

MITIGATION PLAN

February 20, 2020

**Eight Point Buffer Restoration Site
Guilford County, North Carolina
DMS Project Number 100113
DMS Contract 7865
DWR Project Number 20190647**

**Cape Fear River Basin
Cataloging Unit 03030003**

Prepared for:

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

Prepared by:



KCI Associates of North Carolina, PC
4505 Falls of Neuse Rd, Suite 400
Raleigh, NC 27609
(919) 783-9214

This mitigation plan was written in conformance with the following:

North Carolina consolidated buffer mitigation rule 15A NCAC 02B .0295, effective November 1, 2015 and the Nutrient Offsets Payments Rule 15A NCAC 02B. 0240, amended effective September 1, 2010.



ISO 9001:2015 CERTIFIED

ENGINEERS • PLANNERS • SCIENTISTS • CONSTRUCTION MANAGERS

4505 Falls of Neuse Rd., Suite 400 • Raleigh, NC 27609 • Phone 919-783-9214 • Fax 919-783-9266

Date: February 20, 2020

From: Charlie Morgan, Project Manager
KCI Technologies, Inc.

Re: DWR# 2019-0647 Eight-Point Buffer Restoration Site Mitigation Plan
Response to NCDWR Comments

Katie Merritt,

Please see the attached response to your mitigation plan comments letter dated 21 January 2020. If you have any questions please contact me at 919-278-2470 or via email at charlie.morgan@kci.com.

CC: Lindsay Crocker, NCDMS
Tim Morris, KCI Technologies, Inc.

Eight Point Riparian Buffer Mitigation Plan DWR# 2019-0647
DWR staff (Katie Merritt) Comments submitted 1/21/2020:

1. General Comments:

a. The plan is incomplete and somewhat hard to follow with having Figures placed within each section. The preferred template has the figures provided at the end of the plan's text and before the Appendices. [Figures have been moved to the end of the text.](#)

b. Add a service area map to the Figures. The Service area map should show the Randleman Lake Watershed being serviced by this buffer project. [Service Area figure has been added.](#)

c. Consistent misuse of the term "riparian buffer" or "buffer" is used throughout the text and can lead to confusion or misleading information. These terms are only to be used to describe the Randleman Lake Watershed buffers, which is 0-50' from top of bank and has a Zone 1 & Zone 2. Please correct terminology where it is being misused and replace with "riparian area" where applicable.

- Example: "The project includes the restoration of riparian buffers "and adjacent riparian areas." [Added "and adjacent riparian areas" where applicable.](#)

2. Section 1.0; pages 5-6

a. Define EPBRS. [Added "Eight Point Buffer Restoration Site \(EPBRS\)"](#)

b. Table 2 has unrealistic expectations for Initial Planting Date [Changed Date to March.](#)

c. Add language to clarify this site is being submitted for buffer mitigation credits to be used in the Randleman Lake Watershed. Currently, it only references the 14-digit HUC and the Cape Fear River basin. [Added text to include "Randleman Lake Watershed"](#)

d. Last paragraph of 1.2 states there is a "small structure that sits within the easement." What is this structure? [It is a storage shed. Changed text from "structure" to "storage shed"](#)

3. No photos are provided showing existing riparian conditions. Please add photos of the riparian areas w/ dates that are recent. Indicate any land use changes, if any, from the date DWR was last onsite, which was July 2019 [Photos have been added. No land use changes](#)

4. Section 2.0

a. There are no regulatory considerations provided. This section needs to include a summary of the results from the Cat-Ex findings, and reference any and all correspondence relative to the Cat-Ex findings. The Cat-Ex signature page is signed, but the form is not filled out completely. [For buffer only projects parts one and two of the categorical exclusion are the only required parts. The CE has been reviewed and approved by FHWA](#)

b. Table 2:

- Change "Buffer Width" column to be "Min-Max Buffer Width" and complete the table. [Changed "Buffer Width" to "Min-Max Buffer Width"](#)
- Add a column for "Total Area" (this is the area measured before ratios are applied) [Column added](#)
- Insert "No" for the column on nutrient offset conversion [No inserted where applicable](#)

5. Figure 6 - the scale is shown for 150', but the widths are wider than 150'. Adjust the scale to 200'; Change 100-200' to 101-200' [Scale changed and 100 changed to 101](#)

6. Section 3 .1 –

- a. What is the acronym, PHBRS? [This was a typo. Changed to "EPBRS"](#)
- b. It says, "no grazing will occur on the parcel outside of the easement". What about inside of the easement? Explain. [This was also a typo. Outside the easement has been changed to "inside"](#)

7. Section 3 .2 –

- a. The Planting Plan is incomplete and lacks sufficient detail for DWR review. Stems are described as "potential species that may be included". Revise plan to include exactly what is intended to be planted along with the percentage of each species that will be planted. The performance std for success of the site in 0295 (n)(2) states that no one species planted can be more than 50% of the stems. Therefore, this information is necessary to provide. [Species percentages have been included](#)
- b. Provide detail on the riparian widths that will be planted [Verbiage added to say that the entire easement will be planted](#)
- c. How will diffused flow be achieved or is there no problem? [There are no areas of concentrated flow entering the easement that will require the incorporation of flow diffusers to disperse runoff.](#)
- d. Remove Tag Alder from the selected species, it is not an appropriate species for buffer mitigation sites [Alder has been removed](#)
- e. Green Ash should either be removed or limited to no more than 5% of stems that are planted. The Emerald Ash borer is a risk to this species. [Green ash has been removed.](#)
- f. It isn't clear if the herbaceous seed mix noted in this section refers to temporary or permanent seeding. However, DWR requests that permanent riparian seeding also be applied and established where bare areas caused from cattle are present. It is important to maintain a healthy and diverse herbaceous layer within the riparian areas to reduce the potential of runoff, nutrients and sediments into the streams. [Seed mix and its status as a permanent mix has been included](#)

g. Planting with a seed mix that is abundant in annual and perennial pollinator species is strictly voluntary but is being encouraged by DWR in other mitigation plans to promote diversity and enhance the health of the herbaceous layer, which can also greatly benefit planted stems.

8. Section 4.0 –

a. The Monitoring Plan is incomplete and lacks significant details needed to confirm compliance of 0295 (2)(B & E) and (4). [The monitoring plan has been updated.](#)

b. There is no clear understanding of what data is going to be collected, it only says, "data will include a count of individuals by species". DWR requires the Quantity & Quality of the stems in the plots be provided in monitoring reports. Therefore, it is expected that heights of species counting towards your perf. Criteria are included in the data along with the species name. [Height class has been added to the data to be collected.](#)

c. Will data include Planted &/or Volunteers? CVS level 1 or II? If planning to count volunteers, it must be stated that "desirable volunteers may count towards performance standards only upon DWR approval". [Data will include differentiating between planted and volunteer species. A note has been added about DWR approval for using volunteers towards performance standards. CVS will not be used.](#)

d. Figure 7 only shows 3 permanent plots, but the text says there will be 1 plot per planted acre and half will be a permanent location. Table 2.0 exhibits 5 acres to be planted. Explain. [The 3 plots in the figure depict the permanent plots. The other two plots will be randomly selected each year.](#)

e. Random vs Permanent plots: All plots, including the Permanent plots should be chosen at random. Explain the difference here. Do you mean, "rotating plots"? [This has been clarified. Three of the plots are permanent and two will be randomly selected each year. The two random plots will not be in the same location every monitoring year.](#)

f. For Random/Rotating plots: Indicate the frequency that plots will be rotated, how many plots will this consist of each year in addition to the permanent plots? Acknowledge that the location of the random plots used for recording vegetation data need to be provided with each monitoring report and have to be representative of the areas planted. These plots have to be the same size as the permanent plots but can be different shapes. What will the shapes be of these plots? [This has been clarified. 10 meters by 10 meters. Verbiage has been added to quantify permanent vs random plots and that the random plots will rotate annually.](#)

g. Stems are supposed to be flagged in the plots. State this will be done. [Planted stems in permanent plots will be flagged as is our standard practice.](#)

h. Quantity of plots: DWR needs to know the minimum # of plots DMS intends to use, both permanent & random, for each monitoring year. [3 permanent and 2 random.](#)

i. Clarify that monitoring will be conducted for 5 years or until performance standards have been achieved. [Existing text "Monitoring will be conducted for a period of five years following project](#)

implementation” now reads “Monitoring will be conducted for a period of five years following project implementation or until performance standards have been achieved”

9. Section 5.0: Instead of Success Criteria, please use "Performance Standards" to be consistent with .0295 terminology [Changed “Success Criteria” to “ Performance Standards”](#)

a. Explain what is meant by "vegetation plantings". Trees? Shrubs? Herbaceous? [“Trees and shrubs” now replaces vegetation](#)

b. The rule 0295 (n)(2)(B) provides two options for planting plans, Is it Trees? Or Trees & Shrubs combined? please pick the one that applies to this site and cite the rule [Trees and shrubs](#)

c. There was only one shrub, Buttonbush, listed in Section 4.0. What is the% of this shrub in your planting plan? [1%](#)

d. Without knowing what data will be collected in Section 4.0, reviewing this section for completion and compliance with 0295 is difficult. [Monitoring has been updated and should clarify what data will be collected.](#)

e. Clarify that a photograph will be taken of each permanent & random/rotating plot each year for the report. [“A photograph will be taken of each monitoring plot, allowing yearly qualitative comparison of vegetation conditions.”](#)

f. How are "qualitative conditions" going to be measured? What data will this consist of? [Height class](#)

10. Section 6.0

a. This section describes what DENR stewardship will do. But what is the Provider expected to do during their monitoring years 1-5? Identify how the boundary will be marked at as-built. It says the stewardship program will install signage ... but isn't that done at closeout? If so, the provider needs to install their own temporary signs and mark the easement boundary before As-Built as to avoid any confusion of where the boundaries are. [Added verbiage to state boundary marking would be done after planting is complete and added discussion and a table describing the potential maintenance that KCI would complete during the maintenance and monitoring period.](#)

11. Was there an AD-1006 form required? [No](#)

12. Overall, if the riparian restoration is done according to the plan and addresses all comments and corrections provided by DWR, the site should provide a good buffer mitigation project.

A response to all comments above, along with edits made to the final draft are requested by DWR prior to final review & issuance of any plan approval. No work is to be done on the site until written DWR approval has been provided in accordance with 15A NCAC 02B .0295 (n)(2).

TABLE OF CONTENTS

1.0 MITIGATION PROJECT SUMMARY 5
 1.1 Project Location..... 5
 1.2 Project Description..... 5
2.0 REGULATORY CONSIDERATIONS..... 7
 3.1 Site Preparation..... 8
 3.2 Planting 8
4.0 MONITORING PLAN..... 9
5.0 PERFORMANCE STANDARDS..... 9
6.0 MAINTENANCE/STEWARDSHIP..... 10
7.0 FIGURES 10
8.0 APPENDICES..... 19

FIGURES

Figure 1. Project Service Area..... 11
Figure 2. Project Site Vicinity Map..... 12
Figure 3. USGS Topographic Map 13
Figure 4. Watershed Planning Contextual Map..... 14
Figure 5. Existing Site Topography 15
Figure 6. Lidar Map..... 16
Figure 7. Mitigation Type and Extent 17
Figure 8. Permanent Monitoring Points 18

TABLES

Table 1. Buffer Project Attributes 5
Table 2. EPBRs Credit Determination 7
Table 3a. Planting List – Woody Species 8
Table 3b. Permanent Herbaceous Seed Mix..... 9
Table 4. Planned Maintenance 10

APPENDICES

- Site Viability Letter
- On-Site Determination of Applicability to Randleman Lake Buffer Rules
- Photo Log
- Protection Instrument
- Categorical Exclusion

1.0 MITIGATION PROJECT SUMMARY

1.1 Project Location

The Eight-Point Buffer Restoration Site (EPBRS) is situated in central Guilford County. The site is located approximately eight miles southwest of Greensboro, North Carolina. Specifically, the site is on Newman Davis Road just west of US-73. The center of the site is at approximately 35.9621 N and -79.8351 W in the Pleasant Garden USGS Quadrangle. The location of the project is shown in Figure 1 and the USGS quadrangle is shown in Figure 2.

From Raleigh follow I-40W and then exit left toward Greensboro/I-85 S for 41 miles. Take exit 122 toward Greensboro/US-220/Asheboro and keep left the fork. Merge onto I-73/US-220 S for 1.2 miles and take the Old Randleman Rd exit, Exit 94. Keep right at the fork in the ramp and turn slightly right onto Old Randleman Rd. for 1.8 miles. Turn right onto Newman Davis Rd and the site will be on your left in approximately 0.32 miles.

Table 1. Buffer Project Attributes

Project Name	Eight-Point Buffer Restoration Site
Hydrologic Unit Code	3030003
River Basin	Cape Fear- Randleman Lake
Geographic Location (Lat, Long)	35.9621 N and -79.8351 W
Site Protection Instrument (DB, PG)	Conservation Easement
Total Credits (BMU)	148337.845
Types of Credits	Restoration
Mitigation Plan Date	Dec-20
Initial Planting Date	Mar-20
Baseline Report Date	Apr-20
MY1 Report Date	Oct-20
MY2 Report Date	Oct-21
MY3 Report Date	Oct-22
MY4 Report Date	Oct-23
MY5 Report Date	Oct-24

1.2 Project Description

The EPBRS is a candidate site for buffer restoration in the Randleman Lake Watershed of the Cape Fear River Basin in Guilford County, North Carolina. As evidenced by historic aerial photos and site investigations, the buffers at this site have been historically cleared for pasture, impacted by cattle, and from other anthropogenic impacts. Restoring these stream buffers will not only return a functional riparian buffer and adjacent riparian areas, but will also lower the supply of sediment entering Hickory Creek.

The site is within the 03030003 Watershed Cataloging Unit (8-digit HUC) of the Cape Fear River Basin and the 14-digit HUC 03030003010050 (Randleman Reservoir/Hickory Creek).

This 14-digit HUC includes a mix of agricultural (28 percent of land cover), forest (42 percent of land cover), and urban land uses (16 percent of land cover), with an overall imperviousness estimated at seven percent. This HUC contains portions of Randleman Lake, a drinking water reservoir, making this HUC a Water Supply Watershed.

In DMS's most recent publication of excluded and Targeted Local Watersheds (TLW)/Hydrologic Units, this 14-digit HUC has been identified as a TLW. Runoff from portions of Greensboro drains to Hickory Creek, stressing its aquatic ecosystem. Consequently, in 2006, over 11 miles of creeks in the HUC were listed as having impaired biology. The Randleman Lake watershed is subject to stream buffer protections administered by DWR. (NCDMS 2009).

The project tributaries have not been rated by DWR, but Hickory Creek (NCDWR Index# 17-8.5-(3)), located approximately two miles downstream of the site, is classified for surface water as Class WS IV; CA*. WS IV waters are used as sources of water supply for drinking, culinary, or food processing purposes and are generally in moderately to highly developed watersheds or protected areas. CA designates critical areas (Randleman Lake). The * symbol identifies waters that are within a designated Critical Supply Watershed and are subject to a special management strategy specified in 15A NCAC 2B .0248 (Randleman Lake Water Supply Watershed: Nutrient Management Strategy).

Hickory Creek is listed on the 2016 and 2018 303(d) list of impaired waters as impaired due to benthos. The Creek was given a Fair rating. The watershed boundary is shown in Figure 4.

The project site is centered on approximately 625 linear feet of intermittent stream. While there are a few large remnant oaks along the stream there is not enough existing vegetation to be considered a buffer. The land contained within the easement has been row crop, pasture for large and small ruminants, and hay field at different periods. Currently, the area within the proposed easement is in hay. There is one small storage shed that sits within the easement footprint that will be removed.

2.0 REGULATORY CONSIDERATIONS

This site offers substantial opportunity for restoring riparian buffer and adjacent riparian areas along stable streams in Guilford County. No Federal or State permits are required. The following descriptions of mitigation type and extent are based on the *Consolidated Buffer Mitigation Rule (15A NCAC 02B .0295)*.

**Table 2. EPBRS Credit Determination
RIPARIAN BUFFER (15A NCAC 02B.0295)**

Location	Jurisdictional Streams	Restoration Type	Reach ID/Component	Min-Max Buffer Width (ft)	Total Area (sf)*	Initial Credit Ratio (x:1)	% Full Credit	Final Credit Ratio (x:1)	Riparian Buffer Credits (BMU)	Convertible to Nutrient Offset (Yes or No)	If Converted to Nutrient Offset	
											Nutrient Offset: N (lbs)	Nutrient Offset: P (lbs)
Rural or Urban	Subject or Nonsubject	Restoration	T1	20-29	347	1	75%	1.33333	260.251	No	0.000	0.000
			T1	30-100	113,879		100%	1.00000	113,879.000	No	0.000	0.000
			T1	101-200	103,632		33%	3.03030	34,198.594	No	0.000	0.000
		Enhancement		20-29		2	75%	2.66667	0.000		0.000	0.000
				30-100			100%	2.00000	0.000		0.000	0.000
				101-200			33%	6.00000	0.000		0.000	0.000
SUBTOTALS					217,858			148,337.845		0.000	0.000	

ELIGIBLE PRESERVATION					0							
Location	Jurisdictional Streams	Restoration Type	Reach ID/Component	Min-Max Buffer Width (ft)	Total Area (sf)*	Initial Credit Ratio (x:1)	% Full Credit	Final Credit Ratio (x:1)	Riparian Buffer Credits (BMU)			
Rural	Subject	Preservation		20-29		10	75%	13.33333	0.000			
				30-100			100%	10.00000	0.000			
				101-200			33%	30.00000	0.000			
	Nonsubject			20-29		5	75%	6.66667	0.000			
				30-100			100%	5.00000	0.000			
				101-200			33%	15.00000	0.000			
Urban	Subject or Nonsubject		20-29		3	75%	4.00000	0.000				
			30-100			100%	3.00000	0.000				
			101-200			33%	9.00000	0.000				
SUBTOTALS					0			0.000				
TOTALS					217,858			148,337.845				

A categorical exclusion for this project has been approved by the Federal Highway Administration. The Coastal Zone Management Act does not apply to this project. A limited Phase I site assessment determined that there are no known or potential hazardous waste sites within the project area. No properties on the project site are listed or eligible for listing on the National Register of Historic Places. The property owner has been informed of all policies under the Relocation Assistance and Real Property Acquisition Policies Act of 1970.

3.1 Site Preparation

Site preparation for the EPBRS will include chemical control of pasture grasses and any non-native invasive species following all applicable label recommendations and pesticide application regulations. Disking will be used in any areas of fescue or other allelopathic plants. No grazing will occur on the parcel inside of the easement.

3.2 Planting

The EPBRS is currently devoid of a forested buffer. In order to restore a forested buffer, the site will be planted with bare root hardwood seedlings from the list below. Trees will be planted at a density of 680 trees per acre. Every other tree will be fitted with 4' Tubex Treeshelter and a VisPore Weedmat to assist with establishment and competition control. Woody species to be planted may consist of the following, and any substitutions to the planting plan will be taken from this list. No single species may account for more than 50% of the total.

Table 3a. Planting List – Woody Species

Common Name	Scientific Name	Wetland Status	% of Total	Estimated # of Plants
Black Gum	<i>Nyssa sylvatica</i>	FAC	5.0%	170
River Birch	<i>Betula nigra</i>	FACW	10.0%	340
American Persimmon	<i>Diospyros virginiana</i>	FAC	10.0%	340
Silky Dogwood	<i>Cornus amomum</i>	FACW	5.0%	170
Button Bush	<i>Cephalanthus Occidentalis</i>	OBL	1.0%	34
Pin Oak	<i>Quercus palustris</i>	FACW	5.0%	170
Tulip Poplar	<i>Liriodendron tulipifera</i>	FACU	10.0%	340
American Sycamore	<i>Platanus occidentalis</i>	FACW	10.0%	340
White Oak	<i>Quercus alba</i>	FACU	10.0%	340
Swamp Chestnut Oak	<i>Quercus michauxii</i>	FACW	10.0%	340
Willow Oak	<i>Quercus phellos</i>	FAC	14.0%	476
American Elm	<i>Ulmus americana</i>	FACW	10.0%	340
			100.0%	3,400

Acreage	5	ac
Density	680	stems/ac
Total Plants	3,400	

A custom herbaceous seed mix composed of native species will also be used to further stabilize the easement area as needed.

Table 3b. Permanent Herbaceous Seed Mix

Common Name	Scientific Name	% of Mix	LB/acre
Autumn Bentgrass	<i>Agrostis perennans</i>	10	3
Big Bluestem	<i>Andropogon gerardii</i>	8	2.4
Lanceleaf Coreopsis	<i>Coreopsis lanceolata</i>	10	3
Virginia Wild Rye	<i>Elymus virginicus</i>	15	4.5
Soft Rush	<i>Juncus effusus</i>	3	0.9
Switchgrass	<i>Panicum virgatum</i>	10	3
Black-Eyed Susan	<i>Rudbeckia hirta</i>	10	3
Little Bluestem	<i>Schizachyrium scoparium</i>	3	0.9
Indian Grass	<i>Sorghastrum nutans</i>	3	0.9
Eastern Gamma	<i>Tripsacum dactyloides</i>	3	0.9
SUBTOTAL		75	22.5
Winter Nurse Species (August 15-May 15)			
Rye Grain	<i>Secale cereal</i>	25	7.5
Summer Nurse Species (May 15-August 15)			
Pearl Millet	<i>Pennisetum glaucoma</i>	25	7.5
TOTAL		100	30

The site will be marked and surveyed as per DMS’s requirements.

4.0 MONITORING PLAN

Monitoring will consist of the collection and analysis of data to support the evaluation of the project in meeting established restoration objectives. Specifically, project success will be assessed using vegetation monitoring plots that account for approximately 2% of the planted acreage of the project. Each plot will be 10 meters by 10 meters. This will result in approximately 1 plot per planted acre. Three plots will be randomly placed and permanently installed, while the other two will be randomly placed at the time of each monitoring visit in representative areas and used for just that monitoring event. Random and permanent plot locations will be included in the monitoring reports. In the permanent plots, the plant’s height class, species, location, and origin (planted versus volunteer) will be noted. In the random plots, species and height class will be recorded, and an effort will be made to differentiate planted from volunteer species. In all plots, invasive stems will also be recorded to determine the percentage of invasive stems present. Additionally, a photograph will be taken of each plot. Monitoring will be conducted for a period of five years following project implementation or until performance standards have been achieved. Desirable volunteers may count toward reaching performance standards only upon DWR approval. The first scheduled monitoring event will be conducted during the first full growing season following project completion and at least six months after the completion of planting. The monitoring report format will follow the DMS monitoring report template available at the time of this mitigation plan submittal.

5.0 PERFORMANCE STANDARDS

The survivability of the tree and shrub plantings will be evaluated from the data collected in the monitoring plots. Plots must achieve an average stem density of 260 stems/acre after five years with a minimum of four native hardwood tree species or four native hardwood tree and native shrub species, where no one species is greater than 50 percent of stems. Native hardwood and native shrub volunteer species may be included to meet the final performance standard of 260 stems/acre upon DWR approval.

A photograph will be taken of each monitoring plot, allowing yearly qualitative comparison of vegetation conditions.

6.0 MAINTENANCE/STEWARDSHIP

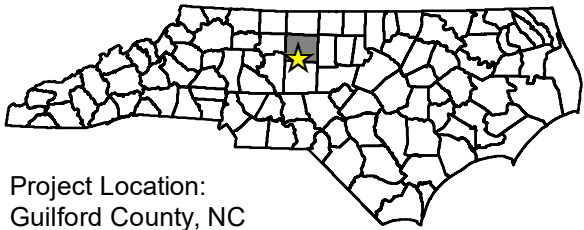
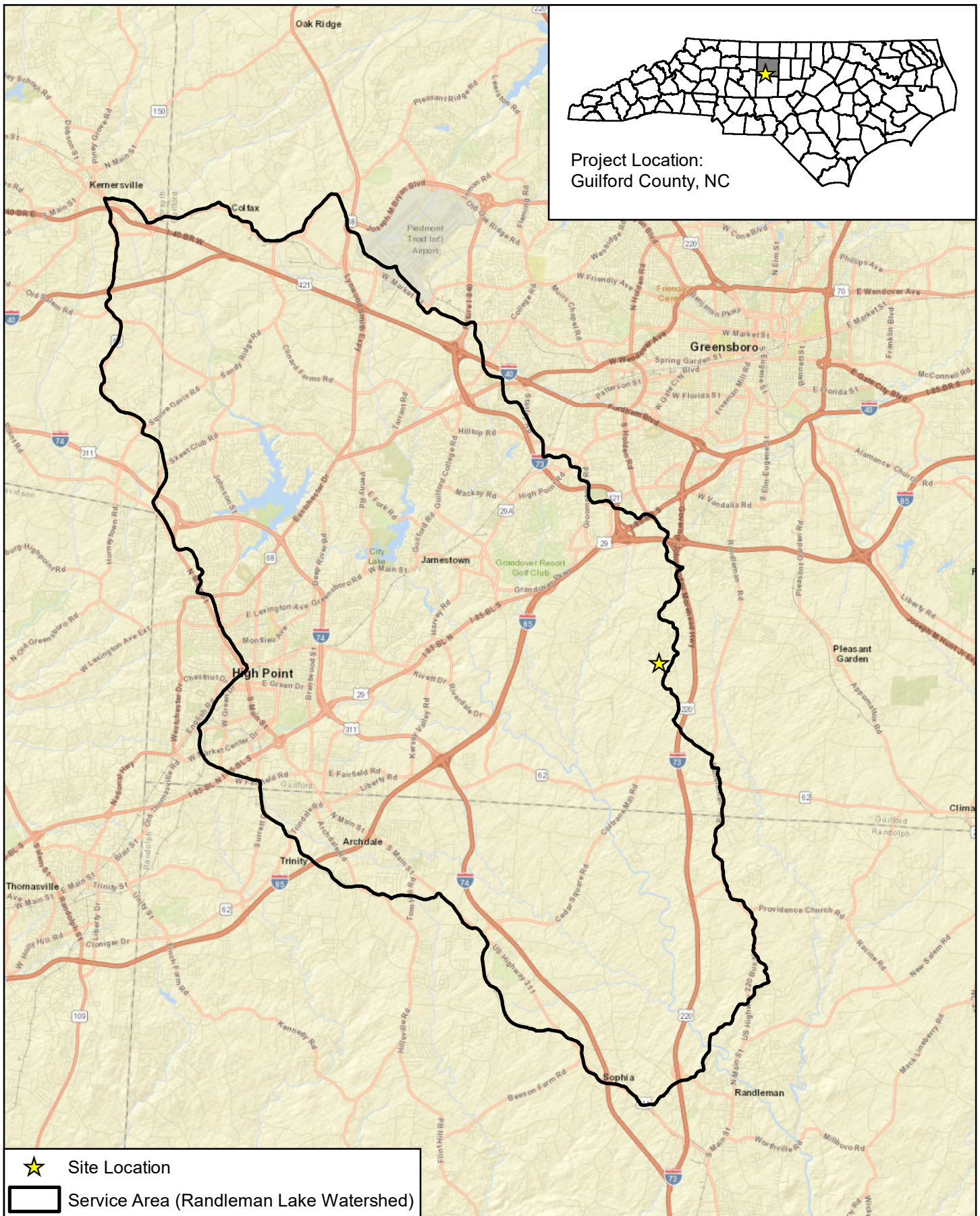
The easement boundary will be marked following planting of the project area. The marking will be with visible signs that conform to DMS and DEQ Stewardship Program standard. The project area will be monitored on a regular basis, with a physical inspection of the site conducted a minimum of once per year throughout the post-construction monitoring and maintenance period. These site inspections may identify site components and features that require routine maintenance. Maintenance needs or actions will be recorded in the annual monitoring reports. The following items are examples of the potential maintenance issues that may arise at the project.

Table 4. Planned Maintenance

Component/Feature	Maintenance Through Project Close-Out
Vegetation	Vegetation shall be maintained to ensure the health and vigor of the targeted plant community. Any vegetation control requiring herbicide application will be performed in accordance with NC Department of Agriculture (NCDA) rules and regulations.
Site Boundary	Site boundaries shall be identified in the field to ensure clear distinction between the mitigation site and adjacent properties. Boundaries may be identified by fence, marker, bollard, post, tree-blazing, or other means as allowed by site conditions and/or conservation easement. Boundary markers disturbed, damaged, or destroyed will be repaired and/or replaced on an as needed basis up until the project is closed out.
Beaver and Other Nuisance Fauna	The site will be monitored for the presence of beaver or other fauna that may impact the success of the project. Adaptive management approaches will be used to evaluate whether or not beaver or their structures or other animals should be controlled or managed at the site.
Cattle Exclusion Areas	<p>In order to comply with 0295 (o)(6), KCI will conduct a visual assessment in order to determine that:</p> <ul style="list-style-type: none"> • Fencing is in good condition throughout the site; • no cattle access within the conservation easement area; • no encroachment has occurred; • diffuse flow is being maintained in the conservation easement area; and • there has not been any cutting, clearing, filling, grading, or similar activities that would negatively affect the functioning of the riparian buffer.

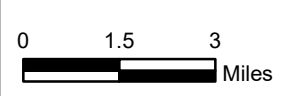
Upon approval for closeout by the DWR, the site will be transferred to the DEQ Stewardship Program. This program shall be responsible for periodic inspection of the site to ensure that restrictions required in the conservation easement are upheld. The Stewardship Program shall monitor the site and conduct physical inspections of the site as necessary to ensure that the integrity of the easement is upheld in perpetuity.

7.0 FIGURES



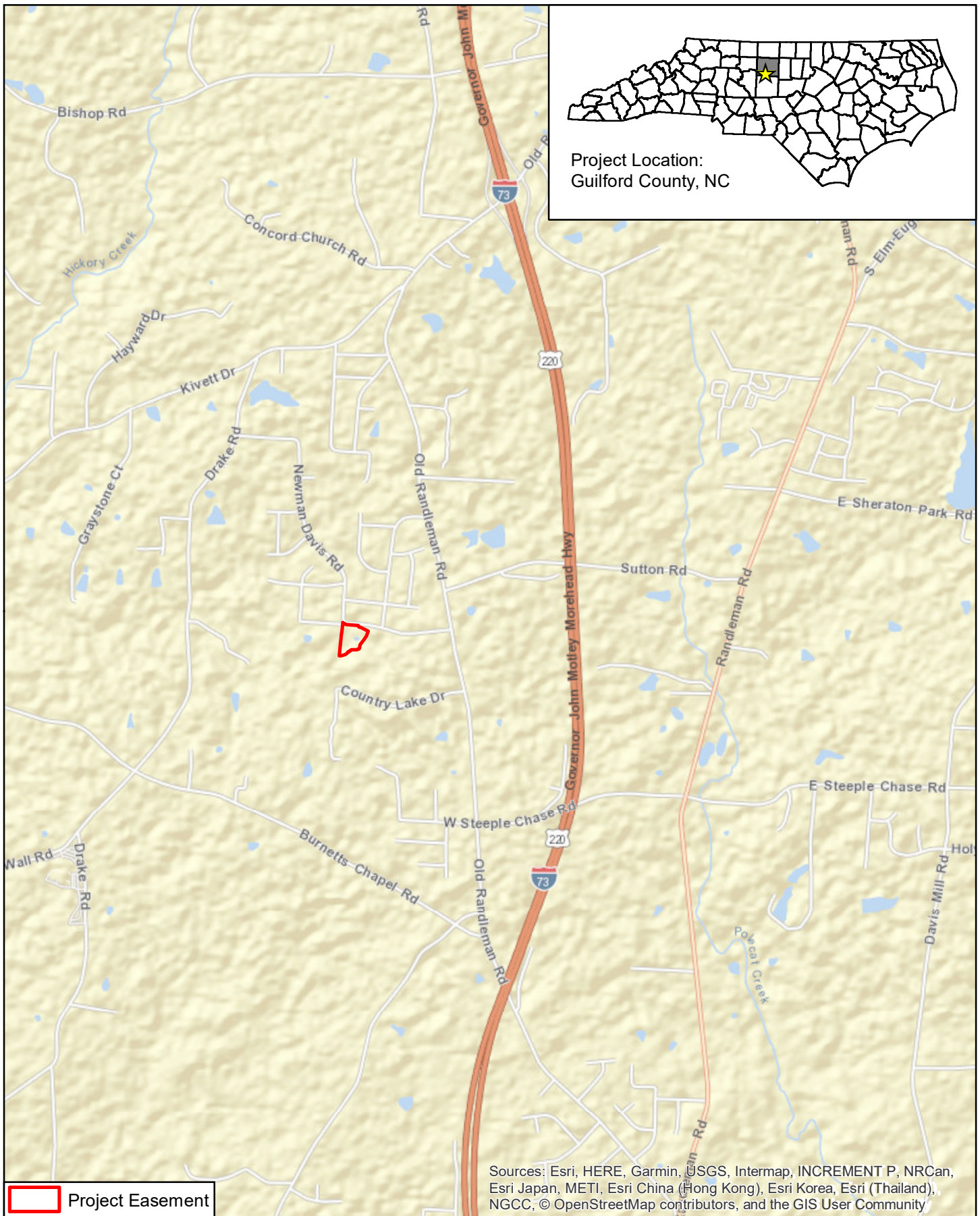
Project Location:
Guilford County, NC


★ Site Location
 [Black Outline] Service Area (Randleman Lake Watershed)



**FIGURE 1. SERVICE AREA MAP
 EIGHT-POINT BUFFER RESTORATION SITE
 GUILFORD COUNTY, NC**





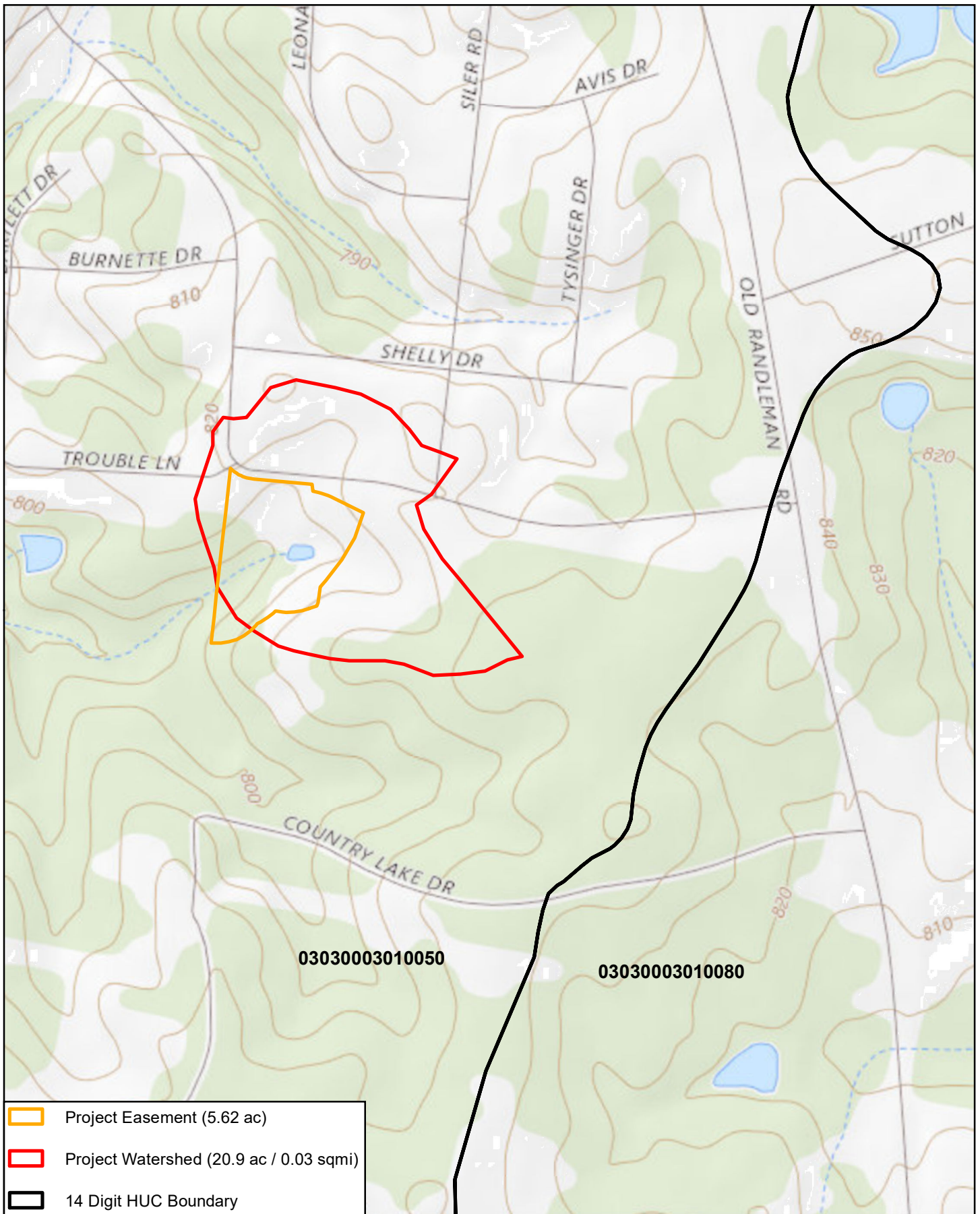
 Project Easement

Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, © OpenStreetMap contributors, and the GIS User Community


0 0.25 0.5
Miles

**FIGURE 2. PROJECT SITE VICINITY MAP
EIGHT-POINT BUFFER RESTORATION SITE
GUILFORD COUNTY, NC**





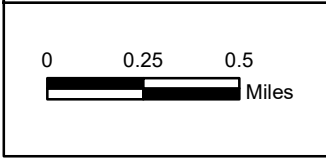
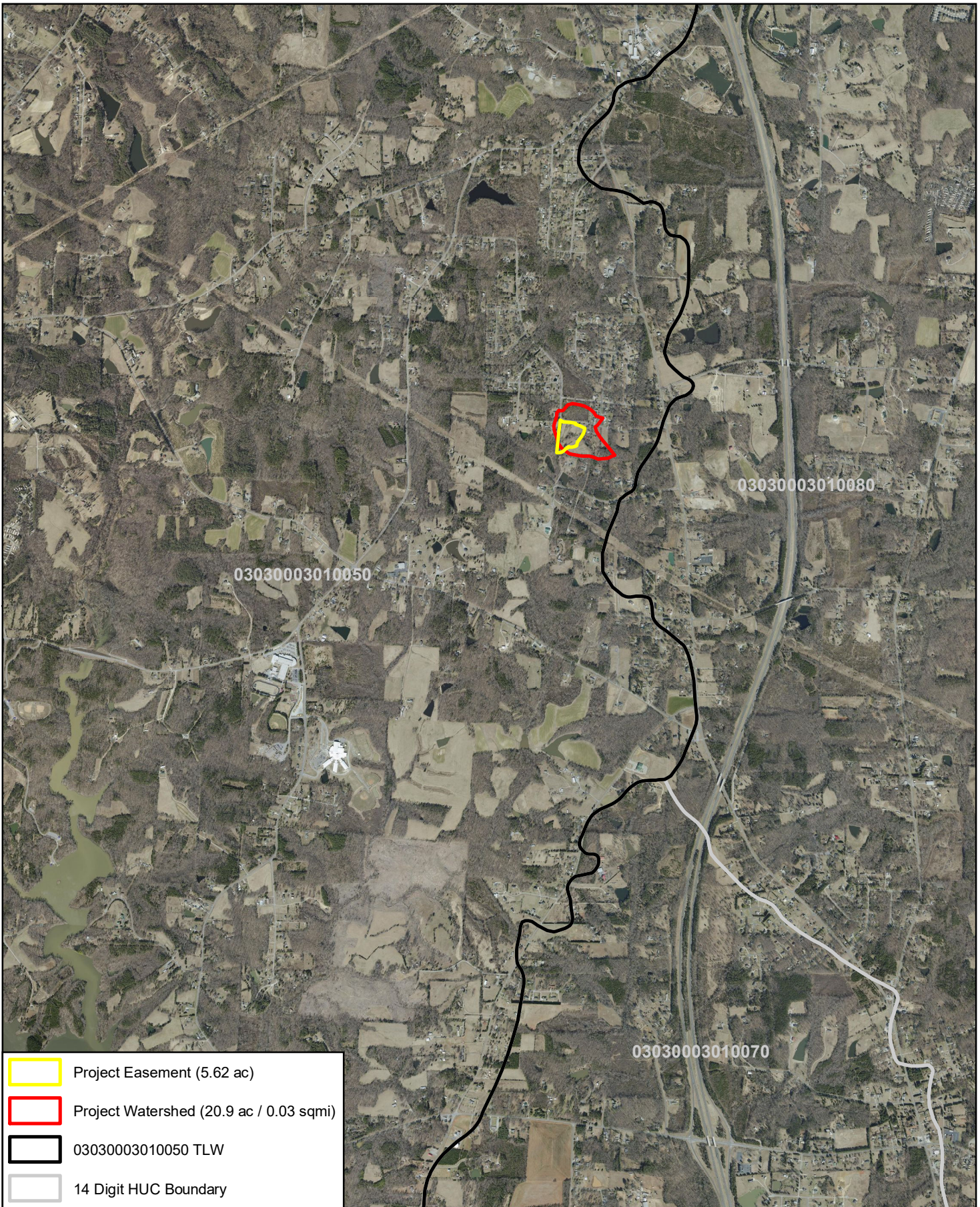
- Project Easement (5.62 ac)
- Project Watershed (20.9 ac / 0.03 sqmi)
- 14 Digit HUC Boundary

0 250 500

 Feet

**FIGURE 3. USGS TOPOGRAPHIC MAP
 EIGHT-POINT BUFFER RESTORATION SITE
 GUILFORD COUNTY, NC**





Source: USGS National Map,
 Pleasant Garden Quadrangle




**FIGURE 4. WATERSHED PLANNING CONTEXTUAL MAP
EIGHT-POINT BUFFER RESTORATION SITE
GUILFORD COUNTY, NC**

N
Source: NC Statewide
Orthoimagery, 2014.



 Project Easement (5.62 ac)
 1-ft Contours

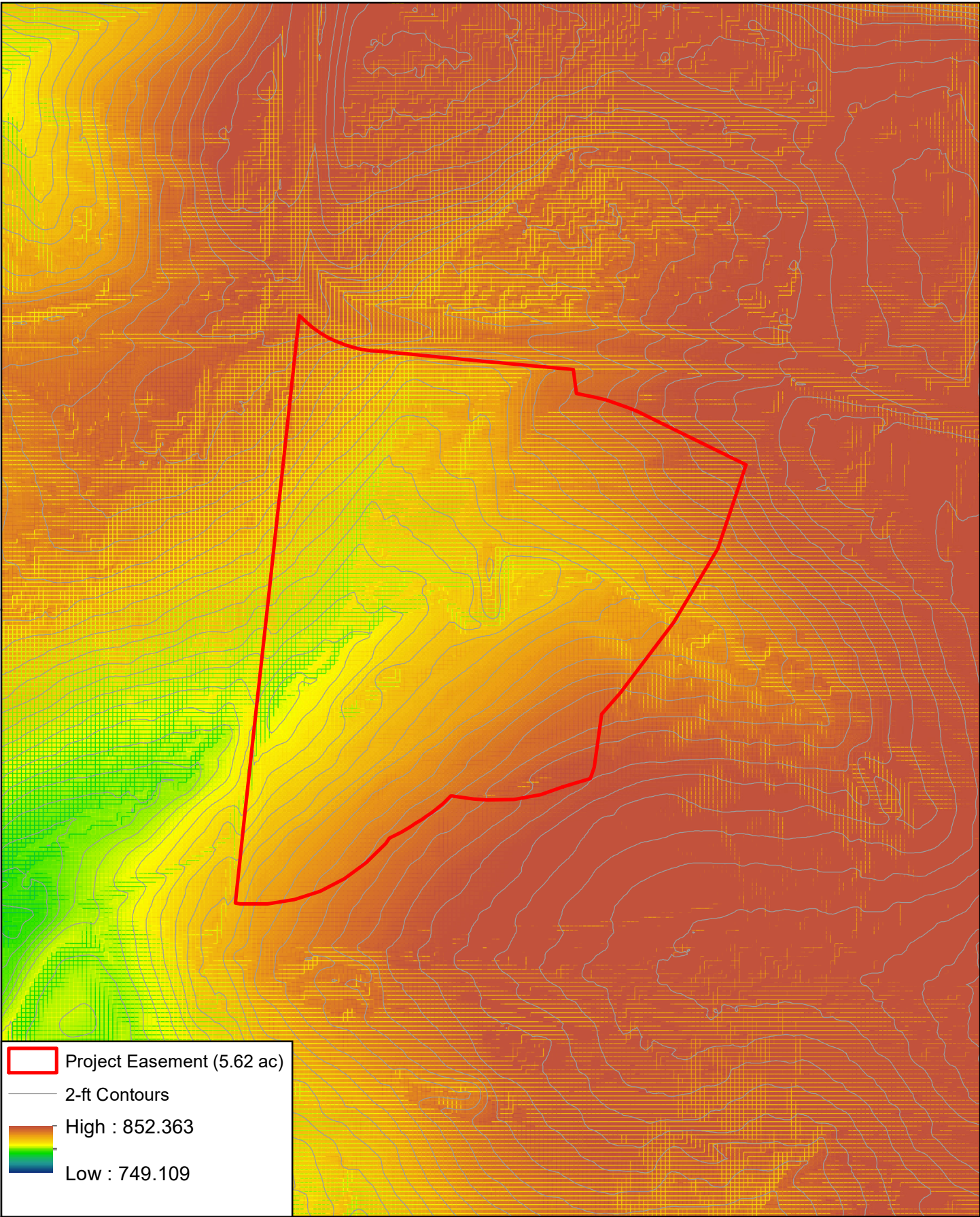
0 75 150
 Feet




**FIGURE 5. EXISTING SITE TOPOGRAPHY
EIGHT-POINT BUFFER RESTORATION SITE
GUILFORD COUNTY, NC**

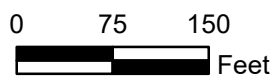


Source: Contours derived from
NC Lidar Bare
Earth Data.

NCCGIA



 Project Easement (5.62 ac)
 2-ft Contours
 High : 852.363
Low : 749.109



**FIGURE 6. LIDAR MAP
EIGHT-POINT BUFFER RESTORATION SITE
GUILFORD COUNTY, NC**



Source: Contours derived from
NC Lidar Bare
Earth Data.

--- EightPoints_Parcel_surveyed

Project Easement (5.68 ac)

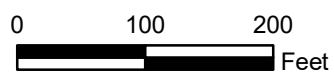
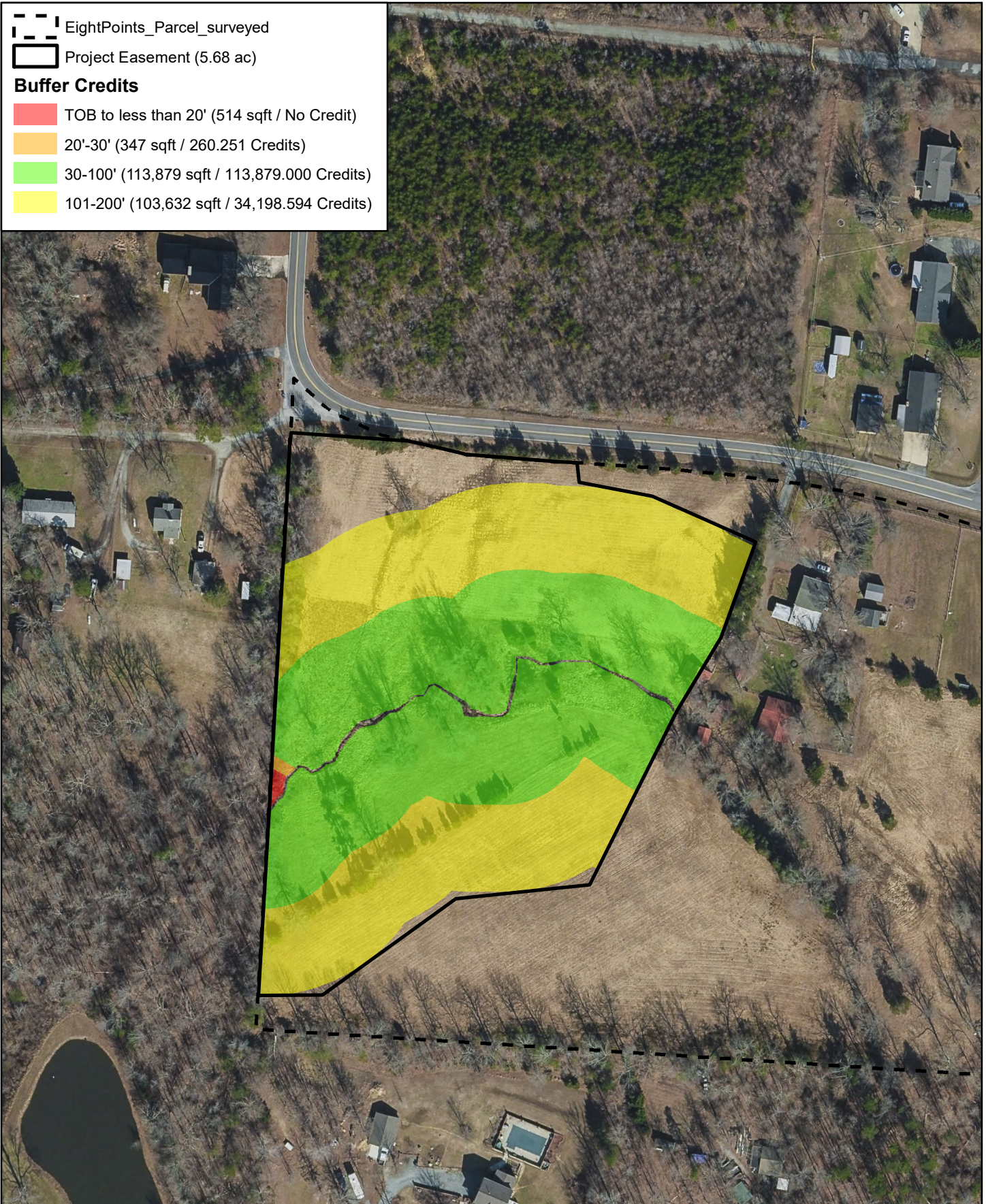
Buffer Credits

TOB to less than 20' (514 sqft / No Credit)

20'-30' (347 sqft / 260.251 Credits)

30-100' (113,879 sqft / 113,879.000 Credits)



101-200' (103,632 sqft / 34,198.594 Credits)








**FIGURE 7. PROPOSED MITIGATION
TYPE AND EXTENT
EIGHT-POINT BUFFER RESTORATION SITE
GUILFORD COUNTY, NC**

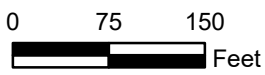
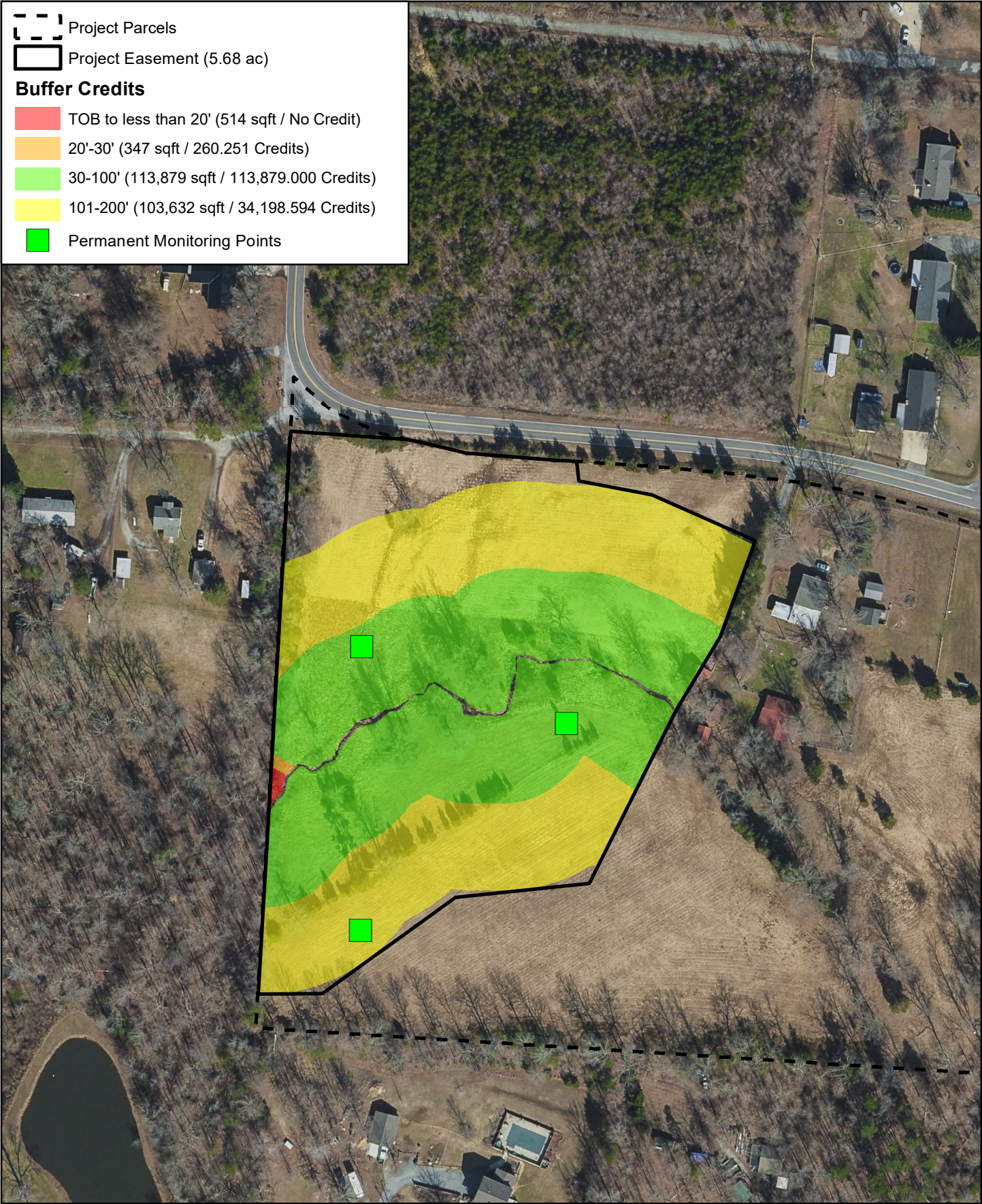


Sources: NC Statewide
Orthoimagery, 2014.

-  Project Parcels
-  Project Easement (5.68 ac)

Buffer Credits

-  TOB to less than 20' (514 sqft / No Credit)
-  20'-30' (347 sqft / 260.251 Credits)
-  30-100' (113,879 sqft / 113,879.000 Credits)
-  101-200' (103,632 sqft / 34,198.594 Credits)
-  Permanent Monitoring Points



**FIGURE 8. PERMANENT MONITORING POINTS.
EIGHT-POINT BUFFER RESTORATION SITE
GUILFORD COUNTY, NC**



Sources: NC Statewide Orthoimagery, 2014.

8.0 APPENDICES

Site Viability For Buffer Mitigation
and
Nutrient Offset

ROY COOPER
Governor
MICHAEL S. REGAN
Secretary
LINDA CULPEPPER
Director



July 30, 2019

Charlie Morgan
KCI
4505 Falls of Neuse Rd, Suite 400
Raleigh, NC 27609
(via electronic mail: Charlie.morgan@kci.com)

DWR# 2019-0647
Guilford County

Re: Site Viability for Buffer Mitigation & Nutrient Offset – Eight Point Site
Located near 5936 Newman Davis Rd., Greensboro, NC
Randleman Lake Watershed

Dear Mr. Morgan,

On May 14, 2019, Katie Merritt, with the Division of Water Resources (DWR), received a request from KCI for an onsite mitigation determination near the above-referenced site (Site). The Site is located within the Randleman Lake Watershed of the Cape Fear River Basin in the 8-digit Hydrologic Unit Code 03030003. The Site is being proposed as part of a full-delivery riparian buffer mitigation project for the Division of Mitigation Services (RFP #16-007703). On July 19, 2019, Ms. Merritt performed an onsite assessment of riparian land uses adjacent to streams and channels onsite, which are shown on the attached map labeled “Figure 10. Existing Conditions”. Staff from the Division of Mitigation Services were also present onsite.

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

<u>Feature</u>	<u>Classification onsite</u>	<u>¹Subject to Buffer Rule</u>	<u>Riparian Land uses adjacent to Feature (0-200’)</u>	<u>Buffer Credit Viable</u>	<u>²Nutrient Offset Viable</u>	<u>³Mitigation Type Determination w/in riparian areas</u>
T1	Stream	Yes	Mostly non-forested fields used for hay crop cultivation with scattered individual trees	Yes	N/A	Restoration Site per 15A NCAC 02B .0295 (n)

¹Subjectivity calls for the features were determined by DWR in correspondence dated July 25, 2019 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 .

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

³All features proposed for buffer mitigation or nutrient offset, must have a conservation easement established that includes the tops of channel banks when being measured perpendicular and landward from the banks, even when no credit is viable within the 50’ riparian buffer.

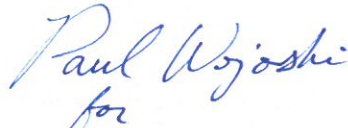


The map attached to this letter was prepared by KCI and initialed by Ms. Merritt on July 30, 2019. This letter does not constitute an approval of this site to generate mitigation credits. Pursuant to 15A NCAC 02B .0295, a mitigation plan shall be submitted to DWR for written approval **prior** to conducting any mitigation activities in riparian areas and/or surface waters for buffer mitigation credit.

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 riparian buffer mitigation credits.

This viability assessment will expire on July 30, 2021 or upon the submittal of an As-Built Report to the DWR, whichever comes first. **This letter should be provided in all stream and wetland, buffer and/or nutrient offset mitigation plans for this Site.**

Sincerely,

Handwritten signature of Paul Wjoshi in blue ink.

for
Karen Higgins, Supervisor
401 and Buffer Permitting Branch

KAH/km

Attachments: Figure 10. Existing Conditions

cc: File Copy (Katie Merritt)
Jeremiah Dow- DMS (via electronic mail)



**FIGURE 10. EXISTING CONDITIONS
 EIGHT-POINT BUFFER RESTORATION SITE
 GUILFORD COUNTY, NC**

N
 Sources: NC Statewide
 Orthoimagery, 2014.

DS
 SH 7/25/2019

Handwritten text in blue ink, possibly a signature or initials, located in the lower-left quadrant of the page.

On-Site Determination of Applicability to
Randleman Lake Buffer Rules



NORTH CAROLINA
Environmental Quality

ROY COOPER

Governor

MICHAEL S. REGAN

Secretary

LINDA CULPEPPER

Director

July 25, 2019

Charlie Morgan
KCI Associates of NC
4505 Falls of Neuse Rd, Suite 400
Raleigh, NC 27609

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

Subject Property: Eight-Point Buffer Mitigation Site, Guilford County
DWR# 2019-0647

Dear Mr. Morgan:

On July 19, 2019, 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) – 401 & Buffer Permitting Branch was also present during the site visit.

The attached sketch depicts the channels that were reviewed during the site visit. Channel T1 as shown on the attached sketch was determined to be an intermittent stream and subject to the Randleman Buffer Rules cited above. Please note that these regulations may be subject to change in the future.

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.



North Carolina Department of Environmental Quality | Division of Water Resources

Winston-Salem Regional Office | 450 W. Hanes Mill Road, Suite 300 | Winston-Salem, North Carolina 27105
336-776-9800

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.




Sincerely,

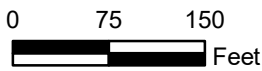
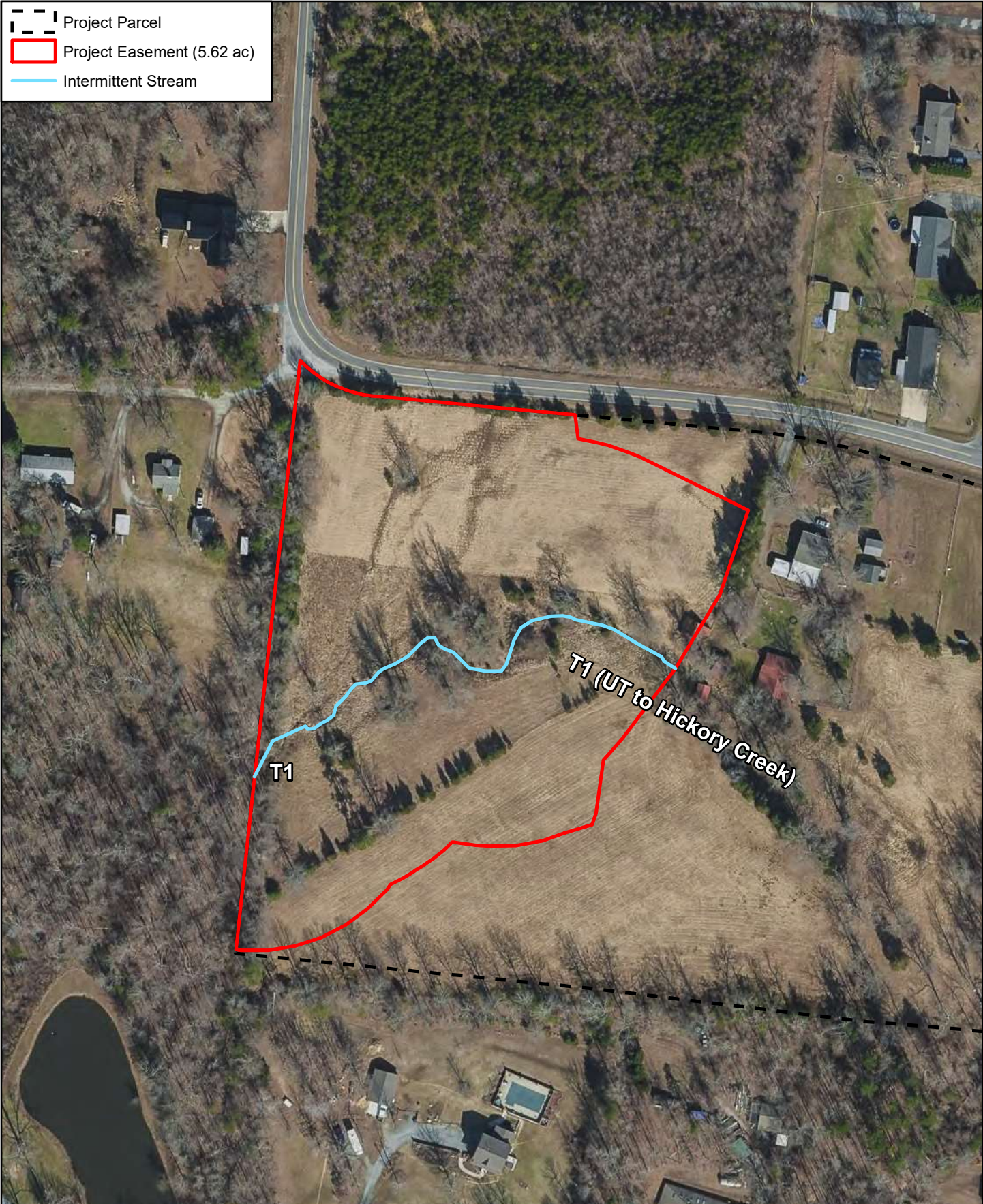
DocuSigned by:
Sue Homewood
456ED631098F411...

Sue Homewood
Winston-Salem Regional Office

Enclosures: USGS Topo Map
KCI Figure 10. Existing Conditions Map – DWR initialed/dated

Cc: Joseph & Janet Page, 5936 Newman Davis Rd, Greensboro NC 27406
Katie Merritt, DWR (via email)
Jeremiah Dow, DMS (via email)
DWR, Winston-Salem Regional Office

 Project Parcel
 Project Easement (5.62 ac)
 Intermittent Stream



**FIGURE 10. EXISTING CONDITIONS
EIGHT-POINT BUFFER RESTORATION SITE
GUILFORD COUNTY, NC**



Sources: NC Statewide Orthoimagery, 2014.

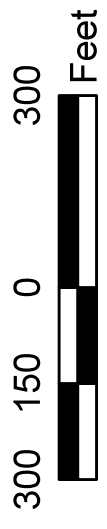
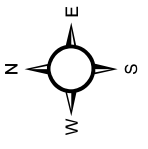


Image Source: Pleasant Garden 1:24,000 Quadrangle Map

**Figure 2: USGS Map
EPBRS - Guilford County, NC**

Photo Log

EIGHT-POINT BUFFER RESTORATION SITE PHOTO LOG (9/10/2019)



Photo 1: Looking south along the eastern easement boundary.



Photo 2: Looking ponded area along T1.



Photo 3: Looking at the start of T1 upstream of the easement.



Photo 4: Looking existing channel T1.



Photo 5: Looking at cleared buffer where T1 enters the easement.



Photo 6: Looking at existing vegetation.



Photo 7: Looking at T2.



Photo 8: Looking at cleared area near start of T2.



Photo 9: Looking at T2.



Photo 10: Looking cleared field along T1.

Protection Instrument

STATE OF NORTH CAROLINA

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

GUILFORD COUNTY

SPO File Number:

DMS Project Number: 100113

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 _____, 2019, by Joseph Allen Page and wife, Janet M. Page, (“**Grantor**”), whose mailing address is 5936 Newman Davis Rd, 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 Environment and Natural Resources for the purposes of acquiring, maintaining, restoring, enhancing, creating and preserving wetland and riparian resources that contribute to the protection

and improvement of water quality, flood prevention, fisheries, aquatic habitat, wildlife habitat, and recreational opportunities; and

WHEREAS, this Conservation Easement from Grantor to Grantee has been negotiated, arranged and provided for as a condition of a full delivery contract between *KCI Technologies Inc., 4505 Falls of Neuse Road, Suite 400, Raleigh NC 27609* 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 7528.

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

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

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

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

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

WHEREAS, the Division of Mitigation Services in the Department of Environmental Quality, 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 parcels of land containing approximately 13.036 acres being more particularly described on "**Exhibit B**" attached hereto and incorporated herein; 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 *the Cape Fear River Basin*.

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:

Conservation Easement containing 5.67 acres, as shown on the plat of survey entitled "FINAL PLAT CONSERVATION EASEMENT FOR STATE OF NORTH CAROLINA DIVISION OF MITIGATION SERVICES PROJECT NAME: EIGHT-POINT BUFFER RESTORATION SITE", dated September 26, 2019 by *Jim GelleNthin*, PLS Number L-3860 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. Repeated failure to do so may result in the State (Grantee) repairing or installing livestock exclusion devices (fences) within the conservation area for the purpose of restricting livestock access. In such cases, the landowner (Grantor) must provide access to the State (Grantee) to make repairs.

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

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)
Joseph Allen Page

_____ (SEAL)
Janet M. Page

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:

Exhibit A

EIGHT POINT
CONSERVATION EASEMENT

A PARCEL OF LAND TO BE USED FOR CONSERVATION EASEMENT PURPOSES LOCATED ON LANDS NOW OR FORMERLY OWNED BY JOSEPH ALLEN PAGE & JANET M PAGE (TAX PIN 7850268137) AS RECORDED IN BOOK 6709, PAGE 2772, LOCATED IN SUMNER TOWNSHIP, GUILFORD COUNTY, NORTH CAROLINA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND 1" IRON PIPE, AT THE SOUTHWEST CORNER OF SAID PAGE LANDS; SAID POINT HAVING NORTH CAROLINA STATE PLANE COORDINATES OF N:805,851.93 AND E:1,752,415.40 (NAD 83/2011).

THENCE N 03° 19' 29" E, ALONG THE WEST LINE OF SAID PAGE LANDS, A DISTANCE OF 38.17 FEET TO **THE POINT OF BEGINNING**; BEING A 5/8" REBAR SET WITH ALUMINUM CAP NO. 1;

THENCE, N 03° 19' 29" E, ALONG THE WEST OF LINE OF SAID PAGE LANDS, A DISTANCE OF 169.00 FEET TO A 5/8" REBAR SET WITH ALUMINUM CAP NO. 2;

THENCE, N 03° 19' 29" E, CONTINUING ON THE SAID WEST LINE OF PAGE LANDS, A DISTANCE OF 478.37 FEET TO A 5/8" REBAR SET WITH ALUMINUM CAP NO. 3;

THENCE, S 85° 57' 54" E FOR A DISTANCE OF 133.85 FEET TO A 5/8" REBAR SET WITH ALUMINUM CAP NO. 4 ON THE SOUTH LINE OF NEWMAN-DAVIS ROAD (60 FOOT PUBLIC RIGHT OF WAY);

THENCE, S 77° 08' 31" E, ON THE SAID SOUTH LINE OF NEWMAN-DAVIS ROAD, A DISTANCE OF 69.50 FEET TO A 5/8" REBAR SET WITH ALUMINUM CAP NO. 5;

THENCE, S 85° 22' 31" E, CONTINUING ON THE SOUTH LINE OF NEWMAN-DAVIS ROAD, A DISTANCE OF 100.00 FEET TO A 5/8" REBAR SET WITH ALUMINUM CAP NO. 6;

THENCE, S 86° 29' 31" E, CONTINUING ON THE SOUTH LINE OF NEWMAN-DAVIS ROAD, A DISTANCE OF 26.93 FEET TO A 5/8" REBAR SET WITH ALUMINUM CAP NO. 7;

THENCE, S 07° 28' 30" E A DISTANCE OF 22.49 FEET TO A 5/8" REBAR SET WITH ALUMINUM CAP NO. 8;

THENCE, S 79° 09' 34" E A DISTANCE OF 85.41 FEET TO A 5/8" REBAR SET WITH ALUMINUM CAP NO. 9;

THENCE, S 66° 09' 31" E A DISTANCE OF 129.56 FEET TO A 5/8" REBAR SET WITH ALUMINUM CAP NO. 10;

THENCE, S 19° 53' 14" W A DISTANCE OF 117.19 FEET TO A 5/8" REBAR SET WITH ALUMINUM CAP NO. 11;

THENCE, S 31° 05' 12" W A DISTANCE OF 99.18 FEET TO A 5/8" REBAR SET WITH ALUMINUM CAP NO. 12;

THENCE, S 26° 37' 22" W A DISTANCE OF 221.95 FEET TO A 5/8" REBAR SET WITH ALUMINUM CAP NO. 13;

THENCE, S 84° 03' 43" W A DISTANCE OF 154.39 FEET TO A 5/8" REBAR SET WITH ALUMINUM CAP NO. 14;

THENCE, S 54° 09' 23" W A DISTANCE OF 189.01 FEET TO A 5/8" REBAR SET WITH ALUMINUM CAP NO. 15;

THENCE, S 89° 25' 28" W A DISTANCE OF 73.38 FEET TO **THE POINT OF BEGINNING**

CONSERVATION EASEMENT CONTAINING 246,859 SQUARE FEET OR 5.67 ACRES MORE OR LESS.


Exhibit B

BEGINNING at an old iron pin in the southern right of way line of Newman-Davis Road at the northwest corner of the tract of land belonging to Robert E. Davis: and running thence along Robert E. Davis' line South 04 degrees 15 minutes 30 seconds West 613.15 feet to an old iron pin in Etta Saferight's line and being Robert E. Davis' southwest corner thence North 84 degrees 42 minutes West along Etta Saferight's line 854.20 feet to a stone in Lee A. Petty's line; thence North 05 degrees 02 minutes East along Lee Petty's line 207.17 feet to a concrete monument, a common corner of Lee A. Petty and Clyde T. Edwards; thence the same course along Clyde T. Edwards and W. B. Newman's line 541.23 feet to a new iron pin in W. B. Newman's line in the southern right of way line of Newman-Davis Road the following courses and distances: South 45 degrees 58 minutes 30 seconds East 59.36 feet; South 63 degrees 58 minutes East 61.72 feet; South 75 degrees 26 minutes East 100 feet; South 80 degrees 56 minutes East 100 feet; South 77 degrees 16 minutes 30 seconds East 100 feet; and South 70 degrees 35 minutes East 149.39 feet to the point of BEGINNING, containing 13.036 acres, more or less, and being a part of the lands of the A. E. Davis Estate.;

Categorical Exclusion

Categorical Exclusion Form for Division of Mitigation Services Projects Version 2

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

Part 1: General Project Information	
Project Name:	Eight-Point Buffer Restoration Site
County Name:	Guilford
DMS Number:	100113
Project Sponsor:	KCI Technologies, Inc.
Project Contact Name:	Charlie Morgan
Project Contact Address:	4505 Falls of Neuse Road Suite 400 Raleigh NC 27609
Project Contact E-mail:	charlie.morgan@kci.com
DMS Project Manager:	Jeremiah Dow
Project Description	
<p>The EPBRS is a site for buffer restoration in the Cape Fear River Basin in Guilford County, North Carolina. As evidenced by historic aerial photos and site investigations, the buffers at this site have been substantially modified by relocation and straightening of the stream channels, impacted from cattle, and from other anthropogenic impacts. Restoring these stream buffers will not only return a functional riparian buffer, but will also lower the supply of sediment entering Hickory Creek</p>	
For Official Use Only	
Reviewed By:	
9/26/2019	 DMS Project Manager
Date	
Conditional Approved By:	
Date	For Division Administrator FHWA
<input type="checkbox"/> Check this box if there are outstanding issues	
Final Approval By:	
<i>Donald W Brew</i>	9-26-19
Date	For Division Administrator FHWA

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

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

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

Appendix
Supporting Documentation for
Categorical Exclusion Form for NC DENR Division of Mitigation
Services (DMS) Projects

Contents

Limited Phase I ESA – EDR Report
Radius Report

Agency Letters

State Historic Preservation Office Letter
Uniform Act Letter
Letter References

Figure 1 – Vicinity Map
Figure 2 – Project Watershed
Figure 3 – Watershed Land Use
Figure 4 – Project Area

Agency Response Letters

State Historic Preservation Office Letter

Limited Phase I ESA

1. Radius Report

Eight-Point Buffer Restoration Site

5935 Newman Davis Rd
Greensboro, NC 27406

Inquiry Number: 5737099.2s
August 01, 2019

The EDR Radius Map™ Report with GeoCheck®



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

TABLE OF CONTENTS

<u>SECTION</u>	<u>PAGE</u>
Executive Summary	ES1
Overview Map	2
Detail Map	3
Map Findings Summary	4
Map Findings	8
Orphan Summary	10
Government Records Searched/Data Currency Tracking	GR-1
 <u>GEOCHECK ADDENDUM</u>	
Physical Setting Source Addendum	A-1
Physical Setting Source Summary	A-2
Physical Setting SSURGO Soil Map	A-5
Physical Setting Source Map	A-17
Physical Setting Source Map Findings	A-19
Physical Setting Source Records Searched	PSGR-1

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

Disclaimer - Copyright and Trademark Notice

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

Copyright 2019 by Environmental Data Resources, Inc. All rights reserved. Reproduction in any media or format, in whole or in part, of any report or map of Environmental Data Resources, Inc., or its affiliates, is prohibited without prior written permission.

EDR and its logos (including Sanborn and Sanborn Map) are trademarks of Environmental Data Resources, Inc. or its affiliates. All other trademarks used herein are the property of their respective owners.

EXECUTIVE SUMMARY

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

TARGET PROPERTY INFORMATION

ADDRESS

5935 NEWMAN DAVIS RD
GREENSBORO, NC 27406

COORDINATES

Latitude (North): 35.9624300 - 35° 57' 44.74"
Longitude (West): 79.8357220 - 79° 50' 8.59"
Universal Transverse Mercator: Zone 17
UTM X (Meters): 604988.1
UTM Y (Meters): 3980207.5
Elevation: 814 ft. above sea level

USGS TOPOGRAPHIC MAP ASSOCIATED WITH TARGET PROPERTY

Target Property Map: 5945571 PLEASANT GARDEN, NC
Version Date: 2013

AERIAL PHOTOGRAPHY IN THIS REPORT

Portions of Photo from: 20140705
Source: USDA

MAPPED SITES SUMMARY

Target Property Address:
5935 NEWMAN DAVIS RD
GREENSBORO, NC 27406

Click on Map ID to see full detail.

MAP ID	SITE NAME	ADDRESS	DATABASE ACRONYMS	RELATIVE ELEVATION	DIST (ft. & mi.) DIRECTION
1	VILLAGE FOOD MARKET	5614 RANDLEMAN RD.	LUST	Higher	2075, 0.393, ESE

EXECUTIVE SUMMARY

TARGET PROPERTY SEARCH RESULTS

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

DATABASES WITH NO MAPPED SITES

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

STANDARD ENVIRONMENTAL RECORDS

Federal NPL site list

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

Federal Delisted NPL site list

Delisted NPL..... National Priority List Deletions

Federal CERCLIS list

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

Federal CERCLIS NFRAP site list

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

Federal RCRA CORRACTS facilities list

CORRACTS..... Corrective Action Report

Federal RCRA non-CORRACTS TSD facilities list

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

Federal RCRA generators list

RCRA-LQG..... RCRA - Large Quantity Generators
RCRA-SQG..... RCRA - Small Quantity Generators
RCRA-CESQG..... RCRA - Conditionally Exempt Small Quantity Generator

Federal institutional controls / engineering controls registries

LUCIS..... Land Use Control Information System
US ENG CONTROLS..... Engineering Controls Sites List

EXECUTIVE SUMMARY

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

DEBRIS..... Solid Waste Active Disaster Debris Sites Listing

LCID..... Land-Clearing and Inert Debris (LCID) Landfill Notifications

State and tribal leaking storage tank lists

LAST..... Leaking Aboveground Storage Tanks

INDIAN LUST..... Leaking Underground Storage Tanks on Indian Land

LUST TRUST..... State Trust Fund Database

State and tribal registered storage tank lists

FEMA UST..... Underground Storage Tank Listing

UST..... Petroleum Underground Storage Tank Database

AST..... AST Database

INDIAN UST..... Underground Storage Tanks on Indian Land

State and tribal institutional control / engineering control registries

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

State and tribal voluntary cleanup sites

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

SWRCY..... Recycling Center Listing

EXECUTIVE SUMMARY

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

Local Lists of Hazardous waste / Contaminated Sites

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

Local Land Records

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

Records of Emergency Release Reports

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

Other Ascertainable Records

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

EXECUTIVE SUMMARY

US AIRS.....	Aerometric Information Retrieval System Facility Subsystem
US MINES.....	Mines Master Index File
ABANDONED MINES.....	Abandoned Mines
FINDS.....	Facility Index System/Facility Registry System
ECHO.....	Enforcement & Compliance History Information
UXO.....	Unexploded Ordnance Sites
DOCKET HWC.....	Hazardous Waste Compliance Docket Listing
FUELS PROGRAM.....	EPA Fuels Program Registered Listing
AIRS.....	Air Quality Permit Listing
ASBESTOS.....	ASBESTOS
COAL ASH.....	Coal Ash Disposal Sites
DRYCLEANERS.....	Drycleaning Sites
Financial Assurance.....	Financial Assurance Information Listing
NPDES.....	NPDES Facility Location Listing
UIC.....	Underground Injection Wells Listing
AOP.....	Animal Operation Permits Listing
PCSRP.....	Petroleum-Contaminated Soil Remediation Permits
SEPT HAULERS.....	Permitted Septage Haulers Listing
CCB.....	Coal Ash Structural Fills (CCB) Listing

EDR HIGH RISK HISTORICAL RECORDS

EDR Exclusive Records

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

EDR RECOVERED GOVERNMENT ARCHIVES

Exclusive Recovered Govt. Archives

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

SURROUNDING SITES: SEARCH RESULTS

Surrounding sites were identified in the following databases.

Elevations have been determined from the USGS Digital Elevation Model and should be evaluated on a relative (not an absolute) basis. Relative elevation information between sites of close proximity should be field verified. Sites with an elevation equal to or higher than the target property have been differentiated below from sites with an elevation lower than the target property.

Page numbers and map identification numbers refer to the EDR Radius Map report where detailed data on individual sites can be reviewed.

Sites listed in ***bold italics*** are in multiple databases.

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

EXECUTIVE SUMMARY

STANDARD ENVIRONMENTAL RECORDS

State and tribal leaking storage tank lists

LUST: The Leaking Underground Storage Tank Incidents Management Database contains an inventory of reported leaking underground storage tank incidents. The data come from the Department of Environment, & Natural Resources' Incidents by Address.

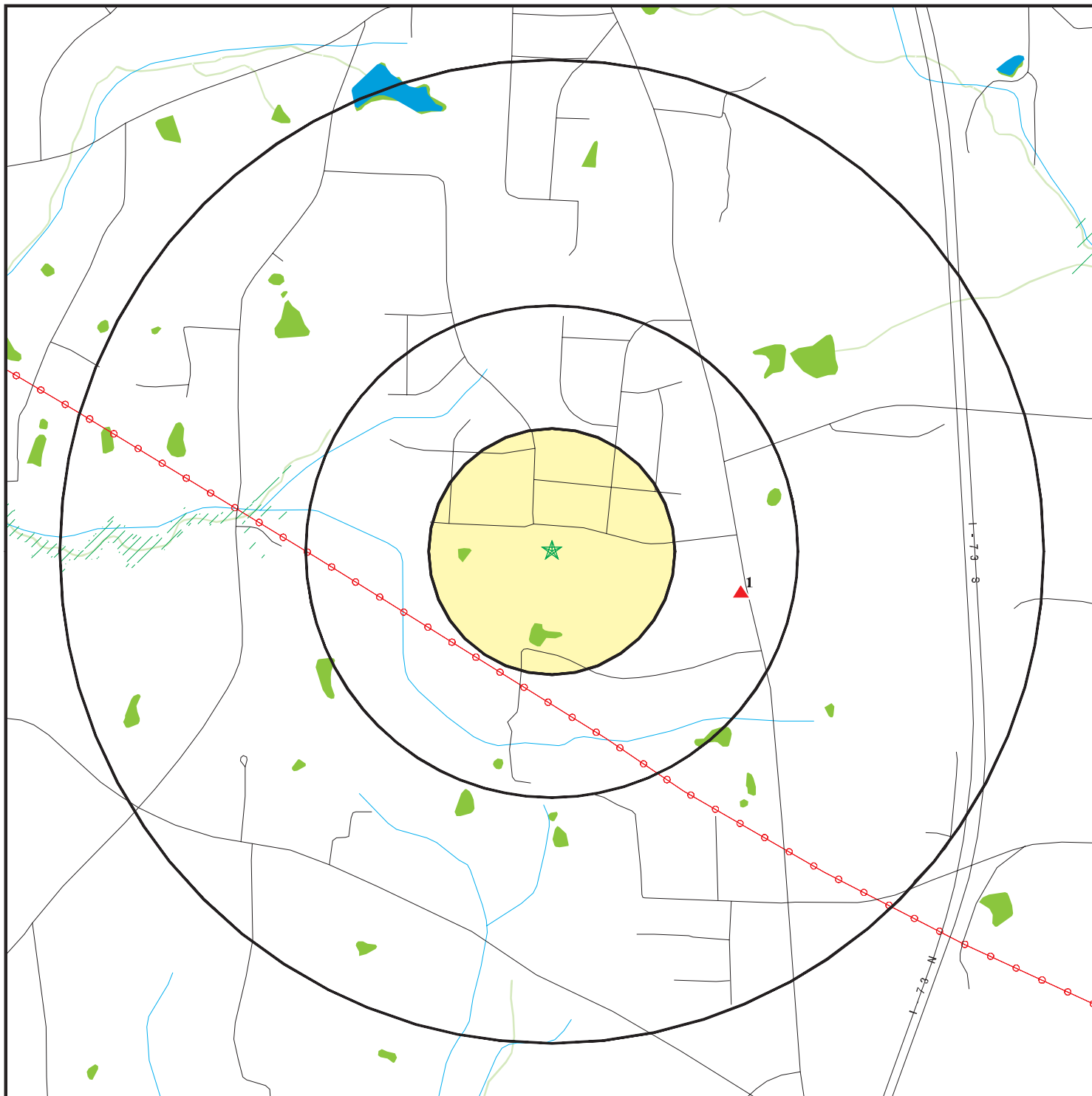
A review of the LUST list, as provided by EDR, and dated 05/03/2019 has revealed that there is 1 LUST site within approximately 0.5 miles of the target property.

<u>Equal/Higher Elevation</u>	<u>Address</u>	<u>Direction / Distance</u>	<u>Map ID</u>	<u>Page</u>
VILLAGE FOOD MARKET Incident Phase: Response Incident Number: 7982 Current Status: File Located in House	5614 RANDLEMAN RD.	ESE 1/4 - 1/2 (0.393 mi.)	1	8

EXECUTIVE SUMMARY

There were no unmapped sites in this report.

OVERVIEW MAP - 5737099.2S



- ★ Target Property
- ▲ Sites at elevations higher than or equal to the target property
- ◆ Sites at elevations lower than the target property
- ▲ Manufactured Gas Plants
- ▨ National Priority List Sites
- ▨ Dept. Defense Sites

- ▨ Indian Reservations BIA
- ⚡ Power transmission lines
- ▨ 100-year flood zone
- ▨ 500-year flood zone
- National Wetland Inventory
- State Wetlands
- ▨ Hazardous Substance Disposal Sites

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

SITE NAME: Eight-Point Buffer Restoration Site
 ADDRESS: 5935 Newman Davis Rd
 Greensboro NC 27406
 LAT/LONG: 35.96243 / 79.835722

CLIENT: KCI Technologies, Inc.
 CONTACT: Charlie Morgan
 INQUIRY #: 5737099.2s
 DATE: August 01, 2019 12:19 pm

Agency Letters



ENGINEERS • SCIENTISTS • SURVEYORS • CONSTRUCTION MANAGERS

Landmark Center II, Suite 220 4601 Six Forks Road Raleigh, NC 27609 (919) 783-9214 (919) 783-9266 Fax

29 July 2019

Ms. Renee Gledhill-Earley
Environmental Review Coordinator
State Historic Preservation Office
4617 Mail Service Center
Raleigh, NC 27699-4617

Subject: Cultural Resources Review
Pond Haven Buffer Restoration Site
KCI Job # 161904504

Dear Mrs. Gledhill-Earley:

On behalf of our client, the North Carolina Division of Mitigation Services (DMS), KCI Technologies, Inc. requests review and comment on any possible issues that might emerge with respect to archaeological or cultural resources associated with a potential buffer restoration project on the above referenced site. The EPBRS is situated in central Guilford County. The site is located approximately eight miles southwest of Greensboro, North Carolina. Specifically, the site is on Newman Davis Road just west of US-73. The center of the site is at approximately 35.9621 N and -79.8351 W in the Pleasant Garden USGS Quadrangle. The location of the project is shown in Figure 1 and the USGS quadrangle is shown in Figure 2. The site is within the 03030003 Watershed Cataloging Unit (8-digit HUC) of the Cape Fear River Basin and the 14-digit HUC 03030003010050 (Randleman Reservoir/Hickory Creek). This 14-digit HUC includes a mix of agricultural (28 percent of land cover), forest (42 percent of land cover), and urban land uses (Southwest Greensboro), with an overall imperviousness estimated at seven percent (Figure 3). Please accept the attached information as a submittal for cultural resources review by the State Historic Preservation Office and the Office of State Archaeology.

The EPBRS is a candidate site for buffer restoration in the Cape Fear River Basin in Guilford County, North Carolina. As evidenced by historic aerial photos and site investigations, the buffers at this site have been substantially modified by relocation and straightening of the stream channels, impacted from cattle, and from other anthropogenic impacts. Restoring these stream buffers will not only return a functional riparian buffer, but will also lower the supply of sediment entering Hickory Creek. Restoration work on the site will consist of establishment of a native riparian buffer. There will be impacts to one existing shed on the subject property but it is not of historical significance. No archeological artifacts have been observed or noted during preliminary surveys of the site for restoration purposes. Proposed mitigation actions are shown on Figure 4.

Please feel free to contact me at 919-278-2470, should you have any questions or require any further information concerning the extent of site disturbance associated with this project. Thank you in advance for your assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Charlie Morgan".

Charlie Morgan
Project Scientist



ISO 9001:2015 CERTIFIED

ENGINEERS • PLANNERS • SCIENTISTS • CONSTRUCTION MANAGERS

4505 Falls of Neuse Rd., Suite 400 • Raleigh, NC 27609 • Phone 919-783-9214 • Fax 919-783-9266

1 August 2019

Joseph A. and Janet M. Page
5936 Newman Davis Rd.
Greensboro, NC 27406

Subject: Notification of Uniform Act Provisions
KCI Job Number – 161904504

Dear Mr. and Mrs. Page:

As part of the environmental documentation process in preparation for the stream and wetland restoration project on your property, this letter is to inform you of provisions in the Federal Highway Administration Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, referred to as the Uniform Act.

The Uniform Act was developed to provide for uniform and equitable treatment of persons displaced from their homes, businesses, non-profit associations, or farms by federal and federally-assisted programs, and establishes uniform and equitable land acquisition policies. The Act assures that such persons are treated fairly, consistently, and equitably, and so that they will not suffer disproportionate injuries.

This act applies to any project which utilizes federal funds for the purchase of any interest in real property, including conservation easements. A portion of the funding for this project is ultimately provided by the US Department of Transportation, through the NC Department of Transportation for in-kind mitigation to offset impacts from transportation projects in the area, and therefore we are required to inform you of the following provisions.

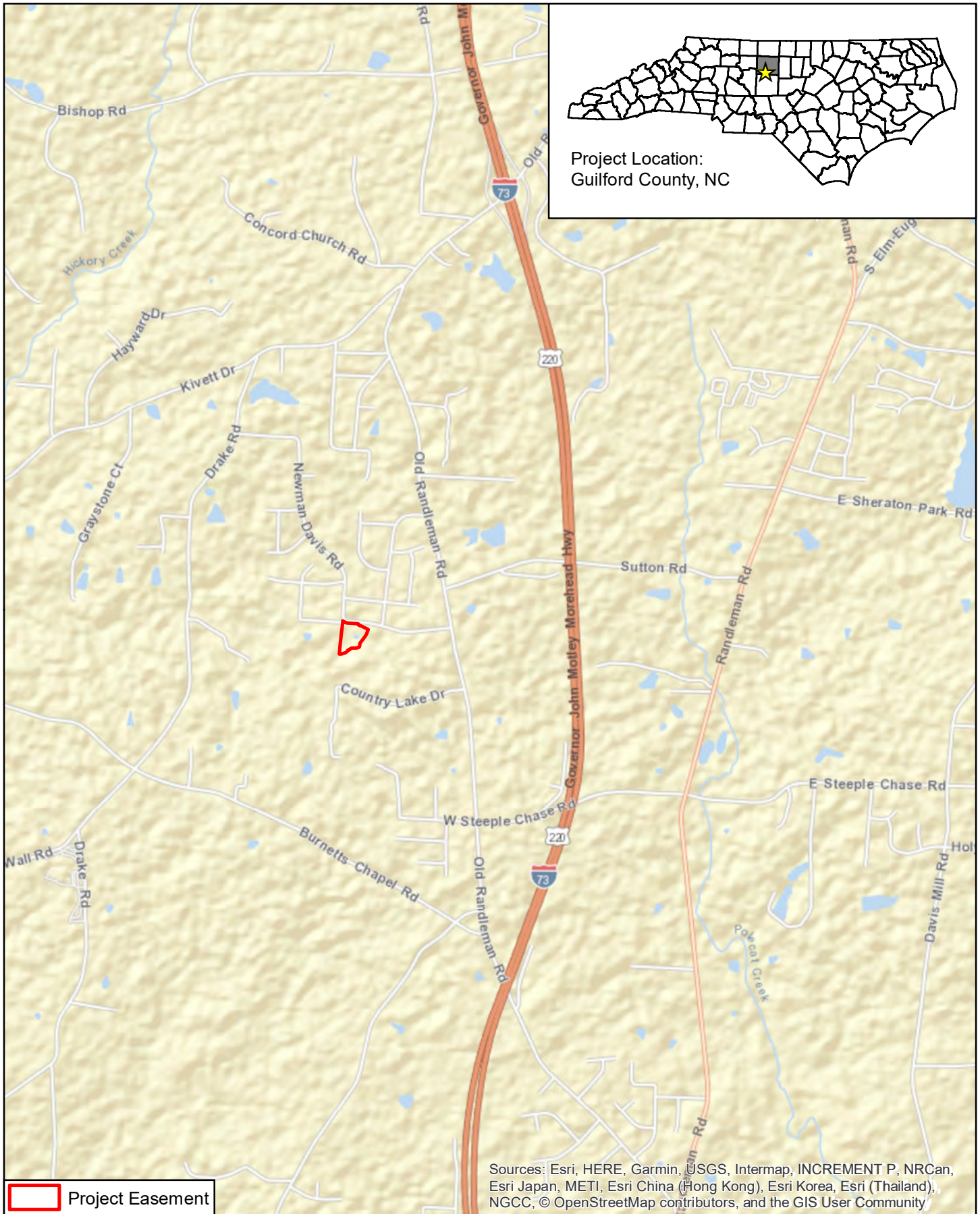
The provisions of this act require that we inform you in writing that this conservation easement transaction is voluntary and that the project is being developed by KCI for the North Carolina Division of Mitigation Services (NCDMS), and as a result, KCI or NCDMS does not have the authority to acquire the property by eminent domain in the event negotiations fail to reach an amicable agreement. In addition, the Act requires that we indicate the agreed purchase price of \$16,000 per acre.

This letter is for your information, and no response is necessary. Please feel free to contact me at 919-278-7470, should you have any questions or require any further information.

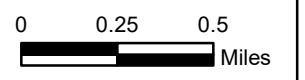
Sincerely,

Charlie Morgan
Project Scientist

Letter References

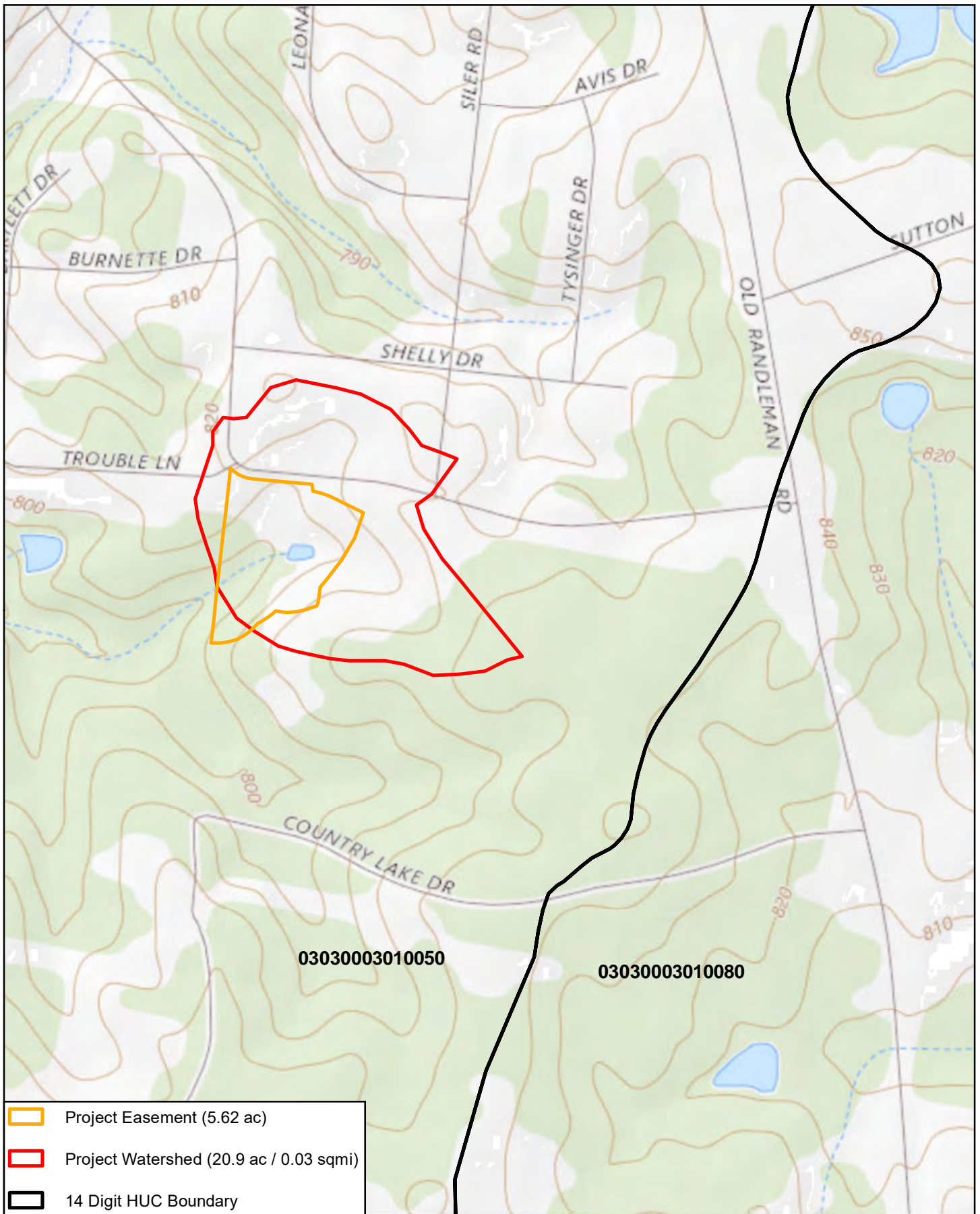


 Project Easement




**FIGURE 1. PROJECT SITE VICINITY MAP
EIGHT-POINT BUFFER RESTORATION SITE
GUILFORD COUNTY, NC**





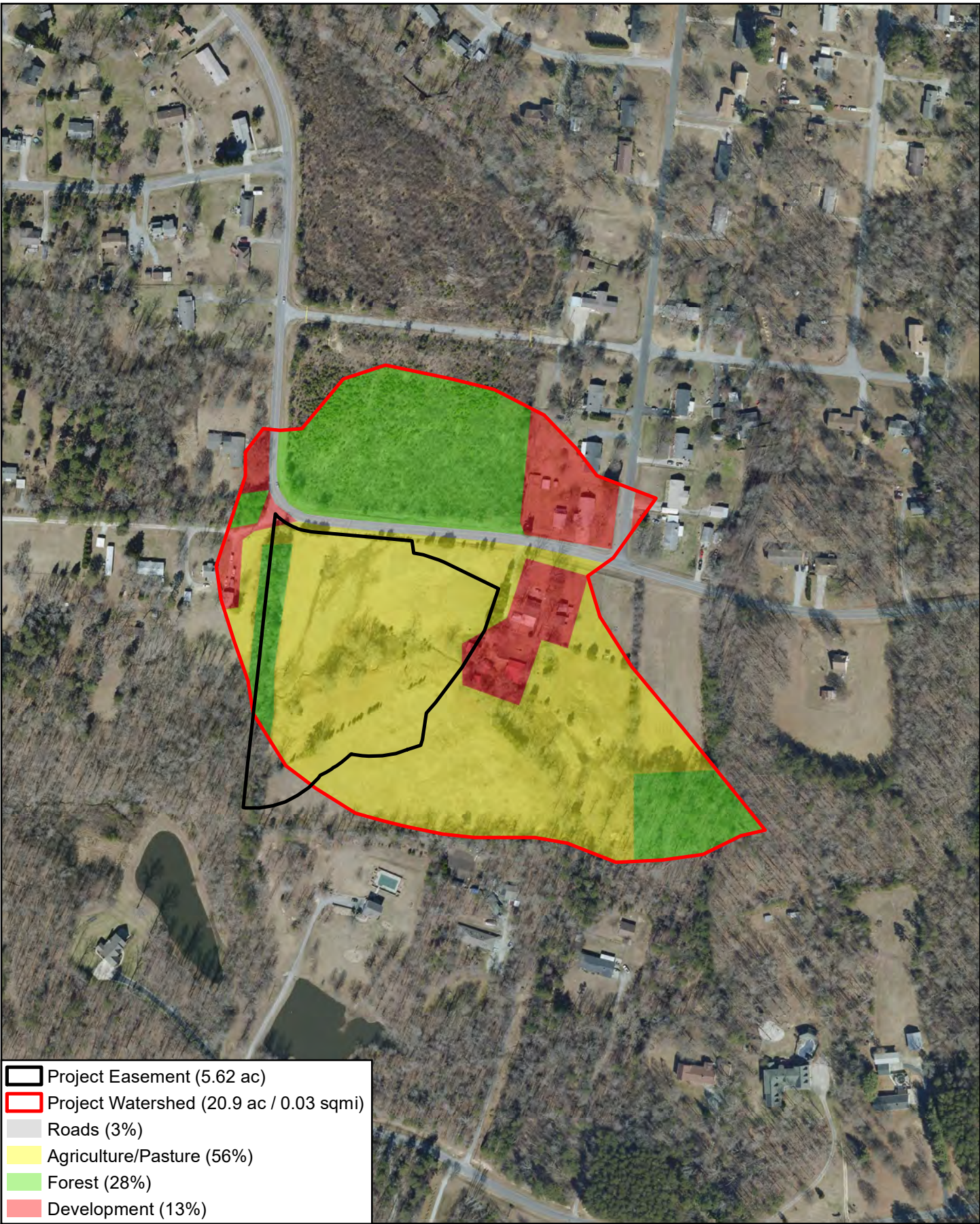
- Project Easement (5.62 ac)
- Project Watershed (20.9 ac / 0.03 sqmi)
- 14 Digit HUC Boundary


0 250 500

 Feet

**FIGURE 2. USGS TOPOGRAPHIC MAP
 EIGHT-POINT BUFFER RESTORATION SITE
 GUILFORD COUNTY, NC**



Source: USGS National Map,
 Pleasant Garden Quadrangle





0 150 300
 Feet





**FIGURE 3. PROJECT WATERSHED LAND USE
 EIGHT-POINT BUFFER RESTORATION SITE
 GUILFORD COUNTY, NC**

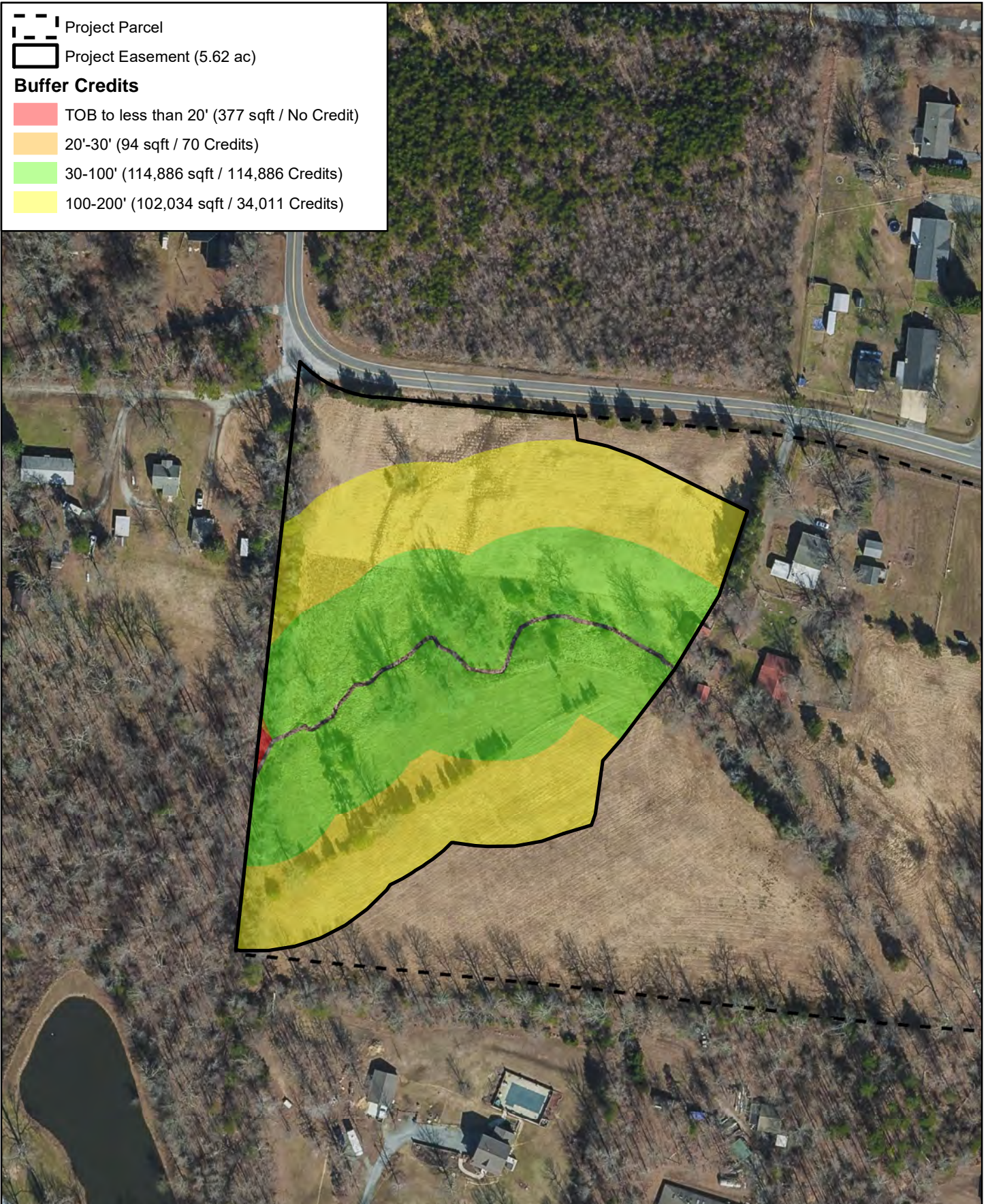



Image Source: NC Statewide
 Orthoimagery, 2014.
 Land Cover from Imagery.

-  Project Parcel
-  Project Easement (5.62 ac)

Buffer Credits

-  TOB to less than 20' (377 sqft / No Credit)
-  20'-30' (94 sqft / 70 Credits)
-  30-100' (114,886 sqft / 114,886 Credits)
-  100-200' (102,034 sqft / 34,011 Credits)



0 75 150
 Feet

**FIGURE 4. PROPOSED MITIGATION TYPE AND EXTENT
 EIGHT-POINT BUFFER RESTORATION SITE
 GUILFORD COUNTY, NC**



Sources: NC Statewide
 Orthoimagery, 2014.

Agency Responses



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

Ramona M. Bartos, Administrator

Governor Roy Cooper
Secretary Susi H. Hamilton

Office of Archives and History
Deputy Secretary Kevin Cherry

September 20, 2019

Charlie Morgan
KCI Technologies
Landmark Center II, Suite 220
4601 Six Fork Road
Raleigh, NC 27609

Re: Eight Point Buffer Restoration Site, Newman Davis Road, Greensboro, Guilford County, ER 19-2570

Dear Mr. Morgan:

Thank you for your email of August 12, 2019, concerning the above project.

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

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

Thank you for your cooperation and consideration. If you have questions concerning the above comment, contact Renee Gledhill-Earley, environmental review coordinator, at 919-807-6579 or environmental.review@ncdcr.gov. In all future communication concerning this project, please cite the above referenced tracking number.

Sincerely,

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

for Ramona Bartos, Deputy
State Historic Preservation Officer