

AGENDA
North Carolina Land and Water Fund
Board of Trustees Meeting
February 29, 2024, 1:00 p.m. – 3:00 p.m.

This meeting will be held via teleconference and will have a physical location offered 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 or 919-707-9400 in advance for links or directions.

Board of Trustees:

John Wilson (Chair), Ann Browning, Greer Cawood, 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 2023 board meeting (Chair – John Wilson)

3) 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 Committee recommendations (Chair – Ann Browning) – The committee will report on the following matters:

a) Construction contract extension (Will Price)

Staff will present a request to extend the deadline for construction contracts per statutory requirement.

b) Score correction – Resource Institute, East Fork French Broad River (Steve Bevington)

Staff will discuss an error in the reported scoring of an awarded application, 2022-439. An incorrect project

length and score was reported to the Restoration, Innovative Stormwater and Planning Committee at its meeting of September 20, 2022. Staff will present the accurate score and project details before contract execution.

2) Special presentation on sustainable trail design and construction (Justin Mercer)

Staff will introduce a special guest to talk about trail design and construction and what makes a trail sustainable.

ADJOURNMENT

Action Item**Staff member: Will Price**

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

NCLWF stormwater and restoration construction projects approved 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. The statute further states that, if the Trustees find good cause for the failure, they then must set a 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 has proposed a new date for doing so.

Project Number & Name	Current Construction Contract Deadline	<u>Proposed</u> Construction Contract Deadline
2020-413 NCCF – Marine Corps Air Station (MCAS) Cherry Point Living Shoreline	3/22/24	11/30/24

This project has been delayed by unusually long wait times for a U.S. Army Corps of Engineers permit. Cherry Point submitted the permit application in October 2021, and did not receive the permit until December 2023. The construction bid package must be updated due to the delay in permitting. The North Carolina Coastal Federation (NCCF) expects the bid package to be prepared by mid-March 2024, with the construction contract signed by May 2024. The NCCF's request for an extension is attached to this agenda.

At its meeting of February 8, 2024, the Restoration, Innovative Stormwater, and Planning Committee reviewed and discussed the project, considered information presented by NCLWF staff, and made a recommendation to the Board.

Committee recommendation

Approve the extension of the construction contract deadline for this project to November 30, 2024.

Board action needed

Approve, deny or amend the committee recommendation.

Attachments: Request from Grantee to extend the date to enter into a construction contract for project 2020-413.

CWMTF Agreement Change Request

Grant Recipient ID / Description	1000117495 - NC COASTAL FEDERATION		
Billing Address	3609 HWY 24 NEWPORT, NC 28570		
Project Description	2000066876 - 2020-413 - NCCF, MCAS Cherry Point Livin		
Program ID/Description	2020_CWMTF_RESTORATION	Budget Revision	<input type="radio"/> Yes <input checked="" type="radio"/> No
Grantor Administrator			
Agreement Number	2000066876	Project Number	2020-413
Agreement Period From	03/22/2023	Agreement Period To	04/30/2026
Submitted by	Rachael Carlyle	Submitted Date	01/25/2024

	Current	Proposed Revision		Proposed Revision
Grant contract date to enter into a construction contract (if applicable)	02/22/2024	11/30/2024	Revise Agreement Expiration Date	

Reason for change

The North Carolina Coastal Federation would like to request an extension of our construction contract date for North Carolina Land and Water Fund Project 2020-413-NCCF-MCAS Cherry Point Living Shoreline from 22 March, 2024 until November 30, 2024. This project and grant funding will build a 1,667 linear foot living shoreline at Marine Corps Air Station (MCAS) Cherry Point to help stabilize the base's significantly eroding Neuse River shoreline.

At the request of the Army Corps of Engineers, the entire 12,035.8-foot proposed living shoreline (Project Areas 1 and 2 and this REPI Shoreline Project Area #7044421) were combined under a single permit application that was submitted by MCAS Cherry Point on October 8, 2021. Due to the unanticipated and significant delay in the permitting process, the permit was not issued until December 14, 2023. Field investigations and evaluations used to prepare the bid package will need to be updated because of the delay in receiving the permit. We expect bid package documents to be ready for bidding by mid-March, and a construction contract should be signed by early May. Based on this estimated timeframe, the Federation requests that the 22 March, 2024 deadline for a construction contract to be extended until November 30, 2024 to assure adequate time for any unexpected additional delays.

Codes	Funds	CWMTF Funds					Matching Funds				
		CWMTF Funds Budget	Approved Payments	Change	Revised CWMTF Budget	Balance	Matching Funds Budget	Approved Spending	Change	Revised Matching Funds	Balance
Totals											

AUTHORIZING GRANTEE SIGNATURE

☐ The information supplied in this change request is true to the best of my knowledge, and conforms with the terms and conditions of this agreement.

Name: Rachael Carlyle

Date: (mm/dd/yyyy)* 01/25/2024

Action Item**Staff Member: Steve Bevington**

Agenda Item 1b) Score Correction – Resource Institute, East Fork French Broad River (2022-439)**Background**

As part of the 2022 NCLWF award cycle, the Resource Institute was awarded \$225,800 towards a \$478,416 project to restore and enhance a reach of the East Fork French Broad River, near the Town of Rosman in Transylvania County. However, during the contracting process, staff discovered that an incorrect stream length had been used to score the project. This incorrect figure was also in materials presented to the trustees during their award meeting of September 20, 2022.

The application stated a project length of 1,490 linear feet. This figure was keyed into Airtable as 4,190 linear feet and resulted in the application receiving a score of 64 for the stabilization of 4,190 linear feet of stream. The application should have been scored for the enhancement of 1,490 linear feet of stream with a score of 62 points. In 2022, the Board funded all Restoration projects scoring 61 or higher, as well as one project with a score of 59, and provisionally funded three projects with scores of 60.

Staff reviewed scores for all other 2022 and 2023 applications and detected no similar errors and implemented two additional checks, one procedural and one software-based, to ensure such an error does not occur in future cycles. Staff believes that the project, as accurately described, presents a valuable opportunity to improve aquatic resources of the French Broad River basin.

At its meeting of February 8, 2024, the Restoration, Innovative Stormwater, and Planning Committee reviewed and discussed the project, considered information presented by NCLWF staff, and made a recommendation to the Board.

Committee recommendation

Affirm the award made on September 20, 2023, to the Resource Institute for project 2022-439 in the amount of \$225,800 for the corrected project length of 1,490 linear feet.

Board action needed

Approve, deny or amend the committee recommendation.

Attachments: Corrected Summary Sheet 2022-439, Corrected PowerPoint 2022-439.



2022-439 - RI - East Fork French Broad River - EQIP Reach

SCORE: 62

COUNTY: Transylvania

LINEAR FEET: 1,490 linear feet FIELD REP: Damon Hearne

REQUESTED AMOUNT: \$225,800 MATCH AMOUNT: \$252,616 TOTAL BUDGET: \$478,416 MATCH PERCENT: 53%

WATERSHED/RIVER BASIN: Headwaters French Broad River --> PROJECT WATERBODY: East Fork French Broad River
French Broad

PROJECT DESCRIPTION:

The Project would restore and stabilize 1,490 linear feet of the East Fork French Broad River with the landowner participating in the USDA-NRCS EQIP Program. The inside bend of a rapidly eroding meander would be the focus of this restoration.

PROJECT SIGNIFICANCE:

NCLWF support of this project would prioritize the Project to the top of potential USDA-NRCS EQIP Program projects and so address this degraded stream as soon as possible.

EXISTING CONDITIONS:

Moderate to severe bank erosion is present throughout the entirety of the reach. Existing channel banks vary in height and level of degradation. Most of the project area banks are high and show evidence of undercutting, demonstrating potential for continued bank failure. Many large trees along the bank have fallen, resulting from recent bank erosion, creating debris jams within the channel, worsening bank erosion in these areas.

SCOPE OF WORK:

- Consult with relevant permitting and regulatory agencies
- Draft and complete engineering designs and plans
- Secure all required local, State, and Federal permits
- Construct Project per engineering design and plans
- Clearly mark and/or fence easement boundaries
- Manage the Project in total and report to NCLWF

RELATED NCLWF PROJECT(S):

CONSERVATION STRATEGY & STEWARDSHIP:

Term conservation easements held and stewarded by the U.S. Department of Agriculture EQIP Program.

EXPENSES PRIOR TO AWARD:

None.

SOURCES OF MATCH:

NRCS EQIP Program (\$252,616) *

2022-439 - RI - East Fork French Broad River - EQIP Reach

Score/Rating Breakdown

SCORE: 62

<u>RESOURCE SIGNIFICANCE (MAX 15)</u>	<u>SCORE</u>
PRIMARY RESOURCE BENEFITS HQW 13 , Class B 7 , DWR Tr (not Wild Trout) 5 , WRC Wild Trout 13 HIGHEST SUB-SCORE: 13	13
<u>EFFECTIVENESS, MEASURABLE OUTCOMES (MAX 45)</u>	
EFFECTIVENESS OF PROJECT (MAX 35) ▪ Functional Uplift: Enhancement - Severely degraded 7 ; ▪ Proximity to other projects: Project is <1 mile from one of these 5 ; ▪ Cost per unit: D <20 or C <75 6 ; ▪ Habitat/ecological uplift Option 2 - Ecological Uplift: 10 (Non-functioning to functioning: 100%)	28
CONSISTENCY WITH PLAN OBJECTIVES (MAX 5) Project type generally supports the goals of a surface water plan 1	1
LOCAL WATERSHED PROTECTION AND WATERSHED STABILITY (MAX 5) ▪ Local WQ Protections: No ordinances in place 0 ; ▪ Watershed Stability: Watershed is stable 2	2
<u>OTHER PUBLIC BENEFITS (MAX 10)</u>	
RECREATIONAL USES AND PUBLIC ACCESS (MAX 2) None 0	0
PROVIDES PUBLIC OR SCIENTIFIC EDUCATION (MAX 2) None 0	0
DEVELOPMENT OF RIPARIAN GREENWAY (MAX 2) No greenway to be developed 0	0
LOCATION RELATIVE TO PUBLIC DRINKING WATER SUPPLY (MAX 4) The proposed project watershed is not within 5 stream miles upstream of an existing public water supply as defined above. 0	0
<u>READINESS AT THE DATE OF APPLICATION (MAX 10)</u>	
LANDOWNER INTEREST (MAX 4) Majority of landowners and agency have signed a non-obligatory Agency agreement 3	3
FUNDING STATUS (MAX 3) 100% of total match amount is secured.	3.0
PLAN AND DESIGN STATUS (MAX 3) An existing cond. survey / reference site has been identified and conceptual plans developed 2	2
<u>VALUE OF MATCHING RESOURCES (MAX 20)</u> ▪ Local & Federal: 52.8%	10.0
<u>TOTAL SCORE:</u>	62



2022-439

Resource Institute

East Fork French Broad River - EQIP Reach

RI is requesting \$225,800 out of \$478,416 to stabilize **1,490** linear feet of stream.

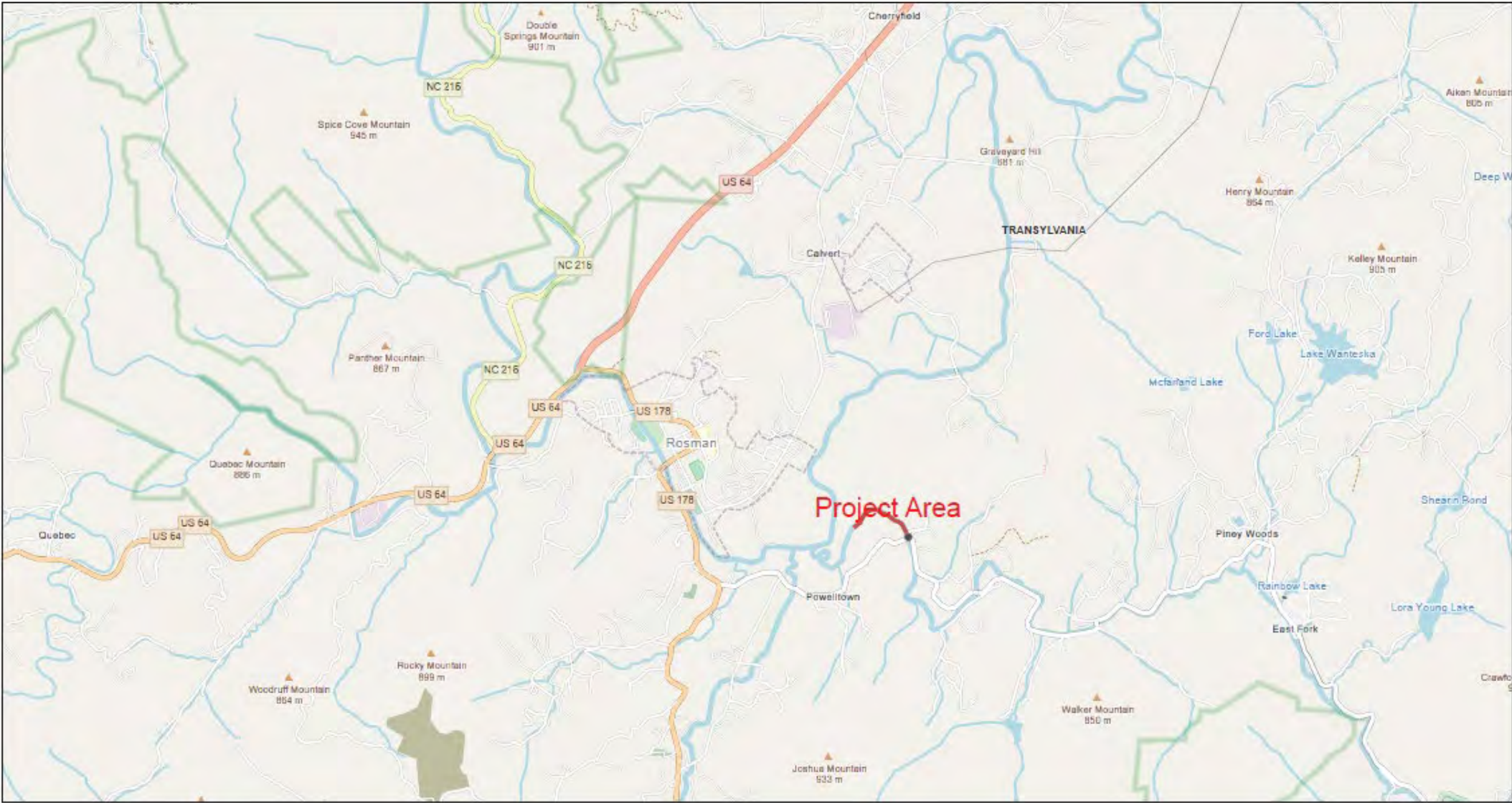




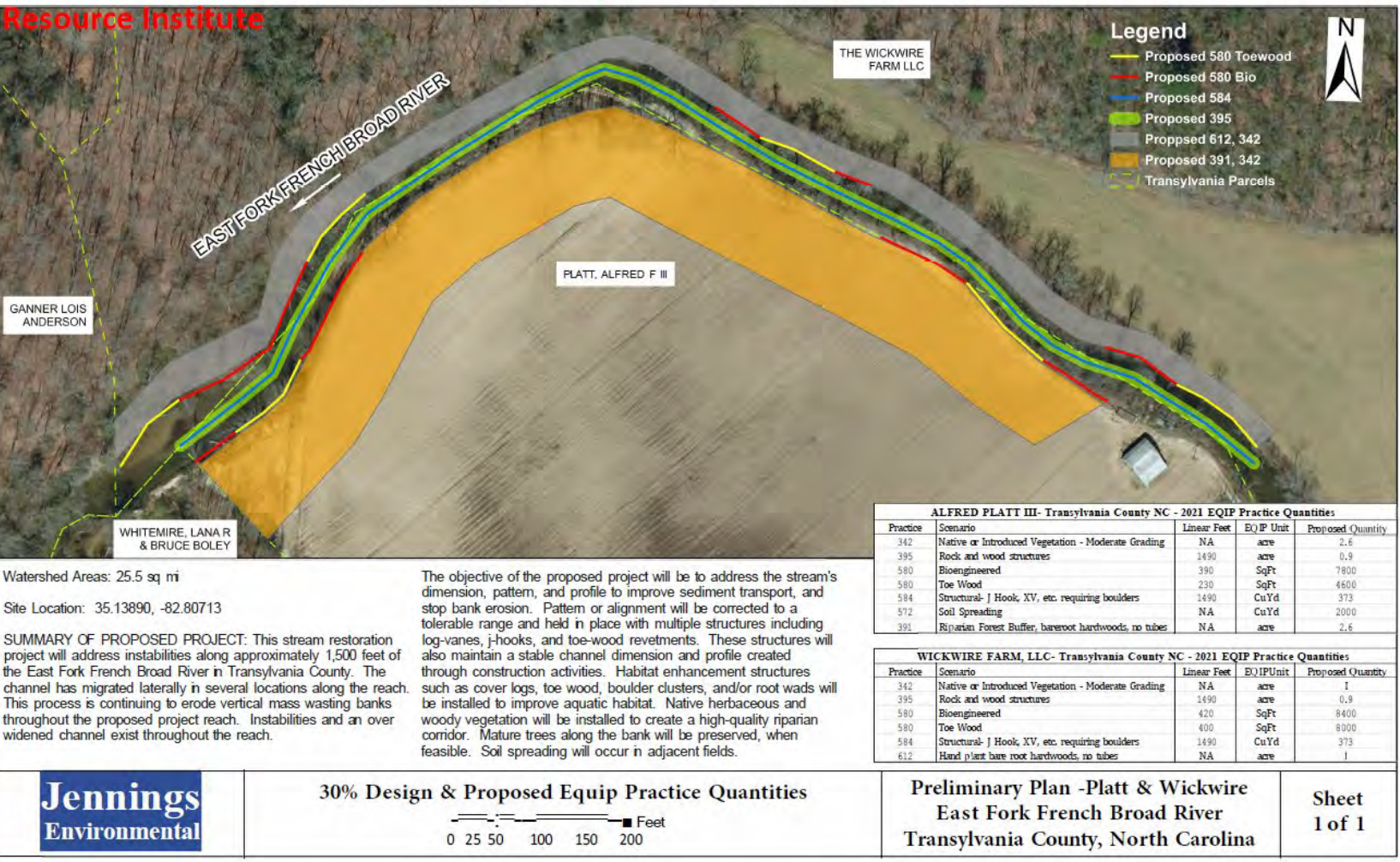
Located in Transylvania County, near Rosman.



Location Map - East Fork French Broad River



East Fork French Broad River - Project Map



Project would stabilize **1,490** linear feet of stream using NCLWF and federal funds.

USDA EQIP project – term protection agreements/BMPs

Project tasks: Design and Permitting, Construction, Admin

Stream condition: Severely Degraded

Majority Type: Restoration





EXISTING CONDITION

Moderate to severe bank erosion throughout the reach is a result of legacy agricultural disturbances and non-engineered streambank reinforcement





EXISTING CONDITION

Severely Degraded.





RESOURCE SIGNIFICANCE

East Fork French Broad River

HQW, Class B, WRC Wild Trout



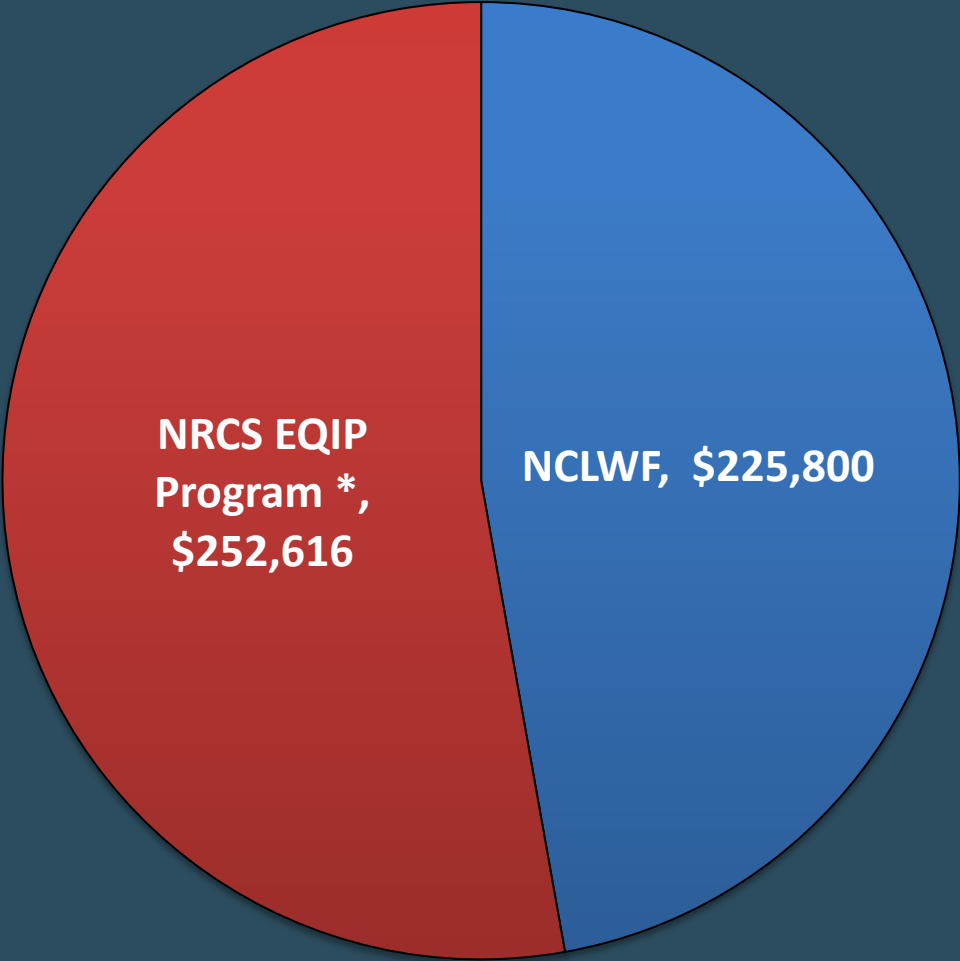


PLAN AND DESIGN STATUS – An existing cond. survey / reference site has been identified and conceptual plans developed

LANDOWNER INTEREST – Landowner has signed a non-obligatory agreement

Total = \$478,416

Match = 53%



***match secured**



2022-439 - RI - East Fork French Broad River - EQIP Reach

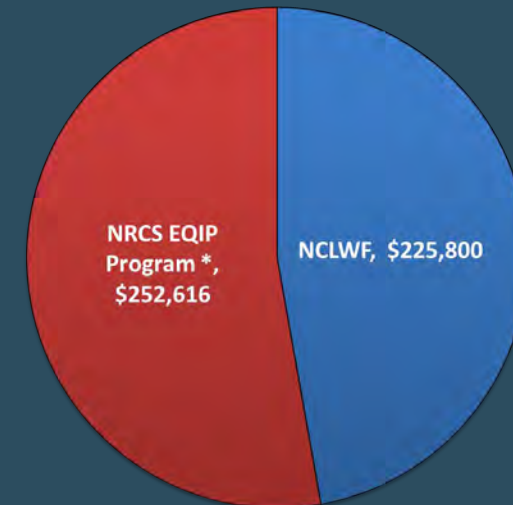
- Score = **62**
- \$225,800 out of \$478,416
- stabilize **1,490** linear feet of East Fork French Broad River

SCORE BREAKDOWN

Resource Significance	13
Effectiveness, Measurable Outcomes	31
Other Public Benefits	0
Readiness	8
Value	10

TOTAL SCORE:

62



Informational Item

Staff member: Justin Mercer; **Guest Speaker –** Tim Johnson, Destination by Design

Agenda Item 2) Special Presentation on Sustainable Trail Design and Construction

The NCLWF Board of Trustees will hear a presentation from Tim Johnson of Destination by Design on the basic concepts of trail design and construction and what makes a trail sustainable.

Background

In March 2017, the NCLWF Board of Trustees created and approved Guidelines and Practices for Construction of Natural Surface Trails (ACQ-006) within State-held conservation agreements. These guidelines outline several aspects of trail design and construction that must be taken into consideration before NCLWF staff issues approval for new trails intended for public use. Originally conceived to address hiking and mountain biking trails, these guidelines are sometimes applied to equestrian trails and other uses as permitted by the terms of the conservation agreement.

Tim Johnson is the Director of Outdoor Recreation Planning for Destination by Design in western North Carolina and a former Trails Specialist for the North Carolina Division of Parks and Recreation. Tim has over 20 years of experience in the field of parks and recreation, designing and building trails, and educating others on sustainable trails. Tim is regularly an instructor for the Friends of Panthertown Sustainable Trails Training attended by NCLWF staff in Fall 2023 and has offered to share some of his expertise with the NCLWF Board.