

MINUTES

NORTH CAROLINA SOIL AND WATER CONSERVATION COMMISSION

Meeting Location:
Ground Floor Hearing Room
Archdale Building
Raleigh, NC
July 16, 2008

MEMBERS PRESENT

Jeff Turlington
Don Cox
Manly West
Richard Smith
Bobby Stanley
William Pickett, Jr.
Ned Y. Hudson

OTHERS PRESENT

Pat Harris
Sandra Weitzel
David Williams
Vernon Cox
Jeff Harris
Anne Coan
Lynn Sprague
Shelly Baird
William Byrum
Susan Pait
Charlie Bass
Michelle Lovejoy
David Cash
Rufus Croom
Cathy Winstead
Steve Bennett

Ed Gavin
Mary K. Combs
Dewitt Hardee
Michelle Raquet
Bill Dunlap
Julie Henshaw
Cindy Draughon
Kelly Ibrahim
Beki Holloway
Ken Parks
Davis Ferguson
Kristina Fischer
Paul Lilly
Wayne Howell
Lynn Whitehurst
Donna Stearns

Summary of Actions Taken by the Commission

1. The following supervisor appointment was **approved**:
 - Michael L. Ferguson – Gaston County
2. The Commission **approved** the following Designation of a Technical Specialist:
 - Bradley Chase Mackey of Lenoir County
3. The Commission **approved** supervisor contracts for the following:
 - Nancy Taylor -Burke SWCD – District BMP, Microirrigation System - (Contract # 12-2008-12-03)- \$26,152.00.
 - Dennis Simmons – Caswell SWCD – 5-Year Sod Based Rotation – (Contract # 17-2008-18-02) - \$5,600.00.
 - Robert E. Brinkley – Hertford SWCD – Well Closures – (Contract # 46-08-502-04) - \$1,481.00.
 - C. H. Johnson – Harnett SWCD – Grassed Waterway – (Contract # 43-08-898-02) - \$1,750.00.
 - Charles Hughes – Lenoir SWCD- Nutrient Management – (Contract #54-08-09-09) - \$1,513.00.
 - Jeff Maness – Montgomery SWCD – Water System, Heavy Use Area Protection, Stream Crossing, and Livestock Exclusion – (Contract #62-08-04-16) - \$12,631.00.
4. The Commission **approved** the resolution to have the Attorney General take all appropriate action to obtain compliance with the terms of the cost share agreement of Mr. Warren Miller.
5. The Commission **approved** the extension of contracts for Mr. Roland Bell and Mr. Charles Allen of Washington SWCD.
6. The Commission **approved** the PY 2009 Allocation of ACSP Financial Assistance pending the Governor’s approval of the State budget. The seven districts that have not sent in their plans will have an automatic release of suspended funds upon receipt of their plans.
7. The Commission **approved** the PY 2009 Allocation of CCAP Financial Assistance and BMP funds.

8. The Commission **approved** the PY 2009 Allocation of Technical Assistance Funds.
9. The Commission **approved** the Second Allocation of the Drought Response Program.
10. The Commission **approved** the recommendation of the TRC to modify the existing cost share practice for Agricultural Pond Renovation and Repair, which would allow controlled livestock access in cases where it is technically infeasible to provide off-pond livestock watering tanks.
11. The Commission **approved** the recommendation of the TRC to modify the existing cost share practice for Agricultural Water Supply Pond, which would modify the requirement for engineering approval to allow any individual with the appropriate level of job approval authority for ponds to approve ponds.
12. The Commission **approved** the recommendation of the TRC that Conservation Irrigation Conversion be approved as a new cost share practice for the Drought Response Program.
13. The Commission **approved** the recommendation of the TRC that the changes of the ACSP Average Costs for PY-2009 be allowed.
14. The Commission **approved** the 2009 ACSP Detailed Implementation Plan.
15. The Commission **approved** the changes made to the PY 2009 CCAP Average Costs List.
16. The Commission **approved** The CCAP PY-2009 Detailed Implementation Plan.

Preliminary Items

The July 16, 2008 meeting of the North Carolina Soil and Water Conservation Commission was held in the Ground Floor Hearing Room of the Archdale Building, 512 N. Salisbury Street, Raleigh, NC.

Chairman Turlington charged the Commission members to declare any conflict of interest or appearance of conflict of interest that may exist for agenda items to be considered by the Commission as mandated by Executive Order Number One. None were noted.

Chairman Turlington called the meeting to order at 9:03 a.m. He welcomed everyone to the Commission meeting. He asked that everyone in the room introduce themselves.

Approval of Agenda

Chairman Turlington stated that on Item #4 of the agenda, *The One-Third Policy Survey Results* would be struck from the Agenda. Two items would be added to #8 of the Action Items: #8A - *The Warren Miller Resolution* and #8B - *The Request for Extension of Program Year 2006*.

Mr. Manly West offered a motion to approve the agenda as amended, with Mr. Richard Smith providing a second. The motion carried.

Approval of Minutes

The May 27, 2008 minutes were amended with the addition of Ned Y. Hudson as attending that meeting.

Mr. Ned Hudson offered a motion to approve the minutes as amended. Mr. Bobby Stanley provided a second and the motion carried.

INFORMATIONAL ITEMS

Division Report

Ms. Pat Harris gave a power point presentation for her Division Report. (See attachment.)

- Division established in 1979 to administer a comprehensive statewide program to protect and conserve the state's soil and water conservation resources.
- Mission Statement- foster voluntary incentive-driven natural resource management for the benefit of the environment, economy and all citizens
- There are currently 66 positions in the division with 54 appropriated positions, 11 on receipt supported funds, and 1 position on split funds.
- The guiding principles of the Division are:
 - locally-led conservation
 - non-regulatory
 - voluntary
 - incentive -based

Ms. Harris presented the Organizational Chart of the Division beginning with the Administrative positions. She then proceeded to the Technical Services Section,

the NonPoint Source Program, the Conservation Reserve Enhancement Program, and District Operations.

Ms. Harris introduced Cindy Draughon who is the new Public Information Officer for the Division. She also stated that Susan Pait, Lynn Sprague and Portia Hargrove would be leaving the Division at the end of July.

Regarding the budget, Ms. Harris stated that division funds were as follows:

- Appropriated funds in the amount of \$16.2 million were used for salaries, operating funds, and Ag Cost Share.
- Special Funds were in the amount of \$13.5 million.
- Financial Management included cost saving measures in travel and in use of mobile phones.
- No money was reverted.

Ms. Harris stated that the managers will be going through training at the end of August to get more responsibility for their individual programs.

Ms. Harris reported that costs are increasing especially with division motor fleet cars. There will be a \$50,000 increase in supervisor travel funds once the governor signs the budget. This is non-recurring funds.

Ms. Harris reported on the District Operations Work Group, which met on May 20, 2008. It was composed of 3 district supervisors, 3 area coordinators, a district employee, Chester Lowder, Cecil Settle, Lynn Sprague and herself.

This group was charged with prioritizing tasks in order to develop the District Operations scope of work within policies, guidelines, and given resources that would be used as a basis to establish the Memorandum of Understanding (MOU) and operational agreements between the Association and the Division.

Ms. Harris stated that the Transition Plan for District Operations due to Mr. Sprague's leaving consist as follows:

- Area coordinators will report to Director
- Sandra Weitzel appointed Team Leader
- 2008-2009 Staff Assignments
- Continue to deliver quality services to districts by District Ops, Technical Services, and Nonpoint Source
- Assessing the division's workload and looking for improvement opportunities
- Expand and enhance the capacity of the conservation partnership

The Agriculture Task Force is a voluntary work group that will advise and make recommendations to the Commission. It will be made up of representatives from the Division, Cooperative Extension Service, FSA, NRCS, NCDA&CS, Farm Bureau, and

the State Grange. The first meeting will be held on August 5, 2008 at 1:30 p.m. at the NCDA&CS Agronomic Division building.

NCACSP – Annual Spot Checks for PY 2008

Ms. Michelle Raquet reported that the annual spot checks for program year 2008 have been turned in except for three districts—Lenoir, Pender, and Rowan.

NRCS Report

Ms. Mary Combs presented the NRCS report noting the following items:

- EQIP – (Environmental Quality Incentive Program – the backlog of contracts have been reduced from 42% to 8%.
- WHIP – Wildlife Habitat Incentive Program – the backlog of contracts have been reduced from 30% to 1%.
- Additional \$1,000,000 in EQIP funds, which must be used by August 15, 2008.
- Restructuring Plan – Trying to place staff in high priority workload counties. Two technicians recently were assigned to heavy duties counties. There are 190 FTE in the state at present. The goal is 185.
- A pre-audit was conducted regarding the swine industry, which was very positive data.
- National Training will be held in August 2008.

Regarding personnel changes, Lane Price, who has been Assistant for Technology for NRCS, has been chosen by head quarters to serve in leadership. He will remain in North Carolina.

The Association Report

Mr. Bobby Stanley reported on the following places and events he has attended or will attend as President of the Association:

- June 10 - Attended James Ferguson's fish fry in Haywood County
- June 17 – Met with Steve Troxler's ADF-PT group
- June 27 – Attended the Resource Conservation Workshop
- July 1 - Worked on the Memorandum of Understanding
- August – SENACD Meeting in Biloxi, Mississippi
- August 18-22 – DEW

Mr. Stanley stated he planned to attend most of the Fall Area meetings.

He asked all supervisors to encourage their districts of the benefits of having an association director.

ACTION ITEMS

Consent Agenda

Mr. Richard Smith made a motion to approve the agenda. Mr. Don Cox provided a second and the motion carried.

Nomination of Supervisors

The following supervisor was approved for appointment:

- Mr. Michael L. Ferguson filling the un-expired term of R. Wilson Barnett of Gaston SWCD.

Approval of Technical Specialist

The following applicant was approved as a Technical Specialist:

- Mr. Bradley Chase Mackey from Kinston, NC.

Approval of Supervisor Contracts

The following supervisor contracts were approved:

- Ms. Nancy Taylor of Burke SWCD – District BMP, Microirrigation System – Contract # 12-2008-12-03 in the amount of \$26,152.
- Mr. Dennis Simmons of Caswell SWCD- 5-Year Sod Based Rotation – Contract # 17-2008-18-02 in the amount of \$5,600.
- Mr. Robert E. Brinkley of Hertford SWCD – Well Closures – Contract # 46-08-502-04 in the amount of \$1,481.
- Mr. C.H. Johnson of Harnett SWCD – Grassed Waterway – Contract #43-08-898-02 in the amount of \$1,750.
- Mr. Charles Hughes of Lenoir SWCD – Nutrient Management – Contract # 54-08-09-09 in the amount of \$1,513.
- Mr. Jeff Maness of Montgomery SWCD – Water System, Heavy Use Area Protection, Stream Crossing and Livestock Exclusion – Contract # 62-08-04-16 in the amount of \$12,631.

Request for Extension of Program Year 2006 ACSP Contracts

Mr. David Williams presented photos regarding the structure on the Warren Miller farm. The structure was to be used for manure storage and instead it was used for feeding his cattle. He has also been feeding cattle too close to the stream.

The Board has asked that the State initiate proceedings to collect the pro-rated repayment.

Mr. Miller has asked that the Commission's consideration to turn it back to the Board and not to have to pay.

Chairman Turlington stated that this situation had been discussed at the May Commission meeting. The Board asked that the Commission resolve this matter. Mr. Miller has been documented in and out of compliance many times.

Chairman Turlington stated that it has been requested that the Commission forward this matter to the Attorney General's office along with the following resolution.

Mr. Ned Hudson presented the resolution:

The Commission requests that the Attorney General take all necessary and appropriate action to obtain compliance with the terms of the cost share agreement with Mr. Warren Miller or in the alternative to recover damages for breach of the agreement.

Mr. Ned Hudson moved that the Commission approve this resolution. Mr. Bobby Stanley provided a second. The motion carried

Ms. Michelle Raquet stated that there are two contracts that needed extension approvals.

Mr. Paul Lilly and Mr. Wayne Howell presented the extension request for Mr. Roland Bell of Washington County, Contract #94-06-18-11. Mr. Lilly stated that the project had been completed. The problem had been getting the paperwork in on time for payment to be paid out by the deadline.

Mr. Lilly also presented Newco Farms, Inc that is owned by Charles Allen, Contract #94-06-14-11. Mr. Lilly stated that Mr. Allen has been undergoing extensive health problems and this has delayed his finishing the project. He requested an extension due to his health problems.

Mr. Richard Smith offered a motion that these two extensions be approved. Mr. Manly West provided a second. The motion carried.

**Initial Allocation of ACSP Financial Assistance
(BMP) Funds for Program Year 2009 (Pending Budget Approval)**

Mr. David Williams reported the following allocation funds:

SOURCE

- 2009 Appropriation - \$5,176,066
- Cancel/Expired from 2006 - \$1,067,702
- Released 2008 CREP Earmark - \$124,943
- Released 2008 Impaired/Impacted Earmark - \$77,441
- Released 2008 Drought Earmark - \$42,144

- Cancelled/Released 2008 Regular Cost Share - \$411,286
- Total Available Funds - \$6,899,582

RESERVE FUNDS

- 5% Contingency - \$258,803
- Previous Drought Earmark - \$1,000,000
- July Allocation - \$5,640,779

Mr. Williams stated that the proposed allocation transfers \$25,057 of regular cost share to CREP Earmark and \$22,559 of regular cost share funds to Impaired/Impacted Streams Initiative Earmark.

Mr. Williams requested that the Commission suspend the allocations for the three districts (Lenoir, Pender, Rowan) that have not turned in their spot checks and the four districts (Caswell, Johnston, Macon, Person) that have incomplete strategy plans.

Mr. Williams said with approval from the Commission, funds would be released once an acceptable plan was received from each of the seven districts.

Mr. Don Cox made a motion that approval of the allocation pending the Governor's approval of the budget and with the automatic release of suspended funds for the seven districts. Mr. Manly West provided a second. The motion carried.

Initial Allocation of CCAP Financial Assistance (BMP) Funds for Program Year 2009

Ms. Julie Henshaw presented the following PY2009 CCAP Allocation:

- 2009 Appropriation - \$175,090
- 2007 Grant Unencumbered Funds - \$988,206
- Total Available Funds - \$1,163,296

Ms. Henshaw requested that the allocation of \$1,163,296 for 65 districts for the CCAP Program be approved.

Mr. Manly West made a motion to approve the allocation. Mr. Don Cox provided a second. The motion carried.

Allocation of Technical Assistance Funds for Program Year 2009

Mr. David Williams presented the PY 2009 Technical Assistance which covers salaries and benefits for 110.85 Full Time Employees (FTE) and 98 districts will benefit from this allocation.

The allocations funds are:

- Appropriations –\$2,448,778
- Non-recurring appropriation - \$200,000
- Carry Forward from PY 2007 - \$126,878
- Federal 319 Funds - \$151,876
- NRCS funds - \$15,782
- Total - \$2,943,314

The proposal would add a technician to Harnett County. Greene County will not be filling their position.

Mr. Williams stated that the division is proposing an increase of the cap to \$1,000 on salaries and benefits - \$25,500. Operating expenses of \$1,675 per FTE is also proposed.

Mr. Williams added that \$22,000 was retained to the contract for Certified Conservation Planner Training for District Employees.

Mr. Richard Smith made a motion to approve this allocation for technical assistance. Mr. Bill Pickett provided a second. The motion carried.

Second Allocation of Drought Response Program (Grant) Funds

Mr. David Williams reported that in May, an allocation was made in anticipation of what would be available. The Division's contract with the Rural Economic Development Center was signed on June 16 with the following provision regarding allocation of grant funds.

DSWC will work through the Soil and Water Conservation Commission (SWCC) to allocate available grant cost share funds to local soil and water conservation districts (SWCDs) based on estimates of demand by eligible agricultural producers submitted by SWCDs and on extent to which each district was impacted by the drought in 2007 and 2008.

Mr. Williams said that the allocation previously made in May had to be revised and refigured. He stated that counties were assigned a value to indicate the degree of drought for each week.

The drought impact score and the funding need percentage score were combined to determine a ranking for each county.

Mr. Bobby Stanley made a motion to approve the second allocation for the Drought Response Program. Mr. Richard Smith provided a second and the motion carried.

TRC Recommendations (Average Cost List for the ACSP and BMP Modifications)

Mr. David Williams reported that the Technical Review Committee via teleconference met on July 2 and July 7, 2008. The following recommendations are offered for the Commission's consideration.

The TRC recommends the Commission approve modification of the existing cost share practice for Agricultural Pond Renovation and Repair. The current practice requires complete exclusion of livestock in all cases.

The proposed revision would:

- Allow controlled livestock access in cases where it is technically infeasible to provide off-pond livestock watering tanks.
- Remove the requirement for original pond design to be available
- Modify the requirement for engineering approval to allow any individual with the appropriate level of job approval authority for ponds to approve a pond renovation.

Mr. Bobby Stanley offered a motion to approve the proposed revision for Agricultural Pond Renovation and Repair. Mr. Ned Hudson provided a second, and the motion carried.

The TRC recommends the Commission approve modification of the existing cost share practice for Agricultural Water Supply Pond. The modification would modify the requirement for engineering approval to allow any individual with the appropriate level of job approval authority for ponds to approve a pond.

Mr. Richard Smith made a motion to approve the modification to modify the requirement for engineering approval. Mr. Manly West provided a second. The motion carried.

The TRC recommends the Commission approve Conservation Irrigation Conversion as a new cost share practice for the Drought Response Program. This practice would provide cost share to assist modification of existing overhead spray irrigation systems to increase the efficiency and uniformity of irrigation water application.

Mr. Ned Hudson offered a motion to approve Conservation Irrigation Conversion as a new cost share practice. Mr. Bobby Stanley provided a second, and the motion carried.

The TRC recommends that the Commission approve the proposed modifications of the adjusted current cost share average costs.

Mr. Manly West made a motion that the proposed current cost share average costs be adopted. Mr. Bill Pickett provided a second, and the motion carried.

Approval of the 2009 ACSP Detailed Implementation Plan

Mr. David Williams reported that this plan is the official authorized list of practices that are eligible for cost share funding. (See attachment.) Mr. Williams noted that item #22 should be corrected to read \$4,200 and not \$3,000.

Mr. Ned Hudson made a motion that the Detailed Implementation Plan for 2009 be approved. Mr. Richard Smith provided a second, and the motion carried.

CCAP Average Cost List for Program Year 2009 and BMP Modifications (Cisterns)

Ms. Julie Henshaw presented the 2009 CCAP Average Costs list. She presented the proposed changes to the following BMPs:

- Backyard rain Garden - Bioretention excavation
- Backyard wetland - Wetland excavation
- Cisterns –1000 gal. installed, 3000 gal. installed, above 3000 gal. installed, accessories package, shipping charges
- Critical area planting – Grading, vegetation (grass)
- Diversion – excavation, vegetation (grass)
- Grassed swale – vegetation (grass), filter cloth, vegetation mulch, netting and small grain straw
- Pet waste receptacle – Cap of \$600

Mr. Don Cox motioned that the changes to the CCAP Average Cost List for PY 2009 be approved. Mr. Bill Pickett provided a second and the motion carried.

Approval of the 2009 CCAP Detailed Implementation Plan

Ms. Julie Henshaw reported that the 2009 CCAP Detailed Implementation Plan has no changes.

Mr. Manly West made a motion to approve the 2009 CCAP Detailed Implementation Plan. Mr. Ned Hudson provided a second, and the motion carried.

Special Presentation

Chairman Turlington presented a plaque to Susan Pait for her two years of service with the Division. She will be leaving the Division to work with the Department of Administration.

Chairman Turlington presented a plaque to Lynn Sprague for his work in District Operation. He stated that he wanted to recognize him for the exceptional job he has done and his leadership.

Mr. Sprague thanked the partnership for their leadership and dedication in the past eight years. He accepted a job with Polk County starting August 1.

Public Comments

Ms. Anne Coan presented several issues.

Adjournment

Chairman Turlington adjourned the meeting at 10:57 a.m.

Patricia K. Harris, Director

Donna L. Stearns, Hearing Clerk