



## **MITIGATION PLAN**

**September 28, 2018**

### **BURNETTS CHAPEL MITIGATION SITE-PHASE II**

Guilford County, NC  
NCDEQ Contract No. 7430  
DMS ID No. 100045  
DWR Project Number 2011-0841

Randleman Lake Watershed  
Cape Fear River Basin  
HUC 03030003

RFP #: 16-007242

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**PREPARED FOR:**



**NC Department of Environmental Quality**  
**Division of Mitigation Services**  
1652 Mail Service Center  
Raleigh, NC 27699-1652

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PREPARED BY:

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**Wildlands Engineering, Inc.**  
1430 South Mint Street, Suite 104  
Charlotte, NC 28203  
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.
- NCDEQ Division of Mitigation Services In-Lieu Fee Instrument signed and dated July 28, 2010.

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

### **Contributing Staff:**

Andrea Eckardt *Project Manager*  
Shawn Wilkerson, *Principal in Charge*  
Kirsten Gimbert, *Mitigation Plan Development*

Daniel Taylor, *Construction Administrator*  
Greg Pierce, *Monitoring Lead*  
Christine Blackwelder, *Lead Quality Assurance*

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## 1.0 Introduction

The Burnetts Chapel Mitigation Site-Phase II (Site) is a buffer restoration project located approximately three miles west of the Town of Pleasant Garden and four miles south of the City of Greensboro in Guilford County, NC (Figure 1). The Site is comprised of approximately 7.49 acres along several unnamed tributaries to the Randleman Reservoir (Figure 2). The Site is surrounded by fields that are used for agriculture and is immediately adjacent to Phase I of the Burnetts Chapel Mitigation Project, which was successfully completed by Wildlands in 2017 for the North Carolina Division of Environmental Quality (NCDEQ) Division of Mitigation Services (DMS). The project expands the Phase I riparian buffer area from 50 feet to 100 to 200 feet on five of the original project streams and channels. An expected 280,572.14 riparian buffer credits will be generated.

The Site is located within the Hydrologic Unit Code (HUC) 03030003010050 and North Carolina Department of Water Resources (NCDWR) Sub-basin 03-06-08. Five unnamed tributaries on the Site flow into the Randleman Reservoir (Reaches B1-B5). All of these water bodies are classified as WS-IV, as the Randleman Reservoir is a major source of drinking water for the region. The proposed project supports specific goals identified in the 2009 Cape Fear River Basin Restoration Priorities Plan (RBRP) for the Cape Fear River Catalog Unit (CU) 03030003. As stated in the RBRP, “Protection of [federally endangered species] and improvement in water quality to waters draining to Randleman Reservoir are recommendations for the CU.”



This buffer restoration project will reduce sediment and nutrient loading and improve terrestrial habitat. The area surrounding the streams proposed for restoration is primarily open agricultural fields. Restoring the vegetative buffer on the areas up to 200 feet from the streams will remove the hay fields and fertilizer inputs within the project area. The restored floodplain areas will filter sediment-laden farm runoff during rainfall events. The establishment of riparian buffers will create shading to minimize thermal pollution. Finally, invasive vegetation will be treated within the project area as needed and the proposed native vegetation will provide cover and food for wildlife.



## 2.0 Mitigation Project Summary

The major goals of the proposed buffer restoration project are to provide ecological and water quality enhancements to the Randleman Reservoir watershed of the Cape Fear River Basin by creating a functional riparian corridor and restoring the riparian buffer. Specific enhancements to water quality and ecological processes are outlined below in Table 1.

**Table 1: Ecological and Water Quality Goals – Burnetts Chapel Mitigation Site-Phase II**

| Goal  | Objective  | CU-Wide and RBRP Objectives Supported                        |
|---|--|--|
| Decrease nutrient levels                        | Nutrient input will be decreased by filtering runoff from the agricultural fields through restored native buffer zones. The off-site nutrient input will also be absorbed on-site by dispersing flood flows through native vegetation. | Reduce nutrient inputs to waters of the Randleman Reservoir. |
| Decrease sediment input                         | Sediment from off-site sources will be deposited on restored floodplain areas where native vegetation will slow overland flow velocities.  | Reduce sediment inputs to waters of Randleman Reservoir.     |
| Create appropriate terrestrial habitat          | Buffer areas will be restored by removing invasive vegetation and planting native vegetation.  | Improve wildlife habitat; restore degraded riparian buffers. |
| Permanently protect the Site from harmful uses. | Establish a conservation easement on the Site.   | Protect aquatic habitat; protect water supply waters.        |

### 2.1 Existing Site Conditions

The proposed buffer restoration project includes approximately 7.49 acres of agricultural fields along several unnamed tributaries that drain into the Randleman Reservoir. The agricultural fields are currently in hay and open pasture.

The Site contains five channels (B1, B2, B3, B4, and B5). Phase I of the project included an additional Reach A, that is not included in Phase II of the project. The first 50 feet from the stream and ephemeral channels of Reaches B1-B5 were restored as a forested riparian buffer as part of Phase I. Phase II expands beyond that boundary for an additional 50 to 150 feet of buffer restoration on those reaches (Figure 2). Site photos from 2017 are included in the Appendix.





**Table2: Buffer Project Attributes – Burnetts Chapel Mitigation Site-Phase II**

|  |  |
|--|--|
| <b>Project Name</b>                        | Burnetts Chapel Mitigation Site – Phase II |
| <b>Hydrologic Unit Code</b>                | 03030003010050                             |
| <b>River Basin</b>                         | Cape Fear                                  |
| <b>Geographic Location (Lat, Long)</b>     | 35° 56' 46.0"N, 79° 50' 44.2"W             |
| <b>Site Protection Instrument (DB, PG)</b> | To be recorded                             |
| <b>Total Credits (BMU)</b>                 | 280,572.14                                 |
| <b>Types of Credits</b>                    | Riparian Buffer                            |
| <b>Mitigation Plan Date</b>                | August 2018                                |
| <b>Initial Planting Date</b>               | January 2019                               |
| <b>Baseline Report Date</b>                | February 2019                              |
| <b>MY1 Report Date</b>                     | November 2019                              |
| <b>MY2 Report Date</b>                     | November 2020                              |
| <b>MY3 Report Date</b>                     | November 2021                              |
| <b>MY4 Report Date</b>                     | November 2022                              |
| <b>MY5 Report Date</b>                     | November 2023                              |

In addition to buffer restoration on subject streams, per the Consolidated Buffer Mitigation Rules (15A NCAC 02B 0.0295 (o)), alternative mitigation is proposed on the Site in the form of: buffer restoration on ephemeral channels and preservation of forested buffer on subject streams. The proposed project is in compliance with these rules in the following ways:

**Buffer Restoration on Ephemeral Channels (15A NCAC 02B 0.0295(o)(7)):**

- NCDWR performed an evaluation of the Site (Phase I in 2011 and Phase II in 2018) and identified the perennial, intermittent, and ephemeral channels on the property (Figure 2).
- The mitigation area on the Site’s ephemeral channels is located completely within their drainage areas (Figure 4).
- The ephemeral channels are directly connected to intermittent or perennial stream channels and will be protected under the same contiguous easement boundary (Figure 2).
- The mitigation area on the ephemeral channels is less than 25% of the total buffer mitigation area on the Site (Table 3).



**Preservation on Subject Streams (15A NCAC 02B .0295 (o)(5):**

- The buffer width is at least 30 feet from the stream (Figure 7).
- The area meets the requirements of 15A NCAC 02R 0.0403(c)(7), (8), and (11) with no known structures, infrastructure, hazardous substances, solid waste, or encumbrances within the mitigation boundary.
- Preservation mitigation is being requested on no more than 25% of the total buffer mitigation area (Table 8).

## 2.2 Watershed Characterization

The Site is approximately three miles west of the Town of Pleasant Garden and four miles south of the City of Greensboro in Guilford County, NC (Figure 1) and is within the DMS targeted Cape Fear River Basin HUC 03030003010050 and NCDWR Subbasin 03-06-08. Topography, as indicated on the Pleasant Garden USGS 7.5-minute topographic quadrangles, shows moderate and steep hill slopes, as well as low slope floodplain areas along the unnamed tributaries (Figure 3).

Drainage areas for the streams and buffer areas were determined by delineating watersheds on the USGS 7.5-minute topographic quadrangles. Figure 4 shows the watershed boundaries for each area. Each of the buffer watersheds is primarily agriculture, with some forested areas. The watershed and current land use are summarized in Table 3 below.

**Table 3: Drainage Areas and Associated Land Use – Burnetts Chapel Mitigation Site-Phase II**

| Reach Name    | NCDWR Stream Designation | Buffer Area (Acres) | Watershed Area (acres) | Land Use                        |
|---------------|--------------------------|---------------------|------------------------|---------------------------------|
| B1            | Perennial                | 1.74                | 108                    | 92% Agriculture,<br>8% Forested |
| B2            | Perennial                | 1.94                | 100                    |                                 |
| B3            | Intermittent             | 0.43                | 30                     |                                 |
| B4            | Intermittent             | 0.88                | 11                     |                                 |
|               | Ephemeral*               | 0.38                | 4                      |                                 |
| B5            | Intermittent             | 0.76                | 13                     |                                 |
|               | Ephemeral*               | 1.36                | 8                      |                                 |
| <b>Total:</b> |                          | <b>7.49</b>         |                        |                                 |

Total mitigation on ephemeral channels is 23% of the total mitigated area and therefore in compliance with 15A NCAC 02B 0.0295(o)(7) which limits mitigation on ephemeral channels to no more than 25% of total mitigated area.

## 2.3 Soils

Soil mapping units are based on the U.S. Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS) Soil Survey for Guilford County. Site soils are currently mapped primarily as Chewacla loam, Enon fine sandy loam, Helena sandy loam, and Vance sandy loam. These soils are described below in Table 4 and shown in Figure 5. An image of the paper copy of the NRCS 1977 Soil Survey of the site is shown in Figure 6.

**Table 4: Project Soil Types and Descriptions – Burnetts Chapel Mitigation Site-Phase II**

| Soil Name                                      | Description   |
|--|---|
| Chewacla loam, 0-2% slopes, frequently flooded | These soils are somewhat poorly drained. They are found in valleys and floodplains and are frequently flooded. Shrink swell potential is low.                                     |
| Enon fine sandy loam, 2-6% slopes              | These well drained soils are found on uplands. Shrink-swell potential is moderate. The soil is neither flooded nor ponded.  |
| Helena sandy loam, 6-10% slopes                | These soils are found on uplands, ridges, and hillslopes. The soils are moderately well drained and shrink-swell potential is moderate. The soils are neither flooded nor ponded. |
| Vance sandy loam, 10-15% slopes                | These soils are found on hillslopes, ridges, and uplands. The soils are well drained and shrink-swell potential is low. The soils are neither flooded nor ponded.                 |

Source: Guilford County Soil Survey, USDA-NRCS, <http://efotg.nrcs.usda.gov>



## 2.4 Geology

The Site is located in the Carolina Slate Belt of the Piedmont Physiographic Province. The Piedmont Province is characterized by gently rolling, well rounded hills with long low ridges and elevations ranging anywhere from 300 to 1500 feet above sea level. The Carolina Slate belt consists of heated and deformed volcanic and sedimentary rocks. Approximately 550 to 650 million years ago, this region was the site of a series of oceanic volcanic islands. The belt is known for its numerous abandoned gold mines and prospects. Specifically, the Site is located in the CZg geologic region within the Carolina Slate Belt. This region is classified as intrusive, metamorphosed granite rock. Furthermore, this rock type is described as being a well foliated, megacrystic that locally contains hornblende.

### Sources:

<http://www.geology.enr.state.nc.us/usgs/carolina.htm>

<http://www.geology.enr.state.nc.us/Mineral%20resources/mineralresources.html>

## 2.5 Vegetation

Vegetation communities within the project area are primarily comprised of open pastures dominated by various graminoid species, in addition to a few small areas of mixed hardwood forest. The Site has been regularly mowed and maintained up to the edge of the Phase I easement and lacks canopy, understory, and shrub vegetative layers. Typical herbaceous vegetation within these areas includes: Canada goldenrod (*Solidago canadensis*), soft stem rush (*Juncus effusus*), common blackberry (*Rubus argutus*), strawcolored flatsedge (*Cyperus strigosus*), and various grasses (*Festuca* spp.).

There are two small pockets of existing hardwood bottomland forest along B1. These forested areas exhibit mature canopy tree species with a moderate understory shrub and vine layer. These areas are in good condition and show no evidence of recent maintenance or vegetation disturbances. Canopy hardwood species include: American sycamore (*Platanus occidentalis*), red maple (*Acer rubrum*), sweet gum (*Liquidambar styraciflua*), shagbark hickory (*Carya ovata*), tulip poplar (*Liriodendron tulipifera*), southern red oak (*Quercus falcata*), box elder (*Acer negundo*), red elm (*Ulmus rubra*), and red cedar (*Juniperus virginiana*). Typical shrub species include common blackberry, small amounts of Chinese privet (*Ligustrum sinense*), and American holly (*Ilex opaca*) with interspersed vine species of catbriar (*Smilax rotundifolia*), poison ivy (*Toxicodendron radicans*), and Japanese honeysuckle (*Lonicera japonica*).

## 2.6 Site Constraints and Access

The Site is accessible via a gravel driveway off Burnetts Chapel Road. A permanent access easement from Burnetts Chapel Road to the Site was recorded as part of Phase I of the project. There are two 50-foot easement breaks for existing culvert stream crossings on Reaches B4 and B5. These breaks are not included in the credits calculated for the project.

This Site will expand the required 50-foot minimum riparian buffer for streams in the Randleman Reservoir Watershed to between 100 and 200 feet.

There are no known airport facilities within five miles of the project area. There are no other known constraints on the Site.

## 2.7 Current Site Resources

On March 26, 2018, NCDWR conducted on-site determinations to review features and land use within the project boundary. The resulting NCDWR site viability letter and map confirming the Site as suitable for riparian buffer mitigation is in the Appendix. NCDWR also approved the five project reaches as appropriate for buffer mitigation as related to the rules set forth in the Randleman Lake Water Supply Watershed: Mitigation Program for Protection and Maintenance of Existing Riparian Buffers (15ANCAC02B.0252). The on-site determination approval letter from NCDWR is also included in the Appendix.



## 2.8 Historic Site Resources

The Site has historically been forested or used for agricultural purposes. Historic aerial photos are included in the Appendix and date back to 1973, showing the site in various stages of timber clearing, row crop production, and open pasture. The current property owner has confirmed that the Site has been farmed for more than 100 years, including activities such as crop production, livestock pastures, and timber.

## 3.0 Site Protection Instrument

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### 3.1 Site Protection Instruments Summary Information

The land required for buffer planting, management, and stewardship of the mitigation project includes portions of the parcel listed in Table 5. The proposed conservation easement on this property has not yet been recorded. A copy of the draft land protection instrument is included in the Appendix.

**Table 5: Site Protection Instrument – Burnetts Chapel Buffer Mitigation Site-Phase II**

| Landowner                      | PIN        | County   | Site Protection Instrument | Deed Book and Page Number | Acreage to be Protected |
|--------------------------------|------------|----------|----------------------------|---------------------------|-------------------------|
| Richard L. & Valerie M. Ingram | 7840906275 | Guilford | Conservation Easement      | To Be Recorded            | 7.49                    |

All site protection instruments require 60-day advance notification to the Corps and the State prior to any action to void, amend, or modify the document. No such action shall take place unless approved by the State.

### 3.2 Current Ownership and Long-Term Protection

The Site is located on one parcel owned by Richard L. and Valerie M. Ingram (PIN 7840902794). An option agreement for the project area has been signed by the property owners and a Memorandum of Option has been recorded at the Guilford 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.

## 4.0 Regulatory Considerations

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Table 6, below, is a summary of regulatory considerations for the Site. These considerations are expanded upon in Sections 4.1-4.3. A copy of the signed Categorical Exclusion Form for the project is included in the Appendix.



**Table 6: Project Attribute Table – Burnetts Chapel Buffer Mitigation Site-Phase II**

| Regulatory Considerations                |             |           |                                     |
|--|-------------|-----------|-------------------------------------|
| Parameters                               | Applicable? | Resolved? | Supporting Docs?                    |
| 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<br>(Categorical Exclusion) |
| Historic Preservation Act                | Yes         | Yes       | Appendix<br>(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 Guilford County, NC. Two federally listed species, the bald eagle (*Haliaeetus leucocephalus*) and the small whorled pogonia (*Isotria medeoloides*) are currently listed in Guilford County.

**Table 7: Listed Threatened and Endangered Species in Guilford County, NC – Burnetts Chapel Buffer Mitigation Site-Phase II**

| Species   | Federal Status | Habitat   |
|---|----------------|---|
| <b>Vertebrate</b>                                       |                |   |
| Bald eagle<br>( <i>Haliaeetus leucocephalus</i> )       | BGPA           | Near large open water bodies: lakes, marshes, seacoasts, and rivers |
| <b>Vascular Plant</b>                                   |                |   |
| Small whorled pogonia<br>( <i>Isotria medeoloides</i> ) | T              | Montane oak-hickory or acidic cove forests                          |

E = Endangered; T=Threatened; BGPA=Bald & Golden Eagle Protection Act

#### **Bald Eagle**

The bald eagle is a very large raptor species, typically 28 to 38 inches in length. Adult individuals are brown in color with a very distinctive white head and tail. Bald eagles typically live near large bodies of open water with suitable fish habitat including lakes, marshes, seacoasts, and rivers. This species generally requires tall, mature tree species for nesting and roosting. Bald eagles were de-listed from the Endangered Species List in June 2007; however, this species remains under the protection of the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act (BGPA). This species is known to occur in every U.S. state except Hawaii.

#### **Small Whorled Pogonia**

The small whorled pogonia is a small perennial herb, approximately 9 to 25 centimeters in height, with a whorl of green elliptical leaves. This species is typically found in montane oak-hickory or acidic cove forests. The understory structure of these habitats can range from dense rhododendron thickets to open/sparse shrub strata. Current threats to this species include loss of habitat and overutilization for scientific and private collections.

On-site land use within the project area includes active hay fields, open pastures and two small pockets of hardwood forest. No suitable habitat for the bald eagle exists within the project area and no large areas of open water exist within proximity to the project area. Additionally, because the majority of the

site has been mowed and heavily maintained, minimal habitat exists for the small whorled pogonia. As a result of the pedestrian surveys performed on Phase I in February 2011 and Phase II in May 2018, no Federally-listed species were found to exist on the site. The biological conclusion made by Wildlands is that the project will have “no effect” on the two listed species. The approved Categorical Exclusion Form for the project is 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, 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.

There are no existing structures in the project area. The Site is not located near any sites listed on the National Register with the State Historic Preservation Office (SHPO). SHPO was contacted during Phase I of the project and had no concerns or comments on the project site. All appropriate cultural resource agencies will be contacted for their review and comment prior to any land disturbing activity. The approved Categorical Exclusion Form for the project is included in Appendix.

#### **4.3 FEMA Floodplain Compliance**

The Site is not located in a FEMA floodplain. No grading activities are proposed in the floodplain, so a floodplain development permit will not be required. No hydraulic modeling is proposed 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 July 11, 2011 as part of Phase I of the project. 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 Parcel. The Executive Summary of the EDR report is included in the Appendix.



## 5.0 Determination of Credits

Mitigation credits presented in Table 8 and Figure 7 are projections based upon site design. Upon completion of site construction, the project components and credits data will be revised to be consistent with the as-built condition.

**Table 8: Buffer Project Areas and Assets - Burnetts Chapel Buffer Mitigation Site-Phase II**

| Jurisdictional Streams | Restoration Type | Feature Type      | Reach ID / Component | Buffer Width (ft) | Creditable Area (sf) | Eligible Credit Area (sf)* | Initial Credit Ratio (x:1) | % Full Credit | Final Credit Ratio (x:1) | Riparian Buffer Credits (BMU) |
|------------------------|------------------|-------------------|----------------------|-------------------|----------------------|----------------------------|----------------------------|---------------|--------------------------|-------------------------------|
| Subject or Nonsubject  | Restoration      | Stream            | B1, B2, B3, B4 & B5  | 30-100            | 185,652.72           | 185,652.72                 | 1                          | 100%          | 1.000                    | 185,652.72                    |
|                        |                  | Ephemeral Channel | B4 & B5              |                   | 73,616.40            | 73,616.40                  | 1                          | 100%          | 1.000                    | 73,616.40                     |
|                        |                  | Stream            | B1, B2, B3, B4 & B5  | 101-200           | 60,330.60            | 60,330.60                  | 1                          | 33%           | 3.000                    | 19,909.10                     |
|                        |                  | Ephemeral Channel | B4 & B5              |                   | 3,049.20             | 3,049.20                   | 1                          | 33%           | 3.000                    | 1,006.24                      |
| Subject                | Preservation     | Stream            | B1                   | 50-100            | 3,876.82             | 3,876.82                   | 10                         | 100%          | 10.000                   | 387.68                        |
| <b>Total:</b>          |                  |                   |                      |                   |                      |                            |                            |               | <b>280,572.14</b>        |                               |

\*Preservation creditable area is 1.2% of the total creditable mitigation area and is therefore in compliance with 15A NCAC 02B .0295(o)(5) which limits preservation mitigation area to no more than 25% of total mitigated area.

\*Creditable area on ephemeral channels is 23% of the total creditable mitigation area and is therefore in compliance with 15A NCAC 02B .0295(o)(7) which limits the mitigation area on ephemeral channels to no more than 25% of total mitigated area.



## 6.0 Mitigation Work Plan

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The Wildlands Team proposes to restore high quality riparian buffers to several unnamed tributaries on the Site. 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. More detailed descriptions of the proposed restoration activity follow in Sections 6.1 through 6.3.

### 6.1 Parcel Preparation

The land proposed for buffer restoration is used for agricultural fields. These areas will be tilled with a chisel plow to reduce soil compaction prior to planting. The fields within the project area contain few weeds and will likely only require some selective spot herbicide treatments. Any ephemeral ditches or swales entering the proposed buffer areas that are not being buffered themselves will have the flow disconnected and will be spread level through the buffer area for maximum nutrient treatment.

### 6.2 Riparian Area Restoration Activities

The revegetation plan for the buffer restoration area will include permanent seeding, planting bare root trees, live stakes, and herbaceous plugs. These revegetation efforts will be coupled with controlling invasive species population. The specific species composition to be planted was selected based on the community type, observation of occurrence of species in riparian buffers adjacent to the Site, and best professional judgement on species establishment and anticipated site conditions in the early years following project implementation. Tree species planted across the buffer areas of the site will include a mixture of the following species: tulip poplar (*Liriodendron tulipifera*), willow oak (*Quercus phellos*), American sycamore (*Platanus occidentalis*), river birch (*Betula nigra*), green ash (*Fraxinus pennsylvanica*), and swamp chestnut oak (*Quercus michauxii*).

Trees will be planted at a density sufficient to meet the performance standards outlined in the Rule 15A NCAC 02B .0295 of 260 trees per acre at the end of five years. No one tree species will be greater than 50% of the established stems. An appropriate seed mix will also be applied as necessary to provide temporary ground cover for soil stabilization and reduction of sediment loss during rain events in disturbed areas. This will be followed by an appropriate permanent seed mixture.

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.

Planting is scheduled to begin in January 2019.

### 6.3 Riparian Area Preservation Activities

No work is proposed in the buffer preservation areas, as allowed under 15A NCAC 02B .0295(o). The preservation area will be protected in perpetuity under a conservation easement.

## 7.0 Performance Standards

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The performance criteria for the Site follows approved performance criteria presented in the guidance documents outlined in RFP 16-007242 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 buffer restoration project has been 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. The extent of invasive species coverage will also be monitored and controlled as necessary throughout the required monitoring period.

Six vegetation monitoring quadrants will be installed across the Site to measure the survival of the planted trees (Figure 8). Vegetation monitoring will follow the CVS-EEP Protocol for Recording Vegetation (2008). Reference photographs of the vegetation plots and Site will be taken during the annual vegetation assessments.

## **7.2 Photo Reference Stations**

Photographs will be taken within the project area once a year to visually document stability for five years following construction. Permanent markers will be established and located with GPS equipment so that the same locations and view directions on the Site are photographed each year.

## **7.3 Visual Assessments**

Visual assessments should support the specific performance standards for each metric as described above. 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

## **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**

The Wildlands Team 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**

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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 9 and Figure 8.

**Table 9: Monitoring Components – Burnetts Chapel Mitigation Site-Phase II**

| Parameter                      | Monitoring Feature | Quantity/Length by Reach |    |    |    |    | Frequency   | Notes |
|--------------------------------|--------------------|--------------------------|----|----|----|----|-------------|-------|
|                                |                    | B1                       | B2 | B3 | B4 | B5 |             |       |
| Vegetation                     | CVS Level 1        | 6                        |    |    |    |    | Annual      |       |
| Visual Assessment              |                    | Y                        | Y  | Y  | Y  | Y  | Semi-Annual |       |
| Exotic and nuisance vegetation |                    | Y                        | Y  | Y  | Y  | Y  | Semi-Annual |       |
| Project Boundary               |                    | Y                        | Y  | Y  | Y  | Y  | Semi-Annual |       |
| Reference Photos               | Photographs        | 8                        |    |    |    |    | 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 signage as needed to identify boundary markings. No livestock, fencing, or internal crossings are currently present or planned for the project area. Any future livestock or associated fencing or permanent crossings 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

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Natural Resources Conservation Service (NRCS). Web Soil Survey of Guilford 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, Guilford County, NC.

United States Fish and Wildlife Service (USFWS), 2018. Endangered Species, Threatened Species, Federal Species of Concern and Candidate Species, Guilford County, NC.

<https://www.fws.gov/raleigh/species/cntylist/guilford.html>



## FIGURES

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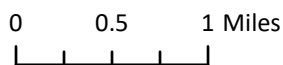
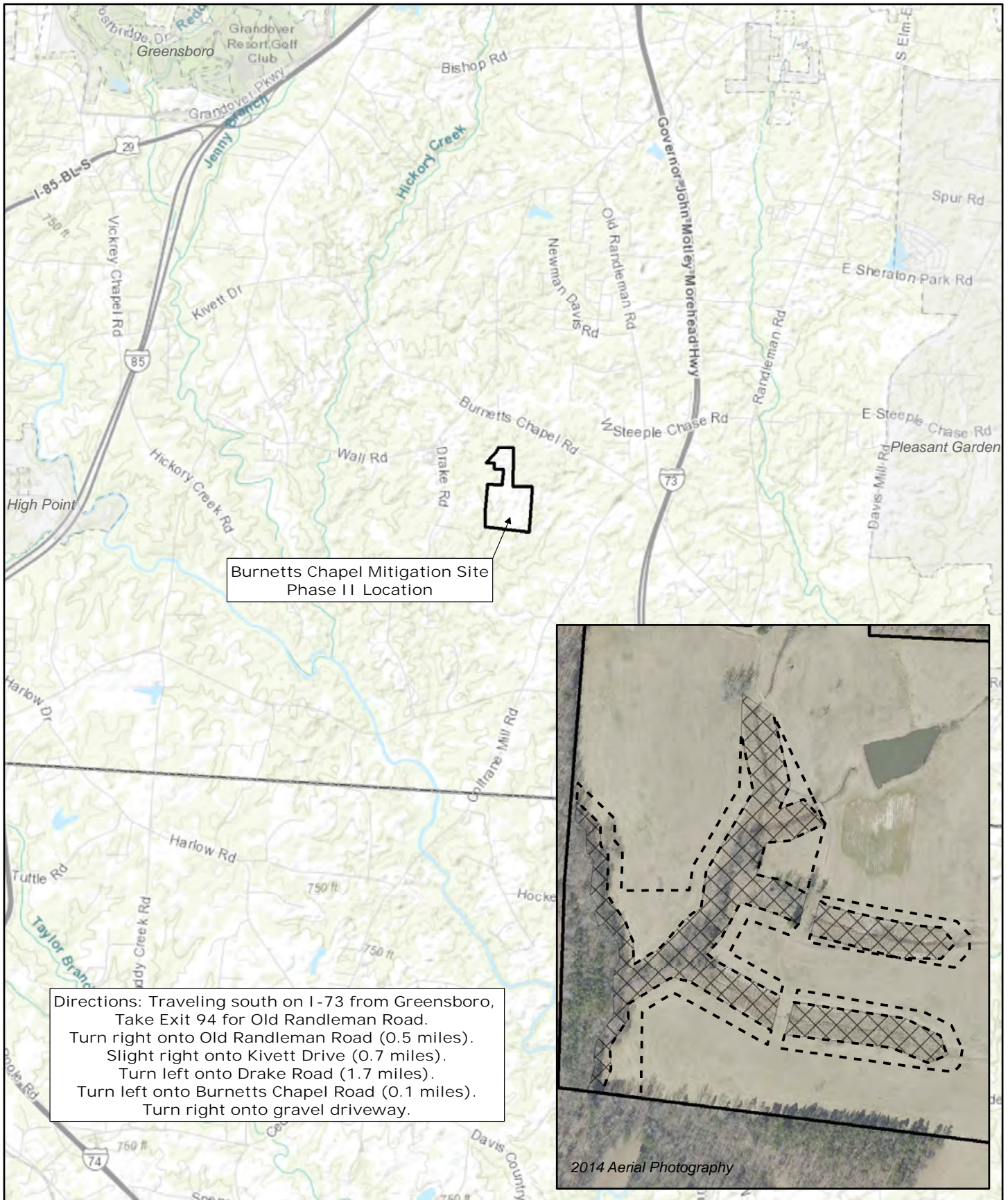
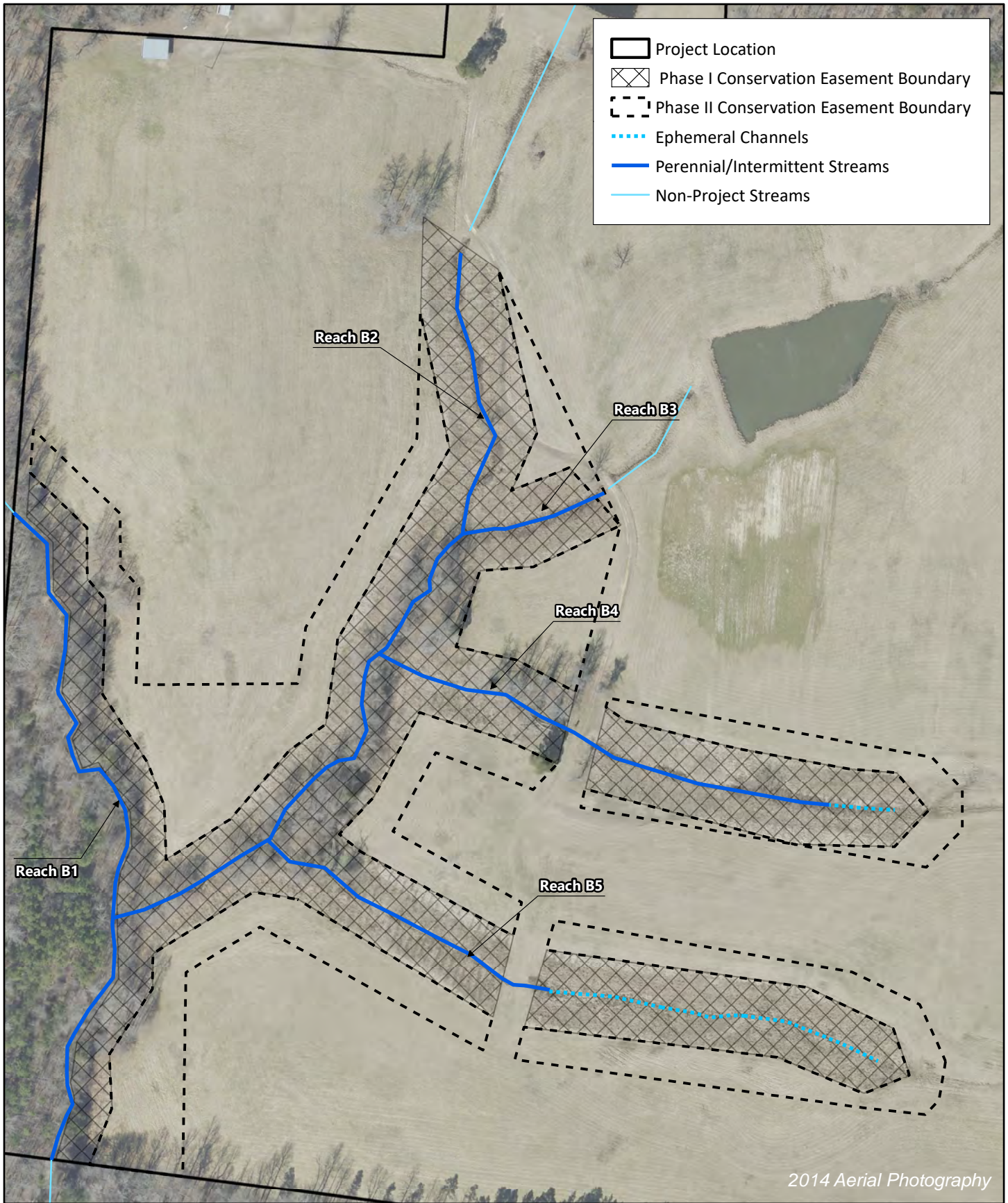


Figure 1 Vicinity Map  
 Burnetts Chapel Mitigation Site - Phase II  
 Mitigation Plan  
 Cape Fear River Basin (03030003)  
 Guilford County, NC





0 100 200 Feet



Figure 2 Site Map  
Burnetts Chapel Mitigation Site - Phase II  
Mitigation Plan  
Cape Fear River Basin (03030003)

Guilford County, NC



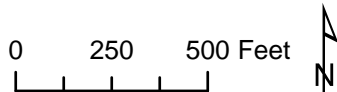
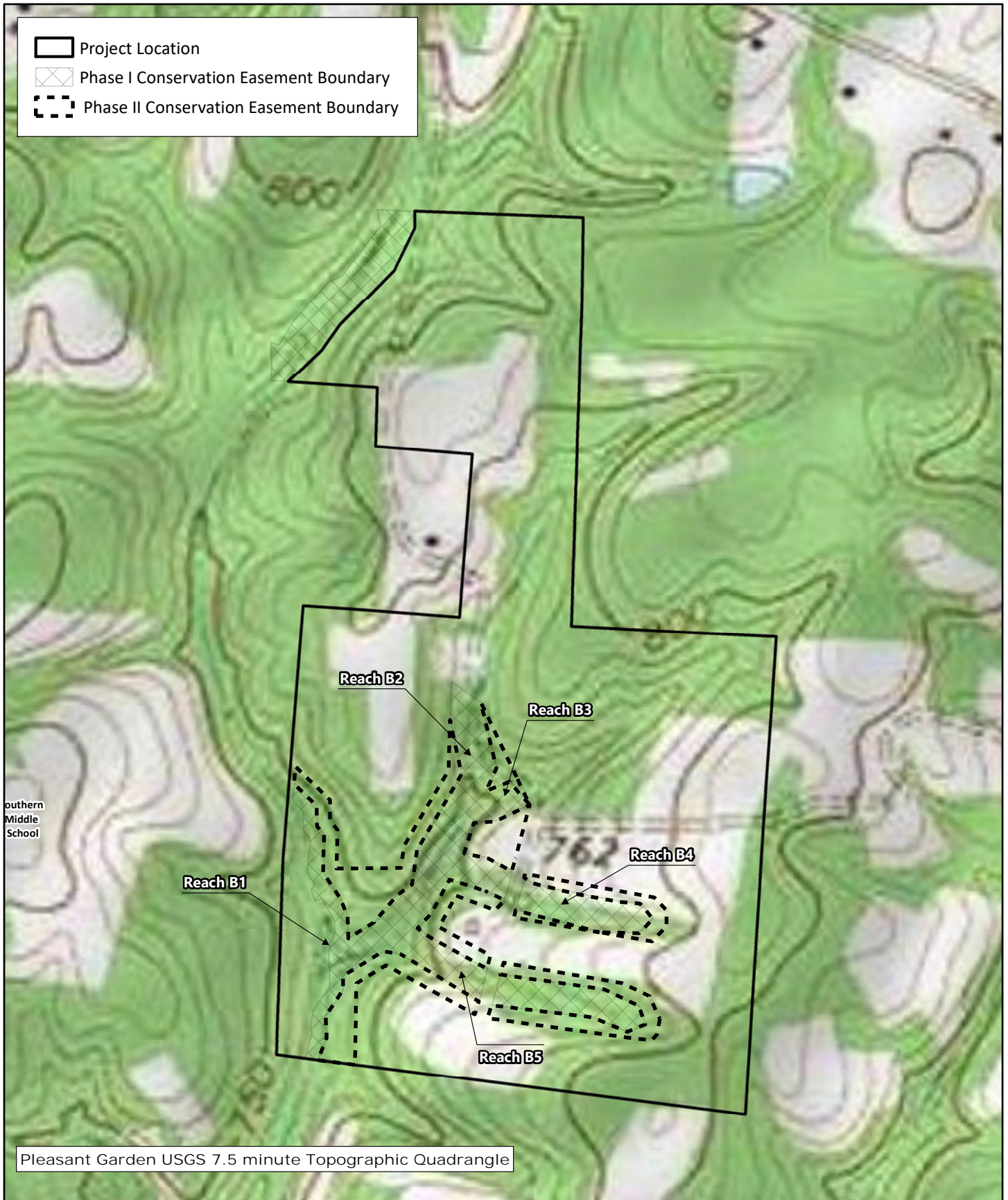


Figure 3 USGS Topographic Map  
 Burnetts Chapel Mitigation Site - Phase II  
 Mitigation Plan  
 Cape Fear River Basin (03030003)  
 Guilford County, NC



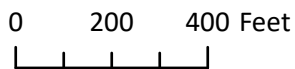
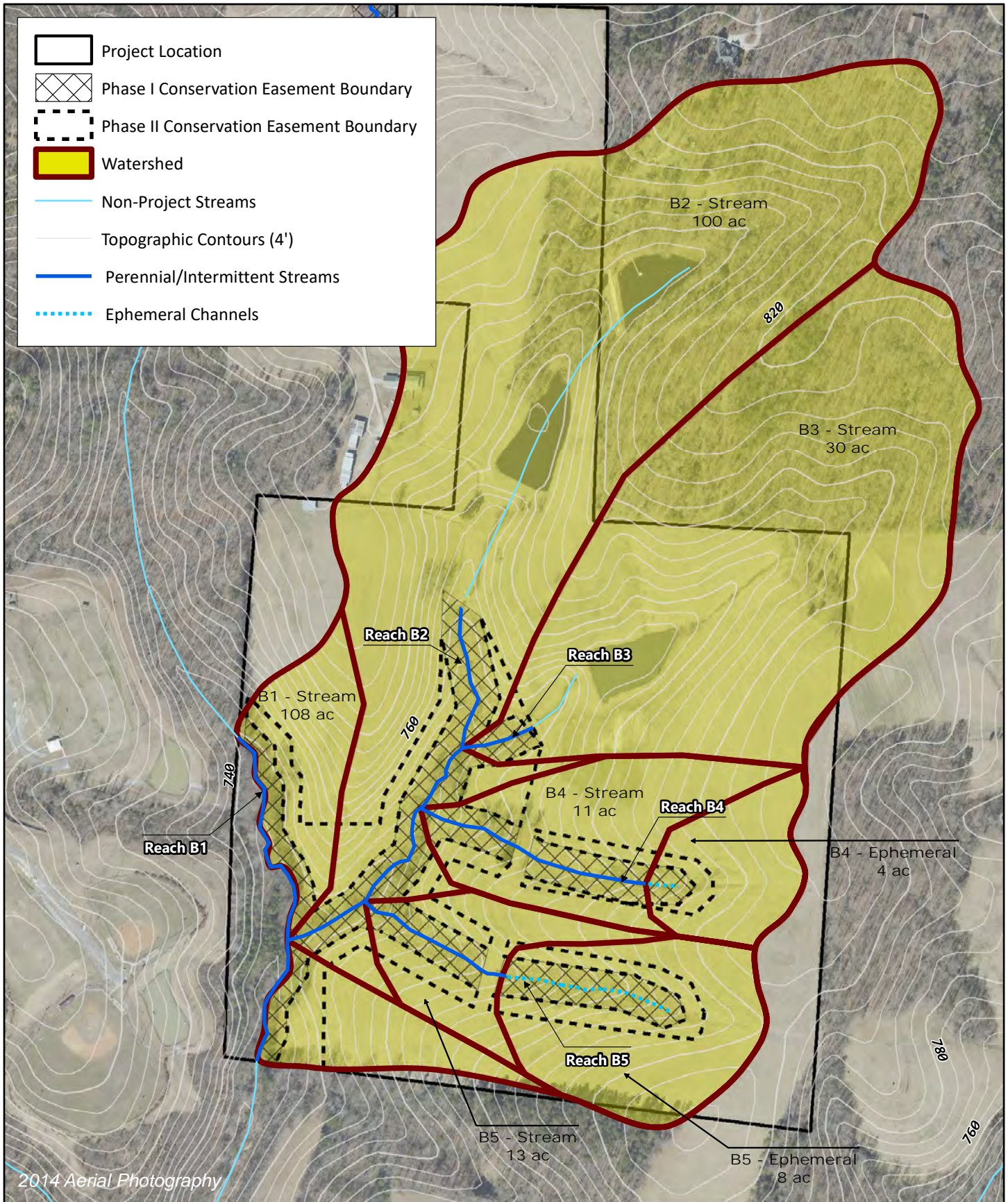


Figure 4 Watershed Map  
 Burnetts Chapel Mitigation Site - Phase II  
 Mitigation Plan  
 Cape Fear River Basin (03030003)

Guilford County, NC



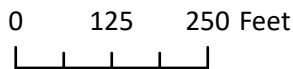
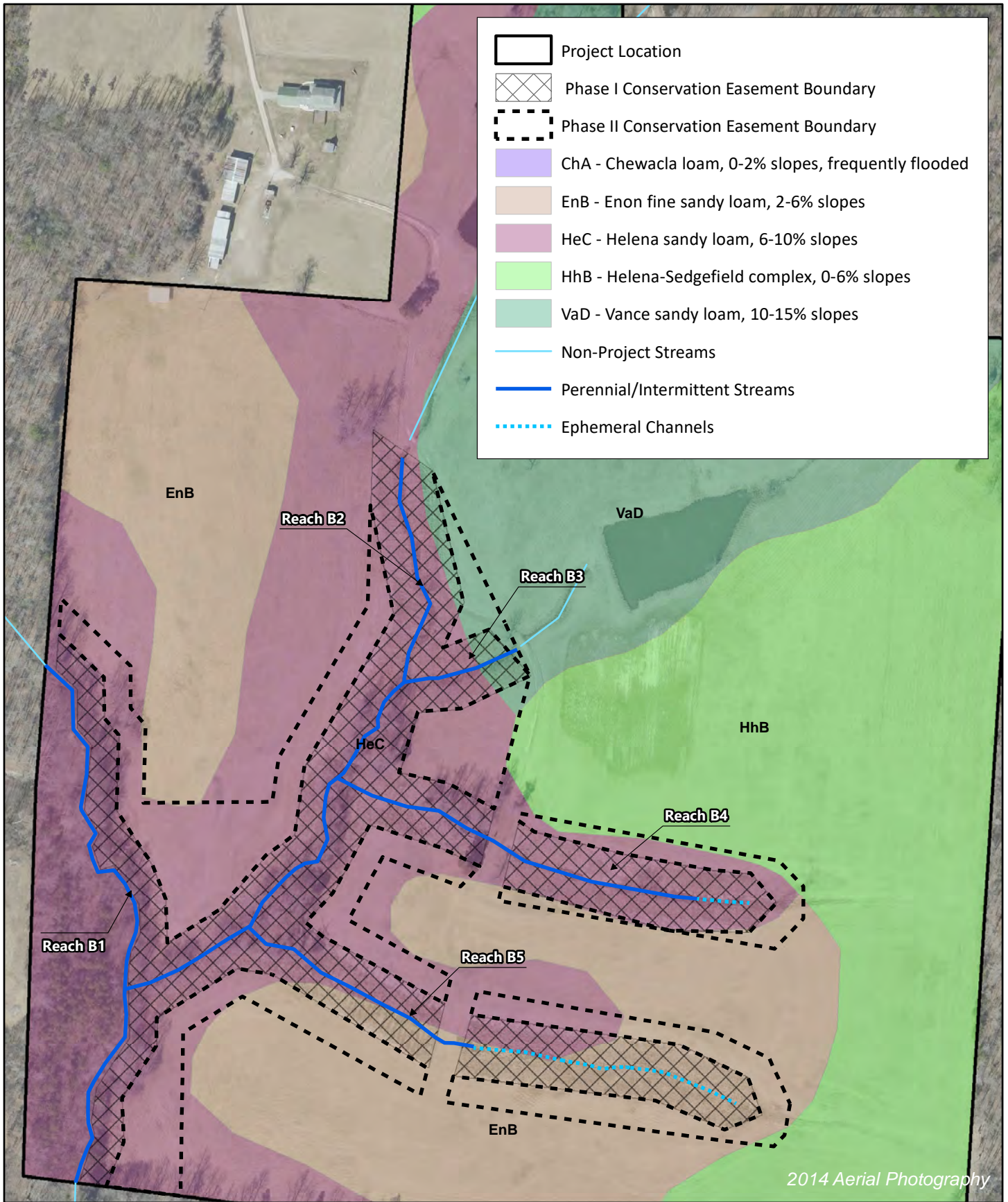
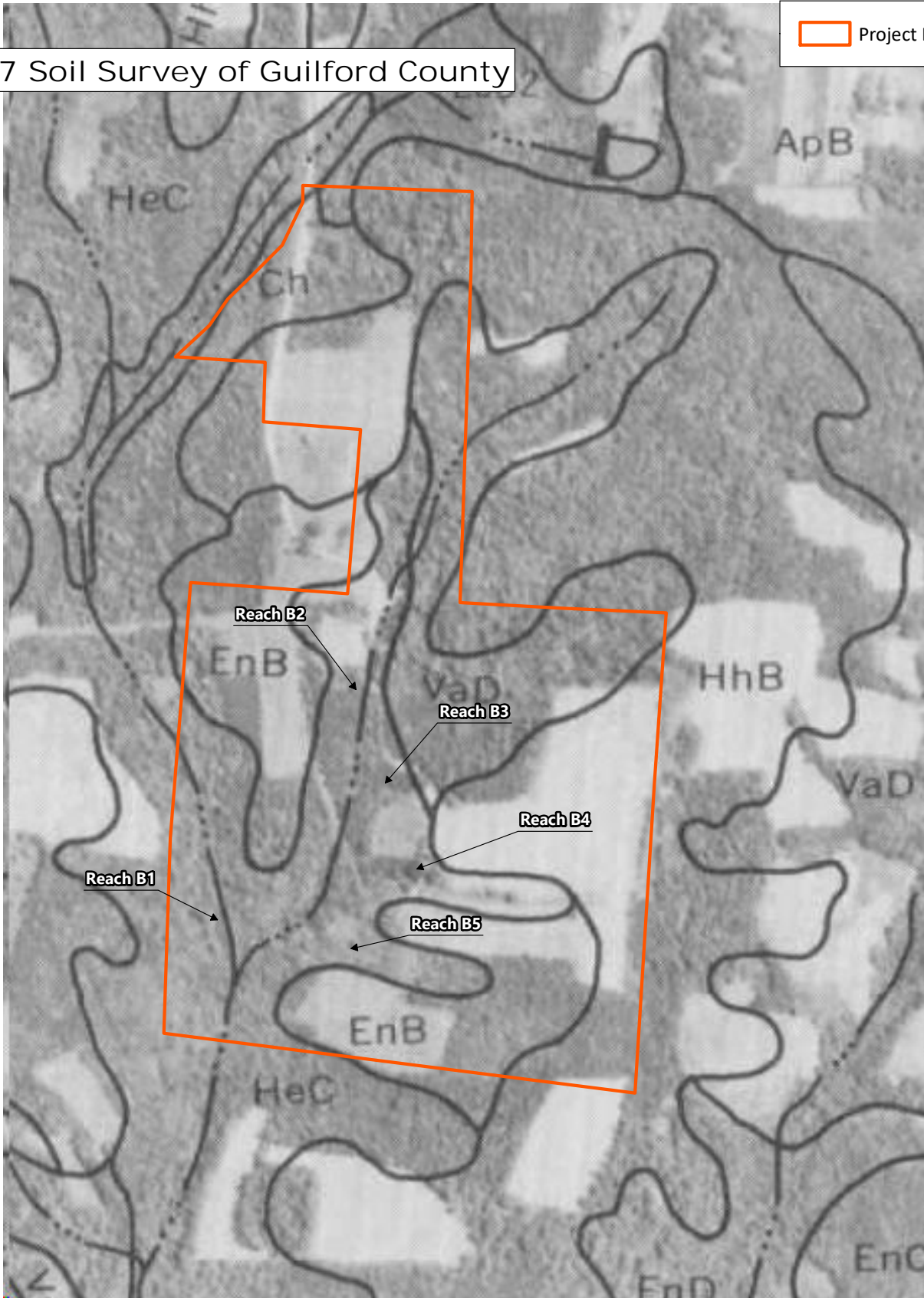


Figure 5 Current Soils Map  
 Burnetts Chapel Mitigation Site - Phase II  
 Mitigation Plan  
 Cape Fear River Basin (03030003)

Guilford County, NC

1977 Soil Survey of Guilford County

Project Location



0 275 550 Feet



Figure 6 1977 Soil Survey Map  
Burnetts Chapel Mitigation Site - Phase II  
Mitigation Plan  
Cape Fear River Basin (03030003)

Guilford County, NC



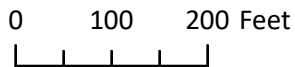
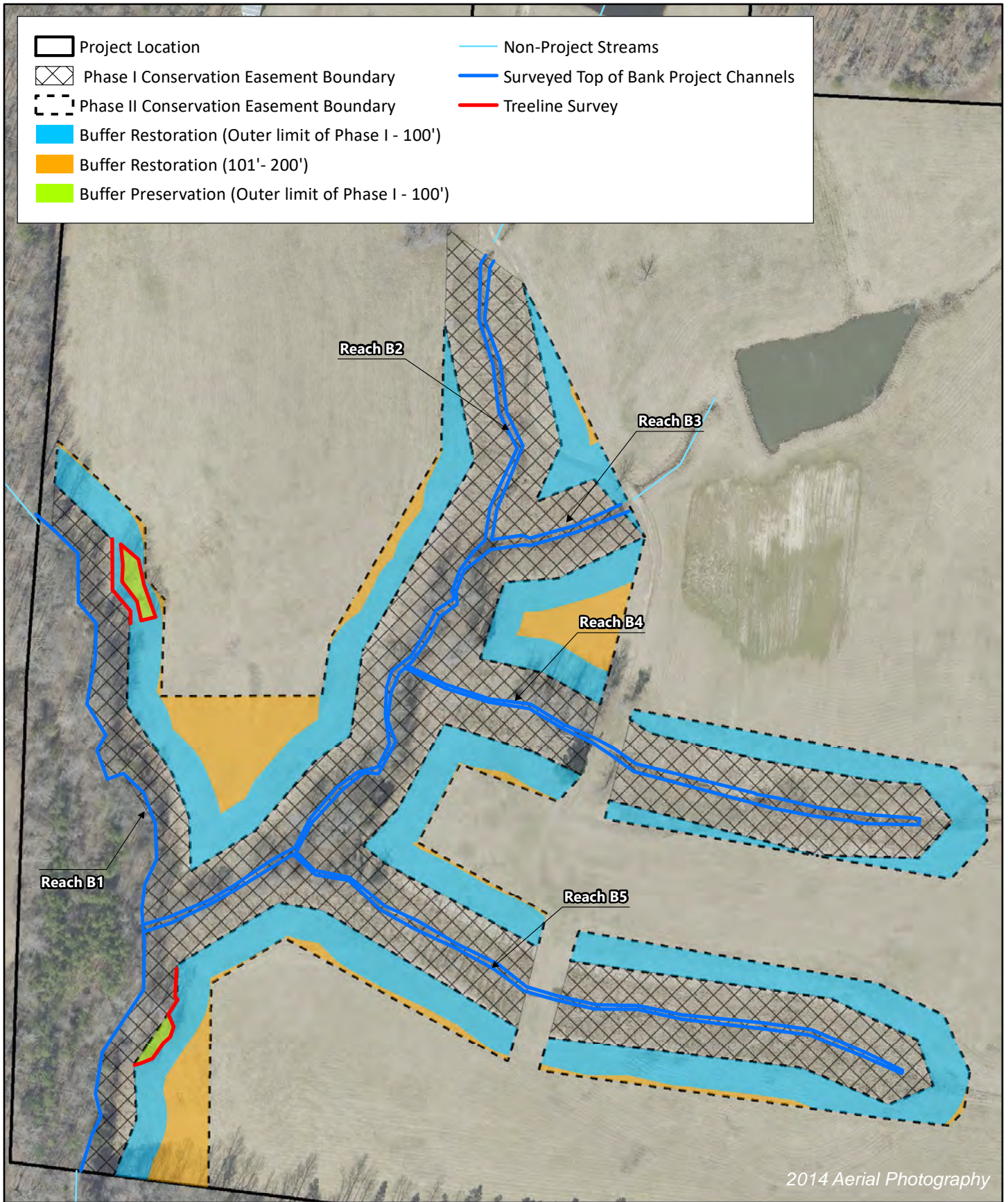


Figure 7 Concept Map  
 Burnetts Chapel Mitigation Site - Phase II  
 Mitigation Plan  
 Cape Fear River Basin (03030003)  
 Guilford County, NC



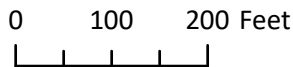
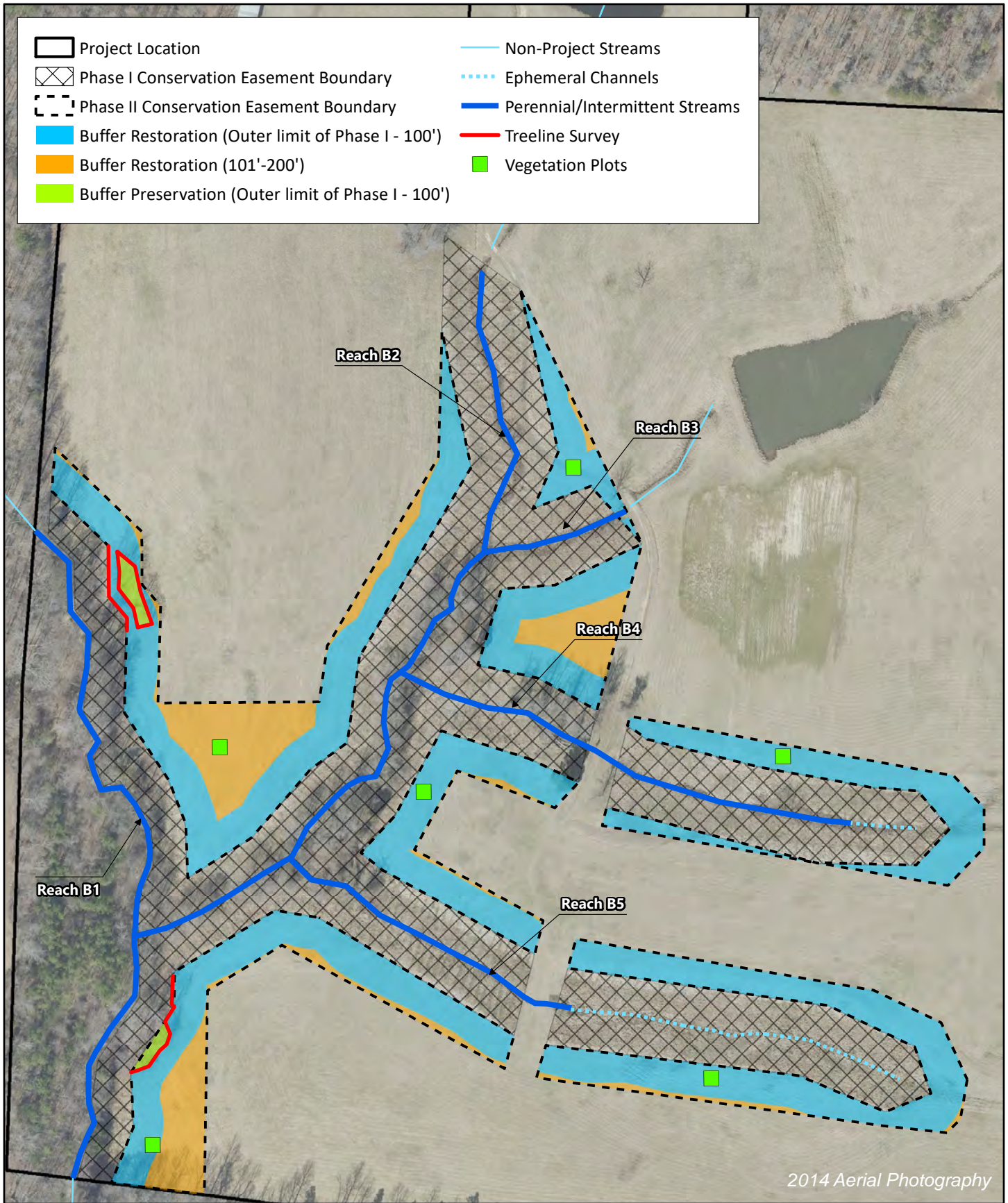


Figure 8 Proposed Monitoring Map  
 Burnetts Chapel Mitigation Site - Phase II  
 Mitigation Plan  
 Cape Fear River Basin (03030003)  
 Guilford County, NC



**APPENDIX**

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## **Site Photographs**



**Photo 1** – B1 Upper Reach (09/26/2018)



**Photo 2** – B1 Lower Reach (09/26/2018)



**Photo 3** – B2 Right Floodplain (09/26/2018)



**Photo 4** – B2 Left Floodplain (09/26/2018)



**Photo 5** – B3 – Right Floodplain (09/26/2018)



**Photo 6** – B4 Upstream Limits (09/26/2018)





**Photo 7** – B4 Lower Reach – Left Floodplain (09/26/2018)



**Photo 8** – B5 Upstream limits (09/26/2018)



**Photo 9** – B5 Lower Reach – Left Floodplain (09/26/2018)



**Photo 10** – Floodplain area between B1 and B2 (09/26/2018)



ROY COOPER  
*Governor*  
 MICHAEL S. REGAN  
*Secretary*  
 LINDA CULPEPPER  
*Interim Director*

March 27, 2018

DWR ID# 2011-0841v2  
 Guilford County

Wildlands Engineering, Inc.  
 Attn: Andrea Eckardt  
 1430 South Mint Street Suite 104  
 Charlotte, NC  
 (via electronic mail: [aekardt@wildlandseng.com](mailto:aekardt@wildlandseng.com) )

Re: Site Viability for Buffer Mitigation & Nutrient Offset – Burnetts Chapel Phase II Site  
 1323 Burnetts Chapel Road, Greensboro, NC  
 Randleman Lake Watershed

Dear Ms. Eckardt

On March 26, 2018, Katie Merritt, with the Division of Water Resources (DWR), assisted you and staff with Division of Mitigation Services (DMS) at the proposed Burnetts Chapel Mitigation Site (Site) in Greensboro, NC. The Site is located in the Randleman Lake WS of the Cape Fear River Basin within the 8-digit Hydrologic Unit Code 03030003. The Site is being proposed as part of a full-delivery buffer mitigation project for the DMS (RFP # 16-007242). At your request, on March 26, 2018, Ms. Merritt performed an onsite assessment of riparian land uses adjacent to streams onsite, which are shown on the attached map labeled “Site Map”. This site is adjacent to an existing DMS full-delivery buffer mitigation site known as “Burnetts Chapel Mitigation Site” (DWR# 2011-0841) where fifty-foot riparian buffers were restored.

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 51’ out to 200’ from the top of bank from each feature for buffer mitigation pursuant to 15A NCAC 02B .0295 (effective November 1, 2015).

| <u>Feature</u>                          | <u>Classification</u> | <u><sup>1</sup>Subject to Buffer Rule</u> | <u>Riparian Land uses adjacent to Feature (51-200')</u> | <u>Buffer Credit Viable</u> | <u><sup>2</sup>Nutrient Offset Viable at 2,273 lbs/acre</u> | <u>Mitigation Type Determination w/in riparian areas</u> |
|---|-----------------------|---|---|-----------------------------|---|--|
| B1                                      | Stream                | Yes                                       | Hay crop fields   | Yes                         | N/A   | Fields - Restoration Site per 15A NCAC 02B .0295 (n)     |
| B2                                      | Stream                | Yes                                       | Hay crop fields   | Yes                         | N/A   | Fields - Restoration Site per 15A NCAC 02B .0295 (n)     |
| B3                                      | Stream                | Yes                                       | Hay crop fields   | Yes                         | N/A   | Fields - Restoration Site per 15A NCAC 02B .0295 (n)     |
| B4<br>Above<br>DWR 2011<br>flag (green) | Wetland/<br>Swale     | No  | N/A   | No                          | N/A   | N/A  |



Burnetts Chapel Phase II Site  
Wildlands  
March 27, 2018

| <u>Feature</u>                          | <u>Classification</u> | <u><sup>1</sup>Subject to Buffer Rule</u> | <u>Riparian Land uses adjacent to Feature (51-200')</u> | <u>Buffer Credit Viable</u> | <u><sup>2</sup>Nutrient Offset Viable at 2,273 lbs/acre</u> | <u>Mitigation Type Determination w/in riparian areas</u>   |
|---|-----------------------|---|---|-----------------------------|---|--|
| B4<br>At DWR<br>2011 flag               | Ephemeral             | No  | Hay crop fields   | Yes <sup>4</sup>            | N/A   | <b>Fields</b> - Restoration Site per 15A NCAC 02B .0295 (o)(7)<br><br><i>Must meet additional requirements under .0295 (o)(7) to be viable for buffer mitigation</i> |
| B4<br>At DWR<br>2010 flag               | Stream                | Yes                                       | Hay crop fields   | Yes                         | N/A   | <b>Fields</b> - Restoration Site per 15A NCAC 02B .0295 (n)  |
| B5<br>Above<br>DWR 2011<br>flag (green) | Wetland /<br>Swale    | No  | N/A   | No                          | N/A   | N/A  |
| B5<br>At DWR<br>2011 flag               | Ephemeral             | No  | Hay crop fields   | Yes <sup>4</sup>            | N/A   | <b>Fields</b> - Restoration Site per 15A NCAC 02B .0295 (o)(7)<br><br><i>Must meet additional requirements under .0295 (o)(7) to be viable for buffer mitigation</i> |
| B5<br>At DWR<br>2010 flag               | Stream                | Yes                                       | Hay crop fields   | Yes                         | N/A   | <b>Fields</b> - Restoration Site per 15A NCAC 02B .0295 (n)  |

<sup>1</sup>Subjectivity calls for the features were determined by DWR in correspondence dated March 27, 2018 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

<sup>2</sup> NC Division of Water Resources - Methodology and Calculations for determining Nutrient Reductions associated with Riparian Buffer Establishment

<sup>3</sup>The 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.

<sup>4</sup>The area of the mitigation site on ephemeral channel shall comprise no more than 25 percent (25%) of the total area of buffer mitigation per 15A NCAC 02B .0295 (o)(7).

The attached map (Site Map) showing the project site and features was provided by Wildlands Engineering and was initialed by Ms. Merritt on March 27, 2018. This letter should be provided in any future stream, wetland, buffer and/or nutrient offset mitigation plans for this Site.

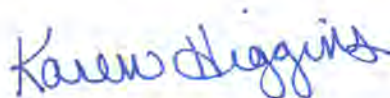
This letter does not constitute an approval of this site to generate mitigation credits. Pursuant to 15A NCAC 02B .0295, a mitigation proposal and a mitigation plan shall be submitted to DWR for written approval **prior** to conducting any mitigation activities in riparian areas and/or surface waters for buffer mitigation credit. Pursuant to 15A NCAC 02B .0240, 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 .0240. For any areas generating wetland mitigation credit, no buffer or nutrient offset credit can be generated.

This viability assessment will expire on March 27, 2020 or upon the submittal of an As-Built Report to the DWR, whichever comes first. Please contact Katie Merritt at (919)-807-6371 if you have any questions regarding this correspondence.

Sincerely,



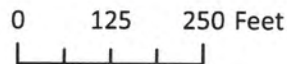
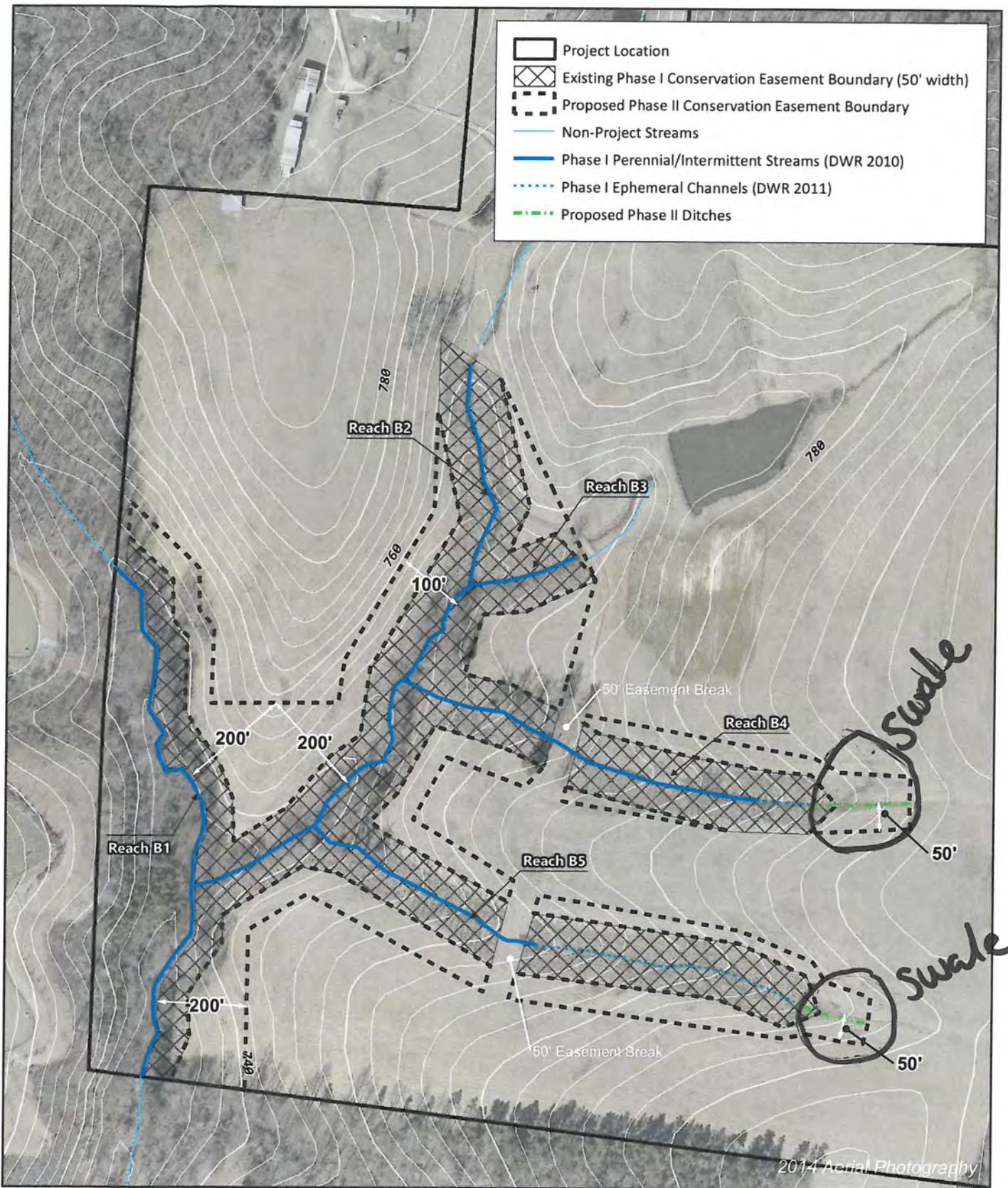
Karen Higgins, Supervisor  
401 and Buffer Permitting Branch

KAH/km

Attachments: Site Map

cc: File Copy (Katie Merritt)  
DMS - Jeff Schaffer (via electronic mail)



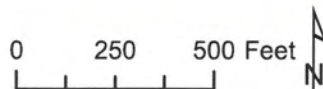
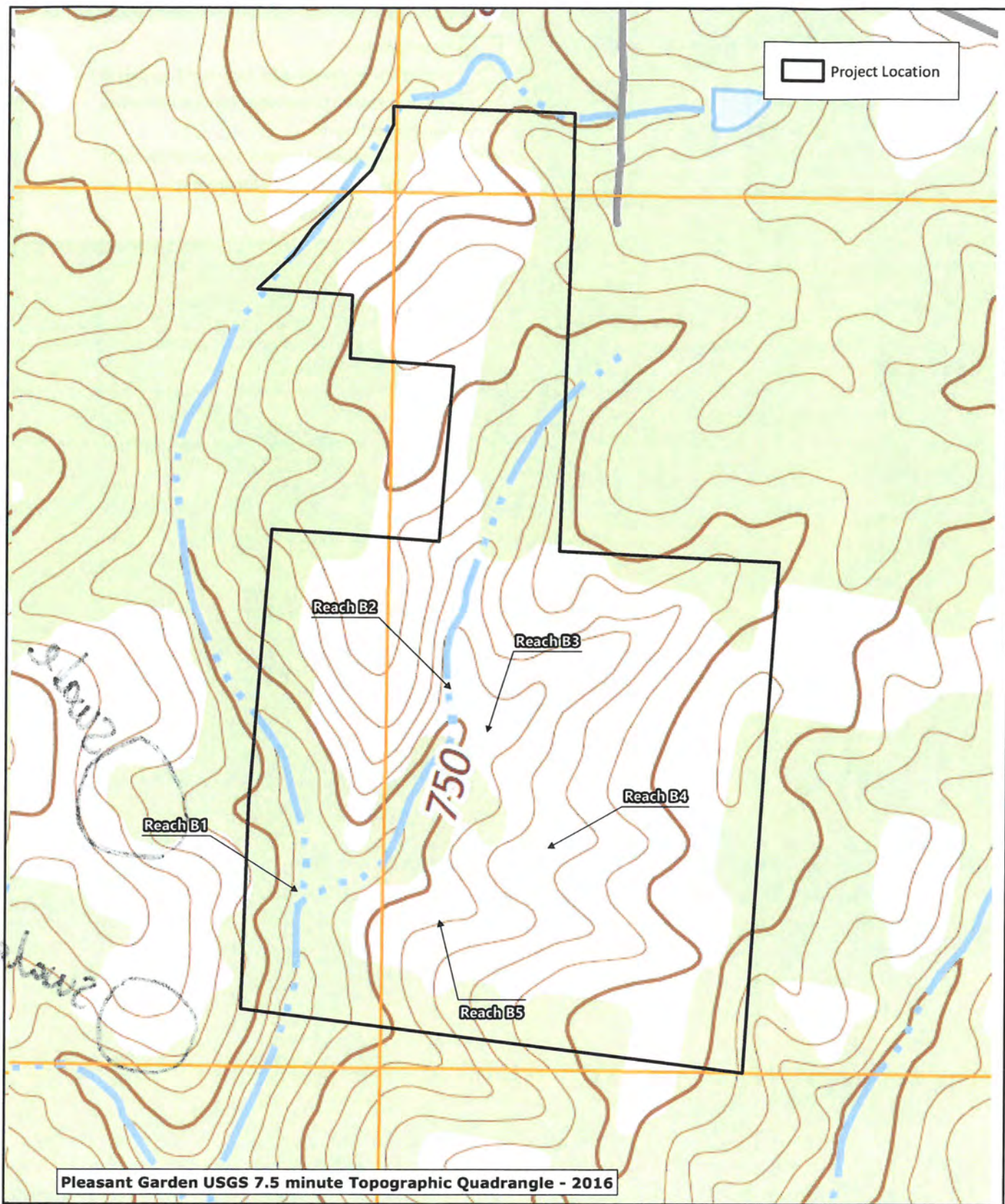


Site Map  
 Burnetts Chapel Mitigation Site - Phase II  
 Cape Fear River Basin (03030003)

Guilford County, NC

*Handwritten:* KRM 3/27/18





USGS Topographic Map  
Burnetts Chapel Mitigation Site - Phase II  
Cape Fear River Basin (03030003)

Guilford County, NC



ROY COOPER  
*Governor*  
MICHAEL S. REGAN  
*Secretary*  
LINDA CULPEPPER  
*Interim Director*

March 27, 2018

Andrea Eckardt  
Wildlands Engineering Inc.  
1430 South Mint Street, Suite 104  
Charlotte NC 28203

**Subject:** On-Site Determination for Applicability to the Randleman Lake Buffer Rules (15A NCAC 2B .0250)

**Subject Property:** Burnett's Chapel Mitigation Site, 1323 Burnetts Chapel Rd, Greensboro NC  
Guilford County  
DWR# 2011-0841

Dear Ms. Eckardt:

On March 26, 2018, at your request, Sue Homewood conducted an on-site determination to review features located on the subject project for stream determinations with regards to the above noted state regulations. Katie Merritt with the Division of Water Resources (Division) was also present during the site visit.

During the site visit the upper portions of Reach B4 and Reach B5, as shown in green on the attached map, were reviewed. Both areas were representative of vegetated swales and had characteristics of wetlands and were therefore were determined not to be subject to the Randleman Buffer Rules as stated above.

The owner (or future owners) should notify the Division (and other relevant agencies) of this decision in any future correspondences concerning this property. 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 Division or Delegated Local Authority that a surface water exists and that it is subject to the buffer rule may request a determination by the Director. A request for a determination by the Director shall be referred to the Director in writing c/o 401 & Buffer Permitting Branch, 1650 Mail Service Center, Raleigh, NC 27699-1650. Individuals that dispute a determination by the Division or Delegated Local Authority that "exempts" surface water from the buffer rule may ask for an adjudicatory hearing. You must act within 60 days of the date that you receive this letter. Applicants are hereby notified that the 60-day statutory appeal time does not start until the affected party (including downstream and adjacent landowners) is notified of this decision. The Division recommends that the applicant conduct this notification in order to be certain that third party appeals are made in a timely manner. To ask for a hearing, send a written petition, which conforms to Chapter 150B of the North Carolina General Statutes to the Office of Administrative Hearings, 6714 Mail Service Center, Raleigh, N.C. 27699-6714. This determination is final and binding unless you ask for a hearing within 60 days.

This letter only addresses the applicability to the buffer rules and does not approve any activity within Waters of the United States or Waters of the State or their associated buffers. If you have any additional questions or require additional information, please contact me at 336-776-9693 or [sue.homewood@ncdenr.gov](mailto:sue.homewood@ncdenr.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Sue Homewood". The signature is fluid and cursive, with a large loop at the end.

Sue Homewood  
Winston-Salem Regional Office

Enclosures: USGS Topo Map  
Wildlands Features Map

Cc: Rick & Val Ingram, 1323 Burnetts Chapel Rd, Greensboro NC 27406  
Katie Merritt, DWR (via email)  
DWR, Winston-Salem Regional Office





**Burnettes Chapel Mitigation Site**

1323 Burnettes Chapel Road  
Greensboro, NC 27406

Inquiry Number: 3119551.4  
July 11, 2011

## The EDR Aerial Photo Decade Package

# EDR Aerial Photo Decade Package

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.

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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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**Date EDR Searched Historical Sources:**

Aerial Photography July 11, 2011

**Target Property:**

1323 Burnettes Chapel Road

Greensboro, NC 27406

| <u><i>Year</i></u> | <u><i>Scale</i></u>                | <u><i>Details</i></u>   | <u><i>Source</i></u> |
|--------------------|------------------------------------|---|----------------------|
| 1973               | Aerial Photograph. Scale: 1"=1000' | Panel #: 35079-H7, Pleasant Garden, NC;/Flight Date: February 24, 1973                        | EDR                  |
| 1977               | Aerial Photograph. Scale: 1"=1000' | Panel #: 35079-H7, Pleasant Garden, NC;/Flight Date: March 01, 1977                           | EDR                  |
| 1980               | Aerial Photograph. Scale: 1"=1000' | Panel #: 35079-H7, Pleasant Garden, NC;/Flight Date: March 15, 1980                           | EDR                  |
| 1983               | Aerial Photograph. Scale: 1"=1000' | Panel #: 35079-H7, Pleasant Garden, NC;/Flight Date: April 21, 1983                           | EDR                  |
| 1993               | Aerial Photograph. Scale: 1"=604'  | Panel #: 35079-H7, Pleasant Garden, NC;/Composite DOQQ - acquisition dates: February 02, 1993 | EDR                  |
| 2005               | Aerial Photograph. Scale: 1"=604'  | Panel #: 35079-H7, Pleasant Garden, NC;/Flight Year: 2005                                     | EDR                  |
| 2006               | Aerial Photograph. Scale: 1"=604'  | Panel #: 35079-H7, Pleasant Garden, NC;/Flight Year: 2006                                     | EDR                  |
| 2008               | Aerial Photograph. Scale: 1"=604'  | Panel #: 35079-H7, Pleasant Garden, NC;/Flight Year: 2008                                     | EDR                  |

14 5 8 9 8

INQUIRY #: 3119551.4

YEAR: 1973

| = 1000'







**INQUIRY #:** 3119551.4

**YEAR:** 1977

|—————| = 1000'



3 2

UAG

INQUIRY #: 3119551.4

YEAR: 1980



| = 1000'



**INQUIRY #:** 3119551.4  
**YEAR:** 1983  
| = 1000'

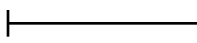






**INQUIRY #:** 3119551.4

**YEAR:** 1993

 = 604'







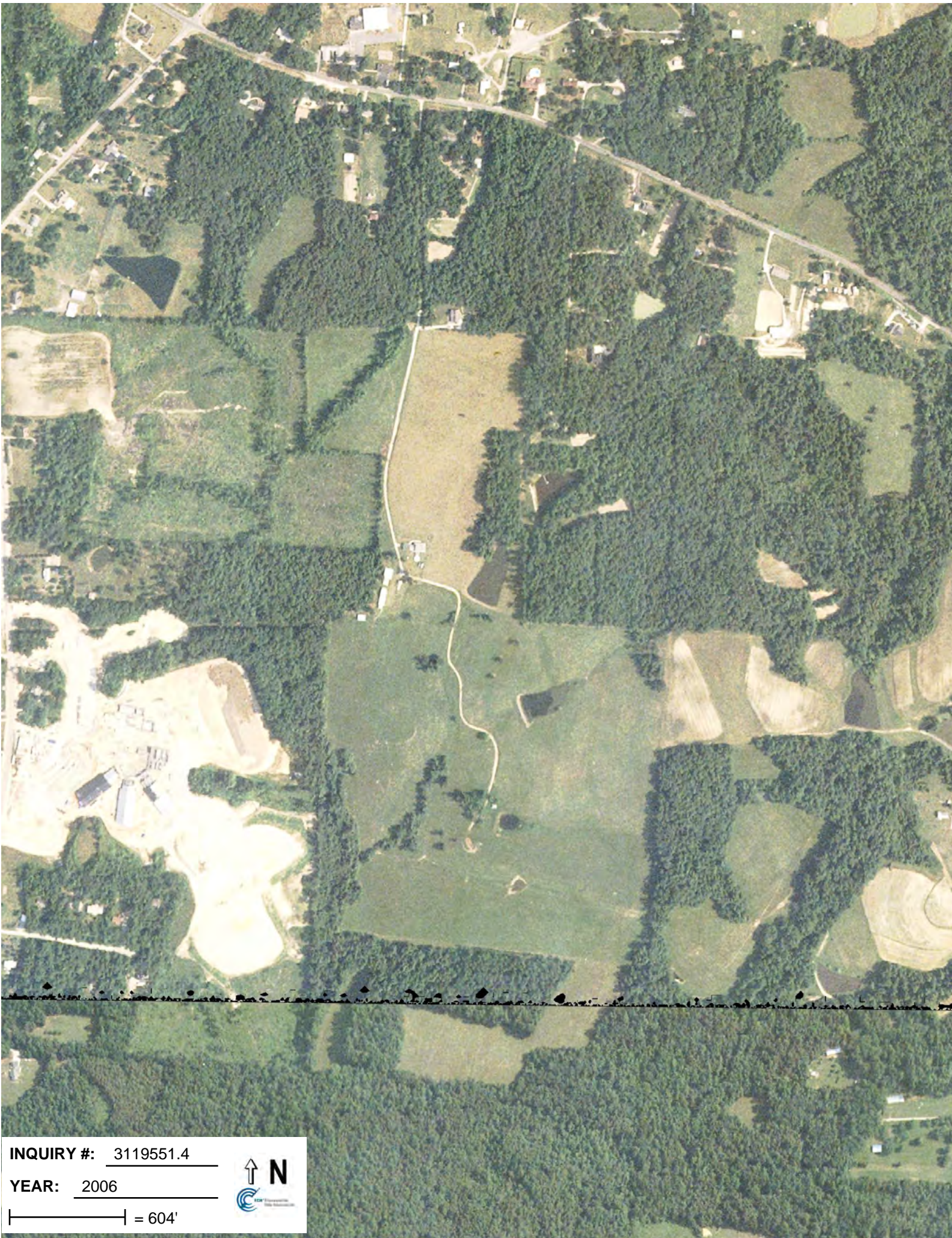
INQUIRY #: 3119551.4

YEAR: 2005

| = 604'







**INQUIRY #:** 3119551.4

**YEAR:** 2006

| = 604'







**INQUIRY #:** 3119551.4

**YEAR:** 2008

| = 604'





**STATE OF NORTH CAROLINA**

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

**GUILFORD COUNTY**

**SPO File Number: XXXX  
DMS Project Number: 100045**

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 \_\_\_\_\_, 2018, by Richard Lee and Valerie Manes Ingram, (“**Grantor**”), whose mailing address is 1323 Burnetts Chapel Road, Greensboro, NC 27406 , 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 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 Environmental Quality Purchase and Services Contract Number 7430.

**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 8<sup>th</sup> day of February 2000; and

**WHEREAS**, the Division of Mitigation Services in the Department of Environmental Quality, 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 property situated, lying, and being in Sumner Township, Guilford County, North Carolina (the "Property"), and being more particularly described as that certain parcel of land containing approximately 33.02 acres and being conveyed to the Grantor by deed as recorded in Deed Book 3548 at Page 1013 and Deed Book 3559 at Page 1826 of the Guilford 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 Randleman Lake.

**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 along with a general Right of Access.

The Conservation Easement Area consists of the following:

Easement Areas B-1, B-2, B-3, B-4, C-1, C-2, and D-1 containing a total of 7.496 acres as shown on the plats of survey entitled "Conservation Easement for the State of North Carolina Division of Mitigation Services, Burnetts Chapel Buffer Mitigation Site, SPO File No. XXXX, DMS Project Site No. 100045, Property of Richard Lee Ingram and Valerie Manes Ingram," dated 6/1/2018 by Elisabeth G. Turner, PLS Number L-4440 and recorded in the Guilford County, North Carolina Register of Deeds at Plat Book \_\_\_\_\_ Pages \_\_\_\_\_.

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. 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.

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.



### III. GRANTEE RESERVED USES

**A. Right of Access, Construction, and Inspection.** The Grantee, its employees and agents, successors and assigns, receive a perpetual Right of Access to the Conservation Easement Area over the Property at reasonable times to undertake any activities on the property to restore, construct, manage, maintain, enhance, protect, and monitor the stream, wetland and any other riparian resources in the Conservation Easement Area, in accordance with restoration activities or a long-term management plan. Unless otherwise specifically set forth in this Conservation Easement, the rights granted herein do not include or establish for the public any access rights.

**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 conservations 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.

**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.

### IV. 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.

## V. 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.

## VI. 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 said premises 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.

\_\_\_\_\_ (SEAL)  
Richard Lee Ingram

\_\_\_\_\_ (SEAL)  
Valerie Manes Ingram

**NORTH CAROLINA**  
**COUNTY OF \_\_\_\_\_**

I, \_\_\_\_\_, a Notary Public in and for the County and State aforesaid, do hereby certify that \_\_\_\_\_, Grantor, personally appeared before me this day and acknowledged the execution of the foregoing instrument.

**IN WITNESS WHEREOF**, I have hereunto set my hand and Notary Seal this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary Public

My commission expires:  
\_\_\_\_\_

**NORTH CAROLINA**  
**COUNTY OF \_\_\_\_\_**

I, \_\_\_\_\_, a Notary Public in and for the County and State aforesaid, do hereby certify that \_\_\_\_\_, Grantor, personally appeared before me this day and acknowledged the execution of the foregoing instrument.

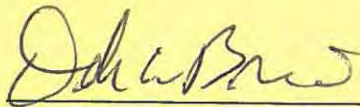
**IN WITNESS WHEREOF**, I have hereunto set my hand and Notary Seal this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary Public

My commission expires:  
\_\_\_\_\_

# Categorical Exclusion Form for Ecosystem Enhancement Program Projects Version 1.4

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

| Part 1: General Project Information   |   |
|---|---|
| <b>Project Name:</b>  | Burnetts Chapel Buffer Mitigation Site - Phase II   |
| <b>County Name:</b>   | Guilford County                                     |
| <b>EEP Number:</b>  | 100045  |
| <b>Project Sponsor:</b>   | Wildlands Engineering, Inc.                         |
| <b>Project Contact Name:</b>  | Andrea Eckardt                                      |
| <b>Project Contact Address:</b>   | 1430 S. Mint Street, Suite 104, Charlotte, NC 28203 |
| <b>Project Contact E-mail:</b>  | aekardt@wildlandsinc.com                            |
| <b>EEP Project Manager:</b>   | Lindsay Crocker                                     |
| Project Description   |   |
| <p>The Burnetts Chapel Buffer Mitigation Site - Phase II is a riparian buffer mitigation project located in Guilford County, NC, west of the Town of Pleasant Garden and south of the City of Greensboro. The project is located on several unnamed tributaries to Randleman Lake. The project will provide riparian buffer mitigation units to NCDMS in the Cape Fear River Basin (03030003).</p>  |   |
| For Official Use Only   |   |
| <p><b>Reviewed By:</b></p><br><br><p><b>Date</b> _____ <b>EEP Project Manager</b></p> <p><b>Conditional Approved By:</b></p><br><br><p><b>Date</b> _____ <b>For Division Administrator</b><br/><b>FHWA</b></p> <p><input type="checkbox"/> Check this box if there are outstanding issues</p> <p><b>Final Approval By:</b></p> <p style="text-align: center;"><i>6-1-18</i></p> <p><b>Date</b> _____ <br/><b>For Division Administrator</b><br/><b>FHWA</b></p> |   |





June 1, 2018

**Mr. Donnie Brew**  
**Federal Highway Administration**  
**310 New Bern Ave, Suite 410**  
**Raleigh, NC 27601**

RE: Burnetts Chapel Mitigation Site – Phase II – updated Categorical Exclusion Documentation  
DMS Project # 100045

Dear Mr. Brew,

The Burnetts Chapel Mitigation Site-Phase II is a buffer restoration project located approximately three miles west of the Town of Pleasant Garden and four miles south of the City of Greensboro in Guilford County, NC (Figure 1). The Site is comprised of approximately 7.5 acres along several unnamed tributaries to the Randleman Reservoir and is immediately adjacent to Phase I of the Burnetts Chapel Mitigation Project, where monitoring was successfully completed by Wildlands in 2016. The Site expands the riparian buffer area from 50 feet in Phase I to 100-200 feet on project streams and ephemeral channels. A Categorical Exclusion was approved by the Federal Highway Administration (FHWA) on Phase I of the site on September 2, 2011.

Wildlands Engineering reassessed the Phase II project area for potential impacts to federally listed threatened and endangered species on April 13, 2018 (<https://www.fws.gov/raleigh/species/cntylist/guilford.html>). Based on the pedestrian survey of the project area, no individual species, critical habitat, or suitable habitat was found to exist in the project area for either the bald eagle (*Haliaeetus leucocephalus*) or the small whorled pogonia (*Isotria medeoloides*).

Per our phone conversation on February 27, 2018, no further assessment other than the endangered species assessment, would be needed for the FHWA to update and approve the existing Categorical Exclusion for the project. Please let me know if you need any additional information or documentation on the site.

Sincerely,

A handwritten signature in black ink that reads "Andrea S. Eckardt". The signature is written in a cursive style.

**Andrea Eckardt**  
Senior Environmental Scientist

**Attachments:**

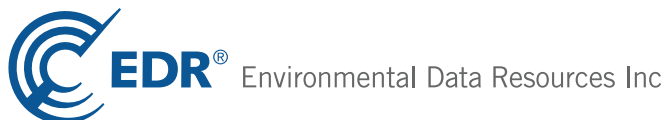
Figure 1 Site Map  
Signature Page of Phase I Categorical Exclusion

**Burnettes Chapel Mitigation Site**

1323 Burnettes Chapel Road  
Greensboro, NC 27406

Inquiry Number: 3119551.2s  
July 11, 2011

**The EDR Radius Map™ Report with GeoCheck®**



440 Wheelers Farms Road  
Milford, CT 06461  
Toll Free: 800.352.0050  
[www.edrnet.com](http://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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## 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 1527-05) or custom requirements developed for the evaluation of environmental risk associated with a parcel of real estate.

### TARGET PROPERTY INFORMATION

#### ADDRESS

1323 BURNETTES CHAPEL ROAD  
GREENSBORO, NC 27406

#### COORDINATES

Latitude (North): 35.946100 - 35° 56' 46.0"  
Longitude (West): 79.845600 - 79° 50' 44.2"  
Universal Transverse Mercator: Zone 17  
UTM X (Meters): 604118.8  
UTM Y (Meters): 3978385.8  
Elevation: 790 ft. above sea level

### USGS TOPOGRAPHIC MAP ASSOCIATED WITH TARGET PROPERTY

Target Property Map: 35079-H7 PLEASANT GARDEN, NC  
Most Recent Revision: 1982

### AERIAL PHOTOGRAPHY IN THIS REPORT

Portions of Photo from: 2005, 2006, 2008  
Source: USDA

### 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

## EXECUTIVE SUMMARY

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***

CERCLIS..... Comprehensive Environmental Response, Compensation, and Liability Information System  
FEDERAL FACILITY..... Federal Facility Site Information listing

### ***Federal CERCLIS NFRAP site List***

CERC-NFRAP..... CERCLIS No Further Remedial Action Planned

### ***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-CESQG..... RCRA - Conditionally Exempt Small Quantity Generator

### ***Federal institutional controls / engineering controls registries***

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

### ***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  
OLI..... Old Landfill Inventory

### ***State and tribal leaking storage tank lists***

LUST..... Regional UST Database

## EXECUTIVE SUMMARY

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

### **State and tribal registered storage tank lists**

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

### **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**

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

### **State and tribal Brownfields sites**

BROWNFIELDS..... Brownfields Projects Inventory

### **ADDITIONAL ENVIRONMENTAL RECORDS**

#### **Local Brownfield lists**

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

#### **Local Lists of Landfill / Solid Waste Disposal Sites**

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

#### **Local Lists of Hazardous waste / Contaminated Sites**

US CDL..... Clandestine Drug Labs  
US HIST CDL..... National Clandestine Laboratory Register

#### **Local Land Records**

LIENS 2..... CERCLA Lien Information  
LUCIS..... Land Use Control Information System

#### **Records of Emergency Release Reports**

HMIRS..... Hazardous Materials Information Reporting System

#### **Other Ascertainable Records**

RCRA-NonGen..... RCRA - Non Generators



## EXECUTIVE SUMMARY

|                          |   |
|--------------------------|---|
| DOT OPS.....             | Incident and Accident Data  |
| DOD.....                 | Department of Defense Sites   |
| FUDS.....                | Formerly Used Defense Sites   |
| CONSENT.....             | Superfund (CERCLA) Consent Decrees  |
| ROD.....                 | Records Of Decision   |
| UMTRA.....               | Uranium Mill Tailings Sites   |
| MINES.....               | Mines Master Index File   |
| TRIS.....                | Toxic Chemical Release Inventory System   |
| TSCA.....                | Toxic Substances Control Act  |
| FTTS.....                | FIFRA/ TSCA Tracking System - FIFRA (Federal Insecticide, Fungicide, & Rodenticide Act)/TSCA (Toxic Substances Control Act) |
| HIST FTTS.....           | FIFRA/TSCA Tracking System Administrative Case Listing  |
| SSTS.....                | Section 7 Tracking Systems  |
| ICIS.....                | Integrated Compliance Information System  |
| PADS.....                | PCB Activity Database System  |
| MLTS.....                | Material Licensing Tracking System  |
| RADINFO.....             | Radiation Information Database  |
| FINDS.....               | Facility Index System/Facility Registry System  |
| RAATS.....               | RCRA Administrative Action Tracking System  |
| IMD.....                 | Incident Management Database  |
| UIC.....                 | Underground Injection Wells Listing   |
| DRYCLEANERS.....         | Drycleaning Sites   |
| NPDES.....               | NPDES Facility Location Listing   |
| INDIAN RESERV.....       | Indian Reservations   |
| SCRD DRYCLEANERS.....    | State Coalition for Remediation of Drycleaners Listing  |
| PCB TRANSFORMER.....     | PCB Transformer Registration Database   |
| COAL ASH EPA.....        | Coal Combustion Residues Surface Impoundments List  |
| COAL ASH DOE.....        | Sleam-Electric Plan Operation Data  |
| FINANCIAL ASSURANCE..... | Financial Assurance Information Listing   |
| COAL ASH.....            | Coal Ash Disposal Sites   |

### EDR PROPRIETARY RECORDS

#### *EDR Proprietary Records*

Manufactured Gas Plants..... EDR Proprietary Manufactured Gas Plants

### SURROUNDING SITES: SEARCH RESULTS

Surrounding sites were not identified.

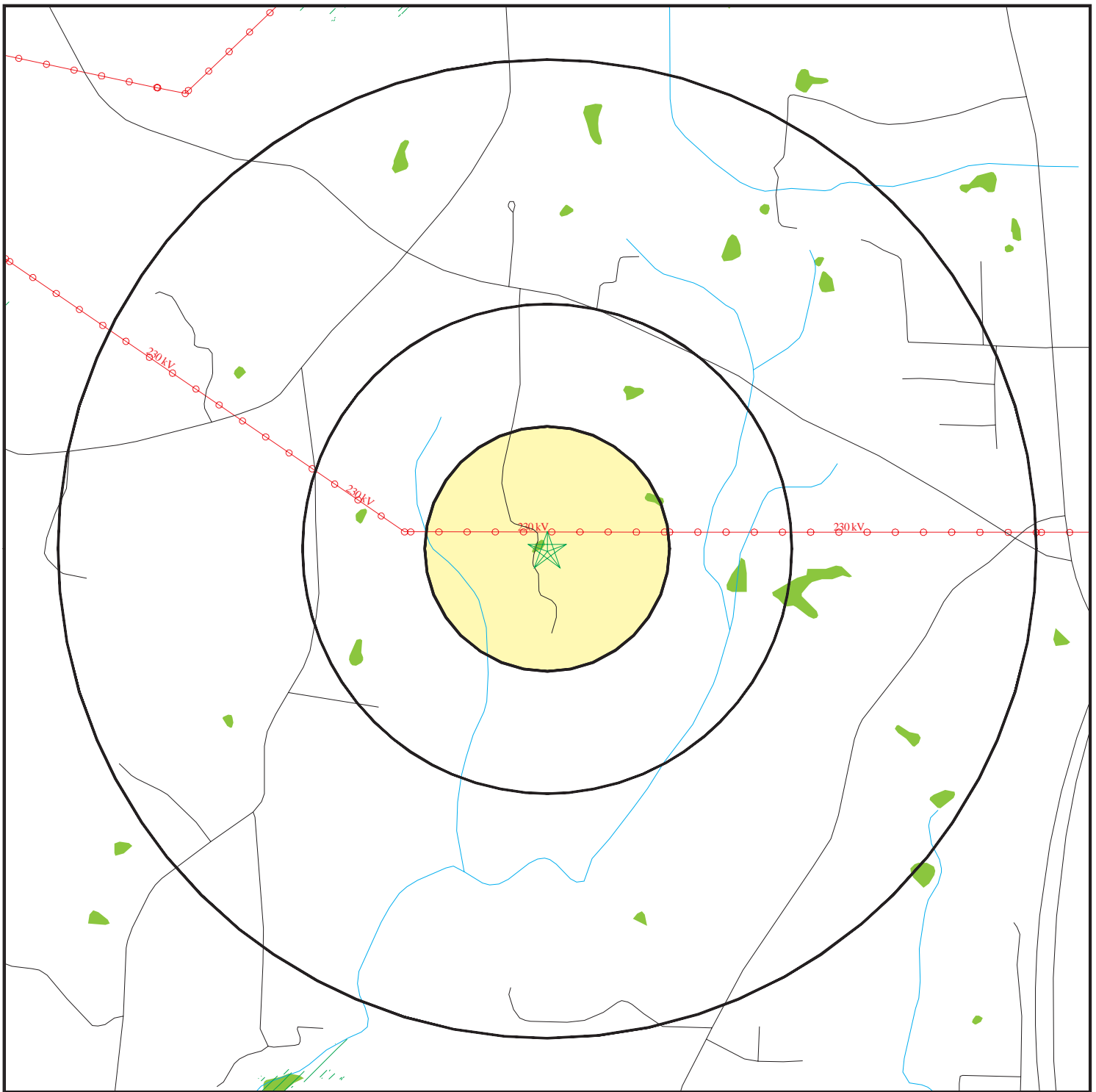
Unmappable (orphan) sites are not considered in the foregoing analysis.

## EXECUTIVE SUMMARY

Due to poor or inadequate address information, the following sites were not mapped. Count: 20 records.

| <u>Site Name</u>                   | <u>Database(s)</u>         |
|------------------------------------|----------------------------|
| WYSONG & MILES CO. - NONUST        | IMD, LAST                  |
| QUALITY MART 7                     | UST, FINANCIAL ASSURANCE 1 |
| TIRES INC GUILFORD CO SCRAP TIRE C | HIST LF                    |
| TIRES INC., GUILFORD COUNTY        | LF, HIST LF                |
| HUBERT ATKINS PROPERTY #4          | HWS                        |
| CAROLINA TANK CLEANING COMPANY     | HWS                        |
| I-85 ACRYLIC ACID SPILL            | CERCLIS                    |
| FORMER EAST COAST #68 (SEE 180     | IMD, LUST                  |
| GARDNER PROPERTY (FORMER)          | IMD, LUST                  |
| CORNELL PROPERTY                   | LUST TRUST                 |
| COLTRANE MILL                      | UST                        |
| GAMBLE SERVICE STATION             | UST                        |
| CONTINENTAL OIL CO (CHIMNEY ROCK R | AST                        |
| BEAR CREEK SITE C/O FOUR SEASONS   | RCRA-LQG                   |
| RAY'S FURNITURE CO INC             | FINDS, RCRA-NLR            |
| M & M MOTOR CO. INC                | RCRA-NLR                   |
| OKLAHOMA INSTALLATION CO #446      | FINDS, RCRA-CESQG          |
| DART CONTAINER OF NORTH CAROLINA   | FINDS, RCRA-CESQG          |
| LEES CHAPEL ROAD                   | ERNS                       |
| STEVE RIDENOUR RESIDENCE           | IMD                        |

# OVERVIEW MAP - 3119551.2s



- ★ 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
- ☒ Hazardous Substance Disposal Sites
- ⚡ Power transmission lines
- ⚡ Oil & Gas pipelines
- ▨ 100-year flood zone
- ▨ 500-year flood zone
- National Wetland Inventory
- State Wetlands



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: Burnettes Chapel Mitigation Site  
 ADDRESS: 1323 Burnettes Chapel Road  
 Greensboro NC 27406  
 LAT/LONG: 35.9461 / 79.8456

CLIENT: Wildlands, Inc.  
 CONTACT: Andrea Eckardt  
 INQUIRY #: 3119551.2s  
 DATE: July 11, 2011 10:56 am