

**North Carolina Agriculture Cost Share Program Review Summary
(November 2013)**

County	<u>Robeson</u>	Date of Previous Review/Report	<u>1998</u>
District Staff Name(s)	<u>Mitch Miller, Joanna McPhatter</u>	Date	<u>11/21/13</u>
NRCS Staff Name(s)	<u>Jeremy Roston</u>		
Division Representative(s)	<u>Lisa Fine, Kristina Fischer, John College</u>		
Additional Participants	<u></u>		

Questions	Division Findings				Division Comments	District Plan of Action Required		SWCD Plan of Action	Proposed Timeline for Implementation	Division Response to Plan of Action (date)
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Section 1: Application Procedures and Tracking Progress (BMP Implementation and Payments)										
Questions in this section focus on how the district advertises the program, how applications are developed, how contracts are developed, how funds are tracked and how the board approves each.										
When do you schedule your board meetings?				X	Board meetings are the first Tuesday of every month. The district meets every month.		X			
How do you notify the public of the board meeting schedule and does it adhere to the Open Meetings Law?				X	A board meeting notice is posted on the district door and the County Admin Building bulletin board. Yes this adheres to the Open Meetings Law		X			

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					because it is a permanent sign of when the meetings are held.					
<i>When do you develop a conservation plan for a potential applicant?</i>				X	Mitch prepares the conservation plan after gathering the information from the site visit where the resource concern is found.		X			
<i>How do you assess the resource concerns on the farm to determine if a BMP is needed and feasible?</i>				X	Mitch makes sure the BMP is suitable to address the resource concern and that the farmer can afford to do the BMP.		X			
<i>Are applications reviewed and approved by the Board as a separate action item?</i>				X	Yes, applications are reviewed and approved separately from contracts and payments.		X			
<i>Are application decisions/motions recorded in the board minutes?</i>				X	Yes, the decisions and motions are recorded in the minutes.		X			
Because applicants are limited when applying for incentive BMPs, how does your district track the applications for incentive BMPs? Is your district using the self-certification form provided by the division to track incentive BMPs.		X			Mitch has his own system involving a spreadsheet and keeping incentive contracts in a different drawer Recommendation: The district had not been using the self certification form but they were made aware of it during the review and should begin to use it.	X		The District plans to begin using the self certification form on all incentive contracts.	2014	Plan of Action accepted.

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Please describe how the district tracks applicants who are applying for multiple incentive BMPs or consecutive incentive BMPs.				X	Mitch has a spreadsheet to track this and he gave us a copy during the program review. See note above about the self certification form and keeping incentive contracts in a separate drawer.		X			
If multiple partners farm together, how the district tracks individual applicants as one operation?	X				Mitch knows the farmers and the partnerships from working with them. He also uses spreadsheets or FSA and checks on the LLC ones. He can get on Robeson County's online Register of Deeds to see who the owner is or the tax id site. Commendation: excellent effort and methods for tracking and checking on this so that caps are not abused.		X			
Once applications are approved, how do you develop a contract?				X	Once the applications are ranked, the high scoring ones get documentation developed for the contract including the conservation plan, RUSLE, PLAT, WMP, and then the contract is written.		X			
Describe how the district reviews the contract with the applicant. Do you explain that work cannot begin until the contract is approved by the division?				X	The cooperators understand the process and requirements before the board approves it. Mitch goes over deadlines and requirements in person with cooperators.		X			
What procedures do you follow for notifying the applicant that work can begin?				X	There is a pre-construction meeting where it is presented that the contract was approved and what they can now do. The cooperator receives a letter		X			

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					saying he can begin work.					
What information do you provide the applicant?				X	The letter stating that work can begin is given to the cooperator as well as the conservation plan, maps, engineering info, standards and specs, and the notification about when 1/3 of the work has to be complete (in approval letter).		X			
<i>Are contracts reviewed and approved by the Board as a separate action item?</i>	X				Yes, contracts are approved separately from applications and RFPs. Commendation: the district staff is doing an excellent job with their board meetings and completion of the minutes.		X			
<i>Are contract decisions/motions recorded in the board minutes?</i>				X	Yes, the decisions are recorded in the minutes.		X			
Describe the district/board's procedure for approving supervisor contracts.				X	There are very few supervisor contracts. No extra points are given and none are taken away for being a supervisor. The supervisor is treated as everyone else would be.		X			

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Is it documented in the Board minutes that the supervisor abstained from discussing his/her own contract and from voting?				X	Yes, there is evidence in the board meeting minutes of the supervisor abstaining from voting on his own contract. Good.		X			
What technical assistance do you provide during the BMP installation process to ensure the BMP is installed by the contract deadline?				X	Mitch meets with the landowner and is out on site when they are installing the practice. He observes and sometimes helps install. He makes sure they meet the 1/3 rule.		X			
How do you track the Commission's interim performance milestone? One-third of the work must be completed within 12 months of division approval.		X			Mitch checks the dates on the spreadsheet. Recommendation: the district should add a column to the spreadsheet which includes the date that 1/3 work should be done (12 months from division approval).	X		The District will add a 1/3 column to the spreadsheet to ensure that 1/3 of the work is completed within 12 months of Division approval.	2014	Plan of Action accepted.
Is the district recording 6-month extensions in the board minutes?	X				Yes, there is evidence in the minutes that the district is recording these. It is also on the agenda sheet as an information item. Commendation: this is important for the division to be able to have a supplemental allocation. Good effort to get the word to the board that some action needs to be taken on these contracts.		X			

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What documentation do you include in the contract file that certifies that the BMP was inspected and is installed to the standards and specifications?	X				The staff makes a notation on the Conservation Plan of the date of installation. Details and dates are included in the field check notes. Pictures are taken before and after. Commendation: The district's documentation is excellent.		X			
Are BMPs measured then certified before the request for payment is approved? How is this documented?				X	Yes, BMPs are measured and certified. It is documented in the conservation assistance notes and Conservation Plan.		X			
Are receipts received and reviewed for CSP BMPs that are based on actual cost?				X	Yes, receipts are reviewed and kept in the contract file.		X			
Are request for payments reviewed and approved by the board as a separate action item?		X			Yes, RFPs are a separate action item for review by the board. Recommendation: the district should break out the information for RFP into contract number, BMP, and amount just like what is done for applications and contracts.	X		The District will break out the information for RFPs into contract #, BMP, and amount in the minutes.	2014	Plan of Action accepted.
If the BMPs are not installed by the end of the third program year per Commission policy, how does the district request a one-year extension?				X	The district sends the division an extension request letter with a timeline for completion.		X			
Are payment decisions/motions recorded in the board minutes?				X	Yes, the decisions are recorded in the minutes.		X			

Section 2: Spot Checks and Compliance Issues

Questions in this section focus on how the district reviews BMPs for compliance and how maintenance and/or non-compliance issues are addressed.

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<i>Who participates in annual spot checks? When are they conducted?</i>				X	At least one staff and one supervisor attend the spot checks. Sometimes it is more than one supervisor. The spot checks are done after a regular board meeting in March/April or May.		X			
How does the district select which contracts to spot check?		X			Random number selection – picks random number and starts at the beginning and counts every nth one depending on total needed. Recommendation: have someone pick a random number to start at as well so you aren't always starting at the first contract when selecting your contracts. Also, don't skip someone if you picked them last year. In order to remain random whomever you land on in your selection process should be spot checked again. You can show them on paper that they came up again if they question "being picked on".	X		The District will continue to do random selection. We will also not skip over those that have previously been done.	2014	Plan of Action accepted.
<i>Are all BMPs under the waste management category spot checked for the first five years after installation? This applies to all farms that fall under the thresholds that are regulated by DWQ.</i>			X		The district had not been doing this. Corrective Action: I explained that this applies to the state Cost Share Program waste management category of BMPs. If DWR isn't inspecting the farm then the district should spot check the BMP every year for 5 years following installation. DWR will inspect those above the threshold numbers.	X		When spot checks are done, all waste management BMPs will be done for 5 years following installation in addition to the original 5% of Cost Share contracts spot checked annually.	2014	Plan of Action accepted. The random 5% should be selected first and any waste plans that still need spot checked

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					More guidance can be found on the Division of Water Resources Aquifer Protection Section Animal Feeding Operations section for Dry Poultry Litter 15ANCAC 02T.1303 and GS 143-215.10a-f.					should be added to the list.
How does the district review five percent of all waste utilization plans?				X	Jeremy does 10+ plans per year and the Area Office reviews his. District staff is not involved in this. Mitch has written one with Jeremy approving his.		X			
How does the district notify the NRCS area office (for ACSP contracts) or division (for CCAP contracts) to conduct spot checks on lands owned or operated by a district, county, division or NRCS employee or district supervisor? This includes CPOs, revisions, supplements or repairs.				X	Mitch notifies Jeremy and Jeremy notifies the Area Office. No CCAP in the county.		X			

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The North Carolina Statute 02 NCAC 59D.0107(f) states "If the technical representative of the district determines that a BMP for which program funds were received has been destroyed or has not been properly maintained, the applicant will be notified that the BMP must be repaired or re-implemented within 30 working days. For vegetative practices, applicants are given one calendar year to re-establish the vegetation" How does your district notify individuals that have destroyed or mismanaged a BMP?				X	The district notifies cooperators by certified letter.		X			
How are supervisors notified of BMPs that are found to be destroyed or mismanaged at any time throughout the year?				X	The supervisors are notified at an official board meeting.		X			
When does the district provide a written notice that the BMP must be repaired or re-implemented within 30 working days? (Vegetative practices have to be reestablished within one calendar year.) Is a copy of the notification kept with the CPO?				X	The written notice is sent as soon as the issue is found either on a spot check trip or a casual viewing. Yes, notification is kept in the CPO file.		X			
If the BMP was not repaired or re-implemented, was repayment requested? Please provide documentation.				X	The district has not had a refund while Mitch has been there. I explained the process during the program review.		X			
<i>Is the district notifying the division of non-compliance and resolutions?</i>		X			No, the district has not been notifying the division of every non-compliance issue and resolution. Recommendation: the district should copy the division on all non-compliance correspondence and	X		Anytime the District has a non-compliance issue the Division will be notified immediately by letter.	2014	Plan of Action accepted.

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					resolution.					
Section 3: Record Keeping										
Questions in this section focus on how funds are managed and accounted for, maintaining proper design and job approval authority, as well as disclosure forms.										
How does the district track BMP funds?				X	The district uses spreadsheets to track BMP funds.		X			
How does the district use the division on-line (website) reports?				X	The district uses the reports for year-end audit forms and to check payment processing.		X			
How are your BMP funds audited? What is the date of the last audit? Who performed the audit? Was the BMP audit form completed and notarized?				X	The BMP funds are audited by the board in May. Notarized by Joanna. Yes the BMP certification form was completed and uploaded.		X			
How are technical assistance funds tracked? Are they audited? What is the date of the last audit? Who performed the audit?				X	Joanna tracks TA funds but they are audited by the county in June. I received a copy of a letter from the County Finance Office about the audit during the program review.		X			
Who in the office is funded by Cost Share Technical Assistance (TA) from the State?				X	Mitch Miller		X			
How are operating funds tracked? Are they audited? What is the date of the last audit? Who performed the audit?				X	Joanna tracks the operating funds and they are audited by the county in June.		X			

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How are matching funds tracked? Are they audited? What is the date of the last audit? Who performed the audit?				X	Joanna tracks the matching funds in spreadsheets. They are audited by the board. Last audit was August 2013.		X			
How much time is spent on cost share program (ACSP, CCAP, AgWRAP) contracts and BMP implementation? How is that tracked?				X	Mitch estimates that more than 50% of his time is spent on state cost share program implementation. He thinks it's more like 75%. He uses the new TA timesheet the division sends out.		X			
Is proper job approval authority (JAA) documented for each technical and cost share position?	X				Yes, I reviewed a copy of Mitch's JAA. He just received Nutrient Mgt and incinerator JAA. Commendation: the division wants to commend Mitch in his efforts to obtain as much JAA as he can.		X			
Do district supervisors complete supervisor forms when they have a financial interest in an entity requesting a cost share contract?				X	Yes all supervisors signed the disclosure form. None of them currently are contractors.		X			
Section 4: Contract Reviews and Site Visits Below is a list of the contracts the division reviewed. Spot checks were also conducted. Notes include recommendations and/or corrective action for contract files as well as the BMP. Contracts/BMPs are listed by contract number.										
Contract Number: 78-05-10-08 Applicant Name: Willoughby Farms BMP: litter spreader				X	BMP – OK. File complete.		X			

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<p>Contract Number: 78-2005-032 Applicant Name: Willoughby Farms BMP: Water control structure</p> 		X			<p>Recommendation: The water control structure needs to be cleaned out due to debris from heavy storm water levels in recent months.</p> <p>File – complete.</p>	X		<p>The District will monitor the debris in the water control structure.</p>	<p>2014</p>	<p>Plan of Action accepted.</p> <p>The district should send the cooperator a letter and copy the division cost share staff about cleaning out this structure before more damage occurs.</p>

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<p>Contract Number: 78-2011-08 Applicant Name: Josh Stone BMP: incinerator</p> 				X	<p>Incinerator in good shape, no odor. File – complete.</p>		X			
<p>Contract Number: 78-2008-01 Applicant Name: Eric Freeman BMP: well/pump, tanks, fencing</p>				X	<p>All BMPs are in place and working. Horses are on site now instead of cows. File – complete.</p>		X			

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Contract Number: 78-2009-041 Applicant Name: Eric Freeman BMP: cropland conversion to grass				X	There is a house on site but a revised map shows the house being excluded in the acreage determination for the BMP. Contract file – no evidence of N and P reduction calculations. Note: Other files include this information so I am not giving a recommendation here. Please make sure all effects calculations are in the CPO.		X			
Contract Number: 78-2009-003 Applicant Name: McKinley Jones BMP: pasture renovation		X			The BMP looks good. Contract file – there were no job sheets in the file, or effects info, and no conservation plan. Recommendation: CPO files should be complete. I am not sure if the information is missing because this was temporary drought money or not but all contract requirements were the same so all info should be in the CPO.	X		The District will continue to keep job sheets in files, create conservation plans and enter the effects.	2014	Plan of Action accepted.
Contract Number: 78-2012-21 Applicant Name: Miles Mercer BMP: conservation tillage				X	The BMP looked good. File – complete.		X			
Contract Number: 78-2004-017/78-2005-014 Applicant Name: Bill Nye BMP: cropland conversion to trees				X	The trees looked good. File – complete.		X			

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Contract Number: 78-2013-001 Applicant Name: Ann Britt BMP: cropland conversion to grass		X			The field has mixed grasses and broadleaf weeds. Recommendation: Mitch should contact farmer and make sure field is in Bermuda and weeds are gone in spring. Contract file – should include mention of the water quality concern in the Conservation 6 notes.	X		The District will mention the water quality concern in the Conservation 6 notes.	2014	Plan of Action accepted. The district should copy the division on a letter sent to the cooperator about maintenance on this field.

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