

AGENDA
North Carolina Land and Water Fund
Board of Trustees Meeting
March 2, 2021 – 10:00 a.m.

Due to the COVID19 pandemic, this meeting will only be available to the public by teleconference. Please contact Sydney McDaniel at 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, Judith Kennedy, Renee Kumor,
Jason Walser, Darrel Williams, David Womack

COMMENCEMENT

1) Call to Order (Chair)

- a) Welcome and Opening Comments
- 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
- e) Revisions, Additions, and Adoption of the Agenda

2) Consent Agenda (Chair)

- a) Approval of Minutes from the December 2020 Board Meeting

3) Legal Update – Hank Fordham

4) Executive Director's Update – Walter Clark

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)

- a) **1997B-013 Cabarrus Soil and Water Conservation District, Clarke's Creek Rookery** (Marissa Hartzler)
Staff will present a proposal to amend a conservation easement to include standard reserved rights found in NCLWF's current template.
- b) **2007-056 Triangle Greenways Council, Capital Area Greenway easement amendment** (Marissa Hartzler)
Staff will present a proposal to amend a conservation easement to accommodate a sewer line.
- c) **Enforcement of Conservation Agreements** (Marissa Hartzler)
Staff will review the committee proposal to direct staff to draft an updated enforcement policy to be added to the NCLWF Policy Manual.

2) 2021 Application Update (Will Summer)

ADJOURNMENT

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

Agenda Item 1a) 1997B-013 Cabarrus Soil and Water Conservation District, Clarke's Creek Rookery

In 1999, the State accepted a conservation easement on 33.21 acres known as the Clarke Creek Wetlands and Rookery in Cabarrus County as part of a grant awarded to the LandTrust for Central North Carolina, now known as Three Rivers Land Trust. The property was protected for its water quality and bird nesting benefits in a rapidly urbanizing area.

The property is now owned by Cabarrus Soil and Water Conservation District, who uses the property for limited environmental education opportunities. However, because the conservation easement was recorded without any rights reserved for the landowner, their ability to provide public access is blocked. Cabarrus SWCD would like to build boardwalks to increase access and have been approached by Cabarrus County for development of a trail that will increase connections to a future City of Concord park and elementary school.

Over the years, the property's surroundings have become increasingly developed, limiting access and increasing the opportunity for encroachment. NCLWF and Three Rivers Land Trust staff agree that additional access on this property will provide important recreational and environmental education opportunities and help decrease third party trespass and other violations through awareness and appreciation of the site's importance.

Committee recommendation

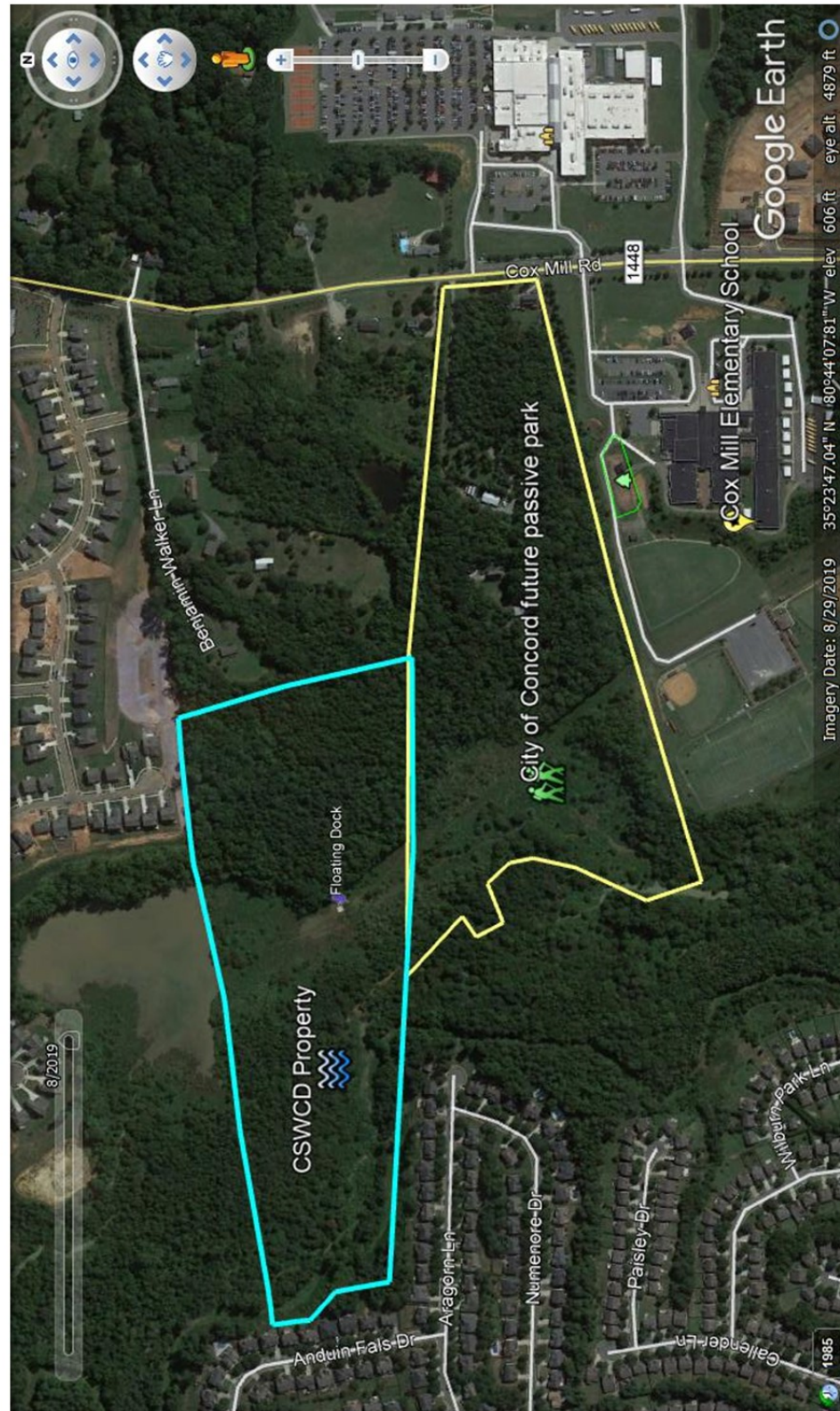
Amend the conservation easement to include standard reserved rights found in NCLWF's current template, including trail and boardwalk construction and maintenance, one boat dock, and maintenance of an existing road.

Board action needed

Approve or amend the committee recommendation.

Attachments: Map

Cabarrus Soil and Water Conservation District
Clarke Creek Conservation Easement



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

Agenda Item 1b) 2007-056 Triangle Greenways Council Capital Area Greenway easement amendment

In 2010, the State accepted a donation of a conservation easement on 31.7 acres owned by Triangle Greenways Council as match for a grant awarded for the Capital Area Greenway along Walnut Creek in Wake County.

Prior to the granting of the conservation easement, there was an existing City of Raleigh sewer interceptor line, with plans to replace 1950s and 1990s infrastructure that is over capacity and showing signs of deterioration. The City is ready to begin construction on this replacement sewer line as early as spring 2021. The line will require 0.7 acres of right-of-way paralleling the existing sewer line and 0.59 acres of new right-of-way, for a total permanent impact of 1.3 acres. In addition, the project will impact an additional 0.4 acres of temporary construction easement that will be restored in consultation with Triangle Greenways Council. The permanent impacts cover 4% of the total easement area, making this a major amendment subject to Board approval.

The proposed route achieves the goals set forth by the NCLWF amendment policy, in that it minimizes impact to conservation values on this already-disturbed site by paralleling the existing sewer line corridor, minimizing stream crossings, and providing an important public benefit that if unaddressed, could have environmental and health impacts.

Because the existing and proposed sewer line bisect this property, staff recommends adding a reserved right to the conservation easement to allow for this additional interceptor line, rather than terminate that section and divide the remaining easement.

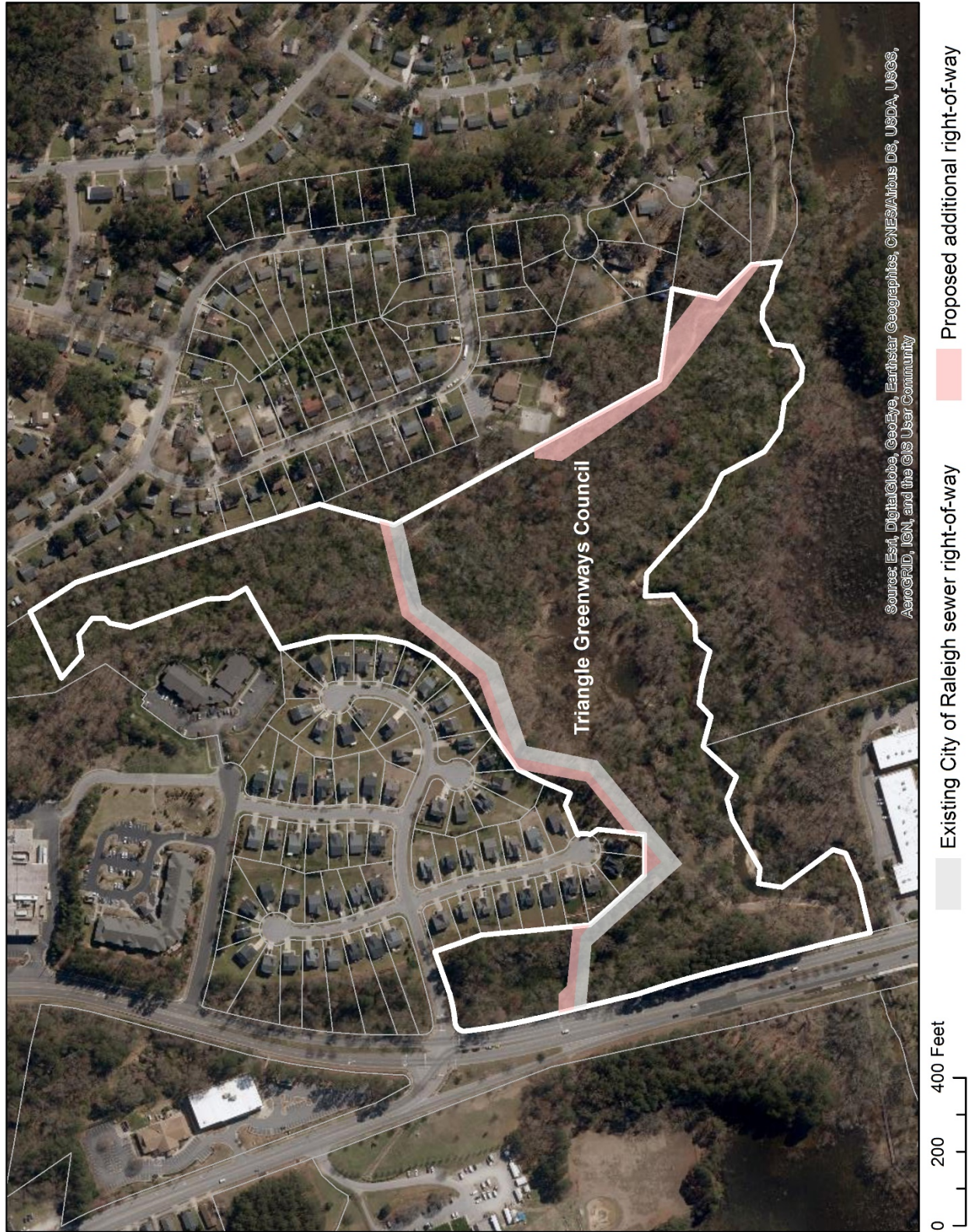
Committee recommendation

Approve the request to amend the easement to allow for an approximately 1.3-acre sewer right-of-way.

Board action needed

Approve or amend the committee recommendation.

Attachments: Map



Action Item

Staff member(s): Marissa Hartzler

Agenda Item 1c) Enforcement of Conservation Agreements

When the State accepts a conservation agreement by and through NCLWF, we are accepting a perpetual obligation to enforce the rights and restrictions of the conservation agreement. Annual monitoring, landowner communication, and review of plans are all preventative measures for ensuring that the conservation values are protected. However, it is inevitable that violations will occur, and it is critical to respond with timely, proportional, and consistent enforcement to resolve the situation.

In an average year, NCLWF staff are alerted to or discover 10-15 potential easement violations ranging from the more prevalent technical or small violations to the rarer major violation. Procedures for managing these violations were drafted prior to 2007, and include sound principals, but reflect a different organizational structure. Staff will brief the committee on the procedures currently in use and highlight areas for improvement and clarification.

Committee recommendation

Direct staff to draft an updated enforcement policy to be added to the NCLWF Policy Manual.

Board action needed

Approve or amend the committee recommendation.

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

Agenda Item 2) 2021 Grant Application Update

The demand this year is a little lower than last year, but given the restrictions of the pandemic, it is impressive that our partners have been able to do the work and bring so many excellent projects to us. We received 108 applications requesting a total of \$76.6 M in funds. Staff will breakdown the application requests by type, purpose, geographic region and discuss some of the interesting and unique circumstances that this round of applications will bring before the Board this fall. We will also discuss the staff review process that will occur in the coming months as well as review the Trustee Site Visit Protocol.

Attachments: 2021 CWMTF Application List; Site Visit Protocol

2021 North Carolina Land and Water Fund Grant Applications



	# of Apps	Requested \$	Total \$
Acquisition	73	\$ 68,545,676	\$ 174,792,299
Restoration	21	\$ 6,974,233	\$ 15,295,162
Innovative Stormwater	2	\$ 492,000	\$ 1,129,021
Planning	12	\$ 583,767	\$ 862,713
Total	108	\$ 76,595,676	\$ 192,079,195

NCLWF ID	Application Name	Request	Total	County
Acquisition				
2021-001	American Battlefield Trust - Denning Tract - Bentonville BF	\$ 348,700	\$ 724,650	Johnston
2021-002	Audubon North Carolina - Hutaff Island	\$ 1,200,000	\$ 3,200,000	Pender
2021-003	Blue Ridge Conservancy - Berry Tract - Grandfather Mtn SP	\$ 184,992	\$ 350,892	Watauga
2021-004	Conserving Carolina - Camp Woodson	\$ 414,933	\$ 2,431,003	Buncombe
2021-005	Conserving Carolina - Chestnut Hills - Face Rock Bearwallow	\$ 221,042	\$ 536,842	Henderson
2021-006	Conserving Carolina - Evans Mountain Ph1	\$ 1,086,115	\$ 3,514,555	Henderson
2021-007	Conserving Carolina - Floodplain Addition - Mouth of Mud Cr	\$ 57,600	\$ 117,600	Henderson
2021-008	Conserving Carolina - Green River GL Addition Ph2	\$ 246,000	\$ 763,700	Henderson
2021-009	Conserving Carolina - Mud Cr Oxbow - Oklawaha GW	\$ 40,869	\$ 90,869	Henderson
2021-010	Conserving Carolina - Oklawaha GW Extension - Bat Fork	\$ 85,085	\$ 157,235	Henderson
2021-011	Conserving Carolina - Renfro Tract - Oklawaha GW	\$ 205,623	\$ 430,623	Henderson
2021-012	Charlotte Mecklenburg Stormwater Services - Sugar Cr Wetlands	\$ 90,000	\$ 185,650	Mecklenburg
2021-013	Charlotte Mecklenburg Stormwater Services - UT Long Cr Wetlands	\$ 571,450	\$ 1,142,900	Mecklenburg
2021-014	Foothills Conservancy of NC - Blowing Rock Tract - Johns R HW	\$ 704,000	\$ 2,011,500	Caldwell
2021-015	Foothills Conservancy of NC - Pinnacle Mtn West - Wilderness Gateway	\$ 1,200,000	\$ 3,839,500	McDowell
2021-016	Mainspring Conservation Trust - Bear Cr Lake - Panthertown Valley	\$ 2,958,060	\$ 5,958,060	Jackson
2021-017	Mainspring Conservation Trust - Pinnacle Park IV	\$ 166,275	\$ 424,775	Jackson
2021-018	North Carolina Botanical Garden Foundation - Raney Tract - Stillhouse Bottom	\$ 227,237	\$ 443,027	Orange
2021-019	NC Coastal Land Trust - Cashy Land and Timber - Hoggards Mill Run	\$ 250,000	\$ 937,700	Bertie
2021-020	NC Coastal Land Trust - Chowan River Initiative	\$ 320,510	\$ 1,649,460	Bertie
2021-021	NC Coastal Land Trust - Island Cr	\$ 334,015	\$ 1,782,319	Jones
2021-022	NC Dept of Natural and Cultural Resources - Shallow Ford Tract - Yadkin R	\$ 1,225,420	\$ 2,899,695	Forsyth
2021-023	NC Division of Parks & Recreation - Crisp Tracts - Pineola SNA	\$ 11,075	\$ 24,600	Avery
2021-024	NC Division of Parks & Recreation - Lafayette Taylor - Carvers Cr SP	\$ 625,000	\$ 1,254,500	Cumberland
2021-025	NC Division of Parks & Recreation - Nelson Tracts - Chimney Rock SP	\$ 218,900	\$ 449,800	Rutherford
2021-026	NC Division of Parks & Recreation - Pisgah View Ph4	\$ 1,200,000	\$ 3,491,716	Buncombe
2021-027	NC Wildlife Resources Commission - White Springs - MOTSU	\$ 441,000	\$ 882,000	Brunswick

2021 North Carolina Land and Water Fund Grant Applications

NCLWF ID	Application Name	Request	Total	County
2021-028	Piedmont Land Conservancy - Klondike Farm - Grassy Cr	\$ 134,357	\$ 256,107	Surry
2021-029	Southern Appalachain Highlands Conservancy - Mt Pisgah - Pisgah Cr	\$ 824,415	\$ 1,709,765	Haywood
2021-030	Southern Appalachain Highlands Conservancy - Reems Cr Bowl	\$ 373,114	\$ 1,493,114	Buncombe
2021-031	The Conservation Fund - Bogue Town Park - Goose Cr	\$ 299,250	\$ 571,750	Carteret
2021-032	The Conservation Fund - Cabin Flats Tract - Balsam Gap Ph1	\$ 2,089,450	\$ 7,364,450	Jackson
2021-033	The Conservation Fund - Carolina Timberlands - Cape Fear Wetlands GL	\$ 330,000	\$ 740,500	Pender
2021-034	The Conservation Fund - Dicks Cr - Plott Balsam Mtns	\$ 185,700	\$ 341,700	Jackson
2021-035	The Conservation Fund - Expansion Tract - Ridges Mountain SNA	\$ 617,776	\$ 1,085,526	Randolph
2021-036	The Conservation Fund - Hayes Manor - Edenton Bay	\$ 969,026	\$ 2,086,526	Chowan
2021-037	The Conservation Fund - Johnson Farm - Hector Cr	\$ 3,636,230	\$ 8,944,830	Harnett
2021-038	The Conservation Fund - Kings Cr - State Forest	\$ 975,000	\$ 1,410,000	Caldwell
2021-039	The Conservation Fund - Little Alligator R - Alligator R GL	\$ 105,500	\$ 152,500	Tyrrell
2021-040	The Conservation Fund - Long Bay - Piney Island Bombing Range	\$ 2,400,000	\$ 6,137,000	Carteret
2021-041	The Conservation Fund - Ogle Ridge - Mount Mitchel SP	\$ 401,526	\$ 900,526	Yancey
2021-042	The Conservation Fund - Rocky R - Deep R State Trail	\$ 1,200,000	\$ 2,149,000	Chatham
2021-043	The Conservation Fund - Sharpe Tract - Alamance BG	\$ 50,526	\$ 61,526	Alamance
2021-044	The Conservation Fund - Soapstone Ridge - Panthertown Valley	\$ 1,219,000	\$ 2,139,500	Jackson
2021-045	The Conservation Fund - Townsend Tract - Meadow Branch	\$ 223,035	\$ 794,235	Robeson
2021-046	The Conservation Fund - Turkey Ridge - Cane R	\$ 1,200,000	\$ 3,072,250	Yancey
2021-047	Triangle Land Conservancy - Fitch Tract - Big Woods Forest	\$ 1,262,425	\$ 5,092,425	Chatham
2021-048	Triangle Land Conservancy - Holler Tract - Cape Fear R	\$ 854,589	\$ 1,969,889	Lee
2021-049	Triangle Land Conservancy - Liles Tract - Swift Cr	\$ 789,518	\$ 2,189,518	Wake
2021-050	Triangle Land Conservancy - McLean Tract - Big Woods Forest	\$ 1,295,425	\$ 8,125,425	Chatham
2021-051	The Nature Conservancy - 421 Sand Ridge Ph2 - Corbett Ind	\$ 8,870,020	\$ 29,443,220	Pender
2021-052	The Nature Conservancy - Blue Farm Ph2 - Drowning Cr	\$ 1,200,000	\$ 4,757,633	Hoke
2021-053	The Nature Conservancy - Caddell and BLATCO - Sandhills GL	\$ 400,948	\$ 1,082,512	Richmond
2021-054	The Nature Conservancy - Corbett Tracts - Holly Shelter GL	\$ 1,167,820	\$ 2,363,470	Pender
2021-055	The Nature Conservancy - Horrell Tract - Black R	\$ 80,084	\$ 165,956	Bladen
2021-056	The Nature Conservancy - Matthews Tract - Horse Sw	\$ 166,708	\$ 368,027	Onslow
2021-057	The Nature Conservancy - Riverstone White Marsh - Waccamaw	\$ 12,067,070	\$ 20,126,170	Columbus
2021-058	The Nature Conservancy - White Tracts - Roanoke R	\$ 1,249,065	\$ 2,483,670	Northampton
2021-059	Tar River Land Conservancy - Murray Tract - Tar R	\$ 177,563	\$ 362,563	Granville
2021-060	Three Rivers Land Trust - Alcoa Falls - Little Mtn Cr	\$ 381,365	\$ 731,865	Stanly
2021-061	Three Rivers Land Trust - Auman Farm - Drowning Cr	\$ 1,024,220	\$ 1,905,220	Moore
2021-062	Three Rivers Land Trust - Belle Realty - Grants Cr	\$ 100,100	\$ 251,100	Rowan
2021-063	Three Rivers Land Trust - Bennett Tracts - Little R	\$ 973,970	\$ 1,854,970	Montgomery
2021-064	Three Rivers Land Trust - Blake Tract - Jackson Cr	\$ 196,720	\$ 749,970	Moore
2021-065	Three Rivers Land Trust - Crisp Tract - McLendons Cr	\$ 351,850	\$ 671,850	Moore
2021-066	Three Rivers Land Trust - Deans North - Drowning Cr	\$ 348,770	\$ 778,970	Moore
2021-067	Three Rivers Land Trust - Deans South - Drowning Cr	\$ 587,470	\$ 1,596,470	Moore
2021-068	Three Rivers Land Trust - Deberry Tract - Little R	\$ 161,470	\$ 259,970	Montgomery

2021 North Carolina Land and Water Fund Grant Applications

NCLWF ID	Application Name	Request	Total	County
2021-069	Three Rivers Land Trust - Evan Miller Tract - Yadkin R	\$ 1,200,000	\$ 3,331,000	Davidson
2021-070	Three Rivers Land Trust - Jordan Tract - Panther Br	\$ 153,350	\$ 254,350	Montgomery
2021-071	Three Rivers Land Trust - Price Tract - Rocky R	\$ 1,134,850	\$ 2,235,850	Cabarrus
2021-072	Unique Places to Save - Ramseur Dam - Deep R	\$ 87,500	\$ 127,500	Randolph
2021-073	White Lake - Town of - White Lake Outlet	\$ 395,000	\$ 406,760	Bladen
Restoration				
2021-401	Apex - Town of - UT to Beaver Creek	\$ 540,000	\$ 675,000	Wake
2021-402	Blue Ridge RC&D - Bakersville Creekwalk - Cane Creek	\$ 152,728	\$ 463,758	Mitchell
2021-403	Blue Ridge RC&D - Mayland CC Campus - Holley Branch	\$ 162,000	\$ 365,800	Avery
2021-404	Carteret County - Carrot Island Living Shoreline	\$ 400,000	\$ 1,156,750	Carteret
2021-405	Conserving Carolina - Pleasant Grove Floodplain - French Broad River	\$ 400,000	\$ 1,211,500	Henderson
2021-406	Ellerbe Creek Watershed Association - Strayhorn Branch	\$ 170,000	\$ 767,958	Durham
2021-407	Town of Gamewell - Gamewell Park - Abington Creek	\$ 475,000	\$ 653,707	Caldwell
2021-408	Haywood Waterways Association - Chestnut Park - Hominy Creek	\$ 177,910	\$ 316,605	Haywood
2021-409	Laurel Park - Town of - Laurel Green Creek	\$ 187,963	\$ 321,129	Henderson
2021-410	Mainspring Conservation Trust - Aquatic Organism Passage - Big Laurel Creek	\$ 75,000	\$ 247,000	Swain
2021-411	Morganton - City of - Bethel Park - East Prong Hunting Creek	\$ 500,000	\$ 1,187,310	Burke
2021-412	NC Div Soil & Water Conservation - CREP 2021	\$ 343,523	\$ 984,897	Vance
2021-413	NC Div Soil & Water Conservation - UT Jonathans Creek Dairy Decommission	\$ 445,233	\$ 757,193	Haywood
2021-414	NC Coastal Federation - Fort Macon Living Shoreline	\$ 982,016	\$ 1,072,023	Carteret
2021-415	NC Coastal Federation - Living Shorelines Ph2	\$ 410,140	\$ 766,682	Carteret
2021-416	New Bern - City of - Urban Stream Restoration	\$ 150,000	\$ 300,000	Craven
2021-417	New River Conservancy - Green Valley Park - South Fork New River	\$ 43,000	\$ 123,100	Watauga
2021-418	New River Conservancy - Greenway Ph1B - Middle Fork New River	\$ 295,000	\$ 594,000	Watauga
2021-419	Resource Institute - EQUIP Restoration - Boylston Creek	\$ 284,720	\$ 734,720	Henderson
2021-420	Resource Institute - EQUIP Restoration - Line Creek	\$ 280,000	\$ 428,830	Henderson
2021-421	Resource Institute - UT to Cape Fear River Ph2	\$ 500,000	\$ 2,167,200	Cumberland
Innovative Stormwater				
2021-1001	Durham County SWCD - Riverside HS Innovation	\$ 392,000	\$ 672,148	Durham
2021-1002	NC State University - Monitoring Flow-through Wetlands	\$ 100,000	\$ 456,873	Wilson
Planning				
2021-801	Albemarle Commission - Albemarle Water Management Plan Ph2	\$ 72,710	\$ 108,185	Chowan
2021-802	Cape Fear Resource Conservation & Development - Pages Creek Watershed Restoration Plan	\$ 75,000	\$ 97,500	New Hanover
2021-803	Cary - Town of - White Oak Creek Restoration Plan	\$ 40,000	\$ 80,000	Wake
2021-804	Town of Cerro Gordo - Cerro Gordo Stormwater Assessment	\$ 49,600	\$ 49,600	Columbus
2021-805	Currituck County Soil & Water Conservation District - Currituck County Watershed Protection Plan	\$ 39,600	\$ 50,186	Currituck

2021 North Carolina Land and Water Fund Grant Applications

NCLWF ID	Application Name	Request	Total	County
2021-806	Carolina Wetlands Association - Stony Run Watershed Restoration Plan	\$ 70,000	\$ 102,900	Harnett
2021-807	Dan River Basin Association - Dan River Recreation and Stewardship Plan	\$ 51,500	\$ 64,500	Rockingham
2021-808	City of Hendersonville - Restoration Assessment - Upper Mud Creek	\$ 24,620	\$ 51,620	Henderson
2021-809	Mountain True - Restoration Plan - Hominy Creek	\$ 12,500	\$ 24,725	Buncombe
2021-810	NC Coastal Federation - Newport River Estuary Plan	\$ 74,737	\$ 93,597	Carteret
2021-811	Sound Rivers - Jacks Creek Watershed Plan	\$ 43,500	\$ 84,900	Beaufort
2021-812	Statesville - City of - Free Nancy Branch Restoration Plan	\$ 30,000	\$ 55,000	Iredell

NC Land and Water Fund Guidance for Trustee Site Visit

NCLWF Trustees have the responsibility to administer the funds entrusted to them in the best interest of the citizens of North Carolina and consistent with the enabling statute. In doing so, a trustee may wish to see a project in person to fully understand its impact. A trustee may visit a site, provided the visit promotes the public purpose and does not conflict with the open meetings law.

Site Visit Policy. At the meeting on March 4th, 2019, the Board approved the following requirements:

1. The trustee should notify the Executive Director when contacted by an applicant about a site visit, or when he/she desires to visit a site.
2. Trustees will allow staff to coordinate site visits to ensure that staff is available to attend and that other trustees are given the opportunity to participate. Coordination will involve staff determination of the applicability of the Open Meetings Law.
3. Trustees will make other trustees aware that they have visited a site during the Application Review Meeting and why they felt the visit necessary in promoting the public purpose.

Arranging the visit. When a trustee is interested in visiting a site that is the subject of a current or future application, he/she should notify staff and staff will coordinate with the applicant, other trustees, and interested parties to find a suitable date.

As a general practice, staff will let other trustees know about the site visit and will try to accommodate any who are interested in attending. In the unlikely event that a quorum of trustees for any relevant committee needs to visit a site at the same time, the visit must be noticed as a public meeting and shall be open to members of the public. A minimum of 7 days' notice is required for staff to facilitate the public meeting. Please note that some sites will not be appropriate for a public meeting due to landowner and/or ecological sensitivity.

Deciding to go. It is recommended that trustee site visits should only be undertaken when the trustee feels it promotes a public purpose. If an applicant directly invites a trustee to visit a site, the trustee should independently evaluate the benefit of the visit. If he/she feels that it does indeed promote a public purpose and would like to arrange to visit the site, he/she should notify the Executive Director and allow staff to coordinate the visit as described herein.

Timing. Staff will work to accommodate timing needs. If possible, trustee visits will occur after the initial field visit between the field rep and applicant. While mid-July through August are often the best times to arrange visits, other times during the application cycle will be available as well.

Gifts are prohibited. While on a visit, it is important to remember that food, transportation and logo items such as hats can be considered gifts and should not be accepted.