



# NORTH CAROLINA SOIL & WATER CONSERVATION COMMISSION MEETING MINUTES September 17, 2014

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

Commission Members	Others Present	
Vicky Porter	David Williams	Dick Fowler
Craig Frazier	Julie Henshaw	Jerry Raynor
Tommy Houser	Natalie Woolard	Dewitt Hardee
Charles Hughes	Kelly Ibrahim	Keith Larick
John Langdon	Ken Parks	Leonard Baldwin
Manly West	Tom Hill	Tom Ellis
Bill Yarborough	Ralston James	James Bernier, Jr.
<b>Commission Counsel</b>	Rob Baldwin	Chester Lowder
Jennie Hauser	Eric Pare	Chrissy Waggett
	Joey Hester	Kirsten Frazier
<b>Guests</b>	Kristina Fischer	Michael Pardue
Tim Beard	Lisa Fine	Bill Davis
Dr. Richard Reich	Davis Ferguson	Curtis Barwick
	Joe Hudyncia	Henry Faison
	Kim Livingston	Duane Faircloth

Chairwoman Vicky Porter called the meeting to order at 8:11 a.m. and charged the commission members to declare any conflict of interest, or appearance of conflict of interest, that may exist for agenda items under consideration, as mandated by the State Ethics Act. None were declared.

Chairwoman Porter welcomed everyone to the meeting. She recognized Dr. Richard Reich and thanked him for being at the meeting.

**1. APPROVAL OF AGENDA:**

Chairwoman Porter reviewed the agenda. She declared that there is no statement of economic interest to be read, moved item 7 to the end of the agenda, and she added item 12, Comments on the Waters of the U.S. Rule. There were no objections to the revised agenda.

**2. APPROVAL OF MINUTES – August 13, 2014 MEETING:** The minutes of the commission meeting held on August 13, 2014 were presented. Commissioner Yarborough offered a motion to approve the minutes. Commissioner Houser seconded the motion. The motion carried.

**3. Division Report:** Mr. David Williams, Deputy Director of the Division of Soil and Water Conservation, presented the division report. His report included the following:

- Announced that interviews for the vacancy for the Central Regional Coordinator have been completed the recommendation has been submitted to the Department for consideration.
- Announced that interviews for the vacancy for the Environmental Specialist position in the Wilmington Regional Office have been completed the Division is preparing a recommendation to submit to the Department for consideration.
- Announced that the Division has received confirmation from the DENR – Division of Water Resources that it intends to continue and expand the stream debris removal project initiated in 2011. The DWR plans to provide an additional \$250,000 to support continued stream debris removal activities, bringing the total state funding for the project to \$970,000.

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

4. **Association Report:** Commissioner Langdon, NCASWCD President, presented a brief overview on the following:
- State Fair Conservation Exhibit – The Association is working with the State Fair staff to make improvements to the facilities. The exhibit will also be enhanced by the addition of the mobile soils laboratory and daily training sessions.
  - State Land Judging Contest – The 2014 state land judging contest will be held at Ayden High School in Pitt County on November 14-15.
  - Conservation Farm Family celebration will be held on September 25 at the Mickey Bowman Farm in Randolph County
  - 2015 Annual Meeting – Planning for the 2015 Annual Meeting is underway. The meeting will be January 4-6, 2015 at the Sheraton Greensboro at Four Seasons.

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

Commissioner Yarborough added that conservation was well presented at the Mountain State Fair.

Commissioner Frazier invited everyone to attend the Farm Family celebration in Randolph County.

5. **NRCS Report:** Mr. Tim Beard, State Conservationist for the National Resources Conservation Service (NRCS), referred to a handout and presented a brief overview of the following:
- 2014 Farm Bill authorized limited carry forward of funds in some programs. Chief Weller has allowed the agency to carry forward 5% of program funds. North Carolina requested additional funds, but we have not received any additional funds.
  - North Carolina received \$2,592,200 for Wetland Reserve Easements (ACEP -WRE) and \$549,165 for Agricultural Land Easements (ACEP-ALE).
  - Full RCPP proposals are due October 2. North Carolina has two applicants who were invited to submit full proposals.
  - Basics of Conservation Planning is scheduled for October 6-10 in Raleigh. Scholarships are available to help with the costs of district employees attending.
  - NRCS' Technical Soil Services Team will soon be fully staffed, with the fourth soil scientist position being filled in Statesville. This team will enable more timely wetland determinations.
  - NRCS is getting ready to hire 6 new soil conservationist positions, entry level positions. These should be very helpful to address the current workload.

- The North Carolina Soil Health Team is seeking new members. Applications are due to Dana Ashford-Kornberger by September 26.

Commissioner Langdon asked when the soil scientist positions are to be filled. Mr. Beard responded that the last soil scientist actually begins work in mid-November.

Commissioner Frazier asked about the timeline for filling the soil conservationist positions. Mr. Beard responded that he hopes the positions will be filled by the end of the year. Hiring for these positions is handled at the national level.

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

**6. Consent Agenda:**

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

**A. Appointment of Supervisors**

There were no nominations submitted for consideration.

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

<b>Contract No.</b>	<b>District</b>	<b>Supervisor Name</b>	<b>Practice(s)</b>	<b>Contract Amount</b>
17-2015-010	Caswell	Tim Yarbrough	Waterway, Drain Tile	\$3,214
29-2015-002	Davidson	Ben Hege, Robana Farm, LLC	Cover Crops	\$2,744
68-2015-003	Orange	Tate, Inc. (Roger Tate)	Grassed waterway, field borders	\$3,327
68-2015-004	Orange	Morris Shambley	Sod-based rotation	\$2,275
68-2015-006	Orange	Morris Shambley	Sod-based rotation	\$2,275
69-2015-001	Pamlico	Elbert Lee, Jr.	Cropland conversion	\$994
73-2015-006	Person	Russell Horton	Grassed waterway	\$1,561
73-2015-007	Person	Russell Horton	Grassed waterway	\$903
73-2015-008	Person	John Gray	Grassed waterway	\$1,614
93-2015-001	Warren	David Hight	Grassed waterway, field borders	\$7,051
93-2015-002	Warren	David Hight	Grassed waterway, field borders	\$7,051

**C. Technical Specialist Designation**

Waste Utilization Planning/Nutrient Management (WUP/NM)

Leigh Calloway, Yadkin SWCD

Ashley Smith, Wayne SWCD

Stefani Garbacik, Wayne CES

The handouts provided for items 6B-6C are attached and are an official part of the minutes.

## **7. Rules Review Process**

This item was postponed to after item 11, near the end of the meeting.

## **8. Job Approval Process Revisions**

Ms. Natalie Woolard presented recommendations to modify the Commission's procedures for approving Job Approval Authority (JAA). The recommended changes remove the broad testing process for CCAP JAA and replace it with specific tests for each practice. They also eliminate the requirement for general training on CCAP. The recommendations also include a requirement for each person requesting JAA for CCAP or AgWRAP practices to submit two designs they developed independently. Commissioner Hughes moved to approve the recommended changes, and Commissioner Langdon seconded the motion. The motion was approved.

## **9. AgWRAP**

Ms. Julie Henshaw stated that the AgWRAP Review Committee has met several times in the last month and has several recommendations for the Commission to consider.

### **A. Consideration of Adding Baseflow Interceptor as a cost share practice**

Ms. Henshaw presented a recommendation from the AgWRAP Review Committee to add baseflow interceptor as a cost share practice for AgWRAP. This practice had been previously referred to as "streamside pickup." Commissioner Yarborough offered a motion to approve the recommended practice, and Commissioner Houser seconded the motion. The motion was approved.

### **B. Consideration of Adding Agricultural Water Collection and Reuse System as a cost share practice**

Ms. Henshaw presented a recommendation from the AgWRAP Review Committee to add Agricultural Water Collection and Reuse System as a cost share practice for AgWRAP. Several districts had requested to establish a cistern practice for AgWRAP to collect water from rooftops and other surfaces, and this practice was the committee's response to that need. She called attention to the deletion of the words "for humans" from policy #4. Commissioner West offered a motion to approve the recommended practice as revised, and Commissioner Hughes seconded the motion. The motion was approved.

### **C. Revisions to the Well practice**

Ms. Henshaw presented a recommendation to revise the AgWRAP well practice and rename it Water Supply Well. There are also some other recommended changes to the purpose and policies for the practice. The changes are needed to distinguish this practice from the well practice for stream protection systems in the Agriculture Cost Share Program. Commissioner Langdon offered a motion to approve the recommended practice revisions, and Commissioner Yarborough seconded the motion. The motion was approved.

Ms. Henshaw also presented recommendations regarding ranking questions proposed to be required for all AgWRAP water supply wells. Districts are invited to include additional ranking questions as they choose. Commissioner Langdon offered a motion to approve the recommended ranking criteria, and Commissioner Houser seconded the motion. The motion was approved.

#### **D. AgWRAP Detailed Implementation Plan**

Ms. Henshaw presented the proposed Detailed Implementation Plan for AgWRAP based on the guidance received from the Commission in August and the advice of the AgWRAP Review Committee. The plan sets 55% of available funds to be used for regional application ranking for ponds and pond retrofits, and 45% for allocation to districts requesting an allocation. The recommended allocation methodology is the same as used for the allocation in 2012, the last year there was an AgWRAP allocation to districts. Commissioner Yarborough offered a motion to approve the Detailed Implementation Plan, and Commissioner West seconded the motion. The motion was approved.

#### **Reconsider Item 9B**

Commissioner Yarborough moved to reconsider item 9B, and Commissioner Houser seconded the motion. The motion was approved. Mr. Yarborough was concerned that the revised policy #4 could be interpreted to mean the practice is only intended to be used for animals.

Commissioner Yarborough moved to remove the words “for animals” and replace them with “for agricultural use.” Commissioner West seconded the motion, and the motion was approved.

Ms. Henshaw stated that the word “potable” relates to drinking water for humans. She requested clarification about the revised policy and if it will allow the BMP to be used for livestock watering.

Commissioner Yarborough moved to include a policy that the practice is not intended to be used for drinking water for humans or livestock. This policy will be inserted as policy #5. Commissioner Hughes seconded the motion, and the motion was approved.

#### **E. AgWRAP Average Cost for PY-2015**

Ms. Henshaw presented the proposed AgWRAP average costs for PY-2015 as recommended by the AgWRAP Review Committee. The division received considerable input from districts on the proposed cost list. She called particular attention to the items of the cost list that were recommended to be changed for 2015. Commissioner Yarborough offered a motion to approve the average costs, and Commissioner Langdon seconded the motion. The motion was approved.

#### **F. AgWRAP Financial Assistance Allocation to districts for PY-2015**

Ms. Henshaw presented the proposed allocation of AgWRAP funds to districts. A total of \$662,169 is available to be allocated. Ms. Henshaw described the process used to determine the allocation to each district and confirmed that the parameters and weighting factors used were those approved in the detailed implementation plan. These parameters were the same as those used for the district allocation in Program Year 2012. The recommendation awards a minimum of \$5,000 to each district. She also stated that there were 76 districts requesting an allocation. Commissioner Hughes offered a motion to approve the proposed allocation, and Commissioner West seconded the motion. The motion was approved.

The handouts provided for item 9A – 9F are attached and are an official part of the minutes.

Chairwoman Porter called for a 10-minute recess.

## **10. TRC Recommendations**

Chairwoman Porter recognized Ms. Kelly Ibrahim to present the items related to the Agriculture Cost Share Program. Ms. Ibrahim stated that the TRC had met on August 26 and offers the following recommendations.

### **A. Consideration of proposed changes to the Prescribed Grazing practice**

Ms. Ibrahim presented the TRC's recommendation to modify the policies associated with the practice to acknowledge grazing systems using both perennial and annual vegetation. The TRC also recommends that fencing included to facilitate the grazing system be included in a separate contract. Commissioner Houser moved to approve the recommended changes, and Commissioner Langdon seconded. The motion was approved.

### **B. Consideration of increasing the standard contract length for certain practices.**

Ms. Ibrahim recalled concerns expressed at the July meeting about the high proportion of contracts involving practices that require 3 annual payments needing to be extended to allow all three payments. Prescribed grazing and nutrient management are presently the only practices that involve three annual payments. The TRC is recommending increasing to four years the standard contract length of all contracts involving 3 annual payments. The Department has confirmed that it will allow 4-year contracts for this purpose. Commissioner Langdon moved to approve the recommendation, and Commissioner Frazier seconded. The motion was approved.

### **C. Revisions to the Well Practice**

Ms. Ibrahim presented the TRC's recommendation to modify the well practice, renaming it "Stream Protection Well" to clarify that wells are only cost sharable as part of a stream protection system. Commissioner Yarborough moved to approve the recommended change, and Commissioner Houser seconded the motion. The motion was approved.

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

## **11. District Issues**

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

Ms. Ibrahim provided an introduction for the request, then she introduced Wilkes District Supervisor Bill Davis and Mike Pardue, District Director, to answer questions from the commission members about the request. The contract is for a composter. The contract was pending for design approval. The district failed to submit the letter communicating design approval from the third party engineer and receive division approval of the contract before it notified the cooperator to begin work. Commissioner Yarborough moved to approve the post-approval request, and Commissioner West seconded the motion. The motion was approved.

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

Ms. Ibrahim introduced the request and introduced Sampson District Supervisor Curtis Barwick and Henry Faison, district staff, to answer questions from the commission about the request. The error was due to staff turnover. The new staff was aware that the supplement contract was still in effect, but did not realize that the original 2012 contract was expired. The district is requesting authority to pay the 2012 contract (\$8,281.00) out of 2015 funds. Commissioner Yarborough moved to approve the post-approval request, and Commissioner Langdon seconded the motion. The motion was approved.

The handouts provided for items 11A and 11B are attached and are an official part of the minutes.

## **12. Waters of the U.S. comments**

Mr. Keith Larick shared a letter with comments he prepared for the commission to submit to the U.S. Environmental Protection Agency on the Waters of the United States proposed rule. The commission had requested Mr. Larick to prepare comments on its behalf at the August meeting.

Commissioner Yarborough expressed concern about the tie-in to NRCS and it puts NRCS in more of a regulatory role.

Commissioner West expressed appreciation to Mr. Larick for preparing the letter, and he suggested trying to shorten the letter to be one page or less to make it more effective. The additional information can be attached as an exhibit. He offered to give his suggested edits to Mr. Larick to revise the letter. Mr. Larick said he would be glad to make the changes.

Counsel Hauser suggested options to finalize the Commission's comments. One option is to create a small subcommittee and authorize them to act on the Commission's behalf. Another option is to have a teleconference to consider the comments.

Chairwoman Porter appointed Commissioners West and Frazier to serve on a subcommittee to work with Mr. Larick to finalize the letter for her signature. Commissioner Yarborough asked to have the letter copied to our Congressional delegation.

Mr. Larick invited the commission members to attend a listening session on the rule at Jordan Lake Educational State Forest on September 30.

## **7. Rules Review Process**

Ms. Chrissy Waggett, Rules Coordinator for the Department of Agriculture and Consumer Services, described the process set in place by Session Law 2013-413 to require agencies to conduct a review of all its rules every 10 years. The agency must determine whether each rule is necessary and whether there is significant public interest in the rule. Rules determined to have significant public interest will need to be re-adopted by the commission.

Ms. Waggett laid out the process for rules review. The first batch of the Commission's rules are due to be presented to the Rules Review Commission by July 2015. The Commission must categorize each rule into one of three categories:

- Unnecessary
- Necessary without substantive public interest
- Necessary with substantive public interest

The commission's determination will be subject to a public comment period for a minimum of 60 days and then considered by the Rules Review Commission and presented to the General Assembly's Administrative Procedures Oversight Committee for review.

The Commission will have to re-adopt any rules determined to be necessary with substantive public interest. The timeline for re-adoption is not set at this time.

Ms. Waggett stated that the commission needs to complete the categorization by January 2015 to meet the July 2015 deadline to get the rules to the Rules Review Commission.

Commissioner Yarborough stated that he thought the commission needs more time to consider how to categorize each rules in the first batch.

Chairwoman Porter asked staff to go through each subchapter and present a recommendation on categorization.

Mr. David Williams reviewed subchapters 59A, 59B, and 59C. He recommended each rule in these subchapters be categorized as necessary without substantive interest, except rule 59C.0303. This particular rule involves exercise of eminent domain which is likely to have public interest. He recommended this rule be categorized as necessary with substantive public interest.

Ms. Natalie Woolard reviewed subchapter 59E. These rules involve technical specialists for animal waste management systems. She recommended each rule in this subchapter be categorized as necessary with substantive public interest.

Ms. Kim Livingston reviewed subchapter 59F. These rules involve the state portion of the Conservation Reserve Enhancement Program. She noted that most of the rules are necessary because of the link to the State's agreement with USDA to administer the program. She recommended that rules 59F.0104 and .0106 be categorized as necessary with substantive public interest, and that the remaining rules in subchapter 59F be categorized as necessary without substantive public interest.

Ms. Natalie Woolard reviewed subchapter 59G. These rules involve procedures for approving best management practices and technical specialists for water quality protection. She recommended each rule in this subchapter be categorized as necessary without substantive public interest, except for 59G.0104, which should be categorized as necessary with substantive public interest.

Commissioner Yarborough moved to extend consideration of categorizing these rules to the November meeting. Commissioner West seconded the motion, and the motion was approved.

**Comments from the Commission:**

Commissioner Yarborough stated that the members of the commission had each received a letter from the Orange SWCD to change the policy requiring supervisors to be present to support requests for contract extensions where the need for the extension is due to factors outside the control of the cooperator and the district. The commission members stressed the importance of supervisors to be present to make special requests to the commission, but they also acknowledged that there may be circumstances for which they would be willing to suspend this requirement upon recommendation of staff.

Commissioner Frazier stated that the Department does reimburse supervisors for their travel costs to appear before the Commission.

Commissioner West stated that he had heard from an eastern district with similar concerns as those in the Orange SWCD letter.

Mr. Williams stated that the division would commit to make the commission aware of situations where it anticipates the need to extend contracts that are due to delayed contract approval outside the control of the district or the cooperator.

Commissioner Yarborough moved to direct staff to prepare a letter for the Chairwoman's signature responding to the letter from Orange SWCD. Commissioner Frazier seconded the motion, and the motion was approved.

Commissioner Yarborough stated that he expected the commission to receive feedback from the districts who did not receive any AgWRAP allocation expressing disappointment. He added that these districts need to re-examine their planning processes and include water resource needs in their future strategy plans and requests.

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

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

Mr. Dick Fowler, Executive Director of the NC Association of Soil & Water Conservation Districts, recognized Mr. Leonard Baldwin, a candidate for the Hoke SWCD Board of Supervisors. He commended Mr. Baldwin for his efforts to research the roles and responsibilities of being a supervisor and for his effort to attend the Commission meeting today.

Chairwoman Porter added her appreciation to Mr. Baldwin.

Mr. Baldwin stated he was trying to prepare to be as effective as possible.

#### **VII. ADJOURNMENT**

With no further business, Chairwoman Porter declared the meeting adjourned at 10:54 a.m.

Patricia K. Harris 11/19/2014

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

David B. Williams 11/19/2014

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

***These minutes were approved by the North Carolina Soil & Water Conservation Commission on November 19, 2014.***

Patricia K. Harris 11/19/2014

Patricia K. Harris, Director  
(Sign & Date)

Division Report to Soil & Water Conservation Commission  
September 17, 2014

1. Vacancies

- a. The Division has completed its interviews for the vacant Central Regional Coordinator position (resulting from Steve Bennett's retirement). It has submitted a recommended candidate to the department for approval. There were a total of 105 applications received for the position.
- b. The Division has completed interviews for the vacant Environmental Specialist position in the Technical Services Section (resulting from John College's promotion to DENR). It is now preparing a recommendation to send to the department for approval.

2. Stream Debris Removal Activities

- The Division has received communication from the DENR – Division of Water Resources that it intends to continue and expand the stream debris removal project initiated in 2011 in the aftermath of Hurricane Irene and the 2011 tornadoes. The DWR plans to provide an additional \$250,000 to support continued stream debris removal activities in the affected counties. This brings the total state funding for the project to \$970,000. To date the Division has awarded contracts for stream debris removal activities to 23 government entities in 18 counties, broken down as follows:
  - 10 SWCDs
  - 8 counties
  - 4 Drainage districts
  - 1 town

## ASSOCIATION REPORT TO THE COMMISSION

September 17, 2014

**State Fair Conservation Exhibit** – Work continues to improve the soil and water exhibit each year at the state fair through the efforts of the State Fair Committee. An added attraction this year will be the Mobile Soils Lab where two, live, hands-on training sessions will be conducted each day. Returning attractions from previous years include the soils tunnel, wheel of conservation, soil monoliths, model conservation farm, and much more. Efforts are underway to secure volunteers to man the booth each day of the fair.

**FFA Land Judging** – Each year the Association supports this state-wide land judging event by providing funds to the host conservation district to help with their sponsorship of a meal. The 2014 contest will be held in Pitt County, November 14-15 at Ayden High School. Support is being provided by the Pitt soil and water conservation district.

**Conservation Farm Family Celebration** –The 2014 celebration on the Mickey Bowman farm in Randolph County will be next week, on September 25. This farm is an excellent example of a diversified, working family farm in that it supports three farm families who derive 100% of their income from the farm. Appreciation is expressed to the NC State Grange for their continued financial support of this important program.

**2015 Annual Meeting** – Planning for the upcoming annual meeting is in full swing. It is not too early to mark your calendar for the meeting – January 4-6, 2015 at the Sheraton Imperial Four Seasons in Greensboro. On-line registration will open in early October. Confirmed speakers include Commissioner Steve Troxler; soil health advocate Ray Archuleta; and professional speaker Jones Loflin who has close ties to the Davidson soil and water conservation district. Other plans include discussions on the importance of pollinators in agricultural and non-ag communities. In an effort to attract more legislators to the meeting, the Legislative Luncheon has been moved from Tuesday to Monday.





## State Conservationist Tim Beard - Quick Notes

Currently, our entire staff is actively engaged in closing out Fiscal Year (FY) 2014. There is work to be done, and I am confident that we will finish-out this year on top. To help us transition to FY 15, NRCS has been given new authorities under the 2014 Farm Bill to carry over available Farm Bill program dollars into the next fiscal year. This authority can also help us address our business needs and provide NRCS field operations with more flexibility. NRCS Chief Weller has authorized states to carryover essentially up to five percent of their unobligated funds in the Environmental Quality Incentives Program and Conservation Stewardship Program into the new fiscal year, as long as states commit to getting those dollars obligated into good program contracts or partnership agreements by the end of December 2014. This cushion of carry-over funds will help us better manage workloads and help ensure that contracts are complete and well-designed. Again, I want to thank employees and partners for their commitment and hard work.

## Overview

### Agricultural Conservation Easement Program (ACEP)

Agriculture Secretary Tom Vilsack announced that \$328 million in conservation funding is being invested nationally to help landowners protect and restore key farmlands, grasslands and wetlands across the nation through the new Agricultural Conservation Easement Program (ACEP). North Carolina received \$2,592,200 for Wetland Reserve Easements (ACEP -WRE) and \$549,165 for Agricultural Land Easements (ACEP-ALE), which replaced the Farm and Ranch Lands Protection Program (FRPP).

Through ACEP, private or tribal landowners and eligible conservation partners working with landowners can request assistance from USDA to protect and enhance agricultural land through an agricultural or wetland easement.

These easements deliver many long-term benefits. For example, this year's projects will:

- Improve water quality and wetland storage capacity in the California Bay Delta region;
- Reduce flooding along the Mississippi and Red rivers;
- Provide and protect habitat for threatened, endangered and at-risk species including sage grouse, bog turtles, Florida panthers, Louisiana black bear, and whooping cranes to recover populations and reduce regulatory burdens; and
- Protect prime agricultural land under high risk of development in urban areas to help secure the nation's food supply and jobs in the agricultural sector.

### Regional Conservation Partnership Program (RCP)

Two North Carolina pre-proposals for the Regional Conservationist Partnership Program (RCP) were selected for full proposal consideration. Full proposals are due on October 2, 2014. Proposals will be reviewed for eligibility, scored and ranked. On November 14, 2014, RCP selected proposals will be announced. For more information, please contact Julie Elmore at [Julie.Elmore@nc.usda.gov](mailto:Julie.Elmore@nc.usda.gov).

### Basics of Conservation Planning (BCP)

NRCS is hosting the next offering of Basics of Conservation Planning training for North Carolina Soil & Water District Employees on October 6-10, 2014. The training is designed to provide hands-on field application of the planning process. It includes classroom and field exercises involving conservation planning for individual clients or with groups that basically function as an individual. For more information, please contact Matt Flint at [Matt.Flint@nc.usda.gov](mailto:Matt.Flint@nc.usda.gov).

### Employment News

The North Carolina Technical Soil Services Team will soon be fully staffed. The fourth Resource Soil Scientist position was advertised through USA Jobs and closed on August 29, 2014. A selection will be made soon and the position will be stationed in Statesville. For more information please contact Kent Clary at [Kent.Clary@nc.usda.gov](mailto:Kent.Clary@nc.usda.gov).

NRCS advertised five Soil Conservationist positions, which closed on August 26, 2014. The positions will be stationed in Waynesville, Murphy, Rutherfordton, Monroe and Lumberton. Selections are to be announced soon.



NCSU | NCA&T | NCDA&CS  
[www.cefs.ncsu.edu](http://www.cefs.ncsu.edu)

The Center for Environmental Farming Systems (CEFS), one of the nation's foremost centers for research, extension, and education in sustainable agriculture and local food systems, is celebrating its twentieth anniversary in 2014 with special programs and events.

On Friday, October 17, CEFS is partnering with the USDA's Natural Resources Conservation Service (NRCS) and the NC Agricultural Foundation, Inc. to host a day of soil-related educational activities at its 2,000-acre Goldsboro research farm. SOILbration: Healthy Soils, Healthy Farms, Healthy Food will feature speakers including current and former CEFS researchers, Ray Archuleta and Steve Woodruff of NRCS, and Fred Kirschenmann, Distinguished Fellow at the Leopold Center for Sustainable Agriculture and President of Stone Barns Center for Food and Agriculture. The SOILbration will also feature demonstrations including a rainfall simulator, cover crop demonstrations, field tours, exhibitors, a poster session and lunch.

For more information please visit <http://www.cefs.ncsu.edu/newsevents/20th-anniversary/soilbration.html>, or register at [go.ncsu.edu/soilbration](http://go.ncsu.edu/soilbration).

For more information about the SOILbration and other 20th anniversary special events and programs, please contact Lisa Forehand, CEFS Extension and Outreach, at 919-513-0954 or [lisa\\_forehand@ncsu.edu](mailto:lisa_forehand@ncsu.edu).

The Center for Environmental Farming Systems is a partnership of North Carolina State University, North Carolina Agricultural and Technical State University, and the North Carolina Department of Agriculture and Consumer Services. CEFS' mission is to develop and promote just and equitable food and farming systems that conserve natural resources, strengthen communities, improve health outcomes, and provide economic opportunities in North Carolina and beyond. For more information about CEFS please visit <http://www.cefs.ncsu.edu>.

### Soil Health Team - Seeking Members

The North Carolina Soil Health Team is seeking new members. The primary mission of the North Carolina Soil Health Team is technology transfer to enhance soil health knowledge of conservation employees of the NRCS and SWCDs, agricultural partners, and farmers. The team provides training, participates in study tours, organizes demonstration workshops, assists with soil health research projects, and prepares and distributes soil health technical notes.

Team membership is based on two-year appointments, with members rotating on and off each year. Team members can expect to spend approximately 4 hours a week on team activities. Monthly team meetings are held by teleconference to minimize travel time and expense. Travel to workshops and other events is the responsibility of the team member (scholarships or other financial assistance may be available for some events, but is not guaranteed).

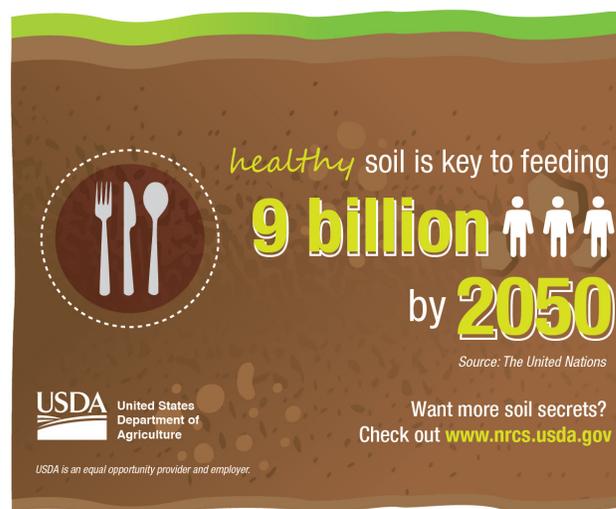
Interested partners should complete and submit an application before September 26, 2014 to Dana Ashford via email at

[dana.ashford@nc.usda.gov](mailto:dana.ashford@nc.usda.gov). After applications have been reviewed and selections made, notifications will be provided to all who apply.

USDA-NRCS SOIL HEALTH INFOGRAPHIC SERIES #006



what it does





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

As a Soil and Water District Supervisor, for the Davidson 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: Cover crops

Contract number: 29-2015-002

Contract amount: \$2,744

Score on priority ranking sheet: 250

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

*100%*

Relative rank (e.g., ranked 8th out of 12 projects considered): 3<sup>rd</sup> 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: Ben Hege (Robana Farm LLC)

*Ben Hege*  
(District Supervisor's signature)

*9-4-14*  
Date

Approved by:

\_\_\_\_\_  
(District Chairperson's signature)

\_\_\_\_\_  
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

September 17, 2014

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. Ms. Leigh Calloway, Yadkin Soil and Water Conservation District Technician, has requested to be designated technical specialist for the Waste Utilization Planning/Nutrient Management category.

Ms. Calloway has successfully completed the required training and her technical competency has been verified by NRCS staff. Therefore I recommend this designation for approval.

2. Ms. Ashley Smith, Wayne Soil and Water Conservation District Technician, has requested to be designated technical specialist for the Waste Utilization Planning/Nutrient Management category.

Ms. Smith has successfully completed the required training and her technical competency has been verified by NRCS staff. Therefore I recommend this designation for approval.

3. As Associate Dean for Extension in NCSU College of Agriculture and Life Sciences and Director of Cooperative Extension Service, Dr. Joe Zublena has requested that the following employee receive the Waste Utilization/Nutrient Management designation.

Stefani Garbacik –Wayne CES

The employee has successfully completed the required training; therefore I recommend that this designation is approved.



## NC Soil and Water Conservation Commission Job Approval Process

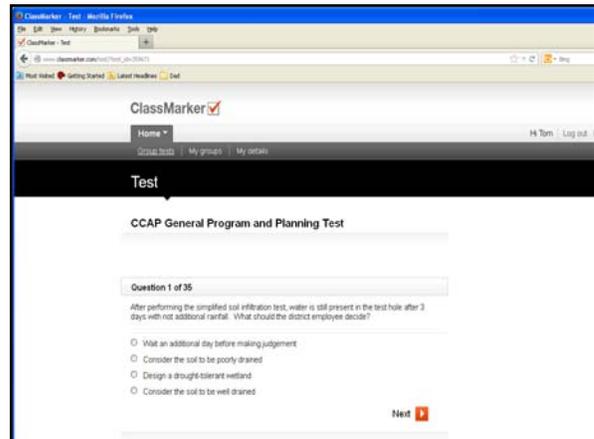


### Recommended Testing Protocol for CCAP JAA

- In the beginning CCAP required written test. – Not well received by district employees for various reasons.
- This testing requirement quickly changed due to concerns from Districts and because contracted NCSU staff provided oversight to each project. We do not have this support any longer.
- Taking all the historical comments into consideration the new testing protocol has completely been restructured to meet the needs of District Employee
- Designs will continued to be required for specific BMPs

### Two Part Testing Protocol

General CCAP Planning Test	Individual CCAP BMP Tests
Can be taken without attending a training	Can be taken without attending a training
Available anytime online through <a href="http://www.ClassMarker.com">www.ClassMarker.com</a>	Can take only the tests that are pertinent to your district resource needs.
Receive test results immediately after test is completed	Will be proctored tests by DSWC staff.
Available to see correct answers for missed questions	DSWC will provide several opportunities to take these throughout the year.
Only have to pass one time	Upon request, tests can be proctored in regional offices by specific DSWC staff.
Contact Natalie Woolard or Tom Hill to receive access to the test.	Contact Natalie Woolard or Tom Hill to receive access to the test



### Tested by Districts

- This approach was presented to district employees during the 2013 CET.
- Approximately 15 district employees were involved with reviewing the test questions and overall approach.
- Positive responses and support to move forward with the process.

### Next Steps for JAA

- Request to formalize the process for district to take a tests in lieu of onsite training requirement.
- Finalize the locations and availability of DSWC staff to proctor tests in regional locations.
- Finalize each specific BMP test
- Make available on the DSWC JAA website
- Notify all District Supervisors and Staff

ATTACHMENT 8

Soil and Water Conservation Commission Job Approval Authority Categories

Category	Requirements	Documents to be included and other considerations
Backyard Rain Garden	Successful Completion of <u>CCAP General Planning Test and BMP Test</u> and A minimum of 2 <u>independently completed</u> designs <u>must be</u> approved <u>by division engineering staff</u> before JAA will be recommended.	<ul style="list-style-type: none"> <li>• Only allowable for treating impervious areas &lt; 2500 sq ft</li> <li>• Design worksheets and documentation,</li> <li>• Design approvals,</li> <li>• Cost Share Contract Number, if applicable</li> <li>• Before and after photos.</li> </ul>
Backyard Wetland	Successful Completion of <u>CCAP General Planning Test and BMP Test</u> and A minimum of 2 <u>independently completed</u> designs <u>must be</u> approved <u>by division engineering staff</u> before JAA will be recommended.	<ul style="list-style-type: none"> <li>• Only allowable for treating impervious areas &lt; 2500 sq ft</li> <li>• Design worksheets and documentation,</li> <li>• Design approvals,</li> <li>• Cost Share Contract Number, if applicable</li> <li>• Before and after photos.</li> </ul>
Cisterns	Successful Completion of <u>CCAP General Planning Test and BMP Test</u> and A minimum of 2 <u>independently completed</u> designs <u>must be</u> approved <u>by division engineering staff</u> before JAA will be recommended.	<ul style="list-style-type: none"> <li>• Only allowable for designs &lt; 3,000 gal</li> <li>• Design worksheets and documentation,</li> <li>• <u>Results of Rainwater Harvester model</u></li> <li>• Design approvals,</li> <li>• Cost Share Contract Number, if applicable</li> <li>• Before and after photos.</li> </ul>
Critical Area Planting	Successful Completion of <u>CCAP General Planning Test and</u> NRCS <u>JAA</u> for Critical Area Planting (342) <u>or</u> A minimum of 2 <u>independently</u> completed <u>designs must be</u> approved <u>by Division Engineering staff</u> before JAA will be recommended.	<ul style="list-style-type: none"> <li>• Submit NRCs Documentation verifying job approval authority</li> <li>• Job Approval Authority class shall not exceed that granted by NRCS for the comparable NRCS Conservation Practice</li> </ul>

Deleted: CCAP Design Training

Deleted: , preferably 3,

Deleted: CCAP Design Training

Deleted: preferabl

Deleted: CCAP Design Training

Deleted: preferably 3,

Deleted: CCAP Design Training

Deleted: , preferably 3, designs must be

**ATTACHMENT 8**

<p>Grassed Swale</p>	<p>Successful Completion of <a href="#">CCAP General Planning Test and BMP Test</a> <u>and</u>                  A minimum of 2 <a href="#">independently completed</a> designs must be approved <a href="#">by division engineering staff</a> before JAA will be recommended.</p>	<ul style="list-style-type: none"> <li>• If the swale meets any of the following conditions, it must be designed by a Professional Engineer (PE):                         <ul style="list-style-type: none"> <li>○ The 2 year storm velocity is greater than 2 feet per second.</li> <li>○ The 10 year storm velocity is greater than 5 feet per second.</li> <li>○ The drainage area is greater than 2 acres.</li> </ul> </li> </ul>	<p><b>Deleted:</b> CCAP Design Training</p> <p><b>Deleted:</b> &lt;#&gt;Submit NRCs Documentation verifying job approval authority¶                  &lt;#&gt;Job Approval Authority class shall not exceed that granted by NRCS for the comparable NRCS Conservation Practice ¶                  ¶</p> <p><b>Deleted:</b> NRCS for Grassed Waterway (412) ¶                  or ¶</p> <p><b>Deleted:</b> , preferably 3,</p>
<p>Riparian Buffers</p>	<p>Successful Completion of CCAP Design Training <u>and</u>                  Required NRCS <a href="#">JAA</a> for Riparian Forest Buffer (391)  <u>or</u>                  A minimum of 2 <a href="#">independently completed</a> designs must be approved <a href="#">by division engineering staff</a> before JAA will be recommended.</p>	<ul style="list-style-type: none"> <li>• Submit NRCs Documentation verifying job approval authority</li> <li>• Job Approval Authority class shall not exceed that granted by NRCS for the comparable NRCS Conservation Practice</li> </ul>	<p><b>Deleted:</b> , preferably 3,</p> <p><b>Deleted:</b> completed and</p>
<p>Streambank and Shoreline Protection</p>	<p>Successful Completion of CCAP Design Training <u>and</u>                  Required NRCS <a href="#">JAA</a> for <a href="#">Streambank and Shoreline Protection (580)</a>  <u>or</u>                  A minimum of 2 <a href="#">independently completed</a> designs must be approved <a href="#">by division engineering staff</a> before JAA will be recommended.</p>	<ul style="list-style-type: none"> <li>• Submit NRCs Documentation verifying job approval authority</li> <li>• Job Approval Authority class shall not exceed that granted by NRCS for the comparable NRCS Conservation Practice</li> </ul>	<p><b>Deleted:</b> , preferably 3,</p> <p><b>Deleted:</b> completed and</p>
<p>Pond Site Assessments</p>	<p>Must attend training provided by DSWC or demonstrated proficiency through documented experience.  <u>and</u>                  A minimum of 2 <a href="#">independently completed</a> assessments must be approved <a href="#">by division engineering staff</a> before JAA will be recommended.</p>	<ul style="list-style-type: none"> <li>• Pond Site Assessment form</li> <li>• Topographic map with drainage area outlined or at least the site located</li> <li>• Planned use</li> <li>• Estimate of volume needed for planned use</li> <li>• Aerial Photo with property lines – to ensure that water would not be impounded on another property</li> <li>• Soils map</li> </ul>	<p><b>Deleted:</b> 1</p>

**ATTACHMENT 8**

<p>Sediment Removal Planning and Certification</p>	<p>Must attend training provided by DSWC or demonstrated proficiency through documented experience. and A minimum of <u>2 independently completed</u> projects must be approved <u>by division engineering staff</u> before JAA will be recommended.</p>	<ul style="list-style-type: none"> <li>• Copy of Sediment Removal Plan</li> <li>• Before and after profile of pond bottom</li> </ul>
<p>Water Need Assessments</p>	<p>Must attend training provided by DSWC or demonstrate proficiency through documented experience. and A minimum of <u>2 independently completed</u> assessments must be approved <u>by division engineering staff</u> before JAA will be recommended.</p>	<ul style="list-style-type: none"> <li>• Topographic map with drainage area outlined or at least the site located</li> <li>• Planned use Estimate of volume needed for planned use</li> </ul>

Deleted: 1

Deleted: 1

## Soil and Water Conservation Commission Job Approval Authority Categories

Category	Requirements	Documents to be included and other considerations
Backyard Rain Garden	<p>Successful Completion of CCAP General Planning Test and BMP Test <u>and</u></p> <p>A minimum of 2 independently completed designs must be approved by division engineering staff before JAA will be recommended.</p>	<ul style="list-style-type: none"> <li>• Only allowable for treating impervious areas &lt; 2500 sq ft</li> <li>• Design worksheets and documentation,</li> <li>• Design approvals,</li> <li>• Cost Share Contract Number, if applicable</li> <li>• Before and after photos.</li> </ul>
Backyard Wetland	<p>Successful Completion of CCAP General Planning Test and BMP Test <u>and</u></p> <p>A minimum of 2 independently completed designs must be approved by division engineering staff before JAA will be recommended.</p>	<ul style="list-style-type: none"> <li>• Only allowable for treating impervious areas &lt; 2500 sq ft</li> <li>• Design worksheets and documentation,</li> <li>• Design approvals,</li> <li>• Cost Share Contract Number, if applicable</li> <li>• Before and after photos.</li> </ul>
Cisterns	<p>Successful Completion of CCAP General Planning Test and BMP Test <u>and</u></p> <p>A minimum of 2 independently completed designs must be approved by division engineering staff before JAA will be recommended.</p>	<ul style="list-style-type: none"> <li>• Only allowable for designs &lt; 3,000 gal</li> <li>• Design worksheets and documentation,</li> <li>• Results of Rainwater Harvester model</li> <li>• Design approvals,</li> <li>• Cost Share Contract Number, if applicable</li> <li>• Before and after photos.</li> </ul>
Critical Area Planting	<p>Successful Completion of CCAP General Planning Test <u>and</u> NRCS JAA for Critical Area Planting (342)</p> <p><u>or</u></p> <p>A minimum of 2 independently completed designs must be approved by Division Engineering staff before JAA will be recommended.</p>	<ul style="list-style-type: none"> <li>• Submit NRCs Documentation verifying job approval authority</li> <li>• Job Approval Authority class shall not exceed that granted by NRCS for the comparable NRCS Conservation Practice</li> </ul>

<p>Grassed Swale</p>	<p>Successful Completion of CCAP General Planning Test and BMP Test <u>and</u>                  A minimum of 2 independently completed designs must be approved by division engineering staff before JAA will be recommended.</p>	<ul style="list-style-type: none"> <li>• If the swale meets any of the following conditions, it must be designed by a Professional Engineer (PE):                         <ul style="list-style-type: none"> <li>○ The 2 year storm velocity is greater than 2 feet per second.</li> <li>○ The 10 year storm velocity is greater than 5 feet per second.</li> <li>○ The drainage area is greater than 2 acres.</li> </ul> </li> </ul>
<p>Riparian Buffers</p>	<p>Successful Completion of CCAP Design Training <u>and</u>                  Required NRCS JAA for Riparian Forest Buffer (391)  <u>or</u>                  A minimum of 2 independently completed designs must be approved by division engineering staff before JAA will be recommended.</p>	<ul style="list-style-type: none"> <li>• Submit NRCs Documentation verifying job approval authority</li> <li>• Job Approval Authority class shall not exceed that granted by NRCS for the comparable NRCS Conservation Practice</li> </ul>
<p>Streambank and Shoreline Protection</p>	<p>Successful Completion of CCAP Design Training <u>and</u>                  Required NRCS JAA for Streambank and Shoreline Protection (580)  <u>or</u>                  A minimum of 2 independently completed designs must be approved by division engineering staff before JAA will be recommended.</p>	<ul style="list-style-type: none"> <li>• Submit NRCs Documentation verifying job approval authority</li> <li>• Job Approval Authority class shall not exceed that granted by NRCS for the comparable NRCS Conservation Practice</li> </ul>
<p>Pond Site Assessments</p>	<p>Must attend training provided by DSWC or demonstrated proficiency through documented experience.  <u>and</u>                  A minimum of 2 independently completed assessments must be approved by division engineering staff before JAA will be recommended.</p>	<ul style="list-style-type: none"> <li>• Pond Site Assessment form</li> <li>• Topographic map with drainage area outlined or at least the site located</li> <li>• Planned use</li> <li>• Estimate of volume needed for planned use</li> <li>• Aerial Photo with property lines – to ensure that water would not be impounded on another property</li> <li>• Soils map</li> </ul>

<p>Sediment Removal Planning and Certification</p>	<p>Must attend training provided by DSWC or demonstrated proficiency through documented experience. and A minimum of 2 independently completed projects must be approved by division engineering staff before JAA will be recommended.</p>	<ul style="list-style-type: none"> <li>• Copy of Sediment Removal Plan</li> <li>• Before and after profile of pond bottom</li> </ul>
<p>Water Need Assessments</p>	<p>Must attend training provided by DSWC or demonstrate proficiency through documented experience. and A minimum of 2 independently completed assessments must be approved by division engineering staff before JAA will be recommended.</p>	<ul style="list-style-type: none"> <li>• Topographic map with drainage area outlined or at least the site located</li> <li>• Planned use Estimate of volume needed for planned use</li> </ul>



## Baseflow interceptor (streamside pickup)

### Definition/Purpose

Baseflow interceptor means improving springs and seeps alongside a stream, near the banks, but not in the channel by excavating, cleaning, capping to collect and/or store water for agricultural use.

### Policies

1. This is an engineering practice that must be approved by a professional engineer. The district must submit the practice design worksheet for approval by the division engineering staff.
2. Livestock shall not have access to the pickup/interceptor area. Cooperator is encouraged to install water conservation measures and effective livestock exclusion fencing from streams.
3. Cooperator is responsible for obtaining and complying with all required permits, including wetland determination by the ACOE and buffers on streams classified as trout (Tr) waters, if applicable.
4. Minimum life of BMP is ten (10) years.

### Specification

N C. NRCS Technical Guide, Section IV, Specification #574 (Spring Development).



## Agricultural Water Collection and Reuse System

### Definition/Purpose

Construct an agricultural water management and/or collection system for water reuse or irrigation for agricultural operations. These systems may include any of the following: water storage tanks, pumps, and/or water conveyances. Benefits may include reduced demand on the water supply by reuse and decrease withdrawal from existing water supplies.

### Policies

1. The system shall be for agricultural use.
2. The system must be certified by a professional engineer or an individual with appropriate job approval authority.
3. Cost share for this practice may include components necessary to collect and store water for reuse. Components may include pumping and piping for transfer from a collection pond/tank to a storage pond/tank. Irrigation equipment is not eligible for this practice.
4. Water from this system shall be used for irrigation, washing, cooling and other non-potable purposes for humans or animals unless capturing and recirculating from an existing aquaculture system.
5. If applicable, livestock shall be excluded from the collection structure. In cases of emergency, cooperators may contact their district and request a temporary exception. Duration of exception will be determined by the district and supporting notes will be included in the contract file. Emergencies may be defined as power outages, pump failures, extreme periods of drought and/or depletion or contamination of the existing water source.
6. Costs are based on the average cost list. Additional components can be added by the request of the designer.
7. Operation and Maintenance Plan is required.
8. Cooperators are responsible for obtaining and complying with all required permits.
9. Minimum life of BMP is 10 years.
10. The District shall inspect the site annually during the first five years of the maintenance period.

### Specifications

North Carolina NRCS Technical Guide, Section IV, Code 558 (Roof Runoff Structure), National NRCS Technical Guide, Section IV, Code 636 (Water Harvesting Catchment).



## Water Supply Well

### Definition/Purpose

A well means constructing a drilled, driven or dug well to supply water from an underground source for irrigation, livestock and poultry, aquaculture, 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, 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.

*AgWRAP District BMP*

12. New pumps or replacement pumps for existing usable wells are not cost shareable components.
13. 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.
14. 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.
15. Acres irrigated or number of animals watered is required on the contract for wells that are not part of a pond system.
16. Life of the BMP is 10 years.

Specifications

North Carolina NRCS Technical Guide, Section IV, Specification # 642 (Wells)

## Water Supply Well

### Definition/Purpose

A well means constructing a drilled, driven or dug well to supply water from an underground source for irrigation, livestock and poultry, aquaculture, 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. ~~The average 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. ~~The maximum actual cost for a pump is \$2,667 for all three areas. (\$6,667 for solar powered pumps for all three areas).~~
4. ~~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, due to the topography, property lines, etc., it is not possible there are site constraints or it is cost prohibitive to provide electricity to the pump. to locate the tank or trough such that water may be supplied by gravity.~~ 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. ~~Life of the BMP is 10 years.~~
- 7.6. ~~Cooperator is encouraged to install water conservation measures and~~ practical effective livestock exclusion fencing from streams.
- 8.7. ~~Cooperators are responsible for obtaining and complying with all required permits and local requirements,~~ including water use reporting and registration with DWR, if applicable.
- 9.8. ~~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.~~
- 10.9. ~~Wells are allowed for operations served by public water systems if the well will reduce dependence on the public water system.~~

~~11.10.~~ Well repairs that bring unusable wells back into operation are cost shareable, including a pump if needed, ~~and must be completed by a certified well contractor.~~ Repair or replacement of only broken pumps or pump components is not cost shareable.

~~12.11.~~ New wells, 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.

~~13.12.~~ New pumps or replacement pumps for existing usable wells are not cost shareable components.

13. 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.

14. 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.

15. Acres irrigated or number of animals watered is required on the contract for wells that are not part of a pond system.

16. Life of the BMP is 10 years.

~~14.~~

### Specifications

North Carolina NRCS Technical Guide, Section IV, Specification # 642 (Wells)

**DRAFT Water Supply Well State ranking questions**

Per the request at the last commission meeting, the parameters and point values below are under review and discussion by the AgWRAP Review Committee. While they are not the final recommendations, they are included in your packet to show progress. Once a final draft product is agreed upon, division staff will email it to the commission.

The draft parameters listed below will be required questions on all applications for the water supply well ranking sheet to help with prioritization at the local level. In addition, we encourage all districts to add additional ranking questions. The inclusion of state ranking questions for this practice may allow water supply wells to be eligible this year, while still recognizing and empowering locally led conservation.

Number	Parameter	Point value
1	Percent of the water use demand of the operation provided by the proposed well OR Use the actual water deficit of the operation, most points to those with the greatest water deficit <i>Calculation tools will be provided for district use.</i>	Weighted value – maximum of 50
2	Operation currently uses a public water system	25
3	Well location is in a groundwater drinking water assessment area	-15
4	Well location is in a Central Coastal Plain Capacity Use Area or specific aquifer. Provide point values placing more priority on aquifers that are more limited or have more water use competition	Still under development
5	Cooperator has already installed water conservation measures on their operation	10
6	Current water source will not meet the requirements under the Food Safety Modernization Act ( <i>once rules are effective, this information can be part of question 1</i> )	25



**THE NORTH CAROLINA AGRICULTURAL WATER RESOURCES ASSISTANCE PROGRAM (AgWRAP)**  
**Fiscal Year 2015 Detailed Implementation Plan**  
**September 2014**

### **Background**

The North Carolina Agricultural Water Resources Assistance Program was authorized through Session Law 2011-145, and became effective on July 1, 2011. This program, herein referred to as AgWRAP, was established to assist farmers and landowners in doing any one or more of the following:

- Identify opportunities to increase water use efficiency, availability and storage;
- Implement best management practices (BMPs) to conserve and protect water resources;
- Increase water use efficiency;
- Increase water storage and availability for agricultural purposes.

AgWRAP is administered by the North Carolina Soil and Water Conservation Commission and implemented through local soil and water conservation districts. The commission meets with stakeholders to gather input on AgWRAP's development and administration through the AgWRAP Review Committee. AgWRAP has received the following state appropriations:

- FY2012: \$1,000,000
- FY2013: \$500,000
- FY2014: \$1,000,000; \$500,000 available statewide, \$500,000 limited to counties affected by the Tennessee Valley Authority (TVA) settlement: Avery, Buncombe, Burke, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, Macon, Madison, McDowell, Mitchell, Swain, Transylvania, Watauga and Yancey counties.
- FY2015: \$1,477,500

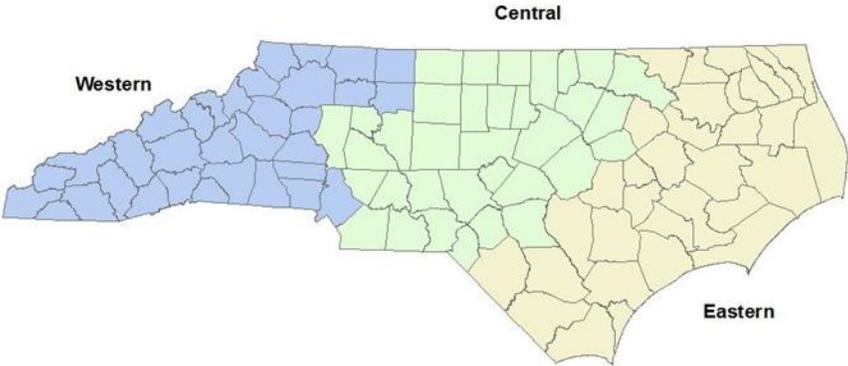
Up to 15% of these funds can be used by the Division of Soil and Water Conservation and districts to provide technical and engineering assistance, and to administer the program.

### **Fiscal Year 2015 Allocation Strategy**

Due to the high cost of some of the program's eligible best management practices, and the limited funding for the program, the Commission will award two allocations for AgWRAP.

- 1. Competitive regional application process for new pond construction and pond repair/retrofits: 55% of available BMP funding.**
  - a. The regions, as depicted in Figure 1, will be eligible to receive 1/3 of the amount of funds in the regional pool.
  - b. Applications will be approved using the same ranking criteria for each region.
  - c. Should a region not have sufficient applications to fund, the commission will allocate the remaining funds by approving applications in other regions, funding applications by highest score.

Figure 1: Regions for AgWRAP allocations



- 2. **District allocations: 45% of available BMP funding.**
  - a. Allocations will be made to all districts requesting funds in their PY2015 Strategy Plan.
  - b. Allocation parameters are as follows:

Parameter	Percent
Number of farms (total operations): Census of Agriculture	20%
Total acres of land in farms (includes the sum of all cropland, woodland pastured, permanent pasture (excluding cropland and woodland), plus farmstead/ponds/lvstk bldg): Census of Agriculture	20%
Market Value of Sales: Census of Agriculture	10%
Agricultural Water Use: NCDA&CS Agricultural Statistics Division, 3 year average of most recent NC Water Use Published Survey Data	20%
Population Density: State Demographics NC, Office of State Budget and Management, latest certified data available	30%

**Conservation plan requirement**

All approved AgWRAP applications must have a completed conservation plan prior to contract approval or the district requesting design assistance from division engineering staff. The commission is requiring this plan, which is the cooperator’s record of decisions, to help districts evaluate water supply resource concerns including inadequate water for livestock, inefficient water use for irrigation and/or inefficient moisture management. Conservation plans will ensure that alternative practices are considered and that the recommended practices address the identified resource concerns to maintain AgWRAP BMPs through their contract life.

**Program Guidelines**

AgWRAP will be implemented using a pilot approach for this fourth year. Rule drafting is currently underway.

The agricultural water definition, from Protecting Agriculture Water Resources in North Carolina Strategic Plan (February 2011) will be used to determine eligibility for AgWRAP.

*Agricultural water is considered to be any water on farms, from surface or subsurface sources, that is used in the production, maintenance, protection or on-farm preparation or treatment of agriculture commodities or products as necessary to grow and/or prepare them for on-farm use*

*or transfer into any form of trade as is normally done with agricultural plant or animal commerce.* This expressly includes any on-farm cleaning or processing to make the agricultural product ready for sale or other transfer to any consumer in a usable form. It does not include water used in the manufacture or extended processing of plants or animals or their products when the processor is not the grower or producer and/or is beyond the first handler of the farm product.

All eligible operations must have been in existence for more than one year, and expansions to existing operations are eligible for the program.

The percent cost share for all BMPs is 75%. Limited resource and beginning farmers and farmers enrolled in Enhanced Voluntary Agriculture Districts are eligible to receive 90% cost share. The contract maintenance period of the majority of practices is 10 years.

Soil and water conservation districts can adopt additional guidelines for the program as they implement AgWRAP locally.

#### **Fiscal Year 2015 Annual Goals**

- I. Conduct a competitive regional allocation process for selected AgWRAP BMPs.
  - a. Fund projects in each of the division's regions: western, central and eastern.
  - b. Distribute funding for BMPs among the following agricultural sectors identified in the Protecting Agriculture Water Resources in North Carolina Strategic Plan (February 2011): aquaculture, field crops, forestry, fruit and vegetable, green industry, livestock and poultry (and forages and drinking water for same).
- II. Allocate funds to soil and water conservation districts for all other BMPs
  - a. Award funds to all districts requesting an allocation.
  - b. Allocate funds to districts from all geographic areas of the state.
  - c. Encumber contracts for conservation practices in all agricultural sectors as described above.
- III. Implement Job Approval Authority Process for AgWRAP BMPs
  - a. Revise job approval category requirements to ensure technical competency.
  - b. Provide training for district employees to earn job approval.
  - c. Maintain the job approval database.
- IV. Conduct training for districts
  - a. Continue to train districts on the program.
  - b. Provide technical training for the required skills to plan and implement approved AgWRAP BMPs.
  - c. Maintain the AgWRAP website (<http://www.ncagr.gov/swc/agwrap.htm>) with all relevant information.

### Best Management Practices

Additional practices may be adopted by the Soil and Water Conservation Commission and introduced during the program year.

(1) Agricultural water supply/reuse pond: Construct agricultural ponds for water supply for irrigation or livestock watering. Benefits may include water supply, erosion control, flood control, and sediment and nutrient reductions from farm fields. The minimum life expectancy is 10 years.

(2) Agricultural pond repair/retrofit: Repair or retrofit of existing agricultural pond systems. Benefits may include water supply, erosion control, flood control, and sediment and nutrient reductions from farm fields. The minimum life expectancy is 10 years.

(3) Agricultural pond sediment removal: Remove sediment from existing agricultural ponds to increase water storage capacity. Benefits may include water supply, erosion control, flood control, and sediment and nutrient reductions from farm fields. The minimum life expectancy is 1 year. Cooperators are ineligible to reapply for assistance for this practice for a period of 10 years; unless the sedimentation is occurring due to no fault of the cooperator.

(4) Agricultural water collection and reuse system: Construct an agricultural water management and/or collection system for water reuse or irrigation for agricultural operations. These systems may include any of the following: water storage tanks, pumps, and/or water conveyances. Benefits may include reduced demand on the water supply by reuse and decrease withdrawal from existing water supplies. The minimum life expectancy is 10 years.

(5) Baseflow interceptor (streamside pickup): Improve springs and seeps alongside a stream, near the banks, but not in the channel by excavating, cleaning, capping to collect and/or store water for agricultural use. The minimum life expectancy is 10 years.

(6) Conservation Irrigation Conversion: Modify an existing overhead spray irrigation system to increase the efficiency and uniformity of irrigation water application. The minimum life expectancy is 10 years.

(7) Micro-irrigation System: Install an environmentally safe system for the conveyance and distribution of water, chemicals and fertilizer to agricultural fields for crop production. Replace and/or reduce other types of irrigation and fertilization with a micro-irrigation system for frequent application of small quantities of water on or below the soil surface: as drops, tiny streams or miniature spray through emitters or applicators placed along a water delivery line. This practice may be applied as part of a conservation management system to efficiently and uniformly apply irrigation water and maintain soil moisture for plant growth. The minimum life expectancy is 10 years.

(8) Well: Construct a drilled, driven or dug well to supply water from an underground source for irrigation, livestock and poultry, aquaculture, or on-farm processing. The minimum life expectancy is 10 years.

County	PY2015 BMP funds requested for all AgWRAP BMPs	AgWRAP (AG) Allocation Proposed
ALAMANCE	\$65,000	\$ 8,411
ALEXANDER	\$22,500	\$ 5,987
ALLEGHANY	\$10,000	\$ 5,000
ANSON	\$145,000	\$ 5,000
ASHE	\$50,000	\$ 6,673
AVERY	\$0	\$ -
BEAUFORT	\$75,000	\$ 5,654
BERTIE	\$0	\$ -
BLADEN	\$0	\$ -
BRUNSWICK	\$24,500	\$ 5,000
BUNCOMBE	\$85,000	\$ 10,606
BURKE	\$6,000	\$ 5,000
CABARRUS	\$0	\$ -
CALDWELL	\$21,000	\$ 5,000
CAMDEN	\$15,000	\$ 5,000
CARTERET	\$25,000	\$ 5,000
CASWELL	\$0	\$ -
CATAWBA	\$0	\$ -
CHATHAM	\$155,000	\$ 7,877
CHEROKEE	\$154,500	\$ 5,000
CHOWAN	\$110,000	\$ 5,000
CLAY	\$36,000	\$ 5,000
CLEVELAND	\$45,000	\$ 9,074
COLUMBUS	\$0	\$ -
CRAVEN	\$18,000	\$ 5,000
CUMBERLAND	\$14,000	\$ 9,309
CURRITUCK	\$0	\$ -
DARE	\$0	\$ -
DAVIDSON	\$0	\$ -
DAVIE	\$0	\$ -
DUPLIN	\$118,000	\$ 27,915
DURHAM	\$100,600	\$ 12,475
EDGECOMBE	\$9,000	\$ 8,122
FORSYTH	\$30,000	\$ 13,297
FRANKLIN	\$85,000	\$ 8,197
GASTON	\$88,577	\$ 9,377
GATES	\$15,800	\$ 5,000
GRAHAM	\$24,000	\$ 5,000
GRANVILLE	\$0	\$ -
GREENE	\$28,500	\$ 7,046
GUILFORD	\$60,000	\$ 14,589
HALIFAX	\$145,000	\$ 9,111
HARNETT	\$0	\$ -
HAYWOOD	\$170,000	\$ 5,000
HENDERSON	\$130,000	\$ 6,901

County	PY2015 BMP funds requested for all AgWRAP BMPs	AgWRAP (AG) Allocation Proposed
HERTFORD	\$120,000	\$ 5,316
HOKE	\$45,000	\$ 5,000
HYDE	\$0	\$ -
IREDELL	\$75,000	\$ 11,525
JACKSON	\$23,000	\$ 5,000
JOHNSTON	\$360,000	\$ 19,587
JONES	\$6,000	\$ 5,000
LEE	\$12,000	\$ 5,151
LENOIR	\$15,000	\$ 8,976
LINCOLN	\$100,000	\$ 8,100
MACON	\$0	\$ -
MADISON	\$34,000	\$ 5,000
MARTIN	\$12,000	\$ 5,000
MCDOWELL	\$245,000	\$ 5,000
MECKLENBURG	\$50,000	\$ 22,187
MITCHELL	\$20,000	\$ 5,000
MONTGOMERY	\$18,000	\$ 5,000
MOORE	\$60,000	\$ 7,762
NASH	\$140,000	\$ 14,446
NEW HANOVER	\$0	\$ -
NORTHAMPTON	\$0	\$ -
ONslow	\$10,000	\$ 6,659
ORANGE	\$102,500	\$ 7,605
PAMLICO	\$0	\$ -
PASQUOTANK	\$0	\$ -
PENDER	\$23,000	\$ 9,982
PERQUIMANS	\$15,000	\$ 5,000
PERSON	\$25,000	\$ 6,655
PITT	\$65,000	\$ 12,333
POLK	\$43,000	\$ 5,000
RANDOLPH	\$40,000	\$ 13,578
RICHMOND	\$84,000	\$ 5,169
ROBESON	\$135,000	\$ 26,511
ROCKINGHAM	\$240,000	\$ 9,741
ROWAN	\$43,489	\$ 12,261
RUTHERFORD	\$25,000	\$ 5,000
SAMPSON	\$235,000	\$ 24,912
SCOTLAND	\$0	\$ -
STANLY	\$5,000	\$ 5,000
STOKES	\$10,000	\$ 5,966
SURRY	\$30,000	\$ 9,365
SWAIN	\$39,000	\$ 5,000
TRANSYLVANIA	\$14,750	\$ 5,000
TYRRELL	\$0	\$ -
UNION	\$25,000	\$ 16,520

County	PY2015 BMP funds requested for all AgWRAP BMPs	AgWRAP (AG) Allocation Proposed
VANCE	\$0	\$ -
WAKE	\$150,000	\$ 23,825
WARREN	\$0	\$ -
WASHINGTON	\$0	\$ -
WATAUGA	\$70,000	\$ 5,020
WAYNE	\$36,225	\$ 14,897
WILKES	\$60,215	\$ 8,301
WILSON	\$14,000	\$ 6,842
YADKIN	\$70,000	\$ 7,356
YANCEY	\$60,000	\$ 5,000
<b>TOTALS</b>	<b>\$5,086,156</b>	<b>\$662,169</b>

PY2015 AgWRAP Appropriation	\$ 1,500,000
Recurring reduction	\$ (22,500)
Technical assistance, engineering and administration	\$ (228,375)
FY2015 BMP funding	\$ 1,750,875
Rollover funds from PY2012, 2013 and 2014 contracts	\$ 159,894
DA funds available	\$ 55,766
<b>Total available funds</b>	<b>\$ 1,966,535</b>
Funds available for competitive regional application allocation (55%)	\$ 1,081,594
Funds available for district allocation (45%)	\$ 884,941
<b>Total FY2015 AG district allocation</b>	<b>\$ 662,169</b>



## Prescribed Grazing

### Definition/Purpose

Prescribed Grazing involves managing the intensity, frequency, duration, timing, and number of grazing animals on pastureland in accordance with site production limitations, rate of plant growth, physiological needs of forage plants for production and persistence, and nutritional needs of the grazing animals. The goal of this practice is to reduce accelerated soil erosion and compaction, to improve or maintain riparian and watershed function, to maintain surface and/or subsurface water quality and quantity, to improve nutrient distribution, and to improve or maintain desired species composition and vigor of plant communities. Productive pastures maintain wildlife habitat and permeable green space.

### Policies

1. [This practice must be in a separate stand alone contract.](#) This practice must be maintained on the same pasture acres for three consecutive years.
2. The cooperator can receive incentive of up to the amount listed on the NCACSP average cost list per year for up to 3 years, not to exceed a lifetime cap of \$15,000 per applicant.
3. The cooperator must consistently manage fertility, stocking rates, and stop/start grazing heights (shown in the Target Grazing Height table); to minimize the potential for cost shared fields to be overgrazed and to ensure that a good stand of [annual or perennial](#) pasture vegetation is maintained.

### Perennial examples

Species	Growth Periods	Target Grazing Height -----inches-----	
		to start	to stop*
Bermudagrass: Common, hybrid & seeded varieties	Apr-Sep	4-6	2-3
	Frosted	3+	2-3
Bluegrass, Kentucky with White Clover	Mar-May	4-6	2-3
	Jun-Aug	6-8	2-4
	Sep-Oct	6-8	2-3
	Nov-Feb	4-6	2-3
Fescue or Orchardgrass with/without Ladino Clover	Feb-Mar	4-6	2-3
	Apr-Jun	6-8	2-3
	Jul-Aug	6-8	3-4
	Sep-Oct	6-8	2-3
Red Clover and mixtures with cool-season grasses	Nov-Jan	4-6	2-3
	Apr-May	6" to bud	3-4
	Jun-Sep	10" to bud	3-4
Switchgrass, Indiangrass, Big Bluestem	Nov-Dec	Frosted	2-3
	Apr-Jun	14-18	5-7
	Jul-Aug	18-22	5-7
	Sep-Oct	16-20	8-12

## Agriculture Cost Share Program

Annual examples

The list follows:

<u>Species</u>	<u>Growth Period</u>	<u>Start Grazing Height</u>	<u>Stop Grazing Height</u>
<u>Summer Annuals</u>			
<u>Millet</u>	<u>May – Oct</u>	<u>12” - 24”</u>	<u>5” – 8”</u>
<u>Sorghum</u> <u>Sudangrass</u>	<u>May – Oct</u>	<u>12”- 24”</u>	<u>5”- 8”</u>
<u>Crabgrass</u>	<u>Jun – Sep</u>	<u>8”- 18”</u>	<u>2”- 4”</u>
<u>Winter Annuals</u>			
<u>Small grains</u>	<u>Oct – April</u>	<u>6” – 8”</u>	<u>3”- 4”</u>
<u>Ryegrass</u>	<u>Apr – Jun</u>	<u>6” – 8”</u>	<u>3” – 4”</u>

- \* Up to 10% of the prescribed grazing area may fall below the recommended forage grazing stop heights during dormant periods or declared natural disaster to allow external feeding and further regrowth of remaining acreage. This sacrifice grazing area should be identified as part of a plan on the least environmentally sensitive part of the prescribed grazing area. Vegetation shall be re-established as quickly as possible.

- ~~4. Stocking rate for available land must be balanced such that no more than 30% external feed (non-grazing land) is needed based on NRCS C-Graze software.~~
4. Develop a grazing plan using ~~utilizing~~ C-GRAZ (or other approved tool or method) to calculate and document the estimated balance between forage produced or available in the grazing management unit and livestock herd nutritional requirements in the current and planned pasture management system.
5. The cooperator must agree to manage the seasonal and periodic movement of grazing animals to ensure effective forage utilization and improve distribution of excreted nutrients (including placement /provision of drinking water sources).
6. The cooperator must agree to exclude livestock from surface waters and to implement stream protection system components necessary to protect water quality permanent fencing shall be in place prior to implementation of a prescribed grazing plan.
7. Existing feeding, handling, and watering areas must be located as far from streams as practical, but no closer than 30 feet from streams, unless it is technically impractical. To the extent practical, feeding areas for external feed should be moved frequently to improve the distribution of excreted nutrients.
8. Other sacrifice areas shall be located as far from streams as practical, but no closer than 100 feet from streams, unless it is technically impractical.
9. The cooperator must apply nutrients in accordance with a nutrient management plan based on realistic yield expectation and a soil test report within the last two years, taking into consideration the excreted nutrients from livestock.
- ~~10. Additional cost share funds ~~may can~~ be provided in conjunction with this practice to provide additional water quality benefits to:~~

## Agriculture Cost Share Program

- a. ~~i~~ Install necessary temporary or permanent interior fencing<sup>1</sup> to facilitate effective rotation of grazing animals.~~s~~
- ~~b. Install fencing to exclude livestock from surface waters~~
- ~~e.b.p~~ Provide sufficient drinking water (watering facility<sup>1</sup>) in each paddock of the grazing ~~plans~~system.
- ~~d. Install other necessary stream protection components.~~

10. BMP soil and phosphorus impacts are required on the contract. Include the planted acreage as well. Refer to the Minimum NCACSP Effects Requirements table later in this section for the correct methods of calculation.

~~11.~~

<sup>1</sup>These components require a 10 year maintenance agreement if cost share funds are provided.  
Specifications

North Carolina NRCS Technical Guide, Section IV, Code #528 (Prescribed Grazing).  
add watering facility #614, #516 livestock pipeline and #382 fencing

(September 2008; ~~revised~~ September 2009, revised September 2014)



## 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. ~~Wells must include well head protection.~~ 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. due to the topography, property lines, etc., it is not possible to locate the tank or trough such that water may be supplied by gravity. 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.
- 4.5. Cooperators are responsible for obtaining and complying with all required permits and local requirements as applicable.
- ~~5.~~
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. ~~Cooperators are responsible for obtaining and complying with all required permits and local requirements as applicable.~~
8. 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.
9. 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.
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](#))

# Wilkes Soil & Water Conservation District

P.O. Box 194 • Wilkesboro, NC 28697 • (336) 838-3622 Ext. 3 • Fax (336) 838-1619



**Zach Myers**  
*Chairman*

**Rex Barker**  
*Vice Chairman*

**Claude Shew, Jr.**  
*Sec. - Treasurer*

**W. Ted Carter**  
*Member*

**Dr. Bill H. Davis, Jr.**  
*Member*

Dear Kelly Ibrahim,

The Wilkes District would like to request a post approval for contract # 97-2013-007. The contract is complete, and meets all of the NRCS design specifications.

The contract was pended in mid May of 2013, for lack of a completed design, several months went by, and in mid April of 2014 we received a complete NRCS design. At this time we met with the landowner, went over all the specifications within the design and give him the green light to start construction. During this process of going through the entire design package (several pages of information) the one page design approval letter got placed into the pended contract. At this time we didn't realize the contract wasn't completely approved in Raleigh by the Division.

Considering the unfortunate circumstances explained above The Wilkes District would greatly appreciate a post approval, to insure payment to the landowner, who should not be penalized in this situation.

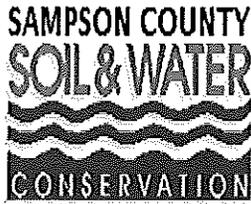
Thank you for your consideration.

Barry Greer

Natural Resource Conservationist

Wilkes SWCD





SAMPSON COUNTY SOIL AND WATER  
NEW AGRI. BUILDING  
84 COUNTY COMPLEX RD.  
CLINTON, NC 28328-4727

TO: Commission Members  
FROM: Sampson SWCD Staff  
DATE: September 5, 2014  
RE: Request for post approval of contract

The Sampson Soil and Water Conservation District Staff is requesting funding of contract 82-2015-002, due to oversight of original contract 82-2012-023 and supplement contract 82-2013-002. Contract 82-2012-023 and 82-2013-002 were completed within the three year time period, but due to changing of staff and current workload, supplement (82-2013-002) was paid in June of 2014 and staff, unknowingly, failed to pay original contract 82-2012-023. Original funds from contract 82-2012-023 were cancelled and lost before knowledge of issue.

We are requesting the Commission accepts and understands the misinterpretation of the original contract. We also request that the Commission allow the Sampson SWCD to fund the contract through 2015 allocation of funds, since it was completed according to design and prior to the expiration date. This has been a learning curve for our staff and the District itself. We hope to continue to serve our District with your support.

Sincerely,

A handwritten signature in cursive script that reads "L. Craig Thornton".

L. Craig Thornton, Chairman



October 22, 2014

Gina McCarthy  
Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

Jo-Ellen Darcy  
Assistant Secretary of the Army (Civil Works)  
U.S. Army Corps of Engineers  
441 G Street, NW  
Washington, DC 20314

Vicky Porter  
Chairwoman

Craig Frazier  
Vice-Chairman

Manly West

Charles Hughes

William Yarborough

Tommy Houser

John Langdon

**Re: Comments on the Proposed Definition of “Waters of the United States” under the Clean Water Act. (EPA-HQ-OW-2011-0880)**

Dear Administrator McCarthy and Assistant Secretary Darcy:

The North Carolina Soil & Water Conservation Commission (SWCC) provides oversight, rules and policy for the state’s agriculture cost share program. The SWCC is concerned that an expansion of federal jurisdiction over small water bodies, ditches, ephemeral streams, and wetlands will cause hardship for agricultural and silvicultural operations in the state by increasing the permitting burden, mitigation costs, and reduced flexibility for on-farm management. The SWCC is concerned that the Environmental Protection Agency (EPA) and the US Army Corps of Engineers (USACE) are claiming jurisdiction well above and beyond that intended by Congress, the CWA, and Supreme Court decisions.

The SWCC respectfully requests the withdrawal of the proposed definition of “Waters of the US” rule (and the complementary Interpretive Rule) until such time that the EPA and USACE has engaged in substantive discussions with agriculture groups to receive feedback about the impact that this proposed rule could cause, and made revisions to the rule to accommodate the concerns of the agricultural and silvicultural community. In the event EPA moves forward with the proposed rule, the SWCC offers suggestions to improve clarity, and to reduce the burden on the agriculture community as outlined in Attachment A.

Thank you for your consideration of this request to reduce the regulatory burden on the agricultural community. The SWCC reserves the right to submit additional comments on this proposed rule as more information becomes available.

Sincerely,



Victoria P. Porter, Chair  
Soil and Water Conservation  
Commission



## **Attachment A: Comments on Specific Issues**

### **Tributaries:**

The tributary definition encompasses far more waters than intended under the CWA and Supreme Court decisions, including ditches and ephemeral streams.

### **Jurisdiction of Ditches:**

The SWCC feels that ditches are not natural tributaries and should not be subject to CWA jurisdiction. The SWCC opposes expansion of federal jurisdiction to include ditches. EPA has stated that the proposed rule does not expand existing jurisdiction over ditches. However, some of the wording of the proposed rule, specifically the exclusions for ditches, has raised concerns that jurisdiction over ditches will in fact be increased. If a final rule is adopted, the SWCC urges EPA and USACE to exclude ditches from jurisdiction.

### **Jurisdiction of Ephemeral Streams:**

The new definition of “tributary” does not exclude ephemeral water bodies (features which contain water only after a precipitation event). Therefore, ephemeral streams or water bodies that contain a bed and bank and an ordinary high water mark will be subject to jurisdiction.

The SWCC opposes the language of the proposed rule that makes ephemeral streams and water bodies subject to jurisdiction. One particular concern of the SWCC is grassed waterways. Under no circumstances should grassed waterways, which are a widely recognized conservation practice, be considered jurisdictional.

### **Floodplain Definition:**

The SWCC opposes the floodplain being used as a boundary to automatically determine jurisdiction as it will cause confusion, inconsistent interpretations in the field, and undue burden to the regulated community.

While EPA and USACE have stated that using a flood frequency in the definition will result in inconsistent floodplain land areas throughout the country, it will at least provide a definition that is transparent for all landowners. If EPA and USACE wish to include the floodplain as a regulatory tool, a flood frequency should be designated.

### **Depressions:**

(b)(5)(v): “Water-filled depressions created incidental to construction activity,” leads to the conclusion that all other water filled depressions, including those in farm fields, could be subject to jurisdiction. This should be changed to read, “Any water filled depression that does not meet the definition of a wetland.” This change would make it clear that any wet areas in a farm field would in fact need to meet the definition of a regulated wetland in order to be jurisdictional.

**Other waters:**

The SWCC is concerned about the category of jurisdictional waters detailed in (a)(7). The “other waters” category is the most nebulous, and relies almost exclusively on the opinion of the regulator. This category is highly likely to include waters that were not intended to be jurisdictional by the CWA or the Supreme Court. The SWCC is opposed to the inclusion of this category in the rule. If included in the final rule, the parameters under which an “other water” will be jurisdictional need to be far more clearly defined.

Additionally, the wording in this category causes concerns about how the significant nexus test will be demonstrated in the field. Will waters be evaluated on an individual basis, or will one water body be evaluated, and then used to lump all other nearby water bodies into jurisdiction? A water body should not be jurisdictional merely because it is near another water body that met the significant nexus test. If “other waters” are included as a category in the final rule, all “other waters” should meet the significant nexus test individually or be excluded from jurisdiction.



**Steve Troxler**  
Commissioner

North Carolina Department of Agriculture  
and Consumer Services  
*Division of Soil and Water Conservation*

**Patricia K. Harris**  
Director

September 8, 2014

Dear Commission Members,

Your Sept. 17 agenda will include initiating the rules review process of your rules as required by Session Law 2013-413 (part of the 2013 regulatory reform actions). We've prepared 3-ring binders that include the current rules and related information. The notebooks will be handed out at the work session.

If you would like to review the commission's administrative rules in advance, please go to: <http://www.ncagr.gov/SWC/commission/policies.html> I've also attached a general overview of the classification process, review schedule and a flow chart of the overall process.

Program Specialist Chrissy Waggett is overseeing the rules review process for the department and will be available at both the business and work sessions to provide guidance and answer questions.

I hope the attached information is helpful as we embark on this 3-4 year process.

Pat Harris

MAILING ADDRESS  
Division of Soil and Water Conservation  
1614 Mail Service Center  
Raleigh, NC 27699-1614

Telephone: 919-733-2302  
Fax Number: 919-733-3559

**An Equal Opportunity Employer**

LOCATION  
Archdale Building  
512 N. Salisbury Street, Suite 504  
Raleigh, NC 27604

<http://www.ncagr.gov/AdministrativeRules/index.htm>

[Administrative Rules Home](#)

[Proposed Rules](#)

[Periodic Review](#)

[Expiration of Existing Rules](#)

## Administrative Rules

The N.C. Department of Agriculture and Consumer Services administers and staffs several boards and commission with rule-making authority. These include the N.C. Board of Agriculture, the N.C. Pesticide Board, the N.C. Structural Pest Control Committee, the Plant Conservation Board and the N.C. Soil and Water Conservation Commission.

When adopting or amending any rules under the authority of the boards and commissions listed above, we must follow all the guidelines laid out in the Administrative Procedure Act. Each time a rule is proposed for adoption or amendment, it will be posted on our website. Please click on the "Proposed Rules" link on the left to view rules that have been, or are currently in, the rule-making process. To view the Administrative Procedure Act, click here.

In addition, House Bill 74, passed by the General Assembly as part of regulatory reform in 2013, requires all agencies with rule-making authority to periodically review every rule under their authority.

Through this review, each agency must classify each rule as:

- 1)"Necessary with substantive public interest," meaning the rule is needed but there are known or suspected concerns about it from the public;
- 2)"Necessary without substantive public interest," meaning the rule is needed and there are no known concerns from the public; or
- 3)"Unnecessary," meaning the rule is no longer needed.

After this initial classification, the reports will be posted on our website and the Office of Administrative Hearings' website for a 60-day comment period. At the end of the comment period, we will review the comments and make any necessary changes to our classifications. This will be turned into the Rules Review Commission, which will review the report, comments and agency response. After the commission either agrees or disagrees with the report, the commission will send it to the Joint Legislative Administrative Procedure Oversight Committee (APO). The determinations will be final after consultation with APO or on the 61st day after the report is submitted to APO if the committee does not meet.

Rules determined to be "necessary with substantive public interest" will have to be readopted through the process laid out in the Administrative Procedure Act. Rules determined to be "necessary without substantive public interest" will remain in the N.C. Administrative Code without any further action. Rules determined to be "unnecessary" will be repealed automatically.

NCDA&CS is currently in the beginning stages of the review. Please click on the "Periodic Review and Expiration of Existing Rules" link on the left to view the reports and to learn how to submit comments for reports with an open public comment period.

### Expiration of Existing Rules

Any rules deemed "unnecessary" at the end of the Periodic Review will be automatically repealed from the North Carolina Administrative Code. Those rules will be listed here.

**HB 74 -  
Title 02: NCDA & CS Schedule**

Chapter 59 Subchapter		Contact/Division	Schedule from Division	Schedule to Submit
A	ORGANIZATION AND OPERATION	Pat Harris	September 2014	July 2015
B	DISTRICT PROGRAMS: REORGANIZATION AND EXPENSES	David Williams	September 2014	July 2015
C	SMALL WATERSHED PROGRAM	David Williams/Natalie Woolard/Pat Harris	September 2014	July 2015
D	AGRICULTURE COST SHARE PROGRAM FOR NONPOINT SOURCE	Julie Henshaw/Kelly Ibrahim	September 2016	January 2017
E	NONDISCHARGE RULE FOR ANIMAL WASTE MANAGEMENT SYSTEMS RULE FOR ANIMAL WASTE MANAGEMENT	Natalie Woolard/Keith Larick	March 1, 2015	July 2015
F	CONSERVATION RESERVE ENHANCEMENT PROGRAM (CREP) - STATE PORTION OF THE PROGRAM	Natalie Woolard/Kim Livingston	September 1, 2014	July 2015
G	APPROVAL OF TECHNICAL SPECIALISTS AND BIMPS FOR WATER QUALITY PROTECTION	Julie Henshaw/Natalie Woolard	March 1, 2015	July 2015
H	COMMUNITY CONSERVATION ASSISTANCE PROGRAM FOR NONPOINT SOURCE POLLUTION CONTROL	Julie Henshaw	September 1, 2016	January 2017

H74 Periodic Review and Expiration of Rules

**STEP 1**

[G.S. 150B-21.3A(c)(1)]

Agency Reviews Existing Rules **"Step 1(a)"**

- Agency's rulemaking coordinator receives the report (an Excel spreadsheet) from RRC Staff by email.
- Rulemaking coordinator has 10 business days to respond regarding any errors or missing rules.

Agency Reviews Existing Rules **"Step 1(b)"**

- First agency meeting to make determination classifying each rule in the report for public comment.
- Classifications are: (1) unnecessary; (2) necessary without substantive public interest; or (3) necessary with public interest.

Agency Accepts Public Comments for 60 Days **"Step 1(c)"**

Agency Posts Report on Agency's Website **"Step 1(c)"**  
See 26 NCAC 05 .0206

Agency Provides Report to RRC to be Posted on RRC's Website **"Step 1(c)"**  
See 26 NCAC 05 .0206

Agency Must Notify Interested Persons **"Step 1(c)"**  
See 26 NCAC 05 .0207

Agency Reviews and Responds to Public Comments **"Step 1(d)"**

- Second agency meeting to review comments received. Responses should be provided by the agency to comments that are objecting to a Rule.
- Agency to make determination classifying each rule in the report after consideration of the public comments.
- Classifications are: (1) unnecessary; (2) necessary without substantive public interest; or (3) necessary with public interest.

Agency Submits Report, Written Comments, and Classifications to RRC **"Step 1(e)"**

- 26 NCAC 05 .0211 sets the RRC review date. The date contained within the Rule is not the date the Agency files the report with the RRC.
- Agency must file the complete Report with the RRC on the 15th of the month prior to the month and year set forth in 26 NCAC 05 .0211.

No review by agency  
Rule expires

**STEP 2**

[G.S. 150B-21.3A(c)(2)]

RRC reviews report and written comments

RRC submits report to APO

**STEP 3**

[G.S. 150B-21.3A(c)(3)]

APO consultation

APO does not meet within 60 days

Committee recommends new review

Rule remains in Code

Agency initiates readoption of rule

Unnecessary rule expires

RRC determination effective

⋮  
?