

**AGENDA**  
**North Carolina Land and Water Fund**  
**Board of Trustees Meeting**  
September 15, 2021, 3:00 p.m. – 5:00 p.m.

This meeting will only be available to the public by teleconference. Please contact Sydney McDaniel at [sydney.mcdaniel@ncdcr.gov](mailto:sydney.mcdaniel@ncdcr.gov) to request a meeting invitation/call-in for the meeting.

**Board of Trustees:**

John Wilson (Chair), Ann Browning, Greer Cawood, Amy Grissom, Renee Kumor, Mike Rusher,  
Jason Walser, Darrel Williams, David Womack

**COMMENCEMENT**

- 1) **Call to Order – Chair**
  - a) Welcome
  - b) Swearing-in ceremony
  - c) Roll Call
  - d) 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.*
  - e) Please Put Cell Phones on Vibrate or Turn Off
  - f) Revisions, Additions, and Adoption of the Agenda
- 2) **Consent Agenda – Chair**
  - a) Approval of Minutes from the May 2021 Board Meeting
  - b) Request to extend the date to enter into a construction contract for existing grant
- 3) **Legal Update – Hank Fordham**
- 4) **Secretary's Update – Reid Wilson**
- 5) **Executive Director's Update – Will Summer**

**PUBLIC COMMENTS**

The public is invited to make comments to the Board – Chair (*Three Minutes per Person*)

**BUSINESS**

- 1) **Consideration of Acquisition Committee recommendations (Chair)**
- 2) **Consideration of Restoration, Innovative Stormwater, and Planning Committee recommendations (Chair)**
- 3) **Special Provisions (Will Summer)**

Staff will explain any special provisions in the budget and present options for addressing them.

**4) Additional funding considerations (Will Summer)**

Staff will present potential additional funding options for future consideration.

**ADJOURNMENT**

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**Consent Item****Staff member(s): Steve Bevington****Agenda Item Consent 2b) Request to extend the date to enter into a construction contract for existing Restoration Program Grants.**

NCLWF wastewater, stormwater, and restoration construction projects approved after January 1, 2006 are subject to NCGS §113A-254 requiring grant recipients to enter into a construction contract for the project within one year after grant award. 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 recipients have submitted information, which follows this cover sheet, summarizing the reasons for their delay in entering into a construction contract and have proposed a new date for doing so.

<b>Project Number &amp; Name</b>	<b>Current Construction Contract Deadline</b>	<b><u>Proposed</u> Construction Contract Deadline</b>
2019-402 Charlotte Mecklenburg SWS - Long Cr, Ph 2	12/31/21	6/30/22
2020-402 Charlotte Mecklenburg SWS - Long Cr, Ph 3	9/16/21	6/30/22
2020-406 Mills River Partnership – Mills River	9/16/21	6/30/22
2020-417 Piedmont Conservation Council - College Br.	9/16/21	6/30/22
2020-421 Raleigh - Wilders Grove	9/16/21	6/30/22

**Staff recommendation**

Staff supports all five of these extensions as each grantee has made good progress and is up-to-date on progress reports. Further, COVID-19 has complicated work for all grantees and some delays this year were inevitable given work conditions this past year.

**Board action needed**

Motion to adopt, amend, or reject the request to extend the date to enter into a construction contract as shown in the table above.



## NC Land and Water Fund Request to Revise Project Schedule

NCLWF project no.	2019-402
Grant recipient	Charlotte Mecklenburg SWS
Project name	Long Cr, Ph 2
Contract administrator	Stephen Bevington
Email address	<a href="mailto:Steve.bevington@ncdcr.gov">Steve.bevington@ncdcr.gov</a>
Grant award date	September 12, 2019
Grant contract effective date	June 5, 2020

Project schedule	Current	Proposed revision
Grant contract date to enter into a construction contract (if applicable)	December 31, 2021	June 30, 2022

**The Long Creek at Treyburn Rd (NCLWF Phase 2) is a joint project with three departments entering a single construction contract. Our bid date is fall 2021, however one of our partners has been slightly delayed by a NCDOT easement. Moving the date to the end of the fiscal year will guarantee enough time for CMSWS to rebid the project without the delayed partner.**

Prepared by \_\_Meagan Lewis\_\_\_\_\_ Date \_\_August 31, 2021\_\_\_\_\_

Signature of grant recipient's contract administrator \_\_\_\_\_

### Notes:

- Email to: Steve Bevington at [steve.bevington@ncdcr.gov](mailto:steve.bevington@ncdcr.gov)  
phone (919)707-9128
- If the request is approved, NCLWF will send the grant recipient a draft grant contract amendment to be signed and returned to NCLWF.
- Per, paragraph 5 of the grant contract, any request for extending the contract expiration date must be formal and in writing, give details of the reasons why an extension is needed, and propose a revised schedule. Written requests must reach NCLWF's office at least 60 days before the expiration date.



## NC Land and Water Fund Request to Revise Project Schedule

NCLWF project no.	2020-402
Grant recipient	Charlotte Mecklenburg SWS
Project name	Long Cr, Ph 3
Contract administrator	Stephen Bevington
Email address	<a href="mailto:Steve.bevington@ncdcr.gov">Steve.bevington@ncdcr.gov</a>
Grant award date	September 16, 2020
Grant contract effective date	September 7, 2021

Project schedule	Current	Proposed revision
Grant contract date to enter into a construction contract (if applicable)	September 16, 2021	June 30, 2022

**The Long Creek at Treyburn Rd (NCLWF Phase 3) is a joint project with three departments entering a single construction contract. Our bid date is fall 2021, however one of our partners has been slightly delayed by a NCDOT easement. Moving the date to the end of the fiscal year will guarantee enough time for CMSWS to rebid the project without the delayed partner.**

Prepared by \_\_Meagan Lewis\_\_ Date \_\_August 31, 2021\_\_

Signature of grant recipient's contract administrator \_\_\_\_\_

### Notes:

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## NC Land and Water Fund Request to Revise Project Schedule

NCLWF project no.	2020-406
Grant recipient	Mills River Partnership
Project name	Mills River at Ashville Water Plant
Contract administrator	Maria Wise
Email address	mariawise@gmail.com
Grant award date	September 16, 2020
Grant contract effective date	12/7/2020

Project schedule	Current	Proposed revision
Grant contract expiration date	November 30, 2022	NA
Grant contract date to enter into a construction contract (if applicable)	September 2021	December 31, 2021

**In the space below or in an attachment, explain why additional time is needed and describe circumstances that warrant revising the project schedule:**

To ensure we have proposals from at least three qualified contractors, additional time is necessary. Some projects have had delays over the past year due to Covid factors and these delays have impacted the contractor hiring.

Prepared by \_\_\_\_\_ Maria Wise \_\_\_\_\_ Date \_\_\_\_\_ 8/20/2021 \_\_\_\_\_

Signature of grant recipient's contract administrator

*Maria Wise*

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**Notes:**

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phone (919)707-9128

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  - Per, paragraph 5 of the grant contract, any request for extending the contract expiration date must be formal and in writing, give details of the reasons why an extension is needed, and propose a revised schedule. Written requests must reach NCLWF's office at least 60 days before the expiration date.
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## NC Land and Water Fund Request to Revise Project Schedule

NCLWF project no.	2020-417
Grant recipient	Piedmont Conservation Council, Inc.
Project name	College Branch Stream Enhancement – Downtown Greenway Phase 4
Contract administrator	Ginell Rogers
Email address	ginell@piedmontconservation.org
Grant award date	September 16, 2020
Grant contract effective date	March 1, 2021

Project schedule	Current	Proposed revision
Grant contract expiration date	November 30, 2022	N/A
Grant contract date to enter into a construction contract (if applicable)	September 16, 2021	February 1, 2022

**In the space below or in an attachment, explain why additional time is needed and describe circumstances that warrant revising the project schedule:**

Due to the contract's effective date of March 1, 2021, PCC was not able to research, propose bids and confirm a construction contractor to start the stream enhancement for College Branch. Currently, Piedmont Conservation Council, the City of Greensboro and our engineers Kimley Horn are working together to start the process of seeking interested construction firms to assist us with this enhancement project. We are asking for our construction contract to be extended 6-months from the original contract date of September 16, 2021.

According to our project deliverables and outputs, all partners are still working to stay on track with following our easement preparation/recording and concept drawings to be completed by end of September 2021 and October 2021.

Prepared by Ginell Rogers Date August 31, 2021

Signature of grant recipient's contract administrator

**Notes:**

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phone (919)707-9128
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## NC Land and Water Fund Request to Revise Project Schedule

NCLWF project no.	2020-421
Grant recipient	City of Raleigh
Project name	Wilders Grove Stream Restoration
Contract administrator	Stephen Bevington
Email address	<a href="mailto:Steve.bevington@ncdcr.gov">Steve.bevington@ncdcr.gov</a>
Grant award date	September 16, 2020
Grant contract effective date	May 27, 2021

Project schedule	Current	Proposed revision
Grant contract expiration date	April 30, 2022	July 31, 2022
Grant contract date to enter into a construction contract (if applicable)	September 16, 2021	November 20, 2021

**Due to delays on the administrative side in receiving our grant from NCLWF, we did not receive our finalized grant until May 27, 2021 and are requesting an extension to our start date. Additionally, due to unforeseen delays caused by COVID-19, we are requesting additional time to allow for potential delays with construction as the supply and demand chain for materials and labor have been disrupted.**

Prepared by \_\_Meagan Lewis\_\_\_\_\_ Date \_\_August 31, 2021\_\_\_\_\_

Signature of grant recipient's contract administrator \_\_\_\_\_

### Notes:

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phone (919)707-9128
- If the request is approved, NCLWF will send the grant recipient a draft grant contract amendment to be signed and returned to NCLWF.
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**Information Item****Staff member(s): Will Summer**

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**Agenda Item 3) Special Provisions**

The House budget contains \$20 million in non-recurring funding and a special provision to create criteria specific to that purpose (excerpt below). Staff will brief the committee on the latest version of this provision and any other that may be appear as the final budget is negotiated. No action is required at this time, but if a budget is finalized with similar language, committees may need to begin meeting this fall to take action on the requirements of any special provisions.

From S105, 6<sup>th</sup> edition ( <https://www.ncleg.gov/Sessions/2021/Bills/Senate/PDF/S105v6.pdf> ):

Page 29, line 30 –

- (17) \$20,000,000 to the North Carolina Land and Water Fund in the Department of Natural and Cultural Resources. The Division of Land and Water Stewardship shall use the funds to provide grants to counties, municipalities, nonprofit corporations, and other State agencies for projects addressing the purposes specified in G.S. 143B-135.234(c)(12). The Division shall develop criteria to score projects based on the ability of a project to reduce flood risks.

For reference, the purpose cited in G.S. 143B-135.234(c)(12) is:

- (12) To protect and restore floodplains and wetlands for the purpose of storing water, reducing flooding, improving water quality, providing wildlife and aquatic habitat, and providing recreational opportunities.

**Information Item**

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

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**Agenda Item 4) Additional funding considerations**

In addition to the four regular program areas grants, there are other needs that fit the purpose of NCLWF, but for which additional funds have not been available in recent years (e.g. large scale riparian corridor plans). Staff will present several potential items for consideration and future development.