

**MINUTES**

**NORTH CAROLINA  
SOIL AND WATER CONSERVATION COMMISSION  
TELECONFERENCE**

Ground Floor Hearing Room  
Archdale Building  
512 N. Salisbury Street  
Raleigh, NC  
November 18, 2009

**MEMBERS PRESENT**

Don Cox  
Manly West  
Richard Smith  
Bobby Stanley  
James Ferguson  
William Pickett, Jr.

**OTHERS PRESENT**

Pat Harris	David Williams
Jennie W. Hauser	Vernon Cox
Jeff Harris	Sandra Weitzel
Ralston James	Danny Edwards
Kelly Ibrahim	Julie Henshaw
Michelle Lovejoy	David Cash
Cindy Draughon	Dick Fowler
Lisa Fine	Ken Parks
Michelle Raquet	Mary Combs
Steve Bennett	Dewitt Hardee
Jerry Dorsett	Shelly Baird
Donna Stearns	Bailey Mundy
Harold Hunter	Gerald McSwain
Terry Blalock	

**Summary of Actions Taken by the Commission**

1. The following supervisor appointments were **approved**:
  - Robert Gene Ward of Brunswick SWCD filling the un-expired term of Charles L. Carroll.
  - Charles Carroll of Brunswick SWCD filling the un-expired term of Robert Gene Ward.
  - Billy Joe Loyd of Granville SWCD filling the un-expired term of E. B. Averett, Jr.
  - Shannon Binns of Mecklenburg SWCD filling the un-expired term of Marcus Williams.
  - Gregory Boon Chesson of Montgomery SWCD filling the un-expired term of Samuel Eugene Hurley.
  - Dwight Batts of Wilson SWCD filling the un-expired term of B. T. Shingleton.
  
2. The Commission **approved** supervisor contracts for the following supervisors:
  - Jack Adams of Caldwell SWCD -Contract #14-10-05-03  
BMP: Streambank & Shoreline Protection, Livestock Exclusion - \$18,750.
  - James Cook of Cherokee SWCD –Contract #20-10-03-06  
BMP: Livestock Exclusion, Tanks and Interior Fences - \$7,575.
  - S. Eugene Jordan of Pender SWCD –Contract #71-10-08-02  
BMP: Cropland Conversion - \$4,050.
  - H. Wayne Hurdle of Perquimans SWCD –Contract #72-10-07-11  
BMP: Crop Residue Management - \$3,000.
  - Eugene Berryhill of Person SWCD – Contract #73-10-13-12  
BMP: Grassed Waterways and Field Borders -\$4,037.
  - Eugene Berryhill of Person SWCD –Contract #73-10-13-12  
BMP: Grassed Waterways and Field Borders -\$3,779.
  - Steve Sutton of Pitt SWCD – Contract #74-10-03-13  
BMP: Grassed Waterways (w/subsurface tile drains) -\$1,741.
  - Charles Davenport of Pitt SWCD –Contract #74-10-06-13.  
BMP: In-Line Water Control Structure -\$640.
  - Thurston James of Pitt SWCD –Contract #74-10-07-13  
BMP: In-Line Water Control Structure - \$577.
  - Charles Bryson of Transylvania SWCD –Contract #88-10-09-05  
BMP: Streambank Protection (Stabilization) -\$4,948.
  - Wilton Lee Short, Jr. of Vance SWCD –Contract #91-10-704-13  
BMP: Sod Based Rotation - \$1,225.
  - Thomas Uzzell of Wayne SWCD – Contract #96-10-09-09  
BMP: Cropland Conversion - \$2,905.
  - David Dwight Batts of Wilson SWCD – Contract #98-10-03-13

BMP: Cropland Conversion - \$1,283.

3. John C. Roberts of Lillington was **approved** for designation as a Technical Specialist for Waste Utilization Planning/Nutrient Management.
4. Larry Petrovick of Wake SWCD was **approved** for CCAP Job Approval Authority for Pet Waste Receptacles, Critical Area Planting, Impervious Surface Conversion, Streambank Protection, Riparian Buffer, and Grassed Swale.
5. The Commission **approved** a one-day workshop educating integrators and lending institutions regarding preventing problems with poultry house construction.
6. Commissioner William Pickett, Jr. was approved to represent the Commission on the NRCS Advisory Board.
7. The Commission **approved** a supplemental allocation of Lagoon Conversion Program funds for Rosin Hill Farm in Sampson County for \$54,321.
8. The Commission **approved** an exception to average cost for well construction for Mr. Pete Dixon in Madison SWCD to pay 75% of the actual cost.
9. Stanly SWCD was **approved** for post-approval of Contract #84-2010-01-16.
10. Rowan SWCD was **approved** for post-approval of Contract #80-07-11-16.
11. The TRC recommendation to add a new incentive practice, Precision Nutrient Management, to the 2010 Detail Implementation Plan was **approved** by the Commission.

### **Preliminary Items**

The November 18, 2009 meeting of the North Carolina Soil and Water Conservation Commission met in the Ground Floor Hearing Room of the Archdale Building, 512 N. Salisbury Street, Raleigh, NC.

Chairman Manly West called the meeting to order at 9:03 a.m. He welcomed everyone to the meeting and asked that they introduce themselves.

Chairman West 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 was noted.

Commission Chairman West presented Commissioner Richard Smith with a plaque to thank him for serving as Acting Chairman for the SWCC.

**Approval of Agenda**

Commissioner Richard Smith offered a motion to approve the agenda. Commissioner William Pickett, Jr. provided a second. The motion carried.

**Approval of the Minutes**

Commissioner William Pickett, Jr. made a motion to approve the minutes as presented, and Commissioner Bobby Stanley provided a second. The motion carried.

**INFORMATIONAL ITEMS**

**Division Report**

Division Director Pat Harris presented the Division Report. She stated that she spoke to the Legislative Study Commission on Urban and Infrastructure Issues. They wanted to know about districts and the division. She presented the history of Hugh Hammond Bennett and his involvement in organizing Brown Creek Soil and Water Conservation District. There are now 96 conservation soil and water districts covering all 100 counties. She then discussed the Division's recently published annual report for FY 2008-09 and highlighted accomplishments by the Division in programs including the Agriculture Cost Share Program, Drought Response Program, Community Conservation Assistance Program, and Conservation Reserve Enhancement Program.

Director Harris expressed concerns about a ten house poultry construction site in Surry County. Erosion and sedimentation control was not addressed at the time it was built. Pictures showed the destruction to the access roads resulting in loss production time. The cost to the farmer was \$130,000 to hire engineering assistance, to properly stabilize the site and remove sediment out of the neighboring stream.

On behalf of the Agriculture Task Force, Director Harris requested approval from the Commission to implement an education and technical assistance strategy to help prevent future problems associated with poultry house construction. It is recommended that a one-day workshop for integrators and lending institutions be established. The Ag Task Force would coordinate this along with DSWC, DWQ, NRCS, NCDA, Division of Land Resources, and NC State University.

Commissioner William Pickett, Jr. made a motion that this workshop be held. Commissioner Bobby Stanley provided a second, and the motion carried.

### **Association Report**

Commission Pickett, President of the NC Association of Soil & Water Conservation Districts, reported that the Association was working towards establishing an executive director position. The Association was in process of updating its Articles and By-Laws. The State Annual Meeting will be January 3-5, 2010 at the Raleigh Convention Center. A Gator, a grill and \$300 will be given away through a raffle with proceeds benefitting the Association and the NC District Employees Association.

He stated that he had attended the National NACD Meeting in New Orleans, LA and the Southeastern meeting in Charleston, SC.

Supervisor Training will be held in Chapel Hill February 16-17, 2010.

### **NRCS Report**

Ms. Mary Combs reported that they had a new Public Affairs Specialist and to be sure and look over the *Update*.

Mr. Mike Hinton has filled the staffing position of Assistant State Conservationist for Easement Programs which was Jacob Crandall's position prior to his retirement.

This year, the Wetland Reserve Program (WRP) has almost doubled the amount of acres enrolled and the NRCS Chief would like to continue this trend through support for the program. NRCS will provide a WRP campaign to promote the program in hopes of another successful year.

In 2009, EQIP expanded forestry opportunities through \$550,000 in program funds. Forest landowners who applied for the program were eventually ranked against other forestry applicants within the state. Approximately 5% of EQIP funds were used in the state's mountain counties, 33% in the coastal plain counties, and 62% in the piedmont/sand hill counties.

NRCS will offer these forestry programs again in fiscal year 2010 with the assistance of the NC Division of Forest Resources, and the USDA Farm Service Agency.

Ms. Combs stated that a letter of request had been sent to the Commission to announce the initiation of a NRCS Advisory Board and she would like to solicit a commission member to serve on the committee.

Commissioner Richard Smith nominated Commissioner William Pickett, Jr. to serve on the NRCS Advisory Board. Commissioner Bobby Stanley provided a second, and the motion carried.

### **Pilot for Inspections of Animal Waste Management Systems**

Danny Edwards, Operations Review Team supervisor for the Division, presented the Animal Waste Inspection Pilot Program annual report. He stated the following points:

- The purpose of the pilot is to increase the effectiveness of the annual inspections program and increase compliance with environmental regulations.
- SB 1217 states that all permitted animal operations are subject to two visits by DENR.
- DSWC conducts both the operations review and the compliance inspection.
- DWQ still provides regulatory oversight.
- The Pilot Program started in 1997 in Columbus and Jones Counties with Brunswick County added in 1999 and Pender County added in 2005.
- The Pilot Program is currently scheduled to end September 2011.

### **Neuse and Tar-Pamlico Agriculture Rule Annual Progress Reports**

Ms. Kelly Ibrahim, DSWC Neuse/Tar-Pamlico Basin Coordinator, reported that the rule requirement for the Neuse Basin effective 1997 provides for a collective strategy for farmers to meet the 30% nitrogen loss reductions within five years.

The Neuse Basin Oversight Committee received and approved crop year 2008 annual reports estimating the progress from the seventeen Local Advisory Committees operating under the Neuse Agricultural rule. Agriculture collectively achieved an estimated 41% reduction in nitrogen loss from agricultural lands compared to the 1991-1995 baselines, continuing to exceed the mandated 30%. Lenoir County did not meet its goal.

The Tar-Pamlico Basin Oversight Committee received and approved crop year 2008 annual reports from the fourteen Local Advisory Committees operating under the Tar Pamlico Agricultural rule which provides for farmers to meet the 30% nitrogen loss reduction and no-increase phosphorus goals within five years. Agriculture collectively achieved an estimated 50% reduction in nitrogen loss compared to the 1991 baseline, continuing to exceed the rule-mandated 30% reduction. This represents a 6% greater reduction, compared to the 44% reported reduction in crop year 2007.

### **CCAP BMP Implementation in the Lumber, Cape Fear and White Oak River Basins – EEG Grant in Partnership with the NC Coastal Federation**

Ms. Shelly Baird reported that the North Carolina Coastal Federation (NCCF) has received a grant in the amount of \$200,000 from the NC Attorney General's Environmental Enhancement Grant Program to work in partnership with the North Carolina Division of Soil and Water Conservation (DSWC), local governments and private landowners to restore and protect water quality in the Lumber, Cape Fear, and White Oak River Basins.

She stated that this grant includes monies to supplement the existing Community Conservation Assistance Program (CCAP). A total of \$100,000 of CCAP funding is available

to the Brunswick, Carteret, New Hanover and Onslow SWCDs. This is to install stormwater best management practices (BMPs) within the impaired watersheds.

Each of the four participating Districts –Brunswick, Carteret, New Hanover and Onslow- will receive \$23,750 in BMP funds and \$1000 for contract administration. These funds must be encumbered by June 2, 2010 and projects must be installed by May 31, 2011.

## **ACTION ITEMS**

### **Consent Agenda**

Commissioner Don Cox offered a motion to approve the consent agenda. Commissioner William Pickett, Jr. provided a second, and the motion carried. The following items were approved as part of the consent agenda.

### **Nomination of Supervisors**

- Robert Gene Ward of Brunswick SWCD filling the un-expired term of Charles L. Carroll.
- Charles Carroll of Brunswick SWCD filling the un-expired term of Robert Gene Ward.
- Billy Joe Loyd of Granville SWCD filling the un-expired term of E. B. Averett, Jr.
- Shannon Binns of Mecklenburg SWCD filling the un-expired term of Marcus Williams.
- Gregory Boon Chesson of Montgomery SWCD filling the un-expired term of Samuel Eugene Hurley.
- Dwight Batts of Wilson SWCD filling the un-expired term of B. T. Shingleton.

### **Approval of NCACSP Contracts for Supervisors**

- Jack Adams of Caldwell SWCD -Contract #14-10-05-03  
BMP: Streambank & Shoreline Protection, Livestock Exclusion - \$18,750.
- James Cook of Cherokee SWCD –Contract #20-10-03-06  
BMP: Livestock Exclusion, Tanks and Interior Fences - \$7,575.
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- Eugene Berryfield of Person SWCD – Contract #73-10-13-12  
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- BMP: Grassed Waterways and Field Borders -\$3,779.
- Steve Sutton of Pitt SWCD – Contract #74-10-03-13  
BMP: Grassed Waterways (w/subsurface tile drains) -\$1,741.
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BMP: Cropland Conversion - \$2,905.
- David Dwight Batts of Wilson SWCD – Contract #98-10-03-13  
BMP: Cropland Conversion - \$1,283.

### **Technical Specialist Designation**

John C. Roberts of Lillington was approved for designation as a Technical Specialist for Waste Utilization Planning/Nutrient Management.

### **CCAP – Job Approval Authority**

Larry Petrovick of Wake SWCD was **approved** for CCAP Job Approval Authority for Pet Waste Receptacles, Critical Area Planting, Impervious Surface Conversion, Streambank Protection, Riparian Buffer, and Grassed Swale.

### **Lagoon Conversion Program Supplemental Allocation**

Mr. Vernon Cox reminded the Commission that it had allocated \$50,000 to Rosin Hill Farm in Sampson County at the August 14, 2009 teleconference. It is participating in the lagoon conversion program and was also given an EQIP allocation by NRCS. The maximum amount allowed is \$500,000. The revised EQIP contract for the farm totals \$445,679. The Division is recommending the Commission approve a supplemental allocation of \$4,321 to bring the combined funding to the farm to \$500,000. The total adjustment supplemental Lagoon Conversion Program allocation will be \$54,321.

Commissioner Richard Smith made a motion to approve this allocation, Commissioner James Ferguson provided a second, and the motion carried.

**ACSP District Issues –**

**Request for Exception to Average Cost for Well Construction- Madison SWCD**

Ms. Michelle Raquet presented Pete Dixon, Bailey Mundy, and Harold Hunter of Madison SWCD by teleconference. They were requesting an exception to the average cost for well construction to pay 75% of the actual cost of \$4,440 for steel casing for the well.

Commissioner James Ferguson made a motion to approve this request. Commissioner Richard Smith provided a second and the motion carried.

**Request to Use PY2010 Funds on Expired PY2007 Contract-Stanly SWCD**

Ms. Michelle Raquet presented Terry Blalock and Gerald McSwain of Stanly SWCD by teleconference. They were requesting to use PY2010 cost share funds on a PY2007 Contract #84-2007-17-16 that expired on the first Wednesday in June 2009. The application was for heavy use protection on a beef cow feeding area in the amount of \$2,538. The job was completed the 3<sup>rd</sup> week in June 2009 but the contract had expired. Stanly SWCD's board rewrote the contract using PY2010 money and request post-approval for Contract #84-2010-01-16. The amount requested was \$2,538.

Commissioner William Pickett, Jr. offered a motion to approve this request. Commissioner Bobby Stanley provided a second, and the motion carried.

**Request to use PY2010 Funds on Expired PY2007 Contract-Rowan SWCD**

Ms. Michelle Raquet presented Chris Sloop and Ben Knox who reported on Rowan SWCD by teleconference. Ms. Raquet reported on Contract #80-07-11-16 in the amount of \$7,838 that expired in July of 2009. Rowan SWCD are requesting to write a new contract out of the PY2010 Cost Share allocations for the same amount as the PY2007 contract.

Commissioner Don Cox made a motion that the contract be rewritten as a PY2010 allocation in the amount of \$7,838. Commissioner William Pickett, Jr. provided a second and the motion carried.

**Technical Review Committee Recommendations**

Mr. David Williams reported that the Technical Review Committee (TRC) met on November 3, 2009 at the Farm Bureau State Office in Raleigh.

The TRC recommended the Commission approve the addition of a new incentive practice, Precision Nutrient Management, to the 2010 Detailed Implementation Plan. The proposed language would be inserted in the 2010 Detailed Implementation Plan:

- \* (31) Precision Nutrient Management means applying nitrogen, phosphorus and lime in a site-specific manner (with specialized application equipment or multiple

application events) based on the site specific recommendations for each GPS-referenced sampling point to minimize entry of nutrients to surface and groundwater and improve water quality. Cost share for this incentive is limited to \$15,000 per cooperator in a lifetime.

Commissioner Bobby Stanley made a motion that the TRC recommendation for Precision Nutrient Management be allowed. Commissioner William Pickett provided a second, and the motion carried.

**Public Comments**

Commissioner James Ferguson congratulated Commission Chair Manly West on his being selected by the Governor to fill this position. He said that he knew he would do a fine job.

**Adjournment**

Chairman West adjourned the meeting at 10:38 a.m.

  
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Patricia K. Harris, Director

  
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Donna L. Stearns, Hearing Clerk

*These minutes were approved by the North Carolina Soil & Water Conservation Commission on January 3, 2010.*

  
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Patricia K. Harris, Director