



**NORTH CAROLINA  
SOIL & WATER CONSERVATION  
COMMISSION MEETING MINUTES  
March 16, 2016**

NC State Fairgrounds  
1025 Blue Ridge Road  
Gov. James G. Martin Building  
Raleigh, NC

<b>Commission Members</b>		
John Langdon	Kelly Hedgepeth	Keith Larick
Wayne Collier	Natalie Woolard	Helen Wiklund
Chris Hogan	Kristina Fischer	Charlie Bass
Charles Hughes	Ken Parks	Richard C. Reich
Ben Knox	Tom Hill	Eric Pare
Manly West	Louise Hart	Tina Hlabse
Bill Yarborough	Sandra Weitzel	Bryan Evans
	Joey Hester	C. Leroy Smith
<b>Commission Counsel</b>		
	Elizabeth G. Heath	Brian Lannon
Phillip Reynolds	Lisa Fine	Jason Walker
	Jerry Raynor	Chester Lowder
<b>Guests</b>		
	Dean Parker	
Pat Harris	David Harrison	
David Williams	Ralston James	
Julie Henshaw	Julie Groce	

Chairman John Langdon called the meeting to order at 9 a.m. and opened the meeting with prayer. He inquired whether any Commission members need 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. Commissioner Hughes announced he would recuse himself from Item 7. Chairman Langdon welcomed everyone to the meeting and thanked the staff and Commissioners for their patience and diligence after the long Work Session.

**Statement of Economic Interest**

Commission Counsel, Mr. Phillip Reynolds read a summary of the Statement of Economic Interest findings for the two newly appointed Commission members, Mr. Collier and Mr. Hogan. As part of their appointments, the Ethics Office requires they have received their evaluation letters and these be read into the minutes. Mr. Collier will fill the role of supervisor representing the Piedmont region of the Commission. He is on the Board of Directors of the Cumberland County Soil & Water Conservation

District. Mr. Hogan will fill the role of First Vice President for the NC Association of Soil & Water Conservation Districts on the Commission. He is the Chairman of the Orange County Soil & Water Conservation District.

Chairman Langdon recognized Dr. Reich. Dr. Reich welcomed the new Commission members and noted that there is a lot of hard work going on. He thanked the staff for what they do every day to support the Soil & Water Conservation Commission and support the preservation and protection of natural resources. He appreciates the Division's leadership.

Chairman Langdon asked everyone to introduce themselves.

- 1. Approval of Agenda:** Chairman Langdon reviewed the agenda. Commissioner West motioned to approve the agenda with the incorporation of schedule change suggested by Director Pat Harris. The motion was seconded by Commissioner Hughes. Motion carried.
- 2. Approval of Minutes – January 3, 2016 Meeting:** Chairman Langdon asked for a motion to approve the minutes from the Commission meeting held on January 3, 2016. Commissioner Knox moved to approve the minutes. Commissioner Hogan seconded. Motion carried.
- 3. Election of Vice Chair:** Chairman Langdon opened the nomination for the Vice Chair. Commissioner Yarborough nominated Commissioner Knox. Commissioner Hughes seconded. Motion carried.

#### **INFORMATION ITEMS**

**4. Division Report:** Ms. Pat Harris, Director of the Division of Soil and Water Conservation, discussed the following:

- NC free from HPAI
- Schedule for future Commission meetings :
  - May 16 & 17 Possible location change for May meeting and luncheon to honor past members
  - July 19 & 20, 2016, subject to change; face-to-face meeting
  - August Commission Meeting will be a roundtable during General Session of the Conservation Employees' Training in Asheville
  - March 2017 Commission Meeting moved to 4<sup>th</sup> week to avoid conflict with NACD Washington fly-in visits.
    - Commissioner Yarborough voiced to take caution when dates change for our Soil & Water Conservation Commission Meetings
    - Commissioner West recognized the fly in (Executive Committee Meeting) conflict in Washington, DC with our Soil & Water Conservation Commission Meetings
    - Commissioner Knox stated the Executive Committee Meeting does not have to be tied to the Soil & Water Conservation Commission Meeting
- General Assembly asked for a CREP report to be submitted by April 1, 2016 to include our current contracts a copy will be mailed to each Commissioner
- Annual UNC SOG Training in February; acknowledged twelve district supervisors and nine district employees who participated

- Two other workshops: Nutrient Management Training & Pasture Planning Training, scholarships offered through Division
- Association President will work with the Commission Chairman and Division Director to take legislation requiring all district supervisors, both elected and appointed, to participate in Commission-approved supervisor training at UNC SOG or equivalent training
- Reported on response to non-compliance on maintenance requirements to cost share contracts. \$103,000 has been collected as refunds on 50 50 contracts since July 2014.; Refunds generally are added to the district's cost share allocation for the current year as a reward for their effort to follow up on noncompliance.
- 2,642 contracts for all Commission Cost Share for FY214; \$16,361,443 have been encumbered
- Reviewed the status of the Rules Review Process

The Powerpoint presentation to accompany Director Harris' report is attached as Attachment 4 and is included as an official part of the minutes.

**5. Association Report:** Commissioner Knox, President of the NC Association of Soil & Water Conservation Districts, referred to the handout for item 5, which is attached as an official part of the minutes. He discussed the following:

- Successful Annual Meeting (best one in years) which generated \$15,000 in the silent auction
- 2017 Annual Meeting in Charlotte; room block open; on the Division's web site
- Attended 2016 Spring Meetings; good information and training but 14 districts had zero supervisors attend and need to improve attendance
- Soil & Water Facebook page has 100 new followers
- NC Department of Agriculture and Consumer Services promotional magazine ad
- Association's web site; Executive Director Groce working on a new logo and updating site
- Full house at the SOG
- Legislative Breakfast May 17, 2016
- SE NACD Annual Meeting in Cherokee, NC; room block available; registration on Association's and Division's web sites

Chairman Langdon thanked Commissioner Knox for his report. Chairman Langdon recognized Julie Groce, Executive Director, for her hard work.

**6. NRCS Report:** NRCS State Conservationist Tim Beard was absent. Mr. Jerry Raynor presented the following:

- Thanked Director Harris and Deputy Director Williams with the work they've done with JAA and working on transparency and availability
- NRCS downsized and the State changed its structure as well as National administrative changes
- Staff heavily involved in EQIP. NC was originally allocated over \$16M for conservation; received an additional \$1.5M; all funding obligated in May
- Resource Conservation Partnership Program (RCPP) notified NC will be participating in 4 projects
  - Two in state through EQIP ~ \$800,000
  - Two out of state – South Carolina & Georgia through ACSP ~\$2M for a 3-year project
- Four empty positions open for a year in NRCS – looking to hire

Chairman Langdon thanked Mr. Raynor for recognizing the hard work Director Harris and her team have done for JAA. Commissioner Yarborough mentioned the 1619 security issue and the MRBI with regards to what counties would be part of the MRBI nationally and if the Commission or Division can help. Commissioner Yarborough also inquired about the four contracts awarded by the RCPP.

Chairman Langdon thanked Mr. Raynor for his presentation.

**7. Consent Agenda:** Commissioner West moved to approve the consent agenda. The motion was seconded by Commissioner Yarborough. Motion carried, with Commissioner Hughes recusing himself from consideration of this item.

**7A. Nomination of Supervisors:**

- Tom Best, Pitt County, filling the unexpired term of Thurston James
- Charles Davenport, Pitt County, filling the unexpired term of C. Leroy Smith
- Thurston James, Pitt County, filling the unexpired term of Tom Best
- C. Leroy Smith, Pitt County, filling the unexpired term of Charles Davenport
- Jim Chandler, Richmond County, filling the unexpired term of Cecil Robinson
- James Norfleet, Scotland County, filling the unexpired term of David Morrison
- Aaron L. Burleson, Stanly County, filling the unexpired term of June Mabry (blue sheet)

**7B. Supervisor Contracts:**

- Nine contracts; totaling \$69,385.00

**7C. Job Approval Authority:** No applications received

**7D. Technical Specialist Designation:** No applications received

The handouts for agenda items 7A – 7D are included as an official part of the minutes.

**8. District Performance and JAA Workgroup Report:** Director Harris presented several issues

- Workgroup put together for ecological sciences (non-engineering)
- Workgroup members were recognized
- Issues Discussed—technical standards, JAA, performance and accountability
- Continue to utilize NRCS Standards
- Recommended improvements for NRCS Standards and addressed by Conservation Action Team (CAT) and commitment from NRCS
- Brought attention to the limitations on authority to delegate job approval authority in Chapter 89C The NC Engineering and Land Surveying Law
- JAA Process Improvements
- JAA Oversight and Liability

- JAA recommendations to improve performance for District Technical Employees and District Boards

Commissioners West, Knox, and Yarborough asked several questions, i.e., how many times would you have to exhibit your knowledge of the practice before getting JAA, what is the process to follow, and a time frame on the work to get the approval back.

Chairman Langdon thanked the Commission for bird-dogging and identify possibilities for improvement and asked where does the workgroup go from here? Director Harris stated the workgroup is dissolved and what the team has done falls into the next committee report and supports this next group. Commissioner Yarborough suggested thank you letters be written to each member of the workgroup.

The Powerpoint presentation to accompany Director Harris' report is attached as Attachment 8 and is included as an official part of the minutes.

### **9. Cost Share Committee Report:**

Chairman Langdon asked Jason Walker; Yadkin SWCD, Charlie Bass; Franklin SWCD, Brian Lannon; Camden SWCD to step forward and recognized them for their hard work and dedication with the group. Gavin Thompson with NRCS; Sampson SWCD was absent.

Chairman Langdon read the Cost Share Program Rules and the Committee would like your approval and the Committee's recommendation to be presented by Ms. Julie Henshaw. The following was addressed:

- Recommendations that all Cost Share Program Rules be considered necessary with substantive public interest
- All Rules reviewed every ten years
- Phase I: Classification – 3 Determinations
- Phase II: Rule Text Revisions Schedule: January 2017 – Fall 2017
- Recognized the committee members
- Committee's Public Outreach started in 2013 for options for allocating TA funding
- Proposed New Rule Structure and the number of Rules the Commission administers
  - All Cost Share Programs will appear in one rule series: 02 NCAC 59D
- Agriculture Cost Share Program Rule Suggestions (ACSP) to align with the US Census of Agriculture
- Community Conservation Assistance Program Rule Suggestions (CCAP)
  - Revisions to text of the existing rule will be presented at the May 2016 Commission Meeting and the revised rule be effective by December 1, 2016
- AgWRAP Rule Suggestions
- Technical Assistance Rule Suggestions
  - Paying for performance instead of a position
  - Minimum TA allocation = \$20,000/year
  - Maximum amount currently proposed ~\$53,500 (amount of 2 FTEs + operating)
  - Performance based on dollars spent on BMP installed in each county

- TA allocations will be revised every three years unless a significant change in state appropriations and based on the district's performance during the best three of the last seven fiscal years
- Retain JAA requirement approved by Commission in 2010 in addition to the performance data

There was general discussion among the Commission members and Ms. Henshaw about the proposed requirement for cost shared employees to obtain Job Approval Authority, with general support for this requirement.

Chairman Langdon thanked Mrs. Henshaw and called for a break at 10:53 a.m. The meeting resumed at 11:12 a.m.

Commissioner Collier stated we need to collectively give a consensus on the concepts in the report. Chairman Langdon asked the Commission if we have a consensus on the report. All agreed.

The Powerpoint presentation to accompany Ms. Henshaw's report is attached as Attachment 9 and is included as an official part of the minutes.

**10. Nutrient Sensitive Watershed Agriculture Reports and Rules:** Mr. Joey Hester presented a report describing the agricultural nutrient reduction rules affecting the Neuse and Tar-Pamlico River Basins and the Jordan Lake and Falls Lake watersheds. His presentation also included a summary of a joint project between the Division and NRCS to establish special EQIP priority areas for certain watersheds. The project is connected to the Impaired/Impacted Streams Initiative.

Chairman Langdon thanked Mr. Hester.

The Powerpoint presentation to accompany Mr. Hester's report is attached as Attachment 10 and is included as an official part of the minutes.

**11. Consideration of Changes to Supervisor Appointment Processes:** Ms. Kristina Fischer referred to the handout for item 11, which is attached as an official part of the minutes. She presented some suggested changes to the nomination forms for supervisor appointment. The proposed changes involve:

- Change from requiring the forms to be mailed to the division to require them to be uploaded to the district's SharePoint page
- Revise the question about the candidate's willingness to attend training to clarify that the training is at the UNC School of Government

Commissioner West asked about handling these changes as a package or separately. Chairman Langdon stated if there is an issue, we will pull it out, otherwise, the Commission will approve as a group.

Chairman Langdon recognized Commissioner Hughes who motioned to approve the changes and Commissioner West seconded. Motion carried.

#### Conditional Appointments

Ms. Fischer presented the status of supervisors who are required to attend training during their current term. Many appointees who indicated a willingness to attend training had not completed the training. The Division recommends to add the following statement in *italics* to the appointment policy

- *For newly appointed individuals, as they begin a new term or fill an unexpired term for either an elected or appointed seat, the commission will make their appointment conditional upon their attendance at the next training session offered at the UNC School of Government. For those that do not attend, their appointment will expire the day following the training, unless they provide a written request for Commission consideration in advance. At their March meeting, the Commission will consider extensions for conditional appointments, as appropriate.*

Mr. Reynolds stated it does not matter whether the appointment is to an elected or appointed seat. The appointed supervisor in an elected seat remains an appointed supervisor until such time they are actually elected in the general election. If the Commission is appointing them, the Commission can require training as a condition.

Commissioner Yarborough moved to approve the recommended change to policy. Commissioner Hughes seconded. This will take effect today, March 16, 2016. Motion carries. These changes will be announced on the LISTSERV to the districts.

**12. AgWRAP:** Chairman Langdon recognized Ms. Julie Henshaw to present recommendations regarding AgWRAP.

**12A. PY2016 Regional Application Recommendations:** Ms. Henshaw called attention to the handout for item 12A and presented the recommendations from the AgWRAP Review Committee on the second batch of regional applications. Eleven districts submitted 19 applications. The Review Committee recommends approval of these applications for \$385,500.

Commissioner West motioned to approve and Commissioner Knox seconded. Motion approved.

**12B. Allocation of Remaining Funds:** Ms. Henshaw presented a recommendation to allocate remaining available AgWRAP funds on a just-in-time basis to fund approved applications through the remainder of the fiscal year.

Commissioner Yarborough motioned to approve and Commissioner Hogan seconded. Motion approved.

The handouts for items 12A and 12B are attached and included as an official part of the minutes.

**13. CCAP:** Chairman Langdon recognized Mr. Tom Hill to present item 13.

**13A. PY2016 Reallocation:** Mr. Hill referred to the handout for item 13, which is included as an official part of the minutes and presented the recommended reallocation.

- Supplemental allocation for FY2016 – 2<sup>nd</sup> year that the Division has requested a voluntary return of unencumbered CCAP funds.
  - 21 districts returned funds totaling \$49,403
  - 14 districts requested funds for \$127,865

- Reallocation based on the initial allocation with 2 exceptions – 2 districts requested less than what they would have received based on the methodology

Commissioner Hogan motioned to approve and Commissioner Hughes seconded. Motion approved.

**13B. Stormwater Wetland CCAP BMP Presentation:** Gaston SWCD will present - Mrs. Henshaw introduced Deano Parker from Gaston SWCD. Mr. Parker described how the Gaston SWCD is using the CCAP program and presented information on a specific stormwater wetland project at Tukaseegee Park in Mt. Holly. The project used funds from CCAP, Clean Water Management Trust Fund, and the City with a total cost of \$70,000.

Chairman Langdon thanked Mr. Parker for his presentation.

Mr. Parker's Powerpoint presentation is attached as Attachment 13B and is included as an official part of the minutes.

**14. Re-adoption of Small Watershed Program Rule:** Deputy Director David Williams referred to the handout for item 14, which is included as an official part of the minutes. He made the following points:

- Rules Review Process being brought to the Commission. This is the first rule being brought before the Commission to consider for re-adoption
- 59C subchapter rules were considered in the first batch of rules review, with all but one rule designated as necessary with without substantive interest
- Rule 02 NCAC 59C.0303, Approvals to Exercise the Power of Eminent Domain, was determined to be necessary with substantive public interest. The Commission will have to re-adopt this rule. The Division is recommending to approve the existing rule language to be listed in the State Register and go through a public comment process. The proposed rule would be published in July along with the other rules that will be presented for readoption at the next couple of Commission meetings.
- General Statute 139-44 states the responsibility of the Commission to approve requests to use the Power of Eminent Domain for small watershed projects
- To have a successful Watershed Project in 2016, local sponsors need this tool in the Toolbox
- Recommendation not to make any changes to the rule that was last amended in 1982.
- Recommend approving the existing text to publish and initiate rulemaking to re-adopt this rule

Jason Walker, Yadkin SWCD, commented that his district used this process in 5D Watershed in Yadkin County. The 5D watershed involved purchasing land from 36 landowners. Eminent domain was initiated for 6 landowners, but the county was able to continue negotiations and reach a satisfactory purchase agreement with 4 of the 6 before eminent domain process was finished.

Commissioner Hughes motioned to approve and Commissioner Collier seconded. Motion approved.

**Public Comments:** Chairman Langdon called for any comments from the public. Commissioner Knox, President of the NC Association of Soil & Water Conservation Districts, added to his report. He will create a letter to the Areas about attendance. The letter will go out or be put on the web site which was discussed with the Executive Committee. This letter will request supervisors (require them) to view

Deputy Director Williams' PowerPoint presentation about the requirements of their duties as supervisors and have the regional coordinators present it at one of their district meetings this year.

Commissioner Yarborough asked for consideration for a voluntary recall of the TVA funds and a supplemental reallocation similar to the CCAP reallocation. He asked if the Commission needs to do anything so the TVA money is not lost ? According to Ms. Henshaw, the encumbrance status of TV2 funds was presented at the Area 1 Meeting. An e-mail can be sent out with a voluntary recall, asking districts to let the division know if they are not going to use the allocated funds. and bring anything back to the Commission to be reallocated at the May meeting.

Mr. Ralston James discussed alternative arrangements for setting the meeting room starting with the July meeting.

**Adjournment:** Chairman Langdon adjourned the meeting at 12:37 p.m.

---

Patricia K. Harris, Director  
Division of Soil & Water Conservation, Raleigh, N.C.

---

Helen Wiklund, Recording Secretary

***These minutes were approved by the North Carolina Soil & Water Conservation Commission on May 17, 2016.***



## NORTH CAROLINA SOIL & WATER CONSERVATION WORK SESSION MEETING MINUTES March 15, 2016

NC State Fairgrounds  
1025 Blue Ridge Road  
Gov. James G. Martin Building  
Raleigh, NC

<b>Commission Members</b>		
John Langdon	Kelly Hedgepeth	
Wayne Collier	Natalie Woolard	
Chris Hogan	Kristina Fischer	
Charles Hughes	Tom Hill	
Ben Knox	Ken Parks	
Manly West	Louise Hart	
Bill Yarborough	Tom Ellis	
	Lisa Fine	
<b>Commission Counsel</b>		
Phillip Reynolds	Helen Wiklund	
	Julie Groce	
	Michelle Lovejoy	
<b>Guests</b>		
	Ralston James	
Pat Harris	David Harrison	
David Williams	Joey Hester	
Julie Henshaw		

Chairman John Langdon called the meeting to order at 6:23 p.m. and opened the meeting with prayer. He inquired whether any Commission members need 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. Commissioner Hughes announced he would recuse himself from Item 7. Chairman Langdon welcomed everyone to the meeting and thanked the staff and Commissioners for their patience and diligence after the long Work Session.

Commissioner Hughes recused himself from Agenda Item 7. Mr. Reynolds stated Commissioner Hughes has a potential conflict of interest that will not be addressed tonight but at tomorrow's meeting.

Chairman Langdon welcomed our new Commission members, and they introduced themselves as Wayne Collier from Cumberland SWCD, retired and owner of a 100-year old family farm, and Chris Hogan from Orange SWCD, a 30-year supervisor and serving as First Vice President.

Mr. Reynolds will read the Statement of Economic Interest and Findings for Commissioners Collier and Hogan.

**1. Approval of Agenda:** Chairman Langdon reviewed the agenda. Commissioner Knox questioned about the fly-in and where would it be appropriate to talk about on the agenda. Director Harris will bring it up in the Division Report and discuss the Commission scheduling issues. Chairman Langdon added the fly-ins are to Washington D.C. to meet with our Legislators and conflicts with our Executive Committee Meeting and Commission Meeting. Commissioner Knox has not had the opportunity to attend the last 2 years and appears it would be a good opportunity to move the schedule around.

Chairman Langdon recommends insert this topic between Items 4 and 5. Chairman Langdon asked for a motion to approve the amended agenda. Commissioner Yarborough motioned to approve as amended and seconded by Commissioner Hogan. Motion carried. Item 5 is being changed and titled as Commission Scheduling Consideration. No need to motion to approve. Mr. Reynolds stated Chairman Langdon motioned to amend the agenda and not approve it. The vote takes place tomorrow and the amending of the agenda will wait for tomorrow for the actual approval of the agenda at the Business Meeting.

**2. Approval of Minutes – January 3, 2016 Meeting:** The minutes of the Commission meeting held on January 3, 2016 was presented. No changes were presented.

**3. Election of Vice Chair:** Chairman Langdon discussed the Vice Chair position. Chairman Langdon plans to nominate Commissioner Knox and if there is someone else to nominate, please let's discuss in the morning. Counsel stated it is necessary since Commissioner Frazier is no longer a Commission member, and we need a new Vice Chair, if Chairman Langdon is not at a meeting.

## **INFORMATION ITEMS**

**4. Division Report:** Ms. Pat Harris, Director of the Division of Soil and Water Conservation, gave a brief summary of the Division report.

- New group picture at 8:30 a.m. on March 16, 2016
- Avian Influenza no occurrences in North Carolina
- 2016 & 2017 Commission Schedule
- CREP Legislative Report due April 1, 2016
- Scholarship & training of district employees
- District supervisor training
- Demographics of supervisors
- Rules Review Update
- MRBI is part of the Farm Bill

Chairman Langdon inquired about the letter Commissioner Frazier asked be written from NRCS about HPAI.

**4A. Scheduling Consideration:** Chairman Langdon suggested the Commission hold a listening session at the Conservation Employee Training in August in Asheville to enable district employees to engage Commission members to improve interaction and communication. Mr. Reynolds noted that the

listening session in August will need to be noticed to be compliant with the open meetings. A notice is going to go out announcing the listening session.

The Commission discussed the need to possibly allow Districts to present extensions at a meeting in August or September. They decided to stick with considering extension requests in July but acknowledged the possible need to delay that action.

Commissioner Knox stated when you are appointed as a district supervisor, you have to continue to be educated and participate.

Commissioner Yarborough requests that a reminder be sent for the Statements of Economic Interest. Director Harris said the due date is April 15, 2016.

Chairman Langdon called for a break at 7:51 p.m. Chairman Langdon reconvened the meeting at 8 p.m.

Chairman Langdon suggested the Commission meeting be held in other areas of the state for 2017 once or twice with a "field day and tour." Director Harris must give notice to the Fairgrounds at least six months in advance to cancel. Commissioner Yarborough suggested the President's area host the meeting at least once a year.

**5. Association Report:** Commissioner Knox referred to the Association Report that was included as Attachment 5. Commissioner Knox will summarize the details of the report tomorrow. Chairman Langdon recognized Commissioner Knox as doing an excellent job.

**6. NRCS Report:** NRCS State Conservationist, Mr. Tim Beard, was not present and Mr. Jerry Raynor will present tomorrow

**7. Consent Agenda:** Chairman Langdon will recommend these will be approved

**7A. Nomination of Supervisors:** Ms. Kristina Fischer presented 6 recommendations for appointment

- Tom Best, Pitt County, filling the unexpired term of Thurston James for '12-'16
- Charles Davenport, Pitt County, filling the unexpired term of C. Leroy Smith for '12-'16
- Thurston James, Pitt County, filling the unexpired term of Tom Best for '14-'18
- C. Leroy Smith, Pitt County, filling the unexpired term of Charles Davenport for '14-'18
- Jim Chandler, Richmond County, filling the unexpired term of Cecil Robinson for '12-'16
- James Norfleet, Scotland County, filling the unexpired term of David Morrison for '14-'18
- Aaron L. Burleson, Stanly County, filling the unexpired term of June Mabry for '12-'16 (blue sheet added)

**7B. Supervisor Contracts:** Ms. Kelly Hedgepeth presented

- Nine contracts; totaling \$69,385.00
- Commissioner Hughes asked if Lenoir County's contract is in Mr. Tyson's mother's name and Ms. Hedgepeth will check the contract

- Commissioner Knox wanted to know where it rained in Northampton County and Ms. Hedgepeth will have an answer by tomorrow
- Commissioner Yarborough asked if any of the staff have JAA for any of these practices, i.e., grass waterway and Ms. Hedgepeth can go back and check but typically unless there's a pending JAA someone has already signed it

**7C. Job Approval Authority:** No applications received

**7D. Technical Specialist Designation:** No applications received

**8. District Performance and JAA Workgroup Report:** Director Harris presented a brief summary of her report from the workgroup.

Commissioner Knox referred to the Conservation Action Team (CAT) Meeting and the discussion about NRCS standards being changed. If standards are changed its changes the rules the farmers must use.

Commissioner Hogan stated an interest to get representation on the CAT Team from each region.

Chairman Langdon commended and thanked Director Harris. According to Director Harris, the work done was beneficial, and it validates what we are thinking.

**9. Cost Share Committee Report:** Ms. Julie Henshaw presented a brief summary the recommendations from the Cost Share Committee on changes to the Cost Share Program rules. Chairman Langdon commended Mrs. Henshaw regarding the Cost Share Committee recommendations.

Chairman Langdon suggested the Commission approve the report and the timeline required, as Mrs. Henshaw stated. Director Harris recommends the Commission approve this in concept and be behind this effort. Mr. Reynolds stated there aren't any action items, but the Commission needs to make a general consensus approval on the concept. The Commission either acts or it doesn't act.

After much discussion, it was decided to seek consensus on the concepts only and not seek approval of the schedule. Chairman Langdon asked if the Commission is in consensus, and they are in consensus. Chairman Langdon commended the rest of the committee.

**10. Nutrient Sensitive Watershed Agriculture Reports and Rules:** Mr. Joey Hester briefly described the presentation he planned to give at the business meeting.

**11. Consideration of Changes to Supervisor Appointment Processes:** Ms. Kristina Fischer previewed recommendations involving changes to the supervisor appointment process.

Mrs. Fischer announced that she would ask for approval on changes to the forms and adopt a policy change to make all appointments conditional until the supervisor completes the training required by the Commission. Chairman Langdon asked for a questions or concerns, and none were offered.

**12. AgWRAP:** Chairman Langdon recognized Ms. Julie Henshaw.

**12A. PY2016 Regional Application Recommendations:** Ms. Henshaw previewed the recommendations from the AgWRAP Review Committee involving the 2<sup>nd</sup> batch of regional applications.

**12B. Allocation of Remaining Funds:** Ms. Henshaw presented a brief overview of the review committees recommendation to allocate the remaining AgWRAP funds.

**13. CCAP:** Chairman Langdon recognized Mr. Tom Hill

**13A. PY2016 Reallocation:** Mr. Tom Hill previewed the recommendation on reallocating 2016 CCAP funds.

**13B. Stormwater Wetland CCAP BMP Presentation:** Mr. Hill announced that the Gaston SWCD would be present to provide a presentation on a successful CCAP project.

**14. Re-adoption of Small Watershed Program Rule:** Deputy Director Williams presented a summary of the recommendation regarding the Small Watershed Rule 59C.

Chairman Langdon challenges the Commission that anything you see for opportunity for improvement to bring it to the Commission and as a team work together with Director Harris and her team.

Chairman Langdon commented his packet was mailed out on Monday, but he did not receive his packet until Saturday and the same for Commissioner Yarborough. Director Harris announced that she would explore sending the packet electronically.

Mr. Reynolds stated for the new members, he is the Commission Counsel and works for the Chairman, but he will work with you at any time. Chairman Langdon asked Counsel to discuss the difference between the Work Session and Business Meeting. The work session is a relatively relaxed format to allow the Commission to ask questions to make sure they understand the items they will consider in the business meeting. The Business Meeting, is more formal with Commission members needing to direct all comments to the Chair and wait to be recognized. He asked the Commission members to avoid side conversations because they are distracting. Counsel appreciates working with this Commission.

**Public Comments:** Chairman Langdon called for any comments from the public, and none were offered.

**Adjournment:** Chairman Langdon adjourned the work session at 10:16 p.m.

---

Patricia K. Harris, Director  
Division of Soil & Water Conservation, Raleigh, N.C.

---

Helen Wiklund, Recording Secretary

***These minutes were approved by the North Carolina Soil & Water Conservation Commission on May 17, 2016.***



# NORTH CAROLINA

## DEPARTMENT OF AGRICULTURE & CONSUMER SERVICES



**March 16, 2016**  
**Division Report**  
**Pat Harris, Director**



**NORTH CAROLINA**

**DEPARTMENT OF AGRICULTURE & CONSUMER SERVICES**

[NCDA&CS Home](#) | [Programs](#) | [Services](#) | [Divisions](#) | [Newsroom](#) | [Search NCDA&CS](#)

NCDA&CS Divisions



[HOME](#) | [NEWSROOM](#) | [INDUSTRY](#)



## NORTH CAROLINA PREPARES FOR HIGHLY PATHOGENIC AVIAN INFLUENZA

### **CURRENT STATUS**

North Carolina is free from HPAI  
**Indiana currently has 1 infected farm**

### **BIOSECURITY LEVEL**

All N.C. poultry farms should be following  
**STRICT** biosecurity protocols



### **2016 Commission Meeting Schedule:**

- May 16 (Mon.); 6:00 p.m. work session; Archdale Bldg.
- May 17 (Tue.); 9:00 a.m. business session; Archdale Bldg.
- July 19 (Tue.); 6:00 p.m. work session; Martin Bldg.
- July 20 (Wed.); 9:00 a.m. business session; Martin Bldg.
  - Technical assistance allocations
  - Contract extensions follow up
- Aug. 22-25 CET – no Commission meeting
  - Aug. 22 (Mon.) General Session discussion with Commission members (*tentative*)



## **2017 Commission Meeting Schedule:**

- March 28 (Tue); 6:00 p.m. work session; TBA
- March 29 (Wed.); 9:00 a.m. business session; TBA



## NC Conservation Reserve Enhancement Program Upcoming Report

Session Law 2015-241 requires the department to submit a report no later than April 1, 2016. The report needs to include:

- Current contracts and contracts within the last 5 years by acreage and location,
- Future 5-year funding projections,
- Conservation practices used, and
- Assess effectiveness in preventing non-point source pollution and leveraging options.





# NORTH CAROLINA DEPARTMENT OF AGRICULTURE & CONSUMER SERVICES

## 2016 UNC School of Government Basic Supervisor Training *12 District Supervisors in Attendance*



### ***CONGRATULATIONS!!!***

Clint Brooks – Stanly  
Creeden Kowal – Swain  
Kyle Gentry - Person  
Millie Langley – Guilford  
Amanda Collins – Columbus  
Gretta Steffens – Sampson  
Will Creef – Currituck  
Nancy McCormick - Person  
Melanie Harris – Sampson



## **DISTRICT EMPLOYEE SCHOLARSHIP RECIPIENTS**

### **Nutrient Management Training**

Thomas Murphrey (Wayne)

Brandon Young (Madison)

Cayle Aldridge (Swain)

Jared Tyndall (Duplin)

Kyle Gentry (Person)

Clint Brooks (Stanly)

Caroline Sisley (Pitt)

### **Pasture Planning Training**

Mitch Miller (Sampson)





## DISTRICT SUPERVISOR TRAINING

NCASWCD Legislative Committee # 1 Action Item - The Association President will work with the Commission Chair and Division Director to obtain **legislation** requiring all district supervisors, **both elected and appointed**, to participate in Commission-approved supervisor training at the UNC School of Government **or equivalent training**. Training will be on an approved schedule and will ensure supervisors are current with their knowledge of information pertinent to their **roles and responsibilities**. In addition, the Commission Chair will appoint a work group to define supervisor roles and responsibilities, and develop a structure for supervisor professional development to include continuing education credits and a training approval process. *2016*



## Did you know?

- For FY14 to present \$16,361,443 have been encumbered to 2,642 contracts for all Commission cost share programs
- Cost share non-compliance refunds equal **\$103,308.75**
- Non-compliance refunds represent **50 contracts**
- Top BMP found out of compliance is **Cropland**

## Conversion to Grass



## Did you know?

Supervisor demographics as of Feb. 23, 2016 compared to Jan. 2, 2013 data are as follows:

- 429 White males (-7)
- 43 White females (+8)
- 15 Black males (+2)
- 1 Black female
- 1 Hispanic male
- 0 Hispanic females
- 2 Native American males (+1)
- 1 Native American females





### **RULES REVIEW UPDATE FOR FIRST SET OF RULES**

- May 2015 – Commission approved final rules report
- Nov. 2015 - Rules Review Commission determination effective
- March 2017 - Rules to be readopted
- *Necessary with Substantive Public Interest*
  - 59C - Small Watershed Program
  - 59E - Procedures & Guidelines to Implement Nondischarge Rule for Animal Waste Management Systems
  - 59F - CREP
  - 59G - Approval of Tech Specialists & BMPs for Water Quality Protection



NORTH CAROLINA

DEPARTMENT OF AGRICULTURE & CONSUMER SERVICES



Pat Harris, Director  
Division of Soil & Water Conservation  
(919) 715-6097  
[pat.harris@ncagr.gov](mailto:pat.harris@ncagr.gov)

## Association Report to the Commission

March 16, 2016

### 2016 Annual Meeting Recap

The NCASWCD had a very successful annual meeting, January 3-5, 2016 at the Sheraton Imperial in Research Triangle Park. Survey feedback was quite good, with several participants stating this meeting was one of the best they've been to in years. Silent auction items, the Expo and the Gator Raffle at the meeting helped generate well over \$15,000 for the association.



The room block for the 2017 NCASWCD Annual Meeting at the University Hilton in Charlotte is now open. General meeting information will be made available in the weeks ahead.

### 2016 Spring Area Meetings

Association President Ben Knox, Executive Director Julie Groce and NACD representatives, Franklin Williams and Jeff Harris, attended the Spring Area Meetings in February and March. Knox provided information on key action items for the association in 2016, including training initiatives and job approval authority coordination. Groce shared updates on marketing plans, including getting a new logo designed, as well as noted that preparations are getting underway for selecting a part-time administrative assistant.



### Marketing Update: Social Media activities

Good news! Since our last report in November regarding the association Facebook page, we've gained nearly 100 more followers, including several from across the nation!

## Half Page Ad for NCDA&CS Magazine

In partnership with the NC Foundation for Soil and Water Conservation, both parties approved a half-page ad that was highlighted in the NC Department of Agriculture and Consumer Services promotional magazine that was released in January 2016.

### NCDA&CS Magazine Advertisement:

**North Carolina's 96 Soil and Water Conservation Districts**  
[www.ncagr.gov/SWC/findyourdistrict.html](http://www.ncagr.gov/SWC/findyourdistrict.html)

- Provide technical and financial assistance to landowners
- Advocate for voluntary incentive-based conservation
- Preserve water quality and quantity
- Enhance soil productivity

*Now*

*and then*

Left: Robert Baker Farm in Rockingham District, the state's 2015 Conservation Farm Family

Below: Dust Bowl era photo from USDA archives

*Supporting North Carolina Agriculture Since 1937*

**NORTH CAROLINA SOIL & WATER CONSERVATION DISTRICTS**  
*Years for Life*  
[www.ncaswcd.org](http://www.ncaswcd.org)

**NC FOUNDATION FOR SOIL & WATER CONSERVATION**  
[www.ncsoilwater.org](http://www.ncsoilwater.org)

Proud to be the home of the first soil and water conservation district in the country and home to Dr. Hugh Hammond Bennett, the father of modern conservation.

## Association Website

Julie Groce has been working on the Association website. Although the plan is to eventually redo the entire site, she is working at updating several pages and posts in the interim.

## University of NC School of Government Training



The UNC School of Government Training was held February 9-10, 2016, on the UNC campus in Chapel Hill. The registration was full, and according to the recent feedback from participants, they thoroughly enjoyed the learning experience to gain more knowledge that will help assist them in their soil and water roles.

## Legislative News

### 2016 Legislative Breakfast

Mark your calendars for Tuesday, May 17, from 7 a.m. to 8 a.m. for the annual NCASWCD Legislative Breakfast. The association has received approval to once again use the Legislative Office Building

cafeteria for the event. The breakfast will take place from 7 a.m. to 8 a.m. More details to come in the weeks ahead.

### **SE NACD Annual Meeting**



NCASWCD is hosting this year's Southeast National Association of Conservation Districts Annual Meeting. Join us in beautiful Cherokee, NC, July 31-Aug. 2, at the Harrah's Cherokee Casino Resort!

The hotel group block is open and can be accessed through the association, division and NACD websites. Use code **S07NACD** to get the meeting rate, which is \$129 per night.

A more detailed agenda and general registration information will be available in March.

RECEIVED

FEB 08 2016

SOIL & WATER CONSERVATION

INTERNAL USE ONLY:  
Appointed / Elected Seat  
Current Term: 12-16



DIVISION OF SOIL AND WATER CONSERVATION  
North Carolina Department of Agriculture & Consumer Services  
1614 Mail Service Center • Raleigh, NC 27699-1614  
919.733.2302 • www.ncagr.gov/sw/

RECOMMENDATION FOR APPOINTMENT OF SUPERVISOR

Complete and submit online through SharePoint; keep original for your file

The supervisors of the Pitt Soil and Water Conservation District of Pitt County, North Carolina have recommended the individual listed below for APPOINTMENT as a district supervisor in accordance with N.C.G.S. 139-7 for a term of office commencing March 16, 2016 and ending December 15, 2016 to fill the expired or un-expired term of Thurston James.

Name of nominee: Tom Best  
Address of nominee, City, State, Zip: 500 Bremerton Drive, Greenville, NC 27858  
Email address of nominee: tombest@suddenlink.net  
Home phone: 252.355.6627  
Mobile phone: 252.531.1989  
Business phone: \_\_\_\_\_  
Occupation: Retired  
Age: \_\_\_\_\_  
Education: \_\_\_\_\_  
Positions of leadership NOW held by nominee: Vice Chair, Pitt Soil & Water Conservation District  
Former occupations or positions of leadership contributing to nominee's qualifications: \_\_\_\_\_  
Other pertinent information: \_\_\_\_\_

Is nominee willing to attend a training session within the first year after appointment? Check for "Yes"   
Has the nominee been contacted to determine their willingness to serve? Check for "Yes"   
Has the program and purpose of the soil and water conservation district been explained to the nominee? Check for "Yes"   
Is the nominee willing to attend and participate in local district meetings? Check for "Yes"   
Is the nominee willing to attend and participate in Area meetings? Check for "Yes"   
Is the nominee willing to attend and participate in State meetings? Check for "Yes"

**Signatures**  
I hereby certify that the board of supervisors considered the Guiding Principles for Supervisor Nomination for Appointment shown on the reverse of this nomination form when selecting the above supervisor candidate for nomination. I also certify that this recommendation has been considered and approved by a majority of the members of the board of supervisors and entered in the official minutes of the board.

X [Signature] 2.2.2016  
SWCD Chair (or Vice Chair if Chair is being nominated) Date  
Printed name: Keroy Smith, Chair

I hereby certify that the above information is true and accurate.  
X [Signature] 2.2.2016  
Individual recommended for appointment Date  
Printed name: Tom Best



DIVISION OF SOIL AND WATER CONSERVATION  
North Carolina Department of Agriculture & Consumer Services  
1614 Mail Service Center • Raleigh, NC 27699-1614  
919.733.2302 • www.ncagr.gov/sw/

INTERNAL USE ONLY:  
Appointed / Elected Seat  
Current Term: 12-16

RECEIVED

FEB 08 2016

SOIL & WATER CONSERVATION

RECOMMENDATION FOR APPOINTMENT OF SUPERVISOR

Complete and submit online through SharePoint; keep original for your file

The supervisors of the Pitt Soil and Water Conservation District of Pitt County, North Carolina have recommended the individual listed below for APPOINTMENT as a district supervisor in accordance with N.C.G.S. 139-7 for a term of office commencing March 16, 2016 and ending December 3, 2016 to fill the expired or un-expired term of C. Leroy Smith.

Name of nominee: Charles S Davenport  
Address of nominee, City, State, Zip: 4887 Old Creek Road, Greenville, NC 27834  
Email address of nominee: N/A  
Home phone: 252.757.1662  
Mobile phone: 252.531.5878  
Business phone: 252.752.6930  
Occupation: Farmer  
Age: \_\_\_\_\_  
Education: \_\_\_\_\_  
Positions of leadership NOW held by nominee: Board Member, Pitt Soil & Water Conservation District  
Former occupations or positions of leadership contributing to nominee's qualifications: \_\_\_\_\_  
Other pertinent information: \_\_\_\_\_

Is nominee willing to attend a training session within the first year after appointment? Check for "Yes"   
Has the nominee been contacted to determine their willingness to serve? Check for "Yes"   
Has the program and purpose of the soil and water conservation district been explained to the nominee? Check for "Yes"   
Is the nominee willing to attend and participate in local district meetings? Check for "Yes"   
Is the nominee willing to attend and participate in Area meetings? Check for "Yes"   
Is the nominee willing to attend and participate in State meetings? Check for "Yes"

Signatures

I hereby certify that the board of supervisors considered the Guiding Principles for Supervisor Nomination for Appointment shown on the reverse of this nomination form when selecting the above supervisor candidate for nomination. I also certify that this recommendation has been considered and approved by a majority of the members of the board of supervisors and entered in the official minutes of the board.

X [Signature]  
SWCD Chair (or Vice Chair if Chair is being nominated)  
Printed name: Tom Best, Vice Chair

2.2.2016  
Date

I hereby certify that the above information is true and accurate.

X [Signature]  
Individual recommended for appointment  
Printed name: Charles S Davenport

2.2.2016  
Date



DIVISION OF SOIL AND WATER CONSERVATION  
North Carolina Department of Agriculture & Consumer Services  
1614 Mail Service Center • Raleigh, NC 27699-1614  
919.733.2302 • www.ncagr.gov/sw/

RECEIVED  
FEB 08 2016  
SOIL & WATER CONSERVATION

INTERNAL USE ONLY:  
Appointed Elected Seat  
Current Term: 17-18

RECOMMENDATION FOR APPOINTMENT OF SUPERVISOR

Complete and submit online through SharePoint; keep original for your file

The supervisors of the Pitt Soil and Water Conservation District of Pitt County, North Carolina have recommended the individual listed below for APPOINTMENT as a district supervisor in accordance with N.C.G.S. 139-7 for a term of office commencing March 16, 2016 and ending December 3, 2018 to fill the expired or un-expired term of Tom Best.

Name of nominee: Thurston James  
Address of nominee, City, State, Zip: 3158 Bear Grass Road, Stokes, NC 27884  
Email address of nominee: N/A  
Home phone: 252.752.5592  
Mobile phone: 252.341.5173  
Business phone: \_\_\_\_\_  
Occupation: Farmer  
Age: \_\_\_\_\_  
Education: \_\_\_\_\_  
Positions of leadership NOW held by nominee: Board Member, Pitt Soil & Water Conservation District  
Former occupations or positions of leadership contributing to nominee's qualifications: \_\_\_\_\_

Other pertinent information: \_\_\_\_\_

Is nominee willing to attend a training session within the first year after appointment? Check for "Yes"   
Has the nominee been contacted to determine their willingness to serve? Check for "Yes"   
Has the program and purpose of the soil and water conservation district been explained to the nominee? Check for "Yes"   
Is the nominee willing to attend and participate in local district meetings? Check for "Yes"   
Is the nominee willing to attend and participate in Area meetings? Check for "Yes"   
Is the nominee willing to attend and participate in State meetings? Check for "Yes"

Signatures

I hereby certify that the board of supervisors considered the Guiding Principles for Supervisor Nomination for Appointment shown on the reverse of this nomination form when selecting the above supervisor candidate for nomination. I also certify that this recommendation has been considered and approved by a majority of the members of the board of supervisors and entered in the official minutes of the board.

X [Signature]  
SWCD Chair (or Vice Chair if Chair is being nominated)  
Printed name: C. Leroy Smith, Chair

2.2.2016  
Date

I hereby certify that the above information is true and accurate.

X [Signature]  
Individual recommended for appointment  
Printed name: Thurston James

2.2.2016  
Date



DIVISION OF SOIL AND WATER CONSERVATION  
 North Carolina Department of Agriculture & Consumer Services  
 1614 Mail Service Center • Raleigh, NC 27699-1614  
 919.733.2302 • www.ncagr.gov/sw/

RECEIVED

FEB 08 2016

SOIL & WATER CONSERVATION

INTERNAL USE ONLY:  
 Appointed / Elected Seat  
 Current Term: 14-18

**RECOMMENDATION FOR APPOINTMENT OF SUPERVISOR**

Complete and submit online through SharePoint; keep original for your file

The supervisors of the Pitt Soil and Water Conservation District of Pitt County, North Carolina have recommended the individual listed below for APPOINTMENT as a district supervisor in accordance with N.C.G.S. 139-7 for a term of office commencing March 16, 2016 and ending December 3, 2018 to fill the expired or un-expired term of Charles S Davenport.

Name of nominee: C. Leroy Smith  
 Address of nominee, City, State, Zip: P O Box 1352, Winterville, NC 28590  
 Email address of nominee: clsmith111150@gmail.com  
 Home phone: 252.756.6143  
 Mobile phone: 252.531.3454  
 Business phone: \_\_\_\_\_  
 Occupation: Retired  
 Age: \_\_\_\_\_  
 Education: \_\_\_\_\_  
 Positions of leadership NOW held by nominee: Chairman of Pitt Soil & Water Conservation District  
 Former occupations or positions of leadership contributing to nominee's qualifications: \_\_\_\_\_  
 Other pertinent information: \_\_\_\_\_

Is nominee willing to attend a training session within the first year after appointment? Check for "Yes"   
 Has the nominee been contacted to determine their willingness to serve? Check for "Yes"   
 Has the program and purpose of the soil and water conservation district been explained to the nominee? Check for "Yes"   
 Is the nominee willing to attend and participate in local district meetings? Check for "Yes"   
 Is the nominee willing to attend and participate in Area meetings? Check for "Yes"   
 Is the nominee willing to attend and participate in State meetings? Check for "Yes"

**Signatures**

*I hereby certify that the board of supervisors considered the Guiding Principles for Supervisor Nomination for Appointment shown on the reverse of this nomination form when selecting the above supervisor candidate for nomination. I also certify that this recommendation has been considered and approved by a majority of the members of the board of supervisors and entered in the official minutes of the board.*

X [Signature] 2.2.2016  
 SWCD Chair (or Vice Chair if Chair is being nominated) Date  
 Printed name: Tom Best, Vice Chair

*I hereby certify that the above information is true and accurate.*  
 X [Signature] 2.2.2016  
 Individual recommended for appointment Date  
 Printed name: C. Leroy Smith

# PITT SOIL & WATER CONSERVATION DISTRICT

SUPERVISORS

C. LEROY SMITH  
CHARLES DAVENPORT  
TOM BEST  
THURSTON JAMES  
BOB EDWARDS

FIELD OFFICE STAFF

BRYAN EVANS  
CAROLYN Y. GARRIS  
PJ ANDREWS  
CAROLINE SISLEY  
DIANA IRIZARRY, NRCS

February 3, 2016

Division of Soil and Water Conservation  
1614 Mail Service Center  
Raleigh, North Carolina 27699-1614

Enclosed you will find resignation letters for Thurston James, Leroy Smith, Charles Davenport and Tom Best. Please note Supervisors Davenport and James have resigned their appointed seats on the board. Supervisors Best and Smith have resigned their elected positions. Supervisors Davenport and James have been nominated to fill those unexpired terms. Supervisors Best and Smith have been nominated to fill the unexpired terms of Supervisor Davenport and James.

Enclosed please find the Nomination of Supervisor for Reappointment forms for supervisors Charles Davenport, Leroy Smith, Thurston James and Tom Best which were approved during our board meeting held February 2, 2016. We are honored to have such dedicated supervisors representing our District.

If you have any questions or require additional information, please contact our office.

Sincerely,



CAROLYN Y. GARRIS, CEE  
Administrative Assistant/Education Coordinator

Enclosures

CC: District Board  
File

RECEIVED  
FEB 08 2016  
SOIL & WATER CONSERVATION

February 2, 2016

I, Tom Best, hereby resign my elected position on the Pitt County Soil and Water Conservation District board effective March 15, 2016.

A handwritten signature in black ink, appearing to read "Tom Best", is written over a horizontal line.

RECEIVED

FEB 08 2016

SOIL & WATER CONSERVATION

February 2, 2016

I, Charles S. Davenport, hereby resign my appointed position on the Pitt County Soil and Water Conservation District board effective March 15, 2016.

Charles Davenport

RECEIVED  
FEB 08 2016  
SOIL & WATER CONSERVATION

February 2, 2016

I, Thurston James, hereby resign my appointed position on the Pitt County Soil and Water Conservation District board effective March 15, 2016.

*Thurston James*

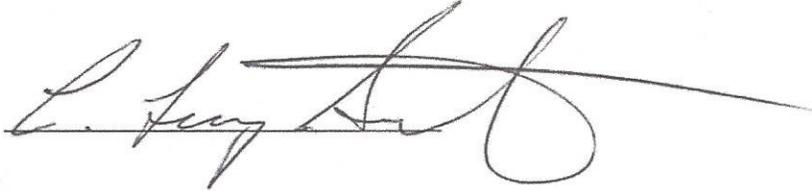
RECEIVED

FEB 08 2016

SOIL & WATER CONSERVATION

February 2, 2016

I, C. Leroy Smith, hereby resign my elected position on the Pitt County Soil and Water Conservation District board effective March 15, 2016.

A handwritten signature in black ink, appearing to read "C. Leroy Smith", with a long horizontal flourish extending to the right.

RECEIVED  
FEB 08 2016  
SOIL & WATER CONSERVATION



DIVISION OF SOIL AND WATER CONSERVATION  
North Carolina Department of Agriculture & Consumer Services  
1614 Mall Service Center • Raleigh, NC 27699-1614  
919.733.2302 • www.ncagr.gov/sw/

INTERNAL USE ONLY:  
Appointed / Elected Seat  
Current Term: 12-16

RECOMMENDATION FOR APPOINTMENT OF SUPERVISOR

Complete and submit online through SharePoint; keep original for your file

The supervisors of the Richmond Soil and Water Conservation District of Richmond County, North Carolina have recommended the individual listed below for APPOINTMENT as a district supervisor in accordance with N.C.G.S. 139-7 for a term of office commencing February 2016 and ending December 2016 to fill the expired or un-expired term of Cecil Robinson MARCH 2016 KAT

Name of nominee: Jim Chandler  
Address of nominee, City, State, Zip: 128 Smith Ferry Rd; Mount Gilead, NC 27306  
Email address of nominee: jim27306@gmail.com  
Home phone: 910-439-9418  
Mobile phone: 910-571-1448  
Business phone: 910-439-9418  
Occupation: Cattle Farmer  
Age: 75  
Education: MS Chemistry  
Positions of leadership NOW held by nominee: VAD Committee; President-Wadesboro Lions Club; Farm Owner  
Former occupations or positions of leadership contributing to nominee's qualifications: Owner/CEO of Travel Agencies; PDG-Lions Clubs International; Director/Chair-Lions Services; Director-Metrolina Assoc. for the Blind  
Other pertinent information: Democratic Party Precinct Chair; County Party Sect.

- Is nominee willing to attend a training session within the first year after appointment? Check for "Yes"
- Has the nominee been contacted to determine their willingness to serve? Check for "Yes"
- Has the program and purpose of the soil and water conservation district been explained to the nominee? Check for "Yes"
- Is the nominee willing to attend and participate in local district meetings? Check for "Yes"
- Is the nominee willing to attend and participate in Area meetings? Check for "Yes"
- Is the nominee willing to attend and participate in State meetings? Check for "Yes"

Signatures

I hereby certify that the board of supervisors considered the Guiding Principles for Supervisor Nomination for Appointment shown on the reverse of this nomination form when selecting the above supervisor candidate for nomination. I also certify that this recommendation has been considered and approved by a majority of the members of the board of supervisors and entered in the official minutes of the board.

Jeffrey Johnson  
SNCD Chair (or Vice Chair if Chair is being nominated)  
Printed name: \_\_\_\_\_

3-2-2016  
Date

I hereby certify that the above information is true and accurate.

Jim Chandler  
Individual recommended for appointment  
Printed name: Jim Chandler

02/16/2016  
Date

Cecil Robinson  
1081 Ghio Road  
Hamlet NC 28345-9052

February 4, 2016

Mr. Jeff W. Joyner  
Board Chairman  
Richmond SWCD  
123 Caroline Street #300  
Rockingham NC 28379-3685

Dear Chairman Joyner,

I regret to inform you that I tender my resignation as Richmond County Soil and Water Conservation District Supervisor effect from February 4, 2016.

It has been a great pleasure working with the Soil and Water Board and staff. I wish continued success to Soil and Water Conservation.

If there is anything I can do in aiding a smooth transition of responsibilities, please let me know.

Thank you,

Sincerely,  


Cecil Robinson



INTERNAL USE ONLY:  
Appointed / Elected Seat  
 Current Term: 14-18

DIVISION OF SOIL AND WATER CONSERVATION  
 North Carolina Department of Agriculture & Consumer Services  
 1614 Mail Service Center • Raleigh, NC 27699-1614  
 919.733.2302 • www.ncagr.gov/sw/

**RECOMMENDATION FOR APPOINTMENT OF SUPERVISOR**

Complete and submit online through SharePoint; keep original for your file

The supervisors of the Scotland Soil and Water Conservation District of Scotland County, North Carolina have recommended the individual listed below for APPOINTMENT as a district supervisor in accordance with N.C.G.S. 139-7 for a term of office commencing March 2016 and ending December 2018 to fill the expired or un-expired term of un-expired term for David Morrison.

Name of nominee: James F. Norfleet  
 Address of nominee, City, State, Zip: 15560 Silver Hill Road Laurinburg, NC 28352  
 Email address of nominee: jimnorfleet@gmail.com  
 Home phone: 910-276-6563  
 Mobile phone: 910-277-6158  
 Business phone: \_\_\_\_\_  
 Occupation: Retired  
 Age: 63  
 Education: High School and College Degree  
 Positions of leadership NOW held by nominee: Treasure Old Laurel Hill Church, Treasurer of Scotland County Bee Keepers  
 Former occupations or positions of leadership contributing to nominee's qualifications: Scottish Food Systems  
 Other pertinent information: \_\_\_\_\_

Is nominee willing to attend a training session within the first year after appointment? Check for "Yes"   
 Has the nominee been contacted to determine their willingness to serve? Check for "Yes"   
 Has the program and purpose of the soil and water conservation district been explained to the nominee? Check for "Yes"   
 Is the nominee willing to attend and participate in local district meetings? Check for "Yes"   
 Is the nominee willing to attend and participate in Area meetings? Check for "Yes"   
 Is the nominee willing to attend and participate in State meetings? Check for "Yes"

**Signatures**

I hereby certify that the board of supervisors considered the Guiding Principles for Supervisor Nomination for Appointment shown on the reverse of this nomination form when selecting the above supervisor candidate for nomination. I also certify that this recommendation has been considered and approved by a majority of the members of the board of supervisors and entered in the official minutes of the board.

X [Signature] 3-4-16  
 SWCD Chair (or Vice Chair if Chair is being nominated) Date  
 Printed name: BRYAN Hagler

I hereby certify that the above information is true and accurate.  
 X [Signature] 3/4/2016  
 Individual recommended for appointment Date  
 Printed name: JAMES F. NORFLEET

November 12, 2015

Dear Commission of Soil and Water,

I, David Morrison have decided to resign from the Scotland Soil and Water Conservation District. At this time I feel it's for the best of my interest due to personal reasons. I told the Scotland Soil and Water Board this morning at our monthly board meeting. As of November 12, 2015 I will no longer be on the Scotland Soil and Water Conservation District Board.

I have truly enjoyed working with the board and being a part of the Scotland Soil and Water Conservation Board.

Sincerely,

A handwritten signature in black ink that reads "David Morrison". The signature is written in a cursive style with a large initial "D" and a long horizontal stroke at the end.

David Morrison, Appointed Board Member



DIVISION OF SOIL AND WATER CONSERVATION
North Carolina Department of Agriculture & Consumer Services
1614 Mail Service Center • Raleigh, NC 27699-1614
919.733.2302 • www.ncagr.gov/sw/

INTERNAL USE ONLY:
Appointed / Elected Seat
Current Term: 14-18

RECOMMENDATION FOR APPOINTMENT OF SUPERVISOR

Complete and submit online through SharePoint; keep original for your file

The supervisors of the Onslow Soil and Water Conservation District of Onslow County, North Carolina have recommended the individual listed below for APPOINTMENT as a district supervisor in accordance with N.C.G.S. 139-7 for a term of office commencing March 2016 and ending December 2018 to fill the expired or un-expired term of Marion Howard

Name of nominee: Carl Dewey Wells
Address of nominee, City, State, Zip: 245 Stella Road, Stella NC 28582
Email address of nominee:
Home phone: 910-326-5896
Mobile phone:
Business phone:
Occupation:
Age:
Education:
Positions of leadership NOW held by nominee:
Former occupations or positions of leadership contributing to nominee's qualifications:
Other pertinent information:

Is nominee willing to attend a training session within the first year after appointment? Check for "Yes" [X]
Has the nominee been contacted to determine their willingness to serve? Check for "Yes" [X]
Has the program and purpose of the soil and water conservation district been explained to the nominee? Check for "Yes" [X]
Is the nominee willing to attend and participate in local district meetings? Check for "Yes" [X]
Is the nominee willing to attend and participate in Area meetings? Check for "Yes" [X]
Is the nominee willing to attend and participate in State meetings? Check for "Yes" [X]

Signatures

I hereby certify that the board of supervisors considered the Guiding Principles for Supervisor Nomination for Appointment shown on the reverse of this nomination form when selecting the above supervisor candidate for nomination. I also certify that this recommendation has been considered and approved by a majority of the members of the board of supervisors and entered in the official minutes of the board.

X [Signature]
SWCD Chair (or Vice Chair if Chair is being nominated)
Printed name: S. Jerome Shaw

03/14/2016
Date

I hereby certify that the above information is true and accurate.

X
Individual recommended for appointment
Printed name: Carl Dewey Wells

Date

Marion Howard  
5585 Gum Branch Road  
Jacksonville, NC 28540  
(910) 934-5539

June 15, 2015

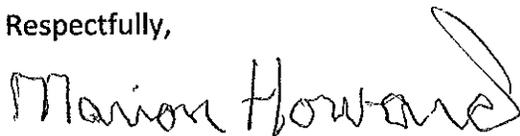
Onslow County Soil and Water Board of Supervisors  
Jerome Shaw, Chairman, Board Members and Staff  
4028 Richlands Highway  
Jacksonville, NC 28540

CC: Jeff Hudson, Onslow County Manager; Onslow County Board of Commissioners

Dear Mr. Shaw,

I am writing this letter to inform you that I feel the time has come to resign from my position of District Supervisor. I have served on this board for many years but I feel my resignation is necessary due to the fact that a select number of members and staff have chosen to withhold pertinent information from some of all parties entitled. My resignation will be effective immediately.

Respectfully,

A handwritten signature in cursive script that reads "Marion Howard". The signature is written in black ink and is positioned below the word "Respectfully,".

Marion Howard



INTERNAL USE ONLY:  
 Appointed Elected Seat  
 Current Term: 12-16

DIVISION OF SOIL AND WATER CONSERVATION  
 North Carolina Department of Agriculture & Consumer Services  
 1614 Mall Service Center • Raleigh, NC 27699-1614  
 919.733.2302 • www.ncagr.gov/sw/

**RECOMMENDATION FOR APPOINTMENT OF SUPERVISOR**

Complete and submit online through SharePoint; keep original for your file

The supervisors of the Stanly Soil and Water Conservation District of Stanly County, North Carolina have recommended the individual listed below for APPOINTMENT as a district supervisor in accordance with N.C.G.S. 139-7 for a term of office commencing 3-9-16 and ending 6-30-16 to fill the expired or un-expired term of June Mabry. MARCH 2016 DECEMBER 2016  
KAF KAF

Name of nominee: Aaron L Burluson  
 Address of nominee, City, State, Zip: 28767 Kendall Church Rd., Richfield, NC 28137  
 Email address of nominee: dreamfoenghus@yahoo.com  
 Home phone: \_\_\_\_\_  
 Mobile phone: 704-985-0438  
 Business phone: \_\_\_\_\_  
 Occupation: Farmer  
 Age: 34  
 Education: BA Music from Pfeiffer University  
 Positions of leadership NOW held by nominee: General Partner of Thurman Burluson And Sons Farm  
 Former occupations or positions of leadership contributing to nominee's qualifications: member of NC Cattleman's Association  
 Other pertinent information: \_\_\_\_\_

Is nominee willing to attend a training session within the first year after appointment? Check for "Yes"   
 Has the nominee been contacted to determine their willingness to serve? Check for "Yes"   
 Has the program and purpose of the soil and water conservation district been explained to the nominee? Check for "Yes"   
 Is the nominee willing to attend and participate in local district meetings? Check for "Yes"   
 Is the nominee willing to attend and participate in Area meetings? Check for "Yes"   
 Is the nominee willing to attend and participate in State meetings? Check for "Yes"

**Signatures**

I hereby certify that the board of supervisors considered the Guiding Principles for Supervisor Nomination for Appointment shown on the reverse of this nomination form when selecting the above supervisor candidate for nomination. I also certify that this recommendation has been considered and approved by a majority of the members of the board of supervisors and entered in the official minutes of the board.

Terry L. Blalock  
 SWCD Chair (or Vice Chair if Chair is being nominated) 3-9-16  
 Printed name: Terry L. Blalock Date

I hereby certify that the above information is true and accurate.

Aaron Burluson  
 Individual recommended for appointment 3-9-16  
 Printed name: Aaron Burluson Date

June Mabry

---

March 9, 2016

Mr. Ben Knox, Chairman  
NC Soil & Water Conservation Commission  
c/o Pat Harris, Director  
Division of Soil and Water Conservation  
1614 Mail Service Center  
Raleigh, NC 27699-1614

Dear Chairman Knox,

I hereby resign my position on the Stanly County Soil and Water Conservation District.

Sincerely,

  
June Mabry

NC Cost Share Programs Supervisor Contracts  
Soil and Water Conservation Commission

County	Contract Number	Supervisor Name	BMP	Contract Amount	Comments
Anson	04-2016-115	Nichole Carpenter	Incinerator	\$15,069	contract in husband's name
Cabarrus	13-2016-502	Jeff Goforth	cistern	\$1,633	
Craven	25-2016-005	Donald Heath	cropland conversion to grass	\$10,341	
Harnett	43-2016-008	Jeff Turlington	diversion, terraces, waterways	\$5,435	
Lenoir	54-2016-801	Michael Tyson	Agricultural Water Supply Pond	\$24,000	asking for approval pending design
Northampton	66-2016-001	Gregory Harris	grassed waterways	\$5,630	
Person	73-2015-013	Bruce Whitfield	grassed waterways	\$903	
Wake/Harnett	92-2016-014	Joseph Revels	grassed waterways	\$1,226	contract in Wake, Harnett Supervisor
Wake/Harnett	92-2016-013	Joseph Revels	grassed waterways	\$5,148	contract in Wake, Harnett Supervisor

Total Number of Supervisor Contracts: 9

Total                   \$                   **69,385**

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

As a Soil and Water District Supervisor, for the Brown Creek 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: Incinerator

Contract number: 04-2016-115

Contract amount: \$15,069

Score on priority ranking sheet: 110

Cost Share Rate : 90 % If different than 75%, please list % percent:

Reason: Property is enrolled in the Enhanced Voluntary Ag District which qualifies the applicant for 90% cost share in the district.

Relative rank (e.g., ranked 8th out of 12 projects considered): 1st

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: Steve Carpenter shares farm with Nicole Carpenter

Nicole Carpenter  
(District Supervisor's signature)

2/22/16  
Date

Approved by:

Paul M. Mc-  
(District Chairperson's signature)

2-22-16  
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.

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

As a Soil and Water District Supervisor, for the Cabarrus 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: CCAP

Best management practice:Cistern

Contract number:13-2016-502

Contract amount: \$1,633.00

Score on priority ranking sheet: 32

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

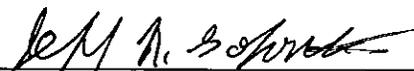
Relative rank (e.g., ranked 8th out of 12 projects considered):1 of 2

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:

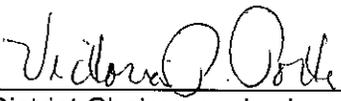
---

Supervisor name: Jeff Goforth

  
(District Supervisor's signature)

2/3/2016  
Date

Approved by:

  
(District Chairperson's signature)

2/8/16  
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.

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

As a Soil and Water District Supervisor, for the Craven 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: **NCACSP**

Best management practice: **Cropland Conversion to Grass**

Contract number: **25-2016-005**

Contract amount: **\$10,341.00**

Score on priority ranking sheet: **25**

Cost Share Rate: **90%** If different than 75%, please list % percent:

Reason: **District Policy allows farms located within Enhanced Voluntary Agricultural Districts to be funded at 90% rate if the BMP is eligible for the 90% rate.**

Relative rank (e.g., ranked 8th out of 12 projects considered): **1<sup>st</sup> out of 1 project considered.**

Were any higher or equally ranked contracts denied? ~~Yes~~ No, but see explanation.

If yes, give an explanation as to why the supervisor's contract was approved over the other contracts:

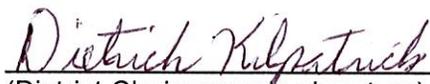
**Please see the attached sheet explaining the approval.**

Supervisor name: **Donald Heath**

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

2-9-16  
Date

Approved by: **Dietrich Kilpatrick**

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

2-9-16  
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.

**NC-CSPs-1B, Explanation Attachment**

**Name: Donald Heath**

**NCACSP Contract Number: 25-2016-005**

**EXPLANATION**

Three (3) applications received during batching period (2<sup>nd</sup> batching period of the year). Batching period ran from October 1, 2015 to December 31, 2015.

One application was for a supplement to a prior year (PY 2014) contract. This application and contract was approved immediately at the November 2016 meeting due to it being a supplement and being necessary to pay out the prior year contract.

The second application (for cover crops) was not considered for approval due to the district batching period and the cover crop planting window. Application was received on 10/2/15; thirteen (13) days prior to the planting deadline for the cover crop he wanted to plant (wheat). Applicant stated that he already had the seed and was going to plant it regardless of whether he received cost share assistance or not. Applicant was informed of the required planting deadline and the District batching period. Informed him that because of the batching period, the application would not even be considered for approval until the February 2016 meeting, four months after the planting deadline, unless the Board decides to deviate from their standard operating procedures and have a special meeting to consider this application. Applicant asked about extending the planting deadlines due to the extremely wet weather. We contacted the NRCS Area Office and received an extension on the planting deadline until November 15, 2015. Prior to calling a special meeting, each District Supervisor was contacted to determine if they were willing to deviate from the established batching period for this application. Of the 5 supervisors, two were willing to deviate and the other three felt we should follow the established procedures. Informed the applicant (president of the corporation) of the Board decision to not deviate from established District policy and that applications received would not be considered until the regularly scheduled meeting in February 2016. It is our understanding that the applicant planted the cover crops as he originally planned. Application was not considered at the February 2016 meeting.

Third application received was this district supervisor contract.

NCDA&CS  
DSWC

NC -CSPs-1B  
(11/2012)

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

As a Soil and Water District Supervisor, for the Harnett 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: Diversion, Terraces, Waterways

Contract number: 43-2016-008 Contract amount: \$ 5435

Score on priority ranking sheet: 200

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

Relative rank (e.g., ranked 8th out of 12 projects considered): Ranked 3 out of 6 contracts

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: Jeff Turlington

[Signature]  
(District Supervisor's signature)

1-21-16  
Date

Approved by:

[Signature]  
(District Chairperson's signature)

1/21/16  
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.

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

As a Soil and Water District Supervisor, for the \_\_\_\_\_ Lenoir County \_\_\_\_\_ 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: AgWRAP

Best management practice: Agricultural Water Supply Pond

Contract number: 54-2016-801

Contract amount: \$ 24,000

Score on priority ranking sheet: 85

Cost Share Rate: 90 % If different than 75%, please list % percent: 90%

Reason: Applicant is applying as a Limited Resource Farmer.

Relative rank (e.g., ranked 8th out of 12 projects considered): *NA*

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: *Michael Keith Tyson*

*Michael Keith Tyson*  
(District Supervisor's signature)

*2/11/2016*  
Date

Approved by:

*[Signature]*  
(District Chairperson's signature)

*2-15-2016*  
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.

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

As a Soil and Water District Supervisor, for the Northampton 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: Ag Cost Share

Best management practice: Grassed Waterway

Contract number: 66-2016-001 Contract amount: \$ 5,630

Score on priority ranking sheet:

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

Relative rank (e.g., ranked 8th out of 12 projects considered):

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: ~~Gregory Harris~~ Gregory Harris

Gregory T. Harris Sr.  
(District Supervisor's signature)

2-16-16  
Date

Approved by:

William M. Stephens  
(District Chairperson's signature)

2-19-2016  
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.

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

As a Soil and Water District Supervisor, for the Person 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: Grassed Waterways

Contract number: 73-2015-013 Contract amount: \$ 903

Score on priority ranking sheet: 400

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

Relative rank (e.g., ranked 8th out of 12 projects considered): 4 of 7

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: Bruce Whitfield

Bruce Whitfield  
(District Supervisor's signature)

10-6-14  
Date

Approved by:

Cal Berryhill vice chair  
(District Chairperson's signature)

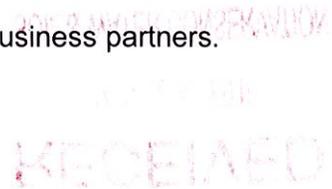
10-6-14  
Date

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.



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

As a Soil and Water District Supervisor, for the HARNETT 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: **NCACSP -Wake County**

Best management practice: **Grass-waterway**

Contract number: **92-2016-013-09**

Contract amount: **\$5,148**

Score on priority ranking sheet: **90 points**

Cost Share Rate : **75%** If different than 75%, please list % percent:  
Reason:

Relative rank (e.g., ranked 8th out of 12 projects considered): **1<sup>st</sup> out of 3 projects considered**

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: Joseph Revels

Joseph K. Revels  
(District Supervisor's signature)

1-11-16  
Date

Approved by: Thomas Dean

Thomas Dean  
(District Chairperson's signature)

1-12-16  
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.

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

As a Soil and Water District Supervisor, for the HARNETT 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: **NCACSP -Wake County**

Best management practice: **Grass-waterway**

Contract number: **92-2016-014-09**

Contract amount: **\$1,226**

Score on priority ranking sheet: **70 points**

Cost Share Rate : **75%** If different than 75%, please list % percent:  
Reason:

Relative rank (e.g., ranked 8th out of 12 projects considered): **2<sup>nd</sup> out of 3 projects considered**

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: Joseph Revels

Joseph Kent Revels  
(District Supervisor's signature)

1-11-16  
Date

Approved by: Thomas Dean

Thomas R Dean  
(District Chairperson's signature)

1-12-16  
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.



NC Cost Share Programs Supervisor Contracts  
Soil and Water Conservation Commission

County	Contract Number	Supervisor Name	BMP	Contract Amount	Comments
Harnet	43-2016-008	Jeff Turlington	Diversion, Terraces, Waterways	\$5,435	

Total Number of Supervisor Contracts: 1

Total           \$           **5,435**

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

As a Soil and Water District Supervisor, for the Harnett 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: Diversion, Terraces, Waterways

Contract number: 43-2016-008 Contract amount: \$ 5435

Score on priority ranking sheet: 200

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

Relative rank (e.g., ranked 8th out of 12 projects considered): Ranked 3 out of 6 contracts

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: Jeff Tunlington

[Signature]  
(District Supervisor's signature)

1-21-16  
Date

Approved by:

[Signature]  
(District Chairperson's signature)

1/21/16  
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.



# District Performance and Job Approval Authority Workgroup's Findings & Recommendations

March 2016



## Workgroup Charge

to examine and provide recommendations to the Commission regarding a range of issues related to district performance and Job Approval Authority



## Performance and JAA Workgroup

### Team Members

- ▶ Melanie Harris, Sampson
- ▶ Jason Walker, Yadkin
- ▶ Tony Davis, Surry
- ▶ Jonathon Russell, Moore
- ▶ Julie Henshaw, Division
- ▶ Natalie Woolard, Division

### Advisors

- ▶ Pat Harris, Division
- ▶ David Williams, Division
- ▶ Renee Melvin, NRCS
- ▶ Alan Walker, NRCS



## Issues

1. Technical Standards
  - a. Recommended improvements
2. Job Approval Authority
  - a. Ecological Sciences JAA oversight
  - b. Process improvements
  - c. Liability
3. Performance & Accountability
  - a. District technical employees
  - b. District board

## Recommendation

## #1 Continue to utilize NRCS Standards where they exist and apply

### NRCS standards:

- ▶ Are based on years of research and development to ensure the practice meets its intended purpose
- ▶ Assist employee to successfully put conservation on the ground
- ▶ Provide accountability to tax payers to ensure quality outcomes and that the public gets the intended benefit for its investment
- ▶ Include minimum criteria for the “simplest” of practices to justify cost share payment

## Recommendation

## #1 Continue to utilize NRCS Standards where they exist and apply

### NRCS standards:

- ▶ Describe the conditions under which each standard is applicable
- ▶ Include recommendations for note keeping and evaluating/documenting successful implementation
- ▶ That are considered ecological sciences (non-engineering) often support the engineering practices in a system to ensure the engineering practices function properly for its planned lifespan

## Recommendation

## #1a Recommended Improvements for NRCS Standards

- Ensure changes and proposed changes to NRCS Standards are communicated to entire partnership – referred to Conservation Action Team (CAT)
- Continue *Basics of Conservation Planning* and new employee orientation for better understanding of NRCS standards (CAT)

## §89C The North Carolina Engineering and Land Surveying Act

- **§89C-25(6) Limitations** – Practice by members of the Armed Forces of the United States; employees of the government of the United States while engaged in the practice of engineering or land surveying solely for the government on government-owned works and projects; **or practice by those employees of the Natural Resources Conservation Service, county employees, or employees of the Soil and Water Conservation Districts who have federal engineering job approval authority that involves the planning, designing, or implementation of best management practices on agricultural lands.**

## Recommendation

## #2a NRCS Retains Oversight for Ecological Sciences Job Approval Authority

- PE Board recognizes district employees with Engineering JAA working under NRCS supervision §89C-25(6)
- Ecological Sciences practices often support engineering practices/systems so JAA oversight must be provided by one agency for consistency and continuity
- Commission and division lack the needed infrastructure, resources and expertise to provide oversight for Ecological Sciences JAA

## Recommendation

## #2b Recommended JAA Process Improvements

- Need to make process for obtaining JAA more transparent and accessible (CAT)
- Need to increase district board and district employee knowledge, desire and expectation to obtain JAA
  - JAA is the demonstrated ability to independently plan, design and oversee installation of practices
  - Increase JAA awareness training (e.g. cost share workshops)
  - District Board, employee and NRCS Area Office need to hold each other accountable with follow up in obtaining JAA (need to create and promote expectation)
- Recommend tracking database for JAA requests (CAT)

## Recommendation

## #2c NRCS Retains JAA Oversight and Related Liability

- ▶ NRCS retains liability for NRCS Standards and JAA in the event of a practice failure
- ▶ Virginia's Lessons Learned
  - >50% of districts are not co-located with NRCS and lack operational agreements at local level
  - VA APELSCIDLA Board determined NRCS could not provide adequate technical oversight due to structure
  - VA Dept. of Conservation and Recreation's Soil & Water Conservation assumed JAA and related liability
  - VA programs currently in limbo

## Recommendation

**#3a Workgroup supports the Commission Cost Share Committee's approach of a performance-based rule for allocating funding for district technical assistance at local level**

## Recommendation

### #3a Recommendations to Improve Performance & Accountability for District Technical Employees

- ▶ Division to update contract form to document who is signing off for various practices
- ▶ NRCS and Division to explore potential pilot of performing field office appraisal (3 yr. cycle) and program review (5 yr. cycle) together
- ▶ NRCS and Division to continue successful scholarship programs for district employees

## Recommendation

### #3a Recommendations to Improve Performance & Accountability for District Technical Employees

- ▶ Counties and districts to support cross training of district technical employees between counties to capitalize on the knowledge, skills and abilities of experienced employees
  - Division to explore use of Master Contract to support cross training
  - NRCS to update language in 2016 Operational Agreements to enable cross training *and* include one-on-one training

## Recommendation

### #3a Recommendations to Improve Performance & Accountability for District Technical Employees

- ▶ NRCS and Division Quality Assurance efforts will continue throughout program year
- ▶ If QA indicates a pattern that a district is not meeting program and/or administrative expectations or integrity of program is compromised, NRCS and Division will work together through either a formal in depth review or informal approach to further evaluate situation and implement corrective actions immediately
- ▶ Need to highlight training opportunities and encourage individuals to implement employee development plans to secure additional JAA for both engineering and ecological sciences practices (CAT)

## Recommendation

**#3b Workgroup supports the Commission and Association's efforts to require both appointed and elected district supervisors to participate in Commission-approved training to ensure supervisors are current with their knowledge of their roles and responsibilities (bring training to the district)**

## Recommendation

### #3b Recommendations to Improve Performance & Accountability for District Boards

- ▶ Basic supervisor training programs must have a training component that creates awareness and expectation by district board for district staff to obtain JAA
- ▶ Division is to develop a training module on district supervisor's roles and responsibilities (e.g. job description)
- ▶ District board must be copied on all correspondence regarding district employee's pursuit of increased JAA and recorded in board meeting minutes



***THANK YOU!!!***

District Performance & JAA Workgroup  
for their work on this report



**COST SHARE COMMITTEE COST SHARE PROGRAM RECOMMENDATIONS  
FOR SOIL AND WATER CONSERVATION COMMISSION CONSIDERATION**

Since May 2013, the Cost Share Committee has been discussing how to revise and improve Soil and Water Conservation Commission Cost Share Program rules. These discussions have included district input through surveys and district meetings in all eight areas of the state. As part of G.S. 150B-21.34, all rules must be readopted, and Cost Share Program rules are scheduled to begin this process at the July 2016 Soil and Water Conservation Commission meeting.

The committee has prepared the following recommendations for Commission consideration. Please share guidance on these ideas so that the Committee can prepare rule changes according to the Department's approved schedule:

<b>Action</b>	<b>Date</b>
SWCC will vote to approve the report so that it can be posted on the Department's and Office of Administrative Hearing's (OAH) websites. SWCC will make an initial determination to classify each rule as unnecessary; necessary without substantive public interest; or necessary with substantive public interest. <i>The Committee will recommend that all Cost Share Program rules be considered necessary with substantive public interest.</i>	July 2016
SWCC accepts public comment on the classification of rules for 60 days.	August 31 – October 31, 2016
Commission makes determination classifying each rule in the final report after consideration to public comment as unnecessary, necessary without substantive public interest or necessary with substantive public interest.	November 2016
Final approval from Rules Review Commission, then begin official stakeholder process and public comment period.	January 2017
Stakeholder process and public comment period.	January – February 2017
SWCC approves the start of the rule making process.	March or May 2017
Public comment period on rule revisions.	April/June-May/July 2017
SWCC approves final rules.	July/September 2017
Rules Review Commission approves rules & rules effective ( <i>allocation rules will be used the next fiscal year</i> )	Fall/Winter 2017

**RULE ORGANIZATION AND FORMAT**

All Soil and Water Conservation Commission Cost Share Programs will be found in the Agriculture Cost Share Program Rules (02 NCAC 59D). The Purpose Rule (02 NCAC 59D.0101) will include:

- A. Agriculture Cost Share Program;
- B. Community Conservation Assistance Program; and
- C. Agricultural Water Resources Assistance Program.

Our goal with this format is to allow the addition of new programs, should they become available, by requiring the opening of the Purpose Rule and proposing a new separate allocation rule for the new program. This step will improve efficiency by having all program rules in one location, and reduce redundant rules that appeared in multiple places.

The Committee anticipates the new rule structure to look similar to the following:

02 NCAC 59D .0101 PURPOSE

02 NCAC 59D .0102 DEFINITIONS FOR SUBCHAPTER 59D

02 NCAC 59D .0103 ALLOCATION GUIDELINES AND PROCEDURES FOR THE AGRICULTURE COST SHARE PROGRAM

02 NCAC 59D .0104 ALLOCATION GUIDELINES AND PROCEDURES FOR THE COMMUNITY CONSERVATION ASSISTANCE PROGRAM

02 NCAC 59D .0105 ALLOCATION GUIDELINES AND PROCEDURES FOR THE AGRICULTURAL WATER RESOURCES ASSISTANCE PROGRAM

02 NCAC 59D .0106 BEST MANAGEMENT PRACTICES ELIGIBLE FOR COST SHARE PAYMENTS

02 NCAC 59D .0107 COST SHARE AND INCENTIVE PAYMENTS

02 NCAC 59D .0108 TECHNICAL ASSISTANCE FUNDS

02 NCAC 59D .0109 COST SHARE AGREEMENT

02 NCAC 59D .0110 DISTRICT PROGRAM OPERATION

**COST SHARE PROGRAM ALLOCATION AND GUIDELINES RULE SUGGESTIONS****Agriculture Cost Share Program:**

- Revise data sources from North Carolina Agricultural Statistics to US Census of Agriculture to include more types of commodities and acreage and animals grown in each county.
- Revise impaired waters and special watersheds parameters using best data to account for agricultural areas.
- Combine the performance parameters into one with the same combined weight. Instead of measuring amount encumbered and amount expended; the new parameter would be the amount of program funds installed for BMPs in a set period of time.

**Community Conservation Assistance Program:**

- Add the ability of the Commission to specify the amount of funding available for regional and district allocations in the annual CCAP Detailed Implementation Plan.
- Revise data sources in the rule to reflect best available data.
- Add text to include *The Commission may consider additional factors as recommended by the Division of Soil and Water Conservation when making their allocations.*

\*Staff is working on revisions to this rule according to an expedited schedule based on Commission request. This means that this rule will be opened and acted upon earlier; but will be reopened again during this formal process due to the rule organization and format changes. *Revisions to text of the*

*existing rule will be presented for consideration at the May 2016 Commission meeting, with the request to start the rule making process. It is anticipated that the revised rule could be effective by December 1, 2016.*

**Agricultural Water Resources Assistance Program:**

- Revise data sources from North Carolina Agricultural Statistics to US Census of Agriculture to include more types of commodities and acreage and animals grown in each county.
- Revise weights of parameters.
- Add text to include *The Commission may consider additional factors as recommended by the Division of Soil and Water Conservation when making their allocations.*

**TECHNICAL ASSISTANCE RULE IDEAS FOR CONSIDERATION**

- Consider paying for performance instead of a position
- Minimum technical assistance (TA) allocation = \$20,000/year
  - Districts would receive funding above \$20,000 based upon the amount of funding spent on BMPs in their county, compared to the total amount spent in the state.
- Performance is based on dollars spent on BMP installed in each county:
  - Weight ACSP, CCAP & AgWRAP BMP expenditures at 100%, excluding engineering costs
  - Weight NRCS BMP expenditures at 50%
  - Weight grant funds expenditures at 50%
    - Committee is currently developing a matrix to determine eligibility
    - Must be for water quality or quantity BMP implementation
    - District must have provided TA for BMPs installed
    - Grant projects outside of matrix eligibility to be determined by the Cost Share Committee
- The allocation would be determined every three years, unless there is a significant change in state appropriations, based on the district's performance during the best three of the last 7 fiscal years.
- When allocations will be decreased, districts will receive notice of the new allocation amount one year in advance.
- If a district is not spending more from state cost share programs on BMPs than they receive for TA, they must account for and justify why they should continue to receive TA support.
  - The average of the last three years will be calculated when master agreements are completed.
  - The Commission will have the ability to reduce or defer TA funding.
- Retain the JAA requirement approved by Commission in 2010 in addition to the performance data.
  - *All technical district employee(s) shall obtain Job Approval Authority for a minimum of two best management practices from the Commission or the USDA Natural Resources Conservation Service within two years of being hired or within two years of the effective date of this rule, whichever is later. At least one of the best management practices for which the employee has obtained Job Approval Authority must be a design practice.*

*Design practice means an engineering practice as defined by the Natural Resources Conservation Service or the Community Conservation Assistance Program Detailed Implementation Plan.*

DRAFT

# Nutrient Sensitive Watersheds

Annual Progress Reporting for Agriculture Rule Implementation in the Falls Lake, Neuse, and Tar-Pamlico Watersheds

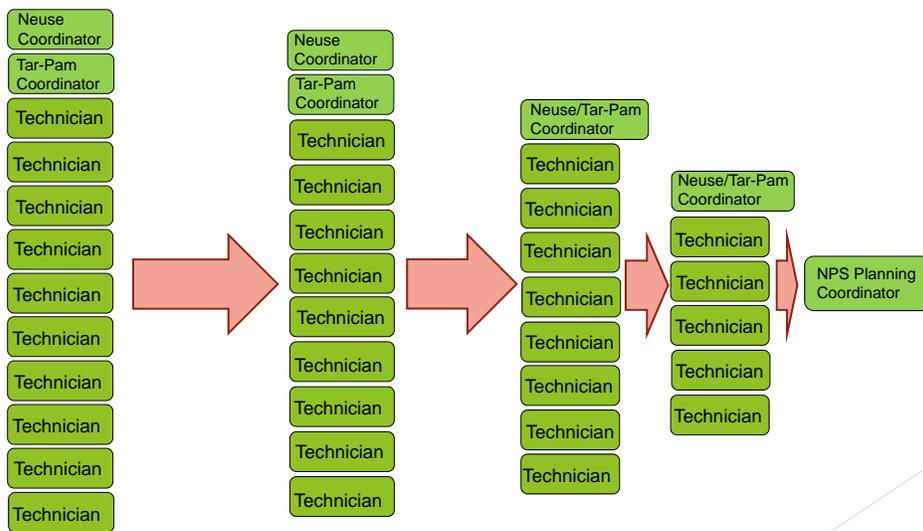
## Agriculture Rules

- ▶ Neuse River Basin (1998)
  - ▶ 1991-1995 baseline
  - ▶ 30% nitrogen loss reduction
- ▶ Tar-Pamlico River Basin (2001)
  - ▶ 1991 baseline
  - ▶ 30% nitrogen loss reduction
  - ▶ No net increase in phosphorus loss risk
- ▶ Jordan Lake Watershed (2009)
  - ▶ 1997-2001 baseline
  - ▶ 3 subwatershed reduction goals
- ▶ Falls Lake Watershed (2011)
  - ▶ 2006 baseline
  - ▶ Stage I - 20% nitrogen loss reduction, 40% phosphorus loss reduction, 20 pasture points
  - ▶ Stage II - 40% nitrogen loss reduction, 77% phosphorus loss reduction, 40 pasture points

## Reporting Hierarchy

- ▶ Local Advisory Committees
  - ▶ 25 counties
  - ▶ Includes DSWC, NRCS, SWCD, CES, NCDACS, and 2 farming interests
- ▶ Basin Oversight Committees
  - ▶ Neuse and Tar-Pamlico River Basins
  - ▶ Includes DSWC, NRCS, NCDACS, CES, DWR, environmental interest, scientific expert, and 1-3 agriculture interests
- ▶ Watershed Oversight Committees
  - ▶ Falls and Jordan Lake Watersheds
  - ▶ Includes DSWC, NRCS, NCDACS, CES, DWR, 3 environmental interests, scientific expert, and 4 agriculture interests

## Funding Changes



## Crop Year 2014

- ▶ Neuse River Basin
  - ▶ 46% nitrogen loss reduction from baseline
- ▶ Tar-Pamlico River Basin
  - ▶ 51% nitrogen loss reduction from baseline
  - ▶ No net increase in phosphorus loss risk
- ▶ Falls Lake Watershed
  - ▶ 46% nitrogen loss reduction from baseline
  - ▶ No net increase in phosphorus loss risk (there is currently no approved methodology for actual percentage calculation)
  - ▶ 0.7/20 pasture points
- ▶ Jordan Lake Watershed
  - ▶ In process

## Nutrient Reduction Best Management Practices

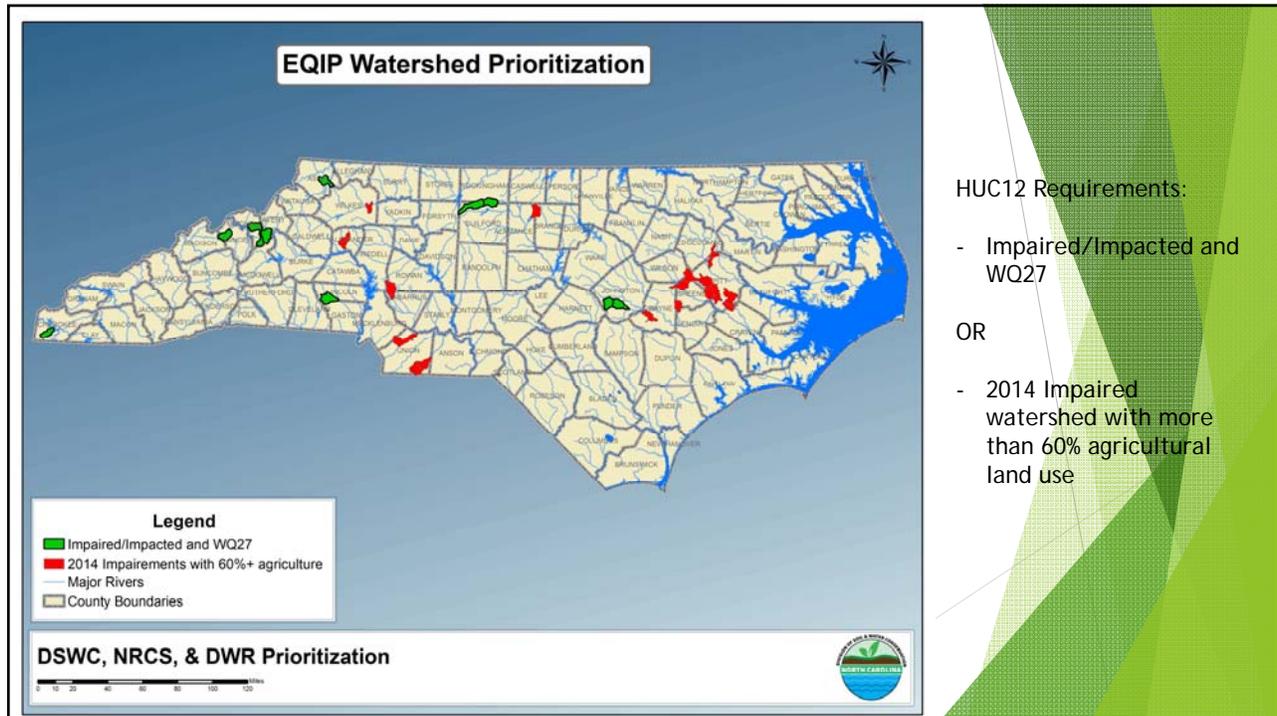
- ▶ Nutrient Scavenger Crops
  - ▶ Wheat
  - ▶ Rye
  - ▶ Oats
  - ▶ Triticale
  - ▶ Barley
- ▶ Buffers
  - ▶ Riparian buffers
  - ▶ Filter strips
  - ▶ Field borders (only if adjacent to a blue line stream)
  - ▶ Regardless of funding source
- ▶ Water Control Structures
  - ▶ Half round
  - ▶ In-line

## Current Status

- ▶ Nitrogen Loss Estimation Worksheet (NLEW)
  - ▶ NCDACS upgrade in process
- ▶ Pasture Points
  - ▶ Update in process
- ▶ Rules Review Commission
  - ▶ Revision of all rules in process
- ▶ Nutrient Trading
  - ▶ Development in process
- ▶ High Rock Lake Watershed
  - ▶ Model undergoing final revisions
  - ▶ Stakeholder process soon to be initiated
  - ▶ Rules still must be developed and approved

## EQIP Prioritization

- ▶ Division of Water Resources
  - ▶ WQ27 Streams
  - ▶ DWR resources for planning and implementation
- ▶ Division of Soil and Water Conservation
  - ▶ Impaired and Impacted Watersheds
- ▶ Other Potential Partners
  - ▶ Division of Mitigation Services
  - ▶ Clean Water Management Trust Fund



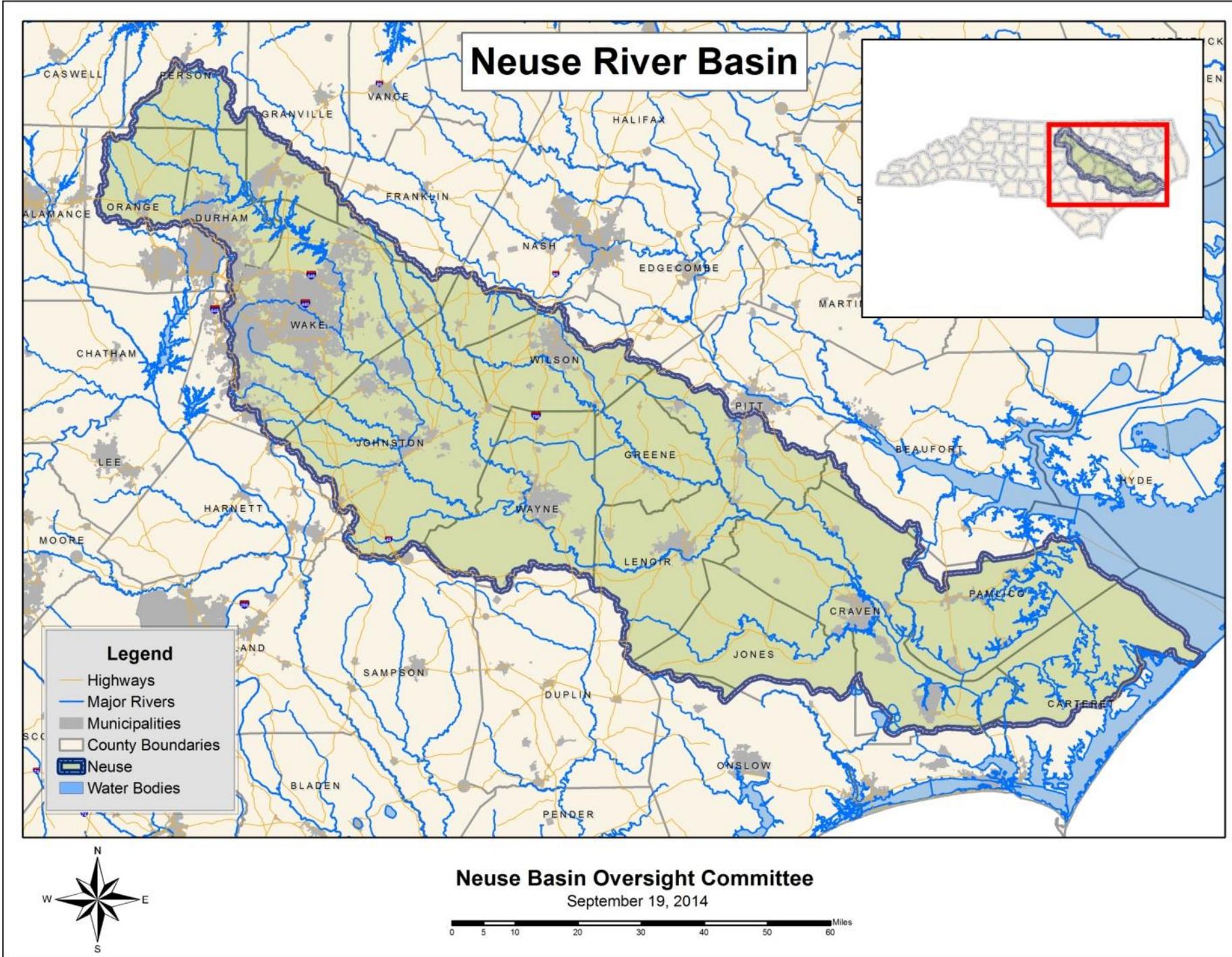
## Funding Updates

- ▶ Layer has been added to Toolkit
- ▶ EQIP applications in these watersheds will receive additional points
- ▶ DMS, CWMTF, DWR, and others are all interested in keeping track of these watersheds in the future.

NCDA&CS

2015 Annual Progress Report  
(Crop Year 2014) on the Neuse  
Agricultural Rule  
(15 A NCAC 2B.0238)

A Report to the Environmental Management Commission from the Neuse Basin  
Oversight Committee: Crop Year 2014



## Summary

The Neuse Basin Oversight Committee (BOC) received and approved crop year (CY) 2014 annual reports estimating the progress from the seventeen Local Advisory Committees (LACs) operating under the Neuse Agriculture rule as part of the Neuse Basin Nutrient Management Strategy. This report demonstrates agriculture's ongoing collective compliance with the Neuse Agriculture Rule and estimates further producer progress in decreasing nutrients. In CY2014, agriculture collectively achieved an estimated 46% reduction in nitrogen loss from agricultural lands compared to the 1991-1995 baseline, continuing to exceed the rule-mandated 30% reduction. This 46% represents a 9% increase in reduction compared to the 37% reduction reported for CY2013. Fourteen of the seventeen LACs exceeded the 30% reduction goal established by the BOC. The main reason for the increase in percent nitrogen reduction in these counties is cropping shifts to crops with lower nitrogen demands and application rates.

## Rule Requirements and Compliance History

### Neuse NSW Strategy

The Environmental Management Commission (EMC) adopted the Neuse nutrient strategy in December, 1997. The NSW strategy goal was to reduce the average annual load of nitrogen delivered to the Neuse River Estuary by 2003 from both point and non-point source pollution by a minimum of 30% of the average annual load from the baseline period (1991-1995). Mandatory nutrient controls were applied to address non-point source pollution in agriculture, urban stormwater, nutrient management, and riparian buffer protection. The overall 30% nitrogen loading reduction target for the Neuse River Estuary has not yet been reached.

Effective December 1997, the rule provides for a collective strategy for farmers to meet the 30% nitrogen loss reductions within five years. A BOC and seventeen LACs were established to implement the Neuse Agriculture rule and to assist farmers with complying with the rule. In 2015 there was 1 full time soil and water conservation district employee that worked with Neuse LACs to assist with implementation of best management practices (BMPs) and to coordinate information for the annual reports. This technician was funded by the EPA 319 grant program, NC Agriculture Cost Share Program (NCACSP) technical assistance funds and county funds.

All seventeen Local Advisory Committees (LACs) met as required in 2015. The LACs submitted their first annual report to the BOC in May 2002. That report estimated a collective 38% reduction in nitrogen loss with 12 of the 17 LACs exceeding 30% individually. In 2003, all LACs achieved their BOC recommended reduction goal. All have continued to meet their goal annually with the exception of Lenoir, Jones, and Pamlico Counties. LACs use the Nitrogen Loss Estimation Worksheet (NLEW) to calculate their reductions. Adjustments are made to reflect the most up-to-date scientific research. These revisions lead to adjustments in both individual LAC and basinwide nitrogen loss reduction rates.

## Scope of Report and Methodology

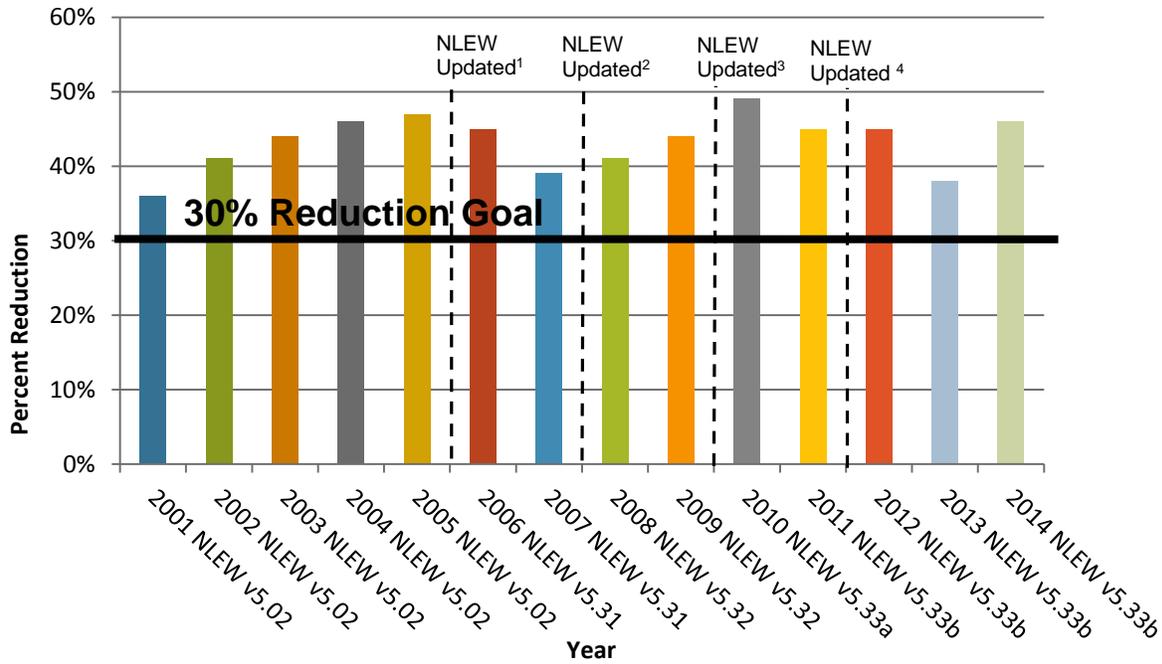
The estimates provided in this report represent whole-county scale calculations of nitrogen loss from cropland agriculture adjusted for acreage in the basin. These estimates were made by soil and water conservation district technicians using the ‘aggregate’ version of the Nitrogen Loss Estimation Worksheet, or NLEW, an accounting tool developed to meet the specifications of the Neuse Rule and approved by the EMC. The development team included interagency technical representatives of the NC Division of Water Resources (DWR), NC Division of Soil & Water Conservation (DSWC) and USDA-Natural Resources Conservation Service (NRCS) and was led by NC State University Soil Science Department faculty. The NLEW captures application of both inorganic and animal waste sources of fertilizer to cropland. It does not capture the effects of nitrogen applied to pastureland and NLEW is an “edge-of-management unit” accounting tool; it estimates changes in nitrogen loss from croplands, but does not estimate changes in nitrogen loading to surface waters.

## Annual Estimates of Nitrogen Loss and the Effect of NLEW Refinements

As discussed below, the NLEW software is periodically revised to incorporate new knowledge gained through research and improvements to data. These changes have incorporated the best available data, but changes to NLEW must be considered when comparing nitrogen loss reduction in different versions of NLEW. Further updates in soil management units are expected as NRCS produces updated electronic soils data. The small changes in soil management units are unlikely to produce significant effects on nitrogen loss reductions.

In past years reported data included acreages and nitrogen application rates for specialty crops and produce. Because NLEW was not programmed to accommodate these crop acres, the software was attributing the total required nitrogen for every acre reported in these categories as nitrogen loss, even when crops were under-fertilized. Due to the fact that the software was inaccurately calculating nitrogen loss for specialty crops and produce, a decision was made with the research scientists who originally designed the program to exclude these crops from the reporting framework beginning in CY2014. In addition, several crops were removed from baseline calculations due to this error. As a matter of perspective these omitted acres represent only 4.6% of the overall reported cropland acres in the basin for CY2014. The BOC feels that because the current reporting methodology is more appropriately comparing similar acres, the new reduction percentage is a more accurate reflection of nitrogen reductions achieved in the basin. Figure 1 represents the annual percent nitrogen loss reduction from 2001 to 2014.

Figure 1. Collective Nitrogen Loss Reduction Percent 2001 to 2014, Neuse River Basin.



<sup>1</sup>Between CY2005 & CY2006 NLEW was updated to incorporate revised soil management units and buffer nitrogen reduction efficiencies were reduced.

<sup>2</sup>Between CY2007 & CY2008 NLEW was updated to incorporate revised soil management units and correct some realistic yield errors.

<sup>3</sup>Between CY2009 & CY2010 NLEW had an administration software update with no effect on accounting.

<sup>4</sup>In 2011 NLEW was updated to significantly decrease buffer nitrogen removal efficiencies based on the most current research; CY2010 and the baseline reductions were recalculated.

The first NLEW revision (v5.31) marked a significant change in the nitrogen reduction efficiencies of buffers so both the baseline and CY2005 were re-calculated based on the best available information. The second (v5.32) and third (v5.33a) revisions were minor updates of soil mapping units. In April of 2011 the NLEW Committee established further reductions (v5.33b) in nitrogen removal efficiencies for buffers based on additional research. Table 1 lists the changes in buffer nitrogen reduction efficiencies over time.

Table 1. Changes in Buffer Width Options and Nitrogen Reduction Efficiencies in NLEW

Buffer Width	NLEW v5.02 % N Reduction 2001-2005	NLEW v5.31, v5.32, v5.33a % N Reduction 2006-2010	NLEW v5.33b % N Reduction 2011-Current
20'	40% (grass)* 75% (trees & shrubs)*	30%	20%
30'	65%	40%	25%
50'	85%	50%	30%
70'	85%	55%	30%
100'	85%	60%	35%

\*NLEW v5.02 - the vegetation type (i.e. trees, shrubs, grass) within 20' and 50' buffers determined reduction values. Based on research results, this distinction was dropped from subsequent NLEW versions.

## Current Status

### Nitrogen Reduction from Baseline for CY2014

All seventeen LACs submitted their fourteenth annual reports to the BOC for approval in September 2015. For the entire basin, in CY2014 agriculture achieved a 46% reduction in nitrogen loss compared to the 1991-1995 baseline. This percentage is higher than the reduction reported for CY2013. Table 2 lists each county's baseline, CY2013 and CY2014 nitrogen (lbs/yr) loss values, and nitrogen loss percent reductions from the baseline in CY2013 and CY2014.

*Table 2. Estimated Reductions in Agricultural Nitrogen Loss from Baseline (1991-1995) for 2013 and 2014, Neuse River Basin*

County	Baseline N Loss (lb)* NLEW v5.33b	CY2013 N Loss (lb)* NLEW v5.33b	CY2013 N Reduction (%)	CY2014 N Loss (lb)* NLEW v5.33b	CY2014 N Reduction (%)
Carteret	1,292,556	801,645	38%	780,771	40%
Craven	3,938,339	2,211,033	44%	1,673,786	58%
Durham	220,309	97,972	56%	115,682	47%
Franklin	219,209	51,703	76%	34,929	84%
Granville	193,197	91,469	53%	7,783	96%
Greene	4,195,637	2,623,498	37%	1,908,293	55%
Johnston	6,480,723	3,098,625	52%	2,577,846	60%
Jones	3,114,212	2,417,288	22%	2,216,470	29%
Lenoir	4,120,265	4,234,342	-3%	3,105,762	25%
Nash	927,246	512,479	45%	350,511	62%
Orange	787,040	250,184	68%	168,891	79%
Pamlico	1,907,920	1,900,951	0%	1,733,030	9%
Person	616,669	258,126	58%	290,598	53%
Pitt	3,194,759	2,037,702	36%	1,816,934	43%
Wake	1,434,433	595,306	58%	405,896	72%
Wayne	7,994,019	4,209,418	47%	4,751,326	41%
Wilson	3,098,730	2,257,139	27%	1,536,995	50%
Total	43,735,263	27,648,880	37%	23,475,503	46%

*\*Nitrogen loss values are for comparative purposes. They represent nitrogen that was applied to agricultural lands in the basin and neither used by crops nor intercepted by BMPs in a Soil Management Unit, based on NLEW calculations. This is not an in-stream loading value.*

Nitrogen loss reductions were achieved through a combination of fertilization rate decreases, cropping shifts, and BMP implementation. In addition to wet weather, the most significant factor this year is cropping shifts to soybeans which require no nitrogen application other than the incidental nitrogen contributed by starter fertilizer. Not all farmers in the basin are applying starter fertilizer, however. Factors that influence agricultural nitrogen reductions are shown in figure 3.

Jones, Lenoir, and Pamlico are working to improve their reductions, each of which increased this year compared to CY2013. Collectively in these three counties, 45,584 acres of corn, 12,015 acres of tobacco, and 34,994 acres of wheat were planted. This represents a decrease of 2,372 acres of corn, an increase of 1,771 acres of tobacco, and a decrease of 7,862 acres of wheat for these 3 counties from CY2013 to CY2014. Over the same period, cotton acres increased by 2,529 and soybean acres increased by 13,462. The local Soil and Water Conservation District Boards are working to meet their reduction by making nutrient reducing BMPs a higher priority in their annual ACSP strategy plans. In response to last year’s annual report, the DSWC has worked with Lenoir County to revise their local nutrient strategy to include 3-year goals for BMP implementation. The Lenoir LAC will meet annually to review success toward those goals and discuss potential avenues for encouraging BMP implementation as a part of revising future goals. The DSWC, LACs and additional stakeholders are working with others in the agricultural community in these counties to communicate the need for more BMP installation at existing commodity outreach events. The BOC will continue to focus its efforts to monitor these three counties’ progress and encourage BMP implementation.

The NLEW outputs and staff calculations estimate the factors that contributed to the nitrogen reduction by the percentages shown in Table 3.

*Table 3. Factors That Influence Nitrogen Reduction by Percentage on Agricultural Lands, Neuse River Basin\**

<b>Practice</b>	<b>CY2011</b> NLEW v5.33b	<b>CY2012</b> NLEW v5.33b	<b>CY2013</b> NLEW v5.33b	<b>CY2014</b> NLEW v5.33b
BMP implementation	8%	8%	7%	8%
Fertilization management	14%	10%	6%	8%
Cropping shift	11%	14%	11%	18%
Cropland converted to grass/trees	2%	2%	2%	2%
Cropland lost to idle land	4%	4%	4%	3%
Cropland lost to development	7%	7%	7%	7%
<b>Total</b>	<b>45%</b>	<b>45%</b>	<b>37%</b>	<b>46%</b>

*\*Percentages are based on a total of the reduction, not a year-to-year comparison.*

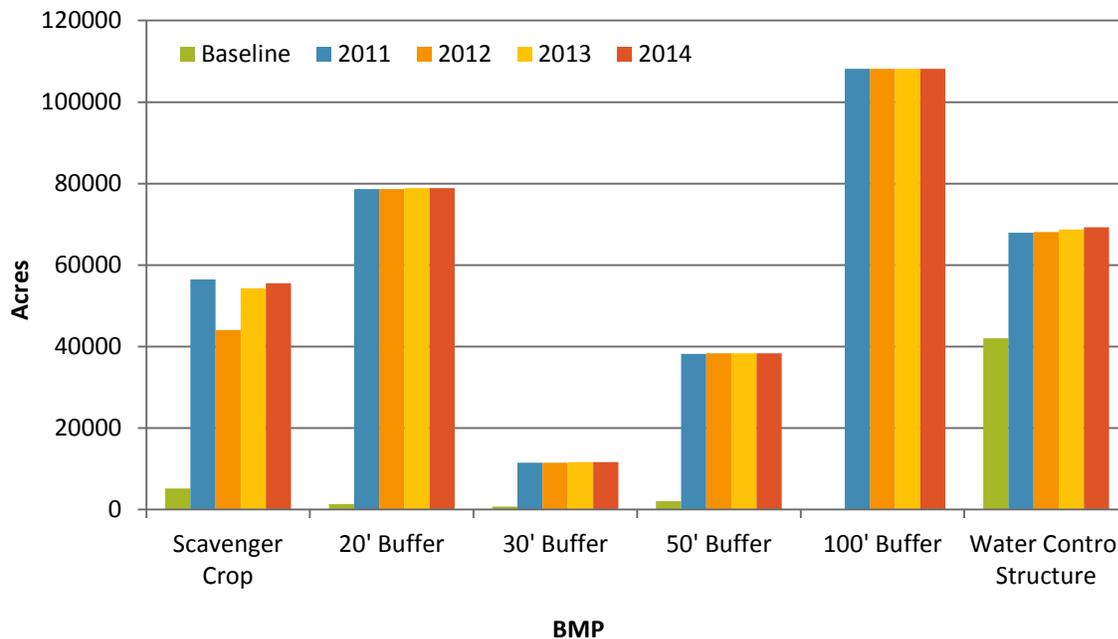
## BMP Implementation

As illustrated in Figure 2, CY2014 BMP implementation yielded a net increase of 500 acres affected by water control structures, and a net increase of 1,248 nutrient scavenger crop acres, while 30 ft. buffers increased by 6 acres and 100 ft. buffers increased by 2 acres. Both 20 and 50 ft. buffer acres remained the same.

DSWC, districts and Natural Resources Conservation Service staff continue to make refinements to accounting as opportunities arise. BMP data is collected from state and federal cost share program active contracts, and in some cases BMPs that were installed without cost share funding. While there is some variability in the data reported, LACs are reporting data that is the best information currently available. As additional data becomes available, the LACs will review the sources and update their methodology for reporting if warranted.

It is estimated that over a third of cropland receives treatment from the installed BMPs, by comparing the acres of cropland to the acres of BMPs installed through federal, state and local cost share programs. However this treatment estimate does not take into account the entire drainage area treated by buffers in the piedmont which is generally 5 to 10 times higher than the actual acres of the buffer shown in Figure 2.<sup>1</sup> Overall, the total acres of implementation of BMPs have increased since the baseline, as illustrated in Figure 2. Agriculture exceeded all of the installed BMP goals in CY2008.

Figure 2: Nitrogen Reducing BMPs Installed on Agricultural Lands for Baseline (1991-1995) and from 2011-2014, Neuse River Basin



The acres of buffers listed represent actual acres. Acres affected by the buffer could be 5 to 10 times larger in the piedmont than the acreage shown above.<sup>1</sup>

<sup>1</sup> Bruton, Jeffrey Griffin. 2004. Headwater Catchments: Estimating Surface Drainage Extent Across North Carolina and Correlations Between Landuse, Near Stream, and Water Quality Indicators in the Piedmont Physiographic Region. Ph.D. Dissertation. Department of Forestry and Environmental Resources, North Carolina State University, Raleigh, NC 27606. <http://www.lib.ncsu.edu/theses/available/etd-03282004-174056/>

### Additional Nutrient BMPs

Not all types of nutrient-reducing BMPs are tracked by NLEW. These include livestock-related nitrogen and phosphorus reducing BMPs, BMPs that reduce soil and phosphorus loss, and BMPs that do not have enough scientific research to support a nitrogen reduction benefit. The BOC believes it is worthwhile to recognize these practices. Table 4 identifies BMPs not accounted for in NLEW and tracks their implementation in the basin since CY2011.

Increased implementation numbers are evident in CY2014 across most BMP types. Some of these BMPs will yield reductions in nitrogen loss that are not reflected in the NLEW accounting in this report but will benefit the estuary.

*Table 4: Nutrient-Reducing BMPs Not Accounted for in NLEW, 1996 to 2014, Neuse River Basin\**

BMP	Units	1996-2009	2011	2012	2013	2014
Diversion	Feet	146,749	149,449	159,101	160,655	161,924
Fencing (USDA programs)	Feet	98,584	154,885	164,202	170,501	204,869
Field Border	Acres	3,265	3,337	5,190	5,211	5,217
Grassed Waterway	Acres	2,245	2,261	2,289	2,300	2,351
Livestock Exclusion	Feet	71,035	81,389	90,633	100,860	103,121
Sod Based Rotation	Acres	40,542	60,115	76,857	92,404	92,404
Tillage Management	Acres	24,011	34,072	44,011	48,649	53,634
Terraces	Feet	41,595	49,970	49,970	50,670	50,670

*\*Data provided using active contracts in State and Federal cost share programs.*

### Fertilization Management

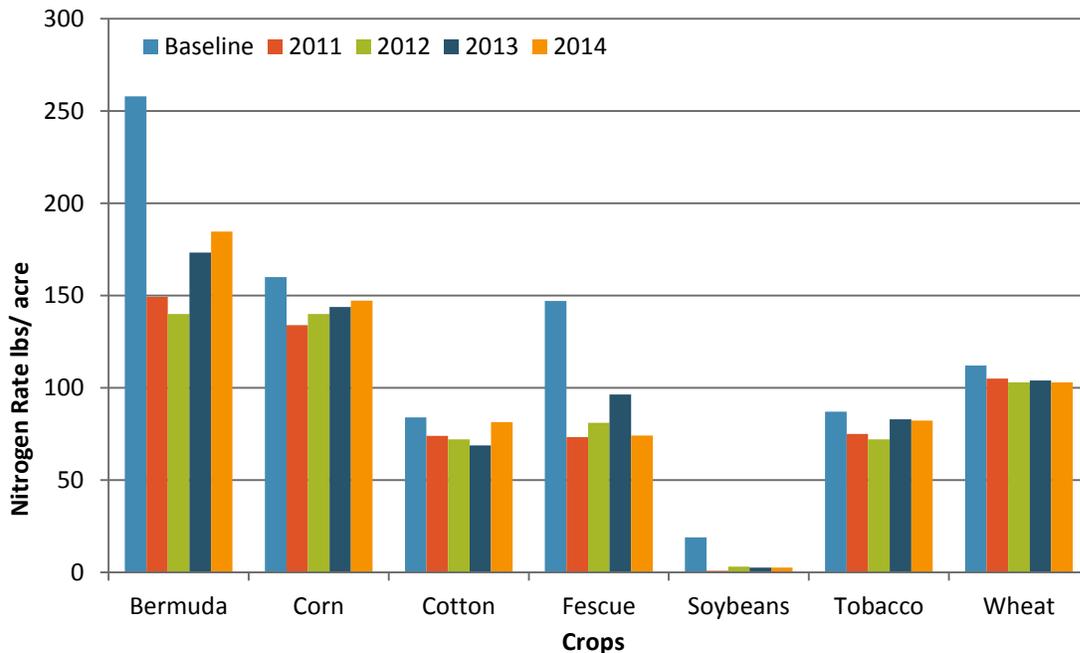
Both increased fertilizer cost and better nutrient management have resulted in farmers in the Neuse River Basin reducing their fertilizer application from baseline levels. Figure 3 indicates that despite annual fluctuations, fertilization rates for all major crops in the basin have reduced from the baseline period. In CY2014, as compared to CY2013, fertilizer rates increased 12 lbs per acre for bermuda grass, 3 lbs per acre for corn, and 12 lbs per acre for cotton. Fescue rates decreased by 18 lbs per acre and soybeans, tobacco, and wheat rates were stable compared to CY2013. Figure 3 shows these corresponding application rates.

- Factors Identified by LACs Contributing to Reduced Nitrogen Rates**

  - Rising fertilizer costs and fluctuating farm incomes.
  - Increased education and outreach on nutrient management (NC Cooperative Extension held 21 nutrient management training sessions, approximately 2,000 farmers and applicators received training.)
  - Mandatory animal waste management plans
  - The federal government tobacco quota buy-out reducing tobacco acreage.
  - Neuse and Tar-Pamlico Nutrient Strategies

With increasing fertilizer prices, there has been an economic incentive for producers to consider more efficient nitrogen rates, sources, timing, and placement alternatives. Fertilizer rates and standard application practices are revisited annually by LACs using data from farmers, commercial applicators and state and federal agencies' professional estimates.

Figure 3. Average Annual Nitrogen Fertilization Rate (lbs/ac) for Agricultural Crops for the baseline (1991-1995) and 2011-2014, Neuse River Basin

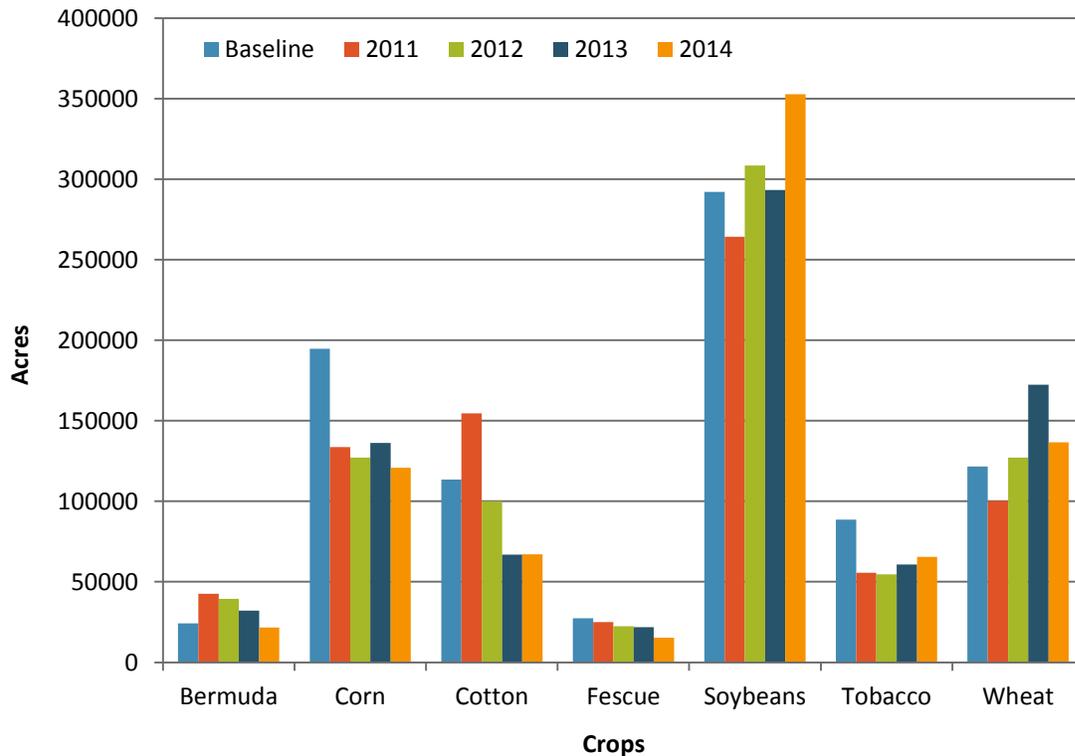


### Cropping Shifts

The LACs recalculate the cropland acreage annually by utilizing crop data reported by farmers to the Farm Service Agency. Because each crop type requires different amounts of nitrogen and utilizes applied nitrogen with a different efficiency rate, changes in the mix of crops grown can have significant impact on the cumulative yearly nitrogen loss reduction. The BOC anticipates that the basin will see additional crop shifts in the upcoming year based on lower commodity prices.

The price of corn fell significantly in the fall of 2013, which also dampened the demand for sorghum, which is normally an attractive livestock feed alternative when corn prices are high. Both corn and sorghum require higher nitrogen inputs. Because the price of cotton and soybeans have remained relatively high, farmers who decided not to plant corn may have rotated to either of those two crops. These factors contributed to the increased nitrogen loss reduction percentage in the basin as a whole. Figure 4 shows the crop acres and shifts for the last four years compared to the baseline. Soybean and tobacco acreages increased this year compared to CY2013, while bermuda grass, corn, fescue, and wheat acreage decreased. Cotton acres remained relatively consistent. A host of factors from individual to global determine crop choices.

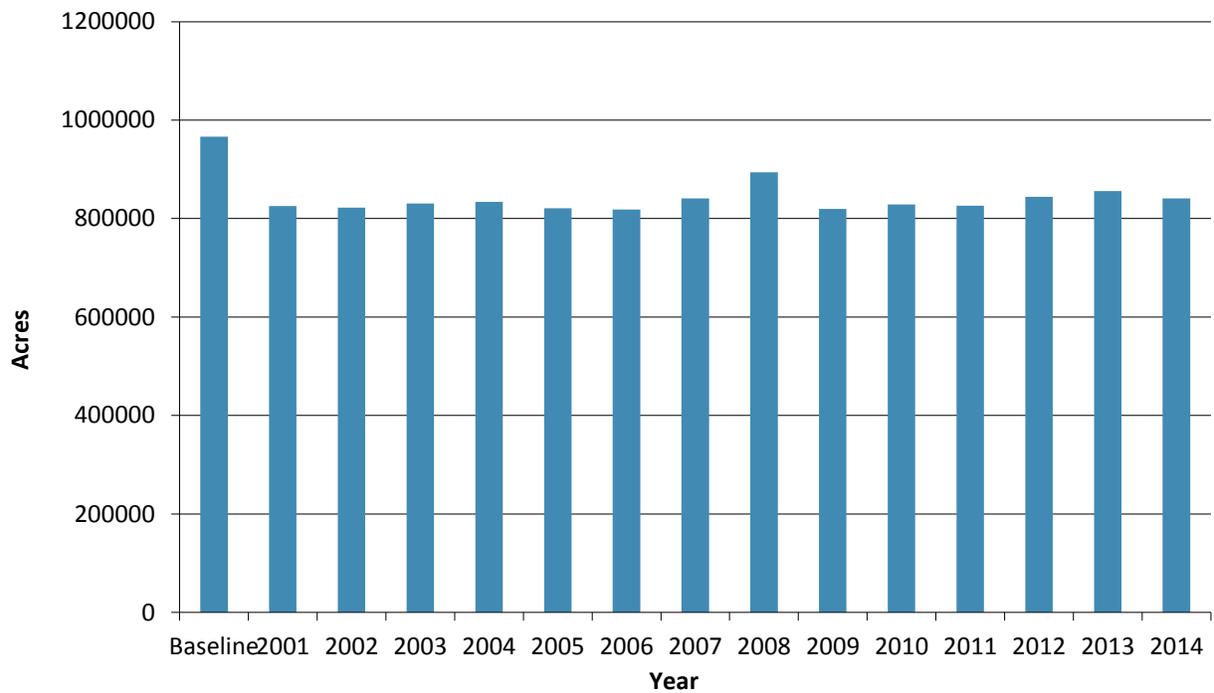
Figure 4. Acreage of Major Crops for the Baseline (1991-1995) and 2011-2014, Neuse River Basin



**Land Use Change to Development, Idle Land and Cropland Conversion**

The number of cropland acres will fluctuate every year in the Neuse River Basin. Each year, some cropland is permanently lost to development or converted to grass or trees. However, idle land is agricultural land that is currently out of production but could be brought back into production at any time. Cropland conversion and cropland lost to development is land taken out of agricultural production and is unlikely to be returned to production. Currently it is estimated that more than 79,672 acres have been lost to development, and more than 21,063 acres have been converted to grass or trees since the baseline. For CY2014 there are approximately 28,715 idle acres and a total of 840,800 NLEW-accountable acres of cropland. These estimates come from the LAC members’ best professional judgment, USDA-Farm Service Agency (FSA) records and county planning departments. The total crop acres are obtained from USDA-FSA and NC Agricultural Statistics annual reports. Cropland acres have continued to decrease from the baseline period, and CY2014 experienced a reduction of over 15,061 acres from CY2013 (see Figure 5).

*Figure 5. Total NLEW Accounted Cropland Acres in the Neuse River Basin, Baseline (1991-1995) and 2001-2014.*



## Looking Forward

The Neuse BOC will continue to report on rule implementation, relying heavily on Soil and Water Conservation District staff to compile crop reports. The BOC continues to encourage counties to implement additional BMPs to further reduce nitrogen loss.

Because cropping shifts are susceptible to various pressures, the BOC is working with LACs in all counties to continue BMP implementation that provides for a lasting reduction in nitrogen loss in the basin while monitoring cropping changes. Due to a steep decline in corn prices and based on input from several LACs, the BOC expects a significant reduction in corn acreage in CY2015.

The Division of Soil and Water Conservation has secured funding to support a revision to the NLEW software, which was written with now outdated software language. Software updates such as new yield expectations and crop additions are periodically needed. North Carolina Department of Agriculture and Consumer Services (NCD&CS) IT staff has assessed the programming requirements of an NLEW upgrade, and a project design document has been produced that will guide these necessary upgrades. A contractor position will be advertised this fall through the IT Supplemental Staffing Program, and Department staff intends for work to begin this winter. It is hoped that these and future updates will enable the BOC to report more crop types for the counties in the basin.

### **Basin Oversight Committee recognizes the dynamic nature of agricultural business.**

- Changes in world economies, energy or trade policies.
- Changes in government programs (i.e., commodity support or environmental regulations)
- Weather (i.e., long periods of drought or rain)
- Scientific advances in agronomics (i.e., production of new types of crops or improvements in crop sustainability)
- Plant disease or pest problems (i.e., viruses or foreign pests)
- Urban encroachment (i.e., crop selection shifts as fields become smaller)
- Age of farmer (i.e., as retirement approaches farmers may move from row crops to cattle)

Funding is an integral part in the success of reaching and maintaining the goal through technical assistance and BMP implementation. It is also important for data collection and reporting.

In 2001, grants funded ten basin technicians and two basin coordinators who were employed to assist in the reporting requirements for the Neuse and Tar-Pamlico Agriculture Rules. In 2013 there remained funding for 5.25 full-time basin technicians and one Neuse/Tar-Pamlico Basin Coordinator. Technicians have been essential in promoting and assisting farmers with BMP installation and nutrient management since the rule's adoption, but on June 30, 2015 the last technician funding was expended. In 2015, there is no funding for a coordinator, so an employee within the NCD&CS Division of Soil and Water Conservation has been assigned the data collection and reporting duties for the Agriculture Rules for all existing Nutrient Sensitive Waters Strategies.

Farmers and agency staff personnel with other responsibilities serve on the LACs in a voluntary capacity. Without funding for technicians, the annual progress reports fall on the LACs without local technical assistance to compile data and annual reports. Few currently serving LAC members were active during the stakeholder process for the Agriculture Rule, so some institutional knowledge about annual reporting requirements has been lost. As a result, training of new Soil and Water Conservation District staff and LAC members regarding rule requirements and reporting is ongoing.

Now that watershed technician funding has been eliminated, a more centralized approach to data collection and verification is necessary. This evolving approach will involve GIS analysis and more streamlined FSA acreage documentation. The LACs will be trained to handle the new workload to the best of their ability. Because district staff has neither the time nor financial resources to synthesize county level data, this centralized approach will come at the expense of local knowledge. Annual agricultural reporting is required by the rules; therefore continued funding for the Division's remaining position is essential for compliance.

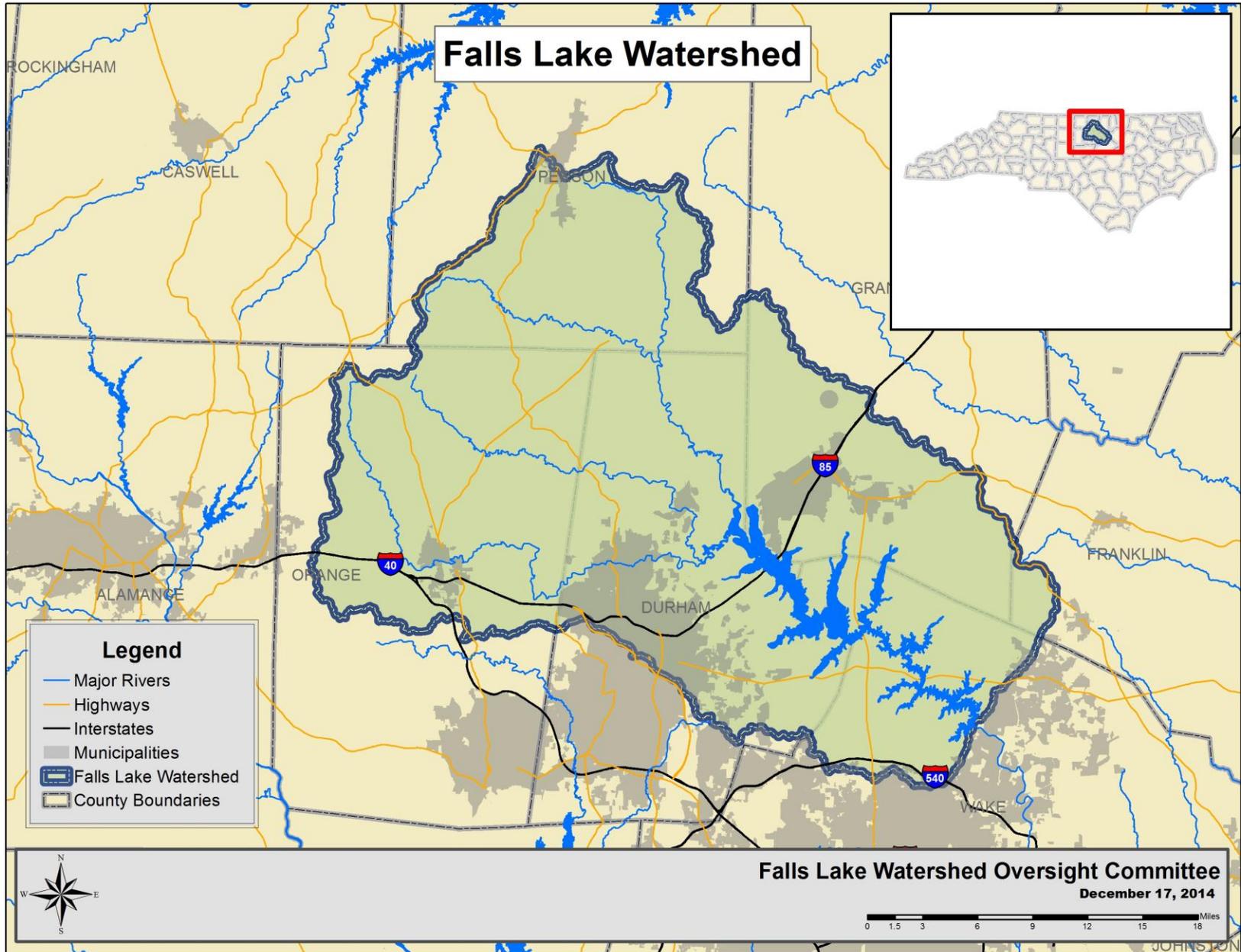
The Neuse BOC will continue to monitor and evaluate crop trends. The current shift to and from crops with higher nitrogen requirements may continue to influence the yearly reduction. Additionally, members of the BOC plan to participate in a land accounting work group, if reconvened, with the Division of Water Resources to assist in developing a more consistent land accounting framework.

Significant progress has been made in agricultural nitrogen loss reduction, and the agricultural community consistently reaches its 30% reduction goal. Nitrogen reduction values presented in this annual summary of agricultural reductions reflect "edge-of-management unit" calculations that contribute to achieving the overall 30% nitrogen loss reduction goal. Significant quantities of agricultural BMPs have been installed since the adoption and implementation of the nutrient management strategy, and agriculture continues to do its part towards achieving the overall goal of a 30% reduction of nitrogen delivered to the Neuse estuary. However, the measurable effects of these BMPs on overall in-stream nitrogen reduction may take years to develop due to the nature of non-point source pollution.

NCDA&CS

2015 Annual Progress Report  
(Crop Year 2014) on  
Agricultural Operations' Stage 1  
Reductions for the Falls Lake  
Agriculture Rule (15 A NCAC  
02B.0280)

A Report to the Division of Water Resources from the Falls Lake Watershed  
Oversight Committee: Crop Year 2014



**Summary**

This report provides the annual progress report of collective progress made by the agricultural community to reduce nutrient losses toward compliance with Stage 1 of the Falls Lake Agriculture rule. For this report, the Falls Lake Watershed Oversight Committee (WOC) oversaw the application of accounting methods approved by the Environmental Management Commission’s Water Quality Committee in March 2012 to estimate changes in nitrogen loss and phosphorus loss trends in the Falls Lake Watershed. This report is for the period between the strategy baseline (2006) and the most recent crop year (CY) for which data was available, 2014. The Falls Lake WOC received and approved crop year CY2014 annual reports from six counties as part of the Falls Lake Agriculture rule, which is part of the Falls Reservoir Water Supply Nutrient Strategy. To produce this report, Division of Soil and Water Conservation staff received, processed and compiled baseline and current-year reports from agricultural staff in six counties, and the WOC compiled the information and prepared this report. Agriculture has been successfully decreasing nutrient losses in the Falls Lake watershed. In CY2014, agriculture collectively exceeded its 20% Stage I nitrogen reduction goal for cropland, with a 46% reduction compared to the 2006 baseline. This represents an 11% increase in nitrogen loss reduction compared to CY2013. Four out of six counties exceeded the mandated 20% reduction goal this year, with Durham and Wake Counties documenting a 15% and 10% nitrogen loss reduction, respectively. For the small part of Wake County in the Falls Lake Watershed, limited cropland acreage greatly increases the effect of any change in agricultural operations on nitrogen loss estimates.

<p><b>Falls Lake Watershed Oversight Committee Composition, Falls Agriculture Rule:</b></p> <ol style="list-style-type: none"> <li>1. NC Division of Soil &amp; Water Conservation</li> <li>2. USDA-NRCS</li> <li>3. NCDA&amp;CS</li> <li>4. NC Cooperative Extension Service</li> <li>5. NC Division of Water Resources</li> <li>6. Watershed Environmental Interest</li> <li>7. Watershed Environmental Interest</li> <li>8. Environmental Interest</li> <li>9. General Farming Interest</li> <li>10. Pasture-based Livestock Interest</li> <li>11. Equine Livestock Interest</li> <li>12. Cropland Farming Interest</li> <li>13. Scientific Community</li> </ol>
---

Reductions in nitrogen have been achieved through an overall decrease in cropland in production, a decrease in nitrogen application rates, and an increase in best management practices (BMPs) such as 20 and 50-foot riparian buffers. Since the baseline, reported cropland acres decreased in the watershed by 16,790, and an estimated 4,404 acres of agricultural land were lost to development. Phosphorus qualitative indicators demonstrate that there is no increased risk of phosphorus loss, with a 17% and 8% decrease in animal waste phosphorus production and tobacco acreage, respectively, and an increase in cropland conversion to grass and trees since the 2006 baseline.

## Rule Requirements and Compliance

In January 2011, the permanent Agriculture Rule that is part of the Falls Reservoir Water Supply Nutrient Strategy became effective. The Agriculture Rule provides for a collective strategy for farmers to meet nitrogen loss reduction goals in two stages. The strategy goal is to reduce the average annual load of nitrogen and phosphorus to Falls Lake from 2006 baseline levels. Stage I requires that agriculture reach a goal of 20% nitrogen loss reduction and 40% phosphorus reduction by year 2020. This Stage I nitrogen goal requires a 20% reduction from pasture sources. This is reported as a 20 point increase calculated using the pasture points accounting method. Stage II sets reduction goals of 40% and 77% for nitrogen and phosphorus, respectively, by year 2035, which includes at least 40 pasture points for the watershed. A Watershed Oversight Committee (WOC) was established to guide the implementation of the rule and to assist farmers with complying with the rule.

### **Falls Lake NSW Strategy:**

The Environmental Management Commission (EMC) adopted the Falls Reservoir Water Supply Nutrient Strategy rules in 2011. The strategy goal is to reduce the average annual load of nitrogen and phosphorus to Falls Lake from 2006 baseline levels. In addition to point source rules, mandatory controls were applied to addressing non-point source pollution in agriculture, urban stormwater, and riparian buffer protection. The management strategy was modeled after similar strategies for the Neuse River, Tar-Pamlico River, and Jordan Lake.

All county Local Advisory Committees (LAC) submitted their fourth annual reports to the WOC in December 2015. Collectively, agriculture in the six counties is meeting the cropland nitrogen loss reduction goal, with a 46% reduction. Phosphorus qualitative indicators for phosphorus suggest there is no increased risk of phosphorus loss from agriculture in the watershed.

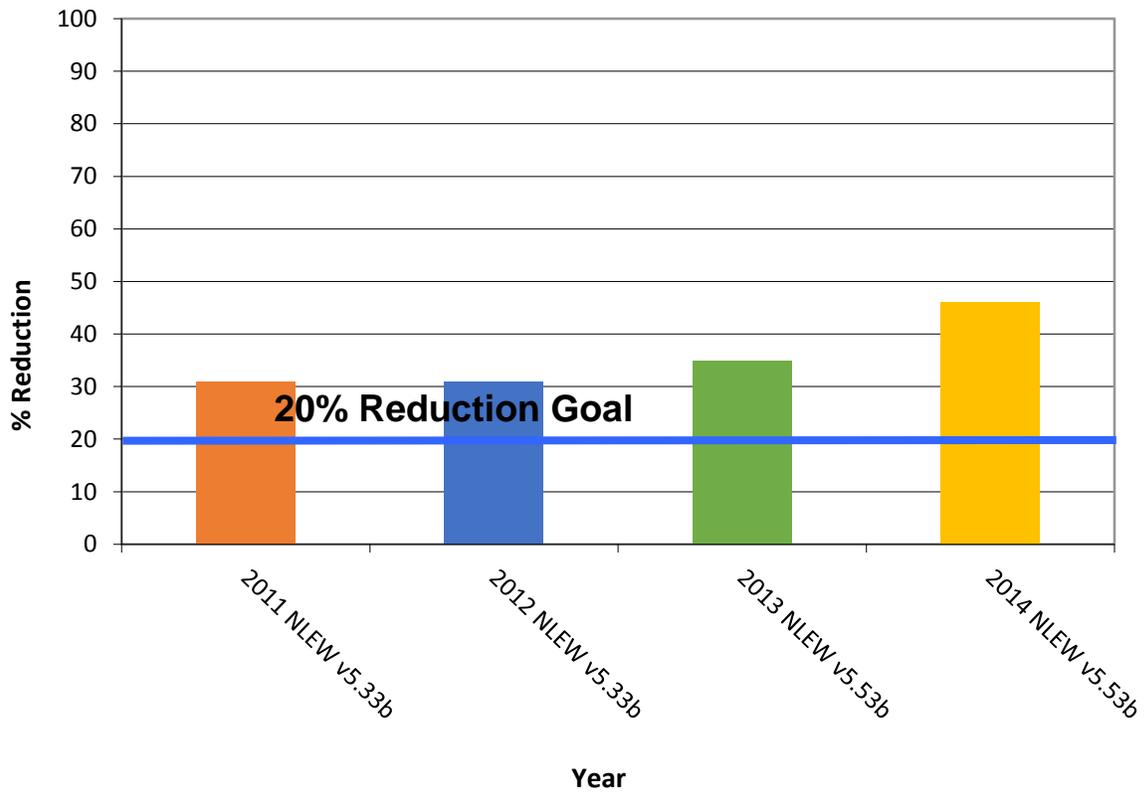
## Scope of Report and Methodology

The estimates provided in this report represent county-scale calculations of nitrogen loss from cropland agriculture in the watershed made by soil and water conservation district technicians using the ‘aggregate’ version of the Nitrogen Loss Estimation Worksheet, or NLEW, and adjusted for the percentage of each county in the Falls Lake Watershed. The NLEW is an accounting tool developed to meet the specifications of the Neuse Rule and approved by the Environmental Management Commission’s (EMC) Water Quality Committee in March 2012 for use in the Falls Lake Watershed. The NLEW development team included interagency technical representatives of the NC Division of Water Resources (DWR), NC Division of Soil and Water Conservation (DSWC), United States Department of Agriculture (USDA)-Natural Resources Conservation Service (NRCS) and was led by NC State University (NCSU) Soil Science Department faculty. The NLEW captures application of both inorganic and animal waste sources of fertilizer to cropland. It does not capture the effects of nitrogen applied to pastureland, and is an “edge-of-management unit” accounting tool; it estimates changes in nitrogen loss from croplands, but does not estimate changes in nitrogen loading to surface waters. Assessment methods were developed and approved by the Water Quality Committee of the EMC for pastureland and phosphorus, and are described later in the report.

### Nitrogen Reduction from Cropland from 2006 Baseline for CY2014

All counties submitted their fourth progress reports to the WOC in December 2015. In CY2014 agriculture achieved a 46% reduction in nitrogen loss from cropland compared to the average 2006 baseline. Table 1 lists each county’s baseline, CY2013 and CY2014 nitrogen (lbs/yr) loss values from cropland, along with nitrogen loss percent reductions from the baseline in CY2013 and CY2014, and Figure 1 shows annual loss percent reductions per year since CY2011.

**Figure 1. Collective Nitrogen Loss Reduction Percent 2011 to 2014, Falls Lake Watershed.**



**Table 1. Estimated reductions in agricultural nitrogen loss (cropland) from baseline (2006) for CY2013, CY2014, Falls Lake Watershed**

<b>County</b>	<b>Baseline N Loss (lb)* NLEW v. 5.33b</b>	<b>CY2013 N Loss (lb)* NLEW v. 5.53b</b>	<b>CY2013 N Reduction</b>	<b>CY2014 N Loss (lb)* NLEW v. 5.53b</b>	<b>CY2014 N Reduction</b>
Durham	135,902	97,972	28%	115,682	15%
Franklin	11,717	5,159	56%	3,496	70%
Granville	127,704	91,469	28%	7,783	94%
Orange	347,402	250,184	28%	168,891	51%
Person	484,123	258,126	47%	290,598	40%
Wake	45,926	50,595	-1%	41,358	10%
<b>Total</b>	<b>1,152,774</b>	<b>753,505</b>	<b>35%</b>	<b>627,808</b>	<b>46%</b>

*\*Nitrogen loss values are for comparative purposes. They represent nitrogen that was applied to cropland in the watershed and neither used by crops nor intercepted by BMPs in an agricultural management unit, based on NLEW calculations. This is not an in-stream loading value.*

Notably, Granville is currently reporting a 94% nitrogen loss reduction from baseline. During the baseline year, the county reported 4,140 acres of fescue at 100 lbs of nitrogen per acre. This acreage accounted for 66% of their total baseline nitrogen loss. For CY2014 they revised their grass numbers down considerably because the Local Advisory Committee felt that past estimates of fescue acres for hay were probably not representative of current operations. Current estimates include 964 acres of mixed cool season grasses for hay, fertilized at 40 pounds per acre, which is much closer to the fertilization rate reported on these types of grasses elsewhere in the watershed. This resulted in an overall crop acre decrease of 3,891 from baseline for the county, which is a 61% reduction in crop acres. In addition, from CY2013 to CY2014 wheat and tobacco acres decreased by 32% and 51%, respectively, and corn acres decreased by 31%. For reference, the 7,783 lbs nitrogen loss reported for Granville County accounts for 1.2% of the overall nitrogen loss in the Falls Lake Watershed.

Overall, the Falls Lake Watershed is reporting a cropland nitrogen loss reduction of 46% for CY2014, which is 11% higher than the loss reduction reported in CY2013. In addition to the Granville County changes mentioned above, this is primarily due to the fact that Orange County reported a decrease of approximately 20% in wheat acres and an increase of approximately 53% in soybean acres from one year to the next. Wheat is fertilized with nitrogen, while soybeans are not generally fertilized with nitrogen. Orange County has more acres in the Falls Lake Watershed than any other county, and so cropping shifts in this county are expected to have a proportionately larger effect on the overall reduction reported for each crop year.

## Best Management Practice Implementation

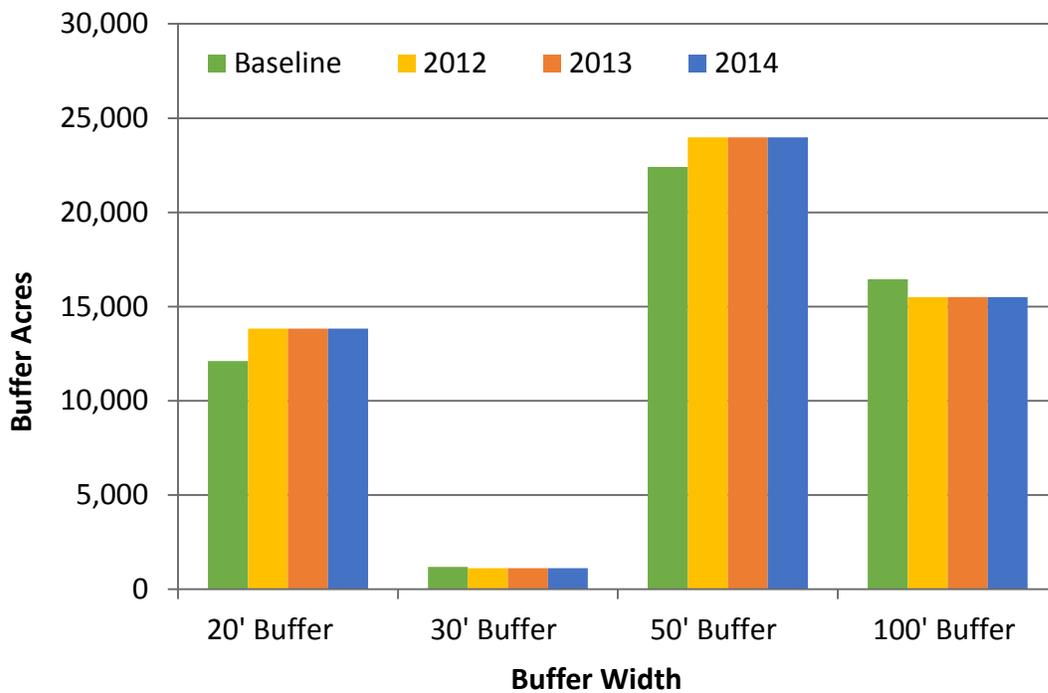
Agriculture is credited with different nitrogen reduction efficiencies, expressed as percentages, for riparian buffer widths ranging from 20 feet to 100 feet. The NLEW version 5.35b for Neuse River Basin provides the following percent nitrogen reduction efficiencies for buffer widths on cropland: 20' receives 20% reduction, 30' receives 25% reduction, 50' receives 30%, and 100' receives 35% reduction (see Table 2). Note that these percentages represent the net or relative percent improvement in nitrogen removal resulting from riparian buffer implementation.

**Table 2. Buffer Width Options and Nitrogen Reduction Efficiencies in NLEW**

Buffer Width	NLEW v5.35b % N Reduction
20'	20%
30'	25%
50'	30%
100'	35%

Figure 2 illustrates the amount of buffers on cropland in the baseline (2006) and CY2014. Overall, total acres of buffers have slightly increased since the baseline (4.4%). Acres of buffers of 20 and 50 foot widths have increased, while 30 and 100 foot buffers have remained unchanged. The reported buffer acres do not take into account the entire drainage area treated by buffers in the piedmont which is generally 5 to 10 times greater than the actual acres of the buffers shown in Figure 2.<sup>1</sup> Riparian buffers have many important functions beyond being effective in reducing nitrogen. Recent research has shown that upwards of 75% of sediment from agricultural sources is from stream banks and that riparian buffers, particularly trees, are important for reducing this sediment.<sup>2</sup> In addition, riparian buffers can reduce phosphorus and sediment as they move through the buffer and provide other critically important functions such as wildlife habitat and stream shading.

**Figure 2. Nitrogen Reducing Buffers installed on Croplands from CY2012 through CY2014, compared to Baseline (CY2006), Falls Lake Watershed\***



*\*The acres displayed represent buffer acres. Acres treated by the buffer could be 5 to 10 times larger in the piedmont than the actual buffer acreage shown above.<sup>1</sup>*

<sup>1</sup> Bruton, Jeffrey Griffin. 2004. Headwater Catchments: Estimating Surface Drainage Extent Across North Carolina and Correlations Between Landuse, Near Stream, and Water Quality Indicators in the Piedmont Physiographic Region. Ph.D. Dissertation. Department of Forestry and Environmental Resources, North Carolina State University, Raleigh, NC 27606.

<sup>2</sup> Osmond, D., D. Meals, D. Hoag, and M. Arabi. 2012. How to Build Better Agricultural Conservation Programs to Protect Water Quality: The NIFA-CEAP Experience. Soil and Water Conservation Society, Ankeny, IA.

## Fertilization Management

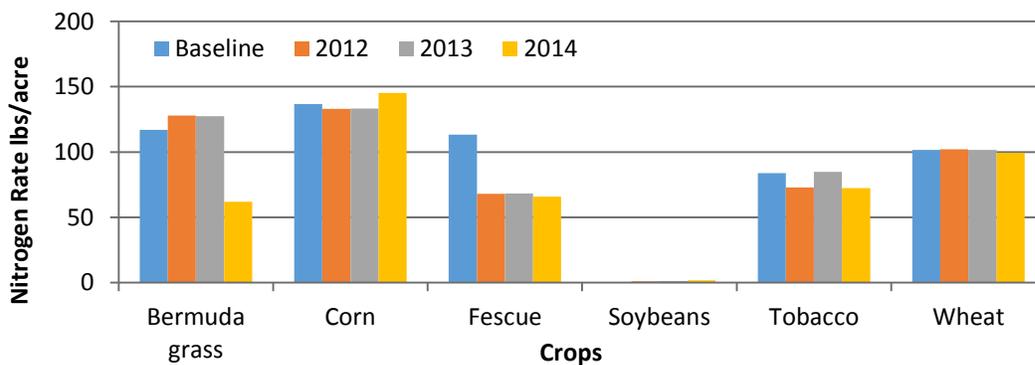
Increased fertilizer cost has impacted the application rates of nitrogen on farms in the Falls Lake Watershed. For most crops, farmers have reduced their nitrogen application rates from baseline levels. Figure 3 displays the nitrogen application rates in pounds per acre for the major crops in the watershed. Nitrogen application rates for fescue hay are still 47 pounds/acre lower than during the baseline. The decrease of hay acres since the baseline is due to increasing costs, cropping shifts, and an overall loss of cropland acres. Nitrogen rates on tobacco decreased from CY2013, and corn application rates increased from baseline. This is likely due to the fact that the growing season began with high corn prices, but due to the subsequent price collapse, the WOC expects lower application rates for corn in future crop years. Soybeans and wheat application rates remained relatively constant in CY2014 compared to the 2006 baseline. Fertilizer rates will be revisited annually by county local advisory committees using data from farmers, commercial applicators and state and federal agencies' professional estimates.

**Factors Identified by LACs Contributing to Reduced Nitrogen Application Rates since the Baseline Year:**

- Rising fertilizer costs and fluctuating farm incomes.
- Mandatory waste management plans.
- The federal government tobacco quota buy-out reducing tobacco acreage.
- Neuse Nitrogen Strategies.

Agriculture in the six counties within the Falls Lake watershed is focused primarily on pasture-based systems, with hay and/or pasture ranging from 42-74% of the agricultural land use. On hay and pasture nitrogen application rates are significantly less than NC State University recommendations and only small amounts of phosphorus are added. Thus, it appears that hay production acres are underfertilized in the Falls Lake Basin.<sup>3</sup>

**Figure 3. Average annual nitrogen fertilization rate (lb/ac) for agricultural crops for the baseline (2006), 2012, 2013, and 2014, Falls Lake Watershed**

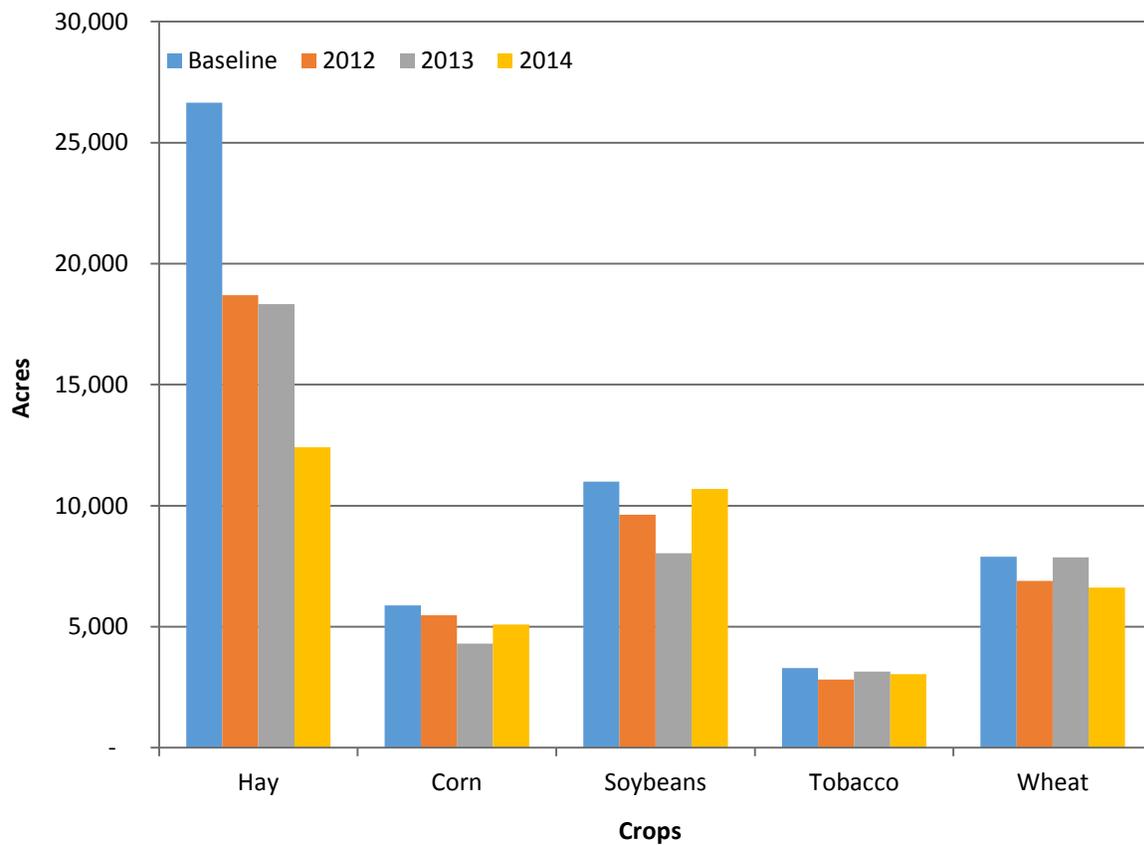


<sup>3</sup> Osmond, D.L., K. Neas. 2011. Delineating Agriculture in the Neuse River Basin. Prepared for NC Department of Environment and Natural Resources (NCDENR), Division of Water Quality. <http://content.ces.ncsu.edu/delineating-agriculture-in-the-neuse-river-basin>

## Cropping Shifts

The LACs recalculate the cropland acreage annually by utilizing crop data reported by farmers to the Farm Service Agency. Because each crop type requires different amounts of nitrogen and uses applied nitrogen with a different efficiency rate, changes in the mix of crops grown can have a significant impact on the cumulative yearly nitrogen loss reduction. Notably, this year there was a significant increase in soybean acres in the watershed, and these acres require little to no fertilization. The WOC anticipates that the watershed will see additional crop shifts in upcoming years based on economic changes. A host of factors from individual to global determine crop choices. Crop acreages are expected to fluctuate yearly with market changes. Figure 4 shows crop acres and shifts for CY2014 compared to the baseline. The reported acres of all major crops have decreased by over 16,857 acres in the watershed since the baseline.

**Figure 4. Reported Acreage of Major Crops for the Baseline (2006), 2012, 2013, and 2014, Falls Lake Watershed**



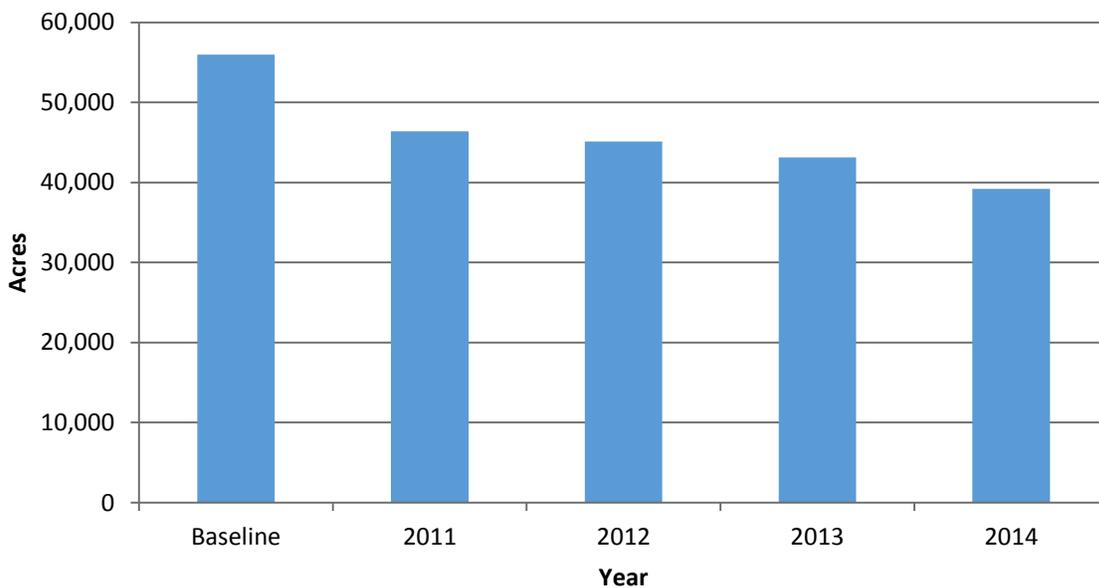
## Land Use Change to Development and Cropland Conversion

The number of cropland acres fluctuates every year in the Falls Lake Watershed due to cropland conversion and development. Each year, some cropland is either permanently lost to development or converted to grass or trees and likely to be ultimately lost from agricultural production. Data regarding land use change since the baseline is summarized below.

It is estimated that since the 2006 baseline there has been a decrease in crop production of 16,790 reported acres (30% of total cropland). Of that, 4,404 agricultural acres have been permanently lost to development. Through state and federal cost share programs, 1,853 cropland acres (11% of cropland loss) were converted to grass or trees.

The estimates for agricultural land lost to development come from methodologies developed at the individual county level based on available information and the many and diverse local government reporting requirements associated with development. Each county uses a different method, but these methods are documented and use the best local information available. The remaining acreage could potentially be brought back into agricultural land. These estimates do not separate the amount of cropland versus pastureland lost; the number reported is agricultural land converted to development.

**Figure 5. Total Reported Cropland Acres in the Falls Lake Watershed, Baseline (2006), 2011, 2012, 2013, 2014**



## Phosphorus Indicators for CY2014

The qualitative indicators included in Table 3 show the relative changes in land use and management parameters and their relative effect on phosphorus loss risk in the watershed. This approach was recommended by the Phosphorus Technical Advisory Committee (PTAC) in 2005 due to the difficulty of developing an aggregate phosphorus tool parallel to the nitrogen NLEW tool and the PTAC reconvened to make minor revisions for the tool's use in the Jordan Lake Watershed in April 2010. This modified approach was approved for use in the Falls Lake Watershed by the Water Quality Committee of the EMC. This report includes phosphorus indicator data for the baseline period (2006), CY2012, CY2013 and CY2014. Most of the parameters indicate less risk of phosphorus loss from agricultural management units than in the baseline period.

Factors contributing to the reduced risk of phosphorus loss in the Falls Lake Watershed include:

- Tobacco acres were reduced by 8%
- Animal waste P was reduced by 17% from livestock and poultry
- Cropland conversion to other uses

The soil test phosphorus median number reported for the basin fluctuates each year due to the nature of how the data is collected and compiled. The soil test phosphorus median numbers shown in Table 3 are from agricultural operations and are generated by using North Carolina Department of Agriculture and Consumer Services (NCDA&CS) soil test laboratory results from voluntary soil testing and the data is reported by the NCDA&CS. The number of samples collected each year varies. The data does not include soil tests that were submitted to private laboratories. The soil test results from the NCDA&CS database represent data from entire counties in the basin, and have not been adjusted to include only those samples collected in the Falls Lake Watershed.

### **Phosphorus Technical Assistance Committee (PTAC):**

The PTAC's overall purpose was to establish a phosphorus accounting method for agriculture in the Tar-Pamlico River Basin. It determined that a defensible, aggregated, county-scale accounting method for estimating phosphorus losses from agricultural lands was not feasible due to "the complexity of phosphorus behavior and transport within a watershed, the lack of suitable data required to adequately quantify the various mechanisms of phosphorus loss and retention within watersheds of the basin, and the problem with not being able to capture agricultural conditions as they existed in 1991." (1991 was the Tar-Pamlico Basin's baseline year.) The PTAC instead developed recommendations for qualitatively tracking relative changes in practices in land use and management related to agricultural activity that either increase or decrease the risk of phosphorus loss from agricultural lands in the basin on an annual basis. This is the approved approach for the Falls Lake Watershed.

**Table 3. Relative Changes in Land Use and Management Parameters and their Relative Effect on Phosphorus Loss Risk in the Falls Lake Watershed**

Parameter	Units	Source	Baseline 2006	CY2012	CY2013	CY2014	Percent '06-'14 change	CY2014 P Loss Risk +/-
Reported Cropland	acres	FSA, LAC	55,969	45,132	43,136	39,179	-30%	-
Cropland conversion (to grass & trees)	acres	USDA-NRCS & NCACSP	1,527	1,822	1,853	1,853	21%	-
CRP / WRP (cumulative)	acres	USDA-NRCS	0	0	0	0	0%	N/A
Conservation tillage	acres	USDA-NRCS & NCACSP	26,787	18,179	19,228	19,607	-27%	+
Vegetated buffers (cumulative)	acres	USDA-NRCS & NCACSP	52,139	54,418	54,419	54,420	4%	-
Scavenger crop	acres	LAC	0	5	605	599	599%**	N/A
Tobacco	acres	FSA, LAC	3,288	2,817	3,145	3,036	-8%	-
Animal waste P	lbs of P/ yr	NC Ag Statistics	586,612	541,096	546,008	487,203	-17%	-
Soil test P median	P Index	NCDA& CS	77	74	67	65	-16%	-

\* Conservation tillage is being practiced on additional acres but this number only reflects acres under active cost share contracts, not acres where contracts have expired or where farmers have adopted the use of conservation tillage without cost share assistance. Based on field office reports, conservation tillage acres remain high even after contracts expire due to farmer satisfaction with the practice after initial implementation.<sup>4</sup>

\*\* The percent change for scavenger crop acres is assumed to have increased from 1 due to the problem with calculating a percentage difference from zero.

Given the key role of phosphorus in the Falls Lake nutrient strategy, the Falls WOC recommends that phosphorus accounting and reporting follow a three-pronged approach:

1. Annual Qualitative Accounting: Conduct annual qualitative assessment of likely trends in agricultural phosphorus loss in the Falls watershed relative to 2006 baseline conditions using the method established by the 2005 PTAC report that added tobacco acreages and removed water control structures.

---

<sup>4</sup> Osmond, D.L., K. Neas. 2011. Delineating Agriculture in the Neuse River Basin. Prepared for NC Department of Environment and Natural Resources (NCDENR), Division of Water Quality. <http://content.ces.ncsu.edu/delineating-agriculture-in-the-neuse-river-basin>

2. Phosphorus Loss Assessment Tool (PLAT): The PLAT has been developed to assess potential P loss from cropland to water resources. A survey of the Falls Lake watershed counties was conducted in 2010, with the next survey to be conducted in the future if funding is available. The results of the 2010 survey demonstrated that the potential for phosphorus loss is very low ( $< 0.35$  lbs/ac/yr) for four of the five counties surveyed. Phosphorus loss in Orange County is rated at the low end of the medium range ( $> 1$  lb/ac/yr). Even with the installation of buffers along all streams and the discontinuation of phosphorus application (fertilizer, biosolids, or animal waste), there would be limited potential for additional phosphorus loss reduction.
3. Improved understanding of agricultural phosphorus management through studies using in-stream monitoring: quantitative in-stream monitoring should be conducted. Such monitoring is contingent upon the availability of funding and staff resources. An appropriate water quality monitoring design would be a paired-watershed study of subwatersheds with only agricultural land use. This design would allow estimates of phosphorus loading for different management regimes and load reductions after conservation practices have been implemented. However, funding for this study is currently unavailable.

The WOC recommends that no additional management actions be required of agricultural operations in the watershed at this time to comply with the phosphorus goals of the agriculture rule. The WOC will continue to track and report the identified set of qualitative phosphorus indicators to the Division of Water Resources (DWR) annually, and as directed by the rule to the Environmental Management Commission. The WOC expects that BMP implementation may continue to increase throughout the watershed in future years, and notes that BMPs installed for nitrogen, pathogen and sediment control often provide significant phosphorus benefits as well.

## Pasture Points Accounting

As described in the first accounting report provided in 2013, the pastureland accounting component of this report can be done only at 5-year intervals because it relies on the Census of Agriculture, which is published every 5 years. Pasture BMPs receive point reduction credit as described in table 4.

**Table 4. Points nitrogen reduction from pastureland for different BMPs, Pasture Point System**

Pasture BMP	Pasture points
Exclusion fencing with a 10' stream setback	30 points
Exclusion fencing with a 20' buffer	50 points
Exclusion fencing with a 30' buffer	55 points
Exclusion fencing with a 50' buffer	60 points
Exclusion fencing with a 100' buffer	65 points

Work to install livestock exclusions is ongoing to assist in meeting the pasture points goal. The WOC will revisit pasture progress in the annual report following the 2017 Census of Agriculture, which will cover activities through 2016, and will offer any rule compliance recommendations called for by the rule to the Water Quality Committee at that time. For more detail, refer to the annual progress report for crop year 2013.

## BMP Implementation Not Tracked by NLEW

Not all types of nutrient and sediment-reducing BMPs are tracked by NLEW such as: livestock-related nitrogen and phosphorus reducing BMPs, BMPs that reduce soil and phosphorus loss, and BMPs that do not have enough scientific research to support estimating a nitrogen benefit. The WOC believes it is worthwhile to recognize these practices. Table 5 identifies BMPs and tracks their implementation in the watershed since the end of the baseline period.

**Table 5: Nutrient and sediment-reducing installed best management practices, Falls Lake Watershed\***

BMP	UNITS	BMPs Installed (CY2006-CY2014)
Critical Area Planting	Acre	9
Composting Facility	Number	4
Cropland Conversion - Grass	Acre	313
Cropland Conversion - Trees	Acre	58
Diversion	Feet	17,338
Dry Stack	Number	8
Fencing (USDA programs)	Feet	57,684
Field Border	Acre	26,722
Grassed Waterway	Acre	8,654
Livestock Exclusion	Feet	32,795
Nutrient Management	Acre	1,152
Pasture Renovation	Acre	326
Stream Crossing	Number	1
Sod-Based Rotation	Acre	11,866
Tillage Management	Acre	19,607
Terraces	Feet	4,163
Trough or Tank	Number	47
Waste Storage Facility	Number	7

*\*Values represent active contracts in State and Federal cost share programs.*

## Looking Forward

The Falls Lake WOC will continue to report on and encourage rule implementation, relying heavily on the local soil and water conservation districts who work directly with farmers to assist with best management practice design and installation.

Because cropping shifts are susceptible to various pressures, the WOC is working with all counties to continue BMP implementation on both cropland and pastureland that provides for a lasting reduction in nitrogen and phosphorus loss in the watershed while monitoring cropping changes. Due to a steep decline in corn prices and based on input from several LACs, the BOC expects a significant reduction in corn acreage in CY2015. Corn requires more nitrogen fertilization than other commodity crops.

The NC Department of Agriculture and Consumer Services (NCDA&CS) understands the importance of using up-to-date technology and data sources in accounting for nutrient loss on agricultural lands. Because of this, Emergency Programs Division staff is currently updating the NLEW software that was written with now outdated software language. New yield expectations and nitrogen use efficiencies are periodically needed to ensure that loss calculations can be reliably assessed for current crop varieties. NCDA&CS staff has developed a web-based version of NLEW and will complete beta testing during the spring of 2016. It is hoped that streamlined and updated functionality will enable the WOC to report more crop types for the counties in the basin, and the revised tool will ensure accurate cropland reporting in future years.

Phosphorus accounting and reporting will continue to address qualitative factors and evaluate trends in agricultural phosphorus loss annually. Periodic land use surveys with associated use of PLAT are needed every five years, but it is unlikely that funding will be available for this activity. Additionally, understanding of agricultural phosphorus management could be improved through in-stream monitoring contingent upon the availability of funding and staff resources.

A subcommittee of the Falls and Jordan Lake WOCs has been working with DWR on issues regarding nutrient offsets that arise from trades involving agricultural land. Also, the WOC feels that additional research is needed on accounting procedures for pasture operations, and supports such research being conducted. Additionally, should readily accessible information become available on biosolids applications to agricultural acres in the watershed, the WOC will consider whether separate accounting for those applications of nutrients is feasible and appropriate.

Funding is an integral part in the success of reaching and maintaining the goal through technical assistance and BMP implementation. It is also important for data collection and reporting.

**The WOC recognizes several factors affecting agriculture:**

- Urban encroachment
- Market Fluctuations
- Changes in government programs (i.e., commodity support or environmental regulations)
- Weather (i.e., long periods of drought or rain)
- Scientific advances in agronomics (i.e., production of new types of crops or improvements in crop sustainability)
- Plant disease or pest problems (i.e., viruses or foreign pests)

In 2001, grants funded ten basin technicians and two basin coordinators who were employed to assist in the reporting requirements for the Neuse and Tar-Pamlico Agriculture Rules. In 2013 there remained funding for 5.25 full-time basin technicians and one Neuse/Tar-Pamlico Basin Coordinator. Technicians have been essential in promoting and assisting farmers with BMP installation and nutrient management since the rule's adoption, but on June 30, 2015 the last technician funding was expended. In 2015, there is no funding for a coordinator, so an employee within the NCDA&CS Division of Soil and Water Conservation has been assigned the data collection and reporting duties for the Agriculture Rules for all existing Nutrient Sensitive Waters Strategies.

**Financial constraints will affect future reporting:**

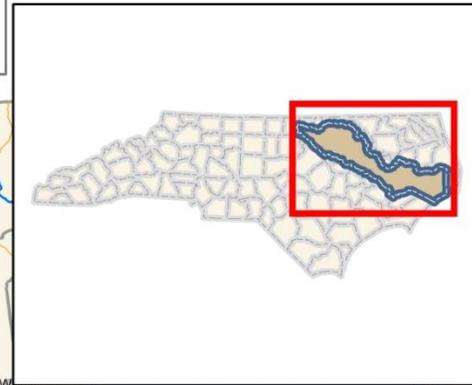
- The Falls Lake Watershed has lost all funding for basin technicians. LACs are being asked to take on a more active role in the data collection and synthesis that these positions conducted previously. It should be noted that farmers and agency staff personnel with other responsibilities serve on the LACs in a voluntary capacity.
- The Neuse/Tar-Pam Basin Coordinator position is no longer funded, and the Division of Soil and Water Conservation has had to restructure current staff workloads to ensure that Falls Lake reporting can be completed. Therefore, less time is available to support local efforts to do the reporting and assist with BMP implementation and outreach.
- Periodic land use surveys critical to understanding watershed agricultural activities are contingent upon future funding.

NCDA&CS

2015 Annual Progress Report (Crop  
Year 2014) on the Tar-Pamlico  
Agricultural Rule  
(15 A NCAC 02B.0256)

A Report to the Environmental Management Commission from the Tar-Pamlico  
Basin Oversight Committee: Crop Year 2014

# Tar-Pamlico River Basin

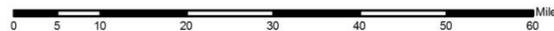


**Legend**

- Highways
- Major Rivers
- Water Bodies
- Tar-Pamlico River Basin
- Municipalities
- County Boundaries



**Tar-Pamlico Basin Oversight Committee**  
September 26, 2014



## Summary

The Tar-Pamlico Basin Oversight Committee (BOC) received and approved crop year (CY) 2014 annual reports from the fourteen Local Advisory Committees (LACs) operating under the Tar-Pamlico Agriculture Rule as part of the Tar-Pamlico Basin Nutrient Management Strategy. The report demonstrates agriculture's ongoing collective compliance with the Tar-Pamlico Agriculture Rule and estimates further progress in decreasing nutrient losses. In CY2014, agriculture collectively achieved an estimated 51% reduction in nitrogen loss compared to the 1991 baseline, continuing to exceed the rule-mandated 30% reduction. This represents a 10% increase in reduction compared to the 41% reduction reported for CY2013. Thirteen of the 14 LAC's exceeded the 30% reduction goal established by the BOC. Phosphorus tracking in the basin indicates less risk of phosphorus loss during CY2014 than in the baseline year for all but one qualitative indicator. Funding remains limited and is essential for rule compliance. Without adequate funding the Division of Soil & Water Conservation and these 14 LACs will find it challenging to meet the reporting requirement on an annual basis.

## Rule Requirements and Compliance History

Effective September 2001, the Tar-Pamlico Nutrient Sensitive Waters Management Strategy (NSW) provides for a collective strategy for farmers to meet the 30% nitrogen loss reduction and no-increase phosphorus goals within five years. A BOC and fourteen LACs were established to implement the rule and to assist farmers with complying with the rule. In CY2014 there was 1 full time technician that worked with LACs to coordinate information for the annual reports. This technician was funded by the EPA 319 grant program, NC Agriculture Cost Share Program (ACSP) technical assistance funds, and county funds.

### Tar-Pamlico NSW Strategy

The Environmental Management Commission (EMC) adopted the Tar-Pamlico nutrient strategy in 2000. The management strategy built upon the precedent-setting Neuse River Basin effort established three years earlier, which for the first time set regulatory reduction measures for nutrients on cropland acres in the state. The NSW strategy goal is to reduce the average annual load of nitrogen to the Pamlico estuary by 30% from 1991 levels and to limit phosphorus loading to 1991 levels. Mandatory controls were applied to addressing non-point source pollution in agriculture, urban stormwater, nutrient management, and riparian buffer protection. As of 2015, the Pamlico estuary is still classified as impaired and is not meeting its 30 percent nitrogen loading reduction goals.

All fourteen Local Advisory Committees (LACs) submitted their first annual report to the BOC in November 2003, which collectively estimated a 39% nitrogen loss reduction, and 10 of 14 LACs exceeded the 30% individually. Collective reductions had gradually increased in succeeding years, and by CY2007 only one LAC was shy of the 30% individually. All fourteen LACs met as required in 2015, and in CY2014 the collective reduction of 51% exceeded the mandated 30%. One county fell below the 30% goal established by the BOC (Martin).

## Scope of Report and Methodology

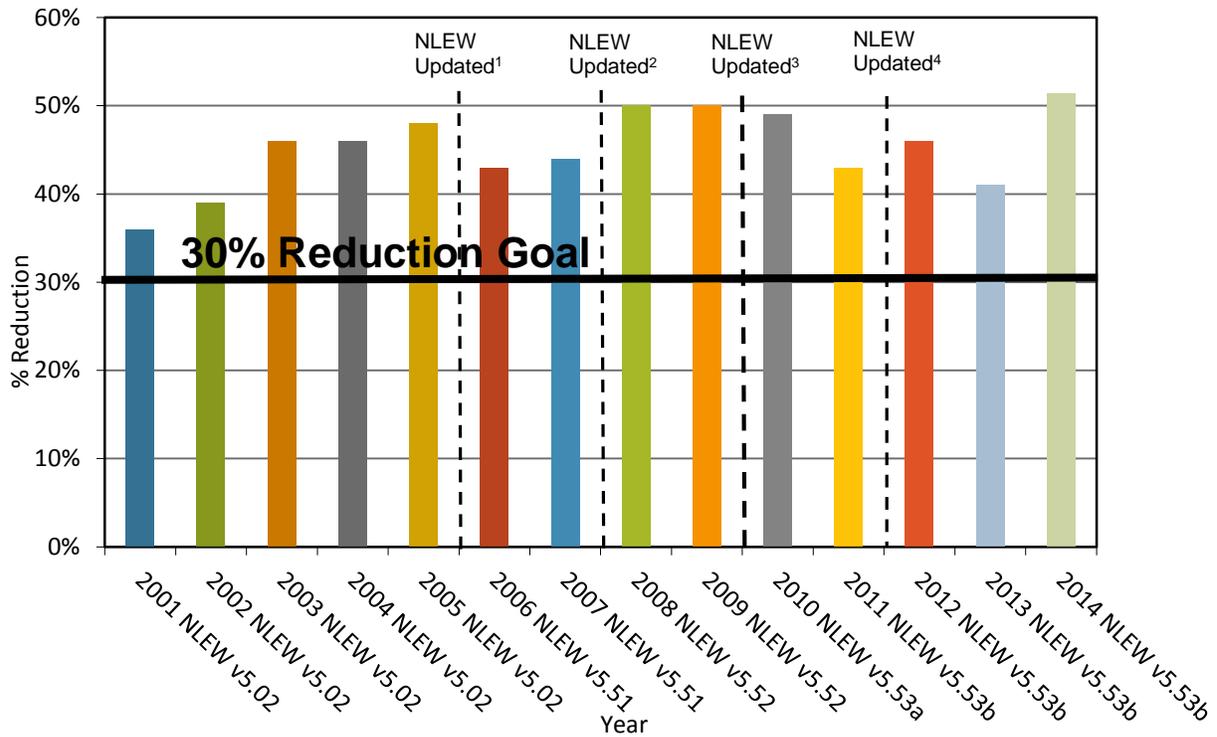
The estimates provided in this report represent whole-county scale calculations of nitrogen loss from cropland agriculture in the basin made by soil and water conservation district technicians using the 'aggregate' version of the Nitrogen Loss Estimation Worksheet, or NLEW, an accounting tool developed to meet the specifications of the Neuse Rule and approved by the EMC for use in the Tar-Pamlico Basin. The development team included interagency technical representatives of the NC Division of Water Resources (DWR), NC Division of Soil and Water Conservation (DSWC), USDA-NRCS and was led by NC State University Soil Science Department faculty. NLEW captures application of both inorganic and animal waste sources of fertilizer to cropland. It does not capture the effects of nitrogen applied to pastureland, and is an "edge-of-management unit" accounting tool; it estimates changes in nitrogen loss from croplands, but does not estimate changes in nitrogen loading to surface waters. An assessment method was developed for phosphorus, approved by the EMC, and is described later in the report.

## Annual Estimates of N Loss and the Effect of NLEW Refinements

As discussed below, the NLEW software is periodically revised to incorporate new knowledge gained through research and improvements to data. These changes have incorporated the best available data, but changes to NLEW must be considered when comparing nitrogen loss reduction in different versions of NLEW. Further updates in soil management units are expected as NRCS produces updated electronic soils data. The small changes in soil management units are unlikely to produce significant effects on nitrogen loss reductions.

In past years reported data included acreages and nitrogen application rates for specialty crops and produce. Because NLEW was not programmed to accommodate these crop acres, the software was attributing the total required nitrogen for every acre reported in these categories as nitrogen loss, even when crops were under-fertilized. Due to the fact that the software was inaccurately calculating nitrogen loss for specialty crops and produce, a decision was made with the research scientists who originally designed the program to exclude these crops from the reporting framework beginning in CY2014. In addition, several crops were removed from baseline calculations due to this error. Recent years have been adjusted to account for that change and so some reductions reported in 2014 for CY2013 have changed. As a matter of perspective these acres represent only 2.8% of the overall reported cropland acres in the basin. The BOC feels that because the current reporting methodology is more appropriately comparing similar acres, the new reduction percentage is a more accurate reflection of nitrogen reductions achieved in the basin. Figure 1 represents the annual percent nitrogen loss reduction from 2001 to 2014.

Figure 1. Collective Nitrogen Loss Reduction Percent 2001 to 2014, Tar Pamlico River Basin.



<sup>1</sup>Between CY2005 & CY2006 NLEW was updated to incorporate revised soil management units and buffer nitrogen reduction efficiencies were reduced.

<sup>2</sup>Between CY2007 & CY2008 NLEW was updated to incorporate revised soil management units and correct realistic yield errors.

<sup>3</sup>Between CY2009 & CY2010 NLEW was an administration software update with no effect on accounting.

<sup>4</sup>In 2011 NLEW was updated to significantly decrease buffer nitrogen removal efficiencies based on the most current research; CY2010 and the baseline reductions were recalculated to reflect changes in NLEW.

The first NLEW revision (v5.51) marked a significant change in the nitrogen reduction efficiencies of buffers so both the baseline and CY2005 were re-calculated based on the best available information. The second (v5.52) and third (v5.53a) revisions were administrative along with minor updates of soil mapping units. In April of 2011 the NLEW Committee established further reductions (v5.53b) in nitrogen removal efficiencies for buffers based on additional research. Table 1 lists the changes in buffer nitrogen reduction efficiencies over time.

Table 1. Changes in Buffer Width Options and Nitrogen Reduction Efficiencies in NLEW

Buffer Width	NLEW v5.02* % N Reduction 2001-2005	NLEW v5.51, v5.52, v5.53a % N Reduction 2006-2010	NLEW v5.53b % N Reduction 2011-Current
20'	40% (grass)	30%	20%
	75% (trees & shrubs)		
30'	65%	40%	25%
50'	85%	50%	30%
70'	85%	55%	30%
100'	85%	60%	35%

\*NLEW v5.02 - the vegetation type (i.e. trees, shrubs, grass) within 20' and 50' buffers determined reduction values. Based on research results, this distinction was dropped from subsequent NLEW versions.

## Current Status

### Nitrogen Reduction from Baseline for CY2014

All fourteen LACs submitted their tenth annual report to the BOC in September 2015. For the entire basin, in CY2014 agriculture achieved a 51% reduction in nitrogen loss compared to the 1991 baseline. This year 13 of the 14 LACs achieved the at-least 30% nitrogen loss reduction goal individually. Table 2 lists each county's baseline, CY2013 and CY2014 nitrogen (lbs/yr) loss values, and nitrogen loss percent reductions from the baseline in CY2013 and CY2014.

*Table 2. Estimated Reductions in Agricultural Nitrogen Loss from Baseline (1991) for CY2013 and CY2014, Tar-Pamlico River Basin*

County	Baseline N Loss (lb)* NLEW v5.53b	CY2013 N Loss (lb)* NLEW v5.53b	CY2013 N Reduction (%) NLEW v5.53b	CY2014 N Loss (lb)* NLEW v5.33b	CY2014 N Reduction (%) NLEW v5.33b
Beaufort	9,190,250	6,244,198	32%	5,526,800	40%
Edgecombe	5,037,628	3,248,575	36%	2,601,962	48%
Franklin	2,161,460	638,918	70%	468,974	78%
Granville	890,371	418,951	53%	160,730	82%
Halifax	2,799,574	1,851,810	34%	1,471,470	47%
Hyde	4,975,781	3,482,142	30%	3,222,700	35%
Martin	782,152	588,851	25%	567,557	27%
Nash	4,321,750	1,761,548	59%	1,118,526	74%
Person	153,228	53,968	65%	55,425	64%
Pitt	6,147,790	3,115,117	49%	2,706,244	56%
Vance	419,485	164,303	61%	131,930	69%
Warren	535,517	197,299	63%	159,204	70%
Washington	863,483	653,424	24%	453,491	47%
Wilson	850,780	518,769	39%	346,689	59%
<b>Total</b>	<b>39,129,249</b>	<b>22,937,873</b>	<b>41%</b>	<b>18,991,702</b>	<b>51%</b>

\*Nitrogen loss values are for comparative purposes. They represent nitrogen that was applied to agricultural lands in the basin and neither used by crops nor intercepted by BMPs in a Soil Management Unit, based on NLEW calculations. This is not an in-stream loading value.

Nitrogen loss reductions were achieved through the combination of fertilization rate decreases, cropping shifts, BMP implementation, and cropland acreage fluctuation. The most significant factor continues to be fertilization management. Martin County's individual nitrogen reduction of 27% is below the BOC's county goal of 30% due mostly to cropping shifts and the fact that the county has only reduced cropland acres by 2,261 from baseline, but their reduction increased from the previous year by 2%. This county saw cotton decrease by 1,325 acres while tobacco, and wheat, which require higher nitrogen inputs, increased by 1,069 and 212 acres, respectively. In addition, soybeans, which need no nitrogen application, increased by 805 acres. The Division of Soil and Water Conservation will support the LAC in encouraging BMP implementation in order to increase their reduction.

Overall, NLEW estimates the following factors contributed to the total nitrogen loss reduction according to the percentages shown in Table 3.

*Table 3. Factors that Influence Nitrogen Reduction by Percentage on Agricultural Lands, Tar-Pamlico River Basin\**

Factor	CY2011 NLEW v5.53b	CY2012 NLEW v5.53b	CY2013 NLEW v5.53b	CY2014 NLEW v5.33b
BMP implementation	9%	10%	8%	12%
Fertilization Management	17%	17%	20%	18%
Cropping shift	8%	10%	6%	10%
Cropland converted to grass/trees	3%	5%	5%	5%
Cropland lost to idle land	4%	4%	1%	5%
Cropland lost to development	1%	1%	1%	1%
<b>TOTAL</b>	<b>43%</b>	<b>46%</b>	<b>41%</b>	<b>51%</b>

\*Percentages are based on a total of the reduction, not a year-to-year comparison.

## BMP Implementation

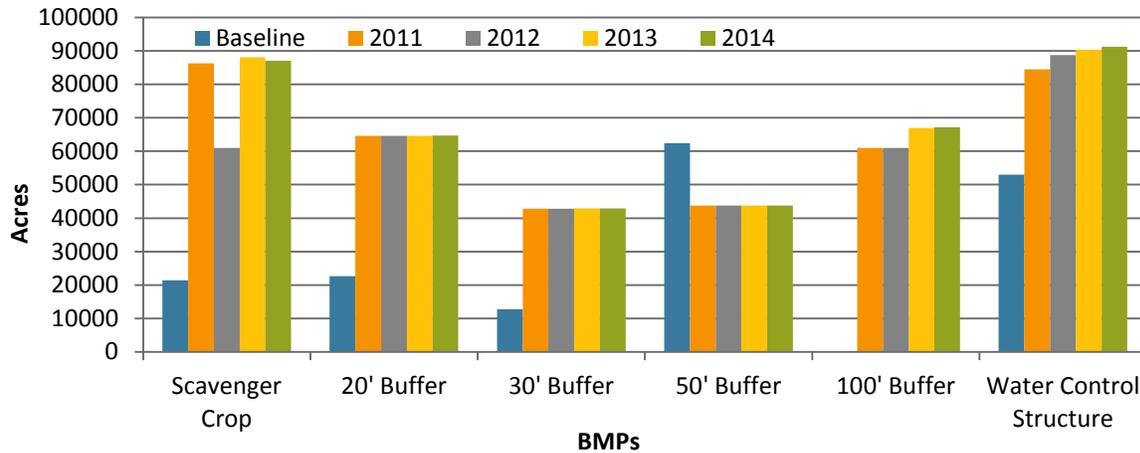
As illustrated in Figure 2, CY2014 yielded a net increase of 884 acres affected by water control structures and a decrease of 1,036 acres of nutrient scavenger crops, while buffer acres increased by 183. While there is some opportunity for variability in the data reported, LACs are including data that is the best information currently available. As additional sound data sources become available, the LACs will review these sources and update their methodology for reporting if warranted.

Overall, the total acres of implementation of BMPs have increased since the baseline, as illustrated in Figure 2. Based on a comparison of the actual acres of BMPs installed through federal, state and local cost share programs to the total 653,954 cropland acres; over half of all reported cropland receives some kind of treatment by BMPs. However this treatment estimate does not take into account the entire drainage area treated by buffers in the piedmont which is generally 5 to 10 times higher than the actual acres of the buffer shown in Figure 2.<sup>1</sup>

From 2001 through 2006, the NLEW program captured buffers 50' and larger as one category. After the 2007 update, categories for 70' and 100' buffers were added. In CY2006 the buffers larger than 50' were redistributed into these new categories. If this redistribution had not occurred the 50' buffer acres would have been higher in subsequent years.

<sup>1</sup> Bruton, Jeffrey Griffin. 2004. Headwater Catchments: Estimating Surface Drainage Extent Across North Carolina and Correlations Between Landuse, Near Stream, and Water Quality Indicators in the Piedmont Physiographic Region. Ph.D. Dissertation. Department of Forestry and Environmental Resources, North Carolina State University, Raleigh, NC 27606. <http://www.lib.ncsu.edu/theses/available/etd-03282004-174056/>

Figure 2: Nutrient Reducing BMPs Present on Agricultural Lands for Baseline (1991) and Installed from 2011-2014, Tar-Pamlico River Basin\*



\*The acres of buffers listed represent actual acres. Acres affected by the buffer could be 5 to 10 times larger in the Piedmont than the acreage shown above<sup>1</sup>

### Additional Nutrient BMPs

At the field level, a number of BMPs contribute to nutrient reduction and subsequent water quality improvement. Not all BMP types are tracked by NLEW. These include: livestock-related nitrogen and phosphorus reducing BMPs, BMPs that reduce soil and phosphorus loss, and BMPs that do not have enough scientific research to support estimating a nitrogen benefit. The BOC believes it is worthwhile to recognize these practices. Table 4 identifies BMPs not accounted for in NLEW and tracks their implementation in the basin since CY2011.

Increased implementation numbers are evident in CY2014 across all BMP types since the baseline. Some of these BMPs will yield reductions in nitrogen loss that are not reflected in the NLEW accounting in this report but will benefit the estuary.

Table 4: Nutrient-Reducing Best Management Practices Not Accounted for In NLEW, 2011-2014, Tar-Pamlico River Basin\*

BMP	Units	2011	2012	2013	2014
Diversion	Feet	394,461	398,291	425,596	428,696
Fencing (USDA Programs)	Feet	235,865	241,732	256,384	256,384
Field Border	Acres	1,001	1,264	1,284	1,289
Grassed Waterway	Acres	1,154	2,475	2,518	2,524
Livestock Exclusion	Feet	221,096	233,061	238,676	238,676
Sod Based Rotation	Acres	37,052	52,502	70,456	70,596
Tillage Management	Acres	40,612	46,808	52,185	52,428
Terraces	Feet	371,936	371,936	371,936	371,936

\*Values represent active contracts in State and Federal cost share programs.

### Fertilization Management

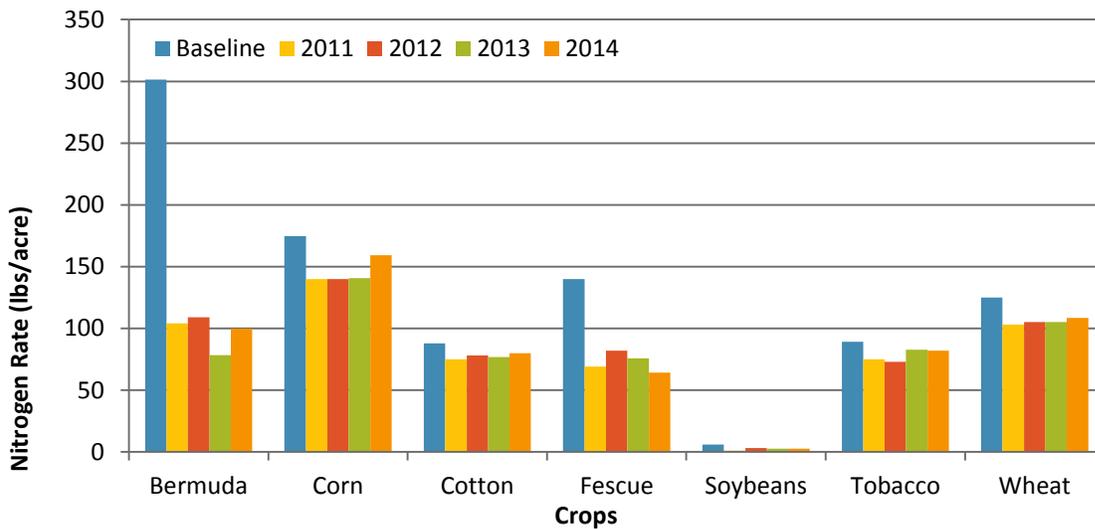
Both increased fertilizer cost and better nutrient management have resulted in farmers in the Tar-Pamlico River Basin reducing their nitrogen application from baseline levels. Figure 3 indicates that nitrogen rates for the major crops in the basin have reduced from the baseline period. In CY2014 nitrogen rates were stable for cotton, soybeans, tobacco, and wheat compared to CY2013, increased for bermuda and corn, and decreased for fescue. The rates for bermuda grass increased significantly from an abnormally low rate of 78 lbs per acre and are now close to the long-term rate since baseline. New varieties of corn with higher yield expectations and nitrogen uptake have led to increases in corn nitrogen application rates. Rates for cotton increased by less than 3 lbs per acre. Fescue nitrogen rates increased by 8 lbs per acre this year. Most pastures are under-fertilized throughout the Tar-Pamlico basin. The pasture and hayland are typically not supplemented with inorganic fertilizers.

**Factors Identified by LACs Contributing to Reduced Nitrogen Rates since the Baseline Year**

- Rising fertilizer costs and fluctuating farm incomes.
- Increased education & outreach on nutrient management (NC Cooperative Extension holds an annual nutrient management training session, since 2004 approximately 2,000 farmers and applicators have received training.)
- Mandatory waste management plans
- The federal government tobacco quota buy-out reducing tobacco acreage.
- Neuse & Tar-Pamlico Nutrient Strategies.

With increasing fertilizer prices, there has been an economic incentive for producers to consider more efficient nitrogen rates, sources, timing, and placement alternatives. Fertilizer rates and standard application practices are revisited annually by LACs using data from farmers, commercial applicators and state and federal agencies' professional estimates.

Figure 3. Average Annual Nitrogen Fertilization Rate (lb/ac) for the Major Agricultural Crops for the Baseline (1991) and 2010-2014, Tar-Pamlico River Basin

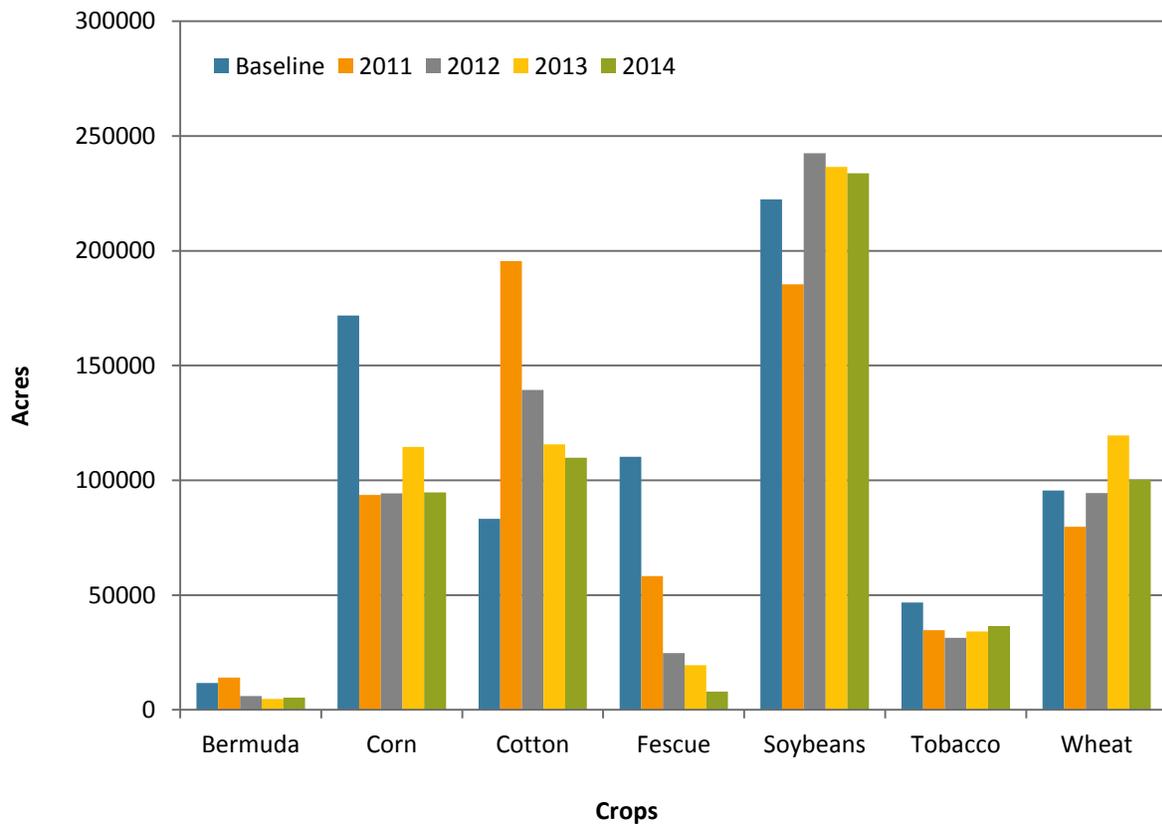


### Cropping Shifts

The LACs calculated the cropland acreage by utilizing crop data reported by farmers to the USDA-Farm Service Agency. Each crop requires different amounts of nitrogen and utilizes the nitrogen applied with different efficiency rates. Changes in the mix of crops grown can have a significant impact on the cumulative yearly nitrogen loss reduction.

Figure 4 shows crop acres and shifts for the last four years compared to the baseline. While some crops – bermuda grass and tobacco – have remained relatively stable, others show more volatility. In CY2014, cotton acreage continued a recent decline, and corn acres decreased to a total that more closely matches previous years. From CY2011 to CY2014, fescue lost significant acreages in the piedmont. A host of factors from individual to global determine crop choices.

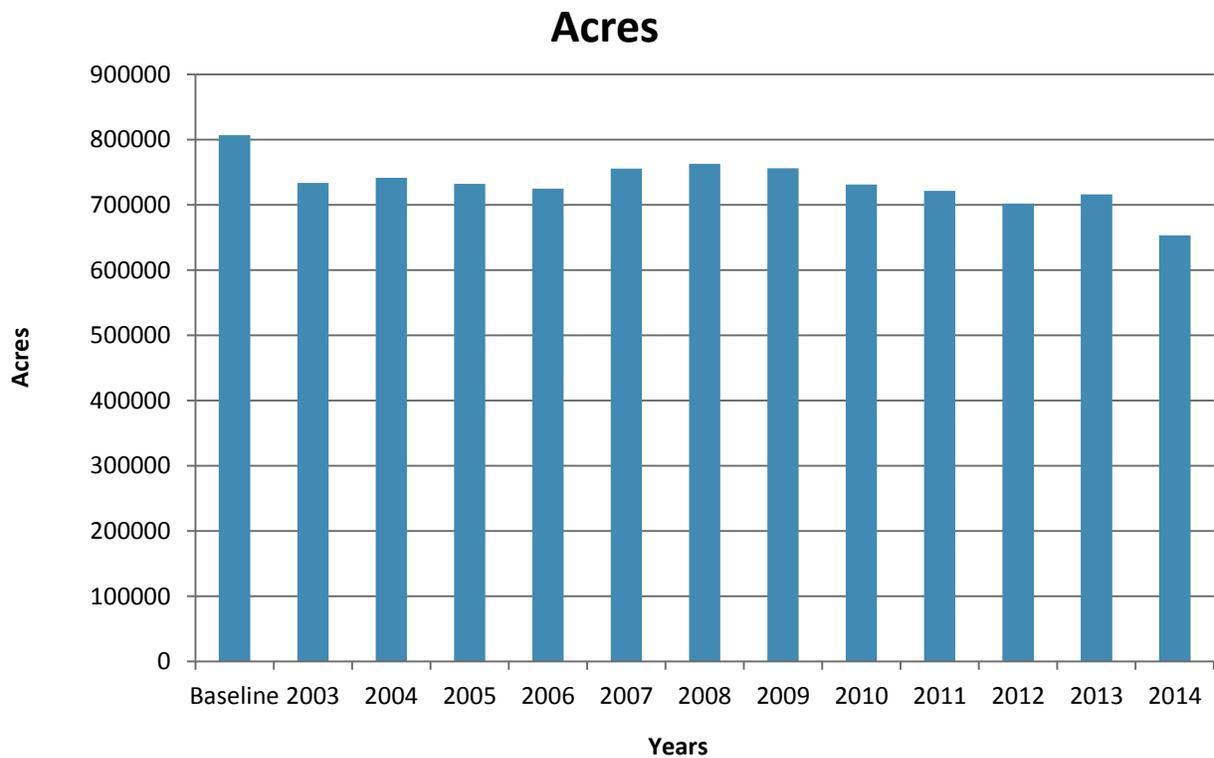
Figure 4. Acreage of Major Crops for the Baseline (1991) and 2010-2014, Tar-Pamlico River Basin



### Land Use Change to Development, Idle Land and Cropland Conversion

The number of cropland acres fluctuates every year in the Tar-Pamlico River Basin due to cropland conversion, idle land and development. Each year, some cropland is permanently lost to development or converted to grass or trees and likely to be ultimately lost from agricultural production. Idle land is agricultural land that is currently out of production but could be brought back into production at any time. Currently it is estimated that approximately 11,795 acres have been permanently lost to development in the basin and more than 46,837 acres have been converted to grass or trees since the 1991 baseline. For CY2014 it is estimated that there are approximately 41,620 idle acres. There is a total of 653,954 NLEW-accountable acres of cropland (see Fig. 5). In addition to these changes, based on LAC documentation a total of 2,053 cropland acres have been lost to newly leased and constructed solar farms. This total will be updated in future years, but it is uncertain if this should be considered a permanent or temporary loss of cropland. If a landowner terminates a lease after the 30-year contract expires, most agreements include a stipulation that the land will return to its previous use. All of the above estimates come from the LAC members’ best professional judgment, USDA-FSA records and county planning department data. The total crop acres are obtained from USDA-FSA and NC Agricultural Statistics annual reports. Cropland acres have continued to decrease from the baseline period (see Figure 5).

Figure 5. NLEW-Accounted Cropland Acres in the Tar-Pamlico River Basin, Baseline (1991) and 2003-2014



## Phosphorus

**Phosphorus Indicators for CY2014:** The qualitative indicators included in Table 5 show the relative changes in land use and management parameters and their relative effect on phosphorus loss risk in the basin. This approach was recommended by the Phosphorus Technical Advisory Committee (PTAC) in 2005 due to the difficulty of developing an aggregate phosphorus tool parallel to the nitrogen NLEW tool and was approved by the EMC. Table 5 builds upon the data provided in the 2005 PTAC report, which included all available data at the time ending with data from 2003. This report adds phosphorus indicator data for CY2011 through CY2014. With the exception of animal waste P, all other parameters indicate less risk of phosphorus loss than in the baseline year.

Contributing to the reduced risk of phosphorus loss is the increase of nutrient reducing BMPs in the basin. As indicated in Table 5, the acres affected in the basin by water control structures have steadily increased over the past three years. It should also be noted that the soil test phosphorus median number reported for the basin fluctuates each year due to the nature of how the data is collected and compiled. The soil test phosphorus median numbers shown in Table 5 are generated by using North Carolina Department of Agriculture and Consumer Services (NCDA&CS) soil test laboratory results from voluntary soil testing and the data is reported by the NCDA&CS. The number of samples collected each year varies. The data only includes samples submitted for cropland. It does not include soil tests that were submitted to private laboratories. The soil test results from the NCDA&CS database represent data from entire counties in the basin, and have not been adjusted to include only those samples collected in the river basin area.

### Phosphorous Technical Assistance Committee (PTAC)

The PTAC's overall purpose was to establish a phosphorus accounting method for agriculture in the basin. It determined that a defensible, aggregated, county-scale accounting method for estimating phosphorus losses from agricultural lands is not currently feasible due to "the complexity of phosphorus behavior and transport within a watershed, the lack of suitable data required to adequately quantify the various mechanisms of phosphorus loss and retention within watersheds of the basin, and the problem with not being able to capture agricultural conditions as they existed in 1991". The PTAC instead developed recommendations for qualitatively tracking relative changes in practices in land use and management related to agricultural activity that either increase or decrease the risk of phosphorus loss from agricultural lands in the basin on an annual basis.

Table 5. Relative Changes in Land Use and Management Parameters and their Relative Effect on Phosphorus Loss Risk in the Tar-Pamlico

Parameter	Units	Source	1991 Baseline	CY 2011	CY 2012	CY 2013	CY2014	1991 - 2014 Change	CY2014 P Loss Risk +/-
Agricultural land	Acres	FSA	807,026	721,432	702,227	716,289	653,954	-19%	-
Cropland conversion (to grass & trees)	Acres	USDA-NRCS & NCACSP	660	31,631	42,330	46,647	46,837	6997%	-
CRP / WRP (cumulative)	Acres	USDA-NRCS	19,241	41,833	41,833	41,833	41,833	117%	-
Conservation Tillage *	Acres	USDA-NRCS & NCACSP	41,415	40,612	46,808	52,185	52,428	27%	-
Vegetated buffers (cumulative)	Acres	USDA-NRCS & NCACSP	50,836	227,528	212,212	218,236	218,419	330%	-
Water control structures (cumulative)	Acres Affected	USDA-NRCS & NCACSP	52,984	84,442	88,755	90,356	91,240	72%	-
Scavenger crop	Acres	LAC	13,272	86,283	73,177	92,269	83,700	531%	-
Animal waste P	lbs of P/ yr	NC Ag Statistics	13,597,734	16,695,543	16,561,052	16,880,526	14,530,827	7%	+
Soil test P median	P Index	NCDA & CS	83	87	85	85	81	-2%	-

\* Conservation tillage is being practiced on additional acres but this number only reflects active cost share contract acres, not acres where contracts have expired or where farmers have implemented conservation tillage without cost share assistance.

Based on the these findings, the BOC recommends that no additional management actions be required of agricultural operations in the basin at this time to comply with the “no net increase above the 1991 levels” phosphorus goal of the agriculture rule. The BOC will continue to track and report the identified set of qualitative phosphorus indicators to the EMC annually, and to bring any concerns raised by the results of this effort to the EMC’s attention as they arise, along with recommendations for any appropriate action. The BOC expects that BMP implementation will continue to increase throughout the basin in future years, and notes that BMPs installed for nitrogen, pathogen and sediment control often provide significant phosphorus benefits as well.

## Looking Forward

The Tar-Pamlico BOC will continue to report on rule implementation, relying heavily on Soil and Water Conservation District staff to compile crop reports.

Because cropping shifts are susceptible to various pressures, the BOC is working with LACs in all counties to continue BMP implementation that provides for a lasting reduction in nitrogen loss in the basin while monitoring cropping changes. Due to a steep decline in corn prices and based on input from several LACs, the BOC expects a significant reduction in corn acreage in CY2015.

The Division of Soil and Water Conservation has secured funding to support a revision to the NLEW software, which was written with now outdated software language. Software updates such as new yield expectations and crop additions are periodically needed. North Carolina Department of Agriculture and Consumer Services (NCDA&CS) IT staff has assessed the programming requirements of an NLEW upgrade, and a project design document has been produced that will guide these necessary upgrades. A contractor position will be advertised this fall through the IT Supplemental Staffing Program, and Department staff intends for work to begin this winter. It is hoped that these and future updates will enable the BOC to report more crop types for the counties in the basin.

### **Basin Oversight Committee recognizes the dynamic nature of agricultural business.**

- Changes in the world economies, energy or trade policies.
- Changes in government programs (i.e., commodity support or environmental regulations)
- Weather (i.e., long periods of drought or rain)
- Scientific advances in agronomics (i.e., production of new types of crops or improvements in crop sustainability)
- Plant disease or pest problems (i.e., viruses or foreign pests)
- Urban encroachment (i.e., crop selection shifts as fields become smaller)
- Age of farmer (i.e., as retirement approaches farmers may move from row crops to cattle)

The BOC will continue to review data from all studies as they are completed and become available and will consider the results as they relate to nutrient loadings from land based sources and uses. This includes studies related to the 2004 NPDES permit issued to Rose Acre Farms.

Funding is an integral part in the success of reaching and maintaining the goal through technical assistance and BMP implementation. It is also important for data collection and reporting.

In 2001, ten basin technicians and two basin coordinators were employed to assist in the reporting requirements for the Neuse and Tar-Pamlico Agriculture Rules. In 2013 there remained funding for 5.25 full-time basin technicians and one Neuse/Tar-Pamlico Basin Coordinator. In 2015, there is no funding for basin technicians or a coordinator, so a full-time position in the Division of Soil and Water has been revised to include some of the duties of the basin coordinator. Technicians have been essential in promoting and assisting farmers with BMP installation and nutrient management since the rule's adoption, but on June 30, 2015 the last technician funding was expended.

Farmers and agency staff personnel with other responsibilities serve on the LACs in a voluntary capacity. Without funding for technicians, the annual progress reports fall on the LACs without local technical assistance to compile data and annual reports. Few currently serving LAC members were active during the stakeholder process for the Agriculture Rule, so some institutional knowledge about annual reporting requirements has been lost. As a result, training of new Soil and Water Conservation District staff and LAC members regarding rule requirements and reporting is ongoing.

Now that watershed technician funding has been eliminated, a more centralized approach to data collection and verification is necessary. This evolving approach will involve GIS analysis and more streamlined FSA acreage documentation. The LACs will be trained to handle the new workload to the best of their ability. Because district staff has neither the time nor financial resources to synthesize county level data, this centralized approach will come at the expense of local knowledge. Annual agricultural reporting is required by the rules; therefore continued funding for the division's remaining position is essential for compliance.

## CONSIDERATION OF CHANGES TO SUPERVISOR APPOINTMENT PROCESSES

### Form updates

Since 2002, commission policy has been that incumbent district supervisors will not be reappointed unless they have attended (except when prevented by sickness) at least 2/3 of all regularly scheduled district meetings during their present term of office, and attended training at the UNC School of Government.

When an individual is recommended for appointment as a supervisor, they indicate a “willingness to attend a training session within the first year after appointment”; this training session is held annually at the UNC School of Government.

Edits have been made to existing appointment / reappointment forms to spell out commission policy and expectations more clearly. Please see the suggested changes to the existing forms.

### Conditional appointments

In preparation for the 2016 training session at the UNC School of Government, the division conducted a review of supervisors that were “due” for training, and reminded individuals to participate.

- *Supervisors that are in appointed seats that will be up for reappointment in November 2016* – all but one have attended required training (this individual was recently appointed in January 2016, and has expressed an intention to attend in 2017)
- *Supervisors that are in appointed seats that will be up for reappointment in November 2018* – a number of these individuals have already fulfilled the training requirement, but not all – roughly eight individuals have been appointed to fill unexpired appointed terms and still require training before the commission will act on their reappointment in November 2018
- *Supervisors that have been appointed to fill unexpired elected terms since 2012* – roughly twenty two individuals have been appointed to fill unexpired elected terms since 2012 and have not attended training

In the past, when there are extenuating circumstances, the commission has reappointed supervisors contingent upon attending training at the UNC School of Government the following year, or contingent upon improved attendance.

Given the number of supervisors that have not attended the training at the UNC School of Government within their first year of appointment, and the commission’s current lack of authority to hold those in elected seats accountable to their commitment, the commission may wish to consider conditional appointment for district supervisors:

*For newly appointed individuals, as they begin a new term or fill an unexpired term for either an elected or appointed seat, the commission will make their appointment conditional upon their attendance at the next training session offered at the UNC School of Government. For those that do not attend, their appointment will expire the day following the training, unless they provide a written request for commission consideration in advance. At their March meeting, the commission will consider extensions for conditional appointments, as appropriate.*



INTERNAL USE ONLY:  
Appointed / Elected Seat  
Current Term:

DIVISION OF SOIL AND WATER CONSERVATION  
North Carolina Department of Agriculture & Consumer Services  
1614 Mail Service Center • Raleigh, NC 27699-1614  
919.733.2302 • www.ncagr.gov/sw/

RECOMMENDATION FOR APPOINTMENT OF SUPERVISOR

Complete and submit online [on your district's SharePoint page](#); keep original for your file

The supervisors of the \_\_\_\_\_ Soil and Water Conservation District of \_\_\_\_\_ County, North Carolina have recommended the individual listed below for APPOINTMENT as a district supervisor in accordance with N.C.G.S. 139-7 for a term of office commencing \_\_\_\_\_ and ending \_\_\_\_\_ to fill the expired or un-expired term of \_\_\_\_\_.

Name of nominee: \_\_\_\_\_  
Address of nominee, City, State, Zip: \_\_\_\_\_  
Email address of nominee: \_\_\_\_\_  
Home phone: \_\_\_\_\_  
Mobile phone: \_\_\_\_\_  
Business phone: \_\_\_\_\_  
Occupation: \_\_\_\_\_  
Age: \_\_\_\_\_  
Education: \_\_\_\_\_  
Positions of leadership NOW held by nominee: \_\_\_\_\_  
Former occupations or positions of leadership contributing to nominee's qualifications: \_\_\_\_\_  
Other pertinent information: \_\_\_\_\_

Is nominee willing to attend a training session [at the UNC School of Government](#) within the first year after appointment? *Check for "Yes"*  
Has the nominee been contacted to determine their willingness to serve? *Check for "Yes"*  
Has the program and purpose of the soil and water conservation district been explained to the nominee? *Check for "Yes"*  
Is the nominee willing to attend and participate in local district meetings? *Check for "Yes"*  
Is the nominee willing to attend and participate in Area meetings? *Check for "Yes"*  
Is the nominee willing to attend and participate in State meetings? *Check for "Yes"*

Signatures

*I hereby certify that the board of supervisors considered the Guiding Principles for Supervisor Nomination for Appointment shown on the reverse of this nomination form when selecting the above supervisor candidate for nomination. I also certify that this recommendation has been considered and approved by a majority of the members of the board of supervisors and entered in the official minutes of the board.*

X \_\_\_\_\_  
SWCD Chair (or Vice Chair if Chair is being nominated) Date  
Printed name: \_\_\_\_\_

*I hereby certify that the above information is true and accurate.*

X \_\_\_\_\_  
Individual recommended for appointment Date  
Printed name: \_\_\_\_\_

**GUIDING PRINCIPLES FOR SUPERVISOR NOMINATION FOR APPOINTMENT**

A vacancy on a district board of supervisors presents a unique opportunity for that board. The board should use this opportunity to nominate for appointment a supervisor candidate who can provide knowledge and leadership to improve the district's ability to address more of the natural resource needs for more of the constituents of the district. The NC Soil and Water Conservation Commission approved the following guiding principles to guide local soil and water conservation districts when evaluating candidates for appointment and recommending supervisors for Appointment. It is suggested that recommended supervisors satisfy at least 5 of the Guiding Principles.

1. An effective board of supervisors requires motivated members with strong leadership skills and diverse knowledge of natural resource needs in the district. Will the appointment bring new leadership skills to the board?
2. A strong district is led by supervisors who are effective at approaching elected and appointed officials to advocate for resources and policies needed to meet the conservation priorities in the district. Will the appointment strengthen the political connection/influence of the district, especially at the county level?
3. Will the appointment provide representation from a portion of the county not currently represented by a supervisor?
4. North Carolina agriculture is growing increasingly diverse. Often, non-traditional agricultural operations require focused outreach from leaders they believe understand their unique needs. Will the appointment provide a better opportunity to work with a segment of agriculture not currently being served?
5. Many districts have built relationships with other organizations who share interest in natural resource conservation. Will the appointment improve opportunities to work with non-traditional partners (e.g., land trust, forest landowners, grant making organizations, environmental advocacy groups)?
6. Although most districts have traditionally focused assistance to agricultural land users, districts have authority and programs available to work with all land uses to address natural resource concerns. Will the appointment improve the make-up of the board from an agriculture/nonagriculture perspective?
7. Often a district can improve its ability to reach traditionally underserved groups and its overall public support by increasing the diversity of its board. Will the appointment improve the gender/ethnic/racial diversity of the board?
8. One key to a successful district is the willingness of the district supervisors to study and learn from the successes of other districts and other organizations. It is often instructive to observe a supervisor candidate's involvement in other organizations (e.g., trade groups, civic clubs, church). Has the nominee shown past involvement in an organization beyond the local level?
9. The success of a district's programs will often depend on its ability to gain sponsorship and support from private businesses and individuals. Will the appointment strengthen the District's opportunity to raise funds?
10. Among the most visible district activities are environmental education, marketing, and public outreach. These programs are often key to achieving widespread public support for the district. Will the appointment strengthen the District's education, marketing, and outreach efforts?

INTERNAL USE ONLY:  
Appointed / Elected Seat  
Current Term:



DIVISION OF SOIL AND WATER CONSERVATION  
North Carolina Department of Agriculture & Consumer Services  
1614 Mail Service Center • Raleigh, NC 27699-1614  
919.733.2302 • www.ncagr.gov/sw/

**NOMINATION OF SUPERVISOR FOR REAPPOINTMENT**

Complete and submit online [on your district's SharePoint page](#); keep original for your file

The \_\_\_\_\_ Soil and Water Conservation District of \_\_\_\_\_ County, North Carolina, nominates the individual listed below for REAPPOINTMENT as a district supervisor in accordance with N.C.G.S. 139-7 for a term of office commencing \_\_\_\_\_ and ending \_\_\_\_\_.

Name of nominee: \_\_\_\_\_  
Address of nominee, City, State, Zip: \_\_\_\_\_  
Email address of nominee: \_\_\_\_\_  
Home phone: \_\_\_\_\_  
Mobile phone: \_\_\_\_\_  
Business phone: \_\_\_\_\_  
Occupation: \_\_\_\_\_  
Age: \_\_\_\_\_  
Length of service as a supervisor: \_\_\_\_\_  
Attendance at district meetings during **present term** of office.  
Number of district meetings scheduled: \_\_\_\_\_  
Number of meetings attended by nominee: \_\_\_\_\_  
Date last attended UNC-School of Government training: \_\_\_\_\_

The NC Soil and Water Conservation Commission generally will not give favorable consideration to the reappointment of an incumbent district supervisor unless he/she has attended, except when prevented by sickness, at least 2/3 of all regularly scheduled district meetings during his/her present term of office (past 4 years), and has attended training at the UNC School of Government.

**Signatures**

*I hereby certify that the board of supervisors considered the Guiding Principles for Supervisor Nomination for Appointment shown on the reverse of this nomination form when selecting the above supervisor candidate for nomination. I also certify that this recommendation has been considered and approved by a majority of the members of the board of supervisors and entered in the official minutes of the board.*

X \_\_\_\_\_  
SWCD Chair (or Vice Chair if Chair is being nominated) Date  
Printed name: \_\_\_\_\_

*I hereby certify that the above information is true and accurate.*

X \_\_\_\_\_  
Individual recommended for reappointment Date  
Printed name: \_\_\_\_\_

**GUIDING PRINCIPLES FOR SUPERVISOR NOMINATION FOR APPOINTMENT**

A vacancy on a district board of supervisors presents a unique opportunity for that board. The board should use this opportunity to nominate for appointment a supervisor candidate who can provide knowledge and leadership to improve the district's ability to address more of the natural resource needs for more of the constituents of the district. The NC Soil and Water Conservation Commission approved the following guiding principles to guide local soil and water conservation districts when evaluating candidates for appointment and recommending supervisors for Reappointment. It is suggested that recommended supervisors satisfy at least 5 of the Guiding Principles.

1. An effective board of supervisors requires motivated members with strong leadership skills and diverse knowledge of natural resource needs in the district. Will the appointment bring new leadership skills to the board?
2. A strong district is led by supervisors who are effective at approaching elected and appointed officials to advocate for resources and policies needed to meet the conservation priorities in the district. Will the appointment strengthen the political connection/influence of the district, especially at the county level?
3. Will the appointment provide representation from a portion of the county not currently represented by a supervisor?
4. North Carolina agriculture is growing increasingly diverse. Often, non-traditional agricultural operations require focused outreach from leaders they believe understand their unique needs. Will the appointment provide a better opportunity to work with a segment of agriculture not currently being served?
5. Many districts have built relationships with other organizations who share interest in natural resource conservation. Will the appointment improve opportunities to work with non-traditional partners (e.g., land trust, forest landowners, grant making organizations, environmental advocacy groups)?
6. Although most districts have traditionally focused assistance to agricultural land users, districts have authority and programs available to work with all land uses to address natural resource concerns. Will the appointment improve the make-up of the board from an agriculture/nonagriculture perspective?
7. Often a district can improve its ability to reach traditionally underserved groups and its overall public support by increasing the diversity of its board. Will the appointment improve the gender/ethnic/racial diversity of the board?
8. One key to a successful district is the willingness of the district supervisors to study and learn from the successes of other districts and other organizations. It is often instructive to observe a supervisor candidate's involvement in other organizations (e.g., trade groups, civic clubs, church). Has the nominee shown past involvement in an organization beyond the local level?
9. The success of a district's programs will often depend on its ability to gain sponsorship and support from private businesses and individuals. Will the appointment strengthen the District's opportunity to raise funds?
10. Among the most visible district activities are environmental education, marketing, and public outreach. These programs are often key to achieving widespread public support for the district. Will the appointment strengthen the District's education, marketing, and outreach efforts?

PY 2016 Regional Application Recommendations Batch 2					
Region	County	Applicant	BMP	Acres irrigated or animals watered	Total AgWRAP Request
Central	Franklin	Phillip Smith	Agricultural Pond Repair/Retrofit	35 acres	\$ 20,000
Central	Montgomery	Charles Lucas	Agricultural Water Collection and Reuse System	2 greenhouses & .25 acres, expansion planned	\$ 20,000
Central	Moore	Ralin Matthews	Agricultural Water Supply/Reuse Pond	15 acres	\$ 20,000
Central	Moore	Greg Marsh	Agricultural Pond Repair/Retrofit	19 acres	\$ 20,000
Central	Stanly	Charles Herlocker	Agricultural Water Supply/Reuse Pond	21.5 acres	\$ 20,000
Eastern	Halifax	4-H & Youth Day Camp, Inc.	Agricultural Water Supply/Reuse Pond	35 acres	\$ 20,000
Eastern	Halifax	Davis & Ward	Agricultural Water Supply/Reuse Pond	412 acres	\$ 20,000
Eastern	Halifax	Larry Pendleton	Agricultural Pond Repair/Retrofit	55 acres	\$ 20,000
Western	Buncombe	Lady Luck Farms	Agricultural Water Supply/Reuse Pond	11 acres	\$ 24,000
Western	Cleveland	Dennis McCracken	Agricultural Water Supply/Reuse Pond	100 cow/calf pairs	\$ 20,000
Western	Cleveland	Gene & Alice Pyron	Agricultural Water Supply/Reuse Pond	7.5 acres	\$ 20,000
Western	Gaston	Dexter Tate	Agricultural Water Supply/Reuse Pond	15 acres, expansion planned	\$ 24,000
Western	Rockingham	Tom Johnstone	Agricultural Water Collection and Reuse System	.8 acres	\$ 10,000
Western	Rockingham	Tommy French	Agricultural Pond Repair/Retrofit	53 acres	\$ 20,000
Western	Rockingham	Paul Tim Knight	Agricultural Pond Repair/Retrofit	27 acres	\$ 20,000
Western	Rockingham	Terry Pruitt	Agricultural Pond Repair/Retrofit	7 acres, expansion planned	\$ 20,000
Western	Rockingham	Joann McCollum	Agricultural Pond Repair/Retrofit	31 acres	\$ 27,500
Western	Rowan	Leo Miller, III	Agricultural Water Supply/Reuse Pond	10 acres, expansion planned	\$ 20,000
Western	Yancey	Mr Hunnicutt	Agricultural Water Supply/Reuse Pond	36 cow/calf pairs	\$ 20,000

The AgWRAP Review Committee recommends approval of these applications during this batching period.

**Total recommendation for approval**

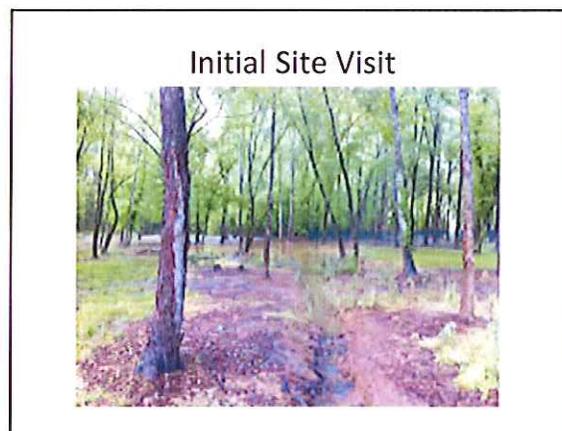
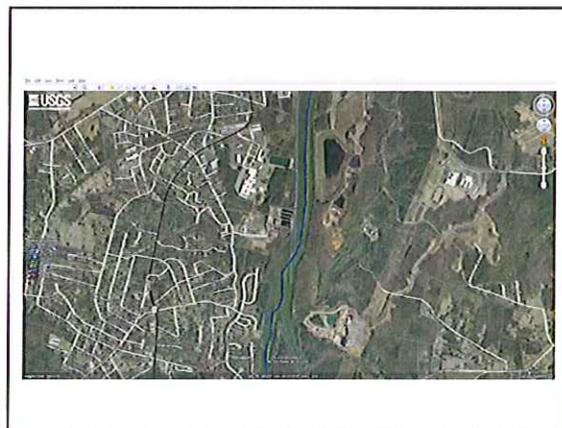
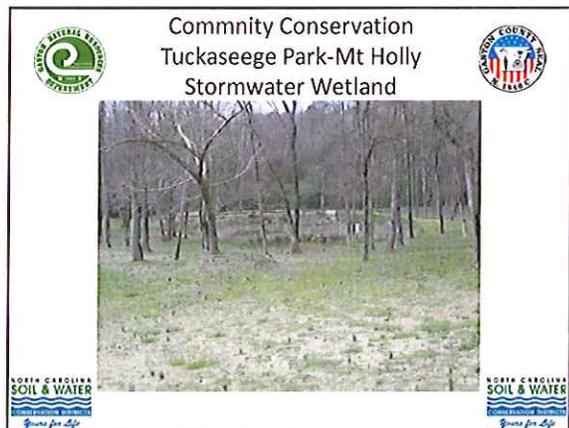
Central region	\$	100,000
Eastern region	\$	60,000
Western region	\$	225,500
<b>Total</b>	<b>\$</b>	<b>385,500</b>

**AgWRAP allocation of unencumbered and canceled funds**

In order to implement AgWRAP BMPs, the AgWRAP Review Committee recommends allowing districts to use available AgWRAP BMP funding for conservation practices that can be contracted this fiscal year. The division would allocate funds to districts for specific contracts based on when the request is received until funding is exhausted.

**FY2016 Community Conservation Assistance Program Allocation**  
**Draft Supplemental Allocation: March 2016**

County	FY2016 CCAP supplemental funds requested (CC - state appropriated funds)	Draft FY2016 BMP funds reallocation (CC - state appropriated funds)
ALEXANDER	\$ 11,165	\$4,407
ALLEGHANY	\$ 5,000	\$2,081
BUNCOMBE	\$ 25,000	\$4,444
BURKE	\$ 15,000	\$4,713
CALDWELL	\$ 5,000	\$4,444
CLAY	\$ 5,000	\$3,061
DURHAM	\$ 3,200	\$3,200
HENDERSON	\$ 15,000	\$4,885
LENOIR	\$ 10,000	\$1,861
MADISON	\$ 7,000	\$2,595
MCDOWELL	\$ 5,000	\$3,783
MOORE	\$ 1,500	\$1,500
ORANGE	\$ 5,000	\$5,000
RANDOLPH	\$ 15,000	\$3,428
<b>TOTALS</b>	<b>\$ 127,865</b>	<b>\$49,403</b>



Jan 5, 2011



Jan 5, 2011



Jan 5, 2011



Jan 5, 2011



Jan 5, 2011



Jan 5, 2011



Jan 5, 2011



Jan 5, 2011



Jan 13, 2011



Jan 13, 2011

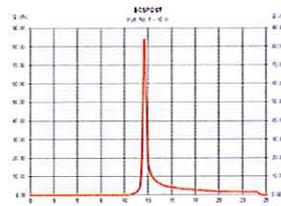


Jan 13, 2011

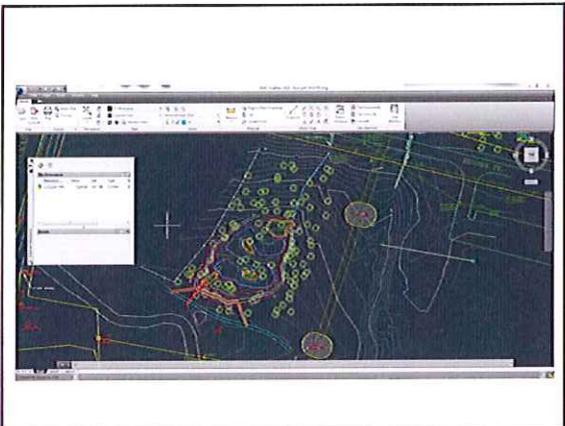
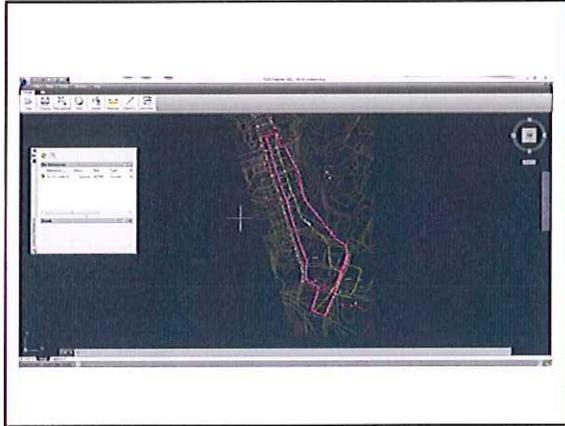
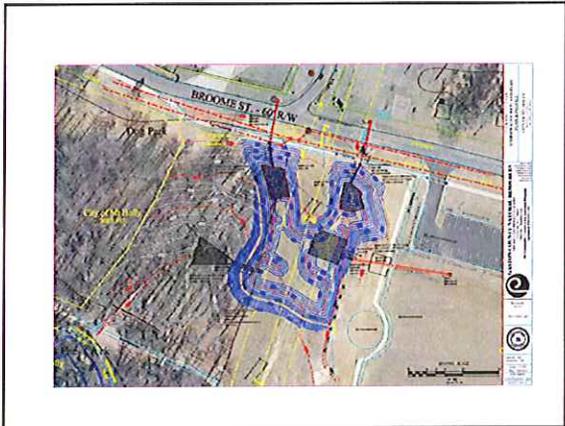


Hydrograph Plot

Hydrograph No.	1	Peak Discharge	1807 cfs
Start Time	1/12/11	Time to Peak	1.0 hrs
Duration	1.0 hrs	Curve Number	1.00
Base Flow	0.00 cfs	Weighted Length	0.00
Routing	1.00	Peak of Base Flow	1/12/11 00:00
Storage	0.00	Duration	1.00 hr
Storage	0.00	Storage	0.00



PDF GENERATED BY BRUNNEN PDA 2011.01.13 10:00:00



Construction Summer 2013



Construction Summer 2013



Construction Summer 2013



Construction Summer 2013



Construction Summer 2013



Construction Summer 2013



Construction Summer 2013



Construction Summer 2013



Construction Summer 2013



Construction Summer 2013



Construction Summer 2013



Construction Summer 2013



Construction Summer 2013



Construction Summer 2013



Construction Summer 2013



Construction Summer 2013



Construction Summer 2013



Post Construction Issues



Post Construction Issues



Post Construction Issues



Post Construction Issues



Post Construction Issues



Post Construction Issues



Post Construction Issues



Today from Google



Today from Google



Today...



Today...



Today...



Today...





### Summary

- 13,402 sq ft Mt Holly Wetland
- \$70,000 total cost
- \$5.22/sq ft
- 9,998 sq ft Holland Wetland
- \$21,240
- \$2.12/sq ft

### Action shot



### John Finch & Gene Schmidt



### John Finch & Gene Schmidt



### Partnering Increases Capacity

**Waterbodies Improved** Agricultural practices, failing septic systems, and urban development led to high fecal coliform and degraded biological conditions in Crowders Creek. As a result, multiple segments of the creek were added to the Clean Water Act (CWA) section 303(d) impaired waters list for fecal coliform and biological impairment in 2002 and 2009, respectively. Watershed partners implemented numerous agricultural and stormwater Best Management Practices (BMPs) and improved wastewater infrastructure from 2005 to 2013. These efforts have led to the improvement in water quality of four stream segments, which were removed from the state's list of impaired waters in 2014.

### Partnering Increases Capacity

Segment	MP	MP	MP	MP
1	1	1	1	1
2	2	2	2	2
3	3	3	3	3
4	4	4	4	4

**RULE READOPTION PROCESS FOR RULE 02 NCAC 59C.0303  
APPROVALS TO EXERCISE THE POWER OF EMINENT DOMAIN**

The Commission determined that Rule 02 NCAC 59C.0303, Approvals to Exercise the Power of Eminent Domain, to be necessary with substantitive public interest. As such, it must now initiate rulemaking to readopt this rule. Subchapter 59C covers the Small Watershed Program.

The rule is necessary because N.C. General Statute 139-44 gives the Commission the responsibility to determine whether land sought to be acquired by a county by eminent domain for a small watershed project is for a "proper county purpose." Rule .0303 specifies the information the applicant must submit to enable the Commission to make this determination.

Pasted below is General Statute 139-44, with the specific responsibilities of the Commission highlighted. The pages that follow show the entire subchapter 59C rules, with rule .0303 highlighted. **The Division is recommending to submit notice to the Office of Administrative Hearings to readopt rule .0303 with no changes.** Other than rule .0303 all rules in subchapter 59C do not need to be readopted, since the Commission determined each of those rules to be necessary without substantitve public interest, and the Rules Review Commission has concurred with that determination.

**§ 139-44. Power of eminent domain conferred on counties.**

(a) A county shall have the power to acquire by condemnation any interest in land needed in carrying out the purposes of this act, except interests in land within the boundaries of any project licensed by the Federal Power Commission or interests in land owned or held for use by a public utility as defined in G.S. 62-3. This power may be exercised only after:

- (1) The county makes application to the Soil and Water Conservation Commission, identifying the land sought to be condemned and stating the purposes for which said land is needed; and
- (2) The Soil and Water Conservation Commission finds that the land is sought to be acquired for a proper county purpose. The findings of the Soil and Water Conservation Commission shall be conclusive in the absence of fraud, notwithstanding any other provision of law.

(b) The Soil and Water Conservation Commission shall certify copies of its findings to the applicant county, the Environmental Management Commission and the clerk of the superior court of the county or counties wherein any part of the project lies for recordation in the special proceedings thereof.

(c) For purposes of this section:

- (1) The term "interest in land" means any land, right-of-way, right of access, privilege, easement, or other interest in or relating to land. Said "interest in land" does not include an interest in land which is held or used in whole or in part for a public water supply, unless such "interest in land" is not necessary or essential for such uses or purposes.
- (2) A "description" of land shall be sufficient if the boundaries of the land are described in such a way as to convey an intelligent understanding of the location of the land. In the discretion of the applicant county, boundaries may be described by any of the following methods or any combination thereof: by reference to a map; by metes and bounds; by general description referring to natural boundaries, or to boundaries of existing political subdivisions or municipalities, or to boundaries of particular tracts or parcels of land.
- (3) "Commission" means the Soil and Water Conservation Commission.

(d) The procedure in all condemnation proceedings pursuant to this section shall conform as nearly as possible to the procedure provided in Chapter 40A and all acts amendatory thereof.

(e) Interests in land acquired pursuant to this section may be used in such manner and for such purposes as the board of county commissioners deem best. If, in the opinion of the board, such lands should be sold, leased or rented, the board may do so, subject to the approval of the Soil and Water Conservation Commission.

(f) All provisions of local acts inconsistent herewith limiting condemnation powers of counties for county watershed improvement programs are hereby repealed. (1967, c. 987, s. 5; 1973, c. 1262, s. 38; 1981, c. 326, s. 4; c. 919, s. 19; 1993, c. 391, ss. 28, 29.)

**SUBCHAPTER 59C - SMALL WATERSHED PROGRAM****SECTION .0100 - WATERSHED LOANS****02 NCAC 59C .0101 WATERSHED REVOLVING LOANS**

(a) Eligibility. The commission may make loans to local sponsors of projects organized or in the process of organizing as:

- (1) a county watershed improvement program under G.S. 139-39:
  - (A) board of county commissioners; or
  - (B) watershed improvement commission appointed by county commissioners.
- (2) a drainage district under G.S. 156-54.

Loan eligibility accrues only after the applicant forms or begins the process of forming a legal organization, presents evidence of such formation or formation process to the commission and attains commission approval.

(b) Prior Approval. The governing body of the sponsoring district or districts may approve a loan application by adopting an appropriate resolution at a regular meeting attended by a majority of the members, by entering the resolution in the official minutes of the meeting, and by attaching a certified copy to the loan application.

(c) Application. The application for a loan shall be accompanied by:

- (1) a surety bond executed in favor of the commission in an amount equal to the face value of the loan;
- (2) a statement of assurance from the board or boards of county commissioners that the commission shall not suffer loss in the event the local sponsors fail to meet the terms of the loan;
- (3) a statement of assurance from other legal body, agency, or corporation, satisfactory to the commission, that the commission shall not suffer loss in the event the local sponsors fail to meet the terms of the loan.

(d) Use of Funds. Principal expenses for which borrowed funds may be used include:

- (1) land classification;
- (2) preparation of assessment rolls;
- (3) legal and engineering fees;
- (4) court costs;
- (5) securing easements or other interests in land; and
- (6) compensating landowners for damages caused by removal or by replacement of existing facilities.

(e) Loan Costs (To Borrower). The commission shall not make interest or loan charges for the term of the loan specified in the contract, but may assess a penalty charge for late payment, calculated from the contract repayment date to the actual repayment date, at a rate of 1 percent of the outstanding balance for each month or fraction of a month.

(f) Amount of Loan. The commission shall determine the amount of the loan and the length of the contract based on the merits of each individual application. In order to realize maximum benefits from the fifty thousand dollars (\$50,000) available for loan purposes, prospective borrowers shall give careful consideration to the following points as they prepare their loan applications:

- (1) the minimum amount necessary to meet the immediate needs of the district;
- (2) actual need; and
- (3) the shortest possible repayment schedule.

(g) Policy. The commission shall manage these funds, and the watershed sponsors shall cooperate in sharing these funds, in order to render the greatest possible benefit to the state conservation program.

*History Note: Authority G.S. 106-840; 139-4(d);  
Eff. February 1, 1976;  
Amended Eff. August 1, 1982; December 5, 1980;  
Transferred from 15A NCAC 06C .0101 Eff. May 1, 2012.*

**SECTION .0200 - WATERSHED APPLICATIONS****02 NCAC 59C .0201 APPLICATION PROCEDURE**

The consideration of an application for planning assistance through P.L. 566 shall follow these steps:

- (1) Application received by the commission.

- (2) Field examination and study made by watershed planning staff and representatives of other agencies to determine feasibility of the project.
- (3) Representatives of the commission, and other agencies meet with local people in order to:
  - (a) outline local responsibilities in watershed program:
    - (i) inform local people of the project,
    - (ii) acquire necessary easement,
    - (iii) provide maintenance,
    - (iv) share cost on project;
  - (b) explain need for legal organization.
- (4) Commission representatives attending such meeting provide a written report to the commission regarding pertinent information secured during meeting.
- (5) Consideration of recommendations requested from the appropriate fish and wildlife agency, provided that the commission receives such recommendations within 30 days after the request.
- (6) The commission reviews the application, and either approves or disapproves it.
- (7) Application assigned high or low priority by the commission.

*History Note: Authority G.S. 106-840; 139-4(d);  
 Eff. February 1, 1976;  
 Temporary Amendment [(4)(a)] Eff. March 17, 1982 for a Period of 120 Days to Expire on July 14, 1982;  
 Amended Eff. August 1, 1982; July 14, 1982; December 5, 1980; November 1, 1978;  
 Transferred from 15A NCAC 06C .0201 Eff. May 1, 2012.*

## **SECTION .0300 - SMALL WATERSHED PLANS**

### **02 NCAC 59C .0301 PROJECTS INVOLVING CHANNELIZATION**

The commission will evaluate the necessity of channelization in watershed improvements or drainage projects after the completion of a preliminary report. The following process will be used:

- (1) The project sponsors shall notify the commission of the completed report.
- (2) The commission shall establish a date for a public hearing and designate a hearing officer(s) and a reporter in accordance with the requirements of G.S. 139-47(b).
- (3) A notice of the hearing shall be published.
- (4) During the hearing all parties will be provided an opportunity to present written or oral submissions. A complete record will be kept of the hearing. The parties have 30 days to submit their conclusions.
- (5) The hearing officer(s) reports to the commission and the channelization is approved or disapproved in accordance with the regulations of G.S. 139-47.

*History Note: Authority G.S. 106-840;  
 Eff. September 1, 1982;  
 Amended Eff. October 1, 1984;  
 Transferred from 15A NCAC 06C .0301 Eff. May 1, 2012.*

### **02 NCAC 59C .0302 APPROVAL OF WORKPLANS**

Approval of workplans shall be as follows:

- (1) The commission's review will be of completed workplans.
- (2) The division staff will determine if a workplan supplement constitutes changes necessary for the commission's review.
- (3) The commission may accept the operations and maintenance section of the workplan as the sponsors plan of operation or request a separate document.

*History Note: Authority G.S. 106-840; 139-4(d)(8);  
 Eff. September 1, 1982;  
 Transferred from 15A NCAC 06C .0302 Eff. May 1, 2012.*

## **02 NCAC 59C .0303 APPROVALS TO EXERCISE THE POWER OF EMINENT DOMAIN**

A county and a watershed district may apply to the commission for approvals to exercise the power of eminent domain.

Before the commission will approve an applicant's request to condemn land for a proper purpose, that applicant shall provide the commission the following information at least 30 days prior to a commission hearing:

- (1) a written statement with copies to the division and to the landowner(s) involved, indicating the applicant's purpose;
- (2) a resolution adopted by the local Soil and Water Conservation District supporting the acquisition, and identifying each parcel by landowner and by specific watershed development site;
- (3) a written statement describing efforts made to secure interest in each parcel and a copy of the appraisal;
- (4) a map of the land needed from each specific landowner, which shows:
  - (a) the location of the needed land in relation to the specific project site;
  - (b) the location of the needed land in relation to the owner's total tract;
  - (c) the location of that portion of the land devoted to:
    - (i) the permanent pool;
    - (ii) the flood pool;
    - (iii) other purposes of water storage; if applicable,
    - (iv) the borrow area;
    - (v) the construction work area; and
    - (vi) recreational facilities, etc.

*History Note:* Authority G.S. 106-840; 139-4(d);  
Eff. September 1, 1982;  
Transferred from 15A NCAC 06C .0303 Eff. May 1, 2012.

## **SECTION .0400 - SMALL WATERSHED GRANTS**

### **02 NCAC 59C .0401 APPLICATIONS**

- (a) An applicant shall submit the application for a project grant on Form 001G, "Application for State Grant Funds and Instruction", and shall complete Form 002Q, "Questionnaire for Determining Review Criteria".
- (b) An applicant shall submit the application and supporting documents to the commission in such form and in such number as specified in the application instructions.
- (c) An applicant shall complete the application form in full.
- (d) Upon the commission's request an applicant shall furnish information in addition to the information contained in the application and supporting documentation.
- (e) An applicant may amend a pending application any time prior to the final determination of the priority assigned the application.

*History Note:* Authority G.S. 106-840; 139-4(d); 139-53;  
Eff. September 1, 1982;  
Transferred from 15A NCAC 06C .0401 Eff. May 1, 2012.

### **02 NCAC 59C .0402 LAND RIGHTS ACQUISITION COSTS**

(a) State grants pursuant to Article 4 Chapter 139 may cover up to fifty percent of land rights acquisition costs for water retarding structure sites which include flood prevention and/or water supply, and for recreation sites. Such costs include:

- (1) the actual costs of titles or easements for landrights for the following:
  - (A) flood retarding structure sites, and impoundment areas;
  - (B) water supply sites;
  - (C) recreational sites;
  - (D) access roads necessary for construction, operation, and maintenance of (A), (B), or (C) of this Paragraph; and
  - (E) "uneconomic remnants" as defined in Public Law 91-646;
- (2) the following administration costs:
  - (A) cost of surveying; land rights taking lines;

- (B) contract relocation advisory service and contract appraisal fees by qualified personnel;
- (C) relocation assistance expenses;
- (3) the following modification costs:
  - (A) public utilities;
  - (B) public highways;
  - (C) private roads;
  - (D) floodproofing that would prevent additional land rights acquisition costs.
- (b) Such costs do not include the following:
  - (1) attorney fees;
  - (2) land costs for title or easements acquired for purposes other than those stated in this Rule;
  - (3) negotiator's or land rights agent's fees or salaries;
  - (4) watershed administrator's fees or salaries;
  - (5) watershed commissioner's or trustee's fees, salaries or expenses;
  - (6) any fees, salaries, or expenses of an employee of the local sponsor;
  - (7) any administrative costs not included in this Rule.

*History Note: Authority G.S. 106-840; 139-4(d); 139-54(1);  
Eff. September 1, 1982;  
Amended Eff. October 1, 1984;  
Transferred from 15A NCAC 06C .0403 Eff. May 1, 2012.*

#### **02 NCAC 59C .0403 ENGINEERING FEES**

- (a) State grants may cover up to fifty percent of the non-federal costs resulting from engineering fees and expenses, however, state grants may not cover any of the costs associated with Drainage District's engineers fees and expenses.
- (b) State grants may not cover feasibility studies or other planning work.
- (c) State grants may not cover construction inspection provided by the local sponsor when in addition to that provided by the Soil Conservation Service.

*History Note: Authority G.S. 106-840; 139-4(d); 139-54(2); 156-61; 156-71;  
Eff. September 1, 1982;  
Amended Eff. March 1, 1987;  
Transferred from 15A NCAC 06C .0404 Eff. May 1, 2012.*

#### **02 NCAC 59C .0404 WATER SUPPLY NEEDS**

- (a) State grants may cover up to fifty percent of non-federal project costs, incurred to fulfill future and present water supply needs in conjunction with watershed improvement works, as follows:
  - (1) land rights acquisition costs as described in Rule .0402 of this Section; and
  - (2) all structural construction costs related to the development of water supply.
- (b) State grants shall not cover nonstructural costs; for example, the costs of constructing pumps, pump stations, and pipe lines.

*History Note: Authority G.S. 106-840; 139-4(d); 139-54(3);  
Eff. September 1, 1982;  
Transferred from 15A NCAC 06C .0405 Eff. May 1, 2012.*

#### **02 NCAC 59C .0405 CONSTRUCTION COST FOR WATER MANAGEMENT PURPOSES**

- (a) State grants may cover up to 66 2/3 percent construction costs for water management (drainage and irrigation), excluding all land rights acquisition costs.
- (b) The following are considered construction costs for water management:
  - (1) public utilities relocation or modification costs; and
  - (2) public and private road relocation or modification costs.
- (c) The following are not considered construction costs for water management:
  - (1) administrative costs;
  - (2) construction inspection; and

- (3) legal fees.

*History Note: Authority G.S. 106-840; 139-4(d); 139-54(5);  
Eff. September 1, 1982;  
Amended Eff. March 1, 1987;  
Transferred from 15A NCAC 06C .0407 Eff. May 1, 2012.*

**02 NCAC 59C .0406 ELIGIBLE PROJECTS**

- (a) Only projects developed under Public Law 83-566 that have a work plan published by the Soil Conservation Service, by cooperating governmental agencies, and by the local sponsors, and that have received approval from the federal government and from the commission, enjoy grant eligibility.
- (b) When other state funds are received by a project, the amount shared upon by the other state agency will be subtracted from the non-federal cost to determine the amount eligible for a commission grant. Only the portion of the other agency's funds used towards costs covered in Rules .0402, .0403, .0404, and .0405 in this Subchapter and other costs described in Article 4 Chapter 139 will be included in this computation.
- (c) If another state agency subsequently funds a project, the commission will make the necessary changes in its grant to ensure conformance with Paragraph (b) of this Rule.
- (d) The commission will take into consideration other private and public financial assistance sources such as a utility company, etc., when authorizing a grant. If additional funding occurs after the grant authorization, the commission may decrease its grant.

*History Note: Authority G.S. 106-840; 139-4(d); 139-53;  
Eff. September 1, 1982;  
Amended Eff. October 1, 1984  
Transferred from 15A NCAC 06C .0410 Eff. May 1, 2012.*

**02 NCAC 59C .0407 CONSIDERATIONS FOR REVIEWING APPLICATIONS**

In reviewing grant applications for Small Watershed projects, the commission shall consider the financial resources of the sponsoring organization, as follows:

- (1) "cash on hand" to cover local project costs after receipt of state grant funds; or
- (2) local county commissioners' resolution promising to include the local share of matching funds in annual budgets; or
- (3) proof of FHA loan, additional grant funds, or any other reliable source of funds.

*History Note: Authority G.S. 106-840; 139-4(d); 139-55;  
Eff. September 1, 1982;  
Amended Eff. October 1, 1984;  
Transferred from 15A NCAC 06C .0411 Eff. May 1, 2012.*

**02 NCAC 59C .0408 APPROVAL AND DISAPPROVAL OF APPLICATIONS**

- (a) The commission shall approve, approve in part, or disapprove each application received.
- (b) The commission shall notify each applicant of its decision within 90 days of receipt of the application.
- (c) Rejected applicants may reapply the following year.
- (d) The commission shall return rejected applications to the applicant.
- (e) The commission shall process approved applications according to the procedures set forth in this Section.

*History Note: Authority G.S. 106-840; 139-4(d); 139-55;  
Eff. September 1, 1982;  
Transferred from 15A NCAC 06C .0412 Eff. May 1, 2012.*

**02 NCAC 59C .0409 PRIORITY CRITERIA**

The commission shall determine the order in which approved applications shall receive state grant funds by evaluating the following criteria:

- (1) financial resources of the local sponsoring organizations: preference will be given to projects which offer the greatest assurance of the availability of funds for the local cost share;
- (2) nonstructural measures: projects which include non-structural measures in the work plan will be given preference for grant funds;
- (3) regional benefits: projects which provide benefits to an area greater than the project area or the area of jurisdiction of the approved applicant are preferred;
- (4) state-owned lands and properties: preference will be given to projects which include direct benefit to state-owned lands and properties;
- (5) geographic regions: it is the preference of the commission to balance grant awards across the regions of the state; to that end the geographic location of the current project and the location of projects with previous grants will be considered;
- (6) multipurpose uses: projects which include multiple purposes such as, flood prevention, water supply and recreation, will be given preference;
- (7) land treatment: preference will be given to projects which include land treatment in the project work plan;
- (8) authorization date: project work plans with the earliest authorization dates will be given preference;
- (9) EDA area: if the applicant's area is designated by the U.S. Department of Commerce, Economic Development Agency, as an Economic Development Area, the project will be shown preference;
- (10) engineering work: preference will be given to projects which have the engineering work completed or underway; and
- (11) other special considerations as determined by the commission.

*History Note: Authority G.S. 106-840; 139-4(d); 139-56;  
Eff. September 1, 1982;  
Amended Eff. October 1, 1984;  
Transferred from 15A NCAC 06C .0414 Eff. May 1, 2012.*

#### **02 NCAC 59C .0410 PREREQUISITE FOR DISBURSEMENT OF GRANT FUNDS**

(a) Land Rights. The grant recipient shall acquire all land rights involved in water retarding structure sites (including flood prevention, water supply or recreation) and recreation sites prior to disbursement of grant funds; however, the commission has the discretion to approve disbursement in the following situations:

- (1) The acquiring agency has not obtained all land rights, but has options to purchase those remaining, or has initiated eminent domain proceedings and will have funds on hand to complete the land rights acquisitions after disbursement.
- (2) The acquiring agency has reached a written agreement with a utility company or the Department of Transportation concerning the subsequent relocation of a public utility or a state road.
- (3) When a grant is from a time-limited reversionary fund, and upon evidence satisfactory to the Commission that the grant recipient will cover at least 50 percent of land rights acquisition costs. The Commission may make partial funds available as the grant recipient evidences financial ability to cover land rights acquisition costs at specific phases of development including but not limited to surveying, appraisal and purchase of individual parcels.

(b) Construction and Engineering:

- (1) The commission has the discretion to approve either lump sum or progressive grant disbursement payments for construction and engineering purposes. The commission shall evaluate the applicant's financial needs and other pertinent data to determine the manner of payment. However, the commission shall withhold at least 10 percent of the disbursement to insure satisfactory completion of construction/engineering works.
- (2) Prior to any disbursement for construction, the grant recipient shall certify on Form 004LR that it has acquired all necessary land rights in compliance with all applicable laws, rules, and regulations. The commission may accept an executed SCS-AS-78 Form in lieu of the commission's own form.
- (3) The commission may withhold any payments of state grant funds pending the completion of any required audits or inspections.

*History Note: Authority G.S. 106-840; 139-4(d); 139-56;  
Eff. September 1, 1982;*

*Temporary Amendment Eff. April 5, 1993 for a Period of 180 Days or until the Permanent Rule becomes Effective, Whichever is Sooner;*  
*Amended Eff. March 1, 1995; October 1, 1993; January 1, 1985; October 1, 1984;*  
*Transferred from 15A NCAC 06C .0417 Eff. May 1, 2012.*

**02 NCAC 59C .0411            AUDIT OF PROJECTS**

- (a) The Commission shall require periodic audits for each grant project.
- (b) The Commission shall require the applicant to have the audit prepared by a qualified independent auditor.
- (c) In lieu of such audit, the Commission may accept any applicable audit by any other governmental unit.

*History Note:    Authority G.S. 106-840; 139-4(d); 139-56;*  
*Eff. September 1, 1982;*  
*Transferred from 15A NCAC 06C .0421 Eff. May 1, 2012.*