

**NORTH CAROLINA  
 SOIL & WATER CONSERVATION  
 COMMISSION MEETING MINUTES  
 August 13, 2014**

City Hotel and Bistro  
 Salon 2  
 203 SW Greenville Blvd.  
 Greenville, NC

<b>Commission Members</b>	<b>Staff and Guests</b>	
Vicky Porter	Joey Hester	Sherry Pittman
Tommy Houser	Daphne Cartner	Tyler Ross
Charles Hughes	Michelle Lovejoy	Keith Sawyer
John Langdon	Jerry Raynor	Stephen Bishop
Manly West	Alan Walker	Leslie Meadows
Bill Yarborough	Janine Owens	Sherry Harris
	Anthony Hester	Chris Sloop
	Ann Williams	Debbie Cahoon
	Grayson Sarif	Renee Melvin
<b>Commission Counsel</b>	David Harrison	Charles Davenport
Jennie Hauser	Ty Fleming	Jeff Harris
	Carl Jones	Rita Little
<b>Staff and Guests</b>	Frankie Singleton	Deanie Creech
Dr. Richard Reich	Sue Glover	Drew Brannon
Pat Harris	Linda Mitt	Ryan Faulk
David Williams	Leanna Staton	Teresa Nicholson
Natalie Woolard	Brenda Williams	Gail Heathman
Julie Henshaw	Greg Hughes	Sara Sweeting
Kelly Ibrahim	Gail Hughes	Patrick Baker
Tim Beard	Susan Woodard	Dennis Testerman
Ralston James	Martin McLawhorn	Pam Hawkins
Ken Parks	Grover Hood	Mamie Caison
Tom Hill	Rodney Wright	Elissa Riley
Lisa Fine	Millie Langley	Sandra Reid
Sandra Weitzel	Lisa Marochak	Cindy Phelps
Davis Ferguson	Jennifer Brooks	Charlie Bass
Joseph Hudyncia	Rick McSwain	Brandon Higgins
Rob Baldwin	Angela Greene Gragg	Charles Dunevant
Kristina Fischer	Carolyn Garris	Teresa Varnell
Tina Hlabse	Lynn Whitehurst	Anganette Byrd
Keith Larick	Cathy Barber	Daniel McClellan
Eric Pare	Missy York	Kim Livingston
Joe Hudyncia	Elizabeth Hamm	Laurie Brokaw

Patty Dellinger	Matt Lowe	Chester Lowder
Katie Powell	Brian Chatham	Elizabeth Williams
Randy Willis	Donna Wallace	Kelly Whitaker
Bryan Evans	Cyd Overby	Jenny Parks
April Hoyt	Louise Wooten	Joanna McPhatter
Andy Miller	Edward Long	Sara Hammonds
Susannah Goldston	Tina Rowell	Gary Holtzmann
Joan Downing	Donna Foster	Donna Rouse

Chairwoman Vicky Porter called the meeting to order at 10:40 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. None were declared.

Chairwoman Porter welcomed everyone to the meeting, and she asked all of the commission members and staff who are on the agenda to introduce themselves. She also recognized Dr. Richard Reich and Ms. Tina Hlabse from the Department of Agriculture and Consumer Services. She reminded everyone to sign the registration sheet.

**1. APPROVAL OF AGENDA:**

Chairwoman Porter reviewed the agenda. Commissioner Yarborough moved to approve the agenda with the change to strike the reading of a statement of economic interest, to remove item 7A and to replace “Hyde” with “Carteret” for item 11A. The motion was seconded by Commissioner Langdon. The motion carried.

**2. APPROVAL OF MINUTES – JULY 16, 2014 MEETING:** The minutes of the commission meeting held on July 16, 2014 were presented. Commissioner West offered a motion to approve the minutes. 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:

- Recognized the division employees in attendance.
- Shared a new promotional video for the Conservation Reserve Enhancement Program. The video was developed by a student intern from NCSU Phillip Lindemann.
- Reported on the outcome of the 2014 Legislative Session
  - Budget
    - 2% Management Flexibility reduction \$224,568 (ACSP, AgWRAP, and CREP)
    - Eliminated \$206,552 from the Lagoon Conversion Program
    - Provided a non-recurring \$1,000,000 increase in AgWRAP, but eliminated the non-recurring \$500,000 for TVA counties for AgWRAP
  - Described a new requirement for the Forest Service to charge for developing forest management plans.
- Updated on HR Vacancies for the Central Regional Coordinator and Operations Review Specialist positions.
- Recognized new births for division staff Edward Stephens and William Miller
- Announced that the division’s Resource Conservation Partnership Program proposal was selected as a finalist for the project focusing on the Impaired/Impacted Streams Initiative.

- Recognized the district employees who completed nutrient management and RUSLE/PLAT training, including those who received scholarships from the division.
- Recognized the district employees receiving scholarships for particular training sessions at the CET.
- Called on Dr. Richard Reich who recognized the Team responsible for developing the CS<sup>2</sup> system for an Excellence in Team Accomplishment Award for the project. Numerous staff from the Department and from districts were present to receive the recognition.

Director Harris' presentation is included as Attachment 3 and is an official part of the minutes.

**4. Association Report:** Commissioner Langdon, NCASWCD President, presented a brief overview on the following:

- Mobile Soils Lab – The Association's new Mobile Soils Lab trailer has arrived. The trailer will be used by districts for outreach and education programs.
- The Ad Hoc Committee Area Alignment will meet on August 15 in Greensboro to discuss the results of the survey and how to proceed.
- The Water Resources Committee held a meeting for PL-566 watershed sponsors in Statesville on July 30. The meeting was well attended. The purposes of the meeting were to help the sponsors understand the roles and responsibilities that come with owning and managing a watershed structure and to encourage them to develop emergency action plans and to stay on top of operation and maintenance needs.

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

**5. NRCS Report:** Mr. Tim Beard, State Conservationist for the National Resources Conservation Service (NRCS), updated the Commission on the status of the conservation programs administered through NRCS. He also announced an upcoming webinar (August 19) discussing the link between conservation and crop insurance. He congratulated the division on being one of two pre-proposals for RCPP from North Carolina to be selected to proceed with full proposals. The written report from Mr. Beard, is attached as Attachment 5 and is an official part of the minutes.

**6. Proposed Waters of the U.S. rules update:** Chairwoman Porter called on Mr. Keith Larick with the Department of Agriculture and Consumer Services to present an update on the EPA's proposed Waters of the United States rule. The intent of the rule is to provide more predictability and consistency on interpreting what activities may be permitted in streams and wetlands. EPA has claimed that some ditches may fall into EPA's jurisdiction. Comments are due October 20. The department is working with other groups to review and coordinate comments.

He also described the Interpretive Rule which links "normal farming practices" to 56 NRCS practices. The department submitted comments on the Interpretive Rule on June 4.

He stated that the best place to find information about the rules is EPA's website.

Commissioner Langdon asked if the rule would make farm ponds jurisdictional. Mr. Larick responded that it could.

Commissioner Yarborough said that districts have not necessarily been consulted in the development of the rule, and he encouraged districts to draft letters to NACD.

Mr. Larick's presentation is included as Attachment 6 and is an official part of the minutes.

## 7. Consent Agenda

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

### 7A. Appointment of Supervisors

Since no supervisor appointment nominations were received for this meeting, this item was removed from the agenda.

### 7B. Approval of Cost Share Supervisor Contracts

Contract No.	District	Supervisor Name	Practice(s)	Contract Amount
03-2014-006	Alleghany	Bobby Evans	Spring Development/Stream Protection System	\$10,031
43-2014-018	Harnett	Kent Revels	Grassed Waterway	\$1,104

### 7C. Technical Specialist Designation

John College – Waste Utilization Planning/Nutrient Management (WUP/NM)  
John College – Wettable Acres (WA)

### 7D. SWCC Job Approval Authority

Pond Site Assessment; Millie Langley, Guilford SWCD  
Water Needs Assessment; Millie Langley, Guilford SWCD

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

## 8. Detailed Implementation Plan Guidance for AgWRAP

Ms. Julie Henshaw called attention to the handout for item 8, which is attached as an official part of the minutes. She reminded everyone of the purposes of the AgWRAP program. She stated that \$1,500,000 is available for implementation statewide with no geographic limitations. She referred to the handout, noting that 77 districts requested \$4,995,656 in AgWRAP funds through their strategy plans for 2015.

She reported that the division participated in several input sessions as part of area issues meetings. She also reported on the directives by the General Assembly to include wells in the allocation strategy.

The attachment also lists four proposed options for allocating the 2015 funds to districts and to regional allocation pools. The division is seeking a decision from the commission regarding which eligible practices it wishes to include in the program for 2015 and which allocation strategy it wishes to implement. Once a decision is made, the division staff would develop an allocation and Detailed Implementation Plan to be considered at the Commission's September meeting.

Chairwoman Porter acknowledged the work that the commission, division, and districts have put into making AgWRAP a success.

Commissioner Langdon offered a motion to approve allocating 55% of the available funding for a regional allocation for new ponds and pond repair/retrofit and 45% of available funding to districts for the other eligible practices, including pond sediment removal. The motion also included an increase in the cap for new pond construction to \$20,000. The motion was seconded by Commissioner Houser. Commissioner Yarborough moved to amend the motion to include a provision to require a conservation plan for every cost share practice and to request the division work with the AgWRAP Review Committee, Cost Share Committee, and TRC to recommend additional criteria for wells. Commissioner Houser seconded the motion to amend, and it was approved. Chairwoman Porter called for a vote on the amended motion, and it was approved.

## **9. Agriculture Cost Share Program**

### **9A. Allocation of ACSP Financial Assistance Funds for Program Year 2015**

Ms. Kelly Ibrahim called attention to the handout for item 9A, which is attached as an official part of the minutes. She stated that there are a total of \$6,060,840 available to allocate at this time. This includes the appropriations for 2014-15 plus the rollover of unexpended funds from previous years, less the 5% contingency withheld per 02 NCAC 59D .0103. The proposed allocation includes earmarking \$200,000 to support the CREP Program and \$500,000 for Impaired/Impacted Streams Initiative. Commissioner West moved to approve the proposed allocation. Commissioner Houser seconded the motion, and the motion was approved.

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

### **10A. Allocation of CCAP Financial Assistance Funds for Program Year 2015**

Mr. Tom Hill called attention to the handout for item 10A, which is attached as an official part of the minutes. He stated that there are a total of \$306,243 available to allocate at this time. This includes the appropriations for 2014-15 plus the rollover of unexpended funds from previous years. The recommendation also includes a voluntary provision that allocated funds not encumbered by December 1, 2014 be returned to the Commission to be reallocated at the January 2015 meeting. Commissioner Yarborough moved to approve the proposed allocation. Commissioner Langdon seconded the motion, and the motion was approved.

### **10B. Approval of CCAP Average Cost List for Program Year 2015**

Mr. Hill called attention to the handout for item 10B, which is attached as an official part of the minutes. He stated that there are no changes from the list for 2014. Commissioner West moved to approve the proposed cost list. Commissioner Hughes seconded the motion, and the motion was approved.

### **10C. Consideration of Changes to the Permeable Pavement Practice**

Mr. Hill referred to attachment 10C, which is attached as an official part of the minutes. The recommended changes are to remove the geographic limitation for the practice and to include a provision requiring stabilization of areas adjacent to the site and an updated reference to the DENR Stormwater Manual. The changes are consistent with the DENR Stormwater Manual.

Commissioner Yarborough moved to approve the proposed practice revision. Commissioner Houser seconded the motion, and the motion was approved.

**10D. Updated Standards and Specifications for the CCAP Program**

Mr. Hill referred to attachment 10D, which is attached as an official part of the minutes. The changes are to update the standards and specifications for the practices eligible for CCAP funding. Commissioner West moved to approve the proposed changes. Commissioner Langdon seconded the motion, and the motion was approved.

**11. District Issues**

**11A. Extension Requests for Cost Share Contracts**

Ms. Kelly Ibrahim stated that there are two extension requests that were not considered at the July meeting due to inability of a supervisor to attend that meeting.

Contract 16-2012-600; Carteret SWCD

The request from the Carteret SWCD was withdrawn by the district.

Contract 89-2012-004; Tyrrell SWCD

Mr. Carl Jones, Supervisor from Tyrrell SWCD was present to answer any questions from the commission. The contract is for a land smoothing. The contract has been delayed due to weather. Commissioner West moved to approve the requested extension. The motion was seconded by Commissioner Langdon. The motion carried.

**VI. PUBLIC COMMENTS:**

Chairwoman Porter asked if there were any public comments.

There were none.

**VII. ADJOURNMENT**

With no further business, Chairwoman Porter declared the meeting adjourned at 12:22 p.m.

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

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

***These minutes were approved by the North Carolina Soil & Water Conservation Commission on September 17, 2014.***

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Patricia K. Harris, Director  
(Sign & Date)