

AGENDA
North Carolina Land and Water Fund
Restoration, Innovative Stormwater, and Planning Committee Meeting
May 2, 2025, 10 a.m. – 12 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:

Ann Browning (Chair), John Wilson, Jimmy Broughton, Clement Riddle, Mike Rusher

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 February 11, 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 a request to extend the deadline for construction contracts per statutory requirement.

ADJOURNMENT

North Carolina Land and Water Fund
Restoration, Innovative Stormwater and Planning Committee Meeting Minutes
February 11, 2025

Virtual meeting- A Microsoft Teams link was also made available for guest attendees. A physical location at 121 W Jones St, Room 4508 was available for anyone who wished to attend meeting in person.

Committee Members present: Ann Browning (chair), John Wilson, Jimmy Broughton, Clement Riddle

Committee Members not present: Mike Rusher

Other Board Members present: None

Staff Present: Will Summer, Steve Bevington, Jill Fusco, Marissa Hartzler, Damon Hearne, Marie Meckman, Justin Mercer, Nicolle Montero, Donna Morris, Terri Murray, Zoe Hanson Burnett, Cameron Bernstein

Call to Order (Ann Browning, Chair)

Meeting was called to order by Ann Browning, Chair, at 1:00 pm

1. Welcome
2. Roll Call
3. Compliance with General Statute § 138A-15 – no conflicts noted.
4. Revisions, Additions and Adoption of the Agenda – **Motion** to approve agenda was made by Jimmy Broughton, seconded by Clement Riddle, and unanimously approved.
5. Minutes – **Motion** to approve minutes of November 15, 2024, as revised, made by Jimmy Broughton, seconded by John Wilson, and unanimously approved.

Executive Director's Update (Will Summer)

Will Summer outlined the agenda and made brief comments concerning department management changes and federal funds availability.

Public Comments

No public requests for comment.

Business

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

Steve presented 3 projects that exceeded expectations:

<u>Project</u>	<u>Value of note.</u>
2022-440	R.I. - Lewis Creek Finished \$14,000 under budget after repair of storm damage.
2023-806	ERA - Eno River Watershed Excellent example of a comprehensive watershed plan.
2022-421	Morganton - Bethel Park - Phase 2, Important flood retention during Helene.

Steve also gave Hurricane Helene update on our projects.

2) **Construction Contract Extensions** (Steve Bevington)

- a. Steve presented the request for an extension for project 2022-411 Conserving Carolina- Deerwoode Floodplain- French Broad River.
- b. A **motion** to approve extension request for project 2022-411 by Clement Riddle, seconded by John Wilson and passed unanimously.

3) **1997A-076 Bacchert and Walton NCDOT conservation agreement request** (Justin Mercer)

Justin gave brief overview on stewardship program since he doesn't regularly report to this committee. He presented background of the original project. Ann realized that this easement is managed by Blue Ridge Conservancy and therefore recused herself from discussion. John Wilson assumed the Chair position. **Motion** was made by Clement Riddle, seconded by Jimmy Broughton and passed unanimously. After vote, Ann assumed the Chair position.

Adjournment

Motion to adjourn by Clement Riddle, seconded by Jimmy Broughton and passed Ann adjourned the meeting at 1:57 pm.

Action Item**Staff member: Will Price**

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

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 recipient has submitted information summarizing the reasons for their delay in entering into a construction contract and has proposed a new date for doing so.

Project Number & Name	Current Construction Contract Deadline	<u>Proposed</u> Construction Contract Deadline
2023-409 - FCNC - Canoe Creek - Restoration	5/7/2025	5/31/2026

Project 2023-409 has been delayed primarily due to the effects of Hurricane Helene on the contracted design firm Wildlands Engineering. Wildlands is based in Asheville, and many of their projects were impacted and delayed, resulting in delays with their ability to work on this Project. In addition, this Project has matching funds from the NC Department of Environmental Quality through Burke County, which requires the Project to bid out the construction contract.

Staff recommendation

Staff supports this extension request as the delay is reasonable given the impacts of Hurricane Helene, good progress is now being made, and they have a clear timeline for completion of the Project.

Committee action needed

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

Attachments: Request from Grantee to extend the date to enter into a construction contract for project 2023-409.

Request to extend the date to enter into a construction contract

2023-409 – Foothills Conservancy of North Carolina – Canoe Creek Restoration

Change Request: 4000069839, 2023-409 FCNC Canoe Ck Rest

Save | Cancel | Refresh

Grant Administrator: Will Price

Agreement Number: 2000073976

Project Number: 2023-409

Agreement Period From: 05/07/2024

Agreement Period To: 04/30/2027

	Current	Proposed Revision
Grant contract date to enter into a construction contract (if applicable):	05/07/2025	05/31/2026

Revise Agreement Expiration Date: Proposed Revision

Reason for change: I am writing to request an extension for the construction contract deadline on NCLWF Grant 2023-409 Canoe Creek Restoration. There are two reasons for the delayed timeline. The primary reason for delay is related to the significant impact of Hurricane Helene in our region in September 2024. The main office for our design and engineering firm, Wildlands Engineering, is based in Asheville. They were directly affected, and many of their projects in the region were also impacted and delayed, requiring extra attention. The delay also involves the need to bid out the construction contract—a requirement made by Burke County, which is funding this restoration partially through DEQ's Division of Water Resources. Taken together, these two issues set the project back several months.