



March 7, 2022

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

RE: **Draft Mitigation Plan Comments**
Little River Ford Mitigation Site (DWR #2021-0112v2)
Johnston County, NC

Dear Ms. Merritt:

Wildlands Engineering, Inc. (Wildlands) has reviewed the Division of Water Resources (DWR) comments dated March 1, 2022, for the Draft Mitigation Plan for the Little River Ford Mitigation Site. The DWR comments are listed below in bold, while Wildlands' responses are noted in italics lettering.

- 1. Cover Page – Change the project number to 2021-0112v2.**
The correction has been made.
- 2. Table of Contents – Appendix B Existing Conditions Photographs – These photos predate the site viability visit by DWR staff and need to be replaced with more recent photos of riparian areas confirming the existing conditions that are described in the Plan Section.**
Photolog has been updated with photos taken March 2022.
- 3. Section 2.0, Table 2 – Add a statement (maybe below the table) with a footnote that states Any credit conversions must be calculated using the guidance provided in the *Clarified Procedures for Calculating Buffer Mitigation Credits and Nutrient Offset Credits* letter issued by the DWR in 2019. This letter has a link as well and should be included in this Plan as a reference. <https://deq.nc.gov/media/15043/download>**
Requested text has been added.
- 4. Page 11 -The site viability letter indicated that additional information was required by the Provider if wanting to include the Ditch A for riparian buffer credits. No information is provided in the Plan that speaks to what additional information the Provider included for DWR to review the Ditch to provide buffer credit under 15A NCAC 02B .0295(o)(8). Include that information in this Plan and reference any figures that are necessary.**
Additional Information regarding compliance with 15A NCAC 02B .0295(o)(8) was added to Section 2.7.



5. Section 5 – Table 7

- a. Comments on Table 7: Section 5.0 should not be on this table. Move table 7 to its own page. The table is also showing an older version and needs to be replaced with the current template provided online. All streams on the site were determined to be Not Subject. Therefore, correct the table to match the stream determination letter issued by DWR.**

Section 5.0 was moved to the previous page. Table 7 was updated with the February 2022 version of the Credit Table and is now on its own page. The streams have been identified in the table as “not subject”.

- b. These shall be 5:1 not 10:1**

The correction has been made.

- c. Instead of stating “are presented below” change to “are presented in Table 7”**

The correction has been made.

- d. Since the table doesn’t allow you to choose a 51-100’ width for Ditch A, in the Feature Name column, please edit to include (51’-100’). This will now match up with the corresponding Figure 7.**

The requested edit was made to the table for Ditch A.

6. Section 6.0 - add “both banks at”

Requested text added.

- 7. Section 7.1 - It states here that “Vigor height, species composition and density will all be assessed” but it doesn’t specifically state that this data will be collected and provided in the annual reports. Clarify this information such that DWR can concur that the data intended to be supplied in the annual report will provide what is necessary to comply with the .0295 rule**
Requested text added.

- 8. Section 7.5 - Add a statement here that speaks to using species in Table 9 if any supplemental or replanting efforts are needed during the monitoring years.**

The following text was added. “In the event that supplemental replanting efforts are required during the monitoring years, the selected tree species listed in Table 9 will be used.”

9. Section 8.0

- a. List the exact parameters that will be included in the data submitted with each monitoring report.**

Parameters were added to section 8.0.

- b. Table 10 - What does the “Y” represent in this table?**

The “Y” in Table 10 was changed to “Yes”.

- 10. Figure 3 – There is a TLC easement somewhere in close proximity to the proposed DMS easement. Show that easement on this map.**

The TLC easement is now hatched for clarity.

- 11. Figure 7 – Table 7 indicates that there is nutrient offsets being generated off Ditch A beyond the 50’ width. However, this is difficult to see on this map. Zoom in on Ditch A and show the areas mapped as orange for Nutrient Offset.**

An inset of the area in question has been added to Figure 7.

- 12. Figure 9 – Add a layer of widths that confirms the width is at least 30 feet as implied in Text within the plan along UT1.**

The 30 foot buffer zone has been added to Figure 9.



13. Wildlands reduced the number of easement corners throughout the project boundary since submitting the draft Mitigation Plan to DWR. Wildlands also made a slight modification to the easement boundary at the downstream portion of UT1, so that the property owner could access the perimeter of their existing fencing (Fencing is shown on Figure 7). These slight changes to the easement boundary resulted in very minor adjustments to Table 7 credit totals. All tables and figures have been updated with the updated credit amounts and easement boundary.

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

Sincerely,

A handwritten signature in cursive script that reads 'Andrea S. Eckardt'.

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



MITIGATION PLAN

Final

March 2022

Little River Ford Mitigation Site

Johnston County, NC
NCDEQ Contract No. 0402-09
DMS ID No. 100182
DWR No. 2021-0112v2

Neuse River Basin
HUC 03020201

RFP #: 16-20200402

PREPARED FOR:



NC Department of Environmental Quality Division of Mitigation Services

1652 Mail Service Center
Raleigh, NC 27699-1652

MITIGATION PLAN

Little River Ford Mitigation Site

Johnston County, NC
NCDEQ Contract No. 0402-09
DMS ID No. 100182

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PREPARED FOR:



Division of Mitigation Services

1652 Mail Service Center
Raleigh, NC 27699-1652

PREPARED BY:



1430 South Mint Street, Suite 104
Charlotte, NC 28203
Phone: (704) 332-7754

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

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

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

Contributing Staff:

Andrea Eckardt, *Project Manager*
John Hutton, *Principal in Charge*
Carlynn Walker, *Mitigation Plan Development*

Daniel Taylor, *Construction Administrator*
Carlynn Walker, *Monitoring Lead*
Andrea Eckardt, *Lead Quality Assurance*

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APPENDIX

Appendix A.	Historical Aerial Photographs
Appendix B.	Existing Conditions Photographs – March 4, 2022
Appendix C.	NC Division of Water Resources Site Viability for Buffer Mitigation and Nutrient Offset Letter and On-Site Determination for Applicability to the Neuse Lake Buffer Rules
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Appendix E.	Categorical Exclusion Form – April 7, 2021, Supporting Documentation, and EDR Summary Report



1.0 Introduction

The Little River Ford Mitigation Site (Site) is located in Johnston County approximately four miles west of the Town of Kenly (Figure 1). Directions are included on Figure 1. The Site involves riparian restoration and preservation on two unnamed tributaries and one ditch that flow to the Little River. The Site is being submitted for buffer mitigation credit in the Neuse River Basin Hydrologic Unit Code (HUC) 03020201, in accordance with the Consolidated Buffer Mitigation Rules (15A NCAC 02B .0295) and the Nutrient Offset Credit Trading Rules (15A NCAC 02B .0703). See Figure 2 for the Service Area of the Site.

The project is located within the Neuse River Basin HUC 03020201180060 and NCDWR (North Carolina Division of Water Resources) Subbasin 03-04-06. Project streams flow into the Little River, which is classified as Nutrient Sensitive Waters (NSW) by the NCDWR. The project supports specific goals identified in the 2018 Neuse Basin Restoration Priorities Plan (RBRP) by promoting “nutrient and sediment reduction in agricultural areas by restoring and preserving wetlands, streams and riparian buffers.”

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

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



To reach the site travel East on I-40 for approximately 9.5 miles and take a right onto exit 309 for US-70 E toward Smithfield/Goldsboro. Continue onto US-70 E for approximately 16 miles before taking exit 333 for S R 1003/Bufalo Rd. Follow Buffalo Rd for 1.5 miles and take a right onto Old Beulah Rd. Stay on Old Beulah Rd for 9 miles and take a right onto Old Route 22. The Site is located approximately half a mile down Old Route 22 on the left.

Table 1: Ecological and Water Quality Goals

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



2.0 Mitigation Project Summary

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

Table 2: Buffer Project Attributes

Project Name	Little River Ford Mitigation Site
Hydrologic Unit Code	03020201180060
River Basin	Neuse, excluding the Falls Lake Watershed (Figure 2).
Geographic Location (Lat, Long)	35° 35' 31.92"N, 78° 10' 41.16" W
Site Protection Instrument (DB, PG)	To be recorded
Total Credits (Riparian Buffer), Total Credits (Nutrient Offset)	356,808.856 ft ² , 14.037 lbs. N
Types of Credits**	Riparian Buffer with flexibility to convert to Nutrient offset if needed.
Mitigation Plan Date	March 2022
Initial Planting Date	December 2022
Baseline Report Date	February 2023
MY1 Report Date	December 2023
MY2 Report Date	December 2024
MY3 Report Date	December 2025
MY4 Report Date	December 2026
MY5 Report Date*	December 2027

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

** Any Credit conversions must be calculated using the guidance provided in the *Clarified Procedures for Calculating Buffer Mitigation Credits and Nutrient Offset Credits* letter issued by DWR in 2019. (<https://deq.nc.gov/media/15043/download>)

2.1 Existing and Historic Site Conditions

The Site is approximately 9.8 acres of primarily agricultural fields located on five parcels. The project includes the restoration and preservation of riparian areas along two unnamed tributaries and one ditch: UT1, UT2, Ditch A (Figure 2). While UT1 and UT2 have areas of established forested vegetation, Ditch A is cultivated regularly with no existing riparian buffer. The Site has been in row crop rotations historically and continues to be managed this way. Historical aerials from 1950 through 2016 are included in Appendix A and further document the Site's long history of agricultural use and presence of the project ditch prior to 1997, the effective date of the Neuse Buffer Rules.

Ditch A flows south and feeds directly into UT1 from an active agricultural field. Along the upstream reach of UT1, upstream of Old Route 22, there is a mature hardwood buffer; however, this forested buffer is only maintained for approximately 300 feet before entering an active farm field south of Old Route 22. UT1 flows through this farm field to a forested area protected by a permanent conservation easement held by Triangle Land Conservancy (TLC). The TLC easement protects UT1 to its confluence with the Little River. UT2 flows south and maintains a forested buffer on its left side; however, the right bank remains open to agricultural fields for much of its length. The Site is characterized by gently sloped valleys in forested areas but otherwise dominated by agricultural fields with low slopes. A photolog from March 4, 2022 is included in Appendix B.



2.2 Watershed Characterization

The Site is located within the Targeted Local Watershed 03020201180060 and NCDWR Subbasin 03-04-06. The project streams flow into the Little River which is classified as WS-V and NSW by NCDWR. Class WS-V waters are upstream water supply waters generally draining to WS-IV waters and are protected for Class C uses (recreational use, agriculture, fishing and fish consumption, and the maintenance of biological integrity for wildlife). The NSW designation applies to surface waters that are experiencing excessive growths of microscopic or macroscopic vegetation.

The Site topography, as indicated on the Kenly West, NC USGS 7.5-minute topographic quadrangle, shows moderately sloped areas throughout the Site (Figure 4). Land uses draining to the project reaches are primarily agricultural with some forested areas (Figure 5). The watershed areas and current land use are summarized in Table 3, below.

Table 3 Drainage Areas and Associated Land Use

Reach Name	DWR Stream Type	Watershed Area (acres)	Land Use
UT1	Intermittent	82.5	93.7% Crop land, 1% grassland/herbaceous, 5% Forested, 0.3% impervious surfaces
UT2	Intermittent	23.5	78% Crop land, 7% grassland/herbaceous, 7% Forested, 7.5% Residential, 0.5% impervious surface
Ditch A	Ditch	61.8	96.2% Crop land, 3.8% grassland/herbaceous

2.3 Soils

The project site is mapped by the Johnston County Soil Survey. Project area soils are described below in Table 4. An image of the paper copy of the 1994 Soil Survey of Johnston County is provided in Figure 6.

Table 4 Project Soil Types and Descriptions

Soil Name	Description
NoA – Norfolk Loamy Sand, 0-2% slopes	Norfolk loamy sand consists of well-drained soil on smooth, broad divides. Permeability is moderate and surface runoff is slow. Seasonal high-water table remains below a depth of five feet.
GoA – Goldsboro Sandy Loam , 0-2% slopes	Goldsboro sandy loam consist of moderately well drained soil on floodplains. Permeability is moderate and surface runoff is low. Water ponds in some places and floods are frequent. Seasonal high-water table is at 15” to 45”.
Ly – Lynchburg Sandy Loam, 0-2% slopes	Lynchburg Sandy Loam consists of somewhat poorly drained soil on broad interstream divides. Permeability is moderate and surface runoff is slow. Seasonal high-water table is at 6”. Ponding and flooding are low.
WaB – Wagram Loamy Sand, 0-6% slopes	Wagram loamy sand consists of well-drained soils on slightly convex, smooth, and broad divides. Permeability is rapid, while surface runoff is slow. Seasonal high-water table remains below a depth of five feet.

Source: Johnston County Soil Survey, June 1994, USDA-NRCS,
https://www.nrcs.usda.gov/Internet/FSE_MANUSCRIPTS/north_carolina/johnstonNC1994/map30.pdf
https://www.nrcs.usda.gov/Internet/FSE_MANUSCRIPTS/north_carolina/johnstonNC1994/text.pdf



2.4 Vegetation

Vegetation communities within the project area are primarily comprised of open agricultural fields, with some portions of mixed hardwood forest. Ditch A and the lower portion of UT1 below Old Route 22 have been agriculturally maintained with row crops planted up to the project features are void of canopy, understory, and shrub vegetative layers. The upper portion of UT1 above Old Route 22 flows through a forested area. Species within this forested area include American holly (*Ilex opaca*), river birch (*Betula nigra*), sweetgum (*Liquidambar styraciflua*), sweet bay magnolia (*Magnolia virginiana*), black cherry (*Prunus serotina*), loblolly pine (*Pinus taeda*), red maple (*Acer rubra*), and water oak (*Quercus nigra*).

The western side of UT2 is primarily buffered by an agricultural field with row crops, with a narrow-forested buffer on the southern end of the site. The Eastern side of the stream is forested. Species along UT2 include red maple (*Acer rubra*), northern red oak (*Quercus rubra*), loblolly pine (*Pinus taeda*), water oak (*Quercus nigra*), sweet gum (*Liquidambar styraciflua*), and american holly (*Ilex opaca*).

2.5 Site Constraints and Access

The Site is accessible for construction, monitoring, and long-term stewardship from Old Route 22 (Figure 3). There is a break in the conservation easement on UT1 for Old Route 22 and an existing utility line that runs parallel to the road.

There is one privately-owned airport within five miles of the project site, Kenly Airport (Figure 1). The airport consists of one grassed runway and one aircraft based on the field.

2.6 Current Site Resources

NCDWR assessed the stream origins on March 29, 2021 and issued the official stream origin determination Letter on May 27, 2021. NCDWR also performed an onsite visit of the project area to determine viability for buffer mitigation and nutrient offset mitigation on July 14, 2021 and issued a site viability letter on July 27, 2021. Three features assessed were deemed suitable for riparian buffer credit and nutrient offset credit pursuant to 15A NCAC 02B .0295 and 15A NCAC 02B .0703 by NCDWR. There have been no changes to land use in the project area since NCDWR's 2021 site visit. A copy of both the "On-Site Stream Origin Determination for Applicability to Neuse Riparian Buffer Rules" and the "Site Viability for Buffer Mitigation & Nutrient Offset" letters from NCDWR are included in Appendix C.

2.7 Alternative Mitigation for Buffer Mitigation

In addition to buffer restoration on subject streams, per the Consolidated Buffer Mitigation Rules (15A NCAC 02B 0.0295 (o)), alternative mitigation is proposed on the Parcel in the form of buffer restoration on ditches. The proposed project is in compliance in the following ways:

Restoration on Ditches - 15A NCAC 02B .0295 (o)(8):

- The ditch is directly connected with and draining towards an intermittent or perennial stream (See Figure 3 for Ditch A connection with UT1).
- The ditch is contiguous with the rest of the mitigation site protected under a perpetual conservation easement (See Figures 3 and 7 for easement boundary).
- Stormwater runoff from overland flow drains towards the ditch (See Figure 5 for topographic and watershed information).
- The ditch is between one and three (3) feet in depth based on the distance from the thalweg to the top of bank (See Appendix C Site Viability Letter).
- The entire length of the ditch shall have been in place prior to the effective date of the applicable rule (See Appendix A for historical aerial photographs).



- The width of buffer restoration on the ditch is no less than 30 feet and no more than 50 feet (See Figure 8 for buffer zones).
- The watershed of the ditch is at least four times larger than the restored area along the ditch (See Figure 5 for the drainage area on Ditch A (61.8 ac) and Table 7 for restoration area on Ditch A (1.4 ac).

3.0 Site Protection Instrument

3.1 Site Protection Instruments and Long-Term Protection

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

Table 5: Site Protection Instrument

Landowner	PIN	County	Site Protection Instrument	Deed Book and Page Number	Acreage to be Protected
Susan Weaver Ford	264700-42-3582 264700-31-7071 264700-41-5296 264700-51-2266	Johnston	Conservation Easement	To Be Recorded	8.59
Joy Kemple Martin	264700-30-1815				1.24

4.0 Regulatory Considerations

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

Table 6: Project Attribute Table

Regulatory Considerations			
Parameters	Applicable?	Resolved?	Supporting Docs?
Water of the United States - Section 404	No	N/A	N/A
Water of the United States - Section 401	No	N/A	N/A
Endangered Species Act	Yes	Yes	Appendix (Categorical Exclusion)



Regulatory Considerations			
Historic Preservation Act	Yes	Yes	Appendix (Categorical Exclusion)
Coastal Zone Management Act	No	N/A	N/A
FEMA Floodplain Compliance	No	N/A	N/A
Essential Fisheries Habitat	No	N/A	N/A

4.1 Threatened and Endangered Species

The NC Natural Heritage Program (NHP) database and the US Fish and Wildlife Service (USFWS) database were searched for federally listed threatened and endangered plant and animal species in Johnston County, NC. The Johnston County listed endangered species include the Neuse River waterdog (*Necturus lewisi*), Carolina madtom (*Noturus furiosus*), red-cockaded woodpecker (*Picoides borealis*), Atlantic pigtoe (*Fusconaia masoni*), dwarf wedgemussel (*Alasmidonta heterodon*), yellow lance (*Elliptio lanceolata*), and Tar River spiny mussel (*Elliptio steinstansana*). The USFWS lists Critical Habitat Designations for federally listed species, which includes the Neuse river waterdog, Carolina madtom, Atlantic pigtoe, and the yellow lance species. However, the project location is outside the USFWS defined Critical Habitat Designations and is unlikely to disturb these sensitive species within the site or downstream of the project.

Results from pedestrian surveys conducted on January 12, 2021 indicated that the project area provides areas of suitable habitat for the dwarf wedgemussel and the yellow lance. A self-certification letter was submitted through the USFWS Information for Planning and Consultation database (IPaC) requesting comment from USFWS dated January 27, 2021. The USFWS concurred that the project is not likely to adversely affect any aquatic species that may be present in streams on the site or downstream. The approved Categorical Exclusion form and the self-certification letter for the project is included in Appendix E.

4.2 Cultural Resources and Significant Natural Heritage Areas

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

There are no existing structures in the project easement area. The Site is not located near any sites listed on the National Register with the State Historic Preservation Office (SHPO). SHPO commented on April 1, 2021 and “was aware of no historic resources that would be affected by the project”. The approved Categorical Exclusion form and correspondence from SHPO for the project is included in Appendix E.

4.3 FEMA Floodplain Compliance

The majority of the Site is not located in a FEMA floodplain; the very downstream portion of UT2 is within the 100-year floodplain. No grading activities are planned for the floodplain, so a floodplain development permit will not be required.

4.4 Other Environmental Issues

An EDR Radius Map Report with GeoCheck was ordered for the Site through Environmental Data Resources, Inc. on August 18, 2020. The target property and the adjacent properties are not listed in any of the Federal, State, or Tribal environmental databases searched by EDR. There were no known or potential hazardous waste sites identified within one mile of the Site. The executive summary of the EDR report is included in Appendix E.



5.0 Determination of Credits

The Site is being restored as a riparian restoration and preservation site with 14.037 pounds of nutrient offset credits (nitrogen) and 356,808.856 square feet of riparian buffer credits (Tables 7 and 8 and Figure 7). The buffer zones and subject and non-subject stream designations are shown on Figure 9. The management objectives, mitigation type, and amount of buffer mitigation are presented in Table 7. The mitigation credit calculations were derived based on the DWR .0295 rule for riparian buffer credits as well as the *NCDWR – Methodology and Calculations for Nutrient Reductions on the Bank Parcel* (<https://files.nc.gov/ncdeq/Water%20Quality/Planning/NPU/Nutrient%20Offset%20Rule/Ag-Buffer-Credit.pdf>).



Table 7: Little River Ford Project Mitigation Credits

Neuse 03020201 - Outside Falls Lake				Project Area											
19.16394				N Credit Conversion Ratio (ft ² /pound)											
N/A				P Credit Conversion Ratio (ft ² /pound)											
Credit Type	Location	Subject? (enter NO if ephemeral or ditch ¹)	Feature Type	Mitigation Activity	Min-Max Buffer Width (ft)	Feature Name	Total Area (ft ²)	Total (Creditable) Area of Buffer Mitigation (ft ²)	Initial Credit Ratio (x:1)	% Full Credit	Final Credit Ratio (x:1)	Convertible to Riparian Buffer?	Riparian Buffer Credits	Convertible to Nutrient Offset?	Delivered Nutrient Offset: N (lbs)
Buffer	Rural	No	I / P	Restoration	0-100	UT1, UT2	282,615	282,615	1	100%	1.00000	Yes	282,615.000	Yes	14,747.228
Buffer	Rural	No	I / P	Restoration	101-200	UT1, UT2	13,949	13,949	1	33%	3.03030	Yes	4,603.175	Yes	727.877
Buffer	Rural	No	Ditch	Restoration	0-50	Ditch A	60,673	60,673	1	100%	1.00000	Yes	60,673.000	Yes	3,165.998
Nutrient Offset	Rural	No	Ditch	Restoration	51-100	Ditch A	269		1	100%	1.00000	No	—	Yes	14.037
Totals (ft²):							357,505	357,237					347,891.175		18,655.141
Total Buffer (ft²):							357,237	357,237							
Total Nutrient Offset (ft²):							269	N/A							

Total Ephemeral Area (ft²) for Credit: 0 0
Total Eligible Ephemeral Area (ft²): 100,457 0.0%
Total Eligible for Preservation (ft²): 119,079 9.4%

Ephemeral Reaches as % TABM
Preservation as % TABM

Credit Type	Location	Subject?	Feature Type	Mitigation Activity	Min-Max Buffer Width (ft)	Feature Name	Total Area (sf)	Total (Creditable) Area for Buffer Mitigation (ft ²)	Initial Credit Ratio (x:1)	% Full Credit	Final Credit Ratio (x:1)	Riparian Buffer Credits
	Rural	Yes	I / P		0-100	UT1, UT2	44,587	44,587	5	100%	5.00000	8,917.400
	Rural	Yes	I / P		101-200	UT2	4	4	5	33%	15.15152	0.281
Preservation Area Subtotal (ft²):							44,592	44,592				



Table 8: Total Area of Mitigation

TOTAL AREA OF BUFFER MITIGATION (TABM)			
Mitigation Totals		Square Feet	Credits
Restoration:		357,237	347,891.175
Enhancement:		0	0.000
Preservation:		44,592	8,917.681
Total Riparian Buffer:		401,828	356,808.856
TOTAL NUTRIENT OFFSET MITIGATION			
Mitigation Totals		Square Feet	Credits
Nutrient Offset:	Nitrogen:	269	14.037
	Phosphorus:		0.000
<p>*Areas that are convertible to Nutrient Offset Credit are specified in Table 7 above and are visually represented in Figure 8.</p> <p>*Credit conversions must be calculated using the guidance provided in the Clarified Procedures for Calculating Buffer Mitigation Credits and Nutrient Offset Credits letter issued by the DWR in November 2020 (https://files.nc.gov/ncdeq/Water%20Quality/Surface%20Water%20Protection/401/Mitigation/Issues--Resolutions-Ver-1.0-buffer-mitigation-nutrient-offset.pdf)</p>			

6.0 Mitigation Work Plan

Wildlands proposes to restore a high quality of ecological function to riparian areas of UT1, UT2, and Ditch A. The ecological uplift can be summarized as transforming an agriculturally impacted area to a protected riparian corridor. The project design will ensure that no adverse impacts to wetlands or existing riparian buffers occur. Figure 7 illustrates the conceptual design for the Site. Figure 9 depicts the riparian buffer zones (50 feet, 100 feet and 200 feet). Figure 9 also identifies whether the project streams are subject to the buffer rules, based on the DWR On-Site Determination for Applicability to the Neuse Buffer Rules. Other than the 30’ preservation area alongside both banks at the top portion of UT1, the riparian restoration efforts will be a minimum of 50’ from the tops of viable stream and ditch banks and will extend a maximum of 100’ from tops of banks. Small areas along UT1 and UT2 extend beyond 100’ from top of bank but less than 200’. A few small areas alongside Ditch slightly A extend past 50ft.

6.1 Parcel Preparation

The land proposed for buffer restoration is currently used for agricultural fields. These areas will be tilled with a chisel plow to reduce soil compaction prior to planting. Soil tests will be collected prior to planting to determine if any remedial actions should be taken to prepare the Parcel for herbaceous and planted stem success. The fields within the project area contain few weeds and will likely only require some selective spot herbicide treatments. Any ephemeral ditches or swales entering the proposed buffer areas that are not being buffered themselves will have the flow disconnected and will be spread level through the buffer area for maximum nutrient treatment. Minor bank stabilization efforts will be taken in areas of severe erosion along UT1. Any existing fencing within the conservation easement boundary will be removed or relocated outside of the conservation easement boundary.

6.2 Riparian Area Restoration Activities

Riparian area restoration will involve planting appropriate native tree species along the riparian corridor. These revegetation efforts will be coupled with controlling invasive species population. The species composition to be planted was selected based on the community type, observation of occurrence of



species in riparian areas adjacent to the Site, best professional judgement on species establishment, and anticipated site conditions in the early years following project implementation. Tree species planted across the project area on the Site will include a mixture of the species listed in Table 9 below:

Table 9: Selected Tree Species

Species	Common Name	Density	Forest Strata
<i>Platanus occidentalis</i>	American Sycamore	15%	Canopy
<i>Betula nigra</i>	River Birch	15%	Canopy
<i>Diospyros virginiana</i>	Common Persimmon	10%	Canopy
<i>Prunus serotina</i>	Black Cherry	5%	Canopy
<i>Quercus pagoda</i>	Cherrybark Oak	10%	Canopy
<i>Populus deltoides</i>	Eastern Cottonwood	10%	Canopy
<i>Quercus michauxii</i>	Swamp Chestnut Oak	10%	Canopy
<i>Ulmus americana</i>	American Elm	5%	Canopy
<i>Acer negundo</i>	Boxelder	10%	Sub-canopy
<i>Quercus phellos</i>	Willow Oak	5%	Canopy
<i>Magnolia virginiana</i>	Sweetbay	5%	Sub-canopy

Trees will be spaced at 7 feet by 12 feet during planting, which is equivalent to a stem density of 521 stems per acre and is sufficient to meet the performance standards outlined in the Rule 15A NCAC 02B .0295 of 260 planted trees per acre at the end of five years. At least 8 species will be planted, and stems will be mixed prior to planting to ensure diversity of bare root species across the Parcel. Due to the nature of random mixing, some stems of the same species might be planted together. No one tree species will be greater than 50% of the established stems. An appropriate seed mix will be applied in areas where necessary. The seed mix will include native grasses and pollinator friendly forbs that will be applied to provide temporary and permanent ground cover for soil stabilization, wildlife forage, and reduction of sediment loss during rain events in areas without existing herbaceous cover. The proposed planting area includes the areas identified as Riparian Restoration for Buffer Credits on Figure 7. Planting is scheduled for December 2022.

6.3 Riparian Area Preservation Activities

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

7.0 Performance Standards

The performance criteria for the Site will follow approved performance criteria presented in the guidance documents outlined in RFP 16-20200402 and the Consolidated Buffer Rule (15A NCAC 02B



.0295). Annual monitoring and semi-annual site visits will be conducted to assess the condition of the finished project. The buffer restoration project will be assigned specific performance criteria components for vegetation. Performance criteria will be evaluated throughout the five-year post-construction monitoring. An outline of the performance criteria components follows.

7.1 Vegetation

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

Permanent vegetation monitoring plots will be installed and evaluated within the riparian restoration areas to measure the survival of the planted trees. The plots will be randomly placed throughout the planted riparian areas. A total of 7 plots will be established within the riparian buffer restoration areas which will make up at least 2% of the planted area (Figure 10). The size of individual quadrants will be 100 square meters.

Vegetation assessments will be conducted and follow the DMS approved protocol outlined in the DMS Monitoring Report Template (October 2020). A reference photo will be taken from the southwestern corner of each of the 7 plots. Photos will be taken from all photo points each monitoring year and provided in the annual reports. All planted stems will be marked with flagging tape and recorded.

7.2 Reference Photographs

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

7.3 Visual Assessments

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

7.4 Reporting Performance Criteria

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

7.5 Maintenance and Contingency Plans

Wildlands will develop necessary adaptive measures or implement appropriate remedial actions in the event that the Site or a specific component of the Site fails to achieve the success criteria outlined above. The project-specific monitoring plan developed during the design phase will identify an appropriate threshold for maintenance intervention based on the monitored items. In the event that supplemental replanting efforts are required during the monitoring years, the selected tree species



listed in Table 9 will be used. Any actions implemented will be designed to achieve the success criteria specified previously and will include a work schedule and updated monitoring criteria (if applicable).

8.0 Monitoring Plan

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

8.1 Monitoring Components

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

Table 10: Monitoring Components

Parameter	Monitoring Feature	Quantity	Frequency
Vegetation	Carolina Vegetation Survey (CVS) Level 2	7	Annual
Visual Assessment		Yes	Semi-Annual
Exotic and nuisance vegetation		Yes	Semi-Annual
Project Boundary		Yes	Semi-Annual
Reference Photos	Overview Photographs	Yes	Annual

9.0 Long-Term Management Plan

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

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

10.0 Adaptive Management Plan

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



11.0 References

- Natural Resources Conservation Service (NRCS), 2019. Web Soil Survey of Johnston County. <http://websoilsurvey.nrcs.usda.gov/app/HomePage.htm>. North Carolina Division of Water Quality (NCDWQ), 2011. Surface Water Classifications. <http://deq.nc.gov/about/divisions/water-resources/planning/classification-standards/classifications>.
- North Carolina Division of Water Resources (NCDWR), 2019. <https://deq.nc.gov/media/15043/download>
- North Carolina Geological Survey (NCGS), 1985. Geologic Map of North Carolina: Raleigh, North Carolina Department of Natural Resources and Community Development, Geological Survey Section, scale 1:500,000, in color.
- NCGS, 2013. Mineral Resources. <http://deq.nc.gov/about/divisions/energy-mineral-land-resources/north-carolina-geological-survey/mineral-resources>.
- North Carolina Natural Heritage Program (NHP), 2018. Natural Heritage Element Occurrence Database, Johnston County, NC.
- United States Fish and Wildlife Service (USFWS), 2018. Endangered Species, Threatened Species, Federal Species of Concern and Candidate Species, Johnston County, NC
<https://ecos.fws.gov/ecp/report/species-listings-by-current-range-county?fips=37101>



FIGURES

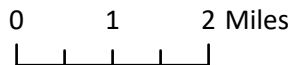
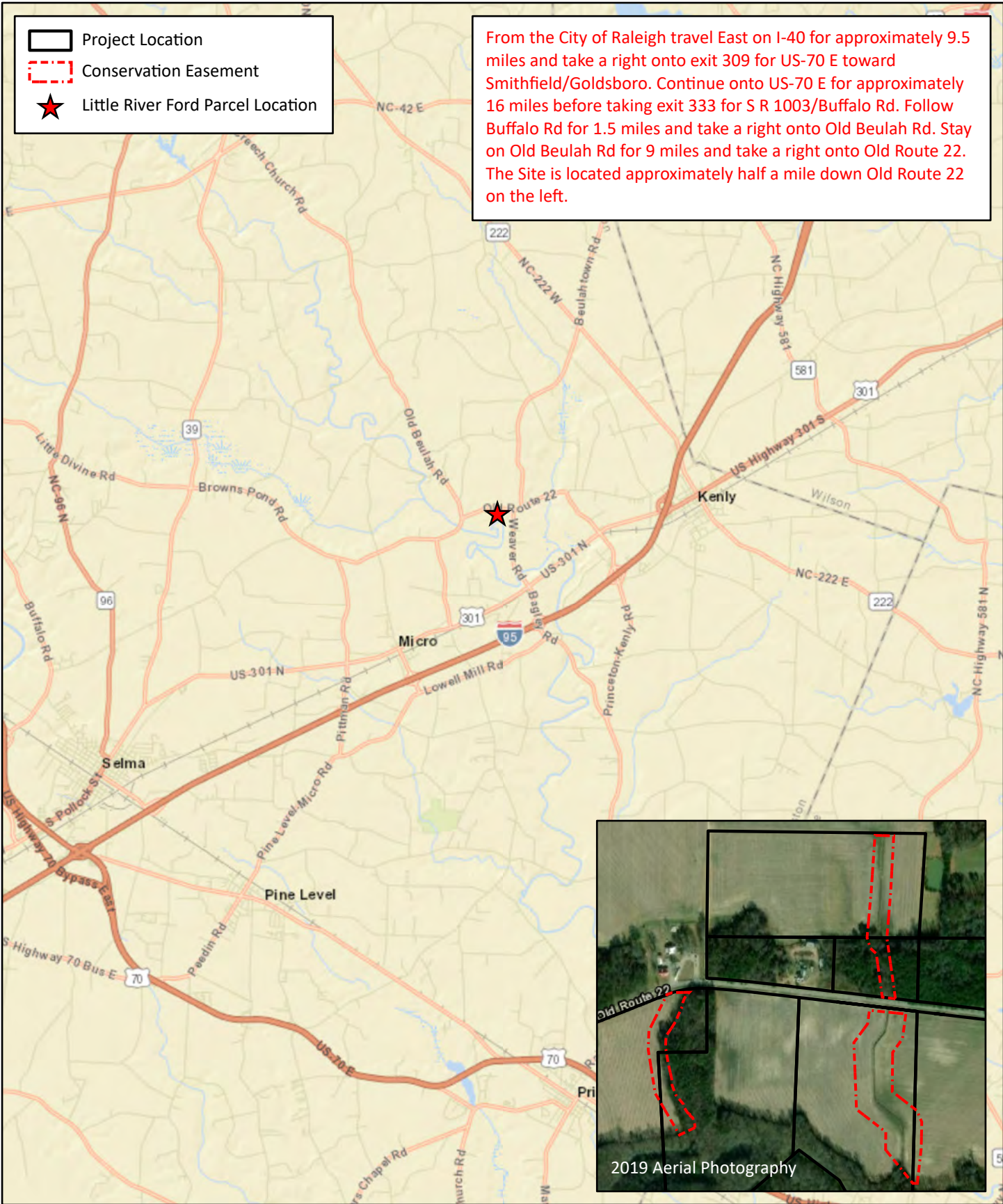
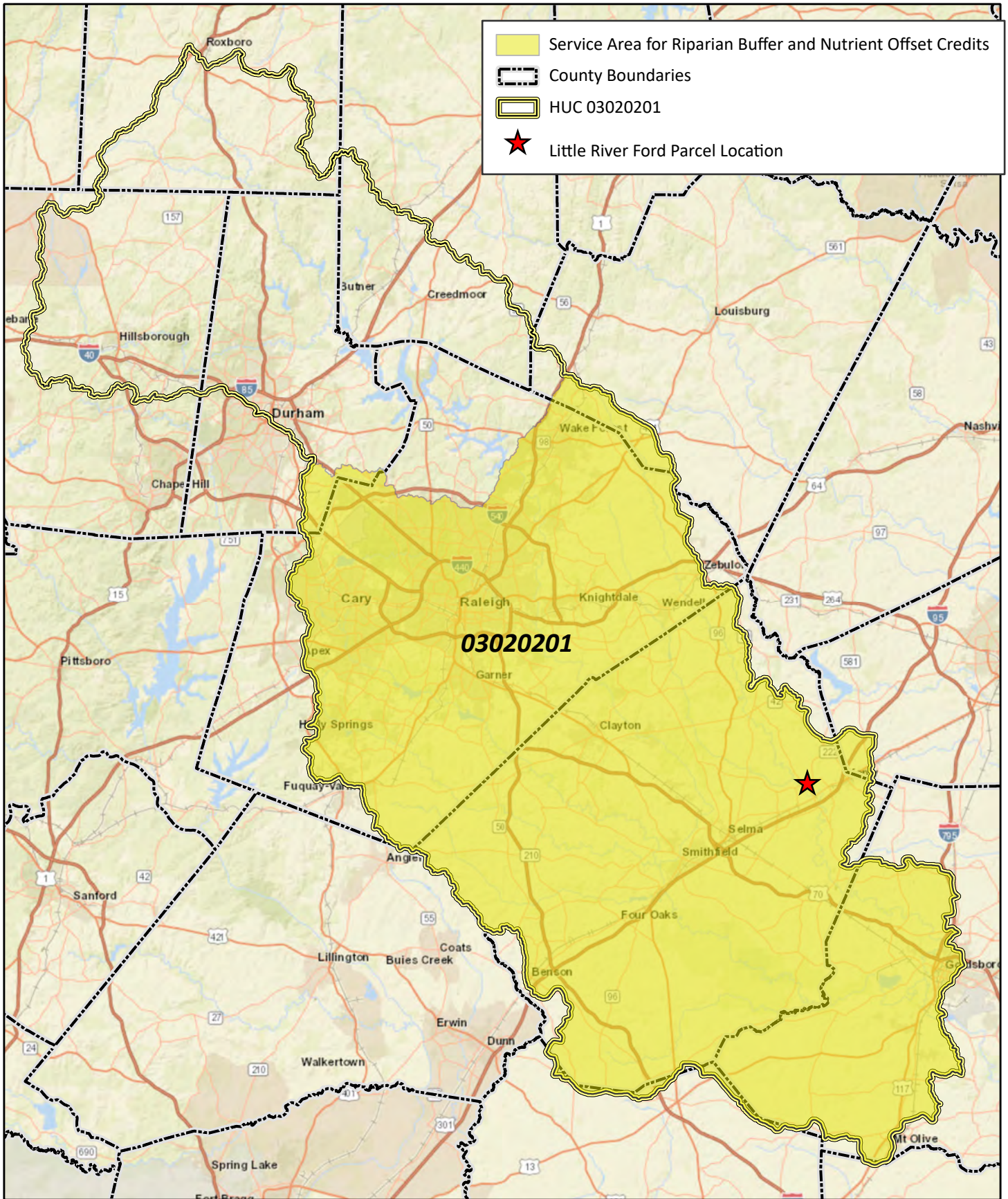


Figure 1. Vicinity Map
Little River Ford Mitigation Site
Mitigation Plan
Neuse River Basin (03020201)



- Service Area for Riparian Buffer and Nutrient Offset Credits
- County Boundaries
- HUC 03020201
- ★ Little River Ford Parcel Location

03020201

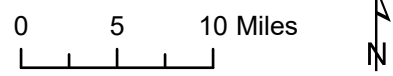


Figure 2. Service Area Map
Little River Ford Mitigation Site
Mitigation Plan
Neuse River Basin (03020201)

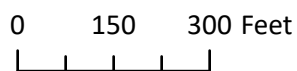
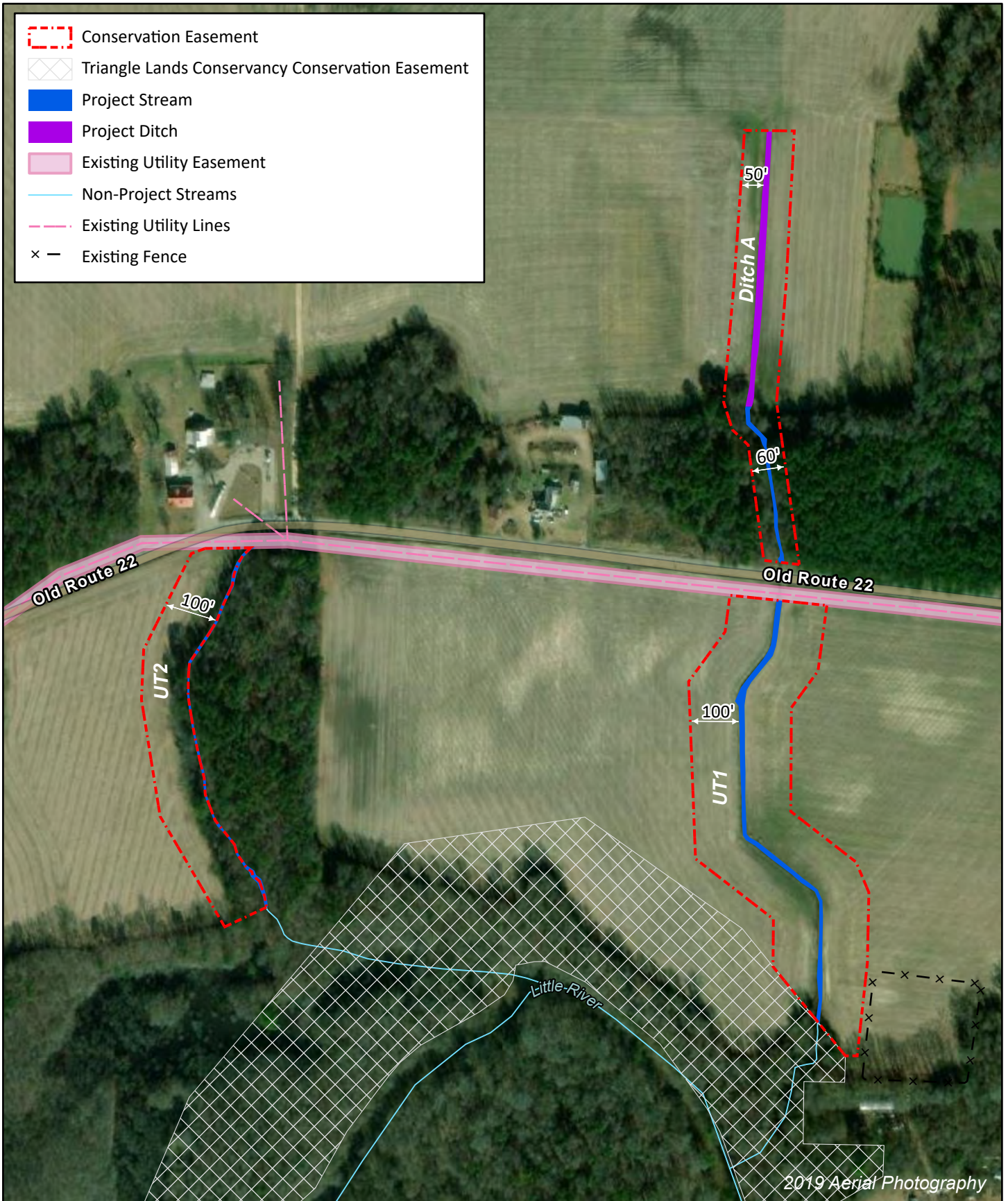


Figure 3. Site Map
 Little River Ford Mitigation Site
 Mitigation Plan
 Neuse River Basin (03020201)

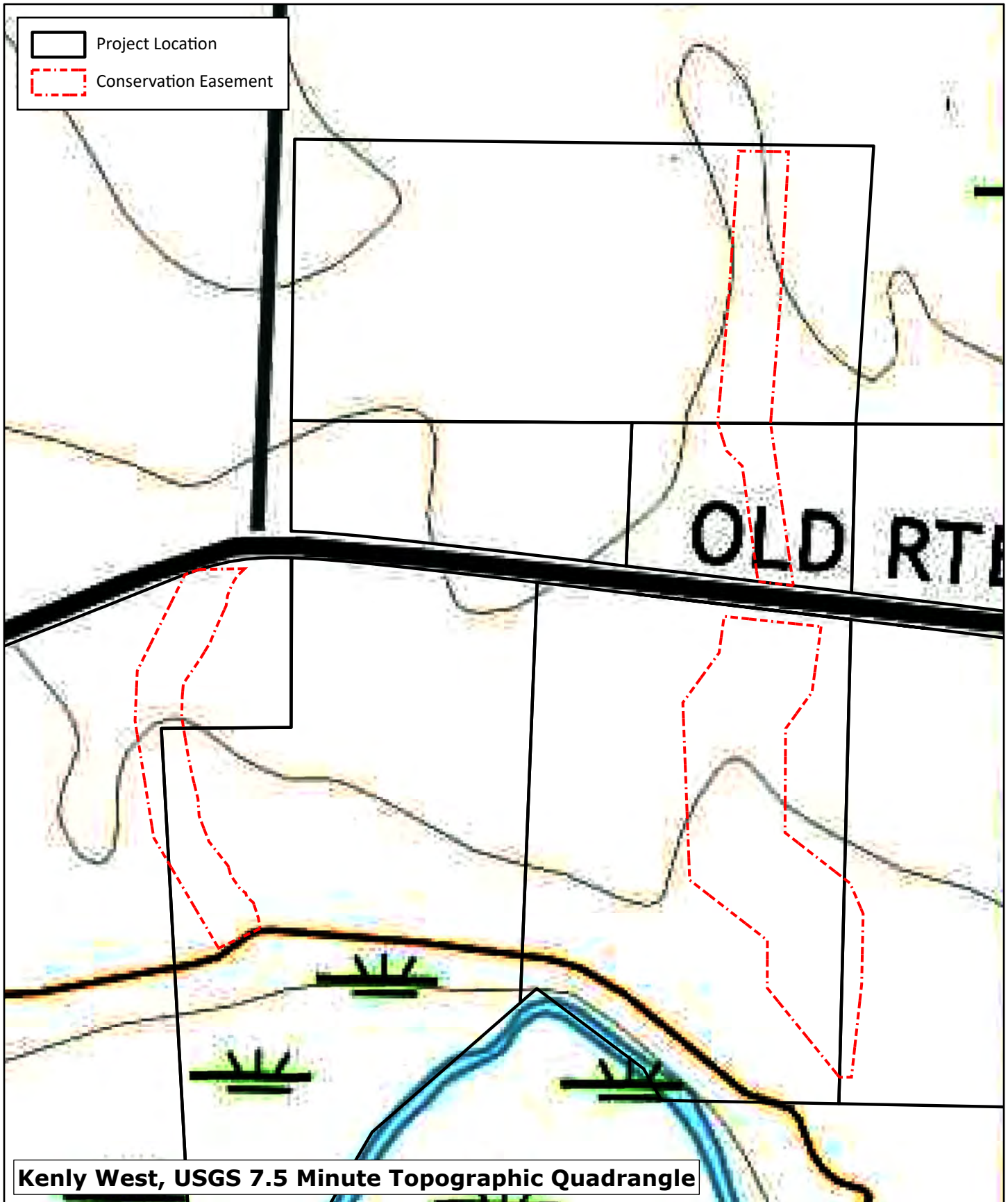


Figure 4. USGS Topographic Map
 Little River Ford Mitigation Site
 Mitigation Plan
 Neuse River Basin (03020201)



0 150 300 Feet



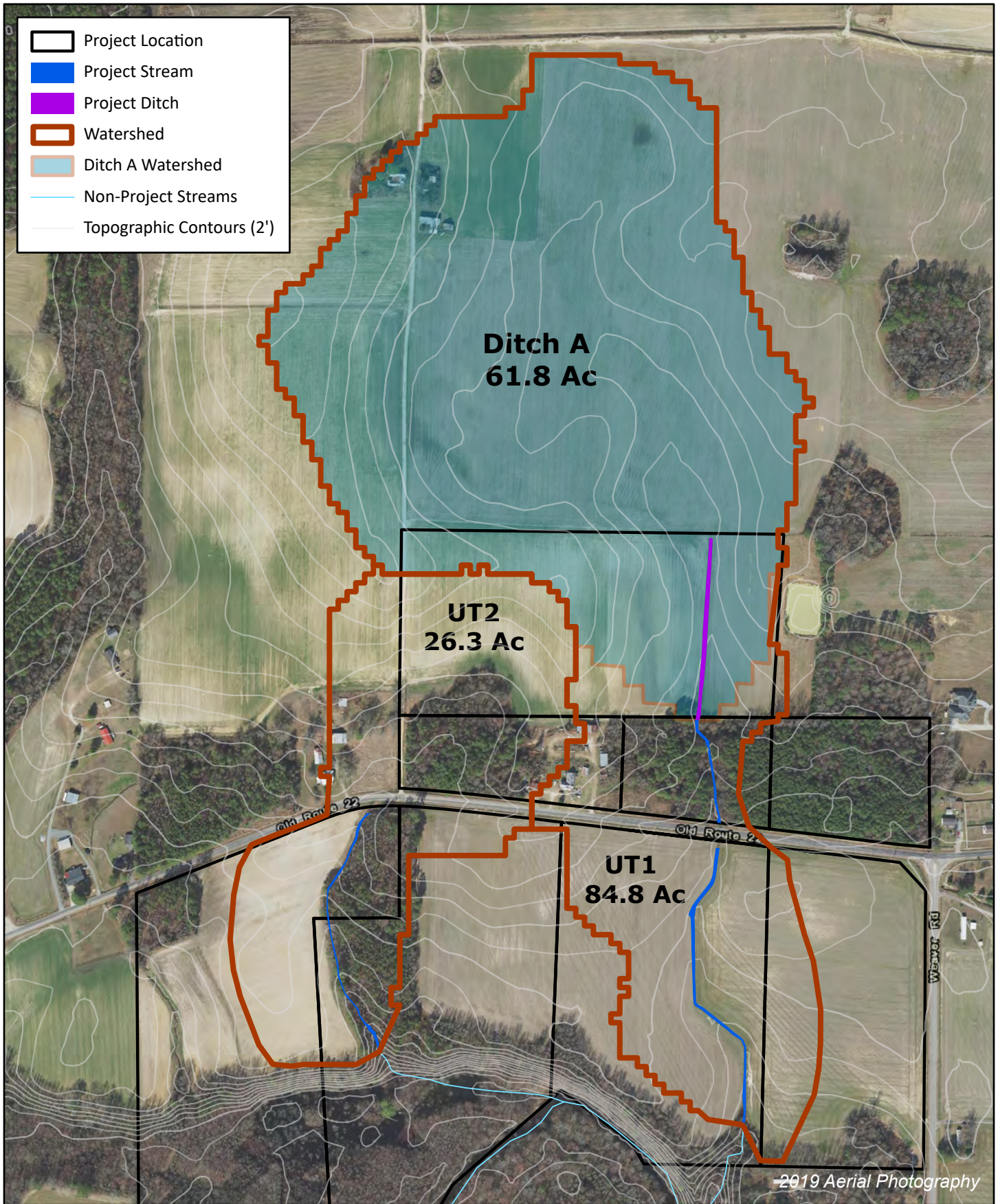
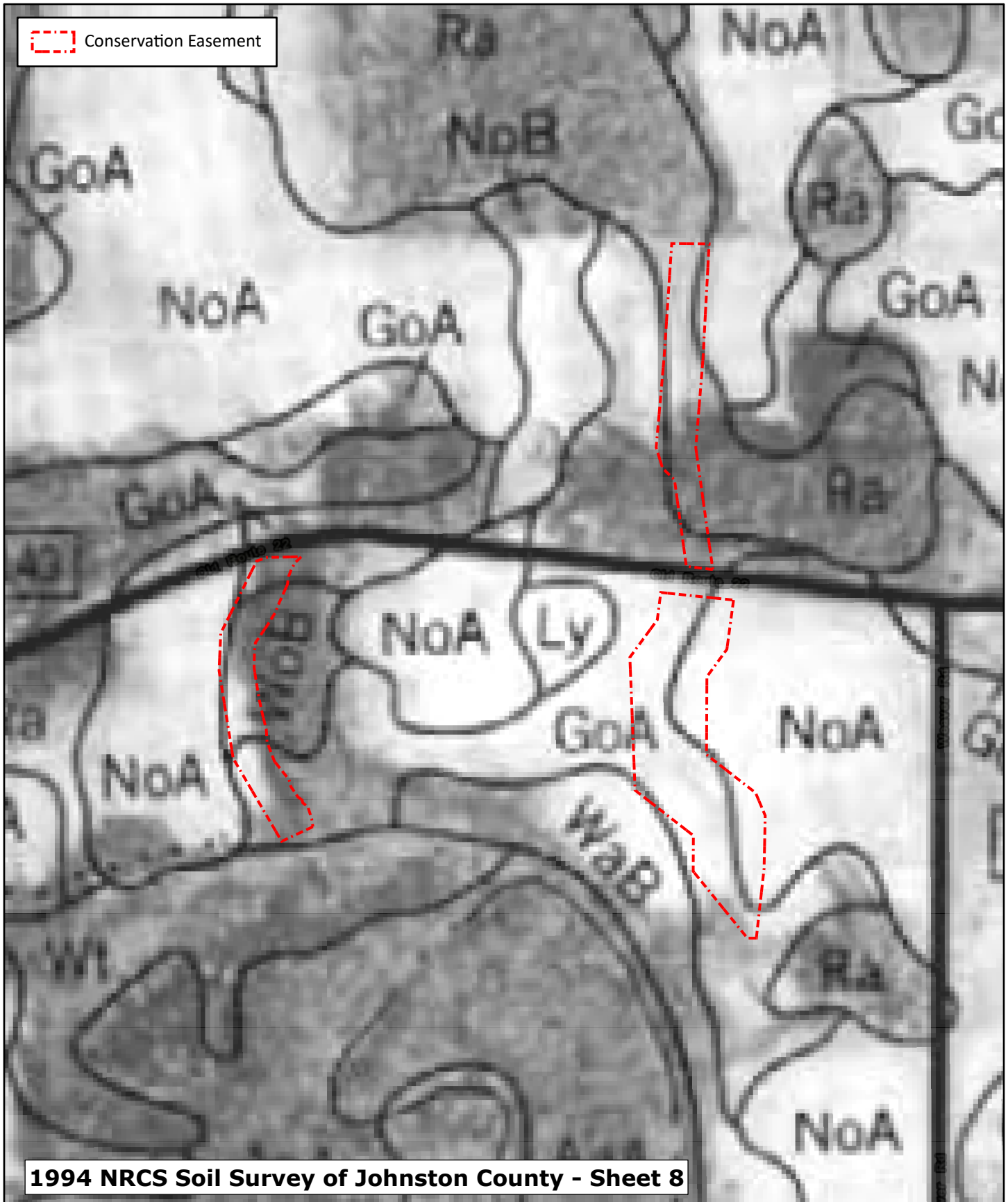


Figure 5. Watershed Map
 Little River Ford Mitigation Site
 Mitigation Plan
 Neuse River Basin (03020201)

Johnston County, NC



0 200 400 Feet



Figure 6. 1994 NRCS Soil Survey Map
 Little River Ford Mitigation Site
 Mitigation Plan
 Neuse River Basin (03020201)

Johnston County, NC

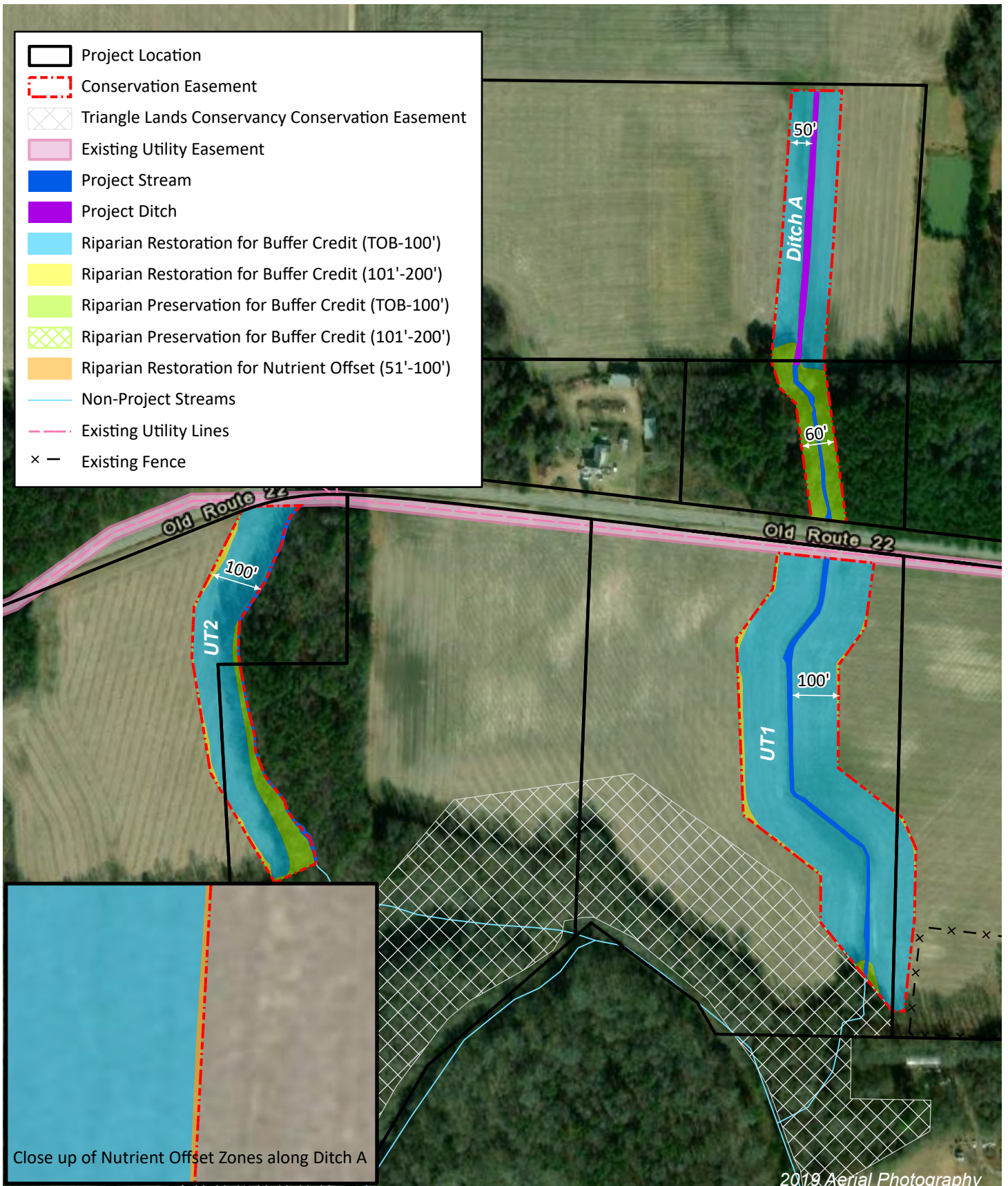


Figure 7. Buffer Credit Concept Map
 Little River Ford Mitigation Site
 Mitigation Plan
 Neuse River Basin (03020201)

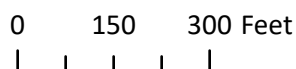
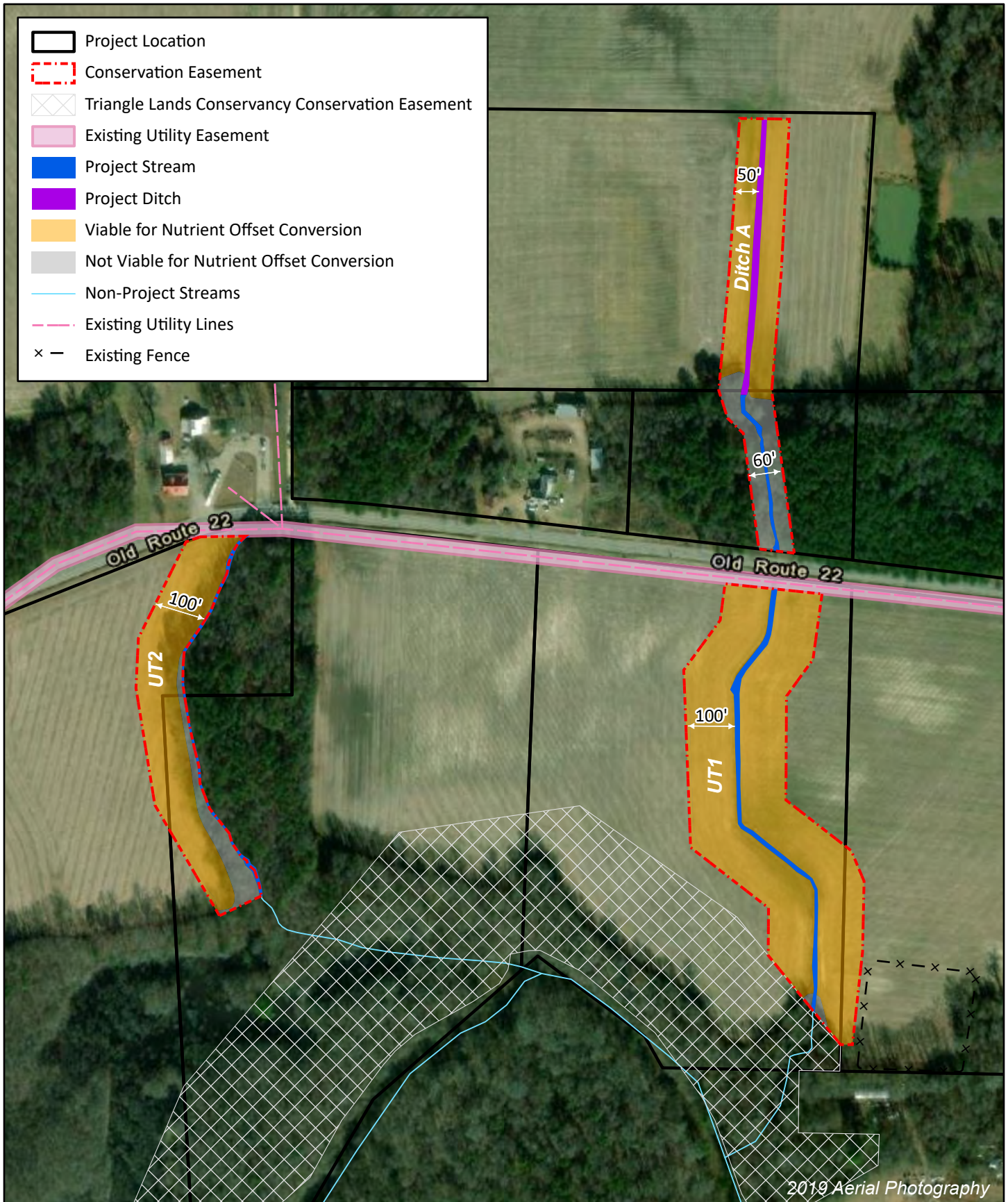
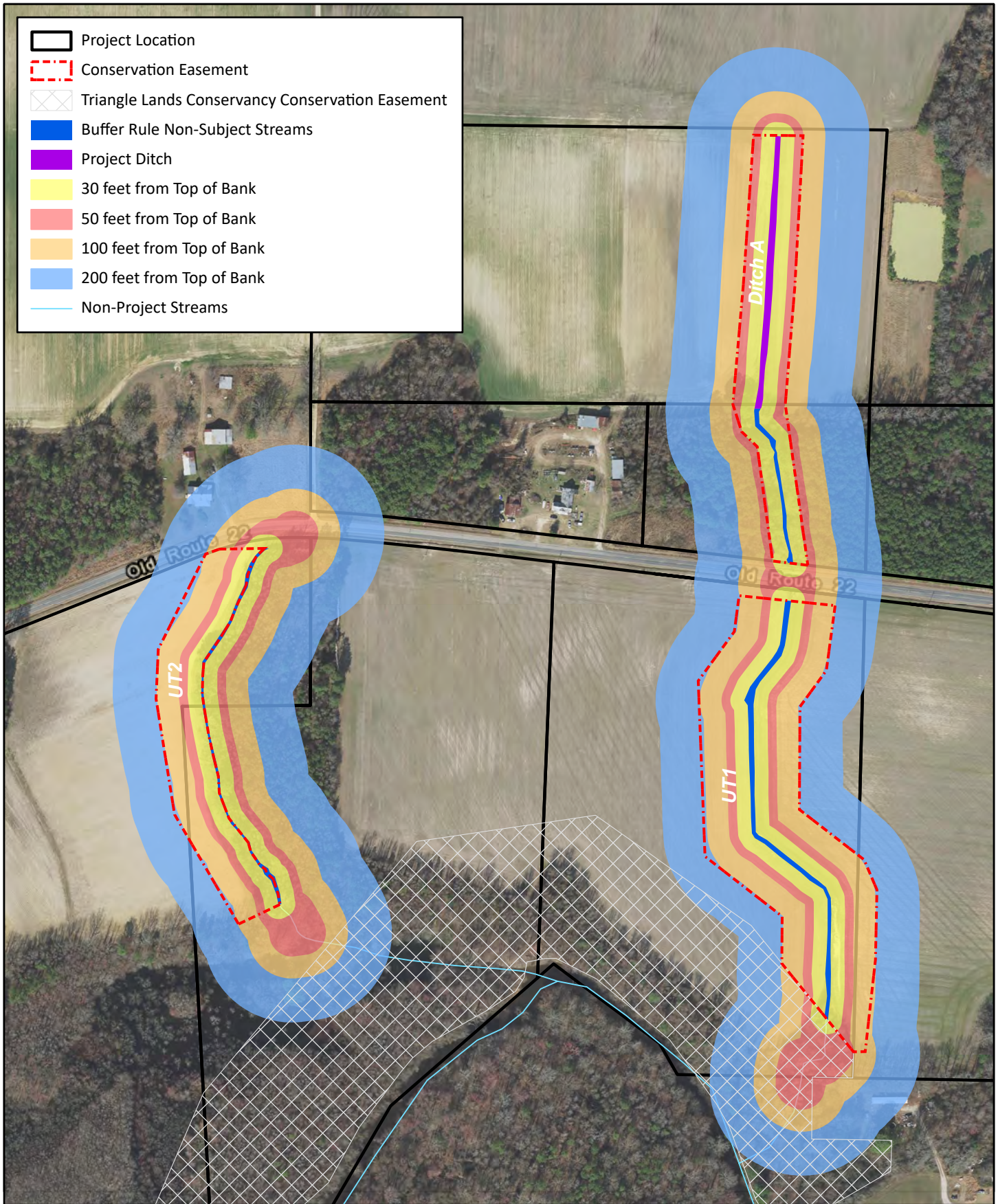


Figure 8. Nutrient Offset Concept Map
 Little River Ford Mitigation Site
 Mitigation Plan
 Neuse River Basin (03020201)

*This figure represents areas that are viable for Nutrient Offset Conversion.

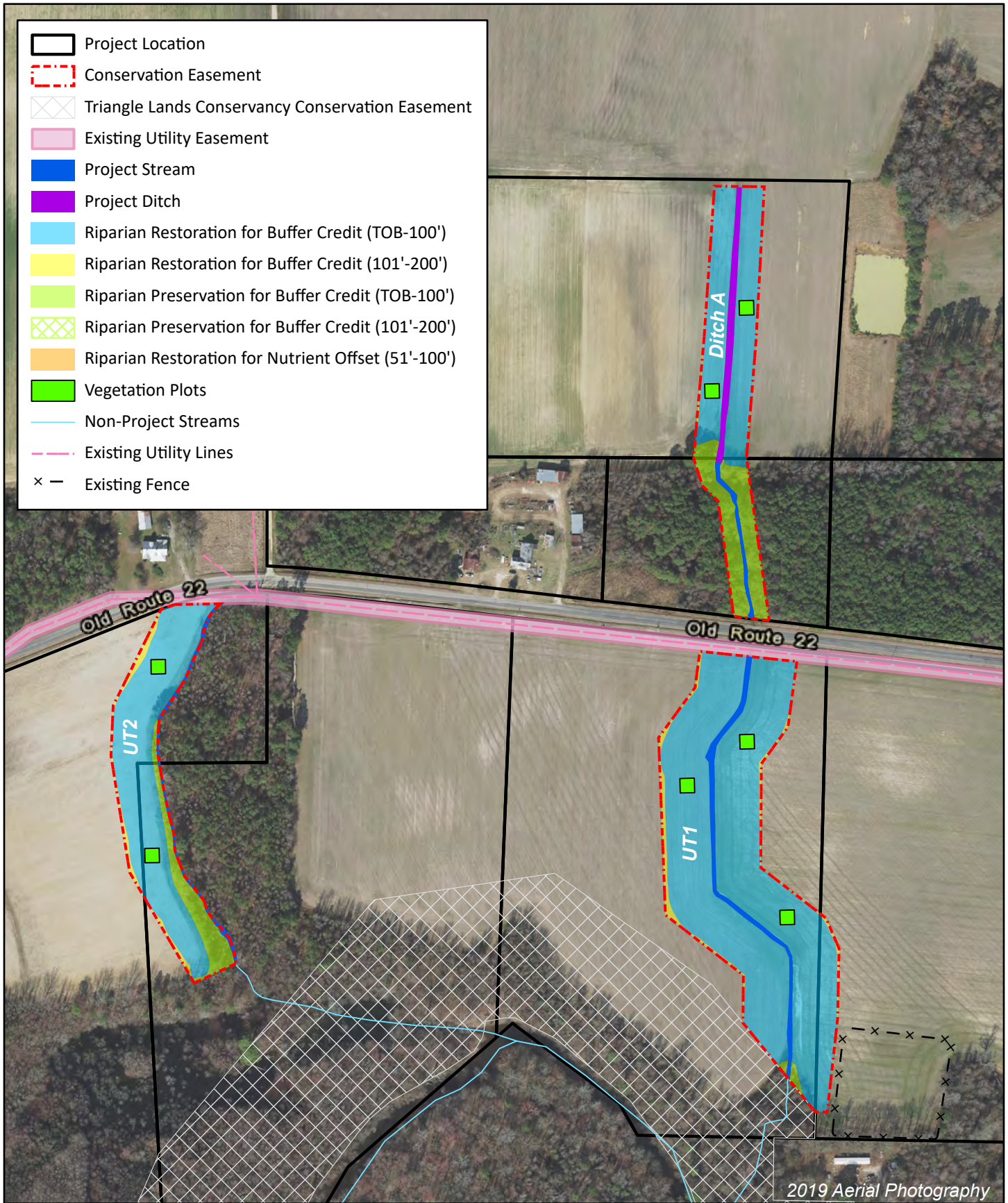
Johnston County, NC



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Figure 9. Riparian Buffer Zones Map
Little River Ford Mitigation Site
Mitigation Plan
Neuse River Basin (03020201)



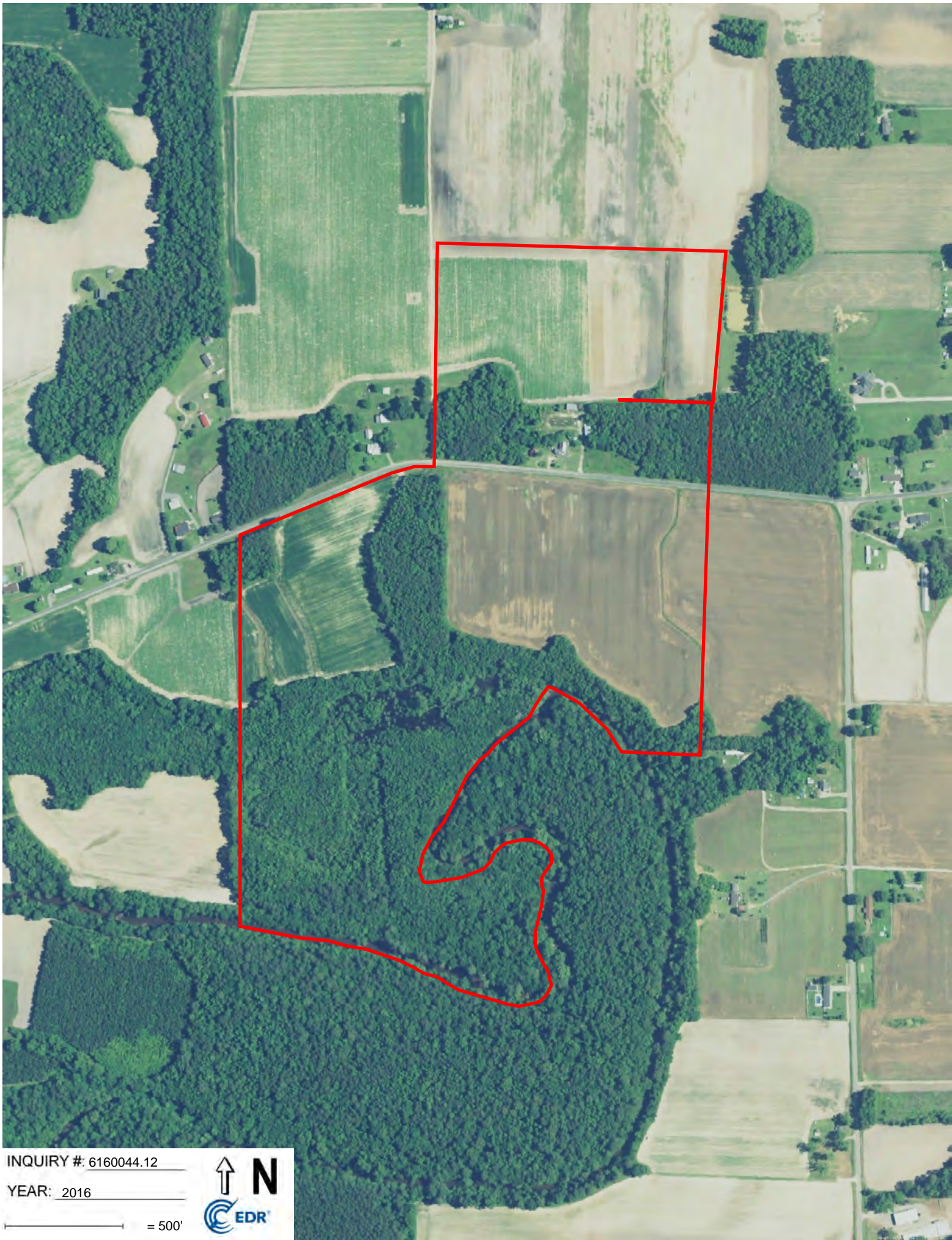
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Figure 10. Monitoring Map
Little River Ford Mitigation Site
Mitigation Plan
Neuse River Basin (03020201)

Johnston County, NC

Appendix A: Historical Aerial Photographs

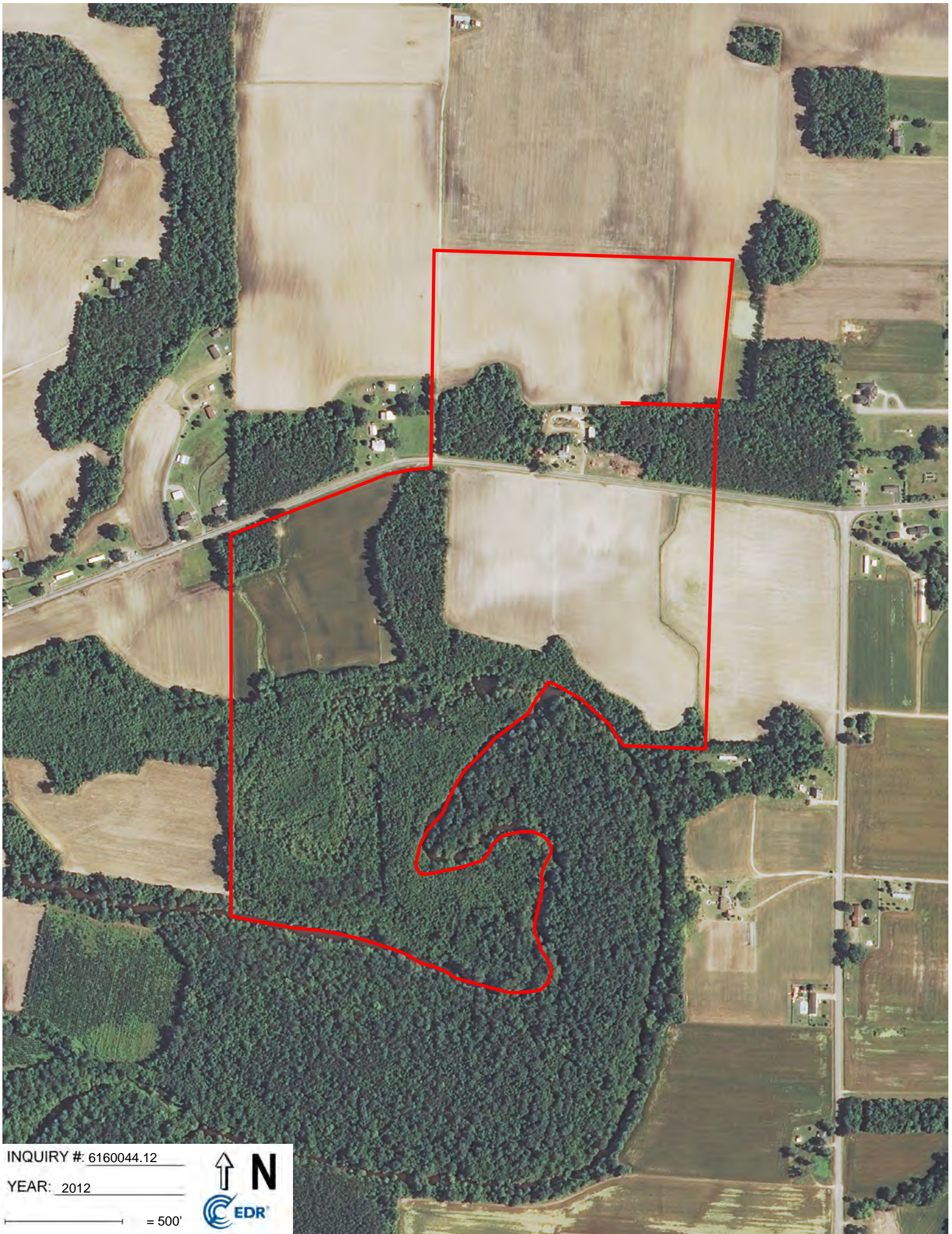


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YEAR: 2016

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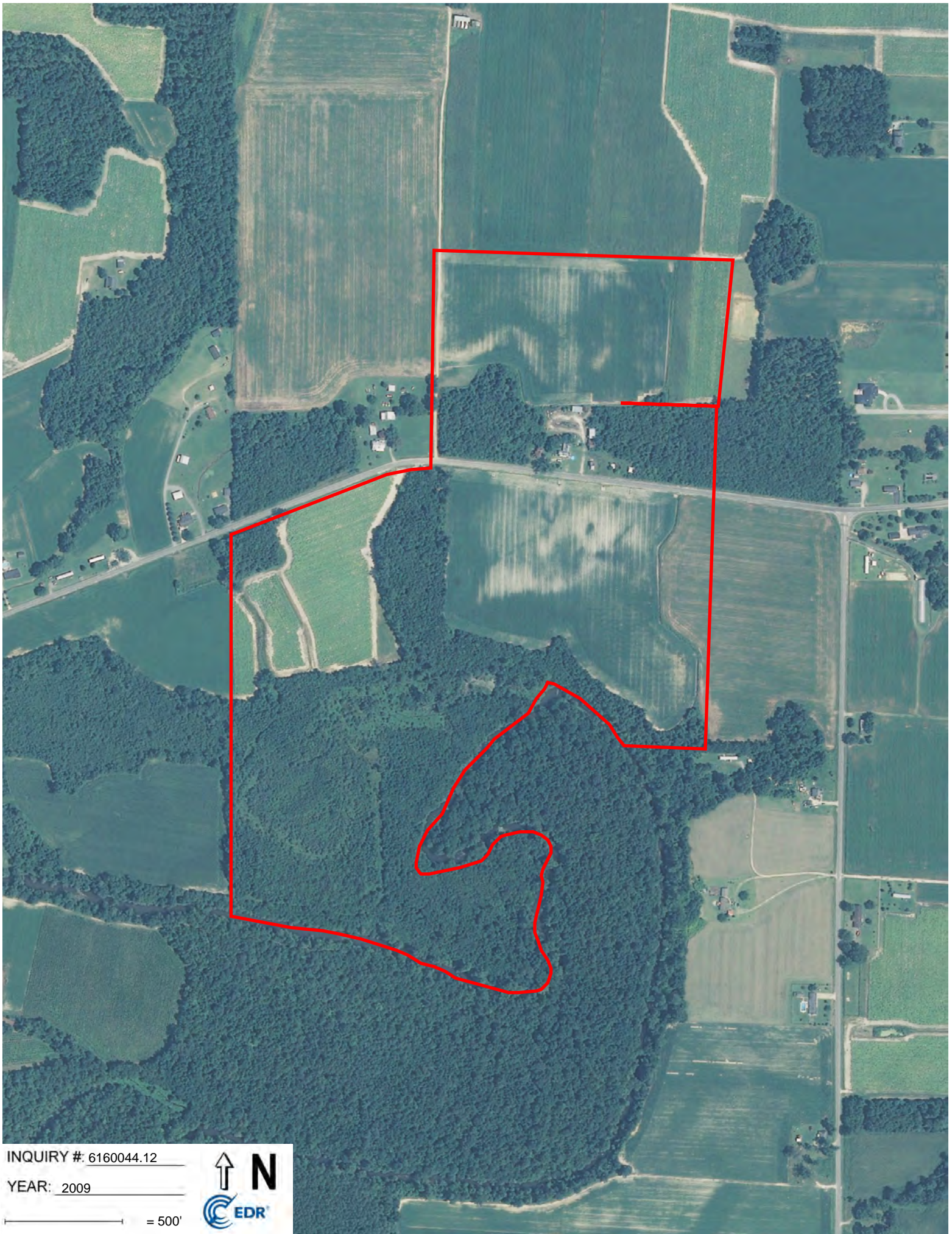


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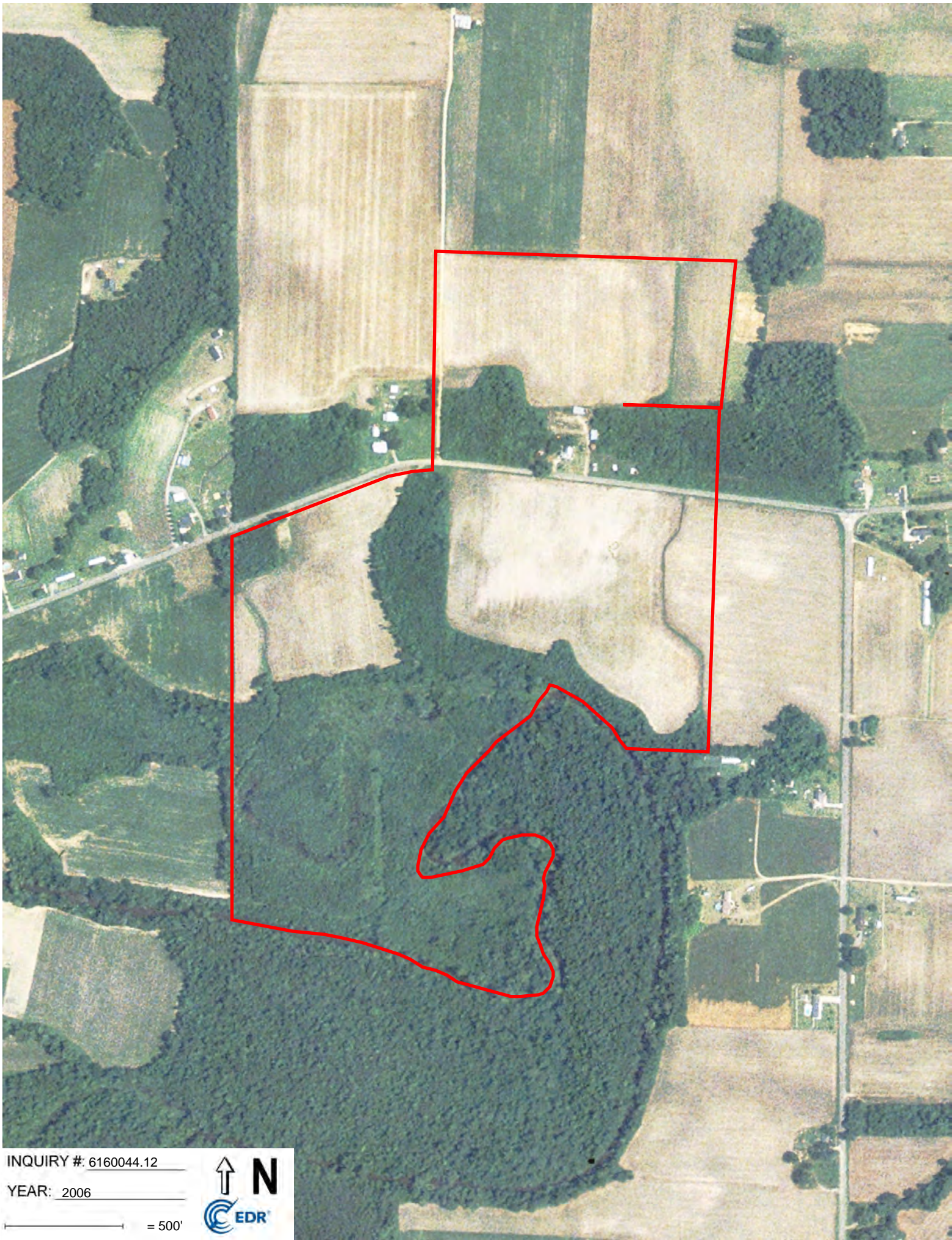


INQUIRY # 6160044.12

YEAR: 2009

— = 500'





INQUIRY #: 6160044.12

YEAR: 2006

— = 500'





INQUIRY #: 6160044.12

YEAR: 1993

— = 500'



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



INQUIRY #: 6160044.12

YEAR: 1983

— = 500'



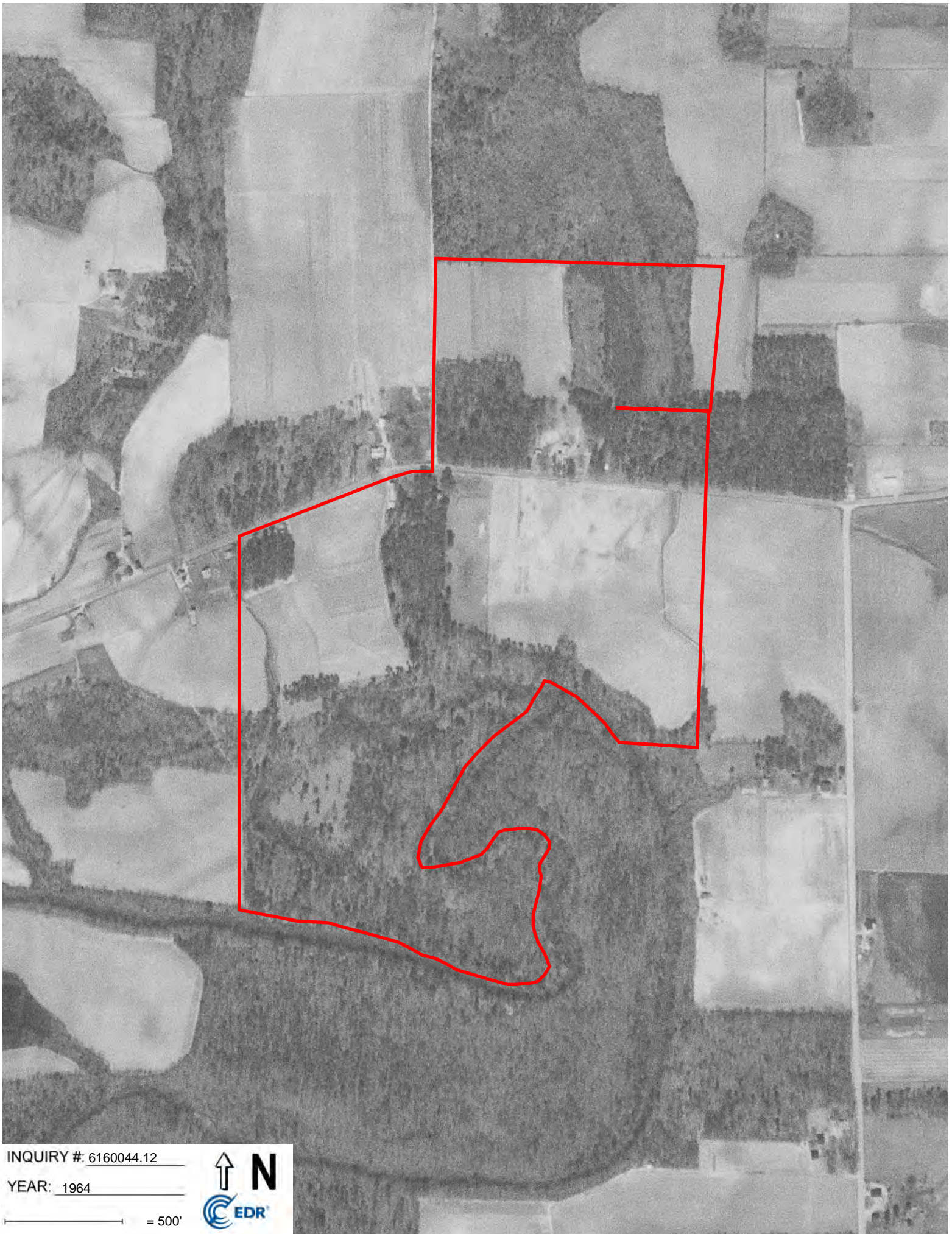


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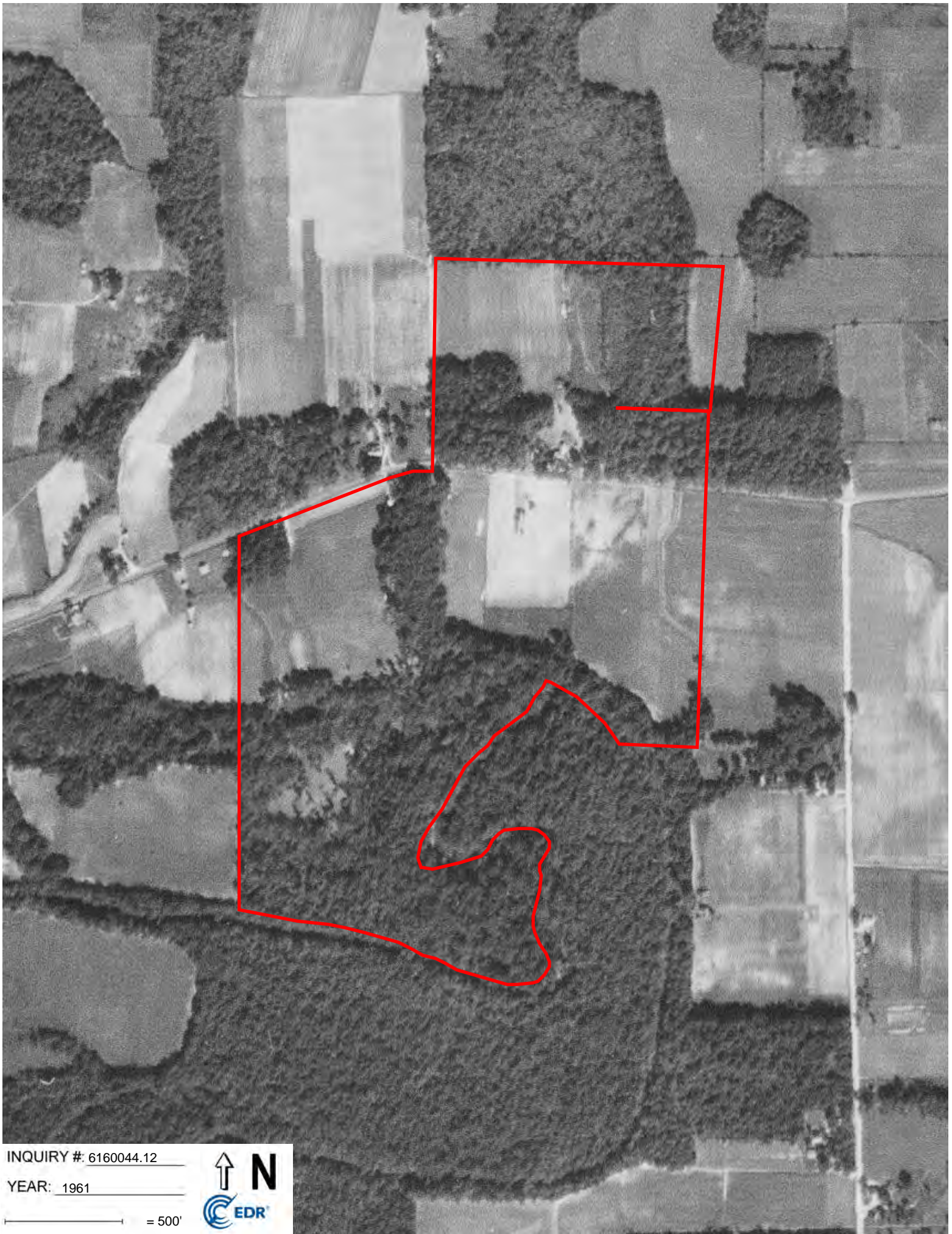


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YEAR: 1964

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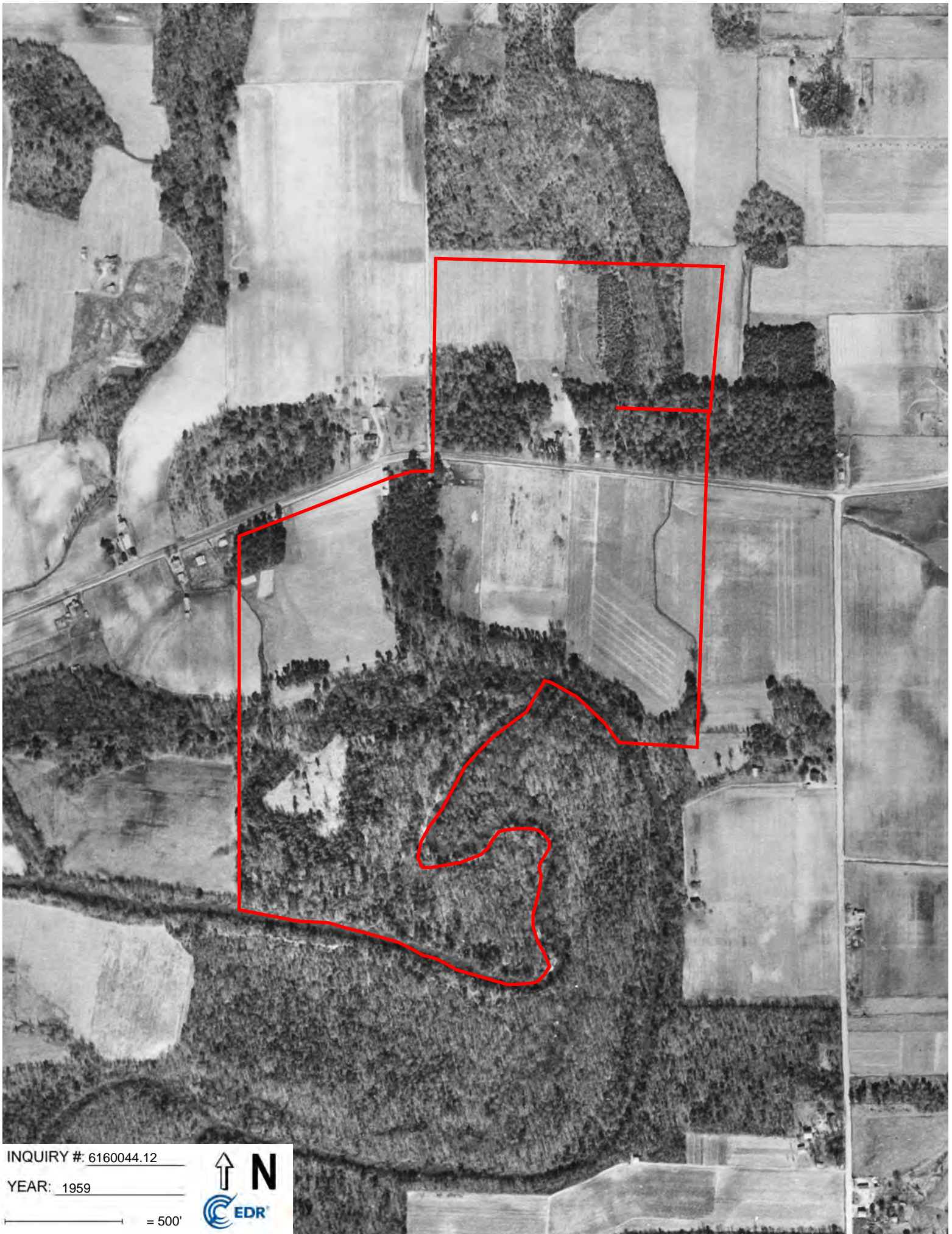


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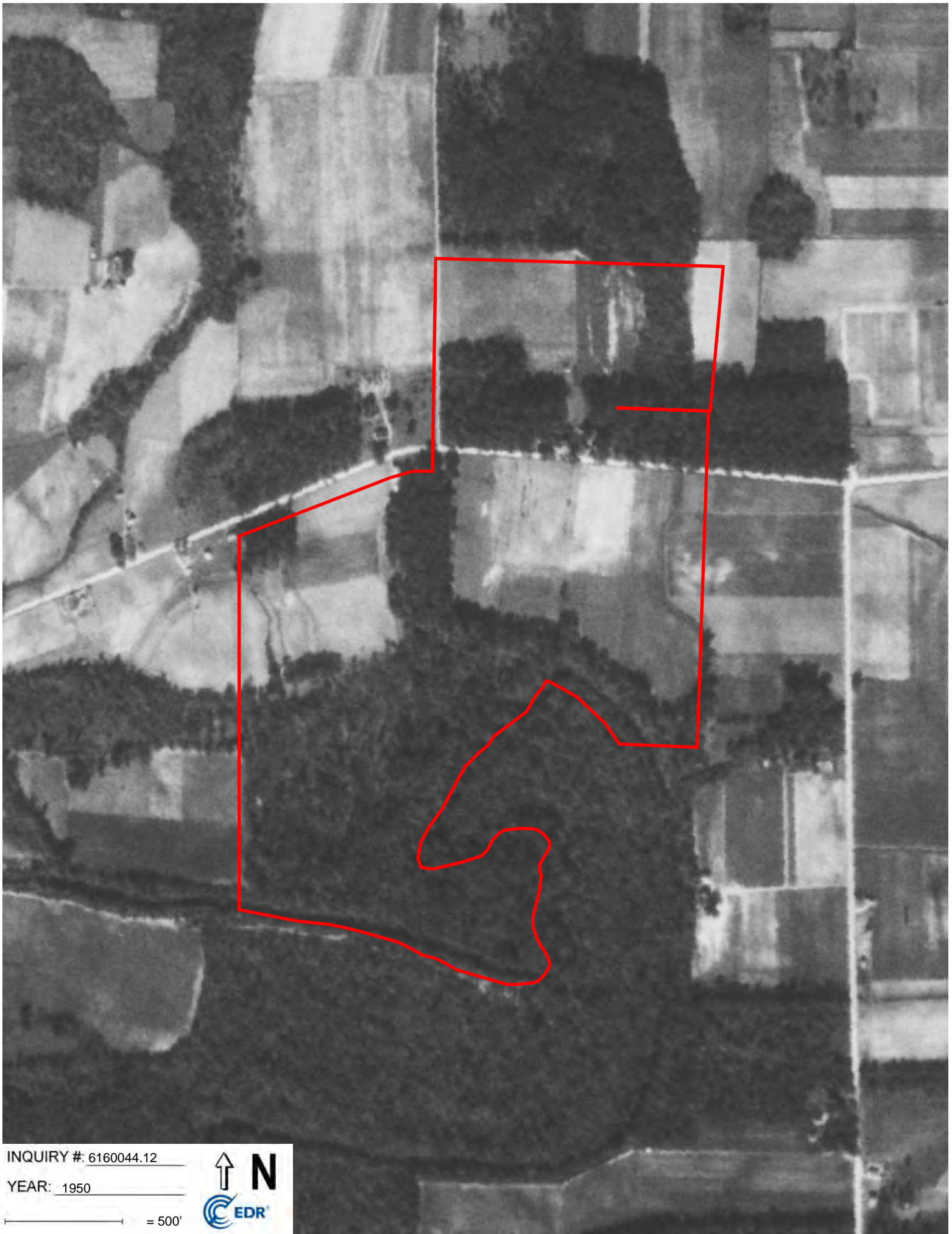


INQUIRY #: 6160044.12

YEAR: 1959

— = 500'





INQUIRY #: 6160044.12

YEAR: 1950

— = 500'



Appendix B: Existing Conditions Photographs – March 4, 2022



Photo 1 – Ditch A Left Bank



Photo 2 – Ditch A Right Bank



Photo 3 – UT1 Left Bank (Above Old Rt 22)



Photo 4 – UT1 Right Bank (Above Old Rt 22)



Photo 5 – UT1 Left Bank (Below Old Rt 22)



Photo 6 – UT1 Right Bank (Below Old Rt 22)



Photo 7 – UT2 Left Bank



Photo 8 – UT2 Right Bank



Appendix C: NC Division of Water Resources Site Viability for Buffer Mitigation and Nutrient Offset Letter and On-Site Determination for Applicability to the Neuse Lake Buffer Rules



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

May 27, 2021

Project 20210112
Johnston County

Andrea Eckardt
Wildlands Engineering Inc.
aeckardt@wildlandseng.com

Carolyn Lanza
Wildlands Engineering Inc.
clanza@wildlandseng.com

Subject: Determination for Applicability to the Neuse River Buffer Rules 15A NCAC 02B .0714
Project Name: Little River Ford Bank Parcel
Address: Old Route 22, Kenly, Johnston County, NC 27542
Location: Lat., Long: 35.591269 -78.178045

Dear Ms. Eckardt and Ms. Lanza:

On March 29, 2021, Shelton Sullivan of the Division of Water Resources (DWR) conducted an on-site review of features located on the Little River Ford Bank Parcel at the request of Wildlands Engineering Inc. to determine the applicability of features on the site to the Neuse River Riparian Area Protection Rules, Title 15A North Carolina Administrative Code 02B .0714.

The enclosed map(s) depict the feature(s) evaluated and this information is also summarized in the table below. Streams were evaluated for being ephemeral, at least intermittent, and for subjectivity to the Neuse River Riparian Area Protection Rules. Streams that are considered "Subject" have been located on the most recently published NRCS Soil Survey of Wayne County and/or the most recent copy of the USGS Topographic (at 1:24,000 scale) map(s), have been located on the ground at the site, and possess characteristics that qualify them to be at least intermittent streams. Features that are considered "Not Subject" have been determined to not be at least intermittent, not present on the property, or not depicted on the required maps.

This determination only addresses the applicability to the buffer rules within the proposed easement and does not approve any activity within buffers or within waters of the state. There may be other streams or features located on the property that appear or do not appear on the maps referenced above. Any of the features on the site may be considered jurisdictional according to the US Army Corps of Engineers and subject to the Clean Water Act.



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

The following table addresses the features observed and rated during the DWR site visit.

Feature ID	Feature Type: stream (ephemeral, intermittent, perennial), ditch, swale, wetland, other	Subject to Buffer Rules	Start @	Stop @	Depicted on Soil Survey	Depicted on USGS Topo
Ditch A	Ditch	No	Not evaluated	UT1 Start	No	No
UT1	Stream-at least I; Unnamed tributary to the Little River	No	UT1 Start Near wood line and field, north of Route 22	Continues beyond Easement boundary, south of Route 22	No	No
Ditch B	Ditch	No	Not evaluated	UT2 Start	No	No
UT2 *See Note 1	Stream-at least I; Unnamed tributary to the Little River	No	UT2 Start, south of Route 22	Continues beyond Easement boundary, south of Route 22	No	No
Note 1: UT2 borders an active ag. field and forested area and is influenced by sediment from the field in pockets below the start point. The stream characteristics are more prevalent in the areas without sediment and continue through the wooded area beyond the easement boundary.						

* E: Ephemeral, I: Intermittent, P: Perennial

This on-site determination shall expire five (5) years from the date of this letter. Landowners or affected parties that dispute this determination made by the DWR may request an appeal determination by the Director of Water Resources. An appeal request must be made within sixty (60) calendar days of the date of this letter to the Director in writing, as per 15A NCAC 02B .0714 (4).

<p><i>If sending via U.S. Postal Service:</i></p> <p>Paul Wojoski - DWR 401 & Buffer Permitting Branch Supervisor 1617 Mail Service Center Raleigh, NC 27699-1617</p>	<p><i>If sending via delivery service (UPS, FedEx, etc.)</i></p> <p>Paul Wojoski - DWR 401 & Buffer Permitting Branch Supervisor 512 N Salisbury St. Raleigh, NC 27604</p>
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This determination is final and binding as detailed above, unless an appeal is requested **within sixty (60) calendar days of the date of this letter.**

If you have any additional questions or require additional information, please contact Shelton Sullivan at shelton.sullivan@ncdenr.gov or 919-239-0238. This determination is subject to review as provided in Articles 3 & 4 of G.S. 150B.



Sincerely,

DocuSigned by:
Paul Wojoski
949D91BA53EF4E0...

Paul Wojoski
Supervisor, DWR 401 & Buffer Permitting

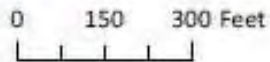
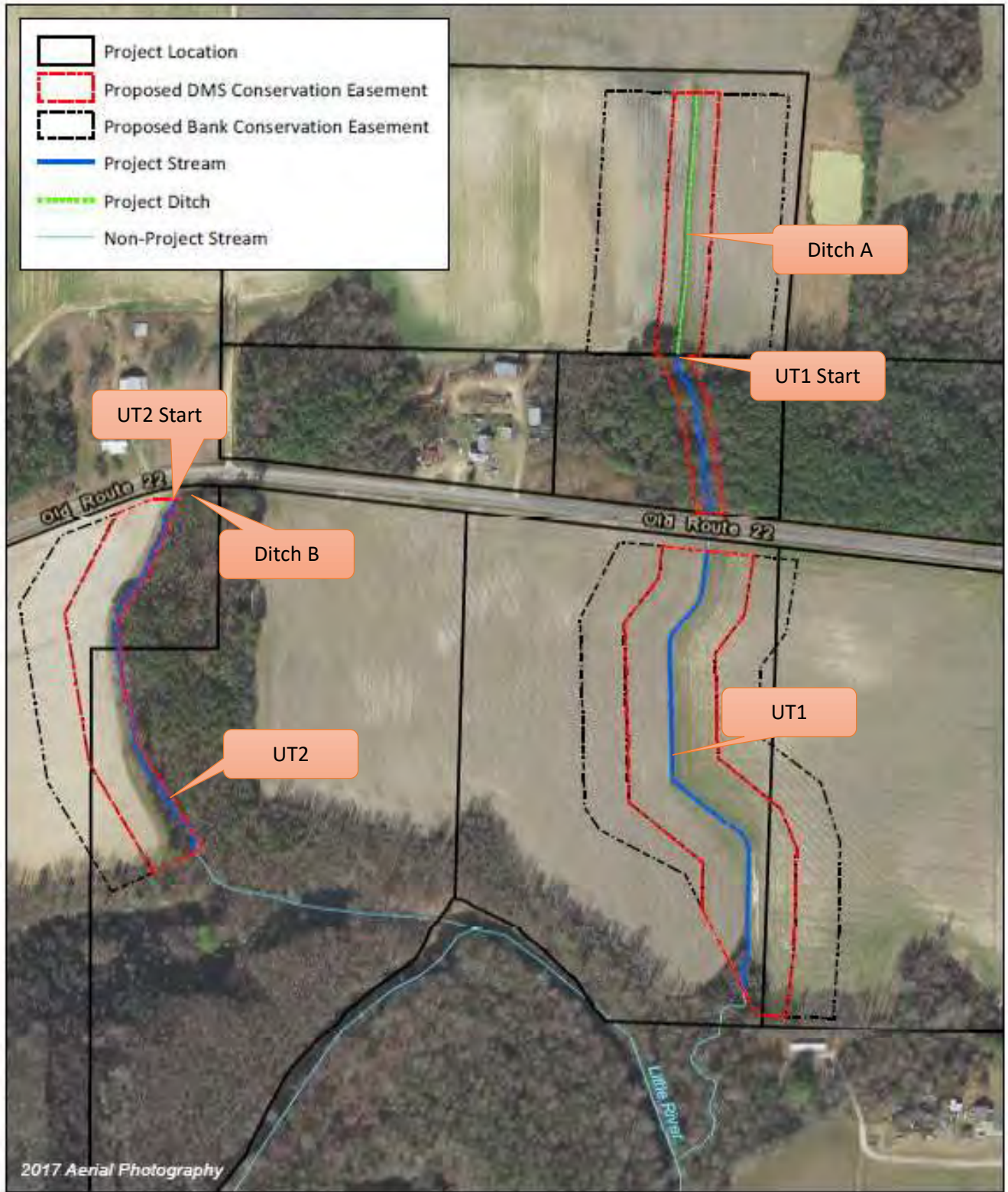
Attachments: Site Map with labels, Photos, NRCS Soil Survey, USGS Topographical Map

cc: Katie Merritt via email katie.merritt@ncdenr.gov
401 & Buffer Permitting Branch files
Susan Weaver Ford and Brian Ford, 888 Weaver Road, Kenly, NC 27542
Joy Kemple Martin, 1445 Grabtown Road, Smithfield, NC 27577
Joy Kemple Stephenson, 1445 Grabtown Road, Smithfield, NC 27577
Robin Stephenson, 1445 Grabtown Road, Smithfield, NC 27577

Filename: 20210112_LittleRiverFord_JohnstonCo_StreamCalls_5-27-21



Site Map Little River Ford Bank Parcel with DWR Labels 3/29/21



Site Map
Little River Ford Mitigation Site
Neuse River Basin (03020201)

Johnston County, NC

Little River Ford Bank Parcel DWR Photos 3/29/21

UT1 Start, south of Old Route 22



UT1 downstream

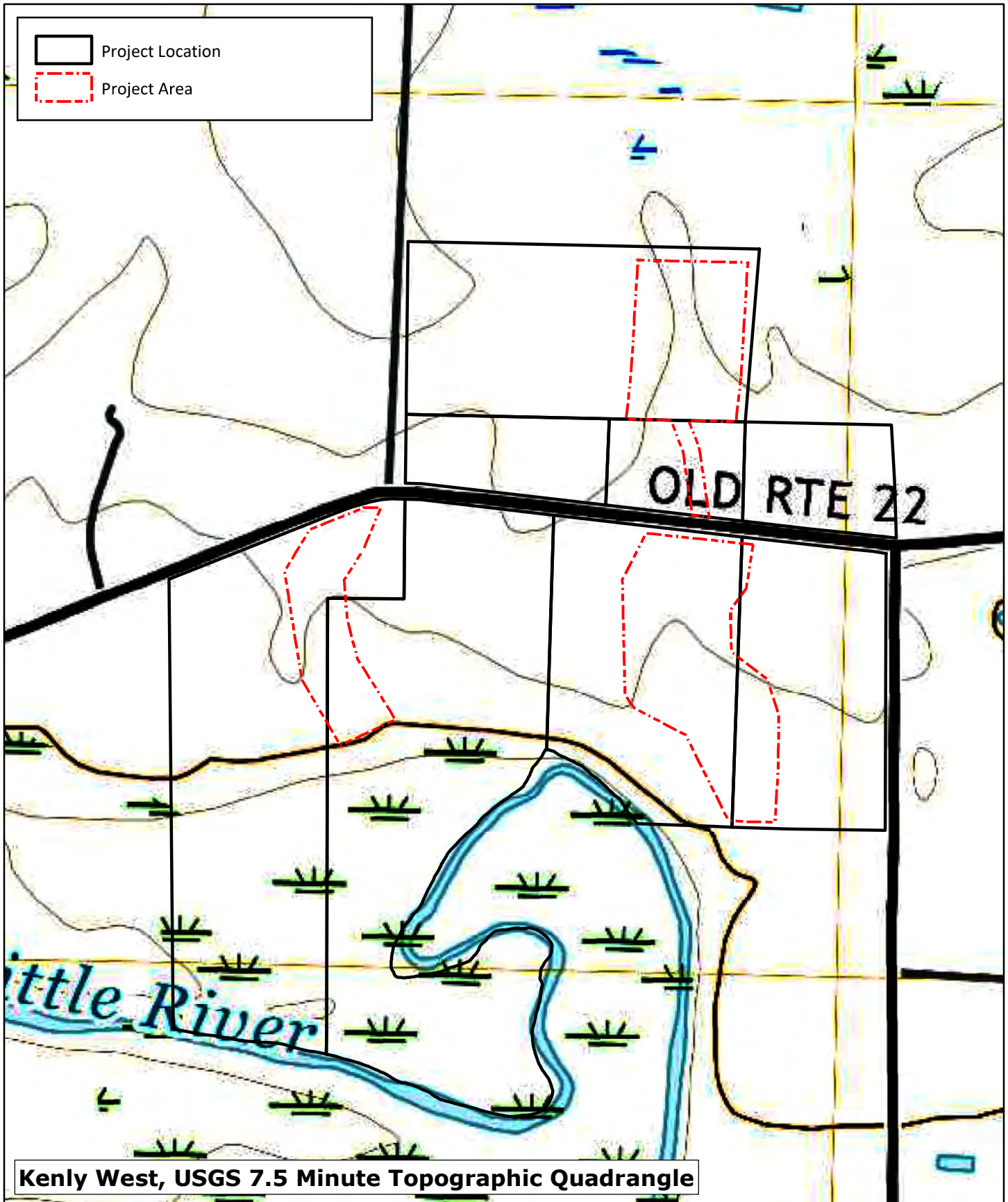


UT2 Start, north of Old Route 22



UT2, downstream, south of Old Route 22





0 250 500 Feet



Figure 2. USGS Topographic Map
Little River Ford
Neuse River Basin (03020201)

Johnston County, NC

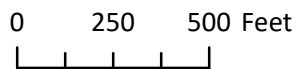
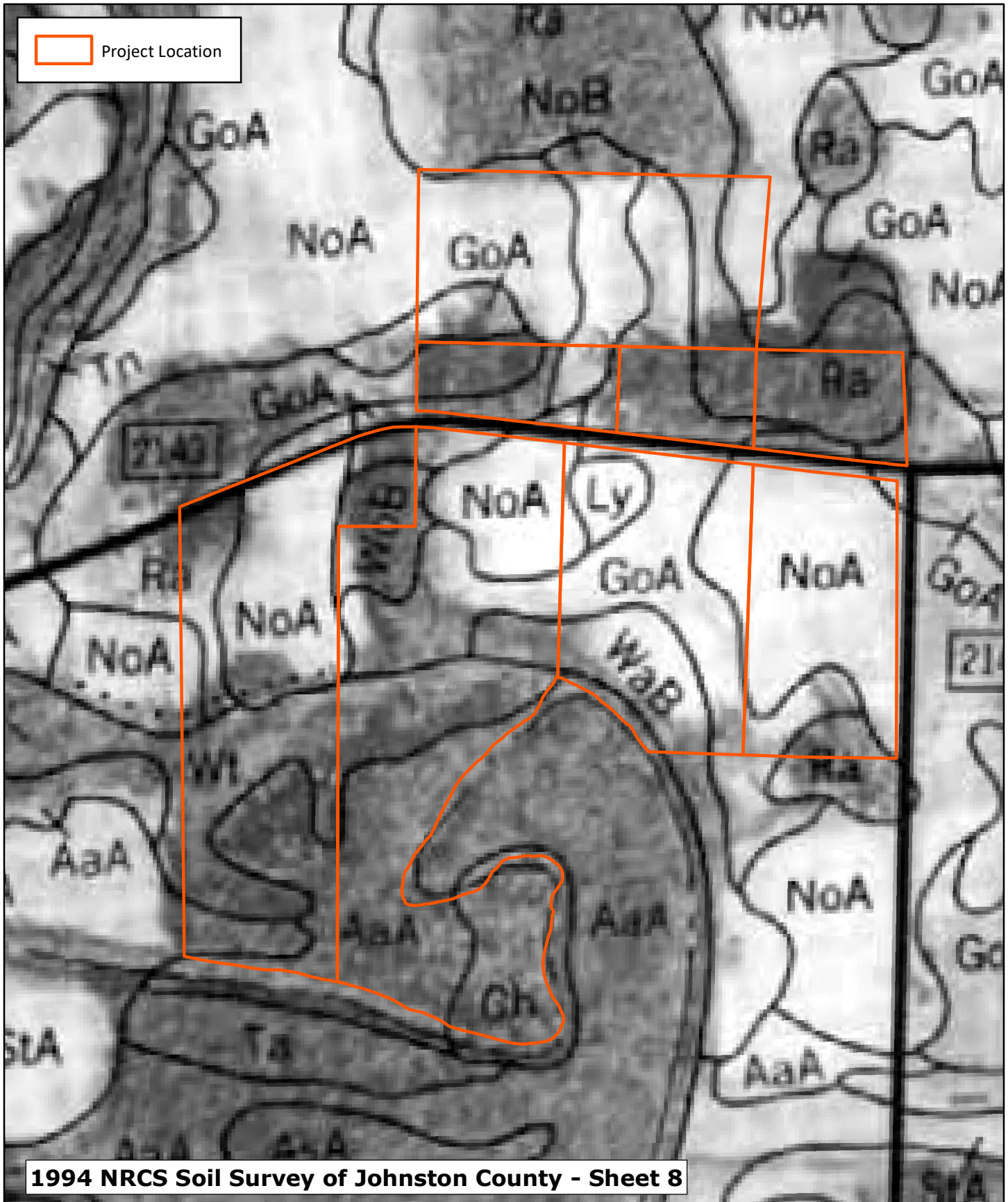


Figure 3. 1994 NRCS Soil Survey Map
Little River Ford
Neuse River Basin (03020201)

ROY COOPER
Governor

ELIZABETH S. BISER
Secretary

S. DANIEL SMITH
Director



July 27, 2021

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

Re: Site Viability for Buffer Mitigation & Nutrient Offset – Little River Ford Site
Near 35.593559, -78.180276 in Kenly, NC
Neuse 03020201
Johnston County

Dear Ms. Eckardt,

On June 8, 2021, Katie Merritt, with the Division of Water Resources (DWR), received a request from you on behalf of Wildlands Engineering, Inc. (Wildlands) for a site visit near the above-referenced site in the Neuse River Basin within the 8-digit Hydrologic Unit Code 03020201. The site visit was to determine the potential for riparian buffer mitigation and nutrient offset within a proposed conservation easement boundary, which is more accurately depicted in the attached map labeled “Figure 1-Site Map” (Figure 1) prepared by Wildlands. The proposed easement boundary in Figure 1, includes all riparian areas intended to be proposed as part of the mitigation site. On July 14, 2021, Ms. Merritt performed a site assessment of the subject site. Staff with Wildlands were also present.

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



<u>Feature</u>	<u>Classification onsite</u>	<u>¹Subject to Buffer Rule</u>	<u>Riparian Land uses adjacent to Feature (0-200')</u>	<u>Buffer Credit Viable</u>	<u>³Nutrient Offset Viable</u>	<u>^{4,5}Mitigation Type Determination w/in riparian areas</u>
UT1	Stream	No	Combination of mature forested areas and non-forested agricultural fields and partially located within a DOT Right Of Way (ROW) Most of the row crops are planted in rows perpendicular to the stream and create non-diffused sheet flow of stormwater through the riparian areas. Grading down of these rows will be required during site preparation for a Restoration Site.	² Yes	Yes (non-forested fields only)	Non-forested fields - Restoration Site per 15A NCAC 02B .0295 (o)(3) Forested areas - Preservation Site per 15A NCAC 02B .0295 (o)(4) <i>Minor bank stabilization efforts and grading needed where bank stability is compromised and where erosional rills, sink holes and gullies are observed.</i> <u>Note:</u> No credits are allowed within the DOT R.O.W
Ditch A	Ditch <3' depth	No	Non-forested agricultural fields.	*see note	Yes	Restoration Site per 15A NCAC 02B .0295 (o)(8) *Buffer Mitigation Note – Assessment concludes the ditch meets 15A NCAC 02B .0295 (o)(8) (A, B, C, D & E). More information is required to be provided in a mitigation plan for complete assessment. See rule.
UT2	Stream	No	Left Bank – mature forest (<i>not in proposed project boundary</i>) Right Bank - Non-forested agricultural fields Stream is partially located within a DOT Right Of Way	² Yes	Yes (non-forested fields only)	Non-forested fields - Restoration Site per 15A NCAC 02B .0295 (o)(3) Forested areas - Preservation Site per 15A NCAC 02B .0295 (o)(4) <u>Note:</u> No credits are allowed within the DOT R.O.W
Ditch B	Not evaluated	No	Outside of project boundary	N/A	N/A	N/A

¹Subjectivity calls for the features were determined by DWR in correspondence dated May 27, 2021 (DWR# 2021-0112) using the 1:24,000 scale quadrangle topographic map prepared by USGS and the most recent printed version of the soil survey map prepared by the NRCS .

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

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

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

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

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

Determinations provided in the table above were made using a proposed easement boundary showing proposed mitigation areas shown in Figure 1. The map representing the proposal for the site is attached to this letter and initialed by Ms. Merritt on July 27, 2021. Substantial changes to the proposed easement boundary as well as any site constraints identified in this letter, could affect the Site's potential to generate buffer mitigation and nutrient offset credits.

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

All vegetative plantings, performance criteria and other mitigation requirements for riparian restoration, enhancement and preservation must follow the requirements in 15A NCAC 02B .0295 to be eligible for buffer and/or nutrient offset mitigation credits. For any areas depicted as not being viable for nutrient offset credit above, one could propose a different measure, along with supporting calculations and sufficient detail to support estimates of load reduction, for review by the DWR to determine viability for nutrient offset in accordance with 15A NCAC 02B .0703.

This viability assessment will expire on July 27, 2023 or upon approval of a mitigation plan by the DWR, whichever comes first. This letter should be provided in any nutrient offset, buffer, stream or wetland mitigation plan for this Site.

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

Sincerely,

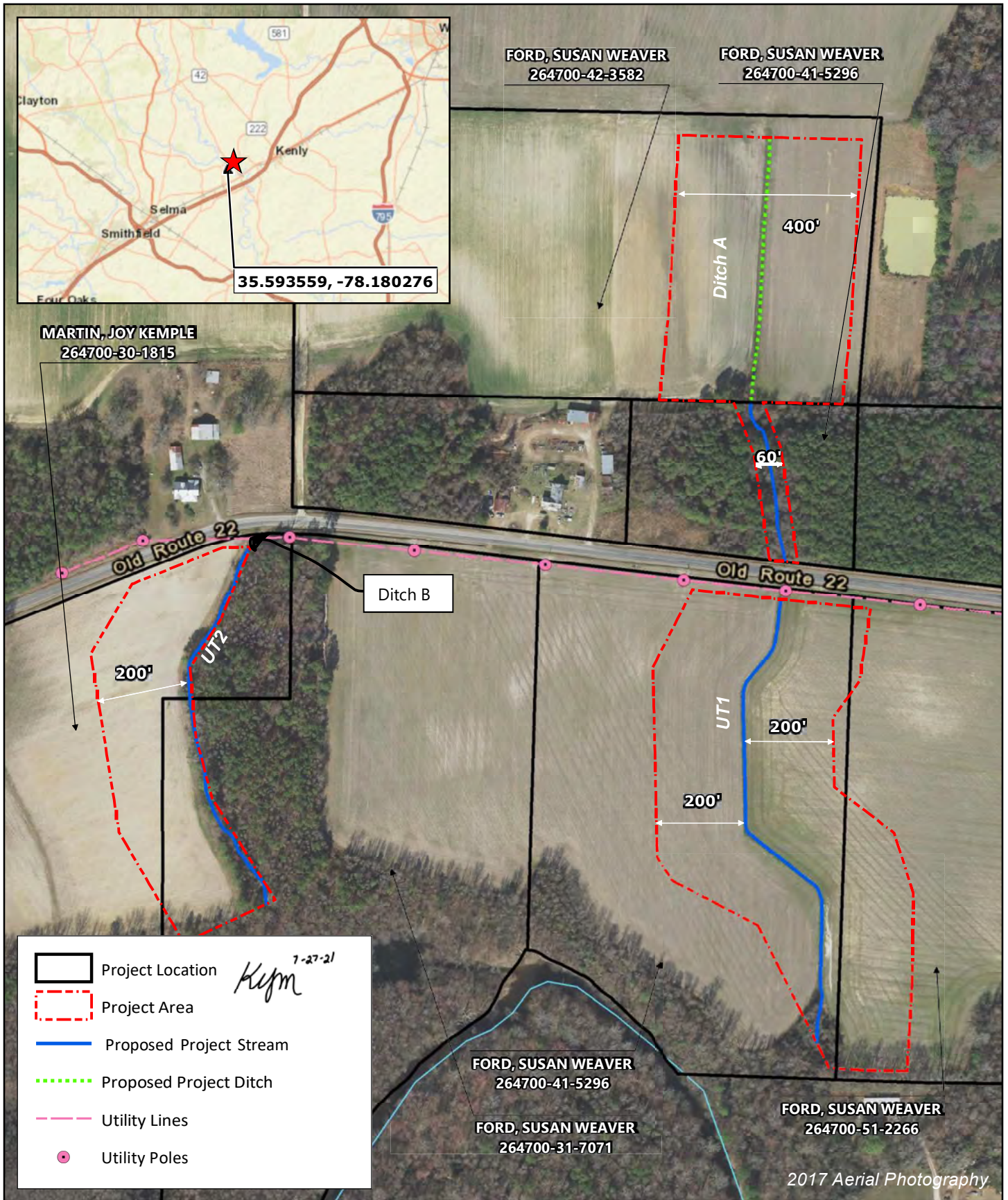
DocuSigned by:
Paul Wojoski
949D91BA53EF4E0...

Paul Wojoski, Supervisor
401 and Buffer Permitting Branch

PW/kym

Attachments: Figure 1: Site Map

cc: File Copy (Katie Merritt)



0 150 300 Feet



Figure 1. Site Map
Little River Ford
Neuse River Basin (03020201)

Johnston County, NC

Appendix D: Site Protection Instrument

STATE OF NORTH CAROLINA

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

JOHNSTON COUNTY

**SPO File Numbers: XX-XX
DMS Project Number: 100182**

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

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

WITNESSETH:

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

WHEREAS, this Conservation Easement from Grantor to Grantee has been negotiated, arranged and provided for as a condition of a full delivery contract between **Wildlands Engineering, Inc.** and the North Carolina Department of Environmental Quality, to provide stream, wetland and/or buffer mitigation pursuant to the North Carolina Department of Environment and Natural Resources Purchase and Services Contract Number **0402-09**.

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

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

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

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

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

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

WHEREAS, Grantor owns in fee simple certain real properties situated, lying, and being in Johnston County, North Carolina (the "**Property**"), and being more particularly described as that certain parcel of land containing approximately ____ acres and being conveyed to

the Grantor by deed as recorded in **Deed Book** ____ **Page** ____ of the Johnston County Registry, North Carolina; and

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

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

The Conservation Easement Area consists of the following:

Total conservation Easement Area containing a total of _____ acres as shown on the plat of survey entitled “Conservation Easement Plat for the North Carolina Division of Mitigation Services (SPO File No. _____, DMS Project No. 100182)”, Project Name: Little River Ford, Property of _____, dated _____ prepared by Kee Survey and Mapping, and recorded in the Johnston County, North Carolina Register of Deeds at Plat Book _____, Page _____.

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

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

I. DURATION OF EASEMENT

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

II. ACCESS EASEMENT

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

III. GRANTOR RESERVED USES AND RESTRICTED ACTIVITIES

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

- A. Recreational Uses.** Grantor expressly reserves the right to undeveloped recreational uses, including hiking, bird watching, hunting and fishing, and access to the Conservation Easement Area for the purposes thereof.
- B. Motorized Vehicle Use.** Motorized vehicle use in the Conservation Easement Area is prohibited except within a Crossing Area(s) or Road or Trail as shown on the recorded survey plat.
- C. Educational Uses.** The Grantor reserves the right to engage in and permit others to engage in educational uses in the Conservation Easement Area not inconsistent with this Conservation Easement, and the right of access to the Conservation Easement Area for such purposes including organized educational activities such as site visits and observations. Educational uses of the property shall not alter vegetation, hydrology or topography of the site.
- D. Damage to Vegetation.** Except within Crossing Area(s) as shown on the recorded survey plat and as related to the removal of non-native plants, diseased or damaged trees, or vegetation that destabilizes or renders unsafe the Conservation Easement Area to persons or natural habitat, all cutting, removal, mowing, harming, or destruction of any trees and vegetation in the Conservation Easement Area is prohibited.
- E. Industrial, Residential and Commercial Uses.** All industrial, residential and commercial uses are prohibited in the Conservation Easement Area.

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

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

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

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

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

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

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

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

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

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

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

IV. GRANTEE RESERVED USES

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

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

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

D. Fences. Conservation Easements are purchased to protect the investments by the State (Grantee) in natural resources. Livestock within 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.

V. ENFORCEMENT AND REMEDIES

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

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

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

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

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

VI. MISCELLANEOUS

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

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

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

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

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

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

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

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

and

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

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

VII. QUIET ENJOYMENT

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

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

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

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

GRANTOR:

By: _____

NORTH CAROLINA
COUNTY OF MECKLENBURG

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 _____, 2021.

Notary Public

My commission expires: _____
(Stamp or Seal)

EXHIBIT A

[INSERT LEGAL DESCRIPTION]

DRAFT

**Appendix E: Categorical Exclusion Form – April 7, 2021, Supporting
Documentation, and EDR Summary Report**

Appendix A

Categorical Exclusion Form for Division of Mitigation Services Projects
Version 2

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

Part 1: General Project Information	
Project Name:	Little River Ford Mitigation Site
County Name:	Johnston
DMS Number:	100182
Project Sponsor:	Wildlands Engineering, Inc.
Project Contact Name:	Kirsten Gimbert
Project Contact Address:	1430 S. Mint Street, Suite 104, Charlotte, NC 28203
Project Contact E-mail:	kgimbert@wildlandseng.com
DMS Project Manager:	Lin Xu
Project Description	
<p>The Little River Ford Mitigation Site is being developed to provide riparian buffer mitigation in the Neuse River Basin. The streams onsite have little to no existing riparian buffers and are surrounded by open agricultural fields primarily used to grow cotton, soybeans, and corn. Site stressors include sedimentation and nutrient input from adjacent agricultural fields, limited floodplain storage, non-diffuse flow, and lack of riparian canopy. The major goals are to provide ecological and water quality enhancements by creating a functional riparian corridor and restoring the riparian buffer. This buffer mitigation project will reduce sediment and nutrient loading, provide and improve terrestrial and in stream habitats, and improve stream and bank stability by restoring and or preserving the vegetative buffer on the areas along with establishing a conservation easement.</p>	
For Official Use Only	
Reviewed By:	
4-7-2021	<i>Lin Xu</i>
Date	DMS Project Manager
Conditional Approved By:	
Date	For Division Administrator FHWA
<input type="checkbox"/> Check this box if there are outstanding issues	
Final Approval By:	
<i>Donald W. Brew</i>	<i>4-7-21</i>
Date	For Division Administrator FHWA

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

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

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

Little River Ford Mitigation Site
Categorical Exclusion

SUMMARY

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

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

As the Little River Ford Mitigation Site is a full-delivery project; an EDR Radius Map Report with Geocheck was ordered for the site through Environmental Data Resources, Inc on August 18, 2020. Neither the target property nor the adjacent properties were listed in any of the Federal, State, or Tribal environmental databases searched by the EDR.

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

National Historic Preservation Act (Section 106)

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

A scoping letter was submitted to the State Historic Preservation Office (SHPO) requesting comment on the Little River Ford Mitigation Site on January 26, 2021. SHPO responded on March 5, 2021 and April 1, 2021 and is unaware of any historical resources within the project boundary that would be affected by the project. Therefore, SHPO does not have any concerns with the project as proposed. All correspondence related to Section 106 is included in the Appendix.

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

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

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

Endangered Species Act (ESA)

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

The United States Fish and Wildlife Service (USFWS) Information for Planning and Consultation database (IPaC) list of endangered species for the site includes the Neuse River waterdog (*Necturus lewisi*), Carolina madtom (*Noturus furiosus*), red-cockaded woodpecker (*Picoides borealis*), Atlantic pigtoe (*Fusconaia masoni*), dwarf wedgemussel (*Alasmidonta heterodon*), yellow lance (*Elliptio lanceolata*), and Tar River spiny mussel (*Elliptio steinstansana*). Results from pedestrian surveys conducted on January 12, 2021 indicated that the project area provides areas of suitable habitat for the

dwarf wedgemussel and the yellow lance. There is proposed critical habitat listed in Johnston County outside of the project area for the Neuse River waterdog, Carolina madtom, the Atlantic pigtoe, and the yellow lance species. The proposed project is adjacent to the Little River, which has known occurrences for the Tar River spiny mussel, yellow lance, Atlantic pigtoe, Carolina madtom, and Neuse River waterdog. Since the project is outside of the proposed critical habitat, it is unlikely to disturb these sensitive species within the site or downstream of the project. Wildlands conclusions and determinations are noted below and included in the Appendix.

Dwarf Wedgemussel and Yellow Lance

Wildlands identified coarse to medium sand stream substrates within the lower portion of the project area. However, no populations resembling the species were found during the pedestrian surveys. Thereby, Wildlands determined the project “May effect, not likely to adversely affect” the dwarf wedgemussel and yellow lance.

To meet regulatory requirements, a self-certification letter was submitted through the USFWS IPaC requesting comment from USFWS dated January 27, 2021. The USFWS responded on February 3, 2021 with comments requiring further action. Wildlands contacted USFWS to discuss the intent of proposed project and submitted a letter on February 4, 2021 with additional project details. Following this additional communication, the USFWS concurred with Wildlands determination that the project “May effect, not likely to adversely affect” aquatic species that may be present in the streams on site or downstream. All correspondence is included in the Appendix.

Farmland Protection Policy Act (FPPA)

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

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

Migratory Bird Treaty Act (MBTA)

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

Wildlands requested comment on the Little River Ford Mitigation Site from the USFWS in regard to migratory birds on January 27, 2021. The USFWS responded on February 3, 2021 with comments requiring further action for in stream species. Wildlands contacted USFWS to discuss the intent of proposed project and submitted a letter on February 4, 2021 with additional project details. Following this additional communication, the USFWS did not have any concerns with the proposed project. All correspondence with USFWS is included in the Appendix.



Little River Ford Mitigation Site
Categorical Exclusion

APPENDIX

Little River - Ford Mitigation Site

Not Reported

Selma, NC 27576

Inquiry Number: 6160044.9s

August 18, 2020

The EDR Radius Map™ Report with GeoCheck®



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

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

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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

NOT REPORTED
SELMA, NC 27576

COORDINATES

Latitude (North): 35.5910210 - 35° 35' 27.67"
Longitude (West): 78.1764360 - 78° 10' 35.16"
Universal Transverse Mercator: Zone 17
UTM X (Meters): 755828.2
UTM Y (Meters): 3942059.5
Elevation: 159 ft. above sea level

USGS TOPOGRAPHIC MAP ASSOCIATED WITH TARGET PROPERTY

Target Property Map: 5948600 KENLY WEST, NC
Version Date: 2013

AERIAL PHOTOGRAPHY IN THIS REPORT

Portions of Photo from: 20141018
Source: USDA

MAPPED SITES SUMMARY

Target Property Address:
NOT REPORTED
SELMA, NC 27576

Click on Map ID to see full detail.

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

NO MAPPED SITES FOUND

EXECUTIVE SUMMARY

TARGET PROPERTY SEARCH RESULTS

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

DATABASES WITH NO MAPPED SITES

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

STANDARD ENVIRONMENTAL RECORDS

Federal NPL site list

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

Federal Delisted NPL site list

Delisted NPL..... National Priority List Deletions

Federal CERCLIS list

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

Federal CERCLIS NFRAP site list

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

Federal RCRA CORRACTS facilities list

CORRACTS..... Corrective Action Report

Federal RCRA non-CORRACTS TSD facilities list

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

Federal RCRA generators list

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

Federal institutional controls / engineering controls registries

LUCIS..... Land Use Control Information System

EXECUTIVE SUMMARY

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

Federal ERNS list

ERNS..... Emergency Response Notification System

State- and tribal - equivalent NPL

NC HSDS..... Hazardous Substance Disposal Site

State- and tribal - equivalent CERCLIS

SHWS..... Inactive Hazardous Sites Inventory

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

SWF/LF..... List of Solid Waste Facilities
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
LUST..... Regional UST Database
INDIAN LUST..... Leaking Underground Storage Tanks on Indian Land
LUST TRUST..... State Trust Fund Database

State and tribal registered storage tank lists

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

State and tribal institutional control / engineering control registries

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

State and tribal voluntary cleanup sites

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

State and tribal Brownfields sites

BROWNFIELDS..... Brownfields Projects Inventory

ADDITIONAL ENVIRONMENTAL RECORDS

Local Brownfield lists

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

EXECUTIVE SUMMARY

Local Lists of Landfill / Solid Waste Disposal Sites

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

Local Lists of Hazardous waste / Contaminated Sites

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

Local Land Records

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

Records of Emergency Release Reports

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

Other Ascertainable Records

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

EXECUTIVE SUMMARY

INDIAN RESERV.	Indian Reservations
FUSRAP	Formerly Utilized Sites Remedial Action Program
UMTRA	Uranium Mill Tailings Sites
LEAD SMELTERS	Lead Smelter Sites
US AIRS	Aerometric Information Retrieval System Facility Subsystem
US MINES	Mines Master Index File
ABANDONED MINES	Abandoned Mines
FINDS	Facility Index System/Facility Registry System
DOCKET HWC	Hazardous Waste Compliance Docket Listing
UXO	Unexploded Ordnance Sites
ECHO	Enforcement & Compliance History Information
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
CCB	Coal Ash Structural Fills (CCB) Listing
SEPT HAULERS	Permitted Septage Haulers Listing
MINES MRDS	Mineral Resources Data System
PCSRP	Petroleum-Contaminated Soil Remediation Permits

EDR HIGH RISK HISTORICAL RECORDS

EDR Exclusive Records

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

EDR RECOVERED GOVERNMENT ARCHIVES

Exclusive Recovered Govt. Archives

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

SURROUNDING SITES: SEARCH RESULTS

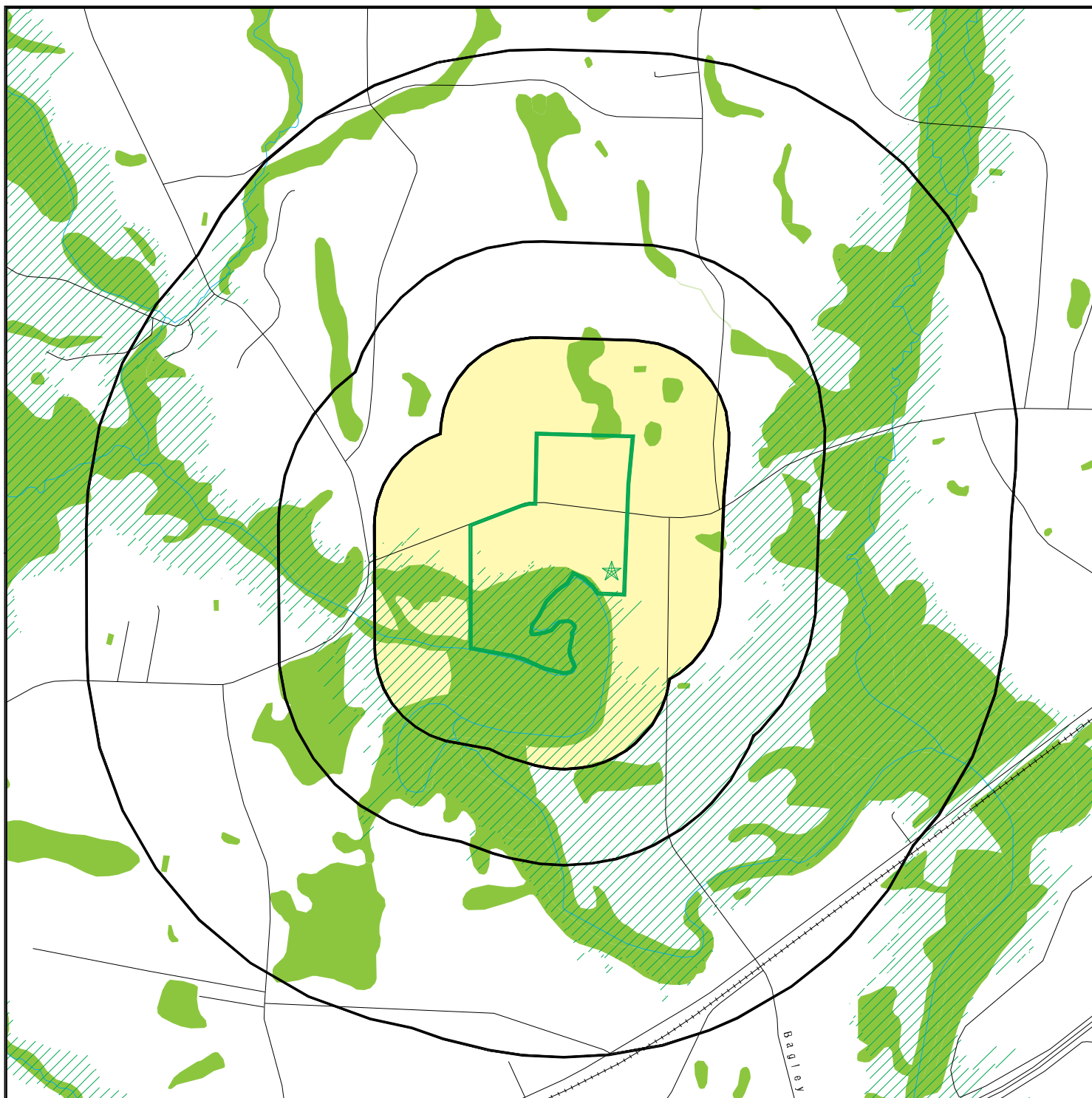
Surrounding sites were not identified.

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

EXECUTIVE SUMMARY

There were no unmapped sites in this report.

OVERVIEW MAP - 6160044.9S



Target Property

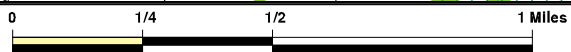
Sites at elevations higher than or equal to the target property

Sites at elevations lower than the target property

Manufactured Gas Plants

National Priority List Sites

Dept. Defense Sites



Indian Reservations BIA

Special Flood Hazard Area (1%)

0.2% Annual Chance Flood Hazard

National Wetland Inventory

State Wetlands

Hazardous Substance Disposal Sites

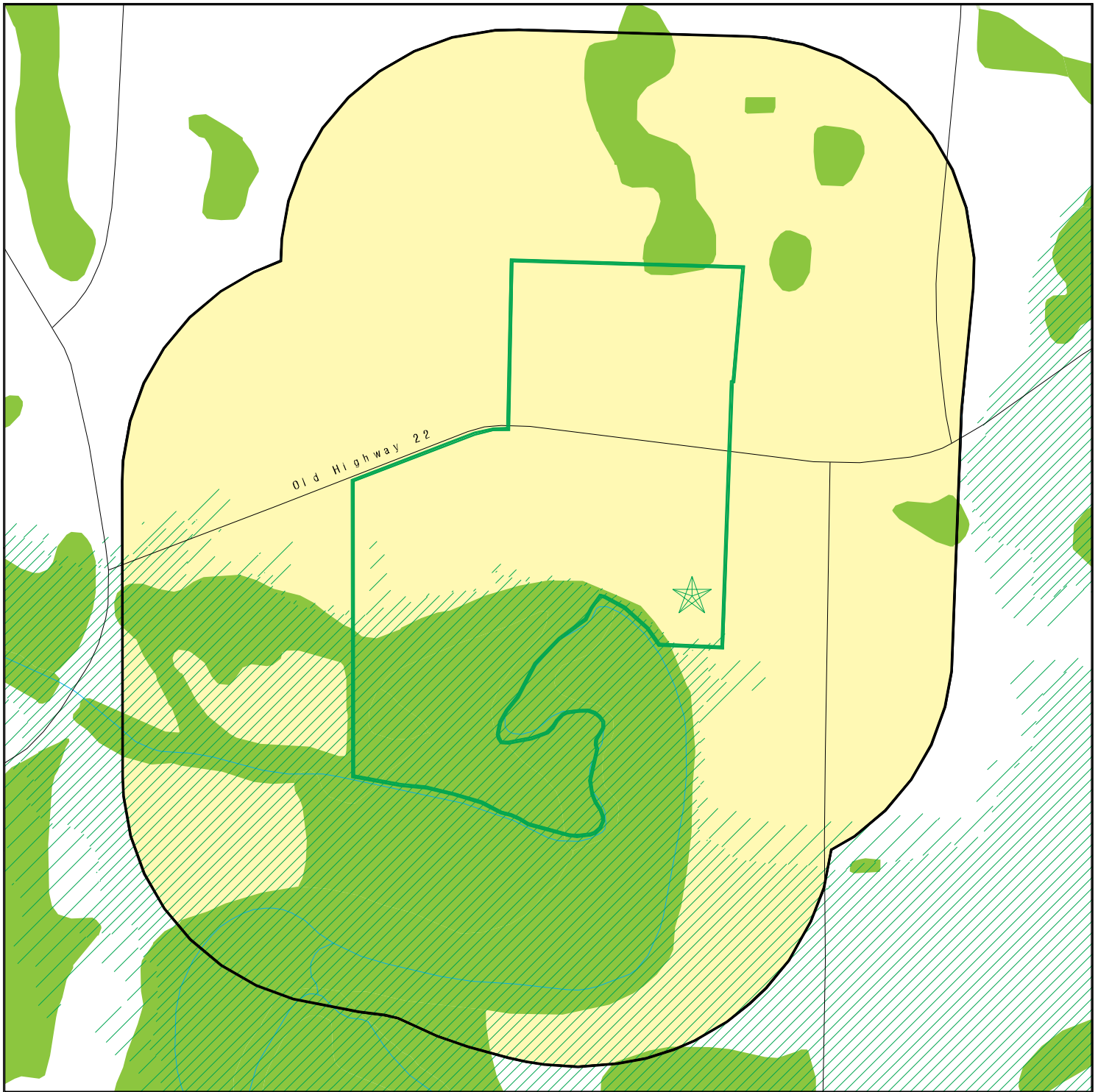









This report includes Interactive Map Layers to display and/or hide map information. The legend includes only those icons for the default map view.

SITE NAME: Little River - Ford Mitigation Site
 ADDRESS: Not Reported
 Selma NC 27576
 LAT/LONG: 35.591021 / 78.176436


CLIENT: Wildlands Eng, Inc.
 CONTACT: Carolyn Lanza
 INQUIRY #: 6160044.9s
 DATE: August 18, 2020 2:02 pm

DETAIL MAP - 6160044.9S



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

-  Indian Reservations BIA
-  Special Flood Hazard Area (1%)
-  0.2% Annual Chance Flood Hazard
-  National Wetland Inventory
-  State Wetlands

-  Hazardous Substance Disposal Sites

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

SITE NAME: Little River - Ford Mitigation Site
 ADDRESS: Not Reported
 Selma NC 27576
 LAT/LONG: 35.591021 / 78.176436

CLIENT: Wildlands Eng, Inc.
 CONTACT: Carolyn Lanza
 INQUIRY #: 6160044.9s
 DATE: August 18, 2020 2:03 pm



January 26, 2021

Renee Gledhill-Earley

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

Subject: Little River Ford Mitigation Site
Johnston County, North Carolina

Dear Ms. Gledhill-Earley,

Wildlands Engineering, Inc. requests review and comment on any possible issues that might emerge with respect to archaeological or cultural resources associated with a potential riparian buffer restoration project on the Little River Ford Mitigation Site located in Johnston County, NC. A Site Map and a USGS Topographic Map showing the approximate project area are enclosed. The topographic figure was prepared from the Kenly West 7.5-Minute USGS Topographic Quadrangle, and the site is located at latitude 35.591269 longitude -78.178045.

The Little River Ford Mitigation Site is being developed to provide riparian buffer mitigation in the Neuse River basin. The project will include restoration and preservation of two unnamed tributaries and one ditch that flow to Little River. The streams onsite have little to no existing riparian buffers and are surrounded by open agricultural fields primarily used to grow cotton, soybeans, and corn. Site stressors include sedimentation and nutrient input from adjacent agricultural fields, limited floodplain storage, non-diffuse flow, and lack of riparian canopy.

The major goals of the proposed buffer restoration project are to provide ecological and water quality enhancements to the Neuse River Basin by creating a functional riparian corridor and restoring the riparian buffer. This will be accomplished by restoring and or preserving the vegetative buffer on the areas up to 100 feet from streams and 50 feet from ditches, along with permanently preserving and protecting the site through establishing a conservation easement.

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

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

Sincerely,

A handwritten signature in cursive script that reads "Kirsten J. Gimbert".

Kirsten Gimbert, Senior Environmental Scientist

kgimbert@wildlandseng.com

704.941.9093

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



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

Ramona M. Bartos, Administrator

Governor Roy Cooper

Secretary D. Reid Wilson

March 5, 2021

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

kgimbert@wildlandseng.com

Re: Little River Ford Mitigation Site, Johnston County, ER 21-0326

Dear Ms. Gimbert:

Thank you for your letter of January 21, 2021, submitting information for the above-referenced project. We have reviewed the information provided and offer the following comments:

There are no archaeological sites recorded within the project area; however, there are eighteen recorded archaeological sites within one mile of the project area, with many in a similar topographical setting and in close proximity to Little River.

Given the potential for archaeological sites to be present within the project area, we request additional information regarding the extent and type of ground disturbance that is planned for the project, preferably through engineering plans, if available.

We have determined that the project as proposed will not have an effect on any historic structures.

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

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

Sincerely,

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

for Ramona Bartos, Deputy
State Historic Preservation Officer

From: [Kirsten Gimbert](#)
To: [DCR - Environmental Review](#)
Subject: Response to Little River Ford Mitigation Site, Johnston County, ER 21-0326
Date: Monday, March 8, 2021 11:08:00 AM

Good Morning,

I am writing in response to your request for additional data in regards to the Little River-Ford Buffer Mitigation Site located in Johnston County (ER-0326). The Little River Ford Buffer Mitigation Site is located on an active agricultural farm where the land has been used to grow crops for decades. We do not have engineering plans for the Little River Ford buffer restoration project. However, the following implementation plan will be utilized on the site. This buffer restoration site will be planted with native vegetation and will not require ground disturbing activities, such as plowing fields. In addition, this project does not include any stream work or pond/culvert removal that would require grading activities.

Please let me know if you need additional information or if the above is satisfactory for us to proceed forward with the buffer restoration project.

Thank you,

Kirsten Gimbert | *Senior Environmental Scientist*
M: 704.941.9093

[Wildlands Engineering, Inc.](#)

1430 S. Mint St, Suite 104
Charlotte, NC 28203



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

Ramona M. Bartos, Administrator

Governor Roy Cooper

Secretary D. Reid Wilson

April 1, 2021

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

kgimbert@wildlandseng.com

Re: Little River Ford Mitigation Site, Johnston County, ER 21-0326

Dear Ms. Gimbert:

Thank you for your March 12, 2021, submission concerning the above-referenced project. We have reviewed the additional information provided and offer the following comments.

There are no recorded archaeological sites within the project boundaries. However, the project area has never been systematically surveyed to determine the location or significance of archaeological resources. As the proposed mitigation activities are unlikely to adversely affect any archaeological sites given the limited nature of associated ground disturbance, we do not recommend any precautions be taken at this time. However, should any remains be identified during buffer restoration, or should additional mitigation activities be planned for the property, we request this information be forwarded to the Office of State Archaeology for review and comment.

We have determined that the project as proposed will not have an effect on any historic structures.

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

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

Sincerely,

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

for Ramona Bartos, Deputy
State Historic Preservation Officer

indemnification or defense provision in this agreement, nor for the award of attorney's fees and costs in conjunction with any action relating to this agreement.

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

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

Seller: Susan and Brian Ford
888 Weaver Road
Kenly, NC 27542-9272
Email: Susan Ford, frog23@aol.com

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

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

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

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

Seller SWF Seller BKF
Buyer m

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

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

BUYER:

WILDLANDS ENGINEERING, INC., a North Carolina corporation

By: 

Shawn D. Wilkerson, President

Date: 7/10/2020

SELLER:

SUSAN WEAVER FORD and BRIAN K. FORD

By: 

Susan Weaver Ford

Date: 7/7/2020

By: 

Brian K. Ford

Date: 7/7/2020

Seller 

Seller 

Buyer _____

the parties agree that the Option Consideration as of the date of Buyer's default is sufficient to cover any estimated damages that may be incurred by Seller. For these reasons, the parties agree that if the purchase of the Mitigation Use Rights is not consummated because of Buyer's default, Seller may retain the Option Consideration paid by Buyer as of the date of Buyer's default as its sole remedy, and Seller waives any and all right to seek other rights or remedies against Buyer, including without limitation, specific performance. Nothing stated in this section 4.2.2 precludes any action under any indemnification or defense provision in this agreement, nor for the award of attorney's fees and costs in conjunction with any action relating to this agreement.

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


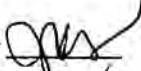

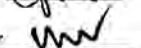
4.4 Notice. All notices required by this agreement shall be in writing, shall be given only in accordance with the provisions of this Section, shall be addressed to the Parties in the manner stated below, and shall be conclusively deemed properly delivered: (a) upon receipt when hand delivered during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

Seller: Joy Kemple Martin
P.O. Box 605
Princeton, NC 27569
Email: joykemplemartin@gmail.com

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

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

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

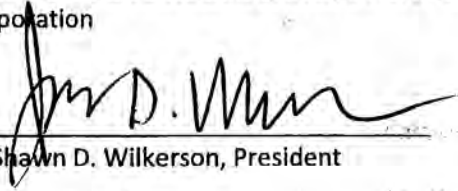
Seller  Seller 
Seller  Buyer 

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

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

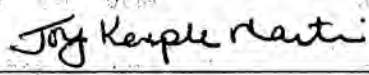
Each party is signing this agreement on the date stated below that party's signature.

BUYER:
WILDLANDS ENGINEERING, INC., a North Carolina corporation

By: 
Shawn D. Wilkerson, President

Date: 9/9/2020

SELLER:
JOY KEMPLE MARTIN, JAN K. STEPHENSON, and ROBIN STEPHENSON

By: 
Joy Kemple Martin


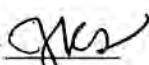

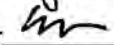
Date: 9/8/2020

By: 
Jan K. Stephenson

Date: 9/8/2020

By: 
Robin Stephenson

Date: 9/8/2020

Seller  Seller 
Seller  Buyer 



United States Department of the Interior



FISH AND WILDLIFE SERVICE

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

Date: 01/27/2021

Self-Certification Letter

Project Name Little River Ford Mitigation Site

Dear Applicant:

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

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

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

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

Sincerely,

/s/Pete Benjamin

Pete Benjamin
Field Supervisor
Raleigh Ecological Services

Enclosures - project review package

Species Conclusions Table

Project Name: Little River Ford Mitigation Site

Date: 01/14/2021

Species / Resource Name	Conclusion	ESA Section 7 / Eagle Act Determination	Notes / Documentation
<i>Necturus lewisi</i> (Neuse River Waterdog)	No suitable habitat present	No Effect	A Field Survey was conducted on January 12, 2021 and no individual species or suitable habitat was found due to poor water quality, ditch/stream size, and lack of constant water flow through all seasons. The proposed project is not in the proposed critical habitat area designated by USFWS for this species. Per NCNHP data explorer, no known element occurrences exist within the proposed project area.
<i>Noturus furiosus</i> (Carolina Madtom)	No suitable habitat present	No Effect	A Field Survey was conducted on January 12, 2021 and no individual species or suitable habitat was found due to poor water quality, siltation, ditch/stream size, and lack of constant water flow through all seasons. The proposed project is not in the proposed critical habitat area designated by USFWS for this species. Per NCNHP data explorer, no known element occurrences exist within the proposed project area.
<i>Picoides borealis</i> (Red-cockaded Woodpecker)	No suitable habitat present	No Effect	Field survey conducted on January 12, 2021 and no individual species or suitable habitat were found to exist. No critical habitat has been designated by USFWS for this species. Per NCNHP data explorer, no known element occurrences exist within the proposed project area.
<i>Fusconaia masoni</i> (Atlantic Pigtoe)	No suitable Habitat Present	No Effect	Field Survey was conducted on January 12, 2021 and no individual species or suitable habitat was found to exist. The proposed project is not in the proposed critical habitat area designated by USFWS for this species. Per NCNHP data explorer, no known element occurrences exist within the proposed project area.
<i>Alasmodonta heterodon</i> (Dwarf Wedgemussel)	Suitable Habitat Present	May affect, not likely to adversely affect	Field Survey was conducted on January 12, 2021 and suitable habitat was found to exist. No critical habitat has been designated by USFWS for this species. Per NCNHP data explorer, no known element occurrences exist within the proposed project area.
<i>Elliptio lanceolata</i> (Yellow Lance)	Suitable Habitat Present	May affect, not likely to adversely affect	Field Survey was conducted on January 12, 2021 and suitable habitat was found to exist. The proposed project is not in the proposed critical habitat area designated by USFWS for this species. Per NCNHP data explorer, no known element occurrences exist within the proposed project area.
<i>Elliptio steinstansana</i> (Tar River Spiny mussel)	No suitable Habitat Present	No Effect	Field Survey was conducted on January 12, 2021 and no individual species or suitable habitat was found to exist. No critical habitat has been designated by USFWS for this species. Per NCNHP data explorer, no known element occurrences exist within the proposed project area.
Bald Eagle	Unlikely to disturb nesting bald eagles	No Eagle Act Permit Required	Field Survey conducted on January 12, 2021 determined no individual species or suitable habitat were found to exist. Per NCNHP data explorer, no known element occurrences exist within the proposed project area.
Critical Habitat	No critical habitat present		The project easement is adjacent to but not within the proposed critical habitat areas designated by USFWS.

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

Carlynn Walker

Environmental Scientist

01/14/2021

Signature /Title

Date



United States Department of the Interior



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

In Reply Refer To:

December 19, 2020

Consultation Code: 04EN2000-2021-SLI-0400

Event Code: 04EN2000-2021-E-00861

Project Name: Little River - Ford

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

To Whom It May Concern:

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

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

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

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

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

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

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

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

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

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

Attachment(s):

- Official Species List

Official Species List

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

This species list is provided by:

Raleigh Ecological Services Field Office

Post Office Box 33726

Raleigh, NC 27636-3726

(919) 856-4520

Project Summary

Consultation Code: 04EN2000-2021-SLI-0400

Event Code: 04EN2000-2021-E-00861

Project Name: Little River - Ford

Project Type: LAND - RESTORATION / ENHANCEMENT

Project Description: Buffer Restoration Project

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/35.59172847178275N78.17632238123372W>



Counties: Johnston, NC

Endangered Species Act Species

There is a total of 7 threatened, endangered, or candidate species on this species list.

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

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

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

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

Birds

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

Amphibians

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

Fishes

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

Clams

NAME	STATUS
Atlantic Pigtoe <i>Fusconaia masoni</i> There is proposed critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/5164	Proposed Threatened
Dwarf Wedgemussel <i>Alasmidonta heterodon</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/784	Endangered
Tar River Spinymussel <i>Elliptio steinstansana</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/1392	Endangered
Yellow Lance <i>Elliptio lanceolata</i> There is proposed critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/4511	Threatened

Critical habitats

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



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Raleigh ES Field Office

551-F Pylon Drive

Raleigh, North Carolina 27606

February 3, 2021

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

Re: Little River - Ford Mitigation Site, Johnston County, NC

Dear Ms. Gimbert:

Thank you for your submittal of the above-listed project through the U.S. Fish and Wildlife Service's (Service) Online Project Review Process. The Service has reviewed the Online Project Review package submitted by email on January 27, 2021. Our comments are provided pursuant to, and in accordance with, provisions of the Endangered Species Act (the Act).

The submitted package included a self-certification letter, a species conclusions table and a species list printout from the Information, Planning, and Consultation System (IPaC) website. No other information was included concerning species surveys or the potential activities on site (methods of construction, measures to avoid and minimize impacts on the site and downstream, etc.). As noted in the submitted documents, most of the waterbodies on the site do not contain suitable habitat for listed aquatic species or species proposed to be listed. However, the species conclusions table indicates that suitable habitat is present for dwarf wedgemussel and yellow lance. Further, the proposed project is directly adjacent to occupied habitat (Little River) for Tar River spiny mussel, yellow lance, Atlantic pigtoe, Carolina madtom, and Neuse River waterdog.

The Service is pleased to see this proposal for compensatory mitigation in a watershed with known records of sensitive species and we encourage stream and wetland projects in these watersheds, because of the potential benefits to species downstream. However, we caution that the potential effects of the proposed plans and construction methods should be carefully considered during review.

It does not appear that any aquatic surveys were conducted within the suitable habitat onsite for listed mussels. The Natural Heritage Program's (NHP) dataset only reflects data which has been provided by others. The lack of data on a parcel does not indicate an absence of a species; rather it often means that no data has been collected. It is the responsibility of the applicant to survey for listed species. We recommend that mussel surveys be conducted in the areas of suitable habitat, to determine whether sensitive aquatic species are present.

Also, the submittals do not consider the potential effects to listed and proposed aquatic species directly downstream of the site. In general, outside of stream reaches where listed or proposed aquatic species are found, in-water work is acceptable and encouraged; particularly with

stringent adherence to sediment and erosion control requirements. In upstream reaches or tributaries flowing to waterbodies where listed species are known to be located, surveys should be conducted prior to planning, to determine whether individuals of those species are present in the tributaries. If no individuals are found in the tributaries, carefully-planned restoration, enhancement, or preservation of those streams may provide great benefits to the species downstream. Beneficial effects to species, as well as detrimental effects, are considered “effects” for the purposes of the ESA.

Aquatic resources are highly susceptible to sedimentation. We recommend that all practicable measures be taken to avoid adverse impacts to sensitive aquatic species, including avoiding in-water work in reaches with occupied habitat, implementing stringent sediment and erosion control measures, constructing the project in the dry, and maintaining any remaining natural, vegetated buffers on streams and creeks on the project site (if applicable).

The Service encourages you to continue project planning on this site, due to the potential benefits to listed aquatic species in Little River. However, because the Service does not currently have enough information concerning the project plans, construction methods, and potential for listed species within stream reaches on the site, we cannot concur with your species determinations at this time. We look forward to coordinating with you and reviewing more information concerning this project.

If you have any questions or comments, please contact Kathy Matthews of this office at kathryn_matthews@fws.gov. Please note that Service staff are teleworking to lessen the spread of COVID-19. Email is the best way to reach us.

Sincerely,

Pete Benjamin
Field Supervisor

cc (via email):

USACE
USEPA
NCDWR
NCWRC



February 4, 2021

Kathryn Matthews

US Fish and Wildlife Service
Raleigh ES Field Office
551-F Pylon Drive
Raleigh, NC 27606

Submitted via email: kathryn_matthews@fws.gov

Subject: Little River Ford Buffer Mitigation Site
Johnston County, North Carolina

Dear Ms. Matthews,

Wildlands Engineering, Inc. requests review and comment on any possible issues that might emerge with respect to fish and wildlife issues associated with a potential riparian buffer restoration project on the Little River Ford Mitigation Site located in Johnston County, NC. A Site Map and a USGS Topographic Map showing the approximate project area are enclosed. The topographic figure was prepared from the Kenly West 7.5-Minute USGS Topographic Quadrangle, and the site is located at latitude 35.591269 longitude -78.178045.

The Little River Ford Mitigation Site is being developed to provide riparian buffer mitigation in the Neuse River basin. The project will include buffer restoration and preservation along two unnamed tributaries and one ditch that flow to Little River. This buffer mitigation project will reduce sediment and nutrient loading, provide and improve terrestrial and in stream habitats, and improve stream and bank stability. The area surrounding the streams and channels proposed for buffer restoration is currently agricultural fields, typically used to grow cotton, soybeans, and corn. Restoring the vegetative buffer on the areas up to 100 feet from the streams and 50 feet from the ditches will remove the crops and fertilizer inputs within the project area. The restored floodplain areas will filter sediment during high rainfall events. The establishment of riparian buffers will create shading to minimize thermal heating. Finally, newly planted native vegetation will provide cover and food for wildlife.

The major goals of the proposed buffer restoration project are to provide ecological and water quality enhancements to the Neuse River Basin by creating a functional riparian corridor and restoring the riparian buffer. Waters of the United States 404/401 permitting is not required for this buffer mitigation site as construction activities will only involve planting riparian vegetation and will not impact project streams or downstream resources.

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

Sincerely,

A handwritten signature in cursive script that reads "Kirsten Y. Gimbert".

Kirsten Gimbert, *Senior Environmental Scientist*

kgimbert@wildlandseng.com

704.941.9093

Attachments: Figure 1 Site Map

Kirsten Gimbert

From: Matthews, Kathryn H <kathryn_matthews@fws.gov>
Sent: Thursday, February 4, 2021 3:56 PM
To: Kirsten Gimbert
Cc: Mann, Leigh
Subject: Re: [EXTERNAL] Re: Little River - Ford Mitigation Site: comments from USFWS
Attachments: LR-Ford -USFWS Additional Project Information.pdf

Hi Kirsten,

Thanks for this additional information; it's very helpful. Based on the information provided, indicating that there is no earth-moving proposed, and only planting of the stream and ditch buffers, the Service would concur with a Not Likely to Adversely Affect determination for any aquatic species that may be present in streams on the site or downstream.

In the future, you can either include whatever information you think would be helpful for us to understand the project (mitigation plans, site maps), and/or you can include some extra information in the species conclusions table. For example, in the "Notes/Documentation" column, you could indicate that no earth-moving is proposed, or that the work involves only buffer planting. That would help justify your conclusions for species on-site and downstream. If there is the potential for listed aquatic species on or very close to the site, the more info you can provide us, the better.

I also want to reiterate how happy we are to see projects proposed in locations like this - it really is a benefit to listed and sensitive species.

Thanks, and don't hesitate to contact me with other questions.
Kathy

Thanks again for following up.

Please note that I am teleworking almost exclusively. Email is the best way to reach me. Thanks,

Kathy Matthews
Fish and Wildlife Biologist
U.S. Fish and Wildlife Service
551-F Pylon Drive
Raleigh, NC 27606
919-856-4520, x. 27

From: Kirsten Gimbert <kgimbert@wildlandseng.com>
Sent: Thursday, February 4, 2021 2:41 PM
To: Matthews, Kathryn H <kathryn_matthews@fws.gov>
Subject: RE: [EXTERNAL] Re: Little River - Ford Mitigation Site: comments from USFWS



Natural Resources
Conservation Service

February 19, 2021

North Carolina
State Office

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

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

Dear Kirsten Gimbert.

The following information is in response to your request soliciting comments regarding the Little River Ford Mitigation Site in Johnston County, NC.

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

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

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

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

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

Sincerely,

Kristin L May
Acting State Soil Scientist

cc:

Diana Irizarry, acting supervisory soil conservationist, NRCS, Raleigh, NC

FARMLAND CONVERSION IMPACT RATING

PART I (To be completed by Federal Agency)	Date Of Land Evaluation Request 1/12/21
Name Of Project Little River Ford Mitigation Site	Federal Agency Involved FHWA
Proposed Land Use Buffer Restoration	County And State Johnston County, NC

PART II (To be completed by NRCS)		Date Request Received By NRCS 1/28/21	
Does the site contain prime, unique, statewide or local important farmland? (If no, the FPPA does not apply -- do not complete additional parts of this form).		Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
		Acres Irrigated None	Average Farm Size 172
Major Crop(s) Corn	Farmable Land In Govt. Jurisdiction Acres: 429233 % 84	Amount Of Farmland As Defined in FPPA Acres: 429233 % 84	
Name Of Land Evaluation System Used Johnston Co. LESA	Name Of Local Site Assessment System NA	Date Land Evaluation Returned By NRCS 2/19/2021	

PART III (To be completed by Federal Agency)	Alternative Site Rating			
	Site A	Site B	Site C	Site D
A. Total Acres To Be Converted Directly	9.4			
B. Total Acres To Be Converted Indirectly				
C. Total Acres In Site	9.4	0.0	0.0	0.0

PART IV (To be completed by NRCS) Land Evaluation Information				
A. Total Acres Prime And Unique Farmland	9.4			
B. Total Acres Statewide And Local Important Farmland	0.0			
C. Percentage Of Farmland In County Or Local Govt. Unit To Be Converted	0.0000			
D. Percentage Of Farmland In Govt. Jurisdiction With Same Or Higher Relative Value	40.1			

PART V (To be completed by NRCS) Land Evaluation Criterion Relative Value Of Farmland To Be Converted (Scale of 0 to 100 Points)	76	0	0	0
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PART VI (To be completed by Federal Agency) Site Assessment Criteria (These criteria are explained in 7 CFR 658.5(b))	Maximum Points				
1. Area In Nonurban Use	15	15			
2. Perimeter In Nonurban Use	10	0			
3. Percent Of Site Being Farmed	20	20			
4. Protection Provided By State And Local Government	20	20			
5. Distance From Urban Builtup Area	15	15			
6. Distance To Urban Support Services	15	10			
7. Size Of Present Farm Unit Compared To Average	10	0			
8. Creation Of Nonfarmable Farmland	10	0			
9. Availability Of Farm Support Services	5	4			
10. On-Farm Investments	20	5			
11. Effects Of Conversion On Farm Support Services	10	0			
12. Compatibility With Existing Agricultural Use	10	0			
TOTAL SITE ASSESSMENT POINTS	160	89	0	0	0

PART VII (To be completed by Federal Agency)					
Relative Value Of Farmland (From Part V)	100	76	0	0	0
Total Site Assessment (From Part VI above or a local site assessment)	160	89	0	0	0
TOTAL POINTS (Total of above 2 lines)	260	165	0	0	0

Site Selected:	Date Of Selection	Was A Local Site Assessment Used? Yes <input type="checkbox"/> No <input type="checkbox"/>
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Reason For Selection:

Kirsten Gimbert

From: Kirsten Gimbert
Sent: Wednesday, March 3, 2021 1:13 PM
To: May, Kristin - NRCS, Salisbury, NC
Subject: RE: FPPA_AD1006 Form-Little River Ford Mitigation Site
Attachments: FPPA_AD1006 LR-Ford.pdf

Hi Kristin,

Please find attached to this email the completed AD-1006 Form for the Little River Ford Mitigation Site located in Johnston County, NC.

Thanks,

Kirsten Gimbert | *Senior Environmental Scientist*
M: 704.941.9093

From: May, Kristin - NRCS, Salisbury, NC <kristin.may@usda.gov>
Sent: Friday, February 19, 2021 2:41 PM
To: Kirsten Gimbert <kgimbert@wildlandseng.com>
Cc: Irizarry, Diana - NRCS, Raleigh, NC <diana.irizarry@usda.gov>
Subject: RE: FPPA_AD1006 Form-Little River Ford Mitigation Site

Afternoon Kirsten –

Attached is the completed AD-1006.

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

Thanks.

Kristin May

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

From: Kirsten Gimbert <kgimbert@wildlandseng.com>
Sent: Thursday, January 28, 2021 9:34 AM
To: May, Kristin - NRCS, Salisbury, NC <kristin.may@usda.gov>
Subject: FW: FPPA_AD1006 Form-Little River Ford Mitigation Site

Kirsten Gimbert | *Senior Environmental Scientist*
M: 704.941.9093

From: Kirsten Gimbert
Sent: Tuesday, January 12, 2021 1:02 PM
To: Cortes, Milton - NRCS, Raleigh, NC <milton.cortes@usda.gov>
Subject: FPPA_AD1006 Form-Little River Ford Mitigation Site

Good Afternoon Milton,

Please find attached to the email the FPPA AD1006 Form and Soils Map for the Little River Ford Mitigation Site in Johnston County, NC for you to fill out and return to me. Please let me know if you have any questions or need additional information from my end.

Thank You!

Kirsten Gimbert | *Senior Environmental Scientist*
M: 704.941.9093

Wildlands Engineering, Inc.

1430 S. Mint St, Suite 104
Charlotte, NC 28203

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January 26, 2021

Gabriela Garrison

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

Subject: Little River Ford Mitigation Site
Johnston County, North Carolina

Dear Ms. Garrison,

Wildlands Engineering, Inc. requests review and comment on any possible issues that might emerge with respect to fish and wildlife issues associated with a potential riparian buffer restoration project on the Little River Ford Mitigation Site located in Johnston County, NC. A Site Map and a USGS Topographic Map showing the approximate project area are enclosed. The topographic figure was prepared from the Kenly West 7.5-Minute USGS Topographic Quadrangle, and the site is located at latitude 35.591269 longitude -78.178045.

The Little River Ford Mitigation Site is being developed to provide riparian buffer mitigation in the Neuse River basin. The project will include restoration and preservation of two unnamed tributaries and one ditch that flow to Little River. The streams onsite have little to no existing riparian buffers and are surrounded by open agricultural fields primarily used to grow cotton, soybeans, and corn. Site stressors include sedimentation and nutrient input from adjacent agricultural fields, limited floodplain storage, non-diffuse flow, and lack of riparian canopy.

The major goals of the proposed buffer restoration project are to provide ecological and water quality enhancements to the Neuse River Basin by creating a functional riparian corridor and restoring the riparian buffer. This will be accomplished by restoring and or preserving the vegetative buffer on the areas up to 100 feet from streams and 50 feet from ditches, along with permanently preserving and protecting the site through establishing a conservation easement.

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

Sincerely,

A handwritten signature in cursive script that reads "Kirsten J. Gimbert".

Kirsten Gimbert, *Senior Environmental Scientist*

kgimbert@wildlandseng.com

704.941.9093

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



☒ NORTH CAROLINA WILDLIFE RESOURCES COMMISSION ☒

Cameron Ingram, Executive Director

February 9, 2021

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

Subject: Request for Environmental Information for the Little River Ford Buffer Mitigation Project, Johnston County, North Carolina.

Dear Ms. Gimbert,

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

Wildlands Engineering, Inc has developed the Little River Ford Buffer Mitigation Project. The project will restore and preserve one ditch and two unnamed tributaries that flow to Little River. The project site is primarily agricultural land used to grow cotton, soybeans and corn. Sedimentation, limited floodplain storage, non-diffuse flow and lack of riparian canopy have been consistent site stressors.

In order to restore functional riparian corridors, vegetative buffers up to 100 feet from streams and 50 feet from ditches will be permanently preserved through the establishment of a conservation easement. The project area drains to Little River in the Neuse River basin. The project area is located southwest of the intersection of Old Route 22 and Weaver Road, west of Kenly. There are records for the federal at-risk species (ARS) and state-endangered Atlantic pigtoe (*Fusconaia masoni*) and ARS and state-threatened, Carolina madtom (*Noturus furiosus*) in the Little River and project vicinity. As such, stringent measures for erosion and sediment control (ESC) should be established and maintained throughout the project in order to minimize impact.

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

Page 2

February 9, 2021

Scoping—Little River Ford Buffer Mitigation Project

effects on aquatic resources including destruction of spawning habitat, suffocation of eggs and clogging of gills. Any invasive plant species found onsite should be removed and destroyed.

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

Sincerely,

A handwritten signature in cursive script that reads "Gabriela Garrison".

Gabriela Garrison
Eastern Piedmont Habitat Conservation Coordinator
Habitat Conservation Program

Little River Ford Mitigation Site
Categorical Exclusion

FIGURES

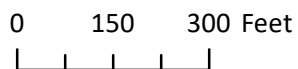
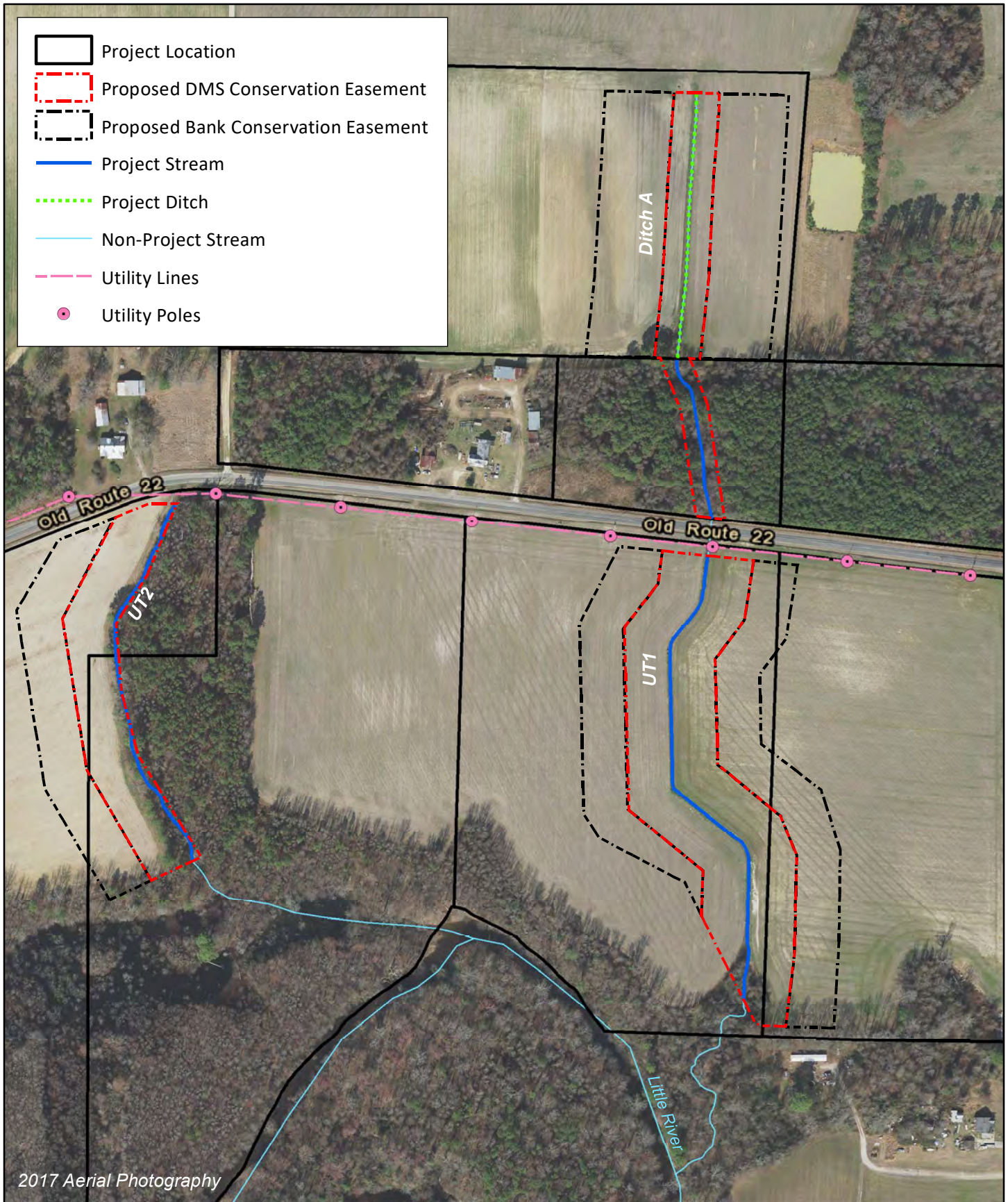
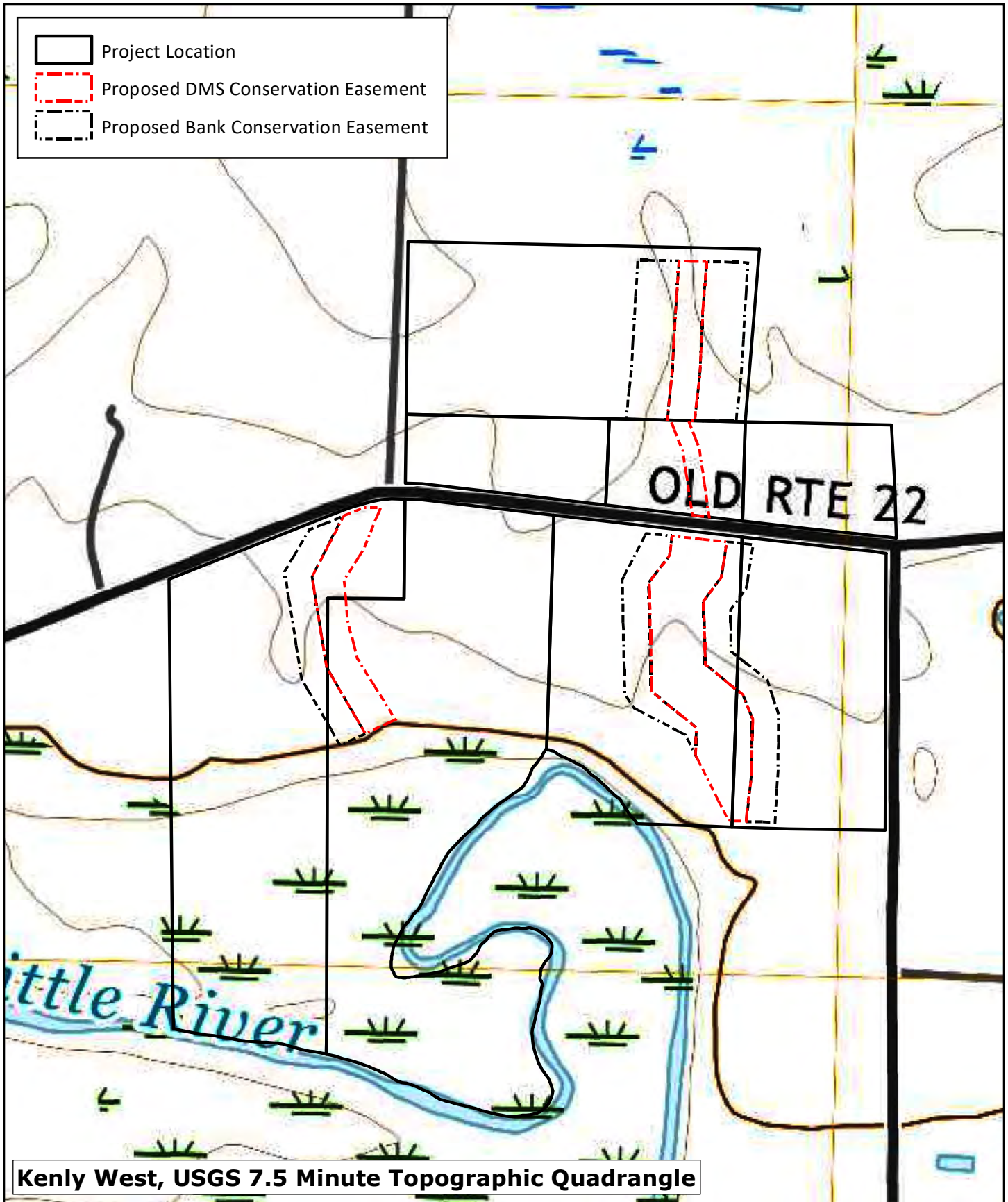


Figure 1. Site Map
 Little River Ford Mitigation Site
 Neuse River Basin (03020201)



0 250 500 Feet



Figure 2. USGS Topographic Map
Little River Ford Mitigation Site
Neuse River Basin (03020201)