

AGENDA
North Carolina Land and Water Fund
Restoration, Innovative Stormwater, and Planning Committee Meeting
May 14, 2024, 1:00 p.m. – 1:30 p.m.

David Steadman Education Center, NC Zoo
4401 Zoo Parkway, Asheboro, NC 27205

This meeting will also be available to the public by teleconference. Please contact Terri Murray at teresa.murray@dncr.nc.gov or 919-707-9400 to request a meeting invitation/call-in number for the meeting.

Committee Members:

Ann Browning (Chair), John Wilson, Clement Riddle, Mike Rusher, Darrel Williams

COMMENCEMENT

1) Call to Order (Chair – Ann Browning)

- a) Welcome
- b) Roll call

c) Compliance with General Statute § 138A-15

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

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

e) Revisions, additions, and adoption of the agenda

f) Approval of committee meeting minutes from February 8, 2024

2) Executive Director's update (Will Summer)

PUBLIC COMMENTS

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

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 the committee with a program update.

2) Construction contract extensions (Will Price)

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

3) Request to transfer grant award – The Conservation Fund (Steve Bevington)

Staff will present a request from The Conservation Fund to transfer contract duties and responsibilities of project 2022-445, the Jessup Mill Dam Removal, to the Piedmont Conservation Council.

ADJOURNMENT

**North Carolina Land and Water Fund
Restoration, Innovative Stormwater and Planning Committee Meeting Minutes
February 8, 2024**

Meeting was held virtually. A Microsoft Teams link was available for guest attendees.

Committee Members present: Ann Browning (Chair), John Wilson, Clement Riddle, Mike Rusher, Darrel Williams.

Committee Members not present: none.

Staff present: Will Summer, Marissa Hartzler, Steve Bevington, Marie Meckman, Christina Benton, Damon Hearne, Jill Fusco, Chelsea Blount, Will Price, Terri Murray.

Visitors present: None

Call to Order (Ann Browning, Chair)

Meeting was called to order by Ann Browning, Chair, at 11:00 am

1. Welcome
2. Roll call
3. Compliance with General Statute § 138A-15
 - a. No conflicts of interest were noted.
4. Revisions, Additions and Adoption of the Agenda
 - a. **Motion** to approve agenda was made by Darrel Williams, seconded by Clement Riddle, and unanimously approved.
5. Minutes
 - a. Ann noted there was one change to the minutes of September 20, 2023. The Call to order was by Ann not Amy.
 - b. **Motion** to approve minutes of September 20, 2023, as revised, made by John Wilson, seconded by Clement Riddle, and unanimously approved.

Executive Director's Update (Will Summer)

Will Summer outlined the agenda and made a comment on the last item on the agenda.

Public Comments

No public requests for comment

Business

1) **Program Manager's Update** (Steve Bevington)

- a. Steve presented the number of open projects and open awards remaining to be contracted.

Project Type	Open Projects	Contracted Awards (\$)	Open Awards	Uncontracted (\$)
Restoration	65	\$26,603,196	20	\$11,407,246
Planning	14	\$1,115,037	15	\$950,337
ISW	9	\$1,650,892	3	\$638,321
Totals:	88	\$29,369,125	38	\$12,995,904

2) **Construction Contract Extension** (Will Price)

- a. Will P. presented the request for an extension for 2023-413 NC Coastal Federation Marine Corps Air Station at Cherry Point Living Shoreline project.

- b. **Motion** to approve extension request by Clement Riddle, seconded by Darrel Williams, and passed unanimously.
- 3) **Score Correction-Resource Institute, East Fork French Broad River, 2022-439** (Steve Bevington)
 - a. Steve gave an explanation on an error that occurred during scoring of this project.
 - b. Steve explained how errors will be prevented in future through changes to our processes.
 - c. **Motion** to affirm support for the award of \$225,800 for project 2022-433 and make a recommendation to the Board for support was made by Darrel Williams, seconded by Clement Riddle, and passed unanimously.

Adjournment

Motion to adjourn by John Wilson, seconded by Clement Riddle, and unanimously approved. The meeting was adjourned at 11:53 am.

Action Item

Staff member: Will Price

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

Background

NCLWF stormwater and restoration construction projects approved after January 1, 2006 are subject to General Statute §143B-135.238(e), which 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. The statute further states that, if the Trustees find good cause for the failure, they then must set a date by which the grant recipient must take action or forfeit the grant.

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

Project Number & Name	Current Construction Contract Deadline	<i>Proposed</i> Construction Contract Deadline
2022-425 NCCF - Core Sound - Living Shoreline	7/10/2024	11/30/24
2022-447 TU - Catheys Creek Headwaters - Aquatic Passage	5/8/2024	12/31/24

2022-425 NCCF - Core Sound - Living Shoreline: This project has had significant delays in finalizing the necessary Declaration of Covenants and Restrictions with the County. As a result, permitting and constructions have been delayed. The Declaration of Covenants and Restrictions is currently being finalized. The NCCF’s request for an extension is attached to this agenda.

2022-447 TU - Catheys Creek Headwaters - Aquatic Passage: Construction for this project has been delayed due to the trout moratorium which ends on April 15, 2024. In addition, the final bid documents for the project will not be completed until the end of May 2024. Trout Unlimited’s request for an extension is attached to this agenda.

Staff supports both of these extensions as both partners have been making good faith efforts to complete these projects, despite delays that are beyond their control. Both projects are on track to be completed despite these delays.

Staff recommendation

Staff recommends approving the request for an extension of the construction contract date for both projects.

Committee action needed

Approve, deny or amend the staff recommendation.

Attachments: A request from each Grantee to extend the date to enter into a construction contract for their respective projects.

February 13, 2024

North Carolina Land and Water Fund

Grant ID: 2022-425

Grant Title: Core Sound Living Shoreline

RE: Construction Contract Due Date Extension Request

The North Carolina Coastal Federation would like to request an extension of our construction contract date for North Carolina Land and Water Fund Project 2022-425-NCCF-Core Sound Living Shoreline from July 10, 2024 to November 30, 2024. This project and grant funding will build a 1,600 linear foot living shoreline on Carteret County property in Core Sound at Cedar Island.

The Federation has experienced a significant delay in receiving the Declaration of Covenants, Conditions, and Restrictions for Restoration Purposes (Restoration Declaration) from Carteret County. The County is also currently without legal counsel, which will likely further delay receipt of the Restoration Declaration. This delay has resulted in us being behind schedule in securing the CAMA major permit for this project and soliciting construction contract bids. We are working with the County to finalize the Restoration Declaration, but we do not anticipate that a construction contract will be in place by the July 10, 2024 deadline. Based on this delay, the Federation requests that the July 10, 2024 construction contract be extended until November 30, 2024.



Amy Annino

Southern Appalachians Project Manager

March 5, 2024

Mr. Will Price
NC Land and Water Fund
NC Dept. of Natural and Cultural Resources
121 W. Jones Street | 1651 Mail Service Center
Raleigh, NC 27699

RE: 2022-447 – TU – Catheys Creek Headwaters

Dear Mr. Will Price,

This letter serves as a request to the NC Land and Water Fund (NCLWF) in consideration of the extension of Trout Unlimited's (TU) construction contract deadline for NCLWF project number 2022-447 – Catheys Creek Headwaters. Trout Unlimited's current construction contract deadline with NCLWF is May 8, 2024.

The NC Wildlife Resources Commission's trout moratorium ends on April 15, 2024, which restricts the construction of the AOP project until after this date. In addition, the final bid documents for this project are not scheduled to be completed until May 27, 2024, by Wildlands Engineering, whom TU has contracted for design engineering services. It will be difficult for TU to have a construction contract prior to the completion of final bid documents or to meet the current May 8, 2024 deadline.

Due to these circumstances, TU respectfully requests an extension of the construction contract deadline to December 31, 2024, for NCLWF project number 2022-447 – Catheys Creek Headwaters.

Thank you for your consideration of this request. If you have any questions or concerns about this request, please do not hesitate to contact me at (828) 231-6976.

Sincerely,

Amy Annino

Amy Annino

Action Item**Staff Member: Steve Bevington**

Agenda Item 3) Request to transfer grant award – The Conservation Fund, Jessup Mill Dam Removal (2022-445)**Background**

The Conservation Fund was awarded \$422,500 towards a \$772,500 project to remove the Jessup Mill Dam from the Dan River in Stokes County. Removal of the dam will restore the ability of aquatic organisms to access over 75 miles of streams upstream of the site and will increase available habitat for the endangered Roanoke logperch. The application is supported by the North Carolina Wildlife Resources Commission and United States Fish and Wildlife Service.

The Conservation Fund has requested that the project award be transferred to the Piedmont Conservation Council. Due to staffing changes at The Conservation Fund, that organization feels that the project would be best administered by the Piedmont Conservation Council.

Both The Conservation Fund and the Piedmont Conservation Council have submitted letters acknowledging their responsibility in completing the project. Staff has reviewed open NCLWF contracts and progress reports from the Piedmont Conservation Council and feel that they have the capacity to administer the subject project.

Staff recognizes that the transfer of an award can have significant implications for project outcomes and that the subject award was made in the context of the original applicant's experience and abilities. However, in light of the current circumstances, staff supports the request and believes the project will be successful if the award is transferred.

Other than the change of Grant Recipient, there would be no other changes made to the grant award conditions. The project budget, scope of work, and schedule will be contracted as originally approved by the Board.

Staff recommendation

Staff supports the assignment of the grant award 2022-445 to the Piedmont Conservation Council.

Committee action needed

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

Attachments: Letter from The Conservation Fund requesting transfer; Letter from the Piedmont Conservation Council stating willingness to accept transfer; Original PowerPoint presentation of subject project

THE
CONSERVATION FUND



The Conservation Fund
77 Vilcom Center Dr., Suite 340
Chapel Hill, NC 27514

Piedmont Conservation Council
201 E. Main St., 5th Floor
Durham, NC 27701

April 11, 2024

Mr. Will Summer, Director
NC Land & Water Fund
1651 Mail Service Center
Raleigh, North Carolina 27699-1651

Re: Request to Transfer NCLWF #2022-445, Jessups Mill Dam to Piedmont Conservation Council

Dear Mr. Summer:

In 2022 the Board of Trustees of the NC Land and Water Fund ("NCLWF") provided a grant of up to \$422,500 to The Conservation Fund to assist in the removal of Jessups Mill Dam and in the restoration of 2,700 feet of the Dan River in Stokes County (NCLWF #2022-445). The Project provides many public benefits, including contributing to the recovery of the endangered Roanoke logperch and other species. It complements an earlier and similar investment by the NCLWF in the lowering of the Lindsey Bridge Dam on the Dan River in Madison to improve both fish passage and canoe passage (NCLWF #2018-421).

We are writing on behalf of the Conservation Fund and Piedmont Conservation Council to respectfully request that NCLWF #2022-445 be transferred to the Piedmont Conservation Council. After the retirement of former NC State Director Bill Holman in 2023, the Conservation Fund determined that Piedmont Conservation Council has more capacity and experience to manage the Jessups Mill Dam Project.

The Conservation Fund and its partners have been working diligently with the dam owner since 2022 to address his concerns. He recently signed a landowner agreement with US Fish & Wildlife Service, NC Wildlife Resources Commission and Piedmont Triad Regional Council so that work can proceed.

Thank you for your consideration. Please contact me if you have questions or need more information.

Sincerely:

Guenevere Abernathy
NC State Director, The Conservation Fund

Jon Mendenhall
Chairman, Piedmont Conservation Council

C: Steve Bevington
Will Price
Chelsea Blount
Grace Messenger



Piedmont Conservation Council, Inc.

201 E. Main St., 5th Floor

Durham, NC 27701

info@piedmontconservation.org

www.piedmontconservation.org

April 22, 2024

Mr. Will Summer, Director
NC Land & Water Fund
1651 Mail Service Center
Raleigh, North Carolina 27699-1651

Re: Request to Transfer NCLWF #2022-445, Jessups Mill Dam to Piedmont Conservation Council from the Conservation Fund

Dear Mr. Summer:

The Piedmont Conservation Council (PCC) is a 501c3 non-profit organization, originally formed as a Resource Conservation and Development council in 1986. PCC has provided a vehicle for local communities to achieve goals and complete projects that would otherwise not be possible on a local level. RC&Ds were established through the US Agriculture Act of 1962 as independent, non-profit organizations whereby they offer a model that gives local people the opportunity to solve their own problems.

PCC develops partnerships with public and private organizations. These alliances provide the tools to accomplish PCC goals and objectives. PCC has leveraged partnerships with grant funding to accomplish water quality, water quantity, agricultural sustainability, environmental education, and resiliency. PCC provides the mechanism for delivery and implementation.

Mr. Bill Holman, former NC State Director for the Conservation Fund, engaged with PCC requesting our services to be the grant recipient and project manager for the awarded NCLWF #2022-445 Jessups Mill Dam project. The PCC Council is in support of this request. As an organization we have demonstrated success in the watershed, working with partnering agencies to successfully implement the Madison River Park Restoration, PCC was involved in the upstream Roanoke logperch habitat restoration. Additionally, PCC has a strong history of completing NCLWF funded projects throughout the Cape Fear, and Neuse River basins.

PCC is requesting that NCLWF Board of Trustees consider the request as jointly submitted for consideration to transfer project #2022-445 from the Conservation Fund to the Piedmont Conservation Council in the full amount of \$422,500. PCC recognizes the longevity of this work and the efforts that the Conservation Fund and its partners have achieved. PCC welcomes the opportunity to be a partner in achieving this project.

Thank you for your consideration. Please contact me if you have questions or need more information.

Sincerely:

Grace Messinger

Grace Messinger, Executive Director

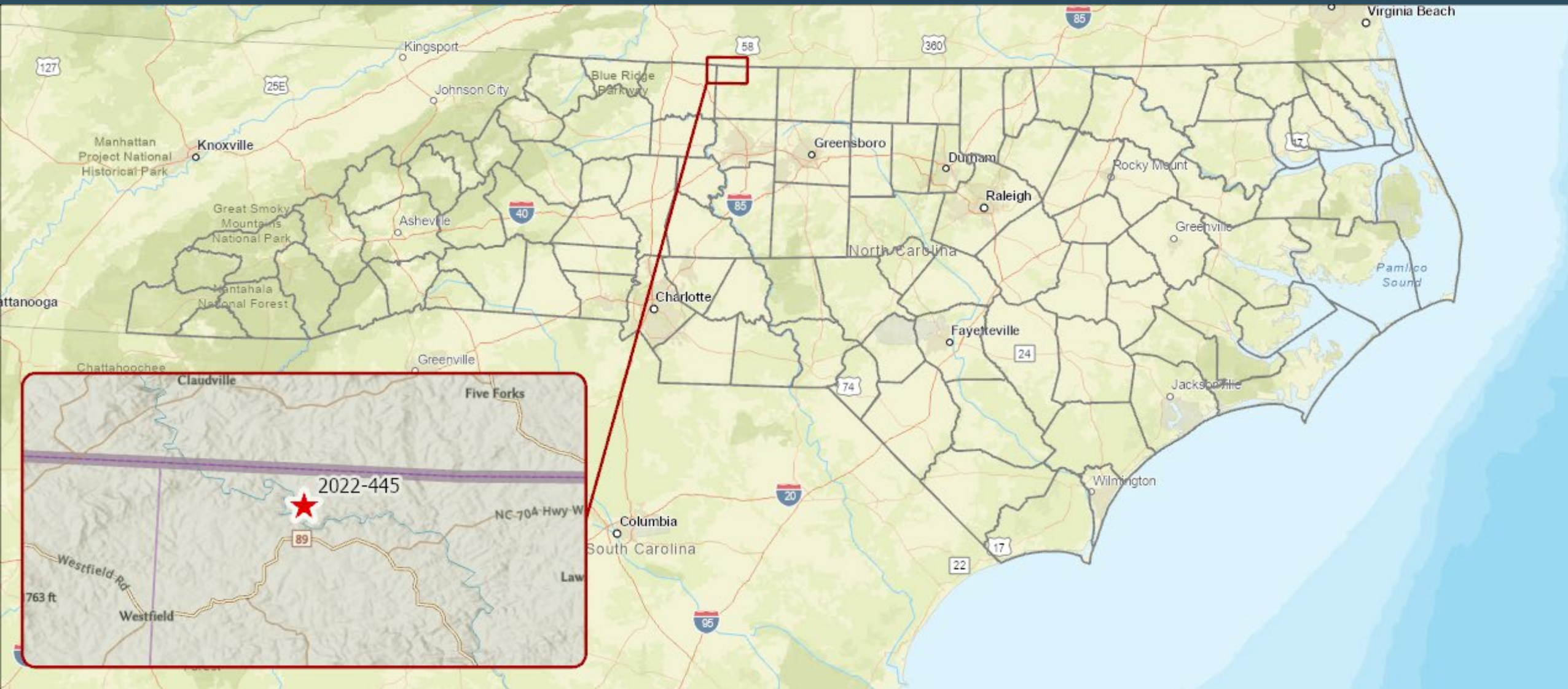
C: Steve Bevington
Will Price
Chelsea Blount
Guenevere Abernathy



2022-445
The Conservation Fund
Jessup Mill - Dam Removal

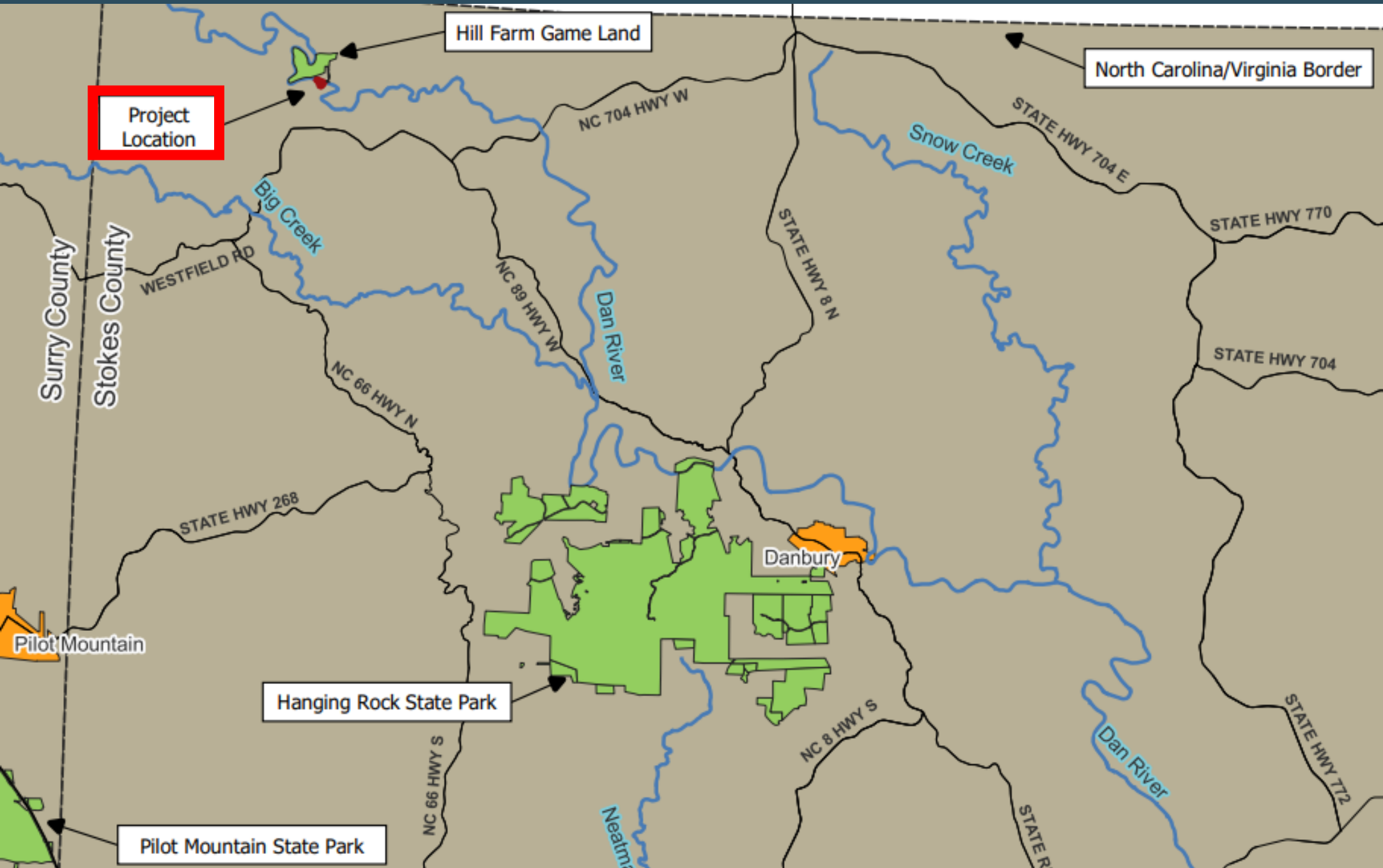
TCF is requesting \$422,500 out of \$772,500 to remove Jessup Mill Dam and restore 2,700 linear feet of stream.

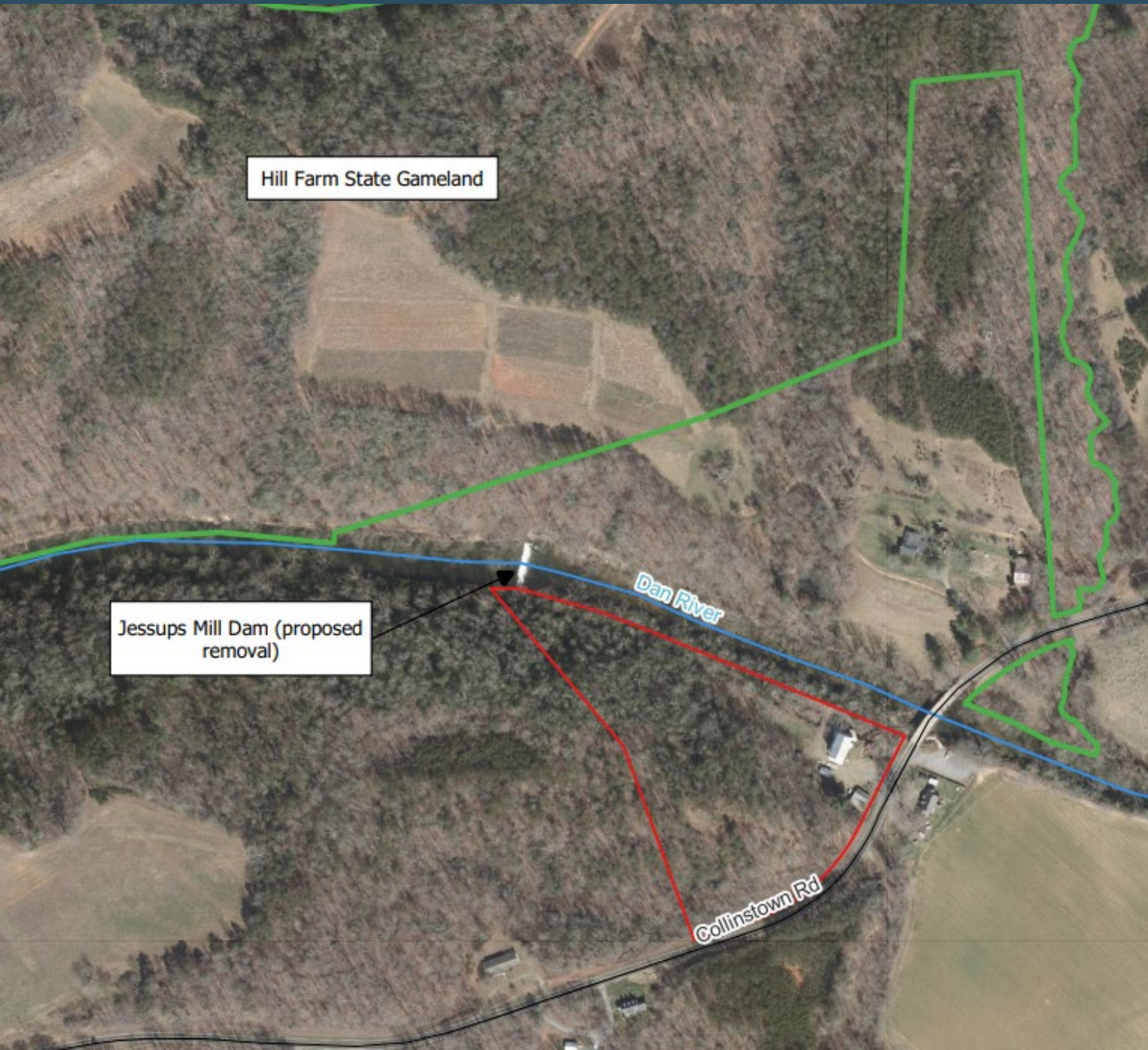




Located in Stokes County, near Hanging Rock State Park.







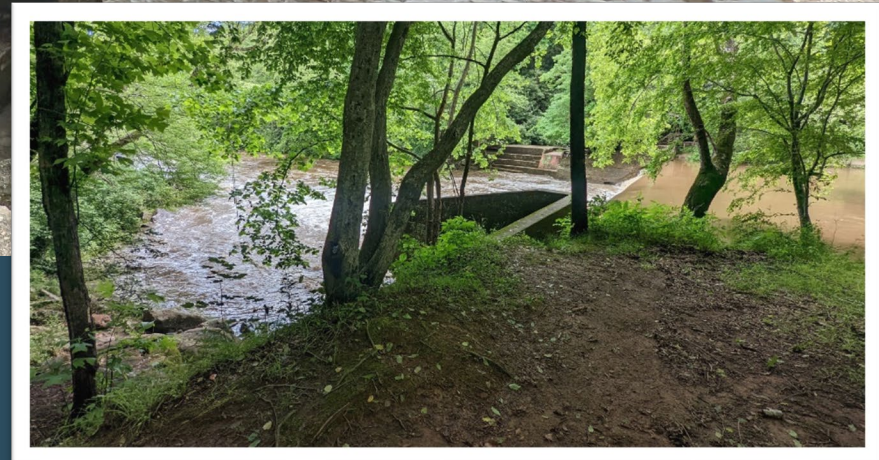
Project would restore 2,700 linear feet of stream using NCLWF and federal funds.

Project will remove Jessup Mill Dam.

Project tasks: Design and Permitting, Construction, Admin

Stream condition: Severely Degraded

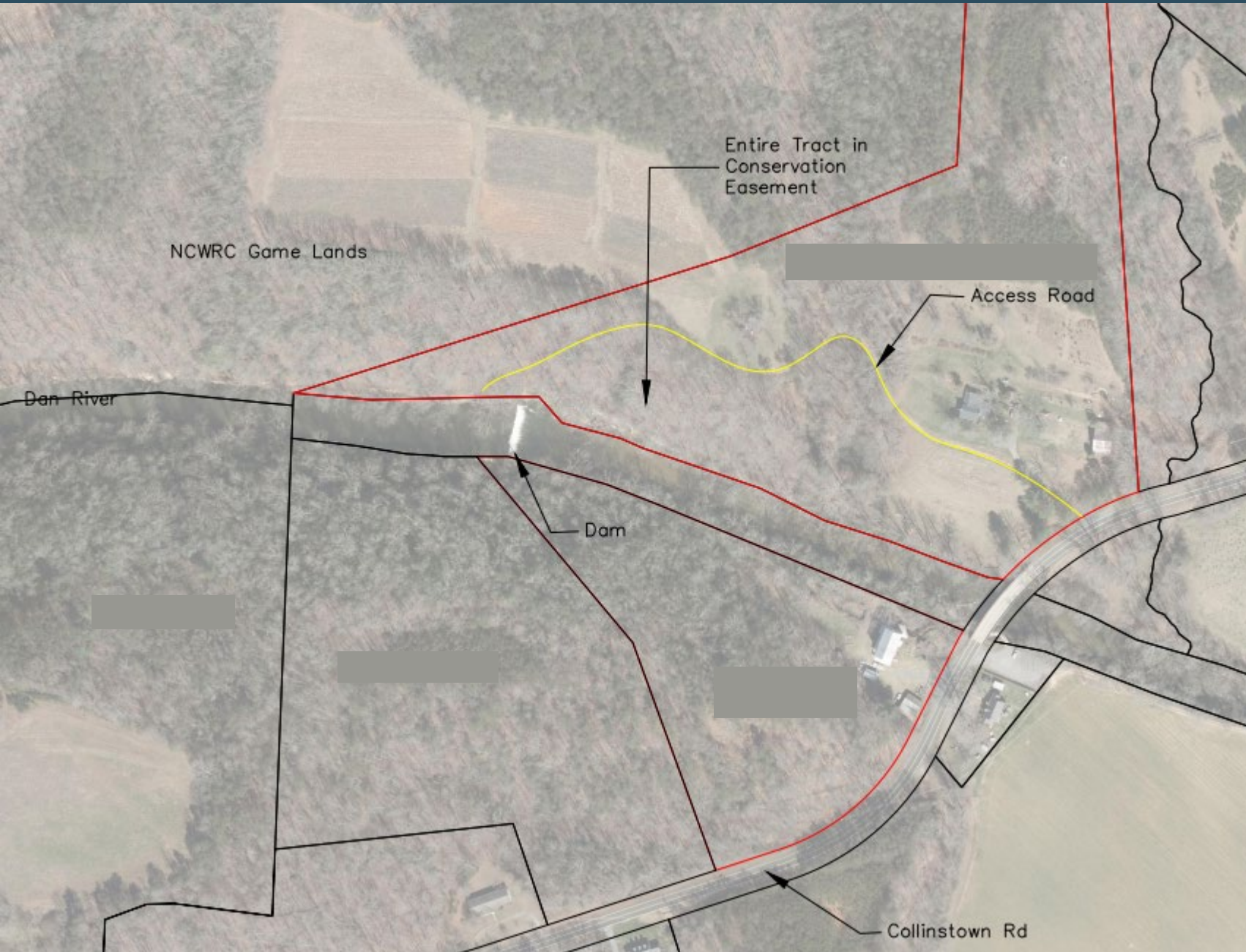
Majority Type: Restoration



EXISTING CONDITION Severely Degraded.
Impounded.



EXISTING CONDITION 10-foot-tall Jessup Mill Dam prevents passage of fish and mussels, including the endangered Roanoke Logperch



EXISTING CONDITION

Jessup Mill building and camping area to the south.

NC WRC game land and conservation easement to the north.

Trails provide access to Jessup Mill Dam on both sides of stream – won't change after construction.



PROJECT SOLUTIONS

- Removal of dam
- Stabilize streambank around dam
- Improve riffle-pool sequence and aquatic habitat



RESOURCE SIGNIFICANCE

- Upper Dan River
- Stream supports Federal T & E



Dan Riverkeeper!



PLAN AND DESIGN STATUS – Existing condition survey of the project site has been completed

LANDOWNER INTEREST – Majority of land already protected

PREVIOUS PHASES – The project area is upstream of a successful dam removal at Lindsey Bridge (#2018-421, Town of Madison).

OTHER PUBLIC BENEFITS –

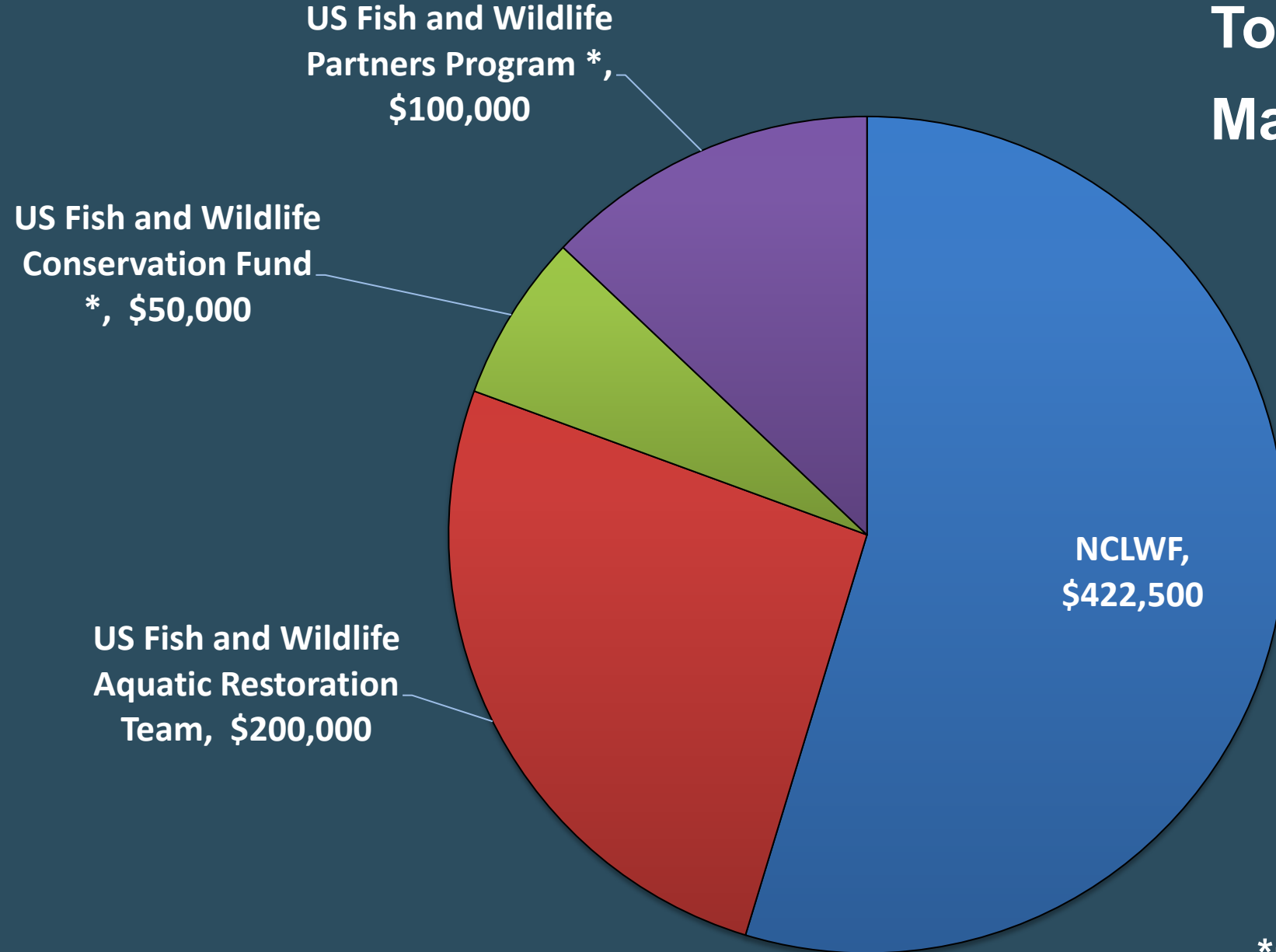
Will improve public river access and passage

NCWRC kiosk at the parking area can be expanded to provide educational information about the project

ECONOMIC TIER DESIGNATION: 2 (Stokes)

Total = \$772,500

Match = 45%



***match secured**



2022-445 - TCF - Jessup Mill - Dam Removal

- Score = 67
- \$422,500 out of \$772,500
- Remove Jessup Mill Dam and restore 2,700 linear feet of stream of Upper Dan River

SCORE BREAKDOWN

Resource Significance	11
Effectiveness, Measurable Outcomes	40
Other Public Benefits	2
Readiness	5
Value	9

TOTAL SCORE: 67

