



# NORTH CAROLINA SOIL & WATER CONSERVATION COMMISSION MEETING MINUTES July 16, 2014

Gov. James G. Martin Building  
North Carolina State Fairgrounds  
Raleigh, NC

Commission Members	Others Present	
Vicky Porter	Pat Harris	Chris Sloop
Craig Frazier	David Williams	Ben Knox
Tommy Houser	Julie Henshaw	Hiram Paul, Jr.
Charles Hughes	Ralston James	Donna Register
John Langdon	Ken Parks	James Sarvis
Manly West	Tom Hill	Nancy Carter
Bill Yarborough	Natalie Woolard	Candy Bohmert
	Rob Baldwin	Leslie Vanden Herik
	Steve Bennett	Bob Lyon
Commission Counsel	Joey Hester	Joe Howell
Jennie Hauser	Kristina Fischer	Mitch Miller
	Lisa Fine	Krista Parker
Guest	Eric Pare	Stephen Bishop
Tim Beard	Sandra Weitzel	Randy McDaniel
Jerry Raynor	Davis Ferguson	Phillip Reynolds
Dr. Richard Reich	Dick Fowler	Sanghyun Lee
	Joe Hudyncia	Anthony Hester
	Kim Livingston	Jennie Davis
	Dewitt Hardee	Steve Harris
	Keith Larick	Maurice Berry
	Leanna Staton	Brian Chatham
	Tammy Mull	Denny Norris
	Linda Milt	James Pentecost
	J.W. Spencer	Bruce Whitfield
	Daniel Brinn	Dennis Testerman
	Michael Robinson	Tyler Ross
	David Anderson	Terry English
	Karen McAdams	Lloyd Phillips
	Kenny Ray	David Smith
	Kirsten Frazier	

Chairwoman Vicky Porter called the meeting to order at 9:10 a.m. and charged the commission members to declare any conflict of interest, or appearance of conflict of interest, that may exist for agenda items under consideration, as mandated by the State Ethics Act. Chairwoman Porter announced

that she would be stepping down to represent the Cabarrus District on item 11C. Commissioner Frazier announced that he would be stepping down to represent the Randolph District on item 11C. Commissioner Houser announced that he would be stepping down to represent the Lincoln District on item 11C. Commissioner Langdon announced that he would be stepping down to represent the Johnston District on item 11C and that he would recuse himself from item 8C. Commissioner Hughes announced that he would recuse himself from items 12 and 13.

Chairwoman Porter welcomed everyone to the meeting, and she asked all of the commission members and attendees to introduce themselves and reminded everyone to sign the registration sheet.

### **1. APPROVAL OF AGENDA:**

Chairwoman Porter reviewed the agenda. Commissioner Frazier requested to remove the reading of the statement of economic interest, requested that the AgWRAP contract for Commissioner Langdon would be removed from the consent agenda (item 7) and added for individual consideration as item 8C. Also item 15 is being added to consider renaming the Commission's Advisory to Districts on Secondary Employment. Commissioner Frazier moved to approve the agenda as modified. The motion was seconded by Commissioner West. Motion carried.

**2. APPROVAL OF MINUTES – MAY 22, 2014 MEETING:** The minutes of the commission meeting held on May 22, 2014 were presented. Commissioner Frazier offered a motion to approve the minutes with changes already shared with staff. Commissioner Houser seconded the motion. The motion carried.

**3. Division Report:** Ms. Pat Harris, Director of the Division of Soil and Water Conservation, presented the division report. Her presentation included the following:

- Provided an update on the budget and legislative session.
- Described a requirement for all individuals running for any elected seat to name a campaign treasurer. The campaign treasurer is required to participate in training every 4 years.
- Ongoing effort to review and update state rules known as the N.C. Administrative Codes. This is required for all agencies and commissions once every 10 years. Division staff expects to present the first set of rules to the commission in September.
- Conservation Employee Training August 11-14 at the City Hotel & Bistro in Greenville, N.C.. Commission will meet on the morning of August 12.
- Announced that Julie Henshaw, Nonpoint Source Programs Chief, received the *Natural Resources Enhancement Award* from the Hugh Hammond Bennett Chapter of the Soil & Water Conservation Society.
- Announced that Program Assistant Dottie Jones was selected as the Department of Agriculture and Consumer Services Employee of the Month for May.
- Announced that the new Cost Share Contracting System (CS<sup>2</sup>) received recognition for an *Excellence in Team Accomplishment Award* from the Department of Agriculture and Consumer Services.
- Introduced as new division employees:
  - Joey Hester, Nonpoint Source Planning Coordinator
  - Phillipp Lindemann, CREP Intern
- Announced that the vacancy for the Central Regional Coordinator has been advertised and the division was in the process of scheduling interviews
- Announced that John College resigned as an Environmental Specialist with the Operations Review Team.

- Presented a retirement award and the *Order of the Longleaf Pine* to Mr. Steve Bennett who just retired from the division with 40 years of service.
  - Steve commented that the opportunity to work with district supervisors and staff were a great experience, and he said the decision to retire was very very difficult.
  - Chairwoman Porter commented on her first experience meeting Steve when her family farm was recognized as Conservation Farm Family. She expressed appreciation and support and encouraged Steve to remain involved.
  - Steve declared his intent to continue to serve as a volunteer for conservation activities and events.

The handout for the division report is included as Attachment 3.

4. **Association Report:** Commissioner Langdon, NCASWCD President, presented a brief overview on the following:
- 2014 Outstanding Conservation Farm Family Program winner – Mickey Bowman Farm in Randolph County. Celebration scheduled for September 25.
  - Negotiation with the UNC School of Government to provide 3 new training modules for district supervisors
  - Results of the statewide Area Alignment Survey
  - Passage of House Bill 558 which makes districts eligible to be reimbursed for state sales tax payments on qualifying purchases.
  - Reported on the Southeast NACD meeting in Louisville, KY

The handout provided for item 4 is attached and is an official part of the minutes.

5. **NRCS Report:** Mr. Jerry Raynor, Assistant State Conservationist for Operations for the National Resources Conservation Service (NRCS), referred to a handout and presented a brief overview of the following:
- Veteran Farmers consideration has been added as a new qualifier for 90% cost share rate for USDA programs
  - Regional Conservation Partnership Program (RCPP) was established in the new farm bill, consolidating several regional initiatives. Signup just closed. NC was included in 3 national and regional applications totaling \$18 million, and it received 6 state applications totaling \$21 million.  
Commissioner Frazier asked if districts would be eligible to receive funds under this program. Mr. Raynor confirmed that districts could be an eligible applicant.
  - Expect to hear back soon on selected Agricultural Conservation Easements Program applications
  - There will be a re-enrollment opportunity for Conservation Security Program contracts that are set to expire.
  - This year NRCS has received \$51 million in EQIP requests, but NC has been allocated only \$17 million

The handout provided for item 5 is attached and is an official part of the minutes.

6. **Pond Water Quality and Quantity Literature Review:** Mr. Joey Hester presented the findings of a literature review he conducted on the benefits and effectiveness of ponds for water quality and

quantity. He stated that he did the review in response to a question from the commission about the natural resources benefits of ponds. Several commission members congratulated Mr. Hester on his excellent report.

The handout provided for item 6 is attached and is an official part of the minutes.

**7. Consent Agenda:**

Commissioner West moved to approve the consent agenda. The motion was seconded by Commissioner Frazier, and it passed unanimously.

**A. Appointment of Supervisors**

- Ronnie Smith; Clay SWCD; filling the unexpired term of Bruce Woody

**B. Approval of Cost Share Supervisor Contracts**

Contract No.	District	Supervisor Name	Practice(s)	Contract Amount
18-2014-005	Catawba	Vance Proctor, Jr.	Livestock Exclusion	\$3,402
43-2014-012	Harnett	John Gross (Lee SWCD supervisor)	Grassed Waterway	\$1,673
63-2014-021	Moore	Billy Carter	Pond Sediment Removal	\$3,000
63-2014-022	Moore	Billy Carter	New Pond Construction	\$15,000
84-2014-003	Stanly	Curtis Furr	Rooftop Runoff Management	\$1,349
90-2014-501	Union	Kelvin Baucom	Abandoned Well Closure	\$1,500

**C. Technical Specialist Designation**

Waste Utilization Planning/Nutrient Management (WUP/NM)

Keith R. Baldwin, PhD.

Inorganic Nutrient Management (INM)

Keith R. Baldwin, PhD.

The handouts provided for items 7A-7C are attached and are an official part of the minutes.

**8. AgWRAP**

**a. Detailed Implementation Plan**

Ms. Julie Henshaw requested guidance from the commission on the 2014-15 Detailed Implementation Plan for the Agricultural Water Resources Assistance Program (AgWRAP) for approval. Commissioner Yarborough offered a motion to postpone consideration until the commission members had more time to consider and we knew how much funding we would receive. Commissioner Houser seconded the motion, and the motion was approved. Ms. Henshaw noted the division’s hope to open the application period after the August meeting. Commission counsel Jennie Hauser advised to send comments to Ms. Henshaw and let her redistribute to all commission members.

**b. AgWRAP Spot Check Report for PY-2014**

Ms. Henshaw presented the PY-2014 spot check report for the AgWRAP Program for approval. She reported that 54.5% of the 101 AgWRAP contracts in the active maintenance stage had been checked with 100% compliance. Commissioner Hughes offered a motion to approve the report. Commissioner Yarborough seconded the motion, and the motion was approved.

**c. AgWRAP Contract for Commission Member**

Contract No.	District	Supervisor Name	Practice(s)	Contract Amount
51-2014-801	Johnston	John Langdon (SWCC Member)	Agricultural pond repair/retrofit	\$22,500

Ms. Henshaw stated that the Division had reviewed the contract and all was in order. Commissioner Frazier moved to approve the contract, and Commissioner West seconded. The motion was approved. Mr. Langdon did not vote of engage in discussion.

The handouts provided for item 8A – 8C are attached and are an official part of the minutes.

**9. Agriculture Cost Share Program (ACSP)**

Chairwoman Porter recognized Ms. Julie Henshaw to present the items related to the Agriculture Cost Share Program.

**9A. Approval of the PY2015 Detailed Implementation Plan**

Ms. Henshaw presented the proposed PY2015 Detailed Implementation Plan (DIP) for the Agriculture Cost Share Program. She noted the changes from the PY2014 DIP. Commissioner Yarborough moved to approve the DIP, and Commissioner Frazier seconded. The motion was approved.

**9B. PY2015 Cost List Changes**

Ms. Henshaw presented the TRC’s recommendation on the average cost for PY2015. She noted the changes from the PY2014 cost list only involve 2 components. Commissioner West moved to approve the average cost list, and Commissioner Hughes seconded. Commissioner Yarborough asked whether the cost rate for switchgrass sprigs is per plant or per square foot. Ms. Henshaw noted that it was per plant. Commissioner Yarborough asked about the rationale for increasing the rate for cover crop. Ms. Henshaw noted the increase in seed and establishment cost. The motion was approved.

**9C. ACSP Spot Checks**

Ms. Henshaw presented the ACSP spot check report for PY 2014. She reported that 9.4 percent of the contracts in active maintenance were visited with 98 percent in compliance. She noted that districts were taking action to follow up on those contracts found to be out of compliance or needing maintenance. Commissioner Yarborough moved to approve the spot check report, and Commissioner Houser seconded. The motion was approved.

The handouts provided for items 9A-9C are attached and are an official part of the minutes.

## **10. Community Conservation Assistance Program**

Chairwoman Porter recognized Mr. Tom Hill to present the items related to the Community Conservation Assistance Program.

### **10A. Approval of the PY2015 Detailed Implementation Plan**

Mr. Hill presented the proposed PY2015 DIP for the Community Conservation Assistance Program. He noted that there are no changes from the PY2014 DIP. Commissioner Frazier moved to approve the DIP, and Commissioner Yarborough seconded. The motion was approved.

### **10B. CCAP Spot Checks**

Mr. Hill presented the CCAP spot check report for PY 2014. He reported that 25.2 percent of the contracts in active maintenance were visited with 97 percent in compliance. He noted that districts were taking action to follow up on those contracts found to be out of compliance or needing maintenance. Commissioner Frazier moved to approve the spot check report, and Commissioner Hughes seconded. The motion was approved.

The handouts provided for items 10A-10B are attached and are an official part of the minutes.

## **11. District Issues**

### **11A. Post Approval Request for ACSP Contract**

Chairwoman Porter called on Mr. Ken Parks who provided an introduction for the request, then he introduced Supervisor James Sarvis and Donna Register, NRCS District Conservationist, to answer questions from the commission members about the request. Commissioner Yarborough moved to approve the post-approval request, and Commissioner Langdon seconded the motion. The motion was approved.

### **11B. Payment Request for an Expired Contract**

Chairwoman Porter called on Ms. Lisa Fine who provided some background information for the request from the Hyde SWCD, then she introduced Mr. Daniel Brinn from the district and supervisor J.W. Spencer to answer questions from the commission members about the request. Due to staff changeover, the district did not realize they needed to request an extension for this contract that required 3 annual payments. Commissioner Yarborough noted the need to revise practices that require 3 annual payments to avoid conflicts such as this. Commissioner West moved to approve the post-approval request, and Commissioner Frazier seconded the motion. The motion was approved.

### **11C. Extension Requests for Cost Share Contracts**

#### Contract 07-2012-751; Beaufort SWCD

Mr. Hiram Paul, Supervisor from Beaufort SWCD, and Anthony Hester, District Cost Share Technician, were present to answer any questions from the commission. The contract is for pond repair. There was a death in the family that delayed the project. Commissioner West moved to approve the requested extension. The motion was seconded by Commissioner Houser. The motion carried.

#### Contract 14-2012-516; Caldwell SWCD

Ms. Fine pointed out that the district appeared at the May commission meeting, but action was deferred to this meeting. Commissioner Yarborough moved to approve the requested extension. The motion was seconded by Commissioner Langdon. The motion carried.

Contract 22-2012-501; Clay SWCD

Ms. Linda Milt, District Technician, and Supervisor Tammy Mull were present to answer any questions from the commission. Commissioner Yarborough moved to approve the requested extensions. The motion was seconded by Commissioner Hughes. The motion carried.

Contract 23-2012-533; Cleveland SWCD

Mr. Stephen Bishop and Mr. Randy McDaniel, Supervisor from Cleveland SWCD, were present to answer any questions from the commission. Most of the contract is complete, but completion of the fence was delayed due to health issues. Commissioner Houser moved to approve the requested extension. The motion was seconded by Commissioner West. The motion carried.

Contract 29-2012-805; Davidson SWCD

Mr. Lloyd Phillips, and Mr. David Smith, Supervisor from Davidson SWCD, were present to answer any questions from the commission. The AgWRAP pond was delayed due to contractor delays and wet weather. The pond is under construction and should be completed next week. Commissioner Yarborough moved to approve the requested extension. Commissioner Frazier seconded the motion. The motion carried.

Contract 59-2012-002; McDowell SWCD

Mr. Tyler Ross and Mr. Terry English, Supervisor from McDowell SWCD, were present to answer any questions from the commission. Commissioner Yarborough moved to approve the requested extension. Commissioner Langdon seconded the motion. The motion carried.

Contract 60-2012-801; Mecklenburg SWCD

Ms. Leslie Vanden Herik and Ms. Nancy Carter, Supervisor from Mecklenburg SWCD, were present to answer any questions from the commission. The contract involves microirrigation. The design is not yet approved due to communication issues with irrigation provider and health issues of district staff. Commissioner Yarborough expressed concern about the difficulty getting microirrigation designs approved. Commissioner Yarborough moved to approve the requested extension. Commissioner Houser seconded the motion. The motion carried.

Contract 60-2012-803; Mecklenburg SWCD

Ms. Leslie Vanden Herik and Ms. Nancy Carter, Supervisor from Mecklenburg SWCD, were present to answer any questions from the commission. The pond site had to be moved, and the pond is now being laid out for construction. The pond is a dug pond. Commissioner Langdon moved to approve the requested extension. Commissioner Frazier seconded the motion. The motion carried.

Contract 60-2012-001; Mecklenburg SWCD

Ms. Leslie Vanden Herik and Ms. Nancy Carter, Supervisor from Mecklenburg SWCD, were present to answer any questions from the commission. The livestock exclusion and watering tanks are complete, but the contract needs to be extended for the last payment for prescribed grazing. Ms. Fine noted that the division is now recommending to include prescribed grazing in a separate contract to avoid these type problems. Commissioner Yarborough moved to approve the requested extension. Commissioner Houser seconded the motion. The motion carried.

Contract 68-2012-801; Orange SWCD

Mr. Kenny Ray and Ms. Karen McAdams, Supervisor from Orange SWCD, were present to answer any questions from the commission. The cooperater is awaiting final design, but it is being held up due to need for the Land Quality Section to determine hazard class. Commissioner Frazier moved to approve the requested extension. Commissioner Yarborough seconded the motion. The motion carried.

Contract 69-2012-004; Pamlico SWCD

Ms. Candy Bomhert and Mr. Bob Lyon, Supervisor from Pamlico SWCD, were present to answer any questions from the commission. The contract was signed late in the year, and progress has been delayed due to wet weather. The land smoothing is complete, and 10 of 21 structures have been installed. Commissioner Yarborough moved to approve the requested extension. Commissioner West seconded the motion. The motion carried.

Contract 70-2012-006; Albemarle – Pasquotank SWCD

Mr. Maurice Berry and Mr. Steve Harris, Supervisors from Pasquotank SWCD, were present to answer any questions from the commission. The district staff position was vacant for some time, so the contract was delayed to get approved. The structure has been ordered. Commissioner Langdon moved to approve the requested extension. Commissioner Hughes seconded the motion. The motion carried.

Contract 70-2012-008; Albemarle – Pasquotank SWCD

Mr. Maurice Berry and Mr. Steve Harris, Supervisors from Pasquotank SWCD, were present to answer any questions from the commission. Wet weather after crop harvest prevented completion of the land smoothing. Commissioner Langdon moved to approve the requested extension. Commissioner Yarborough seconded the motion. The motion carried.

Contract 73-2012-015; Person SWCD

Mr. James Pentecost and Mr. Bruce Whitfield, Supervisor from Person SWCD, were present to answer any questions from the commission. For this contract Mr. Pentecost stated that the fence is nearly complete, but work was delayed due to the cooperater having health issues. Commissioner West moved to approve the requested extension. Commissioner Yarborough seconded the motion. The motion carried. Mr. Pentecost reported that the work on three contracts extended last year was completed.

Contract 73-2012-016; Person SWCD

Mr. James Pentecost and Mr. Bruce Whitfield, Supervisor from Person SWCD, were present to answer any questions from the commission. The fencing is completed, but installation of the water line and tank remains to be completed. The delay is due to uncertainty about siting for a lagoon funded under an NRCS agreement. Commissioner Houser moved to approve the requested extension. Commissioner Frazier seconded the motion. The motion carried.

Contract 78-2012-009; Robeson SWCD

Mr. Mitch Miller and Mr. Joe Howell, Supervisor from Robeson SWCD, were present to answer any questions from the commission. The extension is necessary to allow the third-year payment for prescribed grazing. Commissioner Langdon moved to approve the requested extension. Commissioner West seconded the motion. The motion carried.

Contract 80-2012-010; Rowan SWCD

Mr. Chris Sloop and Mr. Ben Knox, Supervisor from Rowan SWCD, were present to answer any questions from the commission. This cost share contract is funded through Clean Water Management Trust Fund, and the location is NCDA&CS Piedmont Research Station. The facility is very large, so the project was sent to Ft. Worth, Texas for design, then was delayed due to sickness in NCDA&CS Construction Office and approval from Office of State Construction. Commissioner Frazier moved to approve the requested extension. Commissioner Yarborough seconded the motion. The motion carried. Mr. Yarborough stated that he hopes to see these structures on every research station.

Contract 95-2012-416; Watauga SWCD

Mr. Brian Chatham and Mr. Denny Norris, Supervisor from Watauga SWCD, were present to answer any questions from the commission. The delay is due to financial difficulties and wet weather. Commissioner Langdon moved to approve the requested extension. Commissioner Houser seconded the motion. The motion carried.

Contract 13-2012-503; Cabarrus SWCD

Commissioner Porter stepped down from the commission and recused herself from the vote to represent the Cabarrus district for this item. Vice-Chair Crag Frazier assumed the chair. Mr. Dennis Testerman Cabarrus SWCD, was also present to answer any questions from the commission. Mr. Testerman expressed appreciation to the commission for their service and acknowledged the benefit of the program review conducted last year. This is one of several CCAP practices on the high school campus. Commissioner Houser moved to approve the requested extension. The motion was seconded by Commissioner West. The motion carried.

Chairwoman Porter resumed the chair.

Contract 51-2012-009; Johnston SWCD

Commissioner Langdon stepped down from the commission and recused himself from the vote to represent the Johnston district for this item and to answer any questions from the commission. Work began in 2013, but was delayed due to the pond being too full to work perform the sediment removal. Commissioner Houser moved to approve the requested extension. Commissioner Yarborough seconded the motion, and the motion carried.

Contract 51-2012-801; Johnston SWCD

Mr. Langdon also represented the Johnston district for this item and was available to answer any questions from the commission. Commissioner West moved to approve the requested extension. Commissioner Hughes seconded the motion, and the motion carried.

Mr. Langdon rejoined the commission.

Contract 55-2012-803; Lincoln SWCD

Commissioner Houser stepped down from the commission and recused himself from the vote to represent the Lincoln district for this item and to answer any questions from the commission. The extension is needed due to weather delays. Construction is underway. Commissioner Frazier moved to approve the requested extension. Commissioner Langdon seconded the motion, and the motion carried.

Mr. Houser rejoined the commission.

Contract 76-2012-803; Randolph SWCD

Commissioner Frazier stepped down from the commission and recused himself from the vote to represent the Randolph district for this item and to answer any questions from the commission. The Division of Energy, Mining, and Land Resources did not qualify the pond as a low-hazard. The pond has been redesigned and has now been approved. Commissioner Houser moved to approve the requested extension. Commissioner Langdon seconded the motion, and the motion carried.

Mr. Frazier rejoined the commission.

Ms. Fine noted that Carteret and Tyrrell districts would defer their requests to the August meeting. She also noted that extension requests from the Clay, Henderson, Jackson, Moore, Nash, Surry, and Wilkes were not presented for approval because the requests for payment for these contracts were received and approved by the division prior to the commission meeting in accordance with commission policy.

The handout for agenda items 11A-11C is attached and included as an official part of the minutes.

**12A. Consideration of Revised Action Plan for Lenoir SWCD**

Mr. David Williams referred to Attachment 12A, the revised action plan submitted by the Lenoir SWCD in response to concerns detailed at a previous commission meeting. This item is included as an official part of the minutes. The revised action plan addresses the recommendations noted by the division. Mr. Williams stated that the division had received an email from NRCS State Conservationist Mr. Tim Beard expressing concern that several of the actions described in the plan depend upon NRCS.

Mr. Beard addressed the commission about his concerns, noting that 5 of the 10 action items involve NRCS. He is particularly concerned about the potential workload impact on NRCS staff. He wants to meet with the board to determine whether NRCS can meet the expectations in the plan. He is awaiting a response from the district proposing a date for this discussion.

Mr. Williams recommended the commission defer considering the action plan until NRCS is able to meet with the district board and until NRCS notifies the division that it concurs with the plan or the the district modifies the plan to address NRCS' concerns. Commissioner West moved to defer action on the plan. Commissioner Frazier seconded the motion, and the motion was approved.

**12B. Request for Payment for Lenoir SWCD Fourth Quarter Technical Assistance**

Mr. Williams referred to Attachment 12B, the request for approval of the fourth quarter technical assistance invoice for the Lenoir SWCD, which is included as an official part of the minutes. He recommended the commission refer the request to the division for approval in accordance with the contractual agreement between the division and the district.

Commissioner Yarborough asked why this was on the agenda. Mr. Williams responded that the interim measures the commission imposed on the Lenoir SWCD at its March meeting remain in effect, and those measures require any request for payment from the Lenoir district to be presented to the commission by a supervisor and district staff member. Mr. Williams noted that the commission's rule governing technical assistance authorizes the commission to allocate technical assistance funds to the district, at which point it becomes the responsibility of the Department of Agriculture and Consumer Services to

administer the funding through its agreement with each district. Commissioner Frazier stated that the commission does not need to take action.

### **13. Allocation of funds for Technical Assistance**

Ms. Henshaw and Mr. Williams presented the division's recommendation for allocating the ACSP Technical Assistance funds. The allocation would be pending approval of the state budget for fiscal year 2014-15 by the General Assembly. Ms. Henshaw referred to Attachment 13, which is included as an official part of the minutes. She noted that the recommendation funds slightly more than 106 full-time equivalent (FTE) positions using \$2.4 million in recurring state appropriations to ACSP, \$24,000 in CCAP appropriations, and several grant resources. She recommended, based upon requests from the districts and available funding, the Commission use the following guidelines for allocating the 2014-15 technical assistance funds to districts:

- Cap allocation for salary and benefits at \$25,500
- No increase in salary and benefits for any position
- Fund the three Neuse and Tar-Pamlico watershed positions at 40%, with the remaining 60% supplied through grant sources. Ms. Henshaw noted that last year six watershed positions were funded, but the other three are now being funded by districts, since the grant resources supporting these positions are about to be exhausted. This is expected to be the last year these positions receive state technical assistance funding.
- Provide the state portion of funding for Dare and New Hanover with 50% coming from ACSP and 50% from CCAP.
- Increase the allocation for positions in Caldwell, Harnett, and Washington from ½ FTE to 1 FTE each.
- Discontinue funding for the second position in Edgecombe SWCD that was shifted to non-recurring funding in FY 2011-12.
- Provide \$1,260 per FTE of funding for matching operating expenses for technical assistance positions.

Mr. Williams recommended the commission reduce the technical assistance allocation to the Lenoir district by 50% because, as discussed at item 12 of the agenda, for FY 2014-15 the district will be working under a corrective action plan based upon the commission's findings and concerns of egregious problems discovered in a detailed program review of the district's operations. Specifically there were numerous instances found of:

- Contracts implemented prior to division approval
- Ineligible contracts
- Overpaid contracts
- Inadequate follow-up on out-of-compliance contracts
- Unauthorized signature for job approval authority
- Spot check discrepancies

Mr. Williams noted that the district has proposed a revised corrective action plan discussed previously. Chairwoman Porter invited the district to address the commission before it considered the division's recommendation. Mr. David Anderson said the district is moving forward, but that he doesn't feel all the findings are accurate and that the district has not been allowed to fully explain its perspective on the concerns. Mr. Anderson also asserted that if the commission approves the recommended allocation it will destroy the program in Lenoir SWCD.

Chairwoman Porter encouraged the district to act quickly on the request to meet with NRCS to help get the district's program back on track. Mr. Anderson commented that he had a history of working cooperatively with NRCS. He stated that he has not done anything wrong, but took responsibility for the minor technical issues in the program review.

Chairwoman Porter noted the extraordinary amount of time the division and the commission had devoted addressing to the issues in Lenoir. She commented that the commission has to keep in mind the importance of being stewards of the public tax dollars entrusted to it.

Mr. Anderson disputed several contracts that were noted to have problems in the review, citing a difference of opinion on cropland conversion. Commissioner Frazier asked Mr. Anderson whether he believed any of the concerns noted were valid. Mr. Anderson responded that some were valid. Mr. Anderson described his procedures for verifying cover for conservation tillage contracts, noting that he waits until the crop is established before he certifies the required cover. Commissioner Frazier responded that the residue should be present before the crop is planted, not after it emerges.

Commissioner Yarborough said the concerns in Lenoir have the potential to negatively impact every district. He added that the commission must take action to show it is providing effective oversight for the program so that it can withstand any future audits of the program.

Commissioner Yarborough proposed a motion to approve the division's recommendation for the technical assistance allocation. Commissioner Langdon seconded the motion, and the motion was approved. Commissioner Hughes recused himself from the discussion and vote.

#### **14. Update on the Proposed Waters of the U.S. Rule**

Commissioner Frazier moved to postpone the report under item 14 to the August Meeting. Chairwoman Porter noted that another party is scheduled to use the room in the afternoon and asked Mr. Keith Larick if the postponement was a problem for him. Mr. Larick indicated that it was not and that he is willing to give the presentation at a future meeting.

Commissioner Frazier asked Mr. Larick to confirm that the public comment period had been extended until October, and Mr. Larick confirmed.

Commissioner Yarborough seconded the motion, and the motion was approved.

#### **15. Guidelines on Secondary Employment**

Commissioner Frazier offered a motion to rename the Commission's Advisory to District's on Secondary Employment. The new name is proposed to be Commission Guidelines on Secondary Employment. Commissioner Langdon seconded the motion, and the motion was approved.

### **VI. PUBLIC COMMENTS:**

Chairwoman Porter asked if there were any public comments, and none were offered.

**VII. ADJOURNMENT**

With no further business, Chairwoman Porter asked for a motion to adjourn. Commissioner Langdon moved to adjourn and Commissioner Houser seconded the motion. The motion was approved, and Chairwoman Porter declared the meeting adjourned at 11:48 a.m.

*Patricia K. Harris*

\_\_\_\_\_  
Patricia K. Harris, Director  
Division of Soil & Water Conservation, Raleigh, N.C.  
(Sign & Date)

*David B. Williams*

\_\_\_\_\_  
David B. Williams, Recording Secretary  
(Sign & Date)

***These minutes were approved by the North Carolina Soil & Water Conservation Commission on August 12, 2014.***

*Patricia K. Harris*

\_\_\_\_\_  
Patricia K. Harris, Director  
(Sign & Date)