

AGENDA

North Carolina Land and Water Fund

Board of Trustees Meeting

February 27, 2025, 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@dncr.nc.gov or 919-707-9400 in advance to request a meeting invitation/call-in number or directions.

Board of Trustees:

John Wilson (Chair), Jimmy Broughton, Ann Browning, Amy Grissom, Clement Riddle, Mike Rusher, Jason Walser, Darrel Williams, David Womack

COMMENCEMENT

1) Call to Order (Chair – John Wilson)

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 a guest joining remotely, please mute your audio and turn off your video unless you are called upon to speak**

e) **Revisions, additions, and adoption of the agenda**

2) Approval of minutes from the December 10, 2024 board meeting (Chair – John Wilson)

3) DNCR update (DNCR Secretary Pamela Cashwell)

4) Executive Director's update (Will Summer)

PUBLIC COMMENTS

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

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) Consideration of Restoration, Innovative Stormwater, and Planning Committee recommendations (Chair – Ann Browning)

The committee will report on the following matters:

- a) Summary of reported impacts on Restoration Projects from Hurricane Helene** (Steve Bevington)
- b) 2022-411 Conserving Carolina request to extend a construction contract deadline** (Steve Bevington)
- c) 1997A-076 Bacchert and Walton NCDOT conservation agreement amendment request** (Justin Mercer)

2) Consideration of Acquisition Committee recommendations (Chair – Amy Grissom)

The committee will report on the following matters:

- a) Report on 2021 Grants** (Marissa Hartzler)
- b) 2023D-013 PCP Boiling Spring Lakes Kurunsaari Extension** (Marissa Hartzler)

3) Extension of construction contract deadlines for Flood Risk Reduction projects (Steve Bevington)

ADJOURNMENT

Informational Item

Staff member(s): Steve Bevington

Agenda Item 1a) Summary of reported impacts on Restoration Projects from Hurricane Helene

Background

Hurricane Helene entered the Florida panhandle as a Category 4 hurricane and moved northward impacting North Carolina with significant, damaging, and life threatening flash flooding. Many stream courses were disturbed with large debris, and large sections of streambanks were stripped of vegetation, including mature trees, and heavily eroded. In some cases, streams left their banks and cut new channels in their floodplains.

Staff identified 89 active or recently completed Restoration Projects within the impact area of Hurricane Helene. Staff have been actively collecting damage reports from our partners as well as conducting site visits when practical.

Staff will present a summary of damage reports from field staff and partners as an update to this ongoing assessment.

Board action needed

As an informational item, no board action is required.

Action Item

Staff member: Steve Bevington

Agenda Item 1b) Request to extend the date to enter into a construction contract for existing Restoration Program Grants.

NCLWF stormwater and restoration construction projects approved after January 1, 2006 are subject to General Statute §143B-135.238(e), which requires grant recipients to enter into a construction contract for the project within one year after grant contract execution. The statute states that the award is withdrawn unless the NCLWF Board of Trustees finds that the applicant has good cause for failing to meet this requirement, and if so, the board must set a new date by which the grant recipient must take action or forfeit the grant.

The following grant recipient has submitted information summarizing the reasons for their delay in entering into a construction contract and have proposed new dates for doing so.

Project Number & Name	Current Construction Contract Deadline	<i>Proposed</i> Construction Contract Deadline
2022-411 - CC - Deerwoode Floodplain - French Broad River	11/17/24	12/31/25

Project 2022-411 has been delayed due to permitting delays for this complicated floodplain restoration project and by difficulty in securing a contractor. Given the huge demand for contractors after Hurricane Helene, fewer companies made themselves available for outdoor construction work, but the grant recipient is confident they can secure a construction contract by the end of the year.

Staff supports this extension request as the delay was reasonable given changing situations, good progress is now being made, and the grant recipient’s other projects are also proceeding on schedule.

Committee recommendation

Approved request of Conserving Carolina, for Project 2022-411, the deadline to enter into a construction contract to December 31, 2025.

Board action needed

Approve, amend, or deny the Committee recommendation.

Attachments: Request from Grantee to extend the date to enter into a construction contract for project 2022-411.

Request to extend the date to enter into a construction contract

Change Request: 4000067599, 2022-411 CC Deerwoode Floodplain FB R

Version: 000000001
View: CWMTF - Change Request
Last Changed By: ZWPRICE
Change Date: 02/04/2025 14:27:12

Billing Address: 847 Case St
Hendersonville, NC 26792

Project Description: 2000066016 - 2022-411 CC Deerwoode Floodplain FB R

Program ID/Description: 2022 NCLWF RESTORATION
Budget Revision: Yes No

Grant Administrator: Will Price

Agreement Number: 2000066016
Project Number: 2022-411

Agreement Period From: 09/21/2022
Agreement Period To: 07/31/2027

	Current	Proposed Revision
Grant contract date to enter into a construction contract (if applicable)	11/17/2024	12/31/2025

Revise Agreement Expiration Date: Proposed Revision

Reason for change: Requesting extension to the construction contract deadline. Delays in permitting and securing a construction contractor have delayed the timeline. Expecting to have a construction contract signed by October 2025.

Action Item**Staff member: Justin Mercer**

Agenda Item 1c) 1997A-076 Bacchert and Walton NCDOT conservation agreement amendment request

The North Carolina Department of Transportation (NCDOT) is requesting the amendment of a conservation easement on Cove Creek in Watauga County to facilitate the replacement of the bridge on Isaacs Branch Road.

Background

In 1997, the North Carolina Land and Water Fund awarded \$394,103 to North Carolina State University to prevent water quality degradation through land acquisition and restore degraded streams through the implementation of best management practices (BMPs). Among other deliverables, the project resulted in the installation of rock vanes in Cove Creek and the donation of three conservation easements to the State of North Carolina.

Cove Creek was severely impacted by Hurricane Helene in September 2024. As a result of torrential flooding, the bridge on Isaacs Branch Road completely washed out. As part of NCDOT's emergency response efforts, a temporary bridge was constructed within the NCLWF conservation easement. NCDOT is requesting the release of up to 0.2 acres, or approximately 10% of the 2.011-acre easement to facilitate the construction of a new permanent bridge.

Committee recommendation

The Committee recommends authorizing NCDOT and the State Property Office to release up to 0.2 acres of the 2.011-acre conservation easement to facilitate the rebuilding of the bridge on Isaacs Branch Road. The NCLWF shall be compensated for the easement value of the entire area of impact as determined by NCDOT appraisal and confirmed by NCLWF staff.

Board action needed

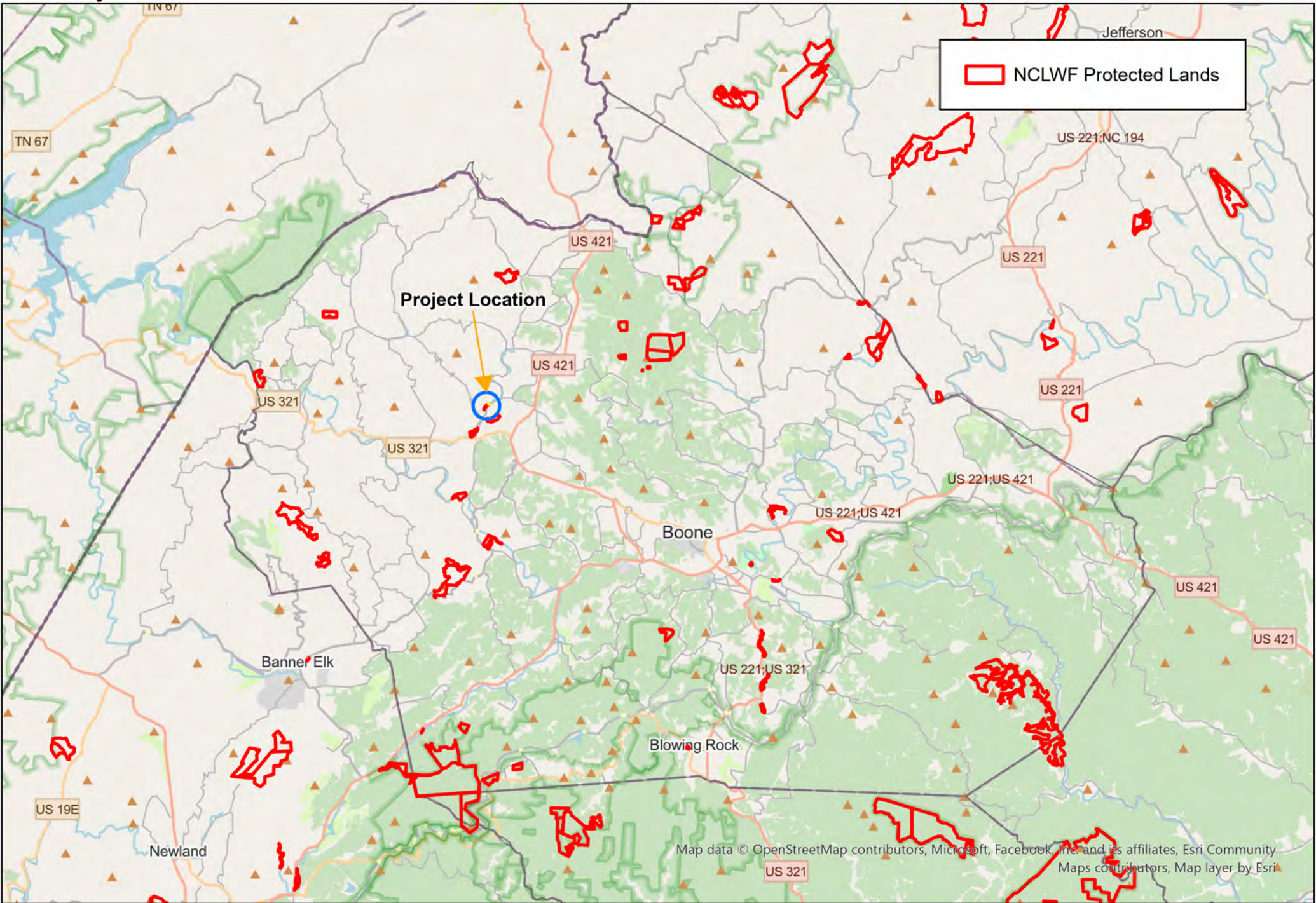
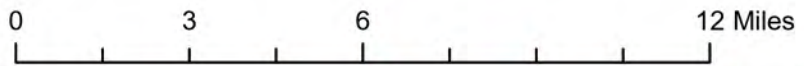
Approve, amend, or deny the Committee recommendation to release up to 0.2 acres of the conservation easement.

Attachments: Maps

1997A-076 - Bacchert and Walton - Bridge Replacement

Watauga County

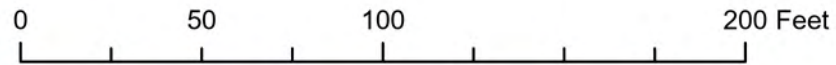
January 2025





1997A-076 - Bacchert and Walton - Bridge Replacement

Watauga County

January 2025



 NCLWF Easement

 Proposed NCDOT Impact Area



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

Agenda Item 2a) Report on 2021 Grants

Staff will provide progress updates on 2021-051 TNC 421 Sand Ridge Phase 2 and 2021-037 TCF Johnson Farm.

Background

In 2021, the board requested that staff provide annual updates on four projects with large grant awards. Two of those projects are still active:

App #	App Name	Award
2021-037	The Conservation Fund - Johnson Farm - Hector Creek	\$3,636,230
2021-051	The Nature Conservancy - 421 Sand Ridge Ph2 - Corbett Ind	\$8,901,455

At the October 2024 funding meeting, the committee discussed progress and considered the extension of these awards, which was recommended to the board and approved unanimously. These awards now extend through January 31, 2026. The committee requested additional updates at the committee's February and May meetings.

Staff will present a summary of the grant recipients' progress since the October update.

Board action needed

As an informational item, no board action is required.

Action Item

Staff member(s): Marissa Hartzler

Agenda Item 2b) 2023D-013 PCP Boiling Spring Lakes Kurunsaari Extension

Staff will present a request to extend a Donation Mini-Grant contract.

Background

On August 18, 2023, North Carolina Plant Conservation Program (PCP) received an award of \$4,500 for project 2023D-0013 to accept the donation of 10 acres in fee simple in Brunswick County. This Property was identified in the PCP priority land portfolio for its contribution to protecting the Funston Bays natural area, which adjoins the Boiling Spring Lakes natural area to the west and the Hog Branch Ponds natural area to the east, forming a contiguous area of protected rare plant habitat. Successful completion of the project would also serve to fill in gaps in protection, allowing PCP to better manage this habitat.

PCP has been working with the State Property Office to complete the project but has encountered unforeseen delays including most recently the retirement of the assigned closing attorney. Because NCLWF staff have already granted a six-month extension through February 28, 2025, any further amendments are at the discretion of the board.

Committee recommendation

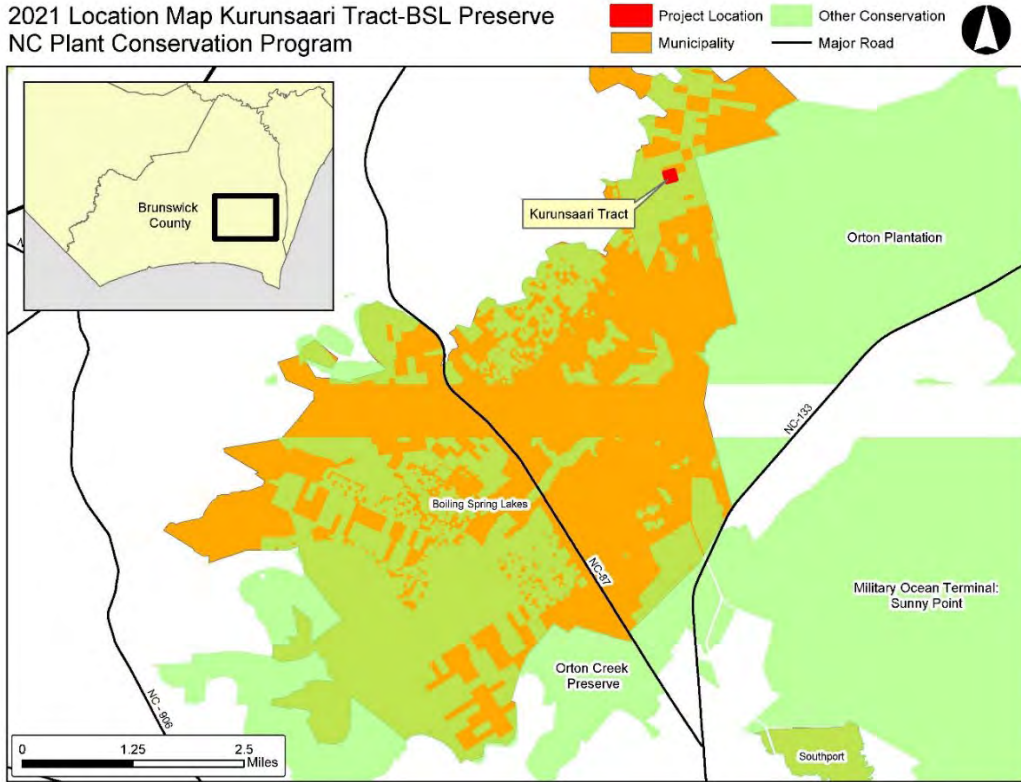
Grant a year extension for the contract to allow for the completion of the donation.

Board action needed

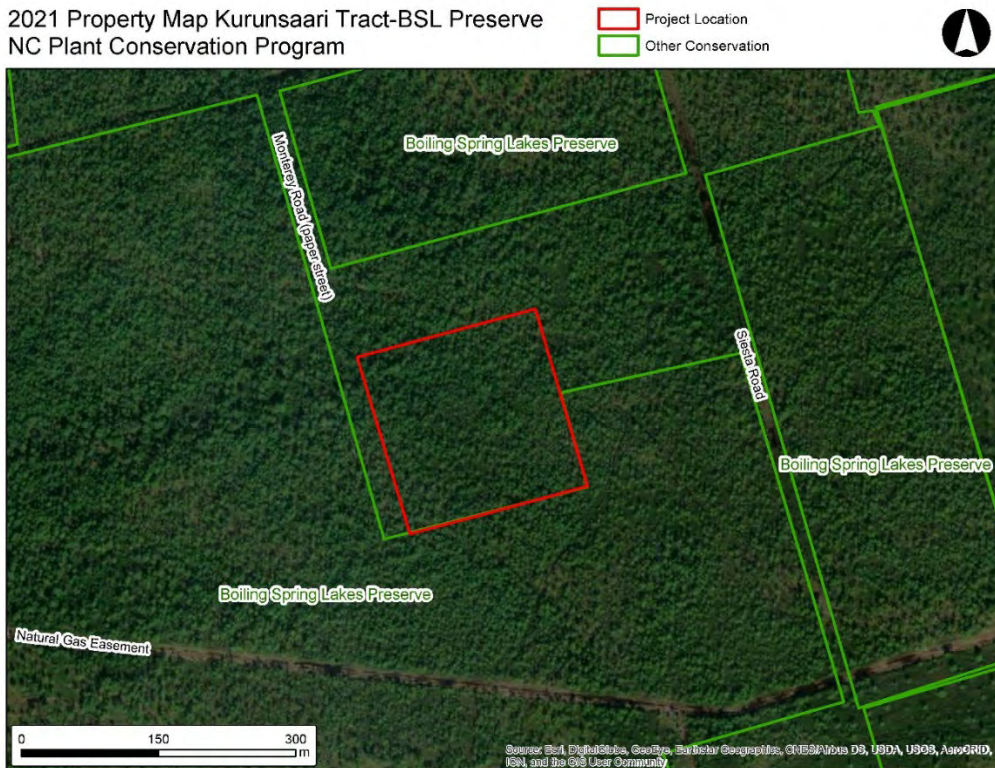
Approve, amend, or deny the Committee recommendation.

Attachments: Maps

2021 Location Map Kurunsaari Tract-BSL Preserve
NC Plant Conservation Program



2021 Property Map Kurunsaari Tract-BSL Preserve
NC Plant Conservation Program



Action Item

Staff member: Steve Bevington

Agenda Item 3) Requests to extend the date to enter into a construction contract for Flood Risk Reduction Projects.

NCLWF stormwater and restoration construction projects approved after January 1, 2006 are subject to General Statute §143B-135.238(e), which requires grant recipients to enter into a construction contract for the project within one year after grant contract execution. The statute states that the award is withdrawn unless the NCLWF Board of Trustees finds that the applicant has good cause for failing to meet this requirement, and if so, the board must set a new date by which the grant recipient must take action or forfeit the grant.

On September 23, 2024, the N.C. Department of Environmental Quality (DEQ) and the NCLWF agreed in a Memorandum of Agreement (MOA) that DEQ will provide funding to the NCWLF up to \$9,047,404, for a total of 15 selected projects, including 11 Flood Risk Reduction Projects presently under contract with the NCLWF. Staff have amended each of these project contracts with increases of scope and budget per the MOA. Of these 11 Flood Risk Reduction Projects, eight have moved to redesign and/or rebid construction work to accommodate additional funding of these now larger projects. This has led to scheduling complications that conflict with dates in the original contracts to enter into a construction contract.

The following eight grant recipients have submitted requests to extend the date to enter into a construction contract.

Project Number & Name	Current Construction Contract Deadline	<i>Proposed</i> Construction Contract Deadline
2022-FRR03 - NCSU - Caswell Farm Water Farming	11/30/2024	12/31/25
2022-FRR16 - NCSU DFER - Hofmann Forest Water Farming	12/1/2024	12/31/25
2022-FRR20 - HWA - Upper Pigeon River Flood Mitigation	2/9/2025	12/31/25
2022-FRR24 - Hendersonville - Mud Creek Flood Risk Reduction	1/10/2025	12/31/25
2022-FRR26 - Kinston - Adkin Branch Flood Mitigation	1/10/2025	12/31/25
2022-FRR28 - Lumberton - Lumberton Loop	1/17/2024	12/31/25
2022-FRR29 - Maysville - Maple Street Green Stormwater	2/6/2025	12/31/25

2022-FRR35 - NCCF - Newport River Restoration Initiative	1/4/2025	12/31/25
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In accepting new scope items and new contractual obligations, each of the grantees have taken on new work with these design and construction partners. Delays in securing construction contracts are not unexpected but are on typical schedules for large-scale restoration work. All grantees expect to have construction contracts in place before the end of 2025.

Staff recommendation

Staff supports these extension requests as the delay was reasonable given the expanded budget and scope and so recommends extending the date to enter into a construction contract for the eight Flood Risk Reduction Projects listed above to December 31, 2025.

Board action needed

Approve, amend, or deny the staff recommendation.