



MITIGATION PLAN

Final

October 2021

Anderson Farm Mitigation Site

Wayne County, NC
NCDEQ Contract No. 0402-10
DMS ID No. 100180
DWR No. 2021-0023v2

Neuse River Basin
HUC 03020201

RFP #: 16-20200402

PREPARED FOR:



NC Department of Environmental Quality Division of Mitigation Services

1652 Mail Service Center
Raleigh, NC 27699-1652

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Raleigh, NC 27699-1652

PREPARED BY:



Wildlands Engineering, Inc.
1430 South Mint Street, Suite 104
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Phone: (704) 332-7754

This Mitigation Plan has been written in conformance with the requirements of the following:

- 15A NCAC 02B .0295 Mitigation Program Requirements for Protection and Maintenance of Riparian Buffers.
- 15A NCAC 02B. 0703, Nutrient Offset Payments Rule, amended effective April 1, 2020

These documents govern DMS operations and procedures for the delivery of compensatory mitigation.

Contributing Staff:

Andrea Eckardt *Project Manager*
John Hutton, *Principal in Charge*
Carolyn Lanza, *Mitigation Plan Development*

Daniel Taylor, *Construction Administrator*
Carolyn Lanza, *Monitoring Lead*
Andrea Eckardt, *Lead Quality Assurance*



October 25, 2021

Katie Merritt
Nutrient Offset & Buffer Banking Coordinator
North Carolina Department of Environmental Quality
512 N. Salisbury Street, Raleigh, NC 27620

RE: **Draft Mitigation Plan Comments**
Anderson Farm Mitigation Site (DWR #2021-0023v2)
Wayne County, NC

Dear Ms. Merritt:

Wildlands Engineering, Inc. (Wildlands) has reviewed the Division of Water Resources (DWR) comments dated October 15, 2021, for the Draft Mitigation Plan for the Anderson Farm Mitigation Site. The DWR comments are listed below in bold, while Wildlands' responses are noted in italics lettering.

1. **Cover Page – change the project number to 2021-0023v2.**
The correction has been made.
2. **Page 2**
 - a. **change the project number to 2021-0023v2**
The correction has been made.
 - b. **0240 rule was replaced with 15A NCAC 02B .0703 on April 1, 2020. please correct**
The correction has been made.
 - c. **there is no "Instrument" between DMS and DWR governing Nutrient Offsets or Buffer Mitigation. Remove this reference as it is misleading.**
The line in reference has been deleted.
3. **Table of Contents - Add another Figure titled "Nutrient Offset Conceptual Map" and add clarification that this Figure only represents areas that are viable for nutrient offsets if ever DMS converted the RBCs. This area shown in the Figure as being viable for NOC should match the asset table in A1 for what is deemed convertible to Nutrient Offset.**
Figure 8 title Nutrient Offset Concept Map has been added. All figure numbers have been updated accordingly.
4. **Update photolog**
Photolog has been updated with photos taken October 2021.
5. **Section 1.0**
 - a. **since DMS has requested DWR to review the Plan under both 0295 (Buffer Mitigation) & under 0703 (Nutrient Offset), additional rule references and edits will be necessary within the document. I have provided comments where appropriate**
A reference to rule 15A NCAC 02B .0703 has been added to section 1.0.
 - b. **add the 0703 rule reference here as well**
A reference to rule 15A NCAC 02B .0703 has been added in the suggestion location.



6. Section 2, Table 2

- a. **no language is provided acknowledging that the service area for these credits is limited to the Neuse 01 excluding the Falls Lake Watershed. Add language that speaks to this and reference the Service area figure**

Text has been added in the first paragraph of section 1.0 noting that the service area for the Site is not within the Falls Lake Watershed. The text was deemed relevant to section 1.0, as there is mention that the Site is being submitted for Buffer Mitigation Credits in the Neuse 01 river basin. There is a subsequent reference to Figure 2 in this paragraph.

- b. **Add, "Not within the Falls Lake Watershed"**

The text has been added along with a reference to Figure 2.

- c. **add, "with flexibility to convert to Nutrient Offset if needed"**

The text has been added.

7. Section 2.1 - there is a ditch feeding into UT3 on this project. add that feature in the description

Text regarding the ditch in reference has been added to section 2.1.

8. Section 5- I'm not sure why Wildland's is saying that the credit calcs were derived by something they did. The credit calcs were derived by DWR through the 0295 rule for riparian buffer credits as well as the NCDWR – Methodology and Calculations for Nutrient Reductions on the Bank Parcel located at this link:

<https://files.nc.gov/ncdeq/Water%20Quality/Planning/NPU/Nutrient%20Offset%20Rule/Ag-Buffer-Credit.pdf>

Text has been replaced referencing the 15A NCAC 02B .0295 rule (L)(6) for Buffer Mitigation Credits, along with the NCDWR document linked.

9. Section 5 Table 7 and 8

- a. **as stated in previous comments, provide a figure to support this table where it says "YES" for convertible to Nutrient Offset. This table needs to be replaced with the newest version on our website.**

A figure has been added showing the areas viable for conversion to Nutrient Offset Credits. Table 7 has been replaced with the newest version.

- b. **add the following statement to this table somewhere appropriate**

"Credit conversions must be calculated using the guidance provided in the Clarified Procedures for Calculating Buffer Mitigation Credits and Nutrient Offset Credits letter issued by the DWR in November 2020" and located at

<https://files.nc.gov/ncdeq/Water%20Quality/Surface%20Water%20Protection/401/Mitigation/Issues---Resolutions-Ver-1.0-buffer-mitigation-nutrient-offset.pdf>

If DMS prefers this letter be referenced by including the PDF in an Appendix to this Buffer Plan instead of included as a link on this table, that will be acceptable as well.

The suggested text has been added below Table 8.

- c. **riparian restoration adjacent to ditches or streams with less than a 50' riparian zone will not be viable to generate nutrient offset. The figure provided in the plan looks like there are areas along UT2 that will not be a minimum of 50'. address those areas in this table in addition to the areas that <30' and check "No" for nutrient offset.**

A line item has been added to Table 7 showing a 0-50' min-max buffer width along UT1 and "no" has been checked when asked if this credit area is convertible to Nutrient Offset Credits. These areas have a maximum width less than 50', but 0-50' was used to



match the available drop down option in the NCDWR – Methodology and Calculations for Nutrient Reductions spreadsheet.

- d. **if DMS is expecting to have the flexibility to convert to nutrient offset as indicated by this table, please add text below the table that speaks to that directly. Using a text box may be the easiest way to add that Text.**

Text has been added below Table 8 indicating the intention to convert the applicable Buffer Mitigation Credits to Nutrient Offset Credits if needed.

10. Section 6.0

- a. **are any areas <50'? If so, add a note in this paragraph**

Text has been added to section 6.0 noting that there are areas along UT1 where the minimum and maximum buffer width are 20-29', and another area where the maximum buffer width is less than 50'.

- b. **it is important to note that there are some riparian areas that will be less than 50' and a small area <30'. Additional language should be inserted in this paragraph that speaks similarly to the following: Other than a few small areas along UT1, the riparian restoration efforts will be a minimum of 50' from tops of viable stream banks and will extend a maximum of 100' from tops of banks. A small area along Ut2 extends beyond 100' from top of bank but less than 200'**

Text has been added to section 6.0 noting that there are areas along UT1 where the minimum and maximum buffer width are 20-29', and another area where the maximum buffer width are less than 50'. Additionally, text has been added to section 6.0 as suggested in this comment.

11. Section 6.1

- a. **DWR recommends Wildlands commit to performing soil testing to determine how best to prepare the soil for planting and success. Additionally, with this site being used for ag for such a long period of time, it is always recommended that the Sponsor implement disking or ripping to break up compact soils. Why has Wildlands not suggested these activities for parcel preparation?**

Due to scheduling with the landowner, planting, and weather; disking is not always feasible. Wildlands will perform soil samples in spring of 2022 to determine appropriate parcel preparation. Text regarding soil testing has been added in section 6.1.

- b. **the goal with the erosional feature (seen as a sink hole during the site visit) should be to stabilize the area and prevent it from happening again. There was evidence onsite that this area may be in a low lying where concentrated flow comes in from the fields. Are these proposed remedial efforts enough?**

Wildlands is confident these remedial efforts will be enough. With enough planting and live stakes in the low-lying area it should slow down water and prevent future erosion.

- c. **viability letter indicated there were unstable banks along UT2. Please address where applicable.**

Text has been added to section 6.1 detailing the methodology for minor bank stabilization along UT2 in areas where it is deemed necessary.

12. Section 6.2

- a. **riparian restoration adjacent to ditches or streams with less than a 50' riparian zone will not be viable to generate nutrient offset. Since DMS has requested that DWR review this Plan under both 0295 & 0703, please identify any and all areas where a**



riparian width is less than 50' and show those areas on the Table in Table 5.0 and on the Figures that correspond to the asset table. If no areas are less than 50', please confirm that within the text of this plan.

A line item has been added to Table 7 (Project Mitigation Credits) showing a 0'-50' min-max buffer width along UT1. As stated earlier, the maximum width is less than 50', but 0-50' was used to align with the NCDWR – Methodology and Calculations for Nutrient Reductions spreadsheet drop down options. Also, a line item showing a min-max buffer width area along UT1 of 20'-29' was pre-existing. In both rows it is shown that credits generated within these zones are not convertible to Nutrient Offset Credits. Figure 7 denotes the applicable areas.

- b. Commit to ensuring that stem species will be well mixed before planting to ensure diversity of bare roots across the planted area.**

Wildlands commits to ensuring planted stems will be well mixed prior to planting to ensure diversity of bare roots. Text has been added to section 6.2 detailing this.

- c. this is a nice robust list of planted stems. If 11 species of trees are shown in the table, DWR expects 11 species to be planted. If anticipating to plant less than 11 species, you need to at least indicate the minimum # of species Wildlands will plant. The standard in rule is 4, but hopefully Wildlands is intending to plant more. Just commit to a minimum so I can hold that accountable in the AsBuilt Report.**

Wildlands commits to planting at least 8 of the 11 species listed in Table 7. Text has been added to section 6.2.

- d. An appropriate seed mix should be applied to provide temporary and permanent ground cover for soil stabilization and reduction of sediment loss during rain events in areas without existing herbaceous cover. Indicate the type of seed mix Wildlands intends to use to achieve herbaceous cover.**

The suggested text has been added to section 6.2. The sentence was slightly altered to include the type of seed mix - a regionally appropriate combination of warm season grasses and wildflowers.

- e. what is the anticipated spacing of stems?**

Stems will be spaced at 7'x12' when planted. Text has been added to section 6.2 regarding spacing and subsequent density expected upon planting.

- f. It is also highly recommended that Wildlands agree to include pollinator species in their seed. DWR understands this is not a requirement, and that Wildlands does not have to do this. Therefore, adding it into your plan is only a suggestion and completely voluntary.**

Wildlands plans to include pollinator species in our seed mix.

13. Section 7.1

- a. I did not see any shrubs in the planting list. therefore, remove from the performance standard.**

The mention of shrub species has been removed from the performance standards.

14. Figure 2 - clarify that this is the service area for "Riparian Buffer Credits" and "Nutrient Offset Credits"

Clarification has been added to Figure 2.

15. Figure 3 - show where the "erosional feature" is located that is referenced in section 6.1

The erosional feature is now called out on Figure 3.



16. Figure 7

- a. **show Buffer Restoration area <50 to match the edits requested for Table 5**
Figure 7 has been updated with Buffer Restoration <50.
- b. **I suggest using a "call out" and zooming in on this segment and showing the 0-30 and 0-50' areas. In order to be viable for nutrient offset, the riparian area has to be 50' minimum. anything less than 50' is calculated for buffer credits only.**
An insert has been added to the map.
- c. **change title to read, "Buffer Credit Concept Map"**
The title has been updated.

17. Figure 8 - since this map doesn't measure below 50', show the area where it is <30' as depicted in table 5 of the plan

Buffer width TOB-30' has been added to the map.

18. Figure 9 - there are no plots proposed nearest to the streams. Please relocate a couple of plots to be closer to the stream bank to represent this area better (maybe in Zone 1 and/or Zone 2 of the Neuse buffer)

Plots have been moved to represent Zone 1 and 2 of the Neuse buffer.

19. Credit Table –

Minor easement area modifications and credit adjustments were made on UT1, based on updated parcel line and utility line locations from the surveyor. The total buffer credit projected for the site is 494,458.452.

Please contact me at 704-560-2997 if you have any questions or concerns.

Sincerely,

Andrea S. Eckardt
Ecological Assessment Team Leader
aeckardt@wildlandseng.com

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APPENDIX

Historical Aerial Photographs
Existing Conditions Photographs – October 21, 2021
NC Division of Water Resources On-Site Determination for Applicability to Neuse Riparian Buffer Rules – April 29, 2021
NC Division of Water Resources Site Viability for Buffer Mitigation and Nutrient Offset Letter – May 19, 2021
Site Protection Instrument
Categorical Exclusion Form – March 8, 2021 and Supporting Documentation, EDR Summary Report



1.0 Introduction

The Anderson Farm Mitigation Site (Site) is located in Wayne County approximately six miles northwest of the Town of Mt. Olive (Figure 1). Directions are included on Figure 1. The Site involves riparian restoration on three unnamed tributaries that flow to Thoroughfare Swamp. The Site is being submitted for buffer mitigation credit in the Neuse River Basin Hydrologic Unit Code (HUC) 03020201 outside of the Falls Lake Watershed in accordance with the Consolidated Buffer Mitigation Rules (15A NCAC 02B .0295). The Site is also being submitted with the option to convert to Nutrient Offset credits if needed in accordance with the Nutrient Offset Credit Trading Rules (15A NCAC 02B .0703). See Figure 2 for the Service Area of the Site.

The project is located within the Neuse River Basin HUC 03020201170040 and NCDWR (North Carolina Division of Water Resources) Subbasin 03-04-12. Project streams flow approximately one mile to the confluence with Thoroughfare Swamp, which flows to 303d listed stream, Falling Creek, and eventually drains to the Neuse River. Thoroughfare Swamp and the Neuse River are both classified as a Water Supply Watershed for the City of Goldsboro and Nutrient Sensitive Waters (NSW) by the NCDWR. The proposed project supports specific goals identified in the 2018 Neuse Basin Restoration Priorities Plan (RBRP) by promoting “nutrient and sediment reduction in agricultural areas by restoring and preserving wetlands, streams and riparian buffers.”

The major goals of the riparian restoration project are to provide ecological and water quality enhancements to the Neuse River Basin by creating a functional riparian corridor and restoring the riparian area. Specific enhancements to water quality and ecological processes are outlined below in Table 1.

The Site will reduce sediment and nutrient loading, provide and improve terrestrial and in stream habitats, and improve stream and bank stability. The area surrounding the streams are currently agricultural fields, typically used to grow corn, soybeans, and wheat. Restoring up to 100 feet of vegetative riparian area along the project streams will remove the crops and fertilizer inputs within the project area. The restored floodplain areas will filter sediment during high rainfall events. The establishment of riparian areas will create shading to minimize thermal heating. Finally, newly planted native vegetation will provide cover and food for wildlife.



To reach the Site, traveling east on I-40 for approximately 42 miles. Take exit 341 for NC-50/NC-55 towards US 13/Newton Grove. Turn left onto NC-50 S/NC55 E. At the traffic circle, take the third exit onto NC-50 S/NC-55/Mt. Olive Drive. In approximately 9 miles, turn left onto Odom Mill Road, then turn right onto Crows Foot Road in one mile. In 2.7 miles turn right onto Dudley Road/O'Berry Road. After 3.5 miles turn right onto Bowden Road. The Site will be located on the left.

Table 1: Ecological and Water Quality Goals

Goals	Objectives	CU-Wide and RBRP Objectives Supported
Reduce nutrient input from adjacent agricultural fields.	Filtering runoff from the agricultural fields through restored native riparian area zones. The off-site nutrient input will also be absorbed on-site by filtering flood flows through restored floodplain areas, where flood flows can disperse through native vegetation.	Reduce nutrient inputs to waters of the Neuse River Basin.
Reduce sediment input from adjacent agricultural fields.	Sediment will be captured by deposition on restored floodplain areas where native vegetation will slow overland flow velocities. Planted vegetation will help stabilize streams.	Reduce sediment inputs to waters of the Neuse River.
Decrease water temperature and increase dissolved oxygen concentrations in the Site streams.	Establishment and maintenance of riparian areas will create additional long-term shading of the channel flow to reduce thermal pollution.	Improve habitat to wildlife by providing additional habitat.
Attenuation of peak flows in project streams.	Reforestation of the riparian area and protection of the streams within the conservation easement area will allow for increased floodplain storage of stormflows.	Reforestation of the riparian areas to reduce peak hydrology from watersheds with high agricultural usage.
Create diffuse-flow discharge through the reforested riparian area.	Diffuse flow will be maintained throughout the conservation easement area where possible, thereby reducing erosion and filtering of nutrients into the project features.	Reduce erosion and filter nutrients into waters of the Neuse River through diffuse flow.
Riparian areas will be restored by planting native vegetation.	Convert agricultural fields to forested riparian areas along all Site streams.	Reduce and control sediment inputs; Reduce and manage nutrient inputs; Provide a canopy to shade streams and reduce thermal loadings; Contribute to protection of or improvement to a Water Supply Waterbody.
Permanently protect the project Site from harmful uses.	Establish a conservation easement on the Site, including headwater streams.	Protect aquatic habitat; protect water supply waters.

2.0 Mitigation Project Summary

The following sections describe the Site in terms of the existing and historic site conditions, watershed, soils, vegetation, site constraints, and current site resources. The major attributes and timeline of the project are outlined in Table 2.



Table 2: Project Attributes

Project Name	Anderson Farm Mitigation Site
Hydrologic Unit Code	03020201170040
River Basin	Neuse (Not within the Falls Lake Watershed) See Figure 2
Geographic Location (Lat, Long)	35.251662, 78.103729
Site Protection Instrument (DB, PG)	To be recorded
Total Credits	494,458.452 ft ²
Types of Credits	Riparian Buffer with flexibility to convert to Nutrient Offset if needed
Mitigation Plan Date	October 2021
Initial Planting Date	December 2022
Baseline Report Date	February 2023
MY1 Report Date	December 2023
MY2 Report Date	December 2024
MY3 Report Date	December 2025
MY4 Report Date	December 2026
MY5 Report Date*	December 2027

*Meets success criteria (schedule progression has been developed assuming that the site meets success criteria each monitoring year)

2.1 Existing and Historic Site Conditions

The Site is approximately 12.25 acres of primarily agricultural fields located on one parcel. The project includes restoration of riparian areas along three unnamed tributaries: UT1, UT2 and UT3 (Figure 3).

There are few existing trees on Site, with UT1 and UT2 flowing through agricultural fields, while UT3 flows in between agricultural fields and houses. Based on aerial photos, UT1, UT2, and UT3 have been in the same location since 1950. Historical aerials from 1950 through 2016 are included in the appendix and further document the Site's long history of agricultural use and the presence of the project streams prior to 1997, the effective date of the Neuse Buffer Rules.

UT1 starts at Bowden Road and flows northeast through the Site through agricultural fields currently consisting of corn. At the confluence of UT3, the right side of UT1 emerges from agricultural fields and flows behind a house. UT2 flows northwest to the confluence of UT1. UT2 is entirely in agricultural fields. A non-project ditch, Ditch A, flows north, eventually turning into UT3. UT3 flows west across the Site with agricultural fields on the left bank and residential lots on the right. The Site is characterized by a gently sloped valley dominated by agricultural fields. A photolog from October 21, 2021 is included in the Appendix.

2.2 Watershed Characterization

The Site is located within NCDWR Subbasin 03-04-12. The project streams flow to Thoroughfare Swamp, which flows to the 303d listed stream, Falling Creek, and eventually flows to the Neuse River.

Thoroughfare Swamp and the Neuse River are classified as WS-IV and NSW by NCDWR. WS-IV waters are water supply waters used for drinking water, culinary, or food processing where a WS-I, II, or III classification is not feasible. These waters are also protected for Class C uses (recreational use,



agriculture, fishing and fish consumption, and the maintenance of biological integrity for wildlife). The NSW designation applies to surface waters that are experiencing excessive growths of microscopic or macroscopic vegetation.

The Site topography, as indicated on the Southwest Goldsboro, NC USGS 7.5-minute topographic quadrangle, shows gently sloped areas throughout the Site (Figure 4). Land uses draining to the project reaches are mixture of agricultural and forest with some residential use. (Figure 5). The watershed areas and current land use are summarized in Table 3, below.

Table 3 Drainage Areas and Associated Land Use

Reach Name	DWR Stream Type	Watershed Area (acres)	Land Use
UT1	Intermittent	185	80% agriculture, 16% forested, 4% developed
UT2	Intermittent	48	
UT3	Intermittent	53	

2.3 Soils

The project site is mapped by the Wayne County Soil Survey. Project area soils are described below in Table 4. An image of the paper copy of the 1974 Soil Survey of Wayne County is provided in Figure 6.

Table 4 Project Soil Types and Descriptions

Soil Name	Description
Go – Goldsboro loamy sand, 0-2% slopes	Goldsboro loamy sand consists of a moderately well drained soil on broad, smooth divides. Permeability is moderate and surface runoff is slow. Seasonal high water table is around two and a half feet.
NoA – Norfolk Loamy Sand, 0-2% slopes	Norfolk loamy sand consists of well-drained soil on smooth, broad divides. Permeability is moderate and surface runoff is slow. Seasonal high-water table remains below a depth of five feet.
NoB – Norfolk Loamy Sand, 2-6% slopes	
Ra – Rains Sandy Loam, 0-2% slopes	Rains sandy loam consists of poorly drained soil in oval depressions and on smooth flats in broad areas between streams. Permeability is moderate, and surface runoff is slow. Water ponds in some places. Seasonal high water table is at the surface.
Ly - Lynchburg Sandy Loam	Lynchburg sandy loam consists of poorly drained soil on broad, smooth flats of interstream divides. Permeability is moderate and surface runoff is slow. Seasonal high water table is around one and a half feet.

Source: Wayne County Soil Survey, June 1974, USDA-NRCS,
https://www.nrcs.usda.gov/Internet/FSE_MANUSCRIPTS/north_carolina/wayneNC1974/map36.pdf
https://www.nrcs.usda.gov/Internet/FSE_MANUSCRIPTS/north_carolina/wayneNC1974/text.pdf

2.4 Vegetation

Vegetation communities within the project area are comprised of open agricultural fields. The Site has been maintained as row crops up to the project features and lacks canopy, understory, and shrub vegetative layers.

There are few existing trees on Site, with UT1 and UT2 flowing through agricultural fields, while UT3 flows in between agricultural fields and houses. Existing vegetation consists of American sycamore (*Platanus occidentalis*), black willow (*Salix nigra*), and sweetgum (*Liquidambar styraciflua*), eastern red cedar (*Juniperus virginiana*), black walnut (*Juglans nigra*), tulip-poplar (*Liriodendron tulipifera*), red

maple (*Acer rubrum*), blackberry (*Rubus occidentalis*), green brier (*Smilax rotundifolia*), and Japanese honeysuckle (*Lonicera japonica*).

2.5 Site Constraints and Access

The Site is accessible for construction, monitoring, and long-term stewardship from Bowden Road (Figure 3). There is one culvert that will be removed located along UT3 near the utility line. (Figure 7).

2.6 Current Site Resources

On February 4, 2021, NCDWR assessed the stream origin and issued the official stream origin determination Letter. NCDWR also performed an onsite visit of the project area to determine viability for buffer mitigation and nutrient offset mitigation on April 15, 2021 and issued a site viability letter on May 19, 2021. Three features assessed were deemed suitable for riparian buffer credit pursuant to 15A NCAC 02B .0295 by NCDWR. There have been no changes to land use in the project area since NCDWR's 2021 site visit. A copy of both the "On-Site Stream Origin Determination for Applicability to Neuse Riparian Buffer Rules" and the "Site Viability for Buffer Mitigation & Nutrient Offset" letters from NCDWR are included in the Appendix.

3.0 Site Protection Instrument

3.1 Site Protection Instruments and Long-Term Protection

The land required for planting, management, and stewardship of the mitigation project includes portions of the parcel listed in Table 5. The conservation easement on this property has not yet been recorded. A copy of the draft Site Protection Instrument is included in the Appendix. An option agreement for the project area shown on the Figures have been signed by the property owners and a Memorandum of Option has been recorded at the Wayne County Register of Deeds. The option agreement allows restriction of the land use in perpetuity through a conservation easement. Wildlands will convey the conservation easement to the State to provide long-term protection of the Site. The conservation easement agreement will ensure the right of entry abilities of Wildlands, its contractors, and the future easement holder in any future land transactions. Once the conservation easement has been recorded, easement boundaries will be identified in the field to ensure clear distinction between the Site and adjacent areas. Boundary markers that have been disturbed, damaged, or destroyed will be repaired and/or replaced on an as needed basis.

Table 5: Site Protection Instrument

Landowner	PIN	County	Site Protection Instrument	Deed Book and Page Number	Acreage to be Protected
Jackson Farming Company LLC	2564775727	Wayne	Conservation Easement	To Be Recorded	12.25

4.0 Regulatory Considerations

Table 6, below, is a summary of regulatory considerations for the Site. These considerations are expanded upon in Sections 4.1-4.4. A copy of the signed Categorical Exclusion Form for the project is included in the Appendix.

Table 6: Project Attributes

Regulatory Considerations			
Parameters	Applicable?	Resolved?	Supporting Docs?

Regulatory Considerations			
Water of the United States - Section 404	No	N/A	N/A
Water of the United States - Section 401	No	N/A	N/A
Endangered Species Act	Yes	Yes	Appendix (Categorical Exclusion)
Historic Preservation Act	Yes	Yes	Appendix (Categorical Exclusion)
Coastal Zone Management Act	No	N/A	N/A
FEMA Floodplain Compliance	No	N/A	N/A
Essential Fisheries Habitat	No	N/A	N/A

4.1 Threatened and Endangered Species

The NC Natural Heritage Program (NHP) database and the US Fish and Wildlife Service (USFWS) database were searched for federally listed threatened and endangered plant and animal species in Wayne County, NC. The Wayne County listed endangered species includes the Neuse River waterdog (*Necturus lewisi*), the Carolina madtom (*Noturus furiosus*), and the Red-cockaded woodpecker (*Picoides borealis*). No Critical Habitat Designations are listed by the USFWS for the Neuse River waterdog, Carolina madtom, or the Red-cockaded woodpecker.

As a result of a pedestrian survey conducted on December 22, 2020, no individual species or suitable habitat were found to exist for the Neuse River waterdog, Carolina madtom, or the Red-cockaded woodpecker. Wildlands is confident with the determination of “no effect” for the listed species.

A self-certification letter was submitted through the USFWS Information for Planning and Consultation database (IPaC) requesting comment from USFWS dated January 4, 2021. No response from the USFWS was received within the 45-day response period. Therefore, Wildlands assumes USFWS has no comments regarding associated laws and does not have any information relevant to the project at the current time. The approved Categorical Exclusion form and the self-certification letter for the project are included in the Appendix.

4.2 Cultural Resources and Significant Natural Heritage Areas

The National Historic Preservation Act declares a national policy of historic preservation to protect, rehabilitate, restore, and reuse districts, sites, buildings, structures, and objects significant in American architecture, history, archaeology, and culture. Section 106 mandates that federal agencies take into account the effect of an undertaking on a property that is included in, or is eligible for inclusion in, the National Register of Historic Places.

There are no existing structures in the project easement area. The Site is not located near any sites listed on the National Register with the State Historic Preservation Office (SHPO). SHPO commented on February 16, 2021 and “was aware of no historic resources that would be affected by the project”. The approved Categorical Exclusion form and correspondence from SHPO for the project are included in Appendix.

4.3 FEMA Floodplain Compliance

The Site is not located in a FEMA floodplain. No grading activities are planned for the floodplain, so a floodplain development permit will not be required. No hydraulic modeling is planned for this project.

4.4 Other Environmental Issues

An EDR Radius Map Report with GeoCheck was ordered for the Site through Environmental Data Resources, Inc. on September 3, 2020. The target property and the adjacent properties are not listed in



any of the Federal, State, or Tribal environmental databases searched by EDR. There were no known or potential hazardous waste sites identified within one mile of the Site. The executive summary of the EDR report is included in the Appendix.



5.0 Determination of Credits

The Site is being restored as a riparian restoration site for 494,458.452 square feet of riparian buffer credits (Tables 7 and 8 and Figure 7). The mitigation credit calculations were derived from NCDWR based on the 15A NCAC 02B .0295 rule (L)(6) for Buffer Mitigation Credit, as well as NCDWR’s Methodology and Calculations for Nutrient Reductions on the Site. The buffer zones and subject and non-subject stream designations are shown on Figure 9. The management objectives, mitigation type, and amount of buffer mitigation are presented below.

Table 7: Project Mitigation Credits

Neuse 03020201 - Outside Falls Lake				Project Area												
19.16394				N Credit Conversion Ratio (ft²/pound)												
N/A				P Credit Conversion Ratio (ft²/pound)												
Credit Type	Location	Subject? (enter NO if ephemeral or ditch ¹)	Feature Type	Mitigation Activity	Min-Max Buffer Width (ft)	Feature Name	Total Area (ft²)	Total (Creditable) Area of Buffer Mitigation (ft²)	Initial Credit Ratio (x:1)	% Full Credit	Final Credit Ratio (x:1)	Convertible to Riparian Buffer?	Riparian Buffer Credits	Convertible to Nutrient Offset?	Delivered Nutrient Offset: N (lbs)	Delivered Nutrient Offset: P (lbs)
Buffer	Rural	Yes	I / P	Restoration	20-29	UT1	608	608	1	75%	1.33333	Yes	456.001	No	—	—
Buffer	Rural	Yes	I / P	Restoration	0-50	UT1	2,170	2,170	1	100%	1.00000	Yes	2,170.000	No	—	—
Buffer	Rural	Yes	I / P	Restoration	0-100	UT1, UT2, UT3	490,821	490,821	1	100%	1.00000	Yes	490,821.000	Yes	25,611.696	—
Buffer	Rural	Yes	I / P	Restoration	101-200	UT1, UT2, UT3	3,065	3,065	1	33%	3.03030	Yes	1,011.451	Yes	159.936	—
Totals (ft2):							496,664	496,664					494,458.452		25,771.632	0.000
Total Buffer (ft2):							496,664	496,664								
Total Nutrient Offset (ft2):							0	N/A								

Table 8: Total Area of Mitigation

TOTAL AREA OF BUFFER MITIGATION (TABM)		
Mitigation Totals	Square Feet	Credits
Restoration:	496,664	494,458.452
Enhancement:	0	0.000
Preservation:	0	0.000
Total Riparian Buffer:	496,664	494,458.452
TOTAL NUTRIENT OFFSET MITIGATION		
Mitigation Totals	Square Feet	Credits
Nutrient Offset:	Nitrogen:	0.000
	Phosphorus:	0.000

The riparian restoration areas along UT1, UT2, and UT3 within TOB – 100 feet and 101 feet – 200 feet are viable for either Riparian Buffer Credits or Nutrient Offset Credits (Figure 8), however, Riparian Buffer Credit only will be sought from areas within 20 feet – 29 feet and Top of Bank – 50 feet (physical max width is less than 50 feet and therefore not convertible to Nutrient Offset). Credit conversions must be calculated using the guidance provided in the Clarified Procedures for Calculating Buffer Mitigation Credits and Nutrient Offset Credits letter issued by DWR in November 2020 found at <https://files.nc.gov/ncdeq/Water%20Quality/Surface%20Water%20Protection/401/Mitigation/Issues---Resolutions-Ver-1.0-buffer-mitigation-nutrient-offset.pdf>

6.0 Mitigation Work Plan

Wildlands proposes to restore a high quality of ecological function to riparian areas of UT1, UT2, and UT3 on the Site. The ecological uplift can be summarized as transforming an agriculturally impacted area to a protected riparian corridor. The project design will ensure that no adverse impacts to wetlands or existing riparian buffers occur. Figure 7 illustrates the conceptual design for the Site. Across most of the Site, riparian restoration will occur at a minimum of 50 feet out from the top of banks on project features and will extend out a maximum of 100 feet. In a small area along UT1, riparian restoration will occur at a minimum of 20 feet and extend out to 30 feet, followed by an area with a minimum of 30 feet and a maximum of less than 50 feet from the top of banks. A small area of restoration along UT1, UT2, and UT3 extends past 100 feet but does not exceed 200 feet from the top of the bank. Figure 9 depicts the riparian buffer zones (30 feet, 50 feet, 100 feet, and 200 feet). Figure 9 also identifies whether the project streams are subject to the buffer rules, based on the DWR On-Site Determination for Applicability to the Neuse Buffer Rules.

6.1 Parcel Preparation

The land use within 100 feet from top of bank of the project features has been maintained and cleared for row crop cultivation. Areas slated for restoration will not require disking or ripping because the land has been maintained in agriculture; therefore, soil disturbance will be minimal across the Site. One isolated erosional feature at the confluence of UT1 and UT3, shown on Figure 3, will be filled in, seeded, and planted. The existing culvert along UT3 near the utility line will be removed. Banks where the culvert was will be stabilized and an appropriate seed mix will be applied to provide temporary ground cover for soil stabilization and reduction of sediment loss during rain events in disturbed areas. In areas where banks are unstable along UT2 minor stabilization will be performed, which will include installing erosion control matting, planting live stakes as necessary and seeding with a mixture of native grasses and forbs.

Soil samples will also be collected and analyzed prior to planting to determine if soil preparation is necessary to support herbaceous and planted stem success. Additionally, during the spring of 2022, the condition of herbaceous cover prior to the establishment of row crops will be visually assessed across the Site. If herbaceous vegetation does not appear to grow naturally, Wildlands will note the areas of deficiency and seed them the following spring of 2023.

6.2 Riparian Area Restoration Activities

Riparian area restoration will involve planting appropriate native tree species along the riparian corridor. These revegetation efforts will be coupled with controlling invasive species population. The species composition to be planted was selected based on the community type, observation of occurrence of species in riparian areas adjacent to the Site, best professional judgement on species establishment, and anticipated site conditions in the early years following project implementation. Tree species planted across the riparian areas of the Site will include a mixture of at least 8 species listed in Table 9 below:

Table 9: Selected Tree Species

Species	Common Name	Density	Forest Strata
<i>Diospyros virginiana</i>	Common Persimmon	10%	Canopy
<i>Platanus occidentalis</i>	Sycamore	15%	Canopy
<i>Betula nigra</i>	River Birch	15%	Canopy

Species	Common Name	Density	Forest Strata
<i>Quercus pagoda</i>	Cherrybark Oak	10%	Canopy
<i>Populus deltoides</i>	Eastern Cottonwood	10%	Canopy
<i>Quercus michauxii</i>	Swamp Chestnut Oak	10%	Canopy
<i>Celtis laevigata</i>	Sugarberry	5%	Canopy
<i>Ulmus americana</i>	American Elm	5%	Canopy
<i>Prunus serotina</i>	Black Cherry	5%	Canopy
<i>Magnolia virginiana</i>	Sweetbay	5%	Sub-canopy
<i>Acer negundo</i>	Boxelder	10%	Canopy

Trees will be spaced at 7'X12' upon planting, which is equivalent to a stem density of 521 stems per acre and is sufficient to meet the performance standards outlined in the Rule 15A NCAC 02B .0295 of 260 planted trees per acre at the end of five years. At least 8 of the 11 species listed in Table 9 will be planted, and stems will be well mixed prior to planting to ensure diversity of bare root species across the Site. Due to the nature of random mixing, some stems of the same species might be planted together in some areas. No one tree species will be greater than 50% of the established stems. A regionally appropriate seed mix of warm season grasses and wildflowers will also be applied to provide temporary and permanent ground cover for soil stabilization and reduction of sediment loss during rain events in areas without existing herbaceous cover. Planting is scheduled for December 2022.

Vegetation management and herbicide applications may be needed during tree establishment in the restoration areas to prevent establishment of invasive species that could compete with the planted native species.

7.0 Performance Standards

The performance criteria for the Site will follow approved performance criteria presented in the guidance documents outlined in RFP 16-20200402 and the Consolidated Buffer Rule (15A NCAC 02B .0295). Annual monitoring and semi-annual site visits will be conducted to assess the condition of the finished project. The riparian buffer mitigation project will be assigned specific performance criteria components for vegetation. Performance criteria will be evaluated throughout the five-year post-construction monitoring. An outline of the performance criteria components follows.

7.1 Vegetation

The final vegetative success criteria will be the survival of at least 260 stems per acre at the end of the fifth year of monitoring, with a minimum of four native hardwood tree species composition and no one species comprises more than 50 percent of stems. Vigor, height, species composition, and density will all be assessed. The extent of invasive species coverage will also be monitored and controlled as necessary throughout the required monitoring period.

Permanent vegetation monitoring plots will be installed and evaluated within the riparian restoration areas to measure the survival of the planted trees. The plots will be randomly placed throughout the planted riparian areas. A total of 9 plots will be established within the riparian buffer restoration areas

which will make up at least 2% of the planted area (Figure 10). The size of individual quadrants will be 100 square meters.

Vegetation assessments will be conducted and follow the DMS approved protocol outlined in the DMS Monitoring Report Template (October 2020). A reference photo will be taken from the southwestern corner of each of the 9 plots. Photos will be taken from all photo points each monitoring year and provided in the annual reports. All planted stems will be marked with flagging tape and recorded.

7.2 Reference Photographs

Overview photographs will be taken within the project area once a year to visually document vegetation growth for five years following construction.

7.3 Visual Assessments

Visual assessments will be performed within the Site on a semi-annual basis during the five-year monitoring period. Problem areas with vegetative health will be noted (e.g. low stem density, vegetation mortality, invasive species or encroachment). Areas of concern will be mapped and photographed accompanied by a written description in the annual report. Problem areas will be re-evaluated during each subsequent visual assessment. Should remedial actions be required, recommendations will be provided in the annual monitoring report.

7.4 Reporting Performance Criteria

Using the DMS Riparian Buffer and Nutrient Offset Buffer Baseline and Annual Monitoring Report Template version 2.0 (May 2017), a baseline monitoring document and as-built record drawings of the project will be developed for the constructed Site. Complete monitoring reports will be prepared in the fall of each monitoring year and submitted to DMS. Annual monitoring reports will be based on the above referenced DMS Template (May 2017). The monitoring period will extend five years beyond completion of construction or until performance criteria have been met.

7.5 Maintenance and Contingency Plans

Wildlands will develop necessary adaptive measures or implement appropriate remedial actions in the event that the Site or a specific component of the Site fails to achieve the success criteria outlined above. The project-specific monitoring plan developed during the design phase will identify an appropriate threshold for maintenance intervention based on the monitored items. Any actions implemented will be designed to achieve the success criteria specified previously and will include a work schedule and updated monitoring criteria (if applicable).

8.0 Monitoring Plan

The Site monitoring plan has been developed to ensure that the required performance standards are met, and project goals and objectives are achieved. The monitoring report shall provide project data chronology that will facilitate an understanding of project status and trends, ease population of DMS databases for analysis and research purposes and assist in close-out decision making.

8.1 Monitoring Components

Project monitoring components are listed in more detail in Table 10 and Figure 10.



Table 10: Monitoring Components

Parameter	Monitoring Feature	Quantity	Frequency
Vegetation	Carolina Vegetation Survey (CVS) Level 2	9	Annual
Visual Assessment		Y	Semi-Annual
Exotic and nuisance vegetation		Y	Semi-Annual
Project Boundary		Y	Semi-Annual
Reference Photos	Overview Photographs	Y	Annual

9.0 Long-Term Management Plan

The Site will be transferred to the NCDEQ Stewardship Program. This party shall serve as conservation easement holder and long-term steward for the property and will conduct periodic inspection of the Site to ensure that restrictions required in the conservation easement are upheld. The NCDEQ Stewardship Program is developing an endowment system within the non-reverting, interest-bearing Conservation Lands Conservation Fund Account. The use of funds from the Endowment Account will be governed by North Carolina General Statute GS 113A-232(d)(3). Interest gained by the endowment fund may be used for stewardship, monitoring, stewardship administration, and land transaction costs, if applicable.

The Stewardship Program will periodically install additional signage as needed to identify boundary markings. Internal easement crossings planned for the project area will be the responsibility of the landowner to maintain. The Site Protection Instrument can be found in the Appendix.

10.0 Adaptive Management Plan

Upon completion of Site construction, Wildlands will implement the post-construction monitoring defined in Section 8. Project maintenance will be performed during the monitoring years to address minor issues as necessary. If, during annual monitoring it is determined the Site's ability to achieve Site performance standards are jeopardized, Wildlands will notify the members of DMS/NCDEQ and work with the DMS/NCDEQ to develop contingency plans and remedial actions. Any actions implemented will be designed to achieve the success criteria specified previously and will include a work schedule and updated monitoring criteria (if applicable).

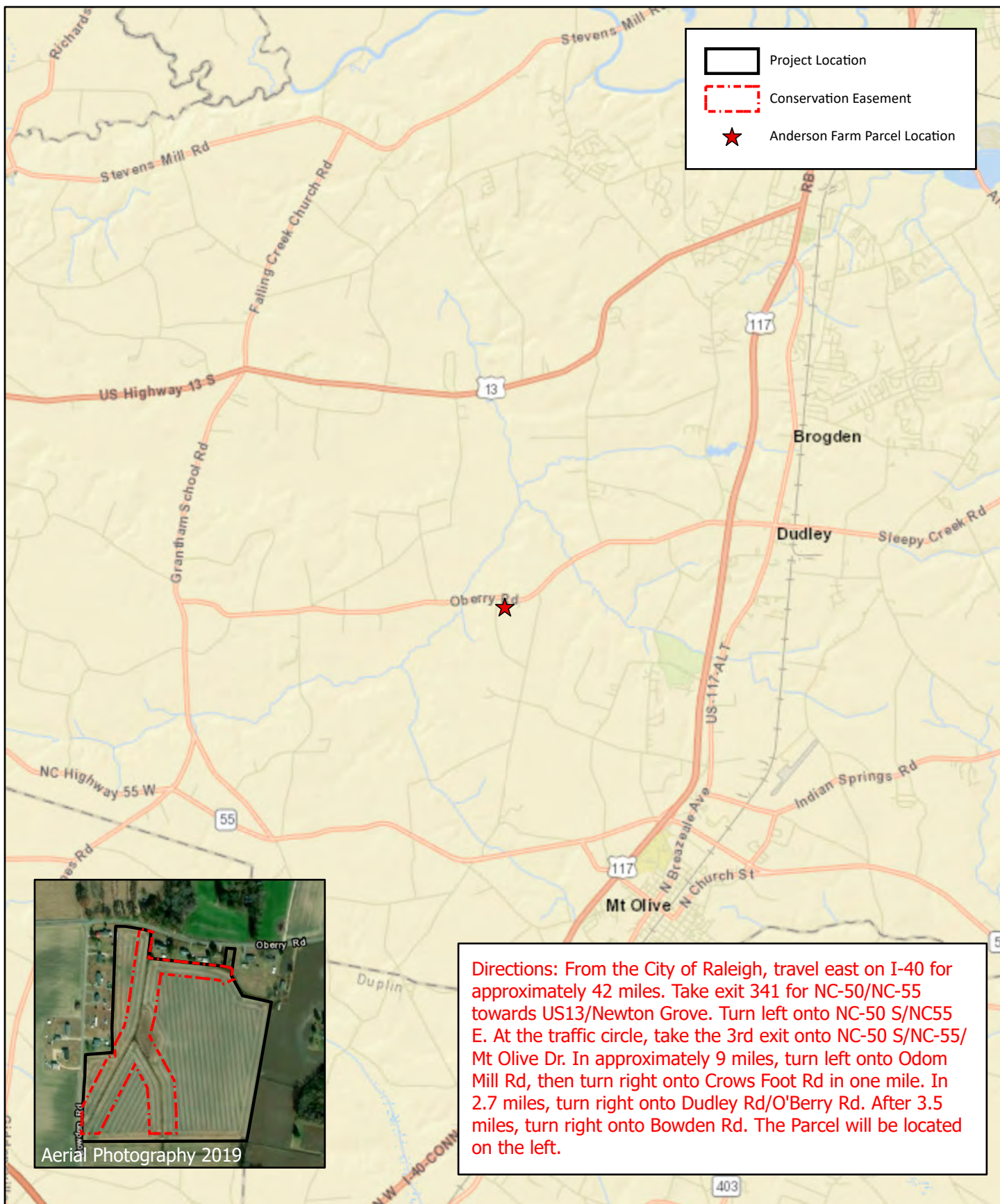


11.0 References

- Natural Resources Conservation Service (NRCS), 2019. Web Soil Survey of Wayne County.
<http://websoilsurvey.nrcs.usda.gov/app/HomePage.htm>.
- North Carolina Division of Water Quality (NCDWQ), 2011. Surface Water Classifications.
<http://deq.nc.gov/about/divisions/water-resources/planning/classification-standards/classifications>.
- North Carolina Geological Survey (NCGS), 1985. Geologic Map of North Carolina: Raleigh, North Carolina Department of Natural Resources and Community Development, Geological Survey Section, scale 1:500,000, in color.
- NCGS, 2013. Mineral Resources. <http://deq.nc.gov/about/divisions/energy-mineral-land-resources/north-carolina-geological-survey/mineral-resources>.
- North Carolina Natural Heritage Program (NHP), 2018. Natural Heritage Element Occurrence Database, Wayne County, NC.
- United States Fish and Wildlife Service (USFWS), 2018. Endangered Species, Threatened Species, Federal Species of Concern and Candidate Species, Wayne County, NC.
<https://www.fws.gov/raleigh/species/cntylist/wayne.html>.



FIGURES



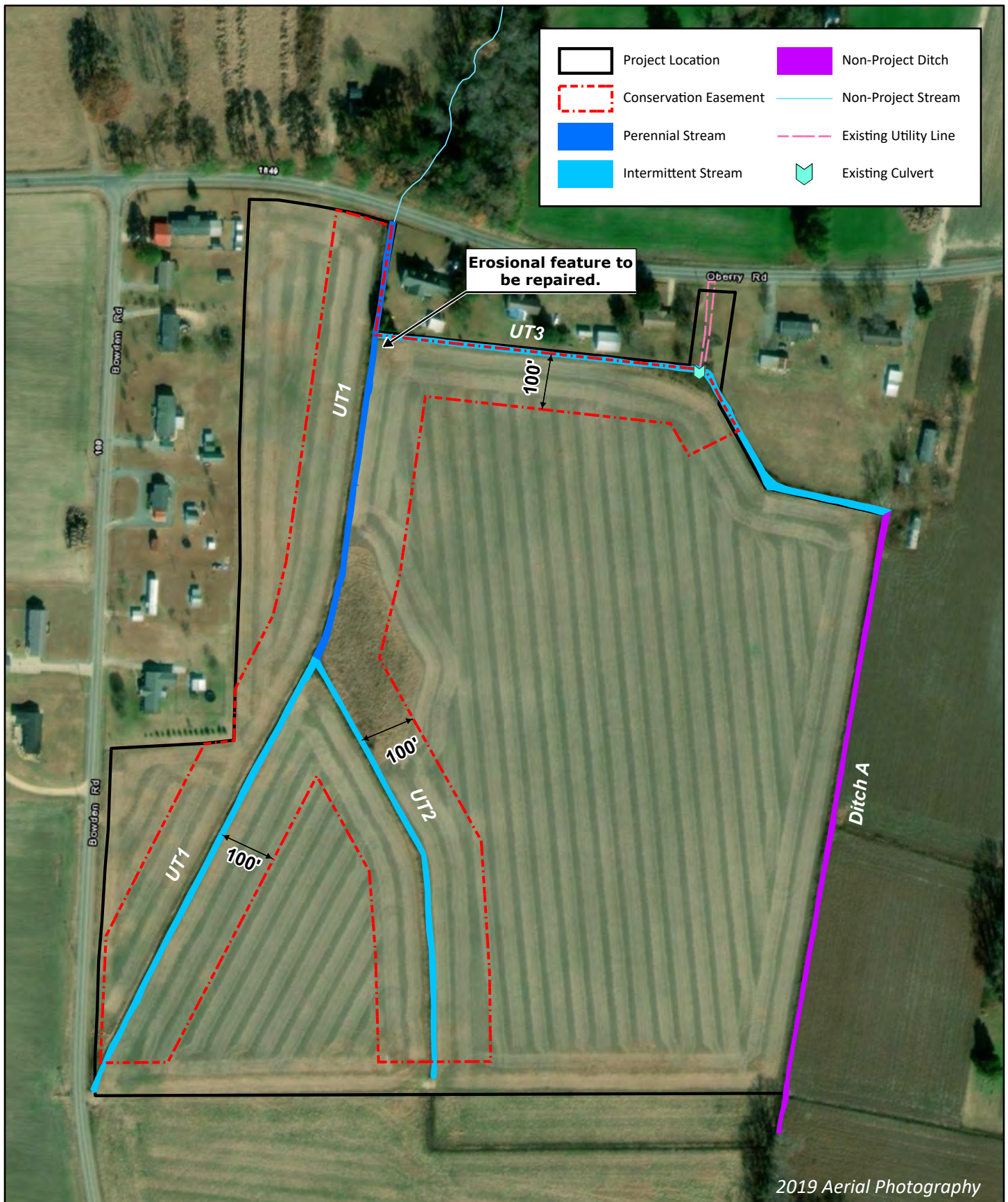
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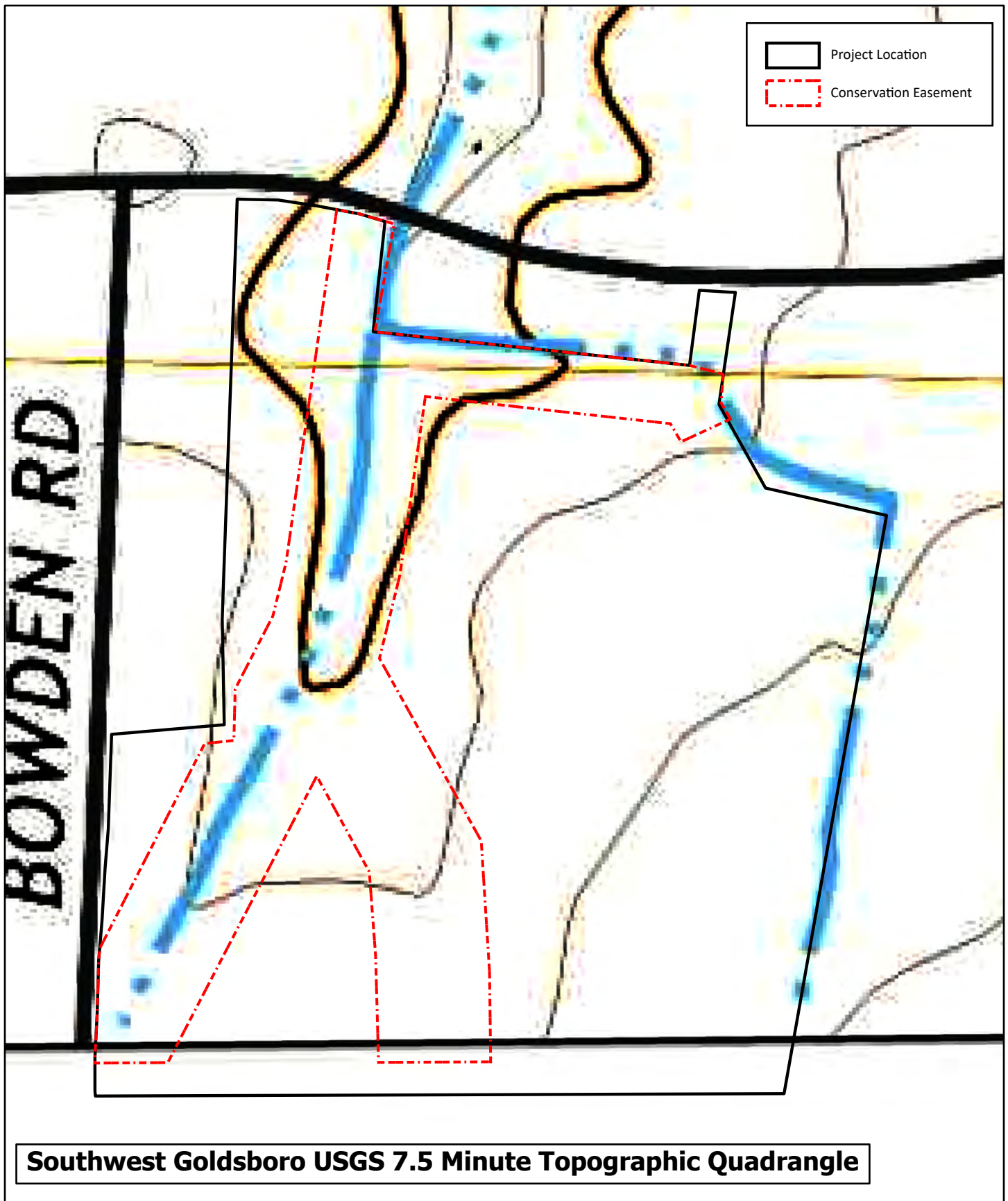


Figure 1. Vicinity Map
Anderson Farm Mitigation Site
Mitigation Plan
Neuse River Basin (03020201)

Wayne County, NC

Wayne County, NC



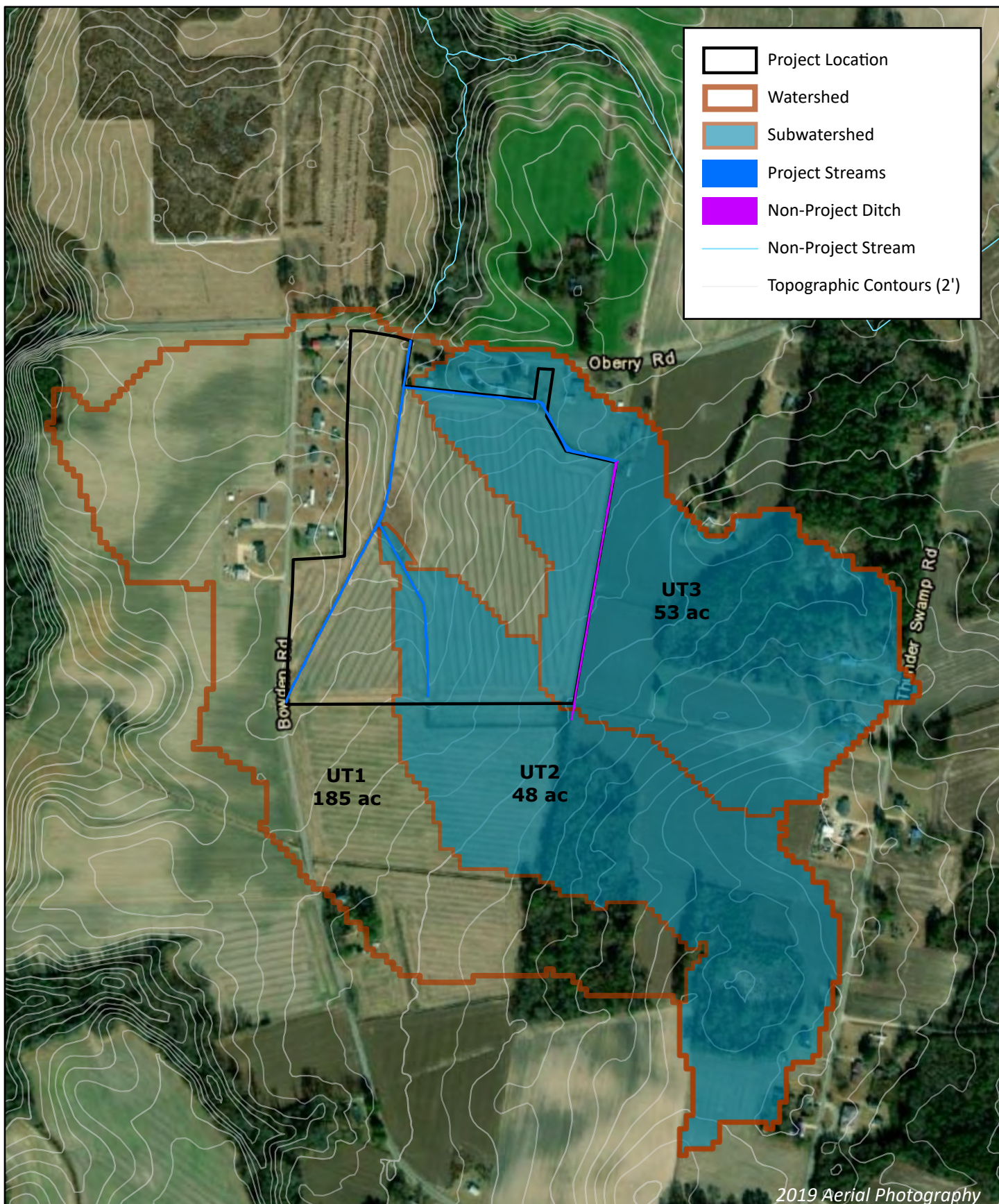


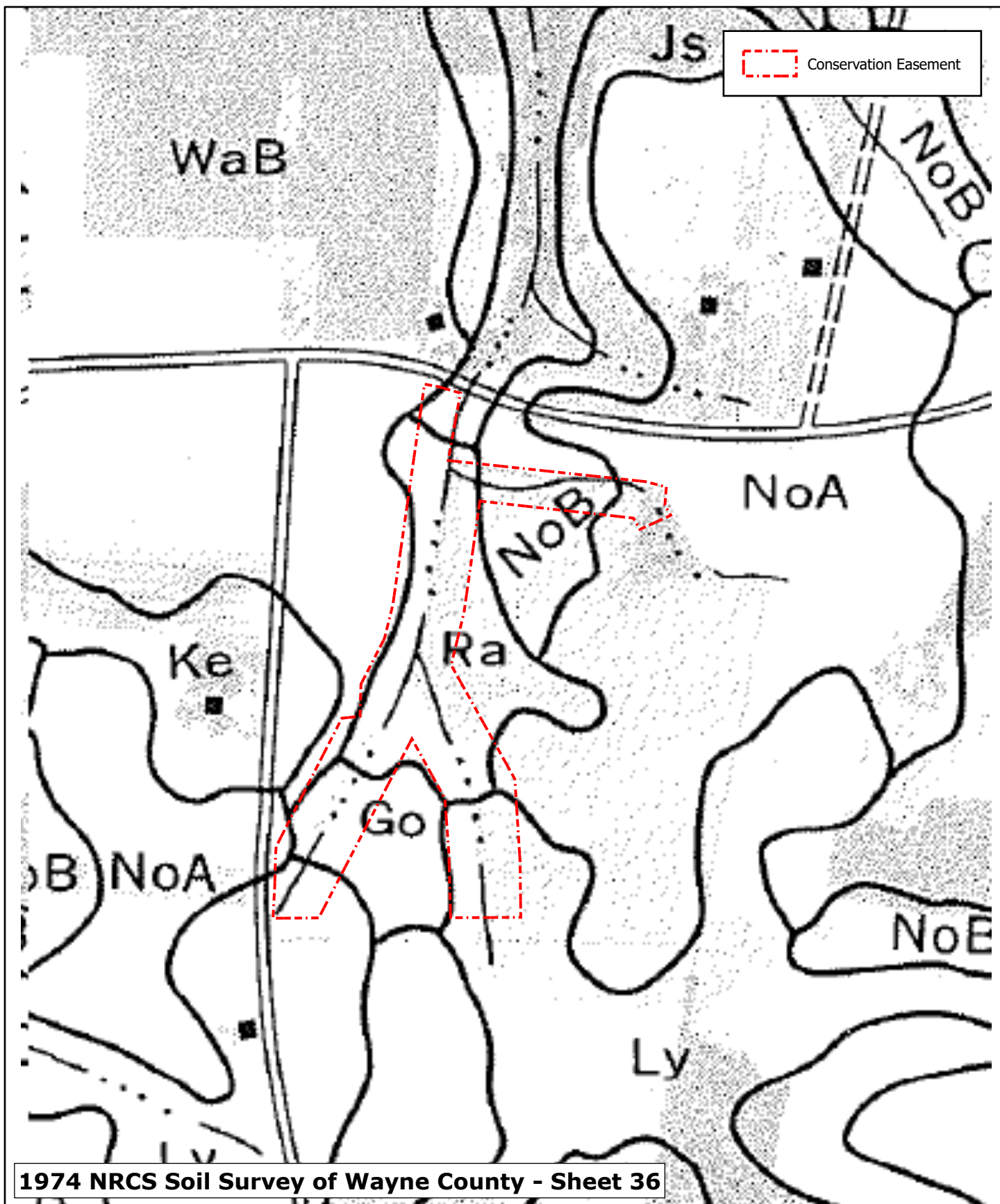
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Figure 4. USGS Topographic Map
Anderson Farm Mitigation Site
Mitigation Plan
Neuse River Basin (03020201)

Wayne County, NC



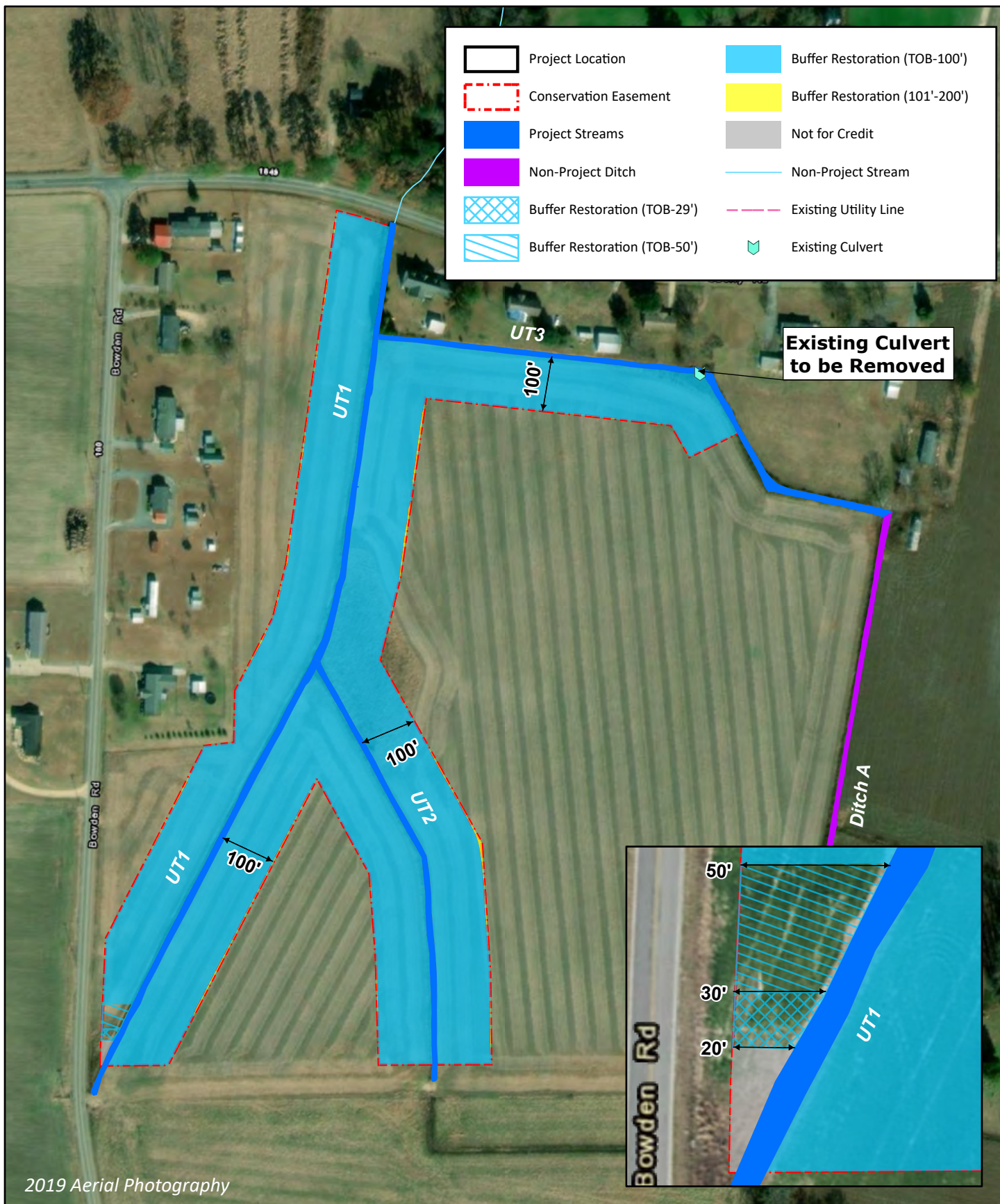


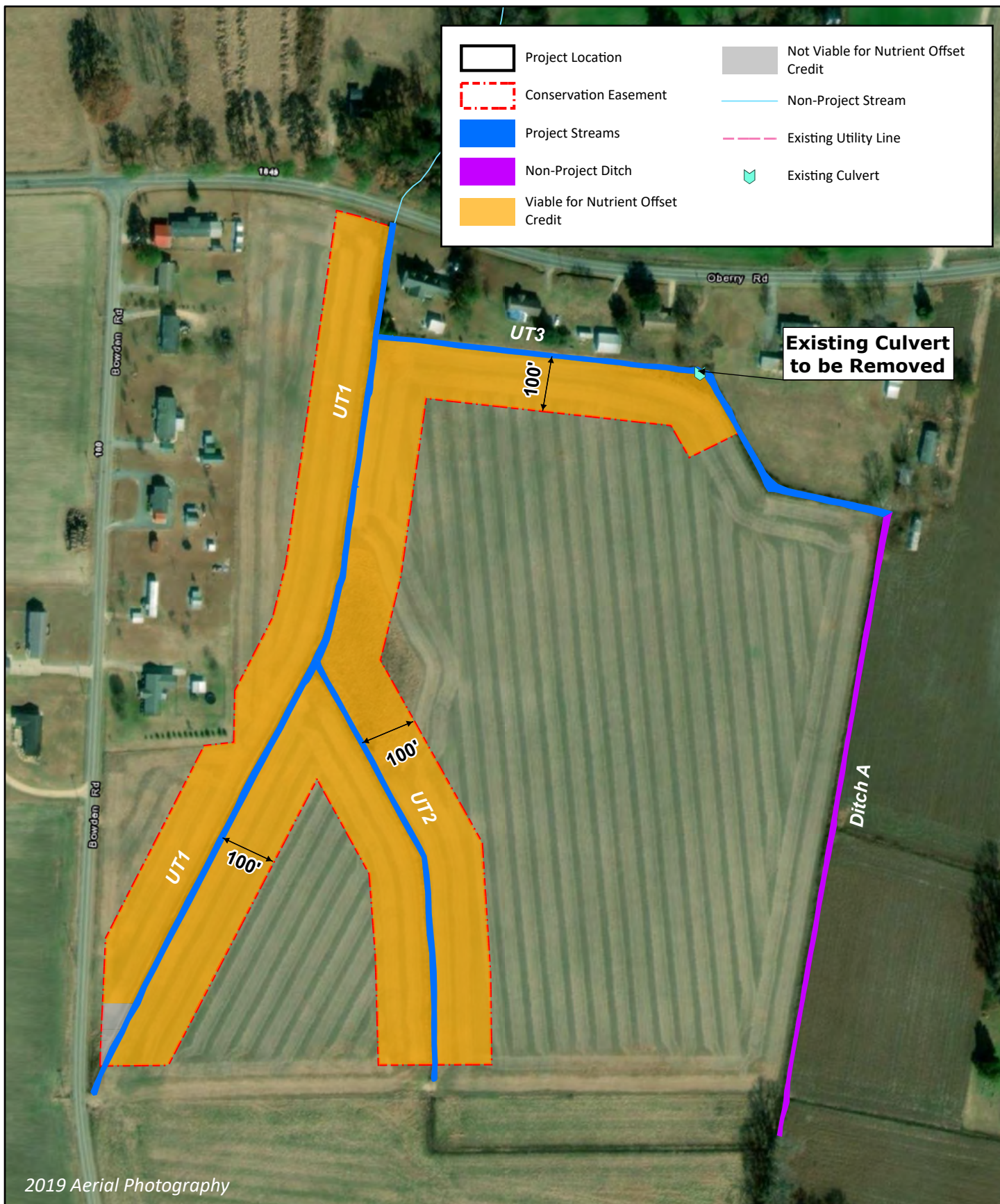
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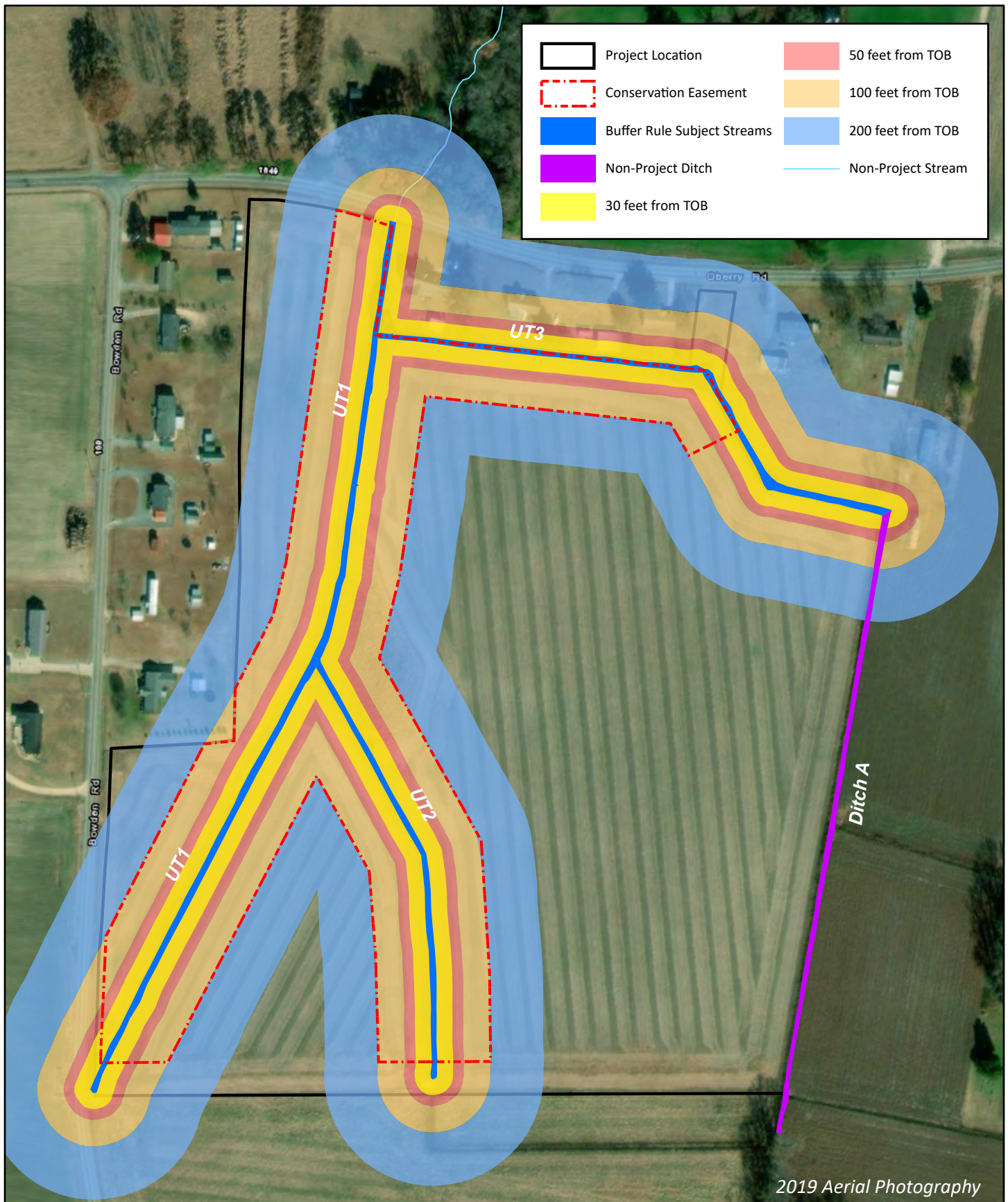


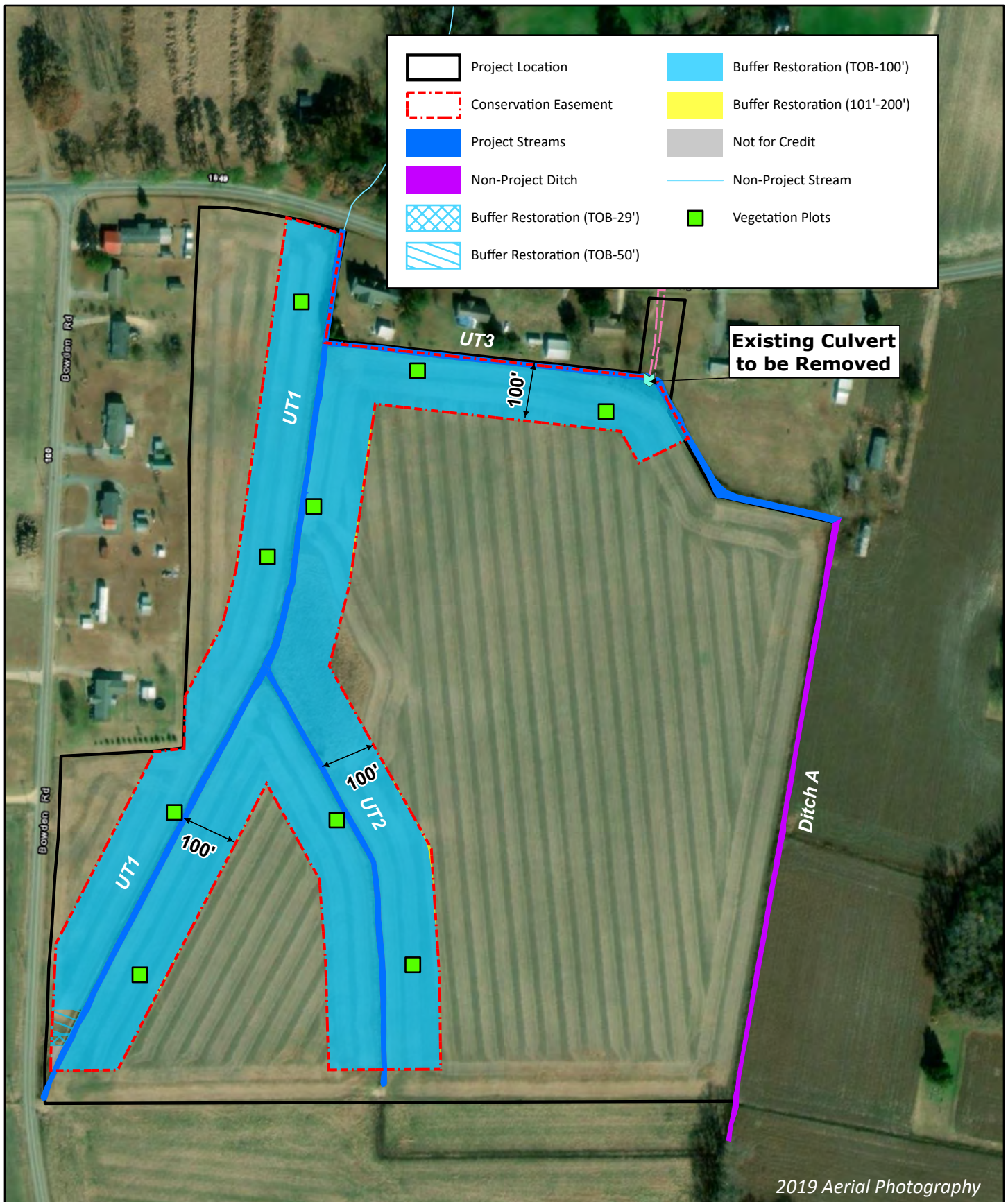
Figure 6. 1974 NRCS Soil Survey Map
Anderson Farm Mitigation Site
Mitigation Plan
Neuse River Basin (03020201)

Wayne County, NC









0 125 250 Feet



Figure 10. Monitoring Map
Anderson Farm Mitigation Site
Mitigation Plan
Neuse River Basin (03020201)

Wayne County, NC

APPENDIX



Anderson Farm

499-101 Bowden Rd

Mount Olive, NC 28365

Inquiry Number: 6179557.5

September 04, 2020

The EDR Aerial Photo Decade Package



6 Armstrong Road, 4th floor
Shelton, CT 06484
Toll Free: 800.352.0050
www.edrnet.com

EDR Aerial Photo Decade Package

09/04/20

Site Name:

Anderson Farm
499-101 Bowden Rd
Mount Olive, NC 28365
EDR Inquiry # 6179557.5

Client Name:

Wildlands Eng, Inc.
1430 South Mint Street
Charlotte, NC 28203
Contact: Carolyn Lanza



Environmental Data Resources, Inc. (EDR) Aerial Photo Decade Package is a screening tool designed to assist environmental professionals in evaluating potential liability on a target property resulting from past activities. EDR's professional researchers provide digitally reproduced historical aerial photographs, and when available, provide one photo per decade.

Search Results:

<u>Year</u>	<u>Scale</u>	<u>Details</u>	<u>Source</u>
2016	1"=500'	Flight Year: 2016	USDA/NAIP
2012	1"=500'	Flight Year: 2012	USDA/NAIP
2009	1"=500'	Flight Year: 2009	USDA/NAIP
2006	1"=500'	Flight Year: 2006	USDA/NAIP
1999	1"=750'	Flight Date: March 02, 1999	USGS
1993	1"=500'	Acquisition Date: March 09, 1993	USGS/DOQQ
1983	1"=500'	Flight Date: March 02, 1983	NHAP
1975	1"=500'	Flight Date: February 21, 1975	USGS
1964	1"=500'	Flight Date: April 01, 1964	USGS
1961	1"=500'	Flight Date: October 05, 1961	USGS
1959	1"=500'	Flight Date: February 21, 1959	USDA
1950	1"=500'	Flight Date: November 21, 1950	USGS

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INQUIRY #: 6179557.5

YEAR: 2016

— = 500'



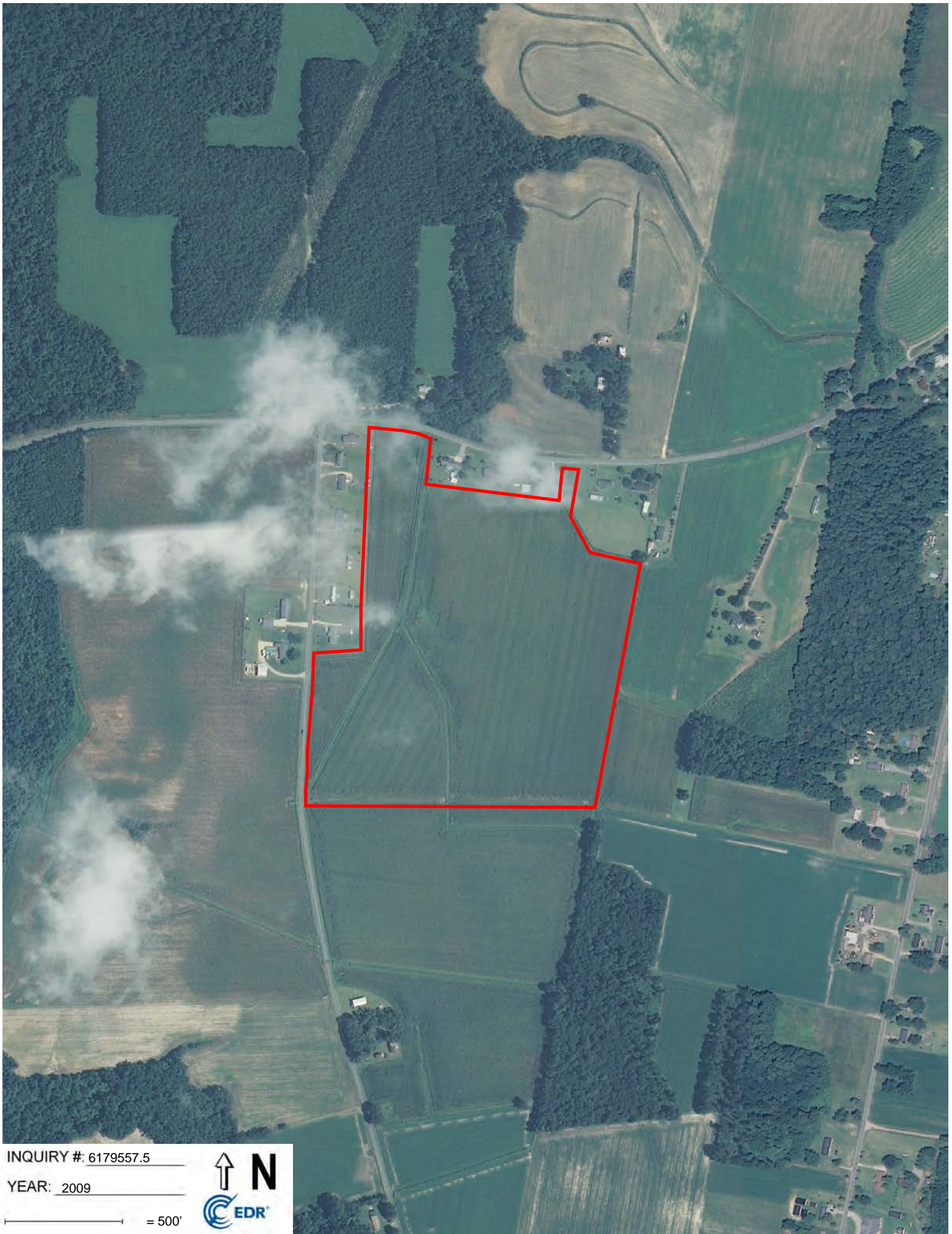


INQUIRY #: 6179557.5

YEAR: 2012

— = 500'



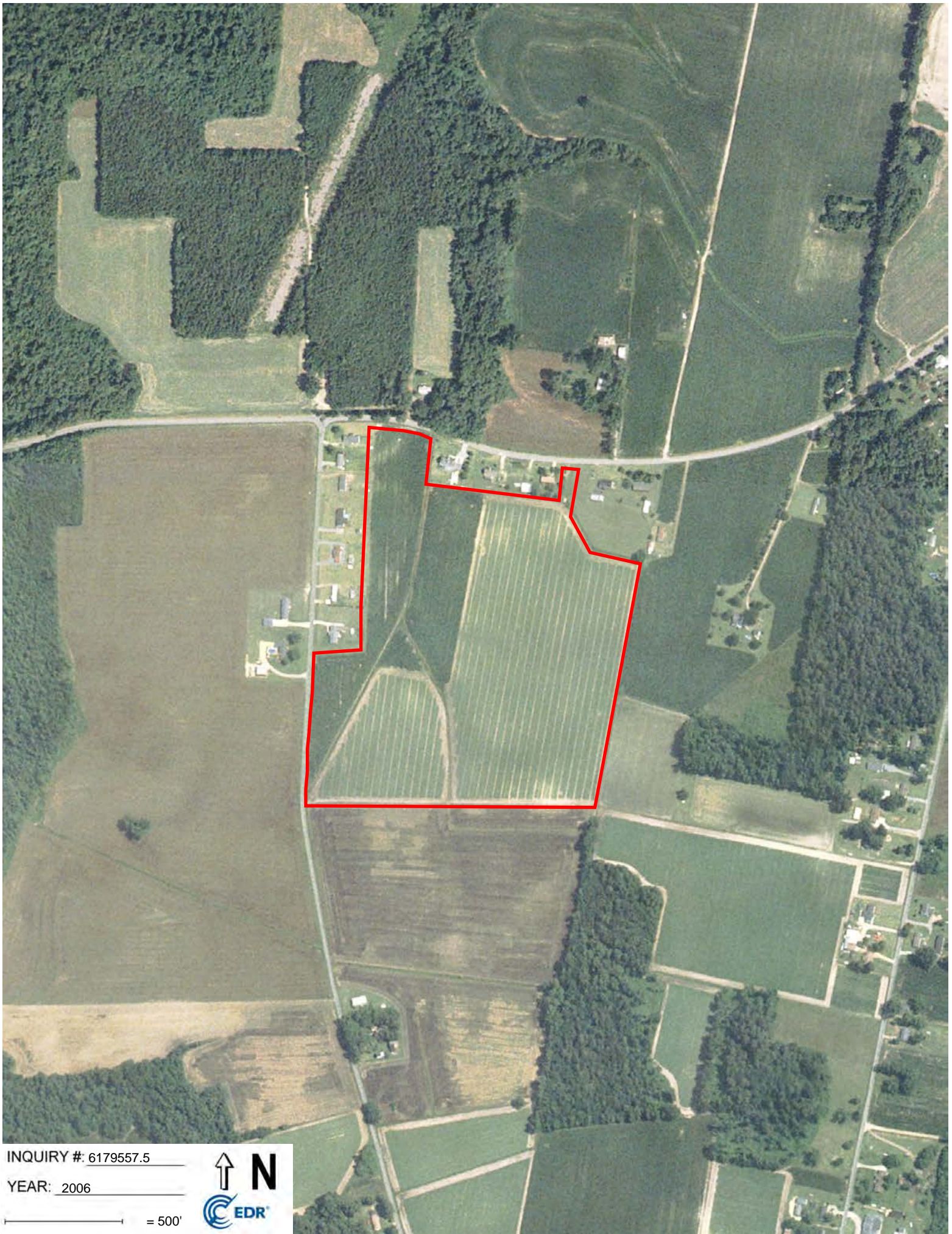


INQUIRY #: 6179557.5

YEAR: 2009

— = 500'





INQUIRY #: 6179557.5

YEAR: 2006

— = 500'





INQUIRY #: 6179557.5

YEAR: 1999

— = 750'



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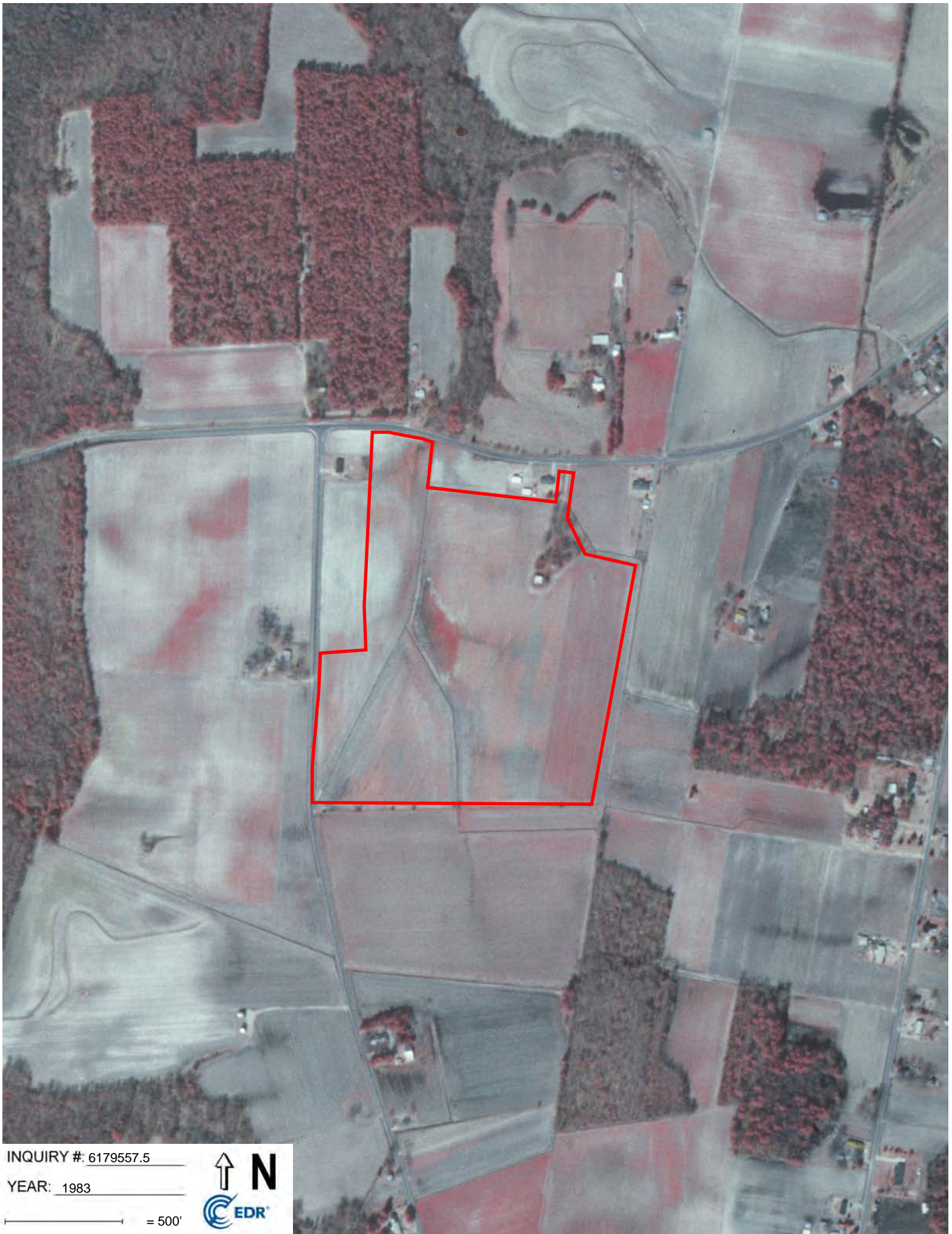


INQUIRY #: 6179557.5

YEAR: 1993

— = 500'





INQUIRY #: 6179557.5

YEAR: 1983

— = 500'





INQUIRY #: 6179557.5

YEAR: 1975

— = 500'



Subject boundary not shown because it exceeds image extent or image is not georeferenced.

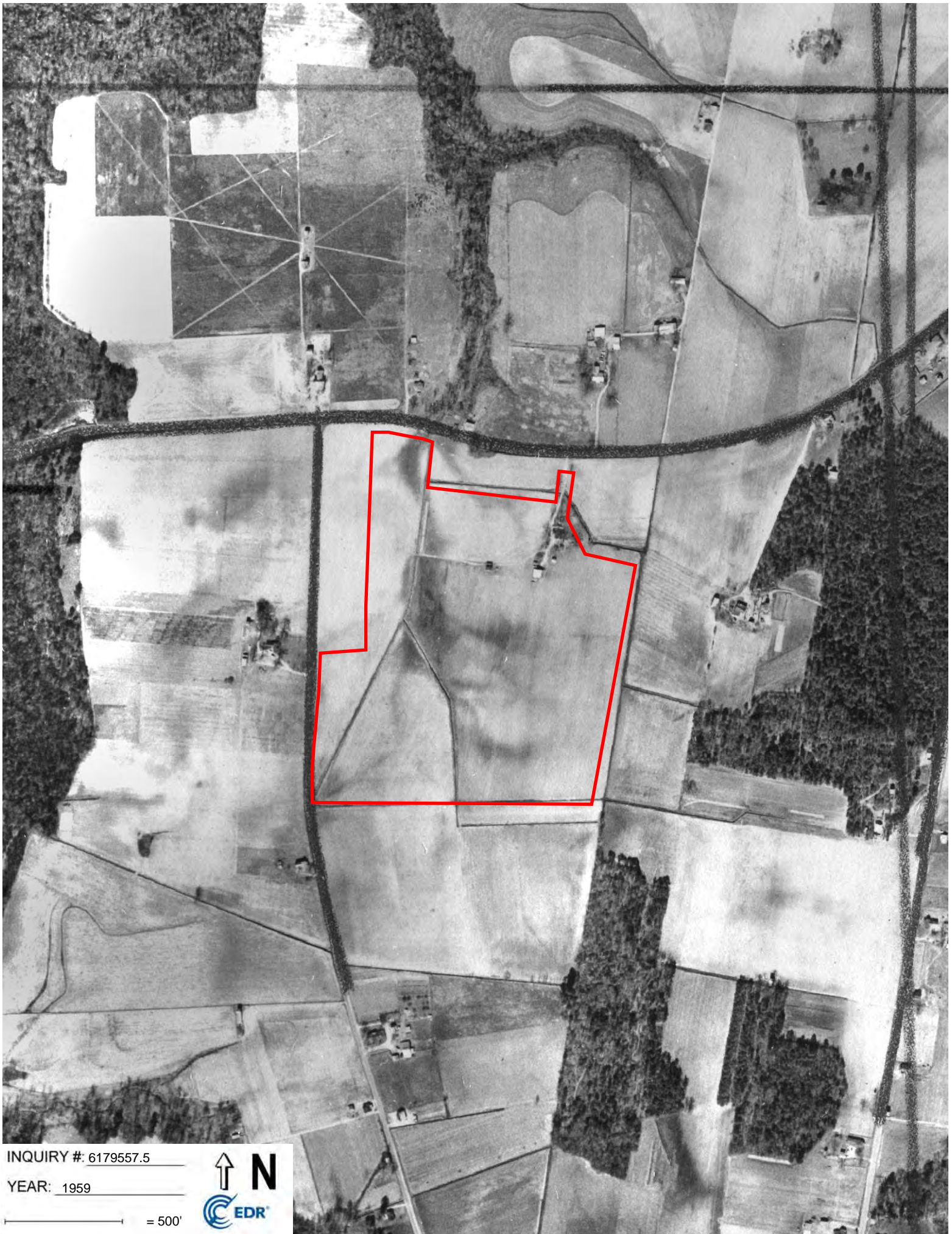


INQUIRY #: 6179557.5

YEAR: 1961

— = 500'





INQUIRY #: 6179557.5

YEAR: 1959

— = 500'





INQUIRY #: 6179557.5

YEAR: 1950

— = 500'





Photo 1 – UT1 Left Bank



Photo 2 – UT1 Right Bank



Photo 3 – UT1 Left Bank



Photo 4 – UT1 Right Bank



Photo 5 – UT2 Left Bank



Photo 6 – UT2 Right Bank



Photo 7 – UT3 Left Bank



Photo 8 – UT3 Left Bank



ROY COOPER
Governor
DIONNE DELLI-GATTI
Secretary
S. DANIEL SMITH
Director



April 29, 2021

20210023 ver1
Wayne County

William L. Jackson
Jackson Farming Company LLC
122 Cox Farm Road
Mount Olive, NC 28365
919-922-7861

Subject: **On-Site Determination** for Applicability to Neuse Riparian Buffer Rules (15A NCAC 02B .0714)

Subject Property/ Project Name: Anderson Farm Mitigation Site

Address/Location: Intersection of O'Berry Road and Bowden Road, Mt. Olive, NC 28635

Stream(s) Evaluated: (3) – UT1 – UT2 Anderson Farm Mitigation Site

Determination Date: February 4th, 2021

Staff: Allen Stewart

Determination Type: Applicability to Neuse Riparian Buffer Rules (15A NCAC 02B .0714)	
Buffer:	Stream:
X - Neuse (15A NCAC 02B .0714) - Tar-Pamlico (15A NCAC 02B .0734) - Catawba (15A NCAC 02B .0614) - Jordan (15A NCAC 02B .0267) (governmental and/or interjurisdictional projects) - Randleman (15A NCAC 02B .0724) - Goose Creek (15A NCAC 02B .0605-.0608)	X – Ephemeral/ Intermittent/Perennial Determination

Stream	E/I/P*	Not Subject	Subject	Start@	Stop@	Soil Survey	USGS Topo
UT1	I/P		X	35.249846, -78.106163	35.254242, -78.104257	X	X
UT2	I		X	35.249854, -78.104045	35.251963, -78.104754	X	
UT3	I		X	35.252726, -78.101231	35.253658, -78.104370	X	X

*Ephemeral / Intermittent / Perennial

Dear Mr. Jackson,

The Division of Water Resources has determined that the streams listed as "subject" above and included on the attached map have been located on the most recent published (1974) NRCS Soil Survey of Wayne County, North Carolina and/or the most recent copy of the Mt. Olive USGS Topographic map at a 1:24,000 scale and evaluated for applicability to the Neuse Riparian Buffer Rules. For each stream that is checked "Not Subject" it has been determined to not be at least intermittent, not present on the property or not represented on the most recent published (1974) NRCS Soil Survey of Wayne County, North Carolina and/or the most recent copy of the Mt. Olive USGS Topographic map at a 1:24,000 scale. There may be other streams or features located on the property that were not assessed and/or that do not appear on the maps referenced above but may be considered jurisdictional according to the US Army Corps of Engineers and subject to the Clean Water Act. UT1 rates as intermittent above confluence of UT2 and perennial below confluence of UT2.



North Carolina Department of Environmental Quality | Division of Water Resources
Washington Regional Office | 943 Washington Square Mall | Washington, North Carolina 27889
252.946.6481

This on-site determination shall expire five (5) years from the date of this letter. Landowners or affected parties that dispute a determination made by the DWR may request a determination by the Director. An appeal request must be made within sixty (60) calendar days of date of this letter to the Director in writing.

If sending via US Postal Service:

*c/o Paul Wojoski
DWR – 401 & Buffer Permitting Unit
1617 Mail Service Center
Raleigh, NC 27699-1617*

If sending via delivery service (UPS, FedEx, etc.):

*c/o Paul Wojoski
DWR – 401 & Buffer Permitting Unit
512 N. Salisbury Street
Raleigh, NC 27604*

This determination is final and binding as detailed above unless an appeal is requested within sixty (60) days.

This determination only addresses the applicability to the buffer rules and does not approve any activity within the buffers or waters. The project may require a Section 404/401 Permit for the proposed activity. Any inquiries regarding applicability to the Clean Water Act should be directed to the US Army Corps of Engineers Raleigh Regulatory Field Office at (919)-554-4884 Ext. 22.

If you have questions regarding this determination, please feel free to contact Allen Stewart at (252) 946-6481.

Sincerely,

Robert Tankard

Robert Tankard, Assistant Regional Supervisor
Water Quality Regional Operations Section
Division of Water Resources, NCDEQ

cc: WaRO DWR File Copy/LASERFICHE

Andrea Eckardt, Wildlands Engineering Inc., aekardt@wildlandseng.com

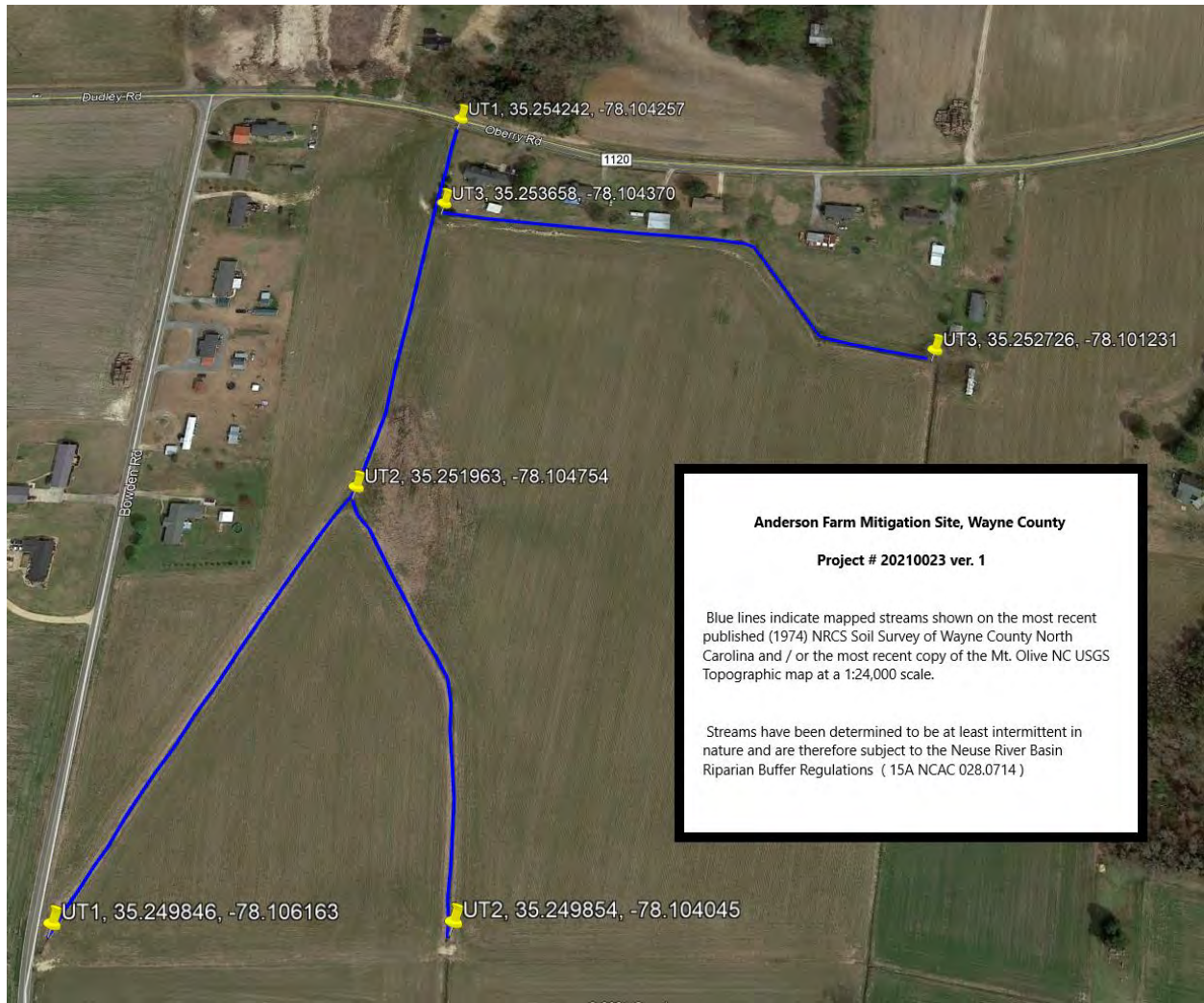
Samantha Dailey, US Army Corps of Engineers Raleigh Regulatory Field Office, Samantha.j.dailey@usace.army.mil

Katie Merritt, NCDWR 401 & Buffer Permitting Branch, Katie.Merritt@ncdenr.gov

Randall Jones, WaRO DEMLR (via e-mail) randall.jones@ncdenr.gov



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Secretary

S. DANIEL SMITH

Director

NORTH CAROLINA
Environmental Quality

May 19, 2021

Andrea Eckardt
Wildlands Engineering, Inc
(via electronic mail: aeckardt@wildlandseng.com)

Re: Site Viability for Buffer Mitigation & Nutrient Offset – Anderson Farm Site
167 Bowden Rd, Mt. Olive (near 35.252438, -78.103945)
Neuse 03020201
Wayne County

Dear Ms. Eckardt,

On March 22, 2021, Katie Merritt, with the Division of Water Resources (DWR), received a request from you on behalf of Wildlands Engineering, Inc (Wildlands) for a site visit near the above-referenced site in the Neuse River Basin within the 8-digit Hydrologic Unit Code 03020201. The site visit was to determine the potential for riparian buffer mitigation and nutrient offset within a proposed conservation easement boundary, which is more accurately depicted in the attached map labeled "Figure 1-Site Map" (Figure 1) prepared by Wildlands. The proposed easement boundary in Figure 1, includes all riparian areas intended to be proposed as part of the mitigation site. On April 15, 2021, Ms. Merritt performed a site assessment of the subject site. Staff with Wildlands were also present.

Ms. Merritt's evaluation of the features onsite and their associated mitigation determination for the riparian areas are provided in the table below. This evaluation was made from Top of Bank (TOB) and landward 200' from each feature for buffer mitigation pursuant to 15A NCAC 02B .0295 (effective November 1, 2015) and for nutrient offset credits pursuant to 15A NCAC 02B .0703.

<u>Feature</u>	<u>Classification onsite</u>	<u>¹Subject to Buffer Rule</u>	<u>Riparian Land uses adjacent to Feature (0-200')</u>	<u>Buffer Credit Viable</u>	<u>³Nutrient Offset Viable</u>	<u>^{4,5}Mitigation Type Determination w/in riparian areas</u>
UT 1	Stream	Yes	Non-forested agricultural fields and partially located within a DOT Right Of Way (ROW)	Yes	Yes	Restoration Site per 15A NCAC 02B .0295 (n) <u>Note:</u> No credits are allowed within the DOT R.O.W



North Carolina Department of Environmental Quality | Division of Water Resources
512 North Salisbury Street | 1617 Mail Service Center | Raleigh, North Carolina 27699-1617
919.707.9000

<u>Feature</u>	<u>Classification onsite</u>	<u>¹Subject to Buffer Rule</u>	<u>Riparian Land uses adjacent to Feature (0-200')</u>	<u>Buffer Credit Viable</u>	<u>³Nutrient Offset Viable</u>	<u>^{4,5}Mitigation Type Determination w/in riparian areas</u>
UT2	Stream	Yes	Non-forested agricultural fields and partially located within a DOT Right Of Way (ROW) A sink hole and active eroding banks were observed at the confluence with UT1.	Yes	Yes	Restoration Site per 15A NCAC 02B .0295 (n) <i>Minor bank stabilization and grading needed where bank stability is compromised and where erosional rills, sink holes and gullies are observed.</i> <u>Note:</u> No credits are allowed within the DOT R.O.W
UT3	Stream	Yes	Left Bank – non-forested agricultural fields Right Bank – managed lawn/residential	Yes	Yes (in ag fields only)	Restoration Site per 15A NCAC 02B .0295 (n)
Ditch A	Ditch >3' depth	No	non-forested agricultural fields	No	Yes	Restoration Site per 15A NCAC 02B .0295 (n)

¹Subjectivity calls for the features were determined by DWR in correspondence dated April 29, 2021 (ID# 2021-0023) using the 1:24,000 scale quadrangle topographic map prepared by USGS and the most recent printed version of the soil survey map prepared by the NRCS .

²The area of preservation credit within a buffer mitigation site shall comprise of no more than 25 percent (25%) of the total area of buffer mitigation per 15A NCAC 0295 (o)(5) and 15A NCAC 0295 (o)(4). Site cannot be a Preservation Only site to comply with this rule.

³NC Division of Water Resources - Methodology and Calculations for determining Nutrient Reductions associated with Riparian Buffer Establishment

⁴Determinations made for this Site are determined based on the proposal provided in maps and figures submitted with the request.

⁵ All features proposed for buffer mitigation or nutrient offset, must have a planted conservation easement established that includes the tops of channel banks when being measured perpendicular and landward from the banks, even if no credit is viable within that riparian area.

⁶The area of the mitigation site on ephemeral channels shall comprise no more than 25 percent (25%) of the total area of buffer mitigation per 15A NCAC 02B .0295 (o)(7).

Determinations provided in the table above were based on the proposed conservation easement boundaries depicted in Figure 1 for the site. The map representing the proposal for the site is attached to this letter and is initialed by Ms. Merritt on May 19, 2021. Substantial changes to the proposed easement boundaries could affect the site's potential to generate buffer mitigation and nutrient offset credits.

This letter does not constitute an approval of this Site to generate buffer and nutrient offset credits. Pursuant to 15A NCAC 02B .0295, a mitigation proposal and a mitigation plan shall be submitted to DWR for written approval **prior** to conducting any mitigation activities in riparian areas and/or surface waters for buffer mitigation credit. Pursuant to 15A NCAC 02B .0703, a proposal regarding a proposed nutrient load-reducing measure for nutrient offset credit shall be submitted to DWR for approval prior to any mitigation activities in riparian areas and/or surface waters.

All vegetative plantings, performance criteria and other mitigation requirements for riparian restoration, enhancement and preservation must follow the requirements in 15A NCAC 02B .0295 to be eligible for buffer and/or nutrient offset mitigation credits. For any areas depicted as not being

viable for nutrient offset credit above, one could propose a different measure, along with supporting calculations and sufficient detail to support estimates of load reduction, for review by the DWR to determine viability for nutrient offset in accordance with 15A NCAC 02B .0703.

This viability assessment will expire on May 19, 2023 or upon approval of a mitigation plan by the DWR, whichever comes first. This letter should be provided in any nutrient offset, buffer, stream or wetland mitigation plan for this Site.

Please contact Katie Merritt at (919) 707-3637 if you have any questions regarding this correspondence.

Sincerely,

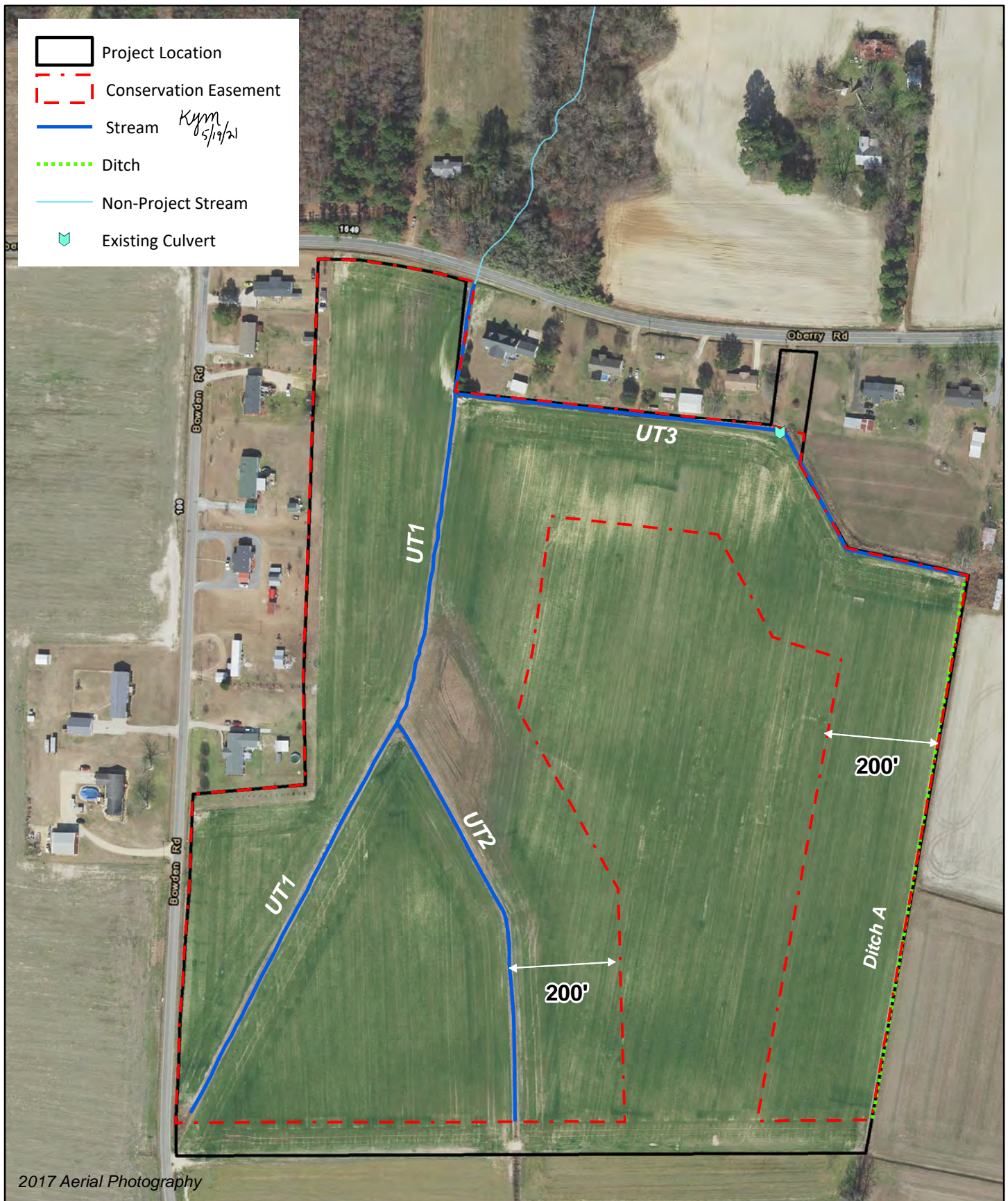
DocuSigned by:
Paul Wojoski
949D91BA53EF4E0...

Paul Wojoski, Supervisor
401 and Buffer Permitting Branch

PW/kym

Attachments: "Figure 1 – Site Map"

cc: File Copy (Katie Merritt)



0 125 250 Feet



Figure 1 Site Map
Anderson Farm
Neuse River Basin (03020201)

Wayne County, NC

STATE OF NORTH CAROLINA

**DEED OF CONSERVATION EASEMENT
AND RIGHT OF ACCESS PROVIDED
PURSUANT TO
FULL DELIVERY
MITIGATION CONTRACT**

WAYNE COUNTY

**SPO File Numbers: XX-XX
DMS Project Number: 100180**

Prepared by: Office of the Attorney General
Property Control Section
Return to: NC Department of Administration
State Property Office
1321 Mail Service Center
Raleigh, NC 27699-1321

THIS DEED OF CONSERVATION EASEMENT AND RIGHT OF ACCESS, made This ____ day of _____, 2021, by **Jackson Farming Company, LLC.**, a North Carolina limited liability company, (“**Grantor**”), whose mailing address is **122 Cox Farm Road, Mount Olive, NC 28365** to the State of North Carolina, (“**Grantee**”), whose mailing address is State of North Carolina, Department of Administration, State Property Office, 1321 Mail Service Center, Raleigh, NC 27699-1321. The designations of Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine, or neuter as required by context.

WITNESSETH:

WHEREAS, pursuant to the provisions of N.C. Gen. Stat. § 143-214.8 et seq., the State of North Carolina has established the Division of Mitigation Services (formerly known as the Ecosystem Enhancement Program and Wetlands Restoration Program) within the Department of Environmental Quality (formerly Department of Environment and Natural Resources), for the purposes of acquiring, maintaining, restoring, enhancing, creating and preserving wetland and riparian resources that contribute to the protection and improvement of water quality, flood prevention, fisheries, aquatic habitat, wildlife habitat, and recreational opportunities; and

WHEREAS, this Conservation Easement from Grantor to Grantee has been negotiated, arranged and provided for as a condition of a full delivery contract between **Wildlands Engineering, Inc.** and the North Carolina Department of Environmental Quality, to provide stream, wetland and/or buffer mitigation pursuant to the North Carolina Department of Environment and Natural Resources Purchase and Services Contract Number **0402-10**.

WHEREAS, The State of North Carolina is qualified to be the Grantee of a Conservation Easement pursuant to N.C. Gen. Stat. § 121-35; and

WHEREAS, the Department of Environment and Natural Resources and the United States Army Corps of Engineers, Wilmington District entered into a Memorandum of Understanding, (MOU) duly executed by all parties on November 4, 1998. This MOU recognized that the Wetlands Restoration Program was to provide effective compensatory mitigation for authorized impacts to wetlands, streams and other aquatic resources by restoring, enhancing and preserving the wetland and riparian areas of the State; and

WHEREAS, the Department of Environment and Natural Resources, the North Carolina Department of Transportation and the United States Army Corps of Engineers, Wilmington District entered into a Memorandum of Agreement, (MOA) duly executed by all parties in Greensboro, NC on July 22, 2003, which recognizes that the Division of Mitigation Services (formerly Ecosystem Enhancement Program) is to provide for compensatory mitigation by effective protection of the land, water and natural resources of the State by restoring, enhancing and preserving ecosystem functions; and

WHEREAS, the Department of Environment and Natural Resources, the U.S. Army Corps of Engineers, the U.S. Environmental Protection Agency, the U.S. Fish and Wildlife Service, the North Carolina Wildlife Resources Commission, the North Carolina Division of Water Quality, the North Carolina Division of Coastal Management, and the National Marine Fisheries Service entered into an agreement to continue the In-Lieu Fee operations of the North Carolina Department of Natural Resources' Division of Mitigation Services (formerly Ecosystem Enhancement Program) with an effective date of 28 July, 2010, which supersedes and replaces the previously effective MOA and MOU referenced above; and

WHEREAS, the acceptance of this instrument for and on behalf of the State of North Carolina was granted to the Department of Administration by resolution as approved by the Governor and Council of State adopted at a meeting held in the City of Raleigh, North Carolina, on the 8th day of February 2000; and

WHEREAS, the Division of Mitigation Services in the Department of Environmental Quality (formerly Department of Environment and Natural Resources), which has been delegated the authority authorized by the Governor and Council of State to the Department of Administration, has approved acceptance of this instrument; and

WHEREAS, Grantor owns in fee simple certain real properties situated, lying, and being in Wayne County, North Carolina (the "**Property**"), and being more particularly described as

that certain parcel of land containing approximately 42.33 acres and being conveyed to the Grantor by deed as recorded in **Deed Book 2816 Page 411** of the Wayne County Registry, North Carolina; and

WHEREAS, Grantor is willing to grant a Conservation Easement and Right of Access over the herein described areas of the Property, thereby restricting and limiting the use of the areas of the Property subject to the Conservation Easement to the terms and conditions and purposes hereinafter set forth, and Grantee is willing to accept said Easement and Access Rights. The Conservation Easement shall be for the protection and benefit of the waters of unnamed tributaries to Thoroughfare Swamp.

NOW, THEREFORE, in consideration of the mutual covenants, terms, conditions, and restrictions hereinafter set forth, Grantor unconditionally and irrevocably hereby grants and conveys unto Grantee, its successors and assigns, forever and in perpetuity, a Conservation Easement and Right of Access together with an access easement to and from the Conservation Easement Area described below.

The Conservation Easement Area consists of the following:

Total conservation Easement Area containing a total of _____ acres as shown on the plat of survey entitled "Conservation Easement Plat for the North Carolina Division of Mitigation Services (SPO File No. _____, DMS Project No. 100180)", Project Name: Anderson Farm, Property of Jackson Farming Company, LLC, dated _____ prepared by Turner Land Surveying, Elizabeth Turner, PLS Number L-4440 and recorded in the Wayne County, North Carolina Register of Deeds at Plat Book _____, Page _____.

See attached "**Exhibit A**", Legal Description of area of the Property hereinafter referred to as the "Conservation Easement Area"

The purposes of this Conservation Easement are to maintain, restore, enhance, construct, create and preserve wetland and/or riparian resources in the Conservation Easement Area that contribute to the protection and improvement of water quality, flood prevention, fisheries, aquatic habitat, wildlife habitat, and recreational opportunities; to maintain permanently the Conservation Easement Area in its natural condition, consistent with these purposes; and to prevent any use of the Easement Area that will significantly impair or interfere with these purposes. To achieve these purposes, the following conditions and restrictions are set forth:

I. DURATION OF EASEMENT

Pursuant to law, including the above referenced statutes, this Conservation Easement and Right of Access shall be perpetual and it shall run with, and be a continuing restriction upon the use of, the Property, and it shall be enforceable by the Grantee against the Grantor and against Grantor's heirs, successors and assigns, personal representatives, agents, lessees, and licensees.

II. ACCESS EASEMENT

Grantor hereby grants and conveys unto Grantee, its employees, agents, successors and assigns, a perpetual, non-exclusive easement for ingress and egress over and upon the Property at all reasonable times and at such location as practically necessary to access the Conservation Easement Area for the purposes set forth herein ("Access Easement"). This grant of easement shall not vest any rights in the public and shall not be construed as a public dedication of the Access Easement. Grantor covenants, represents and warrants that it is the sole owner of and is seized of the Property in fee simple and has the right to grant and convey this Access Easement.

III. GRANTOR RESERVED USES AND RESTRICTED ACTIVITIES

The Conservation Easement Area shall be restricted from any development or usage that would impair or interfere with the purposes of this Conservation Easement. Unless expressly reserved as a compatible use herein, any activity in, or use of, the Conservation Easement Area by the Grantor is prohibited as inconsistent with the purposes of this Conservation Easement. Any rights not expressly reserved hereunder by the Grantor have been acquired by the Grantee. Any rights not expressly reserved hereunder by the Grantor, including the rights to all mitigation credits, including, but not limited to, stream, wetland, and riparian buffer mitigation units, derived from each site within the area of the Conservation Easement, are conveyed to and belong to the Grantee. Without limiting the generality of the foregoing, the following specific uses are prohibited, restricted, or reserved as indicated:

A. Recreational Uses. Grantor expressly reserves the right to undeveloped recreational uses, including hiking, bird watching, hunting and fishing, and access to the Conservation Easement Area for the purposes thereof.

B. Motorized Vehicle Use. Motorized vehicle use in the Conservation Easement Area is prohibited except within a Crossing Area(s) or Road or Trail as shown on the recorded survey plat.

C. Educational Uses. The Grantor reserves the right to engage in and permit others to engage in educational uses in the Conservation Easement Area not inconsistent with this Conservation Easement, and the right of access to the Conservation Easement Area for such purposes including organized educational activities such as site visits and observations. Educational uses of the property shall not alter vegetation, hydrology or topography of the site.

D. Damage to Vegetation. Except within Crossing Area(s) as shown on the recorded survey plat and as related to the removal of non-native plants, diseased or damaged trees, or vegetation that destabilizes or renders unsafe the Conservation Easement Area to persons or natural habitat, all cutting, removal, mowing, harming, or destruction of any trees and vegetation in the Conservation Easement Area is prohibited.

E. Industrial, Residential and Commercial Uses. All industrial, residential and commercial uses are prohibited in the Conservation Easement Area.

F. Agricultural Use. All agricultural uses are prohibited within the Conservation Easement Area including any use for cropland, waste lagoons, or pastureland.

G. New Construction. There shall be no building, facility, mobile home, antenna, utility pole, tower, or other structure constructed or placed in the Conservation Easement Area.

H. Roads and Trails. There shall be no construction or maintenance of new roads, trails, walkways, or paving in the Conservation Easement except within a Crossing Area as shown on the recorded survey plat. All existing roads, trails and crossings within the Conservation Easement Area shall be shown on the recorded survey plat.

I. Signs. No signs shall be permitted in the Conservation Easement Area except interpretive signs describing restoration activities and the conservation values of the Conservation Easement Area, signs identifying the owner of the Property and the holder of the Conservation Easement, signs giving directions, or signs prescribing rules and regulations for the use of the Conservation Easement Area.

J. Dumping or Storing. Dumping or storage of soil, trash, ashes, garbage, waste, abandoned vehicles, appliances, machinery, or any other material in the Conservation Easement Area is prohibited.

K. Grading, Mineral Use, Excavation, Dredging. There shall be no grading, filling, excavation, dredging, mining, drilling, hydraulic fracturing; removal of topsoil, sand, gravel, rock, peat, minerals, or other materials.

L. Water Quality and Drainage Patterns. There shall be no diking, draining, dredging, channeling, filling, leveling, pumping, impounding or diverting, causing, allowing or permitting the diversion of surface or underground water in the Conservation Easement Area. No altering or tampering with water control structures or devices, or disruption or alteration of the restored, enhanced, or created drainage patterns is allowed. All removal of wetlands, polluting or discharging into waters, springs, seeps, or wetlands, or use of pesticide or biocides in the Conservation Easement Area is prohibited. In the event of an emergency interruption or shortage of all other water sources, water from within the Conservation Easement Area may temporarily be withdrawn for good cause shown as needed for the survival of livestock on the Property.

M. Subdivision and Conveyance. Grantor voluntarily agrees that no further subdivision, partitioning, or dividing of the Conservation Easement Area portion of the Property owned by the Grantor in fee simple ("fee") that is subject to this Conservation Easement is allowed. Any future transfer of the Property shall be subject to this Conservation Easement and Right of Access and to the Grantee's right of unlimited and repeated ingress and egress over and across the Property to the Conservation Easement Area for the purposes set forth herein.

N. Development Rights. All development rights are permanently removed from the Conservation Easement Area and are non-transferrable.

O. Disturbance of Natural Features. Any change, disturbance, alteration or impairment of the natural features of the Conservation Easement Area or any intentional introduction of non-native plants, trees and/or animal species by Grantor is prohibited.

The Grantor may request permission to vary from the above restrictions for good cause shown, provided that any such request is not inconsistent with the purposes of this Conservation Easement, and the Grantor obtains advance written approval from the Division of Mitigation Services, 1652 Mail Services Center, Raleigh, NC 27699-1652.

IV. GRANTEE RESERVED USES

A. Right of Access, Construction, and Inspection. The Grantee, its employees, agents, successors and assigns, shall have a perpetual Right of Access over and upon the Conservation Easement Area to undertake or engage in any activities necessary to construct, maintain, manage, enhance, repair, restore, protect, monitor and inspect the stream, wetland and any other riparian resources in the Conservation Easement Area for the purposes set forth herein or any long-term management plan for the Conservation Easement Area developed pursuant to this Conservation Easement.

B. Restoration Activities. These activities include planting of trees, shrubs and herbaceous vegetation, installation of monitoring wells, utilization of heavy equipment to grade, fill, and prepare the soil, modification of the hydrology of the site, and installation of natural and manmade materials as needed to direct in-stream, above ground, and subterranean water flow.

C. Signs. The Grantee, its employees and agents, successors or assigns, shall be permitted to place signs and witness posts on the Property to include any or all of the following: describe the project, prohibited activities within the Conservation Easement, or identify the project boundaries and the holder of the Conservation Easement.

D. Fences. Conservation Easements are purchased to protect the investments by the State (Grantee) in natural resources. Livestock within conservation easements damages the investment and can result in reductions in natural resource value and mitigation credits which would cause financial harm to the State. Therefore, Landowners (Grantor) with livestock are required to restrict livestock access to the Conservation Easement area. Repeated failure to do so may result in the State (Grantee) repairing or installing livestock exclusion devices (fences) within the conservation area for the purpose of restricting livestock access. In such cases, the landowner (Grantor) must provide access to the State (Grantee) to make repairs.

E. Crossing Area(s). The Grantee is not responsible for maintenance of crossing area(s), however, the Grantee, its employees and agents, successors or assigns, reserve the right to repair crossing area(s), at its sole discretion and to recover the cost of such repairs from the Grantor if such repairs are needed as a result of activities of the Grantor, his successors or assigns.

V. ENFORCEMENT AND REMEDIES

A. Enforcement. To accomplish the purposes of this Conservation Easement, Grantee is allowed to prevent any activity within the Conservation Easement Area that is inconsistent with the purposes of this Conservation Easement and to require the restoration of such areas or features in the Conservation Easement Area that may have been damaged by such unauthorized activity or use. Upon any breach of the terms of this Conservation Easement by Grantor, the Grantee shall, except as provided below, notify the Grantor in writing of such breach and the Grantor shall have ninety (90) days after receipt of such notice to correct the damage caused by such breach. If the breach and damage remains uncured after ninety (90) days, the Grantee may enforce this Conservation Easement by bringing appropriate legal proceedings including an action to recover damages, as well as injunctive and other relief. The Grantee shall also have the power and authority, consistent with its statutory authority: (a) to prevent any impairment of the Conservation Easement Area by acts which may be unlawful or in violation of this Conservation Easement; (b) to otherwise preserve or protect its interest in the Property; or (c) to seek damages from any appropriate person or entity. Notwithstanding the foregoing, the Grantee reserves the immediate right, without notice, to obtain a temporary restraining order, injunctive or other appropriate relief, if the breach is or would irreversibly or otherwise materially impair the benefits to be derived from this Conservation Easement, and the Grantor and Grantee acknowledge that the damage would be irreparable and remedies at law inadequate. The rights and remedies of the Grantee provided hereunder shall be in addition to, and not in lieu of, all other rights and remedies available to Grantee in connection with this Conservation Easement.

B. Inspection. The Grantee, its employees and agents, successors and assigns, have the right, with reasonable notice, to enter the Conservation Easement Area over the Property at reasonable times for the purpose of inspection to determine whether the Grantor is complying with the terms, conditions and restrictions of this Conservation Easement.

C. Acts Beyond Grantor's Control. Nothing contained in this Conservation Easement shall be construed to entitle Grantee to bring any action against Grantor for any injury or change in the Conservation Easement Area caused by third parties, resulting from causes beyond the Grantor's control, including, without limitation, fire, flood, storm, and earth movement, or from any prudent action taken in good faith by the Grantor under emergency conditions to prevent, abate, or mitigate significant injury to life or damage to the Property resulting from such causes.

D. Costs of Enforcement. Beyond regular and typical monitoring expenses, any costs incurred by Grantee in enforcing the terms of this Conservation Easement against Grantor, including, without limitation, any costs of restoration necessitated by Grantor's acts or omissions in violation of the terms of this Conservation Easement, shall be borne by Grantor.

E. No Waiver. Enforcement of this Easement shall be at the discretion of the Grantee and any forbearance, delay or omission by Grantee to exercise its rights hereunder in the event of any breach of any term set forth herein shall not be construed to be a waiver by Grantee.

VI. MISCELLANEOUS

A. This instrument sets forth the entire agreement of the parties with respect to the Conservation Easement and supersedes all prior discussions, negotiations, understandings or

agreements relating to the Conservation Easement. If any provision is found to be invalid, the remainder of the provisions of the Conservation Easement, and the application of such provision to persons or circumstances other than those as to which it is found to be invalid, shall not be affected thereby.

B. Grantor is responsible for any real estate taxes, assessments, fees, or charges levied upon the Property. Grantee shall not be responsible for any costs or liability of any kind related to the ownership, operation, insurance, upkeep, or maintenance of the Property, except as expressly provided herein. Upkeep of any constructed bridges, fences, or other amenities on the Property are the sole responsibility of the Grantor. Nothing herein shall relieve the Grantor of the obligation to comply with federal, state or local laws, regulations and permits that may apply to the exercise of the Reserved Rights.

C. Any notices shall be sent by registered or certified mail, return receipt requested to the parties at their addresses shown herein or to other addresses as either party establishes in writing upon notification to the other.

D. Grantor shall notify Grantee in writing of the name and address and any party to whom the Property or any part thereof is to be transferred at or prior to the time said transfer is made. Grantor further agrees that any subsequent lease, deed, or other legal instrument by which any interest in the Property is conveyed is subject to the Conservation Easement herein created.

E. The Grantor and Grantee agree that the terms of this Conservation Easement shall survive any merger of the fee and easement interests in the Property or any portion thereof.

F. This Conservation Easement and Right of Access may be amended, but only in writing signed by all parties hereto, or their successors or assigns, if such amendment does not affect the qualification of this Conservation Easement or the status of the Grantee under any applicable laws, and is consistent with the purposes of the Conservation Easement. The owner of the Property shall notify the State Property Office and the U.S. Army Corps of Engineers in writing sixty (60) days prior to the initiation of any transfer of all or any part of the Property or of any request to void or modify this Conservation Easement. Such notifications and modification requests shall be addressed to:

Division of Mitigation Services Program Manager
NC State Property Office
1321 Mail Service Center
Raleigh, NC 27699-1321

and

General Counsel
US Army Corps of Engineers
69 Darlington Avenue
Wilmington, NC 28403

G. The parties recognize and agree that the benefits of this Conservation Easement are in gross and assignable provided, however, that the Grantee hereby covenants and agrees, that in the event it transfers or assigns this Conservation Easement, the organization receiving the interest will be a qualified holder under N.C. Gen. Stat. § 121-34 et seq. and § 170(h) of the Internal Revenue Code, and the Grantee further covenants and agrees that the terms of the transfer or assignment will be such that the transferee or assignee will be required to continue in perpetuity the conservation purposes described in this document.

VII. QUIET ENJOYMENT

Grantor reserves all remaining rights accruing from ownership of the Property, including the right to engage in or permit or invite others to engage in only those uses of the Conservation Easement Area that are expressly reserved herein, not prohibited or restricted herein, and are not inconsistent with the purposes of this Conservation Easement. Without limiting the generality of the foregoing, the Grantor expressly reserves to the Grantor, and the Grantor's invitees and licensees, the right of access to the Conservation Easement Area, and the right of quiet enjoyment of the Conservation Easement Area,

TO HAVE AND TO HOLD, the said rights and easements perpetually unto the State of North Carolina for the aforesaid purposes,

AND Grantor covenants that Grantor is seized of the Property in fee and has the right to convey the permanent Conservation Easement herein granted; that the same is free from encumbrances and that Grantor will warrant and defend title to the same against the claims of all persons whomsoever.

IN TESTIMONY WHEREOF, the Grantor has hereunto set his hand and seal, the day and year first above written.

GRANTOR:
JACKSON FARMING COMPANY, LLC.
a North Carolina limited liability company

By: _____
William L. Jackson, Managing Member

NORTH CAROLINA
COUNTY OF MECKLENBURG

I certify that William L. Jackson personally appeared before me this day, acknowledging to me that he is Managing Member of Jackson Farming Company, LLC., a North Carolina limited liability company and that he, as Managing Member, being authorized to do so, executed the foregoing on behalf of Jackson Farming Company, LLC.

IN WITNESS WHEREOF, I have hereunto set my hand and Notary Seal this the _____ day of _____, 2021.

Notary Public

My commission expires: _____
(Stamp or Seal)

Appendix A

Categorical Exclusion Form for Division of Mitigation Services Projects Version 2

Note: Only Appendix A should be submitted (along with any supporting documentation) as the environmental document.

Part 1: General Project Information	
Project Name:	Anderson Farm Mitigation Site
County Name:	Wayne
DMS Number:	100180
Project Sponsor:	Wildlands Engineering, Inc.
Project Contact Name:	Kirsten Gimbert
Project Contact Address:	1430 S. Mint Street, Suite 104, Charlotte, NC 28203
Project Contact E-mail:	kgimbert@wildlandseng.com
DMS Project Manager:	Lin Xu
Project Description	
<p>The Anderson Farm Mitigation Site is being developed to provide riparian buffer mitigation in the Neuse River Basin. The project streams include two unnamed tributaries and one ditch. The area surrounding the project streams and ditches is currently agricultural fields, typically used to grow corn, soybeans, and wheat, but currently is being used to grow corn. The project features have little to no existing riparian buffer. This buffer mitigation project will reduce sediment and nutrient loading, provide and improve terrestrial and in stream habitats, and improve stream and bank stability. The major goals are to provide ecological and water quality enhancements to the Neuse River Basin while creating a functional riparian corridor at the site level along with permanently preserving and protecting the site through establishing a conservation easement.</p>	
For Official Use Only	
Reviewed By: 3 - 4 - 2021	 <i>Lin Xu</i>
Date	DMS Project Manager
Conditional Approved By: 	
Date	For Division Administrator FHWA
<input type="checkbox"/> Check this box if there are outstanding issues	
Final Approval By: 3-8-21	 <i>Donald W. Brew</i>
Date	For Division Administrator FHWA

Part 2: All Projects Regulation/Question		Response
Coastal Zone Management Act (CZMA)		
1. Is the project located in a CAMA county?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
2. Does the project involve ground-disturbing activities within a CAMA Area of Environmental Concern (AEC)?		<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
3. Has a CAMA permit been secured?		<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
4. Has NCDPCM agreed that the project is consistent with the NC Coastal Management Program?		<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
Comprehensive Environmental Response, Compensation and Liability Act (CERCLA)		
1. Is this a "full-delivery" project?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
2. Has the zoning/land use of the subject property and adjacent properties ever been designated as commercial or industrial?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A
3. As a result of a limited Phase I Site Assessment, are there known or potential hazardous waste sites within or adjacent to the project area?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A
4. As a result of a Phase I Site Assessment, are there known or potential hazardous waste sites within or adjacent to the project area?		<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
5. As a result of a Phase II Site Assessment, are there known or potential hazardous waste sites within the project area?		<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
6. Is there an approved hazardous mitigation plan?		<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
National Historic Preservation Act (Section 106)		
1. Are there properties listed on, or eligible for listing on, the National Register of Historic Places in the project area?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
2. Does the project affect such properties and does the SHPO/THPO concur?		<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
3. If the effects are adverse, have they been resolved?		<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
Uniform Relocation Assistance and Real Property Acquisition Policies Act (Uniform Act)		
1. Is this a "full-delivery" project?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
2. Does the project require the acquisition of real estate?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
3. Was the property acquisition completed prior to the intent to use federal funds?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A
4. Has the owner of the property been informed: * prior to making an offer that the agency does not have condemnation authority; and * what the fair market value is believed to be?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

Part 3: Ground-Disturbing Activities Regulation/Question		Response
American Indian Religious Freedom Act (AIRFA)		
1. Is the project located in a county claimed as "territory" by the Eastern Band of Cherokee Indians?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
2. Is the site of religious importance to American Indians?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	
3. Is the project listed on, or eligible for listing on, the National Register of Historic Places?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	
4. Have the effects of the project on this site been considered?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	
Antiquities Act (AA)		
1. Is the project located on Federal lands?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
2. Will there be loss or destruction of historic or prehistoric ruins, monuments or objects of antiquity?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	
3. Will a permit from the appropriate Federal agency be required?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	
4. Has a permit been obtained?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	
Archaeological Resources Protection Act (ARPA)		
1. Is the project located on federal or Indian lands (reservation)?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
2. Will there be a loss or destruction of archaeological resources?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	
3. Will a permit from the appropriate Federal agency be required?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	
4. Has a permit been obtained?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	
Endangered Species Act (ESA)		
1. Are federal Threatened and Endangered species and/or Designated Critical Habitat listed for the county?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
2. Is Designated Critical Habitat or suitable habitat present for listed species?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A	
3. Are T&E species present or is the project being conducted in Designated Critical Habitat?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	
4. Is the project "likely to adversely affect" the species and/or "likely to adversely modify" Designated Critical Habitat?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	
5. Does the USFWS/NOAA-Fisheries concur in the effects determination?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	
6. Has the USFWS/NOAA-Fisheries rendered a "jeopardy" determination?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	

Executive Order 13007 (Indian Sacred Sites)	
1. Is the project located on Federal lands that are within a county claimed as "territory" by the EBCI?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
2. Has the EBCI indicated that Indian sacred sites may be impacted by the proposed project?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
3. Have accommodations been made for access to and ceremonial use of Indian sacred sites?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
Farmland Protection Policy Act (FPPA)	
1. Will real estate be acquired?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
2. Has NRCS determined that the project contains prime, unique, statewide or locally important farmland?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
3. Has the completed Form AD-1006 been submitted to NRCS?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Fish and Wildlife Coordination Act (FWCA)	
1. Will the project impound, divert, channel deepen, or otherwise control/modify any water body?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
2. Have the USFWS and the NCWRC been consulted?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
Land and Water Conservation Fund Act (Section 6(f))	
1. Will the project require the conversion of such property to a use other than public, outdoor recreation?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
2. Has the NPS approved of the conversion?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
Magnuson-Stevens Fishery Conservation and Management Act (Essential Fish Habitat)	
1. Is the project located in an estuarine system?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
2. Is suitable habitat present for EFH-protected species?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
3. Is sufficient design information available to make a determination of the effect of the project on EFH?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
4. Will the project adversely affect EFH?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
5. Has consultation with NOAA-Fisheries occurred?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
Migratory Bird Treaty Act (MBTA)	
1. Does the USFWS have any recommendations with the project relative to the MBTA?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
2. Have the USFWS recommendations been incorporated?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
Wilderness Act	
1. Is the project in a Wilderness area?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
2. Has a special use permit and/or easement been obtained from the maintaining federal agency?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A

Anderson Farm Mitigation Site
Categorical Exclusion

SUMMARY

Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) provides a Federal “Superfund” to clean up uncontrolled or abandoned hazardous-waste sites as well as accidents, spills, and other emergency releases of pollutants and contaminants into the environment.

As the Anderson Farm Mitigation Site is a full-delivery project; an EDR Radius Map Report with Geotcheck was ordered for the site through Environmental Data Resources, Inc on September 3, 2020. Neither the target property nor the adjacent properties were listed in any of the Federal, State, or Tribal environmental databases searched by the EDR.

The Executive Summary of the EDR report is included in the Appendix. The full report is available if needed.

National Historic Preservation Act (Section 106)

The National Historic Preservation Act declares a national policy of historic preservation to protect, rehabilitate, restore, and reuse districts, sites, buildings, structures, and objects significant in American architecture, history, archaeology, and culture, and Section 106 mandates that federal agencies take into account the effect of an undertaking on a property that is included in, or is eligible for inclusion in, the National Register of Historic Places.

A scoping letter was submitted to the State Historic Preservation Office (SHPO) requesting comment on the Anderson Farm Mitigation Site on January 14, 2021. SHPO responded on February 16, 2021 and is unaware of any historical resources that would be affected by the project. Therefore, SHPO does not have any concerns with the project as proposed. All correspondence related to Section 106 is included in the Appendix.

Uniform Relocation Assistance and Real Property Acquisition Policies Act (Uniform Act)

These acts, collectively known as the Uniform Act, provide for uniform and equitable treatment of persons displaced from their homes, businesses, non-profit associations, or Farm by federal and federally-assisted programs, and establish uniform and equitable land acquisition policies.

The Anderson Farm Mitigation Site is a full-delivery project that includes land acquisition. Notification of the fair market value of the project property and the lack of condemnation authority by Wildlands was included in the signed Option Agreements for the project properties. A copy of the relevant section of each of the Option Agreements are included in the Appendix.

Endangered Species Act (ESA)

Section 7 of the ESA requires federal agencies, in consultation with and with the assistance of the Secretary of the Interior or of Commerce, as appropriate, to ensure that actions they authorize, fund or carry out are not likely to jeopardize the continued existence of threatened or endangered species or result in the destruction or adverse modification of critical habitat for these species.

The United States Fish and Wildlife Service (USFWS) Information for Planning and Consultation database (IPaC) list of endangered species for the site includes the Neuse River waterdog (*Necturus lewisi*), the Carolina madtom (*Noturus furiosus*), and the Red-cockaded woodpecker (*Picoides borealis*). The USFWS does not currently list any Critical Habitat Designations for the Federally listed species within Wayne County nor are there any current known occurrences of the above listed species within a 2-mile radius of the project site. Results from pedestrian surveys conducted on January 4, 2021 indicated that the project area provides no suitable habitat for the Neuse River waterdog, the Carolina



madtom, or the red-cockaded woodpecker. Wildlands did not find suitable habitat within the project area during the pedestrian survey. Therefore, Wildlands determined the project will have “no effect” on the Neuse River waterdog, Carolina madtom, or the Red-cockaded woodpecker. Additional details regarding Wildlands biological conclusions and determinations are included in the Appendix.

To meet regulatory requirements, a self-certification letter was submitted through the USFWS IPaC requesting comment from USFWS dated January 4, 2021. No response was received from the USFWS.

Farmland Protection Policy Act (FPPA)

The FPPA requires that, before taking or approving any federal action that would result in conversion of farmland, the agency must examine the effects of the action using the criteria set forth in the FPPA, and, if there are adverse effects, must consider alternatives to lessen them.

The Anderson Farm Mitigation Site includes the conversion of prime farmland. As such, Form AD-1006 has been completed and submitted to the Natural Resources Conservation Service (NRCS). The completed form and correspondence documenting its submittal is included in the Appendix.

Migratory Bird Treaty Act (MBTA)

The MBTA makes it unlawful for anyone to kill, capture, collect, possess, buy, sell, trade, ship, import, or export any migratory bird. The indirect killing of birds by destroying their nests and eggs is covered by the MBTA, so construction in nesting areas during nesting seasons can constitute a taking.

Wildlands requested comment on the Anderson Farm Mitigation Site from the USFWS in regard to migratory birds on January 4, 2021. No response was received from the USFWS. All correspondence with USFWS is included in the Appendix.



Anderson Farm Mitigation Site
Categorical Exclusion
APPENDIX

Anderson Farm

499-101 Bowden Rd
Mount Olive, NC 28365

Inquiry Number: 6179557.2s
September 03, 2020

The EDR Radius Map™ Report with GeoCheck®



6 Armstrong Road, 4th floor
Shelton, CT 06484
Toll Free: 800.352.0050
www.edrnet.com

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Thank you for your business.
Please contact EDR at 1-800-352-0050
with any questions or comments.

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This Report contains certain information obtained from a variety of public and other sources reasonably available to Environmental Data Resources, Inc. It cannot be concluded from this Report that coverage information for the target and surrounding properties does not exist from other sources. **NO WARRANTY EXPRESSED OR IMPLIED, IS MADE WHATSOEVER IN CONNECTION WITH THIS REPORT. ENVIRONMENTAL DATA RESOURCES, INC. SPECIFICALLY DISCLAIMS THE MAKING OF ANY SUCH WARRANTIES, INCLUDING WITHOUT LIMITATION, MERCHANTABILITY OR FITNESS FOR A PARTICULAR USE OR PURPOSE. ALL RISK IS ASSUMED BY THE USER. IN NO EVENT SHALL ENVIRONMENTAL DATA RESOURCES, INC. BE LIABLE TO ANYONE, WHETHER ARISING OUT OF ERRORS OR OMISSIONS, NEGLIGENCE, ACCIDENT OR ANY OTHER CAUSE, FOR ANY LOSS OF DAMAGE, INCLUDING, WITHOUT LIMITATION, SPECIAL, INCIDENTAL, CONSEQUENTIAL, OR EXEMPLARY DAMAGES. ANY LIABILITY ON THE PART OF ENVIRONMENTAL DATA RESOURCES, INC. IS STRICTLY LIMITED TO A REFUND OF THE AMOUNT PAID FOR THIS REPORT.** Purchaser accepts this Report "AS IS". Any analyses, estimates, ratings, environmental risk levels or risk codes provided in this Report are provided for illustrative purposes only, and are not intended to provide, nor should they be interpreted as providing any facts regarding, or prediction or forecast of, any environmental risk for any property. Only a Phase I Environmental Site Assessment performed by an environmental professional can provide information regarding the environmental risk for any property. Additionally, the information provided in this Report is not to be construed as legal advice.

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EXECUTIVE SUMMARY

A search of available environmental records was conducted by Environmental Data Resources, Inc (EDR). The report was designed to assist parties seeking to meet the search requirements of EPA's Standards and Practices for All Appropriate Inquiries (40 CFR Part 312), the ASTM Standard Practice for Environmental Site Assessments (E 1527-13), the ASTM Standard Practice for Environmental Site Assessments for Forestland or Rural Property (E 2247-16), the ASTM Standard Practice for Limited Environmental Due Diligence: Transaction Screen Process (E 1528-14) or custom requirements developed for the evaluation of environmental risk associated with a parcel of real estate.

TARGET PROPERTY INFORMATION

ADDRESS

499-101 BOWDEN RD
MOUNT OLIVE, NC 28365

COORDINATES

Latitude (North):	35.2516620 - 35° 15' 5.98"
Longitude (West):	78.1037290 - 78° 6' 13.42"
Universal Transverse Mercator:	Zone 17
UTM X (Meters):	763521.7
UTM Y (Meters):	3904599.8
Elevation:	130 ft. above sea level

USGS TOPOGRAPHIC MAP ASSOCIATED WITH TARGET PROPERTY

Target Property Map:	5948626 SOUTHWEST GOLDSBORO, NC
Version Date:	2013
Southeast Map:	5947432 MOUNT OLIVE, NC
Version Date:	2013
Southwest Map:	5947406 DOBBERSVILLE, NC
Version Date:	2013
Northwest Map:	5947410 GRANTHAM, NC
Version Date:	2013

AERIAL PHOTOGRAPHY IN THIS REPORT

Portions of Photo from:	20141018
Source:	USDA

MAPPED SITES SUMMARY

Target Property Address:
499-101 BOWDEN RD
MOUNT OLIVE, NC 28365

Click on Map ID to see full detail.

MAP ID	SITE NAME	ADDRESS	DATABASE ACRONYMS	RELATIVE ELEVATION	DIST (ft. & mi.) DIRECTION
-----------	-----------	---------	-------------------	-----------------------	-------------------------------

NO MAPPED SITES FOUND

EXECUTIVE SUMMARY

TARGET PROPERTY SEARCH RESULTS

The target property was not listed in any of the databases searched by EDR.

DATABASES WITH NO MAPPED SITES

No mapped sites were found in EDR's search of available ("reasonably ascertainable ") government records either on the target property or within the search radius around the target property for the following databases:

STANDARD ENVIRONMENTAL RECORDS

Federal NPL site list

NPL..... National Priority List
Proposed NPL..... Proposed National Priority List Sites
NPL LIENS..... Federal Superfund Liens

Federal Delisted NPL site list

Delisted NPL..... National Priority List Deletions

Federal CERCLIS list

FEDERAL FACILITY..... Federal Facility Site Information listing
SEMS..... Superfund Enterprise Management System

Federal CERCLIS NFRAP site list

SEMS-ARCHIVE..... Superfund Enterprise Management System Archive

Federal RCRA CORRACTS facilities list

CORRACTS..... Corrective Action Report

Federal RCRA non-CORRACTS TSD facilities list

RCRA-TSDF..... RCRA - Treatment, Storage and Disposal

Federal RCRA generators list

RCRA-LQG..... RCRA - Large Quantity Generators
RCRA-SQG..... RCRA - Small Quantity Generators
RCRA-VSQG..... RCRA - Very Small Quantity Generators (Formerly Conditionally Exempt Small Quantity Generators)

Federal institutional controls / engineering controls registries

LUCIS..... Land Use Control Information System

EXECUTIVE SUMMARY

US ENG CONTROLS..... Engineering Controls Sites List
US INST CONTROLS..... Institutional Controls Sites List

Federal ERNS list

ERNS..... Emergency Response Notification System

State- and tribal - equivalent NPL

NC HSDS..... Hazardous Substance Disposal Site

State- and tribal - equivalent CERCLIS

SHWS..... Inactive Hazardous Sites Inventory

State and tribal landfill and/or solid waste disposal site lists

SWF/LF..... List of Solid Waste Facilities
DEBRIS..... Solid Waste Active Disaster Debris Sites Listing
OLI..... Old Landfill Inventory
LCID..... Land-Clearing and Inert Debris (LCID) Landfill Notifications

State and tribal leaking storage tank lists

LUST..... Regional UST Database
LAST..... Leaking Aboveground Storage Tanks
INDIAN LUST..... Leaking Underground Storage Tanks on Indian Land
LUST TRUST..... State Trust Fund Database

State and tribal registered storage tank lists

FEMA UST..... Underground Storage Tank Listing
UST..... Petroleum Underground Storage Tank Database
AST..... AST Database
INDIAN UST..... Underground Storage Tanks on Indian Land

State and tribal institutional control / engineering control registries

INST CONTROL..... No Further Action Sites With Land Use Restrictions Monitoring

State and tribal voluntary cleanup sites

INDIAN VCP..... Voluntary Cleanup Priority Listing
VCP..... Responsible Party Voluntary Action Sites

State and tribal Brownfields sites

BROWNFIELDS..... Brownfields Projects Inventory

ADDITIONAL ENVIRONMENTAL RECORDS

Local Brownfield lists

US BROWNFIELDS..... A Listing of Brownfields Sites

EXECUTIVE SUMMARY

Local Lists of Landfill / Solid Waste Disposal Sites

SWRCY.....	Recycling Center Listing
HIST LF.....	Solid Waste Facility Listing
INDIAN ODI.....	Report on the Status of Open Dumps on Indian Lands
DEBRIS REGION 9.....	Torres Martinez Reservation Illegal Dump Site Locations
ODI.....	Open Dump Inventory
IHS OPEN DUMPS.....	Open Dumps on Indian Land

Local Lists of Hazardous waste / Contaminated Sites

US HIST CDL.....	Delisted National Clandestine Laboratory Register
US CDL.....	National Clandestine Laboratory Register

Local Land Records

LIENS 2.....	CERCLA Lien Information
--------------	-------------------------

Records of Emergency Release Reports

HMIRS.....	Hazardous Materials Information Reporting System
SPILLS.....	Spills Incident Listing
IMD.....	Incident Management Database
SPILLS 90.....	SPILLS 90 data from FirstSearch
SPILLS 80.....	SPILLS 80 data from FirstSearch

Other Ascertainable Records

RCRA NonGen / NLR.....	RCRA - Non Generators / No Longer Regulated
FUDS.....	Formerly Used Defense Sites
DOD.....	Department of Defense Sites
SCRD DRYCLEANERS.....	State Coalition for Remediation of Drycleaners Listing
US FIN ASSUR.....	Financial Assurance Information
EPA WATCH LIST.....	EPA WATCH LIST
2020 COR ACTION.....	2020 Corrective Action Program List
TSCA.....	Toxic Substances Control Act
TRIS.....	Toxic Chemical Release Inventory System
SSTS.....	Section 7 Tracking Systems
ROD.....	Records Of Decision
RMP.....	Risk Management Plans
RAATS.....	RCRA Administrative Action Tracking System
PRP.....	Potentially Responsible Parties
PADS.....	PCB Activity Database System
ICIS.....	Integrated Compliance Information System
FTTS.....	FIFRA/ TSCA Tracking System - FIFRA (Federal Insecticide, Fungicide, & Rodenticide Act)/TSCA (Toxic Substances Control Act)
MLTS.....	Material Licensing Tracking System
COAL ASH DOE.....	Steam-Electric Plant Operation Data
COAL ASH EPA.....	Coal Combustion Residues Surface Impoundments List
PCB TRANSFORMER.....	PCB Transformer Registration Database
RADINFO.....	Radiation Information Database
HIST FTTS.....	FIFRA/TSCA Tracking System Administrative Case Listing
DOT OPS.....	Incident and Accident Data
CONSENT.....	Superfund (CERCLA) Consent Decrees

EXECUTIVE SUMMARY

INDIAN RESERV.	Indian Reservations
FUSRAP	Formerly Utilized Sites Remedial Action Program
UMTRA	Uranium Mill Tailings Sites
LEAD SMELTERS	Lead Smelter Sites
US AIRS	Aerometric Information Retrieval System Facility Subsystem
US MINES	Mines Master Index File
ABANDONED MINES	Abandoned Mines
FINDS	Facility Index System/Facility Registry System
UXO	Unexploded Ordnance Sites
ECHO	Enforcement & Compliance History Information
DOCKET HWC	Hazardous Waste Compliance Docket Listing
FUELS PROGRAM	EPA Fuels Program Registered Listing
AIRS	Air Quality Permit Listing
ASBESTOS	ASBESTOS
COAL ASH	Coal Ash Disposal Sites
DRYCLEANERS	Drycleaning Sites
Financial Assurance	Financial Assurance Information Listing
NPDES	NPDES Facility Location Listing
UIC	Underground Injection Wells Listing
AOP	Animal Operation Permits Listing
PCSRP	Petroleum-Contaminated Soil Remediation Permits
CCB	Coal Ash Structural Fills (CCB) Listing
SEPT HAULERS	Permitted Septage Haulers Listing
MINES MRDS	Mineral Resources Data System

EDR HIGH RISK HISTORICAL RECORDS

EDR Exclusive Records

EDR MGP	EDR Proprietary Manufactured Gas Plants
EDR Hist Auto	EDR Exclusive Historical Auto Stations
EDR Hist Cleaner	EDR Exclusive Historical Cleaners

EDR RECOVERED GOVERNMENT ARCHIVES

Exclusive Recovered Govt. Archives

RGA HWS	Recovered Government Archive State Hazardous Waste Facilities List
RGA LF	Recovered Government Archive Solid Waste Facilities List
RGA LUST	Recovered Government Archive Leaking Underground Storage Tank

SURROUNDING SITES: SEARCH RESULTS

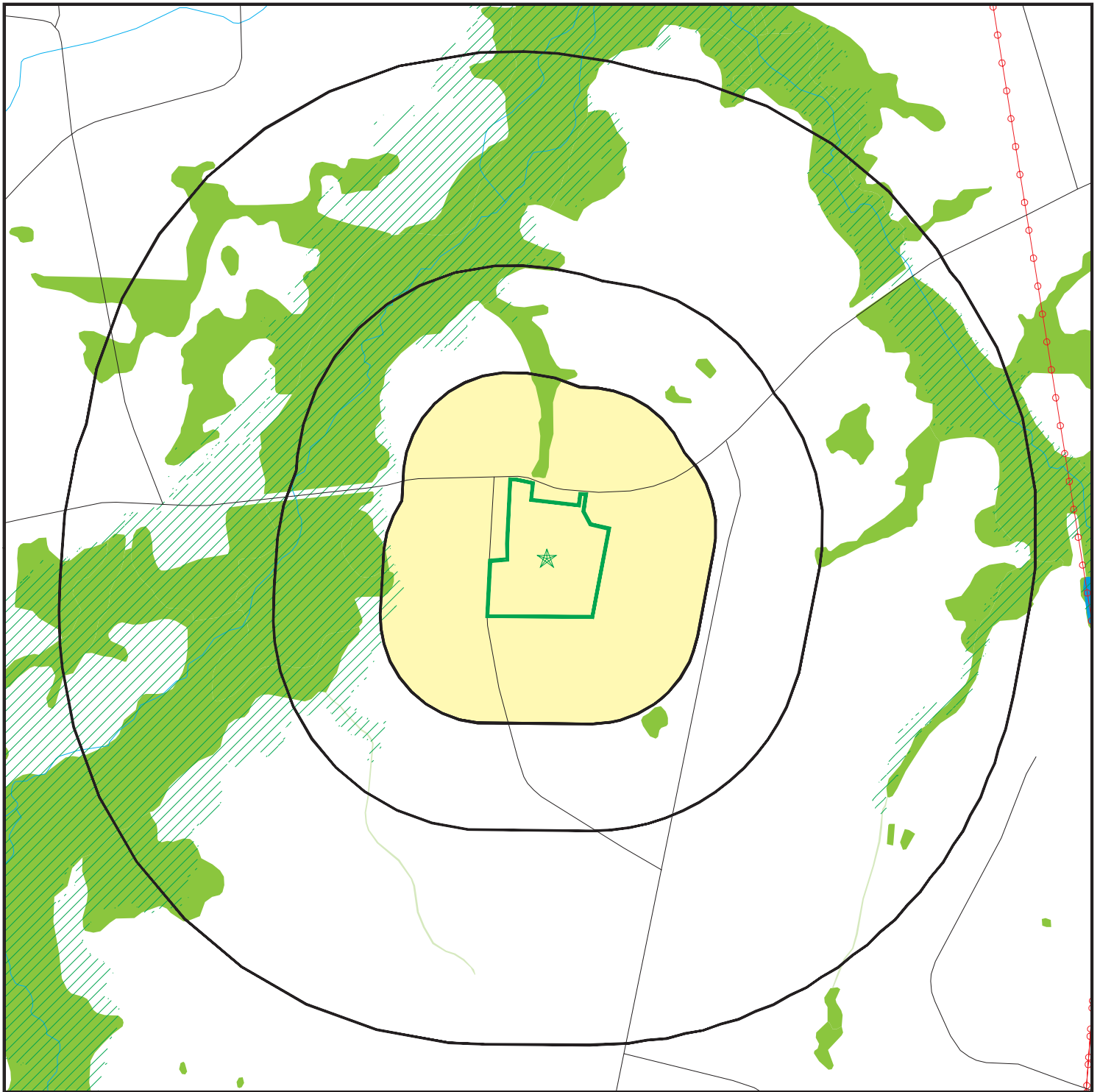
Surrounding sites were not identified.

Unmappable (orphan) sites are not considered in the foregoing analysis.


EXECUTIVE SUMMARY


There were no unmapped sites in this report.

OVERVIEW MAP - 6179557.2S



 Target Property

 Sites at elevations higher than or equal to the target property

 Sites at elevations lower than the target property


 Manufactured Gas Plants

 National Priority List Sites

 Dept. Defense Sites

 Indian Reservations BIA


 Power transmission lines

 Special Flood Hazard Area (1%)

 0.2% Annual Chance Flood Hazard

 National Wetland Inventory

 State Wetlands

 Hazardous Substance Disposal Sites

0 1/4 1/2 1 Miles

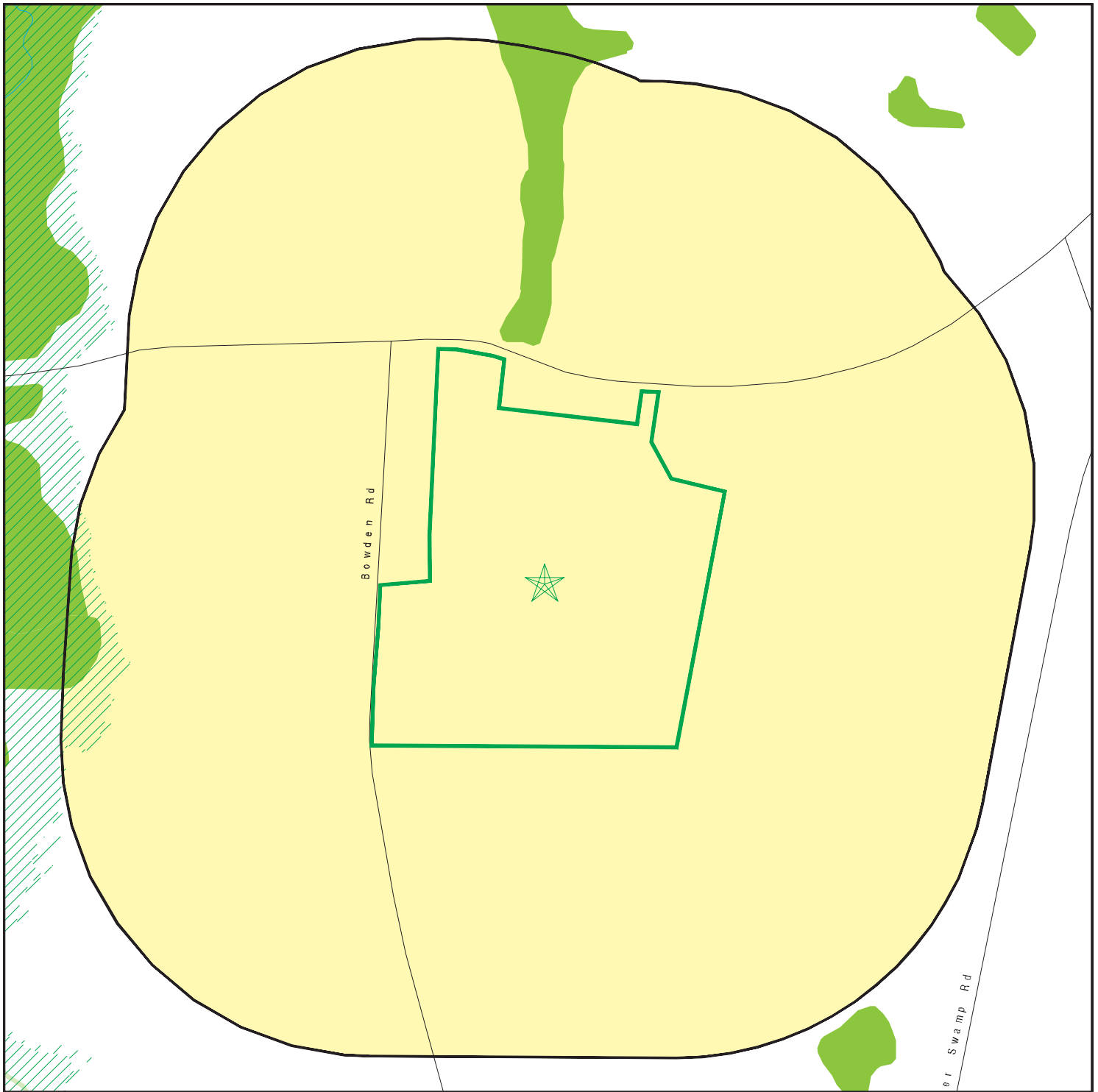


This report includes Interactive Map Layers to display and/or hide map information. The legend includes only those icons for the default map view.


SITE NAME: Anderson Farm
ADDRESS: 499-101 Bowden Rd
Mount Olive NC 28365
LAT/LONG: 35.251662 / 78.103729


CLIENT: Wildlands Eng, Inc.
CONTACT: Carolyn Lanza
INQUIRY #: 6179557.2s
DATE: September 03, 2020 10:09 am

DETAIL MAP - 6179557.2S



 Target Property


 Sites at elevations higher than or equal to the target property

 Sites at elevations lower than the target property


 Manufactured Gas Plants

 Sensitive Receptors

 National Priority List Sites

 Dept. Defense Sites


 Indian Reservations BIA

 Special Flood Hazard Area (1%)

 0.2% Annual Chance Flood Hazard

 National Wetland Inventory

 State Wetlands

 Hazardous Substance Disposal Sites

This report includes Interactive Map Layers to display and/or hide map information. The legend includes only those icons for the default map view.

SITE NAME: Anderson Farm
ADDRESS: 499-101 Bowden Rd
Mount Olive NC 28365
LAT/LONG: 35.251662 / 78.103729

CLIENT: Wildlands Eng, Inc.
CONTACT: Carolyn Lanza
INQUIRY #: 6179557.2s
DATE: September 03, 2020 10:11 am



January 14, 2021

Renee Gledhill-Earley

State Historic Preservation Office
4617 Mail Service Center
Raleigh, NC 27699-4617

Subject: Anderson Farm Mitigation Site
Wayne County, North Carolina

Dear Ms. Gledhill-Earley,

Wildlands Engineering, Inc. requests review and comment on any possible issues that might emerge with respect to archaeological or cultural resources associated with a potential riparian buffer restoration project on the Anderson Farm Mitigation Site located in Wayne County, NC. A USGS Topographic Map and a Site Map showing the approximate project area are enclosed. The topographic figure was prepared from the Southwest Goldsboro 7.5-Minute USGS Topographic Quadrangle, and the site is located at latitude 35.252438 longitude -78.082288.

The Anderson Farm Mitigation Site is being developed to provide riparian buffer mitigation in the Neuse River Basin. The proposed buffer restoration site is approximately 11.4 acres of agricultural fields located on one parcel. The project streams include two unnamed tributaries and one ditch: UT1, UT2, and Ditch A. Approximately one mile from the mitigation site, the project streams flow to Thoroughfare Swamp, which flows to the 303d listed stream Falling Creek, and eventually flows to the Neuse River. The area surrounding the project streams and ditches is currently agricultural fields, typically used to grow corn, soybeans, and wheat, but currently is being used to grow corn. The project features have little to no existing riparian buffer. This buffer mitigation project will reduce sediment and nutrient loading, provide and improve terrestrial and in stream habitats, and improve stream and bank stability.

The major goals of the riparian buffer mitigation project are to provide ecological and water quality enhancements to the Neuse River Basin while creating a functional riparian corridor at the site level. This will be accomplished by restoring the vegetative buffer on the areas up to 100 feet from streams and 50 feet from ditches, along with permanently preserving and protecting the site through establishing a conservation easement. The establishment of riparian buffers will create shading to minimize thermal heating. Finally, newly planted native vegetation will provide cover and food for wildlife.

No surveyed sites listed on the North Carolina State Historic Preservation Office (SHPO) are located within a mile of the Site. In addition, the Site is not located near any sites listed on the National Register with the SHPO. No other architectural structures or archaeological artifacts have been observed or noted during preliminary surveys of the site for restoration purposes. We ask that you review the site based on the attached information to determine the presence of any historic properties within both conservation easement areas proposed (NC Division of Mitigation Services and Private Riparian Buffer Mitigation Bank) as shown on Figures 1 and 2.

We thank you in advance for your timely response and cooperation. Please feel free to contact us with any questions that you may have concerning the extent of site disturbance associated with this project.

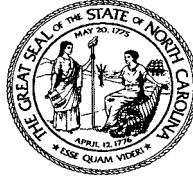
Sincerely,

Kirsten Gimbert, Senior Environmental Scientist

kgimbert@wildlandseng.com

704.941.9093

Attachments: Figure 1 Site Map and Figure 2 USGS Topographic Map



**North Carolina Department of Natural and Cultural Resources
State Historic Preservation Office**

Ramona M. Bartos, Administrator

Governor Roy Cooper

Secretary D. Reid Wilson

February 16, 2021

Kristen Gimbert
Wildlands Engineering, Inc.
1430 South Mint Street, Suite 104
Charlotte, NC 28203

kgimbert@wildlandseng.com

Re: Anderson Farm Mitigation Site, west of O'berry Road and Bowden Road, Mount Olive, Wayne County, ER 21-0235

Dear Ms. Gimbert:

Thank you for your email of January 14, 2021, regarding the above-referenced undertaking. We have reviewed the submittal and offer the following comments.

We have conducted a review of the project and are aware of no historic resources which would be affected by the project. Therefore, we have no comment on the project as proposed.

The above comments are made pursuant to Section 106 of the National Historic Preservation Act and the Advisory Council on Historic Preservation's Regulations for Compliance with Section 106 codified at 36 CFR Part 800.

Thank you for your cooperation and consideration. If you have questions concerning the above comment, contact Renee Gledhill-Earley, environmental review coordinator, at 919-814-6579 or environmental.review@ncdcr.gov. In all future communication concerning this project, please cite the above referenced tracking number.

Sincerely,

A handwritten signature in blue ink that reads "Renee Gledhill-Earley".

for Ramona Bartos, Deputy
State Historic Preservation Officer

4.2 Default Prior to Closing; Remedies.


4.2.1 **Default by Seller.** If Closing does not occur because of Seller's default, Buyer is, entitled to an immediate return of the Option Consideration and any other monies paid to Seller by Buyer, and shall have the right to pursue any other remedy available, including, but not limited, to specific performance.

4.2.2 **Default by Buyer; Liquidated Damages.** Buyer recognizes that the Mitigation Use Rights will be removed by Seller from the market during the term of the agreement. If the purchase of the Mitigation Use Rights is not consummated due to Buyer's default, the parties have determined and agreed that the actual amount of damages that would be suffered by Seller as a result of that default would be very difficult or impracticable to estimate on the date of this agreement. As a result, the parties agree that the Option Consideration as of the date of Buyer's default is sufficient to cover any estimated damages that may be incurred by Seller. For these reasons, the parties agree that if the purchase of the Mitigation Use Rights is not consummated because of Buyer's default, Seller may retain the Option Consideration paid by Buyer as of the date of Buyer's default as its sole remedy, and Seller waives any and all right to seek other rights or remedies against Buyer, including without limitation, specific performance. Nothing stated in this section 4.2.2 precludes any action under any indemnification or defense provision in this agreement, nor for the award of attorney's fees and costs in conjunction with any action relating to this agreement.

4.3 **Brokers.** Buyer employs four North Carolina licensed real estate brokers, none of which have received a commission or finder's fee in connection with this agreement. Buyer has not employed a broker or finder or incurred any liability for any brokerage fee, commission or finder's fee in connection with this agreement.

4.4 **Notice.** All notices required by this agreement shall be in writing, shall be given only in accordance with the provisions of this Section, shall be addressed to the Parties in the manner stated below, and shall be conclusively deemed properly delivered: (a) upon receipt when hand delivered during normal business hours; (b) upon the day of delivery if the notice has been deposited in an authorized receptacle of the United States Postal Service as first-class, registered or certified mail, postage prepaid, with a return receipt requested; (c) one business day after the notice has been deposited with either FedEx or United Parcel Service to be delivered by overnight delivery; or (d) if sent by email, upon receipt of an acknowledgement email sent to the sender's email address in which the party receiving the email notice acknowledges having received that email. An automatic "read receipt" is not acknowledgement for purposes of this section 4.4. The addresses of the parties to receive notices are as follows:

Seller:	Jackson Farming Company, LLC 122 Cox Farm Road Mount Olive, North Carolina 28365 Attention: William Jackson Email: jacksonfarming@att.net
---------	---

Seller  ps
Buyer _____

Buyer: Wildlands Engineering, Inc.
1430 S. Mint Street, Suite 104
Charlotte, NC 28203
Attention: Robert W. Bugg
Email : rbugg@wildlandseng.com

4.5 **Assignment.** Buyer has the right to assign this agreement without the consent of Seller. No assignment shall be effective unless the assignee has delivered to Seller a written assumption of Buyer's obligations under this agreement. Seller hereby releases Buyer from any obligations under this agreement arising after the effective date of any assignment of this agreement by Buyer.

4.6 **Value of Mitigation Property; No Power of Eminent Domain.** In accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Buyer hereby notifies Seller that: (i) Buyer believes that the fair market value of the Mitigation Values of the Mitigation Property is an amount equal to the Purchase Price; and (ii) Buyer does not have the power of eminent domain.

4.7 **Entire Agreement.** Each party acknowledges they are not relying on any statements made by the other party, other than in this agreement, regarding the subject matter of this agreement. Neither party will have a basis for bringing any claim for fraud in connection with any such statements.

4.8 **Additional Documents.** Before and after Closing, each party shall sign and deliver documents as needed and as requested by the other party to carry out the purpose of this agreement. This section survives Closing.

4.9 **Dispute Resolution.** In the event of any dispute, claim, question or disagreement arising out of or relating to this agreement, either party may invoke the Dispute Resolution provision of this section by notifying the other party in writing of the matter in dispute and of the party's intention to resolve the dispute under this section. The parties shall then attempt to resolve the dispute informally for a period of 15 calendar days from the date of the notice. The period of informal negotiations may be extended 15 calendar days by written agreement of the parties to the dispute. If the parties are unable to resolve the dispute through informal negotiation, any party may invoke formal dispute resolution through mediation. The parties will agree to mediate all disputes in good faith and shall agree on a North Carolina Superior Court Certified Mediator to mediate the dispute. The mediation process must commence within 60 days of the selection of a mediator and the costs of mediation shall be borne equally by both parties. If mediation fails to resolve the dispute between the parties, either party may seek judicial resolution of the dispute in a North Carolina Court.

4.10 **Attorneys' Fees.** If either party commences an action against the other to interpret or enforce any of the terms of this agreement or because of the breach by the other party of any of the terms of this agreement, the losing party shall pay to the prevailing party reasonable attorneys' fees, expenses, court costs, litigation costs and any other expenses incurred in connection with the prosecution or defense of such action, whether or not the action is prosecuted to a final judgment.

4.11 **Memorandum.** Concurrently with the signing of this agreement, Buyer and Seller agree to sign a Memorandum of Option which will be recorded against the Property in the Register of Deeds of the County stated in paragraph A.

Seller 
Buyer 

4.18 Inconsistencies. If there is any inconsistency between the terms of this agreement and any exhibits, the terms of this agreement will prevail. If any inconsistency is due to scrivener's error discovered after the Effective Date, the parties will cooperate in good faith to correct the scrivener's error.

4.19 Modification; Waiver. No amendment of this agreement will be effective unless it is in writing and signed by the parties. No waiver of satisfaction of a condition or failure to comply with an obligation under this agreement will be effective unless it is in writing and signed by the party granting the waiver, and no such waiver will constitute a waiver of satisfaction of any other condition or failure to comply with any other obligation.

4.20 Relationship of the Parties. In the performance of this agreement, Buyer is, at all times, acting as an independent buyer, with the right to resell the Mitigation Values. This agreement does not constitute or give rise to a joint venture, partnership, association or similar type relationship between the parties, nor an employer-employee or principal-agent relationship between parties or between any party and a third party.

4.21 Mutual Agreement. This is a mutually negotiated agreement and regardless of which party was more responsible for its preparation, this agreement shall be construed neutrally between the parties.

4.22 Counterparts. This agreement may be signed in counterparts, each of which shall be deemed an original, but all of which, together, constitute one and the same instrument. A signed copy of this agreement delivered by electronic mail in portable document format (".pdf" format) shall have the same legal effect as delivery of an original signed copy of this agreement.

Each party is signing this agreement on the date stated below that party's signature.

BUYER:

WILDLANDS ENGINEERING, INC., a North Carolina corporation

DocuSigned by:

By: Shawn D. Wilkerson
Shawn D. Wilkerson, President

SELLER:

JACKSON FARMING, LLC

By:

William L. Jackson
William L. Jackson, Managing Member

Date: 9/2/2020

Date: 9-1-2020

Seller 

Buyer



United States Department of the Interior

FISH AND WILDLIFE SERVICE



Raleigh Field Office
P.O. Box 33726
Raleigh, NC 27636-3726

Date: 1/4/2021

Self-Certification Letter

Project Name Anderson Farm Mitigation Site

Dear Applicant:

Thank you for using the U.S. Fish and Wildlife Service (Service) Raleigh Ecological Services online project review process. By printing this letter in conjunction with your project review package, you are certifying that you have completed the online project review process for the project named above in accordance with all instructions provided, using the best available information to reach your conclusions. This letter, and the enclosed project review package, completes the review of your project in accordance with the Endangered Species Act of 1973 (16 U.S.C. 1531-1544, 87 Stat. 884), as amended (ESA), and the Bald and Golden Eagle Protection Act (16 U.S.C. 668-668c, 54 Stat. 250), as amended (Eagle Act). This letter also provides information for your project review under the National Environmental Policy Act of 1969 (P.L. 91-190, 42 U.S.C. 4321-4347, 83 Stat. 852), as amended. A copy of this letter and the project review package must be submitted to this office for this certification to be valid. This letter and the project review package will be maintained in our records.

The species conclusions table in the enclosed project review package summarizes your ESA and Eagle Act conclusions. Based on your analysis, mark all the determinations that apply:

- ☒ “no effect” determinations for proposed/listed species and/or proposed/designated critical habitat; and/or
- ☐ “may affect, not likely to adversely affect” determinations for proposed/listed species and/or proposed/designated critical habitat; and/or
- ☐ “may affect, likely to adversely affect” determination for the Northern long-eared bat (*Myotis septentrionalis*) and relying on the findings of the January 5, 2016, Programmatic Biological Opinion for the Final 4(d) Rule on the Northern long-eared bat;
- ☒ “no Eagle Act permit required” determinations for eagles.

We certify that use of the online project review process in strict accordance with the instructions provided as documented in the enclosed project review package results in reaching the appropriate determinations. Therefore, we concur with the “no effect” or “not likely to adversely affect” determinations for proposed and listed species and proposed and designated critical habitat; the “may affect” determination for Northern long-eared bat; and/or the “no Eagle Act permit required” determinations for eagles. Additional coordination with this office is not needed. Candidate species are not legally protected pursuant to the ESA. However, the Service encourages consideration of these species by avoiding adverse impacts to them. Please contact this office for additional coordination if your project action area contains candidate species. Should project plans change or if additional information on the distribution of proposed or listed species, proposed or designated critical habitat, or bald eagles becomes available, this determination may be reconsidered. This certification letter is valid for 1 year. Information about the online project review process including instructions, species information, and other information regarding project reviews within North Carolina is available at our website <http://www.fws.gov/raleigh/pp.html>. If you have any questions, you can write to us at Raleigh@fws.gov or please contact Leigh Mann of this office at 919-856-4520, ext. 10.

Sincerely,

/s/Pete Benjamin

Pete Benjamin
Field Supervisor
Raleigh Ecological Services

Enclosures - project review package

Species Conclusions Table

Project Name: Anderson Farm Mitigation Site

Date: January 4, 2021

Species / Resource Name	Conclusion	ESA Section 7 / Eagle Act Determination	Notes / Documentation
<i>Necturus lewisi</i> (Neuse River Waterdog)	No suitable habitat present	No Effect	A Field Survey was conducted on December 22, 2020 and no suitable habitat was found due to poor water quality and stream size. The proposed project is not in the proposed critical habitat area designated by USFWS for this species. Per NCNHP data explorer, no known element occurrences exist within the proposed project area.
<i>Noturus furiosus</i> (Carolina Madtom)	No suitable habitat present	No Effect	A Field Survey was conducted on December 22, 2020 and no suitable habitat was found due to poor water quality and stream size. The proposed project is not in the proposed critical habitat area designated by USFWS for this species. Per NCNHP data explorer, no known element occurrences exist within the proposed project area.
<i>Picoides borealis</i> (Red-cockaded Woodpecker)	No suitable habitat present	No Effect	Field survey conducted on December 22, 2020 determined no suitable habitat were found to exist. No critical habitat has been designated by USFWS for this species. Per NCNHP data explorer, no known element occurrences exist within the proposed project area.
Bald Eagle	Unlikely to disturb nesting bald eagles	No Eagle Act Permit Required	Not within 660 feet of large bodies of water
Critical Habitat	No critical habitat present		

Acknowledgement: I agree that the above information about my proposed project is true. I used all of the provided resources to make an informed decision about impacts in the immediate and surrounding areas.



Environmental Scientist

Signature /Title

January 4, 2021

Date



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Raleigh Ecological Services Field Office
Post Office Box 33726
Raleigh, NC 27636-3726
Phone: (919) 856-4520 Fax: (919) 856-4556



In Reply Refer To:
Consultation Code: 04EN2000-2021-SLI-0412
Event Code: 04EN2000-2021-E-00887
Project Name: Anderson Farm Mitigation Site

December 23, 2020

Subject: List of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project

To Whom It May Concern:

The species list generated pursuant to the information you provided identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

Section 7 of the Act requires that all federal agencies (or their designated non-federal representative), in consultation with the Service, insure that any action federally authorized, funded, or carried out by such agencies is not likely to jeopardize the continued existence of any federally-listed endangered or threatened species. A biological assessment or evaluation may be prepared to fulfill that requirement and in determining whether additional consultation with the Service is necessary. In addition to the federally-protected species list, information on the species' life histories and habitats and information on completing a biological assessment or

evaluation and can be found on our web page at <http://www.fws.gov/raleigh>. Please check the web site often for updated information or changes

If your project contains suitable habitat for any of the federally-listed species known to be present within the county where your project occurs, the proposed action has the potential to adversely affect those species. As such, we recommend that surveys be conducted to determine the species' presence or absence within the project area. The use of North Carolina Natural Heritage program data should not be substituted for actual field surveys.

If you determine that the proposed action may affect (i.e., likely to adversely affect or not likely to adversely affect) a federally-protected species, you should notify this office with your determination, the results of your surveys, survey methodologies, and an analysis of the effects of the action on listed species, including consideration of direct, indirect, and cumulative effects, before conducting any activities that might affect the species. If you determine that the proposed action will have no effect (i.e., no beneficial or adverse, direct or indirect effect) on federally listed species, then you are not required to contact our office for concurrence (unless an Environmental Impact Statement is prepared). However, you should maintain a complete record of the assessment, including steps leading to your determination of effect, the qualified personnel conducting the assessment, habitat conditions, site photographs, and any other related articles.

Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*), and projects affecting these species may require development of an eagle conservation plan (http://www.fws.gov/windenergy/eagle_guidance.html). Additionally, wind energy projects should follow the wind energy guidelines (<http://www.fws.gov/windenergy/>) for minimizing impacts to migratory birds and bats.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at: <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm>; <http://www.towerkill.com>; and <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html>.

Not all Threatened and Endangered Species that occur in North Carolina are subject to section 7 consultation with the U.S Fish and Wildlife Service. Atlantic and shortnose sturgeon, sea turtles, when in the water, and certain marine mammals are under purview of the National Marine Fisheries Service. If your project occurs in marine, estuarine, or coastal river systems you should also contact the National Marine Fisheries Service, <http://www.nmfs.noaa.gov/>

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office. If you have any questions or comments, please contact John Ellis of this office at john_ellis@fws.gov.

Attachment(s):

- Official Species List

Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Raleigh Ecological Services Field Office

Post Office Box 33726

Raleigh, NC 27636-3726

(919) 856-4520

Project Summary

Consultation Code: 04EN2000-2021-SLI-0412

Event Code: 04EN2000-2021-E-00887

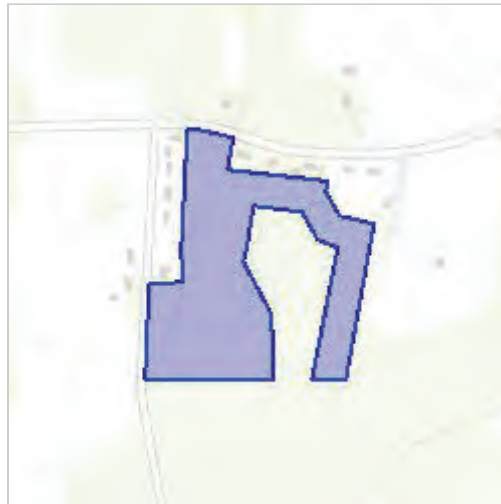
Project Name: Anderson Farm Mitigation Site

Project Type: LAND - RESTORATION / ENHANCEMENT

Project Description: Riparian Buffer and Nutrient Offset Mitigation Project

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/35.25214046875203N78.10466650729515W>



Counties: Wayne, NC

Endangered Species Act Species

There is a total of 3 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

-
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

Birds

NAME	STATUS
Red-cockaded Woodpecker <i>Picoides borealis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/7614	Endangered

Amphibians

NAME	STATUS
Neuse River Waterdog <i>Necturus lewisi</i> There is proposed critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/6772	Proposed Threatened

Fishes

NAME	STATUS
Carolina Madtom <i>Noturus furiosus</i> There is proposed critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/528	Proposed Endangered

Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.



United States Department of Agriculture

Natural Resources
Conservation Service

February 19, 2021

North Carolina
State Office

Kirsten Gimbert
Senior Environmental Scientist
Wildlands Engineering Inc.
1430 S Mint Street, Suite 104
Charlotte, NC 28203

4407 Bland Rd.
Suite 117
Raleigh
North Carolina 27609
Voice (704) 680-3541
Fax (844) 325-2156

Dear Kirsten Gimbert.

The following information is in response to your request soliciting comments regarding the Anderson Farm Mitigation Site in Wayne County, NC.

Projects are subject to Farmland Protection Policy Act (FPPA) requirements if they may irreversibly convert farmland (directly or indirectly) to nonagricultural use and are completed by a Federal agency or with assistance from a Federal agency.

For the purpose of FPPA, farmland includes prime farmland, unique farmland, and land of statewide or local importance. Farmland subject to FPPA requirements does not have to be currently used for cropland. It can be forest land, pastureland, cropland, or other land, but not water or urban built-up land. Farmland means prime or unique farmlands as defined in section 1540(c)(1) of the Act or farmland that is determined by the appropriate state or unit of local government agency or agencies with concurrence of the Secretary to be farmland of statewide or local importance.

"Farmland" does not include land already in or committed to urban development or water storage. Farmland "already in" urban development or water storage includes all such land with a density of 30 structures per 40-acre area. Farmland already in urban development also includes lands identified as "urbanized area" (UA) on the Census Bureau Map, or as urban area mapped with a "tint overprint" on the USGS topographical maps, or as "urban-built-up" on the USDA Important Farmland Maps. See over for more information.

The area in question includes land classified as Prime Farmland. In accordance with the Code of Federal Regulations 7CFR 658, Farmland Protection Policy Act, the AD-1006 was initiated. NRCS Completed Parts II, IV, V of the form and returned for completion by the requesting agency.

If you have any questions, please feel free to call me at (704) 680-3541 office or (704) 754-6734 cell.

Sincerely,

Kristin L May
Acting State Soil Scientist

cc:

Carl Kirby, acting supervisory soil conservationist, NRCS, Snow Hill, NC

The Natural Resources Conservation Service
is an agency of the Department of Agriculture's
Farm Production and Conservation (FPAC).

An Equal Opportunity Provider, Employer, and Lender

FARMLAND CONVERSION IMPACT RATING

PART I (To be completed by Federal Agency)		Date Of Land Evaluation Request			
Name Of Project		Federal Agency Involved			
Proposed Land Use		County And State			
PART II (To be completed by NRCS)		Date Request Received By NRCS			
Does the site contain prime, unique, statewide or local important farmland? (If no, the FPPA does not apply -- do not complete additional parts of this form).		Yes <input type="checkbox"/>	No <input type="checkbox"/>	Acres Irrigated	Average Farm Size
Major Crop(s)	Farmable Land In Govt. Jurisdiction Acres: %			Amount Of Farmland As Defined in FPPA Acres: %	
Name Of Land Evaluation System Used	Name Of Local Site Assessment System	Date Land Evaluation Returned By NRCS			
PART III (To be completed by Federal Agency)		Alternative Site Rating			
		Site A	Site B	Site C	Site D
A. Total Acres To Be Converted Directly					
B. Total Acres To Be Converted Indirectly					
C. Total Acres In Site					
PART IV (To be completed by NRCS) Land Evaluation Information					
A. Total Acres Prime And Unique Farmland					
B. Total Acres Statewide And Local Important Farmland					
C. Percentage Of Farmland In County Or Local Govt. Unit To Be Converted					
D. Percentage Of Farmland In Govt. Jurisdiction With Same Or Higher Relative Value					
PART V (To be completed by NRCS) Land Evaluation Criterion Relative Value Of Farmland To Be Converted (Scale of 0 to 100 Points)					
PART VI (To be completed by Federal Agency) Site Assessment Criteria (These criteria are explained in 7 CFR 658.5(b))		Maximum Points			
1. Area In Nonurban Use					
2. Perimeter In Nonurban Use					
3. Percent Of Site Being Farmed					
4. Protection Provided By State And Local Government					
5. Distance From Urban Builtup Area					
6. Distance To Urban Support Services					
7. Size Of Present Farm Unit Compared To Average					
8. Creation Of Nonfarmable Farmland					
9. Availability Of Farm Support Services					
10. On-Farm Investments					
11. Effects Of Conversion On Farm Support Services					
12. Compatibility With Existing Agricultural Use					
TOTAL SITE ASSESSMENT POINTS		160			
PART VII (To be completed by Federal Agency)					
Relative Value Of Farmland (From Part V)		100			
Total Site Assessment (From Part VI above or a local site assessment)		160			
TOTAL POINTS (Total of above 2 lines)		260			
Site Selected:	Date Of Selection	Was A Local Site Assessment Used? Yes <input type="checkbox"/> No <input type="checkbox"/>			
Reason For Selection:					

Kirsten Gimbert

From: Kirsten Gimbert
Sent: Wednesday, March 3, 2021 11:18 AM
To: 'May, Kristin - NRCS, Salisbury, NC'
Subject: RE: FPPA_AD1006 Form-Anderson Farm Mitigation Site
Attachments: FPPA_AD1006 Anderson Farm.pdf

Hello Kristin,

Please find attached to this email, the final AD-1006 form for Anderson Farms Buffer Mitigation Site located in Wayne County, NC.

Thank you,

Kirsten Gimbert | *Senior Environmental Scientist*
M: 704.941.9093

From: May, Kristin - NRCS, Salisbury, NC <kristin.may@usda.gov>
Sent: Friday, February 19, 2021 2:40 PM
To: Kirsten Gimbert <kgimbert@wildlandseng.com>
Cc: Kirby, Carl - NRCS, Snow Hill, NC <carl.kirby@usda.gov>
Subject: RE: FPPA_AD1006 Form-Anderson Farm Mitigation Site

Afternoon Kirsten –

Attached is the completed AD-1006.

Please let me know if you have any questions or need any additional information.

Thanks.

Kristin May

Acting State Soil Scientist
United States Department of Agriculture
Natural Resource Conservation Service
(704) 680-3541
(704) 754-6734 cell
Kristin.May@usda.gov

From: Kirsten Gimbert <kgimbert@wildlandseng.com>
Sent: Thursday, January 28, 2021 9:33 AM
To: May, Kristin - NRCS, Salisbury, NC <kristin.may@usda.gov>
Subject: FW: FPPA_AD1006 Form-Anderson Farm Mitigation Site

Kirsten Gimbert | *Senior Environmental Scientist*
M: 704.941.9093



January 14, 2021

Gabriela Garrison

North Carolina Wildlife Resource Commission
Eastern Piedmont Coordinator
Sandhills Depot
PO Box 149
Hoffman, NC 28347

Subject: Anderson Farm Mitigation Site
Wayne County, North Carolina

Dear Ms. Garrison,

Wildlands Engineering, Inc. requests review and comment on any possible issues that might emerge with respect to fish and wildlife issues associated with a potential riparian buffer restoration project on the Anderson Farm Mitigation Site located in Wayne County, NC. A USGS Topographic Map and a Site Map showing the approximate project area are enclosed. The topographic figure was prepared from the Southwest Goldsboro 7.5-Minute USGS Topographic Quadrangle, and the site is located at latitude 35.252438 longitude -78.082288.

The Anderson Farm Mitigation Site is being developed to provide riparian buffer mitigation in the Neuse River Basin. The proposed buffer restoration site is approximately 11.4 acres of agricultural fields located on one parcel. The project streams include two unnamed tributaries and one ditch: UT1, UT2, and Ditch A. Approximately one mile from the mitigation site, the projects streams flow to Thoroughfare Swamp, which flows to the 303d listed stream Falling Creek, and eventually flows to the Neuse River. The area surrounding the project streams and ditches is currently agricultural fields, typically used to grow corn, soybeans, and wheat, but currently is being used to grow corn. The project features have little to no existing riparian buffer. This buffer mitigation project will reduce sediment and nutrient loading, provide and improve terrestrial and in stream habitats, and improve stream and bank stability.

The major goals of the riparian buffer mitigation project are to provide ecological and water quality enhancements to the Neuse River Basin while creating a functional riparian corridor at the site level. This will be accomplished by restoring the vegetative buffer on the areas up to 100 feet from streams and 50 feet from ditches, along with permanently preserving and protecting the site through establishing a conservation easement. The establishment of riparian buffers will create shading to minimize thermal heating. Finally, newly planted native vegetation will provide cover and food for wildlife

We ask that you review the site based on the attached information to identify known presence of any fish and wildlife within both conservation easement areas proposed (NC Division of Mitigation Services and Private Riparian Buffer Mitigation Bank) as shown on Figures 1 and 2. We thank you in advance for your timely response and cooperation. Please feel free to contact us with any questions that you may have concerning the extent of site disturbance associated with this project.

Sincerely,

Kirsten Gimbert, Senior Environmental Scientist

kgimbert@wildlandseng.com

704.941.9093

Attachments: Figure 1 Site Map and Figure 2 USGS Topographic Map





☒ NORTH CAROLINA WILDLIFE RESOURCES COMMISSION ☒

Cameron Ingram, Executive Director

January 26, 2021

Ms. Kirsten Gimbert
Wildlands Engineering, Inc.
1430 S. Mint Street, Suite 104
Charlotte, NC 28203

Subject: Request for Environmental Information for Anderson Farm Buffer Mitigation Site, Wayne County, North Carolina.

Dear Ms. Gimbert,

Biologists with the North Carolina Wildlife Resources Commission (NCWRC) have reviewed the proposed project description. Comments are provided in accordance with certain provisions of the Clean Water Act of 1977 (as amended), Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661-667e) and North Carolina General Statutes (G.S. 113-131 et seq.).

Wildlands Engineering, Inc has developed the Anderson Farm Buffer Mitigation Site in the Neuse River Basin. The proposed site is approximately 11.4 acres of agricultural fields, including two unnamed tributaries and one ditch. Vegetative buffers up to 100 feet from streams and 50 feet from ditches will be restored and planted with native vegetation. The site will be placed into a conservation easement. The project goals include reducing sediment and nutrient loading, providing and improving terrestrial and in-stream habitats and improving stream and bank stability. The project drains to Thoroughfare Swamp.


Stream restoration projects often improve water quality and aquatic habitat. Establishing native, forested buffers in riparian areas will improve both aquatic and terrestrial habitats and provide a travel corridor for wildlife species. In addition to stringent best management practices for erosion and sediment control during construction, the NCWRC recommends the use of biodegradable and wildlife-friendly sediment and erosion control devices. Silt fencing, fiber rolls and/or other products should have loose-weave netting that is made of natural fiber materials with movable joints between the vertical and horizontal twines. Silt fencing and similar products that have been reinforced with plastic or metal mesh should be avoided as they impede the movement of terrestrial wildlife species. Excessive silt and sediment loads can have detrimental effects on aquatic resources including destruction of spawning habitat, suffocation of eggs and clogging of gills. Any invasive plant species found onsite should be removed and destroyed.

Thank you for the opportunity to review and comment on this project. If I can be of further assistance, please contact me at (910) 409-7350 or gabriela.garrison@ncwildlife.org.

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January 26, 2021
Scoping – Anderson Farm Buffer Mitigation Site

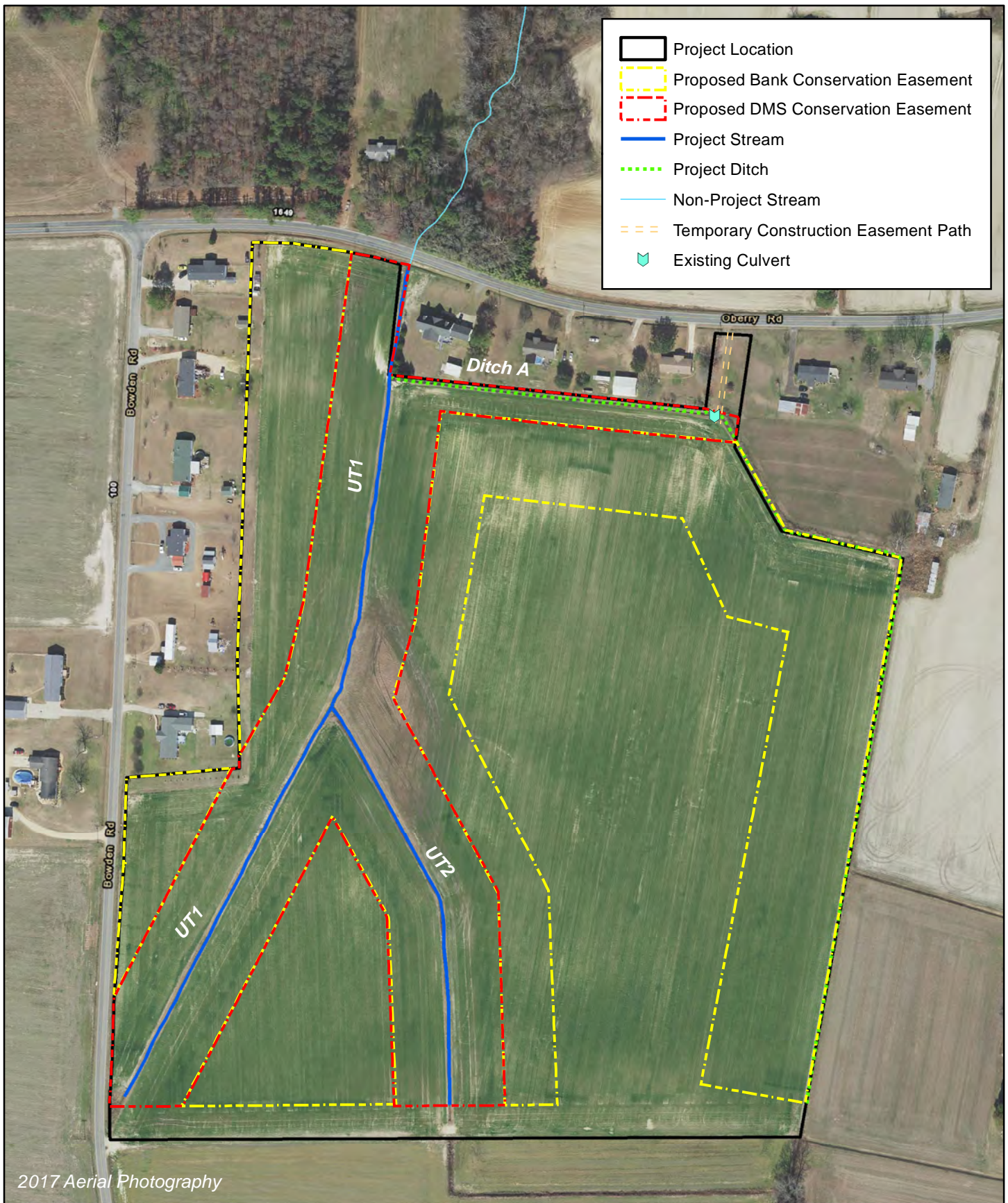
Sincerely,

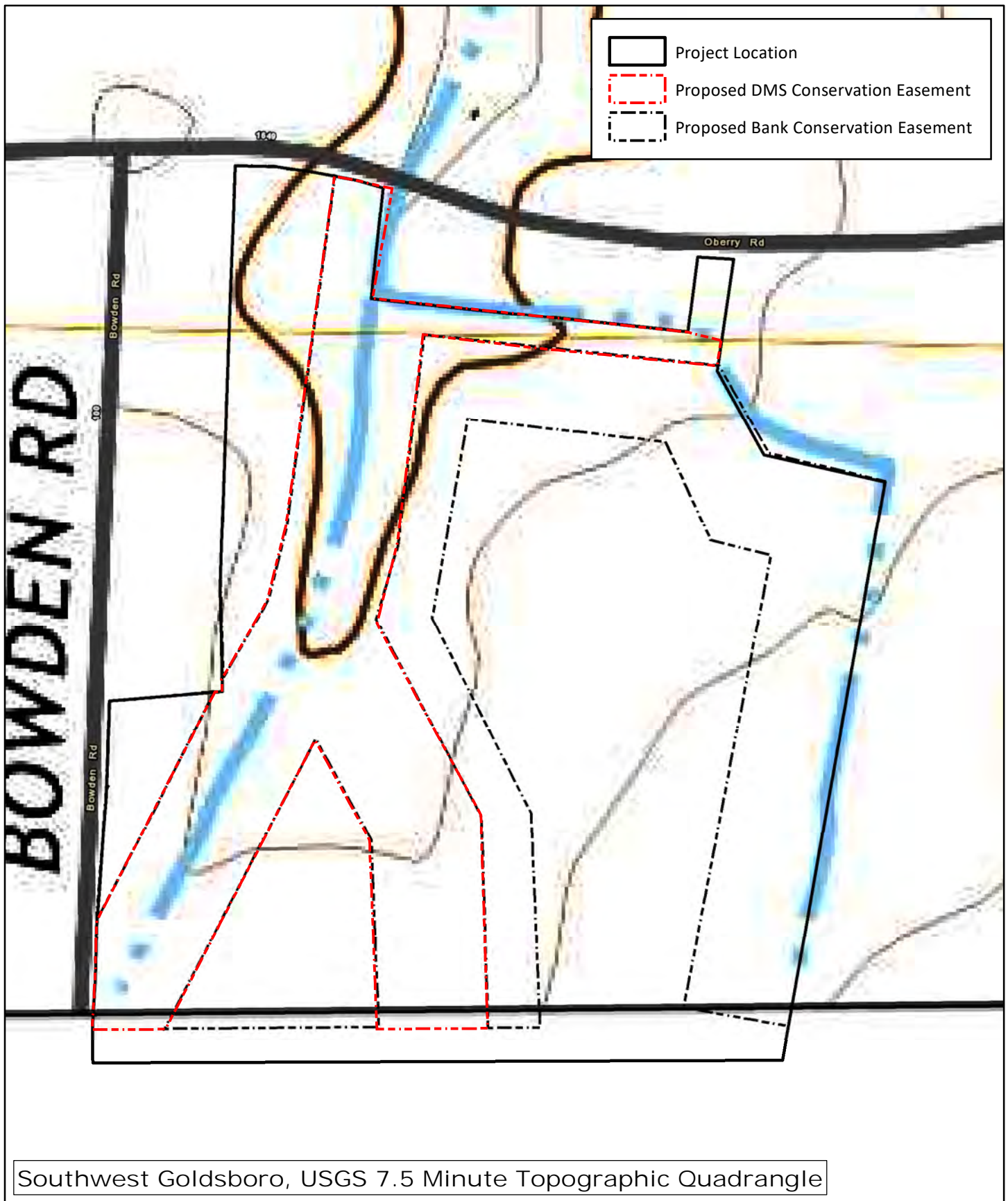
A handwritten signature in cursive script that reads "Gabriela Garrison". The ink is a light purple or blue color.

Gabriela Garrison
Eastern Piedmont Habitat Conservation Coordinator
Habitat Conservation Program

Anderson Farm Mitigation Site
Categorical Exclusion

FIGURES





0 125 250 Feet



Figure 2. USGS Topographic Map
Anderson Farm Mitigation Site
Neuse River Basin (03020201)