

AGENDA
North Carolina Land and Water Fund
Restoration, Innovative Stormwater, and Planning Committee Meeting
November 14, 2025, 9:00 a.m. – 12:00 p.m.

This meeting will be held via teleconference and will have a physical location on the 4th floor of the Nature Research Center located at 121 West Jones Street, Raleigh, NC in room 4508. If any member of the public would like to join the meeting via MS Teams or in-person, please contact Terri Murray at teresa.murray@dncr.nc.gov or 919-707-9400 in advance to request a meeting invitation/call-in number or directions.

Committee Members:

Clement Riddle (Chair), John Wilson, Jimmy Broughton, Lydia Olander, Terry Shelton

COMMENCEMENT

1) Call to Order (Chair)

a) Welcome

b) Roll call

c) Compliance with General Statute § 138A-15

General Statute § 138A-15 mandates that the Chair inquire as to whether any Trustee knows of any conflict of interest or the appearance of a conflict of interest with respect to matters on the agenda. If any Trustee knows of a conflict of interest or the appearance of a conflict of interest, please state so at this time.

d) Please put cell phones on vibrate or turn off, and if guests are joining remotely, mute your audio and turn off your video unless you are called upon to speak

e) Revisions, additions, and adoption of the agenda

f) Approval of committee meeting minutes from October 1, 2025.

2) Executive Director's Update (Will Summer)

PUBLIC COMMENTS

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

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

BUSINESS

1) Program Manager's update (Steve Bevington)

Staff will provide an update on Restoration Program closeouts.

2) Construction contract extensions (Will Price)

Staff will present requests to extend the deadline for construction contracts per statutory requirement.

3) Request to modify scope of project 2024-409 (Steve Bevington)

Staff will present a request by Conserving Carolina to modify the scope of 2024-409, the Siebenheller Stream and Wetland Restoration project.

4) Review of Guidelines and Practices (Will Price/Steve Bevington/Will Summer)

Staff will present suggested updates to the program overview and sections RES-002, RES-003, RES-005, and RES-006, and of the NCLWF Guidelines and Practices document.

- a) Review of RES-002 Construction Contingency Funds (Will Price)
- b) Review of RES-003 O&M Plans for Stormwater (Steve Bevington)
- c) Review of RES-005 Agricultural Best Management Practices (Steve Bevington)
- d) Review of RES-006 NCLWF and Mitigation Projects (Will Summer)

ADJOURNMENT

North Carolina Land and Water Fund
Restoration, Innovative Stormwater and Planning Committee Meeting Minutes
October 1, 2025, 8:00 am

Location: Ross Conference Room, Nature Research Center, 121 West Jones Street, NC. A Microsoft Teams link was also made available for guest attendees.

Committee Members present: Clement Riddle (chair), John Wilson, Jimmy Broughton, Lydia Olander, Terry Shelton

Other Board Members present: Ann Browning at 9:07 a.m., Darrel Williams at 9:57 a.m.

Staff Present: Will Summer, Steve Bevington, Zoe Hansen Burnet, Marissa Hartzler, Damon Hearne, Isaac Merson, Hannah Bowen, Justin Mercer, Terri Murray, Will Price, Ginny King, Ambar Torres Molinari, Nicole Montero, Kat Johnson.

Visitors: Haley Bock, Luke Baker, Margaux Kerr, Sarah Bruce, Sarah Bodin, Joseph Johnson, Jill Fusco

Call to Order (Clement Riddle, Chair)

Meeting was called to order by Clement Riddle, Chair, at 8:02 a.m.

1. Welcome
2. Roll Call
3. Compliance with General Statute § 138A-15:
Clement Riddle noted potential appearance of conflict of interest with applications 2025-411 and 2025-412 and stated his intent to recuse himself from all discussion and action related to those two projects.
4. Revisions, Additions and Adoption of the Agenda
Will Summer requested of the Chair that an Executive Directors report be added to the agenda. **Motion** to approve agenda as amended was made by Terry Shelton, seconded by Jimmy Broughton, and unanimously approved.
5. Minutes – **Motion** to approve minutes of August 12, 2025, made by Jimmy Broughton, seconded by Lydia Olander, unanimously approved.

Executive Director's Update (Will Summer)

Will Summer thanked Committee members, other Board members, and members of the public for being present. He reminded all of the conflict-of-interest policy, pointing out that NCLWF holds itself and partners to a high standard in this regard. With brief notes about meeting logistics and schedule, he invited the Committee to continue their work.

Public Comments (There were no requests for public comment.)

Business

1) **Review of 2025 Cycle Applications** (Staff)

Staff presented 45 Restoration, Innovative Stormwater, and Planning applications. The Committee made awards as described in the attached "Report of the Restoration, Innovative Stormwater, and Planning Committee, October 1, 2025."

Motion to adjourn by Jimmy Broughton and seconded by Lydia Olander. Motion passed. Clement adjourned the meeting at 2:26 pm.

Report of the Restoration, Innovative Stormwater, and Planning Committee, October 1, 2025

The Restoration Committee met on October 1, 2025, and makes the following recommendations:

Grant Awards

The Restoration Committee had \$6,845,455 available in NCLWF funds on this date to award to 2025 applications. An additional \$1,139,351 was also made available from the NC Department of Environmental Quality Flood Resiliency Blueprint Fund towards the funding of projects 2025-408 - CWA - Stony Run - Corridor Riparian Restoration, 2025-411 - HWA - Flood Resiliency - Pigeon River at Clyde, and 2025-1003 - Smithfield - College Pond Retrofit, resulting in a total funding available of \$7,984,806.

The Committee reviewed 45 applications, including 13 planning, 5 innovative stormwater, and 27 restoration applications. Recommendations for awards today total \$7,778,632, with six projects recommended to be placed on the provisional list.

To avoid any conflict of interest or the perception of any conflict of interest, one committee member recused himself from discussion and considerations of two projects. These stated recusals were as follows:

Clement Riddle recused himself from consideration of two projects:

2025-411 Haywood Waterways Association - Flood Resiliency - Pigeon River at Clyde 2025-412
Haywood Waterways Association - Lake Logan - Stream Restoration

Recusal procedures included each committee member excusing themselves from the room during staff presentations and discussion of the projects in question, and abstaining from voting related to the project in question.

The Restoration Committee makes the following eight motions to fund the following projects identified by their application numbers as stated below:

Motion 1 – Fund the following ten planning projects at the requested amount:

- 2025-801 - AR - Haw River Watershed - Dam Removal Plan
- 2025-809 - NRC - North Fork of the New River - Watershed Plan
- 2025-810 - RiverLink - Middle Swannanoa River - 9 Element Watershed Action Plan
- 2025-803 - CC - Upper Mud Creek - Watershed Plan
- 2025-808 - New Hanover Co - Pages Creek - Feasibility Plan
- 2025-802 - CC - Green and North Pacolet Rivers - Watershed Plan
- 2025-812 - Sound Rivers - Southwest Prong Slocum Creek - Watershed Plan
- 2025-805 - NCCF - Ocean City Jazz Festival Park - Stormwater Plan
- 2025-806 - NCCF - Oyster Blueprint for Action - Restoration and Protection Plan Update
- 2025-804 - MVRCD - Ivy River Aquatic Passage - Feasibility Study

Motion 2 – Fund the following four ISW projects at the requested amount:

- 2025-1002 - NCSU - Stormwater Infrastructure Maintenance Robot Development
- 2025-1004 - Sound Rivers - Constructed Stormwater Wetland for Education and Maintenance
- 2025-1003 - Smithfield - College Pond Retrofit
- 2025-1005 - Trenton - Comprehensive Stormwater Management - Pilot Project

Motion 3 – fund the following restoration projects at the requested amount:

- 2025-413 - MCT - Little Tennessee River Mile 106 & Klatt - Wetland Restoration
- 2025-401 - AR - Lockville Dam Removal
- 2025-416 - NCCF - Jockey's Ridge - Living Shoreline Phase 2
- 2025-414 - MCT - Little Tennessee Shade Your Stream - Riparian Buffer Planting
- 2025-403 - BRRCD - MCHP Campus - Grassy Creek - Stream and Wetland Restoration
- 2025-402 - BRRCD - Bakersville Creekwalk Extension - Phase 3 Restoration
- 2025-417 - NCCF - Living Shoreline Cost Share Program - 2025
- 2025-431 - Wilkes SWCD - Double Creek Phase 4 - Stream Restoration
- 2025-410 - FCNC - Canoe Creek Phase 2 - Stream Restoration
- 2025-408 - CWA - Stony Run - Corridor Riparian Restoration

Motion 4 – Fund the following restoration projects at the amount stated:

- 2025-409 - Durham - South Ellerbe - Stream and Wetland Restoration at \$800,000
- 2025-415 - Mecklenburg Co - McDowell Creek at Beatties Ford Rd at \$800,000

Motion 5 – fund the following at the requested amount: (Clement Riddle recuse)

- 2025-411 Haywood Waterways Association - Flood Resiliency - Pigeon River at Clyde

Motion 6 – Place the following project first on the provisional list at the amount stated: (Clement Riddle recuse)

1. 2025-412 - HWA - Lake Logan - Stream Restoration (\$320,000)

Motion 7 – Place the following projects on the provisional list at the amount stated in the following order:

2. 2025-427 - SWNC RC&D - Walker Family Trust Pigeon River - Stream Restoration (\$335,000)
3. 2025-423 - RI - Newfound Creek - Stream Restoration (\$310,500)
4. 2025-428 - RI - West Fork French Broad - Stream Restoration (\$468,800)
5. 2025-430 - Siler City - Loves Creek Tributary - Stream Restoration (\$500,000)
6. 2025-404 - CC - Light Center - Stream Restoration (\$369,595)

Motion 8 – for project 2025-423 - RI - Newfound Creek - Stream Restoration, a special condition shall be included in the contract requiring that a report be made detailing previous restoration work in the project area, with a discussion in the report on the causes of failure. Such report shall be made before the first reimbursement is paid by the NCLWF.

Grant Number and Name	Score	Funding Order	Award	Standing
RESTORATION				
2025-413 - MCT - Little Tennessee River Mile 106 & Klatt - Wetland Restoration	81	1	\$ 69,210	Fund at Meeting
2025-401 - AR - Lockville Dam Removal	73	2	\$ 598,965	Fund at Meeting
2025-411 - HWA - Flood Resiliency - Pigeon River at Clyde	72	3	\$ 210,500	Fund at Meeting
2025-416 - NCCF - Jockey's Ridge - Living Shoreline Phase 2	71	4	\$ 319,603	Fund at Meeting
2025-418 - NRC - Mouth of Winkler Creek - Stream Restoration	70	5	\$578,000	Fund at Meeting
2025-409 - Durham - South Ellerbe - Stream and Wetland Restoration	70	6	\$ 800,000	Fund at Meeting
2025-414 - MCT - Little Tennessee Shade Your Stream - Riparian Buffer Planting	68	7	\$ 14,750	Fund at Meeting
2025-403 - BRRCD - MCHP Campus - Grassy Creek - Stream and Wetland Restoration	68	8	\$ 356,000	Fund at Meeting
2025-402 - BRRCD - Bakersville Creekwalk Extension - Phase 3 Restoration	67	9	\$ 371,400	Fund at Meeting
2025-417 - NCCF - Living Shoreline Cost Share Program - 2025	67	10	\$ 540,542	Fund at Meeting
2025-415 - Mecklenburg Co - McDowell Creek at Beatties Ford Rd - Stream Restoration	67	11	\$ 800,000	Fund at Meeting
2025-431 - Wilkes SWCD - Double Creek Phase 4 - Stream Restoration	67	12	\$ 283,375	Fund at Meeting
2025-410 - FCNC - Canoe Creek Phase 2 - Stream Restoration	65	13	\$ 59,743	Fund at Meeting
2025-408 - CWA - Stony Run - Corridor Riparian Restoration	65	14	\$ 270,500	Fund at Meeting
2025-412 - HWA - Lake Logan - Stream Restoration	63	15	\$ 320,000	Provisional List

2025-427 - SWNC RC&D - Walker Family Trust Pigeon River - Stream Restoration	62	16	\$ 335,000	Provisional List
2025-423 - RI - Newfound Creek - Stream Restoration	64	17	\$ 310,500	Provisional List
2025-428 - RI - West Fork French Broad - Stream Restoration	64	18	\$ 468,800	Provisional List
2025-430 - Siler City - Loves Creek Tributary - Stream Restoration	63	19	\$ 500,000	Provisional List
2025-404 - CC - Light Center - Stream Restoration	60	20	\$ 369,595	Provisional List
Innovative Stormwater				
2025-1002 - NCSU - Stormwater Infrastructure Maintenance Robot Development	69	1	\$ 234,241	Fund at Meeting
2025-1004 - Sound Rivers - Constructed Stormwater Wetland for Education and Maintenance	64	2	\$ 243,200	Fund at Meeting
2025-1003 - Smithfield - College Pond Retrofit	62	3	\$ 783,351	Fund at Meeting
2025-1005 - Trenton - Comprehensive Stormwater Management - Pilot Project	60	4	\$ 111,650	Fund at Meeting
Planning				
2025-801 - AR - Haw River Watershed - Dam Removal Plan	67	1	\$ 65,000	Fund at Meeting
2025-809 - NRC - North Fork of the New River - Watershed Plan	66	2	\$ 40,000	Fund at Meeting
2025-810 - RiverLink - Middle Swannanoa River - 9 Element Watershed Action Plan	65	3	\$ 80,000	Fund at Meeting

2025-803 - CC - Upper Mud Creek - Watershed Plan	65	4	\$ 90,000	Fund at Meeting
2025-808 - New Hanover Co - Pages Creek - Feasibility Plan	64	5	\$ 75,000	Fund at Meeting
2025-802 - CC - Green and North Pacolet Rivers - Watershed Plan	64	6	\$ 75,000	Fund at Meeting
2025-812 - Sound Rivers - Southwest Prong Slocum Creek - Watershed Plan	63	7	\$ 28,570	Fund at Meeting
2025-805 - NCCF - Ocean City Jazz Festival Park - Stormwater Plan	63	8	\$ 42,032	Fund at Meeting
2025-806 - NCCF - Oyster Blueprint for Action - Restoration and Protection Plan Update	62	9	\$ 75,000	Fund at Meeting
2025-804 - MVRCD - Ivy River Aquatic Passage - Feasibility Study	62	10	\$ 41,000	Fund at Meeting

Action Item**Staff member: Will Price**

Agenda Item 2) Requests to extend the date to enter into a construction contract for existing Restoration Program Grants.

NCLWF stormwater and restoration construction projects approved after January 1, 2006 are subject to General Statute §143B-135.238(e), which requires grant recipients to enter into a construction contract for the project within one year after grant contract execution. The statute states that the award is withdrawn unless the NCLWF Board of Trustees finds that the applicant has good cause for failing to meet this requirement, and if so, the board must set a new date by which the grant recipient must take action or forfeit the grant.

The following grant recipients have submitted information summarizing the reasons for their delay in entering into a construction contract and have proposed new dates for doing so.

Project Number & Name	Current Construction Contract Deadline	<u>Proposed</u> Construction Contract Deadline
2022-FRR30 - CMSWS - Barlowe Road Flood Mitigation and Water Quality Improvement Project	1/9/2025	6/30/2026
2023-410 - Forsyth Co - Brushy Fork Creek - Restoration	5/24/2025	6/30/2026
2022-FRR48 - TNC - Restoring Former Ag Land in the Cape Fear River Basin	6/9/2025	6/30/2026

Staff recommendations**2022-FRR30 - CMSWS - Barlowe Road Flood Mitigation and Water Quality Improvement Project**

This project has been delayed due to complications with easement acquisition, including issues with right of way abandonment, and private and public utility conflicts. Designs are 100% complete and 12 of 13 easements have been obtained. Relocating utilities is delaying completion of the final easement.

Staff support this extension request as the delay is reasonable given the complications of acquiring land agreements for the project.

2023-410 - Forsyth Co - Brushy Fork Creek - Restoration

This project has been delayed due to complications with easement acquisition and delays in obtaining the necessary plats for the easement documents. 13 of the necessary 16 signatures for the easement have been obtained. 60% designs are complete.

Staff support this extension request as the delay is reasonable given the complications of acquiring land agreements for the project.

2022-FRR48 - TNC - Restoring Former Ag Land in the Cape Fear River Basin

This project has been delayed due to permitting slowdown at the federal level as well as the need to collect a full year of data to inform design and post-construction monitoring. Designs for the two project sites are at 90% and 100% completion.

Staff support this extension request as the delay is reasonable given the issues with obtaining permits from federal agencies and the importance of gathering pre-construction monitoring data.

Committee action needed

Approve, amend, or deny the staff recommendation and make a recommendation to the Board.

Attachments: Requests from Grantees to extend the date to enter into a construction contract for the three projects above.

Request to extend the date to enter into a construction contract.

Change Request: 4000073831, 2022-FRR30 CMSWS Barlowe Rd Flood Mitgn		
Save Cancel Refresh		
Request		
Version:	0000000001	Last Changed By: TVANG4
View:	CWMTF - Change Request	Change Date: 07/22/2025 15:43:05
Program ID/Description:	2022 NCLWF FLOOD RISK R	Budget Revision: ☐ Yes ☒ No
Grant Administrator:	Will Price	
Agreement Number:	2000070044	Project Number: 2022-FRR30
Agreement Period From:	01/09/2024	Agreement Period To: 10/31/2025
Grant contract date to enter into a construction contract (if applicable):	Current	Proposed Revision
	1/9/25	6/30/26
Revise Agreement Expiration Date:	Proposed Revision 6/30/27	
Reason for change:	Complications due to easements including right of way abandonment, private and public utility conflicts. We feel confident we can start construction by 6-30-26.	

Change Request: 4000076812, 2023-410 Forsyth Co Brushy Frk Ck Rest

[Save](#) | [Cancel](#) | [Refresh](#)▼ Request

Version: 0000000001

Last Changed By: 2WPRICE

View: CWMTF - Change Request

Change Date: 11/05/2025 11:11:07

	Current	Proposed Revision
Grant contract date to enter into a construction contract (if applicable):	5/24/25	6/30/26

Proposed Revision

Revise Agreement Expiration Date:

Reason for change: As the Airport Director and local lead for the Brushy Fork Creek Restoration Project, I formally request an extension of construction contract deadline. Over the past year, we have run into delays obtaining the legal plat required by the County Attorney's Office and getting signatures on 16 individual conservation easements. As it stands today, we have 13 signatures and are working on the remaining 3 by going door to door and sending letters and leaving flyers. We have also hosted the neighbor association meeting and they are attempting to help us secure all the required signatures.

Change Request: 4000076815, 2022-FRR48 TNC Land Rest Cape Fear

Save | Cancel | Refresh

Request

Version: 0000000001

Last Changed By: 2WPRICE

View: CWMTF - Change Request

Change Date: 11/05/2025 13:43:55

	Current	Proposed Revision
Grant contract date to enter into a construction contract (if applicable):	6/9/2025	6/30/26

Proposed Revision

Revise Agreement Expiration Date:

Reason for change:

At current, we have 100% design for Bushy Bay and will begin the process of construction in the new year. I do not think you need a construction contract for this part of the project, as the construction funding is in kind with the Broadwell family. Let me know if you think otherwise here.

As for Squires, we are at 90% design and only have 1 last permit approval from DEQ Erosion & Sediment to get 100% design. Additionally, this restoration is going through NEPA permitting (currently on Phase 2), as we are supplementing restoration with federal dollars. NEPA requirements have been submitted but are slower to be processed due to the government shutdown. I anticipate construction bidding to start this December with a contract likely signed in early 2026.

Our engineering timelines got pushed back due to data collection, which included well data incorporation. We needed some more time to collect this data, as wells were inserted in December 2024. We are now approaching 1yr of data pre-restoration at each site and have been able to appropriately use this information within design development. It will also help inform post-restoration as we continue to monitor the wells past funding deadlines in 2027.

Action Item**Staff member: Steve Bevington**

Agenda Item 3) Request to modify scope of project 2024-409, CC - Siebenheller - Stream and Wetland Restoration.

On October 2, 2024, Conserving Carolina was granted a provisional award of up to \$316,437 by NCLWF for a project to transform farm fields to a floodplain wetland ecosystem adjacent to Williamson Creek in Transylvania County. The project, not yet under contract, was the last of three projects funded from the 2024 provisional funding list and received a partial award of \$303,213 (96% of the request). Two lower scoring projects remained unfunded.

Between the time of the provisional award and the availability of funding in June 2025, one of two property owners who had agreed to participate decided not to continue with the project. In response, Conserving Carolina and the design team have reworked the project so as to maximize evolutionary uplift on the remaining parcel and have requested a modification of scope.

Conserving Carolina has requested to make the following changes to scope (a 7% reduction):

<u>Scope Deliverable</u>	<u>As awarded</u>	<u>As proposed</u>	<u>Percent change</u>
Stream restoration	580 linear feet	700 linear feet	+21%
Stream enhancement	1,100 linear feet	490 linear feet	-55%
Wetland restoration	3.3 acres	4.8 acres	+48
Calculated Project size	3,076 linear feet	2,862 linear feet	-7%

The percent change in scope, as calculated, is not so large as to require Committee or Board action. However, as the changes also involve the resizing of the project area staff determined it best to seek direction from NCLWF Trustees. Staff believes that the portion of the project that would not be completed is the least important part of the project in terms of natural resource (the enhancement of a straight stream channel). This would be mostly offset by increased stream restoration length and increase wetland area. Therefore staff supports the scope modification.

Staff recommendation

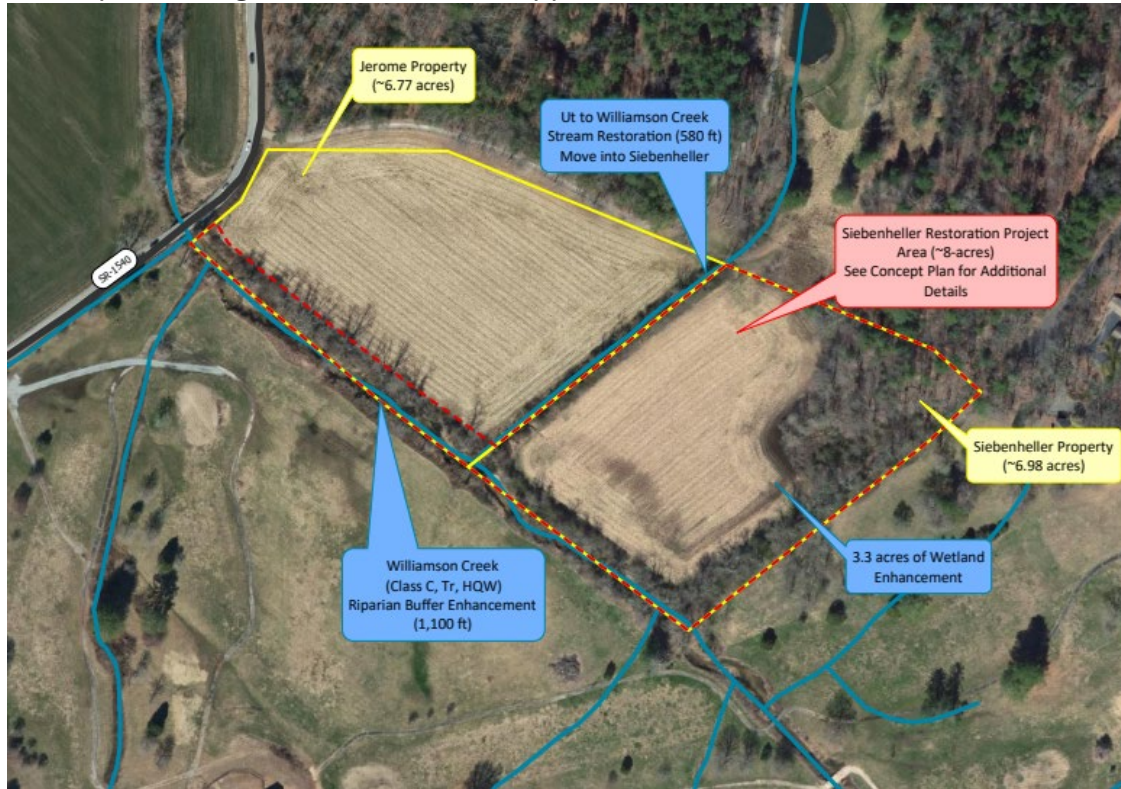
Staff recommends that the committee accept the scope modification as requested.

Committee action needed

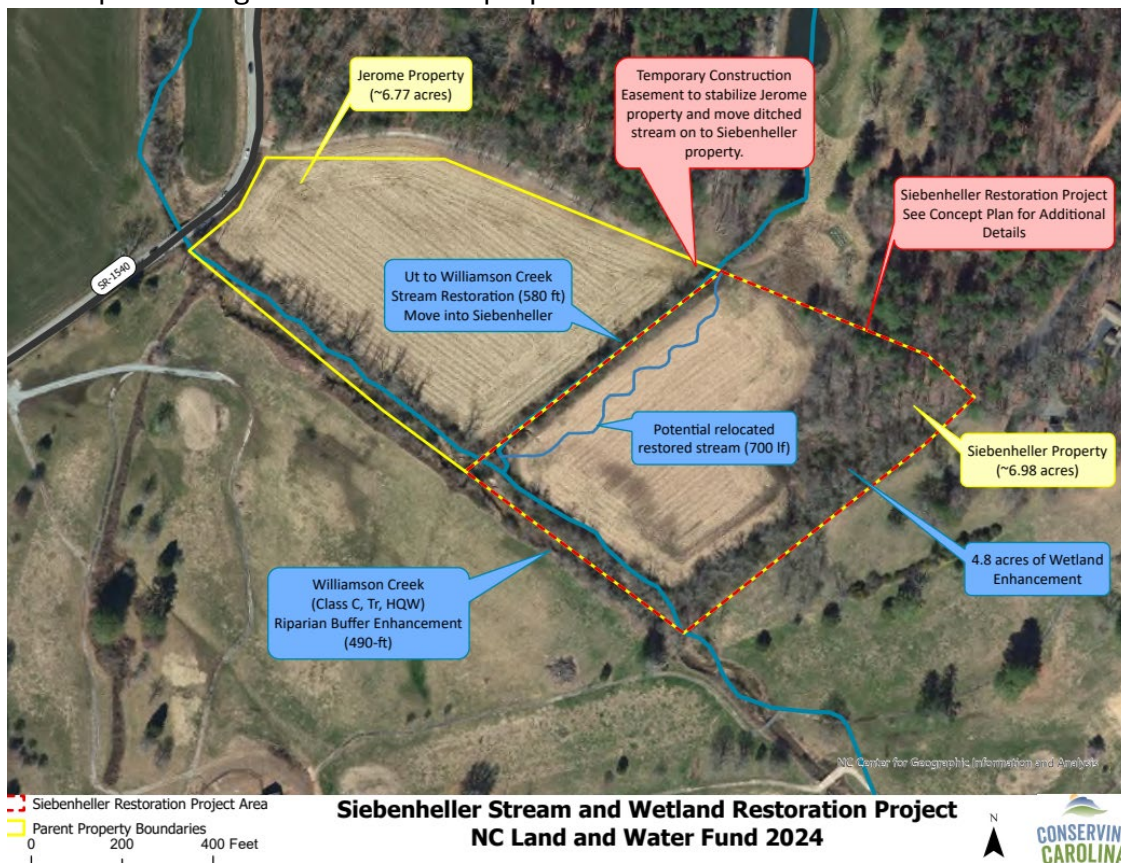
Approve, amend, or deny the staff recommendation and make a recommendation to the Board.

Attachment: Conceptual design from application and as presently conceived.

Conceptual design of 2024-409 from application:



Conceptual design of 2024-409 as proposed:



Action Item**Staff member: Will Price**

Agenda Item 4a) Review of RES-002 Construction Contingency Funds

Our program currently allows applicants seeking construction funds to include a construction contingency line item in their budget. Contingency funds requested are to be matched at a ratio of at least one-to-one. The intention is for construction contingency to cover unexpected costs discovered during construction.

In the 2025 application cycle, only 10% of applications utilized the construction contingency line item.

The construction contingency line item makes it difficult to score projects, because the effectiveness score is based on the ratio of project size to dollars budgeted for construction. Having a construction contingency can skew the estimated price of the project and therefore skew scoring of the application.

Construction contingency funds are also burdensome for partners and staff to implement. In order to be reimbursed for construction contingency spending, current guidelines require the grantee to first spend 100% of the project's construction line item, as well as 100% of local matching funds and at least 90% of all other matching funds. In practice, our partners find it difficult to efficiently utilize construction contingency funds, as construction plans generally must be made well in advance, and it is not clear if the project will be allowed to tap into the construction contingency funds until the project is almost complete.

Importantly, staff have seen few cases where contingency resulted in significant cost saving to NCLWF. In practice, the construction contingency line item is rarely utilized, and causes complications with scoring and project administration. As staff has seen little evidence of cost saving from a contingency line item, staff is in favor of eliminating the construction contingency line item entirely. Instead, staff would encourage applicants to incorporate potential contingencies in their regular construction line item.

Staff recommendation

Staff recommends that the Board strike RES-002 from the Board Guidelines and Practices Manual.

Committee action needed

Approve, amend, or deny the staff recommendation and make a recommendation to the Board.

Attachment: RES-002 as presently written.



NCLWF Board Guidelines and Practices

Restoration Program Guidelines and Practices:**Construction Contingency Funds (RES-002)**

Background: Construction contingency funds allow the project to cover unanticipated construction costs, often resulting from unexpected conditions encountered during construction. Construction contingency funds are not intended to be used for work that is not construction (e.g., design or construction administration) nor for construction that is not part of the project scope of work (e.g., add-on work).

Guidelines and Practices:

Contingency funds are to be matched by at least 50 percent in funds provided by the grant recipient or project partners other than NCLWF. Construction contingency funds will be disbursed only after the Grant recipient has demonstrated to the Fund that it has expended 100 percent of funds in Construction line items, 100 percent of local matching funds, and at least 90 percent of all other matching funds, including matching grant and/or loan funds.

Effective Date

Versions	Revisions
March 16, 2006	Original Effective Date
March 9, 2015	Reauthorized
June 5, 2018	Contingency match requirement

Action Item**Staff member: Steve Bevington**

Agenda Item 4b) Review of RES-003 O&M for Stormwater

NCLWF requires Conservation Agreements to protect work, activities, and uses on land that is the footprint of stormwater control measure (SCM) constructed with NCLWF funding. These Guidelines and Practices are intended to be an alternative for local government units that have maintenance staff that develop an Operations and Maintenance (O&M) plan in lieu of a recorded Conservation Agreement to maintain stormwater facilities.

This practice was first implemented when NCLWF was able to consider stormwater projects for funding. Now that NCLWF only accepts applications for innovative stormwater projects (and pilot projects deemed eligible), the practice can be updated to reflect current terminology and reflect the operation and maintenance of innovative stormwater projects.

Staff suggest that practice RES-003 be updated and modified, as in attached redline, to remove reference to standard stormwater practices and so clearly outline how partners may use operation and maintenance plans, when appropriate, to protect innovative stormwater projects.

Staff recommendation

Staff recommends practice RES-003 be updated as in attached redline draft.

Committee action needed

Approve, amend, or deny the staff recommendation and make a recommendation to the Board.

Attachment: RES-003 with redline edits

Restoration Program Guidelines and Practices:Operation & Maintenance Plans for Innovative Stormwater Projects (RES-003)**Background:****Guidelines and Practices:**

A stormwater ~~control measure~~Best Management Practice (SCMBMP) operation and maintenance (O&M) agreement may be used in place of a ~~Conservation Easement~~Agreement for innovative stormwater projects and pilot projects funded through the NCLWF Innovative Stormwater Program.

Operation and maintenance plans for stormwater projects apply only to ~~BMP~~SCM projects for which the grant recipient or project partner is a local government, and funds from the NCLWF are used for ~~BMP~~SCM construction. ~~Conservation Agreements~~Easements are no longer required if the grant recipient agrees to maintain the ~~SCMBMP~~ for 10 years and prepare a ~~SCMBMP~~ O&M plan.

For most applicable projects, this is accomplished via a stormwater ~~BMP~~SCM -O&M plan submitted as a deliverable under the NCLWF grant agreement, consistent with the grant agreement requirement to maintain the ~~BMP~~SCM for 10 years.

~~This arrangement is standard for applicable projects beginning with projects resulting from 2010 grant awards. This arrangement is being used selectively on projects awarded before 2009 via grant agreement amendments.~~

~~Beginning with 2010 grant applications, projects that are eligible to use a stormwater BMP O&M plan should not propose to use a conservation easement to protect the land of the BMP and should not include the value of a donated easement in the project's matching funds budget.~~

Effective Date

Versions	Revisions
	Original Effective Date
March 9, 2015	Reauthorized

Action Item**Staff member: Steve Bevington**

Agenda Item 4c) Review of RES-005 Agricultural BMPs

The restoration of agricultural lands adjacent to streams present an opportunity for large ecological uplift as agricultural practices are exempt from many land use regulations and the conversion of mowed, grazed, or plowed riparian lands to forest cover can result in dramatic water quality conditions. Also, improvements to agricultural lands are often well supported by Federal programs funded. For this reason, NCLWF has permitted county-based Soil and Water Conservation Districts and the NC Department of Agriculture and Consumer Services (NCDCA) to implement stream restoration projects with term rather than permanent Conservation Agreements. Given the large ecological uplift of converting bare land to forest cover, and the opportunity to leverage Federal funds, this practice aims to incentivize restoration on active agricultural land by permitting term land Conservation Agreements and/or narrow buffers in described cases.

This NCLWF practice was last updated in 2014. Since then, the Best Management Practices and agreement tools used by NCDCA have changed in response to federal law and changes to the Conservation Reserve Enhancement Program (CREP). NCDCA have implemented these new practices and tools in their most recent NCLWF project (2022-415) and found them effective in both leveraging federal funds and providing an incentive for owners of ecologically sensitive farmland to enroll active farmland in conservation programs and implement voluntary BMPs.

As CREP has a strong overlap in terms of water quality and resource protection goals with those of NCLWF, an update, as detailed in the attached document will further the goals of NCDCA, Soil and Water Conservation Districts, and allow NCLWF to continue to leverage federal conservation dollars and target restoration efforts toward streams that score highly for resource value in our application rating system.

Staff suggests modifying RES-005 to remove directives that no longer align with NC Department of Agriculture practices and replace with current practices, as presented in attached, to best work with agricultural programs to restore fields and pastures adjacent to streams.

Staff recommendation

Staff recommends that practice RES-005 be updated as in the attached draft.

Committee action needed

Approve, amend, or deny the staff recommendation and make a recommendation to the Board.

Attachments: RES-005 as presently written
RES-005 edited draft

CURRENT PRACTICE - Restoration Program Guidelines and Practices:

Agricultural Best Management Practices Resolution (RES-005)

Background: The intent of the resolution is to improve the consistency of the level of funding provided by the North Carolina Land and Water Fund for various BMP options for Soil and Water Conservation Districts and other grantees for the protection of setbacks on agricultural lands.

RESOLUTION

Authorizing the Funding of Several Best Management Practice Options for Soil and Water Conservation Districts and Other Grantees for the Protection of Setbacks on Agricultural Lands

Whereas, the Board of Trustees of the Clean Water Management Trust Fund has funded a number of projects with Soil and Water Conservation Districts and other grantees for the installation of Best Management Practices (BMPs) on agricultural lands; and

Whereas, the Board of Trustees of the Clean Water Management Trust Fund will likely continue to fund such projects; and

Whereas, there is a need for consistency on the level of funding provided by the Clean Water Management Trust Fund for various BMP options,

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE CLEAN WATER MANAGEMENT TRUST FUND MEETING IN CORNELIUS ON MARCH 18, 2002:

The Clean Water Management Trust Fund adopts the following scope of work options:

1. For landowners agreeing to permanent Conservation Easements on at least 30-foot wide setbacks on each side of the stream, the Clean Water Management Trust Fund will fund 100% of the cost of the BMP.
2. For landowners agreeing to provide a 30-year signed agreement for protection of at least 50-foot wide setbacks on each side of the stream, the Clean Water Management Trust Fund will fund 100% of the cost of the BMP.
3. For landowners agreeing to provide a 30-year signed agreement for protection of at least 30-foot wide setbacks on each side of the stream, the Clean Water Management Trust Fund will fund 85% of the cost of the BMP.
4. For livestock exclusion BMPs, the minimum setback widths and funding options listed above shall be applied to streams greater than 3-feet wide. Livestock exclusion BMPs shall include alternative watering facilities.

For livestock exclusion BMPs applied to streams 3-feet wide or less, a minimum 15-foot wide setback on each side of the stream, as measured from top-of-bank, is required and the following funding options are allowed:

- a. For landowners agreeing to permanent Conservation Easements, the Clean Water Management Trust Fund will fund 100% of the cost of the BMP.
- b. For landowners agreeing to provide a 30-year signed agreement, the Clean Water Management Trust Fund will fund 85% of the cost of the BMP.

Livestock exclusion BMPs shall include alternative watering facilities.

Robert Woodard 3-18-02

Effective Date

Versions	Revisions
March 18, 2002	Original Effective Date
June 3, 2014	Reauthorized

PROPOSED PRACTICE - Restoration Program Guidelines and Practices:**Agricultural Best Management Practices (RES-005)**

Background: The intent of the resolution is to improve the consistency of the level of funding provided by the North Carolina Land and Water Fund for various Best Management Practices (BMP) options for Soil and Water Conservation Districts and other grantees for the protection of setbacks on agricultural lands. Given the large ecological uplift of converting mowed, grazed, or plowed riparian lands to forest cover, and the opportunity to leverage Federal funds, this practice aims to incentivize restoration on active agricultural land by permitting term land Conservation Agreements and/or narrow buffers in described cases.

For projects that enroll landowners in the North Carolina Conservation Reserve Enhancement Program (CREP):

1. For landowners agreeing to permanent Conservation Easements on at least 30-foot wide setbacks on each side of the stream, the NCLWF will fund the full cost of the of the BMP.
2. For landowners agreeing to provide a 30-year signed agreement for protection of at least 50-foot wide setbacks on each side of the stream, the NCLWF will fund 100% of the cost of the BMP.
3. For landowners agreeing to provide a 30-year signed agreement for protection of at least 30-foot wide setbacks on each side of the stream, the NCLWF will fund 85% of the cost of the BMP.
4. For livestock exclusion BMPs, the minimum setback widths and funding options listed above shall be applied to streams greater than 3-feet wide. Livestock exclusion BMPs shall include alternative watering facilities. For livestock exclusion BMPs applied to streams 3-feet wide or less, a minimum 15-foot wide setback on each side of the stream, as measured from top-of-bank, is required and the following funding options are allowed:
 - a. For landowners agreeing to permanent Conservation Easements, the NCLWF will fund 100% of the cost of the BMP.
 - b. For landowners agreeing to provide a 30-year signed agreement, the NCLWF will fund 85% of the cost of the BMP.

Action Item**Staff member: Will Summer**

Agenda Item 4d) Review of RES-006 NCLWF and Mitigation Projects**Background**

In 2002, the CWMTF Board (now NCLWF) passed a resolution to work cooperatively with State mitigation programs to assist them in meeting their needs to find suitable mitigation sites. If a previously funded NCLWF project was suitable for mitigation, the resolution permitted the NCLWF to be reimbursed for the project and the site transferred to another agency for mitigation. Due to a change in the structure and function of State in lieu fee mitigation, this arrangement has not been used for at least 15 years and is no longer necessary. Staff recommends that RES-006 be removed from the practice. If needed again in the future, this practice could be done on a case-by-case basis with Board approval.

Staff recommendation

Staff recommends that the Board strikes RES-006 from the Board Guidelines and Practices Manual.

Committee action needed

Approve, amend, or deny the staff recommendation and make a recommendation to the Board.

Attachment: RES-006 as presently written.

Resolution Clarifying the Role of the NCLWF in Mitigation Projects (RES-006)

Background: The resolution is intended to clarify when land previously acquired with funds from the North Carolina Land and Water Fund may be used for complementary wetland, stream, and endangered species mitigation projects.

Resolution

Clarifying the Role of The Clean Water Management Trust Fund In Mitigation Projects

Whereas the 1996 General Assembly established the Clean Water Management Trust Fund to provide incentives to help local governments, State agencies, and nonprofit conservation organizations go beyond compliance with regulations to protect and restore surface water quality; and

Whereas G.S. 113-145.4 c) sets out that "No (Clean Water Management Trust Fund) grant shall be awarded under this article to satisfy compensatory mitigation requirements under 33 USC S 1344 or GS 143- 214.11"; and

Whereas sites suitable for quality compensatory wetland, stream, and endangered species mitigation projects are difficult to find; and

Whereas finding suitable sites for mitigation projects is a significant source of delay in implementing mitigation projects; and

Whereas the Department of Transportation, the Wetlands Restoration Program, and private wetland bankers have approached some CWMTF grantees after the acquisition of riparian buffers and wetlands about mitigation projects; and

Whereas some CWMTF-funded riparian buffer and wetland projects could be further improved by restoration and enhancement; and

Whereas CWMTF grantees are prepared for permanent stewardship of these properties;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE CLEAN WATER MANAGEMENT TRUST FUND MEETING AT JEFFERSON LANDING ON THE NEW RIVER IN ASHE COUNTY ON SEPTEMBER 16, 2002:

The Board of Trustees approves the use of land previously acquired with funds from the Clean Water Management Trust Fund for complementary wetland, stream, and endangered species mitigation projects

provided that: 1) the mitigation project improves surface water quality, 2) the mitigation project is consistent with the purpose of the original project, and 3) the sponsor of the mitigation project will reimburse either CWMTF or its grantee for the full value, plus appreciation, of the CWMTF investment in that portion of the land to be used for the complementary wetland, stream, and endangered species mitigation so that CWMTF does not directly or indirectly subsidize the mitigation project.

The Board of Trustees directs the Executive Director to consult with the Chairman of the Acquisition Committee, and if necessary, the Acquisition Committee and Board, before approving the use of CWMTF-funded land for mitigation projects. The Board further directs the Executive Director to periodically report to the Acquisition Committee and the Board on the use of CWMTF-funded land for mitigation projects.



Robert D. Howard, Chairman

Effective Date

Versions	Revisions
September 16, 2002	Original Effective Date, Signed by Robert D. Howard, Board of Trustees Chairman
June 2, 2014	Reauthorized