

**AGENDA**  
**North Carolina Land and Water Fund**  
**Board of Trustees Meeting**  
September 20, 2023, 3:00 p.m. – 5:00 p.m.

**Ross Conference Room**  
**Nature Research Center, 4<sup>th</sup> Floor**  
**121 West Jones Street, NC 27603**

This meeting will also be available to the public by teleconference. Please contact Terri Murray at [teresa.murray@dn-cr.nc.gov](mailto:teresa.murray@dn-cr.nc.gov) or 919-707-9400 to request a meeting invitation/call-in number for the meeting.

**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 May 2023 board meeting** (Chair – John Wilson)
- 3) Deputy Secretary's Update** (Jeff Michael)
- 4) Executive Director's Update** (Will Summer)

**PUBLIC COMMENTS**

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

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

## **BUSINESS**

- 1) Request to extend the date to enter into a construction contract for existing Restoration Program Grants** (Will Price) – Staff will present requests to extend construction contracts as required by General Statute §143B-135.238(e).
- 2) Reaffirmation of NCLWF Board Guidelines and Practices** (Zoe Hansen Burnet) – Staff recommends that the board reaffirm its guidelines and practices annually.
- 3) Jennette’s Pier Advisory Committee Appointment** (Will Summer) – Staff will present a request to appoint a member to the Jennette’s Pier Advisory Committee.
- 4) Consideration of Executive Committee recommendations** (Chair – John Wilson) - The committee will report on the following matters:
  - a) Stewardship Endowment Deposit** (Justin Mercer) – Staff will review the recommendation from the committee regarding additional funds for easement monitoring.
  - b) Allocation of Funding for 2023 Applications** (Will Summer) – Staff will review the recommendation from the committee for allocation of available funding between programs.
- 5) Consideration of Acquisition Committee recommendations** (Chair – Amy Grissom) – The committee will report on the following matters:
  - a) Request to Extend Grant Contracts** – The committee will present a recommendation regarding requests to extend grant contracts from the 2021 grant cycle.
  - b) Review of 2023 Cycle Applications** – The committee will present funding recommendations to the board for consideration and approval.
- 6) Consideration of Restoration, Innovative Stormwater and Planning Committee recommendations** (Chair – Ann Browning) – The committee will present funding recommendations to the board for consideration and approval.

## **ADJOURNMENT**

**Action Item****Staff member: Will Price**

---

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

NCLWF stormwater and restoration construction projects approved after January 1, 2006 are subject to General Statute §143B-135.238(e), which previously required grant recipients to enter into a construction contract for the project within one year after grant award. This statute was amended this year to instead require grant recipients to enter into a construction contract for the project within one year after grant contract execution (Session Law 2023-70). 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 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>
2020-417 PCC - College Branch	9/16/21	6/30/24
2021-404 Carteret Co - Carrot Island Living Shoreline	9/15/22	6/30/24

2020-417 - Piedmont Conservation Council - College Branch: Construction plan was changed to be completed in tandem with the Greensboro City greenway construction, which will save funds and reduce the construction impact. Coordinating this work has delayed the project. In addition, PCC has had staff turnover this year, including their executive director.

2021-404 - Carteret County - Carrot Island Living Shoreline: Project schedule was extended to allow for full coordination with stakeholders, including the Rachel Carson Reserve and the state construction office. Preliminary designs are complete, and all construction permits have been submitted.

**Staff recommendation**

Staff supports both of these extensions as each grantee was offered a contract more than five months after the award date and is up-to-date on progress reports. Both grant recipients have been in regular communication with NCLWF staff and we find their delays to have been reasonable and addressed in a timely manner.

**Board action needed**

Approve, deny or amend the staff recommendation.

**Action Item**

**Staff member:** Zoe Hansen Burnet

---

**Agenda Item 2) Reaffirmation of NCLWF Board Guidelines and Practices**

**Background**

The NCLWF Board Guidelines and Practices are a compilation of procedures, standards and expectations to assist the board with the implementation of its duties and to direct staff in the execution of administrative procedures. The Board updates individual guidelines as needed and will reaffirm the entire body of these guidelines at least annually.

**Staff recommendation**

Approve the continued use of the NCLWF Board Guidelines and Practices for the 2023 grant cycle.

**Board action needed**

Approve, deny or amend the staff recommendation.

*Attachments/supporting materials: The NCLWF Board Guidelines and Practices can be found here:*  
<https://nclwf.nc.gov/docs/nclwf-board-guidelines/open>

**Action Item****Staff member: Will Summer**

---

**Agenda Item 3) Jennette's Pier Advisory Committee Appointment****Background**

The Jennette's Pier Advisory Committee (JPAC) was created by the Memorandum of Understanding (attached) as a result of a 2001 Clean Water Management Trust Fund grant for the purchase of the property. Per Article II.5 of the by-laws, two of the members of the JPAC shall be appointed by the NCLWF. The Director of Jennette's Pier has recommended Michelle Donahue of Nags Head to fill the vacant seat. A letter containing that request, including a brief biography, is attached.

**Board action needed**

Approve or not approve the recommendation of the Jennette's Pier Director that Michelle Donahue be appointed by the North Carolina Land and Water Fund to serve on the Jennette's Pier Advisory Committee for a 3-year term.

*Attachments/supporting materials: Letter from Michael Remige, Jennette's Pier Director; Bio for Michelle Donahue; Jennette's Pier MOU.*



JENNETTE'S PIER  
NORTH CAROLINA AQUARIUMS

P.O. Box 1445 • 7223 South Virginia Dare Trail, Nags Head, NC 27959 • (252) 255-1501  
[www.ncaquariums.com](http://www.ncaquariums.com)

August 2, 2023

North Carolina Land and Water Fund  
121 W. Jones St.  
Raleigh, NC 27603

RE: Appointment request for vacant seat on the Jennette's Pier Advisory Committee

Dear Board of Trustees of the North Carolina Land and Water Fund,

The Jennette's Pier Advisory Committee (JPAC) has one vacant seat representing the interests of the North Carolina Land and Water Fund. Recently, both our Chairwoman, Dr. Lindsay Dubbs, and Jennette's Pier's Education Curator, Christin Brown, recommended Michelle Donahue to serve on the JPAC. Her contact information and biography follow:

Michelle Donahue  
Nags Head, NC 27959  
Phone: 252-619-0931  
Email: [michelle@donahuelegal.com](mailto:michelle@donahuelegal.com), [m.donahue@landmarksir.com](mailto:m.donahue@landmarksir.com).

**Michelle Donahue, Business Manager – Donahue Criminal Defense**

Michelle Donahue is a native of Perquimans County and currently resides in Nags Head, North Carolina. She is a graduate of North Carolina State University with a degree in zoology. Michelle presently manages her husband's criminal defense law practice. Prior to working with her husband, Michelle was the Director of Education at Port Discover, a hands-on science center in Elizabeth City, NC. Prior to that, she worked in Colorado and Alaska in the fields of wildlife and wetlands management.

Michelle and her husband, Danny, have two sons who have spent every summer immersed in outdoor educational opportunities at Jennette's Pier, East Carolina University's Coastal Studies Institute, and other local programs offered in Dare County. She has extensive experience in environmental education and protecting our natural resources and instills that sense of wonder in her children.

Should Michelle Donahue be appointed to the Jennette's Pier Advisory Committee, her extensive knowledge of the local community, her interest in stewardship and environmental education, and her desire to preserve the elements that make this area special, will allow her to serve as an important asset to our committee.



Department of Natural and Cultural Resources

Roy Cooper, Governor • D. Reid Wilson, Secretary • Maylon L. White, Division Director





JENNETTE'S PIER  
NORTH CAROLINA AQUARIUMS

P.O. Box 1445 • 7223 South Virginia Dare Trail, Nags Head, NC 27959 • (252) 255-1501  
[www.ncaquariums.com](http://www.ncaquariums.com)

I respectfully request her appointment to the Jennette's Pier Advisory Committee for a 3-year term.

Sincerely,

Michael P. Remige  
Acting Division Director – NC Aquariums  
Director – Jennette's Pier



Department of Natural and Cultural Resources  
Roy Cooper, Governor • D. Reid Wilson, Secretary • Maylon L. White, Division Director







# MICHELLE DONAHUE

WIFE AND MOTHER

LAW OFFICE MANAGER~DONAHUE LAW FIRM  
REALTOR~ LANDMARK SOTHEBY'S

Michelle currently manages her husband's Criminal Law practice and is a local realtor. She also serves on the board of the Outer Banks YMCA. Michelle was born and raised in the picturesque Perquimans County. Her educational journey took her to NC State University, where she pursued her passion for the natural world and earned a degree in Zoology. She worked in Colorado and Alaska doing wildlife and wetland management. After moving back to eastern NC and starting a family, she worked her way up to the Director of Education at Port Discover a hands-on science center in Elizabeth City. She is married to Danny Donahue, and together they have raised two wonderful sons who fill their lives with joy and purpose. Both boys Jackson and Sonny have spent every summer immersed in summer outdoor education both at Jennette's Pier, CSI and local programs offered in Dare County. Environmental education and protecting those resources are very near and dear to her heart! She spends her free time with friends outdoors as much as possible, playing tennis and spending time with her pets.

[michelle@donahuelegal.com](mailto:michelle@donahuelegal.com) ~ 252-619-0931 ~ [m.donahue@landmarksir.com](mailto:m.donahue@landmarksir.com)

## **By-laws of the Jennette's Pier Advisory Committee: Revised April 22, 2015**

### **Article I. Authority**

The Jennette's Pier Advisory Committee was created by the Memorandum of Understanding (MOU) for the purchase of the Jennette's Pier property dated Oct. 7, 2005. A copy of the MOU is attached and shall be a part of these by-laws.

### **Article II. Membership.**

The Committee shall have ten (10) voting members. Two (2) members shall be appointed by each of the following agencies

- 1) The North Carolina Aquarium Society
- 2) The North Carolina Aquariums
- 3) The Town of Nags Head
- 4) The County of Dare
- 5) The Clean Water Management Trust Fund

Members shall be from the local community.

The appointing bodies shall determine the terms of service for their appointees.

Members shall serve without compensation for service or expenses.

The North Carolina Aquariums will designate a representative from the UNC Coastal Studies Institute as one (1) of their two (2) appointees as long as a valid and legitimate memorandum of agreement exists between the two entities.

### **Article III. Purpose of public ownership and operation of the Jennette's Pier Property (from MOU)**

The Aquarium shall utilize the property for education, conservation, research, public beach access, stormwater management and other public functions.

### **Article IV. Purpose of the Committee**

The Committee provides a forum that allows stakeholders in the property to promote their interests and to provide advice, assistance and support for the Jennette's Pier. The Committee is an advisory body and cannot create policy for the operation of the property. The Aquarium staff will give considerable weight to recommendations from the Committee in decisions related to the operation of the property. Members of the Committee are public ambassadors of the pier and serve as a conduit to their agencies and the public about Jennette's Pier

### **Article V. Ex-Officio Members**

The Director of the North Carolina Aquariums Division, the Director of Jennette's Pier and the Executive Director of the North Carolina Aquarium Society shall be non-voting *ex officio* members of the Committee

### **Article VI. Officers**

The Committee shall select a Chairperson and a Vice Chairperson annually. The election shall take place at its first meeting of each calendar year. Officers shall not represent the same appointing agency.

### **Article VII. Duties of Officers**

The Chairperson shall establish the agenda for and lead all Committee meetings and shall serve as liaison between the Aquarium and the Committee. The Vice Chair shall undertake the duties of the Chairperson in their absence.

**Article VIII. Quorum.**

A voting representative of any three (3) of the five (5) appointing bodies shall constitute a quorum of the Committee. No official action of the Committee shall be taken in the absence of a quorum.

**Article IX. Voting**

As provided in Article II, Membership, all appointed members shall be entitled to make motions, second and vote on all matters coming before the Committee. Votes shall be recorded when so requested by any member.

**Article X. Rules of Procedure**

The Committee adopts Roberts Rules of Order, Newly Revised as rules governing parliamentary procedure.

**Article XI. Meetings**

The Committee shall meet bimonthly through March of 2010 then not less than semi-annually at a time and place established by the Chairperson. Special meetings of the Committee may be called by the Chairperson, the Vice Chairperson or representatives of any 3 appointing organizations by providing 48 hour notice to all members.

**Article XII. Notice of meetings**

The committee is a public body. In accordance with the open meetings law, the Committee shall provide notice in a public location at least 3 days prior to any regularly scheduled meeting and 48 hours prior to any special meetings. All meetings shall be open to the public and the media.

**Article XIII. Attendance**

Failure to attend 3 consecutive regular meetings shall be deemed a resignation from the Committee and the appointing body of the absent member shall be asked to make a new appointment.

**Article XIV. Agenda**

Agendas shall be drafted by the Chairperson and provided to members by mail or digital media no less than seven (7) days prior to regular meetings.

The Committee adopts the following Standard Order of Business:

- |                                    |                    |
|------------------------------------|--------------------|
| 1) Call to Order                   | 6) Old Business    |
| 2) Opening Remarks - Introductions | 7) New Business    |
| 3) Adoption of Agenda              | 8) Announcements   |
| 4) Approval of Minutes             | 9) Member's Agenda |
| 5) Committee Reports               | 10) Adjournment    |

**Article XV. Committees**

The Committee may appoint such subcommittees as are deemed necessary to carry out the business of the Committee

**Article XVI. Staff.**

The staff of Jennette's Pier shall provide administrative support for the Committee. The Director of Jennette's Pier shall serve as Secretary to the Committee and shall appoint a recording secretary from the Pier staff.

**Article XVII. Amendments**

The Bylaws may be amended by a vote of 7 members of the Committee except that the Articles I, II, III and IV may not be amended except by unanimous vote of a quorum of the Committee and approval of the amendment by each of the appointing agencies.

## **I. MEMORANDUM OF UNDERSTANDING**

This Memorandum of Understanding is entered into this 7th day of October, 2005 among the following agencies, departments and organizations: The North Carolina Aquarium Society, Inc. ("Society"), The North Carolina Aquariums ("Aquariums"), The Clean Water Management Trust Fund ("CWMTF"), The Town of Nags Head ("Town"), and The County of Dare ("County"). The purpose of this Memorandum is to guide the operations of the Whalebone Junction Property in Nags Head.

## **II. BACKGROUND**

The Society received a grant from the CWMTF for the purposes of acquisition and conservation of a 5.12-acre tract of oceanfront property (contract attached: CWMTF Whalebone Junction Stormwater Project No. 2001B-023; DENR Contract No. GA03021).

## **III. AGREEMENTS**

### **A. Aquarium Society**

1. The Society shall serve as a partner with the Aquarium in the development of educational programs, conservation and research.

### **B. North Carolina Aquarium**

1. The Aquarium shall utilize the Property for education, conservation, research, public beach access, stormwater management and other public functions.
2. The Aquarium shall establish a Local Advisory Committee for the Property made up of ten representatives from the local community (two designated by the Society, two by the Aquariums, two by the Town, two by the County and two by the CWMTF). This Advisory Committee shall provide advice, assistance and support for the site.

### **C. Town of Nags Head and Dare County**

The Town shall commit \$300,000 and the County shall commit \$700,000, for a total of \$1,000,000 to support the project. The \$1,000,000 shall be reimbursed to the CWMTF and such payment shall constitute full satisfaction of all fiscal obligations by the County and the Town relating to the Property under this Agreement.

Now therefore, the parties do hereby acknowledge their mutual agreements, and on behalf of themselves, their successors in interests and assigns to the full extent possible, enter into this Memorandum of Understanding according to the conditions herein set forth.

North Carolina Aquarium Society, Inc.

By: David H. Hunt

Clean Water Management Trust Fund

By: Robert Howard

North Carolina Aquariums

By: David Griffin

Town of Nags Head

By: Robert Muller

County of Dare

By: Stan White

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

---

**Agenda Item 4a) Stewardship Endowment Deposit****Background information**

The North Carolina Land and Water Fund was established in 1996 with its first conservation easement recorded in 1997. In recognition of the importance of the stewardship of the State's conservation interests, the North Carolina Conservation Easement Endowment Fund (Endowment) was created in 2008 to enable the NCLWF to conduct stewardship activities in perpetuity, chiefly monitoring and enforcement of the State's easements. Every new project funded by the NCLWF and protected by a State-held conservation easement includes funds to transfer into the Endowment. Because endowment funds were not held by the NCLWF prior to 2006, many projects protected by NCLWF easements were completed without any dedicated monitoring funds set aside nor monitors identified, affecting 412 easements.

In 2022, the NCLWF Board of Trustees (Board) approved the deposit of \$2.5 million in unused grant funds into the endowment to be assigned to unfunded easement monitoring. In addition, the Board approved up to an additional \$3 million to be deposited over the subsequent three years with the goal of funding all unmet monitoring needs.

At its meeting on August 30, 2023, the Executive Committee recommended that the remaining returned and unallocated grant funds from FY 22-23, totaling \$2,828,957.81, be deposited into the Endowment to cover the cost of monitoring conservation easements for which monitoring funds have not yet been assigned.

**Committee recommendation**

Direct staff to deposit the remaining funds from FY 22-23, approximately \$2.83 million, into the Endowment principal.

**Board action needed**

Approve, deny or amend the committee recommendation.

**Action Item**

**Staff member: Will Summer**

---

**Agenda Item 4b) Allocation of Funding for 2023 Applications**

**Background information**

The Executive Committee met on August 30, 2023, and made a recommendation of how much of the currently available funds each committee should allocate to grant awards. Committees will make funding recommendations consistent with those allocations. This recommendation also directs staff regarding how to implement projects with additional revenue received during the remainder of the fiscal year.

**Committee recommendation**

The committee recommends for the 2023 grant cycle that all available funds be allocated as follows:

80% of funds to the Acquisition Committee

20% of funds to the Restoration, Innovative Stormwater and Planning Committee

The Acquisition Committee will allocate funding for the Donated Mini-Grant Program.

The Restoration, Innovative Stormwater and Planning Committee will allocate funding for each of its three program areas based on the merit of the applications during project review.

All returned or unspent grant funds received after the funding meeting will revert to their respective programs to be used for provisional awards for the remainder of the fiscal year.

**Board action needed**

Approve, deny or amend the committee recommendation.