

**North Carolina Cost Share Programs Review Summary
(February, 2018)**

County	<u>Guilford</u>	Date of Previous Review/Report	<u>2006</u>
District Staff Name(s)	<u>Jamey Walker, Millie Langley, Harold Alexander, George Teague</u>	Date	<u>2/21/2018 and 2/22/2018</u>
NRCS Staff Name(s)	<u>Brian Loadholt</u>		
Division Representative(s)	<u>Autumn Romanski, Julie Henshaw, Ralston James</u>		
Additional Participants	<u>Leslie Bell, Guilford County Planning Dept.</u>		

Questions	Division Findings				Division Comments	District Plan of Action Required		SWCD Plan of Action	Proposed Timeline for Implementation	Division Response to Plan of Action (April 2018)
	Commendation	Recommendation	Corrective Action	No Concerns/ Not Applicable		Yes	No			
Section 1: Application Procedures and Tracking Progress (BMP Implementation and Payments)										
Questions in this section focus on how the district advertises the program, how applications are developed, how contracts are developed, how funds are tracked and how the board approves each.										
How/when are the district board meetings scheduled?				X	First Wednesday of the month.		No			
How do you notify the public of the board meeting schedule? Does it adhere to the Open Meetings Law?				X	Uses the Web site, clerk of court emails posting to a sunshine list, notice posted on door if any changes.		No			

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Please describe the district's process for providing assistance to applicants by assessing resource concerns to determine if a BMP is "needed and feasible" and then developing the conservation plan.	X				District receives the application or phone call, District does a site visit to determine eligibility, and then completes a priority ranking worksheet (excellent worksheet-well thought out ranking strategies). The District recommends the highest ranking projects to the board.		No			
Does the district provide technical assistance without cost share funds?				X	Yes.		No			
What type of technical assistance is provided without cost share funds?				X	The District answers public complaints on drainage and stormwater runoff, sinkholes, stream issues, and provides help with DWR Notice of Violations.		No			
Are <u>applications</u> reviewed and approved by the Board as a separate action item?				X	Yes, clearly stated in 2017 minutes. Please be sure to include attachments when referenced in minutes.		No			
Are application motions/decisions recorded in the board minutes?				X	A spot check of the minutes was conducted and all minutes reviewed – showed motions/decisions were recorded.		No			
Applicants are limited when applying for incentive BMPs. How does your district track applicants so they do not go over the practice caps and to be sure they haven't already "adopted" the practice?				X	The District tracks incentive contracts on a spreadsheet to prevent a cooperator from going over the practice caps.		No			

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Is your district using the self-certification for incentives form provided by the division?				X	The District is using the self-certification form, as required on incentive practices.					
If multiple partners farm together, how does the district track individual applicants as one operation or entity?				X	The District uses their local knowledge of agricultural producers, particularly for incentive practices.		No			
At what point in the application process does the district develop the contract? (After Ranking, After Application Approved?) Describe this process.				X	After board approval of the application, preliminary work is required to provide for contract requirements. People may apply months earlier, so sometimes approval of the application and the contract happen at the same time – but are documented as separate actions in the meeting.		No			
Describe how the district reviews the contract with the applicant. Do you explain that work cannot begin until the contract is approved by the division?				X	The District reviews the BMP and contract with the cooperator. They explain that the cost share amount may not reflect how much the cooperator will actually spend. Yes, the District explains when work can begin.		No			
Describe the district/board's procedure for approving supervisor contracts.				X	The Supervisor abstains from voting and it is documented in the meeting minutes. Each meeting starts with an opportunity to declare any conflicts of interest.		No			

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Has the district funded any supervisor contracts?				X	<p>Yes, one supervisor contract is pending. The District will complete a 1B form and then present the contract at the March commission meeting for approval.</p> <p>*Contract 41-2010-002, was paid out in 2013, but the contract predates the supervisor start date of 12/2012.</p> <p>*41-2015-004 contract – Present at the meeting as the Associate Supervisor (no voting rights).</p>					
Is it documented in the Board minutes that the supervisor abstained from discussing his/her own contract and from voting?				X	Yes		No			
Is each contract reviewed in detail with the board before approval? Do you project CS2?				X	<p>Yes, the proposed conservation practices, some history, and the location are reviewed in detail with the Board. Have in the past done a blind ranking initially, then give the cooperators name for disclosure at the contract stage, because the Board will need to know who's being funded at that point. The District is not currently using blind ranking, commented it seemed to work well either way. The District does not currently use CS2 during the board meeting, but uses an</p>		No			

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					excel spreadsheet.					
Are contracts reviewed and approved by the Board as a separate action item?				X	Yes		No			
Are contract motions/decisions recorded in the board minutes?				X	Yes		No			
What procedures do you follow for notifying the applicant that work can begin?				X	Send a letter of approval – if needed do verbally, but always send a letter.		No			
What information do you provide the applicant?				X	When the District notifies the cooperator, they send a copy of contract specifications, including job sheets and worksheets.		No			
What technical assistance do you provide during the BMP installation process to ensure the BMP is installed correctly and by the contract deadline?	X				The District staff meets with the contractor and cooperator before installation of the BMP in a pre-construction meeting. Go over flagging, maps, design, dimensions, and cost figures. Excellent detailed six notes, drawings with measures taken during site visits, and pre-construction information planning notes for the installation were located in the contract files.		No			

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How do you track the Commission's interim performance milestone? One-third of the work must be completed within 12 months of division approval. Are you using CS2?				X	The District uses a spreadsheet to track which includes when the cooperator was last contacted, and if they need an extension.		No			
If 1/3 of the work has not been completed within 12 months and the cooperator requests additional time, is the district recording 6-month extensions in the board minutes?				X	Yes, the district has considered and approved 6 month extensions due to contractor timing, weather, or a combination of the two.		No			
What documentation do you include in the contract file that certifies that the BMP was inspected and is installed to the standards?	X				The District staff uses a check off sheet – compares initial measures and drawings to what was actually installed. Notes are drawn or written out on findings and initialed. Most of the inspections and installation notes were very detailed and shown in the file as "As built". The condition and the quality of the BMPs observed in the field on the day of the Program Review site visits was reflective of the excellent field work completed by the District staff and the good communications and working relationship with NRCS to ensure standards are met. (see site visit photos)		No			
Are BMPs measured then certified before the request for payment is approved? How is this documented?				X	Yes		No			

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Are receipts received and reviewed for CSP BMPs that are based on actual cost?				X	Yes		No			
Are requests for payments reviewed and approved by the board as a separate action item?			X		<p>Yes, usually as a batch, Chair has delegated signature authority and can approve RFPs outside of a meeting. All RFPs are reviewed and voted on during a board meeting, even those already signed by the chair.</p> <p>Please follow the Approval of Cost Share Applications, Contracts and Requests for Payments Policy, RFP policy 7 that states that <i>RFPs approved outside of a board meeting must be presented and recorded at the next board meeting as an information item</i>. It is not necessary for the board to vote on RFPs that are signed outside of board meetings.</p>	Yes		The District will follow the Approval of Cost Share Applications, Contracts and Requests for Payments Policy , that states <i>RFPs approved outside of a board meeting must be presented and recorded at the next board meeting as an information item</i> .	From 4/4/2018 forward.	District plan of action accepted.
Are payment motions/decisions recorded in the board minutes?				X	Yes		No			
<p>Section 2: Spot Checks and Compliance Issues Questions in this section focus on how the district reviews BMPs for compliance and how maintenance and/or non-compliance issues are addressed.</p>										
Are all BMPs under the waste management category spot checked for the first five years after				X	Yes		No			

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installation? This applies to all farms that fall under the thresholds that are regulated by DWR.										
How does the district notify the NRCS area office or division to conduct spot checks for contracts that need to be spot checked by someone outside of the district? (See Spot Check Policies for each program)				X	Yes, the District utilizes NRCS to conduct spot checks if needed. The District sends NRCS a list of contracts that require their review.		No			

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<p>The North Carolina Statute 02 NCAC 59D.0107(f) states” If the technical representative of the district determines that a BMP for which program funds were received has been destroyed or has not been properly maintained, the applicant will be notified that the BMP must be repaired or re-implemented within 30 working days. For vegetative practices, applicants are given one calendar year to re-establish the vegetation.”</p> <p>How does your district notify individuals that have destroyed or mismanaged a BMP?</p>		X			<p>First by a phone call, and document in a letter that is mailed out. If District cannot get maintenance/compliance issue corrected within the first call and letter, a formal notification goes to the Division. The current Division contact for noncompliance is Ken Parks.</p> <p>As a reminder, the Commission has developed a Non-Compliance with Maintenance Requirements for Cost Share Contracts policy which outlines steps should you have contracts that are found to be out of compliance.</p>		No			
<p>How are supervisors notified of BMPs that are found to be destroyed or mismanaged at any time throughout the year?</p>				X	<p>Noncompliant contracts are discussed during board meetings.</p>		No			
<p>Does the district provide a written notice that the BMP must be repaired or re-implemented within 30 working days? (Vegetative practices have to be reestablished within one calendar year.) Is a copy of the notification kept in the contract file?</p>				X	<p>Yes, a written notice to repair within 30 days is mailed out to the cooperator one time. If not addressed, then elevated to noncompliance status and notify the Division.</p>		No			
<p>If the BMP was not repaired or re-implemented, was repayment requested? Please provide documentation.</p>				X	<p>Yes, and documentation is placed in file.</p>		No			
<p>Is the district notifying the division of non-compliance and resolutions?</p>				X	<p>Yes for those contracts found out of compliance during spot checks. Please follow the Non-Compliance with Maintenance Requirements for Cost Share Contracts and notify the</p>		No			

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					Division should non-compliance contracts be found at other times during the year.					
Section 3: Record Keeping										
Questions in this section focus on how funds are managed and accounted for, maintaining proper design and job approval authority, as well as disclosure forms.										
Do you use the CS2 reports to show the board available program funds, encumbrances and expenditures?				X	No, the district uses its own spreadsheet. CS2 can be used as a tracking tool as well. You can find all contracts for your county and their status. Thank you for sharing your request for additional reporting option in CS2. We will be working with our ITS staff to accommodate these requests as their staff time permits.		No			
Does your district meet the requirements set forth in the LGFCA (Local Government Fiscal Control Act)? (see district WIKI for compliance dates)				X	Guilford County Planning and Development Department is responsible for LGFCA. An audit was last conducted for the fiscal year ending June 30, 2017.		No			
How are technical assistance and operating funds tracked? Are they audited? What is the date of the last audit? Who performed the audit?				X	Guilford County is responsible for tracking the District's operating funds. Guilford County funds are audited in October each year. The results of the last audit and who performed it can be found on the Guilford County web site.		No			
Who in the office does work for Cost Share Programs?				X	Everyone		No			

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How are matching funds tracked? Are they audited? What is the date of the last audit? Who performed the audit?				X	Matching funds go to the county.		No			
Is proper job approval authority (JAA) documented for each technical and cost share position? Please provide a copy of the latest approved JAA.				X	District provided a copy of the JAA for technical and cost share positions.		No			
Section 4: Contract Reviews and Site Visits Below is a list of the contracts the division reviewed. Spot checks were also conducted. Notes include recommendations and/or corrective action for contract files as well as the BMP. Contracts/BMPs are listed by contract number.										
Contract Number:41-2013-003 Applicant Name: John Clapp BMP:Grassed Waterway 				X	Conservation Plan Summary was missing and no ranking form was viewed. All Grass Waterway BMP conditions were being met the day of this site visit.		No			

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<p>Contract Number:41-2014-004 Applicant Name: Eloise Jones BMP: Livestock Exclusion fencing, Water Troughs</p>  				X	<p>All Water troughs, and heavy use protection pads were installed, the troughs and pads were being maintained, and all BMP conditions were being met the day of this site visit.</p> <p>There were six watering trough/heavy use areas installed as indicated in the original contract. All were in good condition.</p> <p>Contract Number:41-2014-004 Continued.</p> <p>Heavy use areas by old watering troughs were observed during the site visit and in good condition.</p>		No			

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<p>Contract Number:41-2016-014 Applicant Name: Eloise Jones BMP: Livestock Exclusion Fencing, Stream Crossing</p> 				X	All Fencing was observed installed at the stream crossing. The fencing and stream crossing were being maintained, functioning as designed and all BMP conditions were being met the day of this site visit.		No			
<p>Contract Number:41-2016-015 Applicant Name: Eloise Jones BMP: Livestock Exclusion Fencing</p> 				X	Extensive fencing was observed installed around the stream(s) and pond at the site. Cattle are excluded from access to the stream(s) and pond. Fencing is functioning as designed and all BMP conditions were being met the day of this site visit.		No			

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<p>Contract Number: 41-2017-016 Applicant Name: Eloise Jones BMP: Riparian Buffer</p> 				X	Photo of downhill side. Riparian buffer is fenced out.		No			
<p>Contract Number:41-2015-004 Applicant Name: Anna Amoriello BMP:Heavy Use Area Protection,Drought Pasture</p> 		X			<p>The drought pasture renovation had been completed. The first photo is a picture of the condition of the pasture the day of the site visit.</p> <p>The pasture had tracks and appears to be over grazed. Please contact cooperators and provide recommendations regarding maintenance for this contract so that it does not become non-compliant.</p>	Yes		A letter is being sent to the cooperators recommending maintenance for the pasture renovation area; including reseeding tracked areas and rotating cattle off the area.	Letter signed on 4/4/2018 and will be mailed 4/5/2018. Staff will follow up in 30 days for updates or to see if further assistance is needed.	District plan of action accepted.

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					<p>The second photo of the pasture (is a photo that was included in the file) of the good BMP condition of the pasture after the initial renovation was completed.</p> <p>The Heavy Use Area beside the barn was functioning as the BMP was designed to function.</p>					

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Contract Number: 41-2016-003 Applicant Name: Don York BMP: Heavy Use Area Protection 				X	The Heavy Use Area installed beside the barn was functioning as the BMP was designed to function.		No			
Contract Number:41-2017-011 Applicant Name: Don York BMP: Cropland Grass Conversion1-near Dona Rd 				X	All Cropland Grass Conversion BMP conditions were being met the day of this site visit.		No			

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Contract Number:41-2017-014 Applicant Name: Don York BMP: Cropland Grass Conversion 				X	All Cropland Grass Conversion BMP conditions were being met the day of this site visit.		No			
Contract Number:41-2018-005 Applicant Name: Don York BMP: Cover Crops – Incentive practice 				X	All Cover Crop BMP conditions were being met the day of this site visit.		No			

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<p>Contract Number:41-2016-017 Applicant Name: Bowman Dairy BMP: Livestock Exclusion Fencing, Watering Troughs</p> 				X	<p>Extensive fencing was observed. Cattle are excluded from access to the stream. Fencing is functioning as designed and all BMP conditions were being met the day of this site visit.</p> <p>Watering troughs were installed and in use. A pump house is located by the stream. The pump is plumbed to carry water to the livestock watering troughs.</p>		No			

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<p>Contract Number:41-2012-021 Applicant Name: Keck's Dairy BMP: Long-term No Till</p> 				X	<p>Conservation Plan Summary was missing from the file.</p> <p>All Long-term No Till BMP conditions were being met the day of this site visit.</p>		No			
<p>Contract Number:41-2009-015 Applicant Name: Morgan Gray AgWRAP BMP: Irrigation Well (Drought Grant)</p>  <p>AgWRAP Well 41-2009-015</p>			X	<p>Well installed for agricultural use in January of 2009 and used for watering nursery plants. The cooperater built a cabin within the last year, and he indicated that he hooked the well water up to the cabin, which is not an agricultural use. Please follow the non-compliance policy and send a non-compliance notification to the cooperater.</p> <p>The day of this site visit, a heat lamp in the pump house had started destroying the post. Hot wood ashes were observed and the electrical box was melting. The cooperater was called out to the site to remove the heat lamp to prevent a possible fire.</p>	Yes		<p>A letter was signed and mailed to the cooperater on 4/4/2018 requesting that the BMP (Well) be brought into compliance or that a pro-rated amount of the Cost Share funds be repaid to the State.</p>	<p>Letter sent 4/4/2018; requested that repayment be remitted within 30 days. Staff will follow up to make sure this is done by 5/4/2018. If repayment not paid, staff will follow steps 2 through 7 of the Non-Compliance with Maintenance Requirements</p>	District plan of action accepted.	

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					The condition of post and electrical box should be reviewed.				for Cost Share Contracts.	
Contract Number:41-2015-501 Applicant Name: UNC Greensboro CCAP BMP: Cistern 				X	The cistern BMP was observed installed, and operating as designed. No ranking form viewed.		No			
Contract Summary Comments				X	A few of the contract files were missing ranking forms and conservation plan summaries in the older year dated files, but overall file review and recent year files showed excellent record keeping practices.		No			