

AGENDA
North Carolina Land and Water Fund
Executive Committee Meeting
November 27, 2023 | 1:00 p.m. – 3:00 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@dnr.nc.gov or 919-707-9400 in advance for links or directions.

Committee Members:

John Wilson (Chair), Ann Browning, Amy Grissom, Jason Walser

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 August 30, 2023

2) Executive Director's Update (Will Summer)

PUBLIC COMMENTS

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

The NCLWF Guidelines and Procedures 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) Administrative expenses (Will Summer)

Staff will request approval for use of administrative funds per S.L. 2023-134, Section 14.8.

2) E-bikes and NCLWF conservation agreements (Justin Mercer)

Staff will update the committee on conservation agreement interpretation regarding E-bikes.

ADJOURNMENT

**North Carolina Land and Water Fund
Executive Committee Meeting Minutes
August 30, 2023 1:00 – 4:00 pm**

The meeting was held via Teams with a physical location on the 4th floor of the Nature Research Center located at 121 West Jones Street, Raleigh, NC in room 4508. All Committee Members in attendance were on Teams, and the Teams link was provided to guest attendees.

Committee Members present: John Wilson, Jason Walser, Ann Browning, Amy Grissom

Committee Members not present: none

Additional Board Members present: Clement Riddle

Staff Present: Will Summer, Zoe Burnett, Terri Murray, Steve Bevington, Marissa Hartzler, Justin Mercer, Will Price, Jill Fusco, Damon Hearne, Chelsea Blount, Christina Benton,

Visitors present (virtually)

Bill Holman	The Conservation Fund
Charlie Brady	Conserving Carolina
Eric Hiegl	Blue Ridge Conservancy
Kirsten Ullmer	
Leigh Ann Hammerbacher	Triangle Land Conservancy
Nick Adams	Triangle Land Conservancy
Patrick Boleman	Triangle Land Conservancy
Susan Inglis	From the Mountain
Will Morgan	Manning, Fulton (Land for Tomorrow)
Will Robinson	The Nature Conservancy

Call to Order (John Wilson, Chair)

Meeting was called to order by John Wilson at 1:01 p.m.

1. Welcome
2. Compliance with General Statute § 138A-15
 - a. No conflicts of interest were noted
3. Revisions, Additions and Adoption of the Agenda
 - a. **Motion** to approve the agenda was made by Ann Browning, seconded by Amy Grissom, and unanimously approved.

Executive Director's Update (Will Summer)

Will Summer welcomed Amy as the newest member of the committee. Will explained when to expect the budget to be ready. He gave a brief explanation of the endowment fund and how it works.

Public Comments

No public requests for comment

Business

1) Available Funds (Terri Murray)

- a. Terri Murray gave an overview of the available funds as of August 23. She explained the difference between the unallocated funds and the unencumbered funds. Ann asked for the

unallocated funds to be explained again.

2) Stewardship Endowment Proposal: Options for Addressing Unfunded Easement Monitoring
(Justin Mercer)

- a. John asked Justin to begin his presentation. Justin explained the 2 recommendations that were presented at the May board meeting. John asked if anyone had any questions. Ann stated that the proposal makes good sense and suggests funding the full amount. Amy also likes using the unallocated funds from FY 22/23. Jason and John are in complete agreement. Ann asked if this will be a recommendation to the full board. John clarified that it is. Ann motioned that the previous recommendation before removed and the new recommendation to transfer the unallocated funds from FY22/23. Amy seconded. Motion passed unanimously.

3) Allocation of Funding for 2023 Applications (Will Summer)

- a. Will reminded everyone that the committees will meet prior to the full board in September and that they will make decisions based on the Executive Committee's recommendation. Will explained the allocations for the last 9 years and how they compare the applications by program per year and the allocations were generally reflective of the demand for each program. John asked if anyone had any questions. Ann remarked that it was interesting how consistent the numbers are. John stated he is comfortable with the 80/20 split. Jason motioned that 80% of the funds be allocated to the Acquisition committee and 20% to the Restoration, Innovative Stormwater, and Planning committee. Ann seconded the motion. Motion passed unanimously.

4) E-bikes and NCLWF Conservation Agreements (Justin Mercer)

- a. Justin pointed out that this is an informational presentation. He explained what an e-bike is and the three different classes. The committee agreed have Justin present at a future Executive Committee meeting.

Adjournment

Motion to adjourn at 1:58 p.m. by John Wilson, seconded by Ann Browning, and unanimously approved.

Action Item**Staff member: Will Summer**

Agenda Item 1) Administrative Expenses**Background**

Prior to 2022, the average recurring appropriation for the previous decade was less than \$13 million. During that time, NCLWF had ten full time staff. As of this budget year, our recurring appropriation has increased to \$28 million, and current administrative resources are not sufficient for timely implementation of these funds. The 2023 appropriations bill (S.L. 2023-134, Section 14.8) includes language that allows for a percentage of grant funds to be used for administrative expenses as follows:

LAND AND WATER FUND ADMINISTRATIVE EXPENSES SECTION 14.8. G.S. 143B-135.234 is amended by adding a new subsection to read: "(e) Administrative Expenses. – Of the funds appropriated to the Fund, the Trustees may use no more than three percent (3%) for operating expenses associated with programs and activities authorized by this Part."

These funds can be used for staff positions, equipment, supplies, travel, training, or other regular administrative expenses. While administration of operating funds is the purview of the Executive Director, the language as written requires Board action to access those funds. Based on the current appropriation, that could be as much as \$900,000, though the portion that could be counted on from the current recurring budget of \$28 million is \$840,000. These funds would be non-reverting and any unused at the end of the year could be rolled over into the next year for future administrative needs or returned to be used for grants.

Staff Recommendation

Staff recommends that the full 3% be set aside for administrative purposes going forward. At the end of each fiscal year, unspent administrative funds will be returned to be used for grants and staff will report annually on the status of funds.

Committee Action Needed

Approve, amend, or deny the request and make a recommendation to the board.

Information Item**Staff member: Justin Mercer**

Agenda Item 2) E-bikes and NCLWF Conservation Agreements**Background**

In 2017, the North Carolina Land and Water Fund Board of Trustees adopted Guidelines and Practices ACQ-006 Construction of Natural Surface Trails to govern the manner in which hiking and mountain biking trails are built within NCLWF conservation agreements. The guidelines apply to all agreements recorded after July 1, 2017 and retroactively apply to prior recorded agreements that were silent on the construction of mountain bike trails. Trail plans are reviewed and amended or approved based upon sustainable design specifications and potential impacts to conservation values. Hiking trails remain a standard reserved right within NCLWF conservation agreements and mountain bike trails are now considered a standard optional right (regularly allowed but needing approval at the time of funding). These guidelines also affirm that the prohibition on the use of motorized vehicles except for management and stewardship remains as standard easement language.

As the popularity and availability of e-bikes grows, many federal agencies, state agencies, and non-profit organizations are revisiting their stances on e-bikes and their classification as motorized vehicles. Though objections to e-bikes do exist, they are largely seen as a tool that can be used to increase accessibility and therefore enjoyment of trails by a greater number of users.

Staff has reviewed available literature comparing the impacts of e-bikes on trails to the impacts of their conventional counterparts. Additional feedback has also been solicited from trails experts and many of our partner organizations. To this point, evidence suggests that when used appropriately, e-bikes cause no greater degradation to trail tread than other uses. Based on the available information, staff intends to update our interpretation of “motorized vehicle” to exclude e-bikes that have a pedal-assist function but are not equipped with a throttle and all medically necessary mobility devices. A synopsis of staff’s findings will be presented to the committee.