

# **Final Mitigation Plan Green Valley II Project**

DMS Project #: 100111 | Contract #: 7862 | RFP: 16-007703 | DWR Project #: 20140073v2 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: NCIRT and NCDMS

FROM: Kasey Carrere - RES

**DATE:** January 20, 2020

RE: Response to Green Valley Farm II Draft Mitigation Plan Comments DMS Project ID No. 100111 Contract #7862

 No photos are provided showing existing conditions. The only 2 photos provided are from 2017 & 2016, which do not adequately describe "existing" conditions. Please add photos of the riparian areas w/ 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 1.3.5, showing existing conditions of the riparian area outside of existing easement. No significant landuse changes have occurred since the last DWR site visit.

- 2. No site viability letter was provided by DWR, but an email to DMS was sent on May 13, 2019 about the site. Please add this correspondence to Appendix A.

  A copy of the email correspondence from May 13th, 2019 from DWR to DMS has been added to Appendix A.
- 3. 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".

The term "riparian buffer" has been revised to "riparian area" throughout the document.

### 4. Section 1.0

- a. Page 1, 3rd paragraph: add the DWR# to the first Green Valley Site. Its 2014-0073v1 *The DWR# of the first Green Valley Site has been added to the 3<sup>rd</sup> paragraph on the first page.*
- b. Page 2, 1st paragraph: replace "zero" with "fifty feet (50')" within the paragraph. The provider has stated they are not performing any mitigation work within the top of bank areas.

The word "Zero" has been replaced with "fifty feet (50')" within Section 1.0.

### 5. **Section 2.1**

a. It says that 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 was removed and replaced with "Randleman Lake watershed".

b. Change the width in the table from 0-100' to 50-100

The width has been changed from 0 to 50 within the Table 4.

### 6. **Section 3.3.1**

a. Correct terminology here for "buffer". In most cases, the term buffer should be "riparian area".

The terminology has been corrected within this section from "riparian buffer" to "riparian area".

b. Descriptions of the "riparian buffer" conditions in this section are inaccurate. The riparian buffer, which is the 0-50' from the stream, are all in great condition and in an easement. This needs to be corrected. It's more accurate to represent the area of this project, within 50-200'.

The description of the riparian buffer has been edited to indicate the area from 50-200' rather than 0-50'.

c. Correct the widths from 0-200 to 50-200', since no work in planned within top-of-bank – 50'

The width was changed from 0 - 200 to 50 - 200.

d. Recommend rephrasing the 4<sup>th</sup> sentence in 2<sup>nd</sup> paragraph to "All riparian restoration activities will take place within the 50-200' riparian area along to UT1 and UT4 and will be subject to crediting and ratios as outlined in the Consolidated Buffer Mitigation Rule".

This sentence has been rephrased with "'All riparian restoration activities will take place within the 50-200' riparian area along to UT1 and UT4 and will be subject to crediting and ratios as outlined in the Consolidated Buffer Mitigation Rule".

e. Reference to "DWR guidance" is included in the text regarding ratios. Remove this reference, as there was no DWR guidance for ratios at the time this plan was submitted. The only reference needed here is the 0295 rule.

The reference "DWR guidance" has been removed from the text.

f. Reference the email from DWR to DMS May 13, 2019 in addition to the other references already in the text.

The email from DWR to DMS from May 13th, 2019 has been referenced in the text.

7. Only temporary seeding is proposed for application. However, DWR requests that permanent/perennial riparian seeding also be applied and established where bare areas are present from impacts of row crops. It is important to maintain a health 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 3.4 to clarify "A mixture of temporary and permanent riparian seeding will be applied and established where row crops are present." 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.

a. 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 heath 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 black-eyed 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.

### 8. **Section 4.0**

- a. Change "riparian buffer mitigation area" to "riparian restoration area". *The terminology has been changed to "riparian restoration area"*.
- b. 2<sup>nd</sup> paragraph the word "established" has been inserted into the text when describing the performance criteria. Please remove, as this word in not in the rule and could have a different meaning. I may have missed this word in previous mitigation plan reviews. *The word "established" has been removed from the sentence.*
- c. Page 12: 4.2
  - i. Since mowing would not be performed anywhere but within the Green Valley II easement, which is outside the Randleman Lake Buffer, no reference to buffer violations or the Randleman Lake Buffer should be necessary here. Only easement violations could maybe result without notification.

    Terminology regarding buffer violations to the Randleman Lake Buffer has been removed.

### 9. **Figure 1 -**

a. Remove the 14-digit HUC from the service area map. It is not necessary and could be misleading as presented.

Removed the 14-digit HUC from service area inset map.

b. Remove the words, "service area" from the 03030003 label in the legend. *Removed "service area" from 03030003 label.* 

### 10. Figure 2 -

- a. Add 0-50' to the label for Green Valley Farm Easement. *Added 0-50' to label to Green Valley Farm Easement.*
- b. Add 50-200' to the label for Proposed Easement. *Added 50-200' to label for Proposed Easement.*

### 11. **Figure 3** -

- a. Add 0-100' in the legend to 50-100' for Restoration *Added 50-100' in legend for Restoration*.
- b. Add 0-50' to the label for Green Valley Farm Easement *Added 0-50' to the label for Green Valley Farm Easement.*

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### **APPENDICES**

Appendix A – NCDWR Stream Determination and Viability Letter

**Appendix B – Site Protection Instrument (s)** 

**Appendix C - Categorical Exclusion** 

### 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 Green Valley Farm II Riparian Buffer Mitigation Project (Project) as a full-delivery buffer mitigation project for the Division of Mitigation Services (DMS) (DMS #100111). 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 and 4**). 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 Green Valley Farm II Project will total approximately 7.19 acres and includes two unnamed tributaries that drain directly into Randleman Lake approximately 1,000 feet downstream of the Project. Land use within the Project is primarily actively farmed row crops and newly planted riparian forest. The goal of the Project is to restore ecological function to the existing stream and riparian area by establishing appropriate plant communities while minimizing temporal and land disturbing impacts. Riparian area improvements help filter runoff from agricultural fields, thereby reducing nutrient and sediment loads to Project channels and the overall watershed. Restoration, of the Randleman Lake riparian area (as defined in 15A NCAC 02B .0250) is anticipated to result in a reduction of the water quality stressors currently affecting the Project: agricultural production and a lack of riparian buffer. This Project is consistent with the management strategy for maintaining and protecting riparian areas in the Randleman Lake watershed.

The easement is comprised of four sections, separated by two crossings and UT4. This Project surrounds an existing DMS project, Green Valley Farms Buffer Restoration Site (DMS # 95012, 2014-0073v1) that was closed out (**Figure 2**). The Green Valley II Project is composed of two stream channels: UT1 and UT4. Both of these reaches are outside of the actual easement boundaries but included in the previous Green Valley Farm Project. UT4 is a tributary to UT1, which then flows into Randleman Lake. UT1 is approximately 1,677 linear feet and is on the western side of the project. UT4 is approximately 590 linear feet and runs between the four easement segments. Stream identifications were verified by the DWR site visit on September 1, 2011, as well as a re-evaluation for UT4 on February 23, 2017. Correspondence regarding this determination is in **Appendix A**.

**Table 1. Buffer Project Attributes** 

Project Attril	butes
Project Name	Green Valley Farm II
Hydrologic Unit Code	3030003010070
River Basin	Randleman Lake
Geographic Location (Lat, Long)	35.9086, -79.833
Site Protection Instrument (DB,	
PG)	0018E/00488
Total Credits (BMU)	175,509.615
Types of Credits	Restoration
Mitigation Plan Date	October 2019
Initial Planting Date	April 2020
<b>Baseline Report Date</b>	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

Of the total 7.19 acres in the conservation easement, the Green Valley Farm II Project presents the opportunity to provide up to 175,509.615 (4.03 acres) of riparian buffer credits by establishing a native forested and herbaceous riparian area plant community starting at fifty feet (50') from the top of bank and extending to a maximum of 200 feet from the edge of the channels. These will be derived from 2.55 acres of 50 to 100 feet of Restoration, 4.49 acres of 101 to 200 feet of Restoration. This new community will be established in conjunction with the treatment of any existing exotic or undesirable plant species. **Figure 3** shows the **Riparian Buffer Conceptual Design and Credit Determination Map** and **Section 2.1** provides details of the mitigation credit determination on the Green Valley II Project.

### 1.1.1 Parcel Ownership

The land required for the construction, management, and stewardship of this Project includes portions of the parcel listed in **Table 2**. EBX obtained a conservation easement from the current landowner on the 17<sup>th</sup> day of December, 2019. 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 deed followed the DMS Full Delivery Conservation Easement Template dated January 8, 2018 and is included in **Appendix B**. The secured easement allows EBX to proceed with the Project development and protect the mitigation assets in perpetuity. A copy of the land protection instrument is included in **Appendix C**.

Table 2. Parcel and Landowner Information

Landowners	Pin or Tax Parcel ID	Agreement Type	County
Herschel Needham Hockett, JR.	7758353599	Easement	Randolph

### 1.2 Project Location

The Green Valley Farm II 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 03030003010070 and DWR Sub-basin Number 03-06-08.

The Project is located in Randolph County approximately 2.3 miles northwest of Level Cross, North Carolina (**Figure 4**). To access the Project head North on Randleman Road from city center for one mile and turn left on Hockett Dairy Road. Go about 1.3 miles before taking a farm access road to reach the project, on the right side. The coordinates are 35.9086 °N and -79.833 °W.

### 1.3 Existing Conditions

### 1.3.1 Surface Water Classification

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 (WS-IV; NCDWQ 2013).

### 1.3.2 Physiography and Soils

The Project is located within the Piedmont Physiographic region, specifically within the Southern Outer Piedmont Ecoregion. The physiography of the ecoregion is mostly characterized by hills, ridges and irregular plains. Streams generally have a low to moderate gradient with cobble, gravel, and sandy substrates. Elevations range from 700 to 750 feet above mean sea level (NAD 27) based upon USGS topographic mapping (**Figure 5**).

The National Resources Conservation Service (NRCS) Web Soil Survey, accessed August 16, 2019, depicts four map units across the project (**Figure 6**). The map units are Chewcla loam, 0 to 2 percent slopes; Wynott-Enon complex, 2 to 8 percent slopes; Wynott-Enon complex, 8 to 15 percent slopes;

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
ChA	Chewcla loam, 0 to 2 percent slopes	0%	Somewhat Poorly Drained	B/D	Floodplains
WtB	Wynott-Enon complex, 2 to 8 percent slopes	0%	Well Drained	D	Interfluves
WtC	Wynott-Enon complex, 8 to 15 percent slopes	0%	Well Drained	D	Hillslopes on Ridges
WvC2	Wynott-Enon complex, 8 to 15 percent slopes, moderately eroded	0%	Well Drained	D	Ridges

### 1.3.3 Wetlands

The USFWS NWI depicts no wetland areas within the Project (**Figure 7**). There are three PUBHh wetlands within a 0.5-mile radius of the project, but these should not be affected during construction of the project.

### 1.3.4 Landscape Communities

### A. Existing Vegetation Communities and Riparian Vegetation

Current land use within the proposed easement is row crop production for dairy silage. The non-forested areas consist primarily of pasture grasses and weedy herbaceous vegetation. Therefore, the riparian area from 50 feet to 200 feet is in poor condition. However, as the first 50 feet of the riparian buffer have already been included in a conservation easement since 2012, the riparian buffer in these areas is in good condition. In October 2017, Year 5 monitoring conditions of the existing conservation easement noted the following tree species: boxelder (*Acer negundo*), red maple (acer rubrum), river birch (*Betula nigra*), shagbark hickory (*Carya ovata*), common hackberry (*Celtis occidentalis*), eastern redbud (*Cercis canadensis*), green ash (*Fraxinus pennsylvanica*), sweetgum (*Liquidambar styraciflua*), tulip poplar (Liriodendron tulipifera), American sycamore (*Platanus occidentalis*), southern red oak (*Quercus falcata*), overcup oak (*Quercus lyrata*), swamp chestnut oak (*Quercus michauxii*), willow oak (*Quercus phellos*) and winged elm (*Ulmus alata*). The most notable invasive species is the invasive Johnsongrass (Sorghum halepense).

### 1.3.5 Existing Conditions Photos



View from corner of Green Valley Farm Easement January 14<sup>th</sup>, 2020



View of 50-foot buffer January 14th, 2020



Alternate view of 50-foot buffer January 14<sup>th</sup>, 2020



View of buffer from edge of Green Valley Farm II Easement January 14<sup>th</sup>, 2020

### 2 REGULATORY CONSIDERATIONS

### 2.1 Determination of credits

This Project has the potential to generate approximately 175,509.615 ft<sup>2</sup> (4.03 acres) of riparian buffer restoration credits on existing non-forested pasture. These riparian buffer mitigation credits generated will service Randleman Lake buffer impacts within the Randleman Lake watershed. The total potential mitigation credits that the Green Valley Farm II Mitigation Project will generate are summarized in **Table 4**; **Figure 3**.

Table 4. Green Valley Farm II Mitigation Project Credit Summary

Location	Jurisdictional Streams	Restoration Type	Reach ID/Component	Buffer Width (ft)	Creditable Area (sf)*	Initial Credit Ratio (x:1)	% Full Credit	Final Credit Ratio (x:1)	Riparian Buffer Credits (BMU)
Rural	Subject	Restoration	UT1/4	50-100	110,917	1	100%	1.00000	110,917.000
Rural	Subject	Restoration	UT1/4	101-200	195,735	1	33%	3.03030	64,592.615
			TOTALS		306,652				175,509.615

<sup>\*</sup>Buffers must be at minimum 20' wide for riparian buffer credit, buffers must be 50' wide for nutrient offset credit

### 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 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.

### 2.2.2 Threatened and Endangered Species

The USFWS database (accessed July 31, 2019) for Randolph County, North Carolina lists one endangered species, Schweinitz's sunflower (*Helianthus schweinitzii*). The Bald eagle (*Haliaeetus leucocephalus*) is protected under the Bald and Golden Eagle Protection Act (BGPA) and prohibits take of bald and golden eagles. No protected species were observed during preliminary site evaluations (**Table 5**).

Table 5. Federally Protected Species in Randolph County

Common Name	Scientific name	Federal Status	Habitat Present	Record Status
Vertebrate:				
Bald eagle	Haliaeetus leucocephalus	BGPA	Y	Current
Vascular Plant:				
Schweinitz's sunflower	Helianthus schweinitzii	Е	Y	Current

E = Endangered; T = Threatened; T (S/A) = Threatened due to similarity of appearance; BGPA = Bald and Golden Eagle Protection Act

In addition to the USFWS database, the NC Natural Heritage Program (NHP) GIS database was consulted to determine whether previously cataloged occurrences of protected species were mapped within one mile of the Project site. Results from the NHP website on July 31, 2019 indicated that there are no known occurrences of threatened or endangered species within one mile of the Project site. Based on initial site investigations, no impacts to federally protected species are anticipated as a result of the proposed project. The environmental screening phase of the project will include USFWS coordination to confirm these findings. A survey was complete, on August 20, 2019 for the Schweinitz's sunflower but no species or habitat was found.

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 Green Valley II Mitigation Site 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). The NCWRC responded on June 10, 2019 and stated there are no records for any listed aquatic species in the vicinity of the project. All correspondence is in **Appendix C**.

### 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.

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 Green Valley II Mitigation Project on June 7, 2019. SHPO responded on July 9, 2019 and had no objections to the Green Valley Farm II Project. The summary of the review pursuant to Section 106 of the National Historic Preservation Act (NHPA) for the Project is found in **Table 6** and correspondence with the SHPO can be found in **Appendix C**.

### 2.2.4 Federal Emergency Management Agency (FEMA)/ Hydrologic Trespass

There are a few constraints to the Project that will be considered during the design of the project. The west and north parcels of the project have areas that partial coverage by FEMA's Zone AE (**Figure 7**). It is not anticipated that floodplain permitting would be required for the type of working being conducted on this project. Thus, no coordination with the Randolph County Floodplain Administrator will be required prior to mitigation work. Furthermore, 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 IMPLEMENTATION PLAN

Riparian restoration areas adjacent to streams are shown in **Figure 3** and were approved by the DWR in the letter dated September 1, 2011 (**Appendix A**).

### 3.1 Site Preparation

Preparation at the Project will involve spraying undesired fescue grass and exotic invasive species, contoured ripping, seeding, and planting. A mixture of temporary and permanent riparian seeding will be applied and established where row crops are present.

### 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 activities will extend 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 buffers 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). Restoration areas were also determined by the mitigation determination performed during the viability assessment by DWR (Appendix A).

### 3.3.1 Riparian Restoration Activities

The riparian area is in poor condition throughout most of the Project area. Most of the riparian area is devoid of trees or shrubs and row crops are actively cultivated up to the edge of the existing conservation easement. Current area conditions demonstrate significant degradation with a loss of stabilizing vegetation because of continued agricultural activities and past land management actions.

Buffer mitigation efforts along UT1 and UT4 will be accomplished through the planting, establishment, and protection of a hardwood forest community. The result will be a riparian habitat that functions to mitigate nutrient and sediments inputs from the surrounding uplands. Traditional riparian restoration, as outlined in 15A NCAC 02B .0295 (n), will be utilized. All riparian restoration activities will take place within the 50-200' riparian area along to UT1 and UT4 and will be subject to crediting and ratios as outlined in the Consolidated Buffer Mitigation Rule. Mitigation ratios follow those provided in the Consolidated Buffer Mitigation Rule. Prior to the issuance of the RFP (#16-007703), RES received approval for buffer restoration on February 27, 2012 and an update in March 24, 2017, included in the **Appendix A**. RES received an email from DWR on May 13, 2019 that indicated that an updated site visit was not necessary, correspondence is provided in **Appendix A**. The conceptual plan is provided in **Figure 3**.

### 3.4 Planting Plan

The conservation easement will start after the original riparian buffer that extended 50-feet from the top of bank and extend out to a maximum of 200 feet. The buffer restoration target community is a Piedmont Alluvial Forest, described in *Natural Communities of North Carolina: Fourth Approximation* (Schafale 2012). This forest system is common throughout Piedmont drainages and will provide water quality and ecological benefits. **Table 6** lists proposed tree seedlings to be planted at the site, where no one species is greater than 50% of the total planted stems. A riparian seed mix will be utilized to provide a rapid herbaceous cover and stabilization on un-vegetated areas of the site. A mixture of temporary and permanent riparian seeding will be applied and established where row crops are present.

**Table 6. Tree Planting List** 

	Bare Root	Planting Tree Spe	ecies	
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 oak	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 (**Figure 8**). 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 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. These plots will be randomly placed throughout the planted riparian restoration area (7.19 acres) and will be representative of the riparian area restoration. 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 six (6) fixed vegetation monitoring plots (**Figure 8**).

Photos will be taken at all vegetation plot origins each monitoring year and be provided in the annual reports. Visual inspections and photos will be taken to ensure that restoration 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:

- 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/	Monitoring	Maintenance through project close-out
Feature		
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.
Road Crossing	Visual	Road crossings within the Project may be maintained only as allowed by conservation
	Assessment	easement or existing easement, deed restrictions, rights of way, or corridor agreements.  Crossings in easement breaks are the responsibility of the landowner to maintain.

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

The Stewardship Program will periodically install signage as needed to identify boundary markings as needed.

### 6 REFERENCES

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- Schafale, M.P. 2012. Classification of the Natural Communities of North Carolina, Fourth Approximation. North Carolina Natural Heritage Program, Division of Parks and Recreation, NCDENR, Raleigh, NC.

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# Figures

Figure 1. Service Area Map

Figure 2. Existing Conditions

Figure 3. Concept Design for Riparian Buffer Mitigation

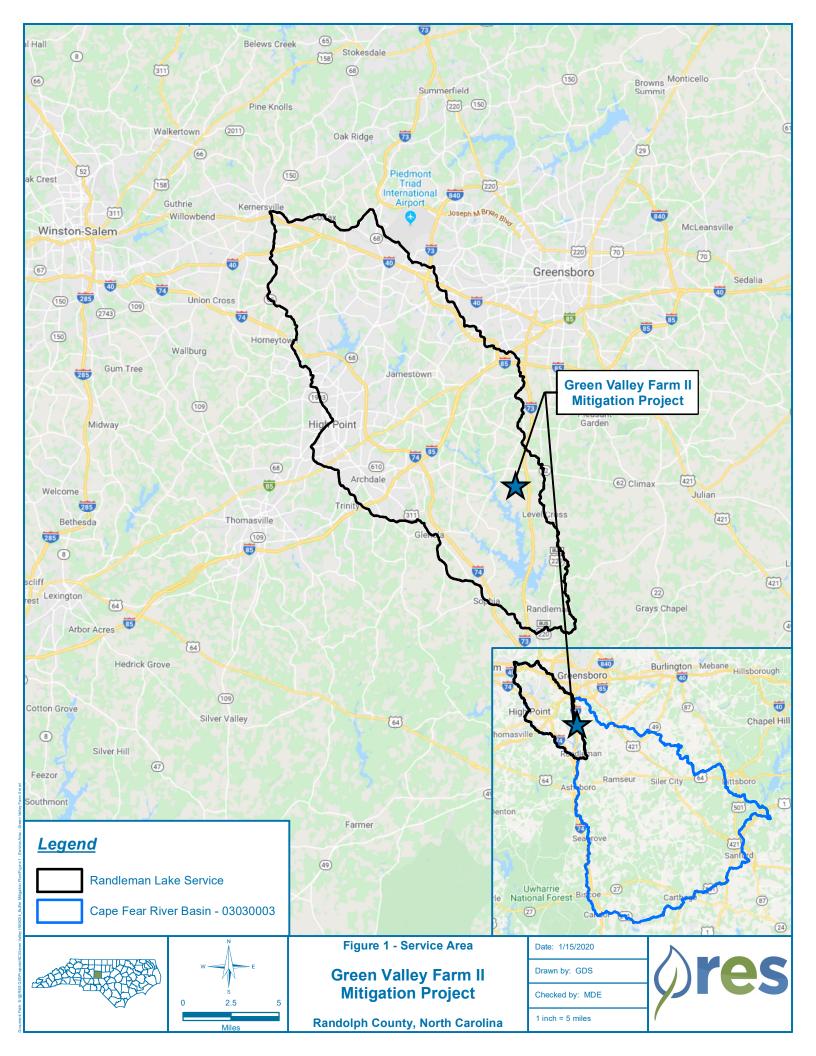
Figure 4. Project Vicinity

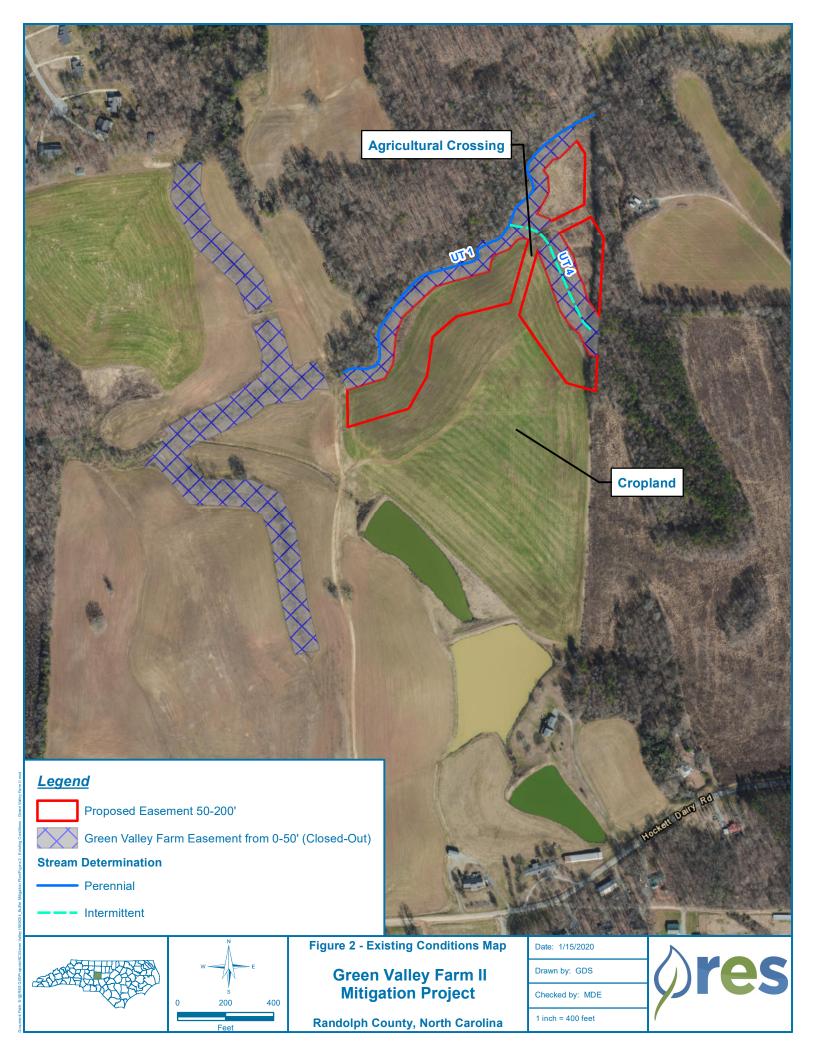
Figure 5. USGS Topographic Map

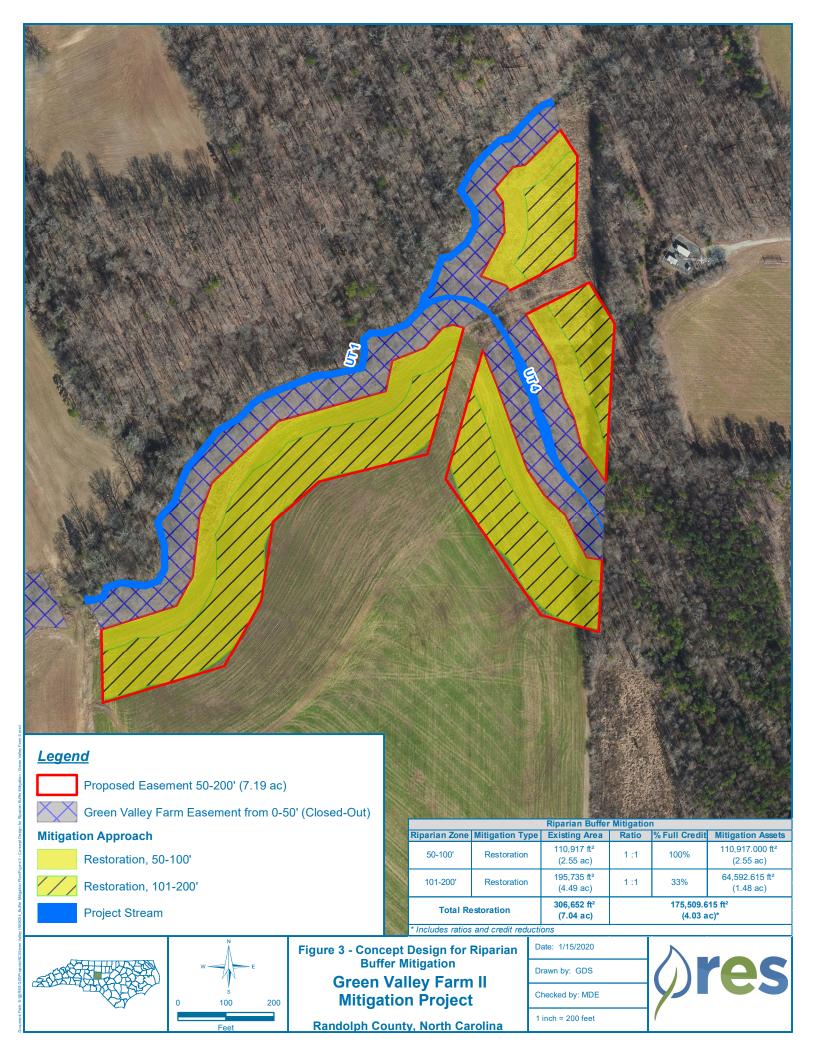
Figure 6. Soils Map

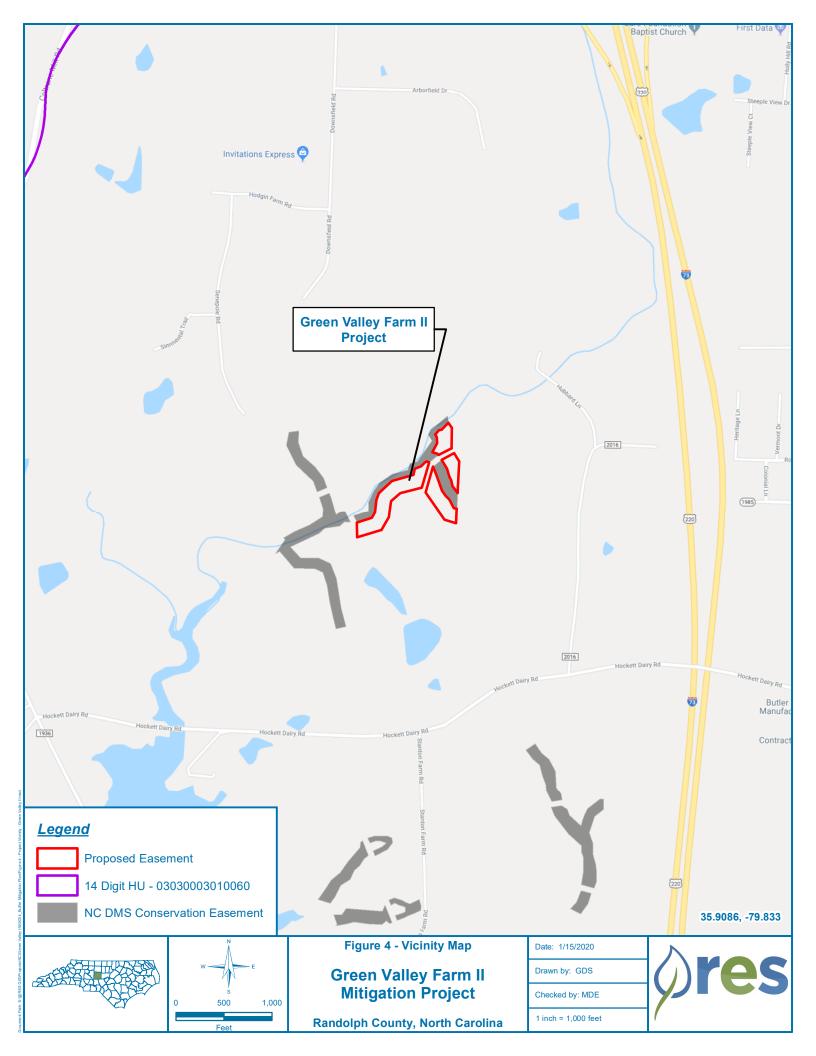
Figure 7: Constraints Map

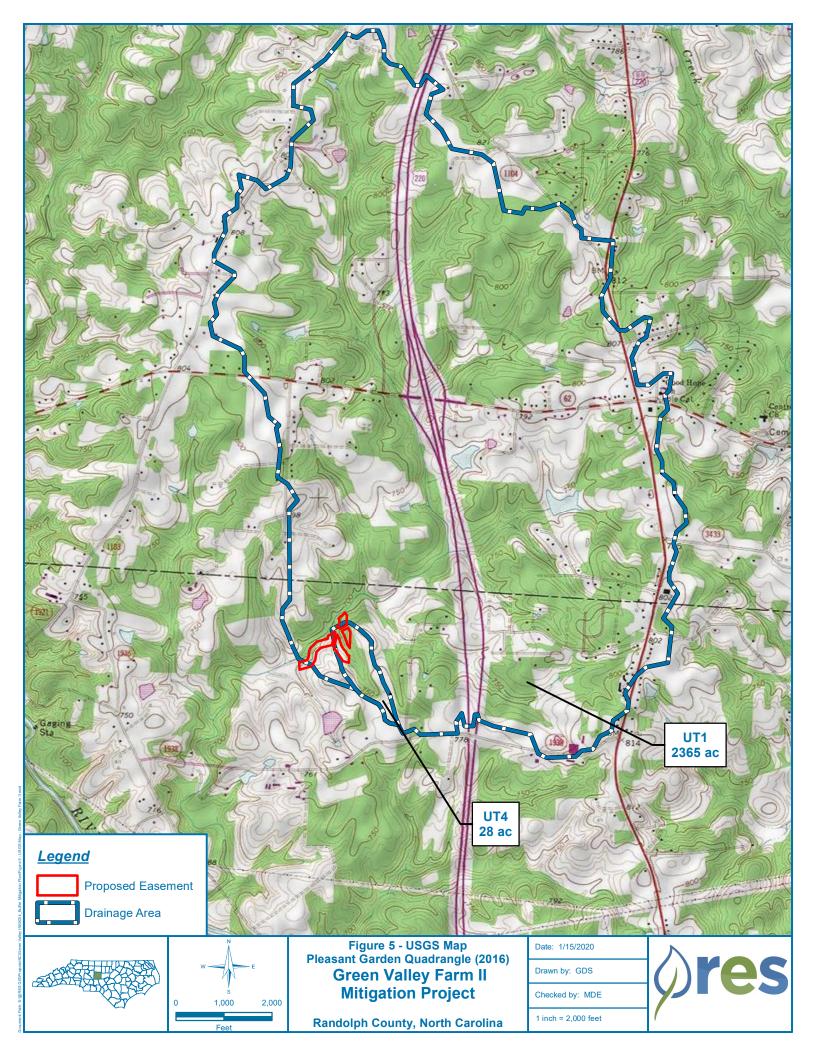
Figure 8: Monitoring Map

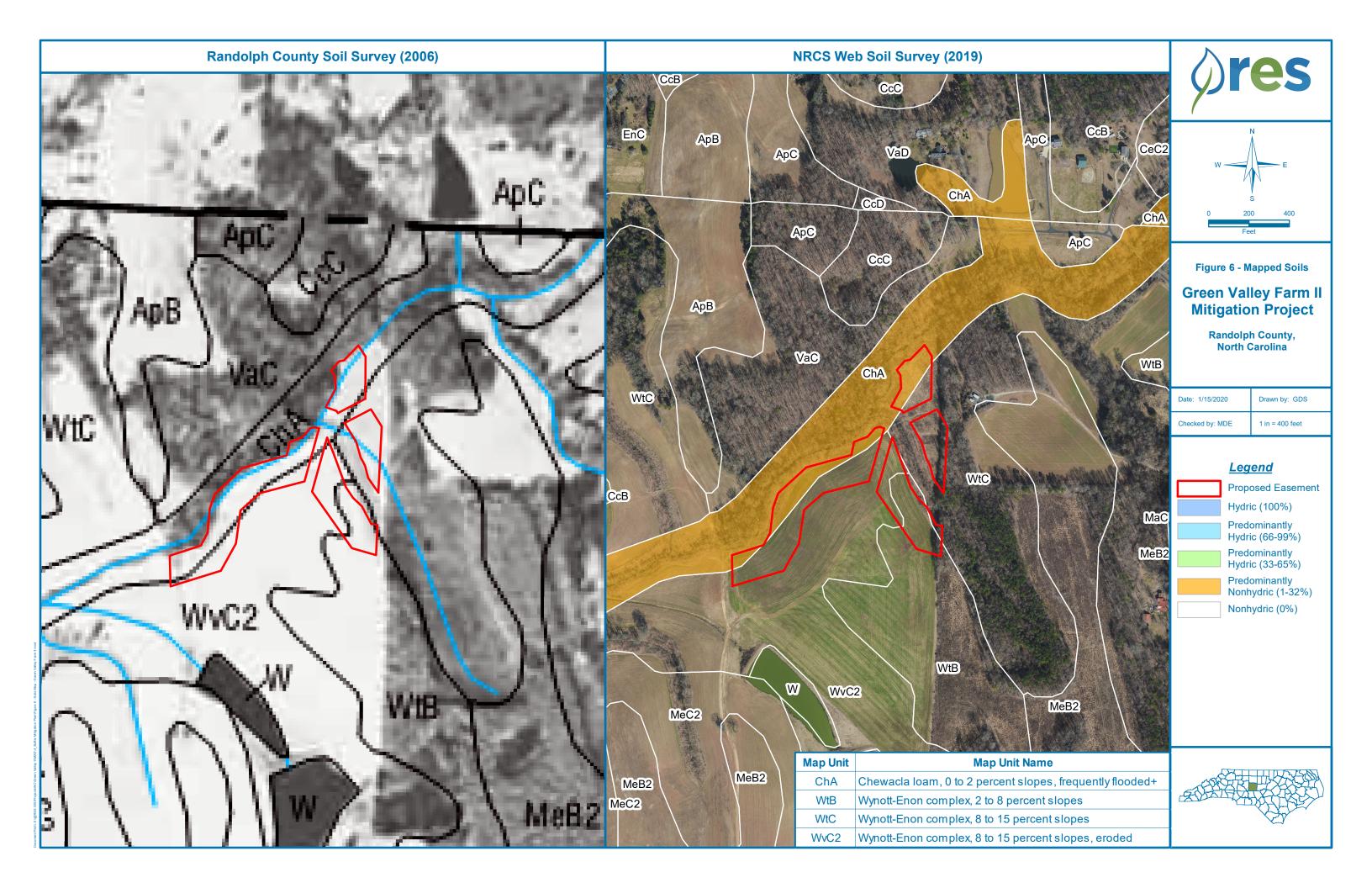


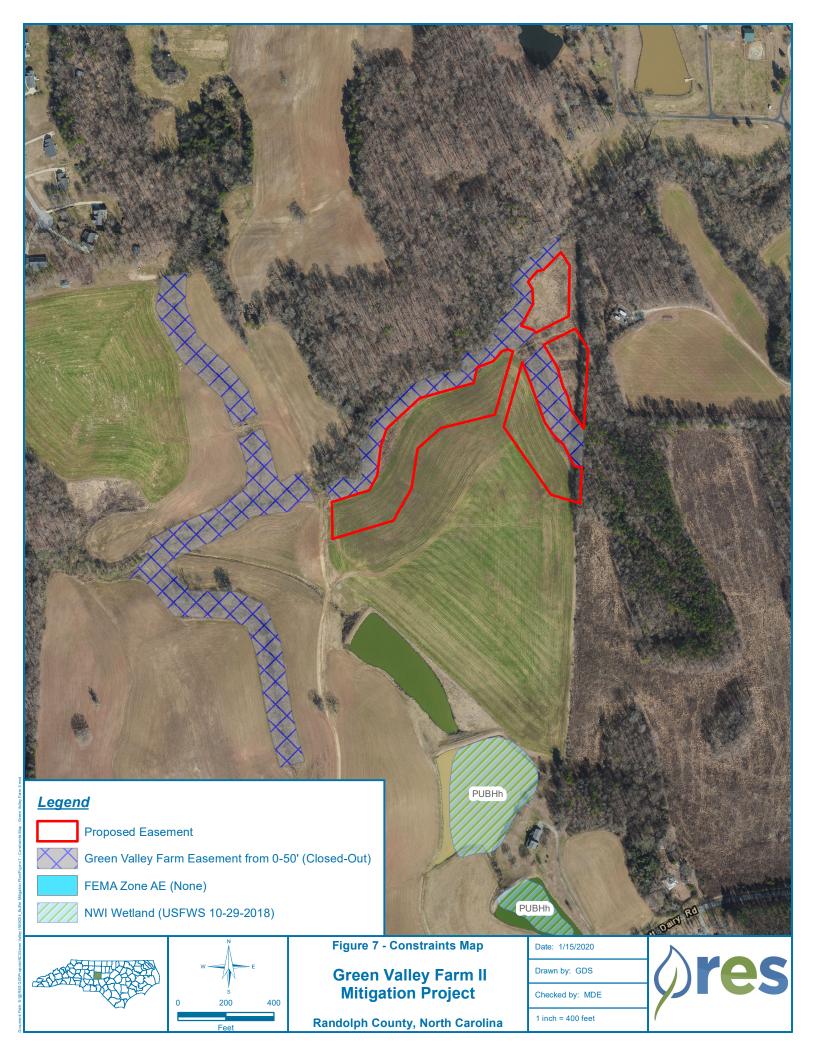


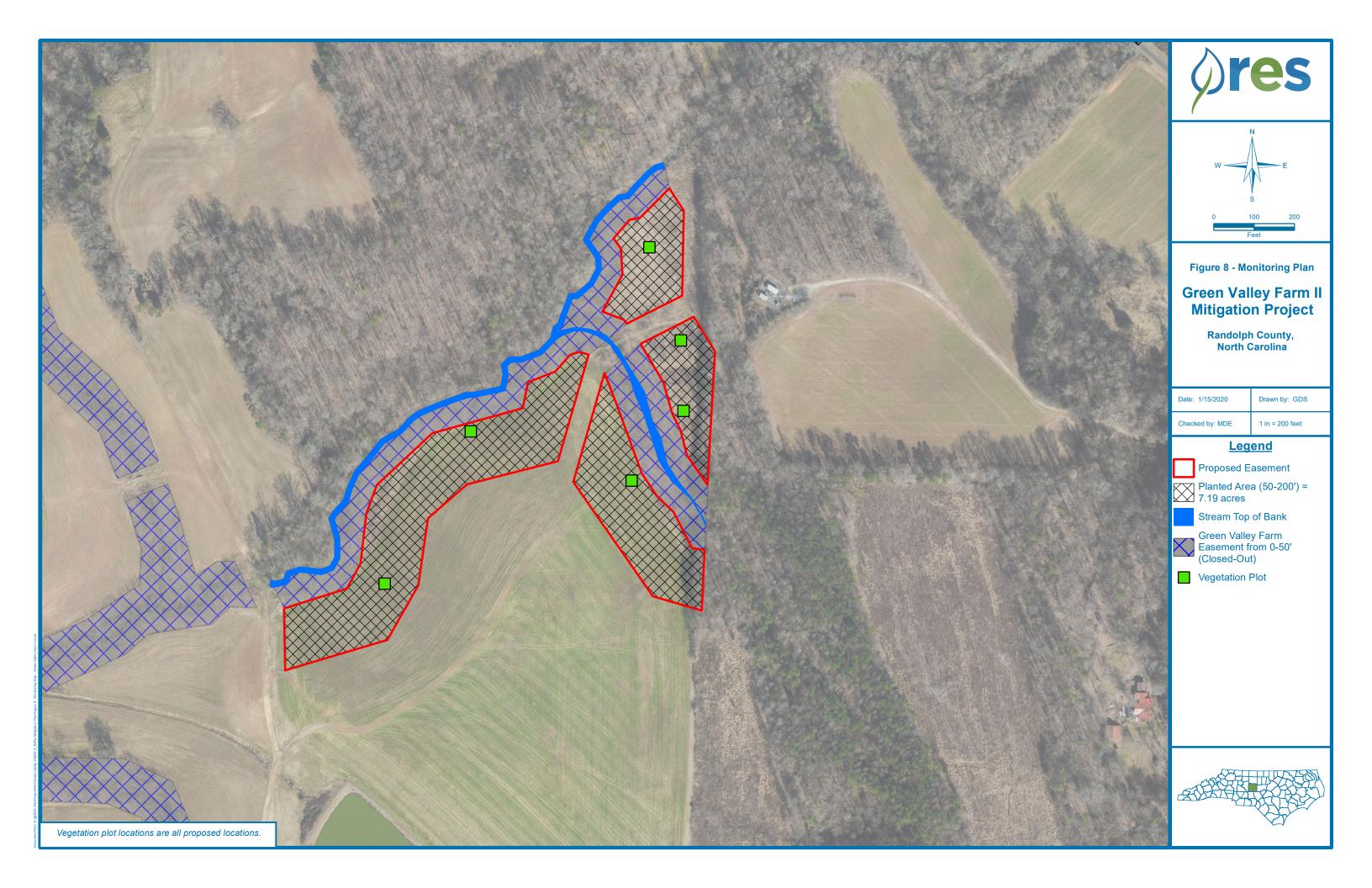












## **APPENDICES**

# Appendix A

- DWR Email from May 13, 2019
- NC DWR Stream Determination Letter
- NC DWR Buffer/Nutrient Mitigation Viability Letter

From: Dow, Jeremiah J
To: Kasey Carrere

Subject: [EXTERNAL] FW: site visits - Green Valley II, Rhapsody, Bucky"s Branch, Bohemian

Date: Wednesday, January 8, 2020 2:50:34 PM

Kasey, below is the email Katie was referring to in the Green Valley II comments.

From: Merritt, Katie

Sent: Monday, May 13, 2019 12:23 PM

**To:** Dow, Jeremiah J <jeremiah.dow@ncdenr.gov> **Cc:** Homewood, Sue <sue.homewood@ncdenr.gov>

**Subject:** RE: site visits - Green Valley II, Rhapsody, Bucky's Branch, Bohemian

### Hey Jeremiah,

No, neither Sue nor I need to visit any of the sites listed below, unless there are additional streams or ditches being added to the sites that are not already addressed in the viability letters. Viability letters for the sites below don't expire until August 2020. I remember the closeout for Green Valley I, so I have no problem proceeding with that site without a DWR site visit. I will be assigning a DWR ID # for DMS for each of these sites and will send you those numbers.

Thanks, Katie

From: Dow, Jeremiah J

**Sent:** Friday, May 10, 2019 11:48 AM

**To:** Merritt, Katie < <u>katie.merritt@ncdenr.gov</u>> **Cc:** Homewood, Sue < <u>sue.homewood@ncdenr.gov</u>>

**Subject:** site visits - Green Valley II, Rhapsody, Bucky's Branch, Bohemian

### Katie,

We are scheduling post-contract site visits and have four (4) sites listed below we need to ask you about:

ID#	Project Name	Location	Provider
100100	Bohemian	35.913067,	RES
100108	DOMERMAN	-79.892265	VED
100109	Dualis la Dranah	35.855950,	RES
100109	Bucky's Branch	-79.881048	KED
100110	Dhansadu	35.897756,	RES
100110	Rhapsody	-79.893784	KES
100111	Green Valley Farm II	35.901437,	RES
100111	Green valley Farm ii	-79.834085	VED

Bohemian, Bucky's Branch, and Rhapsody have had viability letters and stream calls completed (see attachments). Do you wish to re-visit these sites? Green Valley II is adding additional width to

buffers on a closed out buffer mitigation project (see attachment) and a stream determination was completed in 2017 since the original had expired. Do you want to revisit this site?

Thank you,

### Jeremiah Dow

NC DEQ Division of Mitigation Services 217 West Jones St. Raleigh, NC 27699-1652 (919) 707-8280 office (919) 218-0226 cell



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ROY COOPER
Governor
MICHAEL S. REGAN
Secretary
S. JAY ZIMMERMAN
Director

March 24, 2017

Mr. Brian Hockett Resources Environmental Solutions, LLC 302 Jefferson St, Suite 110 Raleigh, NC 27605

Subject: On-Site Determination for Applicability to the Randleman Lake Buffer Rules (15A NCAC 02B .0250)

Subject Property: Green Valley Farm Buffer Mitigation Site

Dear Mr. Hockett:

On February 23, 2017, at your request, I conducted an on-site determination to review the upper portion of UT4 located within the subject project area for a stream determination with regards to the above noted state regulations. You were present during the site visit.

At the time of the site determination the upper 400 feet of UT4, as shown on the attached Monitoring Plan View, was determined to be an intermittent stream and therefore is subject to the Randleman Lake Buffer Rules. Additionally, the riparian restoration that was constructed adjacent to this stream is viable for buffer mitigation credit provided that the vegetation condition meets success criteria.

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 mitigation rules and does not approve any activity within Waters of the United States or Waters of the State. If you have any additional questions or require additional information, please contact me at 336-776-96923 or sue.homewood@ncdenr.gov.

Sincerely,

Sue Homewood

Winston-Salem Regional Office

Enclosures: Green Valley Farm Buffer Map

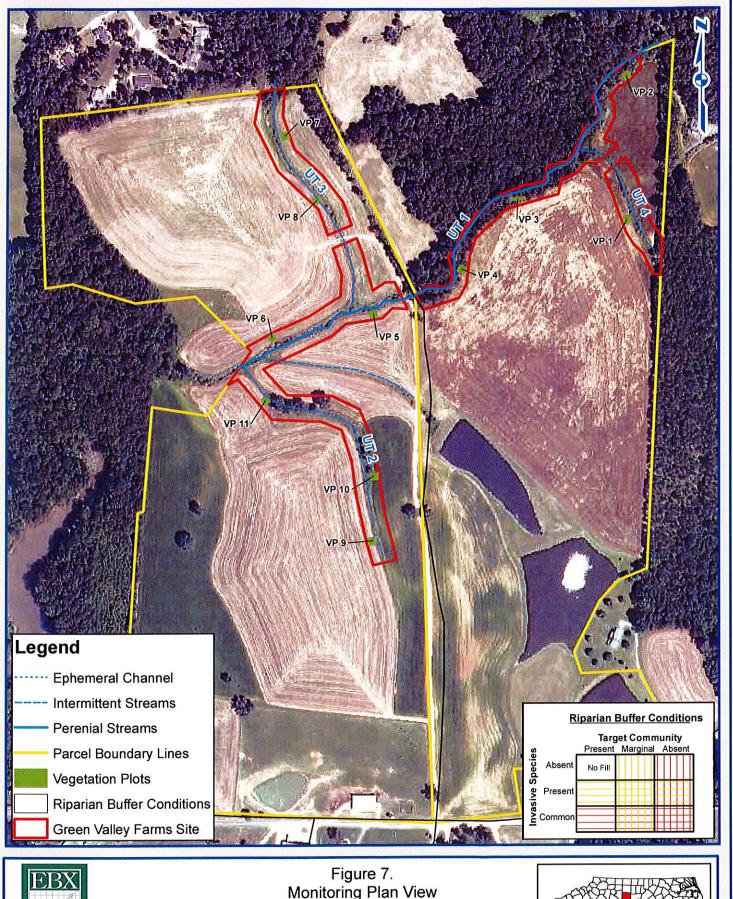
Cc: H. Needham Hockett Jr. c/o Brian Hockett (via email)

Lindsay Crocker, DMS (via email)

Katie Merritt, DWR Buffer Mitigation Coordinator (via email)

DWR electronic file 2014-0073

DWR, Winston-Salem Regional Office





Monitoring Plan View Green Valley Farms Buffer Restoration Site

200 400 1 inch = 400 feet



7 Valley Farms Green

# NC DWQ Stream Identification Form Version 4.11

Date: 1-6-2011	Project/Site: Reach UT1 Uposticen	Latitude:
Evaluator: BS代	County: Rando Jeh	Longitude:
Total Points: Stream is at least intermittent it > 19 or perennial if > 30*	Stream Determination (circle one)  Other Ephemeral Intermittent Perennial)  e.g. Quad Name:	Other e.g. Quad Name:

Absent Weak 0 1 0 1	Moderate  2 2 2 (2)	Strong
	2 5 S	E C
	200	
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0.5	9	1.5
0.5	0	1.5
No = 0	Yes	(P
		\(\frac{\dagger}{\dagger}\) \

11. Second or greater order channel

antificial ditches are not rated; soc discussions in manual

B. Hydrology (Subtotial = 9

12. Presence of Baseflow	0	-	2	<u>ම</u>
13. Iron oxidizing bacteria	ල	-	2	ဗ
14 Leaf litter	(1.5)	-	0.5	0
15. Sediment on plants or debris	0	0.5	€	1.5
16. Organic debris lines or piles	0	909	)-	1.5
17. Soil-based evidence of high water table?	N	No = 0	€ sex	ି ତ

₹ £ ₹ £ FACW = 0.75; OBL = 1.5 Other = 0 0.5 \*perennial streams may also be identified using other methods. See p. 35 of manual. C. Biology (Subtotal = 100 )

18. Fibrous roots in streambed
19. Rooted upland plants in streambed
20. Macrobenthos (note diversity and abundance)
21. Aquatic Mollusks
22. Fish
24. Amphibians
25. Argae
26. Algae

Sketch:

NC DWQ Stream Identification Form Version 4.11

Date: 1-6-201	Project/Site: Pred (17) Dans Prems.	Latitude:
Evaluator: 35   4	county: Rando to le	Longitude:
Total Points: Stream is at least informittent it ≥ 19 or perennial it ≥ 30.	le one)	Other e.g. Quad Name:

A. Geomorphology (Subtotal = )	Absent	Weak	Moderate	Strong
1ª. Continuity of channel bed and bank	0	-	2	<u>ම</u>
2. Sinuosity of channel along thatweg	0	-	Ø	3
3. In-channel structure: ex. riffle-pool, step-pool, ripple-pool sequence	0	1	2	<u></u>
Particle size of stream substrate	0	-	2	ଡ
5. Active/relict floodplain	0	-	Ø	3
6. Depositional bars or benches	0	-	Ø	3
7. Recent alluvial deposits	0	-	2	ම
8. Headcuts	0	-	3	3
9. Grade control	0	0.5	Ø	1.5
10. Natural valley	0	0.5	Φ	1.5
11. Second or greater order channel	ž	No = 0	Yes {3}	(3)
The state of the s				

artificial ditches are not rated; see discussions in manual
B. Hydrology (Subtotal = (S ))

12 Presence of Basednav

The second secon				
12. Presence of Baseflow	0	-	2	9
13. Iron oxidizing bacteria	0	9	2	3
14. Leaf litter	9	-	0.5	0
15. Sediment on plants or debris	0	0.5	D.	1.5
16. Organic debris lines or piles	0	0.5	1	$\theta$
17. Soil-based evidence of high water table?	Ž	9	Yes = 3	.3

00 9

19. Rooted uplants plants in successor		3		
20. Macrobenthos (note diversity and abundance)	1	0		2
21. Aquatic Mollusks	ı	0	1	2
22. Fish	í	0	0.5	1
23. Crayfish	,	0	0.5	7

2 5 5 5 E

FACW = 0.75; OBL = 1.5 Other = 0 \*perennial streams may also be identified using other methods. See p. 35 of manual 24. Amphibians 25. Algae 26. Wetland plants in streambed

Sketch

**NCDWQ STREAM CLASSIFICATION FORMS** 

NC DWQ Stream Identification Form Version 4.11

Date: 1- (0-20//	Project/Site: Reach Cot 4	Latitude:
Evaluator: BSH	county: Randolfed	Longitude:
Total Points: Stream is at least intermittent it ≥ 19 or perential if ≥ 30.	Stream Determination (circle one) Other Ephemeral Intermittent Perennial eg. Quad Name:	Other e.g. Quad Name:

ILE 19 Of Deferring III = 30	_			
	A Least	Mont	Modorato	Strong
A. Geomorphology (Subtotal = 100)	Absent	Wedk	Modelate	SIO II
1* Continuity of channel bed and bank	0	-	3	3
2. Sinucsity of channel along thalweg	0	Θ	2	3
3. in-channel structure: ex. riffle-pool, step-pool, ripole-pool sequence	0	0	2	က
4. Particle size of stream substrate	0	-	( <u>2</u> )	3
5. Active/relict floodplain	0	-	Ø	3
6 Depositional bars or benches	0	0	2	3
7. Recent alluvial deposits	0	$\mathcal{E}$	2	3
8. Headcuts	હ	-	2	3
9. Grade control	0	0.5	6	1.5
10. Natural valley	0	0.5	9	1.5
11 Second orgreater order channel	N	No ≠0N	Yes=3	.3

11. Second or greater order channel
artificial ditches are not rated; see discussions in manual
B. Hydrology (Subtotal = 14 )

				(
12. Presence of Baseflow	0	-	2	(§
13. Iron oxidizing bacteria	0	-	2	ଚ
14. Leaf litter	1.5	9	0.5	0
15. Sediment on plants or debris	0	(Z)	-	1.5
16. Organic debris lines or piles	0	(£0)	_	1.5
17. Soil-based evidence of high water table?	z	No = 0	yes€	<b>€</b>

1 2 0.5 1 0.5 1 0.5 1 FACW = 0.75; OBL = 1.5 Other = 3 C. Biology (Subtotal = 7 )

18 Fibrous roots in streambed 3

19. Rooted upand plants in streambed 3

20. Macrobenthos (note diversity and abundance) 7

21. Aquatic Mollusks 7

22. Caylish 7

23. Caylish 7

24. Amphibliars 7

25. Adgard plants in streambed 7

26. Mayard plants in streambed 7

27. Mayard plants in streambed 7

28. Wagand plants in streambed 7

29. Wagand plants in streambed 7

20. Wagand plants in streambed 7

20. Wagand plants in streambed 7

20. Wagand plants in streambed 7

25. Mayard Plants in streambed 7

26. Wagand plants in streambed 7

27. Mayard plants in streambed 7

28. Wagand plants in streambed 7

29. Mayard plants in streambed 7

20. Wagand plants i

Sketch:

### Appendix A DWQ Correspondence

### HOCKETT DAIRY AND GREEN VALLEY FARMS DWQ SITE VISIT SUMMARY

On September 1, 2011 NCDWQ met with NCEEP, EBX, and WK Dickson personnel to review the eligibility of the proposed Hockett Dairy and Green Valley Farms Buffer Mitigation sites in Randolph County, NC. The meeting attendees were:

- Sue Homewood, NCDWQ Surface Water Protection, Winston-Salem Regional Office
- Tim Baumgartner, NCEEP, Full Delivery Manager
- Martin Hovis, EBX
- Daniel Ingram, WK Dickson

The NCDWQ comments for each project site are summarized below. This memorandum also presents EBX's response to the NCDWQ comments.

#### HOCKETT DAIRY

UT1 –Ms. Homewood (NCDWQ) agreed that buffer restoration would be advantageous at this location due to the immediate proximity of Randleman Lake and the direct nutrient and sediment input from the cattle operations. However, Ms. Homewood felt this drainage lacked a defined channel and was not subject to the Randleman Buffer rules. Ms. Homewood stated that if the channel was contained in a gully such as the one on the back of the upstream dam, then the channel would qualify for buffer restoration credit. Ms. Homewood also stated that she could not define the top of bank location and would not be able to establish the buffer zones. For these reason Ms. Homewood felt the drainage feature was not suitable for mitigation. She did state that if a channel formed by the end of the five-year monitoring then the credits would be allowed. This results in a loss of 0.20 acres of buffer restoration and continued degradation of Randleman Lake.

EBX feels this determination is not appropriate for several reasons. The contributing watershed is 17.6 acres at the downstream end. Recent research by NCDWQ in this ecoregion (Carolina Slate Belt-A) has shown that stream channels form at a mean watershed size of 11.2 acres and intermittent channels are present in 75 percent of 14.47 acre watersheds (Mapping Headwater Streams: Intermittent and Perennial Headwater Stream Model Development and Spatial Application North Carolina Division of Water Quality Final Report for Federal Highway Administration Contract: Feasibility Study WBS: 36486.4.2, January 29, 2008). The upstream pond (Farm Pond 1) also provides hydrologic storage limiting channel forming flows. WK Dickson personnel observed seasonal stream flow in UT1 during the fall of 2010 and winter of 2011. Lastly, Keith Hockett, principle dairy farmer, stated that the UT1 channel was formerly gullied from cattle access and dam failures but was repaired at the request of NCDWQ. There is a defined drainage swale with FACW and OBL vegetation. EBX proposes the extent of the hydrophytic vegetation be considered the channel and buffer restoration be allowed for 50 feet extending outward from that point.

**Farm Pond 1** - Ms. Homewood agreed that buffer restoration would be advantageous at this location due to the immediate proximity of Randleman Lake and the direct nutrient

and sediment input from the cattle operations. However, Ms. Homewood felt that Farm Pond 1 lacked a connection to a downstream water body due to UT1 not being subject to the Randleman Buffer Rules. As a result, Farm Pond 1 is not subject to the Randleman Buffer rules. For these reasons Ms. Homewood felt the pond was not suitable for mitigation. She did state that if UT1 was contained in a defined channel then the Pond 1 buffer restoration credits would be allowed. This results in a loss of 0.50 acres of buffer restoration and continued degradation of Randleman Lake. In addition, a supplemental planted area (not for credit) of 0.63 acres is located adjacent to the proposed buffer restoration and would not be included in the project if no buffer credit is allowed on Farm Pond 1. NCDWQ had previously recommended planting this denuded area during a farm inspection.

EBX feels this determination is not appropriate for the reasons discussed above. UT1 should be considered an intermittent stream and subject to the Randleman Buffer Rules and allowing buffer restoration on Farm Pond 1.

UT2 – Ms. Homewood agreed with the Technical Proposal that the proposed 1.52 acres of UT2 buffer restoration is allowable and appropriate under the Randleman Buffer Rules.

**Farm Pond 2** – Ms. Homewood agreed with the Technical Proposal that the proposed 0.46 acres of Farm Pond 2 buffer restoration is allowable and appropriate under the Randleman Buffer Rules.

**UT3** – Ms. Homewood agreed with the Technical Proposal that the proposed 1.44 acres of UT3 buffer restoration is allowable and appropriate under the Randleman Buffer Rules.

**Farm Pond 3** – Ms. Homewood agreed with the Technical Proposal that the proposed 0.54 acres of Farm Pond 3 buffer restoration is allowable and appropriate under the Randleman Buffer Rules.

UT4 – Ms. Homewood agreed with the Technical Proposal that the proposed 4.35 acres of UT4 buffer restoration is allowable and appropriate under the Randleman Buffer Rules.

UT5 – Ms. Homewood agreed with the Technical Proposal that the proposed 1.00 acres of UT5 buffer restoration is allowable and appropriate under the Randleman Buffer Rules.

UT6 – Ms. Homewood agreed with the Technical Proposal that the proposed 1.78 acres of UT6 buffer restoration is allowable and appropriate under the Randleman Buffer Rules.

#### **GREEN VALLEY FARMS**

**UT1** – Ms. Homewood agreed with the Technical Proposal that the proposed 3.55 acres of UT1 buffer restoration is allowable and appropriate under the Randleman Buffer Rules.

UT2 – Ms. Homewood agreed with the Technical Proposal that the proposed 2.65 acres of UT2 buffer restoration is allowable and appropriate under the Randleman Buffer Rules.

**UT3** – Ms. Homewood agreed with the Technical Proposal that the proposed 2.30 acres of UT3 buffer restoration is allowable and appropriate under the Randleman Buffer Rules.

UT4 –Ms. Homewood Ms. Homewood felt the upper 400 linear feet (approximate) of this drainage feature was a linear wetland that lacked a defined channel and was not subject to the Randleman Buffer rules. Ms. Homewood also stated that she could not define the top of bank location and would not be able to establish the buffer zones. For these reason Ms. Homewood felt the upper UT4 drainage feature was not suitable for mitigation. She did state that if a channel formed by the end of the five-year monitoring then the credits would be allowed. This results in a loss of 0.92 acres of buffer restoration and continued degradation of Randleman Lake. Ms. Homewood agreed with the Technical Proposal that the lower 190 linear feet of UT4 buffer restoration is allowable and appropriate under the Randleman Buffer Rules, resulting in 0.28 acres of buffer restoration.

EBX feels this determination is not appropriate for several reasons. The contributing watershed is 19.2 acres. Recent research by NCDWQ in this ecoregion (Carolina Slate Belt-A) has shown that stream channels form at a mean watershed size of 11.2 acres and intermittent channels are present in 75 percent of 14.47 acre watersheds (Mapping Headwater Streams: Intermittent and Perennial Headwater Stream Model Development and Spatial Application North Carolina Division of Water Quality Final Report for Federal Highway Administration Contract: Feasibility Study WBS: 36486.4.2, January 29, 2008). Further, agricultural activities have resulted in heavy sediment loads entering the channel and filling/obscuring the channel. This is supported by the presence of a defined channel in the forested upstream reach. WK Dickson personnel observed seasonal stream flow in UT4 during the fall of 2010 and winter of 2011 and completed a NCDWQ Stream Identification Form that scored 26 points (intermittent). There is a defined drainageway swale with FACW and OBL vegetation. EBX proposes the extent of the hydrophytic vegetation be considered the channel and buffer restoration be allowed for 50 feet extending outward from that point.

### **Daniel Ingram**

From: Martin Hovis [martin@ebxusa.com]

Sent: Tuesday, February 28, 2012 12:53 PM

To: Daniel Ingram

Subject: RE: Hockett Dairy and Green Valley Farms Buffer Site Cape Fear 03

**From:** Homewood, Sue [mailto:sue.homewood@ncdenr.gov]

**Sent:** Monday, February 27, 2012 12:37 PM

To: Martin Hovis

Subject: RE: Hockett Dairy and Green Valley Farms Buffer Site Cape Fear 03

Hi Martin,

I confirm that these statements are all accurate. If there are intermittent or perennial streams in these locations, as determined by the NCDWQ Stream Determination Manual that is in use at that time, then buffer credit would be allowed.

Sue Homewood NC DENR Winston-Salem Regional Office Division of Water Quality 585 Waughtown Street Winston-Salem, NC 27107 Voice: (336) 771-4964

FAX: (336) 771-4630

E-mail correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties.

From: Martin Hovis [mailto:martin@ebxusa.com]

Sent: Friday, February 24, 2012 1:44 PM

To: Homewood, Sue

Subject: Hockett Dairy and Green Valley Farms Buffer Site Cape Fear 03

Mrs. Homewood

I hope you are doing well.

We are in the process of developing our Mitigation Plans for the Hockett Dairy and Green Valley Farms Buffer sites we were awarded for RFP# 16-003567.

Would you please confirm the following statement to be true regarding the buffer acreage for both Sites?

On September 01, 2011 the NCEEP, NCDWQ and EBX visited the Green Valley Farms and Hockett Dairy Buffer sites. Upon viewing the sites NCDWQ, Sue Homewood, noted two sections of concern.

Hockett Dairy UT1 —Ms. Homewood (NCDWQ) agreed that buffer restoration would be advantageous at this location due to the immediate proximity of Randleman Lake and the direct nutrient and sediment input from the cattle operations. However, Ms. Homewood felt this drainage lacked a defined channel and was not subject to the Randleman Buffer rules. Ms. Homewood stated that if the channel was contained in a gully, such as the one on the back of the upstream dam, then the channel would qualify for buffer restoration credit. Ms. Homewood also stated that she could not define the top of bank location and would not be able to establish the buffer zones. For these reasons Ms. Homewood felt the drainage feature was not suitable for mitigation. She did state that if a channel formed by the end of the five-year monitoring then the credits would be allowed.

Farm Pond 1 – Ms. Homewood agreed that buffer restoration would be advantageous at this location due to the

immediate proximity of Randleman Lake and the direct nutrient and sediment input from the cattle operations. However, Ms. Homewood felt that Farm Pond 1 lacked a connection to a downstream water body due to UT1 not being subject to the Randleman Buffer Rules. As a result, Farm Pond 1 is not subject to the Randleman Buffer rules. For these reasons Ms. Homewood felt the pond was not suitable for mitigation. She did state that if UT1 was contained in a defined channel then the Pond 1 buffer restoration credits would be allowed

Green Valley UT4 –Ms. Homewood felt the upper 309 linear feet of this drainage feature was a linear wetland that lacked a defined channel and was not subject to the Randleman Buffer rules. Ms. Homewood also stated that she could not define the top of bank location and would not be able to establish the buffer zones. For these reason Ms. Homewood felt the upper UT4 drainage feature was not suitable for mitigation. She did state that if a channel formed by the end of the five-year monitoring then the credits would be allowed. Ms. Homewood agreed with the Technical Proposal that the lower 190 linear feet of UT4 buffer restoration is allowable and appropriate under the Randleman Buffer Rules, resulting in 0.28 acres of buffer restoration.

EBX plans to plant trees and place a conservation easement over the areas in question (Hockett Dairy UT1 and Farm Pond 1, and Green Valley Farm's UT4 upper 309 Linear Feet) in anticipation that at the end of the 5 year monitoring period there will be a defined channel. We feel the watershed size and defined drainage swale would develop a channel formation if the access of equipment and cattle was eliminated.

### **Environmental Banc & Exchange, LLC**

Martin W. Hovis Project Manager 909 Capability Drive, Suite 3100

Dir: 919-829-9909 ext 24

Cell: 919-648-3661 Fax: 919-829-9913 www.ebxusa.com

### Appendix B

### Site Protection Instrument(s)

### **Site Protection Instruments**

- Recorded Conservation Easement
- Recorded Conservation Plat
- Landowner Authorization Form

BK 2680 PG 916 - 927 (12)

This Document eRecorded:

Fee: \$26.00 DocType: DEED Randolph County, North Carolina

Krista M. Lowe, Register of Deeds

DOC# 20090352 12/18/2019 02:07:20 PM

Tax: \$294.00

STATE OF NORTH CAROLINA

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

## RANDOLPH COUNTY

N 181 J.C. NI. D/O DINEGGEO GE GEOO	
Parcel Identifier No.: P/O PIN 7758-35-3599	

SPO File Number: 76-CM DMS Project Number: 100111

Prepared by: Office of the Attorney General and Kennon Crawer, PLLC

Property Control Section

Return to: NC Department of Administration

State Property Office 1321 Mail Service Center Raleigh, NC 27699-1321

this 17 day of <u>pecentrec</u>, 2019, by Kenneth G. Hockett (unmarried) ("Grantor"), whose mailing address is 960 Hockett Dairy Road, Randleman NC, 27317, 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.

Submitted electronically by "Kennon Craver, PLLC" in compliance with North Carolina statutes governing recordable documents and the terms of the submitter agreement with the Randolph County Register of Deeds.

## 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 7862.

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

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

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

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

WHEREAS, the acceptance of this instrument for and on behalf of the State of North Carolina was granted to the Department of Administration by resolution as approved by the

Governor and Council of State adopted at a meeting held in the City of Raleigh, North Carolina, on the 8<sup>th</sup> day of February 2000; and

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

WHEREAS, Grantor owns in fee simple certain real property situated, lying, and being in Randolph County, North Carolina (the "Property"), and being more particularly described as that certain parcel of land containing approximately 59.879 acres and being conveyed by a deed recorded in <a href="Deed Book 2109">Deed Book 2109</a>, at <a href="Page 14">Page 14</a> of the Randolph County Registry, North Carolina and to the Grantor through the Estate of Herschel Needham Hockett, Jr., Estate File No. 18-E-488, in the Office of the Randolph County Clerk of Court.

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:

BEING THOSE AREAS CONTAINING A TOTAL OF 7.190 ACRES, AS SHOWN ON PLAT OF SURVEY ENTITLED "CONSERVATION EASEMENT SURVEY FOR THE STATE OF NORTH CAROLINA DIVISION OF MITIGATION SERVICES, GREEN VALLEY II", DMS ID #: 100111, SPO #: 76-CM, PROPERTY OF KENNETH G HOCKETT, DATED JUNE 1, 2019, PREPARED BY C. COLE, PLS NUMBER L-5008 AND RECORDED IN THE OFFICE OF THE RANDOLPH COUNTY, NORTH CAROLINA REGISTER OF DEEDS AT PLAT BOOK 163, PAGE 22 (THE "SURVEY"), AND BEING FURTHER DESCRIBED AS FOLLOWS:

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.

Kunth B. Worker (SEAL)

Kenneth G. Hockett (unmarried)

NORTH CAROLINA COUNTY OF 2 AND DOLPH

I, W. JUDSON 5M17H, a Notary Public in and for the County and State aforesaid, do hereby certify that Kenneth G. Hockett (unmarried), Grantor personally appeared before me this day and acknowledged the execution of the foregoing instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and Notary Seal this the 17th day of December, 2019.

W Judson Smith Notary Public Caswell County
North Carolina
My Commission Expires 10/6/2020

Signature of Notary Public W. JUDSON SMITH

Printed Name of Notary Public

My commission expires: 10

## **EXHIBIT A**

(Conservation Easement Area)

CONSERVATION EASEMENT "A" 155,786 S.F. +/- 3.576 ACRES

CONSERVATION EASEMENT "B" 76,991 S.F. +/- 1.767 ACRES

BEGINNING AT A SET #4 REBAR BEING THE MOST NORTHERN CORNER OF THE EASEMENT DESCRIBED HEREIN; THENCE \$21°24'59"E 78.97' TO A SET #4 REBAR; THENCE \$19°49'43"E 186.99'TO A SET #4 REBAR; THENCE \$34°06'50"E 65.55' TO A SET #4 REBAR; THENCE \$45°56'27"E 58.27' TO A SET #4 REBAR; THENCE \$27°17'50"E 100.62' TO A SET #4 REBAR; THENCE \$81°54'18"E 31.27' TO A SET #4 REBAR; THENCE \$02°37'45"W 150.51' TO A SET #4 REBAR; THENCE N73°44'15"W 126.06' TO A SET #4 REBAR; THENCE N34°54'07"W 345.43' TO A SET #4 REBAR; THENCE N16°02'31"E 280.70' TO THE POINT AND PLACE OF BEGINNING, CONTAINING 76,991 SQUARE FEET, MORE OR LESS.

# CONSERVATION EASEMENT "C" 38,647 S.F. +/- 0.888 ACRES

BEGINNING AT A SET #4 REBAR BEING THE MOST NORTHERN CORNER OF THE EASEMENT DESCRIBED HEREIN; THENCE S31°21'05"E 101.04' TO A SET #4 REBAR; THENCE S03°15'07"W 314.00' TO A SET #4 REBAR; THENCE N34°56'16"W 89.09' TO A SET #4 REBAR; THENCE N14°05'54"W 63.83' TO A SET #4 REBAR; THENCE N26°55'42"W 21.31' TO A SET #4 REBAR; THENCE N26°55'39"W 23.59' TO A SET #4 REBAR; THENCE N16°02'48"W 82.44' TO A SET #4 REBAR; THENCE N30°43'50"W 110.95' TO A SET #4 REBAR; THENCE N63°04'00"E 148.52' TO THE POINT AND PLACE OF BEGINNING, CONTAINING 38,647 SQUARE FEET, MORE OR LESS.

# CONSERVATION EASEMENT "D" 41,780 S.F. +/- 0.959 ACRES

BEGINNING AT A SET #4 REBAR BEING THE MOST NORTHERN CORNER OF THE EASEMENT DESCRIBED HEREIN; THENCE S33°01'27"E 65.89' TO A SET #4 REBAR; THENCE S01°07'48"W 210.71' TO A SET #4 REBAR; THENCE S63°06'00"W 154.29' TO A SET #4 REBAR; THENCE N34°24'12"W 12.71' TO A SET #4 REBAR; THENCE N69°29'39"W 56.57' TO A SET #4 REBAR; THENCE N28°37'06"E 104.33' TO A SET #4 REBAR; THENCE N03°43'18"W 64.26' TO A SET #4 REBAR; THENCE N34°36'41"W 31.30' TO A SET #4 REBAR; THENCE N40°27'42"E 60.46' TO A SET #4 REBAR; THENCE N78°51'32"E 26.98' TO A SET #4 REBAR; THENCE N44°49'11"E 102.54' TO THE POINT AND PLACE OF BEGINNING, CONTAINING 41,780 SQUARE FEET, MORE OR LESS.

BK 2680 PG 928 - 936 (9) This Document eRecorded:

Fee: \$26.00 DocType: AGMT Randolph County, North Carolina Krista M. Lowe, Register of Deeds

DOC# 20090353 12/18/2019 02:07:21 PM

Tax: \$0.00

# WATER QUALITY PROJECT EASEMENT AND AGREEMENT

Excise Tax: \$

Parcel Identifier No.: PIN 7758-35-3599 (REID: 48021)

Brief description for the Index: 7.190 (+/-) acre Temporary Easement in Randolph County, NC

THIS WATER QUALITY PROJECT EASEMENT AND AGREEMENT (this "Agreement") is made this 17 day of 10clm) of 1, 2019, by and between **KENNETH G. HOCKETT** (unmarried), whose mailing address is 960 Hockett Dairy Road, Randleman NC, 27317 ("Grantor"), and **ENVIRONMENTAL BANC & EXCHANGE, LLC**, a Maryland limited liability company, whose mailing address is 6575 West Loop South, Suite 300, Bellaire, Texas 77401 ("Grantee", and collectively with Grantor, the "Parties"), for the purpose of conveying an easement on certain real property owned by Grantor to Grantee in accordance with the terms and conditions set forth below.

## WITNESSETH

WHEREAS, Grantor owns certain real property situated, lying and being in Randolph County, North Carolina, more particularly described in <a href="Exhibit A">Exhibit A</a>, attached hereto and incorporated herein (the "Property"); and

WHEREAS, Grantee intends to establish an ecological restoration, conservation and/or mitigation project (the "<u>Project</u>") on a portion of the Property, identified in <u>Exhibit B</u>, attached hereto and incorporated herein (the "<u>Conservation Area</u>"), in accordance with applicable federal, state, and local laws and regulations.

NOW, THEREFORE, for and in consideration of the covenants and representations contained herein and for other good and valuable consideration, the receipt and legal sufficiency of which is hereby acknowledged, Grantor does hereby give, grant and convey to Grantee an easement upon, across and over the Property, for the purposes of accessing the Conservation Area, and upon, across and over the Conservation Area, for Grantee to use the Conservation Area in the manner and for the purposes described herein.

## **AGREEMENTS**

- 1. Easement Grant. Grantor hereby grants (a) to Grantee, it agents, employees, contractors, successors and assigns (the "Grantee Parties") an easement (the "Easement") to enter the Property and Conservation Area for purposes related to the entitlement, design, development, construction, operation, monitoring and maintenance of the Project, including the activities specified in Section 3 hereof (collectively, "Project Activities"), and (b) to Grantee the sole and exclusive right to conduct the Project Activities, and all activities related thereto, within the Conservation Area and carry out any and all activities on or relating to the Conservation Area that are consistent with the creation, use, management, operation, monitoring, preservation and care of the Project within the Conservation Area. Each of the Grantee Parties shall have the full right of ingress, egress, and regress necessary and convenient for the full and complete use by it of the easement granted herein for purposes of evaluating the Project or Project Activities and reviewing compliance with applicable requirements.
- 2. <u>Term of Agreement</u>. The rights granted to, and created in favor of, Grantee under this Agreement shall terminate on December 31, 2031, unless sooner terminated or modified as provided herein. This Agreement runs with the land and binds the parties hereto and their successors and assigns.
- 3. <u>Permitted Project Activities</u>. During the term of this Agreement, and subject to compliance with the provisions hereof, Grantee, its successors and assigns, shall have the following rights, which shall not be impeded, restricted or diminished in any way, directly or indirectly, by Grantor or by Grantor's heirs, successors or assigns:
- (a) To apply for, obtain, amend, renew, transfer and surrender such plans, permits, licenses, approvals, permissions or other instruments from governmental entities that may become necessary to the purposes authorized by this Agreement. Upon request of Grantee, Grantor shall promptly and without delay, and without cost to Grantor, provide any authorization, consent, information or reasonable assistance that may be necessary to obtain any of the foregoing and shall not oppose, or assist anyone else in opposing, any application by Grantee for any permit, approval or license necessary to accomplish the purposes authorized by this Agreement;
- (b) To conduct activities on or relating to the Conservation Area as necessary to ensure the successful establishment, operation and maintenance of the Project;
- (c) To have, hold and sell and to record any sale of credits from the Project and Project Activities for such consideration and upon such terms as may be agreed upon between Grantee and the purchasers of any such credits (and, Grantor acknowledges and agrees that any such credits and all benefits and proceeds therefrom are the sole property of Grantee and Grantor has no economic or ownership interest in the same or claim thereto by virtue of this Agreement); and

- (d) To use, without charge, all public and private roads located on the Property for the purpose of accessing the Conservation Area to conduct the Project Activities, and to the extent Grantee is unable to reasonably access any portion of the Conservation Area by way of a public or private road, Grantee, its successors or assigns, has the right of ingress and egress over other portions of the Property, at such locations preferred by Grantor and reasonably acceptable to Grantee, but only in such manner as will not cause unreasonable damage to the Property.
- 4. <u>Restrictions</u>. Grantor may not take any action that would have a material, adverse impact on Grantee's ability to obtain the approval of the Project from the applicable governmental entities. Grantor shall not execute or subject the Property or consent to any mortgages, liens, encumbrances, covenants, conditions, restrictions, easements, or rights-of-way, or seek any zoning changes or take any other action which may affect or modify the status of title or otherwise affect the Conservation Area without Grantee's prior written consent, which shall not be unreasonably withheld.
- 5. <u>Assignment</u>. This Agreement may be transferred or assigned, in whole or in part, by Grantee, with Grantor's prior written consent, which shall not be unreasonably withheld.
- 6. <u>Amendment and Termination of Agreement</u>. This Agreement may be terminated or modified only by written agreement of the Parties, except as otherwise provided herein. In the event the Project is terminated, Grantee shall retain an easement in, on, over, across and through such other portions of the Property, should such retention be necessary for any of Grantee's continuing requirements of the Project. However, Grantee, at any time in its sole and absolute discretion, may voluntarily terminate this Agreement by executing and recording a termination of the same.
- 7. Miscellaneous. Any general rule of construction to the contrary notwithstanding, this Agreement shall be liberally construed in favor of the Grantee to effect the purposes of this Agreement. If any provision of this Agreement, or its application to any person or circumstance, is determined by a court of competent jurisdiction to be invalid, the remaining provisions of this Agreement shall not be affected thereby. This Agreement, including any attachments hereto as referenced herein, sets forth the entire Agreement of the Parties with respect to the matters herein and supersedes all prior discussions, negotiations, understandings or agreements relating hereto. The interpretation and performance of this Agreement shall be governed by the laws of the state of North Carolina. This Agreement is intended solely for the purpose of conveying a property interest to Grantee upon the terms and conditions set forth herein, and creates no joint venture or other business relationship between the Parties. This Agreement is solely for the benefit of the Parties and no third party beneficiary is or is intended to be created hereby. This Agreement may be executed by the Parties in any combination, in one or more counterparts, all of which together shall constitute one and the same instrument.
- 8. <u>Notices</u>. Any notices, demands, requests, consents, approvals, or communications between the Parties that are required pursuant to this Agreement shall be in writing and shall be deemed to have been duly given (i) upon receipt, if delivered by hand, or (ii) upon posting, if mailed, postage prepaid, by certified mail, return receipt requested, or (iii) the business day following sending if sent by Federal Express or other nationally recognized overnight courier service or Express Mail, or (iv) upon receipt if sent by facsimile against machine confirmation, and addressed as follows:

## To Grantor:

Kenneth G. Hockett 960 Hockett Dairy Road Randleman NC 27317

## To Grantee:

Environmental Banc & Exchange, LLC 6575 West Loop South, Suite 300 Bellaire, TX 77401 Attn: Stephen Colomb

# With copies to:

Environmental Banc & Exchange, LLC 302 Jefferson Street, Suite 110 Raleigh, NC 27605 Attn: Judson Smith

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

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

# **GRANTOR:**

Kenneth G. Hockett (unmarried)

(SEAL)

NORTH CAROLINA
COUNTY OF RANDERPH

I, W. J. J. SM 1777 a Notary Public in and for the County and State aforesaid, do hereby certify that Kenneth G. Hockett, Grantor, personally appeared before me this day and acknowledged the execution of the foregoing instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and Notary Seal this the  $\frac{1}{2}$  day of

December, 2019.

[SEAL]

W Judson Smith
Notary Public
Caswell County
North Carolina
My Commission Expires 10/6/2020

Signature of Notary Public

W.JUDSON SMITH Printed Name of Notary Public,

My commission expires:  $\frac{10}{6}$ 

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

# **GRANTEE:**

ENVIRONMENTAL BANC & EXCHANGE, LLC, a Maryland limited liability company

By: Resource Environmental Solutions, LLC, a Louisiana limited liability company, its Manager

Name: MANIEC B. RANSAY

Title: GENERAL MANAGER

STATE OF	orto	Carolina	<u> </u>	<del></del>
COUNTY OF _	Wal	Q_	· · · · · · · · · · · · · · · · · · ·	

I, a Notary Public of the State and County aforesaid, do hereby certify that Daniel B. Foursy personally appeared before me this day and acknowledged that he/she is the <u>Greneral Manager</u> of Resource Environmental Solutions, LLC, a Louisiana limited liability company, manager of Environmental Banc & Exchange, LLC, a Maryland limited liability company, and that by authority duly given, and as the act of the Grantee, he/she signed the foregoing instrument in its name, on its behalf and as its act and deed for the purposes stated herein.

Witness my hand and official stamp or seal, this the 17 day of December, 2019.

WILLIAM A JAMES
Notery Public, North Carelina
Wake County
My Commission Expires
November 04, 2023

[SEAL]

Signature of Notary Public

William A. James

Printed Name of Notary Public

My commission expires:  $\frac{11}{4}2023$ 

# **EXHIBIT A**

# Legal Description of the Property

BEING that 59.879 acre, more or less, tract or parcel of real property situated in Randolph County, North Carolina, located at or near Hockett Dairy Road, being identified by PIN Number 7758-35-3599, and being all or a portion of the property conveyed to Herschel Needham Hockett, Jr. by deed recorded in <u>Deed Book 2109</u>, at <u>Page 14</u> of the Randolph County Registry, North Carolina Registry. See Randolph County, North Carolina, Estate File No. <u>18 E 488</u> for further chain of title reference.

# **EXHIBIT B**

(Conservation Area)

CONSERVATION EASEMENT "A" 155,786 S.F. +/- 3.576 ACRES

BEGINNING AT A SET #4 REBAR BEING THE MOST NORTHEASTERN CORNER OF THE EASEMENT DESCRIBED HEREIN; THENCE \$16°02'31"W 274.58 TO A SET #4 REBAR BEING THE MOST SOUTHEASTERN CORNER OF THE EASEMENT DESCRIBED HEREIN; THENCE \$75°50'15"W 232.49' TO A SET #4 REBAR; THENCE \$48°47'28"W 128.01' TO A SET #4 REBAR; THENCE \$08°24'13"W 167.83' TO A SET #4 REBAR; THENCE \$29°32'52"W 155.07' TO A SET #4 REBAR; THENCE \$73°23'03"W 264.03' TO A SET #4 REBAR; THENCE N01°08'33"W 153.04' TO A SET #4 REBAR; THENCE N72°24'09"E 163.44' TO A SET #4 REBAR; THENCE N29°01'03"E 69.88' TO A SET #4 REBAR; THENCE N06°25'34"E 125.80' TO A SET #4 REBAR; THENCE N20°14'06"E 75.38' TO A SET #4 REBAR; THENCE N47°10'09"E 187.74' TO A SET #4 REBAR; THENCE N74°26'06"E 232.56' TO A SET #4 REBAR; THENCE N11°46'13"E 66.05' TO A SET #4 REBAR; THENCE N68°53'32"E 71.89' TO A SET #4 REBAR; THENCE N41°39'06"E 56.28' TO A SET #4 REBAR; THENCE N73°05'49"E 23.18' TO A SET #4 REBAR; THENCE S72°47'25"E 24.06' TO THE POINT AND PLACE OF BEGINNING; CONTAINING 155,786 SQUARE FEET, MORE OR LESS.

CONSERVATION EASEMENT "B" 76,991 S.F. +/- 1.767 ACRES

BEGINNING AT A SET #4 REBAR BEING THE MOST NORTHERN CORNER OF THE EASEMENT DESCRIBED HEREIN; THENCE \$21°24'59"E 78.97' TO A SET #4 REBAR; THENCE \$19°49'43"E 186.99'TO A SET #4 REBAR; THENCE \$34°06'50"E 65.55' TO A SET #4 REBAR; THENCE \$45°56'27"E 58.27' TO A SET #4 REBAR; THENCE \$27°17'50"E 100.62' TO A SET #4 REBAR; THENCE \$81°54'18"E 31.27' TO A SET #4 REBAR; THENCE \$02°37'45"W 150.51' TO A SET #4 REBAR; THENCE N73°44'15"W 126.06' TO A SET #4 REBAR; THENCE N34°54'07"W 345.43' TO A SET #4 REBAR; THENCE N16°02'31"E 280.70' TO THE POINT AND PLACE OF BEGINNING, CONTAINING 76,991 SQUARE FEET, MORE OR LESS.


CONSERVATION EASEMENT "C" 38,647 S.F. +/- 0.888 ACRES

BEGINNING AT A SET #4 REBAR BEING THE MOST NORTHERN CORNER OF THE EASEMENT DESCRIBED HEREIN; THENCE S31°21'05"E 101.04' TO A SET #4 REBAR; THENCE S03°15'07"W 314.00' TO A SET #4 REBAR; THENCE N34°56'16"W 89.09' TO A SET #4 REBAR; THENCE N14°05'54"W 63.83' TO A SET #4 REBAR; THENCE N26°55'42"W 21.31' TO A SET #4 REBAR; THENCE N26°55'39"W 23.59' TO A SET #4 REBAR; THENCE N16°02'48"W 82.44' TO A SET #4 REBAR; THENCE N30°43'50"W 110.95' TO A SET #4 REBAR; THENCE N63°04'00"E 148.52' TO THE POINT AND PLACE OF BEGINNING, CONTAINING 38,647 SQUARE FEET, MORE OR LESS.

# CONSERVATION EASEMENT "D" 41,780 S.F. +/- 0.959 ACRES

BEGINNING AT A SET #4 REBAR BEING THE MOST NORTHERN CORNER OF THE EASEMENT DESCRIBED HEREIN; THENCE S33°01'27"E 65.89' TO A SET #4 REBAR; THENCE S01°07'48"W 210.71' TO A SET #4 REBAR; THENCE S63°06'00"W 154.29' TO A SET #4 REBAR; THENCE N34°24'12"W 12.71' TO A SET #4 REBAR; THENCE N69°29'39"W 56.57' TO A SET #4 REBAR; THENCE N28°37'06"E 104.33' TO A SET #4 REBAR; THENCE N03°43'18"W 64.26' TO A SET #4 REBAR; THENCE N34°36'41"W 31.30' TO A SET #4 REBAR; THENCE N40°27'42"E 60.46' TO A SET #4 REBAR; THENCE N78°51'32"E 26.98' TO A SET #4 REBAR; THENCE N44°49'11"E 102.54' TO THE POINT AND PLACE OF BEGINNING, CONTAINING 41,780 SQUARE FEET, MORE OR LESS.

TOGETHER WITH RIGHTS OF ACCESS OVER, ACROSS AND THROUGH THE PROPERTY DESCRIBED IN EXHIBIT A FOR THE PURPOSES OF GRANTEE FULFILLING ITS RIGHTS AND OBLIGATIONS UNDER THIS AGREEMENT.



REVIEW OFFICER CERTIFICATION

I, Kindely J. Heinest review officer of Randolph County, Certify that the Map or Plat to Which this certification is affixed Meets all Statuary requirements for recording for Which the Review officer has responsibility as Provided by Law.

Kunberily J. Herry 12/18/19
REVIEW OFFICER

REVIEW OFFICER \*\*

RANDOLPH COUNTY MAPPING DEPARTMENT

STATE OF NORTH CAROLINA, RANDOLPH COUNTY

THE FOREGOING CERTIFICATE OF, NOTARY PUBLIC, IS CERTIFIED TO BE CORRECT.

THIS INSTRUMENT WAS PRESENTED FOR REGISTRATION AND RECORDED IN MAP

THIS \_\_\_\_ DAY OF \_\_\_\_, 20 \_\_\_\_AT

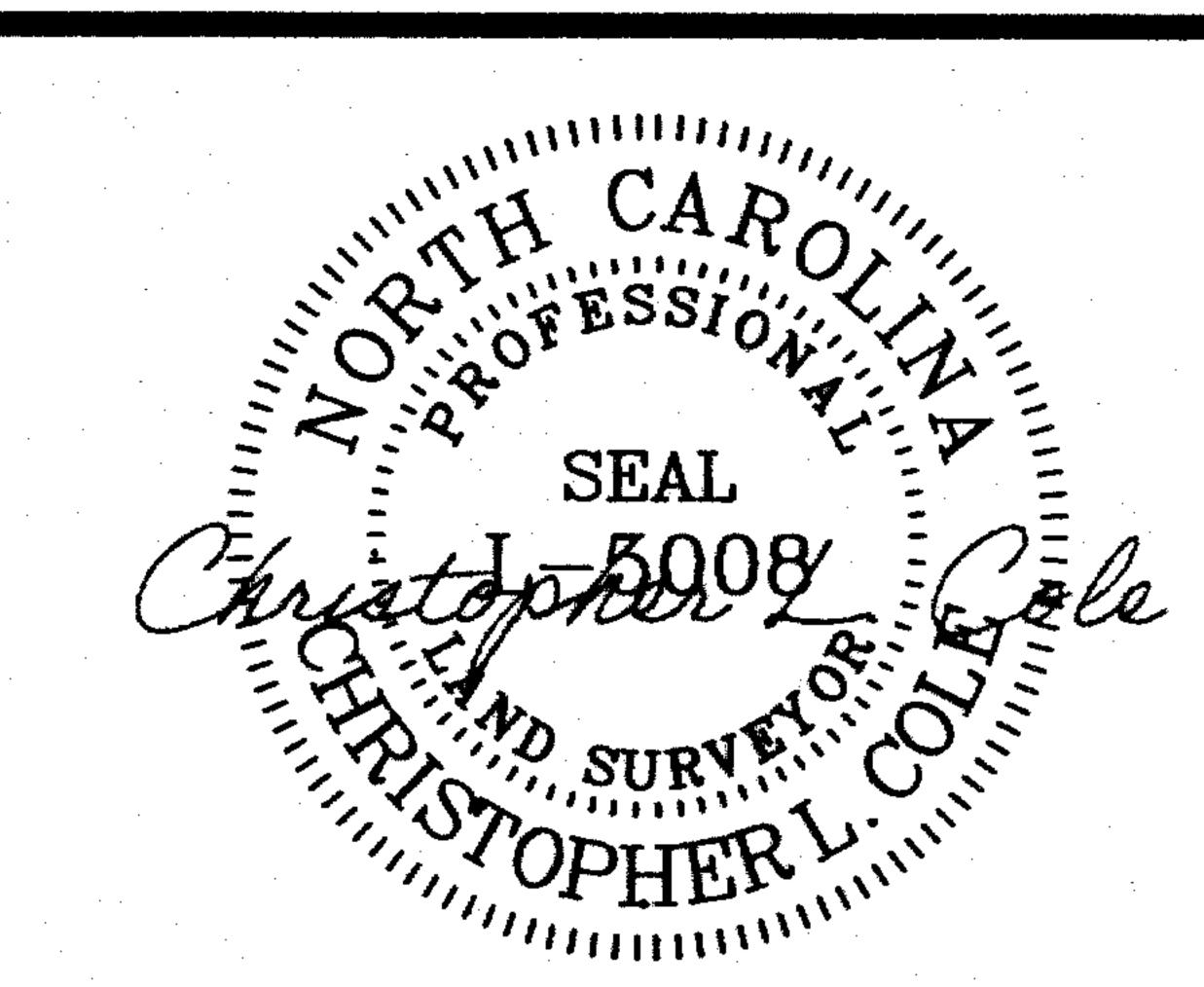
A.M./P.M

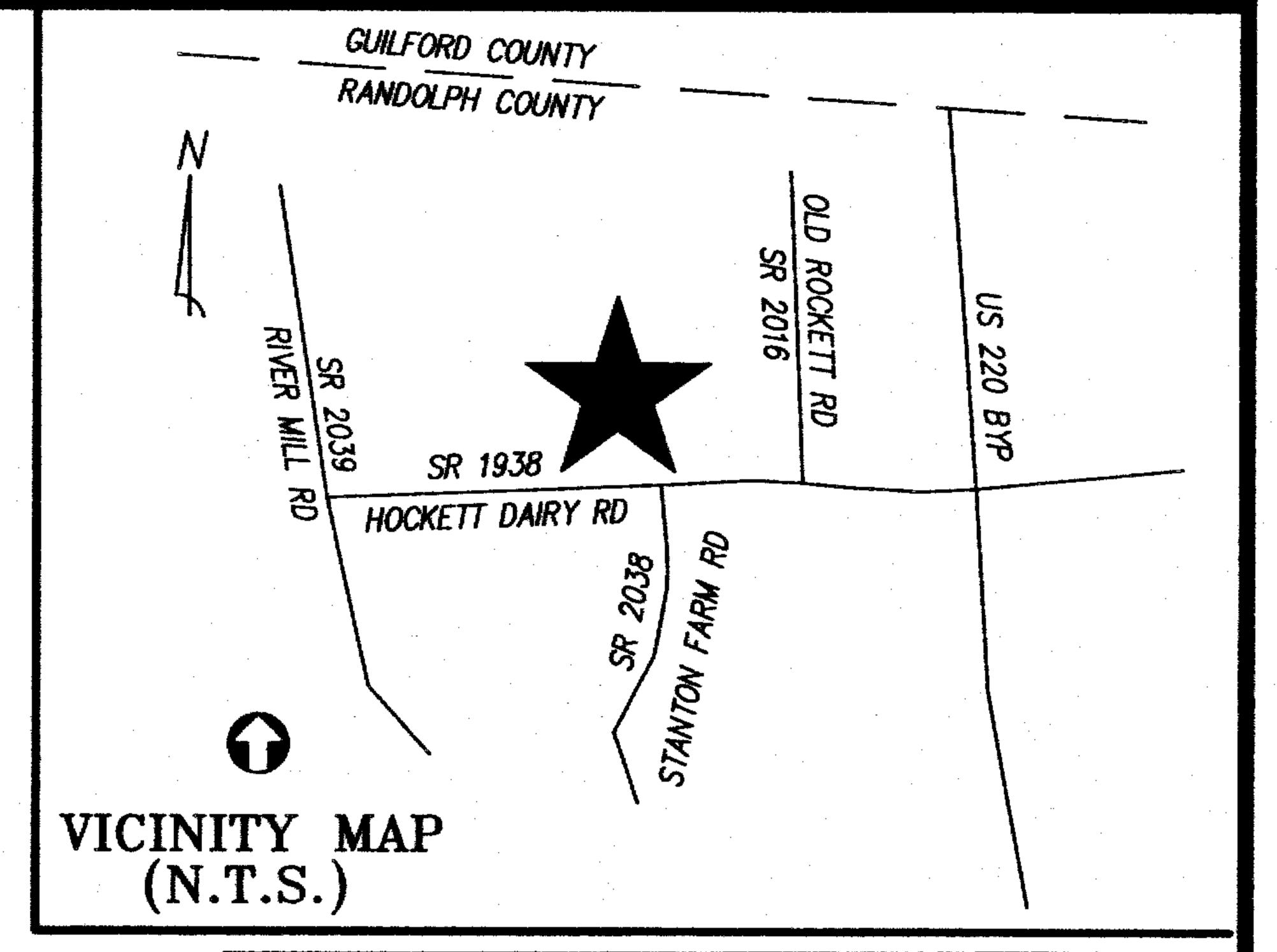
REGISTER OF DEEDS

NOTICE

By Cale 1474 12/18/19







THIS SURVEY DOES NOT CREATE A SUBDIVISION IN RANDOLPH COUNTY AND IS INTENDED TO IDENTIFY THE BOUNDARIES OF A CONSERVATION EASEMENT AND DOES NOT ALTER OR CHANGE ANY BOUNDARY LINES.


CONSERVATION EASEMENT A: 155,786 S.F. +/- 3.576 AC.

CONSERVATION EASEMENT B: 76,991 S.F. +/- 1.767 AC.

CONSERVATION EASEMENT C: 38,647 S.F. +/- 0.888 AC.

CONSERVATION EASEMENT D: 41,780 S.F. +/- 0.959 AC.

TOTAL AREA SURVEYED: 313,204 S.F. +/- 7.190 AC.



REVIEW OFFICER CERTIFICATION

REVIEW OFFICER OF
RANDOLPH COUNTY, CERTIFY THAT THE MAP OR PLAT
TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL
STATUARY REQUIREMENTS TOFFICE PROJING FOR
WHICH THEREVIEW OFFICER M.S. PEFFONSIBILITY AS
PROVIDED BY LAW.

REVIEW OFFICER

RANDOLPH COUNTY MAPPING DEPARTMENT

STATE OF NORTH CAROLINA, RANDOLPH COUNTY

THE FOREGOING CERTIFICATE OF, NOTARY PUBLIC, IS CERTIFIED TO BE CORRECT.

THIS INSTRUMENT WAS PRESENTED FOR REGISTRATION AND RECORDED IN MAP

BOOK PAGE

THIS DAY C

\_\_\_\_, 20 \_\_\_\_A

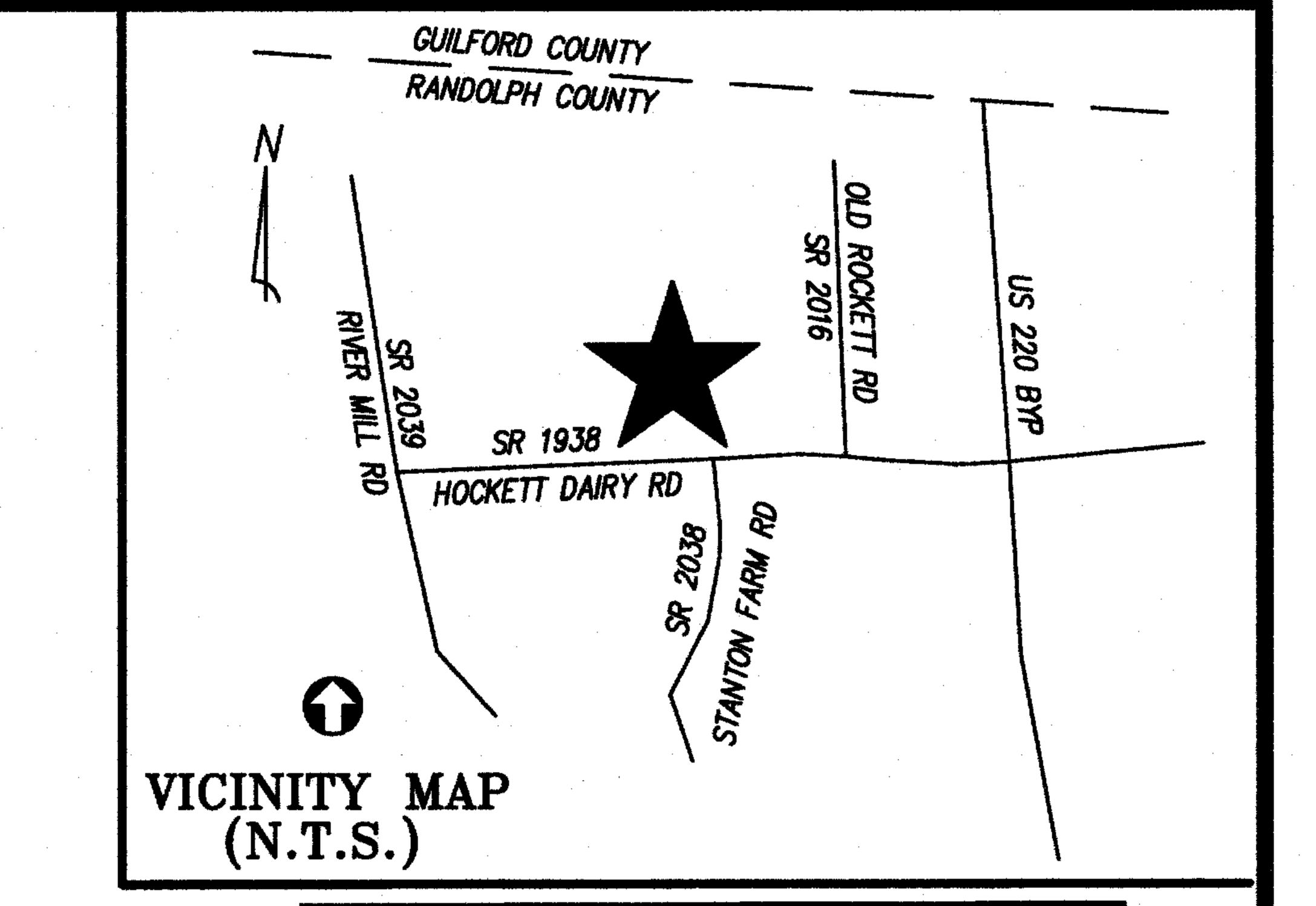
A.M./P.M

REGISTER OF DEEDS

SEAL SURVEYOR OF S

NOTICE

This property is located withing Public Water Supply
Watershed HEVILORIMENT PROPERTY APPLY



THIS SURVEY DOES NOT CREATE A SUBDIVISION IN RANDOLPH COUNTY AND IS INTENDED TO IDENTIFY THE BOUNDARIES OF A CONSERVATION EASEMENT AND DOES NOT ALTER OR CHANGE ANY BOUNDARY LINES.

CONSERVATION EASEMENT A: 155,786 S.F. +/- 3.576 AC.

CONSERVATION EASEMENT B: 76,991 S.F. +/- 1.767 AC.

CONSERVATION EASEMENT C: 38,647 S.F. +/- 0.888 AC.

CONSERVATION EASEMENT D: 41,780 S.F. +/- 0.959 AC.

TOTAL AREA SURVEYED: 313,204 S.F. +/- 7.190 AC.

BK 2631 PG 417 (6)

This document presented and filed: 01/08/2019 02:14:17 PM MEMORANDUM Fee \$26.00

20072148

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

Mail to: Judson Smith
307 Jefferson St. Stello
Raleish NC 27605

#### MEMORANDUM OF AGREEMENT

### RECITALS

WHEREAS, Owner owns certain real estate located in Randolph County, North Carolina, located at 958 Hockett Dairy Road, Randleman, NC 27317, and as more fully described in <u>Exhibit A</u> attached, and incorporated herein by reference (the "<u>Property</u>");

WHEREAS, Project Sponsor is engaged in a business operation for the location, establishment, approval and maintenance of ecological restoration and/or conservation sites;

WHEREAS, the Property, or a portion thereof, includes certain features or resources, which may be suitable for qualification and approval by Project Sponsor under applicable law as a ecological restoration, mitigation and/or conservation site (the "Project"); and

WHEREAS, on the terms and conditions set forth in the Agreement, Owner and Project Sponsor have entered into the Agreement to, among other things, (i) establish an Inspection Period to allow Project Sponsor to evaluate the Property (or portions thereof) for development of the Project, (ii) allow Project Sponsor to pursue approvals for the Project from applicable state, federal, and local regulatory authorities, on the terms and conditions of the Agreement, (iii) provide Project Sponsor, and certain third parties as provided in the Agreement, access rights over and across the Property for purposes set forth in the Agreement, (iv) if and when required under the Agreement, require the future execution by Owner of a perpetual conservation easement

in the form required by the Agreement (the "Conservation Easement"), and (v) set forth the various payments and consideration to be paid by the parties in connection with the foregoing.

NOW, THEREFORE, Owner and Project Sponsor hereby agree to execute this Memorandum of Agreement for purposes of stating the following with respect to the Agreement and putting third parties on notice of the existence and terms thereof:

- 1. <u>Recitals</u>: The foregoing recitals are incorporated by reference into this Memorandum and shall be binding on the parties hereto.
- 2. Owner: The name and address of Owner are as set forth above.
- 3. <u>Project Sponsor</u>: The name and address of Project Sponsor are as set forth above.
- 4. Date of Agreement: The date of the Agreement is 1.8-2019.
- 5. Option for Conservation Easement. Project Sponsor shall have the option to require Owner to execute, deliver and record against a portion of the Property, the Conservation Easement.
- 6. <u>Property Description</u>: The Property, or a portion thereof, affected by the Agreement is the real property described and/or depicted on <u>Exhibit A</u> attached hereto.
- 7. <u>Conflicts</u>. In the event of any conflict between the terms of this Memorandum and the terms of the Agreement, the terms of the Agreement shall prevail.
- 8. Hold Harmless Agreement. At all times that this Memorandum, the Agreement, or the Conservation Easement remains effective, Project Sponsor agrees that it shall hold Owner harmless from liability for any damages caused by any activities conducted by Project Sponsor on the Property, other than to the extent such damages are caused by the negligence, willful misconduct or breach of this Agreement, the Conservation Easement or the Memorandum of Agreement by Owner or any party acting by, through or under Owner. At all times that this Memorandum, the Agreement, or the Conservation Easement remains effective and for so long as the Conservation Easement affects the Property, Owner agrees that it shall hold Project Sponsor harmless from liability for any damages caused by any activities conducted by Owner or Owner's invitees on the Property, other than to the extent such damages are caused by the negligence, willful misconduct or breach of this Agreement, the Conservation Easement or the Memorandum of Agreement by Project Sponsor or any party acting by, through or under Project Sponsor.
- 9. Successors and Assigns. The Agreement shall be a covenant that runs with the land and shall be binding on all of Owner's successors and assigns. Any party who acquires all or any portion of the Property, or any interest therein, whether by sale, foreclosure sale, deed in lieu of foreclosure, or in any other manner, shall take the Property (or such interest therein) subject to all of the provisions of the Agreement.

### [SIGNATURE PAGES FOLLOW]

IN WITNESS WHEREOF, intending to be legally bound, the Parties have executed this Memorandum the day and year first above written.

Kenneth Hockett
Signature: Kennetto & Hocket
Date: 1-8-2019
STATE OF North Carolina COUNTY OF Wake
On January B, 2019, before me, a Notary Public for the state aforesaid, personally appeared Kennoth Houself, and that he/she/they executed, in my presence, the within instrument,
appeared Kenson, Hourn, and that he/she/they executed, in my presence, the within instrument,
and acknowledged that they executed the same for the purposes therein contained.
IN WITNESS WHEREOF, I have set my hand and official seal.

Signature of Notary Public William A. James

Printed Name of Notary Public
My commission expires: November 4, 2023

W StrAM A JAMES Notary Public, North Carolina Wake County My Commission Expires November 04, 2023

# **Project Sponsor:**

Environmental Banc & Exchange, LLC, a Maryland limited liability company

Resource Environmental Solutions, By: LLC, a Louisiana limited liability

company, its manager

Name: Title: Date:

STATE OF North Carolina COUNTY OF Walce

On January Public for the State aforesaid, personally appeared Daniel B. Resource Environmental Solutions, LLC, a Louisiana limited liability company, manager of Environmental Banc & Exchange, LLC, a Maryland limited liability company, and that he/she, in the capacity set forth above, on behalf of Project Sponsor, being authorized to do so, executed, in my presence, the within instrument, and acknowledged that he/she executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I have set my hand and official seal.

WILLIAM A JAMES Notary Public, North Carolina Walk & County My Commission Expires November 04, 2023

William A. James

Printed Name of Notary Public
My commission expires: No. 1 2013

# EXHIBIT A to Memorandum of Agreement

# Description of Property

BEING that 59.879 acres, more or less, tract or parcel of real property situated in Randolph County, North Carolina located at or near the address of 958 Hockett Dairy Road, Randleman, NC 27317, being identified by the PIN number 7758353599, and being that property described as Tract #2 and conveyed by a deed recorded in **Book 2109**, **Page 14** in the office of the Randolph County Register of Deeds.

# Appendix C

Approved 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.

	1: General Project Information
Project Name:	Green Valley II
County Name:	Randolph
DMS Number:	100111
Project Sponsor:	Environmental Banc & Exchange, LLC, a RES Company
Project Contact Name:	Kasey Carrere
Project Contact Address:	302 Jefferson Street Suite 110, Raleigh, NC 27605
Project Contact E-mail:	kcarrere@res.us
DMS Project Manager:	Jeremiah Dow
	Project Description
tributaries. The Project easement area is 7.19 These will be derived from 2.55 acres of 0-100 by establishing a native forested and herbacec	Fear River Basin within Cataloging Unit 03030003 and includes two unnamed acres and presents the opportunity to provide up to 175,509.615 buffer mitigation units. 'Restoration and 4.49 acres of 101-200' Restoration. The site will provide buffer mitigation bus riparian buffer plant community with a minimum width of 50 feet and maximum of ew community will be established in conjunction with the treatment of any existing
	For Official Use Only
Reviewed By:	
9/5/19	Mintoa
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
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
<ul> <li>4. Has the owner of the property been informed:</li> <li>* prior to making an offer that the agency does not have condemnation authority; and</li> <li>* what the fair market value is believed to be?</li> </ul>	Yes No N/A

Part 3: Ground-Disturbing Activities	
Regulation/Question	Response
American Indian Religious Freedom Act (AIRFA)	
1. Is the project located in a county claimed as "territory" by the Eastern Band of	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
4. Have the effects of the project on this site been considered?	■ N/A ☐ Yes
4. Have the effects of the project on this site been considered?	□ res
	■ 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
Will a permit from the appropriate Federal agency be required?	N/A Yes
3. Will a perfilit from the appropriate rederal agency be required?	□ No
	■ N/A
4. Has a permit been obtained?	Yes
	□ No
	■ N/A
Archaeological Resources Protection Act (ARPA)	
1. Is the project located on federal or Indian lands (reservation)?	☐ Yes ■ No
Will there be a loss or destruction of archaeological resources?	Yes
2. Will alone be a loss of accuración of alonacological rescalesce.	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
4. Has a permit been obtained:	□ No
	■ N/A
Endangered Species Act (ESA)	
1. Are federal Threatened and Endangered species and/or Designated Critical Habitat	Yes
listed for the county?	☐ No
2. Is Designated Critical Habitat or suitable habitat present for listed species?	Yes
	☐ No☐ N/A
Are T&E species present or is the project being conducted in Designated Critical	☐ N/A
Habitat?	■ No
	□ N/A
4. Is the project "likely to adversely affect" the specie and/or "likely to adversely modify"	Yes
Designated Critical Habitat?	■ No
5. Does the USFWS/NOAA-Fisheries concur in the effects determination?	□ N/A ■ Yes
3. Does the Ostvonvoma-rishenes concut in the effects determination?	■ Yes
	□ N/A
6. Has the USFWS/NOAA-Fisheries rendered a "jeopardy" determination?	Yes
	☐ No
	III 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
	■ 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
2. Has NRCS determined that the project contains prime, unique, statewide or locally important farmland?	Yes No N/A
3. Has the completed Form AD-1006 been submitted to NRCS?	Yes No N/A
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)	
1. 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
	I I■I N/A

# **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 Green Valley II Mitigation Site through Environmental Data Resources, Inc (EDR) on June 12<sup>th</sup>, 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 Green Valley II site 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 Green Valley II Mitigation Site on June 7<sup>th</sup>, 2019. SHPO responded on July 9<sup>th</sup>, 2019 and had no objections to the Green Valley II 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 Green Valley II Mitigation Site 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*). The Green Valley II Mitigation Site may contain potential habitat for Schweinitz's sunflower. Therefore, a "May Affect, Not Likely to Adversely Affect" determination was made, although a survey will still be conducted for Schweinitz's sunflower during the optimal survey window of late-August through October. Upon completion of the survey, if any individuals are found in the project area, RES will follow up with USFWS to determine if a new Section 7 Determination is necessary.

# 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 Green Valley II Mitigation Site 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.

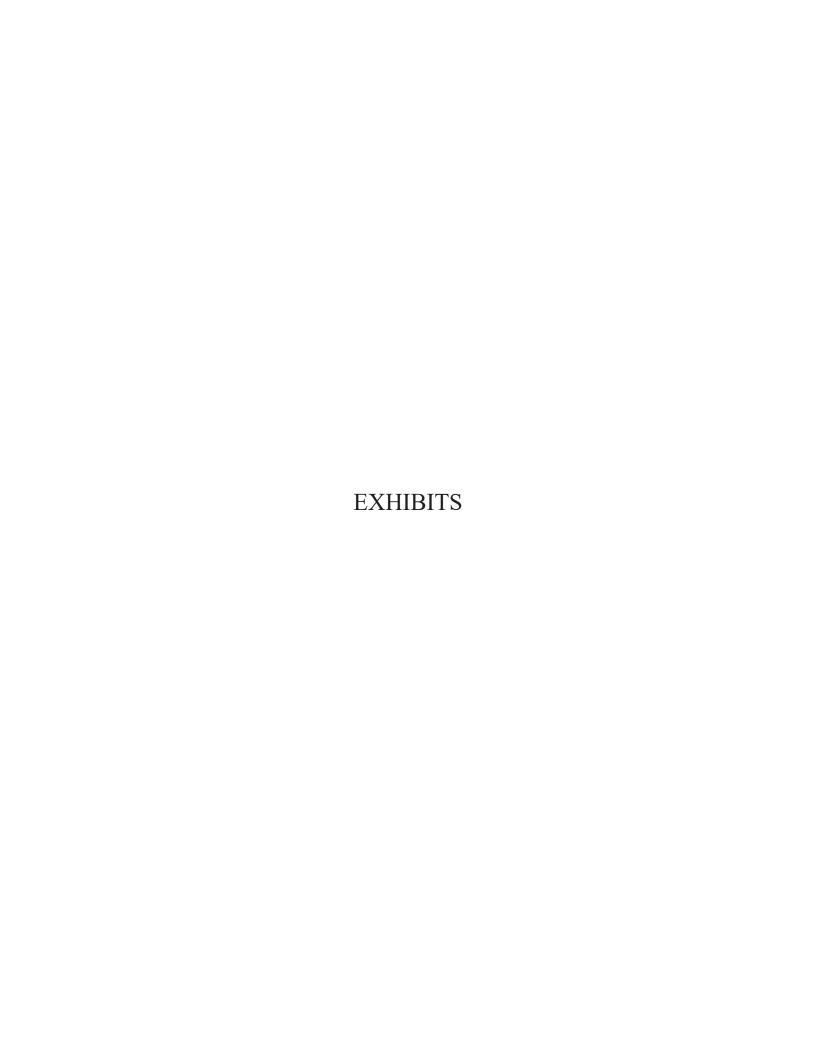
# Fish and Wildlife Coordination Act (FWCA)

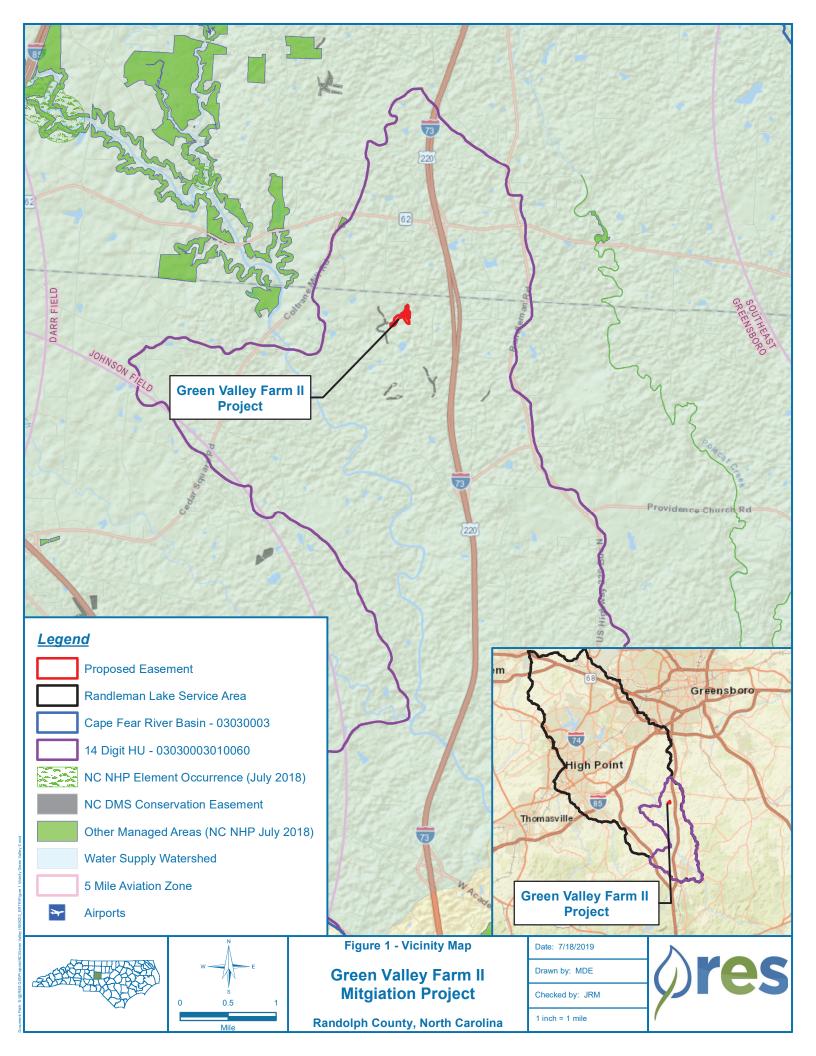
The Fish and Wildlife Coordination Act (FWCA) of the United States was enacted to protect fish and wildlife when federal actions result in the control or modification of a natural stream or body of water. Since the Green Valley II Mitigation Site may include removal and/or replacement of existing culverts as well as stream bank stabilization, RES requested comment from the North Carolina Fish and Wildlife Resource Commission (NCWRC). The NCWRC responded on June 10<sup>th</sup>, 2019 and stated there are no records for any listed aquatic species in the vicinity of the project. All correspondence is enclosed.

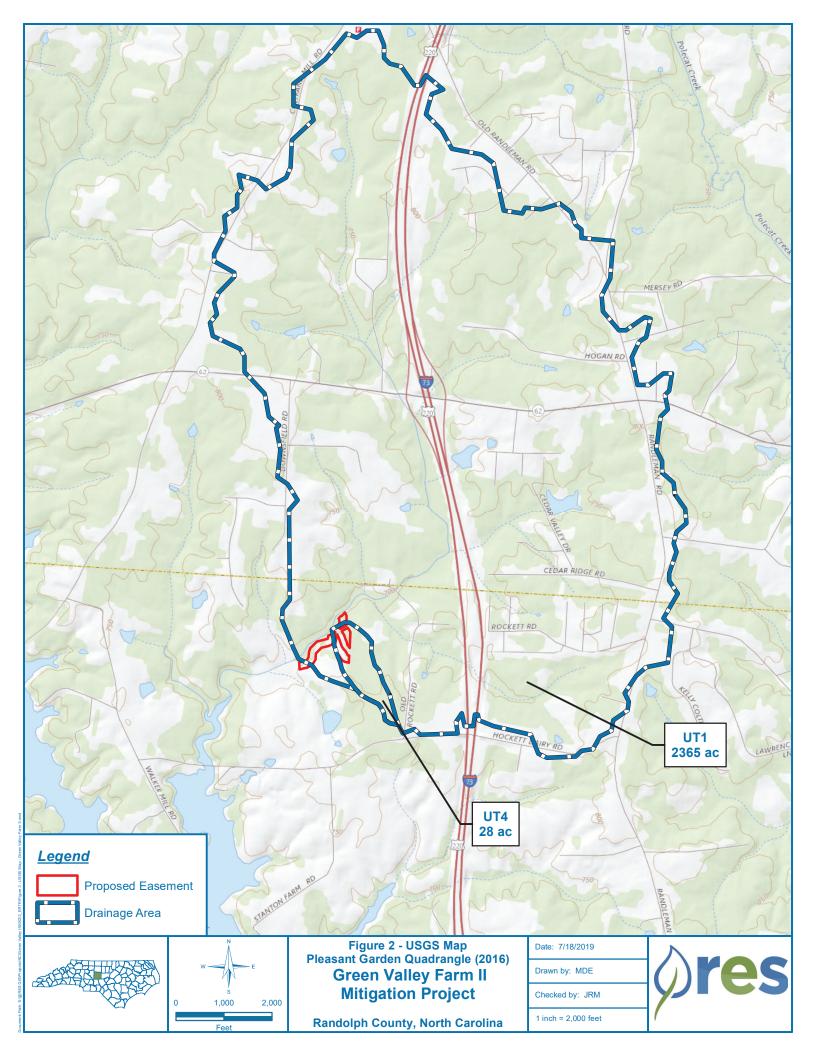
# **Migratory Bird Treaty Act (MBTA)**

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.

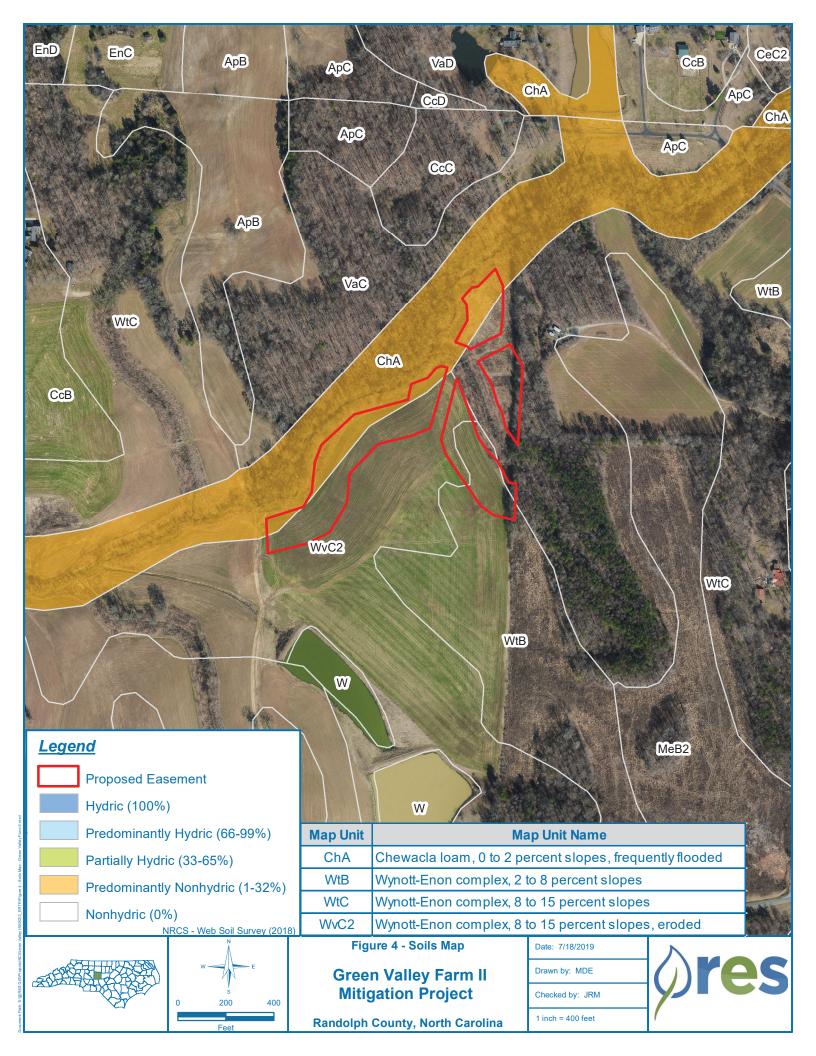
RES consulted the USFWS's Information for Planning and Consultation (IPAC) tool on June 3<sup>rd</sup>, 2019 to generate a list of migratory birds that are expected to occur at the Green Valley II site. The results concluded that no migratory birds of conservation concern occur at the Site.

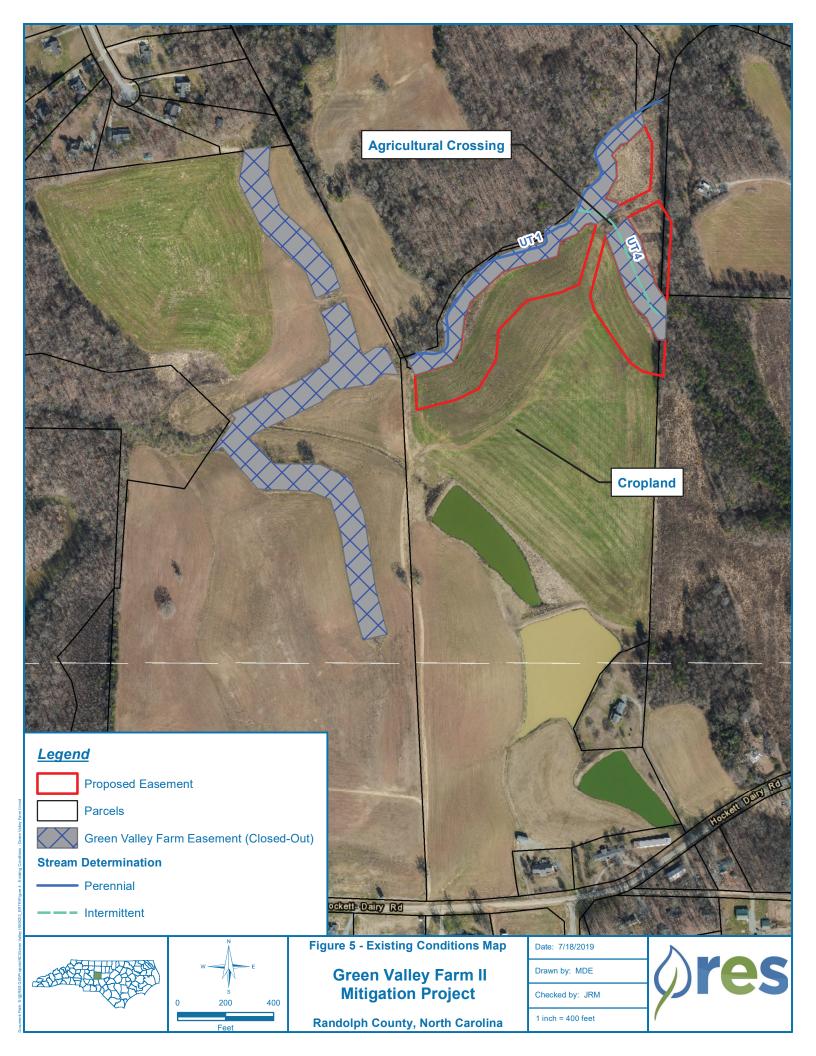


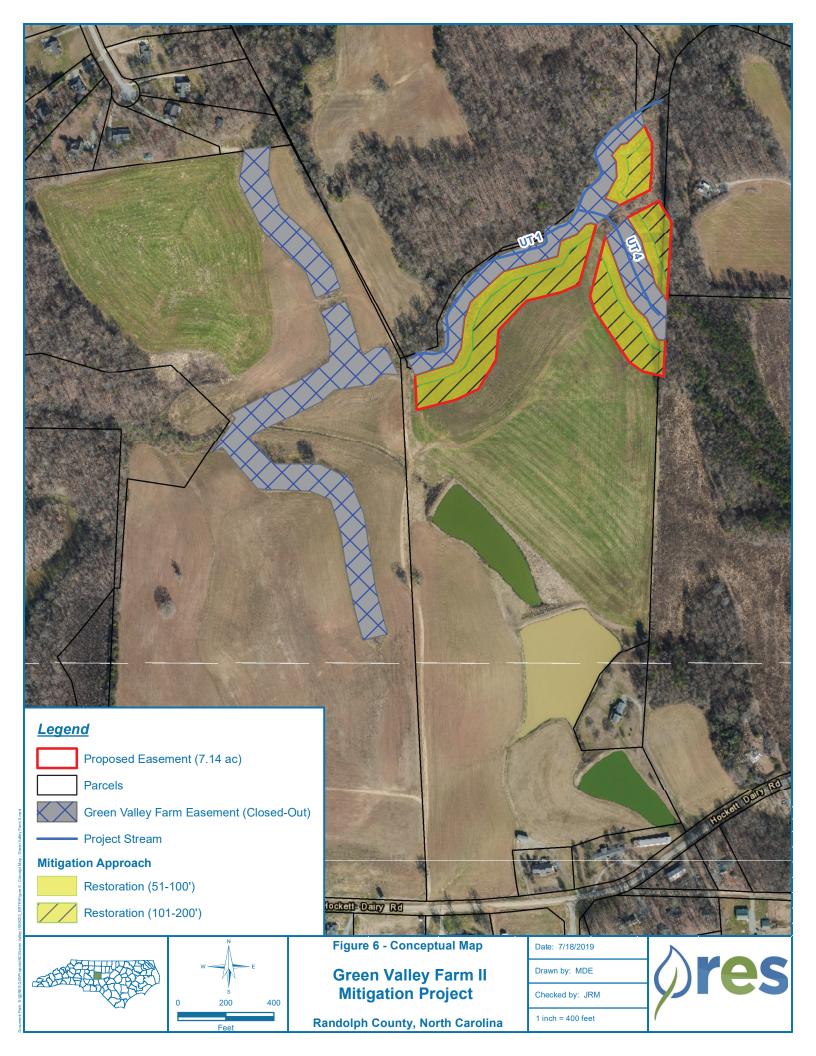


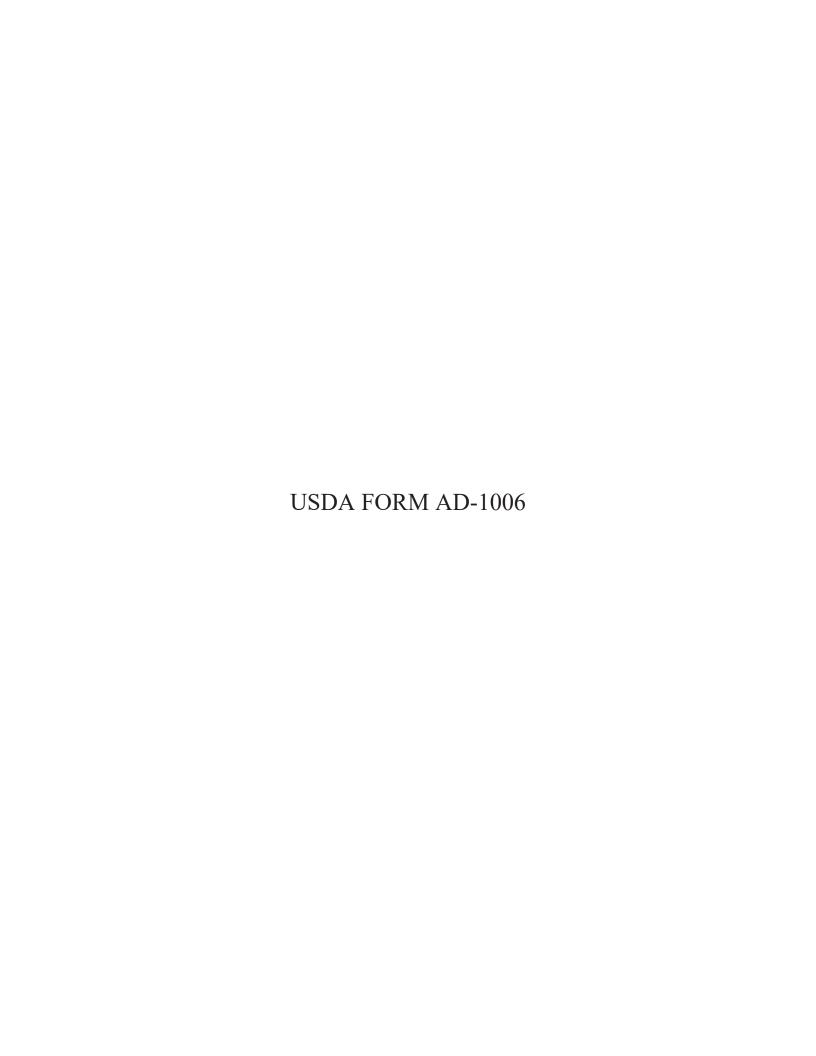












F.A	U.S. Departmen	J		ATING			
PART I (To be completed by Federal Agency	/)	Date Of L	and Evaluation	Request 06	/06/2019	9	
Name of Project Green Valley II Mitig	gation Site	Federal A	gency Involved	Federal	Highway	/ Admin (	FHWA)
Proposed Land Use Conservation Ea	sement		nd State Rand			, , , , , , , , , , , , , , , , , , , ,	
PART II (To be completed by NRCS)		Date Req	uest Received I 06/06/201	 By 9	Person Co	ompleting For Cortes N	m: C NRCS
Does the site contain Prime, Unique, Statewi	de or Local Important Farmland		ES NO	Acres Ir			Farm Size
(If no, the FPPA does not apply - do not com	plete additional parts of this form	n)		none		106 ad	cres
Major Crop(s)	Farmable Land In Govt.					Defined in FP	
CORN		76,412 a		Acres: 68.	•	356,923 a	
Name of Land Evaluation System Used Randolph Co, NC LESA		Name of State or Local Site Assessment System N/A  Date Land Evaluation Returned by N  July 1, 2019 By eMail			•	RCS	
PART III (To be completed by Federal Agend	cy)			O't- A		Site Rating	0:4- D
A. Total Acres To Be Converted Directly				Site A 7.20	Site B	Site C	Site D
B. Total Acres To Be Converted Indirectly				0			
C. Total Acres In Site				7.20			
PART IV (To be completed by NRCS) Land	Evaluation Information			1.20			
A. Total Acres Prime And Unique Farmland				1.0			
1.0							
5.4							
C. Percentage Of Farmland in County Or Local Govt. Unit To Be Converted  D. Percentage Of Farmland in Govt. Jurisdiction With Same Or Higher Relative Value  59.5							
PART V (To be completed by NRCS) Land I	Evaluation Criterion						
Relative Value of Farmland To Be Cor	nverted (Scale of 0 to 100 Points	s)	Γ	67			
PART VI (To be completed by Federal Agen (Criteria are explained in 7 CFR 658.5 b. For C		CPA-106)	Maximum Points	Site A	Site B	Site C	Site D
Area In Non-urban Use	omac project decision made	<u> </u>	(15)	12			
2. Perimeter In Non-urban Use			(10)	10			
3. Percent Of Site Being Farmed			(20)	20			
4. Protection Provided By State and Local G	overnment		(20)	0			
5. Distance From Urban Built-up Area			(15)	10			
6. Distance To Urban Support Services			(15)	10			
7. Size Of Present Farm Unit Compared To	Average		(10)	7			
8. Creation Of Non-farmable Farmland			(10)	6.75			
9. Availability Of Farm Support Services			(5)	4			
10. On-Farm Investments			(20)	15			
11. Effects Of Conversion On Farm Support			(10)	0			
12. Compatibility With Existing Agricultural U	se		(10)	0			
TOTAL SITE ASSESSMENT POINTS			160	94.75	0	0	0
PART VII (To be completed by Federal Ag	gency)		400	0.7			
Relative Value Of Farmland (From Part V)			100	67	0	0	0
Total Points (Total of phase 2 lines)	or local site assessment)		160	94.75	0	0	0
TOTAL POINTS (Total of above 2 lines)			260	161.75	O Site Asses	0 sment Used?	0
Site Selected:	Date Of Selection			YES		NO	
Reason For Selection:  Name of Federal agency representative complete	eting this form:				Di	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 <a href="http://offices.usda.gov/scripts/ndISAPI.dll/oip\_public/USA\_map">http://offices.usda.gov/scripts/ndISAPI.dll/oip\_public/USA\_map</a>, or the offices can usually be found in the Phone Book under U.S. Government, Department of Agriculture. A list of field offices is available from the NRCS State Conservationist and State Office in each State.)
- Step 3 NRCS will, within 10 working days after receipt of the completed form, make a determination as to whether the site(s) of the proposed project contains prime, unique, statewide or local important farmland. (When a site visit or land evaluation system design is needed, NRCS will respond within 30 working days.
- Step 4 For sites where farmland covered by the FPPA will be converted by the proposed project, NRCS will complete Parts II, IV and V of the form.
- Step 5 NRCS will return the original copy of the form to the Federal agency involved in the project, and retain a file copy for NRCS records.
- Step 6 The Federal agency involved in the proposed project will complete Parts VI and VII of the form and return the form with the final selected site to the servicing NRCS office
- Step 7 The Federal agency providing financial or technical assistance to the proposed project will make a determination as to whether the proposed conversion is consistent with the FPPA.

### INSTRUCTIONS FOR COMPLETING THE FARMLAND CONVERSION IMPACT RATING FORM

(For Federal Agency)

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

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

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

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

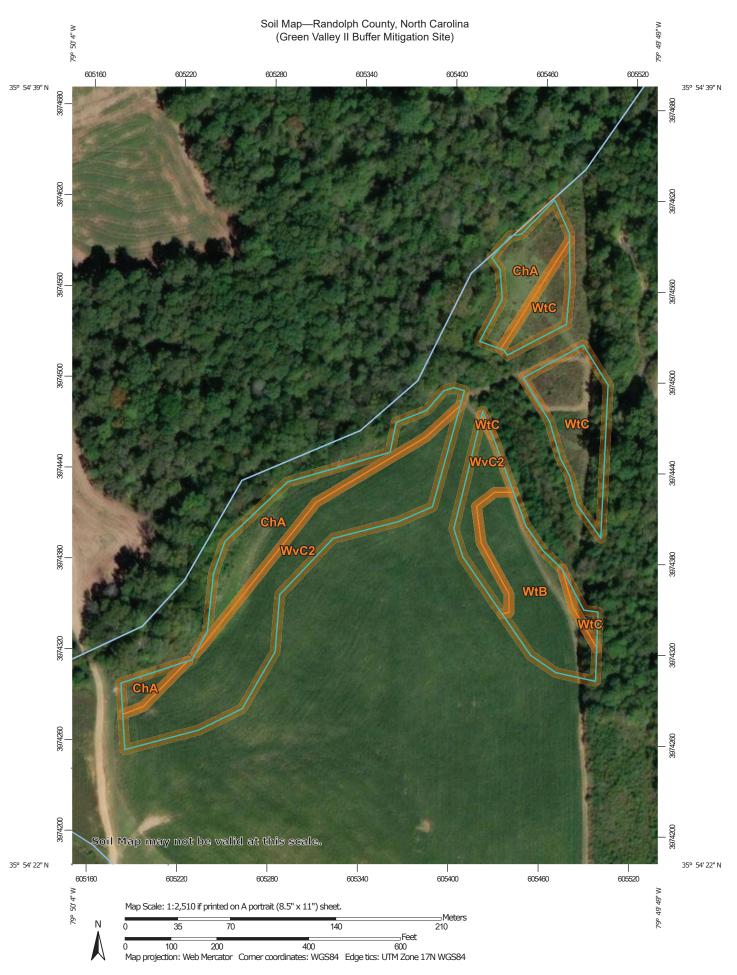
- 1. Assign the maximum points for each site assessment criterion as shown in § 658.5(b) of CFR. In cases of corridor-type project such as transportation, power line and flood control, criteria #5 and #6 will not apply and will, be weighted zero, however, criterion #8 will be weighed a maximum of 25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

**Part VII:** In computing the "Total Site Assessment Points" where a State or local site assessment is used and the total maximum number of points is other than 160, convert the site assessment points to a base of 160. Example: if the Site Assessment maximum is 200 points, and the alternative Site "A" is rated 180 points:

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

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 Points

#### Special Point Features

Blowout

Borrow Pit

Clay Spot

Closed Depression

Gravel Pit

Gravelly Spot

Landfill

Lava Flow

Marsh or swamp

Mine or Quarry

Miscellaneous Water
Perennial Water

Rock Outcrop

Sandy Spot

Severely Eroded Spot

Sinkhole

Slide or Slip

Sodic Spot

#### LGLIND

Spoil Area

Stony Spot

Very Stony Spot

Wet Spot

Other

Special Line Features

#### Water Features

Δ

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)

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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
ChA	Chewacla loam, 0 to 2 percent slopes, frequently flooded	1.8	25.1%
WtB	Wynott-Enon complex, 2 to 8 percent slopes	1.2	16.3%
WtC	Wynott-Enon complex, 8 to 15 percent slopes	1.3	18.2%
WvC2	Wynott-Enon complex, 8 to 15 percent slopes, moderately eroded	2.9	40.4%
Totals for Area of Interest		7.1	100.0%



		MAP LEGEND		
Area of Interest (AOI)  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 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	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  Soil Rating Lines  Not prime farmland  All areas are prime farmland if drained  Prime farmland if protected from floodir or not frequently flood during the growing season  Prime farmland if drained and either protected from floodir or not frequently flood during the growing season  Prime farmland if drained and either protected from floodir or not frequently flood during the growing season  Prime farmland if irrigated and drained  Prime farmland if irrigated and either protected from floodir or not frequently flood during the growing season

# Farmland Classification—Randolph County, North Carolina (Green Valley Buffer Mitigation Site)

~	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
~	Prime farmland if irrigated and the product of I (soil erodibility) x C (climate factor) does not exceed 60	~	flooded during the growing season Farmland of statewide importance, if irrigated and drained	~~	Farmland of statewide importance, if drained or either protected from flooding or not frequently flooded during the	Soil Rat	ting Points  Not prime farmland  All areas are prime farmland	•	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, if irrigated and either protected from flooding or not frequently	~	growing season Farmland of statewide importance, if warm enough, and either	•	Prime farmland if drained  Prime farmland if protected from flooding or		Prime farmland if irrigated and reclaimed of excess salts and sodium
~	Farmland of statewide importance Farmland of statewide		flooded during the growing season		drained or either protected from flooding or not frequently flooded		not frequently flooded during the growing season		Farmland of statewide importance
	importance, if drained Farmland of statewide		importance, if subsoiled, completely removing the		during the growing season		Prime farmland if irrigated		Farmland of statewide importance, if drained
	importance, if protected from flooding or not frequently flooded during the growing season	~	root inhibiting soil layer Farmland of statewide importance, if irrigated and the product of I (soil	~	Farmland of statewide importance, if warm enough	•	Prime farmland if drained and either protected from flooding or not frequently flooded during the		Farmland of statewide importance, if protected from flooding or not frequently flooded during the growing season
~	Farmland of statewide importance, if irrigated		erodibility) x C (climate factor) does not exceed 60	~	importance, if thawed Farmland of local importance		growing season Prime farmland if irrigated and drained		Farmland of statewide importance, if irrigated
				~	Farmland of local importance, if irrigated		Prime farmland if irrigated and either protected from flooding or not frequently flooded during the growing season		

# Farmland Classification—Randolph County, North Carolina (Green Valley Buffer Mitigation Site)

- 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

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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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

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# **Farmland Classification**

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
ChA	Chewacla loam, 0 to 2 percent slopes, frequently flooded	Prime farmland if drained and either protected from flooding or not frequently flooded during the growing season	1.8	25.1%
WtB	Wynott-Enon complex, 2 to 8 percent slopes	Farmland of statewide importance	1.2	16.3%
WtC	Wynott-Enon complex, 8 to 15 percent slopes	Farmland of statewide importance	1.3	18.2%
WvC2	Wynott-Enon complex, 8 to 15 percent slopes, moderately eroded	Farmland of statewide importance	2.9	40.4%
Totals for Area of Inter	rest	-	7.1	100.0%

# **Description**

Farmland classification identifies map units as prime farmland, farmland of statewide importance, farmland of local importance, or unique farmland. It identifies the location and extent of the soils that are best suited to food, feed, fiber, forage, and oilseed crops. NRCS policy and procedures on prime and unique farmlands are published in the "Federal Register," Vol. 43, No. 21, January 31, 1978.

# **Rating Options**

Aggregation Method: No Aggregation Necessary

Tie-break Rule: Lower



**Green Valley II** 960 Hockett Dairy Road Randleman, NC 27317

Inquiry Number: 5681529.9s

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**

960 HOCKETT DAIRY ROAD RANDLEMAN, NC 27317

#### **COORDINATES**

Latitude (North): 35.9055840 - 35° 54' 20.10" Longitude (West): 79.8326230 - 79° 49' 57.44"

Universal Tranverse Mercator: Zone 17 UTM X (Meters): 605343.0 UTM Y (Meters): 3973905.5

Elevation: 736 ft. above sea level

#### USGS TOPOGRAPHIC MAP ASSOCIATED WITH TARGET PROPERTY

Target Property Map: 5945571 PLEASANT GARDEN, NC

Version Date: 2013

#### **AERIAL PHOTOGRAPHY IN THIS REPORT**

Portions of Photo from: 20140705 Source: USDA

# MAPPED SITES SUMMARY

Target Property Address: 960 HOCKETT DAIRY ROAD RANDLEMAN, NC 27317

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	National Priority Liet
	Proposed National Priority List Sites
NPL LIENS	
	•
Federal Delisted NPL site li	st
Delisted NPL	National Priority List Deletions
	•
Federal CERCLIS list	
FEDERAL FACILITY	Federal Facility Site Information listing
	_ Superfund Enterprise Management System
Federal CERCLIS NFRAP s	ite list
	ite list  Superfund Enterprise Management System Archive
	Superfund Enterprise Management System Archive
SEMS-ARCHIVE Federal RCRA CORRACTS	Superfund Enterprise Management System Archive
SEMS-ARCHIVE	Superfund Enterprise Management System Archive
SEMS-ARCHIVE Federal RCRA CORRACTS	Superfund Enterprise Management System Archive  facilities list  Corrective Action Report
Federal RCRA CORRACTS CORRACTS Federal RCRA non-CORRA	Superfund Enterprise Management System Archive  facilities list Corrective Action Report  CTS TSD facilities list
Federal RCRA CORRACTS CORRACTS Federal RCRA non-CORRA	Superfund Enterprise Management System Archive  facilities list  Corrective Action Report
Federal RCRA CORRACTS CORRACTS Federal RCRA non-CORRA	Superfund Enterprise Management System Archive  facilities list Corrective Action Report  CTS TSD facilities list RCRA - Treatment, Storage and Disposal
Federal RCRA corracts CORRACTS Federal RCRA non-CORRA RCRA-TSDF Federal RCRA generators in	Superfund Enterprise Management System Archive  facilities list Corrective Action Report  CTS TSD facilities list RCRA - Treatment, Storage and Disposal

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

RCRA-SQG..... RCRA - Small Quantity Generators

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 INST CONTROL........... No Further Action Sites With Land Use Restrictions Monitoring State and tribal voluntary cleanup sites INDIAN VCP..... Voluntary Cleanup Priority Listing VCP......Responsible Party Voluntary Action Sites State and tribal Brownfields sites BROWNFIELDS..... Brownfields Projects Inventory ADDITIONAL ENVIRONMENTAL RECORDS Local Brownfield lists US BROWNFIELDS..... A Listing of Brownfields Sites 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

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

US FIN ASSUR\_\_\_\_\_ Financial Assurance Information

EPA WATCH LIST..... EPA WATCH LIST

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

#### **EXECUTIVE SUMMARY**

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

US MINES Mines Master Index File

ABANDONED MINES...... Abandoned Mines

UXO...... Unexploded Ordnance Sites

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

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

AIRS..... Air Quality Permit Listing

ASBESTOS..... ASBESTOS

COAL ASH...... Coal Ash Disposal Sites

DRYCLEANERS..... Drycleaning Sites

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

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

#### **EDR HIGH RISK HISTORICAL RECORDS**

#### **EDR Exclusive Records**

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

#### **EDR RECOVERED GOVERNMENT ARCHIVES**

#### Exclusive Recovered Govt. Archives

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

#### SURROUNDING SITES: SEARCH RESULTS

Surrounding sites were not identified.

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

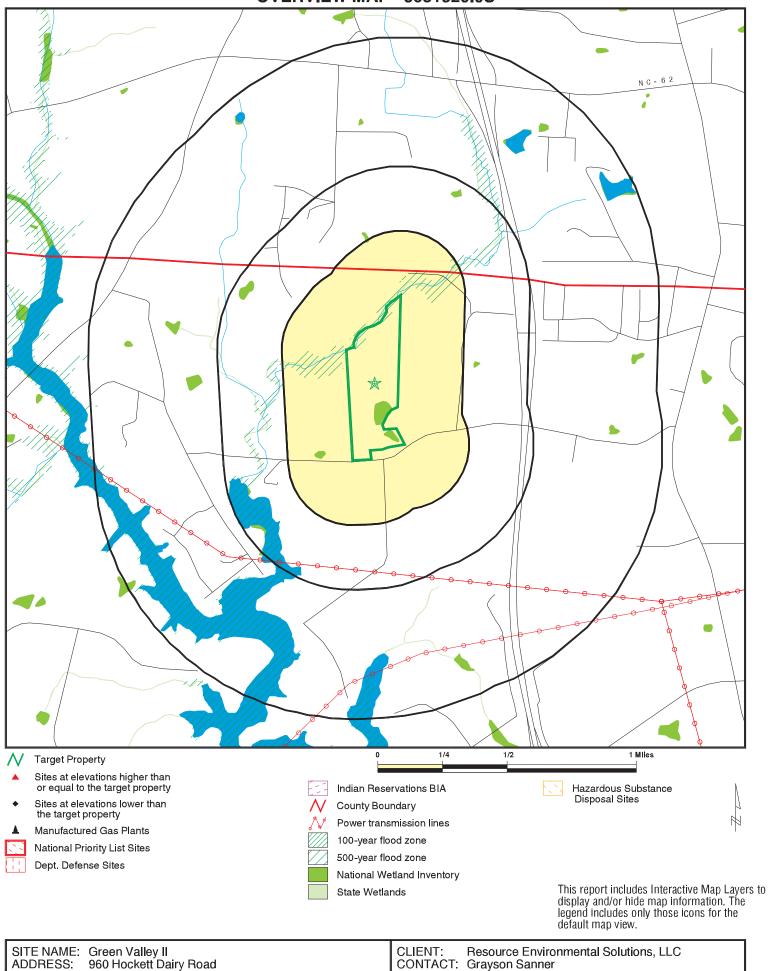
## **EXECUTIVE SUMMARY**

Due to poor or inadequate address in	formation, the following sites were	not mapped. Count: 1 records.

Site Name Database(s) OLI

OLD RANDLEMAN TOWN DUMP

## **OVERVIEW MAP - 5681529.9S**



Randleman NC 27317

35.905584 / 79.832623

LAT/LONG:

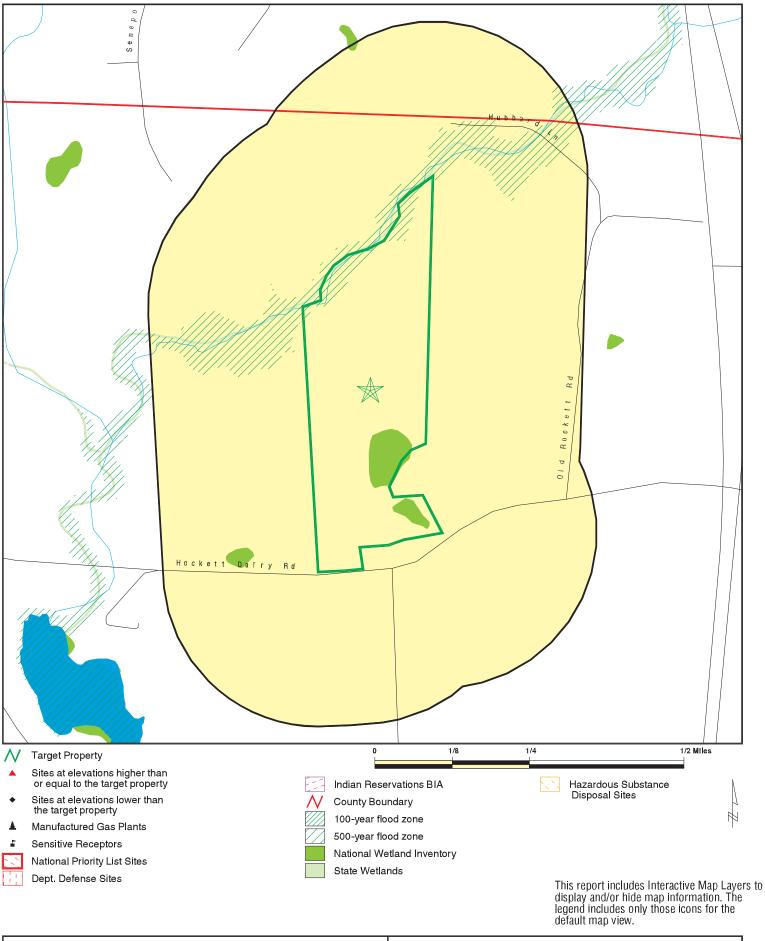
June 12, 2019 1:08 pm

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INQUIRY#: 5681529.9s

DATE:

#### **DETAIL MAP - 5681529.9S**



SITE NAME: Green Valley II

ADDRESS: 960 Hockett Dairy Road Randleman NC 27317

LAT/LONG: 35.905584 / 79.832623

CLIENT: Resource Environmental Solutions, LLC CONTACT: Grayson Sanner INQUIRY #: 5681529.9s
DATE: June 12, 2019 1:08 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	AL 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	site list							
SEMS-ARCHIVE	0.500		0	0	0	NR	NR	0
Federal RCRA CORRAC	TS facilities li	st						
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 and/or solid waste disposal site lists								
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
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	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	cleanup site	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 RECORD	<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 waste / Contaminated Sites								
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	0.500		0	0	0	NR	NR	0
US FIN ASSUR EPA WATCH LIST	0.001 0.001		0 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		0	NR	NR	NR	NR	0
SSTS	0.001		0	NR	NR	NR	NR	0
ROD	1.000		0	0	0	0	NR	0
RMP	0.001		0	NR	NR	NR	NR	0
RAATS	0.001		0	NR	NR	NR	NR	0
PRP	0.001		0	NR	NR	NR	NR	0
PADS 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 ECHO	0.001 0.001		0 0	NR NR	NR NR	NR NR	NR NR	0 0
UXO	1.000		0	0	0	0	NR	0
DOCKET HWC	0.001		0	NR	NR	NR	NR	0
FUELS PROGRAM	0.250		Ö	0	NR	NR	NR	Ö
AIRS	0.001		0	NR	NR	NR	NR	0
ASBESTOS	0.001		0	NR	NR	NR	NR	0
COAL ASH	0.500		0	0	0	NR	NR	0
DRYCLEANERS	0.250		0	0	NR	NR	NR	0
Financial Assurance	0.001		0	NR	NR	NR	NR	0
NPDES UIC	0.001 0.001		0 0	NR NR	NR NR	NR NR	NR NR	0 0
AOP	0.001		0	NR	NR	NR	NR	0
PCSRP	0.500		0	0	0	NR	NR	0
SEPT HAULERS	0.001		0	NR	NR	NR	NR	0

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 HISTORICAL	RECORDS							
EDR Exclusive Records								
EDR MGP EDR Hist Auto EDR Hist Cleaner	1.000 0.125 0.125		0 0 0	0 NR NR	0 NR NR	0 NR NR	NR NR NR	0 0 0
EDR RECOVERED GOVERNMENT ARCHIVES								
Exclusive Recovered Gov	t. Archives							
RGA HWS RGA LF RGA LUST	0.001 0.001 0.001		0 0 0	NR NR NR	NR NR NR	NR NR NR	NR NR NR	0 0 0
- Totals		0	0	0	0	0	0	0

#### NOTES:

TP = Target Property

NR = Not Requested at this Search Distance

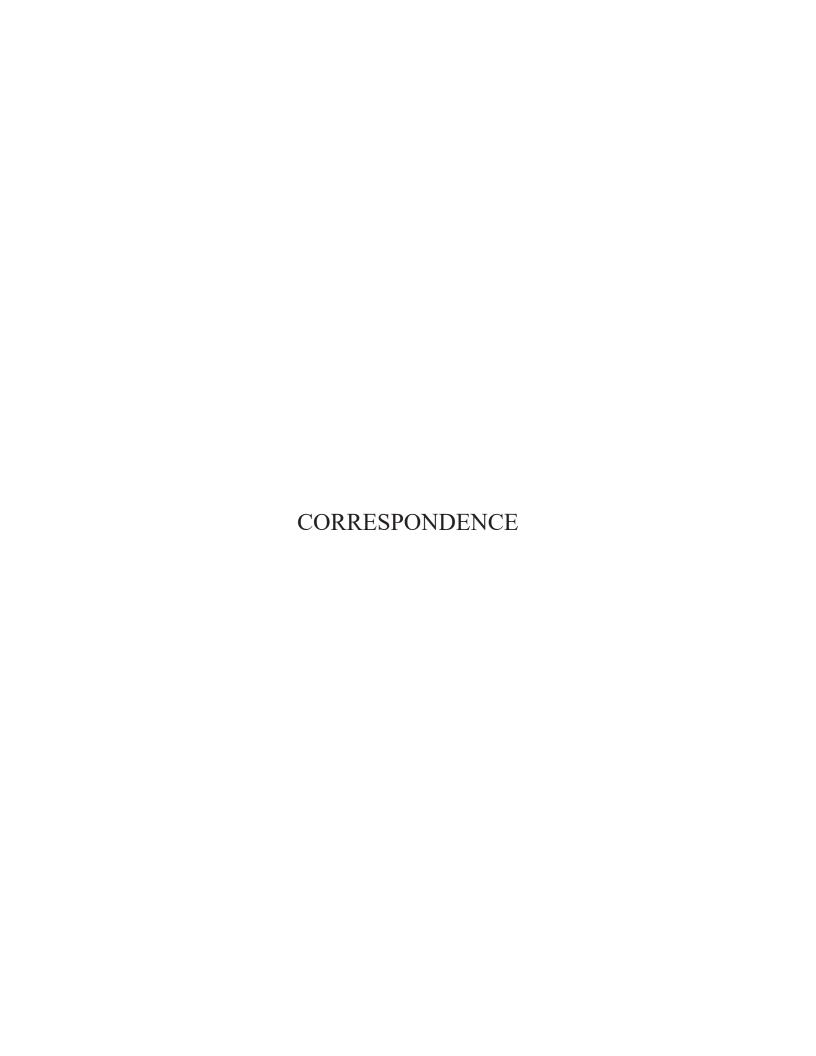
Sites may be listed in more than one database

Map ID		MAP FINDINGS		
Direction				
Distance				EDR ID Number
Elevation	Site		Database(s)	EPA ID Number

NO SITES FOUND

Count: 1 records. ORPHAN SUMMARY

City	EDR ID	Site Name	Site Address	Zip	Database(s)
RANDLEMAN	S109136336	OLD RANDLEMAN TOWN DUMP	ROM RANDELMAN, NORTH ON US-220		OLI





June 20, 2019

The Estate of Hershel Needham Hockett, Jr. 217 N. Kimberly Road Davidson, NC 28036 Attn: Roger Hockett

Re: Green Valley II Mitigation Project

Dear Mr. Hockett,

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

3751 Westerre Pkwy. #A

Richmond, VA 23220



# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

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

Date:\_\_06/03/2019\_\_\_\_\_

Self-Certification Letter					
Project NameGreen Valley II Mitigation Site					
Dear Applicant:					
Thank you for using the U.S. Fish and Wildlife Service (Service) Raleigh Ecological Services online project review process. By printing this letter in conjunction with your project review package, you are certifying that you have completed the online project review process for the project named above in accordance with all instructions provided, using the best available information to reach your conclusions. This letter, and the enclosed project review package, completes the review of your project in accordance with the Endangered Species Act of 1973 (16 U.S.C. 1531-1544, 87 Stat. 884), as amended (ESA), and the Bald and Golden Eagle Protection Act (16 U.S.C. 668-668c, 54 Stat. 250), as amended (Eagle Act). This letter also provides information for your project review under the National Environmental Policy Act of 1969 (P.L. 91-190, 42 U.S.C. 4321-4347, 83 Stat. 852), as amended. A copy of this letter and the project review package must be submitted to this office for this certification to be valid. This letter and the project review package will be maintained in our records.					
The species conclusions table in the enclosed project review package summarizes your ESA and Eagle Act conclusions. Based on your analysis, mark all the determinations that apply:					
"no effect" determinations for proposed/listed species and/or proposed/designated critical habitat; and/or					
"may affect, not likely to adversely affect" determinations for proposed/listed species and/or proposed/designated critical habitat; and/or					
"may affect, likely to adversely affect" determination for the Northern long- eared bat (Myotis septentrionalis) and relying on the findings of the January 5, 2016, Programmatic Biological Opinion for the Final 4(d) Rule on the Northern long-eared bat;					
"no Eagle Act permit required" determinations for eagles.					

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**

Project Name: Green Valley II Buffer

Mitigation Site Date: 6/03/2019

Species / Resource Name	Conclusion	ESA Section 7 / Eagle Act Determination	Notes / Documentation
Schweinitz's Sunflower (Helianthus schweinitzii)	Potential habitat present and no current survey conducted	May Affect, Not Likely to Adversely Affect	Survey will be conducted during the optimal survey window of late-August through October. However, buffer mitigation practices should have no effect on any potential populations.
Critical habitat	No critical habitat present	No Effect	
Bald eagle	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.

Motthew Likeylo	Ecologist I	6/3/2019
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: June 03, 2019

Consultation Code: 04EN2000-2019-SLI-0964

Event Code: 04EN2000-2019-E-02200

Project Name: Green Valley II

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 <a href="http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html">http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html</a>.

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-0964

Event Code: 04EN2000-2019-E-02200

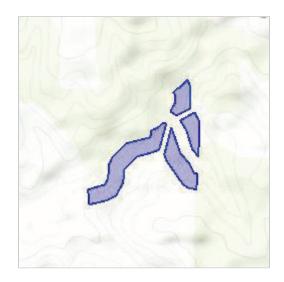
Project Name: Green Valley II

Project Type: LAND - RESTORATION / ENHANCEMENT

Project Description: Buffer mitigation project

#### Project Location:

Approximate location of the project can be viewed in Google Maps: <a href="https://www.google.com/maps/place/35.907998403578375N79.83334007041077W">https://www.google.com/maps/place/35.907998403578375N79.83334007041077W</a>



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 Fisheries<sup>1</sup>, 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: <a href="https://ecos.fws.gov/ecp/species/3849">https://ecos.fws.gov/ecp/species/3849</a>

#### **Critical habitats**

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





Corporate Headquarters

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

June 6, 2019

Mr. Vann Stancil Habitat Conservation Biologist North Carolina Wildlife Resources Commission 215 Jerusalem Church Road Kenly, NC 27542

Subject: Project Scoping for Green Valley II Mitigation Site in Randolph County

Dear Mr. Stancil,

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 Green Valley II Site (35.54215, 79.49546W) 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 7.14 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 kcarrere@res.us with any questions that you may have concerning the extent of site disturbance associated with this project.

Sincerely,

Kasey Carrere | Project Manager

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



# 

Gordon Myers, Executive Director

10 June 2019

Ms. Kasey Carrere RES 302 Jefferson Street, Suite 110 Raleigh, North Carolina 27605

Subject: Request for Project Scoping

Green Valley II Mitigation Site Randolph County, North Carolina

Dear Ms. Carrere,

Biologists with the North Carolina Wildlife Resource Commission (NCWRC) received your letter on 06 June 2019 requesting review and comment on any possible concerns regarding the Green Valley II 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 Green Valley II Mitigation Site is located north of Hockett Dairy Road near its intersection with Stanton Farm Road in Randleman, Randolph County, North Carolina. The project involves the restoration and enhancement of approximately 7.14 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 unnamed tributaries 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 no known records for federal or state-listed rare, threatened, or endangered species within or near the site. The lack of records from the site does not imply or confirm the absence of federal or statelisted 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).

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

Page 2

10 June 2019 Green Valley II Mitigation Site Randolph County

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





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

Main: 713.520.5400

June 7, 2019

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

Subject: Project Scoping for Green Valley II Mitigation Site in Randolph County

Dear Ms. Gledhill-Early,

The Green Valley II 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 7.14 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 Green Valley II Site (35.54215N, -79.49546W) (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 January 7, 2019) was performed as part of the site due diligence evaluation. The database did not reveal any listed or potentially eligible historic or archaeological resources on the proposed properties. In addition, the majority 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 <a href="mailto:kcarrere@res.us">kcarrere@res.us</a> with any questions that you may have concerning the extent of site disturbance associated with this project.

Sincerely,

Kasey Carrere | 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

Kasey Carrere Resource Environmental Solutions, LLC 32 Jefferson Street, Suite 110 Raleigh, NC 27605

Re: Green Valley II Mitigation Site, Randolph County, ER 19-1906

Dear Ms. Carrere:

Thank you for your letter of June 7, 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 <a href="mailto:environmental.review@ncdcr.gov">environmental.review@ncdcr.gov</a>. 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





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

June 6, 2019

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

Subject: AD-1006 Request for the Green Valley II 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 Green Valley II 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) for the referenced project.

The Green Valley II Site has been identified for the purposes of providing mitigation for unavoidable buffer impacts in the Neuse River Basin. RES has been awarded the contract to design and implement the Green Valley II 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 7.14 acres of riparian buffers. The Project will provide numerous ecological and water quality benefits within the Cape Fear Basin. These benefits are not limited to the project area, but have more far-reaching effects throughout the Neuse River Basin. The Project will provide improvements to water quality, hydrologic function, and habitat. Coordinates for the site are as follows: 35.54215N, 79.49546W

An inventory of soils data was completed by RES utilizing Web Soil Survey to determine prime farmland classifications for the 16.5 project area. One soil map unit in the project area is classified as prime farmland, making up approximately 25.1% of the site (Chewacla loam,0-2% slopes, frequently flooded). Three soil map units in the project area are classified as farmland of statewide importance, making up 78.9% of the site (Wynott-Enon complex, 2-8% slopes, 16.3%; Wynott-Enon comple,8-15% slopes, 18.2%; and Wynott-Enon complex, 8-15% slopes, moderately eroded, 40.4%).

Encolosed is Form AD-1006 with Parts I and III Completed and maps of the Green Valley II Mitigation Site. We ask that you review the site information and complete Parts II, IV, and V as required by NRCS. Please email (kcarrer@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,

Kasey Carrere | 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