

MITIGATION PLAN

Longhorn Riparian Buffer Mitigation Site

Randolph County, NC

DMS Project No. 100114

DMS Contract Number: 7866

DWR Project Number: 2019-0681

Randleman Lake Watershed

Cape Fear River Basin

HUC 03030003

RFP #16-007703



Prepared For:



NC Department of Environmental Quality

Division of Mitigation Services

1652 Mail Service Center

Raleigh, NC 27699-1652

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February 27th, 2020

PREPARED FOR:



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PREPARED BY:

Clearwater Mitigation Solutions

CLEARWATER MITIGATION
SOLUTIONS 

604 Macon Place

Raleigh, North Carolina

Authorized Representative: Mr. Kevin Yates

Phone: 919-624-6901

This Mitigation Plan has been written in conformance with the requirements of the following:
NCAC rule 15A NCAC 02B .0295, effective November 1, 2015 and Nutrient Offsets Payments Rule 15A NCAC 02B. 0240, amended effective September 1, 2010 and DWR – 1998. Methodology and Calculations for determining Nutrient Reductions associated with Riparian Buffer Establishment.

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

Contributing Staff:

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CLEARWATER MITIGATION SOLUTIONS

February 27, 2020

Mr. Jeremiah Dow
NCDEQ Division of Mitigation Services
217 W. Jones Street, Suite 3000
Raleigh, NC 27603

**Re: Longhorn Riparian Buffer Mitigation Plan (DWR # 2019-0681)
Response to DWR (Katie Merritt) Comments submitted on 02/10/2020
DMS Project No. 100114**

Dear Mr. Dow,

Please find below the response to comments on the Longhorn Buffer Mitigation Plan provided by DWR dated February 10, 2020:

1. Add a service area map to the Figures. The Service area map should show the Randleman Lake Watershed being serviced by this buffer project.
Re: Complete. See Figure 9.
2. Consistent misuse of the term "riparian buffer" or "buffer" is used throughout the text and can lead to confusion or misleading information. These terms are only to be used to describe the Randleman Lake Watershed buffers, which is 0-50' from top of bank and has a Zone 1 & Zone 2. Please correct terminology where it is being misused and replace with "riparian area" where applicable.
Re: Riparian Buffer and Riparian Area terminology has been corrected where appropriate and more specifically in Section 1.1.
3. There is no figure showing the proposed fence boundary, and therefore I'm unable to confirm Enhancement via cattle exclusion is in compliance with 0295 (o).
Re: Complete. See Figure 10.
4. There needs to be acknowledgment that the fence will be installed prior to As-Built.
Re: The cattle exclusion fence will be installed prior to As-Built, per Section 3.1.
5. There is no figure showing areas to be planted, therefore, I can't confirm Enhancement under 0295 (n) is in compliance without seeing where the provider intends on planting.
Re: Complete. See Figure 8B.

6. The proposed access easement along the dam includes the stream, which is the only hydrologic connection to the pond. It appears the provider is labeling this segment of stream as the "spillway". The Stream start point is provided with DWR's stream determination letter for reference. This access also should be controlled, not allowing vehicles or cattle access. It needs to be included in the Conservation Easement boundary and protected in perpetuity in order to maintain the hydrological connectivity of the pond with the stream. This connection of the pond to the stream is very important, considering this connection was the only reason the Pond was considered in-line and subject and therefore viable for buffer restoration for credits. Explain what efforts will be done to secure this area within the CE.

Re: An additional 0.89-acres of existing pasture and dam area (no credit generation) will be placed within the conservation easement to protect the hydrological connection from the pond to downstream waters. An option agreement for this additional 0.89-acres has been executed with the land owners, Christopher and Nicole Redding and included within Appendix G. Clearwater is working with NCDMS to expedite the inclusion of this additional acreage into the Conservation Easement. An updated Deed of Conservation Easement and Conservation Easement Plat will be provided to NCDWR upon recordation.

7. There is concern that the work proposed to the spillway is actually being performed in the stream itself. This activity may need to be permitted. Please contact Sue Homewood about the proposed work in the spillway and provide correspondence in the final mitigation plan regarding whether the work will be acceptable as proposed or will require permitting.

Re: A PCN has been submitted to Ms. Sue Homewood (NCDWR) for the use of 401 Water Quality Certification 4132 associated with improvements to the existing dam spillway within the stream reach currently discharging to the pond. A courtesy copy PCN has been provided to Mr. Andy Williams (USACE) for the use of Nationwide Permit (3).

8. Section 1.0; pages 5-6

- a. 1" paragraph: Add language to clarify this site is being submitted for buffer mitigation credits to be used in the Randleman Lake Watershed. Currently, it only references the 14-digit HUC and the Cape Fear River basin.

Re: Corrected.

9. Photos provided showing existing riparian conditions are dated December 2018 and were taken before the DWR site visit in 2019. Please add current photos of the riparian areas w/ dates that are more recent. Indicate any land use changes, if any, from the date DWR was last onsite, which was May 2019.

Re: Recent site photos of existing conditions were taken February 14, 2020 and are provided in Appendix C. There have been no changes in land use since DWR was last onsite in May 2019.

10. Section 2.0

- a. There are no regulatory considerations provided. This section needs to include a summary of the results from the Cat-Ex findings, and reference any and all correspondence relative to the Cat-Ex findings. The Cat-Ex signature page is signed, but the form is not filled out completely.
- b. No supporting materials and correspondence provided with the Cat Ex. Can this be provided? Other Mitigation plans have included this, and DWR does appreciate having this information for their review. EDR data was provided.

Re: Section 2.0 summarizes the correspondence and results of the categorical exclusion document. The completed Categorical Exclusion document verifies that the proposed action will not have a significant impact on the environment. Supporting documents and findings are included within Appendix E.

11. Section 3.1 —

- a. See general comment "7".
Re: Addressed in Comment 7 response and Section 2.1 of mitigation plan.
- b. Confirm that the herbicide used will be one that is safe for the aquatic habitat and will be applied by a licensed sprayer.
Re: Yes the herbicide will be EPA approved for use in aquatic sites and applied by a licensed sprayer, which is now clarified in Section 3.1.
- c. Green Ash should either be removed from the planting list or limited to no more than 5% of stems planted. The Emerald Ash borer is a risk to this species.
Re: Due to supply of alternative species, Green Ash could not be removed entirely from the plant list. Green Ash has been reduced to 5% of the total stems in the planting list.
- d. No temporary or permanent seeding is proposed. DWR requests that permanent riparian seeding be applied and established where bare areas caused from cattle are present. It is important to maintain a healthy and diverse herbaceous layer within the riparian areas to reduce the potential of runoff, nutrients and sediments into the streams.
Re: Per Section 3.1 and the erosion control plan, prior to planting, denuded areas within the riparian buffer and adjacent riparian areas to be planted will be seeded with a mix of temporary and permanent seed mix per the erosion control plan specifications (Appendix F).
- e. Planting with a seed mix that is abundant in annual and perennial pollinator species is strictly voluntary but is being encouraged by DWR in other mitigation plans to promote diversity and enhance the health of the herbaceous layer, which can also greatly benefit planted stems.
Re: Clearwater will source out native pollinator species and plant when the bare root stems have reached an appropriate height so that herbaceous pollinators species do not overtake and shade out the planted stems.

12. Section 4.0 —

a. Edit 4th sentence to read as follows: *Monitoring will be conducted during the growing season for a period of at least five years or until performance standards are achieved.*

Re: Corrected.

13. Section 5.0: Instead of Success Criteria, please use "Performance Standards" to be consistent with .0295 terminology

a. The rule 0295 (n)(2)(B) provides two options for planting plans, Is it Trees? Or Trees & Shrubs combined? please pick the one that applies to this site. I only saw trees proposed in Table 3.

Re: Corrected.

14. Was there an AD-1006 form required?

Re: Yes, Form AD-1006 was completed and submitted to Mr. Milton Cortes of the NRCS. It was the opinion of Mr. Cortes and FHWA that the project complies with the Farmland Protection Policy Act. (Discussed in Section 2.0 and supporting documents are included in Appendix E).

15. Figure 8 — When using the scale provided on the figure, there appears to be some areas <30' proposed for buffer restoration around the pond near the tree line. However, this is not shown in Table 2b. Explain.

Re: Figure 8 has been corrected to depict this non-creditable area on the western side of the pond, which is less than 30-ft from the normal pool of the pond. Table 2b has been adjusted to account for this reduction of 2,046.150 sf.

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

Re: Noted.

Please do not hesitate to contact me with questions at 919-624-6901.

Sincerely,



Kevin Yates

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1.0 Mitigation Project Summary

1.1 Project Narrative

The Longhorn Riparian Buffer Mitigation Site (“the project”) will provide high quality compensatory mitigation for authorized riparian buffer impacts credited through the NC DMS in-lieu-fee program and occurring within the Randleman Lake Watershed of the Cape Fear River Hydrologic Unit Code (HUC) 03030003 and to address the watershed goals identified in the Cape Fear River Basin Restoration Plan (RBRP) (NC EEP, 2010). These goals include:

- Removal of non-point source pollution (including nitrogen, phosphorous, and fecal bacteria) resulting from current land-use practices (principally cattle pasture);
- Reduction of sediment run-off/sediment loading to creek waters resulting from cattle hoof shear, bank instability, and lack of riparian buffer woody vegetation;
- Increased floodwater attenuation;
- Enhancement and protection of stream ecology and aquatic/semi-aquatic habitats; and
- Enhancement and protection of terrestrial habitats along stream terraces and hillside slopes.

These goals will be achieved via the restoration and protection of riparian buffers and adjacent riparian areas along an unnamed tributary of Bob Branch (which flows east into Randleman Lake Reservoir). Specific objectives of the proposed project to achieve the desired goals include:

- Conversion of existing cattle pasture into wooded riparian buffer and wooded riparian areas along the existing stream channel and pond via planting of characteristic hardwood species and installation of cattle-exclusion fencing;
- Reduction of stream bank instability via woody stem plantings (i.e. increased woody root material) and cattle exclusion fencing;
- Ensuring diffuse flow and increased surface roughness throughout the buffer mitigation area;
- Establishment of a conservation easement to protect the riparian buffer restoration site in perpetuity; and
- Invasive species management (as needed) during monitoring period.

As is well-documented in the scientific literature, riparian areas along streams and drainageways provide a suite of benefits not only to the localized site but to receiving waters and streams of the larger watershed. This is particularly important within Water Supply watersheds and surface waters susceptible to eutrophication as is the case with the Randleman Lake watershed in which the Longhorn Buffer Mitigation Site is located. Riparian buffers and adjacent riparian areas reduce the potential for on-site stressors to adversely affect streams. Restored and enhanced buffers on the Longhorn site will remove non-point source contaminants associated with intensive cattle grazing adjacent to existing surface waters. Cattle grazing and the lack of an existing, wooded riparian buffer and wooded riparian area contribute to increased soil bulk densities, reduced infiltration rates, and greater potential for run-off of contaminants (sediment and fecal phosphorous) and increased nutrient loading to receiving waters. Such stressors have a direct effect on surface water quality within this Water Supply watershed. The predominant land-use within the watershed is pasture and cropland. Sediment loading (associated with pasture and agricultural uses) is prevalent throughout the watershed. These impairments tend to be exacerbated by direct disturbances to streams and wetlands (such as prior channelization of streams and

historic drainage of wetlands). The cumulative effects of such practices result in diminished nutrient uptake and nutrient/sediment loading to down-gradient waters. The high percentage of land in agricultural use in the watershed, combined with the lack of adequate stream buffers, results in water quality impairments.

The proposed project promotes the goals of the Cape Fear RBRP (2010) and specifically the Water Supply Watershed by addressing runoff and buffer restoration. The project will include restoration of riparian buffers and adjacent riparian areas as well as cattle exclusion fencing. Planting and cattle exclusion will result in greater bank stability. Cattle exclusion will also result in the reduction of soil bulk densities and associated run-off, thus reducing sediment and nutrient loading to downstream waters of Randleman Lake.

Ancillary benefits of the proposed riparian buffer and adjacent riparian area restoration effort include:

- Increase of organic material as food for invertebrate, fish and wildlife;
- Supply of woody debris that provides increased niche habitat for fish, invertebrates and amphibians;
- Reduction of sunlight reaching the stream and modulation of surface water temperatures; and
- Floodwater attenuation via temporary storage, interception and slow releases from heavy rains.

The anticipated functional uplift to be provided by the project will have direct benefits to the adjacent streams and to the broader ecological health of the Randleman Lake watershed.

1.2 Project Location and Site Description

The project site is located in Randolph County, approximately 1.5 miles northwest of the Town of Sophia, North Carolina and approximately 9 miles south of High Point (NC). The property is situated just east of NC Highway 311 and is bounded to the south by Marlboro Church Road (refer to Figure 1). The Longhorn Buffer Mitigation Site is located within the Muddy Creek 12-digit HUC (030300030106) of the Randleman Lake watershed (Figure 2). The buffer restoration and enhancement areas are located along an unnamed tributary (UT) of Bob Branch and drainages that flow directly into Randleman Lake Reservoir approximately 2 river miles downstream (refer to Figure 3 and Figure 4). Darr Field Airport (located approximately 7.3 miles to the northwest) is the closest airport to the project site. Darr Field is a private-use airport. Johnson Field (formerly located 2.4 miles to the west) is a historical private-use airport no longer in operation. The entrance to the access road for the project is at Latitude 35.839374, Longitude -79.880375.

Driving Directions to the project (from Raleigh): Follow Wade Avenue for signs for I-40/RDU Int'l Airport/Durham/Blue Ridge Rd. Merge onto I-40 W for 62-miles. Keep left to continue on I-85 S, follow signs for I-73 N/US-421/Thomasville/High Point. Take Exit 113C-A for US 311 S toward Asheboro. Keep right at the fork and merge onto I-74/US-311 S. Take Exit 79 for Cedar Square Rd toward Archadale. Turn right onto Cedar Square Rd. Turn left onto US-311 and follow for 2.8-miles. Turn right onto Marlboro Church Rd. The entrance to the site is on the right approximately 0.2-miles from the intersection.

A. Watershed and Water Quality Classification

Based upon the NC Department of Environmental Quality surface water classification, Bob Branch is listed as a WS-IV* waterbody.

B. Physiography, Geology, and Soils

The Longhorn Buffer Mitigation Site is located within the Carolina Slate Belt of the Piedmont Physiographic Province (USGS, 1998). According to the U.S. EPA Ecoregion mapping program, the site is located within the Southern Outer Piedmont Ecoregion IV (45b). The Southern Outer Piedmont extends from Alabama northeast through Georgia and the Carolinas. The ecoregion is characterized by lower elevation topography, less relief, and less precipitation than the Inner Piedmont to the west. The landform class is generally irregular plains with mostly red, clayey soils underlain by weathered gneiss, schist, and granite rocks.

Elevations of the site range from 740 ft above mean seal level (AMSL) at the northern (i.e. downstream) extent of the project area to approximately 790 ft AMSL on the hillside slope of the southern boundary (Figure 4). Soils in the upland areas are well-drained with slow permeability and underlain by weathered mafic rock. Mapped units include the Wynott-Enon complex (sandy loam near the surface with clay loam to clay texture in the B and C horizons) (Figure 5). Incised drainageways of the stream tributary consist of more poorly drained soils consistent with Chewacla and Wehadkee series (loamy sediments of floodplains and along streams).

C. Streams and Existing Conditions

The property is currently managed for cattle pasture and lacks existing forested buffer along the existing streams, pond, and drainageways bisecting the site. Site drainage and hydrology have been historically altered via the impoundment of waters. Based upon a review of available aerial photography, the tributary was impounded in the early 1970s (between 1970 and 1973). A portion of the site was in cropland as early as 1948. The remaining land was cleared and converted to agricultural production in the 1950s (see historical site aerial photography in Appendix A). The extent of the conservation easement boundary is depicted on the 1998 aerial and 2016 aerial in Figure 6 and Figure 7, respectively.

On June 19th, 2019, Ms. Sue Homewood of the NC Division of Water Resources (DWR) conducted on-site determination of site channels for the applicability to Randleman Lake Buffer Rules (15A NCAC 02B .0250). Ms. Homewood determined that perennial stream A1 and perennial waterbody P1 are subject to Randleman Lake Buffer Rules. A copy of the DWR Stream Determination letter (dated July 24, 2019) with corresponding map is provided in Appendix B.

Note that for the purpose of this Mitigation Plan, the nomenclature of site reaches will be consistent with those referenced in the “Site Viability for Buffer Mitigation and Nutrient Offset Letter” prepared by Ms. Katie Merritt of NC DWR (letter dated September 26, 2018).

The buffer mitigation site consists of one stream reach (A1) and an in-line pond (P1) as illustrated in Figure 8. Reach A1 is a perennial stream that flows from the in-line pond (P1) to the north and into Bob Branch approximately 1,300 lf downstream. There is approximately 625 lf of stream associated with Reach A1 within the proposed buffer easement area. Pond (P1) is an in-line pond that is approximately 5.3-acres

and lies entirely within the proposed conservation easement area. Stream attributes are provided below in Table 1. Recent site photos (taken February 14th, 2020) of existing conditions are provided for reference in Appendix C. Note that there have been no changes in land use since the date that NC DWR was last on site (May 2019).

Table 1. Stream Attribute Summary

Stream/Surface Water Attribute	Surface Water ID	
	A1	P1
Flow	Perennial	Open Water (Impoundment)
Stream ID Score	39.25	N/A
Stream Length or Area	625 lf	5.3 acres

As indicated above, the site consists nearly entirely of actively managed cattle pasture with fields extending to the top of banks of the existing pond (P1) and the east side of stream A1. The only forested area around the pond is located in the southwest corner of the pond and is off-site. A partially forested area exists just to the north (i.e. downstream) of the pond dam. This area contains sparse stem counts of red maple (*Acer rubrum*) and eastern red cedar (*Juniperus virginiana*). An area further downstream becomes forested and consists of a canopy cover of red maple, sweet gum (*Liquidambar styraciflua*), sycamore (*Platanus occidentalis*), and American holly (*Ilex opaca*). Herbaceous vegetation along the edge of the pond and the banks of the channels generally consists of soft rush (*Juncus effusus*), sedge (*Carex* spp.), and cattail (*Typha latifolia*).

2.0 Regulatory Considerations

2.1 Determination of Credits

Approximately 625 linear feet (lf) of streams and the perimeter of the impoundment (approximately 2,100 lf) have been targeted for buffer restoration. Approximately 12.73 acres of existing agricultural fields are targeted for restoration while approximately 0.40 acres of partially forested areas are considered suitable for buffer enhancement. An additional 0.21 acres of existing, wooded riparian area will be enhanced as cattle exclusion fencing will be installed around the conservation easement boundary. The pond will be protected via the permanent conservation easement, and per previous discussions, the dam and additional pasture area (0.89-acres) is being secured and will be placed into the conservation easement to protect the hydrological connection from the pond to downstream waters (see further discussion in Section 6.0). An additional 0.74 acres of existing pasture (no credit generation) will be placed within the conservation easement to protect the upstream catchment area draining to the subject pond (P1), making the total conservation easement area 20.82-acres.

On June 19th, 2018, Ms. Katie Merritt of the Division of Water Resources (DWR) performed an evaluation of surface water features and adjacent riparian areas within the proposed mitigation site for the determination of riparian buffer mitigation pursuant to 15A NCAC 02B .0295 (effective November 1, 2015) (refer to attached Site Viability Letter, Appendix D). Based upon this evaluation, DWR determined that areas within 200 ft of Reach A-1 and Pond P-1 are eligible for buffer credit.

There are no known site constraints that would impede or adversely affect the proposed restoration and enhancement of riparian buffer and adjacent riparian areas within the recorded easement area. Diffuse flow of runoff will be maintained in the riparian buffer and the adjacent riparian areas. Any direct conveyances (such as pipes or drain tiles) will be eliminated and the flow converted to diffuse flow.

A Categorical Exclusion document (i.e. limited environmental screening) has been completed in accordance with the National Environmental Policy Act of 1969 (NEPA) and corresponding guidelines of the Council of Environmental Quality (CEQ). As required under the Categorical Exclusion process, a Limited Phase 1 Assessment was prepared. No known or potential hazardous waste sites were identified within or adjacent to the project area and compliance with the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) was satisfied. Although federally protected species are designated for Randolph County, it was determined during a site evaluation that the project area does not support suitable habitat for these species. LMG prepared a self-certification package and submitted it to the US Fish and Wildlife Service (USFWS). Kathy Matthews with the USFWS confirmed receipt of this information and also stated that they had no comments or concerns under the Migratory Bird Treaty Act. Since the project area will be acquired through an easement, Natural Resources Conservation Service (NRCS) Form AD-1006 was completed and submitted to Milton Cortes of the NRCS. It was the opinion of Mr. Cortes that the project complies with the Farmland Protection Policy Act.

The completed Categorical Exclusion document verifies that the proposed action will not have a significant impact on the environment. Refer to the attached Categorical Exclusion form with screening checklist, signatures of the NC DMS Project Manager and Federal Highway Administration (FHWA), and supporting attachments (Appendix E).

It should be noted that a PCN has been submitted to Ms. Sue Homewood (NCDWR) for the use of 401 Water Quality Certification 4132 associated with improvements to the existing dam spillway within the stream reach currently discharging to the pond. A courtesy copy PCN has been provided to Mr. Andy Williams (USACE) for the use of Nationwide Permit (3). NC DEMLR has reviewed and approved the sediment and erosion control plan, issuing the NCG01 permit on February 17th, 2020 (Appendix F).

The proposed mitigation attributes, quantities and credits are outlined in Table 2a and 2b below.

Table 2a. Buffer Project Attributes

Project Name	Longhorn Riparian Buffer Restoration Project
Hydrologic Unit Code	03030003010060 (14 digit)
River Basin	Cape Fear
Geographic Location (Lat, Long)	35.841600, -79.882810
Site Protection Instrument (DB, PG)	DB 163 Page 99
Total Credits (BMU)	376,644.994
Types of Credits	Riparian Buffer
Mitigation Plan Date	February 2020
Initial Planting Date	March 2020
Baseline Report Date	May 2020
MY1 Report Date	December 2020
MY2 Report Date	December 2021
MY3 Report Date	December 2022
MY4 Report Date	December 2023
MY5 Report Date	December 2024

Table 2b: Buffer Project Areas and Assets: Riparian Buffer Credits – Longhorn Riparian Buffer Restoration Project

Table 2b. Longhorn, 100114, Project Mitigation Credits																		
Cape Fear - Randleman				Service Area														
N/A				N Credit Ratio (sf/credit)														
N/A				P Credit Ratio (sf/credit)														
Credit Type	Location	Subject? (enter NO if ephemeral or ditch ¹)	Feature Type	Mitigation Activity	Min-Max Buffer Width (ft)	Feature Name	Total Area (sf)	Total (Creditable) Area of Buffer Mitigation (sf)	Initial Credit Ratio (x:1)	% Full Credit	Final Credit Ratio (x:1)	Convertible to Riparian Buffer?	Riparian Buffer Credits	Convertible to Nutrient Offset?	Delivered Nutrient Offset: N (lbs)	Delivered Nutrient Offset: P (lbs)		
Buffer	Rural	Yes	I / P	Restoration	0-100	A1	82,245	82,245	1	100%	1.00000	Yes	82,245.000	No	—	—		
Buffer	Rural	Yes	I / P	Restoration	101-200	A1	96,615	96,615	1	33%	3.03030	Yes	31,882.982	No	—	—		
Buffer	Rural	Yes	I / P	Enhancement	0-100	A1	17,433	17,433	2	100%	2.00000	Yes	8,716.500	No	—	—		
Buffer	Rural	Yes	I / P	Enhancement via Cattle Exclusion	0-100	A1	9,271	9,271	2	100%	2.00000	Yes	4,635.500	No	—	—		
Buffer	Rural	Yes	In-Line Pond	Restoration	0-100	P1	186,823	186,823	1	100%	1.00000	Yes	186,823.000	No	—	—		
Buffer	Rural	Yes	In-Line Pond	Restoration	101-200	P1	188,915	188,915	1	33%	3.03030	Yes	62,342.012	No	—	—		
Totals:							581,302	581,302										
Enter Preservation Credits Below								Eligible for Preservation (sf):		193,767								
Credit Type	Location	Subject?	Feature Type	Mitigation Activity	Min-Max Buffer Width (ft)	Feature Name	Total Area (sf)	Total (Creditable) Area for Buffer Mitigation (sf)	Initial Credit Ratio (x:1)	% Full Credit	Final Credit Ratio (x:1)	Riparian Buffer Credits						
												—						
Preservation Area Subtotal (sf):								0										
Preservation as % Total Area of Buffer Mitigation:								0.0%										
Ephemeral Reaches as % Total Area of Buffer Mitigation:								0.0%										
												TOTAL AREA OF BUFFER MITIGATION (TABM)						
												Mitigation Totals	Square Feet	Credits				
												Restoration:	554,598	363,292.994				
												Enhancement:	26,704	13,352.000				
												Preservation:	0	0.000				
												Total Riparian Buffer:	581,302	376,644.994				
												TOTAL NUTRIENT OFFSET MITIGATION						
												Mitigation Totals	Square Feet	Credits				
												Nutrient	Nitrogen:	0	0.000			
												Offset:	Phosphorus:	0	0.000			

1. The Randleman Lake buffer rules allow some ditches to be classified as subject according to 15A NCAC 02B .0250 (5)(a).

3.0 Implementation Plan

3.1 Site Preparation

Based upon pre-project assessment of compaction within the proposed planting areas, the project team has determined that all areas targeted for vegetative plantings within the buffer restoration project will be disked to reduce compaction and to enhance microtopography. Selective mowing is proposed within the headwater (herbaceous) wetland area to limit blackberry and smaller, volunteer red maple (refer to Figure 8). Also spot spraying of herbicide will occur for control of invasive species within the enhancement and preservation areas (any herbicide used will be EPA-approved for use in aquatic sites and will be applied by a licensed sprayer). The existing 84-ft pond spillway will be stabilized prior to planting. The spillway will be widened to approximately 10-feet and tapered down to 6-feet, the side slopes will be lined with coir fiber matting, and the bottom of the spillway lined with rip-rap. Appropriate erosion control measures will be implemented before, during, and after the spillway maintenance to prevent sediment loss into downstream waters. There have been no observed drain tiles discharging into the subject stream channels targeted for buffer mitigation. However, such features will be removed during project implementation in the event any are observed prior to, or during, construction and planting.

The proposed mitigation site will provide for the establishment of natural plant assemblages occurring within riparian habitats of the Piedmont. Prior to planting, denuded areas within the riparian buffer and adjacent riparian areas to be planted will be seeded with a mix that is abundant in annual and perennial pollinator species to promote herbaceous diversity and to enhance the health of the herbaceous stratum. Target species to be planted have been carefully selected based upon site-specific information (including soil profiles and evaluation of landscape position). The proposed planting regime will result in a mature community characteristic of riparian areas in the region. The project will include the restoration and enhancement of riparian areas adjacent to the stream and the pond on the property as outlined in Figure 8. This will be achieved via the planting of characteristic hardwood species (as further described in Section 3.2 below), ensuring diffuse flow through the riparian area. Pre-planting herbicide application will be applied to control the spread of invasive, exotic plants. The herbicide will be applied by a licensed applicator according to prescribed quantities and methods. Small areas of Chinese privet (*Ligustrum sinense*) and multiflora rose (*Rosa multiflora*) have been observed within the proposed buffer enhancement and preservation areas and along the eastern bank of Stream A1. Spot herbicide treatment of these areas will occur prior to site planting. An invasive species management plan and protocol have been implemented should invasive species volunteer into the site.

Prior to planting, the conservation easement boundary will be marked using 6-inch diameter treated post buried 2 feet, standing 5 feet above the ground surface, within the pasture. Woven wire fencing with a top strand of barbed wire will be installed prior to the As-Built along the entire easement boundary. Four pedestrian access gates will be installed for future monitoring and access. Four 12-ft wide gates will be installed in appropriate locations to allow cattle to exit in case they were to breach the fence and enter the conservation easement (Figure 10). The easement boundary will also be marked with standard yellow Conservation Area signs, per the 01/23/14 NCDMS Boundary Marking Standards.

3.2 Methods and Materials

The planting plan consists of the planting at least four hardwood species on a density of approximately 538 stems per acre. Species selection and distribution were matched closely to micro-site hydrologic and edaphic conditions and include species characteristic of riparian assemblages in the watershed. In other words, species more tolerant of poorly drained soils (i.e. river birch, green ash, and willow oak) will be planted within lower landscape positions generally consisting of the Chewacla and Wedhakee soil series while species characteristically occurring in better drained soils (Wynott-Enon complex) will be planted in higher landscape positions (i.e. hillside slopes). The selected native trees are well-suited to the site-specific conditions of the property to promote high survivorship rates.

The planting and re-establishment of characteristic riparian vegetation will be coupled with controlling invasive species population. Herbicide applications and vegetative management may be needed during tree establishment in the enhancement and restoration areas to prevent recruitment and establishment of invasive species that could compete with the planted native species. The enhancement and restoration areas will be closely monitored, and invasive vegetation management will be implemented as needed, and in consultation with DMS staff.

Table 3 summarizes the planting plan for the Longhorn mitigation site.

Table 3. Planting Plan¹

Common Name	Scientific Name	% Composition	Acreage	Quantity
American Sycamore	<i>Plantanus occidentalis</i>	30	3.94	2,119
Yellow Poplar	<i>Liriodendron tulipifera</i>	25	3.28	1,766
River Birch	<i>Betula nigra</i>	25	3.28	1,766
Willow Oak	<i>Quercus phellos</i>	15	1.97	1,060
Green Ash	<i>Fraxinus pennsylvanica</i>	5	0.66	353
Total	N/A	100	13.13	7,064

¹Supplemental or alternate species may include winged elm, American hornbeam, American holly, flowering dogwood, or black gum.

²Note planted area includes approximate 0.74 acres of conservation area. While no credit is proposed for this area, it will be planted per the same specifications (species density and composition) as those contained within final, approved mitigation plan.

4.0 Monitoring Plan

Upon completion of the buffer restoration and enhancement, a Baseline Monitoring Report will be prepared and submitted to the NC DMS to document the extent of buffer mitigation. The report will include all information required by DMS monitoring guidelines including photographs, plot locations, and

documentation of existing species density and composition. Subsequent monitoring reports will be submitted annually to the NC DMS (by December 1 of each year). Monitoring will be conducted during the growing season for a period of at least five years or until performance standards are achieved. Year 1 monitoring will be conducted a minimum of 6 months from the completion of the planting. Monitoring will be performed in accordance with the Consolidated Mitigation Buffer Rule (15A NCAC 02B .0295) and current DMS standards.

Vegetative monitoring will include the establishment of eleven (11) permanent plots consistent with the Carolina Vegetation Survey (CVS) protocol Level 2 (version 4.2) (refer to Figure 8A for plot locations and 8B for creditable planting area). During monitoring, the species, height, and vigor of each planted stem will be recorded. Additionally, the number, species, general height, and diameter at breast height (DBH) of volunteers will be documented. All planted stems within the monitoring plot will be flagged. A digital camera will be used to take photos at each predetermined photo point location. Any vegetative problem areas in the site will be noted and reported in each monitoring report. Vegetative problem areas may include areas that either lack vegetation or include populations of exotic vegetation. Monitoring reports will identify any contingency measures that may need to be employed to remedy site deficiencies. For instance, invasive vegetation management may be needed if exotic species volunteer into the site.

Annual monitoring of this site will occur no earlier than late August of each year. The first year vegetation monitoring event will occur in September or October of 2020. After the fifth-year monitoring report is finalized, a close-out report that provides an assessment of the monitoring data collected from the entire monitoring period will be prepared. The project managers for Clearwater Mitigation Solutions and Land Management Group will attend the close-out meeting(s) and will present the final project to the DWR following all DMS closeout procedures and templates.

5.0 Performance Standards

The site will be evaluated based upon performance criteria related to vegetative density. Specifically, the performance criteria for this project will be:

- (1) *“Demonstrated density of planted species to meet or exceed 260 trees per acre during the fifth year post-planting;”¹ and*
- (2) *Species assemblage must include a minimum of four native hardwood tree species, where no one species is greater than 50% of stems.*

¹ Native hardwood and native shrub volunteer species may be included to meet the final performance standard of 260 stems per acre.

6.0 Stewardship

6.1 Ownership

The project area and proposed conservation easement are located on two parcels. The current owner of the northern parcel (PIN 7736822634) is Christopher and Nicole Redding. The current owner of the southern parcel (PIN 7736817705) is Curtis Redding. The property owners (Grantors) have granted and conveyed in perpetuity a Conservation Easement (CE) along with a Right to Access to the State of North Carolina (Grantee). A copy of the recorded CE deed and plat are provided for reference in Appendix G. An additional 0.89-acres of existing pasture and dam area (no credit generation) will be placed within the conservation easement to protect the hydrological connection from the pond to downstream waters. An option agreement for this additional 0.89-acres has been executed with the land owners, Christopher and Nicole Redding and included within Appendix G. Clearwater is working with NC DMS to expedite the inclusion of this additional acreage into the conservation easement. An updated Deed of Conservation Easement and Conservation Easement Plat will be provided to NC DWR upon recordation. Refer to Table 4 for more detailed information related to the site protection instrument.

Table 4: Site Protection Instrument – Longhorn Riparian Buffer

Landowner	PIN	County	Site Protection Instrument	Deed Book and Page Number	Acreage Protected under Easement
Christopher & Nicole Redding	7736822634	Randolph	Conservation Easement	DB 163 Page 99	15.81
Curtis Redding	7736817705	Randolph	Conservation Easement	DB 163 Page 99	4.12
Christopher & Nicole Redding	7736822634	Randolph	Conservation Easement	To Be Recorded	0.89 (Dam Area)

6.2 Long-Term Stewardship Plan

The site will be transferred to the North Carolina Department of Environmental Quality (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. Funding will be supplied by the responsible party on a yearly basis until such time an endowment is established. 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 the purpose of stewardship, monitoring, stewardship administration, and land transaction costs, if applicable. The Stewardship Program will periodically install signage as needed to identify boundary markings as needed.

7.0 References

Natural Resources Conservation Service (NRCS). Web Soil Survey of Randolph County.

<http://websoilsurvey.nrcs.usda.gov/app/HomePage.htm>

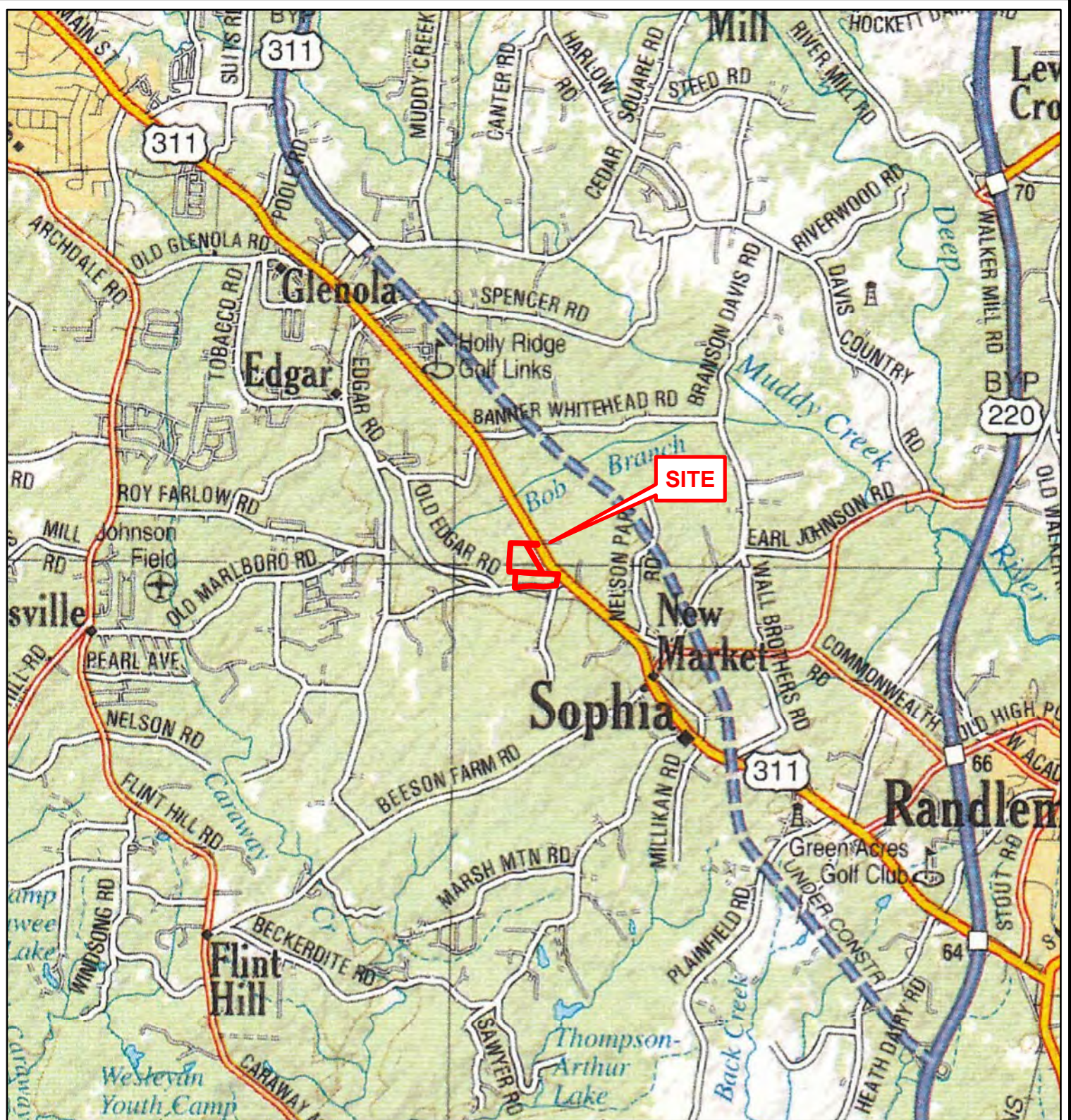
North Carolina Division of Water Quality (NCDWQ), 2011. Surface Water Classifications.

<http://deq.nc.gov/about/divisions/water-resources/planning/classification-standards/classifications>

North Carolina Natural Heritage Program (NHP), 2018. Natural Heritage Element Occurrence Database, Randolph County, NC.

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

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



Boundaries are approximate and not meant to be absolute.

Map Source: DeLorme 2012 Atlas & Gazetteer

L:\WETLANDS\2018 WETLANDS FILES\LMG18.457 --- Randleman DMS Buffer Site, Kevin Yates\Proposal\Figures

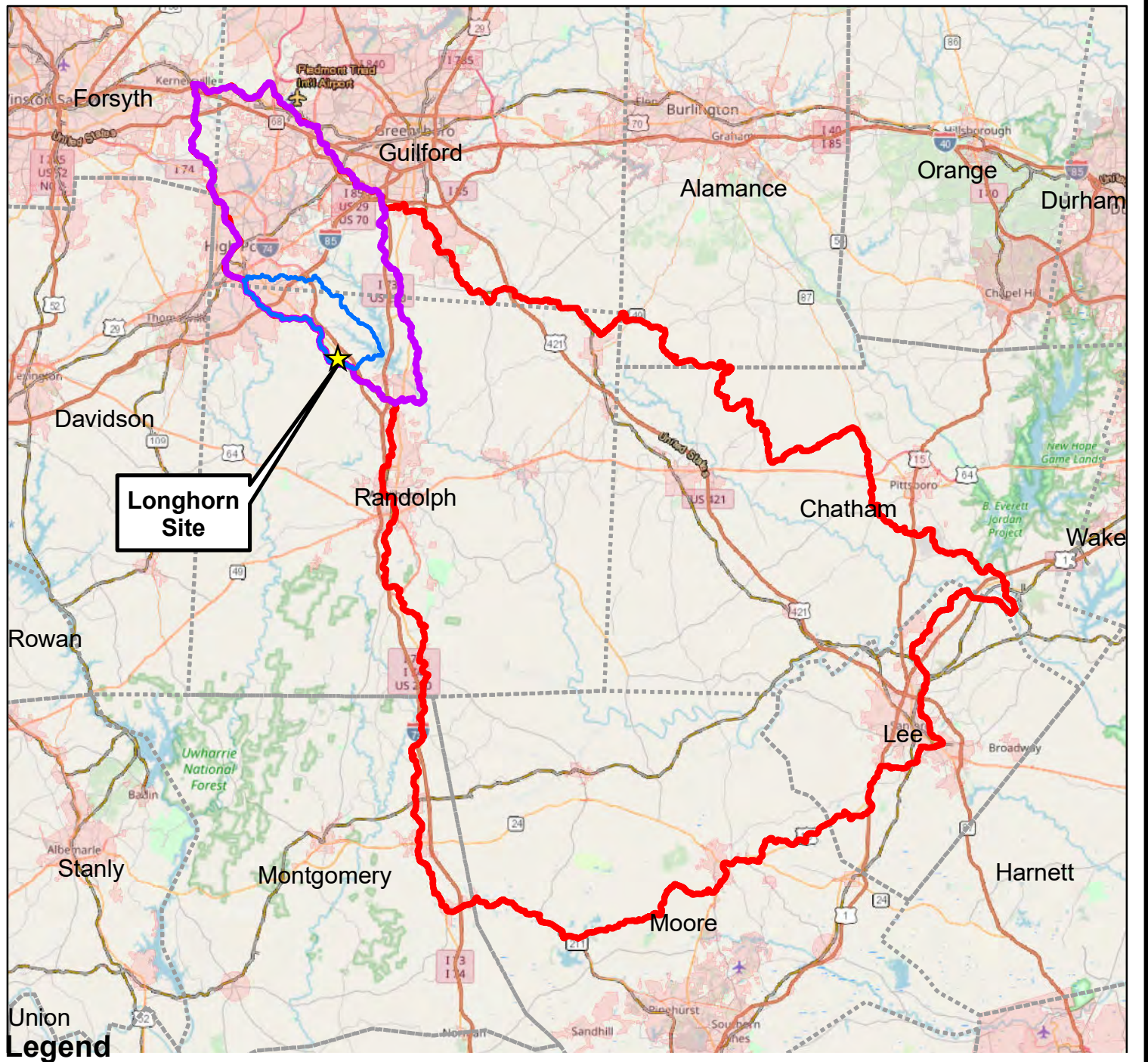






Longhorn Riparian
 Buffer Mitigation Site
 Cataloging Unit 03030003
 Randolph County, NC
 Map Date: 01-07-19
 LMG # 40-18-457

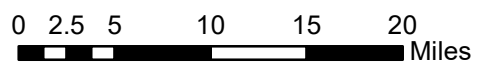
CLEARWATER MITIGATION
 SOLUTIONS



Figure 1
 Vicinity Map



-  Longhorn Project Boundary
-  Muddy Creek Watershed (030300030106)
-  Randleman Lake Watershed
-  8-Digit Hydrologic Unit (03030003)



Boundaries are approximate and not meant to be absolute.

Map Source: ArcGIS Open Street Map

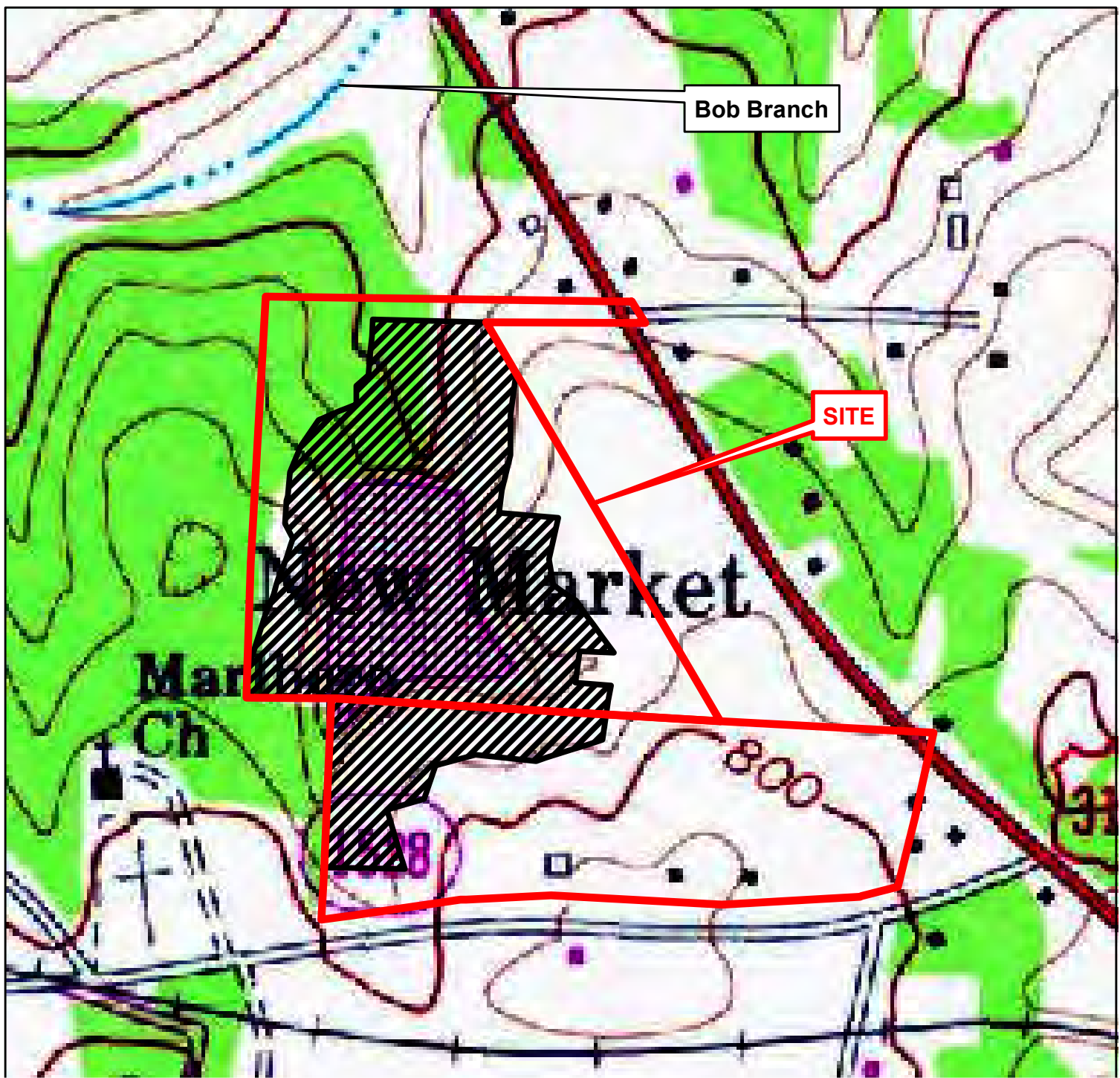
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Longhorn Riparian
 Buffer Mitigation Site
 Cataloging Unit 03030003
 Randolph County, NC
 Map Date: 02-24-20
 LMG # 19.249

CLEARWATER MITIGATION
 SOLUTIONS



Figure 2
Watershed Map



Legend

- Parcel Boundary: ~45.18 Acres
- Longhorn Conservation Easement: ~20.81 Acres

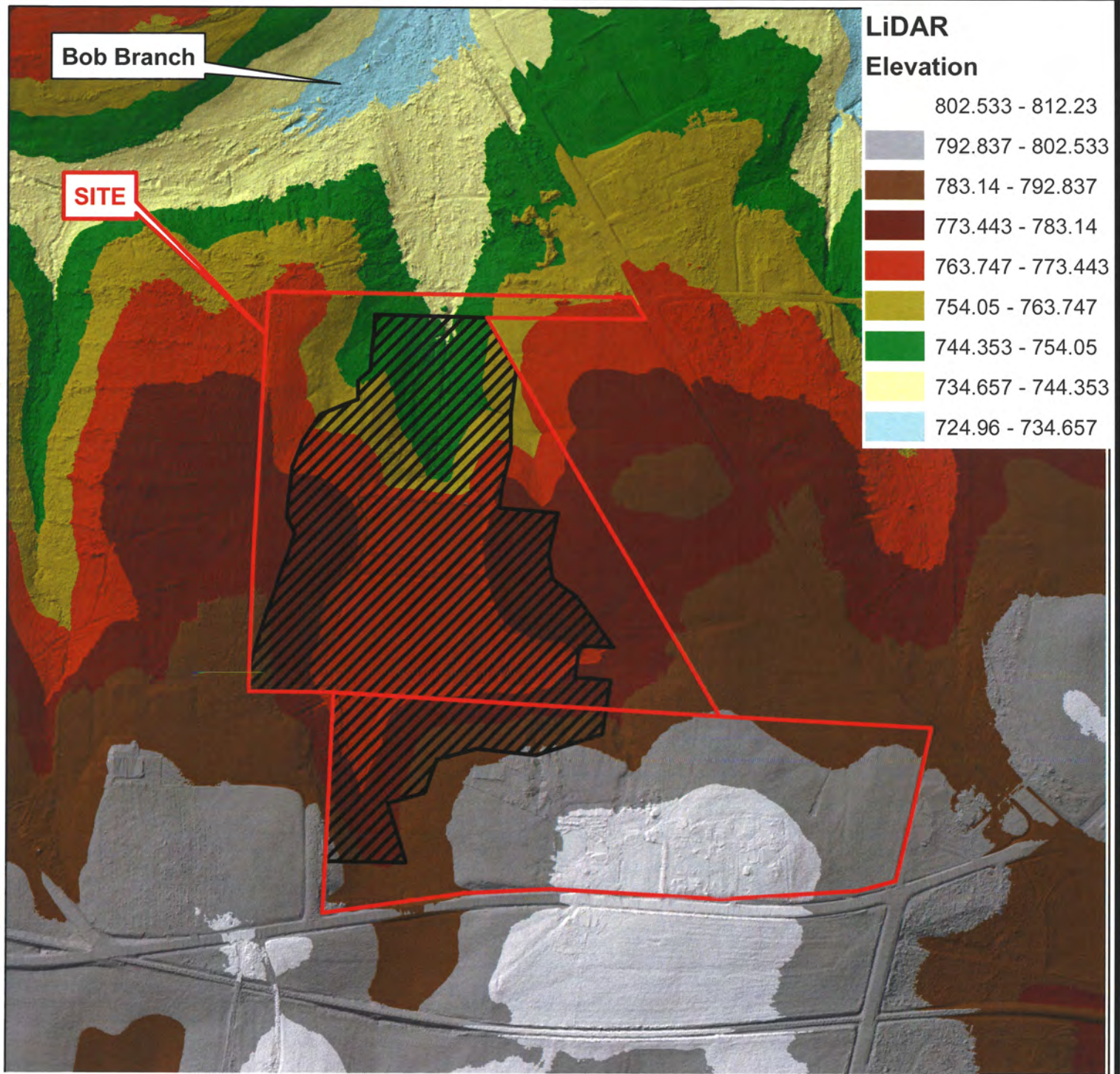
L:\WETLANDS\2019 WETLANDS FILES\LMG19.249 --- Longhorn Buffer Project, Kevin Yates\Mitigation Plan\Draft Mit Plan\Figures
 Boundaries are approximate and not meant to be absolute.
 Map Source: USGS Glenola Quadrangle 7.5 Minute



Longhorn Riparian
 Buffer Mitigation Site
 Cataloging Unit 03030003
 Randolph County, NC
 Map Date: 02-24-20
 LMG # 19.249



Figure 3
Topographic Map



LiDAR Elevation

802.533 - 812.23
792.837 - 802.533
783.14 - 792.837
773.443 - 783.14
763.747 - 773.443
754.05 - 763.747
744.353 - 754.05
734.657 - 744.353
724.96 - 734.657

Legend

- Parcel Boundary: ~45.18 Acres
- Longhorn Conservation Easement: ~20.81 Acres

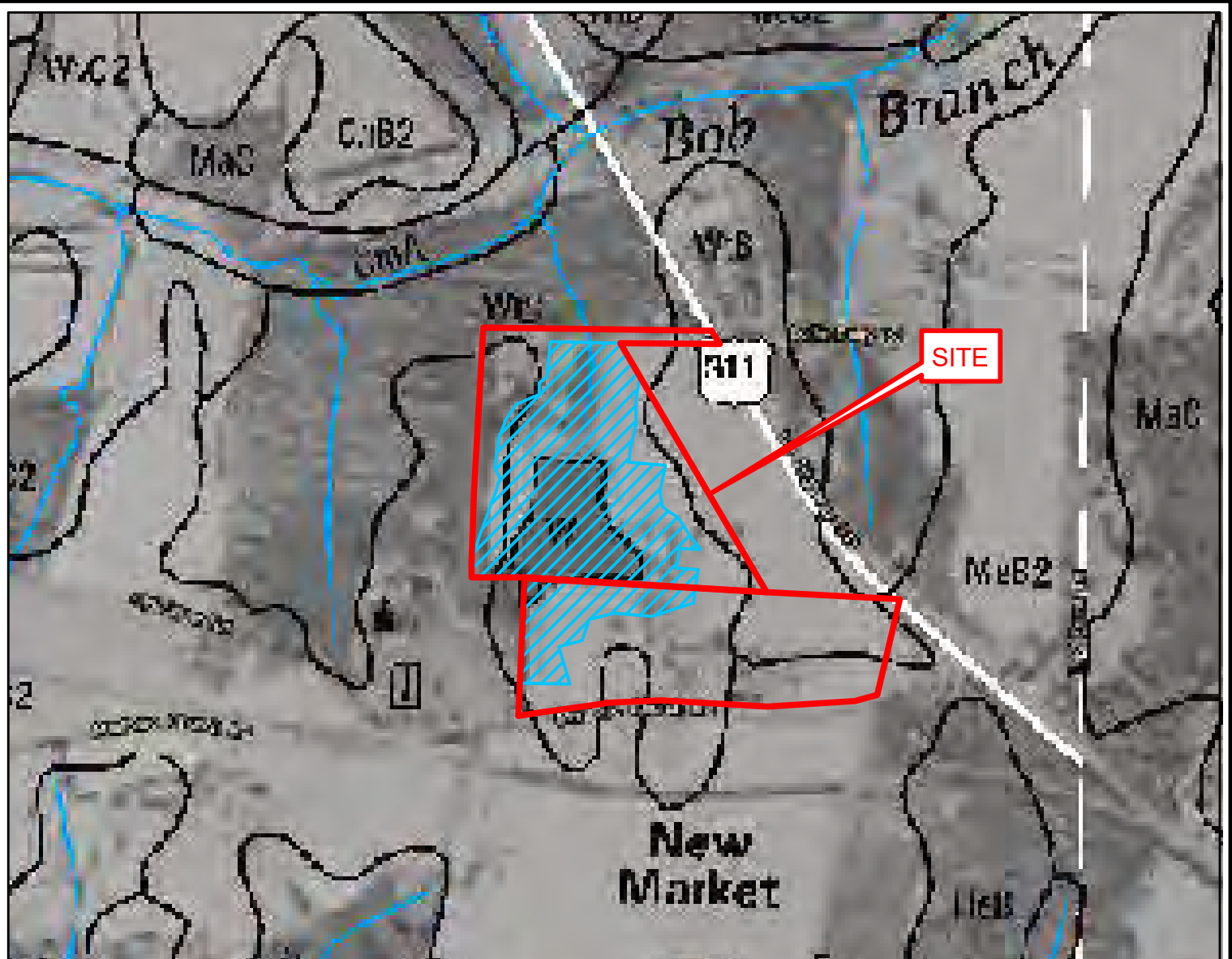
L:\WETLANDS\2019 WETLANDS FILES\LMG19.249 --- Longhorn Buffer Project, Kevin Yates\Mitigation Plan\Draft Mit Plan\Figures
 Boundaries are approximate and not meant to be absolute.
 Map Source: NC Floodplain Mapping Program 2014 QL2 LiDAR Data



Longhorn Riparian
 Buffer Mitigation Site
 Cataloging Unit 03030003
 Randolph County, NC
 Map Date: 02-24-20
 LMG # 19.249



**Figure 4
 LiDAR Map**



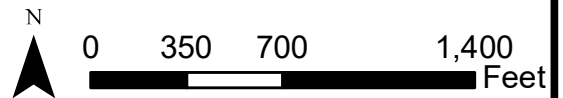
Legend

- CmA: Chewacla and Wehadkee soils, 0-2% slopes, frequently flooded
- CnB2: Coronaca clay loam, 2-8% slopes, moderately eroded
- CnC2: Coronaca clay loam, 8-15% slopes, moderately eroded
- HeB: Helena sandy loam, 2-6% slopes
- HeC: Helena sandy loam, 6-10% slopes
- MaC: Mecklenburg loam, 8-15% slopes
- MeB2: Mecklenburg clay loam, 2-8% slopes, moderately eroded
- MeC2: Mecklenburg clay loam, 8-15% slopes, moderately eroded
- WtB: Wynott-Enon complex, 2-8% slopes
- WtC: Wynott-Enon complex, 8-15% slopes
- WvB2: Wynott-Enon complex, 2-8% slopes, moderately eroded
- WvC2: Wynott-Enon complex, 8-15% slopes, moderately eroded
- WzB: Wynott-Wilkes-Poindexter complex, 2-8% slopes

Longhorn Conservation Easement

\\WETLANDS\2019 WETLANDS FILES\LMG19.249 - Longhorn Buffer Project, Kevin Yates\Mitigation Plan\Draft Mit Plan\Figures
 Boundaries are approximate and not meant to be absolute.

Map Source: NRCS Randolph County Soil Survey, 2006

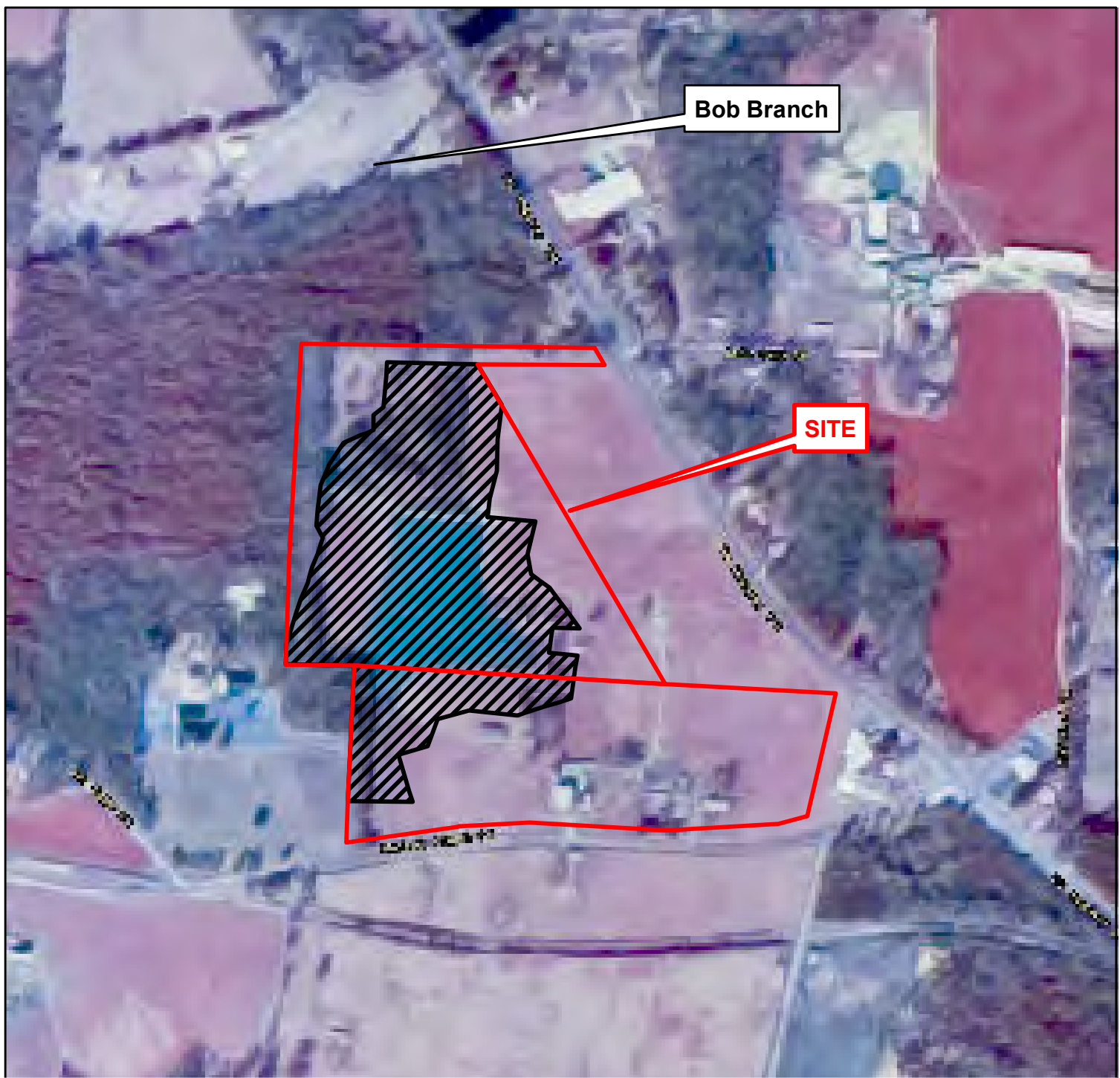


Longhorn Riparian
 Buffer Mitigation Site
 Cataloging Unit 03030003
 Randolph County, NC
 Map Date: 02-24-20
 LMG # 19.249



CLEARWATER MITIGATION
 SOLUTIONS



**Figure 5
 Soils Map**



Legend

-  Parcel Boundary: ~45.18 Acres
-  Longhorn Conservation Easement: ~20.81 Acres

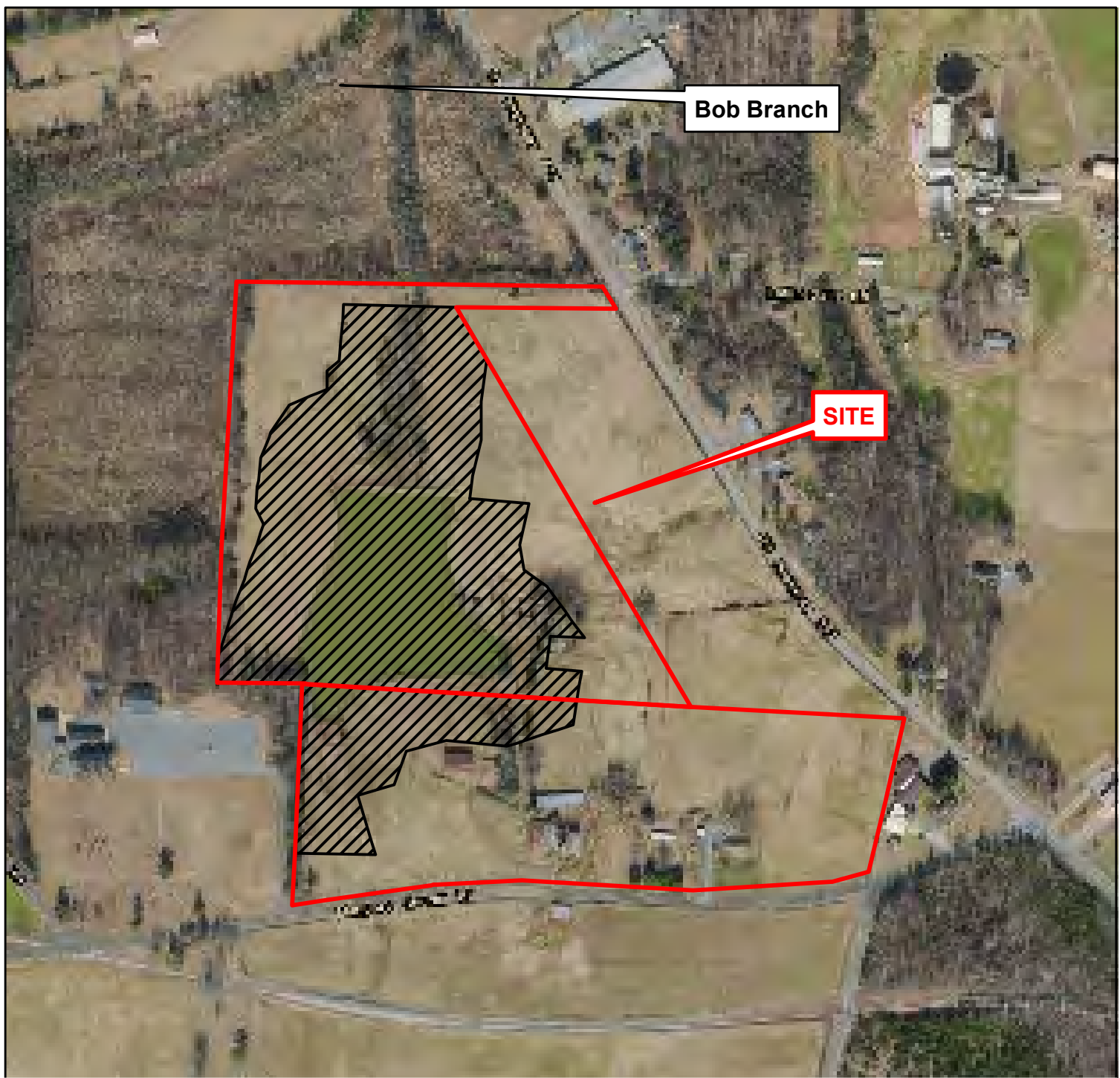
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 Boundaries are approximate and not meant to be absolute.
 Map Source: 1998 NAPP Aerial Photography





Longhorn Riparian
 Buffer Mitigation Site
 Cataloging Unit 03030003
 Randolph County, NC
 Map Date: 02-24-20
 LMG # 19.249



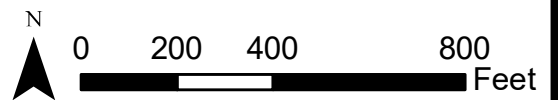
Figure 6
1998 Aerial Photograph



Legend

-  Parcel Boundary: ~45.18 Acres
-  Longhorn Conservation Easement: ~20.81 Acres

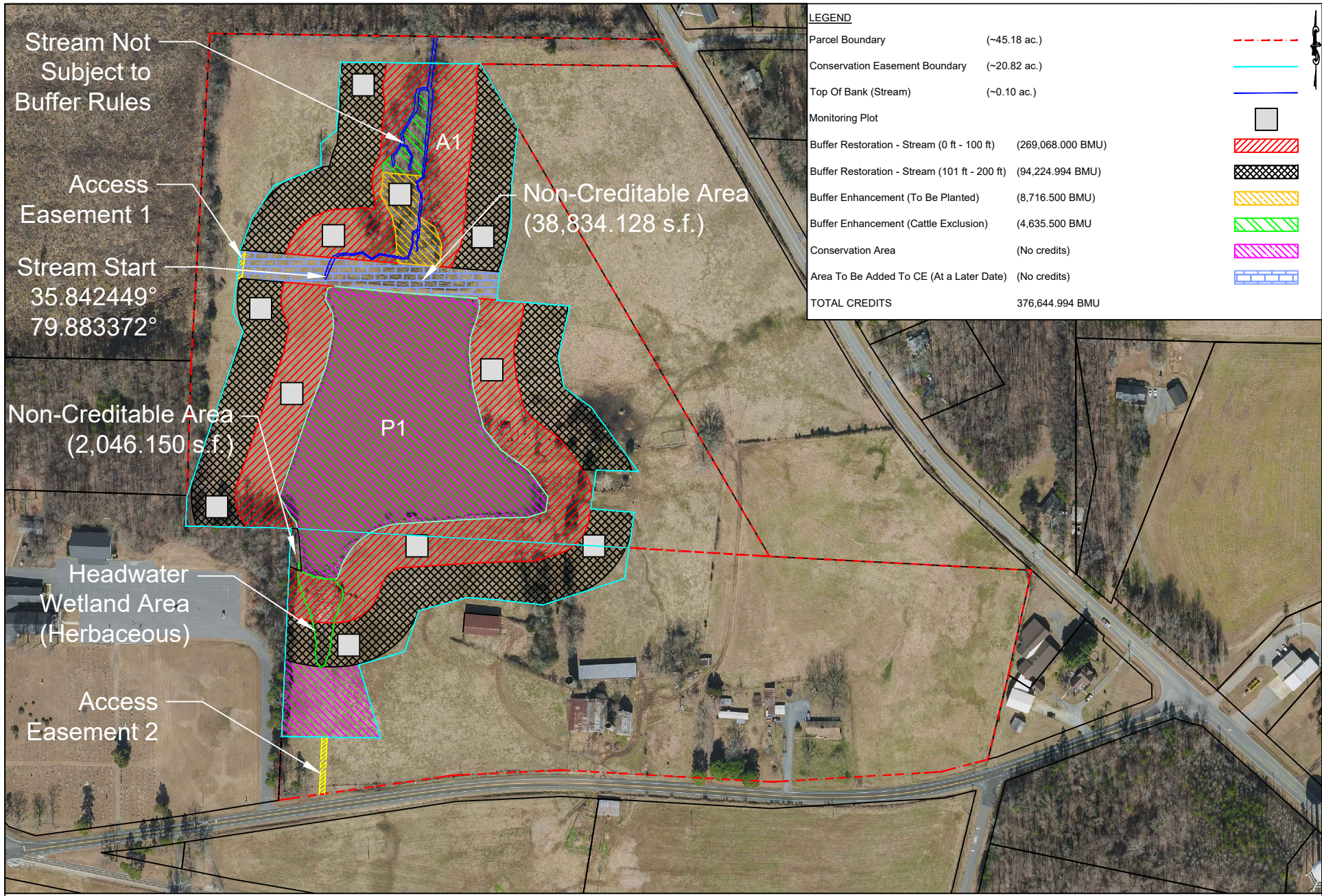
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 Boundaries are approximate and not meant to be absolute.
 Map Source: 2016 ESRI World Imagery



Longhorn Riparian
 Buffer Mitigation Site
 Cataloging Unit 03030003
 Randolph County, NC
 Map Date: 02-24-20
 LMG # 19.249



**Figure 7
 Aerial Photograph**



LEGEND

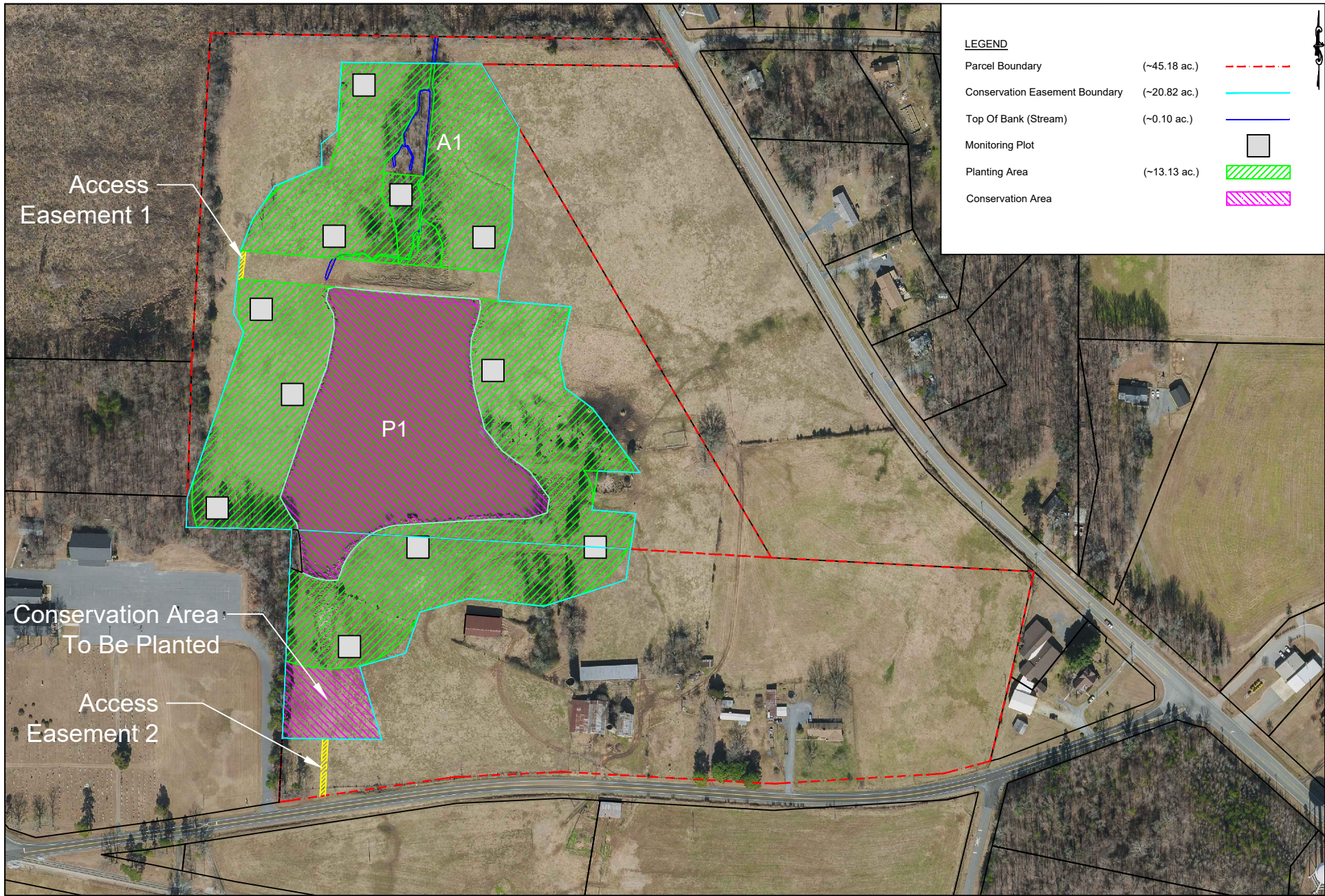
Parcel Boundary	(~45.18 ac.)	
Conservation Easement Boundary	(~20.82 ac.)	
Top Of Bank (Stream)	(~0.10 ac.)	
Monitoring Plot		
Buffer Restoration - Stream (0 ft - 100 ft)	(269,068.000 BMU)	
Buffer Restoration - Stream (101 ft - 200 ft)	(94,224.994 BMU)	
Buffer Enhancement (To Be Planted)	(8,716.500 BMU)	
Buffer Enhancement (Cattle Exclusion)	(4,635.500 BMU)	
Conservation Area	(No credits)	
Area To Be Added To CE (At a Later Date)	(No credits)	
TOTAL CREDITS	376,644.994 BMU	

NOTES:

1. TAX PARCEL BOUNDARIES AND 2018 AERIAL FROM NCONEMAP.
2. BOUNDARIES ARE APPROXIMATE AND NOT MEANT TO BE ABSOLUTE.

0 150 300 600

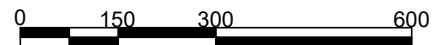
	Project: Longhorn Riparian Buffer Mitigation Site Catalog Unit 03030003	Date: November 2019	Revision Date: 2/26/2020
	Title: Mitigation Plan	Scale: 1"=300'	Job Number: LMG19.249
		Drawn By: GSF	Figure: 8A



LEGEND

Parcel Boundary	(~45.18 ac.)	---
Conservation Easement Boundary	(~20.82 ac.)	—
Top Of Bank (Stream)	(~0.10 ac.)	—
Monitoring Plot		□
Planting Area	(~13.13 ac.)	▨
Conservation Area		▨

- NOTES:**
1. TAX PARCEL BOUNDARIES AND 2018 AERIAL FROM NCONEMAP.
 2. BOUNDARIES ARE APPROXIMATE AND NOT MEANT TO BE ABSOLUTE.



Project:
Longhorn Riparian Buffer
Mitigation Site
Catalog Unit 03030003

Title:
Planting Plan

Date:
2/26/2020

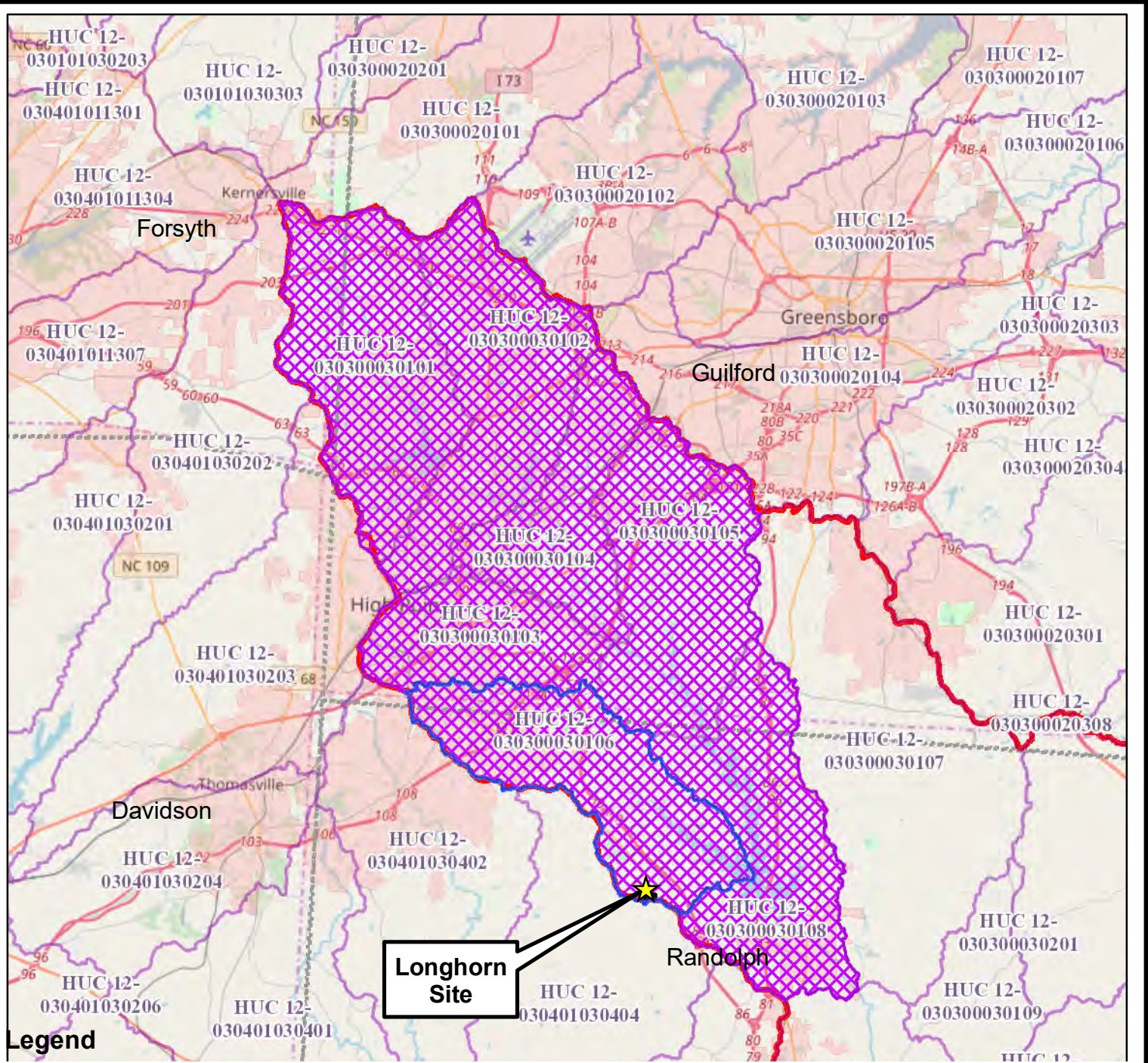
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1"=300'

Drawn By:
GSF






Revision Date:
NA

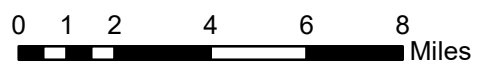
Job Number:
LMG19.249

Figure:
8B



Legend

-  Longhorn Project Boundary
-  12-digit HU (Subwatershed)
-  Muddy Creek Watershed (030300030106)
-  Randleman Lake Watershed (Service Area)
-  8-Digit Hydrologic Unit (03030003)



Boundaries are approximate and not meant to be absolute.

Map Source: ArcGIS Open Street Map

L:\WETLANDS\2019 WETLANDS FILES\LMG19.249 --- Longhorn Buffer Project, Kevin Yates\Mitigation Plan\Draft Mit Plan\Figures

Longhorn Riparian
 Buffer Mitigation Site
 Cataloging Unit 03030003
 Randolph County, NC
 Map Date: 02-24-20
 LMG # 19.249

CLEARWATER MITIGATION
 SOLUTIONS



Figure 9
Service Area Map



McADAMS

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Durham, NC 27713

phone 919. 361. 5000
fax 919. 361. 2269
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CLIENT

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PHONE: 919. 624. 6901

CLEARWATER MITIGATION SOLUTIONS

FIGURE 10
LONGHORN MITIGATION SITE
CONSTRUCTION DRAWINGS
2546 MARLBORO CHURCH RD
SOPHIA, NC 27350



REVISIONS

NO. DATE

PLAN INFORMATION

PROJECT NO. CLW-18000
FILENAME CLW18000-EC1
CHECKED BY RAS
DRAWN BY RAS
SCALE 1" = 80'
DATE 02.05.2020

SHEET

EROSION CONTROL PLAN

C6.01

FIGURE 10

— Cattle Exclusion Fencing

■ Access Gates

GRADING LEGEND

	FLARED END SECTION
	CONTOUR ELEVATION
	STORM DRAINAGE
	LIMITS OF DISTURBANCE
	MAJOR CONTOUR
	MINOR CONTOUR
	EXISTING MAJOR CONTOUR
	EXISTING MINOR CONTOUR

EROSION CONTROL LEGEND

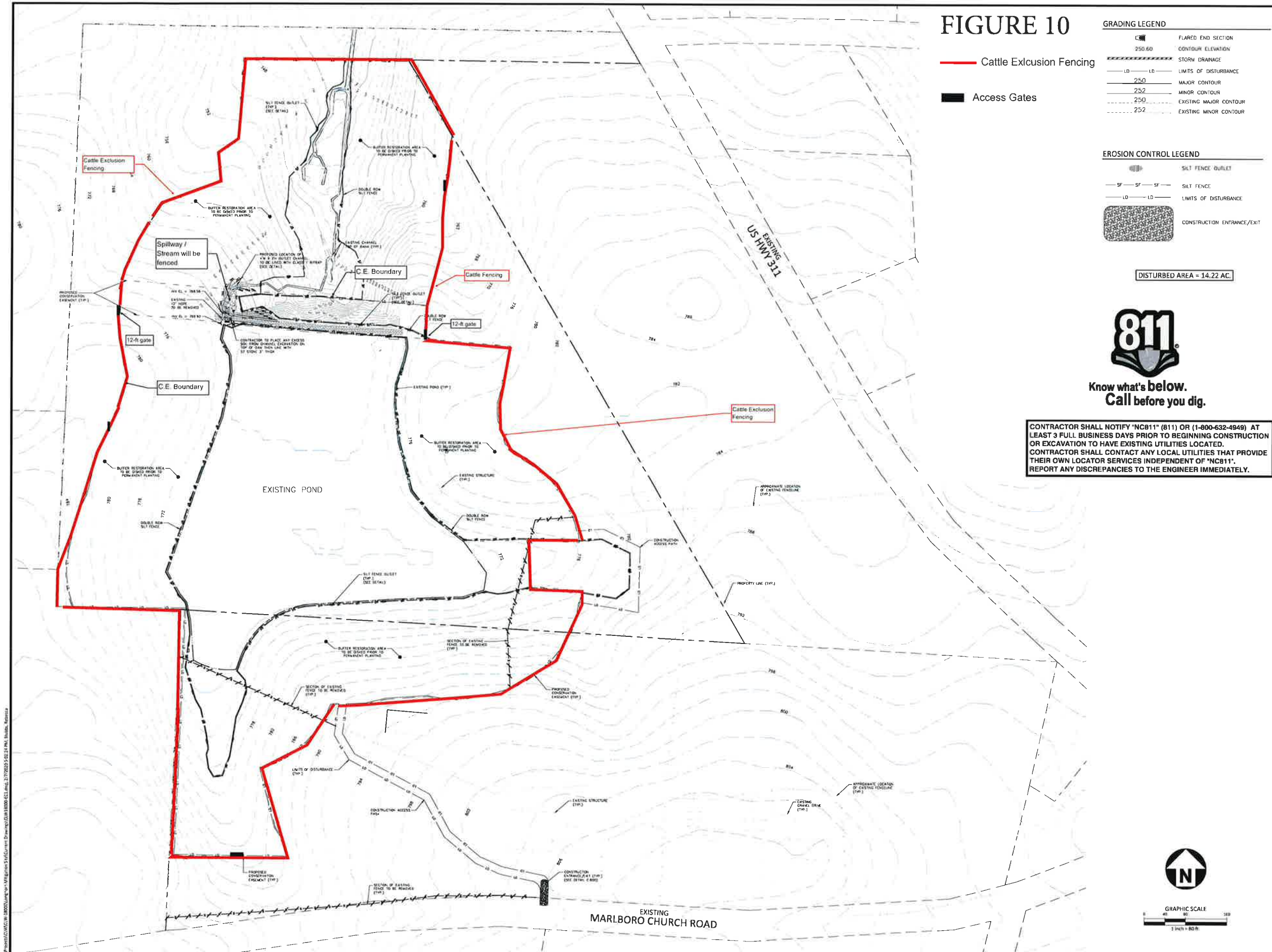
	SILT FENCE OUTLET
	SILT FENCE
	LIMITS OF DISTURBANCE
	CONSTRUCTION ENTRANCE/EXIT

DISTURBED AREA = 14.22 AC.



Know what's below.
Call before you dig.

CONTRACTOR SHALL NOTIFY "NC811" (811) OR (1-800-632-4949) AT LEAST 3 FULL BUSINESS DAYS PRIOR TO BEGINNING CONSTRUCTION OR EXCAVATION TO HAVE EXISTING UTILITIES LOCATED. CONTRACTOR SHALL CONTACT ANY LOCAL UTILITIES THAT PROVIDE THEIR OWN LOCATOR SERVICES INDEPENDENT OF "NC811". REPORT ANY DISCREPANCIES TO THE ENGINEER IMMEDIATELY.



PRELIMINARY DRAWING - NOT RELEASED FOR CONSTRUCTION

APPENDIX A.

HISTORIC AERIAL PHOTOGRAPHY



Randleman Site

Highway311

Sophia, NC 27350

Inquiry Number: 5526647.1

January 07, 2019

The EDR Aerial Photo Decade Package



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

EDR Aerial Photo Decade Package

01/07/19

Site Name:

Randleman Site
Highway311
Sophia, NC 27350
EDR Inquiry # 5526647.1

Client Name:

Land Management Group, Inc.
3805 Wrightsville Avenue
Wilmington, NC 28403
Contact: Randy Brant



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

Search Results:

<u>Year</u>	<u>Scale</u>	<u>Details</u>	<u>Source</u>
2016	1"=500'	Flight Year: 2016	USDA/NAIP
2012	1"=500'	Flight Year: 2012	USDA/NAIP
2009	1"=500'	Flight Year: 2009	USDA/NAIP
2006	1"=500'	Flight Year: 2006	USDA/NAIP
1999	1"=750'	Flight Date: February 15, 1999	USGS
1993	1"=500'	Acquisition Date: February 02, 1993	USGS/DOQQ
1983	1"=500'	Flight Date: April 04, 1983	NHAP
1973	1"=500'	Flight Date: February 24, 1973	USGS
1970	1"=500'	Flight Date: May 07, 1970	USDA
1969	1"=500'	Flight Date: March 13, 1969	USGS
1964	1"=500'	Flight Date: September 14, 1964	USGS
1950	1"=500'	Flight Date: November 18, 1950	USGS
1948	1"=500'	Flight Date: May 19, 1948	USGS

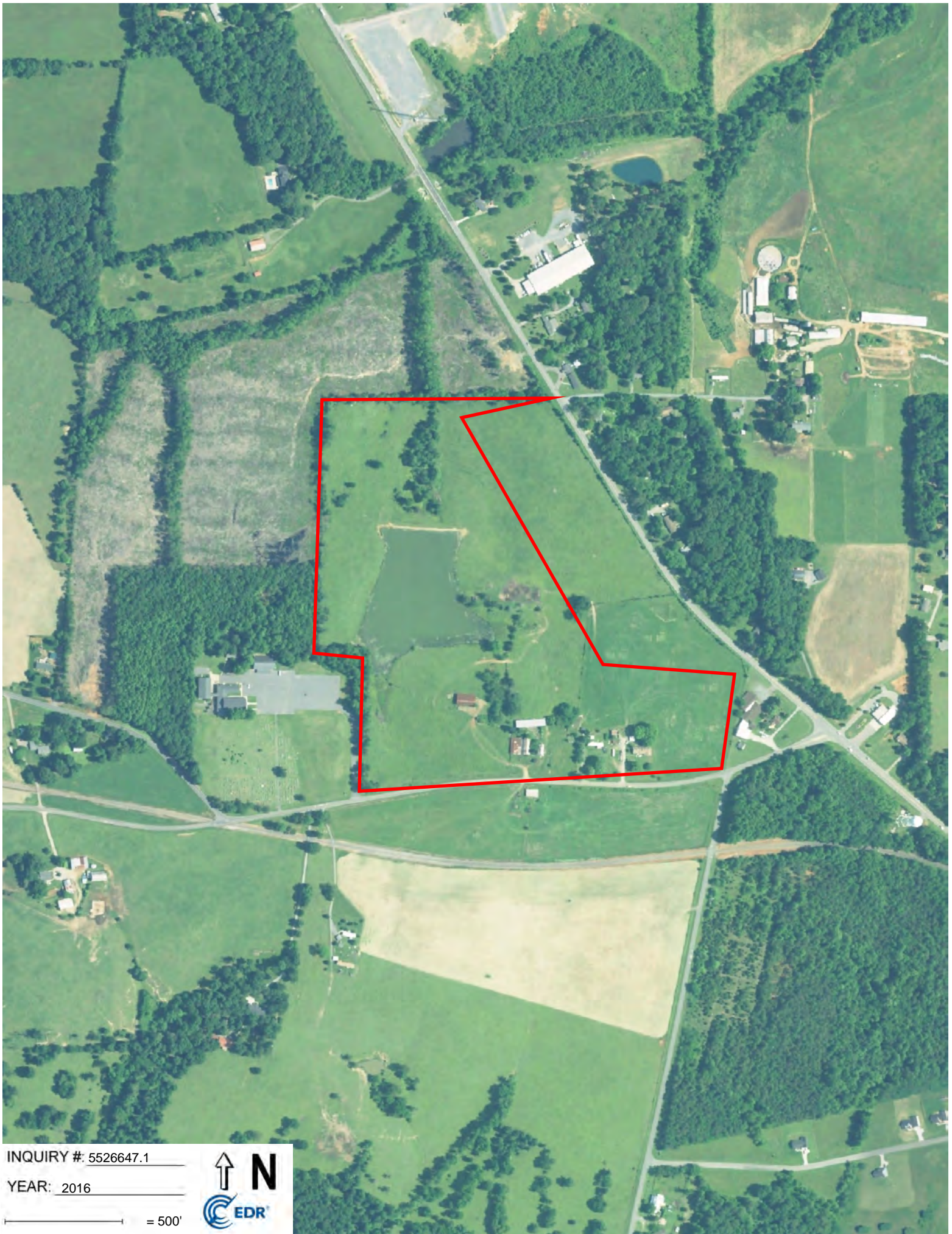
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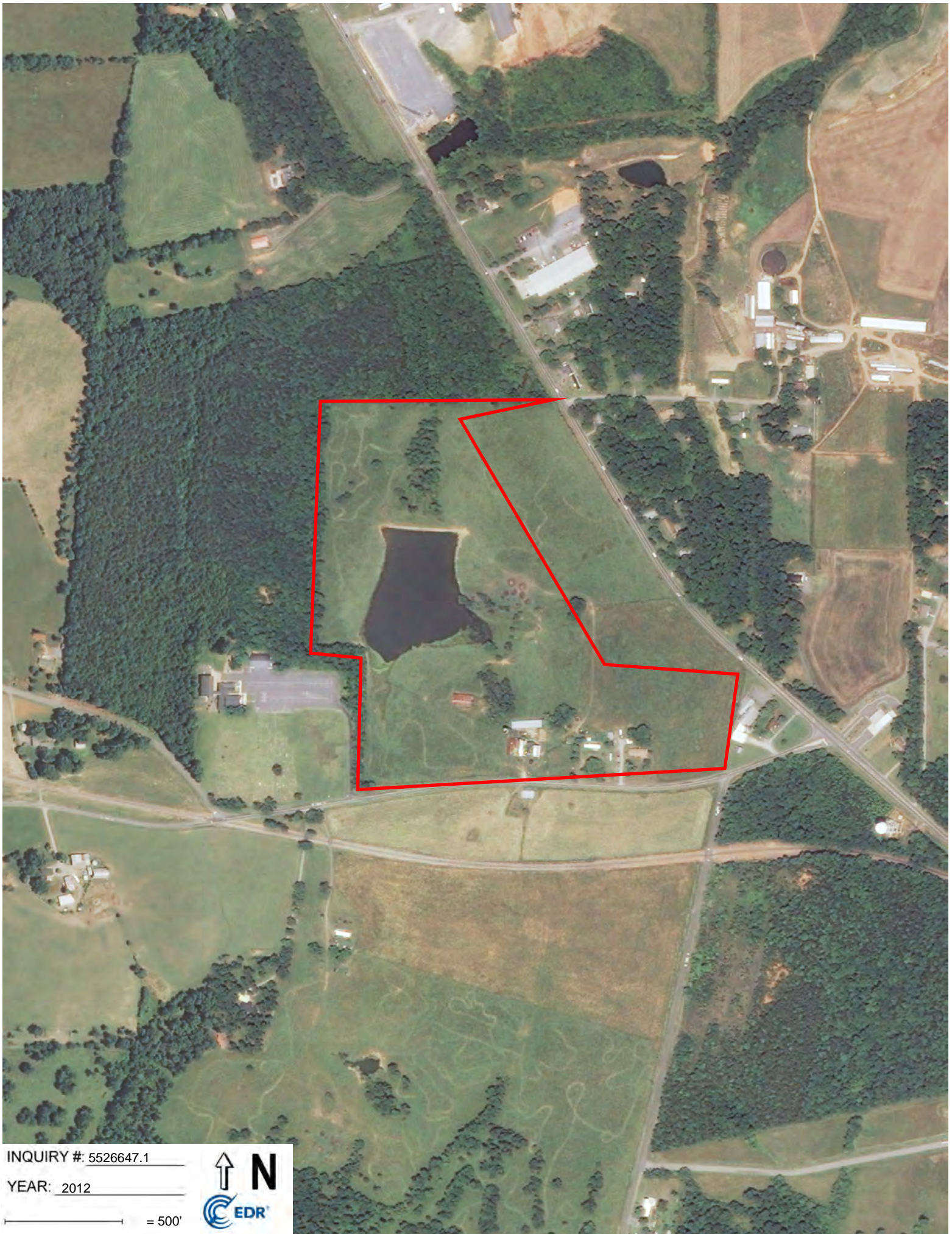


INQUIRY #: 5526647.1

YEAR: 2016

— = 500'



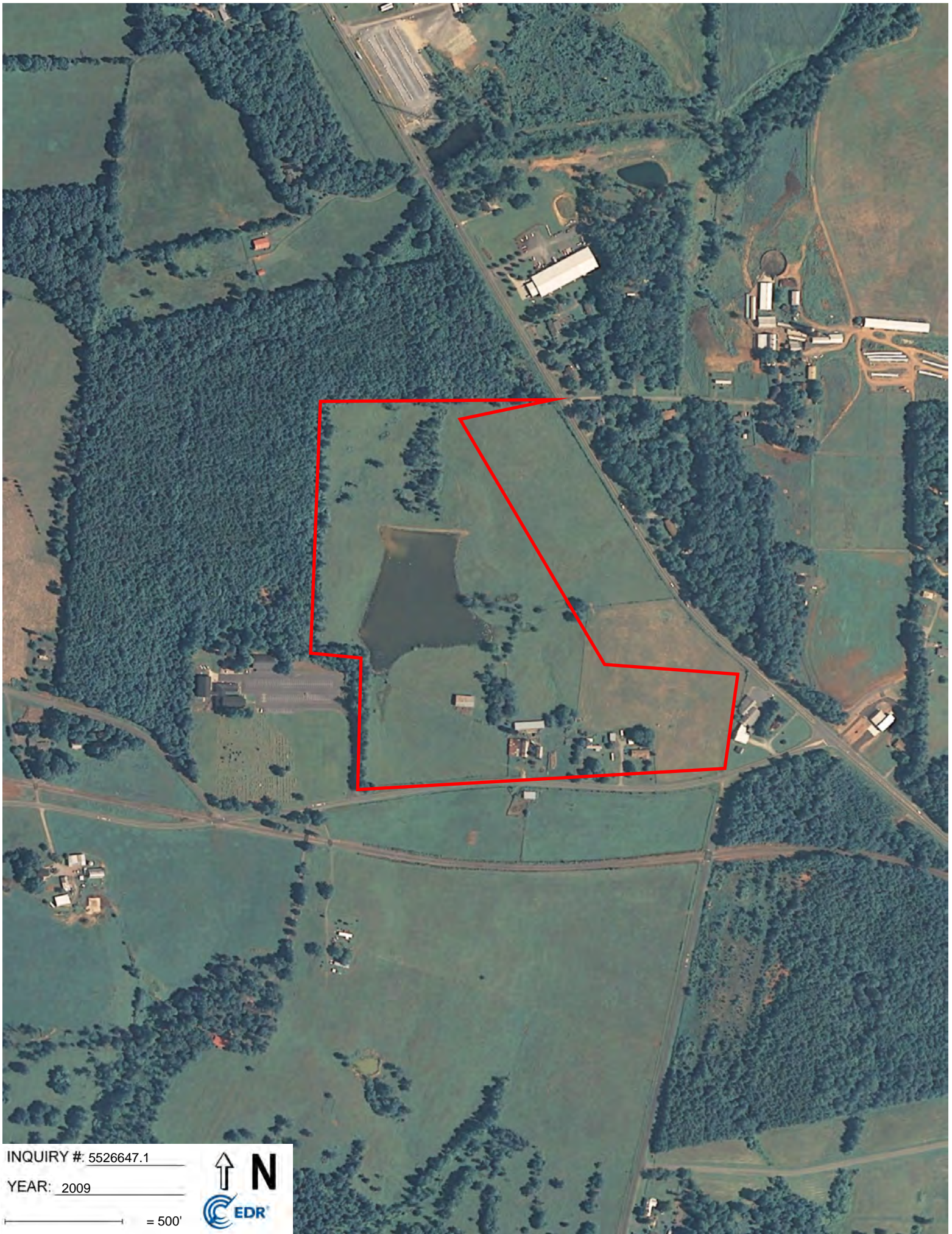


INQUIRY #: 5526647.1

YEAR: 2012

— = 500'



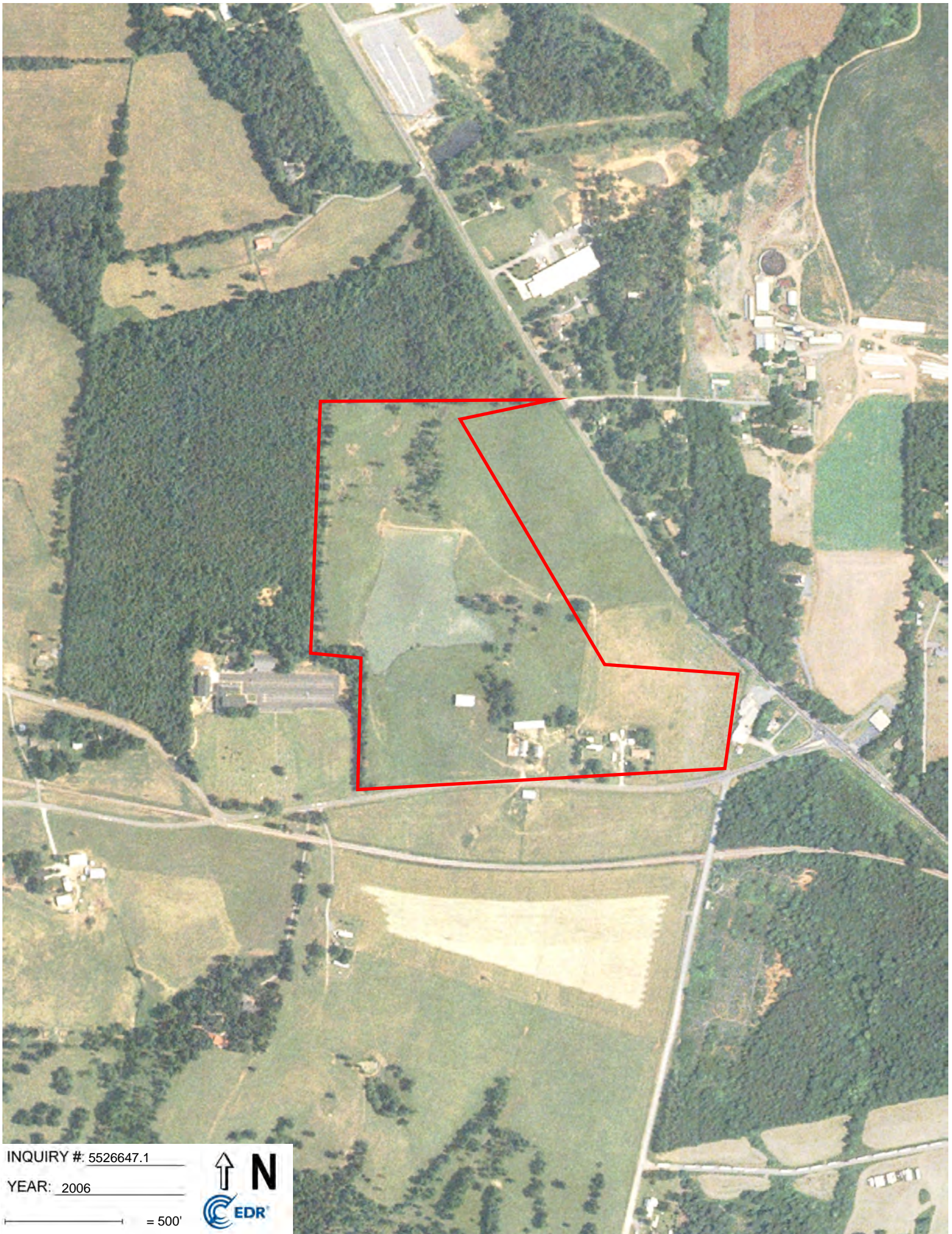


INQUIRY #: 5526647.1

YEAR: 2009

— = 500'





INQUIRY #: 5526647.1

YEAR: 2006

— = 500'





INQUIRY #: 5526647.1

YEAR: 1999

— = 750'



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



INQUIRY #: 5526647.1

YEAR: 1993

— = 500'



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

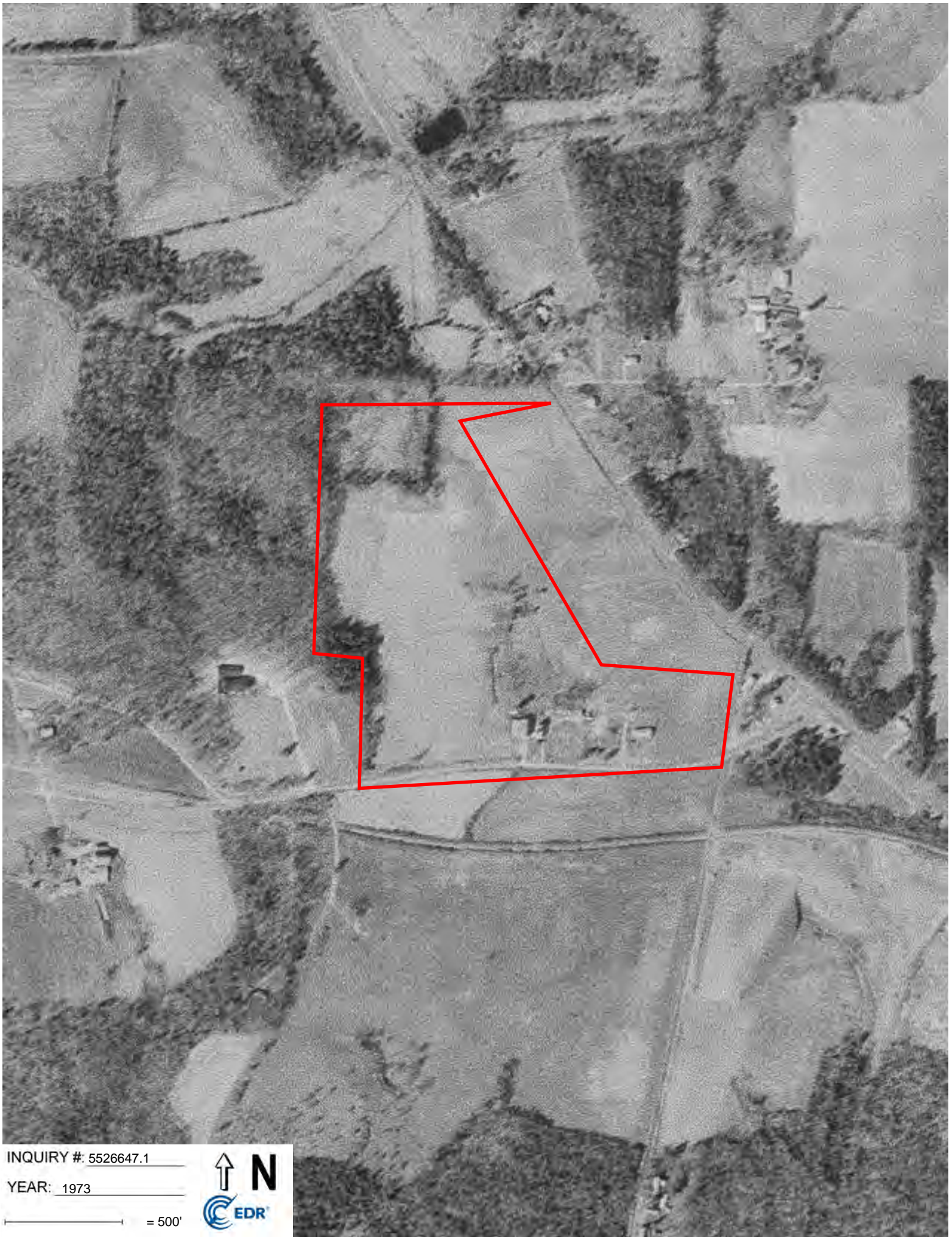


INQUIRY #: 5526647.1

YEAR: 1983

— = 500'



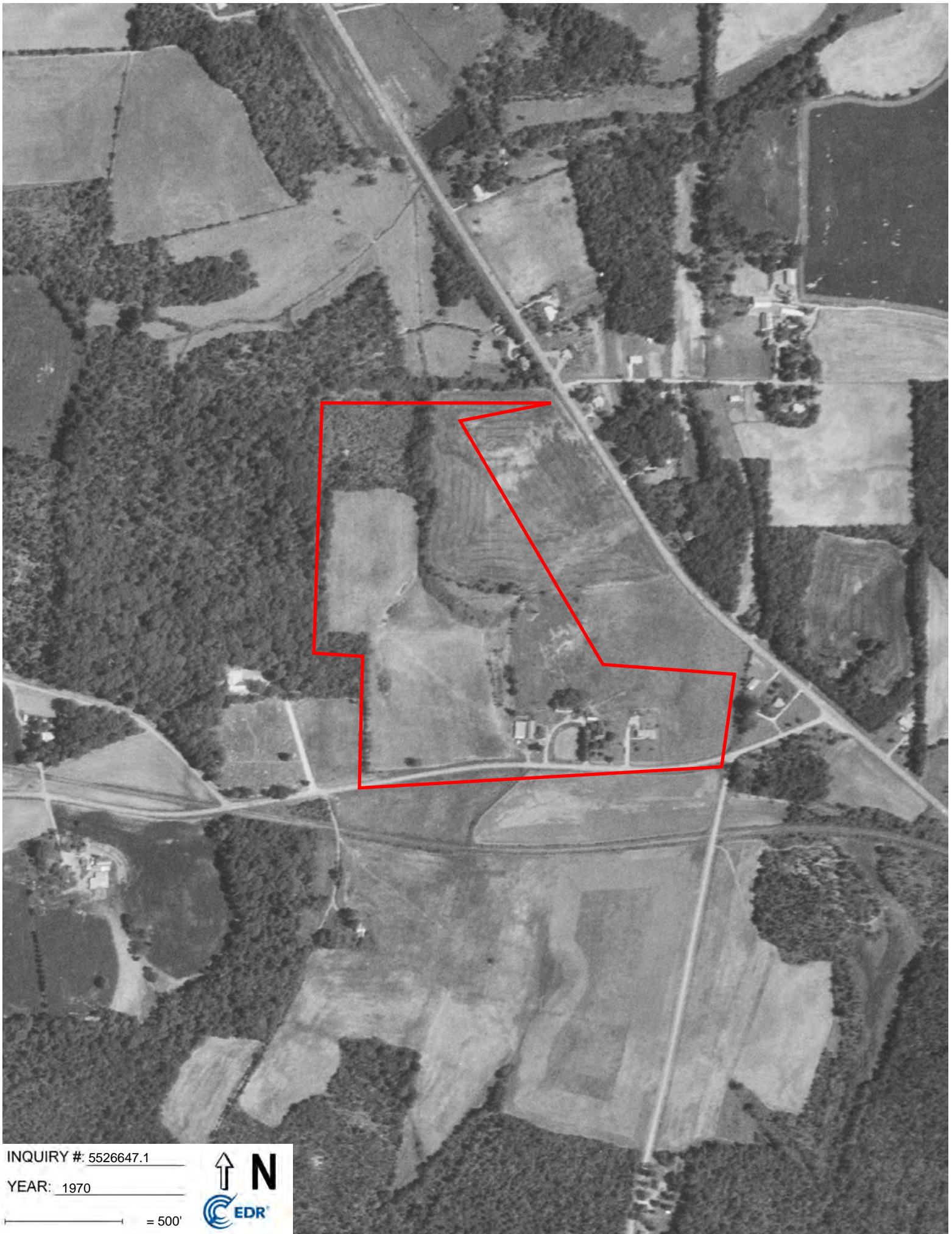


INQUIRY #: 5526647.1

YEAR: 1973

— = 500'





INQUIRY #: 5526647.1

YEAR: 1970

— = 500'



1:5:0

3-13-69

INQUIRY #: 5526647.1

YEAR: 1969

— = 500'



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

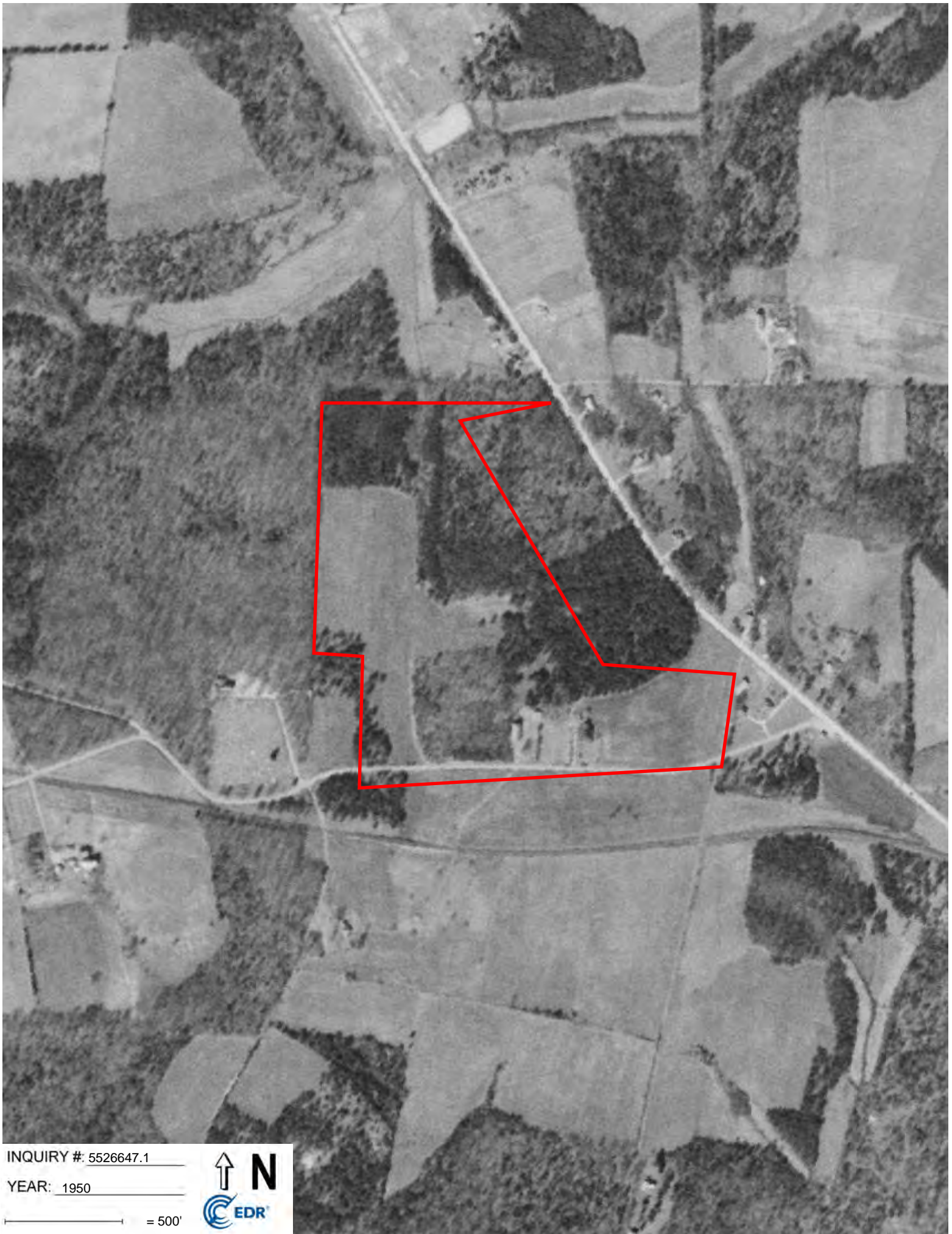


INQUIRY #: 5526647.1

YEAR: 1964

— = 500'



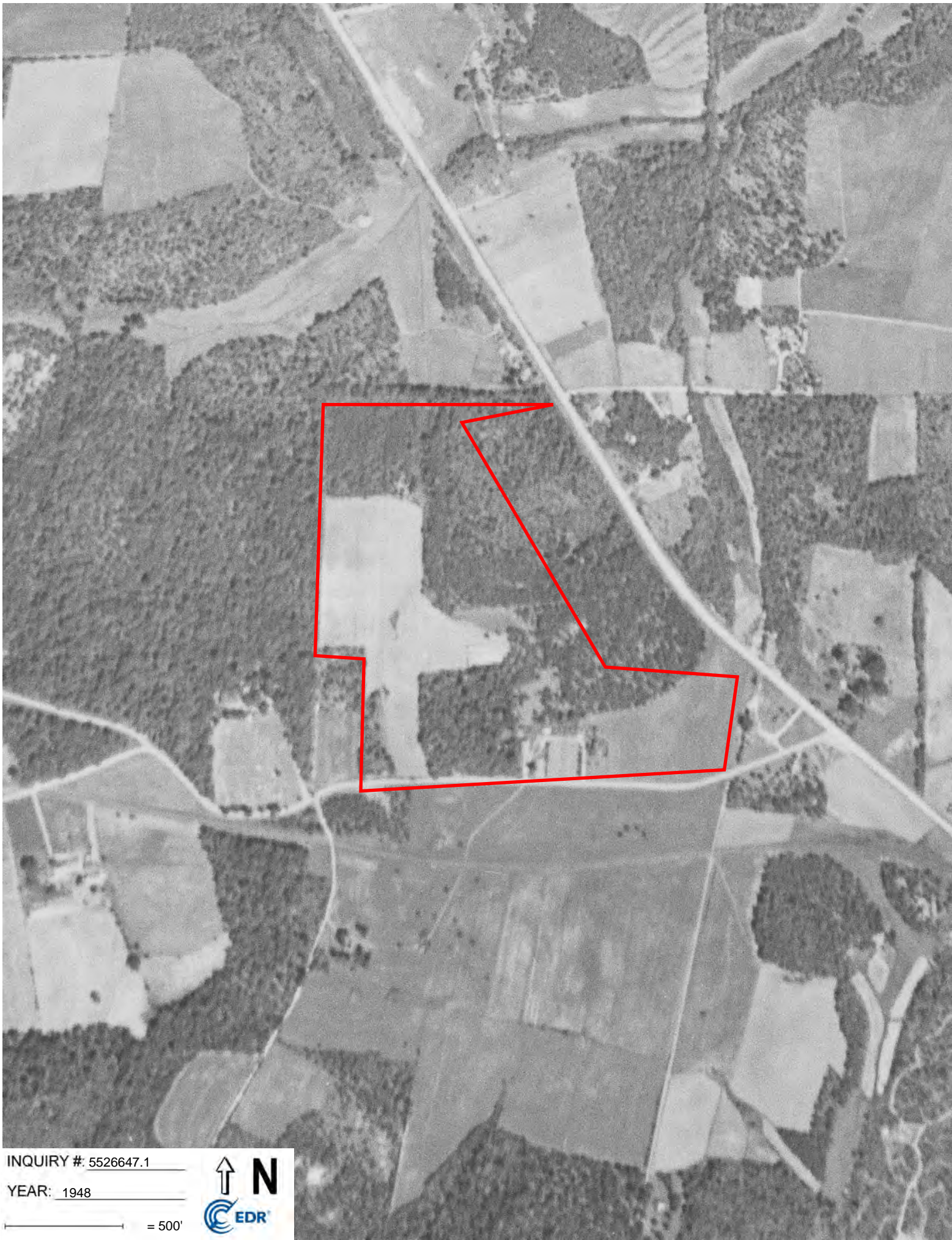


INQUIRY #: 5526647.1

YEAR: 1950

— = 500'





INQUIRY #: 5526647.1

YEAR: 1948

— = 500'



APPENDIX B.

DWR STREAM DETERMINATION LETTER

ROY COOPER
Governor
MICHAEL S. REGAN
Secretary
LINDA CULPEPPER
Director



NORTH CAROLINA
Environmental Quality

July 24, 2019

Kevin Yates
Clearwater Mitigation Solutions
604 Macon Place
Raleigh, NC 27609

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

Subject Property: Longhorn Buffer Mitigation Site, 2546 Marlboro Church Rd, Sophia NC, Randolph County
DWR # 2019-0681

Dear Mr. Yates:

On June 19, 2019, at your request, Sue Homewood conducted an on-site determination to review features located on the subject project for stream determinations with regards to the above noted state regulations. Katie Merritt with the Division of Water Resources (Division) – 401 & Buffer Permitting Branch was also present during the site visit.

The attached sketch depicts the channels that were reviewed during the site visit. Channel A1 and Pond P1 as shown on the attached sketch were determined to be subject to the Randleman Buffer Rules cited above. Please note that these regulations may be subject to change in the future.

The owner (or future owners) should notify the Division (and other relevant agencies) of this decision in any future correspondences concerning this property. This on-site determination shall expire five (5) years from the date of this letter.



North Carolina Department of Environmental Quality | Division of Water Resources
Winston-Salem Regional Office | 450 W. Hanes Mill Road, Suite 300 | Winston-Salem, North Carolina 27105
336-776-9800

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

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

Sincerely,

DocuSigned by:
Sue Homewood
458ED631098F411

Sue Homewood
Winston-Salem Regional Office

Enclosures: USGS Topo Map
Clearwater Mitigation Solutions Mitigation Plan Layout – DWR initialed/dated

Cc: Curtis Redding, 4126 Baker Farm Rd, Sophia NC 27530
Katie Merritt, DWR (via email)
Jeremiah Dow, DMS (via email)
DWR, Winston-Salem Regional Office



LEGEND		
Parcel Boundary	(~45.18 ac.)	
Conservation Easement	(~14.24 ac.)	
Top Of Bank (Stream)	(~0.04 ac.)	
Buffer Restoration - Stream (0 ft - 100 ft)	(6.10 ac. = 265,679,720 BMU)	
Buffer Restoration - Stream (101 ft - 200 ft)	(6.60 ac. = 94,825,632 BMU)	
Buffer Enhancement	(0.41 ac. = 8,882,170 BMU)	
Buffer Enhancement (Cattle Exclusion)	(0.24 ac. = 5,233,465 BMU)	
Conservation Area	(0.82 ac. = No credits)	
TOTAL CREDITS	(13.35 ac = 374,620,987 BMU)	

Stream Start
 35.842449°
 79.883372°

Headwater
 Wetland Area
 (Herbaceous)

- NOTES:
 1. TAX PARCEL BOUNDARIES AND 2018 AERIAL FROM NCONEMAP.
 2. BOUNDARIES ARE APPROXIMATE AND NOT MEANT TO BE ABSOLUTE.



DS
 SH 7/24/2019



Project: Longhorn Riparian Buffer Mitigation Site Catalog Unit 03030003	Date: June 2019	Revision Date: N/A
Title: Mitigation Plan Layout	Scale: 1"=300'	Job Number: LMG18.457
	Drawn By: GSF	Figure: 8

APPENDIX C.

SITE PHOTOGRAPHS

APPENDIX C. SITE PHOTOS – EXISTING CONDITIONS



Photo Date: December 18, 2018

(1) Stream channel A1 facing downstream and northeast (includes riparian buffer areas to be planted)



Photo Date: December 18, 2018

(2) View of secondary channel facing upstream toward impoundment and enhancement area.

APPENDIX C. SITE PHOTOS – EXISTING CONDITIONS



(3) Compacted banks and floodplain of Channel A1 in area of active cattle grazing.



(4) View of cattle grazing impacts (i.e. compaction and manure) along stream channel proposed for buffer restoration.

APPENDIX C. SITE PHOTOS – EXISTING CONDITIONS



(5) View of proposed riparian buffer restoration in fields adjacent to Channel A1 (facing downstream).



(6) View of western side of impoundment and area of proposed buffer restoration.

APPENDIX C. SITE PHOTOS – EXISTING CONDITIONS



(7) View of cattle and cow patties in existing pasture land.



APPENDIX C. SITE PHOTOS – EXISTING CONDITIONS

(8) View of headwater wetland draining toward impoundment (to be included in buffer easement).



(9) View of pasture land adjacent to pond to be buffered.



(10) View of existing pasture land east of pond (looking north).

APPENDIX C. SITE PHOTOS – EXISTING CONDITIONS



(11) View of compacted pasture land adjacent to pond.

APPENDIX D.

BUFFER MITIGATION VIABILITY LETTER

ROY COOPER
Governor

MICHAEL S. REGAN
Secretary

LINDA CULPEPPER
Director



NORTH CAROLINA
Environmental Quality

July 30, 2019

Kevin Yates
Clearwater Mitigation Solutions
604 Macon Place
Raleigh, NC 27609
(via electronic mail: clearwatermitigation@gmail.com)

DWR# 2019-0681
Randolph County

Re: Site Viability for Buffer Mitigation & Nutrient Offset – Longhorn Site
Located near 2546 Marlboro Church Rd., Sophia, NC
Randleman Lake Watershed

Dear Mr. Yates,

On May 21, 2019, Katie Merritt, with the Division of Water Resources (DWR), received a request from Clearwater Mitigation Solutions (CMS) for an onsite mitigation determination near the above-referenced site (Site). The Site is located within the Randleman Lake Watershed of the Cape Fear River Basin in the 8-digit Hydrologic Unit Code 03030003. The Site is being proposed as part of a full-delivery riparian buffer mitigation project for the Division of Mitigation Services (RFP #16-007703). On June 19, 2019, Ms. Merritt performed an onsite assessment of riparian land uses adjacent to streams and channels onsite, which are shown on the attached map labeled "Mitigation Plan Layout". Staff from the Division of Mitigation Services were also present onsite.

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



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

<u>Feature</u>	<u>Classification onsite</u>	<u>¹Subject to Buffer Rule</u>	<u>Riparian Land uses adjacent to Feature (0-200')</u>	<u>Buffer Credit Viable</u>	<u>²Nutrient Offset Viable</u>	<u>⁵Mitigation Type Determination w/in riparian areas</u>
A1	Stream	Yes	Combination of forested, partially forested and non-forested pasture grazed by cattle (see map)	^{3,4} Yes	N/A	Forested Areas - Preservation Site per 15A NCAC 02B .0295 (o)(5) or Enhancement Site per 15A NCAC 02B .0295 (o)(6) if fence is installed Partially forested areas - Enhancement Site per 15A NCAC 02B .0295 (n) and required to be planted Non-forested areas - Restoration Site per 15A NCAC 02B .0295 (n)
P1	In-line pond	Yes <i>(unless agri. Exempt)</i>	Mostly non-forested pasture grazed by cattle with some forested areas (see map) with no cattle	³ Yes	N/A	Non-forested areas - Restoration Site per 15A NCAC 02B .0295 (o)(7) Forested Areas - Preservation Site per 15A NCAC 02B .0295 (o)(5)

¹Subjectivity calls for the features were determined by DWR in correspondence dated July 24, 2019 using the 1:24,000 scale quadrangle topographic map prepared by USGS and the most recent printed version of the soil survey map prepared by the NRCS .

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

³The 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.

⁴The area described as an Enhancement Site was assessed and determined to comply with all 15A NCAC 02B .0295(o)(6). Cattle exclusion fencing is required to be installed around the mitigation area to get buffer credit under this part of the rule.

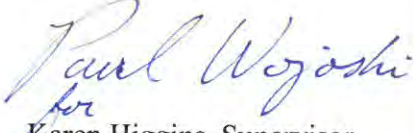
⁵All features proposed for buffer mitigation or nutrient offset, must have a conservation easement established that includes the tops of channel banks when being measured perpendicular and landward from the banks, even when no credit is viable within the 50' riparian buffer.

The map attached to this letter was prepared by CMS and initialed by Ms. Merritt on July 30, 2019. This letter does not constitute an approval of this site to generate mitigation credits. Pursuant to 15A NCAC 02B .0295, a mitigation plan shall be submitted to DWR for written approval **prior** to conducting any mitigation activities in riparian areas and/or surface waters for buffer mitigation credit. Where riparian areas adjacent to ponds are fully or partially proposed for buffer mitigation credit, the entire pond must be protected with a permanent conservation easement to be viable to generate buffer mitigation credits. Otherwise, additional measures as determined by DWR will be required to be viable to generate mitigation credits.

All vegetative plantings, performance criteria and other mitigation requirements for riparian restoration, enhancement and preservation must follow the requirements in 15A NCAC 02B .0295 to be eligible for riparian buffer mitigation credits.

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

Sincerely,

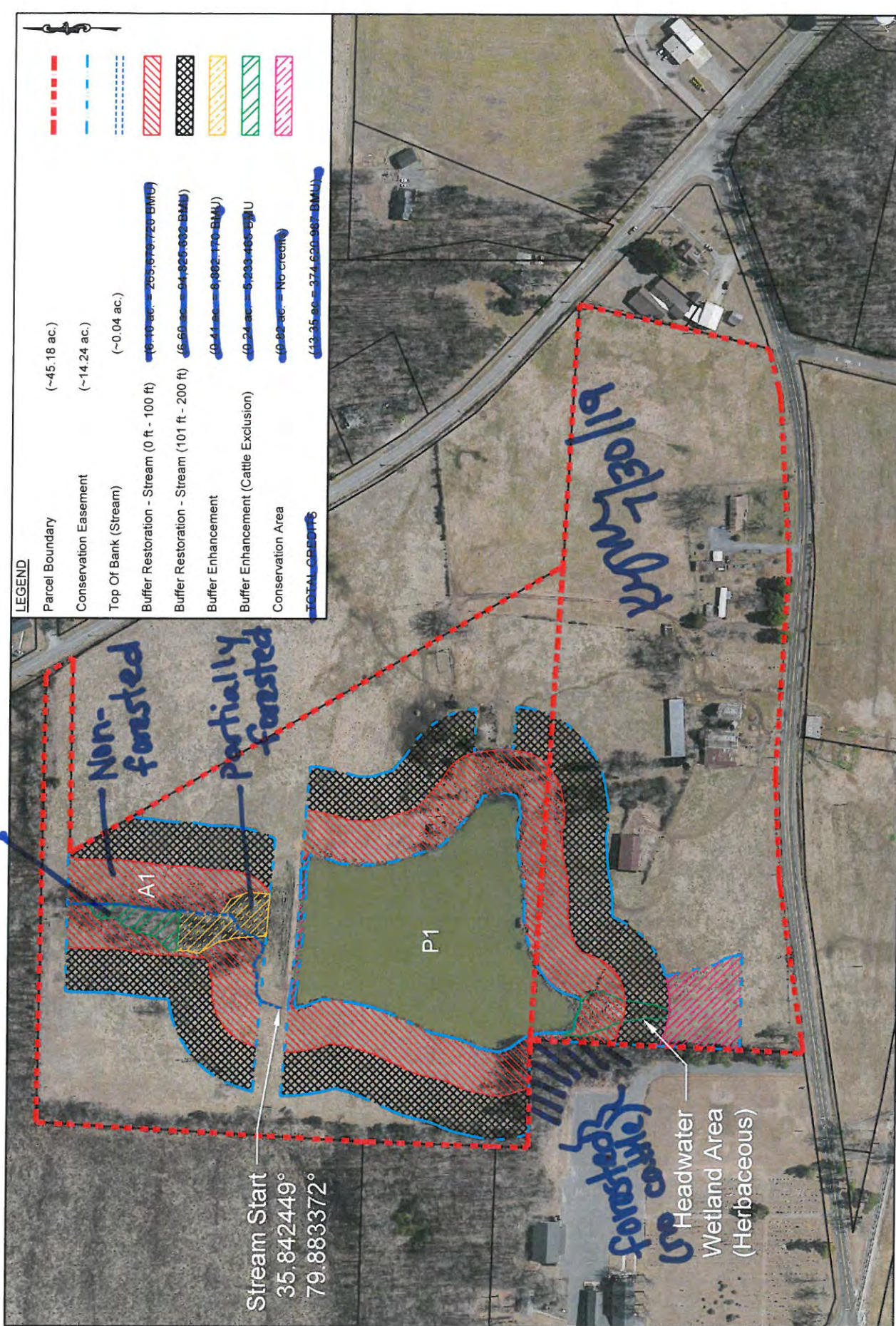

for
Karen Higgins, Supervisor
401 and Buffer Permitting Branch

KAH/km

Attachments: Mitigation Layout Map

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

Forsted



LEGEND

Parcel Boundary	(~45.18 ac.)
Conservation Easement	(~14.24 ac.)
Top Of Bank (Stream)	(~0.04 ac.)
Buffer Restoration - Stream (0 ft - 100 ft)	6,10 ac. = 255,167.726 BMU
Buffer Restoration - Stream (101 ft - 200 ft)	6,68 ac. = 41,826,602 BMU
Buffer Enhancement	0,41 ac. = 6,882,170 BMU
Buffer Enhancement (Cattle Exclusion)	0,24 ac. = 9,238,465 BMU
Conservation Area	0,82 ac. = No credit
TOTAL CREDITS	13,25 ac. = 374,620,967 BMU

Stream Start
35.842449°
79.883372°

NOTES:
1. TAX PARCEL BOUNDARIES AND 2018 AERIAL FROM NCONEMAP.
2. BOUNDARIES ARE APPROXIMATE AND NOT MEANT TO BE ABSOLUTE.

DS
SA 7/24/2019



Project: Longhorn Riparian Buffer Mitigation Site
Catalog Unit 03030003
Title: Mitigation Plan Layout

Date:	June 2019	Revision Date:	N/A
Scale:	1"=300'	Job Number:	LMG18.457
Drawn By:	GSF	Figure:	8

APPENDIX E.

CATEGORICAL EXCLUSION APPROVAL FORM

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:	Longhorn Riparian Buffer Mitigation Project
County Name:	Randolph
DMS Number:	Project No. 100114
Project Sponsor:	Clearwater Mitigation Solutions
Project Contact Name:	Kevin Yates
Project Contact Address:	604 Macon Place; Raleigh, NC
Project Contact E-mail:	clearwatermitigation@gmail.com
DMS Project Manager:	Mr. Jeremiah Dow
Project Description	
<p>Clearwater Mitigation Solutions, LLC plans to provide a full-delivery riparian buffer mitigation project known as the Longhorn Riparian Buffer Mitigation Site, for NC Division of Mitigation Services. The project site is located in Randolph County, approximately 1.5 miles northwest of the Town of Sophia, North Carolina. The project involves the planting a riparian buffer adjacent to stream channels and a pond. Additionally, cattle will be excluded from the pond. Disking of the soil prior to planting and replacement of an existing outlet structure at the pond may also be performed.</p>	
For Official Use Only	
Reviewed By:	
<div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <p style="font-size: 1.5em; margin: 0;"><i>11/20/19</i></p> <hr style="border: 0.5px solid black;"/> <p>Date</p> </div> <div style="width: 45%; text-align: right;"> <hr style="border: 0.5px solid black;"/> <p>DMS Project Manager</p> </div> </div>	
Conditional Approved By:	
<hr style="border: 0.5px solid black;"/> <p>Date</p>	<hr style="border: 0.5px solid black;"/> <p>For Division Administrator FHWA</p>
<input type="checkbox"/> Check this box if there are outstanding issues	
Final Approval By:	
<div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <p style="font-size: 1.5em; margin: 0;"><i>Donald W. Brew</i></p> <hr style="border: 0.5px solid black;"/> <p>Date</p> </div> <div style="width: 45%; text-align: right;"> <p style="font-size: 1.5em; margin: 0;"><i>11-18-19</i></p> <hr style="border: 0.5px solid black;"/> <p>For Division Administrator FHWA</p> </div> </div>	

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

Part 3: Ground-Disturbing Activities	
Regulation/Question	Response
<u>American Indian Religious Freedom Act (AIRFA)</u>	
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
<u>Antiquities Act (AA)</u>	
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
<u>Archaeological Resources Protection Act (ARPA)</u>	
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
<u>Endangered Species Act (ESA)</u>	
1. Are federal Threatened and Endangered species and/or Designated Critical Habitat listed for the county?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
2. Is Designated Critical Habitat or suitable habitat present for listed species?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A
3. Are T&E species present or is the project being conducted in Designated Critical Habitat?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
4. Is the project "likely to adversely affect" the specie and/or "likely to adversely modify" Designated Critical Habitat?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
5. Does the USFWS/NOAA-Fisheries concur in the effects determination?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
6. Has the USFWS/NOAA-Fisheries rendered a "jeopardy" determination?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A

<u>Executive Order 13007 (Indian Sacred Sites)</u>	
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
<u>Farmland Protection Policy Act (FPPA)</u>	
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
<u>Fish and Wildlife Coordination Act (FWCA)</u>	
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
<u>Land and Water Conservation Fund Act (Section 6(f))</u>	
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
<u>Magnuson-Stevens Fishery Conservation and Management Act (Essential Fish Habitat)</u>	
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
<u>Migratory Bird Treaty Act (MBTA)</u>	
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
<u>Wilderness Act</u>	
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

EDR REPORT

Longhorn Riparian Buffer Mitigation Site

Marlboro Church Road

Sophia, NC 27350

Inquiry Number: 5788348.2s

September 13, 2019

EDR Summary Radius Map Report



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

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Orphan Summary	9
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GEOCHECK ADDENDUM

GeoCheck - Not Requested

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

MARLBORO CHURCH ROAD
SOPHIA, NC 27350

COORDINATES

Latitude (North): 35.8422250 - 35° 50' 32.01"
Longitude (West): 79.8826400 - 79° 52' 57.50"
Universal Transverse Mercator: Zone 17
UTM X (Meters): 600909.6
UTM Y (Meters): 3966825.2
Elevation: 808 ft. above sea level

USGS TOPOGRAPHIC MAP ASSOCIATED WITH TARGET PROPERTY

Target Property: TP
Source: U.S. Geological Survey

Target Property: SE
Source: U.S. Geological Survey

AERIAL PHOTOGRAPHY IN THIS REPORT

Portions of Photo from: 20140827, 20140705
Source: USDA

MAPPED SITES SUMMARY

Target Property Address:
MARLBORO CHURCH ROAD
SOPHIA, NC 27350

Click on Map ID to see full detail.

MAP ID	SITE NAME	ADDRESS	DATABASE ACRONYMS	RELATIVE ELEVATION	DIST (ft. & mi.) DIRECTION
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NO MAPPED SITES FOUND

EXECUTIVE SUMMARY

TARGET PROPERTY SEARCH RESULTS

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

SURROUNDING SITES: SEARCH RESULTS

Surrounding sites were not identified.

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

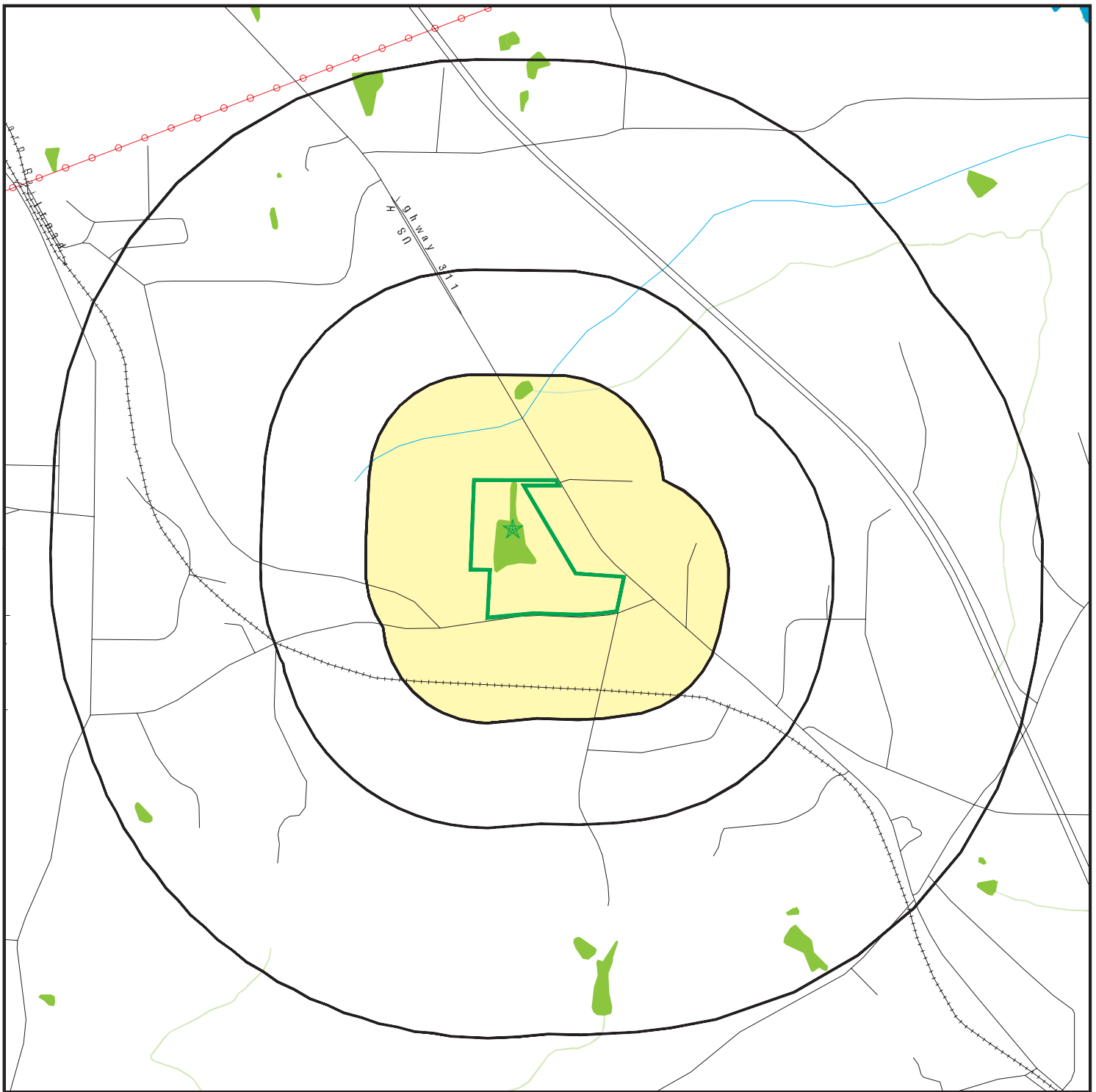
Count: 0 records.

ORPHAN SUMMARY

City	EDR ID	Site Name	Site Address	Zip	Database(s)
------	--------	-----------	--------------	-----	-------------

NO SITES FOUND

OVERVIEW MAP - 5788348.2S



Target Property

Sites at elevations higher than or equal to the target property

Sites at elevations lower than the target property

Manufactured Gas Plants

National Priority List Sites

Dept. Defense Sites

Indian Reservations BIA

Power transmission lines

Special Flood Hazard Area (1%)

0.2% Annual Chance Flood Hazard

National Wetland Inventory

State Wetlands

Hazardous Substance Disposal Sites

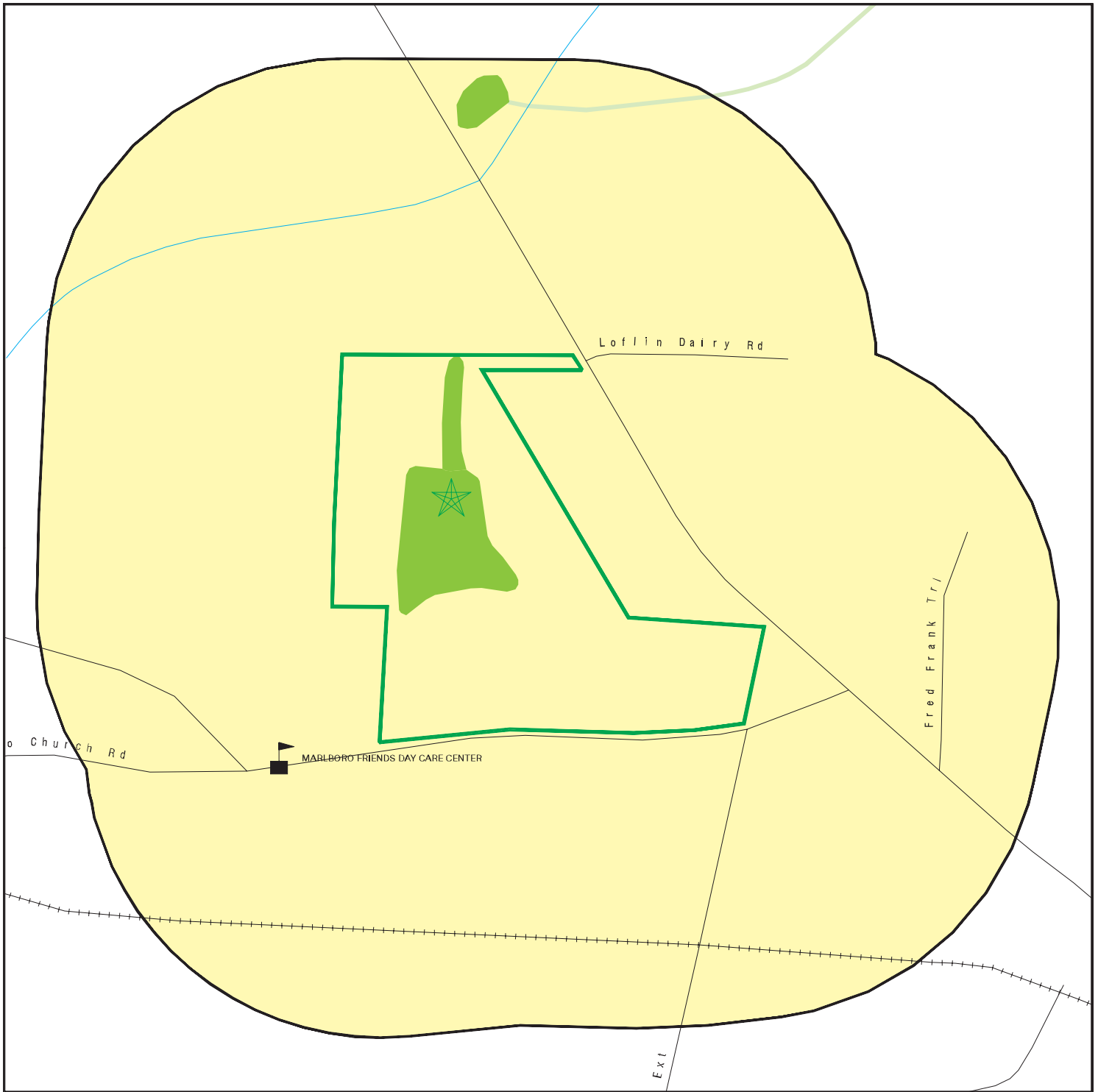









This report includes Interactive Map Layers to display and/or hide map information. The legend includes only those icons for the default map view.





SITE NAME: Longhorn Riparian Buffer Mitigation Site
 ADDRESS: Marlboro Church Road
 Sophia NC 27350
 LAT/LONG: 35.842225 / 79.88264

CLIENT: Land Management Group, Inc.
 CONTACT: Randy Brant
 INQUIRY #: 5788348.2s
 DATE: September 13, 2019 9:37 am

DETAIL MAP - 5788348.2S



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

-  Indian Reservations BIA
-  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: Longhorn Riparian Buffer Mitigation Site
 ADDRESS: Marlboro Church Road
 Sophia NC 27350
 LAT/LONG: 35.842225 / 79.88264

CLIENT: Land Management Group, Inc.
 CONTACT: Randy Brant
 INQUIRY #: 5788348.2s
 DATE: September 13, 2019 9:38 am

MAP FINDINGS SUMMARY

Database	Search Distance (Miles)	Target Property	< 1/8	1/8 - 1/4	1/4 - 1/2	1/2 - 1	> 1	Total Plotted
STANDARD ENVIRONMENTAL RECORDS								
<i>Federal NPL site list</i>								
NPL	1.000		0	0	0	0	NR	0
Proposed NPL	1.000		0	0	0	0	NR	0
NPL LIENS	1.000		0	0	0	0	NR	0
<i>Federal Delisted NPL site list</i>								
Delisted NPL	1.000		0	0	0	0	NR	0
<i>Federal CERCLIS list</i>								
FEDERAL FACILITY	0.500		0	0	0	NR	NR	0
SEMS	0.500		0	0	0	NR	NR	0
<i>Federal CERCLIS NFRAP site list</i>								
SEMS-ARCHIVE	0.500		0	0	0	NR	NR	0
<i>Federal RCRA CORRACTS facilities list</i>								
CORRACTS	1.000		0	0	0	0	NR	0
<i>Federal RCRA non-CORRACTS TSD facilities list</i>								
RCRA-TSDF	0.500		0	0	0	NR	NR	0
<i>Federal RCRA generators list</i>								
RCRA-LQG	0.250		0	0	NR	NR	NR	0
RCRA-SQG	0.250		0	0	NR	NR	NR	0
RCRA-VSQG	0.250		0	0	NR	NR	NR	0
<i>Federal institutional controls / engineering controls registries</i>								
LUCIS	0.500		0	0	0	NR	NR	0
US ENG CONTROLS	0.500		0	0	0	NR	NR	0
US INST CONTROL	0.500		0	0	0	NR	NR	0
<i>Federal ERNS list</i>								
ERNS	0.001		0	NR	NR	NR	NR	0
<i>State- and tribal - equivalent NPL</i>								
NC HSDS	1.000		0	0	0	0	NR	0
<i>State- and tribal - equivalent CERCLIS</i>								
SHWS	1.000		0	0	0	0	NR	0
<i>State and tribal landfill and/or solid waste disposal site lists</i>								
SWF/LF	0.500		0	0	0	NR	NR	0
DEBRIS	0.500		0	0	0	NR	NR	0
OLI	0.500		0	0	0	NR	NR	0
LCID	0.500		0	0	0	NR	NR	0

MAP FINDINGS SUMMARY

Database	Search Distance (Miles)	Target Property	< 1/8	1/8 - 1/4	1/4 - 1/2	1/2 - 1	> 1	Total Plotted
<i>State and tribal leaking storage tank lists</i>								
LUST	0.500		0	0	0	NR	NR	0
LAST	0.500		0	0	0	NR	NR	0
INDIAN LUST	0.500		0	0	0	NR	NR	0
LUST TRUST	0.500		0	0	0	NR	NR	0
<i>State and tribal registered storage tank lists</i>								
FEMA UST	0.250		0	0	NR	NR	NR	0
UST	0.250		0	0	NR	NR	NR	0
AST	0.250		0	0	NR	NR	NR	0
INDIAN UST	0.250		0	0	NR	NR	NR	0
<i>State and tribal institutional control / engineering control registries</i>								
INST CONTROL	0.500		0	0	0	NR	NR	0
<i>State and tribal voluntary cleanup sites</i>								
INDIAN VCP	0.500		0	0	0	NR	NR	0
VCP	0.500		0	0	0	NR	NR	0
<i>State and tribal Brownfields sites</i>								
BROWNFIELDS	0.500		0	0	0	NR	NR	0
<u>ADDITIONAL ENVIRONMENTAL RECORDS</u>								
<i>Local Brownfield lists</i>								
US BROWNFIELDS	0.500		0	0	0	NR	NR	0
<i>Local Lists of Landfill / Solid Waste Disposal Sites</i>								
SWRCY	0.500		0	0	0	NR	NR	0
HIST LF	0.500		0	0	0	NR	NR	0
INDIAN ODI	0.500		0	0	0	NR	NR	0
DEBRIS REGION 9	0.500		0	0	0	NR	NR	0
ODI	0.500		0	0	0	NR	NR	0
IHS OPEN DUMPS	0.500		0	0	0	NR	NR	0
<i>Local Lists of Hazardous waste / Contaminated Sites</i>								
US HIST CDL	0.001		0	NR	NR	NR	NR	0
US CDL	0.001		0	NR	NR	NR	NR	0
<i>Local Land Records</i>								
LIENS 2	0.001		0	NR	NR	NR	NR	0
<i>Records of Emergency Release Reports</i>								
HMIRS	0.001		0	NR	NR	NR	NR	0
SPILLS	0.001		0	NR	NR	NR	NR	0
IMD	0.500		0	0	0	NR	NR	0

MAP FINDINGS SUMMARY

Database	Search Distance (Miles)	Target Property	< 1/8	1/8 - 1/4	1/4 - 1/2	1/2 - 1	> 1	Total Plotted
SPILLS 90	0.001		0	NR	NR	NR	NR	0
SPILLS 80	0.001		0	NR	NR	NR	NR	0
Other Ascertainable Records								
RCRA NonGen / NLR	0.250		0	0	NR	NR	NR	0
FUDS	1.000		0	0	0	0	NR	0
DOD	1.000		0	0	0	0	NR	0
SCRD DRYCLEANERS	0.500		0	0	0	NR	NR	0
US FIN ASSUR	0.001		0	NR	NR	NR	NR	0
EPA WATCH LIST	0.001		0	NR	NR	NR	NR	0
2020 COR ACTION	0.250		0	0	NR	NR	NR	0
TSCA	0.001		0	NR	NR	NR	NR	0
TRIS	0.001		0	NR	NR	NR	NR	0
SSTS	0.001		0	NR	NR	NR	NR	0
ROD	1.000		0	0	0	0	NR	0
RMP	0.001		0	NR	NR	NR	NR	0
RAATS	0.001		0	NR	NR	NR	NR	0
PRP	0.001		0	NR	NR	NR	NR	0
PADS	0.001		0	NR	NR	NR	NR	0
ICIS	0.001		0	NR	NR	NR	NR	0
FTTS	0.001		0	NR	NR	NR	NR	0
MLTS	0.001		0	NR	NR	NR	NR	0
COAL ASH DOE	0.001		0	NR	NR	NR	NR	0
COAL ASH EPA	0.500		0	0	0	NR	NR	0
PCB TRANSFORMER	0.001		0	NR	NR	NR	NR	0
RADINFO	0.001		0	NR	NR	NR	NR	0
HIST FTTS	0.001		0	NR	NR	NR	NR	0
DOT OPS	0.001		0	NR	NR	NR	NR	0
CONSENT	1.000		0	0	0	0	NR	0
INDIAN RESERV	1.000		0	0	0	0	NR	0
FUSRAP	1.000		0	0	0	0	NR	0
UMTRA	0.500		0	0	0	NR	NR	0
LEAD SMELTERS	0.001		0	NR	NR	NR	NR	0
US AIRS	0.001		0	NR	NR	NR	NR	0
US MINES	0.250		0	0	NR	NR	NR	0
ABANDONED MINES	0.250		0	0	NR	NR	NR	0
FINDS	0.001		0	NR	NR	NR	NR	0
ECHO	0.001		0	NR	NR	NR	NR	0
DOCKET HWC	0.001		0	NR	NR	NR	NR	0
UXO	1.000		0	0	0	0	NR	0
FUELS PROGRAM	0.250		0	0	NR	NR	NR	0
AIRS	0.001		0	NR	NR	NR	NR	0
ASBESTOS	0.001		0	NR	NR	NR	NR	0
COAL ASH	0.500		0	0	0	NR	NR	0
DRYCLEANERS	0.250		0	0	NR	NR	NR	0
Financial Assurance	0.001		0	NR	NR	NR	NR	0
NPDES	0.001		0	NR	NR	NR	NR	0
UIC	0.001		0	NR	NR	NR	NR	0
AOP	0.001		0	NR	NR	NR	NR	0
CCB	0.500		0	0	0	NR	NR	0
SEPT HAULERS	0.001		0	NR	NR	NR	NR	0

MAP FINDINGS SUMMARY

Database	Search Distance (Miles)	Target Property	< 1/8	1/8 - 1/4	1/4 - 1/2	1/2 - 1	> 1	Total Plotted
PCSRP	0.500		0	0	0	NR	NR	0
<u>EDR HIGH RISK HISTORICAL RECORDS</u>								
<i>EDR Exclusive Records</i>								
EDR MGP	1.000		0	0	0	0	NR	0
EDR Hist Auto	0.125		0	NR	NR	NR	NR	0
EDR Hist Cleaner	0.125		0	NR	NR	NR	NR	0
<u>EDR RECOVERED GOVERNMENT ARCHIVES</u>								
<i>Exclusive Recovered Govt. Archives</i>								
RGA HWS	0.001		0	NR	NR	NR	NR	0
RGA LF	0.001		0	NR	NR	NR	NR	0
RGA LUST	0.001		0	NR	NR	NR	NR	0
- Totals --		0	0	0	0	0	0	0

NOTES:

TP = Target Property

NR = Not Requested at this Search Distance

Sites may be listed in more than one database

Map ID
Direction
Distance
Elevation

MAP FINDINGS

Site

Database(s)

EDR ID Number
EPA ID Number

NO SITES FOUND

GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

St	Acronym	Full Name	Government Agency	Gov Date	Arvl. Date	Active Date
NC	AIRS	Air Quality Permit Listing	Department of Environmental Quality	06/11/2019	06/12/2019	08/19/2019
NC	AOP	Animal Operation Permits Listing	Department of Environmental Quality	02/12/2019	03/15/2019	05/16/2019
NC	ASBESTOS	ASBESTOS	Department of Health & Human Services	06/10/2019	06/14/2019	08/27/2019
NC	AST	AST Database	Department of Environment and Natural Resourc	06/04/2019	06/20/2019	08/27/2019
NC	BROWNFIELDS	Brownfields Projects Inventory	Department of Environment and Natural Resourc	04/01/2019	04/03/2019	05/16/2019
NC	CCB	Coal Ash Structural Fills (CCB) Listing	Department of Environmental Quality	09/06/2018	01/09/2019	03/25/2019
NC	COAL ASH	Coal Ash Disposal Sites	Department of Environment & Natural Resources	02/25/2019	02/28/2019	05/16/2019
NC	DEBRIS	Solid Waste Active Disaster Debris Sites Listing	Department of Environmental Quality	05/03/2019	06/19/2019	08/27/2019
NC	DRYCLEANERS	Drycleaning Sites	Department of Environment & Natural Resources	05/17/2019	06/21/2019	09/11/2019
NC	Financial Assurance 1	Financial Assurance Information Listing	Department of Environment & Natural Resources	05/03/2019	05/08/2019	07/11/2019
NC	Financial Assurance 2	Financial Assurance Information Listing	Department of Environmental & Natural Resourc	10/02/2012	10/03/2012	10/26/2012
NC	Financial Assurance 3	Financial Assurance Information	Department of Environment & Natural Resources	06/17/2019	06/18/2019	08/27/2019
NC	HIST LF	Solid Waste Facility Listing	Department of Environment & Natural Resource	11/06/2006	02/13/2007	03/02/2007
NC	HSDS	Hazardous Substance Disposal Site	North Carolina Center for Geographic Informat	08/09/2011	11/08/2011	12/05/2011
NC	IMD	Incident Management Database	Department of Environment and Natural Resourc	07/21/2006	08/01/2006	08/23/2006
NC	INST CONTROL	No Further Action Sites With Land Use Restrictions Monitorin	Department of Environment, Health and Natural	03/18/2019	06/12/2019	08/19/2019
NC	LAST	Leaking Aboveground Storage Tanks	Department of Environment & Natural Resources	05/03/2019	05/08/2019	07/11/2019
NC	LCID	Land-Clearing and Inert Debris (LCID) Landfill Notifications	Department of Environmental Quality	09/06/2018	01/09/2019	03/25/2019
NC	LUST	Regional UST Database	Department of Environment and Natural Resourc	05/03/2019	05/08/2019	07/11/2019
NC	LUST TRUST	State Trust Fund Database	Department of Environment and Natural Resourc	04/05/2019	04/10/2019	05/17/2019
NC	NPDES	NPDES Facility Location Listing	Department of Environment & Natural Resources	02/01/2019	05/01/2019	07/10/2019
NC	OLI	Old Landfill Inventory	Department of Environment & Natural Resources	10/09/2018	01/15/2019	03/26/2019
NC	PCSRP	Petroleum-Contaminated Soil Remediation Permits	Department of Environmental Quality	01/08/2019	01/09/2019	03/26/2019
NC	RGA HWS	Recovered Government Archive State Hazardous Waste Facilitie	Department of Environment, Health and Natural	07/01/2013	07/01/2013	12/24/2013
NC	RGA LF	Recovered Government Archive Solid Waste Facilities List	Department of Environment, Health and Natural	07/01/2013	07/01/2013	01/13/2014
NC	RGA LUST	Recovered Government Archive Leaking Underground Storage Tan	Department of Environment, Health and Natural	07/01/2013	07/01/2013	12/20/2013
NC	SEPT HAULERS	Permitted Septage Haulers Listing	Department of Environmental Quality	07/23/2018	10/19/2018	01/04/2019
NC	SHWS	Inactive Hazardous Sites Inventory	Department of Environment, Health and Natural	04/01/2019	06/12/2019	08/19/2019
NC	SPILLS	Spills Incident Listing	Department of Environment & Natural Resources	12/12/2018	12/17/2018	12/18/2018
NC	SPILLS 80	SPILLS80 data from FirstSearch	FirstSearch	06/14/2001	01/03/2013	03/06/2013
NC	SPILLS 90	SPILLS90 data from FirstSearch	FirstSearch	09/27/2012	01/03/2013	03/06/2013
NC	SWF/LF	List of Solid Waste Facilities	Department of Environment and Natural Resourc	05/23/2019	06/26/2019	09/11/2019
NC	SWRCY	Recycling Center Listing	Department of Environment & Natural Resources	05/06/2019	05/07/2019	07/11/2019
NC	UIC	Underground Injection Wells Listing	Department of Environment & Natural Resources	06/05/2019	06/06/2019	07/30/2019
NC	UST	Petroleum Underground Storage Tank Database	Department of Environment and Natural Resourc	05/03/2019	05/08/2019	07/11/2019
NC	VCP	Responsible Party Voluntary Action Sites	Department of Environment and Natural Resourc	04/01/2019	06/12/2019	08/19/2019
US	2020 COR ACTION	2020 Corrective Action Program List	Environmental Protection Agency	09/30/2017	05/08/2018	07/20/2018
US	ABANDONED MINES	Abandoned Mines	Department of Interior	03/27/2019	03/28/2019	05/01/2019
US	BRS	Biennial Reporting System	EPA/NTIS	12/31/2015	02/22/2017	09/28/2017
US	COAL ASH DOE	Steam-Electric Plant Operation Data	Department of Energy	12/31/2005	08/07/2009	10/22/2009
US	COAL ASH EPA	Coal Combustion Residues Surface Impoundments List	Environmental Protection Agency	07/01/2014	09/10/2014	10/20/2014
US	CONSENT	Superfund (CERCLA) Consent Decrees	Department of Justice, Consent Decree Library	03/31/2019	04/23/2019	05/23/2019
US	CORRACTS	Corrective Action Report	EPA	03/25/2019	03/27/2019	04/17/2019
US	DEBRIS REGION 9	Torres Martinez Reservation Illegal Dump Site Locations	EPA, Region 9	01/12/2009	05/07/2009	09/21/2009
US	DOCKET HWC	Hazardous Waste Compliance Docket Listing	Environmental Protection Agency	05/31/2018	07/26/2018	10/05/2018
US	DOD	Department of Defense Sites	USGS	12/31/2005	11/10/2006	01/11/2007
US	DOT OPS	Incident and Accident Data	Department of Transporation, Office of Pipeli	04/01/2019	04/30/2019	08/08/2019

GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

St	Acronym	Full Name	Government Agency	Gov Date	Arvl. Date	Active Date
US	Delisted NPL	National Priority List Deletions	EPA	07/19/2019	07/30/2019	09/03/2019
US	ECHO	Enforcement & Compliance History Information	Environmental Protection Agency	04/07/2019	04/09/2019	05/23/2019
US	EDR Hist Auto	EDR Exclusive Historical Auto Stations	EDR, Inc.			
US	EDR Hist Cleaner	EDR Exclusive Historical Cleaners	EDR, Inc.			
US	EDR MGP	EDR Proprietary Manufactured Gas Plants	EDR, Inc.			
US	EPA WATCH LIST	EPA WATCH LIST	Environmental Protection Agency	08/30/2013	03/21/2014	06/17/2014
US	ERNS	Emergency Response Notification System	National Response Center, United States Coast	03/25/2019	03/26/2019	05/01/2019
US	FEDERAL FACILITY	Federal Facility Site Information listing	Environmental Protection Agency	04/03/2019	04/05/2019	05/14/2019
US	FEDLAND	Federal and Indian Lands	U.S. Geological Survey	12/31/2005	02/06/2006	01/11/2007
US	FEMA UST	Underground Storage Tank Listing	FEMA	05/15/2017	05/30/2017	10/13/2017
US	FINDS	Facility Index System/Facility Registry System	EPA	05/03/2019	06/05/2019	09/03/2019
US	FTTS	FIFRA/ TSCA Tracking System - FIFRA (Federal Insecticide, Fu	EPA/Office of Prevention, Pesticides and Toxi	04/09/2009	04/16/2009	05/11/2009
US	FTTS INSP	FIFRA/ TSCA Tracking System - FIFRA (Federal Insecticide, Fu	EPA	04/09/2009	04/16/2009	05/11/2009
US	FUDS	Formerly Used Defense Sites	U.S. Army Corps of Engineers	05/15/2019	05/21/2019	08/08/2019
US	FUELS PROGRAM	EPA Fuels Program Registered Listing	EPA	05/20/2019	05/21/2019	08/08/2019
US	FUSRAP	Formerly Utilized Sites Remedial Action Program	Department of Energy	08/08/2017	09/11/2018	09/14/2018
US	HIST FTTS	FIFRA/TSCA Tracking System Administrative Case Listing	Environmental Protection Agency	10/19/2006	03/01/2007	04/10/2007
US	HIST FTTS INSP	FIFRA/TSCA Tracking System Inspection & Enforcement Case Lis	Environmental Protection Agency	10/19/2006	03/01/2007	04/10/2007
US	HMIRS	Hazardous Materials Information Reporting System	U.S. Department of Transportation	03/25/2019	03/26/2019	05/14/2019
US	ICIS	Integrated Compliance Information System	Environmental Protection Agency	11/18/2016	11/23/2016	02/10/2017
US	IHS OPEN DUMPS	Open Dumps on Indian Land	Department of Health & Human Services, Indian	04/01/2014	08/06/2014	01/29/2015
US	INDIAN LUST R1	Leaking Underground Storage Tanks on Indian Land	EPA Region 1	10/13/2018	03/07/2019	05/01/2019
US	INDIAN LUST R10	Leaking Underground Storage Tanks on Indian Land	EPA Region 10	10/17/2018	03/07/2019	05/01/2019
US	INDIAN LUST R4	Leaking Underground Storage Tanks on Indian Land	EPA Region 4	09/24/2018	03/12/2019	05/01/2019
US	INDIAN LUST R5	Leaking Underground Storage Tanks on Indian Land	EPA, Region 5	10/12/2018	03/07/2019	05/01/2019
US	INDIAN LUST R6	Leaking Underground Storage Tanks on Indian Land	EPA Region 6	11/01/2018	03/07/2019	05/01/2019
US	INDIAN LUST R7	Leaking Underground Storage Tanks on Indian Land	EPA Region 7	02/19/2019	03/07/2019	05/01/2019
US	INDIAN LUST R8	Leaking Underground Storage Tanks on Indian Land	EPA Region 8	10/16/2018	03/07/2019	05/01/2019
US	INDIAN LUST R9	Leaking Underground Storage Tanks on Indian Land	Environmental Protection Agency	10/10/2018	03/08/2019	05/01/2019
US	INDIAN ODI	Report on the Status of Open Dumps on Indian Lands	Environmental Protection Agency	12/31/1998	12/03/2007	01/24/2008
US	INDIAN RESERV	Indian Reservations	USGS	12/31/2014	07/14/2015	01/10/2017
US	INDIAN UST R1	Underground Storage Tanks on Indian Land	EPA, Region 1	10/03/2018	03/07/2019	05/01/2019
US	INDIAN UST R10	Underground Storage Tanks on Indian Land	EPA Region 10	10/17/2018	03/07/2019	05/01/2019
US	INDIAN UST R4	Underground Storage Tanks on Indian Land	EPA Region 4	09/24/2018	03/12/2019	05/01/2019
US	INDIAN UST R5	Underground Storage Tanks on Indian Land	EPA Region 5	10/12/2018	03/07/2019	05/01/2019
US	INDIAN UST R6	Underground Storage Tanks on Indian Land	EPA Region 6	11/01/2018	03/07/2019	05/01/2019
US	INDIAN UST R7	Underground Storage Tanks on Indian Land	EPA Region 7	11/07/2018	03/07/2019	05/01/2019
US	INDIAN UST R8	Underground Storage Tanks on Indian Land	EPA Region 8	10/16/2018	03/07/2019	05/01/2019
US	INDIAN UST R9	Underground Storage Tanks on Indian Land	EPA Region 9	10/10/2018	03/08/2019	05/01/2019
US	INDIAN VCP R1	Voluntary Cleanup Priority Listing	EPA, Region 1	07/27/2015	09/29/2015	02/18/2016
US	INDIAN VCP R7	Voluntary Cleanup Priority Listing	EPA, Region 7	03/20/2008	04/22/2008	05/19/2008
US	LEAD SMELTER 1	Lead Smelter Sites	Environmental Protection Agency	07/19/2019	07/30/2019	09/03/2019
US	LEAD SMELTER 2	Lead Smelter Sites	American Journal of Public Health	04/05/2001	10/27/2010	12/02/2010
US	LIENS 2	CERCLA Lien Information	Environmental Protection Agency	07/30/2019	07/30/2019	09/03/2019
US	LUCIS	Land Use Control Information System	Department of the Navy	08/13/2019	08/20/2019	08/26/2019
US	MLTS	Material Licensing Tracking System	Nuclear Regulatory Commission	06/20/2019	06/20/2019	08/08/2019
US	NPL	National Priority List	EPA	07/19/2019	07/30/2019	09/03/2019

GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

St	Acronym	Full Name	Government Agency	Gov Date	Arvl. Date	Active Date
US	NPL LIENS	Federal Superfund Liens	EPA	10/15/1991	02/02/1994	03/30/1994
US	ODI	Open Dump Inventory	Environmental Protection Agency	06/30/1985	08/09/2004	09/17/2004
US	PADS	PCB Activity Database System	EPA	03/20/2019	04/10/2019	05/14/2019
US	PCB TRANSFORMER	PCB Transformer Registration Database	Environmental Protection Agency	05/24/2017	11/30/2017	12/15/2017
US	PRP	Potentially Responsible Parties	EPA	04/11/2019	04/18/2019	05/23/2019
US	Proposed NPL	Proposed National Priority List Sites	EPA	07/19/2019	07/30/2019	09/03/2019
US	RAATS	RCRA Administrative Action Tracking System	EPA	04/17/1995	07/03/1995	08/07/1995
US	RADINFO	Radiation Information Database	Environmental Protection Agency	04/02/2019	04/02/2019	05/14/2019
US	RCRA NonGen / NLR	RCRA - Non Generators / No Longer Regulated	Environmental Protection Agency	03/25/2019	03/27/2019	04/17/2019
US	RCRA-LQG	RCRA - Large Quantity Generators	Environmental Protection Agency	03/25/2019	03/27/2019	04/17/2019
US	RCRA-SQG	RCRA - Small Quantity Generators	Environmental Protection Agency	03/25/2019	03/27/2019	04/17/2019
US	RCRA-TSDF	RCRA - Treatment, Storage and Disposal	Environmental Protection Agency	03/25/2019	03/27/2019	04/17/2019
US	RCRA-VSQG	RCRA - Very Small Quantity Generators (Formerly Conditionall	Environmental Protection Agency	03/25/2019	03/27/2019	04/17/2019
US	RMP	Risk Management Plans	Environmental Protection Agency	04/25/2019	05/02/2019	05/23/2019
US	ROD	Records Of Decision	EPA	07/19/2019	07/30/2019	09/03/2019
US	SCRD DRYCLEANERS	State Coalition for Remediation of Drycleaners Listing	Environmental Protection Agency	01/01/2017	02/03/2017	04/07/2017
US	SEMS	Superfund Enterprise Management System	EPA	07/19/2019	07/30/2019	09/03/2019
US	SEMS-ARCHIVE	Superfund Enterprise Management System Archive	EPA	07/19/2019	07/30/2019	09/03/2019
US	SSTS	Section 7 Tracking Systems	EPA	09/30/2018	04/24/2019	08/08/2019
US	TRIS	Toxic Chemical Release Inventory System	EPA	12/31/2016	01/10/2018	01/12/2018
US	TSCA	Toxic Substances Control Act	EPA	12/31/2016	06/21/2017	01/05/2018
US	UMTRA	Uranium Mill Tailings Sites	Department of Energy	06/23/2017	10/11/2017	11/03/2017
US	US AIRS (AFS)	Aerometric Information Retrieval System Facility Subsystem (EPA	10/12/2016	10/26/2016	02/03/2017
US	US AIRS MINOR	Air Facility System Data	EPA	10/12/2016	10/26/2016	02/03/2017
US	US BROWNFIELDS	A Listing of Brownfields Sites	Environmental Protection Agency	06/03/2019	06/04/2019	08/26/2019
US	US CDL	Clandestine Drug Labs	Drug Enforcement Administration	06/11/2019	06/13/2019	09/03/2019
US	US ENG CONTROLS	Engineering Controls Sites List	Environmental Protection Agency	08/19/2019	08/20/2019	08/26/2019
US	US FIN ASSUR	Financial Assurance Information	Environmental Protection Agency	03/25/2019	03/26/2019	05/07/2019
US	US HIST CDL	National Clandestine Laboratory Register	Drug Enforcement Administration	06/11/2019	06/13/2019	09/03/2019
US	US INST CONTROL	Sites with Institutional Controls	Environmental Protection Agency	08/19/2019	08/20/2019	08/26/2019
US	US MINES	Mines Master Index File	Department of Labor, Mine Safety and Health A	05/03/2019	05/29/2019	08/08/2019
US	US MINES 2	Ferrous and Nonferrous Metal Mines Database Listing	USGS	12/05/2005	02/29/2008	04/18/2008
US	US MINES 3	Active Mines & Mineral Plants Database Listing	USGS	04/14/2011	06/08/2011	09/13/2011
US	UXO	Unexploded Ordnance Sites	Department of Defense	12/31/2017	01/17/2019	04/01/2019

GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

St	Acronym	Full Name	Government Agency	Gov Date	Arvl. Date	Active Date
CT	CT MANIFEST	Hazardous Waste Manifest Data	Department of Energy & Environmental Protecti	05/14/2019	05/14/2019	08/05/2019
NJ	NJ MANIFEST	Manifest Information	Department of Environmental Protection	12/31/2018	04/10/2019	05/16/2019
NY	NY MANIFEST	Facility and Manifest Data	Department of Environmental Conservation	01/01/2019	05/01/2019	06/21/2019
PA	PA MANIFEST	Manifest Information	Department of Environmental Protection	06/30/2018	07/19/2019	09/10/2019
RI	RI MANIFEST	Manifest information	Department of Environmental Management	12/31/2017	02/23/2018	04/09/2018
WI	WI MANIFEST	Manifest Information	Department of Natural Resources	05/31/2018	06/19/2019	09/03/2019
US	AHA Hospitals	Sensitive Receptor: AHA Hospitals	American Hospital Association, Inc.			
US	Medical Centers	Sensitive Receptor: Medical Centers	Centers for Medicare & Medicaid Services			
US	Nursing Homes	Sensitive Receptor: Nursing Homes	National Institutes of Health			
US	Public Schools	Sensitive Receptor: Public Schools	National Center for Education Statistics			
US	Private Schools	Sensitive Receptor: Private Schools	National Center for Education Statistics			
NC	Daycare Centers	Sensitive Receptor: Child Care Facility List	Department of Health & Human Services			
US	Flood Zones	100-year and 500-year flood zones	Emergency Management Agency (FEMA)			
US	NWI	National Wetlands Inventory	U.S. Fish and Wildlife Service			
NC	State Wetlands	Wetland Inventory	US Fish & Wildlife Service			
US	Topographic Map		U.S. Geological Survey			
US	Oil/Gas Pipelines		PennWell Corporation			
US	Electric Power Transmission Line Data		PennWell Corporation			

STREET AND ADDRESS INFORMATION

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**CORRESPONDENCE FROM
NC STATE HISTORIC PRESERVATION OFFICE**



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

Ramona M. Bartos, Administrator

Governor Roy Cooper
Secretary Susi H. Hamilton

Office of Archives and History
Deputy Secretary Kevin Cherry

October 14, 2019

Kim Williams
Land Management Group
3805 Wrightsville Avenue, Suite 15
Wilmington, NC 28403

Re: Longhorn Riparian Buffer Restoration, Marlboro Church Road, Sophia, Randolph County, ER 19-2809

Dear Ms. Williams:

Thank you for your email of September 16, 2019, concerning the above project.

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

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

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

Sincerely,

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

for Ramona Bartos, Deputy
State Historic Preservation Officer

LANDOWNER NOTIFICATION

CONSERVATION EASEMENT OPTION AGREEMENT

THIS AMENDMENT TO CONSERVATION EASEMENT OPTION AGREEMENT, hereinafter referred to as ("the Option"), made and entered into this 4th day of January, 2019 by and between, Christopher A. Redding and Nicole L. Redding, (the "**Grantor**"), **CLEARWATER MITIGATION SOLUTIONS, LLC** ("CMS"), a North Carolina Limited Liability Company whose primary address is 604 Macon Place, NC 27609 and its successors and assigns (the "**Grantee**").

WITNESSETH

WHEREAS, **Grantor** is the owner of certain real property located in Randolph County, containing 25.48 acres, more or less. The real property is more particularly described as follows: A tract or parcel of land identified in Deed Book 001856 Page No. 02365 and Parcel Identification Numbers (PIN), 7736822634, Randolph County Registry, (the "Property"); and

WHEREAS, **Grantor** has agreed to convey to **Grantee**, an exclusive right and option to acquire conservation easement rights similar to those described in the Sample Deed of Conservation Easement attached hereto as Addendum A, containing 10.32 acres, more or less, as more particularly described on the attached Exhibit A (the "**Easement Area**"), over the Property in accordance with the terms of this Option; and

WHEREAS, **Grantee** is interested in acquiring the **Easement Area** in order to develop a riparian buffer restoration project ("Project") over the lands covered by the **Easement Area** in conjunction with requests for proposals issued under the North Carolina Division of Mitigation Services within the North Carolina Department of Environmental Quality ("DEQ")

WHEREAS, Lands and the rights to be acquired, within the **Easement Area**, are described as follows: Being a perpetual Conservation Easement that will permanently protect the restoration enhancement or preservation of property containing riparian buffers, located on the Property, in Randolph County, North Carolina. The **Easement Area** encompasses acreage shown in Exhibit A attached.

WHEREAS, in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, CMS hereby notifies Grantor that: (i) CMS believes the fair market value of the Easement is the purchase price, pursuant to Paragraph 4(a) together with the value of the environmental improvements to be made to the Easement by CMS in performing the Work on the Easement; and (ii) CMS does not possess the power of eminent domain;

NOW THEREFORE, in consideration of the sum of [REDACTED] (the "**Option Deposit**") and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

- 1. OPTION PERIOD.** **Grantee** may exercise the Option by delivering to **Grantor** notice thereof prior to 5:00 p.m. on January 4th 2020 (the "**Original Option Period**"). This Option shall be exercised upon posting, by certified mail, fax or written notice to the **Grantor**. Exercise shall be deemed timely if such written notice is mailed on or before the date first set forth in this paragraph. **Grantee** shall have the right in its sole discretion, for additional consideration of [REDACTED] which shall be added to and become part of the total purchase and upon **Grantee's** delivery of notice to **Grantor** during the Original Option Period, to extend the Original Option Period until 5:00 p.m. on January 4th 2021 (the "**Extended Option Period**") (the Original Option Period and, if applicable, the Extended Option Period are collectively referred to herein as the "**Option Period**"). A Memorandum of Conservation Easement Option in the form attached as EXHIBIT B shall be executed by both parties simultaneously with this Option and recorded at Clearwater Mitigation Solutions, LLC sole discretion and expense in the county where the Property is located to provide record notice of this Option.

AMENDED CONSERVATION EASEMENT OPTION AGREEMENT

THIS AMENDMENT TO CONSERVATION EASEMENT OPTION AGREEMENT, hereinafter referred to as ("the Option"), made and entered into this 27th day of August, 2019 by and between, Curtis A. Redding (the "**Grantor**"), **CLEARWATER MITIGATION SOLUTIONS, LLC** ("CMS"), a North Carolina Limited Liability Company whose primary address is 604 Macon Place, Raleigh NC 27609 and its successors and assigns (the "**Grantee**").

WITNESSETH

WHEREAS, **Grantor** is the owner of certain real property located in Randolph County, containing 19.63 acres, more or less. The real property is more particularly described as follows: A tract or parcel of land identified in Deed Book 001856 Page No. 02361 and Parcel Identification Numbers (PIN), 7736817705, Randolph County Registry, (the "Property"); and

WHEREAS, **Grantor** has agreed to convey to **Grantee**, an exclusive right and option to acquire conservation easement rights similar to those described in the Sample Deed of Conservation Easement attached hereto as Addendum A, containing 4.25 acres, more or less, as more particularly described on the attached Exhibit A (the "**Easement Area**"), over the Property in accordance with the terms of this Option; and

WHEREAS, **Grantee** is interested in acquiring the **Easement Area** in order to develop a riparian buffer restoration project ("Project") over the lands covered by the **Easement Area** in conjunction with requests for proposals issued under the North Carolina Division of Mitigation Services within the North Carolina Department of Environmental Quality ("DEQ")

WHEREAS, Lands and the rights to be acquired, within the **Easement Area**, are described as follows: Being a perpetual Conservation Easement that will permanently protect the restoration enhancement or preservation of property containing riparian buffers, located on the Property, in Randolph County, North Carolina. The **Easement Area** encompasses acreage shown in Exhibit A attached.

WHEREAS, in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, CMS hereby notifies Grantor that: (i) CMS believes the fair market value of the Easement is the purchase price, pursuant to Paragraph 4(a) together with the value of the environmental improvements to be made to the Easement by CMS in performing the Work on the Easement; and (ii) CMS does not possess the power of eminent domain;

NOW THEREFORE, in consideration of the sum of [REDACTED] (the "**Option Deposit**") and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

- 1. OPTION PERIOD.** **Grantee** may exercise the Option by delivering to **Grantor** notice thereof prior to 5:00 p.m. on March 31st 2020 (the "**Original Option Period**"). This Option shall be exercised upon posting, by certified mail, fax or written notice to the **Grantor**. Exercise shall be deemed timely if such written notice is mailed on or before the date first set forth in this paragraph. **Grantee** shall have the right in its sole discretion, for additional consideration of [REDACTED] which shall be added to and become part of the total purchase. A Memorandum of Conservation Easement Option in the form attached as EXHIBIT B shall be executed by both parties simultaneously with this Option and recorded at Clearwater Mitigation Solutions, LLC sole discretion and expense in the county where the Property is located to provide record notice of this Option.

**SPECIES CONCLUSION TABLE,
SELF-CERTIFICATION LETTER, &
CORRESPONDENCE WITH
US FISH & WILDLIFE SERVICE**

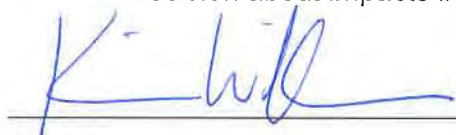
Species Conclusions Table

Project Name: Longhorn Riparian Buffer Mitigation Site

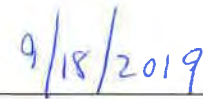
Date: 09/18/2019

Species / Resource Name	Conclusion	ESA Section 7 / Eagle Act Determination	Notes / Documentation
Bald Eagle (<i>Haliaeetus leucocephalus</i>)	Unlikely to disturb nesting bald eagles	No Effect	Per the NC NHP database review, there are no known bald eagle nests within one mile of the site.
Schweinitz's Sunflower (<i>Helianthus schweinitzii</i>)	No suitable habitat present within project area	No Effect	Habitat assessment performed by LMG indicates that the site does not provide suitable habitat for species. The site is mostly maintained pasture.
Northern Long-Eared Bat	Suitable habitat present	No Effect	No tree cutting or removal is proposed.
Critical Habitat	No critical habitat present within project area	No Effect	

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.



Signature /Title



Date



United States Department of the Interior



FISH AND WILDLIFE SERVICE

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

Date: _____

Self-Certification Letter

Project Name _____

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



Williams, Kimberlee <kwilliams@lmggroup.net>

Re: [EXTERNAL] Re: On-line project review request letter; Longhorn Riparian Buffer Mitigation Site; Randolph County

1 message

Matthews, Kathryn <kathryn_matthews@fws.gov>
To: "Williams, Kim" <kwilliams@lmggroup.net>
Cc: "Mann, Leigh" <leigh_mann@fws.gov>

Fri, Nov 1, 2019 at 7:44 AM

Hi Kim,

The Service does not have any additional comments or concerns under MBTA. Since you submitted a letter under our self-certification process, hopefully the letter at the end of the process will do for you. However, if you need anything else, please let me know.

Thanks,
Kathy

On Thu, Oct 31, 2019 at 1:37 PM Williams, Kim <kwilliams@lmggroup.net> wrote:

Hi Leigh

We are required to complete a Categorical Exclusion document for DMS to ensure compliance with federal environmental laws and regulations. One of the questions the document asks is:

1. Does the USFWS have any recommendations with the project relative to the MBTA?

The guidance for this question is:

Send scoping letter to USFWS requesting a review based on MBTA. (The scoping letter allows USFWS an opportunity to make recommendations relative to MBTA, however, USFWS is not required to make any recommendations. Project managers should not delay projects waiting on a response from USFWS regarding MBTA.)

This is a buffer restoration project and most of the site does not currently have any woody vegetation. Buffer restoration areas will be planted with woody stems. Let me know if you have any recommendations regarding species to plant, timing (usually plant in winter or early spring), etc.

Thanks!
Kim

Kim Williams | Environmental Scientist

Land Management Group | Environmental Consultants

Direct: 910-452-0001 x 1908 | Cell: 910.471.5035 | Fax: 910.452.0060

3805 Wrightsville Ave., Suite 15 | Wilmington, NC 28403

Email: kwilliams@lmggroup.net | Website: www.lmggroup.net

On Thu, Oct 31, 2019 at 12:40 PM Mann, Leigh <leigh_mann@fws.gov> wrote:

Hi Kim,

Kathy reviewed this project as submitted as a self certification packet and agreed with the information you provided. So the self certification letter would be your record.

Can please explain what information you are looking for in regards to migratory birds?

Respectfully,

Leigh Mann
Office Automation
USFWS Raleigh ES FO
551-F Pylon Drive
Raleigh, NC 27606
Office: 1-919-856-4520 ext. 10
Fax: 1-919-856-4556
leigh_mann@fws.gov

NOTE: This email correspondence and any attachments to and from this sender is subject to the Freedom of Information Act (FOIA) and may be disclosed to third parties.

On Thu, Oct 31, 2019 at 12:36 PM Williams, Kim <kwilliams@lmgroup.net> wrote:

Hello- I wanted to check in with you regarding the information we provided on the Longhorn Riparian Buffer Mitigation site in September. Do you expect to issue a concurrence letter, or because we submitted a self-certify letter, are we good to go?

Also, is there someone I can contact to find out if the Service has any recommendations regarding migratory birds?

Thanks!
Kim

Kim Williams | Environmental Scientist

Land Management Group | Environmental Consultants

Direct: 910-452-0001 x 1908 | Cell: 910.471.5035 | Fax: 910.452.0060

3805 Wrightsville Ave., Suite 15 | Wilmington, NC 28403

Email: kwilliams@lmgroup.net | Website: www.lmgroup.net

On Thu, Sep 19, 2019 at 10:59 AM Williams, Kim <kwilliams@lmgroup.net> wrote:

Hello-

Clearwater Mitigation Solutions, LLC (CMS) and Land Management Group (LMG) plan to provide a full-delivery riparian buffer mitigation project known as the Longhorn Riparian Buffer Mitigation Site, for NC Division of Mitigation Services. The 45-acre project site is located in Randolph County, north of Marlboro Church Road and approximately 1.5 miles northwest of the Town of Sophia, NC. The project involves planting a riparian buffer adjacent to stream channels and a pond. Additionally, cattle will be excluded from the pond. Some site disking and the replacement of an existing outlet structure may also be performed. As part of the environmental screening of the site, LMG evaluated the site and it is our opinion that it does not provide suitable habitat for the federally-protected species identified in the IPaC review. Attached is a summary of our findings, maps, site photos, a species conclusion table, and a self-certification letter.

Note that we are preparing a Categorical Exclusion document for the project. One section of the document requests USFWS input regarding the MBTA. Please let me know if your office has any recommendations regarding migratory birds.

Please let us know if you need any additional information.

Thanks!

Kim Williams

Kim Williams | Environmental Scientist

Land Management Group | Environmental Consultants

Direct: 910-452-0001 x 1908 | Cell: 910.471.5035 | Fax: 910.452.0060

3805 Wrightsville Ave., Suite 15 | Wilmington, NC 28403

Email: kwilliams@lmgroun.net | Website: www.lmgroun.net

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Kathy Matthews
Fish and Wildlife Biologist
Raleigh Ecological Services
U.S. Fish and Wildlife Service
P.O. Box 33726
Raleigh, NC 27636-3726
Phone 919-856-4520 x27
Email kathryn_matthews@fws.gov

**FORM AD-1006 &
CORRESPONDENCE WITH
NATURAL RESOURCES CONSERVATION SERVICE**

FARMLAND CONVERSION IMPACT RATING

PART I <i>(To be completed by Federal Agency)</i>		Date Of Land Evaluation Request			
Name of Project		Federal Agency Involved			
Proposed Land Use		County and State			
PART II <i>(To be completed by NRCS)</i>		Date Request Received By NRCS		Person Completing Form:	
Does the site contain Prime, Unique, Statewide or Local Important Farmland? <i>(If no, the FPPA does not apply - do not complete additional parts of this form)</i>		YES <input type="checkbox"/>	NO <input type="checkbox"/>	Acres Irrigated	Average Farm Size
Major Crop(s)	Farmable Land In Govt. Jurisdiction Acres: %		Amount of Farmland As Defined in FPPA Acres: %		
Name of Land Evaluation System Used	Name of State or Local Site Assessment System		Date Land Evaluation Returned by NRCS		
PART III <i>(To be completed by Federal Agency)</i>		Alternative Site Rating			
		Site A	Site B	Site C	Site D
A. Total Acres To Be Converted Directly					
B. Total Acres To Be Converted Indirectly					
C. Total Acres In Site					
PART IV <i>(To be completed by NRCS)</i> Land Evaluation Information					
A. Total Acres Prime And Unique Farmland					
B. Total Acres Statewide Important or Local Important Farmland					
C. Percentage Of Farmland in County Or Local Govt. Unit To Be Converted					
D. Percentage Of Farmland in Govt. Jurisdiction With Same Or Higher Relative Value					
PART V <i>(To be completed by NRCS)</i> Land Evaluation Criterion Relative Value of Farmland To Be Converted (Scale of 0 to 100 Points)					
PART VI <i>(To be completed by Federal Agency)</i> Site Assessment Criteria <i>(Criteria are explained in 7 CFR 658.5 b. For Corridor project use form NRCS-CPA-106)</i>		Maximum Points	Site A	Site B	Site C
1. Area In Non-urban Use		(15)			
2. Perimeter In Non-urban Use		(10)			
3. Percent Of Site Being Farmed		(20)			
4. Protection Provided By State and Local Government		(20)			
5. Distance From Urban Built-up Area		(15)			
6. Distance To Urban Support Services		(15)			
7. Size Of Present Farm Unit Compared To Average		(10)			
8. Creation Of Non-farmable Farmland		(10)			
9. Availability Of Farm Support Services		(5)			
10. On-Farm Investments		(20)			
11. Effects Of Conversion On Farm Support Services		(10)			
12. Compatibility With Existing Agricultural Use		(10)			
TOTAL SITE ASSESSMENT POINTS		160			
PART VII <i>(To be completed by Federal Agency)</i>					
Relative Value Of Farmland <i>(From Part V)</i>		100			
Total Site Assessment <i>(From Part VI above or local site assessment)</i>		160			
TOTAL POINTS <i>(Total of above 2 lines)</i>		260			
Site Selected:		Date Of Selection		Was A Local Site Assessment Used? YES <input type="checkbox"/> NO <input type="checkbox"/>	
Reason For Selection:					
Name of Federal agency representative completing this form:					Date:

(See Instructions on reverse side)

STEPS IN THE PROCESSING THE FARMLAND AND CONVERSION IMPACT RATING FORM

- Step 1 - Federal agencies (or Federally funded projects) involved in proposed projects that may convert farmland, as defined in the Farmland Protection Policy Act (FPPA) to nonagricultural uses, will initially complete Parts I and III of the form. For Corridor type projects, the Federal agency shall use form NRCS-CPA-106 in place of form AD-1006. The Land Evaluation and Site Assessment (LESA) process may also be accessed by visiting the FPPA website, <http://fppa.nrcs.usda.gov/lesa/>.
- Step 2 - Originator (Federal Agency) will send one original copy of the form together with appropriate scaled maps indicating location(s) of project site(s), to the Natural Resources Conservation Service (NRCS) local Field Office or USDA Service Center and retain a copy for their files. (NRCS has offices in most counties in the U.S. The USDA Office Information Locator may be found at http://offices.usda.gov/scripts/ndISAPI.dll/oip_public/USA_map, or the offices can usually be found in the Phone Book under U.S. Government, Department of Agriculture. A list of field offices is available from the NRCS State Conservationist and State Office in each State.)
- Step 3 - NRCS will, within 10 working days after receipt of the completed form, make a determination as to whether the site(s) of the proposed project contains prime, unique, statewide or local important farmland. (When a site visit or land evaluation system design is needed, NRCS will respond within 30 working days.
- Step 4 - For sites where farmland covered by the FPPA will be converted by the proposed project, NRCS will complete Parts II, IV and V of the form.
- Step 5 - NRCS will return the original copy of the form to the Federal agency involved in the project, and retain a file copy for NRCS records.
- Step 6 - The Federal agency involved in the proposed project will complete Parts VI and VII of the form and return the form with the final selected site to the servicing NRCS office.
- Step 7 - The Federal agency providing financial or technical assistance to the proposed project will make a determination as to whether the proposed conversion is consistent with the FPPA.

INSTRUCTIONS FOR COMPLETING THE FARMLAND CONVERSION IMPACT RATING FORM

(For Federal Agency)

Part I: When completing the "County and State" questions, list all the local governments that are responsible for local land use controls where site(s) are to be evaluated.

Part III: When completing item B (Total Acres To Be Converted Indirectly), include the following:

1. Acres not being directly converted but that would no longer be capable of being farmed after the conversion, because the conversion would restrict access to them or other major change in the ability to use the land for agriculture.
2. Acres planned to receive services from an infrastructure project as indicated in the project justification (e.g. highways, utilities planned build out capacity) that will cause a direct conversion.

Part VI: Do not complete Part VI using the standard format if a State or Local site assessment is used. With local and NRCS assistance, use the local Land Evaluation and Site Assessment (LESA).

1. Assign the maximum points for each site assessment criterion as shown in § 658.5(b) of CFR. In cases of corridor-type project such as transportation, power line and flood control, criteria #5 and #6 will not apply and will, be weighted zero, however, criterion #8 will be weighed a maximum of 25 points and criterion #11 a maximum of 25 points.
2. Federal agencies may assign relative weights among the 12 site assessment criteria other than those shown on the FPPA rule after submitting individual agency FPPA policy for review and comment to NRCS. In all cases where other weights are assigned, relative adjustments must be made to maintain the maximum total points at 160. For project sites where the total points equal or exceed 160, consider alternative actions, as appropriate, that could reduce adverse impacts (e.g. Alternative Sites, Modifications or Mitigation).

Part VII: In computing the "Total Site Assessment Points" where a State or local site assessment is used and the total maximum number of points is other than 160, convert the site assessment points to a base of 160.

Example: if the Site Assessment maximum is 200 points, and the alternative Site "A" is rated 180 points:

$$\frac{\text{Total points assigned Site A}}{\text{Maximum points possible}} = \frac{180}{200} \times 160 = 144 \text{ points for Site A}$$

For assistance in completing this form or FPPA process, contact the local NRCS Field Office or USDA Service Center.

NRCS employees, consult the FPPA Manual and/or policy for additional instructions to complete the AD-1006 form.



Williams, Kimberlee <kwilliams@imgroup.net>

Fwd: Form AD-1006 (Longhorn Buffer Restoration Project) Randolph County

1 message

Kevin Yates <clearwatermitigation@gmail.com>
To: "Williams, Kimberlee" <kwilliams@imgroup.net>

Fri, Nov 8, 2019 at 12:13 PM

Kim, see attached....but better yet see Milton's opinion on this exercise. We are good go with Form AD1006 and can include with our CE.

Thanks!
KY
Kevin Yates

Clearwater Mitigation Solutions
919-624-6901

----- Forwarded message -----

From: **Cortes, Milton - NRCS, Raleigh, NC** <milton.cortes@usda.gov>
Date: Fri, Nov 8, 2019 at 11:45 AM
Subject: RE: Form AD-1006 (Longhorn Buffer Restoration Project) Randolph County
To: Kevin Yates <clearwatermitigation@gmail.com>

Kevin:

I would say yes. But that is basically an opinion that FHWA should agree on, which is the Federal agency involved. In the other hand

In the other hand, this is a restoration project in which Native Trees Species will be planted. I do not understand why an AD1006 evaluation is required. Honestly, I run evaluations all the time for restoration projects and it does not make any sense to me. The area will not be planted with "concrete, asphalt, neither buildings" It is a restoration project. But that is just my humble opinion.

If I can be of further assistance [lease let me know.

Have a great week end.

Milton Cortes

USDA NRCS

Raleigh, NC

Desk: 919-873-2171

Cell: 984-365-2201

From: Kevin Yates <clearwatermitigation@gmail.com>
Sent: Friday, November 8, 2019 11:36 AM
To: Cortes, Milton - NRCS, Raleigh, NC <milton.cortes@usda.gov>
Subject: Re: Form AD-1006 (Longhorn Buffer Restoration Project) Randolph County

Hey Milton,

Per the attached Form AD1006, we have chosen Site A and consider it to be in compliance with FPPA, would you concur with this determination?

Thanks,
Kevin

Kevin Yates

Clearwater Migaon Soluons

919-624-6901

On Wed, Nov 6, 2019 at 4:57 PM Cortes, Milton - NRCS, Raleigh, NC <milton.cortes@usda.gov> wrote:

Kevin:

Part VI need to be filled by the Federal Highway Administration according to the 7 CFR 658- Farmland Protraction Policy Act. Thereafter they complete the rest of the form and finish it. According to the final figures then they need to make the corresponding decision about the site. We can't do that. It is the job of the Federal Agency Involved since they are who provide the funding and they have their own rules.

NRCS is responsible for PART II, IV and V. I also review PART III for errors.

You need to take the form back to FHWA to get it finished.

Let me know if you have any other question.

Best

Milton Cortes

USDA NRCS

Raleigh, NC

Desk: 919-873-2171

Cell: 984-365-2201

From: Kevin Yates <clearwatermitigation@gmail.com>
Sent: Wednesday, November 6, 2019 4:51 PM
To: Cortes, Milton - NRCS, Raleigh, NC <milton.cortes@usda.gov>
Cc: Williams, Kimberlee <kwilliams@imgroup.net>
Subject: Fwd: Form AD-1006 (Longhorn Buffer Restoration Project) Randolph County

Hey Milton,

It appears that you filled out part 6, but do we need to still fill this out and add up points to complete step 7?

Or have we fulfilled and are consistent with the FPPA?

Thanks for your help with this,

Kevin

Kevin Yates

Clearwater Migaon Soluons

919-624-6901

----- Forwarded message -----

From: Cortes, Milton - NRCS, Raleigh, NC <milton.cortes@usda.gov>
Date: Tue, Oct 29, 2019 at 12:34 PM
Subject: RE: Form AD-1006 (Longhorn Buffer Restoration Project) Randolph County
To: Kevin Yates <clearwatermitigation@gmail.com>

Kevin:

Please find attached the Farmland Conversion Impact Rating evaluation for the Longhorn Riparian Buffer Restoration Project, Randolph Co., NC.

If we can be of further assistance please let us know.

Best Regards;

Milton Cortes

State Soil Scientist

USDA NRCS

4407 Bland Rd., Suite 117

Raleigh, NC 27609

Desk: 919-873-2171

Cell: 984-365-2201

From: Kevin Yates <clearwatermitigation@gmail.com>

Sent: Tuesday, October 29, 2019 10:52 AM

To: Cortes, Milton - NRCS, Raleigh, NC <milton.cortes@usda.gov>

Subject: Re: Form AD-1006 (Longhorn Buffer Restoration Project) Randolph County

Thank You!

Kevin Yates

Clearwater Migaon Soluons

919-624-6901

On Tue, Oct 29, 2019 at 10:40 AM Cortes, Milton - NRCS, Raleigh, NC <milton.cortes@usda.gov> wrote:

Kevin;

I'm working on all Ad1006 I have pending, today. You will get your report today later on.

Milton Cortes

State Soil Scientist

USDA NRCS

4407 Bland Rd., Suite 117

Raleigh, NC 27609

Desk: 919-873-2171

Cell: 984-365-2201

From: Kevin Yates <clearwatermitigation@gmail.com>
Sent: Tuesday, October 29, 2019 10:38 AM
To: Cortes, Milton - NRCS, Raleigh, NC <milton.cortes@usda.gov>
Subject: Re: Form AD-1006 (Longhorn Buffer Restoration Project) Randolph County

Hey Milton,

Just checking to see if you were able to perform the prime and unique farmland analysis for the longhorn site?

Thanks,
Kevin

Kevin Yates

Clearwater Migaon Soluons

919-624-6901

On Tue, Oct 15, 2019 at 5:28 PM Kevin Yates <clearwatermitigation@gmail.com> wrote:

Hey Milton,

See attached soils map with acreages within easement area for the Longhorn project. Let me know if you have any questions or need anything else.

Thanks,
Kevin

Kevin Yates

Clearwater Migaon Soluons

919-624-6901

On Thu, Oct 10, 2019 at 5:19 PM Cortes, Milton - NRCS, Raleigh, NC <milton.cortes@usda.gov> wrote:

Kevin:

In order to process the AD1006 I will need either, a soils map with acres inventory of the area that will be affected or a shape file so I may create the soils map and acres inventory. Please see the attached instructions so you may have an idea of what I need.

Thanks

Milton Cortes

State Soil Scientist

USDA NRCS

4407 Bland Rd., Suite 117

Raleigh, NC 27609

Desk: 919-873-2171

Cell: 984-365-2201

From: Kevin Yates <clearwatermitigation@gmail.com>
Sent: Wednesday, September 18, 2019 5:02 PM
To: Cortes, Milton - NRCS, Raleigh, NC <milton.cortes@usda.gov>
Cc: Williams, Kimberlee <kwilliams@imgroup.net>; Wes Fryar <wfryar@imgroup.net>
Subject: Form AD-1006 (Longhorn Buffer Restoration Project) Randolph County

Hey Milton,

We have another riparian buffer restoration project in Randolph County, which is conversion of cow pasture /hay to planted native hardwood species and need to conduct a farmland conversion impact rating form. The project site is located is located at 2546 Marlboro Church Rd., Sophia, NC 27350 in Randolph County. The area to be converted is approximately 14.24-acres currently in cow pasture with no row crops. Attached is a vicinity map and easement area map for the site, soils map, and pictures of the project area for your reference. Let me know if you need any shapefiles or have any questions.

Thanks,

Kevin

Kevin Yates

Clearwater Migaon Soluons

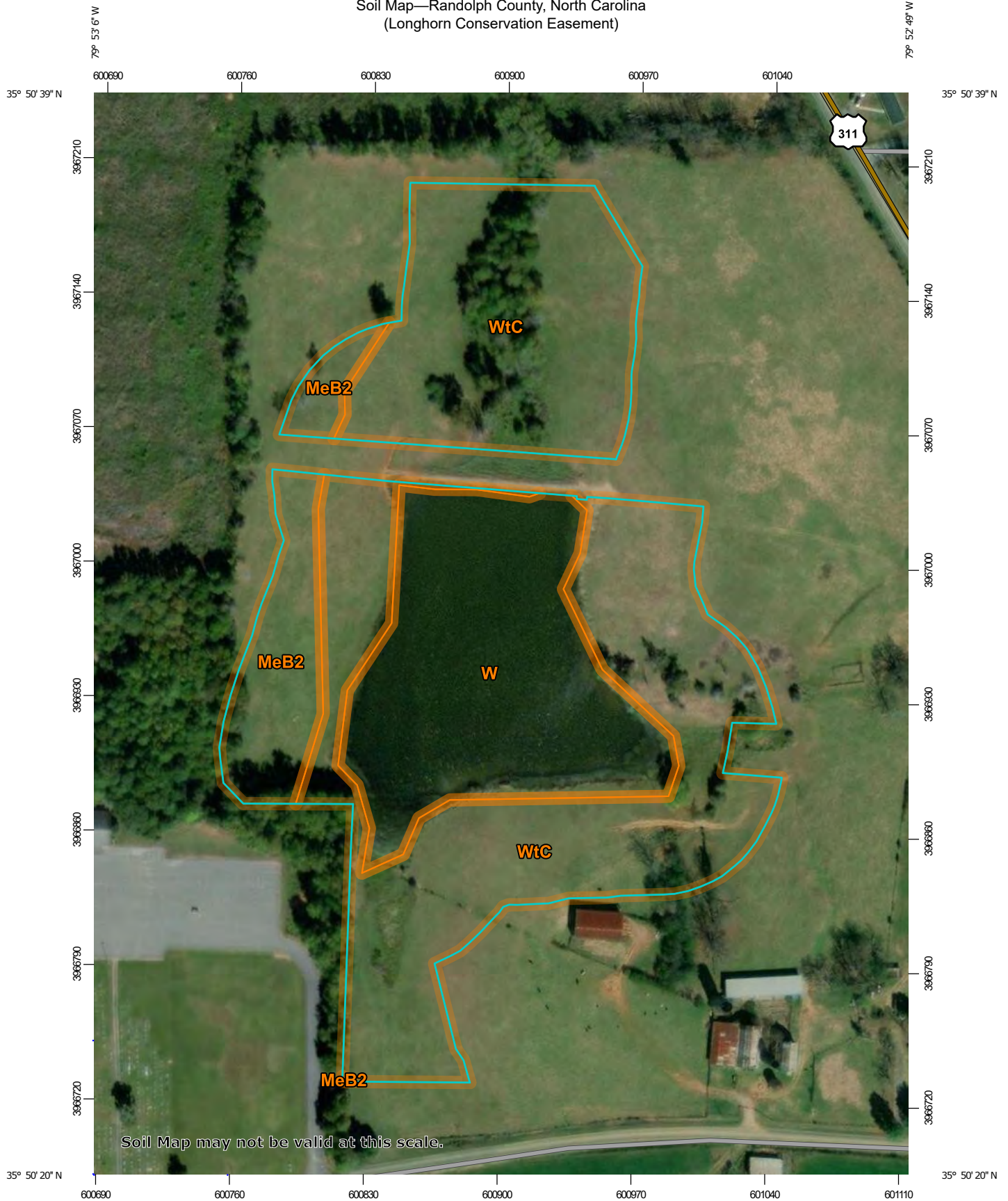
919-624-6901

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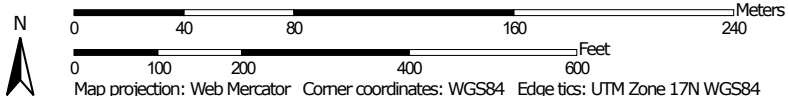


2019-11-08 _Longhorn_Buffer Site_Randolph Co._AD1006-Prime and Unique Farmland.pdf
195K

Soil Map—Randolph County, North Carolina
(Longhorn Conservation Easement)



Map Scale: 1:2,750 if printed on A portrait (8.5" x 11") sheet.



Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 17N WGS84



Natural Resources
Conservation Service

Web Soil Survey
National Cooperative Soil Survey

10/15/2019
Page 1 of 3

MAP LEGEND

Area of Interest (AOI)

 Area of Interest (AOI)

Soils

 Soil Map Unit Polygons

 Soil Map Unit Lines

 Soil Map Unit Points

Special Point Features



Blowout



Borrow Pit



Clay Spot



Closed Depression



Gravel Pit



Gravelly Spot



Landfill



Lava Flow



Marsh or swamp



Mine or Quarry



Miscellaneous Water



Perennial Water



Rock Outcrop



Saline Spot



Sandy Spot



Severely Eroded Spot



Sinkhole



Slide or Slip



Sodic Spot



Spoil Area



Stony Spot



Very Stony Spot



Wet Spot



Other



Special Line Features

Water Features



Streams and Canals

Transportation



Rails



Interstate Highways



US Routes



Major Roads



Local Roads

Background



Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service

Web Soil Survey URL:

Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Randolph County, North Carolina

Survey Area Data: Version 24, Sep 16, 2019

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: May 19, 2015—Oct 16, 2017

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
MeB2	Mecklenburg clay loam, 2 to 8 percent slopes, moderately eroded	1.9	9.8%
W	Water	5.2	27.5%
WtC	Wynott-Enon complex, 8 to 15 percent slopes	11.9	62.7%
Totals for Area of Interest		18.9	100.0%

APPENDIX F.

SEDIMENT AND EROSION CONTROL PLAN

ROY COOPER
Governor

MICHAEL S. REGAN
Secretary

Brian Wrenn
Acting Director



NORTH CAROLINA
Environmental Quality

February 17, 2020

LETTER OF APPROVAL

Clearwater Mitigation Solutions, LLC
Joseph Kevin Yates, Principal
604 Macon Place
Raleigh, NC 27609

RE: Project Name: Longhorn Mitigation Site
Project ID: RANDO-2020-010
Total Acres: 13.41
County: Randolph
River Basin: Cape Fear
Project Location: Marlboro Church Rd - Sophia
Submitted By: McAdams Company
Date Received by LQS: February 13, 2020
Plan Type: Commercial – Express – New

Dear Sir or Madam,

This office has reviewed the subject erosion and sedimentation control plan. We find the plan to be acceptable and hereby issue this Letter of Approval. The enclosed Certificate of Approval must be posted at the job site. This plan shall expire three (3) years following the date of approval, if no land disturbing activity has been undertaken, as is required by Title 15A NCAC 4B .0129.

As of April 1, 2019, all new construction activities are required to complete and submit an electronic Notice of Intent (eNOI) form requesting a Certificate of Coverage (COC) under the NCG010000 Construction General Permit. After the form is reviewed and found to be complete, you will receive a link with payment instructions for the \$100 annual permit fee. After the fee is received, you will receive the COC via email. You MUST obtain the COC prior to commencement of any land disturbing activity. The eNOI form may be accessed at deq.nc.gov/NCG01. Please direct questions about the eNOI form to Annette Lucas at Annette.lucas@ncdenr.gov or Paul Clark at Paul.clark@ncdenr.gov. If the owner/operator of this project changes in the future, the new responsible party is required to apply for his/her own COC.



Title 15A NCAC 4B .0118(a) and the NCG01 permit require that the following documentation be kept on file at the job site:

1. The approved E&SC plan as well as any approved deviation.
2. The NCG01 permit and the COC, once it is received.
3. Records of inspections made during the previous 12 months.

Also, this letter gives the notice required by G.S. 113A-61.1(a) of our right of periodic inspection to insure compliance with the approved plan.

North Carolina's Sedimentation Pollution Control Act is performance-oriented, requiring protection of existing natural resources and adjoining properties. If, following the commencement of this project, it is determined that the erosion and sedimentation control plan is inadequate to meet the requirements of the Sedimentation Pollution Control Act of 1973 (North Carolina General Statute 113A-51 through 66), this office may require revisions to the plan and implementation of the revisions to ensure compliance with the Act.

Acceptance and approval of this plan is conditioned upon your compliance with Federal and State water quality laws, regulations, and rules. In addition, local city or county ordinances or rules may also apply to this land-disturbing activity. This approval does not supersede any other permit or approval.

Please note that this approval is based in part on the accuracy of the information provided in the Financial Responsibility Form, which you provided. You are requested to file an amended form if there is any change in the information included on the form. In addition, it would be helpful if you notify this office of the proposed starting date for this project. Please notify us if you plan to have a preconstruction conference.

Your cooperation is appreciated.

Sincerely,



Scott Sink
Assistant Regional Engineer
Land Quality Section

Enclosures: Certificate of Approval
NCG01 Fact Sheet

cc:

McAdams Company
2905 Meridian Pkwy
Durham, NC 27713



McADAMS

The John R. McAdams Company, Inc.
2905 Meridian Parkway
Durham, NC 27713

phone 919. 361. 5000
fax 919. 361. 2269
license number: C-0293, C-187

www.mcadamsco.com

CONTACT

REBECCA STUBBS, PE
rstubbs@mcadamsco.com
PHONE: 919. 361. 5000

CLIENT

CLEARWATER MITIGATION SOLUTIONS
PHONE: 919. 624. 6901

CLEARWATER MITIGATION SOLUTIONS

LONGHORN MITIGATION SITE

2546 MARLBORO CHURCH, RD
SOPHIA, NC 27350

EROSION CONTROL DRAWINGS

PROJECT NUMBER: CLW-18000

DATE: FEBRUARY 13, 2020

GENERAL NOTES:

1. ALL DIMENSIONS AND GRADES SHOWN ON THE PLANS SHALL BE FIELD VERIFIED BY THE CONTRACTOR PRIOR TO CONSTRUCTION. CONTRACTOR SHALL NOTIFY THE OWNER IF ANY DISCREPANCIES EXIST PRIOR TO PROCEEDING WITH CONSTRUCTION FOR NECESSARY PLAN OR GRADE CHANGES. NO EXTRA COMPENSATION SHALL BE PAID TO THE CONTRACTOR FOR ANY WORK DONE DUE TO DIMENSIONS OR GRADES SHOWN INCORRECTLY ON THESE PLANS IF SUCH NOTIFICATION HAS NOT BEEN GIVEN.
2. THERE MAY BE WETLANDS WITHIN THIS SITE. IT IS THE OWNER'S RESPONSIBILITY FOR WETLANDS JURISDICTION AND PERMIT DISURBANCE PRIOR TO ANY GRADING ACTIVITY.
3. ALL NECESSARY PERMITS/NOTIFICATIONS WILL BE OBTAINED FROM THE US ARMY CORPS OF ENGINEERS, NC DIVISION OF WATER RESOURCES, AND RANDOLPH COUNTY PRIOR TO DISTURBANCE OF ANY JURISDICTIONAL WETLAND/STREAM OR CONSTRUCTION.
4. ANY CONFLICTS ON THE PLANS, DRAWINGS, ETC. SHALL BE BROUGHT TO THE ATTENTION OF THE DESIGN ENGINEER PRIOR TO CONSTRUCTION.
5. THIS PLAN IS FOR THE MODIFICATION OF THE OUTLET DEVICE OF THE EXISTING POND AND DESIGN OF THE OUTLET CHANNEL. McADAMS ASSUMES NO LIABILITY FOR THE PREVIOUS CONSTRUCTION OF THE FACILITY. THIS MODIFICATION DESIGN IS BASED ON THE BEST AVAILABLE INFORMATION FOR THE FACILITY.
6. THE CONTRACTOR SHALL FURNISH, INSTALL, OPERATE, AND MAINTAIN ANY PUMPING OR Dewatering EQUIPMENT, ETC. NEEDED FOR REMOVAL OF WATER FROM VARIOUS PARTS OF THE PROJECT CONSTRUCTION AREA.
7. ANY NAME BRANDS OR SPECIFIC PRODUCTS SHOWN ON THE CONSTRUCTION DOCUMENTS CAN BE SUBSTITUTED WITH AN ENGINEER-APPROVED EQUAL. SHOP DRAWINGS, DETAILS, CUT SHEETS, OR ANY OTHER AVAILABLE INFORMATION OR ANY SUBSTITUTIONS SHALL BE SUBMITTED TO THE ENGINEER FOR REVIEW PRIOR TO ANY CHANGES.
8. THE CONTRACTOR AND OWNER SHALL FOLLOW ALL CURRENT OSHA GUIDELINES DURING CONSTRUCTION.
9. ALL GRADES SHOWN ON THE PLANS ARE FINISH GRADES. ANY CHANGES TO THE GRADING OR ACCOMMODATIONS FOR TOPSOIL ARE THE RESPONSIBILITY OF THE CONTRACTOR.

GENERAL CONSTRUCTION SEQUENCE:

1. THE OWNER SHALL OBTAIN ALL APPROPRIATE PERMITS/NOTIFICATIONS FROM THE NORTH CAROLINA DIVISION OF WATER RESOURCES/US ARMY CORPS OF ENGINEERS PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL KEEP COPIES OF ALL APPLICABLE PERMITS ON-SITE DURING CONSTRUCTION.
2. INSTALL ALL SEDIMENT AND EROSION CONTROL MEASURES PER THE SEDIMENT AND EROSION CONTROL PLAN. CLEARING ONLY THE AREAS NECESSARY FOR INSTALLATION OF THESE MEASURES. THE CONTRACTOR SHALL MAINTAIN ALL APPROVED SEDIMENT AND EROSION CONTROL MEASURES THROUGHOUT THE ENTIRE PROJECT, AS REQUIRED.
3. FOLLOWING OR IN COMBINATION WITH CLEARING AND STRIPPING OPERATIONS, BLIND OFF ALONG THE EXISTING DRAINAGE FEATURE SHOULD BE DIVERTED AROUND THE CONSTRUCTION AREA. THE PHASING AND SEQUENCE OF INSTALLATION OF THE SEDIMENT AND EROSION CONTROL MEASURES IS THE RESPONSIBILITY OF THE CONTRACTOR. THE CONTRACTOR MUST PREVENT SEDIMENT FROM LEAVING THE SITE AND PROVIDE A CONSTANT TEMPORARY CHANNEL SECTION THROUGH THE WORK AREA. IF NEEDED, TEMPORARY PUMPING OF DAY TO DAY RUNOFF FLOWS WILL BE REQUIRED FROM THE WORK AREA. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO PROVIDE A SAFE WORK ENVIRONMENT AND PROTECT EQUIPMENT FROM FLOODING DAMAGE OR LOSS.

STATEMENT OF RESPONSIBILITY:

ALL REQUIRED MAINTENANCE AND INSPECTIONS OF THIS FACILITY SHALL BE THE RESPONSIBILITY OF THE OWNER.

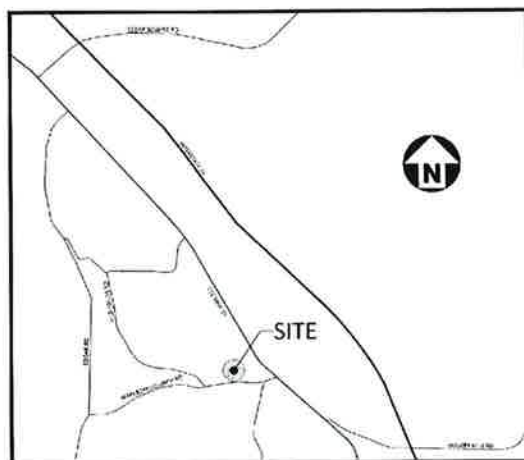
SHEET INDEX

C1.00	EXISTING CONDITIONS AND DEMO PLAN
C3.00	GRADING AND DRAINAGE PLAN
C6.00	EROSION CONTROL NOTES
C6.01	EROSION CONTROL OVERALL PLAN
C6.02	EROSION CONTROL PLAN - AREA 'A'
C6.03	EROSION CONTROL PLAN - AREA 'B'
C8.00	SITE DETAILS
C8.01	SITE DETAILS

SITE DATA TABLE	
PROPERTY AREA	45.33 AC
RIVER BASIN	LAKE HERR
WATERSHED	RANDOLPH LAKE
B. DIST. HUC	18080103

PROPERTY OWNER:
CURTIS A. REDDING
2456 MARLBORO CHURCH RD
SOPHIA, NORTH CAROLINA 27350
PIN: 7736817705

CHRISTOPHER A. REDDING
PIN: 7736817705



VICINITY MAP
N.T.S.

DISTURBED AREA = 13.41 AC.

GROUND STABILIZATION SCHEDULE		
SITE AREA DESCRIPTION	STABILIZATION TIME PERMITS	STABILIZATION TIME AREA VARIATIONS
PERMITS DIBLS, SWALES, DITCHES AND SLOPES	7 DAYS	NONE
HIGH QUALITY WATER (SLOPES)	7 DAYS	NONE
SLOPES STEEPER THAN 2:1	7 DAYS	1 SLOPE PER 10' OR LESS IF FLOTTING AND ARE NOT STEEPER THAN 2:1. 14 DAYS ARE ALLOWED.
SLOPES 2:1 OR FLATTER	14 DAYS	7 DAYS FOR SLOPES GREATER THAN 50 FEET IN LENGTH
ALL OTHER AREAS WITH SLOPES FLATTER THAN 2:1	30 DAYS	NONE (EXCEPT FOR PERMITS PER HIGH WIND ZONES)



Know what's below.
Call before you dig.

CONTRACTOR SHALL NOTIFY "NC811" (811) OR (1-800-632-4949) AT LEAST 3 FULL BUSINESS DAYS PRIOR TO BEGINNING CONSTRUCTION OR EXCAVATION TO HAVE EXISTING UTILITIES LOCATED. CONTRACTOR SHALL CONTACT ANY LOCAL UTILITIES THAT PROVIDE THEIR OWN LOCATOR SERVICES INDEPENDENT OF "NC811". REPORT ANY DISCREPANCIES TO THE ENGINEER IMMEDIATELY.

PRELIMINARY DRAWING - NOT RELEASED FOR CONSTRUCTION



REVISIONS

NO. DATE

EROSION CONTROL DRAWINGS FOR:

LONGHORN MITIGATION SITE
SOPHIA, NC 27350
PROJECT NUMBER: CLW-18000



McADAMS

The John R. McAdams Company, Inc.
2905 Meridian Parkway
Durham, NC 27713

phone 919.361.5000
fax 919.361.2269
license number: C-0293, C-187

www.mcadamsco.com

CLIENT

CLEARWATER MITIGATION SOLUTIONS
PHONE: 919.624.6901

CLEARWATER MITIGATION SOLUTIONS

**LONGHORN MITIGATION SITE
CONSTRUCTION DRAWINGS**
2546 MARLBORO CHURCH RD
SOPHIA, NC 27350



REVISIONS

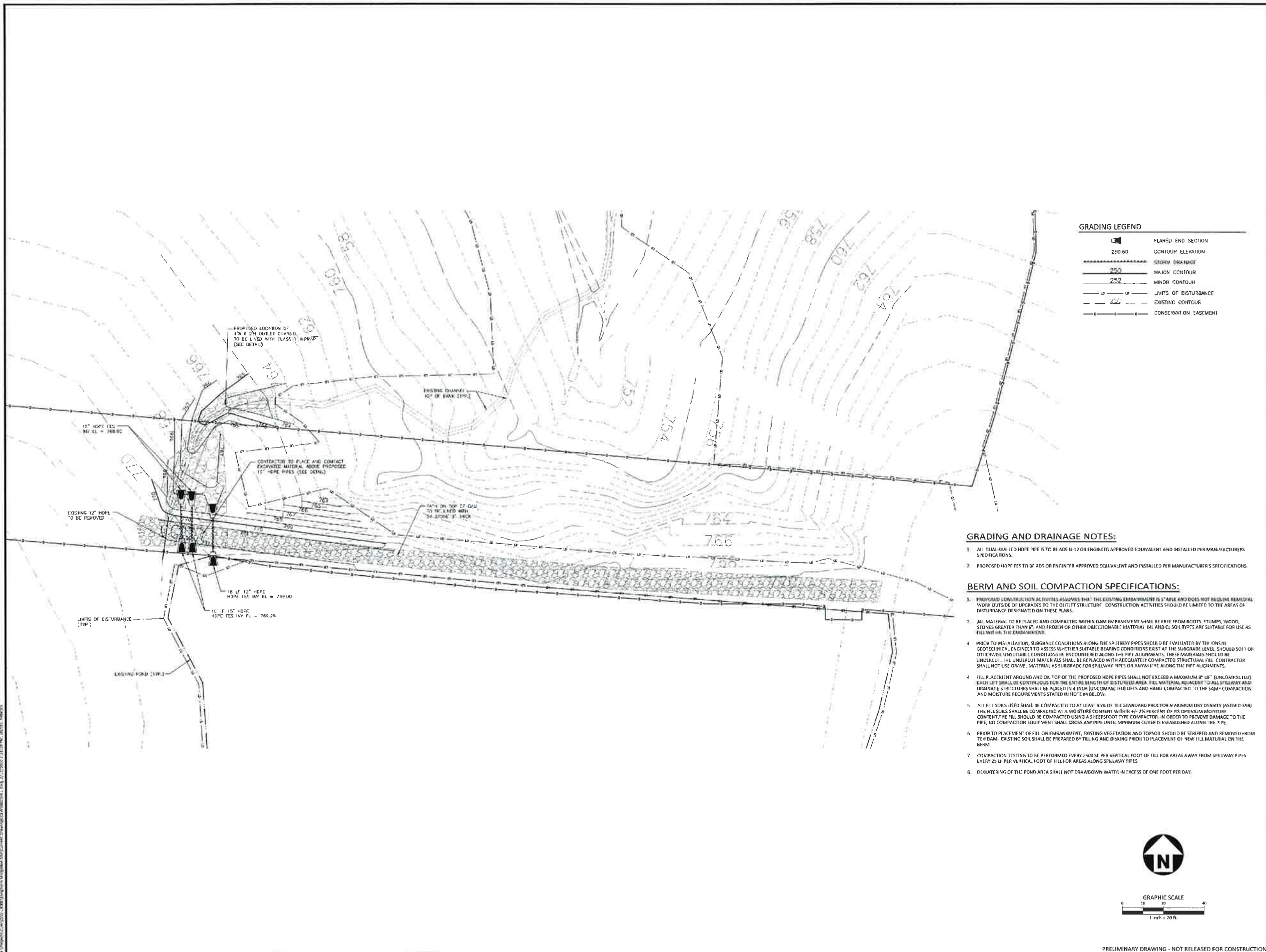
NO DATE

PLAN INFORMATION

PROJECT NO. CLW-18000
FILENAME CLW18000-G1
CHECKED BY RAS
DRAWN BY RAS
SCALE 1" = 20'
DATE 02.11.2020

SHEET

**GRADING AND DRAINAGE PLAN
C3.00**



GRADING LEGEND

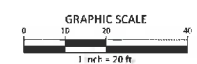
	FLARED END SECTION
	CONTOUR ELEVATION
	STORM DRAINAGE
	MAJOR CONTOUR
	MINOR CONTOUR
	JOINTS OF DISTURBANCE
	EXISTING CONTOUR
	CONSERVATION EASEMENT

GRADING AND DRAINAGE NOTES:

1. ALL FINAL WALL TO HDPE PIPE IS TO BE ADS N-12 OR ENGINEER APPROVED EQUIVALENT AND INSTALLED PER MANUFACTURER'S SPECIFICATIONS.
2. PROPOSED HDPE PIPES TO BE ADS-OR ENGINEER APPROVED EQUIVALENT AND INSTALLED PER MANUFACTURER'S SPECIFICATIONS.

BERM AND SOIL COMPACTION SPECIFICATIONS:

1. PROPOSED LONGHORN ACTIVITIES ASSUMES THAT THE EXISTING EMBANKMENT IS STABLE AND DOES NOT REQUIRE REMEDIAL WORK OUTSIDE OF UPGRADES TO THE OUTLET STRUCTURE. CONSTRUCTION ACTIVITIES SHOULD BE LIMITED TO THE AREAS OF DISTURBANCE DESIGNATED ON THESE PLANS.
2. ALL MATERIAL TO BE PLACED AND COMPACTED WITHIN DAM EMBANKMENT SHALL BE FREE FROM ROOTS, STUMPS, WOOD, STONES GREATER THAN 6", AND FROZEN OR OTHER OBJECTIONABLE MATERIAL. ALL AND CL SOIL TYPES ARE SUITABLE FOR USE AS FILL WITHIN THE EMBANKMENT.
3. PRIOR TO INSTALLATION, SUBGRADE CONDITIONS ALONG THE SPILLWAY PIPES SHOULD BE EVALUATED BY THE ON-SITE GEOTECHNICAL ENGINEER TO ASSESS WHETHER SUITABLE BEARING CONDITIONS EXIST AT THE SUBGRADE LEVEL. SHOULD SOILS OR OTHER UNSUITABLE CONDITIONS BE ENCOUNTERED ALONG THE PIPE ALIGNMENTS, THESE MATERIALS SHOULD BE UNDERCUT. THE UNDERCUT MATERIALS SHALL BE REPLACED WITH ADEQUATELY COMPACTED STRUCTURAL FILL. CONTRACTOR SHALL NOT USE GRAVEL MATERIAL AS SUBGRADE FOR SPILLWAY PIPES OR ANYWHERE ALONG THE PIPE ALIGNMENTS.
4. FILL PLACEMENT AROUND AND ON TOP OF THE PROPOSED HDPE PIPES SHALL NOT EXCEED A MAXIMUM 6" LIFT (UNCOMPACTED). EACH LIFT SHALL BE CONTINUOUS FOR THE ENTIRE LENGTH OF DISTURBED AREA. FILL MATERIAL NEARBY TO ALL SPILLWAY AND DRAINAGE STRUCTURES SHALL BE PLACED IN 4 INCH (UNCOMPACTED) LIFTS AND HAND COMPACTED TO THE SAME COMPACTION AND MOISTURE REQUIREMENTS STATED IN NOTE #4 BELOW.
5. ALL FILL SOILS USED SHALL BE COMPACTED TO AT LEAST 95% OF THE STANDARD PROCTOR MAXIMUM DRY DENSITY (ASTM D-698). THE FILL SOILS SHALL BE COMPACTED AT A MOISTURE CONTENT WITHIN +/- 2% PERCENT OF ITS OPTIMUM MOISTURE CONTENT. THE FILL SHOULD BE COMPACTED USING A SHEEPSFOOT TYPE COMPACTOR. IN ORDER TO PREVENT DAMAGE TO THE PIPE, NO COMPACTOR EQUIPMENT SHALL CROSS ANY PIPE UNTIL MINIMUM COVER IS ESTABLISHED ALONG THE PIPE.
6. PRIOR TO PLACEMENT OF FILL ON EMBANKMENT, EXISTING VEGETATION AND TOPSOIL SHOULD BE STRIPPED AND REMOVED FROM THE DAM. EXISTING SOIL SHALL BE PREPARED BY TILLING AND DISKING PRIOR TO PLACEMENT OF NEW FILL MATERIAL ON THE BERM.
7. COMPACTION TESTING TO BE PERFORMED EVERY 2500 SF PER VERTICAL FOOT OF FILL FOR AREAS AWAY FROM SPILLWAY PIPES EVERY 25 LF PER VERTICAL FOOT OF FILL FOR AREAS ALONG SPILLWAY PIPES.
8. DEWATERING OF THE POND AREA SHALL NOT DRAWDOWN WATER IN EXCESS OF ONE FOOT PER DAY.



PRELIMINARY DRAWING - NOT RELEASED FOR CONSTRUCTION



McADAMS

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www.mcadamsco.com

CLIENT

CLEARWATER MITIGATION SOLUTIONS
PHONE: 919.624.6901

CLEARWATER MITIGATION SOLUTIONS

LONGHORN MITIGATION SITE
CONSTRUCTION DRAWINGS
2546 MARLBORO CHURCH RD
SOPHIA, NC 27350



REVISIONS

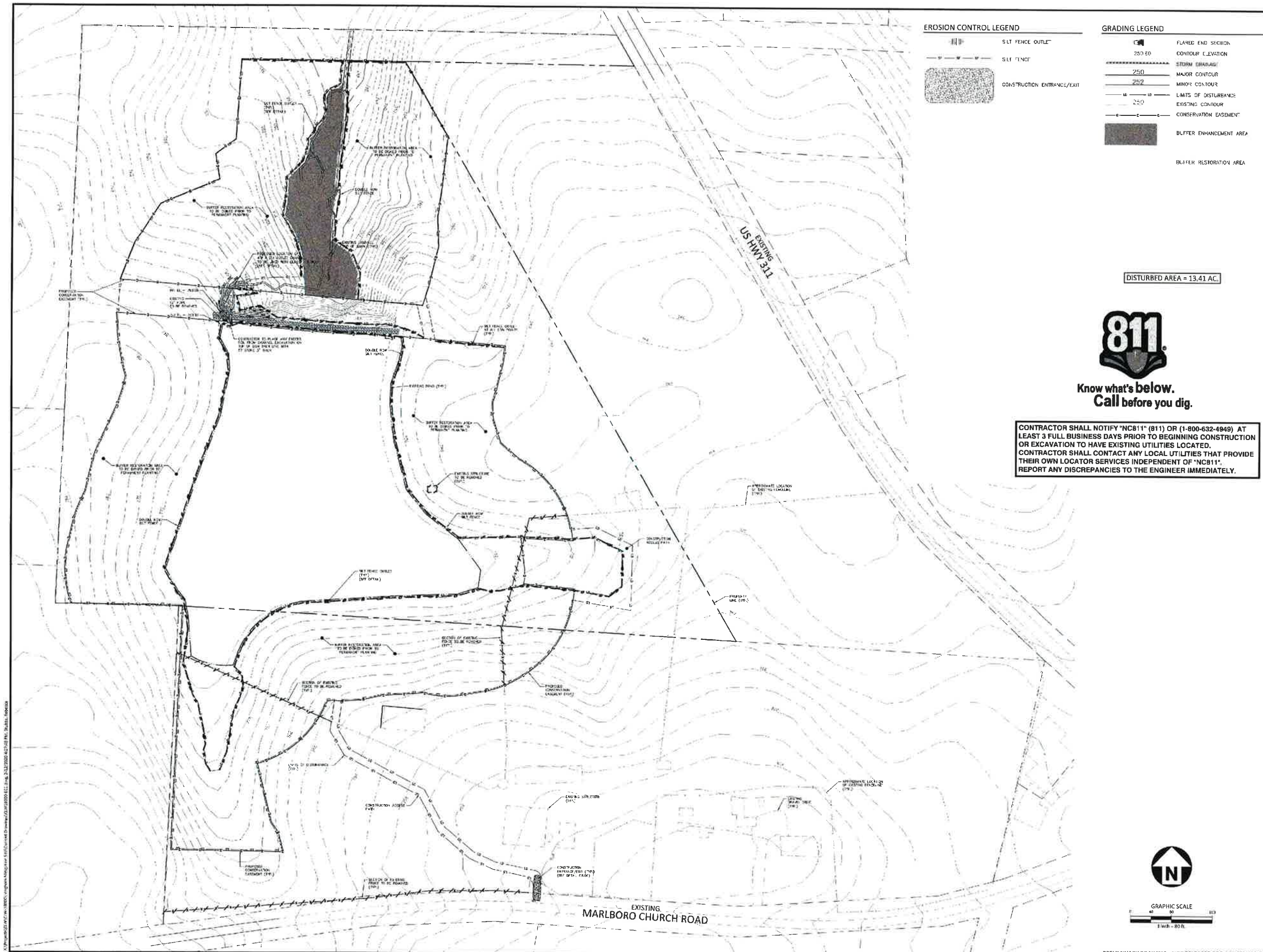
NO. DATE

PLAN INFORMATION

PROJECT NO. CLW-18000
FILENAME CLW18000 EC1
CHECKED BY RAS
DRAWN BY RAS
SCALE 1" = 80'
DATE 02.11.2020

SHEET

EROSION CONTROL OVERALL PLAN
C6.01



EROSION CONTROL LEGEND

	SILT FENCE OUTLET
	SILT FENCE
	CONSTRUCTION ENTRANCE/EXIT

GRADING LEGEND

	FLARED END SECTION
	CONTOUR ELEVATION
	STORM EASEMENT
	MAJOR CONTOUR
	MINOR CONTOUR
	LIMITS OF DISTURBANCE
	EXISTING CONTOUR
	CONSERVATION EASEMENT
	BUFFER ENHANCEMENT AREA
	BUFFER RESTORATION AREA

DISTURBED AREA = 13.41 AC.



Know what's below.
Call before you dig.

CONTRACTOR SHALL NOTIFY "NC811" (811) OR (1-800-632-4949) AT LEAST 3 FULL BUSINESS DAYS PRIOR TO BEGINNING CONSTRUCTION OR EXCAVATION TO HAVE EXISTING UTILITIES LOCATED. CONTRACTOR SHALL CONTACT ANY LOCAL UTILITIES THAT PROVIDE THEIR OWN LOCATOR SERVICES INDEPENDENT OF "NC811". REPORT ANY DISCREPANCIES TO THE ENGINEER IMMEDIATELY.



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CONSTRUCTION DRAWINGS**
2546 MARLBORO CHURCH RD
SOPHIA, NC 27350



REVISIONS

NO. DATE

PLAN INFORMATION

PROJECT NO. CLW-18000
FILENAME CLW18000 EC1
CHECKED BY RAS
DRAWN BY RAS
SCALE 1" = 40'
DATE 02.11.2020
SHEET

**EROSION CONTROL PLAN
AREA 'A'**

C6.02

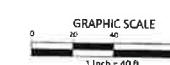
GRADING LEGEND

FLARED END SECTION
250.00 CONTOUR ELEVATION
SHOULDER DRAINAGE
250 MAJOR CONTOUR
252 MINOR CONTOUR
LIMITS OF DISTURBANCE
250 EXISTING CONTOUR
CONSERVATION EASEMENT
BUFFER ENHANCEMENT AREA
BUFFER RESTORATION AREA

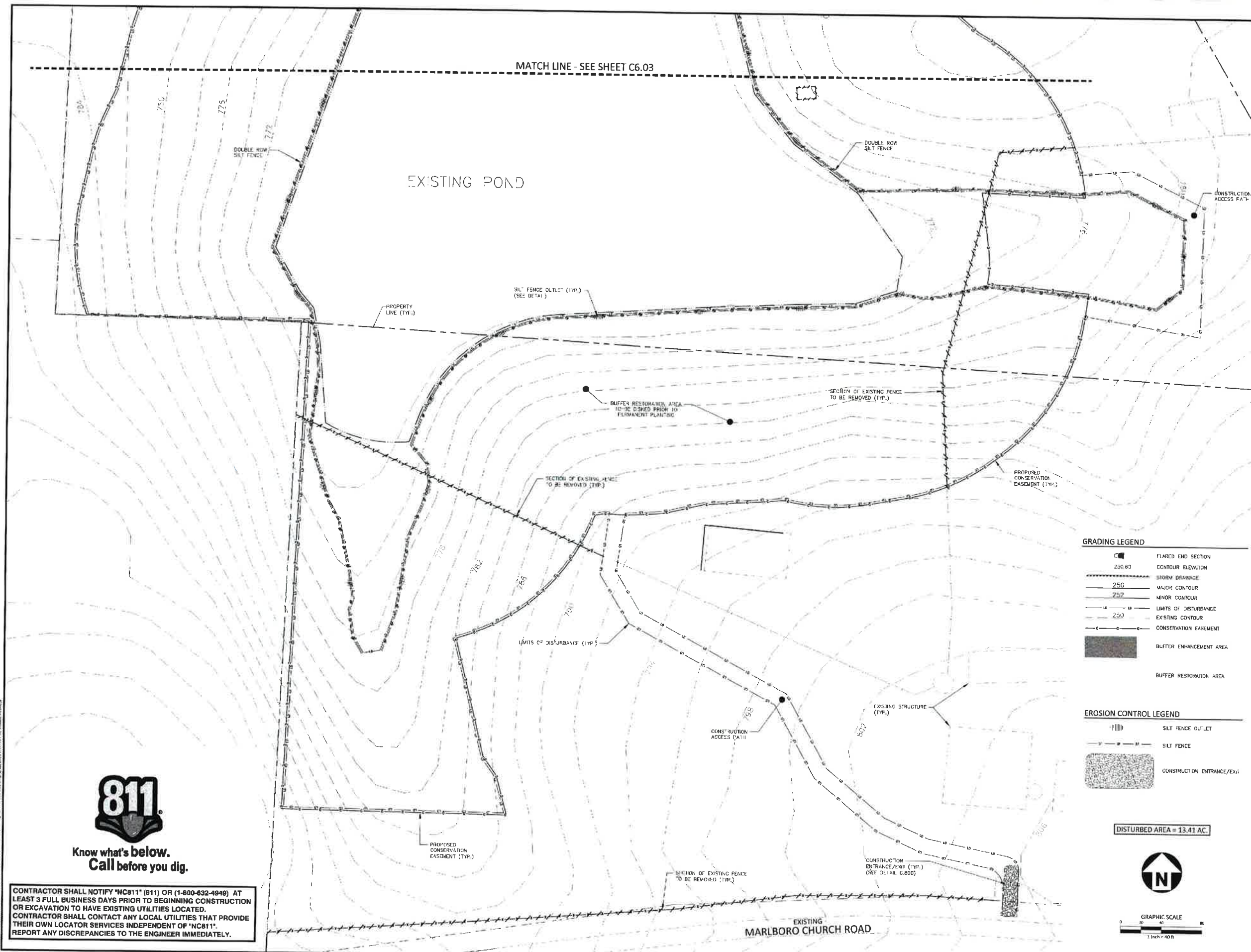
EROSION CONTROL LEGEND

SILT FENCE OUTLET
SILT FENCE
CONSTRUCTION ENTRANCE/EXIT

DISTURBED AREA = 13.41 AC.

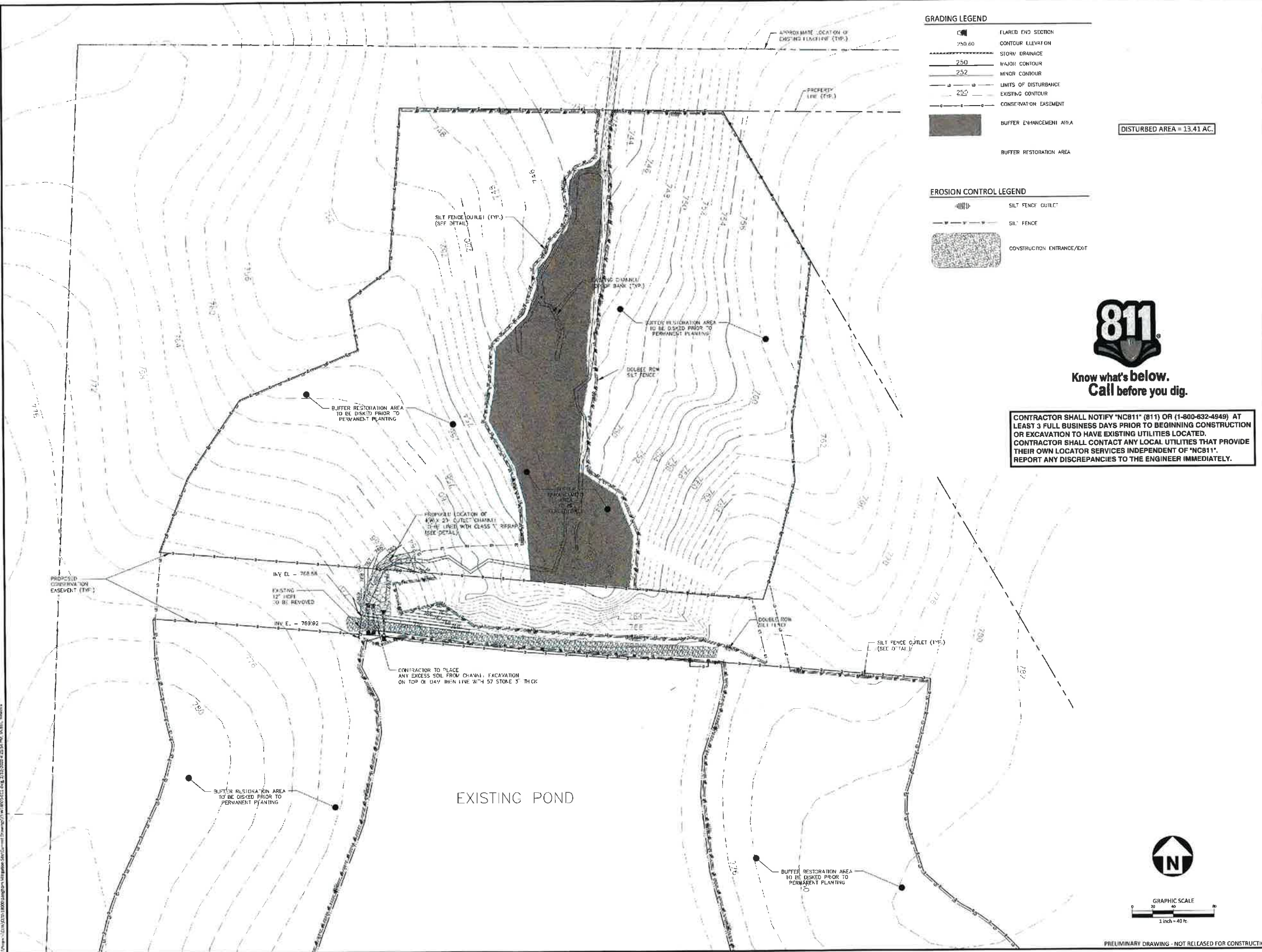


PRELIMINARY DRAWING - NOT RELEASED FOR CONSTRUCTION



Know what's below.
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GRADING LEGEND

FLARED END SECTION	250.60	CONTOUR ELEVATION
STORM DRAINAGE	250	MAJOR CONTOUR
LIMITS OF DISTURBANCE	252	MINOR CONTOUR
EXISTING CONTOUR	250	CONSERVATION EASEMENT
BUFFER ENHANCEMENT AREA		
BUFFER RESTORATION AREA		

DISTURBED AREA = 13.41 AC.

EROSION CONTROL LEGEND

SILT FENCE OUTLET
SILT FENCE
CONSTRUCTION ENTRANCE/EXIT



Know what's below.
Call before you dig.

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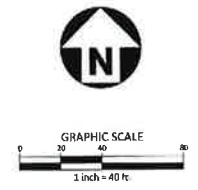
REVISIONS

NO.	DATE
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PLAN INFORMATION

PROJECT NO. CLW-18000
 FILENAME CLW18000-EC1
 CHECKED BY RAS
 DRAWN BY RAS
 SCALE 1" = 40'
 DATE 02.11.2020
SHEET

EROSION CONTROL PLAN
AREA 'B'
C6.03



PRELIMINARY DRAWING - NOT RELEASED FOR CONSTRUCTION



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REVISIONS

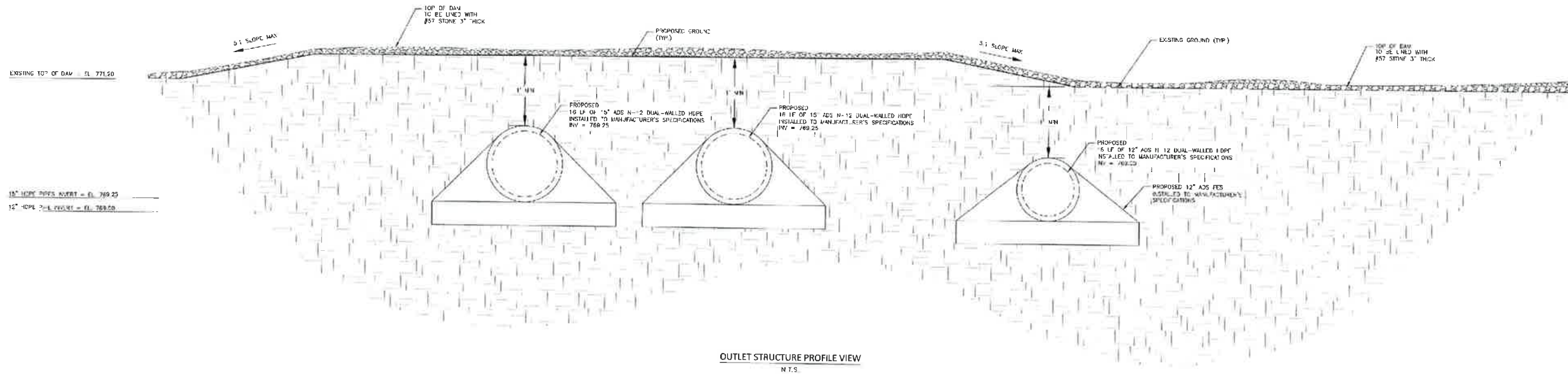
NO. DATE

PLAN INFORMATION

PROJECT NO. CLW-18000
FILENAME CLW18000-D1
CHECKED BY RAS
DRAWN BY RAS
SCALE AS NOTED
DATE 02.11.2020
SHEET

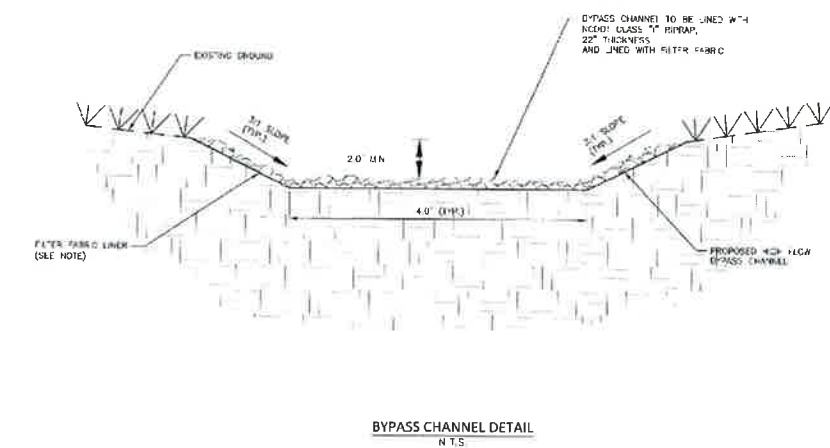
DETAILS

C8.00



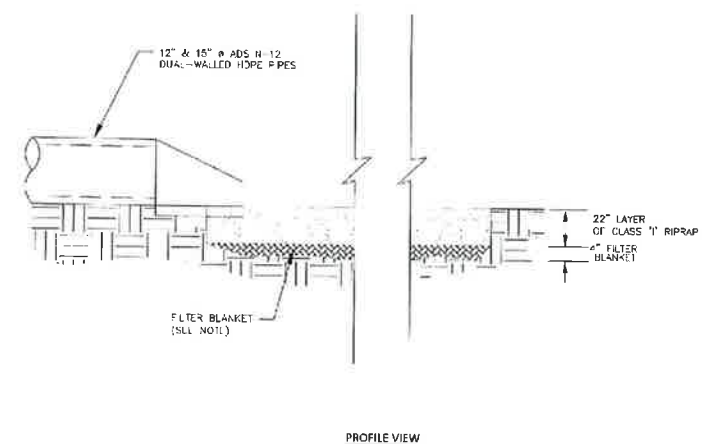
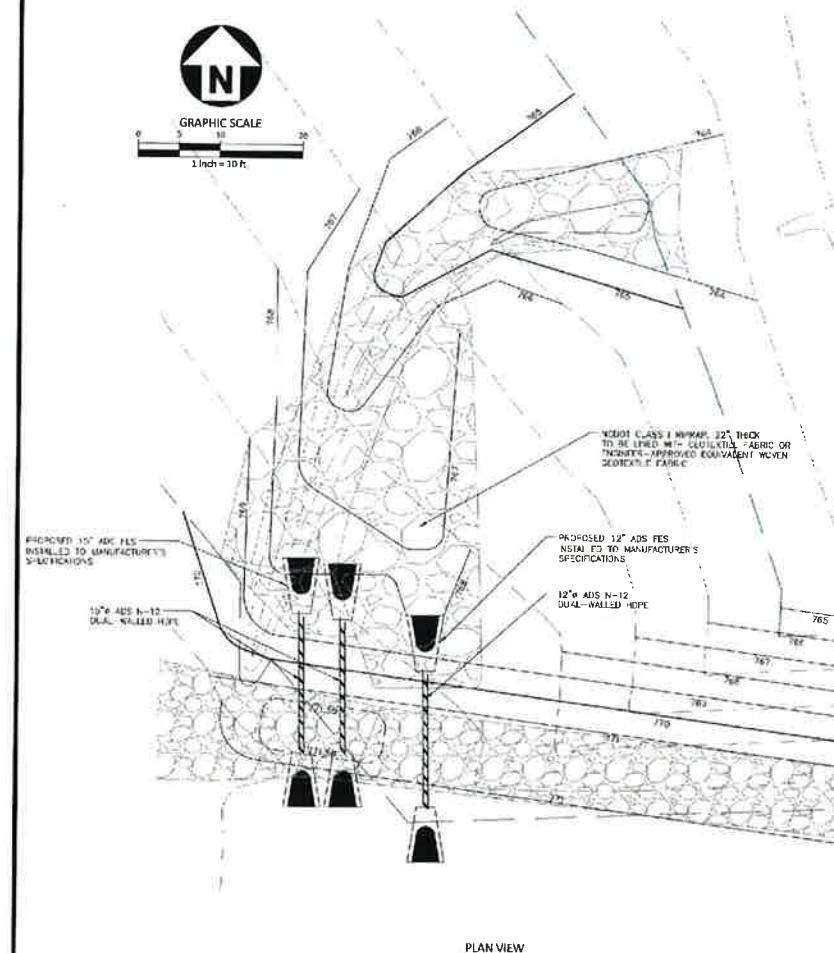
NOTES:

1. CHANNEL DIMENSIONS (2.0' DEEP, 4'-0\"/>
2. A FILTER BLANKET IS TO BE INSTALLED BETWEEN THE RIPRAP AND SOIL FOUNDATION. THE FILTER BLANKET SHALL CONSIST OF A MINIMUM 4\"/>
3. RIPRAP TO EXTEND TO TOP OF CHANNEL, WITH 3:1 SOF SLOPES THROUGHOUT THE EXTENT OF CHANNEL.



NOTES:

1. A FILTER BLANKET IS TO BE INSTALLED BETWEEN THE RIPRAP AND SOIL FOUNDATION. THE FILTER BLANKET SHALL CONSIST OF A MINIMUM 4\"/>



OUTLET DISSIPATOR DETAIL



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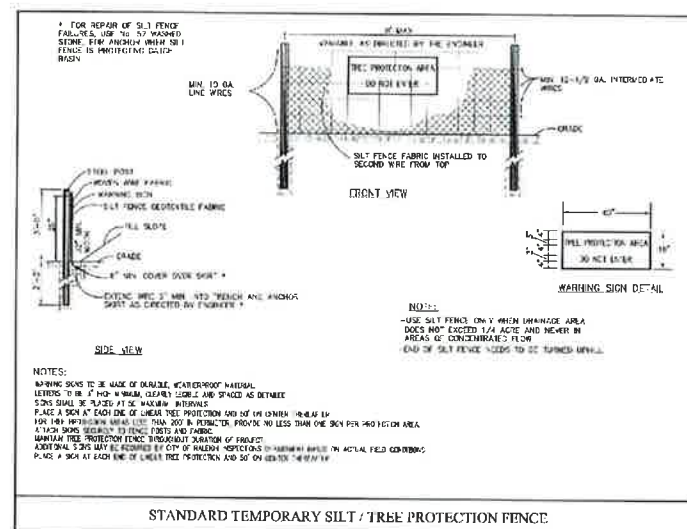
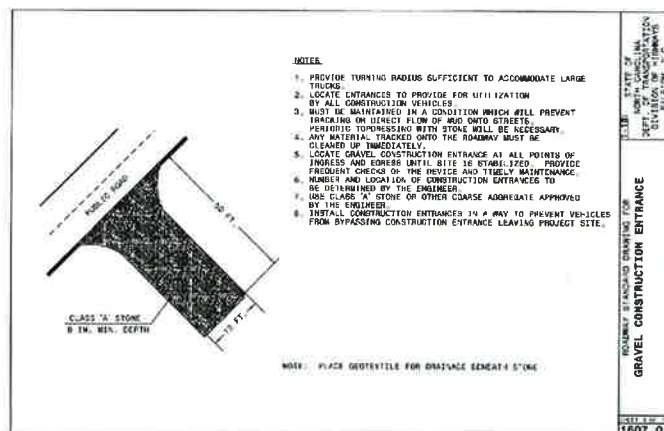
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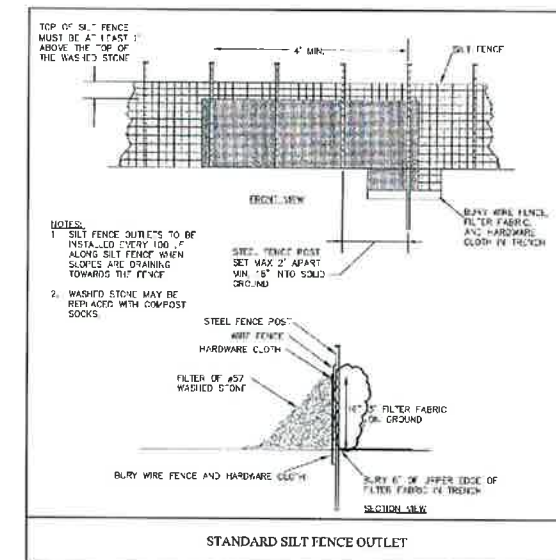
SILT FENCE MAINTENANCE

INSPECT SEDIMENT DEPOSITS AT LEAST ONCE A WEEK AND AFTER EACH RAINFALL. MAKE ANY REQUIRED REPAIRS IMMEDIATELY.

SHOULD THE FABRIC OF A SEDIMENT FENCE COLLAPSE, TEAR, DECOMPOSE OR BECOME INEFFECTIVE, REPLACE IT PROMPTLY.

REMOVE SEDIMENT DEPOSITS AS NECESSARY TO PROVIDE ADEQUATE STORAGE VOLUME FOR THE NEXT RAIN AND TO REDUCE PRESSURE ON THE FENCE. TAKE CARE TO AVOID UNDERMINING THE FENCE DURING CLEANUP.

REMOVE ALL FENCING MATERIALS AND UNSTABLE SEDIMENT DEPOSITS AND BRING THE AREA TO GRADE AND STABILIZE IT AFTER THE CONTRIBUTING DRAINAGE AREA HAS BEEN PROPERLY STABILIZED.



SILT FENCE OUTLET MAINTENANCE

REMOVE SEDIMENT WHEN HALF OF STONE OUTLET IS COVERED.

REPLACE STONE AS NEEDED TO ENSURE DRAINAGE.

INSPECT SEDIMENT FENCES AT LEAST ONCE A WEEK AND AFTER EACH RAINFALL. MAKE ANY REQUIRED REPAIRS IMMEDIATELY.

SHOULD THE FABRIC OF A SEDIMENT FENCE COLLAPSE, TEAR, DECOMPOSE OR BECOME INEFFECTIVE, REPLACE IT PROMPTLY.

REMOVE SEDIMENT DEPOSITS AS NECESSARY TO PROVIDE ADEQUATE STORAGE VOLUME FOR THE NEXT RAIN AND TO REDUCE PRESSURE ON THE FENCE. TAKE CARE TO AVOID UNDERMINING THE FENCE DURING CLEANUP.

REMOVE ALL FENCING MATERIALS AND UNSTABLE SEDIMENT DEPOSITS AND BRING THE AREA TO GRADE AND STABILIZE IT AFTER THE CONTRIBUTING DRAINAGE AREA HAS BEEN PROPERLY STABILIZED.



REVISIONS

NO. DATE

PLAN INFORMATION

PROJECT NO. CLW-18000
 FILENAME CLW18000 D1
 CHECKED BY RAS
 DRAWN BY RAS
 SCALE N.T.S.
 DATE 02.11.2020

SHEET

DETAILS

C8.01

APPENDIX G.

RECORDED CONSERVATION EASEMENT DEED AND PLAT

This document presented and filed:

02/25/2020 12:57:42 PM

DEED

Fee \$26.00 Excise Tax: \$479.00



Randolph County North Carolina
Krista M. Lowe, Register of Deeds

Prepared By and Return to
Robert H. Merritt, Jr.
Bailey & Dixon, LLP
P.O. Box 1351
Raleigh, NC 27602

STATE OF NORTH CAROLINA

RANDOLPH COUNTY

REV: \$479.00

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

SPO File Number: 76-CS
DMS Project Number: 10014

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 25th day of FEBRUARY, 2020, by Christopher A. Redding and wife, Nicole L. Redding, ("**Grantor**"), whose mailing address is 2546 Marlboro Church Road, Sophia, North Carolina 27530, to the State of North Carolina, ("**Grantee**"), whose mailing address is State of North Carolina, Department of Administration, State Property Office, 1321 Mail Service Center, Raleigh, NC 27699-1321. The designations of Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine, or neuter as required by context.

WITNESSETH:

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

WHEREAS, this Conservation Easement from Grantor to Grantee has been negotiated, arranged and provided for as a condition of a full delivery contract between Clearwater Mitigation Solutions, LLC, a North Carolina limited liability company and the North Carolina Department of Environmental Quality, to provide stream, wetland and/or buffer mitigation pursuant to the North Carolina Department of Environmental Quality Purchase and Services Contract Number 7866.

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

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

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

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

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

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

WHEREAS, Grantor owns in fee simple certain real property situated, lying, and being in New Market Township, Randolph County, North Carolina (the "**Property**"), and being more particularly described as that certain parcel of land containing approximately 25.48 acres (PIN: 7736-82-2634) and being conveyed to the Grantor by deed as recorded in **Deed Book 1856 at Page 2365** of the Randolph 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 an unnamed tributary of Bob Branch.

NOW, THEREFORE, in consideration of the mutual covenants, terms, conditions, and restrictions hereinafter set forth, Grantor unconditionally and irrevocably hereby grants and conveys unto Grantee, its successors and assigns, forever and in perpetuity, a Conservation Easement along with a general Right of Access.

The Conservation Easement Area consists of the following:

Conservation Easements 1 and 2 as shown on Plat entitled "Conservation Easement Survey for the State of North Carolina, Division of Mitigation Services, DMS Project ID No. 100114, SPO File Numbers 76-CR & 76-CS of Longhorn Mitigation Site" dated February 3, 2020, prepared by K2 Design Group and recorded in Plat Book 163, Page 99, of the Randolph County Registry.

TOGETHER with an easement for access, ingress, egress and regress as described on the above-referenced recorded plat and this Conservation Easement Deed.

The Conservation Easement described above is hereinafter referred to as the "Easement Area" or the "Conservation Easement Area" and is further set forth in a metes and bounds description attached hereto as Exhibit A and incorporated herein by reference.

The purposes of this Conservation Easement are to maintain, restore, enhance, construct, create and preserve wetland and/or riparian resources in the Conservation Easement Area that contribute to the protection and improvement of water quality, flood prevention, fisheries,

aquatic habitat, wildlife habitat, and recreational opportunities; to maintain permanently the Conservation Easement Area in its natural condition, consistent with these purposes; and to prevent any use of the Easement Area that will significantly impair or interfere with these purposes. To achieve these purposes, the following conditions and restrictions are set forth:

I. DURATION OF EASEMENT

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

II. GRANTOR RESERVED USES AND RESTRICTED ACTIVITIES

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

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

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

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

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

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

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

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

H. Roads and Trails. There shall be no construction or maintenance of new roads, trails, walkways, or paving in the Conservation Easement.

All existing roads, trails and crossings within the Conservation Easement Area shall be shown on the recorded survey plat.

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

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

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

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

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

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

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

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

III. GRANTEE RESERVED USES

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

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

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

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

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

IV. ENFORCEMENT AND REMEDIES

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

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

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

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

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

V. MISCELLANEOUS

A. This instrument sets forth the entire agreement of the parties with respect to the Conservation Easement and supersedes all prior discussions, negotiations, understandings or agreements relating to the Conservation Easement. If any provision is found to be invalid, the remainder of the provisions of the Conservation Easement, and the application of such provision to persons or circumstances other than those as to which it is found to be invalid, shall not be affected thereby.

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

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

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

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

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

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

and

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

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

VI. QUIET ENJOYMENT

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

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

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

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

Christopher A. Redding (SEAL)
Christopher A. Redding

Nicole L. Redding (SEAL)
Nicole L. Redding

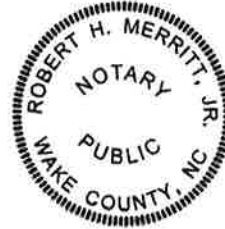
NORTH CAROLINA
COUNTY OF WAKE

I, Robert H. Merritt, Jr., a Notary Public in and for the County and State aforesaid, do hereby certify that Christopher A. Redding and wife, Nicole L. Redding, 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 25th day of FEBRUARY, 2020.

Robert H. Merritt, Jr.
Notary Public

My commission expires: 5-1-2022



#483914

Exhibit A

Legal Description
 Permanent Conservation Easements
 Longhorn Mitigation Site
 Randolph County, North Carolina

(1) Permanent Conservation Easement (PIN: 7736822634) (Conservation Easement 1)

A permanent conservation easement over a portion of land in New Market Township, Randolph County, North Carolina as shown on a plat entitled "Conservation Easement Survey for the State of North Carolina, Department of Environmental Quality, Division of Mitigation Services, DMS Project ID No. 100114, SPO File Numbers 76-CR & 76-CS, Longhorn Mitigation Site" dated February 3, 2020, prepared by K2 Design Group and recorded at Plat Book 163, Page 99, of the Randolph County Registry, and being on a portion of the parcel owned by Christopher A. Redding (PIN: 7736822634), and more particularly described as follows:

Beginning at an iron stake (Point of Beginning) labeled as Point No. 1 and being the Northeastern most corner of the Conservation Easement 1 and being located North 08°58'46" East 1172.61 feet from an iron stake with a yellow cap (Point No. 48) with N.C. Grid Coordinates N=762,038.8063', E=1,738,362.5181'(NAD '83, 2011).

Thence from the Point of Beginning (Point No. 1), South 30°11'19" East 168.43' to an iron stake; thence South 06°24'11" West 121.71' to an iron stake; thence South 01°31'51" West 107.36' to an iron stake; thence South 13°55'58" West 102.14' to an iron stake; thence North 85°12'49" West 582.24' to an iron stake; thence North 85°12'49" West 12.01' to an iron stake; thence North 21°15'35" East 76.96' to an iron stake; thence North 34°04'26" East 90.74' to an iron stake; thence North 67°27'38" East 114.40' to an iron stake; thence North 00°00'00" West 52.14' to an iron stake; thence North 50°36'31" East 45.65' to an iron stake; thence North 03°44'39" East 156.12' to an iron stake; thence South 89°14'29" East 318.66' to an iron stake, which is the Point of Beginning (Point No. 1), having an area of 4.91 acres.

(2) Permanent Conservation Easement (PIN: 7736822634) (Conservation Easement 2)

A permanent conservation easement over a portion of land in New Market Township, Randolph County, North Carolina as shown on a plat entitled "Conservation Easement Survey for the State of North Carolina, Department of Environmental Quality, Division of Mitigation Services, DMS Project ID No. 100114, SPO File Numbers 76-CR & 76-CS, Longhorn Mitigation Site" dated February 3, 2020, prepared by K2 Design Group and recorded at Plat Book 163, Page 99, of the Randolph County Registry, and being on a portion of the parcel owned by Christopher A. Redding (PIN: 7736822634), and more particularly described as follows:

Beginning at an iron stake (Point of Beginning) labeled as Point No. 14 and being the Northwestern most corner of the Conservation Easement 2 and being located North 29°05'30" West 766.98 feet from an iron stake with a yellow cap (Point No. 48) with N.C. Grid Coordinates N=762,038.8063', E=1,738,362.5181'(NAD '83, 2011).

Thence from the Point of Beginning (Point No. 14), South 85°12'49" East 12.01' to an iron stake; thence South 85°12'49" East 749.43' to an iron stake; thence South 13°06'09" West 118.53' to an iron stake; thence South 10°39'38" East 69.93' to an iron stake; thence South 53°10'29" East 79.76' to an iron stake; thence South 36°10'23" East 178.93' to an iron stake; thence North 87°58'18" West 95.19' to an iron stake; thence South 08°32'12" West 89.06' to an iron stake; thence South 84°59'13" East 100.19' to an iron stake; thence South 08°32'12" West 81.31' to an iron stake; thence North 86°42'23" West 771.57' to a PK nail; thence North 88°40'46" West 239.67' to an iron pipe; thence North 02°36'44" East 69.38' to an iron stake; thence North 18°52'19" East 394.49' to an iron stake; thence North 27°38'09" West 49.34' to an iron stake; thence North 06°07'45" East 78.11' to an iron stake, which is the Point of Beginning (Point No. 14), having an area of 10.90 acres.

(3) Access to the Permanent Conservation Easements

Also conveyed herein is the right of ingress, egress and regress to the permanent Conservation Easement(s) described above, by way of and over the Property as provided in this Conservation Easement Deed and may be provided on the Plat referenced above.

This document presented and filed:

02/25/2020 12:59:26 PM

DEED

Fee \$26.00 Excise Tax: \$162.00



Randolph County North Carolina
Krista M. Lowe, Register of Deeds

Prepared By and Return to
Robert H. Merritt, Jr.
Bailey & Dixon, LLP
P.O. Box 1351
Raleigh, NC 27602

STATE OF NORTH CAROLINA

RANDOLPH COUNTY

REV: 162.00

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

SPO File Number: 76-CR
DMS Project Number: 100114

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 25th day of FEBRUARY, 2020, by Curtis A. Redding, single, ("Grantor"), whose mailing address is Post Office Box 574, Sophia, North Carolina 27530, to the State of North Carolina, ("Grantee"), whose mailing address is State of North Carolina, Department of Administration, State Property Office, 1321 Mail Service Center, Raleigh, NC 27699-1321. The designations of Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine, or neuter as required by context.

WITNESSETH:

WHEREAS, pursuant to the provisions of N.C. Gen. Stat. § 143-214.8 et seq., the State of North Carolina has established the Division of Mitigation Services (formerly known as the

Ecosystem Enhancement Program and Wetlands Restoration Program) within the Department of Environment and Natural Resources for the purposes of acquiring, maintaining, restoring, enhancing, creating and preserving wetland and riparian resources that contribute to the protection and improvement of water quality, flood prevention, fisheries, aquatic habitat, wildlife habitat, and recreational opportunities; and

WHEREAS, this Conservation Easement from Grantor to Grantee has been negotiated, arranged and provided for as a condition of a full delivery contract between Clearwater Mitigation Solutions, LLC, a North Carolina limited liability company and the North Carolina Department of Environmental Quality, to provide stream, wetland and/or buffer mitigation pursuant to the North Carolina Department of Environmental Quality Purchase and Services Contract Number 7866.

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

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

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

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

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

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

WHEREAS, Grantor owns in fee simple certain real property situated, lying, and being in New Market Township, Randolph County, North Carolina (the "**Property**"), and being more particularly described as that certain parcel of land containing approximately 20.9612 acres (PIN: 7736-81-7705) and being conveyed to the Grantor by deed as recorded in **Deed Book 1856 at Page 2361** of the Randolph 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 an unnamed tributary of Bob Branch.

NOW, THEREFORE, in consideration of the mutual covenants, terms, conditions, and restrictions hereinafter set forth, Grantor unconditionally and irrevocably hereby grants and conveys unto Grantee, its successors and assigns, forever and in perpetuity, a Conservation Easement along with a general Right of Access.

The Conservation Easement Area consists of the following:

Conservation Easement 3 as shown on Plat entitled "Conservation Easement Survey for the State of North Carolina, Division of Mitigation Services, DMS Project ID No 100114, SPO File Numbers 76-CR & 76-CS of Longhorn Mitigation Site" dated February 3, 2020, prepared by K2 Design Group, and recorded in Plat Book 163, Page 99, of the Randolph County Registry.

TOGETHER with an easement for access, ingress, egress and regress as described on the above-referenced recorded plat and this Conservation Easement Deed.

The Conservation Easement described above is hereinafter referred to as the "Easement Area" or the "Conservation Easement Area" and is further set forth in a metes and bounds description attached hereto as Exhibit A and incorporated herein by reference.

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

I. DURATION OF EASEMENT

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

II. GRANTOR RESERVED USES AND RESTRICTED ACTIVITIES

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

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

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

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

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

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

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

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

H. Roads and Trails. There shall be no construction or maintenance of new roads, trails, walkways, or paving in the Conservation Easement.

All existing roads, trails and crossings within the Conservation Easement Area shall be shown on the recorded survey plat.

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

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

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

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

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

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

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

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

III. GRANTEE RESERVED USES

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

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

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

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

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

IV. ENFORCEMENT AND REMEDIES

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

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

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

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

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

V. MISCELLANEOUS

A. This instrument sets forth the entire agreement of the parties with respect to the Conservation Easement and supersedes all prior discussions, negotiations, understandings or agreements relating to the Conservation Easement. If any provision is found to be invalid, the remainder of the provisions of the Conservation Easement, and the application of such provision to persons or circumstances other than those as to which it is found to be invalid, shall not be affected thereby.

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

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

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

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

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

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

and

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

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

VI. QUIET ENJOYMENT

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

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

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

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

 (SEAL)
Curtis A. Redding, single

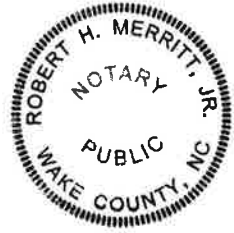
NORTH CAROLINA
COUNTY OF WAKE

I, Robert H. Merritt, Jr., a Notary Public in and for the County and State aforesaid, do hereby certify that Curtis A. Redding, single, 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 25th day of FEBRUARY, 2020.

Robert H. Merritt, Jr.
Notary Public

My commission expires: 5-1-2022



00483912

Exhibit A

Legal Description
 Permanent Conservation Easements
 Longhorn Mitigation Site
 Randolph County, North Carolina

1. **Permanent Conservation Easement (PIN: 7736817705) (Conservation Easement 3)**

A permanent conservation easement over a portion of land in New Market Township, Randolph County, North Carolina as shown on a plat entitled "Conservation Easement Survey for the State of North Carolina, Department of Environmental Quality, Division of Mitigation Services, DMS Project ID No. 100114, SPO File Numbers 76-CR & 76-CS, Longhorn Mitigation Site" dated February 3, 2020, prepared by K2 Design Group and recorded at Plat Book 163, Page 99, of the Randolph County Registry, and being on a portion of the parcel owned by Curtis A. Redding (PIN: 7736817705), and more particularly described as follows:

Beginning at a PK nail (Point of Beginning) labeled as Point No. 33 and being the Northwestern most corner of the Conservation Easement 3 and being located North 68°00'54" West 269.09 feet from an iron stake with a yellow cap (Point No. 48) with N.C. Grid Coordinates N=762,038.8063', E=1,738,362.5181'(NAD '83, 2011).

Thence from the Point of Beginning (Point No. 33), South 86°42'23" East 771.57' to an iron stake; thence South 08°32'12" West 71.28' to an iron stake; thence South 72°19'49" West 195.81' to an iron stake; thence North 83°35'47" West 90.72 to an iron stake; thence North 85°02'37" West 80.40' to an iron stake; thence South 74°50'39" West 114.87 to an iron stake; thence South 19°47'20" West 99.97' to an iron stake; thence South 74°03'43" West 107.26' to an iron stake; thence South 16°32'14" East 173.66' to an iron stake; thence North 89°06'52" West 127.91' to an iron stake; thence North 89°06'52" West 98.05' to an iron stake; thence North 02°35'43" East 474.22' to an iron stake, which is the Point of Beginning (Point No. 33), having an area of 4.12 acres.

2. **Access to the Permanent Conservation Easement**

Also conveyed herein is the right of ingress, egress and regress to the permanent Conservation Easement(s) described above, by way of and over the Property as provided in this Conservation Easement Deed and may be provided on the Plat referenced above.

This document presented and filed:

02/25/2020 12:35:05 PM

MEMORANDUM

Fee \$26.00



20094191

Randolph County North Carolina
Krista M. Lowe, Register of Deeds

✓ Prepared by and Return: *to Grantee*

Robert H. Merritt, Jr.
Bailey & Dixon, LLC
434 Fayetteville Street, Suite 2500
Raleigh, NC 27601

EXHIBIT B

AMENDED MEMORANDUM OF CONSERVATION EASEMENT OPTION

This **MEMORANDUM OF CONSERVATION EASEMENT OPTION** ("Memorandum") is made and entered into this 25th day of February, 2020 by and between, Christopher A. Redding and Nicole Redding, hereinafter referred to as "**Grantor**", **CLEARWATER MITIGATION SOLUTIONS, LLC**, a North Carolina Limited Liability Company whose address is 604 Macon Place, Raleigh, NC 27609 (hereinafter referred to as "**Grantee**").

WHEREAS, Grantor and Grantee have entered into a certain Conservation Easement Option Agreement (the "Option") dated February 25th 2020 pursuant to which Grantor granted to Grantee, its successors and assigns, an option to purchase a conservation easement (the "Easement Area") over certain real property located in Randolph County, North Carolina, which property is more particularly described on the attached Exhibit C.

WHEREAS, The parties enter into this Memorandum for the purpose of setting forth certain terms and conditions of the Option, as amended, and to provide constructive notice of the Option;

NOW, THEREFORE, in consideration of the foregoing, the parties hereby agree as follows.

1. The term of the Option commenced on February 25th 2020 and shall expire on March 31st 2021, including extensions.
2. All of the provisions set forth in the Option, as amended, are incorporated in this Memorandum by reference.
3. The Option, as amended, shall be binding upon and inure to the benefit of the parties and their respective heirs, successors and assigns.

[SIGNATURES AND NOTARY ACKNOWLEDGMENTS APPEAR ON FOLLOWING PAGES]

Grantor/Seller

By: Christopher A. Reddy

Print Name: Christopher A Redding

NORTH CAROLINA

COUNTY OF

WAKE

I, Robert H. Merritt, Jr., a Notary Public in and for the County and State aforesaid, do hereby certify that Christopher A. Redding, **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 25th day of FEBRUARY, 2020.

Robert H. Merritt, Jr.

Notary Public

My commission expires: 5-1-2022



Grantor/Seller

By: Nicole L Redding

Print Name: Nicole L Redding

NORTH CAROLINA

COUNTY OF

WAKE

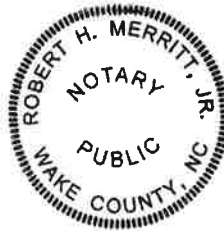
I, Robert H Merritt, Jr., a Notary Public in and for the County and State aforesaid, do hereby certify that Nicole Redding, GRANTOR, personally appeared before me this day and acknowledged the execution of the foregoing instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and Notary Seal this the 25th day of February, 2020.

Robert H Merritt, Jr.

Notary Public

My commission expires: 5-1-2022



Grantee/Buyer

By: J. Kevin Yates
Authorized Officer

Print Name J. Kevin Yates

NORTH CAROLINA

COUNTY OF WAKE

I, Robert H. Merritt, Jr., a Notary Public in and for the County and State aforesaid, do hereby certify that J. Kevin Yates, personally appeared before me this day and acknowledged that he/she is the of Member/Manager, of CLEARWATER MITIGATION SOLUTIONS, LLC, a North Carolina Limited Liability Company, **GRANTEE**, and that by the authority duly given as an act of the limited liability company, the foregoing instrument was signed in its name by its authorized officer and attested by its authorized officer.

IN WITNESS WHEREOF, I have hereunto set my hand and Notary Seal this the 25th day of FEBRUARY, 2020.

Robert H. Merritt, Jr.
Notary Public

My commission expires: 5-1-2022





EXHIBIT C

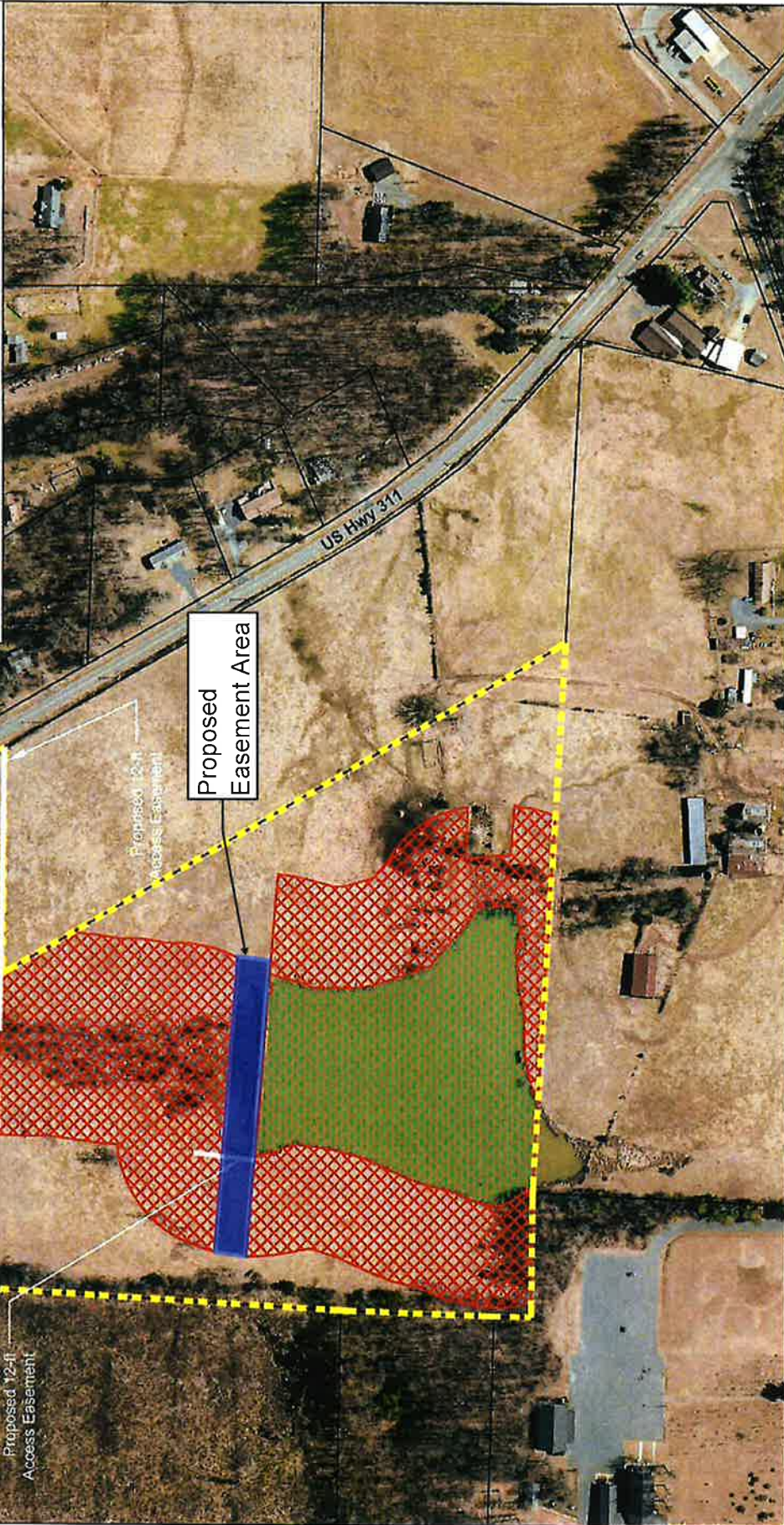
A tract or parcel of land identified in Deed Book 001856 Page No. 02365, and Parcel Identification Numbers (PIN), 7736822634 within Randolph County Registry.

EXHIBIT A: EASEMENT AREA

LEGEND

Proposed Easement Area- 0.89 ac. 

Existing Easement Area- 15.81 ac. 



 a DAVEY company CLEARWATER MITIGATION SOLUTIONS	Project: Longhorn Riparian Buffer Mitigation Site Catalog Unit 03030003	Date: February 2020 Scale: 1"=300'	Revision Date: N/A Job Number: LMG18_457
	Title: Chris Redding Conservation Easement Exhibit	Drawn By: GSF & KCW	Figure: 1

NOTES:
 1. TAX PARCEL BOUNDARIES AND 2018 AERIAL FROM NCONEMAP.
 2. BOUNDARIES ARE APPROXIMATE AND NOT MEANT TO BE ABSOLUTE.

