

Final Mitigation Plan Bucky's Branch Mitigation Project

DMS Project #: 100109 | Contract #: 7861 | DWR #: 2019-1404 | RFP: 16-007703 January 2020

Randleman Lake Watershed | HUC 03030003 | Randolph County, North Carolina

Prepared By:

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Prepared For:

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

This mitigation plan has been written in conformance with the requirements of the following:

• The Consolidated Buffer Mitigation Rule, 15A NCAC 02B .0295, effective November 1, 2015 These documents govern NCDMS operations and procedures for the delivery of compensatory mitigation.

M E M O R A N D U M



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TO: NCDMS and NCDWR

FROM: MATT BUTLER - RES

DATE: JANUARY 17, 2020

RE: Response to Bucky's Branch Final Draft Mitigation Plan Comments DMS Project ID

No. 100109, Contract #7864, DWR #2019-1404

Report:

1. There is reference to an In-Lieu Fee Instrument. This instrument is for stream & wetland compensatory mitigation. DWR & DMS have not entered into an Instrument governing the operations and procedures for the delivery of Buffer Mitigation or Nutrient Offset. Please remove this reference.

The reference to an In-Lieu Fee Instrument has been removed from the cover page.

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 buffer, which is 0-50' and has a Zone 1 & Zone 2. All of this project is located outside of the Randleman buffer. Please correct terminology where it is being misused and replace with "riparian area."

As there are areas of this Project within the 0-50' buffer zone, the correct terminology has been used to reflect this as "riparian buffer." Further revisions have been made throughout the document to assure the correct use of the term "riparian areas," when referring to outside of the 0-50' zone.

- 3. Section 1.0; Page 2, 2nd paragraph:
 - a. Replace "zero" with "top of bank" within the paragraph

The word "zero" has been replaced with the phrase "top of bank" throughout this section.

- 4. Section 1.3.4:
 - a. No photos are provided showing <u>existing</u> conditions. The only 2 photos provided are from 2017, which do not adequately describe "existing" conditions. Please add photos of the riparian areas with dates that are more recent. Indicate any landuse changes, if any, from the date DWR was last onsite, which was May 2018.

Updated photos, taken on January 14, 2020, have been added to Section 1.3.4, showing existing conditions of the buffer from the right and left banks. No significant landuse changes have occurred since the last DWR site visit in May 2018.

- 5. Section 2.1:
 - a. It says that the credits will serve Randleman Lake buffer impacts within the 8-digit 03030003. This is incorrect. The service area for this project is limited to only the Randleman Lake Watershed, which is not as broad of an area as the 03030003. Please correct this statement.

The 8-digit HUC 03030003 of the Cape Fear River Basin has been removed and replaced with the "Randleman Lake Watershed."

6. Section 3.0:

- a. Only temporary seeding is proposed for application. However, DWR requests that permanent riparian seeding also be applied and established where bare areas caused from cattle are present. It is important to maintain a healthy and diverse herbaceous layer within the riparian areas to reduce the potential of runoff, nutrients and sediments into the streams. A sentence has been added to section 3.1 to clarify "A mixture of temporary and permanent riparian seeding will be applied and established where bare areas are present due to impacts from cattle." However, as this project will not have much in the way of land disturbing stabilization activities it is not likely that other areas within the project easement will need seeding.
- b. 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.

RES appreciates DWR requests and will do our best to include pollinator-rich seedlings in our seed mixture. At this time, we have included common milkweed and blackeyed susan seed to be included with our typical riparian seed mix order. As we do not buy the seed mix until closer to the actual date of construction the actual seeds that are bought will be dependent on the alignment of the germination and time period of seeding along with the availability and cost at the time. RES will continue to consider this request in all future projects.

7. Figure 1:

- a. Remove the 14-digit HUC from the service area map. It is misleading as presented. Figure 1 has been updated with the removal of the 14-digit HUC.
- 8. Figure 4:
 - Show the fence boundary.
 The surveyed fence boundary has been added to Figure 4.
- 9. Overall, if the riparian restoration, enhancement and preservation is done according to the plan and addresses all comments and corrections provided by DWR, the site should provide a good buffer mitigation project.

Additional Edits

• There is a slight change to the riparian buffer restoration mitigation credits in response to the final conservation easement and plat recorded on December 17th, 2019 (Appendix C). The restoration area decreased by six square feet and therefore decreased the credits by 6.00. The Buffer Mitigation Plan and associated digital files have been updated to reflect these changes; changes within the document and can be found in Section 1.1, Table 1, Section 2.1, Table 4, Table 5, and Figure 3. Below is the original Table 4 displayed in both the Draft and Draft Final versions of this BPDP showing the square footage and credit calculations for the Project; the table below that is an updated Table 4 displaying the new values. Change from draft to final have been highlighted.

Original Table 4. Bucky's Branch Mitigation Project (100109) Project Mitigation

Summary

<u> </u>				
Total Riparian Buffer Mitigation Credits				
Mitigation Totals	Square Feet	Credits		
Restoration	210,577	161,821.794		
Enhancement via Cattle Exclusion	42,993	21,496.500		
Total Riparian Buffer	253,570	183,318.294		

Updated Table 4. Bucky's Branch Mitigation Project (100109) Project Mitigation

Summary

Total Riparian Buffer Mitigation Credits				
Mitigation Totals	Square Feet	Credits		
Restoration	210,571	161,815.794		
Enhancement via Cattle Exclusion	42,993	21,496.500		
Total Riparian Buffer	253,564	183,312.294		

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APPENDICES

Appendix A – NCDWR Stream Determination Letter

Appendix B – NCDWR Mitigation Viability Letter

Appendix C – Site Protection Instrument (s)

Appendix D – Categorical Exclusions

Appendix E – Correspondence on Environmental and Cultural Resources

1 MITIGATION PROJECT SUMMARY

Environmental Banc & Exchange, LLC (EBX), a wholly-owned subsidiary of Resource Environmental Solutions (RES), is pleased to provide this Mitigation Plan for the Bucky's Branch Riparian Buffer Mitigation Project (Project) as a full-delivery buffer mitigation project for the Division of Mitigation Services (DMS) (DMS #100109). This Project is designed to provide riparian buffer mitigation credits for unavoidable impacts due to development within the Randleman Lake Watershed of the Cape Fear River Basin, United States Geological Survey (USGS) 8-digit Hydrologic Unit Code (HUC – 03030003) (**Figure 1**). This Mitigation Plan is in accordance with the Consolidated Buffer Mitigation Rule 15A NCAC 02B .0295 and the Randleman Lake Water Supply Watershed Buffer Rule 15A NCAC 02B .0250.

1.1 Project Overview

The conservation easement of the Bucky's Branch Project will total approximately 6.17 acres and includes one unnamed tributary that drains into Randleman Lake approximately 0.75 miles downstream of the Project. Current land use within the Project is primarily non-forested pasture and grazed riparian forest. The Project area has been used extensively for agricultural purposes for over 70 years. Currently, the Project and adjacent areas are in pasture production and livestock have full access to the Project reaches. Water quality stressors currently affecting the Project include livestock production and lack of forested riparian buffer (**Figure 2**). Current buffer conditions demonstrate significant degradation with a loss of stabilizing vegetation because of continued cattle access and past land management actions.

The goal of the Project is to restore and enhance ecological function to the existing stream and riparian buffer and area by establishing appropriate plant communities while minimizing temporal and land disturbing impacts. Buffer improvements and the removal of livestock will help filter runoff from agricultural fields, thereby reducing nutrient and sediment loads to Project channels and the overall watershed. Immediate water quality benefits and pollutant removal within the vicinity of the Project will include the exclusion of livestock access to streams and reduction in nutrient loads from agricultural landuses. This Project is consistent with the management strategy for maintaining and protecting riparian areas in the Randleman Lake watershed.

The easement is comprised of one main section which can be accessed from Banner Whitehead Road (**Figure 3**). The Bucky's Branch Project is composed of one perennial stream channel: BY1 (**Figure 2**). An overhead utility line crosses Reach BY1 just downstream of the easement (**Figure 2**). There is one existing farm crossing at the top of Reach BY1 at the southern easement boundary that will be removed during construction. BY1 is mostly stable throughout, however, some areas exhibit portions of near vertical banks and minor bank erosion from cattle access. Stream identifications were verified by the DWR site visit on June 12, 2018. Correspondence regarding this determination is in **Appendix A**.

Buffer mitigation efforts along BY1 will be accomplished through the planting, establishment, and protection of a hardwood forest community. Buffer restoration and enhancement activities will include fencing and protection through a conservation easement. The result will be a riparian buffer that functions to mitigate nutrient and sediment inputs from the surrounding uplands. The buffer mitigation plan proposed is being submitted for review under the Consolidated Buffer Mitigation Rule 15A NCAC 02B .0295. In addition to that, the Project will incorporate an alternative buffer mitigation option which includes enhancement via permanent exclusion of grazing livestock, as outlined in 15A NCAC 02B .0295 (o)(6). DWR staff performed an onsite viability assessment for

buffer mitigation on June 12, 2018. Correspondence regarding this assessment is provided in **Appendix B** and dated August 2, 2018. The Project will provide significant functional uplift to the watershed and will assist DMS with achieving its mitigation goals in the Randleman Lake Watershed. The Project presents the opportunity to provide up to 183,312.294 ft² (4.21 acres) of riparian buffer mitigation credits. These will be derived from restoration and enhancement of the riparian buffer and area in the Randleman Lake Watershed. Project attributes are summarized in **Table 1**.

Table 1. Project Attributes

Project Name	Bucky's Branch
Hydrologic Unit Code	03030003010060 (14 digit)
River Basin	Cape Fear
Geographic Location (Lat, Long)	35.859, -79.881
Site Protection Instrument (DB, PG)	002537, 01289 Randolph
Total Credits (BMU)	183,312.294
Types of Credits	Riparian Buffer
Mitigation Plan Date	October 2019
Initial Planting Date	April 2020
Baseline Report Date	June 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

The riparian buffer mitigation credits will be produced by establishing a native forested and herbaceous riparian plant community with a minimum width of 50 feet and a maximum of 200 feet from the edge of the channels. These will be derived from 137,802 ft² (3.16 acres) from the top of bank to 100 feet of Restoration, 72,769 ft² (1.67 acres) of 101 to 200 feet of Restoration, and 42,993 ft² (0.99 acres) from the top of bank to 100 feet of Enhancement via cattle exclusion. This new community will be established in conjunction with the treatment of any existing exotic or undesirable plant species. **Figure 4** shows the

Conceptual Design Plan for Buffer and Credit Determination Map and Section 2.1 provides details of the mitigation determination on the Bucky's Branch Project.

1.1.1 Parcel Ownership

The land required for the construction, management, and stewardship of this Project includes portions of the parcels listed in **Table 2**. EBX obtained conservation easements from the current landowners. The easement deeds and survey plats will be submitted to DMS and the State Property Office (SPO) for approval and will be held by the State of North Carolina. The easement deeds followed the DMS Full Delivery Conservation Easement Template dated May 5, 2017 and is included in **Appendix C**. The recorded easements allows EBX to proceed with the Project development and protect the mitigation assets in perpetuity. A finalized copy of the land protection instrument(s) is included in **Appendix C**.

Table 2. Parcel and Landowner Information

el ID Agreement Type	County
Easement	Randolph
1	Easement

1.2 Project Location

The Bucky's Branch Project is within the Randleman Lake Watershed of the Cape Fear River Basin within the 8-digit Hydrologic Unit Code (HUC) 03030003, 14-digit HUC 03030003010060 and DWR Subbasin Number 03-06-08.

The Bucky's Branch Project is located in Randolph County approximately 3 miles southeast of Glenola, North Carolina (**Figure 1**). To access the Project head east on Banner Whitehead Road from I-74 and turn left on Farlowe Davis Drive; the Project is approximately 0.25 miles north on the left. The coordinates are 35.859 °N and -79.881 °W.

1.3 Existing Conditions

1.3.1 Surface Water Classification

The Project contains one unnamed tributary that drains into Randleman Lake approximately 0.75 miles downstream of the Project. The current State classification for Randleman Lake is Class CA* and WS-IV. Class C waters are protected for uses such as secondary recreation, fishing, wildlife, fish consumption, and aquatic life including propagation, survival and maintenance of biological integrity and agriculture. The * symbol identifies waters that are within a designated Critical Supply Watershed and are subject to a special management strategy specified in 15A NCAC 2B .0248. The WS-IV classification is intended to protect waters used as sources of water supply for drinking, culinary or food processing purposes where a WS-I, II or III classification is not feasible. These waters are also protected for Class C uses. WS-IV waters are generally in moderately to highly developed watersheds or protected areas (NCDWQ 2013).

1.3.2 Physiography and Soils

The Project is located within the Southern Outer Piedmont level IV ecoregion within the Piedmont level III ecoregion. With lower elevations and less relief compared to other areas of the Piedmont, the landforms of this ecoregion consist of irregular, rolling plains. The geologic composition of the region is red, clayey

subsoils underlain by deep saprolite and gneiss, schist, and granite bedrock. Interspersed throughout the region are also areas of diabase, diorite, or gabbro bedrock that form alkaline soils. Natural vegetation communities consist of mixed oak, (*Quercus* sp.) forests, while historic land trends have promoted the establishment of loblolly (*Pinus taeda*) and shortleaf pine (*Pinus echinata*) forests. The topography of the Project area is generally rolling with elevations ranging from 716 feet to 754 feet (**Figure 5**).

The National Resources Conservation Service (NRCS) Web Soil Survey, accessed November 27, 2018, depicts two map units across the Project (**Figure 6**). The map units are Mecklenburg loam, 8 to 15 percent slopes and Wynott-Enon complex, 8 to 15 percent slopes, moderately eroded. The soil characteristics of these map units are summarized in **Table 3. Table 3.** Project Mapped Soil Series

Map Unit Symbol	Map Unit Name	Percent Hydric	Drainage Class	Hydrologic Soil Group	Landscape Setting
MaC	Mecklenburg Loam, 8-15 percent slopes	0%	Well Drained	C	Backslopes on ridges
WvC2	Wynott-Enon complex, 8- 15 percent slopes, moderately eroded	0%	Well Drained	D	Backslopes on ridges

1.3.3 Wetlands

The USFWS National Wetland Inventory (NWI) depicts no wetland areas within the easement area (**Figure 7**). However, NWI mapping shows two wetland areas (both ponds Palustrine Unconsolidated Bottom Permanently Flooded Diked/Impounded) to the west of the Project easement (**Figure 7**). Detailed wetland delineation has not been performed.

1.3.4 Landscape Communities

A. Existing Vegetation Communities

Current land use in the vicinity of the Bucky's Branch Project is primarily non-forested pasture and grazed riparian forest. The non-forested areas consist primarily of pasture grasses and weedy herbaceous vegetation. The majority of the riparian buffer is devoid of trees and shrubs due to continued cattle access. Existing tree species within the forested areas include American sycamore (*Platanus occidentalis*), American elm (*Ulmus americana*), sweetgum (*Liquidambar styraciflua*), and red cedar (*Juniperus virginiana*). Some invasives were noted, including multiflora rose (*Rosa multiflora*), tree of heaven (*Ailanthus altissima*), and Chinese privet (*Ligustrum sinense*).

B. Riparian Vegetation

In general, all or portions of the reach within the Bucky's Branch Project do not function to their full potential. Current conditions demonstrate significant habitat degradation with a loss of stabilizing vegetation as a result of impacts from livestock (cattle) and past land management actions. Throughout the Project there are scattered invasive plant species that will be treated to the extent practicable.

Existing Conditions Photos



Looking Upstream along BY1 January 14, 2020



Looking Downstream along BY1 January 14, 2020



Looking Upstream along BY1 January 14, 2020



Looking Downstream along BY1 January 14, 2020



Right Buffer along BY1 January 14, 2020



Left Buffer along BY1 January 14, 2020

2 REGULATORY CONSIDERATIONS

2.1 Determination of credits

This Project has the potential to generate up to 183,312.294 ft² (4.21 acres) riparian buffer mitigation credits within a 6.17-acre conservation easement as depicted in **Figure 4**. These will be derived from buffer restoration and buffer enhancement. The riparian buffer mitigation credits generated will service Randleman Lake buffer impacts within the Randleman Lake Watershed. The total potential mitigation credits that the Bucky's Branch Mitigation Project will generate are summarized in **Table 4**, **Table 5**, and **Figure 4**.

Table 4. Bucky's Branch Mitigation Project (100109) Project Mitigation Summary

Total Riparian Buffer Mitigation Credits					
Mitigation Totals	Square Feet	Credits			
Restoration	210,571	161,815.794			
Enhancement via Cattle Exclusion	42,993	21,496.500			
Total Riparian Buffer	253,564	183,312.294			

Table 5. Bucky's Branch Mitigation Project Credit Summary

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)	Creditable Area (sf)	Initial Credit Ratio (x:1)	% Full Credit	Final Credit Ratio (x:1)	Riparian Buffer Credits
Buffer	Rural	Yes	I/P	Restoration	0-100	BY1	137,802	137,802	1	100%	1.00000	137,802.000
Buffer	Rural	Yes	I/P	Enhancement via Cattle Exclusion	0-100	BY1	42,993	42,993	2	100%	2.00000	21,496.500
Buffer	Rural	Yes	I/P	Restoration	101-200	BY1	72,769	72,769	1	33%	3.03030	24,013.794
							TOTALS	253,564				183,312.294

2.2 Other regulatory considerations

2.2.1 Environmental Screening and Documentation

Because DMS mitigation projects are considered to be a category of activities that do not individually or cumulatively have an impact on the human environment, they do not require preparation of an environmental assessment or environmental impact statement. To ensure that a Project meets the "Categorical Exclusion" criteria, the Federal Highways Administration and DMS have developed a Categorical Exclusion (Cat-Ex) checklist. The Cat-Ex for the Bucky's Branch Project was submitted to DMS on August 6, 2019 and will be approved by Federal Highways Administration (FHWA) and DMS. The draft is included in **Appendix D** and the final will be included upon completion.

The regulatory evaluation for the Cat-Ex focused primarily on the presence of hazardous materials, utilities and restrictive easements, rare/threatened/endangered species or critical habitats, cultural resources, and the potential for hydrologic trespass. The Cat-Ex summarized impacts to natural, cultural, and historical resources and documented coordination with stakeholders and federal and state agencies. The Cat-Ex can be found in **Appendix D** and a summary of its findings are below.

2.2.2 Threatened and Endangered Species

Section 7 of the Endangered Species Act (ESA) of 1973 requires federal agencies, in consultation with and with the assistance of the Secretary of the Interior or of Commerce, as appropriate, to ensure that actions they authorize, fund or carry out are not likely to jeopardize the continued existence of threatened or endangered species or result in the destruction or adverse modification of critical habitat for these species. The gold and bald eagles are protected under the Bald and Golden Eagle Protection Act (BGPA) and prohibits take of bald and golden eagles.

A desktop analysis and field investigation were conducted to evaluate federally protected species potentially occurring on the Project. The U.S. Fish & Wildlife Service (USFWS) Information for Planning and Conservation (IPAC) online tool was consulted to determine any resources managed or regulated by the USFWS that may be affected by mitigation-related activities at the Project; the tool queries available databases of endangered species, migratory birds, wildlife refuges, and wetlands. In addition to the USFWS IPAC tool, a query of the July 2017 North Carolina Natural Heritage Program (NCNHP 2017) database of natural heritage element occurrences was also performed to identify rare species or unique habitats onsite, especially those listed in the USFWS database. According to the USFWS IPAC database review tool (USFWS 2017), Randolph County's list of threatened and endangered species includes two federally listed species: Schweinitz's sunflower (*Helianthus schweinitzii*) and the Cape Fear Shiner (*Notropis mekistocholas*). Additionally, there are several "At Risk Species" listed for the county; however, Section 7(a)(2) consultation with USFWS is not required for these species.

There is no suitable habitat for the Cape Fear shiner at this Project. However, potential habitat for the Bald Eagle and Schweinitz's sunflower may exist in the Project area. The site's proximity to Randleman Lake and presence of mature trees makes it a candidate for bald eagle nesting habitat. The Project contains maintained/disturbed areas near wood lines which mimics natural fire ecology of the Schweinitz's sunflower; however, a "No Affect" determination was made after a survey was conducted on August 20, 2019 during the optimal survey window time. The survey concluded that there was no suitable habitat within the easement and therefore no species of Schweinitz's sunflower present. No protected species

were observed during preliminary site evaluations. Upon completion of the survey, if any individuals are found in the site area, RES will follow up with USFWS prior to construction, to make a new Section 7 determination. Documentation is included in **Appendix D**.

The Fish and Wildlife Coordination Act (FWCA) of the United States was enacted to protect fish and wildlife when federal actions result in the control or modification of a natural stream or body of water. Since the Project will include removal and/or replacement of existing culverts as well as stream bank stabilization, RES requested comment from the North Carolina Wildlife Resource Commission (NCWRC). The NCWRC responded on June 14, 2019 and stated there are no records for any listed aquatic species in the vicinity of the Project. All correspondence is in **Appendix E**.

2.2.3 Cultural Resources

Environmental and cultural resources include historic and archeological resources located in or near the Project. RES has evaluated the Project's existing and future conditions to determine any potential mitigation impacts to cultural resources.

A review of properties listed on the North Carolina National Register of Historic Places maintained by the North Carolina State Historic Preservation Office (NCSHPO 2018) was conducted for the Project and surrounding areas. No historic properties listed on the National Register exist within the Project area. Two historic unnamed houses (RD0058 and RD0059) are located within 0.5 mile of the Project area. The Project will not threaten or impact these historic locations. No architectural structures or archeological artifacts have been observed or noted during surveys of the Project for restoration purposes. RES requested review and comment from the State Historic Preservation Office (SHPO) with respect to any archaeological and architectural resources related to the Project. All correspondence is included in **Appendix E**.

2.2.4 Federal Emergency Management Agency (FEMA)/ Hydrologic Trespass

The Project is not within a mapped FEMA Regulatory Floodway or 100-year floodplain (**Figure 7**). No hydrologic trespass will be permitted to adjacent properties upstream or downstream of the Project.

2.2.5 Clean Water Act - Section 401/404

Due to the nature of this project there will be no 401/404 permit required.

3 RIPARIAN RESTORATION AND ENHANCEMENT IMPLEMENTATION PLAN

Riparian restoration and enhancement areas adjacent to streams are shown in **Figure 4** and were approved by the DWR in the letter dated August 2, 2018 (**Appendix B**).

3.1 Site Preparation

Preparation at the Project will involve spraying undesired fescue grass and exotic invasive species, contoured ripping, seeding, and planting. Livestock will be excluded from the entire easement area by installing permanent fence. Stabilization and implementation of dispersal techniques will be utilized where surface flows have become concentrated. Immediately following completion of restoration activities, disturbed areas will be stabilized to prevent erosion. To provide a rapid herbaceous cover, planting of a temporary seed mix will be required. A mixture of temporary and permanent riparian seeding will be applied and established where bare areas are present due to impacts from cattle. Areas of compacted soils will be ripped and disked prior to seed mix application and tree planting. Soil amendments will be provided as needed based on the results of soil fertility tests.

3.2 Materials

A combination of silt fencing, erosion control wattles, temporary seeding, and erosion control matting will be used to reduce erosion and stabilize soil in riparian areas during any land disturbance activities. These erosion control measures shall be inspected and properly maintained at the end of each working day to ensure measures are functioning properly until permanent vegetation is established. Disturbed areas shall be temporarily seeded within ten working days and upon completion of final grading, permanent vegetation shall be established for all disturbed areas. After construction activities, the subsoil will be scarified and any compaction will be deep tilled before the topsoil is placed back over the site. Any topsoil that is removed during construction will be stockpiled and placed over the project area during final soil preparation. This process should provide favorable soil conditions for plant growth. Bare root plantings and live stakes shall be planted according to detail shown in the planting plan.

3.3 Methods

All restoration and enhancement activities will begin from the tops of the stream banks and extend a minimum of 50 feet from the stream outward to a maximum of 200 feet perpendicular to the stream channel. Vegetation within riparian areas can vary depending on disturbance regime and adjacent community types, so the protected buffer easement will be planted with appropriate native species observed in the surrounding forest and species known to occur in similar environments (Section 3.4). In forested areas, the buffer restoration areas are determined based on whether there are less than 25 percent of the tree canopy cover and a lack of dense growth of smaller woody stems (i.e. shrubs or saplings) and enhancement areas are determined as being higher than 25 percent but lower than what is deemed appropriate for the location in accordance with the Consolidated Buffer Mitigation Rule 15A NCAC 02B .0295 (b)(12), 15A NCAC 02B .0295 (b)(4). Restoration and enhancement areas were also determined by the mitigation determination performed during the viability assessment by DWR (Appendix B).

3.3.1 Riparian Restoration Activities

Restoration activities within the riparian areas will include planting a composition of native bare-root tree species based on reference reach data and excluding livestock from the stream and riparian area. The

conservation easement will extend a minimum of 50-feet from the top of bank and the restoration target community is a Piedmont Alluvial Forest, described in *Natural Communities of North Carolina: Fourth Approximation* (Schafale 2012). The restoration of plant communities within the Project will not only provide stabilization and improve water quality within the easement will also provide ecological benefits to the entire watershed.

3.3.2 Riparian Enhancement Activities

Enhancement will occur in the limited forested areas within the Project where grazing occurs adjacent to the stream in accordance with 15A NCAC 02B .0295 (o) (6) (**Figure 4**). All livestock will be removed from the easement and a fence will be installed to exclude access to riparian areas and associated streams. Enhancement activities will also include the permanent protection of the riparian area from cutting, clearing, filling, grading, and similar activities that would affect the functioning of the buffer through a conservation easement that will have clearly visible easement markers and signs (see **Section 3.5** for further description of the easement boundaries).

3.4 Planting Plan

All riparian restoration areas will be planted from top of bank back at least 50 feet from the stream with bare root tree seedlings on an eight by eight-foot spacing to achieve an initial density of 680 trees per acre. Planting of the Project where riparian buffer restoration is being performed will meet the performance standards outlined in the Rule 15A NCAC 02B .0295. The vegetation data will be collected no earlier than late August of each year. This includes treating invasive species and planting at least four species of native hardwood bare root trees. Piedmont Alluvial Forest (Schafale 2012) will be the target community type and will be used for all areas within the Project. This forest system is common throughout Piedmont drainages and will provide water quality and ecological benefits. The initial planting of bare root trees will occur before spring 2020. The list of bare root tree species to be planted and their percentage of total species composition can be found in **Table 6**. Wherever possible, mature vegetation will be preserved and incorporated into the buffer. Some areas adjacent to the forested areas may require maintenance due to the rapid regeneration of some species, such as red maple (*Acer rubrum*) and sweetgum (*Liquidambar styraciflua*).

Table 6. Tree Planting List

Bare Root Planting Tree Species					
Species	Common Name	Spacing (ft)	Unit Type	% of Total Species Composition	
Platanus occidentalis	American sycamore	9X6	Bare Root	20	
Liriodendron tulipifera	Tulip poplar	9X6	Bare Root	15	
Betula nigra	River birch	9X6	Bare Root	15	
Cercis canadensis	Eastern Redbud	9x6	Bare Root	10	
Quercus phellos Willow oa		9X6	Bare Root	10	
Quercus alba	White oak	9X6	Bare Root	10	
Quercus nigra	Water oak	9X6	Bare Root	10	
Quercus rubra	Northern red oak	9X6	Bare Root	10	

3.5 Easement Boundaries

Easement boundaries will be identified in the field to ensure clear distinction between the Project and adjacent properties. Boundaries may be identified by marker, bollard, post, tree-blazing, or other means as allowed by Project conditions and/or conservation easement. Boundaries will be marked with signs identifying the property as a mitigation project and will include the name of the long-term steward and a contact number. Boundary markers disturbed, damaged, or destroyed will be repaired and/or replaced on an as needed basis. The easement boundary will be fenced where needed to ensure cattle are excluded as required by 15A NCAC 02B .0295 (o)(6) (**Figure 4**). The easement boundary will be checked annually as part of monitoring activities and the conditions as well as any maintenance performed will be reported in the annual monitoring reports to DWR.

4 MONITORING PLAN

4.1 Monitoring Protocol and Success Criteria

Annual vegetation monitoring and visual assessments will be conducted. Riparian buffer area vegetation monitoring will be based on the "Carolina Vegetation Survey-Ecosystem Enhancement Program Protocol for Recording Vegetation: Level 1-2 Plot Sampling Only Version 4.2". Monitoring plots will be installed a minimum of 100 meters squared in size and will cover at least two percent of the planted mitigation area. The total planted area will be 4.83 acres. These plots will be randomly placed throughout the planted riparian restoration area and will be representative of the riparian area restoration and enhancement where applicable. The following data will be recorded for all trees in the plots: species, height, planting date (or volunteer), and grid location. All stems in plots will be flagged with flagging tape. There will be four (4) monitoring plots (**Figure 8**). A summary of project monitoring and maintenance activities can be found in **Table 7**.

Photos will be taken from all photo points each monitoring year and provided in the annual reports. Annual vegetation monitoring will occur each year for a minimum of five (5) years and will be conducted during the fall season with the first year occurring at least six (6) months from initial planting. Visual inspections and photos will be taken to ensure that enhancement areas are being maintained and compliant. The measures of vegetative success for the Project will be the survival of at least four native hardwood tree species, where no one species is greater than 50 percent of stems, at a density of at least 260 stems per acre at the end of Year 5. Native volunteer species may be included to meet the performance standards as determined by NC Division of Water Resources (DWR).

A visual assessment of the conservation easement will also be performed each year to confirm:

- Fencing is in good condition throughout the site (if applicable);
- no cattle access within the conservation easement area;
- no encroachment has occurred:
- no invasive species in areas were invasive species were treated,
- diffuse flow is being maintained in the conservation easement areas; and
- there has not been any cutting, clearing, filling, grading, or similar activities that would negatively affect the functioning of the buffer.

Table 7. Summary of Project Monitoring and Maintenance Activities

Component/ Feature	Monitoring	Maintenance through project close-out
Vegetation	Annual vegetation monitoring	Vegetation shall be maintained to ensure the health and vigor of the targeted plant community. Routine vegetation maintenance and repair activities may include supplemental planting, pruning, mulching, and fertilizing. Exotic invasive plant species shall be treated by mechanical and/or chemical methods. Any vegetation requiring herbicide application will be performed in accordance with NC Department of Agriculture (NCDA) rules and regulations. Vegetation maintenance activities will be documented and reported in annual monitoring reports. Vegetation maintenance will continue through the monitoring period.
Invasive and Nuisance	Visual	Invasive and noxious species will be monitored and treated so that none become
Vegetation	Assessment	dominant or alter the desired community structure of the Project. Locations of invasive and nuisance vegetation will be mapped.
Project Boundary	Visual Assessment	Project boundaries shall be identified in the field to ensure clear distinction between the mitigation project and adjacent properties. Boundaries will be marked with signs identifying the property as a mitigation project and will include the name of the long-term steward and a contact number. Boundaries may be identified by fence, marker, bollard, post, tree-blazing, or other means as allowed by Project conditions and/or conservation easement. Boundary markers disturbed, damaged, or destroyed will be repaired and/or replaced on an as-needed basis. Easement monitoring and staking/ signage maintenance will continue in perpetuity as a stewardship activity.
Livestock Fencing	Visual Assessment	Livestock fencing is to be placed outside the easement limits. Maintenance of fencing is the responsibility of the landowner.

4.2 Adaptive Management Plan and Project Maintenance

Adaptive measures will be developed, or appropriate remedial actions taken if in the event that the project, or a specific component of the project, fails to achieve the defined success criteria. DMS must approve all adaptive management plans prior to submittal to DWR.

Remedial actions will be designed to achieve the success criteria specified in this Mitigation Plan, and will include identification of the causes of failure, remedial design approach, work schedule, and monitoring criteria that will consider physical and climatic conditions.

Initial plant maintenance may include a one-time mowing, prior to initial planting to remove undesirable species. If mowing is deemed necessary by RES during the monitoring period, RES must first receive approval by DMS and then by DWR prior to any mowing activities to ensure that no buffer violations have been performed. Failure to receive approval to mow within the Randleman Lake buffer, as defined in 15A NCAC 02B .0250, by DWR could result in Randleman Lake buffer violations and violations of the conservation easement. If necessary, RES will develop a species-specific control plan.

5 STEWARDSHIP

The Project will be transferred to the NCDEQ Stewardship Program. NCDEQ Stewardship Program shall serve as the conservation easement holder and entity responsible for long term stewardship of the Project. This party shall serve as conservation easement holder and long-term steward for the property and will conduct periodic inspection of the Project to ensure that restrictions required in the conservation easement are upheld. The NCDEQ Stewardship Program is developing an endowment system within the non-

reverting, interest-bearing Conservation Lands Conservation Fund Account. The use of funds from the Endowment Account will be governed by North Carolina General Statute GS 113A-232(d)(3). Interest gained by the endowment fund may be used for the purpose of stewardship, monitoring, stewardship administration, and land transaction costs, if applicable.

The Stewardship Program will periodically install signage to identify boundary markings as needed. Any livestock or associated fencing or permanent crossings will be the responsibility of the owner of the underlying fee to maintain.

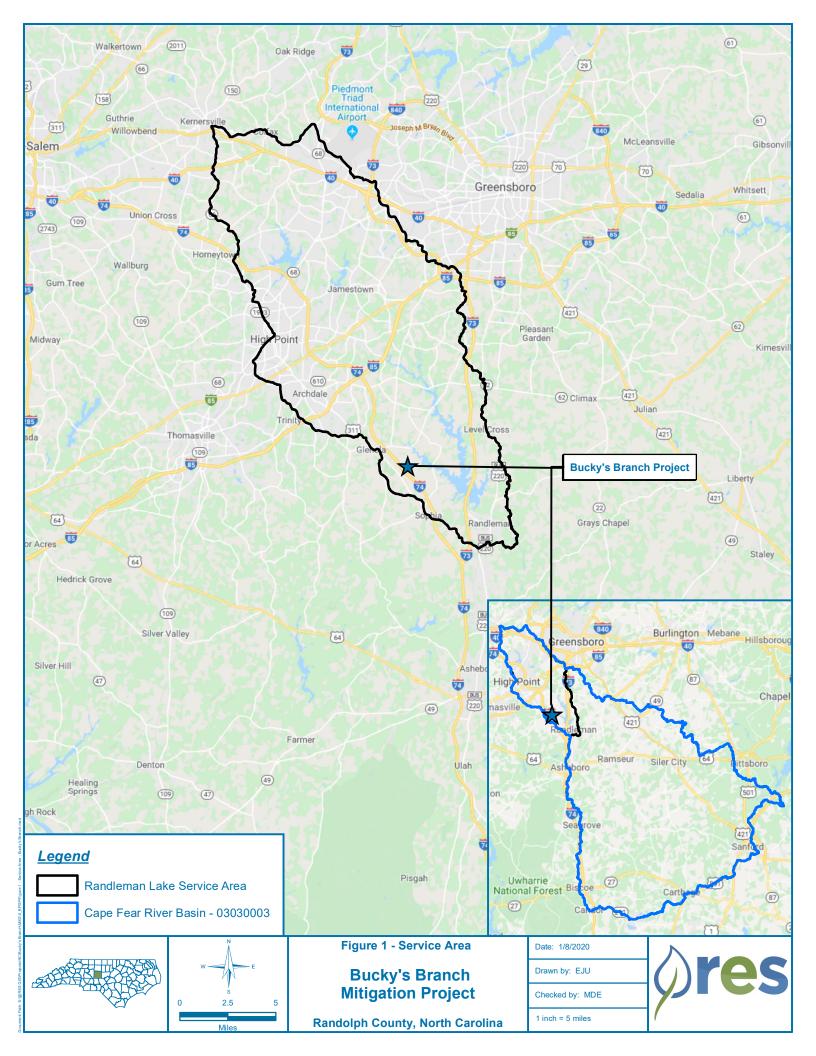
6 REFERENCES

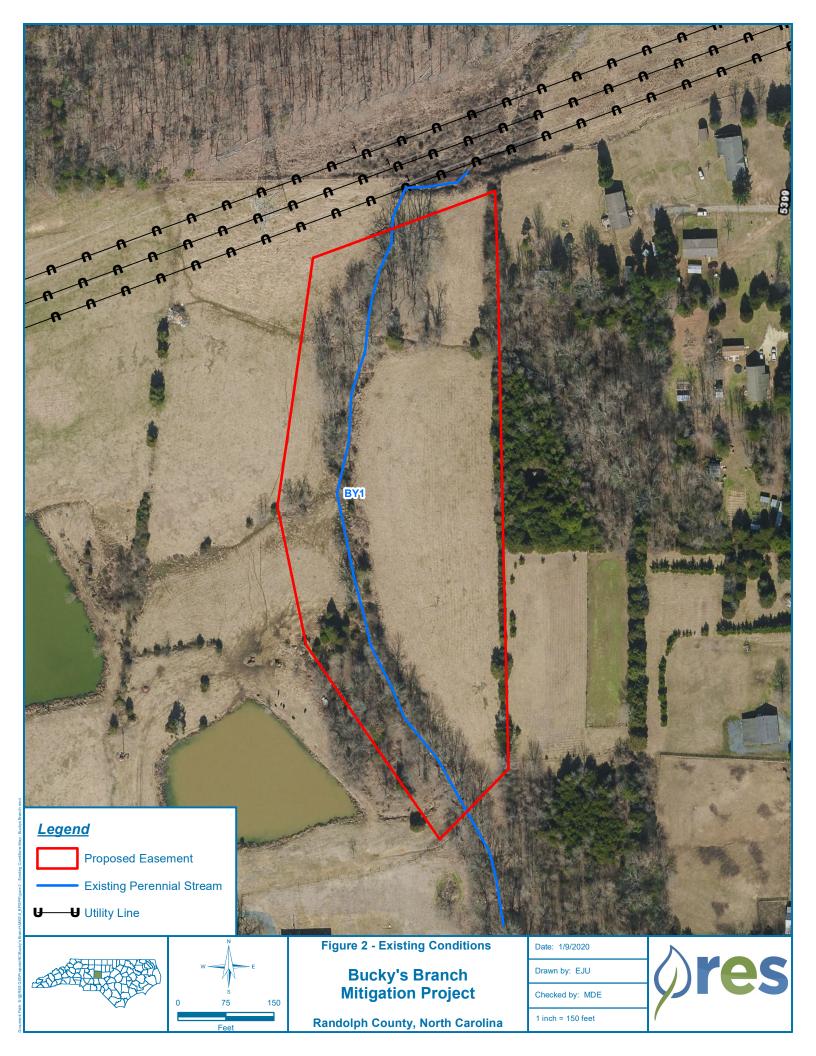
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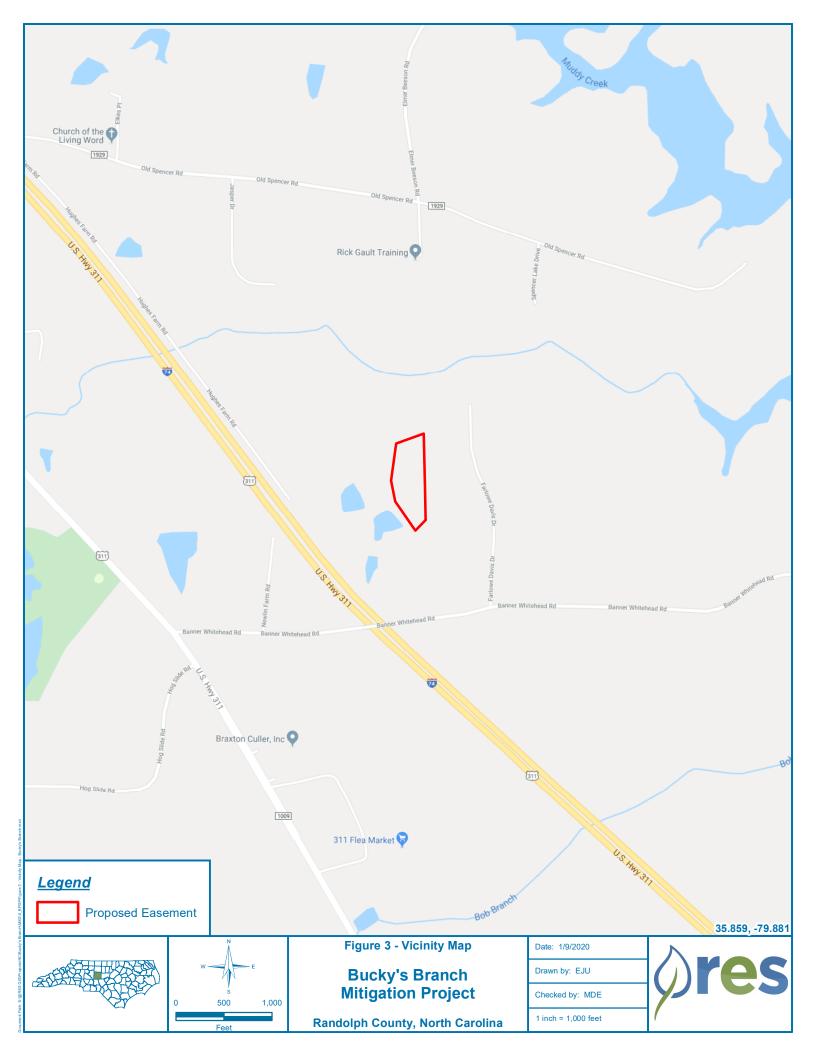
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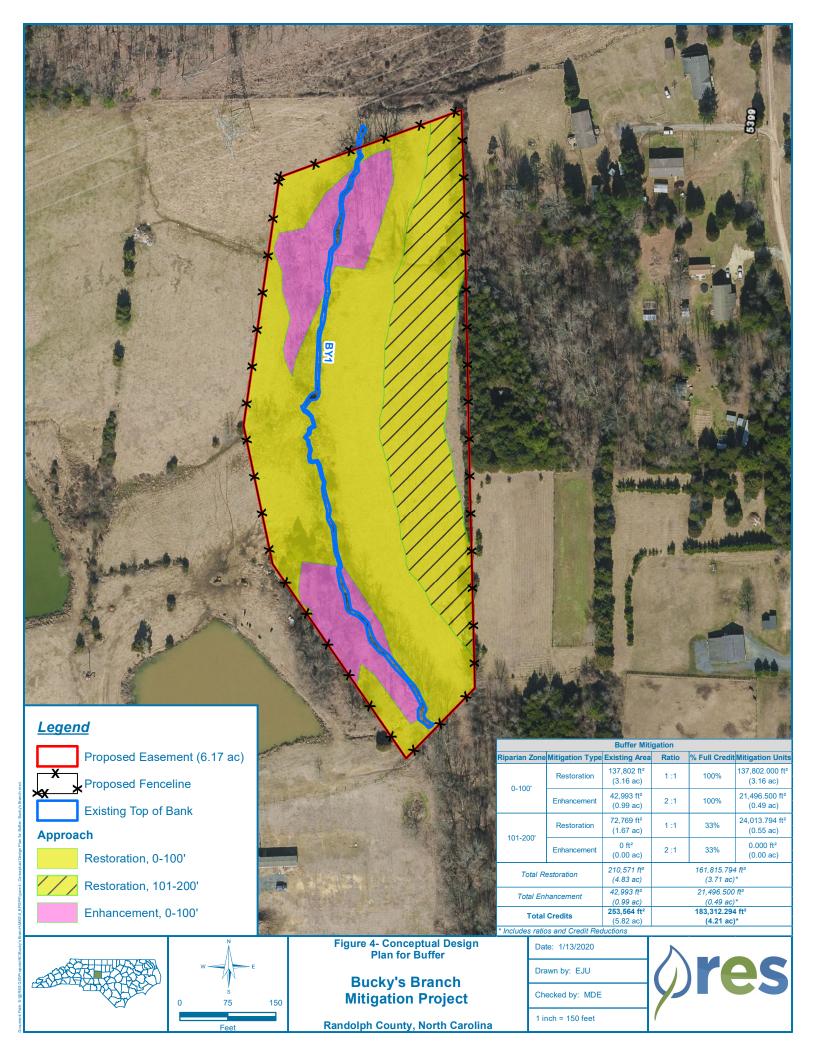
FIGURES

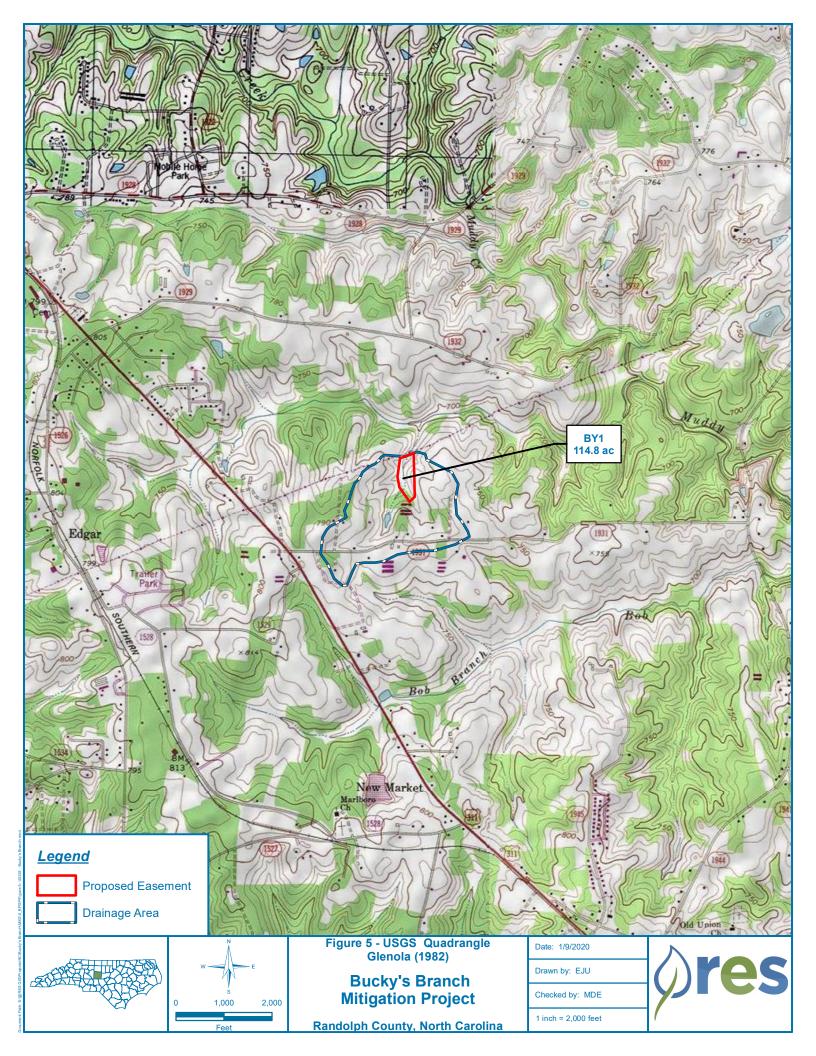
- Figure 1 Service Area
- **Figure 2 Existing Conditions**
- Figure 3 Vicinity Map
- Figure 4 Conceptual Design Plan for Buffer
- Figure 5 USGS Quadrangle
- Figure 6 Mapped Soils
- **Figure 7 Project Constraints**
- Figure 8 Monitoring Plan

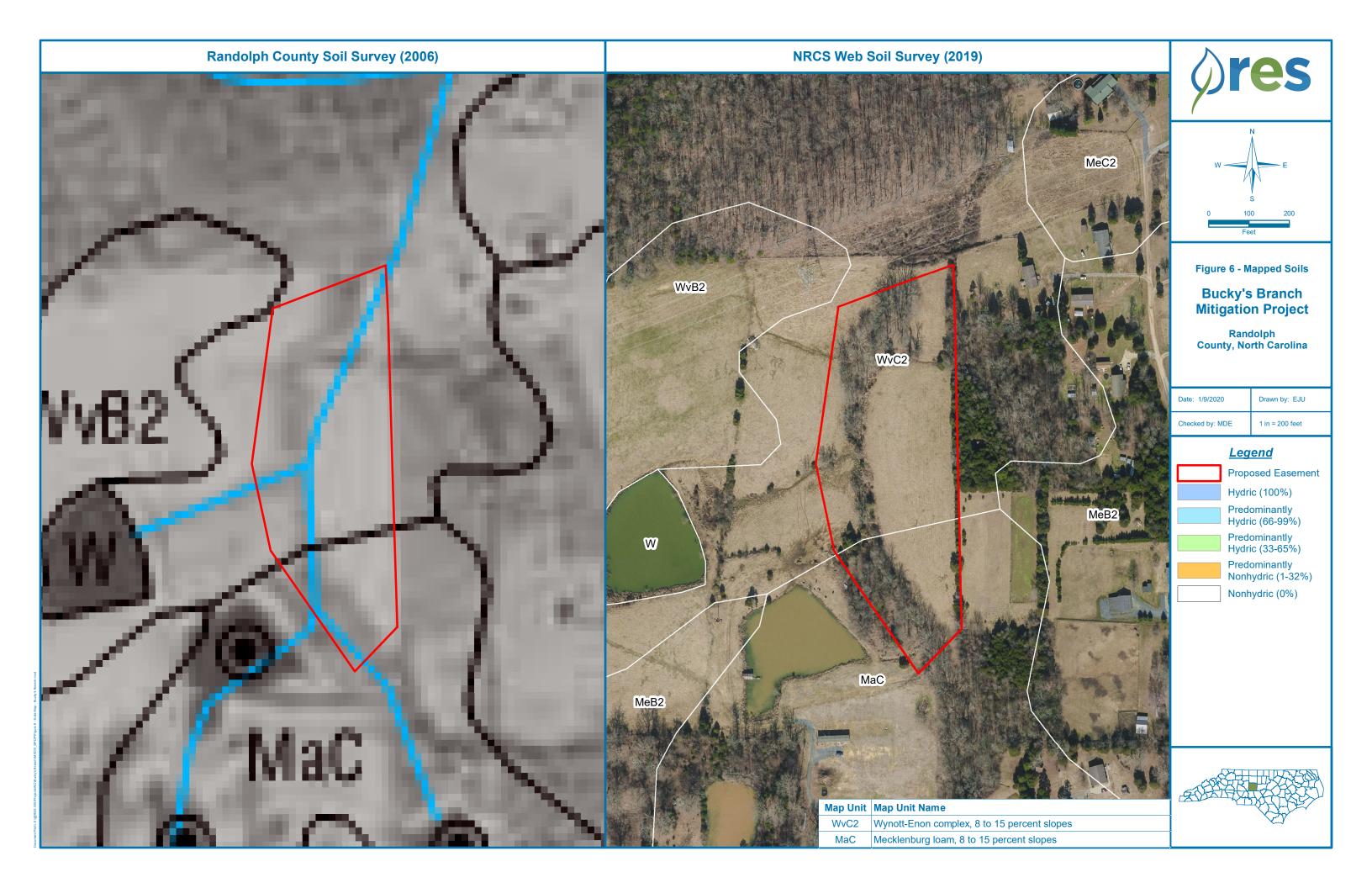




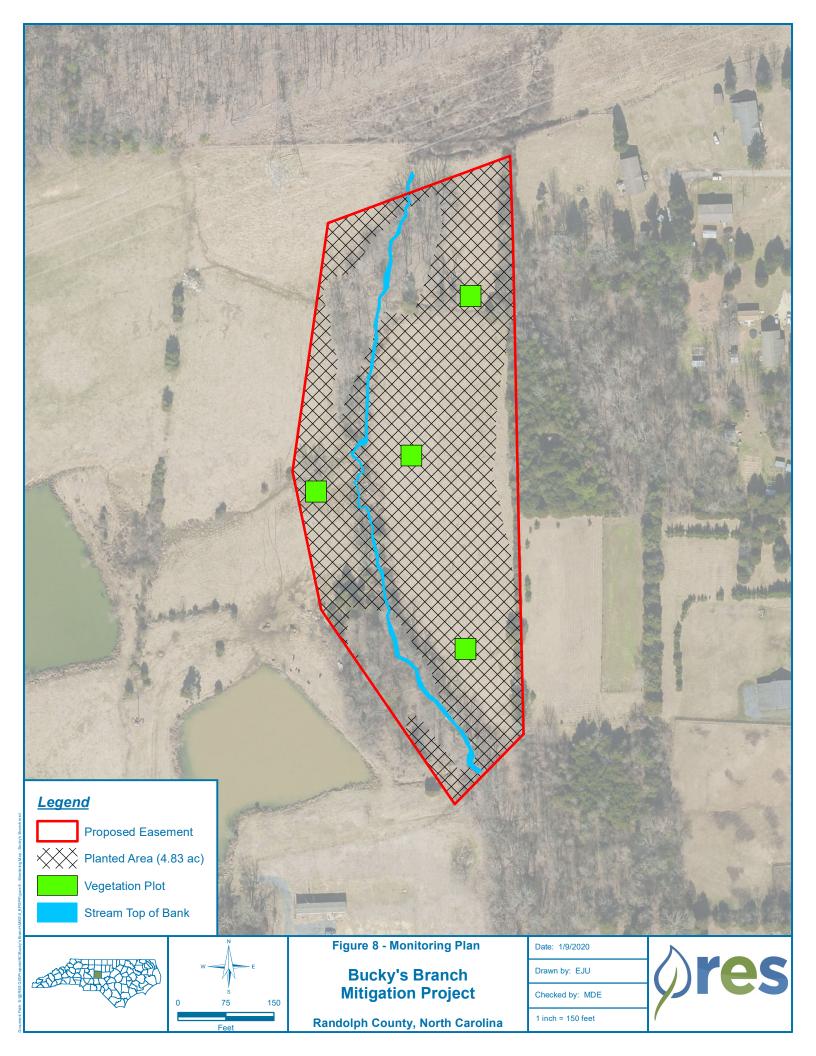












APPENDICES

$\frac{\textbf{Appendix A}}{\textbf{NCDWR Stream Determination Letter}}$



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

July 24, 2018

Brad Breslow Resource Environmental Solutions 302 Jefferson St 110 Raleigh, NC 27605

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

Subject Property: Bucky's Branch Mitigation Site, 2646 Banner Whitehead Road, Sophia NC, Randolph

County

Dear Mr. Breslow:

On June 12, 2018, at your request, Sue Homewood conducted an on-site determination to review features located on the subject project for stream determinations with regards to the above noted state regulations. Katie Merritt with the Division of Water Resources (Division) – 401 & Buffer Permitting Branch was also present during the site visit.

The attached sketch depicts the channels that were reviewed during the site visit. The main channel shown within the Project Area on the attached map was determined to be a perennial channel. This channel is subject to the Randleman Buffer Rules cited above. These regulations are 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.



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,

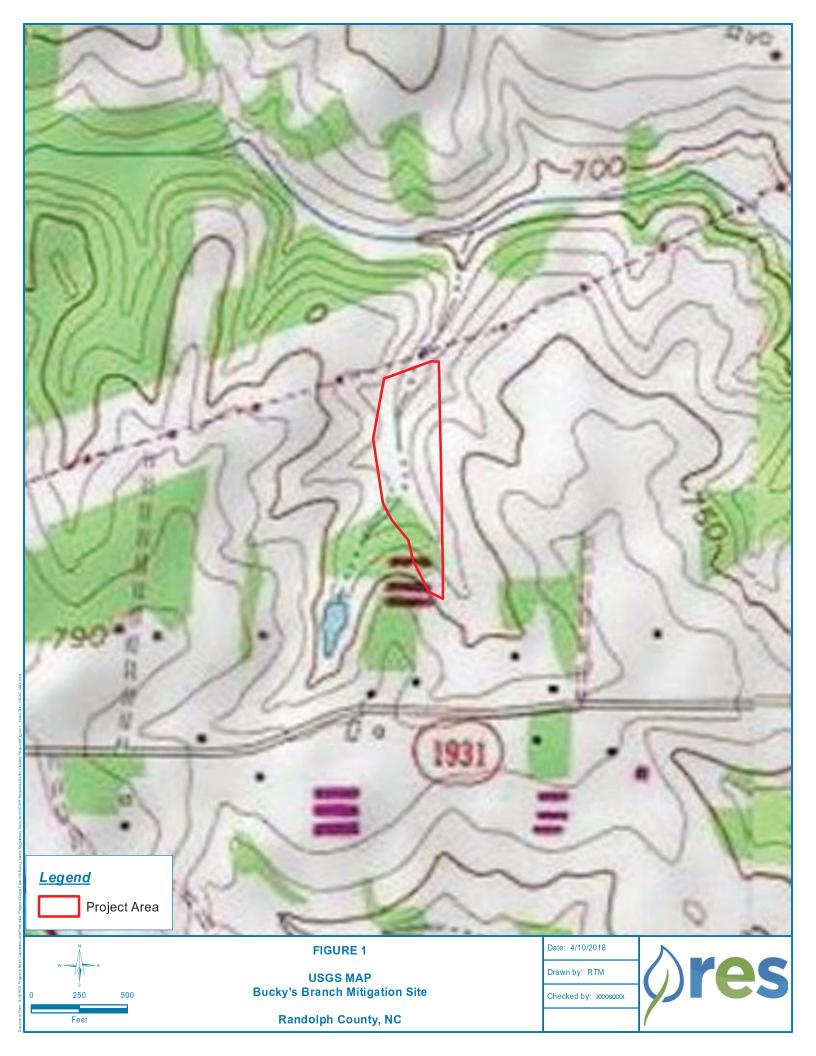
Sue Homewood

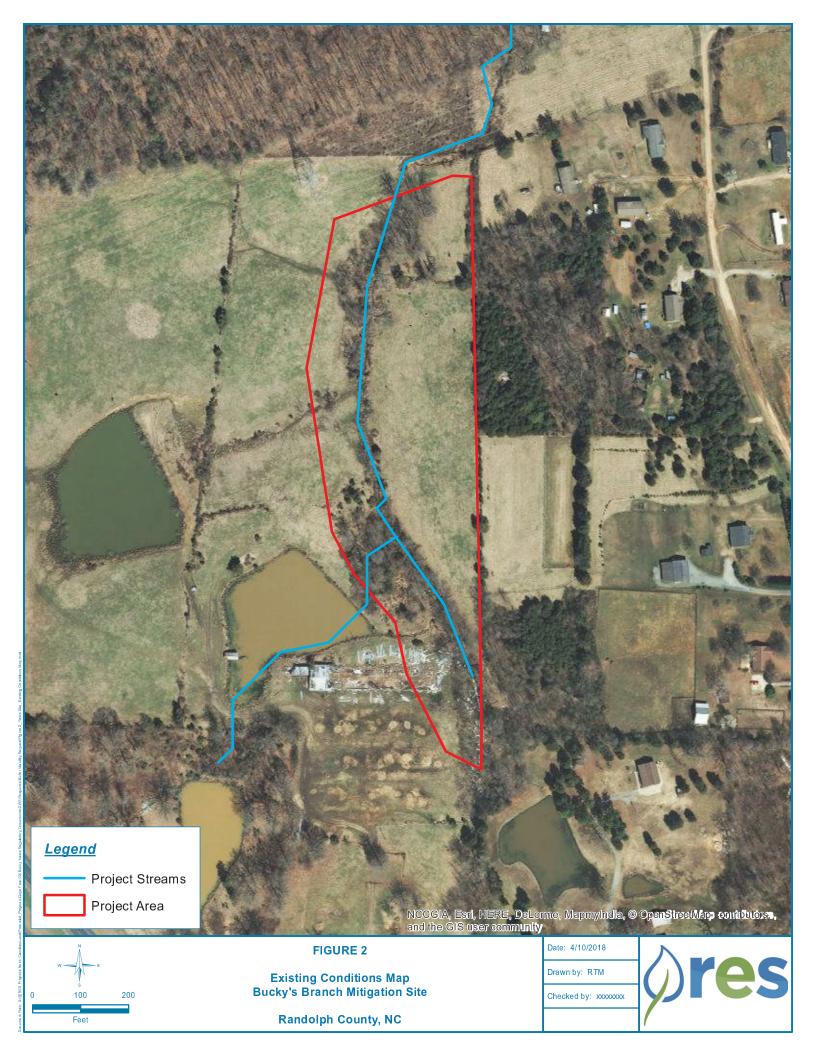
Winston-Salem Regional Office

Enclosures: USGS Topo Map

RES Existing Conditions Map

Cc: Buck Thomas Yates, 1788 Waterford Pt. Road, Lexington NC 27292 Katie Merritt, DWR (via email) DWR, Winston-Salem Regional Office





Appendix B NCDWR Mitigation Viability Letter



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

August 2, 2018

Jeremy Schmid Resource Environmental Solutions 302 Jefferson Street, Suite 110 Raleigh, NC 27605 (via electronic mail: jschmid@res.us)

Re:

Site Viability for Buffer Mitigation & Nutrient Offset - Bucky's Branch Site

Located near 2646 Banner Whitehead Rd, Sophia, NC

Randleman Lake Watershed/HUC 03030003

Randolph County

Dear Mr. Schmid,

On April 10, 2018, Katie Merritt, with the Division of Water Resources (DWR), received a request from you on behalf of Resource Environmental Solutions, LLC (RES) for a site visit near the above-referenced site in the Randleman Lake Watershed of the Cape Fear River Basin. The site visit was to determine the potential for riparian buffer mitigation within a proposed Easement Boundary, which is more accurately shown in the attached map labeled "Figure 2 Existing Conditions". On June 12, 2018, Ms. Merritt performed a site assessment of the subject site.

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

<u>Feature</u>	Classification onsite	¹Subject to Buffer Rule	Riparian Land uses adjacent to Feature (0-200')	Buffer Credit Viable	2Nutrient Offset Viable at 2,273 lbs/acre	Mitigation Type Determination w/in riparian areas
A	Stream	Yes	Combination of forested & non-forested pasture grazed by cattle	Yes ^{3,4}	N/A	Non-forested areas - Restoration Site per 15A NCAC 02B .0295 (n) Forested Areas - Enhancement Site per 15A NCAC 02B .0295 (o)(6) if fence is installed or Preservation Site per 15A NCAC 02B .0295 (o)(5) if fence isn't installed.



Bucky's Branch Site Resource Environmental Solutions, LLC August 2, 2018

<u>Reature</u>	Classification onsite	1Subject to Buffer Rule	Riparian Land uses adjacent to Feature (0-200')	Buffer Credit Viable	2Nutrient Offset Viable at 2,273 lbs/acre	Mitigation Type Determination w/in riparian areas
В	Wetland	No	N/A	No	N/A	N/A

¹Subjectivity calls for the features were determined by DWR in correspondence dated July 24, 2018 using the 1:24,000 scale quadrangle topographic map prepared by USGS and the most recent printed version of the soil survey map prepared by the NRCS

This letter does not constitute an approval of this site to generate mitigation credits. Pursuant to 15A NCAC 02B .0295, a mitigation plan shall be submitted to DWR for written approval **prior** to conducting any mitigation activities in riparian areas and/or surface waters for buffer mitigation credit.

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

This viability assessment will expire on August 2, 2020 or upon the submittal of an As-Built Report to the DWR, whichever comes first. A map for reference is attached to this letter and was initialed by Ms. Merritt on August 2, 2018. This letter should be provided in all stream, wetland or buffer mitigation plans for this Site.

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

Sincerely,

Karen Higgins, Supervisor 401 and Buffer Permitting Branch

Willi Maher

KAH/km

Attachments: Figure 2 Existing Conditions Map

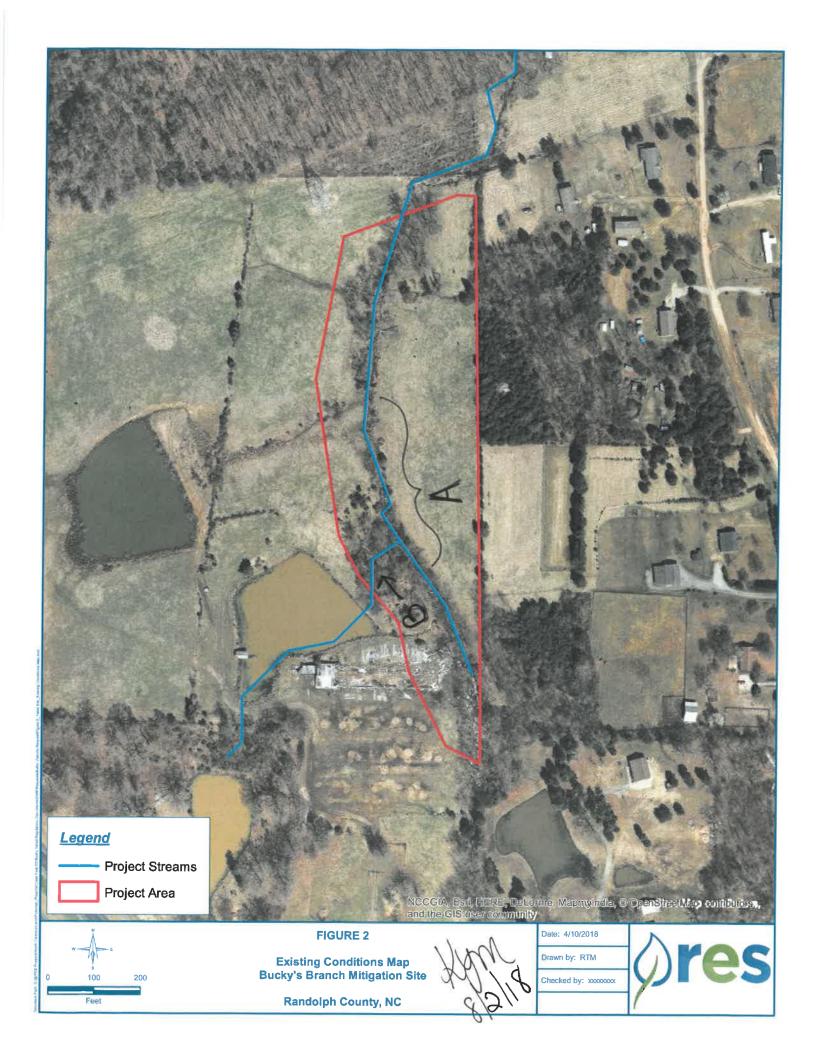
cc: File Copy (Katie Merritt)

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

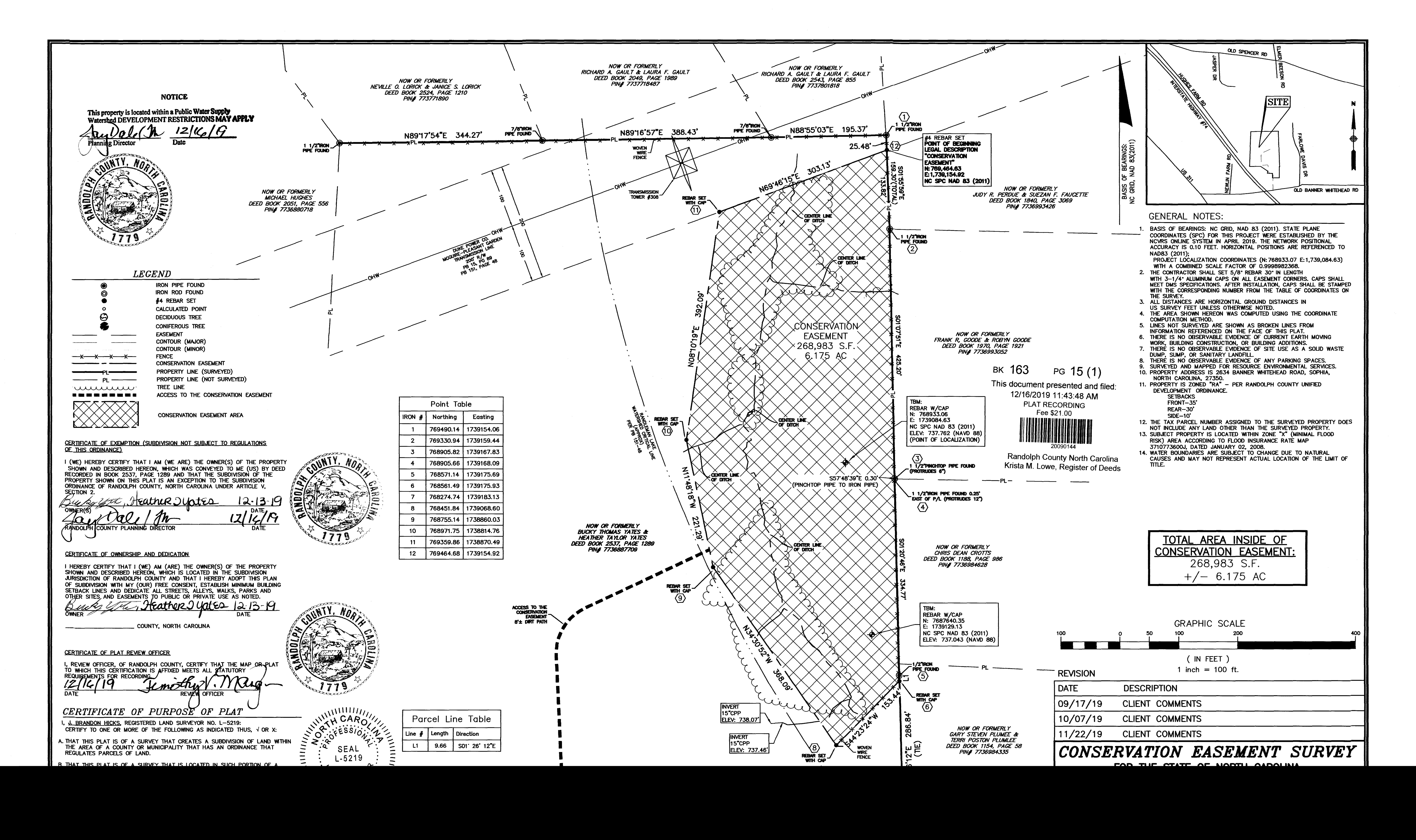
³The area of preservation credit within a buffer mitigation site shall comprise of no more than 25 percent (25%) of the total area of buffer mitigation per 15A NCAC 0295 (0)(5) and 15A NCAC 0295 (0)(4). Site cannot be a Preservation Only site to comply with this rule.

⁴The area described as an Enhancement Site was assessed and determined to comply with all of 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.

⁵The area of the mitigation site on ephemeral channel shall comprise no more than 25 percent (25%) of the total area of buffer mitigation per 15A NCAC 02B .0295 (o)(7).



<u>Appendix C</u> Site Protection Instrument (s)



BK 2680 PG 531 - 541 (11) This Document eRecorded:

Fee: \$26.00 DocType: DEED

Randolph County, North Carolina Krista M. Lowe, Register of Deeds DOC# 20090256 12/17/2019 11:03:54 AM

Tax: \$173.00

STATE OF NORTH CAROLINA

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

RANDOLPH COUNTY

Excise Tax: \$ 173.	00		

Parcel Identifier No.: P/O PIN 7736-88-7709

Brief description for the Index: 6.175 (+/-) acre Conservation Easement in Randolph County, NC

SPO File Number: 76-CN DMS Project Number: 100109

Prepared by: Office of the Attorney General and Kannon Court, PLLC 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 13 day of Occombec, 2019, by Bucky Thomas Yates and wife, Heather Taylor Yates ("Grantor"), whose mailing address is 2634 Banner Whitehead Road, Sophia, NC 27350, 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.

> NCDMS Full Delivery Conservation Easement Template adopted 5 May 2017 Page 1 of 11

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 Environmental Banc & Exchange, LLC c/o Resource Environmental Solutions 6575 West Loop South, Suite 300, Bellaire, Texas 77401 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 7861.

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 Randolph County, North Carolina (the "Property"), and being more particularly described as that certain parcel of land containing approximately 29.98 acres and being conveyed to the Grantor by deed as recorded in Deed Book 2537, at Page 1289 of the Randolph County Registry, North Carolina.

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 Randleman Lake watershed, Cape Fear River Basin (HUC 03030003).

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:

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

The purposes of this Conservation Easement are to maintain, restore, enhance, construct, create and preserve wetland and/or riparian resources in the Conservation Easement Area that contribute to the protection and improvement of water quality, flood prevention, fisheries, aquatic habitat, wildlife habitat, and recreational opportunities; to maintain permanently the Conservation Easement Area in its natural condition, consistent with these purposes; and to

prevent any use of the Easement Area that will significantly impair or interfere with these purposes. To achieve these purposes, the following conditions and restrictions are set forth:

I. DURATION OF EASEMENT

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

II. GRANTOR RESERVED USES AND RESTRICTED ACTIVITIES

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

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

- F. Agricultural Use. All agricultural uses are prohibited within the Conservation Easement Area including any use for cropland, waste lagoons, or pastureland.
- **G.** New Construction. There shall be no building, facility, mobile home, antenna, utility pole, tower, or other structure constructed or placed in the Conservation Easement Area.
- H. Roads and Trails. There shall be no construction or maintenance of new roads, trails, walkways, or paving in the Conservation Easement.

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

- I. Signs. No signs shall be permitted in the Conservation Easement Area except interpretive signs describing restoration activities and the conservation values of the Conservation Easement Area, signs identifying the owner of the Property and the holder of the Conservation Easement, signs giving directions, or signs prescribing rules and regulations for the use of the Conservation Easement Area.
- J. Dumping or Storing. Dumping or storage of soil, trash, ashes, garbage, waste, abandoned vehicles, appliances, machinery, or any other material in the Conservation Easement Area is prohibited.
- K. Grading, Mineral Use, Excavation, Dredging. There shall be no grading, filling, excavation, dredging, mining, drilling, hydraulic fracturing; removal of topsoil, sand, gravel, rock, peat, minerals, or other materials.
- L. Water Quality and Drainage Patterns. There shall be no diking, draining, dredging, channeling, filling, leveling, pumping, impounding or diverting, causing, allowing or permitting the diversion of surface or underground water in the Conservation Easement Area. No altering or tampering with water control structures or devices, or disruption or alteration of the restored, enhanced, or created drainage patterns is allowed. All removal of wetlands, polluting or discharging into waters, springs, seeps, or wetlands, or use of pesticide or biocides in the Conservation Easement Area is prohibited. In the event of an emergency interruption or shortage of all other water sources, water from within the Conservation Easement Area may temporarily be withdrawn for good cause shown as needed for the survival of livestock on the Property.
- M. Subdivision and Conveyance. Grantor voluntarily agrees that no further subdivision, partitioning, or dividing of the Conservation Easement Area portion of the Property owned by the Grantor in fee simple ("fee") that is subject to this Conservation Easement is allowed. Any future transfer of the Property shall be subject to this Conservation Easement and Right of Access and to the Grantee's right of unlimited and repeated ingress and egress over and across the Property to the Conservation Easement Area for the purposes set forth herein.
- N. Development Rights. All development rights are permanently removed from the Conservation Easement Area and are non-transferrable.

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

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

III. GRANTEE RESERVED USES

- A. Right of Access, Construction, and Inspection. The Grantee, its employees and agents, successors and assigns, receive a perpetual Right of Access to the Conservation Easement Area over the Property at reasonable times to undertake any activities on the property to restore, construct, manage, maintain, enhance, protect, and monitor the stream, wetland and any other riparian resources in the Conservation Easement Area, in accordance with restoration activities or a long-term management plan. Unless otherwise specifically set forth in this Conservation Easement, the rights granted herein do not include or establish for the public any access rights.
- **B.** Restoration Activities. These activities include planting of trees, shrubs and herbaceous vegetation, installation of monitoring wells, utilization of heavy equipment to grade, fill, and prepare the soil, modification of the hydrology of the site, and installation of natural and manmade materials as needed to direct in-stream, above ground, and 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

- **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.

THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK!

IN TESTIMONY WHEREOF, the Grantor has hereunto set his hand and seal, the day and year first above written. Bucky Thomas Yates Heather Taylor Yates NORTH CAROLINA COUNTY OF Randolph I, Kenten E. Beul, a Notary Public in and for the County and State aforesaid, do hereby certify that Bucky Thomas Yates and Heather Taylor Yates, Grantor, each 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 13 KENTON E BEAL Signature of Notary Public Notary Public, North Carolina Wake County My Commission Expires Printed Name of Notary Public My commission expires: 4/25/2024 April 25, 2024

EXHIBIT A

(Conservation Easement Area)

BEING THAT 6.175 ACRE AREA, AS SHOWN ON PLAT OF SURVEY ENTITLED

"CONSERVATION EASEMENT SURVEY FOR THE STATE OF NORTH CAROLINA, DIVISION
OF MITIGATION SERVICES, BUCKY'S BRANCH", DMS PROJECT NO. 100109, SPO NO. 76-CN,
DATED AUGUST 15, 2019, 2634 BANNER WHITEHEAD RD, SOPHIA, RANDOLPH COUNTY,
NC 27350, OWNER BUCKY THOMAS YATES & HEATHER YATES, PREPARED BY J.
BRANDON HICKS, PLS NUMBER L-5219 AND RECORDED IN THE OFFICE OF THE
RANDOLPH COUNTY, NORTH CAROLINA REGISTER OF DEEDS AT PLAT BOOK

163 , AT PAGE 15 (THE "SURVEY"), AND BEING FURTHER
DESCRIBED AS FOLLOWS:

BEGINNING AT A #4 REBAR SET LOCATED IN THE EASTERN LINE OF THE PROPERTY OF BUCKY THOMAS YATES AND HEATHER TAYLOR YATES, PIN# 7736-88-7709, AS DESCRIBED IN DEED BOOK 2537, PAGE 1289, RANDOLPH COUNTY REGISTER OF DEEDS. HAVING NORTH CAROLINA GRID COORDINATES N: 769,464.63, E: 1,739,154.92 ALSO BEING LOCATED SOUTH 01°55'59" EAST, A DISTANCE OF 25.48 FEET FROM A 1 1/2" IRON PIPE FOUND, THE SOUTHEAST CORNER OF THE PROPERTY OF RICHARD AND LAURA GAULT, PIN# 7737-80-1818, AS DESCRIBED IN DEED BOOK 2543, PAGE 855, RANDOLPH COUNTY REGISTER OF DEEDS AND THE NORTHEAST CORNER SAID YATES PROPERTY; THENCE ALONG THE EASTERN LINE OF SAID YATES PROPERTY SOUTH 01°55'59" EAST 133.82' TO AN EXISTING 1 1/2" IRON PIPE FOUND, SAID FOUND IRON PIPE BEING THE SOUTHWEST CORNER OF JUDY R. PERDUE & SUEZAN F. FAUCETTE, PIN# 7736-99-3426, AS DESCRIBED IN DEED BOOK 1840, PAGE 3069, RANDOLPH COUNTY REGISTER OF DEEDS; THENCE, SOUTH 01°07'51" EAST 425.20' TO AN EXISTING 1 1/2" PINCHTOP PIPE FOUND WITH 6" REVEAL, SAID FOUND PINCHTOP PIPE BEING THE SOUTHWEST CORNER OF FRANK & ROBYN GOODE, PIN# 7736-99-3052, AS DESCRIBED IN DEED BOOK 1970, PAGE 1921, RANDOLPH COUNTY REGISTER OF DEEDS; THENCE, SOUTH 01°20'46" EAST 334.77' TO AN EXISTING 1/2" IRON PIPE FOUND ON THE COMMON LINE SAID YATES PROPERTY AND GARY & TERRI PLUMLEE, PIN# 7736-98-4335, AS DESCRIBED IN DEED BOOK 1154, PAGE 58, RANDOLPH COUNTY REGISTER OF DEEDS; THENCE SOUTH 01°26'12" EAST 9.66' TO A REBAR SET WITH CAP; THENCE ALONG THE NEW CONSERVATION EASEMENT LINE THE FOLLOWING FIVE COURSES AND DISTANCES, 1) SOUTH 44°23'24" WEST 153.44' TO A SET 1/2" REBAR WITH CAP, THENCE 2) NORTH 34°30'52" WEST 368.09' TO A SET 1/2" REBAR WITH CAP, THENCE 3) NORTH 11°48'18" WEST 221.29' TO A SET 1/2" REBAR WITH CAP, THENCE 4) NORTH 08°10'19" EAST 392.09' TO A SET 1/2" REBAR WITH CAP, THENCE 5) NORTH 69°46'15" EAST 303.13' TO THE POINT AND PLACE OF BEGINNING. CONTAINING 268,983 SQUARE FEET, MORE OR LESS.

TOGETHER WITH NON-EXCLUSIVE RIGHTS TO THE 45' INGRESS EGRESS AND ACCESS EASEMENT SHOWN ON A PLAT RECORDED IN PLAT BOOK 147, PAGE 90 OF THE RANDOLPH COUNTY REGISTRY, AND CONVEYED ON MARCH 16, 2017 TO BUCKY THOMAS YATES AND WIFE, HEATHER TAYLOR YATES BY A DEED RECORDED IN DEED BOOK 2537, PAGE 1289 OF THE RANDOLPH COUNTY REGISTRY.

Appendix D Categorical Exclusion

Appendix A

Categorical Exclusion Form for Division of Mitigation Services Projects Version 2

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

Pari	t 1: General Project Information			
Project Name:	Bucky's Branch			
County Name:				
DMS Number:	Randolph 100109			
Project Sponsor:	Environmental Banc & Exchange, LLC, a RES Company			
Project Contact Name:	Matt Butler			
Project Contact Address:	302 Jefferson Street, Suite 110, Raleight, NC 27605			
Project Contact E-mail:	mbutler@res.us			
DMS Project Manager:	Jeremiah Dow			
	Project Description			
The Bucky's Branch Project is located in Randolph County, approximately 5 miles east of Archdale, within the Cape Fear River Basin within Cataloging Unit 03030003. The Project includes one unnamed tributary that drains into Randleman Lake approximately 0.75 miles downstream of the Project. Water quality stressors currently affecting the Project include livestock production and lack of forested riparian buffer. A combination of buffer restoration and enhancement is proposed to increase water quality and ecological function and protect these features in perpetuity. A combination of planting, establishment, and protection of hardwood forest community will result in a riparian habitat that will produce 6.17 acres of buffer mitigation for nutrient and sediment in puts from the surrounding uplands.				
	For Official Use Only			
Reviewed By:	Tot Official Coc Office			
9/5/2019	Mant 200			
Date	DMS/Project Manager			
Conditional Approved By:				
Date	For Division Administrator FHWA			
☐ Check this box if there are outstanding issues				
Final Approval By:				
Donald W Brew	9-5-19			
Date	For Division Administrator FHWA			

Part 2: All Projects	
Regulation/Question	Response
Coastal Zone Management Act (CZMA)	
Is the project located in a CAMA county?	☐ Yes ■ No
2. Does the project involve ground-disturbing activities within a CAMA Area of Environmental Concern (AEC)?	Yes No
3. Has a CAMA permit been secured?	N/A Yes No
	■ N/A
4. Has NCDCM agreed that the project is consistent with the NC Coastal Management Program?	☐ Yes ☐ No ■ N/A
Comprehensive Environmental Response, Compensation and Liability Act (C	
1. Is this a "full-delivery" project?	Yes No
2. Has the zoning/land use of the subject property and adjacent properties ever been designated as commercial or industrial?	Yes No 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?	Yes No 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?	☐ Yes ☐ No ■ N/A
5. As a result of a Phase II Site Assessment, are there known or potential hazardous waste sites within the project area?	☐ Yes ☐ No ■ N/A
6. Is there an approved hazardous mitigation plan?	☐ Yes ☐ No ■ 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?	☐ Yes ■ No
Does the project affect such properties and does the SHPO/THPO concur?	Yes No
3. If the effects are adverse, have they been resolved?	N/A Yes
	□ No ■ N/A
Uniform Relocation Assistance and Real Property Acquisition Policies Act (Uni	
1. Is this a "full-delivery" project?	Yes No
2. Does the project require the acquisition of real estate?	Yes No N/A
3. Was the property acquisition completed prior to the intent to use federal funds?	☐ Yes ■ No ☐ 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? 	Yes No N/A

Appendix A

Categorical Exclusion Form for Division of Mitigation Services Projects Version 2

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

Pari	t 1: General Project Information			
Project Name:	Bucky's Branch			
County Name:				
DMS Number:	Randolph 100109			
Project Sponsor:	Environmental Banc & Exchange, LLC, a RES Company			
Project Contact Name:	Matt Butler			
Project Contact Address:	302 Jefferson Street, Suite 110, Raleight, NC 27605			
Project Contact E-mail:	mbutler@res.us			
DMS Project Manager:	Jeremiah Dow			
	Project Description			
The Bucky's Branch Project is located in Randolph County, approximately 5 miles east of Archdale, within the Cape Fear River Basin within Cataloging Unit 03030003. The Project includes one unnamed tributary that drains into Randleman Lake approximately 0.75 miles downstream of the Project. Water quality stressors currently affecting the Project include livestock production and lack of forested riparian buffer. A combination of buffer restoration and enhancement is proposed to increase water quality and ecological function and protect these features in perpetuity. A combination of planting, establishment, and protection of hardwood forest community will result in a riparian habitat that will produce 6.17 acres of buffer mitigation for nutrient and sediment in puts from the surrounding uplands.				
	For Official Use Only			
Reviewed By:	Tot Official Coc Office			
9/5/2019	Mant 200			
Date	DMS/Project Manager			
Conditional Approved By:				
Date	For Division Administrator FHWA			
☐ Check this box if there are outstanding issues				
Final Approval By:				
Donald W Brew	9-5-19			
Date	For Division Administrator FHWA			

Part 3: Ground-Disturbing Activities	
Regulation/Question	Response
American Indian Religious Freedom Act (AIRFA)	
1. Is the project located in a county claimed as "territory" by the Eastern Band of	☐ Yes
Cherokee Indians?	■ No
2. Is the site of religious importance to American Indians?	☐ Yes
	☐ No
	■ N/A
3. Is the project listed on, or eligible for listing on, the National Register of Historic	☐ Yes
Places?	∐ No
	■ N/A
4. Have the effects of the project on this site been considered?	Yes
	☐ No
	■ N/A
Antiquities Act (AA)	
1. Is the project located on Federal lands?	Yes
	■ No
2. Will there be loss or destruction of historic or prehistoric ruins, monuments or objects	Yes
of antiquity?	☐ No
	■ N/A
3. Will a permit from the appropriate Federal agency be required?	Yes
	∐ No
	■ N/A
4. Has a permit been obtained?	Yes
	☐ No
	■ N/A
Archaeological Resources Protection Act (ARPA)	I Comment
1. Is the project located on federal or Indian lands (reservation)?	Yes
	■ No
2. Will there be a loss or destruction of archaeological resources?	Yes
	□ No
2 Will a name it from the annumints Fordered and not be married 10	■ N/A
3. Will a permit from the appropriate Federal agency be required?	│
	■ N/A
4. Has a narmit has a obtained?	Yes
4. Has a permit been obtained?	□ res
	■ N/A
Endangered Species Act (ESA)	IN/A
1. Are federal Threatened and Endangered species and/or Designated Critical Habitat	■ Yes
listed for the county?	□ No
Is Designated Critical Habitat or suitable habitat present for listed species?	Yes
2. Is Designated Offical Habitat of Sultable Habitat present for listed species?	■ No
	□ N/A
3. Are T&E species present or is the project being conducted in Designated Critical	☐ Yes
Habitat?	□ No
Fidolici:	■ N/A
4. Is the project "likely to adversely affect" the specie and/or "likely to adversely modify"	Yes
Designated Critical Habitat?	□ No
	■ N/A
5. Does the USFWS/NOAA-Fisheries concur in the effects determination?	Yes
	□ No
	■ N/A
6. Has the USFWS/NOAA-Fisheries rendered a "jeopardy" determination?	Yes
, , , , , , , , , , , , , , , , , , , ,	□ No
	■ N/A

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

Categorical Exclusion Summary

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

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as Superfund, created a tax on the chemical and petroleum industries to clean up abandoned or uncontrolled hazardous waste sites.

As a part of the CERCLA compliance, an EDR Radius Map Report with Geocheck was ordered for the Bucky's Branch Mitigation Site through Environmental Data Resources, Inc (EDR) on June 12th, 2019. According to the EDR report, there were no listed sites located within 1 mile of the project site. In addition to the EDR search, a visual inspection of the Bucky's Branch project was conducted to assess the potential for the occurrence of recognized environmental conditions on the property that might not have been revealed in the EDR report. The inspection was conducted to locate and identify any obvious use, storage, or generation of hazardous materials. No hazardous storage containers or substances were observed.

Overall, the EDR assessment revealed no evidence of "recognized environmental conditions" in connection with the target property. The summary of the EDR report is enclosed.

National Historical Preservation Act (Section 106)

The National Historical Preservation Act (NHPA) is legislation intended to preserve historical and archaeological sites in the United States of America. RES requested review and comment from the State Historic Preservation Office (SHPO) with respect to any archaeological and architectural resources related to the Bucky's Branch Mitigation Project on June 13th, 2019. SHPO responded on July 9th, 2019 and had no objections to the Bucky's Branch Project. The correspondence with SHPO can be found in the enclosed documents.

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

The Uniform Relocation Assistance and Real Property Acquisition Policies Act (Uniform Act) provides important protections and assistance for those people affected by federally funded projects. The Uniform Act applies to the acquisition, rehabilitation, or demolition of real property for federally funded projects. The Bucky's Branch Mitigation Project is a full-delivery project that includes land acquisition. Notification of fair market value of the property and the lack of condemnation authority was completed by RES. The landowner was notified of fair market value and condemnation authority was listed in the option agreement.

Endangered Species Act (ESA)

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

Randolph County's list of threatened and endangered species includes Schweinitz's sunflower (*Helianthus schweinitzii*). Originally it was determined that the Bucky's Branch Mitigation Project may contain potential habitat for Schweinitz's sunflower. Therefore, a "May Affect, Not Likely to Adversely Affect" determination was made originally. However, on August 20, 2019 a habitat and species presence survey was conducted for Schweinitz's sunflower. The conclusion of the survey was that there was no suitable habitat within the project area as well as no species were present. Therefore the project determination was changed to "no effect" expected on the Schweinitz's sunflower. An updated letter with the results of the survey was provided to the USFWS on August 28, 2019. A copy of this letter is enclosed. No response was provided by USFWS which is typical as the certification letter (provided) is their official response unless they do not concur with the determination.

The Bald and Golden Eagle Protection Act (BGPA)

The Bald and Golden Eagle Protection Act (BGPA) is a federal status that protects two species of Eagle. The BGPA provides protection for the bald eagle and golden eagle by prohibiting the take, possession, sale, purchase, barter, offer to sell, purchase or barter, transport, export or import, of any bald or golden eagle, alive or dead, including any part, nest, or egg, unless allowed by permit (16 U.S.C. 668(a) (BGPA, 1940). The Bald Eagle (*Haliaeetus leucocephalus*), has been identified in Randolph county; buffer mitigation practices will have a "No Effect" result on the Bald Eagle.

Farmland Protection Policy Act (FPPA)

The Farmland Protection Policy Act (FPPA) is intended to minimize the impact federal programs have on the unnecessary and irreversible conversion of farmland to nonagricultural uses. The Bucky's Branch Mitigation Project includes the conversion of prime farmland. As such, Form AD-1006 has been completed and submitted to the Natural Resource Conservation Service (NRCS). The completed form and correspondence documenting the submittal is enclosed.

Fish and Wildlife Coordination Act (FWCA)

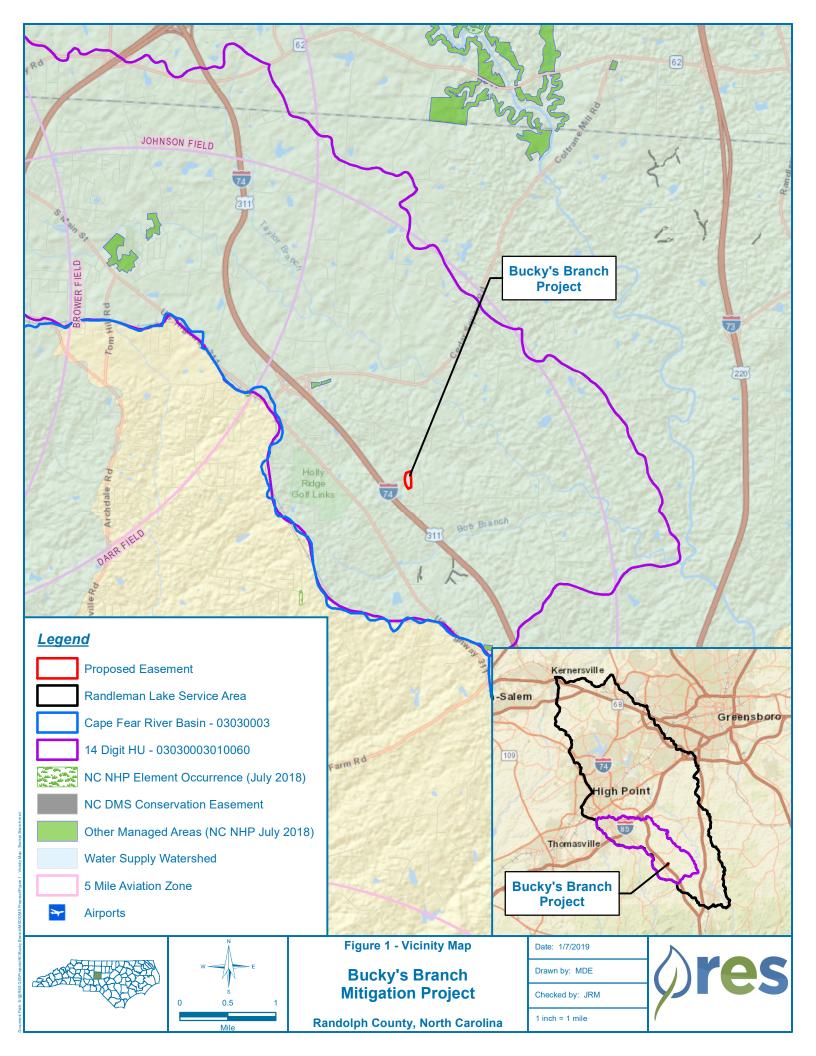
The Fish and Wildlife Coordination Act (FWCA) of the United States was enacted to protect fish and wildlife when federal actions result in the control or modification of a natural stream or body of water. Since the Bucky's Branch Mitigation Project may include removal and/or replacement of existing culverts as well as stream bank stabilization, RES requested comment from the North Carolina Fish and Wildlife Resource Commission (NCWRC) on June 13th, 2019. The NCWRC responded on June 14th, 2019 and stated that Schweinitz's sunflower (*Helianthus schweinitzii*), the Greenboro crayfish (*Cambarus catagius*) and the Purple coneflower (*Echinacea purpurea*) have known records within the vicinity of the project. All correspondence is enclosed.

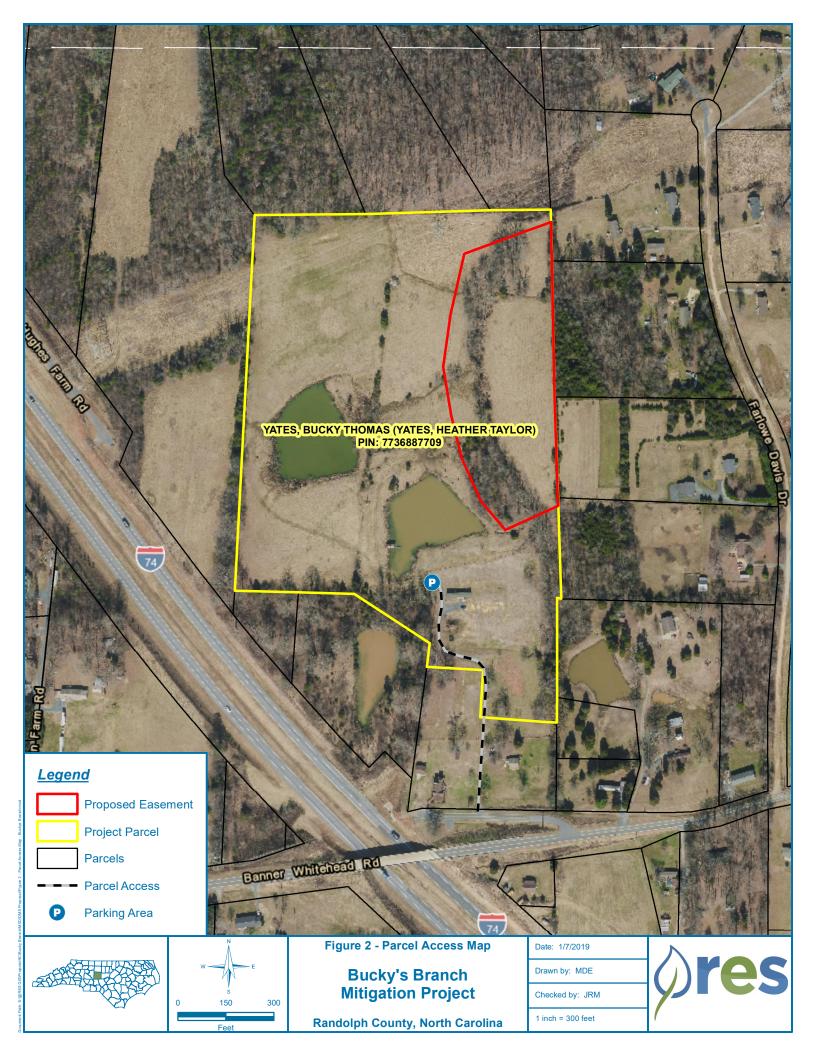
Migratory Bird Treaty Act (MBTA)

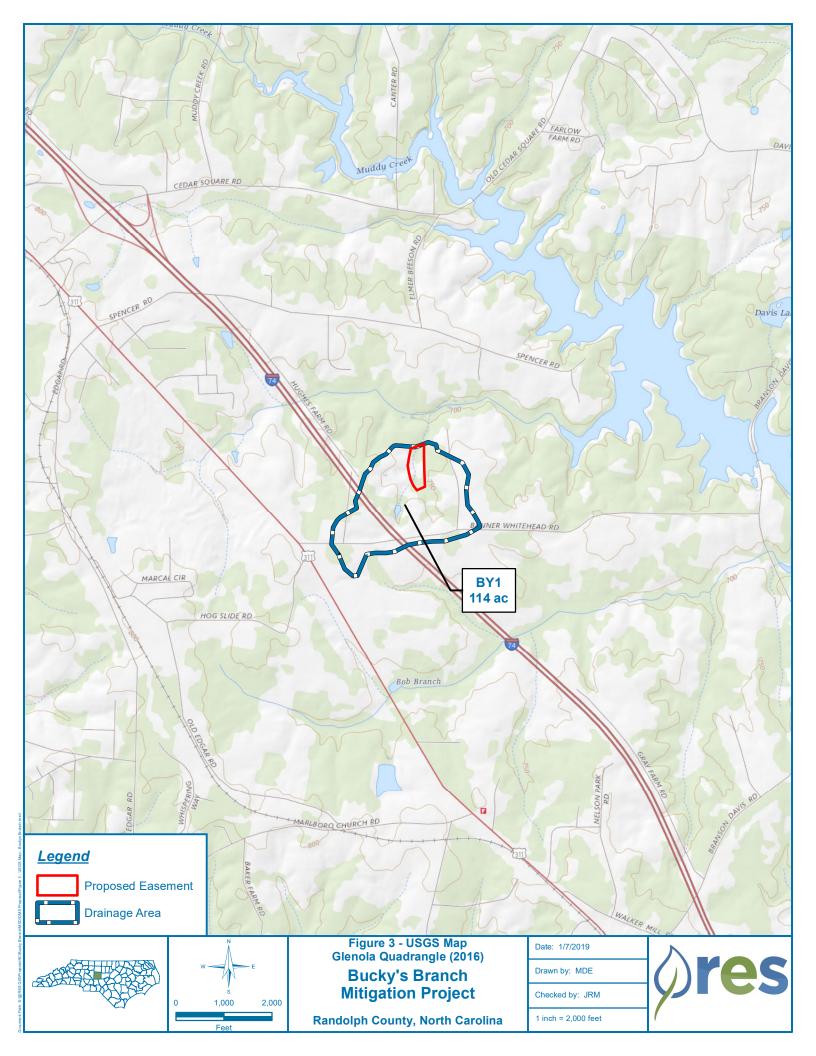
The MBTA makes it unlawful for anyone to kill, capture, collect, possess, buy, sell, trade, ship import, or extort and migratory bird. The indirect killing of birds by destroying their nests and eggs is covered by the MBTA, so construction in nesting areas during nesting seasons can constitute at taking.

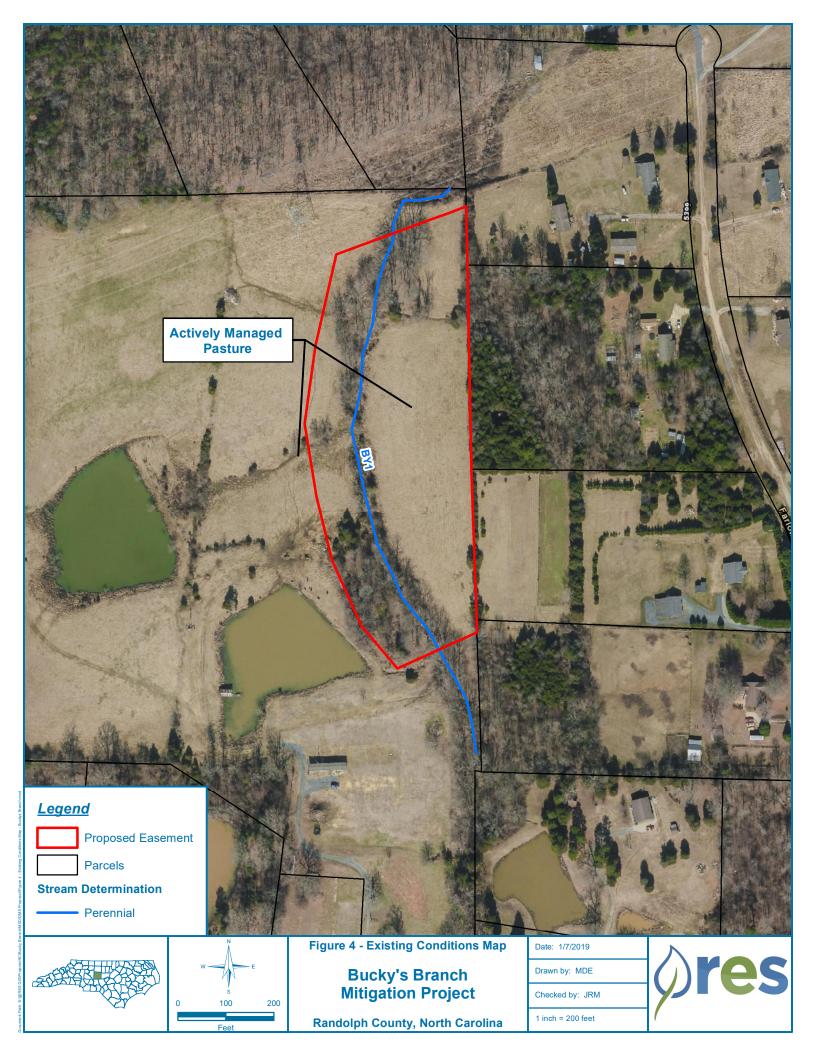
RES consulted the USFWS's Information for Planning and Consultation (IPAC) tool on May 3rd, 2018 to generate a list of migratory birds that are expected to occur at the Bucky's Branch Project. The results concluded that there are five migratory birds of conservation concern occur at the Site. This list includes Bald Eagle (*Haliaeetus leucocephalus*), Prothonotary Warbler (*Protonotaria citrea*), Red-headed Woodpecker (*Melanerpes erythrocephalus*), Rusty Blackbird (*Euphagus carolinus*), and Wood Thrush (*Hylocichla mustelina*). This project will include the fencing out of cows that will improve the habitat for these migratory birds and will not be affected negatively.

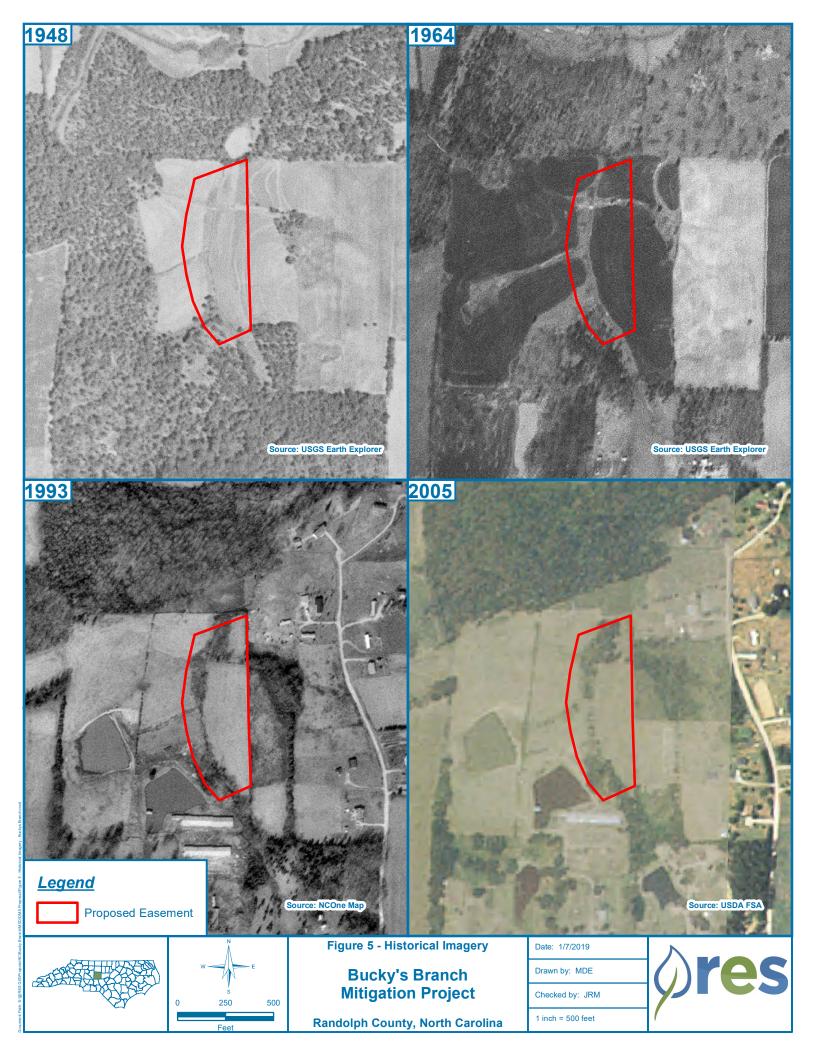


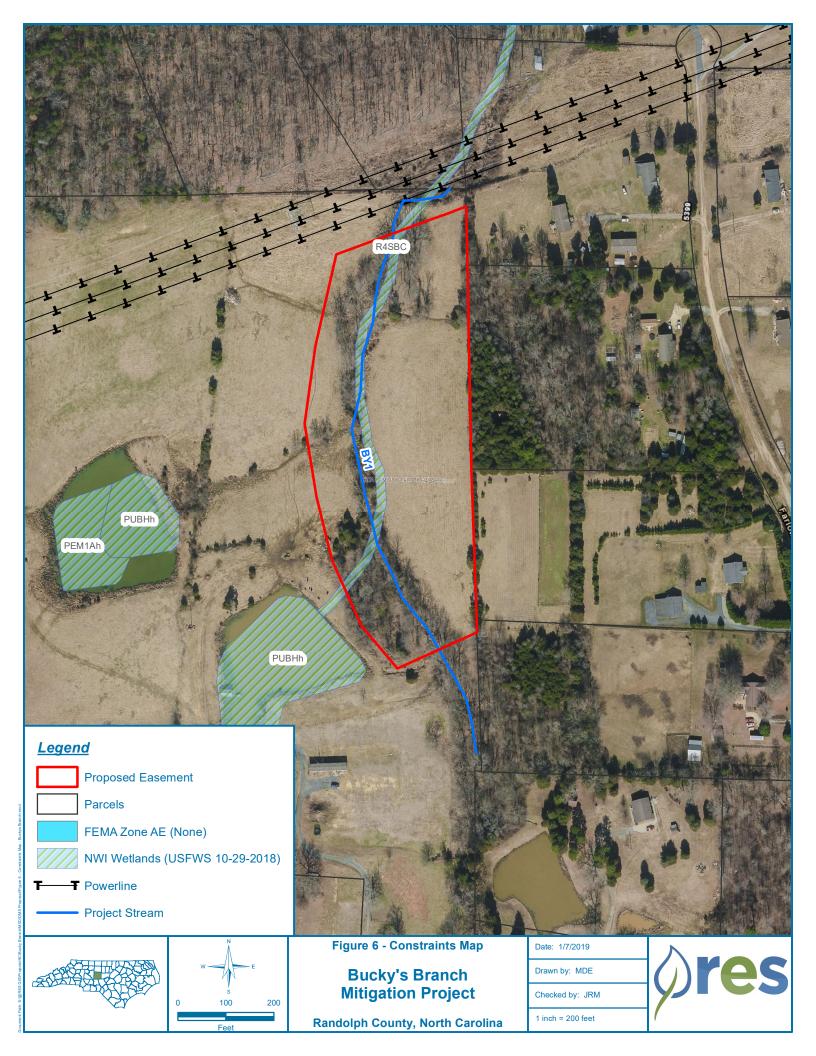


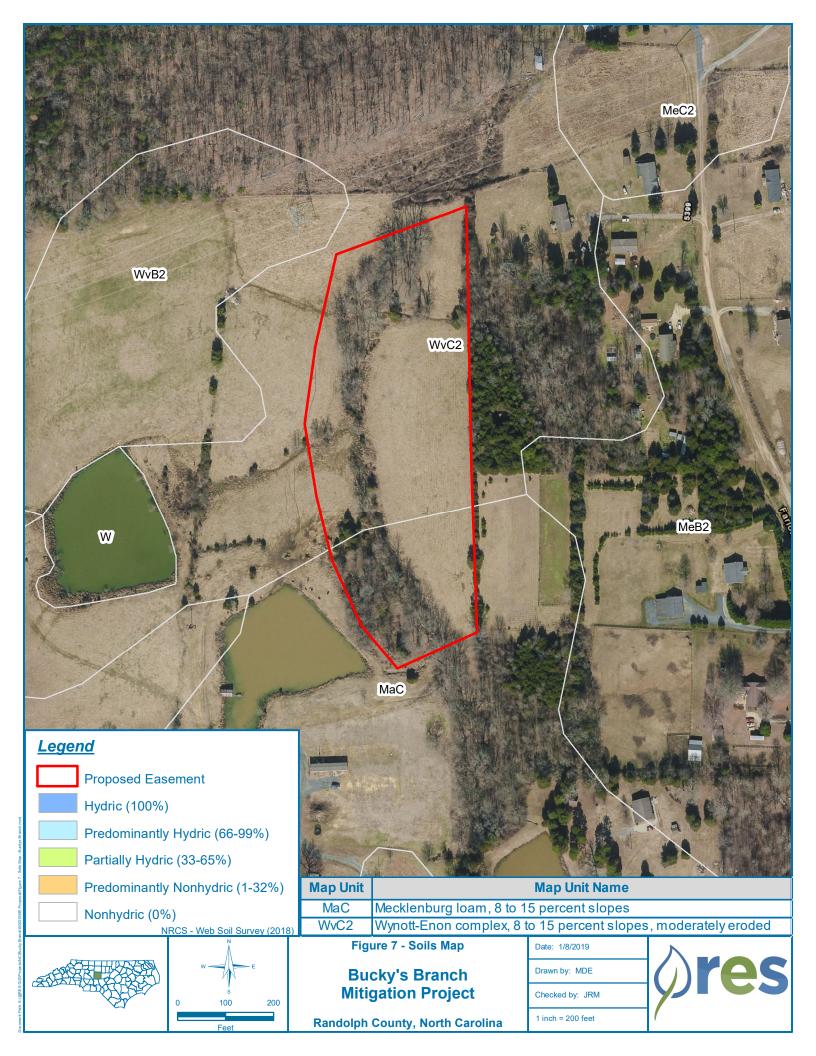


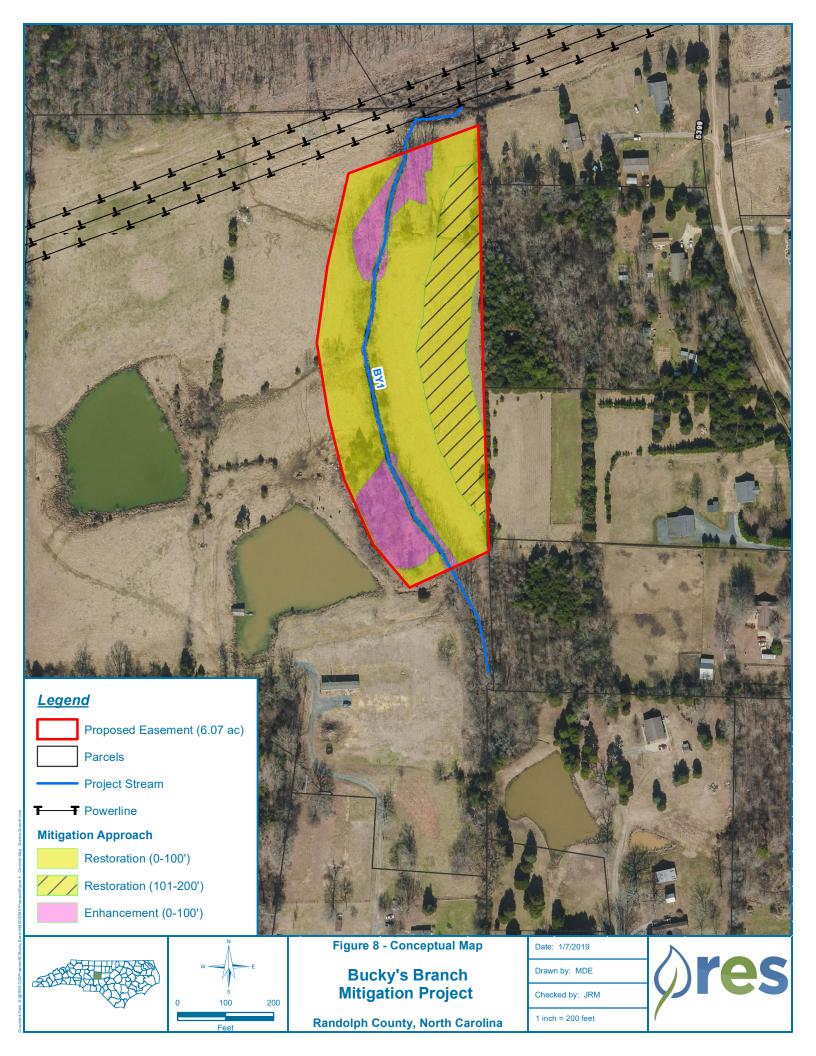


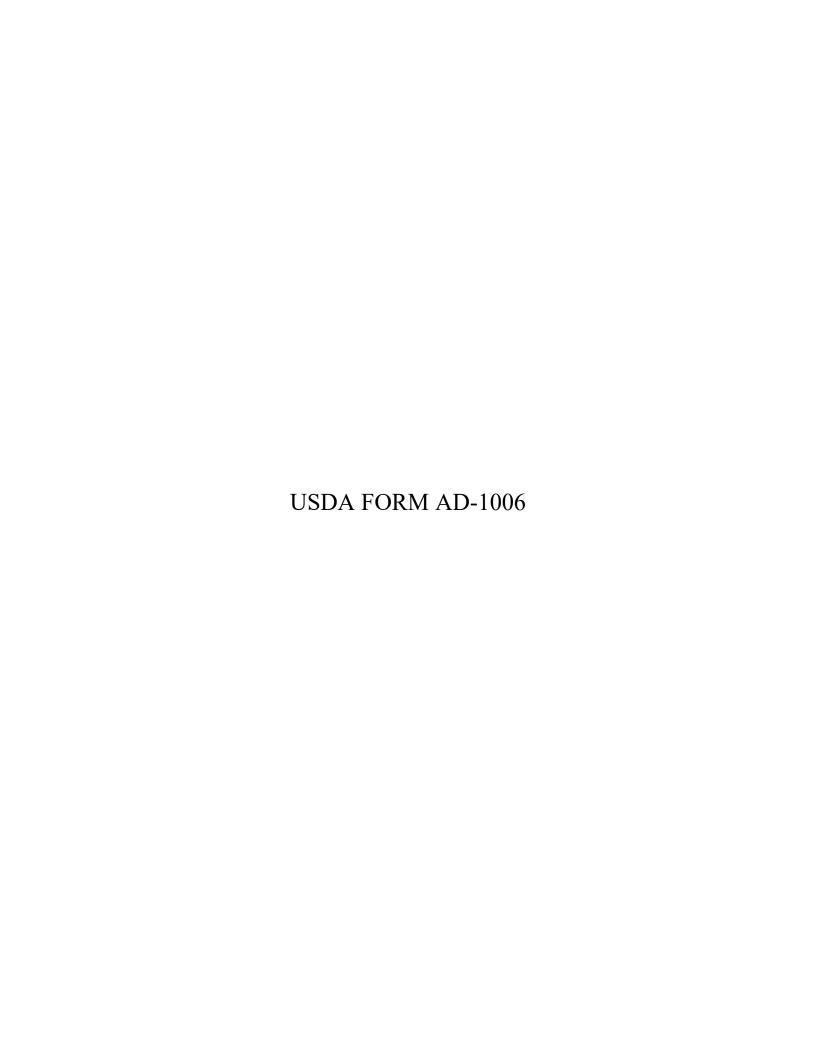












F	U.S. Departmen			ATING			
PART I (To be completed by Federal Agend	cy)	Date Of Land Evaluation Request					
Name of Project		Federal Agency Involved					
Proposed Land Use		County and State					
PART II (To be completed by NRCS)		Date Request Received By			Person C	ompleting For	rm:
Does the site contain Prime, Unique, Statew	vide or Local Important Farmland	NRCS	YES NO	Acres Irrigated Ave		Average	Farm Size
(If no, the FPPA does not apply - do not con	nplete additional parts of this forn	n)					
Major Crop(s)	Farmable Land In Govt.	Jurisdiction]	Amount of F	armland As	Defined in FF	PPA
	Acres: %			Acres: %			
Name of Land Evaluation System Used	Name of State or Local S	Name of State or Local Site Assessment System Date Land Evaluation Returned by I					RCS
PART III (To be completed by Federal Ager	ncv)	Alternative Site Rating				_	
A. Total Acres To Be Converted Directly				Site A	Site B	Site C	Site D
B. Total Acres To Be Converted Indirectly							
C. Total Acres In Site							
PART IV (To be completed by NRCS) Land	d Evaluation Information						
, , , , , , , , , , , , , , , , , , , ,							
A. Total Acres Prime And Unique Farmland							
B. Total Acres Statewide Important or Local C. Percentage Of Farmland in County Or Local	·						
D. Percentage Of Farmland in Govt. Jurisdic		vo Valuo					
		ve value					
PART V (To be completed by NRCS) Land Relative Value of Farmland To Be Co		s)					
PART VI (To be completed by Federal Age			Maximum	Site A	Site B	Site C	Site D
(Criteria are explained in 7 CFR 658.5 b. For 1. Area In Non-urban Use	Corridor project use form NRCS-	CPA-106)	Points (15)				
Area in Non-urban Use Perimeter In Non-urban Use			(10)				
Percent Of Site Being Farmed			(20)				
Protection Provided By State and Local (Sovernment		(20)				
Florection Florided By State and Local Co. Distance From Urban Built-up Area	Jovenninent		(15)				
Distance To Urban Support Services			(15)				
7. Size Of Present Farm Unit Compared To	Δverage		(10)				
Creation Of Non-farmable Farmland	Average		(10)				
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 U			(10)				
TOTAL SITE ASSESSMENT POINTS			160				
PART VII (To be completed by Federal A	gency)						
Relative Value Of Farmland (From Part V)	g,,		100				
Total Site Assessment (From Part VI above	or local site assessment)		160				
TOTAL POINTS (Total of above 2 lines)	·		260				
,		Was A Local Site Assessm			sment Used?	1	
Site Selected:	Date Of Selection			YE	s 🗌	NO 🗌	
Reason For Selection: Name of Federal agency representative comp	oleting this form:				.n	ate:	

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).

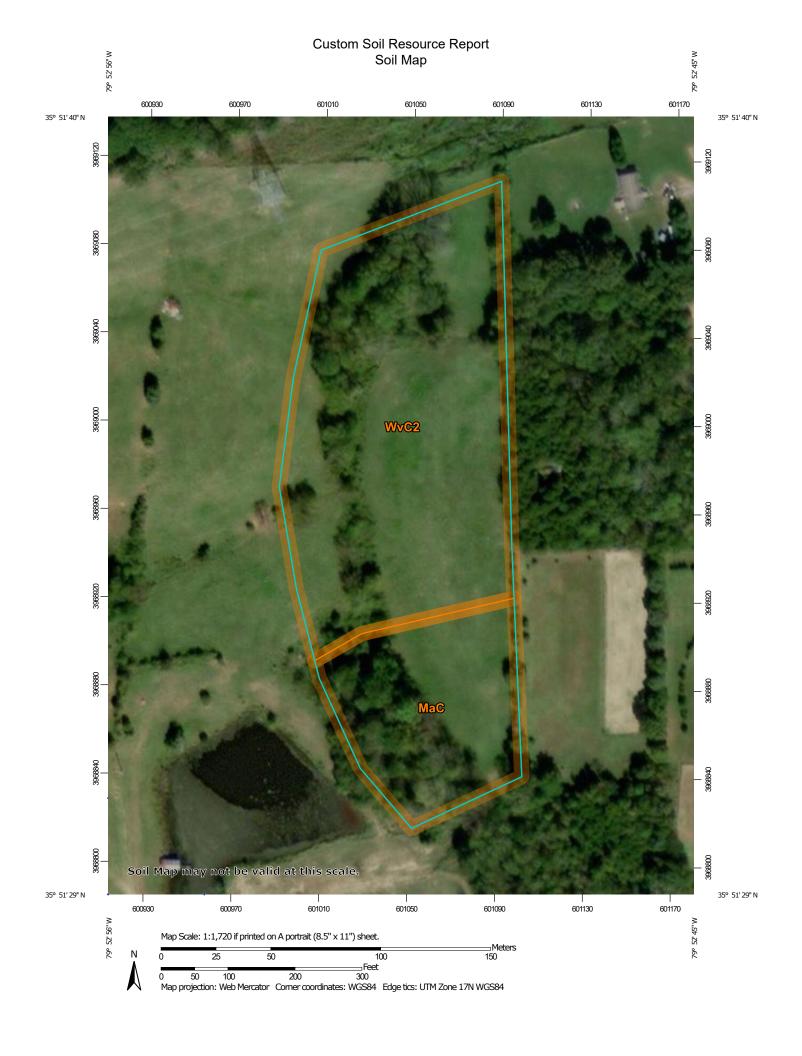
- 1. Assign the maximum points for each site assessment criterion as shown in § 658.5(b) of CFR. In cases of corridor-type project such as transportation, power line and flood control, criteria #5 and #6 will not apply and will, be weighted zero, however, criterion #8 will be weighted a maximum of 25 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:

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

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.



MAP LEGEND

Area of Interest (AOI)

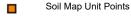
Area of Interest (AOI)

Soils

Soil Map Unit Polygons



Soil Map Unit Lines



Special Point Features
Blowout

Borrow Pit

Bonow 1

Clay Spot

Closed Depression

Gravel Pit

Gravelly Spot
Landfill

▲ Lava Flow

Mine or Quarry

Miscellaneous Water

Perennial Water

Rock Outcrop

+ Saline Spot

Sandy Spot

Severely Eroded Spot

Sinkhole

Slide or Slip

⊗ Sodic Spot

.02.10

Spoil Area

Stony Spot

Yery Stony 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 23, Sep 10, 2018

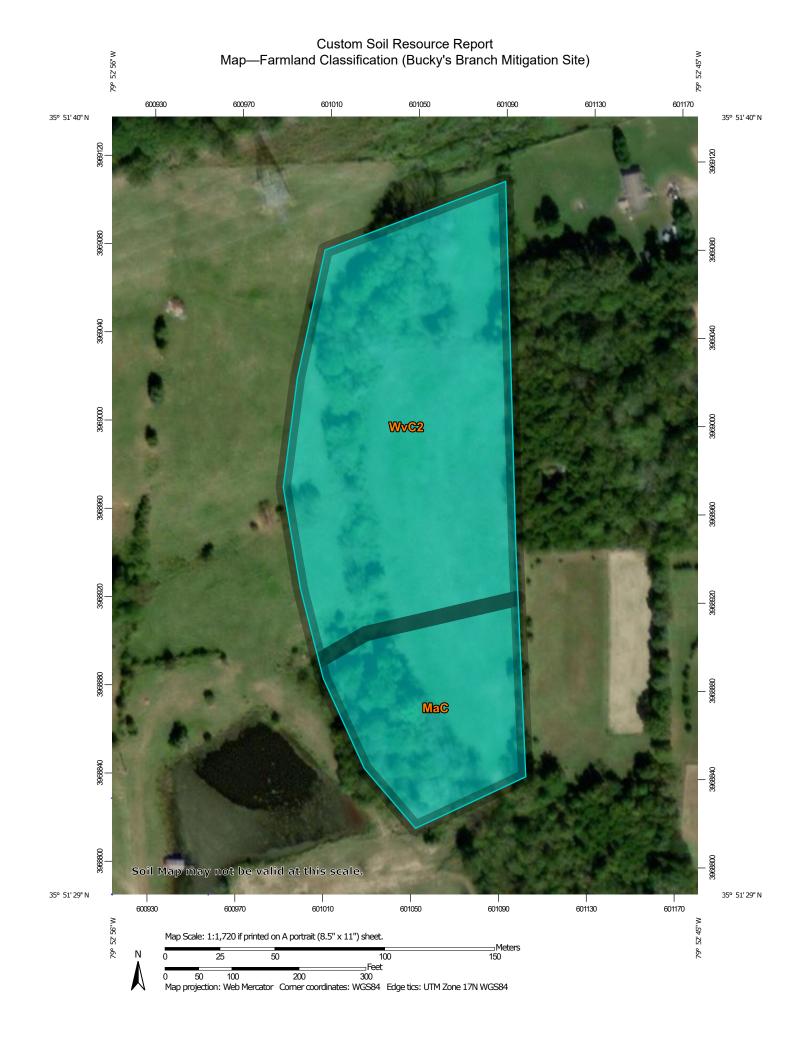
Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

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
MaC	Mecklenburg loam, 8 to 15 percent slopes	1.7	27.4%
WvC2	Wynott-Enon complex, 8 to 15 percent slopes, moderately eroded	4.4	72.6%
Totals for Area of Interest	1	6.1	100.0%



MAP LEGEND								
Area of Interest (AOI) Area of Interest (AOI) Soils Soil Rating Polygons Not prime farmland All areas are prime farmland Prime farmland if drained Prime farmland if protected from flooding or not frequently flooded during the growing season Prime farmland if drained and either protected from flooding or not frequently flooded during the growing season Prime farmland if irrigated and drained Prime farmland if irrigated and either protected from flooding or not frequently flooded during the growing season Prime farmland if irrigated and either protected from flooding or not frequently flooded during the growing season	Prime farmland if subsoiled, completely removing the root inhibiting soil layer Prime farmland if irrigated and the product of I (soil erodibility) x C (climate factor) does not exceed 60 Prime farmland if irrigated and reclaimed of excess salts and sodium Farmland of statewide importance Farmland of statewide importance, if drained Farmland of statewide importance, if protected from flooding or not frequently flooded during the growing season Farmland of statewide importance, if irrigated	Farmland of statewide importance, if drained and either protected from flooding or not frequently flooded during the growing season Farmland of statewide importance, if irrigated and drained Farmland of statewide importance, if irrigated and either protected from flooding or not frequently flooded during the growing season Farmland of statewide importance, if subsoiled, completely removing the root inhibiting soil layer Farmland of statewide importance, if irrigated and the product of I (soil erodibility) x C (climate factor) does not exceed 60	importance, if irrigated and reclaimed of excess salts and sodium	farmland Prime farmland if drained Prime farmland if protected from flooding or not frequently flooded during the growing season Prime farmland if irrigated Prime farmland if drained and either protected from flooding or not frequently flooded during the growing season Prime farmland if irrigated and drained and either protected from flooding or not frequently flooded during the growing season				

~*	Prime farmland if subsoiled, completely removing the root inhibiting soil layer	~	Farmland of statewide importance, if drained and either protected from flooding or not frequently	***	Farmland of statewide importance, if irrigated and reclaimed of excess salts and sodium	~	Farmland of unique importance Not rated or not available	Prime farmland if subsoiled, completely removing the root inhibiting soil layer
2 2 2 2 2	removing the root	~ : ?	either protected from	~ ~ ~ ~	and reclaimed of excess	Soil Rat	importance Not rated or not available ing Points Not prime farmland All areas are prime farmland Prime farmland if drained Prime farmland if protected from flooding or not frequently flooded during the growing season Prime farmland if irrigated Prime farmland if drained and either protected from flooding or not frequently flooded during the growing season Prime farmland if irrigated and drained	removing the root
				~	Farmland of local importance, if irrigated		Prime farmland if irrigated and either protected from flooding or not frequently flooded during the growing season	

- Farmland of statewide importance, if drained and either protected from flooding or not frequently flooded during the growing season
 - Farmland of statewide importance, if irrigated and drained
 - Farmland of statewide importance, if irrigated and either protected from flooding or not frequently flooded during the growing season
 - Farmland of statewide importance, if subsoiled, completely removing the root inhibiting soil layer
- Farmland of statewide importance, if irrigated and the product of I (soil erodibility) x C (climate factor) does not exceed 60

- Farmland of statewide importance, if irrigated and reclaimed of excess salts and sodium
- Farmland of statewide importance, if drained or either protected from flooding or not frequently flooded during the growing season
- Farmland of statewide importance, if warm enough, and either drained or either protected from flooding or not frequently flooded during the growing season
- Farmland of statewide importance, if warm enough
- Farmland of statewide importance, if thawed
- Farmland of local importance
- Farmland of local importance, if irrigated

- Farmland of unique importance
- Not rated or not available

Water Features

Streams and Canals

Transportation

Rails

~

Interstate Highways

~

US Routes
Major Roads

-

Local Roads

Background

The same

Aerial Photography

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

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

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Source of Map: Natural Resources Conservation Service Web Soil Survey URL:

Coordinate System: Web Mercator (EPSG:3857)

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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.

Table—Farmland Classification (Bucky's Branch Mitigation Site)

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
MaC	Mecklenburg loam, 8 to 15 percent slopes	Farmland of statewide importance	1.7	27.4%
WvC2	Wynott-Enon complex, 8 to 15 percent slopes, moderately eroded	Farmland of statewide importance	4.4	72.6%
Totals for Area of Intere	st	1	6.1	100.0%



Buckys Branch

2550 Banner Whitehead Road Sophia, NC 27350

Inquiry Number: 5681529.23s

June 12, 2019

The EDR Radius Map™ Report with GeoCheck®



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

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

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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

2550 BANNER WHITEHEAD ROAD SOPHIA, NC 27350

COORDINATES

Latitude (North): 35.8583340 - 35° 51' 30.00" Longitude (West): 79.8812170 - 79° 52' 52.38"

Universal Tranverse Mercator: Zone 17 UTM X (Meters): 601017.7 UTM Y (Meters): 3968613.5

Elevation: 757 ft. above sea level

USGS TOPOGRAPHIC MAP ASSOCIATED WITH TARGET PROPERTY

Target Property Map: 5945527 GLENOLA, NC

Version Date: 2013

Northeast Map: 5945571 PLEASANT GARDEN, NC

Version Date: 2013

Southeast Map: 5945577 RANDLEMAN, NC

Version Date: 2013

Northwest Map: 5945535 HIGH POINT EAST, NC

Version Date: 2013

AERIAL PHOTOGRAPHY IN THIS REPORT

Portions of Photo from: 20140827, 20140705

Source: USDA

MAPPED SITES SUMMARY

Target Property Address: 2550 BANNER WHITEHEAD ROAD SOPHIA, NC 27350

Click on Map ID to see full detail.

MAP RELATIVE DIST (ft. & mi.)

ID SITE NAME ADDRESS DATABASE ACRONYMS ELEVATION DIRECTION

NO MAPPED SITES FOUND

TARGET PROPERTY SEARCH RESULTS

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

DATABASES WITH NO MAPPED SITES

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

STANDARD ENVIRONMENTAL RECORDS

Federal NPL site list	
NPL Proposed NPL NPL LIENS	Proposed National Priority List Sites

Federal Delisted NPL site list

Delisted NPL...... National Priority List Deletions

Federal CERCLIS list

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

Federal CERCLIS NFRAP site list

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

Federal RCRA CORRACTS facilities list

CORRACTS..... Corrective Action Report

Federal RCRA non-CORRACTS TSD facilities list

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

Federal RCRA generators list

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

Federal institutional controls / engineering controls registries

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

US INST CONTROL..... Sites with Institutional Controls Federal ERNS list ERNS..... Emergency Response Notification System State- and tribal - equivalent NPL NC HSDS..... Hazardous Substance Disposal Site State- and tribal - equivalent CERCLIS SHWS..... Inactive Hazardous Sites Inventory State and tribal landfill and/or solid waste disposal site lists SWF/LF..... List of Solid Waste Facilities OLI...... Old Landfill Inventory DEBRIS...... Solid Waste Active Disaster Debris Sites Listing LCID......Land-Clearing and Inert Debris (LCID) Landfill Notifications State and tribal leaking storage tank lists LUST...... Regional UST Database LAST..... Leaking Aboveground Storage Tanks INDIAN LUST..... Leaking Underground Storage Tanks on Indian Land LUST TRUST State Trust Fund Database State and tribal registered storage tank lists FEMA UST...... Underground Storage Tank Listing UST..... Petroleum Underground Storage Tank Database AST..... AST Database INDIAN UST...... Underground Storage Tanks on Indian Land

State and tribal institutional control / engineering control registries

State and tribal voluntary cleanup sites

State and tribal Brownfields sites

BROWNFIELDS..... Brownfields Projects Inventory

ADDITIONAL ENVIRONMENTAL RECORDS

Local Brownfield lists

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

Local Lists of Landfill / Solid Waste Disposal Sites

SWRCY..... Recycling Center Listing

HIST LF..... Solid Waste Facility Listing

ODI...... Open Dump Inventory IHS OPEN DUMPS..... Open Dumps on Indian Land

Local Lists of Hazardous waste / Contaminated Sites

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

US CDL..... National Clandestine Laboratory Register

Local Land Records

LIENS 2..... CERCLA Lien Information

Records of Emergency Release Reports

HMIRS_____ Hazardous Materials Information Reporting System

SPILLS...... Spills Incident Listing

Other Ascertainable Records

RCRA NonGen / NLR......... RCRA - Non Generators / No Longer Regulated

FUDS....... Formerly Used Defense Sites DOD...... Department of Defense Sites

SCRD DRYCLEANERS...... State Coalition for Remediation of Drycleaners Listing

US FIN ASSUR_____ Financial Assurance Information

EPA WATCH LIST..... EPA WATCH LIST

TSCA...... Toxic Substances Control Act

TRIS...... Toxic Chemical Release Inventory System

RAATS......RCRA Administrative Action Tracking System

ICIS..... Integrated Compliance Information System

FTTS______FIFRA/ TSCA Tracking System - FIFRA (Federal Insecticide, Fungicide, & Rodenticide

Act)/TSCA (Toxic Substances Control Act)

MLTS...... Material Licensing Tracking System COAL ASH DOE...... Steam-Electric Plant Operation Data

COAL ASH EPA..... Coal Combustion Residues Surface Impoundments List

PCB TRANSFORMER...... PCB Transformer Registration Database

RADINFO...... Radiation Information Database

HIST FTTS..... FIFRA/TSCA Tracking System Administrative Case Listing

DOT OPS..... Incident and Accident Data

CONSENT..... Superfund (CERCLA) Consent Decrees

INDIAN RESERV.....Indian Reservations

FUSRAP..... Formerly Utilized Sites Remedial Action Program

UMTRA..... Uranium Mill Tailings Sites

LEAD SMELTERS..... Lead Smelter Sites

US AIRS..... Aerometric Information Retrieval System Facility Subsystem

US MINES...... Mines Master Index File ABANDONED MINES..... Abandoned Mines

FINDS______Facility Index System/Facility Registry System ECHO______Enforcement & Compliance History Information

UXO...... Unexploded Ordnance Sites

DOCKET HWC..... Hazardous Waste Compliance Docket Listing

FUELS PROGRAM..... EPA Fuels Program Registered Listing

AIRS..... Air Quality Permit Listing

ASBESTOS..... ASBESTÓS

COAL ASH..... Coal Ash Disposal Sites

DRYCLEANERS...... Drycleaning Sites

Financial Assurance Financial Assurance Information Listing NPDES NPDES Facility Location Listing UIC Underground Injection Wells Listing AOP Animal Operation Permits Listing

PCSRP......Petroleum-Contaminated Soil Remediation Permits

SEPT HAULERS______ Permitted Septage Haulers Listing CCB______ Coal Ash Structural Fills (CCB) Listing

EDR HIGH RISK HISTORICAL RECORDS

EDR Exclusive Records

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

EDR RECOVERED GOVERNMENT ARCHIVES

Exclusive Recovered Govt. Archives

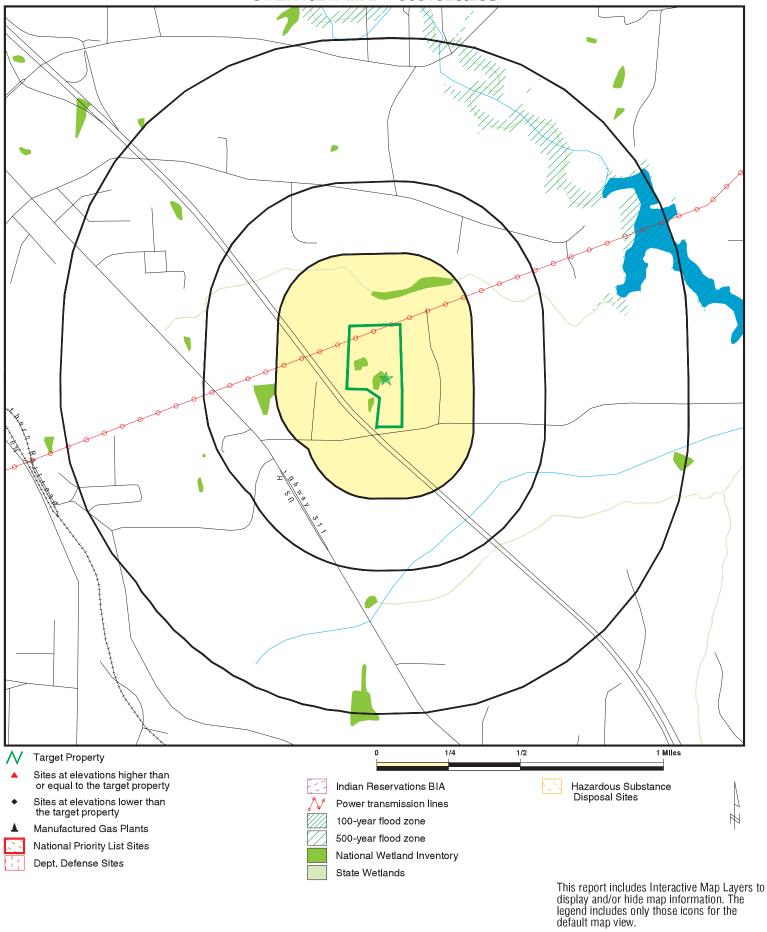
SURROUNDING SITES: SEARCH RESULTS

Surrounding sites were not identified.

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

There were no unmapped sites in this report.

OVERVIEW MAP - 5681529.23S



SITE NAME: Buckys Branch ADDRESS:

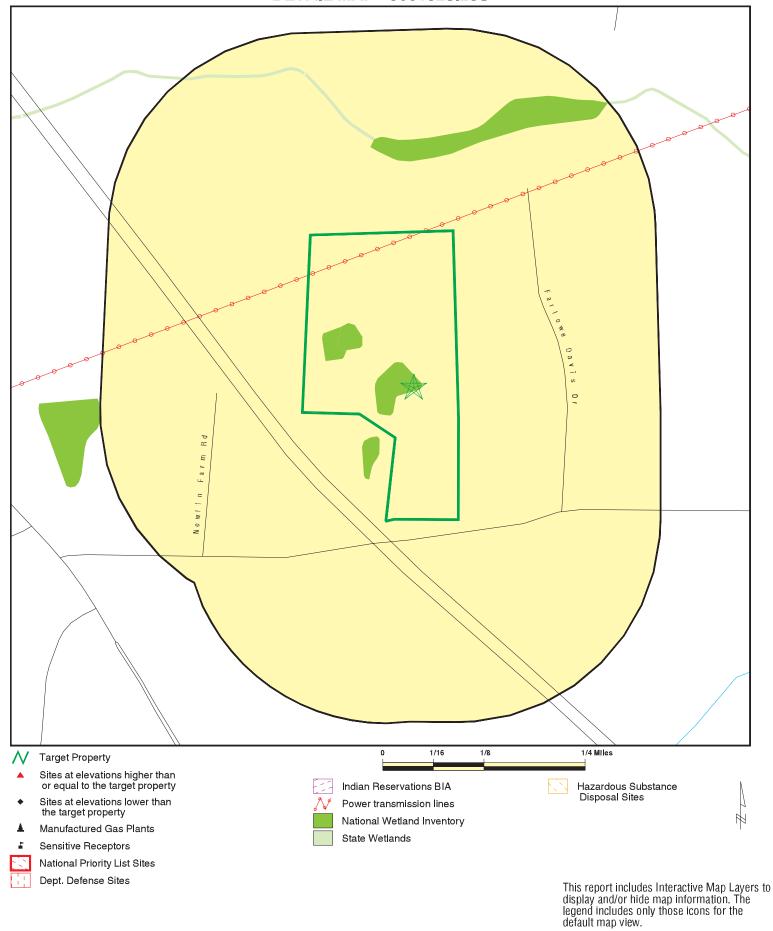
2550 Banner Whitehead Road Sophia NC 27350 LAT/LONG: 35.858334 / 79.881217

Resource Environmental Solutions, LLC

CLIENT: CONTACT: Grayson Sanner INQUIRY #: 5681529.23s

DATE: June 12, 2019 1:06 pm

DETAIL MAP - 5681529.23S



SITE NAME: Buckys Branch CLIENT: CONTACT: Resource Environmental Solutions, LLC ADDRESS: Grayson Sanner

2550 Banner Whitehead Road Sophia NC 27350 INQUIRY #: 5681529.23s 35.858334 / 79.881217 DATE:

LAT/LONG:

June 12, 2019 1:06 pm

Database	Search Distance (Miles)	Target Property	< 1/8	1/8 - 1/4	1/4 - 1/2	1/2 - 1	> 1	Total Plotted
STANDARD ENVIRONMENT	TAL RECORDS							
Federal NPL site list								
NPL Proposed NPL NPL LIENS	1.000 1.000 0.001		0 0 0	0 0 NR	0 0 NR	0 0 NR	NR NR NR	0 0 0
Federal Delisted NPL site	e list							
Delisted NPL	1.000		0	0	0	0	NR	0
Federal CERCLIS list								
FEDERAL FACILITY SEMS	0.500 0.500		0 0	0 0	0 0	NR NR	NR NR	0 0
Federal CERCLIS NFRAI	P site list							
SEMS-ARCHIVE	0.500		0	0	0	NR	NR	0
Federal RCRA CORRACTS facilities list								
CORRACTS	1.000		0	0	0	0	NR	0
Federal RCRA non-COR	RACTS TSD fa	acilities list						
RCRA-TSDF	0.500		0	0	0	NR	NR	0
Federal RCRA generator	s list							
RCRA-LQG RCRA-SQG RCRA-CESQG	0.250 0.250 0.250		0 0 0	0 0 0	NR NR NR	NR NR NR	NR NR NR	0 0 0
Federal institutional con engineering controls reg								
LUCIS US ENG CONTROLS US INST CONTROL	0.500 0.500 0.500		0 0 0	0 0 0	0 0 0	NR NR NR	NR NR NR	0 0 0
Federal ERNS list								
ERNS	0.001		0	NR	NR	NR	NR	0
State- and tribal - equiva	lent NPL							
NC HSDS	1.000		0	0	0	0	NR	0
State- and tribal - equiva	lent CERCLIS	3						
SHWS	1.000		0	0	0	0	NR	0
State and tribal landfill a solid waste disposal site								
SWF/LF OLI DEBRIS LCID	0.500 0.500 0.500 0.500		0 0 0 0	0 0 0 0	0 0 0 0	NR NR NR NR	NR NR NR NR	0 0 0 0

Database	Search Distance (Miles)	Target Property	< 1/8	1/8 - 1/4	1/4 - 1/2	1/2 - 1	> 1	Total Plotted
State and tribal leaking s	torage tank l	ists						
LUST LAST INDIAN LUST LUST TRUST	0.500 0.500 0.500 0.500		0 0 0 0	0 0 0 0	0 0 0 0	NR NR NR NR	NR NR NR NR	0 0 0 0
State and tribal registere	d storage tar	nk lists						
FEMA UST UST AST INDIAN UST	0.250 0.250 0.250 0.250		0 0 0 0	0 0 0 0	NR NR NR NR	NR NR NR NR	NR NR NR NR	0 0 0 0
State and tribal institution control / engineering con		s						
INST CONTROL	0.500		0	0	0	NR	NR	0
State and tribal voluntary	=	es						
INDIAN VCP VCP	0.500 0.500		0 0	0 0	0 0	NR NR	NR NR	0 0
State and tribal Brownfie	lds sites							
BROWNFIELDS	0.500		0	0	0	NR	NR	0
ADDITIONAL ENVIRONMEN	TAL RECORDS	<u>s</u>						
Local Brownfield lists								
US BROWNFIELDS	0.500		0	0	0	NR	NR	0
Local Lists of Landfill / S Waste Disposal Sites	olid							
SWRCY HIST LF INDIAN ODI DEBRIS REGION 9 ODI IHS OPEN DUMPS	0.500 0.500 0.500 0.500 0.500 0.500		0 0 0 0 0	0 0 0 0 0	0 0 0 0 0	NR NR NR NR NR	NR NR NR NR NR	0 0 0 0 0
Local Lists of Hazardous Contaminated Sites	waste/							
US HIST CDL US CDL	0.001 0.001		0 0	NR NR	NR NR	NR NR	NR NR	0 0
Local Land Records								
LIENS 2	0.001		0	NR	NR	NR	NR	0
Records of Emergency R	-	rts						
HMIRS SPILLS IMD	0.001 0.001 0.500		0 0 0	NR NR 0	NR NR 0	NR NR NR	NR NR NR	0 0 0

Database	Search Distance (Miles)	Target Property	< 1/8	1/8 - 1/4	1/4 - 1/2	1/2 - 1	> 1	Total Plotted
SPILLS 90 SPILLS 80	0.001 0.001		0	NR NR	NR NR	NR NR	NR NR	0 0
Other Ascertainable Rec	ords							
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 US FIN ASSUR	0.500		0 0	0 ND	0 ND	NR NR	NR	0
EPA WATCH LIST	0.001 0.001		0	NR NR	NR NR	NR NR	NR NR	0 0
2020 COR ACTION	0.250		0	0	NR	NR	NR	0
TSCA	0.001		Ő	NR	NR	NR	NR	0
TRIS	0.001		Ō	NR	NR	NR	NR	Ö
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 ICIS	0.001 0.001		0 0	NR NR	NR NR	NR NR	NR NR	0 0
FTTS	0.001		0	NR	NR	NR	NR	0
MLTS	0.001		0	NR	NR	NR	NR	0
COAL ASH DOE	0.001		Ö	NR	NR	NR	NR	Ö
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 CONSENT	0.001 1.000		0 0	NR 0	NR 0	NR 0	NR NR	0 0
INDIAN RESERV	0.001		0	NR	NR	NR	NR	0
FUSRAP	1.000		0	0	0	0	NR	0
UMTRA	0.500		Ö	Ö	Ö	NR	NR	Ö
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	0.001		0	NR	NR	NR	NR	0
FINDS	0.001		0	NR NB	NR NB	NR	NR NB	0
ECHO UXO	0.001 1.000		0 0	NR 0	NR 0	NR 0	NR NR	0 0
DOCKET HWC	0.001		0	NR	NR	NR	NR	0
FUELS PROGRAM	0.250		0	0	NR	NR	NR	0
AIRS	0.001		Ō	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 UIC	0.001		0 0	NR NR	NR NR	NR NR	NR NR	0 0
AOP	0.001 0.001		0	NR NR	NR NR	NR NR	NR NR	0
PCSRP	0.500		0	0	0	NR	NR	0
SEPT HAULERS	0.001		0	NR	NR	NR	NR	Ő

Database	Search Distance (Miles)	Target Property	< 1/8	1/8 - 1/4	1/4 - 1/2	1/2 - 1	> 1	Total Plotted
CCB	0.500		0	0	0	NR	NR	0
EDR HIGH RISK HISTORICA	L RECORDS							
EDR Exclusive Records								
EDR MGP	1.000		0	0	0	0	NR	0
EDR Hist Auto EDR Hist Cleaner	0.125 0.125		0 0	NR NR	NR NR	NR NR	NR NR	0 0
EDR RECOVERED GOVERN	MENT ARCHIV	<u>E5</u>						
Exclusive Recovered Go	vt. Archives							
RGA HWS	0.001		0	NR	NR	NR	NR	0
RGA LUOT	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

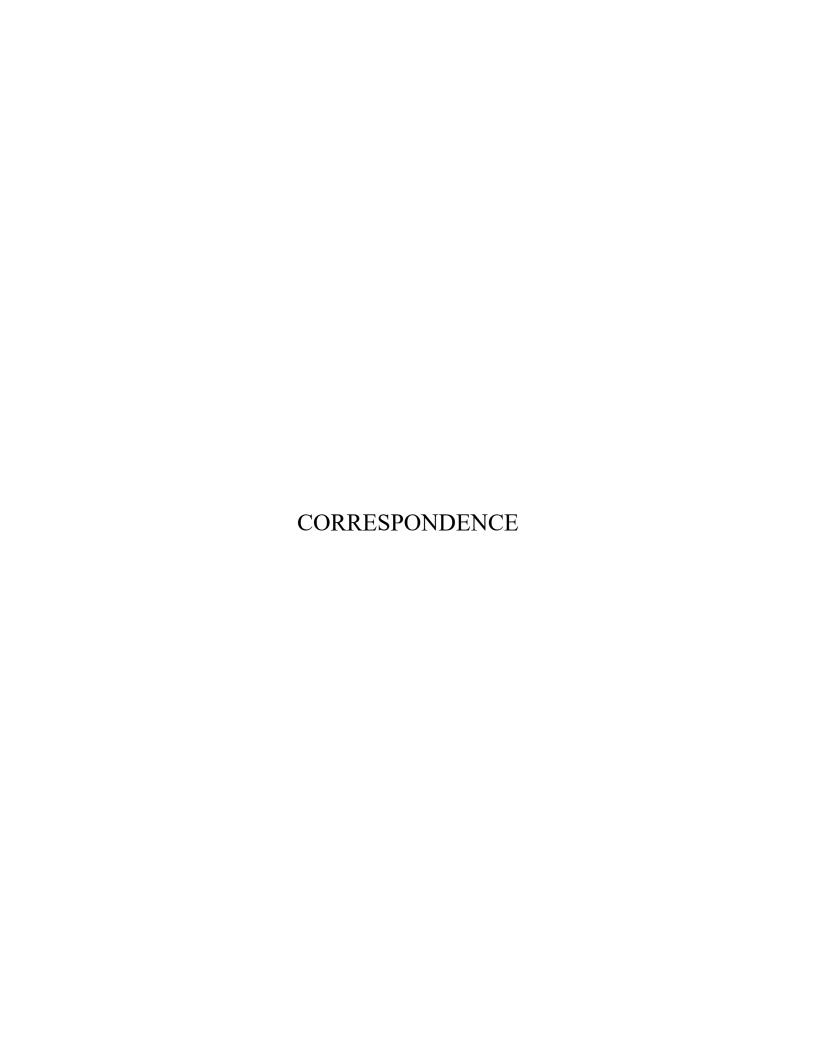
Map ID		MAP FINDINGS		
Direction			ı	EDD 10 11 1
Distance				EDR ID Number
Elevation	Site		Database(s)	EPA ID Number

NO SITES FOUND

Count: 0 records. ORPHAN SUMMARY

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

NO SITES FOUND





June 20, 2019

Bucky and Heather Yates 2634 Banner Whitehead Road Sophia, NC 27350

Re: Bucky's Branch Mitigation Project

Dear Mr. and Mrs. Yates,

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

The Uniform Act requires that we inform you in writing that this conservation easement transaction is voluntary and that the project is being developed by Environmental Banc & Exchange, LLC for the North Carolina Division of Mitigation Services (NCDMS). Neither EBX nor NCDMS have the authority to acquire the property by eminent domain. In addition, EBX believes that the agreed purchase price for the conservation easement area represents the fair market value.

This letter is for your information, and you do not need to respond. As always, please feel free to call me at 919-302-2324 with any questions.

Sincerely,

Kenton Beal Land Representative

701 E. Bay St. #306

Charleston, SC 29403

Houston, TX 77006





Corporate Headquarters 6575 West Loop South, Suite 300 Bellaire, TX 77401 Main: 713.520.5400

June 13, 2019

Milton Cortes Natural Resources Conservation Service 4407 Bland Rd, Suite 117 Raleigh, NC 27609

Subject: AD-1006 Request for the Bucky's Branch Mitigation Site in Randolph County

Dear Mr. Cortes,

Resource Enviornmental Solutions (RES) requests review and comment from the Natural Resources Conservation Service on any possible concerns that may emerge with respect to farmland resources including prime, unique, statewide or local important farmland associated with the Bucky's Branch Buffer Mitigation Project. This project is being developed for the North Carolina Division of Mitigation Services. Please note that this request is in support of the development of the Categorical Exclusion (CE).

The Bucky's Branch Site has been identified for the purposes of providing mitigation for unavoidable buffer impacts in the Cape Fear River Basin. RES has been awarded the contract to design and implement the Bucky's Branch project. A requirement of the project is to prepare a CE that describes resources present on the project site.

The Project is located in the Randleman watershed (Cataloging Unit 03030003, 14-digit HUC 03030003010060), a Targeted Local Watershed (TLW). The Project supports many of the Cape Fear River Basin Restoration Priorities (RBRP) goals and presents an opportunity to restore 6.07 acres of riparian buffers. The Project will provide numerous ecological and water quality benefits within the Cape Fear River Basin. These benefits are not limited to the project area, but have more far-reaching effects throughout the Cape Fear River Basin. The Project will provide improvements to water quality, hydrologic function, and habitat. Coordinates for the site are as follows: 35.8603639 N, -79.8810611 W

An inventory of soils data was completed by RES utilizing Web Soil Survey to determine prime farmland classifications for the 6.07 acre project area. Two soil map units in the project area are classified as farmland of statewide importance, making up 100% of the site (Mecklenburg loam, 8-15% slopes, 27.4%; Wynott-Enon complex, 8-15% slopes, 72.6%).

Encolosed is Form AD-1006 with Parts I and III Completed and maps of the Bucky's Branch Site. We ask that you review the site information and complete Parts II, IV, and V as required by NRCS. Please email (mbutler@res.us), or mail your reply to the office at 302 Jeffferson Street, Suite 100, Raleigh, NC 27605.



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

Sincerely,

Matt Butler | Project Manager

Attachements: Vicinity Map (Figure 1), USGS Topographic Map (Figure 2), Aerial Map (Figure 3) Conceptual Plan Map (Figure 4), Web Soil Survey Report, & AD-1006



United States Department of the Interior

FISH AND WILDLIFE SERVICE

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

Date: 08/28/2019

Self-Certification Letter

Project Name	Bucky's Branch

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:

\checkmark	"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;
\checkmark	"no Eagle Act permit required" determinations for eagles.

Applicant Page 2

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

Sincerely,

/s/Pete Benjamin

Pete Benjamin Field Supervisor Raleigh Ecological Services

Enclosures - project review package

Species	Conc	lusions	Table
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Project Name: Bucky's Branch Buffer Mitigation Site	
Date: 08/28/2019	

Species / Resource Name	Conclusion	ESA Section 7 / Eagle Act Determination	Notes / Documentation
Schweinitz's Sunflower (Helianthus schweinitzii)	No suitable habitat present	No effect	Habitat and species survey conducted on August 20, 2019. Determined no suitable habitat present. Conclusion and determination revised to reflect this. See pg. 10.
Critical Habitat	No Critical Habitat Present	No Effect	
Bald Eagle (Haliaeetus leucocephalus)	Unlikely to disturb nesting bald eagles	No Eagle Act permit required	

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.

MULSAD	Project Manager	8/28/2019	
Signature /Title		Date	



United States Department of the Interior

FISH AND WILDLIFE SERVICE

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



In Reply Refer To: May 30, 2019

Consultation Code: 04EN2000-2019-SLI-0957

Event Code: 04EN2000-2019-E-02186

Project Name: Bucky's Branch

Subject: List of threatened and endangered species that may occur in your proposed project

location, and/or may be affected by your proposed project

To Whom It May Concern:

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

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

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

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

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

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

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

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

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

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

Attachment(s):

Official Species List

Official Species List

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

This species list is provided by:

Raleigh Ecological Services Field Office Post Office Box 33726 Raleigh, NC 27636-3726 (919) 856-4520

Project Summary

Consultation Code: 04EN2000-2019-SLI-0957

Event Code: 04EN2000-2019-E-02186

Project Name: Bucky's Branch

Project Type: LAND - RESTORATION / ENHANCEMENT

Project Description: Buffer Mitigation Project

Project Location:

Approximate location of the project can be viewed in Google Maps: https://www.google.com/maps/place/35.85967650494136N79.88087982714633W



Counties: Randolph, NC

Endangered Species Act Species

There is a total of 1 threatened, endangered, or candidate species on this species list.

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

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

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

1. <u>NOAA Fisheries</u>, also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

Flowering Plants

NAME STATUS

Schweinitz's Sunflower Helianthus schweinitzii

Endangered

No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/3849

Critical habitats

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

A plant survey for the federally listed Schweinitz's sunflower, Helianthus schweinitzii (Fed E, State E | S2 G3), was conducted on August 20, 2019 at our Bucky's Branch Riparian Buffer Mitigation Project, a full-delivery mitigation project for the Division of Mitigation Services (DMS), located near Archdale, NC in Randolph County. H. schweinitzii is endemic to the Piedmont regions of North and South Carolina, historically being centered around Charlotte, NC and Rock Hill, SC. Suitable habitat for H. schweinitzii includes disturbed areas with full-partial sun exposure such as roadsides and powerline cuts; historically, it has occurred in dry, open woodlands and Piedmont prairies. In North Carolina, the known distributions of H. schweinitzii occur in Surry, Stokes, Catawba, Gaston, Rowan, Davidson, Randolph, Mecklenburg, Cabarrus, Stanly, Montgomery, Union, Anson, and Richmond counties. This species faces threats including alteration of native habitat, fire suppression, roadside/utility right-of-way maintenance, and invasive species encroachment. Current land use in the vicinity of the Bucky's Branch Project is primarily non-forested pasture and grazed riparian forest. The non-forested areas consist primarily of pasture grasses and weedy herbaceous vegetation including Juncus sp., Carex sp., and a Schweinitz's sunflower look-alike, Jerusalem artichoke (Helianthus tuberosus). Much of the riparian buffer is devoid of trees and shrubs due to continued cattle access. Existing tree species within the forested areas include American sycamore (Platanus occidentalis), American elm (*Ulmus americana*), sweetgum (*Liquidambar styraciflua*), and red cedar (*Juniperus virginiana*). There is a powerline cut at the northern end of the easement boundary.

The survey team including Jeremy Schmid and Emily Ulman, visited a reference population for *H. scwheinitzii* on August 20, 2019 at the North Carolina Botanical Gardens in Chapel Hill, NC. The surveying team had a dichotomous key for the genus *Helianthus*, adapted from Schilling (2006) and Weakley (2008), and had researched the information and pictures provided by the U.S. Fish and Wildlife Service for *H. schweinitzii*. Jeremy and Emily have both performed rare plant surveys in the past for threatened and endangered plant species throughout North Carolina.

At the Bucky's Branch site, the survey team walked along the boundary and within the easement recording species present and any occurrences of potential suitable habitat. The Schweinitz's sunflower look-alike, Jerusalem artichoke, differentiated by the leaf position on the stem and length of petiole, was prevalent throughout the site and beyond the easement boundaries. The site represented densely shaded forest and actively grazed pasture; these conditions do not support *H. schweinitzii*. The powerline cut *outside* of the easement represented suitable habitat; however, within the boundaries of the project there were no areas that would support the growth and reproduction of *H. schweinitzii*. After a thorough examination of the area and an assessment of the habitat present, no populations were located at this site.

In conclusion, after conducting a more thorough evaluation of the habitat present at the Bucky's Branch Mitigation Site and surveying for *H. schweinitzii* specifically, we have determined that there is **no suitable habitat present**, therefore, we are changing the conclusion on the species conclusion table on the self-certification letter from **may affect** to **no effect** any *H. schweinitzii* populations.





Corporate Headquarters
6575 West Loop South, Suite 300

6575 West Loop South, Suite 300 Bellaire, TX 77401 Main: 713.520.5400

June 13, 2019

Ms. Olivia Munzer Western Piedmont Coordinator North Carolina Wildlife Resources Commission Rogers Lake Depot 1718 NC Hwy 56 W Creedmoor, NC 27522

Subject: Project Scoping for Bucky's Branch Buffer Mitigation Site in Randolph County

Dear Ms. Munzer,

The purpose of this letter is to request review and comment on any possible issues that might emerge with respect to fish and wildlife associated with a potential buffer restoration project on the attached site (Site maps with approximate property lines and areas of potential buffer restoration activities are enclosed). The Bucky's Branch Site (35.8603639N, -79.8810611W) has been identified by Resource Environmental Solutions, LLC (RES) to provide compensatory mitigation for unavoidable buffer impacts. The proposed project involves the restoration and enhancement of approximately 6.07 acres of riparian buffers. Current buffer conditions along the streams associated with this project demonstrate significant habitat degradation as a result of impacts from agricultural land use, water diversion, and cattle intrusion.

We thank you in advance for your timely response and cooperation. You may return the comment to my attention at the address below. Please feel free to contact me at mbutler@res.us with any questions that you may have concerning the extent of site disturbance associated with this project.

Sincerely,

Matt Butler | Project Manager

Attachments: Vicinity Map (Figure 1), USGS Topographic Map (Figure 2), Aerial Map (Figure 3) Conceptual Plan Map (Figure 4)



■ North Carolina Wildlife Resources Commission

Gordon Myers, Executive Director

14 June 2019

Mr. Matt Butler RES 302 Jefferson Street, Suite 110 Raleigh, North Carolina 27605

Subject: Request for Project Scoping

Bucky's Branch Buffer Mitigation Site Randolph County, North Carolina

Dear Mr. Butler,

Biologists with the North Carolina Wildlife Resource Commission (NCWRC) received your letter on 13 June 2019 requesting review and comment on any possible concerns regarding the Bucky's Branch Buffer Mitigation Site. Biologists with NCWRC have reviewed the provided documents. Comments are provided in accordance with provisions of the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661-667e) and North Carolina General Statutes (G.S. 113-131 et seq.).

The Bucky's Branch Buffer Mitigation Site is located north of Banner Whitehead Road and west of Farlowe Davis Drive in Randolph County, North Carolina. The project involves the restoration and enhancement of approximately 6.07 acres of riparian buffer. Current conditions of the site show significant degradation of the habitat from agricultural land use, water diversion, and cattle intrusions.

The project will restore the riparian buffer along an unnamed tributary to the Deep River (Randleman Reservoir) in the Cape Fear River basin. The Deep River is classified as a Water Supply IV and Critical Water Supply Area by the N.C. Division of Water Resources (NCDWR).

We have known records of the federal and state endangered Schweinitz's sunflower (*Helianthus schweinitzii*) and state special concern purple coneflower (*Echinacea purpurea*) within the vicinity of the site. The state special concern Greensboro burrowing crayfish (*Cambarus catagius*) has been documented in Randolph County; however, the full extent of its distribution in this watershed is unknown due to lack of targeted surveys. The Greensboro burrowing crayfish has been found in all types of soils from sandy loams to hard clay and burrows are not usually directly associated with any drainage or stream flow (McGrath 1994). Please notify Brena Jones, Central Aquatic Wildlife Diversity Coordinator (brena.jones@ncwildlife.org, 919-707-0369), if any potential Greensboro burrowing crayfish or burrows are located. Therefore, the lack of records from the site does not imply or confirm the absence of federal

Telephone: (919) 707-0220 • **Fax:** (919) 707-0028

Page 2

14 June 2019 Rhapsody Buffer Mitigation Site Randolph County

or state-listed species. An on-site survey is the only means to determine if the proposed project may impact federal or state rare, threatened, or endangered species.

Based upon the information provided to NCWRC, it is unlikely that buffer mitigation will adversely affect any federal or state-listed species. Establishing native, forested buffers in riparian areas will help protect water quality, improve aquatic and terrestrial habitats, and provide a travel corridor for wildlife species. If present, we recommend leaving snags and mature trees or if necessary, remove tees outside the maternity roosting season for bats (May 15 – August 15).

Provided measures are taken to minimize erosion and sedimentation from construction/restoration activities, we do not anticipate the project to result in significant adverse impacts to aquatic and terrestrial wildlife resources.

Thank you for the opportunity to provide comments. If I can be of additional assistance, please call (919) 707-0364 or email olivia.munzer@ncwildlife.org.

Sincerely,

Olivia Munzer

Western Piedmont Habitat Conservation Coordinator

Habitat Conservation Program

Literature Cited

McGrath, C. 1994. Status survey for the Greensboro burrowing crayfish. Proceedings of the annual conference, Southeastern Association of Game and Fish Commissioners, 48: 343–349.





Corporate Headquarters 6575 West Loop South, Suite 300 Bellaire, TX 77401

Main: 713.520.5400

June 13, 2019

Ms. Gledhill-Early North Carolina State Historic Preservation Office 4617 Mail Service Center Raleigh NC 27699-4617

Subject: Project Scoping for Bucky's Branch Buffer Mitigation Site in Randolph County

Dear Ms. Gledhill-Early,

The Bucky's Branch Buffer Mitigation Site has been identified by Resource Environmental Solutions, LLC (RES) to provide compensatory mitigation for unavoidable buffer. The proposed project involves the restoration and enhancement of approximately 6.07 acres of riparian buffers.

RES requests review and comment on any possible issues that might emerge with respect to archaeological or cultural resources associated with a potential stream mitigation project on the Bucky's Branch Site (35.8603639N, -79.8810611W) (a USGS site map with approximate limits of conservation easement is attached).

A review of the N.C. State Historic Preservation Office (SHPO) HPOWEB GIS Service database (http://gis.ncdcr.gov/hpoweb/; accessed June 3rd, 2019) was performed as part of the site due diligence evaluation. The database did not reveal any listed or potentially eligible historic or archeological resources on the proposed properties. In addition, most of the site has historically been disturbed due to cattle grazing.

We ask that you review this site based on the attached information to determine the presence of any historic properties. We thank you in advance for your timely response and cooperation. You may return the comment to my attention at the address below, or via email. Please feel free to contact me at mbutler@res.us with any questions that you may have concerning the extent of site disturbance associated with this project.

Sincerely,

Matt Butler | Project Manager

Attachments: Vicinity Map (Figure 1), USGS Topographic Map (Figure 2), Aerial Map (Figure 3) Conceptual Plan Map (Figure 4)



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

July 9, 2019

Matt Butler Resource Environmental Solutions, LLC 302 Jefferson Street, Suite 110 Raleigh, NC 27605

Re: Bucky's Branch Buffer Mitigation Site, Randolph County, ER 19-1949

Dear Mr. Butler:

Thank you for your letter of June 13, 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,

▼Ramona Bartos, Deputy

State Historic Preservation Officer

Zence Gledhill-Earley

Appendix E

Correspondence on Environmental and Cultural Resources



■ North Carolina Wildlife Resources Commission

Gordon Myers, Executive Director

14 June 2019

Mr. Matt Butler RES 302 Jefferson Street, Suite 110 Raleigh, North Carolina 27605

Subject: Request for Project Scoping

Bucky's Branch Buffer Mitigation Site Randolph County, North Carolina

Dear Mr. Butler,

Biologists with the North Carolina Wildlife Resource Commission (NCWRC) received your letter on 13 June 2019 requesting review and comment on any possible concerns regarding the Bucky's Branch Buffer Mitigation Site. Biologists with NCWRC have reviewed the provided documents. Comments are provided in accordance with provisions of the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661-667e) and North Carolina General Statutes (G.S. 113-131 et seq.).

The Bucky's Branch Buffer Mitigation Site is located north of Banner Whitehead Road and west of Farlowe Davis Drive in Randolph County, North Carolina. The project involves the restoration and enhancement of approximately 6.07 acres of riparian buffer. Current conditions of the site show significant degradation of the habitat from agricultural land use, water diversion, and cattle intrusions.

The project will restore the riparian buffer along an unnamed tributary to the Deep River (Randleman Reservoir) in the Cape Fear River basin. The Deep River is classified as a Water Supply IV and Critical Water Supply Area by the N.C. Division of Water Resources (NCDWR).

We have known records of the federal and state endangered Schweinitz's sunflower (*Helianthus schweinitzii*) and state special concern purple coneflower (*Echinacea purpurea*) within the vicinity of the site. The state special concern Greensboro burrowing crayfish (*Cambarus catagius*) has been documented in Randolph County; however, the full extent of its distribution in this watershed is unknown due to lack of targeted surveys. The Greensboro burrowing crayfish has been found in all types of soils from sandy loams to hard clay and burrows are not usually directly associated with any drainage or stream flow (McGrath 1994). Please notify Brena Jones, Central Aquatic Wildlife Diversity Coordinator (brena.jones@ncwildlife.org, 919-707-0369), if any potential Greensboro burrowing crayfish or burrows are located. Therefore, the lack of records from the site does not imply or confirm the absence of federal

Telephone: (919) 707-0220 • **Fax:** (919) 707-0028

Page 2

14 June 2019 Rhapsody Buffer Mitigation Site Randolph County

or state-listed species. An on-site survey is the only means to determine if the proposed project may impact federal or state rare, threatened, or endangered species.

Based upon the information provided to NCWRC, it is unlikely that buffer mitigation will adversely affect any federal or state-listed species. Establishing native, forested buffers in riparian areas will help protect water quality, improve aquatic and terrestrial habitats, and provide a travel corridor for wildlife species. If present, we recommend leaving snags and mature trees or if necessary, remove tees outside the maternity roosting season for bats (May 15 – August 15).

Provided measures are taken to minimize erosion and sedimentation from construction/restoration activities, we do not anticipate the project to result in significant adverse impacts to aquatic and terrestrial wildlife resources.

Thank you for the opportunity to provide comments. If I can be of additional assistance, please call (919) 707-0364 or email olivia.munzer@ncwildlife.org.

Sincerely,

Olivia Munzer

Western Piedmont Habitat Conservation Coordinator

Habitat Conservation Program

Literature Cited

McGrath, C. 1994. Status survey for the Greensboro burrowing crayfish. Proceedings of the annual conference, Southeastern Association of Game and Fish Commissioners, 48: 343–349.



North Carolina Department of Natural and Cultural Resources

State Historic Preservation Office

Ramona M. Bartos, Administrator

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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,

Ramona Bartos, Deputy

State Historic Preservation Officer

Zence Gledhill-Earley



United States Department of the Interior

FISH AND WILDLIFE SERVICE

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

	Raleigh, NC 27636-3726			
	Date: 08/28/2019			
	Self-Certification Letter			
Project Name Bucky's Branch				
Dear	Applicant:			
Service project review provide and the accordance with accordance for 1969 letter certification.	k you for using the U.S. Fish and Wildlife Service (Service) Raleigh Ecological ces online project review process. By printing this letter in conjunction with your ct review package, you are certifying that you have completed the online project w process for the project named above in accordance with all instructions ded, using the best available information to reach your conclusions. This letter, he enclosed project review package, completes the review of your project in dance with the Endangered Species Act of 1973 (16 U.S.C. 1531-1544, 87 Stat. as amended (ESA), and the Bald and Golden Eagle Protection Act (16 U.S.C. 168c, 54 Stat. 250), as amended (Eagle Act). This letter also provides mation for your project review under the National Environmental Policy Act of (P.L. 91-190, 42 U.S.C. 4321-4347, 83 Stat. 852), as amended. A copy of this and the project review package must be submitted to this office for this fication to be valid. This letter and the project review package will be maintained records.			
your l	pecies conclusions table in the enclosed project review package summarizes ESA and Eagle Act conclusions. Based on your analysis, mark all the minations that apply:			
\checkmark	"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			

"no Eagle Act permit required" determinations for eagles.

Northern long-eared bat;

Applicant Page 2

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

Sincerely,

/s/Pete Benjamin

Pete Benjamin Field Supervisor Raleigh Ecological Services

Enclosures - project review package

Species Conclusions Table	Species	Conc	lusions	Table
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Project Name:	Bucky's Branch Buffer Mitigation Site
,	

Date: 08/28/2019

Species / Resource Name	Conclusion	ESA Section 7 / Eagle Act Determination	Notes / Documentation
Schweinitz's Sunflower (Helianthus schweinitzii)	No suitable habitat present	No effect	Habitat and species survey conducted on August 20, 2019. Determined no suitable habitat present. Conclusion and determination revised to reflect this. See pg. 10.
Critical Habitat	No Critical Habitat Present	No Effect	
Bald Eagle (Haliaeetus leucocephalus)	Unlikely to disturb nesting bald eagles	No Eagle Act permit required	

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	
MUL BAB	Project Manager	8/2/2019	



United States Department of the Interior

FISH AND WILDLIFE SERVICE

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



In Reply Refer To: May 30, 2019

Consultation Code: 04EN2000-2019-SLI-0957

Event Code: 04EN2000-2019-E-02186

Project Name: Bucky's Branch

Subject: List of threatened and endangered species that may occur in your proposed project

location, and/or may be affected by your proposed project

To Whom It May Concern:

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

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

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

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

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

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

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

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

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

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

Attachment(s):

Official Species List

Official Species List

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

This species list is provided by:

Raleigh Ecological Services Field Office Post Office Box 33726 Raleigh, NC 27636-3726 (919) 856-4520

Project Summary

Consultation Code: 04EN2000-2019-SLI-0957

Event Code: 04EN2000-2019-E-02186

Project Name: Bucky's Branch

Project Type: LAND - RESTORATION / ENHANCEMENT

Project Description: Buffer Mitigation Project

Project Location:

Approximate location of the project can be viewed in Google Maps: https://www.google.com/maps/place/35.85967650494136N79.88087982714633W



Counties: Randolph, NC

Event Code: 04EN2000-2019-E-02186

Endangered Species Act Species

There is a total of 1 threatened, endangered, or candidate species on this species list.

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

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

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

1. <u>NOAA Fisheries</u>, also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

Flowering Plants

NAME STATUS

Schweinitz's Sunflower Helianthus schweinitzii

Endangered

No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/3849

Critical habitats

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

A plant survey for the federally listed Schweinitz's sunflower, Helianthus schweinitzii (Fed E, State E | S2 G3), was conducted on August 20, 2019 at our Bucky's Branch Riparian Buffer Mitigation Project, a full-delivery mitigation project for the Division of Mitigation Services (DMS), located near Archdale, NC in Randolph County. H. schweinitzii is endemic to the Piedmont regions of North and South Carolina, historically being centered around Charlotte, NC and Rock Hill, SC. Suitable habitat for H. schweinitzii includes disturbed areas with full-partial sun exposure such as roadsides and powerline cuts; historically, it has occurred in dry, open woodlands and Piedmont prairies. In North Carolina, the known distributions of H. schweinitzii occur in Surry, Stokes, Catawba, Gaston, Rowan, Davidson, Randolph, Mecklenburg, Cabarrus, Stanly, Montgomery, Union, Anson, and Richmond counties. This species faces threats including alteration of native habitat, fire suppression, roadside/utility right-of-way maintenance, and invasive species encroachment. Current land use in the vicinity of the Bucky's Branch Project is primarily non-forested pasture and grazed riparian forest. The non-forested areas consist primarily of pasture grasses and weedy herbaceous vegetation including Juncus sp., Carex sp., and a Schweinitz's sunflower look-alike, Jerusalem artichoke (Helianthus tuberosus). Much of the riparian buffer is devoid of trees and shrubs due to continued cattle access. Existing tree species within the forested areas include American sycamore (Platanus occidentalis), American elm (Ulmus americana), sweetgum (Liquidambar styraciflua), and red cedar (Juniperus virginiana). There is a powerline cut at the northern end of the easement boundary.

The survey team including Jeremy Schmid and Emily Ulman, visited a reference population for *H. scwheinitzii* on August 20, 2019 at the North Carolina Botanical Gardens in Chapel Hill, NC. The surveying team had a dichotomous key for the genus *Helianthus*, adapted from Schilling (2006) and Weakley (2008), and had researched the information and pictures provided by the U.S. Fish and Wildlife Service for *H. schweinitzii*. Jeremy and Emily have both performed rare plant surveys in the past for threatened and endangered plant species throughout North Carolina.

At the Bucky's Branch site, the survey team walked along the boundary and within the easement recording species present and any occurrences of potential suitable habitat. The Schweinitz's sunflower look-alike, Jerusalem artichoke, differentiated by the leaf position on the stem and length of petiole, was prevalent throughout the site and beyond the easement boundaries. The site represented densely shaded forest and actively grazed pasture; these conditions do not support *H. schweinitzii*. The powerline cut *outside* of the easement represented suitable habitat; however, within the boundaries of the project there were no areas that would support the growth and reproduction of *H. schweinitzii*. After a thorough examination of the area and an assessment of the habitat present, no populations were located at this site.

In conclusion, after conducting a more thorough evaluation of the habitat present at the Bucky's Branch Mitigation Site and surveying for *H. schweinitzii* specifically, we have determined that there is **no suitable habitat present**, therefore, we are changing the conclusion on the species conclusion table on the self-certification letter from **may affect** to **no effect** any *H. schweinitzii* populations.