

NORTH CAROLINA LAND AND WATER FUND  
BOARD OF TRUSTEES MEETING

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VIRTUAL MEETING

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Tuesday, February 28, 2023  
1:00 P.M.

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Volume 1  
Pages 1 through 134

**A P P E A R A N C E S**

(All Parties Participated by Microsoft Teams)

Board of Trustees:

John Wilson, Chairman  
Ann Browning, Vice-Chairman  
Amy Grissom  
Renee Kumor  
Jason Walser  
Darrel Williams  
David Womack  
Greer Cawood  
Mike Rusher

Staff:

Zoe Hansen Burnet, DNCR Assistant General Counsel  
Will Summer, Executive Director  
Terri Murray, Executive Assistant  
Steve Bevington, Restoration Program Manager  
Marissa Hartzler, Acquisition Program Manager  
Marie Meckman, Acquisition Project Manager  
Justin Mercer, Stewardship Manager  
Damon Hearne, Western Field Representative  
Chelsea Blount, Central Field Representative  
Jill Fusco, Eastern Field Representative  
Will Price, Restoration Program Assistant  
Christine Benton, Acquisition Project Manager  
Donna Morris, Acquisition Administrative Assistant  
D. Reid Wilson, Secretary of DNCR

P R O C E E D I N G S

1:00 P.M.

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Chairman Wilson: I'd like to call today's meeting of the North Carolina Land and Water Fund Board of Trustees to order. I'm John Wilson, the Board Chair. I'd like to welcome all of you who are with us today, whether in person or by Teams or telephone or otherwise. And with that, I will call the roll of our Trustees. Please indicate if you are here; Ann Browning?

Vice-Chairman Browning: Here.

Chairman Wilson: Greer Cawood, Greer; okay, Greer said she may have a conflict for a bit of the meeting today, but we'll wait for her to join us; Amy Grissom?

Ms. Grissom: Here.

Chairman Wilson: Renee Kumar. Innovative Stormwater and Planning Committee Chair Kumor: Here.

Chairman Wilson: Mike Rusher?

Mr. Rusher: Here.

Chairman Wilson: Jason Walser.

Acquisition Committee Chair Walser: Here.

Chairman Wilson: Darrel Williams?

Mr. Williams: Here.

1 Chairman Wilson: David Womack?

2 Mr. Womack: Here.

3 Chairman Wilson: And John Wilson

4 is here, also. General Statute § 138A-15 mandates that

5 the Chair inquire as to whether any Trustee knows of

6 any conflict of interest or the appearance of a

7 conflict of interest with respect to matters on today's

8 agenda. If any Trustee knows of a conflict of interest

9 or the appearance of a conflict, please state so at

10 this time. All right, I am not hearing of any

11 conflict, so we will move on. Now let me ask everyone

12 to please make sure your mobile phones or computers or

13 watches or air fryers or whatever won't make any noise

14 unless you are recognized to speak. Now we'll talk

15 about the agenda. Are there any revisions or additions

16 to today's agenda?

17 Acquisition Committee Chair Walser: Mr.

18 Chair, this is Jason Walser. I've got to be traveling

19 at some point during this meeting, and I was wondering

20 if it was suitable with the rest of the Trustees if we

21 might move the Acquisitions Report section up a little

22 bit sooner in the agenda to an area that you might

23 suggest, Mr. Chairman.

24 Chairman Wilson: Okay, a

25 reasonable request, I think; how about if we move that

1 to the top of our business section of our meeting, to  
2 make that Acquisition Committee report number one and  
3 slide everybody else down; is that okay with --

4 Acquisition Committee Chair Walser: That  
5 will be great. And I would like to make that as a  
6 motion; yes.

7 Chairman Wilson: All right, a  
8 motion from Jason; is there a second?

9 Ms. Grissom: I second.

10 Chairman Wilson: Okay, I saw  
11 Amy, and I think I heard her, so, Amy, we'll -- we'll  
12 give you the second; any discussion on that? All  
13 right, let's vote on that, please; Ann?

14 Vice-Chairman Browning: Yes.

15 Chairman Wilson: Greer; Amy?

16 Ms. Grissom: Yes.

17 Chairman Wilson: Renee?

18 Innovative Stormwater and Planning Committee  
19 Chair Kumor: Yes.

20 Chairman Wilson: Mike?

21 Mr. Rusher: Yes.

22 Chairman Wilson: Jason?

23 Acquisition Committee Chair Walser: Yes.

24 Chairman Wilson: Darrel?

25 Mr. Williams: Yes.

1 Chairman Wilson: David?

2 Mr. Womack: Yes.

3 Chairman Wilson: And John is a  
4 yes, also. All right, thank you; we have accepted that  
5 revision to the agenda and adopted the agenda. Next on  
6 our agenda is approval of the minutes from the December  
7 2022 board meeting; any discussion of those minutes?

8 Mr. Rusher: An inquiry if I  
9 need to make a motion to amend to show my attendance at  
10 that meeting; I believe I was about one minute late.

11 Chairman Wilson: Well, sorry,  
12 Mike, you know, one minute late, man; okay, reasonable  
13 request; okay, so that would be from Mike; any other  
14 suggested amendments to the minutes?

15 Ms. Grissom: I have one very  
16 minor correction. I think on page 2, the titles given  
17 to staff members are correct. Page 2 is just a list of  
18 attendees, but then throughout the discussion, Marissa,  
19 for example, is identified by the former title of  
20 Stewardship Program Manager as opposed to her title at  
21 the position -- at the time of the meeting, which is  
22 Acquisition Program Manager. Similarly, Justin's just  
23 identified as Mr. Mercer instead of Stewardship Manager  
24 Mercer.

25 Chairman Wilson: Okay, good

1 catch, Amy; any discussion regarding that; is it all  
2 right with staff?

3 Stewardship Manager Mercer: We'll make  
4 those corrections.

5 Chairman Wilson: So, Mike,  
6 mentioning that he was present, we'll add that and then  
7 Amy with the two title additions or corrections. Can  
8 we -- can someone make that as a motion to amend the  
9 minutes thusly?

10 Mr. Williams: So moved.

11 Innovative Stormwater and Planning Committee

12 Chair Kumor: Second.

13 Chairman Wilson: That sounded  
14 like Darrel and a second from Renee. Any discussion;  
15 all right, indicate your vote, please, Ann?

16 Vice-Chairman Browning: Yes.

17 Chairman Wilson: And I see  
18 Greer.

19 Ms. Cawood: Yes.

20 Chairman Wilson: Okay, hi,  
21 Greer; Amy?

22 Ms. Grissom: Yes.

23 Chairman Wilson: Renee?

24 Innovative Stormwater and Planning Committee

25 Chair Kumor: Yes.

1 Chairman Wilson: Mike?

2 Mr. Rusher: Yes.

3 Chairman Wilson: Jason?

4 Acquisition Committee Chair Walser: Yes.

5 Chairman Wilson: Darrel?

6 Mr. Williams: Yes.

7 Chairman Wilson: David?

8 Mr. Womack: Yes.

9 Chairman Wilson: And John is a

10 yes also. All right, we will now move on to an update  
11 from the Secretary of the North Carolina Department of  
12 Natural and Cultural Resources, Reid Wilson.

13 Secretary of NC DCNR: Thank you, Mr.  
14 Chairman; greetings, everybody; it's good to be with  
15 you on this balmy February afternoon. At least it is  
16 here in Raleigh. It's always great to spend time with  
17 this Board and staff. You all do such an incredible  
18 job for the people of North Carolina. I always  
19 appreciate that, and I always want you to know that.  
20 Your task today is important, you know. This is the  
21 first-ever funding for flood risk reduction programs  
22 specifically, so it's a big deal. But I think we all  
23 know that over the more than 25 years of the existence  
24 of this fund, that so many projects have supported that  
25 goal of flood risk reduction, and all of the work to

1 preserve land along streams support that goal. Stream  
2 and wetland restoration support that goal, because when  
3 you maintain those natural systems and strengthen them,  
4 you are, you know, helping to mitigate or to lessen the  
5 effects of heavy rain events. And, you know, flood  
6 plains act as a sponge, so the more of them that we  
7 have that are healthy, the better protected communities  
8 will be all around the state. But this is, again, a  
9 specific set of decisions you're making today based on  
10 the \$15,000,000.00 that the Legislature provided in the  
11 budget. So it is exciting, and I know that you all had  
12 more money requested than provided, which is often the  
13 case. I think always the case with the Land and Water  
14 Fund over this quarter century, but I really appreciate  
15 the way the staff and the Board stood up this program  
16 so quickly and so effectively and so efficiently, and I  
17 am not at all surprised because this group always does  
18 things extraordinarily well. I think it's also  
19 important to mention that these grants that will be  
20 approved today do help support Governor Cooper's  
21 Executive Order 80 on climate change and resiliency to  
22 climate change, which are very important items in our  
23 state as the climate is changing. And more often than  
24 before weather is creating havoc in communities around  
25 the state, and this is important to communities. You

1 know, we have seen in recent years the sort of horrific  
2 damage from hurricanes and extraordinary rain events  
3 that have, you know, resulted in so many lost lives,  
4 lost homes, lost businesses. It's just staggering  
5 sometimes when you think of these problems, and it's  
6 even more staggering when you factor in the monetary  
7 damages from all those things. So this work to reduce  
8 flood risk, to protect lives, to protect buildings, to  
9 protect communities is really important. So I want to  
10 thank you all for your hard work, and I know that  
11 everybody on this Board spends the time and the effort  
12 and the thought to look through the applications and  
13 really think through what the staff has provided you,  
14 you know, based on the criteria to get the  
15 recommendations of what you all will eventually  
16 approve. So I really want to express my appreciation  
17 for everyone's hard work on this process, but it's good  
18 work, you know. You're going to help communities, so,  
19 and I know you all know that. So I'm hopeful that the  
20 Legislature will see to it to do more of this in the  
21 next biennium; no predictions here. As you're aware,  
22 the Governor has not yet issued his budget proposal.  
23 It is expected next month, which starts tomorrow. But  
24 I am hopeful that folks will see that this Board and  
25 staff have come up with a great list of projects to be

1 funded and determine that even though obviously the  
2 effects of those projects will not have taken place  
3 yet, that this is a program that ought to be continued.  
4 So I bet we are all hope -- I bet we are all hoping for  
5 that; again, good luck with today's decisions. I know  
6 you all make the right ones. You always do, and I just  
7 appreciate again everything the staff and Board does  
8 for the people in North Carolina; thank you.

9 Chairman Wilson: Thank you,  
10 Reid; any questions for Secretary Wilson; okay, we will  
11 now move to the Executive Director's update from Will  
12 Summer?

13 Executive Director Summer: Thank you, Mr.  
14 Chair, and good afternoon, board members, staff,  
15 guests, and Secretary Wilson; normally, our first  
16 quarter meeting is a pretty boring affair. There are  
17 always a few matters of routine business to take care  
18 of and occasionally a few policy items to address, but  
19 that's about it. I'm happy to report today that we  
20 have a little more in store for you. Perhaps most  
21 exciting is that we will hear the report from the Flood  
22 Risk Reduction Committee, which has made  
23 recommendations for \$15,000,000.00 worth of worthy  
24 projects. Our Committee Chair Ann Browning and  
25 Restoration Program Manager Steve Bevington will go

1 into more details about that soon, but I'd like to  
2 highlight three things at the top. The first is that  
3 staff and committee put in a lot of work to get us  
4 here. Steve assisted by Will Price, Jill, Chelsea, and  
5 Damon all put in a lot of time to get us from a few  
6 lines of legislative intent to fully developed embedded  
7 projects. Now the committee also put in a lot of work,  
8 meeting seven times over the last year, and after much  
9 thoughtful deliberation developed funding  
10 recommendations that I think you'll all be proud to  
11 endorse. The second is that we have authority to use  
12 up to 3 percent of these funds for administrative  
13 costs, and that's up to \$450,000.00. However, we were  
14 able to implement the program without touching those,  
15 so we can put the full \$15,000,000.00 to work, and that  
16 effectively means we are able to help another community  
17 that would not have otherwise received funds. And the  
18 last point on this program is that there was a lot of  
19 need for this work. Despite the coming out of nowhere  
20 in the first year and having a very short application  
21 window, we had 61 applicants in phase one requesting  
22 over \$80,000,000.00. When we started this over a year  
23 ago, I didn't know what our demand would look like, nor  
24 what kind of projects we would end up funding, and I'm  
25 very pleased to be where we are today. In addition to

1 the flood risk reduction awards, we do have some of the  
2 aforementioned the usual business today, including some  
3 much needed adjustments to policies. We will also have  
4 a brief summary of our 2023 grant cycle numbers, which  
5 I'll just say is, in my opinion, a place that  
6 Goldilocks would be happy; a very strong demand, more  
7 than three times what we currently expect to have  
8 available, but not so much that we'll spend time  
9 reviewing projects that have no chance of receiving  
10 funding. One might say that there was an opportunity  
11 to put even more funds to good use. And finally, I  
12 think it's worth noting that our Executive Committee  
13 will be recommending that we look at our rating system  
14 and funding allocation for ways to encourage more  
15 participation from underserved communities and ensure  
16 that the benefits of our work are accessible to  
17 everyone and enjoyed by a broader group of our  
18 citizens. So there is actually quite a lot to get to  
19 today, so let me stop talking. Thank you all for being  
20 here today, and that concludes my comments; thank you,  
21 Mr. Chair.

22 Chairman Wilson: Thanks, Will;  
23 any questions for Will regarding his update; okay, we  
24 will now move to the public comment section of our  
25 meeting. Before I open the floor for public comments,

1 I would just like to remind our guests that North  
2 Carolina Land and Water Fund policy prohibits using  
3 this time to advocate for individual projects before  
4 the Board. Other public comments on general issues  
5 falling within the jurisdiction of the fund are  
6 welcome, but please limit any comments to three minutes  
7 per person. And so if you would like to speak, please  
8 indicate so, unmute yourself, or raise your hand, or  
9 jump up and down, or turn on your air fryer. All  
10 right, I am not hearing any requests to make a public  
11 comment, so we will move on now to the business section  
12 of our agenda, and we will begin with what was item  
13 five on that list but is now item one, the Acquisition  
14 Committee report, and over to you, Jason.

15 Acquisition Committee Chair Walser: The  
16 Acquisitions Committee has met a couple of times since  
17 our last board meeting, I believe twice, but we do have  
18 some recommendations to make, and some of these are  
19 fairly technical. So I'm going to let Marissa dive in  
20 and set up, key up our first one, which is the Unique  
21 Places to Save Project amendment, Marissa.

22 Acquisition Program Manager Hartzler: Great,  
23 thank you; good afternoon; may I please get indication  
24 that you can see my shared screen? Wonderful, thank  
25 you so much; I appreciate it. All right, the

1 Acquisition Committee has made an updated motion on the  
2 Unique Places to Save Ramseur Dam project, which the  
3 Board heard back in December 2022. And as a recap,  
4 Unique Places to Save requested to increase the scope  
5 of the project, purchasing up to 9.7 acres of the  
6 property at a total Land and Water Fund contribution  
7 not to exceed \$48,200.00, and that is less than the  
8 original award. In November, the committee recommended  
9 approving the scope change, but due to two outstanding  
10 questions, the recommendation was tabled at the  
11 December Board meeting. And these two items were a  
12 request for an update on a NOAA grant to remove the  
13 dam, and also an update on whether the Town of Ramsar  
14 would have the independent right to remove the dam at a  
15 future date if this work could not be completed by  
16 Unique Places to Save and its partners. Both questions  
17 have been addressed. The NOAA Grant was awarded to  
18 Unique Places to Save's partners, American Rivers,  
19 which is an organization that does dam removals.  
20 Ramseur Dam is one of the dams that is targeted in the  
21 scope, and that is right now set at outreach, modeling,  
22 permitting removal of the dam, restoration, and  
23 monitoring of the site. In addition, Unique Places to  
24 Save and their partners in the dam removal, RES, have  
25 agreed to a 10-year no-cost assignment of the rights to

1 the dam, and that would be assigned to the Town of  
2 Ramseur or its assigned through an MOU. And this MOU  
3 is not finalized, but of course would be reviewed by  
4 all parties, including Land and Water Fund legal  
5 counsel, prior to closing, and certainly making sure  
6 that that MOU honored any requirements put into the  
7 scope change set by the Board. So with these updates,  
8 the Acquisition Committee recommended amending the  
9 committee's November motion to allow for the  
10 acquisition of up to 9.7 acres at a total Land and  
11 Water Fund contribution not to exceed \$48,200.00  
12 provided that the rights to the dam are subject to a  
13 no-cost assignment to the Town of Ramseur or its  
14 assigns should that removal not be completed by 2033.  
15 And I'm happy to take any questions or revisit maps or  
16 budgets as needed.

17 Acquisition Committee Chair Walser: I  
18 will say this generated quite a bit of discussion at  
19 the committee level and wasn't without a lot of good  
20 questions and a lot of good thought. And I think -- it  
21 took a lot of time, but I think at the end we all felt,  
22 I don't want to say all necessarily. I think most of  
23 us felt that it was a good project and that we still  
24 wanted to support, but obviously concerned about making  
25 sure that dam was not a liability over the long haul

1 for Ramseur. But anyway, I'll take any questions as  
2 well about our deliberations if anybody has any.

3 Chairman Wilson: Okay, if it's  
4 all right with you, Jason, we will go ahead and take  
5 this motion from the Acquisition Committee. Is there  
6 any discussion, any further discussion before we vote  
7 on this? Okay, Ann, how do you vote?

8 Vice-Chairman Browning: Yes.

9 Chairman Wilson: Greer?

10 Ms. Cawood: Yes.

11 Chairman Wilson: Amy?

12 Ms. Grissom: Yes.

13 Chairman Wilson: Renee?

14 Innovative Stormwater and Planning Committee

15 Chair Kumor: Yes.

16 Chairman Wilson: Mike?

17 Mr. Rusher: Yes.

18 Chairman Wilson: Jason?

19 Acquisition Committee Chair Walser: Yes.

20 Chairman Wilson: Darrel?

21 Mr. Williams: Yes.

22 Chairman Wilson: David?

23 Mr. Womack: Yes.

24 Chairman Wilson: And John is a  
25 yes also; all right, Jason, back to you.

1 Acquisition Committee Chair Walser: Okay,  
2 I'm going to need the agenda back up on my screen. I  
3 don't have a dual screen on my computers, and I can't  
4 remember what our next project is; sorry.

5 Chairman Wilson: It's the Durham  
6 County Conservation Agreement Amendment Request with  
7 Justin's name in parentheses.

8 Acquisition Committee Chair Walser: If  
9 Justin is ready to present it, I would love to welcome  
10 him to the stage. Justin, are you ready?

11 Stewardship Manager Mercer: Yes, sir.

12 Acquisition Committee Chair Walser: Thank  
13 you; take it over.

14 Stewardship Manager Mercer: All right, I  
15 will try to keep this brief, but please do stop me if  
16 you have any questions or would like additional  
17 information. This is the Durham County Conservation  
18 Agreement Amendment Request. Between 2003 to 2006,  
19 three grants were awarded by the National Heritage  
20 Trust Fund for the purchase of almost 200 acres for the  
21 Plant Conservation Program. With the National Heritage  
22 Trust Fund being dissolved in 2013, the North Carolina  
23 Land and Water Fund board has become the de facto body  
24 for making decisions that would have gone in front of  
25 that board. In 2010, qualifying portions of the Eno

1 River Diabase Sill Plant Conservation Reserve were  
2 dedicated under the State Nature Preserves Act as a  
3 result of these three grants. In late 2022, the Plant  
4 Conservation Program notified the Natural Heritage  
5 Program as the holder and enforcer of the conservation  
6 agreement of Durham County's intent to acquire  
7 easements for a new 20 inch force main. Durham County  
8 is requesting the acquisition of almost 0.37-acre  
9 permanent easement for a subterranean utility right-of-  
10 way and a 0.58-acre temporary construction easement.  
11 The request will not require that any area be removed  
12 from dedication. So this is akin to adding a reserve  
13 right and an easement. The National Heritage Advisory  
14 Committee has already met and discussed this project  
15 and unanimously approved the request at their meeting  
16 on February 1st. The existing sewer line is undersized  
17 and aging. The project will ultimately connect the new  
18 Snow Hill Road pump station with the Eno pump station  
19 and a Durham water reclamation facility. Horizontal  
20 directional drilling will be utilized beneath the Eno  
21 River, and this area is shown here in purple, so there  
22 will be no surface impact in this purple area. There  
23 will be required some minimal surface impacts during  
24 construction of this pink area here. That will  
25 essentially be a staging area where they have to lay

1 out, I think, on the 200 feet of pipe before it enters  
2 the bore. We did go through the amendment policy and  
3 discussed that. I'm happy to rehash that if necessary,  
4 but otherwise, I will turn it back to Mr. Walser for  
5 any discussion.

6 Acquisition Committee Chair Walser: Yeah,  
7 we did spend a long time going through the policy and  
8 making sure that this fit, and I don't think anybody  
9 had any major headaches. So the committee recommends  
10 that we approve the amendment request.

11 Chairman Wilson: Any questions  
12 for Jason or Justin or comments about this; all right,  
13 again, this is coming as a recommendation from the  
14 Acquisition Committee. This is to approve the  
15 amendment request to facilitate the subterranean sewer  
16 easement and temporary construction easement without  
17 compensation. Any last discussion before we vote; all  
18 right, here comes the vote; Ann?

19 Vice-Chairman Browning: Yes.

20 Chairman Wilson: Greer?

21 Ms. Cawood: Yes.

22 Chairman Wilson: Amy?

23 Ms. Grissom: Yes.

24 Chairman Wilson: Renee?

25 Innovative Stormwater and Planning Committee

1 Chair Kumor: Yes.  
2 Chairman Wilson: Mike?  
3 Mr. Rusher: Yes.  
4 Chairman Wilson: Jason?  
5 Acquisition Committee Chair Walser: Yes.  
6 Chairman Wilson: Darrel?  
7 Mr. Williams: Yes.  
8 Chairman Wilson: David?  
9 Mr. Womack: Yes.  
10 Chairman Wilson: And John is a

11 yes. All right, Jason, we'll kick it back to you.  
12 This is the Fletcher Conservation Easement Amendment  
13 Request, again with Justin being up to bat.

14 Acquisition Committee Chair Walser: Okay,  
15 I'll call Justin back up to bat. You'll see what our  
16 recommendation was, but I want everybody to really pay  
17 attention to this. This one was tricky for us and for  
18 those who aren't on the Acquisitions Committee, you  
19 know, take notes; feel free to ask Justin questions.  
20 We spent some time on this one. Justin, take over.

21 Stewardship Manager Mercer: Thank you; this  
22 is the Fletcher Conservation Easement Amendment  
23 Request. Again, I'll start with a little bit of  
24 history here. In 2005, a conservation easement was  
25 recorded in favor of the State of North Carolina as a

1 result of a Land and Water Fund Grant 2004A-012. In  
2 2006, so just a year later, the easement was amended to  
3 reconfigure parcels, which involved the release of just  
4 over two acres and the addition of just over two acres.  
5 So this was essentially a land swap to facilitate that  
6 reconfiguration and ultimately the sale of the lot. In  
7 2008, three-tenths of an acre was released to  
8 facilitate a Department of Transportation bridge  
9 replacement, and in 2010, the easement was amended  
10 again to allow for a subdivision; again, related to  
11 those originally allowed lots. A couple of things that  
12 I want to point out here; one of those three existing  
13 amendments was a DOT amendment, and so it was not at  
14 the request of the landowner, but all three of these  
15 prior amendments were completed before we had an  
16 amendment policy. So we didn't have the same -- the  
17 same structure and guidance that we do for our current  
18 amendments policy. As far as the easement itself goes,  
19 this is approximately 204 acres along the Tar River in  
20 Tranters Creek in Pitt County. So 178 acres of this is  
21 a typical forever wild easement, so all these areas  
22 that you can see on the map and hardwoods, that's your  
23 typical don't touch it, leave it natural. There's not  
24 a whole lot you can do here. This is a little bit  
25 unusual for us, though, in the sense that the remaining

1 25 and a half acres is an upland easement that does  
2 have a lot more reserve rights that are more active.  
3 This allows for up to six horse sheds, equestrian  
4 trails, a riding ring, fencing of pasture and paddocks,  
5 and construction of roads and utilities to serve up to  
6 four home sites on the adjoining developable acres. So  
7 just to point out a little bit on this map here, we  
8 have this area right in here, as well as this piece  
9 right here, make up that 25 and a half acres of that  
10 easement. This area right through the middle here is  
11 what's carved out. There is no current protection on  
12 that. Those -- that is where the -- under this current  
13 configuration, the home sites are permitted to go. The  
14 current request in front of us, and I will switch from  
15 this survey plat in a minute because it's a little bit  
16 difficult to follow, but Mr. Fletcher requests to amend  
17 the conservation easement to release roughly six-tenths  
18 of an acre of the upland area under conservation  
19 easements. The proposal would exchange this land for a  
20 like acreage of wooded land and remove the metal cover  
21 over the riding ring. The request would increase the  
22 marketability of the remaining lot envisioned in the  
23 original easement and prior amendments. So we've got  
24 lot four right here as shown, which is what Mr.  
25 Fletcher is trying to sell, which is consistent with,

1           you know, the idea we had in the original project. But  
2           he is requesting to swap this area right here for some  
3           wooded area down here that we could see a little bit  
4           better on this map. The areas shown in orange, this  
5           orange hatching is currently protected by that upland  
6           conservation easement. The area in green is currently  
7           unprotected, and Mr. Fletcher is proposing to swap the  
8           two. Again, we went through the amendments policy, and  
9           it was discussed that there is significant private  
10          benefit to this project without necessarily the public  
11          benefit to offset that, and I will leave that to Mr.  
12          Walser to continue discussion or take any questions.

13                   Acquisition Committee Chair Walser:        Yeah,  
14           we really wrestled with this, but we couldn't -- using  
15           our policy, we couldn't in good conscience approve it,  
16           so our recommendation is that we deny the request.  
17           I'll take any questions.

18                   Chairman Wilson:                            Okay, any  
19           questions for Justin or Jason before we vote on this;  
20           this is a recommendation from the Acquisition  
21           Committee. It was unanimous to deny this request. If  
22           there is no additional discussion, we'll go ahead and  
23           vote on this. Okay, hearing none, Ann, how do you  
24           vote?

25                   Vice-Chairman Browning:                    Yes.

1 Chairman Wilson: Greer?  
2 Ms. Cawood: Yes.  
3 Chairman Wilson: Amy?  
4 Ms. Grissom: Yes.  
5 Chairman Wilson: Renee?  
6 Innovative Stormwater and Planning Committee  
7 Chair Kumor: Yes.  
8 Chairman Wilson: Mike?  
9 Mr. Rusher: Yes.  
10 Chairman Wilson: Jason?  
11 Acquisition Committee Chair Walser: Yes.  
12 Chairman Wilson: Darrel?  
13 Mr. Williams: Yes.  
14 Chairman Wilson: David?  
15 Mr. Womack: Yes.  
16 Chairman Wilson: And John is a  
17 yes, and again, those were all affirmative votes to  
18 deny this request. All right, we'll move on to item  
19 5d, Reconsideration of Stewardship Costs as Part of the  
20 Rating System; Jason.  
21 Acquisition Committee Chair Walser: Yeah,  
22 I will call Marissa up, but before I do, I just want to  
23 thank everybody for the trust you place in us. I was  
24 surprised we didn't get more questions on the things  
25 that you've approved so far. We did spend hours

1 discussing these things, and I just want to let you  
2 know we really tried to peel back the layers and look  
3 at all of our policies and look at the facts of the  
4 situation. So thank you, guys, for making it easy. I  
5 really thought we'd get more questions, but we tried  
6 our best to get our hands and arms around these  
7 projects, and I think we're making good decisions, but  
8 I was surprised that there wasn't more discussion.  
9 Marissa, I'll let you take over on the discussion of  
10 the stewardship costs and the scoring; thank you.

11 Acquisition Program Manager Hartzler: Thank  
12 you; the last recommendation from the Acquisition  
13 Committee is with respect to stewardship funds and how  
14 they are considered in the Acquisition Application  
15 Rating System. For State-held conservation easement  
16 projects, we require that stewardship funds be included  
17 as a part of the budget to be paid by the Land and  
18 Water Fund. And so on the screen here you can see a  
19 sample acquisition budget, and in orange, the  
20 stewardship endowment line item where you can see a  
21 spot for requested funds. These funds are not paid to  
22 the grant recipient as part of the contract, but they  
23 are with board approval, typically in the spring,  
24 transferred into our Conservation Easement Endowment  
25 fund. And then they are paid out to the monitor, who

1 might be the grant recipient or might be another  
2 organization, as a reimbursement for the actual  
3 expenses incurred, time and other expenses each year  
4 associated with that monitoring responsibility. Over  
5 the years, staff has found that grant applicants  
6 typically enter lower estimates into their budgets,  
7 which is problematic for ensuring that the State has  
8 necessary resources to pay for this monitoring  
9 obligation in perpetuity. So to this end, staff  
10 presented a recommendation to change the way, change  
11 the interpretation of matching funds calculation in the  
12 rating system, so that stewardship does not have a  
13 negative impact on score and thereby eliminating any  
14 incentive to underestimate those long-term costs. On  
15 the screen right now, you see the section for matching  
16 resources from the application rating system for  
17 acquisition, but I think it's probably best understood  
18 with a little bit of an example. On the screen, you  
19 see an example budget for an acquisition project in  
20 which you see that stewardship is marked at \$7,000.00  
21 in red because that is pretty low for professional  
22 monitoring of a conservation easement held by the  
23 State. Moving forward with a budget in the old  
24 interpretation, that suggests that the total project  
25 cost is \$557,000.00, which includes that \$7,000.00 that

1 will not be paid out as part of the grant contract, but  
2 again, instead transferred to the conservation easement  
3 endowment. When looking at the matching resources,  
4 this assigns points based on the percentage that the  
5 matching resource constitutes of the full project cost,  
6 and so you can see that this budget would score 11  
7 points. But again, it does not have enough stewardship  
8 to ensure that the monitors can be paid. The  
9 recommendation from staff was to change the  
10 interpretation of basically the total project costs for  
11 the purposes of calculating the matching resources  
12 score. And so on this example, you can see that the  
13 total excludes the stewardship to be held by the State.  
14 So now the total project cost is \$550,000.00, and we  
15 actually went ahead and increased the stewardship  
16 budget, more than doubling it, to \$15,000.00, which  
17 would be a much more reasonable amount for a project of  
18 this size in this example. And you can see that with  
19 this change, it did not change the score. It did not  
20 penalize the application for needing additional funds  
21 to be set aside in the stewardship endowment. Overall,  
22 projects do not -- are not likely to gain points. Only  
23 about 15 to 20 percent, I'm estimating, would you  
24 actually see another point gained, but I think the  
25 important thing here is that, again, it eliminates the

1 incentive to underfund the stewardship obligation over  
2 the long term. So with that, the Acquisition Committee  
3 recommended that staff be directed to remove the value  
4 of the stewardship funds retained by the State from the  
5 consideration of matching resources in the rating  
6 system.

7 Acquisition Committee Chair Walser: Thank  
8 you, Marissa; I think it pretty much speaks for itself,  
9 but if you have questions, you better address them to  
10 Marissa. The math -- the math got tricky for me, but  
11 we did support this recommendation.

12 Innovative Stormwater and Planning Committee  
13 Chair Kumor: I have a  
14 question. The stewardship funds that are essentially  
15 requested and put in the budget will still be going  
16 out, though, and it will be coming from our Land and  
17 Water Fund funds?

18 Acquisition Program Manager Hartzler: Yes,  
19 absolutely, they will still be included as a part of  
20 the budget. It's just that they won't be counted in  
21 that total project cost, so there's no disincentive to  
22 correctly estimating.

23 Innovative Stormwater and Planning Committee  
24 Chair Kumor: But they  
25 still --

1 Acquisition Program Manager Hartzler: They  
2 will be moved to the conservation easement endowment  
3 fund.

4 Innovative Stormwater and Planning Committee  
5 Chair Kumor: Right, but  
6 they'll still show up in the bottom line of our  
7 allocations of grants, won't they?

8 Acquisition Program Manager Hartzler:  
9 Correct, yes.

10 Innovative Stormwater and Planning Committee  
11 Chair Kumor: Okay, okay.

12 Chairman Wilson: All right, any  
13 more questions about this for Marissa or Jason; okay,  
14 hearing none, we will now vote on this recommendation  
15 from the Acquisition Committee that directs the staff  
16 to remove the value of stewardship funds retained by  
17 the State from consideration of matching resources in  
18 the rating system. All right, how do you vote, please;  
19 Ann?

20 Vice-Chairman Browning: Yes.

21 Chairman Wilson: Greer?

22 Ms. Cawood: Yes.

23 Chairman Wilson: Amy?

24 Ms. Grissom: Yes.

25 Chairman Wilson: Renee?



1 Thank you, Mr. Wilson; if I could have the agenda up,  
2 is that possible central office crew, or I can speak  
3 from my own desk if it's necessary; thank you, Will.  
4 I'll be with you in one second. All right, so this is  
5 something we've done. Oh, it used to be once a year.  
6 Maybe now it's a little more frequently than that, and  
7 I do apologize for that. If you go up just a little  
8 bit, Will, to the introduction of that paragraph; our  
9 statute, our enabling legislation, requires us to  
10 consider the time it takes a grantee to begin  
11 construction, and that's done through a requirement  
12 that one year after the award date construction  
13 projects are under -- that is a subcontract for  
14 construction work for construction in our existing  
15 projects. So this comes up. It's been in our  
16 legislation since the year 2006, and occasionally,  
17 applicants do have reasonable reason to seek  
18 accommodation to extend this deadline. We have four of  
19 those today. The grant could be withdrawn. You have  
20 the perfect right to discontinue these projects without  
21 due cause. We would certainly -- we alert people that  
22 they're at this risk, and it's your discretion to  
23 whether you think these projects should continue. Just  
24 to get to the bottom line in a second, that the staff  
25 does feel each of these applicants has made great

1 progress given certain circumstances, and it's -- we're  
2 happy with them if you are. But the following four  
3 applications, if we go down a little bit, have  
4 requested an extension of this deadline to get  
5 themselves under -- to get themselves a subcontract for  
6 construction work, and the reasons are sort of  
7 different. The first two on the list are 2021 awards.  
8 I know that seems quite awhile ago, but they both  
9 through our own dealings with quite a few applicants  
10 and trying to get the projects in their hand and  
11 contracts in their hand and complications through  
12 staffing issues related to COVID fell behind and  
13 weren't able to make the original deadline in the  
14 current contract to strike their -- to make their -- to  
15 get a subcontract for construction work. Both of these  
16 applicants didn't get a signed contract in hand, both  
17 through someplace on their part but also on our own  
18 staffing issues here. Now that Will Price, Restoration  
19 Programs Assistant, is onboard, we'll see a lot less of  
20 this in the future, I'm sure. But they didn't even get  
21 a contract until after six months after the award date,  
22 which gave them less than six months to get and RFP and  
23 get these projects underway. Both of the top two  
24 projects are now ready to roll out the RFPs. In fact,  
25 we've gotten several anxious emails asking when this

1 meeting was so that we can move this deadline forward  
2 for them, and they are assured be continued. So that's  
3 the top two. The second two projects are 2020  
4 applications, and that's again very old projects, and  
5 of course, the original intent of this legislation is  
6 that we don't bank money for construction that other  
7 people could use. And in this case, it's sort of --  
8 you could make the argument that's happened. I think  
9 it's in both of these, in our interest and in the  
10 interest of the applicants to continue and allow them  
11 to use their awards. The reason for that is both of  
12 these projects were significantly capped in 2020. We  
13 had a cap. Both of them received less than they  
14 requested, and in one case, less than 50 percent of  
15 what they requested in the coastal application, and  
16 Kernersville was capped to about \$200,000.00. Both  
17 those applicants have remained active and have now  
18 secured the additional funds, so they are willing to  
19 provide the -- essentially the 100 percent of the scope  
20 of the project at the award amount, which was again  
21 capped from their original request. So I feel this, as  
22 old as these projects are, they are still very relevant  
23 and important projects. So the staff recommendation is  
24 that we would request that you do allow all these four  
25 projects continue, and we will assure that they have

1 construction contracts and construction is beginning by  
2 the end of this calendar year. I'd be happy to answer  
3 any questions about this, and I'm sorry I have to bring  
4 four of these two again, but this is the state and my  
5 report; thank you.

6 Chairman Wilson: Thank you,  
7 Steve; any questions for Steve?

8 Mr. Womack: Yes, Steve,  
9 this is David. Just a quick question on the -- you say  
10 that you will assure that these will be done. I  
11 understand that they want to do them in a timely  
12 manner. I understand that we want to do them in a  
13 timely manner. I mean, but we don't have any stick to  
14 enforce that to happen, do we, Steve?

15 Restoration Program Manager Bevington: Well,  
16 you do. You have -- you can withdraw these  
17 applications right now, and I would tell each of these  
18 applicants that staff may not recommend the positive  
19 outcome after the end of this calendar year. The  
20 project would simply have been given full opportunity.  
21 Basically, I'd make an argument that none of these four  
22 have a full-year opportunity to seek a contract, but  
23 now we have given them that time. And if they do not  
24 arrive at that deadline, I think staff recommendation  
25 would be to not extend it, and it would be at the Board

1 -- probably at the February meeting next year, you  
2 would have to delay to cancel those contracts.

3 Mr. Womack: Okay, I'm not  
4 suggesting we do that. I'm just -- I'm just curious  
5 for the procedure and if -- where you phrase that,  
6 that's all.

7 Restoration Program Manager Bevington: It's  
8 -- yeah, exactly, I made it sound a little too strong,  
9 perhaps on my ability to control the future, but they  
10 do have -- they understand the seriousness of this  
11 contract obligation, and, you know, we take it very  
12 seriously as well. I think that's something we've  
13 heard from this Board before, is that there is an  
14 interest in getting these projects moving more quickly.  
15 And I know it's not exactly excuse, but we've been  
16 swamped here. And again, now that we're at full staff,  
17 especially on the restoration side, I'm extremely  
18 hopeful I'll bring fewer and fewer of these to you.  
19 This current year may be -- another difficulty, we may  
20 see some in December or September because of contract  
21 template issues. We had striking contracts a little  
22 bit late this year, but in any case, my intent is to  
23 really move these projects forward as quickly as  
24 possible, especially now that we're a full staff.

25 Mr. Williams: Got it; thank

1           you, good answer; it's appreciated.

2                   Acquisition Committee Chair Walser:           I'd  
3           like to move that we approve the extensions of the  
4           contracts as proposed.

5                   Vice-Chair Browning:                   I'll second.

6                   Chairman Wilson:                   Okay, that's a  
7           motion from Jason and a second from Ann; any more  
8           questions or discussions on this?

9                   Ms. Grissom:                   I was going to  
10          say --

11                   Chairman Wilson:                   This is --

12                   Ms. Grissom:                   Sorry, I was  
13          just going to say I'm glad that with the delay more  
14          funds have been brought to the Living Shoreline and the  
15          other project. I think that's great.

16                   Restoration Program Manager Bevington: Yeah,  
17          if I could just add to that the Town of Kernersville,  
18          in my book sort of the champion and is not -- they do  
19          not have a large budget, and they're stepping out to  
20          complete a significant project in their park in town,  
21          and I know that Damon and Justin have both been there.  
22          It has strong environmental benefits as well.

23                   Chairman Wilson:                   Any more  
24          discussion; this is a motion and a second to extend the  
25          date to enter into a construction contract for projects

1 2021-1002, 2021-413, 2020-404, and 2020-413. Hearing  
2 no more discussion or questions, I'll call the vote,  
3 please; Ann?

4 Vice-Chairman Browning: Yes.

5 Chairman Wilson: Greer?

6 Ms. Cawood: Yes.

7 Chairman Wilson: Amy?

8 Ms. Grissom: Yes.

9 Chairman Wilson: Renee?

10 Innovative Stormwater and Planning Committee

11 Chair Kumor: Yes.

12 Chairman Wilson: Mike?

13 Mr. Rusher: Yes.

14 Chairman Wilson: Jason?

15 Acquisition Committee Chair Walser: Yes.

16 Chairman Wilson: Darrel?

17 Mr. Williams: Yes.

18 Chairman Wilson: David?

19 Mr. Womack: Yes.

20 Chairman Wilson: And John is

21 yes, also; thank you, Steve. And we'll now move to the  
22 next item on our business agenda 2023 Grant Cycle  
23 Update from a whole cast of characters here Will,  
24 Marissa, and Steve.

25 Executive Director Summer: Thank you, Mr.

1 Chair; give me just one second here to get my  
2 presentation up. Everyone should be looking at agenda  
3 item 2 on the screen. So I just want to tell you all  
4 about our recent grant cycle. As you know, February  
5 15th, we accepted applications for the next grant  
6 cycle. I want to give you a just a quick breakdown  
7 about those application requests, talk a little bit  
8 about our review process just as a refresher, and  
9 finally, review the Trustee site visit protocol, which  
10 was approved by this Board a few years ago. So as I've  
11 already mentioned, we had \$99,000,000.00 in requests in  
12 round numbers, 143 applications; 102 of those were  
13 acquisition, 24 restoration, two of them innovative  
14 stormwater, and 15 planning. And just as a refresher  
15 last year, which was our biggest year in quite some  
16 time, we had a total 195 applications requesting  
17 \$180,000,000.00. So not as big year as last year, but  
18 as I said, I think this is the right amount, still more  
19 than three times what we currently expect to have  
20 available, and by looks it's going to be great  
21 projects. This is our distribution across the State,  
22 about 40 percent by number in the Piedmont and the  
23 Mountains and less than that by half of that in the  
24 Coastal Plain. That's pretty typical. There's often  
25 less demand in the Coastal Plain. By percent kind of

1 similar, a little less skewed, some larger projects on  
2 the coast, making it a little bit closer, but still  
3 more demand in the Piedmont and in the Mountains. I do  
4 want to mention before I hand this off to Marissa to  
5 talk about acquisition that of the 43 applications that  
6 we received, six are related to flood risk reduction  
7 letters of interest, which is to say that when we in  
8 that phase one request on the flood risk reduction  
9 program, some fit very well and some our advice was it  
10 looks like a great project. It looks like it would be  
11 a better fit for our regular grant cycle, and folks  
12 took that advice, and we had six restoration  
13 applications from that initial flood waters reduction  
14 cycle that didn't go all the way through the process  
15 come in for the restoration program, and three come  
16 into the acquisition program. And with that said, I  
17 will hand it off and let Marissa talk.

18 Mr. Womack: Will, this is  
19 David, real quick before you get off.

20 Executive Director Summer: Yes, sir.

21 Mr. Womack: Back to the  
22 number and the dollar request for the applications, is  
23 that a possibility that that could play into the -- in  
24 the politics? Could the discussion with the General  
25 Assembly be, well, they don't have as many requests

1 this year, and they don't have as much money that the  
2 people want; maybe we don't need to give them as much?  
3 I mean, could that possibly have an adverse effect  
4 politically?

5 Executive Director Summer: Well, I still  
6 would make the case. So just to recap what we do have  
7 and what we expect, our recurring appropriations now  
8 we're a little over \$24,000,000.00, and we have a  
9 little over \$5,000,000.00 in license plate revenues.  
10 So if the General Assembly took no action, our amount  
11 would be roughly \$30,000,000.00. We've still got well  
12 over three times that in demand in great projects. I  
13 look at this number and think we can take tens of  
14 millions more and put it to very good use. So it is  
15 lower than previous years, but I think because we've  
16 been so successful, we've really funded a good deal of  
17 demand. I'm frankly impressed that we still have  
18 \$100,000,000.00 worth of demand left after two of the  
19 strongest years we've seen in 20 years, so to your  
20 point, not as big as last year, but still way more than  
21 we could hope to fund as things sit today. So I think  
22 there's still a very strong case to be made.

23 Mr. Womack: Okay.

24 Chairman Wilson: And just a  
25 quick comment regarding making that case, now is the

1 time to make that case to our elected officials, and I  
2 think Trustees of this Board, as well as our partners,  
3 made that case extremely effectively in recent years,  
4 and the funding that came to the Land and Water Fund  
5 and the Parks Recreation Trust Fund, et cetera, was in  
6 part a result of that, in large part a result of that.  
7 And I would encourage everybody to continue, and now is  
8 the time to do that, and again, emphasizing what -- the  
9 second half of what Will said, instead of comparing  
10 this to just the immediate prior year, I think  
11 comparing this close to \$100,000,000.00 in requests to  
12 the current level of available funds that we have is  
13 the appropriate way to go about doing that.

14 Acquisition Program Manager Hartzler: Okay,  
15 specifically in acquisition, we received 102  
16 applications, as Will previously mentioned, although  
17 one of those has been withdrawn, because it was funded  
18 from the 2022 provisional list. So of the remaining  
19 101 applications, 85 of them are from nonprofit  
20 organizations, a total of 17 nonprofits. Three  
21 applications are from three local governments; and 13  
22 applications have come from two state agencies. I just  
23 wanted to quickly note here that I think the number of  
24 applications and the total number of applicants in the  
25 local government and state agency category is a little

1 bit lower than typical years. But I do want to note,  
2 and that is the asterisk following the nonprofits, that  
3 of those 85 applications coming from nonprofits, as we  
4 have seen in prior years, many of those will be  
5 properties that nonprofits are intending to transfer to  
6 local governments for the creation of new local parks,  
7 or they may intend to transfer them to the State, maybe  
8 to state parks or Wildlife Resources Commission. So I  
9 think as with typical years, you will see a number of  
10 those applications if they were funded, resulting in  
11 additional state and public lands, and if you can move  
12 to the next slide, please; thank you. As with all  
13 years, every single one of the 101 applications will be  
14 reviewed for riparian buffer and natural heritage  
15 scoring. That's with Land and Water Fund, as well as  
16 Natural Heritage Program staff, of course. I do want  
17 to note that seven applications this year claimed  
18 riparian greenway credits. That is a lower percentage  
19 of applications than we saw in 2022. I think this  
20 might be attributed to the fact that the riparian  
21 greenway category is typically very difficult to get  
22 points in because the criteria is so specific. So I  
23 think that fewer applications came in with that claim,  
24 knowing that in prior years it did not result in  
25 points. They did not meet the specific criteria to be

1 a riparian greenway. Thirty applications claimed  
2 historic and cultural or were unsure of the historic  
3 and cultural potential on the property, and this is a  
4 similar percentage of applications in 2022. And all  
5 applications will be reviewed against State Historic  
6 Preservation Office data for additional resource  
7 potential, especially in that archaeological category,  
8 because that data is not public data that is available  
9 to applicants for review. And then finally, 19  
10 applications have been identified that may have  
11 military benefit, and this is a similar percentage of  
12 applications as in 2022. With that, I can turn it over  
13 to Steve for some specifics on restoration.

14 Restoration Program Manager Bevington: Thank  
15 you, Marisa; yes, so the 2023 grant cycle in  
16 restoration, in general the three programs under it is  
17 a bit lighter than past years. I don't know if it's a  
18 little bit of partner fatigue from going through the  
19 flood risk reduction process. But in any case, here we  
20 are with 24 applications looking at stream restoration  
21 or restoration activities in general. A lot of them, I  
22 sort of preliminarily described. Of course, it might  
23 change a little bit once the field representatives have  
24 been out there and seen stuff on the ground, but I sort  
25 of characterize 11 as restored classic natural channels

1 and live stream restoration projects. Six of them are  
2 wetland and flood plain restorations, something we've  
3 been trying to sort of advertise as an opportunity to  
4 people to consider restoring the entire flood plain. I  
5 think we heard from Secretary Wilson about the  
6 necessity of improving wetlands and flood plains if  
7 we're going to keep up, step up with changing climate  
8 and growth in the state. We have three requests for  
9 dam removals or other impediment removals from streams  
10 to allow fish and other aquatic organisms to pass  
11 upstream and downstream. Two of the larger projects  
12 would involve removing barriers to human transport and  
13 canoes or whatever kind of recreational vehicles and  
14 fishing activities that want to take place as well; two  
15 shoreline protection projects, which is a little bit  
16 lower than average, but still I think some pretty  
17 strong interest in making sure our shorelines can take  
18 the changes in sea level that may be anticipated and  
19 other erosive forces from the coast and one project  
20 that's really looking at -- to enhance vegetation along  
21 streams without really looking particularly at stream  
22 restoration itself and enhancing the natural  
23 environment of the riparian corridor itself. I'll move  
24 to the next slide. And by the way, feel free to  
25 interrupt me if you have questions along the way.

1 Innovative Stormwater, it's a low year. We only see  
2 two applications in-house, one from NC State and  
3 another one from a nonprofit organization. We  
4 typically see six or seven. Five years ago, we also  
5 saw only two, so I anticipate a rebound next year, and  
6 I know our field reps have already met with some of  
7 these folks. So they're off to the races with  
8 understanding what the opportunities are with these two  
9 projects and interest, yet I think it was -- what's  
10 missing there is that local governments didn't send any  
11 in this year, so I'm not sure where that came from and  
12 why it didn't happen. Planning applications, we have  
13 more than we have recently. We've been averaging about  
14 12 in the last few years. Fifteen applications will be  
15 in front of you this year. Eleven are from nonprofit  
16 groups, and four from local governments. I think some  
17 of the nonprofit land trusts are really taking an  
18 interest in their entire watershed and planned both  
19 restoration and acquisition opportunities, so I think  
20 it's pretty exciting. Three of them also, and probably  
21 more, but my first reading three of them clearly  
22 identify some flood resiliency as part of their  
23 planning initiatives. But again as we heard from  
24 Secretary Wilson, watershed improvements generically  
25 tend to have important flood reduction work as well. I

1 think that's my last slide.

2 Executive Director Summer: Thank you,  
3 Steve; any questions for Steve before I go on to the  
4 next; so I just want to go over kind of what's  
5 happening in our shop over the next five months. This  
6 is a very busy time for all staff involved in project  
7 review. Field reps will be visiting with each  
8 applicant, inspecting the sites almost daily through  
9 May. Program staff are going to be reviewing and  
10 scoring each project. They're getting input from our  
11 biologists on the Natural Heritage Program side,  
12 historians, military installations, and the DEQ  
13 stormwater staff. This happens through June, and keep  
14 in mind that there are still contracts being executed  
15 and implemented, closing and happening all the while.  
16 That part of the work we do never stops. There will be  
17 an applicant update period, as there usually is, ending  
18 in June, and then we will be -- field reps will be  
19 reviewing the score and scope and preparing  
20 presentations in June and July, and then we'll compile  
21 all the information that you folks are used to seeing  
22 and send it out in August. You cannot read this, and  
23 that is not really the intent, but the arrow on the  
24 left demonstrates where we are now on our Gantt chart,  
25 and the arrow on the right demonstrates where we'll be

1 in September. And these are all the interrelated steps  
2 that we go through to get an application reviewed,  
3 scored, and turned into information that you can use  
4 between now and then. This is simply meant to  
5 graphically show that there's a lot going on. So with  
6 that said, I'd like to cover guidance for a Trustee  
7 site visit, and this all comes verbatim from a  
8 procedure that this Board reviewed, deliberated, and  
9 approved a couple years ago. So Trustees have a  
10 responsibility to administer the funds entrusted in  
11 them to the best interest of the citizens of the state  
12 and consistent with the statute. In doing so, a  
13 Trustee may wish to see a project in person to fully  
14 understand its impact. A Trustee may visit the site  
15 provided the visit promotes the public purpose and does  
16 not conflict with the Open Meetings Law, and I'll talk  
17 a little bit more about that. Here are the steps.  
18 One, if you get contacted, or if you're interested in  
19 visiting a site, please let me know first. That allows  
20 our team to coordinate site visits to ensure that we're  
21 available to attend as well, as well as to make sure  
22 other Trustees are given the opportunity to  
23 participate. And it's also important that we  
24 coordinate the visit, so we can make sure that we don't  
25 run afoul of the Open Meetings Law, or if there are

1 enough Trustees that want to go and see a site, that we  
2 appropriately post it as an open meeting, because  
3 whenever there's a majority of a committee of any kind  
4 getting together to do the business of the fund, it's  
5 subject to open meetings. And finally, the third best  
6 practice here is that the Trustees make other Trustees  
7 aware that they visited a site during the application  
8 review meeting in September, and it's usually a good  
9 time to talk about why the Trustee felt the visit was  
10 necessary in promoting the public purpose. I will note  
11 that in recent years Trustees have done just that.  
12 There have been two general categories of projects in  
13 recent years, but there can be numerous reasons why  
14 Trustees might want to visit. We've had some  
15 exceptionally large requests in recent years, and I  
16 think several Trustees felt that they really want to  
17 put boots on the ground if we're going to be  
18 potentially considering a grant that substantial. And  
19 on the other end of the spectrum, I think Trustees have  
20 expressed an interest in seeing some of the projects  
21 that were on the lower end of the score to verify that  
22 that even though they weren't our top scoring projects  
23 that there was still merit there and projects that were  
24 worth putting money into in person. So as far as  
25 guidance on deciding to go, it's recommended that you

1           only do it if you feel that it promotes the public  
2           purpose. I'm sure you may be asked by applicants to  
3           visit a site. I'm sure they would love for you all to  
4           be intimately familiar with their favorite site and to  
5           feel a connection to it. And I think it's just really  
6           important that the desire for visiting the site is  
7           driven by your interest in the site and feeling that's  
8           it in the public purpose, more so than the applicant's  
9           interest in doing so. And again, when you do want to  
10          see a site, please reach out to us, and we'll  
11          coordinate with applicant and other Trustees and  
12          interested parties and find a suitable date, because of  
13          the aforementioned busy five months we've got coming  
14          up, the best months for us to arrange a visit when we  
15          have a little capacity and field reps are able to see  
16          it with you is usually mid-July through August. It's a  
17          warm time of the year, but it is really important that  
18          we can be on site with you for our interest and to make  
19          sure it doesn't put too much stress on an already  
20          extremely tight schedule for staff. And just one final  
21          reminder, gifts are prohibited. So while you're on a  
22          visit, it's important to remember that food,  
23          transportation, and logo items can be considered as  
24          gifts and should not be accepted. If you have any  
25          questions or concerns, reach out to me, and I'll work

1 with Zoe, and we will make sure that everybody is doing  
2 things appropriately. And I believe that concludes our  
3 wrap-up of the 2023 projects; thank you, Mr. Chairman.

4 Chairman Wilson: Thank you, Will  
5 and Marissa and Steve; any questions for any of our  
6 staff regarding the 2023 grant cycle; okay, if not,  
7 we'll move on to the very exciting next agenda item,  
8 the Flood Risk Reduction Committee report. I'll hand  
9 it over to Committee Chair Ann Browning.

10 Vice-Chair Browning: Thank you, Mr.  
11 Chairman; I'll make a few comments before turning it  
12 over to Steve, but it is very gratifying to be making  
13 this recommendation on behalf of the Flood Risk  
14 Reduction Committee, and that includes John, Renee,  
15 Jason, Amy, and Mike, very hardworking Trustees. It's  
16 just a year, about a year from the time that we were  
17 given this brand-new charge, and it's really a  
18 testament to the nimbleness and dedication of the staff  
19 and the Trustees and our applicant partners that we are  
20 here today. So I feel great about our process. I  
21 think our -- it was both thorough and fast-paced, and I  
22 think our letter of interest procedure served us well,  
23 and I think we put together an effective rating system  
24 that held up well. We're recommending a few exceptions  
25 to the order ranking, but I think with good reason. So

1 we've learned a lot. We didn't know what we'd get, but  
2 we've got a very interesting mix of solutions that  
3 communities are offering for flood risk, and we're  
4 excited to bring them before you today. Steve, do you  
5 want to take it from here before we get into this  
6 specific recommendation?

7 Restoration Program Manager Bevington: Thank  
8 you, Madam Chair; yes, I'm going to share my screen  
9 from this end to describe very briefly the process to  
10 get everybody on the same page. And I know a lot of  
11 you have seen some of these slides before, so I'll go  
12 through them pretty quickly. I apologize about that in  
13 advance, and here they come. So I think all of you  
14 know that this \$15,000,000.00 that's to be discussed  
15 today was made available through the last budget,  
16 biennium budget, the 2021-22 budget. And  
17 \$15,000,000.00 was made available, and I'm going to go  
18 to the sort of the bottom line of this slide, but the  
19 reason this was divided into two parts, I'll get to  
20 that in a second, but the reason I've got this in two  
21 parts is, they sort of reference to do some work and  
22 give us \$15,000,000.00, and then they mentioned this  
23 other legislation. Well, this was things we had done  
24 since 2019 to protect wetlands and flood plains and  
25 other qualities of the environment along streams. So

1 in a way it was sort of applauding, the way I take it,  
2 what we have been doing for a few years, and in a lot  
3 of ways doing over the 25 years of the Clean Water  
4 Management Trust Fund, now Land and Water Fund. So  
5 basically, what the legislation was really trying to  
6 say, and the way we've interpreted it, and with the --  
7 to me it has helped further interpret it, is that  
8 provide \$15,000,000.00 to our fund, to provide grants  
9 to our partners for projects to protect and restore  
10 flood plains and wetlands for the purposes of storing  
11 water, reducing flooding, improving water quality, and  
12 providing wildlife and aquatic habitat, and providing  
13 recreational opportunities. So none of those  
14 activities are really new to us, but the focus is new,  
15 and I think that's something that these recommendations  
16 you'll see in a minute really embrace. I do have to  
17 say this is unusual sequencing. We're not only out of  
18 step of applications and awards process compared to our  
19 standard programs, but we have the odd situation where  
20 the committee met about a month ago, so we've sort of  
21 been in this funny limbo. Usually I have about an hour  
22 to prepare from the committee actions to your Board  
23 votes. So there's a number of applicants who have been  
24 sort of hoping for good news for an additional month,  
25 an interesting side to this. Just very quickly, a sort

1 of the super conceptual concept, and I apologize for  
2 stealing this slide from a consulting firm and adapting  
3 it a little bit. Essentially with a lot of  
4 opportunity, there's streams that have because of  
5 modern development upstream or current activities and  
6 flood plains has sort of been eliminated from flooding  
7 without harm. They're a natural flood plain. They  
8 used to be across this open area, but maybe there are  
9 structures there now. There may be fill there. The  
10 stream may have been sized and cut down. It's sort of  
11 more like a channel or a canal now in many cases across  
12 North Carolina that had been in the past. And we sort  
13 of had a naive vision that some of these stream  
14 restoration -- flood risk reduction projects, excuse  
15 me, would have the ability to provide the service,  
16 ecological services, and natural and cultural resources  
17 that we protect on flood plains continue. At the same  
18 time, it's allowing the stream to flood these areas and  
19 prevents more serious flooding downstream. So this is  
20 sort of a simple stylized version of what we'd hope to  
21 see, and as Chair Browning said, we actually got quite  
22 a diversity of responses of how to accomplish this to  
23 protect our existing environmental mission and cultural  
24 mission, but also to enhance flooding risk reduction.  
25 So very quickly, the time line was extremely

1 compressed. As has been mentioned earlier, John Wilson  
2 established this ad hoc committee in December after the  
3 virus passed very late in 2021, so the budget wasn't  
4 ratified until the 18th. That committee was charged,  
5 you may remember, right before the end of the calendar  
6 year, and the Flood Risk Reduction Committee, ad hoc  
7 committee was formed and began its work in January of  
8 the next year. So off to the races, they were. They  
9 have met seven times now; six times to establish this  
10 funding process that we're going to see right now. So  
11 to very quickly, just to sort of say that they had to  
12 -- we begged and borrowed pieces from our existing  
13 acquisition and restoration ranking systems and then  
14 tweaked them and bent to the purposes of what the  
15 legislation directed, essentially effective measurable  
16 outcomes to being 50 percent of the score, resource  
17 significance 15 percent, other public benefits, we --  
18 staff usually imposed around 5 percent, but I think the  
19 committee thought that it was to be more broadly  
20 embraced, raised the project and value very similar to  
21 how we've done the past. Although an important  
22 distinction, and we won't talk about that much today  
23 unless you care to ask questions about it, we did get  
24 an option; you could score ten points through getting  
25 your match percentage up, or for communities that are

1 described, there are several ways that the committee  
2 decided to describe them as economically distressed.  
3 They could see -- get those points in lieu of match.  
4 Although everybody did eventually provide match, there  
5 were some communities that had less resources that were  
6 able to get points sort of equivalent to a heavily  
7 matched projects did. I can go into the details of  
8 that later if you care to hear about them. So here we  
9 are. We had an interesting process after the committee  
10 finished their heroic work in the spring, but again,  
11 six committee meetings, I was a little worried that  
12 people would stop showing up, but the interest  
13 continued. It's a lot of work for volunteers and busy  
14 people, but our levels of interest was the newest part  
15 of this process that we did not -- we took a two-step  
16 application process. So we first had people just tell  
17 us a little bit about their project, and that was  
18 published in June. We gave them feedback. As Will  
19 Summer described earlier, we told some people, hey,  
20 this is a great fit. We hope to see your full  
21 application. We told other people you're welcome to  
22 send it in, but it doesn't look like it may be  
23 competitive. Perhaps you'd be more competitive in  
24 other State agencies awards, or 25 of them, as was  
25 mentioned earlier, we said, hey, you know, you may want

1 to consider our standard programs, and I think nine or  
2 ten of the ones you'll see this in 2023 cycle will be a  
3 result of that. Full application materials were  
4 published September 1, and we gave them, again, two  
5 months to write a full application; half of the  
6 application was their letter of interest. They could  
7 edit it if they wanted to. They weren't bound to it,  
8 even the budget they could change, but we didn't make  
9 them write it twice; it sort of -- Damon helping quite  
10 a bit, and Will Price on the technical side as well,  
11 building an application that built on the letter of  
12 interest. So people only had to type things in once if  
13 they cared to. We did virtual meetings. The field  
14 reps did a great job of picking up the slack and doing  
15 -- really, I'm not sure if it was an unfounded mandate,  
16 but more work than we expected to do in that year, and  
17 here we are. The committee met in January, considered  
18 19 applications that I'll show you in a second, and  
19 we're waiting for your opinion today. So again, we  
20 received 21 complete letters of interest back in the  
21 summer of last year. The request totaled over  
22 \$82,000,000.00 with \$42,000,000.00 proposed as match.  
23 Twenty-eight of those letters of interest were from the  
24 local government, 27 for nonprofits, and four from  
25 state agencies. So it's sort of a nice mix, somewhat

1 similar to what we see on other programs. Some people  
2 asked for as much as \$11,000,000.00 out of the 15 we  
3 had, and the smallest application was for  
4 \$42,000,000.00 (sic), and 40 towns were represented in  
5 the original proposal submissions. We really thought  
6 about half of them were right on target, and we told  
7 them so, and we hope to see those projects mature.  
8 They were sort of well distributed across the state,  
9 and I was actually very encouraged. I was a little  
10 nervous it might all lump into a coastal county or  
11 something with hurricane concerns, but people, of  
12 course, are threatened by flooding everywhere in the  
13 state, and that's well-represented by the distribution  
14 of applications. These are just the 32 that we thought  
15 really sort of hit on all cylinders of those ranking  
16 criteria. So what happened was essentially only 21 of  
17 those actually came back. I think the reality of the  
18 quick schedule and landowner permissions and things  
19 weeded those 32 down to 21. Two of those were  
20 withdrawn even later in the process as we began to talk  
21 to them. So we came down to 19 active applications  
22 that you have in front of you today, requesting  
23 \$18,000,000.00 with \$27,000,000.00 proposed in match.  
24 I think that ratio has gone up. So again, the stronger  
25 projects rise to the top in terms of match; 11

1 applications from local government, six nonprofits, and  
2 three from the State agencies, so state agencies sort  
3 of stayed firm. There was only four of them in the  
4 letter of interest, if you remember, and this demand  
5 and again remember, this \$18,000,000.00 remember is the  
6 people after strong feedback where we said, look, you  
7 just can't ask us for \$11,000,000.00 for this case.  
8 You know, if we only have \$15,000,000.00 to give and  
9 hope to see it spread around the state, people give us  
10 more realistic budgets, but also importantly people are  
11 seeking funds for important projects in other places,  
12 realizing -- seeing the writing on the wall. So I  
13 don't think this \$18,000,000.00 should really be taken  
14 to mean anywhere near our demand. I think the  
15 \$82,000,000.00 that we first saw is closer. And of  
16 course, as this program would be more widely made  
17 newsworthy and more people heard about, I think we  
18 might see more demand than that; anyway, here on the 19  
19 application locations pretty well across the state.  
20 Unfortunately, one of our withdrawals was up in the  
21 northeast coast, where it would have made the map view  
22 look more symmetric, but again we're pretty happy with  
23 that. So, Madam Chair, with that very brief summary,  
24 although I spoke too long, that concludes my remarks.  
25 I'm happy to answer any questions any of the Trustees

1 have about this process or where -- where we are today.

2 Vice-Chair Browning: Any questions,  
3 anyone, for Steve?

4 Mr. Rusher: I'll just make  
5 a quick comment, and, Steve, without you and staff, I  
6 don't think we could have arrived here, especially with  
7 the -- with the formulas and points scoring. I think  
8 the swiftness in which you all responded to inquiries  
9 and updates I think was incredible. So I'm very happy  
10 with where we ended up. I think you guys do dynamite  
11 presentations every time, so even folks like me can  
12 understand what's happening, so I appreciate that.  
13 That's my comment.

14 Vice-Chair Browning: I'll echo that.  
15 There was a lot of heroism on the team layering this on  
16 top of their already record year, so we're so grateful  
17 for that.

18 Restoration Program Manager Bevington: Thank  
19 you; I'll take the thanks on part of the staff. I went  
20 over my slides too quickly to say our partners had a  
21 big role in determining priorities. We had two surveys  
22 that we sent out to them and got a lot of response back  
23 from our partners as well, so they are a big part of  
24 that as well.

25 Vice-Chair Browning: All right, if

1 there's nothing else, shall I jump to the  
2 recommendations? All right, the Flood Risk Reduction  
3 Committee recommends the following; one, that the award  
4 for each individual flood risk reduction project not  
5 exceed \$2,000,000.00; two, the 15 highest scoring  
6 projects be funded and up to their requested amount or  
7 up to \$2,000,000.00 if the requested amount is greater  
8 than that demand; number three, project 2022-FRR29 -  
9 Maysville - Maple Street Green Stormwater Improvement  
10 be funded and up to the request of \$236,000.00  
11 regardless of score order; and four, that project 2022-  
12 FRR61 - Whiteville - Whiteville Stormwater Park be  
13 funded at up to the remainder of available funds of  
14 \$628,786.00. Then, Mr. Chairman, shall I read these  
15 projects? I think that's the customary process.

16 Chairman Wilson: Sure, yes.

17 Vice-Chair Browning: Okay, so here  
18 are the projects. I won't read the full names, but I  
19 will say the Grantees 2022-FRR20 - Haywood Waterway  
20 Association, \$2,000,000.00; 2022-FRR01 - North Carolina  
21 Division of Soil and Water Conservation, \$110,000.00;  
22 2022-FRR24 - Hendersonville - for \$1,120,929.00; 2022-  
23 FRR48 - Nature Conservancy, \$495,000.00; 2022FRR28 -  
24 Lumberton, \$2,000,000.00; 2022-FRR03 - North Carolina  
25 State University, \$571,633.00; 2022-FRR35 - North

1 Carolina Coastal Federation \$1,600,000.00; 2022-FRR12 -  
2 Durham, \$1,000,000.00; 2022-FRR16 - North Carolina  
3 State University, \$383,191.00; 2022-FRR34 - The New  
4 River Conservancy, \$789,960.00; 2022-FRR07 - Buncombe  
5 County, \$1,008,500.00; 2022-FRR26 - Kinston,  
6 \$2,000,000.00; 2022-FRR42 - Seven Springs, \$380,001.00;  
7 2022 FRR44 - The Conservation Fund, \$176,000.00; 2022-  
8 FRR30 - Charlotte Mecklenburg Stormwater Services,  
9 \$500,000.00; 2022-FRR29 - Maysville, \$236,000.00; and  
10 2022-FRR61 - Whiteville, \$628,786.00, for a total of  
11 \$15,000,000.00.

12 Chairman Wilson: Thank you, Ann;  
13 this is coming to us from the Flood Risk Reduction  
14 Committee in four parts with the detailed summary of  
15 grants; any discussion; any questions for Ann or Steve  
16 or anyone else? Okay, we can vote on this as a whole  
17 unless anyone objects to that. So that's what I'm  
18 going to suggest we do unless anyone speaks up and  
19 stops. All right, Ann, how do you vote?

20 Vice-Chairman Browning: Yes.

21 Chairman Wilson: Greer?

22 Ms. Cawood: Yes.

23 Chairman Wilson: Amy?

24 Ms. Grissom: Yes.

25 Chairman Wilson: Renee?

## 1 Innovative Stormwater and Planning Committee

2 Chair Kumor: Yes.

3 Chairman Wilson: Mike?

4 Mr. Rusher: Yes.

5 Chairman Wilson: Jason?

6 Acquisition Committee Chair Walser: Yes.

7 Chairman Wilson: Darrel?

8 Mr. Williams: Yes.

9 Chairman Wilson: David?

10 Mr. Womack: Yes.

11 Chairman Wilson: And John is a

12 yes. I would just like to echo the thanks to Steve and  
13 the staff for all the hard work. As Ann said, this was  
14 on top of everything else that they were doing during  
15 these two extraordinary -- the second of two  
16 extraordinary years. And also, I'd like to thank  
17 particularly Ann for chairing this new committee, in  
18 addition to serving as Vice-Chair of the full Board and  
19 thus sitting on every other committee, and also to all  
20 of you who served on this committee and said yes to my  
21 request that you serve on the committee, in addition --  
22 and then continuing to keep your answer, yes, when I  
23 said that means in addition to all your other committee  
24 work, so thanks to everyone, and please include this as  
25 part of your conversations with elected officials to

1 ask them to, at the very least, continue funding this  
2 at the \$15,000,000.00 per year level. And better yet,  
3 we could probably do -- not probably, I know we can do  
4 more with more. So we know how to do this. We've  
5 proven we know how to do it, and I think we've learned  
6 a lot, and we'll do it even better in the future and no  
7 doubt these are going to be successful, wonderful  
8 projects. And I'm sure we all can't wait to watch them  
9 and see how successful they are; any final comments on  
10 this agenda item? Okay, we are now at the Executive  
11 Committee report. Apparently, the Executive Committee  
12 is chaired by John Wilson. That's me, and I am going  
13 to pass off the first agenda item, the updates to the  
14 soon to no longer be called the Decision Matrix Policy,  
15 hopefully, to Will Summer.

16 Executive Director Summer: Thank you, Mr.  
17 Chair; all right, so I'm going to try to summarize this  
18 rather than go through the entire policy point by  
19 point, but I'll put it up in the background just for --  
20 for fun, and if we do need to go into any more detail,  
21 if anybody has any questions, I'll be fully prepared.  
22 So due to the type of projects we fund, changes are  
23 inevitable. Surveys uncover errors in deeded acreage.  
24 Appraisals reveal differences in estimated value or  
25 changes in the market between application and closing.

1 Landowners along stream restoration change their mind.  
2 Engineers discover buried infrastructure that changes  
3 the design plan, and the list goes on. Most of the  
4 time these changes are modest and do not impact the  
5 benefit of the project, and waiting until the next  
6 scheduled Board meeting would unnecessarily delay the  
7 project and our needs. So in 2007 staff and Trustees  
8 created a process by which small decisions are  
9 delegated to staff, and a spreadsheet where we  
10 calculate and store this process was referred to as the  
11 Decision Matrix. It's way less cool than it sounds.  
12 In 2014 that spreadsheet was added into our policy  
13 manual, and what that policy does is delegate some of  
14 the smaller decisions to the Chair and staff provided  
15 that there are no additional funds requested, and that  
16 the change in cost, match, or scope does not exceed 25  
17 percent. Within that range, staff with the approval of  
18 the Executive Director could approve changes less than  
19 10 percent, and the Chair anything between 10 and 25  
20 percent. The old and new version of policy are  
21 attached in your agenda packet, but here's a summary of  
22 what was changed. First, we got rid of the named  
23 Decision Matrix, which does not mean much to anyone,  
24 and renamed the policy Project Change Requests and  
25 Delegation of Decision Authority. The spreadsheet

1           itself was removed from the policy and is now a tool  
2           that is used in the background outside of the policy  
3           itself. We clarified that positive changes, i.e.,  
4           those to our favor, do not require formal approval. We  
5           did add a delegation for program managers of changes  
6           that are less than 5 percent. So previously it was  
7           changes of 0 to 10 percent were all of the Executive  
8           Director. Now we've given the smaller ones, 0 to 5  
9           percent to Program Managers and 5 to 10 percent to the  
10          Executive Director, just to keep the very small things  
11          moving along at and at that level. And I do want to  
12          say that the way this has worked and will continue to  
13          work, if -- even if by the numbers these changes are  
14          within the range of a delegation, we can and will if  
15          there's something else about it that makes us think  
16          this needs to be kicked up a level, Program Managers  
17          will bring it to me. If I'm uncomfortable without it,  
18          I'll bring it to John, and likewise, John will say, you  
19          know what, this is a big enough change, I think the  
20          Board needs to see this again. This is substantially  
21          different than what we approved, so that there's the  
22          Decision Matrix kind of delegate's authority that we  
23          can use, but we're not obligated to. And in fact, we  
24          generally prefer if there's any doubt, to come back to  
25          the next higher level in the chain. And finally, the

1 new policy requires that a project score should be  
2 calculated for any change, or rather a change in the  
3 project score should be calculated for any change. And  
4 if the score was lower than the lowest funded during  
5 that cycle, it would come back to the Board. That had  
6 informally been the practice, but it is included  
7 officially in this revision. So with that said, I'll  
8 remark that I think this project is -- this process is  
9 hugely beneficial to us, our Board, and our partners.  
10 It keeps projects moving and provides a clear record  
11 that we are administering grants appropriately and not  
12 going rogue. With that said, I'm happy to take any  
13 questions from anyone.

14 Ms. Grissom: Will, I've got  
15 a question or two. So just to clarify, this would be  
16 after we make a grant at a Board meeting, but before a  
17 contract has been signed?

18 Executive Director Summer: It's yes, and,  
19 partially so. It definitely after the -- after a Board  
20 decision has been made, whether it's before a contract  
21 or after a contract; either of those cases would use  
22 this tool.

23 Ms. Grissom: Okay, so this  
24 would apply to amendments post-contract as well?

25 Executive Director Summer: It would.



1 of something that fits in that category, but, you know,  
2 it's something I think is important that the Board is  
3 comfortable with delegating.

4 Ms. Grissom: I guess I raise  
5 it just in the sense that, you know, complex --  
6 complexity is something that, you know, I think that  
7 it's helpful for the Board to struggle with a little  
8 bit because it becomes a little bit of an education  
9 opportunity for the various Board members, like for  
10 example, would under this -- these revisions, would we  
11 have necessarily seen the Ramseur Dam, the Ramseur Dam  
12 project, at a Board level.

13 Executive Director Summer: I can't imagine  
14 a scenario where you -- well, I believe so. There's a  
15 couple of things going on with Ramseur. The original  
16 concern was the change in the acreage, which was, I  
17 think, substantial enough to bring it to the Board.  
18 And then once we looked at it, I think there was the  
19 issue of the dam, which may have been outside of this  
20 delegation.

21 Ms. Grissom: Okay, so those  
22 were just the questions I wanted to raise. I'm not  
23 necessarily against this. I like the idea of pushing  
24 down some of these decisions to our very competent  
25 Program Managers as well.

1 Chairman Wilson: Well, Amy, I  
2 think you're pursuing a very appropriate line of  
3 questioning on this last item under Board Chair. And  
4 I'd like to ask Will and Marissa a question that I  
5 probably asked you all when we first discussed this,  
6 but frankly, I can't remember the answer to it. Why do  
7 you think it is important for the Board Chair to have  
8 the authority to approve non-standard reserve rights  
9 that are traditionally approved at the time of the  
10 award, instead of deleting that and always leaving that  
11 for the full Board? Can you give us an example of a  
12 situation where it would really harm the viability of a  
13 project if that had to go to the full Board?

14 Executive Director Summer: I will speak to  
15 whether it will harm the viability, but let me call on  
16 Marissa to provide a better example of what those non-  
17 standard rights are. And if the Board is not  
18 comfortable with that, you know, you are free to amend  
19 the committee recommendation and remove that if you so  
20 choose. We staff are happy to make the correction and  
21 accept it as you want it to be.

22 Acquisition Program Manager Hartzler: And  
23 I'm happy to weigh in here, and I apologize. I'm just  
24 trying to pull up a reference that will help address  
25 this question, I believe. Okay, let me quickly share

1 my screen here, so this is -- thank you, Amy, for the  
2 question. I think this is something that comes up more  
3 frequently in acquisition when we're talking about  
4 reserved rights that are requested for State-held  
5 conservation agreements, and this table that I'm  
6 showing right now is from our funding manual for 2023.  
7 You can see that we have activities that are typically  
8 allowed in conservation agreements and that may be  
9 subject to further policies or restrictions, and they  
10 are very traditional things; passive recreation,  
11 natural surface trails specifically for foot traffic,  
12 paving those trails for greenways or universal access.  
13 I think that if one of these was, you know, these are  
14 the standard. This is sort of what you get as the  
15 package deal. There are then some activities that are  
16 allowed outside of priority areas that must be  
17 requested as part of the application. So maintenance  
18 of early -- existing early successional habitat must be  
19 outside of 100 feet of primary areas, riparian areas,  
20 group camping sites, covered picnic facilities, and  
21 then another -- sort of another layer, activities  
22 limited to specific uses and situations, and I think  
23 I'll call out mountain biking here. This is one that  
24 obviously the trails are permitted as part of the  
25 standard package, but if an application -- if an

1 applicant forgot to ask for mountain biking, that's  
2 something that we would have expected you all to hear  
3 at time of application. So this is one of those not  
4 truly standard, but that we feel that because there is  
5 the requirement of the trail policy, because Justin, as  
6 Stewardship Manager, would need to review the trail  
7 policy, when the trails were going to be built; that  
8 this is a pretty unobjectionable one that if they want  
9 to add that in, going back to the Board Chair to get a  
10 nod on that would be an acceptable level. We're not  
11 talking about active timber management or, you know,  
12 other things that you start to see in the no section.  
13 So no subdivision, no houses, no industrial uses,  
14 really just targeting these things that we say must be  
15 considered as part of the application but are fairly  
16 within, you know, the realms of providing public  
17 recreation and educational opportunities. Does that  
18 help at all, Amy?

19 Ms. Grissom: Yeah, so if  
20 it's -- in a way it's a finite list of these non-  
21 standard reserved rights that are traditionally  
22 approved then, and that's what you're showing in  
23 orange, is that correct?

24 Acquisition Program Manager Hartzler: Yes.

25 Ms. Grissom: Okay, I mean, I

1 get that it's important to keep things moving and for  
2 the Board Chair. I just feel really strongly that --  
3 you know, I think it's important to see these complex  
4 projects as a package, and it would -- I just would  
5 like to encourage applicants to put these asks out  
6 there at the time that we're reviewing the grants and  
7 not hold them potentially for later with a -- with a  
8 one-person decision-maker on it that's not part of the  
9 public record, so.

10 Chairman Wilson: Marissa, the  
11 horseback riding example that you -- I'm sorry,  
12 mountain biking example that you gave seems like a very  
13 simple one, almost just an error of omission. But  
14 isn't it possible looking at this orange list, that you  
15 could conceive of a request of a non-standard reserve  
16 right that was not approved at the time of the award  
17 that is much more complicated and potentially  
18 problematic. And if the Board Chair alone has that  
19 authority to approve that, isn't it possible that the  
20 Board Chair could be approving something that's really  
21 potentially controversial or inappropriate? Now  
22 obviously, we hope the Board Chair would not do that,  
23 but should they have the authority to do that?

24 Acquisition Program Manager Hartzler: So,  
25 you know, I'm looking to sort of at the tail end of

1 this list, right. So perhaps somebody has said, gosh,  
2 our entire idea for this property has changed. We were  
3 thinking about it in a much more on limited  
4 recreational capacity, and now we're thinking big,  
5 right. Now we're thinking of a park, so we're going to  
6 need parking, and we're going to need, you know, maybe  
7 there's a -- maybe there's a shed that we now want to  
8 keep, you know, and keep some equipment in there to  
9 facilitate, you know, having some more passive  
10 recreational amenities. On this list, it's only when  
11 another location isn't practical, and I would even say  
12 too when there is no impact to the conservation values.  
13 So I think when you start getting additive like that,  
14 and there is the potential for impact conservation  
15 values, then absolutely, I would not recommend it to  
16 just go to the Chair. I think that's when you start  
17 getting into more of an additive scenario when it  
18 probably should go back to the Board. That feels like  
19 a bigger change. Is that helpful?

20 Chairman Wilson:

Yeah, I mean,

21 so if we leave it as is, the Board Chair can say yes or  
22 no to any of these sorts of requests for non-standard  
23 reserve rights if we --

24 Ms. Cawood:

Marissa, could

25 you put policy back up? I'm sorry, John.

1 Chairman Wilson: Oh, no problem.

2 Ms. Cawood: So we could all  
3 see it.

4 Acquisition Program Manager Hartzler: I  
5 think Will had it queued up; if you could share that;  
6 thanks.

7 Executive Director Summer: Absolutely;  
8 give me just one second to bring it back up, and we're  
9 talking about this section right here at the bottom.

10 Ms. Cawood: A simple thing,  
11 can we add the word minor in, so that it in some way  
12 that these are small non-standard reserve rights?

13 Mr. Williams: Well, I guess  
14 the challenge -- yeah, this is Darrel. The challenge  
15 there would be, who is to determine what's minor and  
16 what's not minor? Oh, I apologize for not having my  
17 video on. It is not working today. It just decided  
18 not to work, so I apologize for that. I usually have  
19 my video on. And let me add -- let me add this.  
20 First, I want to thank Amy for bringing this up because  
21 as John mentioned earlier, it seems like the mountain  
22 biking is very minor, something like that. But the  
23 other examples that are on the bottom of the page that  
24 talked about parking and possibly infrastructure  
25 changes, I would be a little more concerned about

1 those. And I guess it could depend on size, square  
2 footage, you know, some of those kinds of things, size  
3 of parking, but I trust staff, and I trust the Chair,  
4 but I do think that there's a difference between some  
5 of those examples.

6 Chairman Wilson: Yeah, and, you  
7 know, I think a policy like this has to be written. I  
8 hate to say it like this with the mind-set that you may  
9 not always trust the Board Chair. And you can't give a  
10 level of authority to a Board Chair. I think it really  
11 does belong with the full Board. So I'm feeling like  
12 maybe this one for the time being ought to just be  
13 deleted. Unless we can hear right now a more  
14 compelling reason why this would potentially harm  
15 viability of projects, I'd suggest we just delete this  
16 and maybe keep thinking about it. And, you know, maybe  
17 at a future meeting, we could kind of modify it, stick  
18 some variation of that back in there.

19 Executive Director Summer: I think this is  
20 -- well, I think that's fair, and I have no intention  
21 of having the Board delegate anything they want to make  
22 a decision on. And it seems clear to me that in some  
23 of the cases for that last bullet point the Board would  
24 want to have that. And while I know that if it came to  
25 you, you would bite that bullet and say this is more

1 complicated; it goes to the Board. I know sitting in  
2 your seat in a couple of years, and I think that it's  
3 prudent. So I think we can entertain a motion to  
4 strike that, approve without that last bit and then  
5 work on finding some sort of a way to differentiate the  
6 things like mountain biking that we -- you know, we  
7 would want not to delay the project just to add that  
8 one back in from other things that really deserve more  
9 deliberation from the full Board, so whatever the  
10 Board's pleasure.

11 Ms. Grissom: I'm open to  
12 that, you know, John's suggestion. I just want to say  
13 though that I think this is a delightful group of  
14 volunteers on this Board, and we all do amazing work  
15 together, and I have unbelievable trust and respect  
16 with all of the colleagues on this Board, and you know,  
17 so it's not -- you know, I'm not questioning that role  
18 at all. But I guess I've just seen requests for  
19 changes from so many applicants, and I just don't want  
20 to incentivize applicants to give us kind of an ideal  
21 version of things and then quickly come back through  
22 the contracting with a whole new vision of -- you know,  
23 potentially a whole new vision that's different from  
24 what the Board has grappled with and decided to fund.  
25 So that's why I raised the question.

1 Vice-Chair Browning: I think it's  
2 been a good discussion, and I'm supportive of deleting  
3 the last bullet point. So I'd making a motion that we  
4 delete addition of non-standard reserved rights that  
5 are traditionally approved at the time of award and  
6 consider that later.

7 Ms. Cawood: I'm happy to  
8 second that.

9 Chairman Wilson: Okay, thank  
10 you, Ann and Greer; so, Ann, this is a motion to  
11 approve this revision to policy MPP-002 with the one  
12 change of deleting the final delegated authority that  
13 you read regarding additional non-standard reserved  
14 rights from the Board Chair's list, is that correct?

15 Vice-Chair Browning: That's right;  
16 thank you for clarifying that motion.

17 Chairman Wilson: Okay, all  
18 right, and, Greer, you seconded that, correct? Greer,  
19 you're muted. You seconded what I basically described,  
20 correct?

21 Ms. Cawood: Yes.

22 Chairman Wilson: Okay, thank  
23 you; any more discussion about this?

24 Innovative Stormwater and Planning Committee  
25 Chair Kumor: Well, I have a

1 question. If that's deleted, what is the bullet above  
2 it? It also has the term non-standard project, and I  
3 wondered if there's a difference between the two, and  
4 why would that not be a concern if the lowest bullet  
5 that we were talking about deleting gets deleted? Does  
6 that make sense?

7 Chairman Wilson: Yes, it does;  
8 good question. The one above it is regarding the  
9 budget a non-standard project budget line item, as  
10 opposed to approving a non-standard reserve right to  
11 actually do something or build something or clear  
12 something.

13 Innovative Stormwater and Planning Committee  
14 Chair Kumor: That didn't  
15 explain anything to me, John.

16 Chairman Wilson: Okay.

17 Mr. Williams: I guess the  
18 question that Renee is asking is, do you need both of  
19 those together? Do they work together? In order to do  
20 the non-standard reserve rights, do you need the non-  
21 standard project budget to go along with it?

22 Executive Director Summer: So I will  
23 address this at a basic level and let either Marissa or  
24 Steve jump in and give you a deeper answer. The non-  
25 standard budget project line item is just referring to

1 the budget. So an expense that wasn't approved  
2 explicitly during the Board, it's not actually directly  
3 related to reserve rights that talk about what the land  
4 protection will be in the easement, and that could --  
5 that non-standard project budget line item could apply  
6 to a restoration project or innovative stormwater or  
7 acquisition, and I'll have to Steve or Marissa to give  
8 an example of something that fits in that.

9 Restoration Program Manager Bevington: Yeah,  
10 I was just going to briefly say that I think you  
11 characterized it very well there, Will. The change  
12 between those two -- the difference between those two  
13 to me is that the scope and effect of the on-the-ground  
14 project changes potentially with the last one, which  
15 you get changes. Where the change to the budget is  
16 really how they can accomplish it, and someone  
17 obviously needs to oversee where they're spending their  
18 money. So I think that's the difference is that the  
19 second line wouldn't change the scope on the  
20 restoration side at all. It would change how they're  
21 doing, but we still get the same product in the end.  
22 So I see those two as a bit different.

23 Acquisition Program Manager Hartzler: And  
24 in acquisition I don't think that we have an example of  
25 a non-standard project budget line item, that -- our

1 budgets are pretty rigid. I don't think that actually  
2 comes into play in acquisition.

3 Innovative Stormwater and Planning Committee  
4 Chair Kumor: Well, are you  
5 really talking about just a new not previously included  
6 budget line item --

7 Executive Director Summer: Yes.

8 Innovative Stormwater and Planning Committee  
9 Chair Kumor: -- as opposed  
10 to non-standard?

11 Restoration Program Manager Bevington: Yes,  
12 so since Marissa set me up for this one very nicely,  
13 the -- you know, when people have complicated  
14 construction projects and design projects, they  
15 sometimes couch things in different ways. So, you  
16 know, they may really want to involve labor that's  
17 voluntary, and they're going to coordinate labor or  
18 something like that. So sometimes we try and capture  
19 that in the budget to make sure that the intent of how  
20 their organizing their work reflects what you guys as  
21 Board saw from the field rep when it was presented. So  
22 non-standard examples of that budget line really are  
23 creative items that are sort of a laundry list of  
24 possible -- we don't have complete laundry lists as an  
25 acquisition project does to describe all the universe

1 of potential budget line items to get a project done in  
2 the restoration side, and maybe we can get there. But  
3 we are sometimes presented with -- you know, again, I  
4 think the most obvious examples come from the  
5 innovative stormwater projects, where they may try and  
6 do something we hadn't really thought of before, and  
7 they want to have a separate line item for that, so.

8 Innovative Stormwater and Planning Committee  
9 Chair Kumor: But Steve --  
10 but they're not increasing their budget. They're not  
11 doing anything except maybe pulling some money from one  
12 line item and identifying it more specifically.

13 Restoration Program Manager Bevington:  
14 Right, exactly, so they may have said we have  
15 \$100,000.00 for construction. We actually know we can  
16 get it done for \$90,000.00 because \$10,000.00 will be  
17 used to rent something or something, some other service  
18 that they hadn't described carefully enough to our  
19 field rep and be able to describe it to you. Project  
20 managers can make a call a little bit, but it really  
21 seems to be needed to run up the pole to someone who  
22 made a deciding vote or who was involved in the vote at  
23 the Board meeting. So that's why we thought of the  
24 Board Chair at that level. And I'm sorry. I don't  
25 have great concrete examples, but that's --

Innovative Stormwater and Planning Committee

1  
2 Chair Kumor: But my only  
3 issue is -- when I raised this is because we got  
4 involved in a discussion about non-standard reserved  
5 rights; using the term non-standard just when we're  
6 really talking about a new -- a previously identified  
7 line item, that doesn't affect the bottom line of the  
8 budget. It is a more of an appropriate definition of  
9 that line, and then not allowing confusion to old  
10 people like me who would wonder why we're talking about  
11 two non-standard things when I don't understand the  
12 difference between when we should make an effort to  
13 make them different.

14 Chairman Wilson: Steve and Will  
15 and Marissa, let me ask you this question. Given that  
16 this new policy is being much more explicit about  
17 delegating levels of -- different types of authority at  
18 different levels, what have we done in the past? Has  
19 the second to last bullet item under Board Chair with  
20 non-standard project budget line items, how has that  
21 been handled in the past without this revision to the  
22 policy that we're working on today? And I guess I  
23 asked the same question about the non-standard reserve  
24 rights. How do we handle those? Were those mentioned  
25 specifically in the previous iteration of this policy?

1 I can't remember.

2 Executive Director Summer: John, this is  
3 Will. I don't believe -- I don't believe so. You  
4 know, we have addition of standard reserve rights, you  
5 know, looking one level up and reallocation of amounts  
6 to other standard project budget line items, and these  
7 -- those last two bullets are really the kind of the --  
8 the next step past these standard requirements. They  
9 would have gone to the Board because I don't believe  
10 either of those two was in the previous iteration, or  
11 at least I don't recall using it in the time that I've  
12 been involved with it, but I'll let again, Steve or  
13 Marissa, correct me if I'm not remembering.

14 Restoration Program Manager Bevington: Yes,  
15 you're right. In the past, any new line item would  
16 require it to go straight into the Board, and I think  
17 our feeling was that could still happen. If there's  
18 something really unusual and the Chair felt it was  
19 appropriate, he could just refuse to approve it, and it  
20 would go to the Board if it wanted to go further. The  
21 difficulty is, of course, in project negotiations and  
22 in contract amendments, sometimes they're timely, and  
23 so this will give recourse to be able to have a  
24 conversation about it as opposed to a meeting. That's  
25 the only advantage I can see of the new line item in a

1 budget.

2 Mr. Williams: Let me ask this  
3 question. This is Darrel, again. If the language was  
4 changed, would we still do still staff meeting to do  
5 it? If it said it had changed, that adds a new project  
6 budget line item without increasing the budget. I  
7 mean, would that do what you're trying to do, make it  
8 do without having non-standard in there?

9 Acquisition Program Manager Hartzler: I  
10 think if -- Will, if you scrolled up in the policy a  
11 little bit.

12 Executive Director Summer: How far do you  
13 want me to go?

14 Acquisition Program Manager Hartzler: I'm  
15 sorry. That was too far; to the point where it talks  
16 about adding a standard line item. So that's  
17 reallocation of less than 10 percent delegated to  
18 Program Managers. Reallocation -- yeah, so it's  
19 another reallocation.

20 Mr. Williams: It's  
21 relocation, but it's not adding to the budget though,  
22 right? It's just moving the money around.

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Executive Director Summer: Yeah, and I do want to clarify that there is -- nothing in the Decision Matrix allows anyone here to award any additional funds. So even if it's a new line item, a new non-standard line item, there would never -- there's nothing in the delegation that allows Program Managers, myself, or John, or folks in our chairs to award more money than the Board originally awarded. It's all moving money --

Mr. Williams: Yeah.

Executive Director Summer: -- within already existing standard line items or the thing that's, you know, being discussed is a line item that was not a standard one, --

Western Region Field Representative Hearne: May I --

Executive Director Summer: -- which is reallocation of others.

Western Region Field Representative Hearne: May I show the budget real quick for the thing is intersecting with how we advise applicants and the language you all use, and I want to make sure we're on the same page? Is it okay if I share a blank budget?

1 Executive Director Summer: Please do. I  
2 actually think it would be helpful. I just didn't have  
3 one on hand; thank you, Damon.

4 Western Region Field Representative Hearne:  
5 So when we advise applicants on how to fill out a  
6 budget, we let them know that if they submit a budget  
7 in February with \$0.00 in it and then it gets approved  
8 by the Board in September with \$0.00 in it, that's an  
9 unused extinguished line item that requires an act of  
10 the Board to put even \$1.00 back in that line item that  
11 is not used; even -- and we don't distinguish between  
12 these standard ones. And this is kind of official  
13 terminology that's coming up in this meeting, and these  
14 additional expense items, no distinguishing is made.  
15 If it's zero, it's zero forever unless the Board  
16 approves it. This meeting is starting to use the word  
17 non-standard, and I don't know if you all mean these  
18 three things down here which are additional expenses  
19 versus the standard, or I think what we really mean is  
20 budget lines approved at the Board meeting versus not.  
21 You know, there's zero now. If they're not in the  
22 budget when you all vote to approve them, and if you  
23 want to bring a line item back from the dead from zero,  
24 do you want that to be a Board decision or not? Or are  
25 you going to do a different decision, which is, these

1 are standard, we now call these non-standard, and if  
2 you want to bring one of these back because it's new  
3 and unusual, and it's, you know, education meetings,  
4 you do want to approve that. I think what staff would  
5 like to be able to do is up to a certain amount and  
6 someone else correct me. If an applicant failed to  
7 put construction administration in here, and they want  
8 to make this \$50.00 and put \$50.00 in here, and it's  
9 below a certain amount, they don't want that to go back  
10 to the Board.

11 Mr. Williams:

Yes.

12 Western Region Field Representative Hearne:

13 But if they want to go down here and say they want to  
14 move \$300.00 to, you know, a big party, that would  
15 require you all to approve it perhaps. I don't know.  
16 But there is a version of this where just putting a  
17 line in an unused line item and moving some small money  
18 around to a certain percent definitely makes sense, and  
19 I end up advising applicants, if you think you're going  
20 to need a budget line item, don't game the system, but  
21 don't leave it blank; put \$1,000.00 there, have the  
22 flexibility, and that's kind of silly advice to kind of  
23 get around a rule that you all are discussing. So I'm  
24 going to butt out. I'm not a Program Manager. I don't  
25 have an opinion on what it shouldn't be, but we're

1 conflating some terms and some pieces of the budget.  
2 Marissa's acquisition budgets do not have any  
3 additional expenses. They are all locked in, and  
4 there's about five or six of them.

5 Acquisition Program Manager Hartzler: Right.

6 Western Region Field Representative Hearne:

7 So there is a difference between programs, what she was  
8 saying earlier, but that's -- I just wanted to kind of  
9 throw that out there for you so you know what you want  
10 to consider or not. From a field rep trying to get  
11 things fixed situation, I think it'd be great. If a  
12 \$0.00 approved budget item could have money moved into  
13 it that's already aligned here up to a certain  
14 percentage that you feel comfortable with, and then  
15 I'll be done; thank you.

16 Acquisition Program Manager Hartzler: Thanks  
17 for sharing that budget, Damon; I think you absolutely  
18 hit the nail on the head. And in acquisition, our line  
19 items are, again, sort of this -- just standard ones.  
20 I think you're pulling one up. That's great. You know  
21 property or conservation agreement, acquisition and  
22 transaction costs, contract admin property management  
23 costs, and stewardship, I think one example here would  
24 be, and this is a real example, of an applicant putting  
25 in maybe \$50,000.00 in matching funds for transaction

1 costs and then realizing that they need to shift maybe  
2 something from property management to transaction costs  
3 on our side. You know, because the survey -- our  
4 survey requirements made it a little bit more costly  
5 than they were anticipating. But because maybe  
6 transaction costs on the requested side is zero, then,  
7 you know, a strict interpretation of the current  
8 Decision Matrix would say that no, we can't reallocate  
9 that because it was zeroed out. It's a little bit more  
10 simple in that ours are all standard, and we would hope  
11 to bring back zeroed out line items a little more  
12 readily provided that it doesn't change other metrics  
13 that kick it up to higher delegations; thank you for  
14 sharing that, Damon.

15 Mr. Williams: Well, I think  
16 we beat this up enough. John, I'm good with your  
17 original motion.

18 Chairman Wilson: Okay, how's  
19 everybody else feeling?

20 Mr. Womack: Yeah, I'm --  
21 this is David. I'm ready to vote. I think we've  
22 parched it pretty well.

23 Chairman Wilson: Okay, so we  
24 have removed the final authority from the Board Chair,  
25 the one about addition of non-standard reserve rights,

1 but everything else we're going to leave the way it is?

2 Mr. Williams: Yes.

3 Chairman Wilson: Take some  
4 comfort in the fact that also -- scroll down a little  
5 bit, if you would, please, Will, under documentation  
6 notice that the final sentence says that the Board  
7 Chair is going to get tattled on at Board meetings for  
8 all the malfeasance that he or she gets up to, but of  
9 course, by then the damage will be done, and the big  
10 party will already have been held; okay, all right, any  
11 more discussion; all right?

12 Mr. Rusher: I just have one  
13 question at the end, guys. I know everybody's like,  
14 oh, here's a question. So on the process side of this,  
15 perhaps somebody from staff can answer this. I'm  
16 curious on some of the bullet points that are great and  
17 really provide guide wires for how this works, but any  
18 change to project scope, deliverables, et cetera, that  
19 cause a recalculation up to a certain or down to a  
20 certain threshold, so basically if an applicant comes  
21 in and wants a change that causes their project to be  
22 rescored, and then the -- down to the lowest level of a  
23 funded project on the list, in that scenario, how does  
24 that process work? And my specific question is, is the  
25 applicant briefed throughout that process on what

1 happens and what is triggered at specific thresholds,  
2 or is it a kind of a one-shot deal? The applicant  
3 comes and says we hit some situation. We need to  
4 restructure. Let us know what we need to do next, or  
5 are they communicated with to say, hey, if you do this,  
6 your score is going to drop to this level, which will  
7 require this level of input from different levels of  
8 the Board.

9 Executive Director Summer: So, Mike,  
10 you're asking just how this works. On the ground, an  
11 applicant comes to us and says, you know, I mean, the  
12 one that happens more often than not is for the tax  
13 card or the tax record said it was 187 acres, and we  
14 just got the survey in; in the mountains surveys are  
15 wildly inaccurate, and it turns out it's only 167  
16 acres. And that represents a change of X, and that is  
17 a -- you know, that's going to be wherever it falls on  
18 the Decision Matrix. Does that answer your question,  
19 or do you want to know more specifically?

20 Mr. Rusher: Yeah, I think  
21 it does partially. I guess just specifically, if an  
22 applicant if they're -- if they need to move some  
23 money, it's going to impact their score. You know and  
24 is there briefing throughout that process on how the  
25 score is impacted, or is it like a second -- a second

1 application process, I guess, like did -- our staff  
2 working with them to say, hey, because of this change,  
3 your score could drop six points, which will put you  
4 below, you know, the lowest funded project?

5 Executive Director Summer: Yes, I think  
6 the staff is always negotiating with the folks to keep  
7 the strongest project and to keep them viable as well,  
8 so yes, that -- I think that's information that they  
9 would they would discuss.

10 Mr. Rusher: So in that  
11 scenario, you could have an applicant that wants to  
12 make some type of change to their original application.  
13 If they were to do that, it could cause some type of  
14 situation that they'd like to avoid, like going back to  
15 the full Board or elevating it up to the Board Chair,  
16 and they could go back and recalibrate so that they  
17 don't have to go that route.

18 Executive Director Summer: Yeah, yes, I  
19 think there is an incentive in communication that the  
20 smaller the change, the better for all involved.

21 Mr. Rusher: Thank you.

22 Chairman Wilson: Yeah, and,  
23 Mike, I would just say that if a decision like that  
24 came to me, that put a change request and score then  
25 becomes lower than the lowest one we ever -- that we

1 funded during that cycle, I'd be asking a million  
2 questions, like you've got to prove to me why there's  
3 no other way, and you've got to prove to me that it's  
4 going to be the end of the world as we know it if I say  
5 no to this. You know that one would be -- there would  
6 be a lot of back and forth between applicant and staff  
7 and Board Chair. If it was one of those coming to the  
8 Board Chair, at least I'm only speaking for myself, but  
9 I see Greer nodding also. Did that satisfy you, Mike?

10 Mr. Rusher: Yeah, I mean,  
11 I'm using a -- you know, a pretty far-reaching example,  
12 I think, just to -- just to get to the bottom of it  
13 pretty quickly, but yeah, I think that's very direct,  
14 so I'm happy.

15 Chairman Wilson: No, it was a  
16 good question, and I don't think far too far-reaching  
17 to be discussed at all; okay, any more discussion or  
18 questions? All right, I think we're ready to vote now  
19 on this revision of the Multiple Program Policy - 002  
20 with the deletion of the final authority for the Board  
21 Chair, the addition of non-standard reserve rights.  
22 Okay, I'm going to ask you how you vote now, please;  
23 Ann?

24 Vice-Chairman Browning: Yes.

25 Chairman Wilson: Greer?

1 Ms. Cawood: Yes.

2 Chairman Wilson: Amy?

3 Ms. Grissom: Yes.

4 Chairman Wilson: Renee?

5 Innovative Stormwater and Planning Committee

6 Chair Kumor: Yes.

7 Chairman Wilson: Mike?

8 Mr. Rusher: Yes.

9 Chairman Wilson: Jason; we may

10 have lost Jason who is traveling or muted. Jason, are  
11 you trying to say something? All right --

12 Acquisition Committee Chair Walser: Yeah,  
13 I'm sorry. I was trying to figure it out.

14 Chairman Wilson: I'm sorry.  
15 What did you say, Jason?

16 Acquisition Committee Chair Walser: I was  
17 trying to figure out how to use this conference call.  
18 The Teams wouldn't let me in. I'm going to stay mute;  
19 sorry about that.

20 Chairman Wilson: Okay, you don't  
21 want to vote on this?

22 Acquisition Committee Chair Walser: I  
23 just missed the last ten minutes of discussion. I'm  
24 sorry.

25 Chairman Wilson: Okay, no

1                   problem; we'll skip you for voting; Darrel?

2                   Mr. Williams:                   Yes.

3                   Chairman Wilson:               David?

4                   Mr. Womack:                   Yes.

5                   Chairman Wilson:               And John is a  
6                   yes, also; thank you, everybody, great discussion. All  
7                   right, we are now at the next agenda item, the third-  
8                   party right of enforcement, and Marissa and Justin.

9                   Acquisition Program Manager Hartzler: All  
10                  right, thank you; since about 1999 and across  
11                  acquisition, donated mini-grant, restoration, and the  
12                  former stormwater project program the Land and Water  
13                  Fund has required this concept of third-party rights of  
14                  enforcement to be inserted into conservation agreements  
15                  that are to be held by conservation nonprofits, local  
16                  government agencies. And this language offers the  
17                  State the independent right to enforce the terms of the  
18                  conservation agreement should the holder of the  
19                  agreement not do so itself. And to date, there have  
20                  been about 550 agreements recorded with this  
21                  enforcement language, and so staff requested the  
22                  Executive Committee to consider expectations for how  
23                  and when the Land and Water Fund gets involved in these  
24                  conservation agreements, specifically in potential  
25                  violations or other complaints about the condition of

1 the conservation agreement area. On the screen right  
2 now is just a very brief policy. I'll just run through  
3 very quickly and summarize each part of the policy.  
4 First and foremost under bullet number one, it's the  
5 expectation that the holder of the conservation  
6 agreement must be the one to enforce the conservation  
7 agreement. And just in a practice, should Land and  
8 Water Fund staff hear of a concern or a potential  
9 violation, we will alert the holder of the agreement  
10 and reinforce this obligation to the best of our  
11 ability, and that is no different from how we are  
12 handling any concerns that we've been hearing to date.  
13 The second portion of this policy, however, notes that  
14 the Land and Water Fund reserves the right, but not the  
15 obligation to exercise its third-party right of  
16 enforcement if the holder fails to do so. And if the  
17 State does not exercise this right, it does not prevent  
18 the State from doing so or enforcing a different  
19 violation in the future. And then finally and maybe  
20 most critically in this policy, before undertaking any  
21 action if it is deemed that the State needs to get  
22 involved, the Land and Water Fund staff will consult  
23 with department's legal counsel, who of course may in  
24 turn consult with the Attorney General's Office to  
25 determine if this third-party right should be

1 exercised. And then it is at this point that staff  
2 will follow the procedures in the already established  
3 State-held conservation agreement enforcement policy  
4 that was approved by the Board back in 2021. And it  
5 then enters this workflow where we will assess the  
6 severity and possible actions for remedy. I recognize  
7 that was a very short summary. It's a really short  
8 policy, but the idea here was again to establish the  
9 pathway for these violations to enter into our  
10 enforcement workflow if necessary, but again, to very  
11 clearly set the expectation that that is not the norm.  
12 That is the last ditch effort that we have the  
13 expectation that the holder must enforce the  
14 conservation agreement. I'm happy to take any  
15 questions on that.

16 Chairman Wilson: Questions for  
17 Marissa, and remind us -- Marissa, you may have already  
18 reminded us. Are we adding STW - 008 as a new policy,  
19 or are we amending an existing policy?

20 Acquisition Program Manager Hartzler: This  
21 would get added as policy 8 under stewardship program  
22 policies, yes.

23 Chairman Wilson: Okay, all right, new  
24 policy; one minor thing, we've got the last  
25 abbreviation of Land and Water Fund in item 3. We need

1 to reverse the W and the L.

2 Acquisition Program Manager Hartzler: Noted.

3 Chairman Wilson: Okay, any  
4 questions for Marissa or other staff; I'm seeing heads  
5 shaking. Ready to vote on this; can someone make a  
6 motion for us to adopt this new stewardship policy?

7 Mr. Williams: So moved.

8 Chairman Wilson: All right.

9 Mr. Womack: Second, this is  
10 David.

11 Chairman Wilson: All right,  
12 that's a motion from Darrel, and a second from David to  
13 adopt stewardship policy 008, Third-Party Right of  
14 Enforcement. Any more discussion; okay, I'll call the  
15 vote then, please; Ann?

16 Vice-Chairman Browning: Yes.

17 Chairman Wilson: Greer?

18 Ms. Cawood: Yes.

19 Chairman Wilson: Amy?

20 Ms. Grissom: Yes.

21 Chairman Wilson: Renee?

22 Innovative Stormwater and Planning Committee

23 Chair Kumor: Yes.

24 Chairman Wilson: Mike?

25 Mr. Rusher: Yes.

1 Chairman Wilson: Jason?

2 Acquisition Committee Chair Walser: Yes.

3 Chairman Wilson: Darrel?

4 Mr. Williams: Yes.

5 Chairman Wilson: David?

6 Mr. Womack: Yes.

7 Chairman Wilson: And John is

8 yes, also. Thank you, everybody; we'll now move to  
9 the, what I think is the last item on our agenda for  
10 today, Improving access to Land and Water Fund funds  
11 and benefits, and this is for Will.

12 Executive Director Summer: Thank you, Mr.  
13 Chair; all right, so I know we're all proud of the work  
14 we do because it does so many environmental and social  
15 benefits to nearby residents. Obviously, there's clean  
16 air and clean water and recreational benefits.  
17 However, independent of this effort, I've also been  
18 reviewing publications on open space and finding all  
19 sorts of benefits from promoting physical activity and  
20 psychological well-being, providing opportunities for  
21 people to connect socially, reflect, and relax.  
22 Conversely, I've found publications showing that lack  
23 of access to open space has actually been linked to  
24 higher mortality. So with so much clear importance on  
25 the benefits of open space, it's incumbent on us to

1 ensure that the fruits of our work are equitably  
2 distributed amongst the population we serve. And I  
3 think this organization and this Board has sought to do  
4 that from elevating projects to ensure that smaller  
5 communities would receive funding, and most recently,  
6 incorporating a measure of equity in the rating system  
7 for the flood risk reduction program with the inclusion  
8 of opportunities announced in the match portion of the  
9 application. At the direction of the Executive  
10 Committee, staff has explored the efforts of other  
11 programs and has worked with our divisions, diversity,  
12 equity, and inclusion committee to come up with  
13 recommendations. We discussed and approved those  
14 recommendations at each of the last two Executive  
15 Committee meetings, and I think what's before you today  
16 can have a meaningful impact. Before I get into the  
17 three recommendations for this Board to consider, I  
18 wanted to talk about another recommendation that's  
19 outside the purview of this Board. It comes from one  
20 of the challenges that I've heard now from many people.  
21 Smaller communities don't have the capacity to seek us  
22 out and then go through the application process without  
23 some assistance. Unfortunately, we only have three  
24 staff dedicated to field outreach, but we can do more  
25 there, and I'd like to let Damon just talk briefly

1 about that before getting into the recommendations.

2 Western Region Field Representative Hearne:  
3 Sure; I don't have a presentation to share with you.  
4 I'll just be fairly brief. The field reps have always  
5 done pre-application outreach and worked with  
6 applicants all the way through until funding, and I'll  
7 talk a little bit about what we've traditionally done  
8 and what we're hoping to do, and what we have the  
9 ability to do more of now that we have more field reps  
10 overall. We have a number of different types of pre-  
11 application outreach in how projects come to us, and  
12 I'm going to use a temperature analogy. We've got the  
13 cold contact outreach, which is we're using various  
14 sources to go out and find potential applicants that  
15 have either never heard of this or have thought about  
16 applying or we're now thinking about applying in the  
17 coming year and don't know that they've got a project  
18 yet. And just like the cold call from the folks  
19 selling you a new car warranty, it can be a little  
20 challenging to turn a cold contact visit into a  
21 successful application. But this last year and in  
22 previous years, but this last year more than others,  
23 with Jill and Chelsea having really great focus and  
24 intentions with this, did cold contact outreach based  
25 on socioeconomic factors and opportunities of

1 existence, online mappers, like justicemap.org, and  
2 work to find and talk to applicants for the first time  
3 perhaps, or that we haven't talked to in five or six  
4 years about potential projects. And often those  
5 projects take or that contact might take two or three  
6 years worth of working with an applicant from the first  
7 time we reach out to them to get in and out an actual  
8 application or a successful project. We want to do  
9 more of that, and we want to refine the mapping and the  
10 focus that we're using to do cold contact outreach to  
11 line up with the policies that you all may decide to  
12 adopt. We do rural contact and interactions, which is  
13 we go to a conference where they are interested in  
14 people showing up at a conference, and we have a table  
15 or a booth or presentation, and we're trying to focus  
16 on folks that have fallen into these categories at  
17 these conferences. So one, Jill is going to the Rural  
18 Summit and doing a table just here next month. We've  
19 done calls with the Association of Parks and Rec  
20 Directors, a bunch of Parks and Rec Directors on a  
21 phone call. They didn't necessarily know they may have  
22 a project, but they were there and interested, and we  
23 gave a presentation. And I got five or six contacts  
24 from that, and several of those directors were working  
25 in areas of socioeconomic need and the DEI intersection

1 with this work. And then we have hot leads, the people  
2 that come to us. They've got a project they want to  
3 do. They need help with it, and we see that there is  
4 intersection with the maps, the focus areas, the  
5 priorities that you all have given us to focus on. And  
6 for those, we will spend a lot more time if we can, the  
7 time that we have allotted, or that we can squeeze out  
8 supporting their applications. They may not have the  
9 resources to find other grant sources. They may not  
10 have a great idea of scope. They may not be connected  
11 with a land trust partner that we may try to connect  
12 them with or find them support, or we may give them  
13 that support ourselves. And they are always projects  
14 every year that we spend a lot more time working with.  
15 Sometimes we call it hand holding, which is not a  
16 negative connotation at all. It's support for projects  
17 that we know are worthy. We're not giving them any  
18 extra points or treating them unfairly, but we're  
19 giving them the support they need to get a successful  
20 application in. The new one in this category is not  
21 necessarily new, but one that we want to do more of,  
22 I've kind of got it on our do more better list for this  
23 next year. And Jill reminded me of this one earlier or  
24 mentioned it, which is interagency coordination,  
25 talking with other nonprofit and State agencies doing

1           granting and that are having contact with these folks  
2           and doing a better job connecting with our colleagues  
3           that are also out there doing this work. So that's one  
4           of our goals for this coming year, and then we do --  
5           after the pre-application and trying to find new  
6           applicants, we actually do a lot of work with folks on  
7           the application development process. Once they know  
8           they've got a project, doing extra, paying attention to  
9           these projects in this category to make sure they're  
10          successful in getting applications in and through the  
11          review period. Between right now when we're reviewing  
12          applications, and that update deadline in June, all the  
13          way up to the night before the meeting making sure that  
14          these applicants that may not have all the resources or  
15          may not have the staffing resources, have the questions  
16          answered and the support and the ideas on other funding  
17          and bringing much to the table that we can help them  
18          do. And then of course once a project is funded, that  
19          support work hands off to Steve and Marissa's crews to  
20          help these projects be successful. But I think that  
21          this kind of outreach that we can do on our own  
22          discretion, but using the guidelines from you all on  
23          what you care about where, we can do as Will says is  
24          not a policy change, but it's something that we are  
25          ramping up and becoming more specific and more

1 intentional, and I think more effective at each year.  
2 So that's just a kind of a quick summary of how the  
3 field reps have been and intend to be supporting this  
4 effort that you all are going to spend some more time  
5 discussing.

6 Executive Director Summer: Excellent,  
7 thank you, so much, Damon, for that, and thanks to you  
8 and Jill and Chelsea for your efforts working with our  
9 partners. So independent of the kind of the  
10 administrative things that we staff can do and direct  
11 on our own, on our end, there are three strategies the  
12 Executive Committee and staff recommend to kind of  
13 improve our efforts in this area. The first is that  
14 the Board assign to each program committee with  
15 developing a recommendation for adding points in the  
16 rating system to projects that demonstrate impact or  
17 engagement in underserved communities. Now there's  
18 still work to be done in the committees, quite a bit.  
19 We don't know how many points that will be or exactly  
20 what type of information will need to get at this,  
21 including how we will identify what is an underserved  
22 community, and that's something with which we will also  
23 be tasked. As an aside, there is some demographic and  
24 socioeconomic mapping tools available, but what I've  
25 seen so far in North Carolina, the NCDEQ community map

1 or environmental justice tool seems to be the most  
2 thorough and has the most comprehensive process,  
3 including extensive research on similar efforts from  
4 other states, interviews and focus groups, online  
5 surveys, and most important, community meetings around  
6 the state, and I think that tool is very promising.  
7 The second is that the Board assign each program  
8 committee with developing a recommendation for  
9 providing an alternative score structure for all or  
10 some of the matching points in the rating system.  
11 Again, this is an area that can really disadvantage a  
12 small community that may lack funds, and lack the  
13 experience to piece together multiple other sources to  
14 make up the difference in funds. We dipped our toe in  
15 the water on this with the Flood Risk Reduction  
16 Program, and had, I think, some success and learned  
17 some lessons that we can apply to this, to the next  
18 iteration in other programs. And finally, the third  
19 recommendation is that you commit the Executive  
20 Committee to consider reserving funds during the annual  
21 allocation for projects that benefit underserved  
22 communities. This would mean setting aside some amount  
23 of funding and taking a look at the projects that would  
24 not otherwise have been funded but that still have  
25 merit and value consistent with our purpose. The

1 recommendations are summarized in the agenda and up on  
2 screen and with the important caveat that this still  
3 requires more work and learning on our part. I think  
4 it's the right step for us to take, and I'm happy to  
5 entertain any suggestions or questions. I think, keep  
6 in mind that all of you also sit on at least one or the  
7 other of the two program committees. So this is far  
8 from your last opportunity for input if something  
9 strikes you later as well.

10 Mr. Williams: Well, this is  
11 -- this is Darrel --

12 Ms. Cawood: Mr. Chair --  
13 oh, go ahead, Darrel.

14 Mr. Williams: Go ahead. I'll  
15 wait. Go ahead.

16 Ms. Cawood: Okay, now I  
17 know most of you all know that I hail from the very  
18 small northeast, northeastern county of Chowan County.  
19 So this has always been something that's been on my  
20 mind. Now however, Forsyth have much more staff. They  
21 have to be able to, you know, put forth impressive  
22 grants and get partners involved. And so I applaud the  
23 work of the -- you know, the Executive Committee  
24 looking at this. It's just the last bullet point gets  
25 us into the, it's always in my heart of heart that we

1 are funding the best projects with the money that the  
2 State allocates to us. And when you start working with  
3 the scoring, when you change, you know, reserving our  
4 funds, that means that we're making it so that maybe a  
5 great scored project doesn't get funded, as opposed to  
6 -- I've liked personally how we've done when the  
7 Governor came out with the tier system, and we added  
8 the educational information for the Board that this is  
9 a tier one, tier two, whatever, here it is, and then we  
10 could pull up projects that we wanted to based on how  
11 valuable that project was to us and knowing that it  
12 comes from a poorer county. So that's just one kind of  
13 thought to throw into the conversation.

14 Chairman Wilson: Thanks, Greer;  
15 Darrel, were you going to say something?

16 Mr. Williams: Yeah, I was  
17 just going to thank the Executive Committee for looking  
18 at this, and I know there's a lot more work to do, and  
19 it's not easy when you venture into this kind of, you  
20 know, assessment, but I think it needs to be done. And  
21 I know that there are probably groups out there that  
22 know these funds are coming. They're very aware of  
23 them. They're already prepared. They've got  
24 consultants. I mean they do an outstanding job, but as  
25 we all know, there are a lot of communities that don't

1 have the capacity and are not even aware. You know,  
2 and I think -- you know, thanks for what Matt, you  
3 know, said earlier, about, you know, the idea of  
4 reaching out to all, and not only that, but staff  
5 acknowledging that you can't do it all. But there are  
6 a lot of State agencies and nonprofits that may be  
7 connected with these people already. And we need to  
8 just take advantage of them and to make sure that  
9 people have access to it; thanks for looking at this.  
10 And I move to motion to approve the recommendation.

11 Mr. Womack:

This is David.

12 I'll second that motion.

13 Chairman Wilson:

Okay, we've got

14 a motion from Darrel and a second from David. One  
15 thing I would like to reiterate now during the  
16 discussion before we vote is, I guess, what Will said a  
17 moment ago, which is, by taking these three actions,  
18 we're not committing. We're not yet locked into  
19 anything. We haven't changed any rating systems.  
20 Those are going into committees for discussion and  
21 debate, and there's no telling what those committees  
22 might come back to the full Board with. And then the  
23 third line item I hear you Greer loud and clear, and as  
24 you know from our years of being on the Board together,  
25 I share your concern about potentially elevating

1 projects or even setting aside funds for projects which  
2 might not stack up on their own. But I think the  
3 committing the Executive Committee to consider  
4 reserving funds during the annual allocation is  
5 different from committing the Executive Committee to  
6 reserve funds. So I guess what I'm saying is, I'm  
7 comfortable approving all three of these today because  
8 I think it then sets the table for extensive discussion  
9 in a number of different places in the -- in the two  
10 committees, as well as in the Executive Committee, so  
11 for what that's worth, maybe not much.

12 Mr. Williams: Yes.

13 Mr. Womack: John, if I  
14 might just build on what you said; I think what we're  
15 doing is going in the right direction, but I still  
16 think we keep enough flexibility. I mean, if we were  
17 going to go strictly by the metrics and the ranking and  
18 all these, they don't need a Board. I mean, they'd  
19 just put the numbers to it and dole out the money. So  
20 I think this is -- our function is just as much an art  
21 as it is a science, and the collective wisdom on the  
22 Board should be considered, and the Chair should be  
23 considered as a major component equal to if not greater  
24 than, you know, the metrics. So I like this pathway,  
25 and I like the fact that we can look at something and

1 say, you know, I don't know about the score, but this  
2 needs to be done. You know, this is what we do, and we  
3 need to do it regardless of the other metrics. So I  
4 like this approach.

5 Chairman Wilson: And of course,  
6 what this does -- you know, we do already -- as has  
7 been said, we do sometimes see projects that don't make  
8 the cut score-wise, that have special factors and  
9 considerations that may cause one or more Trustees to  
10 want to elevate them. But I think what these potential  
11 steps do, and, Will, I would encourage you to correct  
12 me or add on, but what this does by formalizing these  
13 types of -- this signals to potential applicants that  
14 might not otherwise even try, that there is hope and  
15 that there is accommodation to be made for projects in  
16 underserved communities.

17 Executive Director Summer: I think you  
18 said it well, John. I would add that it's really a  
19 two-fold thing. One, the leverage of our current savvy  
20 partners to look in that area and maybe go this, this  
21 is something that I think the Land and Water Fund Board  
22 is interested in and maybe they put their resources  
23 towards one. And then as you just said, maybe another  
24 community sees, okay, this is a lot of work; you know,  
25 Damon, Jill, and Chelsea are willing to help me. It's

1 still a lot of effort, but I can see that there's --  
2 you know, I got a reasonable chance of success and thus  
3 getting people in the door, because I think that's the  
4 thing is it's a daunting -- it's a big process coming  
5 in for one of our grants. So anything we can do to  
6 send a message and encourage folks, I think in and of  
7 itself has value.

8 Mr. Rusher: John, I have a  
9 question; Mike Rusher here. Bullet point three, I  
10 think I shared some of the concerns that were  
11 mentioned. Do you all see for Executive Committee and  
12 staff, you can direct this however appropriate. Do you  
13 see like bullet three as separate projects that are  
14 being -- that are not being considered under bullets  
15 one and two, like a special new category of applicants,  
16 or would this be something that's already within the  
17 existing pool?

18 Executive Director Summer: I'll address it,  
19 and anyone can add. The notion here was to, it's same  
20 pool of projects. Let's say we've got \$30,000,000.00  
21 -- yeah, \$30,000,000.00, we go down the list. We get  
22 down to a score of, I'll say, 70, and then we've got  
23 this pool of projects from 55 to 69 that we didn't get  
24 to. The idea here is that we would set aside, I'll  
25 pick a random number \$500,000.00, and we look down at

1 those, and go, all right, we've got this set aside, and  
2 of those, there's one that's a few down the list that  
3 is in a community that just really, you know, rings the  
4 bells and has a lot of need, and we could bring up and  
5 put that money towards it. So it's kind of -- it's  
6 like said this will answer your question, yes, the same  
7 pool -- the same pool of projects, just setting money  
8 aside to grab one that we otherwise didn't give or you  
9 otherwise weren't able to fund.

10 Mr. Rusher: Okay, thank  
11 you, Will; I think if -- so if I'm hearing that  
12 correctly, like bullet point three is kind of dependent  
13 upon what happens in the bullets one and two and how  
14 the scoring systems approached and considered.

15 Executive Director Summer: Yes, and I  
16 think the scoring system -- let's say, bullets one and  
17 two resulted in some projects getting further up the  
18 list than they might otherwise get, then we would --  
19 they would just get funded. I mean, if they were going  
20 to be a 65, and this got them to a 72, and they just --  
21 they got in the money as it existed, that would take  
22 care of one and two, and then the third one would be  
23 kind of above and beyond that. We look at the  
24 remaining unfunded projects and then this could be used  
25 towards those if for instance those additional few

1 points weren't enough in and of themselves to get them  
2 up the list.

3 Mr. Rusher: Okay, I think  
4 my only closing comment on that, and I appreciate the  
5 answer, Will, is I agree with what everyone has said.  
6 This is definitely -- we need to do this. We need to  
7 add some structure and considerations to be able to,  
8 you know, build this pipeline as it is, and I think as  
9 we -- as we dive into the scoring considerations in our  
10 conversations and committee meetings, I know our eyes  
11 have a tendency to drift to the bottom of those lists  
12 and find out why these applicants have lower scores  
13 than others and see if there's a way to put them into  
14 consideration. I know we just went through that in  
15 multiple instances with the Flood Risk Reduction  
16 Committee, so I kind of feel like flood risk has a  
17 little head start on everybody else, and so that makes  
18 me happy.

19 Innovative Stormwater and Planning Committee  
20 Chair Kumor: Mr. Chairman,  
21 this is Renee. I think that Mike said it well. I've  
22 noticed that one or two times in restoration, and we  
23 did it also in our flood restoration. We've looked and  
24 brought somebody who might have been one or two points  
25 below the funding, but because we as Board members and

1 committee members have been allowed to raise a project  
2 up because of our interests and because of additional  
3 information, we may know after the -- your initial  
4 evaluation of a project, that we know how to do this.  
5 I think the last bullet it's a something we can -- it's  
6 not written in stone. I don't see -- it doesn't say  
7 that at every meeting. Every time we're there to  
8 allocate funds, we're going to set aside money, but we  
9 may as the Executive Committee at some time say, you  
10 know, there were a couple of projects that we might  
11 want to fund this time but not the previous time or the  
12 next time. So it's just something that is I see giving  
13 us the flexibility that we've already done individually  
14 in our subcommittees in the past.

15 Vice-Chair Browning: It's true to  
16 say that that third one is different than the other  
17 two, and I am supportive of this direction totally.  
18 But I guess the first two the committees are going to  
19 go and do some work. If we vote on this as presented,  
20 the third one we're just committing in August when we  
21 make the decision -- you know, the recommendation about  
22 the allocation of funds. This is another aspect of  
23 that for consideration. First, I guess I'm asking  
24 first of all if that's right, but it does -- I'm trying  
25 to anticipate, but I'm not sure the Executive Committee

1 should be doing this sort of diving into, okay, what  
2 projects -- you know, sort of diving into the project  
3 list at the committee level and saying, okay, we have  
4 so many projects that fall in this category. And I'm  
5 thinking that -- I'm not articulating this very well,  
6 but I'm not sure the Executive Committee's role is to  
7 kind of dig into the specifics of the projects. So  
8 that's why I have a bit of a reservation about that  
9 one. Does that make sense?

10 Mr. Rusher:

Yes.

11 Ms. Grissom:

I agree that  
12 makes sense what you're saying, Ann, and I guess, you  
13 know, from probably the first funding meeting, that was  
14 quite a few years ago, we never even were able to  
15 review as an entire Board all the way down the list. I  
16 mean, it was just so obvious we were never going to  
17 have enough money. You know, we could read and do all  
18 this independently. But by having that big chunk of  
19 money over two years from the Legislature, I loved  
20 going to the bottom of the list for viable projects. I  
21 thought it was fantastic to go see the worst couple  
22 projects, and they were great. So I -- you know, I  
23 just wish we had more money to do this good work in so  
24 many communities that could really use it. That's my  
25 two cents worth.

1 Chairman Wilson: Having walked  
2 those projects with Amy, I know she meant to say lowest  
3 scoring rather than worst.

4 Ms. Grissom: Of course I  
5 did.

6 Chairman Wilson: Yes, you did  
7 because we repeated those words as we skipped through  
8 the woods.

9 Ms. Grissom: This project is  
10 great after all. Oh, my goodness, am I blushing?

11 Chairman Wilson: Well, wow, this  
12 is great discussion. Will, can I ask you to do  
13 something that you might not be comfortable doing or  
14 maybe you will be? Can you just make a case for bullet  
15 point three? I feel like maybe there may be motion a  
16 foot to delete that one. I may be wrong about that,  
17 but can you just make a case for -- if we're going to  
18 go ahead and approve one and two, and given what you've  
19 heard about and know from experience about our tendency  
20 as Trustees as a Board to go and look for those  
21 projects that may merit elevation if their scores are  
22 not adequately high, can you just make a case for  
23 number three? Why is that a good idea given everything  
24 else.

25 Executive Director Summer: Certainly, I'm

1 happy to make a case for this. You know, this comes  
2 from initially with staff and our diversity, equity,  
3 and inclusion committee kind of looking at all the  
4 things, all the levers that this Board might pull to  
5 kind of see additional funding funded projects in those  
6 areas. And this was one that was kind of seen as  
7 important, because -- and I don't know, not making too  
8 many assumptions about how many points you assign in  
9 one and two. I don't think it's going to be earth-  
10 shattering numbers of points. I don't think it's going  
11 to be 10s and 20s of points that go those first two.  
12 It might be single digits, let's say up to five, in  
13 that ballpark. It may help projects get over the hump,  
14 but it may not take a project that, you know, would  
15 have naturally scored a 65 and brought it into the  
16 money in one of the years that wasn't like the last two  
17 years that Amy was just talking about. And I think my  
18 thoughts on this is, we're kind of learning. We're  
19 going to, just like we learned with the flood risk  
20 reduction points that we've put into place. We -- I  
21 think got a lot of good out of that, but we also saw we  
22 created an incentive not to put local skin in the game,  
23 and we want to rectify that in the first item. I think  
24 we -- anything we do at all three of these points, this  
25 will be a learning step. We'll take it. It may go

1 well, and it may not. And we can kind of take what we  
2 learn and adapt it in future years. But I do think the  
3 value in the third bullet is sending the message to  
4 folks to get them in the door to begin with. And  
5 that's to, you know, we can't win if you don't play,  
6 and you won't play if you don't think, you know, you're  
7 not sitting on that trout stream or that natural  
8 heritage element that is, you know, the top scoring in  
9 the state, and they are not distributed across the  
10 state. There are communities that don't have one of  
11 those to two 50 point resources just sitting in their  
12 pocket, and I think if we're to get those -- some of  
13 those across the finish line, and the number of which  
14 will be determined by how much you put aside, they may  
15 not otherwise be funded.

16 Mr. Williams: Generally,  
17 yeah.

18 Executive Director Summer: And I think  
19 that's -- that would be my case, and I still see a lot  
20 of flexibility here for the committee, and I do hear  
21 Ann's point. She doesn't want to -- and I did not  
22 anticipate this would be what -- how the Executive  
23 Committee would work, that they're actually looking at  
24 the list and thinking how much do we need to do? I  
25 thought that may just be an organic conversation, a

1 conservative number maybe set aside. And we'll see how  
2 it goes, and then when the next grant cycle comes  
3 around and the numbers increase or decrease depending  
4 on the impact it had, but I think it's -- it's a place  
5 to start, and I don't -- I wouldn't expect it to limit  
6 this Board's flexibility, and I wouldn't anticipate it  
7 doing so. But that would be my pitch.

8 Mr. Williams: And, John, I  
9 have a follow-up question. Well, actually, Will  
10 answered the question in his response to you regarding  
11 the fact that this money is -- may not be set aside for  
12 any specific project that can be resolved later. And I  
13 guess the question I have is, Will, if money is set  
14 aside for projects like this, and there's a -- and they  
15 haven't been specifically put to projects and is not  
16 used, what happens to funds? They just -- what happens  
17 to the funds?

18 Executive Director Summer: I think those  
19 details are up to the Executive Committee and how they  
20 structure the allocation, but I think for instance it  
21 could go -- if the Executive Committee sets aside X  
22 amount of funds for projects deemed to be underserved  
23 based on the DEQ equity mapping tool, if no single  
24 projects are identified, then those funds will be  
25 awarded to the next --

1 Mr. Williams: Yeah.

2 Executive Director Summer: -- double or  
3 something of that nature, and I do think we may have --  
4 one piece of information is going into the allocation  
5 meeting, we might know that of the, for instance,  
6 \$99,000,000.00 in projects that are in front of us, we  
7 might know that \$8,000,000.00 in projects are in areas  
8 that have been geographically identified as underserved  
9 communities. So we wouldn't go into it blind, setting  
10 aside \$1,000,000.00 when there wasn't \$500,000.00 worth  
11 of projects that would have qualified for the whole  
12 list, but again, this is new for me as it will be for  
13 the Trustees. So were -- we established or, you know,  
14 tried to provide data, gather data, and provide support  
15 as we know and give this a shot.

16 Mr. Williams: And I just  
17 wanted to say that I understand the concerns about the  
18 third bullet, but I think it's just having an example  
19 to go by and having committees go back and get into a  
20 few more details about how this can be done. And it  
21 very well -- the Board could decide not to do it when  
22 it comes back, and so I -- but I think it's worth  
23 having them take a look at it to see if they can come  
24 up with some strategies that makes sense.

25 Chairman Wilson: Yeah, I want to

1 pick up on something Darrel just said because that was  
2 what I was thinking, and that is, I think the full  
3 Board has the -- let's say, the Executive Committee  
4 says 75 percent for acquisition, 25 percent for  
5 restoration, et cetera, and set aside half a million  
6 dollars for projects that benefit underserved  
7 communities. If I'm not mistaken, the full Board can  
8 say thank you very much, Executive Committee, but we  
9 aren't doing any of that. We're going to do 80/20, and  
10 we're not going to -- we're not -- we don't think there  
11 are any projects that merit, you know, whatever. Isn't  
12 that right, Will? I mean, these are really just  
13 recommendations from the Executive Committee, or our  
14 budget allocations set in stone coming from the  
15 Executive Committee? No, we approve those as a full  
16 Board at the full Board meeting.

17 Executive Director Summer: That's correct.

18 Chairman Wilson: Okay.

19 Executive Director Summer: They are  
20 approved by the full Board. In time, it happens after  
21 the committees have done their work, but the committees  
22 are kind of acting in good faith that the Board is  
23 going to --

24 Chairman Wilson: Yes.

25 Executive Director Summer: -- agree on

1 that, but yes.

2 Chairman Wilson: Yes, but  
3 ultimately the full Board does have the authority to  
4 change the allocations, and the full Board would have  
5 the authority to say thank you, Executive Committee,  
6 for reserving or recommending that we reserve half a  
7 million dollars for underserved communities, but given  
8 the fact that the cutoff point this year was 70, and  
9 the next highest scoring project in an underserved  
10 community that we might put that half million dollars  
11 to work towards is a 21, we're not going to do it this  
12 year. We have the authority as the full Board to do  
13 that, correct?

14 Executive Director Summer: That's  
15 affirmative, yes.

16 Chairman Wilson: Okay.

17 Vice-Chair Browning: Well, I think  
18 all these all merit further discussion, so I'll second  
19 Darrel's motion to approve it.

20 Chairman Wilson: Okay, so a  
21 motion from Darrel to approve; I've lost track of the  
22 conversation. I'm sorry. Did we already have a motion  
23 and a second? I think we did.

24 Executive Director Summer: David was the  
25 second of the original motion.

1 Chairman Wilson: And who made  
2 the original, Darrel?

3 Executive Director Summer: Yes,  
4 affirmative, yes, yeah.

5 Chairman Wilson: So you don't  
6 want to give the Board Chair authority to do much of  
7 anything because he just can't keep track of what's  
8 going on here. Okay, is there any more -- is there any  
9 more discussion? Okay, I'm going to call --

10 Ms. Cawood: Mr. Chair?

11 Chairman Wilson: Yes.

12 Ms. Cawood: I'm sorry.

13 It's Greer. I was just going to say, and you know --  
14 staff knows from previous conversations that we've had  
15 that I love the outreach and doing that. I guess I'm  
16 still a little bit on the fence because we're saying  
17 that we could consider reserving funds, and we haven't  
18 even named what an underserved community is, or the  
19 committees haven't done their work. So I love the  
20 direction this is going in, and I love -- you know, I  
21 wasn't on the flood risk, so I don't know the work that  
22 you all and want to, you know, understand that more so  
23 it can be utilized by the full Board. So I applaud it.  
24 I just think we're going a little too fast.

25 Chairman Wilson: Okay, would it

1 be okay if I call the question now; any more  
2 discussion?

3 Innovative Stormwater and Planning Committee

4 Chair Kumor: Mr. Chairman,  
5 listening to all the discussion, what if this third  
6 bullet were just kind of after a summary of the work of  
7 the above committees, the Executive Committee may  
8 consider after they have some answers to -- or some  
9 policy or an outline for the -- from the two committees  
10 and the work that we're asking them to do?

11 Chairman Wilson: Okay, so after  
12 each program committee completes its work in the first  
13 two bullet points and the Executive Committee has those  
14 recommendations to the full Board?

15 Innovative Stormwater and Planning Committee

16 Chair Kumor: Correct, then  
17 they may consider, that's all, may consider reserving  
18 funds. It just -- I think it does -- it gives us some  
19 flexibility and defines a commitment to -- once we  
20 encourage people to apply, then it demonstrates our  
21 commitment to trying to help them get funded. But it's  
22 -- but Greer makes a point. We can't do it before we  
23 know what is -- that we're going to come up with  
24 something to support. But we can't ask people to do  
25 the work and then they don't have a chance in hell of

1 getting any money because they still might not score.

2 Chairman Wilson: Okay, so is  
3 proposed amendment to get the action out of the  
4 committees or is it to wait until the full Board has  
5 taken action on the action out of the committees?

6 Innovative Stormwater and Planning Committee  
7 Chair Kumor: Oh, once the  
8 full Board has taken action on the committees because  
9 we -- the Executive Committee can't act on smoke; it  
10 would still be smoke until it's accepted by the Board.

11 Chairman Wilson: Okay.

12 Vice-Chair Browning: One question  
13 about timing, what cycle are we thinking? Obviously,  
14 we can't apply it to this cycle because, you know, the  
15 projects are already in, or I assume we can't. What  
16 cycle are we talking about initiating the first two  
17 bullets and limiting the third, too?

18 Executive Director Summer: Great, great  
19 question, Ann, those would apply to the next grant  
20 cycle, 2024. It would be very difficult for us to  
21 change the scoring system, apply it, and get everything  
22 done by September. So yes, that -- bullets one and two  
23 are for 2024. The third bullet, I mean, we could -- we  
24 could by the time that the Executive Committee would  
25 meet in August could have identified what our

1 definition is for an underserved community and identify  
2 those, and if the committee so chose, and the Board  
3 supported it, that could happen earlier, but the first  
4 two would have to wait until 2024.

5 Vice-Chair Browning: That feels a  
6 little uncomfortable to me without sort of having done  
7 some of that spadework, and I'm fairly comfortable  
8 because we do have a history of lifting up some of the  
9 projects that are from underserved communities, but  
10 sort of proceeding with bullet three before we've kind  
11 of gone through the spadework on one and two feels a  
12 bit uncomfortable to me.

13 Chairman Wilson: Okay, so,  
14 Renee, are you proposing a friendly amendment to Darrel  
15 on his motion that bullet point three would occur after  
16 the full Board has taken whatever action it decides to  
17 take, which of course could include no action on bullet  
18 points one and two?

19 Innovative Stormwater and Planning Committee  
20 Chair Kumor: Correct, and  
21 that it does not have to happen. They just may  
22 consider reserving funds.

23 Chairman Wilson: Okay, Darrel,  
24 how do you feel about that?

25 Mr. Williams: I'm fine with

1 that if everyone else is, if it makes sense to staff.

2 Chairman Wilson: Okay, I'm  
3 sorry. Is somebody saying something?

4 Executive Director Summer: Zoe is asking  
5 if the second still supports the amended motion. That  
6 would be David.

7 Mr. Womack: I do.

8 Chairman Wilson: Okay, so Darrel  
9 and David have accepted Renee's friendly amendment to  
10 the motion. So the motion is now to adopt bullet  
11 points one and two and to proceed with bullet point  
12 three after the Board has taken action; the full Board  
13 has taken action on bullet points one and two.

14 Mr. Williams: I do have one  
15 question to Will. I guess I'll relay. Does that mean  
16 that nothing will happen at all as far as even  
17 determining what underserved communities are until that  
18 time?

19 Executive Director Summer: I think that  
20 timing question is a great question. So I do want to  
21 clarify, while the score part of this would not be  
22 implemented until the 2024 grant cycle, it is my  
23 expectation that all the work and the approval of the  
24 amended rating system and criteria would actually  
25 happen in the coming months. So the work of figuring

1 out what the underserved communities were and  
2 developing the changes and recommendations to change  
3 the rating system, I anticipate that happening in the  
4 next two to four months. So that part could be done,  
5 in fact, before the Executive Committee meets this  
6 fall, though the points would not be in place. Does  
7 that make sense?

8 Mr. Williams: Yes, I think --

9 Chairman Wilson: Yes.

10 Mr. Williams: -- that makes  
11 sense, yes.

12 Innovative Stormwater and Planning Committee  
13 Chair Kumor: Will, I wanted  
14 to add for Darrel to understand, one of the discussions  
15 we had at Executive Committee was defining this tool  
16 and investigating what the tool would be, and that  
17 becomes the -- it became necessary to have that in  
18 place before bullets one and two could even begin to be  
19 worked on.

20 Executive Director Summer: Yeah, I think  
21 that would be the first order of business of the  
22 committees is to dig into it and the potential tools,  
23 yes.

24 Chairman Wilson: Okay, we have a  
25 friendly amendment accepted by Darrel and David.

1 Unless anybody wants me to repeat it, I think you all  
2 know what we're about to vote on. Is there any more  
3 discussion? Okay, how do you vote; Ann?

4 Vice-Chairman Browning: Yes.

5 Chairman Wilson: Greer?

6 Ms. Cawood: Yes.

7 Chairman Wilson: Amy?

8 Ms. Grissom: Yes.

9 Chairman Wilson: Renee?

10 Innovative Stormwater and Planning Committee

11 Chair Kumor: Yes.

12 Chairman Wilson: Mike?

13 Mr. Rusher: Yes.

14 Chairman Wilson: Jason?

15 Acquisition Committee Chair Walser: Yes.

16 Chairman Wilson: Darrel?

17 Mr. Williams: Yes.

18 Chairman Wilson: David?

19 Mr. Womack: Yes.

20 Chairman Wilson: And John is

21 yes. Okay, that passes as amended. I am not seeing  
22 anything else on the agenda other than adjournment. Is  
23 that right, Will?

24 Executive Director Summer: That's correct.

25 Mr. Williams: John, I have

1 one request. A couple of times, you have mentioned  
2 talking to Legislators about funding. It may be  
3 helpful if we have some language maybe from staff, sort  
4 of some recommended language, so we could all be, you  
5 know, talking to them in the same language.

6 Executive Director Summer: I'd be happy to  
7 work with our legislative liaison to get appropriate  
8 and effective talking points --

9 Mr. Williams: Yeah, so we  
10 would all be saying the same thing kind of, you know,  
11 at least --

12 Mr. Rusher: I second  
13 Darrel's motion.

14 Chairman Wilson: Right, well,  
15 thank you for speaking up about that and asking about  
16 that; okay, I can ask everybody to just vote. All in  
17 favor of adjourning, please say aye.

18 Vice-Chairman Browning: Aye.

19 Ms. Cawood: Aye.

20 Ms. Grissom: Aye.

21 Innovative Stormwater and Planning Committee  
22 Chair Kumor: Aye.

23 Mr. Rusher: Aye.

24 Acquisition Committee Chair Walser: Aye.

25 Mr. Williams: Aye.

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Mr. Womack: Aye.

Chairman Wilson: All right, I'm not even going to ask for opposition. Thanks, everybody, and a special thanks to our staff; as always, I really appreciate you all.

(The proceedings were concluded at 4:05 P.M.)

NORTH CAROLINA

WAKE COUNTY

**C E R T I F I C A T E**

I, Dona E. Overby, Notary/Reporter, do hereby certify that this Board of Trustees Meeting was taken by me and transcribed under my direction and that the one hundred thirty-four pages which constitute this Board of Trustees Meeting are a true and accurate transcript.

IN WITNESS THEREOF, I have hereunto set my hand this 5th day of May, 2023.

  
\_\_\_\_\_

Dona E. Overby  
Notary Public  
Certificate No.: 19971920107