

NORTH CAROLINA SOIL & WATER CONSERVATION COMMISSION MEETING MINUTES August 4, 2010

N.C. Rural Economic Development Center
 Conference Room
 4021 Carya Drive
 Raleigh, N.C.

Commission Members	Others Present		
Manly West	Pat Harris	Davis Ferguson	Ken Parks
Vicky Porter	David Williams	Lisa Fine	Michelle Raquet
Richard Smith	Mike Sugg	Dick Fowler	Kenny Ray
Bobby Stanley	James Allen	Dewitt Hardee	Chris Sloop
James Ferguson	Shelly Baird	Nate Hartsell	Leanna Staton
William Pickett, Jr.	Terry L Best	Julie Henshaw	George Teague
Craig Frazier	Pam Bradley	Gail Hughes	Dennis Testerman
	Kenneth Brantley	Ned Hudson	Jamey Walker
Commission Counsel	Donald Cox	Ralston James Jr.	Sandra Weitzel
Jennie Hauser	Vernon Cox	Leonard Killian	Larry West
	Charles Davenport	Chester Lowder	Natalie Woolard
	Cindy Draughon	Michelle Lovejoy	Rodney Wooland
	Bill Dunlap	Bruce Miller	
	Bryan Evans	Heath Myers	
	Tom Ellis	David Overcash	

Chairman Manly West called the meeting to order at 9:10 a.m. Chairman West read the State Ethics Act, and no conflicts were noted by Commissioners.

APPROVAL OF AGENDA: Commissioner William Pickett made a motion to approve the agenda. The motion was seconded by Commissioner Craig Frazier.

Commissioner Craig Frazier moved to amend the meeting agenda by removing item 21E "Request for Approval for ACSP Contract on Government Property" from the consent agenda. The motion was seconded by Commissioner Richard Smith.

- ❖ Vote on amendment, motion carried.
- ❖ Vote on approval of the amended agenda, motion carried.

APPROVAL OF MINUTES:

The minutes of the Commission Meeting held on May 19, 2010 were presented and approved with minor changes. In item 8 on TRC Recommendation, the word "live stock" should be spelled as "livestock". In item 10 A on Cost Share Issues from Districts second paragraph the word "he" to read as "the". A motion to approve the minutes with the corrections was made by Commissioner Craig Frazier and seconded by Commissioner Bill Pickett. Motion carried.

The minutes of the Teleconference Meeting held on July 9, 2010 were presented with a motion made by Commissioner Richard Smith to approve the minutes, seconded by Commissioner Vicky Porter. Motion carried.

IV. INFORMATIONAL ITEMS:

4. Division Report: Mrs. Patricia Harris, Director of Soil and Water Conservation, updated the Commission on the FY 2010-2011 Budget. She indicated that most of the items listed below were a recurring reduction. The budget will be finalized by the end of August 2010.

- Ag Cost Share Financial Assistance: (\$212,153) R
- Conservation Reserve Enhancement Program (CREP): (\$289,640) R
- Community Conservation Assistance Program: (\$6,903) R

General Information:

- NCDA & CS Ag Development & Farmland Preservation Trust Fund: Increased by \$2M
- Clean Water Management Trust Fund: No change left at \$50M

Mrs. Harris shared two graphs that Mr. David Williams, Deputy Director compiled on Financial Assistance on Best Management Practices (BMP) from 1994/95 to 2010/11. The graph showed a decrease in the Financial Assistance on BMPs. The other on Technical Assistance showed an increase from FY 1994/95 the state allocation was \$825,000 and for FY 2010/11 the state allocation was \$2.5M. She noted that there were no reductions for the upcoming year.

Mrs. Harris read an excerpt from WRAL dated July 28, 2010. She noted her predictions on the following:

FY 2010-11 Budget Impacts:

- \$500M contingency plan (1% impact)
- Matching Funds (FY 2009-10 Executive Order to hold 5%)
- Supervisor travel funds same as last year

SB 897: Appropriations Act of 2010

- Legislature created the Office of Conservation, Planning and Community Affairs as a new office with the Office of the Secretary
- Merger between the Office of Conservation & Community Affairs and the Division of Natural Resources planning & Conservation. Mrs. Harris noted that the legislature intervened at the last moment and decided that the merger would not take place.

Division Vacancies:

- Technical Services Section Chief - posting open
- NPS Section Chief - posting closed
- Area 5 Coordinator - posting open
- Administrative Assistant - Interviews completed

Strategic Plan for Protecting Agricultural Water Resources in North Carolina

- Foundation - \$100,000 Altria Grant (Fall 2009)
- Objective: to develop a strategic plan for protecting agricultural water resources in North Carolina
- 14 member Ag Water Work Group
- Eastern Leadership Group, LLC
- First meeting in January 20, 2010

Mrs. Harris concluded by sharing information on the following:

- Ag Water Workgroup.
- Strategic Plan for Protecting Agricultural Water Resources in North Carolina
- Conserve & Protect Agricultural Water Resources HB 1748 (SB1294), ratified on July 1, 2010
- Update on Donna Stearn's health

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

- Executive Director Position
- Strategic Plan
- Recent Association Supported Events
- Resource Conservation Workshop
- NACD Legislative Conference

Executive Director Position: Commissioner Ferguson announced that Mr. Dick Fowler has been appointed as the first Executive Director for the Association. He expressed that the selection was the result of unanimous decisions by the Screening Panel and the Executive Committee. The effective start date for the position will be September 1, 2010. Commissioner Ferguson noted that Mr. Fowler comes with a wealth of experience. He informed the Committee that Mr. Fowler worked with the NRCS, the Division, and the conservation partnership in general. Commissioner Ferguson congratulated Mr. Fowler on his promotion.

Strategic Plan: It was stated that the Association's first strategic plan is complete and is being printed. Plans are to distribute a personal copy to each district supervisor, one to each District office, and also copies to important external partners and others. Additional copies will be printed for future distribution and use. Commissioner Ferguson acknowledged the NC Foundation for Soil and Water Conservation and the NC Agriculture Development and Farmland Preservation Trust Fund for their support and assistance to complete this project. He noted that the funding for developing the strategic plan was provided through the Trust Fund.

Recent Association Supported Events:

- **Conservation Farm Family Celebration:** The event took place at the John Langdon Farm in Johnston County on June 18, 2010. Commissioner Ferguson thanked the Commission Chairman Manly West for his participation on the program. He informed the Committee that the Langdon family deserved the award since they had a model of the swine/beef cow integrated operation. Commissioner Ferguson concluded that the Langdon family has a long heritage of conservation as John's father was the regional Conservation Farm Family winner in 1981. Mr. Langdon is currently chair of the Johnston Soil & Water Conservation District and the Area 4 chair.

Resource Conservation Workshop: The event was held at the NC State University on Friday, June 25, 2010. Commissioner Ferguson noted that the Districts were doing a good job in their selection of young adults to participate in this workshop.

NACD Legislative Conference: Commissioner Ferguson concluded by informing the Commission that two weeks ago he along with Mr. John Finch, Mr. Franklin Williams, Commissioner Craig Frazier, and Mrs. Patricia Harris participated in the NACD Legislative Conference in Washington, DC. While in Washington they made visits on Capitol Hill and were fortunate to talk to a number of North Carolina Congressmen and two of the NC Senators. Key topics of discussion included the upcoming Farm Bill, NRCS technical assistance, global warming, and other natural resource related issues.

6. NRCS Report: Mr. Mike Sugg presented this report on behalf of Mr. JB Martin Jr., State Conservationist, and expressed that Mr. Martin was out of town attending a mandatory meeting in Virginia. The following updates were shared:

- Fiscal Budget ends September 30, 2010 and begins October 1, 2010.
- Locally led conservation process is based on the principle that community stakeholders are best suited to identify and solve local resource problems. The State Technical Advisory Committee (STAC) hears and discusses the diverse needs and issues from across the state. STAC will depend on identified local resource concerns addressed during the locally led conservation process. This gets reported to NRCS to set priorities and focus on federal funds for the upcoming year.
- Conservation Stewardship Program (CSP) is a voluntary conservation program that encourages producers to address resource concerns in a comprehensive manner. Benefits of the CSP program were discussed.
- Longleaf Pine Forest Ecosystems: North Carolina received \$281,690 for an initiative designed to help private landowners improve the health of longleaf pine forest ecosystems. The funds were made available through the Wildlife Habitat Incentives Program (WHIP). This is a voluntary program for conservation-minded landowners who want to develop and improve wildlife habitat on agricultural land, no industrial private forest land, and Indian land. Nation wide there is an incentive to restore the ecosystem.
- Programs - By the Numbers were discussed as follows:
 - EQIP Program: Applications received approximately 1900; Estimated Total of Funding Requested \$42-\$45 M, allocations funded about 29-30% of the applications. In conclusion, it was stated that this year is a repeat of last year.
 - NRCS Programs: Mr. Sugg informed the Commission that NRCS was looking at capping and reducing the rates of the Cost Share practices. He informed the Commission that they could send their request or concerns to Mr. Greg Walker, Asst. State Conservationist for Programs.
- In conclusion, Mr. Sugg noted that the budget for the new fiscal year will be discussed at a future meeting.

7. 2010 ACSP Spot Check Report: Ms. Michelle Raquet, Agriculture Cost Share Program (ACSP) Manager, noted a minor change in the title of the report to read as "Spot Check Report Summary PY 2010". Another change in the report was "The Total Participating Supervisors" to read as "260 instead of 263". Commission policy for the Ag Cost Share Programs the District Spot Checks at least 5% of the contracts must be under active maintenance. Ms. Raquet shared the totals: Percent Visited 9.7%, Compliant 92.8%, Need Repair 4.7%, Non-Compliant 2.5%. It was stated that the totals were similar to last year. In conclusion, the "Note" segment on the Spot Check form was being used by the Districts. Ms. Raquet thanked Mr. Nate Hartsell, Intern, for his help with the report.

8. 2010 CCAP Spot Check Report: Ms. Shelly Baird, Community Conservation Assistance Program, shared information on the NC Community Conservation Assistance Program - Spot Check Report Summary PY 2010. Spot check was completed on 65 of the 138 installed CCAP projects. No projects were found out of compliance. 56 projects were completely functional, and 9 were in need of minor repairs. Repair issues included: invasive species, loss of plants, lack of mulch, missing pet waste receptacle bags, etc. One repair contract is expected for a storm water wetland project in Alexander County. A total of 87 supervisors participated from 42 districts. The corrected format will be provided to the Commission at a later date. Ms. Baird thanked Mr. Nate Hartsell for his help with the report.

V. ACTION ITEMS

9. Consent Agenda

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

The following items were approved as part of the consent agenda: It was noted that the Pitt County nomination was not listed in the agenda because it was submitted in the old format. The new format was delivered this morning, August 4, 2010, before the meeting. Mr. Fowler pointed out to the details of the training date. A motion to accept the change in the agenda was made by Commissioner Craig Frazier, and seconded by Commissioner Richard Smith. Motion carried.

A. Nomination of supervisors:

- C. Leroy Smith of Pitt County, filling the unexpired term of Zeke Jackson.
- Gregory Harris of Northampton SWCD, filling the unexpired term of David F. Odom.
- John H. Gross of Lee SWCD, filling the unexpired term of the late Darrell Doby.
- Don Lee Keaton of Camden/Albemarle SWCD, filling the unexpired term of his late father, Randolph Keaton.
- Glen Checks of Clay SWCD, filling the unexpired term of Andrew Blankenship.

B. Approval of Supervisor Contracts for NCACSP:

- Contract 22-10-01-06; Bruce Woody; Clay SWCD; Heavy Use Area; \$3,416
- Contract 69-10-02-09; B. Derek Potter; Pamlico SWCD; Critical Area Planting and Field Border; \$12,720
- Contract 87-10-172-07; T.S. (Jack) Walls; Swain SWCD; Stream Protection System and Agriculture Road Repair & Stabilizations; \$31,405

C. Approval of Supervisor Contracts for CCAP:

- Contract 68-2010-512; Larry Rogers; Orange SWCD; abandoned well closure; \$1,500

D. CCAP Job approval Authority:

- County #74; Gene Anderson; Pitt SWCD; Pet Waste Receptacle, Critical Area Planting, Imp. Surface Conv., Riparian Buffer, and Grassed Swale
- County #74; Donnarie Hales; Pitt SWCD; Pet Waste Receptacle, Critical Area Planting, Imp. Surface Conv., Riparian Buffer, and Grassed Swale

10. Supervisor Travel Policies: Mrs. Patricia Harris shared the following information:

- FY 2008-09 allocation \$345,598
- FY 2009-10 allocation \$ 297,346
- July 15, 2009 - Commission updated travel policy to include general budget guidelines
- Sept. 16, 2009 - Commission approved Option B (not to reimburse for breakfast (\$7.75) for routine district meetings)
- Supervisor travel funds were depleted - June 9, 2010

FY2009-10 Supervisor Travel Expenditures Total \$297,346. Mrs. Harris pointed out to the chart which indicated the percentage spent for each meeting. The guidelines and the actual percentage spent were discussed as follows:

MEETING	FY 09 GUIDELINES	ACTUAL
Routine district meetings & spot checks	50%	52%
Commission meetings	3%	5%
School of Government training	5.5%	2%

Area spring & fall meetings	5.5%	13%
Annual State Meetings	36%	28%

- Mrs. Harris asked the Board regarding the policy of reimbursement of breakfast for supervisor travel.

Comments and Suggestions from Commission Members:

- ❖ To continue the policy of not reimbursing breakfast for routine district meetings for FY 2010-11 for supervisor travel.

11. Approval of 2011 CCAP Detailed Implementation Plan: Ms. Shelly Baird indicated that there were no changes made to the Detailed Implementation Plan. Commissioner Richard Smith made a motion to approve the 2011 CCAP Detailed Implementation Plan. The motion was seconded by Commissioner Craig Frazier. Motion carried.

12. Proposed Change to CCAP Job Approval Authority (JAA) Requirements: Ms. Baird expressed that the CCAP BMPs have been divided into various categories for the purpose of requesting Job Approval Authority. She noted the two changes. 1. Pet Waste Receptacles - do not require JAA. Installation must follow all manufacturer’s specifications and CCAP requirements. 2. Marsh Sills (addition to the document): This was approved last year. It does not require separate CCAP JAA. A General or Major CAMA Permit for a riprap/stone sill or a sheet pile sill must be obtained from the Division of Coastal Management. This review and permit process will serve as the design approval.

A motion to adopt the changes was made by Commissioner James Ferguson, seconded by Commissioner Bobby Stanley. Motion carried.

13. Proposed allocation of CCAP Financial Assistance for 2011: Mrs. Julie Henshaw, Watershed Projects Manager shared information on the following:

- 70 Districts are requesting funds to a total of \$2.3M.
- Allocations vary from \$1,500 - \$4,800
- PY 2011 Appropriation: \$136,937
- 5% Withholding: \$6,847
- Technical Assistance funds for New Hanover and Dare Districts: \$23,958
- Total available from PY 2011: \$106,132
- Additional funds due to Cancellation/Expiry PY 2008: \$33,352
- Canceled/Released PY 2009, PY 2010: \$76,285
- Total Allocated PY2011 as of 8-4-10: \$215,769

Commissioner William Pickett made a motion to approve the proposed allocation of CCAP Financial Assistance for 2011. The motion was seconded by Commissioner Vicky Porter. Motion carried.

14. CCAP Advisory Committee Recommendations: Ms. Henshaw informed the Committee that the CAC met on May 13th in Raleigh and held a teleconference on July 13th to approve the following recommendations for Soil and Water Conservation Commission consideration:

1. Riparian buffer policy revision
2. Grassed swale policy revision
3. Abandoned well closure policy revision
4. Additional requirements common to all CCAP practices

5. Program Year 2011 Average Cost List. (Changes to the cost list are highlighted in yellow on the handout provided.)

Commissioner Craig Frazier made a motion to approve the CCAP Advisory Committee Recommendation for PY 2011. The motion was seconded by Commissioner Richard Smith. Motion carried.

15. Proposed allocation for ACSP Financial Assistance for 2011: Mrs. Michelle Raquet presented this information. She noted that the appropriation for PY 2011 is \$212,153, less than the amount allocated for PY 2010. The following was discussed:

- 2011 Appropriation: \$4,464,413
- Cancel/Expire from 2008: \$1,046,452
- Cancelled/Released 2010 Regular Cost Share: \$318,981
- State Reversion 2009-2010: \$(337,980)
- Released 2010 CREP Earmark: \$110,826
- Released 2010 Impaired/Impacted Earmark: \$36,098
- Released 2010 Drought Earmark: \$42,825
- Released 2010 Drought Grant Funds: \$196,386
- Released 2010 Drought Appropriations: \$90,249
- Total Available Funds: \$5,968,250
- Total Allocated August 2010: \$5,745,030
- 5% Contingency Reserve: \$223,220
- Totals of various funds were discussed:
 - ACSP requested amount \$23,060,108, received \$4,615,516
 - CREP Earmark: requested \$378,182, received \$300,000
 - Impaired/Impacted Earmark: requested \$1,428,186, received \$500,000
 - Drought Earmark: requested \$435,831, received 42, 825
 - Drought Funds: requested \$479,749, Drought appropriation received \$90,249; Drought grant funds received \$196,386

Commissioner Vicky Porter made a motion to approve the proposed allocation for ACSP Financial Assistance for 2011. The motion was seconded by Commissioner William Pickett. Motion carried.

16. Approval of the 2011 ACSP Detailed Implementation Plan: Mrs. Raquet made note of the revised pages for items 15-29 listed on page 3 and 4 of the handout. She informed the Committee that item 27 "Pasture Renovation" was a permanent BMP within the Cost Share Program. It reads as "A pasture renovation practice means to establish and maintain a conservation cover of grass, where existing pasture vegetation is inadequate. Benefits may include reduced soil erosion, sedimentation and pollution from dissolved and sediment-attached substances." Mrs. Raquet noted that the policies related to the BMP remain intact. It cannot be used to convert idol farm land. The existing policies will remain in effect. It will be included within the detailed implementation plan as a cost share practice.

Commissioner Richard Smith made a motion to approve the 2011 ACSP Detailed Implementation Plan. The motion was seconded by Commissioner James Ferguson. Motion carried.

- 17. TRC Recommendations:** Mr. David Williams, Deputy Director presented the following:
1. Adjustments to ACSP Average Costs for PY 2011
 2. Modification of Requirements for Riparian Buffer, Cropland Conversion and Pastureland Conversion Practices
 3. Clarification of Contract Approval Delegation to the Division
 4. Update on current TRC Activities
 5. Definition/Purpose & Policies on Cropland Conversion, Riparian Buffer, Pasture Land Conversion

6. Policy addressing new and expanded operations - Statement of Intent

Discussion:

- **Adjustments to ACSP Average Costs For PY 2011:** The recommendations and changes proposed are summarized below:

COMPONENT	PROPOSED CHANGE
All conventional Flashboard Risers	Increase average cost by 23% for all sizes
Brush Management - Chemical	Remove from Cost List
Brush Management - Mechanical	Remove from Cost List
Clearing - Removing Woods	Remove from Cost List
Tree Establishment - Prescribed Burning	Add new component at \$30/acre
Tree Establishment - Bedding (cropland conversion to trees only)	Add new component at \$85/acre

Comments/Approval from Commission Members:

- ❖ Commissioner Craig Frazier made a motion to approve the adjustments to ACSP Average Costs for PY 2011, with the exception of the recommendation to remove clearing-removing woods from the cost list (i.e., this measure would be retained as an allowable cost for PY 2011). The motion was seconded by Commissioner William Pickett. Motion carried.

- **Modification of Requirements for Riparian Buffer, Cropland Conversion and Pastureland Conversion Practices:**

Discussion:

- The TRC is recommending the Commission amend the requirements for the Riparian Buffer, Cropland Conversion and Pastureland Practice. The cost share contract involving tree establishment for which either site preparation or pre-or post-plant competition control treatment components are included to include either a statement from the County Forest Ranger that the specified components are needed or a copy of the forest management plan that includes a recommendation for the specified components. The handout provided included the proposed edits to these practices to reflect the additional requirement.

Comments/Approval from Commission Members:

- ❖ Commissioner Craig Frazier made a motion to approve the Modification of Requirements for Riparian Buffer, Cropland Conversion and Pastureland Conversion Practices. The motion was seconded by Commissioner Bobby Stanley. Motion carried.

- **Clarification of Contract Approval Delegation to the Division:**

Discussion:

- The Commission has delegated to the Division the authority to approve cost share contracts for operations that have been in existence for 3 or more years prior to the date of application for assistance. The Division gets frequent requests to clarify when the 3-year clock begins.
- Mr. Williams referred to the last two pages of the handout "Policy Addressing New and Expanded Operations". A change in the second paragraph on Page 8 will read as "Previously established operations are those that are established 3 or more years prior to the date of application for cost share

assistance. For livestock operations, the three year period begins when animals are onsite. For cropland, the three year begins when the first crop is planted (seed in the ground).” Page 8, last bullet to include “Cost share may be available for cleared cropland that was in production for 3 years prior to the date of cost share application.”

- TRC is recommending the Commission clarify its existing policy to help districts to more consistently interpret eligibility. The handout provided were excerpts from the Cost Share Manual explaining the current policy and the recommended changes to add clarification.

Comments/Approval from Commission Members:

- ❖ Commissioner William Pickett made a motion to approve the Clarification of Contract Approval Delegation to the Division. The motion was seconded by Commissioner Craig Frazier. Motion carried.

Discussion:

Mr. Williams noted the following changes in the handout provided:

- Page 5 of the handout the item number “9” was included.
- Page 5, item 10 reads as “All contracts involving cropland conversion to trees that include pre-or post-plant site preparation or competition control treatments must include a statement from either the county forest ranger or a registered forester that the specified treatments are necessary. This statement cannot be substituted for the forest management plan required for CREP contracts. A forest management plan recommending the specified treatments can be submitted in lieu of the above statement.”
- Page 6, the item number “5” was included.
- Page 6, item 6 read as “All contracts that include pre-or-post-plant site preparation or competition control treatments must include a statement from either the county forest ranger or a registered forester that the specified treatments are necessary. This statement cannot be substituted for the forest management plan required for CREP contracts. A forest management plan recommending the specified treatments can be submitted in lieu of the above statement.”
- Page 6, foot note to read as “(Revised March 2010, August 2010)”. August 2010 was added.
- Page 7, item number “4” was included
- Page 7, item 5 to read as “All contracts that include pre-or-post-plant site preparation or competition control treatments must include a statement from either the county forest ranger or a registered forester that the specified treatments are necessary. This statement cannot be substituted for the forest management plan required for CREP contracts. A forest management plan recommending the specified treatments can be submitted in lieu of the above statement.”
- Page 8, Statement of Intent: Changes were noted earlier.
- Several changes were made to “Statement of Policy” on page 9.
- Revised “August 2010” was included in the footnote.

Mr. Williams recognized Mr. Nate Hartsell, Intern, for assisting the Cost Share Program and the CCAP Program.

17A. Recommendations for Average Cost for Microirrigation and Conservation Irrigation

Components:

Discussion:

- Mr. Williams shared information on the components listed in the handout. They were inadvertently omitted from the presentation to the TRC but are being presented by recommendation from the Division to be considered for addition to the 2011 cost list. These costs are all identical to the cost approved by NRCS for use in the Agricultural Water Enhancement Program in May of 2010. Mr. Williams expressed that the Microirrigation is an approved practice for the regular ACSP, and that Conservation Irrigation Conversion was implemented for the drought response. He confirmed that it

remains part of the drought response. It is paid on an actual cost basis with receipts. The Division is working closely with NRCS as part of the Ag. Water Enhancement Program that has been promoting Conservation Irrigation practices like Microirrigation. Mr. William noted that the recommendation made is to present it as an average cost and that it should be added to the 2011 Cost List.

Comments/Approval from Commission Members:

- ❖ Commissioner Craig Frazier made a motion to approve the recommendations for average cost for microirrigation and the conservation irrigation components. The motion was seconded by Commissioner Richard Smith. Motion carried.

18. Recommendations of the Cost Share Committee:

Discussion:

- Mr. William shared the information that was discussed in the August 3rd meeting. The discussion involved recommendation regarding allocation of ACSP and CCAP financial assistance funds. The Cost Share Committee is recommending to change the Commission's allocation formula rule 15A NCAC 6E.0103 to eliminate the parameter #5 and shift to parameter #6. This would place greater emphasis on each district's performance at getting cost share funds implemented as BMPs on the ground. The recommendation is to reward those Districts that do a good job of utilizing the funds on the ground.

The following changes to the 15A NCAC 06E .0103 "Allocation Guidelines and Procedures" were discussed:

- Item 5 - To read as "Percentage of program funds allocated to a district that are expended for installed BMPs in the highest three years of the most recent four-year period for which the allowed time for implementing contracted BMPs has expired as reported on the NC Agriculture Cost Share Program Database (20%)." Other changes to the rule are mostly update of names of program (example: shellfishing waters, is now called open shellfish growing areas).
- Item 3 - To read as "Relative rank of the percentage of the county outside of municipal boundaries as defined by North Carolina Department of Transportation draining to waters identified as impaired or impacted on the most recent 305 (b) report produced by the North Carolina Division of Water Quality."
- Item 4 - To read as "Relative rank of the percentage of the county draining to waters classified as Primary Nursery Areas, Outstanding Resource Waters, High Quality Waters, and Trout, on the current schedule of Water Quality Standards and Classifications, Shellfish growing areas (open) as determined by DENR's division of Marine Fisheries, and Drinking Water Assessment Areas as determined by DENR's Public Water Supply Section. (10%)"
- Item 6 - To read as "The relative rank of the number of acres of highly erodible land in the county as reported by the United State Department of Agriculture Farm Service Agency, unless the State Conservationist of the Natural Resource Conservation Service specifies that another source would be more current and accurate. (10%)"

The following changes to the 15A NCAC 06E .0106 "Technical Assistance Funds" were discussed:

- Item C (3) - To read as "The employee has obtained 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.
- Item (d) - to read as "Design practice means an engineering practice as defined by the Natural Resources Conservation Service or the Community Conservation Assistance Program Detailed Implementation Plan."

- Item f - minor change “District technicians” to “District cost share positions”

The following changes to 15A NCAC 06I.0103 “Allocation Guidelines and Procedures” were discussed:

- Item 9 (A) to read as “Relative rank of the percentage of the county draining to waters identified as impaired or impacted on the most recent 305 (b) report produced by the North Carolina Division of Water Quality.”
- Item 9 (B) Add “Waters”, delete “or Shell fishing (open)“, add “and Shellfish growing areas (open) as determined by DENR’s Division of Marine Fisheries (20 percent).” The item now reads as “Relative rank of the percentage of the county draining to waters classified as Outstanding Resource Waters, High Quality Waters, Trout Waters, on the current schedule of Water Quality Standards and Classifications, and Shellfish growing areas (open) as determined by DENR’s Division of Marine Fisheries. (20 percent)”

Comments/Approval from Commission Members:

- ❖ Commission members requested to remove in 15A NCAC 06I .0103(c) (9) (A) the strike through of the phrase “20 percent of ranking.”
- ❖ Commissioner Craig Frazier made a motion to approve the recommendations from the Cost Share Committee with the correction to 15A NCAC 06I .0103(c) (9) (A) and to publish the proposed rule changes in the North Carolina Register for public comment. The motion was seconded by Commissioner Richard Smith. Motion carried.

19. Proposed allocation for Lagoon Conversion Program Funds - Phase III:

Discussion:

Mr. David Williams presented the following recommendations of the three highest-ranked projects:

Farm Name	County	Technology	LCP Funding	CCPI funding	Total Project
Larry Naylor	Sampson	Supersoils Wet	\$83,000	\$417,000	\$556,000
G & R West	Sampson	Supersoils Wet	\$122,771	\$377,229	\$556,000
C.B. Barefoot	Sampson	Supersoils Wet	\$122,354	\$387,646	\$781,000
Totals			#318,125	\$1,181,875	

The Division is recommending the Commission allocate \$318,125 of LCP funds to the Sampson SWCD for PY-2011. These funds will be matched by \$1,181,875 of federal EQIP funds through the CCPI, and by an estimated \$393,000 of funds from cooperating swine producers.

Comments/Approval from Commission Members:

- ❖ Commissioner Craig Frazier made a motion to approve the recommendations for the Lagoon Conversion Program Funds. The motion was seconded by Commissioner Bobby Stanley. Motion carried.

20. Nomination of Supervisor in the Clay SWCD:

- Glen Cheeks of Clay County filling the unexpired term of Andrew Blankenship. Minor changes were made to the appointment form. The commencing date of Andrew Blankenship should read as "12-01-08" and ending date should read as "12/03/12". Mr. Fowler added that Mr. Glen Cheeks appointment date will commence when the Board approves. Mr. Heath Myers, District Supervisor of Clay County SWCD and Ms. Leanna Staten, Dist. Employee presented the request to the Board.

Comments/Approval from Commission Members:

- ❖ Commissioner Craig Frazier made a motion to approve the Nomination of Supervisor from the Clay SWCD. The motion was seconded by Commissioner Bobby Stanley. Motion carried.

The Commission took a short recess at 10:50 a.m. and reconvened at 11:05 a.m.

21. ASCP Issues from Districts:

Discussion & Approval from Commission Members:

A. Extension Requests for 2008 ACSP Contracts were as follows:

1. Contract Number 41-08-05-02; Guilford SWCD (represented by Supervisor George Teague and Jamie Walker)

- ❖ Commissioner Richard Smith made a motion to approve the extension request for Guilford SWCD. The motion was seconded by Commissioner Vicky Porter. Motion carried.

2. Contract Number 42-08-801-12; Fishing Creek SWCD (represented by Supervisor Kenneth Brantley and Pam Bradley)

- ❖ Commissioner James Ferguson made a motion to approve the extension request for Fishing Creek SWCD. The motion was seconded by Commissioner Bobby Stanley. Motion carried.

3. Contract Number 80-08-13-16; Rowan SWCD (represented by Supervisor Bruce Miller and Chris Sloop)

- ❖ Commissioner Craig Frazier made a motion to approve the extension request for Rowan SWCD. The motion was seconded by Commissioner Richard Smith. Motion carried.

4. Contract Number 93-08-01-13; Warren SWCD (represented by Supervisor Leonard Killian and Larry West)

- ❖ Commissioner Craig Frazier made a motion to approve the extension request for Warren SWCD. The motion was seconded by Commissioner Bobby Stanley. Motion carried.

B. Request for Extension to the Interim Performance Milestone; Orange SWCD (represented by Supervisor Donald Cox and Kenny Ray)

- ❖ Commissioner Craig Frazier made a motion to approve the extension request for Orange SWCD. The motion was seconded by Commissioner Vicky Porter. Motion carried.

C. Request for Contract Exception to Lifetime Payment Cap; Pitt SWCD (represented by Supervisor Charles Davenport and Bryan Evans)

- ❖ Commissioner Richard Smith made a motion to approve the extension request for Pitt SWCD. The motion was seconded by Commissioner Craig Frazier. Motion carried.

D. Request for Waiving Cost Share Portion for Repair due to Design Flaw; Beaufort SWCD (represented by Supervisor James Allen and Rodney Woolard)

- ❖ Commissioner William Pickett made a motion to approve the request to waive cooperator's Cost Share Portion for repair due to Design Flaw in Beaufort SWCD. The motion was seconded by Commissioner Richard Smith. Motion carried.

- F. Request for Approval for ACSP Contract on Government Property; Rowan SWCD (represented by supervisor Bruce Miller, Chris Sloop and David Overcash from the South Rowan High School)
- ❖ Commissioner James Ferguson made a motion to approve the request for ACSP contract on Government property in Rowan SWCD. The motion was seconded by Commissioner Craig Frazier. Motion carried.

22. CCAP Issues from Districts:

Discussion & Approval from Commission Members:

A. Extension Requests for 2008 CCAP Contracts

1. Contract Number 13-2008-503 16; Cabarrus SWCD (represented by Supervisor Ned Hudson and Dennis Testerman)

- ❖ Commissioner Craig Frazier made a motion to approve the extension request for Cabarrus SWCD. The motion was seconded by Commissioner James Ferguson. Motion carried.

B. Request for Post Approval of a CCAP Contract; Orange SWCD (represented by Supervisor Donald Cox and Gail Hughes)

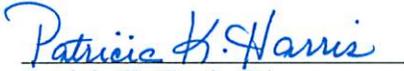
- ❖ Commissioner Craig Frazier made a motion to approve the request for Post Approval of a CCAP contract in Orange SWCD. The motion was seconded by Commissioner Richard Smith. Motion carried.

23. PUBLIC COMMENTS

None

24. ADJOURNMENT

The meeting adjourned at 12:05 p.m. The next Commission meeting is scheduled for September 15, 2010, starting at 9:00 a.m. in the Archdale Building's Ground Floor Hearing room, 512 N. Salisbury Street, Raleigh, N.C.



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

 9-15-10

Daphne Pinto, Recording Secretary
(Sign & Date)

These minutes were approved, with corrections, by the North Carolina Soil & Water Conservation Commission on September 15, 2010.



Patricia K. Harris, Director