

**NORTH CAROLINA SOIL AND WATER CONSERVATION COMMISSION
RALEIGH, NORTH CAROLINA
WORK SESSION AGENDA
DRAFT**

WORK SESSION

Archdale Building
Ground Floor Hearing Room
512 N. Salisbury Street
Raleigh, NC 27604
May 16, 2016
6:00 p.m.

BUSINESS SESSION

Archdale Building
Ground Floor Hearing Room
512 N. Salisbury Street
Raleigh, NC 27604
May 17, 2016
9:00 a.m.

I. CALL TO ORDER

The State Government Ethics Act mandates that at the beginning of any meeting the Chair reminds all the members of their duty to avoid conflicts of interest and inquire as to whether any member knows of any conflict of interest or potential conflict with respect to matters to come before the Commission. If any member knows of a conflict of interest or potential conflict, please state so at this time.

II. PRELIMINARY – Business Meeting

Welcome

Chairman John Langdon

III. BUSINESS

- | | |
|---|---|
| 1. Approval of Agenda | Chairman John Langdon |
| 2. CCAP Rules Revision (Item #10) | Ms. Julie Henshaw |
| 3. Animal Waste & Technical Specialist Rule Revisions (Item #7) | Ms. Natalie Woolard |
| 4. AgWRAP Review Committee Recommendations (Item #9)
A. Water Supply Well BMP Revisions
B. 2014 AgWRAP Contract Extension Request | Ms. Julie Henshaw |
| 5. Commission Policy for Supervisor Appointment (Item #11)
A. Policy for Supervisor Appointment
B. Update to Recommendation for Appointment Form | Ms. Kristina Fischer |
| 6. ACSP Technical Review Committee Recommendations (Item #8)
A. Stream Protection Well BMP Revisions | Ms. Kelly Hedgepeth |
| 7. Consent Agenda (Item #6)
A. Nomination of Supervisors
B. Supervisor Contracts | Ms. Kristina Fischer
Ms. Kelly Hedgepeth |

- | | |
|--|--------------------------------|
| C. Technical Specialist Designation | Ms. Natalie Woolard |
| 8. Approval of March 16, 2016 Minutes (Item #2) | Chairman John Langdon |
| 9. Division Report (Item #3) | Ms. Pat Harris |
| 10. Association Report (Item #4) | Mr. Ben Knox |
| 11. Pollinator Initiative (Item #12) | Commissioner Bill
Yarbrough |
| 12. NRCS Report (Item #5) | Mr. Tim Beard |

IV. PUBLIC COMMENTS

V. ADJOURNMENT

DRAFT

NORTH CAROLINA SOIL AND WATER CONSERVATION COMMISSION
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| 7. Animal Waste & Technical Specialist Rule Revisions | Ms. Natalie Woolard |
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| A. Stream Protection Well BMP Revisions | |

- 9. AgWRAP Review Committee Recommendations
 - A. Water Supply Well BMP Revisions
 - B. 2014 AgWRAP Contract Extension Request
 - 10. CCAP Rules Revision
 - 11. Commission Policy for Supervisor Appointment
 - A. Policy for Supervisor Appointment
 - B. Update to Recommendation for Appointment Form
 - 12. Pollinator Initiative
- Ms. Julie Henshaw
- Ms. Julie Henshaw
- Ms. Kristina Fischer
- Commissioner Bill Yarbrough

IV. PUBLIC COMMENTS

V. ADJOURNMENT

DRAFT



NORTH CAROLINA SOIL & WATER CONSERVATION WORK SESSION MEETING MINUTES March 15, 2016

NC State Fairgrounds
1025 Blue Ridge Road
Gov. James G. Martin Building
Raleigh, NC

Commission Members		
John Langdon	Kelly Hedgepeth	
Wayne Collier	Natalie Woolard	
Chris Hogan	Kristina Fischer	
Charles Hughes	Tom Hill	
Ben Knox	Ken Parks	
Manly West	Louise Hart	
Bill Yarborough	Tom Ellis	
	Lisa Fine	
Commission Counsel		
Phillip Reynolds	Helen Wiklund	
	Julie Groce	
	Michelle Lovejoy	
Guests		
	Ralston James	
Pat Harris	David Harrison	
David Williams	Joey Hester	
Julie Henshaw		

Chairman John Langdon called the meeting to order at 6:23 p.m. and opened the meeting with prayer. He inquired whether any Commission members need 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. Commissioner Hughes announced he would recuse himself from Item 7. Chairman Langdon welcomed everyone to the meeting and thanked the staff and Commissioners for their patience and diligence after the long Work Session.

Commissioner Hughes recused himself from Agenda Item 7. Mr. Reynolds stated Commissioner Hughes has a potential conflict of interest that will not be addressed tonight but at tomorrow's meeting.

Chairman Langdon welcomed our new Commission members, and they introduced themselves as Wayne Collier from Cumberland SWCD, retired and owner of a 100-year old family farm, and Chris Hogan from Orange SWCD, a 30-year supervisor and serving as First Vice President.

Mr. Reynolds will read the Statement of Economic Interest and Findings for Commissioners Collier and Hogan.

1. Approval of Agenda: Chairman Langdon reviewed the agenda. Commissioner Knox questioned about the fly-in and where would it be appropriate to talk about on the agenda. Director Harris will bring it up in the Division Report and discuss the Commission scheduling issues. Chairman Langdon added the fly-ins are to Washington D.C. to meet with our Legislators and conflicts with our Executive Committee Meeting and Commission Meeting. Commissioner Knox has not had the opportunity to attend the last 2 years and appears it would be a good opportunity to move the schedule around.

Chairman Langdon recommends insert this topic between Items 4 and 5. Chairman Langdon asked for a motion to approve the amended agenda. Commissioner Yarborough motioned to approve as amended and seconded by Commissioner Hogan. Motion carried. Item 5 is being changed and titled as Commission Scheduling Consideration. No need to motion to approve. Mr. Reynolds stated Chairman Langdon motioned to amend the agenda and not approve it. The vote takes place tomorrow and the amending of the agenda will wait for tomorrow for the actual approval of the agenda at the Business Meeting.

2. Approval of Minutes – January 3, 2016 Meeting: The minutes of the Commission meeting held on January 3, 2016 was presented. No changes were presented.

3. Election of Vice Chair: Chairman Langdon discussed the Vice Chair position. Chairman Langdon plans to nominate Commissioner Knox and if there is someone else to nominate, please let's discuss in the morning. Counsel stated it is necessary since Commissioner Frazier is no longer a Commission member, and we need a new Vice Chair, if Chairman Langdon is not at a meeting.

INFORMATION ITEMS

4. Division Report: Ms. Pat Harris, Director of the Division of Soil and Water Conservation, gave a brief summary of the Division report.

- New group picture at 8:30 a.m. on March 16, 2016
- Avian Influenza no occurrences in North Carolina
- 2016 & 2017 Commission Schedule
- CREP Legislative Report due April 1, 2016
- Scholarship & training of district employees
- District supervisor training
- Demographics of supervisors
- Rules Review Update
- MRBI is part of the Farm Bill

Chairman Langdon inquired about the letter Commissioner Frazier asked be written from NRCS about HPAI.

4A. Scheduling Consideration: Chairman Langdon suggested the Commission hold a listening session at the Conservation Employee Training in August in Asheville to enable district employees to engage Commission members to improve interaction and communication. Mr. Reynolds noted that the

listening session in August will need to be noticed to be compliant with the open meetings. A notice is going to go out announcing the listening session.

The Commission discussed the need to possibly allow Districts to present extensions at a meeting in August or September. They decided to stick with considering extension requests in July but acknowledged the possible need to delay that action.

Commissioner Knox stated when you are appointed as a district supervisor, you have to continue to be educated and participate.

Commissioner Yarborough requests that a reminder be sent for the Statements of Economic Interest. Director Harris said the due date is April 15, 2016.

Chairman Langdon called for a break at 7:51 p.m. Chairman Langdon reconvened the meeting at 8 p.m.

Chairman Langdon suggested the Commission meeting be held in other areas of the state for 2017 once or twice with a "field day and tour." Director Harris must give notice to the Fairgrounds at least six months in advance to cancel. Commissioner Yarborough suggested the President's area host the meeting at least once a year.

5. Association Report: Commissioner Knox referred to the Association Report that was included as Attachment 5. Commissioner Knox will summarize the details of the report tomorrow. Chairman Langdon recognized Commissioner Knox as doing an excellent job.

6. NRCS Report: NRCS State Conservationist, Mr. Tim Beard, was not present and Mr. Jerry Raynor will present tomorrow

7. Consent Agenda: Chairman Langdon will recommend these will be approved

7A. Nomination of Supervisors: Ms. Kristina Fischer presented 6 recommendations for appointment

- Tom Best, Pitt County, filling the unexpired term of Thurston James for '12-'16
- Charles Davenport, Pitt County, filling the unexpired term of C. Leroy Smith for '12-'16
- Thurston James, Pitt County, filling the unexpired term of Tom Best for '14-'18
- C. Leroy Smith, Pitt County, filling the unexpired term of Charles Davenport for '14-'18
- Jim Chandler, Richmond County, filling the unexpired term of Cecil Robinson for '12-'16
- James Norfleet, Scotland County, filling the unexpired term of David Morrison for '14-'18
- Aaron L. Burluson, Stanly County, filling the unexpired term of June Mabry for '12-'16 (blue sheet added)

7B. Supervisor Contracts: Ms. Kelly Hedgepeth presented

- Nine contracts; totaling \$69,385.00
- Commissioner Hughes asked if Lenoir County's contract is in Mr. Tyson's mother's name and Ms. Hedgepeth will check the contract

- Commissioner Knox wanted to know where it rained in Northampton County and Ms. Hedgepeth will have an answer by tomorrow
- Commissioner Yarborough asked if any of the staff have JAA for any of these practices, i.e., grass waterway and Ms. Hedgepeth can go back and check but typically unless there's a pending JAA someone has already signed it

7C. Job Approval Authority: No applications received

7D. Technical Specialist Designation: No applications received

8. District Performance and JAA Workgroup Report: Director Harris presented a brief summary of her report from the workgroup.

Commissioner Knox referred to the Conservation Action Team (CAT) Meeting and the discussion about NRCS standards being changed. If standards are changed its changes the rules the farmers must use.

Commissioner Hogan stated an interest to get representation on the CAT Team from each region.

Chairman Langdon commended and thanked Director Harris. According to Director Harris, the work done was beneficial, and it validates what we are thinking.

9. Cost Share Committee Report: Ms. Julie Henshaw presented a brief summary the recommendations from the Cost Share Committee on changes to the Cost Share Program rules. Chairman Langdon commended Mrs. Henshaw regarding the Cost Share Committee recommendations.

Chairman Langdon suggested the Commission approve the report and the timeline required, as Mrs. Henshaw stated. Director Harris recommends the Commission approve this in concept and be behind this effort. Mr. Reynolds stated there aren't any action items, but the Commission needs to make a general consensus approval on the concept. The Commission either acts or it doesn't act.

After much discussion, it was decided to seek consensus on the concepts only and not seek approval of the schedule. Chairman Langdon asked if the Commission is in consensus, and they are in consensus. Chairman Langdon commended the rest of the committee.

10. Nutrient Sensitive Watershed Agriculture Reports and Rules: Mr. Joey Hester briefly described the presentation he planned to give at the business meeting.

11. Consideration of Changes to Supervisor Appointment Processes: Ms. Kristina Fischer previewed recommendations involving changes to the supervisor appointment process.

Mrs. Fischer announced that she would ask for approval on changes to the forms and adopt a policy change to make all appointments conditional until the supervisor completes the training required by the Commission. Chairman Langdon asked for a questions or concerns, and none were offered.

12. AgWRAP: Chairman Langdon recognized Ms. Julie Henshaw.

12A. PY2016 Regional Application Recommendations: Ms. Henshaw previewed the recommendations from the AgWRAP Review Committee involving the 2nd batch of regional applications.

12B. Allocation of Remaining Funds: Ms. Henshaw presented a brief overview of the review committees recommendation to allocate the remaining AgWRAP funds.

13. CCAP: Chairman Langdon recognized Mr. Tom Hill

13A. PY2016 Reallocation: Mr. Tom Hill previewed the recommendation on reallocating 2016 CCAP funds.

13B. Stormwater Wetland CCAP BMP Presentation: Mr. Hill announced that the Gaston SWCD would be present to provide a presentation on a successful CCAP project.

14. Re-adoption of Small Watershed Program Rule: Deputy Director Williams presented a summary of the recommendation regarding the Small Watershed Rule 59C.

Chairman Langdon challenges the Commission that anything you see for opportunity for improvement to bring it to the Commission and as a team work together with Director Harris and her team.

Chairman Langdon commented his packet was mailed out on Monday, but he did not receive his packet until Saturday and the same for Commissioner Yarborough. Director Harris announced that she would explore sending the packet electronically.

Mr. Reynolds stated for the new members, he is the Commission Counsel and works for the Chairman, but he will work with you at any time. Chairman Langdon asked Counsel to discuss the difference between the Work Session and Business Meeting. The work session is a relatively relaxed format to allow the Commission to ask questions to make sure they understand the items they will consider in the business meeting. The Business Meeting, is more formal with Commission members needing to direct all comments to the Chair and wait to be recognized. He asked the Commission members to avoid side conversations because they are distracting. Counsel appreciates working with this Commission.

Public Comments: Chairman Langdon called for any comments from the public, and none were offered.

Adjournment: Chairman Langdon adjourned the work session at 10:16 p.m.

Patricia K. Harris, Director
Division of Soil & Water Conservation, Raleigh, N.C.

Helen Wiklund
Helen Wiklund, Recording Secretary

These minutes were approved by the North Carolina Soil & Water Conservation Commission on May 17, 2016.



NORTH CAROLINA SOIL & WATER CONSERVATION COMMISSION MEETING MINUTES March 16, 2016

NC State Fairgrounds
1025 Blue Ridge Road
Gov. James G. Martin Building
Raleigh, NC

Commission Members		
John Langdon	Kelly Hedgepeth	Keith Larick
Wayne Collier	Natalie Woolard	Helen Wiklund
Chris Hogan	Kristina Fischer	Charlie Bass
Charles Hughes	Ken Parks	Richard C. Reich
Ben Knox	Tom Hill	Eric Pare
Manly West	Louise Hart	Tina Hlabse
Bill Yarborough	Sandra Weitzel	Bryan Evans
	Joey Hester	C. Leroy Smith
Commission Counsel		
	Elizabeth G. Heath	Brian Lannon
Phillip Reynolds	Lisa Fine	Jason Walker
	Jerry Raynor	Chester Lowder
Guests		
	Dean Parker	
Pat Harris	David Harrison	
David Williams	Ralston James	
Julie Henshaw	Julie Groce	

Chairman John Langdon called the meeting to order at 9 a.m. and opened the meeting with prayer. He inquired whether any Commission members need 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. Commissioner Hughes announced he would recuse himself from Item 7. Chairman Langdon welcomed everyone to the meeting and thanked the staff and Commissioners for their patience and diligence after the long Work Session.

Statement of Economic Interest

Commission Counsel, Mr. Phillip Reynolds read a summary of the Statement of Economic Interest findings for the two newly appointed Commission members, Mr. Collier and Mr. Hogan. As part of their appointments, the Ethics Office requires they have received their evaluation letters and these be read into the minutes. Mr. Collier will fill the role of supervisor representing the Piedmont region of the Commission. He is on the Board of Directors of the Cumberland County Soil & Water Conservation

District. Mr. Hogan will fill the role of First Vice President for the NC Association of Soil & Water Conservation Districts on the Commission. He is the Chairman of the Orange County Soil & Water Conservation District.

Chairman Langdon recognized Dr. Reich. Dr. Reich welcomed the new Commission members and noted that there is a lot of hard work going on. He thanked the staff for what they do every day to support the Soil & Water Conservation Commission and support the preservation and protection of natural resources. He appreciates the Division's leadership.

Chairman Langdon asked everyone to introduce themselves.

- 1. Approval of Agenda:** Chairman Langdon reviewed the agenda. Commissioner West motioned to approve the agenda with the incorporation of schedule change suggested by Director Pat Harris. The motion was seconded by Commissioner Hughes. Motion carried.
- 2. Approval of Minutes – January 3, 2016 Meeting:** Chairman Langdon asked for a motion to approve the minutes from the Commission meeting held on January 3, 2016. Commissioner Knox moved to approve the minutes. Commissioner Hogan seconded. Motion carried.
- 3. Election of Vice Chair:** Chairman Langdon opened the nomination for the Vice Chair. Commissioner Yarborough nominated Commissioner Knox. Commissioner Hughes seconded. Motion carried.

INFORMATION ITEMS

4. Division Report: Ms. Pat Harris, Director of the Division of Soil and Water Conservation, discussed the following:

- NC free from HPAI
- Schedule for future Commission meetings :
 - May 16 & 17 Possible location change for May meeting and luncheon to honor past members
 - July 19 & 20, 2016, subject to change; face-to-face meeting
 - August Commission Meeting will be a roundtable during General Session of the Conservation Employees' Training in Asheville
 - March 2017 Commission Meeting moved to 4th week to avoid conflict with NACD Washington fly-in visits.
 - Commissioner Yarborough voiced to take caution when dates change for our Soil & Water Conservation Commission Meetings
 - Commissioner West recognized the fly in (Executive Committee Meeting) conflict in Washington, DC with our Soil & Water Conservation Commission Meetings
 - Commissioner Knox stated the Executive Committee Meeting does not have to be tied to the Soil & Water Conservation Commission Meeting
- General Assembly asked for a CREP report to be submitted by April 1, 2016 to include our current contracts a copy will be mailed to each Commissioner
- Annual UNC SOG Training in February; acknowledged twelve district supervisors and nine district employees who participated

- Two other workshops: Nutrient Management Training & Pasture Planning Training, scholarships offered through Division
- Association President will work with the Commission Chairman and Division Director to take legislation requiring all district supervisors, both elected and appointed, to participate in Commission-approved supervisor training at UNC SOG or equivalent training
- Reported on response to non-compliance on maintenance requirements to cost share contracts. \$103,000 has been collected as refunds on 50 50 contracts since July 2014.; Refunds generally are added to the district's cost share allocation for the current year as a reward for their effort to follow up on noncompliance.
- 2,642 contracts for all Commission Cost Share for FY214; \$16,361,443 have been encumbered
- Reviewed the status of the Rules Review Process

The Powerpoint presentation to accompany Director Harris' report is attached as Attachment 4 and is included as an official part of the minutes.

5. Association Report: Commissioner Knox, President of the NC Association of Soil & Water Conservation Districts, referred to the handout for item 5, which is attached as an official part of the minutes. He discussed the following:

- Successful Annual Meeting (best one in years) which generated \$15,000 in the silent auction
- 2017 Annual Meeting in Charlotte; room block open; on the Division's web site
- Attended 2016 Spring Meetings; good information and training but 14 districts had zero supervisors attend and need to improve attendance
- Soil & Water Facebook page has 100 new followers
- NC Department of Agriculture and Consumer Services promotional magazine ad
- Association's web site; Executive Director Groce working on a new logo and updating site
- Full house at the SOG
- Legislative Breakfast May 17, 2016
- SE NACD Annual Meeting in Cherokee, NC; room block available; registration on Association's and Division's web sites

Chairman Langdon thanked Commissioner Knox for his report. Chairman Langdon recognized Julie Groce, Executive Director, for her hard work.

6. NRCS Report: NRCS State Conservationist Tim Beard was absent. Mr. Jerry Raynor presented the following:

- Thanked Director Harris and Deputy Director Williams with the work they've done with JAA and working on transparency and availability
- NRCS downsized and the State changed its structure as well as National administrative changes
- Staff heavily involved in EQIP. NC was originally allocated over \$16M for conservation; received an additional \$1.5M; all funding obligated in May
- Resource Conservation Partnership Program (RCPP) notified NC will be participating in 4 projects
 - Two in state through EQIP ~ \$800,000
 - Two out of state – South Carolina & Georgia through ACSP ~\$2M for a 3-year project
- Four empty positions open for a year in NRCS – looking to hire

Chairman Langdon thanked Mr. Raynor for recognizing the hard work Director Harris and her team have done for JAA. Commissioner Yarborough mentioned the 1619 security issue and the MRBI with regards to what counties would be part of the MRBI nationally and if the Commission or Division can help. Commissioner Yarborough also inquired about the four contracts awarded by the RCPP.

Chairman Langdon thanked Mr. Raynor for his presentation.

7. Consent Agenda: Commissioner West moved to approve the consent agenda. The motion was seconded by Commissioner Yarborough. Motion carried, with Commissioner Hughes recusing himself from consideration of this item.

7A. Nomination of Supervisors:

- Tom Best, Pitt County, filling the unexpired term of Thurston James
- Charles Davenport, Pitt County, filling the unexpired term of C. Leroy Smith
- Thurston James, Pitt County, filling the unexpired term of Tom Best
- C. Leroy Smith, Pitt County, filling the unexpired term of Charles Davenport
- Jim Chandler, Richmond County, filling the unexpired term of Cecil Robinson
- James Norfleet, Scotland County, filling the unexpired term of David Morrison
- Aaron L. Burlison, Stanly County, filling the unexpired term of June Mabry (blue sheet)

7B. Supervisor Contracts:

- Nine contracts; totaling \$69,385.00

7C. Job Approval Authority: No applications received

7D. Technical Specialist Designation: No applications received

The handouts for agenda items 7A – 7D are included as an official part of the minutes.

8. District Performance and JAA Workgroup Report: Director Harris presented several issues

- Workgroup put together for ecological sciences (non-engineering)
- Workgroup members were recognized
- Issues Discussed—technical standards, JAA, performance and accountability
- Continue to utilize NRCS Standards
- Recommended improvements for NRCS Standards and addressed by Conservation Action Team (CAT) and commitment from NRCS
- Brought attention to the limitations on authority to delegate job approval authority in Chapter 89C The NC Engineering and Land Surveying Law
- JAA Process Improvements
- JAA Oversight and Liability

- JAA recommendations to improve performance for District Technical Employees and District Boards

Commissioners West, Knox, and Yarborough asked several questions, i.e., how many times would you have to exhibit your knowledge of the practice before getting JAA, what is the process to follow, and a time frame on the work to get the approval back.

Chairman Langdon thanked the Commission for bird-dogging and identify possibilities for improvement and asked where does the workgroup go from here? Director Harris stated the workgroup is dissolved and what the team has done falls into the next committee report and supports this next group. Commissioner Yarborough suggested thank you letters be written to each member of the workgroup.

The Powerpoint presentation to accompany Director Harris' report is attached as Attachment 8 and is included as an official part of the minutes.

9. Cost Share Committee Report:

Chairman Langdon asked Jason Walker; Yadkin SWCD, Charlie Bass; Franklin SWCD, Brian Lannon; Camden SWCD to step forward and recognized them for their hard work and dedication with the group. Gavin Thompson with NRCS; Sampson SWCD was absent.

Chairman Langdon read the Cost Share Program Rules and the Committee would like your approval and the Committee's recommendation to be presented by Ms. Julie Henshaw. The following was addressed:

- Recommendations that all Cost Share Program Rules be considered necessary with substantive public interest
- All Rules reviewed every ten years
- Phase I: Classification – 3 Determinations
- Phase II: Rule Text Revisions Schedule: January 2017 – Fall 2017
- Recognized the committee members
- Committee's Public Outreach started in 2013 for options for allocating TA funding
- Proposed New Rule Structure and the number of Rules the Commission administers
 - All Cost Share Programs will appear in one rule series: 02 NCAC 59D
- Agriculture Cost Share Program Rule Suggestions (ACSP) to align with the US Census of Agriculture
- Community Conservation Assistance Program Rule Suggestions (CCAP)
 - Revisions to text of the existing rule will be presented at the May 2016 Commission Meeting and the revised rule be effective by December 1, 2016
- AgWRAP Rule Suggestions
- Technical Assistance Rule Suggestions
 - Paying for performance instead of a position
 - Minimum TA allocation = \$20,000/year
 - Maximum amount currently proposed ~\$53,500 (amount of 2 FTEs + operating)
 - Performance based on dollars spent on BMP installed in each county

- TA allocations will be revised every three years unless a significant change in state appropriations and based on the district's performance during the best three of the last seven fiscal years
- Retain JAA requirement approved by Commission in 2010 in addition to the performance data

There was general discussion among the Commission members and Ms. Henshaw about the proposed requirement for cost shared employees to obtain Job Approval Authority, with general support for this requirement.

Chairman Langdon thanked Mrs. Henshaw and called for a break at 10:53 a.m. The meeting resumed at 11:12 a.m.

Commissioner Collier stated we need to collectively give a consensus on the concepts in the report. Chairman Langdon asked the Commission if we have a consensus on the report. All agreed.

The Powerpoint presentation to accompany Ms. Henshaw's report is attached as Attachment 9 and is included as an official part of the minutes.

10. Nutrient Sensitive Watershed Agriculture Reports and Rules: Mr. Joey Hester presented a report describing the agricultural nutrient reduction rules affecting the Neuse and Tar-Pamlico River Basins and the Jordan Lake and Falls Lake watersheds. His presentation also included a summary of a joint project between the Division and NRCS to establish special EQIP priority areas for certain watersheds. The project is connected to the Impaired/Impacted Streams Initiative.

Chairman Langdon thanked Mr. Hester.

The Powerpoint presentation to accompany Mr. Hester's report is attached as Attachment 10 and is included as an official part of the minutes.

11. Consideration of Changes to Supervisor Appointment Processes: Ms. Kristina Fischer referred to the handout for item 11, which is attached as an official part of the minutes. She presented some suggested changes to the nomination forms for supervisor appointment. The proposed changes involve:

- Change from requiring the forms to be mailed to the division to require them to be uploaded to the district's SharePoint page
- Revise the question about the candidate's willingness to attend training to clarify that the training is at the UNC School of Government

Commissioner West asked about handling these changes as a package or separately. Chairman Langdon stated if there is an issue, we will pull it out, otherwise, the Commission will approve as a group.

Chairman Langdon recognized Commissioner Hughes who motioned to approve the changes and Commissioner West seconded. Motion carried.

Conditional Appointments

Ms. Fischer presented the status of supervisors who are required to attend training during their current term. Many appointees who indicated a willingness to attend training had not completed the training. The Division recommends to add the following statement in *italics* to the appointment policy

- *For newly appointed individuals, as they begin a new term or fill an unexpired term for either an elected or appointed seat, the commission will make their appointment conditional upon their attendance at the next training session offered at the UNC School of Government. For those that do not attend, their appointment will expire the day following the training, unless they provide a written request for Commission consideration in advance. At their March meeting, the Commission will consider extensions for conditional appointments, as appropriate.*

Mr. Reynolds stated it does not matter whether the appointment is to an elected or appointed seat. The appointed supervisor in an elected seat remains an appointed supervisor until such time they are actually elected in the general election. If the Commission is appointing them, the Commission can require training as a condition.

Commissioner Yarborough moved to approve the recommended change to policy. Commissioner Hughes seconded. This will take effect today, March 16, 2016. Motion carries. These changes will be announced on the LISTSERV to the districts.

12. AgWRAP: Chairman Langdon recognized Ms. Julie Henshaw to present recommendations regarding AgWRAP.

12A. PY2016 Regional Application Recommendations: Ms. Henshaw called attention to the handout for item 12A and presented the recommendations from the AgWRAP Review Committee on the second batch of regional applications. Eleven districts submitted 19 applications. The Review Committee recommends approval of these applications for \$385,500.

Commissioner West motioned to approve and Commissioner Knox seconded. Motion approved.

12B. Allocation of Remaining Funds: Ms. Henshaw presented a recommendation to allocate remaining available AgWRAP funds on a just-in-time basis to fund approved applications through the remainder of the fiscal year.

Commissioner Yarborough motioned to approve and Commissioner Hogan seconded. Motion approved.

The handouts for items 12A and 12B are attached and included as an official part of the minutes.

13. CCAP: Chairman Langdon recognized Mr. Tom Hill to present item 13.

13A. PY2016 Reallocation: Mr. Hill referred to the handout for item 13, which is included as an official part of the minutes and presented the recommended reallocation.

- Supplemental allocation for FY2016 – 2nd year that the Division has requested a voluntary return of unencumbered CCAP funds.
 - 21 districts returned funds totaling \$49,403
 - 14 districts requested funds for \$127,865

- Reallocation based on the initial allocation with 2 exceptions – 2 districts requested less than what they would have received based on the methodology

Commissioner Hogan motioned to approve and Commissioner Hughes seconded. Motion approved.

13B. Stormwater Wetland CCAP BMP Presentation: Gaston SWCD will present - Mrs. Henshaw introduced Deano Parker from Gaston SWCD. Mr. Parker described how the Gaston SWCD is using the CCAP program and presented information on a specific stormwater wetland project at Tukaseegee Park in Mt. Holly. The project used funds from CCAP, Clean Water Management Trust Fund, and the City with a total cost of \$70,000.

Chairman Langdon thanked Mr. Parker for his presentation.

Mr. Parker's Powerpoint presentation is attached as Attachment 13B and is included as an official part of the minutes.

14. Re-adoption of Small Watershed Program Rule: Deputy Director David Williams referred to the handout for item 14, which is included as an official part of the minutes. He made the following points:

- Rules Review Process being brought to the Commission. This is the first rule being brought before the Commission to consider for re-adoption
- 59C subchapter rules were considered in the first batch of rules review, with all but one rule designated as necessary with without substantive interest
- Rule 02 NCAC 59C.0303, Approvals to Exercise the Power of Eminent Domain, was determined to be necessary with substantive public interest. The Commission will have to re-adopt this rule. The Division is recommending to approve the existing rule language to be listed in the State Register and go through a public comment process. The proposed rule would be published in July along with the other rules that will be presented for readoption at the next couple of Commission meetings.
- General Statute 139-44 states the responsibility of the Commission to approve requests to use the Power of Eminent Domain for small watershed projects
- To have a successful Watershed Project in 2016, local sponsors need this tool in the Toolbox
- Recommendation not to make any changes to the rule that was last amended in 1982.
- Recommend approving the existing text to publish and initiate rulemaking to re-adopt this rule

Jason Walker, Yadkin SWCD, commented that his district used this process in 5D Watershed in Yadkin County. The 5D watershed involved purchasing land from 36 landowners. Eminent domain was initiated for 6 landowners, but the county was able to continue negotiations and reach a satisfactory purchase agreement with 4 of the 6 before eminent domain process was finished.

Commissioner Hughes motioned to approve and Commissioner Collier seconded. Motion approved.

Public Comments: Chairman Langdon called for any comments from the public. Commissioner Knox, President of the NC Association of Soil & Water Conservation Districts, added to his report. He will create a letter to the Areas about attendance. The letter will go out or be put on the web site which was discussed with the Executive Committee. This letter will request supervisors (require them) to view

Deputy Director Williams' PowerPoint presentation about the requirements of their duties as supervisors and have the regional coordinators present it at one of their district meetings this year.

Commissioner Yarborough asked for consideration for a voluntary recall of the TVA funds and a supplemental reallocation similar to the CCAP reallocation. He asked if the Commission needs to do anything so the TVA money is not lost ? According to Ms. Henshaw, the encumbrance status of TV2 funds was presented at the Area 1 Meeting. An e-mail can be sent out with a voluntary recall, asking districts to let the division know if they are not going to use the allocated funds. and bring anything back to the Commission to be reallocated at the May meeting.

Mr. Ralston James discussed alternative arrangements for setting the meeting room starting with the July meeting.

Adjournment: Chairman Langdon adjourned the meeting at 12:37 p.m.

Patricia K. Harris, Director
Division of Soil & Water Conservation, Raleigh, N.C.

Helen Wiklund
Helen Wiklund, Recording Secretary

These minutes were approved by the North Carolina Soil & Water Conservation Commission on May 17, 2016.



NORTH CAROLINA SOIL & WATER CONSERVATION COMMISSION WORK SESSION MINUTES May 16, 2016

Ground Floor Hearing Room
Archdale Building
512 N. Salisbury Street, Raleigh, NC

Commission Members		
John Langdon	Kelly Hedgepeth	
Wayne Collier	Natalie Woolard	
Chris Hogan	Kristina Fischer	
Ben Knox	Ken Parks	
Manly West	Tom Hill	
Bill Yarborough	Lisa Fine	
	Ralston James	
	Julie Groce	
Commission Counsel		
	Elizabeth G. Heath	
Mary Lucasse	Tom Ellis	
	Eric Pare	
Guests		
	Chester Lowder	
Pat Harris	Helen Wiklund	
David Williams	Jeff Harris	
Julie Henshaw		

Chairman John Langdon called the meeting to order at 6:22 p.m. He inquired whether any Commission members need 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. No one had a conflict.

1. Approval of Agenda: Chairman Langdon reviewed the agenda. Director Harris informed the Commission of the renumbering of the agenda for the Work Session only. Chairman Langdon asked for a motion of the revised agenda.

Commissioner Hogan motioned to approve and Commissioner Yarborough seconded. Motion carried.

2. CCAP Rules Revision (Item #10): Chairman Langdon recognized Ms. Henshaw to present item 2. Ms. Henshaw referred to the handout for item 10, which is included as an official part of the minutes. She reminded the Commission that it had asked the Division to develop recommendations to revise the allocation methodology rule for CCAP to give the Commission flexibility to approve regional allocations in addition to district allocations. She commented that the proposed revised language shown in

Attachment 10 affects rules .0102 and .0103 in subchapter 59H. The changes allow the Commission to specify in its annual Detailed Implementation Plan the proportion of available funds to allocate for cost share payments, technical and administrative assistance, and education and outreach purposes and the proportion of those funds to be allocated to district, statewide, and regional allocations pools.

If approved the proposed rule changes would be published in the State Register. Following a 60-day public comment period, the Division would present the rules for adoption at the November Commission meeting.

Ms. Henshaw reminded the Commission that the entire set CCAP rules in subchapter 59H would also be reviewed as part of the rules review process.

Chairman Langdon recognized Counsel Mary Lucasse, who is sitting in for Counsel Phillip Reynolds, today and tomorrow. Ms. Lucasse observed that the meeting is open to the public, but the building's front door is locked without a security guard present. An employee was assigned to man the door.

3. Animal Waste & Technical Specialist Rule Revisions (Item #7): Chairman Langdon recognized Ms. Natalie Woolard who called attention to Attachment 7, which is included as an official part of the minutes. She explained that the subchapter 59E and 59G rules were considered in the first batch of rules review, with all rules in both subchapters designated as necessary with substantive interest. The Commission will have to re-adopt these rules. Ms. Woolard explained that the Division has conducted outreach to districts statewide and to other interested stakeholders to obtain input into recommendations to update these rules and is recommending to revise the rules as shown in the first 8 pages of Attachment 7. She explained that the latter pages of Attachment 7 are for reference purposes only to help the Commission understand the context for the rules relative to the Environmental Management Commission's 15A NCAC subchapter 2T rules and General Statute 143-215.10C.

The proposed revised rule language would be published in the State Register in July along with the Subchapter 59C rules approved in March and the 59F rules that will be presented for re-adoption at the July Commission meeting. The Commission would open a 60-day public comment period on all of the rules proposed for re-adoption following publication in the State Register.

In Subchapter 59E .0103 Item (j), the word "proposed" is being removed because the Technical Specialist is the only person authorized to make a modification to animal waste management plan. In other words, the Technical Specialist has to make the change so it is not proposed. Ms. Woolard will verify if that means the Technical Specialist can modify the plan before it is approved.

In Subchapter 59G .0104 Subparagraph (b) (1), (2), and (3), the language needs to be rewritten. Counsel recommends a revision to Item (b) as follows, "The Commission will accept the designation of any of the following as technical specialist." The word "and" will be replaced with "or" after designation in Item (b) (2). The word "or" will be added at the end of Item (b) (1) after NRCS.

In reference to Subchapter 59G .0104 Subparagraph (c) (1) (C), the Commission is not a licensing board and does not have the authority to issue licenses. The Division is proposing a training requirement for Technical Specialists to either secure and/or maintain their designation. Counsel will work with Ms. Woolard and Director Harris to add in the correct language.

In Subchapter 59G .0104 Subparagraph (4) (i), the district employee must have Job Approval Authority by NRCS before they qualify as a Technical Specialist. If they do not have needed JAA for the appropriate category, they would not meet the requirements to be designated as a Technical Specialist. It is unclear of why the waste facility closure and inorganic fertilizer only/nutrient management categories were not originally part of this rule but they should be included. Counsel will work with Ms. Woolard and Director Harris to compose appropriate language.

Chairman Langdon called for a break at 7:49 p.m. The meeting reconvened at 7:59 p.m.

Regarding the changes to Item #7, Commissioner Collier recommends the major items are discussed and recommendations made at the Commission's business meeting tomorrow. Any required action will be addressed at the July meeting.

4. AgWRAP Review Committee Recommendations (Item #9): Chairman Langdon recognized Ms. Julie Henshaw to present recommendations from the AgWRAP Review Committee. Ms. Henshaw stated that the AgWRAP Review Committee met on May 5 and offers the following recommendations.

4A. Revisions to Water Supply Well BMP: Ms. Henshaw called attention to the handout for item 9A and presented the recommendations to revise the water supply well practice. The recommendations include clarifying the purpose of the practice to include additional specific agricultural water uses, to clarify who is authorized to sign for Job Approval Authority, and to specify that the applicant must demonstrate that they have a method to distribute the water from the well.

4B. Extensions for Certain PY2014 AgWRAP Contracts: Ms. Henshaw stated that the AgWRAP Review Committee reviewed the progress of installing new pond and pond repair/retrofit contracts for the 2014 Program Year and recommends the Commission waive its requirement for a supervisor to present extension requests for these contracts due to delays largely beyond the control of the cooperator or the districts.

Ms. Henshaw will request approval of both items separately at the meeting tomorrow.

The handouts for items 9A and 9B are attached and included as an official part of the minutes.

5. Commission Policy for Supervisor Appointment (Item #11): Ms. Kristina Fischer referred to the handouts for items 11A and 11B, which are attached as an official part of the minutes. She reminded the Commission of its action to revise the supervisor appointment process at its March meeting.

5A. Policy for Supervisor Appointment: Ms. Fischer pointed out some suggested revisions to allow the Commission an opportunity to consider extending conditional appointment for supervisors who were unable to attend the School of Government training following their initial conditional appointment. The proposed policy would also allow the candidate for appointment to indicate whether they had previously attended the School of Government Training. The Division recommends the conditional appointment term would end after the Commission Meeting following the School of Government training not at end of the School of Government training.

5B. Update to Recommendation for Appointment of Supervisor Form: Ms. Fischer presented a proposed revision to the Recommendation for Appointment of Supervisor form to allow the candidate to indicate the dates of previous attendance at the UNC School of Government Training.

6. ACSP Technical Review Committee Recommendations (Item #8): Chairman Langdon recognized Ms. Kelly Hedgepeth to present recommendations from the Technical Review Committee (TRC). Ms. Hedgepeth stated that the TRC met on April 14 and offers the following recommendations.

6A. Revisions to Stream Protection Well BMP: Ms. Hedgepeth called attention to the handout for item 8A and presented the recommendations to revise the stream protection well practice. The recommendations include clarifying who is authorized to sign for Job Approval Authority, and to specify that contracts involving repairs to an existing well must involve a certified well contractor.

The handout for item 8A is attached and included as an official part of the minutes.

7. Consent Agenda (Item #6): Ms. Kristina Fischer and Ms. Kelly Hedgepeth discussed the items that will be included on the consent agenda.

7A. Nomination of Supervisors:

- Carl Dewey Wells, Onslow County, filling the unexpired term of Marion Howard

7A1. Update on Conditional Supervisor Reappointment:

- Supervisor Edward McLaurin at 100% attendance since January 2016 and continues to be monitored and attended the Area 3 Spring Meeting

7B. Supervisor Contracts:

- Ten contracts; totaling \$138,280.00
- One contract added for Macon (blue sheet); \$28,125.00

7C. Technical Specialist Designation: 3 applications approved

The handouts for agenda items 6A – 6C are included as an official part of the minutes.

8. Approval of Minutes – March 16, 2016 Meeting (Item #2): Chairman Langdon asked if there were any comments on the minutes. There were none.

9. Division Report (Item #3): Ms. Pat Harris, Director of the Division of Soil and Water Conservation, gave a brief summary of the division activities. A more detailed presentation will be discussed tomorrow.

- Proposed state budget updates regarding AgWRAP
- Division staffing and new temp for ATAC starting next week
- Supervisor Training Committee met on May 12

- Conservation Planning Committee and state cost share policy
- Luncheon plans to honor former Commissioners
- Continued concerns with districts matching Division resources for outside grant funding sources

Chairman Langdon thanked the Commission members for their participation and Director Harris and her staff for their hard work and service.

10. Association Report (Item #4): Commissioner Knox, President of the NC Association of Soil & Water Conservation Districts, will present the report tomorrow.

11. Pollinator Initiative (Item #12): Commissioner Bill Yarborough described the activities of the Department of Agriculture and Consumer Services to promote pollinator habitat. He presented a brief summary of the activities.

- Agriculture wants to create a Wholesale Bill to encourage farmers to think about pollinators
- A new Bill was introduced into the State Legislature this week to ban a particular pesticide with bee kills
- Pollinator Program was put on Research Stations last year and we will put on some roadsides this year
- Syngenta donated \$25K to get Soil and Water involved; use the \$25K to buy seed and put in ¼ acre blocks
- Market to 50-60 woman farmers to promote this program

12. NRCS Report (Item #5): NRCS State Conservationist, Tim Beard, will be in attendance tomorrow to present the report.

Public Comments: Chairman Langdon called for any comments from the public.

Adjournment: Chairman Langdon declared the meeting adjourned at 9:08 p.m.

Patricia K. Harris, Director
Division of Soil & Water Conservation, Raleigh, N.C.

Helen Wiklund
Helen Wiklund, Recording Secretary

These minutes were approved by the North Carolina Soil & Water Conservation Commission on July 20, 2016.



NORTH CAROLINA SOIL & WATER CONSERVATION COMMISSION MEETING MINUTES May 17, 2016

Ground Floor Hearing Room
Archdale Building
512 N. Salisbury Street, Raleigh, NC

Commission Members		
John Langdon	Kelly Hedgepeth	Chester Lowder
Wayne Collier	Natalie Woolard	David Harrison
Chris Hogan	Kristina Fischer	Tim Beard
Charles Hughes	Ken Parks	Angela Gragg
Ben Knox	Tom Hill	Janie Poe
Manly West	Louise Hart	Keith Larick
Bill Yarborough	Dick Fowler	Tina Hlabse
	Tom Ellis	Joe Hudyncia
Commission Counsel		
	Elizabeth G. Heath	Dewitt Hardee
Mary Lucasse	Lisa Fine	Richard C. Reich
	Jerry Raynor	Isaac Hodges
Guests		
	Eric Pare	Rick McSwain
Pat Harris	Jeff Harris	Patty Dellinger
David Williams	Ralston James	Melinda Houser
Julie Henshaw	Julie Groce	Tommy Houser
Helen Wiklund	Davis Ferguson	Craig Frazier
		Kirsten Frazier

Chairman John Langdon opened with prayer and called the meeting to order at 9 a.m. He inquired whether any Commission members need 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. Chairman Langdon welcomed everyone to the meeting.

- 1. Approval of Agenda:** Chairman Langdon asked for a motion to approve the agenda. Commissioner Knox moved to approve. Commissioner West seconded the motion. Motion carried.
- 2. Approval of Minutes – March 16, 2016 Meeting:** Chairman Langdon asked for a motion to approve the minutes from the Commission meeting held on March 16, 2016. Commissioner Collier moved to approve the minutes. Commissioner Hughes seconded. Motion carried.

3. Division Report: Ms. Pat Harris, Director of the Division of Soil and Water Conservation, discussed the following:

- Division is running smoothly and with all appropriated positions fully staffed
- Preparing for the fiscal year-end closeout
- New ATAC temp, Alicia Sharpe will begin in the Division's central office on May 23, 2016, taking the place of Lori Pfister, who accepted a full-time position with the Department's Research Stations Division
- On May 15, the House released its draft 2016 appropriations budget as House Bill 1030. Division-related items include:
 - Reallocates recurring AgWRAP funding between cost share financial assistance at \$827,500 and technical and administration assistance at \$150,000; the revised net appropriation for AgWRAP for FY 2016-17 remains at \$977,500
 - Swine Waste Fund proposed to be repurposed to fund two time-limited positions to explore new markets for eligible farmers
- Supervisor Training Committee met May 12, 2016. The committee members are Chairman Langdon, Commissioner Knox, NCASWCD Executive Director Julie Groce, DSWC Director Pat Harris, DSWC Deputy Director David Williams and Eastern Regional Coordinator Kristina Fischer. The committee is charged with the development of a district supervisor training program for Commission approval that will provide supervisors with the needed leadership and skill sets to strengthen and enhance the local district's delivery of programs and services.
- Division is evaluating its current policy for the requirement of conservation plans to be signed by Certified Conservation Planners (CCP) for state cost share programs. The division is gathering information and will be meeting with NRCS in the near future to hopefully strategize the best way to meet this requirement in lieu of the CCP shortage. The division will develop a draft policy for consideration at a future commission meeting.

4. Association Report: Commissioner Knox, President of the NC Association of Soil & Water Conservation Districts (Association), referred to the handout for Attachment 4, which is attached as an official part of the minutes.

- Ms. Julie Groce, Executive Director, presented the new Association logo and web site design
- Today's NCASWCD Legislative Breakfast was attended by 13 legislators
- Senator Andrew Brock will introduce the proposed supervisor training requirement into the Farm Act of 2016
- Ms. Groce and Commissioner Knox received an e-mail from the Carolina Farm Credit to pursue \$5,000 in grants to the Association to promote agriculture
- Commissioner Knox as NCASWCD President sent letters to supervisors after the Area Meetings for comments and feedback regarding the poor attendance at the 2016 spring area meetings. To date, he'd received no responses.

5. NRCS Report: NRCS State Conservationist, Tim Beard, reviewed several items included in the handout for Attachment 5 which is attached as an official part of the minutes, and added the following:

- NRCS Staff have been approved to attend the SE NACD Meeting in Cherokee, NC

Chairman Langdon thanked Mr. Beard for his presentation.

NC Soil & Water Conservation Commission
Meeting Minutes, May 17, 2016

6. Consent Agenda: Commissioner West moved to approve the consent agenda. Commissioner Hogan seconded the motion. Motion carried.

6A. Nomination of Supervisors:

- Carl Dewey Wells, Onslow County, filling the unexpired term of Marion Howard

6A1. Update on Conditional Supervisor Reappointment:

- Supervisor Edward McLaurin at 100% attendance since January 2016 and continues to be monitored

6B. Supervisor Contracts:

- Ten contracts; totaling \$138,280
- One contract added for Macon (blue sheet); \$28,125

6C. Technical Specialist Designation: 3 applications approved

The handouts for agenda Attachments 6A – 6C are included as an official part of the minutes.

7. Animal Waste & Technical Specialist Rule Revisions: Chairman Langdon recognized Ms. Natalie Woolard who called attention to Attachment 7, which is included as an official part of the minutes. She explained that the subchapter 59E and 59G rules were considered in the first batch of rules review, with all rules in both subchapters designated as necessary with substantive interest. The Commission will have to re-adopt these rules. Ms. Woolard explained that the Division has conducted outreach to districts statewide and to other interested stakeholders to obtain input into recommendations to update these rules and is recommending to revise the rules as shown in the first 8 pages of Attachment 7. She explained that the latter pages of Attachment 7 are for reference purposes only to help the Commission understand the context for the rules relative to the Environmental Management Commission's 15A NCAC subchapter 2T rules and General Statute 143-215.10C

The proposed revised rule language would be published in the State Register in July along with the Subchapter 59C rules approved in March and the 59F rules that will be presented for re-adoption at the July Commission meeting. The Commission would open a 60-day public comment period on all of the rules proposed for re-adoption following the publication in the State Register.

Commissioner Knox moved to defer action to the July Commission Meeting, and Commissioner West seconded. Motion approved.

Counsel Mary Lucasse will work with Ms. Woolard to research and draft the language to bring back to the Commission that is consistent with the Statute.

8. ACSP Technical Review Committee Recommendations: Chairman Langdon recognized Ms. Kelly Hedgepeth to present recommendations from the Technical Review Committee (TRC). Ms. Hedgepeth stated that the TRC met on April 14 and offers the following recommendation.

8A. Revisions to Stream Protection Well BMP: Ms. Hedgepeth called attention to the handout for item 8A and presented the recommendations to revise the stream protection well practice. The recommendations include clarifying who is authorized to sign for Job Approval Authority, and to specify that contracts involving repairs to an existing well must involve a certified well contractor.

Commissioner Hughes requested the words NC certification be changed to licensure.

Commissioner Collier moved to approve the changes that the correct reference language is used which is similar to AgWRAP, and Commissioner Yarborough seconded. Motion approved.

The handout for Attachment 8A is attached and included as an official part of the minutes.

9. AgWRAP Review Committee Recommendations: Chairman Langdon recognized Ms. Julie Henshaw to present recommendations from the AgWRAP Review Committee. Ms. Henshaw stated that the AgWRAP Review Committee met on May 5 and offers the following recommendations.

9A. Revisions to Water Supply Well BMP: Ms. Henshaw called attention to the handout for item 9A and presented the recommendations to revise the water supply well practice. The recommendations include clarifying the purpose of the practice to include additional specific agricultural water uses, to clarify who is authorized to sign for Job Approval Authority, and to specify that the applicant must demonstrate that they have a method to distribute the water from the well.

Commissioner West moved to approve the recommendation with the change of the one word, and Commissioner Hogan seconded. Motion approved.

9B. Extensions for Certain PY2014 AgWRAP Contracts: Ms. Henshaw stated that the AgWRAP Review Committee reviewed the progress of installing new pond and pond repair/retrofit contracts for the 2014 Program Year and recommends the Commission waive its requirement for a supervisor to present extension requests for these contracts due to delays largely beyond the control of the cooperator or the districts.

Ms. Henshaw reiterated the Division requests an exception to the policy requiring supervisor attendance for extensions for PY2014 AgWRAP Agricultural Water Supply/Reuse Ponds and Agricultural Pond Repair/Retrofit contracts funded by the Regional allocation.

Commissioner Yarborough moved to approve, and Commissioner Hughes seconded. Motion approved.

The handouts for Attachments 9A and 9B are attached and included as an official part of the minutes.

10. CCAP Rules Revision: Chairman Langdon recognized Ms. Henshaw to present item 10. Ms. Henshaw referred to the handout for item 10, which is included as an official part of the minutes. She reminded the Commission that it had asked the Division to develop recommendations to revise the allocation methodology rule for CCAP to give the Commission flexibility to approve regional allocations in addition to district allocations. She commented that the proposed revised language shown in Attachment 10 affects rules .0102 and .0103 in subchapter 59H. The changes allow the Commission to specify in its annual Detailed Implementation Plan the proportion of available funds to allocate for cost

share payments, technical and administrative assistance, and education and outreach purposes and the proportion of those funds to be allocated to district, statewide, and regional allocations pools.

If approved, the proposed rule changes would be published in the State Register. Following a 60-day public comment period, the Division would present the rules for adoption at a Commission meeting in the fall.

Ms. Henshaw reminded the Commission that the entire set CCAP rules in subchapter 59H would also be reviewed as part of the rules review process.

Commissioner Yarborough moved to approve, and Commissioner West seconded. The Division needs to come up with a Fact Sheet of the changes to the rules for the Districts. Motion approved.

11. Commission Policy for Supervisor Appointment: Ms. Kristina Fischer referred to the handouts for Attachments 11A and 11B, which are attached as an official part of the minutes. She reminded the Commission of its action to revise the supervisor appointment process at its March meeting.

11A. Policy for Supervisor Appointment: Ms. Fischer pointed out some suggested revisions to allow the Commission an opportunity to consider extending conditional appointment for supervisors who were unable to attend the School of Government training following their initial conditional appointment. The policy will also allow the candidate for appointment to indicate whether they had previously attended the School of Government Training. The term would end after the Commission Meeting not the training.

11B. Update to Recommendation for Appointment of Supervisor Form: Ms. Fischer presented the revision for the recommendation form to allow the candidate to indicate the dates of previous attendance at the UNC School of Government Training.

Commissioner West moved to approve the policy changes and the form, and Commissioner Hogan seconded. Motion carried. At the conclusion of the meeting, Chairman Langdon signed the policy, which is an official part of the minutes.

12. Pollinator Initiative: Commissioner Yarborough described the activities of the Department of Agriculture and Consumer Services to promote pollinator habitat. He presented a brief summary of the activities.

- Commissioner Troxler visited Europe in 2014 and noticed the amount of pollinators on the agricultural lands, noting that people voluntarily established and maintained pollinator habitat
- Commissioner Troxler contacted Commissioner Yarborough to see how North Carolina can develop an initiative/program to promote pollinator habitat
- In 2015, the Research Station Division put out pollinator plots on many of their stations and comments were generated during Field Days
- NC State University Professor, Dr. David Tarpy, began a long-term pollinator study
- Most of the land in NC is privately-owned. Commissioner Yarborough stressed the need to promote this initiative on farms
- The NC Foundation for Soil and Water Conservation invested in no-till drills for local conservation districts; it will take approximately 35 drills to plant the seed for this initiative

- Syngenta has offered \$25,000 to help with a pollinator initiative program
- Find farm women interested in the pollinator initiative (about 200 landowners) and plant a ¼ acre pollinator garden
- Process can take one year plus another year for results
- Seed cost \$75 per ¼ acre
- Got to Bee NC signs

Commissioner Hogan and Commissioner Knox will help in the effort.

Chairman Langdon commented, as much acreage that is involved in poultry and livestock production, it would be nice to make our integrators aware of these possibilities to educate and encourage their growers to help with increasing pollinator habitat.

Public Comments: Chairman Langdon called for any comments from the public.

Dr. Reich commented with the legislature in session, it is important to keep engaged and the Legislative Breakfast was one opportunity. He announced the recent news that NC Agriculture and Agribusiness contributed \$84B to the state's economy. Agriculture is our largest industry with 686,000 jobs, which feeds and clothes us. The only way to have a strong agricultural industry is to have strong soil and water conservation programs which sustains us in the current time and future.

Chairman Langdon recognized Mr. Dick Fowler, former Executive Director of the NC Soil & Water Conservation Districts Association.

Chairman Langdon recognized and thanked Mr. Tommy Houser, an active vegetable and fruit farmer and Mr. Craig Frazier, an active dairy farmer. Chairman Langdon relayed it had been an honor and pleasure to serve under both men as past Association Presidents on the Commission. Chairman Langdon thanked their wives for their support as well.

Commissioner Knox recommends all in attendance visit their Legislators today since they are in town.

Director Harris commented we will use this time to visit before the luncheon at 11:30. Director Harris reminded the group about the Got to be NC Festival this weekend.

Chairman Langdon asked Director Harris to remind the Commission of the remaining 2016 Commission schedule.

Chairman Langdon challenges the Commissioners to understand the benefit to be on the panel and interact with the district employees at the CET in August and make a decision by June 15, 2016, if they plan to attend.

Adjournment: Chairman Langdon declared the meeting adjourned at 10:57 a.m.

Patricia K. Harris, Director
Division of Soil & Water Conservation, Raleigh, N.C.

Helen Wiklund

Helen Wiklund, Recording Secretary

These minutes were approved by the North Carolina Soil & Water Conservation Commission on July 20, 2016.

North Carolina Soil and Water Conservation Commission

Division Report

May 17, 2016

DIVISION ITEMS

- Division running smoothly
- Preparing for year-end closeout
- All of the Division's appropriated positions are filled
- Alicia Sharpe will start on May 23 as administrative support for ATAC
- Lori Pfister took a full-time position with the Research Stations Division

LEGISLATIVE INFORMATION

- On May 15, 2016, the House released the draft of the 2016 Appropriations Budget as House Bill 1030
- Next, the State Senate will release their version of the Budget

Agricultural Water Resources Assistance Program (AgWRAP)

- Reallocates recurring funding provided to the AgWRAP program to directly support technical assistance and administration of the program. Funding is allocated between cost share and technical assistance in the following proportions:
 - \$827,500 Cost Share
 - \$150,000 Technical Assistance and Administration
- Revised net appropriation for FY 2016-17 remains at \$977,500

NEW MARKET OPPORTUNITIES FOR FARMERS

- Section 13.2. The funds available in the Swine Waste Fund (Fund Code 23704-2730) shall be repurposed to fund two time-limited positions and operating expenses to coordinate new market opportunities for eligible farmers.

SUPERVISOR TRAINING COMMITTEE

- Committee met for the first time on May 12, 2016
- Committee members:
 - Chairman John Langdon
 - Commissioner Ben Knox
 - Associate Executive Director Julie Groce
 - Deputy Director David Williams
 - Regional Coordinator Kristina Fischer
 - Director Pat Harris
- Primary objective: Develop a district supervisor training program for Commission approval that will provide supervisor with the needed leadership and skill sets to strengthen and enhance the local district's delivery of programs and services

CONSERVATION PLANS

- Division is evaluating its current policy on the requirement of conservation plans signed by certified conservation planners for state cost share programs
- Division is gathering information and will be meeting with NRCS in the near future to strategize the best way to meet this requirement in lieu of the shortage of certified conservation planners
- Division will develop a draft policy for the Commission's consideration at a future Commission meeting

Association Report to the Commission

May 17, 2016

Meeting Events

SE NACD Annual Meeting Update

The North Carolina planning team for the 2016 Southeast National Association of Conservation Districts Annual Meeting in Cherokee, NC, has been busy finalizing meeting sessions and field tours, which are shaping up quite well. The meeting will be held July 31-Aug. 2 at Harrah's Cherokee Casino Resort. The hotel



group block is open and can be accessed through the association, division and NACD websites. Use code **S07NACD** to get the meeting rate, which is \$129 per night. Additional information about the meeting is located on the websites.

2017 Annual Meeting – Charlotte

The NCASWCD will be holding its 2017 Annual Meeting at the University Hilton in Charlotte, January 8-10, 2017. The hotel room block is open for reservations and can be accessed through the association website. The meeting room rate is \$110 per night plus tax.



A few members of the planning team went to the site on Monday, April 18, to see the recently renovated meeting and guest rooms and met with our hotel contact. The hotel should make a very nice meeting location for the annual meeting. More information regarding the meeting registration and agenda will be available later this year.

Marketing Updates

Association to Select New Logo in May

Members of the association's executive committee provided input in April on a new association logo. The voting was close between the final two selections, but the overall decision will be based on how the logo can best fulfill marketing needs (e.g. website banners, apparel, letterhead, signage, etc.). The logo that is not selected may also be purchased so that the art elements can be used in specific marketing pieces for the association. Julie Groce was pleased with the final two logos that made the cut and believes that either one will benefit the organization. She also thanks the executive committee members that provided their input.

New Website Design

The professional graphic artist that designed the association logo drafts has also submitted a reasonable estimate to the association to build a new association website. However, the recommendation at this time is to wait on building a new website until after the Southeast National Association of Conservation Districts meeting to ensure we don't incur unexpected costs associated with that meeting, which might impact the association's budget. Additionally, the finance committee will need to discuss adding money to the marketing line item to cover design expenses, which wasn't a part of the initial budgeting at the beginning of the year.

Legislative News

2016 Legislative Breakfast Slated for Tuesday, May 17, 2016

Invitations went out the week of April 25th to North Carolina legislators, districts and partnership groups for the 2016 NCASWCD Legislative Breakfast to be held Tuesday, May 17, from 7 a.m. to 8 a.m. in the Legislative Building Cafeteria. Senator Andrew Brock, representing NC District 34 (Davie, Iredell, Rowan), will be the guest speaker. Sen. Brock is co-chair of the Agriculture/Environment/Natural Resources Committee.



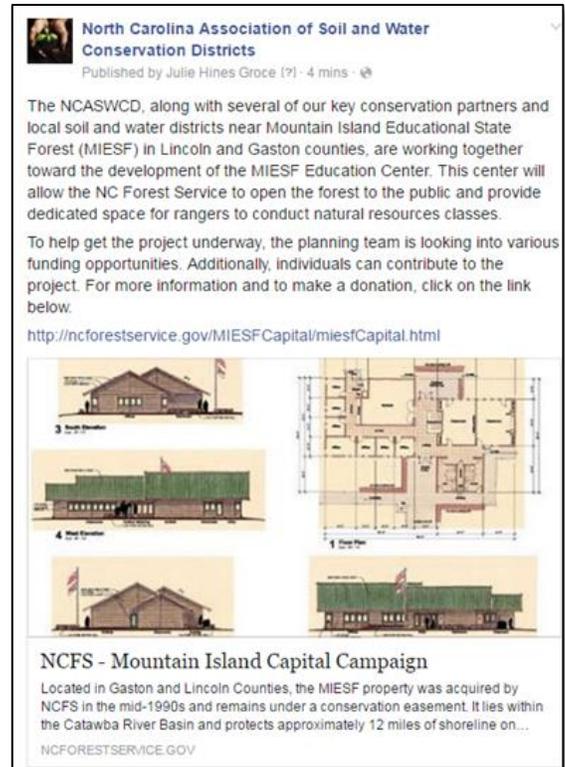
Partnership Activities

Mountain Island Educational State Forest – Capital Project

The NCASWCD, along with several of our key conservation partners and local soil and water districts near Mountain Island Educational State Forest (MIESF) in Lincoln and Gaston counties, are working together toward the development of the MIESF Education Center. This center will allow the NC Forest Service to open the forest to the public and provide dedicated space for rangers to conduct natural resources classes.

To help get the project underway, the planning team is looking into various funding opportunities. Additionally, individuals can contribute to the project by accessing a donation link at the NC Forest Service website. Just click the “Educational Forests” navigational button on the site’s home page and select “Mountain Island” for more information.

Information about the project was recently posted on the association’s Facebook page (picture right).



2016 Conservation Employee Training (CET)

Media Training

Executive Director Julie Groce and Angela Jamison, president of Communicopia Communications in Wake Forest, will be teaming up to provide media training activities as part of a session at the 2016 Conservation Employee Training in Asheville, Aug. 22-25. The goal is to provide attendees with knowledge on how to handle the media in different situations, write effective press releases and newsletters about local soil and water conservation news, and think about ways they can help their districts with strategic communications opportunities.



2016 Conservation Farm Family Update

At the time of this writing (April 27), soil and water conservation districts are finishing up their local judging in the 2016 Conservation Farm Family program to determine who they will submit to the association office for the regional competition in May. There will be one winner from the Mountains, Piedmont and the Coastal regions that will vie for the state competition judging in June. A special thanks goes to the NC State Grange for their continued support of this prestigious, statewide conservation program.



(Pictured: The 2015 Piedmont and State Conservation Farm Family Award went to Baker Farms – Robert, Bobby and Mark Baker.)

#####

Message from the State Conservationist

Conservation planning is foundational to who we are as an agency. It is what NRCS was born to do: assess natural resource conditions, develop conservation options, prepare a plan of action, and share actionable technical knowledge with a farmer or rancher. And looking forward at the array of natural resource management challenges that producers will face in the coming years, it is crucial that NRCS has the skills, tools, and resources to provide best-in-class conservation planning support for our customers.

The National Conservation Planning Partnership (NCP) is a new effort NRCS has underway to help ensure planning success. This effort will have a significant effect on the role this agency plays moving forward as we engage our customers and carry out our mission. To help us in our efforts, we need to hear from you. If you work (or have worked) in the field and have planning responsibilities please reach-out to your local NRCS Field Office or NRCS State Leadership with your comments on what our partnership can do to support conservation planning. Your feedback will help us build a sound plan of action in concert our key conservation partners. Also, your feedback will help us to enhance and improve conservation planning delivery in North Carolina. As always, if you have any questions please feel free to contact me or any member of our State Leadership Team.

Timothy Beard
NRCS State Conservationist.

Highlights

Conservation Client Gateway

Since the beginning of the fiscal year, NRCS has been building momentum behind Conservation Client Gateway (CCG). Through promotion and trainings, the number of customers utilizing the online tool is increasing.

As of May 5, 2016, 1,049 clients, representing every state, have begun to use CCG. Currently, there are 32 clients in North Carolina signed-up and using CCG, but we want to increase those numbers.

CCG is a secure online web application that gives landowners and land managers, operating as individuals, the ability to track their payments, report completed practices, request conservation assistance, and electronically sign documents anytime, anywhere. CCG provides users the flexibility to determine when they want to engage with NRCS online and when they prefer in-person conservation planning assistance.

Some of the many request and actions that are being submitted by customers using CCG are: applying for a program, developing a new conservation plan, submitting documents, reporting practice completion, updating their customer profiles, requesting technical assistance for a natural resource concern, and much more.

We encourage you to learn more about CCG, and help us spread the word about this great online tool. You can learn more about CCG from our website at www.nc.nrcs.usda.gov.

Certified Conservation Planner – (CCP)

North Carolina is in the process of supplementing, at the state level, the updated Conservation Planning Policy Part 180 of the General Manual (GM) Title 409 (Amend. 36, Feb 2016). Certified Conservation Planner (CCP) requirements are interwoven within this part of the GM, and the state supplements cannot conflict with current policy. Currently, the state supplements are out for review.

Once released, the North Carolina supplement to the GM for CCP will provide the state with guidance on CCP Knowledge, Skills and Abilities (KSAs), new training requirements and provide further explanations on some of the processes related to CCP. A flow chart also provides a good explanation of the overall CCP process.

KSAs provide the Assistance State Conservationist for Field Operations (ASTC-FO) a roadmap of criteria for those seeking to become CCP. The new trainings were added to provide the planner a broader foundation for planning skills. Explanation on some CCP processes were provided to allow employees and supervisors a sense of what the CCP process involved so they could plan accordingly. A flow chart was developed to illustrate how the KSAs, trainings and plans development fit into this process.

For more information about this publication,
please contact Stuart Lee at :
Stuart.Lee@nc.usda.gov.
USDA is an equal opportunity provider,
employer and lender.

CCP - Continued

As part of the Conservation Planning Policy, states are responsible for tracking employee's CCP. In the past, this was accomplished by using an Excel spreadsheet. Moving forward, a new CCP database has been developed to allow the state to track employees who have CCP, and will also track the plans that have been submitted for review as part of the CCP process. Once the supplements are finalized, they will be released in a state bulletin and posted to our SharePoint Site and distributed to our partners.



Programs Update - By the Numbers

Environmental Quality Incentives Program (EQIP) - North Carolina received \$17 million in EQIP and has obligated 50% statewide as of May, 12, 2016.

Obligated contracts, dollars, and acres

- 401 contracts
- \$8,549,961.00
- 26,452.9 acres

Preapproved/Approved applications, dollars

- 213 applications
- \$7,488,098

Applications Not approved – but still eligible if funds became available and they met the initial deadline.

- 916 applications
- \$25,966,499 in cost estimates

Regional Conservation Partnership Program (RCPP)

- Two proposals were accepted on the state level, and both will use EQIP funds.

Resource Institute – Western Stream Initiative

Project Description - Stream stabilization to reduce sediment in waterways in 31 counties in western NC. Counties included are: Alexander, Alleghany, Ashe, Avery, Buncombe, Burke, Caldwell, Catawba, Cherokee, Clay, Cleveland, Graham, Haywood, Henderson, Iredell, Jackson, Lincoln, Macon, Madison, McDowell, Mitchell, Polk, Rutherford, Stokes, Surry, Swain, Transylvania, Watauga, Wilkes, Yadkin, and Yancey.

EDF and MBGro

Project Description - Focus on optimize N fertilizer management for grain crops, improve soil health for grain crops; demonstrate the targeted watershed approach to improve water quality, combine infield practices with targeted edge of field nutrient trapping, filtering and treatment practices. The project covers seven counties in Eastern NC, which are; Sampson, Duplin, Greene, Wayne, Lenoir, Pitt, and Robeson.

Two RCPP proposals were accepted on the national level.

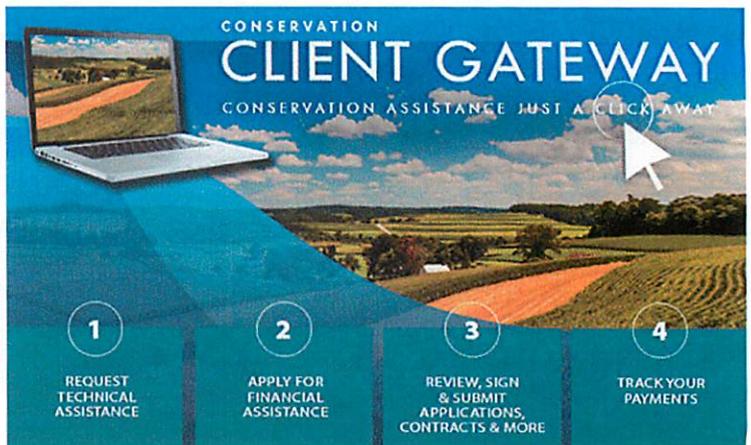
US Endowment for Forestry and Communities

The project covers North Carolina, South Carolina (lead), and Alabama. The goal is to address degraded plant condition and enhance wildlife habitat by supporting forest restoration on African American-owned forestlands in high poverty regions. The project will use Conservation Stewardship Program (CSP) & EQIP.

Southern Sentinel Landscapes Conservation/US Endowment for Forestry and Communities

The project covers North Carolina, Mississippi, and Georgia (Lead). The goal for the project is to reduce the likelihood that target species will be listed under the Endangered Species Act and to demonstrate the compatibility of working lands management with at Risk species conservation. The project will use the Healthy Forest Reserve Program (HFRP), Agricultural Conservation Easement Program (ACEP), & EQIP

Conservation Stewardship Program (CSP) - The Fiscal Year 2016 CSP signup ended March 31, 2016. We received 149 applications. The 2017 CSP renewals ended March 31, 2016, and NRCS received 93 renewal applications.



Timothy A. Beard
 State Conservationist
 919-873-2100
 Timothy.Beard@nc.usda.gov
 www.nc.nrcs.usda.gov



DIVISION OF SOIL AND WATER CONSERVATION
 North Carolina Department of Agriculture & Consumer Services
 1614 Mail Service Center • Raleigh, NC 27699-1614
 919.733.2302 • www.ncagr.gov/sw/

INTERNAL USE ONLY:
 Appointed / Elected Seat
 Current Term: 17-18

RECOMMENDATION FOR APPOINTMENT OF SUPERVISOR

Complete and submit online on your district's SharePoint page; keep original for your file

The supervisors of the Onslow Soil and Water Conservation District of Onslow County, North Carolina have recommended the individual listed below for APPOINTMENT as a district supervisor in accordance with N.C.G.S. 139-7 for a term of office commencing March 2016 and ending December 2018 to fill the expired or un-expired term of Marion Howard. *MAY 2016 KAF*

Name of nominee: Carl Dewey Wells
 Address of nominee, City, State, Zip: 245 Stella Road, Stella NC 28582
 Email address of nominee: _____
 Home phone: 910-326-5896
 Mobile phone: 910-389-5735
 Business phone: _____
 Occupation: A Tired School Teacher
 Age: 68
 Education: 12th Grade some collage
 Positions of leadership NOW held by nominee: Deacon in Church
 Former occupations or positions of leadership contributing to nominee's qualifications: _____

Other pertinent information: Finance Com, at Church & nonanatted Com, sell things Xmas tree.

- Is nominee willing to attend a training session at the UNC School of Government within the first year after appointment? Check for "Yes"
- Has the nominee been contacted to determine their willingness to serve? Check for "Yes"
- Has the program and purpose of the soil and water conservation district been explained to the nominee? Check for "Yes"
- Is the nominee willing to attend and participate in local district meetings? Check for "Yes"
- Is the nominee willing to attend and participate in Area meetings? Check for "Yes"
- Is the nominee willing to attend and participate in State meetings? Check for "Yes"

Signatures

I hereby certify that the board of supervisors considered the Guiding Principles for Supervisor Nomination for Appointment shown on the reverse of this nomination form when selecting the above supervisor candidate for nomination. I also certify that this recommendation has been considered and approved by a majority of the members of the board of supervisors and entered in the official minutes of the board.

X *S. Jerome Shaw*
 SWCD Chair (or Vice Chair if Chair is being nominated)
 Printed name: S. Jerome Shaw

03/14/2016
 Date

I hereby certify that the above information is true and accurate.

X *Carl Dewey Wells*
 Individual recommended for appointment
 Printed name: Carl Dewey Wells

3-21-2016
 Date

Marion Howard
5585 Gum Branch Road
Jacksonville, NC 28540
(910) 934-5539

June 15, 2015

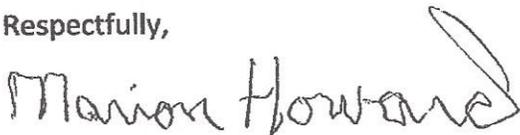
Onslow County Soil and Water Board of Supervisors
Jerome Shaw, Chairman, Board Members and Staff
4028 Richlands Highway
Jacksonville, NC 28540

CC: Jeff Hudson, Onslow County Manager; Onslow County Board of Commissioners

Dear Mr. Shaw,

I am writing this letter to inform you that I feel the time has come to resign from my position of District Supervisor. I have served on this board for many years but I feel my resignation is necessary due to the fact that a select number of members and staff have chosen to withhold pertinent information from some of all parties entitled. My resignation will be effective immediately.

Respectfully,

A handwritten signature in cursive script that reads "Marion Howard". The signature is written in black ink and is positioned below the word "Respectfully,".

Marion Howard

Update on conditional supervisor reappointment from November 2015 meeting

At the November 19, 2014, meeting the commission made seven conditional reappointments to local soil and water conservation district boards; four appointments were conditional upon attendance at the 2015 UNC School of Government, and three appointments were conditional upon improved attendance (at least two-thirds of their district’s local meetings). Six of the supervisors that were conditionally appointed fulfilled the requirements in 2015 and were fully appointed.

At the November 18, 2015, meeting the commission received a report regarding Chatham SWCD Supervisor Edward McLaurin, and his attendance at local district board meetings from December 2014 through November 2015. Below is a summary of his attendance at meetings during this time period:

	Edward McLaurin Chatham SWCD
December 2014	<i>No meeting</i>
January 2015	Did not attend
February 2015	Attended
March 2015	<i>No meeting</i>
April 2015	Did not attend
May 2015	Attended
June 2015	<i>No meeting</i>
July 2015	<i>No meeting</i>
August 2015	Did not attend
September 2015	Attended
October 2015	Attended
November 2015	Did not attend
Current Total	4/8 = 50%

Correspondence from Supervisor McLaurin and Chatham SWCD indicated that some of his absences in 2015 were health related, and the Chatham SWCD supported Supervisor McLaurin remaining on the district board.

Given this information, in November 2015, the commission acted to make Supervisor McLaurin’s appointment conditional for another year. The division will continue to monitor Supervisor McLaurin’s attendance and will bring a summary report to the commission in November 2016. Below is an update regarding his attendance since November 2015; it can also be noted that Supervisor McLaurin attended the NCASWCD Area 3 Spring Meeting:

	Edward McLaurin Chatham SWCD
December 2015	<i>No meeting</i>
January 2016	Attended
February 2016	Attended
March 2016	<i>No meeting</i>
April 2016	Attended
Current Total	3/3 = 100%

NC Cost Share Programs Supervisor Contracts
Soil and Water Conservation Commission

County	Contract Number	Supervisor Name	BMP	Contract Amount	Comments
Macon	56-2016-003	Melinda James	Cropland Conversion	\$28,125	Osage Farm, Inc.

Total Number of Supervisor Contracts: 1

Total \$ 28,125

NCDA&CS
DSWC

NC -CSPs-1B
(11/2012)

ADDENDUM TO APPLICATION FOR ASSISTANCE NORTH CAROLINA COMMISSION COST SHARE PROGRAMS

As a Soil and Water District Supervisor, for the MACON Soil and Water Conservation District, I have applied for, or stand to benefit* from, a contract under a commission cost share program. I did not vote on the approval or denial of the application or attempt to influence the outcome of any action on the application. The proposed contract is for the installation of the following best management practices.

Program: NCACSP

Best management practice: Cropland Conversion

Contract number: 56-2016-003

Contract amount: \$ 28,125.00

Score on priority ranking sheet: 54

Cost Share Rate : 75% If different than 75%, please list % percent:
Reason:

Relative rank (e.g., ranked 8th out of 12 projects considered): 1st of 5

Were any higher or equally ranked contracts denied? NO

If yes, give an explanation as to why the supervisor's contract was approved over the other contracts:

Supervisor name: Melinda James

Melinda James
(District Supervisor's signature)

04/19/2016
Date

Approved by:

Paula R. Belle
(District Chairperson's signature)
Vice Chair

4/19/2016
Date

The Soil & Water Commission has approved the subject application for a contract.

(SWCC Chairperson's signature)
(Pursuant G.S. 139-8(b)(2))

Date

*Beneficiaries include but are not limited to applicant, landowner, and/or business partners.

NC Cost Share Programs Supervisor Contracts
Soil and Water Conservation Commission

County	Contract Number	Supervisor Name	BMP	Contract Amount	Comments
Ashe	05-2016-005	Ryan Huffman	well, tanks, fencing, stream crossing	\$31,101	Contract is for Mr. Huffman's brother Robert Huffman.
Avery	06-2016-003	Bill Beuttell	Agrichemical containment and mixing facility, well, agricultural road repair/stabilization	\$30,567	
Clay	22-2016-802	Salvador Moreno	micro-irrigation	\$4,998	supplement to 22-2015-801
Duplin	31-2016-803	George Mainor	well	\$5,000	
Hyde	48-2016-008	Darren Armstrong	land smoothing	\$4,500	
Richmond	77-2016-001	David Gainey	Waste storage structure	\$44,389	asking for approval pending design
Union	90-2016-004	Randal Scott Baucom	incinerator	\$10,841	
Vance	91-2016-002	Wilton Lee Short, Jr	grassed waterway	\$1,459	
Wake	92-2016-016	Joseph Revels	3 yr conservation tillage	\$3,400	
Wilson	98-2016-802	Gary Dean Scott	well	\$2,025	

Total Number of Supervisor Contracts: **10**

Total \$ **138,280**

ADDENDUM TO APPLICATION FOR ASSISTANCE NORTH CAROLINA COMMISSION COST SHARE PROGRAMS

As a Soil and Water District Supervisor, for the New River Soil and Water Conservation District, I have applied for, or stand to benefit* from, a contract under a commission cost share program. I did not vote on the approval or denial of the application or attempt to influence the outcome of any action on the application. The proposed contract is for the installation of the following best management practices.

Program: Ag Cost Share

Best management practice: well, Tanks, Fencing, Stream Crossing

Contract number: 05-2016-005 Contract amount: \$ 31,101

Score on priority ranking sheet: 92

Cost Share Rate : 90 % If different than 75%, please list % percent:

Reason: New / Beg. Farmer

Relative rank (e.g., ranked 8th out of 12 projects considered): 1st out of 22

Were any higher or equally ranked contracts denied? NO

If yes, give an explanation as to why the supervisor's contract was approved over the other contracts:

Supervisor name: Ryan Huffman [★] This contract is for Ryan's Brother Robert Preston Huffman.

[Signature]
(District Supervisor's signature)

4-18-2016
Date

Approved by:

[Signature]
(District Chairperson's signature)

4/19/2016
Date

The Soil & Water Commission has approved the subject application for a contract.

(SWCC Chairperson's signature)
(Pursuant G.S. 139-8(b)(2))

Date

*Beneficiaries include but are not limited to applicant, landowner, and/or business partners.

ADDENDUM TO APPLICATION FOR ASSISTANCE NORTH CAROLINA COMMISSION COST SHARE PROGRAMS

As a Soil and Water District Supervisor, for the Avery Soil and Water Conservation District, I have applied for, or stand to benefit* from, a contract under a commission cost share program. I did not vote on the approval or denial of the application or attempt to influence the outcome of any action on the application. The proposed contract is for the installation of the following best management practices.

Program: NCACSP

Best management practice: Ag-Containment/Mixing Facility, Well, ~~Access Rd. Improvement~~

Agricultural road repair/stabilization

Contract number:06-2016-003

Contract amount: \$30,567.00

Score on priority ranking sheet:

Cost Share Rate : 90 % If different than 75%, please list % percent:
Reason: Farmland Preservation (EVAD)

Relative rank (e.g., ranked 8th out of 12 projects considered):3th out of 7 projects

Were any higher or equally ranked contracts denied? no

If yes, give an explanation as to why the supervisor's contract was approved over the other contracts:

Supervisor name:

Bill Beuttell

Bill Beuttell
(District Supervisor's signature)

2/12/16
Date

Approved by:

David L. Bass
(District Chairperson's signature)

4-21-16
Date

The Soil & Water Commission has approved the subject application for a contract.

(SWCC Chairperson's signature)
(Pursuant G.S. 139-8(b)(2))

Date

*Beneficiaries include but are not limited to applicant, landowner, and/or business partners.



NCDA&CS
DSWC

NC -CSPs-1B
(11/2012)

**ADDENDUM TO APPLICATION FOR ASSISTANCE
NORTH CAROLINA COMMISSION COST SHARE PROGRAMS**

As a Soil and Water District Supervisor, for the Clay County Soil and Water Conservation District, I have applied for, or stand to benefit* from, a contract under a commission cost share program. I did not vote on the approval or denial of the application or attempt to influence the outcome of any action on the application. The proposed contract is for the installation of the following best management practices.

Program: AgWrap

Best management practice: micro irrigation

Contract number: 22-2016-802

Contract amount: \$4998

Score on priority ranking sheet: 65

Cost Share Rate : 75 % If different than 75%, please list % percent:
Reason:

Relative rank (e.g., ranked 8th out of 12 projects considered): 1 out of 1

Were any higher or equally ranked contracts denied? **NO**

If yes, give an explanation as to why the supervisor's contract was approved over the other contracts:

Salvador Moreno

Supervisor name: **Salvador Moreno**

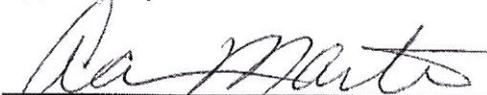


(District Supervisor's signature)

May 2, 2016

Date

Approved by:



(District Chairperson's signature)

5-2-16

Date

The Soil & Water Commission has approved the subject application for a contract.

(SWCC Chairperson's signature)
(Pursuant G.S. 139-8(b)(2))

Date

*Beneficiaries include but are not limited to applicant, landowner, and/or business partners.

ADDENDUM TO APPLICATION FOR ASSISTANCE NORTH CAROLINA COMMISSION COST SHARE PROGRAMS

As a Soil and Water District Supervisor, for the Duplin Soil and Water Conservation District, I have applied for, or stand to benefit* from, a contract under a commission cost share program. I did not vote on the approval or denial of the application or attempt to influence the outcome of any action on the application. The proposed contract is for the installation of the following best management practices.

Program: NC AgWrap

Best management practice: Well

Contract number: 31-2016-803 Contract amount: \$ 5,000

Score on priority ranking sheet: 280

Cost Share Rate : 75 % If different than 75%, please list % percent:
Reason:

Relative rank (e.g., ranked 8th out of 12 projects considered): 19 / 4th out of 7

Were any higher or equally ranked contracts denied? no

If yes, give an explanation as to why the supervisor's contract was approved over the other contracts:

Supervisor name: George Mainor

George Mainor
(District Supervisor's signature)

2-1-16
Date

Approved by:

Franklin D. Williams
(District Chairperson's signature)

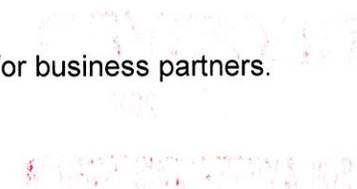
2-1-16
Date

The Soil & Water Commission has approved the subject application for a contract.

(SWCC Chairperson's signature)
(Pursuant G.S. 139-8(b)(2))

Date

*Beneficiaries include but are not limited to applicant, landowner, and/or business partners.



ADDENDUM TO APPLICATION FOR ASSISTANCE NORTH CAROLINA COMMISSION COST SHARE PROGRAMS

As a Soil and Water District Supervisor, for the **HYDE** Soil and Water Conservation District, I have applied for, or stand to benefit* from, a contract under a commission cost share program. I did not vote on the approval or denial of the application or attempt to influence the outcome of any action on the application. The proposed contract is for the installation of the following best management practices.

Program: NCASP

Best management practice: Land Smoothing

Contract number: **48-2016-008**

Contract amount: **\$4,500**

Score on priority ranking sheet: **50**

Cost Share Rate : **75%** If different than 75%, please list % percent:
Reason:

Relative rank (e.g., ranked 8th out of 12 projects considered): **4th out of 4**

Were any higher or equally ranked contracts denied? **No**

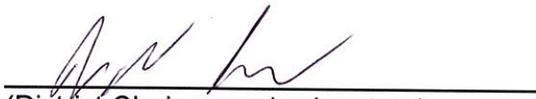
If yes, give an explanation as to why the supervisor's contract was approved over the other contracts:

Supervisor name: **Darren Armstrong**


(District Supervisor's signature)

3/29/2016
Date

Approved by:


(District Chairperson's signature)

3-29-16
Date

The Soil & Water Commission has approved the subject application for a contract.

(SWCC Chairperson's signature)
(Pursuant G.S. 139-8(b)(2))

Date

*Beneficiaries include but are not limited to applicant, landowner, and/or business partners.

RECEIVED
MAR 29 2016
DISTRICT SUPERVISOR

NCDA&CS
DSWC

NC -CSPs-1B
(11/2012)

**ADDENDUM TO APPLICATION FOR ASSISTANCE
NORTH CAROLINA COMMISSION COST SHARE PROGRAMS**

As a Soil and Water District Supervisor, for the Richmond Soil and Water Conservation District, I have applied for, or stand to benefit* from, a contract under a commission cost share program. I did not vote on the approval or denial of the application or attempt to influence the outcome of any action on the application. The proposed contract is for the installation of the following best management practices.

Program: ACSP

Best management practice: WSS

Contract number: 77-2016-001 Contract amount: \$ 44,389

Score on priority ranking sheet:

Cost Share Rate : 90% If different than 75%, please list % percent:
Reason: New Farmer

Relative rank (e.g., ranked 8th out of 12 projects considered): 1 of 1

Were any higher or equally ranked contracts denied? NO

If yes, give an explanation as to why the supervisor's contract was approved over the other contracts:

Supervisor name: David Gaimey

[Signature]
(District Supervisor's signature)

12-11-2015
Date

Approved by:

[Signature]
(District Chairperson's signature)

12-11-2015
Date

The Soil & Water Commission has approved the subject application for a contract.

(SWCC Chairperson's signature)
(Pursuant G.S. 139-8(b)(2))

Date

*Beneficiaries include but are not limited to applicant, landowner, and/or business partners.

ADDENDUM TO APPLICATION FOR ASSISTANCE NORTH CAROLINA COMMISSION COST SHARE PROGRAMS

As a Soil and Water District Supervisor, for the Union Soil and Water Conservation District, I have applied for, or stand to benefit* from, a contract under a commission cost share program. I did not vote on the approval or denial of the application or attempt to influence the outcome of any action on the application. The proposed contract is for the installation of the following best management practices.

Program: ACSP

Best management practice: Incinerator

Contract number: 90-2016-004

Contract amount: \$ 10,841

Score on priority ranking sheet: 63 (Medium Eligibility)

Cost Share Rate : 75% If different than 75%, please list % percent:
Reason:

Relative rank (e.g., ranked 8th out of 12 projects considered): 3rd out of 9 projects

Were any higher or equally ranked contracts denied? No.

If yes, give an explanation as to why the supervisor's contract was approved over the other contracts:
While the ranking of Supervisor Baucom was 3rd in ranking order, no contracts were "denied" before him.

Supervisor name: Randal Scott Baucom



(District Supervisor's signature)

4/26/16

Date

Approved by:



(District Chairperson's signature)

4/26/16

Date

The Soil & Water Commission has approved the subject application for a contract.

(SWCC Chairperson's signature)
(Pursuant G.S. 139-8(b)(2))

Date

*Beneficiaries include but are not limited to applicant, landowner, and/or business partners.

**ADDENDUM TO APPLICATION FOR ASSISTANCE
NORTH CAROLINA COMMISSION COST SHARE PROGRAMS**

As a Soil and Water District Supervisor, for the VANCE Soil and Water Conservation District, I have applied for, or stand to benefit* from, a contract under a commission cost share program. I did not vote on the approval or denial of the application or attempt to influence the outcome of any action on the application. The proposed contract is for the installation of the following best management practices.

Program: ACSP

Best management practice: GRASSED WATERWAY

Contract number: 91-2016-002 Contract amount: \$ 1,459

Score on priority ranking sheet: 100

Cost Share Rate : 75 % If different than 75%, please list % percent:
Reason:

Relative rank (e.g., ranked 8th out of 12 projects considered): 1 out of 2

Were any higher or equally ranked contracts denied? NO

If yes, give an explanation as to why the supervisor's contract was approved over the other contracts:

Supervisor name: Wilton Lee Short, Jr.


(District Supervisor's signature)

8-6-15
Date

Approved by:


(District Chairperson's signature)

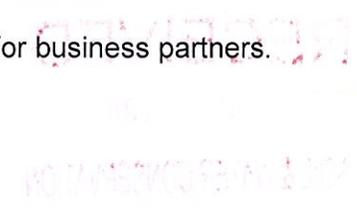
7/6/15
Date

The Soil & Water Commission has approved the subject application for a contract.

(SWCC Chairperson's signature)
(Pursuant G.S. 139-8(b)(2))

Date

*Beneficiaries include but are not limited to applicant, landowner, and/or business partners.



NCDA&CS
DSWC

NC -CSPs-1B
(11/2012)

ADDENDUM TO APPLICATION FOR ASSISTANCE NORTH CAROLINA COMMISSION COST SHARE PROGRAMS

As a Soil and Water District Supervisor, for the HARNETT Soil and Water Conservation District, I have applied for, or stand to benefit* from, a contract under a commission cost share program. I did not vote on the approval or denial of the application or attempt to influence the outcome of any action on the application. The proposed contract is for the installation of the following best management practices.

Program: **NCACSP –Wake County**

Best management practice: **Three-Year Conservation Tillage for Peanuts**

Contract number: **92-2016-016-09**

Contract amount: **\$3,400**

Score on priority ranking sheet: **75 points**

Cost Share Rate : **75%** If different than 75%, please list % percent: **100%**

Reason: **Incentive Practice**

Relative rank (e.g., ranked 8th out of 12 projects considered): **4th out of 7 projects considered**

Were any higher or equally ranked contracts denied? **No**

If yes, give an explanation as to why the supervisor's contract was approved over the other contracts:

Supervisor name: **Joseph Revels**

Joseph K. Revels
(District Supervisor's signature)

4-11-16
Date

Approved by: **Thomas Dean**

Thomas R. Dean
(District Chairperson's signature)

4-12-16
Date

The Soil & Water Commission has approved the subject application for a contract.

(SWCC Chairperson's signature)
(Pursuant G.S. 139-8(b)(2))

Date

*Beneficiaries include but are not limited to applicant, landowner, and/or business partners.

ADDENDUM TO APPLICATION FOR ASSISTANCE NORTH CAROLINA COMMISSION COST SHARE PROGRAMS

As a Soil and Water District Supervisor, for the Wilson Soil and Water Conservation District, I have applied for, or stand to benefit* from, a contract under a commission cost share program. I did not vote on the approval or denial of the application or attempt to influence the outcome of any action on the application. The proposed contract is for the installation of the following best management practices.

Program: ~~AgWarp~~ AgWRAP

Best management practice: Well

Contract number: 98-2016-802 Contract amount: \$2025

Score on priority ranking sheet: 80

Cost Share Rate : 75% If different than 75%, please list % percent:
Reason:

Relative rank (e.g., ranked 8th out of 12 projects considered): 1st out of 2

Were any higher or equally ranked contracts denied? No

If yes, give an explanation as to why the supervisor's contract was approved over the other contracts:

Supervisor name: Gary Dean Scott

Gary Dean Scott
(District Supervisor's signature)

5/2/2016
Date

Approved by:

Bryan Lamm
(District Chairperson's signature)

5/2/16
Date

The Soil & Water Commission has approved the subject application for a contract.

(SWCC Chairperson's signature)
(Pursuant G.S. 139-8(b)(2))

Date

*Beneficiaries include but are not limited to applicant, landowner, and/or business partners.



Technical Specialist Designation Recommendations

May 17, 2016

The Soil and Water Conservation Commission has authority to designate water quality technical specialists based upon specific criteria and procedures (02 NCAC 59G). This authority extends to individuals who have been assigned approval authority by USDA NRCS, NC Cooperative Extension, Department of Agriculture & Consumer Services and the Division. District staff is assigned the approval authority by the USDA NRCS. This process allows for each agency personnel to ensure an employee not only has completed the training requirements, but has also demonstrated proficiency prior to obtaining a technical specialist designation.

1. Mr. Paul Andrews, Pitt Soil and Water Conservation Cost Share Technician, has requested to be designated technical specialist for the Waste Utilization Planning/Nutrient Management category. He has successfully completed the required training and his technical proficiency has been verified by NRCS Engineering staff.
2. Ashley (Sam) Edwards, Division of Soil and Water Conservation, has requested to be a designated technical specialist for the Waste Utilization Planning/Nutrient Management category. He has successfully completed the required training and technical proficiency has been verified by DSWC Engineering staff.
3. Ms. Margaret Ross, Wayne Cooperative Extension Service, has requested to be designated technical specialist for the Waste Utilization Planning/Nutrient Management category. She has successfully completed the required training and is being recommended for this designation by Dr. Richard Bonanno, Associate Dean NCSU College of Agriculture and Life Sciences and Director of Cooperative Extension Service.

**SUBCHAPTER 59E - PROCEDURES AND GUIDELINES TO IMPLEMENT THE NONDISCHARGE
RULE FOR ANIMAL WASTE MANAGEMENT SYSTEMS**

02 NCAC 59E .0101 PURPOSE

This Subchapter describes rules to implement the provisions of ~~15A NCAC 02H .0200~~ 15A NCAC 02T Section .1300 - Waste Not Discharged To Surface Waters: Animal Waste Management Systems, hereinafter called the Nondischarge Rule for Animal Waste Management Systems. In agreement with the Environmental Management Commission (EMC) and the Division of Water Resources (DWR) Environmental Management (DEM), the Soil and Water Conservation Commission sets forth these Rules for certification of animal waste management systems in accordance with 15A NCAC 02T Section .1300. ~~15A NCAC 02H .0217~~. Alternatively, and in lieu of these Rules, the requirements of ~~15A NCAC 02H .0200~~ may be satisfied also by receiving an individual nondischarge permit from the Division of ~~Environmental Management~~ in accordance with 15A NCAC 02H .0217(d). An owner must either obtain certification under these Rules or meet DEM requirements for an individual nondischarge permit. The review process of the District does not abrogate the responsibilities of the owner to either obtain a certification or to meet DEM requirements for an individual nondischarge permit.

*History Note: Authority G.S. 106-840; 139-2; 139-4;
Temporary Adoption Eff. December 9, 1993 for a Period of 180 Days or Until the Permanent Rule Becomes Effective, Whichever is Sooner;
Eff. March 1, 1994;
Transferred from 15A NCAC 06F .0101 Eff. May 1, 2012.*

02 NCAC 59E .0102 DEFINITIONS

The terms used in this Subchapter shall be as defined in G.S. 139-3; 143-215.74; 143B-294; 15A NCAC 02T 0.103, 15A NCAC 02T .1302, ~~15A NCAC 02H .0203~~; 02 NCAC 59D .0102; and as follows:

- (1) ~~"Agronomic rates" means those amounts of animal waste or compost to be applied to lands as contained in the nutrient management standard of the USDA Soil Conservation Service Technical Guide Section IV or as recommended by the North Carolina Department of Agriculture and the North Carolina Cooperative Extension Service at the time of certification of the animal waste management plan.~~
- (2) "Certification" means the certification required for the animal waste management plan in 15A NCAC 02T Section .1300 and G.S. 143-215.10C. ~~the Nondischarge Rule for Animal Waste Management Systems (15A NCAC 02H .0217).~~
- (3) "DEM" "DWR" means the Division of Water Resources Environmental Management, Department of Environmental Quality ~~Environment, Health, and Natural Resources~~, and the agency to receive the certification forms and responsible for enforcement of 15A NCAC 02T Section .1300. ~~15A NCAC 02H .0200.~~
- (4) "Design approval authority" means that authority granted by the Commission to designated individuals or groups of individuals to certify that a BMP or the system of BMPs for waste management has been designed to meet the standards and specifications of practices adopted by the Commission.
- (5) "Installation approval authority" means that authority granted by the Commission to designated individuals or groups of individuals to certify a BMP or system of BMPs for waste management has been installed to meet the standard of practices adopted by the Commission.
- (6) "Technical Specialist" means individuals or groups of individuals designated by the Commission at 02 NCAC 59G .0104 ~~02 NCAC 59E .0105~~ to certify an entire or portion of an animal waste management plan.

*History Note: Authority G.S. 106-840; 106-850; 139-4;
Temporary Adoption Eff. December 9, 1993 for a Period of 180 Days or Until the Permanent Rule Becomes Effective, Whichever is Sooner;
Eff. March 1, 1994;*

Transferred from 15A NCAC 06F .0102 Eff. May 1, 2012.

02 NCAC 59E .0103 REQUIREMENTS FOR CERTIFICATION OF WASTE MANAGEMENT PLANS

- (a) In accordance with 15A NCAC 02T Section .1300, ~~15A NCAC 02H .0217(a)(1)~~, owners of animal waste management systems are required to: ~~(1) obtain certification that the system will properly collect, treat, store, or apply animal waste to the land such that no discharge of pollutants occurs to surface waters of the state by any means except as a result of a storm event more severe than the 25-year, 24-hour storm as required in G.S. 143-215.10C~~ 15A NCAC 02H .0203(3); or ~~(2) in order to receive a an individual nondischarge permit from DWR the Division of Environmental Management in accordance with 15A NCAC 02T Section .1300. 15A NCAC 02H .0217(d)~~.
- (b) The certification is to be made by a Technical Specialist designated pursuant to this Subchapter, and will confirm that the best management practices (BMPs) contained in the animal waste management plan meet applicable minimum standards and specifications. BMPs in an existing system are not required to meet current standards and specifications as established by the Commission as long as the system is certified to be nondischarging as required in G.S. 143-215.10C. 15A NCAC 02H .0203(3).
- (c) More than one Technical Specialist may be consulted for the design of BMPs and installation of BMPs. A Technical Specialist must certify only parts of the animal waste management plan for which they are assigned designation and are technically competent, ~~the entire animal waste management plan as installed~~.
- (d) Upon receiving a certification from a Technical Specialist, the owner must submit a copy of the certification to DWR DEM and a copy of both the certification and the waste management plan to the District in which the system is or is to be located.
- (e) ~~The District shall review the waste management plan and, within 30 days of receipt of the plan, notify the owner, the certifying Technical Specialist, DEM and the Division if the District does not concur that the certification was signed by an approved Technical Specialist and that the waste management plan satisfies the purpose of proper conservation and utilization of farm generated animal by-products. If the District, upon review, concurs with the certification, no further action is required.~~
- (f) ~~The District shall maintain a copy of all animal waste management plans and the accompanying certification form.~~
- (g) ~~If the District does not concur that the certification was signed by a Technical Specialist, or that the waste management plan is acceptable, and if either the owner or the DEM requests that the District reconsider its decision, the District shall review its decision and within 45 days of the request, notify the owner, the certifying Technical Specialist, DEM, and the Division of the District's final decision. The District is encouraged to utilize other technical specialists, local agricultural agencies and disinterested agricultural producers in reconsidering its initial decision. If the District fails to act within 45 days on a request for reconsideration, the District's initial decision shall become final.~~
- (h) ~~An owner not receiving concurrence from the District may request that the Commission mediate a dispute over concurrence. Nothing in this Rule creates an administrative remedy which must be exhausted prior to exercising permit appeal rights pursuant to the rules of the Environmental Management Commission.~~
- (i) ~~An owner who does not obtain a certification is not deemed permitted pursuant to G.S. 143-215.1(d) and must apply for an individual permit from the Division of Environmental Management. Nothing in these Rules prohibits permit appeal rights pursuant to the rules of the Environmental Management Commission.~~
- (j) Any ~~proposed~~ modification of an animal waste management plan requires approval by a Technical Specialist.
- (k) Any ~~modifications made in the system as a result of changes in the operation such as types and numbers of animals, equipment, or crops, must be in accordance with the BMP standards and specifications approved by the Commission and in effect at the time of the modification.~~
- (l) A change in the cropping pattern as a result of weather-caused delays after application of animal waste shall not require the owner to obtain a new certification as long as the owner followed the certified waste management plan application rates and no discharge occurs to surface waters.
- (m) The certifying Technical Specialist and the District are not required to spot check or otherwise assure proper maintenance and operation of an animal waste management system installed to meet the DEM DWR certification requirements. Enforcement of the 15A NCAC 02T Section .1300 – Animal Waste Management Systems Nondischarge Rule for Animal Waste Management Systems (15A NCAC 02H .0217) shall remain the responsibility of DWR DEM.

*History Note: Authority G.S. 106-840; 106-850; 139-4;
Temporary Adoption Eff. December 9, 1993 for a Period of 180 Days or Until the Permanent Rule
Becomes Effective, Whichever is Sooner;
Eff. March 1, 1994;
Transferred from 15A NCAC 06F .0103 Eff. May 1, 2012.*

02 NCAC 59E .0104 APPROVED BEST MANAGEMENT PRACTICES (BMPS)

- (a) The Commission will approve a list of BMPs that are acceptable as part of an approved animal waste management system. The list of BMPs will be ~~approved annually (by August 1) and~~ revised as needed ~~during the year~~ by the Commission.
- (b) As required by ~~DEM in 15A NCAC 02H .0217~~ 15A NCAC 02T Section .1300, a BMP or system of BMPs designed and installed for an animal waste management plan must ~~either:~~
- (1) meet the minimum standards and specifications of the US Department of Agriculture Soil-Natural Resource Conservation Service (NRCS) Technical Guide, Section IV or minimum standards and specifications as otherwise determined by the Commission; ~~or~~
 - (2) ~~the owner must receive an approved individual nondischarge permit as required for the animal waste management system.~~
- (c) BMPs approved for use in the Agriculture Cost Share Program for Nonpoint Source Pollution Control are hereby approved for these purposes.
- (d) Land application BMPs following the nutrient management standard contained in the Section IV of the NRCS SCS Technical Guide or as recommended by the Agronomic Division -North Carolina Department of Agriculture & Consumer Services (predictive Soil Test Report and predictive Waste Analysis Report, Form AD-10) ~~and the Cooperative Extension Service (AG 439-4) (AG 439-5) (AG 439-28)~~ are acceptable. In cases where agronomic rates are not specified in the nutrient management standard for a specific crop or vegetative type, application rates may be determined using the best judgement of the certifying Technical Specialist after consultation with a NCDA&CS agronomist, an agronomist with a full NC Agricultural Consultants Association (NCACA) membership or a NC Certified Crop Advisor (CCA), NCDA or CES.
- (e) Exemptions from the minimum buffer setback requirements for animal waste storage and treatment facilities and animal concentration areas are acceptable if no practical alternative exists and the BMP installed as an equivalent control meets the nondischarge requirements ~~for Nondischarge~~ except as a result of a storm event more severe than the 25-year, 24-hour storm.

*History Note: Authority G.S. 106-840; 106-850; 139-4;
Temporary Adoption Eff. December 9, 1993 for a Period of 180 Days or Until the Permanent Rule
Becomes Effective, Whichever is Sooner;
Eff. March 1, 1994;
Transferred from 15A NCAC 06F .0104 Eff. May 1, 2012.*

02 NCAC 59E .0105 TECHNICAL SPECIALIST DESIGNATION

- (a) ~~As required in 15A NCAC 02H .0217, the Commission designates the following individuals or groups of individuals as Technical Specialists, to assist owners in animal waste management plan development and certification. No rights are afforded to Technical Specialists by this designation. Technical Specialists are defined as:~~
- (1) ~~Individuals who have been assigned design approval authority or installation approval authority by the USDA, Soil Conservation Service, the NC Cooperative Extension Service or the NC Department of Agriculture;~~
 - (2) ~~Professional engineers subject to "The North Carolina Engineering and Land Surveying Act" as rewritten by Session Laws 1975, c. 681, s. 1, and recodified; and~~
 - (3) ~~Individuals with demonstrated skill and experience in the design or installation of animal waste management system BMPs.~~

- (b) ~~Design approval authority or installation approval authority of Technical Specialists may be for specific BMPs or a system of BMPs to be applied to complete an entire or a portion of an animal waste management plan.~~
- (c) ~~Those individuals not designated in Subparagraphs (a)(1) or (2) of this Rule must:~~
- ~~(1) Meet the minimum qualifications established by the Commission for each BMP or system of BMPs;~~
 - ~~(2) Provide to the NPS Section of the Division an "Application for Designation as a Technical Specialist" and evidence of demonstrated skill and experience required for a BMP or system of BMPs for which they are requesting Technical Specialist designation. This documentation must be received by the second Wednesday of the first month of the quarter in order to have the application reviewed for designation that quarter; and~~
 - ~~(3) The individual may provide additional information and request that their approval authority be updated based on new evidence of skill and experience.~~
- (d) ~~A copy of the minimum requirements for skill and experience will be available at the District field office. The NPS Section of the Division will provide a list of designated Technical Specialists to all Districts, after each Commission meeting where action was taken concerning Technical Specialists. The list will specify the BMPs or system of BMPs which the Technical Specialist has designed or installed. The individual will be notified of the Commission action.~~

History Note: Authority G.S. 106-840; 106-850; 139-4;

Temporary Adoption Eff. December 9, 1993 for a Period of 180 Days or Until the Permanent Rule Becomes Effective, Whichever is Sooner;

Eff. March 1, 1994;

Transferred from 15A NCAC 06F .0105 Eff. May 1, 2012.

SUBCHAPTER 59G - APPROVAL OF TECHNICAL SPECIALISTS AND BMPS FOR WATER QUALITY PROTECTION

02 NCAC 59G .0101 PURPOSE

This Subchapter describes criteria and procedures for the Soil and Water Conservation Commission to approve water quality technical specialists and to approve Best Management Practices (BMPs) for use in water quality protection programs of the Department. These criteria and procedures are intended for use by the Commission where technical specialists or BMPs are needed in conjunction with actions by the Environmental Management Commission or other commissions' in Department water quality protection programs.

History Note: Authority G.S. 106-840; 139-4;
Temporary Adoption Eff. October 22, 2001;
Eff. April 1, 2003;
Transferred from 15A NCAC 06H .0101 Eff. May 1, 2012.

02 NCAC 59G .0102 DEFINITIONS

When used in this Subchapter:

- (1) "Best Management Practice" (BMP) means a structural or nonstructural management practice used singularly or in combination to reduce nonpoint source inputs to receiving waters.
- (2) "Certified Animal Waste Management Plan" means the animal waste management plan certified by a technical specialist as required in 15A NCAC 02T Section .1300 the EMC Nondischarge Rule for Animal Waste Management Systems. (15A NCAC 02H .0217).
- (3) "Commission" means the Soil and Water Conservation Commission.
- (4) "Department" means the Department of Agriculture and Consumer Services ~~Environment and Natural Resources~~.
- (5) "EMC" means the Environmental Management Commission.
- (6) "NCCES" means the North Carolina Cooperative Extension Service.
- (7) "NRCS" means the USDA Natural Resources Conservation Service.
- (8) "Nutrient management" means a BMP for managing the amount, source, placement, form and timing of nutrients to ensure adequate fertility for plant production and to minimize the potential for water quality impairment.
- (9) "Technical Specialist" means an individual designated by the Commission to certify that the planning, design and implementation of BMPs are to the standards and specifications of the Commission or NRCS.
- (10) "Technical specialist designation category" means a designation specific to any of several individual or groups of BMPs.
- (11) "Water management" means a BMP for control of water levels in the soil profile, including but not limited to, the use of flashboard risers or other similar structures placed in drainage ditches to benefit crop water needs and reduce nutrient loss.

History Note: Authority G.S. 106-840; 139-4;
Temporary Adoption Eff. October 22, 2001;
Eff. April 1, 2003;
Transferred from 15A NCAC 06H .0102 Eff. May 1, 2012.

02 NCAC 59G .0103 APPROVAL OF BEST MANAGEMENT PRACTICES (BMPS)

- (a) The Commission may approve individual BMPs or systems of BMPs in conjunction with water quality protection programs for agriculture and other nonpoint sources.
- (b) Approved BMPs shall meet the minimum technical standards of the USDA Natural Resources Conservation Service Technical Guide, Raleigh, North Carolina, except as specified in Paragraph (c) of this Rule.
- (c) The Commission shall approve alternative BMPs Practices, Technical or Performance Specifications, and Operation and Maintenance requirements where any of the following criteria are met:

- (1) Where no existing USDA technical standard specifically achieves the desired water quality protection benefits;
 - (2) Where an existing USDA technical standard includes design or installation requirements for purposes other than those necessary to achieve the desired water quality protection benefits; or
 - (3) Where there is a need for additional operator flexibility to reduce the initial cost of installing or implementing the BMP, while providing equivalent water quality protection benefits.
- (d) In approving BMPs, the Commission shall consider technical input from persons engaged in agriculture or experienced in nonpoint source management.

*History Note: Authority G.S. 106-840; 139-4;
 Temporary Adoption Eff. October 22, 2001;
 Eff. April 1, 2003;
 Transferred from 15A NCAC 06H .0103 Eff. May 1, 2012.*

02 NCAC 59G .0104 APPROVAL OF WATER QUALITY TECHNICAL SPECIALISTS

(a) Technical specialist designation categories and roles are as follows:

- (1) The Structural Animal Waste category provides for the approval of the design and installation construction inspection of lagoons, storage ponds, dry stacks and other similar structures.
- (2) The Waste Utilization Plan/Nutrient Management category provides for:
 - (A) The development of land application plans including crop acreages available to meet nutrient and hydraulic loading rates, application windows, determination of animal waste nutrient amounts, evaluation of fields for phosphorous loss, field buffers and related measures;
 - (B) Confirmation of storage volumes, exterior lots, ~~lagoon closures~~, and cropping systems; and
 - (C) Development and establishment of buffers and setbacks to manage runoff from exterior lots.
 - (D) Certify the land application component of a USDA Comprehensive Nutrient Management Plan; and
 - (E) Authority to approve nutrient management plans for river basins as identified in 02 NCAC 59G .0105.
- (3) The Runoff Control category provides for the approval of the design and installation implementation of filter strips, diversions, grass channels and related BMPs which manage runoff from exterior lots.
- (4) The Irrigation Equipment category provides for the approval of the design and installation of irrigation systems to include pipe size, pump horsepower, nozzle size, system layout, and other system parameters.
- (5) The Wettable Acres category provides for the determination of irrigated acreage in accordance with a Certified Animal Waste Management Plan.
- ~~(6) The Waste Utilization Plan/Nutrient Management category provides for the items included in Subparagraph (a)(2) of this Rule and the authority to approve river basin nutrient management plans and to certify the land application component of a USDA Comprehensive Management Plan.~~
- ~~(7)~~ (6) The Inorganic Fertilizer/Nutrient Management category provides for approval of river basin nutrient management plans for inorganic fertilizer only.
- ~~(8)~~ (7) The Water Management category provides for the approval of the design and installation of subsurface water management systems.
- (8) The Waste Facility Closure category provides for the design and oversight of decommissioning waste storage ponds, lagoons and other similar structures.

(b) The Commission designates the following as technical specialists:

- (1) Individuals who have been assigned approval authority for a designation category by the USDA NRCS, ~~the North Carolina Department of Agriculture and Consumer Services, the Division of Soil and Water Conservation, or the North Carolina Cooperative Extension Service. Soil and Water Conservation District employees are assigned approval authority by the USDA NRCS.~~ Agency

- ~~employees who do not have a designation at the time this Rule becomes effective must meet the training requirements included in Subparagraph (c)(2) of this Rule in order to receive a designation;~~
- (2) Professional engineers subject to the "The NC Engineering and Land Surveying Act" for the categories of structural animal waste, waste utilization plan, runoff control, irrigation equipment and water management designation; and
 - (3) Individuals not included in Subparagraph (b)(1) and (b)(2) who meet the criteria in Paragraph (c) of this Rule.
- (c) Those individuals not designated in Subparagraphs (b)(1) or (b)(2) of this Rule must have an existing designation at the time this Rule becomes effective under 02 NCAC 59E .01025 or must meet the following criteria and training requirements:
- (1) Minimum criteria for each designation category are:
 - (A) The Irrigation Equipment designation requires designation as an irrigation designer by the National Irrigation Association or three years experience in the design of irrigation systems for waste application.
 - (B) The Wettable Acres designation requires holding either the waste utilization plan or irrigation equipment designation.
 - (C) The Waste Utilization Plan/Nutrient Management and the Inorganic Fertilizer Only/Nutrient Management designations require either three years experience in nutrient management, a four year degree in agronomy or related field or a combination of education and experience totaling four years.
 - (D) The Structural Animal Waste, Runoff Control, ~~and~~ Water Management and Waste Facility Closure designations are reserved only for those individuals included in Subparagraphs (b)(1) or (b)(2);
 - (2) Training requirements are:
 - (A) For the category of Waste Utilization Plan/Nutrient Management and Inorganic Fertilizer Only/Nutrient Management, North Carolina Nutrient Management Course taught by the NCCES or the NRCS and the North Carolina Nutrient Management Software Course taught by the Division or the NCCES.
 - ~~(B) For the category of Inorganic Fertilizer Only/Nutrient Management, North Carolina Inorganic Fertilizer Nutrient Management Course taught by the NCCES or the NRCS and the North Carolina Nutrient Management Software Course taught by the Division or the NCCES.~~
 - ~~(C)~~ (B) For the category of Wettable Acres, the North Carolina Wettable Acres Course taught by the NCCES.
 - (3) Provide to the Division an "Application for Designation for Technical Specialist" and evidence of experience, skills and training required for each designation category. A list of three references who can attest to the applicant's technical competence must accompany the application.
 - (4) Be determined by the Commission to meet the requirements of this Rule for designation.
- (d) Professional Engineers included in Subparagraph (b)(2) who are licensed after the effective date of this Rule must attend the North Carolina Nutrient Management Course and the North Carolina Nutrient Management Software Course in order to use the waste utilization plan designation.
- (e) Technical Specialist shall perform services only in areas of the technical specialist's designated category and technical competence.
- (f) Applicants will be notified of the Commission actions. The Division will maintain and make available a list of designated Technical Specialists and their designated categories.
- (g) A valid designation as a technical specialists shall be maintained by completion of a minimum of six hours of additional training approved by the Commission during each three year period following initial designation. Technical specialist designation will be rescinded by the Commission for failure to complete the approved additional training by the end of the three year period.
- (h) All technical specialists must attend training as provided by the Division, NRCS or NCCES when new areas evolve within their designation in order to maintain their designation. Such training may be used towards the requirement referenced in 02 NCAC 59G .0104(g).

- (i) Upon the finding by the Commission that the work of a technical specialist designated under Subparagraph (b)(1) ~~and~~ (b)(3) of this Rule fails to comply with the requirements of 15A NCAC 02T Section .1300 H .02017(a), 15A NCAC 59E 06F, the NRCS Technical Guide or any applicable state or federal laws, or submits false data or is in any other way dishonest, the Commission may withdraw its designation of the technical specialist in any or all categories.
- (j) Upon the finding by the Commission that the work of a technical specialist designated under Subparagraph (b)(1) of this Rule the Commission shall forward these findings to the respective agency with the request that the agency provide documentation that their technical specialist has received training to correct deficiencies in the area of work to retain a designation. If the agency fails to provide such documentation, the Commission may withdraw its designation of the technical specialist for any or all categories.

History Note: Authority G.S. 106-840; 139-4;
 Temporary Adoption Eff. October 22, 2001;
 Eff. April 1, 2003;
 Transferred from 15A NCAC 06H .0104 Eff. May 1, 2012.

02 NCAC 59G .0105 APPLICATION OF BMP APPROVAL AND TECHNICAL SPECIALIST DESIGNATION TO WATER QUALITY PROTECTION PROGRAMS

Approved BMPs or systems of BMPs and technical specialist designation by the Commission under this Subchapter may be used to satisfy the requirements of:

- (1) The Neuse Basin Rule in 15A NCAC 02B .0238(8)(b)(x) and (c)(i) and 15A NCAC 02B .0239(2)(a) and (b);
- (2) The Tar-Pamlico Rule in 15A NCAC 02B .0256 and 15A NCAC 02B .0257(f)(2); and
- (3) Other applicable water quality protection rules adopted by the EMC or other commissions that include BMP development or implementation or technical specialist designation by the Commission.

History Note: Authority G.S. 106-840; 139-4;
 Temporary Adoption Eff. October 22, 2001;
 Eff. April 1, 2003;
 Transferred from 15A NCAC 06H .0105 Eff. May 1, 2012.

Many of the SWCC Animal Waste Management and Technical Specialist rules reference DWR rules and General Statutes.

For ease of review of the SWCC rules, the following pages are to be used as reference material only.

SUBCHAPTER 02T – WASTE NOT DISCHARGED TO SURFACE WATERS

SECTION .0100 – GENERAL REQUIREMENTS

15A NCAC 02T .0103 DEFINITIONS

The terms used in this Subchapter shall be as defined in G.S. 143-212 and 143-213 except as provided in this Rule and in definitions provided in program specific rules in this Subchapter and as follows:

- (1) "Agronomic rate" is defined as the amount of waste and other materials applied to meet the nitrogen needs of the crop, but does not overload the soil with nutrients or other constituents that cause or contribute to a contravention of surface water or groundwater standards, limit crop growth, or adversely impact soil quality. Nitrogen needs of the crop shall be based on realistic yield expectations (RYE) established for a soil series through published Cooperative Extension Service bulletins, Natural Resources Conservation Service publications, county soil surveys, or site specific agronomist reports.
- (2) "Animal waste" means livestock or poultry excreta or a mixture of excreta with feed, bedding, litter or other materials generated at a feedlot.
- (3) "Bedrock" is as defined in 15A NCAC 02L .0102.
- (4) "Buffer" means a natural or vegetated area as defined in 15A NCAC 02B .0202.
- (5) "CFR" means Code of Federal Regulations. All CFRs cited herein may be obtained at Government Institutes, Inc., 4 Research Place, Suite 200, Rockville, Md, 20850-1714 for a cost of thirty-six dollars (\$36.00) each plus four dollars (\$4.00) shipping and handling or at <http://www.gpoaccess.gov/cfr/>. Copies are also available for review at 512 North Salisbury Street, Raleigh, North Carolina 27604.
- (6) "Commission" as defined in G.S. 143-212 or their delegate.
- (7) "Compliance boundary" is as defined in 15A NCAC 02L .0102.
- (8) "Deemed permitted" means that a facility is considered as having a needed permit and being compliant with the permitting requirements of G.S. 143-215.1(a) even though it has not received an individual permit for its construction or operation.
- (9) "Department" as defined in G.S. 143-212.
- (10) "Director" means the Director of the Division or its delegate.
- (11) "Division" means the Division of Water Quality in the Department. All rules cited in this Section under the authority of the Division may be obtained at 512 North Salisbury Street, Raleigh, North Carolina 27604 or at the Division's web page at www.ncwaterquality.org at no charge.
- (12) "Effluent" means wastewater discharged following all treatment processes from a water pollution control facility or other point source whether treated or untreated.
- (13) "Engineer" is an individual who is currently licensed by the North Carolina Board of Examiners For Engineers and Land Surveyors or authorized to practice under G.S. 89C as an engineer.
- (14) "EPA" means the United States Environmental Protection Agency.
- (15) "Ephemeral (stormwater) stream" means a stream as defined in 15A NCAC 02B .0233.
- (16) "Essential treatment unit" means any unit associated with the wastewater treatment process whose loss would likely render the facility incapable of meeting the required performance criteria including aeration units or other main treatment units, clarification equipment, filters, disinfection equipment, pumps and blowers.
- (17) "General Permit" means a permit issued under G.S. 143-215.1(b)(3), 143-215.1(b)(4) or 143-215.10C.
- (18) "Groundwaters" means those waters in the saturated zone of the earth as defined in 15A NCAC 02L .0102.
- (19) "Groundwater standards" means groundwater standards as established in 15A NCAC 02L .0200.
- (20) "Industrial wastewater" means all wastewater other than sewage or animal waste and includes:
 - (a) wastewater resulting from any process of industry or manufacture, or from the development of any natural resource;
 - (b) wastewater resulting from processes of trade or business, including wastewater from laundromats and vehicle/equipment washes, but not wastewater from restaurants;
 - (c) stormwater that is contaminated with an industrial wastewater;

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- (d) any combination of sewage and industrial wastewater;
 - (e) municipal wastewater unless it can be demonstrated to the satisfaction of the Division that the wastewater contains no industrial wastewater;
 - (f) contaminated groundwater extracted as part of an approved groundwater remediation system approved by the Division in accordance with 15A NCAC 02L .0100.
- (21) "Intermittent stream" means a stream as defined in 15A NCAC 02B .0233.
 - (22) "NPDES" means National Pollutant Discharge Elimination System.
 - (23) "Perennial stream" means a stream as defined in 15A NCAC 02B .0233.
 - (24) "Perennial waterbody" means a waterbody as defined in 15A NCAC 02B .0233.
 - (25) "Pollutant" means waste as defined in G.S. 143-213.
 - (26) "Potable waters" means water as defined in 15A NCAC 02L .0102.
 - (27) "Private well" means any potable or irrigation well not directly controlled by a public authority or a public utility authorized by the North Carolina Public Utilities Commission. This may include a private individual or community well as defined in the public water supply rules contained in 15A NCAC 18C.
 - (28) "Professional engineer" means a person who is presently registered and licensed as a professional engineer by the North Carolina Board of Examiners For Engineers and Land Surveyors.
 - (29) "Public or community sewage system" means a single system of sewage collection, treatment, or disposal owned and operated by a sanitary district, a metropolitan sewage district, a water and sewer authority, a county, a municipality or a public utility authorized to operate by the North Carolina Utilities Commission.
 - (30) "Residuals" means any solid, semisolid, or liquid waste, other than effluent or residues from agricultural products and processing, generated from a wastewater treatment facility, water supply treatment facility or air pollution control facility permitted under the authority of the Commission.
 - (31) "Residues from agricultural products and processing" means solids, semi-solids or liquid residues from food and beverage processing and handling; silviculture; agriculture; and aquaculture operations permitted under the authority of the Commission that are non-toxic, non-hazardous and contain no domestic wastewater.
 - (32) "Restrictive horizon" is the layer in a soil profile that is capable of reducing the downward water movement to the minimum rate, as evidenced by lowest saturated hydraulic conductivity among all the soil layers. Restrictive horizon is often capable of perching ground water or wastewater effluent and is characterized by accumulation of finer soil particles (such as aluminum, clay, iron, silica, organic matter, or other compounds) or compaction due to heavy equipments.
 - (33) "Review boundary" is as defined in 15A NCAC 02L .0102.
 - (34) "Seasonal High Water Table" or "SHWT" is the highest level to which the soil is saturated, as may be determined through the identification of redoximorphic features in the soil profile including low chroma mottling. This does not include temporary perched conditions. Alternatively, the SHWT can also be determined from water level measurements or via soil/groundwater modeling.
 - (35) "Secretary" as defined in G.S. 143-212 or its delegate.
 - (36) "Setback" means the minimum separation in linear feet, measured on a horizontal plane, required between a treatment works, disposal system, or utilization system and physical features such as building, roads, property lines, or water bodies.
 - (37) "Sewage" means the liquid and solid human waste, and liquid waste generated by domestic water-using fixtures and appliances, from any residence, place of business, or place of public assembly. Sewage does not include wastewater that is totally or partially industrial wastewater, or any other wastewater not considered to be domestic waste.
 - (38) "Soil scientist" means an individual who is currently licensed or authorized to practice soil science under G.S. 89F by the North Carolina Board for Licensing of Soil Scientists.
 - (39) "Staff" means the staff of the Division.
 - (40) "Surface waters" means all waters as defined in G.S. 143-212 except underground waters.
 - (41) "Surface water standards" means surface water standards as established in 15A NCAC 02B .0200.
 - (42) "Technical specialist" means an individual designated by the Soil and Water Conservation Commission, pursuant to rules adopted by that Commission, to certify animal waste management plans or specific parts of a certified animal waste management plan.

- (43) "Toxicity test" means a test for toxicity conducted using the procedures contained in 40 CFR 261, Appendix II which is hereby incorporated by reference including any subsequent amendments and editions.
- (44) "Treatment works or disposal system which does not discharge to surface waters" means any treatment works, facility, utilization system, or disposal system which is designed to:
- (a) operate as closed system with no discharge to waters of the state, or
 - (b) dispose/utilize of wastes, including residuals, residues, contaminated soils and animal waste, to the surface of the land, or
 - (c) dispose of wastes through a subsurface disposal system pursuant to G.S. 143-215.1(b)(4).
- (45) "Waste oil" means any used nonhazardous petroleum product other than crankcase oil. Crankcase oil mixed with other used nonhazardous petroleum products shall be considered as waste oil.
- (46) "Wetlands" are "waters" as defined in G.S. 143-212 and are areas that are inundated or saturated by an accumulation of surface or ground water as defined in 15A NCAC 02B .0202.

History Note: Authority G.S. 130A-335; 143-213; 143-215.3(a)(1); Eff. September 1, 2006.

SECTION .1300 – ANIMAL WASTE MANAGEMENT SYSTEMS

15A NCAC 02T .1301 SCOPE

The rules in this Section apply to all persons proposing to construct, modify, expand, or operate an animal waste management system. These Rules do not apply to manure haulers regulated pursuant to Section .1400 of this Subchapter.

History Note: Authority G.S. 143-215.1; 143-215.3(a); 143-215.10A; Eff. September 1, 2006.

15A NCAC 02T .1302 DEFINITIONS

The definitions used for the purpose of this Section shall be as defined in G.S. 143-215.10B and as follows:

- (1) "Animal waste management plan" means a plan to properly collect, store, treat or apply animal waste to the land in an environmentally safe manner developed in accordance with G.S. 143-215.10C.
- (2) "Expanded animal waste management system" means animal waste treatment and storage facilities which require an increase over the existing animal waste design treatment and storage capacity due to an increase in steady state live weight at the feedlot.
- (3) "New animal waste management system" means animal waste management systems which are constructed and operated at a site where no feedlot existed previously or where a system serving a feedlot has been abandoned or unused for a period of four years or more and is then put back into service.
- (4) "NRCS" means the U.S. Department of Agriculture - Natural Resources Conservation Service.

History Note: Authority G.S. 143-215.1; 143-215.3(a); 143-215.10A; Eff. September 1, 2006.

15A NCAC 02T .1303 PERMITTING BY REGULATION

(a) The following systems are deemed permitted pursuant to Rule .0113 of this Subchapter provided the system meets the criteria in Rule .0113 of this Subchapter and all criteria required for the specific system in this Rule:

- (1) Systems that do not meet the criteria of an animal operation permitted under Rule .1304 or Rule .1305 of this Subchapter and all other systems not specifically mentioned in this Section. If waste is land applied to land owned by the waste generator or under the waste generators authority, agronomic rates must be met.
- (2) Poultry operations which use a dry litter system with more than 30,000 birds and that do not meet the criteria specified in Rule .1305 of this Subchapter if:
 - (A) records are maintained for three years which include the dates the litter was removed, the estimated amount of litter removed and the location of the sites where the litter was land applied by the poultry operation;
 - (B) the waste is applied at no greater than agronomic rates;
 - (C) litter is stockpiled not closer than 100 feet from a perennial stream or perennial waterbody;
 - (D) litter is not stockpiled uncovered for greater than 15 days; and

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- (E) if a manure hauler is used, records must be maintained of the dates the litter was removed, the estimated amount of litter removed, and name, address and phone number of the manure hauler.
- (3) Land application sites under separate ownership from the waste generator, receiving animal waste from animal waste management systems which are deemed permitted, when all the following conditions are met:
 - (A) the waste is applied at no greater than agronomic rates; and
 - (B) a vegetative buffer (separation) of at least 25 feet is maintained from a perennial stream or perennial waterbody.
- (b) The Director may determine that a system should not be deemed permitted in accordance with this Rule and Rule .0113 of this Subchapter. This determination shall be made in accordance with Rule .0113(e) of this Subchapter.

History Note: Authority G.S. 143-215.1; 143-215.3(a); 143-215.10A; Eff. September 1, 2006.

15A NCAC 02T .1304 STATE PERMITTING REQUIREMENTS

- (a) This rule applies to animal waste management systems that meet the definition of an animal operation in G.S. 143215.10B but are not subject to regulation under Rule .1305.
- (b) An animal waste management plan shall be submitted as follows:
 - (1) The animal waste management practices or combination of practices which are selected to comprise a plan for a specific facility must meet NRCS standards, or the standard of practices adopted by the Soil and Water Conservation Commission pursuant to 15A NCAC 06F .0104, or standards for any combination of practices which provide water quality protection and are approved by one of these two agencies; and all applicable state statutes and rules at the time of development or design. NRCS standards relating to phosphorus application rates for animal waste are not incorporated as part of this rule.
 - (2) As required by G.S. 143-215.10C, plans must be approved by a technical specialist and the certificate must be submitted to the Division on Division supplied forms or forms approved by the Division as providing the same information as required by the Division's forms. The technical specialist must certify that the best management practices that comprise the plan meet the applicable standards and specifications.
 - (3) The land application and siting setbacks must meet the applicable conditions established in G.S. 106803 and NRCS standards at the time of construction.
 - (4) New and expanded animal waste treatment systems such as lagoons and waste storage structures shall be located at least 100 feet from a perennial stream or perennial waterbody. For new and expanding systems, this setback requirement shall also apply to areas in feedlots where an established vegetative cover will not be maintained because of the concentration of animals, with the exception of stock trails and stream crossings.
 - (5) The waste shall not be applied at greater than agronomic rates.
 - (6) For animal waste management facilities desiring to increase their animal population beyond that permitted, a new individual permit or new certificate of coverage to operate under a general permit must be issued before the additional animals are stocked.
- (c) For each change of ownership of the system, the new owner must notify the Division in writing within 60 days of transfer of ownership.
- (d) New and expanding swine facilities must demonstrate compliance with Rule .1307 of this Section prior to receiving a permit from the Division.

*History Note: Authority G.S. 143-215.1; 143-215.3(a); 143-215.10A; 143-215.10I; Eff. September 1, 2006;
Amended Eff. January 1, 2009.*

15A NCAC 02T .1305 NPDES PERMITTING REQUIREMENTS

- (a) This Rule applies to animal waste management systems subject to regulation under 40 CFR § 122.23 and G.S. 143215.10C.
- (b) With the exception of dry litter poultry systems, an animal waste management plan shall be submitted as follows:
 - (1) The animal waste management practices or combination of practices which are selected to comprise a plan for a specific facility must meet NRCS standards, or the standard of practices adopted by the Soil and Water Conservation Commission pursuant to 15A NCAC 06F .0104, or standards for any combination of practices which provide water quality

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protection and are approved by one of these two agencies; and all applicable state statutes and rules and all applicable federal requirements at the time of development or design.

- (2) As required by G.S. 143-215.10C, plans must be approved by a technical specialist and the certificate must be submitted to the Division on Division supplied forms or forms approved by the Division as providing the same information as required by the Division's forms. The technical specialist must certify that the best management practices that comprise the plan meet the applicable standards and specifications.
 - (3) The land application and siting setbacks must meet the applicable conditions established in G.S. 106803, NRCS standards and 40 CFR Part 412 at the time of construction.
 - (4) New and expanded animal waste treatment systems such as lagoons and waste storage structures shall be located at least 100 feet from a perennial stream or perennial waterbody. For new and expanding systems, this setback requirement shall also apply to areas in feedlots where an established vegetative cover will not be maintained because of the concentration of animals, with the exception of stock trails and stream crossings.
 - (5) The waste shall not be applied at greater than agronomic rates.
 - (6) For animal waste management facilities desiring to increase their animal population beyond that permitted, a new individual permit or new certificate of coverage to operate under a general permit must be issued before the additional animals are stocked.
- (c) Dry litter poultry systems, for the purpose of this Rule and G.S. 143-215.10C, shall submit an animal waste management plan as follows:
- (1) The animal waste management practices or combination of practices which are selected to comprise a plan for a specific facility must meet NRCS standards, or the standard of practices adopted by the Soil and Water Conservation Commission, or standards for any combination of practices which provide water quality protection and are approved by one of these two agencies; and all applicable state statutes and rules and all applicable federal requirements at the time of development or design.
 - (2) The land application and siting setbacks must meet the conditions established in NRCS standards and 40 CFR Part 412 at the time of construction.
 - (3) New and expanded animal waste structures such as houses and dry stacks shall be protected from the 100-year flood as determined by the Federal Emergency Management Agency.
 - (4) The waste shall not be applied at greater than agronomic rates.
 - (5) For animal waste management facilities desiring to increase their animal population beyond that permitted, a new individual permit or new certificate of coverage to operate under a general permit must be issued before the additional animals are stocked.
- (d) For each change of ownership of the system, the new owner must notify the Division in writing within 60 days of transfer of ownership.
- (e) Systems shall meet all applicable requirements of 40 CFR Part 122 and 40 CFR Part 412.
- (f) New and expanding swine facilities must demonstrate compliance with Rule .1307 of this Section prior to receiving a permit from the Division.

*History Note: Authority G.S. 143-215.1; 143-215.3(a); 143-215.10A; 143-215.10I; Eff. September 1, 2006;
Amended Eff. January 1, 2009.*

15A NCAC 02T .1306 CLOSURE REQUIREMENTS

Any containment basin, such as a lagoon or a waste storage structure, permitted under this Section shall continue to be subject to the conditions and requirements of the facility's permit until closed to NRCS standards and the permit is rescinded by the Division. Closure shall include pre-notification to the Division and submittal of closure form supplied by the Division or forms approved by the Division as providing the same information as required by the Division's forms within 15 days of completion of closure.

History Note: Authority G.S. 143-215.1; 143-215.3(a); 143-215.10A; Eff. September 1, 2006.

15A NCAC 02T .1307 SWINE WASTE MANAGEMENT SYSTEM PERFORMANCE STANDARDS

- (a) This Rule applies to animal waste management systems subject to regulation under G.S. 143-215.10I.

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(b) An animal waste management system that serves a swine farm subject to regulation under G.S. 143-215.10I, shall meet all of the following performance standards:

- (1) Eliminate the discharge of animal waste to surface waters and groundwater through direct discharge, seepage, or runoff. To meet this standard:
 - (A) Earthen structures must be designed and constructed with synthetic liners to eliminate seepage.
 - (B) Solids storage structures shall meet applicable engineering practices and NRCS design standards.
 - (C) The Certified Animal Waste Management Plan (CAWMP) must meet current NRCS standards for a Comprehensive Nutrient Management Plan (CNMP) as defined by Part 600, Subpart E of the NRCS National Planning Procedures Handbook, which are hereby incorporated by reference, including any subsequent additions or amendments. The handbook may be downloaded at no cost from the NRCS website:
http://www.nrcs.usda.gov/technical/afo/cnmp_guide_index.html
 - (D) Swine waste treatment structures that automatically convey swine waste using pumps must have audible and visible high water alarms with an auto dialer device set to contact the farm owner or farm manager; a gravity overflow to a basin that can contain the flow rate of the largest pump in the system for the maximum amount of time that an operator will not be onsite; or a secondary containment structure designed, constructed, and operated to contain the volume of the largest animal waste treatment structure and the flow rate of the largest pump in the system for the maximum amount of time that an operator will not be on-site.
 - (E) No more than the equivalent volume of one month of design flow of untreated swine waste shall be accumulated and stored prior to the initiation of treatment.
- (2) Substantially eliminate atmospheric emission of ammonia. To meet this standard:
 - (A) Combined ammonia emissions from swine waste treatment and storage structures may not exceed an annual average of 0.2 kg NH₃-N/wk/1,000 kg of steady-state live weight;
 - (B) Ammonia emissions from land application sites shall not exceed an annual average of 0.2 kg NH₃-N/wk/1,000 kg of steady-state live weight; and
 - (C) Ammonia emissions from the swine farm must not exceed an annual average of 0.9 kg NH₃N/wk/1,000 kg of steady-state live weight.
- (3) Substantially eliminate the emission of odor that is detectable beyond the boundaries of the parcel or tract of land on which the swine farm is located. To meet this standard, swine waste management systems must reduce odor levels, frequency, and duration from the whole farm, such that the requirements of 15A NCAC 02D .1808 are met at the property boundary.
- (4) Substantially eliminate the release of disease-transmitting vectors and airborne pathogens. To meet this standard:
 - (A) Swine waste management systems shall meet the vector attraction reduction requirements in Rule .1107 of this Subchapter for the land application of separated solids and biological residuals.
 - (B) Swine waste management systems shall meet the pathogen reduction requirements in Rule .1106 of this Subchapter for Class A biosolids that are to be land applied pursuant to Rule .1106(a)(1) or for Class B biosolids that are to be otherwise applied to land.
 - (C) Fecal coliform concentrations in the final liquid effluent shall not exceed an annual average of 7,000 Most Probable Number/100mL.
- (5) Substantially eliminate nutrient and heavy metal contamination of soil and groundwater. To meet this standard, swine waste management systems that land apply effluent shall:
 - (A) Meet the current NRCS requirements for a Comprehensive Nutrient Management Plan (CNMP) as defined by Part 600, Subpart E of the NRCS National Planning Procedures Handbook; and
 - (B) Demonstrate through predictive calculations or modeling that land application of swine waste at the proposed rate will not cause or contribute to a violation of groundwater standards under 15A NCAC 02L.

History Note: Authority G.S. 143-215.1; 143-215.3(a); 143-215.10A; 143-215.10I; Eff. January 1, 2009.

15A NCAC 02T .1308 EVALUATION AND APPROVAL OF SWINE WASTE MANAGEMENT SYSTEMS

(a) This Rule establishes requirements for the evaluation, approval and permitting of swine waste management systems that are required to meet the performance standards in Rule .1307 of this Section.

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(b) **APPLICATION:** The applicant shall submit a permit application in writing to the Division showing that a swine waste management system meets the performance standards. The application shall include the following:

- (1) operation and maintenance procedures, system classification, proposed management entity and system operator requirements;
- (2) a description of the swine waste management system, including materials used in construction, and its proposed use;
- (3) a summary of any literature, published research, and previous experience with and performance of a waste management system of similar waste characteristics;
- (4) results of 12 months of testing, research or monitoring of pilot- or full-scale operational system(s); and shall identify whether the testing, research or monitoring provided was conducted by a third party research or testing organization;
- (5) documentation of the protocol used to evaluate the performance of the swine waste management system;
- (6) the identity and qualifications, if applicable, of any proposed research or testing organization and the principal investigators, and an affidavit certifying that the organization and principal investigators have no conflict of interest and do not stand to gain financially from the sale of the technology;
- (7) an affidavit certifying that the swine waste management system submitted for approval is the same as the certified or listed product; or identify any modifications made to the submitted system;
- (8) a procedure to address system malfunction and replacement;
- (9) notification of any proprietary or trade secret information, system, component, or device;
- (10) engineering design documents. If required by G.S. 89C, a professional engineer shall prepare these documents.

The following documents shall be provided to the Division by the applicant:

- (A) engineering plans for the entire system, including treatment, storage, application, and disposal facilities and equipment except those previously permitted unless those previously permitted are directly tied into the new units or are critical to the understanding of the complete process;
 - (B) specifications describing materials to be used, methods of construction, and means for ensuring quality and integrity of the finished product including leakage testing; and
 - (C) engineering calculations including hydraulic and pollutant loading for each treatment unit, treatment unit sizing criteria, hydraulic profile of the treatment system, total dynamic head and system curve analysis for each pump, buoyancy calculations, and irrigation design;
- (11) a complete permit application in accordance with Section .0100 of this Subchapter; and
 - (12) In lieu of the requirements of Subparagraphs (b)(3) through (b)(6), the applicant may submit data from a full-scale facility previously permitted by the Division.

(c) **APPROVAL OF NEW OR EXPANDING SWINE WASTE MANAGEMENT SYSTEMS:** The Division shall review all applications submitted in accordance with Rule .0107 of this Subchapter. The Division shall approve the swine waste management system in accordance with Rule .0108 of this Subchapter, when the applicant can show that the performance standards of Rule .1307 of this Section will be met.

(d) **MONITORING REQUIREMENTS:** Once the newly permitted system reaches full capacity or within six months, whichever comes sooner, the permittee shall monitor system performance for two years with quarterly sampling to assure that the treatment system is meeting performance standards. If, after two years the treatment system is compliant with Rule .1307 of this Section, the permittee shall monitor for compliance with the performance standards in Rule .1307 on the following schedule:

- (1) Ammonia emissions monitoring from swine waste treatment and storage structures shall be as follows:
 - (A) Ammonia air emissions from open-air structures shall be directly sampled once per calendar year, with alternating years having sampling during the summer and winter seasons, or
 - (B) Liquid from open-air waste treatment and storage structures shall be sampled at a minimum of once per quarter.
- (2) Monitoring of odor intensity shall be on an annual basis, with alternating years having sampling during the summer and winter seasons.
- (3) Effluent monitoring shall be at a minimum of once per quarter.

History Note: Authority G.S. 143-215.1; 143-215.3(a); 143-215.10A; 143-215.10I; Eff. January 1, 2009.

15A NCAC 02T .1309 LAGOON CONVERSION REQUIREMENTS

(a) This Rule applies to existing animal waste management systems that convert from anaerobic lagoons as the primary method of treatment to an animal waste management system that meets the requirements of Rule .1307 of this Section, and have not expanded the steady-state live weight of the swine farm.

(b) Upon approval by the Division, a permittee may abandon and close out an animal waste management system permitted under Rules .1307 and .1308 of this Section and revert to the requirements of Rule .1304 or .1305 of this Section.

The Division shall approve the reversion if all of the following criteria are met:

- (1) The animal waste management system is constructed according to the design and specifications approved by the Division according to the rules in this section;
- (2) The animal waste management system is operated and maintained in accordance with the rules in this Section;
- (3) The permit for the anaerobic lagoon animal waste management system issued prior to 1 September 2007 pursuant to S.L. 2007-523(1)(b) remains valid; and
- (4) The anaerobic lagoon animal waste management system has been maintained and can operate in compliance with the requirements of its permit.

History Note: Authority G.S. 143-215.1; 143-215.3(a); 143-215.10A; 143-215.10I; Eff. January 1, 2009.

General Statute 143-215.10C

§ 143-215.10C. Applications and permits.

(a) No person shall construct or operate an animal waste management system for an animal operation or operate an animal waste management system for a dry litter poultry facility that is required to be permitted under 40 Code of Federal Regulations § 122, as amended at 73 Federal Register 70418 (November 20, 2008), without first obtaining an individual permit or a general permit under this Article. The Commission shall develop a system of individual and general permits for animal operations and dry litter poultry facilities based on species, number of animals, and other relevant factors. It is the intent of the General Assembly that most animal waste management systems be permitted under a general permit. The Commission, in its discretion, may require that an animal waste management system be permitted under an individual permit if the Commission determines that an individual permit is necessary to protect water quality, public health, or the environment. The owner or operator of an animal operation shall submit an application for a permit at least 180 days prior to construction of a new animal waste management system or expansion of an existing animal waste management system and shall obtain the permit prior to commencement of the construction or expansion. The owner or operator of a dry litter poultry facility that is required to be permitted under 40 Code of Federal Regulations § 122, as amended at 73 Federal Register 70418 (November 20, 2008), shall submit an application for a permit at least 180 days prior to operation of a new animal waste management system.

(a1) An owner or operator of an animal waste management system for an animal operation or a dry litter poultry facility that is required to be permitted under 40 Code of Federal Regulations § 122, as amended at 73 Federal Register 70418 (November 20, 2008), shall apply for an individual National Pollutant Discharge Elimination System (NPDES) permit or a general NPDES permit under this Article and may not discharge into waters of the State except in compliance with an NPDES permit.

(b) An animal waste management system that is not required to be permitted under 40 Code of Federal Regulations § 122, as amended at 73 Federal Register 70418 (November 20, 2008), shall be designed, constructed, and operated so that the animal operation served by the animal waste management system does not cause pollution in the waters of the State except as may result because of rainfall from a storm event more severe than the 25-year, 24-hour storm.

(b1) An existing animal waste management system that is required to be permitted under 40 Code of Federal Regulations § 122, as amended at 73 Federal Register 70418 (November 20, 2008), shall be designed, constructed, maintained, and operated in accordance with 40 Code of Federal Regulations § 412, as amended at 73 Federal Register 70418 (November 20, 2008), so that the animal operation served by the animal waste management system does not cause pollution in waters of the State except as may result because of rainfall from a storm event more severe than the 25-year, 24-hour storm. A new animal operation or dry litter poultry facility that is required to be permitted under 40 Code of Federal Regulations § 412.46, as amended at 73 Federal Register 70418 (November 20, 2008), shall be designed, constructed, maintained, and operated so that there is no discharge of pollutants to waters of the State.

(c) The Commission shall act on a permit application as quickly as possible and may conduct any inquiry or investigation it considers necessary before acting on an application.

(d) All applications for permits or for renewal of an existing permit shall be in writing, and the Commission may prescribe the form of the applications. All applications shall include an animal waste management system plan approved by a technical specialist. The Commission may require an applicant to submit additional information the Commission considers necessary to evaluate the application. Permits and renewals issued pursuant to this section shall be effective until the date specified therein or until rescinded unless modified or revoked by the Commission.

(e) An animal waste management plan for an animal operation shall include all of the following

components:

- (1) A checklist of potential odor sources and a choice of site-specific, cost-effective remedial best management practices to minimize those sources.
- (2) A checklist of potential insect sources and a choice of site-specific, cost-effective best management practices to minimize insect problems.
- (3) Provisions that set forth acceptable methods of disposing of mortalities.
- (4) Provisions regarding best management practices for riparian buffers or equivalent controls, particularly along perennial streams.
- (5) Provisions regarding the use of emergency spillways and site-specific emergency management plans that set forth operating procedures to follow during emergencies in order to minimize the risk of environmental damage.
- (6) Provisions regarding periodic testing of waste products used as nutrient sources as close to the time of application as practical and at least within 60 days of the date of application and periodic testing, at least once every three years, of soils at crop sites where the waste products are applied. Nitrogen shall be a rate-determining element. Phosphorus shall be evaluated according to the nutrient management standard approved by the Soil and Water Conservation Commission of the Department of Agriculture and Consumer Services and the Natural Resources Conservation Service of the United States Department of Agriculture for facilities that are required to be permitted under 40 Code of Federal Regulations § 122, as amended at 73 Federal Register 70418 (November 20, 2008). If the evaluation demonstrates the need to limit the application of phosphorus in order to comply with the nutrient management standard, then phosphorus shall be a rate-determining element. Zinc and copper levels in the soils shall be monitored, and alternative crop sites shall be used when these metals approach excess levels.
- (7) Provisions regarding waste utilization plans that assure a balance between nitrogen application rates and nitrogen crop requirements, that assure that lime is applied to maintain pH in the optimum range for crop production, and that include corrective action, including revisions to the waste utilization plan based on data of crop yields and crops analysis, that will be taken if this balance is not achieved as determined by testing conducted pursuant to subdivision (6) of this subsection.
- (8) Provisions regarding the completion and maintenance of records on forms developed by the Department, which records shall include information addressed in subdivisions (6) and (7) of this subsection, including the dates and rates that waste products are applied to soils at crop sites, and shall be made available upon request by the Department.

(f) Any owner or operator of a dry litter poultry facility that is not required to be permitted under 40 Code of Federal Regulations § 122, as amended at 73 Federal Register 70418 (November 20, 2008), but that involves 30,000 or more birds shall develop an animal waste management plan that complies with the testing and record-keeping requirements under subdivisions (6) through (8) of subsection (e) of this section. Any operator of this type of animal waste management system shall retain records required under this section and by the Department on-site for three years.

(f1) An animal waste management plan for a dry litter poultry facility required to be permitted under 40 Code of Federal Regulations § 122, as amended at 73 Federal Register 70418 (November 20, 2008), shall include the components set out in subdivisions (3), (6), (7), and (8) of subsection (e) of this section, and to the extent required by 40 Code of Federal Regulations § 122, as amended at 73 Federal Register 70418 (November 20, 2008), for land application discharges, subdivision (4) of subsection (e) of this section.

(f2) Periodic testing of waste products as required in subdivision (6) of subsection (e) of this section, subsection (f) of this section and subsection (f1) of this section may be temporarily suspended in compliance with G.S. 106-

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399.4 when the State Veterinarian, in consultation with the Commissioner of Agriculture and with the approval of the Governor, determines that there is an imminent threat within the State of a contagious animal disease. The suspension of testing only applies to the animal operation types designated by the State Veterinarian, and shall be in effect for a period of time that the State Veterinarian deems necessary to prevent and control the animal disease. During the suspension of waste analysis, waste product nutrient content to be used for application of waste at no greater than agronomic rates shall be established by the 1217 Interagency Committee as created by Session Law 1995-626.

(g) The Commission shall encourage the development of alternative and innovative animal waste management technologies. The Commission shall provide sufficient flexibility in the regulatory process to allow for the timely evaluation of alternative and innovative animal waste management technologies and shall encourage operators of animal waste management systems to participate in the evaluation of these technologies. The Commission shall provide sufficient flexibility in the regulatory process to allow for the prompt implementation of alternative and innovative animal waste management technologies that are demonstrated to provide improved protection to public health and the environment.

(h) The owner or operator of an animal waste management system shall:

- (1) In the event of a discharge of 1,000 gallons or more of animal waste to the surface waters of the State, issue a press release to all print and electronic news media that provide general coverage in the county where the discharge occurred setting out the details of the discharge. The owner or operator shall issue the press release within 48 hours after the owner or operator has determined that the discharge has reached the surface waters of the State. The owner or operator shall retain a copy of the press release and a list of the news media to which it was distributed for at least one year after the discharge and shall provide a copy of the press release and the list of the news media to which it was distributed to any person upon request.
- (2) In the event of a discharge of 15,000 gallons or more of animal waste to the surface waters of the State, publish a notice of the discharge in a newspaper having general circulation in the county in which the discharge occurs and in each county downstream from the point of discharge that is significantly affected by the discharge. The Secretary shall determine, at the Secretary's sole discretion, which counties are significantly affected by the discharge and shall approve the form and content of the notice and the newspapers in which the notice is to be published. The notice shall be captioned "NOTICE OF DISCHARGE OF ANIMAL WASTE". The owner or operator shall publish the notice within 10 days after the Secretary has determined the counties that are significantly affected by the discharge and approved the form and content of the notice and the newspapers in which the notice is to be published. The owner or operator shall file a copy of the notice and proof of publication with the Department within 30 days after the notice is published. Publication of a notice of discharge under this subdivision is in addition to the requirement to issue a press release under subdivision (1) of this subsection.

(i) A person who obtains an individual permit under G.S. 143-215.1 for an animal waste management system that serves a public livestock market shall not be required to obtain a permit under this Part and is not subject to the requirements of this Part. (1995 (Reg. Sess., 1996), c. 626, s. 1; 1997-458, s. 9.2; 1999-329, s. 8.2; 1999-456, s. 68; 2001-254, ss. 3, 4; 2001-326, s. 2; 2004-176, s. 2; 2009-92, s. 1; 2011-145, s. 13.22A(q); 2013-228, s. 1; 2015-263, s. 33(b).)

Stream Protection Well

Definition/Purpose

A Well means constructing a drilled, driven or dug well to supply water from an underground source as part of a stream protection system. (DIP)

Policies

1. Installation of the well must include wellhead protection.
2. Average cost for pumps for wells include all costs associated with installation and is based on actual cost.
3. Pumps, Solar Pumps, Wells & Windmills must have a qualifying statement that they will be used for agricultural use only. The cost for the pump includes all costs associated with pump installation, including the cost of getting electricity to the pump.
4. The solar powered pump installation is limited to sites where, there are site constraints or it is cost prohibitive to provide electricity to the pump. The pump cost includes a submersible pump, photovoltaic panels, control box, support structure, pump cable, drop pipe, and fittings to make up plumbing at the pump.
5. Cooperators are responsible for obtaining and complying with all required permits and local requirements as applicable.
6. Permits are a cost-shareable component for this practice in counties where agricultural wells are not exempt from permit fees. A copy of the permit, receipt of the permit fee, and any supporting water quality reports associated with the permit are required to be kept in the district's contract file.
7. Repairs of an existing well that is part of a new stream protection system is cost sharable, including pump if needed. ~~and must be completed by a certified well contractor.~~ *The well repair must be completed by a NC certified well contractor.*
8. ~~New wells and pump installation must be completed by a well contractor certified by the North Carolina Well Contractors Certification Commission. A NC certified well contractor is allowed to sign as Job Approval Authority within their approved level of certification.~~
9. *Job approval authority signature is required from either NRCS or SWCD staff with appropriate NRCS JAA, a Professional Engineer, technical specialist with I designation or a Certified Irrigation Contractor to ensure adequate pumping requirements. All private designs must still be reviewed by DSWC technical staff. Wells for Livestock Watering Site Evaluation Sheet shall be used as a minimum requirement for planning and design documentation.*
10. Replacement of a previously cost shared pump cannot receive additional cost share.
11. Where the certified well contractor determines alternative casing is required by 15A NCAC Subchapter 02C Well Construction Standards the additional cost is eligible for cost share assistance.

12. Life of the BMP is ten (10) years.

Specifications

North Carolina NRCS Technical Guide, Section IV, Specification # 642 (Water Well),
#533 (Pumping Plant)

(Revised November 2010, Revised September 2014, Revised May 2016)

Water Supply Well

Definition/Purpose

A well means constructing a drilled, driven or dug well to supply water from an underground source for irrigation including chemigation and fertigation, livestock and poultry, aquaculture, freeze protection, or on-farm processing.

Policies

1. Pumps, solar pumps, and wells must have a qualifying statement that they will be used for agricultural use only.
2. Installation of the well must include wellhead protection.
3. Cost share for pumps for wells includes all costs associated with installation including the cost of getting electricity to the pump and is based on actual cost.
4. The solar powered pump installation is limited to sites where there are site constraints or it is cost prohibitive to provide electricity to the pump. The pump cost includes a submersible pump, photovoltaic panels, control box, support structure, pump cable, drop pipe, and fittings to make up plumbing at the pump.
5. Permits are a cost-shareable component for this practice in counties where agricultural wells are not exempt from permit fees. A copy of the permit, receipt of the permit fee, and any supporting water quality reports associated with the permit are required to be kept in the district's contract file.
6. Cooperator is encouraged to install water conservation measures and effective livestock exclusion fencing from streams.
7. Cooperators are responsible for obtaining and complying with all required permits and local requirements, including water use reporting and registration with DWR, if applicable.
8. Where there are already adequate water resources available under the control of the producer, backup wells are not cost shareable through AgWRAP. Public water supply is not considered under the control of the producer.
9. Wells are allowed for operations served by public water systems if the well will reduce dependence on the public water system.
10. Well repairs that bring unusable wells back into operation are cost shareable, including a pump if needed. Repair or replacement of only broken pumps or pump components is not cost shareable.
11. New wells and well repairs and pump installation must be completed by a well contractor certified by the North Carolina Well Contractors Certification Commission. ~~A NC certified well contractor is allowed to sign as Job Approval Authority within their approved level of certification.~~

Agricultural Water Resources Assistance Program

12. Job approval authority signature is required from either NRCS or SWCD staff with appropriate NRCS JAA, a Professional Engineer, technical specialist with I designation or a Licensed Irrigation Contractor to ensure adequate pumping requirements. All private designs must still be reviewed by DSWC technical staff. The Wells for Livestock Watering Site Evaluation Sheet and/or the Wells for Irrigation Site Evaluation Sheet shall be used as a minimum requirement for planning and design documentation.
13. New pumps or replacement pumps for existing usable wells are not cost shareable components.
14. Where the certified well contractor determines alternative casing is required by 15A NCAC Subchapter 02C Well Construction Standards the additional cost is eligible for cost share assistance.
15. A well may be used as part of a system for irrigation. Cooperators may receive cost share assistance for a well or a well with an irrigation reservoir if needed to run equipment, the same cost share cap will apply.
16. Acres irrigated or number of animals watered is required on the contract for wells that are not part of a pond system.
17. A method for distributing the water from the well must be available.
18. Life of the BMP is 10 years.

Specifications Standards

North Carolina NRCS Technical Guide, Section IV, Standard specification #642 (Water Wells), #533 (Pumping Plant)

September 2014, Draft May 2016

PY2014 AgWRAP Contract Extension Request

The division has received several requests for contract extensions for PY2014 AgWRAP Agricultural Water Supply/Reuse Ponds and Agricultural Pond Repair/Retrofit contracts. Districts are in the process of preparing all necessary information required in the *Criteria for Extension of Previous Program Year Contracts* policy, and have asked whether they will need to have a supervisor appear at the July Commission meeting to request these extensions.

PY2014 AgWRAP applications for these BMPs were reviewed through a competitive regional application process, where applications were approved in January and March 2014. Since districts were not able to start their contracts until their application was approved in January and March, they lost half of their first year of their contracts due to the timeline in this process.

The division requests an exception to the policy requiring supervisor attendance for extensions for PY2014 AgWRAP Agricultural Water Supply/Reuse Ponds and Agricultural Pond Repair/Retrofit contracts funded by the Regional allocation. If the exception is approved, the Division will still present the extension requests to the Commission for approval at its July meeting as part of the consent agenda.

DRAFT CCAP RULE REVISIONS

SUBCHAPTER 59H – COMMUNITY CONSERVATION ASSISTANCE PROGRAM FOR NONPOINT SOURCE POLLUTION CONTROL

SECTION .0100 – COMMUNITY CONSERVATION ASSISTANCE PROGRAM

02 NCAC 59H .0102 DEFINITIONS FOR SUBCHAPTER 59H

The following terms used in this Subchapter have the following meanings:

- (1) Nonpoint Source (NPS) Pollution means pollution originating from a diffuse source.
- (2) District Allocation Pool means the annual share of the state's appropriation to participating districts.
- (3) Statewide Allocation Pool means the annual share of the state's appropriation allocated for applications ranked at the state level as specified in the annual detailed implementation plan.
- (4) Regional Allocation Pool means the annual share of the state's appropriation allocated for applications ranked in the division's three regions as specified in the annual detailed implementation plan.
- ~~(4)~~(5) Applicant means a person(s) who applies for best management practice cost sharing monies from the district. An applicant may also be referred to as a cooperator.
- ~~(6)~~(4) Average Costs means the calculated cost, determined by averaging actual costs and current cost estimates necessary for best management practice implementation. Actual costs include labor, supplies, and other direct costs required for physical installation of a practice.
- ~~(5)~~(7) Best Management Practice (BMP) means a practice used to reduce nonpoint source inputs to receiving waters, including both those types of practices which are structural or nonstructural management practices.
- ~~(6)~~(8) Conservation Plan of Operation (CPO) means a written plan scheduling the applicant's decisions concerning land use, and both cost shared and non-cost shared BMPs to be installed and maintained on the operating unit.
- ~~(7)~~(9) Cost Share Agreement means an agreement between the applicant and the district which defines the BMPs to be cost shared, rate and amount of payment, minimum practice life, and date of BMP installation. The agreement shall state that the recipient shall maintain and repair the practice(s) for the specified minimum life of the practice. The Cost Share Agreement shall have a maximum contract life of three years for BMP installation. The district shall perform an annual status review during the installation period.
- ~~(8)~~(10) Cost Share Incentive (CSI) means a predetermined fixed payment paid to an applicant for implementing a nonstructural management BMP in lieu of cost share on a structural practice.
- ~~(9)~~(11) Cost Share Rate means a cost share percentage paid to an applicant for implementing BMPs.
- ~~(12)~~(20) ~~Detailed Implementation Plan means the plan approved by the commission that specifies the guidelines for the current program year pursuant to the Rules of the Commission.~~ Detailed Implementation Plan means the plan approved by the commission that specifies the guidelines for the current program year including annual program goals; district, statewide and regional allocations; BMPs that will be eligible for cost sharing and the minimum life expectancy of those practices.
- ~~(11)~~(13) District BMP means a BMP designated by a district to reduce the delivery of NPS pollution and which is reviewed and approved by the Division to be technically adequate prior to funding.
- ~~(12)~~(4) Division means the Division of Soil and Water Conservation.
- ~~(12)~~(15) Encumbered Funds means monies from a district's allocation, which have been committed to an applicant after initial approval of the cost share agreement.
- ~~(13)~~(16) Full Time Equivalent (FTE) means 2,080 hours per annum which equals one full time technical position.
- ~~(14)~~(17) In-kind Contribution means a contribution by the applicant towards the implementation of BMPs. In-kind contributions shall be approved by the district and may include labor, fuel, machinery use, and supplies and materials necessary for implementing the approved BMPs.

- (4518) Landowner means any natural person or other legal entity, including a governmental agency, who holds either an estate of freehold (such as a fee simple absolute or a life estate) or an estate for years or from year to year in land, but does not include an estate at will or by sufferance in land. A governmental or quasi-governmental agency such as a drainage district or a soil and water conservation district, or any such agency, by whatever name called, exercising similar powers for similar purposes, can be a landowner for the purposes of this Subchapter if the governmental agency holds an easement in land.
- (4619) Program Year means the period from July 1 through June 30 for which funds are allocated to districts.
- (4720) Proper Maintenance means that a practice(s) is being maintained such that the practice(s) is successfully performing the function for which it was originally implemented.
- (4821) Strategy Plan means the annual plan for the Community Conservation Assistance Program for Nonpoint Source Pollution Control to be developed by each district. The plan identifies pollution treatment needs and the level of cost sharing and technical assistance monies required to address those annual needs in the respective district.
- (2219) Technical Representative of the district means a person designated by the district to act on their behalf who participates in the planning, design, implementation and inspection of BMPs.
- (230) Unencumbered Funds means the portion of the allocation to each district, which has not been committed for cost sharing.

*History Note: Authority G.S. 106-840; 106-860; 139-4; 139-8;
Eff. December 1, 2007;
Transferred from 15A NCAC 06I .0102 Eff. May 1, 2012.*

02 NCAC 59H .0103 ALLOCATION GUIDELINES AND PROCEDURES

(a) The Commission shall consider the total amount of funding available for allocation, relative needs of the program for BMP implementation, local technical assistance, and education to determine the proportion of available funds to be allocated for each eligible purpose. This determination shall be done prior to allocating funds to statewide, regional and district allocation pools and the Division. Funds may be allocated for any or all of the following purposes:

- (1) Cost share and cost share incentive payments,
- (2) technical assistance and administrative assistance, and
- (3) statewide or local education and outreach activities.

The percentage of funding available for each purpose and each allocation pool shall be specified in the annual Detailed Implementation Plan based on the recommendation of the division and the needs as expressed by the districts and needs to accelerate the installation of BMPs.

(b) District allocations: The Commission shall allocate ~~the~~ cost share funds from the district allocation pool to the districts ~~in the designated program areas~~. To receive fund allocations, each district designated eligible by the commission shall submit an annual strategy plan to the commission at the beginning of each fiscal year. Funds may be allocated to each district and the Division for any or all of the following purposes:

- (1) Cost share and cost share incentive payments,
- (2) technical assistance and administrative assistance, and
- (3) statewide or local education and outreach activities.

(b) The Commission shall consider the relative needs of the program for BMP implementation, local technical assistance, and education to determine the proportion of available funds to be allocated for each eligible purpose prior to allocating funds to districts and the Division.

(c) Funds for cost share and cost share incentive payments shall be allocated to the districts at the beginning of the fiscal year and whenever the Commission determines that sufficient funds are available in the district allocation pool to justify a reallocation. Districts shall be allocated monies based on the identified level of nonpoint source pollution problems and the respective district's BMP installation goals as demonstrated in the district annual strategy plan. The allocation method used for disbursement of funds is based on the score of each respective district for those parameters approved by the Commission pursuant to Subparagraph (9) of this Paragraph. The points each district

scores on each parameter are totaled and proportioned to the total dollars available for district allocation under the current program year funding according to the following formula:

- (1) Sum of Parameter Points = Total Points
- (2) Percentage Total x Total Dollars = Dollars Available
Points Each District Available to Each District
- ~~(3) The minimum allocated to a particular district shall be one thousand five hundred dollars (\$1,500) per program year, unless the district requests less than one thousand five hundred dollars (\$1,500).~~
- ~~(4) If a district requests less than the dollars available to that district in Subparagraph (2) of this Paragraph, then the excess funds beyond those requested by the district shall be allocated to the districts who did not receive their full requested allocation using the same methodology described in Subparagraph (2) of this Paragraph.~~
- (5) 95 percent of the ~~total~~ program funding designated for district allocations shall be allocated to the district accounts in the initial allocation. The Division shall retain five percent of the total funding in a contingency fund to be used to respond to an emergency or natural disaster. ~~If the funds are not needed to respond to an emergency, then the contingency fund shall be allocated at the March meeting of the Commission.~~
- (6) The Commission may recall funds allocated to a district that have not been encumbered to an agreement during a fiscal year that have not been encumbered to an agreement at any time if it determines the recalled funds are needed to respond to an emergency or natural disaster.
- (7) At any time a district may submit a revised strategy plan and apply to the Commission for additional funds.
- (8) CPOs that encumber funds under the current year must be submitted to the Division by 5:00 p.m. on the first Wednesday in June.
- (9) Districts shall be allocated funds based on their respective data for each of the following parameters:
 - (A) ~~Relative rank of the number of miles of stream identified as less than fully supporting due to nonpoint source pollution as reported in the North Carolina Water Quality Assessment and Impaired Waters List and the most recent Basinwide Water Quality Plan for each river basin, where the source of pollution is not solely due to agriculture. Relative rank of the percentage of the county draining to waters identified as impaired or impacted on the most recent 305(b) Integrated Report produced by the North Carolina Division of Water Resources. (20 percent)~~ The North Carolina Water Quality Assessment and Impaired Waters list and the Basinwide Water Quality Plans are produced by the Division of Water Quality.
 - (B) Relative rank of the percentage of the county draining to waters classified as Outstanding Resource Waters, High Quality Waters, and Trout Water, s or Shellfishing (open) on the current schedule of Water Quality Standards and Classifications, and Shellfish growing areas (open) as determined by the Department of Environmental Quality's Division of Marine Fisheries. (20 percent)
 - (C) The percentage of each county covered by NPDES Phase I and Phase II requirements. (20 percent)
 - (D) Relative rank of population density for the county. (20 percent)
 - (E) Relative rank of the percentage of a county's land area that is located within drinking water assessment areas, as delineated by the Public Water Supply Section of the Division of Environmental Health Water Resources. (20 percent)
 - (F) The Commission may consider additional factors as recommended by the Division of Soil and Water Conservation when making its allocations.

(d) Statewide and Regional Allocations: The Commission shall allocate cost share funds from the statewide and regional allocation pools. To receive fund allocations, each district designated eligible by the commission shall submit applications to appropriate pools when solicited by the division. The division shall rank each application and recommend to the Commission for its approval an amount to allocate to each district corresponding to the highest ranking applications.

(ee) The funds available for technical and administrative assistance shall be allocated by the Commission based on the needs as expressed by the district and needs to accelerate the installation of BMPs in the respective district. Each district may use these monies to fund new positions or to accelerate present technical assistance. Districts must provide an itemized budget to the division in order to qualify for technical assistance funds. N.C. Community Conservation Assistance Program technical assistance funds may be used for technical assistance with the district matching at least 50 percent of the total. Each district to which funds are allocated for technical assistance shall demonstrate to the Commission that matching funds are available prior to any expenditure of funds. The allocation method used for disbursement of funds is based on the score of each respective district for those parameters approved by the Commission pursuant to Subparagraph (4) of this Paragraph. The points each district scores for each parameter are totaled and proportioned to the total dollars available under the current program year funding according to the following formula:

- (1) Sum of Parameter Points = Total Points
- (2) Percentage Total x Total Dollars = Dollars Available
Points Each District Available to Each District
- (3) If a district requests less than the dollars available to that district in Subparagraph (2) of this Paragraph, then the excess funds beyond those requested by the district shall be allocated to the districts who did not receive their full requested allocation using the same methodology described in Subparagraph (2) of this Paragraph.
- (4) Priority for funding shall be based upon the following parameters:
 - (A) Whether the position is presently funded by Community Conservation Assistance Program technical assistance funds. (25 percent)
 - (B) The proportion of Community Conservation Assistance Program funds for cost share and cost share incentive allocated to districts served by this technical assistance request (normalized to 1 to 100 scale by multiplying each district's score by a factor such that the product of the highest score for this parameter is 100) (50 percent), and
 - (C) The amount of additional funds leveraged by grants and other funds committed to districts served by this technical assistance request (normalized to 1 to 100 scale by multiplying each district's score by a factor such that the product of the highest score for this parameter is 100). (25 percent)
- (5) Subject to availability of funds and local match, provide support for technical assistance for every district.
- (6) District technicians may be jointly funded by more than one district to accelerate the program in each participating district. Each district must be eligible for cost sharing in the program. Requests for funding (salary, FICA, insurance, etc.) of a shared position must be presented to the division by all concerned districts and the division shall cost share to the billing district at a 50-50 rate based on the portion of the FTE provided each respective district. A shared position must be officially housed in one specific district and cost share for support items (office rent, telephone, etc.) shall be paid to one district only.
- (7) Funds, if available, may be allocated to each participating district to provide for administrative costs under this program. These funds shall be used for clerical assistance and other related program administrative costs and shall be matched with in-kind funds of an equal amount from the district.

(fe) The funds available for the education and outreach purpose shall be allocated by the Commission based on the needs as expressed by the district and needs to accelerate the installation of BMPs in that respective district. Districts and the Division may use these funds for holding workshops for potential applicants and for developing, duplicating, and distributing outreach materials or signs. Districts must provide an itemized budget to the Division in order to qualify for education and outreach funds. Education and outreach funds shall be allocated to each district in accordance with the following formula:

- (1) Each district shall receive the lesser of one thousand dollars (\$1,000) or the result of the following equation:

$$\frac{\text{Total Education and Outreach}}{\text{Total Education and Outreach Dollars}} \times \frac{\text{Total Education and Outreach Dollars}}{\text{Total Education and Outreach Dollars}} = \frac{\text{Education and Outreach Dollars}}{\text{Education and Outreach Dollars}}$$

ATTACHMENT 10

- | | Dollars Available | Dollars Requested by Each District | Requested by All Districts | Available to Each District |
|-----|--|------------------------------------|----------------------------|----------------------------|
| (2) | If more Education and Outreach funds are available for allocation than are requested by districts or the Division, then the excess funds shall be added to the funds to be allocated for cost share and cost share incentive payments. | | | |

*History Note: Authority G.S. 106-840; 106-860; 139-4; 139-8;
Eff. January 1, 2008;
Transferred from 15A NCAC 061 .0103 Eff. May 1, 2012.*

NORTH CAROLINA SOIL AND WATER CONSERVATION COMMISSION
COMMISSION POLICY FOR SUPERVISOR APPOINTMENT

Updated May 17, 2016

BACKGROUND:

NC General Statute 139-7 outlines the organization of district boards of supervisors, "The governing body of a soil and water conservation district shall consist of three elective supervisors from the county or counties in the district, together with the appointive members appointed by the Soil and Water Conservation Commission... Vacancies for any reason in the appointive supervisors shall be filled for the unexpired term by the appointment of a person by the Commission from the district in which the vacancy occurs. Vacancies for any reason in the elected supervisors shall be filled for the unexpired term by appointment by the Commission of a person from the county in the district in which the vacancy occurs."

The Commission appoints board members to district boards based upon written recommendations from local soil and water conservation districts. Appointments are considered at each Commission meeting to fill board vacancies; appointments and reappointments for new four-year terms of office are considered at the November Commission meeting, in even years.

The Commission has adopted guiding principles for districts' use in their supervisor selection and recommendation process. These guiding principles are intended to assist local districts in choosing the best supervisor candidates that will bring excellent leadership skills, diversity and new strengths to the local boards.

The Commission emphasizes the importance of both supervisor training, and supervisor participation, for local soil and water conservation districts to function effectively.

STATEMENT OF POLICY:

For newly appointed supervisors, as they begin a new appointed term or fill an unexpired term for either an elected or appointed seat, the Commission will make the appointment conditional upon the individual's attendance at the next *Basic Training Course for Soil and Water Conservation Supervisors* training session offered at the UNC School of Government. For those conditionally appointed supervisors that do not attend the training, their appointment will expire the day following the subsequent Commission meeting (typically the March meeting), unless the Commission acts to extend their conditional appointment. Conditionally appointed supervisors that wish to request an extension to meet the training requirement must provide a written request for Commission consideration.

Nominees that can document previous attendance at the UNC School of Government training may be appointed by the Commission without training conditions, although refresher training is encouraged. Nominees will be offered the opportunity to note the dates of previous training on the Recommendation for Appointment form.

The Commission generally will not give favorable consideration to the reappointment of an incumbent district supervisor unless that individual has attended, except when prevented by sickness, at least two-thirds of all regularly scheduled district meetings during their present term of office (past four years), and has attended training at the UNC School of Government.

EFFECTIVE DATE:

This policy shall be in effect on or after May 17, 2016, and shall remain in effect until rescinded, amended or otherwise altered by the commission.

The NC Soil and Water Conservation Commission adopted this policy in regular session on May 17, 2016.



John Langdon, Chair
NC Soil & Water Conservation Commission

NORTH CAROLINA SOIL AND WATER CONSERVATION COMMISSION
COMMISSION POLICY FOR SUPERVISOR APPOINTMENT

~~Approved~~ Updated March 16 ~~May 17~~, 2016

BACKGROUND:

NC General Statute 139-7 outlines the organization of district boards of supervisors, “The governing body of a soil and water conservation district shall consist of three elective supervisors from the county or counties in the district, together with the appointive members appointed by the Soil and Water Conservation Commission... Vacancies for any reason in the appointive supervisors shall be filled for the unexpired term by the appointment of a person by the Commission from the district in which the vacancy occurs. Vacancies for any reason in the elected supervisors shall be filled for the unexpired term by appointment by the Commission of a person from the county in the district in which the vacancy occurs.”

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The Commission emphasizes the importance of both supervisor training, and supervisor participation, for local soil and water conservation districts to function effectively.

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For newly appointed supervisors, as they begin a new appointed term or fill an unexpired term for either an elected or appointed seat, the Commission will make the appointment conditional upon the individual’s attendance at the next *Basic Training Course for Soil and Water Conservation Supervisors* training session offered at the UNC School of Government. For those newly conditionally appointed supervisors that do not attend the training, their appointment will expire the day following the trainingsubsequent Commission meeting (typically the March meeting), unless the Commission acts to extend their conditional appointment. Conditionally appointed supervisors that wish to request an extension to meet the training requirement must ~~they~~ provide a written request for Commission consideration ~~in advance. At their March~~

~~meeting, the Commission will consider extensions for conditional appointments, as appropriate.~~

Nominees that can document previous attendance at the UNC School of Government training may be appointed by the Commission without training conditions, although refresher training is encouraged. Nominees will be offered the opportunity to note the dates of previous training on the Recommendation for Appointment form.

The Commission generally will not give favorable consideration to the reappointment of an incumbent district supervisor unless that individual has attended, except when prevented by sickness, at least two-thirds of all regularly scheduled district meetings during their present term of office (past four years), and has attended training at the UNC School of Government.

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The NC Soil and Water Conservation Commission adopted this policy in regular session on May 17, 2016.

John Langdon, Chair
NC Soil & Water Conservation Commission



INTERNAL USE ONLY:
Appointed / Elected Seat
Current Term:

DIVISION OF SOIL AND WATER CONSERVATION
North Carolina Department of Agriculture & Consumer Services
1614 Mail Service Center • Raleigh, NC 27699-1614
919.733.2302 • www.ncagr.gov/sw/

RECOMMENDATION FOR APPOINTMENT OF SUPERVISOR

Complete and submit online on your district's SharePoint page; keep original for your file

The supervisors of the _____ Soil and Water Conservation District of _____ County, North Carolina have recommended the individual listed below for APPOINTMENT as a district supervisor in accordance with N.C.G.S. 139-7 for a term of office commencing _____ and ending _____ to fill the expired or un-expired term of _____.

Name of nominee: _____
Address of nominee, City, State, Zip: _____
Email address of nominee: _____
Home phone: _____
Mobile phone: _____
Business phone: _____
Occupation: _____
Age: _____
Education: _____
Positions of leadership NOW held by nominee: _____
Former occupations or positions of leadership contributing to nominee's qualifications: _____
Other pertinent information: _____

Dates of previous attendance at UNC School of Government training, if applicable: _____

Is nominee willing to attend a training session at the UNC School of Government within the first year after appointment? *Check for "Yes"*

Has the nominee been contacted to determine their willingness to serve? *Check for "Yes"*

Has the program and purpose of the soil and water conservation district been explained to the nominee? *Check for "Yes"*

Is the nominee willing to attend and participate in local district meetings? *Check for "Yes"*

Is the nominee willing to attend and participate in Area meetings? *Check for "Yes"*

Is the nominee willing to attend and participate in State meetings? *Check for "Yes"*

Signatures

I hereby certify that the board of supervisors considered the Guiding Principles for Supervisor Nomination for Appointment shown on the reverse of this nomination form when selecting the above supervisor candidate for nomination. I also certify that this recommendation has been considered and approved by a majority of the members of the board of supervisors and entered in the official minutes of the board.

X _____
SWCD Chair (or Vice Chair if Chair is being nominated) _____ Date _____
Printed name: _____

I hereby certify that the above information is true and accurate.

X _____
Individual recommended for appointment _____ Date _____
Printed name: _____

GUIDING PRINCIPLES FOR SUPERVISOR NOMINATION FOR APPOINTMENT

A vacancy on a district board of supervisors presents a unique opportunity for that board. The board should use this opportunity to nominate for appointment a supervisor candidate who can provide knowledge and leadership to improve the district's ability to address more of the natural resource needs for more of the constituents of the district. The NC Soil and Water Conservation Commission approved the following guiding principles to guide local soil and water conservation districts when evaluating candidates for appointment and recommending supervisors for Appointment. It is suggested that recommended supervisors satisfy at least 5 of the Guiding Principles.

1. An effective board of supervisors requires motivated members with strong leadership skills and diverse knowledge of natural resource needs in the district. Will the appointment bring new leadership skills to the board?
2. A strong district is led by supervisors who are effective at approaching elected and appointed officials to advocate for resources and policies needed to meet the conservation priorities in the district. Will the appointment strengthen the political connection/influence of the district, especially at the county level?
3. Will the appointment provide representation from a portion of the county not currently represented by a supervisor?
4. North Carolina agriculture is growing increasingly diverse. Often, non-traditional agricultural operations require focused outreach from leaders they believe understand their unique needs. Will the appointment provide a better opportunity to work with a segment of agriculture not currently being served?
5. Many districts have built relationships with other organizations who share interest in natural resource conservation. Will the appointment improve opportunities to work with non-traditional partners (e.g., land trust, forest landowners, grant making organizations, environmental advocacy groups)?
6. Although most districts have traditionally focused assistance to agricultural land users, districts have authority and programs available to work with all land uses to address natural resource concerns. Will the appointment improve the make-up of the board from an agriculture/nonagriculture perspective?
7. Often a district can improve its ability to reach traditionally underserved groups and its overall public support by increasing the diversity of its board. Will the appointment improve the gender/ethnic/racial diversity of the board?
8. One key to a successful district is the willingness of the district supervisors to study and learn from the successes of other districts and other organizations. It is often instructive to observe a supervisor candidate's involvement in other organizations (e.g., trade groups, civic clubs, church). Has the nominee shown past involvement in an organization beyond the local level?
9. The success of a district's programs will often depend on its ability to gain sponsorship and support from private businesses and individuals. Will the appointment strengthen the District's opportunity to raise funds?
10. Among the most visible district activities are environmental education, marketing, and public outreach. These programs are often key to achieving widespread public support for the district. Will the appointment strengthen the District's education, marketing, and outreach efforts?