



# NORTH CAROLINA SOIL & WATER CONSERVATION COMMISSION MEETING MINUTES

**May 19, 2010**

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

Commission Members	Others Present	
Manly West	Pat Harris	James L. Hall
Vicky Porter	David Williams	Dewitt Hardee
Richard Smith	JB Martin, Jr.	Melanie M. Harris
Bobby Stanley	Linda Pearsall	Julie Henshaw
James Ferguson	Charlie Bass	Kelly Ibrahim
William Pickett, Jr.	Shelly Baird	Ralston James Jr.
	Steve Bennett	Chester Lowder
	C.R. Campbell	Michelle Lovejoy
<b>Commission Counsel</b>	Cindy Draughon	Ken Parks
Frank Crawley	Bill Dunlap	Erin Porter
	W. Henry Edwards	Michelle Raquet
	Davis Ferguson	Travis Ringo
	Lisa Fine	Gavin Thompson
	Kristina Fischer	
	Dick Fowler	

Chairman Manly West called the meeting to order at 9:00 a.m. Chairman West read the State Ethics Act, none of which was noted. Board members and staff present introduced themselves.

**APPROVAL OF AGENDA:** The meeting agenda was approved with a minor change to remove the Clay District’s supervisor appointment from the consent agenda. Commissioner Richard Smith made a motion to approve the amended agenda. The motion was seconded by Commissioner Bobby Stanley. Motion carried.

**APPROVAL OF MINUTES:** The minutes of the Commission Meeting held on March 17, 2010 were presented and approved with a motion made by Commissioner Richard Smith and seconded by Commissioner Bill Pickett. Motion carried.

**INFORMATIONAL ITEMS:**

**3. Division Report:** Mrs. Pat Harris, Director of Soil and Water Conservation, updated the Commission on the Waterkeeper’s Alliance petition to the Environmental Management Commission to put together surface and groundwater monitoring rules for livestock operations. She indicated that this issue was brought to the Commission in the past. She noted that DENR (Department of Environment and Natural Resources) is working with EPA in hopes of securing the funds needed to evaluate the effectiveness of the monitoring rules and its impact. Mrs. Harris indicated that at this time it was uncertain if funding

would be available. She reported that the EMC extended the commenting period for an additional 60 days and that five-day Biochemical Oxygen Demand and Fecal Coliform had been removed as required monitoring components from the proposed rule.

Mrs. Harris announced that David Williams was promoted as the Division's Deputy Director effective May 3, 2010. She welcomed Daphne Pinto as the Program Assistant IV for the Division effective May 10, 2010, Shelley Armour as the Environmental Specialist based in Washington NC with the Operation Review Team effective May 11, 2010, and Chuck Reddick as the CREP (Conservation Reserve Enhancement Program) Surveying Technician effective May 10, 2010. The vacant Section Chief positions for Technical Services and NPS were discussed. The applications for the Technical Services Section Chief are in process of review and the prospective candidates will be interviewed. Other vacancies include the Operation Review position in Wilmington, and the Area 5 Coordinator position to be posted after July 1, 2010.

Mrs. Harris shared the following information:

- Supervisor Travel, Per Diem & Subsistence for FY 2009-2010
  - Commission & districts authorized allocation = \$289,690
  - District expenditures as of April 30, 2010 = \$257,000
  - Commission expenditures as of April 30, 2010 = \$4,357
  - Balance as of April 30, 2010 for commission and district supervisor travel, per diem and subsistence is \$27,865
- Supervisor Travel, Per Diem & Subsistence for FY 2009-2010 – Budget Guidelines and March Expenditures were compared as follows:
  - Budget guidelines: District meetings & spot checks 50%, Commission meetings 3%, School of Government training 5.5%, Area meetings 5.5%, annual state meeting 36%.
  - March expenditures: District meetings & spot checks 51%, Commission meetings 1.7%, School of Government training 1%, Area meetings 10.7%, annual state meeting 35.5%.
- District Financial Update – 78% of the districts have responded to a Division survey. Using 2008-2009 as the base year, the number of districts employees FTEs (Full Time Equivalents) has declined from 189 to a projected 177 for FY2010-2011. Mrs. Harris informed the Commission that many districts reported that their counties were implementing furloughs in lieu of position elimination. She indicated that through the survey, many districts were making cuts to the following line items – travel, training, subscriptions and dues, cell phones/internet, supplies, outreach and education.
- State Budget Process for FY 2010-2011 – Governor's Budget, April 20, 2010
  - Gov. Perdue's budget targets almost \$1 billion in spending cuts
  - Reduces spending 5-7% for most agencies. Reduces spending for education entities at <4%
  - Eliminates more than 600 positions
  - DENR spending reduction at 7.23%
  - DENR net loss of 49.5 positions
- State Budget Process for FY 2010-2011 – The proposed reductions to the division's budget by the Governor's budget and the Senate Budget released last Friday were compared.
  - Governor's Budget released April 20, 2010: Agriculture Cost Share financial assistance for BMP implementation (\$535,711), Conservation Reserve Enhancement Program/CREP (\$289,640), DSWC operating budget (\$25,862), and district matching funds (\$10,000)
  - Senate Budget released May 14, 2010: Agriculture Cost Share financial assistance (\$212,153), CREP (\$289,540), and Community Conservation Assistance Program/CCAP (\$6,903)
  - Mrs. Harris concluded that the Senate was scheduled to approve their budget on Thursday, May 20, 2010 and then the process will move to the House.

- On May 11, 2010 Sec. Dee Freeman announced details for a DENR reorganization for FY 2010-2011. The reorganization includes the following:
  - Division of Environmental Health programs are proposed to move to the Dept. of Health & Human Services. DENR is to retain the Public Water Supply Section. This section will be reassigned to the Division of Water Resources.
  - Division of Pollution Prevention & Environmental Assistance will be split between two existing divisions. The Community and Business Assistance Section will move into the Division of Waste Management. The Industrial Assistance Section will be moved under DENR's Customer Service Center.
  - Office of Environmental Education will be combined with DENR's Office of Public Affairs
  - The four-person Office of Conservation and Community Affairs will evolve into a three-person staff (administration change).
  - Division of Natural Resources Planning & Conservation (DNRPC) will merge with the Division of Soil and Water Conservation (DSWC)
- Mrs. Harris concluded by introducing Mrs. Linda Pearsall, Director for the Division of Natural Resources Planning and Conservation.

**4. Division of Natural Resources Planning & Conservation:** Ms. Pearsall presented the following information:

- NRPC contains four programs: 1. Albemarle Pamlico National Estuary Program (APNEP), 2. Conservation Incentives Program, 3. Natural Heritage Program, 4. Stewardship Program.
- APNEP: began in 1987 as the Albemarle Pamlico Estuary Study (APES) and was later established in 1995 as APNEP. The program is funded through a grant from EPA under the Clean Water Act, governed by an advisory board of representatives from North Carolina and Virginia, and is supported by science and citizen committees, and a 4 member staff.
- APNEP Mission: To identify, restore, and protect the significant resources of the Albemarle-Pamlico Estuarine System.
- APNEP Program Area is approximately 23,000 sq. miles, 33 counties.
- Conservation Incentives Program: Incorporates Conservation Tax Credit Program (100 reviews per year), Million Acres Initiative (tracks conservation areas), Conservation Collaborative (Multi-county partnerships), and one staff person, Scott Pohlman
- Breakdown of public benefits of Conservation Tax Credit Projects – Natural Areas 15%, Parkland 6%, Farmland 34%, Fish and Wildlife 14%, Working Forests 6%, Public Trails and Beach Access 9%, and Watershed Protection 17%.
- NC Natural Heritage Program was founded in 1976, is part of an international network, funded through a mix of appropriations and receipts (Natural Heritage Trust Fund grants), is partnership focused, non-regulatory, and employs 16 staff.
- Three major program functions: 1. Inventory – High quality natural communities, rare species locations, significant natural areas, and wildlife habitats, 2. Information sharing, 3. Supports conservation.
- Natural Areas Inventory is by county: 85 counties completed in partnerships with local governments, land trusts, and Conservation Districts. Counties underway are Alexander, Caswell, Cherokee, Graham, Mitchell, and Union. Mrs. Pearsall expressed that copies of the reports can be provided electronically, and noted that her contact number is listed at the end of her presentation.
- Stewardship Program: 1. Works to ensure that state-held conservation easements are managed to protect water quality, wildlife habitat, and provide open space, 2. Funded through an agreement with EEP (Ecosystem Enhancement Program) and 3. One staff person – Eric Galamb.
- Stewardship Program was funded in 2006 through endowment and contracts in partnership with the Ecosystem Enhancement Program. There are currently 100 projects with 500 new projects to

be completed over next 5-10 years. The Stewardship Program works in partnership with CREP, land trusts, and Conservation Districts.

- Mrs. Pearsall noted the Natural Heritage Program is separate from the Natural Heritage Trust Fund (NHTF) which provides grants to state agencies to support land acquisition, inventory of natural areas, and conservation planning. The Natural Heritage Trust Fund provides grants to support Natural Heritage Program. For example, NHTF provided a grant to DSWC to purchase land at Eagles Island in Brunswick County for public interest.
- In conclusion, Mrs. Pearsall expressed that she was excited about the merger with the Division of Soil & Water Conservation and stated some of the advantages: 1. Shared emphasis on working with private landowners and conservation of all natural resources, 2. History of using multiple conservation tools including landowner agreements, easements, and partnering, 3. Opportunity to build stronger partnerships with Districts and county governments.
- Chairman Manly West asked if the Commission had any questions and welcomed Mrs. Pearsall to the Division. He added that the two Divisions would compliment each other.

**5. Association Report:** James Ferguson, President, NCASWCD presented the following:

- Executive Director Initiative
- Leadership Initiative
- Strategic Plan
- State Speech Contest
- Conservation Farm Family Celebration

**Executive Director Initiative:** Mr. Ferguson reported that the Executive Committee voted on Tuesday, May 18, 2010 to advertise for the Executive Director position starting on June 1, 2010. He indicated the target date for hire was September 1, 2010. Brief details of the contract were noted between the Association and the Division of Soil & Water Conservation. Mr. Ferguson expressed that funds from the potential contract would be used to offset a portion of the salary for the Executive Director.

**Leadership Initiative:** Mr. Ferguson reviewed details on the first, second, and third upcoming Leadership Initiative program. He noted that the second training session was held on March 22 & 23, 2010. General Statutes 139 and 143 were included in the training along with the in-depth look at the Association's bylaws. The third and final session for the first group of supervisors in the leadership initiative is being planned for September 2010 with a focus on leadership styles and attributes.

**Strategic Plan:** It was stated that the Association's first ever strategic plan was developed and drawing to a close after eight months of planning, data gathering, and involving the district supervisors from across the state. The Aycock Group (consultant) has developed the first draft of the Strategic Plan and it is being reviewed by the Executive Committee and the Strategic Planning Committee. The final draft of the plan is slated to be completed by early June. It was noted that a copy of the plan will be distributed to the 492 supervisors, District offices, and external partners.

**State Speech Contest:** Mr. Ferguson expressed that the speech contest held on Friday, May 14 was a success. He noted that the eight contestants from the 7<sup>th</sup> grade and eight contestants from 8<sup>th</sup> grade presented excellent speeches on "The Living Soil" and added that the judges had a tough time deciding on the first and second place.

The awards were distributed to contestants from the following districts:

- ❖ Grade 7 First place - Guilford SWCD
- ❖ Grade 7 Second place - Wilkes SWCD
- ❖ Grade 8 First place - Bladen SWCD
- ❖ Grade 8 Second place - Moore SWCD

It was noted that David Knight, DENR Assistant Secretary for Natural Resources made some opening remarks and stayed for several of the 7<sup>th</sup> grade speeches.

**Conservation Farm Family Celebration:** Mr. Ferguson informed the commission that the 2010 State Conservation Farm Family winner was the John Langdon Family Farm in Johnston County. He noted that a celebration will be held on Friday, June 18 at the Langdon Farm. He expressed that all state senators and representatives and a number of state dignitaries have been invited. Mr. Ferguson concluded that John Langdon was a supervisor with the Johnston SWCD and is currently serving as Area 4 chair.

**6. NRCS Report:** Mr. JB Martin, State Conservationist shared the following information:

- 2010 marks the 75<sup>th</sup> anniversary of the Natural Resources Conservation Services (NRCS) and the beginning of the federal commitment to conserving natural resources on private lands.
- Established by Congress in 1935 as the Soil Conservation Service (SCS), NRCS has expanded to become a conservation leader for all natural resources; ensuring private lands are conserved, restored, and more resilient to environmental challenges. It was founded by Scientist, Hugh Hammond Bennett.
- 70% of the land in the United States is privately owned. Through a cooperative conservation partnership between NC Conservation Districts, landowners, and a host of other state and federal and private organizations, NRCS is able to help protect, enhance, and sustain valuable natural resources.
- Agency's mission: Helping people help the land.
- Feedback - Agency statistics show dramatic improvements in North Carolina's natural resources because of conservation practices observed by all districts.
- Operations: NRCS Advisory Committee – Set up in November 2009. Utilized by NRCS to provide input on policy and procedural changes that may affect the partnership.
- Partnership Accomplishments: Mr. Martin indicated that he was a firm believer in the partnership program. He added that the program has currently been successful in the five states he has served. The Conservation Partnership produced significant accomplishments in FY 2009. These accomplishments were the result of all of the employees of the NRCS, DSWC, and Districts, along with SWCD supervisors and other partners working together to get conservation on the ground. He noted that NRCS appreciates the contributions made by the District Employees in NC in helping to implement the conservation programs throughout the state. A breakdown was provided in the handout.
- Conservation Programs: Mr. Martin provided the following allocation information:
  - Environmental Quality Incentives Program (EQIP) - \$14,231,826
  - Farm and Ranchland Protection Program (FRPP) - \$2,848,614
  - Conservation Security Program (CSP) - \$359,000
  - Wildlife Habitat Incentives Program (WHIP) - \$382,347
  - Wetland Reserve Program (WRP) - \$9,600,444
- The handout provided information on CRP, CSP, EQIP, CIG, EWP, AWEP-Floodplain Easements, FRPP, Deep Creek Watershed, Swan Quarter Watershed, WHIP, and WRP.
- Seven CIG pre-proposals that were submitted for projects in NC were listed in the handout.
- Mr. Martin noted that everyone applying for the program was given a fair chance. He expressed that focus is not given to the dollar amounts; instead the focus is on protecting the natural resources in the state of North Carolina. He pointed out that technical process will be given a different approach. He noted that two meetings are scheduled this year in the western, and eastern parts of North Carolina.
- Mr. Martin concluded that the conservation program has had a wonderful opportunity and indicated that in order to provide assistance, USDA needed to plan accordingly, and set priorities based on addressing the natural resources in the state of North Carolina. He asked the Commission if they had any questions and informed them that they could contact him at any time.

## **V. ACTION ITEMS:**

### **7. Consent Agenda**

Commissioner Bill Pickett made a motion to approve the consent agenda. The motion was seconded by Commissioner Richard Smith, and the motion passed unanimously.

The following items were approved as part of the consent agenda.

#### **A. Nomination of supervisors:**

- Chad Spencer of Hyde County filling the unexpired term of Lindsey Mooney
- David Roy Bowman of Guilford County filling the unexpired term of Glenn Crutchfield
- Douglas William Lee of Johnston County filling the unexpired term of Irving K. Pittman

#### **B. Approval of NCACSP supervisor contracts:**

- Contract 21-10-200-04; Fred Smith; Chowan SWCD; well (irrigation); \$2,670
- Contract 24-10-19-08; Alex Jordan; Columbus SWCD; nutrient management; \$14,996
- Contract 25-10-02-09; Benjamin Potter; Craven SWCD; precision nutrient management; \$10,331
- Contract 43-10-950-02; Joseph Kent Revels; Harnett SWCD; grassed waterway, diversions; \$3,917
- Contract 61-10-15-05; Alfred Breedin; Mitchell SWCD; pasture renovation, waste application (manure spreader); \$3,075
- Contract 62-10-25-16; Debbie Cullers, Montgomery SWCD; well (confined animal operation); \$5,225
- Contract 69-10-03-09; Elbert Lee; Pamlico SWCD; land smoothing; \$10,335
- Contract 69-10-09-09; Benjamin Potter; Pamlico SWCD; water control structures; \$4,099
- Contract 71-10-16-02; S Eugene Jordan; Pender SWCD; cropland conversion; \$2,862
- Contract 76-10-715-02; Shane Whitaker; Randolph SWCD; micro irrigation; \$7,050
- Contract 82-10-23-02; Henry Moore III; Sampson SWCD; rooftop runoff management; \$6,111
- Contract 88-10-10-05; Alan Jackson; Transylvania SWCD; well (irrigation); \$5,413
- Contract 92-10-206-09; Donnie Woodlief; Wake SWCD; pond renovation; \$3,000
- Contract 97-10-07-16; Van Hemric; Yadkin SWCD; pasture renovation; \$1,800
- Contract 31-10-16-02; G. Rouse Ivey; Duplin SWCD; cropland conversion; \$2,711

#### **C. Approval of CCAP supervisor contracts:**

- Contract 60-10-504-03; William Gray Newman; Mecklenburg SWCD; backyard rain garden; \$1,186
- Contract 90-10-502-16; J. Kenneth Mills; Union SWCD; abandoned well closure; \$1,100

#### **D. CCAP Job Approval Authority:**

- County #28; Vonnie Wescott; Dare SWCD; Pet Waste Receptacle
- County #60; Leslie VandenHerik; Mecklenburg SWCD; Pet Waste Receptacle, Critical Area Planting, Impervious Surface Conv.
- County #92; Teresa Furr; Wake SWCD; Pet Waste Receptacle, Critical Area Planting, Impervious Surface Conv., Grassed Swale, Backyard Rain Garden, Cistern (3,000 gal or less)

**E. Supervisor Appointment for the Clay District:** The Commission evaluated the Clay Soil & Water Conservation District appointment of Mr. Glen Cheeks to fill the unexpired term of Mr. Andrew

Blankenship. Commissioner James Ferguson mentioned receiving a letter from a Clay County citizen expressing concern about the district's supervisor recommendation in light of recent district performance. Commissioner James Ferguson made the motion to table the appointment until the next meeting and asked a supervisor from the Clay District to come to the next Commission meeting to explain the recommendation and provide additional information. Commissioner Richard Smith seconded the motion and the motion carried unanimously. Chair Manly West requested Mr. Dick Fowler convey the message to Clay District.

#### **8. TRC Recommendations:**

This item was presented by Mr. David Williams, Deputy Director for Soil & Water Conservation.

The following action was approved:

- At the previous meeting the Commission approved allowing cost sharing for water meter with a well for irrigation or with confined livestock. Commissioner William Pickett made a motion, seconded by Commissioner James Ferguson to approve water meters as a practice for pasture based livestock operations. It will be paid at 75% actual costs not to exceed \$400. The motion was passed unanimously.

TRC has several workgroups that are actively working to research possible new BMPs or enhancements to existing BMPs. These work groups include:

- Christmas Tree/Orchard BMPs Workgroup
- Crop Residue Workgroup
- Enhanced Water Management workgroup
- Aquaculture Workgroup
- Tailwater Recycling Workgroup
- ACSP Program Assessment
- Pasture BMPs Workgroup
- Water Use Efficiency Workgroup
- Precision Farming Workgroup
- Compost Workgroup
- Cost Share Eligibility Workgroup
- Conservation Effects Estimation Workgroup

#### **9. SWCC Cost Share Committee's Recommendations presented by David Williams.**

The following actions were approved:

- The Committee recommended the Commission endorse the proposed policy, but hold off on issuing final approval until the Commission's Counsel is able to work with Division staff to develop a form for district supervisors to use to indicate the services they might provide on cost share contracts. Chairman Manly West requested the panel for a consensus. The consensus was for the division to draft a form for the Commission's approval in July.
- The Committee is recommended to modify the Commission's allocation formula rule 15A NCAC 6E.0103 to eliminate the parameter #5 (percent of allocated funds encumbered to contracts) and shift the weight from this parameter to parameter #6 (percent of funds encumbered to contracts that are expended). This would place greater emphasis on each district's performance at getting cost share funds implemented as BMPs on the ground. Commissioner Richard Smith made a motion to adopt the concept and submit to the Districts for comments. Commissioner Vicky Porter seconded the motion. The motion was approved.
- The Committee recommended establishing a third criterion for qualifications for technical assistance positions. The third criterion would require a technical employee to obtain job approval authority from the Commission or NRCS for at least 2 BMPs (at least one must be an

engineering practice) within 2 years of being hired or within 2 years of the effective date of the rule. The purpose of this is to help build district capabilities to do technical work as needed to implement the Commission's cost share programs. Commissioner Richard Smith made a motion to send it to the Districts for comments, seconded by Commissioner Bobby Stanley. The motion was passed.

#### 10. Cost Share Issues from Districts

- A. Post Approval of Lagoon Conversion Program Contract – The Sampson Soil and Water Conservation District is requesting approval from the Soil and Water Conservation Commission for the Lagoon Conversion Program contract 82-09-202-02 administered through the ACSP. A handout was provided with details of timeline and summary of events. Michelle Raquet informed the Commission that the contractor for the project assumed that once the DWQ permit for the project was received, it was acceptable to begin construction. She recommended approving the contract.

Chairman Manly West requested comments from Dr. Ray Campbell of Supersoils, and the representatives of the Sampson Soil and Water Conservation District. Dr. Campbell apologized for the miscommunication and assured it will not happen again. Commissioner Bobby Stanley made a motion to approve, seconded by Commissioner James Ferguson. Motion carried unanimously.

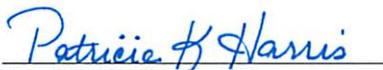
- B. Post Approval of CCAP Contract – Contract for 81-10-502-01; a handout was provided with details of timeline and summary of events. Before and after pictures of the stream restorations were provided. Julie Henshaw presented information about the contract involving stream restoration in the Rutherford SWCD. Chairman West asked for comments from Mr. Henry Edwards, Supervisor from the Rutherford SWCD and Mr. Travis Ringo, Rutherford SWCD staff. Commissioner William Pickett made a motion to approve, seconded by Commissioner Richard Smith. Motion carried unanimously.

#### VI. PUBLIC COMMENTS

None

#### VII. ADJOURNMENT

The meeting adjourned at 10:22 a.m. The next Commission meeting is scheduled for July 21, 2010, starting at 9:00 a.m. in the Archdale Building's Ground Floor Hearing room, 512 N. Salisbury Street, Raleigh, N.C.



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



Daphne Pinto, Recording Secretary  
(Sign & Date)

*These minutes were approved, with corrections, by the North Carolina Soil & Water Conservation Commission on August 4, 2010.*



Patricia K. Harris, Director