

**AGENDA**  
**North Carolina Land and Water Fund**  
**Acquisition Committee Meeting**  
November 18, 2025, 2 p.m. – 5 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 the meeting via MS Teams or in person, please contact Terri Murray at [teresa.murray@dncr.nc.gov](mailto:teresa.murray@dncr.nc.gov) or 919-707-9400 in advance to request a meeting invitation/call-in number or directions.

**Committee Members:**

Ann Browning (Chair), Jimmy Broughton, Mike Rusher,  
Darrel Williams, John Wilson, 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 guests 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**

**f) Approval of committee meeting minutes from September 30, 2025**

**2) Executive Director's Update (Will Summer)**

**PUBLIC COMMENTS**

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

*The NCLWF Guidelines and Practices 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 an update on closings and funding.

**2) Review of Guidelines and Practices**

Staff will present suggested updates to the following items in the NCLWF Guidelines and Practices:

**a) Review of ACQ-004 Mitigation (Will Summer)**

- b) **Review of ACQ-005 State Property Office Delegation** (Will Summer)
- c) **Review of ACQ-006 Natural Surface Trails update** (Justin Mercer)
- d) **Review of ACQ-008 Reimbursement of Transaction Costs when a Project Fails to Close** (Marissa Hartzler)
- e) **Review of MPP-001 Acquisition Project Administration** (Marissa Hartzler)

**3) 2020-072 and 2021-051 TNC 421 Sand Ridge updates** (Marissa Hartzler)

Staff will present a progress update on both 421 Sand Ridge grants and request for extension of 2021-051.

**4) 1998A-014 Conserving Carolina Broad River Watershed amendment** (Justin Mercer)

Staff will present a proposed amendment of a conservation easement.

**5) Riparian Greenways in Application Rating System** (Marissa Hartzler)

Staff will present suggested updates to the Riparian Greenway section of the Acquisition Application Rating System.

**ADJOURNMENT**

**North Carolina Land and Water Fund  
Acquisition Committee Meeting Minutes  
September 30, 2025**

Meeting was held at the Ross Conference Center in the Nature Research Center at 121 West Jones Street, Raleigh, NC. All Committee Members in attendance were present in Raleigh and a Teams link was provided to guest attendees.

Committee Members present: Ann Browning (Chair), Jimmy Broughton, Mike Rusher, Darrel Williams, John Wilson, David Womack

Committee Members not present: none

Additional Board Members present: Clement Riddle, Terry Shelton, Lydia Olander (at 11:15 a.m.)

Staff present: Will Summer, Marissa Hartzler, Steve Bevington, Marie Meckman, Christina Benton, Damon Hearne, Justin Mercer, Teresa Murray, Will Price, Isaac Merson, Hannah Bowen, Ambar Torres Molinari, Nicolle Montero, Zoe Hansen Burnet, Jessica Winebrenner, Ginny King, Chad Guthrie

In-person visitors present:

In-person attendees: Kat Johnson, NHP; Misty Franklin, NHP; Brian Baker, Alamance County; Justin Boner, TNC; Kim Livingston, TNC; Emily Callicutt, TRLT; Michelle Ferree, DPR; Kenneth Lingerfelt, NCCLT; Nolan Carter, Alamance County; David Ray, BRC; George Norris, DPR; Brian Head, DPR; Leigh Ann Hammerbacher, TLC; Sophie Vasquez, MCT; Jamie Merkel, Alamance County; Will Robinson, TNC; Eric Moore, SPO; Danielle Sampson, SPO

Online attendees: Chelsea Blount; Amanda Byrum, TCF; Amy Edge, TRLC; Eric Hiegl, BRC; Graham Garrett, MCT; Erin Crouse, TCF; Guenevere Abernathy, TCF; Michael Sisco; Woody Webster, DCM; Samantha Cook; Crystal Cockman, WRC; Kelli Newton; Justin Park, OSI; Michelle Pugliese, SAHC

**Call to Order** (Ann Browning, Chair)

Meeting was called to order by Ann Browning, Chair at 8:05 a.m.

1. Welcome
2. Compliance with General Statute § 138A-15
  - a. Ann Browning will recuse from discussion and vote on 2025-002 - BRC - Founding Tracts - Future Brushy Mountain Game Land and 2025-046 - NCDPR - Leyville Tract - Mount Jefferson State Natural Area.
  - b. Jimmy Broughton will recuse from discussion and vote on 2025-023 - Kill Devil Hills - Fresh Pond - Nags Head Woods, 2025-032 - TNC - Jones Tract - Whitehall Plantation Game Land, 2025-033 - TNC - King Tract - Holly Shelter, 2025-034 - TNC - Saus Tract - Holly Shelter, 2025-035 - TNC - Scarborough Tracts - Kitty Hawk Woods Reserve, 2025-036 - TNC - Thomas Tract - Horse Swamp, and 2025-061 - NCWRC - Shutt Tract - Rocky Ford Branch
3. Revisions, Additions and Adoption of the Agenda
  - a. **Motion** to approve the agenda, with the addition of an Executive Director's report from Will Summer, was made by Jimmy Broughton, seconded by David Womack, and unanimously approved.
  - b. **Motion** to approve the committee meeting minutes from August 13, 2025, with a correction to update the chair's name to Ann Browning, was made by Jimmy Broughton, seconded by David Womack, and unanimously approved.

**Executive Director's Update** (Will Summer)

Will Summer welcomed trustees and guests and gave an orientation to the day's agenda.

## Public Comments

No public requests for comment

## Business

### 1) Donation Mini-Grant Program Allocation (Marissa Hartzler)

- a. Staff presented a recommendation on funding the Donation Mini-Grant Program through the 2026 funding meeting.
- b. John Wilson requested presentation of 2-3 completed Donation Mini-Grant projects at the December Acquisition Committee meeting.
- c. **Motion** to recommend to the board funding up to \$500,000 in Donation Mini-Grants from license plate revenue and/or returned grant funds through the 2026 funding meeting and via administrative approval delegated to the NCLWF Board of Trustees Chair was made by Jimmy Broughton, seconded by Darrel Williams, and unanimously approved.

### 2) Review of 2025 Grant Cycle Applications

- a. The Committee reviewed 58 of the 76 grant applications received, including projects through a score of 65, military projects scoring 5 points for highest priority for installations, and two projects requested by trustees, 2025-002 - BRC - Founding Tracts - Future Brushy Mountain Game Land (John Wilson) and 2025-003 - CHC - East Fork Tract - Chattooga Watershed (Jimmy Broughton).
- b. The Committee had \$28.8M in funds available today and the recommendation to consider up to \$16.2M in provisional funds.
- c. Jimmy Broughton left the meeting at 9:04 a.m. prior to the presentation of 2025-023 - Kill Devil Hills - Fresh Pond - Nags Head Woods through 2025-033 - TNC - King Tract - Holly Shelter, returning at 9:24 a.m.
- d. Ann Browning left the meeting at 11:38 a.m. prior to the presentation of 2025-046 - NCDPR - Leyville Tract - Mount Jefferson State Natural Area, returning at 11:42 a.m. John Wilson chaired the committee in her absence.
- e. Jimmy Broughton left the meeting at 12:37 p.m. prior to the presentation of 2025-035 - TNC - Scarborough Tracts - Kitty Hawk Woods Reserve, returning at 12:41 p.m.
- f. Jimmy Broughton left the meeting at 1:14 p.m. prior to the presentation of 2025-036 - TNC - Thomas Tract - Horse Swamp, returning at 1:17 p.m.
- g. Ann Browning left the meeting at 1:39 p.m. prior to the presentation of 2025-002 - BRC - Founding Tracts - Future Brushy Mountain Game Land, returning at 1:45 p.m. John Wilson chaired the committee in her absence.
- h. The Committee made recommendations totaling \$28,377,622 in funds awarded today, leaving \$454,197 to go toward the first project on the provisional list. Projects totaling \$17,692,118 are recommended for the provisional list and will be funded as funds become available between now and June 30, 2026, from license plate revenue and unused grant funds.
- i. The Committee made the following funding motions:
  1. **Motion** to recommend to the board applying a cap of \$4M dollars to all projects, and for those capped projects, the scope may be reduced proportionally to the award, as needed, was made by Jimmy Broughton, seconded by Darrel Williams, and unanimously approved.
  2. **Motion** to recommend to the board funding the following at the updated funding order as noted and subject to the cap, as applicable: 2025-013 CC – River Stone – Mud Creek (funding order 1) was made by Jimmy Broughton, seconded by John Wilson, and unanimously approved.
  3. **Motion** to recommend to the board funding the following at the updated funding order as noted and subject to the cap, as applicable: 2025-023 Kill Devil Hills – Fresh Pond – Nags Head Woods (funding order 7); 2025-061 NCWRC – Shutt Tract – Rocky Ford Branch (funding order 8), as a



partial designated military project; 2025-034 TNC – Saus Tract – Holly Shelter (funding order 9), as a designated military project; and 2025-033 TNC – King Tract – Holly Shelter (funding order 10), as a designated military project was made by Darrel Williams, seconded by David Womack, and unanimously approved with Jimmy Broughton recusing from the vote.

4. **Motion** to recommend to the board funding the following at the updated funding order as noted and subject to the cap, as applicable: funding order 2 (2025-068 SAHC Cane River Confluence) through funding order 6 (2025-077 TLC Fletcher Tract Southview Preserve); funding order 11 (2025-038 NCCF North River Headwaters, as a designated military project) through funding order 20 (2025-020 FCNC Fort Defiance Overmountain Victory Trail) was made by Darrel Williams, seconded by John Wilson, and unanimously approved.
5. **Motion** to recommend to the board provisionally funding the following at the updated funding order as noted and subject to the cap, as applicable: 2025-036 TNC – Thomas Tract – Horse Swamp (funding order 32) was made by Darrel Williams, seconded by John Wilson, and unanimously approved with Jimmy Broughton recusing from the vote.
6. For the following motion, Chair Ann Browning recused, and the meeting was chaired by John Wilson. **Motion** to recommend to the board provisionally funding the following at the updated funding order as noted and subject to the cap, as applicable: 2025-046 NCDPR – Leyville Tract-Mount Jefferson State Natural Area (funding order 39) was made by Jimmy Broughton, seconded by David Womack, and unanimously approved with Ann Browning recusing from the vote. After the vote, Ann Browning resumed chairing the meeting.
7. **Motion** to recommend to the board to provisionally fund the following at the updated funding order as noted and subject to the cap, as applicable: funding order 21 (2025-048 NCDPR Mill Creek Raven Rock) through funding order 31 (2025-051 PCP NCDACS Hodson Tract Paddy Mountain Plant Preserve); funding order 33 (2025-009 CC Duck Branch Rocky Broad River) through funding order 38 (2025-047 NCDPR Medford Tracts – Pisgah View State Park); and funding order 40 (2025-024 Leland Silver Timber Tract Nature Park) through funding order 46 (2025-075 TLC Chicken Bridge) was made by John Wilson, seconded by David Womack, and unanimously approved.
8. **Motion** to recommend to the board that projects without an updated funding order on the table below are not recommended for funding was made by John Wilson, seconded by Jimmy Broughton, and unanimously approved.

#### **Adjournment**

**Motion** to adjourn at 4:24 p.m. was made by Jimmy Broughton, seconded by John Wilson, and unanimously approved.

<b>Grant Number and Name</b>	<b>Score</b>	<b>Funding Order</b>	<b>Award</b>	<b>Standing</b>	<b>Military</b>
2025-013 - CC - River Stone - Mud Creek	87	1	\$103,000	Fund at Meeting	
2025-068 - SAHC - Cane River Confluence	84	2	\$1,934,795	Fund at Meeting	
2025-040 - NCCF - Turkey Creek Riparian Buffer	83	3	\$112,615	Fund at Meeting	
2025-080 - TLC - Neuse Islands Wilderness	81	4	\$2,602,555	Fund at Meeting	
2025-082 - TLC - Williamson Preserve - Neuse River Connections	81	5	\$734,700	Fund at Meeting	
2025-077 - TLC - Fletcher Tract - Southview Preserve	81	6	\$845,198	Fund at Meeting	
2025-023 - Kill Devil Hills - Fresh Pond - Nags Head Woods	80	7	\$1,570,735	Fund at Meeting	
2025-061 - NCWRC - Shutt Tract - Rocky Ford Branch	80	8	\$187,100	Fund at Meeting	Partial Military
2025-034 - TNC - Saus Tract - Holly Shelter	79	9	\$494,507	Fund at Meeting	Military
2025-033 - TNC - King Tract - Holly Shelter	79	10	\$266,159	Fund at Meeting	Military
2025-038 - NCCF - North River Headwaters	79	11	\$638,998	Fund at Meeting	Military
2025-078 - TLC - Kirkman Tract - White Pines Nature Preserve	78	12	\$1,112,250	Fund at Meeting	
2025-065 - OSI - Morris Tract - Pisgah Game Land	78	13	\$4,000,000	Fund at Meeting	
2025-018 - Durham Co - New Hope Bottomlands Forest Tract	77	14	\$326,525	Fund at Meeting	
2025-001 - Alamance Co R&P - Alston Quarter Tract Phase 2 - Haw River	76	15	\$4,000,000	Fund at Meeting	
2025-021 - FCNC - Hickorynut Mountain Phase 2	76	16	\$4,000,000	Fund at Meeting	
2025-043 - NCDNCR - Branson Coleman Tracts - Ridges Mountain	76	17	\$2,492,525	Fund at Meeting	
2025-062 - NCWRC - Washburn-Spears Tract - Shocco Creek	76	18	\$235,000	Fund at Meeting	
2025-064 - OSI - Little Snowbird Tract	76	19	\$2,562,100	Fund at Meeting	
2025-020 - FCNC - Fort Defiance - Overmountain Victory Trail	70	20	\$158,860	Fund at Meeting	
2025-048 - NCDPR - Mill Creek - Raven Rock State Park	75	21	\$1,890,306	Provisional List	
2025-076 - TLC - Duck Head Bottomlands	75	22	\$427,555	Provisional List	
2025-081 - TLC - Page Tract - Haw River	75	23	\$938,237	Provisional List	

<b>Grant Number and Name</b>	<b>Score</b>	<b>Funding Order</b>	<b>Award</b>	<b>Standing</b>	<b>Military</b>
2025-028 - MCT - Slickrock Tract	75	24	\$1,321,475	Provisional List	
2025-004 - TCF - Low Tract - Cane River Game Land	75	25	\$1,545,531	Provisional List	
2025-022 - FCNC - Moore Tract - Henry Fork River	74	26	\$108,208	Provisional List	
2025-049 - NCDPR - Nelon Tracts - Chimney Rock State Park	74	27	\$246,180	Provisional List	
2025-011 - CC - Hightop Mountain	74	28	\$514,717	Provisional List	
2025-050 - PCP NCDACS - Fleming Tract - Tater Hill Preserve	73	29	\$998,700	Provisional List	
2025-052 - PCP NCDACS - Salvatori Tract - Tater Hill Preserve	67	30	\$150,400	Provisional List	
2025-051 - PCP NCDACS - Hodson Tract - Paddy Mountain Plant Preserve	66	31	\$106,100	Provisional List	
2025-036 - TNC - Thomas Tract - Horse Swamp	66	32	\$69,554	Provisional List	
2025-009 - CC - Duck Branch - Rocky Broad River	73	33	\$247,000	Provisional List	
2025-012 - CC - Hogback Mountain Phase 5 - Big Falls Creek	73	34	\$402,543	Provisional List	
2025-069 - SAHC - Harris Cove - Spring Creek Headwaters	73	35	\$897,979	Provisional List	
2025-007 - CTNC - Fork Ridge	72	36	\$535,300	Provisional List	
2025-070 - SAHC - Scott Tract - Chestnut Mountain	72	37	\$206,578	Provisional List	
2025-047 - NCDPR - Medford Tracts - Pisgah View State Park	71	38	\$380,370	Provisional List	
2025-046 - NCDPR - Leyville Tract - Mount Jefferson State Natural Area	70	39	\$357,000	Provisional List	
2025-024 - Leland - Silver Timber Tract - Nature Park	70	40	\$1,272,125	Provisional List	
2025-026 - MCT - Pinnacle Park Phase 5	70	41	\$93,825	Provisional List	
2025-057 - NCWRC - Janiszewski Tract - South Mountains Game Land	69	42	\$283,850	Provisional List	
2025-055 - NCWRC - Green Tract - Cold Mountain Game Land	68	43	\$151,100	Provisional List	
2025-041 - NCCLT - Powells Point - Albemarle Sound	67	44	\$1,063,395	Provisional List	
2025-089 - UPTS - St. James - Boiling Spring Lakes Wetland Complex	67	45	\$3,484,090	Provisional List	
2025-075 - TLC - Chicken Bridge Forest Tract - Haw River UT	67	46	\$850,375	Provisional List	

**Action Item****Staff member(s): Will Summer**

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**Agenda Item 2a) Review of ACQ-004 Income Generation and Mitigation Activities within the NCLWF Conservation Agreement Areas****Background**

When the NCLWF Board elects to fund a land protection project, it comes with the expectation that NCLWF funds be used for voluntary conservation not otherwise promised for other benefits, such as open space development credits or compensatory mitigation, consistent with G.S. § 143B-135.238 (d)(1) that prohibits the NCLWF from awarding grants to satisfy compensatory mitigation requirements under 33 USC §1344 or G.S. § 143-214.11. Further, any real property interests purchased with funds from the NCLWF shall not produce income that is inconsistent with or causes harm to the conservation purposes for which the land is held and used.

ACQ-004 limits mitigation activities and/or credits within Acquisition Program projects and defines when income may be generated within a conservation agreement area. However, it does not make clear that there is also prohibition of use of our projects to satisfy open space requirements, as has consistently been in contract and easement language. The attached redline clarifies expectations in these areas.

**Staff recommendation**

Update ACQ-004 to explicitly prohibit open space and further clarify other expectations around mitigation as shown in the provided draft text.

**Committee action needed**

Approve, amend, or deny the staff recommendation and make a recommendation to the Board as appropriate.

*Attachments: draft ACQ-004 text (redline), draft ACQ-004 text (clean)*

## Acquisition Program Guidelines and Practices:

### Open Space Development Credit, Mitigation, and Income Generation and Mitigation Activities within the NCLWF Conservation Agreement Areas (ACQ-004)

**Background:** ~~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, historic and cultural resources as well as buffering military installations.~~

When the NCLWF Board elects to fund a land protection project, ~~there are two arrangements in which the State retains an interest in perpetuity: 1) a State-held conservation easement, and 2) dedications under either the State Nature Preserves Act or State Nature and Historic Preserve Dedication Act. There may also be term agreements that exist only for a set number of years or restrictive covenants. These instruments are hereafter referred to broadly as "conservation agreements".~~

~~It is the intention of the NCLWF it comes with the expectation that NCLWF funds be used for voluntary conservation not otherwise promised for other benefits, such as open space development credits or compensatory mitigation, consistent with G.S. § 143B-135.238 (d)(1) that prohibits the NCLWF from awarding grants to satisfy compensatory mitigation requirements under 33 USC §1344 or G.S. § 143-214.11-. Further, anythat real property interests purchased with funds from the NCLWF shall not produce income that is inconsistent with or causes harm to the conservation purposes for which the land is held and used.~~

~~It is also the intention of the NCLWF to provide net benefits to environmental and conservation values including, but not limited to water quality and ecological diversity.~~

~~G.S. § 143B-135.238 (d)(1) prohibits the NCLWF from awarding grants to satisfy compensatory mitigation requirements under 33 USC §1344 or G.S. § 143-214.11.~~

~~The following By these Guidelines and Practices, the NCLWF limit mitigation and open space development activities and/or credits within Acquisition Program projects and defines when income may be generated within a conservation agreement area and broadly limits mitigation activity or mitigation credits in the NCLWF conservation agreement areas. These guidelines apply to conservation agreements on property owned by private individuals, nonprofit groups, and government agencies.~~

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## Guidelines and Practices:

- A. Compensatory Mitigation – Land subject to Acquisition grant awards shall not be used to satisfy compensatory mitigation under 33 USC Section 1344, N.C.G.S. §143-214.11 or any successor or replacement provision of the foregoing.

If land proposed for an Acquisition project was used to satisfy compensatory mitigation as described above prior to a grant award, the grant applicant must ~~not show the NCLWF board demonstrate~~ and how the project achieves additional protection and appraisals must reflect any diminution of value, as applicable.

- B. Open Space Development Credits – Land subject to Acquisition grant awards shall not be used to satisfy open space or density requirements of any cluster or other development scheme or plan. The development rights encumbered by any area protected through a permanent conservation agreement shall not be transferred to any other land pursuant to a transfer of development rights scheme, a cluster development arrangement, or otherwise.

If land proposed for an Acquisition project was used to satisfy open space or density requirements of any cluster or other development scheme or plan prior to a grant award, the grant applicant must ~~show the NCLWF board demonstrate~~ how the project achieves additional protection and appraisals must reflect any diminution of value, as applicable.

- C. Other Mitigation Activities/Credits – Land subject to Acquisition grant awards shall not be used for other mitigation activities or credits, except when the proposed mitigation activity is not inconsistent with the NCLWF's purposes for the grant award, ~~is or will not be~~ is not inconsistent with the proposed or recorded conservation agreement, and does not result in duplicative payment for the benefit or action already acquired by the NCLWF.

- ~~A-D.~~ Income Generation – Land subject to Acquisition grant awards shall not generate income for the landowner, except when the income is generated from activities that are not inconsistent with the conservation values and purposes for which the land is protected and is ~~or will not be~~ inconsistent with the proposed or recorded conservation agreement.

~~Income Generation within conservation agreement areas~~

~~Conservation agreements shall only allow income from activities that are not inconsistent with the conservation values and/or purposes for which the land is protected.~~

## **Acquisition Program Guidelines and Practices:**

### Open Space Development Credit, Mitigation, and Income Generation (ACQ-004)

#### **Background:**

When the NCLWF Board elects to fund a land protection project, it comes with the expectation that NCLWF funds be used for voluntary conservation not otherwise promised for other benefits, such as open space development credits or compensatory mitigation, consistent with G.S. § 143B-135.238 (d)(1) that prohibits the NCLWF from awarding grants to satisfy compensatory mitigation requirements under 33 USC §1344 or G.S. § 143-214.11. Further, any real property interests purchased with funds from the NCLWF shall not produce income that is inconsistent with or causes harm to the conservation purposes for which the land is held and used.

The following Guidelines and Practices limit mitigation and open space development activities and/or credits within Acquisition Program projects and define when income may be generated within a conservation agreement area.

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#### **Guidelines and Practices:**

- A. Compensatory Mitigation – Land subject to Acquisition grant awards shall not be used to satisfy compensatory mitigation under 33 USC Section 1344, N.C.G.S. §143-214.11 or any successor or replacement provision of the foregoing.

If land proposed for an Acquisition project was used to satisfy compensatory mitigation as described above prior to a grant award, the grant applicant must demonstrate how the project achieves additional protection and appraisals must reflect any diminution of value, as applicable.

- B. Open Space Development Credits – Land subject to Acquisition grant awards shall not be used to satisfy open space or density requirements of any cluster or other development scheme or plan. The development rights encumbered by any area protected through a permanent conservation agreement shall not be transferred to any other land pursuant to a transfer of development rights scheme, a cluster development arrangement, or otherwise.

If land proposed for an Acquisition project was used to satisfy open space or density requirements of any cluster or other development scheme or plan prior to a grant award, the grant applicant must demonstrate how the project achieves additional

protection and appraisals must reflect any diminution of value, as applicable.

- C. Other Mitigation Activities/Credits – Land subject to Acquisition grant awards shall not be used for other mitigation activities or credits, except when the proposed mitigation activity is not inconsistent with the NCLWF's purposes for the grant award, is not inconsistent with the proposed or recorded conservation agreement, and does not result in duplicative payment for the benefit or action already acquired by the NCLWF.
- D. Income Generation – Land subject to Acquisition grant awards shall not generate income for the landowner, except when the income is generated from activities that are not inconsistent with the conservation values and purposes for which the land is protected and is not inconsistent with the proposed or recorded conservation agreement.



**Action Item**

**Staff member(s): Will Summer**

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**Agenda Item 2b) Review of ACQ-005 State Property Office Delegation**

**Background**

This section is a reference document for the State Property Office delegation of authority to NCLWF to enter into conservation agreements without the Council of State approval. While it is still a valid and important document, it is neither a guideline nor practice and does not need to be referenced in this manual.

**Staff recommendation**

Remove ACQ-005 from the draft manual for 2026.

**Committee action needed**

Approve, amend, or deny the staff recommendation and make a recommendation to the Board as appropriate.

*Attachments: ACQ-005 (original)*

**Acquisition Program Guidelines and Practices:**

State Property Office (SPO) Delegation (ACQ-005)

**Background:** The Department of Administration delegated authority to the Department of Environment and Natural Resources to enter into and acquire conservation easements for the North Carolina Land and Water Fund program utilizing funds from NCLWF.

The practical application of this delegation is NCLWF conservation easements do not need to be approved by the COS, expediting the process of contract administration and easement acquisition.

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A copy of the Council of State resolution is on the following four pages.

Effective Date	
Versions	Revisions
December 30, 2003	Original Effective Date



## North Carolina Department of Administration

Michael F. Easley, Governor  
Gwynn T. Swinson, Secretary

State Property Office  
Joseph H. Henderson, Director

December 30, 2003

Secretary William G. Ross, Jr.  
Department of Environment and Natural Resources  
1601 Mail Service Center  
Raleigh, NC 27699-1601

RE: Clean Water Management Trust Fund

Dear Secretary Ross:

Effective January 1, 2004, The Department of Administration hereby delegates authority to the Department of Environment and Natural Resources to enter into and acquire conservation easements for the Clean Water Management Trust Fund program utilizing funds from that program. A copy of the Council of State resolution of September 9, 2003, is attached to show the authority. Please provide the State Property Office with all original easements and all other pertinent information as required by the Council of State resolution. If additional delegation of authority is granted within your Department, please provide a copy of that delegation to our office.

Sincerely,

A handwritten signature in cursive script, reading "JH Henderson".

Joseph H. Henderson

JHH/jmw  
enclosures

cc: Bill Holman

**Mailing Address:**  
1321 Mail Service Center  
Raleigh, N.C. 27699-1321

**Telephone (919) 733-4346**  
Fax (919) 733-1431  
State Courier #52-71-78

**Location:**  
116 West Jones Street  
Raleigh, North Carolina

STATE PROPERTY MATTERS - ContinuedRESOLUTION - Continued

## ITEM 1

WHEREAS, N.C.G.S. §146-22 provides that every acquisition of land on behalf of the State or any State agency shall be made by the Department of Administration and approved by the Council of State; and,

WHEREAS, N.C.G.S. §143-341(4)d provides that the Department of Administration has the power and duty to acquire all land for all State agencies, subject to the approval of the Governor and Council of State in each instance; and,

WHEREAS, N.C.G.S. §146-32 authorizes the Governor, acting with the approval of the Council of State, to adopt rules exempting from the requirements of Subchapter II, Chapter 146 of the General Statutes of North Carolina, such classes of easements as may be deemed advisable; and,

WHEREAS, N.C.G.S. §143-341(4)d authorizes the Governor, acting with the approval of the Council of State, to adopt rules exempting from the requirements of N.C.G.S. §143-341(4)d such classes of easements as may be deemed advisable and to authorize any State agency to enter into and/or approve the classes of transactions thus exempted from these requirements; and,

WHEREAS, on February 8, 2000, the Governor and Council of State approved a Resolution authorizing the Department of Administration, without further approval from the Governor and Council of State, to enter into conservation easement agreements and hold such conservation easements for the Conservation Reserve Enhancement Program, the Confined Animal Operations Program and the Wetlands Restoration Program; and,

WHEREAS, the Clean Water Management Trust Fund, pursuant to N.C.G.S. §113-145.1, has been established in order to help finance projects, including the acquisition of conservation easements, that specifically address water pollution problems and focus on upgrading surface waters, eliminating pollution, and protecting and preserving unpolluted surface waters, including urban drinking water supplies; and,

WHEREAS, the Clean Water Management Trust Fund anticipates the acquisition of numerous conservation easements under the Clean Water Management Trust Fund program; and,

WHEREAS, adherence to standard acquisition requirements set out in Chapters 143 and 146 causes delay in the acquisition of conservation easements necessary to protect the State's water supplies and creates a burden upon the resources of the State Property Office, Department of Administration, and the Council of State.

**NOW, THEREFORE, BE IT HEREBY RESOLVED:**

1. The Department of Administration is authorized, without further approval of the Governor and the Council of State, to enter into conservation easements and to acquire and hold such conservation easements for the Clean Water Management Trust Fund Program utilizing funds from that Program.
2. To the extent it deems appropriate, the Department of Administration is further authorized to delegate to the Department of Environment and Natural Resources the authority to enter into conservation easements agreements as set forth above.
3. All easements shall be acquired in the name of the State of North Carolina. Copies of all easements and such other pertinent information as may be required by the Department of Administration, shall be promptly furnished to the Department.
4. Nothing contained in this Resolution shall require the adoption of rules pursuant to the Administrative Procedures Act to implement the provisions herein.



PROPERTY MATTERS NOT SUBJECT TO N.C.G.S. §146ACQUISITION BY DEED

On a motion by Commissioner of Insurance Long, seconded by Superintendent of Public Instruction Ward, the Council of State unanimously approved the following Acquisition by Deed:

## ITEM 1

GRANTOR: Chaucer Investments, LLC  
GRANTEE: North Carolina Real Estate Commission  
LOCATION: 1313 Navaho Drive, City of Raleigh, Wake County  
AREA: 1.3 acres improved with a 17,232 sq. ft. two-story brick office building  
UNIT COST: \$5.03/sq. ft. - land  
\$72.24/sq. ft. - improvements  
CONSIDERATION: \$1,530,000

COMMENTS: The property proposed for acquisition has been leased by the State of North Carolina for the N.C. Real Estate Commission since 1987. Subsequent to acquisition, the property will continue to be occupied by the N.C. Real Estate Commission. Pursuant to N.C.G.S. §93A-3(f), funds for this acquisition will be provided from the grantee's assets.

N.C. GLOBAL TRANSPARK AUTHORITY

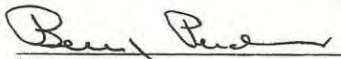
On a motion by Lieutenant Governor Perdue, seconded by State Auditor Campbell, the Council of State approved the NC Global TransPark request that the Global TransPark be authorized to exercise power of eminent domain on the 28 properties indicated on the map presented to the Council for their review, see attachment on file. (Commissioner of Labor Berry voted no).

OTHER DISCUSSION

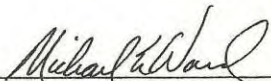
Ms. Jennifer Wilder from North Carolina Central University provided an update on the mold issue at the NCCU. She informed the Council that students had been placed in hotels and apartments, and transportation was being provided for the students by the university. Governor Easley stated that NCCU was authorized by the General Assembly to redirect proceeds from Bond Sale to address the mold issue.

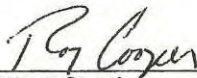
There being no further business, a motion to adjourn was made by Lieutenant Governor Perdue, which the Council of State unanimously approved.

  
Governor

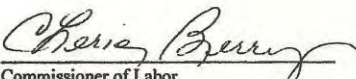
  
Lieutenant Governor

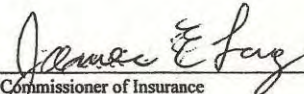
  
State Auditor

  
Superintendent of Public Instruction

  
Attorney General

  
Interim Commissioner of Agriculture

  
Commissioner of Labor

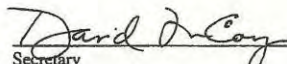
  
Commissioner of Insurance

APPROVED:

  
Attorney General Roy A. Cooper, III

This is to certify that the foregoing comprises the minutes of the Council of State at a meeting held September 9, 2003.

Witness my hand, this 7<sup>th</sup> day of October, 2003.

  
Secretary

**Action Item**

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

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**Agenda Item 2c) ACQ-006 Construction of Natural Surface Trails**

Staff will propose reclassification to the Stewardship Program and minor updates to Guidelines and Practices.

**Background**

In 2017, the NCLWF adopted ACQ-006 to set guidelines on how trails should be constructed within NCLWF easements to ensure long-term sustainability and minimize impacts to conservation values. Staff will present a reclassification as a Stewardship Guideline and Practice as well as minor changes to clarify intent.

**Staff recommendation**

Rename ACQ-006 as STW-009 Construction of Trails and update guidelines for further clarity as shown on the attached.

**Committee action needed**

Approve, amend, or deny the staff recommendation and make a recommendation to the Board as appropriate.

*Attachments: draft STW-009 text*

## Construction of ~~Natural Surface~~ Trails (~~STWAGQ~~-009)

**Background:** The NCLWF has allowed for construction of hiking trails as a standard right and on occasion other trails approved on a case-by-case basis, such as mountain bike trails. Staff and trustees recognize that proper trail construction is as, if not more, important than the impacts of the trail users. These Guidelines and Practices are to ensure that new trails, when intended for general public use, or subject to frequent use by large numbers of individuals, are planned and constructed to the most up-to-date, sustainable standards and prioritize protection of the conservation values. These Guidelines and Practices will apply to State-held conservation easements and other conservation instruments that NCLWF must approve, such as restrictive covenants. Private trails for personal use by the landowner and a small number of guests that will not have more than a de minimis impact on the land, water quality, or environment are excepted from the application of these guidelines. Trails on land outside of the NCLWF easement area(s) are also excluded from the application of these Guidelines and Practices.

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### Guidelines and Practices:

1. Easements recorded after July 1, 2017, will include language that requires all new trail construction and realignment requiring soil disturbance to follow best practices for sustainable trail design and construction and to have prior written approval by NCLWF staff, per the guidance below. Private trails for personal use by the landowner and a small number of guests that will not have more than a de minimis impact on the land, water quality, or environment (i.e. soil disturbance) are excepted from the application of these guidelines.
2. Design and Construction Guidance:
  - a. Trails must be constructed so as to have minimal adverse impact on the Conservation Values of the easement area either during or after construction
  - b. Boardwalks, ramps, and handrails are permitted as required by terrain
  - c. Park benches, litter receptacles, and trail/feature signs may be constructed along trails; and
  - d. NCLWF does not require trails to be built to ADA-current accessibility standards, but will allow trails to be constructed to ADA-standards reasonably accommodate accessibility if required by local ordinances or other funding ~~sources~~sources or if desired by the landowner(s).
3. In approving trail design, NCLWF staff will consider:
  - Designer qualifications – The trail design should be prepared by a qualified trail designer, approved by staff. In determining qualifications, staff will review previous trails designed by the trail designer and must see a proven track record of sustainably designed trails.
  - Builder qualifications – The building team should be led by a qualified builder, approved by staff. In determining qualifications, staff will review previous trails constructed by the trail builder and must see a proven track record of sustainably constructed trails. Though not required with otherwise acceptable qualifications, NCLWF prefers a member of a recognized trail building group, such as the Professional Trail Building Association.



- Trail alignment - The trails should be a minimum of 30-50 feet from the top of bank of any streams except at stream crossings and should avoid other sensitive areas, such as wetlands, natural heritage elements, and historic and cultural sites. Planned access points to streams and other features of interest are permitted where appropriate.
- Planned trail width - Current design standards and equipment are not more than 48" for a single-track trail, though wider trails may be approved if deemed appropriate for permitted uses; paved greenways should follow guidelines established by local ordinances or other requirements set by funding sources such as Dept. of Transportation.
- Stream crossings - The number of stream crossings will be minimized as will the impact to the stream and they shall be located and constructed in such a way as to maximize water quality protection.
- Trail length – Trails should be long enough to distribute impact. For biking and equestrian trails, ~~the suggested the NCLWF advises a~~ minimum ~~is a~~ trail length of ~~at least~~ 5 miles on the subject tract or connection to a trail network of at least 5 miles.
- Topography – Trails shall be constructed utilizing the then-current best practices. For example, current sustainable trails guidelines include:
  1. Trail grade less no greater than half of the side slope grade,
  2. Average trail slope not more than 10%,
  3. Maximum sustainable grade,
  4. Frequent grade reversals; and
  5. Outsloping trails.
- Management and maintenance – A trail management plan that includes regular inspection and maintenance activities, such as, but not limited to de-berming, removing obstructions, and/or cleaning grade dips, shall be submitted with the design and construction request.
- Subject matter experts – Staff will utilize available resources to assist in trail design review. These can include NC Division of Parks and Recreation Trail Planners, Natural Heritage Program staff, and State Historic and Cultural resources staff, among others.

4. ~~4.~~ NCLWF will retain the right to deny new trails or require maintenance or closing of any existing trails that are considered detrimental to conservation values.

4.5. The prohibition on use of motorized vehicles except for management and stewardship will remain as standard language in the easement. Electric bicycles with a motor not exceeding 750 watts that have a pedal-assist function but are not equipped with a throttle and medically necessary mobility devices are

excepted from the NCLWF's definition of "motorized vehicle."

#### Easements recorded after July 1, 2017

- ~~1. Easements will continue to have construction of walking and hiking trails as a standard reserved right. Mountain biking trails will be a standard optional right. Any other uses of trails must be requested and approved by the board at the time of grant award.~~
- ~~2. The prohibition on uses of motorized vehicles except for management and stewardship will remain as standard language in the easement.~~
- ~~3. Any grant recipient or landowner may ask that biking, or other trail use be excluded from the conservation easement.~~

#### Easements recorded prior to ~~the passage of these Guidelines and Practices~~ July 1, 2017

When an existing easement is silent on construction of biking trails ~~as a reserved right~~, staff will have full discretion in allowing mountain bike trail rights not explicitly reserved under the terms of the easement. Staff will consider all of the requirements listed above, and any additional information specific to the easement, including intent of the original landowner if the fee ownership has changed.

#### Effective Date

Versions	Revisions
March 1, 2017	Original Effective Date
June 5, 2018	Revised and Adopted

**Action Item**

**Staff member(s):** Marissa Hartzler

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**Agenda Item 2d) Review of ACQ-008 Reimbursement of Transaction Costs when a Project Fails to Close**

**Background**

In 2020, the NCLWF adopted ACQ-008 to set guidelines on what expenses NCLWF staff could reimburse when a project fails to close. Staff will present data on the use of this practice and propose edits.

**Staff recommendation**

Update ACQ-008 to allow for the partial reimbursement of additional transaction and administration expenses as shown in the provided draft text.

**Committee action needed**

Approve, amend, or deny the staff recommendation and make a recommendation to the Board as appropriate.

*Attachments: draft ACQ-008 text (redline)*

## Acquisition Program Guidelines and Practices:

### Reimbursement of ~~Transaction Costs when~~ When a Project Fails to Close (ACQ-008)

**Background:** ~~NCLWF will reimburse for project expenses prior to or subsequent to Closing, provided the Grant Recipient complies with conditions of the Grant Contract. Closing is defined as recording of Warranty Deed, Conservation Agreement, and other documents required by the Grant Contract.~~

The NCLWF recognizes that even when Grant Recipients are working in good faith to complete an Acquisition Program project, there are times when forces outside their control cause the project to fail. Often the Grant Recipient will have incurred expenses that the NCLWF is willing to reimburse in part and the guidelines for such reimbursements are listed below. ~~there may be expenses needed to establish a final agreement with the landowner and is willing to share reasonable costs to establish a purchase value before greater expenses are incurred. Any requests for reimbursement that is above what is outlined below may be considered by the Board.~~

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## Guidelines and Practices:

~~When an acquisition project fails to close, staff is authorized to reimburse up to 50% of the costs of appraisals, ESA Phase I, and reasonable staff time.~~

When a portion or all of the land to be acquired through an NCLWF Acquisition Grant Contract fails to close, NCLWF staff is authorized to reimburse the Grant Recipient for up to 50% of transaction costs and 100% of eligible administration costs, provided the Grant Recipient:

- has made good-faith efforts to close the project, following a prudent order of operations as is required for their particular project;
- is current on progress reporting and has been in communication with the NCLWF contract administrator; and
- can certify to the NCLWF that any due diligence materials for which they are requesting reimbursement will not be provided to the landowner for use in any other transaction.

Any requests for reimbursement that exceed these guidelines may be considered by the Board.

**Action Item**

**Staff member: Marissa Hartzler**

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**Agenda Item 2e) MPP-001 Acquisition Project Administration**

Staff will propose an update to allowable reimbursements for staff time in the Acquisition and Donation Mini-Grant Programs.

**Background**

Since 2003, NCLWF has offered grant recipients reimbursement of administration costs associated with completing a NCLWF grant. For Acquisition projects, the amount reimbursable has been limited to 10% of the total transaction costs incurred on the project, not to exceed \$25,000.

Transaction costs incurred, however, may not be the best predictor of time needed to complete a project, and staff will present an alternate strategy for reimbursement.

As a Multiple Program Practice, the executive committee will see markup on November 17 to discuss clarification of state agency eligibility for reimbursement of administration costs.

**Staff recommendation**

Remove the tie to transaction costs and set maximum caps for both Acquisition and Donation Mini-Grant projects as shown in the provided draft text.

**Committee action needed**

Approve, amend, or deny the staff recommendation and make a recommendation to the Board as appropriate.

*Attachments: draft MPP-001 text (redline)*

## Multiple Program Guidelines and Practices:

### Administrative Costs and Caps for Grant Contracts (MPP-001)

**Background:** The NCLWF recognizes that grant recipients incur administrative costs in the process of managing projects. The purpose of these Guidelines and Practices is to 1) clarify that only administrative costs directly necessary to the management of a NCLWF grant contract are reimbursable and 2) establish a cap on administrative costs for ~~acquisition~~ Acquisition and Donation Mini-Grant Program projects.

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#### Guidelines and Practices:

1. Eligible administration costs include the direct labor costs associated with progress reporting, reimbursement requests, and project scope, budget, and schedule management.
2. Costs not eligible for reimbursement include audits, direct phone costs, direct postage costs, grant recipient's overhead (indirect) cost, including, rent, utilities, insurance costs, facility costs, general office, general phone, and general postage costs.
- ~~2.3. State agencies are not eligible for reimbursement of administration costs incurred by state employees but may seek reimbursement for administration costs for consulting organizations assisting with the project.~~
4. For ~~acquisition~~ Acquisition Program projects, administration costs shall not exceed \$25,000. the total amount to be reimbursed will be up to 10% of the total transaction costs (e.g., appraisal, survey, baseline documentation report, legal fees for preparation and recordation of easement) of the project not to exceed \$25,000.
5. For Donation Mini-Grant Program projects, administration costs shall not exceed \$10,000.

**Action Item**

**Staff member(s):** Marissa Hartzler

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**Agenda Item 3) 2020-072 and 2021-051 TNC 421 Sand Ridge updates**

Staff will present a progress update on both 421 Sand Ridge grants and request of extension for 2021-051.

**Background**

In 2021, the board requested that staff provide annual updates on four projects with large grant awards. One of those projects is still active – 2021-051 The Nature Conservancy – 421 Sand Ridge Phase 2 at \$8,901,455.

The board also requested the initial contract terms be limited to two years and that any request for extension would need to be reviewed by the board.

While not part of this tranche and therefore not subject to these requirements, 2020-072 was awarded to The Nature Conservancy for Phase 1 of the project at \$1,200,000 and staff will provide an update on this grant as well.

**Staff recommendation**

Extend 2021-051 The Nature Conservancy – 421 Sand Ridge Phase 2 through January 31, 2027 and approve the phased purchase strategy.

**Committee action needed**

Approve, amend, or deny the staff recommendation and make a recommendation to the Board as appropriate.

*Attachments: 2021-051 TNC funding meeting presentation*



*Intro >> Location >> Project Scope >> Resources >> Additional Information >> Cost >> Summary*

**2021-051**

**The Nature Conservancy**

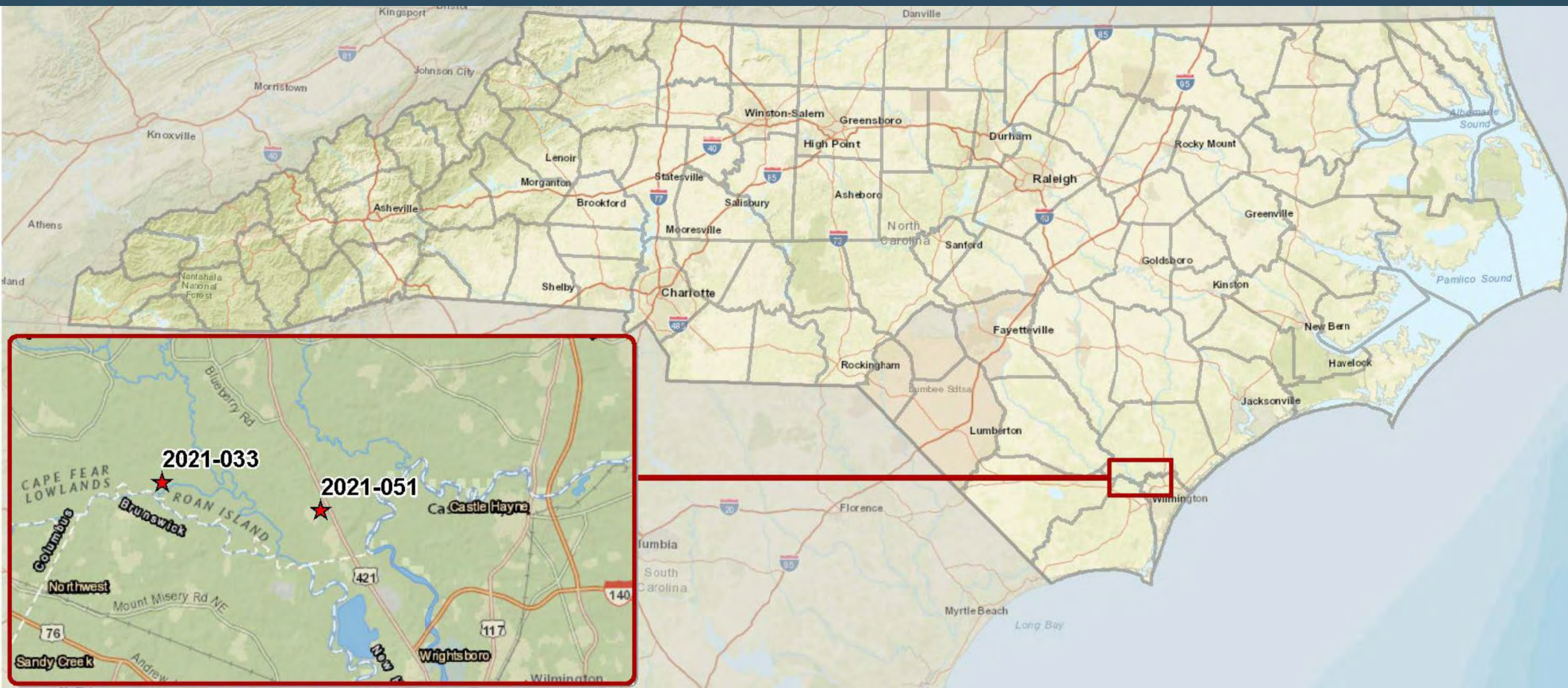
**421 Sand Ridge Phase 2 - Corbett Industries**

**TNC is requesting \$8,901,455 out of \$29,477,155 to acquire 5,166 acres.**





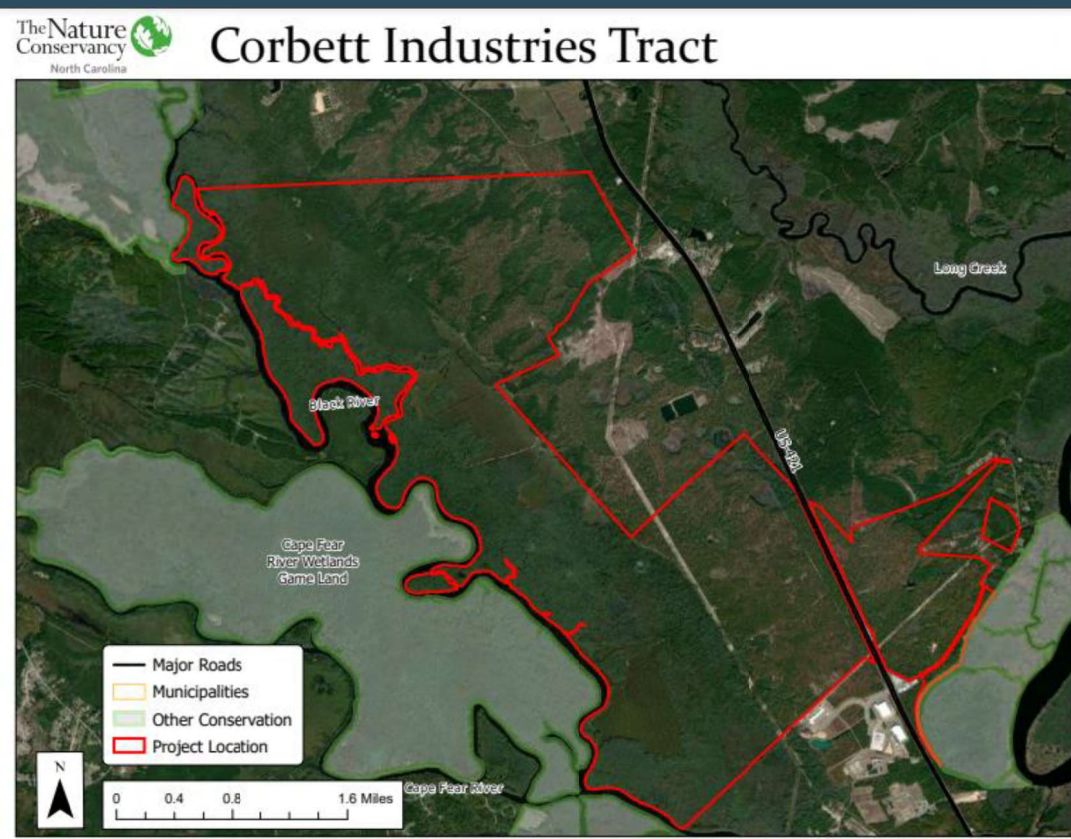
*Intro >> **Location** >> Project Scope >> Resources >> Additional Information >> Cost >> Summary*



**Located in Pender County, near Wilmington.**



*Intro >> Location >> **Project Scope** >> Resources >> Additional Information >> Cost >> Summary*



TNC would acquire 5,166 acres in fee using NCLWF, private, and federal funds.

- Owned and managed by either NCWRC or NC State Parks
- Determinable Conservation Easement
- Dedicated under the State Nature Preserves Act as appropriate

Reserved rights:

- Educational facilities, restrooms, observation platforms, and parking
- Picnic shelters and group camping
- Mountain biking and horseback riding







## **RIPARIAN BUFFERS**

Significant water resources include:

- Black River - ORW
- UTs to NE Cape Fear River – C, Sw
- Cross Way Creek – C, Sw

Protected land includes:

- 69,779 linear feet of buffer (~13.2 miles)
- 3,294 acres of wetland





## **NATURAL HERITAGE**

**421 Sand Ridge – Exceptional R1**

**Lower Black River Swamp – Exceptional R1**

**FIFTEEN known element occurrences:**

- 1. Small Depression Pocosin (Typic Subtype) – S2S3**
- 2. Vernal Pool (Typic Subtype) – S2S3**
- 3. Pondspice (*Litsea aestivalis*) – S2S3 NC Special Concern - left**





## **NATURAL HERITAGE**

4. Small Depression Drawdown Meadow (Typic Subtype)– S2S3
5. Small Depression Drawdown Meadow (Boggy Pool Subtype)– S1 (right)
6. Pond Pine Woodland (Typic Subtype) – S3
7. Small Depression Pond (Open Lily Pond Subtype) – S3
8. Sand Barren (Typic Subtype) – S2
9. Xeric Sandhill Scrub (Typic Subtype) – S3S4



## NATURAL HERITAGE

10. Wet Pine Flatwoods (Typic Subtype) – S3
11. Red-cockaded Woodpecker (*Picoides borealis*) – S2 Federally Endangered – top
12. Oak Toad (*Anaxyrus quercicus*) – S2 NC Significantly Rare – bottom
13. Coastal Plain Depression Swamp (Pocosin Subtype) – S2
14. Savanna Milkweed (*Asclepias pedicellata*) – S3 NC Special Concern
15. Small Depression Shrub Border – S3







## **HISTORIC & CULTURAL**

The naval stores industry has played a significant role throughout the history of NC, peaking between the 1840s and 1860s. The longleaf pine was an important resource for production of tar, pitch, and turpentine.

Workers would cut a notch in a pine, allowing the sap to drip into a bucket. When the notch stopped producing, another would be cut above it. The remnant scars of this process are commonly referred to as *catface*.





*Intro >> Location >> Project Scope >> **Resources** >> Additional Information >> Cost >> Summary*





*Intro >> Location >> Project Scope >> **Resources** >> Additional Information >> Cost >> Summary*





*Intro >> Location >> Project Scope >> Resources >> **Additional Information** >> Cost >> Summary*



**PUBLIC ACCESS/EDUCATION** – Under state ownership and open for public use

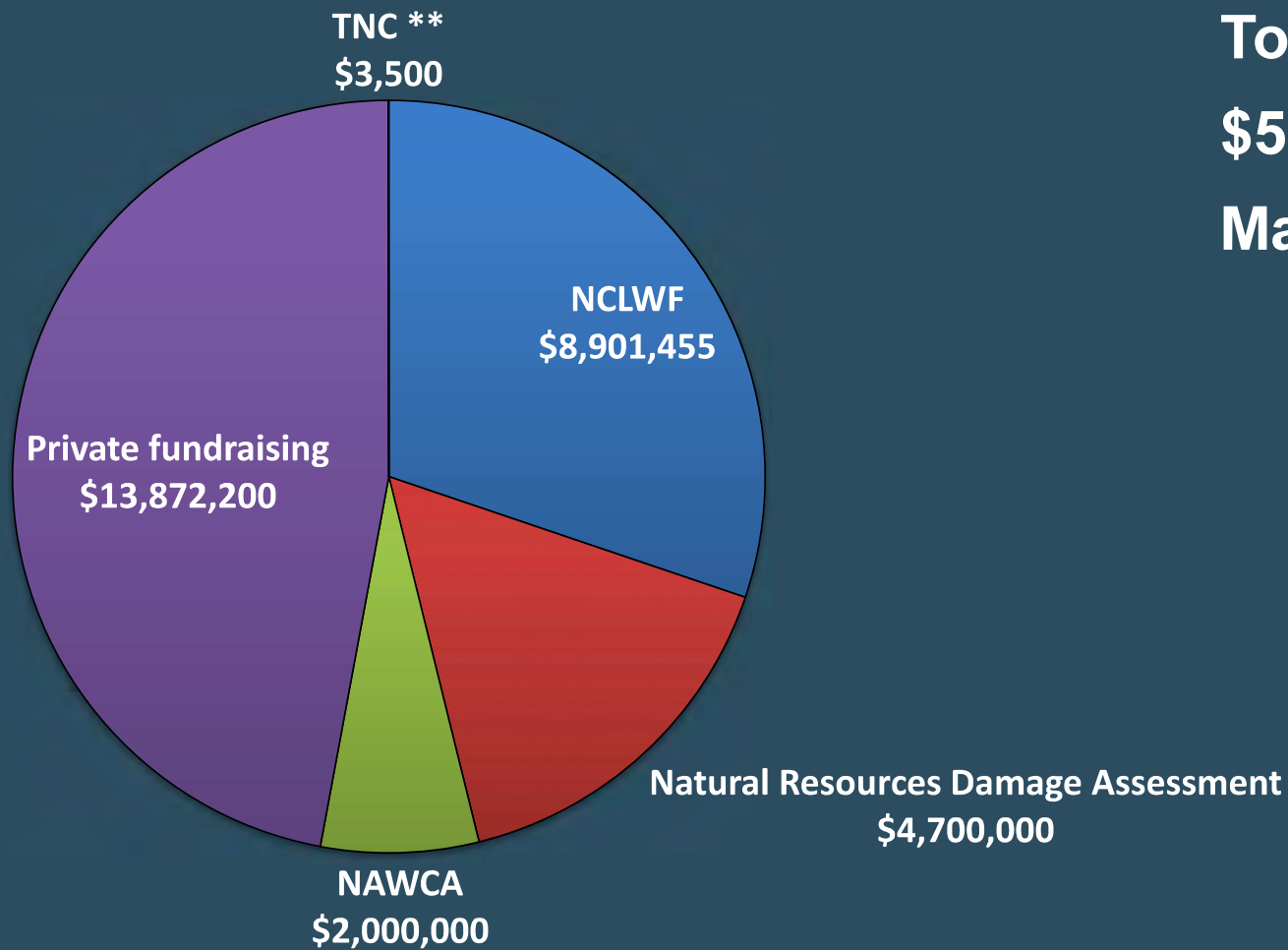
TNC will offer occasional guided hikes

**URGENCY** – Sale imminent if not conserved

Photo: Black bear (*Ursus americanus*) track



*Intro >> Location >> Project Scope >> Resources >> Additional Information >> **Cost** >> Summary*



**Total = \$29,477,155**

**\$5,041/acre**

**Match = 70%**

**\*match secured**





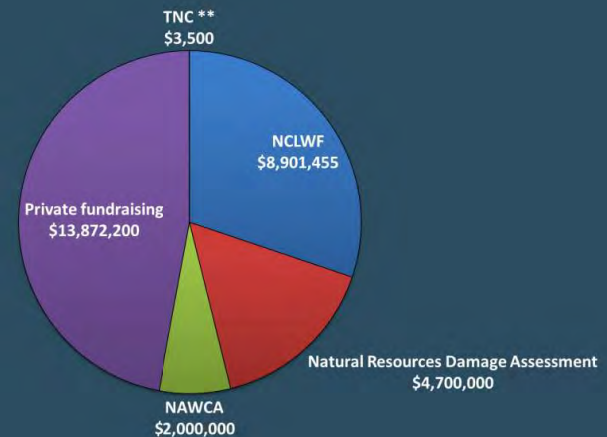
*Intro >> Location >> Project Scope >> Resources >> Additional Information >> Cost >> Summary*

## 2021-051 - TNC - 421 Sand Ridge Phase 2 - Corbett Industries

- Score = 81
- \$8,901,455 out of \$29,477,155
- Acquire 5,166 acres in fee
- Protects 421 Sand Ridge natural area (Exceptional) and Black River (ORW)

### SCORE BREAKDOWN

Resource Significance:	56
Military Buffer:	0
Other Public Benefits:	6
Readiness and Need:	4
Value:	15
<b>TOTAL SCORE:</b>	<b>81</b>



Spurge nettle (*Cnidoscolus stimulosus*) (above)  
Blue sandhill lupine (*Lupinus diffusus*) (right)



**Action Item****Staff member: Justin Mercer**

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**Agenda Item 4) 1998A-014 Broad River Watershed - NCDOT conservation agreement amendment request**

The North Carolina Department of Transportation is requesting the amendment of a conservation easement on the North Pacolet River in Polk County to facilitate the repair of US 176.

**Background**

In 1998, the North Carolina Land and Water Fund awarded \$290,000 to Pacolet Area Conservancy (now Conserving Carolina) to acquire and protect riparian buffers along the North Pacolet River. The project resulted in a total of seven conservation easements held by the State of North Carolina.

US Highway 176 was severely impacted by Hurricane Helene in September 2024. As a result of torrential flooding, large sections of the highway along a one mile stretch adjacent to NCLWF's White Neinow easement were partially washed out. The highway remains closed to all traffic until proper stabilization and reconstruction can be completed. NCDOT is requesting the release of approximately 1.004 acres of the 44.68-acre easement to facilitate the reconstruction of the highway.

**Staff recommendation**

Staff recommends authorizing NCDOT and the State Property Office to release approximately one acre of the 44.68-acre conservation easement to facilitate the rebuilding of US Highway 176.

Approval is recommended to be subject to the following conditions:

1. NCLWF will be reimbursed at current fair market value, or original contribution, whichever is greater. All funds will be retained by the Stewardship Program and used for management expenses associated with 1998A-014.
2. NCDOT must facilitate the survey and marking of NCLWF's new conservation easement boundary. All boundary marking must be done to current Stewardship Program standards.

**Committee action needed**

Approve, amend, or deny the staff recommendation and make a recommendation to the Board as appropriate.

*Attachments: NCDOT request; Map; engineered drawings*

## **W03293 - US 176**

### **Pacolet and Conserving Carolina Impact Assessment**

#### **Project Overview:**

In late September of 2024, Hurricane Helene ravaged the western part of the State of North Carolina. This unprecedented storm left many roads and bridges in the western portion of the state destroyed or severely damaged. The portion of US 176 just southeast of Saluda along the North Pacolet River was no exception. The ravaging floodwaters destroyed and undermined the roadway in many places along the corridor leaving it unusable to the travelling public (Figure1). The purpose and need of our current NCDOT Project W03293 is to restore US 176 back to its original configuration and to allow it to be utilized once again by the travelling public.

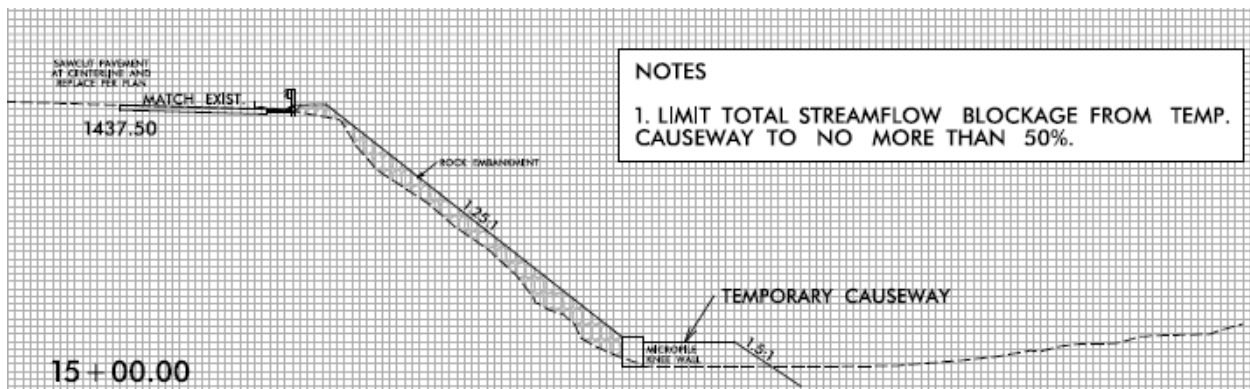


*(Figure 1 – Typical Flood Damage to US 176)*



## Design Considerations:

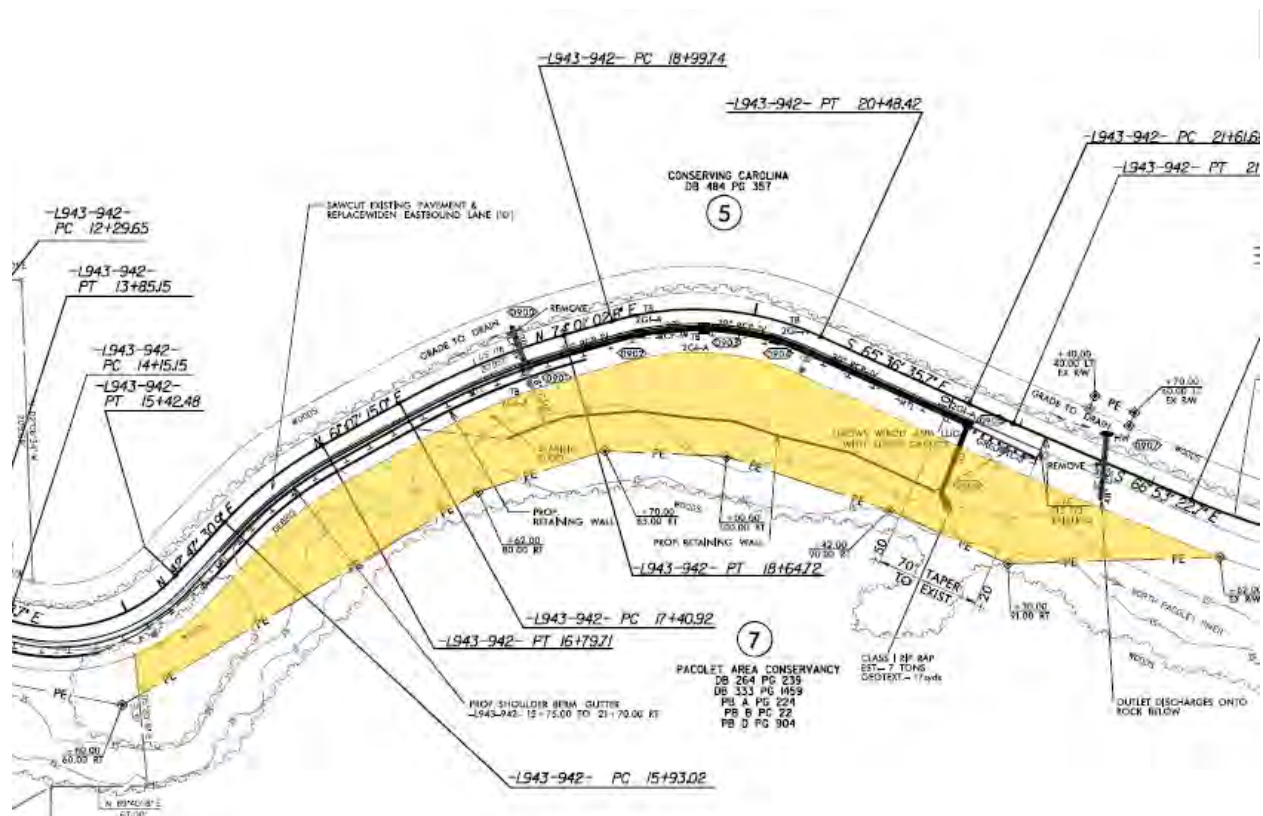
The overall existing terrain in this area of US 176 also made the restoration of this road a challenge. The steep mountains on one side of the road and impressive drop-offs down to the North Pacolet River on the other challenged our team greatly when coming up with a solution for this area that would hopefully withstand a potential future event such as Helene while also minimizing costs and overall impacts as much as practical. The existing roadway width of US 176 varied between 19-20' wide with areas of curve widening for the various switchback curves that frequent the road in this area. We had to reestablish this width in several areas where the existing road was missing while also creating a slope down to the river that would be constructable to limit overall impacts to the river. The maximum slope that can be used in lieu of a retaining wall is a 1.25:1 slope. This means that for every 1 foot of vertical drop, the slope extends horizontally 1.25 feet. In most cases, the steepest slope that is used for standard projects would be a 2:1 soil slope however in this case, we are utilizing the 1.25:1 slope that will consist of grouted rip rap that extends down from the shoulder of US 176 to a 4' tall toe wall just above the 100-year floodway elevation of the North Pacolet River (Figure 2). The intent of this design is to provide a robust slope that will not allow the above roadway to fail should another event like Helene make its way through western North Carolina again in the future. We also utilized existing lidar and GIS data to aid in reestablishing the existing limits of the North Pacolet River. During the hurricane, the river “migrated” and through our proposed design we are looking to place the river back where it was pre-Helene with these slopes that we are utilizing.



(Figure 2 – Typical cross section showing slope repair and temporary construction causeway)

### **Overall Impacts on Conservation Easement Property:**

Project W03293 will impact approximately 3.804 acres of conservation easement property (Figure 3). While this may seem like a large amount of acreage that is needed for this project, much of this land falls between US 176 and the North Pacolet River. Meaning that this area was the slope that held up US 176 above the North Pacolet prior to the storm. This entire area will be what is being fully repaired to allow US 176 to be open again to serve the travelling public as it once was before. The only portion of this area that will not be repaired slope will be the 20' of additional work area that will be needed on the riverside of the slope to build a causeway to construct the grouted rip rap slope. The causeway will be used for construction activities only and will be removed once construction is completed and the area will be restored to natural conditions. The causeway will be constructed of larger class II rip rap to create a stable working pad and then will be covered with a layer of smaller stone that will allow the causeway to be more easily traversed by workers and equipment. This causeway will not block more than 50% of the channel flow at one time per agency guidance on temporary construction causeways. Proper erosion control measures will be in place and careful construction practices will be used to mitigate any environmental impacts to the surrounding site and waterways. Any exposed soil will be properly seeded with native vegetation upon completion of construction to ensure that the construction site is left in much better condition than it was found in.



(Figure 3 – Plan view of permanent easement area in yellow)



**Avoidance and Minimization Measures:**

Minimization measures incorporated include repairing existing drainage pathways and cross pipes to pre-existing conditions, maximizing the use of shoulder sections as opposed to curb and gutter to minimize concentrated flow, minimizing roadway sideslopes, stabilizing embankments, stabilizing drainage ditches, providing adequate energy dissipation, utilizing natural drainage paths and features, maximizing vegetative conveyance, and encouraging diffuse flow.

Impervious areas have been minimized to the maximum extent practical. We have worked tirelessly to ensure that we have created a plan that completely fulfills our purpose and need for the project while also being completely mindful of cost and the impacts on the surrounding environment.

**Closing Remarks:**

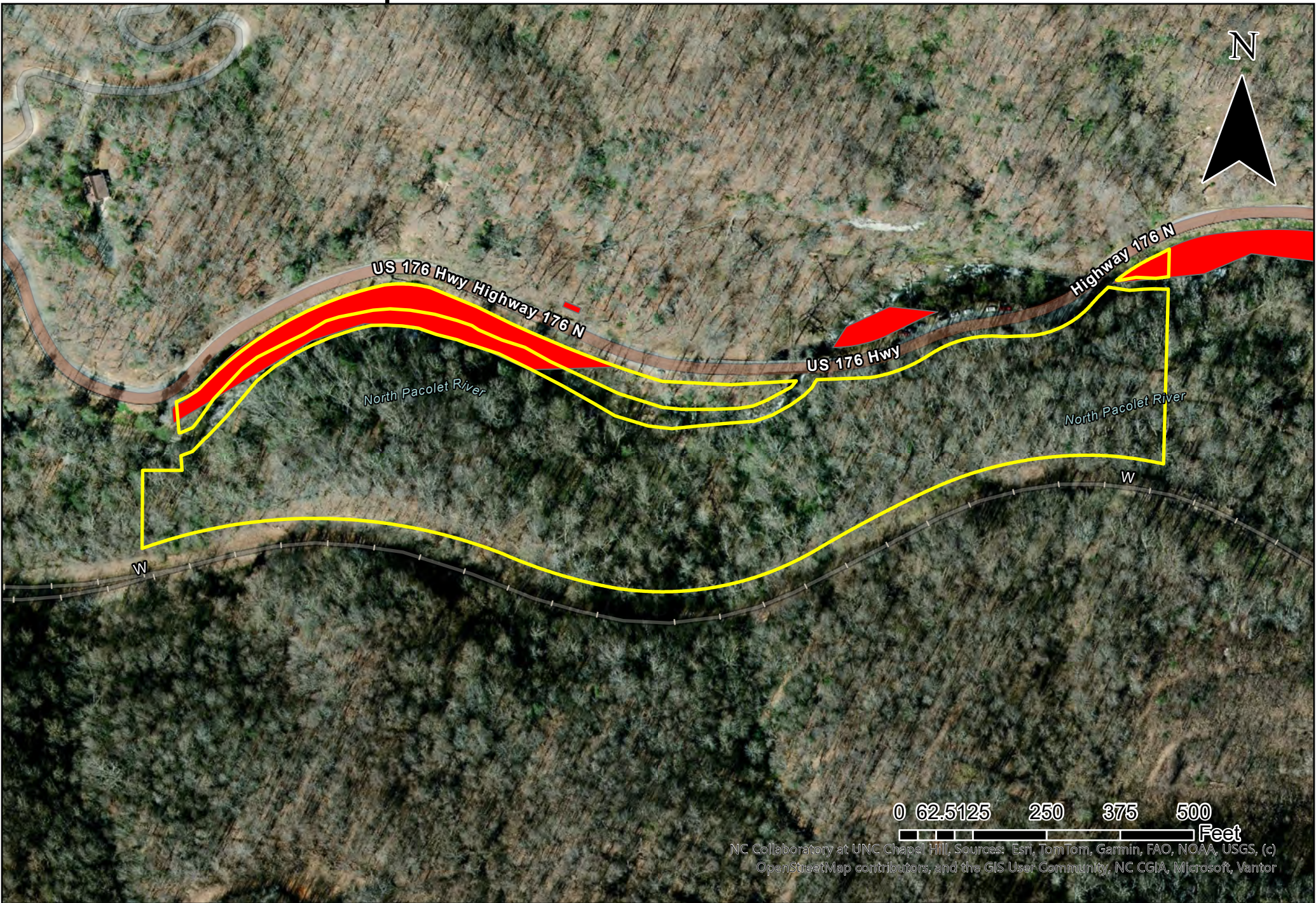
As a design team, our ultimate goal is to restore US 176 in order for it to be utilized again by the travelling public. Any easement impacts to the aforementioned properties and conservation areas have been minimized as much as possible in order to conduct tight but not impossible construction. We hope that you all find our project purpose and need reasonable and that all impacts are deemed necessary in order to fulfill this purpose. We look forward to moving this process forward and working with you all to achieve the collective goals of everyone.



# 1998A-014 - Conserving Carolina - Neinow Tract

## US 176 - Helene Repairs

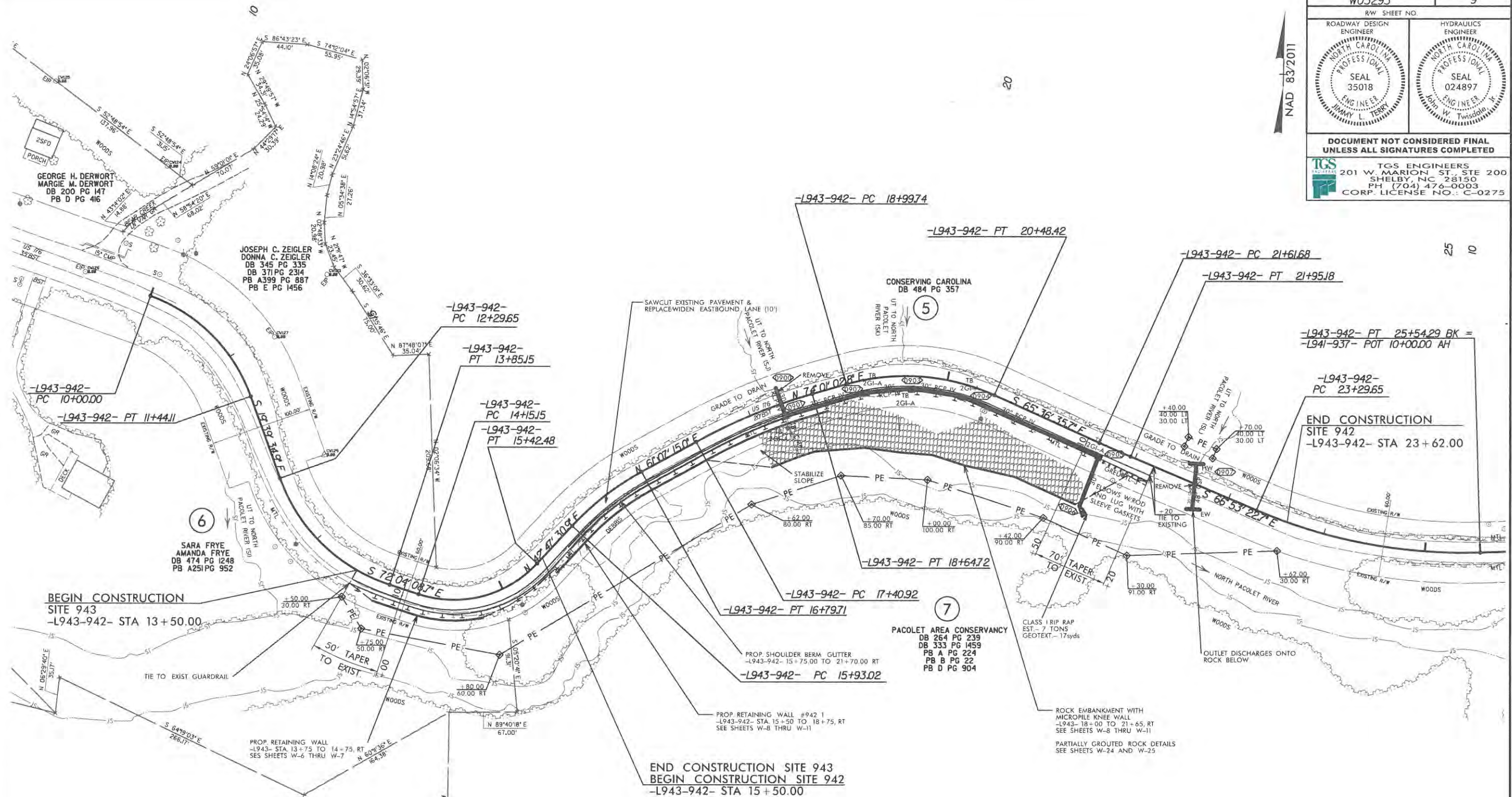
- Neinow Easement
- NCDOT - Proposed Release



NC Collaboratory at UNC Chapel Hill. Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, (c) OpenStreetMap contributors, and the GIS User Community, NC CGIA, Microsoft, Vantor



NAD 83/2011



-L943-942- CURVE DATA			
PI Sta 10+77.14	PI Sta 13+13.32	PI Sta 14+86.69	PI Sta 16+36.74
$\Delta = 50' 39' 16.3''$ (RT)	$\Delta = 52' 24' 33.7''$ (LT)	$\Delta = 65' 08' 20.4''$ (LT)	$\Delta = 18' 19' 44.1''$ (RT)
D = 35' 09' 02.8"	D = 33' 42' 12.2"	D = 51' 09' 25.0"	D = 21' 08' 32.5"
L = 144.11'	L = 155.50'	L = 127.33'	L = 86.69'
T = 77.14'	T = 83.67'	T = 71.54'	T = 43.72'
R = 163.00'	R = 170.00'	R = 112.00'	R = 271.00'
SE = EXIST.	SE = EXIST.	SE = EXIST.	SE = EXIST.
PI Sta 18+03.09	PI Sta 19+77.31	PI Sta 21+78.43	PI Sta 24+43.75
$\Delta = 12' 53' 47.9''$ (RT)	$\Delta = 40' 22' 21.5''$ (RT)	$\Delta = 1' 16' 47.0''$ (LT)	$\Delta = 24' 45' 07.9''$ (LT)
D = 10' 25' 02.7"	D = 27' 09' 15.8"	D = 3' 49' 11.0"	D = 11' 01' 06.3"
L = 123.80'	L = 148.68'	L = 33.50'	L = 224.64'
T = 62.16'	T = 77.58'	T = 16.75'	T = 114.10'
R = 550.00'	R = 211.00'	R = 1,500.00'	R = 520.00'
SE = EXIST.	SE = EXIST.	SE = EXIST.	SE = EXIST.

REVISIONS

X:\10\2025\10\14 US 176 Repair\Roadway\Design\PlanSheets\US176\_Rdy\_psh\_09.dgn

**Action Item**

**Staff member(s):** Marissa Hartzler

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**Agenda Item 5) Riparian Greenways in Application Rating System**

Staff will present a proposal to update the Riparian Greenways resource section of the Acquisition rating system.

**Background**

By G.S. 143B-135.234, NCLWF may award funds to projects that establish a network of riparian greenways for environmental, educational, and recreational uses. Each year, only a handful of applications qualify for these points, although many projects do feature public access components that may assist in this aim.

Staff will highlight the challenges of the current scoring criteria in the Acquisition Application Rating System and the opportunities to extend Riparian Greenway points to additional projects.

**Staff recommendation**

Amend the Riparian Greenways section of the Application Rating System as shown in the provided draft.

**Committee action needed**

Approve, amend, or deny the staff recommendation and make a recommendation to the Board as appropriate.

*Attachments: Riparian Greenways section (original), Riparian Greenways section (proposed)*

**2. Riparian Greenways** – Projects that establish a network of riparian greenways for environmental, educational, and recreational uses.

To receive riparian greenways points, parcels must buffer (border) a stream. Greenways are typically in an urban setting, and they must be vegetated, point-to-point, and incorporate a footpath. Trails may include other uses such as biking and horseback riding. Greenways may be paved or unpaved.

The greenway must be part of a comprehensive greenway plan adopted by an organization that is responsible for developing the greenway. The total length of the greenway system must be at least one mile. The parcels subject to an application must be identified in the adopted greenway plan. The plan must be adopted prior to the grant application deadline.

a. Percent Impervious Surface in Riparian Buffer (maximum 10 points)

Impervious surface area includes unpaved trails.

**10 points**

- Less than 3% impervious surface

**8 points**

- 3% to 5% impervious surface

**5 points**

- Greater than 5% up to 10% impervious surface

**3 points**

- Greater than 10% and up to 15% impervious surface

**0 points**

- Greater than 15% impervious surface

b. Trail Setback from Top of Stream Bank (maximum 15 points)

**15 points**

- Greater than 50 feet average width from top of bank to trail

**10 points**

- Greater than 30 feet and up to 50 feet average width from top of bank to trail

**5 points**

- Greater than 15 feet and up to 30 feet average width from top of bank to trail

**0 points**

- Average width 15 feet or less from top of bank to trail

c. Conservation Agreement Terms within Trail Setback (maximum 10 points)

**10 points**

- Standard NCLWF conservation easement or restrictive covenants template with allowance for trail and amenities (benches, etc.)

**7 points**

- NCLWF conservation easement or restrictive covenants template with allowances for trail and other infrastructure (utilities), but with consideration of water quality protection incorporated in the construction

**5 points**

- NCLWF conservation easement or restrictive covenants template with allowances for trail and other infrastructure (utilities)

**0 points**

- NCLWF conservation easement or restrictive covenants template with exceptions for additional rights (driveways, parking next to stream, etc.)

d. Number of Potential Users within 10 Miles (maximum 5 points)

**5 points**

- Greater than 100,000 people

**3 points**

- Greater than 10,000 and up to 100,000 people

**1 point**

- Up to 10,000 people

e. Links with Prior or Continuing Greenway Efforts (maximum 10 points)

**10 points**

- Extension of existing greenway and trail construction funds have been identified **or**
- Completely eliminates gap in existing greenway corridor

**8 points**

- Contiguous with existing greenway parcels, but construction is 5 or more years in future

**5 points**

- Along a greenway that is actively being constructed as sections are acquired, but disconnected from other parcels

**0 points**

- Parcel is part of inactive greenway corridor and disconnected from other parcels



**2. Riparian Greenways** – Projects that establish a network of riparian greenways for environmental, educational, and recreational uses.

NCLWF defines riparian greenways as trails that provide opportunities for people to walk, hike, bike, and/or ride horses to reach destinations within the riparian corridor. Trails contained within the property do not qualify as riparian greenways; they must connect to other properties as part of a network of trails through a riparian corridor. The project must facilitate the construction of a future riparian greenway or increase the protection of an existing riparian greenway.

a. Planning Efforts (maximum 15 points)

**15 points**

- The parcel is indicated as part of a primary route of a current (within the past 20 years) comprehensive greenway/trail plan that has been adopted by a State agency, local government unit, or nonprofit corporation who will ultimately be responsible for developing the greenway

**10 points**

- The parcel is indicated as part of a secondary or alternate route of a current (within the past 20 years) comprehensive greenway/trail plan that has been adopted by a State agency, local government unit, or nonprofit corporation who will ultimately be responsible for developing the greenway

**5 points**

- The parcel is not part of a current comprehensive greenway/trail plan, but the parcel supports the development of a greenway indicated in general planning efforts

**0 points**

- The parcel is not part of a current comprehensive greenway/trail plan or other planning efforts

b. Links with Prior or Continuing Riparian Greenway Efforts (maximum 15 points)

**15 points**

- The parcel is adjacent to an existing riparian greenway that will continue onto the property **or**
- The parcel is adjacent to previously acquired properties/easements for the future construction of at least 2 miles of continuous riparian greenway

**10 points**

- The parcel is disconnected from existing riparian greenway but will facilitate future expansion

**5 points**

- The parcel establishes the first piece of a planned, new riparian greenway corridor

**0 points**

- The parcel does not link with prior or continuing riparian greenway efforts

c. Greenway Construction Timeline (maximum 15 points)

**15 points**

- Funds have been secured for trail construction on the parcel

**10 points**

- Funds have been applied for or identified for trail construction on the parcel

**5 points**

- The parcel is in a riparian greenway corridor that is actively expanding and greenway construction is likely within 5 years

**0 points**

- Parcel is part of an inactive riparian greenway corridor and construction is uncertain

d. Number of Potential Users within 10 Miles (maximum 5 points)

**5 points**

- Greater than 100,000 people

**3 points**

- Greater than 10,000 and up to 100,000 people

**1 point**

- Up to 10,000 people