documented intent of the donor(s), other grantors, and any direct funding source.
6. Demonstrates that no practicable alternative(s) exist and that ~~the~~any impacts have been minimized

III. Conservation Benefit Analysis – The following outlines the process for conducting a conservation benefit analysis as required by NC G.S §121-39.1.
Termination or modification of agreements.

Though this statute does not apply to agreements recorded prior to 2015, NCLWF staff will conduct a conservation benefit analysis for all amendment requests.

When another State agency is authoring ~~the a~~ request to the State Property Office and Council of State for a conservation agreement modification or termination, the agency requesting the ~~conservation agreement~~ modification or termination shall conduct and submit a conservation benefit analysis as required.

A. Review of Resources

1. NCLWF staff will conduct desktop GIS analysis of potential impacts to streams, wetlands, natural heritage element occurrences and natural areas, historic sites, and any other conservation values identified by the conservation agreement using the N.C. Natural Heritage Data Explorer, HPOWEB, and other relevant data sources.
2. NCLWF staff will follow up with appropriate experts to determine if the requested amendment has any impacts to identified resources.
3. NCLWF staff and other experts as appropriate will conduct site visits for all major amendment requests and any requests that include proposals for exchange of land.

B. Analysis of Impact



1. After review, NCLWF staff will analyze all impacts to existing conservation values against the proposed benefits of the request.
2. The proposal may be deemed to have a positive conservation benefit if the compensation, whether monetary or by land exchange, outweighs the impacts to the conservation agreement and values by a ratio of at least three to one.

III.IV. Approved Amendment Requirements – The following outlines the expectations for approved amendments:

- A. Compensation** – The NCLWF must be made whole from any loss of monetary or conservation value resulting from an amendment. In the case of an amendment required as the result in lieu of the State's or a municipality's power to take private property for public use, the NCLWF may elect to be reimbursed, at minimum, the current fair market value, as determined by the State Property Office appraisal, tax value, and/or NCLWF staff, or pro-rated amount of the investment at the time of the grant contract, whichever is greater. In other cases where the approval of the amendment is solely at the Board's discretion, the terms of compensation, whether monetary or by land swap exchange, should be generously to the favor of the NCLWF and its conservation interests by a ratio of at least 3:1. Proposals for compensation should be discussed with NCLWF staff and submitted along with any amendment request.

Exchange of land is preferred to financial compensation unless deemed impractical. Any proposed exchange of land shall consist of land of equal or greater conservation values should be at least three times the acreage of the impact area, of like conservation value as determined by the resource score of the current NCLWF Application Rating System, and at least equal in monetary value. Proposed exchange land must be restricted to a level equal to or greater than the original conservation agreement. For easements, a qualified easement holder must be specified and the NCLWF must be granted third-party right of enforcement. It is NCLWF's preference that any new easements on land acquired as the result of an amendment be held by an accredited land trust. In the event that a qualified easement holder cannot be found, other options may be considered. Where no other suitable options exist, the State may serve as the holder provided that all current NCLWF standards for easement closings are followed, perpetual stewardship costs are provided and deposited in the NCLWF Stewardship Endowment, and an eligible easement monitor is identified.

Funds reimbursed to the NCLWF from an easement a conservation agreement amendment will be allocated to an appropriate program area as determined by the NCLWF Board.

- A.B. Other costs** – All costs associated with the amendment, including survey, appraisals, other transaction expenses, increased stewardship, costs of review by State agencies, and any fees charged by the State Property Office, will be paid by the party making the amendment request.

IV.V. Amendment Request Requirements – The following outlines the minimum required information for amendment requests, although additional information may be requested



as needed:

- A. ~~The Name~~, address, ~~and~~ phone number, and email address of the property owner.
- B. ~~The~~ nature of the activity proposed to be conducted.
- C. ~~The~~ location of the activity with reference to the NCLWF project number and/or Deed book and page.
- D. ~~MA~~ map(s) of sufficient detail to accurately delineate the boundaries of the land proposed to be impacted to carry out the activity, including the location and dimensions of any disturbance associated with the activity. When possible, a GIS shapefile must be submitted.
- E. ~~An~~ Explanation of why this plan for the activity cannot be practically accomplished, reduced, or reconfigured to better minimize disturbance to the easement conservation agreement and its identified conservation values. ~~preserve aquatic life and habitat and protect water quality.~~
- F. Plans for any best management practices or restoration proposed to be used to control the impacts associated with the activity.
- ~~F.~~ G. Acknowledgement of receipt of a copy of the NCLWF Conservation Agreement Amendments Policy

~~V.~~ VI. **Notifications** – For any ~~major~~ Major Amendments, the following parties will be notified at least two (2) weeks before a scheduled Board or committee discussion ~~is scheduled~~:

- A. The original parties associated with the conservation agreement that is proposed to be amended.
- ~~A.~~ B. The contracted easement monitor, when applicable.
- C. The general public and other interested parties via notice posted to the NCLWF website.
- ~~B.~~

Versions	Revisions
July 10, 2013	Original Effective Date
September 16, 2014	Revised and Adopted
March 9, 2015	Revised and Adopted
September 14, 2016	Revised and Adopted
May 21, 2019	Revised and Adopted



Stewardship Program Policies:

Conservation Agreement Amendment Policy (STW-001)

Background: On rare occasions, permanent conservation agreements may need to be modified or amended. This policy was established and approved by the Board to provide a consistent and predictable process for these cases.

Policy:

The North Carolina Land and Water Fund (NCLWF) was established in 1996 primarily to protect water quality interests in the State. In 2013, the purpose of the NCLWF was expanded to include protection of natural heritage and historic and cultural resources as well as to buffer military bases. In addition, with the dissolution of the Natural Heritage Trust Fund (NHTF) in 2013, the NCLWF became the de facto appointed body for matters that would have previously gone before the NHTF. Therefore, this document pertains to changes to conservation agreements initially entered into by either of the aforementioned funds.

When the NCLWF Board of Trustees (Board) elects to fund a land protection project, there are three conservation strategies in which the State retains an interest in perpetuity: 1) State-held conservation easements, 2) declarations of covenants and restrictions, and 3) dedications under either the State Nature Preserves Act or State Nature and the Historic Preserve Dedication Act. The NCLWF strives to design these instruments, hereafter referred to broadly as “conservation agreements,” to avoid the need for an amendment or modification of the agreed upon terms. It is the State’s presumption that conservation agreements will not be amended or modified. Amendments may only be approved in exceptional cases or due to unforeseen circumstances provided the procedures outlined below are met.

Because every property and project are unique, no decision by the Board with respect to an amendment of a conservation agreement shall form a precedent with respect to any other request for an amendment. Although this amendment policy sets forth certain guidelines and procedures, nothing herein shall diminish the sole and absolute authority of the Board. An amendment is an extraordinary procedure and not available to a landowner as a matter of right. All amendments must comply with applicable federal, State, and local laws.

- I. **Minor Amendments** – These amendments, as described below, have been deemed to be small in scale or impact, and the Board has delegated consideration and approval to staff.
 - A. Technical amendments or corrections – Adjustments to correct a clerical error in the language of a conservation agreement resulting in no impact on the conservation values may be approved at the staff level.
 - B. Amendments to accommodate public works projects – Adjustments to conservation agreements



to accommodate public works projects may be approved at staff level under the following conditions:

1. The project can be effectively accomplished with the addition of a reserved right and there is no surface impact (e.g., projects utilizing horizontal directional drilling) or surface impacts are minimal and can be sufficiently mitigated (e.g., plant rescue or restoration of temporary construction easements).
2. Changes to spatial boundaries can be approved at the staff level if all of the following conditions are met:
 - a. The change would affect less than one acre or 5% of the conservation agreement area, whichever is smaller.
 - b. The project would be perpendicular to or a minimal distance parallel to surface waters if any riparian buffers are affected.
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 2. The intent of the original conservation agreement does not explicitly indicate a desire to prohibit the requested rights.
 3. Standard reserved rights eligible for NCLWF staff approval include the following:
 - natural surface trails for hiking
 - paved trails (such as greenway or universal access trails) including footbridges and trail amenities
 - native community restoration, management, and maintenance
 - stream and wetland restoration
 - hunting and fishing
 - maintenance of existing roads and trails



- vegetation management limited to boundary marking, fencing, signage, fire containment, insect and disease control, hydrology restoration, wetland enhancement, control of invasive exotic plants, and removal of trees that pose a threat to life or property
- use of motor vehicles limited to the purposes of monitoring, management, stewardship, universal access, and emergencies

All other amendments not covered under Section I are considered to be Major Amendments and must be taken to the Board for consideration Section II.

- II. **Major Amendments** – All amendment requests not explicitly covered above must be considered by the Board and approved by a two-thirds vote for approval. Any request deemed by staff to be an emergency request will be forwarded to the Board Chair for consideration.
- A. **Public Works Projects** – Amendment requests to accommodate public works projects that are not covered in Section I may be approved by the NCLWF Board.
 - B. **Public Drinking Water Supply Reservoir** – After the Record of Decision has been issued (final location has been permitted) a conservation agreement or portions of a conservation agreement may be amended by the Board for development of a public drinking water supply reservoir.
 - C. **Other Circumstances** – All requests for amendment of conservation agreements for circumstances not covered above must meet the following criteria:
 - 1. Clearly serves the public interest and provide a public or community benefit.
 - 2. Has a net positive benefit on the conservation values as outlined in Section III of this policy, regardless of agreement recording date.
 - 3. Does not result in impermissible private benefit (as verified by appraisal if deemed necessary by the NCLWF). The Board may choose to approve amendment requests if and when the public benefit significantly outweighs any potential private benefit.
 - 4. Is consistent with the conservation purpose(s) and documented intent of the conservation agreement.
 - 5. To the extent verifiable, is consistent with the documented intent of the donor(s), other grantors, and any direct funding source.
 - 6. Demonstrates that no practicable alternative(s) exist and that any impacts have been minimized.

- III. **Conservation Benefit Analysis** – The following outlines the process for conducting a conservation benefit analysis as required by NC G.S §121-39.1. Termination or modification of agreements.

Though this statute does not apply to agreements recorded prior to 2015, NCLWF staff will conduct a conservation benefit analysis for all amendment requests. When another State agency is authoring a request to the State Property Office and Council of State for a conservation agreement modification or termination, the agency requesting the modification or termination shall conduct and submit a conservation benefit analysis as required.



A. Review of Resources

1. NCLWF staff will conduct desktop GIS analysis of potential impacts to streams, wetlands, natural heritage element occurrences and natural areas, historic sites, and any other conservation values identified by the conservation agreement using the N.C. Natural Heritage Data Explorer, HPOWEB, and other relevant data sources.
2. NCLWF staff will follow up with appropriate experts to determine if the requested amendment has any impacts to identified resources.
3. NCLWF staff and other experts as appropriate will conduct site visits for all major amendment requests and any requests that include proposals for exchange of land.

B. Analysis of Impact

1. After review, NCLWF staff will analyze all impacts to existing conservation values against the proposed benefits of the request.
2. The proposal may be deemed to have a positive conservation benefit if the compensation, whether monetary or by land exchange, outweighs the impacts to the conservation agreement and values by a ratio of at least three to one.

IV. **Approved Amendment Requirements** – The following outlines the expectations for approved amendments:

- A. Compensation – The NCLWF must be made whole from any loss of monetary or conservation value resulting from an amendment. In the case of an amendment required in lieu of the State's or a municipality's power to take private property for public use, the NCLWF may elect to be reimbursed, at minimum, the current fair market value, as determined by appraisal, tax value, and/or NCLWF staff, or pro-rated amount of the investment at the time of the grant contract, whichever is greater. In other cases where the approval of the amendment is solely at the Board's discretion, the terms of compensation, whether monetary or by land exchange, should be generously to the favor of the NCLWF and its conservation interests by a ratio of at least 3:1. Proposals for compensation should be discussed with NCLWF staff and submitted along with any amendment request.

Exchange of land is preferred to financial compensation unless deemed impractical. Any proposed exchange of land should be at least three times the acreage of the impact area, of like conservation value as determined by the resource score of the current NCLWF Application Rating System, and at least equal in monetary value. Proposed exchange land must be restricted to a level equal to or greater than the original conservation agreement. For easements, a qualified easement holder must be specified and the NCLWF must be granted third-party right of enforcement. It is NCLWF's preference that any new easements on land acquired as the result of an amendment be held by an accredited land trust. In the event that a qualified easement holder cannot be found, other options may be considered. Where no other suitable options exist, the State may serve as the holder provided that all current NCLWF standards for easement closings are followed, perpetual stewardship costs are provided and deposited in the NCLWF Stewardship Endowment, and an eligible easement monitor is identified.



Funds reimbursed to the NCLWF from a conservation agreement amendment will be allocated to an appropriate program area as determined by the Board.

- B. Other costs – All costs associated with the amendment, including survey, appraisals, other transaction expenses, increased stewardship, review by State agencies, and any fees charged by the State Property Office, will be paid by the party making the amendment request.
- V. **Amendment Request Requirements** – The following outlines the minimum required information for amendment requests, although additional information may be requested as needed:
 - A. Name, address, phone number, and email address of the property owner.
 - B. Nature of the activity proposed to be conducted.
 - C. Location of the activity with reference to the NCLWF project number and/or Deed book and page.
 - D. Map(s) of sufficient detail to accurately delineate the boundaries of the land proposed to be impacted to carry out the activity, including the location and dimensions of any disturbance associated with the activity. When possible, a GIS shapefile must be submitted.
 - E. Explanation of why this plan for the activity cannot be practically accomplished, reduced, or reconfigured to better minimize disturbance to the conservation agreement and its identified conservation values.
 - F. Plans for any best management practices or restoration proposed to be used to control the impacts associated with the activity.
 - G. Acknowledgement of receipt of a copy of the NCLWF Conservation Agreement Amendments Policy
- VI. **Notifications** – For any Major Amendments, the following parties will be notified at least two (2) weeks before a scheduled Board or committee discussion:
 - A. The original parties associated with the conservation agreement that is proposed to be amended.
 - B. The contracted easement monitor, when applicable.
 - C. The general public and other interested parties via notice posted to the NCLWF website.

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September 14, 2016	Revised and Adopted
May 21, 2019	Revised and Adopted

Informational Item

Staff member(s): Justin Mercer / Marissa Hartzler

Agenda Item 3) Native Community Restoration Background**Background**

The areas within our standard conservation easements and declarations of covenants and restrictions are considered “forever wild” or generally prohibited from active forest management.

However, native community restoration, management, and maintenance is a standard reserved right within these conservation agreements, to allow for a native community that is more desirable than the existing community or to advance the natural progression of the existing community in that direction. The following is standard language from the “Rights Reserved to Grantor” section of our conservation easement template:

Native Community Restoration, Management, and Maintenance. Grantor reserves the right to perform all activities necessary to restore, manage, or maintain the native plant and animal communities in the Easement Area, provided, however, that the conversion of one habitat type to a native habitat type requires prior written approval of Fund. All necessary care shall be taken to protect all Conservation Values, and restoration, management, and maintenance activities shall be carried out in a manner so as not to impair any Conservation Values either during or after the activities.

Any other forest management must be approved as special condition by the board at the time of application. If such a condition is approved by the board, the expectation is that the appraisal of the property will reflect the condition of the property at closing, excluding timber value if it has been contracted, sold, or harvested.

Staff recommendation

Staff will review the current practices. Unless the committee wishes to direct staff to present any alternative practices for a future committee meeting, staff will present the information above to the board as a reminder at the next meeting.

Action Item**Staff Members: Will Summer**

Agenda Item 4) Improving access to NCLWF funds and benefits**Background**

At its Board meeting on February 28, the NCLWF Board of Trustees directed the program committees to work with staff to identify appropriate tool(s) to determine what will qualify as an “underserved community” for the purpose of our scoring system. And then to develop recommendations for the following:

- adding points in the rating system to projects that demonstrate impact/engagement in underserved communities; and
- providing an alternative scoring structure for all or some of the matching points in the rating system.

At its March 7 meeting, the Restoration Committee heard a presentation on the Community Mapping System from Sharon Martin, Deputy Secretary for Public Affairs at the NC Department of Environmental Quality. Staff will review the presentation and dialogue from that meeting and facilitate further discussion and direction from this committee.

Committee action needed

Review the information presented and provide direction for staff to develop draft recommendations for the next committee meeting.